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The Subject Index to the daily *Federal Register* is published separately, covering the contents of the *Federal Register* as follows: Monthly for the months of January, February, April, May, July, August, October, November, and December; quarterly for the quarters ending in March, June, and September; and annually for the calendar year.

Entries in this Index are carried primarily under the names of the issuing agencies, with the most significant subjects additionally carried in appropriate alphabetical position.

This Subject Index should be distinguished from the numerical codification guide (List of CFR Sections Affected) which is also published separately. The numerical guide is designed for quick checking in the Code of *Federal Regulations* numbering system of provisions whose numbers are already known or have been learned through use of the Subject Index.

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(a) (31) added 1085
(a) (7) revoked 2805
(d) (3) revoked; (d) (8) added 5671
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(b) (4) revised 10781
(o) added 12831
(a) (3) revised 13045
(a) (33) added 13909
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(a) (24) revoked 9297
(q) (21) revised 12383
(q) (32) added 12831
(n) (5) added 12937
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213.3315
(a) (1) revised 2931
(a) (22) revised; (a) (36) added 4341
(a) (24) revised 8124
(a) (23) revised 8229
(a) (19) revised 9061
(a) (1) revised; (a) (8), (19), (22), (24), and (26), (e) (1), (g) (1), (h) (1), (i), (j), and (l) revoked 20628
213.3316
(l) (2) revised 251
(h) (5) revoked; (j) (9) added 3085
(e) (1) revised 8953
(h) (7) added 10249
(f) (1) revised; (f) (3) and (5) revoked 11313
(n) (5) added 12383
(o) added 12383
(h) (8) added 12437
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(o) (4) added 13443
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(o) (5) added 13855
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(d) added 16477
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(g) revoked; (o) added 6620
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(a) (20), (27), (29), (38), (39), and (46), and (b) (2), (4), (5), (6), (8), (10), (11), (15), and (16) revoked 14201
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Revoked 20628
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(o) and (p) added 9005
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(b), (c), (g), (j), (k), and (o) revoked 20628
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(a) (3), (5), (7), (8), and (b) (1) revised; (b) (2) and (3) revoked; (b) (4) revised; (b) (5) revoked; (b) (6), (c) (1), and (d) (1) revised 5249
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(a) (8) revoked 14201
(a) (2), (3), (4), (5), (6), and (13), (b) (4) and (6), (c) (1) and (5), and (d) (1), (4), and (5) revoked 20628
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(l) revoked 14887
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(a) (4) revised; (c) (6) added 407
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(a) (3) added 8124
(a) (4) added 8511
(a) (5) added 8657
(a) (6) added 9297
(a) (7) added 9807
(a) (8) added 10556
(a) (9) added 11313, 11515
(a) (10) and (c) added 11609
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(a) (7) revised 13319
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(d) (7) and (8) revised; (d) (9) added 13752

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(b) (6) added 21023
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PART 213—EXCEPTED SERVICE

Department of the Navy

Section 213.3108 is amended to show that the Schedule A authority covering positions when occupied by U.S. citizens who were serving under excepted or overseas limited appointment at the Naval Base at Guantanamo Bay, Cuba, during October 1962 has been extended for 6 months until December 31, 1967, and has been reduced in coverage from 16 to two positions. Effective on publication in the FEDERAL REGISTER, subparagraph (6) of paragraph (a) of § 213.3108 is amended as set out below.

§ 213.3108 Department of the Navy.

(a) *General.* • • •

(6) Until December 31, 1967, not to exceed two positions when occupied by U.S. citizens who were serving under excepted or overseas limited appointment at the Naval Base at Guantanamo Bay, Cuba, during October 1962.

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(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-7605; Filed, June 30, 1967; 8:50 a.m.]

PART 294—AVAILABILITY OF OFFICIAL INFORMATION

A new Part 294 is added to Chapter I to provide the regulations necessary to implement section 552 of title 5, United States Code.

Subpart A—General Provisions

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294.1001 Classified information.

AUTHORITY: The provisions of this Part 294 issued under 5 U.S.C. 552, 1104.

Subpart A—General Provisions

§ 294.101 Purpose.

The purpose of this part is to set forth the basic policies of the Commission in regard to the availability or disclosure of information in the possession of or controlled by the Commission.

§ 294.102 Definitions.

In this part:

(a) "Information" means books, papers, manuals, records, photographs, and other documentary materials, regardless of physical form or characteristics, made in or received by or under the control of the Commission in pursuance of law or in connection with the discharge of official business;

(b) "Information available to the public" means information which, on request, may be examined or copied, or of which copies may be obtained in accordance with this part by the public or representatives of the press regardless of interest and without specific justification; and

(c) "Disclose" or "disclosure" means making information available, on request, for examination or copying, or furnishing a copy thereof.

§ 294.103 General policy.

Because the major functions of the Commission relate to the internal personnel rules and practices of the Government the disclosure of information relative to these functions is exempted from the disclosure requirements in section 552 of title 5, United States Code, by subsection (b) of that section. Notwithstanding this exemption, it is the general policy of the Commission to make information available to the public unless the disclosure thereof would constitute a clearly unwarranted invasion of personal privacy or is prohibited under law or Executive order or relates to internal memoranda, letters, or manuals the disclosure of which would interfere with the performance of the functions of the Commission. The Commission reserves the right to make exceptions to the general policy in a particular instance giving due weight to the right of the public to know and the particular governmental or individual interest involved.

§ 294.104 Service charges for information.

(a) The Commission furnishes a member of the public free of charge reasonable quantities of information that has been printed or otherwise reproduced for the purpose of making it available to the public without charge.

(b) The Commission furnishes to a member of the public free of charge information that is requested and is not restricted from disclosure when the information is readily available and can be furnished by the Commission either without cost or at nominal cost.

(c) The Federal Personnel Manual and any other Commission publication or information that is offered for sale may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

(d) When a request for information not provided under paragraphs (a) through (c) of this section is received, the Commission furnishes a copy of it at a fair and equitable fee when it is available to the public. In determining the fair and equitable fee under this paragraph the Commission ascertains all costs necessary to recover the full cost to the Government including, but not limited to, costs of employee services relating to research, reproduction, assembly, and authentication. The fee will be based on these costs. The Commission will not undertake to furnish copies of information under this paragraph until the fee for the information is paid, except when the fee cannot be determined in advance in which case an estimated fee shall be paid with appropriate adjustment at time of delivery. A fee shall be paid by check or money order payable to the U.S. Treasury.

§ 294.105 Places where information may be obtained.

(a) A request for information should be directed to the bureau or staff office of the Commission, 1900 E Street NW., Washington, D.C. 20415, which is responsible for the subject matter concerned as indicated in this paragraph:

Subject matter	*Bureau of staff office*
Policy and interpretations.	Bureau of Policies and Standards.
Medical information.	Medical Division, Bureau of Retirement and Insurance.
Examinations and related subjects.	Bureau of Recruiting and Examining.
Investigations	Bureau of Personnel Investigations.
Official Personnel Folder.	Bureau of Policies and Standards.
Appeals	Do.
Retirement, Health Benefits, and Insurance.	Bureau of Retirement and Insurance.

The bureau or staff office concerned will advise where information that may be disclosed can be examined or copied or copies thereof obtained. A request for information on a subject matter not specifically referred to in this paragraph should be directed to the Public Information Office, 1900 E Street NW., Washington, D.C. 20415, which will assist the press and advise other inquirers where contact for the information should be made.

(b) In the event of a difference between an employee of the Commission and a member of the public concerning the availability or disclosure of information under this part, the matter shall be referred by the head of the bureau or staff office concerned, through the Public Information Officer, to the Executive Director. The decision of the Executive Director shall be in writing and shall state the reasons for the decision. That decision is the only administrative appeal within the Commission and the obtaining of that decision constitutes the exhaustion of the administrative remedy within the Commission.

(c) Information available to the public is, as far as practical considerations permit, available from each of the following regional and branch offices of the Commission:

REGIONAL OFFICES

Atlanta Merchandise Mart, 240 Peachtree Street NW., Atlanta, Ga. 30303.
Post Office and Courthouse Building, Boston, Mass. 02109.
Main Post Office Building, 433 West Van Buren Street, Chicago, Ill. 60607.
1114 Comerce Street, Dallas, Tex. 75202.
Building 20, Denver Federal Center, Denver, Colo. 80225.
News Building, 220 East 42d Street, New York, N.Y. 10017.
Customhouse, Second and Chestnut Streets, Philadelphia, Pa. 19106.
302 Federal Office Building, First Avenue and Madison Street, Seattle, Wash. 98104.
Federal Building, Post Office Box 36010, 450 Golden Gate Avenue, San Francisco, Calif. 94102.
1256 Federal Building, 1520 Market Street, St. Louis, Mo. 63103.

BRANCH OFFICES

Room 802, Federal Building South, 600 South Street, New Orleans, La. 70112.
Federal Office Building, Anchorage, Alaska 99501.
714 West Olympic Boulevard, Los Angeles, Calif. 90015.
Veterans Administration Building 57, Fort Snelling, Minn. 55111.

§ 294.106 Time for obtaining information.

A request for information under this part may be made in writing or orally during business hours on a regular business day. When information to be furnished is not readily available, the employee responsible for obtaining the information shall make it available within a reasonable time.

§ 294.107 Identification of information requested.

A member of the public who requests information under this part shall provide a reasonably specific description of the information sought so that it may be located without undue search or inquiry. Information that is not identified by a reasonably specific description is not an identifiable record, and the request for that information may be declined. A member of the public who requests information from an appeal or complaint file under Subpart H of this part must identify by name the individual from whose appeal or complaint file the information is sought.

§ 294.108 Custody of information; subpenas.

(a) The Executive Assistant to the Commissioners has official custody of the official records of the Commission. A subpena or other judicial order for an official record from the Commission should be served on the Executive Assistant to the Commissioners, 1900 E Street NW., Washington, D.C. 20415.

(b) If a subpena or other judicial order for an official record is served on an employee of the Commission other than the Executive Assistant to the Commissioners, the employee shall immediately inform the General Counsel of the Commission who shall advise the employee accordingly.

(c) (1) If a subpena or other judicial order for information contained in an Official Personnel Folder in the physical custody of a Government agency other than the Commission is served on a Government employee responsible for the Folder, he shall disclose such information as is allowed under this part. However, he should retain custody of the information and, as necessary, request permission of counsel or the court to furnish a certified copy for inclusion in the court record.

(2) In an unusual situation or a situation in which information not available under this part is sought, the Government employee who received the subpena shall immediately forward it and the Official Personnel Folder containing the information sought to the General Counsel, U.S. Civil Service Commission, Washington, D.C. 20415. When this is done, the Government employee shall inform the person who applied for the subpena that the subpena and the information sought have been sent to the Commission pursuant to this subparagraph and, if necessary, request a postponement of the scheduled appearance.

Subpart B—The Public Information Function

§ 294.201 Public information policy.

(a) In addition to the basic policies of the Commission relative to the disclosure of information when requested by a member of the public, the Commission has a positive public information policy under which, on its own initiative, the Commission brings information to the attention of the public. Under this policy the Commission will bring to the attention of the public, through news releases, publications of the Commission, or other methods, information concerning the operations of the merit system and the functions of the Commission as a Federal agency; employment opportunities in Government; the contributions of persons employed by the Government to good and efficient Government operations; and an accounting of the developments in, and an explanation of the policies regarding, the programs administered by the Commission.

(b) The Public Information Officer is responsible for the furtherance of the public information policy of the Commission. In addition, each employee of the Commission shall cooperate in carrying out this policy in accordance with the Administrative Manual of the Commission.

Subpart C—Commission Operations

§ 294.301 Policy and interpretations.

(a) Statements of Commission policy and interpretations of the laws and regulations administered by the Commission which have been adopted by the Commission, whether or not published in the Federal Personnel Manual or the FEDERAL REGISTER, are information available to the public.

(b) Memoranda, correspondence, opinions, data, staff studies, information received in confidence, and similar documentary material prepared for the purpose of internal communication within the Commission or between the Commission and other organizations or persons generally are not information available to the public.

(c) Administrative manuals and other instructions for the staff of the Commission are not information available to the public when they contain confidential instructions to the staff of the Commission which must be protected from disclosure in order to be effective in carrying out the work of the Commission.

Subpart D—Medical Information

§ 294.401 Medical information.

(a) Medical information about an applicant, employee, or annuitant is not made available to the public by the Commission or other Government agency.

(b) Medical information about an applicant, employee, or annuitant may be disclosed by the Commission or other Government agency to the applicant, employee, or annuitant, or a representative designated in writing, except that medical information concerning a mental or other condition of such a nature that a prudent physician would hesitate to inform a person suffering from it of its exact nature and probable outcome may be disclosed only to a licensed physician designated in writing for that purpose by the individual or his designated representative.

Subpart E—Examinations and Related Subjects

§ 294.501 Examinations.

(a) The Commission makes information available to the public that will assist members of the public in understanding the purpose of, and in preparing for, civil service examinations. It makes information available to the public relative to the types of questions and the categories of knowledge or skill pertinent to a particular examination. Test material is not available to the public. The test papers of a competitor may be disclosed to him only during his examination. Each employee entrusted with test material has a positive duty to protect the confidentiality of that material and to assure that it is released only as required to conduct an examination authorized by the Commission.

(b) The names of applicants for civil service positions or eligibles on civil service registers or their ratings or relative standings are not information available to the public. However, information of that type may be disclosed to Members of Congress and the press under the specific conditions prescribed in the Administrative Manual of the Commission.

Subpart F—Investigations

§ 294.601 Investigative reports.

(a) The Commission or other Government agency will disclose to the parties concerned any report of investigation under its control in a proceeding under Part 352, 353, 771, or 772 of this chapter and the report of investigation or the written summary thereof in a proceeding under Part 713 of this chapter, except when the disclosure would constitute a clearly unwarranted invasion of personal privacy or violate the proscription against the disclosure of medical information in § 294.401. For the purpose of this paragraph, the "parties concerned" means the Government employee or former Government employee involved in the proceeding, his representative designated in writing, and the representative of the agency involved in the proceeding.

(b) The Commission, in suitability rating actions under Part 731 of this chapter, will disclose to an applicant, eligible, or appointee, or a representative designated in writing, such information from reports of investigation as the Commission determines is sufficient to enable him to respond to an interrogatory or other question without revealing the source of information given in confidence. The Commission will furnish a report of investigation to the Government agency concerned.

(c) The Commission or other Government agency does not make a report of investigation or information from a report under its control available to the public, to witnesses, or, except as provided in paragraphs (a) and (b) of this section, to the parties concerned in the investigation.

Subpart G—Official Personnel Folder

§ 294.701 Coverage.

This subpart applies to the disclosure of information contained in the Official Personnel Folder established under Subpart B of Part 293 of this chapter. Information disclosed under this subpart may be made available by the Commission or a Federal agency having custody of the Folder.

§ 294.702 Availability of information.

(a) The name, position title, grade, salary, and duty station of a Government employee is information available to the public, except when:

(1) The release of that information is prohibited under law or Executive order in the interest of national defense or foreign policy;

(2) The information is sought for the purpose of commercial or other solicitation; or

(3) There is reason to believe that the information is sought for purposes which may violate the political activity prohibitions in subchapter III of chapter 73 of title 5, United States Code, or which may violate other law.

(b) In addition to the information that may be made available under paragraph (a) of this section, the following information may be made available to a prospective employer of a Government employee or former Government employee:

(1) Tenure of employment;

(2) Civil service status;

(3) Length of service in the agency and the Government; and

(4) When separated, the date and reason for separation shown on the Notification of Personnel Action, Standard Form 50.

§ 294.703 Access to folder.

(a) The Official Personnel Folder of a Government employee or former Government employee shall be disclosed to him, or to his representative designated in writing, in the presence of a representative of the agency having physical custody of the Folder. However, before disclosure the following information shall be removed from the folder:

(1) Medical information the disclosure of which is proscribed by § 294.401;

(2) Test material the disclosure of which is proscribed by § 294.501; and

(3) Investigative reports the disclosure of which is proscribed by § 294.601.

(b) On official request, an Official Personnel Folder shall be disclosed to a Member of Congress, a representative of a Congressional committee, or an official of the legislative or judicial branch or of the government of the District of Columbia. However, before disclosure all material that relates to loyalty or security under Executive Order 9835 or 10450 or any other authority shall be removed from the folder.

(c) An Official Personnel Folder shall be disclosed to an official of the executive branch who has a need for the information in the performance of his official duties.

Subpart H—Appeals

§ 294.801 Agency administrative appeals.

(a) An appeal file established under § 771.208 of this chapter or a complaint file established under § 713.220 of this chapter shall be disclosed to the parties concerned, subject to the proscription against the disclosure of medical information in § 294.401. For the purpose of this section, "the parties concerned" means the Government employee or former Government employee involved in the proceeding, his representative designated in writing, and the representatives of the agency or the Commission involved in the proceeding.

(b) The agency having custody of an appeal or complaint file, upon a request which identifies the individual from whose file the information is sought, shall disclose the following information from such a file to a member of the public, except when the disclosure would constitute a clearly unwarranted invasion of personal privacy:

(1) Confirmation of the name of the individual from whose file the information is sought and the names of the other parties concerned;

(2) The status of the case;

(3) The decision on the case;

(4) The nature of the action appealed or the subject of the complaint; and

(5) With the consent of the parties concerned, other specifically identified information from the file.

(c) The agency having custody of an appeal or complaint file may fix reasonable times and places for disclosure under this section.

§ 294.802 Commission appeals.

(a) The Commission will make the following information available to the public:

(1) The record in a proceeding under chapter 15 of title 5, United States Code, concerning the political activity of certain State and local employees; and

(2) The record in a proceeding involving a hearing examiner under section 7521 of title 5, United States Code, except when the disclosure would constitute a clearly unwarranted invasion of personal privacy or violate the proscription against the disclosure of medical information in § 294.401.

(b) The Commission will disclose to the parties concerned the information contained in an appeal or complaint file in proceedings under Part 352, 353, 713, or 772 of this chapter, except when the disclosure would constitute a clearly unwarranted invasion of personal privacy or violate the proscription against the disclosure of medical information in § 294.401. For the purpose of this section, "the parties concerned" means the Government employee or former Government employee involved in the proceeding, his representative designated in writing, and the representative of the agency or the Commission involved in the proceeding.

(c) The Commission, upon a request which identifies the individual from whose file the information is sought, shall disclose the following information from an appeal or complaint file to a member of the public, except when the disclosure would constitute a clearly unwarranted invasion of personal privacy:

(1) Confirmation of the name of the individual from whose file the information is sought and the names of the other parties concerned;

(2) The status of the case;

(3) The decision on the case;

(4) The nature of the action appealed or the subject of the complaint; and

(5) With the consent of the parties concerned, other specifically identified information from the file.

Subpart I—Retirement

§ 294.901 Retirement.

The Commission will disclose information from retirement files and records in accordance with § 831.106 of this chapter.

Subpart J—Classified Information

§ 294.1001 Classified information.

The Commission will not disclose information classified under Executive Order 10501 of November 5, 1953, as amended or other Executive order, except to individuals authorized access to it under the terms of that authority.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-7496; Filed, June 30, 1967; 8:46 a.m.]

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Witchweed

Pursuant to sections 8 and 9 of the Plant Quarantine Act of August 20, 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), Notice of Quarantine No. 80 relating to the witchweed and regulations supplemental to said quarantine (7 CFR 301.80, 301.80–1, 301.80–2, 301.80–3 through 301.80–10), are hereby revised to read as follows:

QUARANTINE AND REGULATIONS

Sec.

301.80	Quarantine; restriction on interstate movement of specified regulated articles.
301.80–1	Definitions.
301.80–2	Authorization for Director to list regulated areas and articles which are exempt from certification and permit requirements.
301.80–3	Conditions governing the interstate movement of regulated articles from quarantined States.
301.80–4	Issuance and cancellation of certificates and permits.
301.80–5	Compliance agreements; and cancellation thereof.
301.80–6	Assembly and inspection of regulated articles.
301.80–7	Attachment and disposition of certificates or permits.
301.80–8	Inspection and disposal of regulated articles and pests.
301.80–9	Movement of witchweed.
301.80–10	Nonliability of the Department.

AUTHORITY: The provisions of this subpart issued under secs. 8, 9, 37 Stat. 318, as amended, sec. 106, 71 Stat. 33; 7 U.S.C. 161, 162, 150ee; 29 F.R. 16210, as amended, 30 F.R. 5799, as amended.

§ 301.80 Quarantine; restriction on interstate movement of specified regulated articles.

(a) *Notice of quarantine.* Pursuant to the provisions of section 8 of the Plant Quarantine Act of August 20, 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 150ee), the Secretary of Agriculture heretofore determined, after public hearing, that it was necessary to quarantine the States of North Carolina and South Carolina, in order to prevent the spread of witchweed (Striga spp.), a parasitic plant which causes a dangerous disease of corn, sorghum, and other crops of the grass family, not theretofore widely prevalent or distributed within and throughout the United States, and accordingly quarantined said States. Under the authority of said provisions, the Secretary hereby continues such quarantine in effect with respect to the interstate movement from the quarantined States of the articles described in paragraph (b) of this section, issues the regulations in this subpart governing such movement, and gives notice of said quarantine and regulations.

(b) *Quarantine restriction on interstate movement of specified regulated articles.* No common carrier or other person shall move interstate from any quarantined State any of the following articles (defined in § 301.80–1 (l) as regulated articles), except in accordance with the conditions prescribed in this subpart:

(1) Soil, compost, decomposed manure, humus, muck and peat, separately or with other things; sand; and gravel;

(2) Plants with roots;

(3) Grass sod;

(4) Plant crowns and roots for propagation;

(5) True bulbs, corms, rhizomes and tubers, of ornamental plants;

(6) Root crops, except those from which all soil has been removed;

(7) Peanuts in shells and peanut shells, except boiled or roasted peanuts;

(8) Small grains and soybeans;

(9) Hay, straw, fodder and plant litter of any kind;

(10) Seed cotton, cotton lint, cotton linters and gin trash;

(11) Stumpwood;

(12) Long green cucumbers, cantaloupes, peppers, squash, tomatoes, and watermelons, except those from which all soil has been removed;

(13) Pickling cucumbers, string beans, and field peas;

(14) Cabbage, except firm heads with loose outer leaves removed;

(15) Leaf tobacco, except flue-cured leaf tobacco;

(16) Ear corn, except shucked ear corn;

(17) Used crates, boxes, burlap bags, and cotton-picking sacks and other used farm products containers;

(18) Used farm tools and implements;

(19) Used mechanized cultivating equipment and used harvesting machinery;

(20) Used mechanized soil-moving equipment;

(21) Any other products, articles, or means of conveyance, of any character whatsoever, not covered by subparagraphs (1) through (20) of this paragraph, when it is determined by an inspector that they present a hazard of spread of witchweed, and the person in possession thereof has been so notified.

§ 301.80–1 Definitions.

Terms used in the singular form in this subpart shall be deemed to import the plural, and vice versa, as the case may demand. The following terms, when used in this subpart, shall be construed, respectively, to mean:

(a) *Certificate.* A document issued or authorized to be issued under this subpart by an inspector to allow the interstate movement of regulated articles to any destination.

(b) *Compliance agreement.* A written agreement between a person engaged in growing, handling, or moving regulated articles, and the Plant Pest Control Division, wherein the former agrees to comply with the requirements of this subpart identified in the agreement by the inspector who executes the agreement on behalf of the Division as applicable to the operations of such person.

(c) *Director.* The Director of the Plant Pest Control Division, Agricultural Research Service, U.S. Department of Agriculture, or any other officer or employee of said Service to whom authority to act in his stead has been or may hereafter be delegated.

(d) *Infestation.* The presence of the witchweed or the existence of circumstances that make it reasonable to believe that the witchweed is present.

(e) *Inspector.* Any employee of the Plant Pest Control Division, Agricultural Research Service, U.S. Department of Agriculture, or other person, authorized by the Director to enforce the provisions of the quarantine and regulations in this subpart.

(f) *Interstate.* From any State into or through any other State or Territory or District of the United States (including Puerto Rico).

(g) *Limited permit.* A document issued or authorized to be issued by an inspector to allow the interstate movement of regulated articles to a specified destination for limited handling, utilization, or processing or for treatment.

(h) *Mechanized cultivating equipment; mechanized soil-moving equipment.* Mechanized equipment used for cultivating purposes—e.g., turning or disc plows; or to move or transport soil—e.g., draglines, bulldozers, road scrapers, and dumptrucks.

(i) *Moved (movement, move).* Shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved or allowed to be moved by any means. "Movement" and "move" shall be construed accordingly.

(j) *Person.* Any individual, corporation, company, society, or association, or other organized group of any of the foregoing.

(k) *Regulated area.* Any quarantined State, or any portion thereof, listed as a regulated area in § 301.80–2a by the Director in accordance with § 301.80–2(a).

(l) *Regulated articles.* Any articles described in § 301.80(b).

(m) *Restricted destination permit.* A document issued or authorized to be issued by an inspector to allow the interstate movement to a specified destination of regulated articles for other than scientific purposes.

(n) *Scientific permit.* A document issued by the Director to allow the interstate movement to a specified destination of regulated articles for scientific purposes.

(o) *Treatment manual.* The provisions currently contained in the "Manual of Administratively Authorized Procedures to be Used Under the Witchweed Quarantine" issued March 21, 1966, and the "Fumigation Procedures Manual" issued March 5, 1965, as amended. (A pamphlet containing such provisions is available upon request to the Director, Plant Pest Control Division, Agricultural Research Service, U.S. Department of Agriculture, Hyattsville, Md. 20782.)

(p) *Witchweed.* Parasitic plants of the genus Striga and any reproductive parts thereof, including seeds.

§ 301.80–2 Authorization for Director to list regulated areas and articles which are exempt from certification and permit requirements.

The Director shall publish and amend from time to time as the facts warrant, the following lists:

(a) *List of regulated areas.* The Director shall list as regulated areas in a supplemental regulation designated as § 301.80–2a, the quarantined States or portions of such States in which witchweed has been found, or in which there is reason to believe that witchweed is present, or which it is deemed necessary to regulate because of their proximity to infestation or their inseparability for quarantine enforcement purposes from infested localities, provided that less than an entire quarantined State will be designated as a regulated area only if the Director is of the opinion that:

(1) The State has adopted and is enforcing a quarantine or regulation which imposes restrictions on the intrastate movement of the regulated articles which are substantially the same as those which are imposed with respect to the interstate movement of such articles under this subpart; and,

(2) The designation of less than the entire State as a regulated area will otherwise be adequate to prevent the interstate spread of the witchweed.

(b) *List of articles which are exempt from certification and permit requirements.* The Director may, in a supplemental regulation designated as § 301.80–2b, list regulated articles which shall be exempt from the certification and permit requirements of § 301.80–3 under such conditions as he may prescribe, if he finds that facts exist as to the pest risk involved in the movement of such regulated articles which make it safe to so relieve such requirements.

§ 301.80–3 Conditions governing the interstate movement of regulated articles from quarantined States.[1]

(a) Any regulated articles may be moved interstate from any quarantined State to any destination, if

(1) They are accompanied by a certificate or permit; or

(2) They are exempt from certification or permit requirements under § 301.80–2b.

(b) Any regulated articles may be moved interstate from any regulated area in any quarantined State to any contiguous regulated area without further restriction under this subpart.

(c) Any regulated articles that originated outside of the regulated areas in the quarantined States or in a nonquarantined State may be moved interstate from any quarantined State if the point of origin of such articles is clearly indicated on the shipping document which accompanies the shipment and if, in the case of articles moved through any regulated area, they are determined by an inspector as having been safeguarded against infestation while in the regulated area in a manner satisfactory to him.

§ 301.80–4 Issuance and cancellation of certificates and permits.

(a) Certificates may be issued for any regulated articles by an inspector if he determines that they are eligible for certification for movement to any destination under all Federal domestic plant quarantines applicable to such articles and:

(1) Have originated in noninfested premises in a regulated area and have not been exposed to infestation while within the regulated area; or

(2) Upon examination, have been found to be free of infestation; or

(3) Have been treated to destroy infestation in accordance with the treatment manual; or

(4) Have been grown, produced, manufactured, stored, or handled in such manner that no infestation would be transmitted thereby.

(b) Limited permits may be issued by an inspector to allow interstate movement of regulated articles, not eligible for a certificate, to specified destinations for limited handling, utilization, or processing, or for treatment in accordance with the treatment manual, when upon evaluation of the circumstances involved in each specific case he determines that such movement will not result in the spread of the witchweed.

(c) Restricted destination permits may be issued by an inspector to allow the interstate movement (for other than scientific purposes) of regulated articles not eligible for certification under all applicable Federal domestic plant quarantines, to any destination permitted under all such quarantines.

(d) Scientific permits may be issued by the Director to allow the interstate movement of regulated articles for scientific purposes under such conditions as may be prescribed in each specific case by the Director.

(e) Certificate, limited permit and restricted destination permit forms may be issued by an inspector to any person for use by the latter provided such person is operating under a compliance agreement; and any such person may be authorized by an inspector to duplicate such forms on shipping containers or otherwise. Any such person may use the certificate forms, or duplicates of such forms, for the interstate movement of regulated articles from the premises of such person identified in the compliance agreement if such person has made one of the determinations specified in paragraph (a) of this section with respect to such articles. Any such person may use the limited permit forms, or duplicates of such forms, for interstate movement of regulated articles to specific destinations authorized by the inspector in accordance with paragraph (b) of this section. Any such person may use the restricted destination permit forms, or duplicates of such forms, for the interstate movement of regulated articles not eligible for certification under all Federal domestic plant quarantines applicable to such articles, under the conditions specified in paragraph (c) of this section.

(f) Any certificate or permit which has been issued or authorized may be withdrawn by the inspector if he determines that the holder thereof has not complied with any condition for the use of such document imposed by this subpart.

§ 301.80–5 Compliance agreements; and cancellation thereof.

(a) Any person engaged in the business of growing, handling, or moving regulated articles may enter into a compliance agreement to facilitate the movement of such articles under this subpart. Compliance agreement forms may be obtained from the Director or any inspector.

(b) Any compliance agreement may be cancelled by the inspector who is supervising its enforcement whenever he finds, after notice and reasonable opportunity to present views has been accorded to the other party thereto, that such other party has failed to comply with the conditions of the agreement.

§ 301.80–6 Assembly and inspection of regulated articles.

Persons (other than those authorized to use certificates, limited permits, or restricted destination permits, or duplicates thereof, under § 301.80–4(e)) who desire to move interstate regulated articles which must be accompanied by a certificate or permit shall, as far in advance as possible, request an inspector to examine the articles prior to movement. Such articles shall be assembled at such points and in such manner as the inspector designates to facilitate inspection.

§ 301.80–7 Attachment and disposition of certificates or permits.

(a) If a certificate or permit is required for the interstate movement of regulated articles, the certificate or permit shall be securely attached to the outside of the container in which such articles are moved, except that, where the certificate or permit is attached to the waybill or other shipping document, and the regulated articles are adequately described on the certificate, permit, or shipping document, the attachment of the certificate or permit to each container of the articles is not required.

(b) In all cases, certificates or permits shall be furnished by the carrier to the consignee at the destination of the shipment.

§ 301.80–8 Inspection and disposal of regulated articles and pests.

Any properly identified inspector is authorized to stop and inspect, and to seize, destroy, or otherwise dispose of, or require disposal of regulated articles and witchweed, as provided in section 10 of the Plant Quarantine Act (7 U.S.C. 164a) and section 105 of the Plant Pest Act (7 U.S.C. 150dd) in accordance with instructions issued by the Director.

§ 301.80–9 Movement of witchweed.

Regulations requiring a permit for, and otherwise governing the movement of, the witchweed in interstate or foreign commerce are contained in the Federal Plant Pest regulations in Part 330 of this chapter. Applications for the movement of the pest may be made to the Director.

§ 301.80–10 Nonliability of the Department.

The U.S. Department of Agriculture disclaims liability for any costs incident to inspections required under the provisions of the quarantine and regulations in this subpart, other than for the services of the inspector.

The primary purposes of this revision are to simplify and clarify the witchweed quarantine and regulations. The only substantive changes made are as follows:

The list of regulated articles has been revised to specifically include certain articles which may disseminate the witchweed and which were heretofore covered by general language. The revision contains provisions with respect to compliance agreements with persons handling regulated articles. A requirement is added for persons moving regulated articles from portions of quarantined States not included within the "regulated areas" to provide proof of origin in connection with such shipments. Provisions are also added under which certificates will not be issued or authorized to be issued for regulated articles unless the articles are certifiable under all applicable Federal domestic plant quarantine requirements; the restricted destination permits are authorized; and all certificates or permits are required to be surrendered to the consignee at the destination of the shipments.

In most respects, the revision does not make more stringent requirements than are presently applied. To the extent that it does impose more strict requirements, it should be made effective as soon as possible in order to prevent the interstate spread of the witchweed in the public interest.

Therefore, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice of rule making and other public procedure with respect to the revision are impracticable and unnecessary, and good cause is found for making the revision effective less than 30 days after publication in the FEDERAL REGISTER.

This revision shall become effective upon publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 28th day of June 1967.

[SEAL] E. P. REAGAN,
Acting Deputy Administrator,
Agricultural Research Service.

[F.R. Doc. 67–7517; Filed, June 30, 1967; 8:46 a.m.]

[1] Requirements under all other applicable Federal domestic plant quarantines must also be met.

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Witchweed

REGULATED AREAS

Under the authority of § 301.80–2 of the Witchweed Quarantine regulations, 7 CFR 301.80–2, as amended, 32 F.R. 9497, a supplemental regulation designating regulated areas is hereby issued to appear in 7 CFR 301.80–2a, as follows:

§ 301.80–2a Regulated areas.

The civil divisions, parts of civil divisions, and premises, described below, and all highways and roadways abutting thereon, in the quarantined States, are designated as witchweed regulated areas within the meaning of the provisions in this subpart:

NORTH CAROLINA

Anson County. The Matthew Morris farm located on the east side of State Highway 742 at the junction of said highway with State Secondary Road 1105.

Bladen County. The entire county.

Brunswick County. The N. L. Babson farm located on the west side of State Secondary Road 1321 and 0.4 mile south of its junction with State Highway 130.

The D. M. Prink farm located on the north side of State Secondary Road 1145 at its junction with State Secondary Road 1147.

The Luther H. Hughes farm located at the end of a farm road on the west side of State Highway 130, which farm road junctions with State Highway 130 at a point 1.1 miles south of the junction of State Highway 130 and State Secondary Road 1321.

The Frank D. Inman farm located on the west side of State Secondary Road 1338 and 0.1 mile north of its junction with State Secondary Road 1328.

The A. M. Register farm located at the end of a dirt road, 0.4 mile west of the junction of said dirt road with State Highway 130, said junction being 1.1 miles northwest of Ash.

The W. C. Register farm located on the south side of State Secondary Road 1147 and 0.3 mile east of the junction of said road and State Secondary Road 1143.

The John R. Russ farm located on both sides of State Secondary Road 1306 and 1 mile west of the junction of said road with State Highway 904 at Longwood.

The W. V. Simmons farm located on the west side of State Secondary Road 1333 and on the north side of its junction with State Secondary Road 1328.

The E. Coda Smith farm located on the west side of a dirt road and 0.6 mile north of its junction with State Secondary Road 1322, said junction being 0.1 mile west of the junction of State Secondary Road 1322 and State Secondary Road 1321.

The Jessie O. Smith farm located on the north side of State Highway 904 and its junction with State Secondary Road 1321.

The Newman Smith farm located on the south side of State Secondary Road 1322 at its junction with State Secondary Road 1321.

The N. G. Ward farm located on the southwest side of State Secondary Road 1300, 0.5 mile west of the junction of said road with U.S. Highway 17.

Columbus County. That part of the county lying north and west of a line beginning at a point where Livingston Creek junctions with the Cape Fear River and extending south along said creek to its intersection with the Seaboard Air Line Railroad, thence west along said railroad to its intersection with State Secondary Road 1740, thence west and south along said road to its junction with U.S. Highways 74 and 76, thence west along said highways to their intersection with Bogue Swamp, thence south along said swamp to its junction with the Waccamaw River and continuing south along said river to its junction with White Marsh Swamp, thence north and northwest along said swamp to its junction with Cypress Creek, thence southwest along said creek to its intersection with State Highway 130, thence northwest along said highway to its junction with State Secondary Road 1166, thence southwest along said road to its junction with State Secondary Road 1167, thence southwest along said road to its junction with U.S. Highway 701, thence south and west along said highway to its intersection with State Secondary Road 1314, thence west along said road to its junction with State Secondary Road 1346, thence southwest along said road to its junction with the North Carolina–South Carolina State line.

The Hickman Brothers farm located on the south side of State Highway 904 at the junction of said road with State Secondary Road 1129.

The Ernest H. Long farm located on the northeast side of State Secondary Road 1934, and 0.1 mile north of its junction with State Secondary Road 1935.

The A. J. Norris farm located on both sides of State Secondary Road 1134 and 1 mile south of its junction with State Secondary Road 1005.

The J. Carl Prince farm located on both sides of State Secondary Road 1119 and 2.2 miles west of its junction with State Secondary Road 1103.

The Jennings L. Prince farm located at the junction of State Secondary Road 1106 and State Secondary Road 1109.

The Lacy Suggs farm located at the end of a dirt road, 0.5 mile southeast of the junction of said road with State Secondary Road 1106, said junction being 0.7 mile northeast of the junction of State Secondary Road 1106 and State Secondary Road 1118.

The Gaddie Watts farm located on the southwest side of State Highway 904 at a point 186 yards southeast of the junction of said road with State Secondary Road 1127.

Craven County. The Tommy Smith Farm located on the north side of State Secondary Road 1400 and 1.3 miles west of the junction of said road with State Secondary Road 1440.

The Harold Stilley farm located on the north side of State Secondary Road 1003, and 0.8 mile east of its junction with State Secondary Road 1623.

Cumberland County. All of Cumberland County excluding the Fort Bragg Military Reservation, the area within the corporate limits of the city of Fayetteville and the unincorporated communities of East Fayetteville and Bonnie Doone.

Duplin County. That area bounded by a line beginning at a point where State Secondary Road 1104 intersects the Duplin-Sampson County line, thence north along said county line to its intersection with State Secondary Road 1337, thence northeast along said road to its junction with State Highway 50, thence northwest along said highway to its junction with State Secondary Road 1855, thence northeast along said road to its junction with State Secondary Road 1332, thence northeast along said road to its junction with State Secondary Road 1304, thence north along said road to its junction with State Highway 403, thence northeast along said highway to its junction with State Secondary Road 1368, thence south along said road to its junction with State Secondary Road 1367, thence southeast along said road to its junction with State Secondary Road 1365, thence northeast along said road to its junction with State Secondary Road 1004, thence southeast along said road to its junction with State Secondary Road 1503, thence northeast along said road to its intersection with State Secondary Road 1500, thence southeast along said road to its intersection with State Secondary Road 1507, thence north along said road to its junction with State Secondary Road 1526, thence northeast along said road to its junction with State Secondary Road 1519, thence southeast along said road to its intersection with State Secondary Road 1502, thence south along said road to its intersection with State Secondary Road 1500, thence southeast along said road to its junction with State Secondary Road 1306, thence west along said road to its intersection with State Secondary Road 1004, thence south along said road to its junction with State Highway 11, thence northeast along said highway to its junction with State Secondary Road 1700, thence southeast along said road to its intersection with the Northeast Cape Fear River, thence south along said river to its junction with Grove Creek, thence west along said creek to its junction with the Kenansville city limits, thence southwest along said city limits to its intersection with State Highway 11, thence south along said highway to its junction with State Secondary Road 1922, thence southwest along said road to its junction with State Secondary Road 1909, thence south along said road to its junction with State Secondary Road 1912, thence west along said road to its intersection with the Magnolia city limits, thence south, west and north along said city limits to its intersection with State Secondary Road 1003, thence southwest along said road to its junction with State Secondary Road 1104, thence northwest along said road to the point of beginning.

That area bounded by a line beginning at a point where State Secondary Road 1702 intersects State Highway 24, thence east along said highway to its junction with State Secondary Road 1962, said junction being 0.7 mile west of Beulaville, thence south along State Secondary Road 1962 to its junction with State Secondary Road 1724, thence southwest along said road to its junction with State Secondary Road 1800, thence northwest along said road to its junction with State Secondary Road 1961, thence west along said road to its junction with State Secondary Road 1702 at Hallsville, thence north along said road to the point of beginning.

That area bounded by a line beginning at a point where State Secondary Road 1002 intersects the Duplin-Lenoir County line, thence southeast along said county line to its intersection with State Highway 11, thence west along said highway to its junction with State Highway 111, thence west and north along said highway to its junction with State Secondary Road 1002 at Albertson, thence north along said road to the point of beginning, excluding the town of Albertson.

The Palaly Bonham farm located on the north side of State Secondary Road 1977 and 1 mile west of Pin Hook.

The F. J. Bostic farm located on the west side of State Highway 50, at the junction of said highway and State Secondary Road 1730.

The David O. Byrd farm located on the north side of State Secondary Road 1003 and the east side of State Secondary Road 1100 at the junction of said road.

The T. C. Crow farm located on the south side of State Secondary Road 1321 and 0.8 mile west of the junction of said road with State Secondary Road 1302.

The I. R. Faison farm located on the east side of State Secondary Road 1301 and 1.4 miles north of its junction with State Secondary Road 1335.

The Janie Mae Hall farm located on the south side of State Secondary Road 1100 and 0.1 mile west of the junction of said road and State Secondary Road 1120.

The John Hall farm located at the junction of State Secondary Roads 1100 and 1120, on both sides of State Secondary Road 1100.

The Emmitt Jackson farm located on the east side of State Secondary Road 1301 and 1.3 miles north of its junction with State Secondary Road 1335.

The C. M. Johnson farm located on the southwest side of State Secondary Road 1139 and 0.6 mile northwest of the junction of said road with State Secondary Road 1133.

The J. A. Jones farm located on the south side of State Secondary Road 1708 and 0.4 mile west of the junction of said road with State Secondary Road 1732.

The J. N Kalmar farm located on the south side of State Highway 403 and 0.5 mile west of its junction with State Secondary Road 1304.

The Owen Kennedy farm located on the east side of State Secondary Road 1726 and the southeast side of State Secondary Road 1702 at the junction of said roads.

The Henry Klesner farm located on the southwest side of State Secondary Road 1139 and 0.7 mile northwest of its junction with State Secondary Road 1133.

The Ethel Kornegay farm located 0.2 mile east of State Secondary Road 1501 at a point 0.6 mile south of the intersection of said road with State Secondary Road 1519.

The Freeman J. Marshburn farm located on the northeast side of State Secondary Road 1128 and 0.5 mile southeast of the intersection of said road and State Secondary Road 1129.

The Myra Maxwell farm located on the southeast side of State Secondary Road 1306 and 0.1 mile northeast of the intersection of said road and State Highway 111.

The R. W. Melvin farm located at the end of a farm road 0.3 mile north of the junction of said farm road with State Secondary Road 1130, said junction being 0.3 mile east of the intersection of State Secondary Road 1130 and the Duplin-Sampson County line.

The Herbert C. Mercer farm located on the south side of State Secondary Road 1709 and 0.7 mile west of the junction of said road with State Secondary Road 1732.

The Maggie T. Norris farm located on the south side of State Secondary Road 1700 and 1.4 miles east of Sarecta.

The H. J. Page farm located on the west side of State Secondary Road 1128 and on the north side of State Secondary Road 1129 at the intersection of said roads.

The Mrs. Frank Parrott, Jr., farm located on the south side of State Secondary Road 1703 and 0.4 mile east of the intersection of said road and State Secondary Road 1704.

The W. C. Peterson farm located on the north side of State Secondary Road 1130 and 0.2 mile east of the intersection of said road with the Duplin-Sampson County line.

The Lucion Rhodes farm located on the south side of State Secondary Road 1003 and 0.5 mile east of the intersection of said road and State Secondary Road 1100.

The George W. Rivenbark farm located on the northwest side of State Secondary Road 1131 and 0.4 mile southwest of the junction of said road with State Secondary Road 1128.

The Oliver Summerlin farm located on the south side of State Highway 403 and 0.1 mile east of the corporate limits of the town of Faison.

The J. R. Thomas farm located on the north side of State Secondary Road 1700 and 1.5 miles east of Sarecta.

The Lumas Turner farm located on the south side of State Secondary Road 1708 and 0.5 mile west of the junction of said road with State Secondary Road 1732.

The Joseph Westbrook farm located 0.7 mile west of State Highway 11 at a point 0.2 mile southwest of the junction of said highway with State Secondary Road 1501.

The Pate Williams Heirs farm located on the south side of State Secondary Road 1008 and 0.5 mile east of its intersection with State Secondary Road 1100.

The Lewis Williams farm located on the northeast side of State Secondary Road 1100 and 0.7 mile southeast of its intersection with State Secondary Road 1003.

Harnett County. That area bounded by a line beginning at a point where the Harnett-Lee County line and State Secondary Road 1209 intersect and extending southeast along said road to its junction with State Highway 27, thence east along said highway to its junction with State Secondary Road 1117, thence south along said road to its junction with State Secondary Road 1128, thence east along said road to its junction with State Highway 210, thence northeast along said highway to its junction with State Secondary Road 2080, thence southeast along said road to its junction with State Secondary Road 2031, thence south along said road to its intersection with the Harnett-Cumberland County line, thence west along said county line to its junction with the Harnett-Moore County line, thence northwest along said county line to its junction with the Harnett-Lee County line, thence northeast along said county line to the point of beginning.

The Everett Barnes farm located on both sides of State Secondary Road 1532 and 0.4 mile west of the junction of said road with State Secondary Road 1547.

The Clarence J. Blalock farm located at the end of a dirt road and 0.4 mile northwest of the junction of said road with State Secondary Road 1540, said junction being 0.4 mile northeast of the junction of said secondary road with State Secondary Road 1542.

The P. P. Blalock farm located on the northeast side of State Highway 55 and 0.2 mile northwest of the intersection of said highway with State Secondary Road 1006.

The Charles Edwards farm located on the north side of State Secondary Road 1128 and 0.9 mile southwest of the junction of said road with State Secondary Road 1130.

The Luke Harrington farm located on both sides of State Highway 27 and 0.4 mile west of the junction of said highway with State Secondary Road 1242.

The Redin Harrington farm located at the end of a dirt road and 0.8 mile north of the junction of said road with State Highway 27, said junction being 1 mile west of the junction of said highway with State Secondary Road 1242.

The Cecil Jenkins farm located on both sides of State Secondary Road 1251 and 1 mile south of the junction of said road with State Secondary Road 1291.

The Carl McLeod farm located on both sides of State Highway 27 and 0.8 mile west of the junction of said highway and State Secondary Road 1242.

The Robert Morgan farm located on the south side of State Secondary Road 1291 and 0.4 mile east of the junction of said road with State Secondary Road 1251.

The E. O. Parker farm located on the north side of State Secondary Road 2034 and 0.7 mile west of the junction of said road with U.S. Highway 401.

The Eddie L. Parrish farm located on both sides of State Secondary Road 1532 and 0.1 mile west of the junction of said road with State Secondary Road 1547.

The W. L. Wagner farm located on both sides of State Highway 55 and 0.2 mile northwest of the intersection of said highway and State Secondary Road 1006.

Hoke County. All of Hoke County lying south and west of the Fort Bragg Military Reservation.

Game Preserve Plot No. 16 located on the east side of King Road and 0.7 mile northwest of its junction with Plank Road, lying within the Fort Bragg Military Reservation.

Johnston County. That area bounded by a line beginning at a point where State Secondary Road 1116 and State Highway 50 intersect and extending southeast along said highway to its intersection with the Johnston-Sampson County line, thence west along said county line to its intersection with State Highway 242, thence north along said highway to its intersection with State Secondary Road 1116, thence east along said road to the point of beginning.

The Wade H. Barefoot farm located on a farm road and 0.4 mile south of its junction with State Secondary Road 1144 and 0.4 mile west of the intersection of said road with State Secondary Road 1145.

The Hugh Beasley farm located on the east side of State Secondary Road 1009, at its junction with State Secondary Road 1197.

The Rufus P. Beasley farm located on the west side of State Secondary Road 1138, and 0.4 mile south of its junction with Secondary Road 1144.

The Price Hudson Estate farm located on a farm road and 0.4 mile north of its junction with State Secondary Road 1006, said junction being 0.8 mile northeast of the intersection of State Secondary Road 1008 with U.S. Highway 701.

The Wade Johnson farm located on both sides of State Secondary Road 1144 and 0.2 mile west of the junction of said road with State Secondary Road 1138.

The Margaret McArthur farm located on a farm road and 1.4 miles north of its junction with State Secondary Road 1199 and 0.9 mile west of the junction of said road with State Secondary Road 1008.

The right-of-way of State Secondary Road 1144 beginning 1.4 miles west of its junction with U.S. 701 and extending west for one-fourth mile from this point.

The Adam Worley farm located on the southeast side of the junction of State Secondary Road 2540 with State Secondary Road 2372.

Jones County. That area bounded by a line beginning at a point where State Secondary Road 1117 intersects the Jones-Onslow County line, and extending northwest along said road to its junction with State Secondary Road 1116, thence east and southeast along said road to its junction with State Secondary Road 1118, thence southwest along said road to its intersection with the Jones-Onslow County line, thence northwest and west along said county line to the point of beginning.

The Eugene Eubanks farm located at the end of State Secondary Road 1126 and 0.8 mile south of the junction of said road with State Secondary Road 1136.

The R. T. Johnson farm located on the northwest side of State Secondary Road 1182 and 0.3 mile southwest of the junction of said road with State Secondary Road 1131.

The W. F. McDaniel farm located on the south side of State Secondary Road 1122 at a point 0.8 mile southwest of the junction of said road and State Highway 58, said junction being 1.2 miles northwest of Olive Cross Roads.

The Leah Smith property located in the town of Trenton on the south side of Jones Street at a point 0.5 mile west of the junction of said street and Webber Street.

The Mary L. Taylor farm located on the east side of State Secondary Road 1142 and 0.8 mile south of the junction of said road with State Secondary Road 1130.

The Garland Whiley farm located on the east side of State Secondary Road 1142 and 0.6 mile south of the junction of said road with State Secondary Road 1130.

The Garland Whiley farm located on the east side of State Secondary Road 1146 and 0.5 mile south of the Jones-Lenoir County line.

The Roscoe Williams farm located on the north side of State Secondary Road 1116 and 3.2 miles west of the junction of said road with State Secondary Road 1115.

Lee County. The Wilbert Battle farm located on the north side of State Secondary Road 1188 and 0.3 mile east of the junction of said road with State Secondary Road 1001.

The C. N. Castleberry farm located on the north side of State Secondary Road 1162 and 0.7 mile northwest of the junction of said road and State Secondary Road 1001.

Mrs. Lena Dickens farm located on both sides of State Secondary Road 1174 and 0.7 mile northeast of the junction of said road with State Secondary Road 1173.

The Grady C. Douglass farm located in the northeast quadrant of the junction of State Secondary Roads 1188 and 1001.

The Grady C. Douglass farm located on both sides of State Secondary Road 1188 and 0.5 mile east of the junction of said road with State Secondary Road 1001.

The Aquilla McGilvary farm located north of State Secondary Road 1188 and 0.6 mile east of the junction of said road with State Secondary Road 1001.

The James McIntyre farm located on both sides of State Secondary Road 1188 and 0.4 mile east of the junction of said road with State Secondary Road 1001.

Lenoir County. That area bounded by a line beginning at a point where State Secondary Road 1311 and State Secondary Road 1002 junction, and extending northeast along State Secondary Road 1311 to its junction with State Secondary Road 1309, thence north along said road to its junction with State Secondary Road 1324, thence southeast along said road to its junction with State Secondary Road 1331, thence north along said road to its junction with State Secondary Road 1332, thence east along said road to its junction with State Secondary Road 1333, thence north along said road to its junction with State Secondary Road 1330, thence east along said road to its junction with State Secondary Road 1336, thence southeast along said road to its junction with State Secondary Road 1324, thence southwest along said road to Whitelace Creek, thence east and south along said creek to the Neuse River, thence west along said river to Dailys Creek, thence south and west along said creek to its intersection with State Highway 55, thence west along said highway to State Secondary Road 1003, thence north along said road to the point of beginning.

The Roland Currier farm located on the east side of State Highway 11 and the south side of State Secondary Road 1118 at the junction of said roads.

The Eugene Chambers farm located on the northeast side of the junction of State Secondary Road 1167 and State Secondary Road 1148.

The Earl R. Davis farm located on the south side of State Secondary Road 1143 and 0.8 mile west of the town of Deep Run.

The Kate Edwards farm located on the southeast side of the junction of State Secondary Roads 1143 and 1145.

The J. D. Grady farm located on the south side of State Secondary Road 1143 and the east side of State Secondary Road 1154 at Wootens Crossroads.

The W. Clifton Grady farm located on the west side of State Secondary Road 1154 and the south side of State Secondary Road 1143 at Wootens Crossroads.

The Ben D. Herring farm located on the north side of State Secondary Road 1330 and 0.2 mile west of the junction of State Secondary Roads 1330 and 1331.

The Clarence Howard farm located on the south side of State Secondary Road 1105 and 0.1 mile east of its intersection with State Secondary Road 1118.

The W. L. Measley farm located on the east side of State Secondary Road 1327 and 0.2 mile northeast of its intersection with State Secondary Road 1519.

The Hugh Nobles farm located on both sides of State Secondary Road 1120 and 0.7 mile west of its junction with U.S. Highway 258.

The Nick Smith farm located on the south side of State Secondary Road 1168 and 0.1 mile west of its junction with State Secondary Road 1111.

The Marietta Whitfield farm located on the northwest side of State Secondary Road 1154, at its junction with State Secondary Road 1155.

Montgomery County. The Therese Edward Glover farm located at the end of a dirt road and 0.1 mile southwest of the junction of said road with State Secondary Road 1524, said junction being 0.7 mile northwest of the intersection of said road with the Montgomery-Moore County line.

The Colon Hoover farm located at the end of a dirt road and 0.1 mile southwest of the junction of said road with State Secondary Road 1524, said junction being 0.7 mile northwest of the intersection of said road with the Montgomery-Moore County line.

The Walter Lane farm located at the end of a dirt road and 0.3 mile southwest of the junction of said road with State Secondary Road 1524, said junction being 1 mile northwest of the intersection of said secondary road with the Montgomery-Moore County line.

The Frank Poole Estate located on the northeast side of State Secondary Road 1524 and 0.8 mile northwest of the intersection of said road with the Montgomery-Moore County line.

The Haywood N. Thomas farm located on the southwest side of State Secondary Road 1524 and 0.8 mile northwest of the intersection of said road with the Montgomery-Moore County line.

Moore County. That area bounded by a line beginning at a point where State Secondary Road 2075 and State Highway 211 junction and extending west along State Highway 211 to its intersection with State Secondary Road 2063, thence north and northwest along said road to its junction with State Highway 5, thence northeast along said highway to its junction with State Secondary Road 2042, thence northeast along said road to its junction with State Secondary Road 2074, thence east along said road to its intersection with State Secondary Road 2075, thence south and southwest along said road to the point of beginning.

The T. M. Baker farm located on both sides of State Secondary Road 2026 and 0.7 mile east of the junction of said road with U.S. Highway 1.

The M. C. Bass farm located at the end of a dirt road and 0.1 mile south of the junction of said road and State Secondary Road 2005, said junction being 0.7 mile east of the junction of said road and State Secondary Road 1001.

The R. F. Beasly farm located on the east side of U.S. Highway 1 and 0.7 mile northeast of the junction of said highway with U.S. Highway 1A.

The Walter Black farm located at the end of State Secondary Road 1239 and 0.4 mile north of the junction of said road with State Secondary Road 1216.

The R. E. Bryant farm located on both sides of State Secondary Road 1815 and 0.5 mile southwest of the junction of said road with U.S. Highway 15–501.

The Florence Burnette farm located on the northeast side of State Secondary Road 1825 and 0.2 mile northwest of the intersection of said road with State Secondary Road 2005.

The Sam Burwell farm located on the south side of State Secondary Road 2023 and 0.4 mile southwest of the junction of said road with State Secondary Road 1853.

The Wilbur Currie farm located on the east side of State Secondary Road 1806 and 0.3 mile south of the junction of said road with State Secondary Road 1805.

The Elijah Faulk farm located at the end of State Secondary Road 2016 and 0.4 mile east of the junction of said road with State Secondary Road 2014.

The N. W. Hardy farm located on both sides of State Secondary Road 2007 and 0.2 mile southeast of the junction of said road with State Secondary Road 2005.

The J. G. Henning's Estate farm located on both sides of State Secondary Road 2017 and 0.4 mile north of the intersection of said road with State Secondary Road 1001.

The Martin Jones farm located on the north side of State Secondary Road 2016 and 0.2 mile east of its junction with State Secondary Road 2014.

The Herman Kelley farm located on the west side of State Secondary Road 1229 and 0.4 mile south of the intersection of said road and State Secondary Road 1239.

The William A. Laton farm located on the east side of State Secondary Road 1004 and 0.3 mile north of the intersection of said road with State Secondary Road 1113.

The E. M. Marks farm located on the south side of State Secondary Road 2019 and 2.5 miles east of the junction of said road and State Secondary Road 2018.

The Conner Martin farm located on both sides of State Secondary Road 1802 and 0.9 mile southeast of the intersection of said road with State Secondary Road 1853.

The Grover McCrimmon farm located at the end of State Secondary Road 2028 and 1 mile southeast of the junction of said road with State Secondary Road 2026.

The Lena Bell McNeill farm located on the northwest side of State Secondary Road 2077 and 0.5 mile southwest of the junction of said road with State Highway 211.

The Jack Page farm located on the south side of State Secondary Road 2026 and 0.9 mile east of the junction of said road with U.S. Highway 1.

The W. RaRobinson farm located on the south side of State Secondary Road 1113 and 0.9 mile east of the intersection of said road with State Secondary Road 1004.

The F. L. Smith farm located on both sides of State Secondary Road 1814 and 1 mile northwest of the junction of said road with State Secondary Road 1681.

The M. L. Smith farm located on the east side of State Secondary Road 1004 and 0.8 mile north of the intersection of said road with State Secondary Road 1118.

The A. C. Vaughn farm located on the west side of State Secondary Road 1210 and 0.4 mile south of the intersection of said road with State Secondary Road 1229.

Onslow County. The Ira Bryant farm located on the north side of State Secondary Road 1425, 0.8 mile west of its junction with State Secondary Road 1434.

The John E. Freeman farm located on the southwest side of State Secondary Road 1434 and 1.1 miles northwest of its junction with State Secondary Road 1425.

The Bill Henderson farm located on the east side of State Secondary Road 1528 and on the north side of State Secondary Road 1518 at the junction of said roads.

The Charles Henderson farm located on the east side of State Secondary Road 1528 and 0.2 mile north of the junction of said road with State Secondary Road 1518.

The Leo E. Morton farm located on the south side of State Secondary Road 1435 and 0.6 mile west of its junction with State Secondary Road 1434.

Pender County. That area bounded by a line beginning at a point where State Secondary Road 1104 intersects the Pender-Bladen County line, and extending northeast along said county line to its junction with Black River, thence east along said river to its junction with Colvines Creek, thence north and northwest along said creek to its intersection with State Secondary Road 1201, thence east along said road to its intersection with the Atlantic Coast Line Railroad, thence southeast along said railroad to its intersection with State Secondary Road 1125, thence northeast along said road to its intersection with Moores Creek, thence northeast and northwest along said creek to its intersection with State Secondary Road 1128, thence southwest along said road to its junction with State Secondary Road 1207, thence northwest along said road to its junction with State Secondary Road 1208, thence west along said road to its junction with State Secondary Road 1206, thence northeast along said road to its intersection with State Secondary Road 1207, thence northwest along said road to its junction with State Secondary Road 1209, thence east along said road to its intersection with U.S. Highway 421, thence southeast along said highway to its intersection with State Secondary Road 1113, thence southwest along said road to its intersection with the Atlantic Coast Line Railroad, thence northwest along said railroad to its intersection with State Highway 210, thence southwest along said highway to its junction with State Secondary Road 1103, thence southeast along said road to its junction with State Secondary Road 1104, thence southwest and northwest along said road to the point of beginning.

That area bounded by a line beginning at a point where State Secondary Road 1517 junctions with U.S. Highway 117, and extending northwest along said highway to its intersection with State Secondary Road 1412, thence east along said road to its junction with State Secondary Road 1411, thence southwest along said road to its intersection with Pike Creek, thence southeast along said creek to its junction with the Northeast Cape Fear River, thence south along said river to its intersection with State Highway 210, thence southwest along said highway to its junction with State Secondary Road 1518, thence southeast along said road to its junction with State Secondary Road 1517, thence west along said road to the point of beginning.

The Willie Armstrong farm located 0.8 mile west of State Secondary Road 1408 and 0.3 mile south of the junction of said road with State Highway 210.

The Cecil Eakins farm located on the northwest side of State Secondary Road 1217 and 0.2 mile north of the junction of said road with State Secondary Road 1209.

The W. D. Pridgen farm located on the southwest side of State Secondary Road 1108 and 0.7 mile southeast of the junction of said road with State Secondary Road 1104.

The Katy Shaw farm located on the east side of State Secondary Road 1520 and 3.6 miles north of the junction of said road and State Highway 210.

The G. S. Taylor farm located on the northwest side of State Secondary Road 1408 and 0.2 mile southwest of the junction of said road and State Highway 210.

The John H. Williams and Heirs farm located on the east side of State Secondary Road 1520 and 2.7 miles north of the junction of said road and State Highway 210.

Pitt County. The Allen Garris farm located on the northeast side of State Secondary Road 1401 and 0.6 mile northwest of its junction with State Secondary Road 1402.

The J. D. Hice farm located on the northeast side of State Secondary Road 1401 and 0.5 mile northwest of its junction with State Secondary Road 1402.

The R. E. Roger farm located on the northeast side of State Secondary Road 1401 and 0.6 mile northwest of its junction with State Secondary Road 1402.

Richmond County. The J. H. Autry farm located on the north side of State Secondary Road 1803 and 0.7 mile east of Osborne.

The Ethel David farm located on both sides of State Secondary Road 1808, on the west side of the intersection of said road with State Secondary Road 1825.

The Dormie Dial farm located on the north side of State Secondary Road 1607 and 0.8 mile west of the intersection of said road and State Secondary Road 1608.

The Charity Elizbugar farm located on the northeast side of State Secondary Road 1003 and 2 miles northwest of its junction with State Secondary Road 1475.

The Annie Bailey farm located on the north side of State Secondary Road 1475 and 1.7 miles west of its junction with U.S. Highway 1.

The Maria Bailey farm located on the southwest side of State Secondary Road 1440 and 0.3 mile southeast of its junction with State Secondary Road 1433.

The Hamlet Gin and Supply Company farm located on both sides of State Secondary Road 1803 and on the east side of the intersection of said road and State Secondary Road 1825.

The Will Harrington farm located on the south side of State Secondary Road 1803 and 0.8 mile east of Osborne.

The Ed Haywood farm located on the southwest side of State Secondary Road 1148 and 0.5 mile northwest of the junction of said road with State Secondary Road 1157.

The Rome Ingram farm located on the southwest side of State Secondary Road 1008 and 1.8 miles northwest of its junction with State Secondary Road 1475.

The Dewey Jenkins farm located on a dirt road 0.2 mile southwest of its junction with State Secondary Road 1808, said junction being 0.8 mile east of Osborne.

The George W. Jenkins farm located on the southwest side of State Secondary Road 1486 and 1.3 miles northwest of its junction with U.S. Highway 1.

The W. R. Jones farm located on the south side of State Secondary Road 1607 and 0.8 mile west of the intersection of said road and State Secondary Road 1608.

The E. D. Layton farm located in the southwest corner of the junction of State Secondard Road 1008 with State Secondary Road 1458.

The John Little farm located on the southeast side of State Secondary Road 1442 and at the junction of said road with State Secondary Road 1476.

The H. A. Long farm located on the northwest side of State Highway 177 and 0.5 mile northeast of the junction of said road and State Secondary Road 1607.

The Leonard McDonald farm located on the north side of State Secondary Road 1607 and 0.9 mile west of the intersection of said road and State Secondary Road 1608.

The Etta McLaurin farm located on the southwest side of State Secondary Road 1803 and 0.3 mile southeast of the intersection of said road and State Secondary Road 1825.

The Dalton McNeill farm located on the southwest side of State Secondary Road 1003 and 1.9 miles northwest of its junction with State Secondary Road 1475.

The Charlie Mabe farm located on both sides of State Secondary Road 1607 and 0.4 mile southeast of the intersection of said road and State Secondary Road 1608.

The Lizzie Mathews farm located in the southwest quadrant of the intersection of State Secondary Roads 1108 and 1971.

The Mrs. A. W. Porter farm located on the northeast side of State Secondary Road 1099 and 1 mile east of the intersection of said road with U.S. Highway 1.

The Douglas Quick farm located in the northwest quadrant of the intersection of State Secondary Roads 1802 and 1800.

The Julius Quick farm located on the northeast side of State Secondary Road 1992 and 0.6 mile northwest of its junction with State Secondary Road 1994.

The James Rush farm located on the southeast side of State Secondary Road 1442 and 0.7 mile northeast of its junction with State Secondary Road 1480.

The Marvin Strong farm located on the north side of State Secondary Road 1803 and 1.3 miles southwest of the intersection of said road and State Secondary Road 1825.

The Robert Teal farm located on the northwest side of State Secondary Road 1802 and 0.3 mile southwest of the intersection of said road and State Secondary Road 1800.

The Walter Thomas farm located on both sides of U.S. Highway 220 and 0.4 mile northeast of its junction with State Secondary Road 1433.

The A. M. Waddell farm located on both sides of U.S. Highway 1 and on both sides of State Secondary Road 1103 and on both sides of State Secondary Road 1971 at the intersection of said highway and said roads at Diggs.

The Talley Wallace farm located on both sides of State Secondary Road 1800 and 1.2 miles northwest of the intersection of said road and State Secondary Road 1802.

The Mosby Watkins farm located on both sides of State Secondary Road 1476 and 0.2 mile northeast of its junction with State Secondary Road 1442.

Robeson County. The entire county.

Sampson County. The entire county.

Scotland County. That area bounded by a line beginning at a point where U.S. Highway 15-401 intersects the North Carolina-South Carolina State line and extending northeast along said highway to its junction with U.S. Highway 15A-401A, thence north along said highway to its junction with U.S. Highway 501, thence north along said highway to its intersection with U.S. Highway 15-401, thence southwest along said highway to its intersection with State Secondary Road 1300, thence northwest along said road to its junction with State Secondary Road 1116, thence northwest along said road to its junction with State Secondary Road 1324, thence north along said road to its junction with State Secondary Road 1345, thence northwest along said road to its intersection with State Secondary Road 1341, thence northeast along said road to its junction with State Secondary Road 1328, thence north along said road to its intersection with the southern boundary of the Sandhills Game Management Area, thence east along said boundary to its intersection with U.S. Highway 15-501, thence north along said highway to its intersection with the Scotland-Hoke County line, thence southeast along said county line to the Scotland-Robeson County line, thence south and southwest along said county line to the North Carolina-South Carolina State line, thence northwest along said State line to the point of beginning, excluding the area within the corporate limits of the city of Laurinburg and the town of East Laurinburg.

The Archie W. Bunch farm located at the intersection of State Secondary Roads 1323 and 1001.

The Luther Butler farm located on the south side of State Secondary Road 1154 and 0.2 mile east of the junction of said road with State Secondary Road 1155.

The L. E. Calhoun farm located on the south side of State Highway 79 and 0.3 mile west of its junction with State Secondary Road 1118.

That area on the Camp Mackall Military Reservation (Fort Bragg Military Reservation) known as the Game Reserve Plot located on the west side of the Rhine-Luzon Jump Zone.

The J. Lloyd King farm located on the northwest side of State Secondary Road 1128 and 0.3 mile southwest of its junction with State Secondary Road 1101.

The J. D. Morgan farm located on the east side of State Secondary Road 1346 and 0.5 mile north of the junction of said road with State Secondary Road 1343.

The Peter F. Newton farm located at the intersection of State Secondary Roads 1334, 1336, and 1345.

The Hobson Odoms farm located on both sides of State Secondary Road 1108 and 0.4 mile west of its junction with State Secondary Road 1100.

The J. D. Steele farm located on both sides of State Secondary Road 1351 and 0.9 mile northwest of the junction of said road with State Secondary Road 1346.

Wake County. The Leonard Dean farm located on the south side of State Secondary Road 2501 and 0.2 mile west of the intersection of said road and State Secondary Road 1003.

Wayne County. That area bounded by a line beginning at a point where U.S. Highway 70 and the Wayne-Lenoir County line intersect and extending south along said county line to its junction with the Wayne-Duplin County line, thence southwest and west along said county line to its intersection with State Secondary Road 1937, thence north on said road to its intersection with Buck Swamp Creek, thence westward along said creek to its intersection with U.S. Highway 117, thence northward along said highway to its junction with State Secondary Road 1929, thence east on said road to its junction with State Secondary Road 1930, thence east along said road to its junction with State Secondary Road 1927, thence east on said road to its junction with State Secondary Road 1932, thence northeast along said road to its junction with State Secondary Road 1915, thence south on said road to its junction with State Secondary Road 1120, thence east along a line projected from a point at the junction of State Secondary Roads 1120 and 1915 to the junction of said line with a point located at the junction of Sleepy Creek and Neuse River, thence east along the Neuse River to its intersection with State Highway 111, thence north along said highway to its junction with U.S. Highway 70, thence southeast along said highway to the point of beginning.

That area bounded by a line beginning at a point where U.S. Highway 13 and State Secondary Road 1006 intersect, and extending south along said road to its junction with State Secondary Road 1108, thence west along said road to its junction with State Secondary Road 1109, thence west along said road to its junction with State Secondary Road 1105, thence south along said road to its intersection with the Wayne-Sampson County line, thence northwest along said county line to its intersection with State Secondary Road 1009, thence north along said road to its junction with State Secondary Road 1103, thence north along said road to its junction with State Secondary Road 1101, thence east along said road to its intersection with State Secondary Road 1105, thence north along said road to its intersection with U.S. Highway 13, thence east along said highway to the point of beginning.

The Emma E. Casey farm located 7 miles east of Goldsboro on the north side of U.S. Highway 70 and 0.4 mile east of the junction of State Secondary Road 1721 and said highway.

The J. B. Daly farm located on the west side of State Highway 111 and 0.6 mile south of the junction of said highway with State Secondary Road 1730.

The L. A. Dawson farm located on the west side of State Highway 111 and 0.5 mile south of the junction of said highway and State Secondary Road 1730.

The George E. Ham farm located southeast of Seymour Johnson Air Base on the south side of State Secondary Road 1909, and 0.7 mile west of the junction of said road with State Secondary Road 1910.

The Thel Herring farm located on the west side of State Secondary Road 1711, and 0.4 mile north of its junction with U.S. Highway 70A.

The J. D. Hines farm located on both sides of State Secondary Road 1236, and 0.8 mile east of the intersection of said road with State Highway 581.

The R. J. Hollamon farm located on the northwest corner of State Secondary Road 1125 and 0.7 mile north of the junction of said road and State Secondary Road 1122.

The D. Virgil Hollowell farm located on the southeast side of State Secondary Road 1008 and 0.2 mile northeast of the junction of said road with State Secondary Road 1214.

The H. M. and J. C. Hollowell farm located at the northwest end of State Secondary Road 1240.

The Mrs. Mattie Hollowell farm located on the east side of State Secondary Road 1214 and 0.4 mile south of its junction with State Secondary Road 1008.

The M. Duffey Lane farm located on the north side of State Secondary Road 1007 and 0.1 mile west of its intersection with the Southern Railway.

The C. L. Lofton Estate located on the southwest side of State Secondary Road 1003 and 0.4 mile southeast of the junction of said road and State Secondary Road 1720.

The George A. McClenny farm located on the south side of State Secondary Road 1007 and 0.1 mile west of the junction of said road with State Highway 581.

The Berry Mitchell farm located on the southwest side of State Secondary Road 1928 and 0.8 mile southeast of the junction of said road with State Secondary Road 1918.

The D. D. Montague farm located on the southwest side of State Secondary Road 1928 and 0.3 mile southeast of the junction of said road with State Secondary Road 1918.

The D. J. Murray farm located north of and at the junction of State Secondary Roads 1120 and 1122.

The N. E. Neal farm located on both sides of State Secondary Road 1008 and 0.5 mile east of the junction of State Secondary Road 1211 with said road.

The F. L. Odom farm located on the east side of State Secondary Road 1927 at the junction of said road and State Secondary Road 1929.

The H. H. Oliver farm located on the south side of State Secondary Road 1219 and 0.4 mile east of its junction with State Secondary Road 1218.

The M. L. Parker farm located on the north side of State Secondary Road 1929 and 0.4 mile east of its junction with State Secondary Road 1926.

The Worth Parker farm located on the west side of State Secondary Road 1130 and 1 mile south of the intersection of said road with U.S. Highway 13.

The Joe D. Perkins farm located on the northwest side of State Secondary Road 1711 and 0.2 mile southwest of the intersection of said road and U.S. Highway 70 Bypass.

The Charlie Rogers farm located on both sides of State Secondary Road 1710 and 0.9 mile southwest of the junction of said road with U.S. Highway 70A.

The John Tart farm located on the north side of U.S. Highway 13 and 0.1 mile east of the junction of said highway and State Secondary Road 1207.

The Brantley Uzzell farm located on the north side of U.S. Highway 70 and 0.8 mile east of the intersection of said highway and State Secondary Road 1719.

The James Weston Whitfield farm located on the north side of U.S. Highway 70 and 0.7 mile east of the intersection of said highway and State Secondary Road 1719.

The Maude and Sarah Whitley farm located on State Hospital farm road 1.2 miles west and north of its junction with State Secondary Road 1008, said junction being 1.3 miles southwest of the junction of State Highway 581 and State Secondary Road 1008.

The Eddie Williams farm located on the north side of State Highway 581 and the east side of State Secondary Road 1236 at the junction of said roads.

SOUTH CAROLINA

Chesterfield County: The Coyt J. Campbell farm located on the south side of a dirt road and 0.6 mile east of its intersection with State Secondary Highway 144, said intersection being 0.4 mile south of the intersection of State Secondary Highway 22 and State Secondary Highway 144.

The C. S. Chapman farm located on the west side of U.S. Highway 52 and 0.4 mile north of its junction with State Secondary Highway 335.

The Jule Evans farm located on the south side of a dirt road and 0.4 mile east of its intersection with State Secondary Highway 144, said intersection being 0.4 mile south of the intersection of State Secondary Highway 22 and State Secondary Highway 144.

The Abraham Funderburk farm located on the east side of a dirt road and 0.2 mile south of its junction with State Secondary Highway 115, said junction being 0.8 mile northeast of the junction of said highway and State Secondary Highway 114.

The Fuller Griggs farm located on the west side of a dirt road and 0.4 mile north of its intersection with a second dirt road, said intersection being 0.6 mile north of the intersection of said dirt road and State Secondary Highway 149, said intersection being 1.6 miles northwest of the intersection of said highway and State Primary Highway 102.

The Alton Holdbrook farm located on the north side of State Secondary Highway 22, and 1.5 miles east of its intersection with State Secondary Highway 20.

The James Earle Howle farm located on the north side of a dirt road and 1 mile east of the intersection of said dirt road and State Secondary Highway 81, said intersection being 1 mile south of the intersection of State Secondary Highway 149 and State Secondary Highway 81.

The Clyde Johnson farm located on the north side of a dirt road and 1 mile west of its junction with State Primary Highway 102, said junction being 1.5 miles north of the intersection of State Primary Highway 102 and State Secondary Highway 22.

The Julius Keith farm located on the east side of a dirt road and 0.5 mile north of its junction with a second dirt road, said junction being 0.1 mile north of the junction of the latter dirt road and State Secondary Highway 114, said second junction being 0.1 mile north of the junction of State Secondary Highways 114 and 115.

The Elise J. Parker farm located on the south side of State Secondary Highway 61 and 0.1 mile east of its intersection with State Secondary Highway 348.

The R. D. Rainwater farm located on the east side of State Secondary Highway 113 and 0.5 mile northeast of its intersection with State Secondary Highway 20.

Clarendon County. The J. W. Hodge farm located on the south side of State Secondary Highway 211 and 1.5 miles west of its junction with State Secondary Highway 50.

Darlington County. That area bounded by a line beginning at a point where the Atlantic Coast Line Railroad and State Secondary Highway 20 intersect and extending east along said highway to its intersection with Hurricane Branch, thence northeast along said branch to its junction with Byrds Island, thence south along a line projected due south from said junction to the intersection of the projected line and State Primary Highway 34, thence west along said highway to its intersection with a dirt road, said intersection being 0.9 mile east of Mechanicsville, thence south along said dirt road to its intersection with the Darlington-Florence County line, thence west and south along said county line to its intersection with State Secondary Highway 173, thence northwest along said highway to its junction with State Secondary Highway 228, thence northwest along said highway to its intersection with the Atlantic Coast Line Railroad, thence north along said railroad to the point of beginning.

The Minnie C. Barr farm located on the north side of State Secondary Highway 179 and 1.7 miles east of its intersection with State Secondary Highway 35.

The Robert Cooper farm located 0.1 mile west of a dirt road and 1.1 miles north of its junction with State Secondary Highway 179, said junction being 1.9 miles southeast of the junction of said highway and State Secondary Highway 35.

The William Cooper farm located 0.25 mile west of a dirt road and 1.1 miles north of its junction with State Secondary Highway 179, said junction being 1.9 miles southeast of the junction of said highway and State Secondary Highway 35.

The County Prison Farm located on the south side of State Primary Highway 34 and 1 mile west of the junction of said highway and State Secondary Highway 42.

The Sarah Daly farm located on the south side of a dirt road and 0.8 mile northwest of its junction with State Secondary Highway 133, said junction being 0.8 mile northeast of the junction of said highway and State Secondary Highway 29.

The William M. Flowers farm located on the north side of State Secondary Highway 14 and 1.4 miles east of its intersection with State Secondary Highway 13.

The M. L. Green farm located on the east side of State Secondary Highway 138 and 0.1 mile north of the junction of said highway and State Secondary Highway 29.

The Bobby Griggs farm located on the northwest side of State Secondary Highway 23 and 1 mile northeast of its intersection with State Primary Highway 102.

The Mrs. Minnie W. Ham farm located on both sides of State Secondary Highway 355 and 0.9 mile west of the junction of said highway with State Secondary Highway 44.

The McLendon Jackson farm located on the west side of U.S. Highway 53 and 0.2 mile south of its junction with State Secondary Highway 397.

The William Johnson farm located on the north side of a dirt road and 0.6 mile northwest of its junction with State Secondary Highway 133, said junction being 3 miles south of the intersection of said highway and State Secondary Highway 41.

The Jessie K. Jordan farm located on the west side of a dirt road and 0.3 mile northeast of its junction with a second dirt road, said junction being 0.1 mile northeast of the junction of said second dirt road and State Secondary Highway 44, said second junction being 0.3 mile northeast of the junction of said highway and State Primary Highway 403.

The James and J. W. Pickett farm located on the north side of State Secondary Highway 179 and 1.5 miles east of its intersection with State Secondary Highway 35.

The Liston J. Pickett farm located on the west side of a dirt road and 0.2 mile north of its junction with State Secondary Highway 179, said junction being 1 mile southeast of the junction of said highway and State Secondary Highway 35.

The Charlie Robinson farm located on the east side of a dirt road and 0.6 mile southeast of its intersection with State Primary Highway 34, said intersection being 0.9 mile northeast of State Secondary Highway 35 and State Primary Highway 34.

The Rebecca F. Sanderson farm located on the north side of State Secondary Highway 14 and 1.2 miles east of its intersection with State Secondary Highway 13.

Dillon County. The entire county.

Florence County. That area bounded by a line beginning at a point where State Secondary Highway 925 and State Secondary Highway 24 junction and extending east and southeast along State Secondary Highway 24 to its junction with State Secondary Highway 13, thence along a line projected due east from said junction to its intersection with the Great Pee Dee River, thence south along said river to its junction with Barfield's Old Mill Creek, thence northwest and west along said creek to its intersection with State Secondary Highway 57, thence north along said highway to its junction with State Secondary Highway 893, thence west and southwest along State Secondary Highway 893 to its junction with State Secondary Highway 70, thence northwest along said highway to its junction with State Secondary Highway 897, thence southwest and south along said highway to its junction with State Primary Highway 51, thence west and northwest along said highway to its intersection with State Primary Highway 327, thence northwest and west along said highway to its junction with State Secondary Highway 552, thence north along said highway to its junction with State Secondary Highway 551, thence northwest along a dirt road to its junction with a second dirt road, said junction being 0.1 mile east of Goodland School, thence northeast along said second dirt road to its junction with State Secondary Highway 57, thence southeast along said highway to its intersection with the Seaboard Air Line Railroad, thence northwest along said railroad to its intersection with State Secondary Highway 13, thence east along said highway to its junction with State Secondary Highway 918, thence north and northeast along said highway to its junction with State Primary Highway 327, thence north along said highway to its intersection with U.S. Highway 76, thence west along said highway to its junction with State Secondary Highway 925, thence north along said highway to the point of beginning, excluding the area within the unincorporated limits of the town of Hyman.

That area bounded by a line beginning at a point where State Secondary Highway 794 and State Secondary Highway 72 junction and extending south along State Secondary Highway 72 to its intersection with State Secondary Highway 46, thence northeast along said highway to its intersection with State Secondary Highway 34, thence southeast along said highway to its junction with State Secondary Highway 360, thence northeast along said highway to its junction with a dirt road, said junction being 1.6 miles northeast of the junction of State Secondary Highways 34 and 360, thence southeast along said dirt road for a distance of 1.2 miles to its junction with a second dirt road, thence southwest along said dirt road to its junction with State Secondary Highway 34, thence south along said highway to its junction with U.S. Highway 378, thence west along said highway to its junction with State Secondary Highway 47, thence northwest and west along said highway to the corporate limits of the town of Scranton, thence north and west along the east and north perimeter of said corporate limits to its intersection with the Atlantic Coast Line Railroad, thence north along said railroad to the corporate limits of the town of Coward, thence north along the east perimeter of the town of Coward to its intersection with State Secondary Highway 794, thence northeast along said highway to the point of beginning.

That area bounded by a line beginning at a point where State Secondary Highway 66 and the Seaboard Air Line Railroad intersect and extending southeast along said railroad to its intersection with State Secondary Highway 57, thence south along said highway to its junction with U.S. Highway 378, thence west along said highway to its intersection with Deep Creek, thence southwest along said creek to its junction with Lynches River, thence west along said river to its junction with Little Swamp, thence north along said swamp to its intersection with State Secondary Highway 66, thence east along said highway to the point of beginning.

The A. A. Alford farm located on both sides of State Secondary Highway 164 and 0.1 mile south of its intersection with Cypress Branch.

The Mary Hart Bacot farm located on the east side of State Secondary Highway 26 and 2.1 miles northeast of its intersection with Black Creek.

The Willie Benjamin farm located on the south side of a dirt road and 0.6 mile west of its junction with State Secondary Highway 136, said junction being 1.4 miles north of the intersection of State Secondary Highways 136 and 35.

The Elnoreah Braddy farm located on the west side of State Secondary Highway 633 and 0.15 mile south of its intersection with State Secondary Highway 68.

The Corine Cherry Burch farm located on the north side of a dirt road and 0.9 mile west of its junction with State Secondary Highway 136, said junction being 0.9 mile north of the intersection of State Secondary Highways 136 and 35.

The Hattie Carroway farm located on the south side of State Secondary Highway 72 and 1 mile southwest of its intersection with U.S. Highway 52.

The Luther Carroway farm located on both sides of State Primary Highway 51 and 0.1 mile northwest of the intersection of said highway and State Secondary Highway 46.

The R. L. Edwards farm located on the east side of State Primary Highway 51 and 1.1 miles northwest of its junction with State Secondary Highway 66.

The L. J. Gause farm located on the south side of State Secondary Highway 72 and 1.1 miles southwest of its intersection with U.S. Highway 52.

The Luther Gause farm located on the north side of State Secondary Highway 72 and 1.1 miles southwest of its intersection with U.S. Highway 52.

The Ralph Ham farm located on the east side of a dirt road and 1.7 miles northwest of its junction with U.S. Highway 301, said junction being 0.7 mile northeast of the junction of said highway and State Secondary Highway 45.

The Bert Hannah farm located on the south side of a dirt road and 1 mile west of its junction with State Secondary Highway 633, said junction being 0.1 mile south of the junction of said highway and State Secondary Highway 58.

The W. Max Hill farm located on the east side of State Secondary Highway 136 and 1 mile north of its intersection with State Secondary Highway 35.

The Henry Holliday farm located on the west side of State Primary Highway 51 and 1.6 miles north of its intersection with State Secondary Highway 66.

The Melvin Hyman farm located on the west side of State Secondary Highway 64 and 0.2 mile north of its intersection with Black Creek.

The Jimmy Langston farm located on the west side of a dirt road and 0.7 mile west of its junction with State Secondary Highway 136, said junction being 1.4 miles north of the intersection of State Secondary Highways 136 and 35.

The Mamie Lyde farm located on the east side of State Secondary Highway 72 and 0.5 mile south of its junction with State Secondary Highway 794.

The R. F. McPherson farm located on the south side of State Secondary Highway 57 and 1.5 miles southeast of the intersection of said highway and State Primary Highway 51.

The Ed Nowlin farm located on the north side of a dirt road and 0.8 mile west of its junction with State Secondary Highway 136, said junction being 0.9 mile north of the intersection of State Secondary Highways 136 and 35.

The Mrs. J. J. Poston farm located on the west side of State Secondary Highway 164 and 0.8 mile northwest of its junction with State Secondary Highway 86.

The V. A. Turner farm located on the west side of State Secondary Highway 633 and 0.1 mile south of its junction with State Secondary Highway 58.

The S. L. Yarborough farm located on both sides of State Secondary Highway 96 and 1.7 miles southeast of Sardis.

Georgetown County. The Lela Powers farm located on both sides of State Primary Highway 261 and 0.1 mile southeast of its junction with State Secondary Highway 126.

Horry County. That area bounded by a line beginning at a point where State Secondary Highway 53 intersects the South Carolina-North Carolina State line and extending south along said highway to its intersection with State Secondary Highway 306, thence west along said highway to its intersection with State Secondary Highway 142, thence south along said highway to its junction with State Primary Highway 9, thence northwest along said highway to its intersection with State Secondary Highway 59, thence southwest and south along said highway to its junction with State Primary Highway 917, thence southwest along said highway to its intersection with State Secondary Highway 19, thence south and southeast along said Highway 19 to its intersection with U.S. Highway 701 at Allsbrook, thence northeast along said highway to its intersection with State Primary Highway 9, thence east along said highway for 7 miles to its intersection with the west prong of Buck Creek and its junction with a dirt road, thence south along said dirt road to its junction with a second dirt road, thence southwest along said second dirt road to its junction with State Secondary Highway 347, thence southeast along said highway 0.2 mile to its intersection with Cowpen Swamp, thence south along said swamp to its intersection with a dirt road, thence southeast along said dirt road to its junction with State Primary Highway 905, thence southwest along said highway to its intersection with Simpson Creek, thence south along said creek to its junction with the Waccamaw River, thence east along said river to Star Bluff Ferry landing, thence south along a dirt road to its intersection with another dirt road, thence southwest and west along said second dirt road, known as Telephone Road, to its end, thence northwest along a projected line for 1.9 miles, to its junction with Jones Big Swamp, thence northwest along said swamp to its junction with the Waccamaw River, thence west along said river to its intersection with Stanley Creek, thence north along said creek 1.6 miles, thence northwest along said creek 2.8 miles, thence north along a line projected from a point beginning at the end of the main run of said creek, and extending north to the junction of said line with State Primary Highway 905, thence southwest along said highway to its junction with State Secondary Highway 19, thence north along said highway 2.4 miles to its junction with a dirt road, thence southwest along said road to its intersection with Maple Swamp, thence north along said swamp to its intersection with State Secondary Highway 65, thence southwest along said highway to its junction with U.S. Highway 701, thence south along said highway to its intersection with U.S. Highway 501, thence northwest along said highway to its junction with State Secondary Highway 691, thence north along said highway to its intersection with State Secondary Highway 97, thence east 0.2 mile to its intersection with a dirt road, thence north along said dirt road to its junction with State Primary Highway 319, thence northwest along said highway to its junction with State Secondary Highway 131, thence east and north along said highway to its intersection with Loosing Swamp, thence west and northwest along said swamp to its intersection with State Secondary Highway 45, thence southwest along said highway to its junction with State Secondary Highway 129, thence northwest along said highway to its junction with U.S. Highway 501, thence northwest along the latter highway to its intersection with the Little Pee Dee River, thence northwest along said river to its junction with the Lumber River, thence northeast along said river to its intersection with the South Carolina-North Carolina State line, thence southeast along said State line to the point of beginning, excluding the area within the corporate limits of the towns of Conway and Loris.

The Alex Alford farm located on the south side of a dirt road and being 2 miles southwest and west of the junction of said dirt road and State Secondary Highway 99, said junction being 1.75 miles north of the junction of said highway and State Secondary Highway 97.

The Henry Arnett and D. C. Arnett farm located on both sides of a dirt road and 2.5 miles east of its junction with State Secondary Highway 38, said junction being 2.5 miles north of the junction of said highway and State Primary Highway 410.

The John A. Atkinson farm located on the east side of a dirt road and being 1 mile north of the junction of said dirt road with U.S. Highway 378 and State Secondary Highway 63.

The Edgar Barnhill farm located on both sides of a dirt road and 0.4 mile east of its junction with State Primary Highway 90, said junction being 0.1 mile northeast of the junction of said highway and State Secondary Highway 377.

The Orilla Bellamy farm located at the end of a dirt road and 0.9 mile south of its junction with State Secondary Highway 468, said junction being 0.7 mile northeast of Chestnut Crossroads.

The Willie Bowens farm located at the end of a field road and 0.6 mile south of its junction with State Secondary Highway 319, said junction being 0.4 mile east of Aynor Post Office.

The Emma Brown farm located on both sides of a dirt road and 0.5 mile northwest of the junction of said dirt road with State Secondary Highway 57, said junction being at Brooksville.

The Lewis Brown farm located on the north side of a dirt road and 0.5 mile west of the junction of said dirt road and U.S. Highway 501, said junction being in the Brown Swamp Community.

The James E. Cooper farm located on the south side of a dirt road and 0.5 miles east of its junction with State Secondary Highway 78, said junction being 1.25 miles northwest of the junction of said highway and U.S. Highway 378.

The Nina L. Edge farm located on the west side of a dirt road and 0.8 mile southeast of its junction with a second dirt road, said junction being 0.5 mile south of the junction of the second dirt road and State Primary Highway 90, said second junction being 0.8 mile southwest of the junction of said highway and State Secondary Highway 31.

The John G. Floyd farm located on the south side of a dirt road and 1 mile north of the intersection of said dirt road and State Secondary Highway 548, said intersection being 2 miles west of the intersection of said highway and U.S. Highway 501.

The Jennie Bell Fowler farm located at the end of a farm road which junctions with a county road, said junction being 0.5 mile east of the Oakdale Baptist Church.

The O. R. Fowler farm located on both sides of a dirt road and 0.1 mile north of the intersection of said dirt road and State Primary Highway 9, said intersection being at Goretown.

The F. T. Frank farm located at the end of a dirt road and 0.9 mile south of its junction with State Secondary Highway 468, said junction being 0.7 mile northeast of Chestnut Crossroads.

The L. C. Frye farm located on the south side of a dirt road and 1 mile west of the junction of State Secondary Highways 24 and 62, said junction being in the Dog Bluff Community.

The Lawson Gore farm located on the north side of U.S. Highway 17 and 2.5 miles east of the intersection of said highway and State Primary Highway 9, said intersection being called Nixon's Crossroads.

The Sumpter Gore farm located on both sides of a dirt road and 0.75 mile north of the intersection of said dirt road and State Primary Highway 9, said intersection being at Goretown.

The Bud Neals Graham farm located at the end of a dirt road and 0.6 mile east of its junction with a second dirt road, said junction being 0.75 mile south of the junction of the second dirt road and State Secondary Highway 78, said second junction being 0.75 mile southeast of Juniper Bay Church.

The Holliday Brothers farm located on the south side of a dirt road and 0.8 mile west of its intersection with U.S. Highway 501, said intersection being 1.8 miles south of the junction of said highway and State Secondary Highway 129.

The Ed Hucks farm located on the north side of a dirt road and 0.4 mile east of the junction of said dirt road with State Secondary Highway 20, said junction being 2 miles southwest of the junction of said highway and State Secondary Highway 135.

The Rosetta Inman farm located on the northwest side of a junction of two dirt roads, said junction being 1.4 miles northwest of the intersection of the dirt road running northwest from State Secondary Highway 57 and Brooksville.

The A. L. James farm located on the southeast side of a dirt road and 0.5 mile southwest of its junction with U.S. Highway 501, said junction being 1.4 miles northwest of the junction of said highway and State Secondary Highway 548.

The J. E. Jordan farm located on the north side of a dirt road and being 0.7 mile west of the junction of said dirt road and U.S. Highway 501, said junction being in the Brown Swamp Community.

The W. L. Jordan farm located on the south side of a dirt road and 0.9 mile southwest of its junction with U.S. Highway 501, said junction being 1.4 miles northwest of the junction of said highway and State Secondary Highway 548.

The Boyd Lewis farm located on the north side of a dirt road and 0.75 mile west of the intersection of said dirt road and State Secondary Highway 24, said intersection being in the Dog Bluff Community.

The J. T. Lewis farm located on the south side of State Secondary Highway 100, and 1.9 miles west of the junction of said highway and U.S. Highway 501, said junction being at Aynor.

The Tommy Lewis farm located on both sides of State Secondary Highway 50, and 1.6 miles north of the intersection of State Secondary Highway 50 and U.S. Highway 17, said intersection being at Little River.

The Maceo Livingston farm located on the east side of a dirt road and 0.75 mile north of its intersection with State Primary Highway 90, said intersection being 1.7 miles west of the junction of said highway and State Secondary Highway 57.

The Floyd Long farm located on the south side of a dirt road and being 0.2 mile west of the junction of said dirt road and State Secondary Highway 111, said junction being 1 mile southeast of the junction of said highway and State Secondary Highway 57.

The Daniele E. Martin farm located on the east side of State Primary Highway 90 and 0.9 mile northeast of the junction of said highway and State Secondary Highway 377.

The O. L. Milligan farm located on both sides of a dirt road and 0.1 mile southwest of its junction with the South Carolina-North Carolina State line, said junction being 1.6 miles northeast of a second junction with said dirt road and State Secondary Highway 420.

The Cordie Page farm located on the north side of State Secondary Highway 128 and 0.4 mile west of the junction of said highway and U.S. Highway 501, said junction being at Aynor.

The Mattie C. Page farm located on the north side of a dirt road and 0.2 mile east of the junction of said dirt road and State Secondary Highway 129, said junction being 0.3 mile southeast of the intersection of said highway and State Secondary Highway 130.

The Dick Reynolds farm located on the south side of a dirt road and 0.4 mile west of its intersection with U.S. Highway 501, said intersection being 1.8 miles south of the junction of said highway and State Secondary Highway 129.

The Talmage Richardson farm located on the north side of a dirt road and 1 mile southwest of the junction of said dirt road and State Secondary Highway 99, said junction being 1.75 miles north of the junction of said highway and State Secondary Highway 97.

The Ida B. Sarvis farm located on the northwest side of State Secondary Highway 109 and 1.5 miles northeast of its junction with State Secondary Highway 79.

The Ida B. Sarvis farm located on the southwest side of a dirt road and 0.1 mile northwest of its junction with State Secondary Highway 109, said junction being 1.5 miles northeast of the junction of said highway and State Secondary Highway 79.

The O. R. Shelley farm located on the east side of a dirt road and 0.8 mile northeast of the junction of said dirt road and State Secondary Highway 306, said junction being 1.1 miles west of the intersection of State Secondary Highway 306 and the South Carolina-North Carolina State line.

The E. B. Skipper farm located on the southeast side of State Secondary Highway 391 and 0.2 mile southwest of its junction with U.S. Highway 501.

The Mary E. Vereen farm located on the north side of a dirt road and 1 mile west of its junction with State Secondary Highway 57, said junction being 1 mile southwest of Stephens Crossroads.

The Vide Williamson farm located on both sides of a dirt road and 0.4 mile from the junction of said dirt road and State Primary Highway 410, said junction being 0.7 mile northeast of the intersection of State Primary Highway 410 and State Secondary Highway 19.

Lee County. The Hattie Evans farm located on the south side of State Secondary Highway 168 and 0.8 mile east of its junction with State Primary Highway 58.

The Clark W. Thomas farm located on the north side of State Secondary Highway 168 and 1.1 miles east of its junction with State Primary Highway 58.

The R. W. Thomas farm located on the north side of State Secondary Highway 168 and 1.4 miles east of its junction with State Primary Highway 58, said farm being immediately north of the Clark W. Thomas farm.

Marion County. The entire county.

Marlboro County. That portion of the county lying south and east of U.S. Highway 15, excluding the area within the corporate limits of the towns of Bennettsville, McColl, and Tatum.

The Nettie Bell farm located on the south side of the South Carolina-North Carolina State line and 0.4 mile east of its intersection with State Primary Highway 177.

The Gus Bowen farm located on the south side of the junction of State Secondary Highways 22 and 48, said junction being 2.9 miles northwest of Tatum.

The C. C. Caulk farm located on the north side of State Secondary Highway 283 and 0.3 mile east of the junction of said highway and State Primary Highway 38.

The Dewey Chavis farm located on the northwest side of State Secondary Highway 209 and 0.1 mile northeast of its intersection with State Primary Highway 9.

The Graham Lee Chavis farm located on the northwest side of State Secondary Highway 209 and 0.3 mile northeast of its intersection with State Primary Highway 9.

The Homer Chavis farm located in the north corner of the intersection of State Secondary Highway 209 with State Primary Highway 9.

The Hoxie Conwell farm located on both sides of a dirt road and 1.3 miles northeast from the junction of said dirt road and State Secondary Highway 30, said junction being 0.5 mile northwest from the intersection of said State Secondary Highway 30 and State Secondary Highway 165.

The Oscar J. Fletcher farm located on the southwest side of State Secondary Highway 28 and 0.6 mile northwest of the junction of said highway and U.S. Highway 15.

The Lois P. Hamer farm located on both sides of a dirt road and 0.1 mile north of the junction of said dirt road and U.S. Highway 15, said junction being 0.1 mile northwest of the intersection of U.S. Highway 15 and State Secondary Highway 23 at Tatum.

The T. H. Holmes farm located on the south side of the South Carolina-North Carolina State line and 0.5 mile east of its intersection with State Primary Highway 177.

The James Joseph farm located on the southeast side of State Secondary Highway 165 and 1.2 miles southwest of its intersection with State Secondary Highway 257.

The D. D. McColl Estate farm located on the northeast side of State Primary Highway 9 and 0.6 mile southeast of its junction with State Secondary Highway 383.

The Lula McEachern farm located on the north side of U.S. Highway 15 at the intersection of said highway and the South Carolina-North Carolina State line.

The Cleveland McKay farm located on the north side of State Secondary Highway 54 and the west side of State Secondary Highway 30 at the intersection of said highways.

The Mable N. McQueen farm located on the northwest side of State Secondary Highway 48 and 0.2 mile southwest of the junction of said highway and State Secondary Highway 23.

The Ina Odom farm located on the northwest side of a dirt road and 0.4 mile northeast of its junction with State Secondary Highway 30, said junction being 0.3 mile northeast of the intersection of said highway and State Secondary Highway 54.

The D. M. Parker farm located on the northeast side of State Secondary Highway 28 and 0.2 mile northwest of its junction with U.S. Highway 15.

The Archie Pearson farm located on the east side of a dirt road and 0.5 mile southwest of the junction of said dirt road and State Primary Highway 79, said junction being 0.3 mile south of the intersection of said highway and State Secondary Highway 71.

The D. C. Rainwater farm located on the west side of State Primary Highway 79 at the junction of said highway and State Secondary Highway 345.

The John B. Rogers farm located on both sides of State Secondary Highway 48 and 1.4 miles northeast of its intersection with State Secondary Highway 47.

The Tony Rosser farm located on the east side of a dirt road and 0.6 mile northeast of the junction of said dirt road and State Secondary Highway 30, said junction being 0.3 mile north of the junction of said highway and State Secondary Highway 54.

The James Tyson Smith farm located on the northwest side of State Secondary Highway 165 and 1.2 miles southwest of its intersection with State Secondary Highway 257.

The Pauline Steel farm located on the north side of State Secondary Highway 63 and the east side of Crooked Creek at the intersection of said highway and creek.

The Marvin Strong farm located on the south side of the South Carolina-North Carolina State line and 1.3 miles east of its intersection with State Primary Highway 177.

The B. F. Talbert farm located on the north side of the intersection of State Primary Highway 9 and State Secondary Highway 165.

The R. W. Walker farm located on the southeast side of State Secondary Highway 17 and 0.7 mile northeast of its intersection with State Primary Highway 79.

Williamsburg County. The Ernest V. Carter farm located on the north side of a dirt road and 1.6 miles west of its junction with State Secondary Highway 51, said junction being 0.8 mile south of the junction of said highway and State Primary Highway 261.

The S. Wayne Gamble farm located on both sides of State Primary Highway 375 and 2 miles southeast of its intersection with U.S. Highway 52.

The Laurie McCrea farm located on both sides of a dirt road and 0.1 mile southeast of its junction with State Secondary Highway 455, said junction being 2 miles northeast of the junction of said highway and State Primary Highway 261.

(Sec. 9, 37 Stat. 318, sec. 106, 71 Stat. 33; 7 U.S.C. 162, 150ee; 29 F.R. 16210, as amended; 7 CFR 301.80–2. Interprets or applies sec. 9, 37 Stat. 318, as amended; 7 U.S.C. 161)

The Director of the Plant Pest Control Division has determined that witchweed infestation has been found or there is reason to believe it exists, in the civil divisions, parts of civil divisions, and premises, in the quarantined States listed above.

The purpose of this regulation is to include additional farms within the regulated areas infested with witchweed in the following 15 counties: Brunswick, Craven, Johnston, Lee, Lenoir, Montgomery, Moore, Onslow, Richmond, and Wayne, in North Carolina; and Darlington, Florence, Horry, Marlboro, and Williamsburg, in South Carolina.

To the extent that this regulation includes additional regulated areas, it should be made effective as soon as possible in order to prevent the interstate spread of witchweed in the public interest. To the extent that it does not change present requirements, it does not affect the rights of any person.

Therefore, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice of rule making and other public procedure with respect to the regulation are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making the regulation effective less than 30 days after publication in the FEDERAL REGISTER.

This regulation shall become effective upon publication in the FEDERAL REGISTER, when it shall supersede the administrative instructions contained in 7 CFR 301.80–2a (P.P.C. 627, 9th revision) effective March 19, 1966.

Done at Hyattsville, Md., this 28th day of June 1967.

[SEAL] D. R. SHEPHERD,
Director,
Plant Pest Control Division.

[F.R. Doc. 67–7516; Filed, June 30, 1967; 8:48 a.m.]

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Witchweed

EXEMPTIONS

Under authority of § 301.80–2 of the Witchweed Quarantine regulations (7 CFR 301.80–2, as amended, 32 F.R. —), a supplemental regulation exempting certain articles from specified requirements of the regulations is hereby issued to appear in 7 CFR 301.80–2b as set forth below. The Director of the Plant Pest Control Division has found that facts exist as to the pest risk involved in the movement of such articles which make it safe to relieve the requirements as provided therein.

§ 301.80–2b Exempted articles.

(a) The following articles are exempt[1] from the certification and permit requirements of § 301.80–4 if they meet the applicable conditions prescribed in subparagraphs (1) through (7) of this paragraph and have not been exposed to infestation after cleaning or other handling as prescribed in said subparagraphs:

(1) Small grains, if such grains and any containers for the grains did not come in contact with the soil during harvesting; or, if they have been cleaned at a designated facility;[2]

(2) Soybeans, if such beans and any containers for the beans did not come in contact with the soil during harvesting, and if such beans are moving forthwith to a designated oil mill or facility[2] for crushing or cleaning; or, if they have been cleaned with an air-blast cleaner having a capacity of 2,500 cubic feet per minute;

(3) Pickling cucumbers, string beans and field peas, if washed free of soil with water under pressure of 60 pounds per square inch;

(4) Ear corn in the shuck, if harvested without coming in contact with the soil;

(5) Root crops, such as turnips, carrots and sweetpotatoes, if moving to a designated processing plant;[2]

(6) Used farm tools and implements, if cleaned free of soil;

(7) Used mechanized cultivating equipment, used harvesting machinery and used mechanized soil-moving equipment, if cleaned and repainted.

(b) The following articles are exempt from the certification and permit requirements of § 301.80–4 under the applicable conditions prescribed in subparagraphs (1) and (2) of this paragraph:

(1) Soil samples of any size if collected, and shipped to any U.S. Army Corps of Engineers soil laboratory located within the conterminous United States in accordance with a compliance agreement with the shipper pertaining to such consignments;

(2) Seed cotton, if moving to a designated gin.[2]

[1] The articles hereby exempted remain subject to applicable restrictions under other quarantines.

[2] Information as to designated facilities, gins, oil mills, and processing plants may be obtained from the inspector. Any facility, gin, oil mill, or processing plant in a quarantined State is eligible for designation under this subpart if the operator thereof enters a compliance agreement (as defined in § 301.80–1(b)), including agreement to apply any required treatments of regulated articles in accordance with the treatment manual (as defined in § 301.80–1(o)).

(Secs. 8, 9, 37 Stat. 318, as amended, sec. 106, 71 Stat. 33; 7 U.S.C. 161, 162, 150ee; 29 F.R. 16210, as amended, 30 F.R. 5799, as amended; 7 CFR 301.80–2)

This list of exempted articles supersedes the list of exempted articles in 7 CFR 301.80a (PPC 628, 1st Revision), which became effective March 15, 1966.

The principal purpose of this document is to add to the list of exempted articles certain vegetables when handled in a specified manner, and used mechanized cultivating equipment, harvesting machinery and soil-moving equipment if cleaned and repainted. The document also makes nonsubstantive changes in the listing of previously exempted articles. Flue-cured tobacco, shucked ear corn, and soil-free root crops formerly exempted, are not now regulated under the provisions of the recently revised witchweed quarantine.

This document relieves restrictions which are not deemed necessary to prevent the interstate spread of the witchweed, and should be made effective as soon as possible in order to be of maximum benefit to persons subject to such restrictions. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this document are impracticable and unnecessary, and it may be made effective less than 30 days after publication in the FEDERAL REGISTER.

This supplemental regulation shall become effective upon publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 28th day of June 1967.

[SEAL] D. R. SHEPHERD,
Acting Director,
Plant Pest Control Division.

[F.R. Doc. 67–7515; Filed, June 30, 1967; 8:48 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 718—DETERMINATION OF ACREAGE AND COMPLIANCE

Correction

In F.R. Doc. 67–7114, appearing at page 9069 of the issue for Tuesday, June 27, 1967, the following corrections are made:

1. In § 718.5(f)(2), "0.9 acre" should read "0.09 acre".

2. In § 718.27(b), in item (1)(iii) under California, the names "Sehachapi and Semblor" should read "Tehachapi and Temblor".

3. In § 718.27(b), in item (2)(ii) under Michigan, the name "Miasaukee" should read "Missaukee".

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Grapefruit Reg. 65]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all grapefruit, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on June 21, 1967, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

§ 905.493 Grapefruit Regulation 65.

(a) *Order.* (1) Grapefruit Regulation 64 (31 F.R. 15189, 32 F.R. 6930, 8234, 8705, 9081) is hereby terminated July 3, 1967.

(2) During the period July 3, 1967, through September 10, 1967, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any grapefruit, grown in the production area, which do not grade at least U.S. No. 2 Russet;

(ii) Any seeded grapefruit, grown in the production area, which are smaller than $3^{15}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the U.S. Standards for Florida Grapefruit;

(iii) Any seedless grapefruit, grown in the production area, which are smaller than $3^{1}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said U.S. Standards for Florida Grapefruit.

(3) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the U.S. Standards for Florida Grapefruit (7 CFR 51.750–51.783).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 30, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-7675; Filed, June 30, 1967; 11:30 a.m.]

[Valencia Orange Reg. 209]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.509 Valencia Orange Regulation 209.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 29, 1967.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period July 2, 1967, through July 8, 1967, are hereby fixed as follows:

(i) District 1: 180,000 cartons;

(ii) District 2: 420,000 cartons;

(iii) District 3: Unlimited Movement.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C 601–674)

Dated: June 30, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-7674; Filed, June 30, 1967; 11:30 a.m.]

[Lemon Reg. 274]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.574 Lemon Regulation 274.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 27, 1967.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period July 2, 1967, through July 8, 1967, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 348,750 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 29, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-7596; Filed, June 30, 1967; 8:50 a.m.]

[980.1; Amdt. 4]

PART 980—VEGETABLES: IMPORT REGULATIONS

Irish Potatoes

Pursuant to the requirements of section 608e–1 of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), § 980.1 *Import regulations; Irish potatoes* (7 CFR Part 980) is hereby amended in the following respects:

1. Subparagraph (1)(iii) of paragraph (a) is deleted and in lieu thereof a new subdivision (iii) is substituted as follows:

(iii) The marketing of Irish potatoes can be reasonably distinguished by the several seasonal categories, i.e., winter, early spring, late spring, early summer, late summer and fall. The bulk of the fall crop is harvested and placed in storage in the fall and marketed over a period of several months extending into the following summer. But potatoes harvested from the other seasonal crops are generally marketed as the potatoes are harvested. The marketing seasons for these crops overlap.

2. Subparagraphs (2) (i), (ii) and (iii) of paragraph (a) are deleted and in lieu thereof new subparagraphs (2) (i) and (ii) are substituted as follows:

(i) Imports of red skinned, round type potatoes during the months of September through the following June are in most direct competition with the marketing of the same type potatoes produced in Area No. 2, Colorado (San Luis Valley) covered by Order No. 948, as amended (Part 948 of this chapter); and during the months of July and August the marketing of the same type potatoes is in most direct competition with the same type as produced in the area covered by Order No. 946 (Part 946 of this chapter).

(ii) Imports of all other round type potatoes during the period June 15 through July 31 are in most direct competition with the marketing of the same type potatoes produced in the Southeastern States covered by Order No. 953 (Part 953 of this chapter); and during the period August 1 through June 14 of the following year they are in most direct competition with all other round type potatoes produced in Area No. 3, Colorado (Northern Colorado) covered by Marketing Order No. 948, as amended (Part 948 of this chapter).

3. Subparagraph (2) (iv) of paragraph (a) is renumbered as subparagraph (2) (iii) of paragraph (a).

4. Subparagraphs (1) and (2) of paragraph (b) are deleted and new subparagraphs (1), (2), and (3) in lieu thereof are substituted as follows:

(1) For the period September 1 through the following June of each marketing year, the grade, size, quality, and maturity requirements of Area No. 2, Colorado (San Luis Valley) covered by Marketing Order No. 948, as amended (Part 948 of this chapter) applicable to potatoes of the red skinned round type; and for the months of July and August each marketing year the grade, size, quality, and maturity requirements of Marketing Order No. 946 (Part 946 of this chapter) shall be the respective grade, size, quality, and maturity requirements for imported red skinned round type potatoes.

(2) During the period June 15 through July 31 of each marketing year, the grade, size, quality, and maturity requirements of Marketing Order No. 953 (Part 953 of this chapter) applicable to potatoes of the round type shall be the respective grade, size, quality, and maturity requirements for imports of other round type potatoes; and during the period August 1 through the following June 14 of each year the grade, size, quality, and maturity requirements of Area No. 3, Colorado (Northern Colorado) covered by Marketing Order No. 948, as amended (Part 948 of this chapter) shall be the respective grade, size, quality, and maturity requirements for imports of all other round type potatoes.

(3) Through the entire year the grade, size, quality, and maturity requirements of Marketing Order 945, as amended (Part 945 of this chapter) applicable to potatoes of all long types shall be the respective grade, size, quality, and maturity requirements for imported potatoes of all long types.

5. Subparagraph (3) of paragraph (b) is renumbered as subparagraph (4) of paragraph (b).

Findings. (a) It is hereby found and determined that during the period July 1 through August 31, 1967, round red skinned varieties of potatoes imported into the United States are in most direct competition with round red skinned varieties produced in the State of Washington production area and that import regulations during such period shall be based on regulations in effect for round red skinned varieties of potatoes regulated under Marketing Order No. 946 (7 CFR Part 946).

(b) It is further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice or engage in public rule making procedure, and that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553 (1966)) in that (1) the requirements of section 608e–1 of the act make this amendment mandatory; (2) compliance with this amendment on and after the effective date hereof will not

require any special preparation by importers which cannot be completed by the effective date hereof.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated June 27, 1967, to become effective July 1, 1967.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-7479; Filed, June 30, 1967; 8:45 a.m.]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 73]

PART 1073—MILK IN WICHITA, KANS., MARKETING AREA

Order Suspending Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Wichita, Kans., marketing area (7 CFR Part 1073), it is hereby found and determined that:

(a) The following provisions of the order no longer tend to effectuate the declared policy of the Act for the month of July 1967:

In § 1073.51(a) that portion of the first sentence reading as follows: "subject to a supply-demand adjustment computed pursuant to subparagraphs (1) through (3) of this paragraph"; and subparagraphs (1), (2), and (3) relating to the supply-demand adjustment to the Class I price.

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of the effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This suspension will eliminate certain erratic movements of the supply-demand adjustor for July 1967 and improve Class I price alignment in this market. A Class I sales account to an outside market is no longer available and approximately 1.6 million pounds of milk is now being pooled locally thereby causing abnormal fluctuation in the supply-demand adjustor in this order.

(4) This suspension action was requested by producers at a public hearing held June 15, 1967, at Wichita, Kans. At the hearing a witness testified that emergency action in the form of a suspension order is necessary to obtain orderly marketing conditions in the area pending the time when an amended order can be issued. There was no opposition to the request. It is expected that the time required for analysis of data in the record, preparation and issuance of recommended and final decisions and an amending order precludes the issuance of an amending order that could be effective for the month of July 1967.

Therefore, good cause exists for making this order effective July 1, 1967.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the period July 1, 1967, through July 31, 1967.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: July 1, 1967.

Signed at Washington, D.C., on June 28, 1967.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 67-7534; Filed, June 30, 1967; 8:49 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1474—FARM STORAGE FACILITIES

Subpart—Farm Storage and Drying Equipment Loan Program Regulations

The regulations contained in the subpart of Part 1474, Subchapter B, Chapter XIV, Title 7 of the Code of Federal Regulations, relating to the Farm Storage Facility Loan and Dryer Loan Programs, are revised into a single program, "Farm Storage and Drying Equipment Loan Program," to read as follows:

Sec.
1474.1 General statement.
1474.2 Administration.
1474.3 Availability of loans.
1474.4 Eligible borrowers.
1474.5 Loans to purchase eligible storage or drying equipment.
1474.6 Term of loan.
1474.7 Security for loan.
1474.8 Amount of loan and loan application approvals.
1474.9 Downpayment.
1474.10 Repayment of loan and acceleration of maturity date.
1474.11 Taxes.
1474.12 Maintenance.
1474.13 Disbursement of loan.
1474.14 Service fee.
1474.15 Sale of security.
1474.16 Death, incompetency, or disappearance.

AUTHORITY: The provisions of this subpart issued under sec. 4 (d) and (h), 62 Stat. 1070, as amended, 15 U.S.C. 714 (b), (d) and (h).

§ 1474.1 General statement.

This subpart sets forth the policies, procedures, and requirements governing loans by the Commodity Credit Corporation (hereinafter referred to as "CCC"), under the Farm Storage and Drying Equipment Loan Program, for the purchase and construction of either farm storage or drying equipment, or both. Interested persons should also consider related implementing procedures and forms adopted by each State ASC Committee to permit compliance with State law, in order to take full advantage of the program.

§ 1474.2 Administration.

(a) The Farmer Programs Division, Agricultural Stabilization and Conservation Service (hereinafter referred to as "ASCS"), will administer the provisions of this subpart under the general supervision and direction of the Deputy Administrator, State and County Operations, ASCS, as designee of the Executive Vice President, CCC. The program will be carried out through Agricultural Stabilization and Conservation State and county committees (hereinafter referred to as "State committee" and "county committee," respectively).

(b) Forms will be available in ASCS county offices.

(c) State and county committees and employees thereof do not have authority to modify or waive any of the provisions of this subpart or any amendment thereto, except that procedures and forms may be modified or additional requirements imposed by State committees to the extent necessary to conform to any requirements of State law.

(d) No delegation herein to a State or county committee shall preclude the Executive Vice President, CCC, or his designee, from determining any question arising under the program or from reversing or modifying any determination made by a State or county committee.

(e) Employees of the county committees shall execute instruments in accordance with delegations of authority published in 29 F.R. 2390.

§ 1474.3 Availability of loans.

(a) *Time.* Loan applications may be submitted pursuant to this subpart beginning with the date of publication hereof.

(b) *Applications for loan.* An application for a loan shall be submitted to the county office of the county in which are maintained the records of the farm or farms to which the application relates. Upon request, the applicant shall furnish such information and documents as the State or county committee deem necessary to support the application. This may include but is not limited to financial statements, receipted bills, invoices, purchase orders, specifications, drawings, or plats. The county office will be responsible for taking appropriate action on the application. Loan disbursements will be made by sight drafts drawn on CCC by the county office.

§ 1474.4 Eligible borrowers.

(a) *Definition.* An "eligible borrower" shall be any person who as landowner, landlord, tenant or sharecropper (1) produces one or more of the following commodities: Corn, oats, barley, grain sorghum, wheat, rye, soybeans, flaxseed, rice, dry edible beans, and peanuts (hereinafter called "price support commodities"), and (2) needs the proposed farm storage and drying equipment for the storage or conditioning of one or more of such price support commodities. The term "person" shall mean any individual or individuals competent to enter into a binding contract, partnership, firm, joint-stock company, corporation, association, trust, estate, or other legal entity, or a State, political subdivision of a State, or any agency thereof. If two or more eligible borrowers join together in the purchase and erection, installation, construction, or remodeling of eligible farm storage or drying equipment, each such borrower shall sign all documents and shall be liable jointly and severally with respect to the loan.

(b) *Need for storage or equipment.* At the time any loan application is being considered, the county committee shall determine if the proposed farm storage or drying equipment is needed for the storage or conditioning of price support commodities produced on the farm(s) to which the loan application relates. For the purpose of this determination with respect to farm storage, the storage space needed by the applicant shall be the amount by which the capacity of the applicant's existing farm storage which is suitable for the storage of price support commodities is less than the storage capacity necessary to store 2 years' production of all price support commodities produced on the farm(s) to which the loan application relates (computed on the basis of estimated yields), except that production shall not be included from any acreage devoted to commodities subject to voluntary adjustment programs if the applicant fails to indicate an intention to participate in such programs. A loan for obtaining farm storage of a greater capacity than the storage space needed by the applicant may be approved, but the amount of such loan shall not exceed the maximum authorized in § 1474.8(b).

§ 1474.5 Loans to purchase eligible storage or drying equipment.

(a) *General.* Loans will be made only for the purchase, construction, erection, remodeling, or installation of farm storage and drying equipment meeting the eligibility requirements in paragraph (b) of this section. The term "farm storage" means new or newly constructed conventional storage structures (cribs, bins, or buildings), oxygen-free storage structures (silos, bins, or buildings), or used storage structures (including the real estate upon which located, if any) to be purchased from CCC. The term "drying equipment" means new mechanical dryers, dryers with wagons or trailers as integral parts therof, air circulators, ventilators, tunnels, and power fans, or any combination thereof, or used drying equipment (including the real estate upon which located, if any) to be purchased from CCC. For purposes of remodeling, the terms "farm storage" and "drying equipment" shall also mean used farm storage and drying equipment owned by the applicant.

(b) *Eligibility requirements.* (1) If the farm storage or drying equipment is purchased from a vendor, when the loan is approved, such vendor must be approved under a Supplier's Agreement made on Form CCC-308.

(2) Farm storage must meet the requirements for approved farm storage under price support programs applicable to the price support commodities produced on the farm(s) to which the application for the loan relates.

(3) Farm storage or drying equipment shall not be delivered to the farm more than 30 days prior to the date of the application for the loan.

(4) Loans may be approved to cover the net cost of new materials and off-farm labor to be used in constructing new or remodeling existing storage or drying equipment.

(5) Loans may be approved for the purchase of used farm storage or drying equipment only from CCC.

(6) Farm storage shall not be of a type (such as bags, snow fences, etc.) which requires the weight of the commodity stored to maintain its shape.

(7) Farm storage must, in the opinion of the county committee, have a usable life of at least ten years.

(8) Farm storage or drying equipment may include (i) operating equipment, (ii) augers and other types of commodity handling equipment, and (iii) meters and other types of commodity testing equipment, when such operating, handling, or testing equipment is attached to or designed specifically for use in connection with the proposed farm storage or drying equipment.

(9) Farm storage or drying equipment must include such ladders and simple safety devices as the county committee may require.

(c) *Loan proceeds not available.* Loan proceeds shall not be available to provide storage or drying equipment for commercial use or the storing or drying of commodities which the borrower intends to purchase or to store or condition for others. Any farm storage or drying equipment which is located in working proximity to any commercial storing or drying operation shall be deemed to be a part of such operation. The foregoing does not preclude a borrower, who has qualified for a loan for drying equipment to dry his own commodities, from drying commodities for his neighbor.

§ 1474.6 Term of loan.

The maximum term of the loan shall be 5 years from the date of the note, except that the term of an individual loan may be extended and reextended for terms of not to exceed one year each if the approving State or county committee determines in writing that the borrower is unable to meet the current payment when due because of conditions beyond his control.

§ 1474.7 Security for loan.

(a) *Chattel mortgages.* All loans shall be secured, under applicable State law, by chattel mortgages or other security instruments covering the farm storage or drying equipment, which shall constitute the sole lien on such property, except for prior liens on realty which may attach if the collateral is or will become a fixture and which may be subordinated as hereinafter provided in this section. If any such prior lien on realty does attach, CCC may require that its security interest be protected as follows:

(1) If the lien is obtained by means of a security agreement and financing statement in States in which the Uniform Commercial Code is in effect, CCC may require that a disclaimer of or written consent to CCC's security interest in the farm storage or drying equipment as fixtures be obtained from each person having any interest in the real estate.

(2) If the lien is obtained by means of a chattel mortgage in States in which the Uniform Commercial Code is not in effect, CCC may require that a severance agreement or a consent and subordination agreement be obtained from the owner(s) of the land on which the property is to be placed, and from any other person having a lien on that land.

(3) Fees for filing or recording shall be paid by CCC.

(b) *First lien on real estate.* In addition, a first lien on real estate shall be required for any loan of $10,000 or more, and may be required for any other loan at the discretion of the approving State or county committee. Such first lien shall be in the form of a real estate mortgage, deed of trust, or other security instrument, approved by CCC on the borrower's farm or other real estate on which the farm storage or drying equipment is to be located, or on such acreage thereof as will, in the judgment of the county committee, make the site easily accessible for use of other farmers, and, in the event of foreclosure, will constitute a salable unit.

(1) Where the real estate is subject to any other lien, the priority of CCC's lien must be obtained through a consent and subordination agreement which shall be filed or recorded with the lien on the real estate.

(2) Fees for filing or recording shall be paid by CCC.

§ 1474.8 Amount of loan and loan application approvals.

(a) *Definitions.* (1) "Net cost" means the actual cost to the applicant, after deduction of any discount or rebate, and may include the purchase price, local sales taxes payable by purchasers, and costs for transportation, delivery, and erection or installation of the farm storage or drying equipment. "Net cost" shall not include the cost of used or secondhand material to be used in the proposed construction of otherwise new farm storage or the remodeling of existing storage structures, or costs for labor performed by the applicant or other labor usually employed on the farm.

(2) "Aggregate outstanding balance" means the outstanding balances of all loans for farm storage or drying equipment made to the same applicant(s) under this or prior programs.

(3) "Needed farm storage" means the applicant's need for farm storage determined in accordance with § 1474.4(b).

(b) *Amount of loan.* The amount of any loan shall not result in an aggregate outstanding balance in excess of $25,000

or exceed (1) 85 percent of the net cost of the applicant's needed farm storage and drying equipment, or (2) 50 cents per bushel times the applicant's needed farm storage for oxygen-free farm storage, or (3) the prorated cost for the applicant's needed farm storage when a farm storage structure has a larger bushel capacity than the applicant's needed farm storage.

(c) *Loan application approvals.* (1) The county committee may approve or disapprove loan applications for amounts less than $5,000 without concurrence of the State committee: *Provided*, That no application may be so approved by the county committee if the amount thereof would create for the applicant an aggregate outstanding balance of $10,000 or more.

(2) The State committee shall approve or disapprove all other loan applications.

(3) A loan application for $10,000 or more shall not be approved unless the applicant owns the real estate on which the farm storage or drying equipment is to be located and will provide security in accordance with § 1474.7(b).

(4) A loan application shall not be approved where the approving authority determines that approval would not be in the best interest of the program.

(d) *Expiration of approvals.* If there has been no disbursement four months after the date of the loan approval, the approval shall become null and void unless it is extended in writing by the approving State or county committee for a stated period not to exceed an additional four months.

§ 1474.9 Downpayment.

A minimum downpayment of the difference between the amount of the loan determined pursuant to § 1474.8(b) and the net cost of the farm storage or drying equipment shall be made by the loan applicant to the vendor or contractor before the loan is disbursed. The minimum downpayment shall be in cash except that a reasonable trade-in allowance for farm equipment or other tangible property may be considered as cash. If the reasonable trade-in allowance of such equipment or property is in excess of the required minimum downpayment, the amount of the loan shall be reduced by the amount of such excess. If the trade-in allowance is in excess of a reasonable market value, only the reasonable market value may be counted toward the minimum downpayment. Any additional amount required to equal the minimum downpayment shall be paid in cash by the applicant to the vendor or contractor before the loan is disbursed. A downpayment shall not include any discount, rebate, credit, deferred payment, postdated check, or promissory note to the vendor or contractor.

§ 1474.10 Repayment of loan and acceleration of maturity date.

The principal of the loan shall be repayable in equal annual installments with interest on the unpaid balance from date of disbursement or date of last repayment, at 34 cents for each whole unit of $100 or fraction thereof (stated to the nearest tenth) for each calendar month or fraction thereof exclusive of the calendar month of repayment. The first installment plus interest on the unpaid balance shall be payable during the 12-month period beginning on the first anniversary date of the note. A like installment shall be similarly payable during the 12 months following each anniversary date thereafter until the principal, together with the interest thereon, has been paid in full. Payment of each installment shall be by cash, check, money order, or by deduction from the amounts of any price support loans, incentive payments, reseal storage payments, or payments for purchases by CCC which may be due the borrower: *Provided, however*, That any such deduction shall not be made until after service charges and amounts due prior lienholders have been deducted. Payment shall be applied first to accrued interest and then to principal. Each installment must be paid not later than the end of the applicable 12-month pay period. Upon failure to pay any installment by the end of such period, the loan may be declared delinquent and, at the option of the approving State or county committee, the loan may be called and the entire unpaid amount of the loan shall become immediately due and payable. Any delinquent loan or any past due amount on any annual payment may be deducted and paid out of any amounts due the borrower under any program carried out by the Department of Agriculture or any other agency of the United States. Upon breach by the maker of the note of any convenants, agreements, terms or conditions on his part to be performed under §§ 1474.1 to 1474.16 or under the loan application, promissory note, chattel mortgage or other security instruments securing the note, or under any other instruments executed in connection with the loan, or if the farm storage or drying equipment is used in connection with any commercial operation including, but not limited to, elevators, warehouses, dryers, or processing plants, during the life of the loan, CCC may declare the entire indebtedness immediately due and payable. The loan may be paid in full or in part by the borrower at any time before maturity. Upon payment of a loan secured by a chattel mortgage or other security instrument, the county committee shall, upon request by the borrower, release, or obtain the release of, such instrument. The chairman of each county committee or the county office manager is authorized to act as agent of CCC in releasing or obtaining the release of such instruments.

§ 1474.11 Taxes.

The borrower must convenant to pay all real and personal property taxes which may affect CCC's security interest in all collateral securing the note evidencing the loan. If CCC deems it desirable for the purpose of protecting its interests, it may pay any unpaid taxes and add the amount of such payments to the borrower's indebtedness and may provide in the loan instruments for increasing the lien on the collateral by the amount of such payments.

§ 1474.12 Maintenance.

Until the loan has been repaid, the borrower shall be liable for all damages to or destruction of the farm storage or drying equipment and shall maintain it in condition and available for the storage or conditioning of one or more of the price support commodities named in § 1474.4(a).

§ 1474.13 Disbursement of loan.

Disbursement will be made when the farm storage or drying equipment has been delivered, erected, constructed, assembled, or installed, and (at the option of the county committee), has been inspected and approved by the county committee or a representative of the county committee. Disbursement of the loan proceeds will be made only if the borrower furnishes satisfactory evidence of and certification as to the (a) total cost of the farm storage or drying equipment and (b) payment of all debts on the facility in excess of the amount of the loan. Disbursement of the loan proceeds shall be made jointly to the borrower and to the contractor(s) or vendor(s), provided that disbursement of the loan may be made to the borrower alone upon evidence satisfactory to the county committee that amounts due the contractor(s) or vendor(s) have been paid by him.

§ 1474.14 Service fee.

A service fee of $5 shall be paid by the loan applicant at the time the loan is disbursed.

§ 1474.15 Sale of security.

The collateral securing a loan shall be sold by CCC when a loan has been called and not repaid or when the borrower requests the county committee to sell the collateral before repaying the loan.

§ 1474.16 Death, incompetency, or disappearance.

If a person who is entitled to the payment of any sum due in connection with a farm storage or drying equipment loan dies, disappears, or is declared incompetent, either before CCC has issued a draft in payment therefor or after CCC has issued a draft in payment but before the draft is negotiated, payment shall be made to his successors or representatives authorized to receive such payment in the order of precedence set forth in Part 707 of this title, upon their proper application therefor to the office of the county committee which made the loan, on Form ASCS–325 in accordance with that part.

The reporting and record-keeping requirements contained herein have been approved by, and subsequent reporting and record-keeping requirements will be subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date: Date of publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on June 26, 1967.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 67–7477; Filed, June 30, 1967; 8:45 a.m.]

Title 12—BANKS AND BANKING

Chapter I—Bureau of the Comptroller of the Currency, Department of the Treasury

PART 4—DESCRIPTION OF OFFICE, PROCEDURES, PUBLIC INFORMATION

Miscellaneous Amendments

Effective July 4, 1967, Part 4 of the regulations of the Office of the Comptroller of the Currency (Part 4, Chapter I, Title 12 of the Code of Federal Regulations of the United States of America) is amended as follows:

PARAGRAPH 1. The heading of Part 4 is amended to read as set forth above. The table of contents is amended to read as follows:

Sec.
4.1 Authority.
4.1a Central and field organization; delegations.
4.1b Regulations.
4.2 Organization of national bank.
4.3 Conversion of state bank into national bank.
4.4 Merger, consolidation, purchase, and assumption.
4.5 Establishment of branch banks and seasonal agencies.
4.6 Change of location of main or branch office.
4.7 Change of bank name.
4.8 Conversion of national bank into state bank.
4.9 Voluntary liquidation.
4.10 Receivership and conservatorship.
4.11 Supervision of bank operations.
4.12 Rules of general application.
4.13 Forms and instructions.
4.14 Publications available to public.
4.15 Orders, opinions, etc. available to public.
4.16 Other documents available to public; exceptions.
4.17 Obtaining access to public documents.
4.18 Other rules of disclosure.
4.19 Testimony and production of documents in court.

PAR. 2. Section 4.1 is amended to read as follows:

§ 4.1 Authority.

This part is issued under the authority of the national banking laws (12 U.S.C., 1 et seq.). Portions of this part are issued pursuant to the provisions of the Administrative Procedure Act (5 U.S.C. 552).

PAR. 3. After §4.1, insert the following new §§ 4.1a and 4.1b:

§ 4.1a Central and field organization; delegations.

(a) *Central office*—(1) *Comptroller.* The Comptroller of the Currency is the head of the Office of Comptroller of the Currency. He is appointed by the President, by and with the advice and consent of the Senate, for a term of 5 years. His office is in the Treasury Department, 15th Street and Pennsylvania Avenue NW., Washington, D.C. 20220. He is assisted by the following officials who are responsible to him.

(2) *First Deputy Comptroller.* The First Deputy Comptroller of the Currency performs such duties as the Comptroller prescribes, including general supervision of all matters pertaining to all National Bank Regions. He is aided by an Assistant Chief National Bank Examiner. During a vacancy in the Office of the Comptroller or during the absence or disability of the Comptroller, he possesses the powers and performs the duties of the Comptroller.

(3) *Administrative Assistant.* The Administrative Assistant to the Comptroller performs such duties as the Comptroller prescribes, including general supervision of all internal administrative matters.

(4) *Chief Counsel.* The Chief Counsel is in charge of the Law Department. He advises and assists the Comptroller with respect to all legal matters concerning the functions, activities, and operations of the Office of Comptroller and all national banks.

(5) *Deputies Comptroller.* Two Deputies Comptroller of the Currency perform such duties as the Comptroller prescribes, including general supervision of all matters pertaining to the National Bank Regions for which each is responsible. Each such Deputy is aided by an Assistant Chief National Bank Examiner.

(6) *Chief National Bank Examiner.* The Chief National Bank Examiner performs such duties as the Comptroller prescribes, including general supervision of all examining personnel and of all matters pertaining to the National Bank Regions for which he is responsible. He is aided by an Assistant Chief National Bank Examiner.

(7) *Deputy Comptroller (Economics).* The Deputy Comptroller for Economics performs such duties relating to matters of economic studies as the Comptroller prescribes, including supervision of the Department of Banking and Economic Research and the Division of Statistics and Data Processing.

(8) *Deputy Comptroller (Mergers and Branches).* The Deputy Comptroller for Mergers and Branches performs such duties relating to branches, mergers, and other matters pertaining to the structure of the national banking system as the Comptroller prescribes.

(9) *Deputy Comptroller (Trusts).* The Deputy Comptroller for Trusts performs such duties as the Comptroller prescribes, including supervision of the Trust Division and all trust examiners.

(10) *Deputy Comptroller (F.D.I.C. Affairs).* The Deputy Comptroller for F.D.I.C. Affairs performs such duties relating to the Federal Deposit Insurance Corporation as the Comptroller prescribes.

(11) *Special Assistant (Congressional Affairs).* The Special Assistant for Congressional Affairs performs such duties relating to Congressional liaison as the Comptroller prescribes.

(12) *Special Assistant (Public Affairs).* The Special Assistant for Public Affairs performs such duties relating to press and similar matters as the Comptroller prescribes.

(13) *Special Assistant.* The Special Assistant to the Comptroller performs such duties as the Comptroller prescribes.

(14) *Bank Organization Director.* The Director, Bank Organization Division, has supervision over the Bank Organization Division.

(15) *International Director.* The Director, International Division, has supervision over the International Division and all national bank examiners—international.

(16) *Law Department.* The Law Department handles all legal matters in the Office of Comptroller, including interpretation of national banking laws, related statutes and proposed legislation, implementation and development of regulations and rulings applicable to operations of national banks, corporate organization of national banks, branching, mergers, capital changes, and other matters of national bank corporate functions. Generally, it assists the Department of Justice in litigation involving the Comptroller's Office. It, however, represents the Comptroller in bank merger litigation. The Chief Counsel is aided by a Deputy Chief Counsel and five Associate Chief Counsels.

(17) *Research Department.* The Department of Banking and Economic Research studies various banking problems and reports its findings to the Comptroller. It publishes the National Banking Review and, from time to time, monographs and books dealing with banking and monetary subjects.

(18) *Organization Division.* The Bank Organization Division processes applications for national bank charters, branches, mergers, consolidations, purchases of assets and assumption of liabilities, resulting in national banks, and capital changes. The Director is aided by an Assistant Director, Bank Organization Division, who is responsible for merger, consolidation, and purchase and assumption matters. The Division also has a New Bank Section, a Branch Section, and a Capital Increase Section.

(19) *International Division.* The International Division is responsible for the examination of national bank branch offices located overseas.

(20) *Trust Division.* The Trust Division is responsible for supervision and examination of trust departments of national banks. It processes applications for fiduciary powers and monitors common trust funds of state and national banks. The Deputy Comptroller for Trusts is aided by a Chief Representative in Trusts.

(21) *Administrative Activities.* The administrative activities of the Office of Comptroller of the Currency are under the charge of the Administrative Assistant to the Comptroller. He is aided by a Deputy Administrative Assistant (Fiscal Management) and a Deputy Administrative Assistant (Personnel).

(b) *Field offices.* (1) Fourteen National Bank Regions cover the United States and the Virgin Islands. The office address of and the geographic area covered by each is as follows:

Region No.	Area within region	Office address
1	Maine, New Hampshire, Vermont, Massachusetts, Rhode Island.	J. F. Kennedy, Federal Building, Room 1600, Boston, Mass. 02203.
2	New York, New Jersey.	33 Liberty St., Room 820, New York, N.Y. 10006.
3	Pennsylvania, Delaware.	925 Chestnut St., Philadelphia, Pa. 19107.
4	Indiana, Ohio, Kentucky.	1455 East Sixth St., Room 715, Cleveland, Ohio 44101.
5	West Virginia, Maryland, Virginia, North Carolina, District of Columbia.	Federal Office Building, 400 North Eighth St., Room 2015, Richmond, Va. 23240.
6	South Carolina, Georgia, Florida.	1315 Fulton National Bank Building, Atlanta, Ga. 30303.
7	Illinois, Michigan.	164 West Jackson Blvd., Room 715, Chicago, Ill. 60604.
8	Arkansas, Tennessee, Louisiana, Mississippi, Alabama.	167 North Main St., Memphis, Tenn. 38103.
9	North Dakota, South Dakota, Minnesota, Wisconsin.	20 South Washington Ave., Room 525, Minneapolis, Minn. 55401.
10	Nebraska, Kansas, Iowa, Missouri.	911 Main St., Suite 2016, Kansas City, Mo. 64105.
11	Oklahoma, Texas.	625 South Akard St., Room 440, Station K, Dallas, Tex. 75222.
12	Wyoming, Colorado, Utah, New Mexico, Arizona.	1375 Sherman St., Room 524, Denver, Colo. 80203.
13	Washington, Oregon, Idaho, Montana, Alaska.	615 Southwest Alder St., Room 501, Portland, Oreg. 97205.
14	California, Nevada, Hawaii.	256 Montgomery St., Room 401, San Francisco, Calif. 94104.

(2) A Regional Administrator of National Banks is in charge of each National Bank Region. He has general supervision over all matters pertaining to his region. He is assisted by one or more Deputy Regional Administrators, a Regional Economist, and, in some cases, a Regional Counsel.

(c) *Delegations.* The Comptroller of the Currency has delegated to each Regional Administrator final authority to approve (but not to disapprove)—

(1) Capital increases through stock dividends or sales of additional common stock,

(2) Cash dividends, and

(3) Increases in investments in bank buildings and other fixed assets.

§ 4.1b Regulations.

(a) *Public notice.* The Comptroller of the Currency publishes in the FEDERAL REGISTER, except as provided in paragraph (f) of this section, notices of proposed regulations. A notice states the terms or substance of a proposed regulation or a description of the subject or issue involved. It also refers to the authority under which the regulation is proposed and states the time, place, and nature of the public proceeding applicable thereto.

(b) *Public participation.* Interested persons are afforded an opportunity to participate in the making of a proposed regulation, except as provided in paragraph (f) of this section or otherwise excepted by law. Such participation consists of submission of written data, views, or arguments and, if the Comptroller specifically provides, an opportunity for oral presentation.

(c) *Petition.* An interested person may seek issuance, amendment, or repeal of a regulation of the Comptroller. He should submit a written request which sets forth a complete and concise statement of his interest in the subject matter and the reason his request should be granted.

(d) *Formulation.* After consideration of all relevant matters, the Comptroller takes such action with respect to the proposed regulation as he deems appropriate. If a regulation is adopted, a concise general statement of its basis and purpose is set forth.

(e) *Effective date.* A regulation issued by the Comptroller is published not less than 30 days prior to the effective date thereof.

(f) *Exceptions.* If the Comptroller finds that notice of and public participation in a proposed regulation is impractical, unnecessary, or contrary to the public interest, or there is good cause why the effective date thereof should not be deferred for 30 days or any shorter period, the provisions of this section shall be inapplicable and any such regulation, when adopted, will incorporate such findings therein.

PAR. 4. Subparagraph (5) of § 4.11(b) is amended to read as follows:

§ 4.11 Supervision of bank operations.

* * * * *

(b) *Reports of banks.* * * *

(5) *Reports of international operations.* The International Operations Regulation (Part 20 of this chapter) requires that a national bank notify the Comptroller before (i) the establishment of a foreign branch or other controlled international banking office and before (ii) the acquisition of a direct or indirect controlling interest in a foreign bank or in certain other corporations. The regulation requires that a national bank report to the Comptroller within 30 days after (iii) the relocation of such branch or office and after (iv) the acquisition of an interest in a foreign bank or other corporation which does not result in control.

* * * * *

PAR. 5. Section 4.13 is amended to read as follows:

§ 4.13 Forms and instructions.

(a) *Numbered forms.* The following numbered forms of the Comptroller of the Currency are currently in use:

(1) Form 6–C: Certificate of Payment; Additional Capital Stock.
(2) Form 6–CA: Certificate of Payment; Additional Capital Stock (Assets).
(3) Form 6–D: Certificate of Payment; Capital Debentures.
(4) Form 6–P: Certificate of Payment; Preferred Stock.
(5) Form 7–SD: Certificate; Declaration Stock Dividend.
(6) Form 103: Trust Department Annual Report.
(7) Form 1900: Joint Oaths of Directors.
(8) Form 1901: Oath of Director.
(9) Form 1902: Officers' Official Signatures.
(10) Form 1903: Organization Certificate.
(11) Form 1904: Articles of Association.
(12) Form 1904–A: Amended Articles of Association.
(13) Form 1904–B: Application for Capital Increase; Sale Additional Common Stock.
(14) Form 1904–C: Application for Capital Increase; Stock Dividend.
(15) Form 1904–E: Notice of Shareholders' Meeting.
(16) Form 1915: Authority for State Bank Conversion.
(17) Form 1918: Certificate of Payment; Capital Stock.
(18) Form 1919: Certificate of Capital Structure; State Bank Converting to National Bank.
(19) Form 1926: Application To Establish Branch.
(20) Form 1931: Application To Merge, Consolidate, Purchase.
(21) Form 1931–A: Information and Instructions; Application to Merge, Consolidate, Purchase.
(22) Form 1945: Articles of Association; Conversion.
(23) Form 1947: Organization Certificate; Conversion.
(24) Form 1951: Affadavit of Charter Publication.
(25) Form 1955: Application to Organize National Bank.
(26) Form 1955–1: Supplement; Application to Organize National Bank.
(27) Form 1955–2: Appointment of Agent; Application to Organize National Bank.
(28) Form 1957: Financial Report.
(29) Form 1957–1: Biographical Report.
(30) Form 1963: List of Directors.
(31) Form 1988: Application to Convert; State Bank into National Bank.
(32) Form 2006: Advice of Commencement of Business.
(33) Form 2064: Bylaws.
(34) Form 2129: Report of Income and Dividends.
(35) Form OR–1: Initial Statement; Beneficial Ownership of Securities.
(36) Form OR–2: Statement of Changes; Beneficial Ownership of Securities.
(37) Form TA–1: Application To Exercise Fiduciary Powers.
(38) Form TA–1C: Application To Exercise Fiduciary Powers; Converting Bank.

(b) *Unnumbered forms.* The following unnumbered forms of the Comptroller of the Currency are currently in use:

(1) Proxy for Shareholders' Meeting.
(2) Secretary's Certificate; Shareholders' Meeting.
(3) Instructions; Application to Organize National Bank.
(4) Secretary's Certificate; Stock Dividend and Change in Par Value.
(5) Secretary's Certificate; Stock Dividend.
(6) Certificate of Completed Changes Outstanding Capital Stock.
(7) Secretary's Certificate; Increase in Capital by Change in Par Value.
(8) Secretary's Certificate; Sale of Stock.
(9) Agreement to Purchase and Assume.
(10) Agreement of Consolidation.
(11) Application for Change in Location; Head Office or Branch Office.
(12) Summary of Information; Application to Establish Branch.
(13) Instructions; Incorporation of National Banks.
(14) Shareholders' Meeting Instructions.
(15) Summary of Information; Application to Organize National Bank.
(16) Application for Change in Title.
(17) Agreement to Merge.
(18) Instructions; Applicaton to Exercise Fiduciary Powers.
(19) Instructions; Annual Financial Report of Collective Investment Funds.
(20) Common Trust Fund Survey.
(21) Report of Condition.

(c) *Public access.* The forms and instructions referred to in this section are available to the public upon request. A charge may be assessed with respect to certain forms or instructions or for any form and instruction requested in large quantities.

§ 4.14 [Redesignated]

PAR. 6. Section 4.14 is renumbered as § 4.19.

PAR. 7. After § 4.13, insert the following new §§ 4.14, 4.15, 4.16, 4.17, and 4.18:

§ 4.14 Publications available to public.

(a) *Federal Register.* In addition to the publication of this part, the Comptroller of the Currency publishes in the FEDERAL REGISTER, for the guidance of the public:

(1) Substantive rules and interpretations of general applicability and statements of general policy;

(2) Notices of public hearings in connection with some applications, including certain applications to merge, consolidate, or purchase.

(b) *Other publications.* The following publications of the Comptroller are available to the public, if in stock:

(1) "The Comptroller's Manual for National Banks."

(2) "The Comptroller's Manual for Representatives in Trusts."

(3) "The Comptroller's Policy Guidelines for National Bank Directors."

(4) "Instructions, Procedures, and Forms for National Bank Examiners."

(5) "Duties and Liabilities of Directors of National Banks."

(6) "World of Banking"—the challenges of a career as a national bank examiner.

(7) "The National Bank Examiner"—a monthly intraoffice newsletter.

(8) "Shareholders' Meeting Instructions."

(9) "Directory, Office of Comptroller of the Currency."

(10) "Summary of Actions"—a monthly summary of actions taken upon all applications for new national bank charters, branches, mergers, consolidations, purchase of assets, assumption of liabilities, change of name or location of head office or branch, and conversion from State to national bank.

(11) "Annual Report of the Comptroller of the Currency."

(12) "Years of Reform: A Prelude to Progress"—a reprint from the 1963 Annual Report.

(13) "The Banking Structure in Evolution: A Response to Public Demand"—a reprint from the 1964 Annual Report.

(14) "Banking Competition and the Banking Structure"—reprints of articles from the National Banking Review.

(15) "National Banks and the Future"—report of the first Advisory Committe on Banking to the Comptroller of the Currency, September 1962.

(16) "Banking and Monetary Studies: In Commemoration of the Centennial of the National Banking System (1963)."

(17) "The National Banking Review." The publications referred to in this paragraph are available for inspection at the office of each National Bank Region and at—

The Treasury Library, Room 5026, Main Treasury Building, Washington, D.C. 20220.

To purchase or otherwise obtain a copy of publication referred to in subparagraphs (1), (2), (3), (4), (5), (6), (7), (8), (9), and (10) of this section, write to—

The Comptroller of the Currency, Room 4116, Main Treasury Building, Washington, D.C. 20220.

To purchase or otherwise obtain a copy of a publication referred to in subparagraphs (11), (12), (13), (14), (15), and (16) of this section, write to—

The Comptroller of the Currency, Room 3124, Main Treasury Building, Washington, D.C. 20220.

To purchase or otherwise obtain a copy of the publication referred to in subparagraph (17) of this section, write to the—

Editor, National Banking Review, Room 4116, Main Treasury Building, Washington, D.C. 20220.

§ 4.15 Orders, opinions, etc. available to public.

(a) The Comptroller of the Currency makes the following documents available to the public for inspection and copying:

(1) Final orders made in the adjudication of cases.

(2) Final opinions when made in the adjudication of cases.

(3) Statements of general policy and interpretations of general application not published in the FEDERAL REGISTER.

(4) Administrative staff manuals and instructions affecting any member of the public.

(5) The publications referred to in § 4.14(b).

(6) Annual reports to stockholders filed under part 10 of the Regulations of the Comptroller of the Currency (part 10 of this chapter) which serve as registrations under section 12(g) of the Securities Exchange Act of 1934, as amended.

(7) Proxy solicitation materials filed under part 11 of the Regulations of the Comptroller of the Currency (part 11 of this chapter) pursuant to sections 12(i), 14(a), and 14(c) of the Securities Exchange Act of 1934, as amended.

(8) Ownership reports filed under part 12 of the Regulations of the Comptroller of the Currency (part 12 of this chapter) pursuant to section 16 of the Securities Exchange Act of 1934, as amended.

(9) Registration statements and offering circulars filed under part 16 of the Regulations of the Comptroller of the Currency (part 16 of this chapter) pursuant to section 12 of the Securities Exchange Act of 1934, as amended.

(b) The Comptroller maintains and makes available to the public for inspection and copying a current index identifying the documents referred to in paragraph (a) of this section (other than subparagraphs (5), (6), (7), (8), and (9) thereof), issued, adopted, or promulgated after July 4, 1967. Such index is located in the—

Treasury Library, Room 5026, Main Treasury Building, Washington, D.C. 20220.

(c) To the extent necessary to prevent an invasion of personal privacy, the Comptroller may delete identifying details from a document described in paragraph (a) of this section. In each case of such deletion, the justification therefor will be clearly explained in writing.

§ 4.16 Other documents available to public; exceptions.

(a) In addition to the documents referred to in § 4.15, all other documents of the Comptroller of the Currency are available to any person for inspection and copying, except as provided in paragraph (b) of this section.

(b) Except as specifically authorized by the Comptroller, the following documents, or portions thereof, are not available to the public:

(1) A document, or portion thereof, which is exempted from disclosure by statute or Executive order.

(2) A document, or portion thereof, containing or related to an examination operating, or condition report prepared by, on behalf of, or for the use of, the Comptroller, relating to the affairs of any bank or affiliate thereof, bank holding company or subsidiary thereof, broker, finance company, or any other person engaged, or proposing to engage, in the business of banking, extending credit, or managing or controlling banks.

(3) A document, or portion thereof, which is privileged or relates to the business, personal, or financial affairs of any person and is furnished in confidence.

(4) An investigatory file compiled for law enforcement purposes, including an investigatory file relating to a proceeding for the issuance of a cease-and-desist order or order of suspension or removal, under the Financial Institutions Supervisory Act of 1966, and the granting, withholding, or revocation of any approval, permission, or authority.

(5) A document, or portion thereof, relating solely to internal personnel rules and practices or other internal practices of the agency.

(6) A personnel, medical, or similar file (including a financial file), the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(7) An interoffice or interagency memorandum or letter that would not be routinely available by law to a private party in litigation, including, but not limited to, memoranda, reports, and other documents prepared by the Comptroller's staff, and records of deliberations and discussions at meetings of the Comptroller or of his staff.

§ 4.17 Obtaining access to public documents.

(a) *Central office.* A document of the Comptroller of the Currency, or a portion thereof, available under §§ 4.15 and 4.16 for public inspection and copying, may be inspected and copied during reg-

ular business hours on regular business days at the Washington office of the Comptroller. A person requesting access to such a document, or portion thereof, shall submit such request in writing to the Special Assistant for Public Affairs, Room 2206, Main Treasury Building, Washington, D.C. 20220. The request shall state the full name and address of the person requesting access to a document and a description of the document sought that is sufficient to permit its identification without undue difficulty.

(b) *Field office.* If a document of the Comptroller, or a portion thereof, available under §§ 4.15 and 4.16 for public inspection and copying, is located at the office of a Regional Administrator of National Banks, the person requesting access to the same may, if he requests permission, have access at such location. Such request shall be submitted in writing to the Special Assistant for Public Affairs, Room 2206 Main Treasury Building, Washington, D.C. 20220. If the Comptroller grants such request, the Regional Administrator will be instructed to permit access at his office.

(c) *Appeal.* Any person who is denied access to a document of the Comptroller of the Currency by any official or employee of the Comptroller's office may file with the First Deputy Comptroller a written request for a review of such denial.

(d) *Costs.* A person requesting access to a document of the Comptroller shall pay a fee of $5 per hour for the cost of locating and preparing the document for inspection and copying. An additional fee of 10 cents per page will be charged for providing a copy of the document.

§ 4.18 Other rules of disclosure.

(a) *Employees of the Comptroller.* Except as provided in this part or as otherwise authorized by the Comptroller of the Currency, no employee of the Comptroller shall in any manner disclose or permit disclosure of any confidential information to anyone other than an employee of the Comptroller properly entitled to such information for the performance of his official duties.

(b) *Government agencies.* When authorized by law, the Comptroller of the Currency may make available to the Board of Governors of the Federal Reserve System, to the Federal Deposit Insurance Corporation, and, in his sole discretion, to certain other Government agencies of the United States, copies of reports of examination and other documents, papers or information for their use, when necessary, in the performance of their official duties. All reports, documents and papers made available pursuant to this subdivision are the property of the Comptroller. No person, agency, or authority, or any director, officer, or employee thereof, shall disclose any such reports, documents, papers or information contained therein in any manner except as authorized by the Comptroller.

(c) *Financial institutions.* The Comptroller of the Currency makes available to each national bank and, in some cases, to holding companies thereof, a copy of the report of examination of such bank or company. The report of examination is the property of the Comptroller and is loaned to the bank or holding company for its confidential use only. Under no circumstances shall the bank or holding company or any director, officer or employee thereof make public or disclose to any other banker or person in any manner the report of examination or any portion of the contents thereof.

Dated: June 28, 1967.

[SEAL] WILLIAM B. CAMP,
Comptroller of the Currency.

[F.R. Doc. 67-7529; Filed, June 30, 1967; 8:49 a.m.]

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

PART 261—RULES REGARDING AVAILABILITY OF INFORMATION

1. Effective July 4, 1967, Part 261 is revised to read as follows:

Sec.
261.1 Basis and scope.
261.2 Definitions.
261.3 Published information.
261.4 Records available to the public upon request.
261.5 Deferment of availability of certain information.
261.6 Exemptions from disclosure.
261.7 Subpoenas.

AUTHORITY: The provisions of this Part 261 issued under sec. 552, Title 5, United States Code.

§ 261.1 Basis and scope.

This part is issued by the Board of Governors of the Federal Reserve System (the "Board") pursuant to the requirement of section 552 of Title 5 of the United States Code that every Federal agency shall publish in the FEDERAL REGISTER, for the guidance of the public, descriptions of the established places at which, the officers from whom, and the methods whereby, the public may obtain information, make submittals or requests, or obtain decisions.

§ 261.2 Definitions.

(a) *Information of the Board.* For purposes of this part, the term "information of the Board" means all information coming into the possession of the Board or of any member therof, or of any Federal Reserve Bank, or of any officer, employee, or agent of the Board or of any Federal Reserve Bank, in the performance of functions for or on behalf of the Board, including functions delegated by the Board pursuant to Part 265 of this chapter.

(b) *Records of the Board.* For purposes of this part, the term "records of the Board" means rules, statements, opinions, orders, memoranda, letters, reports, accounts, and other papers containing information of the Board that constitute part of the Board's official files.

§ 261.3 Published information.

(a) *Federal Register.* To the extent required by sections 552 and 553 of Title 5 of the United States Code, and subject to the provisions of §§ 261.5 and 261.6, the Board publishes in the FEDERAL REGISTER for the guidance of the public, in addition to this part,

(1) Descriptions of its central and field organization;

(2) Statements of the general course and method by which its functions are channeled and determined, including the nature and requirements of all formal and informal procedures available;

(3) Rules of procedure, descriptions of forms available or the places at which forms may be obtained, and instructions as to the scope and contents of all papers, reports, or examinations;

(4) Substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretations of general applicability formulated and adopted by the Board;

(5) Every amendment, revision, or repeal of the foregoing; and

(6) General notices of proposed rule making.

The Board also publishes in the FEDERAL REGISTER notice of receipt of applications pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1842), orders and supporting statements issued by the Board with respect to such applications and applications under the Bank Merger Act (12 U.S.C. 1828(c)), and notices of formal hearings ordered by the Board.

(b) *Annual Report.* The Board's Annual Report to Congress pursuant to section 10 of the Federal Reserve Act (12 U.S.C. 247), which is made public immediately after its submission to Congress, contains a full account of the Board's operations during the year, an economic review of the year, and legislative recommendations to Congress. As required by law, the Annual Report includes (1) a complete record of the policy actions taken by the Board and the Federal Open Market Committee, showing the votes taken thereon and the reasons underlying such actions (12 U.S.C. 247a); (2) material pertaining to the administration of the Board's functions under the Bank Holding Company Act of 1956 (12 U.S.C. 1844); and (3) material pertaining to bank mergers approved by the Board under section 18(c) of the Federal Deposit Insurance Act (12 U.S.C. 1828 (c)).

(c) *Federal Reserve Bulletin.* In the Federal Reserve Bulletin, which is issued monthly, the Board publishes economic and statistical information; special articles on subjects of economic interest; regulations, statements of general policy, and interpretations of laws and regulations of general interest to the public; notices of actions by the Board on certain types of applications, such as applications for membership in the Federal Reserve System; and orders and accompanying statements of the Board with respect to certain types of adjudications. Some material that is published in the Bulletin is released in advance of such publication, examples being certain regulations, interpretations, orders and opinions, a monthly summary of business conditions, the Board's index of industrial production, and certain other statistical series.

(d) *Other published information.* As required by section 11(a) of the Federal Reserve Act (12 U.S.C. 248(a)), the Board issues weekly (1) a statement of the condition of the Federal Reserve Banks; (2) a statement listing certain applications received by or on behalf of the Board and actions on such applications by the Board, or on behalf of the Board pursuant to authority delegated under Part 264 of this chapter; and (3) a statement showing changes in the banking structure resulting from mergers and the establishment of branches. From time to time, the Board issues statements to the press regarding particular monetary and credit actions, regulatory actions, actions with respect to certain types of applications, and other matters. In addition, it issues various publications, the more important of which are listed in the monthly Federal Reserve Bulletin. Among such publications is a loose-leaf compilation of "Interpretations of the Board of Governors of the Federal Reserve System."

(e) *Obtaining published information.* Anyone may subscribe to the Federal Reserve Bulletin at the rate therein indicated. A copy of each issue of the Bulletin is sent without charge to each member bank. Current or back issues of the Bulletin, Annual Reports, rules, regulations, and certain other published information may be examined at the offices of the Board or any Federal Reserve Bank, and copies, if in stock, are supplied by the Board at prescribed charges or at no cost.

§ 261.4 Records available to the public upon request.

(a) *General rule.* All records of the Board, whether or not published under § 261.3, are made available to any person, upon request, for inspection and copying in accordance with the provisions of this section and subject to the limitations stated in §§ 261.5 and 261.6. Records falling within the exemptions from disclosure set forth in section 552(b) of Title 5 of the United States Code and in § 261.6 may nevertheless be made available in accordance with this section to the fullest extent consistent, in the Board's judgment, with the effective performance of the Board's statutory responsibilities and with the avoidance of injury to a public or private interest intended to be protected by such exemptions.

(b) *Opinions, orders, statements of policy, interpretations, and staff manuals and instructions.* Subject to the provisions of §§ 261.5 and 261.6, the Board makes available for inspection and copying (1) all final opinions (including concurring and dissenting opinions) and orders made in the adjudication of cases, including such opinions and orders made pursuant to authority delegated by the Board under Part 264 of this chapter; (2) statements of policy and interpretations adopted by the Board that are not published in the FEDERAL REGISTER; and (3) administrative staff manuals and instructions to staff that affect any member of the public. However, to the extent required to prevent a clearly unwarranted invasion of personal privacy, the Board deletes identifying details in any material of the kinds above described; and in each such case the justification for such deletion is explained in writing. The Board maintains and makes available for public inspection and copying a current index providing identifying information for the public as to any material described in this paragraph which is issued, adopted, or promulgated after July 4, 1967.

(c) *Other records.* Subject to the provisions of §§ 261.5 and 261.6, records of the Board not covered by paragraph (b) of this section, including a record of the final votes of members of the Board in any Board proceeding, are made available for inspection and copying to any person upon request.

(d) *Obtaining access to records.* Records of the Board subject to this section are available for inspection and copying during regular business hours at the offices of the Board of Governors of the Federal Reserve System, Federal Reserve Building, 20th and Constitution Avenue, Washington, D.C. 20551, or, in the case of records containing information required to be disclosed under section 12 of the Securities Exchange Act of 1934, as amended (15 U.S.C. 78), at the offices of the Federal Deposit Insurance Corporation or at any Federal Reserve Bank. Every request for access to records of the Board, other than those containing information required under section 12 of the Securities Exchange Act, shall be submitted in writing to the Secretary of the Board, shall state the name and address of the person requesting access to such records, and shall describe such records in a manner reasonably sufficient to permit their identification without undue difficulty; and such person shall pay a fee in an amount based upon $5 per hour for the time required to locate such records and prepare them for inspection, plus 10 cents per standard page for any copying thereof.

§ 261.5 Deferment of availability of certain information.

(a) *Deferment of availability.* In some instances, certain types of information of the Board are not published in the FEDERAL REGISTER or made available for inspection and copying until after such period of time as the Board may determine to be reasonably necessary to avoid the effects described in paragraph (b) of this section. For example, such deferment of publication or availability of information to the public may occasionally be necessary with respect to information relating to the determination of monetary or credit policies, including but not limited to discount rates, reserve requirements of member banks, maximum interest rates payable by member banks on deposits, and margin requirements.

(b) *Reasons for deferment of availability.* Publication of, or public access to, certain information of the Board may be deferred because earlier disclosure of such information would

(1) Interfere with the accomplishment of the objectives of the Board's actions in the discharge of its statutory functions;

(2) Permit speculators and others to gain unfair profits or other unfair advantages by speculative trading in securities or otherwise;

(3) Interfere with the orderly execution of the objectives or policies of other Government agencies;

(4) Result in unnecessary or unwarranted disturbances in the securities markets; or

(5) Interfere with the orderly conduct of the foreign affairs of the United States.

§ 261.6 Exemptions from disclosure.

(a) *General rule.* Except as otherwise provided in this part or as may be specifically authorized by the Board, information in the records of the Board that is not available to the public through other sources will not be published in the FEDERAL REGISTER or made available for inspection and copying if such information

(1) Is exempted from disclosure by statute or Executive order;

(2) Is contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of, the Board or a Federal Reserve Bank, relating to the affairs of any bank or affiliate thereof, bank holding company or subsidiary thereof, broker, finance company, or any other person engaged, or proposing to engage, in the business of banking, extending credit, or managing or controlling banks;

(3) Is privileged or relates to the business, personal, or financial affairs of any person and is furnished in confidence: *Provided, however,* That, following notice to the person furnishing such information, the Board may make any information furnished in confidence in connection with an application for Board approval of any transaction available to the public in accordance with § 261.4(c), and, to the extent it deems necessary and without prior notice to such person, the Board may comment on such information in any opinion or statement issued to the public in connection with a decision of the Board with respect to which such information is relevant;

(4) Is contained in investigatory files compiled for law enforcement purposes (except to the extent available by law to a private party), including information relating to proceedings for (i) the issuance of a cease-and-desist order, or order of suspension or removal, under the Financial Institutions Supervisory Act of 1966; (ii) the termination of membership of a State bank in the Federal Reserve System pursuant to section 9 of the Federal Reserve Act (12 U.S.C. 327); (iii) the suspension of a bank from use of the credit facilities of the Federal Reserve System pursuant to section 4 of the Federal Reserve Act (12 U.S.C. 301); and (iv) the granting or revocation of any approval, permission, or authority, except to the extent provided in this Part and except as provided in Part 262 of this chapter concerning

bank holding company and bank merger applications.

(5) Relates solely to the internal personnel rules and practices or other internal practices of the Board;

(6) Is contained in personnel, medical, and similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; or

(7) Is contained in interagency or intraagency memoranda or letters that would not be routinely available by law to a private party in litigation with the Board, including but not limited to memoranda, reports, and other documents prepared by the staffs of the Board or of the Federal Reserve Banks, and records of deliberations and discussions at meetings of the Board or of any committee of the Board or of the Board's staff.

(b) *Information available to supervised institutions and other Government agencies.* A copy of each report of examination of each State member bank and of each bank holding company is made available by the appropriate Federal Reserve Bank to the bank or company examined. Such reports and other appropriate information relating to such a bank or company are made available, upon request, by the Director of the Board's Division of Examinations to the Comptroller of the Currency and the Federal Deposit Insurance Corporation, and by the appropriate Federal Reserve Bank to the Regional Comptroller of the Currency, the regional representative of the Federal Deposit Insurance Corporation, and the State governmental authority having general supervision of such bank or company. Such reports and other information may be made available by the Board to other agencies of the United States for use where necessary in the performance of their official duties. All reports or other information made available pursuant to this paragraph shall remain the property of the Board and, except as otherwise provided in this part, no person, agency, or authority to whom the information is made available, or any officer, director, or employee thereof, shall disclose any such information except in published statistical material that does not disclose the affairs of any individual or corporation.

(c) *Prohibition against disclosure.* Except as provided in this part, no officer, employee, or agent of the Board or of any Federal Reserve Bank shall disclose or permit the disclosure of any unpublished information of the Board to anyone (other than an officer, employee, or agent of the Board or of a Federal Reserve Bank properly entitled to such information for the performance of his official duties), whether by giving out or furnishing such information or a copy thereof or by allowing any person to inspect or copy such information or copy thereof, or otherwise. Notwithstanding the foregoing, unpublished economic, statistical, or similar information or unpublished information regarding interpretations by the Board of statutory or regulatory provisions may be disclosed, orally or in writing, by any officer, employee, or agent of the Board or of any Federal Reserve Bank who has knowledge of the subject matter to any person who, in the judgment of such officer, employee, or agent, has a proper interest therein, subject, however, to the restrictions stated in § 261.5 and this § 261.6.

(d) *Appeal from denial of access to information.* Any person who is denied access to records of the Board may, within 5 days thereafter, file with the Board a written request for review of such action; and such review shall not be subject to the procedure prescribed in § 265.3 of this chapter with respect to review of actions taken pursuant to authority delegated by the Board.

§ 261.7 Subpoenas.

(a) *Advice by person served.* If any person, whether or not an officer, employee, or agent of the Board or of a Federal Reserve Bank, has information of the Board that may not be disclosed under this part and in connection therewith is served with a subpoena, order, or other process requiring his personal attendance as a witness or the production of documents or information in any proceeding, he should promptly inform the Secretary of the Board of such service and of all relevant facts, including the documents and information requested and any facts which may be of assistance to the Board in determining whether such documents or information should be made available; and he should take action at the appropriate time to inform the court or tribunal that issued the process and the attorney for the party at whose instance the process was issued, if known, of the substance of these rules.

(b) *Appearance by person served.* Unless the Board has authorized disclosure of the relevant information, or except as provided in 18 U.S.C. 1906, any person having information of the Board that may not be disclosed under this part who is required to respond to a subpoena or other legal process shall attend at the time and place therein mentioned and decline to disclose such information or give any testimony with respect thereto, basing his refusal upon this part. If the court or other body orders the disclosure of such information or the giving of such testimony, the person having such information of the Board shall continue to decline to disclose such information and shall promptly report the facts to the Board for such action as the Board may deem appropriate.

2.a. This action is pursuant to and in accordance with the provisions of section 552 of Title 5 of the United States Code.

b. The provisions of section 553 of Title 5, United States Code, relating to notice and public participation and to deferred effective dates, are not followed in connection with the adoption of this action, because the rules involved are procedural in nature and accordingly do not constitute substantive rules subject to the requirements of such section.

Dated at Washington, D.C., this 23d day of June 1967.

By order of the Board of Governors.

(SEAL) MERRITT SHERMAN, *Secretary.*

[F.R. Doc. 67-7621; Filed, June 30, 1967; 8:49 a.m.]

SUBCHAPTER B—FEDERAL OPEN MARKET COMMITTEE

PART 271—RULES REGARDING AVAILABILITY OF INFORMATION

PART 272—RULES OF PROCEDURE

1. Effective July 4, 1967, Part 271 is revised to read as follows:

Sec.
271.1 Basis and scope.
271.2 Definitions.
271.3 Published information.
271.4 Records available to the public on request.
271.5 Deferment of availability of certain information.
271.6 Information not disclosed.
271.7 Subpoenas.

AUTHORITY: The provisions of this Part 271 issued under sec. 552, Title 5, United States Code.

§ 271.1 Basis and scope.

This part is issued by the Federal Open Market Committee (the "Committee") pursuant to the requirement of section 552 of Title 5 of the United States Code that every agency shall publish in the FEDERAL REGISTER for the guidance of the public descriptions of the established places at which, the officers from whom, and the methods whereby, the public may obtain information, make submittals or requests, or obtain decisions.

§ 271.2 Definitions.

(a) *"Information of the Committee".* For purposes of this part, the term "information of the Committee" means all information coming into the possession of the Committee or of any member thereof or of any officer, employee, or agent of the Committee, the Board of Governors of the Federal Reserve System, or any Federal Reserve Bank, in the performance of duties for, or pursuant to the direction of, the Committee.

(b) *"Records of the Committee".* For purposes of this part, the term "records of the Committee" means rules, statements, opinions, orders, memoranda, letters, reports, accounts, and other papers containing information of the Committee that constitute a part of the Committee's official files.

§ 271.3 Published information.

(a) *Federal Register.* To the extent required by sections 552 and 553 of the United States Code, and subject to the provisions of §§ 271.5 and 271.6, the Committee publishes in the FEDERAL REGISTER, in addition to this part,

(1) A description of its organization;

(2) Statements of the general course and method by which its functions are channeled and determined;

(3) Rules of procedure;

(4) Substantive rules of general applicability, and statements of general policy and interpretations of general applicability formulated and adopted by the Committee;

(5) Every amendment, revision, or repeal of the foregoing; and

(6) General notices of proposed rule making.

(b) *Policy record.* In accordance with section 10 of the Federal Reserve Act (12 U.S.C. 247a), each annual report made to Congress by the Board of Governors of the Federal Reserve System includes a complete record of the actions taken by the Committee during the preceding year upon all matters of policy relating to open market operations, showing the votes taken and the reasons underlying such actions.

(c) *Other published information.* From time to time, other information relating to open market operations of the Federal Reserve Banks is published in the Federal Reserve Bulletin, issued monthly by the Board of Governors of the Federal Reserve System, in such Board's annual report to Congress, and in announcements and statements released to the press. Copies of issues of the Bulletin and of annual reports of the Board may be obtained upon request.

§ 271.4 Records available to the public on request.

(a) *Records available.* Records of the Committee are made available to any person, upon request, for inspection or copying in accordance with the provisions of this section and subject to the limitations stated in §§ 271.5 and 271.6. Records falling within the exemptions from disclosure set forth in section 552 (b) of Title 5 of the United States Code and in § 271.6 may nevertheless be made available in accordance with this section to the fullest extent consistent, in the Committee's judgment, with the effective performance of the Committee's statutory responsibilities and with the avoidance of injury to a public or private interest intended to be protected by such exemptions.

(b) *Place and time.* In general, the records of the Committee are held in the custody of the Board of Governors of the Federal Reserve System, but certain of such records, or copies thereof, are held in the custody of one or more of the Federal Reserve Banks. Any such records subject to this section will be made available for inspection or copying during regular business hours at the offices of the Board of Governors of the Federal Reserve System in the Federal Reserve Building, 20th and Constitution Avenue, Washington, D.C. 20551, or, in certain instances as provided in paragraph (c) of this section, at the offices of one or more designated Federal Reserve Banks.

(c) *Obtaining access to records.* Any person requesting access to records of the Committee shall submit such request in writing to the Secretary of the Board of Governors of the Federal Reserve System. In any case in which the records requested, or copies thereof, are available at a Federal Reserve Bank, the Secretary of the Board may so advise the person requesting access to the records. Every request for access to records of the Committee shall state the full name and address of the person requesting them and shall describe such records in a manner reasonably sufficient to permit their identification without undue difficulty; and such person shall pay a fee in an amount based upon $5 per hour for the time required to locate such records and prepare them for inspection plus 10 cents per standard page for any copying thereof.

§ 271.5 Deferment of availability of certain information.

(a) *Deferred availability of information.* In some instances, certain types of information of the Committee are not published in the FEDERAL REGISTER or made available for public inspection or copying until after such period of time as the Committee may determine to be reasonably necessary to avoid the effects described in paragraph (b) of this section or as may otherwise be necessary to prevent impairment of the effective discharge of the Committee's statutory responsibilities. For example, the Committee's current economic policy directive adopted at each meeting of the Committee is published in the FEDERAL REGISTER approximately 90 days after the date of its adoption; and no information in the records of the Committee relating to the adoption of any such directive is made available for public inspection or copying before it is published in the FEDERAL REGISTER.

(b) *Reasons for deferment of availability.* Publication of, or access to, certain information of the Committee may be deferred because earlier disclosure of such information would

(1) Interfere with the orderly execution of policies adopted by the Committee in the performance of its statutory functions;

(2) Permit speculators and others to gain unfair profits or to obtain unfair advantages by speculative trading in securities, foreign exchange, or otherwise;

(3) Result in unnecessary or unwarranted disturbances in the securities market;

(4) Make open market operations more costly;

(5) Interfere with the orderly execution of the objectives or policies of other Government agencies concerned with domestic or foreign economic or fiscal matters; or

(6) Interfere with, or impair the effectiveness of, financial transactions with foreign banks, bankers, or countries that may influence the flow of gold and of dollar balances to or from foreign countries.

§ 271.6 Information not disclosed.

Except as may be authorized by the Committee, information of the Committee that is not available to the public through other sources will not be published or made available for inspection, examination, or copying by any person if such information

(a) Is exempted from disclosure by statute or executive order;

(b) Relates solely to internal personnel rules or practices or other internal practices of the Committee;

(c) Relates to trade secrets or commercial or financial information obtained from any person and privileged or confidential;

(d) Is contained in interagency or intraagency memoranda or letters, including records of deliberations and discussions at meetings of the Committee and reports and documents filed by members or staff of the Committee that would not be routinely available to a private party in litigation with the Committee;

(e) Is contained in personnel, medical, or similar files (including financial files) the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; or

(f) Is contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of any agency responsible for the regulation or supervision of financial institutions.

Except as provided by or pursuant to this part, no person shall disclose, or permit the disclosure of, any information of the Committee to any person, whether by giving out or furnishing such information or copy thereof, by allowing any person to inspect, examine, or reproduce such information or copy thereof, or by any other means, whether the information is located at the offices of the Board of Governors of the Federal Reserve System, any Federal Reserve bank, or elsewhere, unless such disclosure is required in the performance of duties for, or pursuant to the direction of, the Committee. Any person who may be denied access to records of the Committee may, within 5 days thereafter, file with the Committee a written request for review of such action.

§ 271.7 Subpoenas.

(a) *Advice by person served.* If any person, whether or not an officer or employee of the Committee, of the Board of Governors of the Federal Reserve System, or of a Federal Reserve Bank, has information of the Committee that may not be disclosed by reason of § 271.5 or § 271.6 and in connection therewith is served with a subpoena, order, or other process requiring his personal attendance as a witness or the production of documents or information upon any proceeding, he should promptly inform the Secretary of the Committee of such service and of all relevant facts, including the documents and information requested and any facts that may be of assistance in determining whether such documents or information should be made available; and he should take action at the appropriate time to inform the court or tribunal that issued the process, and the attorney for the party at whose instance the process was issued, if known, of the substance of this part.

(b) *Appearance by person served.* Except as disclosure of the relevant information is authorized pursuant to this part, any person who has information of

the Committee and is required to respond to a subpoena or other legal process shall attend at the time and place therein mentioned and decline to disclose such information or give any testimony with respect thereto, basing his refusal upon this part. If, notwithstanding, the court or other body orders the disclosure of such information, or the giving of such testimony, the person having such information of the Committee shall continue to decline to disclose such information and shall promptly report the facts to the Committee for such action as the Committee may deem appropriate.

2. Effective July 4, 1967, Part 272 is amended in the following respects:

a. Section 272.1 is amended to read as follows:

§ 272.1 Basis and scope.

This part is issued by the Federal Open Market Committee (the "Committee") pursuant to the requirement of section 552 of Title 5 of the United States Code that every agency shall publish in the FEDERAL REGISTER its rules of procedure.

b. Section 272.3 is amended to read as follows:

§ 272.2 Notice and public procedure.

There ordinarily will be no published notice of proposed action by the Committee or public procedure thereon, as described in section 553 of Title 5 of the United States Code, because such notice and procedure are impracticable, unnecessary, or contrary to the public interest.

§ 272.5 [Repealed]

c. Section 272.5 is repealed.

3.a. This action is pursuant to and in accordance with the provisions of section 552 of Title 5 of the United States Code.

b. The provisions of section 553 of Title 5, United States Code, relating to notice and public participation and to deferred effective dates, are not followed in connection with the adoption of this action, because the rules involved are procedural in nature and accordingly do not constitute substantive rules subject to the requirements of such section.

Dated at Washington, D.C., this 20th day of June 1967.

By order of the Federal Open Market Committee.

ROBERT C. HOLLAND,
Secretary.

[F.R. Doc. 67-7522; Filed, June 30, 1967; 8:49 a.m.]

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER A—GENERAL

[No. 20,681]

PART 505—RULES REGARDING AVAILABILITY OF INFORMATION

JUNE 26, 1967.

Resolved that the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of amending Part 505 of the general regulations of the Federal Home Loan Bank Board (12 CFR Part 505), to implement the provisions of Public Law 90–23, approved June 5, 1967 (81 Stat. 54; 5 U.S.C. 552), and for the purpose of effecting such amendment hereby revises said Part 505 to read as follows, effective July 4, 1967:

Sec.
505.1 Basis and scope.
505.2 Definitions.
505.3 Published information.
505.4 Access to records.
505.5 Deferment of availability of certain information.
505.6 Information not disclosed.
505.7 Subpoenas.
505.8 Appeals.

AUTHORITY: The provisions of this Part 505 issued under 5 U.S.C. 552; sec. 17, 47 Stat. 736, as amended, sec. 5, 48 Stat. 132, as amended, sec. 402, 48 Stat. 1256, as amended; 12 U.S.C. 1437, 1464, 1725; Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp.

§ 505.1 Basis and scope.

This part is issued by the Federal Home Loan Bank Board pursuant to the requirement of section 552 of Title 5 of the United States Code, that every Federal agency shall publish in the FEDERAL REGISTER for the guidance of the public descriptions of the established places at which, the officers from whom, and the methods whereby, the public may secure information, make submittals or requests, or obtain decisions.

§ 505.2 Definitions.

(a) "Information of the Board"—for purposes of this part, the term "information of the Board" means all information coming into the possession of the Board or of any member thereof, of the Federal Savings and Loan Insurance Corporation, or of any Federal Home Loan Bank, or of any officer, employee, or agent of the Board or of any Federal Home Loan Bank, in the performance of duties for or on behalf of the Board, whether located at the offices of the Board or of a Federal Home Loan Bank, or elsewhere, including any examination report or related information in connection with examinations made by examiners selected or approved by the Board.

(b) "Records of the Board"—For purposes of this part, the term "records of the Board" means rules, statements, opinions, orders, memoranda, interpretations, letters, reports, accounts, and other papers that contain information of the Board.

(c) "Member institution" shall have the meaning set forth in § 511.735–2(f) of this subchapter.

§ 505.3 Published information.

(a) FEDERAL REGISTER: As required by sections 552 and 553 of Title 5 of the United States Code, and subject to the provisions of §§ 505.5 and 505.6, the Board publishes in the FEDERAL REGISTER for the guidance of the public, in addition to this part:

(1) Descriptions of its central and field organization;

(2) Statements of the general course and method by which its functions are channeled and determined, including the nature and requirements of all formal and informal procedures available;

(3) Rules of procedure, descriptions of forms available or the places at which forms may be obtained, and instructions as to the scope and contents of all papers, reports, or examinations;

(4) Substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretations of general applicability formulated and adopted by the Board;

(5) Every amendment, revision, or repeal of the foregoing; and

(6) General notices of proposed rule making.

(b) Annual Report: The Board's Annual Report to Congress, made pursuant to section 17(b) of the Federal Home Loan Bank Act (12 U.S.C. 1437(b)), which is published after its submission to Congress, contains a report of the Board's operations during the year. It also contains an economic review of the savings and loan industry for the year.

(c) Federal Home Loan Bank Board Digest: In the Federal Home Loan Bank Board Digest, which is issued monthly, the Board publishes brief summaries of economic and statistical information; special articles on subjects of economic interest; brief summaries of regulations, statements of general policy, and interpretations of general interest to the public; notices of actions by the Board on certain types of applications, such as applications for membership in the Federal Home Loan Bank System; and a directory which includes a listing of new insured members of the Federal Home Loan Bank System, new Federal associations, and new branch offices of Federal associations.

(d) Other published information: From time to time, the Board issues statements to the press regarding particular dividend and credit actions, regulatory actions, statements of policy, actions with respect to certain types of applications, and other matters. In addition, it issues various publications, among which is an annual compilation of statistics relating to the savings and loan industry called the "Combined Financial Statements". Compilations of the various statutes under which the Board operates, and the regulations, rulings and statements of policy which it promulgates, are published in looseleaf form and are from time to time brought up-to-date by supplements.

(e) The publications referred to in paragraphs (b), (c) and (d) of this section may be examined, and in many instances copies thereof are available, at the offices of the Board, at the address set forth in paragraph (d) of § 505.4.

§ 505.4 Access to records.

(a) *General rule.* All records of the Board are made available to any person for inspection and copying in accordance with the provisions of this section and subject to the limitations stated in §§ 505.5 and 505.6. It is the policy of the Board to disclose its records to the public, even though such records may, in the Board's discretion, be exempted from disclosure by section 552 of Title 5 of the United States Code or by § 505.6, wherever such disclosure can be made without resulting in injury to a public or private interest intended to be protected by the foregoing statute or in a significant interference with the statutory responsibilities of the Board and the national interest.

(b) *Opinions, orders, statements of policy, interpretations, and staff manuals and instructions.* Subject to the provisions of §§ 505.5 and 505.6, the Board makes available for inspection and copying (1) all final opinions (including concurring and dissenting opinions) and all orders made in the adjudication of cases; (2) statements of policy and interpretations adopted by the Board that are not published in the FEDERAL REGISTER; and (3) administrative staff manuals and instructions to staff that affect any member of the public. However, to the extent required to prevent a clearly unwarranted invasion of personal privacy, the Board may delete identifying details in any material of the kinds above described; and in each such case the justification for such deletion will be fully explained in writing. The Board maintains and makes available for public inspection and copying a current index providing identifying information for the public as to any material described in this paragraph which is issued, adopted, or promulgated after July 4, 1967.

(c) *Other records.* Subject to the provisions of §§ 505.5 and 505.6, a record of the final votes of each member of the Board in any proceeding of the Board is available for public inspection.

(d) *Obtaining access to records.* Records of the Board subject to this section are available for public inspection or copying during regular business hours on regular business days at the offices of the Federal Home Loan Bank Board, Federal Home Loan Bank Board Building, 101 Indiana Avenue NW., Washington, D.C. 20552. Any person requesting access, or copying of, such records shall submit such request in writing to the Secretary of the Board. The request shall state the full name and address of the person requesting access to, or copying of, such records and a description of the records sought that is reasonably sufficient to permit their identification without undue difficulty. Wherever possible requests should be submitted in advance of the date inspection or copying is desired, preferably by mail. A person requesting access to or copies of particular records shall pay a prescribed fee based upon the estimated cost of locating, preparing for inspection, or copying such records.

§ 505.5 Deferment of availability of certain information.

(a) *Deferment of availability.* In some instances, certain types of information of the Board are not published in the FEDERAL REGISTER or made available for public inspection or copying until after such period of time as the Board may determine to be reasonably necessary to avoid the effects described in paragraph (b) of this section or as may otherwise be necessary to prevent impairment of the effective discharge of the Board's statutory responsibilities. For example, such deferment of publication or availability of information to the public may be necessary with respect to information relating to the determination of dividend and credit policies, including but not limited to advance rates, reserve and liquidity requirements of member institutions, and maximum interest or dividend rates payable by member institutions on withdrawable accounts.

(b) *Reasons for deferment of availability.* Publication of, or public access to, information of the kinds described in paragraph (a) of this section may be deferred because earlier disclosure of such information would:

(1) Interfere with the accomplishment of the objectives of the Board's actions in the discharge of its statutory responsibilities;

(2) Interfere with the orderly execution of the objectives or policies of other Government agencies concerned with economic or fiscal matters; or

(3) Result in unnecessary and unwarranted disturbances in the savings and loan industry.

§ 505.6 Information not disclosed.

(a) *General rule.* Except as otherwise provided in this part or as may be specifically authorized by the Board, information of the Board that has not been published in accordance with §505.3 and is not available to the public through other sources will not be made available to the public or otherwise disclosed if such information:

(1) Is exempted from disclosure by statute or Executive order;

(2) Is contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of, the Board or a Federal Home Loan Bank, relating to the affairs of any member institution or affiliate thereof, or any other person engaged, or proposing to engage, in the savings and loan business;

(3) Is privileged or relates to the business, personal, or financial affairs of any person and is furnished in confidence;

(4) Is contained in investigatory files compiled for law enforcement purposes (except to the extent available by law to a private party), including, but not limited to, information relating to matters involving: (i) The issuance of a cease-and-desist order, or order of suspension or removal, under the Financial Institutions Supervisory Act of 1966 (P.L. 89–095); (ii) the termination of insurance under section 407 of the National Housing Act, as amended (12 U.S.C. 1730); (iii) the termination of membership in a Federal Home Loan Bank pursuant to section 6(i) of the Federal Home Loan Bank Act (12 U.S.C. 1426); (iv) appointments of conservators and receivers under section 5(d) of the Home Owners' Loan Act of 1933, as amended (12 U.S.C. 1464); and section 406 of the National Housing Act, as amended (12 U.S.C. 1729); (v) the application of section 408 of the National Housing Act (12 U.S.C. 1730a) to holding companies; and (vi) the granting or revocation of any approval, permission, or authority, except to the extent provided in this part;

(5) Relates solely to the internal personnel rules or other internal practices of the Board;

(6) Is contained in personnel, medical, and similar files (including financial files), the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; or

(7) Is contained in interagency and intraagency memoranda or letters that would not be routinely available by law to a private party in litigation with the Board, including but not limited to memoranda, reports, and other documents prepared by the Board's staff or by the staffs of the Federal Home Loan Banks, and records of deliberations and discussions at meetings of the Board or of the Board's staff.

(b) *Information available to insured institutions and to State and Federal agencies.* A copy of each report of examination of each insured institution is made available by the President of the appropriate Federal Home Loan Bank, in his capacity as Supervisory Agent of the Board, to the institution examined. Each such report of examination and other information relating to State-chartered insured institutions is made available, upon request, by the Director of the Board's Office of Examinations and Supervision to the State governmental authority having general supervision of such State-chartered insured institutions. Reports of examination and other information may be made available by the Board to other agencies of the United States or a State for use where necessary in the performance of their official duties. All reports or other information made available pursuant to this paragraph shall remain the property of the Board and, except as otherwise provided in this part, no person, agency, or authority to whom the information is made available, or any officer, director, or employee thereof, shall disclose any such information except in published statistical material that does not disclose the affairs of any individual or corporation.

(c) *Prohibition against disclosure.* Except as provided in this part, no officer, employee, or agent of the Board or of any Federal Home Loan Bank shall disclose or permit the disclosure of any unpublished information of the Board to anyone (other than an officer, employee, or agent of the Board or of a Federal Home Loan Bank properly entitled to such information for the performance of his official duties), whether by giving out or furnishing such information or a copy thereof or by allowing any person to inspect, examine, or copy such information or copy thereof, or otherwise. Notwithstanding the foregoing, unpublished economic, statistical or similar information or unpublished information regarding interpretations by the Board of statutory or regulatory provisions may be disclosed, orally or in writing, by any officer, employee, or agent of the Board or of any Federal Home Loan Bank, acting in his capacity as agent of the Board, who has knowledge of the subject matter to any person

who, in the judgment of such officer, employee, or agent, has a proper interest therein, subject, however, to the restrictions stated in § 505.5 and this § 505.6.

§ 505.7 Subpoenas.

(a) *Advice by person served.* If any person, whether or not an officer or employee of the Board or of a Federal Home Loan Bank, has information of the Board that may not be disclosed under this part and in connection therewith is served with a subpoena, order, or other process requiring his personal attendance as a witness or the production of documents or information in any proceeding, he shall promptly advise the Board of such service and of all relevant facts, including the documents and information requested and any facts which may be of assistance to the Board in determining whether such documents or information should be made available; and he shall take action at the appropriate time to advise the court or tribunal which issued the process and the attorney for the party at whose instance the process was issued, if known, of the substance of these rules.

(b) *Appearance by person served.* Except as the Board has authorized disclosure of the relevant information, or except as authorized by law, any person who has information of the Board that may not be disclosed under this part and is required to respond to a subpoena or other legal process shall attend at the time and place therein mentioned and respectfully decline to produce such information or give any testimony with respect thereto, basing his refusal upon this part. If, notwithstanding, the court or other body orders the disclosure of such information or the giving of such testimony, the person having such information of the Board shall continue respectfully to decline to produce such information and shall promptly report the facts to the Board for such action as the Board may deem appropriate.

§ 505.8 Appeals.

Any person who believes himself aggrieved by the denial to him of any information or record of the Board pursuant to this part may make written application, stating the grounds thereof, to the General Counsel of the Board for redress. Within 5 business days of receipt of such application, the General Counsel shall advise the applicant of his determination as to the disposition of the application. The applicant may appeal the determination of the General Counsel to the Board for review, by written application addressed to the Office of the Secretary at the address set forth in § 505.4(d). The Board shall act upon such application within 10 business days of receipt thereof (except for good cause made promptly known to the applicant) and shall promptly notify the applicant of its determination, which shall be final.

Resolved further that, since the foregoing amendment is designed to implement the requirements of 5 U.S.C. 552, effective July 4, 1967, the Board finds that notice and public procedure on said amendment are impracticable under the provisions of § 508.12 of the general regulations of the Federal Home Loan Bank Board (12 CFR 508.12) and 5 U.S.C. 553.3(b), and for the same reason, the Board hereby finds that deferral of the effective date of the said amendment pursuant to the provisions of § 508.14 of the general regulations of the Federal Home Loan Bank Board (12 CFR 508.14) and 5 U.S.C. 553(d) is impracticable, and the Board provides that the said amendment shall be effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary.

[F.R. Doc. 67-7476; Filed, June 30, 1967; 8:45 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Rev. 1]

PART 102—DISCLOSURE OF INFORMATION

Public Law 89-487, 80 Stat. 250, approved July 4, 1966 (popularly known as the Freedom of Information Act or Public Information Act), substantially revised 5 U.S.C. 552, formerly section 3 of the Administrative Procedure Act, 60 Stat. 237, 5 U.S.C. 1002 (1964 Ed.), to clarify and protect the right of the public to obtain information from Federal agencies. To clarify and protect the right of the public to information from the Small Business Administration pursuant to Public Law 90-23, 5 U.S.C. 552, which subsequently codified and repealed Public Law 89-487, Part 102 of Chapter I of Title 13 of the Code of Federal Regulations is revised to read as follows:

Sec.
102.1 Purpose and policy.
102.2 Scope.
102.3 Information and records available to the public and exempt from disclosure.
102.4 Public access to information and records.
102.5 Administrative appeal of refusal to disclose.
102.6 Fees.
102.7 Appearances and testimony by SBA officers and employees.

AUTHORITY: The provisions of this Part 102 issued under sec. 5, 72 Stat. 385; 15 U.S.C. 634.

§ 102.1 Purpose and policy.

(a) This part establishes policy and procedures governing public access to information contained in the files, documents, and records of the Small Business Administration (SBA). In keeping with the spirit as well as the letter of Public Law 90-23, which codified and repealed Public Law 89-487, amending 5 U.S.C. 552, formerly section 3 of the Administrative Procedure Act, 60 Stat. 237, 5 U.S.C. 1002 (1964 Ed.), it reflects SBA policy that disclosure is the general rule rather than the exception. It is in addition a recognition that this policy in favor of disclosure extends in many instances to information technically exempt from disclosure under the law where such disclosure would not adversely affect some legitimate public or private interest intended to be protected by law, would not otherwise violate law or other authority, and would not impose an unreasonable burden upon SBA.

(b) This part is also a recognition that the soundness of many SBA programs, e.g., loans, licensing and financing of small business investment companies, and the issuance of certificates of competency as to the capacity and credit of small business concerns to perform Government contracts, depends in large measure upon the reliability of commercial, technical, financial and business information relating to the affairs of applicants for SBA assistance. Since the release of such information would jeopardize the credit and competitive business position of an applicant it is essential that applicants be assured that the information is considered to be submitted to SBA in confidence and will not be disclosed to the public. Thus applicants will be encouraged to make complete disclosure of material bearing upon an application and SBA decisions on whether financial or other assistance should be approved will be made with greater assurance that the interests of the United States will be protected.

§ 102.2 Scope.

(a) This part applies to all files, documents, records, and information obtained or produced by officers and employees of SBA in the course of their official duties as well as all files, documents, records, and other information in the custody or control of any SBA officer or employee. It does not purport to describe or set forth every Agency file, document, record, or item of information which may or may not be disclosed or to incorporate every exemption from disclosure provided by law. Material described is illustrative rather than exclusive.

(b) Moreover, this part deals with the availability of information to the public, including parties involved in litigation affecting the Agency. It does not apply to the disclosure of information to persons, organizations, or institutions participating in SBA programs or activities, or to other activities in the executive and legislative branches of the Federal Government.

§ 102.3 Information and records available to the public and exempt from disclosure.

(a) *General.* (1) All SBA information and records in existence which are not exempt by law are available for public inspection and copying in, or through, facilities described in § 102.4. In addition, certain materials technically qualifying for exemption from disclosure are to be made available where disclosure would not adversely affect some legitimate public or private interest, would not otherwise violate law or other authority, and would not impose an unreasonable burden on SBA. Reasonable requests for material not in existence may also be honored where their compilation will not unduly interfere with SBA activities and programs.

(2) SBA National Directive 1250-2, "Disclosure of Information," which is available in the facilities described in § 102.4, sets forth in detail the information, records, and other data which are, or may be, available to the public as well as those exempt from disclosure. Specific examples of information routinely available in SBA facilities are listed in § 102.4. Examples of information and other materials, available and exempt, in which there should be general interest are discussed in succeeding paragraphs of this section.

(b) *Information and records relating to SBA assistance programs.* (1) Although SBA assistance programs typically involve the consideration of material constituting in large part trade secrets, commercial or financial information, information submitted in confidence, or information the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, the following kinds of information are nevertheless available to the public:

(i) Names of recipients of loans, small business investment company licenses, certificates of competency, grants, and other assistance.

(ii) The kind and amount of assistance.

(iii) The purpose of the approved assistance in general terms.

(iv) The extent of outside participation, if any.

(v) Statistical data on assistance programs.

(vi) Decisions, rulings, and records showing Agency actions in specific factual situations where identifying details exempt from disclosure may be effectively deleted.

(2) Information which is not available to the public includes:

(i) Information other than statistical on declined, withdrawn, or canceled applications for assistance.

(ii) Financial or other confidential information about applicants or borrowers obtained from any source.

(iii) Individual case files relating to such activities as loans, licenses, size determinations, facilities inventory, prime and subcontracting, and Service Corps of Retired Executives (SCORE).

(iv) Internal Agency communications showing, for example, recommendations on applications for assistance.

(v) Information concerning losses, delinquencies and defaults in individual cases.

(vi) Names of participating lending institutions without their consent.

(vii) Information regarding the character of applicants, borrowers, or other persons.

(viii) Financial reports of small business investment companies.

(ix) Examination, audit, investigation, and litigation reports.

(c) *Opinion digest*—(1) *Description.* This Digest which is available for inspection and copying in the facilities described in § 102.4, is largely a compilation of selected advisory legal opinions involving specific facts and specific parties. As such they do not necessarily reflect final Agency opinions, interpretations, or decisions in any given cases. Moreover, the opinions are based on authority in effect at the time the opinions were rendered and such authority may no longer be controlling because of a change in law, regulation, or other directive pertaining to the matter. They do, however, provide guides to the reasoning utilized in analyzing given problems and questions which may have widespread implications and are made available to the public primarily on this basis rather than as authoritative statements of continuing precedent.

(2) *Identifying details omitted.* Identifying details have been omitted in most cases to avoid the possibility of violations of 18 U.S.C. 1905 which imposes criminal penalties for the disclosure of trade secrets, financial data, and other confidential information. Also avoided is the disclosure of other information exempt from disclosure, for example, information submitted to the Agency in confidence or which would constitute a clearly unwarranted invasion of privacy. Absence of identifying details has no bearing or effect on the general public and does not affect the validity of the opinion disclosed.

(d) *Size decisions.* Agency determinations of the size status of business concerns resulting from appeals to the Size Appeals Board, as provided in Part 121 of this chapter, have been summarized and indexed on cards available for inspection and copying in the facilities described in § 102.4. Complete decisions will be available on request but, in cases which contain trade secrets, commercial or financial information, or other confidential information, after deletion of identifying details.

(e) *Minutes of the Loan Policy Board.* These are available for inspection and copying in the Washington reading room as provided in § 102.4. The Loan Policy Board was terminated by Reorganization Plan No. 4 of 1965, effective July 27, 1965, and its functions transferred to the SBA Administrator. Despite the Board's abolition, policies adopted by the Board remain in effect until affirmative action by the Administrator changes them. The minutes provide guides to the reasons for such policies. Part 120 of this chapter contains a statement of SBA's loan policies.

(f) *Personnel and similar files.* The names, position titles, grades, salaries, and duty stations of SBA employees are public information but their home addresses are not so considered. The disclosure of private or personal information contained in other Agency files, for example, in the files relating to members of SBA advisory boards, committees, or councils and Service Corps of Retired Executives (SCORE) and to applicants for SBA assistance would normally amount to a clearly unwarranted invasion of privacy and thus would be considered exempt.

(g) *Agency staff directives and other instructions to staff.* All directives are considered public information except those relating to audits and investigations, internal financial management and fiscal operations, and portions of directives containing confidential standards and instructions, as, for example, instructions concerning negotiations or bargaining in connection with the disposition and liquidation of loans and loan collateral held by SBA.

(h) *Litigation materials.* Copies of pleadings, motions, orders, transcripts of testimony, and documentary evidence introduced in pending or closed litigation are available once such items are a matter of public record.

(i) *Internal communications.* Interagency or intraagency communications not routinely available to a party to litigation with SBA are exempt from disclosure. These would include, among other things, drafts, memoranda between officials or agencies, opinions and interpretations prepared by SBA attorneys and other staff members or consultants for use of the Agency (except as made available in the Opinion Digest referred to in paragraph (c) of this section), research studies performed internally or under contract for internal management purposes, and internal management reports.

§ 102.4 Public access to information and records.

(a) *Facilities.* SBA facilities are available to the public during normal business hours for requesting, inspecting and copying information and records. Reproduction machines will also be available in, or through, such facilities.

(1) *Washington Office.* A public reading room is located in Room 100, 1441 L Street NW., Washington, D.C.

(2) *Area and regional offices.* The reception areas in SBA field offices will be utilized for public information requests. A list of these offices is included in Part 101 of this chapter or may be obtained by writing to the Small Business Administration, Washington, D.C. 20416.

(b) *Materials available in Washington reading room and field office reception area facilities.* (1) For the convenience of the public certain Agency materials will be maintained and readily available in these facilities. These will include:

(i) All SBA directives and manuals not exempt from disclosure.

(ii) SBA Rules and Regulations (including Interpretations).

(iii) Opinion Digest.

(iv) Size Index Cards which contain a summary of decisions resulting from appeals of small business size decisions to SBA's Size Appeals Board.

(v) Index of Agency materials, including lists of directives, forms, and reports.

(2) The Washington reading room will, in addition to the above, have normally available, among other things:

(i) Minutes of the Loan Policy Board.

(ii) Management and technical assistance publications issued on a free or for-sale basis, as listed on SBA Forms 115 A and B.

(iii) SBA's Annual Report to the President and the Congress.

(iv) SBIC Digest and policy and procedural releases sent to all small business investment companies.

(v) Press releases.

(vi) Final SBA decisions in formal administrative hearings.

(vii) Routine statistical reports on Agency activities.

(viii) Names of recipients of SBA assistance and related information not exempt from disclosure.

(ix) Pamphlets describing SBA programs.

(x) Blank SBA forms.

(c) *Other materials.* Requests for information, records, and other materials not readily available in the Washington reading room or field office reception areas may be requested through such facilities. Requests will be referred to the proper SBA office and the person making the request will be notified of the availability of the material and any charges involved. If the material requested is the exclusive concern of another agency, the request will be referred to that agency. If the material is of concern to more than one agency, the request will be referred to the agency whose interest is paramount for a decision to disclose or withhold the material.

(d) *Forms for requesting information.* (1) SBA Form 774, "Request for SBA Forms, Documents, Records and Other Information" is used for processing requests. Any person desiring information or records may be asked to complete Part I of the form identifying the material requested and the copies, if any, desired. If requests are received by mail or telephone, Part I will be completed by SBA.

(2) SBA Form 778 is a form letter or notice which will advise the requester of the availability of the material, any charges involved, or the referral of the request to another office or agency.

(3) SBA Form 772 will be used to record transactions involving charges and a copy thereof will serve as a receipt to the purchaser.

§ 102.5 Administrative appeal of refusal to disclose.

(a) *Who may appeal.* Any person whose request for information or records has been denied shall be entitled to submit a written appeal to the Agency.

(b) *Form of appeal.* While no particular form is prescribed, the letter or other written statement utilized for such purpose shall contain a description of the information or record requested, the name and place of employment of the SBA official or employee who denied the request, the reason, if any, given for the denial, and such other pertinent facts and statements as the appellant may deem appropriate. SBA may request additional details where the information submitted is insufficient to support a decision.

(c) *Where to appeal.* Appeals shall be addressed to the Assistant Administrator for Administration, Small Business Administration, Washington, D.C. 20416.

(d) *Agency decision.* Final Agency decision on appeals from refusals to disclose information or records shall be made by the Assistant Administrator for Administration. He shall promptly review each appeal and provide appellant and other interested parties, if any, with a written notification of the decision. If the decision upholds the refusal to disclose, the notification shall contain a statement sufficiently explaining the reasons for the refusal.

§ 102.6 Fees.

(a) *Basis.* Factors taken into account in establishing fees for reproducing copies of documents, records search, and compilation of materials include reproduction cost, average salary of employees involved, and overhead cost.

(b) *Method of payment.* Remittances shall be in the form of cash or cashier's check, money order or other guaranteed remittance made payable to the Small Business Administration. Payment shall normally be due at the time the service is rendered. However, where extensive record searches or compilations are involved the person requesting the service shall pay whatever fee is estimated by SBA to be appropriate before any search or compilation is undertaken. Fees paid in advance shall be held in suspense pending completion of the search or compilation and adjusted when final charges have been determined.

(c) *Prices.* (1) For documents available in the Washington reading room and in reception areas in SBA field offices, the charge for reproduction will be 25 cents per page.

(2) For requests requiring a search of SBA records but no compilation, there will be a minimum charge of $2 plus the regular charge of 25 cents per page for reproduction. In addition, the total charge will include a charge based upon employees' time required for the search.

(3) For information which has to be compiled the charge will include the cost of employees' time, cost of computer runs or other equipment use, and other overhead expense. Since there is no obligation on the part of the Agency to compile records or data, requests for compilations must be reasonable and not unduly interfere with normal SBA operations or program activities.

(4) Persons may inspect and copy documents by their own means in the SBA facilities without charge except for search or compilation charges which may be otherwise payable.

§ 102.7 Appearances and testimony by SBA officers and employees.

Whenever an officer or employee of SBA is served with a subpoena demanding the disclosure of the information or the production of files, documents, and records described in this part, or is requested by any court, committee or other body to disclose such information, the officer or employee shall promptly inform his superior of the requirements of the subpoena or request and shall ask for instructions from the Assistant Administrator for Administration with respect thereto. Such officer or employee shall appear before the court, committee or body and, if the Assistant Administrator for Administration has not authorized disclosure, the employee shall respectfully decline to disclose the information or produce the files, documents and records demanded or requested, basing such refusal upon this part.

Effective date: July 4, 1967.

ROBERT C. MOOT,
Acting Administrator.

[F.R. Doc. 67-7514; Filed, June 30, 1967; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter V—National Aeronautics and Space Administration

PART 1201—STATEMENT OF ORGANIZATION AND GENERAL INFORMATION

1. Part 1201 added.

Subpart 1—Introduction

Sec.
1201.100 Creation and authority.
1201.101 Purpose.
1201.102 Functions.
1201.103 Administration.
1201.104 Organization.

Subpart 2—NASA Headquarters

1201.200 Headquarters.
1201.201 Office of the Administrator.
1201.202 Headquarters Program Offices.
1201.203 Office of Organization and Management.
1201.204 Other Headquarters Functional Offices.
1201.205 Executive Secretariat.

Subpart 3—NASA Field Installations

1201.300 General.

Subpart 4—Jet Propulsion Laboratory

1201.400 Jet Propulsion Laboratory.

Subpart 5—NASA Component Installations

1201.500 General.

Subpart 6—Boards and Committees

1201.600 Boards and committees.

Subpart 7—General Information

1201.700 NASA procurement program.
1201.701 Federal Region Report Centers.

AUTHORITY: The provisions of this Part 1201 issued pursuant to 5 U.S.C. 552, as amended by P.L. 90-23.

Subpart 1—Introduction

§ 1201.100 Creation and authority.

The National Aeronautics and Space Administration was established by the National Aeronautics and Space Act of 1958 (72 Stat. 426, 42 U.S.C. 2451 et seq.), as amended (hereafter called the "Act").

§ 1201.101 Purpose.

It is the purpose of the National Aeronautics and Space Administration under the Act to carry out the declared policy of the United States that aeronautical and space activities sponsored by the United States shall be the responsibility of, shall be directed by, and shall be under the control of a civilian agency, except to the extent that aeronautical and space activities are determined by the President to be peculiar to or primarily associated with the development of weapons systems, military operations, or the defense of the United States, which activities shall be the responsibility of the Department of Defense.

§ 1201.102 Functions.

In order to carry out the purposes of the Act, NASA is authorized to conduct research into the problems of flight within and outside the earth's atmosphere; to develop, construct, test, and operate aeronautical and space vehicles for research purposes; and to perform such other activities as may be required for the exploration of space. The term "aeronautical and space vehicles" means aircraft, missiles, satellites, and other space vehicles, manned and unmanned, together with related equipment, devices, components, and parts.

§ 1201.103 Administration.

(a) NASA is headed by an Administrator, who is appointed from civilian life by the President by and with the consent of the Senate. The Administrator is responsible under the supervision and direction of the President, for exercising all powers and discharging all duties of NASA and has authority and control over all personnel and activities of the agency.

(b) NASA also has a Deputy Administrator, who is appointed from civilian life by the President by and with the consent of the Senate. The Deputy Administrator serves on a day-to-day basis as the Agency's general manager, under delegations of authority and responsibility from the Administrator, and, in his absence, the Deputy Administrator serves as Acting Administrator.

§ 1201.104 Organization.

Overall planning, coordination, and control of NASA programs are vested in NASA Headquarters, located in Washington, D.C. Directors of NASA field installations and other component installations are responsible for execution of NASA's programs, largely through contracts with research, development, and manufacturing enterprises. Certain types of research and development activities are conducted in NASA field installations and other component installations by Government-employed scientists, engineers, and technicians. NASA's basic organization consists of the Headquarters, 10 field installations, the Jet Propulsion Laboratory (a contractor-operated facility), and several component installations which report to heads of field installations or Headquarters offices.

Subpart 2—NASA Headquarters

§ 1201.200 Headquarters.

NASA Headquarters is comprised of (a) the Office of the Administrator; (b) four Program Offices, responsible for planning and directing NASA research and development programs; (c) the Office of Organization and Management, responsible for agencywide management and administrative processes; (d) 12 Functional Offices, which provide agencywide leadership in certain administrative and specialized areas; and (e) an Executive Secretariat.

§ 1201.201 Office of the Administrator.

(a) The Office of the Administrator consists of the Administrator, Deputy Administrator, and the Associate Deputy Administrator.

(b) The authority and responsibilities exercised by the Administrator and Deputy Administrator are set forth in § 1201.103.

(c) The Associate Deputy Administrator serves as a principal assistant to the Administrator and Deputy Administrator on matters requiring special emphasis or attention, and in the coordination and general supervision of activities of certain of the Assistant Administrators reporting to the Administrator and Deputy Administrator.

§ 1201.202 Headquarters Program Offices.

(a) *General.* The four Headquarters Program Offices are headed by Associate Administrators, who are responsible for planning and directing NASA's research and development programs in these respective areas of interest. Three of these offices also have overall management responsibility for the field installations, the Jet Propulsion Laboratory, or component installations, that are engaged primarily in programs coming under the direction of the cognizant Program Office.

(b) *Office of Advanced Research and Technology.* (1) The Office of Advanced Research and Technology, headed by the Associate Administrator for Advanced Research and Technology, is responsible for NASA programs to provide technological knowledge for future aeronautical and space vehicle design, including research and advance technological development in aeronautics, spacecraft, and launch vehicle technology, nuclear and other propulsion systems, electronics, and supporting technological research. This Office coordinates NASA's total research program to insure its overall adequacy and to avoid undesirable duplication.

(2) This Office also exercises overall management responsibility over (1) the Ames Research Center (§ 1201.300(b)(1)); (2) the Electronics Research Center (§ 1201.300(b)(2)); (3) the Flight Research Center (§ 1201.300(b)(3)); (4) the Langley Research Center (§ 1201.300(b)(6)); (5) the Lewis Research Center (§ 1201.300(b)(7)); and (6) the Space Nuclear Propulsion Office (§ 1201.500(j)).

(c) *Office of Manned Space Flight.* (1) The Office of Manned Space Flight, headed by the Associate Administrator for Manned Space Flight, is responsible for directing NASA's efforts to develop and apply a manned space flight capability, including the development of large launch vehicles and spacecraft, and the launch, operational, logistic, life support, and related systems required for man to perform missions in space.

(2) This Office also exercises overall management responsibility over (1) the John F. Kennedy Space Center (§ 1201.300(b)(5)); (2) the Manned Spacecraft Center (§ 1201.300(b)(8)); (3) the George C. Marshall Space Flight Center (§ 1201.300(b)(9)); and (4) the NASA-Daytona Beach Operation (§ 1201.500(a)).

(d) *Office of Space Science and Applications.* (1) The Office of Space Science and Applications, headed by the Associate Administrator for Space Science and Applications, is responsible for NASA programs relating to scientific explorations of space, and for communications meteorological, and related peaceful applications of space systems technology.

(2) This Office also exercises overall management responsibility over (1) the Goddard Space Flight Center (§ 1201.300(b)(4)); (2) the Wallops Station (§ 1201.300(b)(10)); and (3) the Jet Propulsion Laboratory (§ 1201.400). In addition, the Voyager Project Office, located in Pasadena, Calif., reports directly to the Voyager Program Office within the Office of Space Science and Applications.

(e) *Office of Tracking and Data Acquisition.* The Office of Tracking and Data Acquisition, headed by the Associate Administrator for Tracking and Data Acquisition, is responsible for the development, availability, and operation of tracking and data acquisition facilities, systems, equipment, and instrumentation necessary to acquire, record, process, and transmit technical and scientific data for NASA programs. It is also responsible for management of NASA long-line communication system and for management and coordination of agencywide automatic data processing requirements.

§ 1201.203 Office of Organization and Management.

(a) *General.* The Office of Organization and Management, headed by the Associate Administrator for Organization and Management, has the principal responsibility for evaluating and strengthening agencywide management practices and policies related to NASA's programs and activities that are carried out within NASA or through industrial or university elements. In this connection, the Associate Administrator for Organization and Management is responsible to the Administrator for leadership and supervision in the areas of Administration, Industry Affairs, Technology Utilization, University Affairs, and other offices on which NASA operations depend for effectiveness.

(b) *Office of Administration.* The Office of Administration, headed by the Assistant Administrator for Administration, has agencywide responsibility (1) to achieve the most effective allocation and utilization of resources, such as funds, manpower, and capital facilities; and (2) to provide effective management support and services to technical program activities in such areas as management systems, budget formulation and execution, personnel management, safety, security, transportation, and logistics, occupational medicine, and ac-

counting. The Assistant Administrator establishes policies and standards applicable to activities for which he has agencywide responsibility and supervises and evaluates the conduct of such activities by other NASA elements.

(c) *Office of Industry Affairs.* The Office of Industry Affairs, headed by the Assistant Administrator for Industry Affairs, is responsible for developing relationships between NASA and the industrial sector which will facilitate accomplishment of NASA objectives. The Assistant Administrator carries out these responsibilities by establishing agencywide policies pertaining to procurement, labor relations, reliability and quality assurance, and cost reduction programs and by promoting a maximum decentralization of contract negotiation and award and related industrial activities to NASA field installations and component installations under close monitoring and review by the Office of Industry Affairs. For additional information on the NASA procurement program, see § 1201.700.

(d) *Office of Special Contracts Negotiation and Review.* The Office of Special Contracts Negotiation and Review, headed by the Assistant Administrator for Special Contracts Negotiation and Review, is responsible for reviewing the totality of relationships between NASA and private contractors in special cases designated by the Administrator. It may, when so designated, assume leadership for supervising agency negotiations with designated contractors.

(e) *Office of Technology Utilization.* The Office of Technology Utilization, headed by the Assistant Administrator for Technology Utilization, is responsible for facilitating practical uses and applications of the scientific and technological innovations resulting from NASA's research and development activities by all segments of the economy. This includes responsibility for the development and application of techniques and processes by NASA and its contractors to identify and make available an extensive array of scientific, technical, and related practical information. Such information is provided to industry and other groups or individuals directly by NASA and through geographically dispersed Federal Regional Report Centers. For the location of Federal Regional Report Centers, see § 120.701.

(f) *Office of University Affairs.* The Office of University Affairs, headed by the Assistant Administrator for University Affairs, is responsible for establishing an agencywide pattern of relationships with universities and other educational nonprofit institutions that will facilitate accomplishment of NASA objectives in such a manner as to promote successful implementation of NASA programs and strengthen the capabilities of the institutions involved to perform their traditional functions. This includes responsibility for planning and executing the NASA Sustaining University Program through which grants are awarded and administered for constructing special laboratory and research facilities, for supporting institutionally sponsored research, and for graduate training in scientific and engineering fields. This Office also assists other NASA elements in acquiring from universities basic research services related to programs and projects for which they are responsible.

(g) *Audit Division.* The Audit Division, headed by the Director of Audits, carries out directly and through elements of the Department of Defense a comprehensive agency program for audit of agency activities performed by NASA personnel, contractors, grantees, and other Government agencies. The Director is authorized to report directly to the Administrator or Deputy Administrator when requested or when, in his judgment, the interests of NASA will best be served.

(h) *Headquarters Administration Office.* The Headquarters Administration Office, headed by the Director of Headquarters Administration, provides support and services agencywide in the areas of administrative services, civil rights and equal employment opportunity, and emergency readiness planning, and, at Headquarters, in the areas of personnel, procurement, security, and budgeting. This Office is also responsible for general management of the Western Support Office at Santa Monica, Calif.

(i) *Inspections Division.* The Inspections Division, headed by the Director of Inspections, conducts agencywide activities designed to prevent and detect illegal or unethical conduct of NASA employees. The Director is authorized to report directly to the Administrator or Deputy Administrator when requested or when, in his judgment, the interests of NASA will best be served.

(j) *Organization and Management Planning Division.* The Organization and Management Planning Division, headed by the Director of Organization and Management Planning, provides advice and assistance to NASA management officials on basic managerial policies and organization plans, including assignments of functions and responsibilities.

§ 1201.204 Other Headquarters Functional Offices.

(a) *General.* Seven other Headquarters Offices, each headed by an Assistant Administrator or the General Counsel, report to officials of the Office of the Administrator (§ 1201.201). Their responsibilities include providing support and guidance to the Administrator and other Headquarters Offices for NASA-wide activities in their specialized areas of interest and reviewing and assuring effective operations in their functional areas.

(b) *Office of General Counsel.* The Office of General Counsel, headed by the General Counsel, provides legal advice and assistance to all organizational components of NASA; prepares the NASA legislative program and proposed Executive Orders; presents NASA views to the Executive Office of the President; provides legal representation for NASA, as required, and administers the NASA patent program. This Office also adjudicates claims against NASA for bodily injury, death, or property damage or loss.

(c) *Office of Defense Affairs.* The Office of Defense Affairs, headed by the Assistant Administrator for Defense Affairs, is responsible for relationships and interactions between NASA and all agencies of the Department of Defense (DOD). The Assistant Administrator direct lines of communication between offices and activities of NASA and of DOD to promote the interchange of information and participates in formulating and negotiating NASA–DOD agreements.

(d) *Office of International Affairs.* The Office of International Affairs, headed by the Assistant Administrator for International Affairs, initiates, plans, and coordinates international programs to promote maximum cooperation between NASA and foreign aeronautical and space agencies. This Office coordinates the development of agreements permitting NASA to use the equipment and facilities of foreign governments or agencies and permitting foreign governments or agencies to use NASA facilities. The Assistant Administrator also advises the Administrator on the progress of foreign aeronautical space programs and policies and on the effect abroad of NASA programs and policies.

(e) *Office of Legislative Affairs.* The Office of Legislative Affairs, headed by the Assistant Administrator for Legislative Affairs, monitors and coordinates all communications and relationships between NASA and the Congress; arranges for representation of NASA at Congressional hearings; assists Congressmen in securing appropriate information or assistance concerning NASA activities; and serves as the principal adviser to the Administrator and other NASA officials on executive and legislative matters involving relations with the Congress and State and local governments.

(f) *Office of Policy.* The Office of Policy, headed by the Assistant Administrator for Policy, is responsible for policy development and evaluation of agency programs from the standpoint of policy objectives; the conduct of studies to determine economic, social, and political implications of the aeronautics and space programs; and the planning and coordination of NASA historical activities.

(g) *Office of Program Plans and Analysis.* The Office of Program Plans and Analysis, headed by the Assistant Administrator for Program Plans and Analysis, analyzes, evaluates and synthesizes the program planning activities of other agency elements and complements them with agencywide perspective. It provides an independent engineering, scientific and technical staff capability required by the Administrator and Deputy Administrator on technical requirements and related considerations.

(h) *Office of Public Affairs.* The Office of Public Affairs, headed by the Assistant Administrator for Public Affairs, is responsible for developing an agencywide public affairs program to provide the widest practicable and appropriate dissemination of information concerning NASA activities by (1) releasing information, including motion pictures, television and radio programs and exhibits to news media and other private individuals and groups; and (2) providing assistance to schools, colleges, and other educational organizations in gaining wider knowledge and understanding of space science and technology. This includes participation in teacher workshops, advising and helping develop instructional resources for use within established curricula; producing or recommending, and assisting in the production of, educational publications, films, and television and radio programs; and conducting lecture demonstrations in assembly halls and classrooms.

§ 1201.205 Executive Secretariat.

The Executive Secretariat, headed by the Executive Secretary, serves as the major communications system linking the Office of the Administrator with other Headquarters Offices and organizational element in the flow of decision related documents and information needed for planning, coordination and control. It provides an overlay of communications on the normal structure of line and staff communication among the Headquarters Offices and other organizational elements.

Subpart 3—NASA Field Installations

§ 1201.300 General.

(a) NASA's 10 field installations have different and broad capabilities. Although these field installations have a primary program responsibility to the Program Office to which they report, they also conduct work for the other Program Offices, including the bulk of the agency's procurement of goods and services.

(b) The mailing address and a brief description of the activities of each field installation follow:

(1) Director, Ames Research Center, Moffett Field, Calif. 94035. Basic and applied research in space environmental physics, including simulation techniques, gas dynamics research at extreme speeds, configuration, stability, structures and guidance and control of aeronautical and space vehicle, biomedical and biophysical research. Also responsible for the Pioneer missions.

(2) Director, Electronics Research Center, 575 Technology Square, Cambridge, Mass. 02139. Basic studies and research in instrumentation, communication, data processing, navigation, and guidance control.

(3) Director, Flight Research Center, Post Office Box 273, Edwards, Calif. 93523. Research in extremely high performance aircraft and spacecraft, including flight operations and flight systems; and structural characteristics of aeronautical and space vehicles.

(4) Director, Goddard Space Flight Center, Greenbelt, Md. 20771. Scientific research in space and unmanned satellites; research and development of meteorological and communications satellites; and tracking and data acquisition operations. Responsible for the management of the National Space Science Data Center (see Subpart 1205.1 of this title).

(5) Director, John F. Kennedy Space Center, NASA, Kennedy Space Center, Fla. 32899. Providing or arranging for services and supporting activities for major launchings collaborating with such elements of the Department of Defense as the Air Force Eastern Test Range and the Army Corps of Engineers to avoid unnecessary duplication of launch facilities, services, and capabilities.

(6) Director, Langley Research Center, Langley Station, Hampton, Va. 23365. Aeronautical and space structures and materials, aerodynamics of reentry vehicles, space environmental physics, life sciences, subsonic and supersonic flight. Also responsible for development of the Lunar Orbiter Spacecraft and mission.

(7) Director, Lewis Research Center, 21000 Brookpark Road, Cleveland, Ohio 44135. Powerplants and propulsion; high energy propellants; nuclear rockets; electric propulsion; and management and procurement of medium launch vehicle programs such as Centaur and Agena.

(8) Director, Manned Spacecraft Center, Houston, Tex. 77058. Research and development of manned spacecraft, such as Apollo; development of life support systems; development and integration of experiments for assigned space flight activities; astronaut training; and manned flight and operations in space.

(9) Director, George C. Marshall Space Flight Center, Huntsville, Ala. 35812. Research and development of launch vehicles and systems to launch manned and unmanned spacecraft; development of the Voyager spacecraft system; and developing and integrating experiments for assigned space flight activities, including some of those for the Apollo Application Program.

(10) Director, Wallops Station, Wallops Island, Va. 23337. Launch facilities and services for other NASA installations which conduct suborbital, orbital, and space probe experiments with vehicles ranging from small rockets to the Scout four-stage solid fuel rocket. Develops techniques for collecting and processing experimental data.

Subpart 4—Jet Propulsion Laboratory

§ 1201.400 Jet Propulsion Laboratory.

(a) The Jet Propulsion Laboratory (JPL) is a U.S. Government-owned facility, which is operated by the California Institute of Technology under a contract with NASA. It is not classed as a NASA "Field Installation," but its operation comes under the overall management responsibility of the Office of Space Science and Applications (§ 1201.202(d)).

(b) The JPL is located at 4800 Oak Grove Drive, Pasadena, Calif. 91103.

(c) Research programs carried on at the JPL include projects relating to the exploration of deep space, lunar and interplanetary flights; development of unmanned interplanetary spacecraft; and operation of related tracking and data acquisition systems.

(d) Contractual matters relating to the Jet Propulsion Laboratory are carried out throughout the NASA Pasadena Office (§ 1201.500(f)).

Subpart 5—NASA Component Installations

§ 1201.500 General.

NASA also has a number of component installations located apart from the Headquarters Offices or field installations to which they are assigned for management purposes. Such component installations are generally NASA technical facilities which support programmatic activities requiring use of such facilities. A brief description of these component installations follows:

(a) The NASA Daytona Beach Operation at Daytona Beach, Fla., functions under the Office of Manned Space Flight (§ 1201.202(c)). It provides administrative and technical support and services for various elements of NASA and DOD concerned with the design and fabrication of checkout equipment by NASA contractors.

(b) The Goddard Institute for Space Studies in New York City functions under the Goddard Space Flight Center (§ 1201.300(b)(4)). It does theoretical research in fields such as astronomy and meteorology and assists in the analysis of satellite data.

(c) The MSC White Sands Test Facility at Las Cruces, N. Mex., functions under the Manned Spacecraft Center in Houston, Tex. (§ 1201.300(b)(8)). White Sands is currently utilized for operational testing of spacecraft propulsion systems and for the launching of sounding rockets and space probes sponsored by governmental, industrial, and academic institutions.

(d) The Michoud Assembly Facility at Michoud, La., under the Marshall Space Flight Center (§ 1201.300(b)(9)), is used in the manufacture of the first stages of the Saturn family of launch vehicles by NASA contractors.

(e) The Mississippi Test Facility at Bay St. Louis, Miss., under the Marshall Space Flight Center (§ 1201.300(b)(9)), is the agency's static test site for large launch vehicle stages and propulsion systems.

(f) The NASA Pasadena Office in Pasadena, Calif., under the Office of Space Sciences and Applications (§ 1201.202(d), negotiates, executes, and administers NASA contracts with the California Institute of Technology for the operation of the Jet Propulsion Laboratory.

(g) The Plum Brook Station in Sandusky, Ohio, is operated by the Lewis Research Center (§ 1201.300(b)(7)). It has a 60 megawatt reactor to test components of nuclear power propulsion systems.

(h) The NASA Western Support Office in Santa Monica, Calif., is responsible to the Director of Headquarters Administration, NASA Headquarters (§ 120.203(h)). This office provides administrative, legal, technical, and related services and support for other NASA ele-

ments with projects and programs in western locations.

(i) The KSC Western Test Range Operations Division, at Lompoc, Calif., is under the Kennedy Space Center (§ 120.-300(b)(5)). This Division manages the unmanned launch operations at the Western Test Range, including integration, test, and checkout of vehicles launched from that range.

(j) The Joint AEC-NASA Space Nuclear Propulsion Office at Germantown, Md., undertakes research and development, in conjunction with the Atomic Energy Commission, leading to nuclear rocket propulsion for space vehicles, including the nuclear reactor and nonreactor components of such systems. Three field extensions of this office, which are located at Jackass Flats, Nev.; Cleveland, Ohio; and Albuquerque, N. Mex., are involved with various aspects of this joint research and development program.

Subpart 6—Boards and Committees

§ 1201.600 Boards and committees.

Various boards and committees have been established as part of the permanent organizational structure of NASA. These include:

(a) *Board of Contract Appeals.*

(1) Established to adjudicate appeals arising from final decisions by NASA Contracting Officers pursuant to the Disputes clause of NASA contracts.

(2) The Charter of the Board is set forth at Subpart 1 of Part 1209 of this chapter. The Board's rules of procedure are set forth at 41 CFR Part 18–54.

(3) The texts of decisions of the Board are published by Commerce Clearing House, Inc., in Board of Contract Appeals Decisions, and are hereby incorporated by reference. All decisions and orders are available for inspection, and for purchase, from the Recorder of the Board at NASA Headquarters, Washington, D.C. Decisions and orders issued after July 4, 1967, will be available for inspection and for purchase at NASA Information Centers (§ 1206.601). An Index/Digest of Decisions issued between October 1, 1958, and December 31, 1966, and annual supplements to be issued thereto, will be available for inspection and for purchase at NASA Information Centers.

(b) *Contract Adjustment Board.* (1) Established to consider and dispose of requests by NASA contractors for extra-ordinary contractural adjustments pursuant to Public Law 85–804 (50 U.S.C. 1431–35) and Executive Order 10789 dated November 14, 1958 (23 F.R. 8897).

(2) The Charter of the Board is set forth at Subpart 3 of Part 1209 of this chapter. The Board's rules of procedure are set forth at 41 CFR Part 18–17.

(3) The texts of decisions of the Board are available for inspection and for purchase from the Chairman of the Board, National Aeronautics and Space Administration, Washington, D.C. 20546.

(c) *Inventions and Contributions Board.* (1) Established to consider and recommend to the Administrator the action to be taken with respect to (i) requests for waiver of rights to any invention or class of inventions made during the performance of NASA contracts, and (ii) applications for award for scientific and technical contributions determined to have significant value in the conduct of aeronautical and space activities pursuant to the National Aeronautics and Space Act, as amended (42 U.S.C. 2457 (f), 2458), and the Government Employees Incentive Awards Act (5 U.S.C. 2121–23), respectively.

(2) The Charter of the Board is set forth at Subpart 4 of Part 1209 of this chapter. The Board's rules of procedure are set forth at 14 CFR Subpart 1240–1 (revised Apr. 21, 1967—cf. 32 F.R. 6272–73).

The texts of decisions of the Board on requests for waiver are published in Petitions for Patent Waiver (NASA Handbook NHB 5500.1A) and are hereby incorporated by reference. They are available for purchase from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

Subpart 7—General Information

§ 1201.700 NASA Procurement Program.

(a) The Procurement Office, headed by the Director of Procurement, who is responsible to the Assistant Administrator for Industry Affairs (§ 1201.203(c)), serves as a central point of control and contact for NASA procurements. Although the procurements may be made by the field installations, contracts in excess of specific dollar amounts or contracts for various special type services are required to be approved by the Director of Procurement prior to their execution. The Procurement Office is also responsible for formulation of NASA procurement policies and provides overall assistance and guidance to NASA field installations to achieve uniformity in NASA procurement processes.

(b) The NASA procurement program is carried out principally at the NASA field installations listed in § 1201.300. The Assistant Administrator for Special Contracts Negotiation and Review (§ 1201.203(d)) is responsible for negotiation and review of certain assigned contracts that involve new policy or administrative arrangements requiring consideration or decision by the Administrator or Deputy Administrator. The Headquarters Contracts Division is responsible for contracts with foreign governments and foreign commercial organizations, and the procurement of materials and services required by Headquarters offices except for minor office supplies and services procured locally. The Office of University Affairs (§ 1201.-203(f)) is responsible for grants and research contracts with scientific and educational nonprofit institutions.

(c) All procurements are made in accordance with the NASA Procurement Regulations (41 CFR Ch. 18). With minor exceptions, every proposed procurement in excess of $10,000 is publicized promptly in the Commerce Business Daily "Synopsis of U.S. Government Proposed Procurement, Sales and Contract Awards." Copies of this publication are available from the U.S. Department of Commerce on an annual subscription basis.

§ 1201.701 Federal Regional Report Centers.

(See § 1201.203(e)).

Federal Regional Report Centers for scientific and technical information are located at the following places:

California: University of California Library, Berkeley.
Colorado: University of Colorado Libraries, Boulder.
District of Columbia: Library of Congress.
Georgia: Georgia Institute of Technology, Atlanta.
Illinois: The John Crerar Library, Chicago.
Massachusetts: Massachusetts Institute of Technology, Cambridge.
Missouri: Linda Hall Library, Kansas City.
New York: Columbia University, New York.
Pennsylvania: Carnegie Library of Pittsburgh.
Texas: Southern Methodist University, Dallas.
Washington: University of Washington Library, Seattle.

Effective date: The provisions of this Part 1200 are effective July 4, 1967.

Dated: June 22, 1967.

JAMES E. WEBB,
Administrator.

[F.R. Doc. 67–7512; Filed, June 30, 1967; 8:48 a.m.]

PART 1206—RELEASE OF INFORMATION AND OTHER AGENCY RECORDS TO MEMBERS OF THE PUBLIC

1. New Part 1206 added.

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Subpart 9—Failure To Release Information or Records to the Public

1206.900 Failure to release information or records to the public.

AUTHORITY: The provisions of this Part 1206 issued pursuant to 5 U.S.C. 552, as amended by Public Law 90–23.

Subpart 1—Basic Policy

§ 1206.100 Scope of part.

This Part 1206 establishes the policies, responsibilities, and procedures for the release to members of the public of information and other identifiable agency records which are under the jurisdiction of the National Aeronautics and Space Administration. This Part applies to information and agency records located at NASA Headquarters, at NASA Field Installations, and at NASA component installations, as defined in Subparts 2, 3 and 5 of Part 1201 of this chapter.

§ 1206.101 Definitions.

For the purposes of this part, the following definition shall apply:

(a) The term "agency records" or "records" includes all books, papers, microfilm, punched cards, tapes, sound recordings, maps, photographs, slides, movies or other documentary materials, regardless of physical form or characteristics, made or received by NASA in pursuance of Federal law or in connection with the transaction of public business and preserved by NASA as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities or because of the informational value of data contained therein. It does not include objects or articles such as structures, furniture, paintings, sculptures, tangible exhibits or models, vehicles or equipment, or library or museum material made or acquired and preserved solely for reference or exhibition purposes.

§ 1206.102 General policy.

(a) In accordance with section 203 (a)(3) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2473(a)(3)), it has been and continues to be NASA policy to provide for the "widest practicable and appropriate dissemination of information concerning its activities and the results thereof."

(b) In compliance with the "Freedom of Information" amendment to the Administrative Procedure Act (5 U.S.C. 552, as amended by Public Law 90–23), a positive and continuing obligation exists for NASA to make available upon request by members of the public to the fullest extent practicable all information and other identifiable agency records under its jurisdiction, as described in Subpart 2 of this part, except to the extent that they may be exempt from disclosure under Subpart 3 of this part. Information and agency records which may be exempt from disclosure under Subpart 3 of this part may nevertheless be made available upon request by a member of the public when no public interest purpose would be served by withholding them.

Subpart 2—Records Available

§ 1206.200 Types of records to be made available.

(a) *Information required to be published in the* FEDERAL REGISTER. The following information, to the extent it concerns the general public, is required to be published in the FEDERAL REGISTER, for codification in Title 14, Chapter V, of the Code of Federal Regulations:

(1) Description of NASA Headquarters and field organization and the established places at which, the employees from whom, and the methods whereby, the public may secure information, make submittals or requests, or obtain decisions;

(2) Statements of the general course and method by which NASA's functions are channeled and determined, including the nature and requirements of all formal and informal procedures available;

(3) Rules of procedure, descriptions of forms available or the places at which forms may be obtained, and instructions as to the scope and contents of all papers, reports, or examinations;

(4) Substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretations of general applicability formulated and adopted by NASA;

(5) Each amendment, revision, or repeal of the foregoing.

(b) *Agency opinions, orders, statements, and manuals.* (1) Unless they are exempt from disclosure under Subpart 3 of this part, or unless they are promptly published and copies offered for sale, NASA will make available the following records for public inspection and copying or purchase:

(i) All final opinions (including concurring and dissenting opinions) and all orders made in the adjudication of cases, where such opinions and orders have a precedential significance, such as opinions of the NASA Board of Contract Appeals.

(ii) Those statements of NASA policy and interpretations which have been adopted by NASA and are not published in the FEDERAL REGISTER, but which may be relied upon by NASA as precedents.

(iii) Administrative staff manuals (or similar issuances) and instructions to staff that affect a member of the public. This does not apply to materials which do not concern the public, such as manuals or other issuances on property or fiscal accounting, budget administration, vehicle maintenance, personnel administration, and other proprietary functions of NASA.

(2) In connection with all records required to be made available or published under this paragraph (b), identifying details may be deleted to the extent required to prevent a clearly unwarranted invasion of personal privacy. However, in each case the justification for the deletion shall be explained fully in writing. A copy of such justification will be attached to the front of the record and submitted to the member of the public seeking the record from which the deletion was made.

(3) In connection with all records required to be made available or published under this paragraph (b) which are issued, adopted, or promulgated after July 4, 1967, except to the extent they are exempt from disclosure under Subpart 3 of this part, a current index providing identifying information will be maintained and made available for public inspection and copying or purchase.

(4) A final order, opinion, statement of policy, interpretation, or staff manual or instruction that affects a member of the public may be relied upon, used or cited as precedent by NASA against any member of the public only if it has been indexed and either made available or published as provided by this paragraph (b) or if the member of the public has actual and timely notice of the terms thereof.

(c) *Other agency records.* In addition to the records made available or published under paragraphs (a) and (b) of this § 1206.200, NASA shall, upon request for other identifiable records made in accordance with this part, make such records promptly available to any person, unless they are exempt from disclosure under Subpart 3 of this part, or unless they may be purchased from other readily available sources, as provided in § 1206.201.

§ 1206.201 Information and records which have been published.

Publication in the FEDERAL REGISTER is a means of making certain information and other records available to the public. Various other publications are on sale by the U.S. Superintendent of Documents, the Clearinghouse for Federal Scientific and Technical Information (Department of Commerce), and, in certain cases, by NASA, or by commercial publishers. Information and records which have been made available by publication will not be reproduced at NASA Information Centers, as set forth in § 1206.401, unless they cannot be purchased from readily available sources.

§ 1206.202 Creation of records.

Records will not be created by compiling selected items from the files at the request of a member of the public,

nor will records be created to provide the requestor with such data as ratios, proportions, percentages, frequency distributions, trends, correlations, or comparisons.

§ 1206.203 Records of other agencies.

Where a record is requested which is of concern to an agency other than NASA, and such other agency has a paramount interest in the record requested, the request will be referred to that agency for a decision whether to disclose it, after consultation with any other interested agencies. Where a record requested from NASA is the exclusive concern of another agency, the request will be referred to that other agency and the party who requested it will be notified thereof.

§ 1206.204 Incorporation by reference.

Matter which is reasonably available to the members of the public affected thereby shall be deemed published in the FEDERAL REGISTER (pursuant to the Federal Register Regulation on Incorporation by Reference, 1 CFR Part 20).

§ 1206.205 Availability for copying.

Except as provided in § 1206.201, the availability of information or other records for inspection shall include the opportunity to make or to purchase copies.

Subpart 3—Exemptions

§ 1206.300 Exemptions.

Title 5, United States Code, section 552 authorizes exemptions from disclosure of information and agency records concerning matters that are:

(a) *Specifically required by Executive order to be kept secret in the interest of the national defense or foreign policy.* Included, but not by way of limitation, are the following:

(1) Matters classified under Executive Order 10501.

(2) Matters classified or exempted under other Executive orders now or hereafter issued.

(b) *Related solely to the internal personnel rules and practices of NASA.* Included, but not limited to, are the following:

(1) Matters of personnel administration, including personnel policies, interpretations respecting personnel questions, and all other internal matters of personnel administration.

(2) Information related exclusively to internal administration and management of NASA and which are for guidance of agency personnel only, including, but not limited to, guidelines and procedures for NASA investigators or examiners; instructions to NASA negotiators, including information relating to the cost or sales price at which NASA is offering to purchase, sell or lease materials, equipment, facilities, services, land or other property; and information relating to the circumstances under which NASA will conduct unannounced inspections or audits of regulated transactions to determine compliance with regulatory requirements.

(c) *Specifically exempted from disclosure by statute.* Records exempted from disclosure under this provision include records coming within any statutory provision which specifically exempts a matter from disclosure, prohibits disclosure except as authorized by law, provides for disclosure only as authorized by law, or otherwise protects from disclosure.

(d) *Trade secrets and commercial or financial information obtained from a person and privileged or confidential.* Included, but not by way of limitation, are the following:

(1) Information obtained by the Government through questionnaires, or other inquiries, contract proposals, and other information the disclosure of which would either divulge trade secrets, commercial or financial information of the person submitting such information and considered by him to be confidential and proprietary, or would offend a pledge of confidentiality given by the Government (such as an agreement not to disclose experimenter's data), or the understanding upon which the information was submitted. The protection afforded to information which is customarily privileged or is appropriately given to an agency in confidence is applicable regardless of the presence of the element of commerce or finance, e.g., 18 U.S.C. 1905.

(2) Examples of information protected under this exemption are research designs, salary schedules, business sales statistics, inventories, customer lists, scientific or manufacturing processes or developments, negotiation positions or requirements in the case of labor-management mediations, draft audit reports, technical or scientific data or other information submitted in or with an application for a research grant or in or with a report while research is in progress, as well as information customarily subject to the doctor-patient, lawyer-client, lender-borrower, and other such privileges.

(3) The exemption set forth in this paragraph (d) also covers formulae, designs, drawings, research data and comparable information, which are significant not as records but as items of valuable property.

(e) *Interagency or intraagency memorandums or letters which would not be available by law to a party other than an agency in litigation with NASA.* For purposes of this exemption, the term "memorandums or letters" includes documents, records, reports, and all other items of an informational nature. Included, but not by way of limitation, are the following:

(1) All internal memoranda which would not routinely be disclosed to a party other than a Government agency through the discovery process in litigation with NASA or the U.S. Government, such as internal drafts or memoranda between officials or agencies; opinions, interpretations, and evaluations prepared by staff personnel or consultants for the use of NASA; records of the deliberations of NASA staff groups or advisory committees; staff criteria or guidelines used for auditing or inspection purposes; and documents or information which the agency has received or generated before it completes the process of awarding a contract or issuing an order, decision, or regulation; agency plans or materials that are in process of preparation or development and are likely to be revised before being finalized, such as budget proposals, long range plans or studies, drafts of speeches or statements, or legislative proposals; agency plans (such as those included in budget justification material) which, even though finalized, would be harmful to public or private interests, if made available in advance of the effective date; and working papers of the agency attorney and documents which come within the attorney-client privilege.

(f) *Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.* For purposes of this exemption, the term "privacy" includes privacy in business affairs as well as in medical and family affairs. Included, but not by way of limitation, are the following:

(1) Private, personal, financial or business information contained in any personnel or medical file or in any other files which, if disclosed to the public, would invade the privacy of any person including any member of the family of the person to whom the information pertains. Examples of such information are statements of financial interests, evaluations of employee work performance, fitness reports on military personnel, disciplinary files, security files, medical files on employees, and official personnel folders.

(g) *Investigatory files compiled for law enforcement purposes except to the extent available by law to a party other than an agency.* Included, but not by way of limitation, are the following:

(1) Civil Service investigation files or reports.

(2) Civil Rights investigation files or reports.

(3) Employee disciplinary investigation files or reports.

(4) Audit investigation files or reports.

(5) FBI investigation files and reports.

(6) Investigatory information relating to the enforcement of criminal statutes and labor, immigration, and securities laws of concern to NASA.

(7) Litigation files compiled by the Government and files prepared for adjudicative proceedings.

(h) *Information contained in or related to examination, operating, or condition reports prepared by, on behalf of or for use of, any agency responsible for the regulation or supervision of financial institutions.*

(i) *Geological and geophysical information and data, including maps, concerning wells.* This exemption makes clear that geological maps based on exploration by private companies shall not be released to the public, even though they probably are not covered by the trade secrets exemption.

§ 1206.301 Release of exempt records.

Information or a record which is exempt from disclosure under this Subpart 3 of this part may be released in accordance with procedures set forth in § 1206.607.

§ 1206.302 Limitation of exemptions.

(a) Nothing in this part 1206 authorizes the withholding of information or other agency records, or limiting their availability, to members of the public except as specifically stated in this Part 1206.

(b) Nothing in this Part 1206 shall be construed as authority to withhold information or other agency records from Congress.

Subpart 4—Locations for Inspection of Information and Other Records

§ 1206.400 Information centers.

NASA will maintain Information Centers as set forth in this subpart.

§ 1206.401 Location of information centers.

(a) NASA will maintain a Headquarters Information Center at the following location:

National Aeronautics and Space Administration, Headquarters Administration Office (Code DH), Washington, D.C. 20546.

(b) NASA will also maintain a Field Information Center at each of the following locations:

(1) NASA Ames Research Center, Moffett Field, Calif. 94035.
(2) NASA Electronics Research Center, 575 Technology Square, Cambridge, Mass. 02139.
(3) NASA Flight Research Center, Post Office Box 273, Edwards, Calif. 93523.
(4) Goddard Institute for Space Studies, 2880 Broadway, New York, N.Y. 10025.
(5) NASA Goddard Space Flight Center, Greenbelt, Md. 20771.
(6) NASA John F. Kennedy Space Center, Kennedy Space Center, Fla. 32899.
(7) NASA Langley Research Center, Langley Station, Hampton, Va. 23365.
(8) NASA Lewis Research Center, 21000 Brookpark Road, Cleveland, Ohio 44135.
(9) NASA Manned Spacecraft Center, Houston, Tex. 77058.
(10) NASA George C. Marshall Space Flight Center, Huntsville, Ala. 35812.
(11) NASA Michoud Assembly Facility, Post Office Box 29300, New Orleans, La. 70126.
(12) NASA Mississippi Test Facility, Bay St. Louis, Miss. 39520.
(13) NASA Pasadena Office (JPL), 4800 Oak Grove Drive, Pasadena, Calif. 91103.
(14) NASA Space Propulsion Office—Nevada Nuclear Rocket Development Station, Post Office Box 1, Jackass Flats, Nev. 89023.
(15) NASA Wallops Station, Wallops Island, Va. 23337.
(16) NASA Western Support Office, 150 Pico Boulevard, Santa Monica, Calif. 90406.

(c) Information which is under the cognizance of a NASA Installation for which a NASA Field Information Center is not in existence may be requested from the nearest NASA Field Information Center or the NASA Headquarters Information Center.

§ 1206.402 Documents available for inspection at NASA information centers.

The Headquarters and Field Information Centers will have available for inspection, as a minimum, copies of the following documents:

(a) Section 3 of the Administrative Procedure Act (5 U.S.C. 552, as amended by P.L. 90–23);

(b) Title 14, Chapter V, and Title 41, Chapter 18, Code of Federal Regulations (CFR), and material published in the FEDERAL REGISTER for codification but not yet included in the CFR;

(c) NASA Management Issuances;

(d) Scientific and Technical Aerospace Reports (STAR), 1966–67;

(e) Index to NASA News Releases and Speeches, 1963 to 1966;

(f) Index to NASA Tech Briefs (Technology Utilization) and Selected Listing of NASA Reports (including Index to Technology Utilization Reports), 1964–65;

(g) Index Digest of Decisions, NASA Board of Contract Appeals.

§ 1206.403 Duty hours.

(a) The NASA Headquarters Information Center of NASA will be open to the public during all regular work days, from 9 a.m. to 4:30 p.m.

(b) The Field Information Centers will be open for a comparable period of time during the normal duty hours of the respective installation.

§ 1206.404 Published documents.

Copies of information published in the FEDERAL REGISTER or available for purchase from the Superintendent of Documents, the Clearinghouse for Federal Scientific and Technical Information (Department of Commerce), or other readily available sources will not be reproduced unless they cannot be obtained from such sources. This does not apply to information published in the FEDERAL REGISTER which has been reproduced for free distribution to interested parties, such as the NASA Patent Waiver Regulations.

Subpart 5—Responsibilities

§ 1206.500 Assistant Administrator for Public Affairs.

The Assistant Administrator for Public Affairs is responsible for overall execution and coordination of the NASA program for release of information and other agency records under this Part 1206 and for making necessary determinations regarding the release of exempt records under § 1206.607.

§ 1206.501 NASA Headquarters.

(a) *Director for Headquarters Administration.* The Director for Headquarters Administration is responsible for the NASA Headquarters program for release of information and other agency records under this Part 1206 and for the release of such information and records in the possession of NASA Headquarters offices.

(b) *General Counsel.* The General Counsel is responsible for the interpretation of the requirements of 5 U.S.C. 552, and this part, and will be consulted with respect to those requests for release of information or other agency records in the possession of NASA Headquarters offices where it is not certain whether or not such information or record may be exempt from disclosure under Subpart 3 of this part.

§ 1206.502 Field and component installations.

(a) *Director.* The Director of each NASA Field Installation or the Official-in-Charge of each Component Installation is responsible for release of information or other agency records under this part which are in the possession of his respective Installation.

(b) *Legal counsel.* The Chief Counsel of each NASA Field Installation or the Counsel charged with providing legal advice to each NASA Component Installation is responsible for the interpretation of the requirements of 5 U.S.C. 552, and this part, and will be consulted with respect to those requests for release of information or other agency records in the possession of the respective Installation where it is not certain whether or not such record or information may be exempt from disclosure under Subpart 3 of this part.

Subpart 6—Procedures

§ 1206.600 Requests for information or records.

Requests for information or records desired by a member of the public may be made in person or by mail to the Information Center having cognizance over the information or record requested, to the Information Center located nearest to the person requesting the information or record or to the NASA Headquarters Information Center.

§ 1206.601 Mail requests.

(a) In order to facilitate filing requests by mail, the requestor should:

(1) Submit two copies of a request.

(2) Identify the record adequately (name or brief description, number, and date when applicable). The identification should be specific enough that a record can be identified and found.

(3) For information or records for which there is a fee (see § 1206.605) include a check or money order payable in the exact amount to "Treasurer of the United States." Cash or stamps will not be accepted. If the amount of the fee cannot be determined by the requestor, he should request that NASA determine the fee.

(4) Include his name and complete mailing address.

(5) Allow a reasonable amount of time for obtaining reply.

§ 1206.602 Identity of records.

(a) Information or records requested must be readily identifiable. Thus a member of the public who requests information or a record must provide a reasonably specific description of the particular document sought which will enable it to be identified and located. Blanket requests in indefinite, all-inclusive terms such as "the entire file" or "all matters relating to" will not be honored.

(b) No obligation is undertaken by NASA to compile or create information or records not already in existence at the time of the request.

§ 1206.603 Reasonable time for search.

A reasonable time must be allowed for the conduct of a search, for the information or records to be located, conveyed to the proper place, copied and mailed, or otherwise made available. Normally, requests will be fulfilled, or denied subject to appeal under Subpart 8 of this part, within 30 days or less.

§ 1206.604 Records in use.

Information or records in current use by an employee in carrying out the activities of NASA will not be immediately available for inspection and copying or purchase until such time as they are no longer required for the activity.

§ 1206.605 Payment of fee.

Except to the extent that information or a record requested is normally furnished by NASA to interested parties free of charge, each request for production of information or a record, whether made by mail or in person, must be accompanied by payment of a preestablished fee, as set forth in § 1206.700, which will cover the cost of processing the request, including searching charges where applicable. NASA will not simply produce for examination all documents requested by a member of the public under this part, free of charge, and then charge him only for the copies he decides to buy, except where such documents are kept available for inspection as required under § 1206.402. The prescribed fee must be paid in full prior to release of the information or record or copy thereof.

§ 1206.606 Copies.

The furnishing of a single copy of the requested information or record will constitute compliance with this part. Additional copies may be furnished upon request, but this is not required under this part.

§ 1206.607 Release of exempt records.

Where information or a record which has been requested is exempt from disclosure under Subpart 3 of this part, the request will be referred to the Assistant Administrator for Public Affairs for a determination whether the information or record should nevertheless be made available on the ground that no public interest purpose would be served by withholding the information or record.

§ 1206.608 Denial of record.

A request for information or a record is not to be considered finally denied until it has been denied by the Administrator of NASA or his designee for this purpose. See Subpart 8 of this part for appeals procedure.

Subpart 7—Schedule of Fees

§ 1206.700 Schedule of fees.

Charges for searching for and making available copies of information or other records requested by a member of the public will be made in accordance with the following schedule of fees, except that where the search for information or a record takes less than 15 minutes, it may be waived, unless a minimum search charge is provided for:

(a) *Construction and engineering information.* (1) Copies of aerial photographic maps, specifications, permits, charts, blueprints, and other technical engineering documents—

Searching, per ½ hour or fraction thereof	$1.50
First print (per square foot)	0.50
Each additional print of same document (per square foot)	0.10

(b) *Nontechnical documents.* (1) Letters, memoranda, statements, reports, contracts, and other documents not otherwise provided for—

Searching, per ½ hour or fraction thereof	$1.50
Processing, per ½ hour or fraction thereof (minimum charge ½ hour)	1.50
Each photocopy (per page)	0.10

(c) *Photography (f.o.b. Washington, D.C.).* (1) Still pictorial or documentary black-and-white photographic prints. Unlisted standard sizes of black-and-white prints may be furnished, if available, at proportionate fees.

8" x 10" single weight glossy or matte finish:	
1 to 5 prints, each	$0.70
6 to 10 prints, each	0.40
11" x 14" single weight glossy or matte finish, each print	0.75
16" x 20" single weight glossy or matte finish, each print	2.00
20" x 30" single weight glossy or matte finish, each print	4.00
35mm. color transparencies (cardboard mount), each	0.95
4" x 5" color transparencies or color negative, each	3.00
8" x 10" color transparencies or color negative, each	3.80
Search time, per hour	4.00

(2) Motion picture footage:

	Per 16mm. foot	
	Single roll	A and B
16mm. optical master printed on Ektachrome camera stock	$0.35	$0.42
16mm. color positive master from 16mm. internegative	.162	
16mm. reduction color positive master from 35mm. color negative	.35	
16mm. contact master printed on Ektachrome camera stock	.141	.161
16mm. 1-life Kodachrome dailies	.93	
16mm. timed Kodachrome dailies	.106	
dailies printed on Ektachrome check print	.04	
16mm. contact dupe negative	.26	.116
16mm. optical dupe negative	.221	.221
16mm. black-and-white 1-life dailies	.049	

Minimum charge color—$10 per item
Minimum charge black-and-white—$7.50 per item
Edge numbering—$0.01 ft.

	Per 35mm. foot	
	Single roll	A and B
35mm. black-and-white master positive	0.07	
35mm. black-and-white dupe negative	0.125	
35mm. black-and-white blow-up dupe negative	0.225	
35mm. black-and-white dailies	0.055	
35mm. color interpositive	0.25	0.50
35mm. color internegative	0.33	0.50
35mm. color dailies one-lite	0.12	
35mm. color dailies corrected	0.30	
35mm. color blow-up internegatives	0.60	0.65

Fades—$3.30 each.
Dissolves—$7 each.
Minimum charge blow-up color—$40 per item.
Minimum charge color—$15 per item.
Minimum charge black-and-white—$10 per item.

(3) Sound services:

	Per hour
Rerecording from one source	$42.50
16mm. magnetic film full coat	0.24 per ft.
¼" magnetic tape:	
Per 1200' reel	3.00
Per 2500' reel	7.30
Search time	7.00 per hour

(d) *Information or records requested in connection with claims or litigation.* (1) Requests from litigants pertaining to private litigation—

Searching per ½ hour or fraction thereof	$1.50
Processing per ½ hour (minimum charge ½ hour)	1.50
Each photocopy (per page)	0.10
Certification and validation with seal, each	0.75
Certification and validation without seal, each	0.50

(2) Requests pertaining to cases in which the United States is a party and where court rules provide for reproduction of records without cost to the Government—

Searching per ½ hour or fraction thereof	$1.50
Processing per ½ hour (minimum charge ½ hour)	1.50
Each photocopy (per page)	0.10
Certification and validation with seal, each	0.75
Certification and validation without seal, each	0.50

(3) Furnishing information from Investigative Reports, e.g., automobile collision investigations, safety reports.

Each report or portion thereof charge per ½ hour (minimum charge ½ hour)	$1.50

(e) *Miscellaneous.* Charges for any additional services not specifically provided in this Subpart 1206.7 will be made by NASA at the following rates:

Searching per ½ hour or fraction thereof	$1.50
Processing per ½ hour or fraction thereof (minimum charge ½ hour)	1.50
Each photocopy (per page)	0.10
Certification and validation with seal, each	0.75
Certification and validation without seal, each	0.50

Subpart 8—Administrative Appeal

§ 1260.800 Appeal from withholding of information or a record.

There is provided in this subpart an appeal from the initial decision to withhold information or other record. No appeal shall be taken until a request for an identified record has been initially denied in writing.

§ 1206.801 Time for appeal.

An appeal shall be initiated within 30 days of the date of the initial denial of a request. The 30-day limitation may be waived for good cause shown.

§ 1206.802 To whom appeal is made.

The appeal shall be made to the Administrator, NASA, Washington, D.C. 20546.

§ 1206.803 Contents of appeal.

The appeal shall include a copy of the request, if the request was in writing, the initial denial, and the reasons for objection to the denial.

§ 1206.804 Consideration of appeal.

The Administrator, or his designee for this purpose, will consider the appeal. No personal appearance, oral argument, or hearing will be permitted.

§ 1206.805 Decisions on appeal.

(a) Decisions on appeal will be in writing, will briefly give the reasons for the decision, and will be promptly communicated to the requestor.

(b) Where the decision is in favor of the requestor, the decision may order a record made available to the requestor as provided in the decision.

Subpart 9—Failure To Release Information or Records to the Public

§ 1206.900 Failure to release information or records to the public.

(a) With respect to the types of information required to be made available under § 1206.200(b), no final order, opinion, statement of policy, interpretation, or staff manual or instruction that affects any member of the public may be relied upon, used or cited as precedent by NASA against any private party unless it has been indexed and either made available or published or unless that private party shall have had actual and timely notice of the terms thereof.

(b) With respect to the information or other records required to be made available under § 1206.200(c), failure to release agency records not exempt from disclosure under Subpart 3 of this part establishes the necessary jurisdiction for injunction proceedings to be commenced in a U.S. District Court. Upon complaint, the District Court of the United States in the district in which the complainant resides, or has his principal place of business, or in which the agency records are situated shall have jurisdiction to enjoin NASA from the withholding of agency records improperly withheld from the complainant. In such cases, the Court shall determine the matter de novo and the burden shall be upon NASA to sustain its action. In the event of noncompliance with the Court's order, the District Court may punish the responsible officers for contempt. Except as to those causes which the Court deems of greater importance, proceedings before the District Court on the matter involved herein shall take precedence on the docket over all other cases and shall be assigned for hearing and trial at the earliest practicable date and expedited in every way.

Effective date: The provisions of this Part 1206 are effective July 4, 1967.

Dated: June 22, 1967.

JAMES E. WEBB,
Administrator.

[F.R. Doc. 67-7513; Filed, June 30, 1967; 8:48 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 67-152]

AVAILABILITY OF INFORMATION

The Act of June 5, 1967, Public Law 90-23, amended section 552, Title 5, United States Code, effective July 4, 1967. The description of the Bureau of Customs central and field organization; the places at which, the officers from whom, and the methods whereby, the public may secure information, make submittals or requests, or obtain decisions in customs matters; the general course and method by which customs functions are channeled and determined, which section 552, as amended, requires to be published will appear in the FEDERAL REGISTER as a separate document.

All Bureau of Customs rules of procedure, descriptions of and availability of forms; substantive rules of general applicability and statements of general policy or interpretations of general applicability have been and will continue to be published in the FEDERAL REGISTER. Rules of general applicability are currently codified in Title 19, Chapter I, Code of Federal Regulations and are also available in a loose-leaf form entitled "Customs Regulations" which is for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

In order to conform the disclosure provisions in the Customs Regulations to the requirements of subsections (a)(2)–(4) and (b) of amended section 552, the Customs Regulations are being amended. Part 26 of the Customs Regulations, containing the Bureau of Customs general disclosure of information rules, is being revised. Sections 14.6a and 17.11(d) of the regulations, relating, respectively, to the availability of information in antidumping proceedings, and information available to complainants in connection with complaints under section 516 of the Tariff Act of 1930 (19 U.S.C. 1516), are being amended. Section 31.15 of the regulations, relating to the availability of information pertaining to the licensing of customhouse brokers, is being deleted, since the general disclosure of information rules in Part 26 of this chapter will govern the availability of this type of information.

To accomplish these changes the Customs Regulations are amended as follows:

PART 14—APPRAISEMENT

1. The heading and the first sentence of § 14.6a are amended to read:

§ 14.6a Availability of information in antidumping proceedings.

(a) *Information generally available.* In general, all information, but not necessarily all documents, obtained by the Treasury Department, including the Bureau of Customs, in connection with any antidumping proceeding will be available for inspection or copying by any person. • • •

(Sec. 407, 42 Stat. 18; 19 U.S.C. 173, 5 U.S.C. 552, as amended)

PART 17—PROTESTS AND REAPPRAISEMENTS

2. Section 17.11(d) is amended to read:

§ 17.11 American producers' appeals and protests; procedure.

• • • • •

(d) A complainant shall not be permitted in any case to inspect any documents or papers of the consignee or importer if such documents or papers are exempted from disclosure under § 26.7 of this part.

• • • • •

(5 U.S.C. 552, as amended)

3. Part 26—Disclosure of Information, is revised to read:

PART 26—AVAILABILITY OF INFORMATION

Sec.
26.1 Scope.
26.2 Availability of customs documents.
26.3 Other customs records.
26.4 Application for inspection, copying, or otherwise obtaining copy of customs documents.
26.5 Deletion of identifying details from documents.
26.6 Public facilities for inspection and copying—Customs reading rooms.
26.7 Classes of customs documents exempt from disclosure.
26.8 Information for the press and associations.
26.9 Sanction for improper disclosure by customs officer or employee.
26.10 Statements for publication.
26.11 Testimony or the production of documents in court.

AUTHORITY: The provisions of this Part 26 issued under 5 U.S.C. 301, 552 as amended.

§ 26.1 Scope.

This part contains the regulations governing the inspection, copying, or otherwise obtaining copies of customs

opinions, orders made in the adjudication of cases, rulings and records. It also contains the general rules covering the release of certain information to the press and the giving of testimony or the production of customs documents in court.

§ 26.2 Availability of customs documents.

(a) *Administrative manuals and instructions to staff.* Except as exempted by § 26.7, all administrative staff manuals and instructions to staff that affect any member of the public and indices thereto, are available for public inspection and copying in the Bureau of Customs Reading Rooms (§ 26.6). The following are some of the administrative manuals or instructions to staff which will be available:

Catalogue of Customs Forms.
Customs Laboratory Methods.
Marking Digest.
Monthly Checklists of Bureau of Customs Circular Letters.

(b) *Opinions, orders, rulings of precedential significance, statements of policy, and interpretations.* An index to the Bureau of Customs opinions, orders made in the adjudication of cases, rulings which are relied upon, used, or cited as precedents, statements of policy and interpretations not published in the FEDERAL REGISTER, if any (except opinions, orders, rulings, statements of policy and interpretations which are exempted from the requirement for disclosure under § 26.7), is available for public reference in the Bureau of Customs Reading Rooms (§ 26.6). For the most part such opinions, orders, rulings, and interpretations are in the form of letters addressed to regional commissioners or district directors of customs or to parties in interest, ruling upon questions arising under customs and navigation laws, and other related laws. Abstracts of such opinions, orders, or rulings are published in the Customs Bulletin. Copies of the abstracted documents are available for public inspection and copying in the Bureau of Customs Reading Room at Washington, D.C. (§ 26.6). Copies of such opinions, orders, or rulings addressed to customs field officers or promulgated by customs field officers and relied upon, used, or cited as precedents also are available in the Reading Rooms serving the respective customs offices to which they relate (§ 26.6).

(c) *Fee for copies.* A fee for copies furnished under paragraphs (a) and (b) will be charged in accordance with § 24.12 of this chapter.

§ 26.3 Other customs records.

(a) *General.* In general, all other documents issued by the Secretary of the Treasury, the Commissioner of Customs, or other officials of the Treasury Department or the Bureau of Customs in matters administered by the Bureau of Customs, if sufficiently identified, and unless exempted from disclosure under § 26.7, are available for inspection. Copies thereof may be obtained by request in person, or by correspondence. (§§ 26.4, 26.6.) However, documents contained in files on pending matters may be withheld from inspection or copying in the interest of effective operation.

(b) *Classes of records available for inspection and copying.* The following classes of records of the Bureau of Customs may be inspected and copied, upon request. Individual documents in certain records may be exempt from disclosure under § 26.7, or may be made available with identifying details deleted. The list does not purport to be exhaustive:

(1) Records relating to—

(i) Comments submitted by private parties in response to a published notice of proposed rulemaking and of proposed changes in tariff classification, unless the submitter states clearly that the information is privileged or confidential, giving reasons therefor, and the Commissioner of Customs agrees that the information contained therein is entitled to exemption from disclosure under § 26.7.

(ii) Advisory committees on customs matters.

(iii) Rosters of licensed customhouse brokers.

(iv) Names of individual licensed customhouse brokers.

(v) Names and titles of all customs personnel.

(vi) Performance awards.

(vii) Suggestion awards.

(viii) Proceedings under the countervailing duty provision of the Tariff Act of 1930, after publication of notice or order to countervail.

(ix) The administration of and decisions concerning import quotas.

(x) Proceedings under the Antidumping Act, 1921 (19 U.S.C. 160, et seq.) as provided for in § 14.6a of this chapter.

(2) Records relating to decisions concerning—

(i) Matters arising under the Tariff Schedules of the United States.

(ii) Whether or not specific items, articles, or merchandise qualify for entry under the Trade Fair Act of 1959 (19 U.S.C. 1751 et seq.), and decisions concerning disposition of articles previously entered under the Trade Fair Act; customs participation and assistance at Trade Fairs.

(iii) The dutiable status of gifts pursuant to section 321, Tariff Act of 1930 (19 U.S.C. 1321).

(iv) The eligibility of vehicles used in international traffic pursuant to section 322(a), Tariff Act of 1930 (19 U.S.C. 1322(a)) and other instruments of international traffic generally for duty-free entry.

(v) Prohibition from entry of merchandise produced by convict, forced, or indentured labor.

(vi) The entry or valuation of merchandise.

(vii) Liens in cases arising under section 564, Tariff Act of 1930 (19 U.S.C. 1564).

(viii) Bills of lading, carriers' certificates, or rights in respect of merchandise, cases arising under section 483 or 484 (c), (h), or (i), Tariff Act of 1930 (19 U.S.C. 1483, 1484).

(ix) Trade-marks, trade names, copyrights, patents, and related matters.

quirements of section 304, Tariff Act of

(x) Country of origin marking requirements of section 304, Tariff Act of 1930 (19 U.S.C. 1304), as amended.

(xi) Psittacine or other birds, bird feathers, bird skins, monkeys, dogs, cats, and other animals and pets prohibited entry or subject to restrictions and controls on entry.

(xii) Entry of articles admitted temporarily free of duty under bond as provided in Schedule 8, Part 5C, Tariff Schedules of the United States.

(xiii) Tonnage taxes (regular, special, and discriminatory) and light money.

(xiv) The entry, clearance, and use of vessels and permits for them to proceed coastwise.

(xv) The regulation of vessels in the foreign, coastal, fishing, and other trades of the United States.

(xvi) The limitation of the use of foreign vessels in waters under the jurisdiction of the United States.

(xvii) Salvage operations by vessels within the territorial waters of the United States.

(xviii) The assessment and collection of duties on equipment or repairs of vessels or aircraft under section 466, Tariff Act of 1930 (19 U.S.C. 257, 258) and decisions regarding the remission or refund of such duties.

(xix) Requirements for entry, clearance, and use of aircraft.

(xx) The arrival or departure and the use of motor vehicles, railway trains, or other vehicles.

(xxi) Adequacy of premises at customs bonded warehouses and control of the merchandise stored therein.

(xxii) Use of protective customs seals and labels.

§ 26.4 Application for inspection, copying, or otherwise obtaining copy of customs documents.

(a) *Where to apply.* Permission to inspect or to obtain copies of customs documents which are not exempted from disclosure under § 26.7 may be obtained by application in person or by correspondence. Application in person may be made at the Bureau of Customs Reading Rooms (§ 26.6); application in writing should be addressed to:

Assistant Commissioner of Customs, Office of Regulations and Rulings, Bureau of Customs, 2100 K Street NW., Washington, D.C. 20226.

or if a record desired to be inspected is in a customs regional or district office the application shall be addressed to the Regional Commissioner or District Director of Customs.

(b) *Description of document requested.* An application to inspect or copy a document must provide such a reasonably specific description of the particular document sought as will reasonably enable the record clerk to locate it. The burden of identification is that of the applicant.

(c) *Processing of application.* Upon receipt of a request to inspect, copy, or purchase a copy of any customs document, the applicant will be advised whether the information, or any part thereof, may be released to the applicant, with or without the deletion of identifying details. If it is concluded that the document or any part thereof may be released to the applicant he will be advised of the cost of securing the information or a copy of the document and the manner of making payment. Upon receipt of this amount, or of a guarantee of payment, the information or copy will be made available.

(d) *Grant of request.* If the document may be inspected, copied, or otherwise released the applicant shall be so advised. If it is decided that the document may be released, but that certain identifying details should be deleted to prevent the disclosure of information exempted from disclosure under § 26.7, the applicant shall be advised and the reason for the deletion shall be stated (§ 26.5). In either case the applicant will be advised of the fee charged for securing the files and cost of copying the material (§ 24.12 of this chapter).

(e) *Denial of request.* Any decision that a document should not be inspected, copied, or otherwise released, shall be reviewed by the Commissioner of Customs, except cases clearly covered by a previous decision made by the Commissioner. The Commissioner of Customs will promptly advise the applicant of the result of his review. If the Commissioner finds that the request should be denied such denial will state the reason therefor.

§ 26.5 Deletion of identifying details from documents.

(a) *General.* Where an opinion, order, ruling, or other customs document contains information of the type described in paragraph (b) but the actual opinion, order, ruling, or substance of the document can be separated from the exempted matter, partial copies containing only such parts as can properly be disclosed will be furnished insofar as practicable.

(b) *Reasons for deletion.* Ordinarily, information will be deleted which:

(1) relates to details of business transactions of private parties the disclosure of which may be detrimental to the interests of the parties involved;

(EXAMPLE: The name of the importer or exporter, or other member of the public directly concerned, generally will be deleted from any document if its inclusion in the document would disclose trade secrets, the operations of his business, or other commercial or financial information.)

(2) was submitted in reliance upon a long-established assurance that such information will be kept in confidence and used only for official purposes, or

(3) is prohibited from disclosure by law.

(c) *Decision to delete.* Any document from which identifying details have been deleted must be accompanied by a statement in writing expressing the reason for the deletion.

§ 26.6 Public facilities for inspection and copying—Customs Reading Rooms.

Facilities for locating, inspecting, and copying Bureau of Customs indexed rulings will be located in the Bureau of Customs Reading Rooms.

(a) The Reading Room in the Bureau of Customs at Washington, D.C., is located at:

2100 K Street NW., Washington, D.C. 20226.

(b) The Reading Rooms outside the Washington area are located at the headquarters offices for each customs region:

REGION I—BOSTON

24th Floor, John F. Kennedy Building, Government Center, Boston, Mass. 02203.

REGION II—NEW YORK

220 Customhouse, Bowling Green, New York, N.Y. 10004.

REGION III—BALTIMORE

40 South Gay Street, U.S. Customhouse, Baltimore, Md. 21202.

REGION IV—MIAMI

51 Southwest First Avenue, Room 1604, Miami, Fla. 33130.

REGION V—NEW ORLEANS

Room 13036, Federal Building, 701 Loyola Avenue, New Orleans, La. 70113.

REGION VI—HOUSTON

Room 7208, New Federal Building, 515 Rusk Avenue, Post Office Box 61149, Houston, Tex. 77061.

REGION VII—LOS ANGELES

New Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

REGION VIII—SAN FRANCISCO

New Federal Building, 450 Golden Gate Avenue, Box 36117, San Francisco, Calif. 94102.

REGION IX—CHICAGO

623 South Wabash Avenue, Chicago, Ill. 60605.

The Reading Rooms are open to the public from 9 a.m. to 4:30 p.m. unless other hours are posted, Monday through Friday of each week, exclusive of national holidays. A fee for copies of requested material will be charged. (§ 24.12 of this chapter.)

§ 26.7 Classes of customs documents exempt from disclosure.

Bureau of Customs opinions, orders, rulings, statements of policy, interpretations, and records generally may be inspected, copied or otherwise obtained unless they relate to the following:

(1) Matters specifically required by Executive Order to be kept secret in the interest of national defense or foreign policy. This includes:

(i) Special category export shipments the disclosure of which might endanger the security of the United States. Such restriction upon disclosure is in effect during any period covered by a finding by the President under section 1 of the Act of August 9, 1950, as amended (50 U.S.C. 191). Such a finding was made by Executive Order No. 10173, October 18, 1950 (3 CFR 1949–1953 Comp. p. 356; 15 F.R. 7005).

(ii) Material classified as "Top Secret," "Secret," or "Confidential" under Executive Order No. 10501, of November 5, 1953, 18 F.R. 7049, as amended.

(2) Information relating solely to the internal personnel rules and practices. This includes guidelines, operational rules, and procedural manuals for the guidance of customs officers and employees which relate to such functions as investigation, inspection, auditing, and other functions of a like nature. Examples of this type of information are:

Audit Manual.
Audit Standards and Techniques Manual.
Customs Accounting Manual.
Emergency Planning Manual.
Enforcement and Technical Investigation Manuals.
Inspectors' Manual.
Sampling Guide.

(3) Information specifically exempted from disclosure by statute. This includes information pertaining to trade secrets, business operations, and commercial or financial information of importers, exporters, and other persons who transact customs business (18 U.S.C. 1905).

(4) Trade secrets and commercial or financial information obtained from any person and privileged or confidential. The information contained in invoices, entries, vessels' manifests, export declarations, official reports of investigating officers, records pertaining to the licensing of and the revocation or suspension of a license of a customhouse broker, and other papers or documents filed with customs officers for any official purpose which contain trade secrets, or commercial or financial information, is exempt from disclosure, except for the purpose for which such documents are required to be filed. However, information contained in vessels' manifests and summary statistical reports of importations and exportations are available for inspection and copying by certain representatives of the press to the extent permitted by § 26.8. Further, importers and exporters or their duly authorized brokers, attorneys, or agents, may be permitted to examine manifests with respect to any consignment of goods in which they have a proper and legal interest as principal or agent, but shall not be permitted to make any general examination of manifests or make any copies or notations from them except with reference to the particular importation or exportation in which they have a proper and legal interest. Information obtained in connection with investigations under the Antidumping Act, 1921 (19 U.S.C. 160 et seq.), is available for disclosure under the provisions of § 14.6a of this chapter.

(5) Interagency or intraagency memoranda or letters which would not be available by law to a private party in litigation. This information includes, but is not limited to, memoranda expressing the views of subordinates, comments endorsing or dissenting from conclusions reached in official rulings, work

papers, and other informal expressions of view, certain documents addressed to other Government agencies (unless such documents are released for disclosure by the recipient).

(6) Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. These include, but are not limited to, leave records of individual employees, personnel investigative records, personnel security records, personnel financial statements submitted in connection with conflicts of interest and other records which relate to the private, personal, financial, or business affairs of an individual employee or members of his family, unless the person concerned or his duly authorized agent authorizes disclosure, or unless otherwise made available in this part.

(7) Investigatory files compiled for law enforcement purposes except to the extent that they are available by law to a private party. Some examples of records included in this category are investigative reports relating to: The value and classification for tariff purposes of imported merchandise; suspected violations of section 592 of the Tariff Act of 1930 (19 U.S.C. 1592); allegations of the importation of merchandise into the United States in contravention of the countervailing duty provision (19 U.S.C. 1303); the importation of certain books, pictures, or other articles in contravention of the so-called "obscenity statute" (19 U.S.C. 1305). This listing is intended to be illustrative only, and is not intended to be, and is not, an exhaustive listing.

§ 26.8 Information for the press and associations.

(a) *Disclosure to members of the press.* Although the following classes of information are exempt from the requirement of disclosure under the provisions of § 26.7, accredited representatives of the press, including newspapers, commercial magazines, trade journals, and similar publications may be permitted to examine vessels' manifests and summary statistical reports of imports and exports and to copy therefrom for publication information and data not of a confidential nature, subject to the following rules:

(1) Of the information and data appearing on outward manifests, only the general character, destination, and quantity (or value) of the commodity, name of vessel, and country of destination may be copied and published. Where the manifests show both quantity and value, either may be copied and published, but not both in any instance.

(2) Commercial or financial information, such as the names of the shippers and consignees, marks and numbers, and both quantities and values of commodities shall not be copied from outward manifests or any other papers.

(3) Of the information shown on inward manifests, only the name of the consignee, the general character of the commodity, the quantity (or value), name of vessel, and the country of dispatch shall be copied and published. When an inward manifest shows both quantity and value of the commodity, either may be copied and published, but not both in any instance.

(b) *Review of data.* All copies and notations from inward or outward manifests shall be submitted for examination by a customs officer designated for that purpose.

(c) *Disclosure to members of associations.* Accredited representatives of regularly established associations, whether incorporated or not, shall be permitted to obtain information from, but not examine, vessels' manifests for the purpose of securing data relative to merchandise of the kind or class in the importation of which the association is interested, subject to the foregoing rules, but this authority does not extend to attorneys, agents, or customhouse brokers acting on behalf of individual importers.

(d) *Suspension of disclosure.* (1) Except as provided in § 26.11, upon written application of a consignee or importer access to the name of such consignee or importer on a manifest will thereafter be refused.

(2) If any individual shall abuse the privilege granted him of examining inward and outward manifests or shall make any improper use of any information or data obtained from such manifests or other papers filed in the customhouse, both he and the party or publication which he represents shall thereafter be denied access to such papers.

§ 26.9 Sanction for improper disclosure by customs officer or employee.

The disclosure of the confidential information contained in customs documents or the disclosure to one importer or exporter of information relative to the business of another importer or exporter acquired by any customs officer or employee by reason of his official employment shall constitute grounds for dismissal from the Service, suspension, or other disciplinary action, and if done for a valuable consideration will subject such person to criminal prosecution.

§ 26.10 Statements for publication.

District directors of customs and other customs officers shall refrain from disclosing facts concerning seizures, investigations, and other pending cases until customs action is completed. The district director of customs or other authorized customs officer, may make public information concerning any case involving an offense against the customs and navigation laws after completion of the investigation and the case has been closed by final customs action, such as settlement of a civil liability or reference of a case to the U.S. attorney for handling. Field officers shall exercise proper restraint and judgment in disclosing local transactions.

§ 26.11 Testimony or the production of documents in court.

(a) *General.* In answer to a legal process or demand from a court issued in behalf of the United States or an officer thereof, customs officers or employees shall produce in court in customs custody, and may testify with respect to, any official customs papers or documents demanded. When any such process or demand is issued in behalf of a party other than the United States, it shall be complied with only to the extent that the party in whose behalf the papers or documents are demanded is permitted under these regulations to inspect or copy such papers or documents. Exceptions to this rule shall be made only on the written order of the Commissioner of Customs. When requested, copies may be authenticated pursuant to the provisions of section 1733, title 28, United States Code.

(b) *Request of Customs Court.* Except as stated in § 26.7, nothing in this part shall preclude customs officers or employees from producing in the U.S. Customs Court in customs custody any customs papers or documents or from testifying or otherwise rendering all proper assistance to the court in proceedings before it when request therefor is made by the court; nor from furnishing to counsel for the U.S. information in, and permitting him to inspect, customs papers, or documents requested by him, nor from testifying on behalf of the United States or otherwise assisting him in the performance of his official duties.

(c) *Subpoena or Subpoena duces tecum.* Upon being served with a subpoena or subpoena duces tecum from a court or officer therof calling for testimony or the production of papers or documents in cases not covered by paragraphs (a) or (b) of this section, or in cases where the testimony or documents desired would disclose matters the disclosure of which would be contrary to these regulations, the matter shall be referred to the Bureau for instructions, with a report which shall specifically describe the testimony or documents desired; shall set forth the view of the submitting officer whether the giving of the testimony or the furnishing of the documents would disclose information not permitted to be disclosed under these regulations; and shall state in what particulars, if any, the disclosure of the information and work incidental thereto would interfere with the orderly conduct of customs business. If instructions are not received prior to the date set for appearance or production of documents, or if the Bureau declines to permit their production or the disclosure of the information contained therein or otherwise within the knowledge of the customs officer or employee whose testimony is requested, the customs officer or employee shall appear in court or before the officer concerned in answer to the subpoena and respectfully decline to produce the documents called for or to testify, except to the extent specifically authorized elsewhere in this section, citing this regulation as authority for his refusal. If the matter has not already been referred to the Bureau for instructions, the customs officer or employee shall advise the court or officer that it will be so referred.

PART 31—CUSTOMHOUSE BROKERS

§ 31.15 [Deleted]

4. Section 31.15 is deleted.

(5 U.S.C. 552, as amended)

These amendments and revision shall become effective on July 4, 1967.

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

Approved: June 26, 1967.

TRUE DAVIS,
Assistant Secretary of the Treasury.

[F.R. Doc. 67-7492; Filed, June 30, 1967; 8:46 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter III—Social Security Administration, Department of Health, Education, and Welfare

[Regs. No. 5]

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED (1965 _____)

Subpart P—Certification and Recertification

On January 20, 1967, there was published in the FEDERAL REGISTER (32 F.R. 668) a notice of proposed rule making relating to certification and recertification by physicians as to the medical necessity for services furnished beneficiaries under title XVIII of the Social Security Act. Interested persons were given the opportunity to submit written comments within 30 days after publication.

All of the written comments submitted were considered; and a new paragraph (§ 405.1627(a)(2)) relating to physician recertification for inpatient hospital services, has been added. This substantive addition provides that the physician can recertify to the need for continued hospitalization in situations where the physician determines the patient needs posthospital extended care services but no bed is available in a participating extended care facility.

Chapter III, Title 20, is amended by adding thereto Subpart P of Part 405 to read as set forth below. The addition of Subpart P of Part 405, Title 20, shall be effective upon publication in the FEDERAL REGISTER.

Dated: June 12, 1967.

[SEAL] ROBERT M. BALL,
Commissioner of Social Security.

Approved: June 23, 1967.

WILBUR J. COHEN,
Acting Secretary of Health, Education, and Welfare.

Subpart P—Certification and Recertification

Sec.
405.1625 Certification and recertification by physicians; general.
405.1626 Inpatient hospital services; certification.
405.1627 Inpatient hospital services; recertification.
405.1628 Inpatient hospital services; timing of recertifications.
405.1629 Inpatient tuberculosis hospital services and inpatient psychiatric hospital services; certification and recertification.
405.1630 Certification and recertification for beneficiary admitted to a hospital before entitlement to benefits.
405.1631 Outpatient hospital diagnostic services; certification.
405.1632 Post hospital extended care services; certification and recertification.
405.1633 Home health services; certification and recertification.
405.1634 Medical and other health services covered by the supplementary medical insurance program furnished by a participating provider of services; certification.

AUTHORITY: The provisions of this Subpart P issued under secs. 1102, 1814, 1835, 1871, 49 Stat. 647 as amended; 79 Stat. 294; 79 Stat. 303; 79 Stat. 331; 42 U.S.C. 1302, 1395, et seq.

§ 405.1625 Certification and recertification by physicians; general.

(a) The health insurance program recognizes the physician as the key figure in determining utilization of health services; the physician decides upon admission to a hospital, orders tests, drugs and treatments, and determines the length of stay. In recognition of this, title XVIII of the Act calls for substantiation of physician decisions as an element of proper administration and fiscal control. The Act requires that payment for covered services may be made to a provider of services only if there is a physician's certification concerning the necessity of the services furnished. For certain services continued over a period of time the Act requires as a further condition of payment that a physician recertify to the continued need for the covered services.

(b) The provider of services is responsible for obtaining the required physician certification and recertification statements and for retaining them in file for verification, if needed, by the intermediary, or by the Social Security Administration if the provider deals directly with the Government. The provider itself certifies, on the appropriate billing form, that the required physician certification and recertification statements have been obtained and are on file.

(c) Each provider of services determines the method by which the required physician certification and recertification statements are to be obtained. There is no requirement that a specific procedure or specific forms be used, so long as the approach adopted by the provider permits a verification to be made that the requirement of physician certification and recertification, set forth in this Subpart P, is met. Certification and recertification statements may be entered on or included in forms, notes, or other records a physician normally signs in caring for a patient, or a separate form may be used. Each certification and recertification statement is to be separately signed by a physician, except as otherwise specified in this Subpart P.

(d) The requirements for recertification set forth in this Subpart P specify certain information that is to be included in the physician's recertification statement. It should be noted that this required information need not be repeated in a separate statement if, for example, it is contained in physician's progress notes. The physician's recertification statement may merely indicate that the required information is contained in the patient's medical record, if this is so.

(e) Providers of services are expected to obtain timely certifications and recertifications. However, delayed certifications and recertifications can be honored when, for example, the patient was unaware of his eligibility for the benefits when he was treated. Delayed certifications and recertifications are to include or be accompanied by an explanation for the delay, including any medical or other evidence the physician or provider considers relevant for explaining the delay. A delayed certification and one or more delayed recertifications may appear in one signed statement.

§ 405.1626 Inpatient hospital services; certification.

The required physician's statement should certify that inpatient hospital services were required for the patient's medical treatment or for medically required inpatient diagnostic study. The certification should be obtained at the time of admission or as soon thereafter as is reasonable and practicable, and be signed by the physician responsible for the case, or by another physician having knowledge of the case who is authorized to do so by the responsible physician or by the hospital's medical staff.

§ 405.1627 Inpatient hospital services; recertification.

(a) (1) The recertification statement should contain the following information:

(i) An adequate written record of the reasons for continued hospitalization;

(ii) The estimated period of time the patient will need to remain in the hospital; and

(iii) Any plans, where appropriate, for post hospital care.

(2) A physician may recertify to the need for continued hospitalization if he determines the patient could receive proper treatment in an extended care facility but no bed is available in a participating extended care facility. Where this is the basis for the physician's recertification, the recertification statement should so indicate; also, the physician should attempt on a continuing basis to place his patient in a participating extended care facility as soon as a bed becomes available.

(b) Recertifications should be signed by the physician responsible for the case, or by another physician having knowledge of the case who is authorized to do

so by the responsible physician or by the hospital's medical staff.

(c) A separate recertification statement is not necessary where the requirements for a third or subsequent recertification are satisfied through utilization review (see § 405.1628(b)). It is sufficient if records of the utilization review committee show that consideration was given to the reasons for continued hospitalization, estimated time the patient will need to remain in the hospital, and plans for post hospital care.

§ 405.1628 Inpatient hospital services; timing of recertifications.

(a) The first recertification is required no later than as of the 14th day of hospitalization. A hospital may, at its option, provide for the first recertification to be made earlier, or it may vary the timing of the first recertification within the 14-day period by diagnostic or clinical categories. A second recertification is required no later than as of the 21st day of hospitalization. Thereafter, subsequent recertifications are to be made at intervals established by the utilization review committee (on a case-by-case basis if it so chooses), but in no event may the prescribed interval between recertifications exceed 30 days.

(b) At the option of the hospital, review of a stay of extended duration, pursuant to the hospital's utilization review plan, may take the place of the third and any subsequent physician recertifications. Such review may be performed before the date on which such physician recertification would otherwise be required, but would be considered timely if performed as late as the 7th day following such date. The next physician recertification would need to be made no later than the 30th day following such review; if review by the utilization review committee took the place of this physician recertification, the review could be performed as late as the 7th day following such 30th day.

(c) The hospital should have available in its files a written description of the procedure it adopts on timing of recertifications—that is, the intervals at which recertifications are required and whether review of long-stay cases by the utilization review committee serves as an alternative to recertification by a physician in the case of the third or subsequent recertifications.

§ 405.1629 Inpatient turberculosis hospital services and inpatient psychiatric hospital services; certification and recertification.

Except for the content of the certification and recertification statements, the requirements for physician certification and recertification for inpatient psychiatric and tuberculosis hospital services are the same as for inpatient hospital services. The content requirements differ because of recognition that there is often a significant difference between treatment provided in mental and tuberculosis hospitals and the treatment provided in other hospitals. Often the care provided in such hospitals is purely custodial, while the health insurance program's intent is to cover only active care in such hospitals and not to cover custodial care.

(a) *Inpatient psychiatric hospital services certification.* In the case of inpatient psychiatric hospital services, the required physician's statement should certify that such services were required for either:

(1) Treatment which could reasonably be expected to improve the patient's condition; or

(2) Diagnostic study.

(b) *Inpatient psychiatric hospital services recertification.* In the case of inpatient psychiatric hospital services the recertification statement should indicate:

(1) That inpatient psychiatric hospital services furnished since the previous certification or recertification were, and continue to be, required for either:

(i) Treatment which could reasonably be expected to improve the patient's condition; or

(ii) Diagnostic study; and

(2) That the hospital records indicate that the services furnished were either intensive treatment services, admission and related services necessary for diagnostic study, or equivalent services.

(c) *Inpatient tuberculosis hospital services certification.* In the case of inpatient tuberculosis hospital services, the required physician's statement should certify that such services were required for treatment which could reasonably be expected either to:

(1) Improve the patient's condition; or

(2) Render the condition noncommunicable.

(d) *Inpatient tuberculosis hospital services recertification.* In the case of inpatient turberculosis hospital services the recertification statement should indicate:

(1) That the inpatient tuberculosis hospital services furnished since the previous certification or recertification were, and continue to be, required for treatment which could reasonably be expected either to:

(i) Improve the patient's condition; or

(ii) Render the condition noncommunicable; and

(2) That the hospital records so indicate.

§ 405.1630 Certification and recertification for beneficiary admitted to a hospital before entitlement to benefits.

If an individual is admitted to a hospital (including a psychiatric or tuberculosis hospital) before he is entitled to hospital insurance benefits (for example, before he reaches age 65), the following rules are applicable when he does become entitled:

(a) No certification is required with respect to an inpatient admission prior to entitlement.

(b) Recertifications are required as of the time they would be required if the patient had been admitted to the hospital on the day he became entitled. For example, if a patient becomes entitled on September 1, but was admitted prior to that date, the first recertification is required no later than September 14; the second, no later than September 21; subsequent recertifications are required at intervals not to exceed 30 days.

§ 405.1631 Outpatient hospital diagnostic services; certification.

The certification statement should indicate that outpatient hospital diagnostic services were required for diagnostic study, and should be signed by a physician who has knowledge of the case. The certification may be made on the copy of the summary prepared at the conclusion of the study that is retained by the hospital, or a special form may be used; also, a written physician's order designating the diagnostic services required would be acceptable. Recertification is not required for outpatient hospital diagnostic services. However, a new certification is required for each diagnostic study, as described in § 405.144.

§ 405.1632 Posthospital extended care services; certification and recertification.

(a) *Certification.* (1) The required physician's statement should certify that posthospital extended care services were required to be given on an inpatient basis because of the individual's need for skilled nursing care on a continuing basis for any conditions for which he was receiving inpatient hospital services (see § 405.116), or services which would constitute inpatient hospital services if the institution met the conditions of participation for hospitals (see Subpart J of this Part 405) except those relating to utilization review and health and safety requirements, prior to transfer to the extended care facility.

(2) The certification should be signed by the physician responsible for the case or, where so authorized by the responsible physician, by a physician on the staff of the extended care facility or the physician who is available in case of an emergency who has knowledge of the case, and should be obtained at the time of admission, or as soon thereafter as is reasonable and practicable.

(b) *Recertification.* (1) The recertification statement should contain the following information: (i) An adequate written record of the reasons for the continued need for extended care services; (ii) the estimated period of time the patient will need to remain in the facility; and (iii) any plans, where appropriate, for home care. If the continued need for extended care services is for a condition which arose after the patient's transfer to the extended care facility, and while the patient was still in the facility for treatment of the condition(s) for which he had received inpatient hospital services, the recertification statement should so indicate.

(2) Recertifications are to be signed by the physician responsible for the case or, where so authorized by the responsible physician, by a physician on the staff of the extended care facility or the physician who is available in case of an emergency who has knowledge of the case.

(c) *Timing of recertification.* The first recertification is required no later than as of the 14th day of extended care services. An extended care facility may, at its option, provide for the first recertification to be made earlier, or it can vary the timing of the first recertification within the 14-day period by diagnostic or clinical categories. Subsequent recertifications are to be made at intervals not exceeding 30 days. Such recertifications may be made at shorter intervals as established by the utilization review committee and the extended care facility. At the option of the extended care facility, review of a stay of extended duration, pursuant to the facility's utilization review plan, may take the place of the second and any subsequent physician recertifications. The extended care facility should have available in its files a written description of the procedure it adopts with respect to the timing of recertifications—that is, the intervals at which recertifications are required, and whether review of long-stay cases by the utilization review committee serves as an alternative to recertification by a physician in the case of the second or subsequent recertifications.

(d) *Certification and recertification requirement where individual admitted to facility before January 1, 1967.* A physician certification is not required in the case of individuals who became inpatients of an extended care facility prior to January 1, 1967. Instead, recertifications should be provided as of the time they would be required if the patient had been admitted to the extended care facility on January 1, 1967. In these cases, the first recertification must state that posthospital extended care services were required on an inpatient basis either because of a condition for which the individual was receiving inpatient hospital services prior to transfer to the extended care facility, or for a condition which arose after the transfer to such facility and while he was still in the facility for treatment of the condition or conditions for which he received inpatient hospital services.

§ 405.1633 Home health services; certification and recertification.

(a) (1) In the case of both the hospital insurance and the supplementary medical insurance programs (see §§ 405.170 and 405.250), the required physician's statement should certify that: (i) The home health services were required because the individual was confined to his home (except when receiving outpatient services); (ii) the individual needed skilled nursing care on an intermittent basis or he needed physical or speech therapy; (iii) a plan for furnishing such services to the individual has been established and is periodically reviewed by a physician; and (iv) the services were furnished while the individual was under the care of a physician.

(2) In addition, for posthospital home health services under the hospital insurance program, the required physician's statement should certify that the services were needed to treat any of the conditions for which the beneficiary received inpatient hospital services (or services which would constitute inpatient hospital services if the institution met the conditions of participation for hospitals (see Subpart J of this Part 405), except those relating to utilization review and health and safety), or posthospital extended care services during the related hospital or extended care facility stay (see § 405.131). The certification should be signed by the same physician who establishes the plan of treatment and should be obtained at the time the plan is established or as soon thereafter as possible.

(b) A recertification is required at intervals of at least once every 2 months, should be signed by the physician who reviews the plan of treatment, and should preferably be obtained at a time when the plan of treatment is reviewed. The recertification statement should indicate the continuing need for services and should estimate how long home health services will be needed.

§ 405.1634 Medical and other health services covered by the supplementary medical insurance program furnished by a participating provider of services; certification.

The certification statement should indicate that the medical and other health services furnished by, or under arrangements made by, the provider were medically required, and should be signed by a physician who has knowledge of the case. The certification statement should be obtained at the time covered medical and other health services are furnished, or as soon thereafter as is reasonable and practicable. No recertification of the continued need for covered services is required. Where covered services are provided on a continuing basis, such as in the case of an individual receiving periodic physical therapy services, the physician certification can be obtained either at the beginning or end of the series of visits.

[F.R. Doc. 67-7533; Filed, June 30, 1967; 8:49 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Department of Housing and Urban Development

SUBCHAPTER A—GENERAL

PART 200—INTRODUCTION

Miscellaneous Amendments

In Part 200 in the Table of Contents new §§ 200.59a and 200.59b are added and pertinent section headings are amended as follows:

Sec.
200.43 Regional Operations Commissioners.
200.54 Regional Operations Commissioners and Deputies.
200.59a Chief of the Insured Project Mortgage Servicing Branch.
200.59b Chief of the FHA-Held Project Mortgage Servicing Branch.
200.84c Director of the Multifamily Housing Insuring Office (New York).
200.96 Field Office Directors, Deputy Directors and Assistant Directors; and Director, Multifamily Housing Insuring Office (New York).
200.97 Assistant Commissioner for Field Operations and Deputy; Assistant Commissioner for Home Mortgages and Deputy; Regional Operations Commissioners and Deputies; Assistant Commissioner for Property Improvement and Deputy; and the Assistant Commissioner for Multifamily Housing and Deputy and Division Directors under their supervision.
200.106 Assistant Commissioner for Field Operations and Deputy; Regional Operations Commissioners and Deputies; Directors, Deputy Directors, Assistant Directors, and Administrative Officers and Chief Clerks in FHA Field Offices; Assistant Commissioner for Administration; Director of Personnel; and Deputy Director of Personnel.

Subpart C—Organization and Management

Section 200.43 is amended to read as follows:

§ 200.43 Regional Operations Commissioners.

The territory served by the Federal Housing Administration is divided into geographical regions comprised of a group of field insuring offices. Each region is headed by a Regional Operations Commissioner who is responsible to the Assistant Commissioner for Field Operations for the supervision, direction and coordination of all functions and responsibilities of the several officers within the jurisdiction established for the particular region.

Subpart D—Delegations of Basic Authority and Functions

In § 200.52a paragraph (c) is amended to read as follows:

§ 200.52a Assistant Commissioner for Field Operations and Deputy.

* * * * * *

(c) To be responsible for coordination and general supervision of the Regional Operations Commissioners.

* * * * * *

In § 200.54 the heading thereof and the introductory text are amended to read as follows:

§ 200.54 Regional Operations Commissioners and Deputies.

To the position of Regional Operations Commissioner and to each of them, and under their general supervision to the position of Deputy Regional Operations Commissioner and to each of them there is delegated the following basic authority and functions:

* * * * * *

In § 200.57 paragraph (d) is amended to read as follows:

§ 200.57 Assistant Commissioner for Multifamily Housing and Deputy.

* * * * *

(d) To approve the sale and terms of sale of mortgages taken as security in selling property acquired in connection with Federal Housing Administration insurance claims and to approve the modification in the terms of project mortgages insured by the Federal Housing Administration and to approve the modification of or authorize the foreclosure of any project mortgage acquired and held as a result of assignment under the terms of the insurance contract or taken back and held in connection with the sale of an acquired property.

* * * * *

In § 200.59 paragraph (c) is amended to read as follows:

§ 200.59 Director of the Project Mortgage Servicing Division and Deputy.

* * * * *

(c) To approve modification in the terms of project mortgages insured by the Federal Housing Administration and to approve the modification of or authorize the foreclosure of any project mortgage acquired and held as a result of assignment under the terms of the insurance contract or taken back and held in connection with the sale of an acquired property.

* * * * *

In Part 200 new §§ 200.59a and 200.59b are added to read as follows:

§ 200.59a Chief of the Insured Project Mortgage Servicing Branch.

To the position of Chief of the Insured Project Mortgage Servicing Branch there is delegated the following authority and functions:

(a) To develop and recommend policies and establish operating plans and procedures for servicing insured project mortgages.

(b) To grant extensions of time within which the mortgagee must make its election either to assign the mortgage or to tender title to the property under the contract of mortgage insurance.

§ 200.59b Chief of the FHA-Held Project Mortgage Servicing Branch.

To the position of Chief of the FHA-Held Project Mortgage Servicing Branch there is delegated the following basic authority and functions:

(a) To develop and recommend policies and establish operating plans and procedures for servicing project mortgages held by the Government as a result of FHA operations.

(b) To approve Provisional Work Out Arrangements for the continued holding of project mortgages although in default.

Section 200.84c is amended to read as follows:

§ 200.84c Director of the Multifamily Housing Insuring Office (New York).

To the position of Director of the Multifamily Housing Insuring Office (New York) there is delegated the following duties and functions:

(a) To direct multifamily housing mortgage insurance operations and project mortgage servicing operations in the State of New York and to provide advice, guidance, and assistance on multifamily housing to other insuring offices in departmental Region I.

In § 200.97 the heading thereof and the introductory text are amended to read as follows:

§ 200.97 Assistant Commissioner for Field Operations and Deputy; Assistant Commissioner for Home Mortgages and Deputy; Regional Operations Commissioners and Deputies; Assistant Commissioner for Property Improvement and Deputy; and the Assistant Commissioner for Multifamily Housing and Deputy and Division Directors under their supervision.

To the positions of Assistant Commissioner for Field Operations and his Deputy; Regional Operations Commissioner, and to each of them; and Deputy Regional Operations Commissioner, and to each of them; and as they apply to home mortgage insurance operations to the positions of Assistant Commissioner for Home Mortgages and his Deputy; and as they apply to property improvement loans under section 2 of title I of the National Housing Act to the positions of Assistant Commissioner for Property Improvement and his Deputy; and as they apply to multifamily housing mortgages to the positions of Assistant Commissioner for Multifamily Housing and his Deputy, and as they apply to multifamily housing project mortgage servicing to the positions of Director, Project Mortgage Servicing Division, and his Deputy and to the positions of branch chief and to each of them under their supervision, and as they apply to project mortgage insurance initiation to the positions of Director, Project Mortgage Insurance Division, and his Deputy and to the positions of branch chief and to each of them under their supervision, there is delegated the following duties and functions:

* * * * *

Section 200.103 is amended to read as follows:

§ 200.103 Division Directors and their superiors; the General Counsel; Field Office Directors, Deputies, and Assistants, and others.

To the position of Assistant Commissioner and Deputy Assistant Commissioner, Special Assistant and Deputy Special Assistant, Assistant to the Commissioner, Defense Coordinators, General Counsel and Associate General Counsel, Division Director and Deputy Division Director, Regional Operations Commissioner, Field Office Director, Deputy Field Office Director, Assistant Field Office Director, there is delegated the duty and function to certify that official long distance telephone calls made were necessary in the interest of the Government, pursuant to 31 U.S.C. 680a (section 4 of the Act approved May 10, 1939, 53 Stat. 738).

In § 200.106 the heading thereof and paragraph (a) are amended to read as follows:

§ 200.106 Assistant Commissioner for Field Operations and Deputy; Regional Operations Commissioners and Deputies; Directors, Deputy Directors, Assistant Directors, and Administrative Officers and Chief Clerks in FHA Field Offices; Assistant Commissioner for Administration; Director of Personnel; and Deputy Director of Personnel.

(a) To the Assistant Commissioner for Field Operations; Deputy Assistant Commissioner for Field Operations; Regional Operations Commissioner; Deputy Regional Operations Commissioner; Directors, Deputy Directors, Assistant Directors, Administrative Officers, and Chief Clerks in FHA Field Offices; the Assistant Commissioner for Administration; the Director of Personnel; and the Deputy Director of Personnel, pursuant to 5 U.S.C. 16a, there is delegated the authority to administer the oath required by section 1757, Revised Statutes, as amended (5 U.S.C. 16) incident to entrance into the executive branch of the Federal Government, or any other oath required by law in connection with employment therein, such oath to be administered without charge or fee and to have the same force and effect as oaths administered by officers having seals.

* * * * *

(Sec. 2, 48 Stat. 1246, as amended; sec. 211, 52 Stat. 23, as amended; sec. 607, 56 Stat. 61, as amended; sec. 712, 62 Stat. 1281, as amended; sec. 907, 65 Stat. 301, as amended; sec. 807, 69 Stat. 651, as amended; 12 U.S.C. 1708, 1715b, 1742, 1747k, 1748f, 1750f)

Issued at Washington, D.C., June 27, 1967.

PHILIP N. BROWNSTEIN,
Federal Housing Commissioner.

[F.R. Doc. 67-7488; Filed, June 30, 1967; 8:46 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

[T.D. 6934]

SUBCHAPTER D—MISCELLANEOUS EXCISE TAXES

PART 48—MANUFACTURERS AND RETAILERS EXCISE TAXES

Sales of Oil for Nonlubricating Use and of Oil Seldom Used as Lubricant

On July 1, 1966, notice of proposed rule making to amend the Manufacturers and Retailers Excise Tax Regulations (26 CFR Part 48) under section 4091 of the Internal Revenue Code of 1954 was published in the FEDERAL REGISTER (31 F.R. 9086). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendment of the regulations as proposed is hereby adopted subject to changing paragraph (c) of § 48.4091-6, as set forth in paragraph 2 of the appendix to the notice of proposed rule making, to read as follows:

§ 48.4091-6 Sales after December 31, 1965, of oil seldom used as a lubricant.

* * * * *

(c) *Oils determined before July 1, 1966, to be "seldom used as a lubricant."* The requirement of an exemption certificate is waived in respect of sales by the manufacturer of oils which, before July 1, 1966, the Commissioner determined to be seldom used as a lubricant but used almost exclusively for nonlubricating purposes.

* * * * *

[SEAL] SHELDON S. COHEN,
Commissioner of Internal Revenue.

Approved: June 27, 1967.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

PARAGRAPH 1. Section 48.4091-4 is amended by adding the following new paragraph at the end thereof:

§ 48.4091-4 Sales of oil for nonlubricating use.

* * * * *

(f) *Taxable years affected.* This section applies only to sales by the manufacturer on or before December 31, 1965. For rules relating to sales by the manufacturer on or after January 1, 1966, see § 48.4091-6.

PAR. 2. There is added immediately following § 48.4091-5 the following new section:

§ 48.4091-6 Sales after December 31, 1965, of oil seldom used as a lubricant.

(a) *General rule.* If the Commissioner determines that an oil suitable for use as a lubricant is seldom so used, but is used almost exclusively for nonlubricating purposes, the sale by the manufacturer of such oil direct to a purchaser for nonlubricating use by him or for resale by him for nonlubricating use may be made tax free. Except as provided in paragraph (c) of this section, the manufacturer, in order to establish the right to sell lubricating oil tax free under this section, must obtain from the purchaser and retain in his possession a properly executed exemption certificate.

(b) *Exemption certificates*—(1) *Form of certificate.* The following form of certificate will be acceptable and must be adhered to in substance:

EXEMPTION CERTIFICATE

(For use by purchaser of lubricating oil, otherwise subject to tax under section 4091 of the Internal Revenue Code of 1954, as amended, which the Commissioner of Internal Revenue has determined to be seldom used as a lubricant, for use by the purchaser for nonlubricating purposes or for resale for nonlubricating use.)

_____, 19__
(Date)

The undersigned certifies that he, or the

_____
(Name of purchaser if other than undersigned)

of which he is _____, is in the
(Title)

business of _____

_____
(State business and, except in case of a purchase for resale, article or articles manufactured)

and that the oil covered by the accompanying order or contract for purchase from

_____
(Name and address of vendor)

of oil produced by _____

_____
(Name and address of producer if other than vendor)

is _____
(Type or types of oil which the Commissioner has determined to be seldom used as a lubricant)

and is purchased for—

CHECK ONE

☐ The following nonlubricating purposes:

_____

☐ Resale for nonlubricating use (specify use or uses if known):

_____

The purchaser understands that, if any of the oil purchased tax free by use of this certificate is resold by him for nonlubricating use or for further resale for such use, he must obtain a similar certificate from his vendee. The purchaser further understands that he must be prepared to establish by satisfactory evidence the actual use or disposition made of such oil, and that upon use of the oil for a lubricating purpose, or sale for a lubricating purpose, he is required to notify the vendor named above. The purchaser also understands that if his vendee notifies him that the oil covered by this certificate has been used for a lubricating purpose or sold for a lubricating purpose he is required to so notify the vendor from whom he purchased the oil covered by this certificate. In addition, the purchaser understands that the above listed oils which are purchased tax free by use of this certificate do not qualify for the tax credit or refund under sections 39 (a)(3) and 6424 of the Code.

The undersigned understands that he and all guilty parties will, for fraudulent use of this certificate for the purpose of purchasing oil tax free, be subject to a fine of not more than $10,000, or imprisonment for not more than 5 years, or both, together with the costs of prosecution.

_____
(Signature)

_____
(Address)

(2) *Period covered.* Where only occasional sales of an oil which the Commissioner has determined to be seldom used as a lubricant are made to a purchaser for nonlubricating use, a separate exemption certificate shall be furnished for each order. However, where sales of such oil for nonlubricating use are regularly or frequently made to a purchaser, a certificate covering all orders for a specified period, not to exceed four calendar quarters, will be acceptable. The certificates and proper records of invoices, orders, etc., relative to sales of lubricating oil under this section must be kept for inspection by the district director as provided in section 6001.

(3) *Certificate not obtained prior to filing of manufacturer's excise tax return.* Except as provided in paragraph (c) of this section, if an exemption certificate in respect of any sale to which this section has application is not obtained prior to the time the manufacturer files a return covering taxes due for the period during which the sale was made, the manufacturer must include the tax on the sale in his return for that period. The manufacturer will not be entitled to file a claim for credit or refund of tax thus paid even if a certificate is later obtained.

(4) *Duty of manufacturer to ascertain validity of certificate.* A manufacturer making a sale under an exemption certificate must use reasonable diligence to satisfy himself that the use of the certificate is warranted under this section. If the manufacturer has knowledge at the time of his sale that the oil is not intended for nonlubricating use, the manufacturer is liable for tax on the sale.

(c) *Oils determined before July 1, 1966, to be "seldom used as a lubricant."* The requirement of an exemption certificate is waived in respect of sales by the manufacturer of oils which, before July 1, 1966, the Commissioner determined to be seldom used as a lubricant but used almost exclusively for nonlubricating purposes.

(d) *Oil sold for nonlubricating use but not so used.* If the manufacturer receives information establishing that oil sold tax free, pursuant to the provisions of this section, to a purchaser for use by him has not been and will not be used by him for nonlubricating purposes, or that oil sold tax free, pursuant to the provisions of this section, to a purchaser for resale by him has been resold for lubricating purposes or has not been and will not be used by the ultimate purchaser for nonlubricating purposes, the tax applicable to the sale by the manufacturer shall be included in the manufacturer's return for the return period in which such information is received.

(e) *Tax-paid oil used for nonlubricating purpose.* If oil, with respect to which the manufacturer has paid tax under section 4091, is subsequently used for a nonlubricating purpose, the ultimate purchaser of the oil may file a claim for refund under section 6424 or for credit under section 39(a)(3).

(Sec. 7805 of the Internal Revenue Code of 1954; 68A Stat. 917; 26 U.S.C. 7805)

[F.R. Doc. 67-7491; Filed, June 30, 1967; 8:46 a.m.]

SUBCHAPTER H—INTERNAL REVENUE PRACTICE

PART 601—STATEMENT OF PROCEDURAL RULES

Freedom of Information

This part as filed with the FEDERAL REGISTER on June 29, 1955, was last amended by an amendment published in the FEDERAL REGISTER for June 7, 1967 (32 F.R. 8165). The amendments made herein to Subparts F and G of this part reflect the changes made by the Act of

July 4, 1966 (Public Law 89-487, 80 Stat. 250), codified as 5 U.S.C. 552 by the Act of June 5, 1967 (Public Law 90-23, 81 Stat. 54), which provides for the protection and clarification of the right of the public to information. The following amendments are made:

PARAGRAPH 1. Paragraphs (b) and (d) of § 601.601 are amended to read as follows:

§ 601.601 Rules and regulations.

* * * * *

(b) *Comments on proposed rules.* Interested persons are privileged to submit any data, views, or arguments with respect to proposed rules. Any person submitting comments in response to a notice of proposed rule making published pursuant to 5 U.S.C. 553 shall specifically designate that portion, if any, of his comments which in his opinion contains confidential information or data. Any comments or any portion thereof not specifically designated as confidential will be made available pursuant to paragraph (c) of § 601.702 upon request. Any comments or any portion thereof specifically designated as confidential will not be disclosed to the public. The name of the person submitting the comments will not be treated as confidential unless such person requests that his name be so treated. Any portion of a comment which is designated as confidential shall be set forth on pages separate from the balance of the comment. The disclosure by the Internal Revenue Service of any name, or of any comments or any portion thereof, not specifically designated as confidential by the person submitting the comments will be a disclosure authorized by law within the meaning of any statute governing the disclosure of information. The name of any person requesting a public hearing and the issues which may be discussed at the hearing are not confidential. This paragraph applies only to comments submitted on or after August 2, 1967.

* * * * *

(d) *Publication of rules and regulations.* All internal revenue regulations and Treasury decisions are published in the FEDERAL REGISTER and in the Code of Federal Regulations. See paragraph (a) of § 601.702. The Treasury decisions are also published in the weekly Internal Revenue Bulletin and the semiannual Cumulative Bulletin. The Internal Revenue Bulletin is the authoritative instrument of the Commissioner for the announcement of official rulings, decisions, opinions, and procedures, and for the publication of Treasury decisions, Executive orders, tax conventions, legislation, court decisions, and other items pertaining to internal revenue matters. It is the policy of the Internal Revenue Service to publish in the bulletin all substantive and procedural rulings of importance or general interest, the publication of which is considered necessary to promote a uniform application of the laws administered by the Service. It is also the policy to publish in the bulletin all rulings which revoke, modify, amend, or affect any published ruling. Rules relating solely to matters of internal practices and procedures are not published; however, statements of internal practices and procedures affecting rights or duties of taxpayers, or industry regulation, which appear in internal management documents, are published in the bulletin. No unpublished ruling or decision will be relied on, used, or cited by any officer or employee of the Internal Revenue Service as a precedent in the disposition of other cases.

PAR. 2. Paragraph (c) of § 601.602 is amended to read as follows:

§ 601.602 Forms and instructions.

* * * * *

(c) *Procurement of forms and instructions.* Copies of all necessary forms, and instructions as to their preparation and filing, may be obtained from district directors or, where appropriate, from assistant regional commissioners (alcohol and tobacco tax). Descriptions of many of the forms and publications of the Internal Revenue Service for public use are contained in Publication No. 480, *Description of Available Forms Relating to Alcohol and Tobacco Tax Division Activities*, and Publication No. 481, *Description of Principal Federal Tax Returns, Related Forms, and Publications.* Publication No. 480 and Publication No. 481 may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

PAR. 3. Section 601.701 is amended to read as follows:

§ 601.701 Publicity of information.

(a) *General.* Effective July 4, 1967, section 552 of title 5 of the United States Code is amended to prescribe revised provisions regarding the publicizing of information by Federal agencies. Generally, such section divides agency information into three major categories and provides methods by which each category is to be made available to the public. The three major categories, for which the disclosure requirements of the Internal Revenue Service are set forth in § 601.702, are as follows:

(1) Information required to be published in the FEDERAL REGISTER;

(2) Information required to be made available for public inspection and copying or, in the alternative, to be published and offered for sale; and

(3) Information required to be made available to any member of the public upon specific request.

The revised provisions of section 552 are intended to protect, subject to specified safeguards, the right of the public to information. Section 552 is not authority to withhold information from Congress.

(b) *Exemptions*—(1) *In general.* Under 5 U.S.C. 552(b), the disclosure requirements of section 552 do not apply to certain matters described in nine specific exemptions, as follows:

(i) Matters specifically required by Executive order to be kept secret in the interest of the national defense or foreign policy;

(ii) Matters related solely to the internal personnel rules and practices of an agency, such as staff manuals or instructions, or parts thereof, which set forth guidelines, operating rules, or other criteria for officers or employees in auditing or inspection procedures, or in the selection or handling of cases, such as operational tactics, allowable tolerances, or criteria for the defense, prosecution, or settlement of cases;

(iii) Matters specifically exempted from disclosure by statute, as described in subparagraph (2) of this paragraph;

(iv) (*a*) Trade secrets and (*b*) commercial, financial, or other information, which is privileged or confidential and thus would not customarily be made public by the person from whom it is obtained, such as business sales statistics, inventories, customer lists, scientific or manufacturing processes or developments, personal correspondence, or matter which the agency has obligated itself in good faith not to disclose;

(v) Interagency or intragency memorandums or letters which would not be available by law to a party in litigation with an agency, including communications (such as internal drafts, memorandums between officials or agencies, opinions and interpretations prepared by agency staff personnel or consultants for the use of the agency, and records of the deliberations of the agency or staff groups) which the agency has received from another agency, or which the agency generates, in the process of issuing an order, decision, ruling, or regulation, drafting proposed legislation, or otherwise carrying out its functions and responsibilities, if such communications would not routinely be available to such party through use of the discovery process;

(vi) Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of the personal privacy of any officer or employee of an agency or of any other person;

(vii) Investigatory files compiled for any law enforcement purpose, including files prepared in connection with related Government litigation and adjudicative proceedings, except to the extent available by law to a party other than an agency;

(viii) Matters contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or

(ix) Geological and geophysical information and data, including maps, concerning wells, such as seismic reports and other exploratory findings of oil companies.

(2) *Matters specifically exempted from disclosure by statute.* For purposes of subparagraph (1)(iii) of this paragraph, statutory provisions which either specifically exempt certain matters from disclosure by officers or employees of the Internal Revenue Service or specifically provide for disclosure under appropriate circumstances include the following sections of the Code and the regulations thereunder:

(i) Section 4102, relating to inspection by certain State or local government officers of records with respect to taxes on petroleum products;

(ii) Section 4773, relating to inspection by certain Government officials of records with respect to narcotic drugs and marihuana;

(iii) Section 4775, relating to requests for names of persons listed as special taxpayers under the provisions of the Code dealing with narcotic drugs and marihuana;

(iv) Section 6103, relating to publicity of certain returns and disclosure of information as to persons filing income tax returns;

(v) Section 6104, relating to publicity of information required from certain exempt organizations and certain trusts;

(vi) Section 6105, relating to publication in the FEDERAL REGISTER of compilation of relief from excess profits tax cases;

(vii) Section 6106, relating to publicity of unemployment tax returns;

(viii) Section 6107, relating to the keeping of lists of special taxpayers for public inspection;

(ix) Section 6108, relating to the publication of statistics of income;

(x) Section 7213, relating to penalties for unauthorized disclosure of information by Federal officers or employees or other persons; and

(xi) Section 7237(e), relating to penalties for unlawful disclosure of information on returns or order forms pertaining to narcotic drugs or marihuana.

A reference in this subparagraph to a provision of the Code will be considered to be a reference also to any corresponding provisions of prior law and the regulations promulgated thereunder. See also 18 U.S.C. 1905, which provides penalties for the unlawful disclosure by Federal officers or employees of certain information coming to them in the course of their employment. See paragraph (d) of § 601.702 for special rules pertaining to the disclosure of information in the case of certain specified matters.

(3) *Application of exemptions.* Even though an exemption described in subparagraph (1) of this paragraph may be fully applicable to a matter in a particular case, the Internal Revenue Service may, if not precluded by law, elect under the circumstances of that case not to apply the exemption to such matter. The fact that the exemption is not applied by the Service in that particular case has no precedential significance as to the application of the exemption to such matter in other cases but is merely an indication that in the particular case involved the Service finds no compelling necessity for applying the exemption to such matter.

PAR. 4. Section 601.702 is amended to read as follows:

§ 601.702 Publication and public inspection.

(a) *Publication in the Federal Register*—(1) *Requirement.* Subject to the application of the exemptions described in paragraph (b) of § 601.701 and subject to the limitations provided in subparagraph (2) of this paragraph, the Internal Revenue Service is required under 5 U.S.C. 552(a)(1) to separately state and currently publish in the FEDERAL REGISTER for the guidance of the public the following information:

(i) Descriptions of its central and field organization and the established places at which, the persons from whom, and the methods whereby, the public may obtain information, make submittals or requests, or obtain decisions, from the Service;

(ii) Statements of the general course and method by which its functions are channeled and determined, including the nature and requirements of all formal and informal procedures which are available;

(iii) Rules of procedure, descriptions of forms available or the places at which forms may be obtained, and instructions as to the scope and contents of all papers, reports, or examinations;

(iv) Substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretations of general applicability formulated and adopted by the Service; and

(v) Each amendment, revision, or repeal of matters referred to in subdivisions (i) through (iv) of this subparagraph.

Pursuant to the foregoing requirements, the Commissioner publishes in the FEDERAL REGISTER from time to time a statement, which is not codified in this chapter, on the organization and functions of the Internal Revenue Service, and such amendments as are needed to keep the statement on a current basis. In addition, there are published in the FEDERAL REGISTER the rules set forth in this part (Statement of Procedural Rules), such as those in subpart E, relating to conference and practice requirements of the Internal Revenue Service; the regulations in Part 177 of this chapter (Interstate Traffic in Firearms and Ammunition); the regulations in Part 200 of this chapter (Rules of Practice in Permit Proceedings); the regulations in Part 301 of this chapter (Procedure and Administration Regulations); the various substantive regulations under the Internal Revenue Code of 1954, such as the regulations in Part 1 of this chapter (Income Tax Regulations), in Part 20 of this chapter (Estate Tax Regulations), in Part 31 of this chapter (Employment Tax Regulations), in Part 47 of this chapter (Documentary Stamp Tax Regulations), or Part 201 of this chapter (Distilled Spirits Plants Regulations); and the substantive regulations under the Federal Alcohol Administration Act (49 Stat. 977, as amended, 27 U.S.C. 201 et seq.), such as 27 CFR Part 1 (Basic Permit Regulations), 27 CFR Part 4 (Wine Labeling and Advertising Regulations), or 27 CFR Part 5 (Distilled Spirits Labeling and Advertising Regulations).

(2) *Limitations*—(i) *Incorporation by reference in the Federal Register.* Matter which is reasonably available to the class of persons affected thereby, whether in a private or public publication, will be deemed published in the FEDERAL REGISTER for purposes of subparagraph (1) of this paragraph when it is incorporated by reference therein with the approval of the Director of the Federal Register. The matter which is incorporated by reference must be set forth in the private or public publication substantially in its entirety and not merely summarized or printed as a synopsis. Matter the location and scope of which are familiar to only a few persons having a special working knowledge of the activities of the Internal Revenue Service may not be incorporated in the FEDERAL REGISTER by reference. Matter may be incorporated by reference in the FEDERAL REGISTER only pursuant to the provisions of 5 U.S.C. 552(a)(1) and 1 CFR Part 20.

(ii) *Effect of failure to publish.* Except to the extent that a person has actual and timely notice of the terms of any matter referred to in subparagraph (1) of this paragraph which is required to be published in the FEDERAL REGISTER, such person is not required in any manner to resort to, or be adversely affected by, such matter if it is not so published or is not incorporated by reference therein pursuant to subdivision (i) of this subparagraph. Thus, for example, any such matter which imposes an obligation and which is not so published or incorporated by reference will not adversely change or affect a person's rights.

(b) *Public inspection and copying*—(1) *In general.* Subject to the application of the exemptions described in paragraph (b) of § 601.701, the Internal Revenue Service is required under 5 U.S.C. 552(a)(2) to make available for public inspection and copying or, in the alternative, to promptly publish and offer for sale the following information:

(i) Final opinions, including concurring and dissenting opinions, and orders, if such opinions and orders are made in the adjudication of cases, such as opinions and orders by the Alcohol and Tobacco Tax Division pursuant to § 200.116 of this chapter in administrative procedures on applications for, or to suspend, revoke, or annul, permits under the alcohol, alcoholic beverages, and tobacco permit systems;

(ii) Those statements of policy and interpretations which have been adopted by the Internal Revenue Service but are not published in the FEDERAL REGISTER; and

(iii) Its administrative staff manuals and instructions to staff that affect a member of the public.

The Internal Revenue Service is also required by 5 U.S.C. 552(a)(2) to maintain and make available for public inspection and copying current indexes identifying any matter described in subdivisions (i) through (iii) of this subparagraph which is issued, adopted, or promulgated after July 4, 1967, and which is required to be made available for public inspection or published. No matter described in subdivisions (i) through (iii) of this subparagraph which is required by this subparagraph to be made available for public inspection or

published may be relied upon, used, or cited as precedent by the Internal Revenue Service against a party other than an agency unless such party has actual and timely notice of the terms of such matter or unless the matter has been indexed and either made available for inspection, or published, as provided by this subparagraph. This subparagraph applies only to matters which have precedential significance. It does not apply, for example, to administrative manuals on property or fiscal accounting, vehicle maintenance, personnel administration, and similar proprietary functions of the Internal Revenue Service. Nor does it apply to any ruling or advisory interpretation which is issued to a taxpayer on a particular transaction or set of facts and applied only to that transaction or set of facts. This subparagraph does not apply to matters which have been made available pursuant to paragraph (a) of this section.

(2) *Deletion of identifying details.* To prevent a clearly unwarranted invasion of personal privacy, the Internal Revenue Service will, in accordance with 5 U.S.C. 552(a)(2), delete identifying details contained in any matter described in subparagraph (1) (i) through (iii) of this paragraph before making such matter available for inspection or publishing it. However, in every case where identifying details are so deleted, the justification for the deletion must be explained in writing. The written justification for deletion will be placed as a preamble to the document from which the identifying details have been deleted, except in the case of any matter which is published in the Internal Revenue Bulletin. An introductory statement will be placed in each Internal Revenue Bulletin providing that identifying details, including the names and addresses of persons involved, and information of a confidential nature are deleted to prevent unwarranted invasions of personal privacy and to comply with statutory provisions, such as section 7213 and 18 U.S.C. 1906, dealing with disclosure of information obtained from members of the public.

(3) *Public reading rooms*—(i) *In general.* The National Office and each regional office of the Internal Revenue Service will provide a reading room or reading area where the matters described in subparagraph (1) (i) through (iii) of this paragraph which are required by such subparagraph to be made available for public inspection or published, and the current indexes to such matters, will be made available to the public for inspection and copying. In addition, the reading rooms will contain other matters determined to be helpful for the guidance of the public, including a complete set of the rules and regulations contained in this title and title 27, any internal revenue matters which may be incorporated by reference in the FEDERAL REGISTER pursuant to paragraph (a)(2)(i) of this section, a set of Cumulative Bulletins, and copies of various Internal Revenue Service publications, such as the description of forms or publications contained in Publication No. 480 and Publication No. 481. Fees will not be charged for the use of the materials in the reading rooms, but fees will be charged for copying and certification services, as provided in subdivision (iii) of this subparagraph. The public will not be allowed to remove any record from a reading room.

(ii) *Addresses of public reading rooms.* The addresses of the reading rooms are as follows:

NATIONAL OFFICE

Mail address: Director, Public Information Division, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224.
Location: Same as mail address.

NORTH ATLANTIC REGION

Mail address: Regional Public Information Officer, Room 1102, 90 Church Street, New York, N.Y. 10007.
Location: Same as mail address.

MID-ATLANTIC REGION

Mail address: Regional Public Information Officer, Post Office Box 12805, Philadelphia, Pa. 19108.
Location: 401 North Broad Street.

SOUTHEAST REGION

Mail address: Regional Public Information Officer, Post Office Box 926, Atlanta, Ga. 30301.
Location: Federal Office Building, 275 Peachtree Street.

MIDWEST REGION

Mail address: Regional Public Information Officer, 17 North Dearborn Street, Chicago, Ill. 60602.
Location: Same as mail address.

CENTRAL REGION

Mail address: Regional Public Information Officer, Room 7106, Federal Office Building, 550 Main Street, Cincinnati, Ohio 45202.
Location: Same as mail address.

SOUTHWEST REGION

Mail address: Regional Public Information Officer, 1114 Commerce Street, Dallas, Tex. 75202.
Location: Same as mail address.

WESTERN REGION

Mail address: Regional Public Information Officer, Flood Building, 870 Market Street, San Francisco, Calif. 94102.
Location: Same as mail address.

(iii) *Copying facilities.* The National Office and each regional office will provide facilities whereby a person may obtain copies of material which is on the shelves of the reading room. Certification services with respect to copies will also be provided. The fees in respect of material on the shelves of the reading rooms are as follows:

Photocopies; each page	$0.25
Certification of photocopies by appropriate official; each certification	1.00
Sale of unpriced printed material; each 25 pages or fraction thereof	.25
Minimum charge applicable when one or more of the above charges is assessed	1.00

Generally, forms and instructions described in § 601.602 which may be obtained from district directors or from assistant regional commissioners (alcohol and tobacco tax) will not be available in the reading rooms. However, where such forms or instructions are available for distribution in the reading rooms, the fee listed in this subdivision for the sale of unpriced printed material will not apply. While certain relevant publications which are available for sale through the Government Printing Office will be placed on the shelves of the reading rooms, such publications will not be available for sale in the reading rooms. Persons desiring to purchase such publications, for example, Internal Revenue Bulletins and Cumulative Bulletins, should contact the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. However, copies of pages of such publications on the reading room shelves may be obtained at the reading rooms in accordance with the schedule of fees set forth in this subdivision.

(iv) *Inability to use public reading rooms.* If a person is unable or unwilling to visit a reading room in person but wishes to inspect identifiable reading room material, he may request permission to inspect such material at any office of the Internal Revenue Service. To the extent that requested material is available for inspection at the reading rooms and is also readily available for inspection at the office where the request is made, such material will promptly be made available for inspection at such office to the person making the request for inspection and, where facilities are available, for copying in accordance with the schedule of fees prescribed by subdivision (iii) of this subparagraph. Copies of the requested material may also be mailed to such person by such office upon request. If the requested reading room material is not readily available for inspection at the office where the request is made, then the request will be referred by such office to one of the reading rooms of the Internal Revenue Service. If the copies are to be transmitted by mail, the person making the request will promptly be advised of the cost of copying the requested material in accordance with the prescribed schedule of fees. Upon receipt of such fees, the requested material will be copied and mailed to the person making the request. Prepayment of fees is not required where the total fees with respect to the request are $5 or less and the request is filled by mail.

(c) *Specific requests for other identifiable records*—(1) *In general.* Subject to the application of the exemptions described in paragraph (b) of § 601.701, the Internal Revenue Service is required under 5 U.S.C. 552(a)(3) to make identifiable records, other than those made available pursuant to paragraphs (a) and (b) of this section, promptly available to any person upon request. The request for records under section 552(a)(3) must be made in accordance with the rules set forth in this paragraph. This paragraph applies only to records in being which are in the possession or control of the Internal Revenue Service. Where a record in the possession or control of the Internal Revenue Service is the paramount or exclusive concern of another agency, the request for such record will be transferred to that agency, and the requester notified to that effect, to insure that the determination to disclose or withhold the record will be made by that agency. In applying this paragraph, the Internal Revenue Service will not compile a record pursuant to a request, or procure a record from sources outside the Service.

(2) *Form of request.* The request for records must be in writing and signed by the person making the request. The request is required to identify the requested records in accordance with subparagraph (4) of this paragraph. The request must set forth the address where the person making the request desires to be notified of the determination by the Internal Revenue Service as to whether the request will be granted. If the requester desires to make the inspection in an office other than the office to which the request is delivered or mailed, the request should designate the office of the Internal Revenue Service where inspection is desired. Where the person making the request desires to have a copy of the requested records sent to him without first inspecting such records, his request should so state.

(3) *Time and place for making request.* The request for records may be made at any office of the Internal Revenue Service. A request delivered to an office in person must be delivered during the regular office hours of that office. The person making the request should allow a reasonable period of time for processing the request.

(4) *Identification of records.* The request for records must describe the records in reasonably sufficient detail to enable personnel of the Internal Revenue Service to locate the records. While no specific formula for adequate identification of a record may be established, it will generally suffice if the requester gives the name, subject matter, and, if known, the date and location of the requested record. However, the person making the request is advised to furnish the Internal Revenue Service with any additional information which will more clearly identify the requested records, since he has the burden of properly identifying them. The identification requirement will not be used by officers or employees of the Internal Revenue Service as a device for improperly withholding records from the public.

(5) *Fees.* A schedule of fees for the services and costs required of the Internal Revenue Service in locating, making available, copying, and certifying records pursuant to this paragraph is as follows:

Records search; each hour or fraction thereof	$3.50
Photocopies; each page	.25
Certification of photocopies by appropriate official; each certification	1.00
Minimum charge with respect to photocopies	1.00

Such fees are intended to make any services performed with respect to the request self-sustaining to the extent possible. See title V, Act of August 31, 1951 (65 Stat. 290, 31 U.S.C. (Supp. II) 483a). If the Internal Revenue Service estimates that the total fees for costs incurred in complying with the request will amount to $50 or more, the person making the request may be required to enter into a contract for the payment of actual fees with respect to the request before the Service will undertake actions necessary to comply with the request.

(6) *Processing a request*—(i) *In general.* The person making a request will be promptly advised in writing that the request has been received, that action is being taken thereon, and that he will be notified in writing of the determination as to whether the request is granted. If the request does not sufficiently identify a record, the person making the request will be promptly advised of such fact and notified that a more detailed description of the record is required by the Internal Revenue Service in order to proceed with the request.

(ii) *Determination by National Office.* Except in a case described in subdivision (iii) of this subparagraph, a request sufficiently identifying records will be immediately transmitted to the Assistant Commissioner (Compliance), Attention: CP:C:D, for prompt consideration. A copy of the requested records or a description thereof will also be transmitted to the Assistant Commissioner (Compliance) for consideration in connection with the request. The Assistant Commissioner (Compliance) will notify the requester in writing of his determination with respect to the request.

(iii) *Determination by a field office.* Where disclosure authorization with respect to the requested records has been delegated to an officer or employee of the Internal Revenue Service other than the Assistant Commissioner (Compliance), such other officer or employee will make the determination as to whether the request for records should be granted or denied and will notify the requester in writing of his determination with respect to the request.

(7) *Granting of request.* If it is determined that the request is to be granted, the person making the request will be notified in writing of the determination, of the fees involved in complying with the request, and of the locations where such fees are payable. Upon receipt by the Internal Revenue Service of the fees stated in its reply, the person making the request will be promptly advised, in writing, of the time and place where inspection may be made; or, if he has requested that a copy of the records be sent to him without first inspecting the records or if it has been necessary to reproduce the records in order to provide for inspection, a copy of the records will be mailed to him for his retention. In the usual case, the records will be made available for inspection at the office of the Internal Revenue Service where the request was made. However, if the person making the request has expressed a desire to inspect the records at an office of the Service other than the office where the request was made, every reasonable effort will be made to comply with the request. Records will be made available for inspection at such reasonable and proper times as not to interfere with their use by the Internal Revenue Service or to exclude other persons from making inspections. In addition, reasonable limitations may be placed on the number of records which may be inspected by a person on any given date. The person making the request will not be allowed to remove the records from the office where inspection is made. If, after making inspection, the person making the request desires copies of all or a portion of the requested records, copies will be furnished to him upon payment of the established fees prescribed by subparagraph (5) of this paragraph. Prepayment of fees is not required where the total fees with respect to the request are $5 or less and the request is filled by mail.

(8) *Denial of request.* If it is determined that the request for records should be denied, the person making the request will be notified of such determination by mail. The letter of notification will specify the city or other location where the requested records are situated, contain a brief statement of the grounds for denial, and advise the requester of his right to appeal to the Commissioner in accordance with subparagraph (9) of this paragraph.

(9) *Administrative appeal.* At any time within 30 days after the date of the letter of notification described in subparagraph (8) of this paragraph, the person making the request may file an appeal to the Commissioner. The appeal must be in the form of a statement signed by the appellant and mailed to the Commissioner of Internal Revenue, 1111 Constitution Avenue NW., Washington, D.C. 20224. The statement must contain the following information:

(i) The appellant's name and address,

(ii) The identification of the records requested,

(iii) The date of the request and the date of the letter denying the request, and

(iv) A request that the Commissioner consider the denial.

The appeal will be promptly considered by the Commissioner and the request either granted or denied by the Commissioner or referred by him to the Secretary for determination. The appellant will be notified of the determination by mail, and such determination shall be final.

(10) *Judicial review.* If the request is denied upon appeal pursuant to subparagraph (9) of this paragraph, or if no determination is made on the appeal within 30 days after filing, the appellant may commence an action in a U.S. district court pursuant to 5 U.S.C. 552(a)(3). The statute authorizes an action only against the agency. With respect to records of the Internal Revenue Service, the agency is the Internal Revenue Service, not an officer or employee thereof. Service of process in such an action shall be in accordance with the Federal Rules of Civil Procedure (28 U.S.C. App.) applicable to actions against an agency of the United States. Where

provided in such Rules, delivery of process upon the Internal Revenue Service must be directed to the Commissioner of Internal Revenue: Attention: CC:OP: OS, 1111 Constitution Avenue NW., Washington, D.C. 20224. The district court will determine the matter de novo, and the burden will be upon the Internal Revenue Service to sustain its action in not making the requested records available.

(d) *Rules for disclosure of certain specified matters*—(1) *Inspection of certain tax returns.* The inspection of certain returns is governed by the provisions of the internal revenue laws and rules promulgated by the President or by the Secretary of the Treasury and approved by the President pursuant to such provisions. See section 6103 and the regulations thereunder in Part 301 of this chapter (Procedure and Administration Regulations).

(2) *Information as to persons filing income tax returns.* Information as to whether any person has filed an income tax return for a particular taxable year will be furnished to an inquirer as provided in § 301.6103(f)–1 of this chapter. See section 6103(f).

(3) *Public lists of persons paying special taxes.* Lists of persons paying special taxes under subtitle D (relating to miscellaneous excise taxes) or subtitle E (relating to alcohol, tobacco, and certain other excise taxes) of the Code are available for public inspection in the offices of district directors pursuant to the provisions and limitations of section 6107. See § 301.6107–1 of this chapter. For rules relating to the inspection of Record 10, see § 151.477 of this chapter (Regulatory Taxes on Narcotic Drugs) and § 152.131 of this chapter (Regulatory Taxes on Marihuana).

(4) *Record of seizure and sale of real estate.* Record 21, "Record of seizure and sale of real estate", is open for public inspection in offices of district directors and copies are furnished upon application, as provided in § 301.9000–1(e) of this chapter. However, Record 21 does not list real estate seized for forfeiture under the internal revenue laws (see sec. 7302).

(5) *Public lists of employers making returns under the Federal Unemployment Tax Act.* Information as to whether an employer has made an annual return on Form 940 under the Federal Unemployment Tax Act (chapter 23 of the Code) will be furnished to an inquirer as provided in §§ 301.6103(f)–1 and 301.6106–1 of this chapter. See sections 6103(f) and 6106.

(6) *Information returns of certain tax-exempt organizations and certain trusts.* Information furnished on the public portion of Form 990–A and information furnished pursuant to section 6034 (relating to annual information required of trusts claiming deduction under sec. 642(c)) on Form 1041–A is available for public inspection. The public inspection portion of Form 990–A is, however, only retained for a 4-year period. Information furnished on Form 1041–A for years ending before December 31, 1962, will be available for public inspection in the office of the district director with whom Form 1041–A was filed. Information furnished for years ending on or after December 31, 1962, will be available for public inspection in the Office of the Director, Public Information Division, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224, as well as in the office of the district director with whom Form 990–A or Form 1041–A was filed. See section 6104(b) and § 301.6104–2 of this chapter.

(7) *Applications of certain organizations for tax exemption.* Applications, and certain papers submitted in support of such applications, filed by organizations described in section 501 (c) or (d) and determined to be exempt from taxation under section 501(a) are open to public inspection in the Office of the Director, Public Information Division, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224. Copies of such applications filed after September 2, 1958, are open to public inspection in the offices of district directors. See section 6104(a) and § 301.6104–1 of this chapter.

(8) *Accepted offers in compromise*—(i) *Income, profits, estate, or gift tax.* For a period of 1 year, a copy of the Abstract and Statement for each accepted offer in compromise in respect of income, profits, capital stock, estate, or gift tax liability is made available for inspection (*a*) in the Office of the Director, Public Information Division, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224, when the offer covers a liability of $5,000 and over, and (*b*) in the office of the appropriate district director when the offer covers a liability of less than $5,000. See 26 CFR (1939) 458.313 (17 F.R. 7688); § 301.6103(a)–1(j) of this chapter; and section 10 of Rev. Proc. 64–44 (C.B. 1964–2, 974, 979).

(ii) *Liquors.* For each offer in compromise submitted and accepted pursuant to section 7122 in any case arising under Chapter 51 of the Code (relating to distilled spirits, wine, and beer), or pursuant to section 7 of the Federal Alcohol Administration Act (27 U.S.C. 207) in any case arising under that Act, a copy of the Abstract and Statement relating to the offer will be available for public inspection, for a period of 1 year from the date of acceptance, in—

(*a*) The office of the assistant regional commissioner (alcohol and tobacco tax) who received the offer, or the office of the district director for the internal revenue district in which the offer was submitted, in the case of offers accepted pursuant to the Code, or

(*b*) The office of the assistant regional commissioner (alcohol and tobacco tax) who received the offer, in the case of offers accepted pursuant to that Act.

Information will not be disclosed, however, concerning any trade secrets, processes, operations, style of work, or apparatus, or confidential data or any other matter within the prohibition of 18 U.S.C. 1905.

(9) *Information regarding liquor permits*—(i) *Applications for permits.* Information with respect to the handling of applications for basic permits under the Federal Alcohol Administration Act (27 U.S.C. 204), operating permits under section 5171, and industrial use permits under section 5271 is maintained for public inspection in the offices of assistant regional commissioners (alcohol and tobacco tax) until the expiration of 1 year following final action on such applications. See 27 CFR 1.59.

(ii) *Card index record of permits.* A current card index record for—

(*a*) All persons to whom industrial use permits have been issued pursuant to section 5271,

(*b*) All proprietors of distilled spirits plants to whom operating permits have been issued pursuant to section 5171 to cover distrilling for industrial use, bonded warehousing of spirits for industrial use, or denaturing of spirits, and

(*c*) All applicants for such industrial use and operating permits.

is available for public inspection in the offices of assistant regional commissioners (alcohol and tobacco tax).

(10) *List of plants and permittees.* Upon request, the assistant regional commissioner (alcohol and tobacco tax) will furnish a list of any type of qualified proprietor or permittee located in his region.

(11) *Information relating to certificates of label approval for distilled spirits, wine, and malt beverages.* Upon written request, the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224 will furnish information as to the issuance, pursuant to section 5(e) of the Federal Alcohol Administration Act (27 U.S.C. 205(e)) and 27 CFR Part 4, 5, or 7, of certificates of label approval, or of exemption from label approval, for distilled spirits, wine, or malt beverages. The request must identify the class and type and brand name of the product and the name and address of the bottler or imported thereof or of the person to whom the certificate was issued. The person making the request may obtain reproductions or certified copies of such certificates upon payment of the established fees prescribed by paragraph (c)(5) of this section. Information will not be disclosed, however, concerning any trade secrets, processes, operations, style of work, or apparatus, or confidential data or any other matter within the prohibition of 18 U.S.C. 1905.

(12) *State liquor cases or State firearms cases.* Assistant regional commissioners (alcohol and tobacco tax) may, in the interest of Federal and State law enforcement, upon receipt of demands or requests of State authorities, and at the expense of the State, authorize investigators and other employees under their supervision to attend trials and administrative hearings in liquor cases or firearms cases in which the State is a party, produce records, and testify as to facts coming to their knowledge in their official capacities, provided that information will not be divulged contrary to section 7213 by such production or testimony. See also § 301.9000–1(f) of this chapter.

(13) *Excess profits tax relief; publication of allowances.* There is published from time to time in the FEDERAL REGISTER the information specified in section 6105 relative to excess profits tax relief allowed particular taxpayers. See § 301.6105–1 of this chapter.

(14) *Publication of statistics of income.* Statistics with respect to the operation of the income tax laws are published annually in accordance with section 6108 and § 301.6108–1 of this chapter.

(e) *Other disclosure procedures.* For procedure to be followed by officers and employees of the Internal Revenue Service upon receipt of a request or demand for certain internal revenue records or information the disclosure procedure for which is not covered by this section, see § 301.9000–1 of this chapter.

(5 U.S.C. 301 and 552)

[SEAL] WILLIAM H. SMITH,
Acting Commissioner of Internal Revenue.

[F.R. Doc. 67–7511; Filed, June 30, 1967; 8:48 a.m.]

Title 29—LABOR

Chapter I—National Labor Relations Board

PART 101—STATEMENTS OF PROCEDURE, SERIES 8

PART 102—RULES AND REGULATIONS, SERIES 8

Miscellaneous Amendments

By virtue of the authority vested in it by the National Labor Relations Act, approved July 5, 1935, the National Labor Relations Board hereby issues the following further amendments to its Statements of Procedure and to its Rules and Regulations, Series 8, as amended, which it finds necessary to carry out the provisions of said Act, such amendments to be effective July 4, 1967.

National Labor Relations Board Statements of Procedure and Rules and Regulations, Series 8, as hereby further amended, shall be in force and effect until further amended, or rescinded by the Board.

Dated, Washington, D.C., June 26, 1967.

By direction of the Board.

OGDEN W. FIELDS,
Executive Secretary.

I. Part 101 is amended as follows:

Subpart B—Unfair Labor Practice Cases Under Section 10(a) to (i) of the Act and Telegraph Merger Act Cases

1. Sections 101.6 and 101.9 are amended to read as follows:

§ 101.6 Dismissal of charges and appeals to general counsel.

If the complainant refuses to withdraw the charge as recommended, the regional director dismisses the charge. The regional director thereupon informs the parties of his action, together with a simple statement of the grounds therefor, and the complainant of his right of appeal to the general counsel in Washington, D.C., within 10 days. If the complainant appeals to the general counsel, the entire file in the case is sent to Washington, D.C., where the case is fully reviewed by the general counsel with the assistance of his staff. Oral presentation of the appeal issues may be permitted a party on timely written request, in which event the other parties are notified and afforded a like opportunity at another appropriate time. Following such review, the general counsel may sustain the regional director's dismissal, stating the grounds of his affirmance, or may direct the regional director to take further action.

§ 101.9 Settlement after issuance of complaint.

(a) Even though formal proceedings have begun, the parties again have full opportunity at every stage to dispose of the case by amicable adjustment and in compliance with the law. Thus, after the complaint has been issued and a hearing scheduled or even begun, the attorney in charge of the case and the regional director afford all parties every opportunity for the submission and consideration of facts, argument, offers of settlement, or proposals of adjustment, except where time, the nature of the proceeding, and the public interest do not permit.

(b) (1) After the issuance of a complaint, the agency favors a formal settlement agreement, which is subject to the approval of the Board in Washington, D.C. In such an agreement, the parties agree to waive their right to hearing and agree further that the Board may issue an order requiring the respondent to take action appropriate to the terms of the settlement. Ordinarily the formal settlement agreement also contains the respondent's consent to the Board's application for the entry of a decree by the appropriate circuit court of appeals enforcing the Board's order.

(2) In some cases, however, the regional director, pursuant to his authority to withdraw the complaint before the hearing (§ 102.18 of this chapter), may conclude that an informal settlement agreement of the type described in § 101.7 is appropriate. Such an agreement is not subject to approval by the Board and does not provide for a Board order. It provides for the withdrawal of the complaint.

(c) (1) If after issuance of complaint but before opening of the hearing, the charging party will not join in a settlement tentatively agreed upon by the regional director, the respondent, and any other parties whose consent may be required, the regional director serves a copy of the proposed settlement agreement on the charging party with a brief written statement of the reasons for proposing its approval. Within 5 days after service of these documents, the charging party may file with the regional director a written statement of any objections to the proposed settlement. Such objections will be considered by the regional director in determining whether to approve the proposed settlement. If the settlement is approved by the regional director notwithstanding the objections, the charging party is so informed and provided a brief written statement of the reasons for the approval.

(2) If the settlement agreement approved by the regional director is a formal one, providing for the entry of a Board order, the settlement agreement together with the charging party's objections and the regional director's written statements, are submitted to Washington, D.C., where they are reviewed by the general counsel. If the general counsel decides to approve the settlement agreement, he shall so inform the charging party and submit the agreement and accompanying documents to the Board, upon whose approval the settlement is contingent. Within 7 days after service of notice of submission of the settlement agreement, he shall so inform the charging party may file with the Board in Washington, D.C., a further statement in support of his objections to the settlement agreement.

(3) If the settlement agreement approved by the regional director is an informal one, providing for the withdrawal of the complaint, the charging party may appeal the regional director's action to the general counsel, as provided in § 102.19 of this chapter.

(d) (1) If the settlement occurs after the opening of the hearing and before issuance of the trial examiner's decision and there is an all-party informal settlement, the request for withdrawal of the complaint must be submitted to the trial examiner for his approval. If the all-party settlement is a formal one, final approval must come from the Board. If any party will not join in the settlement agreed to by the other parties, the trial examiner will give such party an opportunity to state on the record or in writing its reasons for opposing the settlement.

(2) If the trial examiner decides to accept or reject the proposed settlement, any party aggrieved by such ruling may ask for leave to appeal to the Board as provided in § 102.26 of this chapter.

(e) (1) In the event the respondent fails to comply with the terms of a settlement stipulation, upon which a Board order and court decree are based, the Board may petition the court to adjudge the respondent in contempt. If the respondent refuses to comply with the terms of a stipulation settlement providing solely for the entry of a Board order, the Board may petition the court for enforcement of its order, pursuant to section 10 of the National Labor Relations Act.

(2) In the event the respondent fails to comply with the terms of an informal settlement agreement, the regional director may set the agreement aside and institute further proceedings.

Subpart C—Representation Cases Under Section 9(c) of the Act and Petitions for Clarification of Bargaining Units and for Amendment of Certifications Under Section 9(b) of the Act

2. Sections 101.17 and 101.18 (a) and (c) are amended to read as follows:

§ 101.17 Initiation of representation cases and petitions for clarification and amendment.

The investigation of the question as to whether a union represents a majority of an appropriate grouping of employees is initiated by the filing of a petition by any person or labor organization acting on behalf of a substantial number of employees or by an employer when one or more individuals or labor organizations present to him a claim to be recognised as the exclusive bargaining representative. If there is a certified or currently recognised representative, any employee, or group of employees, or any individual or labor organization acting in their behalf may also file decertification proceedings to test the question of whether the certified or recognised agent is still the representative of the employees. If there is a certified or currently recognized representative of a bargaining unit and there is no question concerning representation, a party may file a petition for clarification of the bargaining unit. If there is a unit covered by a certification and there is no question concerning representation, any party may file a petition for amendment to reflect changed circumstances, such as changes in the name or affiliation of the labor organization involved or in the name or location of the employer involved. The petition must be in writing and signed, and either must be notarized or must contain a declaration by the person signing it, under the penalties of the Criminal Code, that its contents are true and correct to the best of his knowledge and belief. It is filed with the regional director for the region in which the proposed or actual bargaining unit exists. Petition forms, which are supplied by the regional office upon request, provide, among other things, for a description of the contemplated or existing appropriate bargaining unit, the approximate number of employees involved, and the names of all labor organizations which claim to represent the employees. If a petition is filed by a labor organization seeking certification, or in the case of a petition to decertify a certified or recognised bargaining agent, the petitioner must supply, within 48 hours after filing but in no event later than the last day on which the petition might timely be filed, evidence of representation. Such evidence is usually in the form of cards, which must be dated, authorizing the labor organization to represent the employees or authorizing the petitioner to file a decertification proceeding. If a petition is filed by an employer, the petitioner must supply, within 48 hours after filing, proof of demand for recognition by the labor organization named in the petition and, in the event the labor organization named is the incumbent representative of the unit involved, a statement of the objective considerations demonstrating reasonable grounds for believing that the labor organization has lost its majority status.

§ 101.18 Investigation of petition.

(a) Upon receipt of the petition in the regional office, it is docketed and assigned to a member of the staff, usually a field examiner, for investigation. He conducts an investigation to ascertain (1) whether the employer's operations affect commerce within the meaning of the act, (2) the appropriateness of the unit of employees for the purposes of collective bargaining and the existence of a bona fide question concerning representation within the meaning of the act, (3) whether the election would effectuate the policies of the act and reflect the free choice of employees in the appropriate unit, and (4) whether, if the petitioner is a labor organization seeking recognition, there is a sufficient probability, based on the evidence of representation of the petitioner, that the employees have selected it to represent them. The evidence of representation submitted by the petitioning labor organization or by the person seeking decertification is ordinarily checked to determine the number or proportion of employees who have designated the petitioner, it being the Board's administrative experience that in the absence of special factors the conduct of an election serves no purpose under the statute unless the petitioner has been designated by at least 30 percent of the employees. However, in the case of a petition by an employer, no proof of representation on the part of the labor organization claiming a majority is required and the regional director proceeds with the case if other factors require it unless the labor organization withdraws its claim to majority representation. The field examiner, or other member of the staff, attempts to ascertain from all interested parties whether or not the grouping or unit of employees described in the petition constitutes an appropriate bargaining unit. The petition may be amended at any time prior to hearing and may be amended during the hearing in the discretion of the hearing officer upon such terms as he deems just.

* * * * *

(c) For the same or similar reasons the regional director may request the petitioner to withdraw its petition. If the petitioner, despite the regional director's recommendations, refuses to withdraw the petition, the regional director then dismisses the petition, stating the grounds for his dismissal and informing the petitioner of his right of appeal to the Board in Washington, D.C. The petition may also be dismissed in the discretion of the regional director if the petitioner fails to make available necessary facts which are in its possession. The petitioner may within 10 days appeal from the regional director's dismissal by filing such request with the Board in Washington, D.C., after a full review of the file with the assistance of its staff, the Board may sustain the dismissal, stating the grounds of its affirmance, or may direct the regional director to take further action.

II. Part 102 is amended as follows:

Subpart B—Procedure Under Section 10 (a) to (i) of the Act for the Prevention of Unfair Labor Practices [1]

1. Sections 102.19, 102.33, and 102.46(e) are amended to read as follows:

§ 102.19 Appeal to the general counsel from refusal to issue or reissue.

(a) If, after the charge has been filed, the regional director declines to issue a complaint, or having withdrawn a complaint pursuant to § 102.18, refuses to reissue it, he shall so advise the parties in writing, accompanied by a simple statement of the procedural or other grounds for his action. The person making the charge may obtain a review of such action by filing an appeal with the general counsel in Washington, D.C., and filing a copy of the appeal with the regional director, within 10 days from the service of the notice of such refusal to issue or reissue by the regional director, except as a shorter period is provided by § 102.81. The appeal shall contain a complete statement setting forth the facts and reasons upon which it is based. A request for extension of time to file an appeal shall be in writing and be received by the general counsel, and a copy of such request filed with the regional director, prior to the expiration of the filing period. Copies of the acknowledgment of the filing of an appeal and of any ruling on a request for an extension of time for the filing of an appeal shall be served on all parties. Consideration of an appeal untimely filed is within the discretion of the general counsel upon good cause shown.

(b) Oral presentation in Washington, D.C., of the appeal issues may be permitted a party on written request made within 4 days after service of acknowledgment of the filing of an appeal. In the event such request is granted, the other parties shall be notified and afforded, without additional request, a like opportunity at another appropriate time.

(c) The general counsel may sustain the regional director's refusal to issue or reissue a complaint, stating the grounds of his affirmance, or may direct the regional director to take further action; the general counsel's decision shall be served on all the parties. A motion for reconsideration of the decision must be filed within 10 days of service of the decision, except as hereinafter provided, and shall state with particularity the error requiring reconsideration. A motion for reconsideration based upon newly discovered evidence which has become available only since the decision on appeal shall be filed promptly on discovery of such evidence.

§ 102.33 Transfer of charge and proceeding from region to region; consolidation of proceedings in same region; severance.

(a) Whenever the general counsel deems it necessary in order to effectuate the purposes of the act or to avoid unnecessary costs or delay, he may permit a charge to be filed with him in Washington, D.C., or may, at any time after a charge has been filed with a regional director pursuant to § 102.10, order that such charge and any proceeding which may have been initiated with respect thereto:

(1) Be transferred to and continued before him for the purpose of investigation or consolidation with any other proceeding which may have been instituted in a regional office or with him; or

(2) Be consolidated with any other proceeding which may have been instituted in the same region; or

(3) Be transferred to and continued in any other region for the purpose of investigation or consolidation with any proceeding which may have been instituted in or transferred to such other region; or

(4) Be severed from any other proceeding with which it may have been consolidated pursuant to this section.

(b) The provisions of §§ 102.9 to 102.32, inclusive, shall, insofar as applicable, govern proceedings before the general counsel pursuant to this section, and the powers granted to regional directors in such provisions shall, for the purpose of this section, be reserved to and exercised by the general counsel. After the transfer of any charge and any proceeding which may have been instituted with respect thereto from one region to another pursuant to this section, the provisions of this subpart shall, insofar as applicable, govern such charge and such proceeding as if the charge had originally been filed in the region to which the transfer is made.

(c) The regional director may, prior to hearing, exercise the powers in paragraph (a) (2) and (4) of this section with respect to proceedings pending in his region.

(d) Motions to consolidate or sever proceedings may be filed before hearing, with the regional director, and during the hearing, with the trial examiner. The regional director shall refer all such motions filed with him to the trial examiner for ruling. Rulings by the trial examiner on motions to consolidate or sever may be appealed to the Board in accordance with § 102.26.

§ 102.46 Exceptions, cross-exceptions, briefs, answering briefs; time for filing; where to file; service on parties; extension of time; effect of failure to include matter in exceptions; oral arguments.

* * * * *

(e) Any party who has not previously filed exceptions may, within 10 days, or such further period as the Board may allow, from the last date on which exceptions and any supporting brief may be filed, file cross-exceptions to any portion of the trial examiner's decision, together with a supporting brief, in accordance with the provisions of paragraphs (b) and (j) of this section. The provision for 3 additional days as contained in § 102.114 shall be applicable to this paragraph.

* * * * *

Subpart C—Procedure Under Section 9(c) of the Act for the Determination of Questions Concerning Representation of Employees [1] and for Clarification of Bargaining Units and for Amendment of Certifications Under Section 9(b) of the Act

2. Sections 102.69 (c), (d), (e), and (h), and 102.72 are amended to read as follows:

§ 102.69 Election procedure; tally of ballots; objections; certification by regional director; report on challenged ballots; report on objections; exceptions; action of the Board; hearing.

* * * * *

(c) If objections are filed to the conduct of the election or conduct affecting the result of the election, or if the challenged ballots are sufficient in number to affect the result of the election, the regional director shall investigate such objections or challenges, or both. If a consent election has been held pursuant to § 102.62(b), the regional director shall prepare and cause to be served on the parties a report on challenged ballots or objections, or both, including his recommendations, which report, together with the tally of ballots, he shall forward to the Board in Washington, D.C. Within 10 days from the date of issuance of the report on challenged ballots or objections, or both, or within such further period as the Board may allow upon written request to the Board for an extension received not later than 3 days before such exceptions are due in Washington, D.C., with copies of such request served on the other parties, any party may file with the Board in Washington, D.C., eight copies of exceptions to such report, with supporting brief if desired, which shall be printed or otherwise legibly duplicated, except that carbon copies of typewritten matter shall not be filed and if submitted will not be accepted. Immediately upon the filing of such exceptions, the party filing the same shall serve a copy thereof together with a copy of any brief filed on the other parties and shall file copies with the regional director. A statement of service shall be made to the Board simultaneously with the filing of exceptions. Within 7 days from the last date on which exceptions and any supporting brief may be filed, or such further period as the Board may allow, a party opposing the exceptions may file an answering brief with the Board in Washington, D.C.: Except that if personal service of the exceptions and any supporting brief is made upon the Board, 10 days will be allowed. However, 3 days as provided in § 102.114, will not be added to the prescribed time for filing an answering brief. Such brief shall be submitted in eight copies, printed or otherwise legibly duplicated, except that carbon copies shall not be filed and if submitted will not be accepted. Immediately upon the filing of such brief, the party filing the same shall serve a copy thereof on the other parties and shall file a copy with the regional director. A statement of service shall be made to the Board simultaneously with the filing of the answering brief. If no exceptions are filed to such report, the Board, upon the expiration of the period for filing such exceptions, may decide the matter forthwith upon the record or may make other disposition of the case. The report on challenged ballots may be consolidated with the report on objections in appropriate cases. If the election has been conducted pursuant to a direction of election issued following any proceeding under § 102.67, the regional director may (1) issue a report on objections or challenged ballots, or both, as in the case of a consent election pursuant to paragraph (b) of this section, or (2) exercise his authority to decide the case and issue a decision disposing of the issues and directing appropriate action or certifying the results of the election. In either instance, such action by the regional director may be on the basis of an administrative investigation or, if it appears to the regional director that substantial and material factual issues exist which can be resolved only after a hearing, he shall issue and cause to be served on the parties a notice of hearing on said issues before a hearing officer. If the regional director issues a report on objections and challenges, the parties shall have the rights set forth in this paragraph (c) and paragraph (e) of this section; if the regional director issues a decision, the parties shall have the rights set forth in § 102.67 to the extent consistent herewith.

(d) Any hearing pursuant to this section shall be conducted in accordance with the provisions of §§ 102.64, 102.65, and 102.66, insofar as applicable, except that upon the close of such hearing, the hearing officer shall, if directed by the regional director, prepare and cause to be served on the parties a report resolving questions of credibility and containing findings of fact and recommendations as to the disposition of the issues. In any case in which the regional director has directed that a report be prepared and served, any party may, within 10 days from the date of issuance of such report, file with the regional director the original and one copy, which may be a carbon copy, of exceptions to such report, with supporting brief, if desired. A copy of such exceptions, together with a copy of any brief filed, shall immediately be served on the other parties and a statement of service filed

[1] Procedure under sec. 10 (j) to (l) of the act is governed by Subparts F and G of this part. Procedures for unfair labor practice cases and representation cases under sec. 8(b)(7) of the act is governed by Subpart D of this part.

[1] Procedure under the first proviso to sec. 8(b)(7)(C) of the act is governed by Subpart D of this part.

with the regional director. Within 7 days from the last date on which exceptions and any supporting brief may be filed, or such further time as the Board may allow, a party opposing the exceptions may file an answering brief with the regional director; except that if personal service of the exceptions and any supporting brief is made upon the Board, 10 days will be allowed. However, 3 days as provided in § 102.114 will not be added to the prescribed time for filing an answering brief. An original and one copy, which may be a carbon copy, shall be submitted. A copy of such answering brief shall immediately be served on the other parties and a statement of service filed with the regional director. If no exceptions are filed to such report, the regional director, upon the expiration of the period for filing such exceptions, may decide the matter forthwith upon the record or may make other disposition of the case.

(e) In a case involving a consent election held pursuant to § 102.62(b), if exceptions are filed, either to the report on challenged ballots or objections, or both if it be a consolidated report, and it appears to the Board that such exceptions do not raise substantial and material issues with respect to the conduct or results of the election, the Board may decide the matter forthwith upon the record, or may make other disposition of the case. If it appears to the Board that such exceptions raise substantial and material factual issues, the Board may direct the regional director or other agent of the Board to issue and cause to be served on the parties a notice of hearing on said exceptions before a hearing officer. The hearing shall be conducted in accordance with the provisions of §§ 102.64, 102.65, and 102.66, insofar as applicable. Upon the close of the hearing the agent conducting the hearing, if directed by the Board, shall prepare and cause to be served on the parties a report resolving questions of credibility and containing findings of fact and recommendations to the Board as to the disposition of the challenges or objections, or both if it be a consolidated report. In any case in which the Board has directed that a report be prepared and served, any party may within 10 days from the date of issuance of the report on challenged ballots or objections, or both, or within such further period as the Board may allow, upon written request to the Board for an extension received not later than 3 days before such exceptions are due in Washington, D.C., with copies of such request served on the other parties, file with the Board in Washington, D.C., eight copies of exceptions to such report, with supporting brief if desired, which shall be printed or otherwise legibly duplicated, except that carbon copies of typewritten matter shall not be filed and if submitted will not be accepted. Immediately upon the filing of such exceptions, the party filing the same shall serve a copy thereof together with a copy of any brief filed, on the other parties and shall file copies with the regional director. A statement of service shall be made to the Board simultaneously with the filing of exceptions. Within 7 days from the last date on which exceptions and any supporting brief may be filed, or such further period as the Board may allow, a party opposing the exceptions may file an answering brief with the Board in Washington, D.C.; except that if personal service of the exceptions and any supporting brief is made upon the Board, 10 days will be allowed. However, 3 days as provided in § 102.114 will not be added to the prescribed time for filing an answering brief. Such brief shall be submitted in eight copies, printed or otherwise legibly duplicated, except that carbon copies shall not be filed and if submitted will not be accepted. Immediately upon the filing of such brief, the party filing the same shall serve a copy thereof on the other parties and shall file a copy with the regional director. A statement of service shall be made to the Board simultaneously with the filing of the answering brief. If no exceptions are filed to such report, the Board, upon the expiration of the period for filing such exceptions, may decide the matter forthwith upon the record or may make other disposition of the case. The Board shall thereupon proceed pursuant to § 102.67: *Provided, however,* That in any proceeding wherein a representation case has been consolidated with an unfair labor practice case for purposes of hearing, the provisions of § 102.46 of this chapter shall govern with respect to the filing of exceptions or an answering brief to the exceptions to the trial examiner's decision.

* * * * *

(h)(1) Notwithstanding paragraphs (c) and (e) of this section to the contrary, if the regional director decides that a hearing on objections or challenged ballots in a consent election held pursuant to § 102.62(b) is necessary, he may direct a hearing before a hearing officer, or a trial examiner if the case is consolidated with an unfair labor practice proceeding. Such action on the part of the regional director shall constitute a transfer of the case to the Board, and the provisions of § 102.65(c) shall apply with respect to special permission to appeal to the Board from any such direction of hearing.

(2) Exceptions, if any, to the hearing officer's report or to the trial examiner's decision, and any answering brief to such exceptions, shall be filed with the Board in Washington, D.C., in accordance with paragraph (e) of this section.

§ 102.72 Filing petition with general counsel; investigation upon motion of general counsel; transfer of petition and proceeding from region to general counsel or to another region; consolidation of proceedings in same region; severance; procedure before general counsel in cases over which he has assumed jurisdiction.

(a) Whenever it appears necessary in order to effectuate the purposes of the act, or to avoid unnecessary costs or delay, the general counsel may permit a petition to be filed with him in Washington, D.C., or may, at any time after a petition has been filed with a regional director pursuant to § 102.60, order that such petition and any proceeding that may have been instituted with respect thereto;

(1) Be transferred to and continued before him, for the purpose of investigation or consolidation with any other proceeding which may have been instituted in a regional office or with him; or

(2) Be consolidated with any other proceeding which may have been instituted in the same region; or

(3) Be transferred to and continued in any other region, for the purpose of investigation or consolidation with any proceeding which may have been instituted in or transferred to such region; or

(4) Be severed from any other proceeding with which it may have been consolidated pursuant to this section.

(b) The provisions of §§ 102.60 to 102.71, inclusive, shall, insofar as applicable, apply to proceedings before the general counsel pursuant to this section, and the powers granted to regional directors in such provisions shall, for the purpose of this section, be reserved to and exercised by the general counsel. After the transfer of any petition and any proceeding which may have been instituted in respect thereto from one region to another pursuant to this section, the provisions of this subpart shall, insofar as applicable, govern such petition and such proceeding as if the petition had originally been filed in the region to which the transfer was made.

(c) The regional director may exercise the powers in paragraph (a) (2) and (4) of this section with respect to proceedings pending in his region.

Subpart D—Procedure for Unfair Labor Practice and Representation Cases Under Sections 8(b)(7) and 9(c) of the Act

3. Section 102.81 is amended to read as follows:

§ 102.81 Review by the general counsel of refusal to proceed on charge; resumption of proceedings upon charge held during pendency of petition; review by general counsel of refusal to proceed on related charge.

(a) Where an election has been directed by the regional director or the Board in accordance with the provisions of §§ 102.77 and 102.78, the regional director shall decline to issue a complaint on the charge, and he shall so advise the parties in writing, accompanied by a simple statement of the procedural or other grounds for his action. The person making the charge may obtain a review of such action by filing an appeal with the general counsel in Washington, D.C., and filing a copy of the appeal with the regional director, within 3 days from the service of the notice of such refusal by the regional director. The appeal shall contain a complete statement setting forth the facts and reasons upon which it is based. Such appeal shall not operate as a stay of any action by the regional director.

(b) Where an election has not been directed and the petition has been dismissed in accordance with the provisions of § 102.80, the regional director shall resume investigation of the charge and shall proceed in accordance with § 102.74.

(c) If in connection with a section 8(b)(7) proceeding, unfair labor practice charges under other sections of the act have been filed and the regional director upon investigation has declined to issue a complaint upon such charges, he shall so advise the parties in writing, accompanied by a simple statement of the procedural or other grounds for his action. The person making such charges may obtain a review of such action by filing an appeal with the general counsel in Washington, D.C., and filing a copy of the appeal with the regional director, within 3 days from the service of the notice of such refusal by the regional director. The appeal shall contain a complete statement setting forth the facts and reasons upon which it is based.

Subpart I—Service and Filing of Papers

4. Section 102.111 is amended to read as follows:

§ 102.111 Service of process and papers; proof of service.

(a) Charges, complaints, and accompanying notices of hearing, final orders, trial examiners' decisions, and subpenas of the Board, its member, agent, or agency may be served personally or by registered mail or by telegraph or by leaving a copy thereof at the principal office or place of business of the person required to be served. The verified return by the individual so serving the same, setting forth the manner of such service, shall be proof of the same, and the return post office receipt or telegraph receipt therefor when registered and mailed or telegraphed as aforsaid shall be proof of service of the same.

(b) Whenever these rules require or permit the service of pleadings or other papers upon a party, a copy shall also be served on any attorney or other representative of the party who has entered a written appearance in the proceeding on behalf of the party. If a party is represented by more than one attorney or representative, service upon any one of such persons in addition to the party shall satisfy this requirement.

(c) Process and papers of the Board, other than those specifically named in paragraph (a) of this section, may be forwarded by certified mail. The return post office receipt therefor shall be proof of service of the same.

Subpart K—Records and Information

5. Section 102.117 is amended to read as follows:

§ 102.117 Board materials and formal documents available for public inspection and copying; requests for identifiable records; files and records not subject to inspection; fees for copying and production.

(a) (1) The following materials are available to the public for inspection and copying during normal business hours at the Board's offices in Washington, D.C.: (i) All final opinions and orders made by the Board in the adjudication of cases; (ii) administrative staff manuals and instructions that affect any member of the public (excepting those establishing internal operating rules, guidelines, and procedures for the investigation, trial, and settlement of cases); (iii) a record of the final votes of each member of the Board in every agency proceeding; and (iv) a current index of final opinions and orders which may be relied on, used, or cited as precedent by the agency against any private party. Items (ii) and (iv) are also available for inspection and copying during normal business hours at each regional, subregional, and resident office of the Board. Opinions and orders made by regional directors in the adjudication of representation cases pursuant to the delegation of authority from the Board under section 3(b) of the act are available to the public for inspection and copying in the regional office where issued.

(2) A copy of a specific and identified final opinion and order made by the Board in the adjudication of a case, which has not as yet been included in a published volume offered for sale, may be obtained without charge upon request made to the Board's director of information in Washington, D.C. A copy of a specific and identified opinion and order made by a regional director in the adjudication of a representation case may be obtained without charge upon request made to the regional office where issued.

(3) Copies of forms prescribed by the Board for the filing of charges under section 10 or petitions under section 9 may be obtained without charge from any regional, subregional, or resident office of the Board.

(b) (1) The formal documents constituting the record in a case or proceeding are matters of official record and, until destroyed pursuant to applicable statutory authority, are available to the public for inspection and copying during normal business hours, at the appropriate regional office of the Board or at the Board's office in Washington, D.C., as the case may be.

(2) The executive secretary shall certify copies of the formal documents upon request made a reasonable time in advance of need and payment of lawfully prescribed costs.

(c) Requests for the inspection and copying of identifiable records other than those specified in paragraphs (a) and (b) of this section shall be made to the Board through its executive secretary, or to the general counsel, as may be appropriate, in Washington, D.C. Such a request must be in writing and must provide a sufficiently specific description of the record to permit its identification and location. The applicant shall be informed of the time and place at which the record will be made available. Should the Board or the general counsel determine that the request not be granted, prompt notice of the determination shall be given the applicant, accompanied by a written statement of the reasons for the denial.

(d) Subject to the provisions of §§ 102.31(c) and 102.66(c), all files, documents, reports, memoranda, and records of the agency falling within the exemptions specified in Public Law 89-487, 5 U.S.C. section 552(e), shall not be made available for inspection or copying, unless specifically permitted by the Board, its chairman, or its general counsel.

(e) (1) Copies of materials available under paragraphs (a) and (b) of this section or specifically made available under paragraph (c) of this section, except for those materials otherwise published and offered for sale, shall be supplied upon request and the payment of established fees for such copying. However, no fees shall be charged for copies of those materials listed in paragraph (a) of this section as being obtainable without charge.

(2) In the event the location and production of materials requested by an applicant for his inspection and copying, or for copying by the agency, involve significant cost to the agency, the applicant shall be informed in advance that he will be required to provide reimbursement for the reasonable direct and indirect costs incurred by the agency in such location and production.

(49 Stat. 449; 29 U.S.C. 151-166, as amended by act of June 23, 1947 (61 Stat. 136; 29 U.S.C. Supp. 151-167); act of Oct. 22, 1951 (65 Stat. 601; 29 U.S.C. 156, 159, 168); act of Sept. 14, 1959 (73 Stat. 519; 29 U.S.C. 141-168))

[F.R. Doc. 67-7411; Filed, June 30, 1967; 8:45 a.m.]

Chapter V—Wage and Hour Division, Department of Labor

PART 516—RECORDS TO BE KEPT BY EMPLOYERS

On January 7, 1967, a notice was published in the FEDERAL REGISTER (32 F.R. 140) proposing to revise 29 CFR Part 516 in order to change the recordmaking and recordkeeping requirements promulgated under the Fair Labor Standards Act of 1938 (29 U.S.C. 211) so that they will serve their purpose under that Act as amended by the Fair Labor Standards Amendments of 1966 (P.L. 89-601).

Interested persons were invited to submit written data, views, or argument. After consideration of all relevant matter presented, and pursuant to section 11 of the Fair Labor Standards Act of 1938 (29 U.S.C. 211), Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and General Order No. 45-A (15 F.R. 3290) of the Secretary of Labor, I hereby revise 29 CFR Part 516 to read as set forth below.

This revision shall become effective 30 days following the date of publication in the FEDERAL REGISTER.

The revised 29 CFR Part 516 reads as follows:

INTRODUCTORY

Sec.
516.1 Form of records; scope of regulations.

Subpart A—General Requirements

Sec.
516.2 Employees subject to minimum wage or minimum wage and overtime provisions; section 6 or sections 6 and 7(a) of the Act.
516.3 Bona fide executive, administrative, and professional employees (including academic administrative personnel and teachers in elementary or secondary schools), and outside sales employees as referred to in section 13(a)(1) of the Act—items required.
516.4 Posting of notices.
516.5 Records to be preserved 3 years.
516.6 Records to be preserved 2 years.
516.7 Place for keeping records and their availability for inspection.
516.8 Computations and reports.
516.9 Petitions for exceptions.
516.10 Amendment of regulations.

Subpart B—Records Pertaining to Employees Subject to Miscellaneous Exemptions Under the Act; Other Special Requirements

516.11 Employees exempt from both minimum wage and overtime pay requirements under section 13(a)(2), (3), (4), (5), (8), (9), (10), (11), (12), (13), or (14) of the Act.
516.12 Employees exempt from overtime pay requirements pursuant to section 13(b)(1), (2), (3), (4), (5), (7), (9), (10), (15), (16), (17), or (18) of the Act, and hotel, motel, and restaurant employees exempt from overtime pay under section 13(b)(8).
516.13 Livestock auction employees exempt from overtime pay requirements under section 13(b)(13) of the Act.
516.14 Country elevator employees exempt from overtime pay requirements under section 13(b)(14) of the Act.
516.15 Local delivery employees exempt from overtime pay requirements pursuant to section 13(b)(11) of the Act.
516.16 Commission employees of a retail or service establishment exempt from overtime pay requirements pursuant to section 7(i) of the Act.
516.17 Seamen exempt from overtime pay requirements pursuant to section 13(b)(6) of the Act.
516.18 Employees employed in industries "of a seasonal nature" who are partially exempt from overtime pay requirements pursuant to section 7(c) of the Act.
516.19 Employees engaged in industries handling and processing perishable agricultural commodities who are partially exempt from overtime pay requirements pursuant to section 7(d) of the Act.
516.20 Employees under certain collective bargaining agreements who are partially exempt from overtime pay requirements as provided in section 7(b)(1) or section 7(b)(2) of the Act.
516.21 Bulk petroleum employees partially exempt from overtime pay requirements pursuant to section 7(b)(3) of the Act.
516.22 Employees of residential care establishments or bowling establishments partially exempt from overtime pay requirements pursuant to section 13(b)(8) or 13(b)(19) of the Act.
516.23 Hospital employees compensated for overtime work on the basis of a 14-day work period pursuant to section 7(j) of the Act.
516.24 Employees employed under section 7(f) "Belo" contracts.
516.25 Employees paid for overtime on the basis of "applicable" rates provided in sections 7(g)(1) and 7(g)(2) of the Act.
516.26 Employees paid for overtime at premium rates computed on a "basic" rate authorized in accordance with section 7(g)(3) of the Act.
516.27 "Board, lodging, or other facilities" under section 3(m) of the Act.
516.28 Tipped employees.
516.29 Employees under more than one minimum hourly rate.
516.30 Learners, apprentices, messengers, students, or handicapped workers employed under special certificates as provided in section 14 of the Act.
516.31 Industrial homeworkers.
516.32 Employees subject to the equal pay provisions of the Act, as set forth in section 6(d).
516.33 Employees employed in agriculture.

AUTHORITY: The provisions of this Part 516 issued under sec. 11, 52 Stat. 1066, as amended; 29 U.S.C. 211.

INTRODUCTORY

§ 516.1 Form of records; scope of regulations.

(a) *Form of records.* No particular order or form of records is prescribed by the regulations in this part. However, every employer who is subject to any of the provisions of the Fair Labor Standards Act of 1938, as amended (hereinafter referred to as the "Act"), is required to maintain records containing the information and data required by the specific sections of this part.

(b) *Scope of regulations.* (1) The regulations in this part are divided into two subparts. Subpart A of this part contains the requirements applicable to all employers employing covered employees, including the general requirements relating to the posting of notices, the preservation and location of records, and similar general provisions. This subpart also contains the requirements applicable to employers of employees to whom both the minimum wage provisions of section 6 and the overtime pay provisions of section 7(a) of the Act apply. As most covered employees fall within this category, employers, in most instances, will be concerned principally with the recordkeeping requirements of Subpart A of this part. Section 516.3 thereof contains the requirements relating to executive, administrative, and professional employees (including academic administrative personnel or teachers in elementary or secondary schools), and outside sales employees.

(2) Subpart B of this part deals with the information and data which must be kept with respect to employees (other than executive, administrative, etc., employees) who are subject to any of the exemptions provided in the Act, and with special provisions relating to such matters as deductions from and additions to wages for "board, lodging, or other facilities," industrial homeworkers, employees dependent upon tips as part of wages, and employees subject to more than one minimum wage. The sections in Subpart B of this part require the recording of more, less, or different items of information or data than required under the generally applicable recordkeeping requirements of Subpart A of this part.

Subpart A—General Requirements

§ 516.2 Employees subject to minimum wage or minimum wage and overtime provisions; section 6 or sections 6 and 7(a) of the Act.

(a) *Items required.* Every employer shall maintain and preserve payroll or other records containing the following information and data with respect to each and every employee to whom section 6 or both sections 6 and 7(a) of the Act apply:

(1) Name in full, and on the same record, the employee's identifying symbol or number if such is used in place of name on any time, work, or payroll records. This shall be the same name as that used for Social Security record purposes,

(2) Home address, including zip code,

(3) Date of birth, if under 19,

(4) Sex and occupation in which employed (sex may be indicated by use of the prefixes Mr., Mrs., or Miss),

(5) Time of day and day of week on which the employee's workweek begins. If the employee is part of a work force or employed in or by an establishment all of whose workers have a workweek beginning at the same time on the same day, a single notation of the time of the day and beginning day of the workweek for the whole workforce or establishment will suffice. If, however, any employee or group of employees has a workweek beginning and ending at a different time, a separate notation shall then be kept for that employee or group of employees,

(6)(i) Regular hourly rate of pay for any week when overtime is worked and overtime excess compensation is due under section 7(a) of the Act, (ii) basis on which wages are paid (such as "$2 hr."; "$16 day"; "$80 wk."; "$80 wk. plus 5 percent commission on sales over $800 wk."), and (iii) the amount and nature of each payment which, pursuant to section 7(e) of the Act, is excluded from the "regular rate" (these records may be in the form of vouchers or other payment data),

(7) Hours worked each workday and total hours worked each workweek (for purposes of this section, a "workday" shall be any consecutive 24 hours),

(8) Total daily or weekly straight-time earnings or wages, that is, the total earnings or wages due for hours worked during the workday or workweek, including all earnings or wages due during any overtime worked, but exclusive of overtime excess compensation,

(9) Total overtime excess compensation for the workweek, that is, the excess compensation for overtime worked which amount is over and above all straight-time earnings or wages also earned during overtime worked,

(10) Total additions to or deductions from wages paid each pay period. Every employer making additions to or deductions from wages shall also maintain, in individual employee accounts, a record of the dates, amounts, and nature of the items which make up the total additions and deductions,

(11) Total wages paid each pay period,

(12) Date of payment and the pay period covered by payment.

(b) *Records of retroactive payment of wages.* Every employer who makes retroactive payment of wages or compensation under the supervision of the Administrator pursuant to section 16(c) of the Act, shall:

(1) Record and preserve, as an entry on his payroll or other pay records, the amount of such payment to each employee, the period covered by such payment, and the date of payment.

(2) Prepare a report of each such payment on the receipt form provided or authorized by the Wage and Hour Division, and (i) preserve a copy as part of his records, (ii) deliver a copy to the employee, and (iii) file the original, which shall evidence payment by the employer and receipt by the employee, with the Administrator or his authorized representative within 10 days after payment is made.

(c) *Employees working on fixed schedules.* With respect to employees working on fixed schedules, an employer may maintain records showing instead of the hours worked each day and each week as required by paragraph (a)(7) of this section, the schedule of daily and weekly hours the employee normally works, and

(1) In weeks in which an employee adheres to this schedule, indicates by check mark, statement, or other method that such hours were in fact actually worked by him, and

(2) In weeks in which more or less than the scheduled hours are worked, shows the exact number of hours worked each day and each week.

§ 516.3 Bona fide executive, administrative, and professional employees (including academic administrative personnel and teachers in elementary or secondary schools), and outside sales employees as referred to in section 13(a)(1) of the Act—items required.

With respect to persons employed in a bona fide executive, administrative or professional capacity (including employees employed in the capacity of academic administrative personnel or teachers in elementary or secondary schools), or in the capacity of outside salesman, as defined in Part 541 of this chapter (pertaining to so-called "white collar" employee exemptions), employers shall maintain and preserve records containing all the information and data required by § 516.2(a) except subparagraphs (6) through (10) thereof, and, in addition thereto the basis on which wages are paid (this may be shown as "$435 mo."; "$115 wk."; or "on fee").

§ 516.4 Posting of notices.

Every employer employing any employees who are (a) engaged in commerce or in the production of goods for commerce or (b) employed in an enterprise engaged in commerce or in the production of goods for commerce, and who are not specifically exempt from both the minimum wage provisions of section 6 and the overtime provisions of section 7(a) of the Act, shall post and keep posted such notices pertaining to the applicability of the Act, as shall be prescribed by the Wage and Hour Division, in conspicuous places in every establishment where such employees are employed so as to permit them to observe readily a copy on the way to or from their place of employment.

§ 516.5 Records to be preserved 3 years.

Each employer shall preserve for at least 3 years:

(a) *Payroll records.* From the last date of entry, all those payroll or other records containing the employee information and data required under any of the applicable sections of this part, and

(b) *Certificates, agreements, plans, notices, etc.* From their last effective date, all written:

(1) Collective bargaining agreements relied upon for the exclusion of certain costs under section 3(m) of the Act,

(2) Collective bargaining agreements, under section 7(b)(1) or 7(b)(2) of the Act, and any amendments or additions thereto,

(3) Plans, trusts, employment contracts, and collective bargaining agreements under section 7(e) of the Act,

(4) Individual contracts or collective bargaining agreements under section 7(f) of the Act. Where such contracts or agreements are not in writing, a written memorandum summarizing the terms of each such contract or agreement,

(5) Written agreements or memoranda summarizing the terms of oral agreements or understandings under section 7(g) or 7(j) of the Act, and

(6) Certificates and notices listed or named in any applicable section of this part.

(c) *Sales and purchase records.* A record of (1) total dollar volume of sales or business, and (2) total volume of goods purchased or received during such periods (weekly, monthly, quarterly, etc.) and in such form as the employer maintains in the ordinary course of his business.

§ 516.6 Records to be preserved 2 years.

(a) Supplementary basic records: Each employer required to maintain records under this part shall preserve for a period of at least 2 years:

(1) *Basic employment and earnings records.* From the date of last entry, all basic time and earning cards or sheets of the employer on which are entered the daily starting and stopping time of individual employees, or of separate work forces, or the individual employee's daily, weekly, or pay period amounts of work accomplished (for example, units produced) when those amounts determine in whole or in part the pay period earnings or wages of those employees.

(2) *Wage rate tables.* From their last effective date, all tables or schedules of the employer which provide the piece rates or other rates used in computing straight-time earnings, wages, or salary, or overtime excess computation, and

(3) *Worktime schedules.* From their last effective date, all schedules or tables of the employer which establish the hours and days of employment of individual employees or of separate workforces.

(b) Order, shipping, and billing records: Each employer shall also preserve for at least 2 years from the last date of entry the originals or true copies of any and all customer orders or invoices received, incoming or outgoing shipping or delivery records, as well as all bills of lading and all billings to customers (not including individual sales slips, cash register tapes or the like) which the employer retains or makes in the course of his business or operations.

(c) Records of additions to or deductions from wages paid: Each employer who makes additions to or deductions from wages paid shall preserve for at least 2 years from the date of last entry:

(1) Those records of individual employee accounts referred to in § 516.2(a)(10),

(2) All employee purchase orders, or assignments made by employees, all copies of addition or deduction statements furnished employees, and

(3) All records used by the employer in determining the original cost, operating and maintenance cost, and depreciation and interest charges, if such costs and charges are involved in the additions to or deductions from wages paid.

(d) Each employer shall preserve for at least two years the records he makes of the kind described in § 516.31 which explain the basis for payment of any wage differential to employees of the opposite sex in the same establishment.

§ 516.7 Place for keeping records and their availability for inspection.

(a) *Place of records.* Each employer shall keep the records required by the regulations in this part safe and accessible at the place or places of employment, or at one or more established central recordkeeping offices where such records are customarily maintained. Where the records are maintained at a central recordkeeping office, other than in the place or places of employment, such records shall be made available within 72 hours following notice from the Administrator or his duly authorized and designated representative.

(b) *Inspection of records.* All records shall be open at any time to inspection and transcription by the Administrator or his duly authorized and designated representative.

§ 516.8 Computations and reports.

Each employer required to maintain records under this part shall make such extension, recomputation, or transcription of his records and shall submit to the Wage and Hour Division such reports concerning persons employed and the wages, hours, and other conditions and practices of employment set forth in his records as the Administrator or his duly authorized and designated representative may request in writing.

§ 516.9 Petitions for exceptions.

(a) *Submission of petitions for relief.* Any employer or group of employers who,

due to peculiar conditions under which he or they must operate, desires authority to maintain records in a manner other than required in this part, or to be relieved of preserving certain records for the period specified in the regulations in this part, may submit a written petition to the Administrator setting forth the authority desired and the reasons therefor.

(b) *Action on petitions.* If, on review of the petition and after completion of any necessary investigation supplementary thereto, the Administrator shall find that the authority prayed for, if granted, will not hamper or interfere with enforcement of the provisions of the Act or any regulation or orders issued thereunder, he may then grant such authority but limited by such conditions as he may determine are requisite, and subject to subsequent revocation. Where the authority granted hereunder is sought to be revoked for failure to comply with the conditions determined by the Administrator to be requisite to its existence, the employer or groups of employers involved shall be notified in writing of the facts constituting such failure and afforded an opportunity to achieve or demonstrate compliance.

(c) *Compliance after submission of petitions.* The submission of a petition or the delay of the Administrator in acting upon such petition shall not relieve any employer or group of employers from any obligations to comply with all the requirements of the regulations in this part applicable to him or them. However, the Administrator shall give notice of the denial of any petition with due promptness.

§ 516.10 Amendment of regulations.

(a) *Petitions for revision of regulations.* Any person wishing a revision of any of the terms of the regulations in this part with respect to records to be kept by employers may submit to the Administrator a written petition setting forth the changes desired and the reasons for proposing them.

(b) *Action on such petitions.* If upon inspection of the petition the Administrator believes that reasonable grounds are set forth for amendment of the regulations in this part, the Administrator shall either schedule a hearing with due notice to interested persons, or make other provisions for affording interested persons an opportunity to present data, views, or arguments relating to any proposed changes.

Subpart B—Records Pertaining to Employees Subject to Miscellaneous Exemptions Under the Act; Other Special Requirements

§ 516.11 Employees exempt from both minimum wage and overtime pay requirements under section 13(a)(2), (3), (4), (5), (8), (9), (10), (11), (12), (13), or (14) of the Act.

With respect to each and every employee covered by the Act, but to whom the employer is neither required to pay the minimum wage provided in section 6 nor overtime compensation as provided in section 7, due to the applicability of section 13(a)(2), (3), (4), (5), (6), (9), (10), (11), (12), (13), or (14) of the Act, employers shall maintain and preserve records containing the information and data required by subparagraphs (1) through (4) of § 516.2(a) and, in addition thereto, information indicating the place or places of employment.

§ 516.12 Employees exempt from overtime pay requirements pursuant to section 13(b)(1), (2), (3), (4), (5), (7), (9), (10), (15), (16), (17) or (18) of the Act, and hotel, motel, and restaurant employees exempt from overtime pay under section 13(b)(8).

Every employer operating under a complete exemption from the overtime pay requirements of section 7(a) of the Act as provided in section 13(b)(1), (2), (3), (4), (5), (7), (8), (9), (10), (15), (16), (17), or (18) of the Act, shall maintain and preserve payroll or other records, with respect to each and every employee to whom section 6 of the Act applies but to whom neither section 7(a) nor 7(b) applies, containing all the information and data required by § 516.2(a) except subparagraphs (6) and (9) thereof and, in addition thereto, containing information and data regarding the basis on which wages are paid (such as "$2 hr."; "$16 day"; "$80 wk."; "$80 wk. plus 5 percent commission on sales over $800 wk.").

§ 516.13 Livestock auction employees exempt from overtime pay requirements under section 13(b)(13) of the Act.

(a) With respect to each and every employee covered by the Act, but to whom the employer is not required to pay overtime compensation as provided in section 7, except as provided in, and due to the applicability of, section 13(b)(13) of the Act, the employer shall maintain and preserve records containing the information and data required by § 516.2(a) except subparagraphs (6) and (9) and, in addition thereto, information indicating the place or places of employment.

(b) For each workweek in which the employee is employed both in agriculture and in connection with livestock auction operations, the employer shall maintain and preserve records of: (1) The total number of hours worked by each such employee, (2) the total number of hours in which he was employed in agriculture during that workweek, and the total number of hours in which he was employed in connection with livestock auction operations during that workweek, and (3) the total straight-time earnings for his employment in connection with livestock auction operations during that workweek.

(c) The employer shall maintain and preserve records indicating place or places of employment.

§ 516.14 Country elevator employees exempt from overtime pay requirements under section 13(b)(14) of the Act.

(a) With respect to each and every employee covered by the Act, but to whom the employer is not required to pay overtime compensation as provided in section 7, due to the applicability of section 13(b)(14) of the Act, the employer shall maintain and preserve records containing the information and data required by § 516.2(a) except subparagraphs (6) and (9) and, in addition thereto, the information and data required by paragraphs (b) and (c) of this section.

(b) For each workweek, the employer shall maintain and preserve records containing: (1) The names of all employees described in paragraph (a) of this section actually employed (suffered or permitted to work) during any part of the workweek and (2) for all other persons employed in the elevator, whether or not covered by the Act, the following information:

(i) Name in full,

(ii) Name of employer, and

(iii) Occupation in which employed in the elevator.

(c) Information demonstrating that the "area of production" requirements of Part 536 of this chapter are met.

§ 516.15 Local delivery employees exempt from overtime pay requirements pursuant to section 13(b)(11) of the Act.

Every employer operating under the complete exemption from the overtime pay requirements as provided in section 13(b)(11) of the Act, shall maintain and preserve payroll or other records, with respect to each and every employee to whom section 6 of the Act applies but to whom neither section 7(a) nor 7(b) applies, containing all the information and data required by § 516.2(a) except subparagraphs (6) and (9) thereof and, in addition thereto, containing information and data regarding the basis on which wages are paid (such as "trip rate (Town X to Town Y and return) $17.16"; "$80 week plus 3 percent commission on all cases delivered and 4¢ per case of empties returned"). Records shall also contain the following information: (a) A copy of the Administrator's finding under Part 551 of this chapter with respect to the plan under which such employees are compensated; (b) a statement or description of any changes made in the trip rate or other delivery payment plan of compensation for such employees since its submission for such finding; (c) identification of each employee employed pursuant to such plan and his work assignments and duties; and (d) a computation for each quarter-year of the average weekly hours of full-time employees employed under the plan during the most recent representative annual period as described in § 551.8(g) (1) and (2) of this chapter.

§ 516.16 Commission employees of a retail or service establishment exempt from overtime pay requirements pursuant to section 7(i) of the Act.

With respect to employees of a retail or service establishment who are exempt from the overtime pay requirements pursuant to the provisions of section 7(i), employers shall maintain and preserve payroll and other records, with respect to each and every such employee, containing all the information and data required by § 516.2 except paragraph (a)(6) through (12), and in addition records which clearly indicate:

(a) (1) Identification of all employees paid pursuant to section 7(i), the work assignments and duties of each, together with notation of the time and nature of each change in such duties and assignments,

(2) A notation in the record showing the date when such employee has been notified that he is being paid pursuant to section 7(i) and of the identity of the representative period applicable to him,

(3) A designation of the period chosen as "representative" for each employee or group of employees similarly situated, or of a formula from which the period established for the particular workweek may be identified,

(4) Basis of compensation, such as salary plus commission, quota bonus, straight commission without advances, straight commission with advances, guarantees, or draws, and amount of compensation: For example, "$80 weekly salary plus PMs and 1 percent commission computed quarterly", "$85 weekly draw against 5 percent commission on all sales",

(b) (1) For each workweek:

(i) Total compensation paid to or on behalf of the employee for his employment,

(ii) The amount and nature of each payment which, pursuant to section 7(e) of the Act, is excluded from the "regular rate" (these records may be in the form of vouchers or other payment data),

(iii) Hours worked each workday and total hours worked each workweek,

(iv) Regular rate of pay: (As a substitute for this rate, and provided the employer makes the necessary computations when requested to do so by a representative of the Division, an identifying mark may be used to indicate that the rate exceeds the minimum required to qualify for the section 7(i) exemption, part one),

(v) Total amounts paid as a salary, hourly rate, daily rate, etc., and date of payment,

(vi) Total amounts paid as a guarantee, advance, or draw against commissions, and date of payment,

(vii) Total amounts computed as commission or other incentive payments, and date of payment,

(2) For each pay period: Total additions to or deductions from wages. Every employer making additions or deductions from wages shall also maintain, in individual employee accounts, a record of the dates, amounts and nature of the items which make up the total additions or deductions,

(3) For each representative period:

(i) Total compensation paid to or on behalf of the employee for his employment,

(ii) Total compensation paid which represents commissions on goods or services.

§ 516.17 Seamen exempt from overtime pay requirements pursuant to section 13(b)(6) of the Act.

Every employer operating under the complete exemption from the overtime pay requirements of section 7(a) of the Act as provided in section 13(b)(6) of the Act shall maintain and preserve payroll or other records, with respect to each and every employee employed as a seaman to whom section 6 of the Act applies, but to whom neither section 7(a) nor 7(b) applies, containing all the information required by § 516.2(a) except subparagraphs (5) through (9) thereof and, in addition thereto, the following:

(a) Basis on which wages are paid (such as "$2 hr."; "$16 day"; "$350 mo."),

(b) Hours worked each workday and total hours worked each pay period (for purposes of this section, a "workday" shall be any consecutive 24 hours; the "pay period" shall be the period covered by the wage payment, as provided in section 6(a)(4) of the Act),

(c) Total straight-time earnings or wages for each such pay period, and

(d) The name, type, and documentation, registry number, or other identification of the vessel or vessels upon which employed.

§ 516.18 Employees employed in industries "of a seasonal nature" who are partially exempt from overtime pay requirements pursuant to section 7(c) of the Act.

(a) *Items required.* With respect to employees employed pursuant to the partial overtime pay exemption provided in section 7(c) of the Act and Part 526 of this chapter, employers shall maintain and preserve payroll or other records containing all the information and data required by § 516.2, and shall record the daily as well as the weekly overtime compensation. The employer shall also note in the records the beginning and ending of each workweek during which the establishment operates under this exemption.

(b) *Posting of notice of weeks taken under the exemption.* (1) In addition every employer shall prepare a legible printed, typewritten, or handwritten (in ink) notice reading:

NOTICE—OVERTIME PAYMENT

This establishment has taken the workweek beginning _____ and ending _____ as one of the _____ exempt workweeks permitted under section 7(c) of the Fair Labor Standards Act, when overtime at not less than time and one-half the regular hourly rate need be paid only for any time worked over 10 hours a day or 50 hours a week.

This week completes the _____ week of the permissible exempt workweeks.

Date _____

Signed _____

(2) On the date when employees are paid for any pay period which includes any workweek or part thereof during which the establishment operates under the exemption provided under section 7(c) of the Act, the employer shall, after making appropriate notations in the blank spaces in the above form, either (i) prominently post and display that notice at the pay window or other place or places where the employees affected are being paid or (ii) otherwise notify each such employee, in writing, to the same effect.

§ 516.19 Employees engaged in industries handling and processing perishable agricultural commodities who are partially exempt from overtime pay requirements pursuant to section 7(d) of the Act.

(a) *Items required.* With respect to employees employed pursuant to the partial overtime pay exemption provided in section 7(d) of the Act and Part 526 of this chapter, employers shall maintain and preserve records containing all the information and data required by § 516.2, and shall record the daily as well as the weekly overtime compensation. The employer shall also note in the records the beginning and ending of each workweek during which the establishment operates under this exemption.

(b) *Posting of notice of weeks taken under the exemption.* (1) In addition, every such employer shall prepare a legible printed, typewritten or handwritten (in ink) notice reading:

NOTICE—OVERTIME PAYMENTS

This establishment has taken the workweek beginning _____ and ending _____ as one of the _____ exempt workweeks permitted under section 7(d) of the Fair Labor Standards Act when overtime at not less than time and one-half the regular hourly rate need be paid only for any time worked over 10 hours a day or 48 hours a week.

This week completes the _____ week of the permissible exempt workweeks.

Date _____

Signed _____

(2) On the date when employees are paid for any pay period which includes any workweek or part thereof during which the establishment operates under the partial overtime exemption provided in section 7(d) of the Act, the employer shall, after making appropriate notations in the blank spaces in the above form, either (i) prominently post and display that notice at the pay window or other place or places where the employees affected are being paid or (ii) otherwise notify each such employee, in writing, to the same effect.

§ 516.20 Employees under certain collective bargaining agreements who are partially exempt from overtime pay requirements as provided in section 7(b)(1) or section 7(b)(2) of the Act.

(a) *Items required.* Every employer of employees who are employed:

(1) In pursuance of an agreement, made as a result of collective bargaining by representatives of employees certified as bona fide by the National Labor Relations Board, which provides that no employees shall be employed more than 1,040 hours during any period of 26 consecutive weeks as provided in section 7(b)(1) of the Act, or

(2) In pursuance of an agreement, made as a result of collective bargaining by representatives of employees certified as bona fide by the National Labor Relations Board, which provides that the employee shall be employed not more than 2,240 hours during a specified period of 52 consecutive weeks and shall be guaranteed employment as provided in section 7(b)(2) of the Act,

shall maintain and preserve payroll or other records, with respect to each and every such employee, containing all the information and data required by § 516.2, and shall record daily as well as weekly overtime excess compensation.

(b) *Submission of copy of agreement to the Administrator.* The employer shall also keep copies of such collective bargaining agreement and such National Labor Relations Board certification as part of his records and, within 30 days after such collective bargaining agreement has been made, report and file a copy thereof with the Administrator, Wage and Hour Division, at Washington, D.C. 20210. Likewise, the employer shall keep a copy of each amendment or addition thereto and within 30 days after such amendment or addition has been agreed upon, shall report and file a copy thereof with the Administrator.

(c) *Record of persons and periods employed under agreements.* The employer shall also make, keep, and preserve a record, either separately or as a part of the payroll:

(1) Listing each and every employee employed pursuant to each such collective bargaining agreement and each amendment and addition thereto.

(2) Indicating the period or periods during which the employee has been or is employed pursuant to an agreement under section 7(b)(1) or 7(b)(2) of the Act, and

(3) Showing the total hours worked during any period of 26 consecutive weeks, if the employee is employed in accordance with section 7(b)(1) of the Act, or during the specified period of 52 consecutive weeks, if employed in accordance with section 7(b)(2) of the Act.

§ 516.21 Bulk petroleum employees partially exempt from overtime pay requirements pursuant to section 7(b)(3) of the Act.

Every employer operating under the partial exemption from the overtime pay requirements of section 7(a) of the Act, as provided in section 7(b)(3), shall maintain and preserve records containing all the information and data required by § 516.2(a), and in addition shall record the daily as well as the weekly overtime compensation paid to the employees and the rate per hour and the total pay for any time worked between the 40th and 56th hour of the workweek.

§ 516.22 Employees of residential care establishments or bowling establishments partially exempt from overtime pay requirements pursuant to section 13(b)(8) or 13(b)(19) of the Act.

Every employer, with respect to each of his employees employed pursuant to the provisions of section 13(b)(8) of the Act providing a partial exemption from the overtime pay requirements for employees employed by a residential care establishment described therein, or employed pursuant to the provisions of section 13(b)(19) providing a partial exemption from the overtime requirements for employees of a bowling establishment, shall maintain and preserve the records prescribed in § 516.2(a), except that the record of the regular hourly rate of pay under § 516.2(a)(6)(i) shall be required only in any week when overtime is worked and overtime excess compensation is due under section 13(b)(8) or section 13(b)(19) of the Act, as the case may be.

§ 516.23 Hospital employees compensated for overtime work on the basis of a 14-day work period pursuant to section 7(j) of the Act.

With respect to each employee compensated for overtime work on the basis of a work period of 14 consecutive days pursuant to an agreement or understanding under section 7(j) of the Act pertaining to hospital employees, employers shall maintain and preserve

(a) The records required by § 516.2 except subparagraphs (5) and (7) through (9) thereof, and in addition thereto:

(1) Time of day and day of week on which the employee's 14-day work period begins,

(2) Hours worked each workday and total hours worked each 14-day work period,

(3) Total straight-time wages paid for hours worked during the 14-day period,

(4) Total overtime excess compensation paid for hours worked in excess of 8 in a workday and 80 in the work period.

(b) A copy of the agreement or understanding with respect to using the 14-day period for overtime pay computations or, if such agreement or understanding is not in writing, a memorandum summarizing its terms and showing the date it was entered into and how long it remains in effect.

§ 516.24 Employees employed under section 7(f) "Belo" contracts.

Every employer shall maintain and preserve payroll or other records, with respect to each and every employee to whom both sections 6 and 7(f) of the Act apply, containing all the information and data required by § 516.2(a) except subparagraphs (8) and (9) and, in addition thereto, the following:

(a) Total weekly guaranteed earnings,

(b) Total weekly compensation in excess of weekly guaranty,

(c) A copy of the bona fide individual contract or the agreement made as a result of collective bargaining by representatives of employees, pursuant to which the employee is employed, or where such contract or agreement is not in writing a written memorandum summarizing its terms.

§ 516.25 Employees paid for overtime on the basis of "applicable" rates provided in sections 7(g)(1) and 7(g)(2) of the Act.

With respect to each and every employee compensated for overtime work in accordance with section 7(g)(1) or 7(g)(2) of the Act, employers shall maintain and preserve records containing all the information and data required by § 516.2(a) except subparagraphs (6) and (9) thereof and, in addition thereto, the following:

(a) (1) Each hourly or piece rate at which the employee is employed, (2) basis on which wages are paid, and (3) the amount and nature of each payment which, pursuant to section 7(e) of the Act, is excluded from the "regular rate,"

(b) The number of overtime hours worked in the workweek at each applicable hourly rate or the number of units of work performed in the workweek at each applicable piece rate during the overtime hours,

(c) Total weekly overtime excess compensation at each applicable rate; that is, the excess compensation for overtime worked which amount is over and above all straight-time earnings or wages also earned during overtime worked,

(d) The date of the agreement or understanding to use this method of compensation and the period covered thereby. If the employee is part of a workforce or employed in or by an establishment all of whose workers have agreed to use this method of compensation a single notation of the date of the agreement or understanding and the period covered will suffice.

§ 516.26 Employees paid for overtime at premium rates computed on a "basic" rate authorized in accordance with section 7(g)(3) of the Act.

With respect to each and every employee compensated for overtime hours at a "basic" rate which is substantially equivalent to the employee's average hourly earnings, as authorized in accordance with section 7(g)(3) of the Act and part 548 of this chapter, employers shall maintain and preserve records containing all the information and data required by § 516.2 except paragraph (a)(6) thereof and, in addition thereto, the following:

(a) (1) The hourly rates, piece rates, or commission rates applicable to each type of work performed by the employee, (2) the computation establishing the basic rate at which the employee is compensated for overtime hours (if the employee is part of a workforce or employed in or by an establishment all of whose workers have agreed to accept this method of compensation, a single entry of this computation will suffice), (3) the amount and nature of each payment which, pursuant to section 7(e) of the Act, is excluded from the "regular rate."

(b) (1) Identity of representative period for computing the basic rate, (2) the period during which the established basic rate is to be used for computing overtime compensation, (3) information which establishes that there is no significant difference between the pertinent

terms, conditions and circumstances of employment in the period selected for the computation of the basic rate and those in the period for which the basic rate is used for computing overtime compensation, which could affect the representative character of the period from which the basic rate is derived.

(c) A copy of the written agreement or, if there is no such agreement, a memorandum summarizing the terms of and showing the date and period covered by the oral agreement or understanding to use this method of computation. If the employee is one of a group, all of whom have agreed to use this method of computation, a single memorandum will suffice.

§ 516.27 "Board, lodging, or other facilities" under section 3(m) of the Act.

(a) In addition to keeping other records required by the regulations in this part, an employer who makes deductions from the wages of his employees for "board, lodging, or other facilities" (as these terms are used in sec. 3(m) of the Act) furnished to them by the employer or by an affiliated person, or who furnishes such "board, lodging, or other facilities" to his employees as an addition to wages, shall maintain and preserve records substantiating the cost of furnishing each class of facility except as noted in paragraph (c) of this section. Separate records of the cost of each item furnished to an employee need not be kept. The requirement may be met by keeping combined records of the costs incurred in furnishing each class of facility, such as housing, fuel, or merchandise furnished through a company store or commissary. Thus, in the case of an employer who furnishes housing, separate cost records need not be kept for each house. The cost of maintenance and repairs for all the houses may be shown together. Original cost and depreciation records may be kept for groups of houses acquired at the same time. Costs incurred in furnishing similar or closely related facilities, moreover, may be shown in combined records. For example, if joint costs are incurred in furnishing both housing and electricity and the records are not readily separable, the housing and electricity together may be treated as a "class" of facility for recordkeeping purposes. Merchandise furnished at a company store may be considered as a "class" of facility and the records may show the cost of the operation of the store as a whole, or records showing the cost of furnishing the different kinds of merchandise may be maintained separately. Where cost records are kept for a "class" of facility rather than for each individual article furnished to employees, the records must also show the gross income derived from each such class of facility; e.g., gross rentals in the case of houses, total sales through the store or commissary, total receipts from sales of fuel, etc.

(1) Such records shall include itemized accounts showing the nature and amount of any expenditures entering into the computation of the reasonable cost as defined in Part 531 of this chapter, and shall contain the data required to compute the amount of the depreciated investment in any assets allocable to the furnishing of the facilities, including the date of acquisition or construction, the original cost, the rate of depreciation and the total amount of accumulated depreciation on such assets. If the assets include merchandise held for sale to employees, the records should contain data from which the average net investment in inventory can be determined.

(2) No particular degree of itemization is prescribed. The amount of detail shown in these accounts should be consistent with good accounting practices, and should be sufficient to enable the Administrator or his representative to verify the nature of the expenditure and the amount by reference to the basic records which must be preserved pursuant to § 516.6(c)(3).

(b) If additions to or deductions from wages paid (1) so affect the total cash wages due in any workweek (even though the employee actually is paid semimonthly) as to result in the employee receiving less in cash than the applicable minimum hourly wage, or (2) if the employee works in excess of the applicable maximum hours standard and (i) any addition to the wages paid are a part of his wages, or (ii) any deductions made are claimed as allowable deductions under sec. 3(m) of the Act, the employer shall maintain records showing those additions to or deductions from wages paid on a workweek basis. (For legal deductions not claimed under sec. 3(m) and which need not be maintained on a workweek basis, see §§ 531.38 to 531.40 of this chapter.)

(c) The records specified in this § 516.27 are not required with respect to an employee in any workweek in which he is not subject to the overtime provisions of the Act and receives not less than the applicable statutory minimum wage in cash for all hours worked in that workweek. (The application of section 3(m) of the Act in nonovertime weeks is discussed in § 531.36 of this chapter.)

§ 516.28 Tipped employees.

(a) Supplementary to the provisions of any section of the regulations in this part pertaining to the records to be kept with respect to tipped employees, every employer shall also maintain and preserve payroll or other records containing the following additional information and data with respect to each tipped employee whose wages are determined under section 3(m) of the Act:

(1) A symbol or letter placed on the pay records identifying each employee whose wage is determined in part by tips.

(2) Weekly or monthly amount reported by the employee, to the employer, of tips received (this may consist of reports made by the employees to the employer on IRS Form 4070).

(3) Amount by which the wages of each tipped employee have been deemed to be increased by tips as determined by the employer (not in excess of 50 percent of the applicable statutory minimum wage). The amount per hour which the employer takes as a tip credit shall be reported to the employee in writing each time it is changed from the amount per hour taken in the preceding week.

(4) Hours worked each workday in any occupation in which the employee does not receive tips, and total daily or weekly straight-time payment made by the employer for such hours.

(5) Hours worked each workday in occupations in which the employee receives tips, and total daily or weekly straight time earnings for such hours.

§ 516.29 Employees under more than one minimum hourly rate.

(a) *Additional items required.* An employer of any employees subject to different minimum wage rates of pay who elects to pay less than an amount arrived at by applying the highest applicable minimum rate for all hours worked in any workweek, shall, in addition to any employee information and data required to be kept with respect to them by any applicable section of the regulations in this part maintain and preserve payroll or other records containing the following information and data with respect to each of those employees:

(1) The minimum rate of pay required to be paid for each different type of employment in which each such employee was engaged during the workweek (including, in Puerto Rico, the Virgin Islands, and American Samoa the applicable wage order rates),

(2) The basis on which wages are paid for each such different type of employment (such as "$2 each hour"; "$16 a day"; "$80 wk."; "2¢ per piece"; "$80 wk. plus 5 percent commission on sales over $800 wk."; etc.),

(3) The piece rate, if any, for each operation on each type of goods upon which the employee has worked under each such different applicable minimum rate of pay and the number of pieces worked upon at such piece rates (including, in Puerto Rico and the Virgin Islands, the lot number of each type of goods upon which the employee has worked),

(4) The total hours or fractions thereof worked that workweek by each such employee in employment covered by each such different applicable minimum rate, and

(5) The total wages due each such employee at straight time for the hours worked in each such different type of employment including any amounts earned in excess of the applicable minimum rate of pay.

(b) *Records of workers whose work cannot be segregated.* The provisions of paragraph (a) of this section shall not be construed to affect in any way the records to be kept, or compensation to be paid employees whose activities cannot be segregated and who are, therefore, not subject to different minimum rates of pay.

§ 516.30 Learners, apprentices, messengers, students, or handicapped workers employed under special certificates as provided in section 14 of the Act.

(a) *Items required.* With respect to persons employed as learners, appren-

tices, messengers, or full-time students employed outside of their school hours in any retail or service establishment or handicapped workers at special minimum hourly rates under Special Certificates pursuant to section 14 of the Act, employers shall maintain and preserve records containing the same information and data required with respect to other employees employed in the same occupations.

(b) *Segregation or designation on payroll and use of identifying symbol.* In addition, each employer shall segregate on his payroll or pay records the names and required information and data with respect to those learners, apprentices, messengers (and handicapped workers and students), employed under Special Certificates. A symbol or letter shall also be placed before each such name on the payroll or pay records indicating that that person is a "learner," "apprentice," "messenger," "student," or "handicapped worker," employed under a Special Certificate.

§ 516.30 Industrial homeworkers.

(a) *Definitions.* (1) "Industrial homeworker" and "homeworker," as used in this section, mean any employee employed or suffered or permitted to perform industrial homework for an employer.

(2) "Industrial homework," as used in this section, means the production by any person in or about a home, apartment, tenement, or room in a residential establishment of goods for an employer who suffers or permits such production, regardless of the source (whether obtained from an employer or elsewhere) of the materials used by the homeworker in such production.

(3) The meaning of the terms "person," "employ," "employer," "employee," "goods," and "production" as used in this section is the same as in the Act.

(b) *Items required.* Every employer shall maintain and preserve payroll or other records containing the following information and data with respect to each and every industrial homeworker employed by him (excepting those homeworkers to whom section 13(d) of the Act applies and those homeworkers in Puerto Rico to whom Part 545 or Part 681 of this chapter apply, or in the Virgin Islands to whom Part 695 of this chapter applies):

(1) Name in full, and on the same record, the employee's identifying symbol or number if such is used in place of name on any time, work, or payroll records. This shall be the same as that used for Social Security purposes.

(2) Home address, including ZIP code,

(3) Date of birth if under 19,

(4) With respect to each lot of work:

(i) Date on which work is given out to worker, or begun by worker, and amount of such work given out or begun,

(ii) Date on which work is turned in by worker, and amount of such work,

(iii) Kind of articles worked on and operations performed,

(iv) Piece rates paid,

(v) Hours worked on each lot of work turned in,

(vi) Wages paid for each lot of work turned in,

(vii) Deductions for Social Security taxes,

(viii) Date of wage payment and pay period covered by payment,

(5) With respect to each week:

(i) Hours worked each week,

(ii) Wages earned for each week at regular piece rates,

(iii) Extra pay due each week for overtime worked,

(iv) Total wages earned each week,

(v) Deductions for Social Security taxes,

(6) With respect to any agent, distributor, or contractor: The name and address of each such agent, distributor, or contractor through whom homework is distributed or collected and name and address of each homeworker to whom homework is distributed or from whom it is collected by each such agent, distributor, or contractor.

(7) Record of retroactive payment of wages. Every employer who makes retroactive payment of wages or compensation under the supervision of the administrator pursuant to section 16(c) of the Act, shall:

(i) Record and preserve, as an entry on his payroll or other pay records, the amount of such payment to each employee, the period covered by such payment, and the date of payment.

(ii) Prepare a report of each such payment on the receipt form provided or authorized by the Wage and Hour Division, and (*a*) preserve a copy as part of his records, (*b*) deliver a copy to the employee, and (*c*) file the original, which shall evidence payment by the employer and receipt by the employee, with the Administrator or his authorized representative within 10 days after payment is made.

(c) *Homework handbook.* In addition to the information and data required in paragraph (b) of this section, a separate handbook (to be obtained by the employer from the Wage and Hour Division and supplied by him to each worker) shall be kept for each homeworker. The information required therein shall be entered by the employer or the person distributing or collecting homework on behalf of such employer each time work is given out to or received from a homeworker. Except for the time necessary for the making of entries by the employer, the handbook must remain the possession of the homeworker until such time as the Wage and Hour Division may request it. Upon completion of the handbook (that is, no space remains for additional entries) or termination of the homeworker's services, the handbook shall be returned to the employer for preservation in accordance with the regulations in this part. A separate record and a separate handbook shall be kept for each person performing homework.

§ 516.32 Employees subject to the equal pay provisions of the Act, as set forth in section 6(d).

Every employer of employees subject to the equal pay provisions of the Act shall maintain and preserve all records required by the applicable sections of these regulations of this part and in addition, he shall preserve any records which he makes in the regular course of his business operation which relate to the payment of wages, wage rates, job evaluations, job descriptions, merit systems, seniority systems, collective bargaining agreements, description of pay practices or other matters which describe or explain the basis for payment of any wage differential to employees of the opposite sex in the same establishment, and which may be pertinent to a determination whether such differential is based on a factor other than sex.

§ 516.33 Employees employed in agriculture.

(a) No records, except as required under paragraph (f) of this section, need be maintained by an employer who did not use more than 500 man-days of agricultural labor in any quarter of the preceding calendar year, unless it can reasonably be anticipated that more than 500 man-days of agricultural labor (including agricultural workers supplied by crew leaders who are not bona fide independent contractors) will be used in at least one calendar quarter of the current calendar year.

(b) If it can reasonably be anticipated that the employer will use more than 500 man-days of agricultural labor (including agricultural workers supplied by crew leaders who are not bona fide independent contractors, but not counting members of the employer's immediate family and hand harvest laborers as defined in sec. 13(a)(6)(B) of the Act), the employer shall maintain and preserve payroll records containing the following information with respect to each worker:

(1) Name in full. This shall be the same name as that used for Social Security purposes.

(2) Home address, including zip code.

(3) Sex and occupation in which employed (sex may be indicated by Mr., Mrs., or Miss).

(4) Symbols or other identifications separately designating those employees who are (i) members of the employer's immediate family as defined in section 13(a)(6)(B) of the Act, (ii) hand harvest laborers as defined in section 13(a)(6)(C) or (D), and (iii) employees principally engaged in the range production of livestock as defined in section 13(a)(6)(E).

(5) For each employee, other than members of the employer's immediate family and hand harvest laborers as defined in sections 13(a)(6)(B) and (C) of the Act, the number of man-days worked each week or each month. (A man-day is any day during which an employee does agricultural work for 1 hour or more.)

(c) For the entire year following a year in which the employer used more than 500 man-days of agricultural labor in any calendar quarter, exclusive of members of the employer's immediate family and hand harvest laborers as defined in sections 13(a)(6)(B) and (C) of the Act, he shall in addition to the records required by paragraph (b) of this section, maintain and preserve the following records with respect to every covered employee (other than members of the employer's immediate family, hand harvest laborers and livestock range employees as defined in sections 13(a)(6)(B), (C), (D), and (E) of the Act):

(1) Time of day and day of week on which the employee's workweek, or the workweek for all employees, begins.

(2) Basis on which wages are paid (such as "$1.30 an hour"; "$15 a day"; "piece work".)

(3) Hours worked each workday and total hours worked each workweek.

(4) Total daily or weekly earnings.

(5) Total additions to or deductions from wages paid each pay period.

(6) Total wages paid each pay period.

(7) Date of payment and pay period covered by payment.

(d) In addition to other required items, the employer shall keep on file with respect to each hand harvest laborer as defined in section 13(a)(6)(C) of the Act for whom exemption is taken, or who is excluded from the 500 man-day test, a statement from each such employee showing the number of weeks he was employed in agriculture during the preceding calendar year.

(e) With respect to hand harvest laborers as defined in section 13(a)(6)(D), for whom exemption is taken, the employer shall maintain in addition to subparagraphs (1) through (5) of paragraph (b) of this section, the minor's date of birth and name of the minor's parent or person standing in place of his parent.

(f) Every employer (other than a parent or guardian standing in the place of a parent employing his own child or a child in his custody) who employs in agriculture any minor under 18 years of age on days when school is in session or on any day if the minor is employed in an occupation found to be hazardous by the Secretary shall maintain and preserve records containing the following data with respect to each and every such minor so employed:

(1) Name in full,

(2) Place where minor lives while employed. If the minor's permanent address is elsewhere, give both addresses,

(3) Date of birth.

Signed at Washington, D.C., this 27th day of June 1967.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 67-7510; Filed, June 30, 1967; 8:46 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 113—INFORMATION ON POSTAL SERVICE AND RECORDS RELATING TO OPERATION OF THE DEPARTMENT

PART 117—MAIL TREATED IN CONFIDENCE

Pursuant to Public Law 90-23, known as the Freedom of Information Act, a new Part 113 is published and the material presently contained in Part 113 is redesignated as Part 117.

As it is necessary that these regulations become effective on the effective date of the Freedom of Information Act, notice of proposed rule making and a delayed effective date are impracticable. In addition, since these regulations relate to agency management and to public property, notice of proposed rule making and a delayed effective date are unnecessary.

Accordingly, these new regulations as incorporated in new Part 113 read as follows and are effective on July 4, 1967:

Sec.
113.1 Inquiries.
113.2 Opinions, orders, administrative manuals and instructions to staff.
113.3 Availability of other matters.
113.4 Denials and appeal procedure.
113.5 Schedule of fees.
113.6 Compliance with subpoenas duces tecum and summonses.
113.7 Mail covers.

AUTHORITY: The provisions of this Part 113 issued under 5 U.S.C. 301, 552, 10002, 31 U.S.C. 938a, 39 U.S.C. 501.

§ 113.1 Inquiries.

(a) *Mail and other local services.* Make inquiries regarding mail and other post office services to local postmasters.

(b) *Departmental records, documents and other data.* (1) This part contains information as to the availability of, and the procedures to be followed by persons outside the Federal Government to inspect and copy the various records and data concerning operation of the Department. Make further inquiries regarding availability of location of Department records, administrative manuals and other documents to the head of the office at which the record is maintained, if known. In other cases, inquiries may be made to the local postmasters, regional directors, directors, postal data centers, or the Special Assistant to the Postmaster General for Public Information, Post Office Department, Washington, D.C. 20260.

(2) Parties in litigation or adversary proceedings with the Department in any Federal or State court, Federal board or commission will be furnished Department records, documents and other data, excluding postal inspectors' reports and Postal Inspection Service records, only as provided by the rules or Orders of such courts, boards or commissions. Postal inspectors' reports and Postal Inspection Service records will be disclosed only if prior approval for such disclosure is obtained from Headquarters, Post Office Department, Washington, D.C. 20260, or in response to an Order issued by a judge of a Federal court.

(c) *Office, business hours.* Records may be inspected during regular business hours Monday through Friday (exclusive of legal holidays) and only at those postal installations where they are maintained, unless otherwise specifically authorized. However, the public will not be permitted to inspect records at the Postal Data Centers. Records which are maintained at the Postal Data Centers may, if made available, be inspected at the Regional Office designated by the Director of the Postal Data Center.

(d) *Definitions.* The following terms as used herein shall mean:

(1) "Department": Post Office Department Headquarters, Washington, D.C. 20260, regional offices, postal data centers, all post offices and other postal installations.

(2) "Records": Includes prior and contemporaneous books, papers, reports, maps, photographs, forms or other documentary materials, regardless of physical form or characteristics, made or received by the Department in pursuance of Federal law or in connection with the transaction of public business and preserved or appropriate for preservation by the Department or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations or other activities of the Government or because of the informational value of data contained therein. Library or museum material made or acquired and preserved solely for reference or exhibition purposes, extra copies of documents preserved only for convenience of reference, and stocks of publications and of processed documents are not included within the definition of the word "records" as used in this regulation.

(3) "Opinions and orders": Final Opinions (including Concurring and dissenting Opinions) and Orders rendered by the Postmaster General, the Judicial Officer, Board of Contract Appeals, or other board or official acting on behalf of the Postmaster General in any particular matter.

(e) *Exemptions.* The following classes of records may be withheld from inspection or copying. Records which are:

(1) Specifically required by Executive Order to be kept secret in the interest of national defense or foreign policy. For example, the actual geographical location of Army Post Office addresses when classified in the interest of national defense.

(2) Related solely to the internal personnel rules, guidelines practices of the Department. For example, operating rules, guidelines and manuals of procedure for postal inspectors.

(3) Specifically exempted from disclosure by statute. For example, contents of first-class mail, section 4057, Title 39 U.S. Code.

(4) Trade secrets and commercial or financial information and other privileged or confidential information obtained from any person. For example, identity of post office box holders; or confidential financial or proprietary data furnished by a prospective contractor during negotiations for a contract.

(5) Interagency or intraagency memoranda or letters which would not be available by law to a private party in litigation with the Department. For example, internal drafts and memoranda between officials of the Department and legal memoranda from the General Counsel or Regional Counsel to a Department official.

(6) Personnel and medical files and similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. For example, official personnel folders, medical reports and Bureau of Employee Compensation case files, and disciplinary files.

(7) Investigatory files compiled for law enforcement purposes except to the extent available by law to a private party. For example, inspection service reports in depredation or similar matters.

(8) The names, addresses and telephone numbers of post office box holders shall not be disclosed except to a recognized law enforcement agency or in compliance with a subpoena or court order issued after the litigant has made a showing of special need.

(9) Records and related data pertaining to methods of handling valuable registered mail.

(10) Data concerning postage meters and prototypes submitted for Department approval prior to leasing to mailers.

(11) These regulations do not require the Department to make available records which would disrupt the work of the Department.

(12) Records of postal savings accounts, except as provided in § 173.3 of this chapter. However, names of depositors may be disclosed.

(13) Records of money orders, except as provided in § 171.4 of this chapter.

However, for good cause shown, the General Counsel, after consultation with the head of the cognizant Bureau or Office which has custody and control of the record involved, may permit disclosure of such record, except as may be prohibited by law, executive order or regulation of another Federal agency which is charged with the responsibility for the maintenance and control of such record.

§ 113.2 Opinions, orders, administrative manuals and instructions to staff.

(a) *Opinions.* All final Opinions (including concurring and dissenting Opinions) and Orders made in the adjudication of cases involving contract appeals under contract with this Department, fraud orders, mailability matters, revocation or denial of second-class mailing privileges, disbarment proceedings, proceedings under Executive Order 11246 (Equal Employment Opportunity), and other matter except in cases or classes of cases which are not required to be made public, are on file and available for inspection and copying in the Library, Room 6012, Post Office Department Building, Washington, D.C. 20260, unless otherwise specified.

(b) *Administrative manuals and instructions to staff.* Section 114.2 identifies and describes the various manuals, instructions and other publications and issuances of the Department and indicates how, where and if they may be obtained. Those which are listed, but not available for sale, may be inspected in the Library, Room 6012, Post Office Department Building, Washington, D.C. 20260. If copies are desired, they may be obtained by payment therefor in accordance with the Schedule of Fees in § 113.5 of this chapter.

(c) *Limitations.* If it is determined that disclosure of any of the matters in § 113.2 (a) and (b) would constitute an unwarranted invasion of personal privacy, the appropriate official may delete identifying details therefrom either when it is disclosed for inspection or published.

(d) *Public index.* (1) The Department Library maintains a public index which identifies information as to all final Opinions and Orders made in the adjudication of cases; Department policy statements and interpretations not published in the FEDERAL REGISTER; and administrative staff manuals and instructions to staff that affect any member of the public.

(2) The index will contain matters issued only after July 4, 1967. However, the Department in its discretion may thereafter include matters which may have occurred prior to July 4, 1967.

(3) The public index may be inspected and copies may be purchased from the Department Library General Reference Section, Room 6012, Post Office Department Building, Washington, D.C. 20260, in accordance with the Schedule of Fees in § 113.5.

(4) The index shall not contain any matter which the General Counsel has determined should not be disclosed under these regulations.

(e) *Public availability of matters in the public index.* Any matter which is listed in the public index is available to the public subject to the limitation in § 113.2(c).

(1) Any person may make arrangements for the inspection of any matter which is listed in the public index in accordance with the procedures hereinafter specified.

(2) Copies of the public index, and to the extent practicable, copies of matters listed in the public index will be provided upon request and payment therefor in accordance with the Schedule of Fees in § 113.5.

§ 113.3 Availability of other matters.

(a) *Records covered by this section.* (1) This section covers all records which are not covered by § 113.2 and which are not of the kind listed in § 113.1(e).

(2) The best guide to the location of any matter covered by this section is chapter 8 of the Postal Manual which contains a description of Departmental organization and of the function of the Bureaus and Offices at Headquarters, Regional Offices, Postal Data Centers and Post Offices. Because of the manifold variety of records and the large number of separate postal facilities, it is impractical to prepare an itemized directory of matters covered by this section. (See § 113.1(b) for further information.)

(3) Change of address of a postal patron may be furnished upon request in accordance with § 113.3(b) and upon payment of the fee set forth in the Schedule of Fees in § 113.5.

(b) *Procedure.* All records covered by this section may be made available pursuant to the following procedures:

(1) Submit a written request to the local postmaster, or if known, to the head of the installation at which the record is maintained, identifying the material sought by name, subject matter or number, regardless of whether the request is for inspection or copy only. If the request is for inspection, it shall also include a statement that the private party inspecting the record shall not make, alter or falsify a record, conceal, destroy, mutilate or remove any record or part thereof under penalty of law (18 U.S. Code 494 and 2071).

(2) Installations receiving requests which describe records located elsewhere in the Department or at another agency of the Federal Government will forward the request to the appropriate office.

(3) Installations receiving requests for inspection or copy which do not contain sufficient information to identify the record will answer the request as soon as possible. The answer will state that the installation is unable to identify the record from the information in the request, or if possible, what additional information would be necessary in order to identify the record requested or that there is no known record containing the information requested and that the Department will not compile data or otherwise create any record except when it is in the furtherance of Post Office Department business.

(4) Installations receiving requests for inspection or copies of records in their custody will answer the request as soon as possible. The answer will state:

(i) Whether the record or copy can be made available and, if not, the reason therefor.

(ii) The fees, if any, for retrieval of the record and any copies requested, which must be paid in advance.

(iii) When the record will be available for inspection (unless purchase of copy only is requested).

(iv) The place the record will be made available for inspection.

(v) Inspection and copying shall be monitored by a postal employee.

§ 113.4 Denials and appeal procedure.

(a) *Denials.* (1) If a request to inspect or copy a record is denied by the organizational segment of the Department to which the request is made, or in which the records are maintained, the private party may appeal such a denial to the General Counsel, Post Office Department, Washington, D.C. 20260.

(2) The General Counsel's decision shall constitute the final decision of the Department on the legal right to inspect or copy a record. The notice of denial shall advise the requesting party of his right to appeal to the General Counsel.

(b) *Appeal.* The appeal to the General Counsel shall be submitted in writing within 10 days from the date of denial. The letter of appeal shall include:

(1) Complete identification of the material to which access was denied.

(2) A copy of the request and any related correspondence.

(3) The date of denial and a copy thereof.

The General Counsel's decision shall be made as soon as possible.

§ 113.5 Schedule of fees.

(a) *Record retrieval.* (1) For identifiable computer data the minimum charge is $120 for the first hour or any portion thereof and $30 for each 15 minutes or portion thereof in excess of the first hour.

(2) For other identifiable records the minimum charge is $8 for the first hour or any portion thereof and $2 for each 15 minutes or portion thereof in excess of the first hour.

(b) *Reproduction.* (1) For each copy of an identifiable page of any record, publication, etc., available under these regulations, the charge shall be $0.25 per page. There shall be a minimum charge of $1 for any record reproduction regardless of number of pages requested.

(2) The Department reserves the right to make available coin operated copy machines at any given location. In such event, the party desiring copies will make the copies.

(3) The Department is not required nor shall it furnish more than one copy of any record, publication, etc.

(c) *Change of address record.* The fee for furnishing the last recorded change of address, is $1 per change of address, except as may be otherwise provided.

(d) *Waiver of fees.* If it is determined to be in the interest of and for the convenience of the Department to furnish a copy of any particular record, publication, etc., except a copy of a change of address or information in connection therewith, only the Bureau, Office or installation head having jurisdiction over such record may waive the fees set out in § 113.5 (a) and (b). In addition the General Counsel may for good cause shown, permit waiver of said fees.

§ 113.6 Compliance with subpenas duces tecum and summonses.

(a) *Compliance with subpena duces tecum.* (1) Time, leave and payroll records of postal employees are subject to production when a subpena duces tecum has been served. Authority is hereby delegated to Regional Directors, Postal Data Center Directors, and in those regions which have regional counsels, to the regional counsels to authorize the production of time, leave and payroll records in response to a properly served subpena duces tecum. The custodian of the records may designate a postmaster, postal inspector, or other postal official conveniently located to the court to present the records. The presentation by such a designee must meet with the approval of the attorneys for each side.

(2) If the subpena calls for employee records involving a job-connected injury, the records are under the exclusive jurisdiction of the Bureau of Employees' Compensation, Department of Labor. Such records may not be produced without the prior consent of that Department. Requests for authorization for the production of these records shall be addressed to: Bureau of Employees' Compensation, U.S. Department of Labor, Washington, D.C. 20210.

(3) If the subpena calls for employee medical records, they may not be released except as stated herein. These records are primarily under the exclusive jurisdiction of the U.S. Civil Service Commission. The Civil Service Commission has delegated authority to this Department and to the Commission's Regional Directors to release medical information, in response to proper requests and upon competent medical advice, in accordance with the following criteria which have been prescribed to adequately safeguard the interests of the Government and the employee:

(i) Except in response to a subpena, no medical information about an employee will be released to any non-Federal entity or individual without authorization from the employee.

(ii) With authorization from the employee, this Department's Regional Directors, Postal Data Center Directors, or regional counsels will respond as follows to a request from a non-Federal source for medical information:

(a) If in the opinion of a Federal Medical Officer the medical information indicates the existence of a malignancy, a mental condition, or other condition about which a prudent physician would hesitate to inform a person suffering from such a condition as to its exact nature and probable outcome, the Regional Director, Postal Data Center Director, or regional counsel will not release the medical information to the employee or to any individual designated by him, except to a physician, or Postal Data Center Director designated by the employee in writing. The Regional Director, or regional counsel will release such medical information, with a caution against divulgence, in response to a subpena.

(b) If in the opinion of a Federal Medical Officer the medical information does not indicate the presence of any condition which would cause a prudent physician to hesitate to inform a person suffering from such a condition as to its exact nature and probable outcome, the Regional Director, Postal Data Center Director, or regional counsel will release it in response to a subpena or to the employee or to any person, firm, or organization he authorizes in writing to have it.

(c) If a Federal Medical Officer is not available, the Regional Director, Postal Data Center Director, or regional counsel should refer the request to the Civil Service Commission regional office with the medical certificates or other medical reports concerned.

(4) In no event will any records containing information as to the employee's security and loyalty be released.

(5) Subpenas calling for the production of records may be honored only when disclosure is authorized by these regulations.

(6) When employees are authorized to comply with a subpena duces tecum, they will not leave the records themselves with the court, but will leave copies prepared for that purpose. Comply with § 721.643 of the Postal Manual in those cases in which the United States is not a party.

(b) *Compliance with summons.* (1) A postmaster or other postal employee will comply with a summons requiring his appearance in court. He will not testify as to any matters exempted under § 113.1 (e).

(2) Postal Inspectors and other employees having possession of inspectors' reports or Inspection Service records are prohibited from presenting such reports or records in either State or Federal courts in which the United States is not a party in interest, unless authorized by the Department. (See § 113.1(b)(ii).) Should an attempt be made to compel production of exempted matter (See § 113.1(e)), the inspector or employee will decline to produce the information or matter, and state that it is exempted and cannot be disclosed or produced without specific approval of the Department. The Department will offer every possible assistance to the courts, but the question of disclosing exempted information is a matter entirely at the discretion of the head of the Department.

§ 113.7 Mail covers.

Authority to order a mail cover is restricted to the Chief Postal Inspector or your postal inspector in charge. Upon request of either of these officials, furnish them with information regarding the address, return address or postmarks on mail. When specifically requested by the Chief Postal Inspector or your inspector in charge furnish such information to a designated postal inspector. Do not give such information to anyone else. Requests for mail covers shall be treated confidentially and there shall be strict compliance with the instructions outlined in the request.

TIMOTHY J. MAY,
General Counsel.

JUNE 27, 1967.

[F.R. Doc. 67-7495; Filed, June 30, 1967; 8:50 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Subtitle A—Office of the Secretary of the Treasury

PART 1—DISCLOSURE OF RECORDS

Part 1, Subtitle A of Title 31 of the Code of Federal Regulations is hereby amended in the following ways:

1. By revising the part heading to read as set forth above;

2. By transferring Subpart B to Subtitle B, Chapter II, Subchapter A of Title 31, redesignating that subpart as Part 256, redesignating the two sections as §§ 256.1 and 256.2, and

3. By deleting the subpart heading now reading "Subpart A—Disclosure of Official Information and Testimony in Court," and revising the regulations consas §§ 256.1 and 256.2, and

Sec.

1.1 Purpose of regulations.
1.2 Scope of regulations.
1.3 Definitions.
1.4 Records made available.
1.5 Records exempt from disclosure.
1.6 Fees for services.
1.7 Appeal.
1.8 Records not to be otherwise withdrawn or disclosed.
1.9 Oral information.
1.10 Testimony or the production of records in a court or other proceeding.
1.11 Regulations not applicable to official requests.

AUTHORITY: The provisions of this Part 1 issued under U.S.C. 301 and 552.

§ 1.1 Purpose of regulations.

The regulations in this part are issued to implement the public information provisions of Public Law 89–487, codified by Public Law 90–23 as 5 U.S.C. 552. The publication requirements of 5 U.S.C. 552(a)(1) are met through the publication in the FEDERAL REGISTER of statements of agency organization, functions and procedures available of the Office of the Secretary and of other offices and bureaus of the Department, and revisions thereof, and through the continuing publication therein of substantive and procedural regulations of the Department. A current synopsis of the statements of agency organization, functions and procedures available will be published annually by the Office of the Federal Register in the U.S. Government Organization Manual.

§ 1.2 Scope of regulations.

The regulations in this part apply to the disclosure of records of the Treasury Department which are not covered by regulations issued under 5 U.S.C. 552 by the bureau or office of the Department to which the records belong. Specifically, but without limitation, the regulations in this part apply to the records of the Office of the Secretary of the Treasury (including the Offices of the Under Secretaries, the General Counsel, the Assistant Secretaries, the Special Assistant to the Secretary (for Enforcement), the Fiscal Assistant Secretary, and the Assistant Secretary for Administration), the Bureau of Engraving and Printing, the U.S. Savings Bonds Division, and the U.S. Secret Service.

§ 1.3 Definitions.

As used in this part the following definitions shall apply:

(a) An "opinion" is a statement of reasons accompanying an "order."

(b) An "order" is a final disposition having precedential significance of an adjudicative proceeding.

(c) "Statements of policy and interpretations" are statements and interpretations of limited rather than general applicability adopted by the Department upon which the Department may rely as governing policy or precedents. They do not include advisory interpretations on a specific set of facts addressed to a particular person which are not relied on, used or cited as precedent in the disposition of other cases.

(d) "Administrative staff manuals and instructions to staff" are internal instructions that affect a member of the public, but they do not include instructions which set forth criteria or guidelines for the staff in auditing, or inspection procedures, or in the selection or handling of cases, such as operational tactics, allowable tolerances or criteria for defense, prosecution or settlement of cases.

(e) The term "records" includes all books, papers, maps, photographs, or other documentary materials, regardless of physical form or characteristics, made or received by the Treasury Department in pursuance of Federal law or in connection with the transaction of public business, and preserved or appropriate for preservation by the Department as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government or because of informational value of data contained therein. Extra copies of documents preserved only for convenience of reference are not records. The term "records" refers only to records in being and in the possession or under the control of an office or bureau covered by the regulations in this part. It does not include the compiling or procuring of a record not already in existence. Nor does it include objects or articles such as structures, vehicles, equipment, etc.

(f) The term "identifiable" means a reasonably specific description of the particular record sought which will enable a Treasury employee to locate the requested record. The burden of identification rests with the person seeking the record.

(g) The term "available" means provided for inspection, copying, and purchase of copies.

§ 1.4 Records made available.

(a) *Records covered.* Within the meaning of the foregoing definitions, the following records of the Treasury Department covered by the regulations in this part, unless determined to be exempt from disclosure under the provisions of 5 U.S.C. 552 and the regulations in this part, will be made available, upon request, in accordance with the procedures provided in the regulations in this part: (1) Opinions and orders, (2) statements of policy and interpretations, (3) administrative staff manuals and instructions to staff, and (4) identifiable records.

(b) *Determination of availability.* The determination of which records are available under this section will be made by the head of the bureau or office, or his delegate, to which the record belongs, subject to the appeal provided in § 1.7. If a record is of concern to another Federal agency or body whose interest in the record is paramount, the request shall be referred to that other agency or body for determination; the person requesting the record shall be advised of the referral, and the record shall be made available or not in accordance with that determination.

(c) *Means of access.* (1) The matters covered by paragraph (a)(1), (2), and (3) of this section, which are issued, adopted, or promulgated on or after July 4, 1967, will be made available during office hours in the public reading room of the Treasury Department, 15th Street and Pennsylvania Avenue NW., Washington, D.C. 20220, or in such other reading room as the Assistant Secretary for Administration or the head of the appropriate bureau or office, or his delegate, may designate. Such matters issued, adopted or promulgated prior to July 4, 1967, are shelved and indexed and are available in the designated public reading room to the extent feasible. If not so shelved and indexed, they may be requested as identifiable records and shall be subject to the same fees as for identifiable records.

(2) Identifiable records covered by paragraph (a)(4) of this section will be made available upon request in writing to the Assistant Secretary for Administration or to the head of the appropriate bureau or office. A person appearing in the public reading room to request an identifiable record may complete a request for record form, to be sent to the appropriate bureau or office, or he may be directed to the appropriate bureau or office. Time will be required to obtain a record not at hand. The person requesting a record will be informed as promptly as possible of the time required to obtain it and the approximate cost of making the record available. The person requesting the record will be required to make arrangements for payment of the estimated cost prior to the search for the record.

(d) *Provision of copies.* Copies of records made available in the public reading from under paragraph (c) of this section may be made in that room through photocopy or similar process on payment of the fees therefor set forth in § 1.6. Copies made available by mail in response to written request therefor, or to a requester appearing personally, will be subject to the same charge.

(e) *Deletion of identifying details.* Before any records are made available under paragraph (a)(1), (2), or (3) of this section any identifying details the disclosure of which would be a clearly unwarranted invasion of personal privacy will be deleted by the appropriate official and justification therefor will be made in writing.

(f) *Deletion of matters exempt.* To the extent that a bureau or office of the Department may find it feasible and consistent with the purposes of 5 U.S.C. 552, records that would be made available under paragraph (a) (1), (2), or (3) of this section, if not for the application of § 1.5, nevertheless may be made available after deletion of those matters outlined in § 1.5 that the bureau or office determines need be held exempt.

(g) *Indexes.* Indexes will be periodically prepared and made available in the public reading room and such other places as the Secretary of the Treasury or his delegate may designate, with respect to the records having precedential significance to be made available under paragraph (a) (1), (2), and (3) of this section, relating to matters which are issued, adopted or promulgated on or after July 4, 1967.

§ 1.5 Records exempt from disclosure.

(a) As determined by the head of the bureau or office of the Department to which the record belongs, or his delegate, subject to the appeal provided in § 1.7, the following classes of records covered by the regulations in this part are exempt from disclosure:

(1) Matters that are specifically required by Executive order to be kept secret in the interest of the national defense or foreign policy, including specifically Executive Order 10501, as amended;

(2) Matters related solely to the internal personnel rules and practices of an agency, including instructions, manuals, and other records, or parts thereof, which set forth operating rules, guidelines, procedures or other criteria for Treasury employees in audits, examinations, inspections, investigations, and negotiations, or in the selection or handling of cases, such as operational tactics, allowable tolerances or criteria for defense, prosecution, or settlement of cases;

(3) Matters specifically exempted from disclosure by statute; see, for example, 18 U.S.C. 1905 and 26 U.S.C. 6103 and 7213;

(4) Trade secrets and commercial or financial information obtained from a person and privileged or confidential. This exemption protects records which would not customarily be made public by the person from whom it was obtained by the Department. It includes, but is not limited to, business sales statistics, inventories, customer lists, scientific or manufacturing processes or developments; information customarily subject to protection as privileged in a court or other proceeding, such as information protected by the doctor-patient, lawyer-client, or lender-borrower privilege; information submitted by any person to the Department in confidence or where the Department has obligated itself not to disclose information it received; formulae, designs, drawings, research data and other records developed by or for the Government which are significant as items of valuable property;

(5) Interagency or intraagency memorandums or letters which would not be available by law to a party (other than an agency) in litigation with the agency, such as, internal drafts, memoranda between officials or agencies, opinions and interpretations prepared by Government employees for the use of the Department, and records of the deliberations of the Department or staff groups which would not routinely be disclosed to a private party through the discovery process in litigation with the Department. This exemption is also designed to protect from premature disclosure Government plans, such as those undergoing development and those final plans which cannot be made available in advance of their effectuation without harm to the authorized and appropriate purpose for which they are being used;

(6) Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. In addition to exempting all personnel and medical files, this exemption protects all private or personal information contained in other files, which, if disclosed to the public, would amount to a clearly unwarranted invasion of the privacy of any person, including a Government employee;

(7) Investigatory files compiled for law enforcement purposes except to the extent available by law to a party other than an agency. This exemption protects from disclosure, except to litigants in accordance with law, investigatory files compiled to enforce all kinds of laws and is not limited to files compiled to enforce criminal statutes;

(8) Matters contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions, and

(9) Geological and geophysical information and data, including maps, concerning wells.

(b) A record which may be classified as exempt pursuant to paragraph (a) of this section nevertheless may be made available, in whole or in part, if it is determined in a particular case that there is no need to rely on the exemption.

§ 1.6 Fees for services.

Fees for services performed by the Treasury Department will be imposed and collected as set forth in this section.

(a) As to all records made available pursuant to § 1.4(a), the following fees will be imposed and collected:

(i) For furnishing facsimile copies of records by photocopy or similar process:

Size	Each page (one side) cents, each
Up to 8½" X 14"	10

(ii) For certifications and validations of a record, with Treasury seal $2, without Treasury seal $1.

(iii) For certifications of any determination concerning records made under this part, with Treasury seal $2, without Treasury seal $1. This fee will not be imposed or collected for a written determination, not certified, concerning records.

(iv) For making available a record by mail an appropriate fee to cover the cost of postage and any packaging or special handling.

(b)(1) As to records requested pursuant to § 1.4(a)(4), a fee of $3.50 an hour will be imposed and collected to defray the costs of searching for the requested records and to defray the other direct or indirect costs incurred by the Treasury Department in attempting to make the records available. The fee will be computed as follows: (i) A minimum fee of $2 will be charged for searches up to one-half hour; (ii) for searches requiring more than one-half hour and not in excess of 1 hour, the full hourly rate of $3.50 will apply; (iii) for searches in excess of 1 hour, the charge will be made in one-quarter hour units at the rate of $1 per one-quarter hour. However, where full hours are required, the hourly rate of $3.50 will apply.

(2) The fee will be imposed and collected if the requested record is made available or after a reasonable search it is determined that the requested identifiable record does not in fact exist and that it never existed. The fee will not be imposed if it is determined that: The requested identifiable record did in fact exist but that after a reasonable search it cannot be located; the record was destroyed pursuant to law; or the record is exempt from disclosure pursuant to § 1.5 and should not be made available.

(c) Should services other than those described in paragraphs (a) and (b) of this section be requested and authorized to be rendered, appropriate fees will be established by the Director of the Office of Administrative Services or his delegate pursuant to 5 U.S.C. 140 (1964 ed.) and such fees shall be imposed and collected.

(d) No charge will be made for services performed at the request of other governmental agencies or officers thereof acting in their official capacities.

§ 1.7 Appeal.

(a) Any person denied access to records requested under § 1.4 may, within 30 days after notification of such denial, file an appeal to the Under Secretary, General Counsel, or Assistant Secretary who has supervision of the bureau or office to which the record belongs, as set forth in Treasury Department Order No. 190 (revision 4), published 30 F.R. 15769, December 21, 1965, or such subsequent revision of that order as may hereinafter be published. Such an appeal shall be in writing addressed to the appropriate official, Treasury Department, Washington, D.C. 20220. The appeal shall provide the name and address of the appellant, the identification of the record denied, and the dates of the original request and its denial.

(b) The appeal will be promptly considered. The granting or denial of the request upon appeal shall constitute final agency action.

§ 1.8 Records not to be otherwise withdrawn or disclosed.

Except in accordance with this part, or as otherwise authorized, Treasury Department officers and employees are prohibited from making available to any person, not an officer or employee of the Department, and are prohibited from withdrawing from the files, possession or control of the Department, records or duplicates thereof.

§ 1.9 Oral information.

(a) Officers and employees of the Department may, in response to requests, provide orally information contained in records of the Department which are determined to be available to the public. If the obtaining of such information requires search of the records, a written request and the payment of the fee for record search set forth in § 1.6 will be required.

(b) Information with respect to activities of the Department not a matter of record shall not be disclosed if the information involves matters exempt from disclosure under 5 U.S.C. 552 or the regulations in this part, or if the disclosure of such information would give the person requesting the information advantages not accorded to other citizens. 31 CFR 0.735–47.

§ 1.10 Testimony or the production of records in a court or other proceeding.

(a) Treasury Department officers and employees are prohibited from testifying or otherwise furnishing information obtained as a result of their official capacities or in connection with the transaction of public business, in compliance with a subpoena or other order or demand of any court or other authority without the prior approval of an officer authorized to determine the availability of records under these regulations.

(b) Treasury Department officers and employees are prohibited from furnishing any record in compliance with subpoenas duces tecum or other order or demand of any court or other authority, without the prior approval of an officer authorized to determine the availability of records under the regulations in this part.

(c) In court cases in which the United States or the Treasury Department is not a party, where the giving of testimony is desired, an affidavit by the litigant or his attorney, setting forth the information with respect to which the testimony of such officer or employee is desired, must be submitted before permission to testify will be granted. Permission to testify will, in all cases, be limited to the information set forth in the affidavit or to such portions thereof as may be deemed proper.

(d) Where approval to testify or to furnish records in compliance with a subpoena, order or demand is not given the person to whom it is directed shall, if possible, appear in court or before the other authority and respectfully state his inability to comply in full with the subpoena, order or demand, relying for his action upon this section.

§ 1.11 Regulations not applicable to official requests.

The regulations in this part shall not be applicable to official requests of other governmental agencies or officers thereof acting in their official capacities, unless it appears that granting a particular request would be in violation of law or inimical to the public interest. Cases of doubt should be referred for decision to the supervisory official designated in § 1.7.

Effective date. These regulations shall be effective as of July 4, 1967.

Dated: June 28, 1967.

[SEAL] HENRY H. FOWLER,
Secretary of the Treasury.

[F.R. Doc. 67-7610; Filed, June 30, 1967; 8:50 a.m.]

Chapter II—Fiscal Service, Department of the Treasury

PART 256—PAYMENTS UNDER JUDGMENTS AND PRIVATE RELIEF ACTS

CROSS REFERENCE: For a document redesignating Subpart B of Part 1 of Subtitle A of this title as Part 256 of Chapter II and recodifying §§ 1.10 and 1.11 as §§ 256.1 and 256.2, see F.R. Doc. 67-7610, Subtitle A of this title, *supra*.

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 105—General Services Administration

SUBCHAPTER B—ARCHIVES AND RECORDS

PART 105–60—PUBLIC AVAILABILITY OF AGENCY RECORDS AND INFORMATIONAL MATERIALS

The following regulations implement the provisions of 5 U.S.C. 552 (popularly known as the "Freedom of Information Act") whereby General Services Administration makes available (1) certain general agency information concerning its organization, functions, decision-making channels, and rules and regulations through publication of such information in the FEDERAL REGISTER; (2) agency final opinions, policy statements, and staff manuals; (3) agency records; and (4) records in agency proceedings. The regulations set forth the pertinent statutory requirements (including the exemptions which permit nondisclosure of certain records and other materials), establish policies under which these requirements will be carried out, and prescribe procedures to be followed by interested persons and GSA personnel regarding the public availability of agency records and informational materials. Also included are procedures with respect to the service of subpoenas or other legal demands concerning records, and authentication and attestation of copies of records.

Chapter 105 is amended by adding new Part 105–60, reading as follows:

Sec.

105–60.000 Scope of part.

Subpart 105–60.1—General Provisions

105–60.101 Purpose.
105–60.102 Application.
105–60.103 Legal custody.
105–60.104 Definitions.
105–60.105 Policy.
105–60.105–1 Availability of records and other informational materials.
105–60.105–2 Exemptions.
105–60.106 Congressional information.
105–60.107 Records and informational materials of other agencies.
105–60.108 Inconsistent issuances of GSA superseded.

Subpart 105–60.2—Publication of General Agency Information and Rules in the Federal Register

105–60.201 Published information and rules.
105–60.202 Published materials available for sale to the public.
105–60.203 Effect of failure to publish.
105–60.204 Coordination of publication.
105–60.205 Incorporation by reference.

Subpart 105–60.3—Availability of Opinions, Orders, Policies, Interpretations, Manuals, and Instructions

105–60.301 General.
105–60.302 Available materials.
105–60.303 Rules for public inspection and copying.
105–60.304 Deletion of identifying details.
105–60.305 Index.
105–60.306 Effect of failure to make informational materials available.

Subpart 105–60.4—Agency Records

105–60.401 General.
105–60.402 Procedures for making records available.
105–60.402–1 Submission of requests for identifiable records.
105–60.402–2 Review of requests.
105–60.402–3 Approval of requests; inspection of records.
105–60.402–4 Reproduction services.
105–60.403 Denial of request for identifiable records.
105–60.404 Appeal within agency of denial.
105–60.405 Judicial relief available to the public.

Subpart 105–60.5—Agency Proceedings

105–60.501 Agency proceedings.

Subpart 105–60.6—Exemptions

105–60.601 General.
105–60.602 Categories of records exempt under 5 U.S.C. 552 from disclosure.
105–60.603 Executive privilege exemption.
105–60.604 Other statutory exemptions.
105–60.605 Exemption of materials not affecting the public or involving clearly unwarranted invasions of personal privacy.

Subpart 105–60.7—Subpoenas or Other Legal Demands for Records and Authentication of Copies of Records

105–60.701 Service of subpoena or other legal demand.
105–60.702 Compliance.
105–60.703 Authentication and attestation of copies.

AUTHORITY: The provisions of this Part 105–60 issued under section 205(c), 63 Stat. 390, 40 U.S.C. 486(c); and 5 U.S.C. 552 (Public Law 90–23).

§ 105–60.000 Scope of part.

This part sets forth policies and procedures concerning the disclosure and availability to the public of records and information of GSA with respect to: (a) Agency organization, functions, decision-making channels, and rules and regulations of general applicability, (b) agency final opinions and orders, including policy statements and staff manuals, (c) operational and other appropriate agency records, and (d) agency proceedings. The part also covers exemptions from disclosure of such materials, procedures for the guidance of the public in obtaining information and inspecting records, service of subpoena or other legal demand with respect to records, and authentication and attestation of record copies.

Subpart 105–60.1—General Provisions

§ 105–60.101 Purpose.

This Part 105–60 implements the provisions of 5 U.S.C. 552 (Public Law 90–23 which codified Public Law 89–487, popularly known as the "Freedom of Information Act," which amended section 3 of the Administrative Procedure Act, formerly 5 U.S.C. 1002 (1964 ed.)). It prescribes procedures under which the public may obtain information and inspect records of GSA in a convenient and orderly manner.

§ 105–60.102 Application.

This Part 105–60 applies to all records and information generated, developed, or held by GSA which come within the purview of 5 U.S.C. 552.

§ 105–60.103 Legal custody.

The Adminstrator of General Services has legal custody of all records held by GSA.

§ 105–60.104 Definitions.

For purposes of this Part 105–60, the following terms have the meanings ascribed to them in this § 105–60.104.

(a) *Records.* The term "records" means all books, papers, maps, photographs, or other documentary materials, regardless of physical form or characteristics, made or received by GSA in pursuance of Federal law or in connection with the transaction of public business and preserved or appropriate for preservation as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of GSA or because of the informational value of data contained therein. The term does not include:

(1) Library and museum material made or acquired and preserved solely for reference or exhibition purposes, extra copies of documents preserved only for convenience of reference, and stocks of publications and of processed documents; or

(2) Objects or articles, such as structures, furniture, paintings, sculpture, models, vehicles, or equipment.

(b) *Availability.* The term "availability" signifies the right of the public to obtain information, purchase materials, and inspect and copy records and other pertinent information.

(c) *Identifiable.* The term "identifiable" means a description of a record which is specific to the extent that it will permit the location of the particular document with a reasonable effort.

(d) *Private party.* The term "private party" means any party other than an agency (as defined in 5 U.S.C. 551(e)).

§ 105–60.105 Policy.

§ 105–60.105–1 Availability of records and other informational materials.

GSA records and other informational materials are available to the full extent required by 5 U.S.C. 552 and will be promptly furnished to any member of the public at convenient places and times and at an appropriate fee, if any. The person making the request need not have a particular interest in the subject matter, nor must he provide justification for the request. The requirement of 5 U.S.C. 552 that records be available to the public refers only to records in being at the time the request therefor is made. It imposes no obligation to compile a record in response to a request, although where it is not burdensome to do so, GSA will endeavor to compile such requested information.

§ 105–60.105–2 Exemptions.

Requests for GSA records or other informational materials may be denied if disclosure is exempted under the provisions of 5 U.S.C. 552, as outlined in Subpart 105–60.6, or precluded by executive privilege (see § 105–60.603). However, authority for nondisclosure will not be invoked unless there is a compelling reason to do so. In the absence of such compelling reason, records and other information will be disclosed although otherwise subject to exemption.

§ 105–60.106 Congressional information.

Nothing in this Part 105–60 authorizes withholding information from Congress.

§ 105–60.107 Records and informational materials of other agencies.

If a request is submitted to GSA to make available records or informational materials which are the primary responsibility of another Federal agency, but which are in the possession of GSA, the request will be referred by GSA to the agency concerned for instructions.

§ 105–60.108 Inconsistent issuances of GSA superseded.

Any policies and procedures contained in any GSA issuance which are inconsistent with the policies and procedures set forth in this Part 105–60 are superseded to the extent of such inconsistency.

Subpart 105–60.2—Publication of General Agency Information and Rules in the Federal Register

§ 105–60.201 Published information and rules.

In accordance with 5 U.S.C. 552(a)(1), there are separately stated and currently published, or from time to time will be published, in the FEDERAL REGISTER, for the guidance of the public, the following general informational materials concerning GSA:

(a) Description of the organization of the Central Office and regional offices and the established places at which, the employees from whom, and the methods whereby, the public may obtain information, make submittals or requests, or obtain decisions.

(b) Statements of the general course and method by which GSA functions are channeled and determined, including the nature and requirements of all formal and informal procedures available.

(c) Rules of procedure, descriptions of forms available or the places at which forms may be obtained, and instructions as to the scope and contents of all papers, reports, or examinations.

(d) Substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretations of general applicability formulated and adopted by GSA.

(e) Each amendment, revision, or repeal of the foregoing (§ 105–60.201(a)–(d)).

§ 105–60.202 Published materials available for sale to the public.

Substantive rules of general applicability adopted by GSA as authorized by law which are published in the FEDERAL REGISTER and which are also available for sale to the public comprise the Federal Procurement Regulations, the General Services Administration Procurement Regulations, the Federal Property Management Regulations, and the General Services Administration Property Management Regulations. These series of regulations are codified in Chapters 1, 5, 101, and 105 of Title 41 of the Code of Federal Regulations and are also published in looseleaf volume form. The looseleaf version of the Federal Procurement Regulations is available for purchase from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, at prices established by that office. In addition, all of these regulations are available for sale by the Superintendent of Documents in (a) daily FEDERAL REGISTER form, and (b) in Code of Federal Regulations form, at prices established by that office.

§ 105–60.203 Effect of failure to publish.

5 U.S.C. 552(a)(1) provides that, except to the extent that a person has actual and timely notice of the terms thereof, a person may not in any manner be required to resort to, or be adversely affected by, a matter required to be published in the FEDERAL REGISTER and not so published (see § 105–60.201).

§ 105–60.204 Coordination of publication.

Coordination of GSA materials required to be published in the FEDERAL REGISTER in accordance with § 105–60.201 are coordinated by the Office of Administration, GSA.

§ 105–60.205 Incorporation by reference.

When deemed appropriate, matter covered by § 105–60.201 which is reasonably available to the class of persons affected thereby may be incorporated by reference in the FEDERAL REGISTER in accordance with standards prescribed from time to time by the Director of the FEDERAL REGISTER (see 1 CFR Part 20; 32 F.R. 7899, June 1, 1967).

Subpart 105–60.3—Availability of Opinions, Orders, Policies, Interpretations, Manuals, and Instructions

§ 105–60.301 General.

(a) GSA makes available for public inspection and copying the materials described in 5 U.S.C. 552(a)(2), which are enumerated in § 105–60.302, together with an index of such materials, at convenient locations and times. All Central Office materials are situated in Washington, D.C.; some are also available at GSA regional offices. Each regional office has the materials of its region. All locations provide public reading rooms for the purpose of inspection and copying of documents. Reasonable copying services are also furnished at appropriate fees.

(b) Reading room type materials may be withheld from inclusion in the reading room only with the approval of appropriate legal counsel. An explanation of such withholding shall be furnished to the appropriate Regional Director of Business Affairs and the Director of Information (Washington, D.C.).

§ 105–60.302 Available materials.

(a) GSA materials which are available under this Subpart 105–60.3 are as follows:

(1) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases.

(2) Those statements of policy and interpretations which have been adopted by GSA and are not published in the FEDERAL REGISTER.

(3) Administrative staff manuals and instructions to staff that affect a member of the public; unless such materials are promptly published and copies offered for sale. (Any materials published and offered for sale will also be available in each reading room.)

(b) In addition, an index arranged by subject matter of the materials enumerated in paragraph (a) of this § 105–60.302 will be maintained for public inspection in each reading room. This index in each regional office will relate only to materials housed in the particular region. The Washington, D.C. reading room located at Region 3 will maintain indexes of Central Office and Region 3 materials.

§ 105–60.303 Rules for public inspection and copying.

(a) *Locations.* Reading rooms containing the materials available for public inspection and copying, described in § 105–60.302, are located in the GSA Business Service Centers at the addresses listed below:

Central Office (GSA Headquarters), Washington, D.C. GSA Regional Office Building, Seventh and D Streets SW., Washington, D.C. 20407, Telephone: Area Code 202–963–4147.

Region 1, Boston, Mass. (Comprising the States of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont). John Fitzgerald Kennedy Federal Building, Boston, Mass. 02203, Telephone: Area Code 617–223–2868.

Region 2, New York, N.Y. (Comprising the States of Delaware, New Jersey, New York, and Pennsylvania; and the Commonwealth of Puerto Rico and the Virgin Islands). 30 Church Street, New York, N.Y. 10007, Telephone: Area Code 212–264–1234.

Region 3, Washington, D.C. (Comprising the District of Columbia and the States of Maryland, Virginia, and West Virginia). GSA Regional Office Building, Seventh and D Streets SW., Washington, D.C. 20407, Telephone: Area Code 202–963–4147.

Region 4, Atlanta, Ga. (Comprising the States of Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee). 1776 Peachtree Street NW., Atlanta, Ga. 30309, Telephone: Area Code 404–526–5861.

Region 5, Chicago, Ill. (Comprising the States of Illinois, Indiana, Kentucky, Michigan, Ohio, and Wisconsin). 219 South Dearborn Street, Chicago, Ill. 60604, Telephone: Area Code 312–353–5383.

Region 6, Kansas City, Mo. (Comprising the States of Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota). 1500 East Bannister Road, Kansas City, Mo. 64131, Telephone: Area Code 816–361–7203.

Region 7, Forth Worth, Tex. (Comprising the States of Arkansas, Louisiana, Oklahoma, and Texas). 819 Taylor Street, Fort Worth, Tex. 76102, Telephone: Area Code 817–334–3284.

Region 8, Denver, Colo. (Comprising the States of Arizona, Colorado, New Mexico, Utah, and Wyoming). Building 41, Denver Federal Center, Denver, Colo. 80225, Telephone: Area Code 303–233–6689.

Region 9, San Francisco, Calif. (Comprising the States of California, Hawaii, and Nevada). 49 Fourth Street, San Francisco, Calif. 94103, Telephone: Area Code 415–556–2114.

Region 10, Seattle, Wash. (Comprising the States of Alaska, Idaho, Montana, Oregon, and Washington). 909 First Avenue, Seattle, Wash. 98104, Telephone: Area Code 206–583–5558.

(b) *Time.* The reading rooms in the GSA Business Service Centers will be open to the public during the established hours of business.

(c) *Copying.* GSA will furnish reasonable copying services at appropriate fees which will be posted at each Business Service Center reading room. However, in suitable circumstances, a member of the public may be authorized to copy materials himself, under such procedures as the Director of Information or the Regional Director of Business Affairs, as the case may be, may determine.

(d) *Reading room rules*—(1) *Age.* Permission to inspect materials will not be given to a person under 16 years unless accompanied by an adult who agrees to remain with the minor while the materials are in use.

(2) *Handling of materials.* The unlawful removal or mutilation of materials is forbidden by law and is punishable by fine or imprisonment or both (18 U.S.C. 2071). When requested by a reading room attendant, a person inspecting materials must present for examination any briefcase, notebook, package, envelope, book, or other article that could contain GSA informational materials.

(3) *Reproduction services.* The GSA Business Service Centers will furnish reasonable reproduction services of materials available. Any fees charged will be on the basis of a posted fee schedule and, normally, will be paid in advance by cash, check, or money order made payable to the General Services Administration. If a specific request is in writing, payment should be mailed to the Regional Director of Business Affairs for the Business Service Center having custody of the particular materials desired (see listing in § 105–60.303(a)). Whenever in the judgment of the Regional Director of Business Affairs, there is an indicated urgency of need for documents which are requested by mail or telephone, the requirement for advance payment may be waived, and the inquirer may be requested to make later reimbursement.

(e) *Fees.* The fee to be charged will be fair and equitable, taking into account the cost to the Government, value to the recipient, the public policy or interest served, and other pertinent factors. (For further discussion of this matter, see the so-called "User Statute," section 501, 65 Stat. 290, August 31, 1951 (5 U.S.C. 140 (1964 ed.), and Bureau of the Budget Circular A–25, September 23, 1959.)

§ 105–60.304 Deletion of identifying details.

To the extent required to prevent a clearly unwarranted invasion of personal privacy, GSA may delete identifying details when making available or publishing an opinion, statement of policy, interpretation, or staff manual or instruction. However, the justification for each deletion will be explained fully in writing, and will require the concurrence of appropriate legal counsel. A copy of the justification will be attached to the material containing the deletion and a copy will also be furnished to the appropriate Regional Director of Business Affairs and the Director of Information (Washington, D.C.).

§ 105–60.305 Index.

The index described in § 105–60.302(b) will be maintained by GSA in the appropriate reading rooms and made available for public inspection and copying. The index will provide current identifying information for the public as to any matter (see § 105–60.302) which is issued, adopted, or promulgated by GSA and required to be made available or published under 5 U.S.C. 552(a)(2). The index will include all current materials in the reading room regardless of the effective date of the materials.

§ 105–60.306 Effect of failure to make informational materials available.

Materials available pursuant to § 105–60.302 that affect a member of the public may be relied upon, used, or cited as precedent by GSA against any private party only if (a) they have been indexed and either made available or published as required by 5 U.S.C. 552(a)(2), or (b) the private party has actual and timely notice of their terms.

Subpart 105–60.4—Agency Records

§ 105–60.401 General.

Except with respect to the records made available pursuant to subparts 105–60.2 and 105–60.3 GSA, on request for identifiable records made in accordance with § 105–60.402, will make the records promptly available to any person, unless nondisclosure is invoked pursuant to § 105–60.105–2. While the burden of identification rests with the person seeking the record, GSA will render all possible assistance in this regard if so requested.

§ 105–60.402 Procedures for making records available.

§ 105–60.402–1 Submission of requests for identifiable records.

(a) Requests for identifiable records shall be submitted in writing or in person to the GSA office having custody of the records requested. With respect to records in the custody of the GSA Central Office, excluding the holdings of the National Archives and Records Service, requests shall be addressed to the Director of Information, Office of the Administrator, General Services Administration, Washington, D.C. 20405. As to requests for records in the care of the National Archives and Records Service, see procedures set forth in FPMR (41 CFR) Parts 101–7, 101–9, and 101–10. With respect to records in the custody of the GSA regional offices, requests shall be submitted to the Regional Director of Business Affairs, for the particular region involved at the address listed in § 105–60.303(a).

(b) When the requester does not know which GSA office has custody of an identifiable record, he may address his request to the Regional Director of Business Affairs for the region convenient to him, or to the Director of Information (Washington, D.C.). Where a request is made of a Regional Director of Business Affairs for a record not in the custody of that regional office, the requester should be informed of the location of the record and that, at his preference, either the record will be requested for him or he may directly request it from the holding office.

§ 105–60.402–2 Review of requests.

The Director of Information for the Central Office, Washington, D.C., or the Regional Director of Business Affairs for a regional office, or his designee, will forward a request for an identifiable record to the cognizant GSA office having custody thereof. The request will be reviewed in the cognizant office and by appropriate legal counsel in the light of the requirements of 5 U.S.C. 552, the guidelines issued by the Department of Justice (Attorney General's Memorandum on the Public Information Section of the Administrative Procedure Act), as well as this Part 105–60.

§ 105–60.402–3 Approval of requests; inspection of records.

When a request is approved, records will be promptly made available. They may be inspected at the reading rooms, as provided in § 105–60.303, or at such other places as the Director of Information or the Regional Director of Business Affairs, as the case may be, shall prescribe.

§ 105–60.402–4 Reproduction services.

Reasonable reproduction services will be available for the copying of records which have been approved for inspection at appropriate fees in accordance with § 105–60.303(d)(3) and (e). However, in suitable circumstances, a member of the public may be authorized to copy records himself, under such procedures as the Director of Information or the Regional Director of Business Affairs, as the case may be, may determine.

§ 105–60.403 Denial of request for identifiable records.

(a) If a request is denied, the person submitting the request shall be promptly advised and furnished the specific reasons therefor in writing. The denial reply will (1) briefly describe the record requested, (2) state the legal basis for nondisclosure (see subpart 105–60.6), and (3) except in cases where the public interest so requires, specify the compelling reasons justifying the denial.

(b) To assure uniformity of determinations in this regard, the Director of Information for the Central Office and each Regional Director of Business Affairs for denials made by his region shall retain a copy of all denial replies. Copies of all regional denials shall be sent to the Director of Information, Washington, D.C., who shall maintain a GSA-wide file of such actions.

§ 105–60.404 Appeal within agency of denial.

(a) After notification that his request for identifiable records has been denied, the person submitting the request may appeal the denial. The appeal shall be submitted to the Director of Information, Washington, D.C., with respect to a Central Office matter or to the Regional Director of Business Affairs with respect to a regional matter. The Regional Director of Business Affairs will promptly forward the appeal to the Director of Information who will, as also in the case of appeals concerning Central Office records, submit the matter for consideration by the Head of the GSA Service or Staff Office concerned with the particular records, in consultation with appropriate Central Office legal counsel. The appeal file will consist of a copy or description (if oral) of the initial request and a copy of the reasons for denial furnished the person submitting the request.

(b) Where the Head of the GSA Service or Staff Office recommends granting the appeal and the Director of Information concurs, the Director will arrange for appropriate disclosure of the records.

(c) If the denial is sustained, the matter will be submitted promptly by the Director of Information to the Assistant Administrator for Administration whose ruling thereon will be furnished in writing to the person requesting the records.

§ 105–60.405 Judicial relief available to the public.

A person whose request for identifiable records has been so denied by the Assistant Administrator for Administration may file a complaint, as authorized by 5 U.S.C. 552(a)(3), in a district court of the United States in the district in which the complainant resides, or has his principal place of business, or in which the agency records are situated. In such cases, the court will determine the matter de novo and the burden will be on GSA to sustain its action of denial. The court may enjoin GSA from withholding agency records and order the production of any records improperly withheld from the complainant.

Subpart 105–60.5—Agency Proceedings

§ 105–60.501 Agency proceedings.

A record shall be kept of the final votes of each member in every GSA agency proceeding (as defined in 5 U.S.C. 551(12)) and such record shall be maintained and be available for public inspection in the appropriate reading room listed under § 105–60.303(a). (For rules and procedures of the GSA Board of Contract Appeals, see 41 CFR 5–60.)

Subpart 105–60.6—Exemptions

§ 105–60.601 General.

(a) The exemptions enumerated in 5 U.S.C. 552(b), under which the provisions for availability of records and informational materials will not apply, are general in nature. GSA will decide each case on its merits, in accordance with the liberal policy of 5 U.S.C. 552, the GSA policy expressed in § 105–60.105–2, and the guidelines issued by the Department of Justice (Attorney General's Memorandum on the Public Information Section of the Administrative Procedure Act).

(b) Formulae, designs, patents, drawings, and other records of intrinsic financial value to the Government, which value would be impaired or destroyed by

disclosure, will not be available for inspection or copying.

§ 105–60.602 Categories of records exempt under 5 U.S.C. 552 from disclosure.

5 U.S.C. 552(b) provides that the requirements of the statute do not apply to matters that are:

(a) Specifically required by Executive order to be kept secret in the interest of the national defense or foreign policy.

(b) Related solely to the internal personnel rules and practices of an agency.

(c) Specifically exempted from disclosure by statute (see § 105–60.604).

(d) Trade secrets and commercial or financial information obtained from a person and privileged or confidential.

(e) Interagency or intraagency memorandums or letters which would not be available by law to a private party in litigation with the agency.

(f) Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(g) Investigatory files compiled for law enforcement purposes except to the extent available by law to a private party.

(h) Contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions.

(i) Geological and geophysical information and data, including maps, concerning wells.

§ 105–60.603 Executive privilege exemption.

On signing Public Law 89–480, the President stated "Moreover, this bill in no way impairs the President's power under our Constitution to provide for confidentiality when the national interest so requires." (2 Weekly Compilation of President Documents 895, July 11, 1966.) In appropriate GSA cases where application of the executive privilege exemption is desired, the matter will be forwarded to the President through the Administrator of General Services. However, it is to be emphasized that this exemption is reserved for use by the President only.

§ 105–60.604 Other statutory exemptions.

(a) 5 U.S.C. 552(b)(3) provides that the statute does not apply to matters that are specifically exempted from disclosure by other statutes. (For further discussion of this matter, see the Attorney General's Memorandum on the Public Information Section of the Administrative Procedure Act (June 1967), pages 31 and 32.)

(b) The following are illustrative of such statutes, but are not all inclusive:

(1) 18 U.S.C. 1905 (trade and financial information provided in confidence by businesses).

(2) 22 U.S.C. 1934 (technical data concerning war materials subject to the International Traffic in Arms Regulations of the Department of State).

(3) 26 U.S.C. 6103 (publicity of tax returns and lists of taxpayers).

(4) 35 U.S.C. 181–188 (records concerning inventions on which Patent Secrecy Orders have been issued).

(5) 42 U.S.C. 2000e–8 (investigations of employment practices).

(6) 42 U.S.C. 2161 (restricted atomic energy data).

(7) 43 U.S.C. 1398 (confidential information of the Public Land Law Review Commission).

(8) 44 U.S.C. 397 (nondisclosure of certain records in the National Archives (see 41 CFR 101–7.101 and 101–7.109); in Federal Records Centers (see 41 CFR 101–9.103 and 101–9.108); and in Presidential Libraries (see 41 CFR 101–10.102 and 101–10.106)).

(9) 50 U.S.C. 402 note (National Security Agency information).

(10) 50 U.S.C. 403g (nature of CIA functions and organization).

(11) 50 U.S.C. 2023 (technical data relating to articles and materials subject to Export Control Regulations of the Department of Commerce).

§ 105–60.605 Exemption of materials not affecting the public or involving clearly unwarranted invasions of personal privacy.

5 U.S.C. 552(a)(2) provides that there need not be made available to the public: (1) administrative staff manuals and instructions to staff that do not affect a member of the public; and (2) identifying details found in an opinion, statement of policy, interpretation, or staff manual or instruction, to the extent required to prevent a clearly unwarranted invasion of personal privacy. Determinations as to whether materials affect the public will be made in accordance with the policy expressed in § 105–60.105–1. Determinations concerning deletion of identifying details shall recognize that the phrase "clearly unwarranted" does not include factors such as mere personal annoyance or administrative embarrassment. (See also § 105–60.304.)

Subpart 105–60.7—Subpoenas or Other Legal Demands for Records and Authentication of Copies of Records

§ 105–60.701 Service of subpoena or other legal demand.

(a) A subpoena duces tecum or other legal demand for the production of records held by GSA shall be addressed to the appropriate Regional Director of Business Affairs or Regional Administrator with respect to regional records; to the Director of Information, Washington, D.C., with respect to Central Office records; or to the Administrator of General Services. With respect to National Archives records, see procedures in FPMR (41 CFR) § 101–7.108.

(b) The General Counsel and, with respect to records in a GSA regional office, the Regional Counsel are authorized to accept service of a subpoena duces tecum or other legal demand on behalf of the officials designated in (a) of this § 105–60.701.

(c) When such subpoena or demand is served on any officer or employee of GSA other than as provided in (a) and (b) of this § 105–60.701, he will, unless otherwise directed by the Administrator, respectfully decline to produce such records on the ground that he is without authority under this Subpart 105–60.7 to do so.

(d) Where GSA has only a custodial interest in the records demanded, the subpoena or legal demand shall be served on the agency having the primary responsibility for the records. Where nevertheless demand for such records is served on GSA, the authority issuing the demand will be promptly informed by GSA of the name and address of the agency having the primary responsibility for the records. However, where the agency having primary responsibility for the records has formally delegated to GSA authority to respond to a subpoena or other legal demand, GSA will do so. When in any such case it is necessary to deny the demanded record, GSA will so advise the agency having primary responsibility for the record.

§ 105–60.702 Compliance.

(a) Such served officials will comply with the subpoena or demand insofar as practicable by submitting authenticated copies of the records, or the original records if necessary. However, the records will not be produced where to do so would be contrary to the governing policies stated in 5 U.S.C. 552 and this Part 105–60.

(b) The served official or the Administrator of General Services may determine that such demanded records will be denied. In the event of a determination to deny, the served official will be given the assistance of legal counsel in responding to the legal demand.

§ 105–60.703 Authentication and attestation of copies.

The Head of the Service or Staff Office having custody of the records, or his superiors, or if the records are in a GSA regional office, the Head of the Regional Service or Staff Office concerned, or his superiors, are authorized to authenticate and attest, for and in the name of the Administrator of General Services, copies or reproductions of the records. Appropriate fees will be charged for such copies or reproductions (see § 105–60.303(d)(3) and (e)).

Effective date. These regulations are effective July 4, 1967.

Dated: June 28, 1967.

LAWSON B. KNOTT, Jr.,
Administrator of General Services.

[F.R. Doc. 67–7486; Filed, June 30, 1967; 8:45 a.m.]

Title 45—PUBLIC WELFARE

Chapter V—Foreign Claims Settlement Commission of the United States

SUBCHAPTER A—RULES OF PRACTICE

PART 503—PUBLIC INFORMATION

New Part 503 reads as follows:

Sec.
503.1 Organization and authority—Foreign Claims Settlement Commission.
503.2 Material to be published in the FEDERAL REGISTER pursuant to Public Law 89–487.
503.3 Effect of nonpublication.
503.4 Incorporation by reference.
503.5 Public records.
503.6 Current index.
503.7 Effect of noncompliance.
503.8 Documents and records generally available for inspection.
503.9 Other records available upon written request.
503.10 Identification of records.
503.11 Appeal.
503.12 Exemptions.
503.13 Fees—policy and services available.
503.14 Fees for services.
503.15 Payment of fees and charges.

AUTHORITY: The provisions of Part 503 issued under sec. 3, Administrative Procedure Act, 5 U.S.C. 552, as amended by Public Law 90–23 (81 Stat. 54).

§ 503.1 Organization and authority—Foreign Claims Settlement Commission.

(a) The Foreign Claims Settlement Commission of the United States is an independent agency of the Federal Government created by Reorganization Plan No. 1 of 1954 (68 Stat. 1279), effective July 1, 1954. Its duties and authority are defined in the International Claims Settlement Act of 1949, as amended (64 Stat. 12; 22 U.S.C. 1621–1642) and the War Claims Act of 1948 (62 Stat. 1240; 50 U.S.C. 2001–2016).

(b) The Commission has jurisdiction to determine claims of U.S. nationals against foreign governments for compensation for losses and injuries sustained by such nationals, pursuant to programs which may be authorized under either of said Acts. Available funds have their sources in international settlements or liquidation of foreign assets in this country by the Department of Justice or Treasury, and from public funds when provided by the Congress.

(c) The three members of the Commission are appointed by the President with the advice and consent of the Senate to serve for 3-year terms of office as provided by the Act of October 22, 1962 (76 Stat. 1107; 50 U.S.C. 2001). The President designates the Chairman.

(d) All functions of the Commission are vested in the Chairman with respect to the internal management of the affairs of the Commission, including but not limited to: (1) The appointment of personnel employed under the Commission; (2) the direction of employees of the Commission and the supervision of their official duties; (3) the distribution of business among employees and organizational units under the Commission; (4) the preparation of budget estimates; and (5) the use and expenditures of funds of the Commission available for expenses of administration.

(e) The Chairman pursuant to his responsibility hereby directs that every effort be expended to facilitate the maximum service to the public with respect to the obtaining of information and records in the spirit and the letter of the provisions of Public Law 87–487 amending section 3 of the Administrative Procedures Act, effective July 4, 1967.

(f) Requests for information, decisions, or records may be made in person or in writing to the Clerk, Foreign Claims Settlement Commission.

(g) The offices of the Commission are located at 1111 20th Street NW. (Vanguard Building), Washington, D.C. An information center for the convenience of the public is located on the fourth floor.

§ 503.2 Material to be published in the *Federal Register* pursuant to Public Law 89–487.

The Commission shall separately state and concurrently publish the following materials in the FEDERAL REGISTER for the guidance of the public:

(a) Descriptions of its central and field organization and the established places at which, the officers from whom, and the methods whereby, the public may secure information, make submittals or requests, or obtain decisions.

(b) Statements of the general course and method by which its functions are channeled and determined, including the nature and requirements of all formal and informal procedures available.

(c) Rules of procedure, descriptions of forms available or the places at which forms may be obtained, and instructions as to the scope and contents of all papers, reports, or examinations.

(d) Substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretations of general applicability formulated and adopted by the agency.

(e) Every amendment, revision, or repeal of the foregoing.

§ 503.3 Effect of nonpublication.

Except to the extent that a person has actual and timely notice of the terms thereof, no person shall in any manner be required to resort to, or be adversely affected by, any matter required to be published in the FEDERAL REGISTER and not so published.

§ 503.4 Incorporation by reference.

For purposes of this part, matter which is reasonably available to the class of persons affected thereby shall be deemed published in the FEDERAL REGISTER when incorporated by reference therein with the approval of the Director of the Federal Register.

§ 503.5 Public records.

The Commission shall, in accordance with this part, make the following materials available for public inspection and copying:

(a) Proposed and Final Decisions (including dissenting opinions) and all orders made with respect thereto.

(b) Those statements of policy and interpretations which have been adopted by the Commission.

To prevent unwarranted invasion of personal privacy, the Commission may delete identifying details when it makes available or publishes a decision, statement of policy, interpretation, or staff manual or instruction, and shall, in each such case, explain in writing the justification for the deletion.

§ 503.6 Current index.

The Commission shall maintain and make available for public inspection and copying a current index providing identifying information for the public as to any matter which is issued, adopted, or promulgated after July 4, 1967, and which is required by § 503.2 of this part to be made available or published. The index shall be available at the information center of the Commission, fourth floor, Vanguard Building, 1111 20th Street NW., Washington, D.C. 20579.

§ 503.7 Effect of noncompliance.

No decision, statement of policy, interpretation, or staff manual or instruction that affects any member of the public will be relied upon, used, or cited, as precedent by the Commission against any private party unless it has been indexed and either made available or published as provided by this subpart, or unless that private party shall have actual and timely notice of the terms thereof.

§ 503.8 Documents and records generally available for inspection.

The following kinds of documents are available for inspection and copying at the public information center of the Commission.

(a) Rules of practice and procedure.

(b) Semiannual reports of the Commission.

(c) Bound volumes of Commission decisions.

(d) International Claims Settlement Act of 1949, with amendments, the War Claims Act of 1948, with amendments, and related Acts.

(e) Claims Agreements with foreign governments within the jurisdiction of the Commission.

(f) Press releases, biographies, and other miscellaneous information of general interest to the public.

§ 503.9 Other records available upon written request.

Any written request to the Clerk, Foreign Claims Settlement Commission, 1111 20th Street NW., Washington, D.C. 20579, for records listed in paragraphs (a) through (g) inclusive, of this section, shall identify the record as provided in § 503.10. The Clerk shall evaluate each request in conjunction with the official having responsibility for the subject matter area, the General Counsel and the Executive Director, and shall make the record available unless the Clerk shall notify the person making the request that no such record can be found; that the record is needed by the staff; or that the record falls within a specific

exception. The following records are subject to this provision:

(a) General correspondence.

(b) Correspondence regarding interpretation or applicability of a statute or rule.

(c) Correspondence and reports on legislation if made public by the Bureau of the Budget and Congressional Committee.

(d) Filing and docketing of claims.

(e) Records regarding final disposition of claims.

(f) Claims applications of individuals.

(g) Claims applications of legal entities.

§ 503.10 Identification of records.

A member of the public who requests permission to inspect or copy a record must identify the record sought in sufficient detail to enable the Commission staff to locate the record.

§ 503.11 Appeal.

Upon refusal of the Clerk to furnish a record, which has been requested in writing under § 503.9, the requesting person or entity may appeal in writing to the Chairman from the Clerk's action or failure to act.

§ 503.12 Exemptions.

The following records shall not be available: *Provided, however,* That nothing in this section authorizes withholding of information or limiting the availability of records to the public except as specifically stated in this part, nor shall this part be authority to withhold information from Congress. Moreover, nothing in this paragraph shall preclude the consideration of any request received by the Commission to release information with respect to matters which may come within the exemptions.

(a) Records specifically required by Executive Order to be kept secret in the interest of the national defense or foreign policy. This exception may apply to records in the custody of the Commission which have been transmitted to the Commission by another agency which has designated the record as nonpublic under Executive Order.

(b) Records related solely to the internal personnel rules and practices of the Commission.

(c) Records specifically exempted from disclosure by statute.

(d) Information given in confidence. This includes information obtained by or given to the Commission which constitutes confidential commercial or financial information, privileged information, or other information which was given to the Commission in confidence or would not customarily be released by the person from whom it was obtained.

(e) Interagency or intraagency memoranda or letters which would not be available by law to a private party in litigation with the Commission. Such communications include interagency memoranda, drafts, staff memoranda transmitted to the Commission, written communications between the Commission, the Executive Director, and the General Counsel, regarding the preparation of Commission decisions, other documents received or generated in the process of issuing a decision, or regulation, and reports and other work papers of staff attorneys, accountants, and investigators.

(f) Personnel and medical files and similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(g) Investigatory files compiled for law enforcement purposes except to the extent available by law to a private party.

§ 503.13 Fees—policy and services available.

Pursuant to policies established by the Congress, the Government's costs for special services furnished to individuals or firms who request such service are to be recovered by the payment of fees (Act of Aug. 31, 1951—5 U.S.C. 140). Upon written request directed to and within the discretion of the Foreign Claims Settlement Commission, there are available upon payment of the fees hereinafter prescribed, with respect to documents subject to inspection, services as follows:

(a) Copying records/documents.

(b) Certification of copies of documents.

(c) Records search.

(d) Transcripts of hearings when requested by claimants.

§ 503.14 Fees for services.

The basic fees set forth below provide for documents to be mailed with ordinary first-class postage prepaid. If copy is to be transmitted by registered, certified, air, or special delivery mail, postage therefor will be added to the basic fee. Also, if special handling or packaging is required, costs thereof will be added to the basic fee.

(a) The copying of records and documents will be available at the rate of 25 cents per page (one side).

(b) The certification and validation of documents filed with or issued by the Commission will be available at $1 for each such certification.

(c) To the extent that time can be made available, records and information search will be performed for reimbursement at the following rates:

(1) By clerical personnel at a rate of $4 per person per hour.

(2) By professional personnel at an actual hourly cost basis to be established prior to search.

(3) Minimum charge, $2.

(d) Exceptions: No charge will be made by the Commission for notices, decisions, orders, etc., required by law to be served on a party to any proceeding or matter before the Commission. No charge will be made for single copies of Commission publications individually requested in person or by mail. In addition a subscription to Commission mailing lists will be entered without charge when one of the following conditions is present:

(1) The furnishing of the service without charge is an appropriate courtesy to a foreign country or international organization.

(2) The recipient is another governmental agency, Federal, State, or local, concerned with claims of nationals of the United States against foreign governments or having a legitimate interest in the proceedings and activities of the Commission.

(3) The recipient is a college or university.

(4) The recipient does not fall into subdivision (1), (2), or (3) of this subparagraph, but is determined by the Commission to be an appropriate recipient in the interest of its program.

(e) Transcripts of testimony and of oral argument taken by a private firm may be purchased directly from the reporting firm.

§ 503.15 Payment of fees and charges.

The fees charged for special services may be paid by check, draft, or postal money order, payable to the Foreign Claims Settlement Commission, except for charges for transcript of hearings. Fees for transcripts of hearings are payable to the firm providing the services.

Effective date. This amendment shall become effective July 4, 1967.

Dated: June 28, 1967.

By the Commission.

EDWARD D. RE,
Chairman.

[F.R. Doc. 67-7509; Filed, June 30, 1967; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 67-AL-1]

CONTROL ZONE AND TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would designate controlled airspace in the vicinity of Amchitka, Alaska, as follows:

1. The Amchitka control zone would be designated as that airspace within a 5-mile radius of the Amchitka, Alaska, Airport latitude 51°22'45" N., longitude 179°15'42" E.); within 2 miles each side of runway 7-25 centerlines extending from the 5-mile radius zone to 5.5 miles east and 5.5 miles west of the Amchitka Airport; within 2 miles each side of the 082° True bearing from the Amchitka RBN (latitude 51°22'53" N., longitude 179°15'23" E.) extending from the RBN to 8 miles east; and within 2 miles each side of the 247° True bearing from the Amchitka RBN, extending from the RBN to 8 miles southwest. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

2. The Amchitka transition area would be designated as that airspace extending upward from 700 feet above the surface within 8 miles north and 5 miles south of the 082° True bearing from the Amchitka RBN (latitude 51°22'53" N., longitude 179°15'23" E.) extending from the RBN to 11.5 miles east; within 8 miles southeast and 5 miles northwest of the 247° True bearing from the Amchitka, RBN, extending from the RBN to 11.5 miles southwest; and that airspace extending upward from 1,200 feet above the surface within a 29-mile radius of the Amchitka Airport.

The proposed control zone and transition area would provide controlled airspace for aircraft executing prescribed instrument approach, missed approach and departure procedues for the Amchitka Airport.

As parts of these proposals relate to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices, by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 and Annex 11 to the Convention on International Civil Aviation (ICAO), which pertains to the establishment of air navigation facilities and services necessary to promoting the safe, orderly and expeditious flow of civil air traffic. Its purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Alaskan Region, Attention: Chief Air Traffic Division, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, Alaska 99501. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

These amendments are proposed under the authority of sections 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510) and Executive Order 10854 (24 F.R. 9565).

Issued in Washington, D.C., on June 29, 1967.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-7617; Filed, June 30, 1967; 8:50 a.m.]

FEDERAL TRADE COMMISSION

[16 CFR Part 500]

CONSUMER COMMODITY PACKAGING AND LABELING

Net Quantity of Contents Declaration, Location

Paragraph (b) of § 500.6 of the proposed regulations under sections 4 and 6 of the Fair Packaging and Labeling Act (Public Law 89-755, approved November 3, 1966; 15 U.S.C. 1453, 1455) as published in the FEDERAL REGISTER, 32 F.R. 9109-9112 is revised to read as follows:

§ 500.6 Net quantity of contents declaration, location.

* * * * *

(b) The declaration of net quantity shall appear as a distinct item on the principal display panel, shall be separated (by at least a space equal to the height of the lettering used in the declaration) from other printed matter appearing above or below the declaration, and shall not include any term qualifying a unit or weight, measure, or count such as "jumbo quart" or "full gallon". It shall be placed on the principal display panel in close proximity to the most conspicuous statement of the trade or brand name, in lines generally parallel to the base on which the package rests as it is designed to be displayed, and no label information shall appear to either side of the declaration of net quantity on the principal display panel.

Approved: June 28, 1967.

By direction of the Chairman.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 67-7539; Filed, June 30, 1967; 8:49 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Office of the Solicitor

[Solicitor's Reg. 28]

ASSOCIATE SOLICITOR ET AL.

Compromise of Claims by the United States

JUNE 13, 1967.

Each Associate Solicitor, Regional Solicitor, and, subject to such limitations as the appropriate Regional Solicitor may impose in writing, each Field Solicitor may compromise claims of the United States which do not exceed $20,000 exclusive of interest arising out of the activities of the Department or any of its bureaus or other Departmental offices. Such authority shall be exercised in accordance with the regulations in 344 DM 3.

(205 DM 7.2, 32 F.R. 8538; 200 DM 2.2, 25 F.R. 336)

FRANK J. BARRY,
Solicitor.

[F.R. Doc. 67-7468; Filed, June 30, 1967; 8:45 a.m.]

DEPARTMENT OF STATE

Agency for International Development

ACADEMIC PUBLICATION

Statement of Aid Policy

This is a statement of AID policy on publication, or release to parties other than those specifically authorized, of unclassified materials gathered or developed under contracts with academic institutions.

Underlying principles. AID favors and encourages the publication of scholarly research as well as the maximum availability, distribution and use of knowledge developed in its program. Of course, the release of material that is classified for national security reasons is not at issue. However, there may be concerns of national interest, not of sufficient gravity to warrant security classification, but serious enough to jeopardize U.S. foreign relations.

Consequently, in addition to the requirements of courtesy, propriety and confidence which normally guide scholars in their work, other factors to be considered include: (1) The potential repercussions of publication on the relations of the U.S. Government or of U.S. academic and research institutions with foreign governments or institutions; and (2) the potential repercussions of publication on the successful execution of development and other cooperative programs in which the U.S. and foreign countries are involved.

Operational definitions. AID draws a distinction between two objectives of a scholar's activity under an AID contract: (1) Conducting research which will enrich the literature or field from which AID and others who are pursuing the same goals must draw their knowledge and techniques; and (2) providing advisory and consulting services for, and specifically requested by, AID or a host-country government.

The Agency also draws a distinction between two kinds of manuscripts which a scholar may wish to publish: (1) A report which is prepared and delivered to the Agency under the terms of the contract; and (2) an article or book based upon experience and information gained under an AID contract but not prepared or delivered under the contract.

There are two kinds of actions, normally specified in the contract, which the Agency can take upon notification of a contractor's desire to publish a manuscript: (1) Comment after review, under which AID and the foreign government involved may examine the manuscript, and have their comments considered seriously by the contractor prior to publication; and (2) authorization after review, which AID may withhold if reconciliation between the national interest and the author's interest is impossible.

Policy statements. A. With regard to university research activities (as distinguished from advisory services), AID neither grants nor withholds permission to publish the results of private scholarly research derived from its contract operations, except as otherwise provided in a particular contract. Either type of manuscript (contract or noncontract as defined above) will be subject only to Agency advance review for comment. If it is a contract report, AID reserves the right to disclaim endorsement of the opinions expressed; if it is a noncontract manuscript, AID reserves the right to dissociate itself from sponsorship or publication of that manuscript.

B. With regard to manuscripts resulting from advisory and consulting activities, the publication of those prepared and delivered under the contract will be subject to the Agency's authorization; the publication of those not prepared under the contract will be subject only to Agency advance review for comment and its right of dissociation.

Implementation. The successful implementation of this policy on publication rests on a thorough understanding and acceptance of these principles by AID and the prospective contractor. Agreement must be reached on the categories appropriate for the activities contemplated under the proposed contract. The actual publications clause for a particular contract, then, would be so worded as to fit the appropriate activities and definitions as agreed upon in the contract negotiations.

AID's concern with noncontract manuscripts is related to the identification of a manuscript with the U.S. Government. This concern will be modified by the passage of time following termination of the contract.

The period required for AID's advance review of a manuscript will be related to the size of the manuscript and the number and location of the parties involved.

The Agency will make every effort to expedite this review procedure in accordance with the principles described at the beginning of this statement.

WILLIAM S. GAUD,
Administrator.

[F.R. Doc. 67-7485; Filed, June 30, 1967; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

EXTRA LONG STAPLE COTTON

Determination of Surplus Supply

Section 3, P.L. 88-638 (7 U.S.C. 1852a) provides that "Notwithstanding any other provision of law, the Commodity Credit Corporation, in order to encourage exports of extra long staple cotton which is in surplus supply at competitive world prices, is directed to offer for sale, whenever extra long staple cotton is in surplus supply, any extra long staple cotton owned by it (except stocks released from the stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act, as amended) at prices not in excess of the prices at which cotton of comparable quality is being offered by other exporting countries, on condition that such cotton be exported or that an equal quantity of extra long staple cotton will be exported within the period specified by the Secretary of Agriculture. The Commodity Credit Corporation may accept bids in excess of the maximum prices specified herein but shall not reject bids at such maximum prices unless a higher bid is received for the same cotton. The Secretary of Agriculture shall make a determination of the amount, if any, of extra long staple cotton which is in surplus supply for the 1964-65 marketing year not later than 30 days after the effective date of this section and for each succeeding marketing year not later than 30 days prior to the beginning of each such marketing year. Extra long staple cotton shall be deemed to be in surplus supply whenever the Secretary of Agriculture determines that the total supply of such cotton (under the formula for determining the 'total supply' of cotton specified in section 301(b)(16)(C) of the Agricultural Adjustment Act of 1938, as amended, but not including cotton released from such stockpile) is in excess of estimated domestic consumption and estimated exports of such cotton excluding estimated exports made under the authority of this section, plus an allowance for carryover equal to 50 per centum of such estimated consumption and exports. Exports hereunder shall be excluded in making any determination with respect to national marketing quotas under the Agricultural Adjustment Act of 1938, as amended. Nothing herein shall preclude the Corporation from accepting bids which may be made at higher than world prices."

The latest available information and statistics for extra long staple cotton for the 1967-68 marketing year are as follows:

	Bales
A. Total supply of extra long staple cotton:	
1. Estimated carryover Aug. 1, 1967 (excluding cotton released from the stockpile)	232,000
2. Estimated production	78,000
3. Estimated imports	85,000
4. Total supply	395,000
B. Disappearance plus allowance for carryover:	
1. Estimated domestic consumption	145,000
2. Estimated exports (excluding exports which cannot be taken into account in this determination)	0
3. Total estimated consumption and exports	145,000
4. Allowance for a carryover (145,000 times 50 percent)	72,500
5. Estimated domestic consumption and exports plus allowance for carryover	217,500
C. Surplus supply determination:	
1. Total supply	395,000
2. Estimated domestic consumption and exports plus allowance for carryover	217,500
3. Surplus supply for the 1967-68 marketing year (395,000 minus 217,500)	177,500

Pursuant to the provisions of P.L. 88-638, the surplus supply of extra long staple cotton for the 1967-68 marketing year is hereby determined to be 177,500 bales.

(Sec. 3, 78 Stat. 1038; 7 U.S.C. 1852a)

Signed at Washington, D.C., on June 27, 1967.

JOHN A. SCHNITTKER,
Acting Secretary.

[F.R. Doc. 67-7480; Filed, June 30, 1967; 8:46 a.m.]

DEPARTMENT OF COMMERCE

National Bureau of Standards

NATIONAL BUREAU OF STANDARDS RADIO STATIONS

Notice of Standard Frequency and Time Broadcasts

In accordance with National Bureau of Standards policy of giving monthly notices regarding changes of phases in seconds pulses, notice is hereby given that there will be no change in the phase of seconds pulses emitted from radio station WWVB, Fort Collins, Colo., on August 1, 1967. The carrier frequency of WWVB is 60 kHz and is broadcast without offset. These emissions are made following the stepped atomic time (SAT) system as coordinated by the Bureau International de l'Heure (BIH).

Notice is also hereby given that there will be no change in the phase of time pulses emitted from radio stations WWV, Fort Collins, Colo., and WWVH, Maui, Hawaii, on August 1, 1967. These pulses at present occur at intervals which are longer than one second by 300 parts in 10^{10}. This is due to the offset maintained in the carrier frequencies of these stations, following the universal time (UTC) system as coordinated by the BIH.

Dated: June 23, 1967.

I. C. SCHOONOVER,
Acting Director.

[F.R. Doc. 67-7436; Filed, June 30, 1967; 8:45 a.m.]

NATIONAL BUREAU OF STANDARDS RADIO STATION WWVH

Notice of Modification to Broadcasts

In accordance with the National Bureau of Standards policy of giving notices regarding changes in broadcasts from NBS radio stations, notice is hereby given that there will be a change in the distribution in direction of the radiated power of broadcasts from Station WWVH, Maui, Hawaii. Since these changes will be accomplished by installing parasitic reflectors on existing antennas, the exact times cannot be specified in advance, and the changes at different frequencies probably will occur at slightly different times, but they will take place close to August 1, 1967, and will be completed by that date. The design and locations of the reflectors are such as to transmit a maximum of radiation in the direction of Manila with an effective gain of approximately 3 db, and to give no degradation of the radiation intensities in the directions of Alaska and New Zealand. There will be, however, a decrease of about 6 db in the direction of the continental portion of the United States of America. These modifications are intended to improve the reception of Station WWVH in the Pacific and Far East areas.

I. C. SCHOONOVER,
Acting Director.

[F.R. Doc. 67-7437; Filed, June 30, 1967; 8:45 a.m.]

AUTOMOTIVE AGREEMENT ADJUSTMENT ASSISTANCE BOARD

[APTA No. 7-007]

CERTAIN WORKERS OF GENERAL MOTORS CORP., ASSEMBLY DIVISION, WILMINGTON, DEL.

Petition for Determination of Eligibility to Apply for Adjustment Assistance; Summary of Final Determinations

Determinations of the Board. Pursuant to the Automotive Products Trade Act of 1965 (Public Law 89-283; 79 Stat. 1016) the Automotive Agreement Adjustment Assistance Board determines that:

Dislocation of workers in the General Motors Corp. Assembly Division plant at Wilmington, Del., has occurred.

U.S. production of the automotive product concerned—passenger automobiles—has decreased appreciably (sec. 302(b)(2), Act), and U.S. imports from Canada of the automotive product concerned have increased appreciably (sec. 302(b)(3)(A), Act).

However, the operation of the United States-Canadian Automotive Products Agreement has not been the primary factor in causing the dislocation.

Background. A petition for a determination of eligibility to apply for adjustment assistance under the Automotive Products Trade Act of 1965 was filed with the Automotive Agreement Adjustment Assistance Board on April 12, 1967, by the International Union, United Automobile, Aerospace & Agricultural Implement Workers of America (U.A.W.), and its Local 435, of Wilmington, Del., on behalf of a group of workers at the Wilmington plant. The petition alleged that the importation of Chevrolet automobiles from the Ste. Therese, Quebec, plant of General Motors of Canada, Ltd., caused the layoff of 741 workers from the Wilmington plant on January 6, 1967. The petition further alleged that the layoff was the result of the Automotive Products Trade Act of 1965.

On April 17, 1967, the Automotive Assistance Committee of the Board requested the U.S. Tariff Commission to investigate and report on the facts relating to this petition (32 F.R. 6376, Apr. 22, 1967). Neither the petitioners nor any other party requested a hearing and none was held.

The Commission submitted its report on June 6, 1967 (APTA-W-12). The Commission stated that only certain sections of the report could be made public since much of the information it contains was received in confidence (32 F.R. 8396, June 10, 1967).

The Board, in addition, obtained advice from the Departments of the Treasury, Commerce, Labor, and the Small Business Administration under section 302(f)(1) of the Act.

General Motors Corp. Output at the Wilmington plant in the 1964-1967 model years has been limited to full sized Chevrolet models and the Buick "Le Sabre" and "Wildcat" models. Full sized Chevrolets are also produced at nine other U.S. plants and at two Canadian plants—Ste. Therese, from which 31,400 cars have been exported to the United States this year, and Oshawa, which does not produce cars for the U.S. market.

General Motors stated that the United States-Canadian Automotive Products Agreement enabled it to concentrate on production of fewer models in Canada and replace the discontinued models by units produced in the United States. For the 1967 model year, General Motors of Canada stopped producing certain Buick, Oldsmobile, and Corvair passenger cars which could be more economically pro-

duced in the United States and started exporting regular sized Chevrolets to the United States.

U.S. exports to Canada of General Motors cars for the current model year (through April) are 39,400 units, 31,600 more than in the prior year. For the same period, U.S. imports from Canada were 31,400 units. There were no imports in the 1966 model year. The increase in U.S. exports to Canada was primarily regular sized Buicks and Oldsmobiles and smaller sized Chevrolets, while the U.S. imports are regular sized Chevrolets.

In the first 9 months of model year 1967, total production at Wilmington was down 8.5 percent compared with the same period in model year 1966—from 141,700 to 129,600 cars. Chevrolet production has fallen 25 percent, while Buick production has risen 65 percent.

Although Chevrolet production at Wilmington during model year 1967 has declined sharply from model year 1966 levels, the percentage decrease has been somewhat less than that of total U.S. full sized Chevrolet production. Wilmington has maintained a constant share of total North American production of such Chevrolets.

Conclusions and determinations—Automotive product. The Board concludes that the petitioners were employed in a plant of General Motors Corp. manufacturing an automotive product as defined by the Act: passenger automobiles.

Dislocation. Dislocation in the case of a group of workers means actual or threatened unemployment or underemployment of a significant number or proportion of the workers of a firm or an appropriate subdivision thereof.

During December 1966 an average of about 3,600 hourly workers were employed at the Wilmington plant. In January, average employment declined to about 3,300 persons and in February it declined to about 3,000 workers. Layoffs at the plant involved more than 600 persons in January and February.

The plant is not divided into separate physical subdivisions—Chevrolet and Buick models are produced on a single assembly line by the same workers.

The Board determines that the entire Wilmington, Del., plant, General Motors Assembly Division, is the appropriate subdivision of General Motors Corp. and that a significant number or proportion of the workers thereof have been dislocated (sec. 302(b)(1), Act; sec. 501.2(1)(2), Board Regulations).

Role of the operation of the Agreement. Under section 302(c) of the Act, if there is an appreciable decrease in U.S. production and an appreciable increase in imports from Canada of the Canadian automotive product concerned (sec. 302(b), Act), the appropriate group of workers must be certified as eligible to apply for adjustment assistance unless the Board determines that the operation of the Agreement has not been the primary factor in causing the dislocation.[1]

The Tariff Commission obtained data covering U.S. passenger automobile production and trade with Canada. In the 4-month period, January–April 1967, U.S. production was 13.7 percent below production during the corresponding months in model year 1966. The data on U.S. imports of automobiles produced in Canada show that there have been appreciable imports in model year 1967, and that there were no such imports from Canada in model year 1966.

The Board therefore determines that the economic criteria in section 302(b) of the Act are met.

Conclusions. The Board notes that the United States-Canadian Agreement resulted in increased U.S. exports to Canada of Buick automobiles—cars of a type produced at the Wilmington plant. The Board further notes that production at Wilmington of such cars increased sharply in model year 1967 in comparison with earlier years.

The Board also observed that the establishment of a new Chevrolet assembly plant at Lordstown, Ohio, which was first available for full production in model year 1967, was a major factor in the allocation of Chevrolet assemblies among the various U.S. plants, including Wilmington. The record indicates that Lordstown output in model year 1967 was almost twice as large as imports of full sized Chevrolets from Canada.

The Board concludes that the operation of the United States-Canadian Automotive Products Agreement has not been the primary factor in causing or threatening to cause the dislocation of the workers at the Wilmington plant.

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(Sec. 302, Automotive Products Trade Act of 1965, 79 Stat. 1016, Executive Order 11254, 30 F.R. 13569, the Automotive Agreement Adjustment Assistance Board Regulations, 48 CFR, Part 501; 31 F.R. 827; and Board Order No. 1, 31 F.R. 858)

Dated: June 21, 1967.

AUTOMOTIVE AGREEMENT ADJUSTMENT ASSISTANCE BOARD,
EDGAR I. EATON,
Executive Secretary.

[F.R. Doc. 67-7469; Filed, June 30, 1967; 8:45 a.m.]

[APTA No. 7-008]

CERTAIN WORKERS OF GENERAL MOTORS CORP., CHEVROLET, NORTH TARRYTOWN, N.Y.

Petition for Determination of Eligibility To Apply for Adjustment Assistance; Summary of Final Determinations and Notice of Certification

Determinations of the Board. Pursuant to the Automotive Products Trade Act of 1965 (Public Law 89-283; 79 Stat. 1016) the Automotive Agreement Adjustment Assistance Board determines that:

Dislocation of workers of the Chevrolet plant, General Motors Corp., North Tarrytown, N.Y., has occurred.

U.S. production of the automotive product concerned—passenger automobiles—has decreased appreciably (sec. 302(b)(2), Act), and U.S. imports from Canada of the Canadian automotive product concerned have increased appreciably (sec. 302(b)(3)(A), Act).

No factor other than the operation of the United States-Canadian Automotive Products Agreement has been the primary factor in causing the dislocation of the group of workers specified in the Board's certification.

Certification. The Board hereby certifies that those workers of the Chevrolet plant, General Motors Corp., North Tarrytown, N.Y., who were laid off for an indefinite period after February 19, 1967, and prior to March 15, 1967, are eligible to apply for adjustment assistance.

Background. A petition for a determination of eligibility to apply for adjustment assistance under the Automotive Products Trade Act of 1965 was filed with the Automotive Agreement Adjustment Assistance Board on April 14, 1967, by the International Union, United Automobile, Aerospace & Agricultural Implement Workers of America (U.A.W.), and its Local 664 on behalf of a group of workers at the North Tarrytown plant of the Chevrolet Division of General Motors Corp. The petition alleged that the importation of Chevrolet automobiles from the Ste. Therese, Quebec, plant of General Motors of Canada, Ltd., caused the layoff of workers from the North Tarrytown Chevrolet plant on February 13, 1967. The petition further alleged that the layoff was the result of the Automotive Products Trade Act of 1965.

On April 19, 1967, the Automotive Assistance Committee of the Board requested the U.S. Tariff Commission to investigate and report on the facts relating to this petition (32 F.R. 6459, Apr. 26, 1967). Neither the petitioners nor any other party requested a hearing and none was held.

The Commission submitted its report on June 8, 1967 (APTA-W-13). The Commission stated that only certain sections of the report could be made public since much of the information it contains was received in confidence (32 F.R. 8437, June 13, 1967).

The Board, in addition, obtained advice from the Department of the Treasury, Commerce, Labor, and the Small Business Administration under section 302(f)(1) of the Act.

General Motors Corp. During the 1964-67 model years, the only passenger automobiles assembled at the North Tarrytown Chevrolet plant have been full-size Chevrolets. Bodies for these cars are produced in the adjacent Fisher Body Division plant. Full-size Chevrolets are also produced at nine other U.S. plants and at two Canadian plants—Ste. Therese, from which 31,400 cars have been exported to the United States this year and Oshawa, which does not produce cars for the U.S. market.

General Motors stated that the United States-Canadian Automotive Products Agreement enabled it to concentrate on production of fewer models in Canada and replace the discontinued models by units produced in the United States. For the 1967 model year, General Motors of Canada stopped producing certain Buick, Oldsmobile, and Corvair passenger cars which could be more economically produced in the United States and started exporting full-size Chevrolets to the United States.

U.S. exports to Canada of General Motors cars for the current model year (through April) are 39,400 units, 31,600 more than in the prior year. For the same period, U.S. imports from Canada were 31,400 units. There were no imports in the 1966 model year. The increase in U.S. exports to Canada was primarily Buicks and Oldsmobiles and smaller Chevrolets, while the U.S. imports are full-size Chevrolets.

In the first nine months of model year 1967, total production at the North Tarrytown Chevrolet plant decreased 15 percent compared with the same period in 1966—from about 142,000 to 120,000 units. The entire North American production of these Chevrolets has declined by about one-fourth in this same period. The Tarrytown plant's share of total North American production of full-size Chevrolets increased from 11.5 percent in the model year 1966 to 12.7 percent in model year 1967.

Conclusions and determinations—Automotive product. The Board concludes that the petitioners were employed in a plant of General Motors Corp. manufacturing an automotive product as defined by the Act: Passenger automobiles.

Dislocation. Dislocation in the case of a group of workers means actual or threatened unemployment or underemployment of a significant number or proportion of the workers of a firm or an appropriate subdivision thereof.

Layoffs at the plant involved approximately 200 persons in February and early March.

The Tariff Commission report states that workers in the North Tarrytown Chevrolet plant have plant-wide "bumping rights" affecting workers with less seniority. Hence, layoffs become plant-wide, even if the jobs eliminated involved but one operation or one shift in the plant.

The Board determines that the entire North Tarrytown, N.Y., plant, Chevrolet Division, is the appropriate subdivision of General Motors Corp. and that a significant number or proportion of the workers thereof have been dislocated (sec. 302(b)(1), Act; sec. 501.2(1)(2), Board Regulations).

Role of the operation of the agreement. Under section 302(c) of the Act, if there is an appreciable decrease in U.S. production and an appreciable increase in imports from Canada of the Canadian automotive product concerned (sec. 302(b), Act), the appropriate group of workers must be certified as eligible to apply for adjustment assistance unless the Board determines that the operation of the Agreement has not been the primary factor in causing or threatening to cause the dislocation.[1]

The Tariff Commission obtained data covering U.S. passenger automobile production and trade with Canada. In the 4-month period, January–April 1967, U.S. production was 13.7 percent below production during the corresponding period in model year 1966. The data on U.S. imports of automobiles produced in Canada show that there have been appreciable imports in model year 1967, and that there were no such imports from Canada in model year 1966.

The Board therefore determines that the economic criteria in section 302(b) of the Act are met.

Conclusions. The Board attached special significance to the increase in imports of full-size Chevrolets from Ste. Therese in 1967, the increase in employment at Ste. Therese, and the decrease in employment at Tarrytown. On the other hand, the Board took into account the general decline in North American production and sales of full-size Chevrolets, and the volume of output at the new plant at Lordstown, Ohio. The Board also considered the shifts in production among General Motors Corp. plants as a result of the rationalization made possible by the United States-Canadian Automotive Agreement.

The Board determines that the primary factor in the dislocation of approximately 135 of the 200 workers laid off during February and March was not the operation of the agreement but was the decline in production and sales of full-size Chevrolets.

The Board determines that no factor other than the operation of the United States-Canadian Automotive Products Agreement has been the primary factor in causing the dislocation of the remaining workers—those laid off after February 19, 1967, and prior to March 15, 1967.

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(Sec. 302, Automotive Products Trade Act of 1965, 79 Stat. 1018, Executive Order 11254, 30 F.R. 13569, the Automotive Agreement Adjustment Assistance Board Regulations, 48 CFR, Part 501; 31 F.R. 827; and Board Order No. 1, 31 F.R. 858)

Dated: June 23, 1967.

AUTOMOTIVE AGREEMENT ADJUSTMENT ASSISTANCE BOARD,
EDGAR I. EATON,
Executive Secretary.

[F.R. Doc. 67-7470; Filed, June 30, 1967; 8:45 a.m.]

[APTA No. 7-009]

CERTAIN WORKERS OF GENERAL MOTORS CORP., FISHER BODY PLANT, NORTH TARRYTOWN, N.Y.

Petition for Determination of Eligibility To Apply for Adjustment Assistance; Summary of Final Determinations

Determinations of the Board. Pursuant to the Automotive Products Trade Act of 1965 (Public Law 89-283; 79 Stat. 1016) the Automotive Agreement Adjustment Assistance Board determines that:

Dislocation of workers in the General Motors Corp. Fisher Body plant at North Tarrytown, N.Y., has occurred.

U.S. production of the automotive product concerned—passenger automobile bodies—has decreased appreciably (sec. 302(b)(2), Act), and U.S. imports from Canada of the automotive product concerned have increased appreciably (sec. 302(b)(3)(A), Act).

No factor other than the operation of the United States-Canadian Automotive Products Agreement has been the primary factor in causing the dislocation of the group of workers specified in the Board's certification.

Certification. The Board hereby certifies that those workers of the Fisher Body plant, General Motors Corp., North Tarrytown, N.Y., who were laid off for an indefinite period after February 19, 1967, and prior to March 15, 1967, are eligible to apply for adjustment assistance.

Background. A petition for a determination of eligibility to apply for adjustment assistance under the Automotive Products Trade Act of 1965 was filed with the Automotive Agreement Adjustment Assistance Board on April 17, 1967, by the International Union, United Automobile, Aerospace & Agricultural Implement Workers of America (U.A.W.), and its Local 664 of North Tarrytown, N.Y., on behalf of a group of workers at the Fisher Body plant. The petition alleged that the importation of Chevrolet automobiles from the Ste. Therese, Quebec plant of General Motors of Canada, Ltd., caused the layoff of workers from the Fisher Body plant on February 13, 1967. The petition further alleged that the layoff was the result of the Automotive Products Trade Act of 1965.

On April 21, 1967, the Automotive Assistance Committee of the Board requested the U.S. Tariff Commission to investigate and report on the facts relating to this petition (32 F.R. 6595, Apr. 28, 1967). Neither the petitioners nor any other party requested a hearing and none was held.

The Commission submitted its report on June 13, 1967 (APTA-W-14). The Commission stated that only certain sections of the report could be made public since much of the information it contains was received in confidence (32 F.R. 8739, June 17, 1967).

The Board, in addition, obtained advice from the Departments of the Treasury, Commerce, Labor, and the Small

[1] "For purposes of determining whether the changes specified in sec. 302(b) have taken place, it is necessary to determine both a current period and a base period. It is believed that 3 to 4 recent consecutive months would usually be representative of the current period, and that the base period should be the model year 1964, except in cases where this year is considered to be an atypical one.

"With respect to the term 'appreciably' in sec. 302(b), a change of 5 percent in production, imports, or exports would normally be an appreciable one * * *." H. Rept. No. 537 (Committee on Ways and Means), 89th Cong., 1st sess., on H.R. 9042, pp. 21-22.

[1] "For purposes of determining whether the changes specified in section 302(b) have taken place, it is necessary to determine both a current period and a base period. It is believed that three to four recent consecutive months would usually be representative of the current period, and that the base period should be the model year 1964, except in cases where this year is considered to be an atypical one.

"With respect to the term 'appreciably' in section 302(b), a change of 5 percent in production, imports, or exports would normally be an appreciable one * * *."

House Report No. 537 (Committee on Ways and Means), 89th Cong., 1st sess., on H.R. 9042, pp. 21-22.

Business Administration under section 302(f)(1) of the Act.

General Motors Corp. Output at the Tarrytown Fisher Body plant in the 1964–67 model years has been limited to bodies for the full-size Chevrolet assembled in the Tarrytown Chevrolet plant. These bodies are also produced at nine other U.S. plants and at two Canadian plants—Ste. Therese, from which 31,400 cars have been exported to the United States this year and Oshawa, which does not produce cars for the U.S. market.

General Motors stated that the United States-Canadian Automotive Products Agreement enabled it to concentrate on production of fewer models in Canada and replace the discontinued models by units produced in the United States. For the 1967 model year, General Motors of Canada stopped producing certain Buick, Oldsmobile, and Corvair passenger cars which could be more economically produced in the United States and started exporting full-size Chevrolets to the United States.

U.S. exports to Canada of General Motors cars for the current model year (through April) are 39,400 units, 31,600 more than in the prior year. For the same period, U.S. imports from Canada were 31,400 units. There were no imports in the 1966 model year. The increase in U.S. exports to Canada was primarily Buicks and Oldsmobiles and smaller Chevrolets, while the U.S. imports are full-size Chevrolets.

In the first 9 months of model year 1967, total production at the Tarrytown Fisher Body plant was down 15 percent compared with the same period in 1966—from about 142,000 to 120,000 bodies. The entire North American production of these Chevrolets has declined by about one-fourth in this same period. The Tarrytown plant's share of total North American production of full-size Chevrolet bodies increased from 11.5 percent in the model year 1966 period to 12.7 percent in model year 1967.

Conclusions and determinations—Automotive product. The Board concludes that the petitioners were employed in a plant of General Motors Corp. manufacturing an automotive product as defined by the Act: Passenger automobile bodies.

Dislocation. Dislocation in the case of a group of workers means actual or threatened unemployment or underemployment of a significant number or proportion of the workers of a firm or an appropriate subdivision thereof.

Layoffs at the plant involved about 450 persons in February and early March 1967.

The Tariff Commission report states that the workers whose jobs were eliminated through layoffs have plant-wide "bumping rights" in the Fisher Body plant over workers with less seniority. Hence, layoffs become plantwide, even if the jobs eliminated involved but one operation or one shift in the plant.

The Board determines that the entire Tarrytown Fisher Body plant is the appropriate subdivision of General Motors Corp. and that a significant number or proportion of the workers thereof have been dislocated (sec. 302(b)(1), Act; sec. 501.2(l)(2), Board Regulations).

Role of the operation of the Agreement. Under section 302(c) of the Act, if there is an appreciable decrease in U.S. production and an appreciable increase in imports from Canada of the Canadian automotive product concerned (sec. 302(b), Act), the appropriate group of workers must be certified as eligible to apply for adjustment assistance unless the Board determines that the operation of the Agreement has not been the primary factor in causing or threatening to cause the dislocation.[1]

In its report to the Board, the Tariff Commission stated that the number of automobile bodies produced during any model year is equivalent to the number of automobiles produced. It further stated that the United States neither imports nor exports built-up automobile bodies. Accordingly, data on production and trade in automobiles is the measure of production and trade in automobile bodies.

The Tariff Commission obtained data covering U.S. passenger automobile production and trade with Canada. In the 4-month period, January–April 1967, U.S. production was 13.7 percent below production during the corresponding period in model year 1964. The data on U.S. imports of automobiles produced in Canada show that there have been appreciable imports in model year 1967, and that there were no such imports from Canada in model year 1964.

The Board therefore determines that the economic criteria in section 302(b) of the Act are met.

Conclusions. The Board attached special significance to the increase in imports of full-size Chevrolets from Ste. Therese in 1967, the increase in employment at Ste. Therese, and the decrease in employment at Tarrytown. On the other hand, the Board took into account the general decline in North American production and sales of full-size Chevrolets, and the volume of output at the new plant at Lordstown, Ohio. The Board also considered the shifts in production among General Motors Corp. plants as a result of the rationalization made possible by the United States-Canadian Automotive Agreement.

The Board determines that the primary factor in the dislocation of approximately 400 of the 450 workers laid off during February and March was not the operation of the Agreement but was the decline in production and sales of full-size Chevrolets.

The Board determines that no factor other than the operation of the United States-Canadian Automotive Products Agreement has been the primary factor in causing the dislocation of the remaining workers—those laid off after February 19, 1967, and prior to March 15, 1967.

(Sec. 302, Automotive Products Trade Act of 1965, 79 Stat. 1018, Executive Order 11254, 30 F.R. 13569, the Automotive Agreement Adjustment Assistance Board Regulations, 48 CFR, Part 501; 31 F.R. 827; and Board Order No. 1, 31 F.R. 853)

Dated: June 23, 1967.

AUTOMOTIVE AGREEMENT ADJUSTMENT ASSISTANCE BOARD,
EDGAR I. EATON,
Executive Secretary.

[F.R. Doc. 67-7471; Filed, June 30, 1967; 8:46 a.m.]

[1] "For purposes of determining whether the changes specified in section 302(b) have taken place, it is necessary to determine both a current period and a base period. It is believed that three to four recent consecutive months would usually be representative of the current period, and that the base period should be the model year 1964, except in cases where this year is considered to be an atypical one.

"With respect to the term 'appreciably' in section 302(b), a change of 5 percent in production, imports, or exports would normally be an appreciable one * * *."

House Report No. 537 (Committee on Ways and Means), 89th Cong., 1st sess., on H.R. 9042, pp. 21–22.

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 16813, 16814; FCC 67 M-1069]

1400 CORP. (KBMI) AND JOSEPH JULIAN MARANDOLA

Order Continuing Hearing

In re applications of 1400 Corp. (KBMI), Henderson, Nev., Docket No. 16813, File No. BR-2937; for renewal of license of station KBMI; Joseph Julian Marandola, Henderson, Nev., Docket No. 16814, File No. BP-16411; for construction permit.

The Hearing Examiner having under consideration a joint motion filed June 23, 1967, in the above-captioned proceeding requesting that the date for exchange of exhibits be extended from June 23, 1967, to September 11, 1967, and the date for commencement of the hearing be extended from June 29, 1967, to September 25, 1967; and

It appearing that the parties have recently engaged in discussions directed toward the execution of an agreement providing for the assignment of Station KBMI from 1400 Corp. to Joseph Julian Marandola, and the additional time is requested to conclude the agreement and file an appropriate petition with the Review Board; and

It further appearing that the Broadcast Bureau has no objection to the immediate consideration and grant of this motion, and good cause for granting said motion having been shown;

It is ordered, That the joint motion filed June 23, 1967, in the above-captioned proceeding is granted, and the date for exchange of exhibits is extended from June 23, 1967, to September 11, 1967, and the date for commencement of the hearing is extended from June 29, 1967, to September 25, 1967.

Issued: June 26, 1967.

Released: June 27, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-7498; Filed, June 30, 1967; 8:47 a.m.]

[Docket No. 17469; FCC 67M-1071]

BLUEFIELD TELEVISION CABLE AND BLUEFIELD CABLE CORP.

Statement and Order After Further Prehearing Conference

In re petition of Bluefield Television Cable, Bluefield, W. Va., request for waiver of § 74.1103 of the Commission's rules and cease and desist order to be directed against Bluefield Cable Corp., Owner and operator of a CATV system at Bluefield, W. Va.; Docket No. 17469.

At the prehearing conference of June 23, 1967, among other things: *It was ordered,* That the hearing is rescheduled from July 12, to July 25, 1967.

Issued: June 26, 1967.

Released: June 27, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-7499; Filed, June 30, 1967; 8:47 a.m.]

[Docket No. 17333; FCC 67M-1076]

CALIFORNIA WATER AND TELEPHONE CO., ET AL.

Order Scheduling Hearing Conference

In the matter of California Water and Telephone Co.; The Associated Bell Systems Companies; The General Telephone System; and United Utilities, Inc., Companies, applicability of section 214 of the Communications Act with Regard to Tariffs for Channel Service for Use by Community Antenna Television Systems; Docket No. 17333.

In the light of certain exigencies in the above matter, of which the parties are well aware: *It is ordered,* That a hearing conference in this matter shall be held commencing at 9 a.m., July 11, 1967, in the Commission's offices in Washington, D. C.

Issued: June 27, 1967.

Released: June 28, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-7500; Filed, June 30, 1967; 8:47 a.m.]

[Docket Nos. 17470, 17471; FCC 67M-1068]

COMMUNITY BROADCASTERS, INC., AND WEST-STATE BROADCASTING CO.

Memorandum and Order Following Prehearing Conference

In re applications of Community Broadcasters, Inc., Grand Haven, Mich., Docket No. 17470, File No. BPH-5650; Charles E. Rich, John R. Parker, Diane E. LaBoueff, and Jack L. Maciejewski, doing business as West-State Broadcasting Co., Grand Haven, Mich.; Docket No. 17471; File No. BPH-5697; for construction permits.

At a prehearing conference held today agreement was reached on the subjects covered below.

Formal prehearing exchange of showings will be made on engineering presentations only. These dates will govern that exchange: preliminary exchange July 31, 1967, final exchange August 15, 1967. It is understood that substantial change in showings will not be made following final exchange.

Counsel will informally arrange for exchange of West-State Broadcasting's presentation under the financial qualification issue (Issue one).

A further prehearing conference will be held on August 21, 1967, at which a date for hearing will be set.

Accordingly, it is ordered, That hearing now scheduled for July 20, 1967, will be continued to a date to be determined at a further prehearing conference to be held at 9 a.m., August 21, 1967.

Issued: June 23, 1967.

Released: June 27, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-7501; Filed, June 30, 1967; 8:47 a.m.]

[Docket No. 17474; FCC 67M-1052]

MEL-LIN, INC. (WOBS)

Order Re Procedural Dates

In re application of Mel-Lin, Inc. (WOBS), Jacksonville, Fla., Docket No. 17474, File No. BP-14323; for construction permit.

Pursuant to a prehearing conference on June 22, 1967, the following procedural dates were established:

Preliminary exchange of exhibits—August 29, 1967;

Final exchange of exhibits—September 12, 1967;

Notification of witnesses desired for cross-examination—on or before September 15, 1967.

It is ordered, That the hearing now scheduled for July 19, 1967, be and the same is hereby rescheduled for September 19, 1967, at 10 a.m., in the Commission's offices, Washington, D.C.

Issued: June 22, 1967.

Released: June 28, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-7502; Filed, June 30, 1967; 8:47 a.m.]

[Docket Nos. 17420-17422; FCC 67M-1015]

MICHAEL S. RICE ET AL.

Memorandum and Order Following Prehearing Conference

In re applications of Michael S. Rice, St. Charles, Mo., Docket No. 17420, File No. BP-17043; First Capitol Radio, Inc., St. Charles, Mo., Docket No. 17421, File No. BP-17155; Cecil W. Roberts, St. Charles, Mo., Docket No. 17422, File No. BP-17156; for standard broadcast construction permits.

A prehearing conference was held today. At that conference two items were the subject of discussion: (1) Date for hearing; (2) exchange procedures.

As to date of hearing, the Examiner announced his inability to meet the hearing date now scheduled due to the condition of his own docket. In this connection, he stated that he could meet no hearing date that would fall substantially before November 1, 1967. Under the circumstances, the parties agreed to the date set forth in the ordering clause.

Exchange procedures were discussed at some length. Effort to work out an agreement establishing a formal set of exchange procedures broke down on counsel for Roberts' inability to agree that after some fixed date, before hearing, exchange material would not be subject to alteration (freeze date). Counsel did indicate that they would, among themselves, attempt to work out a set of informal exchange procedures. In this connection, it is understood that the Examiner will not be called upon to resolve private disputes between counsel that may arise during the course of these arrangements.

Accordingly, it is ordered, That hearing in this matter now scheduled for July 5, 1967, is continued to October 31, 1967.

Issued: June 16, 1967.

Released: June 19, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-7503; Filed, June 30, 1967; 8:47 a.m.]

[Docket Nos. 17454, 17455; FCC 67M-1067]

NEW YORK UNIVERSITY AND FAIRLEIGH DICKINSON UNIVERSITY

Order Continuing Hearing

In re applications of New York University, New York, N.Y., Docket No.

17454, File No. BPED-742; Fairleigh Dickinson University, Teaneck, N.J., Docket No. 17455, File No. BPED-751; for construction permits.

The Hearing Examiner having under consideration future procedural steps and dates in the above matter, and

It appearing that no official reporter was present to take the prehearing conference which was held on June 23, 1967, with all counsel present but that counsel for the applicants agreed to stipulate as to the agreements reached and that the same shall be embodied in a future order of the Hearing Examiner, and

It further appearing that one of the matters agreed to was the date for the hearing,

It is ordered, That the hearing now scheduled for July 24, 1967 is hereby rescheduled to commence at 10 a.m., October 17, 1967, in the Commission's offices in Washington, D.C.

Issued: June 23, 1967.

Released: June 27, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-7504; Filed, June 30, 1967; 8:47 a.m.]

[Docket Nos. 17541, 17542; FCC 67-739]

S R C, INC. AND SAN ANGELO INDEPENDENT SCHOOL DISTRICT NO. 226-903

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of S R C, Inc., San Angelo, Tex.; Docket No. 17541, File No. BPCT-3764; San Angelo Independent School District No. 226-903, San Angelo, Tex.; Docket No. 17542, File No. BPCT-3783; for construction permit for new television broadcast station.

1. The Commission has before it for consideration the above-captioned applications,[1] each requesting a construction permit for a new television broadcast station to operate on Channel 6, San Angelo, Tex. It appears that the applications are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference.

2. Based on information contained in the application of School District, the applicant will require approximately $160,000 in cash to construct and operate the proposed station for the first year.[2] To meet these requirements, the applicant relies upon the availability of $335,000 in existing capital, matching funds from the State of Texas of $10,500, a loan of $200,000 from Central National Bank of San Angelo, and donations of $5,000 from the Texas Cablevision Corp. and $25,000 from the Express Publishing Co. It cannot be determined the extent to which the alleged $335,000 in existing capital will be available for use for the proposed television station since all or part of it may represent funds earmarked for other purposes. Moreover, it cannot be ascertained whether matching funds will be available from the State of Texas since it cannot be determined whether the applicant has funds available to advance or whether funds will be available from the State of Texas for use of a noncommercial educational station on a channel not specifically reserved for that purpose. The proposed bank loan is for one year only and because it must be repaid within the year, the extent to which it represents available capital is offset by a corresponding increase in cash requirements in the first year. Moreover, the bank commitment is to expire, by its terms, August 31, 1967. Finally, the alleged donations are not supported by balance sheets or financial statements showing the financial ability of the proposed donors to meet their commitments. Consequently, it cannot be determined that the applicant is financially qualified.

3. School District, a noncommercial educational applicant, seeks a construction permit on an unreserved VHF channel although there is an unused reserved UHF channel (Channel *21) allocated to San Angelo. The applicant proposes to devote 22½ hours to in-school programing out of a total of 55 hours of programing per week, representing approximately 41 percent of total broadcast time. Under these circumstances, a question arises as to whether School District can accomplish its purposes by other means and whether the proposed use represents the best available use of the VHF channel. Flower City Television Corp., FCC 65-403, 5 RR 2d 434. Where, as here, one applicant proposes to use an unreserved channel for general commercial programing and another applicant proposes to use the channel for specialized programing, i.e., educational programing, and there is available for the latter's use a reserved channel in the same community which it has chosen not to utilize, a question arises as to which of the programing proposals would, on a comparative basis, better serve the public interest. Accordingly, because of the significant difference in the programing proposals of the applicants, evidence will be admissible under the standard comparative issue as to the programing proposals. Policy Statement on Comparative Broadcast Hearings, 1 FCC 2d 393, 5 RR 2d 1901; Ward L. Jones, FCC 67-82, released January 25, 1967 (Docket No. 17117).

4. Except as indicated by the issues specified below, each of the applicants appears to be qualified to construct, own and operate the proposed new television broadcast station. The Commission, however, is unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity and is of the opinion that they must be designated for hearing in a consolidated proceeding upon the issues set forth below.

Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications of S R C, Inc., and San Angelo Independent School District No. 226-903 are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order upon the following issues:

1. To determine, in connection with the application of San Angelo Independent School District:

a. The amount of cash which will be required to construct and operate the proposed station in the first year, the funds which will be available to meet those requirements, and, in the light of these facts, whether the applicant is financially qualified.

b. Whether the proposed use by the applicant represents the best available use of the VHF channel.

2. To determine which of the proposals would better serve the public interest, convenience, and necessity.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall within twenty (20) days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by section 1.594(g) of the rules.

Adopted: June 21, 1967.

Released: June 28, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[3]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-7506; Filed, June 30, 1967; 8:47 a.m.]

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[1] The Commission also has before it for consideration a petition to dismiss, filed Jan. 12, 1967, by S R C, Inc., against the School District application; an opposition thereto, filed Jan. 25, 1967, by School District; a reply thereto, filed Feb. 6, 1967, by S R C, Inc.; a postamendment "Supplement to Petition to Dismiss", filed Apr. 21, 1967, by S R C, following School District's amendment of its application on Mar. 9, 1967; an opposition thereto, filed May 4, 1967, by School District; and a reply thereto, filed May 15, 1967, by S R C. The pleadings are concerned with the financial aspects of the School District application.

[2] Consisting of down payment on equipment ($47,800), repayments on equipment ($35,700), interest on equipment ($5,712), land ($300), buildings ($6,000), miscellaneous expenses ($30,000), and operating expenses ($35,000), totalling $160,212.

[3] Commissioner Cox absent.

[Docket Nos. 16924-16926; FCC 67M-1072]

SUNSET BROADCASTING CORP. ET AL.

Order Scheduling Further Prehearing Conference

In re applications of Sunset Broadcasting Corp., Yakima, Wash., Docket No. 16924, File No. BPCT-3478; Apple Valley Broadcasting, Inc., Yakima, Wash., Docket No. 16925, File No. BPCT-3648; Northwest Television & Broadcasting Co. (a joint venture), Yakima, Wash., Docket No. 16926, File No. BPCT-3672; for construction permit for new television broadcast station at Yakima, Wash.

The Review Board having released an order herein on June 26, 1967;

It is ordered, That a further prehearing conference shall convene on July 6, 1967, at 9 a.m. in the offices of the Commission, Washington, D.C.

Issued: June 27, 1967.

Released: June 27, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-7506; Filed, June 30, 1967; 8:47 a.m.]

[Docket No. 17442; FCC 67M-1070]

VALLEY VISION, INC.

Order Continuing Prehearing Conference

In regard cease and desist order to be directed against the following CATV operation: Valley Vision, Inc., Operator of Community Antenna Television Systems at Jackson and Sutter Creek, Calif.; Docket No. 17442.

The Hearing Examiner having under consideration a petition filed June 23, 1967, on behalf of the above-captioned applicant requesting that the further prehearing conference scheduled for July 6, 1967, be continued until after the Commission has acted on applicant's petition for reconsideration; and

It appearing that the applicant, on June 14, 1967, filed a petition for reconsideration of the Commission's order to show cause which, if granted, would render it unnecessary to have a hearing in this proceeding; and

It further appearing that the Broadcast Bureau interposes no objection to the petition for continuance, and good cause for a continuance of the prehearing conference having been shown;

It is ordered, That the petition filed June 23, 1967, on behalf of the above-captioned applicant is granted to the extent that the further prehearing conference is continued from July 6, 1967, to July 31, 1967, beginning at 9 a.m. in the offices of the Commission, Washington, D.C.

Issued: June 26, 1967.

Released: June 27, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-7507; Filed, June 30, 1967; 8:47 a.m.]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License 1010]

TRANS ATLANTIC SHIPPING CO., LTD.

Revocation of License

Whereas, by order to show cause served June 19, 1967, the Federal Maritime Commission ordered that Trans Atlantic Shipping Co., Ltd., 52 Broadway, New York, N.Y. 10006, on or before June 23, 1967, either (1) submit a valid bond effective on or before June 28, 1967, or (2) show cause in writing or request a hearing to show cause why its license should not be suspended or revoked pursuant to section 44(d), Shipping Act, 1916 (46 U.S.C. 841b); and

Whereas, Trans Atlantic Shipping Co., Ltd. has failed within the time allotted to comply with the Commission's order to show cause;

Now, therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in its order to show cause served June 19, 1967:

It is ordered, That the independent ocean freight forwarder license of Trans Atlantic Shipping Co., Ltd. be and is hereby revoked, effective 12:01 a.m. June 28, 1967.

It is further ordered, That Trans Atlantic Shipping Co., Ltd. return Independent Ocean Freight Forwarder License No. 1010 to the Commission for cancellation.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served on licensee.

JAMES E. MAZURE,
Director,
Bureau of Domestic Regulation.

[F.R. Doc. 67-7497; Filed, June 30, 1967; 8:47 a.m.]

[Commission Order No. 1 (Rev.); Amdt. 1]

ORGANIZATION AND FUNCTIONS

Commission Order 1 (Revised) is hereby amended as follows:

Section 2.033(3) — Organizational Components, Managing Director, is amended as follows:

(3) Bureau of Compliance
a. Office of Hearing Counsel
b. Office of Carrier Agreements (Foreign Commerce)
c. Office of Tariffs and Informal Complaints (Foreign Commerce)
d. Office of Transport Economics

Section 5.033 is amended as follows:

The Bureau of Compliance administers the program activities of the Office of Hearing Counsel, the Office of Carrier Agreements (Foreign Commerce), the Office of Tariffs and Informal Complaints (Foreign Commerce), and the Office of Transport Economics as hereinafter stated.

Section 5.033(b) is amended to read:

b. The Office of Carrier Agreements (Foreign Commerce) (1) receives and examines agreements and modifications thereto filed by common carriers by water in the foreign commerce of the United States for approval under statutory requirements; conducts negotiations and correspondence with parties to such agreements for the purpose of obtaining information and data thereon; prepares and publishes notices of filing of agreements in the FEDERAL REGISTER; prepares recommendations for approval, disapproval, or modification, or for formal investigation or hearing with respect thereto (these agreements include conference agreements, transshipment agreements, joint service agreements, pooling agreements, sailing agreements, passenger interchange agreements, and other cooperative working arrangements); (2) receives, examines, and processes requests for permission to use contract rate systems as required under section 14b of the Shipping Act, 1916; (3) reviews annual and special reports submitted by common carriers by water in the foreign commerce of the United States and conferences of such carriers, including minutes of conference meetings, shippers' requests and complaints reports, reports of self-policing, pooling statements and informal complaints arising directly from possible violations of approved agreements and operations under alleged unfiled and unapproved agreements; and takes necessary action with respect to any such reports or activities which indicate possible violations of applicable statutes or Commission regulations; (4) conducts studies and surveys for the purpose of recommending new or revised policy and standards or publication of rules and regulations with respect to carrier agreements subject to Commission approval.

Section 5.033(c) is renumbered as section 5.033(d) and there is added a new section 5.033(c) as follows:

c. The Office of Tariffs and Informal Complaints (Foreign Commerce) (1) reviews the rates and practices of common carriers by water engaged in the foreign commerce of the United States and conferences of such carriers in accordance with the requirements of law and the rules, orders, and regulations of the Commission; takes action with respect to applications for special permission to file tariffs on less than statutory notice or for waiver of tariff filing rules and regulations; (2) reviews informal complaints or protests against the practices, methods, and operations of common carriers in the foreign commerce

of the United States or conferences of such carriers, against existing or proposed tariffs, rates, charges, regulations, or rules of such carriers or conferences; develops information and facts from the parties on a voluntary basis (but does not conduct formal investigation); and (a) concludes such complaints and protests by process of voluntary agreement between the parties or administrative determination that the complaint or protest fails to represent a violation of the shipping statutes or the rules or orders of the Commission or (b) requests the Bureau of Investigation to develop additional information and data through field investigation, and (c) prepares recommendations, collaborating with the Bureau of Hearing Counsel, for formal action and proceedings by the Commission; (3) conducts studies and surveys for the purpose of recommending new or revised policy and standards, or publication of rules and regulations with respect to tariffs and informal complaints filed by common carriers by water in the foreign commerce of the United States, and conferences of such carriers.

The organizational designations within the Bureau of Compliance as they appear elsewhere in the Manual of Orders are hereby changed to be consistent with this Order.

Effective: July 2, 1967.

JOHN HARLLEE,
Rear Admiral, U.S. Navy (Retired)
Chairman.

[F.R. Doc. 67-7611; Filed, June 30, 1967; 8:50 a.m.]

[Commission Order 251 (Rev.)]

INFORMAL COMPLAINTS

Responsibility and Procedures for Handling

SECTION 1. *Purpose.* 1.01 The purpose of this order is to assign responsibility for, and establish procedures for, the handling of informal complaints.

SEC. 2. *Responsibility of the District Managers.* 2.01 The District Managers shall be responsible for receiving, evaluating and concluding all informal complaints filed directly with them or referred by the Washington staff under the following conditions:

1. Informal complaints referred by the Washington Bureaus the substance of which indicates the probability of faster resolution of the problems by the District Managers.

2. Informal complaints received directly by the District Managers providing the substance thereof, if true, would not constitute statutory violations or violations of the Commission's own rules and orders, except as limited by section 7.

SEC. 3. *Responsibility of the Alaska Area Representative.* 3.01 The Alaska Area Representative shall be responsible for evaluating and concluding all informal complaints referred by the Washington Bureaus for such action.

SEC. 4. *Responsibilities of the Bureau of Compliance, Office of Tariffs and Informal Complaints (Foreign Commerce) and the Bureau of Domestic Regulation, Division of Domestic Offshore Carriers.* 4.01 The Office of Tariffs and Informal Complaints (Foreign Commerce) and the Division of Domestic Offshore Carriers, within their respective functional areas, shall be responsible for receiving, evaluating and concluding all informal complaints, the handling of which has not been assigned to the District Offices by sections 2 and 3 of this order.

SEC. 5. *Submission of informal complaints by the public.* 5.01 There are no forms or specific requirements for the filing of an informal complaint with the Commission. It may be submitted in the form of a letter addressed to any one of the officials designated below at the locations indicated. These officials also are available for information and advice concerning the filing of informal complaints.

Chief, Office of Tariffs and Informal Complaints (Foreign Commerce) Bureau of Compliance, Federal Maritime Commission, 1321 H Street NW., Washington, D.C. 20573.

Chief, Division of Domestic Offshore Carriers, Bureau of Domestic Regulation, Federal Maritime Commission, 1321 H Street NW., Washington, D.C. 20573.

District Manager, Federal Maritime Commission, 45 Broadway, Room 603, New York, N.Y. 10006.

District Manager, Federal Maritime Commission, Post Office Box 30550, 600 South Street, Room 946, New Orleans, La. 70130.

District Manager, Federal Maritime Commission, 450 Golden Gate Avenue, Room 15001, Post Office Box 36067, San Francisco, Calif. 94102.

Area Representative, Federal Maritime Commission, Federal Building, Room 30, Anchorage, Alaska 99501.

5.02 Informal complaints involving a request for adjustment of a freight rate, including the establishment of an initial rate on a commodity for which a rate has not previously been filed, should contain:

1. An identification of the commodity and rate adjustment sought, past and estimated future movement of the commodity, and trade area involved.

2. The complainant's reasons for requesting the adjustment and why he disagrees with the position taken by the carriers or conferences.

3. The names of the carriers or conferences involved together with copies of any correspondence which he has had with them or a résumé of facts if the shipper contacted the carriers or conferences in person.

5.03 Informal complaints involving matters other than requests for establishment or adjustment of rates, such as alleged discriminatory actions, rebates, or other unfair practices of the carrier or conference, or other alleged violations of the statute, should contain:

1. A statement of the nature of the violation.

2. An explanation of how the complainant is being harmed by the action complained of.

3. The name and address of the carrier, conference, terminal operator, or freight forwarder against whom the complaint is being made.

4. The dates on which the actions complained of took place.

5. A statement of pertinent facts, such as the name of the vessel involved, date of sailing, date of entry or exit at port of loading or discharge, date on which cargo was booked or date of other significant events.

6. Copies of any pertinent documents.

7. Copies of correspondence with the carrier and/or conference, terminal operator, or freight forwarder concerning the complaint matter.

8. A statement whether the complainant has any objection to disclosure of his identity, since it may be necessary for the Commission to communicate with the person against whom the complaint was made.

SEC. 6. *Internal procedure.* 6.01 Upon receipt of an informal complaint, it shall be reviewed as to the jurisdiction of the Federal Maritime Commission over the parties involved and the subject matter. Those complaints not within the jurisdiction of the Commission shall be immediately acknowledged with copy to the agency having jurisdiction, and the complainant so informed of this fact.

6.02 Complaints within the jurisdiction of the Commission shall be acknowledged in writing or by phone upon receipt or as soon thereafter as appropriate to avoid followup correspondence by the complainant; thereafter the procedure outlined in sections 6.03 through 6.05 of this Order shall be followed.

6.03 All informal complaints within the jurisdiction of the Commission and which could involve statutory violations shall be discussed fully with the Director, Bureau of Investigation, or his designee if the complaint is within the area of responsibility of the Office of Tariffs and Informal Complaints (Foreign Commerce) or the Division of Domestic Offshore Carriers; complaints within the area of responsibility of the District Managers shall in all cases be discussed fully with the Chief Investigator in his district. These initial contacts are for the express purpose of developing any information or facts having a bearing upon the parties or the substance of the complaint, and the most feasible method of handling the matter.

6.04 For informal complaints not falling within the limitations of section 7, the District Managers and the Office of Tariffs and Informal Complaints (Foreign Commerce) and the Division of Domestic Offshore Carriers, within their respective functional areas, shall develop full and accurate facts essential to the resolution of the complaint.

6.05 The District Managers, and the Alaska Area Representative, the Office of Tariffs and Informal Complaints (Foreign Commerce) and the Division of Domestic Offshore Carriers, within their respective spheres of activity shall determine substance or lack of substance of the complaint and shall take the action indicated below:

1. District Managers shall (a) if the complaint lacks substance or does not represent a violation of statute or the Commission's rules and orders, advise the interested parties of this fact, obtaining where feasible and possible a settlement of the matter through mutual agreement of the parties; or (b) if the complaint contains substance, in the form of a violation of the statutes or the Commission's own rules and orders, refer the complaint and a report of all information and facts developed to the appropriate Washington Bureau; in this connection, the District Managers shall refer to the appropriate Washington bureau any complaint, wherever the facts developed to date indicate in his judgment an apparent violation of law or the Commission's rules or orders (upon making this determination, the District Managers shall terminate all efforts in the development of further information or facts); (c) in addition complaints shall be referred to the appropriate Washington Bureau when they require legal interpretation or present legal argument, involve complex questions as to rates or classifications, involve questions of policy or interpretation of statutes or orders, rules or regulations of the Commission for which no precedent has been established or involves the resolution of a matter having far-reaching effect.

2. The Office of Tariffs and Informal Complaints (Foreign Commerce) and Division of Domestic Offshore Carriers shall (a) if the complaint lacks substance or does not represent a violation of statutes or the Commission's rules and orders, advise the interested parties of this fact, obtaining where feasible and possible a settlement of the matter through mutual agreement of the parties; or (b) if the complaint contains substance in the form of a violation of statute or the Commission's rules and orders, request, as appropriate, the Bureau of Investigation to conduct such investigation as may be necessary to develop full facts and upon receipt of the investigative report, resolve the matter within the framework of existing policy or prepare a memorandum to the Commission recommending appropriate action.

3. The Alaska Area Representative (a) after acknowledgment required by section 6.02, shall refer all complaints filed directly with the area office, to the Deputy Managing Director for determination of course of action; (b) as to those complaints referred pursuant to section 3, if the complaint lacks substance or does not represent a violation of statute or the Commission's rules and orders, advise the interested parties of this fact, obtaining where feasible and possible a settlement of the matter through mutual agreement of the parties.

SEC. 7. *Limitations.* 7.01 Whenever an informal complaint relates directly or indirectly to a matter under formal investigation and hearing or pending other action of the Commission, it shall be referred by the District Managers, or Washington staff personnel to the Director, Bureau of Compliance or Director, Bureau of Domestic Regulation as appropriate, for determination of course of action to be taken; acknowledgment of such complaints shall be made by the Washington Bureau.

7.02 The District Managers shall refer to the appropriate Washington Bureau all complaints from Members of Congress, Governors of States or heads of Government agencies after acknowledgment as provided in section 6.02; copy of such referral shall be forwarded to the Deputy Managing Director.

7.03 The Commission will follow a policy of nondisclosure of the identity of the complainant whenever it appears that disclosure would be inimical to the complainant's interests, or whenever the complainant requests that his identity be kept confidential.

SEC. 8. *Review of staff action.* 8.01 A complainant not satisfied with the disposal of his informal complaint by the staff, as provided in section 6.05 of this order, may request the matter be reopened and reviewed by the Managing Director.

SEC. 9. *Effect on other orders.* 9.01 In the Federal Maritime Commission Manual of Orders, this supersedes Commission Order No. 251 dated June 15, 1964.

Approved: June 28, 1967.

EDWARD SCHMELTZER,
Managing Director.

[F.R. Doc. 67-7612; Filed, June 30, 1967; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. E-7360]

CONSUMERS POWER CO.

Notice of Application

JUNE 22, 1967.

Take notice that on June 9, 1967, Consumers Power Co. (Applicant), filed an application pursuant to section 203 of the Federal Power Act seeking an order authorizing the acquisition of the electric facilities of the city of Allegan, Mich.

Applicant is incorporated under the laws of the State of Maine with its principal business office at Jackson, Mich., and is engaged in the electric and gas utility business in 67 of the 68 counties in the Lower Peninsula of Michigan.

Allegan is a municipal corporation organized under the laws of the State of Michigan and is engaged in the generation and distribution of electricity in the city of Allegan, Mich., and environs, serving a total of 1,482 residential and 356 commercial and industrial customers. Applicant presently distributes electricity in the city of Allegan to 224 residential and to 44 commercial and industrial customers.

The facilities to be acquired comprise an electric generating and distribution system presently providing service to the city of Allegan and includes, among other things, a 2,550 kw hydroelectric plant licensed as FPC Project No. 785, a 4,576 kw diesel plant, 7 miles of a 25 kv transmission circuit and approximately 30 miles of associated distribution circuits, including a street lighting system.

Applicant plans to serve Allegan from its integrated electric system and to incorporate the acquired generating facilities into its system. After the transaction Applicant proposes to operate the hydroelectric plant 8 hours per day rather than 24 hours as is presently the case. Applicant has agreed to pay $1,782,000 for the subject facilities.

Any person desiring to be heard or to make any protest with reference to the application should, on or before July 15, 1967, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and is available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-7541; Filed, June 30, 1967; 8:50 a.m.]

[Docket No. E-7361]

PACIFIC POWER & LIGHT CO.

Notice of Application

JUNE 22, 1967.

Take notice that on June 12, 1962, Pacific Power & Light Co. (Applicant) filed an application seeking an order pursuant to section 203 of the Federal Power Act authorizing the acquisition of the electric utility system of Farm Light and Power Co. (Farm).

Applicant is incorporated under the laws of the State of Maine with its principal business office at Portland, Oreg., and is engaged in the electric utility business in the States of Oregon, Wyoming, Washington, California, Montana, and Idaho.

Farm is incorporated under the laws of Wyoming and is engaged in the distribution of electric energy for sale to its members near the city of Powell, Park County, Wyo.

The facilities to be acquired consist of all the electric distribution system and associated facilities owned, operated, and maintained by Farm. These facilities provide service to approximately 231 customers, of which 212 are residential, 18 are commercial and industrial and one is a government and municipal customer. Applicant has agreed to pay $140,000 for these facilities.

Any person desiring to be heard or to make any protest with reference to the application should, on or before July 15, 1967, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protest in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and is available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-7542; Filed, June 30, 1967; 8:50 a.m.]

[Docket No. E-7362]

PACIFIC POWER & LIGHT CO.

Notice of Application

JUNE 23, 1967.

Take notice that on June 19, 1967, Pacific Power & Light Co. (Applicant) filed an application pursuant to section 203 of the Federal Power Act authorizing the acquisition of certain electric facilities now owned by the United States.

Applicant is incorporated under the laws of the State of Maine with its principal business office at Portland, Oreg., and is engaged in the electric utility business in the States of Oregon, Wyoming, Washington, California, Montana, and Idaho.

The facilities to be acquired consist of 5.4 miles of 23 kv electric power transmission line extending from the bus at Bonneville Power Administration's Astoria Substation to the Tongue Point Substation and other associated electric equipment all located near Astoria, Oreg. Applicant proposes to pay $117,750 for these facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 15, 1967, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-7543; Filed, June 30, 1967; 8:50 a.m.]

FEDERAL RESERVE SYSTEM

Federal Open Market Committee

RULES OF ORGANIZATION

Effective July 4, 1967, the Rules of Organization of the Federal Open Market Committee are as follows:

SECTION 1 Basis and scope. These rules are issued by the Federal Open Market Committee (the "Committee") pursuant to the requirement of section 552 of Title 5 of the United States Code that every agency shall publish in the FEDERAL REGISTER a description of its central and field organization.

SEC. 2 *Composition and meetings of committee.* (a) *Members.* The Federal Open Market Committee consists of the members of the Board of Governors of the Federal Reserve System and five representatives of the Federal Reserve Banks who are Presidents or First Vice Presidents of such banks. The representatives of the Federal Reserve Banks, and an alternate for each representative, are elected in accordance with section 12A of the Federal Reserve Act for terms of one year commencing on March 1 of each year.

(b) *Chairman and Vice Chairman.* At its first meeting on or after March 1 of each year, the Committee selects a Chairman and a Vice Chairman from among its membership.

(c) *Meetings.* The Committee meets at Washington, D.C., on call by the Chairman of the Board of Governors of the Federal Reserve System or at the request of three members of the Committee, at least four times each year and oftener if deemed necessary.

SEC. 3 *Personnel.* (a) *Official Staff.* The official staff of the Federal Open Market Committee includes its Secretary and Assistant Secretaries, General Counsel and Assistant General Counsel, and Economist and Associate Economists, who perform the duties indicated by their titles. These staff members are selected from among the officers and employees of the Board of Governors of the Federal Reserve System and the Federal Reserve Banks. In addition, one of the Federal Reserve Banks is selected by the Committee to execute transactions for the System Open Market Account; and the Committee selects a Manager of the System Open Market Account and a Special Manager for foreign currency operations for such Account, both of whom shall be satisfactory to such Federal Reserve Bank.

(b) *Others.* The services of other officers and employees of the Board of Governors of the Federal Reserve System and Federal Reserve Banks are made available and are utilized by the Committee as required.

Dated at Washington, D.C., this 20th day of June 1967.

By order of the Federal Open Market Committee.

ROBERT C. HOLLAND,
Secretary.

[F.R. Doc. 67-7523; Filed, June 30, 1967; 8:49 a.m.]

AUTHORIZATION AND DIRECTIVES

In accordance with its Rules Regarding Availability of Information (12 CFR Part 271), as revised effective July 4, 1967, there are set forth below the following authorization and directives of the Committee: (A) Authorization for system foreign currency operations, (B) foreign currency directive, (C) continuing authority directive with respect to domestic open market operations, and (D) current economic policy directive issued at the meeting held on April 4, 1967.[1]

A. Authorization for system foreign currency operations (as amended effective May 17, 1967).

1. The Federal Open Market Committee authorizes and directs the Federal Reserve Bank of New York, for System Open Market Account, to the extent necessary to carry out the Committee's foreign currency directive:

A. To purchase and sell the following foreign currencies in the form of cable transfers through spot or forward transactions on the open market at home and abroad, including transactions with the U.S. Stabilization Fund established by section 10 of the Gold Reserve Act of 1934, with foreign monetary authorities, and with the Bank for International Settlements:

Austrian schillings.	Japanese yen.
Belgian francs.	Mexican pesos.
Canadian dollars	Netherlands guilders.
Danish kroner.	Norwegian kroner.
Pounds sterling.	Swedish kronor.
French francs.	Swiss francs.
German marks.	
Italian lire.	

B. To hold foreign currencies listed in paragraph A above, up to the following limits:

(1) Currencies held spot or purchased forward, up to the amounts necessary to fulfill outstanding forward commitments;

(2) Additional currencies held spot or purchased forward, up to the amount necessary for System operations to exert a market influence but not exceeding $150 million equivalent; and

(3) Sterling purchased on a covered or guaranteed basis in terms of the dollar, under agreement with the Bank of England, up to $200 million equivalent.

C. To have outstanding forward commitments undertaken under paragraph A above to deliver foreign currencies, up to the following limits:

(1) Commitments to deliver to the Stabilization Fund foreign currencies in which the U.S. Treasury has outstanding indebtedness, up to $200 million equivalent;

(2) Commitments to deliver Italian lire, under special arrangements with the Bank of Italy, up to $500 million equivalent; and

(3) Other forward commitments to deliver foreign currencies, up to $275 million equivalent.

D. To draw foreign currencies and to permit foreign banks to draw dollars under the reciprocal currency arrangements listed in paragraph 2 below, provided that drawings by either party to any such arrangement shall be fully liquidated within 12 months after any amount outstanding at that time was first drawn, unless the Committee, because of exceptional circumstances, specifically authorizes a delay.

2. The Federal Open Market Committee directs the Federal Reserve Bank of New York to maintain reciprocal currency arrangements ("swap" arrangements) for System Open Market Account with the following foreign banks, which are among those designated by the Board of Governors of the Federal Reserve System under § 214.5 of Regulation N, Relations with Foreign Banks and Bankers, and with the approval of the Committee to renew such arrangements on maturity:

Foreign bank	Amount of arrangement (millions of dollars equivalent)	Maximum period of arrangement (months)
Austrian National Bank	100	12
National Bank of Belgium	150	12
Bank of Canada	800	12
National Bank of Denmark	100	12
Bank of England	1,250	12
Bank of France	150	3
German Federal Bank	400	6
Bank of Italy	800	12
Bank of Japan	450	12
Bank of Mexico	130	12
Netherlands Bank	100	3
Bank of Norway	100	12
Bank of Sweden	100	12
Swiss National Bank	200	6
Bank for International Settlements:		
System drawings in Swiss francs	200	6
System drawings in authorized European currencies other than Swiss francs	200	6

3. All transactions in foreign currencies undertaken under paragraph 1(A) above shall be at prevailing market rates and no attempt shall be made to establish rates that appear to be out of line with underlying market forces. Insofar as is practicable, foreign currencies shall be purchased through spot transactions when rates for those currencies are at or below par and sold through spot transactions when such rates are at or above par, except when transactions at other rates (i) are specifically authorized by the Committee, (ii) are necessary to acquire currencies to meet System commitments, or (iii) are necessary to acquire currencies for the Stabilization Fund: *Provided*, That these currencies are resold forward to the Stabilization Fund at the same rate.

4. It shall be the practice to arrange with foreign central banks for the coordination of foreign currency transactions. In making operating arrangements with foreign central banks on System holdings of foreign currencies, the Federal Reserve Bank of New York shall not commit itself to maintain any specific balance, unless authorized by the Federal Open Market Committee. Any agreements or understandings concerning the administration of the accounts maintained by the Federal Reserve Bank of New York with the foreign banks designated by the Board of Governors under § 214.5 of Regulation N shall be referred for review and approval to the Committee.

5. Foreign currency holdings shall be invested insofar as practicable, considering needs for minimum working balances. Such investments shall be in accordance with section 14(e) of the Federal Reserve Act.

6. A subcommittee consisting of the Chairman and the Vice Chairman of the Committee and the Vice Chairman of the Board of Governors (or in the absence of the Chairman or of the Vice Chairman of the Board of Governors the members of the Board designated by the Chairman as alternates, and in the absence of the Vice Chairman of the Committee his alternate) is authorized to act on behalf of the Committee when it is necessary to enable the Federal Reserve Bank of New York to engage in foreign currency operations before the Committee can be consulted. All actions taken by the subcommittee under this paragraph shall be reported promptly to the Committee.

7. The Chairman (and in his absence the Vice Chairman of the Committee, and in the absence of both the Vice Chairman of the Board of Governors) is authorized:

A. With the approval of the Committee, to enter into any needed agreement or understanding with the Secretary of the Treasury about the division of responsibility for foreign currency operations between the System and the Secretary;

B. To keep the Secretary of the Treasury fully advised concerning System foreign currency operations, and to consult with the Secretary on such policy matters as may relate to the Secretary's responsibilities; and

C. From time to time, to transmit appropriate reports and information to the National Advisory Council on International Monetary and Financial Policies.

8. Staff officers of the Committee are authorized to transmit pertinent information on System foreign currency operations to appropriate officials of the Treasury Department.

9. All Federal Reserve Banks shall participate in the foreign currency operations for System Account in accordance with paragraph 3G(1) of the Board of Governors' Statement of Procedure with Respect to Foreign Relationships of Federal Reserve Banks dated January 1, 1944.

10. The Special Manager of the System Open Market Account for foreign currency operations shall keep the Committee informed on conditions in foreign exchange markets and on transactions he has made and shall render such reports as the Committee may specify.

B. Foreign currency directive (as readopted Mar. 7, 1967).

1. The basic purposes of System operations in foreign currencies are:

A. To help safeguard the value of the dollar in international exchange markets;

B. To aid in making the system of international payments more efficient;

C. To further monetary cooperation with central banks of other countries having convertible currencies, with the International Monetary Fund, and with other international payments institutions;

D. To help insure that market movements in exchange rates, within the limits stated in the International Monetary Fund Agreement or established by central bank practices, reflect the interaction of underlying economic forces and thus serve as efficient guides to current financial decisions, private and public; and

E. To facilitate growth in international liquidity in accordance with the needs of an expanding world economy.

2. Unless otherwise expressly authorized by the Federal Open Market Committee, System operations in foreign currencies shall be undertaken only when necessary:

A. To cushion or moderate fluctuations in the flows of international payments, if such fluctuations (1) are deemed to reflect transitional market unsettlement or other temporary forces and therefore are expected to be reversed in the foreseeable future; and (2) are deemed to be disequilibrating or otherwise to have potentially destabilizing effects on U.S. or foreign official reserves or on exchange markets, for example, by occasioning market anxieties, undesirable speculative activity, or excessive leads and lags in international payments;

B. To temper and smooth out abrupt changes in spot exchange rates, and to moderate forward premiums and discounts judged to be disequilibrating. Whenever supply or demand persists in influencing exchange rates in one direction, System transactions should be modified or curtailed unless upon review and reassessment of the situation the Committee directs otherwise;

C. To aid in avoiding disorderly conditions in exchange markets. Special factors that might make for exchange market instabilities include (1) responses to short-run increases in international political tension, (2) differences in phasing of international economic activity that give rise to unusually large interest rate differentials between major markets, and (3) market rumors of a character likely to stimulate speculative transactions. Whenever exchange market instability threatens to produce disorderly conditions, System transactions may be undertaken if the Special Manager reaches a judgment that they may help to reestablish supply and demand balance at a level more consistent with the prevailing flow of underlying payments. In such cases, the Special Manager shall consult as soon as practicable with the Committee or, in an emergency, with the members of the Subcommittee designated for that purpose in paragraph 6 of the Authorization for System foreign currency operations; and

D. To adjust System balances within the limits established in the Authorization for System foreign currency operations in light of probable future needs for currencies.

[1] The record of policy actions of the Committee for the first four meetings during 1967 is filed as a part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

3. System drawings under the swap arrangements are appropriate when necessary to obtain foreign currencies for the purposes stated in paragraph 2 above.

4. Unless otherwise expressly authorized by the Committee, transactions in forward exchange, either outright or in conjunction with spot transactions, may be undertaken only (i) to prevent forward premiums or discounts from giving rise to disequilibrating movements of short-term funds; (ii) to minimize speculative disturbances; (iii) to supplement existing market supplies of forward cover, directly or indirectly, as a means of encouraging the retention or accumulation of dollar holdings by private foreign holders; (iv) to allow greater flexibility in covering System or Treasury commitments, including commitments under swap arrangements; (v) to facilitate the use of one currency for the settlement of System or Treasury commitments denominated in other currencies; and (vi) to provide cover for System holdings of foreign currencies.

C. Continuing authority directive with respect to domestic open market operations (as amended Mar. 7, 1967).

1. The Federal Open Market Committee authorizes and directs the Federal Reserve Bank of New York, to the extent necessary to carry out the most recent current economic policy directive adopted at a meeting of the Committee:

(a) To buy or sell U.S. Government securities in the open market, from or to Government securities dealers and foreign and international accounts maintained at the Federal Reserve Bank of New York, on a cash, regular, or deferred delivery basis, for the System Open Market Account at market prices and, for such Account, to exchange maturing U.S. Government securities with the Treasury or allow them to mature without replacement; provided that the aggregate amount of such securities held in such Account at the close of business on the day of a meeting of the Committee at which action is taken with respect to a current economic policy directive shall not be increased or decreased by more than $2 billion during the period commencing with the opening of business on the day following such meeting and ending with the close of business on the day of the next such meeting;

(b) To buy or sell prime bankers' acceptances of the kinds designated in the Regulation of the Federal Open Market Committee in the open market, from or to acceptance dealers and foreign accounts maintained at the Federal Reserve Bank of New York, on a cash, regular, or deferred delivery basis, for the account of the Federal Reserve Bank of New York at market discount rates; provided that the aggregate amount of bankers' acceptances held at any one time shall not exceed (1) $125 million or (2) 10 percent of the total of bankers' acceptances outstanding as shown in the most recent acceptance survey conducted by the Federal Reserve Bank of New York, whichever is the lower;

(c) To buy U.S. Government securities, obligations that are direct obligations of, or fully guaranteed as to principal and interest by, any agency of the United States, and prime bankers' acceptances with maturities of 6 months or less at the time of purchase, from nonbank dealers for the account of the Federal Reserve Bank of New York under agreements for repurchase of such securities, obligations, or acceptances in 15 calendar days or less, at rates not less than (1) the discount rate of the Federal Reserve Bank of New York at the time such agreement is entered into, or (2) the average issuing rate on the most recent issue of 3-month Treasury bills, whichever is the lower: *Provided*, That in the event Government securities or agency issues covered by any such agreement are not repurchased by the dealer pursuant to the agreement or a renewal thereof, they shall be sold in the market or transferred to the System Open Market Account: *And provided further*, That in the event bankers' acceptances covered by any such agreement are not repurchased by the seller, they shall continue to be held by the Federal Reserve Bank or shall be sold in the open market.

2. The Federal Open Market Committee authorizes and directs the Federal Reserve Bank of New York to purchase directly from the Treasury for the account of the Federal Reserve Bank of New York (with discretion, in cases where it seems desirable, to issue participations to one or more Federal Reserve Banks) such amounts of special short-term certificates of indebtedness as may be necessary from time to time for the temporary accommodation of the Treasury: *Provided*, That the rate charged on such certificates shall be a rate one-fourth of 1 percent below the discount rate of the Federal Reserve Bank of New York at the time of such purchases: *And provided further*, That the total amount of such certificates held at any one time by the Federal Reserve Banks shall not exceed $1 billion.

D. Current economic policy directive issued at meeting held on April 4, 1967 (in effect until May 2, 1967).

The economic and financial developments reviewed at this meeting support earlier indications of a marked slowing of expansion in overall economic activity. Retail sales have continued sluggish and curtailment in the rate of business inventory accumulation is in process. Average commodity prices have changed little recently, but unit labor costs in manufacturing have risen further. Bank credit expansion has remained vigorous, short-term interest rates have declined markedly further, and long-term rates have moved down somewhat despite very heavy securities market flotations. The balance of payments deficit increased in the first quarter despite some improvement in the foreign trade surplus. In several important countries abroad, monetary and fiscal policies have eased further in response to slackened economic activity. In this situation, it is the Federal Open Market Committee's policy to foster money and credit conditions, including bank credit growth, conducive to combatting the effects of weakening tendencies in the economy, while recognizing the need for progress toward reasonable equilibrium in the country's balance of payments.

To implement this policy, System open market operations until the next meeting of the Committee shall be conducted with a view to attaining somewhat easier conditions in the money market, and to attaining still easier conditions if bank credit appears to be expanding significantly less than currently anticipated.

Dated at Washington, D.C., this 20th day of June 1967.

By order of the Federal Open Market Committee.

[SEAL] ROBERT C. HOLLAND, *Secretary.*

[F.R. Doc. 67-7524; Filed, June 30, 1967; 8:49 a.m.]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 67-1]

LEONARD R. SAYLES

Certification to Act Before NASA on Behalf of National Academy of Sciences

In accordance with the authority contained in Title 18, U.S. Code, section 205, and for purposes of sections 203 and 205 of Title 18, I hereby certify that in my judgment the national interest requires that Dr. Leonard R. Sayles be permitted to act before NASA on behalf of the National Academy of Sciences in connection with the performance of work under NASA Contract No. 09-012-(914).

Effective date: June 1, 1967.

JAMES E. WEBB, *Administrator.*

[F.R. Doc. 67-7508; Filed, June 30, 1967; 8:47 a.m.]

GENERAL SERVICES ADMINISTRATION

ORGANIZATION AND FUNCTIONS

The following description of the General Services Administration is published in accordance with Public Law 90-23, approved June 5, 1967 (5 U.S.C. 552).

Creation and Authority. The General Services Administration was established by Section 101 of the Federal Property and Administrative Services Act of 1949 (63 Stat. 379), effective July 1, 1949. The act consolidated and transferred to the Administration a variety of real and personal property and related functions formerly assigned to various agencies.

Purpose. The General Services Administration was established to provide for the Government an economical and efficient system for the management of its property and records, including such phases as construction and operation of buildings, procurement and distribution of supplies, disposal of surplus property, traffic and communications management, stockpiling of strategic and critical materials, and creation, preservation, and disposal of records.

Organization. The General Services Administration is an independent agency in the executive branch of the Government. The work of the Administration as a whole is directed by the Administrator, assisted by the Deputy Administrator. The services and staff offices are described below.

General Regulations. Regulations of the General Services Administration and its components are codified in the Code of Federal Regulations under Title 41, Chapters 1, 5, 5A–5D, 101, and 105. Title 41 of the Code of Federal Regulations is available at most legal and depository libraries, at the General Services Administration and its regional offices, and copies may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402, at prices established by that office.

Locations of Material Available for Public Inspection. Locations of reading rooms containing materials available for public inspection and copying are outlined under Chapter 105, Part 105-60, Title 41, Code of Federal Regulations.

Addresses and Telephone Numbers. The Office of the Administrator, the staff offices, and the principal offices of each of the services, except the National Archives and Records Service, are located in the General Services Building, 18th and F Streets, NW., Washington, D.C. 20405. The telephone is Area Code 202-343-1100. The National Archives and Records Service is located in the Archives Building, Eighth and Pennsylvania Avenue, NW., Washington, D.C. 20408. The telephone is Area Code 202-963-6404. The addresses of the 10 regional offices are provided in a table under that heading.

OFFICE OF THE ADMINISTRATOR

The Administrator of General Services, appointed by the President by and with the advice and consent of the Senate, directs the programs of the General Services Administration. The Deputy Administrator, who is appointed by the Administrator, assists him in directing the programs of the Administration, and serves as Acting Administrator of General Services during the absence or disability of the Administrator. The Assistant Administrator, also appointed by the Administrator, assists, as directed, in executive direction of the agency, and directs specific programs for congressional liaison, legislation, public information, and business services and small business.

Staff Officers

OFFICE OF ADMINISTRATION

This Office, headed by the Assistant Administrator for Administration, is responsible for the planning, implementation, direction, and coordination of all financial management, personnel management, and administrative management services and programs of GSA; for provision of centralized data processing services for all internal programs of GSA; for the conduct of internal and contract audit and compliance and security programs; for coordination of GSA implementation of the Government-wide Planning-Programing-Budgeting System; for administering the Government-wide Federal Procurement Regulations System, planning the development of the Federal Procurement Regulations and the GSA procurement regulations, and monitoring the development of the Government-wide Federal Property Management Regulations; for the conduct of a management studies program; and for GSA emergency mobilization functions. This office functions through the following offices:

Office of Administrative Services. This office administers the internal administrative services program of GSA and furnishes printing, duplicating, and publications services for GSA and other agencies.

Office of Budget. This office formulates, presents, and executes all budget administration operations of the agency including participation in the determination of program and financing policies.

Office of Data Processing. This office is responsible for the provision and management of data processing services within GSA.

Office of Finance. This office is responsible for the establishment and execution of accounting systems and related financial reports; the extension of credit and accountability of property custodians; the determination of financial responsibility of all contractors with GSA; the servicing of financial provisions of contracts including insurance; the expenditure and collection of funds administered by GSA; and the maintenance of a world inventory of real property owned by and leased to the Federal Government. This office assists other agencies in the development of property accounting systems.

Office of Management Investigations and Review. This office directs and coordinates on an agencywide basis all centralized management investigations and review activities including conduct of the contract and internal audit programs; the investigations and security programs; and the manpower utilization, management review, management improvement, and cost reduction programs.

Office of Personnel. This office directs and coordinates the GSA nationwide personnel management program including internal training and coordinates the GSA program to provide mission-oriented training to employees of other Federal agencies.

OFFICE OF GENERAL COUNSEL

This office performs all legal services in connection with the programs and activities of the General Services Administration. This office also provides legal counsel to the Administrator and other officials of GSA in such areas as (1) utilization and disposal of excess and surplus property, (2) records management, finance, and administration, (3) public buildings and real estate transactions, (4) transportation, communication, and public utilities matters, and (5) procurement of personal property and services. This office also directs and coordinates GSA activities related to civil rights.

FEDERAL SUPPLY SERVICE

Creation and Authority. The Federal Supply Service was established December 11, 1949, by the Administrator of General Services to supersede the Bureau of Federal Supply of the Department of the Treasury which was abolished by the Federal Property and Administrative Services Act of 1949.

Purpose. The Federal Supply Service determines supply requirements, procures personal property and nonpersonal services for all Federal agencies, stores and distributes common-use items of supply to all Federal agencies, and regulates supply functions performed by other agencies including the development and publication of Federal Specifications and Standards and maintenance of the Federal Catalog System.

Office of Automated Data Management Services. This office is responsible for the direction and coordination of a comprehensive Government-wide program for the management, procurement, utilization, and redistribution of automatic data processing equipment and services.

Office of Procurement. This office manages a nationwide program to provide purchasing and contracting services for all Federal agencies and inventory management services in support of the supply distribution program.

Office of Standards and Quality Control. This office is responsible for control of the quality of materials procured, for the development of Federal Specifications and Federal Standards for common-use items procured by Federal agencies, for development of safety standards for Government motor vehicles, and for maintenance of a uniform Federal Catalog System.

Office of Supply Distribution. This office manages a nationwide supply depot system for the storage and distribution of common-use items of supply to

all Federal agencies, including support to overseas activities.

Office of Supply Management. This office develops, coordinates, and monitors for GSA an integrated Government-wide supply system for the efficient and economical procurement and supply of personal property and nonpersonal services, conducts surveys and studies of Federal agencies' supply operations to improve their effectiveness, develops and promulgates supply management policies, procedures, and methods through regulatory issuances and information media, and coordinates the design, installation, and maintenance of the automated supply data processing and communications systems utilized by the Federal Supply Service.

Regulations. Regulations of the Federal Supply Service are published in the Code of Federal Regulations in Title 41, Chapters 5A and 101, Subchapter E. Availability of this material is outlined under General Regulations stated above.

PROPERTY MANAGEMENT AND DISPOSAL SERVICE

Creation and Authority. The Property Management and Disposal Service was established on July 29, 1966, by the Administrator of General Services. Transferred to the Service were functions formerly assigned to the Defense Materials Service and the Utilization and Disposal Service.

Purpose. The Property Management and Disposal Service acquires, stores, and otherwise manages inventories of strategic and critical materials essential to the military and industrial requirements of the United States in times of national emergency, and disposes of such materials when they are no longer needed; supports the Department of Defense and the Department of Health, Education, and Welfare in the management of civil defense emergency programs and the National Industrial Equipment Reserve; aids in expansion and maintenance of production of industrial raw materials; provides technical advice and assistance to the Department of Agriculture in connection with its barter programs; and administers the lead-zinc stabilization program. In addition, this service promotes maximum utilization of exchange/sale personal property and excess personal and real property by executive agencies, transfers excess property among Federal agencies and provides for maintenance, repair, rehabilitation, and reclamation of in-use and excess personal property. It is also responsible for disposal of real and personal property no longer needed by the Federal Government by donation, sale, and other methods authorized by existing legislation.

Office of Research and Planning. This office provides program planning and coordination of all activities of the Service; develops long-range disposal plans for materials no longer required for stockpile objectives and coordinates plans with affected sources in industry and Government; and is responsible for data collection and economic analyses of all factors bearing on stockpile materials, such as supply, demand, consumption, and prices. It is also responsible for the appraisal of excess and surplus real property as well as the coordination of regulations, standards, and methods governing such appraisals.

Office of Property Disposal. This office conducts the Service programs for: maintenance, repair, rehabilitation and reclamation of in-use and excess property to minimize new procurement; promotion of further use by the Federal Government of exchange/sale personal property and of real and personal property excess to the needs of a particular executive agency; sale of strategic and critical materials excess to stockpile requirements; sale or donation of surplus personal property; sale of personal property under exchange/sale authority; and disposal of surplus real property by sale, lease, exchange, or other methods authorized by existing legislation.

Office of Inventory Management. This office coordinates and manages nationwide programs and activities of the Service relating to the storage, handling, inspection and quality control, maintenance, protection and distribution of strategic and other materials, civil defense emergency materials and supplies, and equipment in the National Industrial Equipment Reserve. This office also coordinates and manages nationwide programs and activities of the Service for the acquisition, beneficiation, upgrading, processing, refining, and rotation of strategic and other materials, and administers the program for the stabilization of lead and zinc mining by small domestic producers.

Regulations. Regulations of the Property Management and Disposal Service are published in the Code of Federal Regulations in Title 41, Chapters 5C and 101, Subchapters C and H. Availability of this material is outlined under General Regulations stated above.

PUBLIC BUILDINGS SERVICE

Creation and Authority. The Public Buildings Service was established December 11, 1949, by the Administrator of General Services, to supersede the Public Buildings Administration which was abolished by the Federal Property and Administrative Services Act of 1949.

Purpose. The Public Buildings Service is responsible for the design, construction, management, maintenance, operation, alteration, extension, remodeling, preservation, repair, improvement, protection, and control of buildings, both federally owned and leased, in which are provided housing accommodations for Government activities, where authorized. It also has the responsibility for the acquisition, utilization, custody, and accountability for GSA real property and related personal property.

Program Management. This office provides staff service in policy development, program planning, progress analysis, and Government-wide real property management; evaluates long- and short-range program plans and accomplishments; identifies areas requiring new or modified policies and assists in policy development. This office identifies the need for PBS participation in Government-wide real property management and recommends action accordingly.

Office of Building Management. This office plans, directs, and coordinates, on a nationwide basis, the management, operation, maintenance, repair, and protection of public buildings and related real and personal property, and accident prevention, fire prevention, physical protection, and assigned civil defense activities. It conducts research in materials and equipment to improve the design, operation, protection, and maintenance of public buildings and related systems and equipment, and develops and maintains statistics relative to space costs and management.

Office of Design and Construction. This office plans, directs and coordinates, on a nationwide basis, the design, construction, extension, and remodeling of public buildings. It also provides professional architectural, mechanical and electrical engineering, estimating, and construction contracting and supervision services for other Federal agencies, as requested.

Office of Space Management. This office plans, directs, and coordinates nationwide policies, programs, and procedures to identify, evaluate, and recommend means for fulfilling agency space requirements; acquires, by lease or purchase, real property to meet Federal agency space needs; administers leases and other use agreements, and develops and promotes application of space quality and quantity standards to attain maximum utilization of Government-owned and leased space. It assigns and reassigns space to Federal agencies, provides space layout services, and maintains space management liaison with other Federal agencies.

Regulations. Regulations of the Public Buildings Service are published in the Code of Federal Regulations in Title 41, Chapters 5B and 101, Subchapter D. Availability of this material is outlined under General Regulations stated above.

TRANSPORTATION AND COMMUNICATIONS SERVICE

Creation and Authority. The Administrator of General Services established the Transportation and Public Utilities Service on July 1, 1955, incorporating certain functions formerly assigned to the Federal Supply Service and the Emergency Procurement Service. It was redesignated the Transportation and Communications Service on October 19, 1961, and also assigned the motor equipment operations and management functions previously assigned to the Federal Supply Service, the communications functions of the former Office of Telecommunications, and the telecommunications operations formerly assigned to the Public Buildings Service.

Purpose. The Transportation and Communications Service is responsible for the development and administration of programs for the procurement and utilization of transportation, public utilities, and communications services in the executive agencies.

Office of Transportation. This office is responsible for providing Government-wide leadership in the development and

operation of transportation programs; maintaining liaison with other GSA services, Federal agencies, and with industry to assure necessary coordination of the transportation programs; and providing technical direction and guidance to regional transportation officials in carrying out assigned transportation operations and evaluating their performance. It provides for development and conduct of economic and statistical studies and analyses of executive agency transportation, and develops and implements procedures for improving the motor equipment management, operation, and rehabilitation programs of the Federal Government, including assigning, regulating, or performing the operation of interagency motor pools and motor transport systems. It also is responsible for developing policies and regulations governing the identification of Federal motor vehicles. It recommends action by Office of General Counsel in transportation proceedings before Federal and State-regulatory bodies, providing technical assistance and testimony of expert witnesses. This office provides transportation management service for other GSA services and Federal agencies, including rate negotiations, service agreements, contracts, and special rate studies for specific transportation problems or programs, and develops plans and recommendations for revision of policies, programs, regulations, and procedures.

Office of Communications. This office is responsible for planning and coordinating the development, design, establishment, and operation of the Federal civil agencies' communications programs. It establishes policies and procedures and issues directives governing the establishment and operation of the Federal Telecommunications System; recommends to the Commissioner policies, regulations, and procedures pertaining to civil agencies' communications and the public utility operations, facilities, and services; and coordinates the Federal Telecommunications System with those of the Department of Defense and with the Director of Telecommunications Management, Office of Emergency Planning. This office procures, by negotiated or advertised contracts, leased circuit facilities, services, terminal and special purpose equipment; designs rates and rate structures to meet Government requirements for utility services, including communications; and recommends and assists in the development of public utilities policies, programs, regulations, and procedures. It also recommends action by Office of General Counsel in communication and public utility proceedings before Federal and State regulatory bodies, providing technical assistance and testimony of expert witnesses in such cases.

Regulations. Regulations of the Transportation and Communications Service are published in the Code of Federal Regulations in Title 41, Chapters 5D and 101, Subchapters F and G. Availability of this material is outlined under General Regulations stated above.

NATIONAL ARCHIVES AND RECORDS SERVICE

Creation and Authority. The National Archives and Records Service, under the direction of the Archivist of the United States, was established on December 11, 1949, by the Administrator of General Services to succeed the National Archives Establishment originally established by act of June 19, 1934 (48 Stat. 1122).

Purpose. The National Archives and Records Service is responsible for selecting, preserving, and making available to the Government and the public the permanently valuable noncurrent records of the Federal Government and for promoting improved current records management and paperwork practices in Federal agencies. It is also responsible for publishing the laws, constitutional amendments, Presidential documents, and administrative regulations having general applicability and legal effect, and for the administration of the Presidential libraries.

Office of Administration and Technical Services. This office administers for the Service the Planning-Programing-Budgeting System in NARS; educational programs; technical and administrative activities, such as document preservation and reproduction, printed and microfilm publication sales, and library service; and the development and implementation of special programs, such as those relating to audiovisual records and the application of automated processes to archival administration.

Office of The National Archives. This office preserves records of permanent value, arranges and publishes guides to them, makes them available for use, and exhibits those of historical significance and timely interest. To make selected bodies of important research materials available throughout the country, the National Archives reproduces them on microfilm, positive prints of which are for sale at moderate cost. Historic documents, such as the Bill of Rights, are reproduced in facsimile for sale to the public.

Office of Federal Records Centers. This office directs and coordinates the programs of the Federal Records Centers for the economical storage of noncurrent Federal records and the administration of regional collections of records of permanent value; evaluates agency records maintenance and disposition programs; and assists agencies in the efficient management of their records.

Office of Records Management. This office directs and coordinates programs for evaluating and reporting on the recordmaking and recordkeeping practices of Federal agencies; for developing standards for efficient paperwork practices and promoting their adoption by Federal agencies; for assisting agencies to improve their paperwork systems including letterwriting, handling of mail, control of forms, reports, directives, and source data mechanization; and for conducting research in automatic data processing as it applies to Federal records.

Office of the Federal Register. This office files, makes available for public inspection, and publishes in the daily FEDERAL REGISTER Presidential proclamations and Executive orders, Federal administrative regulations, orders, and notices affecting a class of the public or describing organization, practice, and procedure, and publishes the codification of all regulatory documents in the Code of Federal Regulations. Descriptions of the organization and functions of the Government are published by the Office in the United States Government Organization Manual. The text of most of the public messages and statements of the Presidents is published in the annual volumes of the Public Papers of the Presidents of the United States. The text of White House releases is published in the Weekly Compilation of Presidential Documents.

The Office is also responsible for the receipt and publication of constitutional amendments and of acts of Congress in slip form and in the United States Statutes at Large, and for carrying out the procedures in connection with the certification of Constitutional amendments, Presidential electors, and electoral votes cast for President and Vice President. The Office maintains a program of assistance to agencies in connection with their rule-making and rule-drafting activities. It also maintains an information service covering the foregoing documents, publications, and procedures.

Office of Presidential Libraries. This office establishes and coordinates policies with regard to the Presidential libraries—the Herbert Hoover Library, the Franklin D. Roosevelt Library, the Harry S. Truman Library, and the Dwight D. Eisenhower Library—and participates in planning for the John F. Kennedy and Lyndon B. Johnson Libraries. The libraries preserve, describe, and render reference service on Presidential papers and collections therein; acquire related historical materials; prepare documentary and descriptive publications; and display exhibits of historical documents and museum items.

Regulations. Regulations of the National Archives and Records Service are published in the Code of Federal Regulations in Title 41, Chapter 101, Subchapter B. Availability of this material is outlined under General Regulations stated above.

REGIONAL OFFICES

Regional offices are established in 10 cities throughout the United States. Within its area of jurisdiction, each regional office is responsible for executing the General Services Administration programs with respect to the procurement and supply of personal property and management of federally owned and leased space and property, the utilization of available real and personal property, and records management. The organization plan established for each regional office provides for completely integrated operations and parallels the pattern established for the Central Office. Operating authorities and responsibilities have been delegated to the Regional Administrators, with the exception of several special activities.

REGIONAL OFFICES—GENERAL SERVICES ADMINISTRATION

Region	Regional Administrator	Address and telephone
No. 1. Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont.	Paul Lazaro	450 Post Office and Courthouse, Boston, Mass. 02109, Area Code 617-223-2691.
No. 2. Delaware, New Jersey, New York, Pennsylvania, Puerto Rico, the Virgin Islands.	Edward V. Kline, Acting	30 Church Street, New York, N.Y. 10007, Area Code 212-264-2600.
No. 3. District of Columbia, Maryland, Virginia, West Virginia.	David Phillips	Seventh and D Streets SW., Washington, D.C. 20407, Area Code 202-963-6166.
No. 4. Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee.	Wilbur H. Sanders	1776 Peachtree Street NW., Atlanta, Ga. 30309, Area Code 404-526-5600.
No. 5. Illinois, Indiana, Kentucky, Michigan, Ohio, Wisconsin.	Robert L. Pandergast, Acting	219 South Dearborn Street, Chicago, Ill. 60604, Area Code 312-828-5395.
No. 6. Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota.	Richard W. Austin	1500 East Bannister Road, Kansas City, Mo. 64131, Area Code 816-361-7201.
No. 7. Arkansas, Louisiana, Oklahoma, Texas.	John M. McGee	819 Taylor Street, Fort Worth, Tex. 76102, Area Code 817-334-2321.
No. 8. Arizona, Colorado, New Mexico, Utah, Wyoming.	Gerald E. McNamara	Building 41, Denver Federal Center, Denver, Colo. 80225, Area Code 303-233-6226.
No. 9. California, Hawaii, Nevada	Thomas E. Hannon	49 Fourth Street, San Francisco, Calif. 94103, Area Code 415-556-3221.
No. 10. Alaska, Idaho, Montana, Oregon, Washington.	Eugene R. Thimsen	GSA Center, Auburn, Wash. 98002, Area Code 206-833-5223.

Dated: June 27, 1967.

LAWSON B. KNOTT, JR.,
Administrator of General Services.

[F.R. Doc. 67-7481; Filed, June 30, 1967; 8:46 a.m.]

NATIONAL LABOR RELATIONS BOARD

Organization and Functions

The National Labor Relations Board is an independent agency created by the National Labor Relations Act, enacted July 5, 1935 (49 Stat. 449; 29 U.S.C. 151–166); as amended by the Labor Management Relations Act, 1947, enacted June 23, 1947 (61 Stat. 136; 29 U.S.C. 151–167); amended by Act of October 21, 1951 (65 Stat. 601; 29 U.S.C. 158, 159, 168); and as amended by the Labor-Management Reporting and Disclosure Act of 1959, enacted September 14, 1959 (73 Stat. 519; 29 U.S.C. 141 et seq.). The responsibilities and functions of the Agency under the statutes are carried out through an organization directed and controlled by the National Labor Relations Board and its General Counsel, who, in addition to independent authority under the statute, exercises other authority by delegation from the Board.

PART 201—DESCRIPTION OF ORGANIZATION

SUBPART A—DESCRIPTION OF CENTRAL ORGANIZATION

SEC. 201 *The Board.* The Board, composed of five Members, has its central and principal office in Washington, D.C. Each of the Members is appointed by the President, with the approval of the Senate, for a term of 5 years. One Member is designated by the President to serve as Chairman of the Board. The Board is created by virtue of the provisions of the National Labor Relations Act, 49 Stat. 449, as amended by the Labor Management Relations Act, 1947, 61 Stat. 136, and the Labor-Management Reporting and Disclosure Act, 1959, 73 Stat. 519.

The Board has two principal functions under the National Labor Relations Act, as amended: (1) The prevention of statutorily defined unfair labor practices on the part of employers and labor organizations or the agents of either, and (2) the conduct of secret ballot elections among employees in appropriate collective-bargaining units to determine whether or not they desire to be represented by a labor organization.

The Board is further empowered by the Act:

To conduct secret ballot elections among employees who have been covered by a union-shop agreement, when requested by 30 percent of the employees, to determine whether or not they wish to revoke their union's authority to make such agreements.

To determine in cases involving jurisdictional disputes which of the competing groups of workers is to be assigned the work task involved.

To conduct secret ballot elections among employees in national emergency situations.

The Board exercises full and final authority over the Office of the Executive Secretary, the Office of the Solicitor, the Division of Information, and the Security Office. The Board appoints trial examiners and, subject to the provisions of the Administrative Procedure Act and section 4(a) of the National Labor Relations Act, as amended, exercises authority over the Division of Trial Examiners. Each Board Member exercises full and final authority over a staff of legal assistants, each staff being under the immediate supervision of the Chief Counsel of the respective Board Member.

The Board, with the General Counsel, approves the budget, opens new offices as deemed necessary, and appoints regional directors and officers-in-charge.

The Board establishes and publishes the agency's Rules and Regulations and Statements of Procedure.

SEC. 201.1 *The Board's staff.* The Board's staff consists (in addition to its Chief Counsels and legal assistants referred to in sec. 201, above) of the Office of the Executive Secretary, the Solicitor, the Division of Trial Examiners, and the Division of Information.

SEC. 201.1.1 *The Office of the Executive Secretary.* The Executive Secretary is the chief administrative and judicial management officer of the Board, represents the Board in dealing with parties to cases, and communicates on behalf of the Board with labor organizations, employers, employees, Members of Congress, other agencies, and the public. The Office of the Executive Secretary receives, dockets, and acknowledges all formal documents filed with the Board; issues and serves on the parties to cases all Board decisions and orders; and certifies copies of all documents which are a part of the Board's files or records.

SEC. 201.1.2 *The Solicitor.* The Solicitor is the Board's chief legal officer and advises the Board on questions of law and policy; adoption, revision, or rescission of Rules and Regulations and Statements of Procedure; pending legislation amending or affecting the Act; litigation affecting the Board, etc. The Office of the Solicitor drafts advisory opinions and declaratory orders for the Board concerning whether the Board would assert jurisdiction in a particular case.

SEC. 201.1.3 *The Division of Trial Examiners.* The Chief Trial Examiner supervises the operations of this division. Trial examiners are responsible for the conduct of all hearings and for the preparation of all trial examiners' decisions in unfair labor practice cases. The Chief Trial Examiner has final authority to designate trial examiners who conduct hearings and make rulings; to assign dates for hearings presided over by trial examiners; and to rule upon requests for extensions of time within which to file briefs, proposed findings, and conclusions.

SEC. 201.1.4 *The Division of Information.* The Director of Information maintains liaison with the press and other communications media and prepares press and other types of public releases. He furnishes information to members of the general public who wish to be informed concerning the Board and the General Counsel and arranges for the distribution of decisions and weekly summaries of decisions.

SEC. 202 *The General Counsel.* The General Counsel is appointed by the President, with the approval of the Senate, for a term of 4 years. He derives specific authority for some of his functions from the provisions of section 3(d) of the National Labor Relations Act, as amended, and derives certain other authority by delegation from the Board (20 F.R. 2175, as amended at 23 F.R. 6966, 24 F.R. 6666, and 26 F.R. 3911). By virtue of these combined authorities, the General Counsel exercises general supervision over attorneys employed by the Board (other than trial examiners, legal assistants to Board Members, the Executive Secretary, and the Solicitor), and over the officers and employees in

the regional offices. He has final authority, on behalf of the Board, in respect to the investigation of charges and issuance of complaints under section 10, and in respect to the prosecution of such complaints before the Board. He prosecutes, on behalf of the Board, injunction proceedings pursuant to section 10(*l*) and 10(j) of the Act. He handles court of appeals proceedings to enforce or review Board orders, other miscellaneous court litigation, and efforts to obtain compliance with Board orders. He is responsible for the processing by field personnel of representation petitions under section 9 of the Act and jurisdictional dispute cases under section 10(k), and in the conduct of employee referenda under sections 209(b) and 203(c) of the Labor Management Relations Act, 1947.

SEC. 202.1 *The General Counsel's Washington staff.* The General Counsel's Washington staff consists of three main divisions: The Division of Operations, the Division of Litigation, and the Division of Administration.

SEC. 202.1.1 *The Division of Operations.* The Associate General Counsel for the Division of Operations is responsible for the effective operation and administration of the regional, subregional, and resident offices of the agency—including the prompt and adequate investigation of all complaint cases before formal action; preparation of cases for trial; and, absent settlement, the trial of those cases. He is also responsible for the prompt investigation and hearing of representation cases and the conduct of elections. He directs the activities of regional directors and supervises the regional offices for the General Counsel, through several assistant general counsels and their deputies. Under his supervision, the Advice Branch reviews regional offices' requests for advice and formulates policy on novel or unsettled procedural and substantive matters arising in unfair labor practice cases.

SEC. 202.1.2 *The Division of Litigation.* The Associate General Counsel who heads the Division of Litigation is responsible for all legal services required in discharging the court litigation functions of the General Counsel, whether authorized by statute or delegated by the Board, including those involved in the enforcement and review of Board orders, injunction proceedings, and other litigation. The work of this division entails, among other tasks, the preparation of court records, pleadings, briefs; stipulations, decrees, and other legal documents, and the presentation of oral arguments. These functions are performed through several branches, including the Supreme Court Branch, the Appellate Court Branch, and the District Court Branch.

The Office of Appeals is another principal part of the Division of Litigation. This office reviews appeals from regional directors' refusals to issue complaints in unfair labor practice cases and recommends the action to be taken thereon by the General Counsel. Pursuant to request, the director of the office also hears informal oral presentations in Washington of argument by counsel or other representatives of the parties in support of, or in opposition to, the appeals.

SEC. 202.1.3 *The Division of Administration.* The Director of Administration is responsible generally for the administrative management, service, and fiscal functions of the General Counsel. His activities are carried out with the assistance of branches dealing with personnel, budget, finance, general services, organization, and methods, and administrative statistics. These functions are also performed in behalf of the Board and its Members.

SUBPART B—DESCRIPTION OF FIELD ORGANIZATION

SEC. 203 *The regional offices.* There are 31 regional offices through which the Board conducts its business. Certain of the regions have subregional offices or resident offices in addition to the central regional office. The areas constituting the regions, and the location of the regional, subregional, and resident offices are set forth in an appendix hereto. Each regional office staff is headed by a regional director appointed by the Board on the recommendation of the General Counsel and includes a regional attorney, field attorneys, field examiners, and clerical staff. Each subregional office is headed by an officer-in-charge appointed in the same manner as the regional directors. Each resident office is headed by a resident officer.

SEC. 203.1 *The regional directors.* Under the general supervision of the Office of the General Counsel, the regional director supervises a staff of attorneys and field examiners in the processing of representation, unfair labor practice, and jurisdictional dispute cases. He is empowered to issue notices of hearing in representation cases; issue complaints in unfair labor practice cases; conduct elections pursuant to agreement of the parties or direct elections pursuant to the decision making authority delegated by the Board to him under section 3(b) of the Act, and issue certification of representatives or certify the results of elections where appropriate; conduct employee referenda under sections 209(b) and 203(c) of the Labor Management Relations Act; obtain settlement of unfair labor practice charges; obtain compliance with trial examiner, Board, and court decisions; investigate and report on, or decide, objections to elections and challenges to determinative ballots; and otherwise act in behalf of the General Counsel in the discharge of his statutory and delegated functions.

In addition, the regional director may initiate and prosecute in the district courts injunctions under section 10(1) of the Act. He also has authority to process petitions for unit clarification, for amendment of certification, and for rescission of a labor organization's authority to make an agreement pursuant to the proviso of section 8(a)(3).

The regional director is also responsible for the administrative management of the office and of any subregional and resident offices in his region.

SEC. 203.2 *The regional attorneys.* The regional attorney is the principal legal adviser to the regional director and, as the chief legal officer in the region, supervises the regional office attorneys in the performance of their duties. He may exercise any authority given attorneys and field examiners in the region.

SEC. 203.3 *The field attorneys.* The field attorneys are charged in general with the duty of performing all necessary legal services for the regional director in the region. They are directly responsible to the regional attorney, and through him to the regional director, for performance of these services. Under the direction of the regional attorney, they:

(a) Investigate petitions concerning the representation of employees (including the taking of secret ballots of employees), in accordance with section 9(c) of the National Labor Relations Act;

(b) Conduct hearings in proceedings under section 9 of the National Labor Relations Act and section 7(b) of the Fair Labor Standards Act;

(c) Investigate charges of unfair labor practices under section 8 of the Act;

(d) Appear and participate as counsel in Board hearings and, when designated, in other Board litigation and proceedings;

(e) Prosecute any inquiry necessary to the functions of the General Counsel, have access to and the right to copy evidence, administer oaths and affirmations, examine witnesses, and receive evidence;

(f) Perform all other and necessary acts required of them in connection with the foregoing and the published rules and regulations of the Board.

SEC. 203.4 *The field examiners.* The field examiners in each of the regional offices are directly responsible to the regional director and work under his direction. Essentially, they:

(a) Investigate petitions concerning the representation of employees, in accordance with section 9 of the National Labor Relations Act, and conduct secret ballot elections where such procedure is required under the Act;

(b) Investigate charges of unfair labor practices under section 8 of the Act, have access to and the right to copy evidence, administer oaths and affirmations, examine witnesses, and receive evidence;

(c) Conduct hearings in proceedings under section 9 of the National Labor Relations Act and section 7(b) of the Fair Labor Standards Act;

(d) Perform all other and necessary acts required of them in connection with the foregoing and the published rules and regulations of the Board.

SEC. 203.5 *The officers-in-charge and resident officers.* The officer-in-charge of a subregional office or the resident officer of a resident office is directly responsible to the regional director and, under his direction, supervises the processing of cases arising within the geographical area of his office. Under special delegation from the General Counsel, an officer-in-charge may be authorized to exercise the functions of the regional director, subject to statutory limitations.

Effective date. This Description of Organization shall be effective as of July 4, 1967.

Dated, Washington, D.C., June 26, 1967.

By direction of the Board.

OGDEN W. FIELDS,
Executive Secretary.

APPENDIX—REGIONAL AND SUBREGIONAL OFFICES

Alphabetical list of States showing location in relation to regions and subregions. (Note that respective region number follows subregion number to facilitate locating areas serviced.)

	Region and subregion Nos.
Alabama	10, 15
Alaska	19
Arizona	28
Arkansas	26
California	20, 21, 31
Colorado	27
Connecticut	1, 2
Delaware	4, 5
District of Columbia	5
Florida	12, 15
Georgia	10
Hawaii	S-37(20)
Idaho	19
Illinois	13, 14, S-38 (13)
Indiana	9, 13, 25
Iowa	18, S-38 (13)
Kansas	17
Kentucky	9, 25
Louisiana	15
Maine	1
Maryland	5
Massachusetts	1
Michigan	7, 30
Minnesota	18
Mississippi	15, 26
Missouri	14, 17
Montana	19
Nebraska	17
Nevada	20, 31
New Hampshire	1
New Jersey	4, 22
New Mexico	28
New York	2, 3, 29
North Carolina	11
North Dakota	18
Ohio	8, 9
Oklahoma	16
Oregon	S-36(19)
Pennsylvania	4, 6
Rhode Island	1
South Carolina	11
South Dakota	18
Tennessee	5, 10, 26
Texas	16, 23, 28
Utah	27
Vermont	1
Virginia	5
Washington	19, S-36 (19)
West Virginia	5, 6, 9
Wisconsin	13, 30
Wyoming	27
Puerto Rico	24
U.S. Virgin Islands	24

AREAS SERVED BY REGIONAL AND SUBREGIONAL OFFICES

(Listed in numerical order except that subregions appear directly under respective regions.)

Region 1. Boston, Mass. 02203, 20th Floor, John F. Kennedy Federal Building, Cambridge and New Sudbury Streets. Services Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and all Connecticut counties except Fairfield.

Region 2. New York, N.Y. 10022, Fifth Floor, Squibb Building, 745 Fifth Avenue. Services Fairfield County in Connecticut and Bronx, New York, Orange, Putnam, Rockland, and Westchester Counties in New York.

Region 3. Buffalo, N.Y. 14202, Fourth Floor, The 120 Building, 120 Delaware Avenue. Services all New York State counties except the metropolitan area counties serviced by Regions 2 and 29.

Persons may also obtain service at the resident office located in Albany, N.Y. 12207, Seventh Floor, Drislane Building, 60 Chapel Street.

Region 4. Philadelphia, Pa. 19107, 1700 Bankers Securities Building, Walnut and Juniper Streets. In Pennsylvania, services Adams, Berks, Bradford, Bucks, Carbon, Chester, Columbia, Cumberland, Dauphin, Delaware, Juniata, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, Monroe, Montgomery, Montour, Northampton, Northumberland, Perry, Philadelphia, Pike, Schuylkill, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne, Wyoming, and York Counties; in New Jersey, services Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Ocean, and Salem Counties; and in Delaware, services New Castle County.

Region 5. Baltimore, Md. 21201, Federal Building, Room 1019, Charles Center. Services Maryland and Virginia; the District of Columbia; Kent and Sussex Counties in Delaware; the city of Bristol in Sullivan County, Tenn.; and, in West Virginia, Berkeley, Grant, Hampshire, Hardy, Jefferson, Mineral, Morgan, and Pendleton Counties.

Region 6. Pittsburgh, Pa. 15222, 1536 Federal Building, 1000 Liberty Avenue. In Pennsylvania, services Allegheny, Armstrong, Beaver, Bedford, Blair, Butler, Cambria, Cameron, Centre, Clairon, Clearfield, Clinton, Crawford, Elk, Erie, Fayette, Forest, Franklin, Fulton, Greene, Huntingdon, Indiana, Jefferson, Lawrence, McKean, Mercer, Mifflin, Potter, Somerset, Venango, Warren, Washington, and Westmoreland Counties; in West Virginia, Barbour, Brooke, Doddridge, Hancock, Harrison, Lewis, Marion, Marshall, Monongalia, Ohio, Pocahontas, Preston, Randolph, Taylor, Tucker, Upshur, Webster, and Wetzel Counties.

Region 7. Detroit, Mich. 48226, 500 Book Building, 1249 Washington Boulevard. In Michigan, services Alcona, Allegan, Alpena, Antrim, Arenac, Barry, Bay, Benzie, Berrien, Branch, Calhoun, Cass, Charlevoix, Cheboygan, Clare, Clinton, Crawford, Eaton, Emmet, Genesee, Gladwin, Grand Traverse, Gratiot, Hillsdale, Huron, Ingham, Ionia, Iosco, Isabella, Jackson, Kalamazoo, Kalkaska, Kent, Lake, Lapeer, Leelanau, Lenawee, Livingston, Macomb, Mainstee, Mason, Mecosta, Midland, Missaukee, Monroe, Montcalm Montmorency, Muskegon, Newaygo, Oakland, Oceana, Ogemaw, Osceola, Oscoda, Otsego, Ottawa, Presque Isle, Roscommon, Saginaw, St. Clair, St. Joseph, Sanilac, Shiawassee, Tuscola, Van Buren, Washtenaw, Wayne, and Wexford Counties.

Region 8. Cleveland, Ohio 44115, 720 Bulkley Building, 1501 Euclid Avenue. In Ohio, services Allen, Ashland, Ashtabula, Auglaize, Belmont, Carroll, Champaign, Columbiana, Coshocton, Crawford, Cuyahoga, Darke, Defiance, Delaware, Erie, Fulton, Geauga, Guernsey, Hancock, Hardin, Harrison, Henry, Holmes, Huron, Jefferson, Knox, Lake, Licking, Logan, Lorain, Lucas, Mahoning, Marion, Medina, Mercer, Miami, Morrow, Muskingum, Ottawa, Paulding, Portage, Putnam, Richland, Sandusky, Seneca, Shelby, Stark, Summit, Trumbull, Tuscarawas, Union, Van Wert, Wayne, Williams, Wood, and Wyandot Counties.

Region 9. Cincinnati, Ohio 45202, Room 3407, Federal Office Building, 550 Main Street. In Ohio, services Adams, Athens, Brown, Butler, Clark, Clermont, Clinton, Fairfield, Fayette, Franklin, Gallia, Greene, Hamilton, Highland, Hocking, Jackson, Lawrence, Madison, Meigs, Monroe, Montgomery, Morgan, Muskingum, Noble, Perry, Pickaway, Pike, Preble, Ross, Scioto, Vinton, Warren, and Washington Counties; services all counties in Kentucky except Daviess and Henderson; in Indiana, services Clark, Dearborn, and Floyd Counties; and in West Virginia, services Boone, Braxton, Cabell, Calhoun, Clay, Fayette, Gilmer, Greenbrier, Jackson, Kanawha, Lincoln, Logan, McDowell, Mason, Mercer, Mingo, Monroe, Nicholas, Pleasants, Putnam, Raleigh, Ritchie, Roane, Summers, Tyler, Wayne, Wirt, Wood, and Wyoming Counties.

Region 10. Atlanta, Ga. 30308, Room 701, 730 Peachtree Street NE. Services Georgia; in Tennessee, services Anderson, Bledsoe, Blount, Bradley, Campbell, Carter, Claiborne, Clay, Cocke, Cumberland, Fentress, Grainger, Greene, Grundy, Hamblen, Hamilton, Hancock, Hawkins, Jackson, Jefferson, Johnson, Knox, Loudon, McMinn, Marion, Meigs, Monroe, Morgan, Overton, Pickett, Polk, Putnam, Rhea, Roane, Scott, Sequatchie, Sevier, Sullivan, Unicoi, Union, Van Buren, Warren, Washington, and White Counties; in Alabama, services Autauga, Bibb, Blount, Calhoun, Chambers, Cherokee, Chilton, Clay, Cleburne, Colbert, Coosa, Cullman, De Kalb, Elmore, Etowah, Fayette, Franklin, Greene, Hale, Jackson, Jefferson, Lamar, Lauderdale, Lawrence, Lee, Limestone, Madison, Marion, Marshall, Morgan, Perry, Pickens, Randolph, St. Clair, Shelby, Sumter, Talladega, Tallapoosa, Tuscaloosa, Walker, and Winston Counties.

Persons may also obtain service at the resident office in Birmingham, Ala. 35203, 1417 City Federal Building, 2026 Second Avenue.

Region 11. Winston-Salem, N.C. 27000, 1624 Wachovia Building, 301 North Main Street. Services North Carolina and South Carolina.

Region 12. Tampa, Fla. 33602, Room 706, Federal Office Building, 500 Zack Street. In Florida, services Alachuam, Baker, Bradford, Brevard, Broward, Charlotte, Citrus, Clay, Collier, Columbia, Dade, De Soto, Dixie, Duval, Flagler, Gadsden, Gilchrist, Glades, Hamilton, Hardee, Hendry, Hernando, Highlands, Hillsborough, Indian River, Jefferson, Lafayette, Lake, Lee, Leon, Levy, Madison, Manatee, Marion, Martin, Monroe, Nassau, Okeechobee, Orange, Osceola, Palm Beach, Pasco, Pinellas, Polk, Putnam, St. Johns, St. Lucie, Sarasota, Seminole, Sumter, Suwannee, Taylor, Union, Volusia, and Wakulla Counties.

Persons may also obtain service at the resident offices in Miami, Fla. 33130, Room 826, Federal Office Building, 51 Southwest First Avenue, and in Jacksonville, Fla. 32202, Federal Building, 400 West Bay Street.

Region 13. Chicago, Ill. 60604, 881 U.S. Courthouse and Federal Office Building, 219 South Dearborn Street. Services Cook, Du Page, Kane, Lake and Will Counties in Illinois, and Lake County in Indiana.

Subregion 38. Peoria, Ill. 61602, 4th Floor, Citizens Building, 225 Main Street. In Illinois, services Boone, Bureau, Carroll, Cass, Champaign, De Kalb, De Witt, Douglas, Ford, Fulton, Grundy, Hancock, Henderson, Henry, Iroquois, Jo Daviess, Kankakee, Kendall, Knox, La Salle, Lee, Livingston, Logan, Macon, Marshall, Mason, McDonough, McHenry, McLean, Menard, Mercer, Morgan, Moultrie, Ogle, Peoria, Piatt, Putnam, Rock Island, Sangamon, Schuyler, Stark, Stephenson, Tazewell, Vermilion, Warren, Whiteside, Winnebago, and Woodford counties; in Iowa, services Clinton, Des Moines, Dubuque, Jackson, Lee, Muscatine, Scott, and Louisa Counties.

Region 14. St. Louis, Mo. 63102, 1040 Boatmen's Bank Building, 314 North Broadway. In Illinois, services Adams, Alexander, Bond, Brown, Calhoun, Christian, Clark, Clay, Clinton, Coles, Crawford, Cumberland, Edgar, Edwards, Effingham, Fayette, Franklin, Gallatin, Greene, Hamilton, Hardin, Jackson, Jasper, Jefferson, Jersey, Johnson, Lawrence, Macoupin, Madison, Marion, Massac, Monroe, Montgomery, Perry, Pike, Pope, Pulaski, Randolph, Richland, St. Clair, Saline, Scott, Shelby, Union, Wabash, Washington, Wayne, White, and Williamson Counties; and in Missouri, services Audrain, Bollinger, Butler, Callaway, Cape Girardeau, Carter, Clark, Crawford, Dent, Dunklin, Franklin, Gasconade, Independent City of St. Louis, Iron, Jefferson, Knox, Lewis, Lincoln, Madison, Maries, Marion, Mississippi, Monroe, Montgomery, New Madrid, Oregon, Osage, Pemiscot, Perry, Phelps, Pike, Ralls, Reynolds, Ripley, St. Charles, St. Francois, St. Louis, St. Genevieve, Scotland, Scott, Shannon, Shelby, Stoddard, Warren, Washington, and Wayne Counties.

Region 15. New Orleans, La. 70113, T6024 Federal Building (Loyola), 701 Loyola Avenue. Services Louisiana; in Mississippi, services Adams, Amite, Claiborne, Clarke, Copiah, Covington, Forrest, Franklin, George, Greene, Hancock, Harrison, Hinds, Issaquena, Jackson, Jasper, Jefferson, Jefferson Davis, Jones, Kemper, Lamar, Lauderdale, Lawrence, Leake, Lincoln, Madison, Marion, Neshoba, Newton, Pearl River, Perry, Pike, Rankin, Scott, Sharkey, Simpson, Smith, Stone, Walthall, Warren, Wayne, Wilkinson, and Yazoo Counties; in Alabama, services Baldwin, Barbour, Bullock, Butler, Choctaw, Clarke, Coffee, Conecuh, Covington, Crenshaw, Dale, Dallas, Escambia, Geneva, Henry, Houston, Lowndes, Macon, Marengo, Mobile, Monroe, Montgomery, Pike, Russell, Washington, and Wilcox; in the State of Florida, the counties of Bay, Calhoun, Escambia, Franklin, Gulf, Holmes, Jackson, Liberty, Okaloosa, Santa Rosa, Walton, and Washington Counties.

Region 16. Fort Worth, Tex. 76102, Room 8A24, Federal Office Building, 819 Taylor Street. Services Oklahoma and the following counties in Texas: Anderson, Andrews, Angelina, Archer, Armstrong, Bailey, Baylor, Bell, Borden, Bosque, Bowie, Brewster, Briscoe, Brown, Burnet, Callahan, Camp, Carson, Cass, Castro, Cherokee, Childress, Clay, Cochran, Coke, Coleman, Collin, Collingsworth, Comanche, Concho, Cooke, Coryell, Cottle, Crane, Crockett, Crosby, Dallam, Dallas, Dawson, Deaf Smith, Delta, Denton, Dickens, Donley, Eastland, Ector, Ellis, Erath, Falls, Fannin, Fisher, Floyd, Foard, Franklin, Freestone, Gaines, Garza, Glasscock, Gray, Grayson, Gregg, Hale, Hall, Hamilton, Hansford, Hardeman, Harrison, Hartley, Haskell, Hemphill, Henderson, Hill, Hockley, Hood, Hopkins, Houston, Howard, Hunt, Hutchison, Irion, Jack, Jeff Davis, Johnson, Jones, Kaufman, Kent, Kimble, King, Knox, Lamar, Lamb, Lampasas, Leon, Limestone, Lipscomb, Llano, Loving, Lubbock, Lynn, Madison, Marion, Martin, Mason, McCulloch, McLennan, Menard, Midland, Milam, Mills, Mitchell, Montague, Moore, Morris, Motley, Macogdoches, Navarro, Nolan, Ochiltree, Oldham, Palo Pinto, Panola, Parker, Parmer, Pecos, Potter, Presidio, Rains, Randall, Reagan, Red River, Reeves, Roberts, Robertson, Rockwall, Runnels, Rusk, Sabine, San Augustine, San Saba, Schleicher, Scurry, Shackelford, Shelby, Sherman, Smith, Somervell, Stephens, Sterling, Stonewall, Sutton, Swisher, Tarrant, Taylor, Terrell, Terry, Throckmorton, Titus, Tom Green, Trinity, Upshur, Upton, Van Zandt, Ward, Wheller, Witchita, Wilbarger, Williamson, Winkler, Wise, Wood, Yoakum, and Young.

Region 17. Kansas City, Mo. 64106, 610 Federal Building, 601 East 12th Street. Services Nebraska and Kansas and the following counties in Missouri: Adair, Andrew, Atchison, Barry, Barton, Bates, Benton, Boone, Buchanan, Caldwell, Camden, Carroll, Cass, Cedar, Charlton, Christian, Clay, Clinton, Cole, Cooper, Dade, Dallas, Daviess, De Kalb, Douglas, Gentry, Greene, Grundy, Harrison, Henry, Hickory, Holt, Howard, Howell, Jackson, Jasper, Johnson, Laclede, Lafayette, Lawrence, Linn, Livingston, McDonald, Macon, Mercer, Miller, Moniteau, Morgan, Newton, Nodaway, Ozark, Pettis, Platte, Polk, Pulaski, Putnam, Randolph, Ray, St. Clair, Saline, Schuyler, Stone, Sullivan, Taney, Texas, Vernon, Webster, Worth, and Wright.

Region 18. Minneapolis, Minn. 55401, 816 Federal Building, 110 South 4th Street. Services North Dakota, South Dakota, and Minnesota and the following counties in Iowa: Adair, Adams, Allamakee, Appanoose, Audubon, Benton, Black Hawk, Boone, Bremer, Buchanan, Buena Vista, Butler, Calhoun, Carroll, Cass, Cedar, Cerro Gordo, Cherokee, Chickasaw, Clarke, Clay, Clayton, Crawford, Dallas, Davis, Decatur, Delaware, Dickinson, Emmett, Fayette, Floyd, Franklin, Fremont, Greene, Grundy, Guthrie, Hamilton, Hancock, Hardin, Harrison, Henry, Howard, Humboldt, Ida, Iowa, Jasper, Jefferson, Johnson, Jones, Keokuk, Kossuth, Linn, Lucas, Lyon, Madison, Mahaska, Marion, Marshall, Mills, Mitchell, Monona, Monroe, Montgomery, O'Brien, Osceola, Page, Palo Alto, Plymouth, Pocahontas, Polk, Pottawattamie, Poweshiek, Ringgold, Sac, Shelby, Sioux, Story, Tama, Taylor, Union, Van Buren, Wapello, Warren, Washington, Wayne, Webster, Winnebago, Winneshiek, Woodbury, Worth, and Wright; and the following counties in the State of Wisconsin: Ashland, Barron, Bayfield, Buffalo, Burnett, Chippewa, Clark, Douglas, Dunn, Eau Claire, Iron, Jackson, Pepin, Pierce, Polk, Price, Rusk, St. Croix, Sawyer, Taylor, Trempealeau, and Washburn.

Region 19. Seattle, Wash. 98101, 327 Logan Building, 500 Union Street. Services Alaska, Montana, Idaho, and Washington.

Subregion 36. Portland, Oreg. 97204, 612 Lincoln Building, 208 Southwest Fifth Avenue. Services Oregon and Clark County in Washington.

Region 20. San Francisco, Calif. 94102, 13050 Federal Building, 450 Golden Gate Avenue, Box 36047. In Nevada, services Churchill, Douglas, Elko, Esmeralda, Eureka, Humboldt, Lander, Lyon, Mineral, Ormsby, Pershing, Storey, Washoe, White Pine; and the following counties in California: Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, Eldorado, Fresno, Glenn, Humboldt, Kings, Lake, Lassen, Maders, Marin, Mariposa, Mendocino, Merced, Modoc, Mono, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo, and Yuba Counties.

Subregion 37. Honolulu, Hawaii 96814, Suite 308, 1311 Kapiolani Boulevard. Services Hawaii.

Region 21. Los Angeles, Calif. 90014, Eastern Columbia Building, 849 South Broadway. Services the following counties in California: Imperial, Orange, Riverside, and San Diego, and that portion of Los Angeles County lying east of Harbor Freeway and south of Pasadena Freeway (Arroyo Boulevard, U.S. Highway 66).

Region 22. Newark, N.J. 07102, 614 National Newark Building, 744 Broad Street. In New Jersey, services Bergen, Essex, Hudson, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Passaic, Somerset, Sussex, Union, and Warren Counties.

Region 23. Houston, Tex. 77002, 6617 Federal Office Building, 515 Rusk Avenue. In Texas, services Aransas, Atascosa, Austin, Bandera, Bastrop, Bee, Bexar, Blanco, Brazoria, Brazos, Brooks, Burleson, Caldwell, Calhoun, Cameron, Chambers, Colorado, Comal, De Witt, Dimmit, Duval, Edwards, Fayette, Fort Bend, Frio, Galveston, Gillespie, Goliad, Gonsales, Grimes, Guadalupe, Hardin, Harris, Hays, Hidalgo, Jackson, Jasper, Jefferson, Jim Hogg, Jim Wells, Karnes, Kendall, Kenedy, Kerry, Kinney, Kleberg, La Salle, Lavaca, Lee, Liberty, Live Oak, McMullen, Matagorda, Maverick, Medina, Montgomery, Newton, Nueces, Orange, Polk, Real, Refugio, San Jacinto, San Patricio, Starr, Travis, Tyler, Uvalde, Val Verde, Victoria, Walker, Waller, Washington, Webb, Wharton, Willacy, Wilson, Zapata, and Zavala Counties.

Region 24. Hato Rey, P.R. 00917, Seventh Floor, El Hato Rey Building, 255 Ponce de Leon Avenue, Box UU. Services Puerto Rico and the U.S. Virgin Islands.

Region 25. Indianapolis, Ind. 46204, 614 ISTA Center, 150 West Market Street. Services Indiana, with the exception of Lake, Clark, Dearborn, and Floyd Counties, and Daviess and Henderson Counties in Kentucky.

Region 26. Memphis, Tenn. 38103, 746 Federal Office Building, 167 North Main Street. Services Arkansas and the following counties in Tennessee: Bedford, Benton, Cannon, Carroll, Cheatham, Chester, Coffee, Crockett, Davidson, Decatur, De Kalb, Dickson, Dyer, Fayette, Franklin, Gibson, Giles, Hardeman, Hardin, Haywood, Henderson, Henry, Hickman, Houston, Humphreys, Lake, Lauderdale, Lawrence, Lewis, Lincoln, McNairy, Macon, Madison, Marshall, Maury, Montgomery, Moore, Obion, Perry, Robertson, Rutherford, Shelby, Smith, Stewart, Sumner, Tipton, Trousdale, Wayne, Weakley, Williamson, and Wilson; also services the following counties in Mississippi: Alcorn, Attala, Benton, Bolivar, Calhoun, Carroll, Chickasaw, Choctaw, Clay, Coahoma, De Soto, Grenada, Holmes, Humphreys, Itawamba, Lafayette, Lee, Leflore, Lowndes, Marshall, Monroe, Montgomery, Noxubee, Oktibbeha, Panola, Pontotoc, Prentiss, Quitman, Sunflower, Tallahatchie, Tate, Tippah, Tishomingo, Tunica, Union, Washington, Webster, Winston, and Yalobusha.

Persons may also obtain service at the resident offices in Little Rock, Ark. 72201, 3507 Federal Building, 700 West Capitol Avenue, and in Nashville, Tenn., Room 671, U.S. Courthouse, 800 Broadway.

Region 27. Denver, Colo. 8202, Room 260, New Customhouse, 721 19th Street. Services Wyoming, Colorado, and Utah.

Region 28. Albuquerque, N. Mex. 87101, 7011 Federal Building and U.S. Courthouse, 500 Gold Avenue SW. Services Arizona and New Mexico, and Culberson, El Paso, and Hudspeth Counties in Texas.

Persons may also obtain service at the resident office in El Paso, Tex. 79901, Room 400, The Mart Building, 206 San Francisco Street, and in Phoenix, Ariz. 85013, Room 207, Camelback Building, 100 West Camelback Road.

Region 29. Brooklyn, N.Y. 11201, Fourth Floor, 16 Court Street. In New York, services Kings, Nassau, Queens, Richmond, and Suffolk Counties.

Region 30. Milwaukee, Wis. 53203, 2d Floor, Commerce Building, 744 North 4th Street. In Wisconsin, services the following counties: Adams, Brown, Calumet, Columbia, Crawford, Dane, Dodge, Door, Florence, Fond du Lac, Forest, Grant, Green, Green Lake, Iowa, Jefferson, Juneau, Kenosha, Kewaunee, La Crosse, Lafayette, Langdale, Lincoln, Manitowoc, Marathon, Marinette, Marquette, Menominee, Milwaukee, Monroe, Oconto, Oneida, Outagamie, Ozaukee, Portage, Racine, Richland, Rock, Sauk, Shawano, Sheboygan, Vernon, Vilas, Walworth, Washara, Washington, Waukesha, Waupaca,

Winnebago, and Wood; in Michigan, services the following counties: Alger, Baraga, Chippewa, Delta, Dickinson, Gogebic, Houghton, Iron, Keweenaw, Luce, Mackinac, Marquette, Menominee, Ontonagon, Schoolcraft.

Region IX. Los Angeles, Calif. 90014, 10th Floor, Bartlett Building, 215 West 7th Street. Services the following counties in California: Inyo, Kern, San Bernardino, San Luis Obispo, Santa Barbara, and Ventura; that portion of Los Angeles County lying west of Harbor Freeway and north of Pasadena Freeway (Arroyo Boulevard, U.S. Highway 66); in Nevada, services Nye, Lincoln, and Clark Counties.

[F.R. Doc. 67-7417; Filed, June 30, 1967; 8:45 a.m.]

OFFICE OF ECONOMIC OPPORTUNITY

SECRETARY OF HEALTH, EDUCATION, AND WELFARE

Delegation of Authority Regarding Follow Through Program

1. Pursuant to section 602(d) of the Economic Opportunity Act of 1964, as amended (hereafter the "Act"), I hereby delegate to the Secretary of Health, Education, and Welfare (hereafter the "Secretary") concurrent authority pursuant to sections 204, 205, and 211-1(a) of the Act for the purpose of carrying out, within the limitations of those sections, a program to assist the development and education of disadvantaged children in the early years of elementary school, particularly children who have previously attended a full school year Head Start or other quality comprehensive preschool program. The program shall be known as the "Follow Through Program."

2. In connection with the foregoing, I further delegate to the Secretary such concurrent authority as may be necessary and appropriate pursuant to sections 206(a), 207, 208, 209, 602, and 610-1(c) of the Act in order to carry out his functions and to provide training, technical assistance, research, demonstration, and evaluation activities related to the Follow Through Program. All such research and demonstration activities shall be conducted in accordance with a plan developed and revised, as necessary, from time to time by the Department of Health, Education, and Welfare (hereafter the "Department") in accordance with the requirements of section 207. Such plan shall be developed and revised in consultation with, and with the concurrence of, the Office of Economic Opportunity (hereafter the "Office").

3. In order to ensure compliance with section 203 of the Act, the Director of the Office of Economic Opportunity shall retain final authority over the availability and allocation of funds. The Department and the Office shall consult from time to time concerning proposed allocations of such funds.

4. The powers hereby delegated shall be exercised pursuant to regulations and major policy guidelines which shall be developed by the Department after consultation with the Office; *Provided, however*, That pending promulgation thereof, the initial pilot projects shall be developed and operated in accordance with policies already agreed to by the Department and the Office. Such regulations and major guidelines shall include statements of the nature and objectives of the Follow Through Program, priorities for assistance of particular types of projects and activities, criteria for program evaluation, and other policy matters of fundamental importance. To the extent provided for in any Memorandum of Understanding entered into between the Department and the Office, such regulations and guidelines shall require concurrence of the Office. In other cases, if the Office raises objections during the consultative process, the Department will notify the Office of its intention to proceed at least 10 days before issuing the policy.

5. All operating information, evaluation reports, and other data concerning the Follow Through Program shall be freely exchanged between the Department and the Office pursuant to sections 602(d) and 611 of the Act. The Department shall make quarterly reports to the Office concerning administration of the Follow Through Program as well as such other reports as the Office may require. After prior notification to the Department, the Office may conduct such joint and independent site visits as it may deem necessary.

6. The powers hereby delegated shall be exercised in accordance with such memoranda of understanding as may be entered into between the Department and the Office.

7. The powers hereby delegated may be redelegated by the Secretary to the Commissioner of Education with or without authority for further redelegation. The Office shall be advised of all such redelegations.

Dated: June 26, 1967.

SARGENT SHRIVER,
Director,
Office of Economic Opportunity.

Approved: June 26, 1967.

LYNDON B. JOHNSON,
President of the United States.

[F.R. Doc. 67-7487; Filed, June 30, 1967; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

CHEMALLOY MINERALS, LTD.

Order Suspending Trading

JUNE 27, 1967.

In the matter of trading in securities of Chemalloy Minerals, Ltd., Toronto, Ontario, Canada.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common shares being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange, the San Francisco Mining Exchange, and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period June 28, 1967, through July 2, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-7472; Filed, June 30, 1967; 8:45 a.m.]

[File No. 1-2618]

GOLDFIELD CORP.

Order Suspending Trading

JUNE 27, 1967.

In the matter of trading in securities of The Goldfield Corp., File No. 1-2618.

The Capital Stock, listed and registered on the San Francisco Mining Exchange and having unlisted trading privileges on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934, being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange, the San Francisco Mining Exchange, and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period June 28, 1967, through July 2, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-7473; Filed, June 30, 1967; 8:45 a.m.]

INTERAMERICAN INDUSTRIES, LTD.

Order Suspending Trading

JUNE 27, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the capital stock of Interamerican Industries, Ltd., Calgary, Alberta, Canada, being traded in the United States otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in the United States in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period June 28, 1967, through July 7, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-7474; Filed, June 30, 1967; 8:45 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30-6 (Rev. 3)]

AREA COORDINATORS ET AL., SOUTHWESTERN AREA, DALLAS, TEX.

Delegation of Authority To Conduct Program Activities

Pursuant to the authority delegated to the Area Administrators by Delegation of Authority No. 30 (Rev. 12), 32 F.R. 179, dated January 7, 1967, and Amendment 1, 32 F.R. 8113, dated June 6, 1967, the following authority is hereby redelegated to the positions as indicated herein:

I. Area Coordinators: A. *Economic Development Coordinator.* **1. To approve or decline section 501 State Development Company loans without dollar limitation and section 502 Local Development Company loans up to $350,000 (SBA share).

2. To close and disburse section 501 and 502 loans.

3. To extend the disbursement period on section 501 and 502 loan authorizations or undisbursed portions of section 501 and 502 loans.

4. To cancel wholly or in part undisbursed balances of partially disbursed section 501 and 502 loans.

5. To take all necessary actions in connection with the administration, servicing, and collection; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing.

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

d. Except: (a) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (b) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

6. Eligibility determinations (for financial assistance only): To determine eligibility of applicants for assistance under the sections 501 and 502 programs of the Agency in accordance with Small Business Administration standards and policies.

7. Size determinations (for financial assistance only): To make initial size determinations in all sections 501 and 502 loans within the meaning of the Small Business Size Standards Regulations, as amended, and further, to make product classification decisions for sections 501 and 502 loans only. Product classification decisions for procurement purposes are made by contracting officers.

B. *Supervisory Loan Officer (Economic Development).* 1. To close and disburse section 501 and 502 loans. 2. To extend the disbursement period on section 501 and 502 loan authorizations or undisbursed portions of section 501 and 502 loans.

3. To cancel wholly or in part undisbursed balances of partially disbursed section 501 and 502 loans.

4. To take all necessary actions in connection with the administration, servicing, and collection; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing.

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

d. Except: (a) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (b) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

C. *Loan Officer (Economic Development).* 1. To close and disburse section 501 and 502 loans.

2. To extend the disbursement period on Section 501 and 502 loans.

3. To cancel wholly or in part undisbursed balances of partially disbursed section 501 and 502 loans.

4. To approve final actions concerning current direct, participation, and 40 percent First Mortgage Plan—501 and 502 loans:

a. Use of the cash surrender value of life insurance to pay the premium on the policy.

b. Release of dividends of life insurance or consent to applications against premiums.

c. Minor modifications in the authorization.

d. Extension of disbursement period.

e. Extension of initial principal payments.

f. Adjustment of interest payment dates.

g. Release of hazard insurance checks not in excess of $500 and endorse such checks on behalf of the Agency where SBA is named as joint loss payee.

h. Release of equipment with or without consideration where the value of equipment being released does not exceed $500.

D. *Liquidation and disposal coordinator.* 1. To take all necessary actions in connection with the liquidation and disposal of all loans and other obligations or assets, including collateral purchased; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents, and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quit-claim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. To take all necessary action in liquidating Economic Development Administration loans and acquired col-

lateral when and as authorized by Economic Development Administration.

d. To advertise regarding the public sale of (a) collateral in connection with the liquidation of loans, and (b) acquired property.

e. Except: (a) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; (b) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

E. *Supervisory liquidation and disposal officer.* 1. To take all necessary actions in connection with the liquidation and disposal of all loans and other obligations or assets, including collateral purchased; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights charges on and interest in or to property of any kind, legal, and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quit-claim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. To take all necessary action in liquidating Economic Development Administration loans and acquired collateral when and as authorized by Economic Development Administration.

d. To advertise regarding the public sale of (a) collateral in connection with the liquidation of loans and (b) acquired property.

e. Except: (a) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; (b) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement; and (c) the cancellation of authority to liquidate.

F. *Area claims review committee.* To consist of the liquidation and disposal coordinator, area counsel and the area supervisory appraiser who will meet and consider reasonable and properly supported compromise proposals of indebtedness owed to the Agency and to take final action on such proposals provided such action represents the majority recommendation of the committee on claims not in excess of $5,000 (including CPC advances but excluding interest), or represents the unanimous recommendation of said committee on claims in excess of $5,000 but not exceeding $100,000 (including CPC advances but excluding interest).

G. *Financial Assistance Coordinator*—1. *Eligibility determinations (for financial assistance only).* To determine eligibility of applicants for assistance under any program of the Agency, except sections 501 and 502 loans, in accordance with Small Business Administration standards and policies.

2. *Size determinations (for financial assistance only).* To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, except sections 501 and 502 loans; and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

H. *Procurement and Management Assistance Coordinator*—1. *Eligibility determinations (for PMA activities only).* To determine eligibility of applicants for assistance under any program of the Agency in accordance with Small Business Administration standards and policies.

2. *Size determinations (for PMA activities only).* To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

I. *Area Administrative Officer.* 1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. attorneys in foreclosure cases.

2. To (a) purchase office supplies and equipment, including office machines and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; and (c) contract for services required in setting up and dismantling and moving SBA exhibits and (d) issue Government bills of lading.

3. In connection with the establishment of Disaster Loan Offices, to obligate Small Business Administration for the rental of office space.

4. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

II. Regional Directors: A. *Financial assistance.* 1. To approve business and disaster loans not exceeding $350,000 (SBA share) and economic opportunity loans not exceeding $25,000 (SBA share).

2. To decline business, economic opportunity, and disaster loans of any amount.

3. To close and disburse approved loans.

4. To enter into business, economic opportunity and disaster loan participation agreements with banks.

5. To execute loan authorizations for Washington and area approved loans and for loans approved under delegated authority, said execution to read as follows:

(Name), Administrator

By _____

(Name)
Regional Director
(City)

6. To cancel, reinstate, modify, and amend authorizations for business, economic opportunity, and disaster loans.

7. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

8. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

9. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding principal balance of construction loans and loans involving accounts receivable and inventory financing.

**10. To establish disaster field offices upon receipt of advice of the designation of a disaster area; to advise on the making of disaster loans; to appoint as a processing representative any bank in the disaster area; and to close disaster field offices when no longer advisable to maintain such offices.

11. To take all necessary actions in connection with the administration, servicing and collection, other than those accounts classified as "in liquidation"; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposits, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator;

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

d. Except: (a) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (b) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

B. *Size determinations.* To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, except sections 501 and 502 loans, and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

C. *Eligibility determinations.* To determine eligibility of applicants for assistance under any program of the Agency, except sections 501 and 502 loans, in accordance with Small Business Administration standards and policies.

D. *Administration.* 1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. attorneys in foreclosure cases.

2. To (a) purchase office supplies and equipment, including office machines, and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits and (d) issue Government bills of lading.

3. In connection with the establishment of Disaster Loan Offices, to obligate Small Business Administration to reimburse the General Services Administration for the rental of office space.

4. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

E. *Chiefs, Financial Assistance Divisions (and Assistant Chiefs, if assigned).* 1. Size determinations for financial assistance only: To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, except sections 501 and 502 loans, and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

2. Eligibility determinations for financial assistance only: To determine eligibility of applicants for assistance under any program of the Agency, except sections 501 and 502 loans, in accordance with Small Business Administration standards and policies.

3. To approve business and disaster loans not exceeding $350,000 (SBA share), and economic opportunity loans not exceeding $25,000 (SBA share).

4. To close and disburse approved business, economic opportunity, and disaster loans.

5. To decline business, economic opportunity, and disaster loans of any amount.

6. To enter into business, economic opportunity, and disaster loan participation agreements with banks.

7. To execute loan authorizations for Washington, area, and regional approved loans and loans approved under delegated authority, said execution to read as follows:

(Name), Administrator

By _____

(Name)
(Title of person signing)

8. To cancel, reinstate, modify and amend authorizations for business, economic opportunity and disaster loans.

9. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

10. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

11. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding balance on construction loans and loans involving accounts receivable and inventory financing.

12. To take all necessary actions in connection with the administration, servicing and collection, other than those accounts classified as "in liquidation"; and to do and to perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator;

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or in part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privileges under the loan guaranty plan.

d. Except: (a) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (b) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

F. *Supervisory Loan Officer.* 1. To approve or decline direct loans not in excess of $50,000 and participation loans not in excess of $50,000 (SBA share).

2. To approve or decline economic opportunity loans not in excess of $25,000 (SBA share).

3. To close and disburse approved business, economic opportunity and disaster loans.

4. To enter into business loan participation agreements with banks.

5. To execute loan authorizations for Washington, area, and regional approved loans and loans approved under delegated authority, said execution to read as follows:

(Name), Administrator

By _____

(Name)
(Title of person signing)

6. To cancel, reinstate, modify and amend authorizations for business, economic opportunity and disaster loans.

7. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

8. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

9. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding balance on construction loans and loans involving accounts receivable and inventory financing.

10. To take all necessary actions in connection with the administration, servicing, and collection, other than those accounts classified as "in liquidation"; and to do and to perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or in part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be

appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privileges under the loan guaranty plan.

d. Except: (a) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (b) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation of guaranty agreement.

11. *Size determinations* for financial assistance only: To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, except sections 501 and 502 loans, and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

12. Eligibility determinations for financial assistance only: To determine eligibility of applicants for assistance under any program of the Agency, except sections 501 and 502 loans, in accordance with Small Business Administration standards and policies.

G. *Loan Officer*. 1. To approve final actions concerning current direct or participation loans:

a. Use of the cash surrender value of life insurance to pay the premium on the policy.

b. Release of dividends of life insurance or consent to application against premiums.

c. Minor modifications in the authorization.

d. Extension of disbursement period.

e. Extension of initial principal payments.

f. Adjustment of interest payment dates.

g. Release of hazard insurance checks not in excess of $200 and endorse such checks on behalf of the Agency where SBA is named as joint loss payee.

h. Release of equipment with or without consideration where the value of equipment being released does not exceed $200.

2. To close and disburse approved business, economic opportunity and disaster loans.

H. *Regional Counsel* [*Reserved*].

I. *Chief, Accounting, Clerical, and Training Division*. 1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. attorney in foreclosure cases.

2. To (a) purchase office supplies and equipment, including office machines, and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits and (d) issue Government bills of lading.

3. In connection with the establishment of Disaster Loan Offices, to obligate Small Business Administration to reimburse General Services Administration for the rental of office space.

4. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

J. Assistant Chief, Accounting, Clerical, and Training Division. 1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. attorney in foreclosure cases.

2. To (a) purchase office supplies and equipment, including office machines, and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits and (d) issue Government bills of lading.

3. In connection with the establishment of Disaster Loan Offices, to obligate Small Business Administration to reimburse General Services Administration for the rental of office space.

4. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

III. Branch Managers [Reserved].

IV. The specific authority delegated herein, indicated by double asterisks (**) cannot be redelegated.

V. The authority delegated herein to a specific position may be exercised by any SBA employee designated as acting in that position.

VI. All previously delegated authority is hereby rescinded without prejudice to actions taken under such Delegations of Authority prior to the date hereof.

Effective date: April 6, 1967.

ROBERT E. WEST,
Area Administrator,
Southwestern Area.

[F.R. Doc. 67-7484; Filed, June 30, 1967; 8:46 a.m.]

TARIFF COMMISSION

[AA 1921-80]

CAST IRON SOIL PIPE FROM POLAND

Notice of Hearing

Notice is hereby given that the U.S. Tariff Commission, on June 27, 1967, ordered a public hearing to be held in connection with the investigation instituted under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), with respect to cast iron soil pipe from Poland. Notice of institution of this investigation was published in the FEDERAL REGISTER on June 10, 1967 (32 F.R. 8796).

The hearing will be held in the Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D.C., at 10 a.m., e.d.s.t., on August 4, 1967. Interested parties desiring to appear and to be heard should notify the Secretary of the Commission, in writing, at least 3 days in advance of the date set for the hearing.

Issued: June 28, 1967.

By order of the Commission.

[SEAL] DONN N. BENT,
Secretary.

[F.R.Doc. 67-7489; Filed, June 30, 1967; 8:46 a.m.]

[APTA-W-16]

CERTAIN WORKERS OF EATON, YALE, AND TOWNE STAMPING DIVISION, CLEVELAND, OHIO

Workers' Petition for Determination of Eligibility To Apply for Adjustment Assistance; Notice of Investigation

Upon receipt on June 26, 1967, of a request therefor from the Automotive Agreement Adjustment Assistance Board, the Tariff Commission instituted an investigation pursuant to section 302(e), Automotive Products Trade Act of 1965, with respect to a petition filed with the Board by the International Union, United Automobile Workers, and its Local 307, on behalf of a group of workers at the Eaton, Yale, and Towne Stamping Division, Cleveland, Ohio, which manufactured among other products automotive stampings, automotive hub caps, heavy duty truck brake drums and lining, radiator and gas tank caps, and automotive filler necks. The petition alleges that dislocation of the group of workers has occurred and that the operation of the United States-Canadian Automotive Agreement has been the primary factor in causing such dislocation. The Commission is conducting the investigation to provide a factual record on the basis of which the Board may make the determinations required by section 302 of the Act.

No hearing has been scheduled. A hearing will be held on request of any party showing a proper interest in the subject matter of the investigation, provided the request is filed with the Secretary of the Tariff Commission within 10 days after this notice is published in the FEDERAL REGISTER.

The petition filed in this case is available for inspection at the office of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, D.C., and at the New York City office of the Tariff Commission located in Room 437 at the Customhouse.

Issued: June 28, 1967.

By order of the Commission.

[SEAL] DONN N. BENT,
Secretary.

[F.R. Doc. 67-7490; Filed, June 30, 1967; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 28, 1967.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41061—*Caustic soda to Beverly, Mass.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2890), for interested rail carriers. Rates on sodium (soda) caustic (sodium hydroxide), in solution subject to Rule 35, in multiple tank car shipments of not less than three (3) cars per shipment, from Grasselli, N.J., and other specified points in New Jersey, to Beverly, Mass.

Grounds for relief—Unregulated water and market competition.

Tariff—Supplement 36 to The Central Railroad Co. of New Jersey tariff ICC P-374.

FSA No. 41062—*Joint motor-rail rates —Central States.* Filed by Central States Motor Freight Bureau, Inc., agent (No. 114), for interested carriers. Rates on property moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in Central States territory.

Grounds for relief—Motortruck competition.

Tariff—Supplement 2 to Central States Motor Freight Bureau, Inc., agent, tariff MF-ICC 1242.

FSA No. 41063—*TOFC rates—between points in western trunk line territory.* Filed by Western Trunk Line Committee, agent (No. A-2504), for interested rail carriers. Rates on property loaded in highway trailers and transported on railroad flat cars, between points in Minnesota, and North Dakota, also Superior, Wis., on the one hand, and Ironwood, Mich., Rhinelander and Waukesha, Wis., on the other.

Grounds for relief—Motortruck competition.

Tariff—Supplement 3 to Western Trunk Line Committee, agent, tariff ICC A-4662.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-7530; Filed, June 30, 1967; 8:48 a.m.]

[Notice 412]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 28, 1967.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR Part 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 95540 (Sub-No. 703 TA), filed June 26, 1967. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, Fla. 33801. Applicant's representative: Paul M. Daniell, Suite 1600, First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery products*, from Dunn, N.C., to points in Florida, Missouri, Oklahoma, and Kansas; for 180 days. Supporting shipper: Wellons Candy Co., Inc., Dunn, N.C. Send protests to: Joseph B. Teichert, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1621, 51 Southwest First Avenue, Miami, Fla. 33130.

No. MC 107064 (Sub-No. 57 TA), filed June 26, 1967. Applicant: STEERE TANK LINES, INC., Post Office Box 2998, 2808 Fairmount Street, Dallas, Tex. 75221. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphur and sulphur products*, in bags, from Lehman, Tex., to points in Colorado, Arkansas, New Mexico, Louisiana, Oklahoma, Kansas, Nebraska, Iowa, Mississippi, and Missouri; for 150 days. Supporting shipper: National Sulphur Co., 1300 V and J Tower, Midland, Tex. 79701. Send protests to: E. K. Willis, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

No. MC 107496 (Sub-No. 573 TA), filed June 26, 1967. Applicant: RUAN TRANSPORT CORPORATION, Third and Keosauqua Way, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid corn syrup, and blends thereof*, in bulk, in tank vehicles, from Memphis, Tenn., to points in Mississippi; for 180 days. Supporting shipper: A. E. Staley Manufacturing Co., Post Office Box 151, Decatur, Ill. 62525. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 227 Federal Office Building, Des Moines, Iowa 50309.

No. MC 116014 (Sub-No. 32 TA), filed June 26, 1967. Applicant: OLIVER TRUCKING COMPANY, INC., North Bloomfield Road, Winchester, Ky. 40391. Applicant's representative: Louis J. Amato, Central Building, 1033 State Street, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the plantsite and warehouses of Rockwell-Standard Corp., at or near Winchester, Ky., on the one hand, and, on the other, points in Illinois, Indiana, Michigan, Missouri, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, and Virginia; for 180 days. Supporting shipper: Rockwell-Standard Corp., Winchester, Ky. 40391 (Ralph L. Groen, General Manager). Send protests to: R. W. Schneiter, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 207 Exchange Building, 147 North Upper Street, Lexington, Ky. 40507.

No. MC 124212 (Sub-No. 41 TA), filed June 23, 1967. Applicant: MITCHELL TRANSPORT, INC., 21111 Chagrin Boulevard, Cleveland, Ohio 44122. Applicant's representative: Falsgraf, Kundtz, Reidy and Shoup, 1050 Union Commerce Building, Cleveland, Ohio 44115. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from the plantsite of Lehigh Portland Cement Co., located at Fogelsville, Pa., to the plantsite of Lehigh Portland Cement Co., located at Baltimore, Md.; for 180 days. Supporting shipper: Lehigh Portland Cement Co., Allentown, Pa. Send protests to: G. J. Baccei, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 435 Federal Building, 215 Superior, Cleveland, Ohio 44114.

No. MC 127551 (Sub-No. 3 TA), filed June 22, 1967. Applicant: GEORGE F. DAVIS, JR., doing business as GEORGE DAVIS TRUCKING COMPANY, 429 East Waterloo, Rapid City, S. Dak. 57701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Rapid City, S. Dak., to points in Weston, Crook, Campbell, Johnson, and Sheridan Counties, Wyo.; for the account of Black Hills Packing Co., Rapid City, S. Dak.; for 180 days. Supporting shipper: Black Hills Packing Co., Drawer 3104, Rapid City, S. Dak. (James R. Howard, President). Send protests to: J. L. Hammond, District Supervisor, Bureau of Operations, Interstate Com-

merce Commission, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 129063 (Sub-No. 1 TA), filed June 26, 1967. Applicant: JIMMY T. WOOD, Route No. 6, Ripley, Tenn. 38063. Applicant's representative: Robert E. Joyner, Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay and shale cinders*, in bulk, in dump trailers or dump trucks, from England, Ark., and points in Crittendon County, Ark., to points in Tennessee west of the Tennessee River; points in Mississippi within 100 miles of Memphis, Tenn.; and points in Missouri on and east of U.S. Highway 67; for 180 days. Supporting shipper: Arkansas Lightweight Aggregate Corp., (ARKA-LITE), England, Ark. 72046. Send protests to: W. W. Garland, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 390 Federal Office Building, 167 North Main Street, Memphis, Tenn. 38103.

No. MC 129063 (Sub-No. 2 TA), filed June 26, 1967. Applicant: JIMMY T. WOOD, Route No. 6, Ripley, Tenn. 38063. Applicant's representative: Robert E. Joyner, Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Calcium carbide residue*, in bulk, in dump vehicles, from points in Shelby County, Tenn., to the Union Carbide Corp., Vanadium Recovery Plant, near Hot Springs, Ark.; for 120 days. Supporting shipper: Union Carbide Corp., 270 Park Avenue, New York, N.Y., 10017 (E. T. Woods, Traffic Assistant). Send protests to: W. W. Garland, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 390 Federal Office Building, 167 North Main Street, Memphis, Tenn. 38103.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 67-7531; Filed, June 30, 1967; 8:48 a.m.]

[Notice 1]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 28, 1967.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 279), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-69703. By order of June 22, 1967, the Transfer Board approved the transfer to Plante's Motor Transport Co., a corporation, Woonsocket, R.I., of the certificate of registration in No. MC-97894 (Sub-No. 1), issued December 30, 1963, to Lucien R. Plante, doing business as Plante's Motor Transport, Woonsocket, R.I., evidencing the right to engage in transportation in interstate or foreign commerce solely within the State of Rhode Island, corresponding to certificate of public convenience and necessity No. MC-247, dated December 8, 1964, issued by the Public Utility Administrator of the State of Rhode Island. Omer A. Sutherland, 1 Social Street, Woonsocket, R.I., attorney for applicants.

No. MC-FC-69705. By order of June 22, 1967, the Transfer Board approved the transfer to Anthony J. Gringeri, doing business as Gringeri Trucking Co., West Newton, Mass., of the operating rights in permit No. MC-76180, issued May 22, 1943, to Clarence Oliver Ashforth, doing business as Clarence O. Ashforth, Waltham, Mass., authorizing the transportation, over irregular routes, of studio couches and chairs, uncrated mattresses, pillows, new bedding, bed and parts thereof, waterproof cloth, and advertising material, from Newton, Mass., to specified points in New Jersey and Pennsylvania and points in Connecticut, Rhode Island, New Hampshire, Vermont, New York, and southern Maine; ticking from Jewett City, Conn., and New York, N.Y., to Newton, Mass.; finished lumber, cut for furniture frames, from Bath, Maine, to Newton, Mass.; and excelsior from Manchester, N.H., to Newton, Mass. John F. Curley, 33 Broad Street, Boston, Mass., attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 67-7532; Filed, June 30, 1967; 8:48 a.m.]

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JUL 7 1967

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Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Defense

Section 213.3306 is amended to show that the position of Special Assistant for Manpower Affairs, Office of the Assistant Secretary of Defense (Manpower) is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (53) is added under paragraph (a) of § 213.3306 as set out below.

§ 213.3306 Department of Defense.

(a) *Office of the Secretary.* • • •

(53) Special Assistant for Manpower Affairs.

• • • • • •

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-7606; Filed, July 3, 1967; 8:50 a.m.]

PART 511—POSITION CLASSIFICATION UNDER THE CLASSIFICATION ACT SYSTEM

PART 534—PAY UNDER OTHER SYSTEMS

Miscellaneous Amendments

Section 511.201(b) is amended to show exclusion from Part 511 and from classification under the General Schedule of student dental interns, Department of Health, Education, and Welfare. Section 534.202(b) is amended to show exclusion from certain pay provisions, the additional maximum stipends prescribed for student dental interns, Department of Health, Education, and Welfare. Sections 511.201(b) and 534.202(b) are amended as set out below.

1. Effective June 20, 1967, the following item is added to paragraph (b) of § 511.201:

§ 511.201 Coverage of and exclusions from the Classification Act.

• • • • • •

(b) *Exclusions.* • • •

Dental student interns, Department of Health, Education, and Welfare, approved training after a minimum of 1 year dental school training.

• • • • • •

(5 U.S.C. 5102, 5351)

2. Effective June 20, 1967, § 534.202(b) is amended as follows:

§ 534.202 Maximum stipends.

• • • • • •

(b) • • •

Dental student interns, Department of Health, Education, and Welfare: Approved training after a minimum of 1 year dental school training L–5

• • • • • •

(5 U.S.C. 5351, 5352, 5541)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-7607; Filed, July 3, 1967; 8:50 a.m.]

Title 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

PART 1—ADMINISTRATIVE REGULATIONS

Subpart A—Official Records

Subpart A of Part 1, Title 7, is revised to read as follows:

Subpart A—Official Records

Sec.
1.1 Policy.
1.2 Request for examination or copy of records.
1.3 Authentication.
1.4 Restrictions on availability.
1.5 Compulsory process.
1.6 Records in formal adjudication and formal rule-making proceedings.

AUTHORITY: The provisions of this Subpart A issued under 5 U.S.C. 552, 559.

§ 1.1 Policy.

It is the policy of this Department to make its records available to the public to the maximum extent consistent with the national welfare and the rights of individual citizens. This means that, with certain exceptions, the records of the Department are freely available for public inspection. The exceptions are limited to those expressly required by law or authorized by the standards and principles contained in 5 U.S.C. 552(b).

§ 1.2 Request for examination or copy of records.

(a) *General.* Request for examination of a record or for a copy thereof shall be made to the agency administering the program. Examination of records shall be at the time and place specified by the agency; and copies or extracts shall be furnished and the recipient charged, where appropriate, in accordance with the Department fee schedule.

(b) *Fee schedule.* The Director, Office of Plant and Operations, shall issue regulations relating to fees and charges for reproductions and for furnishing copies and making searches of official records.

§ 1.3 Authentication.

When a request is received for an authenticated copy of a document which may be made available to the requesting party, the agency having possession thereof shall cause a correct copy to be prepared and sent to the Office of the General Counsel which shall certify the same and cause the seal of the Department to be affixed, except that the Judicial Officer, or the Hearing Clerk when directed by the Judicial Officer, may authenticate copies of documents in the records of the Hearing Clerk.

§ 1.4 Restrictions on availability.

(a)(1) Each agency in the Department, or the Assistant Secretary having responsibility for the activities of the agency, shall issue regulations setting forth the records which are exempt for disclosure because they are:

(i) Matters specifically required by Executive order to be kept secret;

(ii) Matters related solely to the internal personnel rules and practices of the Department;

(iii) Matters specifically exempted from disclosure by statute;

(iv) Trade secrets and commercial or financial information obtained from any person and privileged or confidential;

(v) Inter-agency or intra-agency memoranda or letters which would not be available by law to a party other than an agency in litigation with the Department;

(vi) Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(vii) Investigatory files compiled for law enforcement purposes except to the extent available by law to a party other than an agency;

(viii) Matters contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of any agency of the Department responsible for the regulation or supervision of financial institutions; or

(ix) Geological and geophysical information and data, including maps, concerning wells.

(2) The records of the Department that are within the above categories shall not be available to the public even though not specifically set forth in the agency regulations.

(3) Except where disclosure is prohibited by Executive order or statute, or by regulations of other Government agencies, the head of an agency may, in individual cases, make records exempt

from disclosure available if he determines that disclosure will not adversely affect the national interest or constitute an unwarranted invasion of individual privacy.

(b) Agency regulations shall specify when records become available for inspection, where and the time when records may be inspected, the procedures to be followed in requesting access, the opportunity for appeal to the head of the agency where access is denied, and such other provisions as may be necessary to carry out the policy of this subpart.

(c) In determining which records shall be exempt, agencies shall be guided by the Attorney General's Memorandum On The Public Information Section of the Administrative Procedure Act, June 1967, or any revision thereof, and the committee reports referred to therein. (This Memorandum may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.)

(d) Upon determination by a representative of an agency that a record is not available, the person requesting the record may appeal in writing to the head of the agency whose decision shall be final.

(e) Many of the records in the files of agencies of the Department are obtained from other agencies of the Department and other departments and agencies of the Government. Where the question of the availability of a record is determined to be primarily the responsibility of an agency other than the agency receiving a request therefor, the request will be referred to that agency for processing in accordance with that agency's regulations and the person submitting the request shall be so notified. In such instance the decision of the responsible officer of the agency having such responsibility with respect to the record shall be honored by agencies of this Department.

(f) The regulations in this subpart and 5 U.S.C. 552(a) deal only with records in being and in the possession or control of an agency and impose no obligation to compile or procure a record in response to a request.

§ 1.5 Compulsory process.

(a) *Referral to Secretary.* In any case where it is sought by subpoena, order, or other compulsory process or demand (hereinafter in this part referred to as a "demand") to require the production or disclosure of any record or material which is exempt from disclosure under § 1.4 or information related thereto acquired by an employee of this Department in the performance of his official duties or because of his official status, the matter shall be referred to the agency head for determination. If the agency head determines that it would be improper to comply with the demand, the matter will be referred to the Secretary of Agriculture for final determination. Unless the Secretary determines that the records, material, or information should be produced, the employee who appears in answer to the demand will respectfully decline to produce or disclose the records, material, or information demanded on the ground that the disclosure is prohibited by this section. The employee shall provide the court or other authority with a copy of the regulations prescribed in this subpart and shall respectfully request the court or other authority to withdraw the demand.

(b) *Demand before court or other authority for records or information exempt from disclosure.* Whenever a demand of the type described in paragraph (a) of this section is made upon an employee of this Department by a court or other authority while he is appearing before, or is otherwise in the presence of the court or other authority, the employee, or other appropriate Government official or attorney acting on behalf of the employee, shall (1) immediately inform the court or other authority that this section prohibits the employee from producing or disclosing the information or material demanded without the prior approval of the agency head or the Secretary of Agriculture, and (2) offer to refer the demand for the prompt consideration of the agency head or the Secretary of Agriculture. Unless the court or other authority withdraws the demand, the employee, or other appropriate Government official or attorney, shall provide the court or other authority a copy of the regulations prescribed by this subpart and shall respectfully request the court or other authority to stay the demand pending the receipt of instructions or directions from the agency head or the Secretary of Agriculture concerning the demand.

(c) *Procedure in the event of an adverse ruling.* If the court or other authority declines to stay the effect of the demand in response to a request made in accordance with paragraph (a) or (b) of this section pending the receipt of instructions or directions from the agency head or the Secretary of Agriculture, or if the court or other authority rules adversely on any claim of privilege that may be asserted in conformity with the provisions of this subpart or with instructions or directions issued by the Secretary of Agriculture pursuant thereto, the employee upon whom the demand shall have been made shall, pursuant to the regulations prescribed in this subpart, respectfully decline to produce or disclose the records, material, or information demanded.

§ 1.6 Records in formal adjudication and formal rule-making proceedings.

Records in formal adjudication and formal rule-making proceedings are on file in the Office of the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, and shall be made available to the public.

Effective date. These regulations shall become effective July 4, 1967.

Done at Washington, D.C., this 29th day of June 1967.

ORVILLE L. FREEMAN,
Secretary of Agriculture.

[F.R. Doc. 67-7642; Filed, July 3, 1967; 8:53 a.m.]

Chapter III—Agricultural Research Service, Department of Agriculture

PART 370—PUBLIC INFORMATION

The Agricultural Research Service hereby establishes rules for the implementation of 5 U.S.C. 552(a) (2) and (3). The provisions of this part are applicable to all programs and activities of ARS. These rules are incorporated in a new Part 370, the text of which follows:

Subpart A—Availability of Publications, Rules and Regulations, Staff Manuals and Instructions and Related Material

Sec.
370.1 ARS publications.
370.2 ARS rules and regulations.
370.3 Staff manuals and instructions.
370.4 Index.
370.5 Facilities for inspection and copies.

Subpart B—Availability of Identifiable Records

370.10 Requests.
370.11 Delegation of authority.
370.12 Available records.
370.13 Exempt records.
370.14 Determinations.
370.15 Appeals.
370.16 Inspection and copies.

AUTHORITY: The provisions of this Part 370 issued under 5 U.S.C. 552, 559.

Subpart A—Availability of Publications, Rules and Regulations, Staff Manuals and Instructions and Related Material

§ 370.1 ARS publications.

The ARS issues publications covering results of completed research and furnishing technical agricultural information. Most of these publications are available free from the USDA Publication Division, Office of Information, or from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, at established rates. Publications not available from these sources will be made available for public inspection and copying.

§ 370.2 ARS rules and regulations.

The ARS continuously publishes and maintains current rules and regulations covering its regulatory responsibilities. Such rules and regulations are set forth in Chapter I, Title 7 and Chapter III, Title 9 of the Code of Federal Regulations and are made currently available to the public by publication in the daily FEDERAL REGISTER, which is available to the public, as published, from the Government Printing Office.

§ 370.3 Staff manuals and instructions.

ARS will make available for public inspection and copying its administrative staff manuals and instructions to staff, affecting any member of the public except those exempt from disclosure pursuant to the provisions of 5 U.S.C. 552(b).

§ 370.4 Index.

ARS will maintain and make available at each office for public inspection and copying a current index providing identifying information for staff manuals and instructions, related forms, and other matters issued, adopted, or promulgated with respect to programs for which it has responsibility, and which are required to be made available pursuant to 5 U.S.C. 552(a)(2).

§ 370.5 Facilities for inspection and copies.

Facilities for public inspection and copying of the material described in the foregoing sections will be provided in a reading area by ARS. Addresses are listed below. Copies of such material may also be obtained in person or by mail. Applicable fees are prescribed by the Director, Office of Plant and Operations, USDA.

I. Farm Research—Material concerning farm research programs:

Deputy Administrator for Farm Research, ARS, Room 334-A, Administration Building, 14th and Independence Avenue SW., Washington, D.C. 20250.

II. Nutrition, Consumer and Industrial Use Research—Material concerning research and development programs to provide new, wider, and more effective uses for agricultural products and byproducts:

Deputy Administrator, Nutrition Consumer and Industrial Use Research, ARS, Room 310-A, Administration Building, 14th and Independence Avenue SW., Washington, D.C. 20250.

III. Marketing Research—Material involving the research programs concerning the improvement and protection of quality and efficient handling of agricultural products as they pass through the marketing system:

Deputy Administrator, Marketing Research, ARS, Room 359-A, Administration Building, 14th and Independence Avenue SW., Washington, D.C. 20250.

IV. Regulatory and Control—Material concerning regulatory and control programs covering animal and plant pests and diseases:

Deputy Administrator, Regulatory and Control, ARS, Room 303-E, Administration Building, 14th and Independence Avenue SW., Washington, D.C. 20250.

V. Administrative Management—Material concerning administrative management activities:

Deputy Administrator, Administrative Management, ARS, Room 204-A, Administration Building, 14th and Independence Avenue SW., Washington, D.C. 20250.

VI. Foreign Research and Technical Activities—Materials concerning foreign research contract and grant activities for the Department carried out by foreign governments and scientific organizations under Public Law 480 and related legislation:

Director, Foreign Research and Technical Programs Division, ARS, Room 344-A, Administration Building, 14th and Independence Avenue SW., Washington, D.C. 20250.

VII. Information Division—Published material concerning research and regulatory activities, including press releases, special articles, periodicals:

Director, Information Division, ARS, Room 5133, South Agriculture Building, 14th and Independence Avenue SW., Washington, D.C. 20250.

Subpart B—Disclosure of Identifiable Records

§ 370.10 Requests.

Requests for ARS records, pursuant to 5 U.S.C. 552(a)(3), shall (a) be made in writing to the appropriate Deputy Administrator or Division Director responsible for the program (30 F.R. 5799, April 24, 1965, as amended) and (b) identify each record sought with reasonable specificity. Requests may be submitted in person or by mail.

The above does not preclude persons from requesting such material in person, or in writing, directly from a field office, if it has been customary to obtain the information in this matter and the request is made during the local working hours of the office involved.

§ 370.11 Delegation of authority.

Subject to section 370.15, the Deputy Administrators or the Directors of the Information or Foreign Research and Technical Programs Division are authorized to act, on behalf of ARS, on all such requests in accordance with 5 U.S.C. 552, as implemented by this subpart.

§ 370.12 Available records.

ARS will promptly make available all ARS records requested in accordance with section 370.10 except exempt records as described in section 370.13.

§ 370.13 Exempt records.

Exempt records of ARS include the following:

(a) Matters specifically required by executive order to be kept secret.

(b) Matters related solely to the internal personnel rules and practices of the agency.

(c) Matters specifically exempted from disclosure by statute. This would include but would not be limited to:

(1) Section 3c(4) of the Federal Insecticide, Fungicide, and Rodenticide Act, prohibiting the disclosure of information relative to formulas of products acquired by authority of section 4 of the Act.

(d) Matters that are trade secrets and commercial or financial information obtained from a person and privileged or confidential. This would include but would not be limited to:

(1) Scientific and technical data on products or processing methods submitted by contractor, grantee, cooperator and manufacturer or processor.

(2) Data in research studies including information on commercial facilities and procedures where disclosure would adversely affect the respondent.

(3) Records concerning research project descriptions, progress reports or information concerning incomplete research prior to formal publication when such release would adversely affect the public interest.

(4) Data on products, sales, manufacturing or processing methods (includes data on plants, animals or animal byproducts, being moved by permit or license, etc.) from manufacturers or processors, licensee, registrant, permittee and laboratory or field tests.

(5) Data relating to disease outbreak identifying suspect or related animal, owner, source of outbreak, etc.

(e) Interagency or intraagency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency. This would include but would not be limited to:

(1) Records involving any pending or expected claim actions against the Government resulting from property damage or personal injury.

(2) Records involving pesticide accidents resulting from plant pest control programs.

(3) Documents covering agency plans which may be subject to revision before presentation.

(4) Reports of internal deliberations where premature release could harm the authorized and appropriate purpose for which they are being used.

(5) Preparatory budget material.

(f) Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. This would include but would not be limited to:

(1) Records regarding revocation of accreditation of veterinarians to conduct tests on animals and poultry diseases.

(g) Investigatory files compiled for law enforcement purposes except to the extent available by law to a party other than an agency.

§ 370.14 Determinations.

The appropriate Deputy Administrator or Division Director shall promptly make available any ARS records requested in accordance with section 370.10, unless he determines that it is an exempt record. He shall give prompt written notice of any such determination together with the reasons therefor.

§ 370.15 Appeals.

The denial of any request for an ARS record or records may be appealed by the person who made the request to the Administrator of ARS. The appeal shall be made in writing within 30 days. The Administrator will give written notice of ARS' final determination.

§ 370.16 Inspection and copies.

A person who has requested available records shall be promptly notified that upon payment of applicable fees, he may inspect and copy such records (or copies) and purchase copies or extracts thereof, in the office, listed under section 370.5, on business days from 9:30 a.m. to 5 p.m. Copies of such records may also be purchased by mail. The applicable fees are prescribed by the Director, Office of Plant and Operations, USDA.

Effective Date: The provisions of this Part 370 are effective on July 4, 1967.

GEORGE W. IRVING, Jr.,
Administrator,
Agricultural Research Service.

JUNE 30, 1967.

[F.R. Doc. 67-7725; Filed, July 3, 1967; 8:56 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 18]

PART 722—COTTON

Subpart—Acreage Allotments for 1966 and Succeeding Crops of Upland Cotton

MISCELLANEOUS AMENDMENTS

Basis and purpose. This amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). The purposes of this amendment are as follows:

1. Section 722.411(a)(7) is clarified to provide that a minimum allotment shall not be established for a tract or tracts resulting from a reconstitution by division where such tract or tracts will be combined with another farm for the current year.

2. Sections 722.411(b) and 722.413(b)(4)(iii) are added to provide that only in rare cases shall reserve and reapportioned acreage be allocated to a farm from which acreage has been transferred under section 344(a) of the Act.

3. Section 722.414 (a)(1) and (b)(1) are amended to explain that for farms in certification counties for which a timely certification of acreage is not filed, the acreage considered to have been planted to cotton shall be zero in accordance with the regulations in Part 718 of this chapter.

Since the 1967 crop is now being planted and compliance certifications are now being accepted in county offices, the farmers need to know the provisions of these amendments as soon as possible. It is hereby determined and found that compliance with the notice, public procedure and 30-day effective date requirements of 5 U.S.C. 553 (80 Stat. 383) is impracticable and contrary to the public interest. Accordingly, this amendment shall be effective upon filing with the Director, Office of the Federal Register.

The regulations for Acreage Allotments for 1966 and Succeeding Crops of Upland Cotton (31 F.R. 5300, as amended) are amended as follows:

1. Section 722.411(a)(7) is amended and a new paragraph (h) is added to read as follows:

§ 722.411 Establishment of farm allotments.

(a) *Farm allotment bases and minimum allotment requirements.* * * *

(7) Minimum allotment—the minimum allotment for each old cotton farm for which a 1958 allotment was established shall be the smaller of 10 acres or the adjusted 1958 farm allotment determined for the current year. In the case of reconstitution of a farm by division where one or more of the tracts to be divided from the parent farm will be combined with another farm for the current year, such tract or tracts shall not be eligible for a minimum allotment prior to such combination.

* * * * *

(h) *Additional limitations on use of reserve acreage.* County reserve acreage and acreage allocated to the county from the State reserve may not be used to make adjustments in farm allotments under paragraphs (c), (d), and (g) of this section for farms from which allotment was transferred in the current or a prior year under section 344(a) of the Act: *Provided*, That the county committee, with the approval of a representative of the State committee, may make adjustments in farm allotments for such farms in exceptional cases including but not limited to cases where the transferor will not benefit from the adjustment, or the transfer was temporary and allotment has been returned to the farm for the current year.

2. Section 722.413(b)(4) is amended by adding a new subdivision (iii) at the end thereof to read as follows:

§ 722.413 Release and reapportionment of cotton allotments.

* * * * *

(b) *Allotments which may be released and reapportioned.* * * *

(4) *Standards and guidelines for reapportionment.* * * *

(iii) Allotment may not be reapportioned to a farm from which allotment was transferred in the current or a prior year under section 344(a) of the Act: *Provided*, That the county committee, with the approval of a representative of the State committee, may reapportion allotment to such farm in exceptional cases including but not limited to cases where the transferor will not benefit from the reapportioned allotment, or the transfer was temporary and allotment has been returned to the farm for the current year.

* * * * *

§ 722.414 [Amended]

3. Section 722.414(a)(1) is amended by adding the following sentence at the end thereof to read as follows: "For farms in certification counties for which a timely certification of acreage is not filed, the acreage considered to have been planted to cotton shall be zero in accordance with the regulations in Part 718 of this chapter."

4. Section 722.414(b)(1) is amended by removing the period at the end of the paragraph, inserting a colon and adding a new clause at the end thereof to read as follows: "*Provided further*, That for farms in certification counties for which a timely certification of acreage is not filed, the acreage considered to have been planted to cotton shall be zero in accordance with the regulations in Part 718 of this chapter."

(Secs. 344, 344a, 374, 375, 377, 63 Stat. 670, as amended, 79 Stat. 1197, 53 Stat. 66, as amended, 52 Stat. 66, as amended, 70 Stat. 206, as amended, 7 U.S.C. 1344, 1344b, 1374, 1375, 1377)

Effective date: Date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on June 28, 1967.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 67-7507; Filed, July 3, 1967; 8:49 a.m.]

SUBCHAPTER E—PUBLIC RECORDS

PART 798—AVAILABILITY OF INFORMATION TO THE PUBLIC

The Agricultural Stabilization and Conservation Service (hereinafter referred to as ASCS) hereby creates a new subchapter and part in order to publish for the guidance of the general public the rules of availability of its records pursuant to 5 U.S.C. 552.

Sec.
798.1 Records available to the public.
798.2 Index.
798.3 Records not available to the public.
798.4 Determination of availability.
798.5 Deletion of identifying details.
798.6 Procedure for requesting records.
798.7 Fees.
798.8 Appeal procedure.

AUTHORITY: The provisions of this Part 798 issued under 5 U.S.C. 552, 559.

§ 798.1 Records available to the public.

All ASCS records, unless exempted from disclosure by departmental regulations, shall be available to the general public. Records shall be available upon their creation (that is, when they are approved by proper authority or published) except where premature disclosure would constitute an unwarranted invasion of personal privacy, a violation of confidence, or would substantially prejudice effective performance of the program involved. The following are illustrative of records which shall be available sometime after their creation:

(a) *Records which shall be available as specified.* (1) Information on the extent of price-support activity, such as the total amount of a commodity placed under loan for a particular period, shall be available after a national press release for the period has been issued. The national release is normally issued about the 20th of each month covering the activities up to the end of the preceding month.

(2) Commodity Credit Corporation (hereinafter referred to as CCC) price-support dockets shall be available after public announcement of the program has been made. ("Docket" means the several basic documents submitted to the CCC Board of Directors for their action.)

(3) CCC supply dockets shall be available after termination of purchase activity.

(4) CCC dockets involving programs under Titles I and II of Public Law 480, 83d Congress, as amended, shall be available after the program is terminated.

(5) Records of the quantities and prices paid for grain sold from CCC stocks shall be available after one intervening market trading session.

(6) Records on commodity programs which would affect the markets shall be available after the markets close.

(b) *Records which shall be available after 30 days.* (1) The amount of any payment or loan to a farmer.

(2) Prices paid by individual buyers for cotton from CCC stocks.

(3) Names of successful bidders for grain from CCC stocks.

(4) Notices of sale submitted by exporters.

(5) Various reports compiled from the Daily Report of Wheat Sales Registered for Export.

§ 798.2 Index.

ASCS shall maintain for public inspection and copying an index of directives, CCC Board dockets, CCC Contract Disputes Board decisions, and marketing quota Review Committee determinations. "Directives" include such records as handbooks, notices, and checklists issued by national and field offices, numbered Administrator's Memos, and bin site directories.

§ 798.3 Records not available to the public.

The following records are illustrative of records which shall not be made available to the public unless the Administrator, ASCS (Executive Vice President, CCC) in an individual case, where disclosure is not prohibited by Executive order or statute, determines that the disclosure will not adversely affect the national interest or constitute an unwarranted invasion of individual privacy:

(a) Information furnished in confidence by persons, including sugar processors and growers, wool producers, warehousemen, producer associations, and dealers to assist ASCS or CCC in formulating and operating programs involving these groups.

(b) Trade secrets and commercial or financial information furnished by any person incident to entering into a contract, or securing a loan, or transacting other business with ASCS or CCC.

(c) Bid documents on formal procurement contracts. (Abstract of bids is available to the public.)

(d) Working papers, preliminary drafts, internal correspondence, corrections, estimates, projections, economic analyses and budgetary planning documents involved with formulation of budget requests, CCC Board dockets, and plans for activities concerning total stocks and CCC stocks of agricultural commodities.

(e) Maximum and minimum price guidelines established for the guidance of purchasing officers and for merchandisers of CCC-owned commodities or of commodities under loan to CCC.

(f) Audit and investigation reports and their supporting case files, except to the extent available by law to a party other than an agency.

(g) Lists and case files of persons suspended or debarred from contracting with CCC or ASCS.

(h) Agency directives which contain operating rules and guidelines for investigators, examiners, and inspectors such as the Commodity Inspection and Maintenance Handbook (2–IM) and Protective Services for Shipments of ASCS Perishable Commodities Handbook (2–TS).

(i) Information on imports of sugar by individual companies.

(j) Minutes of executive meetings of State and county committees.

(k) Blank copies of accountable or negotiable forms.

(l) Data reported by or acquired from farmers engaged in the production of corn, wheat, cotton, rice, peanuts, or tobacco for market pursuant to 7 U.S.C. 1373, including proof of acreage, yield, storage, or marketings of the commodity. This includes aerial photographs on which such data is recorded.

(m) Interagency or intra-agency memorandums or letters which would not be available by law to a party other than an agency of the government in litigation with ASCS.

(n) Correspondence between ASCS or CCC and persons outside ASCS or CCC which is privileged or confidential.

(o) Individual personnel, medical, and similar records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(p) Records which are specifically exempted from disclosure by statute or Executive order.

§ 798.4 Determination of availability.

The head of the records-holding office upon request by any person for a record, the availability of which is in question, shall determine its availability subject to the approval of the appropriate deputy administrator of ASCS.

§ 798.5 Deletion of identifying details.

The records-holding office shall delete from the record, before making it available, identifying details such as business affairs and medical or family matters, the disclosure of which would be a clearly unwarranted invasion of personal privacy, and shall prepare a covering letter, to be furnished wtih the record, justifying the deletion.

§ 798.6 Procedure for requesting records.

(a) *Where to request records.* Each ASCS office in the field and each ASCS office and division in Washington (see statement of Organization and Functions of ASCS (28 F.R. 4368) and of CCC (28 F.R. 13795) and any amendments thereto) is designated an "information center" and shall make space available for any person to inspect a record and shall provide copies of requested records as provided in paragraph (d) of this section. Requests shall be made during the regular working hours of such office or division. The office or division shall furnish the requested record within that reasonable period of time which allows it to honor the request without undue interference with its regular operations.

(b) *How to request records.* Any person may make a request in writing or verbally, except that requests for lists of farmers, committeemen, or employees must be in writing. Requests for such lists shall contain a statement that they will not be used by the requester or be made available to other persons for commercial purposes such as solicitations. The request must be specific enough to reasonably identify the record requested to enable the record clerk to locate it. If a fee is to be charged for the record, payment of the fee shall accompany the request.

(c) *Obtaining records not maintained by the office to which the request is made.* (1) ASCS records are normally in the possession of the several offices and divisions which create and use them. For example, records on individual farms are maintained by the ASCS county office for the county in which the farm is located; Marketing Quota Review Committee records are maintained by the clerk of the committee (generally the county office manager) for the county in which the farm is located; program records containing national policy determinations are maintained by the appropriate division in Washington.

(2) If an ASCS record requested in accordance with paragraph (b) of this section is not maintained by the office or division to which request is made, such office or division shall give the requester the name and address of the office holding the record.

(3) If the record requested is not normally maintained by ASCS, the request shall be referred to the agency having paramount interest in the record being requested. Such agency will handle the request in accordance with its published rules and determine availability of the requested record.

(d) *Obtaining copies of requested records.* (1) If copies of directives and final decisions, determinations, and opinions are not available for purchase at the office to which request is made, such office shall obtain them for the requester. Copies of national directives and CCC Contract Disputes Board final decisions and opinions shall be obtained from the appropriate Washington division. Copies of field directives and supplements to national directives and Marketing Quota Review Committee final determinations and opinions shall be obtained from the appropriate field office.

(2) Copies of aerial photography (containing no restricted data) may be ordered from the appropriate Aerial Photography Laboratory on Form ASCS–441, Order for Aerial Photographs, available at State and county offices, Aerial Photography Division, Washington, and the Aerial Photography Laboratories.

(3) Copies of documents, forms, or other records which are reasonably identified by the requester in accordance with paragraph (b) of this section shall be reproduced by the office to which request is made or obtained by such office from the record-holding office.

§ 798.7 Fees.

Except as specified in this section fees and charges for publications and for furnishing copies and making searches of official records shall be those set forth in the fee schedule issued by the Director, Office of Plant and Operations.

(a) Directives and blank forms required by ASCS for program administration or participation are provided without cost to participants.

(b) Directives are available for inspection to persons other than program participants in the various programs administered by ASCS without cost to the requester. Fees for printed copies of national handbooks and bin site directories shall be as follows. These fees cover all national amendments to a national handbook available at the time of purchase.

(1) $2.50 each for the first copy of an ASCS handbook or bin site directory.

(2) $1 for each additional copy.

(c) The fees shown in the following table shall be charged for lists of farmers furnished by ASCS county offices. County offices shall furnish lists of committeemen or office employees without cost to the requester. Charges for lists of farmers, committeemen, or employees covering more than one county and lists which must be prepared by hand shall be negotiated by the State executive director. A minimum fee for any list for which a charge is required shall be $5.

Type of list	Charge per name with—	
	Automatic addressing machine	Hand addressing machine
	Cents	Cents
Complete county list with NO selection	4	8
Selected list (Requester must specify the bases of selection)	6	10
Complete list with acreage allotments posted on list by hand	10	14

(d) Charges for computer-stored data which can be produced through existing computer programs shall be on a negotiated basis. Such charges shall consist of machine, computer, personnel, and material costs. Negotiated charges shall be approved by the appropriate deputy administrator, ASCS.

§ 798.8 Appeal procedure.

(a) Any person from whom any ASCS record is withheld may file an appeal with the Administrator, ASCS (Executive Vice-President, CCC) within 15 days after the date of mailing of notice by the head of the records-holding office to the requester that the record is unavailable.

(b) The appeal shall be in writing and be signed by the appellant or his authorized representative.

(c) The Administrator or his designee shall consider the appeal, determine availability of the record, and furnish the appellant written notice of his determination stating his reasons therefor.

Effective date: July 4, 1967.

Signed at Washington, D.C., on June 30, 1967.

E. A. JAENKE,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 67-7653; Filed, July 3, 1967; 8:54 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

PART 900—GENERAL REGULATIONS

Subpart—Public Information

The provisions of this subpart are applicable to all programs and activities of the Consumer and Marketing Service. The Consumer and Marketing Service hereby establishes rules for the implementation of 5 U.S.C. 552(a)(2) and 552(a)(3). The rules are incorporated in a new Subpart—Public Information, the text of which follows:

AVAILABILITY OF PROGRAM INFORMATION, STAFF MANUALS AND INSTRUCTIONS, AND RELATED MATERIAL

Sec.
900.500 Sources of program information.
900.501 Availability of program information
900.502 Staff manuals and instructions
900.503 Index
900.504 Facilities for inspection; copies

DISCLOSURE OF IDENTIFIABLE RECORDS

900.510 Requests
900.511 Delegation of authority
900.512 Available records
900.513 Exempt records
900.514 Determinations
900.515 Appeals
900.516 Inspection and copies

AUTHORITY: The provision of this subpart issued under 5 U.S.C. 552, 559.

AVAILABILITY OF PROGRAM INFORMATION, STAFF MANUALS AND INSTRUCTIONS, AND RELATED MATERIAL

§ 900.500 Sources of program information.

A description of the central and field organization of the Consumer and Marketing Service is published in 31 F.R. 13249, October 31, 1966 and 31 F.R. 15026, November 30, 1966. Any revision or amendment will be published in the FEDERAL REGISTER as will any revision or amendment of this subpart.

§ 900.501 Availability of program information.

(a) Certain program information such as handbooks, forms, instructions, and FEDERAL REGISTER reprints (if copies are available and it has been customary to distribute such documents) will be made available free to Federal or Federal-State cooperative employees; licensed inspectors, graders, and samplers; cooperators under signed cooperative agreements; plants under inspection or grading contracts; and others with whom the Consumer and Marketing Service is doing business and who may be involved in carrying out assigned program functions. Such program information will also be indexed and available for public inspection and copying.

(b) Material which is purely informational in nature and is issued by the Consumer and Marketing Service as a public service or to provide information about Consumer and Marketing Service programs will be made available free. Such material includes market news releases, plentiful foods bulletins, and pamphlets or leaflets explaining C&MS programs.

§ 900.502 Staff manuals and instructions.

The Consumer and Marketing Service will make available for public inspection and copying its administrative staff manuals and instructions to staff affecting any member of the public except those manuals and instructions exempt from disclosure pursuant to the provisions of 5 U.S.C. 552(b).

§ 900.503 Index.

The headquarters office of each Division of the Consumer and Marketing Service will maintain and make available for public inspection and copying a current index providing identifying information for the public as to staff manuals, and instructions and other matters issued, adopted, or promulgated with respect to programs for which it has responsibility, and which are required to be made available pursuant to 5 U.S.C. 522(a)(2).

§ 900.504 Facilities for inspection; copies.

No central facilities for public inspection and copying of materials will be provided. Copies of materials listed in the index of a Division of the Consumer and Marketing Service may be inspected and copied at the headquarters office. Copies of such materials may also be obtained in person or by mail, when requested in writing, and upon payment of applicable fees prescribed by the Office of Plant and Operations, U.S. Department of Agriculture.

DISCLOSURE OF IDENTIFIABLE RECORDS

§ 900.510 Requests.

(a) Requests for records of the Consumer and Marketing Service, pursuant to 5 U.S.C. 552(a)(3), shall be made in writing to the Director of the Division responsible for the program (31 F.R. 13249, October 31, 1966, and 31 F.R. 15026, November 30, 1966), Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250. Each record sought must be identified with reasonable specificity. The Consumer and Marketing Service is under no obligation to produce records for examination which cannot be reasonably identified nor is it obligated to create records to specification in response to a request. Requests may be submitted in person or by mail. If in person, requests shall be submitted between 9 a.m. and 5:30 p.m., Monday through Friday, except holidays.

(b) Certain records of the Consumer and Marketing Service are scattered among several hundred field offices, each field office having only the records it has generated. Requests for such material will be filled either by copying the records in each field office and consolidating the material at the headquarters office or by asking each field office to copy the records and furnish them directly, whichever method appears most expeditious to the headquarters Division involved. In such cases, the fee for searching and copying will be collected at the headquarters office. The above does not preclude persons from requesting such material in person, or in writing, directly from a field office, if it has been customary to obtain the information in this manner and the request is made during the local working hours of the office involved.

§ 900.511 Delegation of authority.

Subject to § 900.515, the Director of the Division responsible for the records is authorized to act, on behalf of the Consumer and Marketing Service, on all such requests in accordance with 5 U.S.C. 552, as implemented by this subpart.

§ 900.512 Available records.

The Consumer and Marketing Service will promptly make available all Consumer and Marketing Service records requested in accordance with § 900.510 except exempt records as described in § 900.513.

§ 900.513 Exempt records.

Exempt records of the Consumer and Marketing Service include but are not limited to the following:

(a) Matters specifically required by Executive order to be kept secret.

(b) Matters related solely to the internal personnel rules and practices of the Consumer and Marketing Service. Among such records are warehouse examiners' handbooks and other handbooks describing records of tolerances applied in laboratory examination of products and in testing for various purposes.

(c) Matters specifically exempted from disclosure by statute.

(d) Matters that are trade secrets and commercial or financial information obtained from any person and privileged or confidential. Among records of the Consumer and Marketing Service in this category are blueprints and similar records revealing individual physical or operating characteristics of meat or poultry slaughtering or other food processing plants; data concerning product formulations, packaging, labeling, methods of manufacture, and chemical additives, provided by industry in connection with the Department's registration, inspection, grading, and other regulatory and service functions; information furnished voluntarily by persons relating to their farm or business operations for use in making statistical analyses as a foundation for official estimates and reports, for use in developing inspection or other required staffing, financial or program plans, or for official purposes; inspection, grading, and classing certificates or reports and worksheets and other background material, including condemnation reports, plant sanitation records and reports and laboratory test results; fee bills and other documents relating to inspection, grading and classing work which would indicate quantity, quality, or other characteristics of an individual business, plant, or operation; information and reports obtained from individual dealers, manufacturers, associations, or others covering quantities of commodities processed, condemned, purchased, or sold during prescribed periods, or on hand at particular times, or the prices paid or received therefor; producers' referendum or other ballots filed pursuant to law, and other records developed for the conduct and final execution of referenda or the determination of producer approval, such as producer lists, handler lists, plant receipts, and utilization in the representative period, and similar records relating to marketing order referenda; information furnished pursuant to marketing agreements and orders; financial information and examination reports relating to licensees and applicants for licenses under the U.S. Warehouse Act; laboratory reports, such as pathological, residue, and bacteriological, involving individual food processing plants or establishments; data concerning individual reviews of nonfederally inspected plants using or requesting Federal Meat Grading Service; results of analyses of samples of meat and poultry products produced under State or local inspection systems, for example, specie determination and residues of pesticides.

(e) Interagency or intraagency memorandums or letters which would not be available by law to a party other than the agency in litigation with the Department. This includes, but is not limited to, communications with States concerning matching fund programs, minutes of Matching Fund Program Advisory Committee meetings, the Department Matching Fund Marketing Service Committee, and the Consumer and Marketing Service Matching Fund Working Group; State matching fund audit reports by the Office of the Inspector General, field reviews covering visits of matching fund personnel to States for the purpose of reviewing matching fund activities; documents discussing or recommending the formulation of the Departmental position in freight rate matters, and action notices to the Transportation Rates Review Group and minutes of Group meetings; information relating to policy determinations, the advance disclosure of which would give an undue advantage to some or disadvantage to others or would improperly affect a pending action; analyses and data being prepared for release prior to actual release; reports and correspondence relating to evaluations of foreign meat inspection systems; and those intra- and inter-agency communications applicable to the formulation of a Consumer and Marketing Service order, instruction, regulation, or decision.

(f) Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. This includes, but is not limited to, individual personnel and medical files and related records, including such record material on licensed persons; mailing lists in connection with registration or other regulatory or service functions or for dissemination of market news or other publications.

(g) Investigatory files compiled for law enforcement purposes except to the extent available by law to a party other than the agency. This includes, but is not limited to, charges, complaints and other processes in connection with and prior to being filed in administrative or judicial proceedings; Office of Inspector General reports of investigation and all related correspondence; reports and related correspondence of the Compliance and Evaluation Staff of the Consumer and Marketing Service; and all other investigative, inspection, and accounting reports and supporting data assembled by the Consumer and Marketing Service and pertaining to compliance with laws or regulations.

§ 900.514 Determinations.

The appropriate Division Director shall make promptly available any Consumer and Marketing Service record requested in accordance with § 900.510, unless he determines that the record is exempt under the provisions of § 900.513. If he determines that the requested record should be withheld from public inspection, he shall give prompt written notice of any such determination together with the reasons therefor.

§ 900.515 Appeals.

A denial by a Division Director of any request for a Consumer and Marketing Service record or records for which that Director is responsible may be appealed by the person who made the request to the Administrator, Consumer and Marketing Service. The appeal shall be made in writing within 15 days of the date of the Director's notice of his action. The administrator will give written notice of Consumer and Marketing Service's final determination.

§ 900.516 Inspection and copies.

A person who has requested available records shall be promptly notified that, upon payment of applicable fees, he may inspect and copy such records (or copies), and purchase copies or extracts thereof, in the office of the Director of the Division responsible for the records, on business days from 9 a.m. to 5:30 p.m. Copies of such records may also be purchased by mail. The applicable fees are prescribed by the Office of Plant and Operations, U.S. Department of Agriculture.

Effective date. The provisions of this Subpart are effective July 4, 1967.

Dated: June 29, 1967.

S. R. SMITH,
Administrator.

[F.R. Doc. 67-7619; Filed, July 3, 1967; 8:51 a.m.]

[Nectarine Reg. 1, Amdt. 2]

PART 916—NECTARINES GROWN IN CALIFORNIA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 916, as amended (7 CFR Part 916), regulating the handling of nectarines grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation of the Nectarine Administrative Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of nectarines, in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of Early Sun Grand variety of nectarines grown in California.

a. *Order.* It is, therefore, ordered that the provisions of paragraph (a)(1) of § 916.329 (Nectarine Reg. 1; 32 F.R. 7911) are hereby amended to read as follows:

§ 916.329 Nectarine Regulation 1.

(a) *Order.* (1) During the period June 29, 1967, through October 31, 1967, no handler shall handle any package or container of any variety of nectarines unless such nectarines grade at least U.S. No. 1: *Provided,* That nectarines 2 inches in diameter or smaller, or 4 x 4 size or smaller, shall not have fairly light colored, fairly smooth scars which exceed the aggregate area of a circle ⅜ inch in diameter, and nectarines larger than 2 inches in diameter, or larger than 4 x 4 size, shall not have fairly light colored, fairly smooth scars which exceed an aggregate area of a circle ½ inch in diameter: *And provided further,* That an additional tolerance of 20 percent shall be permitted for fruit that is not well formed but not badly misshapen except that for the Early Sun Grand variety of nectarines such additional tolerance shall be 100 percent instead of 20 percent.

* * * * *

b. The provisions of this amendment shall become effective June 29, 1967.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 28, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-7596; Filed, July 3, 1967; 8:49 a.m.]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk) Department of Agriculture

[Milk Order No. 32]

PART 1032—MILK IN SOUTHERN ILLINOIS MARKETING AREA

Order Suspending a Certain Provision

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Southern Illinois marketing area (7 CFR Part 1032), it is hereby found and determined that:

(a) The following provision of the order does not tend to effectuate the declared policy of the Act for the month of July 1967.

(1) In § 1032.14(b)(2) the phrase "during the months of May and June and in any month for not more than 8 days of production of producer milk by such producer."

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of the effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) In this instance the procedure for issuance of notice of intention to suspend said provision and allowing time for filing views, data and arguments, is not practical in view of the time required and the need of parties in the market to take immediate action to handle milk in the manner which would be permitted by this suspension order.

(4) This suspension action requested by a handler and supported by five cooperative associations representing more than 90 percent of the producers regularly supplying the market is necessary for the efficient and orderly marketing of seasonal reserve supplies of producer milk. Without this action it would be necessary for large quantities of producer milk to be received at pool plants before being transferred to nonpool plants for manufacturing. This action will permit, for the month of July, the efficient movement of producer milk directly from farms of producers to nonpool manufacturing plants.

Therefore, good cause exists for making this order effective July 1, 1967.

It is therefore ordered, That the aforesaid provision of the order is hereby suspended for the month of July 1967.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: July 1, 1967.

Signed at Washington, D.C., on June 29, 1967.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 67-7646; Filed, June 30, 1967; 8:50 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Reg.; 1966 and Subsequent Crops Wheat Supp., Amdt. 3]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1966 and Subsequent Crops Wheat Loan and Purchase Program

DETERMINATION OF QUALITY AND WAREHOUSE RECEIPTS

The regulations issued by the Commodity Credit Corporation published in 31 F.R. 9414 and 32 F.R. 7961 containing provisions for price support loans and purchases applicable to the 1966 and subsequent crops of wheat are amended as follows:

1. § 1421.2164, subparagraph (1) of paragraph (a) is amended to provide that a State committee may, on a countywide basis, authorize the determination of the class, grade, and quality of wheat for stated purposes on the basis of the class, grade, and quality stated on warehouse receipts issued by approved warehouses. The amended subparagraph reads as follows:

§ 1421.2164 Determination of quality.

(a) *Regular grading factors.* (See § 1421.2165 for protein determinations.)

(1) *Wheat stored in or delivered to approved warehouses.* The class, grade, and quality of wheat placed under a warehouse-storage loan, or stored in an approved warehouse prior to purchase by CCC, or delivered to an approved warehouse in satisfaction of a farm-storage loan or for purchase by CCC shall be determined by a licensed inspector or any grading laboratory qualified to issue official grade certificates based upon a sample which the producer and warehouseman agree to be representative thereof, except that a State Committee may, on a countywide basis, authorize the determination of the class, grade, and quality of wheat for such purposes on the basis of the class, grade, and quality stated on warehouse receipts issued by approved warehouses.

* * * * *

2. In § 1421.2167, the first sentence is amended to provide that official grade certificates need not accompany warehouse receipts when such certificates are not required under § 1421.2164(a)(1). The amended sentence reads as follows:

§ 1421.2167 Warehouse receipts.

Except when such certificates are not required under § 1421.2164(a)(1), warehouse receipts tendered to CCC in connection with a loan or purchase must be accompanied by official inspection certificates or copies thereof and must meet the following requirements of this section:

* * * * *

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 107, 401, 63 Stat. 1051, 1054; 15 U.S.C. 714c, 7 U.S.C. 1441, 1421)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on June 29, 1967.

H. D. GODFREY,
Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 67-7637; Filed, July 3, 1967; 8:52 a.m.]

PART 1464—TOBACCO

Subpart—Tobacco Loan Program

FLUE-CURED TOBACCO ADVANCE SCHEDULE, 1967 CROP

Set forth below is a schedule of advance rates, by grades, for the 1967 crop of types 11–14 flue-cured tobacco, under the tobacco price support loan program.

§ 1464.1777 1967 Crop—Flue-Cured Tobacco, Types 11–14, Advance Schedule.[1]

[Dollars per hundred pounds, farm sales weight]

Grade	Advance rate	Grade	Advance rate	Grade	Advance rate
B3L	74.25	B6GR	57.25	X1L	78.25
B4L	71.25	B4GK	49.25	X2L	77.25
B5L	66.25	B5GK	46.25	X3L	76.25
B6L	62.25	B6GK	39.25	X4L	73.25
B1F	83.25	B4GG	57.25	X5L	67.25
B2F	78.25	B5GG	55.25	X1F	78.25
B3F	74.25	B3L8	60.25	X2F	77.25
B4F	71.25	B4L8	56.25	X3F	76.25
B5F	66.25	B5L8	54.25	X4F	73.25
B6F	62.25	B6L8	47.25	X5F	67.25
B1FR	82.25	B3FS	60.25	X3LV	67.25
B2FR	76.25	B4FS	57.25	X4LV	64.25
B3FR	72.25	B5FS	53.25	X3FV	67.25
B4FR	67.25	B6FS	47.25	X4FV	64.25
B5FR	62.25	B5RR	53.25	X4KV	54.25
B6FR	57.25	B5RG	39.25	X5KV	44.25
B6D	42.25	H1L	83.25	X4KL	61.25
B6D	36.25	H2L	79.25	X5KL	53.25
B3R	59.25	H3L	78.25	X4KF	61.25
B4R	54.25	H4L	76.25	X5KF	52.25
B5R	48.25	H5L	74.25	X3KM	65.25
B6R	41.25	H6L	70.25	X4KM	60.25
B3LV	68.25	H1F	83.25	X3L8	68.25
B4LV	63.25	H2F	79.25	X4L8	59.25
B5LV	50.25	H3F	78.25	X3FS	62.25
B3FV	68.25	H4F	76.25	X4FS	59.25
B4FV	63.25	H5F	74.25	X4G	51.25
B5FV	59.25	H6F	70.25	X5G	45.25
B4KV	54.25	H3FR	72.25	X4GK	49.25
B5KV	48.25	H4FR	69.25	P2L	71.25
B6KV	41.25	H5FR	66.25	P3L	69.25
B3K	67.25	H6FR	62.25	P4L	63.25
B4K	55.25	H3K	70.25	P5L	55.25
B5K	51.25	H4K	68.25	P2F	71.25
B6K	45.25	H5K	64.25	P3F	69.25
B3KL	60.25	H6K	60.25	P4F	62.25
B4KL	54.25	C1L	83.25	P5F	52.25
B5KL	50.25	C2L	79.25	P4G	46.25
B6KL	43.25	C3L	78.25	P5G	38.25
B3KF	56.25	C4L	77.25	N1L	37.25
B4KF	54.25	C5L	76.25	N1XL	46.25
B5KF	50.25	C1F	83.25	N1F	41.25
B6KF	44.25	C2F	79.25	N1K	47.25
B3KM	59.25	C3F	78.25	N1R	33.25
B4KM	57.25	C4F	77.25	N1GL	31.25
B5KM	53.25	C5F	76.25	N1GF	35.25
B6KM	47.25	C4LV	72.25	N1GR	30.25
B4GL	54.25	C4FV	72.25	N1GG	27.25
B5GL	51.25	C4KL	67.25		
B6GL	45.25	C4KF	67.25		
B3GF	57.25	C4KM	67.25		
B4GF	54.25	C4L8	65.25		
B5GF	51.25	C5L8	62.25		
B6GF	44.25	C4FS	64.25		
B4GR	49.25	C5FS	62.25		

[1] The advance rates listed are applicable only to tied flue-cured tobacco identified on a 1967 tobacco marketing card which does not bear either the notation "No Price Support" or "Discount Variety Limited Support" and which does not, together with all other tobacco previously marketed and currently being offered for marketing on a single tobacco sales bill, exceed 110 percent of the applicable farm marketing quota. Rates for tobacco identified on a marketing card which bears the notation "Discount Variety Limited Support", which does not bear the notation "No Price Support" and which does not, together with all other tobacco previously marketed and currently being offered for marketing on a single tobacco sales bill, exceed 110 percent of the applicable farm marketing quota, are 50 percent plus twelve and one-half cents ($0.125) per hundred pounds of the advance rates listed. Rates for untied flue-cured tobacco are three dollars ($3.00) per hundred pounds less for each grade than for tied tobacco similarly identified. Tobacco is eligible for advances only if consigned by the original producer and only if produced by a cooperator.

In the Georgia-Florida belt price support will be available only on untied tobacco as in past years. In all belts except in the Georgia-Florida belt, price support for all grades of untied tobacco will be available during the first 95 hours of scheduled selling time, and price support for tied tobacco will be available for all grades during the first 95 hours of scheduled selling time as well as during the remainder of the marketing season.

Tobacco graded "W" (doubtful keeping order), "U" (unsound), N2, No-G or scrap will not be accepted. The cooperative association through which price support is made available is authorized to deduct 25 cents per hundred pounds to apply against overhead costs.

Sec. 4, 62 Stat. 1070, as amended, sec. 5, 62 Stat. 1072, secs. 101, 106, 401, 403, 63 Stat. 1051, as amended, 1054, sec. 125, 70 Stat. 198, 74 Stat. 6; 7 U.S.C. 1441, 1445, 1421, 1423, 7 U.S.C. 1813, 15 U.S.C. 714b, 714c)

Effective date: Date of filing with the Office of the Federal Register.

Signed at Washington, D.C., on June 28, 1967.

H. D. GODFREY,
Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 67-7638; Filed, July 3, 1967; 8:52 a.m.]

Chapter XVII—Rural Electrification Administration, Department of Agriculture

PART 1701—PUBLIC INFORMATION

The Rural Electrification Administration hereby establishes rules for the implementation of 5 U.S.C. 552(a) (2) and (3). The rules are incorporated in a new Part 1701, the text of which follows:

Subpart A—Availability of Bulletins, Staff Manuals and Instructions, and Related Material

Secs.
1701.1 REA Bulletins.
1701.2 Staff manuals and instructions.
1701.3 Index.
1701.4 Facilities for inspection; copies.

Subpart B—Availability of Identifiable Records

1701.10 Requests.
1701.11 Delegation of authority.
1701.12 Available records.
1701.13 Exempt records.
1701.14 Determinations.
1701.15 Appeals.
1701.16 Inspection and copies.

AUTHORITY: The provisions of this Part 1701 issued under 5 U.S.C. 552, 559.

Subpart A—Availability of Bulletins, Staff Manuals and Instructions, and Related Material

§ 1701.1 REA Bulletins.

The Rural Electrification Administration issues from time to time REA Bulletins which implement the procedures set forth in Part 1700 and the loan and security instruments which provide for and secure REA loans. Appendix A[1] to this part identifies and briefly describes each such Bulletin currently in effect. Rea also issues REA Bulletins which furnish technical information to assist in the design, construction, operation, and maintenance of borrowers' systems. As REA Bulletins are issued, copies are mailed to all borrowers concerned and to others participating in the REA program, who may be affected. REA will make all REA Bulletins available for public inspection and copying. REA Bulletins identified in appendix A to this Part also set forth or identify related forms available for utilization by REA borrowers and others. Such forms, including forms of basic loan and security agreements, will also be made available for public inspection and copying.

§ 1701.2 Staff manuals and instructions.

REA will make available for public inspection and copying its administrative staff manuals and instructions to staff affecting any member of the public except those exempt from disclosure pursuant to the provisions of 5 U.S.C. 552 (b).

§ 1701.3 Index.

REA will maintain and make available for public inspection and copying a current index providing identifying information for all REA Bulletins and for staff manuals and instructions made available pursuant to § 1701.2.

§ 1701.4 Facilities for inspection; copies.

Facilities for public inspection and copying of the material described in the foregoing sections will be provided in a reading area in the Office of the Director, Information Services Division, Room 4038, South Building, U.S. Department of Agriculture, Washington, D.C. Copies of

[1] Appendix A filed as part of original document.

such material may also be obtained in person or by mail. Applicable fees and charges are prescribed in regulations issued by the Director, Office of Plant and Operations, U.S. Department of Agriculture.

Subpart B—Disclosure of Identifiable Records

§ 1701.10 Requests.

Requests for REA records, pursuant to 5 U.S.C. 552(a)(3), shall (a) be made in writing to the "Director, Information Services Division, Rural Electrification Administration, South Building, Room 4038, U.S. Department of Agriculture, Washington, D.C. 20250", and (b) identify each record sought with reasonable specificity. Requests may be submitted in person or by mail.

§ 1701.11 Delegation of authority.

Subject to § 1701.15, the Director, Information Services Division, is authorized to act, on behalf of REA, on all such requests in accordance with 5 U.S.C. 552, as implemented by this subpart.

§ 1701.12 Available records.

REA will promptly make available all REA records requested in accordance with § 1701.10 except exempt records as described in § 1701.13.

§ 1701.13 Exempt records.

Exempt records of REA include the following:

(a) Matters related solely to the internal personnel rules and practices of the agency.

(b) Matters specifically exempted from disclosure by statute.

(c) Trade secrets and commercial or financial information obtained from any person and privileged or confidential. Among REA records in this class are those which consist of or involve information submitted or obtained in connection with an application for a loan from REA, advances under such a loan or the fulfillment of obligations under the loan contracts or security instruments relating to such a loan. Examples of these REA records are loan applications, with supporting data, and records that discuss or utilize them; records which set forth or relate to specific applicants' or borrowers' power requirements, or their construction, engineering, marketing, or financial plans or forecasts; borrowers' proposed loan contracts and loan contracts with REA; borrowers' proposed contracts and contracts with others and related records; borrowers' requisitions for loan funds and related records; borrowers' bylaws and minutes of meetings; and reports of audit or investigation of borrowers' operations.

(d) Inter-agency or intra-agency memoranda or letters which would not be available by law to a party other than an agency in litigation with the agency. Among REA records in this class are those which consist of inter-agency or intra-agency memoranda or letters containing opinions, estimates, judgments, recommendations, or reports of internal deliberations relating to specific loan applications, loans, or borrowers, to products and services for borrowers or to program planning. Examples of such records are power supply planning analyses and loan security evaluations with respect to specific borrowers or applicants.

(e) Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(f) Investigatory files compiled for law enforcement purposes except to the extent available by law to a party other than an agency.

§ 1701.14 Determinations.

The Director, Information Services Division, shall make promptly available any REA record, requested in accordance with § 1701.10, unless he determines that it is an exempt record. The Director shall give prompt written notice of any such determination, together with the reasons therefor.

§ 1701.15 Appeals.

A denial by the Director, Information Services Division, of any request for an REA record or records may be appealed by the person who made the request to the Administrator of the Rural Electrification Administration. The appeal shall be made in writing within 15 days of the date of the Director's notice of his action. The Administrator will give written notice of REA's final determination within 15 days of the receipt of the appeal.

§ 1701.16 Inspection and copies.

A person who has requested available records shall be promptly notified that, upon payment of applicable fees and charges, he may inspect and copy such records (or copies), and purchase copies or extracts thereof, in the office of the Director, Information Services Division, on business days from 9:30 a.m. to 5 p.m. Copies of such records may also be purchased by mail. The applicable fees and charges are prescribed in regulations issued by the Director, Office of Plant and Operations, U.S. Department of Agriculture.

Effective date: The provisions of this Part 1701 are effective on July 4, 1967.

NORMAN M. CLAPP,
Administrator of the Rural Electrification Administration.

JUNE 28, 1967.

[F.R. Doc. 67-7600; Filed, July 3, 1967; 8:45 a.m.]

Chapter XVIII—Farmers Home Administration, Department of Agriculture

SUBCHAPTER A—GENERAL REGULATIONS

PART 1813—PUBLIC INFORMATION

Chapter XVIII, Title 7, Code of Federal Regulations (31 F.R. 14109), is amended to add a new part prescribing rules for the implementation of 5 U.S.C. 552(a)(2) and 552(a)(3). The new part reads as follows:

Subpart A—Availability of Staff Manuals, Forms and Related Material

Sec.
1813.1 Staff manuals and forms.
1813.2 Descriptive publications.
1813.3 Indexes.
1813.4 Facilities for inspection and copying.

Subpart B—Availability of Identifiable Records

Sec.
1813.10 Requests.
1813.11 Delegation of authority.
1813.12 Available records.
1813.13 Exempt records.
1813.14 Determinations.
1813.15 Appeals.
1813.16 Inspection and copies.

AUTHORITY: The provisions of this Part 1813 issued under 5 U.S.C. 552, 559.

Subpart A—Availability of Staff Manuals, Forms and Related Material

§ 1813.1 Staff manuals and forms.

The Farmers Home Administration (FHA) issues from time to time FHA Instructions, Administration Letters, Bulletins and Procedure Notices (all of which are herein referred to as "staff manuals"), which prescribe the rules and regulations, including policies, procedures and delegations of authority, adopted by FHA in connection with its programs and activities. FHA rules and regulations are set forth in this Chapter XVIII of this title. FHA also issues forms for utilization in its various programs and activities and utilizes forms of other agencies applicable thereto. FHA will make available for public inspection and copying all staff manuals and forms affecting any member of the public.

§ 1813.2 Descriptive publications.

FHA also issues descriptive pamphlets and other materials, including press, radio and television releases, describing its various programs and activities. These descriptive materials are available for public inspection and copying.

§ 1813.3 Indexes.

FHA maintains and will make available for public inspection and copying current indexes providing identifying information for all staff manuals, forms and descriptive materials made available pursuant to §§ 1813.1 and 1813.2.

§ 1813.4 Facilities for inspection and copying.

Facilities for inspection and copying by the public of the materials described in §§ 1813.1, 1813.2, and 1813.3 will be provided, with certain exceptions stated in the next sentence, in the FHA national office (herein called "national office") or in any FHA state office (herein called "State office") or in any FHA county office (herein called "county office"). Certain staff manual items and forms peculiar to particular areas are available for inspection and copying only in the State offices and county offices located in the affected area, or in the national office. In the national office, facilities for inspection and copying by the public will be provided by the Director, Business Services Division, South Building, U.S. Department of Agriculture, Washington, D.C. 20250. In each State office and county office, facilities for inspection and copying by the public will be provided by the State Director or County Supervisor, respectively. State offices are generally located in State capitol cities. County offices are generally located in the same town as the county courthouse; if not, the State office, the Extension Service County Agent or the head of any other U.S. Department of Agriculture local office, can advise members of the public of the location of the local county office. Also, the local county office can advise as to the location of the State office. Copies of the foregoing material also may be obtained in person or by mail. Fees, if any, for such copies are prescribed by the Director, Office of Plant and Operations, U.S. Department of Agriculture. Fees, if any, for specialized materials not prescribed by the Office of Plant and Operations will be established by FHA on an individual case basis.

Subpart B—Availability of Identifiable Records

§ 1813.10 Requests.

Requests for FHA records, pursuant to 5 U.S.C. 552(a)(3), shall (a) be made in writing (1) with respect to the national office, to the "Director, Business Services Division, Farmers Home Administration, South Building, U.S. Department of Agriculture, Washington, D.C. 20250," (2) with respect to the State offices, to the "State Director, Farmers Home Administration, U.S. Department of Agriculture" at the address of the applicable State office, and (3) with respect to the county offices, to the "County Supervisor, Farmers Home Administration, U.S. Department of Agriculture" at the address of the applicable county office, and (b) identify each record sought with reasonable specificity. Requests may be submitted in person or by mail.

§ 1813.11 Delegation of authority.

Subject to § 1813.15, the Director, Business Services Division, each State Director, and each County Supervisor is authorized to act within his respective jurisdiction, on behalf of FHA, on all such requests in accordance with 5 U.S.C. 552, as implemented by this subpart.

§ 1813.12 Available records.

FHA will promptly make available all FHA records requested in accordance with § 1813.10 except exempt records described in § 1813.13.

§ 1813.13 Exempt records.

Exempt records of FHA include the following:

(a) Matters that are specifically required by Executive order to be kept secret.

(b) Matters that are related solely to the internal personnel rules and practices of the agency.

(c) Matters that are specifically exempted from disclosure by statute.

(d) Matters that are trade secrets and commercial or financial information obtained from a person and privileged or confidential. Among FHA records in this class are those which consist of or involve information submitted or obtained in connection with an application for a loan or grant from FHA, advances under such a loan or grant or the fulfillment of obligations under the loan or security instruments or grant agreements relating to such loan or grant. Examples of these FHA records are loan or grant applications, with supporting data, and records that discuss or utilize them; records which set forth or relate to specific applicants' or borrowers' operating requirements, such as farm and home plans and proposed operating plans and budgets; borrowers' promissory notes or bonds; borrowers' loan or grant resolutions; borrowers' articles of association, bylaws and minutes of meetings; and reports of running records of inspection or investigation of borrowers' operations.

(e) Matters that are intra-agency and interagency memorandums or letters which would not be available by law to a party other than an agency in litigation with the FHA. Among FHA records in this class are those which consist of intra-agency and interagency memorandums or letters containing opinions, appraisals, estimates, recommendations, or reports of internal deliberations relating to specific loan applications, loans, grants, or borrowers, or to FHA negotiations or contracts with private parties or other agencies. Examples of such records are debt settlement proposals and progress reports relating to specific borrowers, appraisal reports, and instructions to staff with respect to bidding and contract negotiations.

(f) Matters that are personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(g) Matters that are investigatory files compiled for law enforcement purposes except to the extent available by law to a party other than an agency. Among FHA records in this class are investigatory files compiled to determine compliance with contractual obligations and program requirements.

§ 1813.14 Determinations.

The Director, Business Services Division, each State Director and each County Supervisor shall make promptly available any FHA record requested at his headquarters office in accordance with § 1813.10, unless he determines that it is an exempt record. The Director, State Director or County Supervisor shall give prompt written notice of any such determination, together with the reasons therefor.

§ 1813.15 Appeals.

A denial by the Director, Business Services Division, or by any State Director or County Supervisor, of any request for an FHA record or records may be appealed by the person who made the request to the Administrator of the Farmers Home Administration, whose address is South Building, U.S. Department of Agriculture, Washington, D.C. 20250. The appeal shall be made in writing within 30 days of the date of the notice of denial. The Administrator will give written notice of FHA's final determination.

§ 1813.16 Inspection and copies.

A person who has requested available records shall be promptly notified that, upon payment of any applicable fees, he may inspect and copy such records (or copies), and purchase copies or extracts thereof, on business days from 9:30 a.m. to 4 p.m. in the office where the request was made, or if the records requested are not located at such office, at such other place as may be specified in such notification. Copies of such records may also be purchased by mail. Fees, if any, are prescribed by the Director, Plant and Operations, U.S. Department of Agriculture. Fees, if any, for records not prescribed by the Office of Plant and Operations will be established by FHA on an individual case basis.

Effective date. The provisions of this Part 1813 are effective on July 4, 1967.

HOWARD BERTSCH,
Administrator, Farmers Home Administration.

JUNE 29, 1967.

[F.R. Doc. 67-7678; Filed July 3, 1967; 8:54 a.m.]

Chapter XXI—International Agricultural Development Service, Department of Agriculture

PART 2101—PUBLIC INFORMATION

The International Agricultural Development Service hereby establishes rules for the implementation of 5 U.S.C. 552-(a)(2) and (3). The rules are incorporated in a new Part 2101, the text of which follows:

Subpart A—Availability of Reports, Staff Manuals and Instructions, and Related Material

Secs.
2101.1 Reports and informational material.
2101.2 Staff manuals and instructions.
2101.3 Index.
2101.4 Facilities for inspection; copies.

Subpart B—Availability of Identifiable Records

2101.5 Requests.
2101.6 Delegation of authority.
2101.7 Available records.
2101.8 Exempt records.
2101.9 Appeals.
2101.10 Inspection and copies.

AUTHORITY: The provisions of this Part 2101 issued under 5 U.S.C. 552, 559.

Subpart A—Availability of Reports, Staff Manuals and Instructions, and Related Material

§ 2101.1 Reports and informational material.

The International Agricultural Development Service, hereinafter referred to as "IADS," issues from time to time reports and other informational material concerning the foreign technical assistance and training programs for which it has responsibilities. The material includes reports on specific activities carried out in foreign countries for and in cooperation with the Agency for International Development. As such reports and material are issued, copies will be mailed to all interested persons who may be affected. IADS will make all such issued reports and material available for public inspection and copying.

§ 2101.2 Staff manuals and instructions.

IADS will make available for public inspection and copying its administrative staff manuals and instructions to staff affecting any member of the public except those exempt from disclosure pursuant to the provisions of 5 U.S.C. 522(b).

§ 2101.3 Index.

IADS will maintain and make available for public inspection and copying a current index providing identifying information on all IADS reports and staff manuals and instructions made available pursuant to § 2101.2.

§ 2101.4 Facilities for inspection; copies.

Facilities for public inspection and copying of the material described in the foregoing sections will be provided in a reading area in the office of the Information Officer, IADS, South Building, U.S. Department of Agriculture, Washington, D.C. Copies of such material may also be obtained in person or by mail. Applicable fees are prescribed by the Director, Office of Plant and Operations, U.S. Department of Agriculture.

Subpart B—Disclosure of Identifiable Records

§ 2101.5 Requests.

Requests for IADS records pursuant to 5 U.S.C. 552(a)(3) shall (a) be made to the Information Officer, IADS, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, and (b) identify each record sought with reasonable specificity. The Information Officer, IADS, may require that the request be in writing. Requests for records may be filed in person or by mail.

§ 2101.6 Delegation of authority.

Subject to the provisions of § 2101.9, the Information Officer is authorized to act on behalf of IADS on all requests for records in accordance with 5 U.S.C. 552, as implemented by this subpart and the regulations of the Secretary of Agriculture, Part I of this title, as amended.

§ 2101.7 Available records.

The Information Officer shall promptly make available all IADS records requested in accordance with § 2101.5 unless he determines that it is an exempt record as described in § 2101.8. The Information Officer shall promptly give written notice of any such determination, together with the reasons therefor.

§ 2101.8 Exempt Records.

Exempt records of IADS include the following:

(a) Matters that are specifically required by Executive Order to be kept secret.

(b) Matters that are related solely to the internal personnel rules and practices of IADS.

(c) Matters that are specifically exempted from disclosure by statute.

(d) Matters that are trade secrets and commercial or financial information obtained from a person and privileged or confidential.

(e) Matters that are intra-agency and interagency memoranda or letters which would not be available by law to a party other than an agency of the Government in litigation with IADS.

(f) Matters that are personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(g) Matters that are investigatory files compiled for law enforcement purposes except to the extent available by law to a party other than an agency of the Government.

§ 2101.9 Appeals.

A denial by the Information Officer of any request for an IADS record may be appealed by the person who made the request to the Administrator, IADS. The appeal shall be made in writing within 15 days after the date of mailing of the Information Officer's notice of determination. The Administrator will give written notice of IADS's final determination. As provided in the regulations of the Secretary of Agriculture governing the availability of official records, Part I of this title, as amended, except where disclosure is prohibited by statute, Executive order, or the regulations of other Government agencies, the Administrator may, in individual cases, make records exempt from disclosure available if he determines that disclosure will not adversely affect the national interest or constitute an unwarranted invasion of individual privacy.

§ 2101.10 Inspection and copies.

A person who has requested available records shall be promptly notified that upon payment of applicable fees, he may inspect and copy such records, and purchase copies or extracts thereof, in the office of the Information Officer, on business days from 9:30 a.m. to 5 p.m. Copies of such records may also be purchased by mail. Applicable fees are prescribed by the Director, Office of Plant and Operations, U.S. Department of Agriculture.

Effective date. This Part 2101 shall become effective on July 4, 1967.

Issued at Washington, D.C., this 30th day of June 1967.

LESTER R. BROWN,
Administrator, International Agricultural Development Service.

[F.R. Doc. 67-7720; Filed, July 3, 1967; 8:55 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

FREEDOM OF INFORMATION

Miscellaneous Amendments

Reference is made to the notice of proposed rule making which was published in the FEDERAL REGISTER on May 3, 1967 (32 F.R. 6781), pursuant to section 553 of Title 5 of the United States Code and in which there were set out the terms of proposed amendments implementing the Freedom of Information Act.

Representations which were received concerning the proposed rules of May 3, 1967, have been considered and those proposed rules have been amended in the following respects:

Section 100.4(b) has been amended by realigning the jurisdiction of Districts Nos. 26 and 28; § 103.7 has been amended to reflect a new fee schedule; § 103.8 has been amended by redesignating existing paragraphs (e) and (f) as paragraphs (b) and (c), proposed paragraphs (c) and (d) having been consolidated in new paragraph (a); the first sentence of § 103.9(b) has been clarified; § 103.9(d) has been clarified; § 103.9(f) has been deleted being deemed unnecessary; § 103.10 has been amended to set forth the availability of records, the record requests which may be approved by Service officers and sets forth the places where and the manner in which such requests are to be made; in addition the reserved authority of the Attorney General has been set forth; § 103.11 has been deleted; with regard to the proposed amendment to § 204.2(e)(2), pertaining to preadoption requirements in orphan cases, that matter is still under consideration; § 212.1(h) has been amended by deleting "San Ysidro" and inserting "San Diego Border Station"; § 212.8(c)(5)(ii) has been amended to conform with a recent procedural change of the Department of Labor relating to multiple certifications; § 235.10 has been amended to include "San Francisco, Calif."; the first sentence of § 236.2(a) has been clarified and a sentence has been added thereto to conform to the amendment to § 242.16(a); § 238.3 had been amended by the addition of several signatory lines; and § 238.4 has been amended by the addition of several transportation lines.

The amendatory regulations as set out below are hereby adopted.

The basis and purpose of the above-prescribed regulations are to implement the Freedom of Information Act; this order shall become effective on July 4, 1967, the effective date of that Act.

Dated: June 29, 1967.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

Part 100 is added to read as follows:

PART 100—STATEMENT OF ORGANIZATION

Sec.
100.1 Introduction.
100.2 Organization and delegations.
100.3 Places where, and methods whereby, information may be secured or submittals or requests made.
100.4 Field service.
100.5 Regulations.
100.6 Rule making.

AUTHORITY: The provisions of this Part 100 issued under sec. 103, 66 Stat. 173; 8 U.S.C. 1103.

§ 100.1 Introduction.

The following sections describe the organization of the Immigration and Naturalization Service, including statements of delegations of final authority, indicate the established places at which,

and methods whereby, the public may secure information, direct attention to the regulations relating to the general course and method by which its functions are channeled and determined. Part 103 of this chapter sets forth the procedures governing the availability of Service opinions, orders, and records.

§ 100.2 Organization and delegations.

The Attorney General has delegated to the Commissioner, the principal officer of the Immigration and Naturalization Service, authority to direct the administration of the Service and enforce the Act and all other laws relating to immigration and naturalization, except the authority delegated to the Board of Immigration Appeals. The Commissioner has delegated his authority to the following-described officers of the Service, within their respective operational areas of activity: Associate Commissioner, Operations; Associate Commissioner, Management; Deputy Associate Commissioner, Domestic Control; Deputy Associate Commissioner, Travel Control; Deputy Associate Commissioner, Security; Deputy Associate Commissioner, Administrative Services; Assistant Commissioner, Investigations; Assistant Commissioner, Enforcement; Assistant Commissioner, Examinations; Assistant Commissioner, Special Projects; Assistant Commissioner, Field Inspection and Security; Assistant Commissioner, Naturalization; Assistant Commissioner, Administration; Assistant Commissioner, Detention and Deportation; General Counsel; Chief Special Inquiry Officer; regional commissioner; district directors; officers in charge; immigration officers, and special inquiry officers.

§ 100.3 Places where, and methods whereby, information may be secured or submittals or requests made.

Any person desiring information relative to a matter handled by the Immigration and Naturalization Service, or any person desiring to make a submittal or request in connection with such a matter should communicate either orally or in writing with a district headquarters office or suboffice of the Service. If the office receiving the communication does not have jurisdiction to handle the matter, the communication, if written, will be forwarded to the proper office of the Service or, if oral, the person will be advised how to proceed. When the submittal or request consists of a formal application for one of the documents, privileges, or other benefits provided for in the laws administered by the Service or the regulations implementing those laws, the instructions on the form as to preparation and place of submission should be followed. In such cases, the provisions of this chapter dealing with the particular type of application may be consulted for regulatory provisions.

§ 100.4 Field service.

The territory within which officials of the Immigration and Naturalization Service are located is divided into regions, districts, suboffices, and Border Patrol sectors as follows:

(a) *Regional Offices.* The Northeast Regional Office, located in Burlington, Vermont, has jurisdiction over districts 1, 2, 3, 7, 21, 22, and 23 and Border Patrol sectors 1, 2, 3, and 4. The Southeast Regional Office, located in Richmond, Va., has jurisdiction over districts 4, 5, 6, 24, 25, 26, 27, and 28 and Border Patrol sectors 21 and 22. The Northwest Regional Office, located in St. Paul, Minn., has jurisdiction over districts 8, 9, 10, 11, 12, 29, 30, 31, and 32 and Border Patrol sectors 5, 6, 7, 8, and 9. The Southwest Regional Office, located in San Pedro, Calif., has jurisdiction over districts 13, 14, 15, 16, 17, 18, 19, and 36 and Border Patrol sectors 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20.

(b) *District Offices.* The following districts, which are designated by numbers, have fixed headquarters and are divided as follows:

1. *St. Albans, Vt.* The district office in St. Albans, Vt., has jurisdiction over the State of Vermont; also, over the U.S. immigration office located in the Province of Quebec, Canada.

2. *Boston, Mass.* The district office in Boston, Mass., has jurisdiction over the States of New Hampshire, Massachusetts, and Rhode Island.

3. *New York City, N.Y.* The district office in New York City, N.Y., has jurisdiction over the following counties in the State of New York: Bronx, Dutchess, Kings, Nassau, New York, Orange, Putnam, Queens, Richmond, Rockland, Suffolk, Sullivan, Ulster, and Westchester; and for primary inspection purposes only, the following counties in the State of New Jersey: Bergen, Essex, Hudson, Middlesex, and Union; also, over the U.S. immigration office located in Hamilton, Bermuda.

4. *Philadelphia, Pa.* The district office in Philadelphia, Pa., has jurisdiction over the States of Pennsylvania, Delaware, and West Virginia.

5. *Baltimore, Md.* The district office in Baltimore, Md., has jurisdiction over the State of Maryland.

6. *Miami, Fla.* The district office in Miami, Fla., has jurisdiction over the State of Florida, Cuba, the Caribbean Islands, and South America; also, over the U.S. immigration office located in Nassau, Bahamas.

7. *Buffalo, N.Y.* The district office in Buffalo, N.Y., has jurisdiction over the State of New York except that part within the jurisdiction of District No. 3; also, over the U.S. immigration offices located in the Province of Ontario, Canada.

8. *Detroit, Mich.* The district office in Detroit, Mich., has jurisdiction over the State of Michigan.

9. *Chicago, Ill.* The district office in Chicago, Ill., has jurisdiction over the States of Illinois, Indiana, and Wisconsin.

10. *St. Paul, Minn.* The district office in St. Paul, Minn., has jurisdiction over the States of Minnesota, North Dakota, and South Dakota; also, over the U.S. immigration office in the Province of Manitoba, Canada.

11. *Kansas City, Mo.* The district office in Kansas City, Mo., has jurisdiction over the States of Kansas and Missouri.

12. *Seattle, Wash.* The district office in Seattle Wash., has jurisdiction over the State of Washington; also, over the U.S. immigration offices located in the Province of British Columbia, Canada.

13. *San Francisco, Calif.* The district office in San Francisco, Calif., has jurisdiction over the State of Nevada and over the following counties in the State of California: Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, Eldorado, Fresno, Glenn, Humboldt, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Mono, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo, and Yuba.

14. *San Antonio, Tex.* The district office in San Antonio, Texas, has jurisdiction over the State of Oklahoma and the following counties in the State of Texas: Anderson, Andrews, Archer, Armstrong, Atascosa, Bailey, Bandera, Bastrop, Baylor, Bee, Bell, Bexar, Blanco, Borden, Bosque, Bowie, Brazos, Brisco, Brooks, Brown, Burleson, Burnet, Caldwell, Callahan, Camp, Carson, Cass, Castro, Cherokee, Childress, Clay, Cochran, Coke, Coleman, Collin, Collingsworth, Comal, Comanche, Concho, Cooke, Coryell, Cottle, Crockett, Crosby, Dallam, Dallas, Dawson, Deaf Smith, Delta, Denton, De Witt, Dickens, Dimmit, Donley, Duval, Eastland, Edwards, Ellis, Erath, Falls, Fannin, Fayette, Fisher, Floyd, Foard, Franklin, Freestone, Frio, Gaines, Garza, Gillespie, Glasscock, Goliad, Gonzales, Gray, Grayson, Gregg, Guadalupe, Hale, Hall, Hamilton, Hansford, Hardeman, Harrison, Hartley, Haskell, Hays, Hemphill, Henderson, Hidalgo, Hill, Hockley, Hood, Hopkins, Houston, Howard, Hunt, Hutchinson, Irion, Jack, Jim Hogg, Jim Wells, Johnson, Jones, Karnes, Kaufman, Kendall, Kent, Kerr, Kimble, King, Kinney, Knox, Lamar, Lamb, Lampasas, La Salle, Lavaca, Lee, Leon, Limestone, Lipscomb, Live Oak, Llano, Lubbock, Lynn, Marion, Martin, Mason, Maverick, McCulloch, McLennan, McMullen, Medina, Menard, Milam, Mills, Mitchell, Montague, Moore, Morris, Motley, Navarro, Nolan, Ochiltree, Oldham, Palo Pinto, Panola, Parker, Parmer, Potter, Rains, Randall, Real, Red River, Reagan, Roberts, Robertson, Rockwall, Runnels, Rusk, San Saba, Schleicher, Scurry, Shackelford, Sherman, Smith, Somervell, Starr, Stephens, Sterling, Stonewall, Sutton, Swisher, Tarrant, Taylor, Terry, Throckmorton, Titus, Tom Green, Travis, Upshur, Uvalde, Val Verde, Van Zandt, Webb, Wheeler, Wichita, Wilbarger, Williamson, Wilson, Wise, Wood, Yoakum, Young, Zapata, and Zavala.

15. *El Paso, Tex.* The district office in El Paso, Tex., has jurisdiction over the State of New Mexico, and the following counties in Texas: Brewster, Crane, Culberson, Ector, El Paso, Hudspeth, Jeff Davis, Loving, Midland, Pecos, Presidio, Reeves, Terrell, Upton, Ward, and Winkler.

16. *Los Angeles, Calif.* The district office in Los Angeles, Calif., has jurisdiction over the following counties in the State of California: Imperial, Inyo, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, and Ventura.

17. *Honolulu, Hawaii.* The district office in Honolulu, Hawaii, has jurisdiction over the State of Hawaii and Guam, Mariana Islands.

18. *Phoenix, Ariz.* The district office in Phoenix, Ariz., has jurisdiction over the State of Arizona.

19. *Denver, Colo.* The district office in Denver, Colo., has jurisdiction over the States of Colorado, Utah, and Wyoming.

21. *Newark, N.J.* The district office in Newark, N.J., has jurisdiction over the State of New Jersey (except that for primary inspection purposes only the district office in New York City, N.Y., has jurisdiction over the counties of Bergen, Essex, Hudson, Middlesex, and Union).

22. *Portland, Maine.* The district office in Portland, Maine, has jurisdiction over the State of Maine.

23. *Hartford, Conn.* The district office in Hartford, Conn., has jurisdiction over the State of Connecticut.

24. *Cleveland, Ohio.* The district office in Cleveland, Ohio, has jurisdiction over the States of Ohio and Kentucky.

25. *Washington, D.C.* The district office in Washington, D.C., has jurisdiction over the District of Columbia, and the States of Virginia and North Carolina.

26. *Atlanta, Ga.* The district office in Atlanta, Ga., has jurisdiction over the States of Georgia, South Carolina, Alabama, Tennessee, Arkansas, and the following counties in the State of Mississippi: Alcorn, Attala, Benton, Bolivar, Calhoun, Carroll, Chickasaw, Choctaw, Clay, Coahoma, De Soto, Granada, Humphreys, Itawamba, Lafayette, Lee, Leflore, Lowndes, Marshall, Monroe, Montgomery, Oktibbaha, Panola, Pontotoc, Prentiss, Quitman, Sunflower, Tallahatchie, Tate, Tippah, Tishomingo, Tunica, Union, Washington, Webster, Winston, and Yalobusha.

27. *San Juan, P.R.* The district office in San Juan, P.R., has jurisdiction over the Commonwealth of Puerto Rico; also, over the Virgin Islands of the United States.

28. *New Orleans, La.* The district office in New Orleans, La., has jurisdiction over the State of Louisiana and the following counties in the State of Mississippi: Adams, Amite, Claiborne, Clarke, Copiah, Covington, Forrest, Franklin, George, Greene, Hancock, Harrison, Hinds, Holmes, Issaquena, Jackson, Jasper, Jefferson, Jefferson Davis, Jones, Kemper, Lamar, Lauderdale, Lawrence, Leake, Lincoln, Madison, Marion, Neshoba, Newton, Noxubee, Pearl River, Perry, Pike, Rankin, Scott, Sharkey, Simpson, Smith, Stone, Walthall, Warren, Wayne, Wilkinson, and Yazoo.

29. *Omaha, Nebr.* The district office in Omaha, Nebr., has jurisdiction over the States of Iowa and Nebraska.

30. *Helena, Mont.* The district office in Helena, Mont., has jurisdiction over the States of Montana and Idaho.

31. *Portland, Oreg.* The district office in Portland, Oreg., has jurisdiction over the State of Oregon.

32. *Anchorage, Alaska.* The district office in Anchorage, Alaska, has jurisdiction over the State of Alaska.

33. *Manila, Philippines.* The district office in Manila has jurisdiction over the Philippines, all of continental Asia lying to the east of the western borders of Afghanistan and Pakistan, Japan, Korea, Australia, New Zealand, and all other countries in the Pacific areas.

34. *Frankfurt, Germany.* The district office in Frankfurt, Germany, has jurisdiction over France, Germany, Benelux, Austria, Hungary, Poland, Bulgaria, Yugoslavia, Rumania, Czechoslovakia, Ireland, Norway, Sweden, Finland, United Kingdom of Great Britain and Northern Ireland, Iceland, Switzerland, Albania, and Union of Soviet Socialist Republics.

35. *Mexico City, Mexico.* The district office in Mexico City has jurisdiction over Mexico and Central America.

36. *Port Isabel, Tex.* The district office in Port Isabel, Tex., has jurisdiction over the following counties in Texas: Angelina, Aransas, Austin, Brazoria, Calhoun, Cameron, Chambers, Colorado, Fort Bend, Galveston, Grimes, Hardin, Harris, Jackson, Jasper, Jefferson, Kenedy, Kleberg, Liberty, Madison, Matagorda, Montgomery, Nacogdoches, Newton, Nueces, Orange, Polk, Refugio, Sabine, San Augustine, San Jacinto, San Patricio, Shelby, Trinity, Tyler, Victoria, Walker, Waller, Washington, Wharton, and Willacy.

37. *Rome, Italy.* The district office in Rome, Italy, has jurisdiction over Spain, Portugal (including insular possessions in the Atlantic), Italy, Malta, Greece, Turkey, Cyprus, Syria, Lebanon, Israel, Jordan, Iraq, Iran, Kuwait, Saudi Arabia, Yemen, Aden, and Africa.

(c) *Suboffices.* The following offices, in addition to the facilities maintained at Class A ports of entry listed in subparagraph (2) of this paragraph, indicated by asterisk, are designated as suboffices:

(1) *Interior locations.*

Albany, N.Y.
Albuquerque, N. Mex.
Boise, Idaho.
Cincinnati, Ohio.
Dallas, Tex.
Fairbanks, Alaska.
Fresno, Calif.
Memphis, Tenn.
Pittsburgh, Pa.
Reno, Nev.
Sacramento, Calif.
Salt Lake City, Utah.
St. Louis, Mo.
Spokane, Wash.
Syracuse, N.Y.
Tucson, Ariz.

(2) *Ports of entry for aliens arriving by vessel or by land transportation.* Subject to the limitations prescribed in this subparagraph, the following places are hereby designated as ports of entry for aliens arriving by any means of travel other than aircraft. The designation of such a port of entry may be withdrawn whenever, in the judgment of the Commissioner, such action is warranted. The ports are listed according to location by districts and are designated either Class A, Class B, or Class C. Class A means that the port is a designated port of entry for all aliens. Class B means that the port is a designated port of entry for aliens who at the time of applying for admission are lawfully in possession of valid resident aliens' border-crossing identification cards or valid nonresident aliens' border-crossing identification cards or are admissible without documents under the documentary waivers contained in Part 212 of this chapter. Class C means that the port is a designated port of entry only for aliens who are arriving in the United States as crewmen as that term is defined in section 101(a)(10) of the Act with respect to vessels.

DISTRICT NO. 1—ST. ALBANS, VT.

CLASS A

*Alburg, Vt.
*Alburg Springs, Vt.
*Beebe Plain, Vt.
*Beecher Falls, Vt.
*Canaan, Vt
*Derby Line, Vt.
*East Richford, Vt.
*Highgate Springs, Vt.
*Newport, Vt.
*North Troy, Vt.
*Norton, Vt.
*Richford, Vt.
St. Albans, Vt.
*West Berkshire, Vt.

CLASS B

Morses Line, Vt.

DISTRICT NO. 2—BOSTON, MASS.

CLASS A

Boston, Mass. (the port of Boston includes, among others, the port facilities at Beverly, Braintree, Chelsea, Everett, Hingham, Lynn, Manchester, Marblehead, Milton, Quincy, Revere, Salem, Saugus, and Weymouth, Mass.).
Gloucester, Mass.
Pittsburg, N.H.
*Providence, R.I. (the port of Providence includes, among others, the port facilities at Davisville, Hillsgrove, Melville, Newport, Portsmouth, Quonset Point, and Tiverton, R.I.; and at Fall River and Somerset, Mass.).

CLASS C

New Bedford, Mass.
Newburyport, Mass.
Plymouth, Mass.
Provincetown, Mass.
Woods Hole, Mass.
Portsmouth, N.H.

DISTRICT NO. 3—NEW YORK, N.Y.

CLASS A

New York, N.Y. (the port of New York includes, among others, the port facilities at Bayonne, Carteret, Edgewater, Elizabeth, Hoboken, Jersey City, Linden, Perth Amboy, Port Newark, Sewaren, and Weehawken, N.J.; and at Poughkeepsie and Yonkers, N.Y.).

DISTRICT NO. 4—PHILADELPHIA, PA.

CLASS A

Erie, Pa.
Philadelphia, Pa. (the port of Philadelphia includes, among others, the port facilities at Delaware City, Lewes, New Castle, and Wilmington, Del.; at Artificial Island, Billingsport, Camden, Deepwater Point, Fisher's Point, Gibbstown, Gloucester City, Paulsboro, and Trenton, N.J.; and at Chester, Essington, Fort Mifflin, Marcus Hook, and Morrisville, Pa.).

DISTRICT NO. 5—BALTIMORE, MD.

CLASS A

Baltimore, Md.

CLASS C

Piney Point, Md.
Salisbury, Md.

DISTRICT NO. 6—MIAMI, FLA.

CLASS A

Bocagrande, Fla.
Fernandina, Fla.
Fort Pierce, Fla.
*Jacksonville, Fla.
*Key West, Fla.
Miami, Fla.
Panama City, Fla.
Pensacola, Fla.
*Port Everglades, Fla. (Fort Lauderdale)
St. Augustine, Fla.
*Tampa, Fla.
*West Palm Beach, Fla.

CLASS C

Port St. Joe, Fla.
St. Petersburg, Fla.

DISTRICT NO. 7—BUFFALO, N.Y.

CLASS A

Alexandria Bay, N.Y.
Buffalo, N.Y.
Cape Vincent, N.Y.
*Champlain, N.Y.
*Chateaugay, N.Y.
Clayton, N.Y.
*Fort Covington, N.Y.
Lewiston, N.Y.
*Massena, N.Y.
*Mooers, N.Y.
Morristown, N.Y.
*Niagara Falls, N.Y.
*Ogdensburg, N.Y.
Oswego, N.Y.
Rochester, N.Y.
*Rouses Point, N.Y.
*Thousand Islands Bridge, N.Y.
*Trout River, N.Y.
Youngstown, N.Y.

CLASS B

Cannons Corners, N.Y.
Churubusco, N.Y.
Hogansburg, N.Y.
Jamison's Line, N.Y.
Waddington, N.Y.

CLASS C

Albany, N.Y.
Bodus Point, N.Y.

DISTRICT NO. 8—DETROIT, MICH.

CLASS A

*Algonac, Mich.
Detroit, Mich.
Ecorse, Mich. (May 15–Oct. 15).
Grosse Isle Yacht Club, Grosse Isle, Mich. (May 15–Oct 15).
Isle Royale, Mich.
Jefferson Beach Marina, Jefferson Beach, St. Clair Shores, Mich. (May 15–Oct. 15).
Kean's Detroit Yacht Harbor, Detroit, Mich. (May 15–Oct. 15).
*Marine City, Mich.
Marysville, Mich.
*Port Huron, Mich.
*Roberts Landing, Mich.
*St. Clair, Mich.
*Sault Ste. Marie, Mich.

CLASS B

Alpena, Mich.
Detour, Mich.
Mackinac Island, Mich.
Rogers City, Mich.

CLASS C

Alpena, Mich.
Baraga, Mich.
Bay City, Mich.
Cheboygan, Mich.
Detour, Mich.
Escanaba, Mich.
Grand Haven, Mich.
Holland, Mich.
Houghton, Mich.
Ludington, Mich.
Mackinac Island, Mich.
Manistee, Mich.
Marquette, Mich.
Menominee, Mich.
Monroe, Mich.
Munising, Mich.
Muskegon, Mich.
Port Dolomite, Mich.
Port Inland, Mich.
Rogers City (Calcite), Mich.
Saginaw, Mich.
South Haven, Mich.

DISTRICT NO. 9—CHICAGO, ILL.

CLASS A

Chicago, Ill.
*Green Bay, Wis.
*Hammond, Ind.
*Milwaukee, Wis.

CLASS C

East Chicago, Ind.
Gary, Ind.
Michigan City, Ind.
Algoma, Wis.
Ashland, Wis.
Kenosha, Wis.
Kewaunee, Wis.
Manitowoc, Wis.
Marinette, Wis.
Port Washington, Wis.
Racine, Wis.
Sheboygan, Wis.
Sturgeon Bay, Wis.
Washburn, Wis.

DISTRICT NO. 10—ST. PAUL, MINN.

CLASS A

*Baudette, Minn.
*Duluth, Minn. (the port of Duluth includes, among others, the port facilities of Superior, Wis.).
*Ely, Minn.
*Grand Portage, Minn.
*International Falls, Minn.
*Lancaster, Minn.
*Noyes, Minn.
*Pine Creek, Minn.
Ranier, Minn.
*Roseau, Minn.
*Warroad, Minn.
*Ambrose, N. Dak.
*Antler, N. Dak.
*Carbury, N. Dak.
*Dunseith, N. Dak.
*Fortuna, N. Dak.
*Hannah, N. Dak.
*Hansboro, N. Dak.
*Maida, N. Dak.
*Neche, N. Dak.
*Noonan, N. Dak.
*Northgate, N. Dak.
Pembina, N. Dak.
*Portal, N. Dak.
*St. John, N. Dak.
*Sarles, N. Dak.
*Sherwood, N. Dak.
*Walhalla, N. Dak.
*Westhope, N. Dak.

CLASS B

Crane Lake, Minn.
Indus, Minn.
Oak Island, Minn.

CLASS C

Grand Marais, Minn.
Silver Bay, Minn.
Taconite Harbor, Minn.
Two Harbors, Minn.

DISTRICT NO. 12—SEATTLE, WASH.

CLASS A

*Aberdeen, Wash. (the port of Aberdeen includes, among others, the port facilities at South Bend and Raymond, Wash.).
*Anacortes, Wash.
*Bellingham, Wash.
*Blaine, Wash.
*Boundary, Wash.
*Danville, Wash.
Ferry, Wash.
Friday Harbor, Wash. (the port of Friday Harbor includes, among others, the port facilities at Roche Harbor, Wash.).
*Frontier, Wash.
*Laurier, Wash.
*Lynden, Wash.
*Metaline Falls, Wash.
Neah Bay, Wash.
Olympia, Wash.
*Oroville, Wash.
*Point Roberts, Wash.
*Port Angeles, Wash.
Port Townsend, Wash.
Seattle, Wash. (the port of Seattle includes, among others, the port facilities at Bangor, Blake Island, Bremerton, Eagle Harbor, Edmonds, Everett, Holmes Harbor, Houghton, Kennydale, Keyport, Kingston, Manchester, Mukilteo, Orchard Point, Point Wells, Port Gamble, Port Ludlow, Port Orchard, Poulsbo, Shuffleton, and Winslow, Wash.).
*Sumas, Wash.
*Tacoma, Wash. (the port of Tacoma includes, among others, the port facilities at Dupont, Wash.).

CLASS B

Nighthawk, Wash.

DISTRICT NO. 13—SAN FRANCISCO, CALIF.

CLASS A

San Francisco, Calif.

CLASS C

Eureka, Calif.

DISTRICT NO. 14—SAN ANTONIO, TEX.

CLASS A

*Del Rio, Tex.
*Eagle Pass, Tex.
*Falcon Heights, Tex.
*Hidalgo, Tex.
*Laredo, Tex.
*Los Ebanos, Tex.
*Progreso, Tex.
*Rio Grande City, Tex.
*Roma, Tex.

CLASS B

San Ygnacio, Tex.

DISTRICT NO. 15—EL PASO, TEX.

CLASS A

*Columbus, N. Mex.
El Paso, Tex.
*Fabens, Tex.
*Presidio, Tex.

CLASS B

Antelope Wells, N. Mex.
Monument No. 67, near Cloverdale, N. Mex.
Boquillas, Tex.
Candelaria, Tex.
Castolon, Tex.
Chinati, Tex.
Fort Hancock, Tex.
Heath Crossing, Tex.
Lajitas, Tex.
Polvo, Tex.
Porvenir, Tex.
Ruidosa, Tex.
San Vicente, Tex.
Stillwell Crossing, Tex.

DISTRICT NO. 16—LOS ANGELES, CALIF.

CLASS A

*Andrade, Calif.
*Calexico, Calif.
*San Diego, Calif.
*San Diego Border Station, Calif.
*San Luis Obispo, Calif. (the port of San Luis Obispo includes, among others, the port facilities at Avila, Estero Bay, El Capitan, Elwood, Gaviota, Morro Bay, and Santa Barbara, Calif.).
Los Angeles, Calif. (the port of Los Angeles includes, among others, the port facilities at San Pedro, Long Beach, Port Hueneme, and Ventura, Calif.).
*Tecate, Calif.

DISTRICT NO. 17—HONOLULU, HAWAII

CLASS A

*Agana, Guam, M.I. (including the port facilities at Apra Harbor, Guam).
Honolulu, Hawaii.

CLASS C

Hilo, Hawaii.
Kahului, Hawaii.
Nawiliwili, Hawaii.
Port Allen, Hawaii.

DISTRICT NO. 18—PHOENIX, ARIZ.

CLASS A

*Douglas, Ariz.
*Lukeville, Ariz.
*Naco, Ariz.
*Nogales, Ariz.
*Sasabe, Ariz.
*San Luis, Ariz.

CLASS B

Lochiel, Ariz.

DISTRICT NO. 22—PORTLAND, MAINE

CLASS A

*Bangor, Maine (the port of Bangor includes, among others, the port facilities at Bar Harbor, Belfast, Brewer, Bucksport, Jonesport, Northeast Harbor, Prospect Harbor, Sandypoint, Seal Harbor, Searsport, and South West Harbor, Maine).
*Bridgewater, Maine.
*Calais, Maine (includes Ferry Point, Union and Milltown Bridges).
*Coburn Gore, Maine.
*Eastport, Maine.
*Fort Fairfield, Maine.

*Fort Kent, Maine.
*Hamlin, Maine.
*Houlton, Maine.
*Jackman, Maine.
*Limestone, Maine.
Lubec, Maine.
*Madawaska, Maine.
Portland, Maine.
*St. Aurelie, Maine.
*Van Buren, Maine.
*Vanceboro, Maine.

CLASS B

Dsaquam, Maine.
Easton, Maine.
Estcourt, Maine.
Forest City, Maine.
Knoxford Line Road (Mars Hill), Maine.
Monticello, Maine.
Orient, Maine.
Robbinston, Maine.
St. Juste, Maine.
St. Pamphile, Maine.

CLASS C

Bath, Maine.
Boothbay Harbor, Maine.
Kittery, Maine.
Rockland, Maine.
Wiscasset, Maine.

DISTRICT NO. 23—HARTFORD, CONN.

CLASS A

Hartford, Conn. (the port of Hartford includes, among others, the port facilities at Bridgeport, Groton, New Haven, and New London, Conn.).

DISTRICT NO. 24—CLEVELAND, OHIO

CLASS A

Cleveland, Ohio.
*Sandusky, Ohio.
*Toledo, Ohio.

CLASS C

Ashtabula, Ohio.
Conneaut, Ohio.
Fairport, Ohio.
Huron, Ohio.
Lorain, Ohio.
Marblehead, Ohio.

DISTRICT NO. 25—WASHINGTON, D.C.

CLASS A

Washington, D.C. (includes the port facilities at Alexandria, Va.).
Moorehead City, N.C.
*Wilmington, N.C.
*Norfolk, Va. (includes the port facilities at Newport News and Fort Monroe, Va.).

CLASS C

Richmond, Va.
Yorktown, Va. (includes the port facilities at the U.S. Navy Mine Depot, Cheatham Annex, and at the U.S. Navy Mine School, Va.).

DISTRICT NO. 26—ATLANTA, GA.

CLASS A

*Mobile, Ala.
Brunswick, Ga.
*Savannah, Ga.
*Charleston, S.C.
Georgetown, S.C.

CLASS C

Beaufort, S.C. (the port of Beaufort includes Parris Island, Port Royal Island, and adjacent waters).

DISTRICT NO. 27—SAN JUAN, P.R.

CLASS A

Aguadilla, P.R.
Ensenada, P.R.
Fajardo, P.R.
Humacao, P.R.
Jobos, P.R.
Mayagues, P.R.
Ponce, P.R.
San Juan, P.R.
*Christiansted, St. Croix, V.I.
Frederiksted, St. Croix, V.I.
Crus Bay, St. John, V.I.
*Charlotte Amalie, St. Thomas, V.I.

DISTRICT NO. 28—NEW ORLEANS, LA.

CLASS A

Lake Charles, La.
New Orleans, La. (the port of New Orleans includes, among others, the port facilities at Avondale, Bell Chasse, Braithwaite, Chalmette, Destrahan, Gretna, Harvey, Marrero, Noroo, Port Sulphur, St. Rose, and Westwego, La.).
Gulfport, Miss.

CLASS C

Baton Rouge, La.
Morgan City, La.
Pascagoula, Miss.

DISTRICT NO. 30—HELENA, MONT.

CLASS A

*Eastport, Idaho.
*Porthill, Idaho.
Chief Mountain, Mont. (May–October).
Del Bonita, Mont.
*Morgan, Mont.
*Opheim, Mont.
*Piegan, Mont.
*Raymond, Mont.
*Roosville, Mont.
*Scobey, Mont.
*Sweetgrass, Mont.
*Turner, Mont.
*Whitetail, Mont.
*Wildhorse, Mont.
*Willow Creek, Mont.

CLASS B

Whitlash, Mont.

DISTRICT NO. 31—PORTLAND, OREG.

CLASS A

Astoria, Oreg. (the port of Astoria includes, among others, the port facilities at Bradwood, Pacific City, Taft, Tillamook (including Garibaldi and Bay City), Warrenton, Wauna, and Westport, Oreg.).
Coos Bay, Oreg. (the port of Coos Bay includes, among others, the port facilities at Bandon, Brookings, Depoe Bay, Florence, Frankfort, Gold Beach, Newport (including Toledo), Port Orford, Reedsport, Waldport, and Yachats, Oreg.).
Portland, Oreg. (the port of Portland includes, among others, the port facilities at Beaver, Columbia City, Prescott, Rainier, and St. Helens, Oreg.; and Kalama, Longview, and Vancouver, Wash.).

DISTRICT NO. 32—ANCHORAGE, ALASKA

CLASS A

Anchorage, Alaska (the port of Anchorage includes, among others, the port facilities at Kodiak, Seward, Whittier and Valdez, Alaska).
*Haines, Alaska.
Juneau, Alaska.
*Ketchikan, Alaska (the port of Ketchikan includes, among others, the port facilities at Pelican, Petersburg, Sitka, and Wrangell, Alaska).
Skagway, Alaska.
*Tok, Alaska.

CLASS B

Eagle, Alaska.

DISTRICT NO. 36—PORT ISABEL, TEX.

CLASS A

Beaumont, Tex.
*Brownsville, Tex. (the port of Brownsville includes, among others, the port facilities at Port Isabel, Tex.).
*Corpus Christi, Tex. (the port of Corpus Christi includes, among others, the port facilities at Harbor Island, Ingleside, and Port Lavaca-Point Comfort, Tex.).
*Galveston, Tex. (the port of Galveston includes, among others, the port facilities at Freeport, Port Bolivar, and Texas City, Tex.).
*Houston, Tex. (the port of Houston includes, among others, the port facilities at Baytown, Tex.).
*Port Arthur, Tex. (the port of Port Arthur includes, among others, the port facilities at Orange and Sabine, Tex.).

(3) *Ports of entry for aliens arriving by aircraft.* In addition to the following international airports which are hereby designated as ports of entry for aliens arriving by aircraft, other places where permission for certain aircraft to land officially has been given and places where emergency or forced landings are made under Part 239 of this chapter shall be regarded as designated for the entry of aliens arriving by such aircraft:

DISTRICT NO. 1—ST. ALBANS, VT.

Burlington, Vt., Burlington Municipal Airport.

DISTRICT NO. 6—MIAMI, FLA.

Fort Lauderdale, Fla., Fort Lauderdale-Hollywood Airport.
Key West, Fla., Key West International Airport.
Miami, Fla., Chalks Flying Service Seaplane Base.
Miami, Fla., Miami International Airport.
Tampa, Fla., Tampa International Airport.
West Palm Beach, Fla., Palm Beach International Airport.

DISTRICT NO. 7—BUFFALO, N.Y.

Albany, N.Y., Albany County Airport.
Buffalo, N.Y., Greater Buffalo International Airport.
Massena, N.Y., Richards Field.
Ogdensburg, N.Y., Ogdensburg Harbor.
Ogdensburg, N.Y., Ogdensburg Municipal Airport.
Rochester, N.Y., Rochester-Monroe County Airport.
Rouses Point, N.Y., Rouses Point Seaplane Base.
Watertown, N.Y., Watertown Municipal Airport.

DISTRICT NO. 8—DETROIT, MICH.

Detroit, Mich., Detroit-City Airport.
Detroit, Mich., Detroit Metropolitan Wayne County Airport.
Port Huron, Mich., St. Clair County Airport.
Sault Ste. Marie, Mich., Sault Ste. Marie Airport.

DISTRICT NO. 9—CHICAGO, ILL.

Chicago, Ill., Chicago Midway Airport.

DISTRICT NO. 10—ST. PAUL, MINN.

Baudette, Minn., Baudette International Airport.
Duluth, Minn., Duluth International Airport.
Duluth, Minn., Sky Harbor Airport.
International Falls, Minn., Falls International Airport.
Ranier, Minn., International Seaplane Base.
Grand Forks, N. Dak., Grand Forks International Airport.
Minot, N. Dak., Minot International Airport.
Pembina, N. Dak., Port Pembina Airport.
Portal, N. Dak., Portal Airport.
Williston, N. Dak., Sloulin Field (Municipal).

DISTRICT NO. 12—SEATTLE, WASH.

Bellingham, Wash., Bellingham Airport.
Friday Harbor, Wash., Friday Harbor.
Oroville, Wash., Dorothy Scott Municipal Airport.
Oroville, Wash., Dorothy Scott Seaplane Base.
Port Townsend, Wash., Jefferson County International Airport.

Seattle, Wash., Boeing Municipal Air Field.
Seattle, Wash., Lake Union.
Spokane, Wash., Felts Field.

DISTRICT NO. 14—SAN ANTONIO, TEX.

Del Rio, Tex., Del Rio International Airport.
Eagle Pass, Tex., Eagle Pass Airport.
Laredo, Tex., Laredo International Airport.
McAllen, Tex., Miller International Airport.

DISTRICT NO. 15—EL PASO, TEX.

El Paso, Tex., International Airport.

DISTRICT NO. 16—LOS ANGELES, CALIF.

Calexico, Calif., Calexico International Airport.
San Diego, Calif., San Diego Municipal Airport (Lindbergh Field).

DISTRICT NO. 17—HONOLULU, HAWAII

Agana, Guam, Mariana Islands, Agana Field.

DISTRICT NO. 18—PHOENIX, ARIZ.

Douglas, Ariz., Bisbee-Douglas Airport.
Nogales, Ariz., Nogales International Airport.
Tucson, Ariz., Tucson International Airport.
Yuma, Ariz., Yuma International Airport.

DISTRICT NO. 22—PORTLAND, MAINE

Caribou, Maine, Caribou Municipal Airport.

DISTRICT NO. 24—CLEVELAND, OHIO

Akron, Ohio, Municipal Airport.
Cleveland, Ohio, Cleveland Hopkins Airport.
Put In Bay, Ohio, Put In Bay Airport.
Sandusky, Ohio, John G. Hinde Airport.

DISTRICT NO. 30—HELENA, MONT.

Cut Bank, Mont., Cut Bank Airport.
Glasgow, Mont., Glasgow International Airport.
Great Falls, Mont., Great Falls International Airport.
Havre, Mont., Havre-Hill County Airport.

DISTRICT NO. 32—ANCHORAGE, ALASKA

Juneau, Alaska, Juneau Municipal Airport.
Juneau, Alaska, Juneau Airport (Seaplane Base only).
Ketchikan, Alaska, Ketchikan Airport.
Wrangell, Alaska, Wrangell Seaplane Base.

DISTRICT NO. 36—PORT ISABEL, TEX.

Brownsville, Tex., Rio Grande Valley International Airport at Brownsville, Tex.

(4) *Immigration offices in foreign countries.*

Athens, Greece.
Guadalajara, Mexico.
Hamilton, Bermuda.
Hong Kong, B.C.C.
Monterrey, Mexico.
Montreal, Quebec, Canada.
Naples, Italy.
Nassau, Bahamas.
Ottawa, Ontario, Canada.
Palermo, Italy.
Tijuana, Mexico.
Tokyo, Japan.
Toronto, Ontario, Canada.
Vancouver, British Columbia, Canada.
Victoria, British Columbia, Canada.
Vienna, Austria.
Winnipeg, Manitoba, Canada.

(d) *Border Patrol Sectors.* Border Patrol sector headquarters and stations are situated at the following locations:

SECTOR NO. 1—HOULTON, MAINE

Calais, Maine.
Fort Fairfield, Maine.
Houlton, Maine.
Jackman, Maine.
Lincoln, Maine.
Van Buren, Maine.

SECTOR NO. 2—SWANTON, VT.

Beecher Falls, Vt.
Newport, Vt.
Richford, Vt.
Rouses Point, N.Y.
Swanton, Vt.
Whitehall, N.Y.

SECTOR NO. 3—OGDENSBURG, N.Y.

Malone, N.Y.
Massena, N.Y.
Ogdensburg, N.Y.
Watertown, N.Y.

SECTOR NO. 4—BUFFALO, N.Y.

Buffalo, N.Y.
Niagara Falls, N.Y.

SECTOR NO. 5—DETROIT, MICH.

Detroit, Mich.
Port Huron, Mich.
Sault Ste. Marie, Mich.
Trenton, Mich.

SECTOR NO. 6—GRAND FORKS, N. DAK.

Bottineau, N. Dak.
Grand Forks, N. Dak.
Grand Marais, Minn.
International Falls, Minn.
Minot, N. Dak.
Pembina, N. Dak.
Portal, N. Dak.
Warroad, Minn.

SECTOR NO. 7—HAVRE, MONT.

Browning, Mont.
Havre, Mont.
Malta, Mont.
Shelby, Mont.
Sweetgrass, Mont.
Wolf Point, Mont.

SECTOR NO. 8—SPOKANE, WASH.

Bonners Ferry, Idaho.
Colville, Wash.
Oroville, Wash.
Spokane, Wash.
White Fish, Mont.

SECTOR NO. 9—BLAINE, WASH.

Bellingham, Wash.
Blaine, Wash.
Lynden, Wash.

SECTOR NO. 10—LIVERMORE, CALIF.

Bakersfield, Calif.
Fresno, Calif.
Livermore, Calif.
Sacramento, Calif.
Salinas, Calif.
Stockton, Calif.

SECTOR NO. 11—CHULA VISTA, CALIF.

Campo, Calif.
Chula Vista, Calif.
El Cajon, Calif.
Oceanside, Calif.
Oxnard, Calif.
Temecula, Calif.

SECTOR NO. 12—EL CENTRO, CALIF.

Calexico, Calif.
El Centro, Calif.
Indio, Calif.
Riverside, Calif.

SECTOR NO. 13—YUMA, ARIZ.

Blythe, Calif.
Yuma, Ariz.

SECTOR NO. 14—TUCSON, ARIZ.

Casa Grande, Ariz.
Douglas, Ariz.
Gila Bend, Ariz.
Nogales, Ariz.
Phoenix, Ariz.
Tucson, Ariz.
Willcox, Ariz.

SECTOR NO. 15—EL PASO, TEX.

Alamogordo, N. Mex.
Carlsbad, N. Mex.
Columbus, N. Mex.
El Paso, Tex.
Fabens, Tex.
Fort Hancock, Tex.
Las Cruces, N. Mex.
Lordsburg, N. Mex.
Sierra Blanca, Tex.

SECTOR NO. 16—MARFA, TEX.

Alpine, Tex.
Fort Stockton, Tex.
Lubbock, Tex.
Marfa, Tex.
Pecos, Tex.
Presidio, Tex.
Sanderson, Tex.

SECTOR NO. 17—DEL RIO, TEX.

Brackettville, Tex.
Carrizo Springs, Tex.
Comstock, Tex.
Del Rio, Tex.
Eagle Pass, Tex.
Ozona, Tex.
Sonora, Tex.
Uvalde, Tex.

SECTOR NO. 18—LAREDO, TEX.

Cotulla, Tex.
Hebbronville, Tex.
Laredo, Tex.
Zapata, Tex.

SECTOR NO. 19—MCALLEN, TEX.

Falfurrias, Tex.
McAllen, Tex.
Mercedes, Tex.
Rio Grande City, Tex.

SECTOR NO. 20—PORT ISABEL, TEX.

Brownsville, Tex.
Corpus Christi, Tex.
Galveston, Tex.
Harlingen, Tex.
Kingsville, Tex.

SECTOR NO. 21—NEW ORLEANS, LA.

Baton Rouge, La.
Gulfport, Miss.
Lake Charles, La.
Mobile, Ala.
New Orleans, La.
Pensacola, Fla.
Texarkana, Ark.

SECTOR NO. 22—MIAMI, FLA.

Jacksonville, Fla.
Key West, Fla.
Miami, Fla.
Tampa, Fla.
West Palm Beach, Fla.

§ 100.5 Regulations.

The regulations of the Immigration and Naturalization Service, published as Chapter I of Title 8 of the Code of Federal Regulations, contain information which, under the provisions of section 552 of Title 5 of the United States Code, is required to be published and is subdivided into Subchapter A (General Provisions, Parts 1 through 3, inclusive), Subchapter B (Immigration Regulations, Parts 100 through 299, inclusive), and Subchapter C (Nationality Regulations, Parts 306 through 499, inclusive). Any person desiring information with respect to a particular procedure (other than rule making) under the Immigration and Nationality Act should examine the part or section in Chapter I of Title 8 of the Code of Federal Regulations dealing with

such procedures as well as the section of the Act implemented by such part or section.

§ 100.6 Rule making.

Section 103(a) of the Immigration and Nationality Act requires the Attorney General to establish such regulations as he deems necessary for carrying out his authority under the provisions of that Act. The Attorney General has delegated certain rule making authority to the Commissioner of Immigration and Naturalization. The provisions of the Federal Register Act (49 Stat. 500; 44 U.S.C. 301–314), as amended, and of the regulations thereunder (1 CFR—Administrative Committee of the Federal Register) as well as the provisions of section 553 of Title 5 of the United States Code governing the issuance of regulations are observed.

PART 101—PRESUMPTION OF LAWFUL ADMISSION

Sections 101.2 and 101.3 are added to read as follows:

§ 101.2 Presumption of lawful admission; entry under erroneous name or other errors.

An alien who entered the United States as either an immigrant or nonimmigrant under any of the following circumstances shall be regarded as having been lawfully admitted in such status, except as otherwise provided in this part: An alien otherwise admissible whose entry was made and recorded under other than his full true and correct name or whose entry record contains errors in recording sex, names of relatives, or names of foreign places of birth or residence, provided that he establishes by clear, unequivocal, and convincing evidence that the record of the claimed admission relates to him, and, if entry occurred on or after May 22, 1918, if under other than his full, true and correct name that he also establishes that the name was not adopted for the purpose of concealing his identity when obtaining a passport or visa, or for the purpose of using the passport or visa of another person or otherwise evading any provision of the immigration laws, and that the name used at the time of entry was one by which he had been known for a sufficient length of time prior to making application for a passport or visa to have permitted the issuing authority or authorities to have made any necessary investigation concerning him or that his true identity was known to such officials.

§ 101.3 Alien Registration Receipt Card (Form I–151).

Upon establishment of lawful admission for permanent residence under this part, an Alien Registration Receipt Card, Form I–151, shall be issued without requiring the submission of an application or fee.

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

1. The heading of Part 103 is amended to read as set out above.

2. The authority citation in Part 103 is amended to read as follows:

AUTHORITY: The provisions of this Part 103 issued under sec. 501, 65 Stat. 290, sec. 103, 66 Stat. 173; 5 U.S.C. 140, 8 U.S.C. 1103. Interpret or apply secs. 281, 332, 343, 344, 405, 66 Stat. 230, 252, 263, 264, 280; 8 U.S.C. 1351, 1443, 1454, 1455, 1101 and note; 5 U.S.C. 552.

§ 103.1 [Amended]

3. Paragraph (c) of § 103.1 is amended to read as follows:

(c) *General Counsel.* The legal advisory, legislative, litigation, and trial attorney (including appellate trial attorney at the Board of Immigration Appeals) activities of the Service.

4. Paragraph (g) *Officers in charge* of § 103.1 *Delegations of authority* is amended by adding the following sentences at the end thereof: "The officers in charge in the places enumerated in § 212.1(h) of this chapter have the authority to act on requests for waiver of visa and passport requirements under the provisions of section 212(d)(4)(A) of the Act. The officers in charge of the offices located in Mexico City, Mexico; Guadalajara, Mexico; Monterrey, Mexico; Tijuana, Mexico; Frankfurt, Germany; Athens, Greece; Rome, Italy; Naples, Italy; Palermo, Italy; Vienna, Austria; Manila Philippines; Tokyo, Japan; and Hong Kong, B.C.C., are authorized to perform the following functions: Authorize waivers of grounds of excludability under sections 212 (h) and (i) of the Act; adjudicate applications for permission to reapply for admission to the United States after deportation or removal, if filed by an alien who has applied for an immigrant visa at an American consular office, when the application for permission to reapply is submitted in conjunction with an application for waiver of grounds of excludability under section 212 (h) or (i) of the Act; approve visa petitions for any immediate relative or preference status except third and sixth preferences; in cases in which the Department of State had delegated recommending power to the consular officer, approve recommendations made by consular officers for waiver of grounds of excludability in behalf of nonimmigrant visa applicants under section 212(d)(3) of the Act and concur in proposed waivers by consular officers of the requirement of visa or passport by a nonimmigrant on the basis of unforeseen emergency; exercise discretion to grant applications for the benefits of sections 211 and 212(c) of the Act; process Form I–90 applications and deliver duplicate Forms I–151; extend reentry permits; and process Form N–565 applications and deliver certificates issued thereunder. The officers in charge of the offices located in the following places are authorized to perform the following functions:

Athens—Authorize conditional entry under section 203(a)(7) of the Act;

Frankfurt—Authorize conditional entry under section 203(a)(7) of the Act;

Hamilton—Preinspection of passengers and crew on aircraft and surface vessels departing directly to the U.S. mainland;

Montreal—Preinspection of passengers and crew of aircraft departing directly to the U.S. mainland and authorize waivers of grounds of excludability under sections 212 (h) and (i); also, approve applications for permission to reapply for admission to the United States after deportation or removal, when filed in conjunction with an application for waiver of grounds of excludability under section 212 (h) or (i) of the Act;

Nassau—Preinspection of passengers and crew on aircraft and surface vessels departing directly to the U.S. mainland;

Rome—Authorize conditional entry under section 203(a)(7) of the Act; and

Vienna—Authorize conditional entry under section 203(a)(7) of the Act.

§ 103.2 [Amended]

5. Paragraph (a) *General* of § 103.2 *Applications, petitions, and other documents* is amended in the following respects:

a. The following sentence is inserted after the existing first sentence: "The native form of a name may also be required if such a document has been executed in an anglicized version thereof."

b. The existing third sentence is amended to read as follows: "Any required oath may be administered by an immigration officer or person generally authorized to administer oaths, including persons so authorized by Article 136 of the Uniform Code of Military Justice."

6. Subparagraph (1) *Requirements* of paragraph (b) *Evidence* of § 103.2 *Applications, petitions, and other documents* is amended in the following respects:

a. The following sentence is inserted after the existing first sentence: "Form I–134 may be used if an affidavit of support would be helpful in resolving any public charge aspect."

b. The following two sentences are added at the end thereof: "The status of an applicant or petitioner who claims that he is a lawful permanent resident alien of the United States will be verified from official records of the Service. In the absence of such a record, the applicant or petitioner shall be required to establish that he is a lawful permanent resident alien by the submission of evidence such as his passport bearing a Service endorsement reflecting a lawful admission for permanent residence, his Form I–151, Alien Registration Receipt Card, or his immigrant identification card."

§ 103.3 [Amended]

7. Paragraph (a) *Denials and appeals* of § 103.3 *Denials, appeals, and precedent decisions* is amended in the following respects:

a. The following sentence is inserted after the existing first sentence: "If the notification is made on Form I–292, the signed duplicate thereof constitutes the order of denial."

b. The following sentence is added at the end thereof: "An appeal, cross-appeal, answers thereto and accompanying brief, if any, shall become part of the record of proceeding and, if filed by an officer of the Service, a copy shall be served on the party affected."

8. Paragraph (c) of § 103.6 is amended by adding subparagraph (3) and paragraph (e) is amended to read as follows:

§ 103.6 Surety bonds.

* * * * *

(c) *Cancellation.* * * *

(3) *Substantial performance.* Substantial performance of all conditions imposed by the terms of a bond shall release the obligor from liability.

* * * * *

(e) *Breach of bond.* A bond is breached when there has been a substantial violation of the stipulated conditions. A final determination that a bond has been breached creates a claim in favor of the United States which may not be released or discharged by a Service officer. The district director having jurisdiction over the place where any immigration bond is retained shall finally determine whether a bond shall be declared breached or cancelled, and shall notify the obligors in writing on Form I–323 or Form I–391 of his decision.

§ 103.7 [Amended]

9. Section 103.7 is amended in the following respects:

a. The heading is amended to read: "Fees".

b. Paragraph (a) is deleted.

c. Paragraphs (b) and (c) are redesignated as paragraphs (a) and (b).

d. The third item in newly designated paragraph (b) is deleted.

e. The following is added at the end of the existing schedule of fees in newly designated paragraph (b):

For the services expended in locating or making available records or copies thereof under 5 U.S.C. 552, the following user charges are deemed fair and equitable and shall be assessed against the person who requests that records be made available:

(a) Each Form N–585 shall be accompanied by payment of (This charge will be retained whether or not an identified record is located.)	$3.00
(b) For each one quarter man-hour or fraction thereof spent in excess of the first quarter hour in searching for or producing a requested record	1.00
(c) For each one quarter hour or fraction thereof spent in monitoring the requester's examination of materials	1.00
(d) For copies of documents:	
First page	.50
Each additional page (Maximum number of copies furnished of any document, 410.)	.25
(e) For each certification of a true copy	1.00
(f) For each attestation under seal	3.00

10. Section 103.8 is added to read as follows:

§ 103.8 Definitions pertaining to availability of information.

As used in this part the following definitions shall apply:

(a) The term "decision" means a final written determination in a proceeding under the Act accompanied by a statement of reasons. Orders made by check marks, stamps, or brief endorsements which are not supported by a reasoned explanation, or those incorporating preprinted language on Service forms are not "decisions".

(b) The term "records" includes records of proceedings, documents, reports, and other papers maintained by the Service.

(c) The term "record of proceeding" is the official history of any hearing, examination, or proceeding before the Service, and in addition to the application, petition, order to show cause, or other initiating document, includes the transcript of hearing or interview, exhibits, and any other evidence relied upon in the adjudication; papers filed in connection with the proceeding, including motions and briefs; the Service officer's determination; notice of appeal or certification; the Board or other appellate determination; motions to reconsider or reopen; and documents submitted in support of appeals, certifications, or motions.

11. Section 103.9 is added to read as follows:

§ 103.9 Availability of decisions and interpretive material.

(a) *Precedent decisions.* There may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, bound volumes of designated precedent decisions entitled "Administrative Decisions Under Immigration and Nationality Laws of the United States," each containing a cumulative index. Prior to publication in volume form current precedent decisions, known as interim decisions, are obtainable from the Superintendent of Documents on a single copy or yearly subscription basis. Bound volumes and current precedent decisions may be read at principal Service offices.

(b) *Unpublished decisions.* Each district director in the United States will maintain copies of unpublished Service and Board decisions relating to proceedings in which the initial decision was made in his district. Each regional commissioner will maintain copies of unpublished decisions made by him. The Central Office will maintain copies on a national basis of unpublished Service decisions.

(c) *Deletion of identifying details.* To the extent required to prevent a clearly unwarranted invasion of personal privacy, the officer who makes the decision shall provide for deletions of names and such other identifying data as he deems appropriate from copies of decisions which are made available.

(d) *Statements of policy, interpretations, manuals, instructions to staff.* Statements of policy, interpretations, and those manuals and instructions to staff (or portions thereof), affecting the public, will be made available at district offices in the United States and at the Central Office with an accompanying index of any material which is issued on or after July 4, 1967.

(e) *Public reading rooms.* The Central Office and each district office in the United States will provide a reading room or reading area where the material described in this section will be made available to the public. Additional materials will be made available in the public reading rooms, including the immigration and nationality laws, Title 8 of the United States Code Annotated, Title 8 of the Code of Federal Regulations, and a complete set of the forms listed in Parts 299 and 499 of this chapter. Fees will not be charged for providing access to any of these materials, but fees in accordance with § 103.7(b) will be charged for furnishing copies.

12. Section 103.10 is added to read as follows:

§ 103.10 Records.

(a) *Availability of records generally.* A request for a record will be submitted in accordance with paragraphs (c) and (d) of this section on Form N–585. The form concerning such a request will be forwarded by the office receiving it to the Commissioner for transmission to the Deputy Attorney General pursuant to 28 CFR 16.6(b). When the requested record is identified and located a copy thereof will be forwarded with the form and with the recommendation of the receiving office. When the requested record cannot be identified or located, a brief summary of the action taken to identify and locate it and a copy of the application form shall be submitted in the same manner to the Deputy Attorney General.

(b) *Requests which may be approved by Service officers.* Notwithstanding the provisions of subsection (a) above, the following types of requests for information and records may be granted by the head of the office to which the request is submitted and without submission to the Deputy Attorney General:

(1) Requests for information and records which officers and employees of the Service prior to the enactment of 5 U.S.C. 552 customarily furnished to the public in the regular performance of their duties;

(2) Requests for records of proceedings in deportation hearings, unless members of the public have been excluded from the hearing by direction of the special inquiry officer pursuant to § 242.16(a) of this chapter;

(3) Requests for records of proceedings in naturalization examinations and hearings;

(4) Requests for records of proceedings in any other proceeding before the Service which was open to the public;

(5) Requests for records of proceedings in administrative fine cases.

When in the opinion of the receiving office such a request for a record should not be granted the request will be processed in conformity with paragraph (a) of this section.

(c) *Places and manner of obtaining records*—(1) *Places.* Records shall be made available in the Central Office, each regional office, any district office in the United States, and the following offices: Agana, Guam; Albany, N.Y.; Cincinnati, Ohio; Dallas, Tex.; Hammond, Ind.; Houston, Tex.; Memphis, Tenn.; Milwaukee, Wis.; Norfolk, Va.; Pittsburgh, Pa.; Providence, R.I.; Reno, Nev.; St. Louis, Mo.; Salt Lake City, Utah; San Diego, Calif.; Spokane, Wash.; additionally, in particular cases,

a district Director may designate any other Service office. Requests for Board records described in 28 CFR 16.6 shall be submitted to the Associate Commissioner, Management.

(2) *Manner of requesting records; fees.* Requests for records may be made in person or by mail. Each request made under this section pertaining to the availability of a record shall include or consist of Form N–585, or Form I–550 when submitted in accordance with a request by an American consul, shall be accompanied by a fee of $3 as provided in § 103.7(b), and shall describe the record with sufficient specificity with respect to names, dates, subject matter, and location to permit it to be identified and located. A fee shall not be required when the request is made by Federal or State Government agencies, including political subdivisions and municipalities. A single fee shall be charged for a request for a search relating to one individual even though information concerning him is in more than one record and in more than one place.

(3) *Temporary withholding of records.* Records relating to matters pending before the Service may be withheld when in the optnion of the district director compliance with the request will disrupt the administrative process. Nothing contained herein is intended to impair the right of a party to a proceeding, or his attorney or representative, to examine the record of proceeding and obtain a copy thereof, as provided in § 292.4(b) of this chapter.

(d) *Authority to release information and certify records; fees for copies and certification.* (1) Subject to the authority reserved to the Attorney General under 28 CFR 16.6 and 16.7 and subject to such restrictions as may be imposed by law or this chapter, authority coextensive with that of the Commissioner is hereby delegated to the officers listed below to furnish information from Service records to any person entitled thereto and to certify copies thereof;

(i) The Associate Commissioner, Management, as to files, documents, and records in the custody of the Central Office.

(ii) A regional commissioner or district director as to files, documents, and records in the custody of his office.

(2) The Chief, Records Administration and Information Branch, Central Office, may certify as to the nonexistence of an official record in the records of the Service.

PART 204—PETITION TO CLASSIFY ALIEN AS IMMEDIATE RELATIVE OF A UNITED STATES CITIZEN OR AS A PREFERENCE IMMIGRANT

1. Paragraph (d) is amended by adding a new subparagraph (8), subparagraph (1) of paragraph (e) is amended, and paragraph (f) is amended by designating the present text as subparagraph "(1) *General*" and adding a new subparagraph (2) of § 204.2 to read as follows:

§ 204.2 Documents.

* * * * *

(d) *Evidence of family relationship between petitioner and beneficiary.* * * *

(8) *Blood tests.* When a blood relationship is claimed, the district director may require that blood tests be conducted of the petitioner, beneficiary, and other family members. Such blood tests shall be conducted at the expense of the petitioner by the United States Public Health Service or by a qualified medical specialist designated by the district director. Refusal to submit to blood tests when required may constitute a basis for denial of the petition. When the petitioner, the beneficiary, or other family members are outside the United States, a visa petition may be approved or condition that the results of any requested blood tests will show that the existence of the claimed relationship is not precluded. When a visa petition is approved conditionally, the names and addresses of the persons of whom blood tests are to be conducted shall be set forth by the district director in the visa petition and in the notice of approval. Upon receipt of medical advice that the blood test results preclude the existence of the claimed blood relationship between the petitioner and the beneficiary, the district director shall withdraw his conditional approval and shall reopen the visa petition proceeding.

(e) *Evidence required to accompany petition for orphan*—(1) *General.* A petition filed on behalf of an orphan under § 204.1(b) must be accompanied by fingerprint charts on Form FD 258 of the petitioning U.S. citizen and spouse; evidence of U.S. citizenship of the petitioner as provided in paragraph (b) of this section; a certificate of marriage of the petitioner and spouse and proof of legal termination of their previous marriages, if any; proof of age of the orphan in the form of a birth certificate, or if such certificate is not available other evidence of his birth; evidence that the petitioner and spouse are able to care for the orphan properly, such as letters from employers, banks, and accountants, financial statements, copies of income-tax returns; a certified copy of the adoption decree together with certified translation, if the orphan has been lawfully adopted abroad; and evidence that the sole or surviving parent is incapable of providing for the orphan's care and has in writing irrevokably released the orphan for emigration and adoption if the orphan has only one parent. A child shall be considered as having a sole parent, his mother, when it is established that the child is illegitimate, and has not acquired a second parent within the contemplation of section 101(b)(2) of the Act. A child shall be considered as having a surviving parent when it is established that one of the child's parents is living while one is deceased, and the child has not acquired a second parent within the meaning of section 101(b)(2) of the Act. When a child who has a sole or surviving parent has been adopted abroad, the requirement for an irrevocable release in writing for the child's emigration and adoption shall be considered to have been met if the adoption decree clearly sets forth that the adoptive petitioner and spouse reside in the United States and that the child's only parent has in the presence of the court agreed to the adoption. A child who has been unconditionally abandoned to an orphanage shall be considered as having no parents. However, a child shall not be considered as having been abandoned when he has been placed temporarily in an orphanage, if the parent or parents intend to retrieve the child, or the parent or parents are contributing or attempting to contribute to the child's support, or the parent or parents otherwise exhibit that they have not terminated their parental obligations to the child.

* * * * *

(f) *Evidence of professional status or of exceptional ability in sciences or arts*—(1) *General.* * * *

(2) *Physicians.* An alien physician shall be considered eligible for classification as a member of the professions if he establishes that he was graduated from a medical school in the United States or Canada, or that he was graduated from a foreign medical school and has successfully passed the examination given by the Educational Council for Foreign Medical Graduates, or that he was graduated from a foreign medical school and has obtained a full and unrestricted license to practice medicine in the country where he obtained his medical education. In any other case the district director may consult the Educational Council for Foreign Medical Graduates or other organizations and experts in the medical field for the purpose of obtaining an advisory opinion of the alien's qualifications as a physician.

* * * * *

2. Section 204.6 is added to read as follows:

§ 204.6 Effect of changed employment on priority date for sixth preference classification.

When a new petition by another employer is approved in behalf of the beneficiary of a previously approved sixth-preference petition, and the beneficiary has accepted or intends to accept employment with the new petitioner, the beneficiary shall no longer be entitled to a priority date as of the date of filing of the original petition. Instead, his priority date shall be the date of filing of the subsequently approved petition for sixth preference classification. However, the original priority date shall be restored if the beneficiary returns to the original petitioner's employment or establishes that he intends upon arrival in the United States to be employed by the original employer as specified in the original petition, and that petition is still valid or is revalidated.

PART 211—DOCUMENTARY REQUIREMENTS: IMMIGRANTS; WAIVERS

Section 211.5 is added to read as follows:

§ 211.5 Recording the entry of certain immigrant children admitted without \nmigrant visas.

When an immigrant alien who: (a) Is a child born subsequent to the issuance of an immigrant visa to his accompanying parent; or (b) is a child born during the temporary visit abroad of a mother who is a lawful permanent resident, or a national, of the United States, is admitted to the United States for lawful permanent residence without an immigrant visa, the admission shall be recorded on Form I–181.

PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

1. Section 212.1 is amended by adding new paragraphs (i) and (j) to read as follows:

§ 212.1 Documentary requirements for nonimmigrants.

* * * * *

(h) *Officers authorized to act upon recommendations of United States consular officers for waiver of visa and passport requirements.* All district directors, the officers in charge at Blaine, Wash.; Noyes, Minn.; Niagara Falls, N.Y.; Calexico, Calif.; San Diego Border Station, Calif.; San Diego, Calif.; Douglas, Ariz.; Naco, Ariz.; Nogales, Ariz.; San Luis, Ariz.; Brownsville, Tex.; Del Rio, Tex.; Eagle Pass, Tex.; Hidalgo, Tex.; Laredo, Tex., and Roma, Tex., and all officers in charge of Service offices outside the United States are authorized to act upon recommendations made by U.S. consular officers or by officers of the Visa Office, Department of State, pursuant to the provisions of 22 CFR 41.7 for waiver of visa and passport requirements under the provisions of section 212(d)(4)(A) of the Act. The District Director at Washington, D.C., has jurisdiction in such cases recommended to the Service at the seat of Government level by the Department of State. Neither an application nor fee are required if the concurrence in a passport or visa waiver is requested by a U.S. consular officer or by an officer of the Visa Office. The district director or the Deputy Associate Commissioner, Travel Control, may at any time revoke a waiver previously authorized pursuant to this paragraph and notify the nonimmigrant alien in writing to that effect.

(i) *Cancellation of nonimmigrant visas by immigration officers.* Upon receipt of advice from the Department of State that a nonimmigrant visa has been revoked or invalidated, and request by that Department for such action, immigration officers shall place an appropriate endorsement thereon.

§ 212.2 [Amended]

2. The third sentence of § 212.2 *Consent to reapply for admission after deportation, removal, or departure at Government expense* is amended to read as follows: "If the applicant is abroad or is in the United States seeking advance permission to reapply prior to his departure from the United States, the application shall be filed with the district director having jurisdiction over the place where the deportation or removal proceedings were held; however, an alien who is abroad and is filing Form I–212 in conjunction with a request for a waiver under section 212 (g), (h), or (i), of the Act, or an alien who is in the United States and will file application for a waiver under section 212 (g), (h), or (i), with an American consul, should file Form I–212 and the application for the waiver simultaneously with the American consul."

3. Section 212.2 *Consent to reapply for admission after deportation, removal, or departure at Government expense* is further amended by adding the following two sentences at the end thereof: "The approval of an application filed by an alien whose departure will execute an order of deportation shall be conditioned upon his departure from the United States; otherwise, the approval shall not be conditioned or limited. However, the grant of permission to reapply does not waive inadmissibility under section 212 (a) (16) or (17) of the Act resulting from exclusion, deportation, or removal proceedings which are instituted subsequent to the date permission to reapply is granted."

§ 212.4 [Amended]

4. Paragraph (c) *Terms of authorization of § 212.4 Applications for the exercise of discretion under section 212(d)(3)* is amended by adding the following two sentences at the end thereof: "Unless the alien applies for admission during the period of validity of the authorization, a new authorization is required. An authorization may not be revalidated."

5. Section 212.5 is amended by adding paragraph (b) to read as follows:

§ 212.5 Parole of aliens into the United States.

* * * * *

(b) *Advance authorization.* When parole is authorized for an alien who will travel to the United States without a visa, the alien shall be issued Form I–512.

§ 212.6 [Amended]

6. The last sentence of paragraph (b) *Applicatios of § 212.6 Nonresident alien border crossing cards* is deleted and the following two sentences are inserted in lieu thereof: "If the application is denied, the applicant shall be given a notice of denial with the reasons therefor on Form I–160. There shall be no appeal from such denial but such denial shall be without prejudice to a subsequent application for a visa or for admission to the United States."

7. Paragraph (d) of § 212.6 is amended to read as follows:

(d) *Voidance.* Forms I–185 and I–186 may be declared void, without notice, by an officer authorized to issue such forms and, upon voidance, shall be surrendered immediately. The alien to whom the form was issued shall be notified of the action taken and the reasons therefor by means of Form I–180 delivered in person or, if such action is not possible, by mailing the Form I–180 to the address shown on the nonresident alien border crossing card. Violations of the immigration laws or subsequent developments indicating inadmissibility shall be grounds, though not exclusive, for voidance of the forms. An appeal shall not lie from a decision voiding a nonresident alien border crossing card but such voidance shall be without prejudice to a subsequent application for a visa or for admission to the United States.

§ 212.7 [Amended]

8. Paragraph (c) *Section 212(e) of § 212.7 Waiver of certain grounds of excludability* is amended by inserting the following sentence immediately preceding the existing last sentence: "The applicant and his spouse shall be interviewed by an immigration officer in connection with the application."

9. Subparagraph (5) of paragraph (c) of § 212.8 is amended by inserting the heading "(i) *General*" preceding the existing text and by adding new subdivision (ii) to read as follows:

* * * * *

§ 212.8 Certification requirement of section 212(a)(14).

* * * * *

(c) *Department of Labor certifications in connection with visa petitions and applications for adjustment of status.* * * *

(5) *Aliens who are not members of the professions, who do not have exceptional ability in the sciences or arts, and whose occupations are not included in Schedules A, B, or C, 29 CFR Part 60*—(i) *General.* * * *

(ii) *Multiple certifications.* When a multiple certification on Form ES–575B has been issued by the Department of Labor to an employer who intends to employ a number of aliens in identical positions, the endorsed Form ES–575B bearing the certification of the Secretary of Labor or his designated representative for a specified number of positions shall be submitted as an attachment to the first visa petition or application for adjustment of status filed by or on behalf of an alien named in the list attached to the endorsed Form ES–575B to fill one of the specified positions. Form ES–575A and requisite documentary evidence relating to the alien shall also be attached. Any visa petition or application for adjustment of status subsequently filed by or on behalf of another alien named in the list attached to the endorsed Form

ES–575B need not be accompanied by that form, but shall be accompanied by Form ES–575A and the requisite documentary evidence of the alien's qualifications, together with information from the petitioner or applicant concerning the name, and Service file number if known, of the first alien in whose case the relating Form ES–575B was filed.

* * * * *

PART 213—ADMISSION OF ALIENS ON GIVING BOND OR CASH DEPOSIT

§ 213.1 [Amended]

Section 213.1 *Admission under bond or cash deposit* is amended in the following respects:

a. The following sentence is added immediately after the existing first sentence: "Upon acceptance of such a bond, the district director shall notify the U.S. consular officer who requested the bond, giving the date and place of acceptance and the amount of the bond."

b. The last sentence is amended to read as follows: "For procedures relating to bond riders, acceptable sureties, cancellation or breaching of bonds, see Part 103 of this chapter."

PART 214—NONIMMIGRANT CLASSES

§ 214.1 [Amended]

1. Paragraph (a) *General* of § 214.1 *Requirements for admission, extension, and maintenance of status* is amended by inserting the following three sentences after the existing third sentence: "If failure to file a timely application is found to be excusable, an extension may be granted from the time of expiration of authorized stay. When because of reasons beyond his control, or special circumstances, an alien needs an additional period of less than 30 days beyond his authorized stay within which to effect his departure, he may be granted such time without filing an application for extension. Extensions to members of a family group shall be for the same period; if one member is eligible for only a six-month extension and another for a twelve-month extension, the shorter period shall govern."

§ 214.2 [Amended]

2. Paragraph (b) *Visitors* of § 214.2 *Special requirements for admission, extension, and maintenance of status* is amended by adding the following sentence at the end thereof: "Except for the spouse or child of an alien having status under section 101(a)(15)(H) of the Act, a personal interview is required before an extension of stay beyond one year from the date of admission may be granted to a B–2 visitor."

3. Subparagraph (1) *General* of paragraph (f) *Students* of § 214.2 *Special requirements for admission, extension, and maintenance of status* is amended by inserting the following sentence before the existing last sentence: "However, a Canadian national, or an alien landed immigrant of Canada who has a common nationality with Canadian nationals, returning to the United States as a student under section 101(a)(15)(F) of the Act after a temporary absence in Canada only, shall if otherwise admissible be readmitted, without presentation of Form I–20, for the remainder of his initial admission or current extension of stay as shown on his Form I–94."

4. Subparagraph (2) *Extension* of paragraph (f) *Students* of § 214.2 *Special requirements for admission, extension, and maintenance of status* is amended by adding the following sentence at the end thereof: "A student who has been compelled by illness to interrupt his schooling may be granted an extension of stay without being required to change his nonimmigrant status if he establishes that he will resume a full course of study after treatment."

5. Subparagraph (3) *Employment* of paragraph (f) *Students* of § 214.2 *Special requirements for admission, extension, and maintenance of status* is amended by inserting the following sentence after the existing tenth sentence: "A student who has been granted permission to accept employment for practical training and who temporarily departs from the United States, may be readmitted for the remainder of the authorized period if he presents Form I–20 endorsed by his school to indicate the date to which such training was authorized by the district director."

6. Paragraph (j) of § 214.2 is amended by inserting the heading "(1) *General*" preceding the existing text and by adding new subparagraph (2) to read as follows:

(j) *Exchange aliens*—(1) *General.* * * *

(2) *Aliens in cancelled programs.* When an exchange visitor program is cancelled by the Department of State a notification of the cancellation shall be sent by the district director to each participant in the program. The participant shall be informed that he may remain in the United States in his present status to continue his activities in the cancelled program until the date of expiration of his currently authorized stay and that he must terminate his participation in that program by that date. A copy of the notification to the alien shall be sent to the sponsor of the cancelled program. Where extension of the alien's stay will not exceed the time limitation on the type of program in which he is engaged, he shall also be informed that he may apply for an extension if he is accepted as a participant in another approved exchange program and submits Form DSP–66 executed by his new program sponsor. In such case, a release by the sponsor of the cancelled program shall not be required.

PART 215—CONTROLS UPON DEPARTURE OF PERSONS FROM AND ENTRY INTO THE UNITED STATES

Part 215 is added to read as follows:

§ 215.1 General.

Pursuant to Presidential Proclamation No. 3004 of January 17, 1953, the provisions of section 215 of the Act are in force and effect. The travel controls imposed upon citizens of the United States in time of war or national emergency are contained in 22 CFR Part 53. The controls imposed upon aliens departing from the United States are contained in 22 CFR Part 46.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103. Interprets or applies sec. 215, 66 Stat. 190; 8 U.S.C. 1185)

PART 221—ADMISSION OF VISITORS OR STUDENTS

Section 221.1 is amended to read as follows:

§ 221.1 Admission under bond.

The district director having jurisdiction over the intended place of residence of an alien may accept a bond on behalf of an alien defined in section 101(a)(15)(B) or (F) of the Act prior to the issuance of a visa to the alien upon receipt of a request directly from a U.S. consular officer or upon presentation by an interested person of a notification from the consular officer requiring such a bond. Upon acceptance of such a bond, the district director shall notify the United States consular officer who requested the bond, giving the date and place of acceptance and amount of the bond. All bonds given as a condition of admission of an alien under section 221(g) of the Act shall be executed on Form I–352. For procedures relating to bond riders, acceptable sureties, cancellation, or breaching of bonds, see Part 103 of this chapter.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103. Interprets or applies secs. 101, 221, 66 Stat. 166, 191; 8 U.S.C. 1101, 1201)

PART 223—REENTRY PERMITS

§ 223.1 [Amended]

The following sentence is inserted between the existing third and fourth sentences of § 223.1 *Application:* "Additional pages for the affixation of foreign visas may be attached to a valid reentry permit without formal application or fee."

PART 231—ARRIVAL-DEPARTURE MANIFESTS AND LISTS; SUPPORTING DOCUMENTS

1. Section 231.1 is amended by adding paragraph (d) to read as follows:

§ 231.1 Arrival manifests for passengers.

* * * * *

(d) *Preparation of Arrival-Departure Card, Form I–94.* When used either as an attachment to an arrival manifest on Form I–418 or as the basic arrival manifest document, the set of Forms I–94 presented for each alien passenger, except an immigrant, a Canadian citizen, or a British subject residing in Canada or Bermuda, shall be completely executed. For a U.S. citizen, an immigrant, a Canadian citizen, or a British subject residing in Canada or Bermuda, only the first four lines of the Form I–94 shall be completed. The Alien Registration Number shall be substituted for "passport number" on the Form I–94 presented for a returning lawful permanent resident of the United States.

2. Section 231.2 is amended by adding paragraph (c) to read as follows:

§ 231.2 Departure manifests for passengers.

* * * * *

(c) *Departure Forms I–94.* When used either as an attachment to a departure manifest on Form I–416 or as the basic departure manifest, the Form I–94 executed on its face to reflect the items required by § 231.1(d) for each class of arriving passengers, shall have the "departure record" information endorsed on the reverse by the carrier.

3. Section 231.3 is added to read as follows:

§ 231.3 Exemptions for private vessels and aircraft.

The provisions of this part relating to the presentation of arrival and departure manifests shall not apply to a private vessel or private aircraft not engaged directly or indirectly in the carriage of persons or cargo for hire.

PART 234—PHYSICAL AND MENTAL EXAMINATION OF ARRIVING ALIENS

Part 234 is added to read as follows:

Sec.
234.1 General.
234.2 Examination of aliens in the United States by civil surgeons when medical officers of the United States Public Health Service are not available.

AUTHORITY: The provisions of this Part 234 issued under sec. 103, 66 Stat. 173; 8 U.S.C. 1103. Interprets or applies sec. 234, 66 Stat. 198; 8 U.S.C. 1224.

§ 234.1 General.

The manner in which the physical and mental examination of aliens shall be conducted is set forth in 42 CFR Part 34.

§ 234.2 Examination of aliens in the United States by civil surgeons when medical officers of the U.S. Public Health Service are not available.

(a) *Selection.* Whenever an alien presently in the United States files an application for a benefit under the immigration laws and a medical examination is required, it shall be conducted by a medical officer of the U.S. Public Health Service; however, if the alien resides in a locality where a medical officer of the U.S. Public Health Service is not available and such an officer is not located within a reasonable distance, the medical examination may be performed by a civil surgeon. Such a civil surgeon, who shall be a licensed physician and who shall have had not less than 4 years' professional experience, is to be selected by the district director having jurisdiction over the area of the alien's residence. Officers of county medical societies shall be consulted to obtain the names of competent surgeons willing to make the examinations. An understanding shall be reached with respect to the fees which the surgeon will charge for the medical examination, X-ray of chest, and blood test for syphilis. The fees agreed upon shall be paid by the alien directly to the surgeon making the examination. When practicable, only one surgeon shall be selected in a locality. If it is known that a civil surgeon is performing medical examinations of aliens under contract with the U.S. Public Health Service, he shall be selected, if possible, and any fee charged by such a surgeon shall also be paid directly by the alien.

(b) *U.S. Public Health Service hospital and outpatient clinic reports.* The examination of aliens at U.S. Public Health Service hospitals and outpatient clinics will be performed in accordance with the instructions and regulations contained in the "Manual for Medical Examination of Aliens." The results of the examinations will be recorded on Forms FS–398, Medical Examination of Visa Applicant, in duplicate, with notification of Class A, B, or C conditions. If Class A, B, or C conditions are present, a Medical Certificate, Form PHS–124(FQ) will also be issued. The original Forms FS–398 and PHS–124(FQ), if indicated, will be returned to the immigration officer by whom the alien was referred. The copy of Forms FS–398 and PHS–124(FQ) will be sent to the Medical Officer in Charge, U.S. Quarantine Station, Rosebank, Staten Island, N.Y. 10305, where a central file of these cases will be maintained.

(c) *Civil surgeon reports.* The medical examination of aliens by civil surgeons will be performed in accordance with the instructions and regulations contained in the "Manual for Medical Examination of Aliens." The results of the examinations will be recorded on Form FS–398, in duplicate. The completed Forms FS–398 with X-ray and other pertinent laboratory reports will be returned to the immigration officer by whom the alien was referred; that officer will forward the completed Forms FS–398, X-ray and other pertinent laboratory reports to the Medical Officer in Charge, U.S. Quarantine Station, Rosebank, Staten Island, N.Y. 10305. The findings of that Medical Officer in Charge shall then be awaited concerning the alien's physical and mental condition.

PART 235—INSPECTION OF PERSONS APPLYING FOR ADMISSION

1. The heading of Part 235 is amended to read as set out above.

2. Section 235.1 is amended to read as follows:

§ 235.1 Scope of examination.

(a) *General.* All persons seeking to enter the United States shall make application in person to an immigration officer at a U.S. port of entry enumerated in Part 100 of this chapter at a time when an immigration office at the port is open for inspection.

(b) *U.S. citizens.* A person claiming U.S. citizenship must establish that fact to the examining immigration officer's satisfaction and must present a U.S. passport if such passport is required under the provisions of 22 CFR Part 53. If such an applicant for admission fails to satisfy the examining immigration officer that he is a U.S. citizen, he shall thereafter be inspected as an alien.

(c) *Alien members of U.S. Armed Forces and members of a force of a NATO country.* An alien member of the U.S. Armed Forces who is in the uniform of, or bears documents identifying him as a member of, such Armed Forces, and who is coming to or departing from the United States under official orders or permit of such Armed Forces is not subject to the exclusion provisions of the Act and a member of the force of a NATO country signatory to Article III of the Status of Forces Agreement seeking to enter the United States under official orders is exempt from the control provisions of the Act. An alien who is a member of either of the foregoing classes may, upon request, be inspected under the provisions of the Act by an immigration officer and if found admissible under the provisions of the Act, his entry as an alien shall be recorded. If such an alien does not appear to the examining immigration officer to be clearly and beyond a doubt entitled to enter the United States under the provisions of the Act, the alien shall be so informed and his entry shall not be recorded.

(d) *Qualifications for aliens.* The following general qualifications and requirements shall be met by an alien seeking to enter the United States regardless of whether he seeks to enter for permanent, indefinite, or temporary stay, and regardless of the purpose for which he seeks to enter: He shall present whatever documents are required and shall establish to the satisfaction of the immigration officer that he is not subject to exclusion under the immigration laws, Executive orders, or Presidential Proclamations and is entitled under all of the applicable provisions of the immigration laws and this chapter to enter the United States. For the purpose of this part, any coming to a U.S. port from a foreign port, from an outlying possession of the United States, from Guam, Puerto Rico, or the Virgin Islands of the United States or from another port of the United States at which examination under this part was not completed shall be regarded as an arrival. Any person, including an alien crewman, passing through the Canal Zone on board a vessel which enters and clears at the Canal Zone port only to transit the Zone, to refuel, or to land passengers or crewmen for medical treatment, shall not be regarded as coming from a foreign port solely by reason of such passage. Any person, including an alien crewman, on board a vessel which after arrival at a U.S. port of entry passes the Great Lakes seaway en route to another U.S. port and which enters and clears at points in Canada only to transit the seaway, to refuel, or to land passengers or crewmen for medical treatment, shall not be regarded as coming from a foreign port solely by reason of

such passage. Any person, including an alien crewman, on board a vessel en route from one U.S. port to another U.S. port shall not be regarded as coming from a foreign port solely by reason of the vessel's stop at Freeport, Bahamas, for bunkering only.

(e) *Canadian nationals and other residents of Canada having a common nationality with Canadians entering the United States by small craft.* Upon being inspected and found eligible for admission as a temporary visitor for pleasure by an immigration officer, a Canadian national or other resident of Canada having a common nationality with Canadians who desires to enter the United States from Canada in a small pleasure craft of less than 5 net tons without merchandise to make visits of less than 24 hours to the immediate shore area of the United States bordering on lakes and rivers lying between the United States and Canada may be issued, without application or fee, Form I–68, Canadian Border Boat Landing Card, and may thereafter be permitted to make visits of less than 24 hours to the immediate shore area of the United States on the body of water designated on the Form I–68, from time to time for the duration of that navigation season without further inspection. If the bearer of Form I–68 seeks to enter the United States by means other than small pleasure craft of less than 5 net tons without merchandise, or if he seeks to enter the United States for other purposes, or to proceed inland from the immediate shore area of the United States, he must apply for admission at a U.S. port of entry.

(f) *Arrival-Departure Card, Form I–94.*—(1) *Nonimmigrant applicants.* A completely executed Form I–94 endorsed to show date and place of admission, period of admission, and nonimmigrant classification shall be issued to each nonimmigrant alien admitted to the United States except a nonimmigrant alien coming within the provisions of § 212.1(a) of this chapter who is admitted as a visitor for business or pleasure or to proceed in direct transit through the United States and a Mexican national in possession of a valid Form I–186 who is admitted as a border crosser to visit for a period of 72 hours or less in an area within 150 miles of the Mexican border. A Form I–94 valid for any number of entries during a specified 6-month period may be issued to a nonimmigrant alien who will have occasion to make frequent entries into the United States over the land borders.

(2) *Paroled aliens.* An alien paroled into the United States pursuant to the provisions of section 212(d)(5) of the Act, including an alien crewman, shall be issued a completely executed Form I–94 endorsed to show the date and place of parole, the period for, and conditions under which the alien was paroled into the United States.

3. Section 235.3 is amended to read as follows:

§ 235.3 Detention.

(a) *Prior to inspection.* All persons arriving at a port in the United States by vessel or aircraft shall be detained aboard the vessel or at the airport of arrival by the master, commanding officer, purser, person in charge, agent, owner, or consignee of such vessel or aircraft until admitted or otherwise permitted to land by an officer of the Service. Notice or order to so detain shall not be required.

(b) *Detention after inspection.* If a passenger on an arriving vessel or aircraft is not admitted, or otherwise permitted to land, by the examining immigration officer, the agent for the vessel or aircraft and the master or commanding officer, if available, shall be notified by means of service of Form I–259 made in person immediately upon completion of the immigration inspection. The Form I–259 shall list the names of each passenger not admitted or otherwise permitted to land and shall contain instructions as to the date and place the alien is to be delivered for further proceedings under the Act.

§ 235.8 [Amended]

4. Paragraph (a) *Report of* § 235.8 *Temporary exclusion* is amended by inserting the following sentence after the existing first sentence to read as follows: "The immigration officer shall, if possible, take a brief sworn question and answer statement from the alien, and the alien shall be served personally or by registered mail with a notice on Form I–147 of the action taken and the right to make written representations."

§ 235.9 [Amended]

5. Paragraph (c) *Application* of § 235.9 *Conditional entries* is amended by inserting the following three sentences after the existing first sentence to read as follows: "An application for conditional entry filed by an alien who can qualify as an immediate relative or as a special immigrant shall be rejected. An applicant who appears to be eligible for classification under section 203(a) (1), (2), (3), (4), or (5) of the Act shall be advised, but not required, to seek such classification if a visa number is available. An applicant for whom a nonpreference visa number is available and who is not coming to the United States to perform skilled or unskilled labor shall be advised but not required to apply for a nonpreference immigrant visa."

6. Section 235.10 is added to read as follows:

§ 235.10 U.S. Citizen Identification Cards.

To facilitate entry over the Canadian land border, a citizen and resident of the United States may apply at any district office for a U.S. Citizen Identification Card, Form I–197. To facilitate identification by immigration officers, a citizen and resident of the United States may apply at a district office in San Antonio, Tex.; El Paso, Tex.; Los Angeles, Calif.; San Francisco, Calif.; Phoenix, Ariz.; or Port Isabel, Tex., for an Identification Card, Form I–179. The application for either card shall be made on Form I–196, accompanied by the fee required under § 103.7 of this chapter and one photograph 1½ inches by 1½ inches, and, in the case of a U.S. citizen who was not born in the United States, a certificate of naturalization or citizenship.

PART 236—EXCLUSION OF ALIENS

§ 236.2 [Amended]

1. Paragraph (a) of § 236.2 is amended by adding the following two sentences at the beginning thereof:

(a) *Opening.* Exclusion hearings shall be closed to the public, unless the alien at his own instance requests that the public, including the press, be permitted to attend; in that event, the hearing shall be open, provided that the alien states for the record that he is waiving the requirement in section 236 of the Act that the inquiry shall be kept separate and apart from the public. When the hearing is to be open, depending upon physical facilities, reasonable limitation may be placed upon the number in attendance at any one time, with priority being given to the press over the general public. * * *

2. Paragraph (c) of § 236.2 *Hearing* is amended to read as follows:

(c) *Trial attorney.* The district director shall assign a trial attorney to every case in which the appellant's nationality is in issue or in which the special inquiry officer requests such assignment. In his discretion the district director may assign a trial attorney to any case in which he deems such assignment necessary or advantageous. The duties of the trial attorney shall include, but are not limited to, the presentation of evidence and the interrogation, examination, and cross-examination of the applicant and other witnesses. Nothing contained herein shall be construed to diminish the authority conferred upon the special inquiry officer in conducting proceedings under this part.

3. Section 236.3 is amended by adding a paragraph (d) to read as follows:

§ 236.3 Decision of the special inquiry officer; notice to the applicant.

* * * * *

(d) *Advice to alien ordered excluded.* An alien ordered excluded shall be furnished with Form I–296, Notice to Alien Ordered Excluded by Special Inquiry Officer, at the time of an oral decision by the special inquiry officer or upon service of a written decision.

4. Section 236.4 is amended to read as follows:

§ 236.4 Finality of order.

The order of the special inquiry officer shall be final except when a case has been certified as provided in Part 3 or Part 103 of this chapter, or when an appeal is taken to the Board of Immigration Appeals. A special inquiry officer shall have authority to certify his decision in any case to the Board of Immigration Appeals when it involves an unusually complex or novel question of law or fact. When the order of the special inquiry officer is to admit the applicant, the special inquiry officer shall place him on notice that the decision is subject to appeal by the district director as provided in § 236.5(c).

PART 238—CONTRACTS WITH TRANSPORTATION LINES

Part 238 is amended to read as follows:

Sec.
238.1 Contracts.
238.2 Transportation lines bringing aliens to the United States from or through foreign contiguous territory or adjacent islands and lines bringing aliens destined to the United States into such territory or islands.
238.3 Aliens in immediate and continuous transit.
238.4 Preinspection outside the United States.

AUTHORITY: The provisions of this Part 238 issued under sec. 103, 66 Stat. 173; 8 U.S.C. 1103. Interprets or applies sec. 238, 66 Stat. 202; 8 U.S.C. 1228.

§ 238.1 Contracts.

The contracts with transportation lines referred to in section 238(a) of the Act shall be made by the regional commissioner in behalf of the government and shall be on Form I–421. The contracts with transportation lines referred to in section 238(b) of the Act shall be made by the regional commissioner in behalf of the government and shall be on Form I–420. The contracts with transportation lines referred to in section 238(d) of the Act shall be made by the Commissioner in behalf of the government and shall be on Form I–426. The contracts with transportation lines desiring their passengers and crews preinspected at places outside the United States shall be made by the Commissioner in behalf of the government and shall be on Form I–425.

§ 238.2 Transportation lines bringing aliens to the United States from or through foreign contiguous territory or adjacent islands and lines bringing aliens destined to the United States into such territory or islands.

(a) *Land-border agreements and overseas agreements.* Forms I–420 and I–421 shall be signed in duplicate and forwarded to the regional counsel. After acceptance, the district office and the signatory line shall be furnished with one copy of the agreement. The transmittal letter to the regional commissioner shall indicate whether the signatory to the agreement is a subsidiary or affiliate of a line which has already signed a similar agreement. Correspondence regarding ancillary contracts for office space and other facilities to be furnished by transportation lines at Service stations in Canada shall be similarly handled. Forms I–420 or I–421 shall not be used to cover special situations; instead, the facts shall be presented to the regional commissioner in order that an appropriate agreement may be drafted. If humane considerations are involved, the Service maintains inspection facilities, and neither the alien nor the transportation line could have foreseen that application for admission to the United States would be made within 2 years, a nunc pro tunc agreement may be entered into on Form I–421 appropriately modified by adding the following paragraph:

5. That the provisions of this agreement shall be effective only to the extent that they concern ---------- who arrived at ---------- on ---------- on the ---------- ----------.

(b) *Agreements with transportation lines.*—(1) *Canada.* Currently effective agreements on Form I–421 (Rev. 6–29–58) exist with the following transportation lines regarding arrivals in Canada pursuant to section 238(a) of the Act:

Ab Atlanttrafik Line.
Achille Lauro Armatore (Lauro Lines) (see Home Lines Agency, Inc.).
Ahrenkiel & Bene.
Air France (Compagnie Nationale Air France—French National Airline).
Aktieselskabet Borgestad.
Alaska Coastal-Ellis Airlines.
Alexandria Navigation Co.
Alfred C. Toepfer Schiffahrtsgesellschaft, M.G.H.
Alfred Hold & Company.
American Export Lines, Inc.
American Mail Line, Ltd.
And. Smith Rederiaktiebolag.
Arosa Line, Inc.
Baltic Steamship Co., The.
Belgian Line (Compagnie Maritime Belge).
Messrs. Bernhard Schulte.
The Booth Steamship Company, Ltd.
The Bristol City Line of Steamships, Ltd.
British Overseas Airways Corporation.
The Cairn Line of Steamships, Ltd.
Caledonian Airways (Prestwick), Ltd.
Canadian Pacific Airlines.
Canadian Pacific Steamships, Ltd.
China Merchants Steam Navigation Co., Ltd.
China Union Lines, Ltd.
Christensen Canadian African Lines.
Columbus Line.
Compagnie Maritime Belge (see Belgian Line).
Compagnie Nationale Air France (see Air France).
Corporacion Peruana de Vapores.
County Line, Ltd.
Cunard Steam-ship Co., Ltd.
Daido Kaiun Kaisha, Ltd. (Daido Line).
Det Dansk-Franske Dampskibsselskab.
Det Forenede Dampskibs-Selskab of Copenhagen.
Deutsche Lufthansa Aktiengesellschaft (Lufthansa German Airlines).
Ditlev-Simonsen Lines (General Steamship Corp., Ltd.).
Donaldson Line, Ltd.
East Asiatic Company, The.
Egon Oldendorff Steamship Co.
Eikland & Selamis (I. M. Skaugen Shipowners).
El Al Israel Airlines.
Elder Dempster Lines, Ltd.
Ellerman & Bucknall Steamship Co., Ltd.
Ellerman's Wilson Line.
Ernst Russ Reiderei.
Europe-Canada Line.
Farmand Shipping, Inc.
Fearnley & Eger, Inc.
Federal Motorship Corp.
Fjell Line.
Fredrik Hoyer, Skein, Norway.
French Line.
Fruit Express Line.
Furness Withy & Co., Ltd. (including Furness Warren Line, Furness Red Cross Line, Furness Prince Line).
Gestioni Esercizio Navi.
Greek Line (General Steam Navigation Company of Greece, Ltd.).
Grimaldi Siosa Lines of Canada.
Gdynia America Line, Inc.
Halcyon Lijn N. V.
Hamburg-Amerika Linie.
Hamburg-Atlantik Linie G.m.b.H. (see Home Lines Agency, Inc.).
Hamburg Chicago Line (designation of a service operated by independent signatory lines A. Kirsten, Sartori & Berger and Ahrenkiel & Bene).
Hanseatische Reederei, Emil Offen & Co.
Head Line (see Ulster Steamship Co., Ltd.).
Helmdal Steamship Co., Ltd.
Heinrich Schmidt, G.M.B.H.
Holland-America Line.
Homes Lines Agency, Inc., as agents for Home Lines, Inc., National Hellenic American Line, S.A., Achille Lauro Armatore (Lauro Lines), and Hamburg-Atlantik Linie G.m.b.H.
Hugo-Stinnes Zweigniederlassung, Brennstoffeisen und Schiffahrts Gesellschaft.
Incres Steamship Co., Ltd.
Interocean Line.
Interocean Marine, Ltd.
Irish Shipping, Ltd.
Island Navigation Co., Tokyo.
"Italia" Societa Di Navigazione (Italian Line).
Johnson Line.
Johs. Fritzen & Sohn.
A. Kirsten.
A. F. Klaveness & Co. A/S.
Knutsen Line.
Koninklijke Luchtvaart Maatschappij N. V. (K.L.M. Royal Dutch Airlines).
Lamport & Holt Line, Ltd.
J. Lauritzen Line.
Lauro Lines (see Home Lines Agency, Inc.).
Leif Hoegh & Co. A/S.
Lord Line (see Ulster Steamship Co., Ltd.).
Lovenskiold Og Hoyers Rederi (formerly Sameiet Foesum A/S).
Lufthansa German Airlines (see Deutsche Lufthansa Aktiengesellschaft).
Lunham & Moore Shipping, Ltd.
Manchester Liners, Ltd.
Maritime Central Airways, Ltd.
Montship Lines, Ltd.
N. V. Maatschappij Zeevaart.
N. V. Stoomboot-Maatschappij "Hillegersberg".
National Hellenic American Line, S.A. (see Home Lines Agency, Inc.).
Netherland Line (Nederland).
Netherlands Ministry of Transport & Waterstaat Directorate-General of Shipping.
Nihonkai Kisen Kabushiki Kaisha (Pacific Ocean Line).
Nippon Yusen Kaisha (N.Y.K. Line).
Nissan Kisen Kaisha, Ltd.
Norddeutscher Lloyd (North German Lloyd).
Nordstern Reederei G.m.b.H. and C. Mackprang, Jr.
Northwest Airlines, Inc.
Norwegian American Line.
The Oceanic Steamship Co. (Matson Navigation Co.).
Oranje Line (Maatschappij Zeetransport N. V.).
Orient Steam Navigation Co. (Orient & Pacific Lines or Peninsular & Oriental Steam Navigation Co.).
Osaka Shosen Kaisha, Ltd. (Williams, Dimond & Co., authorized Agents).
Ove Skou.
Pacific Islands Transport Line.
Pacific Shipowners, Ltd.
Pacific Western Airlines.
Pan American World Airways System.
Pehrson & Wessel.
Port Line, Ltd.
Poseidon Lines.
Qantas Empire Airways, Ltd.
Rederiaktiebolaget Ragne.
Rodney Steamship Co., Ltd.
Royal Air Force Transport Command of the British Air Ministry.
Royal Mail Lines, Ltd.
Royal Rotterdam Lloyd (Lloydmail).
Sabena Belgian World Airlines.
Sameiet Foesum A/S (Now Lovenskiold Og Hoyers Rederi).

Sartori & Berger.
Scandinavian Airlines System, Inc.
Schulte & Bruns.
Shipmihon Steamship Co., Ltd.
States Steamship Co.
Stoomvaart M. C. Oostsee, Directors: Vinke & Co.
Swedish American Line.
Swiss Air Transport Co., Ltd., Swissair.
Swiss (Suisse) Atlantic S.A.
Taiwan Navigation Company, Ltd.
Trans Canada Air Lines.
Transmaris, Ltd.
Ulster Steamship Co., Ltd., The (Head Line and Lord Line).
Union Steam Ship Co. of New Zealand, Ltd.
United States Lines.
USSR—Aeroflot, The Ministry of Civil Aviation of the.
H. Vogemann.
Wallenius Line.
Watts, Watts, & Co., Ltd.
Westfal-Larsen Line.
Wrangell, H. M., & Co.
YNGVAR HVISTENDAHL (Scandia Shipping Agencies, Ltd.).
Zim-Israel America Lines.
Zim-Israel Navigation Co., Ltd.

(2) *Bermuda.* Currently effective agreements on Form I-421 (Rev. 6-29-58) exist with the following transportation lines regarding arrivals in Bermuda pursuant to section 238(a) of the Act:

British Overseas Airways Corp.
Guest Aerovias Mexico, S.A.
Iberia Airlines.
Linea Aeropostal Venezolana.

§ 238.3 Aliens in immediate and continuous transit.

(a) *Form I-426 agreements.* A transportation line bringing aliens to the United States pursuant to § 212.1(e)(1) of this chapter shall enter into an agreement on Form I-426. Such agreements shall be negotiated directly by the Central Office and the head offices of the transportation lines.

(b) *Signatory lines.* Currently effective agreements on Form I-426 exist with the following:

Achille Lauro—Armatore, Napies, Italy.
Aerlinte Eireann Teoranta (Irish Air Lines).
Aerolineas Argentinas.
Aerolineas INI and CIA S.A.
Aerolineas Peruanas, S.A.
Aeronaves de Mexico, S.A.
Aerovias Interamericanas de Panama, S.A. (Aerovias Panama Airways).
Aerovias Nacionales de Colombia (AVIANCA).
Aerovias Venezolanas, S.A. (AVENSA).
Air-India International Corp.
Air Jamaica, Ltd.
Air New Zealand, Ltd.
"ALCIONE", Soc. di Navigazione p. A., Palermo.
Alfred C. Toepfer Schiffahrtsgesellschaft M.B.H.
American Airlines, Inc.
American Banner Lines, Inc.
American Export Lines, Inc.
American Flyers Airline Corp.
American International Airways, Inc.
American President Lines, Ltd.
AREA, Aerovias Ecuatorianas C. Ltda.
"ARETUSA", Soc. di Navigazione p. A., Palermo.
Argonaut Airways Corp.
Arosa Line, Inc., "Panama."
Athina Maritime Co., Ltd.
Atlantic Freighters, Ltd.
Atlantic Oil Carriers, Ltd.
Atlantic Tankers, Ltd.
Bahamas Airways, Ltd.
Blue Star Line, Inc., The.
Braniff Airways, Inc.
Brasilian International Airlines (Real-Aerovias Brasil, S.A.).
British Car Carriers, Ltd., and Nordrum Lines.
British Eagle International Airlines, Ltd.
British Overseas Airways Corp.
British West Indian Airways, Ltd.
Brodin Line.
Caledonian Airways (Prestwick), Ltd.
Canadian National Railway Co.
Canadian Pacific Air Lines, Ltd.
Canadian Pacific Railway Co.
Capitol Airways, Inc.
Caribbean Atlantic Airlines, Inc.
Chandris (USA) Inc., as agents for Chandris Lines.
Chandris (USA) Inc., as agents for Maribianca Navegacion S.A. and Compania Panamena Europea Navegacion Ltda. S.A.
China Merchants Steam Navigation Co., Ltd.
China Union Lines, Ltd.
Compagnia Genovese di Armemento.
Compagnie Generale Transatlantique (French Line).
Compagnie Nationale Air France.
Compagnie de Transports Aeriens Intercontinentaux.
Companhia Colonial de Navegacao.
Compania Cubana de Aviacion, S.A.
Compania Dominicana de Aviacion, C. por A.
Compania Ecuatoriana de Aviacion, S.A.
Compania Mexicana de Aviacion, S.A. (CMA).
Compania Nacional de Turismo Aereo Limitada.
Compania Transatlantica Espanola, S.A.
Cunard Steamship Company, Ltd.
Daido Kaiun Kaisha, Ltd. (Daido Line).
Daiwa Navigation Co., Ltd., The.
Delaware and Hudson Railroad Corp.
Delta Air Lines, Inc.
A. Demades & Owners—SS AXIOS
Den Norske Amerikalinje A/B (See Norwegian America Line).
Ditlev-Simonsen Lines.
Dominion Navigation Co., Ltd.
Eastern Airlines, Inc.
El Al Israel Airlines.
"ELIOS", Soc. di Navigazione p. A., Palermo.
Elderman's Wilson Line, Ltd.
S.A. Empresa de Viacao Aerea Rio Grandense (Varig Airlines).
Empresa Guatemalteca de Aviacion.
Epirotiki Lines, Inc.
"ERICE", Soc. di Navigazione p. A., Palermo.
Eugenie Maritime Co., Ltd.
Europe-Canada Line.
EXPRINTER (SUCRS. S.A.).
Facilities Management Corp.
Fern-Ville Lines.
Fiesta Cruise Lines, Inc.
Flugfelag Islands, H.F. (Iceland Airways).
Flying Tiger Line Inc., The.
Furness-Withy and Co., Ltd.
General Airways, Inc.
General Steam Navigation Co., Ltd., of Greece—Greek Line.
Giacomo Costa fu Andrea (Lines "C"), Genoa.
Global Chartering & Brokerage Co., Inc.
Globe Air Ltd., Basel, Switzerland.
Great Eastern Line.
Grey Goose Bus Lines, Ltd.
Grimaldi Siosa Lines Joint Service.
Guest Aerovias Mexico, S.A.
Hamburg American Line.
Holland-America Line.
Home Lines Agency Inc., as agent for Home Lines Inc., and Hamburg-Atlantik Linie, G.m.b.H. & Co.
Horn-Linie.
Hugo Stinnes Transocean Schiffahrts, gmbh, Mulheim-Ruhr, Germany.
Iberia Lineas Aereas Espanolas.
Icelandic Airlines, Inc. (Loftleidir, H.F.).
Ibo Kaisen Kaisha, Ltd.
Indo-China Steam Navigation Co., Ltd., The.
Intercontinental, U.S., Inc.
International Aircraft Services, Inc.
International Airlines, Inc.
Interocean Airways, S.A., Luxembourg.
Italian Line, "Italia" Societa per Azioni di Navigazione, Genoa.
Japan Airlines Co., Inc.
Kawasaki Kisen Kaisha, Ltd.
Klaveness Line.
Koninklijke Luchtvaart Maatschappij N. V. (K.L.M. Royal Dutch Airlines).
Korean National Airlines.
Kulukundis Shipping Agency, Inc.
Laeisz, F., Hamburg, Germany.
Linea Aerea Nacional, Chile.
Linea Aeropostal Venezolana (LAV).
Lineas Aereas Costarricenses, S.A. (LACSA).
Lineas Aereas de Nicaragua, S.A.
Lineas Aereas Taxader S.A.
Linee Aeree Italiane (ALITALIA).
Livanos Maritime Co., Ltd.
Lufthansa German Airlines (Deutsche Lufthansa Aktiengesellschaft).
Mackey Airlines, Inc.
Marchessini Lines.
Marine Mercante Nicaraguense, S.A. (Mamenic Line).
Maritime Central Airways, Ltd.
Maritime Company of the Philippines.
Martin's Air Charter Co., Ltd.
McCormick Shipping Corp.
"MEGRA" Soc. di Navigazione p. A., Palermo.
Mitsui Steamship Co., Ltd.
N. V. Scheepvaart Maatschappij "Trans-Ocean" (Trans-Ocean Steamship Co.).
Nacos Shipping Co., Inc.
National Airlines, Inc.
NATUMEX Lines—Naviera Turistica Mexicana S.A.
Naviera Aznar Sociedad Anonima.
Nederland Line.
Netherlands Ministry of Transport and Waterstaat Directorate-General of Shipping.
New York Central Railroad Co.
New Zealand Shipping Co., Ltd., Norton, Lilly & Co., Inc., General Agents.
Nihonkai Kisen Kaisha.
Nippon Yusen Kaisha (N.Y.K. Line).
Northeast Airlines, Inc.
North German Lloyd Passenger Agency, Inc.
Northwest Airlines, Inc.
Norwegian America Line (Den Norske Amerikalinje A/S).
Ocean Cargo Line, Ltd.
Ocean Tanker Line, Ltd. (Lavino Shipping Co., Philadelphia, Agents).
Ocean Tankers, Ltd.
Oceanic Steamship Co., The
Olsen Line, Fred (Fred Olsen & Co.).
Olympic Airways, S.A.
Ontario Central Airlines, Ltd.
Orient Steam Navigation Co., Ltd.
Osaka Shosen Kaisha, Ltd.
Overseas National Airways.
Ozean/Stinnes Linien.
Pacific Australia Direct Line.
Pacific Far East Line, Inc.
Pacific Islands Transport Line A/S THOR DAHL.
Pacific Micronesian Line, Inc.
Pacific Ocean Line.
Pacific Shipowners, Ltd., Suva, Fiji.
Pacific Steam Navigation Co.
Pacific Western Airlines, Ltd.
Pakistan International Airlines Corp.
Pan American-Grace Airways, Inc.
Pan American World Airways, Inc.
Panoceanic Tanker Line, Ltd.
Peninsular & Occidental Steamship Co.
Peninsular & Oriental Steam Navigation Co.
Philippine Air Lines.
"POLINEMA" Soc. di Navigazione p. A., Palermo.
President Airlines, Inc.
Qantas Empire Airways, Ltd.
REAL S/A—Transportes Aereos.
Rederiaktiebolaget Nordstjernan (Johnson Line), Stockholm.
Riddle Airlines, Inc.
Royal Mail Lines, Ltd.
Royal Netherlands Steamship Co.
Royal Rotterdam Lloyd.
Sabena Belgian Air Lines.

Sahsa Honduras Airlines.
Saturn Airways, Inc.
Scandinavian Airlines System, Inc.
Scindia Steam Navigation Co., Ltd.
Seven Seas Airlines, Inc.
Shinwa Kaiun Kaisha, Ltd.
Showa Shipping Co., Ltd.
Sicula Oceanica, S.A. (SIOSA Lines).
Societa Italiana di Armamento "SIDARMA".
Societa Italiana Transporti Marittimi of Genoa (Sitmar Line).
South Pacific Air Lines.
Southern Air Transport, Inc.
Standard Airways, Inc.
States Steamship Co.
Swedish American Line.
Swiss Air Transport Co., Ltd. (SWISSAIR).
TACA International Airlines, S.A.
Taiwan Navigation Co., Ltd.
Theofano Maritime Co., Ltd.
Transatlantic Steamship Co., Ltd. (Rederiaktiebolaget Transatlantic).
Trans-Canada Air Lines.
Trans Caribbean Airways, Inc.
Transcontinental S.A. de Transportes C. M.
Trans International Airlines, Corp.
Trans Meridian Flying Services, Ltd.
Transglobe Airways, Ltd.
Transocean Airlines.
Transportation Corp. of America (Trans Caribbean Airways).
Transportes Aereos Nacionales, S.A. (TAN Airlines).
Trans World Airlines, Inc.
Trent Maritime Co., Ltd.
Triton Shipping, Inc.
Twentieth Century Airlines.
United Air Lines, Inc.
United Philippine Line.
United States Lines, Inc.
United States Overseas Airlines, Inc.
United White Shipping Co., Ltd.
Venezuelan International Airlines, Inc.
Western Airlines.
Westfal Larsen Line.
White Star Maritime Co., Ltd.
Winchester, J. H., & Co., as agents for Costa Line.
World Airways, Inc.
Yamashita Steamship Co., Ltd.
Ybarra & Co., Inc.
Zim Israel Navigation Co., Ltd.

§ 238.4 Preinspection outside the United States.

The following transportation lines have entered into agreements on Form I-425 for the preinspection of their passengers and crews at places outside the United States:

AT BERMUDA

Air Venturers of Houston, Inc.
American Flyers Airline Corp.
British Overseas Airways Corp.
Capitol Airways, Inc.
Eastern Air Lines, Inc.
Flying Tiger Line Inc., The.
Furness, Withy and Co., Ltd.
Guest Aerovias Mexico, S.A.
Pan American World Airways, Inc.
Saturn Airways.
Standard Air Ways, Inc.
Swedish American Line Agency, Inc.
Trans World Airlines, Inc.
World Airways, Inc.

AT MONTREAL

American Flyers Airline Corp.
British Overseas Airways Corp.
Capitol Airways, Inc.
Deutsche Lufthansa Aktiengesellschaft (Lufthansa German Airlines).
Eagle Airways (Bermuda) Ltd.
Eastern Air Lines, Inc.
Mohawk Airlines, Inc.
Nordair Ltee—Nordair Ltd.
Northeast Airlines, Inc.
Pan American World Airways, Inc.
Saturn Airways, Inc.
Trans-Canada Air Lines.
Trans World Airlines, Inc.
United Air Lines, Inc.
World Airways, Inc.
World Wide Airways, Inc.

AT NASSAU

Air Venturers of Houston, Inc.
American Flyers Airline Corp.
Bahamas Airways, Ltd.
British Overseas Airways Corp.
Capitol Airways, Inc.
Eagle Airways (Bermuda), Ltd.
Eastern Air Lines.
Flying Tiger Line, Inc., The.
Mackey Airlines, Inc.
McCormick Shipping Corp., Eastern Shipping Corp. Agents.
Modern Air Transport, Inc.
National Airlines, Inc.
Pan American World Airways, Inc.
Trans-Canada Air Lines.
Trans World Airlines, Inc.
United Air Lines, Inc.
World Airways, Inc.

AT VANCOUVER

Air Canada.
American Flyers Airline Corp.
Canadian Pacific Air Lines, Ltd.
Pacific Western Airlines, Ltd.
Qantas Empire Airways, Ltd.
United Air Lines, Inc.
World Airways, Inc.

AT VICTORIA

Black Ball Transport, Inc.
British Columbia Coast Steamship Service.
Canadian Pacific Railway Co.
Yarmouth Cruises, Inc.

AT TORONTO

American Airlines, Inc.
American Flyers Airline Corp.
British Eagle International Airlines, Ltd.
Caledonian Airways (Prestwick), Ltd.
Canadian Pacific Air Lines, Ltd.
Capitol Airways, Inc.
Eastern Air Lines, Inc.
Mohawk Airlines, Inc.
Nordair Ltee—Nordair Ltd.
Pan American World Airways, Inc.
Saturn Airways, Inc.
Trans-Canada Air Lines.
United Air Lines, Inc.
World Airways, Inc.

AT WINNIPEG

Northwest Airlines, Inc.

PART 239—SPECIAL PROVISIONS RELATING TO AIRCRAFT: DESIGNATION OF PORTS OF ENTRY FOR ALIENS ARRIVING BY CIVIL AIRCRAFT

§ 239.2 [Amended]

1. Paragraph (a) of § 239.2 is amended to read as follows:

(a) *Place of landing.* Aircraft carrying passengers or crew required to be inspected under the Act shall land at the international air ports of entry enumerated in Part 100 of this chapter unless permission to land elsewhere shall first be obtained from the Commissioner of Customs in the case of aircraft operated by scheduled airlines, and in all other cases from the district director of Customs or other Customs officer having jurisdiction over the Customs port of entry nearest the intended place of landing. Whenever permission is granted to land at other than a designated international air port of entry, the owner, operator, or person in charge of the aircraft shall pay any additional expenses incurred in inspecting passengers or crew on board such aircraft, except that when permission is granted to a scheduled airline to land an aircraft operating on a schedule, no inspection charge shall be made for overtime service performed by immigration officers if the aircraft arrives substantially in accordance with schedules on file with the Service.

2. The first sentence of paragraph (b) *Advance notice of arrival* of § 239.2 *Landing requirements* is amended by deleting the word "Collector" and inserting in lieu thereof the words "district director".

PART 242—PROCEEDINGS TO DETERMINE DEPORTABILITY OF ALIENS IN THE UNITED STATES: APPREHENSION, CUSTODY, HEARING, AND APPEAL

§ 242.7 [Amended]

1. Section 242.7 *Cancellation of proceedings* is amended by adding the following sentence at the end thereof: "A special inquiry officer may, in his discretion, terminate deportation proceedings to permit respondent to proceed to a final hearing on a pending application or petition for naturalization when the respondent has established prima facie eligibility for naturalization and the case involves exceptionally appealing or humanitarian factors; in every other case, the deportation hearing shall be completed as promptly as possible notwithstanding the pendency of an application for naturalization during any stage of the proceedings."

§ 242.8 [Amended]

2. Paragraph (a) *Authority* of § 242.8 *Special Inquiry Officers* is amended by adding the following sentence after the existing first sentence: "A special inquiry officer shall have authority to certify his decision in any case to the Board of Immigration Appeals when it involves an unusually complex or novel question of law or fact."

3. Paragraph (b) of § 242.9 is amended to read as follows:

§ 242.9 Trial attorney.

* * * * *

(b) *Assignment.* The district director shall assign a trial attorney to every case within the provisions of § 242.16(c), to every case in which an unrepresented respondent is incompetent or under 16 and is not accompanied by a guardian, relative or friend, and to every case in which the special inquiry officer requests assignment of a trial attorney. He shall also assign a trial attorney to every case in which the Commissioner approves the submission of nonrecord information (§ 242.17(a)). In his discretion, whenever he deems such assignment necessary or advantageous, the district director may assign a trial attorney to any other case at any stage of the proceeding.

§ 242.16 [Amended]

4. Paragraph (a) *Opening* of § 242.16 *Hearing* is amended by adding the following sentence at the end thereof: "Depending upon physical facilities, reasonable limitation may be placed upon the number in attendance at any one time, with priority being given to the press over the general public."

5. Paragraph (b) *Pleading by respondent* of § 242.16 *Hearing* is amended by adding the following sentence at the end thereof: "When, pursuant to this paragraph, the special inquiry officer may not accept an admission of deportability, he shall direct a hearing on the issues."

PART 243—DEPORTATION OF ALIENS IN THE UNITED STATES

§ 243.8 [Amended]

Section 243.8 *Imposition of sanctions* is amended by adding the following two sentences at the end thereof: "The consular officer shall be notified of any determination made with respect to the waiver of sanctions if a visa petition is approved. If the sanctions are not waived, the notice informing the petitioner that the petition has been approved shall also notify him that the sanctions imposed by section 243(g) of the Act have not been waived."

PART 245—ADJUSTMENT OF STATUS TO THAT OF PERSON ADMITTED FOR PERMANENT RESIDENCE

§ 245.1 [Amended]

1. The last sentence of paragraph (f) *Concurrent applications to overcome exclusionary grounds* of § 245.1 *Eligibility* is amended to read as follows: "An applicant for adjustment under this part may also apply for the benefits of section 212(c) of the Act, for permission to reapply after deportation or removal and for the benefits of section 212(a)(28)(I)(ii) of the Act."

§ 245.3 [Amended]

2. Section 245.3 *Adjustment of status under section 13 of the Act of September 11, 1957* is amended by inserting the following two sentences after the existing third sentence: "In view of the annual limitation of 50 on the number of aliens whose status may be adjusted under section 13 of the Act of September 11, 1957, an alien who is prima facie eligible for adjustment of status to that of a lawful permanent resident under another provision of law shall be advised to apply for adjustment pursuant to such other provision of law. An applicant for the benefits of section 13 of the Act of September 11, 1957 shall not be subject to the labor certification requirement of section 212(a)(14) of the Act."

PART 248—CHANGE OF NONIMMIGRANT CLASSIFICATION

1. Section 248.1 is amended to read as follows:

§ 248.1 Eligibility.

An alien admitted in immediate and continuous transit through the United States without a visa pursuant to section 238(d) of the Act, or an alien classified as a nonimmigrant under section 101(a)(15)(D) of the Act is not eligible for any change of nonimmigrant classification under section 248 of the Act. An alien classified as a nonimmigrant under section 101(a)(15)(C) or (J) of the Act is not eligible for any change of nonimmigrant classification other than a change to classification under section 101(a)(15)(A) or (G) of the Act. Any other alien lawfully admitted to the United States as a nonimmigrant, including an alien who acquired such status pursuant to section 247 of the Act, who is continuing to maintain his nonimmigrant status, may apply to have his nonimmigrant classification changed to any other nonimmigrant classification for which he may be found qualified. In determining whether an applicant has continued to maintain his nonimmigrant status the district director shall consider whether the alien has remained in the United States for a longer period than that authorized by the Service, and shall consider any conduct by the applicant relating to his maintenance of the status from which the applicant is seeking a change. An applicant may be considered as having maintained his nonimmigrant status within the meaning of this section even though he did not submit his application for change of nonimmigrant classification before his authorized temporary stay in the United States had expired, or during the period initially granted him by the district director to depart from the United States upon denial of an application for extension of temporary stay, if the district director is satisfied that the alien has not otherwise violated his nonimmigrant status and is a bona fide nonimmigrant. A nonimmigrant applying for a change to classification as a student under section 101(a)(15)(F) of the Act shall not be considered ineligible for such change solely because he may have started attendance at school before his application was submitted. An alien shall be considered prima facie ineligible for change of nonimmigrant classification as one who is no longer maintaining his nonimmigrant status, upon the introduction in Congress of a private bill seeking to confer upon him the status of a lawful permanent resident of the United States.

§ 248.2 [Amended]

2. Section 248.2 *Application* is amended by inserting the following two sentences after the existing seventh sentence: "Fees shall not be required in connection with requests for change of classification to that under section 101(a)(15)(A) and 101(a)(15)(G) of the Act. No fee shall be required when a change to exchange alien status as described in section 101(a)(15)(J) of the Act is requested by an agency of the U.S. Government and Form DSP–66, Certificate of Eligibility for Exchange-Visitor Status, submitted by the Agency will be accepted in lieu of Form I–506."

PART 249—CREATION OF RECORDS OF LAWFUL ADMISSION FOR PERMANENT RESIDENCE

Section 249.1 is amended to read as follows:

§ 249.1 Waiver of inadmissibility.

In conjunction with an application under section 249 of the Act, an otherwise eligible alien who is inadmissible under paragraph (9), (10), or (12) of section 212(a) of the Act may request a waiver of such ground of inadmissibility pursuant to the provisions of section 212(h) of the Act and apply for the benefits of section 212(a)(28)(I)(ii) of the Act.

PART 251—ARRIVAL MANIFESTS AND LISTS; SUPPORTING DOCUMENTS

1. Section 251.1 is amended by adding paragraph (d) to read as follows:

§ 251.1 Arrival manifests and lists.

* * * * *

(d) *Notations on arrival manifests.* Upon completion of the examination of each crewman listed on the Form I–418 presented by the master or agent of an arriving vessel, the examining immigration officer shall place one of the following symbols in column (5) of the Form I–418 opposite the name of the crewman: "USC" for a crewman admitted as a United States citizen; "N" for a crewman admitted as a lawful permanent resident; "D–1" for an alien crewman granted a conditional landing permit under section 252(a)(1) of the Act; "D–2" for an alien crewman granted a conditional landing permit under section 252(a)(2) of the Act; "Parolee" for an alien crewman paroled pursuant to section 212(d)(5) of the Act; and "Refused" for an alien crewman whose request for a landing permit has been refused. The examining immigration officer shall sign his name, title and the date of the inspection following the last entry in column (5) of the Form I–418 when the examination of the crew is completed. The master of the vessel shall be furnished Form I–410 as a receipt for the arrival manifest, Form I–418, and the immigration officer shall list on that form the names of all crewmen who have been refused conditional landing permits.

2. Section 251.5 is added to read as follows:

§ 251.5 Exemptions for private vessels and aircraft.

The provisions of this part relating to submission of arrival and departure manifests and lists shall not apply to a private vessel or a private aircraft not engaged directly or indirectly in the carriage of persons or cargo for hire.

PART 252—LANDING OF ALIEN CREWMEN

Section 252.1 is amended by adding paragraph (g) to read as follows:

§ 252.1 Examination of crewmen.

* * * * *

(g) *Refusal of conditional landing permit.* When an alien crewman is refused a conditional landing permit for any reason, the Form I–95 presented by him at time of examination shall be endorsed "Permission to land temporarily at all U.S. ports is refused" and the Form I–95 shall be given to the master or agent of the vessel or aircraft and, in the case of vessels, the alien crewman's name shall be listed on the Form I–410 delivered to the master of the vessel upon completion of the examination of the crew. If an alien crewman who has been refused a conditional landing permit is in possession of Form I–184, the Form I–184 shall be lifted by the examining immigration officer and, except in the case of an alien crewman who is refused a conditional landing permit solely because he is not in possession of a valid passport or visa, the Form I–184 shall be voided. In the case of an alien crewman refused a conditional landing permit because he is not in possession of a valid passport or visa, the Form I–184 shall be delivered to the master or agent of the vessel with instructions to return it to the alien crewman after the vessel has departed from the United States.

PART 253—PAROLE OF ALIEN CREWMEN

§ 253.1 [Amended]

Paragraph (a) *General* of § 253.1 *Parole* is amended by adding the following sentence at the end thereof: "The guarantee of payment for medical and other related expenses required by section 253 of the Act shall be executed by the owner, agent, consignee, commanding officer or master on Form I–510."

PART 264—REGISTRATION AND FINGERPRINTING OF ALIENS IN THE UNITED STATES

§ 264.1 [Amended]

1. The sixth sentence of paragraph (c) *Replacement of registration* of § 264.1 *Registration and fingerprinting* is amended by deleting the reference "§ 103.7(c)" and inserting the reference "§ 103.7(b)" in lieu thereof.

2. The last sentence of paragraph (f) *Registration and fingerprinting of children who reach age fourteen* of § 264.1 *Registration and fingerprinting* is amended to read as follows: "In the case of an alien who is not a lawful permanent resident, the Form I–102, and the alien's Form I–94 or I–95 shall be noted to show that he has been registered and the date of registration."

3. Section 264.1 is amended by adding paragraph (g) to read as follows:

(g) *Temporary evidence of registration.* Form I–94, appropriately endorsed, may be issued as temporary evidence of registration and lawful admission for permanent residence to a lawful permanent resident alien who is departing temporarily from the United States and has applied on Form I–90 for issuance of Form I–151, if the district director is unable to issue and deliver the Form I–151 prior to the alien's contemplated return to the United States. The alien shall surrender such Form I–94 to the Service upon receipt of Form I–151.

PART 292—REPRESENTATION AND APPEARANCES

1. Paragraph (b) of § 292.4 is amended to read as follows:

§ 292.4 Appearances.

* * * * *

(b) *Availability of records.* During the time a case is pending, and except as otherwise provided in § 103.2(b) of this chapter, a party to a proceeding or his attorney or representative shall be permitted to examine the record of proceeding in a Service office. He may, in conformity with § 103.10 of this chapter, obtain copies of Service records or information therefrom and copies of documents or transcripts of evidence furnished by him. Upon request, he may, in addition, be loaned a copy of the testimony and exhibits contained in the record of proceeding upon giving his receipt for such copies and pledging that it will be surrendered upon final disposition of the case or upon demand. If extra copies of exhibits do not exist, they shall not be furnished free on loan; however, they shall be made available for copying or purchase of copies as provided in § 103.10 of this chapter.

2. Section 292.6 is added to read as follows:

§ 292.6 Interpretation.

Interpretations of this part will be made by the Board of Immigration Appeals, subject to the provisions of Part 3 of this chapter.

PART 299—IMMIGRATION FORMS

§ 299.1 [Amended]

The list of forms in § 299.1 *Prescribed forms* is amended by adding the following forms and references thereto in alphabetical and numerical sequence:

Form No. and title and description
FS–368—Medical Examination of Visa Applicant.
I–68—Canadian Border Boat Landing Card.
I–134—Affidavit of Support.
I–147—Notice of Temporary Exclusion from United States.
I–179—Identification Card for Resident Citizen in the United States.
I–180—Notice of Voidance of Form I–186.
I–196—Application for U.S. Citizen Identification Card.
I–197—U.S. Citizen Identification Card.
I–296—Notice to Alien Ordered Excluded by Special Inquiry Officer.
I–410—Receipt for Crew List.
I–420—Agreement (Land-Border) Between Transportation Line and United States.
I–421—Agreement (Overseas) Between Transportation Line and United States.
I–510—Guarantee of Payment.
I–512—Authorization for Parole or Conditional Entry of an Alien into the United States.
I–550—Application for Verification of Last Entry of an Alien.
N–565—Application for Information from or Copies of Immigration and Naturalization Records.
PHS–124(FQ) Medical Certificate.

PART 312—EDUCATIONAL REQUIREMENTS FOR NATURALIZATION

Part 312 is added to read as follows:

Sec.
312.1 Literacy requirements.
312.2 Knowledge of history and Government of the United States.
312.3 Petitions pending for 1 year.

AUTHORITY: The provisions of this Part 312 issued under sec. 103, 66 Stat. 173; 8 U.S.C. 1103. Interpret or apply 312, 332, 66 Stat. 239, 262; 8 U.S.C. 1423, 1443.

§ 312.1 Literacy requirements.

The ability of a petitioner to speak English shall be determined from answers to questions normally asked in the course of the preliminary investigation and preliminary examination. A petitioner's ability to read and write English shall be tested by excerpts from one or more parts of the Federal Textbooks on Citizenship written at the elementary literacy level. These textbooks may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402, and are available at certain public educational institutions. The matter written by a petitioner shall be retained in his file.

§ 312.2 Knowledge of history and Government of the United States.

The test of a petitioner's knowledge of the history and form of government of the United States shall be given in the English language unless he is exempt from speaking English. The scope of the testing shall be limited primarily to subject matters covered in the Federal Textbooks on Citizenship. In choosing the subject matters and in phrasing questions, due consideration shall be given to the extent of the petitioner's education, background, age, length of residence in the United States, opportunities available and efforts made to acquire the requisite knowledge, and any other elements or factors relevant to an appraisal of the adequacy of his knowledge and understanding.

§ 312.3 Petitions pending for 1 year.

A petitioner for naturalization shall be given three opportunities to meet the educational and literacy requirements: The first when the petition is filed; the second approximately 6 months later; and the third approximately 6 months thereafter, at or before the final hearing. However, a designated examiner may schedule a reexamination at an earlier time when he believes the intelligence and educational background of the petitioner so warrants; or, in anticipation of an imminent final hearing in a court having only one or two hearings a year, if he believes the petitioner may be able to qualify. In the discretion of a supervisory officer, opportunities beyond the period of 1 year may be afforded if the petitioner was unable to appear for reexamination because of illness or other

sufficient cause or when continuing bona fide efforts indicate that the petitioner may qualify within a reasonable period of time.

PART 316a—RESIDENCE, PHYSICAL PRESENCE, AND ABSENCE

Part 316a is amended by adding §§ 316a.2, 316a.3, and 316a.4 to read as follows:

§ 316a.2 American institutions of research.

The following-listed organizations have been determined to be American institutions of research recognized by the Attorney General:

Albert Einstein College of Medicine of Yeshiva University (only in relationship to its research programs).
American Friends of the Middle East, Inc.
American Institutes of Research in the Behavioral Sciences (only in relationship to research projects abroad).
American University, The, Cairo, Egypt.
American University of Beirut (Near East College Associations).
Arctic Institute of North America, Inc.
Armour Research Foundation of Illinois Institute of Technology.
Asia Foundation, The (formerly Committee for a Free Asia, Inc.).
Atomic Bomb Casualty Commission.
Bermuda Biological Station for Research, Inc.
Bernice P. Bishop Museum of Polynesian Antiquities, Ethnology and Natural History at Honolulu, Hawaii.
Brown University (Department of Engineering), Providence, R.I.
Buffalo Eye Bank and Research Society, Inc.
Burma Office of Robert N. Nathan Associates, Inc.
Center of Alcohol Studies, Laboratory of Applied Biodynamics of Yale University.
Central Registry of Jewish Losses in Egypt.
College of Engineering, University of Wisconsin.
College of Medicine, State University of New York.
Colorado State University (Research Foundation), Fort Collins, Colo.
Colorado University (International Economic Studies Center), Boulder, Colo.
Columbia University (Parker School of Foreign and Comparative Law) and (Faculty of Pure Science), New York, N.Y.
Cornell University (International Agricultural Development, University of the Philippines-Cornell University Graduate Education Program).
Department of French, and Department of Scandinavian Languages of the University of California, Berkeley, Calif.
Fletcher School of Law and Diplomacy, Medford, Mass.
Ford Foundation, 477 Madison Avenue, New York, N.Y.
Free Europe Committee, Inc. (formerly National Committee for a Free Europe (including Radio Free Europe)).
George Williams Hooper Foundation, San Francisco Medical Center, University of California, San Francisco, Calif.
Graduate Faculty of Political and Social Science Division of the New School for Social Research, New York, N.Y.
Institute of International Education.
International Center for Social Research, Inc., New York, N.Y.
International Development Foundation, Inc.
International Development Services, Inc.
International Research Associates, Inc.
Iran Foundation, Inc., The.
Kosuth Foundation, Inc., The, New York, N.Y.
Massachusetts Institute of Technology.
Natural Science Foundation, Philadelphia, Pennsylvania.
Paderewski Foundation, Inc.
Peabody Museum of Natural History of Yale University.
People to People Health Foundation, Inc., The (only in relationship to the scientific research activities that will be carried on abroad by the medical staff of the SS "Hope").
Population Council, The, New York, N.Y.
Radio Liberty Committee, Inc. (formerly American Committee for Liberation, Inc.; American Committee for Liberation of the Peoples of Russia, Inc.; American Committee for Liberation from Bolshevism, Inc.).
School of International Relations of the University of Southern California.
SIRIMAR (Societa Internazionale Recerche Marine) Division, Office of the Vice President for Research, Pennsylvania State University.
Social Science Research Council.
Stanford Center for Chinese Studies in Taipei, Taiwan.
Stanford Research Institute, Menlo Park, Calif.
Stanford University (the George Vanderbilt Foundation), Stanford, Calif.
Syracuse University.
Tulane University Medical School.
University of Alabama Medical Center.
University of Chicago (as a participant in the International Cooperation Administration Program No. W–74 only).
University of Hawaii, Honolulu, Hawaii.
University of Notre Dame, Notre Dame, Ind.
Wenner-Gren Foundation for Anthropological Research, Inc.
Williams College, Economic Department, Williamstown, Mass.

The regional commissioner shall forward a copy of each decision regarding an American institution of research to the Assistant Commissioner, Naturalization.

§ 316a.3 Public international organizations of which the United States is a member by treaty or statute.

The following-listed organizations have been determined to be public international organizations of which the United States is a member by treaty or statute:

The North Atlantic Treaty Organization.
United Nations and all agencies and organizations which are a part thereof.

The regional commissioner shall forward a copy of each decision regarding a public international organization to the Assistant Commissioner, Naturalization.

§ 316a.4 International Oragnizations Immunities Act designations.

The following public international organizations are entitled to enjoy the privileges, exemptions, and immunities provided for in the International Organizations Immunities Act, and are considered as public international organizations of which the United States is a member by treaty or statute within the meaning of section 316(b) of the Act and as public international organizations in which the United States participates by treaty or statute within the meaning of section 319(b) of the Act:

Asian Development Bank (E.O. 11334, Mar. 7, 1967).
Caribbean Organization (E.O. 10983, Dec. 30, 1961).
Coffee Study Group (E.O. 10943, May 10, 1961).
European Space Research Organization (E.O. 11318, Dec. 5, 1966).
Food and Agriculture Organization, The (E.O. 9698, Feb. 19, 1946).
Great Lakes Fishery Commission (E.O. 11059, Oct. 23, 1962).
Inter-American Defense Board (E.O. 10228, Mar. 26, 1951).
Inter-American Development Bank (E.O. 10873, Apr. 8, 1960).
Inter-American Institute of Agricultural Sciences (E.O. 9751, July 11, 1946).
Inter-American Statistical Institute (E.O. 9751, July 11, 1946).
Inter-American Tropical Tuna Commission (E.O. 11059, Oct. 23, 1962).
Intergovernmental Committee for European Migration (formerly the Provisional Intergovernmental Committee for the Movement of Migrants from Europe) (E.O. 10835, Mar. 28, 1952).
Intergovernmental Maritime Consultative Organization (E.O. 10795, Dec. 13, 1958).
Interim Communications Satellite Committee (E.O. 11227, June 2, 1965).
International Atomic Energy Agency (E.O. 10727, Aug. 31, 1957).
International Bank for Reconstruction and Development (E.O. 9751, July 11, 1946).
International Civil Aviation Organization (E.O. 9863, May 31, 1947).
International Coffee Organization (E.O. 11225, May 22, 1965).
International Cotton Advisory Committee (E.O. 9911, Dec. 19, 1947).
International Cotton Institute (E.O. 11283, May 27, 1966).
International Finance Corporation (E.O. 10680, Oct. 2, 1956).
International Hydrographic Bureau (E.O. 10769, May 29, 1958).
International Joint Commission—United States and Canada (E.O. 9972, June 25, 1948).
International Labor Organization, The (functions through staff known as The International Labor Office) (E.O. 9698, Feb. 19, 1946).
International Monetary Fund (E.O. 9751, July 11, 1946).
International Pacific Halibut Commission (E.O. 11059, Oct. 23, 1962).
International Telecommunication Union (E.O. 9863, May 31, 1947).
International Telecommunications Satellite Consortium (E.O. 11277, Apr. 30, 1966).
International Wheat Advisory Committee (E.O. 9823, Jan. 24, 1947).
Organization for European Economic Cooperation (E.O. 10133, June 27, 1950) (Now known as Organization for Economic Cooperation and Development; 28 F.R. 2959, Mar. 26, 1963).
Organization of American States (includes Pan American Union) (E.O. 10533, June 3, 1954).
Pan American Health Organization (includes Pan American Sanitary Bureau) (E.O. 10864, Feb. 16, 1960).
Preparatory Commission of the International Atomic Energy Agency (E.O. 10727, Aug. 31, 1957).
Preparatory Commission for the International Refugee Organization and its successor, the International Refugee Organization (E.O. 9887, Aug. 22, 1947).
Southeast Asia Treaty Organization (E.O. 10866, Feb. 20, 1960).
South Pacific Commission (E.O. 10086, Nov. 25, 1949).
United Nations, The (E.O. 9698, Feb. 19, 1946).
United Nations Educational, Scientific, and Cultural Organizations (E.O. 9863, May 31, 1947).
Universal Postal Union (E.O. 10727, Aug. 31, 1957).
World Health Organization (E.O. 10025, Dec. 30, 1948).
World Meteorological Organization (E.O. 10676, Sept. 1, 1956).

PART 319—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: SPOUSES OF UNITED STATES CITIZENS

Part 319 is amended by adding § 319.3 to read as follows:

§ 319.3 Public international organizations in which the U.S. participates by treaty or statute.

Organizations designated by the President as international organizations pursuant to the International Organizations Immunities Act are considered as public international organizations in which the United States participates by treaty or statute within the meaning of section 319(b) of the Act. For a list of such organizations see § 316a.4 of this chapter. In addition, the following have been determined to be public international organizations within the purview of section 319(b) of the Act:

The North Atlantic Treaty Organization.
The United Nations and all agencies and organizations which are a part thereof.

The regional commissioner shall forward a copy of each decision regarding a public international organization to the Assistant Commissioner, Naturalization.

PART 334—PETITION FOR NATURALIZATION

Section 334.11 is amended to read as follows:

§ 334.11 Petition for naturalization and preliminary application.

A person who desires to apply for naturalization shall, before filing his petition for naturalization, execute and submit preliminary application Form N–400. Former citizens who are applying under section 324(a) or 327 of the Act shall execute supplement Form N–400A. Seamen who are applying under section 330 of the Act shall execute supplement Form N–400B. The Service shall notify the applicant when and where to appear with his witnesses for preliminary investigation and filing his petition for naturalization.

Paragraph (b) of § 334.16 is amended to read as follows:

§ 334.16 Amendment of petition or application for naturalization.

* * * * *

(b) *After final action on petition or application.* Whenever an application is made to the court to amend a petition or application for naturalization after final action thereon has been taken by the court, a copy of the application shall be served upon the district director having administrative jurisdiction over the territory in which the court is located, in the manner and within the time provided by the rules of court in which application is made. No objection shall be made to the amendment of a petition for naturalization after the petitioner for naturalization has been admitted to citizenship if the motion or application is to correct a clerical error arising from oversight or omission. A representative of the Service may appear at the hearing upon such application and be heard in favor of or in opposition thereto. When the court orders the petition amended, the clerk of court shall transmit a copy of the order to the district director for inclusion in the Service file.

PART 337—OATH OF ALLEGIANCE

Part 337 is amended by adding § 337.4 to read as follows:

§ 337.4 When request for change of name granted.

When the court has granted the petitioner's change-of-name request, the petitioner shall subscribe his new name to the written oath of allegiance on the reverse of the original naturalization petition.

PART 339—FUNCTIONS AND DUTIES OF CLERKS OF NATURALIZATION COURTS

§ 339.2 [Amended]

Section 339.2 *Monthly reports* is amended by adding the following sentences at the end thereof: "The clerk of court shall show on Form N–4 the inclusive numbers of all petitions filed, and list individually by name and number in the spaces provided therein all petitions filed during the month. In lieu of forwarding duplicate petitions to the Service with his report on Form N–4, the clerk may deliver the petitions to the examiner immediately after filing."

PART 341—CERTIFICATES OF CITIZENSHIP

§ 341.5 [Amended]

Section 341.5 *Report and recommendation* is amended by adding the following sentences at the end thereof: "When the person or persons through whom citizenship is claimed cannot be produced for any of the reasons prescribed by § 341.2(b) and the claimant is unable to produce a substitute witness, favorable action may nevertheless be taken on the application only if (a) the testimony of the claimant or the acting parent or guardian, and (b) Service or State Department records, and (c) documentary evidence clearly and convincingly establish that citizenship was acquired or derived in the manner claimed; that it was not subsequently lost in any manner, and that no doubt remains that the relationship exists to the person or persons through whom citizenship is claimed. In such an instance, the assigned officer shall include as an exhibit in the record a supplemental memorandum waiving the testimony and reciting the basis therefor."

PART 343—CERTIFICATE OF NATURALIZATION OR REPATRIATION; PERSONS WHO RESUMED CITIZENSHIP UNDER SECTION 323 OF THE NATIONALITY ACT OF 1940, AS AMENDED, OR SECTION 4 OF THE ACT OF JUNE 29, 1906

§ 343.1 [Amended]

Section 343.1 *Application* is amended by adding the following sentence after the existing first sentence: "The applicant shall be required to appear in person before an assigned officer for interrogation under oath or affirmation upon the application."

PART 343a—NATURALIZATION AND CITIZENSHIP PAPERS LOST, MUTILATED, OR DESTROYED; NEW CERTIFICATE IN CHANGED NAME; CERTIFIED COPY OF REPATRIATION PROCEEDINGS

Paragraph (c) of § 343a.1 is amended by adding the following sentence at the beginning of that paragraph:

§ 343a.1 Application for replacement of or for new naturalization or citizenship paper.

* * * * *

(c) *Disposition.* The applicant shall be required to appear in person before an assigned officer for interrogation under oath or affirmation upon the application. * * *

Section 343a.2 is added to read as follows:

§ 343a.2 Return or replacement of surrendered certificate of naturalization or citizenship.

A certificate of naturalization or citizenship in a Service file which was surrendered on a finding that loss of U.S. nationality had occurred directly or through a parent by reason of section 404 (b) or (c) of the Nationality Act of 1940 or section 352 of the Immigration and Nationality Act and which finding is no longer valid in view of Schneider v. Rusk, 377 U.S. 163, may be returned to the person to whom it was issued, provided he has not since been naturalized in the United States. If such naturalization has occurred, he should be informed that in view thereof the certificate cannot be returned or replaced and should be advised that he may, if he wishes, proceed through normal legal channels for a reopening of the subsequent naturalization case and the vacating of the order and judgment therein. If, after having been surrendered to the Department of State or to this Service, the certificate has been lost, mutilated, or destroyed as a result of either Service action or the action of that Department, a replacement certificate may be issued in the name shown in the surrendered certificate without fee and without requiring the submission of Form N–565. A surrendered certificate shall not be regarded as mutilated and a replacement shall not be issued solely because of holes made in it to accommodate an Acco fastener, unless the citi-

zen declines to accept the return of the surrendered certificate in that condition and insists upon issuance of a replacement. When it is desired that the replacement certificate be furnished in a name other than the one shown in the surrendered certificate, the regular application procedure with payment of fee must be followed. The naturalized person shall be required to appear in person, if within the United States, before an assigned officer for interrogation upon the request for return of the certificate.

PART 343b—SPECIAL CERTIFICATE OF NATURALIZATION FOR RECOGNITION BY A FOREIGN STATE

1. Section 343b.1 is amended to read as follows:

§ 343b.1 Application.

A naturalized citizen who desires to obtain recognition as a citizen of the United States by a foreign state shall submit an application on Form N–577. He shall not be furnished with verification of his naturalization for such purpose in any other way. An applicant who is a claimant against a foreign government for property damage pursuant to the provisions of a peace treaty shall not be requested to furnish the name, official title, and address of a foreign official unless such information is available when the investigation of the applicant is conducted. The applicant shall be required to appear in person before an assigned officer for interrogation under oath or affirmation upon the application.

2. Sections 343b.2, 343b.3, 343b.4, and 343b.5 are added to read as follows:

§ 343b.2 Number of applications required.

A special certificate of naturalization is delivered to one foreign government official only. An applicant who desires recognition as a U.S. citizen by more than one foreign official, whether in the same country or not, must file a separate application for each certificate required.

§ 343b.3 Interrogation.

When Form N–577 presents a prima facie case, it shall be forwarded to the district director, without first interrogating the applicant, for issuance of the certificate. Interrogation of the applicant shall be conducted before the application is forwarded if he appears in person to file the application or if it is necessary in order to properly adjudicate the case. In that event the officer interviewing the applicant will complete the report on page 2 of Form N–577 before transmitting the application to the district director. In all other cases the interview shall take place at any time before the certificate is transmitted to the State Department (unless the applicant is abroad) and the report completed after the interview.

§ 343b.4 Applicant outside of United States.

If the application is received by a Service officer stationed outside the United States, he shall, when practicable, interrogate the applicant before the application is forwarded to the district director in the United States having jurisdiction over the applicant's place of residence for issuance of the certificate. When such interrogation is not practicable, the certificate may nevertheless be issued and the recommendation conditioned upon satisfactory interrogation by a State Department Representative. When forwarding the certificate in such a case, the Secretary of State shall be informed that the applicant has not been interviewed, and requested to have his representative abroad interview the applicant regarding identity and possible expatriation. If identity is not established or if expatriation has occurred, the request shall be made that the certificate be returned to the Service.

§ 343b.5 Verification of naturalization.

The application shall not be granted without first obtaining verification of the applicant's naturalization.

3. Paragraph (a) of § 343b.11 is amended to read as follows:

§ 343b.11 Disposition of application.

(a) *Issuance of certificate.* If the application is granted, a special certificate of naturalization on Form N–578 shall be issued by the district director and forwarded to the Secretary of State for transmission to the proper authority of the foreign state. The district director shall forward the original certificate by letter, in triplicate, to the Secretary of State, Attention: Office of Special Consular Services, Department of State, Washington, D.C. 20520; forward the application and the duplicate certificate to the official Service file, and send Form N–568 to the applicant.

* * * * * *

PART 349—LOSS OF NATIONALITY

Part 349 is added to read as follows:

§ 349.1 Japanese renunciation of nationality.

A Japanese who renounced United States nationality pursuant to the provisions of section 401(f), Nationality Act of 1940, who claims that his renunciation is void, shall complete Form N–576, Supplemental Affidavit to be Submitted with Applications of Japanese Renunciants. The affidavit shall be submitted to the Assistant Attorney General, Civil Division, Department of Justice, Washington, D.C. 20530, with a covering letter requesting a determination of the validity of the renunciation. (Sec. 103, 66 Stat. 173; 8 U.S.C. 1103. Interprets or applies 401(f), 54 Stat. 1168; 8 U.S.C. 801, 1946 ed.)

PART 499—NATIONALITY FORMS

§ 499.1 [Amended]

Section 499.1 *Prescribed forms* is amended by adding the following forms and references thereto in numerical sequence:

Form No. and title and description
N–568—Form Letter Stating Special Certificate of Naturalization has been Forwarded.
N–576—Supplemental Affidavit to be Submitted with Applications of Japanese Renunciants.

[F.R. Doc. 67–7650; Filed, July 3, 1967; 8:53 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter II—Packers and Stockyards Administration, Department of Agriculture

PART 204—ORGANIZATION AND FUNCTIONS

Public Information

Sec.

204.1 Introduction.
204.2 Organization.
204.3 Availability of staff manuals, instructions and related materials.
204.4 Index.
204.5 Facilities for inspection; copies.
204.6 Requests for records.
204.7 Delegation of authority.
204.8 Available records.
204.9 Exempt records.
204.10 Determinations.
204.11 Appeals.
204.12 Inspection and copies.

AUTHORITY: The provisions of this Part 204 issued under 5 U.S.C. 552, 559.

§ 204.1 Introduction.

The Packers and Stockyards Administration hereby describes its central and field organization, indicates the established places at which and methods whereby the public may secure information, directs attention to the general course and method by which its functions are channeled and determines and sets forth the procedures governing the availability of opinions, orders, and other records in the files of said Administration.

§ 204.2 Organization.

(a) The Packers and Stockyards Administration consists of a headquarters office located in the South Building of the U.S. Department of Agriculture in Washington, D.C. and 15 field offices. The Washington Headquarters office is organized to include the Office of the Administrator and two Divisions, the Packer and Poultry Division and the Livestock Marketing Division.

(b) *Office of the Administrator.* This office has overall responsibility for administering the provisions of the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. 181 et seq.) and executing assigned civil defense and defense mobilization activities. These responsibilities include formulation of long range and current programs relating to assigned functions; technical and administrative direction and coordination in the execution of approved policies and programs carried out by the Packers and Stockyards Administration; review and evaluation of program operations and determination of remedial measures for improvement; maintenance of relations and communications with producer and industry groups.

(c) *Packer and Poultry Division.* This Division carries out the enforcement of the provisions of the Packers and Stockyards Act relating to packers and live poultry dealers and handlers and licensees. These responsibilities and functions include determination of applicability of the provisions of the Act to individual packer and poultry operations, surveillance of these operations, investigation of complaints, initiation of formal proceedings, when warranted, to correct illegal practices, and maintenance of working relationships with the meat packer and poultry industries.

(d) *Livestock Marketing Division.* This Division enforces those provisions of the Packers and Stockyards Act relating to stockyard owners, market agencies, and dealers. Included within these responsibilities and functions are determination of the applicability of the provisions of the Act to individual stockyard operations; posting of stockyards; registration and bonding of market agencies and dealers; testing of scales and check-weighing; and surveillance and investigation of trade practices within the purview of the Act, other than packer and poultry marketing practices. The Division also initiates formal proceedings, when necessary, to correct illegal practices and maintains working relationships with producer and industry groups.

(e) *Field Service.* (1) The Field Service of the Packers and Stockyards Administration is divided into 13 area offices and two suboffices. These offices are responsible for supervision of the operations of stockyard companies, market agencies, dealers, packers and poultry dealers and licensees to assure compliance with the Act. They formulate recommendations relating to enforcement of the Act; conduct investigations to determine the existence of, and develop evidence of, unfair trade practices; evaluate the adequacy of stockyard facilities and services; receive and investigate complaints including reparation complaints; prepare investigation reports and recommend corrective action; audit books, records, and reports of persons subject to the Act; review applications for registration, licenses, and rate changes for accuracy and compliance; assist in prosecution of cases; and maintain relationships with producers, the trade, States, and other groups interested in the welfare of the livestock and poultry industries concerning enforcement of the Act.

(2) The locations of these offices, which are under officers in charge, are as follows:

Office and Address
Atlanta—Room 309, 1795 Peachtree Street NE., Atlanta, Ga. 30309.
Chicago—Livestock Exchange Building, Union Stockyards, Chicago, Ill. 60609.
Denver—406 Livestock Exchange Building, Stockyards Station, Denver, Colo.
Fort Worth—Room 7A15, Federal Building, 819 Taylor Street, Fort Worth, Tex. 76102.
Huntington Park—Room 405, Wilson Building, 5906 Pacific Boulevard, Huntington Park, Calif. 90255.
Indianapolis—70 Livestock Exchange Building, Indianapolis, Ind. 46221.
Kansas City—626 Livestock Exchange Building Kansas City, Mo. 64102.
Memphis—Room 831, Federal Building, 167 North Main Street, Memphis, Tenn. 38103.
National Stockyards (Suboffice of Chicago)—Livestock Exchange Building, Post Office Box 186, National Stockyards, Illinois 62071.
Newark—Room 366, Industrial Office Building, 1061 Broad Street, Newark, N.J. 07102.
Omaha—435 Livestock Exchange Building, Omaha, Nebr. 68107.
Portland—Post Office Box 127, North Portland, Oreg. 97048.
Sioux City (Suboffice of Omaha)—224 Livestock Exchange Building, 800 South Chambers Street, Sioux City, Iowa 51107.
St. Paul—206 Post Office Building, Box 297, South St. Paul, Minn.
Washington Field—Room 605–C, Building RP–E, Arlington, Va. 22209.

§ 204.3 Availability of staff manuals, instructions, and certain other material.

P&SA will make available for public inspection and copying its administrative staff manuals and instructions to staff affecting any member of the public and all other records of P&SA within the scope of 5 U.S.C. 552(a)(2), except those exempt from disclosure pursuant to the provisions of 5 U.S.C. 552(b).

§ 204.4 Index.

P&SA will maintain and make available for public inspection and copying a current index providing identifying information for staff manuals and instructions and other records made available pursuant to § 204.3.

§ 204.5 Facilities for inspection; copies.

Facilities for public inspection and copying of the material made available pursuant to §§ 204.3 and 204.4 will be provided upon request to the Executive Assistant to the Administrator, Packers and Stockyards Administration, Room 3052, South Building, U.S. Department of Agriculture, Washington, D.C. Copies of such material may also be obtained in person or by mail. Applicable fees will be charged for making copies as prescribed by the Director, Office of Plant and Operations, Department of Agriculture.

§ 204.6 Requests for identifiable records.

Requests for P&SA records, pursuant to 5 U.S.C. 552 (a)(3), shall (a) be made in writing to the Executive Assistant to the Administrator, Packers and Stockyards Administration, South Building, Room 3052, U.S. Department of Agriculture, Washington, D.C. 20250, and (b) identify each record sought with reasonable specificity. Requests may be submitted in person or by mail. Requests may be submitted in person during regular hours of business.

§ 204.7 Delegation of authority.

Subject to § 204.11 of this part, the Executive Assistant to the Administrator is authorized to act, on behalf of P&SA, on all requests for records in accordance with 5 U.S.C. 552, as implemented by this part.

§ 204.8 Available records.

P&SA will promptly make available all P&SA records requested in accordance with § 204.6 except exempt records as described in § 204.9.

§ 204.9 Exempt records.

Exempt records of P&SA include the following:

(a) Matters that are related solely to the internal personnel rules and practices of the Agency.

(b) Matters that are specifically exempted from disclosure by statute (15 U.S.C. 50; 7 U.S.C. 222, 218b).

(c) Matters that are trade secrets and commercial or financial information obtained from any person and privileged or confidential. Among P&SA records in this class are those which consist of or contain information submitted or obtained in annual or special reports required by authority in the Act.

(d) Matters that are intra-agency or interagency memorandums or letters which would not be available by law to a party other than an agency in litigation with the Department. Among P&SA records in this class are those which consist of intra-agency or interagency memorandums or letters containing opinions, estimates, judgments, recommendations, or reports of internal deliberations relating to the compliance of the operations of a person or firm subject to the Act with its provisions. Examples of such memorandums or letters are those expressing opinions regarding or evaluating the solvency or trade practices of persons and firms subject to the Act, or recommending investigative methods with respect to them.

(e) Matters that are personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(f) Matters that are investigatory files compiled for law enforcement purposes except to the extent available by law to a party other than an agency.

§ 204.10 Determinations.

The Executive Assistant to the Administrator shall make promptly available any P&SA record requested in accordance with § 204.6, unless he determines that it is an exempt record. He shall give prompt written notice of any such determination, together with the reasons therefor.

§ 204.11 Appeals.

A denial by the Executive Assistant of any request for a P&SA record or records may be appealed by the person who made the request to the Administrator of the Packers and Stockyards Administration. The appeal shall be made in writing within 15 days of the date of the Executive Assistant's notice of his action. The Administrator will give written notice of P&SA's final determination.

§ 204.12 Inspection and copies.

A person who has requested available records pursuant to 5 U.S.C. 522(a)(3)

and § 204.6 shall be promptly notified that, upon payment of applicable fees, he may inspect and copy such records, and purchase copies or extracts thereof, in the office of the Executive Assistant to the Administrator, or business days from 9:30 a.m. to 5 p.m. Copies of such records may also be purchased by mail. Applicable fees will be charged for making copies and for other services incidental to making the records available as prescribed by the Director, Office of Plant and Operations, Department of Agriculture.

Effective date. The provisions of this Part 204 are effective on July 4, 1967.

GLENN G. BIERMAN,
Acting Administrator of the Packers and Stockyards Administration.

JUNE 29, 1967.

[F.R. Doc. 67-7722; Filed, July 3, 1967; 8:55 a.m.]

Title 12—BANKS AND BANKING

Chapter III—Federal Deposit Insurance Corporation

RECORDS AND INFORMATION

Miscellaneous Amendments

Effective July 4, 1967, §§ 301.1, 303.10, 305.1, 307.3, 334.4, and Part 309 of the rules and regulations of the Federal Deposit Insurance Corporation are amended as follows:

PART 301—INTRODUCTORY

1. Section 301.1 is amended to read as follows:

§ 301.1 Scope.

The rules contained in this subchapter are promulgated pursuant to the provisions of the Administrative Procedure Act (5 U.S.C. 551–559), the Federal Deposit Insurance Act (12 U.S.C. 1811–1831), and other applicable laws. In accordance with the provisions of section 3(a) of the Administrative Procedure Act they state (1) the established places at which, the officers from whom, and the methods whereby, the public may secure information, make submittals or requests, or obtain decisions, (2) the general course and method by which the Corporation's functions are channeled and determined, including the nature and requirements of all formal and informal procedures available, and (3) rules of procedure, descriptions of forms available, or the places at which forms may be obtained, and instructions as to the scope and contents of all papers, reports, or examinations, except to the extent exempted by law. This subchapter also includes appropriate provisions with respect to rule making, adjudications, and hearings, as prescribed by law. A current description of the Corporation's central and field organization is separately published in the FEDERAL REGISTER. Proceedings by the Corporation within the meaning of this subchapter include:

(a) The formulation and promulgation of rules and regulations, including amendments thereto or the repeal thereof;

(b) The disposition of applications, requests, and submittals;

(c) Formal and informal hearings and adjudications. (Sec. 9, 64 Stat. 881; 12 U.S.C. 1819.)

PART 303—APPLICATIONS, REQUESTS, AND SUBMITTALS

2. Add to § 303.10 after the words "Board of Review" the words "with respect to matters referred to it" and the following three paragraphs:

§ 303.10 Procedure on applications.

* * * * *

(c) The Chief of the Division of Examination and the Supervising Examiner of the District in which the bank is located have been authorized to take final action with respect to the approval of certain applications, such as applications by a State nonmember insured bank to move its main office or branch or to obtain an extension of a time limitation imposed in connection with a previous application. This delegated authority is subject to certain limitations set forth in the delegations of authority which are available at the office of each Supervising Examiner. The Chief of the Division of Examination is also authorized to act upon applications by State nonmember insured banks for extensions of time of 90 days or less within which to register securities pursuant to the provisions of section 12(g) of the Securities Exchange Act of 1934, as amended.

(d) For the purpose of assuring the performance and continuity in the management functions and activities of the Corporation, the Board of Directors has delegated, to the extent deemed necessary, authority with respect to the management of the Corporation's affairs to certain designated officers, such authority to be exercised only in the event of an emergency, involving an enemy attack on the continental United States or other warlike occurrence, which renders the Board of Directors unable to perform the management functions and activities normally performed by it.

(e) With respect to any application, the Board of Directors will afford the applicant or other properly interested persons, including Government agencies, an opportunity to present views orally before the Board of Directors or its designated representative or representatives, either at informal conference discussions or at informal presentation of evidence.

PART 305—PAYMENT OF INSURED DEPOSITS

§ 305.1 [Amended]

3. Amend the seventh sentence of § 305.1 to read as follows: "It is the policy of the Corporation to make such payment by issuing its check for the amount of the insured deposit."

PART 307—VOLUNTARY TERMINATION OF INSURED STATUS

§ 307.3 [Amended]

4. At the beginning of paragraph (c) of § 307.3 substitute the words "It is the policy of the Corporation to" for the words "The Corporation will".

PART 334—BANK SERVICE ARRANGEMENTS

§ 334.4 [Amended]

5. In the first sentence of § 334.4 substitute the words "It is the policy of the Corporation that assurances" for the word "Assurances".

6. Amend Part 309 as follows:

PART 309—PUBLISHED AND UNPUBLISHED RECORDS AND INFORMATION

Sec.
309.1 Published and unpublished information.
309.2 Opinions and orders.

AUTHORITY: The provisions of this Part 309 issued under sec. 9, 64 Stat. 882; 12 U.S.C. 1819. Interpret or apply sec. 10, 64 Stat. 882–883; 12 U.S.C. 1820.

§ 309.1 Published and unpublished information.

(a) *Information published or made available to the public*—(1) *Federal Register publication.* To the extent required by sections 2 and 4 of the Administrative Procedure Act, as amended (5 U.S.C. 552, 553), and subject to the exemptions set forth in subsection (e) of section 3 of said Act the Corporation publishes in the FEDERAL REGISTER for the guidance of the public (i) descriptions of its central and field organization and the established places at which, the officers from whom, and the methods whereby, the public may secure information, make submittals or requests, or obtain decisions; (ii) statements of the general course and method by which its functions are channeled and determined, including the nature and requirements of all formal and informal procedures available; (iii) rules of procedure, descriptions of forms available or the places at which forms may be obtained, and instructions as to the scope and contents of all such papers and reports or examinations; (iv) substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretations of general applicability formulated and adopted by the Corporation; (v) every amendment, revision or repeal of the foregoing; and (vi) general notices of proposed rule making, unless the persons subject thereto are named and either personally served or otherwise have actual notice thereof in accordance with law.

(2) *Other published information—annual reports.* (i) The Corporation publishes an annual report of its operations to Congress pursuant to the requirements of section 17(a) of the Federal Deposit Insurance Act (12 U.S.C. 1827(a)). The Corporation also publishes an annual report to insured banks as of June 30 of each year which presents the current financial statements of the Corporation and its activities during the preceding 6 months, and an annual report on operating banking offices insured by the Corporation as of January 1 of each year which lists the names and locations of all insured banking offices, grouped by city and State.

(ii) Other information: The Corporation also issues the following publications:

Assets, Liabilities, and Capital Accounts, Commercial and Mutual Savings Banks (semiannually). Presents detailed data from condition statements, by State.

Federal Deposit Insurance Act and Rules and Regulations (of the FDIC). Updates the laws relating to the Federal Deposit Insurance Corporation and rules and regulations made by the Board of Directors.

Your Insured Deposit. Questions and answers on applicability of insurance to particular circumstances.

How to Get Your Money. Questions and answers on how to obtain an insured deposit when a bank fails.

A Career in Bank Supervision. Describes employment opportunities for bank examiners in the Federal Deposit Insurance Corporation.

Symbol of Confidence. Popular perspective on the background, function, and operations of the Federal Deposit Insurance Corporation.

Survey of Deposits of Commercial and Mutual Savings Bank (June 30, 1966). A set of booklets consisting of:

Insurance Coverage of Bank Deposits; National Summary of Accounts and Deposits in all Commercial Banks.

Summary of Accounts and Deposits in All Commercial Banks, FDIC Districts 1–12 (1 booklet for each District).

Summary of Accounts and Deposits in All Mutual Savings Banks.

Assets and Liabilities of all Insured Banks. A semiannual release summarizing for the United States the assets and liabilities of all insured banks. Data for June published the following fall; data for December published following spring.

Income of Insured Commercial Banks. Released once a year in April (data on the previous year) giving leading items of income for all insured commercial banks.

Weekly Press Release. Lists actions taken by the Board of Directors with respect to applications by insured State nonmember banks.

(3) *Information made available to the public.* Except to the extent that the matters set forth in this paragraph relate to or contain information which is exempted from the public disclosure provisions of section 3 of the Administrative Procedure Act, as amended (5 U.S.C. 552), or other law, the Corporation makes available for public inspection and copying, upon request to the Secretary of the Corporation in its office in Washington, D.C., during normal business hours, (i) all final opinions (including concurring and dissenting opinions) and all orders made in the adjudication of cases, (ii) those statements of policy and interpretations which have been adopted by the Corporation and are not published in the FEDERAL REGISTER, and (iii) Manual of Examination Policies and Instructions to Liquidators. To the extent required to prevent a clearly unwarranted invasion of personal privacy, the Corporation may delete identifying details when it makes available or publishes an opinion, statement of policy, interpretation, or staff manual or instruction. In each case the justification for the deletion will be fully explained in writing. The Corporation also maintains and makes available for public inspection and copying a current index providing information for the public as to any matter which is issued, adopted, or promulgated after July 4, 1967, and which is required by the Administrative Procedure Act to be made available or published. The Corporation makes available at its Washington office and at each of the 12 Federal Reserve banks for public inspection and copying reports from insured State nonmember banks required under the provisions of section 12 of the Securities Exchange Act of 1934, as amended (15 U.S.C. 78). All requests for copies of records enumerated in subdivisions (i), (ii), and (iii) of this subparagraph must be accompanied by a deposit with the Corporation of the estimated costs of copying such records at the rate of 10 cents per page. Such requests must provide a reasonably specific description of the record sought which will enable the Corporation to locate the record or records without undue difficulty.

Except to the extent that the records relate to or contain information which is exempted from the public disclosure provisions of section 3 of the Administrative Procedure Act, as amended (5 U.S.C. 552) or other law, the Corporation upon request for identifiable records of the Corporation to the Secretary of the Corporation in its office in Washington, D.C., during normal business hours, will make such records available to any person who agrees to pay the costs of searching, preparing and copying such records at the rate of $5 per hour for searching and preparing and 10 cents per page for copying and has paid in advance to the Corporation the estimated costs thereof. Such requests must provide a reasonably specific description of the record sought which will enable the Corporation to locate the record without undue difficulty. Any denial by an officer or employee of the Corporation of a request for any information or record made under this part by an member of the public may be appealed by a written request to the Board of Directors of the Corporation from the person whose request is denied.

(b) *Unpublished information; confidential and privileged information.* All files, documents, reports, books, accounts, and records (collectively referred to as "records" in this section) pertaining to any bank, or the internal operations and affairs of the Corporation, in the possession or control of the Corporation or any officer, employee, or agent thereof, which are (1) exempt from disclosure by statute or executive order; (2) contained in or related to examination, operating, or condition reports prepared by or on behalf of, or for the use of the Corporation or any agency responsible for the supervision of financial institutions; (3) related solely to the internal personnel rules and practices of the Corporation; (4) privileged or relate to the business, personal, or financial affairs of any person and are furnished in confidence; (5) proceedings for cease and desist and suspension or removal orders or for the termination of the insured status of any bank; (6) interagency or intraagency memorandums or letters which would not be available by law to a private party in litigation with the Corporation; (7) investigatory records compiled for enforcement of the Federal Deposit Insurance Act and other statutes, except to the extent available by law to a private party; (8) personnel files and similar files (including financial files) the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and (9) records of deliberations and discussions at meetings of the Board of Directors and any committee established by the Board of Directors and exhibits filed therewith, and all facts or information relating to such exempt matters acquired by the officers, employees or agents of the Corporation in the performance of their official duties (collectively referred to as "information" in this section) are confidential and privileged and the disclosure thereof is prohibited except in the manner and to the extent provided for in this section.

(c) *Disclosure prohibited.* (1) Officers, employees, and agents of the Corporation are prohibited from allowing any person to inspect, examine, or copy any of said confidential or privileged records, or furnishing copies thereof, or disclosing any confidential and privileged information except as herein provided:

(i) The Chief of any Division having custody thereof, in his discretion, may release or furnish any records or information, other than the records enumerated in paragraph (b) of this section, and information acquired in reference thereto, to any governmental agency, State or Federal, in the exercise of its official duties and to any other person: *Provided, however,* That when such records or information are requested by any person other than a governmental agency, the Division Chief shall find that the release or disclosure is not exempted from public disclosure by law or detrimental or prejudicial to the bank or banks or person or persons from whom the records or information were obtained or received.

(ii) The Chief of the Division of Examination may furnish to any bank copies of any reports of examination or investigation of such bank (except the section of the report designated "confidential") and other information pertaining to its affairs: *Provided,* That copies of such reports of examination and other information so furnished to any bank shall remain the property of the Corporation and under no circumstances shall the bank or any of its directors, officials, or employees disclose or otherwise make public in any manner

such reports or any portion thereof or other information so furnished.

(iii) The Chief of the Division of Examination may furnish to the Comptroller of the Currency, to any Federal Reserve bank, and to any commission, board, or authority having supervision of a State nonmember bank, copies of reports of examination made on behalf of the Corporation and other information pertaining to insured nonmember banks for use in the exercise of their official duties: *Provided*, That such reports of examination and other information so furnished to such officials or agency shall remain the property of the Corporation and under no circumstances shall any such official or agency disclose or make public in any manner such reports or any portion thereof or other information so furnished.

(iv) The Chief of the Division of Examination may furnish to any official of the Department of Justice or to any State prosecuting authority any information regarding defalcations, burglaries, or robberies affecting insured banks.

(v) The Chief of the Division of Research may furnish to the Comptroller of the Currency, to any Federal Reserve bank, and to any commission, board, or authority having supervision of a State nonmember bank, copies of reports of condition made by insured banks to the Corporation including statements of assets, liabilities, and capital accounts, and of earnings, expenses and distribution of profits for use in the exercise of their official duties: *Provided*, That under no circumstances shall such Federal or State officials make public the contents of such reports or any portion thereof, except in the publication of general statistical reports.

(vi) The General Counsel of the Corporation may disclose to the proper Federal or State prosecuting authorities any and all records and information relating to irregularities discovered in open and closed insured banks believed to constitute violations of any Federal or State statute.

(vii) (a) The General Counsel may authorize the production of any record, the disclosure of any information, and the giving of any testimony with respect thereto, by any officer, employee, or agent of the Corporation, upon any proceeding, hearing, or trial, civil or criminal, in any Federal or State court or before any administrative board, commission, or committee, on behalf of or at the request of the Corporation or the United States where either is a party to or has an interest in the proceeding, hearing or trial, or any State prosecuting official, or the bank or person from whom such confidential and privileged records and information were received or obtained.

(b) The authorization hereunder may be given only in response to a subpoena or other legal process duly issued and served upon the Corporation at its principal office, which service may be by registered mail addressed to the Corporation at Washington, D.C., specifying the record requested, the nature and scope of the testimony to be elicited, the name of the witness and the place and time of appearance: *Provided*, That the General Counsel, in his discretion, may waive the requirement of service of subpoena or process when he believes it to be in the interest of justice to do so. Without such prior authorization, any officer, employee or agent of the Corporation required to respond to a subpoena or other legal process shall attend at the time and place therein mentioned and respectfully decline to produce any record or disclose any information or give any testimony with respect thereto, basing his refusal upon this rule.

(d) *Service of process on officer, employee, or agent.* Any officer, employee, or agent of the Corporation served with a subpoena, order, or other process requiring his personal attendance as a witness or the production of records or information upon any proceeding mentioned in paragraph (c) (1) (vii) of this section shall promptly advise (1) the court or tribunal which issued the process, and the attorney for the party at whose instance the process was issued, if known, of the substance of this rule, and (2) the General Counsel of the Corporation at Washington, D.C., of such service and of the records and information requested and of any facts which may be of assistance to the General Counsel in determining whether such records and information should be made available.

(e) *Authority of Chairman of Board of Directors.* Notwithstanding any of the foregoing provisions, the Chairman of the Board of Directors, in his discretion and pursuant to law, may authorize the production, examination, or inspection of any records, or the furnishing of copies thereof, or the disclosure of any information, or the Chairman, in his discretion, may direct the General Counsel or the Chief of any Division to refuse to permit the production, examination, or inspection of any records, or the furnishing of copies thereof, or the disclosure of any information, if he shall find such action to be in the best interests of the Corporation and consistent with the public interest and applicable law.

(f) *Publication of data.* The Board of Directors or the Chairman may from time to time authorize and direct the publication and public distribution of information and data compiled from the records of the Corporation.

In adopting the above amendments to the Corporation's rules and regulations the Board of Directors of the Corporation has found that (1) for good cause shown prior publication of notice of proposed rule making in the FEDERAL REGISTER and public participation in the making of rules under the provisions of the Administrative Procedure Act (5 U.S.C. 553) and Part 302 of the Corporation's rules and regulations (12 CFR 302.1–302.7) is not required with respect to the adoption of these amendments and such publication is impracticable, unnecessary and contrary to the public interest in that the amendments impose no additional duties or burdens upon the affected public but provide added benefits and privileges to the public, and (2) that a delay of not less than 30 days in the effective date of said amendments after their publication is not required by the provisions of the Administrative Procedure Act (5 U.S.C. 553) and Part 302 of the Corporation's rules and regulations (12 CFR 302.1–302.7), since the amendments relieve restrictions imposed by prior law and regulations and are therefore excepted from the 30 day prior publication before the effective date requirement of the Administrative Procedure Act.

FEDERAL DEPOSIT INSURANCE CORPORATION,
E. F. DOWNEY,
[SEAL] *Secretary.*

[F.R. Doc. 67-7535; Filed, July 3, 1967; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 7664; Amdts. 1-18 and 91-43]

PART 1—DEFINITIONS AND ABBREVIATIONS

PART 91—GENERAL OPERATING AND FLIGHT RULES

Careless or Reckless Ground Operation of Aircraft

The purpose of these amendments to Parts 1 and 91 of the Federal Aviation Regulations is to prohibit the careless or reckless ground operation of aircraft on the surface of an airport.

The substance of this rule was proposed in Notice 66-36 issued on October 7, 1966 (31 F.R. 13352). The majority of the public comments received concurred with the proposal. Some comments expressed the opinion that the careless or reckless operation provisions of § 91.9 already covered aircraft used not as an incident to flight, and that therefore the proposed rule was unnecessary. Several comments, that did not oppose the objectives of the proposal, offered counter suggestions to accomplish those objectives by training or qualification of personnel, or control over certain ground movements on the airport. Some comments recommended that the rule should be extended to areas outside an airport such as pastures or roads. These counter suggestion and recommendations are beyond the scope of the proposal and, of course, cannot be considered at this time. Finally, some concern was expressed as to the meaning of the term "use", as included in the proposal to designate the prohibited activity.

As a result of the public comments received, the proposal has been adopted, for the reasons stated in Notice 66-36. However, in view of several of the comments received, clarifying changes were made in the language of the rule.

The principal change in this regard is employment of the term "operate an aircraft other than for the purpose of air navigation" instead of the proposed term "taxi or otherwise use an aircraft, not incident to flight". The former term is employed in this rule in order to clearly limit the applicability of the rule to those acts which impart some physical movement to the aircraft, or involve the manipulation of the controls of the aircraft such as starting or running an aircraft engine. This is the meaning of the term "operate" under § 91.9 and is the meaning generally given to that term under the motor vehicle laws. However, as distinguished from § 91.9, the acts prohibited by the rule as adopted herein are expressly limited to those not performed for the purpose of air navigation.

In order to remove any conflict with the meaning of the word "operate" as defined in Part 1 of the Federal Aviation Regulations and as used in other provisions of the regulations, these amendments also change the Part 1 definition of that word. This change in definition makes it clear that the word "operate" as employed in § 91.10 of this rule does not mean for the purpose of air navigation including the piloting of aircraft for that purpose. To further implement this change in meaning of the word "operate" as employed in § 91.10, the word has been eliminated elsewhere in that section where it would have connoted a different meaning. For this reason, the term "used by aircraft for air commerce" has been substituted for the term "used for the operation of aircraft in air commerce" as proposed by the notice.

Finally, in response to some comments, the language of the proposal was changed to specifically include within the term "surface of the airport used by aircraft for air commerce" the areas used by those aircraft for receiving or discharging passengers or cargo. This change will make it clear that the rule is not limited to the runways and taxiways of the airport surface.

Interested persons have been afforded an opportunity to participate in the making of these amendments, and due consideration has been given to all matter presented.

In consideration of the foregoing, Parts 1 and 91 of the Federal Aviation Regulations are amended as follows, effective August 3, 1967:

§ 1.1 [Amended]

1. By amending the definition of the word "operate" in § 1.1 to read as follows:

"Operate," with respect to aircraft, means use, cause to use or authorize to use aircraft, for the purpose (except as provided in § 91.10 of this chapter) of air navigation including the piloting of aircraft, with or without the right of legal control (as owner lessee, or otherwise).

2. By inserting the following new section after § 91.9:

§ 91.10 Careless or reckless operation other than for the purpose of air navigation.

No person may operate an aircraft other than for the purpose of air navigation, on any part of the surface of an airport used by aircraft for air commerce (including areas used by those aircraft for receiving or discharging persons or cargo), in a careless or reckless manner so as to endanger the life or property of another.

These amendments are made under the authority of (Secs. 313(a), 601, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421).

Issued in Washington, D.C., on June 27, 1967.

WILLIAM F. MCKEE,
Administrator.

[F.R. Doc. 67-7527; Filed, July 3, 1967; 8:45 a.m.]

[Docket No. 8154; Amdt. 39-441]

PART 39—AIRWORTHINESS DIRECTIVES

Beech Model 18 Airplanes

Pursuant to the authority delegated to me by the Administrator, an amendment to Airworthiness Directive 67-16-1 was adopted on June 23, 1967, and made effective immediately by individual airmail letters dated June 26, 1967, sent to all known owners of the Beech model airplanes referred to in said AD.

Initially, the agency issued an AD by telegram to the registered owners of Beech Model 18 airplanes and later published it as Amendment 39-419 in the FEDERAL REGISTER (32 F.R. 7205). This AD, numbered 67-16-1, and an amendment thereto published in the FEDERAL REGISTER Amendment 39-430 (32 F.R. 8024) required an initial inspection by both magnetic particle and X-ray procedures at four locations of the elliptical front spar lower cap of the wing center section on Beech Model 18 airplanes prior to further flight. Repetitive inspections were also required at not to exceed 200 hours' time in service from the last inspection.

A new AD was issued to all registered owners of these airplanes by airmail letter on June 15, 1967, and thereafter published in the FEDERAL REGISTER on June 23, 1967, as Amendment 39-437. This latter AD permits aircraft which had not yet received the initial inspection required by AD 67-16-1 to operate an additional 50 hours prior to the initial inspection, provided these aircraft are placarded to prohibit flight into known or suspected moderate or severe turbulence and are operated at a 500-pound reduction of the allowable gross weight.

As pointed out in the airmail letter issued June 15, 1967 and in the preamble of Amendment 39-437, the manufacturer and the agency were conducting further investigations to determine whether the interval between repetitive inspections could be safely extended. On the basis of these investigations, and as a result of inspections conducted under AD 67-16-1, the agency has determined that extension of the repetitive inspection interval from 200 hours' to 500 hours' time in service from the last inspection would not adversely affect safety. Therefore, the compliance paragraph of AD 67-16-1 is being amended to reflect this change.

Since the effect of this change relieves a restriction heretofore imposed by AD 67-16-1, it was found that notice and public procedure thereon was unnecessary and contrary to the public interest and good cause existed for making this amendment effective immediately as to all known owners of the airplanes. This situation still exists and the amendment to AD 67-16-1 is hereby published in the FEDERAL REGISTER by amending § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-419 (32 F.R. 7205), and the amendment thereto, AD 67-16-1 is amended as follows:

The compliance paragraph is amended to read as follows:

For airplanes with 1,500 or more total hours' time in service on the effective date of this AD or airplanes that subsequently accumulate 1,500 hours' total time in service after that date, in order to detect cracks in the elliptical front spar lower cap of the wing center section, accomplish the following before further flight (except as authorized by Amendments 39-437, published in the FEDERAL REGISTER on June 23, 1967) and thereafter at intervals not to exceed 500 hours' time in service from the date of the last inspection.

This amendment becomes effective July 4, 1967, for all persons except those to whom it was made effective by airmail letter dated June 26, 1967.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, and 1423)

Issued in Kansas City, Mo., on June 26, 1967.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 67-7525; Filed, July 3, 1967; 8:45 a.m.]

[Airspace Docket No. 67-SO-51]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Areas

On May 16, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 7291) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Waycross, Ga., and Valdosta, Ga., transition areas.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.d.s.t., September 14, 1967, as hereinafter set forth.

In § 71.181 (32 F.R. 2148) the Waycross, Ga., transition area is amended to read:

WAYCROSS, Ga.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Waycross-Ware County Airport (latitude 31°14'55" N., longitude 82°23'48" W.); within 2 miles each side of the Waycross VORTAC 099° radial, extending from the 8-mile radius area to the VORTAC. The portion within a 1½-mile radius of Bivins Airport (latitude 31°11'45" N., longitude 82° 16'35" W.) is excluded.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.181 (32 F.R. 2148) the Valdosta, Ga., transition area is amended as follows: "* * * excluding that airspace which coincides with the Waycross, Ga. transition area * * *" is deleted.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on June 22, 1967.

GORDON A. WILLIAMS, Jr.,
Acting Director, Southern Region.

[F.R. Doc. 67-7526; Filed, July 3, 1967; 8:45 a.m.]

[Airspace Docket No. 67-WA-22]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Redesignation and Name Changes of Restricted Airspace and Alteration of Control Area

The purpose of these amendments to Part 71 of the Federal Aviation Regulations is to make an editorial change in the description of the continental control area and the names of R-2902A and R-2902B.

In January 1967, R-2902 was redesignated as R-2902A and R-2902B (32 F.R. 655) and on June 22, 1967 (32 F.R. 7392) the names of these areas were changed from Banana River, Fla., to Cape Kennedy, Fla. However, the description of the continental control area, Part 71.151, was not altered to reflect these changes. Accordingly, such action is taken herein.

Since these amendments are editorial in nature and do not alter the extent of the airspace concerned and furthermore, no additional burden is imposed on any persons, notice and public procedure hereon are unnecessary, and they may be made effective without regard to the statutory 30-day period preceding effectiveness.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

Section 71.151 (32 F.R. 2061) is amended as follows: "R-2902 Banana River, Fla." is deleted and the following are added in lieu thereof.

R-2902A Cape Kennedy, Fla.
R-2902B Cape Kennedy, Fla.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on June 27, 1967.

WILLIAM E. MORGAN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 67-7526; Filed, July 3, 1967; 8:45 a.m.]

[Airspace Docket No. 67-SW-42]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zones

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the descriptions of the Midland, Tex., control zone and transition area.

This action is necessary since the name of Midland Air Terminal has been changed to Midland-Odessa Regional Air Terminal. As this amendment is editorial in nature and imposes no additional burden on any person, notice and public procedures hereon are unnecessary and this amendment may be made effective immediately.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective immediately, as herein set forth.

In §§ 71.171 (32 F.R. 2116) and 71.181 (32 F.R. 2221) the Midland, Tex., control zone and transition area are amended as follows: "Midland-Odessa Regional Air Terminal" is substituted for "Midland-Air Terminal" wherever it appears.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Fort Worth, Tex., on June 23, 1967.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 67-7572; Filed, July 3, 1967; 8:47 a.m.]

[Airspace Docket No. 67-WE-25]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation of Control Area Extension and Designation of Transition Area

On page 7462 of the FEDERAL REGISTER dated May 19, 1967, the Federal Aviation Administration published a proposed regulation which would alter the controlled airspace in the Battle Mountain, Nev., area.

After consideration of such relevant matter as was presented by interested persons, the amendments as so proposed are hereby adopted, subject to the following change:

In § 71.181 the Battle Mountain, Nev., transition area description is changed by striking out "(latitude 40°36'00" N., longitude 116°52'15" W.)" in the third and fourth lines respectively, and inserting in place thereof "(latitude 40°35'55" N., longitude 116°52'25" W.)".

Effective date. These amendements are effective 0001 e.s.t., September 14, 1967.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, 72 Stat. 749; 49 U.S.C. 1348)

Issued in Los Angeles, Calif., on June 26, 1967.

ARVIN O. BASNIGHT,
Director, Western Region.

BATTLE MOUNTAIN, NEV.

That airspace extending upward from 700 feet above the surface, within a 5-mile radius of Lander County Airport (latitude 40°35'55" N., longitude 116°52'25" W.), and within 2 miles each side of the Battle Mountain VOR 218° radial, extending from the 5-mile radius area to 8 miles SW of the VOR; that airspace extending upward from 1,200 feet above the surface, within 9 miles N and 6 miles S of the Battle Mountain VOR 077° and 257° radials, extending from 18 miles E to 3 miles W of the VOR, within 8 miles NW and 5 miles SE of the Battle Mountain VOR 038° and 218° radials, extending from 4 miles NE to 14 miles SW of the VOR, and within 5 miles each side of the Battle Mountain VOR 218° radial, extending from 14 miles to 26 miles SW of the VOR.

[F.R. Doc 67-7573; Filed, July 3, 1967; 8:48 a.m.]

[Airspace Docket No. 66-SW-28]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation of Controlled Airspace

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to revoke the Lake Charles, La., control area extension.

Since the Lake Charles, La., transition area provides the necessary controlled airspace for the protection of IFR operations in this area, the retention of the Lake Charles control area extension is unnecessary.

As all unnecessary controlled airspace is released to the public for other purposes, the burden upon the public is reduced. For this reason the Administrator finds that notice and public procedure hereon are unnecessary, and for this reason the amendments may become effective without regard to the 30-day statutory period preceding effectiveness.

Since this action involves, in part, navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective upon publication in the FEDERAL REGISTER, as hereinafter set forth.

In § 71.165 (32 F.R. 2068) the Lake Charles, La., control area extension is revoked.

(Secs. 307(a), 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510); Executive Order 10854 (24 F.R. 9565))

Issued in Washington, D.C., on June 23, 1967.

J. F. BIRON,
Acting Chief, Airspace and Air
Traffic Rules Division.

[F.R. Doc. 67-7574; Filed, July 3, 1967; 8:48 a.m.]

[Airspace Docket No. 67-WA-23]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alterations of Transition Areas and Control Area

A compilation of Parts 71, 73, and 75 of the Federal Aviation Regulations was published as F.R. Doc. No. 67-807 in Part II of the FEDERAL REGISTER on February 2, 1967. A continuing review of this document reveals typographical errors in Part 71.

Since these amendments are editorial in nature, in that they correct typographical errors, notice and public procedure thereon are unnecessary and they may be made effective in less than 30 days after publication.

In consideration of the foregoing, F.R. Doc. No. 67-807 is amended, effective immediately, as hereinafter set forth.

Section 71.181 (32 F.R. 2148) is amended as follows:

1. In the description of the Danville, Ill., transition area, "(latitude 40°11'55" N., longitude 37°35'40" W.)" is deleted and "(latitude 40°12'00" N., longitude 87°35'45" W.)" is substituted therefor.

2. In the description of the Philadelphia, Pa., transition area, "latitude 40°-24'20" N., longitude 75°45'40" W.," is deleted and "latitude 40°24'20" N., longitude 74°45'40" W.," is substituted therefor.

3. In the description of the Point Reyes, Calif., transition area "on the SW by V-137," is deleted and "on the SW by V-107," is substituted therefor.

Section 71.191 (32 F.R. 2274) is amended as follows: In the description of the Continental positive control area "the United States/Canadian border to latitude 45°40'20" N., longitude 67°46'-30" W.; thence to latitude 47°37'30" N." is deleted and "the United States/Canadian border to latitude 45°40'20" N., longitude 67°46'30" W.; thence to latitude 45°37'30" N." is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on June 27, 1967.

T. MCCORMACK,
Acting Chief, Airspace and Air
Traffic Rules Division.

[F.R. Doc. 67-7575; Filed, July 3, 1967; 8:48 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Subtitle A—Office of the Secretary of Commerce

PART 4—PUBLIC INFORMATION

In order to further implement section 552, Title 5, United States Code, as amended by Public Law 90-23, June 5, 1967 (81 Stat. 54), and pursuant to Department Order 64, Vol. 32, Issue 128, July 4, 1967, Part 4 of Subtitle A, Title 15, Code of Federal Regulations is hereby revised. Part 4 describes the arrangements whereby the materials specified in section 552(a)(2) are made available for public inspection and copying, and the procedures and other conditions whereby identifiable records requested by persons may be made available to them pursuant to section 552(a)(3). Part 4 is limited to information and records of the Office of the Secretary of Commerce, including its component staffs and offices, and of the National Bureau of Standards, the Office of Business Economics, the Office of State Technical Services, and the U.S. Travel Service, and certain former or transferred organizations of the Department. Rules pertaining to the availability of such information and records of other primary operating units of the Department of Commerce are set forth in their respective chapters of the Code of Federal Regulations or as they may otherwise provide. Part 4 is revised to read as follows:

Sec.
4.1 Scope and purpose.
4.2 Policies.
4.3 Definitions.
4.4 Publication in the FEDERAL REGISTER.
4.5 Availability of materials for inspection and copying.
4.6 Requests for identifiable records.
4.7 Determinations of availability of records.
4.8 Fees and charges.
4.9 Arrangements for public inspection and copying of available records.
4.10 Requests for reconsideration of non-available records.
4.11 Subpoena or other compulsory processes.

AUTHORITY: The provisions of this Part 4 are issued pursuant to 5 U.S.C. 552, 553; 5 U.S.C. 301; Reorganization Plan No. 5 of 1950; other authorities vested by law in the Secretary of Commerce applicable to the dissemination of records and other information of the Department, including charges therefor; and Department Order 64, Vol. 32, Issue 128, July 4, 1967.

§ 4.1 Scope and purpose.

(a) This part contains the rules whereby the materials specified in 5 U.S.C. 552(a)(2), and the identifiable records requested under 5 U.S.C. 552(a)(3), are to be made publicly available by the following organizations of the Department of Commerce:

(1) All components of the Office of the Secretary of Commerce,
(2) The Office of Business Economics,
(3) The United States Travel Service,
(4) The Office of State Technical Services,
(5) The National Bureau of Standards,
(6) The Business and Defense Services Administration,
(7) The Bureau of International Commerce,
(8) The Office of Field Services,
(9) The Office of Foreign Commercial Services,
(10) The Office of Administration (DIB),
(11) The Office of Publications and Information (DIB).

(b) These rules also apply to extant materials and records of former or transferred organizations of the Department, which are in the custody of, or whose availability is subject to the determination of one of the above organizations.

(c) Other operating units of the Department have established their own facilities and published their own rules in accord with the law in their respective chapters of the Code of Federal Regulations or as they otherwise may have provided in the FEDERAL REGISTER.

§ 4.2 Policies.

Policies and other factors to be considered in issuing these rules are set forth in Department Order 64, Vol. 32, Issue 128, July 4, 1967.

§ 4.3 Definitions.

(a) To the extent that terms used in this part are defined in 5 U.S.C. 551, they shall have the same definition herein.

(b) The terms "Office of the Secretary," and "operating unit" are defined in Department Order 83, "Organization of the Department of Commerce" (31 F.R. 3471; March 5, 1966), as amended.

§ 4.4 Publication in the Federal Register.

(a) Materials required to be published pursuant to the provisions of 5 U.S.C. 552(a)(1) have been and shall continue to be so published, in one of the following ways:

By publication in the FEDERAL REGISTER of the Department Orders of the Department of Commerce, including any supplements and appendices thereto, and of appropriate Secretary of Commerce Circulars and Department Administrative Orders;

(2) By publication in the FEDERAL REGISTER of agency rules and regulations, and by their subsequent inclusion in the Code of Federal Regulations;

(3) By publication in the FEDERAL REGISTER of appropriate general notices; and

(4) By other forms of publication, when incorporated by reference in the FEDERAL REGISTER with the approval of the Director of the Office of the Federal Register.

(b) Those materials which are published in the FEDERAL REGISTER pursuant to 5 U.S.C. 552(a)(1) shall, to the extent practicable and to further assist the public, be made available for inspection and copying at the facility identified in § 4.5(d).

§ 4.5 Availability of materials for inspection and copying.

(a) The Assistant Secretary for Administration shall, as provided in 5 U.S.C. 552(a)(2) and subject to other provisions of law, establish and maintain a reference facility for the public inspection and copying of:

(1) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

(2) Those statements of policy and interpretations which have been adopted by the participating organizations and are not published in the FEDERAL REGISTER.

(3) Administrative staff manuals and instructions to staff that affect a member of the public;

(4) Current indices providing identifying information for the public as to any matter which is (i) issued, adopted, or promulgated after July 4, 1967, and (ii) required to be made available or published by section 552(a)(2);

(5) Records of the final votes of each member in every proceeding of an agency comprised of more than one member; and

(6) Such additional materials as each participating organization utilizing the reference facility may consider desirable and practicable to make available for the convenience of the public.

(b) Each participating organization may, to prevent unwarranted invasion of personal privacy, delete identifying details when it makes available or publishes an opinion, statement of policy, interpretation, or staff manual or instruction, and shall, in each such case, explain in writing the justification for the deletion.

(c) The materials described in paragraph (a) of this section shall be provided for each participating organization listed in § 4.1.

(d) The materials described in paragraph (a) of this section may be inspected in the Central Reference and Records Inspection Facility, Room 2122, Commerce Building, 14th Street between Constitution Avenue and E Street NW., Washington, D.C. 20230. This facility is open to the public Monday through Friday of each week, except on official Federal holidays, between the hours of 9 a.m. and 4:30 p.m. There are no fees or formal requirements for such inspections. Coin-operated equipment for making copies of these materials is available for use by the public. In addition, copies of various Commerce materials regularly available for sale by the Department may be purchased from the facility.

(e) Correspondence concerning the materials available in the facility should be sent to the above address. The telephone number of the facility is WOrth 7-4678; Area Code 202.

§ 4.6 Requests for identifiable records.

(a) The procedures of this section are applicable only to the records of the organizations listed in § 4.1, and only to those records not customarily available to the public as part of the regular informational activities of the Department. Before availing himself of the application procedures specified herein, a person desiring to inspect or copy a record or obtain other information about or from one of the organizations listed in § 4.1 should contact the appropriate office responsible for providing such information to the public. Such offices are listed in one or more of the following: (1) The "public information appendices" to the relevant Department Orders, which are published in the FEDERAL REGISTER, (2) various guides and handbooks issued by the Department and its operating units, (3) the U.S. Government Organization Manual, and (4) the Department of Commerce Telephone Directory. The latter two publications are for sale by the Superintendent of Documents, Washington, D.C. 20402.

(b) If the appropriate public information office is not known, the public should direct its inquiries to the Central Reference and Records Inspection Facility, Department of Commerce, Washington, D.C. 20230. This facility will route the request, if it appears to be for information regularly available, to the appropriate information office; if the request is for other types of information, the facility will advise the inquirer as to how to proceed.

(c) A person who wishes to inspect a record of one of the organizations listed in § 4.1, and which is not a record customarily available to the public as part of the regular informational activities of the Department, should complete Form CD-244, "Application to Inspect Records," and submit this form, in person or by mail, to the central facility identified in § 4.5(d). Copies of Form CD-244 are available from the Central Reference and Records Inspection Facility, and from many public information offices and field offices of the Department.

(d) An application form shall be submitted for each record or group of records related to the same general subject matter. Each application form shall be accompanied by the nonrefundable application fee of $2.

(e) Detailed instructions for the completion of Form CD-244 are stated on the back of the form. Employees of the facility will assist the public to a reasonable extent in completing the form; however, the responsibility rests with the applicant for identifying each record sought in sufficient detail so that it can be located by personnel familiar with the filing of agency records. Each application shall clearly itemize, when there are more than one, each record requested so that it may be identified and its availability separately determined.

(f) The staff of the facility will review the application for completeness, and will record receipt of the fee. If the application appears in order, it shall be forwarded to the participating organization which would appear to have official custody of the requested record to determine whether it is an identifiable and disclosable record. If the application is incomplete in some substantial and material respect, it shall be promptly returned to the applicant to complete.

§ 4.7 Agency determinations of availability of records.

(a) The participating organization to which the application is sent shall initially determine:

(1) Whether the requested record can be identified on the basis of the information supplied by the applicant. If it cannot identify the record, the application shall be transmitted to the central facility for return to the applicant, specifying why it is not identifiable and what additional clarification, if any, the applicant may make to assist the organization in its identification.

(2) Whether the record, if identifiable, is still in existence or has been destroyed as provided by law, or is not in the possession of the organization. If the record no longer exists, the applicant shall be so notified, with the reason stated, via the central facility. If the record is not in the organization's possession and its existence is not otherwise reasonably ascertainable, the applicant shall be so notified via the central facility. If the requested record is in another organization of the Department, or is the exclusive or primary concern of another executive department or agency, the application for such record shall be promptly referred to that other organization or agency for further action under its rules, and the applicant shall be promptly informed of this referral via the central facility.

(b) If the requested record is identifiable and subject to the organization's determination as to its availability, the application shall be reviewed by an official authorized, pursuant to Department Order 64, to initially determine its availability. If he determines, as provided by law, that the record is not to be made available to the requesting person, said party shall receive in writing, via the central facility, the specific reason(s) why the record is not being disclosed, signed by the official making the determination.

(c) If the record is to be made available, and there are no further charges or fees, it shall be furnished to the requesting person via the central facility. If, in accord with § 4.8, there are additional costs to be recovered from the applicant, they shall be estimated and the applicant notified via the central facility that upon his payment of such estimated costs to the central facility, subject to adjustment as provided in § 4.8, the record shall be made available to him in the central facility or transmitted to him by it.

§ 4.8 Fees and charges.

(a) In accord with Congressional policies that services performed hereunder are to be self-sustaining, and as provided by law (e.g., 15 U.S.C. 189a, 192 and other applicable statutes), appropriate fees and charges are hereby established to cover costs for application handling, record searching, reproduction, certification, and authentication, and for related expenses incurred by the Department with respect to records made available upon request under 5 U.S.C. 552(a)(3).

(b) The following fees are hereby established and payable to the Department:

(1) Application fee—per application: $2. This fee is nonrefundable, and covers costs of accepting and reviewing the application, and making a determination as to the availability of the requested record, or group of related records.

(2) Records search fee—per hour per person: $5. This fee covers the costs of locating the desired record, transporting it by government messenger service to a point of inspection, supervising the inspection, and returning the record to its regular file. It also includes the costs of any copies of records made at the Department's option. The minimum fee charged for records search will be one-half hour ($2.50).

(3) Copies of records, if requested by applicant:

(i) Xerographic or similar process—Up to 9 by 14 inches (each page)	$0.25
(ii) Photocopy or similar process—Up to 12 by 18 inches (each copy)	1.00
Over 12 by 18 inches, but less than 18 by 25 inches (each)	2.00

(4) Other forms of reproduction, as may be required by the nature of the original records: Individual fee, sufficient to recover full cost.

(5) Certification fee, if requested (applicable to each certification): $1.

(6) Postage, registration, or other forwarding or packing fees: Actual cost. Applicable only if copies of records are requested to be shipped to a point other than the Central Reference and Records Inspection Facility.

(c) All fees and charges will be collected in advance. The applicant will be given an estimate of the cost of records search for each application where disclosure availability is authorized. If actual cost exceeds the estimate, the applicant will have the option of either paying any additional costs, or inspecting the requested record to the extent covered by his payment. If the advance estimated payment is $1 or more in excess of both the actual cost and the minimum charge, a refund will be made of the excess above the higher of these two amounts.

(d) The fees set forth in paragraph (b) of this section are based upon an initial estimate of the costs to be incurred in providing the indicated services and may be revised as necessary to insure the recovery of full costs by the Department.

(e) The fees established in paragraph (b) of this section are solely for services provided pursuant to 5 U.S.C. 552(a)(3), and do not affect fees charged for other Commerce services to the public, as may be performed under other authorities.

§ 4.9 Arrangements for public inspection and copying of disclosable agency records.

(a) Upon receipt of the records search fee, and any fees for additional services requested by the applicant, the requested record which has been determined to be available shall, unless the applicant has otherwise indicated, be transferred to the Central Reference and Records Inspection Facility, where it will be held for inspection by the applicant for 5 working days. The address and hours of operation of this facility are stated in § 4.5(d).

(b) During his inspection of the record at the facility, the applicant may copy by hand any portion of the record, may use the coin-operated copying equipment at the facility to make a copy thereof, and may obtain certification of a machine-copied record.

(c) No changes or alterations of any type may be made to the record being inspected, nor may any matter be added to or subtracted therefrom. Papers bound or otherwise assembled in a record file may not be disassembled during inspection. Staff of the facility shall provide assistance if disassembly of a record is necessary for copying purposes, and are authorized to supervise public inspection as necessary to protect the records of the Department. The public is reminded of Title 18, United States Code, section 2701(a), which makes it a crime to conceal, remove, mutilate, obliterate, or destroy any record filed in any public office, or to attempt to do any of the foregoing.

(d) If an applicant does not want to inspect a record by personal visit to the central facility, he may request that a copy thereof be mailed to him, upon payment of the copying and postage fees set forth in this § 4.8. Original copies of records of the organizations listed in § 4.1 shall not be sent to any location other than the central facility for public inspection pursuant to 5 U.S.C. 552(a)(3).

(e) Copies of transcripts of hearings in the possession of a participating organization may be made available for inspection when not in use. When copies of such transcripts are requested, if the organization's contract with a nongovernmental contractor requires that copies be sold only by the contractor, the applicant shall be referred to the contractor.

(f) A participating organization in its discretion, when appropriate in the interests of its program, may make exceptions to established charges.

§ 4.10 Requests for reconsideration of nonavailability.

(a) Any person whose application to inspect a record has been rejected because the record was not to be made available for stated reason(s), may request a reconsideration of the initial denial, as set forth herein.

(b) The request for reconsideration should be made by completing the applicable section of the Form CD-244, and returning it to the central facility within 30 days of the date of the original denial. (This date is shown on the Form CD-244.) No additional fee is required to obtain reconsideration. In submitting a request for reconsideration, the applicant should include any written arguments he desires to support his belief that the record requested should be made available. No personal appearance, oral argument, or hearing shall be permitted.

(c) The decision upon such review shall be made by the appropriate official designated in paragraph 4.01 of Department Order 64, and shall be based upon the original application, the denial, and any written argument submitted by the applicant.

(d) The decision upon review shall be promptly made in writing and communicated to the applicant. If the decision is wholly or partly in favor of the applicant, the requested record to such extent shall be made available for inspection, as described in §§ 4.6 and 4.9. To the extent that the decision is adverse to the request, the reasons for the denial shall be stated.

(e) A decision upon review completed as provided by § 4.10 shall constitute the final decision and action of the Department as to the availability of a requested record, except as may be required by court proceedings initiated pursuant to 5 U.S.C. 552(a)(3).

(f) Reconsiderations resulting in final decisions as prescribed herein shall be indexed and kept available for public reference in the central facility.

§ 4.11 Subpoena or other compulsory process.

Procedures applicable in the event of a subpoena, order, or other compulsory process or demand of a court or other authority are set forth in section 8 of Department Order 64.

Notice and public procedure are not necessary for the promulgation of this part since the rules contained herein are procedural rather than substantive in nature and relate to agency management.

Dated: June 29, 1967.

Effective date. This part shall become effective July 4, 1967.

LAWRENCE E. IMHOFF,
Acting Assistant Secretary for Administration.

[F.R. Doc. 67-7615; Filed, July 3, 1967; 8:51 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket C-1215]

PART 13—PROHIBITED TRADE PRACTICES

Adrian Thal, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods:* 13.30-30 Fur Products Labeling Act; § 13.73 *Formal regulatory and statutory requirements:* 13.7310 Fur Products Labeling Act; § 13.155 *Prices:* 13.155-40 Exaggerated as regular and customary. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-30 Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-30 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845-30 Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Adrian Thal, Inc., et al., New York, N.Y., Docket C-1215, June 12, 1967.]

In the Matter of Adrian Thal, Inc., a Corporation, and Adrian Thal and Thelma Thal, Individually and as Officers of Said Corporation

Consent order requiring a New York City furrier to cease misbranding and deceptively advertising its fur products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Adrian Thal, Inc., a corporation, and its officers, and Adrian Thal and Thelma Thal, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the sale, advertising, offering for sale, transportation, or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from

A. Misbranding any fur product by:

1. Failing to affix a label to such fur product showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

2. Setting forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form on a label affixed to such fur product.

3. Failing to set forth the term "natural" as part of the information required to be disclosed on a label under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe such fur product which is not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

4. Failing to set forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder on a label in the sequence required by Rule 30 of the aforesaid rules and regulations.

B. Falsely or deceptively advertising any fur product through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale or offering for sale of any fur product, and which:

1. Fails to set forth in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(a) of the Fur Products Labeling Act.

2. Uses the word "Formerly" or words of similar import, to refer to any amount which is in excess of the price at which such merchandise has been sold or offered for sale in good faith by the respondents in the recent regular course of their business, or otherwise misrepresents the prices at which such merchandise has been sold, or offered for sale by respondents.

3. Misrepresents in any manner the savings available to purchasers of respondents' fur products.

4. Fails to set forth the term "natural" as part of the information required to be disclosed in advertisements under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed or otherwise artificially colored.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: June 12, 1967.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary*.

[F.R. Doc. 67-7557; Filed, July 3, 1967; 8:46 a.m.]

[Docket 6653o]

PART 13—PROHIBITED TRADE PRACTICES

Beatrice Foods Co.

Subpart—Acquiring corporate stock or assets: § 13.5 *Acquiring corporate stock or assets:* 13.5–20 Federal Trade Commission Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 45, 18) [Order modifying a divestiture, Beatrice Foods Co., Chicago, Ill., Docket 6653, June 7, 1967]

Order modifying a divestiture order, dated December 10, 1965, 31 F.R. 1060, requiring a major food processing corporation to divest certain acquired companies by further requiring the corporation, pursuant to a final decree of May 23, 1967, by the Court of Appeals for the Ninth Circuit, to sell certain plants to a single purchaser to be approved in advance by the Commission.

The modified order of divestiture, is as follows:

Now, therefore, it is hereby ordered, That the order of December 10, 1965, be, and it hereby is, modified in accordance with the final decree of the Court to read as follows:

It is ordered, That:

I. Beatrice Foods Co. ("Beatrice"), within a period not exceeding eighteen (18) months from the effective date of this order, unless extended, shall divest itself absolutely and in good faith to a purchaser approved in advance by the Commission, of all plants which are owned in whole or in part by Beatrice or operated by Beatrice at Pasadena, Calif. (two plants); Cedar City, Utah; El Paso, Tex.; Roswell, N. Mex.; Albuquerque, N. Mex.; all locations in the State of Arizona; and Morgantown, W. Va., and which are engaged in the manufacturing, processing, or distribution of pasteurized and homogenized milks, buttermilks, skim milks, cream, half and half, sour cream, cottage cheese, ice cream, ice milk, mellorine-type products, sherbet, or water ices, together with all assets, properties, and businesses which are or may be used or conducted by Beatrice at or in conjunction with said plants, or added to said plants or utilized in replacement of said plants by Beatrice, as may be necessary to restore the properties as competitive entities, all as hereinafter provided.

Provided, however, That this order does not require that the plant, assets, properties and businesses located at Morgantown, W. Va., be sold to the purchaser of the other plants, assets, properties and businesses described above.

Provided further, however, That if, at the expiration of 1 year from the effective date of this order, Beatrice establishes that despite its good faith efforts it has been unable to dispose of the plants, assets, properties, and businesses described above—other than those located at Morgantown, W. Va.—to a single purchaser, Beatrice may dispose of said plants, assets, properties, and businesses to two or more purchasers, approved in advance by the Commission.

As used in this order the term "assets, properties, and businesses conducted by Beatrice at or in conjunction with said plants" shall include all dairy distribution stations and branches regardless of where located, which are owned in whole or in part by Beatrice or operated by Beatrice and supplied by any of said plants.

II. Such divestitures shall be effected subject to the following:

1. Upon the completion of such divestitures to the purchaser or purchasers (herein called the "transferee"), Beatrice, its officers, directors, agents, representatives, or employees shall not exercise any control or supervision over the policies, control, management, operation or acts of transferee, or any successor in interest to transferee: *Provided*, That where necessary for the successful operation of the business of the transferee, Beatrice may license for a limited period of time the use of any of its trademarks or trade names in the territory of the transferee subject to the prior approval by the Commission of each license and the terms thereof.

2. By those divestitures no interest shall be sold or transferred, directly or indirectly, to anyone who is at the time of the divestiture an officer, director, employee, or agent of, or directly, or indirectly under the control or direction of Beatrice or any of Beatrice's divisions, subsidiaries or affiliated corporations, or who owns or controls, directly or indirectly, more than one (1) percent of the outstanding shares of common stock of Beatrice without the prior approval of the Commission.

III. Beatrice shall cease and desist, for a period of ten (10) years from the effective date of this order from acquiring, directly or indirectly, any interest in any firm, corporate or noncorporate, engaged principally or as one of its major commodity lines at the time of such acquisition in any State of the United States or in the District of Columbia in the business of manufacturing, processing or distributing at wholesale or on retail milk routes any of the products described in paragraph I of this order, without the prior approval of the Commission.

IV. Beatrice shall submit to the Commission every ninety (90) days a report in writing setting forth its efforts and progress in carrying out the divestiture requirements of this order until all assets have been divested with the approval of the Commission; and Beatrice shall submit to the Commission on the first day of each calendar year a report in writing setting forth its compliance with the cease and desist provisions of this order.

V. Beatrice shall notify the Commission of the names and addresses of all persons, firms, or corporations who shall express to Beatrice any interest in purchasing the plants, assets, properties, or businesses to be divested under the terms of this order, within thirty (30) days after having been informed of such interest.

By the Commission, Commissioner Elman not concurring, and Commissioners MacIntyre and Reilly not participating.

Issued: June 7, 1967.

[SEAL] JOSEPH W. SHEA, *Secretary*.

[F.R. Doc. 67-7558; Filed, July 3, 1967; 8:46 a.m.]

[Docket C-1214]

PART 13—PROHIBITED TRADE PRACTICES

Cornet & Morgenstern, Inc., et al.

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* 13.1053–35 Fur Products Labeling Act. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108–45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–30 Fur Products Labeling Act, 13.1185–90 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–30 Fur Products Labeling Act; 13.1212–90 Wool Products Labeling Act; § 13.1325 *Source or origin:* 13.1325–70 Place: 13.1325–70(c) Foreign, in general. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845–30 Fur Products Labeling Act; 13.1845–80 Wool Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–35 Fur Products Labeling Act; 13.1852–80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; secs. 2–5, 54 Stat. 1128–1130; sec. 8, 66 Stat. 179; 15 U.S.C. 45, 68, 69f) [Cease and desist order, Cornet & Morgenstern, Inc., et al., New York, N.Y., Docket C-1214, June 12, 1967]

In the Matter of Cornet & Morgenstern, Inc., a Corporation, and William Morgenstern and William Cornet, Individually and as Officers of Said Corporation

Consent order requiring a New York City manufacturer of fur and wool products to cease misbranding and falsely invoicing its merchandise.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That Cornet & Morgenstern, Inc., a corporation, and its officers, and William Morgenstern and William Cornet, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce", "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding any fur product by:

1. Falsely or deceptively labeling or otherwise falsely or deceptively identifying any such fur product as to the country of origin of furs contained in such fur product.

2. Falsely or deceptively labeling or otherwise falsely or deceptively identifying any such fur product as to the name or designation of the animal or animals that produced the fur contained in such fur product.

3. Representing, directly or by implication, on a label that the fur contained in such fur product is natural when such fur is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

4. Failing to affix a label to such fur product showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

5. Failing to set forth the term "natural" as part of the information required to be disclosed on a label under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe such fur product which is not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

6. Failing to affix a label to such fur product, when used as a sample to promote or effect sales of fur products, showing in words and figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder.

B. Falsely or deceptively invoicing any fur product by:

1. Failing to furnish an invoice, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Representing, directly or by implication, on an invoice that the fur contained in such fur product is natural when such fur is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

3. Failing to set forth on an invoice the item number or mark assigned to such fur product.

It is further ordered, That Cornet & Morgenstern, Inc., a corporation, and its officers, and William Morgenstern and William Cornet, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from furnishing a false guaranty that any fur product is not misbranded, falsely invoiced, or falsely and deceptively advertised when respondents have reason to believe that such fur product may be introduced, sold, transported, or distributed in commerce.

It is further ordered, That respondents Cornet and Morgenstern, Inc., a corporation, and its officers, and William Morgenstern and William Cornet, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment or shipment, in commerce, of wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from:

Misbranding wool products by: 1. Falsely and deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.

2. Failing to securely affix to, or place on, each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

3. Failing to set forth the respective common generic names of fibers present in wool products in naming such fibers in required information on stamps, tags, labels, or other means of identification affixed to such wool products.

4. Setting forth information required under section 4(a)(2) of the Wool Products Labeling Act of 1939 and the rules and regulations promulgated thereunder in abbreviated form.

5. Using the name of a specialty fiber in lieu of the word "wool" in describing such specialty fiber in nonrequired information or on a secondary label attached to the wool product without the name of the specialty fiber appearing in the required information on the required label affixed to such wool product.

6. Failing to affix labels to samples, swatches or specimens of wool products, used to promote or effect the sale of wool products, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 4(a)(2) of the Wool Products Labeling Act of 1939 and the rules and regulations promulgated thereunder.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

Issued: June 12, 1967.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 67-7559; Filed, July 3, 1967; 8:48 a.m.]

[Docket 8643o]

PART 13—PROHIBITED TRADE PRACTICES

Grove Laboratories, Inc.

Subpart—Advertising falsely or misleadingly: § 13.170 *Qualities or properties of product or service:* 13.170–52 Medicinal, therapeutic, healthful, etc.

Subpart—Misrepresenting oneself and goods—Goods: § 13.1710 *Qualities or properties.*

(Sec 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply Sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Grove Laboratories, Inc., New York, N.Y., Docket 8643, June 13, 1967.]

Order requiring a New York City manufacturing drug firm to cease misrepresenting the therapeutic effects of two of its hemorrhoid preparations and other drug products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

I. *It is ordered*, That respondent Bristol-Myers Co., a corporation, and its officers, representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from disseminating or causing the dissemination of any advertisement by means of the U.S. mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act:

A. In connection with the offering for sale, sale or distribution of The Pazo Formula Ointment and The Pazo Formula Hemorrhoid Suppositories, or any other product offered for sale for the treatment or relief of hemorrhoids or piles or any of its symptoms, which:

1. Represents directly or by implication that the use of such product will:

(a) Reduce or shrink hemorrhoids or hemorrhoidal tissue or membranes or reduce or shrink swelling associated with hemorrhoids;

(b) Avoid the need for surgery as a treatment for hemorrhoids or hemorrhoidal symptoms;

(c) Heal or cure hemorrhoids or promote the healing or curing of hemorrhoids;

(d) Afford any relief from pain or itching attributed to or caused by hemorrhoids in excess of affording some temporary relief in some cases of pain and itching associated with some types of hemorrhoids; or

(e) Afford any other type of relief or have any other therapeutic effect upon the condition known as hemorrhoids or upon any of the symptoms or manifestations thereof.

2. Contains any reference (a) to any word or words which implies or imply that said product will shrink hemorrhoids or (b) to any word or words which implies or imply that said product will provide any relief from pain or itching associated with hemorrhoids in excess of affording some temporary relief in some cases of pain and itching associated with some types of hemorrhoids;

3. Contains any general or specific reference to any ingredient either singly or in combination unless each such ingredient referred to is effective in the treatment of relief of hemorrhoids or any of its symptoms and unless the specific effect thereof is expressly and truthfully set forth; or

4. Makes any statement claiming or implying that said product is more effective in the treatment or relief of hemorrhoids than other preparations sold for the treatment or relief of hemorrhoids.

B. In connection with the offering for sale, sale or distribution of any "drug" within the meaning of the Federal Trade Commission Act, including without limitation, any product referred to in paragraph I(A) hereof, which misrepresents directly or by implication the efficacy of such drug.

II. *It is further ordered*, That respondent do forthwith cease and desist from disseminating or causing to be disseminated, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of respondent's drugs in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which contains any of the representations prohibited in paragraphs I(A) and I(B) hereof.

III. In the event that respondent at any time in the future markets any preparation for the treatment or relief of hemorrhoids or any of its symptoms for which it desires to make any of the representations now prohibited under paragraph I(A) of this order, it may petition the Commission for a modification of the order. Such petition shall be accompanied by a showing that the representation is not false or misleading within the meaning of the Federal Trade Commission Act, and if such has been the case, that the specific representation has been approved by the Secretary of the Department of Health, Education, and Welfare under the provisions of the Federal Food, Drug, and Cosmetic Act as it is presently constituted or as it may hereafter be amended.

It is further ordered, That respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order to cease and desist.

By "Final Order" further order is as follows:

Now therefore, it is hereby ordered, That the initial decision and proposed order of the hearing examiner be and they hereby are set aside in their entirety;

And it is further ordered, That the findings of fact, conclusions and order be and they hereby are entered and issued by the Commission in final disposition of this proceeding.

Issued: June 13, 1967.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 67-7560; Filed, July 3, 1967; 8:46 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter I—Commodity Exchange Authority (Including Commodity Exchange Commission), Department of Agriculture

PART 140—ORGANIZATION, FUNCTIONS, AND PROCEDURES OF THE COMMODITY EXCHANGE AUTHORITY

Subpart A—Organization

Sec.

140.1 Central office.
140.2 Regional offices.
140.3 Request for information and records, inspection, copying, and copy fees.
140.4 Records available to the public.
140.5 Appeals.
140.6 Compulsory process.

Subpart B—Functions and Procedures

140.10 Commodity Exchange Act.

AUTHORITY: The provisions of this Part 140 issued under 5 U.S.C. 552, 559.

Subpart A—Organization

§ 140.1 Central office.

(a) *General.* The principal office of the Commodity Exchange Authority is located at Washington, D.C., in the Administration Building, U.S. Department of Agriculture, and consists of the Office of the Administrator, Accounting and Licensing Division, Compliance Division, and Trading Division.

(b) *The Administrator.* Under the supervision of the Secretary of Agriculture and the general direction of the Assistant Secretary of Agriculture for Marketing and Consumer Services, the Administrator formulates, directs, and supervises the execution of the policies governing the activities of the Commodity Exchange authority; administers and is responsible for the enforcement of the Commodity Exchange Act, the orders of the Commodity Exchange Commission, and the orders and regulations of the Secretary of Agriculture promulgated under the Commodity Exchange Act. The administrator has final authority to issue calls and requests for information in connection with the administration of the Commodity Exchange Act, as provided in regulations promulgated thereunder (Parts 1–21 of this chapter).

(c) *Divisions.* The divisions are as follows:

(1) *Accounting and Licensing Division.* Plans, directs, and conducts audits of books and records of futures commission merchants to assure proper segregation of customers' margins and accruing equities and to determine compliance with the recordkeeping and other requirements of the Commodity Exchange Act and regulations; analyses financial statements of futures commission merchants submitted with their applications for registration; and receives and considers applications of commodity exchanges for designation as contract markets and recommends approval or disapproval; and registers futures commission merchants and floor brokers.

(2) *Compliance Division.* Investigates complaints and apparent violations of the Commodity Exchange Act; examines trade practices; recommends formal proceedings against violators; presents results of investigations to, and cooperates with, General Counsel's Office and the Department of Justice in the preparation of administrative and criminal cases; presents evidence and testimony in administrative and court proceedings; and reviews rules of contract markets.

(3) *Trading Division.* Provides continuous surveillance of futures trading and price movements to appraise market developments; assembles and analyzes futures trading statistics for market supervision from reports of clearing members of exchanges, futures commission merchants and large traders; evaluates and analyzes current market information and cash commodity and futures price trends and relationships; conducts marketwide surveys of all traders' holdings in futures; and prepares economic and statistical reports for administrative use and for publication.

§ 140.2 Regional offices.

Offices are located at Room 1200, Board of Trade Building, 141 West Jackson Boulevard, Chicago, Ill. 60604; Room 356, Board of Trade Building, 4800 Main Street, Kansas City, Mo. 64112; Room 510, Grain Exchange Building, 4th Street and 4th Avenue South, Minneapolis, Minn. 55415; Room 508, Cotton Exchange Building, 231 Carondelet Street, New Orleans, La. 70130; and Room 1202, 44 Beaver Street, New York, N.Y. 10004. Under the general supervision of the appropriate regional director, these regional offices direct, coordinate, and conduct all activities of the Commodity Exchange Authority incident to the administration of the Commodity Exchange Act within respective regional office areas.

§ 140.3 Request for information and records, inspection, copying and copy fees.

(a) Any person wishing information or wishing to inspect, copy or obtain copies of records of the Commodity Exchange Authority may make his request in person or in writing to the Assistant Administrator, Commodity Exchange Authority, U.S. Department of Agriculture, Washington, D.C. 20250, or the appropriate Regional Director of the regional office listed in § 140.2. Public inspection and copying of materials will be permitted during official hours of business at the offices identified in §§ 140.1 and 140.2. Reasonable facilities for inspection, copying and for producing copies are provided at each of the offices of the Authority. All requests for copies of identifiable records should specify as clearly and accurately as reasonably possible the records desired.

(b) Except to the extent that copies are provided by the Authority without charge, copies of its records will be provided by the Authority, in accordance with the provisions of this part, to any person upon request and payment of the prescribed fees for copying and searching established by the Director, Office of Plant and Operations of the Department of Agriculture.

§ 140.4 Records available to the public.

All records of the Commodity Exchange Authority are available for public inspection and copying, except exempt records which include the following:

(a) Matters relating solely to internal personnel rules and practices of the Agency. Among such records are manuals and instructions establishing guidelines for the staff in auditing or investigation procedures.

(b) Matters specifically exempted from disclosure by statute. An example of such a statute is the Commodity Exchange Act as amended (7 U.S.C. 1–17a). Among such records are correspondence with traders, futures commission merchants and the public containing data and information that discloses the business transactions of any person or trade secrets or names of customers.

(c) Matters containing trade secrets and commercial or financial information obtained from a person and privileged or confidential. Included among these matters are applications for registration as floor brokers and futures commission merchants and the financial statements accompanying the applications for registration as futures commission merchants, and reports from clearing members, futures commission merchants and reporting traders regarding futures trades and positions.

(d) Interagency and intraagency memorandums or letters which would not be available by law to a party other than an agency in litigation with the Department. Included among these matters would be opinions of the General Counsel regarding the application of various provisions of the Commodity Exchange Act and regulations.

(e) Investigatory files compiled for law enforcement purposes except to the extent available by law to a party other than an agency. Included among these records would be investigation files and audit files.

(f) Matters specifically required by Executive order to be kept secret.

(g) Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

§ 140.5 Appeals.

(a) Any person from whom agency records are withheld may file an appeal with the Administrator, Commodity Exchange Authority. The appeal should be filed within 30 days after the person is notified that the record is being withheld.

(b) The appeal must be in writing, describing the records denied, contain a statement of grounds upon which the appeal is based, and be signed by the appellant or his authorized representative.

(c) The Administrator shall determine availability of the record, and furnish the applicant written notice of his determination.

§ 140.6 Compulsory process.

Production or disclosure of any exempt record sought by compulsory process shall be handled as provided by the regulations of the Secretary of Agriculture in 7 CFR Part 1.

Subpart B—Functions and Procedures

§ 140.10 Commodity Exchange Act.

(a) The basic objective of the Commodity Exchange Act (42 Stat. 998, as amended; 7 U.S.C. 1–17a) is to protect and facilitate commerce in commodities designated by the act that are the subject of transactions involving the sale thereof on boards of trade (commodity exchanges) for future delivery and known as "futures." These commodities are: Wheat, cotton, rice, corn, oats, barley, rye, flaxseed, grain sorghums, millfeeds, butter, eggs, onions, Irish potatoes, wool, wool tops, fats and oils (including lard, tallow, cottonseed oil, peanut oil, soybean oil and all other fats and oils), cottonseed meal, cottonseed, peanuts, soybeans, and soybean meal.

(b) The functions and procedures of the Commodity Exchange Authority under this statute are designed to prevent price manipulation and corners; prevent dissemination of false and misleading crop and market information to influence prices; protect hedgers and other users of the commodity futures markets against cheating, fraud, and manipulative practices; insure the benefits of membership privileges on contract markets to cooperative associations of producers; insure trust-fund treatment of margin moneys and equities of hedgers and other traders and prevent the misuse of such funds by brokers; and provide general information to the public regarding trading operations on contract markets.

(c) The Commodity Exchange Authority receives and considers applications of commodity exchanges for designation as contract markets preliminary to final decision by the Secretary. Applicants denied designation by the Secretary may appeal to the Commodity Exchange Commission (42 Stat. 1001, as amended; 7 U.S.C. 8). Inquiries concerning procedure to be followed by

commodity exchanges in filing applications for designation as contract markets should be addressed to the Administrator.

(d) The Commodity Exchange Authority reviews rules of contract markets to determine conformity with statutory requirements; receives and considers applications for registration as futures commission merchants and as floor brokers, and prepares certificates of registration issued by the Secretary (42 Stat. 1000, as amended; 49 Stat. 1495; 49 Stat. 1497; 7 U.S.C. 6f, 7, 7a). Application forms may be procured from the central office of the Commodity Exchange Authority or from any regional office thereof.

(e) The Commodity Exchange Authority enforces limits on speculative transactions and positions established by the Commodity Exchange Commission; reviews crop and market news and reports; analyzes cash-commodity transactions; cooperates with control committees of contract markets; observes floor trading; investigates alleged and apparent violations of the act; conducts special trade practice investigations and surveys; investigates contract market delivery practices and procedures; audits books and records of futures commission merchants, floor brokers, and traders; analyzes futures commission merchants' financial statements submitted with their applications for registration; conducts analyses and appraisals of futures trading, cash-futures relationships, and price movements; and compiles and publishes reports and other informational material relating to operations on commodity exchanges. Reporting forms required of clearing members of contract markets; futures commission merchants and foreign brokers; traders; and merchants, processors, and dealers may be procured from any regional office.

(f) Substantive rules promulgated pursuant to the Commodity Exchange Act are set forth in Parts 1 through 150 of this title. Procedural rules are published as Part O of this title.

Effective date. The provisions of Subpart A and Subpart B of Part 140 are effective on July 4, 1967.

ALEX C. CALDWELL,
Administrator,
Commodity Exchange Authority.

JUNE 30, 1967.

[F.R. Doc. 67-7676; Filed, July 3, 1967; 8:54 a.m.]

Title 46—SHIPPING

Chapter IV—Federal Maritime Commission

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

PART 530—INTERPRETATIONS AND STATEMENTS OF POLICY

Interpretation of Shipping Act, 1916

Pursuant to section 43 of the Shipping Act, 1916 (46 U.S.C. 841a), and section 3(b)(3) of the Administrative Procedure Act (5 U.S.C. 522(b)(3)), the Commission hereby promulgates the following interpretive rule, effective on publication.

§ 530.7 Further interpretation of the Shipping Act, 1916.

Section 18(b)(2) of the Shipping Act, 1916, provides:

> • • • nor shall any new or initial rate of any common carrier by water in foreign commerce or conference of such carriers be instituted, except by the publication, and filing, as aforesaid, of a new tariff or tariffs which shall become effective not earlier than thirty days after the date of publication and filing thereof with the Commission • • •.

The Federal Maritime Commission interprets this provision to mean that when a carrier is duly admitted to membership in a conference as defined in General Order 13, § 536.1(c), and has not, prior to that membership, operated as a common carrier by water in the trade served by the conference, a revision to the conference tariff to name such carrier as a participant therein may become effective on or after the date of publication and filing with the Commission. In these circumstances the Commission does not consider said carrier's participation in the conference tariff to result in new or initial rates within the meaning of the aforequoted portion of section 18(b)(2).

THOMAS LISI,
Secretary.

[F.R. Doc. 67-7687; Filed, July 3, 1967; 8:56 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

SUBCHAPTER D—APPROVED FORMS, FEDERAL POWER ACT

[Docket No. R-309; Order 350]

PART 131—FORMS

Minor Project License Applications; Exhibit Relating to Fish and Wildlife Resources

JUNE 26, 1967.

On August 1, 1966, the Commission issued a notice of proposed rule making in this proceeding (31 F.R. 10582, Aug. 6, 1966) wherein it proposed to amend Part 131 of the Commission's regulations to require the submission of an Exhibit S, relating to the conservation of fish and wildlife resources, with an application for license for proposed minor projects, i.e., unconstructed projects having 2,000 horsepower or less of installed capacity.

The submission of Exhibit S will expedite the processing of such applications by identifying potential problems with respect to fish and wildlife resources and suggesting possible solutions thereto earlier in the course of the proceeding than is now possible under existing procedures. It will also facilitate the Commission's compliance with the requirements of the Fish and Wildlife Coordination Act, as amended (16 U.S.C. sec. 666), for consultation with the U.S. Fish and Wildlife Service, Department of the Interior and appropriate state fish and wildlife agencies on the conservation of fish and wildlife resources affected by a project.

We received nine responses to the notice,[1] six of which expressed unqualified support of the proposed rule. The California Department of Fish and Game in commenting upon the instant rulemaking proposal, while strongly endorsing the proposed rule, recommends that it be made applicable to applications for new licenses for minor projects. We understand the Department's comments to mean applications by owners of constructed minor projects who may desire to seek relicensing thereof.

In reviewing the comments in this proceeding we have considered the question as to whether an Exhibit S requirement should be prescribed for applications covering constructed major projects, constructed minor projects and applications for relicensing of constructed minor projects. This proceeding follows an earlier rulemaking proceeding wherein the Commission prescribed Exhibit S as a requirement of license applications for unconstructed major projects pursuant to section 4(e) of the Federal Power Act and constructed major projects for which relicensing may be sought pursuant to section 15 of that Act.

In view of the notice of proposed rulemaking in this docket our action here will be limited to prescribing an Exhibit S requirement for unconstructed minor projects. We shall, however, consider the desirability of further amending our regulations to prescribe an Exhibit S type of requirement in license applications for constructed minor projects and constructed major projects, as well as in the relicensing of constructed minor projects. Pending the conclusion of that review and the completion of any Commission action thereon the Commission will require, in applications, in individual cases, particular information o fthe type covered by Exhibit S as may be desirable, not otherwise provided pursuant to existing general regulations.

The Utah Department of Fish and Game suggests that a more adequate appraisal of the fish and wildlife resources of a project area would be obtained if the U.S. Fish and Wildlife Service and the appropriate State fish and game agency be assigned the responsibility of preparing the Exhibit S in lieu of the license applicant. The preparation, however, of exhibits in support of an application is a responsibility of the applicant and should not be transferred to other agencies. Since the applicant is required to consult with the other agencies in connection with the preparation of its Exhibit S and since they will be given an opportunity to comment on the exhibit following its submittal, we believe that substantially the same result will obtain.

The Public Service Commission of Wisconsin requests that the proposed rule be so worded that license applications for minor and major projects under the Federal Power Act which involve systems subject to Wisconsin's regulatory authority reflect determinations and procedures made by Wisconsin regarding plant operation, investment and hydraulic flows. The Wisconsin Commission additionally requests that language be added to the proposed rule requiring a description of the effect of the proposed project on riparians and other water users and the applicant's consultation and cooperation with the state regulatory commission that enforces statutes or regulates the water right of riparian or use, level and flow of water. In our judgment it would be inappropriate to incorporate such proposals in this order.

To the extent that an Exhibit S of a license application may deal with plant operation, investment, flows or water rights of interest to the Wisconsin Public Service Commission, it would be given notice of the filing of such application under existing Commission procedures. In addition, pursuant to the Fish and Wildlife Coordination Act, copies of the Exhibit S would be sent to the appropriate State fish and wildlife agencies, which would include Wisconsin's Department of Resources Development which we understand is interested in the protection of fish and aquatic life. Moreover, the rule as proposed would require consultation by the applicant with these agencies on matters of fish and wildlife prior to the filing of Exhibit S. Thus, both under existing Commission procedures and the proposed rule, ample consultative opportunities are afforded interested parties to make their views known to this Commission prior to licensing of a project.

The Commission, acting pursuant to the provisions of the Federal Power Act, as amended, particularly sections 4(e), 9, 10(a), 10(i), and 309 thereof (41 Stat. 1065, 1068, 49 Stat. 858; 16 U.S.C. 797(e), 802, 803, 825h), orders:

(A) Part 131, Subchapter D, Chapter I, Title 18 of the Code of Federal Regulations is amended as hereinafter set forth:

Section 131.6 is amended by revising the first paragraph of the Note appended to the section and adding a new paragraph at the end of the note as follows:

§ 131.6 Application for license for minor project having installed capacity of 2,000 horsepower or less.

• • • • •

NOTE: The following requirements are prescribed with respect to the filing of: the project map as Exhibit K; the plans of structure as Exhibit L; and the information relating to the conservation of fish and wildlife resources as Exhibit S.

• • • • •

Exhibit S, to be submitted with applications for unconstructed projects, shall show the following information:

The effect, if any, of the project upon the fish and wildlife resources in the project area or in other areas affected by the project and proposals for measures considered necessary to conserve and, if possible, to enhance fish and wildlife resources affected by the project. The exhibit shall include functional design drawings of any fish ladders proposed to be constructed in compliance with section 18 of the Federal Power Act, such other facilities or developments as may be necessary for the protection, conservation, improvement and mitigation of losses of fish and wildlife resources in accordance with section 10(a) of the Act, and cost estimates for such facilities and developments. The Applicant shall prepare this exhibit on the basis of studies made after consultation and in cooperation with the U.S. Fish and Wildlife Service, Department of the Interior, and appropriate State fish and wildlife agencies and in case of public lands, advise Federal Agencies having jurisdictional responsibilities therefor of its proposed plans. The exhibit shall include a statement on the nature and extent of applicant's consultation and cooperation with the above agencies.

(B) This amendment shall become effective July 27, 1967.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-7552; Filed, July 3, 1967; 8:46 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter II—Railroad Retirement Board

PART 200—PROCEDURES AND FORMS

PART 262—MISCELLANEOUS

Public Information

Pursuant to the general authority contained in section 10 of the a . of June 24, 1937 (50 Stat. 314, as amended; 45 U.S.C. 228j) and in section 12 of the act of June 25, 1938 (52 Stat. 1107, as amended; 45 U.S.C. 362), § 200.3 is added to Part 200, and paragraphs (c) and (d) of § 262.16 and the parenthetical reference at the end of § 262.16 of Part 262 (20 CFR 262.16) of the regulations under such acts are amended by Board Order 67-84, dated June 28, 1967, to read as follows:

§ 200.3 Availability of information to public.

(a) The following materials (more particularly described in para. (d) of this section), with identifying details deleted pursuant to paragraph (b) of this section, are available for public inspection and copying:

(1) All final opinions (including concurring and dissenting opinions), and all orders made in the adjudication of cases, which have precedential effect;

(2) All statements of policy and interpretations which have been adopted by the Board, or by anyone under authority delegated by the Board, which have not been published in the FEDERAL REGISTER; and

(3) Administrative staff manuals and instructions to staff that affect any member of the public.

(b) The identifying details to be deleted shall include, but not be limited to, names and identifying numbers of employees and other individuals as needed to comply with section 12 (d) and (n) of the Railroad Unemployment Insurance Act, section 10(b)6 of the Railroad Retirement Act, and § 262.16 of this chapter, or to prevent a clearly unwarranted invasion of personal privacy.

(c) There shall be maintained in the Library, and made available for public inspection and copying, a current index of any of the materials referred to in paragraph (a) of this section which are issued, adopted, or promulgated after July 4, 1967. However, indexes in the material itself, and any index maintained in the offices of the Board for the use of the Board's employees which is made available for public inspection and copying, may be incorporated by reference.

(d) The materials and indexes thereto shall be kept, and made available to the public upon request, in the bureaus and offices of the Board which produce or utilize the materials. The following materials currently in use shall, as long as they are in effect as precedents and instructions, be made available in offices of the Board at 844 Rush Street, Chicago:

(1) In the Bureau of Retirement Claims: The Retirement Claims Manual, RCM Circulars, Special Services Manual, Policy Decisions, Procedural Memoranda containing information on the adjudication of claims not contained in the Retirement Claims Manual or in RCM Circulars, Instructions and Circular Letters to Employers, Field Operating Manual (Parts I and VI), FOM Circulars and Memoranda, and the Occupational Disability Rating Schedule.

(2) In the Bureau of Unemployment and Sickness Insurance: the Adjudication Instruction Manual, Regional Operating Manual (Part I), Field Operating Manual (Part II), FOM Circulars and memoranda, Bureau of Unemployment and Sickness Insurance Circulars, Memorandum Opinions, memorandum instructions on adjudication, and circular letters of instruction to railroad officials.

(3) In the Bureau of Data Processing and Accounts: the Instructions to Employers, and Circular Letters to Employers.

(4) In the Bureau of Law: Legal Opinions.

(5) In the Office of the Secretary of the Board: Decisions and rulings of the Board.

Regional offices and field offices shall also make available to the extent practicable such of these materials and indexes as

[1] (1) Idaho Fish and Game Department, (2) Commonwealth of Pennsylvania, Department of Forests and Waters, (3) State of Utah, Department of Fish and Game, (4) Public Service Commission of Wisconsin, (5) State of California Department of Fish and Game, (6) State of Washington Department of Game, (7) the Commonwealth of Massachusetts, Division of Fisheries and Game, (8) State of Arkansas, Game and Fish Commission, and (9) the Department of the Interior.

are furnished them in the ordinary course of business.

(e) The copies of manuals and instructions made available for public copying and inspection shall not include:

(1) Confidential statements, standards, and instructions, such as tolerance rules, assumptions, and guidelines, which cannot be disclosed to the public without adversely affecting the administration of the Acts, and

(2) Instructions not affecting the public (such as those relating solely to processing and procedure, to management, or to personnel) which it is feasible to separate from instructions that do affect the public.

(f) Except as to records relating to individuals (see § 262.16 of this chapter), records other than those made available under paragraphs (a), (c), and (d) of this section shall, upon receipt of a request identifying them, be made promptly available to the person requesting them unless they are exempted from disclosure by the provisions of 5 U.S.C. 552(b). A request may be made orally or in writing, without any special form. All written requests should be addressed to the Board, or to the head of the bureau or office having jurisdiction over the subject matter of the desired records, at 844 Rush Street, Chicago, Ill. 60611. Requests will be received and processed only during working hours of the Board, on days of business. When the retrieval of the record requested, or the furnishing of a copy, entails substantial and ascertainable additional expense to the Board, charge may be made in the amount of that cost, and shall be paid to the Director of Budget and Fiscal Operations.

(g) Any person whose request for materials or records under any paragraph of this section has been denied by a subordinate employee shall be entitled to have his request considered promptly by the head of the bureau or office having custody of such materials or records.

§ 262.16 Records and other papers of the Board; disclosure; service of process.

* * * * *

(c) When any document described in paragraph (a) of this section is called for by a subpena duces tecum or other judicial order upon the Board for production, inspection, or disclosure thereof, issued by a court of competent jurisdiction in a proceeding in which such document is relevant, a copy of such document, certified by the Secretary of the Board as a true copy, will be produced, disclosed, or delivered if such production is in the interest of the employee to whom the document pertains, or is in the interest of the estate of such employee, and such document does not consist of or include a report of medical information.

(d) When pursuant to paragraph (c) of this section the production, disclosure, or delivery of any document described in paragraph (a) of this section is not permitted, no member, officer, agent, or employee of the Board shall make any disclosure or testify with respect to such document.

* * * * *

(Sec. 13 (d) and (m), 82 Stat. 1109, as amended, 45 U.S.C. 362 (d) and (m); sec. 109, 80 Stat. 1085, 45 U.S.C. 228j(b)(4))

Dated: June 29, 1967.

By authority of the Board.

LAWRENCE GARLAND,
Secretary of the Board.

[F.R. Doc. 67-7691; Filed, July 3, 1967; 8:53 a.m.]

Title 22—FOREIGN RELATIONS

Chapter II—Agency for International Development, Department of State

[A.I.D. Reg. 12]

PART 212—PUBLIC INFORMATION

Part 212 of Chapter II of Title 22 is added.

Subpart A—General

Sec.
212.1 Statement of policy.

Subpart B—Publication in the Federal Register

212.11 Materials to be published.
212.12 Effect of nonpublication.
212.13 Incorporation by reference.

Subpart C—Availability of Information for Public Inspection and Copying

212.21 Public records.
212.22 Protection of personal privacy.
212.23 Current index.
212.24 Effect of noncompliance.
212.25 Offices where materials are available.

Subpart D—Access to Identifiable Records

212.31 Access to identifiable records.
212.32 Identification of records.
212.33 Procedure for making requests.
212.34 Denial of request for access to records.
212.35 Schedule of fees and method of payment for services rendered.

Subpart E—Exemptions From Disclosure

212.41 Exemptions from the publication and disclosure requirements of Subparts B, C and D.
2212.42 Guidance in application of exemptions.

Subpart F—Access to Classified Foreign Policy Records for Nonofficial Research Purposes

212.51 General policy.

AUTHORITY: The provisions of Part 212 are issued under sec. 621 of the Foreign Assistance Act of 1961, as amended, 75 Stat. 445 (22 U.S.C. 2402), Executive Order 10501, as amended by Executive Order 10816, and sec. 3 of the Administrative Procedure Act, 60 Stat. 237, as revised by Public Law 89-487, 80 Stat. 250 (5 U.S.C. 552).

Subpart A—General

§ 212.1 Statement of policy.

(a) It is the policy of the Agency for International Development that information about its objectives and operations be freely available to the public, in accordance with the provisions of Public Law 89-487 (80 Stat. 250). The Director, Information Staff is responsible for administration of the provisions of the regulations of this part.

(b) All identifiable records of the Agency for International Development shall be made available to the public upon compliance with the procedures established in this regulation, except to the extent a record is determined to be exempt from disclosure by the Director, Information Staff or the Assistant Administrator for Administration.

Subpart B—Publication in the Federal Register

§ 212.11 Materials to be published.

(a) The Agency separately states and currently publishes in the FEDERAL REGISTER for the guidance of the public:

(1) Descriptions of its central and field organization and the established places at which, the officers from whom, and the methods whereby, the public may secure information, make submittals or requests, or obtain decisions;

(2) Statements of the general course and method by which its functions are channelled and determined, including the nature and requirements of all formal and informal procedures available;

(3) Rules of procedure, descriptions of forms available or the places at which forms may be obtained, and instructions as to the scope and contents of all papers, reports, or examinations;

(4) Substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretations of general applicability formulated and adopted by the Agency; and

(5) Every amendment, revision or repeal of the foregoing.

(b) A.I.D. Public Notice No. 1 and the A.I.D. Regulations published in Chapter II of Title 22, and in Sub-Title A, Chapter 7 of Title 41 of the Code of Federal Regulations, implement the provisions of this section.

§ 212.12 Effect of nonpublication.

Except to the extent that a person has actual and timely notice of the terms thereof, no person shall in any manner be required to resort to, or be adversely affected by any A.I.D. matter required to be published in the FEDERAL REGISTER and not so published.

§ 212.13 Incorporation by reference.

For purposes of this Subpart B, A.I.D. matter which is reasonably available to the class of persons affected thereby is deemed to be published in the FEDERAL REGISTER when it has been incorporated by reference therein with the approval of the Director of the Federal Register.

Subpart C—Availability of Information for Public Inspection and Copying

§ 212.21 Public records.

In accordance with this subpart, A.I.D. makes the following information and materials available for public inspection and copying:

(a) All final opinions (including concurring and dissenting opinions), and all orders made in the adjudication of cases;

(b) Those statements of policy and interpretations which have been adopted by the Agency and are not published in the FEDERAL REGISTER; and

(c) Administrative staff manuals and instructions to staff that affect any member of the public.

§ 212.22 Protection of personal privacy.

To the extent required to prevent a clearly unwarranted invasion of personal privacy, the Agency may delete identifying details when it makes available or publishes an opinion, statement of policy, interpretation, or staff manual or instruction, and will, in each such case, explain in writing the justification for the deletion.

§ 212.23 Current index.

The Agency maintains and makes available for public inspection and copying a current index providing identifying information for the public as to any matter which is issued, adopted, or promulgated after July 4, 1967, and which is required by § 212.21 to be made available or published.

§ 212.24 Effect of noncompliance.

No final order, opinion, statement of policy, interpretation, or staff manual or instruction that affects any member of the public will be relied upon, used, or cited as precedent by the Agency against any private party unless it has been indexed and either made available or published as provided by this subpart, or unless that private party shall have actual and timely notice of the terms thereof.

§ 212.25 Offices where materials are available.

The materials required to be made available for public inspection and copying in accordance with this subpart are available to members of the public who apply in person (a) to the Director, Information Staff, Agency for International Development, Department of State, 21st and Virginia Avenue NW., Washington, D.C. 20523; (b) overseas, to the Director, USAID, care of American Embassy, in the countries in which AID has offices abroad. The schedule of fees which is prescribed for the copying service is set forth in § 212.34.

Subpart D—Access to Identifiable Records

§ 212.31 Access to identifiable records.

Upon request for identifiable records made in accordance with the provisions of this subpart the Agency for International Development will make such records promptly available to any person, except the following: (a) Matters published in the FEDERAL REGISTER pursuant to Subpart B; (b) matters made available to the public pursuant to Subpart C; and (c) matters exempt from disclosure pursuant to § 212.41.

§ 212.32 Identification of records.

The request for a record by a member of the public must contain a reasonably specific description of the particular record sought, such as the subject matter, format, approximate date, and where pertinent, the name of the country or person involved, to facilitate the search for the requested record.

§ 212.33 Procedure for making requests.

(a) Access to identifiable records may be requested by a member of the public either in person from 9 a.m. to 5 p.m. Monday through Friday, except on Holidays, or by mail, from the Director, Information Staff, Agency for International Development, Room 4898, Department of State, 21st and Virginia Avenue NW., Washington, D.C. 20523. Requests may be made in person or by mail to the Director, USAID, care of American Embassy, in countries where AID has offices abroad. If the USAID office abroad does not have the record requested the member of the public will be so informed and the inquirer will be referred to the Director, Information Staff in Washington for the requested information.

(b) In view of the decentralized nature of the files of the Agency it will generally not be possible to make the requested records available for access immediately but records will be made available as promptly as possible.

(c) Original or record copies of records will not be permitted to be released from Agency files. Copies, duly certified upon request, will be furnished in lieu thereof, upon payment of the prescribed fee. See § 212.35.

(d) Requests for records which originated in another Agency will be referred to the originating Agency for appropriate action.

§ 212.34 Denial of request for access to records.

(a) If a request for access to an identifiable record is denied, the person submitting the request will be promptly advised of the denial and furnished the specific reasons therefor in writing.

(b) The denial of a request from a member of the public for access to an identifiable record may be made only by the Director, Information Staff, or the Assistant Administrator for Administration. The General Counsel shall be consulted prior to a decision to deny access.

(c) A member of the public who has been denied access to an identifiable record pursuant to this section may appeal such decision. The appeal shall be in writing addressed to the Administrator or Deputy Administrator, Agency for International Development, 21st and Virginia Avenue NW., Washington, D.C. 20523. It should contain the identity of the specific record sought and withheld, a copy of the initial decision to deny access, and any other information that will enable the Administrator or Deputy Administrator to make the final decision.

§ 212.35 Schedule of fees and method of payment for services rendered.

(a) The following specific fees shall be applicable with respect to services rendered to members of the public under this subpart:

(1) Searching for records, per hour or fraction thereof	$3.50
(2) Other facilitative services and index assistance—minimum charge, per hour or fraction thereof	3.50
(3) Copies made by photostat or otherwise (per page)	.40
(4) Certification of each record as a true copy	.75
(5) Certification of each record as a true copy, under the seal of the Agency	1.00
(6) For each signed statement of negative result of search for record	1.00
(7) For each signed statement of non-availability of record	No fee

(b) When no specific fee has been established for a service, or the request for a service does not fall under one of the above categories due to the amount or size or type thereof, the Director, Information Staff, or the Director, USAID, is authorized to establish an appropriate fee pursuant to the criteria established in Bureau of the Budget Circular No. A-25, entitled "User Charges."

(c) When a request for identifiable records is made by mail pursuant to § 212.33, it should be accompanied by remittance of the total fee chargeable, as well as a self-addressed stamped envelope, if special mail services are desired.

(d) Fees must be paid in full prior to issuance of requested copies of records. If uncertainty as to the existence of a record, or as to the number of sheets to be copied or certified precludes remitting the exact fee chargeable with the request, the Agency will inform the interested party of the exact amount required.

(e) Payment shall be in the form of a check, bank draft, money order, or if personally delivered may be made in cash. Remittances shall be made payable to the order of the Agency for International Development. The Agency will assume no responsibility for cash which is lost in the mail.

(f) A receipt for fees paid will be given only upon request. Refund of fees paid for services actually rendered will not be made.

Subpart E—Exemptions From Disclosure

§ 212.41 Exemptions from the publication and disclosure requirements of Subparts B, C, and D.

None of the provisions of Subparts B, C, and D which provide for publication and disclosure of certain information and records shall be applicable to matters that are:

(a) Specifically required by Executive Order to be kept secret in the interest of national defense or foreign policy;

(b) Related solely to the internal personnel rules and practices of the agency;

(c) Specifically exempted from disclosure by statute;

(d) Trade secrets and commercial or financial information obtained from any person and privileged or confidential;

(e) Interagency or intra-agency memorandums or letters which would not be available by law to a private party in litigation with the Agency;

(f) Personnel and medical files and similar files the disclosure of which

would constitute a clearly unwarranted invasion of personal privacy;

(g) Investigatory files compiled for law enforcement purposes except to the extent available by law to a private party;

(h) Contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of any agency responsible for the regulation or supervision of financial institutions; and

(i) Geological and geophysical information and data (including maps) concerning wells.

§ 212.42 Guidance in application of exemptions.

Any officer or employee of the Agency who has doubts concerning the applicability of the withholding exemptions set forth in § 212.41 shall consult the Director, Information Staff, prior to release of a record for which access has been requested from a member of the public.

Subpart F—Access to Classified Foreign Policy Records for Nonofficial Research Purposes

§ 212.51 General policy.

(1) In accordance with the policy of the Department of State, the Agency for International Development permits access to its classified foreign policy records by individuals engaged in private research as liberally as possible, consistent with the national interest, the maintenance of friendly relations with other nations, the efficient operation of the agency, and the administrative feasibility of servicing requests for access to such records.

(2) Access for research in the classified foreign policy records in A.I.D.'s custody will be governed by the regulations of the Department of State in respect thereto. Application for such access may be made to the Director, Information Staff, Agency for International Development, 21st and Virginia Avenue NW., Washington, D.C. 20523. The Director, Information Staff, in consultation with the Director, Historical Office, Department of State, will determine the action to be taken and advise the researcher. The regulations of the Department are in § 6.9 of Part 6, Chapter 1, of Title 22 of the Code of Federal Regulations.

Effective date: This regulation is effective July 4, 1967.

Dated: June 29, 1967.

WILLIAM S. GAUD,
Administrator.

[F.R. Doc. 67-7647; Filed, July 3, 1967; 8:53 a.m.]

Chapter III—Peace Corps

PART 302—ORGANIZATION

PART 303—AVAILABILITY OF RECORDS OF THE PEACE CORPS

Parts 302 and 303 are added to Chapter III of Title 22 of the Code of Federal Regulations to read as follows:

Sec.
302.1 Introduction.
302.2 Central and field organization, established places at which, the officers from whom, and the methods whereby the public may secure information, make submittals, or request, or obtain decisions; and statements of the general course and method by which its functions are channeled and determined.
302.3 Rules of procedure, description of forms available or the places at which forms may be obtained, and instructions as to the scope and content of all papers, reports, or examinations.
302.4 Substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretation of general applicability formulated and adopted by the agency.

AUTHORITY: The provisions of this Part 302 issued under sec. 4(b) of Public Law 87-293, 75 Stat. 612, 22 U.S.C. 2503(b); Executive Order No. 11041, as amended; State Department Delegation of Authority No. 85-11A, as amended; Executive Order No. 10501, as amended; 5 U.S.C. 552.

§ 302.1 Introduction.

The regulations of this part are issued pursuant to section 3 of the Administrative Procedure Act, 5 U.S.C. 552, effective July 4, 1967.

§ 302.2 Central and field organization, established places at which, the officers from whom, and the methods whereby the public may secure information, make submittals, or request, or obtain decisions; and statements of the general course and method by which its functions are channeled and determined.

(a) The following are statements of the central and field organization of the Peace Corps:

(1) *Central Organization*—(i) *Director.* As head of the Peace Corps, the Director is responsible to the Secretary of State for all the activities of the agency. He is assisted by a Deputy Director and several staff units.

(ii) *Regional Offices for Africa; East Asia and Pacific; Latin America; and North Africa, Near East and South Asia.* These offices are responsible for the negotiation, establishment, and operation of Peace Corps projects overseas. They also provide, on behalf of the Director, policy guidance and immediate supervision to Peace Corps staff and operations overseas.

(iii) *Office of Administration.* This office develops management policies and objectives for the Peace Corps and is responsible for auditing, personnel administration, administrative services, and management planning.

(iv) *Office of Contracts.* This office negotiates and administers Peace Corps service contracts for such purposes as training, overseas administration, and research.

(v) *Office of Controller.* This office is responsible for all budget and fiscal matters.

(vi) *Office of Evaluation and Research.* This office conducts a systematic program evaluation designed to strengthen the processes of selection, training, and overseas utilization of volunteers. It also conducts research programs.

(vii) *Office of General Counsel.* This office provides advice and opinions on all legal matters with which the Peace Corps is concerned.

(viii) *Office of Medical Programs.* This office is responsible for assuring that effective attention is paid to health considerations at each stage of planning and operations, including health evaluation of projects, physical examination of volunteers, and health care and instruction during training and overseas service.

(ix) *National Voluntary Service Programs.* This program encourages and assists other countries in the development of Peace Corps-type programs, both for domestic and international service.

(x) *Office of Planning and Program Review.* This office reviews, coordinates, and helps develop all Peace Corps programs overseas. It advises the Director on long-range Peace Corps goals and on planning and programming systems relating to the effective use of Volunteers abroad.

(xi) *Office of Public Affairs.* This office makes available throughout the United States knowledge of the opportunities for service and the requirements and conditions of service of the Peace Corps Volunteer.

(xii) *Office of Public Information.* This office serves as the central spokesman of the Peace Corps regarding its programs, needs and accomplishments, and responds to requests for information on these subjects.

(xiii) *School Partnership Program.* This program is designed to coordinate and expand the number of partnerships between American schools and communities overseas in a program of self-help school construction.

(xiv) *Office of Selection.* This office is responsible for the development and implementation of all policy and procedures for the selection of Peace Corps Volunteers, from receipt of application to overseas departure.

(xv) *Office of Training and Staff Training Center.* This office plans, organizes, and implements training projects with the purpose of providing Peace Corps countries with a complement of Volunteers and staff to perform the functions required by host countries.

(xvi) *Office of Volunteer Support.* This office provides administrative support for and liaison with Volunteers and is responsible for policies related to Volunteer service.

(2) *Domestic Field Organization*—(i) *Recruiting Offices.*

Western Recruiting Office, 639 Sansome Street (Room 749), San Francisco, Calif. 94111.
Midwest Recruiting Office, 205 West Wacker Drive (Room 1510), Chicago, Ill. 60606.

The above offices, under the direction of the Office of Public Affairs, provide regional recruiting services for the Peace Corps.

(ii) *Training Centers.*

Puerto Rico Training Center, Federal Government Building (Room 225), Post Office Box 3166, San Juan, P.R. 00904.

Virgin Islands Training Center, Frederiksted, St. Croix (Box 1517), U.S. Virgin Islands 00840.

These centers are operated directly by the Peace Corps, under the direction of the Office of Training. These training facilities are designed to provide field experiences in community development, practice teaching and related activities for Peace Corps trainees.

(3) *Foreign Field Organization*—(i) *Africa Region.*

Botswana, Gaberones.
Cameroon, Yaounde.
Chad, Fort Lamy.
Dahomey, Cotonou (to open January 1968).
Ethiopia, Addis Ababa.
Gabon, Libreville.
Gambia, Bathurst.
Ghana, Accra.
Ivory Coast, Abidjan.
Kenya, Nairobi.
Lesotho, Maseru (to open December 1967).
Liberia, Monrovia.
Malawi, Blantyre.
Niger, Niamey.
Nigeria, Lagos.
Senegal, Dakar.
Sierra Leone, Freetown.
Somalia, Mogadiscio.
Tanzania, Dar es Salaam.
Togo, Lome.
Uganda, Kampala.
Upper Volta, Ougadougou (to open October 1967).

(ii) *East Asia and Pacific Region.*

Fiji, Suva (November, 1967).
Korea, Seoul.
Malaysia, Kuala Lumpur.
Micronesia, Saipan.
Philippines, Manila.
Thailand, Bangkok.
Tonga, Nuku'alofa.
Western Samoa, Apia.

(iii) *Latin American Region.*

Bolivia, La Paz.
Brazil, Rio de Janeiro.
British Honduras, Belize.
Chile, Santiago.
Colombia, Bogota.
Costa Rica, San Jose.
Dominican Republic, Santo Domingo.
Ecuador, Quito.
El Salvador, San Salvador.
Guatemala, Guatemala.
Guyana, Georgetown.
Honduras, Tegucigalpa.
Jamaica, Kingston.
Panama, Panama.
Paraguay, Asuncion.
Peru, Lima.
Uruaguay, Montevideo.
Venezuela, Caracas.
Windward-Leeward Islands, Bridgetown (Barbados).

(iv) *North Africa, Near East and South Asia Region.*

Aghanistan, Kabul.
Ceylon, Colombo.
India, New Delhi.
Iran, Tehran.
Libya, Tripoli.
Morocco, Rabat.
Nepal, Kathmandu.
Tunisia, Tunis.
Turkey, Ankara.

(b) Any person desiring information concerning a matter handled by the Peace Corps, or any person desiring to make a submittal or request in connection with such a matter, should communicate either orally or in writing with the appropriate office. If the office receiving the communication does not have jurisdiction to handle the matter, the communication, if written, will be forwarded to the proper office, or, if oral, the person will be advised how to proceed.

§ 302.3 Rules of procedure, description of forms available, the places at which forms may be obtained, and instructions as to the scope and content of all papers, reports, or examinations.

Forms regarding the following listed matters and instructions relating thereto may be obtained upon application to the offices listed below.

Subject matter	Office	Address
1. Application for Peace Corps volunteer service.	Office of Public Affairs	Peace Corps, 806 Connecticut Ave. NW., Washington, D.C. 20525.
	Peace Corps Recruiting Offices	Midwest Recruiting Office, 205 West Wacker Dr., Room 1510, Chicago, Ill. 60606. Western Recruiting Office, 639 Sansome St., Room 749, San Francisco, Calif. 94111.
	U.S. Post Offices (as to forms only).	
2. Applications for appointment as Peace Corps staff.	Talent Search, Office of the Director, or Division of Personnel, Office of Administration.	Peace Corps, 806 Connecticut Ave. NW., Washington, D.C. 20525.
3. Requests for access to records of the Peace Corps.	Office of Public Information	Peace Corps, 806 Connecticut Ave. NW., Washington, D.C. 20525.

§ 302.4 Substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretation of general applicability formulated and adopted by the agency.

(a) The Peace Corps regulations published under the provisions of the Administrative Procedure Act are found in Part 301 of Title 22 of the Code of Federal Regulations and the FEDERAL REGISTER. These regulations are supplemented from time to time by amendments appearing initially in the FEDERAL REGISTER.

Sec.
303.1 Definitions.
303.2 Availability of Records.
303.3 Availability of statements of policy, interpretations, manuals, opinions, and instructions.
303.4 Records which may be exempt from disclosure.
303.5 Authority to release and certify records.
303.6 Public reading room.
303.7 Manner of requesting records.
303.8 Schedule of fees and method of payment for services rendered.

AUTHORITY: The provisions of this part 303 issued under sec. 4(b) of Public Law 87-293; 75 Stat. 612, 22 U.S.C. 2503(b); Executive Order No. 11041, as amended; State Department Delegation of Authority No. 85-11A, as amended; Executive Order No. 10501, as amended; 5 U.S.C. 552.

§ 303.1 Definitions.

As used in this part, the following definitions shall apply:

(a) The term "identifiable" means, in the context of a request for a record, a reasonably specific description of the particular record sought, such as date, format, and subject matter, which will permit its location.

(b) The term "record" includes all books, papers, maps, photographs, or other documentary material, or copies thereof, regardless of physical form or characteristics, made in or received by the Peace Corps, and preserved as evidence of its organization, functions, policies, decisions, procedures, operations, or other activities.

§ 303.2 Availability of records.

All identifiable records of the Peace Corps requested under 5 U.S.C. 552 shall be made available to the public upon compliance with the procedures established in this part, except to the extent that a determination is made, in accordance with procedures set forth in § 303.7, that a record is exempt from disclosure and is to be withheld in the public interest. All applications, publications, and other documents heretofore provided by the Peace Corps in the normal course of business will continue to be made available, without charge, upon request to the appropriate unit.

§ 303.3 Availability of statements of policy, interpretations, manuals, opinions, and instructions.

Statements of policy, interpretations, administrative manuals (or portions thereof), opinions, and instructions to staff which affect any member of the public will be made available to the public in the public reading room for inspection and copying, except to the extent they are determined by the General Counsel to be exempt from disclosure under § 303.4.

§ 303.4 Records which may be exempt from disclosure.

The following categories are examples of records maintained by the Peace Corps which, under 5 U.S.C. 552(b), may be exempted from disclosure:

(a) *Records required to be withheld by Executive order or other authority, relating to national defense or foreign policy.* Included in this category are records required by Executive Order No. 10501, as amended, to be kept secret in the interests of national defense or foreign policy.

(b) *Records related solely to internal personnel rules and practices.* Included in this category are internal rules and practices relating to management operations which cannot be disclosed to the public without substantial prejudice to the effective performance of a significant function of the Peace Corps.

(c) *Records specifically exempted from disclosure by statute.* Included in this category are records relating to the officers and employees of the Foreign Service (sec. 612 of the Foreign Service Act of 1946, as amended, 22 U.S.C. 986).

(d) *Information given in confidence.* Included in this category are records reflecting commercial and financial information, as well as other information, obtained from any person and customarily regarded as privileged and confidential by the person from whom they were obtained, such as information provided to physicians or psychologists regarding Peace Corps Volunteers or Volunteer applicants.

(e) *Interagency or intra-agency memoranda or letters.* Included in this category are records such as interagency communications and internal drafts, memoranda between officials and between agencies, opinions and interpretations prepared by staff or consultants; records of the deliberations of staff; and records the premature disclosure of which would interfere with the achievement of the purpose for which they were being prepared.

(f) *Personnel, medical, and other files.* Included in this category are personnel and medical files for staff and Volunteers and other files containing private or personnel information, the public disclosure of which would amount to a clearly unwarranted invasion of the privacy of any person to whom the information pertains.

(g) *Investigatory files.* Included in this category are files compiled for the enforcement of all laws, or prepared in connection with Government litigation and adjudicative proceedings, except for those portions of such files which are by law available to persons in litigation with the Government, in which case such portions shall be made available to such litigants.

§ 303.5 Authority to release and certify records.

(a) Authority is hereby delegated to the Director, Administrative Services Division, Office of Administration, to furnish, pursuant to the regulations of this part, copies of records to any person entitled thereto, and upon request to provide certified copies thereof for use in judicial proceedings or other official matters as provided in this section.

(1) Notice is hereby given that no seal has been adopted for the Peace Corps.

(2) The Director of the Administrative Services Division, and the Deputy Director of the Administrative Services Division, Office of Administration, are hereby designated to act as Authentication Officer and, when the Authentication Officer is unavailable, Acting Authentication Officer, respectively. The Authentication Officer is hereby authorized to sign and issue certificates of authentication for and in the name of the Director or Acting Director of the Peace Corps. The form of authentication shall be as follows:

In testimony whereof, I _____ Director of the Peace Corps, have hereunto caused my name to be subscribed by the Authentication Officer of the said Agency, at _____, in _____, this _____ day of _____, 19__.

_____
(Director of the Peace Corps)

By _____
(Authentication Officer, Peace Corps)

(3) The Authentication Officer is also hereby authorized to issue such statements, certificates, or other documents as may be required in connection with judicial proceedings or other official matters to show that, after diligent search of the Peace Corps' records, a requested record has not been found. (See Rule 44 (b), Federal Rules of Civil Procedure for the U.S. District Courts.)

§ 303.6 Public reading room.

A public reading room or area, where the records described in § 303.3 shall be made available without charge, is located in Peace Corps Headquarters, 806 Connecticut Avenue NW., Washington, D.C. Inquiries as to its location should be directed to the Peace Corps receptionist.

§ 303.7 Manner of requesting records.

(a) Requests under 5 U.S.C. 552 for access to Peace Corps records may be filed, in person or by mail, with the Director of Public Information at Peace Corps Headquarters, 806 Connecticut Avenue NW., Washington, D.C. 20525. Personal requests shall be received between 10 a.m. and 4 p.m., Monday through Friday, except official holidays. Records will be made available as promptly as is reasonably possible under the particular circumstances involved.

(b) Requests relating to any other Federal agency's records copies of which are on file in the Peace Corps will normally be referred to that agency for consideration.

(c) Personal requests for access to records shall be made on Peace Corps Form No. 1193. Copies of that form are available in the Office of Public Information and the public reading room or area. In the case of requests made by mail, the form will be completed by the Office of Public Information.

(d) Upon receipt of a request for a record, the Director of the Office of Public Information shall make an initial determination as to whether the requested record is identifiable within the meaning of § 303.1(a). Upon making an initial affirmative determination, he shall refer the request to the head of the unit concerned and so advise the requestor. Upon receipt of the request, the head of the unit shall determine whether the record is identifiable within the meaning of § 303.1(a).

(e) If the Director of the Office of Public Information or the head of the unit concerned determines that a requested record is not identifiable within the meaning of § 303.1(a), the requestor shall be so advised and shall be permitted to amend his request to provide any additional information that would make the record identifiable. The requestor may seek appropriate assistance from the head of the unit concerned or the Director of the Office of Public Information, or a member of either of their staffs, in identifying the record sought.

(f) If the requested record is identifiable, the head of the unit concerned shall make it available, as described in paragraph (i) of this section, unless he determines that disclosure may be contrary to the public interest, with a view to the exemptions described in section 303.4. When he so determines, he shall immediately refer the request and the record concerned to the Director of the Office in which his unit is located. If that Director determines that the requested record should be withheld for this reason, he shall immediately refer the request and the record concerned to the General Counsel.

(g) The General Counsel shall promptly advise the Office Director whether or not the record concerned is exemptable under 5 U.S.C. 552(b).

(h) If the General Counsel advises that the record is exemptable, the Office Director, in consultation with the Director of the Office of Public Information, shall then determine whether or not the record should, in the public interest, be withheld. If the decision is to withhold the record, the General Counsel shall notify the requestor in writing, clearly stating the reasons for the decision reached.

(i) If the requested record is identifiable and the unit head or Office Director concerned has found no reason to withhold it, or if after receiving the General Counsel's advice the Office Director decides not to withhold the record, the requested record shall be made available to the requestor as described in subparagraphs (1) and (2) of this paragraph.

(1) Original or record copies of records will not be permitted to leave the custody of the lawful custodian thereof.

(2) Photostatic copies, duly certified upon request, will be furnished in lieu thereof in accordance with the fees established in § 303.8.

(j) Any requestor may request the Director of the Peace Corps to review a determination that an identifiable record be withheld. Request for review may be made by a letter or other written statement setting forth the pertinent facts. The Director reserves the right to require the requestor involved to present additional information in support of his request for review. The Director will promptly consider each request for review and notify the requestor involved, in writing, of his decision.

§ 303.8 Schedule of fees and method of payment for services rendered.

(a) The following specific fees will be applicable with respect to services rendered to requestors under this part:

(1) Searches of more than 10 minutes for records; minimum charge, per hour or fraction thereof	$3.50
(2) Other facilitative services and index assistance of more than 10 minutes—minimum charge, per hour or fraction thereof	3.50
(3) Copies made by photostat or otherwise (per page)	.40
(4) Certification of each record as a true copy	.75
(5) For each certified statement of failure to locate record	.75
(6) For each signed statement of nonavailability of record	No fee.

(b) When no specific fee has been established for a service, or the requested service does not fall under one of the above categories due to the amount or type thereof, the Director, Administrative Services Division, is authorized to establish an appropriate fee pursuant to the criteria established in Bureau of the Budget Circular No. A–25, entitled "User Charges."

(c) (1) The minimum appropriate charge shall be paid in advance of the search or other service incident to the request, whether by mail or in person, for identifiable records.

(2) The remainder of the charges, if any, shall be paid on completion of the search or prior to the issuance of requested copies.

(3) Payments shall be made to the appropriate unit head or his designee.

(d) Remittances shall be in the form either of a personal check or bank draft drawn on a bank in the United States; or postal money order; or cash. Remittances shall be made payable to the order of the Peace Corps. The Peace Corps will assume no responsibility for cash which is lost in the mail.

(e) A receipt for fees paid will be given only upon request. Refund of fees paid for services actually rendered will not be made.

JACK VAUGHN,
Director.

JUNE 28, 1967.

[F.R. Doc. 67–7618; Filed, July 3, 1967; 8:51 a.m.]

Chapter V—U.S. Information Agency

PART 501—INFORMATIONAL MEDIA GUARANTIES UNDER THE U.S. INFORMATION AND EDUCATIONAL EXCHANGE ACT OF 1948, AS AMENDED

Revocation

Pursuant to authority reserved by the U.S. Information Agency in section 501.6, the Agency hereby withdraws Part 501 in its entirety, effective at close of business June 30, 1967.

LEONARD H. MARKS,
Director.

[F.R. Doc. 67–7591; Filed, July 3, 1967; 8:49 a.m.]

PART 503—ORGANIZATION AND AVAILABILITY OF RECORDS

Part 503 is added to Title 22 of the Code of Federal Regulations as set forth below.

Sec.
503.1 Introduction.
503.2 Description of central and field organization, established places at which, officers from whom, and methods whereby the public may obtain information.
503.3 Places at which forms and instructions for use by the public may be obtained.
503.4 Substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretation of general applicability formulated and adopted by the Agency.
503.5 Availability of policies, interpretations, manuals and instructions.
503.6 Availability of Agency records.
503.7 Exemptions.
503.8 Limitation of exemptions.

AUTHORITY: The provisions of this Part 503 issued under 5 U.S.C. 301; sec. 4, Act of May 26, 1949, 63 Stat. 111, as amended, 22 U.S.C. 2658; sec. 3(h), Executive Order No. 10477 of August 1, 1953, as amended; Title V, Act of August 31, 1951, 65 Stat. 290, 31 U.S.C. 483a; Executive Order No. 10501 of November 10, 1953, as amended; and the Act of June 5, 1967, 81 Stat. 54, 5 U.S.C. 552.

§ 503.1 Introduction.

(a) This part implements the Act of June 5, 1967, P.L. 90–23, 81 Stat. 54 (hereinafter referred to as "the Act,") which codifies P.L. 89–487, the "Public Information Act of 1966," and amends the "Public Information" Section of the Administrative Procedure Act (5 U.S.C. 552).

(b) The Act is designed to insure freer and easier access by members of the public to information about the organization, procedures, and records of the departments and agencies of the executive branch of the Government than has previously been available. In compliance with the Act, the Agency will make the fullest possible disclosure of its information and identifiable records consistent with the provisions of the Act and these regulations requiring or permitting nondisclosure.

§ 503.2 Description of central and field organization, established places at which, officers from whom, and methods whereby the public may obtain information.

The United States Information Agency is organized to help achieve U.S. foreign policy objectives by making understandable to the people of other countries U.S. actions and policies, as well as the traditions, values, and culture from which they flow. The Agency advises the President, his representatives abroad, and the various departments and agencies on the implications of foreign opinion for present and contemplated U.S. policies, programs, and official statements. To achieve these purposes, the Agency is directed from Washington, D.C. It operates field posts in over 100 foreign countries. The chief executive of the Agency is the Director, assisted by the Deputy Director and the Deputy Director (Policy and Research). The Director is advised by the Advisory Commission on Information, a body of five private citizens appointed by the President and confirmed by the Senate.

(a) Closely attached to the Office of the Director are the Office of Policy and Research, the Office of the Inspector General, the Office of the U.S. Commissioner General for the Canadian World Exhibition, and the Office of Public Information.

(1) *Office of Policy and Research (IOP).* IOP formulates basic information policies, themes, and program emphases for the Agency. It obtains policy and background information from the Department of State and other sources and prepares policy guidance for operating elements of the Agency. It coordinates media output so that the content will accurately reflect Agency policy and emphasis. The IOP staff maintains liaison with the White House, Departments of State and Defense, and other agencies, and represents the Agency on interdepartmental groups concerned with foreign affairs. IOP has on its staff specialists in national security, science, space, economics, youth and students, cultural affairs, labor, minorities, and women's activities. A staff member serves as the Agency Representative at the U.S. Mission to the United Nations and advises the U.S. Mission on foreign public opinion factors in U.S. policies and actions in the United Nations. The Foreign Correspondents Center in New York, under the supervision of IOP, provides assistance to foreign correspondents reporting on and interpreting America and its policies to their home countries. This office also is responsible for special analytical studies required for the implementation in the Agency of the President's Planning-Programing-Budget System (P.P.B.S.). It prepares studies of objectives and individual program activities and attempts to determine their effectiveness. Research data is collected on foreign opinion and overseas propaganda trends.

(2) *Office of the Inspector General (I/IG).* I/IG appraises for the Director the operation and administration of overseas establishments, including evaluations of the Agency's Foreign Service personnel. It selects personnel to conduct overseas inspections, provides guidance for inspections, evaluates inspection reports, and makes appropriate recommendations to the Director. It serves as liaison with the Department of State to make the Agency's inspection procedures and rating standards compatible with those of the Department.

(3) *Office of the Commissioner General for the Canadian World Exhibition (IME).* IME, as the title of the office suggests, is not a permanent Agency office. The Office planned the U.S. participation in the 1967 Exhibition at Montreal. It supervised and coordinated the design, construction, and installation and continues to operate and administer the U.S. pavilion and its exhibits and features.

(4) *Office of Public Information (I/R).* I/R responds to requests from the general public for information on the Agency's programs. It serves as the point of contact within the Agency for the press and other commercial media of communication.

(b) Staff support is provided by the Office of Personnel and Training, the Office of Administration, the Office of the General Counsel, and the Office of Security.

(1) *Office of Personnel and Training (IPT)*. IPT formulates and implements personnel policies and procedures; plans and executes personnel programs including recruitment, examination, selection, placement of employees, career development, and position classification; and plans and conducts orientation and training programs for domestic and Foreign Service employees.

(2) *Office of Administration (IOA)*. IOA carries out programs and advises the Director and other Agency officials on administration, including budget, finance, contract and procurement, administrative services, management, emergency planning and library services.

(3) *Office of the General Counsel (IGC)*. IGC advises the Agency on the meaning and intent of all laws, regulations, and Executive orders which authorize or affect the Agency's programs. This office also assists in the drafting of proposed legislation, Executive orders, regulations, contracts, and leases. The General Counsel also supplements the personal relations of the Director with Congress.

(4) *Office of Security (IOS)*. IOS is responsible for physical, personnel, and documentary security. It also serves as the investigating arm of the Agency.

(c) Program materials are generated by the Agency's media services, the Broadcasting Service, the Information Center Service, the Motion Picture and Television Service, and the Press and Publications Service.

(1) *Broadcasting Service (IBS)*. IBS (the Voice of America) produces and broadcasts radio programs in English and foreign languages and operates broadcasting and relay facilities to transmit these programs. It also furnishes technical services and materials to the Agency's overseas posts for broadcasting radio programs through local outlets, and it supplies packaged programs to the posts.

(2) *Information Center Service (ICS)*. ICS furnishes technical direction, materials, and assistance to information centers, libraries, and binational centers. It promotes the distribution of American books, in English and foreign languages, to individuals and institutions of particular local significance. It designs and contracts for the construction of exhibits reflecting American culture and other achievements. It supports the English teaching programs of USIS, binational centers, and special English teaching institutes by providing consultative services and teaching materials. ICS has also conducted the International Media Guaranty Program which is now in process of liquidation.

(3) *Motion Picture and Television Service* (IMV). IMV contracts for the production of, or otherwise acquires, motion pictures in appropriate languages for use abroad in commercial theaters or for showing by USIS posts. It produces or acquires television films and tapes for posts to place on local television stations and networks in countries overseas. It furnishes USIS posts with necessary equipment, supplies, technical services and direction for motion picture and television programs. The International Communications Media Staff of the Motion Picture and Television Service monitors and facilitates the operation of certain international organizations and festivals including United States participation therein, and assists some domestic organizations active in this field. Also under authority delegated to the Agency by Executive Order 11311 of October 14, 1966, issued pursuant to Public Law 89-634 the staff issues export certificates of educational, audiovisual materials and authenticates foreign certificates covering the import of such materials.

(4) *Press and Publications Service (IPS)*. IPS produces a wide variety of editorial materials for placement by USIS posts overseas in local newspapers and periodicals and for use in post publications. It produces and operates the Wireless File to USIS posts in all areas of the world via radioteletype. It provides posts a general and regional feature service, photographs and picture stories, plastic printing plates, "paper show" exhibits, magazines, pamphlets, posters, magazine reprints, cartoon booklets and continuity strips. It also manages printing plants at Regional Service Centers in Manila, Beirut and Mexico City, furnishes posts with press and photo supplies and equipment, and offers them technical advice.

(d) Direction of the Agency's overseas programs is provided by the Assistant Directors for the six geographical areas on all programs in or directed to countries in these areas. The areas are Africa (IAA), Latin America (IAL), Europe (IAE), Soviet Union and Eastern Europe (IAS), Near East and South Asia (IAN), and East Asia and Pacific (IAF). The six Assistant Directors for areas help to formulate information policies and represent the Director on interagency groups. They are responsible for the direction, coordination, and management of information programs for the countries of their geographic areas and for that portion of the Department of State's exchange program directed by USIS overseas posts. They supply a knowledge of field problems and requirements to the Agency's media elements and policy and planning officers. They arrange with media services to provide media products to their areas. They consult with appropriate area and country officers in the Department of State, the Agency for International Development, and with other agencies on matters of mutual concern.

(e) The foregoing Agency elements have their principal Washington offices in the following locations:

AGENCY ELEMENTS AND ADDRESSES

The Director, Office of Policy and Research, Office of the Inspector General, Office of the Commissioner General for the Canadian World Exhibition, Office of Public Information, Office of Administration, Office of the General Counsel, Office of Security, Area Offices for Africa, Latin America, Europe, Soviet Union and Eastern Europe, Near East and South Asia, and East Asia and Pacific—1750 Pennsylvania Avenue NW.

Office of Personnel and Training, Press and Publications Service—1776 Pennsylvania Avenue NW.

Information Center Service—1711 New York Avenue NW.

Broadcasting Service—Health, Education, and Welfare Building, 300 C Street SW.

Motion Picture and Television Service—Old Post Office Building, 12th Street and Pennsylvania Avenue NW.

(f) Agency offices abroad, known as the U.S. Information Service (USIS), under the supervision of the Chiefs of Mission, and with the guidance of the Director and the appropriate area Assistant Director, conduct public information, public relations and cultural activities—i.e., those activities intended to inform or influence foreign public opinion—for agencies of the U.S. Government except for Commands of the Department of Defense. Each USIS office is headed by a Public Affairs Officer who is a member of the "country team" under the Chief of the U.S. Diplomatic Mission. The Agency maintains field offices at the following locations:

Afghanistan—Kabul.
••Algeria—Algiers, Oran.
Argentina—Buenos Aires, Cordoba, Rosario.
Australia—Canberra, Melbourne, Sydney.
Austria—Vienna.
Belgium—Brussels.
Bolivia—Cochabamba, La Paz.
Brazil—Belem, Belo Horizonte, Brasilia, Curitiba, Fortaleza, Porto Alegre, Recife, Rio de Janeiro, Salvador, Sao Paulo.
Burma—Rangoon.
Burundi—Bujumbura.
Cameroon—Douala, Yaounde.
Canada—Ottawa, Montreal, Toronto.
Central African Republic—Bangui.
Ceylon—Colombo.
Chad—Fort Lamy.
Chile—Santiago.
Colombia—Bogotá.
Congo, Democratic Republic of the—Bukavu, Kinshasa, Kisangani, Lubumbashi, Lubumbourg.
Costa Rica—San José.
Cyprus—Nicosia.
Dahomey—Cotonou.
Denmark—Copenhagen.
Dominican Republic—Santo Domingo.
Ecuador—Guayaquil, Quito.
El Salvador—San Salvador.
Ethiopia—Addis Ababa, Asmara.
Finland—Helsinki.
France—Marseille, Paris.
Gabon—Libreville.
Germany—Berlin, Bonn, Cologne, Dusseldorf, Frankfurt, Hamburg, Hannover, Munich, Saarbrucken, Stuttgart.
Ghana—Accra.
Great Britain—London.
Greece—Athens, Thessaloniki.
Guatemala—Guatemala City.
Guinea—Conakry.
Guyana—Georgetown.
Haiti—Port au Prince.
Honduras—Tegucigalpa.
Hong Kong.
Iceland—Reykjavik.
India—Bangalore, Bombay, Calcutta, Hyderabad, Lucknow, Madras, New Delhi, Trivandrum.
Indonesia—Djakarta, Surabaya, Medan.
Iran—Isfahan, Khorramshahr, Meshed, Tabris, Tehran.
•Iraq—Baghdad.
Israel—Tel Aviv.
Italy—Milan, Naples, Palermo, Rome.
Ivory Coast—Abidjan.
Jamaica—Kingston.
Japan—Fukuoka, Hiroshima, Kyoto, Nagoya, Niigata, Osaka, Sapporo, Sendai, Tokyo.
••Jordan—Amman.
Kenya—Nairobi.
Korea—Kwangju, Pusan, Seoul, Taegu.
Kuwait—Kuwait.
Laos—Luang Prabang, Pakse, Sam Thong, Savannakhet, Vientiane.
Lebanon—Beirut.
Lesotho—Maseru.
Liberia—Monrovia.
••Libya—Benghazi, Tripoli.
Malagasy Republic—Tannanarive.
Malawi—Blantyre.
Malaysia—Kuala Lumpur, Kuching, Penang.
Mali—Bamako.
Martinique—Fort-de-France.
Mexico—Guadalajara, Hermosillo, Mexico City, Monterrey.
Morocco—Casablanca, Fes, Rabat, Tangier.
Nepal—Kathmandu.
Netherlands—The Hague.
New Zealand—Wellington.
Nicaragua—Managua.
Niger—Niamey.
Nigeria—Enugu, Ibadan, Kaduna, Kano, Lagos.
Norway—Oslo.
Pakistan—Dacca, Karachi, Lahore, Peshawar, Rawalpindi/Islamabad.
Panama—Panama City.
Paraguay—Asuncion.
Peru—Arequipa, Lima.
Philippines—Cebu, Davao, Manila.
Portugal—Lisbon.
Republic of South Africa—Cape Town, Johannesburg, Pretoria.
Rwanda—Kigali.
Saudi Arabia—Jidda.
Senegal—Dakar.
Sierra Leone—Freetown.
Singapore—Singapore.
Somali Republic—Mogadiscio.
Spain—Madrid, Barcelona.
••Sudan—Khartoum.
Sweden—Stockholm.
Switzerland—Bern, Geneva.
•Syrian Arab Republic—Damascus.
Taiwan—Kaohsiung, Taichung, Taipei.
Tanzania—Dar-es-Salaam, Zanzibar.
Thailand—Bangkok, Chiengmai, Khon Kaen, Korat, Nakhon Phanom, Nakhon Sri Thammarat, Nongkha, Phitsanulok, Sakon Nakhon, Songkhla, Surin, Ubon, Udon, Yala.
Togo—Lome.
Trinidad—Port-of-Spain.
Tunisia—Tunis.
Turkey—Adana, Ankara, Istanbul, Izmir.
Uganda—Kampala.
•United Arab Republic—Alexandria, Cairo.
Upper Volta—Ouagadougou.
Uruguay—Montevideo.
Venezuela—Caracas, Maracaibo.
Viet-Nam—Can Tho, Dalat, Danang, Saigon.
Yugoslavia—Belgrade, Zagreb.
Zambia—Lusaka.

•No operations at present.
••Limited operations at present.

§ 503.3 Places at which forms and instructions for use by the public may be obtained.

Subject matter	Office	Address
Contracts and procurement	Contract and Procurement Division, Office of Administration.	1776 Pennsylvania Ave. NW., Washington, D.C. 20547.
Applications for employment, appointment to foreign service, or service in binational centers.	Recruitment and Source Development Division, Office of Personnel and Training.	1776 Pennsylvania Ave. NW., Washington, D.C. 20547.
All other forms	Office of Public Information	1750 Pennsylvania Ave. NW., Washington, D.C. 20547.

§ 503.4 Substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretation of general applicability formulated and adopted by the Agency.

(a) *Restriction on domestic availability of agency media products.* The Act in no way changes the Agency's policy prohibiting the general distribution of the Agency's foreign informational materials within the United States. This policy is based (1) on the provisions of section 501 of the Agency's basic Act (22 U.S.C. 1461 and Reorganization Plan No. 8 of 1953) which limits the Agency's mission to the dissemination of information about the United States to the peoples in other countries, and (2) on the unequivocal intent of both branches of the Congress as expressed by individual members and in committee reports that such provision be construed as a prohibition against the distribution of such materials within the United States.

(b) *Agency regulations previously published*—(1) *Procurement.* The Agency's implementation of the Federal Procurement Regulations (41 CFR) is published in 41 CFR Ch. 19.

(2) *Visual and auditory educational materials.* The Agency's regulations governing the facilitation of circulation abroad of American-made visual and auditory educational materials are published in 22 CFR, Ch. V, Part 502.

(3) *Tort claims.* The Agency's regulations governing procedure under the Federal Tort Claims Act are published in 22 CFR, Ch. V, Part 511.

§ 503.5 Availability of policies, interpretations, manuals, and instructions.

The Agency will, in accordance with the rules in this section and in § 503.7, make available for public inspection and copying those statements of policy and interpretation that have been adopted by the Agency and are not published in the FEDERAL REGISTER, and administrative staff manuals and instructions to staff that affect any member of the public.

(a) *Deletion to protect privacy.* To the extent required to prevent a clearly unwarranted invasion of personal privacy, the Agency may delete identifying details when it makes available or publishes a statement of policy, interpretation, or staff manual or instruction. Whenever the Agency finds any such deletion necessary, the responsible officer or employee must fully explain the justification therefor in writing.

(b) *Current Index.* The Management Division of the Agency's Office of Administration, 1750 Pennsylvania Avenue NW., Washington, D.C., will maintain and make available on Agency premises for public inspection and copying a current index adequately identifying for the public any administrative staff manuals and instructions to staff that affect any member of the public issued, adopted, or promulgated on or after July 5, 1967 and which is required by this section to be made available or published.

§ 503.6 Availability of Agency records.

This section pertains to Agency records not covered by §§ 503.3, 503.4, and 503.5. With respect to records covered by this section only, and not exempt under any of the provisions of § 503.7, the Act provides a possible remedy in a United States District Court for any person who complains that the Agency has improperly withheld such records from him. The Agency will, upon request for identifiable records made in accordance with the requirements of this section, make such records promptly available to any person. This includes not only availability for inspection on Agency premises but the availability of copies of designated records if requested.

(a) *Time.* Requests either in person or by telephone for access to Agency records may be made from 10 a.m. through 4 p.m. Monday through Friday, except on official holidays. Outside the United States, such requests may be made during prevailing daytime hours of business.

(b) *Place.* Requests for access to Agency records should be made to the Office of Public Information, U.S.I.A., 1750 Pennsylvania Avenue NW., Washington, D.C. 20547. If that office is not in a position to make the requested records promptly available, it may either refer the person making the request to the Agency element possessing such information or may initiate its own inquiry within the Agency. If request is made for copies of any record, the Office of Public Information will assist the person making such request in seeing that such copies are provided according to the rules in this section.

(c) *Fees.* The Act authorizes the Agency to require payment of a fee with certain requests for records. This authority is consistent with the Government's policy on user charges expressed in 31 U.S.C. 483a and in Bureau of the Budget Circular No. A-25 which provides that "where a service (or privilege) provides special benefits to an identifiable recipient above and beyond those which accrue to the public at large, a charge should be imposed to recover the full cost to the Federal Government of rendering that service."

(1) *Advance payment and deposits.* When the amount of a fee can be readily computed (as for example, when a specified number of copy pages are requested), an advance payment should be required of the person making the request. When the amount cannot be readily computed (as for example, when an unknown amount of staff time must be used in complying with a request), the officer or employee responsible for assembling the requested records may, when necessary to assure that the fee will be paid, require payment of a reasonable deposit before undertaking to collect the requested records. (Requests for identifiable records should be reasonably specific and thus should not impose

on Agency personnel a burden of speculating and inquiring about what a person making a request might desire access to.) At the earliest practicable time, the responsible officer or employee should determine the full amount of the fee and, before complying fully with the request, should require payment of any balance due or should refund any overpayment.

(2) *Schedule of fees.* The following specific fees shall apply with respect to services rendered to the public:

(1) Searching for records and collateral assistance, per hour or fraction thereof	$5.00
(2) Making of copies (Xerox or comparable) per page	.40
(3) For signed statement of non-availability of record	No fee.

Should a situation arise which is not appropriately covered by the above schedule of fees, the charge applied will include all direct and indirect costs of the service, including but not limited to materials, labor, machine time, significant supervisory time, and the like.

(d) *Judicial review.*—(1) *Review by Director.* If a request for records under this section is denied by an Agency subordinate, the person making the request is entitled to have the denial reviewed by the Agency Director as promptly as circumstances permit. If the Director determines that the withholding is improper, he will direct in writing that the requested records be made available in accordance with this section. If he determines that the withholding is proper, he will so notify the person making the request in writing, and his determination constitutes the final Agency decision.

(2) *Coordination with Office of the General Counsel.* Requests for review by the Director and complaints served on the Agency for court review under this section are to be referred immediately to the Office of the General Counsel (IGC). IGC will investigate all the circumstances of the alleged improper withholding, and compile a complete file on the matter. IGC will coordinate Agency efforts to sustain the final Agency decision with the General Litigation Section of the Civil Division of the Department of Justice.

§ 503.7 Exemptions.

The Act authorizes exemption from disclosure of the following classes of records and information concerning matters that are:

(a) Specifically required by Executive order to be kept secret in the interest of the national defense or foreign policy;

(b) Related solely to the internal personnel rules and practices of the Agency;

(c) Specifically exempted from disclosure by statute;

(d) Trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(e) Interagency or intraagency memorandums or letters which would not be available by law to a party other than an agency in litigation with the Agency;

(f) Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and

(g) Investigatory files compiled for law enforcement purposes except to the extent available by law to a party other than an agency.

§ 503.8 Limitation of exemptions.

The Act declares that it does not authorize withholding of information or limit the availability of Agency records to the public, nor is authority granted to withhold information from Congress.

Effective date. These regulations are effective July 4, 1967.

LEONARD H. MARKS,
Director.

[F.R. Doc. 67-7592; Filed, July 3, 1967; 8:45 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Subtitle A—Office of the Secretary, Department of Housing and Urban Development

PART 15—PUBLIC INFORMATION

In Subtitle A a new Part 15 is added as follows:

Subpart A—Purpose and Policy

Sec.
15.1 Definitions.
15.2 Purpose.
15.3 Statement of Policy.

Subpart B—Production and Disclosure of Records
15.11 Publication in the FEDERAL REGISTER.
15.12 Materials not published in the FEDERAL REGISTER.
15.13 Identifiable records produced upon request.
15.14 Schedule of fees.

Subpart C—Exemptions
15.21 Exemptions authorized by 5 U.S.C. 552.

Subpart D—Where Records May Be Inspected and Information Obtained
15.31 Information centers.
15.32 Information officers.
15.33 Material in Department Central Information Center.

Subpart E—Procedure for Requesting Access to Records
15.41 Requests for records.

Subpart F—Disclosure of Records and Refusal To Disclose
15.51 Authority to release records or copies.
15.52 Authority to deny requests for records.

Subpart G—Administrative Review of Denials of Requests for Records
15.61 Administrative review.

AUTHORITY: The provisions of this Part 15 are issued under 5 U.S.C. 552 and sec. 7(d), 79 Stat. 670; 42 U.S.C. 3535(d).

Subpart A—Purpose and Policy

§ 15.1 Definitions.

As used in this Part—

(a) "Act" means section 552 of Title 5, United States Code, as amended by Public Law 90-23, 81 Stat. 54, June 5, 1967. Public Law 90-23 repealed and superseded Public Law 89-487, 80 Stat. 250, July 4, 1966, sometimes referred to as the "Freedom of Information Act" or "Public Information Act."

(b) "Department" means the Department of Housing and Urban Development which consists of the Office of the Secretary and the several organizational units.

(c) "Secretary" means the Secretary of Housing and Urban Development.

(d) "Organizational unit" means any one of the several offices, staffs, divisions, or administrations of the Department, including the Federal Housing Administration (FHA) and the Federal National Mortgage Association (FNMA). Organizational unit also includes Department Regional Offices and local FHA and FNMA offices.

(e) "Person" means "person" as defined in 5 U.S.C. 551(2) to include corporations and organizations as well as individuals.

(f) "Information center" means any place, reading room, desk, or other area or facility established and maintained by the Department where the public may request and obtain information and records concerning the Department's operations and business.

§ 15.2 Purpose.

This part contains the rules and regulations of the Department implementing 5 U.S.C. 552. It informs the public about where and how the Department's records and information may be obtained from its organizational units in Washington, D.C., and its regional and other local offices throughout the country.

§ 15.3 Statement of policy.

The Department's policy is one of full and responsible disclosure of its identifiable records and information consistent with such competing public interests concerning the national security, personal privacy, and obligations of confidentiality as are recognized by 5 U.S.C. 552. Every effort will be made to furnish service with reasonable promptness to the public with respect to the obtaining of records and information.

Subpart B—Production and Disclosure of Records

§ 15.11 Publication in the Federal Register.

Subject to the exemptions in § 15.21, the Department shall separately state and currently publish in the FEDERAL REGISTER for the guidance of the public:

(a) Descriptions of its central and field organization and the established places at which, the employees from whom, and the methods whereby, the public may obtain information, make submittals or requests, or obtain decisions;

(b) Statements of the general course and method by which its functions are channeled and determined, including the nature and requirements of all formal and informal procedures available;

(c) Rules of procedure, descriptions of forms available or the places at which forms may be obtained, and instructions as to the scope and contents of all papers, reports, or examinations;

(d) Substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretations of general applicability formulated and adopted by the Department; and

(e) Each amendment, revision, or repeal of the foregoing.

Except to the extent that a person has actual and timely notice of the terms thereof, no person shall in any manner be required to resort to or be adversely affected by any matter required to be published in the FEDERAL REGISTER and not so published. For purposes of this § 15.11, matter which is reasonably available to the class of persons affected thereby shall be deemed published in the FEDERAL REGISTER when incorporated by reference therein with the approval of the Director of the Office of the Federal Register, as provided in 32 F.R. 7899, June 1, 1967, 1 CFR Part 20.

§ 15.12 Materials not published in *Federal Register*.

(a) Subject to the exemptions in § 15.21, the Department, in accordance with this part, shall make available for public inspection and copying:

(1) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

(2) Statements of policy and interpretations which have been adopted by the Department and are not published in the FEDERAL REGISTER; and

(3) Administrative staff manuals and instructions to staff that affect a member of the public.

(b) To prevent a clearly unwarranted invasion of personal privacy, the Department may delete identifying details when it makes available or publishes any material. Whenever such deletions are required, the record or copy will be made available with the space formerly occupied by such identifying details left blank, and the justification for the deletion shall be explained fully in writing.

(c) The Department shall maintain and make available for public inspection and copying a current index providing identifying information for the public as to any matter issued, adopted, or promulgated after July 4, 1967, and which is required by this § 15.12 to be made available or published.

§ 15.13 Identifiable records produced upon request.

Requests for records and copies may be made in person during normal business hours at information centers listed below in § 15.31 of this part. Requests may also be made by mail addressed to such centers.

(a) Each request for a record or copy thereof should identify the record specifically with respect to names, dates, subject matter, and location, if known. The Department will notify any person making a request if further identifying information is needed before his request can be honored.

(b) Charges will be made in accordance with the schedule of fees set forth in § 15.14 for any records search which involves more than one man-hour of work, and for duplicating, reproducing, certifying, or authenticating copies of documents furnished.

(c) When a request is made for an identifiable record of the Department which has been stored in the National Archives or other record centers of the General Services Administration, such record will be requested by the Department if it otherwise would be available under this part.

(d) Every effort will be made to make a record in use by the staff of the Department available when requested, and such availability will be deferred only to the extent necessary to avoid serious interference with the business of the Department.

(e) Copies of a requested record need not be furnished if the record is published in the FEDERAL REGISTER or is available for purchase from the Superintendent of Documents of the Government Printing Office. Such records may, however, be examined in one of the Department's information centers.

§ 15.14 Schedule of fees.

For the services listed below performed in the location and disclosure or furnishing of copies of records under 5 U.S.C. 552, and pursuant to the policy established by Congress in 5 U.S.C. (1964 Ed.) 140, Act of August 31, 1951, the following charges will apply:

(a) Records search:

(1) First man-hour on any single request: no fee.

(2) Each additional man-hour or fraction thereof: $5.

(b) Copies of documents:

(1) Xerox or equivalent, page size up to 8½ inches by 14 inches, per page: $0.25.

(2) Photostat, page size up to 8½ inches by 14 inches, per page: $1.

(c) If charge is less than $1.00 per order: no fee.

(d) Maximum number of copies furnished of any record: 10.

(e) Certification of true copies, each: $1.

(f) Attestation under the seal of the Department or of FNMA, as the case may be, each: $2.

(g) Payment of fees under this § 15.20 shall be made in cash, or by U.S. money order, or by certified bank check payable to the Treasurer of the United States except that, in case of the Federal Housing Administration and the Federal National Mortgage Association, drafts should be made payable to those organizational units. Postage stamps will not be accepted.

Subpart C—Exemptions

§ 15.21 Exemptions authorized by 5 U.S.C. 552.

A requested record shall not be withheld from inspection or copying unless it both (1) comes within one of the classes of records exempted by 5 U.S.C. 552, and (2) there is need in the public interest to withhold it. In determining the scope of the classes of records described in paragraph (a) of this section, the Attorney General's Memorandum on the Public Information Act, June 1967, will be used as a guide.

(a) The classes of records authorized to be exempted from disclosure by 5 U.S.C. 552 are those which concern matters that are:

(1) Specifically required by Executive order to be kept secret in the interest of the national defense or foreign policy;

(2) Related solely to the internal personnel rules and practices of the Department;

(3) Specifically exempted from disclosure by statute;

(4) Trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(5) Interagency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the Department;

(6) Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(7) Investigatory files compiled for law enforcement purposes except to the extent available by law to a party other than an agency;

(8) Contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of the Department in connection with its responsibility for the regulation or supervision of financial institutions; or

(9) Geological and geophysical information and data, including maps, concerning wells.

Subpart D—Where Records May Be Inspected and Obtained

§ 15.31 Information centers.

(a) The Department maintains a Central Information Center in Washington, D.C., at the following location:

Department of Housing and Urban Development, 1626 K Street NW. (Room 102), Washington, D.C. 20410.

(b) The Department also maintains an information center—

(1) In each of its Regional Offices as follows:

Region I—346 Broadway, New York, N.Y. 10013.
Region II—Widener Building, 1339 Chestnut Street, Philadelphia, Pa. 19107.
Region III—Peachtree-Seventh Building, Atlanta, Ga. 30323.
Region IV—360 North Michigan Avenue, Chicago, Ill. 60601.
Region V—Federal Office Building, 819 Taylor Street, Fort Worth, Tex. 76102.
Region VI—450 Golden Gate Avenue, Post Office Box 36003, San Francisco, Calif. 94102; Northwest Operations Office, First Avenue, Seattle, Wash. 98104.
Region VII—Ponce De Leon and Boliva, Post Office Box 3869, GPO, San Juan, P.R. 00936.

(2) In each FNMA Agency Office as follows:

211 South Broad Street, Philadelphia, Pa. 19107.

34 Peachtree Street NE., Atlanta, Ga. 30303.
1113 Commonwealth Edison Building, 72 West Adams Street, Chicago, Ill. 60603.
411 North Akard Street, Dallas, Tex. 75201.
3640 Wilshire Boulevard, Los Angeles, Calif. 90005.

(3) In each FHA Local Insuring Office at its respective local address as listed in local telephone directories.

§ 15.32 Information officers.

There shall be an information officer in each of the information centers described in § 15.31 who shall be responsible for making information and records available to the public in accordance with this part. The information officer in the Department Central Information Center shall be designated by the Director, Division of Public Affairs. The information officer in each Regional Office and field office shall be designated by the Regional Administrator or the Director of the office, as the case may be, with the concurrence of the Director, Division of Public Affairs.

§ 15.33 Material in Department Central Information Center.

(a) The Central Information Center shall contain or have ready access to the following as a minimum:

(1) FEDERAL REGISTER, Code of Federal Regulations, and regulations of the Department contained therein;

(2) Precedent final opinions and orders in the adjudication of cases;

(3) Administrative staff manuals which affect the public;

(4) Program manuals which affect the public and forms;

(5) Interpretations relied upon as precedents;

(6) A current index of the foregoing materials issued, adopted, promulgated after July 4, 1967.

(b) Each Regional Office information center, each FHA Local Insuring Office, and each FNMA Agency Office shall contain or shall have ready access to such of the above records as pertain to the activities of that office.

(c) Facilities shall be available to each information center for the copying of properly requested and available records.

Subpart E—Procedures for Requesting Access to Records

§ 15.41 Requests for records.

(a) Requests for identifiable records should be made at the established information centers.

(b) A request should specify the requested record by brief description, containing the name, number or date as applicable, in enough detail that the record can be identified and located. A reasonable time should be allowed for records to be located, copied, and mailed or otherwise delivered.

(c) The request should be accompanied by the fee or an offer to pay the fee when determined.

(d) Copies of available records shall be produced as promptly as possible. Copying service shall be limited to not more than 10 copies of any single page. Records which are published or available for sale need not be supplied.

Subpart F—Disclosure of Records and Refusal To Disclose

§ 15.51 Authority to release records or copies.

The head of each organizational unit or the designee of each of these officers, with respect to records pertaining to programs or activities for which each has primary responsibility, is authorized to release any Department record or copy thereof when disclosure is clearly appropriate under this part. Such authorized persons may release records for which another officer has primary responsibility only with the consent of the other officer or his designee.

§ 15.52 Authority to deny requests for records.

The officers and their designees described in the preceding § 15.51 may deny a request for a record. Any denial shall be promptly made in writing and contain a simple statement of reasons for the denial. Prior to a denial, the officer or designee shall clear the matter with the Office of General Counsel or the office of the appropriate Regional Counsel or, in the case of an officer or designee in any FNMA office, with the Office of the General Counsel, FNMA, or the appropriate FNMA Agency Counsel. Denial shall terminate the authority of the particular officer or designee to release or disclose the requested record, which thereafter may not be made available except with the express authorization of the Secretary or his designee.

Subpart G—Administrative Review of Denials of Requests for Records

§ 15.61 Administrative review.

(a) Review shall be available only from a written denial of a request for a record issued under § 15.52, and only if a written request for review is filed within 30 days after issuance of the written denial. The filing of a request for review may be accomplished by mailing to the Secretary of Housing and Urban Development, 1626 K Street NW. (Room 600), Washington, D.C. 20410, a copy of the request if in writing, a copy of the written denial issued under § 15.52, and a statement of the circumstances, reasons, or arguments advanced in support of disclosure of the original request for the record. Review will be made promptly by the Secretary or his designee on the basis of the written record described in this § 15.61.

(b) The decision after review will be in writing, will be promptly communicated to the person requesting review, and will constitute final action of the Department on the request, subject to judicial review as provided in 5 U.S.C. 552(a)(3).

Effective date. This regulation is effective as of July 4, 1967.

ROBERT C. WEAVER,
Secretary of Housing and Urban Development.

[F.R. Doc. 67-7627; Filed, July 3, 1967; 8:51 a.m.]

Chapter IV—Federal National Mortgage Association, Department of Housing and Urban Development

PART 1600—MORTGAGE AND LOAN PURCHASES, SERVICING, AND SALES, AND SHORT-TERM LOANS ON THE SECURITY OF MORTGAGES AND LOANS

Office at Dallas, Tex.

Section 1600.0 is amended by striking out "Dallas Federal Savings Building, 1505 Elm Street" and inserting in lieu thereof "411 North Akard Street".

(Sec. 309, 88 Stat. 620; 12 U.S.C. 1723a)

Issued at Washington, D.C., June 26, 1967.

FEDERAL NATIONAL MORTGAGE ASSOCIATION,
HARRY R. BIVENS,
Vice President.

[F.R. Doc. 67-7646; Filed, July 3, 1967; 8:45 a.m.]

PART 1600—MORTGAGE AND LOAN PURCHASES, SERVICING, AND SALES, AND SHORT-TERM LOANS ON THE SECURITY OF MORTGAGES AND LOANS

Public Information

Part 1600 is amended by inserting after section 1600.2 the following new section:

§ 1600.3 Public information.

Pursuant to the requirements of Part 15 of this title, FNMA maintains an information center at its principal office described in § 1600.2 and at each of its Agency Offices described in § 1600.0. There is an Information Officer in each of the information centers. Any person may obtain any information available to the public concerning FNMA from any Information Officer in the manner described in part 15 of this title, subject to the requirements and limitations set forth in such Part 15.

(Sec. 309, 88 Stat. 620; 12 U.S.C. 1723a)

Issued at Washington, D.C., June 29, 1967.

FEDERAL NATIONAL MORTGAGE ASSOCIATION,
HARRY R. BIVENS,
Vice President.

[F.R. Doc. 67-7664; Filed, July 3, 1967; 8:54 a.m.]

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Order No. 381-67]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

PART 16—PRODUCTION OR DISCLOSURE OF MATERIAL OR INFORMATION

Records and Information

JUNE 29, 1967.

On July 4, 1967, the effective date of these regulations, a new paragraph (e) will be added to § 0.130 of Part 0, and the current provisions under Part 16 will be replaced by new Subparts A and B.

The amendment to Part 0 identifies, pursuant to 5 U.S.C. 552(a)(1)(A), the employees who are responsible for receiving submittals and requests.

Part 16, Subpart A, captioned "Production and Disclosure under 5 U.S.C. 552(a)," implements 5 U.S.C. 552 which amends section 3, the public information section of the Administrative Procedure Act, effective July 4, 1967. Subpart B, captioned "Production in Response to Subpenas or Demands of Courts or Other Authorities," is a revision of the current provisions of §§ 16.1, 16.2, and 16.3.

In Part 0, a new paragraph (e) is hereby added to § 0.130 as follows:

§ 0.130 Functions common to heads of organizational units.

* * * * *

(e) Except as otherwise provided in this chapter, receive submittals and requests relative to the functions of his organizational unit.

Part 16 is hereby amended to read as follows:

Subpart A—Production or Disclosure Under 5 U.S.C. 552(a)

Sec.
16.1 Purpose and scope.
16.2 Public reference facilities.
16.3 Requests for identifiable records and copies.
16.4 Schedule of fees and services.
16.5 Exemptions.
16.6 Records of the Immigration & Naturalization Service and of the Board of Immigration Appeals.
16.7 Administrative decision and review.

Subpart B—Production in Response to Subpenas or Demands of Courts or Other Authorities

Sec.
16.11 Purpose and scope.
16.12 Production prohibited unless approved by the Attorney General.
16.13 Procedure in the event of a demand for production or disclosure.
16.14 Procedure in the event of an adverse ruling.

AUTHORITY: The provisions of this Part 16 issued under R.S. 161, 5 U.S.C. 301; 5 U.S.C. 552; 65 Stat. 290; 31 U.S.C. 483a, 5 U.S.C. (1964 Ed.) 140; sec. 2, Reorg. Plan No. 2 of 1950, 64 Stat. 1261, 3 CFR 1949-1953 Comp., p. 1003.

Subpart A—Production or Disclosure Under 5 U.S.C. 552(a)

§ 16.1 Purpose and scope.

(a) This subpart contains the regulations of the Department of Justice implementing 5 U.S.C. 552. The regulations of this subpart provide information concerning the procedures by which records may be obtained from all organizational units within the Department of Justice. Official records of the Department of Justice made available pursuant to the requirements of 5 U.S.C. 552 shall be furnished to members of the public only as prescribed by this subpart. Officers and employees of the Department may continue to furnish to the public, informally and without compliance with the procedures prescribed herein, information and records which prior to enactment of 5 U.S.C. 552 were furnished customarily in the regular performance of their duties. To the extent permitted by other laws, the Department also will make available records which it is authorized to withhold under 5 U.S.C. 552 whenever it determines that such disclosure is in the public interest.

(b) The Attorney General's Memorandum on the Public Information Section of the Administrative Procedure Act, which was published in June 1967 and is available from the Superintendent of Documents, should be consulted in considering questions arising under 5 U.S.C. 552.

§ 16.2 Public reference facilities.

Each office listed below will maintain, in a public reading room or public reading area, the materials relating to that office which are required by 5 U.S.C. 552(a)(2) and 552(a)(4) to be made available for public inspection and copying:

U.S. Attorneys and U.S. Marshals—at the principal offices of the U.S. Attorneys listed in the U.S. Government Organization Manual;

Bureau of Prisons and United States Board of Parole—at the principal office of each of those agencies at 101 Indiana Avenue NW., Washington, D.C. 20537;

Community Relations Service—at 512 9th Street NW., Washington, D.C. 20530;

Internal Security Division (for registrations of foreign agents and others pursuant to 28 CFR Parts 5, 10, 11, and 12)—at Room 458, Federal Triangle Building, 315 9th Street NW., Washington, D.C. 20530;

Board of Immigration Appeals—at Room 316, 101 Indiana Avenue NW., Washington, D.C. 20537;

All other Offices, Divisions, and Bureaus of the Department of Justice (except for the Immigration & Naturalization Service whose reading room facilities are covered in 8 CFR 103.9(e))—at Room 6311, Department of Justice, 10th Street and Pennsylvania Avenue NW., Washington, D.C. 20530.

Each of these public reference facilities will maintain and make available for public inspection and copying a current index of the materials available at that facility which are required to be indexed by 5 U.S.C. 552(a)(2).

§ 16.3 Requests for identifiable records and copies.

(a) A request for a record of the Department which is not customarily made available, which is not available in a public reference facility as described in § 16.2, and which is not a record maintained by the Immigration and Naturalization Service or the Board of Immigration Appeals, shall be made on Form D.J. 118, copies of which may be obtained from any of the offices listed in § 16.2. The request form may be presented during normal business hours at any of the offices listed in § 16.2, or it may be mailed, with the payment of charges prescribed in § 16.4, to the Deputy Attorney General, Washington, D.C. 20530. A separate Form D.J. 118 must be submitted for each record requested.

(b) Each executed Form D.J. 118 submitted shall contain in the space provided a description of the record requested which is sufficiently specific with respect to names, dates, subject matter, and location, to permit the record to be identified and located.

(c) Charges for work done in processing requests filed on Form D.J. 118 will be made in accordance with the schedule set forth in § 16.4. Such charges are payable in advance of the performance of the work involved. Because storage facilities in the Department of Justice are limited, many of its records are stored at Federal Records Centers operated by the General Services Administration. All costs assessed by the General Services Administration for making such records available to the Department for the purposes of this subpart will be added to the charges assessed against the person submitting the Form D.J. 118.

(d) Except where circumstances require special processing, executed Forms D.J. 118 will be processed in the order in which they are received. Efforts will be made to make records which have been requested and identified available as promptly as is reasonable under the particular circumstances.

(e) Where a requested record cannot be located from the information on Form D.J. 118 or is known to have been destroyed or otherwise disposed of, the person making the request will be appropriately notified.

(f) Many of the records in the files of the Department are obtained from other agencies for litigation or other purposes. Where the question of the availability of such record is determined to be primarily the responsibility of such other agency, the request will be referred to that agency for processing in accordance with that agency's regulations, and the person submitting the request shall be so notified. The decision of the responsible officer of that agency with respect to such record will be honored by this Department.

(g) When a requested record has been identified and is available, the person who filed the Form D.J. 118 will be notified as to where and when the record will be available for inspection. Upon payment of the necessary fees, a copy of an available record may be furnished to the requester in person or by mail.

§ 16.4 Schedule of fees and services.

For the services listed below expended in locating or making available records or copies thereof under 5 U.S.C. 552, the following user charges are deemed fair and equitable and shall be assessed against the person who requests a record.

(a) Each Form D.J. 118 shall be accompanied by payment of (This charge will be retained by the Department whether or not an identified record is located.)	$3.00
(b) For each one quarter man-hour or fraction thereof spent in excess of the first quarter hour in searching for or producing a requested record	$1.00
(c) For each one quarter hour or fraction thereof spent in monitoring the requester's examination of materials	$1.00
(d) For copies of documents:	
First page	$0.50
Each additional page	$0.25
(e) Maximum number of copies furnished of any document	10
(f) For certification of true copies, each	$1.00

(g) For attestation under the seal of the Department, each..... $3.00

Payment under this section shall be made in cash, by U.S. postal money order, or by check payable to the Treasurer of the United States. Postage stamps will not be accepted. Where the estimated fee paid in advance by the person submitting a Form D.J. 118 exceeds the fee chargeable under this schedule, the balance will be refunded. The fee schedule for the Immigration and Naturalization Service is found at 8 CFR 103.7.

§ 16.5 Exemptions.

5 U.S.C. 552 exempts from all of its publication and disclosure requirements nine categories of records which are described in subsection (b). These categories include such matters as national defense and foreign policy information, investigatory files, internal procedures and communications, materials exempted from disclosure by other statutes, information given in confidence, and matters involving personal privacy. The scope of the exemptions is discussed in the Attorney General's Memorandum referred to in § 16.1.

§ 16.6 Records of the Immigration and Naturalization Service and of the Board of Immigration Appeals.

(a) Requests for records of the Immigration and Naturalization Service (the "Service") or the Board of Immigration Appeals (the "Board") shall be made in accordance with the regulations of the Service found in 8 CFR 103.10.

(b) The Service is authorized to grant a request for a record filed on Form N–585 to the extent set forth in § 103.10 of its regulations. A request on Form N–585 involving any other Service or Board record shall be forwarded by the Service to the Deputy Attorney General together with (1) a copy of any identified record and a recommendation as to whether it shall be made available, or (2) a brief summary of what has been done to identify or find a record which could not be identified or found. The forwarding office will be notified promptly following the decision of the Deputy Attorney General and will give prompt notice thereof to the person submitting the request. Where appropriate, such notice will recite the place, time, and manner in which a record will be made available.

(c) Notwithstanding the provisions of this § 16.6 or of any other regulation, no officer or employee of the Service or of the Board shall make available any record which the Attorney General has determined shall not be made available.

§ 16.7 Administrative decision and review.

(a) All Forms D.J. 118 received at any of the offices listed in § 16.2 shall be forwarded to the Deputy Attorney General. If the office receiving the request also has possession of the record or a copy thereof, there shall be included with the forwarded Form D.J. 118 a copy of the record and a recommendation by that office whether the requested record should be made available.

(b) The Deputy Attorney General shall grant or deny each request made on a Form D.J. 118 or on a Form N–585 forwarded pursuant to § 16.6(b). The denial of each request shall be in writing and shall contain a simple statement of reasons for the denial. The decision of the Deputy Attorney General shall be final, subject only to review as provided in paragraph (c) of this section.

(c) Review of the decision of the Deputy Attorney General may be requested by the person submitting the Form D.J. 118 or N–585 within 30 days after the date of the notice advising him of the decision. The filing of a request for review may be accomplished by mailing to the Attorney General, Department of Justice, Washington, D.C. 20530, by certified mail, a copy of the written denial issued under paragraph (b) of this section and a statement of the circumstances, reasons or arguments advanced for insistence upon disclosure of the originally requested record. The decision after review will be promptly communicated to the person requesting review, and will constitute the final action of the Department.

Subpart B—Production in Response to Subpenas or Demands of Courts or Other Authorities

§ 16.11 Purpose and scope.

This subpart contains the regulations of the Department of Justice concerning procedures to be followed when a subpena, order, or other demand (hereinafter in this subpart referred to as a "demand") of a court or other authority is issued for the production or disclosure of (a) any material contained in the files of the Department, (b) any information relating to material contained in the files of the Department, or (c) any information or material acquired by any person while such person was an employee of the Department as a part of the performance of his official duties or because of his official status. For the purposes of this subpart, the term "employee of the Department" includes all officers and employees of the United States appointed by, or subject to the supervision, jurisdiction, or control of, the Attorney General of the United States, including U.S. attorneys, U.S. marshals, and members of the staffs of those officials.

§ 16.12 Production prohibited unless approved by the Attorney General.

No employee or former employee of the Department of Justice shall, in response to a demand of a court or other authority, produce any material contained in the files of the Department of Justice or disclose any information relating to material contained in the files of the Department of Justice or disclose any information or produce any material acquired as a part of the performance of his official duties or because of his official status without the prior approval of the Attorney General.

§ 16.13 Procedure in the event of a demand for production or disclosure.

(a) Whenever a demand is made upon an employee or former employee of the Department of Justice for the production of material or the disclosure of information described in § 16.11, he shall immediately notify the Attorney General and the U.S. attorney for the district where the issuing court or other authority is located. The U.S. attorney shall immediately request instructions from the Attorney General. If possible, the Attorney General shall be notified before the employee or former employee concerned replies to or appears before the court or other authority.

(b) If response to the demand is required before the instructions from the Attorney General are received, the U.S. attorney or other attorney as may be designated for the purpose, shall appear with the employee or former employee of the Department upon whom the demand has been made, and shall furnish the court or other authority with a copy of the regulations contained in this subpart and inform the court or other authority that the demand has been or is being, as the case may be, referred for the prompt consideration of the Attorney General. The court or other authority shall be requested respectfully to stay the demand pending receipt of the requested instructions from the Attorney General.

§ 16.14 Procedure in the event of an adverse ruling.

If the court or other authority declines to stay the effect of the demand in response to a request made in accordance with § 16.13(b) pending receipt of instructions from the Attorney General, or if the court or other authority rules that the demand must be complied with irrespective of the instructions from the Attorney General not to produce the material or disclose the information sought, the employee or former employee upon whom the demand has been made shall respectfully decline to comply with the demand (United States ex rel Touhy v. Ragen, 340 U.S. 462).

Effective date. The regulations in this Part 16 are effective July 4, 1967.

Dated: June 29, 1967.

RAMSEY CLARK,
Attorney General.

[F.R. Doc. 67–7673; Filed, July 3, 1967; 8:54 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices, Department of the Treasury

PART 92—BUREAU OF THE MINT PROCEDURES AND DESCRIPTIONS OF FORMS

Records and Appeals

Part 92, Chapter I of Subtitle B, of Title 31 of the Code of Federal Regulations is hereby amended by revoking §§ 92.21, 92.22, 92.23 and 92.24, and adding new sections as follows:

§ 92.21 Procedure governing availability of Bureau of the Mint records.

(a) *Regulations of the Office of the Secretary adopted.* The regulations on the Disclosure of Records of the Office of the Secretary and other bureaus and offices of the Department issued under 5 U.S.C. 301 and 552 and published as Part 1 of Title 31 of the Code of Federal Regulations, 32 F.R. No. 127, July 1, 1967, except for 31 CFR 1.7 entitled "Appeal", shall govern the availability of Bureau of the Mint records.

(b) *Determination of availability.* The Director of the Mint delegates authority to the following Mint officials to determine, in accordance with 31 CFR Part 1, which of the records or information requested is available, subject to the appeal provided in § 92.22: The Assistant Director of the Mint, Division Heads in the Office of the Director, and the Superintendent or Officer in Charge of the field Office where the record is located.

(c) *Requests for identifiable records.* A written request for an identifiable record shall be addressed to the Director of the Mint, Washington, D.C. 20220. A request presented in person shall be made in the public reading room of the Treasury Department, 15th Street and Pennsylvania Avenue NW., Washington, D.C., or in such other office designated by the Director of the Mint.

§ 92.22 Appeal.

(a) Any person denied access to records requested under § 92.21 may, within 30 days after notification of such denial, file an appeal to the Director of the Mint. The appeal shall provide the name and address of the appellant, the identification of the record denied and the date of the original request and its denial.

(b) The appeal will be promptly considered. The granting or denial of the request upon appeal shall constitute final action of the Bureau of the Mint.

(5 U.S.C. 301, 552)

Effective date. These regulations shall become effective July 4, 1967.

Dated: June 28, 1967.

[SEAL] ROBERT A. WALLACE,
Assistant Secretary.

[F.R. Doc. 67–7593; Filed, July 3, 1967; 8:45 a.m.]

Chapter II—Fiscal Service, Department of the Treasury

SUBCHAPTER A—BUREAU OF ACCOUNTS

PART 257—PAYMENT ON ACCOUNT OF DEPOSITS IN THE POSTAL SAVINGS SYSTEM

On page 7858 of the FEDERAL REGISTER of May 25, 1967, there was published a notice of proposed rule making to issue regulations governing payment by the Treasury to depositors in the Postal Savings System. Public Law 89–377 discontinued that System and directed the transfer on July 1, 1967, of the total amount of unpaid deposits to a trust fund deposit account on the books of the Treasury to remain available for payments when proper claims are received. Interested persons were given 30 days in which to submit in writing relevant data, views or arguments to the Commissioner of Accounts, Treasury Department, regarding the proposed regulations.

No such submissions have been received, and the proposed regulations are hereby adopted without change and are set forth below.

Effective date. The regulations shall be effective on July 1, 1967.

Dated: June 29, 1967.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

Sec.
257.1 Scope of regulations.
257.2 Application for withdrawals.
257.3 Payments to depositors.

AUTHORITY: The provisions of this Part 257 issued under 5 U.S.C. 301.

§ 257.1 Scope of regulations.

The regulations in this part govern payment by the Treasury Department to depositors in the Postal Savings System from the total amount of unpaid deposits transferred to the Secretary of the Treasury. The Postal Savings System as such was discontinued, and the unpaid deposits transferred to the Secretary on July 1, 1967, by section 1 of Public Law 89–377 (39 U.S.C. 5225(a) and 5228).

§ 257.2 Application for withdrawals.

(a) Depositors should continue to make application for withdrawals of their deposits in the Postal Savings System to their local post office depositories, on the forms and supported by the evidence set forth in existing Post Office Department regulations. Those regulations are set forth in 39 CFR Part 173, as amended at 32 F.R. 3294 and supplemented by Postal Bulletin 20590 of May 18, 1967.

(b) Application for withdrawals from those deposit accounts for which no deposits or withdrawals have been made for more than 20 years may be made to a local post office depository or the Investments Branch, Bureau of Accounts, Treasury Department, Washington, D.C. 20226. That Branch will supply application forms on request and will be guided by the Post Office Department regulations designated in paragraph (a) of this section in its requirements for supporting evidence.

§ 257.3 Payment to depositors.

On and after July 1, 1967, all payments to depositors from Postal Savings System accounts will be made by the Investments Branch. Applications by depositors for withdrawals made to local post office depositories will be forwarded by those depositories to the Investments Branch, and, therefore, no specific application for payment to that Branch will be required from such depositors.

[F.R. Doc. 67–7633; Filed, June 30, 1967; 8:50 a.m.]

PART 270—AVAILABILITY OF RECORDS

Subchapter A, Chapter II of Title 31 of the Code of Federal Regulations is hereby amended by revising Part 270 to read as follows:

Sec.
270.1 Rules governing availability of information.
270.2 Materials available for inspection and copying.
270.3 Requests for identifiable records.

AUTHORITY: The provisions of this Part 270 issued under 5 U.S.C. 552.

§ 270.1 Rules governing availability of information.

The records of the Bureau of Accounts required by 5 U.S.C. 552 to be made available to the public shall be made available in accordance with the definitions, procedures, payment of fees, and other provisions of the regulations on the Disclosure of Records of the Office of the Secretary and of other bureaus and offices of the Department issued under 5 U.S.C. 552 and published as Part 1 of Title 31 of the Code of Federal Regulations, 32 F.R. No. 127, July 1, 1967, as supplemented by these regulations.

§ 270.2 Materials available for inspection and copying.

(a) *Materials available.* The materials in the Bureau of Accounts which are required by 5 U.S.C. 552(a)(2) to be made available for public inspection and copying are the following:

(1) Final opinions, as well as orders, made in the adjudication of cases. The Bureau of Accounts does not generally issue orders in the adjudication of cases.

(2) Statements of policy and interpretations which have been adopted by the Bureau and are not published in the FEDERAL REGISTER.

(3) Administrative staff manuals and instructions to staff that affect a member of the public. These materials include the Treasury Fiscal Requirements Manual and such Department Circulars applicable to Bureau of Accounts' operations, that affect a member of the public, as have not been incorporated into that manual or published as parts of Title 31 of the Code of Federal Regulations.

(4) Current indices for the foregoing materials.

(b) *Location.* The materials listed in paragraph (a) of this section issued on or after the effective date of these regulations are available for inspection and copying during office hours in the public reading room of the Treasury Department, 15th Street and Pennsylvania Avenue NW., Washington, D.C. 20220. Materials issued prior thereto are available in the public reading room to the extent feasible. If not so available, they may be requested as identifiable records.

§ 270.3 Requests for identifiable records.

(a) *Procedure.* A written request for an identifiable record shall be addressed to the Commissioner of Accounts, Washington, D.C. 20226. A request presented in person shall be made at the office of the Operating Facilities Officer, Room 100, Treasury Department, Annex 1, Pennsylvania Avenue at Madison Place.

(b) *Determination of request.* Determination as to the disclosure of a record requested shall be made, subject to appeal to the Commissioner of Accounts, by the head of the division in which the record belongs and by the Assistant Commissioner for records in the Office of the Commissioner. The decision of the Commissioner shall constitute final agency action, unless he refers the appeal to the Fiscal Assistant Secretary, in which case the decision of the Fiscal Assistant Secretary shall constitute final agency action.

Effective date. These regulations shall become effective July 4, 1967.

Dated: June 28, 1967.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 67-7594; Filed, July 3, 1967; 8:45 a.m.]

SUBCHAPTER C—OFFICE OF THE TREASURER OF THE UNITED STATES

PART 351—AVAILABILITY OF RECORDS

Subchapter C, Chapter II of Title 31 of the Code of Federal Regulations is hereby amended by revising Part 351 to read as follows:

Sec.
351.1 Rules governing availability of information.
351.2 Materials available for inspection and copying.
351.3 Requests for identifiable records.

AUTHORITY: The provisions of this Part 351 issued under 5 U.S.C. 552.

§ 351.1 Rules governing availability of information.

The records of the Office of the Treasurer required by 5 U.S.C. 552 to be made available to the public shall be made available in accordance with the definitions, procedures, payment of fees, and other provisions of the regulations on the Disclosure of Records of the Office of the Secretary and of other bureaus and offices of the Department issued under 5 U.S.C. 552 and published as Part 1 of Title 31 of the Code of Federal Regulations, 32 F.R. No. 127, July 1, 1967, as supplemented by the regulations of this part.

§ 351.2 Materials available for inspection and copying.

(a) *Materials available.* The materials in the Office of the Treasurer which are required by 5 U.S.C. 552(a)(2) to be made available for inspection and copying are the following:

(1) Final opinions, as well as orders, made in the adjudication of cases. These will include final dispositions of claims on Government checks and claims for the redemption of mutilated currency of the United States which are of a precedential nature.

(2) Statements of policy and interpretations which have been adopted by the Bureau and are not published in the FEDERAL REGISTER.

(3) Administrative staff manuals and instructions to staff that affect a member of the public. These materials include the Treasurer's memoranda and such Department circulars applicable to Office of Treasurer's operations, that affect a member of the public, as have not been published as parts of Title 31 of the Code of Federal Regulations.

(4) Current index of items cited in subparagraphs (1), (2), and (3) of this paragraph.

(b) *Locations.* The materials listed in subsection (a) issued on or after the effective date of these regulations are available for inspection and copying during office hours in the public reading room of the Treasury Department, 15th Street and Pennsylvania Avenue NW., Washington, D.C. 20220.

§ 351.3 Requests for identifiable records.

(a) *Procedure.* A written request for an identifiable record shall be addressed to the Public Records Officer, Office of the Treasurer, Treasury Department, 15th Street and Pennsylvania Avenue NW., Washington, D.C. 20220. A request presented in person shall be made at the office of the Public Records Officer at the address shown above.

(b) *Determination of request.* Determination as to the disclosure of a record requested shall be made, subject to appeal to the Treasurer of the United States, by the head of the division in which the record belongs. The decision of the Treasurer shall constitute final agency action, unless a referral of the appeal is made to the Fiscal Assistant Secretary, in which case the decision of the Fiscal Assistant Secretary shall constitute final agency action.

Effective date. These regulations shall become effective July 4, 1967.

Dated: June 28, 1967.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 67-7595; Filed, July 3, 1967; 8:45 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER R—RECORDS

PART 286—AVAILABILITY TO THE PUBLIC OF DEPARTMENT OF DEFENSE INFORMATION

The Deputy Secretary of Defense approved the following:

Sec.
286.1 Purpose.
286.2 Cancellation.
286.3 Applicability and scope.
286.4 Policy.
286.5 Publication in the FEDERAL REGISTER.
286.6 Inspection and copying of opinions, orders, and manuals.
286.7 Availability of records.
286.8 Exemptions.
286.9 Identification and marking "for official use only".
286.10 Release procedures.
286.11 Judicial action.
286.12 Implementation.

AUTHORITY: The provisions of this Part 286 issued under sec. 301, 552, title 5, United States Code.

§ 286.1 Purpose.

This part:

(a) Implements the provisions of 5 U.S.C. 552 by describing

(1) The kinds of documentary material or records that must be made available to the public and the procedures which shall be used in making them available by (i) publishing them in the FEDERAL REGISTER, (ii) providing an opportunity to read and copy them at convenient locations, with current indices, and (iii) providing copies when they are identified adequately; and

(2) The kinds of documentary material and records which do not need to be made available to the public under the exemptions of 5 U.S.C. 552.

(b) Prescribes (1) a uniform policy for the identification and marking of documentary material or records which are not to be made public; and (2) the use of the term "For official use only" (FOUO) as the only designation (other than that prescribed by DoD Directive 5200.20, "Distribution Statements (Other Than Security) on Technical Documents", March 29, 1965[1]) to identify material or records not to be released to the public for reasons other than security classification under DoD Instruction 5210.47, "Security Classification of Official Information", December 31, 1964.[1]

(c) Provides procedures for review of refusals to release documentary material or records to preclude unnecessary or unauthorized withholding, and for responding to court actions taken to compel release of documentary material or records determined by proper authority to be within the exemptions stated in 5 U.S.C. 552 or otherwise withheld under the authority of this part.

§ 286.2 Cancellation.

DoD Directive 5200.6, "Policy Governing the Custody, Use and Preservation of Department of Defense Official Information which Requires Protection in the Public Interest," March 22, 1967,[1] is hereby cancelled.

§ 286.3 Applicability and scope.

The provisions of this part apply to the Office of the Secretary of Defense, the military departments, Organization of the Joint Chiefs of Staff, and all other Department of Defense agencies, each

[1] Filed as part of original document. Copies of these as well as all other DoD Directives and Instructions are available at the Publications Counter, OASD (Administration), 3B200, Pentagon, OXford 52167.

hereinafter referred to as a component, and govern all records in the custody of the Department of Defense. They provide specifically for making information available to the general public. Requests from members of Congress are governed by DoD Directive 5400.4, "Provision of Information to Congress," December 24, 1966[1] and from the General Accounting Office by DoD Directive 7650.1, "General Accounting Office Comprehensive Audits," July 9, 1958.[1] Requests from other government agencies and the courts for release and authentication of records are governed by DoD Directive 5015.1, "Release and Authentication of Official Records" (Part 285 of this chapter). Receipt of service of process is determined by Part 258 of this chapter. National Security Agency official records and information are exempted from the provisions of this part in accordance with Public Law 86-36 (50 U.S.C. 402 note) (National Security Information Exemption).

§ 286.4 Policy.

(a) It is the policy of the Department of Defense, consistent with 5 U.S.C. 552, to make available to the public the maximum amount of information concerning its operations and activities. Exceptions to the requirement for disclosure shall be made in accordance with § 286.8 and the release procedures prescribed in § 286.10(a).

(b) Information exempt from public disclosure under the provisions of § 286.8 should be made available to the public when its disclosure is not inconsistent with statutory requirements (see § 286.8 (b)(3)) or with DoD Directive 5210.47, "Security Classification of Official Information," December 31, 1964[1] and when component officials determine that no significant purpose would be served by withholding the information. The determination of whether a significant purpose is served by withholding information under the provisions of § 286.8 is within the sole discretion of the component.

(c) Records and other document or related material may be withheld from the public only as authorized by 5 U.S.C. 552 and by the implementing regulations issued pursuant to this part. In no event shall the determination that requested information comes within any of the specific exemptions of 5 U.S.C. 552 or that the information has not been properly requested be influenced by the possibility that its release might suggest administrative error or inefficiency or might embarrass a component or an official of that component. (See DoD Directive 5230.13, "Principles of Public Information Policy," May 31, 1961[1]).

§ 286.5 Publication in the Federal Register.

Subject to the exemptions set forth in § 286.8:

(a) Each component shall publish in the FEDERAL REGISTER an informative, current description for the guidance of the public, of where, how, and by what authority it performs any of its functions. In deciding which information to publish in the FEDERAL REGISTER a component shall consider the fundamental objective of informing all interested persons of how to deal effectively with the component.

(b) Information to be published in the FEDERAL REGISTER shall include:

(1) The central and field organization of the component concerned, and the established places at which, the officers from whom, and the methods whereby the public may secure information, make submittals or requests, or obtain decisions.

(2) The procedures by which a component conducts its business with the public, both formally and informally.

(3) The rules of procedure which must be followed, the description of forms which must be completed, or the source from which forms may be obtained, and instructions on the scope and content of papers, reports, or examinations required to be submitted pursuant to such rules of procedure.

(4) Directives, instructions, regulations, manuals, policy memoranda, statements or interpretations of policies and other substantive rules of general applicability affecting the public.

(c) Joint regulations shall be published in accordance with DoD Directive 5025.2, "Publication of Joint Regulations of the Armed Forces (Federal Register)", October 29, 1954.[1]

(d) With the approval of the Director of the Federal Register, the requirement for publication in the FEDERAL REGISTER (1 CFR Part 20, June 1, 1967, 32 F.R. 7899) may be satisfied by reference in the FEDERAL REGISTER to other publications readily available to the class of persons affected and containing the information which must otherwise be published in the FEDERAL REGISTER.

(1) In order to be eligible for incorporation by reference the matter must be in the nature of published data, criteria, standards, specifications, techniques, illustrations, or other published information reasonably available to members of the class affected thereby.

(2) Incorporation by reference is not acceptable as a complete substitute for promulgating in full text material required to be published by 5 U.S.C. 552.

(3) Incorporation by reference is acceptable as a means of avoiding unnecessary repetition within the promulgated document of published information already reasonably available to the class affected. Examples include:

(i) Construction standards promulgated by a professional association of architects, engineers, or builders.

(ii) Codes of ethics promulgated by professional organizations.

(iii) Forms and formats publicly or privately published and readily available to the persons required to use them.

(e) It is incumbent upon each component to review all information of the type described in paragraph (b) of this section, to ensure that it is published on an up-to-date basis in the FEDERAL REGISTER, including every amendment, revision, or repeal. No member of the general public can be required to resort to, or be adversely affected by, any material not published as required by the foregoing provisions of this § 286.5 unless he has actual and timely notice of the content of that material.

§ 286.6 Inspection and copying of opinions, orders, and manuals.

(a) Subject to the exemptions set forth in § 286.8, each component of the Department of Defense shall make available for public inspection and copying in an appropriate facility or facilities in accordance with rules published in the FEDERAL REGISTER the following materials, unless such materials are published and copies offered for sale:

(1) All final opinions (including concurring and dissenting opinions) and orders in adjudications (as defined in 5 U.S.C. 551 (section 2 of the Administrative Procedure Act)) that may be cited, used, or relied upon as precedents in future adjudications.

(2) Statements of policy and interpretations of less than general applicability affecting the public but not published in the FEDERAL REGISTER.

(3) Administrative staff manuals and instructions, or portions thereof, which establish Department of Defense policy or interpretations of policy that are determinative of the rights of members of the public. This provision does not apply to instructions for employees on the tactics and techniques to be used in performing their duties, or to instructions relating only to the internal management of the agency. Examples of manuals and instructions not normally made available are:

(i) Those issued for audit and inspection purposes or those which prescribe operational tactics, standards of performance, or criteria for defense, prosecution, or settlement of cases.

(ii) Operations and maintenance manuals and technical information concerning munitions, equipment, and systems.

(b) The cost to the component of copying any such opinion, order, or statement of policy or interpretation shall be imposed on the person requesting the copy in accordance with Act of August 31, 1951, section 501, 65 Stat. 290, and Part 288 of this subchapter.

(c) When feasible, all material that is published in the FEDERAL REGISTER should be made available for inspection and copying along with any available index of that published material, in the same facility or facilities provided for inspection and copying of opinions, orders and manuals.

(d) Identifying details which if revealed would create a clearly unwarranted invasion of personal privacy may be deleted from any final opinion, order, statement of policy, interpretation, staff manual, or instruction, made available for inspection and copying. In eve.y such case, the justification for the deletion must be fully explained in writing. However, a component may publish in the FEDERAL REGISTER a description of the basis upon which it will delete identifying details of particular types of documents in order to avoid clearly unwarranted invasions of privacy. In appropriate cases the component may refer

[1] Filed as part of original document. Copies of these as well as all other DoD Directives and Instructions are available at the Publications Counter, OASD (Administration), 3B200, Pentagon, OXford 52167.

to this description rather than write a separate justification for the deletion.

(e) Each component shall maintain, on a current basis, in each facility provided for inspection and copying, an index of material issued, adopted, or promulgated after July 4, 1967, which is made available or published under paragraph (a) of this section. The index should be arranged topically or by descriptive words, so that members of the public may be able to locate final opinions, orders, statements of policy, interpretations, staff manuals, or instructions by subject, rather than by case name or by numbering system. Case name and numbering arrangements may, however, also be included in the index for purposes of component convenience.

(f) No order, opinion, statement of policy, interpretation, staff manual, or instruction issued, promulgated, or adopted after July 4, 1967, which is not indexed and either made available or published, may be relied upon, used, or cited as precedent against any member of the public unless he has actual and timely notice of its terms. If the order, opinion, statement of policy, interpretation, staff manual, or instruction was issued, promulgated, or adopted before July 4, 1967, it need not be indexed but must be made available in accordance with paragraph (a) of this section.

(1) In determining whether an order, opinion, statement of policy, interpretation, staff manual or instruction is likely to be used or relied upon as precedent, the primary test shall be whether it is intended to provide binding guidance for decisions or evaluations by subordinates or for future decisions by the same authority in adjudications of cases affecting the public, where similar facts or issued are presented.

(2) With regard to the precedential effect of an adjudication, opinions and orders of the Boards of Review exemplify the type that shall be made available for inspection and copying, since they may be relied upon, used, or cited in future adjudications. By contrast, orders and opinions resulting from adjudications such as those involving internal personnel (including military personnel) proceedings and security proceedings are not required to be made available to the general public for inspection and copying since they are not relied upon, used, or cited in future adjudications.

§ 286.7 Availability of records.

(a) Subject to the exemptions set forth in § 286.8 and the procedural requirements of § 286.10, any record in the possession of a Department of Defense component shall be made available upon the request of any person. Copies of records which are published in accordance with § 286.5, or made available for inspection and copying in accordance with § 286.6 should, where practicable, also be given to those who request them.

(b) In determining whether documentary material qualifies as a "record" consideration should be given to Act of July 7, 1943, ch. 192, sec. 1 (44 U.S.C. 366) (Records Disposal) which defines the word "record" for records disposal purposes as follows:

[It] includes all books, papers, maps, photographs, or other documentary materials, regardless of physical form or characteristics, made or received by any agency of the U.S. Government in pursuance of Federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government or because of the informational value of data contained therein.

(1) The term "records" does not include objects or articles such as structures, furniture, paintings, sculpture, three-dimensional models, vehicles, equipment, etc., whatever their historical value or value as "evidence."

(2) Records are not limited to permanent or historical documents but include contemporaneous documents as well.

(c) A request for a record will be honored if:

(1) The requester describes the record sought with sufficient particularity to enable the Department of Defense to locate the record requested with a reasonable amount of effort.

(2) The requester is willing and able to pay the cost associated with locating and providing a copy of the record sought, as determined under regulations implementing Act of August 31, 1951, section 501, 65 Stat. 290 and Part 288 of this subchapter.

(3) The requester complies with reasonable requirements set forth in the regulations of each component regarding the time, place, and procedure for obtaining a copy of the record.

(d) In order for a record to be considered "identifiable" it must exist at the time of the request. There is no obligation to "create" a record for the purpose of satisfying a request for information. When the information requested exists in the form of several records at several locations the applicant should be referred to those sources if gathering the information would be burdensome.

(e) When the record requested was originated by another agency or component, requests shall be referred promptly and directly to that agency or component for disposition. The originating component should consult with other agencies or components having a significant interest in the content of the requested document before determining whether to make it available to the requester. A member of the public who requests a copy of material primarily concerning a Member of Congress or congressional committee, or a copy of a transcript of testimony given before a congressional committee, shall be advised to direct his request to the concerned Member or committee.

(f) Each component should avoid creating procedural obstacles when internal Department of Defense organizational questions arise, particularly where reorganization or transfer of functions contributes to an improperly directed request. Defense Department personnel shall make all reasonable efforts to assist private persons in directing requests for information to the appropriate authorities.

§ 286.8 Exemptions.

(a) Documentary material which would otherwise have to be made available under § 286.5, § 286.6, or § 286.7, may be withheld from public disclosure if it comes within a specific exemption. Even exempted material, however, should be made available upon the request of any member of the public if, in the judgment of the releasing authority, no significant purpose would be served by withholding it from him under an applicable exemption and its release is not inconsistent with statutory requirements or DoD Instruction 5210.47, "Security Classification of Official Information," December 31, 1964.[1]

(b) The following types of records may be withheld from public disclosure:

(1) Those requiring protection in the interest of national defense or foreign policy according to the criteria established by DoD Instruction 5210.47[1] or by Executive order.

(2) Those containing rules, regulations, orders, manuals, directives, and instructions relating to the internal personnel rules or to the internal practices of the Department of Defense. Examples include:

(i) Operating rules, guidelines and manuals for Department of Defense investigators, inspectors, auditors, or examiners, and schedules or methods which cannot be disclosed to the public without substantial prejudice to the effective performance of a significant function of the Department of Defense. Some of these materials would reveal:

(a) Negotiating and bargaining techniques.

(b) Bargaining limitations and positions.

(c) Inspection schedules and methods.

(d) Audit schedules and methods.

(ii) Personnel and other administrative matters such as examination questions and answers used in training courses or in the determination of the qualifications of candidates for employment, entrance to duty, advancement, or promotion.

(3) Those containing information which statutes authorize or require be withheld from the public. The authorization or requirement may be found in the terms of the statute itself or in Executive orders or regulations authorized by, or in implementation of, the statute. Examples include:

(i) 18 U.S.C. 1905 (Confidential Trade Information)—for trade, technical, and financial information provided in confidence by businesses.

(ii) Public Law 86–36 (50 U.S.C. 402 note) (National Security Information Exemption)—National Security Agency information.

(iii) 35 U.S.C. 181–188 (Patent Secrecy)—Any records containing information relating to inventions which are the subject of patent applications on which Patent Secrecy Orders have been issued.

(4) Those containing information which a component receives from any-

[1] Filed as part of original document. Copies of these as well as all other DoD Directives and Instructions are available at the Publications Counter, OASD (Administration), 3B200, Pentagon, OXford 52167.

one, including an individual, a foreign nation, an international organization, a state or local government, a corporation, or any other organization, with the understanding that it will be retained on a privileged or confidential basis, or similar commercial or financial records which the component develops internally, if they are in fact the kinds of records which are normally considered privileged or confidential. Such records include documents containing:

(i) Information customarily considered privileged or confidential under the rules of evidence in the Federal courts, such as information coming within the doctor-patient, lawyer-client, and priest-penitent privileges.

(ii) Commercial or financial information received in confidence in connection with loans, bids, or proposals, as well as other information received in confidence or privileged, such as trade secrets, inventions and discoveries, or other proprietary data.

(iii) Statistical data and commercial or financial information concerning contract performance, income, profits, losses and expenditures, if received in confidence from a contractor or potential contractor.

(iv) Information such as research data, formulae, designs, drawings, and other technical data and reports which:

(a) Are significant as items of valuable property acquired in connection with research, grants, or contracts.

(b) Would likely be held in confidence if owned by private parties.

(v) Personal statements given in the course of inspections or investigations, where such statements are received in confidence from the individual and retained in confidence.

(5) Except as provided in subdivision (ii) of this subparagraph, internal communications within and among agencies and components.

(i) Examples include:

(a) Staff papers containing staff advice, opinions, or suggestions.

(b) Information received or generated by a component preliminary to a decision or action, including draft versions of documents, where premature disclosure would harm the authorized appropriate purpose for which the records are being used.

(c) Advice, suggestions, or reports prepared on behalf of the Department of Defense by boards, committees, councils, groups, panels, conferences, commissions, task forces, or other similar groups that are formed by a component to obtain advice and recommendations.

(d) Records of DoD component evaluations of contractors and their products which in effect constitute recommendations or advice and could be used improperly to the advantage or to the detriment of private interests.

(e) Advance information on such matters as proposed plans to procure, lease, or otherwise acquire and dispose of materials, real estate, facilities, or functions when such information would provide undue or unfair competitive advantage to private personal interests.

(f) Records which are exchanged among agency personnel or within and among components or agencies preparing for anticipated legal proceedings before any federal, state or military court or before any regulatory body.

(g) Reports of inspections, audits, investigations or surveys which pertain to safety, security, or the internal management, administration, or operation of the Department of Defense.

(ii) If any such intra- or inter-agency information requested would routinely be made available through the discovery process in the course of litigation with the agency, then it should not be withheld from the general public. If, however, the information would only be made available through the discovery process by special order of the court based on the particular needs of a litigant balanced against the interests of the agency in maintaining its confidentiality, then the record or document should not be made available to a member of the general public.

(6) Information in personnel and medical files, as well as information in similar files that, if disclosed to a member of the public, would result in a clearly unwarranted invasion of personal privacy.

(i) Examples of files similar to personnel and medical files include:

(a) Those compiled to evaluate or adjudicate the suitability of candidates for civilian employment and the eligibility of individuals, civilian, military or industrial, for security clearances.

(b) Files containing reports, records, and other material pertaining to personnel matters in which administrative action, including disciplinary action, may be taken.

(ii) In determining whether the release of information would result in a clearly unwarranted invasion of privacy, consideration should be given, in cases such as those involving alleged misconduct, to the relationship of the alleged misconduct to an individual's official duties, the amount of time which has passed since the alleged misconduct, and the degree to which the individual's privacy has already been invaded. Thus, the release of information concerning alleged misconduct which is closely related to official duties, which has occurred recently, and which has already been exposed to the public is less likely to constitute a clearly unwarranted invasion of personal privacy.

(iii) When the sole and exclusive basis for withholding information is protection of the personal privacy of an individual, the information should not be withheld from him or from his designated legal representative. An individual's personnel, medical, or similar files may be withheld from him or from his designated legal representative for reasons other than the protection of his personal privacy when valid Civil Service Commission regulations or other valid regulations so authorize.

(7) Investigatory files compiled for the purpose of enforcing civil, criminal, or military law, including Executive orders, or regulations validly adopted pursuant to law (see 5 U.S.C. 301 (General Departmental Regulations)).

(i) Examples include:

(a) Statements of witnesses and other material based on the information developed during the course of the investigation and all materials prepared in connection with related Government litigation or adjudicative proceedings.

(b) Lists of firms or individuals suspended under procurement regulations when the lists are compiled in connection with investigations of irregularities.

(ii) The right of individual litigants to investigatory files currently available by law is not diminished.

(8) Those contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of any agency responsible for the regulation or supervision of financial institutions.

(9) Those containing geological and geophysical information and data (including maps) concerning wells.

§ 286.9 Identification and marking "for official use only".

(a) Records which are not classified under DoD Instructions 5210.47[1] but which are authorized by 5 U.S.C. 552 to be withheld from general public disclosure under § 286.8 and which for a significant reason should not be given general circulation shall be considered as being "For official use only" (FOUO).

(b) A record that is considered "For official use only" may be marked "For official use only" when such marking is deemed necessary to ensure that all persons having access to the record are aware that it should not be publicly released and should not be handled indiscriminately. Individual folders, records, and files covering specific kinds of subject matter, normally falling within the exemptions of § 286.8 such as personnel and medical files, bids, proposals, and the like, which are covered by rules and regulations specifying what may be released publicly, do not require the "FOUO" marking unless handled under circumstances where marking is essential to ensure protection of the information involved.

(1) The marking shall not be used on records which are classified under DoD Instruction 5210.47,[1] but, if otherwise proper under this part, may be applied to information or material which has been declassified.

(2) Information contained in a technical document for which a determination has been made that a distribution statement under DoD Directive 5200.20, "Distribution Statements (Other Than Security) on Technical Documents", March 29, 1965[1] is appropriate shall not be marked "FOUO."

(c) Material which is considered for "For official use only" must be safeguarded from general disclosure irrespective of whether the material is physically marked with the term "For official use only."

(d) Whenever necessary to assure proper understanding, individual paragraphs which contain FOUO information shall be marked with the symbol

[1] Filed as part of original document. Copies of these as well as all other DoD Directives and Instructions are available at the Publications Counter, OASD (Administration), 3B200, Pentagon, OXford 52167.

"FOUO." In classified documents, this marking should be applied only to paragraphs which contain FOUO information and do not contain classified information.

(e) Supplementary instructions regarding marking, safeguarding, and transmitting FOUO material may be issued by the Assistant Secretary of Defense (Administration).

§ 286.10 Release procedures.

(a) The policy of the Department of Defense, as stated in § 286.5(a), is to make the maximum amount of information available to the public. Therefore, when a person requests that a record be made available, that request may be denied upon a determination that:

(1) The record is subject to one of the exemptions set for in § 286.8; or

(2) The record cannot be found because it has not been adequately identified; or

(3) The applicant has unreasonably failed to comply with the procedural requirements imposed by the implementing regulations of the component concerned.

(b) The initial determination of whether to make a record available upon request may be made at any suitable level and by any suitable official designated by the component in accordance with published regulations. The marking or absence of the marking "For official use only" does not relieve the designated suitable official of his responsibility to review the requested record for the purpose of determining whether an exemption under § 286.8 is applicable.

(c) The official designated by a component to make initial determinations should consult with public affairs officers to familiarize himself with subject matter they consider to be newsworthy, and advise them of all requests from news media representatives. In addition, he should inform public affairs officers in advance whenever he intends to release a record containing potentially newsworthy material or to withhold any record when it is likely that the withholding action will be contested.

(d) When a request for a record is denied the designated official who has made that determination shall advise the requester of the basis for the determination and of the opportunity and procedures for appealing that determination to a higher authority.

(e) Refusal to provide a record may be appealed to the head of the component having jurisdiction over the record involved. If an appeal is taken, final refusal to provide the record must be made by the head of the component concerned or his designee for that purpose in accordance with appeal procedures prescribed in regulations published in the FEDERAL REGISTER by that component. The basis for a final determination by the head of the component or his designee to refuse a record must be explained in writing to the requesting party. A copy of that explanation shall be forwarded to the General Counsel of the Department of Defense in those instances in which the requester seeks reconsideration by the head of the component or initiates legal action to compel release of the record.

§ 286.11 Judicial action.

(a) Upon exhaustion of his administrative remedy after refusal of a record by the head of a component or his designee any person may, as authorized in 5 U.S.C. 552, seek an order from a U.S. District Court in the district in which he resides or has his principal place of business or in the district in which the record is situated to produce the record.

(b) In the event a legal action is brought in a district court of the United States for the production of an agency record denied by the head of the component or his designee for that purpose, a copy of the complaint filed by the plaintiff, along with the litigation report prepared by the component for the Department of Justice, shall be forwarded to the General Counsel, Department of Defense.

(c) The burden is on the component to justify its refusal to produce the record, and its justification will be evaluated de novo by the district court.

(d) If the court orders production of a record and the responsible official designated in accordance with § 286.10 refuses to produce it, the court has statutory authorization to punish the official whose decision and order govern the determination of whether to release the record.

§ 286.12 Implementation.

(a) Each component of the Department of Defense shall issue regulations to carry out the policies set forth in this part.

(1) By mutual agreement, facilities for the examination and copying of documents and records may be shared by more than one component if the public is not inconvenienced by such an arrangement.

(2) A category of information, in whatever form, which is essentially identical and common to more than one component shall be considered eligible for exemption from disclosure to the public only in accordance with consistent regulations and practices. If the provisions of this part or related DoD instructions do not provide guidance adequate to ensure consistency in determining the applicability of exemptions, the matter shall be brought to the attention of the General Counsel with a request for supplementary guidance. This does not preclude the ad hoc release of a particular record generally considered exempt from disclosure, when no significant purpose would be served by withholding it.

(b) Two copies of implementing regulations shall be submitted to the General Counsel of the Department of Defense no later than June 30, 1967.

Effective date. This part is effective immediately to guide the development of implementing regulations and becomes effective as to the public on July 4, 1967.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[F.R. Doc. 67-7604; Filed, July 3, 1967; 8:51 a.m.]

PART 287—AVAILABILITY TO THE PUBLIC OF DEFENSE COMMUNICATIONS AGENCY INFORMATION

The following Defense Communications Agency document (DCAI 210-225-1) implementing P.L. 89-487 has been approved:

Sec.
287.1 Purpose.
287.2 Applicability.
287.3 Authority.
287.4 Responsibilities.
287.5 Exemptions.
287.6 "For official use only" records.

AUTHORITY: The provisions of this Part 287 issued pursuant to secs. 301, 552, title 5, U.S. Code.

§ 287.1 Purpose.

This part establishes procedures to make available the maximum amount of information to the public concerning the operations and activities of the Defense Communications Agency (DCA).

§ 287.2 Applicability.

This part is applicable to Headquarters, DCA and DCA Field Activities.

§ 287.3 Authority.

This part is published in accordance with the authority contained in DoD Directive 5400.7, "Availability to the Public of Department of Defense Information," June 29, 1967. (Part 286 of this chapter, 32 F.R., No. 128, July 4, 1967.)

§ 287.4 Responsibilities.

(a) The Administrative Services Officer, Headquarters, DCA will:

(1) Subject to the exemptions set forth in section VIII of DoD Directive 5400.7 and unless readily available elsewhere in published form and incorporated by reference in the FEDERAL REGISTER, arrange for the publication on an up-to-date basis in the FEDERAL REGISTER those DCA Circulars, Instructions, and Notices, and other appropriate material setting forth the DCA functions and informing all interested persons how to deal effectively with the Agency.

(2) Make material described in sections V and VI of DoD Directive 5400.7 available for public inspection and copying in the DCA Headquarters, Room 2530, Navy Department Service Center, 8th Street South and South Courthouse Road, Arlington, Va. This material will be indexed in accordance with the appropriate provisions of DoD Directive 5400.7.

(b) Deputy Directors, Comptroller, and the Executive Officer, Headquarters, DCA will, subject to the exceptions set forth in DoD Directive 5400.7:

(1) Furnish the Administrative Services Officer copies of material described in sections V and VI of DoD Directive 5400.7 for the purpose of publication in the FEDERAL REGISTER and for inspection and copying in the DCA Headquarters Library.

(2) Make available to the Information Services Officer, Headquarters, DCA documentary material which qualifies as a record in accordance with section VII of DoD Directive 5400.7, for the purpose of responding to requests from private persons. All such requests will be referred to the Information Services Officer for processing.

(c) Chiefs of DCA field activities will, subject to the applicable limitations and definitions, provide the headquarters, DCA, Administrative Services Officer and Information Services Officer, as appropriate, material described in section V, VI, and VII of DoD Directive 5400.7.

(d) The Information Services Officer, Headquarters, DCA will:

(1) Respond to all requests from private persons for records.

(2) Whenever a request for a record is denied in accordance with the criteria provided in section IX of DoD Directive 5400.7, obtain the concurrence of Counsel, Headquarters, DCA, and also satisfy himself that the matter considered is not newsworthy.

(3) Advise private persons denied a record of the basis for the determination and of their right to appeal the decision to the Director, DCA. If such an appeal is taken, the basis for the determination by the Director, DCA to refuse to release the record will be in writing and will be prepared by the Counsel.

§ 287.5 Exemptions.

In all cases in which material is being withheld from public disclosure pursuant to an exemption as provided for in section VIII of DoD Directive 5400.7, the concurrence of the Counsel, DCA will be obtained where considered advisable.

§ 287.6 "For official use only" records.

The designation of "For official use only" will be applied to documents and other material only as authorized by section IX of DoD Directive 5400.7.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[F.R. Doc. 67-7670; Filed, July 3, 1967; 8:54 a.m.]

PART 290—AVAILABILITY TO THE PUBLIC OF DEFENSE CONTRACT AUDIT AGENCY INFORMATION

The following Defense Contract Audit Agency document (DCAAR No. 5410.5) implements the provisions of 5 U.S.C. 552:

Sec.
290.1 Purpose.
290.2 Applicability and scope.
290.3 Policy.
290.4 Public reference facilities.
290.5 Records available.
290.6 Procedures for the release of records.
290.7 Records of other agencies.
290.8 Fees.
290.9 Appeals.
290.10 Exemptions from public disclosure.
290.11 Identification and marking "for official use only."

AUTHORITY: The provisions of this Part 290 issued under 5 U.S.C. 552.

§ 290.1 Purpose.

To describe the kinds of records and documentary material that must be made available to the public, and the procedures to be used in making such records and material available.

§ 290.2 Applicability and scope.

The provisions of this part apply to all components of the Defense Contract Audit Agency (DCAA). Procedures for releasing information to members of Congress, the General Accounting Office, courts, or other Government agencies are not included herein.

§ 290.3 Policy.

It is the policy of the Defense Contract Audit Agency, consistent with 5 U.S.C. 552, to make available to the public the maximum amount of information concerning its operations and activities.

§ 290.4 Public reference facilities.

(a) Headquarters, DCAA, and each Regional Headquarters office, shall make available for inspection and copying in an appropriate facility the following material:

(1) Final opinions and orders made in the adjudication of cases which may be cited, used or relied upon in future adjudications.

(2) Statements of policy and interpretations of less than general applicability affecting the public, such as Defense Contract Audit Agency Regulations and Instructions not otherwise exempt from public disclosure under 5 U.S.C. 552(b).

(3) Administrative staff manuals and instructions which establish Defense Contract Audit Agency policy, or interpretations of Department of Defense policy, that are determinative of the rights of members of the public, such as Volume II of the Defense Contract Audit Manual.

(4) All material which the Defense Contract Audit Agency has published in the FEDERAL REGISTER, such as the Defense Contract Audit Agency Organizational Statement.

(b) Not available to the public under this section are those portions of Defense Contract Audit Agency manuals, regulations or instructions which are issued for audit and inspection purposes, or prescribe operational tactics, standards of performances, or criteria for the defense, prosecution or settlement of cases.

(c) Each public reference facility shall provide an index arranged topically, or by descriptive words, so that members of the public may locate material contained in the public reference facility.

(d) Documents in the public reference facility will be made available to the public for inspection and copying upon request. Fees will be charged in accordance with § 290.8.

§ 290.5 Records available.

(a) As used herein, "records" includes all books, papers, maps, photographs, or other documentary material made or received by the Defense Contract Audit Agency in pursuance of Federal law, or in connection with the transaction of public business and preserved, or appropriate for preservation, as evidence of the organization, functions, policies, decisions, procedures, operations or other activities of the Government, or because of the informational value of the data contained therein. "Records" are not limited to permanent or historical documents, but include contemporary documents as well.

§ 290.6 Procedures for the release of records.

(a) Requests for access to, or copying of, Defense Contract Audit Agency records which are not available to the public in public reference facilities of the Defense Contract Audit Agency may be filed in person, or by mail, with the Executive Officer, DCAA, between 8:15 a.m. and 4:15 p.m., Monday through Friday, or with any Regional Manager, DCAA, during the local working hours of the DCAA region involved. Requests must be in writing.

(b) Upon receipt of a request for a record, the Executive Officer, or Regional Manager to whom the request is made, shall make an initial determination within 10 working days as to whether the requested record is:

(1) Described with sufficient specificity as to make it an identifiable record pursuant to 5 U.S.C. 552(a)(3).

(2) Exempt from public inspection and copying under the provisions of 5 U.S.C. 552(b).

(c) Prior to making an initial determination, the Executive Officer, or Regional Manager, shall consult with Counsel, DCAA. Requests for documents containing potentially newsworthy material shall be brought to the attention of appropriate Department of Defense public affairs officers.

(d) If it is determined that the record is adequately identified and releaseable pursuant to 5 U.S.C. 552, it shall be made available promptly to the requesting party.

(e) In the event that the record is not identified with sufficient specificity, the person making the request shall be so advised and requested to further identify the record. For a record to be considered "identifiable" it must exist at the time of the request. There is no obligation to "create" a record for the purpose of satisfying a request for information. When the information requested exists in the form of several records at several locations the applicant should be referred to those sources if gathering the information would be burdensome.

(f) Where it is determined that the record is subject to exemption under 5 U.S.C. 552(b), and that in the public interest should be withheld from public

disclosure, the Executive Officer, DCAA or the Regional Manager concerned, shall notify the applicant that the request is denied, and inform him fully of the statutory basis for the denial and of the applicant's right to appeal to the Director, DCAA, in accordance with § 290.9.

§ 290.7 Records of other agencies.

(a) When a requested record was originated by another agency or component, the request shall be referred promptly and directly to that agency or component for disposition.

(b) If a request is forwarded by another agency or component to the Defense Contract Audit Agency, this agency will consult with other agencies or components having a significant interest in the content of the requested document before determining whether to make it available to the requester.

(c) Persons requesting material primarily concerning a member of Congress or a Congressional Committee, or a copy of a transcript of testimony given before a Congressional Committee, will be advised to direct the request to the concerned member or Committee.

§ 290.8 Fees.

Appropriate fees for the furnishing and copying of records under this part will be charged in accordance with 5 U.S.C. 140 and DoD Instruction 7230.7, User Charges, dated December 20, 1966. The Deputy for Resources Management, DCAA, shall assist Regional Managers in estimating fees to be charged.

§ 290.9 Appeals.

(a) Any person aggrieved by any determination made, or action taken, pursuant to this part may appeal to the Director, DCAA, not more than 10 days after a request for a record is denied. The appeal shall be in writing and shall identify the requested material in the same manner as it was identified in the initial request. The appeal shall indicate when and to whom the request was made, the date and stated basis of the denial, and the reasons why the record should be made available.

(b) The Director, DCAA, shall inform the requester in writing within 10 working days after the receipt of the appeal whether the material will be made available in whole or in part. If the request is denied in whole or in part, the basis for the denial will be stated.

(c) In those instances in which a requester seeks reconsideration by the Director, or initiates legal action to compel release of a record, the Director's decision shall be forwarded to the General Counsel of the Department of Defense.

§ 290.10 Exemptions from public disclosure.

The following types of records may be withheld from public disclosure:

(a) Those requiring protection in the interest of national defense or foreign policy according to the criteria established by law, Executive order or DoD Instruction 5210.7, Security Classification of Official Information, dated December 31, 1964 (32 F.R. 5420).

(b) Those containing rules, regulations, orders, manuals, directives and instructions which provide only internal guidance to Defense Contract Audit Agency personnel. Examples include the following:

(1) Volume I, Contract Audit Manual.

(2) Training instructions and material for DCAA personnel.

(3) Defense Contract Audit Agency Regulations and Instructions of the 7640 series.

(c) Those containing information which statutes authorize or require to be withheld from the public. Examples include:

(1) 18 U.S.C. 1905 pertaining to trade and financial information.

(2) 35 U.S.C. 181–188 pertaining to inventions which are the subject of patent applications on which secrecy orders have been issued.

(3) Public Law 86–36 pertaining to National Security Agency information.

(d) Information received from anyone including an individual, foreign nation, international organization, State or local government, corporation, or any other private organization with the understanding that it is to be retained on a privileged or confidential basis, if they are in fact the kinds of records which are normally considered privileged or confidential. Such records include Defense Contract Audit Agency audit reports and other agency documents which contain the following material.

(1) Commercial or financial information received in confidence in connection with loans, bids, or proposals, as well as other information received in confidence or privileged, such as trade secrets, inventions, discoveries or other proprietary data.

(2) Statistical data and commercial or financial information concerning contract performance, income, profits, losses and expenditures, received in confidence from a contractor or potential contractor.

(3) Commercial information such as formulae, designs, drawings, and other technical data and reports which are significant as items of valuable property acquired in connection with research, grants or contracts.

(4) Personal statements given in the course of inspections or investigations, where such statements are received in confidence from the individual and retained in confidence.

(e) Internal communications within the Defense Contract Audit Agency and with other agencies or components, unless such intra or interagency communications would routinely be made available through the discovery process in the course of litigation with the Defense Contract Audit Agency. Examples include the following material:

(1) Staff papers containing staff advice, opinions, suggestions, or other information received or generated by a component preliminary to a decision or action.

(2) Advice, suggestions, or reports prepared on behalf of the Department of Defense by boards, committees, counsels, groups, panels, conferences, commissions, task forces, or other similar groups that are formed by a component to obtain advice and recommendations.

(3) Advance information on such matters as proposed plans to procure, lease, or otherwise acquire and dispose of materials, real estate, facilities, or functions when such information would provide undue or unfair competitive advantage to private personal interests.

(4) Records which are exchanged among agency personnel or within and among components or agencies preparing for anticipated legal proceedings before any Federal, State, or military court or before any regulatory body.

(5) Records of DoD component evaluations of contractors and their products which could be used improperly to the advantage or to the detriment of private interests.

(6) Reports of inspections, audits, investigations or surveys which pertain to safety, security, or the internal management, administration, or operation of the Department of Defense.

(f) Information in personnel and medical files, as well as similar files that, if disclosed to the public would result in a clearly unwarranted invasion of personal privacy. Examples of files similar to personnel and medical files include the following:

(1) Those compiled to evaluate or adjudicate the suitability of candidates for civilian employment and the eligibility of individuals, civilian, military or industrial, for security clearances.

(2) Files containing reports, records, and other material pertaining to individual cases in which administrative action may be taken.

(g) Investigatory files compiled for the purpose of enforcing civil, criminal, or military law, including Executive orders or regulations validly adopted pursuant to law. Examples include:

(1) Statement of witnesses and other material based on the information developed during the course of the investigation and all materials prepared in connection with related government litigation and adjudicative proceedings.

(2) Lists of firms or individuals suspended under procurement regulations when the lists are compiled in connection with investigations of procurement or other irregularities.

(3) The right of individual litigants to investigatory files currently available by law is not diminished.

(h) Those contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of any agency responsible for the regulation or supervision of financial institutions.

§ 290.11 Identification and marking "for official use only".

Audit Reports of the Defense Contract Audit Agency shall be identified and marked "For official use only."

The provisions of this part shall become effective July 4, 1967.

Dated: June 29, 1967.

WILLIAM B. PETTY,
Director,
Defense Contract Audit Agency.

[F.R. Doc. 67-7071; Filed, July 3, 1967; 8:54 a.m.]

Chapter VII—Department of the Air Force

SUBCHAPTER A—ADMINISTRATION

PART 800—DEPARTMENT OF THE AIR FORCE SEAL

SUBCHAPTER C—PUBLIC RELATIONS

PART 822—UNIDENTIFIED FLYING OBJECTS (UFO)

Miscellaneous Amendments

Chapter VII of Title 32 of the Code of Federal Regulations is amended as follows:

Part 800 is revised to read as follows:

Sec.
800.1 Purpose.
800.2 Authority.
800.3 Description and significance.
800.4 Use of the Seal.
800.5 Coat of Arms.
800.6 Supply and issue.
800.7 Responsibility.

AUTHORITY: The provisions of this Part 800 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012, except as otherwise noted.

SOURCE: AFR 11-10, May 9, 1967.

§ 800.1 Purpose.

This part describes the Department of the Air Force seal, prescribes its use, and tells when the seal may be reproduced in whole or in part.

§ 800.2 Authority.

An official seal for the Department of the Air Force is prescribed by 10 U.S.C. 8011. The President of the United States approved the Air Force Seal by Executive Order No. 9982, November 3, 1947 (12 FR 7153).

§ 800.3 Description and significance.

The description of the Air Force seal and the significance of its various elements are as follows:

(a) The coat of arms, in the center portion of the seal, consists of two components:

(1) The Crest includes the eagle, cloud formation, and heraldic wreath. The American bald eagle symbolizes the United States and its airpower; the wreath beneath the eagle, composed of six alternate folds of metal and color, repeats the principal metal and color used in the shield, white (representing silver) and light blue. The cloud formation behind the eagle depicts the creation of a new firmament—the Department of the Air Force.

(2) The shield, immediately below the eagle, is divided horizontally into two parts by a nebuly line representing clouds. The top portion of the shield bears the heraldic thunderbolt, which portrays striking power through the medium of aerospace.

(b) The 13 encircling stars represent the original 13 colonies.

(c) Roman numerals beneath the shield indicate 1947, the year the Department of the Air Force was established.

(d) The band encircling the whole design bears the inscription "Department of the Air Force" and "United States of America."

(e) The official Air Force colors, ultramarine blue and golden yellow, are used in the Seal. Ultramarine blue is used for the circular background of the Seal, while the upper part of the Shield of the Coat of Arms is light blue—representing the sky. The lower part of the shield is white—representing the heraldic metal silver. The thunderbolt is golden yellow with flames in natural color. Alternate twists of white and light blue make up the wreath of the crest; the eagle and cloud are in their natural colors. The 13 stars are white, and the Roman numerals golden yellow. White, edged in golden yellow with black letters is used on the encircling band.

§ 800.4 Use of the Seal.

(a) *Official policy.* Use of the Seal or any part thereof is permitted only as authorized in this part, or as approved by the Department of the Air Force in specific instances. Falsely making, forging, counterfeiting, mutilating, or altering the Seal—or knowingly using or possessing with fraudulent intent any such altered Seal—is punishable by law (62 Stat. 714; 18 U.S.C. 506).

(b) *Authorized uses.* The Seal or any part thereof—in black and white, color, monochrome reproduction, pictorial, or sculptured relief—may be used as follows:

(1) Motion pictures and television: In Air Force-approved training films, public relations films, and official Air Force motion picture and television programs.

(2) Memorials and monuments: Those erected by the Department of the Air Force or for which both the purpose and design are specifically approved by Hq USAF.

(3) Display: With any official Air Force exhibit.

(4) Wall plaques: By museums, military societies, and governmental institutions, when specifically approved by Hq USAF.

NOTE: When use of the entire Seal or any part thereof is desired and the specific case is not covered in this part, request for approval will be forwarded through channels to USAFMPC (AFPMSAU), Randolph AFB Tex. 78148.

(c) *Unauthorized uses.* The Seal will not be used:

(1) On souvenir or novelty items of an expendable nature.

(2) On printed matter reproduced or procured by an Air Force activity.

(3) On toys or commercial gifts and premiums.

(4) As a letterhead design on stationery.

(5) On menus, matchbook covers, sugar envelopes, calendars, and similar items.

(6) To adorn civilian clothing.

(7) On membership cards of military or quasi-military clubs, societies, etc.

(8) On athletic clothing and equipment.

(9) On any article which may discredit the Seal or reflect unfavorably upon the Department of the Air Force.

(10) In any manner which implies Air Force indorsement of commercial products or services.

(11) On commercial or private printed matter.

§ 800.5 Coat of Arms.

Authorized uses of the Coat of Arms are:

(a) Coat of Arms, with or without encircling stars—in black and white, color, monochrome reproduction, pictorial or sculptured relief—may be used for ornamentations for nonofficial use on articles of jewelry, such as watches, rings, tie clasps, cuff links, bracelets, cigarette lighters, and similar articles where use of the Coat of Arms is in good taste and appropriate to the occasion.

NOTE: Use of the Coat of Arms in instances mentioned in this paragraph must be specifically approved by USAFMPC (AFPMSAU), Randolph AFB TX 78148. When USAFMPC approves use of the Coat of Arms for nonofficial purposes, it will do so only with the understanding that such usage in no way reflects Air Force endorsement of the product involved.

(b) Coat of Arms without encircling stars—in black and white, color, monochrome reproduction, pictorial, or sculptured relief—may be used for ornamentation by Air Force military personnel, including members of the Reserve components and Air Force retired personnel:

(1) For display on personal stationery or framing for display in the home as a painting or a wall plaque.

(2) For wear on civilian jackets or blazers of conservative color.

NOTE: Although Hq USAF approval is not required for use of the Coat of Arms without encircling stars in the cases mentioned in this paragraph, Air Force personnel are reminded that it is the obligation of each member to protect the dignity of the Air Force Coat of Arms by insuring that its display is in good taste and is appropriate to the occasion.

§ 800.6 Supply and issue.

(a) Official drawings of the Seal or any part thereof required for reproduction may be obtained from USAFMPC (AFPMSAU), Randolph AFB TX 78148. The request will include a complete justification.

(b) Wall Plaque, Air Force Seal (Federal Stock Number 9905-766-0426): These plaques are of lightweight plastic material, in full color, and approximately 15" in diameter.

(1) Those organizations listed in § 800.4(b)(4) must obtain USAFMPC (AFPMSAU) approval for use before submitting requisitions.

(2) The cost of these items is borne by the using activity.

§ 800.7 Responsibility.

(a) *Secretary of the Air Force.* The Administrative Assistant to the Secretary of the Air Force is the custodian of the Air Force Seal, and is solely responsible for approving use of its impression on official departmental documents and records.

(b) *Hq USAF.* The Assistant DCS' Personnel for Military Personnel is responsible for approving use of facsimiles of the Seal, or portions thereof, on insignia, flags, medals, and similar items. He is also responsible for authorizing such other uses of elements of the Seal as Air Force organizations, civilian groups, and industry may request.

Part 822 is revised to read as follows:

Sec.
822.1 Purpose.
822.2 Definitions.
822.3 Response to public interest.

AUTHORITY: The provisions of this Part 822 issued under section 8012, 70A Stat. 488; 10 U.S.C. 8012.

SOURCE: AFR 80-17, September 19, 1966.

§ 822.1 Purpose.

This part establishes the Air Force contact with the public for the UFO program.

§ 822.2 Definitions.

(a) *Unidentified flying objects.* Any aerial phenomenon or object which is unknown or appears out of the ordinary to the observer.

(b) *Familiar or known objects/phenomena.* Aircraft, aircraft lights, astronomical bodies (meteors, planets, stars, comets, sun, moon), balloons, birds, fireworks, missiles, rockets, satellites, searchlights, weather phenomena (clouds, contrails, dust devils), and other natural phenomena.

§ 822.3 Response to public interest.

The Secretary of the Air Force, Office of Information (SAF-OI), maintains contact with the public and the news media on all aspects of the UFO program and related activities. Private individuals or organizations desiring Air Force interviews, briefings, lectures, or private discussions on UFOs will direct their requests to SAF-OI.

By Order of the Secretary of the Air Force.

WILLIAM H. LUMPKIN,
Brigadier General, U.S. Air Force, The Assistant Judge Advocate General, U.S. Air Force.

[F.R. Doc. 67-7544; Filed, July 3, 1967; 8:46 a.m.]

RECORDS AND INFORMATION

Miscellaneous Amendments

Chapter VII of Title 32 of the Code of Federal Regulations is amended as follows:

SUBCHAPTER A—ADMINISTRATION

PART 806—DISCLOSURE OF UNCLASSIFIED RECORDS

A new Part 806 is added as follows:

Subpart A—General Information

Sec.
806.1 Purpose.
806.2 Types of requests covered by this part.

Subpart B—Policies Governing Disclosure of Records

Sec.
806.3 Basic policies on disclosure.
806.4 Specific policies on disclosure.
806.5 Material that may be withheld from disclosure.

Subpart C—Processing Requests To Inspect or Copy Records

806.6 Persons authorized to disclose or not to disclose records requested by members of the public.
806.7 Expedited handling required.

Subpart D—Submitting Requests for Documents

806.8 Identifying material requested.
806.9 Addressing requests.
806.10 Addressing requests for records of military personnel.

Subpart E—Appeals From Refusals To Make Records Available

806.11 Filing an appeal.
806.12 Processing an appeal.

AUTHORITY: The provisions of this Part 806 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012; 5 U.S.C. 552; DoD Directive 5400.7, June 1967, except as otherwise noted.

SOURCE: AFR 11-80, June 27, 1967.

Subpart A—General Information

§ 806.1 Purpose.

This part states basic policies and instructions governing the disclosure of unclassified records and tells members of the public what they must do to inspect or obtain copies of records. It applies Air Force-wide. In case of a conflict, this part takes precedence over any existing directive dealing in whole or in part with the disclosure of unclassified records.

§ 806.2 Types of requests covered by this part.

This part governs the disclosure of documentary material to the general public. Requests by members of Congress or congressional staffs for information and documentary material are processed under AFR 11-7 (Air Force Relations with Congress). Requests from the General Accounting Office are processed under AFR 11-8 (Air Force Relations with the General Accounting Office). Requests for documentary material for use in litigation are processed under Part 840, Subchapter D of this chapter as well as this part. Requests by news media or their representatives require compliance with AFR 190-12 (Release of Information to the Public) as well as this part. More detailed instructions for handling requests for specialized types of records or other documentary material may be contained in other directives and regulations, such as the Armed Services Procurement Regulation (Subchapter A, Chapter I of this title).

Subpart B—Policies Governing Disclosure of Records

§ 806.3 Basic policies on disclosure.

(a) It is the fundamental policy of the Departments of Defense and the Air Force to make available to the public the maximum amount of information and records concerning their operations and activities.

(b) This basic policy is subject to the necessary exception, recognized in 5 U.S.C. 552(b) and discussed in § 806.5, that in certain cases records and other documentary material need not be made public. However, even where nondisclosure is authorized by 5 U.S.C. 552(b) and § 806.5 requested records and other documentary material should be disclosed if no significant purpose would be served by withholding them. The determination of whether a significant purpose is served by withholding information under the provisions of § 806.5 is within the sole discretion of the Air Force.

(c) In no event will a determination that a record should be withheld be influenced by the possibility that its release might suggest administrative error or inefficiency or might embarrass the Air Force or an official of the Air Force.

§ 806.4 Specific policies on disclosure.

(a) Any identifiable documentary material in the possession of the Air Force which qualifies as a "record" as discussed in paragraph (b) of this section and which is not exempted under § 806.5 should be made available on the request of any person.

(b) In determining whether documentary material qualifies as a "record", 44 U.S.C. 366, which, for records disposal purposes, defines the word "records", should be used as a guide. This statute provides in part that:

> When used in sections 366-376 and 378-380 of this title, the word "records" includes all books, papers, maps, photographs, or other documentary materials, regardless of physical form or characteristics, made or received by any agency of the U.S. Government in pursuance of Federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government or because of the informational value of data contained therein.

(1) The term "records" does not include objects or articles such as structures, furniture, paintings, sculpture, three-dimensional models, vehicles, equipment, etc., whatever their historical value as "evidence."

(2) Records are not limited to permanent or historical documents; they include contemporaneous ones as well.

(c) For a record to be considered "identifiable" it must exist at the time of the request. There is no obligation to create a record to satisfy a request for information. When the information requested exists in the form of several records at several locations, the requester should be referred to those sources if gathering the information would be burdensome.

(d) Requesters must be reasonably specific in identifying records they would like made available. The Air Force is not required to permit a requester to browse through entire files or large series of records to find a record he may then "identify." However, the Air Force will make a reasonable effort to locate any records that are requested. More than one record may be requested, but each must be reasonably well identified.

(e) Requests for identifiable records may be denied only when an official designated in § 806.6(b) determines that such denial is authorized by this part.

(f) Pursuant to 5 U.S.C. 552(a)(3), requesters will be charged the reasonable costs to the Air Force of searching, copying, or certifying records. Charges will be determined according to Part 813, subchapter B of this chapter. Except for any copies that may be provided, no charge will be made to the public for the use of established reading rooms or reference libraries.

§ 806.5 Material that may be withheld from disclosure.

Records that fall within the categories listed in paragraphs (a) through (h) of this section are not required to be made available to members of the public. Nevertheless, a record that falls under one of these exempted categories should be made available to a requester if, in the judgment of the appropriate official designated under § 806.6, no significant purpose would be served by withholding it from him under the applicable exemption.

(a) Those containing information requiring protection in the interest of National defense or foreign policy according to the criteria established by Part 850, subchapter E of this chapter or by Executive order.

(b) Those containing rules, regulations, orders, manuals, directives and instructions relating to the internal personnel rules or internal practices of the Air Force. Examples include:

(1) Operating rules, guidelines, and manuals for Air Force investigators, inspectors, auditors or examiners that cannot be disclosed to the public without substantial prejudice to the effective performance of a significant Air Force function. Some of these materials might reveal:

(i) Negotiation and bargaining techniques.

(ii) Bargaining limitations and positions.

(iii) Inspection schedules and methods.

(iv) Audit schedules and methods.

(2) Personnel and other administrative matters such as examination questions and answers used in training courses or in determining the qualification of candidates for employment, entrance to duty, advancement, or promotion.

(c) Those containing information authorized or required by statute to be withheld from the public. The authorization or requirement may be found in the statute itself or in Executive orders or regulations authorized by, or in implementation of, the statute. Examples include:

(1) Documentary material referred to in 18 U.S.C. 1905: trade and financial information provided in confidence by businesses (see also paragraph (e) of this section).

(2) 35 U.S.C. 181-88: records containing information relating to inventions that are the subject of patent applications on which patent secrecy orders have been issued.

(d) Those containing information which the Government has received from anyone, including an individual, a foreign nation, an international organization, a State or local government, a corporation, or any other organization, with the understanding, express or implied, that the information will be retained on a privileged or confidential basis; or those containing similar commercial or financial information that the component develops internally, if the information is, in fact, the kind normally considered privileged or confidential. The following are examples of the types of information that may be included within this exemption:

(1) Commercial information such as research data, formulas, designs, drawings, and other technical data and reports which are significant as items of valuable property acquired in connection with research, grants, or contracts, and if owned by private parties would likely be held in confidence.

(2) Commercial and financial information received in confidence in connection with loans, bids, or proposals, as well as other information received in confidence or privileged, such as trade secrets, inventions and discoveries, or other proprietary data.

(3) Statistical data and commercial or financial information concerning such matters as contract performance, income, profits, losses, and expenditures.

(4) That information customarily considered privileged or confidential under the rules of evidence in the Federal courts, such as information coming within the doctor-patient, lawyer-client, and priest-penitent privileges.

(5) Personal statements given in the course of inspections, audits, or investigations.

(6) Any other informatoin that customarily would not be released to the public by the person from whom it was obtained.

(e) Except as provided in subparagraph (3) of this paragraph, those containing interagency or intraagency communications.

(1) One major purpose of this exemption is to ensure that frank internal communication and a free exchange of ideas among agency personnel will not be inhibited. In this sense it is primarily concerned with opinions, suggestions, recommendations, evaluations, analyses, and discussions, as opposed to records of final actions taken.

(2) The following are examples of the types of material that may normally be withheld under this exemption:

(i) Staff papers that discuss a problem or contain advice, recommendations, analyses, suggestions, or evaluations.

(ii) Information received or generated by a component preliminary to a decision or action, where premature disclosure would harm the authorized appropriate purpose for which the records are being used.

(iii) Draft versions of documents.

(iv) Advice, suggestions, or reports prepared on behalf of the Air Force by boards, committees, panels, conferences, councils, commissions, task forces, or similar groups that are formed by the Air Force to obtain advice and recommendations.

(v) Conversations or communications between Air Force personnel, or between such personnel and representatives of other agencies of the Executive Branch, if the conversations or communications are merely advisory or preliminary in nature and do not represent any final official action.

(vi) Advance information on such matters as proposed plans to procure, lease, or otherwise acquire and dispose of materials, real estate, facilities, or functions when such information would provide undue or unfair competitive advantage to private personal interests.

(vii) Inspector general reports, auditor general reports, or other reports of inspections, investigations, or surveys that pertain to safety or the internal management, administration, or operations of the Air Force.

(viii) Records that are exchanged among Air Force personnel or within and among Government agencies preparing for legal proceedings or anticipated proceedings before any Federal, State, or military court or regulatory body.

(ix) Records of Air Force evaluations of contractors and their products or services, that, in effect, constitute advice or recommendations and could be used improperly to the advantage or detriment of private interests.

(x) Reports of proceedings to select personnel for assignment, school, promotion, retention, and similar purposes.

(3) Any such intra- or inter-agency records or other documentary material that would routinely be made available through the discovery process in the course of litigation with the agency may not be withheld. However, if the material would only be made available through the discovery process by special order of the court, based on the particular needs of a litigant balanced against the interests of the agency in maintaining its confidentiality, then the record or document should not be made available to a member of the public.

(f) Those containing information from personnel and medical files.

(1) When the sole and exclusive basis for withholding such information is protection of the personal privacy of an individual, the information should not be withheld from him or from his designated legal representative.

(2) An individual's personnel or medical files may be withheld from him or from his designated legal representative for reasons other than the protection of his personal privacy when Civil Service Commission regulations or other regulations so authorize.

(g) Those containing information from files similar to medical and personnel files where there would be a clearly unwarranted invasion of the personal privacy of an individual if the information were disclosed.

(1) Examples of similar files are those:

(i) Compiled to evaluate or adjudicate the suitability of candidates for civilian employment and the eligibility of individuals, whether civilian, military, or industrial, for security clearances.

(ii) Containing reports records, and other material pertaining to personnel matters in which administrative action, including disciplinary action, may be taken or has been taken.

(iii) Containing information about personal or financial affairs that the individual would not normally disclose publicly. Included are:

(a) DD Form 1555 "Confidential Statement of Employment and Financial Interests—DoD Personnel."

(b) DD Form 1555–1 "Confidential Statement of Employment and Financial Interests (For Use by Special DoD Employees)."

(2) In determining whether the release of information would result in a clearly unwarranted invasion of privacy, consideration should be given, in cases such as those involving alleged misconduct, to:

(i) The amount of time that has passed since the alleged misconduct,

(ii) The degree to which the individual's privacy has already been invaded, and

(iii) The relationship of the alleged misconduct to an employee's official duties.

The release of information concerning alleged misconduct that is closely related to official duties, has occurred recently, and has already been exposed to the public is less likely to constitute a clearly unwarranted invasion of personal privacy.

(3) When the sole and exclusive basis for withholding information is protection of an individual's personal privacy, the information should not be withheld from him or from his designated legal representative.

(4) Information from such files may be withheld from an individual or from his legal representative for reasons other than protection of his personal privacy when authorized by Civil Service Commission regulations or other regulations.

(h) Those containing information from investigatory files compiled to enforce civil, criminal, or military law, including Executive orders or regulations validly adopted pursuant to law. Included within this exemption are:

(1) Reports, statements of witnesses, and other material based on the information developed during the course of an investigation and all materials prepared in connection with related Government litigation and adjudicative proceedings. OSI reports, for example, concerning suspected violations of the Uniform Code of Military Justice and other laws come within this provision.

(2) Investigatory files compiled to enforce Executive orders or the regulations and directives of a component of the Department of Defense.

(3) Lists or identifications of firms or individuals suspended under procurement regulations when the lists are compiled in connection with investigations of irregularities.

Subpart C—Processing Requests To Inspect or Copy Records

§ 806.6 Persons authorized to disclose or not to disclose records requested by members of the public.

(a) Except for those categories of records listed in paragraph (c) of this section, the authority to make available records or other documentary material to members of the public is vested in commanders and their representatives at major command or comparable level or higher authority. This authority may be delegated, but not below the level of installation, wing, or comparable commanders, or chiefs of offices at directorate or higher level within Hq USAF. Anyone having the authority to disclose records or other documentary material is called a disclosure authority.

(b) When appropriate under this part, a disclosure authority at the major command or comparable level or directorate or higher authority within Hq USAF is authorized to refuse to make available records or other documentary material to members of the public. This refusal authority may not be delegated below this level.

(c) The activities and persons listed in this section may either disclose or refuse to disclose the types of records cited when appropriate under this part.

Type of record	*Disclosure authority*
For use in litigation.	The Judge Advocate General, or other authority listed in Part 840, Subchapter D of this chapter.
Medical Records...	The director of base medical services or a designated medical officer, subject to the requirements of AFM 168–4.

§ 806.7 Expedited handling required.

Activities at all echelons must expedite their handling of any requests from members of the public to inspect or copy records. They should make every effort to avoid creating procedural obstacles when internal Air Force organizational problems arise, particularly, where reorganization or transfer of functions contributes to an improperly directed request. Air Force personnel shall make all reasonable efforts to assist private persons in directing requests for records and other documentary material to the appropriate authorities.

Subpart D—Submitting Requests for Documents

§ 806.8 Identifying material requested.

Requests to inspect or obtain copies of records or other documentary material should normally be made in writing. They should contain at least the following information.

(a) As complete an identification as possible of the desired material, including (if known) its title or description, its date, and the issuing authority.

(b) With respect to matters of official record concerning civilian or military personnel, the first name, middle name or initial, surname, date of birth, and social security number of the individual concerned, if known.

(c) A statement as to whether the requester wishes to inspect the record or obtain copies of it.

§ 806.9 Addressing requests.

Requesters should address their requests as follows:

(a) For matters of official record for use in litigation: Hq USAF (AFJALF), Washington, D.C. 20330, or the activity where the record is located, if known.

(b) For matters of record concerning civilian employees currently employed by the Air Force: Civilian personnel officer of base or activity where person is employed.

(c) For matters of record concerning civilian employees no longer employed in the Federal service: National Personnel Records Center, GSA (Civilian Personnel Records), 9700 Page Boulevard, St. Louis, Mo. 63132.

(d) For matters of record concerning members and former members of the Air Force, Air Force Reserve or Air National Guard: See § 806.10.

(e) For other records, where the location of the record is known: Commander, activity where record is located.

(f) For other records, where the location of the record is not known: Hq USAF (AFDASBA), Washington, D.C. 20330.

§ 806.10 Addressing requests for records of military personnel.

Records of members and former members of the Air Force are maintained in different locations depending on the member's current status. Accordingly, requests for such records should be addressed as follows:

If individual is presently—	And he is/was—	Inquiry should be addressed to—
On extended active duty	Commissioned officer or warrant officer.	Current organization of assignment, if known; otherwise: USAFMPC (AFPMDRO), Randolph AFB TX 78148.
	Airman	Current organization of assignment, if known; otherwise: USAFMPC (AFPMDRA), Randolph AFB TX 78148.
A member of the Air Force Reserve not on extended active duty.	Commissioned officer, warrant officer, or airman.	ARPC, 3800 York St., Denver CO 80205.
A member of the Air National Guard not on extended active duty.	Commissioned officer or warrant officer.	Chief, National Guard Bureau (NGAF), Washington, D.C. 20310.
	Airman	Air Adjutant General of the appropriate State, District of Columbia, or Commonwealth of Puerto Rico.
Retired for temporary physical disability.	Commissioned officer or warrant officer.	USAFMPC (AFPMDRO), Randolph AFB TX 78148.
	Airman	USAFMPC (AFPMDRA), Randolph AFB TX 78148.
Retired (with pay)	General officer	USAFMPC (AFPMDRO), Randolph AFB TX 78148.
	Other than general officer	NPRC (MPR) GSA, 9700 Page Blvd., St. Louis MO 63132.
Former members who no longer have an Air Force affiliation.	Commissioned officer, warrant officer, or airman.	

NOTE: If member's status is unknown, address request to USAFMPC (AFPMDRF), Randolph AFB TX 78148.

Subpart E—Appeals From Refusals To Make Records Available

§ 806.11 Filing an appeal.

(a) A person whose request to copy or inspect a record or other documentary material is denied may appeal this decision to the Secretary of the Air Force within 45 days of the denial. A requester will not be considered to have exhausted his administrative remedies within the Department of the Air Force unless such an appeal has been filed and a Secretarial decision has been made thereon. This decision will be the final action of the Air Force on the request.

(b) An appeal is filed when the requester sends a copy of the letter of denial to the Secretary of the Air Force (SAFOI), Washington, D.C. 20330, together with a request that the denial be reconsidered.

(c) Any statement of reasons or arguments must be submitted in writing when the appeal is filed. A personal appearance will be allowed only at the discretion of the Secretary.

§ 806.12 Processing an appeal.

(a) The appeal will be processed through The Judge Advocate General to the Administrative Assistant to the Secretary of the Air Force (SAFAA), who will announce the Secretary's decision. A decision on the appeal will not be unnecessarily delayed. If the request to copy or inspect a document is denied on appeal, the decision will be explained to the requester in writing.

(b) A copy of this explanation will be forwarded to the General Counsel, Department of Defense, in those instances in which the requester seeks reconsideration by the Secretary, or, after decision on the appeal, initiates legal action to compel release of the record.

SUBCHAPTER B—SALES AND SERVICES

PART 813a—PROVIDING AIR FORCE REFERENCE ROOM SERVICE TO THE PUBLIC

A new Part 813a is added as follows:

Sec.
813a.1 Policy.
813a.2 Fees.

AUTHORITY: The provisions of this Part 813a issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012, 5 U.S.C. 552; DoD Directive 5400.7, June 1967.

SOURCE: AFDASB Memorandum to AFJAGA, June 28, 1967, subject: Providing Air Force Reference Room Service to the Public; AFL 11–7, June 1967.

§ 813a.1 Policy.

The Air Force will make available to the general public its Publication Reference Libraries at Hq USAF, major commands and Air Force bases, effective July 4, 1967. The material designated in 5 U.S.C. 552(a)(2) will be made available to members of the public for inspection and copying at these locations. Published decisions of the Boards of Review can be found in the "Court-Martial Reports" and are available at Air Force bases in the office of the Staff Judge Advocate. Unpublished Board of Review decisions will be made available for public inspection and copying at Bolling Air Force Base, Washington, D.C. 20332, Building 626, Room 203.

§ 813a.2 Fees.

No fee will be charged for the normal use of these facilities. However, in accordance with Parts 812 and 813 of this subchapter, fees will be charged for copies when appropriate.

SUBCHAPTER C—PUBLIC RELATIONS

PART 827—RELEASE OF MATTERS OF OFFICIAL RECORD

Part 827 is hereby revoked. The provisions of this part appear at Part 806, Subchapter A of this chapter.

By order of the Secretary of the Air Force.

WILLIAM H. LUMPKIN,
Brigadier General, U.S. Air Force, The Assistant Judge Advocate General, U.S. Air Force.

[F.R. Doc. 67–7538; Filed, July 3, 1967; 8:45 a.m.]

RESERVE OFFICER TRAINING AND INSTRUCTION

Miscellaneous Amendments

Chapter VII of Title 32 of the Code of Federal Regulations is amended as follows:

SUBCHAPTER F—AIRCRAFT

PART 857—PROVIDING WEATHER SERVICE TO NONMILITARY AGENCIES OR INDIVIDUALS

Part 857 of Chapter VII of Title 32 of the Code of Federal Regulations is revoked. This subject matter now appears in Part 819, Subchapter B of this chapter.

SUBCHAPTER H—AIR FORCE RESERVE OFFICERS' TRAINING CORPS

PART 870—AIR FORCE RESERVE OFFICERS TRAINING CORPS (AFROTC)

1. Section 870.2 is amended by adding the following notes to paragraphs (m) and (w); § 870.8 is amended by revising the introductory paragraph and the table in paragraph (b); § 870.9 is amended by adding an introductory paragraph; and § 870.10 is amended by revising paragraph (a)(1), adding a note to paragraph (a)(2), and revising paragraphs (b) and (c) to read as follows:

§ 870.2 Definitions.

* * * * *

(m) *Financial assistance program (FAP).* * * *

NOTE: A cadet who is on academic probation or not in good standing at the institution will not be accepted as a member of the Financial Assistance Program.

* * * * *

(w) *Professional Officer Course (POC).* * * *

NOTE: A cadet who is on academic probation or not in good standing at the institution will not be admitted to membership in the POC.

* * * * *

§ 870.8 Policy on eligibility for membership in the General Military Course and the Professional Officer Course.

As many qualified students may be members of the GMC and POC, in each category, as are necessary to fill but not exceed production quotas set by Hq U.S.

Air Force (and suballotted by the Commandant, AFROTC) for the graduating class in which they will be appointed. Each cadet or student must voluntarily apply for the POC and compete with all applicants for selection. The Commandant, AFROTC, establishes selection and retention criteria for the AFROTC program, awards financial assistance grants, and prescribes selection criteria for attendance at the 6-week field training.

* * * * *

(b) * * *

Eligibility requirements for membership in the program elements of AFROTC

LINE	If student desires to participate in—	RULE 1	2	3	4
A	The GMC (AS 100 and AS 200)	Yes			
B	6-week field training (AS 250)		Yes		
C	The POC (AS 300 and AS 400) [1]			Yes	
D	The Financial Assistance Program [11]				Yes
E	Then he must be of good, moral character (see § 870.10) and medically qualified under AFM 160-1 (Medical examinations and medical standards).	X	X	X	X
F	Execute the oath of allegiance	X	X	X	X
G	Be a U.S. citizen	X [4]	X	X	X
H	Enlist in the Air Force Reserve [5]			X	X
I	Have attained age of 14	X			
J	Have attained age of 17		X	X [6]	X [7]
K	Sign deferment agreement (AF Form 1041) (Part 870 of this subchapter)	X [8]		X	X
L	Execute Armed Forces Security Questionnaire (DD Form 98)		X	X	X
M	Execute AFROTC category agreement (AF Form 1056), with parental consent if under 21 years of age.		X	X	X
N	Execute statement of understanding (AF Form 29) (AFR 45-8 (Enlistment in AFROTC Cadets)) with parental consent if under 18 years of age.			X	X
O	Be enrolled in the 4-year program	X			X [9]
P	Successfully complete GMC or receive credit under § 870.20, or successfully complete the 6-week field training (for 2-year program)			X	
Q	Successfully complete any general survey or screening test prescribed for his category	X [9]	X [9]	X	X

[1] A student who has been a former member of a service academy (including the Coast Guard) is ineligible unless USAFMPC (AFPMRDC) has granted a waiver, but he may be a "pursuing" student under § 870.10(b)(2) while his application is being referred through channels for review and final decision.

[2] Graduate students may be selected for the POC (2-year program) provided they have 2 years remaining on campus after completing the 6-week field training. They are selected in competition with under-graduate students and within prescribed production requirements.

[3] Only cadets in the 4-year program are eligible for membership in the FAP (requirements cannot be waived). Cadets receiving grants at the AS 300 or AS 400 level must have successfully completed the GMC, or received credit under § 870.20. Grant recipients at the AS 200 level must have completed AS 100, or received credit under § 870.20.

[4] Foreign students who have filed naturalization Form NAIA, "Declaration of Intent," may be accepted as members of the GMC pending finalization of their citizenship status.

[5] If already a member of any Reserve component of any military department, including the AF Reserve, he must be discharged and reenlist in the AF Reserve or transfer to the AF Reserve.

[6] Must be able to complete all requirements for appointment by age 26½ if he is category I–P or I–N and by age 30, if category II or III.

[7] Must be able to complete all aerospace studies courses, prescribed field training, and degree requirements and must have reached his 25th birthday by June 30 of the calendar year in which he is eligible for appointment. (Requirement cannot be waived.)

[8] A GMC cadet may be given an AFROTC deferment after successful completion of one academic semester, trimester, quarter, or academic term—including an Aerospace Studies course—at the institution.

[9] With the concurrence of the institution concerned, must complete mental examinations prescribed by AFROTC.

§ 870.9 Who may not be AFROTC members.

The following may not be granted a selective service deferment or be considered for membership in either the FAP or POC:

* * * * * *

§ 870.10 Character requirements.

* * * * *

(a) *Military or civil offenses.* * * *

(1) The Commander, AU, has authority to waive all offenses; the Commandant, AFROTC, to grant or deny waivers of minor violations that are not prejudicial to the applicant's performance of duty as an Air Force officer and do not indicate unacceptable traits of character. The Commandant, AFROTC may delegate to the PAS authority to waive nonrecurrent minor violations.

(2) * * *

NOTE: For purpose of membership in the GMC, admission to the institution is indicative of good character. The PAS must make it understandably clear to GMC cadets that acceptance for GMC training is in no way indicative of a commitment for a selective service deferment or later admission into the POC or FAP. Additionally, the PAS must counsel the GMC cadets that before they may be admitted to membership in the POC or Financial Assistance Program, a request for waiver of involvement with civil or military authorities must be approved in accordance with this part.

(b) *Elimination from service academy or other officer training program (see AFR 53-5 (Record of Disenrollment From Officer Candidate-Type Training—DD Form 785)).* (1) A student eliminated from an officer candidate-type training program because of military inaptitude, indifference to training, major honor violation, undesirable traits of character, or for disciplinary reasons may not be accepted for membership in the POC, FAP, or be certified for selective service deferment without a waiver from USAFMPC (AFPMRDC).

(2) A student eliminated from an officer candidate-type training program because of academic deficiency may be accepted as a pursuing student in the POC while his application is being forwarded through channels for review and final decision. If the student is a former member of a service academy (including Coast Guard) waiver must be obtained from USAFMPC (AFPMRDC). Air University has authority to approve waiver requests from students eliminated from other officer candidate-type training programs. (See Subpart C of this part for procedures in enrolling pursuing students.)

(c) *Ineligible to reenlist.* A former serviceman who, for any reason, is not eligible to reenlist will not be accepted for membership in the POC or FAP. (See Part 888, Subchapter I of this Chapter.)

(Sec. 8012, 70A Stat. 488; 78 Stat. 1064; 10 U.S.C. 8012, 2101 et seq., and 50 U.S.C. App. 456(a)) [AFR 45-48, Ch. 1, May 22, 1967]

PART 873—AIR FORCE ROTC FLIGHT INSTRUCTION PROGRAM (FIP)

2. A new Part 873 is added as follows:

Sec.
873.1 Purpose.
873.2 Objectives.
873.3 Program curriculum.
873.4 Operational supervision of the program.
873.5 Participation.
873.6 Waiver and elimination authority.
873.7 Disability and death benefits under Federal Employees' Compensation Act.

AUTHORITY: The provisions of this Part 873 issued under section 8012, 70A Stat. 488; 10 U.S.C. 8012.

SOURCE: AFR 45-58, May 13, 1966.

§ 873.1 Purpose.

This part describes the Air Force ROTC Flight Instruction Program (FIP), states its objectives, and assigns responsibilities to carry out the program.

§ 873.2 Objectives.

The program objectives are to:

(a) Motivate qualified Air Force ROTC cadets to a career in the Air Force.

(b) Encourage qualified basic course Air Force ROTC cadets to enroll in the advanced course as pilot training applicants.

(c) Provide a screening device which will identify pilot training applicants who lack the basic aptitudes for Air Force pilot training.

§ 873.3 Program curriculum.

Participating schools offer FIP as an integral part of their Air Force ROTC program. The Commandant, Air Force ROTC, establishes the curriculum to:

(a) Encompass a course of flight instruction in light aircraft having 65–200 horsepower and a separate and independent three-control system, i.e., rudder, elevator, and aileron controls.

(b) Meet minimum Federal Aviation Agency (FAA) flight and ground school requirements for a FAA Private Pilot's License, if possible.

§ 873.4 Operational supervision of the program.

By agreement between the Air Force and the FAA, the FAA performs the operational administration of the program, which includes providing:

(a) As required by the Air Force, a list of eligible flight schools in each area to be served. These schools will keep in effect a flying school certificate with a private pilot rating.

(b) Pertinent instructions to flight schools on flight curriculum to use and standards to maintain.

(c) Operational inspection of flight schools, instructors, and aircraft at least every 60 days to insure adherence to all prescribed standards.

(d) Periodic and final progress flight checks according to the following established objective standards:

(1) The flight instructor performs the periodic progress flight checks as required and according to objective standards; however, FAA agents perform at least 10 percent of such checks to insure the quality of instruction and submit reports of their checks to the appropriate Professor of Air Science (PAS).

(2) FAA agents perform all final flight checks.

(e) Necessary advice to and maintaining continuous liaison with the appropriate Hq USAF staff office.

§ 873.5 Participation.

(a) Selected advanced course Air Force ROTC cadets in category I–P who have signed a Career Reserve Statement as applicants for flying training must participate when their schools conduct the program. Cadets successfully completing the program continue in category I–P.

(b) Cadets enrolled in any of the other advanced course categories are not eligible to participate.

(c) Cadets who have completed a similar course of instruction and who possess a Private Pilot's Certificate or higher FAA rating will not participate in the FIP.

§ 873.6 Waiver and elimination authority.

The Commandant, Air Force ROTC, grants waivers of participation and makes final determination concerning elimination of cadets. He may redelegate his responsibility to the PAS.

(a) *Waiver of participation.* Normally, the Air Force will not grant waivers of FIP participation requirements for cadets listed in § 873.5(a). However, waivers may be granted when participation would place an extreme or unusual hardship on cadets.

(b) *Elimination.* Part 670 of this subchapter explains how to recategorize a cadet eliminated from the FIP but retained in the Air Force ROTC program. However, a cadet eliminated in accordance with subparagraph (2) of this paragraph normally will be disenrolled from the Air Force ROTC program. A cadet may be eliminated for any of the following reasons:

(1) General pilot inaptitude, and failure to:

(i) Make satisfactory progress in flight instruction.

(ii) Pass periodic progress or final flight checks.

(2) Willful violation of flying regulations or other acts which evidence indifference to or improper attitude toward training.

(3) At his own request.

(4) Medical disqualification for category I–P after enrolling in FIP.

§ 873.7 Disability and death benefits under Federal Employees' Compensation Act.

Regulations governing administration of the Federal Employees' Compensation Act, September 7, 1916, as amended, for civil officers of the United States and others, provide disability and death benefits to program participants, computed at the monthly wage of $150. If a member of the Air Force ROTC is injured or dies from an injury incurred in line-of-duty while engaged in flight instruction, he or his survivors are entitled to the same benefits provided for a civil employee of the United States, including certain burial benefits.

By Order of the Secretary of the Air Force.

WILLIAM H. LUMPKIN,
Brigadier General, U.S. Air Force, The Assistant Judge Advocate General, U.S. Air Force.

[F.R. Doc. 67-7545; Filed, July 3, 1967; 8:45 a.m.]

Chapter XVI—Selective Service System

MISCELLANEOUS AMENDMENTS TO CHAPTER

CROSS REFERENCE: For miscellaneous amendments to the Selective Service Regulations, see Title 3, Executive Order 11360, Part II of this issue.

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter II—Forest Service, Department of Agriculture

PART 200—ORGANIZATION, FUNCTIONS, AND PROCEDURES

Part 200 of Title 36, Code of Federal Regulations, is added to read as follows:

Subpart A—Organization

Sec.
200.1 Central organization.
200.2 Field organization.

Subpart B—Functions and Procedures

200.3 Forest Service functions.
200.4 General procedures.
200.5 Information available.
200.6 Exceptions.
200.7 Offices where information is available.
200.8 Where information may be copied.
200.9 Rules governing inspection and copying.
200.10 Administrative appeals.

AUTHORITY: The provisions of this Part 200 issued under sec. 552, 81 Stat. 54; 5 U.S.C. 552.

Subpart A—Organization

§ 200.1 Central Organization.

(a) *Central Office.* The central office of the Forest Service is at Washington, D.C., in the South Agriculture Building. It consists of the Office of the Chief and Associate Chief, and a Deputy Chief for each of the following five activities: Programs and Legislation, Administration, Research, National Forest System, and State and Private Forestry. All communications should be addressed to the Forest Service, Department of Agriculture, 14th Street and Independence Avenue, Washington, D.C. 20250.

(b) *Chief of the Forest Service.* The Chief of the Forest Service, under the direction of the Secretary of Agriculture, formulates, directs, and supervises the execution of Forest Service policies, programs, and activities.

(c) *Major Activities.* The major activities of the Forest Service are as follows:

(1) *Programs and Legislation.* Includes general direction and supervision of program evaluation and special projects, and legislative reporting and liaison.

(2) *Administration.* Includes general direction and supervision of administrative management, budget and finance, administrative services, personnel management, information and education, Job Corps and other antipoverty program coordination and administration, integrating inspection, civil defense and other emergency activities, coordination of civil rights activities, and General Accounting Office and Office of the Inspector General audits.

(3) *Research.* Includes general direction and supervision of research in timber; watershed, range, wildlife habitat, and recreation; forest protection; forest products and engineering; forest survey, forest products marketing, and forest economics; and Forest Service participation in International Forestry activities.

(4) *National Forest System.* Includes general direction and supervision of timber management, range management, wildlife management, watershed management, minerals management, recreation, land use, land adjustments, land classification, engineering, and fire control.

(5) *State and Private Forestry.* Includes general direction and supervision of cooperative forest management, flood prevention and river basin programs, cooperative forest fire control, forest pest control, cooperative tree planting, naval stores program, and overall direction of Forest Service participation in rural areas development.

§ 200.2 Field organization.

(a) The field organization of the Forest Service consists of nine Regions, eight Forest and Range Experiment Stations, the Institute of Tropical Forestry, the Forest Products Laboratory, and two State and Private Forestry Area Offices.

(b) The field organization for the National Forest System is divided into nine Regions. A Regional Forester is responsible to the Chief for the activities assigned to his Region. Each Region is divided into National Forests, National Grasslands, and other areas administered by the Forest Service, with a Forest Supervisor responsible to the Regional Forester for the activities assigned to his unit. The National Forests and National

Grasslands are divided into Ranger Districts with a District Ranger responsible to the Forest Supervisor for the activities assigned to his Ranger District.

(c) The field organization of the Forest Service for research activities comprises eight Forest and Range Experiment Stations, the Institute of Tropical Forestry, and the Forest Products Laboratory. A Director is responsible to the Chief for all research activities assigned to his unit.

(d) The field organization of the State and Private Forestry activity consists of two Area Offices. The Area Director is responsible to the Chief for the activities assigned to his Area. In addition, State and Private Forestry activities are assigned to the Regional Foresters in Regions 1, 2, 3, 4, 5, 6, and 10.

(e) The addresses of Regional Foresters, Research Directors, Area Directors, and Forest Supervisors are given below. Location of specific Ranger District headquarters may be obtained from Forest Supervisors.

NATIONAL FORESTS BY REGIONS

REGION 1, NORTHERN REGION

(Montana, northeastern Washington, northern Idaho, North Dakota, and northwestern South Dakota) Regional Forester, Federal Building, Missoula, Mont. 59801.

State in which forest is located	National Forest	Headquarters of Supervisor
Idaho	Clearwater	Orofino.
	Coeur d'Alene	Coeur d'Alene.
	Kaniksu	Sandpoint.
	Nezperce	Grangeville.
	St. Joe	St. Maries.
Montana	Beaverhead	Dillon.
	Bitterroot	Hamilton.
	Custer	Billings.
	Deerlodge	Butte.
	Flathead	Kalispell.
	Gallatin	Bozeman.
	Helena	Helena.
	Kootenai	Libby
	Lewis and Clark	Great Falls.
	Lolo	Missoula.
Washington	Colville	Colville.

REGION 2, ROCKY MOUNTAIN REGION

(Colorado, Kansas, Nebraska, South Dakota, and Wyoming) Regional Forester, Denver Federal Center, Building 85, Denver, Colo. 80225.

Colorado	Arapaho	Golden.
	Grand Mesa-Uncompahgre	Delta.
	Gunnison	Gunnison.
	Pike	Colorado Springs.
	Rio Grande	Monte Vista.
	Roosevelt	Fort Collins.
	Routt	Steamboat Springs.
	San Isabel	Pueblo.
	San Juan	Durango.
	White River	Glenwood Springs.
South Dakota	Black Hills	Custer
Nebraska	Central Plains Forestry Office	Chadron.
Wyoming	Bighorn	Sheridan.
	Medicine Bow	Laramie.
	Shoshone	Cody.

REGION 3, SOUTHWESTERN REGION

(Arizona and New Mexico) Regional Forester, Federal Building, 517 Golden Avenue SW., Albuquerque, N. Mex. 87103.

State in which forest is located	National forests and grasslands	Headquarters of Supervisor
Arizona	Apache	Springerville.
	Coconino	Flagstaff.
	Coronado	Tucson.
	Kaibab	Williams.
	Prescott	Prescott.
	Sitgreaves	Holbrook.
	Tonto	Phoenix.
New Mexico	Carson	Taos.
	Cibola	Albuquerque.
	Gila	Silver City.
	Lincoln	Alamogordo.
	Santa Fe	Santa Fe.

REGION 4, INTERMOUNTAIN REGION

(Utah, southern Idaho, western Wyoming, and Nevada) Regional Forester, Federal Office Building, 324 25th Street, Ogden, Utah 84401.

Idaho	Boise	Boise.
	Caribou	Pocatello.
	Challis	Challis.
	Fayette	McCall.
	Salmon	Salmon.
	Sawtooth	Twin Falls.
	Targhee	St. Anthony.
Nevada	Humboldt	Elko.
	Toiyabe	Reno.
Utah	Ashley	Vernal.
	Cache	Logan.
	Dixie	Cedar City.
	Fishlake	Richfield.
	Manti-LaSal	Price.
	Uinta	Provo.
	Wasatch	Salt Lake City.
Wyoming	Teton	Jackson.
	Bridger	Kemmerer.

REGION 5, CALIFORNIA REGION

Regional Forester, 630 Sansome Street, San Francisco, Calif. 94111.

California	Angeles	Pasadena.
	Cleveland	San Diego.
	Eldorado	Placerville.
	Inyo	Bishop.
	Klamath	Yreka.
	Lassen	Susanville.
	Los Padres	Santa Barbara.
	Mendocino	Willows.
	Modoc	Alturas.
	Plumas	Quincy
	San Bernardino	San Bernardino.
	Sequoia	Porterville.
	Shasta-Trinity	Redding.
	Sierra	Fresno.
	Six Rivers	Eureka.
	Tahoe	Nevada City.

REGION 6, PACIFIC NORTHWEST REGION

(Washington and Oregon) Regional Forester, 319 SW Pine Street, Portland, Oreg. 97208

Oregon	Deschutes	Bend.
	Fremont	Lakeview.
	Malheur	John Day.
	Mount Hood	Portland.
	Ochoco	Prineville.
	Rogue River	Medford.
	Siskiyou	Grants Pass.
	Umatilla	Pendleton.
	Umpqua	Roseburg.
	Wallowa-Whitman	Baker.
	Willamette	Eugene.
Washington	Winema	Klamath Falls.
	Gifford Pinchot	Vancouver.
	Mount Baker	Bellingham.
	Okanogan	Okanogan.
	Olympia	Olympia.
	Snoqualmie	Seattle.
	Wenatchee	Wenatchee.

REGION 8, SOUTHERN REGION

(Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma South Carolina, Tennessee, Texas, and Virginia) Regional Forester, 50 Seventh Street NE., Atlanta, Ga. 30323.

Alabama	William B. Bankhead	Montgomery.
	Conecuh	Do.
	Talladega	Do.
	Tuskegee	Do.
Arkansas	Ouachita	Hot Springs National Park.
	Ozark and St. Francis	Russellville.
Florida	Apalachicola	Tallahassee.
	Ocala	Do.
	Osceola	Do.
Georgia	Chattahoochee	Gainesville.
	Oconee	Do.
Kentucky	Daniel Boone	Winchester.
Louisiana	Kisatchie	Pineville.
Mississippi	Bienville	Jackson.
	Delta	Do.
	DeSoto	Do.
	Holly Springs	Do.
	Homochitto	Do.
	Tombigbee	Do.
North Carolina	Croatan	Asheville.
	Nantahala	Do.
	Pisgah	Do.
	Uwharrie	Do.
South Carolina	Francis Marion	Columbia.
	Sumter	Do.
Tennessee	Cherokee	Cleveland.
Texas	Angelina	Lufkin.
	Davy Crockett	Do.
	Sabine	Do.
	Sam Houston	Do.
Virginia	George Washington	Harrisonburg
	Jefferson	Roanoke.

REGION 9, EASTERN REGION

(Connecticut, Delaware, Illinois, Iowa, Indiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, West Virginia, and Wisconsin) Regional Forester, Greyhound Building, 633 West Wisconsin Avenue Milwaukee Wis. 53203.

Illinois	Shawnee	Harrisburg.
Indiana and Ohio	Wayne-Hoosier	Bedford.
Michigan	Hiawatha	Escanaba.
	Huron-Manistee	Cadillac.
	Ottawa	Ironwood
Minnesota	Chippewa	Cass Lake.
	Superior	Duluth.
Missouri	Clark	Rolla.
	Mark Twain	Springfield.
New Hampshire and Maine	White Mountain	Laconia, N.H.
Pennsylvania	Allegheny	Warren.
Vermont	Green Mountain	Rutland.
West Virginia	Monongahela	Elkins.
Wisconsin	Chequamegon	Park Falls.
	Nicolet	Rhinelander.

REGION 10, ALASKA REGION

Regional Forester, Federal Office Building, Box 1628, Juneau, Alaska 99801.

Alaska	Chugach	Anchorage.
	North Tongass	Juneau.
	South Tongass	Ketchikan.

FOREST AND RANGE EXPERIMENT STATIONS

Name of station and headquarters of director

Intermountain—507 27th Street, Ogden, Utah 84401.

North Central—USDA, Folwell Avenue, St. Paul, Minn. 55101.

Northeastern—6816 Market Street, Upper Darby, Pa. 19082.

Pacific Northwest—809 Northeast Sixth Avenue, Post Office Box 3141, Portland, Oreg. 97208.

Pacific Southwest—1960 Addison Street, Post Office Box 245, Berkeley, Calif. 94701.

Rocky Mountain—240 West Prospect, Fort Collins, Colo. 80521.

Southeastern—323 Post Office Building, Post Office Box 2570, Asheville, N.C. 28802.

Southern—701 Loyola Avenue, New Orleans, La. 70113.

Institute of Tropical Forestry—University of Puerto Rico, Agricultural Experiment Station Grounds, Post Office Box 577, Rio Piedras, P.R. 00928.

Forest Products Laboratory—North Walnut Street, Madison, Wis. 53705.

AREA OFFICES

Northeastern Area—6816 Market Street, Upper Darby, Pa. 19082.

Southeastern Area—50 Seventh Street NE., Atlanta, Ga. 30323.

Subpart B—Functions and Procedures

§ 200.3 Forest Service functions.

(a) *Legislative authority.* The basic laws authorizing activities of the Forest Service are set forth in 16 U.S.C. 460, 471–594, 616, 594, and 1131–1136; 33 U.S.C. 701; and 7 U.S.C. 1010–1013a.

(b) *Work of the Forest Service.* Under delegated authority from the Secretary of Agriculture, the broad responsibilities of the Forest Service are:

(1) *Leadership in forestry.* The Forest Service provides overall leadership in forest and forest-range conservation, development, and use. This involves determination of forestry conditions and requirements, and recommendations of policies and programs needed to keep the Nation's private and public lands fully productive.

(2) *National Forest System Administration.* (i) The Forest Service administers and manages the National Forest System lands in accordance with the Multiple Use Sustained Yield Act of June 12, 1960 (16 U.S.C. 528–531).

(ii) The National Forest System comprises about 187 million acres of land in the National Forests and National Grasslands, and other areas which have been transferred to the Forest Service for administration. On these public lands (a) forestry methods are applied in growing and harvesting timber, (b) forage is scientifically managed for the use of domestic livestock whose numbers are kept in balance with the carrying capacity of the range, (c) wildlife habitat and species are managed, (d) watersheds are managed to safeguard the water supply and stabilize streamflow, (e) recreation resources are managed for public enjoyment and benefit, (f) many forms of land and resource use are granted under permit or lease, and (g) physical and resource improvements needed to develop, protect, and use all resources are built and maintained.

(3) *Cooperative forestry.* The Forest Service carries out cooperative forestry programs for public benefit through programs initiated by State, county, and other Federal agencies. These programs are directed at the protection, development, and sustained production of all forestry resources, both public and private.

(4) *Forest research.* The Forest Service conducts research on problems involving protection, development, management, renewal, and continuous use of all resources, products, values, and services of forest lands. Research is conducted on (i) forest and range management, including the five basic resources of timber, forest soil and water, range forage, wildlife and fish habitat, and forest recreation, (ii) forest protection from fire, insects, and disease, (iii) forest products and engineering, and (iv) forest resource economics including forest survey, forest economics, and forest products marketing.

§ 200.4 General procedures.

(a) The regulations of the Secretary of Agriculture governing the protection and administration of National Forest System lands are set forth in Chapter 2, Title 36, of the Code of Federal Regulations.

(b) Procedures for the conduct of Forest Service activities are issued as directives by the central office of the Forest Service and by the field offices listed in § 200.2.

(c) Directives include: (1) The Forest Service Directives System comprised of the Forest Service Manual and related Forest Service Handbooks, (2) correspondence that relates to decisions or interpretations on specific activities, cases, or incidents, and (3) circular memoranda that contain unpublished policies and procedures which apply to a number of subordinate offices.

(d) Forest Service Directives System issuances are published under delegated authority as follows:

(1) The Forest Service Manual and Forest Service Handbook issuances are published in the Office of the Chief by the Division of Administrative Management for use by all Forest Service units.

(2) Forest Service Manual and Forest Service Handbook issuances are supplemented in the field offices by the Regional Forester or Deputy Regional Forester, Research Station Director, Area Director, or Forest Supervisor or Deputy Forest Supervisors.

(e) Directives issued as unpublished correspondence or circular memoranda are issued in accordance with signing authorities published in the Forest Service Directives System.

(f) An alphabetical index of the contents of the Forest Service Manual and related Forest Service Handbooks is published as a Master Index Handbook. In addition, the Master Index contains a listing of all Series, Titles, and Chapters in the Forest Service Manual; and a listing of all Forest Service Handbooks in the Directives System.

(g) The Handbook on File System outlines and indexes the filing system for all correspondence, circular memoranda, and records.

(h) Forms used are listed in the Forest Service Manual. Instructions for their use are issued as directives.

§ 200.5 Information available.

Except as provided in § 200.6, all published or unpublished directives, forms, records, and concurring or dissenting final opinions and orders made in the adjudication of cases are available for public review by any person.

§ 200.6 Exceptions.

Records which are exempt from availability for public inspection and copying include:

(a) Records and reports exempted from disclosure by statute or by Executive Order.

(b) Personnel and medical files and similar files and records, including personnel investigative reports, except as authorized to be made available by the Director of Personnel, which would constitute a clearly unwarranted invasion of personal privacy.

(c) Investigatory files and records, including inspection and accounting reports and supporting data, compiled for law enforcement purposes, except to the extent available by law to a private party.

(d) Records relating solely to internal personnel rules and practices, including:

(1) Minutes of meetings of advisory committees prior to public announcement of conclusions or recommendations or to release of a verbatim transcript or a full and complete record.

(2) Audit records and reports, except audits made in connection with contractual or cooperative relations which the responsible Regional Forester or Director determines may be made available to the contractor, cooperator, or the party whose activities form the basis of the audit.

(3) Records of research, experimentation, and physical analysis of samples and other materials, including patent records, prior to publication or release; and research information involving research under cooperative agreements, contracts, or grants, except as may be made available under the agreement, contract or grant.

(4) Appraisal records, cost estimates, analyses, data, and other information, prior to publication and release, including the Timber Sale Report and Appraisal before the date the timber sale advertisement is published or, in the case of short notice sales, before the timber sale advertisement is posted in a public place, and the same reports for all forms of unadvertised sales before the date such sales are awarded; appraisal information in the appraisal summary of the Report of Advertised Sale (Form 2400–17) before the sale has been reviewed and approved by the officer authorized to approve the sale; management plan inventory data (plot cards, summary sheets, and type and condition class maps) before they have been checked, approved, and are ready for use in management planning; engineering cost estimates for construction or maintenance work, other than cost estimates for timber sale purchaser road construction and maintenance included in Timber Sale Reports and Appraisals, until after bids have been opened and read; appraisal information in connection with land purchases before the purchase option-contract is signed by the landowner and accepted by the United States; and appraisal values, other than the total appraised value of the offered and selected land, in connection with land exchanges before exchange negotiations are far enough advanced that

the interests of the United States and the private landowners are not adversely affected.

(e) Interagency or intra-agency memoranda or letters which would not be available by law to a private party in litigation with the Forest Service.

(f) Trade secrets and commercial and financial information obtained from any person and privileged or confidential, including:

(1) Cost and selling value data obtained from timber sale purchasers for use in timber appraisals; any part of the Rate Redetermination Report (Form 2400–19 or 19a) when the report is basically a summary of the individual purchaser's operation and contains financial information supplied by the purchaser; any information obtained from the purchaser, or from another source, which would disclose cost, returns, or other information about the purchaser used in rate redetermination or for other purposes related to timber sales and timber management.

(2) Financial statements, cost statements, or other information obtained from timber sale bidders to determine qualification for award of sale contracts.

(3) Inspection information on the Timber Sale Statement of Account (Form 2400–22) which would reveal the purchaser's deposits or balance on deposit to persons other than the purchaser or his authorized representative.

(4) Inventory data, including individual field sample record sheets, and individual timber products output survey forms which show such information as the name, location, resource, or operational data that can be obtained as pertaining to a specific timber operator or company.

(5) Information on the Application for Grazing Permit (Form 2200–16a rev. 9/65) part 8 concerning ownership, plans, crop production, leasing and mortgages and related information obtained from the grazing permit applicant.

(6) Financial statements, economic studies, and use projections submitted with proposals or bids.

(7) Sales, volume of business, investments, and profit and loss statements submitted by the permittee upon request of the Forest Service.

(8) Fees charged by the Forest Service when the fee is based on commercial or financial information furnished by the permittee.

(g) All records, files, documents, memoranda, correspondence, exhibits, and information of whatever nature coming into the possession or within the knowledge of the Forest Service or any of its officers or employees in the discharge of its official duties which come within the scope of the exemptions from public availability.

§ 200.7 Offices where information is available.

Places where the public may secure information, make requests, or obtain decisions are the Office of the Chief of offices of any Regional Forester, Research Station Director, Area Director, Forest Supervisor, or District Ranger. All information on all activities may not be available at a given location because of territorial jurisdiction, level of the organization, limited activity on a given unit, or related reasons. When the information desired is not available at a given location, the office where the request is received will give assistance by directing the applicant to the office where the information may be obtained. Except for such information as is generally available for the public, requests and submittals should be in writing and need not follow any particular form.

§ 200.8 Where information may be copied.

Facilities for copying are available at all offices listed in §§ 200.1 and 200.2. Copying facilities are not available at offices of the District Ranger.

§ 200.9 Rules governing inspection and copying.

(a) Facilities for inspection and copying are available during established office hours for the particular location, usually 8 a.m. to 5 p.m., Monday through Friday.

(b) The Department of Agriculture has established a schedule of fees for copying information, and charges for copying Forest Service records are controlled by the fee schedule of the Department.

(c) Applicants for information, at their discretion, may bring their own copy equipment and make copies of available information without charge.

(d) Published information available for public distribution is furnished without charge.

§ 200.10 Administrative appeals.

Any applicant whose request for records is denied may appeal in writing to the Chief, Forest Service. Review and decision on the applicant's appeal shall be by the Chief or his duly authorized representatives.

(Sec. 3(a), 80 Stat. 250; 5 U.S.C. 552 (a))

Done at Washington, D.C., this 29th day of June 1967.

JOHN A. BAKER,
Assistant Secretary of Agriculture.

[F.R. Doc. 67–7614; Filed, July 3, 1967; 8:51 a.m.]

Chapter V—Smithsonian Institution

PART 504—SCIENCE INFORMATION EXCHANGE

Public Access to Records of Government Research in Progress

Effective following publication of this regulation in the FEDERAL REGISTER, Chapter V, Title 36 of the Code of Federal Regulations is amended by adding a new Part 504 as follows:

Sec.
504.1 Nature of exchange.
504.2 Purpose of part.
504.3 Procedure for obtaining records.
504.4 Fees.

AUTHORITY: The provisions of this Part 504 issued under 5 U.S.C. 552, 559.

§ 504.1 Nature of exchange.

The Science Information Exchange of the Smithsonian Institution under contract with the National Science Foundation collects one-page records of research currently in progress. These records are coded into a computer-based system designed to provide information to assist and facilitate the management of Federal research programs and projects by research administrators, directors, and scientists and their grantees and contractors.

§ 504.2 Purpose of part.

This part is designed to assist Government agencies in complying with the provisions of section 3(c) of the Administrative Procedure Act of 1946, as revised by Public Law 89–487, approved July 4, 1966.

§ 504.3 Procedure for obtaining records.

(a) Consistent with the instructions found in the Attorney General's Memorandum on the Public Information Section of the Administrative Procedure Act (Government Printing Office, June 1967), records of Government-sponsored research in progress may be obtained at the Science Information Exchange, Room 301, Madison National Bank Building, 1730 M Street NW., Washington, D.C., by utilizing the procedure set forth in paragraphs (b) and (c) of this section.

(b) Desired records may be selected from catalogs and title lists at Room 301, Madison National Bank Building by filling out order forms indicating the order number and title of each record selected.

(c) Each order form will also include the name, address, and zip code of the requestor. All reasonable efforts will be made to assure that documents ordered will be retrieved and copies will be mailed to the requestor as soon as possible after receipt of the executed order form and the payment of the fees to be assessed for servicing the request for the desired records. Requestors are cautioned, however, that these records do not originate at the Science Information Exchange and that they are continually received, terminated, updated, and changed. Thus, records may be obsolete at any time after selection date.

§ 504.4 Fees.

(a) Except as provided in paragraphs (b) and (c) of this section, fees of 30 cents per record copy will be charged. These fees are payable in advance in currency (for payments made at the Science Information Exchange) or by check or money order made out to the Smithsonian Institution (for payments made at the Science Information Exchange or by mail).

(b) No charges will be made for requests for research records from Government agencies listed in the United States Government Organization Manual or for Federal grantees or contractors designated by the Federal agencies as participants in their research programs.

(c) At the discretion of the Director of the Science Information Exchange, no charges will be made for requests for research records from nonprofit research organizations if the cost to the Science Information Exchange in servicing the request is commensurate with the contributions of such organizations of records as participating agencies in the exchange program.

Dated: June 28, 1967.

JAMES BRADLEY,
Acting Secretary.

[F.R. Doc. 67–7631; Filed, July 3, 1967; 8:53 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 1—Federal Procurement Regulations

PART 1–8—TERMINATION OF CONTRACTS

Subpart 1–8.7—Clauses

USE OF CLAUSES FOR TERMINATION OF CONTRACTS FOR THE CONVENIENCE OF THE GOVERNMENT

This amendment modifies the requirements of the Federal Procurement Regulations regarding the use in contracts of clauses providing for termination for the convenience of the Government. Heretofore, the FPR has prescribed such clauses but has left the decisions regarding inclusion of the clauses in contracts to the individual agencies. Inclusion of the prescribed Termination for Convenience of the Government clauses in fixed-price contracts over prescribed dollar amounts for supplies, construction, and certain services is now mandatory. However, use of the prescribed short-form clauses is authorized in fixed-price contracts not in excess of $100,000. The amendment also sets forth instructions (previously contained in a footnote) for modifying the Termination for Default clause prescribed for use in fixed-price construction contracts.

Section 1–8.700–2 is amended to modify the provisions of paragraphs (a) and (b)(5). As amended, the section reads as follows:

§ 1–8.700–2 Applicability.

(a) *Termination for convenience clauses.* The clauses set forth in §§ 1–8.701 through 1–8.706 are prescribed for use in accordance with this § 1–8.700–2(a).

(1) The clause set forth in § 1–8.701 shall be used, except as otherwise permitted by § 1–8.700–2(a)(2), in any fixed-price contract in excess of $2,500 for (i) supplies, or (ii) experimental, developmental, or research work where a profit is contemplated, when the contract is entered into by formal advertising or by negotiation.

(2) The short-form termination clause set forth in § 1–8.705–1 is authorized for use in any fixed-price contract for supplies which is not in excess of $100,000 in lieu of any other clause providing for termination for the convenience of the Government. The short-form clause is also authorized for use in any contract for services where it is determined that because the successful bidder will not have incurred substantial charges in preparation for and carrying out the contract a termination claim will not be made in the event of termination for the convenience of the Government.

(3) The clause set forth in § 1–8.702 shall be used in any cost-reimbursement type contract for (i) supplies, or (ii) experimental, developmental, or research work where a fee is contemplated, whenever the procuring activity considers it necessary or desirable to provide for termination of the contract for the convenience of the Government.

(4) The clause set forth in § 1–8.704–1 shall be used in any fixed-price type contract for experimental, developmental, or research work placed with an educational or nonprofit institution on a no-fee or no-profit basis. The clause also shall be used in any cost-reimbursement type contract for experimental, developmental, or research work placed with an educational or nonprofit institution on a no-fee or no-profit basis, whenever the procuring activity considers it desirable to provide for termination of the contract for the convenience of the Government.

(5) The clause set forth in § 1–8.703 shall be used, except as otherwise permitted by § 1–8.700–2(a)(6), in any fixed-price construction contract in excess of $10,000 entered into by formal advertising or by negotiation.

(6) The short-form termination clause set forth in § 1–8.705–2 is authorized for use in any fixed-price construction contract which is not in excess of $100,000 in lieu of any other clause providing for termination for the convenience of the Government.

(7) Suggested clauses for use in certain subcontracts are covered in §§ 1–8.704–2 and 1–8.706.

(b) *Termination for default clauses.*

* * * * *

(5) In any fixed-price construction contract estimated not to exceed $10,000, the clause set forth in § 1–8.709–2 shall be used, except that when Standard Form 19 is used, the prescribed words "the clause of this contract entitled 'Disputes' " shall not be substituted for the words "Clause 3" in that form, when the contract is entered into either (i) by formal advertising, or (ii) by negotiation (when for other than small purchases made in accordance with Subpart 1–3.6).

* * * * *

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This amendment is effective August 1, 1967, with respect to all invitations for bids and requests for proposals initiated on or after that date.

Dated: June 26, 1967.

LAWSON B. KNOTT, JR.,
Administrator of General Services.

[F.R. Doc. 67–7561; Filed, July 3, 1967; 8:47 a.m.]

Chapter 101—Federal Property Management Regulations

SUBCHAPTER B—SUPPLY AND PROCUREMENT

PART 101–25—GENERAL

Subpart 101–25.3—Use Standards

OFFICE FURNITURE

Subpart 101–25.3 is amended by revising § 101–25.302–1 to continue in effect the provisions of Federal Property Management Regulations, Temporary Regulation No. E–6, dated October 14, 1966, which revised the standards for use of office furniture and the application of these standards.

Section 101–25.302–1 is revised to read as follows:

§ 101–25.302–1 Executive type office furniture and furnishings.

(a) The use of executive type wood (traditional or modern) office furniture, whether new or rehabilitated, shall be limited to personnel in grade GS–18 and above, or the equivalent thereto, including military rank. Such furniture may be provided to personnel of lower grade, but not below grade GS–15, upon determination by the agency head or his designee that a particular position and responsibilities justify such use. Appropriate furnishings matching this type of office furniture shall also be limited to these personnel. This type of office furniture includes items which are available from Federal Supply Schedules FSC Group 71, Parts VI and XII, and the executive office furniture (Allenwood) available from Federal Prison Industries, Inc.

(b) The use of unitized wood office furniture shall be limited to personnel in grade GS–15 and above, or the equivalent thereto, including military rank. Appropriate furnishings matching this type of office furniture shall also be limited to these personnel. This type of office furniture is included in Federal Supply Schedule FSC Group 71, Part VIII.

(c) Where it has been determined that personnel are entitled to executive wood or unitized wood office furniture on the basis of the standards in (a) and (b) above, procurement of new furniture may be made if the required furniture is not available:

(1) From agency-owned unassigned inventory, office furniture "pools" or stocks, or

(2) By reassigning executive wood or unitized wood office furniture used by persons not entitled to it provided that substantial or offsetting costs will not be incurred thereby for packing, packaging, shipping, rehabilitating, and other related costs.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This regulation is effective upon publication in the FEDERAL REGISTER.

Dated: June 28, 1967.

LAWSON B. KNOTT, JR.,
Administrator of General Services.

[F.R. Doc. 67–7562; Filed, July 3, 1967; 8:47 a.m.]

Title 45—PUBLIC WELFARE

Chapter VII—Commission on Civil Rights

PART 704—INFORMATION DISCLOSURE AND COMMUNICATIONS

Effective July 4, 1967, Part 704 of Chapter VII of Title 45 of the Code of Federal Regulations is revised to read as follows:

Sec.
704.1 Material available pursuant to 5 U.S.C. 552.
704.2 Complaints.
704.3 Other requests and communications.
704.4 Restrictions on disclosure of information.

AUTHORITY: The provisions of this Part 704 issued under sections 101–106, 71 Stat. 634–636, as amended; 42 U.S.C. 1975–1975(e); section 1, 81 Stat. 54–55; 5 U.S.C. 552.

§ 704.1 Material available pursuant to 5 U.S.C. 552.

(a) *Purpose and scope.* This section contains the regulations of the U.S. Commission on Civil Rights implementing 5 U.S.C. 552. These regulations inform the public about where and how records and information may be obtained from the Commission. Officers and employees of the Commission shall make Commission records available under 5 U.S.C. 552 only as prescribed in this section. Nothing contained in this section, however, shall be construed to prohibit officers or employees of the Commission from routinely furnishing information or records which are customarily furnished in the regular performance of their duties.

(b) *General policy.* In order to foster the maximum participation of an informed public in the affairs of Government, the Commission will make the fullest possible disclosure of its identifiable records and information consistent with such considerations as those provided in the exemptions of 5 U.S.C. 552, which are set forth in paragraph (f) of this section.

(c) *Material maintained on file pursuant to 5 U.S.C. 552(a)(2).* Material maintained on file pursuant to 5 U.S.C. 552(a)(2) shall be available for inspection during regular business hours at the offices of the Commission at 801 19th Street NW., Washington, D.C. 20425. Copies of such material shall be available upon written request, specifying the material desired, addressed to Office of General Counsel, Commission on Civil Rights, 801 19th Street NW., Washington, D.C. 20425, and upon the prepayment of fees determined in accordance with paragraph (e) of this section.

(1) *Current index.* Included in the material available pursuant to 5 U.S.C. 552(a)(2) shall be an index of (i) all other material maintained on file pursuant to 5 U.S.C. 552(a)(2) and (ii) all material published by the Commission in the FEDERAL REGISTER and currently in effect.

(2) *Deletion of identifying details.* Wherever deletions from material maintained on file pursuant to 5 U.S.C. 552 (a)(2) are required in order to prevent a clearly unwarranted invasion of privacy, justification for the deletions shall be placed as a preamble to documents from which such deletions are made.

(d) *Material available upon request pursuant to 5 U.S.C. 552(a)(3).*—(1) *Request procedure.* (i) Requests for records available pursuant to 5 U.S.C. 552 (a)(3) shall be addressed in writing to Office of General Counsel, U.S. Commission on Civil Rights, 801 19th Street NW., Washington, D.C. 20425, and shall, (a) contain a sufficiently specific description of the record requested with respect to names, dates and subject matter to permit it to be identified and located; (b) state whether copies are requested; (c) state when and where the records are requested to be examined or copies of records to be delivered.

(ii) Response to requests shall be made promptly by the General Counsel and shall, (a) describe the nature and extent of the material, if any, available pursuant to the request; (b) state the estimated cost, determined in accordance with paragraph (e) of this section, and any prepayment requirements, of making the records or copies available; (c) state the time and place, determined in accordance with the terms of the request and with subparagraph (2) of this paragraph, at which records of copies will be made available; (d) if no records are available pursuant to the request, fully state the reasons therefor.

(2) *Time and place of access to material.* Records or copies requested shall be made available at the offices of the Commission at 801 19th Street NW., Washington, D.C. 20425, during regular business hours.

(e) *Fees.* The fee for making documents or copies available pursuant to 5 U.S.C. 552(a)(2) or 552(a)(3) shall include: (1) the cost of reproduction of documents, normally 10 cents per page; (2) the cost of postage; and (3) the cost of document searches (normally $5.32 per hour of Commission staff time devoted to the document search). There will be a charge of $1 each for certification of true copies. No more than 10 copies of any document will be furnished. If the estimated fees in respect of any request total $1 or more, they shall be prepaid. Payment shall be made in cash, or by U.S. money order, or by certified bank checks payable to the Treasurer of the United States. Postage stamps will not be accepted.

(f) *Exemptions (5 U.S.C. 552(b)).*—(1) *General.* 5 U.S.C. 552 authorizes exemption from disclosure of records and information concerning matters that are:

(i) Specifically required by Executive order to be kept secret in the interest of the national defense or foreign policy;

(ii) Related solely to the internal personnel rules and practices of an agency;

(iii) Specifically exempted from disclosure by statute;

(iv) Trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(v) Interagency or intraagency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;

(vi) Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(vii) Investigatory files compiled for law enforcement purposes except to the extent available by law to a party other than an agency;

(viii) Contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; and

(ix) Geological and geophysical information and data, including maps, concerning wells.

(2) *Confidential communications (5 U.S.C. 552(b)(4)).* Among the documents exempt from disclosure pursuant to 5 U.S.C. 552 shall be documents which disclose the fact or the substance of a communication made to the Commission in confidence. A communication shall be deemed to have been made to the Commission in confidence if (i) the communicant states that it is made in confidence, or (ii) the substance or circumstances of the communication makes it reasonable to conclude that the communicant would not wish the fact or the substance of the communication disclosed to the public. As a general rule, it shall be deemed reasonable to conclude that a communicant would not wish disclosed to the public a communication alleging, or supporting an allegation of, the commission of wrongs by certain persons or entities.

(3) *Investigation files (5 U.S.C. 552(b)(7)).* Among the documents exempt from disclosure pursuant to 5 U.S.C. 552 shall be investigation files or similar documents reflecting investigations which either (i) are conducted for the purpose of determining whether a violation or violations of legal right has taken place, or (ii) have disclosed that a violation or violations of legal right has taken place, except to the extent such files or similar documents are available by law to a party other than an agency.

(g) *Administrative appeal from denial of requests.* If a request conforming with the requirements of paragraph (d)(1) of this section is denied by the General Counsel, the denial is subject to review by the Staff Director of the Commission provided such review is requested by the person submitting a request for information in accordance with this paragraph (g) within 30 days after the date of the General Counsel's decision. The filing of a request for review may be accomplished by mailing to the Staff Director, U.S. Commission on Civil Rights, 801 19th Street NW., Washington, D.C. 20425, by certified mail, a copy of the initiating request for a record, a copy of the written denial issued under this paragraph, and a statement of the circumstances, reasons or arguments advanced for insistence upon disclosure of the originally requested record. Review will be made by the Staff Director on the basis of the written record described above. The decision after review will be in writing, will be promptly communicated to the person requesting review, and will constitute the final action of the Commission subject to judicial review as provided in 5 U.S.C. 552(a)(3).

(h) *Effective date.* The regulations of this § 701.1 are effective July 4, 1967.

§ 704.2 Complaints.

Any person may bring to the attention of the Commission a grievance which he believes falls within the jurisdiction of the Commission, as set forth in section 104 of the Act. This shall be done by submitting a complaint in writing to Office of General Counsel, U.S. Commission on Civil Rights, 801 19th Street NW., Washington, D.C. 20425. Allegations falling under section 104(a) (1) and (5) of the Act (discrimination or fraud in voting) must be under oath or affirmation. All complaints should set forth the pertinent facts upon which the complaint is based, including but not limited to specification of (a) names and titles of officials or other persons involved in acts forming the basis for the complaint; (b) accurate designations of place locations involved; (c) dates of events described in complaint.

§ 704.3 Other requests and communications.

Requests for information and for Commission literature should be directed to Information Office, U.S. Commission on Civil Rights, 801 19th Street NW., Washington, D.C. 20425. Communications with respect to Commission proceedings should be made pursuant to § 702.17 of this chapter. All other communications with the Commission should be directed to Staff Director, United States Commission on Civil Rights, 801 19th Street NW., Washington, D.C. 20425.

§ 704.4 Restrictions on disclosure of information.

(a) By the provisions of section 102(g) of the Act, no evidence or testimony or summary of evidence or testimony taken in executive session may be released or used in public sessions without the consent of the Commission, and any person who releases or uses in public without the consent of the Commission such evidence or testimony taken in executive session shall be fined not more than $1,000 or imprisoned for not more than 1 year.

(b) Unless a matter of public record, all information or documents obtained or prepared by any Member, officer, or employee of the Commission, including members of State Advisory Committees, in the course of his official duties, or by virtue of his official status, shall not be disclosed or used by such person for any purpose except in the performance of his official duties.

(c) Any Member, officer, or employee of the Commission including members of State Advisory Committees, who is served with a subpena, order, or other demand requiring the disclosure of such information or the production of such documents shall appear in response to such subpena, order, or other demand and, unless otherwise directed by the Commission, shall respectfully decline to disclose the information or produce the documents called for, basing his refusal upon this section. Any such person who is served with such a subpena, order, or other demand shall promptly advise the Commission of the service of such subpena, order, or other demand, the nature of the information or documents sought, and any circumstances which may bear upon the desirability of making available such information or documents.

Dated: June 29, 1967.

JOHN A. HANNAH,
Chairman,
U.S. Commission on Civil Rights.

[F.R. Doc. 67-7648; Filed, July 3, 1967; 8:53 a.m.]

Chapter X—Office of Economic Opportunity

PART 1005—INSPECTION AND COPYING OF RECORDS; RULES FOR COMPLIANCE WITH PUBLIC INFORMATION ACT

A new Part 1005 is added to Chapter X of Title 45.

Sec.
1005.1 Purpose.
1005.2 Definitions.
1005.3 Central records room.
1005.4 Regional rooms and facilities.
1005.7 Identification of records by persons requesting them.
1005.8 Securing copies of records by mail.
1005.9 Statutory exemptions.
1005.12 Records of other agencies.
1005.13 Fees.
1005.15 Officials authorized to grant or deny requests for records or copies of records.
1005.16 Form and records of denial.
1005.17 Administrative review of denials.

AUTHORITY: The provisions of this Part 1005 issued under 5 U.S.C. 552, 569.

§ 1005.1 Purpose.

The purpose of this part is to prescribe rules for the inspection and copying of opinions, policy statements, staff manuals, instructions and other records of the Office of Economic Opportunity pursuant to 5 U.S.C. 552(a) (2) and (3).

§ 1005.2 Definitions.

As used in this part,

(a) "Office" means the Office of Economic Opportunity;

(b) "Records" includes books, papers, maps, photographs, or other documentary materials, regardless of physical form, made or received by the Office in connection with the transaction of public business and preserved as evidence of governmental organizations, functions, policies, decisions, procedures, operations, or other activities, or because of the informational value of data contained therein, but does not include books, magazines or other materials acquired solely for library purposes and available through any officially designated library of the Office; and

(c) "Person" includes a corporation or organization as well as an individual.

§ 1005.3 Central records room.

(a) The Office will maintain a central records room at its headquarters, in room 223, 1200 19th Street NW., Washington, D.C. 20506. This room will be under the supervision of a records officer and will open during regular business hours of the Office for the convenience of members of the public in inspecting and copying materials and records made available pursuant to this part. Certain materials, as described in paragraph (b) of this section, will be regularly maintained in or in close proximity to the records room so as to be promptly available there to any member of the public.

(b) Subject to the limitation stated in paragraph (c) of this section, there will be available in the headquarters records room the following:

(1) All final opinions and orders made in the adjudication of cases which have or may have precedential effect;

(2) Statements of policy and interpretations adopted by the Office which have not been published in the FEDERAL REGISTER but which have been or may be cited or relied upon as precedents;

(3) Administrative staff manuals and instructions to staff which affect the public;

(4) A current index covering at least so much of the foregoing materials as have been issued, adopted, or promulgated after July 4, 1967; and

(5) To the extent feasible, guidelines, forms, published regulations, and notices, program descriptions, and other materials considered to be of general interest to members of the public in understanding programs of the Office or in dealing with the Office in connection with those programs.

(c) Certain types of staff manuals or instructions, such as instructions to auditors or staff of the Office of Inspection, or instructions covering certain phases of contract negotiation are exempt from disclosure even though they affect or may affect the public. These will not be maintained in the records rooms. Also, in some cases, opinions maintained in the records rooms may be in a form which deletes certain identifying details in order to prevent a clearly unwarranted invasion of privacy. In such cases, there will be attached to the opinion a full explanation of the justification for the deletion.

§ 1005.4 Regional rooms and facilities.

The Office has regional offices in the following places:

Northeast Region (Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, Puerto Rico, and the Virgin Islands), 72 West 45th Street, New York, N.Y. 10036.

Mid-Atlantic Region (Delaware, Kentucky, Maryland, North Carolina, Pennsylvania, Virginia, and West Virginia), 1730 K Street NW., Washington, D.C. 20506.

Southeast Region (Alabama, Florida, Georgia, Mississippi, Tennessee, and South Carolina), 101 Marietta Street, Atlanta, Ga. 30303.

Great Lakes Region (Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin), 623 South Wabash, Chicago, Ill. 60605.

Southwest Region (Arkansas, Louisiana, New Mexico, Oklahoma, and Texas), 314 West 11th Street, Austin, Tex. 78701.

North Central Region (Colorado, Idaho, Iowa, Kansas, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming), 315 West Pershing Road, Kansas City, Mo. 64108.

Western Region (Alaska, Arizona, California, Hawaii, Nevada, Oregon, and Washington), 100 McAllister Street, San Francisco, Calif. 94102.

Although it may not always be feasible in these offices to set aside records rooms for the exclusive or primary use of the public, every reasonable effort will be made to accommodate members of the public who wish to use regional office facilities for the purpose of inspecting and copying records. The Office will also endeavor to maintain and have readily available in its regional offices the materials described in § 1005.3(b) as available in its headquarters records room and will designate a records officer in each regional office to receive and handle requests submitted pursuant to this part.

§ 1005.6 Use of records rooms.

(a) Any member of the public who wishes to inspect or copy opinions, interpretations, staff manuals, or other materials regularly maintained in a records room may secure access to those materials by presenting himself at one of the addresses indicated during business hours. No advance notice or appointment is required, although persons wishing to make extended use of regional office facilities should take account of the possible limitations in these facilities as described in § 1005.4.

(b) The records rooms are also available to any member of the public to inspect and copy records which are not regularly maintained in the records room. To obtain this type of record, a person should present his request identifying the record to the records officer. It will often be impossible, however, to produce these records or copies of them on very short notice. Accordingly, a member of the public who wishes to use records room facilities to inspect or copy such records is advised to arrange a time in advance, by phone or letter request made to the records officer of the facility he desires to use. Individuals making phone requests will be advised by the records officer or his designee whether a written request would be advisable to aid in the identification and expeditious handling of the records sought. Individuals making written requests should identify the records sought in the manner provided in § 1005.7. They should also indicate whether there is any specific date on which they would like to use the records room facilities. The records officer will endeavor to advise the writer as promptly as possible whether, for any reason, it may not be possible to make the records sought available on the date requested.

§ 1005.7 Identification of records by persons requesting them.

(a) In order for the Office to locate records and make them available, it is necessary that it be able to identify the specific records sought. Persons wishing to inspect or secure copies of records should, therefore, seek to identify them just as fully and accurately as is possible. In cases where requests are submitted which are not sufficient to permit identification, the records officer receiving the request will endeavor to assist the person seeking the records in filling in necessary details. In most cases, however, persons seeking records will find that time taken in trying to identify materials in the beginning is well worth their while in enabling the Office to respond promptly to their request.

(b) Among the kinds of information which a person seeking a record should try to provide in order to permit identification of a record are the following:

(1) The specific event or action, if any or if known, to which the record refers.

(2) The unit or program of the Office which may be responsible for or may have produced the record, such as Job Corps, Community Action Programs, or VISTA.

(3) The date of the record or the date or period to which it refers or relates, if known.

(4) The type of record, such as an application, a contract, or a grant, or a report.

(5) Personnel of the Office who may have prepared or have knowledge of the record.

(6) Citations to newspapers or publications which are known to have referred to the record.

§ 1005.8 Securing copies of records by mail.

A person desiring to secure copies of records by mail should write to the "Records Officer" at the Washington headquarters address or one of the regional office addresses indicated above. Records relating to any local community action program will generally be located in the regional office serving the State in which the program is being carried on; records relating to the Volunteers in Service to America (VISTA) or Job Corps programs will very commonly be located in headquarters. If the person making the request is uncertain whether the record is located in a particular office, he should write to the records officer in the headquarters office. The request should identify the records of which copies are sought as provided in § 1005.7, and should indicate the number of copies desired. As indicated in § 1005.13, fees may be required in some cases, in which event they must be paid in advance. If the person making the request is uncertain as to whether a fee will be required, or its amount, his letter should so indicate, and he will be advised as to the fee, if any, as promptly as possible.

§ 1005.9 Statutory exemptions.

(a) The provisions of 5 U.S.C. section 552 which require that agencies make their records available for public inspection and copying do not apply to matters which are:

(1) Specifically required by Executive order to be kept secret in the interest of the national defense or foreign policy;

(2) Specifically exempted from disclosure by statute;

(3) Related solely to the internal personnel rules and practices of an agency;

(4) Trade secrets and commercial or financial information obtained from a person and privileged and confidential;

(5) Interagency or intra-agency memorandums or letters which would not be available to a party other than an agency in litigation with the agency;

(6) Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(7) Investigatory files compiled for law enforcement purposes except to the extent available by law to a party other than an agency;

(8) Contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or

(9) Geological and geophysical information and data, including maps, concerning wells.

(b) Of the various exemptions set forth in paragraph (a) of this section, those considered most likely to be applicable to records of the Office are listed in subparagraphs (3), (4), (5), (6), and (7) of paragraph (a). These, generally, pertain to: Records setting forth such internal personnel rules and practices as instructions to staff on inspection or contract negotiation tactics; records including records of commercial and financial data, which contain information which is subject to some established or generally recognized privilege or is otherwise confidential because of the circumstances under which it was acquired; records in the form of communications by which officials or staff of the Office or another agency undertake to advise one another of their views on proposed official actions; records concerning the personal or family affairs of employees, prospective employees, or participants in programs which the Office assists or is responsible for; and records, including inspection reports, which the Office compiles and maintains for use in connection with pending or prospective enforcement proceedings. The Office will invoke these exceptions as sparingly as possible, consistent with its obligation to administer the laws for which it is responsible fairly and effectively and its obligation to assure that the governmental powers and facilities available to it for collecting and maintaining information relating to the private needs, problems or affairs of the families and individuals are not used for other than their intended official purpose.

§ 1005.12 Records of other agencies.

In any case where a request is determined to relate to records which are of paramount concern to another agency, the Office will forward the request to that agency. The person making the request will be promptly notified of this action. For purposes of this section, records produced by or for another agency which pertain to program powers exercised by it under delegation or agreement from the Office will, subject to any interagency understandings covering specific records or classes of records, be treated as of paramount concern to that other agency.

§ 1005.13 Fees.

It is the policy of the Office of Economic Opportunity, pursuant to section 613 of the Economic Opportunity Act of 1964 (42 U.S.C. sec. 2963), to encourage the widest possible distribution of information concerning programs under the Act. To the extent practicable, that policy will be applied under this part so as to permit requests for inspection or copies of records to be met without cost to the person making the request. Fees will be charged, however, in the case of requests which are determined to involve a burden on staff or facilities significantly in excess of that normally accepted by the Office in handling routine requests for information. In determining whether a fee will be charged, the Office will consider costs of identifying and locating records, as well as costs of copying and mailing. While the fee for copying will in no event exceed 10 cents per page, the Office reserves the right to limit the number of copies that will be provided of any document to any one person, or to require that special arrangements for copying be made in the case of bound volumes or other records presenting unusual problems of handling or reproduction.

§ 1005.15 Officials authorized to grant or deny requests for records or copies of records.

The Assistant Director for Management shall be responsible for advising Office officials and staff as to their obligations under this part and for taking such other actions as may be necessary or appropriate to assure a consistent and equitable application of the provisions of this part by and within the Office. He may, for this purpose, require other officials of the Office to clear with him prior to denying requests under this part, or prior to granting requests for categories of documents which he determines may present special or unusual problems. Subject to this authority, each Assistant Director of the Office, the General Counsel, the Executive Secretary and each Regional Director is authorized, directly or through his designee, to grant or deny requests under this part which pertains to records within his area of responsibility.

§ 1005.16 Form and records of denial.

No request for inspection or copying of records under this part which the requesting person has put in writing shall be denied except in writing. Any denial shall cite the provisions of this part on which the action is based and shall explain the reasons why the provisions cited are considered to support that action. All such denials shall, for purposes of this part, be treated as opinions and shall be maintained and indexed accordingly, subject only to the provisions of § 1005.3 (c) providing for the deletion of identifying details where necessary to prevent a clearly unwarranted invasion of privacy.

§ 1005.17 Administrative review of denials.

(a) Any person whose written request has been denied may obtain review of the denial by submitting a request for review to the Deputy Director of the Office within 30 days after issuance of the denial. The 30-day limitation may be waived for good cause. A request for review need not be in any particular form so long as it adequately identifies the decision to be reviewed and sets forth the reasons and arguments on which the person making the request relies.

(b) No personal appearance, oral argument or hearing will ordinarily be permitted on review of a denial. Upon request and a showing of special circumstances, however, this limitation may be waived and an informal conference or appearance arranged with or before the Deputy Director or some official designated by him for this purpose.

(c) The decision of the Deputy Director upon review shall be in writing and shall contain an explanation responsive to the arguments advanced and referring to the provisions of this part on which the decision is based. The decision shall be promptly communicated to the person requesting review and shall constitute the final action of the Office. All such decisions shall be treated as opinions under this part in the same manner as denials described in § 1005.16.

Dated: June 30, 1967.

BERTRAND M. HARDING,
Deputy Director.

[F.R. Doc. 67-7689; Filed, July 3, 1967; 8:55 a.m.]

PART 1009—SUSPENSION AND TERMINATION OF ASSISTANCE

A new Part 1009 is added to Chapter X of Title 45 of the Code of Federal Regulations to include regulations of the Office of Economic Opportunity governing the suspension and termination of assistance provided under Titles II–A, III–B, IV, and VIII of the Economic Opportunity Act, as follows:

Sec.
1009.1 Purpose and scope.
1009.2 Definitions.
1009.3 Application of this part.
1009.4 Suspension and termination.
1009.5 Time and place of hearing.
1009.6 Right to counsel.
1009.7 Hearing procedures.
1009.8 Decisions and notices.
1009.9 Other remedies.

AUTHORITY: The provisions of this Part 1009 are issued under sec. 602 of Public Law 88-452, as amended.

§ 1009.1 Purpose and scope.

This part establishes procedural rules for suspension and termination of assistance provided by the Office of Economic Opportunity under Titles II–A, III–B, IV, and VIII of the Economic Opportunity Act of 1964, as amended (herein the "Act"), for failure of a recipient to comply with applicable laws, regulations, Community Action Memoranda, issued program guidelines, assurances or grant conditions. However, this part shall not apply to any administrative action of the Office of Economic Opportunity based in whole or in part upon any violation, or alleged violation of Title VI of the Civil Rights Act of 1964. In the case of such violation, or alleged violation, the provisions of Part 1010, of this Title 45, Code of Federal Regulations, shall apply.

§ 1009.2 Definitions.

As used in this part—

(a) The term "Office" means the Office of Economic Opportunity and includes each Regional Office.

(b) The term "Director" means the Director of the Office of Economic Opportunity, or his delegate, or in the case of a proceeding conducted in a Regional Office, the Regional Director of such office or his delegate.

(c) The term "responsible Office official" with respect to any program receiving assistance means the Director or other official of the Office who by law or by delegation has the principal responsibility within the Office for the administration of the law extending such assistance.

(d) The term "assistance" includes assistance under Titles II–A, III–B, IV, and VIII of the Act, for the provision of which the Office has primary responsibility, in the form of (1) grants and loans of Federal funds, and (2) the assignment or referral of VISTA volunteers.

(e) The term "recipient" means any State, political subdivision of any State, or instrumentality of any State or political subdivision, any public or private agency, institution, organization, or other entity, or any individual, in any State, to whom assistance is extended, directly or through another recipient thereof, but such term does not include any ultimate beneficiary under any program of assistance. For the purposes of this paragraph, the term "State" includes the States of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, Wake Island, the Canal Zone, and the territories and possessions of the United States.

(f) The term "termination" means any action permanently or indefinitely terminating or curtailing assistance to all or any part of a program prior to the time that such assistance or program has, by its terms or otherwise, concluded, but does not include the refusal to provide new or additional assistance.

(g) The term "suspension" means any action temporarily suspending or curtailing assistance in whole or in part, to all or any part of a program, prior to the time that such assistance or program has, by its terms or otherwise, concluded, but does not include the refusal to provide new or additional assistance.

§ 1009.3 Application of this part.

This part applies to assistance provided under any program authorized

under Titles II–A, III–B, IV, and VIII of the Act, and administered by the Office, and does not apply to programs whose administration has been delegated to another Federal agency.

§ 1009.4 Suspension and termination.

(a) *Suspension.* (1) If there appears to be a failure or threatened failure to comply with any applicable law, regulation, Community Action Memo or other issued program guide, assurance, or grant condition, of sufficient seriousness to warrant action under this part, the responsible Office official shall advise the recipient of his failure or threatened failure to comply and shall attempt to secure compliance by voluntary means. If the responsible Office official determines that compliance cannot be secured by voluntary means within a period of time determined by him to be reasonable under the circumstances, he shall notify the recipient by letter or by telegram that unless compliance is achieved, or good cause is shown why assistance should not be suspended within a specified period, not to be less than 5 days (except as provided in subparagraph (4) of this paragraph), the Office intends to suspend the assistance. The letter or telegram shall specifically inform the recipient of the reasons for proposed suspension and of the action required to achieve compliance. The responsible Office official may, in his discretion, extend the period specified in the notice.

(2) In the absence of a showing of compliance or of good cause why the assistance should not be suspended, at the expiration of the warning period referred to in subparagraph (1) of this paragraph, the responsible Office official is authorized to suspend assistance in whole or in part. Notice of suspension shall be promptly given to the recipient by letter or by telegram and shall specifically advise the recipient of the effective date of the suspension and the extent of any partial suspension. The notice shall also forbid the recipient to make any new expenditures or incur any new obligations in conection with the suspended portion of the program. Expenditures based upon legally enforceable obligations made in good faith, and not in anticipation of suspension or termination, prior to the notice of suspension shall not be considered new expenditures.

(3) The notice of suspension shall state the period of suspension which shall not exceed 21 days unless, during such period, termination proceedings are instituted in accordance with paragraph (b) of this section, or unless the parties agree to a continuance of the suspension for an additional specific period.

(4) If, in the judgment of the responsible Office official, summary action is required to prevent serious and substantial loss to the Office, or other irreparable harm, the responsible Office official may, in writing or by telegram, suspend assistance immediately without complying with the procedures established by this paragraph. In such case, the period of suspension shall not exceed 7 days unless termination proceedings are instituted in accordance with paragraph (b) of this section, or unless the parties agree to a continuance of the suspension for an additional specific period.

(b) *Termination.* (1) If the responsible Office official believes that the failure to comply is sufficiently serious to warrant termination of assistance, whether or not assistance has been suspended, he shall so advise the recipient in writing or by telegram. The notice shall state that the Office intends to terminate assistance, the specific reasons therefor, and shall either (i) fix a date not more than 30 days from the date of such notice within which the recipient may request of the responsible Office official that the matter be scheduled for hearing, or (ii) advise the recipient that the matter has been set down for hearing at a stated time and place, in accordance with § 1009.5.

(2) Hearings shall be scheduled for the earliest practicable date and consideration shall be given to a request by the recipient to advance the date of a hearing scheduled by the Office.

(3) A recipient may waive a hearing and submit written information and argument for the record. The failure of a recipient to request a hearing, or to appear at a hearing for which a date has been set, unless excused for good cause, shall be deemed a waiver of the right to a hearing and consent to the making of a decision on the basis of such information as is available.

(4) The responsible Office official shall attempt, either personally or through a representative, to negotiate with the recipient and to resolve the issues in dispute by informal means prior to the date of hearing.

(5) Any order suspending assistance shall remain in full force, notwithstanding the fact that the recipient has requested a hearing, or a hearing date has been fixed by the Office. However, the responsible Office official may rescind or stay such order, if and to the extent that he believes that such action is warranted. In the event such order is fully rescinded or stayed, the responsible Office official may postpone the hearing to such later date as is reasonable under the circumstances.

§ 1009.5 Time and place of hearing.

Hearings shall be held in Washington, D.C., or in the appropriate Regional Office, at a time and place fixed by the responsible Office official, or his designee, unless he determines that the convenience of the Office, or of the parties or their representatives, requires that another place be selected.

§ 1009.6 Right to counsel.

In all proceedings under this section, whether formal or informal, the recipient and the Office shall have the right to be represented by counsel, or other authorized representatives.

§ 1009.7 Hearing procedures.

(a) *General.* The hearing, decision, and any review thereof shall be conducted in accordance with the rules of procedure set forth in this section, and § 1009.8, relating to the conduct of the hearing, giving of notices subsequent to those provided for in § 1009.4(b)(1), taking of testimony, exhibits, arguments, briefs, decisions, and other related matters. Both the Office and the recipient shall be entitled to introduce evidence on the issues as stated in the notice of hearing or as framed at a prehearing conference, or as agreed to by the parties.

(b) *Presiding officer.* The presiding officer at a hearing shall be the responsible Office official or, at his discretion, a designee (including a hearing examiner designated in accordance with section 11 of the Administrative Procedure Act) who has not personally participated in the matter. The presiding officer shall conduct a fair hearing, avoid delay, maintain order, and make a sufficient record for a full and true disclosure of the facts at issue. To accomplish these ends, the presiding officer shall have all powers authorized by law, and he may make all procedural and evidentiary rulings necessary to the conduct of the hearing.

(c) *Participation.* (1) The presiding officer may permit the participation in the proceeding of such persons as he deems necessary for a proper determination of the issues involved. Such participation may be limited to those issues or activities which the presiding officer believes will meet the needs of the proceeding, and may be limited to the filing of papers, motions or other documents.

(2) Any person who wishes to participate in a proceeding shall file a petition within 10 days after the notice of suspension or proposed termination has been received by the recipient requesting permission to participate. Such petition shall state (i) petitioner's interest in the proceeding; (ii) the evidence or arguments petitioner intends to contribute, and (iii) the necessity for the introduction of such evidence or arguments.

(3) The presiding officer shall, within 10 days after a petition for participation is received, permit or deny such participation and shall give notice of his decision to the petitioner and the recipient and, in the case of denial, a brief statement of the reasons therefore: *Provided however,* That the presiding officer may subsequently permit such participation if, in his opinion, it is warranted by the circumstances. If participation is granted, the presiding officer shall notify all parties of that fact and may, in appropriate cases, include in the notification a brief statement of the issues as to which participation is permitted.

(4) Permission to participate to any extent is not a recognition that the participant has any interest which may be adversely affected or that the participant may be aggrieved by any decision, but is allowed solely for the aid and information of the presiding officer.

(d) *Filing.* All papers and documents which are filed pursuant to these rules will be filed in triplicate with the responsible Office official. Prior to filing, copies shall be served on the other parties.

(e) *Form of papers and documents.* All papers and documents filed or served will show the matter to which the papers relate, the number designated on the notice of suspension, or proposed termination, the date filed or served, the nature of the paper or document, and the name of the submitting party or person. The original of all papers and documents filed or served shall be signed in ink by the appropriate party or his authorized representative.

(f) *Date of service of filing.* The date of service or filing shall be the day on which the papers or documents are deposited, postage prepaid, in the U.S. mail, or are delivered in person: *Provided, however,* That the date of service of the initial notice of suspension shall be the date of its delivery, or attempted delivery if delivery is refused.

(g) *Prehearing conferences.* The presiding officer, prior to the commencement of a hearing, may request the parties to meet with him or correspond with him concerning the settlement of any matter which will expedite a quick and fair conclusion to the hearing.

(h) *Official notice.* Official notice may be taken of a public document, or part thereof, such as a statute, official report, decision, opinion, or published scientific data issued by any branch of the Federal or a State government and such document or data may be entered on the record without further proof of authenticity. Official notice may also be taken of such matters as may be judicially noticed by the courts of the United States, or any other matter of fact of established character peculiarly within the general knowledge of the Office. When an agency decision rests on official notice of a material fact not appearing in evidence in the record, a party is entitled on timely request to an opportunity to show the contrary.

(i) *Evidence.* Technical rules of evidence shall not apply to hearings conducted pursuant to this part, but the presiding officer shall apply rules or principles designed to assure production of credible evidence and to subject testimony to test by such cross-examination as may be required for a full and true disclosure of the facts. The hearing officer may exclude irrelevant, immaterial, or unduly repetitious evidence. All documents and other evidence taken for the record shall be open to examination by the parties and opportunities shall be given to refute facts and arguments advanced on either side of the issues. A transcript shall be made of the oral evidence unless dispensed with by stipulation. All decisions shall be based upon the hearing record or facts of which official notice may be taken, and written findings shall be made.

(j) *Waiver of rules.* Upon notice to all parties, or, in the interests of justice to the recipient, without notice, the presiding officer may, with respect to matters pending before him, modify or waive any rule in this part if he determines that no party will be unduly prejudiced and the ends of justice will thereby be served.

§ 1009.8 Decisions and notices.

(a) If the hearing is held by a person other than the responsible Office official, he shall make an initial decision, and a copy of such initial decision shall be mailed to the recipient. Either party may, within 30 days of the mailing of such notice of initial decision, or such time as the presiding officer specifies, file with the responsible Office official his exceptions to the initial decision, and any supporting brief or statements. Upon the filing of such exceptions, the responsible Office official shall review the decision and issue his own decision thereon, including the reasons therefor. In the absence of exception the initial decision shall constitute the final decision of the responsible Office official.

(b) Whenever a hearing is waived, a decision shall be made by the responsible Office official on the record, and a copy of the final decision of the responsible Office official shall be given in writing to the recipient.

(c) Each decision of a presiding officer shall set forth his ruling on each finding, conclusion, or exception presented, and shall identify the requirement or requirements with which it is found that the recipient has failed to comply.

(d) Any final decision of a responsible Office official (other than the Director) which provides for the continued suspension or termination of assistance, shall promptly be transmitted to the Director, who may approve such decision, may vacate it, or may remit or mitigate any sanction imposed. The Director shall not be required to hold a hearing, or to allow the filing of additional briefs or arguments. Failure of the Director to act within 10 days from receipt of such decision shall be deemed an approval of such decision. The decision of the Director shall be final and not reviewable.

(e) The final decision may provide for continued suspension or termination of assistance to the recipient in whole or in part, and may contain such terms, conditions, and other provisions as are consistent with and will effectuate the purposes of the Act.

§ 1009.9 Other remedies.

The procedure established in this part shall not preclude the Office from pursuing any other remedies authorized by law, including (a) a reference to the Department of Justice, with a recommendation that appropriate proceedings be brought to enforce any rights or powers of the United States under any law of the United States, or any legally enforceable undertaking or agreement, and (b) any applicable proceeding under State or local law.

Effective date. These regulations shall become effective as of the 30th day following the date they are published in the FEDERAL REGISTER.

Dated: June 27, 1967.

SARGENT SHRIVER,
Director,
Office of Economic Opportunity.

[F.R. Doc. 67-7568; Filed, July 3, 1967; 8:47 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[2d Rev. S.O. 975; Amdt. 4]

PART 195—CAR SERVICE

Railroad Operating Regulations for Freight Car Movement

At a general session of the Interstate Commerce Commission held in Washington, D.C., on the 27th day of June A.D. 1967.

Upon further consideration of Second Revised Service Order No. 975 (31 F.R. 6058, 7806, 16363) and good cause appearing therefor:

It is ordered, That:

Section 195.975 *Service Order No. 975* (Railroad operating regulations for freight car movement) Second Revised Service Order No. 975 be, and it is hereby amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This order shall expire at 11:59 p.m., November 18, 1967, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., June 30, 1967.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That copies of this amendment to Second Revised Service Order No. 975 shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-7645; Filed, July 3, 1967; 8:52 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

MISSOURI

MINGO NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Mingo National Wildlife Refuge, Puxico, Mo., is permitted only on the area designated by signs as open to hunting. This open area, comprising 4,000 acres, is delineated on maps available at refuge headquarters, Puxico, Mo., and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following special conditions:

(1) Hunting with bows and arrows only is permitted.

(2) The open season for hunting deer on the refuge is from October 1 through December 15, 1967, inclusive.

(3) A Federal permit is required to enter the public hunting area. It may be obtained by applying in person at refuge headquarters, Puxico, Mo., between the hours of 8 a.m. and 4:30 p.m. any day of the week between August 25 through September 25, inclusive. No permits will be issued after September 25.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 15, 1967.

JOHN E. TOLL,
Refuge Manager, Mingo National Wildlife Refuge, Puxico, Mo.

JUNE 21, 1967.

[F.R. Doc. 67-7564; Filed, July 3, 1967; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Parts 1067, 1102]

[Docket Nos. AO-223-A21, AO-237-A18]

MILK IN OZARKS AND FORT SMITH, ARK., MARKETING AREAS

Decision on Proposed Amendments to Tentative Marketing Agreements and to Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Fayetteville, Ark., on November 2, 1966, pursuant to notice thereof issued on October 11, 1966 (31 F.R. 13395). The hearing was subsequently reopened on November 15, 1966, at St. Louis, Mo., pursuant to a notice issued November 4, 1966 (31 F.R. 14406). The hearing was further reopened with respect to Fort Smith only on January 26, and February 13, 1967, at Kansas City, Mo., pursuant to notices issued January 16, 1967 (32 F.R. 613), and February 2, 1967 (32 F.R. 2573), for the limited purpose of considering Class I prices and on February 28, 1967, at St. Louis, Mo., pursuant to a notice issued January 24, 1967 (32 F.R. 1042), only with respect to inclusion of Baxter, Carroll, Fulton, Izard, Madison, Newton, Searcy, and Stone Counties, Ark., in the proposed merged Ozark-St. Louis marketing area.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, on May 22, 1967 (32 F.R. 7631; F.R. Doc. 67-5834), filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision (32 F.R. 7631; F.R. Doc. 67-5834) are hereby approved and adopted as if set forth in full herein subject to the following modification:

Under Issue No. 2, "Fort Smith marketing area" a new paragraph is added immediately after the fifth paragraph.

The material issues on the record of the hearing relate to:

1. A special Class I price for milk disposed of by Ozarks handlers in the Fort Smith marketing area or to Fort Smith handlers.

2. Definition of the Fort Smith marketing area.

3. Definition of the Ozarks marketing area.

4. Location differentials in the Fort Smith order.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Class I price for milk disposed of by Ozarks handlers in the Fort Smith marketing area.* The proposal to apply a special price to Ozarks order milk disposed of in the Fort Smith marketing area is denied. Such pricing would not reflect economic conditions affecting supply and demand for such milk.

Cooperative associations proposed that the price for Class I milk disposed of by Ozarks handlers in the Fort Smith marketing area be increased to equal the Fort Smith order Class I price less cost of transportation from the plant of origin. While the details of this proposal would provide minor variations, depending on the method of handling the milk, the essential effect would be the same.

Proponents explained their belief in the need for such pricing on the basis of the competitive situation between Fort Smith and Ozarks order handlers. A Fort Smith handler complained that he is losing Class I sales to Ozarks order handlers both inside and outside the Fort Smith marketing area because of the lower Ozarks order price. The proposal was intended to raise the cost of Ozarks order Class I milk sold in Fort Smith, or sold to Fort Smith handlers, to equal the cost of Class I milk under the Fort Smith order.

The merits of the cooperative associations' proposal must be judged within the context of the statutory requirement of establishing milk prices which will assure an adequate supply of pure and wholesome milk for the market.

Milk supplies and Class I use under Fort Smith order. The quantity of milk regulated under the Fort Smith order is small relative to the quantity of milk regulated under orders in surrounding markets. The two handlers regulated by the order are supplied by the Central Arkansas Milk Producers Association which also serves the Central Arkansas market. The association is able to arrange milk deliveries from members so that deliveries are closely related to handler needs in each market. The quantity of milk delivered to the Fort Smith handlers averaged 4 million pounds monthly in 1965 and 3.8 million pounds monthly in 1966. Total milk delivered to handlers in both the Fort Smith and Central Arkansas markets averaged 17.7 million pounds monthly in 1965 and 18.9 million pounds in 1966.[1]

[1] Official notice is taken of market information published by the market administrator for the Fort Smith and Central Arkansas markets for the period 1964 through 1966.

Class I disposition by Fort Smith handlers has been variable. The most recent trend of Class I disposition by Fort Smith handlers has been towards a lower level than in previous periods. A review of changes since the beginning of 1964 shows that about the same annual level was maintained during the 1964–65 2-year period, that monthly Class I disposition increased in the first 6 months of 1966 over the year before, and decreased in the last 6 months of 1966. Class I disposition in October, November, and December 1966 averaged about 14 percent less than in the same annual quarter 1 year before.

Competition from other markets. Competition for Class I disposition in the Fort Smith market and surrounding areas was the principal concern of producers and handlers at this hearing. Losses or gains in handlers' sales may be examined in terms of sales inside and outside the marketing area.

Fort Smith handlers' Class I disposition in the marketing area averaged about 1.9 and 1.8 million pounds monthly, in 1964 and 1965, respectively. In 1966, record data show in-area disposition for only the first 9 months. In the first 6 months, in-area Class I disposition averaged only slightly lower than in the same months the year before. Any substantial loss of sales would need to be judged by the last 3 months of record data, July, August, and September, in which in-market disposition by Fort Smith handlers was about 18 percent below a year previous. Out-of-area Class I disposition (about one-half of handlers' sales), however, remained about the same as in 1965.

The competitive situation is significantly affected by sales of handlers regulated under other orders. The Fort Smith market is within the perimeter of sales areas of plants regulated under the Central Arkansas, Ozarks, and Oklahoma Metropolitan markets.

Disposition of other order handlers in the marketing area has been highly variable, ranging from about 250,000 to 850,000 pounds in individual months since the first of 1964. Average monthly disposition in 1964 was about 520,000 pounds, and in 1965, about 430,000 pounds. In the first 9 months of 1966 the average was about 635,000 pounds. In August 1966, the month of highest other order disposition, such sales amounted to 34.9 percent of in-area sales.

Since other order handlers provide a large proportion of the fluid milk sold in the Fort Smith marketing area and surrounding areas, such other order milk is a significant part of the supply situation. The availability of such other order milk and the price and other costs involved in bringing it to the market, are among the factors required to be considered in establishing the proper price

needed to assure an adequate supply for this market.

The greater share of the other market disposition in and around the Fort Smith marketing area is by Ozarks order handlers. About 23 percent of the fluid milk sales in five counties surrounding the marketing area are made by Ozarks handlers.[1] For this reason, Ozarks order milk is an important influence in determining the price at which an adequate supply is obtainable for the Fort Smith market.

Ozarks milk supply and sales. The total producer milk supply in the Ozarks market increased to about 29.1 million pounds monthly in 1966 compared to 23.7 million pounds monthly in 1965.

Also, in relation to Class I sales of handlers, there was relatively more Ozarks producer milk under the order than in the prior year. During October, November, and December 1966, Class I use of producer milk was 74.6, 76.0, and 65.1 percent, respectively, compared to 84.0, 80.6, and 79.1 percent in the prior year.

Ozarks order plants which dispose of Class I milk in and around the Fort Smith marketing area are located in Fayetteville, Ark., and Springfield, Mo. It is clear, therefore, that the more ample milk supply in Southwest Missouri is a factor in the supply situation for the Fort Smith market, as well as the producer milk supply on the Fort Smith market.

The existence of this alternative supply for the Fort Smith market is particularly significant because of the price relationship of the two markets. During 1966 the Ozarks order Class I price ($4.98) averaged $0.93 per hundredweight less than the Fort Smith order Class I price ($5.91). Inasmuch as the distance from Fort Smith to Springfield, Mo., is about 177 miles, the cost of transportation, reckoned at 1.5 cents per 10 miles, would be about 27 cents. Thus, the effective price difference for milk moved from Springfield, Mo., to Fort Smith was about $0.66 per hundredweight. While the Ozarks order price at Fayetteville, Ark., is 25 cents higher than at Springfield, the transportation figure to Fort Smith (about 9 cents) is less, resulting in an effective price difference of about 59 cents per hundredweight.

Effects of proposal. The proposal to amend the Ozarks order would establish a price for Class I milk sold in the Fort Smith area significantly higher than the price at which Ozarks area milk is available under actual supply and demand conditions. Also the proposal would insulate the Fort Smith supply-demand situation from the supply-demand situation in the Ozarks area. As a result, the proposed pricing technique would not truly reflect supply and demand conditions in either market.

In the Fort Smith market, the proposed pricing technique would obscure the demonstrated availability of alternative milk supplies from the Ozarks area at a lesser price than the existing Fort Smith Class I price. The availability of such less expensive supply from another market is particularly significant in this case, since the Fort Smith market is small relative to the other market. Further, the other market has quantities of reserve milk which conceivably could displace all present supplies of producer milk on the Fort Smith market. One of the Fort Smith handlers testified that he was able to arrange for a full supply of milk from sources outside the Fort Smith area.

In the Ozarks market, the proposed pricing would result in a certain portion of the milk being charged to handlers at a price higher than necessary to obtain an adequate supply for the market. The Ozarks market is amply supplied at the existing Class I price level, and accordingly a higher level for all or any portion of the milk would not be reflective of supply and demand conditions.

Producer representatives in the Fort Smith market placed reliance on the contention that the Fort Smith Class I price had been determined by the Department to be the correct price to obtain a supply of milk for that market. They argued that accordingly such price should apply to all milk sold in the market. They pointed out that the State of Arkansas is a deficit area producing less milk than is sold for fluid purposes.

Such argument, however, overlooks the consideration that changes in marketing conditions should be recognized in establishing the appropriate Class I price level. The influx of increased quantities of milk from less expensive sources is a significant change in conditions.

Under some circumstances, the Class I price in a market subject to competition from a lower priced market would adjust automatically through a supply-demand adjustor. While there is a supply-demand adjustor in this market, it is more largely affected by circumstances in the Central Arkansas and Memphis markets than by the situation in the Fort Smith market. This is because the volumes of milk receipts and Class I disposition included in the supply-demand adjustment computation are very largely milk regulated under the Central Arkansas and Memphis orders.

It is concluded that the proposal to price Ozarks order milk at the Fort Smith order Class I price, if sold in the Fort Smith marketing area, should be denied because such pricing would fail to reflect economic conditions effecting supply and demand for such milk.

While the situation complained of by proponents does not justify adoption of their proposal, it may indicate need to review the appropriateness of the existing price level in Fort Smith. The notice of hearing and the record, however, do not provide a basis for dealing with this question.

2. *Fort Smith marketing area.* No change should be made at this time in the Fort Smith marketing area.

The notice of hearing contained a proposal to add 11 Arkansas counties to the Fort Smith marketing area. At the hearing, producer associations modified their proposal to include only the seven counties of Crawford, Franklin, Johnson, Logan, Scott, Sebastian, and Yell. No testimony was presented in support of adding Benton, Boone, and Washington Counties (presently part of the Ozarks marketing area) or Madison and Carroll Counties to the Fort Smith marketing area.

Within the area proposed to be regulated, most of the milk sold is now regulated under the Fort Smith order and other Federal milk orders. There is, however, one unregulated handler located at Paris, Ark., who would become regulated if the Fort Smith marketing area were expanded to include any one of the counties of Franklin, Logan, or Johnson.

Proponents did not show, however, that any serious problem of disorderly marketing exists in any of the counties proposed to be added to the Fort Smith marketing area. The concern about the operations of the handler presently unregulated pertained to his selling prices, but no information was given as to the prices he pays dairy farmers. In any event, his sales constitute a relatively minor percentage of total milk disposed of in any of the counties proposed for inclusion in the Fort Smith marketing area.

The question of proper regulation in this area has significance beyond the relationship of the proposed counties to the present Fort Smith market. Handlers under other orders, principally Ozarks, have substantial sales in these proposed counties. Further, much of the adjoining area to the north is involved in the proposed merger of the Ozarks and St. Louis orders on which decision is pending. The proper delineation of marketing areas in this region thus may well be affected by considerations beyond this record. Since this record does not contain urgent or compelling reasons for extension of the Fort Smith marketing area, no action is taken on this issue.

An exceptor argued that marketing conditions justify inclusion of the seven Arkansas counties (Crawford, Franklin, Johnson, Logan, Scott, Sebastian and Yell) in the marketing area. The record evidence exceptor relies on, however, relates to a handler at Batesville, Ark., who does not sell in the seven counties.

3. *Ozarks marketing area.* A handler proposed that the Ozarks marketing area be extended to include Baxter, Carroll, Fulton, Izard, Madison, Newton, Searcy, and Stone Counties, all in the State of Arkansas. In view of the reopening of this issue by the notice of hearing issued January 24, 1967, on proposed amendments to merge the St. Louis, Mo., and Ozarks milk orders, action regarding these eight counties is deferred.

4. *Location adjustments.* Location differentials should be incorporated in the order to apply to the Class I and uniform prices for milk received at plants located more than 50 miles from the county courthouse in Fort Smith.

Location adjustments have not applied under the Fort Smith order. As noted previously, Class I sales are made in the marketing area by plants at a considerable distance from the market. Presently such plants are regulated under other orders where location adjustments apply. If a plant located more than 50 miles from Fort Smith became regulated under the Fort Smith order as a result of changes in operations, a location adjustment should apply on Class I milk priced at the plant to allow for the cost of moving the milk to the marketing area.

Class I milk products, because of their bulky, perishable nature, incur a relatively high transportation cost if such products or the milk used to produce them are moved considerable distances. Milk delivered directly by farmers to plants in or near the urban centers in the defined marketing area, therefore, is worth more to a handler than milk which is received from farmers at a plant located many miles from the market. This is so because in the latter instance, the handler must incur the additional cost of moving that milk to the central market. Under these conditions, the value of producer milk delivered to plants located some distance from the market is reduced in proportion to the distance (and the cost of transporting such milk) from the point of receipt to the market. Providing location differentials based on the cost of moving milk to the market will insure uniform pricing to Fort Smith handlers regardless of the location where the milk is procured.

For milk received from producers at a plant located more than 50 miles by the shortest highway distance, as determined by the market administrator, from the county courthouse in Fort Smith, Ark., the Class I price should be reduced 1.5 cents for each 10 miles or fraction thereof that such plant is distant from the county courthouse in Fort Smith, Ark. Milk can move efficiently from farms to approved plants located within the area in which no location differential would be applicable.

The location differential rates herein proposed are economically sound and representative of the cost of transporting milk to market by efficient means. Also, they are compatible with those effective under other nearby Federal milk orders.

Uniform prices paid producers supplying plants at which location differentials apply should likewise be adjusted to reflect the value of milk f.o.b. the point to which delivered.

To insure that milk will not be moved unnecessarily at producers' expense, the order should contain a provision to determine whether milk transferred between plants may receive the Class I location differential credit. For the purpose of calculating such location differential credit, the skim milk and butterfat in fluid milk products transferred in bulk should be assigned to Class I disposition at the transferee plant which is in excess of the sum of receipts at such plant from producers and the pounds assigned as Class I to receipts from other order plants and unregulated supply plants. The assignment of milk transferred in bulk would be made in sequence according to the location differential applicable at each plant, beginning with the plant nearest the county courthouse in Fort Smith, Ark.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, the exception received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with the exception, such exception is hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed thereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Fort Smith, Ark., Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Fort Smith, Ark., Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of April 1967 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Fort Smith, Ark., marketing area, is approved or favored by producers, as defined under the terms of the order, as amended and as hereby proposed to be amended, and who during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on June 28, 1967.

GEORGE L. MEHREN,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Fort Smith, Ark., Marketing Area

§ 1102.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Fort Smith, Ark., marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act.

(2) The parity prices of milk, as determined pursuant to section 2 of the

[1] Crawford, Franklin, Logan, Scott, and Sebastian.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing order have been met.

Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Fort Smith, Ark., marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, Regulatory Programs, on May 22, 1967, and published in the FEDERAL REGISTER on May 25, 1967 (32 F.R. 7631; F.R. Doc. 67-5834), shall be and are the terms and provisions of this order and are set forth in full herein.

1. In § 1102.51, the introductory text preceding paragraph (a) is revised to read as follows:

§ 1102.51 Class prices.

Subject to the provisions of §§ 1102.52 and 1102.54, the minimum prices per hundredweight to be paid by each handler for milk received at his plant from producers during the month shall be as follows:

* * * * *

2. Add a new § 1102.54 to read as follows:

§ 1102.54 Location adjustment to handlers.

(a) For milk received from producers at an approved plant located more than 50 miles by the shortest highway distance, as determined by the market administrator, from the county courthouse in Fort Smith, Ark., which is classified as Class I milk or assigned Class I location adjustment credit pursuant to paragraph (b) of this section, the price computed pursuant to § 1102.51(a) shall be reduced at the rate of 1.5 cents for each 10 miles or fraction thereof that such plant is distant from the county courthouse in Fort Smith, Ark.; and

(b) For purposes of calculating such adjustment, transfers of fluid milk products between approved plants shall be assigned to Class I disposition at the transferee plant which is in excess of the sum of receipts at such plant from producers and the pounds assigned as Class I to receipts from other order plants and unregulated supply plants. Such assignment is to be made first to transferor plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply.

3. Section 1102.60 is revised to read as follows:

§ 1102.60 Producer-handlers.

Sections 1102.40 through 1102.46, 1102.50 through 1102.54, 1102.70 through 1102.72, 1102.80 through 1102.86, and 1102.90 through 1102.93 shall not apply to a producer-handler.

4. Section 1102.71 is revised to read as follows:

§ 1102.71 Computation of uniform prices for handlers.

For each of the months of August through February, the market administrator shall compute for each handler a uniform price per hundredweight for milk of 3.5 percent butterfat content received from producers as follows:

(a) Adjust the amount computed pursuant to § 1102.70 for each one-tenth percent that the average butterfat test of milk received from producers by such handler is less or more than 3.5 percent, an amount computed by multiplying such difference by the butterfat differential computed pursuant to § 1102.81 and multiplying the result by the total hundredweight of milk received from producers;

(b) Add the amount represented by any deductions made for eliminating fractions of a cent in computing the uniform price(s) for such handler for the preceding month;

(c) Add an amount equal to the sum of the deductions to be made for location differentials pursuant to § 1102.86; and

(d) Divide the resulting amount by the total hundredweight of milk received from producers by such handler. The result, less any fraction of a cent per hundredweight, shall be known as the uniform price for such handler for milk of 3.5 percent butterfat content.

5. In § 1102.72, paragraph (a) is revised to read as follows:

§ 1102.72 Computation of the uniform prices for base and excess milk for each handler.

* * * * *

(a) Follow the computations and adjustments provided for in § 1102.71 (a), (b), and (c);

* * * * *

6. In § 1102.80, paragraph (a) is revised to read as follows:

§ 1102.80 Time and method of payment.

* * * * *

(a) On or before the 15th day after the end of the month during which the milk was received, to each producer except as provided in paragraph (c) of this section, at not less than the appropriate uniform price(s) adjusted by the producer butterfat differential computed pursuant to § 1102.81, subject to the location adjustment to producers pursuant to § 1102.86, for all milk received from such producer during the preceding month less the amount of payment made pursuant to paragraph (b) of this section.

* * * * *

7. Add a new § 1102.86 to read as follows:

§ 1102.86 Location differentials to producers.

The uniform price for producer milk received at an approved plant shall be reduced according to the location of the approved plant, at the rates set forth in § 1102.54.

[F.R. Doc. 67-7590; Filed, July 3, 1967; 8:49 a.m.]

[7 CFR Parts 1104, 1132]

[Docket Nos. AO 262-A16, AO 296-A11]

MILK IN RED RIVER VALLEY AND TEXAS PANHANDLE MARKETING AREAS

Decision on Proposed Amendments to Tentative Marketing Agreements and to Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Amarillo, Tex., on June 14, 1967, pursuant to notice thereof issued on June 5, 1967 (32 F.R. 8247).

The material issues on the record of the hearing related to:

1. The in-area Class I sales pooling standard for distributing plants under the Texas Panhandle order.

2. The exclusion under both the Texas Panhandle and Red River Valley orders of Class I sales made under limited term contracts to governmental bases or institutions in determining the order under which a plant should be regulated.

3. The need for emergency action justifying omission of a recommended decision.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. The Texas Panhandle order should provide that any distributing plant that disposes of a daily average of 10,000 pounds or more of Class I milk on routes or through plant stores to retail or wholesale outlets in the marketing area will qualify as a pool plant if 50 percent or more of such plant's Grade A milk receipts are so disposed of as Class I milk to such outlets either within or without the marketing area. In addition, any plant which disposes of 15 percent of its Grade A receipts to such outlets in the marketing area should continue to be pooled if it meets the 50 percent total disposition requirement.

The Texas Panhandle order presently requires that to be a pool plant under the order a distributing plant shall dispose of 50 percent of its Grade A milk receipts from dairy farmers and from other plants during the month as Class I milk on routes (including routes operated by vendors) or through plant stores to retail and wholesale outlets, and in addition that 15 percent of such receipts are so disposed of to such outlets in the marketing area.

In the notice of hearing the principal cooperative association supplying the market proposed that the 15 percent in-area requirement be reduced to 5 percent. At the hearing, however, this association modified its proposal so that, in addition to the present 15 percent in-area disposition, provision would be made to qualify for pooling any distributing plant meeting the 50 percent total disposition requirement if such plant disposes of at least 10,000 pounds daily average in the marketing area.

Such a provision will provide for pooling a plant with substantial distribution in the Texas Panhandle marketing area, even though such disposition in less than 15 percent of the plants receipts of Grade A milk. The 10,000 pound daily pooling provision could substitute for the 15 percent of receipts standard only for plants with receipts of at least 2 million pounds monthly.

The need shown for such an alternative provision relates to a plant that has been regulated by the Texas Panhandle order since it first became effective in 1955. This handler has regularly qualified for pooling under the present provisions. However, since January and February of this year his receipts of Grade A milk have doubled. These increased receipts have been needed to supply the handler's Class I needs for milk to supply out-of-area military bases under contract. In January and February approximately 26 percent of the Class I sales from this plant were disposed of in the Texas Panhandle marketing area, but in April approximately 13 percent of such sales were in the Texas Panhandle area. The volume of in-area sales in April was approximately the same as in January and February. As a result the handler's plant failed to meet the Texas Panhandle pooling standard in April. Due to the fact that much of the increased out-of-area sales were to military installations in the Austin-Waco marketing area, the plant has been subject to regulation under that order when it failed to meet the Texas Panhandle in-area pooling requirement. Had the plant not become regulated under another Federal order, however, the result would have been that the plant would have been subject to only partial regulation under the Texas Panhandle order, with sales substantially in excess of 10,000 pounds daily. Under such partial regulation, while order provisions could have prevented the handler from having any competitive advantage on his in-area sales, no minimum price to producers would have applied to his out-of-area sales.

Daily route sales of 10,000 pounds would have represented more than four percent of the 4.7 million pounds total in-area sales of all Texas Panhandle handlers during March of this year. A plant with this proportion of the total in-area sales should be a pool plant even though its in-area sales are less than 15 percent of its receipts of Grade A milk. It is therefore concluded that the order should qualify for pooling a distributing plant on the basis of route disposition of either 15 percent of receipts or at least 10,000 pounds daily, whichever is less. No opposition to the proposed alternative pooling standard of 10,000 pounds daily was presented at the hearing, and supporting evidence was given by another cooperative association and by a handler not affected by the proposal. The handler presently affected authorized the proponent cooperative association to testify in his behalf in favor of the proposal.

2. Both the Texas Panhandle and Red River Valley orders should provide that upon written application of a handler the Secretary is authorized to exclude for specified periods of time Class I dispositions to governmental institutions and bases under limited term contracts from consideration in determining the market in which the greater proportion of Class I disposition is made by a distributing plant that qualifies for pooling under more than one order.

These orders now have identical provisions with respect to plants subject to other Federal orders. A distributing plant meeting the pooling standards of one of these orders and another Federal order, and from which plant the Secretary determines that a greater quantity of Class I milk is disposed of on routes in the other order area, is exempt (except for reports and verification), except that if such plant were regulated by either the Texas Panhandle or Red River Valley order in the preceding month it would continue to be regulated by that order until the third month in which sales are greater in the other marketing area. It was proposed that each of these orders be amended so that, in the determination of the marketing area in which the plant has the greater Class I disposition on routes, the Secretary be authorized upon application of a handler to exclude, for specified periods of time, disposition to governmental institutions and bases under limited term contracts.

The same plant to which the findings under issue No. 1 relate, the Kelly Creamery Co. of Elk City, Okla., regularly distributes milk on routes in the Texas Panhandle, Oklahoma Metropolitan, Red River Valley, Lubbock-Plainview, and Rio Grande Valley marketing areas that is not sold under contract to governmental bases and institutions. In addition, this handler bids and frequently secures contracts to serve military installations within these and other Federal order marketing areas.

A provision identical to that proposed for the Texas Panhandle and Red River Valley orders is contained in the order for the Oklahoma Metropolitan marketing area. The Elk City plant presently supplies the Tinker Air Force Base in that area and as a result has disposed of more total milk in the Oklahoma Metropolitan area than in the Texas Panhandle area in recent months. On the basis of an application under this provision of the Oklahoma Metropolitan order, however, sales to military installations have not been used in determining the order to which the plant is to be regulated. Consequently the plant continued to be regulated under the Texas Panhandle order until April 1967 when it began to supply Fort Hood in the Austin-Waco marketing area. The volume of sales to this base were such that (1) more milk was sold in the Austin-Waco area than in any other area, and (2) the additional receipts required for such sales caused the plant to fail to meet the Texas Panhandle pooling requirements so that the 2-month "lock-in" provision presently in the order did not apply. Consequently, the plant has been regulated under the Austin-Waco order for April and May, and presumably will be regulated by that order for June also.

As of July 1, however, the Elk City plant will also begin supplying the Fort Sill, Okla., base located in the Red River Valley marketing area. At the same time, the plant will discontinue supplies to the Tinker Field base in the Oklahoma Metropolitan area, but will continue to supply Fort Hood in the Austin-Waco area. The volume of sales to be furnished under contract to Fort Sill together with the noncontract route sales in the Red River area are expected to result in the largest total Class I disposition of the plant being in the Red River Valley marketing area in July.

Under present order provisions this will result in the Elk City plant being regulated for not only July but also August and September and probably throughout the remaining months of this year under the Red River Valley order. The "lock-in" providon of that order would in any event continue regulation by that order through September on the basis of the expected July sales in the respective areas.

The Austin-Waco order under which the plant is now regulated does not contain such a "lock-in" provision. It does, however, contain a provision whereby a plant which may have more Class I milk disposed of in the Austin-Waco area than in another area, but which is, nevertheless, regulated by such other order, is exempt from the Austin-Waco order. Under this provision the regulation by the Texas Panhandle order on the basis of most sales in that area, exclusive of contract sales, would be recognized by the Austin-Waco order.

The entire milk supply of the Elk City plant is provided by the cooperative association representing a majority of the producers of the Texas Panhandle area. Normally, this is from approximately 100 member producers whose farms are located in the general vicinity of the plant, although milk of other producer members of the association is used to supply the needs of the plant when its sales increase. Shifting of regulation

from order to order has a disrupting effect upon these and other producers supplying the Texas Panhandle order. Under this order, producers establish bases by their deliveries under the order during the months of September through December and are paid on such bases for deliveries in March through June. The farms of producers supplying the Elk City plant are interspersed with farms of producers supplying other plants regulated by the Texas Panhandle area and these producers are accustomed to receiving the same blend prices and having bases formed and used on the same basis as such producers. On the other hand, there is a minimum of intermingling of farms of these producers with those of producers for the Red River Valley market.

The Texas Panhandle market is a relatively small market, and as a consequence the total milk supply for the market is such that the change of regulation of a single large sized plant can have a substantial effect upon the Texas Panhandle pool.

For the months of April through June the cooperative association is in position to ameliorate a considerable portion of the disruptive influences resulting from the Elk City plant being regulated under the Austin-Waco order. That order distributes returns to producers by handler pools. The association is thus in position to reblend the proceeds of the Elk City plant's utilization with those of its producers under the Texas Panhandle order, so that all such producers receive about the same return as though the plant was pooled under the Texas Panhandle order. Further, these months are not ones in which producers are establishing bases. Comparable results cannot be achieved by the cooperative association if the plant is regulated under the Red River Valley order (a market pool order), or in other months, particularly the base-forming months.

Present procurement practices of the Defense Department are for short term (3-month) contracts in most cases rather than the 6- or 12-month contracts that have been used in the past. This provides opportunity for more frequent and consequently more disruptive changes in regulation of plants supplying milk under such contracts.

The handler affected, the producers supplying him, other producers for the market, and another handler all supported the proposal for a means whereby contract sales to governmental institutions and bases could be excluded from the determination of the order under which a plant should be regulated. The proponent cooperative association also represents producers under the Red River Valley order, and the proposal was supported by the other cooperative association representing producers for that market.

The price relationships between the Texas Panhandle, Red River Valley, Austin-Waco, and Oklahoma Metropolitan orders are such that there is a close relationship between Austin-Waco and Texas Panhandle Class I prices at the Elk City location and Texas Panhandle Class I prices are somewhat higher than the Red River Valley and Oklahoma Metropolitan at that location. Therefore, the provisions proposed do not provide a means whereby price advantage could be gained.

It is concluded that the proposal should be adopted. While the general rule that a plant should be subject to the order in which it disposes of the most milk should continue, it is appropriate that provision be made to exclude contract sales to governmental bases or institutions, generally of short-term duration, which may disrupt stability of marketing conditions. The opportunity for such exclusion under circumstances which could disrupt such stability should be available in both the Red River Valley and Texas Panhandle orders to other plants under circumstances similar to those outlined with respect to the Elk City plant. In view of the possibility that other plants may be affected, provisions should be made for consideration of such situations as they occur. The provision as proposed provides for written application at least 15 days before the first day of the month for which it is to be effective. This is appropriate as a means of providing opportunity for proper review of the circumstances involved in arriving at a decision, and to allow any determination made to be known to all interested parties. With respect to the current contracts held in the various marketing areas by the Kelly Creamery Co., however, these purposes have been served by the evidence of the hearing, so that filing 15 days prior to effective date will not be required for consideration of whether such exclusion might apply to determinations for July 1967.

3. *Emergency action.* The due and timely execution of the functions of the Secretary under the Act imperatively and unavoidably requires the omission of a recommended decision and opportunity for exceptions thereto. For the reasons stated in connection with the foregoing issues it is necessary that the amendments provided herein be made effective not later than July 1, 1967. The notice of hearing provided opportunity to present evidence concerning need for such omission and no opposition was offered to the evidence presented with respect to the need for such procedure.

It is therefore found that good cause exists for omission of the recommended decision and the opportunity for filing exceptions thereto.

Rulings on proposed findings and conclusions. No briefs or proposed findings and conclusions were filed.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of each of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreements and the orders as hereby proposed to be amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing areas, and the minimum prices specified in the proposed marketing agreements and the orders, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreements and the orders, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Red River Valley and Texas Panhandle Marketing Areas" and "Order Amending the Orders, Regulating the Handling of Milk in the Red River Valley and Texas Panhandle Marketing Areas", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of March 1967 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached orders as amended and as hereby proposed to be amended, regulating the handling of milk in the Red River Valley and Texas Panhandle marketing areas is approved or favored by producers, as defined under the terms of each of the orders as amended and as hereby proposed to be amended, and who, during such representative period were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on June 28, 1967.

GEORGE L. MEHREN,
Assistant Secretary.

Order[1] Amending the Orders Regulating the Handling of Milk in the Red Valley and Texas Panhandle Marketing Areas

§ .....0 **Findings and determinations.**

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of each of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein. The following findings are hereby made with respect to each of such orders.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the above designated marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof the handling of milk in the respective hereinafter designated marketing areas shall be in conformity to and in compliance with the terms and conditions of the aforesaid orders, as amended and as hereby further amended, as follows:

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

PART 1104—MILK IN THE RED RIVER VALLEY MARKETING AREA

Section 1104.61(a) is revised to read as follows:

§ 1104.61 Plants subject to other Federal orders.

* * * * *

(a) A distributing plant meeting the requirements of § 1104.9 which also meets the pooling requirements of another Federal order and from which, the Secretary determines, a greater quantity of Class I milk was disposed of during the month on routes in such other Federal order marketing area than was so disposed of in this marketing area, except that if such plant was subject to all the provisions of this part in the immediately preceding month, it shall continue to be subject to all the provisions of this part until the third consecutive month in which a greater proportion of its Class I disposition is made in such other marketing area unless, notwithstanding the provisions of this paragraph, it is regulated under such other order. On the basis of a written application made by the plant operator at least 15 days prior to the date for which a determination of the Secretary is to be effective, the Secretary may determine that the Class I dispositions in the respective marketing areas to be used for purposes of this paragraph shall exclude (for a specified period of time) Class I disposition made under limited term contracts to governmental bases and institutions.

* * * * *

PART 1132—MILK IN THE TEXAS PANHANDLE MARKETING AREA

1. Section 1132.10(a) is revised to read as follows:

§ 1132.10 Pool plant.

* * * * *

(a) A distributing plant from which a volume of Class I milk not less than 50 percent of the Grade A milk received at such plant from dairy farmers and from other plants is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except pool plants) and not less than 15 percent of such receipts, or an average of not less than 10,000 pounds per day, whichever is less, is so disposed of to such outlets in the marketing area: *Provided,* That if a portion of a plant is physically apart from the Grade A portion of such plant, is operated separately and is not approved by any health authorities for the receiving, processing or packaging of any fluid milk product for Grade A disposition, it shall not be considered as part of a pool plant pursuant to this section.

* * * * *

2. § 1132.61(a) is revised to read as follows:

§ 1132.61 Plants subject to other Federal orders.

* * * * *

(a) A distributing plant meeting the requirements of § 1132.10(a) which also meets the pooling requirements of another Federal order and from which, the Secretary determines, a greater quantity of Class I milk is disposed of during the month on routes in such other Federal order marketing area than was disposed of to retail and wholesale outlets (excluding pool plants) in this marketing area, except that if such plant was subject to all the provisions of this order in the immediately preceding month, it shall continue to be subject to all the provisions of this order until the third consecutive month in which a greater proportion of its Class I disposition is made in such other marketing area unless notwithstanding the provisions of this paragraph it is regulated under such other order. On the basis of a written application made by the plant operator at least 15 days prior to the date for which a determination of the Secretary is to be effective, the Secretary may determine that the Class I dispositions in the respective marketing areas to be used for purposes of this paragraph shall exclude (for a specified period of time) Class I disposition made under limited term contracts to governmental bases and institutions.

* * * * *

[F.R. Doc. 67-7537; Filed, July 3, 1967; 8:45 a.m.]

[7 CFR Part 1127]

MILK IN SAN ANTONIO, TEX., MARKETING AREA

Notice of Proposed Suspension

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of certain provision of the order regulating the handling of milk in the San Antonio, Tex., marketing area is being considered for the months of July and August 1967.

The provision proposed to be suspended is contained in § 1127.11 which reads: "*Provided,* That if the days of production of such person for which milk is diverted exceed one-third of the days of production that milk is delivered to a pool plant during the month, such milk shall cease to be producer milk for the entire period of such diversions.", relating to diversion limitations on producer milk under the order.

This producer milk diversion provision was suspended for the months of April, May, and June 1967 by a suspension order issued May 1, 1967, upon request of cooperative association handlers and other handlers operating pool plants. This suspension was necessary to provide for the orderly disposal of producer milk excess to fluid milk needs by removing a limitation on diversion of such milk to manufactured product uses at nonpool plants. A cooperative association has requested an extension of the suspension of the diversion limitation provision.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112–A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 3 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Signed at Washington, D.C., on June 30, 1967.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 67–7652; Filed, July 3, 1967; 8:53 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 73]

BIOLOGICAL PRODUCTS

Mycoplasma Species, Poliomyelitis Vaccine, and Poliovirus Vaccine, Live, Oral; Standards

Notice is hereby given that the Surgeon General proposes to amend Part 73 of the Public Health Service Regulations by revising in several respects the specific standards of safety, purity and potency for Poliomyelitis Vaccine and Poliovirus Vaccine, Live, Oral, and by prescribing the procedure for a test for the presence of *Mycoplasma* which will be required for each pool of virus propagated in living cell cultures.

Inquiries may be addressed, and data, views and arguments may be presented by interested parties, in writing, in triplicate, to the Surgeon General, Public Health Service, 9000 Rockville Pike, Bethesda, Md. 20014. All relevant material received not later than 60 days after publication of this notice in the FEDERAL REGISTER will be considered.

Notice is also given that it is proposed to make any amendments that are adopted effective 60 days after publication in the FEDERAL REGISTER.

1. Add to the table of contents after "73.74 Purity." the following:

Sec.
73.74a Test for *Mycoplasma* species.

2. Add a new § 73.74a to read as follows:

§ 73.74a Test for *Mycoplasma* species.

Prior to clarification or filtration in the case of living cell culture-produced virus vaccines and prior to inactivation in the case of inactivated virus vaccines, each virus pool shall be tested for the presence of *Mycoplasma*, as follows:

Samples of the virus for this test shall be stored either (1) at 2° C. —8° C. for not longer than 24 hours, or (2) at −20° C. or lower if stored for longer than 24 hours. The test shall be performed both on samples of viral harvests and control fluids as follows: No less than 2.0 ml. of a sample shall be inoculated in no less than 0.1 ml. amounts evenly distributed over the surface of 20 agar plates. No less than 1.0 ml. of sample shall be inoculated into each of four tubes of 10 ml. each of broth. Ten agar plates and two tube cultures shall be incubated aerobically at 36° C. ±1° C. and the remaining agar plates and tube cultures shall be incubated anaerobically at 36° C. ±1° C. in an environment of 5 percent CO_2 and 95 percent N_2. The aerobic broth cultures shall be incubated for no less than 3 days and no more than 5 days, at which time 0.5 ml. from each of two tubes shall be combined and that 1.0 ml. subinoculated to 10 additional agar plates. The anaerobic broth cultures shall be tested in the same manner. All inoculated agar plate cultures shall be incubated for no less than 14 days when observation for growth of *Mycoplasma* shall be made at a magnification of no less than 300×. If the Dienes Methylene Blue-Azure dye or equivalent staining procedure is used, no less than a one square cm. plug of the agar shall be excised from the inoculated area and examined for the presence of *Mycoplasma*. Control culture of known strains of *Mycoplasma* shall be included in the test. Identification of the *Mycoplasma* shall be made by comparison of the growth obtained from the test sample with the controls, with respect to typical colonial and microscopic morphology. The virus pool is satisfactory for vaccine manufacture only if none of the tests on the samples of viral harvests show evidence of the presence of *Mycoplasma*.

3. Revise §§ 73.100, 73.101, 73.102, 73.103, 73.104 and 73.105 to read as follows:

ADDITIONAL STANDARDS: POLIOMYELITIS VACCINE

§ 73.100 The product.

(a) *Proper name and definition.* The proper name of this product shall be "Poliomyelitis Vaccine", which shall consist of an aqueous preparation of poliovirus types 1, 2, and 3, grown in monkey kidney tissue cultures, inactivated by a suitable method.

(b) *Strains of virus.* Strains of poliovirus used in the manufacture of vaccine shall be identified by historical records, infectivity tests and immunological methods. Any strain of virus may be used that produces a vaccine meeting the requirements of §§ 73.101, 73.102, and 73.103, but the Surgeon General may from time to time prohibit the use of any specific strain whenever he finds that it is practicable to use another strain of the same type that is potentially less pathogenic to man and that will produce a vaccine of equivalent safety and potency.

(c) *Monkeys: species permissible as source of kidney tissue.* Only Macaca or Cercopithecus monkeys, or a species found by the Director, Division of Biologics Standards, to be equally suitable, which have met all requirements of § 73.36(f) (2) and (4) shall be used as a source of kidney tissue for the manufacture of Poliomyelitis Vaccine.

§ 73.101 Manufacture.

(a) *Cultivation of virus.* Virus for manufacturing vaccine shall be grown with aseptic techniques in monkey kidney cell cultures. Suitable antibiotics in the minimum concentration required may be used (§ 73.78(c)).

(b) *Filtration.* Within 72 hours preceding the beginning of inactivation, the virus suspensions shall be filtered or clarified by a method having an efficiency equivalent to that of filtration through an S1 Seitz type filter pad.

(c) *Virus titer.* The 50 percent endpoint ($TCID_{50}$) of the virus fluids after filtration shall be 10^7 or greater as confirmed by comparison in a simultaneous test (using groups of 10 tubes at 1 log steps or groups of 5 tubes at 0.5 log steps) with a reference virus distributed by the Division of Biologics Standards. Acceptable titrations of the reference virus shall not vary more than ±0.5 logs from its labeled titer using 0.5 milliliter inoculum in tissue culture.

(d) *Inactivation of virus.* The virus shall be inactivated, as evidenced by the tests prescribed in § 73.102, through the use of an agent or method which has been demonstrated to be consistently effective in the hands of the manufacturer in inactivating a series of lots of poliovirus. If formaldehyde is used for inactivation, it shall be added to the virus suspension to a final concentration of U.S.P. solution of formaldehyde of 1:4000, and the inactivation conducted under controlled conditions of pH and time, at a temperature of 36° to 38° C. Three or more virus titers, suitably spaced to indicate rate of inactivation, shall be determined during the inactivation process. Filtration equivalent to that described in paragraph (b) of this section shall be performed after the estimated baseline time (time at which the 50 percent end-point reaches one tissue culture infective dose per milliliter), but prior to sampling for the first single strain tissue culture test required in § 73.102(b), except that this filtration may be omitted for strains of a virulence for monkeys equal to or less than that of the MEF–1 Type 2 strain of poliovirus.

(e) *Additional processing.* Single strain or trivalent pools that have failed to pass safety tests prescribed in § 73.102 (b), (c), or (e) may be treated as follows:

(1) Filtration or clarification by a method having an efficiency equivalent to that of filtration through an S1 Seitz type filter pad.

(2) Negative tests performed as described in § 73.102 (b) and (c) must be obtained on each of two successive samples taken so as to be separated by an interval of at least 3 days while the material is being subjected to treatment with 1:4000 U.S.P. formaldehyde solution and heat at 36° to 38° C. The first sample may be taken before incubation is begun and the second sample shall be taken after the incubation of at least 3 days is completed. For both single strain and trivalent pools the volume tested for each tissue culture safety test shall be equivalent to at least 1,500 human doses.

(3) Pools which are positive following such additional processing shall not be used for the manufacture of poliomyelitis vaccine.

(f) *Supplemental inactivation.* Supplemental inactivation employing a method capable of reducing the titer of a similarly produced virus suspension by a factor of 10^{-7} may be applied at any point after the filtration step described in paragraph (d) or (e)(1) of this section.

§ 73.102 Tests for safety.

In the manufacture of the product, the following tests relating to safety shall be conducted by the manufacturer.

(a) *The virus pool—tests prior to inactivation.*—(1) *B virus and Mycobacterium tuberculosis.* Prior to inactivation, each individual virus harvest or virus pool shall be tested for the presence of B virus and Mycobacterium tuberculosis.

(2) *SV–40.* Prior to inactivation, the material shall be tested for the presence of SV–40 as follows (or by any other test producing equally reliable results): A sample of at least 5 ml. from the virus harvest or virus pool shall be neutralized by high titer specific antiserum of other than primate origin. A similar sample from the pool of tissue culture fluids from control vessels representing the tissue from which the virus was prepared may be tested in place of the virus sample. The sample shall be tested in primary cercopithecus tissue cultures or in a cell line demonstrated as at least equally susceptible to SV–40. Each tissue culture system shall be observed for at least 14 days and at the end of the observation period at least one subculture of fluid shall be made in the same tissue culture system and the subculture shall be observed for at least 14 days.

(3) *Test results.* The virus harvest or virus pool is satisfactory for poliomyelitis vaccine only if the tests produce no evidence of the presence of B virus, Mycobacterium tuberculosis or SV–40.

(b) *Single strain pool tissue culture tests for poliovirus.* (1) Before pooling to make the final poliomyelitis vaccine, during inactivation at 36° to 38° C., two samples of each monovalent bulk strain pool shall be tested for the presence of virus by tissue culture methods, the second sample to be taken at least 3 days after taking the first sample.

(2) Each sample shall be no smaller than the equivalent of 1,500 human doses and shall be subjected to the complete testing process and each test shall be performed on a different monkey kidney tissue culture cell preparation. The test sample for one of these tests may be used also for the test prescribed in paragraph (f) of this section, provided the cell cultures used have been demonstrated as fully susceptible to SV–40 and poliovirus. Each sample shall be inoculated into five or more tissue culture bottles of a suitable capacity, the ratio of the vaccine to the nutrient fluid being approximately 1:1 to 1:3, and the area of the surface growth of cells being at least 3 square centimeters per milliliter of sample. The tissue culture bottles shall be observed at least 14 days.

(3) A first subculture shall be made at the end of 7 days from date of inoculation by planting at least 2 percent of the volume from each original bottle into suitable tissue culture vessels, followed by refeeding.

(4) A second subculture shall be made from each original bottle in the same manner at the end of 14 days from date of inoculation.

(5) Each of the first and second subcultures shall be observed for at least 7 days.

(6) If cytopathogenic effects occur either in the original bottles of the two tests or in the subcultures from them, or if cellular degeneration appears in the original bottles or in the subcultures before degeneration occurs in uninoculated cultures, the pool shall be held until the matter is resolved. If active poliovirus is indicated, the strain pool shall not be used for inclusion in a final vaccine unless effectively reprocessed as described in § 73.101(e). If other viruses are present, the pool shall not be used unless it can be demonstrated that such viruses have originated from other than the strain pool being tested.

(c) *Trivalent vaccine pool tissue culture test.* No less than 1,500 human doses of the trivalent vaccine pool, without final preservative, prepared by pooling the three type pools, each of which has passed all tests prescribed in paragraph (b) of this section, shall be subjected to the complete tissue culture test prescribed in such paragraph (b) in at least two approximately equal tests in separate monkey kidney tissue culture preparations. This test sample may be used also for the test prescribed in paragraph (f) of this section provided the cell cultures used have been demonstrated as fully susceptible to SV–40 and poliovirus.

(d) *Trivalent vaccine pool lymphocytic choriomeningitis test.* The final vaccine shall be shown to be free of lymphocytic choriomeningitis virus by intracerebral inoculation of the maximum volume tolerated into 10 or more mice which shall be observed daily for at least 21 days and a negative test shall not be valid unless at least eight mice survive for this period.

(e) *Test in monkeys for active virus.* (1) Vaccine from a sufficient number of final containers selected at random from each filling of each lot shall be pooled to provide a test sample of at least 400 milliliters representing the various fillings. An equal volume of bulk vaccine may be substituted for test samples from each filling lot provided the procedure has been approved by the Director, Division of Biologics Standards.

(2) A total of not less than 20 monkeys shall be inoculated with the test sample. A preinjection serum sample from each monkey must not contain neutralizing antibody against the three poliovirus types detectable in a dilution of 1:4 when tested against not more than 1000 $TCID_{50}$ of virus. At least 80 percent of the test animals representing each filling or each bulk sample must survive the test period without significant weight loss, except that if at least 60 percent of the test animals survive the first 48 hours after injection, those animals which do not survive this 48 hour test period may be replaced by an equal number of test animals. At least 80 percent of the animals used in the test must show microscopic evidence of inoculation trauma in the lumbar region of the spinal cord, and gross or microscopic evidence of inoculation trauma in the thalamic area. If less than 60 percent of the test animals survive the first 48 hours, or if less than 80 percent of the animals fail to meet the other criteria prescribed in this section, the test must be repeated.

(3) Vaccine shall be injected by combined intracerebral, intraspinal, and intramuscular routes into Macaca monkeys or monkeys of another species demonstrated to be equally suitable for the purpose. The animals shall be in overt good health and injected under deep barbiturate anesthesia. The intracerebral injection shall consist of 0.5 milliliter of test sample into the thalamic region of each hemisphere. The intraspinal injection shall consist of 0.5 milliliter of concentrated test sample into the lumbar spinal cord enlargement, the test sample to be concentrated hundredfold in the ultracentrifuge by a method demonstrated to recover at least 90 percent of the virus particles in the sediment after it has been resuspended in the same lot of unconcentrated test sample. The intramuscular injection shall consist of 1.0 milliliter of test sample into the right leg muscles. At the same time, 200 milligrams of cortisone acetate shall be injected into the left leg muscles, and 1.0 milliliter of procaine pencillin (300,000 units) into the right arm muscles. The monkeys shall be observed for 17 to 19 days and signs suggestive of poliomyelitis shall be recorded.

(4) At the end of the observation period, samples of cerebral cortex and of cervical and lumbar spinal cord enlargements shall be taken for virus recovery and identification. Histological sections shall be prepared from both spinal cord enlargements and examined.

(5) Doubtful histopathological findings necessitate (i) examination of a sample of sections from several regions of the brain in question, and (ii) attempts at virus recovery from the nervous tissues previously removed from the animal. The test is considered negative if the histological and other studies leave no doubt that poliomyelitis infection did not occur.

(f) *Tissue culture safety test for SV–40.* At least 500 human doses of each monovalent or trivalent pool of vaccine shall be tested for the presence of SV–40 using primary cercopithecus monkey tissue cultures or using a cell line demonstrated as at least equally susceptible to SV–40. The test shall be conducted as described in paragraph (b)(2) of this section, except that only one subculture of at least 2 percent of the volume of the fluids need be made, provided it is made at least 14 days from the date of inoculation and examined for at least 14 days from the date of subinoculation. The vaccine is satisfactory only if there is no evidence of the presence of SV–40 in any of the cultures or subcultures.

§ 73.103 Potency test.

Each lot of vaccine shall be subjected to a potency test which permits an estimation of the antigenic capacity of the vaccine. This is done by means of a simultaneous comparison of the serum antibody levels produced in monkeys by the vaccine under test with the antibody level of the reference serum distributed by the Division of Biologics Standards. The potency test shall be performed on samples taken after all final processing of the product has been completed, including addition of preservative, except that when the final product contains material having an adjuvant effect an additional test shall be performed with a sample taken before the addition of the adjuvant material. The volume of the test sample for the additional test shall be adjusted to the equivalent volume of poliomyelitis vaccine in the final product. The test shall be conducted as follows:

(a) *Inoculation of monkeys.* A group of 12 or more Macaca monkeys, or a species found by the Director, Division of Biologics Standards, to be equally suitable for the purpose, shall be used. Animals shall weigh between 4 and 8 pounds and shall be in overt good health. Animals that become ill and remain ill during the course of immunization shall be excluded from the group. The test shall not be valid unless at least 10 animals survive the test period and meet the pre-inoculation serum antibody levels prescribed in paragraph (d) of this section. The test vaccine shall be given intramuscularly to each monkey in 3 doses at 7-day intervals, each dose to be the recommended individual human dose. Only undiluted vaccine shall be used.

(b) *Serum samples.* A blood sample shall be taken from each monkey prior to vaccination and then again 7 days after the last injection. Serum shall be separated aseptically, and stored under refrigeration.

(c) *Serum-virus neutralization test.* The titers of individual monkey serums shall be determined in comparison with the reference serum in tests designed to include controls for all the variables of significance including the following:

(1) Serum toxicity control;

(2) Cell control and cell titration;

(3) Virus titration control (at least 4 tubes for each dilution at 0.5 log steps); and

(4) Serum controls using type-specific serums to identify the type of virus used in the neutralization test.

(d) *Interpretation of the test.* Animals showing pre-inoculation titers of 1:4 or over when tested against not more than 1,000 $TCID_{50}$ of virus, shall be excluded from the test. The geometric mean titer of antibody induced in the monkeys surviving the course of immunization and bleeding, shall be calculated. A comparison of the value so obtained shall be made with the value for the reference serum that was tested simultaneously and expressed as the ratio between the geometric mean titer value of the serums under test and the mean titer value of the reference serum.

(e) *Potency requirements.* A lot of vaccine tested against the reference serum shall be satisfactory if the geometric mean value of the group of individual monkey serums representing the lot of vaccine tested is at least 1.29 times the mean value of the reference serum for type 1, at least 1.13 times for type 2, and at least 0.72 times for type 3.

§ 73.104 General requirements.

(a) *Consistency of manufacture.* No lot of final vaccine shall be released unless it is one of a series of five consecutive lots produced by the same manufacturing process, all of which have shown negative results with respect to all tests for the presence of live poliovirus, and unless each of the monovalent pools of which a polyvalent final vaccine is composed similarly is one of a series of five consecutive monovalent pools of the same type of inactivated poliovirus, all of which have shown negative results in all tests for the presence of live poliovirus.

(b) *Dose.* These additional standards are based on a human dose of 1.0 milliliter for a single injection and a total human immunizing dose of three injections of 1.0 milliliter given at appropriate intervals.

(c) *Samples and protocols.* For each lot of vaccine, the following material shall be submitted to the Director, Division of Biologics Standards, National Institutes of Health, Bethesda, Md. 20014:

(1) A 2,500 milliliter sample, neutralized, not dialyzed, and without final preservative, taken at the latest possible stage of manufacturing before the addition of such preservative.

(2) A 200 milliliter bulk sample of the final vaccine containing final preservative.

(3) A total of not less than a 200 milliliter sample of the final vaccine in final labeled containers.

(4) All protocols relating to the history of manufacture of the lot and all results of all tests prescribed in these additional standards.

§ 73.105 Equivalent methods.

Modification of any particular manufacturing method or procedure or the conditions under which it is conducted as set forth in the additional standards relating to poliomyelitis vaccine (§§ 73.100 to 73.104, inclusive) shall be permitted whenever the manufacturer presents evidence to demonstrate that such modification will provide equal or greater assurances of the safety, purity and potency of the vaccine as the assurances provided by such standards, and the Surgeon General so finds and makes such a finding a matter of official record.

4. Revise §§ 73.110, 73.111, 73.112, 73.113, 73.114, 73.115, 73.116, 73.117 and 73.118 to read as follows:

ADDITIONAL STANDARDS: POLIOVIRUS VACCINE, LIVE, ORAL

§ 73.110 The product.

(a) *Proper name and definition.* The proper name of this product shall be "Poliovirus Vaccine, Live, Oral", followed by a designation of the form in which the vaccine is distributed by the manufacturer. The vaccine shall be a preparation of one or more live, attenuated polioviruses grown in monkey kidney cell cultures, prepared in a form suitable for oral administration.

(b) *Criteria for acceptable strains and acceptable seed virus.* (1) Strains of attenuated poliovirus Types 1, 2, and 3 used in the manufacture of the vaccine shall be identified by: (i) Historical records including origin and techniques of attenuation, (ii) antigenic properties, (iii) neurovirulence for monkeys, (iv) pathogenicity for other animals and tissue cultures of various cell types, and (v) established virus markers including rct/40, d, and other markers shown to be associated with strain virulence.

(2) Poliovirus strains shall not be used in the manufacture of Poliovirus Vaccine, Live, Oral, unless, (i) data are submitted to the Surgeon General which establish that each such strain is free of harmful effect upon administration in the recommended dosage to at least one million people susceptible to poliomyelitis, under circumstances where adequate epidemiological surveillance of neurological illness has been maintained, and, (ii) each such strain produces a vaccine meeting the safety and potency requirements of §§ 73.114(b), 73.115, and 73.117. Susceptibility shall be demonstrated by blood tests, stool examinations and other appropriate methods.

(3) Each seed virus used in manufacture shall be demonstrated to be free of extraneous microbial agents.

(4) No seed virus shall be used for the manufacture of poliovirus vaccine unless its neurovirulence in Macaca monkeys is no greater than that of the Reference Attenuated Poliovirus distributed by the Division of Biologics Standards. The neurovirulence of the seed virus shall be demonstrated by the following tests to be performed by the manufacturer: (i) The test prescribed in § 73.114(b)(1) using seed virus as test material in place of monovalent virus pool material and (ii) the following comparative intramuscular neurovirulence test: Each of at least 10 monkeys shall be injected with a total of 5.0 ml. of the seed virus under test in one or more proximate locations of either a gluteus or gastrocnemius muscle. Similar injections shall be made in another group of 10 monkeys using the Reference Attenuated Poliovirus. Each monkey shall be injected intramuscularly with no less than $10^{7.7}$ $TCID_{50}$ of viral inoculum. All monkeys shall be observed for 17 to 21 days and a comparative evaluation shall be made of the evidence of neurovirulence of the virus under test and the Reference Attenuated Poliovirus, as prescribed in § 73.114(b)(1)(iii).

(5) Subsequent and identical neurovirulence tests shall be performed in monkeys whenever there is evidence of a change in the neurovirulence of the production virus, upon introduction of a new production seed lot, and as often as necessary otherwise to establish to the satisfaction of the Surgeon General that the seed virus strains for vaccine manufacture have maintained their neurovirulence properties as set forth in § 73.114(b)(1)(iii).

(6) The Surgeon General may, from time to time, prohibit the use of a specified strain whenever he finds it is practicable to use another strain of the same type which is potentially less pathogenic for man, and that it will produce a vaccine of equivalent safety and potency.

§ 73.111 Reference strains.

The following reference viruses shall be obtained from the Division of Biologics Standards.

Reference Poliovirus, Live Attenuated, Type 1, as a control for correlation of virus titers in tissue cultures.

Reference Poliovirus, Live, Attenuated, Type 2, as a control for correlation of virus titers in tissue cultures.

Reference Poliovirus, Live Attenuated, Type 3, as a control for correlation of virus titers in tissue cultures.

Reference Attenuated Poliovirus, Type 1, as a control for correlation of monkey neurovirulence tests.

§ 73.112 Animal source; quarantine; personnel.

(a) *Monkeys*—(1) *Species permissible as source of kidney tissue.* Only Macaca or Cercopithecus monkeys, or a species found by the Director, Division of Biologics Standards, to be equally suitable, which have met all the requirements of § 73.36(f) (2) and (4) shall be used as the source of kidney tissue for the manufacture of Poliovirus Vaccine, Live, Oral.

(2) *Experimental and test monkeys.* Monkeys that have been used previously for experimental or test purposes shall not be used as a source of kidney tissue in the manufacture of vaccine.

(3) *Quarantine; additional requirements.* Excluding deaths from accidents or causes not due to infectious diseases, if the death rate of any group of monkeys being conditioned in accordance with § 73.36(f)(2) exceeds 5 percent per month, the remaining monkeys may be used for the manufacture of Poliovirus Vaccine only if they survive a new quarantine period.

(b) *Personnel.* All possible steps shall be taken to insure that personnel involved in processing the vaccine are immune to poliovirus in order to minimize the possibility that they may become excretors of poliovirus.

§ 73.113 Manufacture.

(a) *Primary cell cultures.* Only primary monkey kidney tissue cultures may be used in the manufacture of poliovirus vaccine. Continuous line cells shall not be introduced or propagated in vaccine manufacturing areas.

(b) *Virus passages.* Virus in the final vaccine shall represent no more than five tissue culture passages from the original strain, each of which shall have met the criteria of acceptability prescribed in § 73.110(b).

(c) *Identification of processed kidneys.* The kidneys from each monkey shall be processed and the viral fluid resulting therefrom shall be identified as a separate monovalent harvest and kept separately from other monovalent harvests until all samples for the tests prescribed in the following paragraph relating to that pair of kidneys shall have been withdrawn from the harvest.

(d) *Monkey kidney tissue production vessels prior to virus inoculation.* Prior to inoculation with the seed virus, the tissue culture growth in vessels representing each pair of kidneys shall be examined microscopically for evidence of cell degeneration at least 3 days after complete formation of the tissue sheet. If such evidence is observed, the tissue cultures from that pair of kidneys shall not be used for poliovirus vaccine manufacture. To test the tissue found free of cell degeneration for further evidence of freedom from demonstrable viable microbial agents, the fluid shall be removed from the cell cultures immediately prior to virus inoculation and tested in each of four culture systems; (1) Macaca monkey kidney cells, (2) Cercopithecus monkey kidney cells, (3) primary rabbit kidney cells, and (4) human cells from one of the systems described in § 73.114(a)(6), in the following manner: Aliquots of fluid from each vessel shall be pooled and at least 10 ml. of the pool inoculated into each system, with ratios of inoculum to medium being 1:1 to 1:3 and with the area of surface growth of cells at least 3 square centimeters per milliliter of test inoculum. The cultures shall be observed for at least 14 days. At the end of the observation period, at least one subculture of fluid from the Cercopithecus monkey kidney cell cultures shall be made in the same tissue culture system and the subculture shall be observed for at least 14 days. If these tests indicate the presence in the tissue culture preparation of any viable microbial agent the tissue cultures so implicated shall not be used for poliovirus vaccine manufacture.

(e) *Control vessels.* Before inoculation with seed virus, sufficient tissue culture vessels to represent at least 25 percent of the cell suspension from each pair of kidneys shall be set aside as controls. The control vessels shall be examined microscopically for cell degeneration for an additional 14 days. The cell fluids from such control vessels shall be tested, both at the time of virus harvest and at the end of the additional observation period, by the same method prescribed for testing of fluids in paragraph (d) of this section. In addition, the cell sheet in each control vessel shall be examined for presence of hemadsorption viruses by the addition of guinea pig red blood cells.

(f) *Virus harvest; interpretation of test results.* At the end of the additional 14-day observation period the tissue cultures in at least 80 percent of the control vessels shall show no microscopic evidence of cell degeneration of the tissue sheets. If the tissue culture in less than 80 percent of the control vessels is not free of cell degeneration at the end of the observation period, no tissue from the kidneys implicated shall be used for poliovirus vaccine manufacture. If the test results of the control vessels indicate the presence of any extraneous agent at the time of virus harvest, the entire virus harvest from that tissue culture preparation shall not be used for poliovirus vaccine manufacture. If any of the tests or observations described in paragraph (d) or (e) of this section demonstrate the presence in the tissue culture preparation of any microbial agent known to be capable of producing human disease, the virus grown in such tissue culture preparation shall not be used for poliovirus vaccine manufacture.

(g) *Kidney tissue production vessels after virus inoculation—temperature.* After virus inoculation, production vessels shall be maintained at a temperature not to exceed 35° C. during the course of virus propagation.

(h) *Kidney tissue virus harvests.* Virus harvested from vessels containing the kidney tissue from one monkey may constitute a monovalent virus pool and be tested separately, or viral harvests from more than one pair of kidneys may be combined, identified, and tested as a monovalent pool. Each pool shall be mixed thoroughly and samples withdrawn for testing as prescribed in § 73.114(a). The samples shall be withdrawn immediately after harvesting and prior to further processing, except that samples of test materials frozen immediately after harvesting and maintained at −60° C. or below, may be tested upon thawing, provided no more than one freeze-thaw cycle is employed.

(i) *Filtration.* After harvesting and removal of samples for the safety tests prescribed in § 73.114(a), the pool shall be passed through sterile filters having a sufficiently small porosity to assure bacteriologically sterile filtrates.

§ 73.114 Test for safety.

(a) *Tests prior to filtration.* Monovalent virus pools shall contain no demonstrable viable microbial agent other than the attenuated live polioviruses intended. The vaccine shall be tested for the absence of adventitious and other infectious agents including polioviruses of other types or strains, simian agents, Mycobacterium tuberculosis, pox viruses, lymphocytic choriomeningitis virus, Echo viruses, Coxsackie viruses, and B-virus. Testing of each monovalent pool shall include the following procedures:

(1) *Inoculation of rabbits.* A minimum of 100 ml. of each monovalent virus pool shall be tested by inoculation into at least ten healthy rabbits, each weighing 1500–2500 grams. Each rabbit shall be injected intradermally in multiple sites, with a total of 1.0 ml. and subcutaneously with 9.0 ml., of the viral pool, and the animals observed for at least 3 weeks. Each rabbit that dies after the first 24 hours of the test or is sacrificed because of illness shall be necropsied and the brain and organs removed and examined. The virus pool may be used for poliovirus vaccine only if at least 80 percent of the rabbits remain healthy and survive the entire period and if all the rabbits used in the test fail to show lesions of any kind at the sites of inoculation and fail to show evidence of B-virus or any other viral infection.

(2) *Inoculation of adult mice.* Each of at least 20 adult mice, each weighing 15–20 grams, shall be inoculated intraperitoneally with 0.5 ml. and intracere-

brally with 0.03 ml. of each monovalent virus pool to be tested. The mice shall be observed for 21 days. Each mouse that dies after the first 24 hours of the test, or is sacrificed because of illness, shall be necropsied and examined for evidence of viral infection by direct observation and subinoculation of appropriate tissue into at least five additional mice which shall be observed for 21 days. The monovalent virus pool may be used for poliovirus vaccine only if at least 80 percent of the mice remain healthy and survive the entire period and if all the mice used in the test fail to show evidence of lymphocytic choriomeningitis virus or other viral infection.

(3) *Inoculation of suckling mice.* Each of at least 20 suckling mice less than 24 hours old, shall be inoculated intracerebrally with 0.01 ml. and intraperitoneally with 0.1 ml. of the monovalent virus pool to be tested. The mice shall be observed daily for at least 14 days. Each mouse that dies after the first 24 hours of the test, or is sacrificed because of illness, shall be necropsied and all areas examined for evidence of viral infection. Such examination shall include subinoculation of appropriate tissue suspensions into an additional group of at least five suckling mice by the intracerebral and intraperitoneal routes and observed daily for 14 days. In addition, a blind passage shall be made of a single pool of the emulsified tissue (minus skin and viscera) of all mice surviving the original 14-day test. The virus pool under test is satisfactory for poliovirus vaccine only if at least 80 percent of the mice remain healthy and survive the entire period and if all the mice used in the test fail to show evidence of Coxsackie or other viral infection.

(4) *Inoculation of guinea pigs.* Each of at least five guinea pigs, each weighing 350–450 grams, shall be inoculated intracerebrally with 0.1 ml. and intraperitoneally with 5.0 ml. of the monovalent virus pool to be tested. The animals shall be observed for at least 42 days and daily rectal temperatures recorded for the last 3 weeks of the test. Each animal that dies after the first 24 hours of the test, or is sacrificed because of illness, shall be necropsied and its tissues shall be examined both microscopically and culturally for evidence of tubercle bacilli, and by passage of tissue suspensions into at least three other guinea pigs by the intracerebral and intraperitoneal routes of inoculation for evidence of viral infection. If clinical signs suggest infection with lymphocytic choriomeningitis virus, serological tests shall be performed on blood samples of the test guinea pigs to confirm the clinical observations. Animals that die or are sacrificed during the first 3 weeks after inoculation with poliovirus shall be examined for infection with lymphocytic choriomeningitis virus. Animals that die in the final 3 weeks shall be examined both microscopically and culturally for Mycobacterium tuberculosis. The monovalent virus pool is satisfactory for poliovirus vaccine only if at least 80 percent of all animals remain healthy and survive the observation period and if all the animals used in the test fail to show evidence of infection with Mycobacterium tuberculosis, or any viral infection.

(5) *Inoculation of monkey kidney tissue cultures.* At least 500 doses or 50 ml., whichever represents a greater volume of virus, of each undiluted monovalent virus pool, or in equal proportions from individual harvests or subpools, shall be tested for simian viruses in Macaca, and the same volume in Cercopithecus, monkey kidney tissue cultures, in a ratio of inoculum to medium of from 1:1 to 1:3, and with the area of surface growth of cells at least 3 square centimeters per milliliter of test inoculum, after neutralization of the poliovirus by high titer specific antiserum of nonprimate origin. The immunizing antigens used for the preparation of antisera shall be grown in a human tissue culture cell line. The cultures shall be observed for no less than 14 days. At the end of the observation period at least one subculture of fluid from the Cercopithecus kidney cell culture shall be made in the same tissue culture system and the subculture shall be observed for at least 14 days. The monovalent virus pool is satisfactory for poliovirus vaccine only if all the tissue cultures fail to show evidence of the presence of simian viruses or any other viral infection.

(6) *Inoculation of human cell cultures.* At least 500 doses or 50 ml., whichever represents a greater volume of virus, taken from either a single monovalent pool, or in equal proportions from individual harvests or sub-pools, shall be tested in a ratio of inoculum to medium of 1:1 to 1:3, and with the area of surface growth of cells at least 3 square centimeters per milliliter of test inoculum, for the presence of measles virus in either (i) primary human amnion cells, (ii) primary human kidney cells, or (iii) any other cell system of comparable susceptibility to unmodified measles virus. The test material shall be neutralized with poliovirus antiserum of other than primate origin if the tissue culture cell system used is susceptible to poliovirus. The culture shall be observed for no less than 14 days. The monovalent virus pool is satisfactory for poliovirus vaccine only if all tissue cultures fail to show evidence of the presence of measles virus or any other viral infection.

(7) *Inoculation of rabbit kidney tissue cultures.* At least 500 ml. of virus pool taken from either a single monovalent pool, or in equal proportions from individual harvests or sub-pools, shall be tested in a ratio of inoculum to medium of from 1:1 to 1:3, and with the area of surface growth of cells at least 3 square centimeters per milliliter of test inoculum, in primary rabbit kidney tissue culture preparations for evidence of B-virus. The culture shall be observed for no less than 14 days. The monovalent virus pool is satisfactory for poliovirus vaccine only if all tissue cultures fail to show evidence of the presence of B-virus.

(b) *Tests after filtration.* The following tests relating to safety shall be performed after the filtration process, on each monovalent virus pool or on each multiple thereof (monovalent lot):

(1) *Neurovirulence in monkeys.* Each monovalent virus pool or monovalent lot shall be tested in comparison with the Reference Attenuated Poliovirus for neurovirulence in Macaca mulatta (rhesus) monkeys by both the intrathalamic and intraspinal routes of injection. A pre-injection serum sample obtained from each monkey must be shown to contain no neutralizing antibody in a dilution of 1:4 when tested against no more than 1,000 $TCID_{50}$ of each of the three types of poliovirus. The neurovirulence tests are not valid unless the sample contains at least $10^{7.0}$ $TCID_{50}$ per ml. when titrated in comparison with the Reference Poliovirus, Live, Attenuated of the appropriate type. All monkeys shall be observed for 17 to 21 days, under the supervision of a qualified pathologist, physician, or veterinarian, and any evidence of physical abnormalities indicative of poliomyelitis or other viral infections shall be recorded.

(i) *Intrathalamic inoculation.* Each of at least 30 monkeys shall be injected intracerebrally by placing 0.5 ml. of virus pool material into the thalamic region of each hemisphere. Comparative evaluations shall be made with the virus pool under test and the Reference Attenuated Poliovirus. Only monkeys that show evidence of inoculation into the thalamus shall be considered as having been injected satisfactorily. If on examination there is evidence of failure to inoculate virus pool material into the thalamus, additional monkeys may be inoculated in order to re-establish the minimum number of 30 monkeys for the test.

(ii) *Intraspinal inoculation.* Each of a group of at least five monkeys shall be injected intraspinally with 0.2 ml. of virus pool material containing at least $10^{7.0}$ $TCID_{50}$ per ml. and each monkey in additional groups of at least five monkeys shall be injected intraspinally with 0.2 ml. of a 10-fold dilution of the virus pool material starting with the 10^{-1} dilution and continuing through the 10^{-4} dilution respectively. Comparative evaluations shall be made with the virus pool under test and the reference material. Only monkeys that show microscopic evidence of inoculation into the gray matter of the lumbar cord shall be considered as having been injected satisfactorily. If on examination there is evidence of failure to inoculate intraspinally, additional animals may be inoculated in order to re-establish the minimum number of five animals per group.

(iii) *Determination of neurovirulence.* At the conclusion of the observation period comparative histopathological examinations shall be made of the lumbar cord, cervical cord, lower medulla, upper medulla, mesencephalon and motor cortex of each monkey in the groups injected with virus under test and those injected with the Reference Attenuated Poliovirus, except that for animals dying during the test period, these examinations shall be made immediately after death. If at least 60 percent of the animals of a group survive 48 hours after inoculation, those animals which did not survive may be replaced by an equal number of comparable test animals. If less than 60 percent of the animals of a group survive 48 hours after inoculation, the test must be repeated. At the conclusion of the observation the animals shall be examined to ascertain whether the distribution and histological nature of the lesions are characteristic of poliovirus infection. A comparative evaluation shall be made of the evidence of neurovirulence of the virus under test and the Reference Attenuated Poliovirus with respect to (*a*) the number of animals showing lesions characteristic of poliovirus infection, (*b*) the number of animals showing lesions other than those characteristic of poliovirus infection, (*c*) the severity of the lesions, (*d*) the degree of dissemination of the lesions, and (*e*) the rate of occurrence of paralysis not attributable to the mechanical injury resulting from inoculation trauma. The virus pool under test is satisfactory for poliovirus vaccine only if at least 80 percent of the animals in each group survive the observation period and if a comparative analysis of the test results demonstrate that the neurovirulence of the test virus pool does not exceed that of the Reference Attenuated Poliovirus.

(iv) *Test with Reference Attenuated Poliovirus.* The Reference Attenuated Poliovirus shall be tested as outlined in subdivisions (i) and (ii) of this subparagraph once every three months during vaccine production or once for every ten production lots of vaccine, whichever is more frequent. The test procedure shall be considered acceptable only if lesions of poliomyelitis are seen in monkeys inoculated with the reference material at a frequency statistically compatible with all previous tests with this preparation.

(2) *Test for virus titer.* The concentration of living virus in each monovalent virus pool or lot shall be determined, using the Reference Poliovirus Live, Attenuated of the same type as a control. The test shall be a 50 percent end-point titration calculation ($TCID_{50}$), performed with either groups of ten tubes at 1 log dilution steps or groups of five tubes of 0.5 log dilution steps, or a test of demonstrated equivalent sensitivity. Acceptable titrations of the reference virus shall not vary more than ± 0.5 log from its labeled titer.

(3) *Tests for In-vitro Markers.* A test shall be performed on each monovalent virus pool or each monovalent lot resulting therefrom, using the ret/40 Marker. A second test shall be performed using the d Marker or another marker method shown to be of value in identification of the attenuated strain. The test results shall demonstrate that the virus under test and the seed virus have substantially the same marker characteristics.

(i) *rct/40 Marker.* Attenuated strains which grow readily at 40° C. (±0.5° C.) are classified as ret/40 positive (+) in contrast to the rct/40 negative (−) strains which show an increased growth of at least 100,000 fold at 36° C. over that obtained at 40° C. Comparative determinations shall be made in either tube or bottle cultures.

(ii) *d Marker.* Attenuated strains which grow readily at low concentrations of bicarbonate under agar are classified as d positive (+) in contrast to the d negative (−) strains which exhibit delayed growth under the same conditions. The cultures shall be grown in a 36° C. incubator either in stoppered bottles or in plates in an environment of 5 percent CO_2 in air.

§ 73.115 Potency test.

The concentration of live virus expressed as $TCID_{50}$ of each type in the vaccine shall constitute the measure of its potency. The accuracy of the titration to determine the concentration of live virus in the lot under test shall be confirmed by performing a titration with the Reference Poliovirus, Live, Attenuated of the appropriate type as a check on titration technique. The concentration of each type of live virus contained in the vaccine of the lot under test shall be between 200,000 and 500,000 $TCID_{50}$ per human dose.

§ 73.116 General requirements.

(a) *Final container sterility test.* The final container sterility test need not be performed provided aseptic techniques are used in the filling process.

(b) *Consistency of manufacture.* No lot of vaccine shall be released unless each monovalent pool contained therein is one of a series of five consecutive pools of the same type, each pool having been manufactured by the same procedures, and each having met the criteria of neurovirulence for monkeys prescribed in § 73.114(b)(1), and of in-vitro markers prescribed in § 73.114(b)(3).

(c) *Dose.* The individual human dose of vaccine shall contain from 200,000 to 500,000 $TCID_{50}$ of each type of virus that is in the final product.

(d) *Labeling.* In addition to complying with all other applicable labeling requirements, the final container label shall bear a statement indicating that liquid vaccine may not be used for more than 7 days after opening the container. Labeling may include a statement indicating that for frozen vaccine a maximum of 10 freeze-thaw cycles is permissible provided the total cumulative duration of thaw does not exceed 24 hours, and provided the temperature does not exceed 8° C. during the periods of thaw.

(e) *Samples and protocols.* For each lot of vaccine, the following materials shall be submitted to the Director, Division of Biologics Standards, National Institutes of Health, Bethesda, Md. 20014:

(1) All protocols relating to the history of manufacture of the lot and all results of all tests prescribed in these additional standards.

(2) A 500 ml. bulk sample of each final monovalent pool having a virus titer of no less than $10^{7.0}$ $TCID_{50}$ per milliliter, except that if the titer is greater, a correspondingly smaller volume may be submitted.

(3) A total of no less than a 200 milliliter sample of the vaccine in final labeled containers.

§ 73.117 Clinical trials to qualify for license.

To qualify for license, the antigenicity of the vaccine shall have been determined by clinical trials of adequate statistical design. Such clinical trials shall be conducted with five consecutive lots of poliovirus vaccine which have been manufactured by the same methods, each of which has shown satisfactory results in all prescribed tests. Type specific neutralizing antibody (from less than 1:4 before vaccine treatment, to 1:16 or greater after treatment) shall be induced in 80 percent or more of susceptibles when administered orally as a single dose, or in excess of 90 percent of susceptibles when administered orally after a series of doses. A separate clinical trial shall have been conducted for each monovalent and each polyvalent vaccine for which license application is made.

§ 73.118 Equivalent methods.

Modification of any particular manufacturing method or process or the conditions under which it is conducted as set forth in the additional standards relating to Poliovirus Vaccine, Live, Oral, shall be permitted whenever the manufacturer presents evidence that demonstrates the modification will provide assurances of the safety, purity, and potency of the vaccine that are equal to or greater than the assurances provided by such standards, and the Surgeon General so finds and makes such finding a matter of official record.

§§ 73.142, 73.152 [Amended]

5. Delete the following provisions relating to testing for *Mycoplasma:*

§ 73.142(a)(6).
§ 73.142(b)(6).
§ 73.152(a)(1)(ii).
§ 73.152(a)(3)(vi).

(Sec. 215, 58 Stat. 690, as amended; 42 U.S.C. 216. Interpret or apply sec. 351, 58 Stat. 702; 42 U.S.C. 262)

Dated: June 2, 1967.

[SEAL] WILLIAM H. STEWART,
Surgeon General.

Approved: June 27, 1967.

WILBUR J. COHEN,
Acting Secretary.

[F.R. Doc. 67-7629; Filed, July 3, 1967; 8:52 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 7803]

AIRWORTHINESS DIRECTIVES

Certain Models of Piper Airplanes

The Federal Aviation Administration has under consideration a proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness

directive applicable to specified models of Piper airplanes. A notice of proposed rule making published in 31 F.R. 16161 required inspection and repairs as necessary of engine exhaust systems and repetitive replacement of mufflers. While the original proposal contained an exception for PA-24-260 airplanes, as a result of recent investigations of reports of malfunctions of the exhaust systems on Piper Model PA-24-260, it has been determined that these airplanes should be included in the list of airplanes covered by the airworthiness directive. The one comment received in response to the notice of proposed rule making has been fully considered in the revision of the proposed airworthiness directive. In this connection, the original proposed paragraph (c) has been revised to eliminate inspections of engine mount tubes and rubber bushings, since such inspections, while desirable, are not required in the interest of safety. The suggestion that an internal check of mufflers that do not have internal baffle tubes should not be required has not been accepted since corrosion, deterioration, and small cracks are more readily detected by examining the interior surface. Furthermore, the interval for repetitive inspections is being retained; no undue burden is imposed since inspections are customarily made at 100-hour intervals. It was also suggested that the proposed submerged pressure check is expensive and that the alternative ground test with a carbon monoxide indicator is impractical since the indicators are seldom available. The muffler pressure check is an alternative means of compliance, it is based on Piper Service Letter No. 324A and is one of the most efficient means of inspecting mufflers. There are several acceptable indicators which may be used for the ground test if an owner does not desire to use the muffler pressure check. Paragraph (e)(3) of the proposed airworthiness directive has been clarified with regard to the ground test to specify the level of carbon monoxide concentration which is considered dangerous and the test procedure has been revised. For the reasons set forth above, the proposed AD published in 31 F.R. 16161, December 16, 1966, is hereby withdrawn, and a new airworthiness directive is proposed which includes the Model PA-24-260 Piper airplane and requires inspection of the exhaust systems in accordance with the changes proposed herein.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before August 30, 1967, will be considered by the Administrator before taking action upon the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

PIPER. Applies to Model J3, J4, J5, PA-11, PA-12, PA-14, PA-15, PA-16, PA-17, PA-18, PA-19, PA-20, PA-22, and PA-24 Series airplanes.

Compliance required as indicated.

(a) For all airplanes except Models J3, J4, J5, and PA-11, which have exhaust mufflers with 950 or more hours' time in service on the effective date of this AD, comply with paragraph (e) within the next 50 hours' time in service and thereafter at intervals not to exceed 50 hours' time in service from the last inspection.

(b) For all airplanes except Models J3, J4, J5, and PA-11, which have exhaust mufflers with less than 950 hours' time in service on the effective date of this AD, comply with paragraph (e) within the next 50 hours' time in service, and thereafter at intervals not to exceed 100 hours' time in service from the last inspection. After the exhaust muffler has accumulated 950 hours' time in service, comply with the inspection requirements of paragraph (a).

(c) For all Models J3, J4, J5, and PA-11 airplanes which have exhaust mufflers with 950 or more hours' time in service on the effective date of this AD, comply with paragraph (e) within the next 50 hours' time in service and thereafter at intervals not to exceed 50 hours' time in service from the last inspection.

(d) For all Models J3, J4, J5, and PA-11 airplanes which have exhaust mufflers with less than 950 hours' time in service on the effective date of this AD, comply with paragraph (e) prior to the accumulation of 1000 hours' time in service and thereafter at intervals not to exceed 50 hours' time in service.

(e) Inspect in accordance with paragraph (f), and paragraph (g) if applicable, the engine exhaust muffler and shroud assembly (including the internal baffle tube and tail pipe), carburetor heat shroud and air duct, support braces, clamps and brackets, exhaust stacks and manifolds. Do not alter those mufflers incorporating an internal baffle tube to remove the tube without prior FAA approval.

(Piper Service Letter No. 324B describes the critical areas.)

(f) Remove muffler assembly, disconnect air ducts, stacks, and shrouds as necessary, and visually inspect exterior and interior surfaces with a probe light and mirror for signs of cracks, corrosion, burn-throughs, heat damage, collapsed stack, or weld separations. For carburetor type engines, special attention should be given to the exhaust stack under the carburetor heat shroud. Except during the initial inspection, the muffler need not be removed from the airplane, provided visual inspection with probe light and mirror is made through the muffler tail pipe outlet and one end of the muffler at the stack connection.

(g) If the inspection specified in paragraph (f) shows that the exhaust stacks and internal baffle tube are in good condition, but there are areas inside the muffler which cannot be adequately inspected with a probe light and mirror, accomplish one of the following:

(1) Accomplish a submerged pressure check of the muffler and exhaust stack at 10 psi air pressure.

(2) Conduct a ground test using a carbon monoxide indicator by heading the airplane into the wind, warming the engine on the ground, advancing the throttle to full static r.p.m. with cabin heat valves open, and taking readings of the heated airstream inside the cabin at each outlet (including rear seat heat outlet, if installed). Appropriate sampling procedures applicable to the particular indicator must be followed. If carbon monoxide concentration exceeds .005 percent or if a dangerous reading is obtained on an indicator not calibrated in percentages, inspect in accordance with (f), and perform a submerged pressure check of the muffler and exhaust stack at 10 psi air pressure before further flight.

(3) Close and secure cabin heat valves at the firewall until a complete muffler inspection in accordance with paragraph (f) is accomplished.

(h) Replace or repair parts found to have the defects listed in paragraph (f) before further flight, and thereafter comply with the inspection requirements of paragraph (b) or (d), whichever is applicable. Make welding repairs in accordance with Advisory Circular AC 43.13-1 or an FAA-approved equivalent. Pressure-check mufflers and stacks that are repair-welded before reinstallation. (Care should be exercised when reinstalling the exhaust system components to prevent distortion or preloading of parts.)

Issued in Washington, D.C., on June 26, 1967.

JAMES F. RUDOLPH,
Acting Director,
Flight Standards Service.

[F.R. Doc. 67-7576; Filed, July 3, 1967; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-SW-36]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter the Oklahoma City, Okla. (Tinker AFB), control zone.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal Docket will also be available for examination at the Office of the Chief, Air Traffic Division.

The Oklahoma City, Okla. (Tinker AFB), control zone is presently described in § 71.171 (32 F.R. 2123).

It is proposed to redesignate the Oklahoma City, Okla. (Tinker AFB), control zone as that airspace within a 5-mile radius of Tinker AFB (latitude 35°24'50" N., longitude 97°23'35" W.); within 2 miles each side of the Tinker AFB VOR 357° radial (348° magnetic), extending from the 5-mile radius zone to 8 miles N of the VOR; within 2 miles each side of the Tinker AFB TACAN 001° radial (352° magnetic) extending from the 5-mile radius zone to 9.5 miles N of the TACAN; within 2 miles each side of the Tinker AFB ILS S course extending from the 5-mile radius zone to the OM; within 2 miles each side of the Tinker AFB VOR 187° radial (178° magnetic) extending from the 5-mile radius zone to 8 miles south of the VOR; and within 2 miles each side of the Tinker AFB TACAN 187° radial (178° magnetic) extending from the 5-mile radius zone to 6 miles S of the TACAN.

Alteration of the Tinker AFB control zone is necessary due to revisions of the approach/departure procedures at this location.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Fort Worth, Tex., on June 23, 1967.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 67-7577; Filed, July 3, 1967; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-SW-41]

CONTROL ZONES

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations which would alter the Fort Worth, Tex. (Carswell AFB), control zone.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

The Fort Worth, Tex. (Carswell AFB) control zone is described in § 71.171 (32 F.R. 2096).

It is proposed to redesignate the Fort Worth, Tex. (Carswell AFB) control zone as that airspace within a 5-mile radius of Carswell AFB (latitude 32°-46'20" N., longitude 97°26'30" W.); within 2 miles each side of the Eagle Mountain Lake VOR 180° radial (171° magnetic), extending from the 5-mile radius zone to the VOR; within 2 miles each side of the Carswell AFB TACAN 358° radial (349° magnetic) extending from the TACAN to 12 miles north; within 2 miles each side of the Benbrook VOR 360° radial (351° magnetic) extending from the 5-mile radius zone to the VOR; within 2 miles each side of the Carswell AFB TACAN 194° radial (185° magnetic) extending from the TACAN to 11.5 miles south; excluding the portion east of longitude 97°24'00" W.

Revisions to the existing instrument approach/departure procedures serving Carswell AFB necessitate a revision to the Carswell control zone.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Fort Worth, Tex., on June 23, 1967.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 67-7578; Filed, July 3, 1967; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-CE-72]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the control zone and the transition area at Fort Leonard Wood, Mo.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

The approach radial for the VOR Runway 32 approach procedure to serve Forney AAF is being shifted 4 degrees clockwise. In order to provide controlled airspace protection for aircraft executing this instrument approach procedure, it is necessary to alter the Fort Leonard Wood control zone and 700-foot floor transition area. The 1200-foot floor transition area at Fort Leonard Wood will not be changed as a result of the airspace action proposed herein.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

(1) In § 71.171 (32 F.R. 2071), the following control zone is amended to read:

FORT LEONARD WOOD, MO.

That airspace within a 4-mile radius of the Forney AAF (latitude 37°44'30" N., longitude 92°08'25" W.), within 2 miles each side of the Forney AAF VOR 152° and 328° radials extending from the 4-mile radius zone to 8 miles southeast and northwest of the VOR, and within 2 miles each side of the 146° bearing from the Forney AAF RBN extending from the 4-mile radius zone to 8 miles southeast of the RBN.

(2) In § 71.181 (32 F.R. 2148), the following transition area is amended to read:

FORT LEONARD WOOD, MO.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Forney AAF (latitude 37°44'30" N., longitude 92°08'25" W.), within 5 miles northeast and 5 miles southwest of the Forney AAF VOR 152° and 323° radials extending from the VOR to 12 miles southeast and northwest of the VOR, and within 5 miles northeast and 5 miles southwest of the 146° bearing from Forney AAF RBN extending from the RBN to 12 miles southeast of the RBN; and that airspace extending upward from 1,200 feet above the surface within 5 miles each side of the following direct radials: Maples, Mo., VORTAC to Forney AAF VOR; Maples VORTAC to Forney AAF RBN; Vichy, Mo., VORTAC to Forney AAF VOR; Vichy VORTAC to Forney AAF RBN, excluding that portion which coincides with the Vichy transition area.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on June 15, 1967.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 67-7579; Filed, July 3, 1967; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-CE-66]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the control zone and the transition area at McCook, Nebr.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

Since designation of controlled airspace in the McCook, Nebr., terminal area, the VOR Runway 12 instrument approach procedure to McCook Municipal Airport has been modified. Therefore, it is necessary to alter the McCook control zone and transition area to protect aircraft executing the revised approach procedure.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

(1) In § 71.171 (32 F.R. 2071), the following control zone is amended to read:

McCOOK, NEBR.

That airspace within a 5-mile radius of McCook Municipal Airport (latitude 40°12'25" N., longitude 100°35'25" W.); within 2 miles each side of the 120° bearing from McCook Municipal Airport, extending from the 5-mile radius zone to 8 miles southeast of the airport; and within 2 miles each side of the 324° bearing from McCook Municipal Airport, extending from the 5-mile radius zone to 8 miles northwest of the airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

(2) In § 71.181 (32 F.R. 2148), the following transition area is amended to read:

McCOOK, NEBR.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of McCook Municipal Airport (latitude 40°12'25" N., longitude 100°35'25" W.); within 5 miles southwest and 8 miles northeast of the 120° bearing from McCook Municipal Airport extending from the 8-mile radius area to 12 miles southeast of the airport and within 5 miles southwest and 8 miles northeast of the 324° bearing from McCook Municipal Airport, extending from the 8-mile radius area to 12 miles northwest of the airport; and that airspace extending upward from 1200 feet above the surface within 8 miles each side of a line extending from McCook Municipal Airport direct to the Hayes Center, Nebr., VORTAC.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on June 15, 1967.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 67-7580; Filed, July 3, 1967; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-WE-36]

CONTROL ZONE AND TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is proposing amendments to Part 71 of the Federal Aviation Regulations that would designate a control zone and transition area in the Worland, Wyo., terminal area.

On or about October 12, 1967, the FAA will commission a VOR that will be located on the Worland Municipal Airport. In order to provide controlled airspace to protect aircraft executing prescribed instrument approach, departure and holding procedures based upon the VOR, the FAA proposes to designate a control zone and transition area in the Worland, Wyo., area.

The 700-foot portion of the proposed transition area will protect aircraft climbing from 700 feet to 1200 feet above the surface and descending below 1500 feet to 700 feet above the surface. The 1200-foot portion of the transition area will protect IFR aircraft operating above 1200 feet above the surface. The control zone will provide controlled airspace for aircraft executing prescribed instrument procedures below 1000 feet above the surface.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

In view of the foregoing, the FAA proposes the following airspace actions:

In § 71.171 (32 F.R. 2071) the following control zone is added:

WORLAND, WYO.

Within a 5-mile radius of Worland Municipal Airport (latitude 43°56'10" N., longitude 107°56'50" W.), and within 2 miles each side of the Worland VOR 352° radial, extending from the 5-mile radius zone to 8 miles north of the VOR.

In § 71.181 (32 F.R. 2148) the following transition area is added:

WORLAND, WYO.

That airspace extending upward from 700 feet above the surface, within 8 miles west and 6 miles east of the Worland VOR 360° and 172° radials, extending from 13 miles north to 7 miles south of the VOR; that airspace extending upward from 1,200 feet above the surface, within a 23-mile radius of Worland VOR.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348).

Issued in Los Angeles, Calif., on June 22, 1967.

ARVIN O. BASNIGHT,
Director, Western Region.

[F.R. Doc. 67-7581; Filed, July 3, 1967; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-CE-74]

FEDERAL AIRWAY

Proposed Alteration

On July 20, 1967, V-12 will be realigned from Blue Springs, Mo., direct to Columbia, Mo., direct to Maryland Heights, Mo. (ASD 67-CE-4, 32 F.R. 7589). The Federal Aviation Administration is considering a south alternate to V-12 from the intersection of Macon, Mo., 273° T (267° Mag.) radials, to the intersection of Hallsville, Mo., 134° T (128° Mag.) and Columbia 102° T (096° Mag.) radials via Jefferson City, Mo. This action would improve flight planning and simplify air traffic control services to aircraft operating to and from the Jefferson City Airport and also a route to and from this airport that would by-pass the Columbia terminal area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Building, Federal Aviation Administration, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on June 23, 1967.

J. F. BIRON,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-7582; Filed, July 3, 1967; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-CE-82]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Billings, Mont.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

Since designation of the Billings, Mont., transition area, the Federal Aviation Administration has determined that additional controlled airspace south of Billings is required for aircraft transitioning to and from J-13. Therefore, it is necessary to alter the Billings transition area to provide controlled airspace protection for aircraft executing these transitions.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (32 F.R. 2148), the Billings, Mont., transition area is amended to read:

BILLINGS, MONT.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Logan Field (latitude 45°48'25" N., longitude 108°31'55" W.); within a 12-mile radius of Billings VORTAC, extending from a line 5 miles SE of and parallel to the Billings VORTAC 212° radial clockwise to the Billings 347° radial; and within 2 miles each side of the Billings ILS localizer E course, extending from the 8-mile radius area to 8 miles E of the Billings RBN; and that airspace extending upward from 1,200 feet above the surface within a 25-mile radius of Billings VORTAC, extending from the S edge of V-2 W of Billings clockwise to the SW edge of V-19 SE of Billings; within 10 miles SW and 7 miles NE of Billings VORTAC 301° radial, extending from the 25-mile radius area to 49 miles NW of the VORTAC; within 10 miles SW and 7 miles NE of the Billings VORTAC 317° radial, extending from the 25-mile radius area to 45 miles NW of the VORTAC; within 10 miles W and 7 miles E of the Billings VORTAC 347° radial, extending from the 25-mile radius area to 42 miles N of the VOR TAC; within 10 miles N and 8 miles S of the Billings VORTAC 096° radial, extending from the 25-mile radius area to 38 miles E of the VORTAC; and the area southeast of Billings bounded on the NE by V-86, on the S by latitude 45°20'00" N., and on the W by V-187; and that airspace extending upward from 7,700 feet MSL within 8 miles each side of the Billings VORTAC 096° radial, extending from 38 to 99 miles E of the VORTAC.

This amendment is made under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Kansas City, Mo., on June 15, 1967.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 67-7584; Filed, July 3, 1967; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 66-SW-39]

TRANSITION AREA

Withdrawal of Proposed Designation

In a notice of proposed rule making published in the FEDERAL REGISTER on August 13, 1966 (31 F.R. 10852), it was stated that the Federal Aviation Agency proposed to designate transition areas in the vicinity of Kirbyville, Tex., and Hemphill, Tex.

Subsequent to the publication of the notice of proposed rule making, it was determined that adequate controlled airspace existed within the Kirbyville, Tex., and Hemphill, Tex., areas.

In consideration of the foregoing, notice is hereby given that the proposal contained in Airspace Docket No. 66-SW-39 is withdrawn.

This notice of withdrawal is made under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on June 22, 1967.

J. F. BIRON,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-7585; Filed, July 3, 1967; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-CE-75]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Howell, Mich.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

As a result of the development of a public instrument approach procedure to serve the Howell, Mich., Livingston County Airport, utilizing the Salem, Mich., VORTAC as a navigational aid, it is necessary to designate a 700-foot floor transition area at Howell, Mich., to protect aircraft executing this approach procedure.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (32 F.R. 2184), the following transition area is added:

HOWELL, MICH.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Howell, Mich., Livingston County Airport (latitude 42°37'30" N., longitude 83°58'45" W.), and within 2 miles each side of the Salem, Mich., 308° radial extending from the 6-mile radius area to 7 miles SE of the airport.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on June 15, 1967.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 67-7586; Filed, July 3, 1967; 8:49 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-CE-79]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Arkansas City/Winfield, Kans.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

As a result of the development of a public instrument approach procedure to serve Strother Field at Arkansas City/Winfield, Kans., utilizing the Ponca City, Oklahoma VORTAC as a navigational aid, it is necessary to designate a 700-foot floor transition area at Arkansas City/Winfield, Kans., to protect aircraft executing this approach procedure.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (32 F.R. 2148), the following transition area is added:

ARKANSAS CITY/WINFIELD, KANS.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Strother Field (latitude 37°10'00" N., longitude 97°03'00" W.).

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on June 15, 1967.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 67-7587; Filed, July 3, 1967; 8:49 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-CE-81]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Tecumseh, Mich.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

As a result of the development of a public instrument approach procedure to serve the Tecumseh, Mich., Airport, utilizing the Carleton, Mich. VORTAC as a navigational aid, it is necessary to designate a 700-foot floor transition area at Tecumseh, Mich. to protect aircraft executing this approach procedure.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (32 F.R. 2148), the following transition area is added:

TECUMSEH, MICH.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Tecumseh, Mich. Airport (latitude 42°-01'30" N., longitude 83°56'20" W.).

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on June 15, 1967.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 67-7588; Filed, July 3, 1967; 8:49 a.m.]

[14 CFR Parts 71, 75]

[Airspace Docket No. 67-SW-29]

JET ROUTES AND REPORTING POINTS

Proposed Alteration

The Federal Aviation Administration is considering amendments to Parts 71 and 75 of the Federal Aviation Regulations that would realign Jet Route Nos. 4, 42, 52, 58, 72, 74, 76, 105, 21, 25, 66, and 87. The Dallas Tex., high altitude reporting point would be revoked and Greater Southwest, Tex., substituted therefor.

In line with the plan to reconfigure the Dallas-Fort Worth, Tex., terminal area, it is proposed to transfer the jet route structure from the Dallas VORTAC to the Greater Southwest, Tex., VORTAC. If such action is taken, the jet routes would be realigned as follows:

1. Jet Route No. 4 from Abilene, Tex., via Greater Southwest, Tex., to Shreveport, La.
2. Jet Route No. 21 from Austin, Tex., via INT Austin 016° and Greater Southwest 190° True radials; Greater Southwest; INT Greater Southwest 356° and Oklahoma City, Okla., 158° True radials; to Oklahoma City.
3. Jet Route No. 25 from Austin, Tex., via INT Austin 016° and Greater Southwest 190° True radials; Greater Southwest; to Tulsa, Okla.
4. Jet Route No. 42 from Greater Southwest; to Texarkana, Ark.
5. Jet Route No. 52 from Greater Southwest; to Texarkana, Ark.
6. Jet Route No. 58 from Wichita Falls, Tex., via Greater Southwest; to Alexandria, La.
7. Jet Route No. 66 from Greater Southwest; to Little Rock, Ark.
8. Jet Route No. 72 from Wichita Falls; to Greater Southwest.
9. Jet Route No. 74 from Wichita Falls; to Greater Southwest.
10. Jet Route No. 76 from Wichita Falls; to Greater Southwest.
11. Jet Route No. 87 from Houston, Tex., via Greater Southwest; to Tulsa, Okla.
12. Jet Route No. 105 from Greater Southwest; to Fayetteville, Ark.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

These amendments are proposed under the authority of Section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on June 22, 1967.

J. F. BIRON,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-7583; Filed, July 3, 1967; 8:48 a.m.]

FEDERAL POWER COMMISSION

[18 CFR Parts 101, 141]

[Docket No. R-327]

PUMPED STORAGE PROJECTS

Annual Reports and Uniform System of Accounts

JUNE 26, 1967.

Annual reports of Class A and B public utilities and licensees—amendments to FPC Form No. 1 and to the uniform system of accounts for licensees relating to pumped storage projects; Docket No. R-327.

1. Notice is given pursuant to 553 of Title 5 of the United States Code that the Commission proposes to amend General Instruction 16, of its Uniform System of Accounts Prescribed for Class A and Class B Public Utilities and Licensees, and certain schedules of FPC Form No. 1 so as to provide for detailed annual reporting of matters relating to pumped storage projects. In addition, the Commission proposes to add two new schedules to FPC Form No. 1, all as hereinafter more fully detailed.

2. These new and revised schedules, which are being proposed for inclusion in the annual report for the reporting year 1967 and thereafter, will replace the schedules proposed by several licensees which operate pumped storage facilities, the use of which for reporting pumped storage data for the year 1966 was permitted by ordering paragraph (D) of our Order No. 332, issued December 22, 1966, 36 FPC ——, 31 F.R. 16560.

3. Specifically, the Commission proposes to amend Part 101 of Subchapter C and Part 141 of Subchapter D, Chapter I, Title 18 of the Code of Federal Regulations as follows:

(a) The introductory clause of General Instruction 16 of Part 101 is revised to read:

16. *Separate Accounts or Records for Each Licensed Project.* The accounts or records of each licensee shall be so kept as to show for each project (including pumped storage) under license:

* * * * * *

(b) The following schedules in FPC Form No. 1 are revised:

Accumulated Provisions for Depreciation of Electric Plant, page 408.
Summary of Electric Operation and Maintenance Expenses, page 420.
Depreciation and Amortization of Electric Plant, page 429.
Electric Energy Account, page 431.
Hydroelectric Generating Plant Statistics (Large Plants), pages 433a–433b.
Generating Plant Statistics (Small Plants), page 434.

as indicated in Attachment A, hereto.[1]

(c) The following new schedules are added to FPC Form No. 1:

Pumped Storage Generating Plant Statistics (Large Plants), pages 433c–433d.
Pumped Storage Generating Plants, pages 439a–439c.

as set out in Attachment B, hereto.[1]

(d) Paragraph (d) of § 141.1 is revised by adding the following two new schedule titles:

Pumped Storage Generating Plant Statistics (Large Plants).
Pumped Storage Generating Plants.

4. These amendments to the Uniform System of Accounts Prescribed for Public Utilities and Licensees and to FPC Form No. 1 are proposed to be issued under the authority granted the Federal Power Commission by the Federal Power Act, particularly sections 4(a), 301, 304, 309 and 311 thereof (41 Stat. 1065; 49 Stat. 854, 855, 858, 859; 16 U.S.C. 797(a), 825, 825c, 825h, 825j).

5. Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, not later than July 27, 1967, data, views, and comments in writing concerning the matters herein proposed. An original and 14 conformed copies should be filed with the Commission. In addition, interested persons, wishing to have their comments considered in the clearance of the proposed revisions under provisions of the Federal Reports Act of 1942 may at the same time submit a conformed copy of their comments directly to the Clearance Officer, Office of Statistical Standards, Bureau of the Budget, Washington, D.C. 20503. Submissions to the Commission should indicate the name and address of the person to whom correspondence in regard to the proposal should be addressed and whether the person filing them requests a conference at the Federal Power Commission to discuss the proposed revision of the annual report form. The Commission will consider all such written submissions before acting on the matters herein proposed.

By direction of the Commission.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-7551; Filed, July 3, 1967; 8:46 a.m.]

[1] FPC Form No. 1 filed as part of original document.

Notices

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1966 Rev., Supp. No. 23]

PRUDENCE MUTUAL CASUALTY CO.

Termination of Authority To Qualify As Surety On Federal Bonds

Notice is hereby given that the certificate of Authority issued by the Secretary of the Treasury to the Prudence Mutual Casualty Co., Chicago, Ill., under the provisions of the Act of Congress approved July 30, 1947 (6 U.S.C. 6–13), to qualify as an acceptable surety on recognizances, stipulations, bonds and undertakings permitted or required by the laws of the United States, which had been extended to July 31, 1967, will not be renewed.

Bond-approving officers of the Government should, in instances where such action is necessary, secure new bonds with acceptable sureties in lieu of bonds executed by the Prudence Mutual Casualty Co.

Dated: June 28, 1967.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 67–7635; Filed, July 3, 1967; 8:52 a.m.]

STATEMENT OF ORGANIZATION, FUNCTIONS AND PROCEDURES AVAILABLE

In compliance with 5 U.S.C. 552, this notice provides a statement for the guidance of the public of the central and field organization of the Fiscal Service of the Treasury Department; the established places at which, the officers from whom and the methods whereby the public may secure information, make submittals or requests or obtain decisions; and the general course and method by which the Fiscal Service's functions are channeled and determined, including the nature and requirements of all formal and informal procedures available. The prior statement of organization, functions and procedures of the Fiscal Service which appears at 11 F.R. 177A–88, as amended, is hereby revoked, and the following statement substituted therefor:

Sec.
1. Fiscal Service generally.
2. Office of the Fiscal Assistant Secretary.
3. Bureau of Accounts.
4. Bureau of the Public Debt.
5. Office of the Treasurer of the United States.
6. Public information, submittals or requests, decisions.
7. Formal and informal procedures available.
8. Current statements of organization, functions and procedures available.

SECTION 1. *Fiscal Service generally.* The Fiscal Service of the Treasury Department was created by Reorganization Plan No. III, effective June 30, 1940 (5 U.S.C. 133t (1964 ed.)). The Fiscal Service, under the supervision of the Fiscal Assistant Secretary by virtue of the Reorganization Plan and of delegation from the Secretary of the Treasury, consists of the Office of the Fiscal Assistant Secretary; the Bureau of Accounts, with field offices; the Bureau of the Public Debt, with field offices, and the Office of the Treasurer of the United States. The regulations of the Fiscal Service are codified in 31 CFR, Subtitle B, Ch. II.

SEC. 2. *Office of the Fiscal Assistant Secretary.* The Office of the Fiscal Assistant Secretary is covered by section 8 of the Statement of Organization, Functions and Procedures Available for the Office of the Secretary, published in the FEDERAL REGISTER at 32 F.R. 9031.

SEC. 3. *Bureau of Accounts* — (a) *Generally.* (1) The Bureau of Accounts, under the Commissioner of Accounts, was created and established as a part of the Fiscal Service by Reorganization Plan No. III, effective June 30, 1940, with the responsibility for a variety of fiscal activities of government-wide scope.

(2) The Bureau maintains principal offices in Washington, D.C.; they include the Division of Central Accounts and Reports, the Division of Disbursement, the Division of Financial Management, and the Division of Deposits and Investments. The field offices of the Division of Disbursement are set forth in paragraph (c).

(3) The regulations of the Bureau are codified at 31 CFR, Subtitle B, Ch. II, Subch. A.

(b) *Division of Central Accounts and Reports.* The Division administers a unified system of central accounting for the Government under the Accounting and Auditing Act of 1950, as amended (31 U.S.C. 65 et seq.). Through this system, the central accounts of the Government provide the accounting basis for compiling receipt and expenditure data for financial statements of the Government as a whole, interlocking all cash transaction relationships between the Government's collecting, disbursing and fiscal officers, and the Treasurer of the United States. The Division plans and develops for publication periodic and special reports presenting the results of the financial operations of the Government, and handles the accounting and reporting for foreign currencies acquired by the Government without purchase with dollars.

(c) *Division of Disbursement.* The Division is responsible for the function of disbursement of moneys of the United States in relation to all civilian agencies of the executive branch, except the Post Office Department, U.S. Marshals and certain Government corporations, pursuant to Executive Order 6166 of June 10, 1933, as amended (5 U.S.C. 124–132n (1964 ed.)). Disbursing activities are carried out (1) through six major disbursing centers, and five regional disbursing offices of the Division located in the United States and Manila, P.I., and (ii) by delegation, through facilities of the Department of State and other agencies located in certain foreign countries. The disbursing centers are as follows:

Disbursing center	Address	Director
Birmingham, Ala. 35203	2225 Third Ave., North	Randolph Mobbs.
Chicago, Ill. 60690	536 South Clark St.	James C. Reilly.
Kansas City, Mo. 64106	U.S. Courthouse	Robert L. Larson.
Philadelphia, Pa. 19101	5000 Wissahickon Bldg.	James C. Abbott.
San Francisco, Calif. 94105	300 Main St.	P. Edward Frowd.
Washington, D.C. 20226	1201 E St., NW.	Henry H. Eades.

The regional disbursing offices are as follows:

Regional disbursing office	Address	Regional disbursing officer
Denver, Colo. 80228	Bldg. 20, Denver Federal Center	G. Lewis Fraser.
Honolulu, Hawaii 96813	Federal Building	Erling Pedersen.
Juneau, Alaska 99801	Fifth and Seward Sts.	Arthur Adams.
Manila, Philippines 94100	200 New Office Bldg., American Embassy	Kathryn Bramwell.
New York, N.Y. 10001	341 Ninth Ave.	Stanley J. Wollcki.
San Juan, P.R. (New York Branch)	Courthouse and Post Office Bldg.	Carlos A. Santiago.

(d) *Division of Financial Management.* (1) The Division performs the comptrollership functions of the Bureau. In addition, it works with staff of the Bureau of the Budget, the General Accounting Office, and other agencies in connection with Government-wide financial matters, including (i) studies under the Joint Financial Management Improvement Program, (ii) the integration of the systems of central accounting, reporting, and disbursing with the financial activities of all Federal agencies, and (iii) financing of Federal advances by letter of credit.

(2) The Division conducts the liquidation of certain programs which were transferred to the Secretary of the Treasury under the provisions of the Reconstruction Finance Corporation Liquidation Act, as amended (67 Stat. 230); Executive Order 10489 of September 26, 1953 (18 F.R. 6201), and Reorganization Plan No. 1 of 1957 (5 U.S.C. 133z–15 (1964 ed.)). These involve the lending programs conducted under section 409 of the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2261), and section 302 of the Defense Production Act of 1950, as amended (50 U.S.C. App. 2092), consisting of business loans with individual balances of $250,000 or more, securities of and loans to railroads, and securities of financial institutions.

(3) In accord with 31 CFR Parts 222–226, the Division supervises matters arising under title 6 of the U.S. Code relating to surety companies authorized as acceptable sureties on Federal bonds, including the examination of applications of companies requesting authority from the Secretary of the Treasury to write such bonds, and the review of the financial statements of companies so authorized, in order to determine their underwriting limitations.

(4) 31 CFR Part 256 sets forth the Division's functions in receiving applications from and making payments to persons entitled to sums appropriated by the Congress in private relief acts and, in conjunction with the Division of Disbursement, in making payments to persons securing money judgments against the United States in the Court of Claims or in the Federal district courts.

(e) *Division of Deposits and Investments.* (1) The Division performs duties relating to foreign obligations, which consist generally of the collection of the principal and interest on obligations due by foreign governments under lend-lease, surplus property and other agreements, and the keeping of related accounts.

(2) The Division performs the Department's duties relating to awards under the Settlement of War Claim's Act of 1928, as amended (45 Stat. 254); the War Claims Act of 1948, as amended (50 U.S.C. App. 2001 et seq.), and the International Claims Settlement Act of 1949, as amended (22 U.S.C. 1621 et seq.). The duties include payment on such awards and the keeping of accounts therefor. Department Circular 881 (31 CFR Part 250) and 31 CFR Part 251 set forth the regulations under the 1949 Act, as amended, and the 1928 Act, as amended.

(3) The Division handles the investment accounts of the Government and loans to Government agencies made pursuant to statute. In connection therewith, it arranges for the custody of investments and securities held by the Treasurer and by Federal Reserve Banks for which the Secretary of the Treasury is responsible.

(4) The Division administers matters relating to the designation and qualification of Government depositaries and the deposit of Government funds with them. The depositaries include (i) Federal Reserve Banks; (ii) other banks which are depositaries under Department Circular 176 (31 CFR Part 202), or special depositaries under Department Circular 92 (31 CFR Part 203); and (iii) foreign depositaries.

(5) The Division supervises, in conjunction with the Federal Reserve Banks as fiscal agents of the United States, the designation and qualification of banks as Depositaries of Federal Taxes to receive deposits of certain Federal taxes on employers and employees and withheld income taxes on wages under Department Circular 848 (31 CFR Part 213), and the authorization of such Depositaries to receive deposits of Federal corporate income taxes under Department Circular 1079 (31 CFR Part 214).

(6) The Division administers certain of the duties of the Secretary of the Treasury, relating to shipment of valuables and handling claims for losses, under the Government Losses in Shipment Act (5 U.S.C. 134 et seq. (1964 ed.)).

(7) Pursuant to the Act of March 28, 1966 (80 Stat. 92), providing for the discontinuance of the Postal Savings System, the Division will receive transfer of Postal Savings funds remaining on deposit on July 1, 1967, and hold them in a trust fund account subject to claims by depositors. Except for certain inactive accounts, local post offices will, until July 1, 1968, process and forward to the Division for payment, applications for withdrawal of funds by depositors. Thereafter, all matters relating thereto will be handled by the Division.

SEC. 4. *Bureau of the Public Debt*—(a) *Generally.* (1) The Bureau of the Public Debt, under the direction of the Commissioner of the Public Debt, was created and established by Reorganization Plan III, effective June 30, 1940, as a part of the Fiscal Service of the Treasury Department with responsibility for the administrative functions arising from the Treasury's debt management activities. These functions relate to security issues of the United States, of agencies thereof, of wholly- or partly-owned Government corporations and of the former governments of Puerto Rico and the Philippine Islands.

(2) The Bureau maintains principal offices in Washington, D.C., and Chicago, Ill., and record servicing and storage offices in Parkersburg, W. Va., and Oconomowoc, Wis. The last three are the Bureau's only field offices. The last two do not deal directly with the public. Certain other Treasury offices and the Federal Reserve Banks and branches, as fiscal agents of the United States, act as official agencies for the Bureau in public debt work. Most banks and other financial institutions act as issuing or redemption agents of United States Savings Bonds and Notes.

(3) The securities issued by or under the supervision of the Bureau fall into two general classes: (i) Marketable, negotiable securities (Treasury bonds, notes, certificates of indebtedness, and bills) and (ii) nonmarketable, nonnegotiable securities (issues currently on sale are Savings Bonds of Series E and H, Savings Notes and Retirement Plan Bonds). All are issued pursuant to the Second Liberty Bond Act, as amended, and are subject to the terms of the Treasury Department circulars pursuant to which offered and the applicable Treasury regulations. The text, front or back, of the security usually refers by number to the circular under which it was offered for sale. The Treasury also offers for sale U.S. Savings Stamps which are noninterest bearing securities available through post offices and through sales agents at most schools. The stamps may be redeemed for cash at post offices and Federal Reserve Banks and branches or redeemed as payment for savings bonds at issuing agents for such bonds.

(4) The regulations of the Bureau are codified at 31 CFR, Subtitle B, Ch. II, Subch. B.

(b) *Washington office.* The Bureau offices in Washington consist of the Office of the Commissioner, the Division of Loans and Currency, the Division of Retired Securities, the Division of Public Debt Accounts and Audits, and the Office of the Chief Counsel.

(1) *Office of the Commissioner.* The Commissioner of the Public Debt exercises administrative supervision over the Bureau and coordinates operations with the official agencies mentioned in paragraph (f). The Office prepares the documents necessary to the offering of new issues of public debt securities; directs the processing of subscriptions for and allotments of securities to be issued; formulates regulations governing transactions in public debt securities, and exercises general supervision over sale of the securities and the conduct of transactions therein after issue, either by its own units or by authorized agencies. The Commissioner prescribes specifications for and orders the printing of U.S. securities. Authorized destruction of cancelled and retired public debt securities is under the jurisdiction of the Office.

(2) *Division of Loans and Currency.* The Chief of the Division directs its activities. The Division is responsible for matters relating to registration of securities, exchanges and redemptions; it maintains and services accounts of those securities on which interest is paid by check, and processes claims for relief for lost, stolen, mutilated, or destroyed securities, other than savings bonds and notes. The Division receives, stores, and supplies stocks of all new securities to official agencies.

(3) *Division of Retired Securities.* The Chief of the Division directs its activities. The Division audits and has custody of all cancelled and retired securities, other than savings bonds, savings notes, and retirement plan bonds, and all cancelled and retired interest coupons. It is charged with the delivery of bearer securities and interest coupons for authorized destruction.

(4) *Division of Public Debt Accounts and Audits.* The Chief of the Division directs its activities. This Division maintains accounting control of all public debt financial transactions, interest costs, public debt, and agency security transactions, and of the Bureau offices and the Federal Reserve Banks and branches accountable for public debt and agency securities. It also prepares statements on the public debt for use in the Treasury and for publication in the "Daily Statement of the United States Treasury."

(5) *Office of the Chief Counsel.* The Chief Counsel directs the activities of this Office, which is under the General Counsel of the Treasury. The Office furnishes legal advice to the Commissioner of the Public Debt, the Fiscal Assistant Secretary and other Department officers, concerning public debt and agency securities; formulates legal policies, regulations and opinions, and prepares and/or reviews relevant documents and correspondence. Branches of this Office serve the Division of Loans and Currency in Washington and the Chicago Office.

(c) *Chicago Office.* The Deputy Commissioner-in-Charge directs the activities of this Office. The Office is charged with supervising transactions in savings bonds and savings notes, and savings stamps after their original issue; maintaining and servicing accounts for those savings bonds on which interest is paid by check, and processing claims for relief for lost, stolen, mutilated, or destroyed savings bonds and notes.

(d) *Parkersburg Office.* The Director supervises the activities of this Office, which is a service center, using electronic data processing equipment and techniques, to maintain and develop records for savings bonds, primarily those of Series E in punch-card form, and for savings notes and retirement plan bonds.

(e) *Oconomowoc Office.* This Office is charged solely with depository functions relating to permanent records of the Bureau's activities.

(f) *Official agencies.* (i) The Office of the Treasurer of the United States and the 12 Federal Reserve Banks and 24 branches located in the major cities perform certain functions relating to public debt work. Inquiries concerning securities and security transactions, and requests for Department circulars offering and regulating Public Debt securities and Public Debt forms may be directed to those banks.

(ii) Almost all banks, trust companies, savings and loan association and similar financial institutions serve as either issuing or redeeming agents or both for Series E bonds and should be able to furnish interested persons general information concerning the purchase and redemption of savings bonds.

SEC. 5. *Office of the Treasurer of the United States*—(a) *Generally.* (1) The Office of the Treasurer of the United States was created by the Act of September 2, 1789 (31 U.S.C. 141 et seq.), and established as part of the Fiscal Service of the Treasury Department by Reorganization Plan No. III, effective June 30, 1940, with the responsibility for the receipt, custody, and disbursement, upon proper order, of the public moneys and for maintaining records of the source, location, and disposition of these funds.

(2) The Washington, D.C., Office's organization consists of the Treasurer of the United States and immediate staff; five offices performing administrative or technical type functions, and seven major operating Divisions: Cash, Check Accounting, Check Claims, Currency Redemption, Electronic Data Processing, General Accounts, and Securities.

(3) In lieu of field offices, the Office uses the facilities of Federal Reserve Banks, as fiscal agents of the United States, to perform many of its operations, including (i) maintenance of accounts through which are handled most of the Treasurer's cash transactions, such as deposits of public moneys by Government officers, the cashing of checks for member and nonmember banks drawn on the Treasurer, and the sale and redemption of public debt securities; (ii) redeeming, verifying, and destroying silver certificates and U.S. notes, and (iii) holding collateral to secure Treasurer's cash balances held by commercial banks.

(4) The regulations of the Office of the Treasurer are codified at 31 CFR, Subtitle B, Ch. II, Subch. C.

(b) *Treasurer and immediate staff.* The Treasurer and immediate staff prescribe the policies to be applied within the area of the Treasurer's duties and responsibilities and direct the performance of various administrative functions and services.

(c) *Cash Division.* The Division furnishes a variety of general banking services, including (i) cashing checks drawn on the Treasurer; (ii) receiving deposits from Government officers for credit to the Treasurer's account, and collecting commercial checks, drafts, and postal money orders included in the deposits; (iii) receiving and paying out currency and coin in transactions with local area banks; (iv) selling and redeeming savings bonds and stamps over the counter, and (v) storing and issuing new United States notes.

(d) *Check Accounting Division.* The Division (i) establishes and controls the accounts against which disbursing officers draw checks on the Treasurer; (ii) performs the manual operations involved in reconciling checks paid by the Treasurer with checks issued as reported by disbursing officers; (iii) prepares certain data for entry into an electronic data processing system for paying and reconciling checks, establishes and maintains external accounting controls for transactions processed in the electronic system, and reconciles discrepancies detected therein, and (iv) proves and balances all credits and charges made to the Treasurer's cash accounts by Federal Reserve Banks and other Government depositaries, and compiles data therefrom for financial reports prepared by the Treasurer.

(e) *Check Claims Division.* Acting under authority delegated to the Treasurer by the Comptroller General of the United States, the Division settles claims relating to loss, forgery, or other irregularities involving checks drawn on the Treasurer. The Division also collects money from banks, endorsers, and other parties who are liable to the United States for the improper negotiation of such checks and administers the regulations governing the endorsement and payment of all checks drawn on the Treasurer.

(f) *Currency Redemption Division.* The Division (i) determines and pays the redemption value of all mutilated and burned paper currency presented for examination; (ii) verifies the dollar amount of paper currency deposited with the Treasurer by banks in the Washington, D.C., area; (iii) returns to circulation the fit notes included in such deposits and retires the notes which are unfit for further circulation, and (iv) audits the lower halves of those Federal Reserve notes retired by the Federal Reserve Banks which are not verified and destroyed by the Banks in whole-note form.

(g) *Electronic Data Processing Division.* The Division provides the electronic data processing (EDP) facilities for the Treasurer's Office, which include (i) determining the services required in connection with EDP programs; (ii) designing or modifying computer programs to meet requirements; (iii) performing the EDP operations involved in paying and reconciling approximately 550 million checks drawn upon the Treasurer each year, and (iv) preparing accounting control and summary reports required for Treasury fiscal and budgetary statements and daily reports as to whether individual checks have been paid or are still outstanding.

(h) *General Accounts Division.* The Division (i) maintains the general ledger accounts covering all funds (gold, silver, currency, coin, tax receipts, public debt receipts, etc.) coming into possession of the Treasurer; (ii) keeps certain detail accounts including depositary, transit, and U.S. paper currency accounts, and (iii) prepares the Treasurer's Account Current, the Daily Statement of the United States Treasury, and the monthly statement of United States currency in circulation. The Division also enters in the books of the Treasurer data, reported daily to the Treasurer, on the transactions handled in the name of the Treasurer by the Federal Reserve Banks and domestic and foreign commercial banks which act as Government depositaries.

(i) *Securities Division.* The Division (i) conducts all types of transactions in public debt obligations of the United States and Government corporations and agencies, providing facilities for over-the-counter sales, redemptions, and exchanges; (ii) is special agent for the payment of principal and interest on certain obligations of the Philippine Islands and Puerto Rico, and (iii) holds in custody miscellaneous securities and trust funds, including those held to secure the Treasurer's cash balances in Government depositaries.

SEC. 6. *Public information, submittals or requests, decisions*—(a) *Public information.* Requests for final opinions and orders made in the adjudication of cases, statements of policy and interpretations adopted and not published in the FEDERAL REGISTER, administrative staff manuals and instructions to staff that affect any member of the public, and for other identifiable records or information may be made in person or by correspondence as provided in 31 CFR Part 270 for the Bureau of Accounts, 31 CFR Part 323 for the Bureau of the Public Debt, and 31 CFR Part 351 for the Office of the Treasurer.

(b) *Submittals or requests, decisions.* Submittals, requests for decisions, or other requests may be made in person to the bureaus or offices described above in sections 2 to 5 or by correspondence addressed to the respective heads of such bureaus or offices. If it cannot be determined which bureau or office has primary responsibility for a particular matter, correspondence should be addressed to the Fiscal Assistant Secretary, U.S. Treasury Department, Washington, D.C. 20220.

SEC. 7. *Formal and informal procedures available.* Interested parties may request conferences with appropriate officials of the Fiscal Service to discuss matters within their responsibility.

SEC. 8. *Current statements of organization, functions and procedures available.* Changes in the organization, functions, and procedures available of the Fiscal Service will be published in the FEDERAL REGISTER as they occur, and complete current statements will be published as necessary. A synopsis of the organization and functions of, and the procedures available in, the Fiscal Service will be published annually in the U.S. Organization Manual, a publication of the Office of the Federal Register.

Effective date. This notice shall be effective upon publication in the FEDERAL REGISTER.

Dated: June 29, 1967.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 67-7634; Filed, July 3, 1967; 8:53 a.m.]

DEPARTMENT OF DEFENSE

Department of the Navy

ORGANIZATION STATEMENT

Miscellaneous Amendments

1. Section 6 of the Organization Statement of the Department of the Navy (32 F.R. 8305) is amended by revising paragraphs (a) (2), (b), and (c); correcting the caption of, and adding subparagraph (6) to, paragraph (e); and revising paragraphs (f) (1) (iii) and (g) (1) (ii) to read as follows:

SEC. 6. *The Naval Material Command.*

(a) *Chief of Naval Material.* • • •

(2) The Naval Material Command includes the Headquarters Naval Material Command and six principal subordinate commands, known as the "Systems Commands," which are the Naval Air Systems Command, the Naval Electronic Systems Command, the Naval Facilities Engineering Command, the Naval Ordnance Systems Command, the Naval Ship Systems Command, and the Naval Supply Systems Command; separately organized Project Management offices; and the shore (field) activities which are a part of the NMC.

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(b) *Naval Air Systems Command.* This command is responsible for: (1) Navy and Marine Corps aircraft, complete, including components thereof and fuels and lubricants therefor; (2) air-launched weapon systems, complete, and components thereof, but not including torpedoes and mines except for the airborne aspects thereof; (3) airborne electronics complete; (4) air-launched underwater sound systems; (5) airborne pyrotechnics; (6) astronautics; (7) airborne mine sweeping equipment; (8) aircraft drone and target systems; (9) catapults, arresting gear and visual landing aids; (10) land-based targets for air weapons; (11) photographic and meteorological equipment; (12) training and special and general support equipment for the foregoing; and (13) active and reserve air systems maintenance and support.

(c) *Naval Electronic Systems Command.* This Command is responsible for: (1) Shore (ground) electronics, complete; (2) shipboard electronic equipment (less antenna systems when not an integral part of the basic equipment) under system control of the Ship Systems Command as follows: communications, identification friend-or-foe, electronic countermeasures, and navigation aids; (3) fixed underwater surveillance; (4) material support of Air Systems Command for following electronics equipment: navigation aids, air traffic control, meteorology; (5) space programs as follows: The Navy satellite communications system and material support of the Navy space surveillance system; (6) shore-based strategic data systems: operations control centers; (7) data-link systems (external to ships and aircraft); (8) radiac equipment; (9) general-purpose electronic test equipment and common components, techniques and services; and (10) electronic systems not otherwise assigned.

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(e) *Naval Ordnance Systems Command.* This Command is responsible for:

• • • • •

(6) Providing central coordination and technical authority for explosive safety (conventional and nuclear).

(f) *Naval Ship Systems Command.* (1) This Command is responsible for:

• • • • •

(iii) Establishing the specifications (including those for inspection) necessary to insure the desired quality of fuel and lubricants for use in propulsion and auxiliary machinery and equipment in naval ships.

• • • • •

(g) *Naval Supply Systems Command.* (1) This Command is responsible for:

• • • • •

(ii) Staff assistance to the Assistant Secretary of the Navy (Installations and Logistics) in matters relating to supply, distribution and disposal of naval material.

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2. Section 13 is amended by revising the address of the Oceanographer of the Navy and adding addresses to read as follows:

SEC. 13. *Addresses.* • • •

Oceanographer of the Navy, Madison Building, 732 North Washington Street, Alexandria, Va. 22314. Phone, OXford 5-4002.

• • • • •

Commander, Naval Air Systems Command, Main Navy, 18th Street and Constitution Avenue, Washington, D.C. 20360. Phone OXford 6-2340.

Commander, Naval Electronics Systems Command, Main Navy, 18th Street and Constitution Avenue, Washington, D.C. 20360. Phone, OXford 6-4275.

Commander, Naval Ordnance Systems Command, Munitions Building, 20th Street and Constitution Avenue, Washington, D.C. 20360. Phone, OXford 6-4992.

Commander, Naval Ship Systems Command, Main Navy, 18th Street and Constitution Avenue, Washington, D.C. 20360. Phone, OXford 6-5327.

Commander, Naval Supply Systems Command, Main Navy, 18th Street and Constitution Avenue, Washington, D.C. 20360. Phone, OXford 6-8848.

(Secs. 301, 552, 80 Stat. 379, 383 (Public Law 90-23, 81 Stat. 54, effective July 4, 1967); 5 U.S.C. 201, 552)

By direction of the Secretary of the Navy.

[SEAL] WILFRED HEARN,
Rear Admiral, U.S. Navy, Judge Advocate General of the Navy.

JUNE 27, 1967.

[F.R. Doc. 67-7657; Filed, July 3, 1967; 8:54 a.m.]

Office of the Secretary

DEFENSE CONTRACT AUDIT AGENCY

Organization Statement

Pursuant to the requirements of section 3(a) of the Administrative Procedures Act, as amended (5 U.S.C. 552), there follows a statement for the guidance of the public of the central and field organization of the Defense Contract Audit Agency as of July 1, 1967; the established places at which, the employees from whom and the methods whereby the public may obtain information, and the general course and method by which the Defense Contract Audit Agency's functions are channelled and determined:

Sec.
1 General.
2 Office of the Director.
3 Office of the Counsel.
4 Office of the Deputy for Audit Management.

Sec.
5 Office of the Deputy for Resources Management.
6 Office of the Assistant Director for Review and Evaluation.
7 Regional Offices.
8 Office of the Regional Manager.
9 Office of the Assistant for Special Projects.
10 Office of the Assistant Regional Manager for Audit Management.
11 Office of the Assistant Regional Manager for Resources Management.
12 Field Audit Offices.

SECTION 1. *General.*

(a) *Creation and authority.* The Defense Contract Audit Agency (DCAA) was established by Department of Defense Directive 5105.36, dated June 9, 1965, and began operations on July 1, 1965, as a separate agency of the Department of Defense under the direction, authority and control of the Secretary of Defense.

(b) *Mission.* The mission of the Defense Contract Audit Agency within the Department of Defense is to:

(1) Perform all necessary contract audit for the Department of Defense and to provide accounting and financial advisory services regarding contracts and subcontracts to all Department of Defense components responsible for procurement and contract administration. These services are to be provided in connection with negotiation, administration and settlement of contracts and subcontracts.

(2) Provide contract audit service to other Government agencies as may be appropriate.

(c) *Organization.* The Defense Contract Audit Agency consists of an agency headquarters office located at Building 4, Cameron Station, Alexandria, Va., and seven regional offices. The regional offices manage over 300 field audit offices located throughout the United States and overseas. These field audit offices are called branch, resident and procurement liaison offices. The agency headquarters exercises worldwide direction and control of the agency. The regional offices and their respective field audit offices are responsible for carrying out the contract audit program within their respective regions.

(d) *Requests for information.* Requests for information concerning any matter within the authority of the Defense Contract Audit Agency may be addressed to the Director, DCAA, or to the regional managers of the various regions. Requests for materials available for public inspection and copying should be made to the Director, DCAA, the regional managers of the various regions, or at one of the public reference facilities. Public reference facilities are located at headquarters, DCAA, Building 4, Cameron Station, Alexandria, Va., and at each regional office for inspection of materials available for public inspection. A charge will be made for the preparation of copies.

SEC. 2. *Office of the Director.*

(a) *Director.* The Director exercises world-wide direction and control of the Defense Contract Audit Agency, in the performance of all contract audit for the Department of Defense and other Government agencies upon appropriate request. The Director is responsible directly to the Secretary of Defense, with staff supervision provided by the Assistant Secretary of Defense (Comptroller).

(b) *Deputy Director.* The Deputy Director serves as principal assistant to the Director in all phases of the Agency's management and operations and acts for the Director in his absence.

(c) *Special Assistant to the Director.* The Special Assistant to the Director provides professional advice and consultation to the Director and headquarters staff on the feasibility and application of management techniques and systems to the managerial and operating problems of the Agency, designs and develops new systems for improvement of Agency management, and furnishes advice and guidance on Agency mission development and organization configuration.

(d) *Executive Officer.* The Executive Officer develops plans and policies affecting multiple Defense Contract Audit Agency functions and activities. He reviews or prepares major policy papers and documents formulated within the Office of the Director, processes congressional inquiries, and supervises the operation of the Agency publications systems including regulations, instructions, manuals, memoranda, and forms control.

SEC. 3. *Office of the Counsel.*

The Counsel, subject to the ultimate authority of the General Counsel of the Department of Defense, serves as Counsel to the Director, Defense Contract Audit Agency, providing legal and legislative advice to the Director and to all members of his staff. He has primary responsibility for all legal matters relating to Defense contract audit in the Department of Defense including legal sufficiency of directives, instructions, regulations, determinations and correspondence related thereto.

SEC. 4. *Office of the Deputy for Audit Management.*

(a) *Deputy for Audit Management.* The Deputy for Audit Management performs the following functions:

(1) Acts for and exercises the authority of the Director and Deputy Director, DCAA in formulating contract audit plans, programs, policies and procedures; maintaining liaison with procurement, contract administration, and other Government, industry, and professional organizations with interface in contract audit matters; and in providing technical direction and guidance for the performance of worldwide contract audit service for the Department of Defense and other Government agencies as appropriate.

(2) Exercises executive direction and control over activities of the Policy and Procedures Division, Operations Division and Special Projects Division.

(3) In the absence of the Director and Deputy Director he acts for the Director in exercising management and direction of the Defense Contract Audit Agency.

(b) *Assistant Deputy for Audit Management.* The Assistant Deputy for Audit Management serves as principal assistant to the Deputy for Audit Management in the planning and direction of activities assigned to the Office of the Deputy for Audit Management. He acts for the Deputy in his absence.

(c) *Policy and Procedures Division.* This division evaluates and recommends new or revised contract audit policies, plans, procedures and special audits. The division is comprised of three branches:

(1) *Procurement Liaison Branch.* This branch maintains liaison with the Office of the Secretary of Defense, Military departments, other Department of Defense agencies and other Government procurement and contract administration organizations to ascertain their views regarding contract audit services, provides overall arrangements for Defense Contract Audit Agency audit service, and furnishes information or clarification of the Agency's position in these areas.

(2) *Cost Interpretation Branch.* This branch prepares directives and memoranda providing answers to questions involving interpretation of Armed Services Procurement Regulations cost principles or accounting and costing principles.

(3) *Policy Formulation Branch.* This branch formulates policies and procedures for the conduct of contract audits and the preparation of related reports. This branch also prepares replies to comments and inquiries received from Defense Contract Audit Agency field offices and external sources involving contract audit policy. It participates in discussions and conferences with representatives of Government procurement and contract administration agencies, industry and professional organizations, and defense contractors, with respect to contract audit policy.

(d) *Operations Division.* This division provides technical direction and guidance for contract audits currently being performed; participates in the planning, programming, and scheduling of audit performance; maintains liaison with other Federal departments and agencies in connection with the performance of assist audits; and recommends the development of new or modification of existing audit policies. This division is comprised of an Eastern Audits Branch for DCAA, Boston, New York, Philadelphia, and Atlanta Regions and a Western Audits Branch for DCAA Chicago, San Francisco, and Los Angeles Regions. The functions of both branches are identical.

(e) *Special Projects Division*—(1) *Advanced Audit Technique Branch.* This branch performs the following functions:

(i) Conducts research and studies into pertinent scientific, business, and professional accounting developments to ascertain methods and techniques which can be used to enhance the effectiveness of contract audit.

(ii) Provides on-site or written direction, guidance, and assistance in audit situations involving Electronic Data Processing Systems, PERT–COST and related systems, as well as in those situations requiring advanced application of statistical methods for sampling and other purposes, complex learning curve calculations, and other advanced or improved audit techniques.

(iii) Adapts, formulates, or innovates new or improved audit techniques.

(iv) Provides representation on Government, business and professional committees engaged in the study of advanced accounting and audit techniques.

(2) *Special Audits Branch.* This branch performs the following functions:

(i) Conducts research and studies for the purpose of developing data as to fields in which special audits by the Defense Contract Audit Agency would assist in achieving the objective of more effective procurement and contract administration.

(ii) Formulates the plans and programs for conduct of special audits including concurrent multilocation examinations of selected operations or cost items of defense contractors, to establish patterns, cost criteria or proposed audit techniques, and industrywide studies to appraise unusual accounting or costing principles and practices.

(iii) Provides direction and guidance to regional and field audit offices in the performance of special audits.

(iv) Reviews and evaluates results of special audits and prepares consolidated or summary reports setting forth the overall results of special audits for release to appropriate authorities.

SEC. 5. *Office of the Deputy for Resources Management.*

(a) *Deputy for Resources Management.* The Deputy for Resources Management performs the following functions:

(1) Acts for and exercises authority of the Director and Deputy Director, DCAA in the formulation, direction and execution of plans, programs, policies and procedures related to the management of DCAA resources, including financial management, personnel management and administration, program review and analysis, statistical reporting, management analysis, and general administration activities.

(2) Serves as Deputy to the Director and Deputy Director, DCAA on all matters related to Agency-wide financial management, acquisition and control of manpower and fund resources; personnel management and administration; and Agency-wide management and administration programs.

(3) Directs the development, execution and control of the Defense Contract Audit Agency portion of the Department of Defense Programming System, including the development of short-range (1 year) and long-range (5 to 7 years) objectives of the Agency and the alignment and control of resources requirements.

(4) Maintains executive direction over the implementation, coordination and execution of Department of Defense financial and other management programs required by higher authority, including the Department of Defense Cost Reduction Program and Department of Defense Data Codes and Standardization Program.

(5) Maintains executive direction and control over the negotiation and administration of host-tenant agreements with Department of Defense and other Government agencies furnishing support services to Defense Contract Audit Agency organizational elements.

(6) Exercises executive direction over activities of the Financial Management Division, Personnel Division and Management Divison.

(b) *Financial Management Division*—(1) *Budget Branch.* This branch performs the following functions:

(i) Develops and directs the execution of plans, programs, policies and procedures for the Defense Contract Audit Agency Budget Program, including the determination of financial and budgetary resource requirements; preparation and presentation of DCAA budget estimates, justifications and other data to higher review authority; distribution and administration of appropriated funds and reimbursement obligation authority; and the establishment and maintenance of systems for programming and execution of the approved DCAA budget.

(ii) Prepares financial analyses and long-range forecasts of overall financial requirements for Agency operations. Renders staff assistance in obtaining required financial resources; determines the availability of funds for assigned programs and missions; and recommends measures to facilitate effective and economical utilization of appropriations for Agency programs.

(iii) Maintains continuous review and analysis on the status of allotments and financial plans to ascertain the availability of funds for assigned programs and missions. Reviews, recommends approval or adjustments, and furnishes financial and budgetary guidance to all Agency elements in the preparation and justification of financial plans and allotment requests.

(2) *Accounting Branch.* This branch performs the following functions:

(i) Develops and directs the execution of plans, programs, policies and procedures for Defense Contract Audit Agency accounting activities, including appropriation and fund accounting, and financial reporting.

(ii) Maintains the central summary accounting system for the Agency and performs headquarters reconciliation of available balances of appropriations and funds.

(iii) Provides accounting and financial advisory services to all organizational elements of the Defense Contract Audit Agency.

(iv) Maintains the financial accounting record and consolidates financial reports received from field offices and prepares summary financial data for management use.

(3) *Manpower Branch.* This branch performs the following functions:

(i) Develops and directs the execution of plans, programs, policies and procedures for the Agency's Manpower Program, including manpower planning and programming, control and utilization of manpower resources, and reporting on manpower requirements.

(ii) Assists in the development of workload factors, criteria and standards which may be used in determining the distribution of manpower and in support of budget and apportionment requests.

(iii) Maintains detailed records on the availability and distribution of manpower resources and prepares manpower reports as required.

(c) *Personnel Division*—(1) *Policy and Programs Branch.* This branch performs the following functions:

(i) Develops and directs the execution of Defense Contract Audit Agency personnel management activities, including the formulation of plans, policies, regulations, and procedures relating to position and pay management; recruitment; career management; employee relations and services; personnel program review and evaluation.

(ii) Establishes and directs an Agency-wide program for assistance, advice and counsel at all organizational levels of the Agency with respect to the interpretation and application of policy and regulations relating to civilian personnel administration. Directs all personnel administration activities relating to any military personnel detailed to the Agency.

(iii) Develops and directs the Agency recruitment program.

(iv) Develops and directs the administration of Agency-wide employment practices and employee services programs including items such as hours of work and overtime, retirement, leave administration, reduction in force and the planning for and completion of personnel actions relating to promotions, reassignments, transfer of functions and reorganizations.

(v) Conducts personnel research or assists in the application of new or evolving personnel management concepts, philosophy, standards, methods and techniques to personnel management and administration throughout Defense Contract Audit Agency.

(vi) Develops and administers individual or group employee relations programs, including employee-management cooperation; grievances, complaints and appeals; disciplinary actions; equal employment opportunity; employee communications; work conditions; and related matters.

(vii) Establishes and directs an Agency program for the review and evaluation of all aspects of personnel management program operations.

(2) *Employee Development and Placement Branch.* This branch performs the following functions:

(i) Develops and directs the administration of Agencywide programs relating to employee development and training of the professional, technical, managerial and clerical staff. Coordi-

nates technical training plans and programs with the professional audit staffs.

(ii) Studies trends and developments in the employee development field. Appraises new principles, concepts, methods, training devices, materials and techniques to determine their possible application to the Agency training programs.

(d) *Management Division*—(1) *Analysis Branch.* This branch performs the following functions:

(i) Develops and administers systems for the acquisition, analysis and presentation of the Agency program and management information required by Agency management for the control of operations including the development and application of standards for measuring performance and for estimating resources requirements, development and application of statistical techniques, and application of electronic data processing systems whenever reliability, consistency, timeliness and relative economy show clearly that required management information can best be handled this way.

(ii) Conducts continuing analyses of Agency policies, practices, systems and procedures to identify problem areas and to increase economy and effectiveness of operations.

(iii) Maintains liaison with management activities of other Government agencies, industry and professional associations to keep abreast of latest developments and applications of new or refined techniques in the management sciences field.

(2) *Security and Records Management Branch.* This branch performs the following functions:

(i) Develops programs, policies, and procedures for DCAA Security Programs, including security investigations; personnel security investigations and clearances; physical security; safeguarding and control of classified defense and nondefense information, security training, and security surveys and inspections.

(ii) Represents the Defense Contract Audit Agency on foreign or domestic intelligence matters, and maintains professional liaison with investigative agencies of the Department of Defense, other Government agencies, defense contractors, and local, State, or municipal governments.

(iii) Develops and executes plans, programs, policies, and procedures for the Records Management Program governing the creation, maintenance, utilization, and preservation or disposal of Agency records, encompassing correspondence management, document reproduction control, information retrieval system, records preservation or disposal, records management surveys and appraisals, and records reference service.

(3) *Administrative Services Branch.* This branch performs the following functions:

(i) Develops and executes programs, policies and procedures for Agency-wide administrative services and support programs.

(ii) Processes correspondence and maintains controls for timely completion of communication actions.

(iii) Maintains the headquarters technical library, publishes the Agency directory and headquarters telephone directory.

SEC. 6. *Office of the Assistant Director for Review and Evaluation.*

(a) *Assistant Director for Review and Evaluation.* The Assistant Director for Review and Evaluation plans and directs Agency-wide review and evaluation activities including the independent inspection and appraisal for the Director of all aspects of audit performance and the adequacy of all supporting resources, the development and issuance of Agency audit standards, direct participation and responsibility for the Agency professional development program, and the direction and promotion of the optimum degree of professional activities on the part of the Agency professional staff. He exercises executive direction and control over the activities of the Inspection Division, Audit Standards Division, and Professional Activities Division.

(b) *Inspection Division.* This division conducts a program of inspection throughout Defense Contract Audit Agency with respect to the adequacy of manpower, facilities, equipment, funding and other support and adequacy of all aspects of audit performance.

(c) *Audit Standards Division.* This division develops and issues Agency audit standards in collaboration with the Office of the Deputy for Audit Management. With the Office of the Deputy for Resources Management this division participates in the development of regulatory material for the Agency professional education program and develops curricula and course material for formal professional education or training courses.

(d) *Professional Activities Division.* This division establishes and maintains liaison with the professional accounting, administrative and instructional staffs in colleges and universities to assure that curricula, courses and course content more nearly meet the needs of the accountants and auditors who may work for the Federal Government. It is responsible for formulation and administration of a program for encouraging the Agency professional audit staff to write articles for publication in professional journals and to otherwise participate in the activities of professional societies and organizations.

SEC. 7. *Regional Offices.*

The geographical limits of the seven Defense Contract Audit Agency regions and their headquarters are listed in the subjoined table. Address communications to the Regional Manager.

(a) *Atlanta Region.* Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, Arkansas, Louisiana, Oklahoma, Texas, New Mexico. Address: 3100 Maple Drive NE., Atlanta, Ga. 30305.

(b) *Boston Region.* Connecticut, Massachusetts, Maine, New Hampshire, New York (except New York City), Vermont. Address: 424 Trapelo Road, Waltham, Mass. 02154.

(c) *Chicago Region.* Illinois, Indiana, Kentucky, Michigan, Ohio, Wisconsin. Address: 536 South Clark Street, Chicago, Ill. 60605.

(d) *Los Angeles Region.* Southern California, Arizona and part of Nevada. Address: 1031 South Broadway, Los Angeles, Calif. 90015.

(e) *New York Region.* Metropolitan New York City, New Jersey, Rhode Island, Europe, Near East. Address: 207 West 24th Street, New York, N.Y. 10011.

(f) *Philadelphia Region.* Delaware, Maryland, Pennsylvania, Virginia, West Virginia. Address: 128 North Broad Street, Philadelphia, Pa. 19102.

(g) *San Francisco Region.* Northern California, Colorado, Kansas, Idaho, Iowa, Minnesota, Missouri, Montana, North Dakota, Nevada, Oregon, South Dakota, Washington, Southern Illinois, Alaska, Hawaii, Far East. Address: 450 Golden Gate Avenue, San Francisco, Calif. 94102.

SEC. 8. *Office of the Regional Manager.*

The Regional Manager acts as principal advisor to the Director on all matters pertaining to the operations of his region. His responsibility includes:

(a) He directs and administers the accomplishment of the Defense Contract Audit Agency mission within the region, including the management of personnel and other resources.

(b) He manages the contract audit program in the region, including the examination of contractors' representations as to incurred or projected costs under proposed, current, terminated and completed contracts, and the rendering of advice to procurement and contract administration offices within the Department of Defense and other agencies as appropriate, and he directs the programming of contract audit service.

(c) He directs the organization, management and administration of activities concerned with regional resources management, and directs and supervises the operations of resident, branch and liaison audit offices within the geographical area of the region.

SEC. 9. *Office of the Assistant for Special Projects.*

The Office of the Assistant for Special Projects performs the following functions:

(a) Provides technical direction over the regional program relating to improved and advanced audit techniques. Conducts or provides assistance on the Agency program for research and studies into pertinent scientific, business, and professional accouting developments for the purpose of utilizing available methodology and techniques to enhance the effectiveness of contract audit.

(b) Provides regional on-site or written direction, guidance, and assistance in audit situations involving Electronic Data Processing Systems, PERT-COST and related systems, and in audit situations requiring advanced application of statistical methods used for sampling and other purposes, complex learning-curve calculations, and other advanced audit techniques.

(c) Conducts research and studies of regional activities and recommends fields in which special audits would assist in achieving the objectives of effective procurement and contract administration and reviews and evaluates results of special audits performed by the region for appropriateness of audit findings, conclusions and recommendations and for conformance with audit policies, procedures and objectives.

SEC. 10. *Office of the Assistant Regional Manager for Audit Management.*

Each regional office is assigned two (2) Assistant Regional Managers for Audit Management, responsible for branch, resident and liaison offices located within an assigned area of jurisdiction of the region. One Assistant Regional Manager is designated to act for the Regional Manager during his temporary absence. Each Assistant Regional Manager for Audit Management performs the following functions:

(a) Provides technical direction over planning, programming, supervision, and performance of contract audit functions by branch, resident and liaison audit offices.

(b) Participates in the implementation of improved and advanced audit techniques and in the conduct of special audits. Identifies fields in which special audits are indicated as needed to achieve more effective procurement and contract administration.

(c) Recommends corrective action with respect to problems of general administration and management based on deficiencies observed during trips to field audit offices. Recommends the development of new or modification of existing audit policies.

SEC. 11. *Office of the Assistant Regional Manager for Resources Management.*

(a) *Assistant Regional Manager for Resources Management.* The Assistant Regional Manager for Resources Management plans and directs the Resources Management activities of the region including financial management, personnel administration and management; administrative support and services; and the regional security program. He recommends or assists in the development of new or improved policies and procedures for application to resources management activities.

(b) *Financial Management and Administrative Division*—(1) *Financial Management Branch.* This branch performs the following functions:

(i) Prepares regional budget estimates and executes the regional financial plan; accounts for funds allocated to the region.

(ii) Supervises the receipt, processing and collection of reimbursable orders received from non-Defense agencies.

(iii) Establishes regional manpower controls and the collection and reporting of workload data and the application of criteria and standards to determine manpower requirements.

(iv) Supervises and administers the regional program reporting activity and provides regionwide management analysis services.

(2) *Administrative Branch.* This branch performs the following functions:

(i) Provides the necessary services for official travel performed by regional office personnel.

(ii) Provides the supplies and equipment necessary for regional operations and other related services.

(iii) Administers the regional security control program including the regional personnel security clearance program; and the application of the measures required to safeguard defense information.

(c) *Personnel Division.* This division plans and conducts the regional recruitment program for auditor and nonauditor personnel and visits colleges with regional audit staff members to interview accounting-major students for possible appointment with DCAA. This division also analyzes civilian personnel administration policies, procedures, regulations and guides, and prepares regional instructions, if necessary.

SEC. 12. *Field Audit Offices.*

Requests for the addresses of the branch offices, resident offices and procurement liaison offices should be made to the regional office serving the area.

(a) *Branch Office.* A branch office is established at a strategically situated location within the region, responsible for performance of all Department of Defense contract audit service within the assigned geographical area on a mobile basis, exclusive of contract audit service performed by a resident office or liaison office within the area. Each branch office performs the following functions:

(1) Plans, develops, and executes a comprehensive, integrated program to perform all necessary contract auditing for the Department of Defense and designated other Government agencies within the geographic area, and provide accounting and financial advisory service in connection with the negotiation, administration and settlement of contracts and subcontracts.

(2) Prepares and releases audit reports on contract audit activities performed for assigned contractors located within the branch geographical area. Supervises, furnishes administrative support for, and issues all contract audit reports prepared by assigned suboffices.

(3) Maintains liaison and represents other Government agencies in discussions with management officials of contractors within the assigned geographic area.

(b) *Resident Office.* A resident office is established at a contractor's location whenever the amount of audit workload justifies the assignment of a permanent staff of auditors and support elements. Each resident office performs the following functions:

(1) Plans, develops and executes a comprehensive, integrated audit program to perform all necessary contract auditing for the Department of Defense, and provide accounting and financial advisory service, in connection with the negotiation, administration and settlement of contracts and subcontracts.

(2) Prepares and releases audit reports on contract audit activities performed by the resident office. Supervises, furnishes administrative support for, and issues all contract audit reports prepared by assigned suboffices.

(3) Provides contract audit service to other contractors on a mobile audit basis where no DCAA branch office is located within the immediate geographical area.

(4) Maintains liaison with and represents the Defense Contract Audit Agency in discussions with management officials of the contractor and Department of Defense procurement and contract administration offices.

(c) *Procurement Liaison Office.* A liaison office is established at a Department of Defense procurement or contract administration office within the region, when required on a permanent basis to provide effective communication and coordination between procurement and contract audit activities in the interest of achieving the objectives of prudent contracting. Each liaison office performs the following functions:

(1) Plans, develops, and executes a liaison program to assure full utilization of contract audit services by procurement and contract administration offices within the region, serve as audit advisors, and ascertain the measure of client satisfaction.

(2) Participates in prenegotiation and negotiation conferences at request of procurement and contracting officers and furnishes advisory services in connection therewith.

(3) Furnishes accounting and financial advice to procurement and contract administration personnel and officials, such as information on contractors' accounting systems, estimating systems, the financial sections of business clearances, negotiation memoranda, etc.

(d) *Suboffice.* A suboffice is established by the regional manager as an extension of an officially established branch office, or in unusual circumstances by a resident office, when required by that office to furnish special on-site contract audit service on a permanent basis. A suboffice performs the same contract audit services as the branch or resident office to which it is assigned.

Dated: June 29, 1967.

WILLIAM B. PETTY,
Director.

[F.R. Doc. 67-7672; Filed, July 3, 1967; 8:54 a.m.]

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

STATEMENT OF ORGANIZATION

Revocation

Effective July 4, 1967, the Statement of Organization of the Immigration and Naturalization Service (19 F.R. 8071, December 3, 1954), as amended, is revoked.

Dated: June 29, 1967.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 67-7682; Filed, July 3, 1967; 8:52 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. I-1292; Classification No. 11-01-1-67]

IDAHO

Notice of Classification of Public Lands for Multiple Use Management

JUNE 27, 1967.

1. Pursuant to the Act of September 19, 1964 (78 Stat. 986; 43 U.S.C. 1411-18) and to the regulations in 43 CFR, Parts 2410 and 2411, all of the public lands in the area described below, together with any lands therein that may become public lands in the future are classified for multiple use management. Publication of this notice has the effect (a) of segregating all the public land in the described area below from appropriation only under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. Sec. 334) and from sales under Section 2455 of the Revised Statutes (43 U.S.C. 1171) and (b) of further segregating the lands described in paragraph 3 of this notice from the operation of the general mining laws (30 U.S.C. 21). Except as provided in (a) and (b) above the lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. The public lands affected are located within the following described area and are shown on maps designated I-1-607 (1), on file in the Boise District Office, Bureau of Land Management, and in the Land Office, Bureau of Land Management, Boise, Idaho.

BOISE MERIDIAN, IDAHO

T. 9 S., R. 2 W.,
Secs. 13 and 14;
Secs. 23 to 26, inclusive;
Secs. 35 and 36.
T. 10 S., R. 3 W.,
Secs. 1 to 4, inclusive;
Secs. 9 to 16, inclusive;
Secs. 21 to 28, inclusive;
Secs. 33 to 36, inclusive.
T. 11 S., R. 3 W.,
Secs. 1 to 4, inclusive;
Secs. 10 to 15, inclusive;
Secs. 22 to 26, inclusive;
Secs. 35 and 36.
T. 12 S., R. 3 W.,
Secs. 1 and 2;
Secs. 11 to 14, inclusive;
Secs. 24, 25 and 36.
T. 13 S., R. 3 W.,
Secs. 1, 12, 13, 24, and 25.
T. 9 S., R. 2 W.,
Secs. 13 to 36, inclusive.
Tps. 10, 11, 12, and 13 S., R. 2 W.
T. 14 S., R. 2 W.,
Secs. 1 to 5, inclusive;
Secs. 9 to 13, inclusive;
Secs. 24 and 25.
T. 6 S., R. 1 W.,
Sec. 1;
Secs. 11 to 15, inclusive;
Secs. 22 to 27, inclusive;
Secs. 34 to 36, inclusive.
T. 7 S., R. 1 W.,
Secs. 1 to 3, inclusive;
Secs. 9 to 16, inclusive;
Secs. 19 to 36, inclusive.
Tps. 8, 9, 10, 11, 12, 13, and 14 S., R. 1 W.
T. 15 S., R. 1 W.,
Secs. 1 to 13, inclusive;
Sec. 24.
T. 5 S., R. 1 E.,
Secs. 20 to 29, inclusive;
Secs. 31 to 36, inclusive.
Tps. 6, 7, 8, 9, 10, 11, 12, 13, and 14 S., R. 1 E.
T. 5 S., R. 2 E.,
Secs. 19 to 21 inclusive;
Secs. 28 to 33, inclusive.
T. 6 S., R. 2 E.,
Secs. 4 to 9, inclusive;
Secs. 14 to 36, inclusive.
T. 7 S., R. 2 E.,
Secs. 1 to 11, inclusive;
Sec. 13, S½;
Secs. 14 to 36, inclusive.
Tps. 8, 9, 10, 11, 12, 13, and 14 S., R. 2 E.
T. 6 S., R. 3 E.,
Secs. 19, 30, and 31.
T. 7 S., R. 3 E.,
Sec. 6, W½;
Secs. 13 to 17, inclusive;
Sec. 18, E½, SW¼;
Secs. 19 to 36, inclusive.
Tps. 8, 9, 10, 11, 12, 13, and 14 S., R. 3 E.
T. 7 S., R. 4 E.,
Secs. 17 to 20, inclusive;
Secs. 29 to 33, inclusive.
Tps. 8, 9, 10, 11, 12, 13, and 14 S., R. 4 E.
T. 15 S., R. 4 E.,
Secs. 1 to 3, inclusive;
Sec. 4, lots 15 and 16;
Sec. 9, lots 6, 7, and 8;
Secs. 10 to 15, inclusive;
Sec. 21, lots 5 and 7;
Secs. 22 to 27, inclusive;
Sec. 33, lots 6, 7, and 8;
Secs. 34 to 36, inclusive.
T. 16 S., R. 4 E.,
Secs. 1 to 3, inclusive;
Sec. 4, lots 5, 6, and 7;
Secs. 10 to 15, inclusive;
Secs. 22 to 27, inclusive.
T. 7 S., R. 5 E.,
Secs. 34 to 36, inclusive.
Tps. 8, 9, 10, 11, 12, 13, 14, 15, and 16 S., R. 5 E.
T. 7 S., R. 6 E.,
Secs. 31 to 35, inclusive.
Tps. 8, 9, 10, 11, 12, 13, 14, 15, and 16 S., R. 6 E.
T. 8 S., R. 7 E.,
Secs. 19, 30, 31, and 32.
T. 9 S., R. 7 E.,
Sec. 19;
Secs. 29 to 32, inclusive.
T. 10 S., R. 7 E.,
Secs. 4 to 9, inclusive;
Secs. 14 to 36, inclusive.
T. 11 S., R. 7 E.,
Secs. 2 to 11, inclusive;
Secs. 14 to 23, inclusive;
Secs. 26 to 34, inclusive.
T. 12 S., R. 7 E.,
Secs. 3 to 10, inclusive;
Secs. 15 to 22, inclusive;
Secs. 27 to 34, inclusive.
T. 13 S., R. 7 E.,
Secs. 3 to 9, inclusive;
Secs. 16 to 20, inclusive;
Secs. 30 and 31.
T. 14 S., R. 7 E.,
Secs. 6, 7, 18, and 19;
Secs. 29 to 32, inclusive.
T. 15 S., R. 7 E.,
Secs. 5 to 8, inclusive;
Secs. 17 to 20, inclusive;
Secs. 29 to 33, inclusive.
T. 16 S., R. 7 E.,
Secs. 4 to 9, inclusive;
Secs. 16 to 22, inclusive;
Secs. 27 to 34, inclusive.

The area described contains approximately 1,424,300 acres of public land.

3. As provided in paragraph 1 above, the following lands are further segregated from appropriation under the general mining laws:

BOISE MERIDIAN, IDAHO

MUD FLAT SITE

T. 9 S., R. 2 W.,
Sec. 35, W½NW¼.

CAMAS CREEK SITE

T. 10 S., R. 2 W.,
Sec. 24, lot 4;
Sec. 25, lots 1 and 2, S½NW¼NE¼, N½SW¼NE¼, S½NE¼NW¼, SE¼NW¼NW¼, SW¼NW¼, N½SE¼NW¼, SW¼SE¼NW¼.
T. 10 S., R. 1 W.,
Sec. 30, lot 1.

HOLE-IN-ROCK SITE

T. 8 S., R. 4 E.,
Sec. 26, W½SE¼NW¼, SW¼NW¼, N½NW¼SW¼, NW¼NE¼SW¼.

INDIAN BATHTUB SITE

T. 8 S., R. 6 E.,
Sec. 3, lot 3, SW¼, NW¼SE¼.

DEER WATER SITE

T. 8 S., R. 6 E.,
Sec. 29, SW¼SW¼SE¼, SE¼SE¼SW¼;
Sec. 30, NW¼NW¼NE¼, NE¼NE¼NW¼.

BRUNEAU CANYON OVERLOOK SITE

T. 8 S., R. 7 E.,
Sec. 31, E½NE¼;
Sec. 32, W½NW¼.

INDIAN HOT SPRINGS SITE

T. 12 S., R. 7 E.,
Sec. 32, E½E½SE¼, SW¼SE¼SE¼;
Sec. 33, NE¼NW¼, E½NW¼NW¼, SW¼NW¼NW¼, SW¼NW¼, NW¼SE¼NW¼.
T. 13 S., R. 7 E.,
Sec. 5, lots 1 and 2.

The total area of these sites is approximately 1,168 acres.

4. For a period of thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER, interested parties may submit comments to the Secretary of the Interior, LLM, 721, Washington, D.C. 20240 (43 CFR 2411.1-2(d)).

JOE T. FALLINI,
State Director.

[F.R. Doc. 67-7565; Filed, July 3, 1967; 8:47 a.m.]

[C-1003]

COLORADO

Notice of Offering of Land for Sale

JUNE 27, 1967.

Notice is hereby given that under the provisions of the Act of September 19, 1964 (78 Stat. 988), and pursuant to an Application from the city of Cortez, Colorado, the Secretary of the Interior will offer for sale the W½NW¼, section 23, T. 36 N., R. 16 W., New Mexico Principal Meridian, Colorado, containing 80 acres.

The land has been classified as chiefly valuable for the orderly growth of the city of Cortez, Colorado, for use as an industrial site. The tract is zoned C-1 commercial-industrial which permits certain specific uses and such other uses as the city council may determine. The tract adjoins the present north city limits of Cortez. It is bounded on the west by the paved Lebanon Road and on the north by a graveled county road.

It is the intention of the Secretary to enter into an agreement with the City Council of Cortez to permit the city to purchase the land at the appraised market value.

Patent to the land issued under the Act of September 19, 1964, supra, shall contain a reservation to the United States of rights of way for ditches and canals under the Act of August 30, 1890 (43 U.S.C. sec. 945), and of all the mineral deposits which shall thereupon be withdrawn from appropriation under the public land laws, including the mining and mineral leasing laws. The patent will also be issued subject to such rights as the Empire Electric Association, Inc., may have for transmission line purposes under the Act of February 15, 1901 (31 Stat. 790; 43 U.S.C. 959).

J. ELLIOTT HALL,
Manager, Colorado Land Office.

[F.R. Doc. 67-7566; Filed, July 3, 1967; 8:47 a.m.]

[A 709]

ARIZONA

Order Opening Public Lands to Mineral Location, Entry, and Patent

By virtue of the authority of the Act of April 23, 1932 (47 Stat. 136; 43 U.S.C. 154) and the regulations thereunder contained in 43 CFR 3400.4; it is ordered as follows:

1. Subject to valid existing rights and the provisions of existing withdrawals, the following described lands shall, commencing at 10 a.m., on August 7, 1967, be open to location, entry, and patenting under the U.S. Mining Laws, subject to the stipulations hereinafter quoted, to be executed and acknowledged in favor of the United States by the locators, for themselves, their heirs, successors, and assigns, and recorded in the county records and in the U.S. Land Office at Phoenix, Ariz., before any rights attach by virtue of this order:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 3 S., R. 12 E.,
Sec. 33, S½;
Sec. 34, N½, W½SW¼, NE¼SW¼, NW¼SE¼;
Sec. 35, NW¼, NW¼NE¼.
T. 4 S., R. 12 E.,
Sec. 4, lots 1, 2, 3, and 4;
Sec. 5, lot 1, W½ of lot 3, and E½ of lot 4.

The areas described contain 1,234.32 acres.

2. The lands lie within the withdrawal for the Middle Gila River project made by Public Land Order No. 3835, dated September 27, 1965, and in part, within the withdrawal for the San Carlos Indian Irrigation project made by Public Land Order No. 141 dated June 16, 1943, and Power Site Classification 438, dated November 16, 1956.

3. Location, entry, and/or patenting of the lands shall be subject to the following stipulations:

a. In carrying on the mining and milling operations contemplated hereunder, locator will, by means of substantial dikes or other adequate structures, confine all tailings, debris, and harmful chemicals in such a manner that the same shall not be carried into Gila River Bottom lands by storm waters or otherwise.

b. There shall be reserved to the United States, its successors and assigns, the prior right to use any of the lands to construct, operate and maintain dams, dikes, reservoirs, canals, wasteways, laterals, ditches, telephone and telegraph lines, electric transmission lines, roadways and appurtenant irrigation structures, without payment by the United States or its successors for such right, and the locator shall agree that if the construction of any or all of such dams, dikes, reservoirs, canals, wasteways, laterals, ditches, telephone and telegraph lines, electric transmission lines, roadways, or appurtenant irrigation structures across, over or upon said lands should be made more expensive by reason of the existence of improvements or workings of the locator thereon, the total of such additional expense shall be estimated by the Secretary of the Interior, whose estimate is to be final and binding, and within 30 days after demand is made upon the locator for payment of any such sums, the locator will make payment thereof to the United States or its successors constructing such dams, dikes, reservoirs, canals, wasteways, laterals, ditches, telephone and telegraph lines, electric transmission lines, roadways, or appurtenant irrigation structures across, over, or upon said lands. The United States, its officers, agents and employees and its successors and assigns shall not be held liable for any damage to the improvements or workings of the locator resulting from the construction, operation, and maintenance of any of the works hereinabove enumerated.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, 3022 Federal Building, Phoenix, Ariz. 85025.

FRED J. WEILER,
State Director.

JUNE 27, 1967.

[F.R. Doc. 67-7567; Filed, July 3, 1967; 8:47 a.m.]

[Serial No. I-1518; Classification No. 11-03-1-67]

IDAHO

Notice of Proposed Classification of Public Lands for Multiple Use Management

JUNE 28, 1967.

1. Pursuant to the Act of September 19, 1964 (78 Stat. 986; 43 U.S.C. 1411-18) and to the regulations in 43 CFR, Parts 2410 and 2411, it is proposed to classify for multiple-use management all of the public lands in the area described below, together with any lands therein that may become public lands in the future. Publication of this notice has the effect (a) of segregating all the public land in the described area below from appropriation only under the following agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. Sec. 334) and from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171) and (b) of further segregating the lands described in paragraph 3 of this notice from the operation of the general mining laws (30 U.S.C. 21). Except as provided in (a) and (b) above the lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (43 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. The public domain lands affected are located within the following described area in Butte County and are shown on maps designated I-3-607(1), on file in the Idaho Falls District Office, Bureau of Land Management, and in the Land Office, Boise, Idaho.

BOISE MERIDIAN, IDAHO, BUTTE COUNTY

T. 2 N., R. 23 E.,
Secs. 1, 2, 11, 12, 13, and 24, those portions lying within Butte County.
T. 3 N., R. 23 E.,
Secs. 25, 26, 35, and 36, those portions lying within Butte County.
T. 1 N., R. 24 E.,
Secs. 4, 5, 8, 9, 16, 17, 20, 21, 28, 29, 32, and 33.
T. 2 N., R. 24 E.,
Sec. 1;
Secs. 3 to 10, inclusive;
Sec. 11, NE¼, S½NW¼, and S½;
Secs. 12 to 15, inclusive;
Sec. 16, N½ and N½S½;
Secs. 17, 18, 19, 20, 23, 24, 26, 33, and 33, all those portions lying within Butte County.
T. 3 N., R. 24 E.,
Secs. 1 to 4, inclusive;
Secs. 9 to 16, inclusive;
Sec. 17, S½SE¼;
Secs. 19 to 34, inclusive.
T. 4 N., R. 24 E.,
Sec. 1, NE¼NE¼, NE¼NW¼NE¼, S½NW¼NE¼, S½NE¼, NE¼SE¼NW¼, S½SE¼NW¼, and S½;
Sec. 2, S½NE¼SE¼ and SE¼SE¼;
Secs. 10 to 15, inclusive;
Sec. 19;
Secs. 21 to 28, inclusive;
Sec. 30;
Secs. 33 to 36, inclusive.
T. 1 N., R. 25 E.,
Secs. 1, 2, and 11 to 14, inclusive.
T. 2 N., R. 25 E.,
Secs. 1 to 26, inclusive;
Secs. 35 and 36.
T. 3 N., R. 25 E.,
Sec. 4, N½ and N½S½;
Secs. 5 to 8, inclusive;
Secs. 18 and 19;
Sec. 23, S½;
Secs. 24, 25, and 26;
Sec. 27, NE¼, S½NW¼, and S½;
Sec. 28;
Sec. 29, SE¼NE¼ and E½SE¼;
Sec. 31, E½NE¼ and S½;
Secs. 32 to 36, inclusive.
T. 4 N., R. 25 E.,
Secs. 1 to 24, inclusive;
Secs. 28 to 33, inclusive.

T. 5 N., R. 25 E.,
Secs. 12 and 13;
Sec. 14, NE¼NE¼NE¼, S½NE¼NE¼, SE¼NE¼, NE¼SW¼, S½SW¼, and SE¼;
Secs. 21 to 27, inclusive, lying within Butte County;
Sec. 28, NE¼, NE¼SE¼NW¼, S½SE¼NW¼, and S½;
Sec. 29, S½SW¼, NE¼SE¼, NE¼NW¼SE¼, S½NW¼SE¼, and S½SE¼;
Secs. 31 to 36, inclusive, lying within Butte County.
T. 7 N., R. 25 E.,
Sec. 23, SE¼, those portions within Butte County;
Sec. 24, NE¼, E½NW¼, and S½;
Secs. 25, 26, and 35, those portions within Butte County.
Tps. 1 and 2 N., R. 26 E.,
All.
T. 3 N., R. 26 E.,
Secs. 3 and 4;
Sec. 5, E½ and E½W½;
Secs. 8 and 9;
Sec. 10, N½NW¼;
Secs. 19, 21, 22;
Sec. 23, W½SW¼;
Sec. 24, S½NE¼, SE¼NW¼, and S½;
Secs. 25 to 28, inclusive;
Sec. 29, S½S½;
Secs. 30 to 36, inclusive.
T. 4 N., R. 26 E.,
Secs. 1, 3, 5, 7, 11, 12, 13, 14, and 18;
Sec. 19, W½E½NW¼, W½NW¼, and W½SW¼;
Secs. 23, 24, 25, and 28;
Sec. 29, S½S½;
Secs. 32 and 33.
T. 5 N., R. 26 E.,
Secs. 2 and 3;
Sec. 7, S½NE¼, NE¼SW¼NW¼, S½SW¼NW¼, SE¼NW¼, SW¼, and W½SE¼;
Sec. 10, NE¼NE¼, E½NW¼NE¼, SE¼NE¼, E½NE¼SE¼, and E½W½NE¼SE¼;
Sec. 11;
Sec. 12, W½;
Sec. 13, W½;
Secs. 14 and 17 to 20, inclusive;
Secs. 23 to 26, inclusive;
Secs. 29 to 32, inclusive;
Sec. 35, NE¼, E½NE¼NW¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 36.
T. 6 N., R. 26 E.,
Secs. 5, 6, and 8;
Sec. 9, W½;
Sec. 21, NE¼, E½NW¼, N½SE¼, and SE¼SE¼;
Sec. 22;
Sec. 26, W½;
Secs. 27, 34, and 35.
T. 7 N., R. 26 E.,
Sec. 18, S½S½;
Sec. 19;
Sec. 20, W½;
Sec. 29, W½;
Secs. 30 and 31;
Sec. 32, W½.
T. 8 N., R. 26 E.,
Sec. 1.
T. 9 N., R. 26 E.,
Secs. 1 to 31, inclusive;
Secs. 35 and 36.
T. 10 N., R. 26 E.,
Secs. 1 to 12, inclusive;
Sec. 13, W½, and W½SE¼;
Secs. 14 to 23, inclusive;
Sec. 24, W½NE¼, SE¼NE¼, W½, and SE¼;
Secs. 25 to 36, inclusive.
T. 1 N., R. 27 E.,
All.
T. 2 N., R. 27 E.,
All.
T. 3 N., R. 27 E.,
Secs. 1, 2, and 3;
Sec. 11, N½, NE¼SW¼, E½SE¼SW¼, and SE¼;
Secs. 12, 13, and 14;
Sec. 19, S½NW¼, and S½;
Sec. 20, E½NE¼, S½SW¼, and SE¼;
Sec. 21, all;
Sec. 22, W½SW¼, SE¼SW¼, SE¼;
Secs. 23 to 36, inclusive.
T. 4 N., R. 27 E.,
All.
T. 5 N., R. 27 E.,
Sec. 19;
Secs. 25 to 36, inclusive.
T. 6 N., R. 27 E.,
Sec. 1;
Sec. 2, N½;
Sec. 3, N½;
Secs. 12 and 13;
Sec. 14, SE¼;
Sec. 23, E½;
Secs. 24 and 25;
Sec. 26, E½;
T. 7 N., R. 27 E.,
Secs. 1 to 4, inclusive;
Secs. 9, 10, and 11;
Sec. 12, W¼NW¼SW¼, SE¼NW¼SW¼, and SW¼SW¼;
Secs. 13 to 16, inclusive;
Secs. 21 to 28, inclusive;
Secs. 34, 35, and 36.
T. 8 N., R. 27 E.,
Secs. 1 and 2;
Sec. 3, NE¼NE¼, W½NW¼SW¼, and S½SW¼;
Secs. 4 to 9, inclusive;
Sec. 10, W½ and W½W½SW¼SE¼;
Sec. 11, NE¼, NE¼NW¼, E½SE¼NW¼, and SE¼;
Secs. 12 to 17, inclusive;
Secs. 20 to 29, inclusive;
Secs. 33 to 36, inclusive.
T. 9 N., R. 27 E.,
Secs. 2 and 3;
Sec. 4, N½NW¼SW¼, N½SE¼, N½SE¼SE¼, and SE¼SE¼SE¼;
Secs. 5, 6, and 7;
Sec. 8, N½, SW¼, W½SE¼, and W½E½SE¼;
and W½E½SE¼;
Secs. 10, 11, 13, and 14;
Sec. 15, NE¼, NE¼SE¼NW¼, S½SE¼NW¼, E½SW¼, and SE¼;
Sec. 17, W½NE¼NE¼, W½NE¼, SE¼NE¼, W½, and SE¼;
Secs. 18, 19, and 20;
Sec. 22, NE¼, NE¼NW¼, E½SW¼NW¼, SE¼NW¼, NE¼SW¼, E½NW¼SW¼, E½W½NW¼SW¼, S½SW¼, and SE¼;
Secs. 23 to 33, inclusive;
Sec. 34, N½, NE¼NE¼SW¼, N½SE¼, E½SW¼SE¼, and SE¼SE¼;
Secs. 35 and 36.
T. 10 N., R. 27 E.,
Secs. 4 to 9, inclusive;
Secs. 15, S½;
Secs. 16 to 22, inclusive;
Sec. 23, W½;
Sec. 26, W½;
Sec. 27;
Sec. 28, N½, N½SW¼, N½SW¼SW¼, SE¼SW¼SW¼, SE¼SW¼, and SE¼;
Secs. 29 to 32, inclusive;
Sec. 33, N½NE¼, E½SW¼NE¼, E½W½SW¼NE¼, SE¼NE¼, N½NE¼NW¼, SE¼NE¼NW¼, SW¼SW¼, NE¼SE¼, E½NW¼SE¼, E½W½NW¼SE¼, E½SW¼SE¼, E½W½SW¼SE¼, and SE¼SE¼;
Secs. 34 and 35.
T. 1 N., R. 28 E.,
All.
T. 3 N., R. 28 E.,
Sec. 5, lots 1 to 4, inclusive, S½NW¼ and NW¼SW¼;
Sec. 6.
T. 4 N., R. 28 E.,
Sec. 1;
Secs. 5 to 8, inclusive;
Sec. 9, W½;
Secs. 12 and 13;
Secs. 16 to 23, inclusive;
Sec. 24, N½, SW¼, N½SE¼, and SW¼SE¼;
Sec. 25, NW¼NW¼;
Sec. 26, N½, N½SW¼, SW¼SW¼, and NW¼SE¼;
Secs. 27 to 32, inclusive;
Sec. 33, N½, SW¼, and N½SE¼;
Sec. 34, NW¼NE¼, N½NW¼, and SW¼NW¼.
T. 5 N., R. 28 E.,
Secs. 1, 2, 12, 13, 24, and 31.
T. 6 N., R. 28 E.,
Secs. 1 to 12, inclusive;
Sec. 13, NW¼NW¼;
Sec. 14, N½NE¼NE¼, SE¼NE¼NE¼, N½NW¼NE¼, SW¼NW¼NE¼, W½SW¼NE¼, W½, W½SE¼, and W½SE¼SE¼;
Secs. 15 to 23, inclusive;
Sec. 24, SW¼NW¼ and W½SW¼;
Sec. 25, W½E½NW¼NW¼, W½NW¼NW¼, SW¼NW¼, S½S½NE¼SW¼, W½SW¼, SE¼SW¼, and S½SE¼;
Secs. 26 to 30, inclusive;
Secs. 35 and 36.
T. 7 N., R. 28 E.,
Secs. 1 to 6, inclusive;
Sec. 8, E½NE¼, E½NE¼SE¼, E½W½NE¼SE¼, and E½SE¼SE¼;
Secs. 9 to 16, inclusive;
Sec. 18, W½NE¼SW¼, SE¼NE¼SW¼, W½SW¼, SE¼SW¼, SW¼SE¼, S½N½SE¼SE¼, and S½SE¼SE¼;
Secs. 19 and 20;
Sec. 21, NE¼, W½SW¼, SE¼SW¼, and SE¼;
Secs. 22 to 36, inclusive.
T. 8 N., R. 28 E.,
Secs. 5 to 8, inclusive;
Secs. 16 to 23, inclusive;
Secs. 25 to 31, inclusive;
Sec. 32, NE¼, E½NW¼, E½NE¼SW¼, and SE¼;
Secs. 33 to 36, inclusive.
T. 9 N., R. 28 E.,
Sec. 19, S½;
Sec. 20, SW¼;
Sec. 29, W½;
Secs. 30 and 31;
Sec. 32, W½.
T. 1 N., R. 29 E.,
All.
T. 4 N., R. 29 E.,
Sec. 5, NW¼NE¼ and W½;
Secs. 6 and 7;
Sec. 8, N½NW¼, SW¼NW¼, and NW¼SW¼;
Sec. 18, N½NE¼, SW¼NE¼, W½, and NW¼SE¼;
Sec. 19, N½NW¼ and SW¼NW¼.
T. 5 N., R. 29 E.,
Sec. 4;
Sec. 5, W½NW¼NE¼, SE¼NW¼NE¼, S½NE¼, W½, and SE¼;
Secs. 6 to 9, inclusive;
Secs. 17 to 20, inclusive;
Sec. 21, W½W½;
Secs. 29, 30, and 31;
Sec. 32, W½E½ and W½.
T. 6 N., R. 29 E.,
Sec. 1, S½;
Sec. 2, S½;
Sec. 3, W½ and SE¼;
Sec. 4;
Sec. 5, N½SW¼, N½SW¼SW¼, N½SE¼, and SE¼SE¼;
Sec. 6, N½, SW¼, N½SE¼, SW¼SE¼, and N½SE¼SE¼;
Sec. 8;
Sec. 9, N½, E½SW¼, and SE¼;
Sec. 10, 11, and 12;
Sec. 13, N½, N½SW¼, N½SW¼SW¼, N½S½SW¼SE¼, N¼SE¼SW¼, N½SE¼SW¼, N½S½SE¼SW¼, N½SW¼SE¼, N¼SW¼SE¼, and N½N½SE¼SE¼;

Sec. 14, N½, N½NE¼SW¼, SE¼NE¼SW¼, N½SE¼, N½SE¼SE¼, and S½S½SE¼SE¼;
Sec. 15, N½NE¼, N½S½NE¼, N½NW¼, and N½S½NW¼;
Sec. 30;
Sec. 31, S½SW¼NE¼, SE¼NE¼, W½NW¼, W½SE¼NW¼, SE¼SE¼NW¼, and S½;
Sec. 32.
T. 7 N., R. 29 E.,
Secs. 6, 7, 18, and 19;
Sec. 29, W½, and SE¼;
Secs. 30, 31, and 32.
T. 8 N., R. 29 E.,
Sec. 31, S½;
T. 10 N., R. 29 E.,
Secs. 4, 5, 6, 8, 9, 16, 17, 21, and 28.
T. 1 N., R. 30 E.,
Secs. 4 to 9, inclusive;
Secs. 16 to 21, inclusive;
Secs. 28 to 33, inclusive.
T. 6 N., R. 30 E.,
Secs. 4 to 9, inclusive;
Secs. 16 and 17;
Sec. 18, N½, N½SW¼, N½SW¼SW¼, SE¼SW¼, and SE¼;
Secs. 19, 20, 21, and 28;
Sec. 29, NE¼.
T. 7N., R. 30 E.,
Secs. 2, 3, 4, 9, 10, 11, 14, and 15;
Sec. 16, E½;
Sec. 21, E½;
Secs. 22, 23, 26, 27, 28, 33, 34, and 35.
T. 1 S., R. 27 E.,
All.
T. 1 S., R. 28 E.,
All.
T. 1 S., R. 29 E.,
All.
T. 1 S., R. 30 E.,
Secs. 4 to 9, inclusive;
Secs. 16 to 21 inclusive;
Secs. 28 to 33, inclusive.

The area described aggregates approximately 572,600 acres.

3. As provided in paragraph 1 above, the following lands are further segregated from appropriation under the general mining laws:

BOISE MERIDIAN, IDAHO

BERRENICE ARCHEOLOGICAL SITE

T. 6 N., R. 30 E.,
Sec. 7, All;
Sec. 8, All;
Sec. 17, N½N½;
Sec. 18, NE¼NE¼.

LITTLE LOST CAMPGROUND

T. 9 N., R. 27 E.,
Sec. 6, lot 2, SW¼NE¼,NW¼SE¼.

BADGER CREEK CAMPGROUND

T. 9 N., R. 27 E.,
Sec. 26, W½SE¼, SW¼NE¼.

WET CREEK CAMPGROUND

T. 9 N., R. 26 E.,
Sec. 20, SW¼NW¼.

DRY CREEK CANAL CAMPGROUND

T. 10 N., R. 26 E.,
Sec. 36, S½SE¼.

HAWLEY MT. CAMPGROUND

T. 9 N., R. 26 E.,
Sec. 4, S½NW¼.

KIPUKA

T. 1 N., R. 24 E.,
Sec. 29, NW¼.

These areas aggregate 2,076.52 acres.

4. For a period of sixty (60) days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections concerning the proposed classification may present their views in writing to the Idaho Falls District Manager, Bureau of Land Management, Box 1667, Idaho Falls, Idaho 83401.

5. A public hearing on this proposed classification will be held at 10 a.m. on July 27, 1967, in the Memorial Building in Arco, Idaho.

JOE T. FALLINI,
State Director.

[F.R. Doc. 67-7626; Filed, July 3, 1967; 8:51 a.m.]

Geological Survey

[No. 5]

ARIZONA

Coal Land Classification Order

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and as delegated to me by Departmental Order 2563, May 2, 1950, under authority of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), the following described lands, insofar as title thereto remains in the United States, are hereby classified as shown:

GILA AND SALT RIVER MERIDIAN, ARIZONA

NONCOAL LANDS:

T. 4 S., R. 18 E.,
Secs. 1 to 36, inclusive.
T. 4 S., R. 19 E.,
Secs. 5 to 10, inclusive;
Sec. 11, lots 1 to 4, inclusive;
Sec. 12, lot 1;
Sec. 13;
Sec. 14, lots 1 and 2, S½NE¼, W½, SE¼;
Secs. 15 to 36, inclusive;
M.S. 2372.
T. 4 S., R. 20 E.,
Secs. 15 to 36, inclusive.

The area described aggregates about 52,696 acres.

Dated: June 13, 1967.

R. H. LYDDAN,
Acting Director.

[F.R. Doc. 67-7563; Filed, July 3, 1967; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

National Agricultural Library

LOCATION, ORGANIZATION, FUNCTIONS, AVAILABILITY OF INFORMATION

A. *Location.* The National Agricultural Library is located in Washington, D.C. Its address is: South Agriculture Building, Independence Avenue between 12th and 14th Streets SW., Washington, D.C. 20250. The main reference room and the adjacent public card catalog and book stacks, Room 1052, South Agriculture Building, are open to the public from 8:45 a.m. to 5 p.m. Monday through Friday.

B. *Organization.* The Library operates under a Director, with an Assistant Director for each of the following main service areas: (1) Technical Services; (2) Public Services; (3) Field and Special Services; and (4) Program Coordination Services. Three branch libraries are maintained in the Washington Metropolitan Area. The Law Branch, Room 2016, South Agriculture Building, is responsible for the law collection and the compilation of legislative histories. Bee Culture Branch, located at Beltsville, Md., contains the major portion of the Library's collection on apiculture. The Beltsville Branch, also located at Beltsville, Md., provides on-site service to research workers at the Agricultural Research Center and the Plant Industry Station.

C. *Functions.* The following assignment of functions is made to the National Agricultural Library at 29 F.R. 16218 as amended:

a. Acquisition and preservation of all information concerning agriculture.

b. Formulation of immediate and long-range library policies, procedures, practices, and technical standards necessary for acquisition, cataloging, loan, bibliographic, and reference service to meet the needs of scientific, technical, research, and administrative staffs of the Department, both in Washington and the field.

c. Evaluating special library programs developed for agencies of the Department; exercising such controls as are needed to coordinate library services in the Department and to avoid duplication of effort.

d. Provision of consultative service in library science and documentation, including systems for information storage and retrieval, to Department officials.

e. Coordination of scientific and technical information activities of the Department.

f. Coordination of the collection policy and program of the National Agricultural Library with the Library of Congress and the National Library of Medicine.

g. Representation of the Department on library matters before congressional committees, in international library activities, in professional societies, and in science information and documentation activities; and cooperation with other Government agencies and educational institutions on all matters relating to library services.

h. Authority to make grants under section 2 of the Act of August 4, 1965 (7 U.S.C. 450b).

D. *Availability of information—Library collection.* The National Agricultural Library collection contains approximately 1,263,000 volumes including publication in 50 languages currently acquired from over 155 governments and jurisdictional entities. The Library makes available to research workers of the Department, agricultural colleges and universities, research installations, other Government agencies, agricultural associations, industry, individual scientists, farmers, and the general public, the agricultural knowledge of the world as contained in the literature. It collects current and historical published material and organizes them for maximum use

through reference services, loans of publications or photo-reproduction, and bibliographical services. The Library issues a monthly "Bibliography of Agriculture" in which is indexed the agricultural literature of the world, and a biweekly "Pesticides Documentation Bulletin," a computer-produced index to the world's pesticide related literature. The Library also provides cataloging information to a commercial publisher for inclusion in the monthly "National Agricultural Library Catalog," a listing of currently acquired titles. Photocopies or microfilms of any material in the collection of the Library are available from the National Agricultural Library, Photoduplication Section, Washington, D.C. 20250. Fees will be charged in accordance with the Department's fee schedule published by the Director, Office of Plant and Operations.

Records. Official records of the Library are available to the public upon request for inspection and copying, except records which are exempt under 5 U.S.C. 522(b). Exempt records of the Library include the following:

1. Interagency or intra-agency memoranda or letters which would not be available by law to a party other than an agency in litigation with the agency.

2. Personnel and medical files and similar files the disclosure of which would constitute an invasion of personal privacy.

Records of the library which are available for copying may be copied with facilities furnished by the Library upon payment of the applicable fee.

Appeals procedure. Persons who are denied access to information for inspection or copying may appeal in writing to the Director of the Library within 30 days of the date of denial. The Director will advise in writing the person so denied as to the availability of the information requested.

Additional information. Further information on the organization (including organization charts), publications, activities, and programs of the Library may be obtained from the National Agricultural Library, Program Coordination Services, Room 1420, South Agriculture Building, Washington, D.C. 20250.

Effective date. This notice shall become effective July 4, 1967.

Done at Washington, D.C., this 28th day of June 1967.

KIRBY B. PAYNE,
Acting Director.

[F.R. Doc. 67-7640; Filed, July 3, 1967; 8:53 a.m.]

Office of Budget and Finance

ORGANIZATION, FUNCTIONS AND AVAILABILITY OF INFORMATION

Notice is hereby given for the guidance of the general public as to the organization, functions, and availability of records in the Office of Budget and Finance, U.S. Department of Agriculture, pursuant to 5 U.S.C. 552, 559.

Organization and functions. The Office of Budget and Finance is a staff agency of the Department of Agriculture located in Washington, D.C. It is comprised of the following units:

Office of the Director.
Division of Budget Policies and Operations.
Budget Review Staff.
Division of Budgetary and Financial Reporting.
Division of Accounting Policies and Systems.
Division of Legislative Reporting.

The Office is supervised by the Director of Finance who is also the Department's Budget Officer. He is responsible for all matters related to administration of the Department's financial affairs, including the general direction, coordination, supervision, organization and management of the following activities:

a. Budgetary administration, including all phases of acquisition, distribution and control of funds;

b. Financial administration, including accounting and related activities;

c. Budgetary and financial reporting;

d. Legislative reporting and related activities.

In connection with these responsibilities, he (1) formulates and promulgates Departmental policies, procedures and regulations, (2) provides staff assistance to the Secretary, other officers of the Secretary's Office, and to agency officials, and (3) reviews budgetary, financial, legislative and fiscal management aspects of program operations and proposals. He represents the Department in contacts with the Bureau of the Budget, the General Accounting Office, the Treasury, Congressional Committees on Appropriations, and any other organizations or agencies on matters related to his responsibilities.

The Office also assists the Assistant Secretary for Administration on matters involving his responsibility for management of committees sponsored by the Department.

Basic functions of the Office involve financial management policies and procedures of an internal nature in administration of the Department.

Field organization. The Office of Budget and Finance has no field organization.

Public information, submittals and requests. Requests for information within the authority of the Office shall be identified with reasonable specificity and shall be made to the Deputy Director, Office of Budget and Finance, U.S. Department of Agriculture, Washington, D.C. 20250. He will determine whether the specific information requested is available for release.

Availability of records. The Office of Budget and Finance has in its possession records obtained from other agencies of the Department and other departments and agencies of the U.S. Government. Where the question of the availability of a record is determined to be primarily the responsibility of another agency, the request will be referred to that agency for processing in accordance with that agency's regulations, and the person submitting the request shall be so notified. The decision of the responsible officer of that agency with respect to such record shall be honored by the Office of Budget and Finance.

All records of the Office of Budget and Finance are open for inspection, and copies may be furnished on request, except exempt records which include the following:

(1) Intra-agency and interagency memorandums and letters which would not be available by law to a private party other than an agency in litigation with the Department. This would include, but not be limited to, agency and department budget estimates and supporting materials used in developing the President's Budget.

Application for information. Records not exempted are made available, upon request, on regular business days, 9 a.m. to 5:30 p.m. Any special service, such as copying or duplication, or supplying material already duplicated, may entail charges as prescribed by the Director of the Office of Plant and Operations.

Administrative appeals. If a request for information is denied, an appeal may be made in writing to the Director of the Office of Budget and Finance within 15 days from the date of denial for his final determination.

Effective date. This notice shall be effective July 4, 1967.

Done at Washington, D.C., this 29th day of June 1967.

CHARLES L. GRANT,
Director of Finance.

[F.R. Doc. 67-7636; Filed, July 3, 1967; 8:53 a.m.]

Office of Information

ORGANIZATION, FUNCTIONS AND AVAILABILITY OF RECORDS

Pursuant to 5 U.S.C. 552, notice is hereby given for the guidance of the general public as to the organization, functions, and availability of records of the Office of Information.

ORGANIZATION AND FUNCTIONS

SECTION 1. *Organization.* The Office of Information is a staff agency of the Secretary of Agriculture located in Washington, D.C. It is organized into eight divisions which together carry out the functions described in section 2. The Office has no field organization.

SEC. 2. *Functions.* The Office provides policy direction, review, and coordination of all information programs of the Department. This includes the final review, illustrating, printing, and distribution of publications; clearance and release of press, radio, television, and magazine materials, filmstrips, and slide sets; maintenance of central files of news and general illustration-type photographs; the preparation and distribution of exhibits and motion pictures. The Office also produces visual information materials, such as motion pictures, exhibits, art and graphics materials, and still photographic work for the Department and other Government agencies.

AVAILABILITY OF RECORDS

SEC. 3. *Records.* All records developed by the Office are available for public inspection or copying except exempt records as described in Section 4.

SEC. 4. *Exemptions.* Exempt records of the Office include matters that are:

(a) Specifically required by Executive order to be kept secret;

(b) Related solely to the internal personnel rules and practices of the Office;

(c) Specifically exempted from disclosure by statute;

(d) Trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(e) Inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the Department. This includes, but is not limited to, manuscripts, press releases, and other current information material being prepared for release;

(f) Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; or

(g) Investigatory files compiled for law enforcement purposes except to the extent available by law to a party other than the agency.

SEC. 5. *Delegation of authority.* The Deputy Director of Information is authorized to act, on behalf of the Office of Information, on all requests in accordance with 5 U.S.C. 552, as implemented by this notice.

SEC. 6. *Requests.* Requests for the Office's records shall (1) be made to the "Deputy Director of Information, Office of Information, Room 406-A Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250," and (2) identify each record sought with reasonable specificity. Requests may be submitted in person or by mail.

SEC. 7. *Determinations.* The Deputy Director of Information shall make promptly available any of the Office's records, unless he determines that it is an exempt record. The Deputy Director shall give prompt written notice of any such determination, together with the reasons therefor.

SEC. 8. *Appeals.* A denial by the Deputy Director of Information of any request for a record or records may be appealed by the person who made the request to the Director of Information. The appeal shall be made in writing within 15 days of the date of the Deputy Director's notice of his action. The Director will give written notice of the Office's final determination.

SEC. 9. *Inspection and copies.* A person who has requested available records shall be promptly notified that, upon payment of applicable fees, he may inspect and copy such records (or copies), and purchase copies or extracts thereof, in the office of the Deputy Director of Information, on business days from 9:30 a.m. to 5:00 p.m. Copies of such records may also be purchased by mail. The applicable fees are prescribed by the Director, Office of Plant and Operations, USDA.

Effective date. The provisions of this notice are effective on July 4, 1967.

HAROLD R. LEWIS,
Director of Information.

JUNE 29, 1967.

[F.R. Doc. 67-7639; Filed, July 3, 1967; 8:53 a.m.]

Rural Community Development Service

PUBLIC INFORMATION

The Rural Community Development Service (RCDS) hereby establishes the following rules for the implementation of 5 U.S.C. 552(a)(2) and 552(a)(3).

AVAILABILITY OF MATERIAL

Sec.
1 Memorandums, bulletins, Chairman's instructions.
2 Federal programs available to assist rural America.
3 Agreements with other Federal agencies.
4 Index.
5 Facilities for inspection; copies.

AVAILABILITY OF IDENTIFIABLE RECORDS

10 Requests.
11 Delegation of authority.
12 Available records.
13 Exempt records.
14 Determinations.
15 Appeals.
16 Inspection and copies.

AUTHORITY: The provisions hereof are issued under 5 U.S.C. 552, 559.

AVAILABILITY OF MATERIAL

SECTION 1. *Memorandums, bulletins, Chairman's instructions.* The RCDS acts as secretariat for the Rural Areas Development Board which issues from time to time memorandums, bulletins, Chairman's instructions, and related material for guidance of Rural Areas Development Board members and Technical Action Panels in initiating and implementing programs designed to improve rural areas.

SEC. 2. *Federal programs available to assist rural America.* The RCDS maintains a looseleaf binder as an in-service tool to identify the major Federal programs that are available to assist rural areas.

SEC. 3. *Agreements with other Federal agencies.* The RCDS enters into memorandums of understanding and other working arrangements with other Federal agencies to achieve cooperation and maximum benefits of programs available in rural areas.

SEC. 4. *Index.* The RCDS will maintain and make available for public inspection and copying a current index providing identifying information for all documents made available pursuant to sections 1, 2, and 3.

SEC. 5. *Facilities for inspection; copies.* Facilities for public inspection and copying of the material described in the foregoing sections will be provided in a reading area in the office of the Deputy Administrator of the RCDS in Room 203-E, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250. Copies of such material, except the looseleaf binder of Federal Programs Available to Assist Rural America, may be obtained in person or by mail. Applicable fees are prescribed in the regulations issued by the Director, Office of Plant and Operations, Department of Agriculture.

AVAILABILITY OF IDENTIFIABLE RECORDS

SEC. 10. *Requests.* Requests for records shall (a) be made to the Deputy Administrator, RCDS, Room 203-E, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, and (b) identify each record sought with reasonable specificity. Requests may be submitted in person or by mail.

SEC. 11. *Delegation of authority.* Subject to section 15 the Deputy Administrator, RCDS, is authorized to act on behalf of the RCDS on all requests in accordance with 5 U.S.C. 552 as implemented hereby.

SEC. 12. *Available records.* The RCDS will promptly make available all hereinbefore mentioned records requested in accordance with section 10 except (a) the looseleaf binder described in section 5, and (b) exempt records described in section 13.

SEC. 13. *Exempt records.* Exempt records of the RCDS include matters that are:

(a) Specifically required by Executive order to be kept secret.

(b) Related solely to RCDS internal personnel rules and practices.

(c) Specifically exempted from disclosure by statute.

(d) Trade secrets and commercial or financial information obtained from a person and privileged or confidential. Among RCDS records in this class are trade secrets and such information obtained in connection with project feasibility studies.

(e) Intra-agency and inter-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the RCDS. Among records in this class are intra-agency memorandums or letters containing opinions, estimates, judgments, recommendations, or reports of internal deliberations relating to proposed projects in rural areas. Examples of such records are economic studies and analyses performed or prepared by the RCDS for the Economic Development Administration.

(f) Personnel and medical files and similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(g) Investigatory files compiled for law enforcement purposes except to the extent available by law to a party other than an agency.

SEC. 14. *Determinations.* The Deputy Administrator, RCDS, shall make promptly available any RCDS record as provided herein, which is requested in accordance with section 10, unless he determines that it is an exempt record. The Deputy Administrator shall give prompt written notice of any such determination.

SEC. 15. *Appeals.* A denial by the Deputy Administrator of any request for an RCDS record or records may be ap-

pealed by the person who made the request to the Administrator of RCDS. The appeal shall be made in writing within 15 days after the date of the Deputy Administrator's notice of denial. The Administrator will give written notice of RCDS's final determination.

SEC. 16. *Inspection and copies.* A person who has requested available records shall be promptly notified that, upon payment of applicable fees, he may inspect and copy such records, and purchase copies or extracts of such records which are for sale, in the office of the Deputy Administrator on business days from 9:30 a.m. to 5 p.m. Copies of such records also may be purchased by mail. The applicable fees are those prescribed in the regulations issued by the Director, Office of Plant and Operations, Department of Agriculture.

Effective date: The provisions hereof are effective on July 4, 1967.

Done at Washington, D.C., this 29th day of June 1967.

KENNETH M. BIRKHEAD,
Administrator of the Rural Community Development Services.

[F.R. Doc. 67-7641; Filed, July 3, 1967; 8:53 a.m.]

Cooperative State Research Service

ORGANIZATION, FUNCTIONS, AND AVAILABILITY OF INFORMATION

Organization and function. The Cooperative State Research Service is a coordinating and review staff located wholly in Washington, D.C., in the Administration Building, Department of Agriculture at 14th and Independence Avenue SW. Administration of CSRS includes an overall Administrator, an Associate Administrator, and three Assistant Administrators—one for formula funds, one for regional and nonformula funds and one for Cooperative Forestry Research. The staff is organized functionally under Directors of Research Programs for: Economics, Marketing, Rural and Community Development; Animal Science; Plant Science; Utilization; and, Human Nutrition and Consumer Use. The Service administers funds for payments and grants to State agricultural experiment stations and other eligible institutions for the support of research in agriculture, the rural home, the rural community and forestry. This administration involves supervision of the funds, and close advisory relations with the State agricultural experiment stations, schools of forestry, and other institutions eligible to receive funds. The agency participates in planning and coordination of research programs among the States and between the States and the U.S. Department of Agriculture.

Availability of staff manuals, instructions, progress reports and related material. The Cooperative State Research Service has three manuals for administrative use, all of which are available upon request to the public, including:

USDA Miscellaneous Publication 963 (August 1964)—Administrative Manual for the Hatch (Experiment Station) Act.
USDA Agriculture Handbook 324 (August 1966)—Administrative Manual for the McIntire-Stennis Cooperative Forestry Research Program.
CSRS-OD-1062 (November 1963)—Manual of Procedures for Cooperative Regional Research.

Descriptions of pertinent forms are included in the latter two manuals. Information on all other forms is available from agency officers.

CSRS will make available for public inspection and copying its administrative staff manuals and instructions to staff, progress reports and related material affecting any member of the public except those exempt from disclosure pursuant to the provisions of 5 U.S.C. 552(b).

Availability of identifiable records. Requests for CSRS records pursuant to 5 U.S.C. 552(a)(3), shall (1) be made in writing to, "Assistant to the Administrator, Cooperative State Research Service, U.S. Department of Agriculture, Washington, D.C. 20250," and (2) identify each record sought with reasonable specificity. Requests may be submitted in person or by mail. Fees may be charged for furnishing information in accordance with Departmental schedule of fees for such services, published by the Director, Office of Plant and Operations.

CSRS will promptly make available all CSRS records requested except exempt records as herein described. Exempt records include the following:

(1) Matters that are related solely to the internal personnel rules and practices of the agency.

(2) Matters that are specifically exempted from disclosure by statute.

(3) Matters that are intragency and interagency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency.

(4) Trade secrets and commercial or financial information obtained from a person and privileged or confidential. Among CSRS records in this class are: Comprehensive review reports, constituting recommendations of a panel which has been requested to join with a group, usually a department at a State station, for intensively reviewing their own research program with a view toward its improvement; State-station salary data, assembled, arranged and interpreted annually by CSRS in cooperation with State-station directors; and Research progress information, which by its very nature is provisional, subject to change in interpretation with the acquisition of additional data. CSRS advises persons seeking research progress information to contact the appropriate State-station director or forestry school executive for permission to use research conclusions.

(5) Matters that are personnel and medical files and similar files, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(6) Investigatory files compiled for law enforcement purposes, except to the extent available by law to a party other than an agency.

The Assistant to the Administrator, CSRS, shall make promptly available any CSRS record requested unless he determines that it is an exempt record. He shall give prompt written notice of any such determination, together with the reasons therefor.

A denial by the Assistant to the Administrator, CSRS, of any request for a CSRS record or records may be appealed, by the person who made the request, to the Administrator of CSRS. The appeal shall be made in writing within 15 days of the date of the Assistant to the Administrator's notice of his action. The Administrator will give written notice of CSRS final determination.

A person who has requested available records shall be promptly notified that upon payment of applicable fees, he may inspect and copy such records (or copy), and purchase copies or extractions thereof in the office of the Assistant to the Administrator, on business days from 9:30 a.m. to 5 p.m. Copies of such records may also be purchased by mail.

Effective date. The provisions of this Notice, issued pursuant to 5 U.S.C. 552, 559, shall become effective July 4, 1967.

Done at Washington, D.C., this 30th day of June 1967.

T. C. BYERLY,
Administrator, Cooperative State Research Service.

[F.R. Doc. 67-7677; Filed, July 3, 1967; 8:54 a.m.]

Federal Extension Service

ORGANIZATION, FUNCTIONS, AND AVAILABILITY OF INFORMATION

A. *Organization—Central organization.* The Federal Extension Service is an agency of the U.S. Department of Agricultre and is located in Washington, D.C. The Federal Extesion Service is headed by an Administrator, assisted by a Deputy Administrator and four Assistant Administrators with programs conducted by eight divisions:

1. Division of Agricultural Sciences and Technology
2. Division of Community Resource Development
3. Division of Extension Research and Education
4. Division of 4-H and Youth Development
5. Division of Home Economics
6. Division of Marketing and Utilization Sciences
7. Division of Management Operations
8. Division of Personnel Development and Management

Field organizations. The Federal Extension Service carries out its responsibilities in cooperation with Extension Services of the State land-grant universities and colleges. The Federal and State organizations together are known as the Cooperative Extension Service. Each of the States, Puerto Rico, and the Virgin Islands has a Director of Extension who represents jointly the Department of Agriculture and the State land-grant university or college. In each State, Puerto Rico, and the Virgin Islands, the organization consists of a State administrative, subject-matter, and supervisory staff with headquarters at the following addresses:

Auburn University, Auburn, Ala.
University of Alaska, College, Alaska
University of Arizona, Tucson, Ariz.
University of Arkansas, Little Rock, Ark.
University of California, Berkeley, Calif.
Colorado State University, Fort Collins, Colo.
University of Connecticut, Storrs, Conn.
University of Delaware, Newark, Del.
University of Florida, Gainesville, Fla.
University of Georgia, Athens, Ga.
University of Hawaii, Honolulu, Hawaii
University of Idaho, Moscow, Idaho
University of Illinois, Urbana, Ill.
Purdue University, Lafayette, Ind.
Iowa State University, Ames, Iowa
Kansas State University, Manhattan, Kans.
University of Kentucky, Lexington, Ky.
Louisiana State University, Baton Rouge, La.
University of Maine, Orono, Maine
University of Maryland, College Park, Md.
University of Massachusetts, Amherst, Mass.
Michigan State University, East Lansing, Mich.
University of Minnesota, St. Paul, Minn.
Mississippi State University, State College, Miss.
University of Missouri, Columbia, Mo.
Montana State University, Bozeman, Mont.
University of Nebraska, Lincoln, Nebr.
University of Nevada, Reno, Nev.
University of New Hampshire, Durham, N.H.
Rutgers—The State University, New Brunswick, N.J.
New Mexico State University, University Park, N. Mex.
New York State College of Agriculture, Ithaca, N.Y.
North Carolina State University, Raleigh, N.C.
North Dakota State University, Fargo, N. Dak.
Ohio State University, Columbus, Ohio
Oklahoma State University, Stillwater, Okla.
Oregon State University, Corvallis, Oreg.
The Pennsylvania State University, University Park, Pa.
University of Puerto Rico, Rio Piedras, P.R.
University of Rhode Island, Kingston, R.I.
Clemson University, Clemson, S.C.
South Dakota State University, Brookings, S. Dak.
University of Tennessee, Knoxville, Tenn.
Texas A&M University, College Station, Tex.
Utah State University, Logan, Utah
University of Vermont, Burlington, Vt.
College of the Virgin Islands, St. Thomas, V.I.
Virginia Polytechnic Institute, Blacksburg, Va.
Washington State University, Pullman, Wash.
West Virginia University, Morgantown, W. Va.
University of Wisconsin, Madison, Wis.
University of Wyoming, Laramie, Wyo.

County Extension offices are maintained in almost every county in the United States. Offices are usually at the county seat and located in post office buildings or county courthouses. Addresses and telephone numbers may be obtained by consulting local telephone directories. Each county office has a county agricultural agent. The number of county offices having home demonstration agents and 4-H club agents varies.

B. *Functions.* The Cooperative Extension Service, in carrying on a system of Extension work in agriculture, home economics, and related subjects, is responsible for helping people identify and solve problems in the fields of agriculture (including marketing), family living, youth development, and community resource development through the use of research findings of the Department of Agriculture and the State land-grant universities and colleges.

In carrying out its Cooperative Extension Service functions, the Federal Extension Service is responsible for:

1. The administration of the Smith-Lever Act as amended (7 U.S.C. 341-849).
2. Educational and demonstration work in cooperative farm forestry conducted under section 5 of the act of June 7, 1924, as amended by the act of October 26, 1949 (16 U.S.C. 568).
3. Educational and demonstration work of the Agricultural Marketing Act of 1946 (U.S.C. 1623-1627).
4. Educational leadership for the Department's farm safety educational program.
5. Providing a focal point of contact and working relationships with national town-country church leaders and demonstrational and interdenominational church organizations. This work is carried on in cooperation with other agencies of the Department and with the State Extension Services and other national, State, and local organizations.
6. Coordination of all educational activities of the Department, including examination and analysis of all such activities current and contemplated, review and approval of all educational activities or proposals prior to initiation, advice and consultation on planning with heads of agencies, and reports and recommendations to the Secretary.
7. Rendering educational and technical assistance to persons not receiving financial assistance under title 5 of the Housing Act of 1949, including Extension demonstrations.
8. Providing leadership and direct assistance to State Extension Services in planning, conducting, and evaluating Extension programs with Indians under a memorandum of agreement with the Bureau of Indian Affairs, dated May 1956, pursuant to the authority provided in section 601 of the act of June 30, 1932, as amended (31 U.S.C. 686).
9. Information and educational services essential to carrying out pre-emergency and emergency USDA defense operations through the State Extension Services.
10. Providing, in rural redevelopment areas, organizational and educational leadership for orderly development of local economics initiative. (Area Redevelopment Act (P.L. 87-27).)
11. Cooperating with land-grant colleges in furthering conservation and resource development education. State and county Extension organizations will, in turn, make appropriate arrangements for assistance to soil and water conservation districts.
12. Acting as the liaison between the Department and officials of the land-grant universities and colleges on all matters relating to Cooperative Extension work and educational activities relating thereto.
13. Administration of the Virgin Islands Extension Service program (48 U.S.C. 1409m-1409o).

Reservations. Reservations to the Secretary: Approval of selection of State Directors of Extension.

C. *Availability of information—Publications.* Publications prepared for the use of the public by State Extension Services and the Department of Agriculture on agriculture and related subjects are normally available at the State and county offices.

Records. The Federal Extension Service will make available to the public, upon request, all FES records except those which are exempted by 5 U.S.C. 552(b). Within exempt records are the following:

1. Records related solely to the internal personnel rules and practices of the agency.
2. Records that are specifically exempted from disclosure by statute.
3. Records that are trade secrets and commercial or financial information obtained from any person and privileged or confidential matter.
4. Interagency or intra-agency memorandums or letters which would not be available by law to a private party in litigation with the agency.
5. Personnel and medical files and similar files, the disclosure of which would constitute an invasion of personal privacy.

Requests. Requests for FES records shall be made in writing to the Director of the Information Services Staff, Federal Extension Service, Department of Agriculture, Washington, D.C. 20250, identifying each record sought with reasonable specificity. The request may be submitted in person or by mail. If the Director of the Information Services Staff determines that the record requested is exempt, he shall give prompt written notice of any such determination, together with reasons therefor.

Appeals. A denial by the Director of the Information Services Staff of any request for an FES record may be appealed to the FES Administrator by the person who made the request. The appeal shall be made in writing within 15 days of the date of the Director's notice of action. The Administrator of FES will give written notice of the final FES determination.

Inspection and copies. A person who has requested available records shall be promptly notified that upon payment of applicable fees he may inspect and copy such records and purchase copies or extracts thereof in the office of the Director on business days from 9:30 a.m. to 5 p.m. Copies of such records may also be purchased by mail. The applicable fees are prescribed by the Department of Agriculture in schedule of fees and charges for such services, published by the Director, Office of Plant and Operations.

(5 U.S.C. 552, 559)

Effective date. The provisions of this notice are effective on July 4, 1967.

Dated: June 29, 1967.

LLOYD H. DAVIS,
Administrator, Federal Extension Service.

[F.R. Doc. 67-7679; Filed, July 3, 1967; 8:54 a.m.]

Office of the General Counsel

ORGANIZATION, FUNCTIONS, AND AVAILABILITY OF INFORMATION

I. Organization and functions—A. *Washington, D.C., Office—1. Location.*

The central and principal office of the Office of the General Counsel of the U.S. Department of Agriculture is located in the South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

2. *Hours.* Office hours in Washington, D.C., are from 9 a.m. to 5:30 p.m., local time, Monday through Friday.

3. *The General Counsel.* The General Counsel, as chief law officer of the Department, is responsible for providing legal services for all programs, operations, and activities of the Department. He is assisted by a Deputy General Counsel and three Assistants General Counsel, each of whom is responsible for a portion of the legal work of the Department as assigned through several Divisions.

The Office of the General Counsel issues opinions on legal questions arising in the administration of the Department's programs; prepares or reviews administrative rules and regulations applicable to the public; drafts proposed legislation; prepares or interprets legal documents; prosecutes patent applications arising out of inventions by Department employees; examines titles to lands to be acquired by the Department or accepted as security for loans; and considers and determines claims by and against the United States arising out of the Department's activities.

In administrative proceedings for the promulgation of rules having the force and effect of law and in quasi-judicial hearings held in connection with the administration of various programs, the Department is represented by the General Counsel.

Civil litigation arising out of the Department's work is handled by the Department of Justice, with the Office of the General Counsel assisting in the preparation and trial of such cases, except that the General Counsel represents the Secretary of Agriculture in administrative proceedings involving freight rates on farm commodities and in appeals from the decisions of the Commission to the courts and, by special assignment represents the Department in certain classes of appellate litigation. Cases having criminal aspects are reviewed for the purpose of referring them to the Department of Justice.

B. *Field Offices.* Legal services outside Washington, D.C. are performed at various field offices under the supervision of Regional Attorneys and Attorneys-in-Charge. These offices are located in the following cities:

Albuquerque, N. Mex.	New York, N.Y.
Atlanta, Ga.	Ogden, Utah
Chicago, Ill.	Portland, Oreg.
Denver, Colo.	Raleigh, N.C.
Harrisburg, Pa.	St. Paul, Minn.
Kansas City, Mo.	San Francisco, Calif.
Little Rock, Ark.	Santurce, P.R.
Los Angeles, Calif.	Stillwater, Okla.
Milwaukee, Wis.	Temple, Tex.
Missoula, Mont.	

Addresses and telephone numbers of each office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Office of the General Counsel."

II. *Availability of information—A. General.* The Office of the General Counsel will make available all of its records for public inspection and copying, except exempt records as described in Part II B. Many of the records in the files of the Office of the General Counsel are obtained from other agencies of the Department of Agriculture and other departments and agencies of the U.S. Government for litigation and other purposes. Where the question of the availability of such record is determined to be primarily the responsibility of such other agency, the request will be referred to that agency for processing in accordance with that agency's regulations, and the person submitting the request shall be so notified. The decision of the responsible officer of that agency with respect to such record shall be honored by the Office of the General Counsel.

B. *Exempt records.* Exempt records of the Office of the General Counsel include the following:

1. Matters specifically required by Executive order to be kept secret.
2. Matters related solely to the internal personnel rules and practices of the Office of the General Counsel.
3. Matters specifically exempted from disclosure by statute.
4. Trade secrets and commercial or financial information obtained from any person and privileged or confidential.
5. Interagency or intraagency memoranda or letters which would not be available by law to a party other than an agency in litigation with the Department of Agriculture. Among the records in this category are memoranda, opinions, judgments, letters, and recommendations of the Office of the General Counsel.
6. Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.
7. Investigatory files compiled for law enforcement purposes except to the extent available by law to a party other than an agency.

C. *Procedure for obtaining information.* Requests for information should be directed in writing to the Executive Assistant to the General Counsel, Room 2031, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, or the appropriate Regional Attorney or Attorney-in-Charge. Requests should identify each record sought with reasonable specificity.

D. *Determinations.* The Executive Assistant to the General Counsel or the Regional Attorney or Attorney-in-Charge to whom a request is made, shall make records available, when requested in accordance with Part II–C., unless he determines that it is an exempt record. The Executive Assistant to the General Counsel, the Regional Attorney, or the Attorney-in-Charge shall give written notice of any such determination, together with the reasons therefor.

E. *Appeals.* A denial by the Executive Assistant to the General Counsel, the Regional Attorney, or Attorney-in-Charge of request for records may be appealed by the person who made the request to the General Counsel. The appeal shall be made in writing within 15 days from the date of denial. The General Counsel will give written notice of his final determination.

F. *Inspection and copies.* A person who has requested available records shall be promptly notified that, upon payment of applicable fees, he may inspect and copy such records and purchase copies or extracts thereof, in the Office of the Executive Assistant to the General Counsel or at a field office of the Office of the General Counsel, on business days within established office hours. Copies of such records may also be purchased by mail. The applicable fees are prescribed by regulations issued by the Director, Office of Plant and Operations.

(5 U.S.C. 552, 559)

III. *Effective date.* This notice shall become effective on July 4, 1967.

Done at Washington, D.C., this 29th day of June 1967.

JOHN C. BAGWELL,
General Counsel.

[F.R. Doc. 67-7680; Filed, July 3, 1967; 8:54 a.m.]

Office of Management Services

ORGANIZATION, FUNCTIONS, AND AVAILABILITY OF INFORMATION

Notice is hereby given for the guidance for the general public as to the organization, functions and availability of information of the Office of Management Services, pursuant to 5 U.S.C. 552, 559.

I. Organization and functions. The Office of Management Services, a staff agency of the Secretary is located in Washington, D.C. It is comprised of four Divisions: Administrative Services—responsible for procurement, property, space, communication, paperwork management, and related services; Budget and Finance—responsible for budgeting, accounting, and related financial management services; Information—responsible for writing, editing, and distribution of informational materials; Personnel—administers the personnel, organization, and related services. OMS does not have a field organization.

OMS is responsible for performing management support services to designated offices and agencies of the Department. The Office establishes broad policies and plans to effectively administer its management support programs so as to provide the best possible services to the agencies and offices it serves. OMS directs and coordinates the overall management support programs and related review programs necessary to meet the requirements of the programs of the offices and agencies served.

The following offices and agencies are serviced by OMS:

Office of the Secretary.
Office of Budget and Finance.
Office of the General Counsel.
Office of Hearing Examiners and Judicial Officer.
Office of Information.
Office of the Inspector General.
Office of Management Improvement.
Office of Personnel.
Office of Plant and Operations.
Commodity Exchange Authority.
Cooperative State Research Service.
Economic Research Service.
Forest Service Appeals Board.
National Agricultural Library.
Packers and Stockyards Administration.
Rural Community Development Service.
Staff Economists Group.
Statistical Reporting Service.

II. **Availability of records.** All records of OMS are available for public inspection and copying except exempt records which include the following:

A. Intraagency and interagency memorandums or letters which would not be available by law to a party other than an agency in litigation with OMS. This includes, but is not limited to: Agency and department estimates and supporting materials used in developing the President's budget; manuscripts, press releases and other current informational material being prepared for release.

B. Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

C. Trade secrets and commercial or financial information obtained from a person and privileged or confidential. This includes but is not limited to: Information received in expressed or implied confidence in connection with a contract or other benefit or service when release of the information would impair the legitimate interest of the person supplying the information.

D. Specifically required by Executive order to be kept secret.

E. Related solely to the internal personnel rules and practices of an agency.

F. Specifically exempted from disclosure by statute.

G. Investigator files compiled for law enforcement purposes except to the extent available by law to a party other than an agency.

OMS has in its possession many of the records of other agencies of the Department. Where the question of availability of a record is determined to be primarily the responsibility of such agency, the request will be referred to that agency for processing in accordance with that agency's regulations and the person submitting the request shall be so notified. The decision of the responsible officer of that agency with respect to such records shall be honored by OMS.

III. Requests for information. Requests for specifically identified records should be directed to the Chief, Records and Communications Branch, DAS, OMS, USDA, Washington, D.C. 20250. Copies of records may be obtained in person or by mail.

Records will be available for inspection and copying between the hours of 9:30 a.m. and 5 p.m.

IV. Fees. Fees for copying and searching will be in accordance with the Office of Plant and Operation's schedule of fees for such services.

V. Appeal procedure. A. Any person, from whom OMS records are withheld, may file an appeal with the Director, Office of Management Services. The appeal shall be filed within 15 days after being notified that the records are being withheld.

B. The appeal must be in writing, containing a statement of grounds upon which the appeal is based, and be signed by the applicant or his authorized representative.

C. The Director shall consider the appeal, determine availability of the records, and furnish the applicant written notice of his determination.

Effective date. This notice shall be effective July 4, 1967.

Dated: June 29, 1967.

J. C. COOPER, Jr.,
Director,
Office of Management Services.

[F.R. Doc. 67-7681; Filed, July 3, 1967; 8:54 a.m.]

Statistical Reporting Service

ORGANIZATION, FUNCTIONS AND AVAILABILITY OF SERVICE AND INFORMATION

ORGANIZATION AND FUNCTIONS

SECTION 1. *General.* The Statistical Reporting Service, hereinafter referred to as "SRS", is an Agency of the U.S. Department of Agriculture. The central headquarters office of SRS is located in Washington, D.C. There are 44 field offices located throughout the country.

SEC. 2. *Organization.* The headquarters organization in Washington consists of (1) the Administrator, Deputy Administrator, and Assistant Administrator, with supporting staff; (2) four Divisions; namely, Agricultural Estimates, Standards and Research, Survey and Data, and the Washington Data Processing Center; and (3) Crop Reporting Board. In the field, each of the SRS State offices is under a Statistician-in-Charge. All operating units report to the Administrator of the Service.

SEC. 3. *Functions.* SRS has three main areas of responsibility:

(a) Crop and livestock estimates. Work in this area includes: Making estimates of production, supply, price, and other aspects of the agricultural economy; conducting enumerative and objective measurement surveys; preparing and issuing official national and State estimates and reports of the Department relating to crops, livestock, dairy, prices, and miscellaneous data.

(b) Statistical research and service. Work in this area includes review, clearance, coordination, and improvement of statistics in the Department; research on the development of improved statistics in the Department; research on the development of improved statistical techniques used in gathering and evaluating statistical data; data processing activities, related systems analysis and research, and programing and processing of data; research on consumers' preferences for foods and fibers and their evaluation of quality, costs, and other factors involved in purchase of these products; and research projects conducted overseas by foreign research institutions under Public Law 480, the results of which are used to gain a better understanding of the market potential for U.S. products abroad.

(c) Services for other agencies. This work is done on a reimbursable or advance payment basis and includes collection and analysis of data on various agricultural subjects for a number of Department and other Federal agencies, as well as for State agencies and private organizations.

AVAILABILITY OF SERVICE, INFORMATION, STAFF MANUALS AND INSTRUCTIONS, AND RELATED MATERIAL

SEC. 4. *Requests.* In Washington, D.C., SRS published data and related information will be made available for public inspection and copying by the Office of Management Services, Division of Information, which handles the information office function for this Agency; or the Secretary, Crop Reporting Board, SRS. In the field, published data and related information will be made available for public inspection and copying by the Head of each SRS State field office. Addresses for these State field offices are:

Alabama—831 Aronov Building, 474 South Court Street, Montgomery 36104.
Alaska—Room 13, Severns Building, Palmer 99645.
Arizona—6445 Federal Office Building, Phoenix 85025.
Arkansas—362 Federal Building, Little Rock 72203.
California—Second Floor, 1220 N Street, Sacramento 95814.
Colorado—Room 11411, 1961 Stout Street, Denver 80202.
Florida—1222 Woodward Street, Orlando 32803.
Georgia—409A North Lumpkin Street, Athens 30601.
Hawaii—State Department of Agriculture Building, 1428 South King Street, Honolulu 96814.
Idaho—506 Eastman Building, Boise 83702.
Illinois—218 U.S. Post Office and Courthouse Building, Springfield 72705.
Indiana—Agriculture Experiment Station, Purdue University, West Lafayette 47907.
Iowa—506 Iowa Building, Des Moines 50307.
Kansas—200 Post Office Building, Topeka 66601.
Kentucky—434 Federal Building, Louisville 40202.
Louisiana—U.S. Department of Agriculture Building, 3727 Government Street, Alexandria 71301.
Maryland—326–330 Symons Hall, University of Maryland, College Park 20740.
Michigan—206 Federal Building, Lansing 48933.
Minnesota—560 State Office Building, St. Paul 55101.
Mississippi—1018 Woolfolk Building, Jackson 39205.
Missouri—209 Federal Building, Columbia 65201.

Montana—McGarrick Steamboat Block, 516 Helena Avenue, Helena 59601.
Nebraska—211 Post Office Building, Lincoln 68501.
Nevada—Max C. Fleishman Agriculture Building, Room 232, Reno 89507.
New England—1305 Post Office Building, Boston, Mass. 02109.
New Jersey—U.S. Department of Agriculture, Trenton 08625.
New Mexico—1480 North Main, Second Floor, Denison Building, Las Cruces 88001.
New York—Department of Agriculture and Markets, State Campus, Albany 12226.
North Carolina—307 State Department of Agriculture Building, Raleigh 27602.
North Dakota—210 Post Office Building, Fargo 58108.
Ohio—217 Old Federal Building, Columbus 43215.
Oklahoma—504 Post Office Building, Oklahoma City 73102.
Oregon—304 U.S. Courthouse, Portland 97205.
Pennsylvania—Pennsylvania Crop Reporting Service, Room G–19, 2301 North Cameron Street, Harrisburg 17120.
South Carolina—3300 Forest Drive, Columbia 29204.
South Dakota—312 South Minnesota Avenue, Sioux Falls 57101.
Tennessee—697 U.S. Courthouse, Nashville 37202.
Texas—Room 505, 300 East 8th Street, Austin 78701.
Utah—Room 4418 Federal Building, 125 South State Street, Salt Lake City 84111.
Virginia—308 North Governor Street, Room 409, Richmond 23219.
Washington—348 Federal Office Building, Seattle 98104.
West Virginia—State Department of Agriculture, Charleston 25305.
Wisconsin—4802 Sheboygan Avenue, Room 205–B, Madison 53702.
Wyoming—Room 7008, Post Office and Courthouse Building, Cheyenne 82001.
Illinois—(Chicago Dairy Office) Room 1300–A New Post Office Building, 433 West Van Buren Street, Chicago 60607.

Manuals and procedural instructions are issued periodically. SRS will make available for public inspection and copying its administrative staff manuals and instructions to staff affecting any member of the public except those exempt from disclosure pursuant to the provisions of 5 U.S.C. 552(b). Requests for these documents should be made to the Chairman, Crop Reporting Board, Washington, D.C. The Scope and Methods of the SRS, USDA, are documented in Miscellaneous Publication No. 967. This publication is available from the Superintendent of Public Documents, U.S. Government Printing Office, Washington, D.C. 20402 for $1.25.

SEC. 5. *Facilities for inspection; copies.* Facilities for public inspection and copying of the material described in the foregoing sections will be provided by the Chairman, Crop Reporting Board, Washington, D.C., in Washington, D.C., and the Head of each SRS field office in the field. Copies of such material may also be obtained in person or by mail. Applicable fees are prescribed by the Department of Agriculture's schedule of fees, published by the Director, Office of Plant and Operations.

SEC. 6. *Disclosure of identifiable records.—Requests.* Requests for SRS records, pursuant to 5 U.S.C. 552(a)(3), shall (1) be made in writing to the Deputy Administrator, Office of the Administrator, South Building, Room 2047, U.S. Department of Agriculture, Washington, D.C. 20250, and (2) identify each record sought with reasonable specificity. Requests may be submitted in person or by mail.

Delegation of authority. The Deputy Administrator, Office of the Administrator, SRS, is authorized to act, on behalf of SRS, on all such requests in accordance with 5 U.S.C. 552, as implemented by this subpart.

Available records. SRS will promptly make available all SRS records requested except records as described in the following paragraph.

Exempt records. Exempt records of SRS include the following:

(a) Matters that are related solely to the internal personnel rules and practices of the agency.

(b) Matters that are specifically exempted from disclosure by statute.

(c) Matters that are trade secrets and commercial or financial information obtained from a person and privileged or confidential. Among SRS records in this class are (1) statistical data voluntarily submitted to the Agency by farmers and business enterprises associated with or servicing agriculture, and (2) summaries of statistical survey data, computed statistical indications, and associated statistical estimating and forecasting tools.

(d) Matters that are intraagency and interagency memorandums or letters which would not be available by law.

(e) Matters that are personnel and medical files and similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Determinations. The Deputy Administrator, OA, SRS, shall make promptly available any SRS record requested unless he determines that it is an exempt record. The Deputy Administrator shall give prompt written notice of any such determination, together with the reasons therefor.

Appeals. A denial by the Deputy Administrator, OA, of any request for an SRS record or records may be appealed by the person who made the request to the Administrator of the Statistical Reporting Service. The appeal shall be made in writing within 15 days of the date of the Deputy Administrator's notice of his action. The Administrator will give written notice of SRS's final determination.

Inspection and copies. A person who has requested available records shall be promptly notified that, upon payment of applicable fees, he may inspect and copy such records (or copies), and purchase copies or extracts thereof, in the office of the Deputy Administrator, OA, on business days from 9:30 a.m. to 5 p.m. Copies of such records may also be purchased by mail. The applicable fees are prescribed by the Department of Agriculture's schedule of fees published by the Director, Office of Plant and Operations.

(5 U.S.C. 552, 560)

Effective date. The provisions of this document are effective on July 4, 1967.

HARRY C. TRELOGAN,
Administrator of the Statistical Reporting Service.

JUNE 30, 1967.

[F.R. Doc. 67–7662; Filed, July 3, 1967; 8:55 a.m.]

Soil Conservation Service

AVAILABILITY OF INFORMATION

The following regulations pertaining to the availability of information are published in accordance with the requirements and pursuant to the authority of sections 552, 559 of Title 5, United States Code.

Request for examination or copy of records—General. Requests for examination and copying of a record or for copies of records shall be made to the Deputy Administrator for Management, Soil Conservation Service, U.S. Department of Agriculture, Washington, D.C., or to the State Conservationist in any of the listed State Offices.

SOIL CONSERVATION SERVICE—STATE OFFICE LOCATIONS

Soil Conservation Building, Post Office Box 311, Auburn, Ala. 36830.
Severns Building, Post Office Box F, Palmer, Alaska 99645.
230 North First Avenue, Federal Building, Phoenix, Ariz. 85025.
Federal Office Building, Room 5401, Little Rock, Ark. 72201.
Tioga Building, 2020 Milvia Street, Berkeley, Calif. 94704.
12417 Federal Building, Denver, Colo. 80202.
Old Bookstore Building, Route 195, Storrs, Conn. 06268.
501 Academy Street, Post Office Box 418, Newark, Del. 19711.
Federal Building, Post Office Box 1208, Gainesville, Fla. 32601.
Old Post Office Building, Post Office Box 832, Athens, Ga. 30601.
Alexander Young Building, Room 440, Honolulu, Hawaii 96813.
3263 Emerald Street, Post Office Box 38, Boise, Idaho 83701.
200 West Church Street, Champaign, Ill. 61820.
311 West Washington Street, Indianapolis, Ind. 46204.
Iowa Building, 505 Sixth Avenue, Des Moines, Iowa 50309.
760 South Broadway, Post Office Box 600, Salina, Kans. 67402.
1409 Forbes Road, Lexington, Ky. 40505.
3737 Government Street, Post Office Box 1630, Alexandria, La., 71301.
USDA Building, University of Maine, Orono, Maine 04473.
Hartwick Building, Room 522, 4321 Hartwick Road, College Park, Md. 20740.
27–29 Cottage Street, Amherst, Mass. 01002.
1405 South Harrison Road, East Lansing, Mich. 48823.
517 Federal Courts Building, St. Paul, Minn. 55102.
Milner Building, Post Office Box 610, Jackson, Miss. 39205.
Parkade Plaza Shopping Center, Post Office Box 459, Columbia, Mo. 65201.
Federal Building, Post Office Box 970, Bozeman, Mont. 59715.
134 South 12th Street, Lincoln, Nebr. 68508.
Federal Building, Durham, N.H. 03824.
1370 Hamilton Street, Somerset, N.J. 08873.
Midtown Plaza, Room 400, 700 East Water Street, Syracuse, N.Y. 13210.
517 Gold Avenue, SW., Post Office Box 2007, Albuquerque, N. Mex.
U.S. Post Office Building, Room 234, Post Office Box 4850, Reno, Nev. 89506.
1330 St. Mary's Street, Post Office Box 12045, Raleigh, N.C. 27605.
Federal Building, Post Office Box 1458, Bismarck, N. Dak. 58501.
311 Old Federal Building, Third and State Streets, Columbus, Ohio 43215.
Agriculture Center Building, Farm and Admiral Road, Stillwater, Okla. 74074.
Washington Building, 1218 Southwest Washington Street, Portland, Oreg. 97205.
Central Industrial Building, 100 North Cameron Street, Harrisburg, Pa. 17101.
Caribbean Area, Post Office Box 13637, Santurce Station, San Juan, P.R. 00908.
316 Post Office Annex (or Storrs, Conn. address), Providence, R.I. 02903.
Federal Building, 901 Sumter Street, Columbia, S.C. 29201.
239 Wisconsin Avenue, SE., Post Office Box 1357, Huron, S. Dak. 57350.
561 U.S. Courthouse, Nashville, Tenn. 37203.
16–20 South Main Street, Post Office Box 648, Temple, Tex. 76502.
4012 Federal Building, 125 South State Street, Salt Lake City, Utah 84111.
19 Church Street, Burlington, Vt. 05401.
Federal Building, Post Office Box 10026, Richmond, Va. 23240.
Bon March Building, Spokane, Wash. 99201.
209 Prairie Avenue, Post Office Box 865, Morgantown, W. Va. 26505.
4601 Hammersley Road, Post Office Box 4248, Madison, Wis. 53701.
Tip Top Building, 345 East Second Street, Post Office Box 340, Casper, Wyo. 82602.

Only those matters pertaining to the particular State and matters of general application will be available in each State Office.

Staff manuals, handbooks, and related material. The Soil Conservation Service from time to time issues administrative and technical manuals, handbooks, and memorandums pertaining to its assigned programs and functions within the Department of Agriculture.

Manuals and handbooks are appropriately indexed, and also contain related forms used in the carrying out of the respective programs for which they are issued.

The Soil Conservation Service will make available for public inspection and copying (1) all final opinions made in adjudication of cases; (2) those statements of policy and interpretations which have been adopted by the Soil Conservation Service and not published in the FEDERAL REGISTER; and (3) its administrative and technical staff manuals and instructions to staff that affect any member of the public, except those exempt from disclosure pursuant to the provisions of 5 U.S.C. 552(b).

Current index. Current indices to all administrative staff manuals and other material required to be made public pursuant to 5 U.S.C. 552(a) will be made available in the State offices and the Office of the Deputy Administrator for Management for public inspection and copying.

Facilities for inspection. Facilities for public inspection and copying of the material mentioned above will be provided in the respective State offices and in the Office of the Deputy Administrator for Management.

Available records. The Soil Conservation Service will promptly make available identifiable records which are requested with reasonable specificity, except those exempt as described herein.

Requests. Requests for information and material pertaining to specific programs being carried out in the respective States should first be made to the State Conservationist of the State. Examination of records may be made at any of the listed locations at any time during regular business hours. Copies of available records or extracts will be furnished and the recipient charged, where appropriate, in accordance with the fee schedule established by the Director, Office of Plant and Operations, Department of Agriculture.

Restrictions on availability. All Soil Conservation Service opinions and orders, statements of policies and interpretations thereof, staff manuals, handbooks and related instructions, and other Agency records will be made available to the public upon request to either the Deputy Administrator for Management of the Soil Conservation Service or to the State Conservationist of the respective States, except exempt records which include the following:

1. Specifically required by Executive order to be kept secret.

2. Related solely to the internal personnel rules and practices of an agency.

3. Specifically exempted from disclosure by statute.

4. Trade secrets and commercial or financial information obtained from a person and privileged or confidential. For example, information contained in Farm Plans showing the planned operation of the farm enterprise, or other information showing the scope of farm operations, including the boundaries, would not be available to the public.

5. Interagency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency.

6. Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

7. Geological and geophysical information and data, including maps, concerning wells.

Appeals. An applicant denied access to available records may appeal in writing to the Administrator of the Soil Conservation Service, whose decision shall be final.

Scope. These regulations deal with only records in being and in the possession or control of the Soil Conservation Service and impose no obligation to compile or procure a record in response to a request.

Effective date: July 4, 1967.

Dated: June 30, 1967.

KENNETH E. GRANT,
Acting Administrator,
Soil Conservation Service.

[F.R. Doc. 67–7690; Filed, July 3, 1967; 8:55 a.m.]

International Agricultural Development Service

ORGANIZATION, FUNCTIONS, AND DELEGATIONS OF AUTHORITY

Pursuant to the authority contained in 5 U.S.C. 552 and 559, there is hereby published the Statement of Organization, Functions, and Delegations of Authority of the International Agricultural Development Service.

SECTION 1. *General.* The International Agricultural Development Service, hereinafter referred to as "IADS," was established August 5, 1963, by the Secretary of Agriculture pursuant to the authority vested in him by section 161, Revised Statutes, 5 U.S.C. 22, and Reorganization Plan No. 2 of 1953. The central office of IADS is located at Washington, D.C., in the South Building of the Department of Agriculture.

SEC. 2. *Functions.* IADS is responsible for the general administration and coordination of the Department's responsibilities and activities in foreign technical assistance and training programs, including those authorized under sections 301 and 302 of the U.S. Information and Educational Exchange Act of 1948, 22 U.S.C. 1451–1452; the Foreign Assistance Act of 1961, P.L. 87–195, as amended, and the Mutual Educational and Cultural Exchange Act of 1961, P.L. 87–256, as amended. IADS is responsible for developing and maintaining effective relationships with international and U.S. organizations in planning and carrying out such programs. Specifically, in carrying out its responsibilities, IADS (a) provides leadership in the formulation of current and long-range policies and plans for carrying out technical assistance and agricultural development responsibilities abroad and related activities; (b) develops and maintains effective relationships with the Agency for International Development and other appropriate public and private U.S. and international organizations with respect to planning and carrying out assistance and training programs; (c) coordinates the resources of the Department and expedites the application of such resources in the planning, review, evaluation, and operation of country or regional agricultural development projects and activities for which the Department is given responsibility, including the orientation of U.S. personnel and the training of foreign nationals; (d) coordinates the recruitment and assignment of Department personnel on detail or loan to the Agency for International Development, the Food and Agriculture Organization of the United Nations, and similar organizations under agreements between the Department and such organizations; and (e) coordinates the implementation of Government-sponsored agricultural exchange programs.

SEC. 3. *Organization.* The Administrator is responsible to the Assistant Secretary for International Affairs for the general direction and supervision of programs assigned to IADS. IADS consists of the Administrator and the following staff units:

(a) *Deputy Administrator.* The Deputy Administrator assists the Administrator in formulating and administering the policies and programs of IADS. In the absence or unavailability of the Administrator, the Deputy Administrator exercises the powers and performs the duties of the Administrator.

(b) *Director, Foreign Training Division.* The Director of the Foreign Training Division is responsible for coordinating the resources of the Department in the orientation of U.S. personnel and the training of foreign nationals.

(c) *Regional Coordinators.* The Regional Coordinators have responsibility within specific geographic areas for the administration of assigned IADS programs.

(d) *Information Officer.* The Information Officer administers the information service program of IADS, including press releases, reports, and informational material for authorized dissemination to the public.

SEC. 4. *Delegations of Authority.* The Administrator formulates and administers programs assigned to IADS under delegated authority from the Secretary of Agriculture, 29 F.R. 16210. This includes authority to execute any document, authorize any expenditure, promulgate any rule, regulation, order, or instruction required by law or deemed by him to be necessary and proper to the discharge of such functions. This authority is exercised under the general direction and supervision of the Assistant Secretary for International Affairs and is subject to the general responsibilities of the Secretary to the President and to Congress. The Administrator may delegate his authority and provide for redelegation of such authority to appropriate officers and employees. However, in no case does any delegation of authority to the Administrator preclude the Secretary, Under Secretary, or the appropriate Assistant Secretary from exercising any of the powers or functions so delegated.

SEC. 5. *Availability of records and information.* Any person desiring information or wishing to make submittals or requests with respect to the programs and functions of IADS should address his request to the Information Officer, IADS, Department of Agriculture, Washington, D.C. 20250. Records of IADS are available for examination in accordance with regulations governing the availability of records issued by the Secretary of Agriculture and the Administrator, 7 CFR Parts 1 and 2101, as amended.

Signed at Washington, D.C., this 30th day of June 1967.

LESTER R. BROWN,
Administrator, International Agricultural Development Service.

[F.R. Doc. 67-7721; Filed, July 3, 1967; 8:55 a.m.]

Economic Research Service

ORGANIZATION, FUNCTIONS AND AVAILABILITY OF INFORMATION

Notice is hereby given for the guidance of the general public as to the organization, functions, and availability of information of the Economic Research Service pursuant to 5 U.S.C. 552, 559.

I. *Organization and functions.* The Economic Research Service (ERS) conducts economic research relating to agricultural production, marketing, and distribution, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627), and other laws, including economics of marketing; analyses relating to farm prices, income and population, and demand for farm products, use of resources in agriculture, adjustments, costs and returns in farming, and farm finance; and for analyses of supply and demand for farm products in foreign countries and their effect on prospects for U.S. exports, progress in economic development and its relation to sales of farm products, assembly and analysis of agricultural trade statistics and analysis of international financial and monetary programs and policies as they affect the competitive position of U.S. farm products.

ERS is composed of the following seven divisions:

Economic and Statistical Analysis Division.
Economic Development Division.
Farm Production Economics Division.
Foreign Development and Trade Division.
Foreign Regional Analysis Division.
Marketing Economics Division.
Natural Resource Economics Division.

The central office of ERS is located at Washington, D.C., but a substantial part of the research program is carried on at various State Agricultural Experiment Stations. One field office is maintained at the New Post Office Building, Denver, Colo.

II. *Public information*—A. *Availability of records.* Records developed by the Economic Research Service are available for public inspection or copying except exempt records which include the following:

(1) Matters that are specifically required by Executive Order to be kept secret.

(2) Matters that are related solely to the internal personnel rules and practices of ERS.

(3) Matters that are specifically exempted from disclosure by statute.

(4) Matters that are trade secrets and commercial or financial information obtained from any person and privileged or confidential. Among ERS records in this class are information furnished voluntarily by individuals or firms, relating to their farm or business operations, for use in making statistical analysis as a foundation for official estimates and reports; records of economic research and analysis including tabulation sheets, punch cards, and other working materials derived from confidential information supplied by individuals or firms; and information received in expressed or implied confidence in connection with a contract or service, when release of the information would impair the legitimate interests of the person supplying the information.

(5) Matters that are interagency or intraagency memorandums or letters which would not be available by law to a private party in litigation with ERS. Such ERS records would include analyses of the Outlook and Situation Board prior to formal release; listings, tabulations, charts, notes and all other pertinent material for use in connection with such estimates and reports; and analyses, data, and other materials in draft manuscripts being prepared for release, prior to actual release.

(6) Matters that are personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(7) Matters that are investigatory files compiled for law enforcement purposes except to the extent available by law to a party other than an agency.

B. *Requests for information.* All published information, including bulletins, circulars, monographs, and research periodicals, can be obtained from the Division of Information, Office of Management Services, U.S. Department of Agriculture, Washington, D.C. 20250, or the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

All requests for nonexempt unpublished records are to be directed to the Deputy Administrator, Program Management, South Agriculture Building, U.S. Department of Agriculture, Washington, D.C. 20250. Each request should identify the record sought with reasonable specificity.

Reasonable facilities will be provided for inspection and copying of records in the office of the Deputy Administrator on business days between the hours of 9:30 a.m. and 5 p.m.

C. *Fees.* All published information is free of charge except for that obtained from the Superintendent of Documents.

Fees for copying and searching of unpublished records will be in accordance with a schedule of fees for such services prepared by the Office of Plant and Operations.

D. *Appeals.* Any person from whom ERS records are withheld may file an appeal with the Administrator, Economic Research Service. The appeal should be filed within 15 days after being notified that the records are being withheld.

The appeal must be in writing and must contain a statement of grounds upon which the appeal is based, and be signed by the applicant or his authorized representative.

The Administrator shall consider the appeal, determine availability of the records, and furnish the applicant written notice of his determination.

E. *Effective date.* These regulations shall become effective July 4, 1967.

M. L. UPCHURCH,
Administrator, Economic Research Service.

JUNE 30, 1967.

[F.R. Doc. 67-7723; Filed, July 3, 1967; 8:55 a.m.]

Office of Personnel

ORGANIZATION, FUNCTIONS AND AVAILIBILITY OF INFORMATION

Notice is hereby given for the guidance for the general public as to the organization, functions and availability of information of the Office of Personnel, pursuant to 5 U.S.C. 552, 559.

I. *Organizaiton and functions.* The Office of Personnel, a staff agency of the Secretary, is located in Washington, D.C. It is organized into divisions which carry out the functions described below.

This Office has the responsibility for the personnel management program of the Department. Department-wide leadership, supervision, and coordination are provided in organization; classification and standards; salary and wage administration; examinations and employment; personnel and records security; standards of employee conduct; discipline; employee relations; appeals; employee development; health; safety and welfare; incentive awards; employee-management relations; personnel legislation; personnel research; employee fringe benefits; inter-group programs; cost reduction; and other related personnel activities.

The Office of Personnel does not have a field organization.

II. *Availability of records.* All records of the Office of Personnel are available for public inspection and copying except exempt records which include the following:

A. Intraagency and interagency memorandums or letters which would not be available by law to a party other than an agency in litigation with OP. This includes but is not limited to: Agency and department estimates and supporting materials used in developing the President's budget.

B. Specifically required by Executive Order to be kept secret.

C. Related solely to the internal personnel rules and practices of an agency.

D. Specifically exempted from disclosure by statute.

E. Trade secrets and commercial or financial information obtained from a person and privileged or confidential.

F. Personnel and medical files and similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

G. Investigatory files compiled for law enforcement purposes except to the extent available by law to a party other than an agency.

The Office of Personnel has in its possession many of the records of other agencies of the Department and other Departments and Agencies of the U.S. Government. Where the question of availability of a record is determined to be primarily the responsibility of such agency, the request will be referred to that agency for processing in accordance with that agency's regulations and the person submitting the request shall be so notified. The decision of the responsible officer of that agency with respect to such record shall be honored by the Office of Personnel.

III. *Requests for information.* Requests for specifically identified records or publications should be directed to the Chief, Security and Employee Conduct Division, OP, USDA, Washington, D.C. 20250.

Copies of records may be obtained in person or by mail.

Records will be available for inspection and copying between the hours of 9:30 a.m. and 5 p.m.

IV. *Fees.* Fees for copying and searching will be in accordance with the Office of Plant and Operation's schedule of fees for such services.

V. *Appeal procedure.* A. Any person, from whom Office of Personnel records are withheld, may file an appeal with the Director, Office of Personnel. The appeal shall be filed within 15 days after being notified that the records are being withheld.

B. The appeal must be in writing, containing a statement of grounds upon which the appeal is based, and be signed by the applicant or his authorized representative.

C. The Director shall consider the appeal, determine availability of the record, and furnish the applicant written notice of his determination.

Effective date: This notice shall be effective July 4, 1967.

Dated: June 30, 1967.

CARL B. BARNES,
Director, Office of Personnel.

[F.R. Doc. 67-7724; Filed, July 3, 1967; 8:56 a.m.]

Office of Plant and Operations

ORGANIZATION, FUNCTIONS AND AVAILABILITY OF INFORMATION

Notice is hereby given for the guidance of the general public as to the organization, functions, and availability of records in the Office of Plant and Operations, U.S. Department of Agriculture, pursuant to 5 U.S.C. 552, 559.

SECTION 1. *Organization and functions.* The Office of Plant and Operations is a staff agency of the Department of Agriculture located in Washington, D.C. It is comprised of the following units:

Office of the Director.
Contract and Procurement Management Division.
Real Estate Management Division.
Secretary's Records and Communications Division.
Service Operations Division.
Supply and Property Management Division.

The Office is supervised by the Director of Plant and Operations. He is responsible for planning and administering Department programs, including the development and supervision of uniform policies, standards, techniques, and procedures, relating to certain departmental management and service operations and liaison activities, as follows:

a. *Real estate management.* The management of real property and building construction, including acquisition, utilization, maintenance, and construction, and related telecommunications.

b. *Contract and procurement management.* The contracting for and procurement of administrative and operating supplies, services, and construction, and for the related programs of Small Business, Labor Surplus Area Assistance, and Labor Standards.

c. *Supply and property management.* All phases of supply administration and management, including utilization, distribution, transportation, and disposition of personal property and services required in the administration of Department programs.

d. *Mail management.* The review and implementation of postal regulations and procedures including compliance with the ZIP Code program, and coordination of internal mail delivery systems.

e. *Departmental service operations.* The Director of Plant and Operations provides certain centralized Departmental services in the District of Columbia, including reproduction, supply, telephone, telegraph, mail, automated mailing lists, and excess property pool. He provides central records service for the Secretary's Office, including correspondence control, records maintenance, forms and directives, related management support, and technical consulting service in certain fields of reproduction.

f. *Government liaison activities.* The Director of Plant and Operations provides liaison for the Department of Agriculture with the General Services Administration, Post Office Department, and other Government agencies, on all matters pertinent to his operations.

g. *Other activities.* The Director of Plant and Operations has custody of and responsibility for the proper use of the Official Seal of the Department, and prescribes rules regarding the use of the Official Flag of the Secretary of Agriculture.

Office hours of duty are from 9 a.m. to 5:30 p.m. The Office of Plant and Operations has no field activities.

SEC. 2. *Availability of identifiable records.* All records of the Office of Plant and Operations are available for inspection and copying except exempt records, which include the following:

(a) Matters specifically required by Executive order to be kept secret.

(b) Matters related solely to the internal personnel rules and practices of the Department.

(c) Matters specifically exempted from disclosure by statute.

(d) Trade secrets and commercial or financial information obtained from any person and privileged or confidential.

(e) Interagency or intra-agency memoranda or letters which would not be available by law to a party other than

an agency in litigation with the Department.

SEC. 3. *Requests for records.* Requests for records of the Office of Plant and Operations may be made, in writing or in person, to the Chief, Secretary's Records and Communications Division, Office of Plant and Operations, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250. Each request shall be reasonably specific in order to properly identify the record(s) sought.

SEC. 4. *Determination.* The Chief, Secretary's Records and Communications Division, shall make records available when requested in accordance with section 3, unless he determines that it is an exempt record. The Chief, Secretary's Records and Communications Division, shall give written notice of any such determination, together with the reasons therefor.

SEC. 5. *Appeals.* A denial by the Chief, Secretary's Records and Communications Division, for a record in the custody of the Office of Plant and Operations may be appealed by the person who made the request to the Director of Plant and Operations. The appeal shall be made in writing within 15 days of the date of the notice of denial. The Director of Plant and Operations will give written notice of the final determination of the Office of Plant and Operations.

SEC. 6. *Inspection and copying.* A person requesting available records may inspect them, and, upon payment of applicable fees, copy them, in the office of the Chief, Secretary's Records and Communications Division, on business days from 9:30 a.m. to 5 p.m. Copies of such records may also be purchased by mail. The applicable fees are prescribed by the Director, Office of Plant and Operations, U.S. Department of Agriculture.

Effective date. The provisions of this notice are effective on July 4, 1967.

Dated: June 30, 1967.

ELMER MOSTOW,
Director of
Plant and Operations.

[F.R. Doc. 67-7726; Filed, July 3, 1967; 8:56 a.m.]

AVAILABILITY OF INFORMATION

Fee Schedule

Pursuant to the authority delegated to the Director, Office of Plant and Operations, in Title 7, Code of Federal Regulations § 1.2b, there is published the following:

FEE SCHEDULE

SECTION 1. *General.* This notice sets forth the policy on providing copies of records, including photographic reproductions, microfilm, maps and mosaics, related services, and the fees therefor. The agencies of the Department will be guided by these procedures in making copies available to the public, and in the collection of appropriate fees.

SEC. 2. *Facilities.* Records and related services are available at the locations specified by the agencies in their statements of organization and services. Each agency establishes procedures to facilitate public inspection and copying of records. Any materials offered for sale by the Government Printing Office should be purchased from that source. Departmental agencies will not stock such materials for public sale.

Agencies do not stock copies of forms and publications or maintain records at any facility which does not of itself require these materials in its operations.

SEC. 3. *Fees for materials and services.* All agencies of the Department shall be guided by the general fees set forth herein. Any changes or additions to this general schedule of charges required by an agency shall be made by proposed amendments to this schedule. Agencies may set their own fees on specialized materials, such as printouts, directives, handbooks, building plans, etc. However, where applicable, single printed sheets or forms shall conform to the rates set for forms.

SEC. 4. *Waiver of fees.* (For photographic reproductions see sec. 14.) Except as specifically noted in the fee schedules, fees may be waived under the following conditions:

a. The total cost of collecting the fees would be an unduly large part of the receipts from the activity (individual collection of less than $1 may be administratively waived).

b. The furnishing of the service without charge is an appropriate courtesy to a foreign country or international organization; or comparable fees are set on a reciprocal basis with a foreign country.

c. The recipient is engaged in a nonprofit activity designed for the public safety, health, or welfare.

d. Payment of the full fee by a State, local government, or nonprofit group would not be in the interest of the program.

SEC. 5. *Fees not to be charged.* (For photographic reproductions see Sec. 14.) No charge shall be made for services when the service can be primarily considered as benefiting the general public. Fees will not be charged when filling request for other Department or Government agencies, provided quantities requested are reasonable in number. Members of the public may provide their own copying equipment, in which case no copying fee will be charged.

No charge will be made by any agency of the Department for any notices, decisions, orders or other material required by law to be served on a party in any proceedings or matter before any Department agency.

SEC. 6. *Limitations of copies.* Agencies may restrict numbers of photocopies and directives furnished the public to one copy of each page. Copies of forms provided the public shall also be held to the minimum practical. Persons requiring any large quantities should be encouraged to take single copies to commercial sources for further appropriate reproduction.

When transcripts are requested which have been provided the Department under a reporting service contract which requires that copies of transcripts be sold only by the contractor, the public may be shown a copy of the transcript. However, the agency shall refer the public to the contractor for purchase of copies.

SEC. 7. *Searches.* Because of the nature of the Department's business and records the normal location of a document in a file or other facility will not be considered a search. This would be the same as quickly locating a piece of material for purposes of answering a letter or telephone inquiry, and is based on the Department's obligation to respond to requests furnishing reasonably specific description of the record.

Where a requested record is not discovered by normal location efforts, the office will notify the requester of that fact and require payment of the estimated search charge as prescribed in the fee schedule in advance before further efforts are undertaken to locate the requested record. Such searches shall be limited by availability of time and staff to perform them and to locations where the record would reasonably be expected to be found.

SEC. 8. *Payments of fees and charges.* Payments will be made to the fullest extent possible in advance or at the time of the transaction. Except as otherwise stipulated by agency procedures, payment shall be made by check, draft, or money order made payable to Treasurer of the United States, but small amounts may be paid in cash, particularly where services are performed in response to a visit to a Department office.

SEC. 9. *General fees.*

Class of service	Unit	Price	Minimum
(a) Photocopies 8½ x 14 inches or less	Each	$0.25	(1)
(b) Forms and related material 8½ x 14 inches or less	do	$0.05	(1)
(c) Certifications	do	$1 (additional to any other charge)	$1.
(d) Authentications (with Department seal)	do	$2 (additional to any other charge)	2.
(e) Searches	do	$1 each 15 minutes or fraction thereof.	4.
(f) An additional handling charge of $0.50 for each order may be imposed when a request must be sent to another office for filling, or request is handled by mail.			

[1] No minimum.

SEC. 10. *Photographic reproduction, microfilm, mosaic, and maps.* Reproduction of such aerial or other photographic microfilm, mosaic, and maps as have been obtained in connection with the authorized work of the Department may be sold at the estimated cost of furnishing such reproductions as prescribed herein.

SEC. 11. *Agencies which furnish photographic reproductions—a. Aerial photographic reproductions.* The following agencies of the Department furnish aerial photographic reproductions:

Agricultural Stabilization and Conservation Service.
Forest Service.
Soil Conservation Service.

b. *Other photographic reproductions.* Other types of photographic reproductions may be obtained from the following agencies of the Department:

Agricultural Stabilization and Conservation Service.
Forest Service.
Office of Information.
Soil Conservation Service.
National Agricultural Library.

SEC. 12. *Restrictions on furnishing photographic reproductions.* Photographic reproductions shall not be furnished:

a. If such reproductions are exempt from disclosure under the agency's regulations.

b. If they are to be prepared from classified negatives unless approval to furnish such reproductions has been secured from the office of security review having jurisdiction over the area involved.

c. When made from photographic materials of other government agencies unless those agencies approve and authorize such use, and provided such reproductions have been obtained by the Department of Agriculture in connection with its authorized work.

d. Of aerial photographs directly to purchasers outside of the United States, except upon approval of the Coordinator of Aerial Photographic Work of the Department, Agricultural Stabilization and Conservation Service.

SEC. 13. *Photographic sales committee.* The Photographic Sales Committee consists of representatives designated by Department agencies principally concerned with the sale of photographic reproductions. The Committee recommends prices at which photographic and mosaic reproductions, except library material, shall be sold, and other matters related to photographic reproductions.

SEC. 14. *Circumstances under which photographic reproductions may be provided free.* a. Established policy provides that no charge need be made for services which can be primarily considered as benefiting the public generally. Accordingly, reproductions may be furnished free at the discretion of the agencies of the Department to:

(1) Press, radio, television, and newsreel representatives for dissemination to the general public,

(2) Agencies of State and local governments which are carrying on a function related to that of the Department when furnishing the service will help to accomplish an objective of the Department,

(3) Cooperators and others in furthering agricultural programs.

As a general rule, only one print of each photograph should be provided free. Care should be exercised in approving requests for free prints to determine that such action is in the public interest.

SEC. 15. *Loans.* Aerial photographic film negatives or reproductions may not be loaned to the general public.

SEC. 16. *Sales of positive prints under government contracts.* The annual contract for furnishing single and double frame slide film negatives and positive prints to agencies of the Department, County Extension Agents, and other agencies cooperating with the Department, carries a stipulation that the successful bidder must agree to furnish slide film positive prints to such persons, organizations, and associations as may be authorized by the Department to purchase them.

SEC. 17. *Procedure for handling orders.* In order to expedite handling, all orders shall contain adequate identifying information. Agencies furnishing aerial photographic reproductions require that all such orders identify the photographs. Each agency has its own procedure, and order forms.

SEC. 18. *Photographic reproduction prices.* The prices for photographic reproduction listed here are for the most generally requested items.

a. *National Agricultural Library.* The following prices are applicable to National Agricultural Library items only:

Microfilm—$1 for each 30 pages or fraction thereof.

Photoprint—$1 for each 4 pages or fraction thereof.

b. *General photographic reproductions.* Minimum charge $1 per order. All sizes are approximate. An extra charge may be necessary for excessive laboratory time caused by any special instructions from the purchaser.

CLASS OF WORK

Number	Cardboard mounts		Metal or plastic mounts	
	Unit	Price	Unit	Price
Duplicate projection 2 x 2 slides (color):				
1 to 5	Each	$0.55	Each	$0.55
6 to 30	Each	.50	Each	.75
31 to 50	Each	.45	Each	.70
51 or more	Each	.35	Each	.65
Duplicate transparencies:				
4 x 5			Each	5.00
Prints, same copy			Each	2.00

c. *Aerial photographic reproductions.* No minimum charge on aerial photographic reproductions.

Single or double weight paper not ferrotyped (doubled weight, semimatte furnished, unless otherwise specified). All contact prints and enlargements unmounted and untrimmed. Contact prints trimmed for 5 cents each when requested.

County coverage shall be defined as coverage of an entire county or of such part of a county contained within a certain aerial photographic project. Such coverage may be either stereoscopic or nonstereoscopic, but must be specified in the order.

Contact prints: The prices for contact prints are set forth below. The size refers to the approximate size of the contact print.

Class of work	Unit	Price
Copy negatives and film positives:		
4 x 5	Each	$1.55
5 x 7	do	1.75
8 x 10	do	2.50
Contact and Projection Prints (quotations will be furnished on quantities of six or more reproductions from the same negative):		
4 x 5	do	.65
5 x 7	do	.90
8 x 10, 8 x 10¼	do	1.15
11 x 14	do	2.20
Larger sizes	Square feet	1.90
Sepia tone—add 50 percent.		
Double weight paper—add 20 percent for air drying, spotting, and finishing matte paper.		
Mounting:		
Cloth (plain)	do	1.00
Cardboard and wall board	do	1.15
Projection Slides (black and white) made from flat copy (quotations will be furnished on quantities of six or more reproductions from the same negative):		
2 x 2 (bound in cardboard)	Each	.95
Projection Slides (color) made from flat copy:		
2 x 2 (bound) metal	do	1.80
2 x 2 (bound) cardboard	do	1.45

	Quantity	Price each
9½" x 9½" on commercial grade paper:		
	1–5	$1.00
	6–100	.90
	Over 100	.70
For low shrink paper add $0.20 per print.		
9½" x 9½" on polyester base print film, or equivalent:		
	1–5	1.50
	6–100	1.40
	Over 100	1.20
Aerial Photo-Indexes:		
Any number (per sheet)		2.00

Enlargements (Projection prints): The prices for enlargements of various sizes, made from 9 x 9 inch negatives, are set forth below. The size in each case refers to the approximate size of paper required to produce the enlargement ordered. The approximate scale at which enlargements are desired should be furnished with each or-

der. Most negatives are at an approximate scale of 1:20,000.

Approximately 1320 feet=1 inch
14 x 14 inches

Quantity	Price each
1–5	$2.30
6–100	2.00
Over 100	1.70

Approximately 1000 feet=1 inch
18 x 18 inches

1–5	2.50
6–100	2.20
Over 100	1.90

Approximately 660 feet=1 inch
26 x 26 inches

Quantity	Price each
1–5	$3.00
6–100	2.60
Over 100	2.30

For stable base paper add $0.40 per 26 x 26 print. Not available for other size enlargements.

Approximately 400 feet=1 inch
40 x 40 inches

1–5	7.00
6–100	6.00
Over 100	5.00

Approximately 330 feet=1 inch
26 x 45 inches

(This item applicable only to ASCS prints)

1–5	6.00
6–100	5.20
Over 100	4.60

Film Positives—contact printed from aerial negatives.

1–100	$2.50
Over 100	2.00

Kelah Plates—(Contact prints on glass)

Quantity	Price each
1–5	$5.50
6–100	5.00
Over 100	4.50

Effective date. The fees and related procedures shall become effective on July 4, 1967.

Dated: June 30, 1967.

ELMER MOSTOW,
Director of
Plant and Operations.

[F.R. Doc. 67-7727; Filed, July 3, 1967; 8:56 a.m.]

Office of the Secretary

IDAHO AND NEW JERSEY

Extension of Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the States of Idaho and New Jersey natural disasters have caused a continuing need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

	Original designation	Premuit extension
Idaho:		
Bingham	32 F.R. 562	
Bonneville	32 F.R. 563	
Butte	32 F.R. 562	
Clark	32 F.R. 563	
Fremont	31 F.R. 9882	
Jefferson	32 F.R. 6457	
Teton	31 F.R. 9882	
New Jersey:		
Bergen	31 F.R. 10966	
Cape May	30 F.R. 9114	3 F.R. 8082.
Essex	31 F.R. 10966	
Hudson	31 F.R. 10966	
Hunterdon	31 F.R. 10966	
Mercer	30 F.R. 9114	31 F.R. 8082.
Middlesex	31 F.R. 10966	
Morris	31 F.R. 10966	
Passaic	31 F.R. 10966	
Salem	30 F.R. 9114	31 F.R. 8082.
Somerset	31 F.R. 10966	
Sussex	31 F.R. 10966	
Union	31 F.R. 10966	
Warren	31 F.R. 10966	

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1968, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

This extension shall become effective on June 30, 1967.

Done at Washington, D.C., this 28th day of June 1967.

JOHN A. SCHNITTKER,
Acting Secretary.

[F.R. Doc. 67-7601; Filed, July 3, 1967; 8:49 a.m.]

MARYLAND

Extension of Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Maryland natural disasters have caused a continuing need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Maryland	Original designation
Anne Arundel	31 F.R. 11691
Baltimore	31 F.R. 11691
Carroll	31 F.R. 11691
Charles	31 F.R. 11691
Frederick	31 F.R. 11691
Harford	31 F.R. 11691
Howard	31 F.R. 11691
Montgomery	31 F.R. 11691
Prince Georges	31 F.R. 11691
Washington	31 F.R. 11691

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1968, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

This extension shall become effective on June 30, 1967.

Done at Washington, D.C., this 28th day of June 1967.

JOHN A. SCHNITTKER,
Acting Secretary.

[F.R. Doc. 67-7602; Filed, July 3, 1967; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

[Dept. Order 64]

PUBLIC INFORMATION

JUNE 29, 1967.

The following order is issued by the Secretary of Commerce effective July 4, 1967. This material supersedes the material appearing at 31 F.R. 10585 of August 6, 1966.

SECTION 1. *Purpose.* This order, and the rules and other materials which implement it, are designed: (1) To carry out the responsibilities of the Department of Commerce under, and to comply otherwise with the requirements of, the Public Information Section of the Administrative Procedure Act, effective July 4, 1967 (5 U.S.C. 552, Public Law 90–23, 81 Stat. 54), hereinafter referred to as "the Act"; and (2) otherwise pursuant to law to govern the dissemination to persons of records and other information in the possession of the Department.

SEC. 2. *Authorities.* This order is issued pursuant to the Act; 5 U.S.C. 553; 5 U.S.C. 301; Reorganization Plan No. 5 of 1950; and other authority vested by law in the Secretary applicable to the dissemination of records and other information of the Department and charges for services related thereto. To the extent that terms used in this order are defined in 5 U.S.C. 551, they shall have the same definition herein, unless otherwise indicated.

SEC. 3. *Policies.* .01 The Department of Commerce, in fulfilling its statutory missions to foster, promote and develop the foreign and domestic commerce of the United States and to administer the specific programs entrusted to it, regularly develops, collects, analyzes, and disseminates facts, statistics, censuses, charts, scientific findings, technology, and other information, and performs other services, in order to assist the business community and other segments of the public, according to their needs and interests. These functions are performed either at the Department's own initiative or pursuant to specific requests from business and other public and government elements. This information which the Department develops, collates, and disseminates is generally made readily available, either without charge or by purchase, to the affected persons and to anyone else who may be interested, through publications, reprints of regulations (by subscription or otherwise), press releases, special reports, correspondence and personal interviews or conferences with staff, speeches, and other media. It is the policy of the Department to continue its regular practices of disseminating information to the public prepared as a part of its program responsibilities, to the fullest extent legally permissible and economically feasible, and to continue to handle public requests for such information (which may include records) in the usual manner through its regular facilities and channels, as distinguished from those requests for identifiable records subject to 5 U.S.C. 552(a)(3) which are to be made and handled in accord with the rules established in and pursuant to subsections 5.03 and 5.04 of this order. In carrying out this policy, the officials designated in subsection 4.01 of this order shall (a) establish and continue an effective program of communicating to the public the useful information obtained or developed in the fulfillment of their organizational missions; (b) publicize the availability of such informational materials in their rules or by other practical means so that the public shall utilize the regular informational programs of the Department, rather than resorting to the formal procedures for requesting identifiable records established pursuant to 5 U.S.C. 552(a)(3); and (c) insure that any such information which is given to individuals or special groups shall also be made available to the general public in accord with subsections 5.01 and 5.02 of this order, when and to the extent such information is subject to publication or inspection under 5 U.S.C. 552(a) (1) or (2).

.02 Officials responsible for determining, in accord with the Act and this order:

(a) What materials are to be published in the FEDERAL REGISTER; (b) what and how materials are to be made available for public inspection and copying, including indexing; and (c) what and how identifiable records which are requested are to be made available; shall, in the exercise of sound judgment where discretion exists in making such determinations, take an affirmative and constructive view of the requirements of the Act. Accordingly, in making rules and specific determinations, they shall among other factors: (1) provide such information to the affected public as will enable it to deal effectively and knowledgeably with their organizations; (2) keep within the limits of demonstrable need the use of the legal authorities which permit the withholding of information and records; (3) apply principles of equal treatment to requests for records; (4) consider disclosure to be the rule rather than the exception; and (5) consider the public convenience as well as the efficient conduct of their organization's business.

.03 Officials who issue rules and instructions, prepare materials for publication in the FEDERAL REGISTER, and who otherwise make determinations under or pursuant to this order and as it may be supplemented, shall be further guided by the "Attorney General's Memorandum on the Public Information Section of the Administrative Procedure Act" issued by the U.S. Department of Justice, June 1967, and as may be amended.

SEC. 4. *Delegation of Authority.* .01 The Secretary of Commerce is responsible for the effective administration of the Act and other laws applicable to the dissemination of records and other information of the Department. Pursuant to the authority vested by law in the Secretary of Commerce, authority is hereby delegated to the following officials of the Department to make available to persons the records and other information in the possession of their organizations, in accord with the provisions of the Act, this order, other applicable law, and as may be otherwise provided by the Secretary:

a. Secretarial Officers, for their respective offices and for the Departmental staff units reporting to them (as defined in Department Order 83, "Organization of the Department of Commerce", 31 F.R. 3471, Mar. 5, 1966, as amended). The Assistant Secretary for Administration further shall so act for the immediate Office of the Secretary except as the Secretary may otherwise direct.

b. The Assistant to the Secretary.

c. The Special Assistants to the Secretary for Public Affairs and for Congressional Relations.

d. The heads of operating units of the Department (as defined in Department Order 83).

.02 The officials to whom authority is delegated in subsection 4.01 may redelegate this authority to a limited number of officers and employees under them without power of further redelegation; however, the authority to make final decisions upon review of initially denied requests for identifiable records, as provided in subparagraph 5.04a.3. of this order, may not be delegated.

.03 The General Counsel of the Department, and his designees, shall provide such legal services as he deems necessary or desirable to enable the officials designated in subsections 4.01 and 4.02 to discharge their respective duties and responsibilities under and pursuant to this order, and shall make legal interpretations of questions arising thereunder. The General Counsel shall also act as the focal point within the Department for consultation or other communication with the Department of Justice with respect to any litigation arising out of or in connection with the Act, this order, and such rules and actions as may be taken to implement it.

SEC. 5. *Functions and responsibilities.* .01 *Publication in the Federal Register* (5 U.S.C. 552(a)(1) of the Act).

a. The following information of the Department and its component organizations shall be separately stated and currently published in the FEDERAL REGISTER for the guidance of the public:

1. Descriptions of the central and field organizations and the established places at which, the employees (and in the case of a uniformed service, the members) from whom, and the methods whereby, the public may secure information, make submittals or requests, or obtain decisions;

2. Statements of the general course and method by which functions are channeled and determined, including the nature and requirements of all formal and informal procedures available;

3. Rules of procedure, descriptions of forms available or the places at which forms may be obtained, and instructions as to the scope and contents of all papers, reports, or examinations;

4. Substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretations of general applicability formulated and adopted by their agencies; and

5. Every amendment, revision, or repeal of the foregoing.

b. The information contained in subparagraph 5.01a. of this order required under 5 U.S.C. 552(a)(1) shall be published in the FEDERAL REGISTER in the form of or included in:

1. Department Orders, including any supplements and appendices thereto. The Office of the Secretary shall cause such materials to be published in the FEDERAL REGISTER. The Department Orders and their supplements and appendices contain, among other information, the descriptions of the various organizations of the Department, and in many instances the other information indicated in subparagraphs 5.01a. 1. and 2.

2. The Department's Administrative Orders.

3. Other Office of the Secretary directives.

4. The rules, regulations, and orders contained in the various Title of the Code of Federal Regulations assigned to the Office of the Secretary and to the operating units of the Department.

5. General notices.

6. Other forms of publication when incorporated by reference in the FEDERAL REGISTER with the approval of the Director of the Office of the Federal Register.

c. Officials responsible for determining what materials are to be submitted for publication in the FEDERAL REGISTER pursuant to 5 U.S.C. 552(a)(1) shall consider, among other factors, in making such determinations:

1. That those matters which fall within one or more of the exemptions contained in 5 U.S.C. 552(b) need not be published. However, it may be decided, in accord with subsections 3.02 and 3.03 of this order, that publication even of such matters should in some instances and respects be made.

2. That matters which are reasonably available to the class of persons affected thereby and which have been or are to be incorporated by reference in the FEDERAL REGISTER with the approval of the Director of the Office of the Federal Register are deemed to be published in the FEDERAL REGISTER. In such cases, the standards and procedures for incorporation by reference established by the Director of the Office of the Federal Register (See 1 CFR Part 20; 32 F.R. 7899, June 1, 1967) shall be followed.

3. That matters to which members of the public do not have to resort or by which they are not to be adversely affected, or which do not impose burdens, obligations, conditions, or limitations

upon persons affected, need not be published in the FEDERAL REGISTER under 5 U.S.C. 552(a)(1). However, the policy considerations expressed in subsection 3.02 of this order may in certain instances suggest the publication of such matters.

4. That no person shall in any manner be required to resort to or be adversely affected by any matter required to be published in the FEDERAL REGISTER under 5 U.S.C. 552(a)(1) when it is not so published. However, actual and timely notice given to such a person cures any defect of nonpublication as to such person, since a person having such actual notice is equally bound as one having constructive notice by FEDERAL REGISTER publication. Nevertheless, such actual notice should as a matter of policy be in addition to, rather than instead of, publication.

5. That most of the types of information required to be currently published under 5 U.S.C. 552(a)(1) were so required under the previous section 3(a) of the Administrative Procedure Act. To the extent that such information is not currently published in up-to-date form, it shall be so published, to assure that the public is currently informed. As to materials required to be published but which were previously published in the FEDERAL REGISTER prior to this order, they need not be republished. However, where it appears that public confusion would be created by various and separate publications, consideration should be given to whether republication in some self-contained document or by proper references in a current publication would better serve the public convenience. When some action is taken by an organization subsequent to July 4, 1967, which requires publication in the FEDERAL REGISTER, "currently publish" is construed to mean promptly at the time that such action occurs.

.02 *Availability of materials for inspection and copying; indexing* (5 U.S.C. 552(a) (2) and (4) of the Act).

a. The head of each operating unit of the Department shall for his unit, and the Assistant Secretary shall for the officials, offices and units referred to in subparagraphs a., b., and c. of subsection 4.01 above, in accordance with rules which they shall cause to be published in the FEDERAL REGISTER, make available for public inspection and copying the following materials, unless such materials are promptly published and copies offered for sale:

1. Final opinions (including concurring and dissenting opinions), as well as orders, made in the adjudication of cases;

2. Those statements of policy and interpretations which have been adopted by the agency and are not published in the FEDERAL REGISTER;

3. Administrative staff manuals and instructions to staff that affect a member of the public;

4. An index, which shall be currently maintained, and which provides identifying information for the public as to any material (a) which is issued, adopted, or promulgated after July 4, 1967, and (b) which is required to be made available or published pursuant to 5 U.S.C. 552(a)(2); and

5. Where applicable, a record of the final votes of each member in every agency proceeding when the agency has more than one member. The terms "agency" and "agency proceeding" are defined in 5 U.S.C. 551.

b. The rules required to be published in the FEDERAL REGISTER under subsection 5.02a. of this order shall include provisions for the time, place, fees (only for the making of copies), and any procedures applicable to making such materials available at facilities or otherwise for public inspection and copying.

c. The Assistant Secretary for Administration shall establish, maintain, issue operating instructions and publish rules for, a public reference facility for the inspection and copying of materials subject to 5 U.S.C. 552(a)(2), which facility shall contain the materials for all offices within the Office of the Secretary and for such operating units as elect to use such facility. The head of each operating unit who does not use the facility established by the Assistant Secretary shall establish for his organization such facilities or other proper means for making the materials subject to 5 U.S.C. 552(a)(2) available to the public for inspection and copying, and publish appropriate rules applicable thereto.

d. The Officials responsible for determining the materials to be made available under subsection 5.02a. of this order for public inspection and copying shall consider, among other factors, in promulgating the published rules and in making such determinations:

1. That those matters which fall within one or more of the exemptions contained in 5 U.S.C. 552(b) are not required to be made available. Nonetheless, they may be made available in any particular respect if it is determined that this would better serve the public interest.

2. That they may, to the extent required to prevent a clearly unwarranted invasion of personal privacy, delete identifying details from an opinion, statement of policy, interpretation, staff manual or instruction when it is made available or published. However, in each case the justification for the deletion shall be explained fully in writing. Such action is to be taken in order to provide the public with those informational materials called for under 5 U.S.C. 552(a)(2), while at the same time protecting the medical, family, business, or other personal privacy rights of the individuals involved in such agency materials. Agency explanations for deletions of identifying details should provide such information as can be furnished without defeating the purpose of the deletion provision. When an agency has a number of recurring deletion situations, it may in its implementing rules specify the applicable reasons for such deletions, and cite the rule in the preamble to each of the covered documents, rather than contain the complete explanation in each document.

3. That distinction should be made between those materials (a) which do and which do not affect any member of the public, and (b) which are and which are not to be relied upon, used or cited as precedent by the agency against any private party. Those materials specified in 5 U.S.C. 552(a)(2) which affect the public and which have precedential effect shall be made available for inspection and copying, and also included in the index. As to the index, those documents which have no such effect or public concern should not detract from its usefulness by being included. However, since the basic purpose of this section of the Act is to disclose to the interested members of the public essential information which will enable them to deal effectively and knowingly with an agency, materials which provide such information should be included in the facilities that are established.

4. That an advisory interpretation made by an agency on a specific set of facts which is requested by and addressed to a particular person need not be made generally available under subsection 5.02a. of this order if it is not to be cited or relied upon by any official of the agency as a precedent in the disposition of other cases. Nonetheless, if it may serve any useful public purpose, any such interpretation may be made available publicly under this subsection upon the deletion of identifying details to the extent necessary to protect personal privacy.

5. That the agency is not precluded from using as precedent against any affected private party those matters specified in subparagraphs 1.–4. of subsection 5.02a. of this order as to which a private party has actual and timely notice of the terms thereof, even though they have not been indexed and made available or published. If the agency practice is to furnish such notices, it is more desirable that it do so in addition to, rather than instead of, indexing and making them publicly available hereunder, in recognition of the purpose of 5 U.S.C. 552(a)(2) to make the end product materials of the administrative process available to the public.

6. That matters which are published in the FEDERAL REGISTER in accordance with 5 U.S.C. 552(a)(1) are not required to be made available under 5 U.S.C. 552(a)(2) for public inspection and copying nor need they be indexed (the FEDERAL REGISTER has its own index). However, if the official determines that it would be useful and practicable also to provide such published information to the public for ready reference, he may do so.

7. That an index is considered to provide sufficient identifying information for the public if any competent practitioner who exercises diligence may familiarize himself with the materials through use of the index.

8. That an alternative to making materials available to the public for inspection and copying is to promptly publish and offer them for sale to the public. Such published materials, however, are subject to the indexing requirement. If it would help the public and it is practical to do so, a copy of such published materials should also be made available in any facilities established for public

inspection, and if permissible, copies of the publications made available for sale therein.

9. That materials required to be made available or published under 5 U.S.C. 552(a)(2), but which were adopted or issued by an agency prior to July 4, 1967, may at any time be used, relied upon or cited as precedent by the agency irrespective of whether they are listed in the agency's index. Officials, however, may, to the extent they deem it practicable and helpful to the public, also index such materials in whole or in part.

.03 *Availability of identifiable records upon request* (5 U.S.C. 552(a)(3) of the Act).

a. The Office of the Secretary shall cause to be published in the FEDERAL REGISTER rules stating the time, place, fees to the extent authorized by statute, and procedure to be followed, with respect to making identifiable records promptly available to any person requesting them, as provided in 5 U.S.C. 552(a)(3).

b. The officials designated in subsections 4.01 and 4.02 of this order who are responsible for making such requested records available shall, in determining their availability, include in their consideration:

1. Whether the record itself or information contained in it is a matter which falls within one or more of the exemptions contained in 5 U.S.C. 552(b), and if so, whether it is not to be disclosed or whether it would be in the public interest to make the record available in whole or in part;

2. Whether the person requesting such record has complied with the published rules covering its availability;

3. Whether the record is subject to 5 U.S.C. 552(a) (1) or (2) and has been otherwise made available pursuant to subsections 5.01a. or 5.02a. of this order; and

4. Whether the record is of the type referred to in subsection 3.01 of this order, and is to be handled in accord with the policy set forth therein.

.04 *Rules relating to availability of identifiable records upon request* (5 U.S.C. 552(a)(3) of the Act).

a. The rules which are to be published in the FEDERAL REGISTER pursuant to subsection 5.03a. of this order shall, insofar as is practicable, be complete, precise, and workable, suitable for the information of the agency personnel and the public alike, and shall include provisions, among other matters, for the following:

1. Certification or other proper notification to the requesting person by an appropriate official that a requested record does not exist, has been destroyed as provided by law, or is not in the possession of the operating unit or office of the Department, or as applicable, is not otherwise in the possession of the Department.

2. Consultation with other operating units or offices within the Department, or with other Federal executive agencies, when there is a mutual agency interest or concern in the record or its contents, and there is a question as to its availability. The determination as to availability should be made by the predominantly interested agency, if there is one. When a record requested from the Department is the exclusive concern of another executive agency, the request shall be promptly referred to that other agency, and the requester so notified.

3. Establishment of a procedure for administrative review of a denial of a request for an identifiable record. The review procedure shall include provisions which insure that: (a) Denial by a duly authorized official of a request for an identifiable record shall be promptly made in writing to the person requesting it and shall be considered an initial denial from which a review may be taken; (b) review shall be initiated by the person requesting the record by his filing a written request for review within 30 days of the date of the denial of a request; (c) said request for review shall be addressed to the applicable official specified in subsection 4.01 of this order in respect to records of his organization, and shall include a copy of the request in writing and the denial thereof; (d) review shall be made on the basis of the request, the denial, and any written argument submitted by the requester, and that no personal appearance, oral argument or hearing shall be permitted; (e) a decision on review shall be promptly made in writing and communicated to the requester by the aforesaid respective official and shall be the final action of the Department; (f) if the decision is wholly or partly in favor of the requester, the reviewing official shall order that such records be made available to the requester as provided in the decision; and to the extent that the decision is adverse to the requester, it shall briefly state the reasons for the decision; (g) such final decisions upon review shall be indexed and made available for inspection and copying as provided in subsection 5.03 of this order; and (h) final decision denying identifiable records to a requester may be subject to court proceedings as provided in 5 U.S.C. 552(a)(3).

4. Consultation with the General Counsel of the Department or one of his designees before making an initial determination as to the availability of the requested record, if there is any question as to its availability, and in all instances, before making any final determination as to such availability.

5. A schedule of fees and charges for the search, certification, copying and other applicable costs for requested records which is authorized by statute and which conforms to or is in accord with any uniform schedule of fees and charges which shall be established by the Assistant Secretary for Administration for such purposes. Work, services, publications, or documents of any type which the agency as part of its regular mission has been performing or producing or will be performed or produced for members of the public or for those who are engaged in the transaction of official business of or with the Government, without charge or by publication charge or by subscription, are to be distinguished from those records requested under 5 U.S.C. 552(a)(3); the fees and charges for the latter are subject to the schedule specified herein.

6. Where practicable, the establishment of centralized and/or other facilities, such as reading rooms or reading areas, manned by Department employees, where records may be requested and be made available to the public, and copying equipment provided where practicable and in the public interest.

7. To the extent that such may be depicted, and it is deemed practical and desirable to do so, a description of those records considered to be either wholly or in part covered by one or more of the exemptions contained in 5 U.S.C. 552(b) which may be made available generally or to specific persons or classes of persons under specific circumstances which would constitute exceptions to one or more of the aforesaid exemptions. It is recognized that decisions whether or not particular records which are requested are or are not to be made available under the exemptions, may not readily be governed by the formulation in advance of general rules or categories, but would be better accomplished through ad hoc consideration of such requests. These ad hoc decisions are subject to being made available and indexed under subsection 5.02a. of this order, deleting identifying details where necessary to protect personal privacy, when they are statements of policy or interpretation and are relied upon or cited as precedent by the agency.

8. Specification, to the extent such may be done, of the earliest time when particular kinds of materials may be made available as records. A document which is a part of a transaction and for which it is being used normally is not available as a record until the transaction is completed, if its disclosure would prejudice the Government's interests in the transaction. Also, records which otherwise are in current use by agency personnel will not normally be available until the record, or a copy of it, may be obtained without impairing the effective operation of the function for which it is currently in use.

b. The Assistant Secretary for Administration is authorized to provide that the facility which he shall establish under subparagraph 5.02c. of this order be also used for making identifiable records available to persons requesting them. This facility may be used, e.g., to:

1. Receive and assist in processing applications for such records;

2. Receive from officials the requested records which are made available, maintain custody of them and supervise their inspection and copying by the requesting person;

3. Arrange for making certified and other copies of available records;

4. Collect and account for fees and charges established for services connected with the requests;

5. Return records after inspection to their places of custody;

6. Act as a central communication center between the requesting persons and the organizations involved in record

keeping and officials making determinations as to their availability; and

7. Provide reasonable assistance to person requesting records, including explanations of the applicable procedure and other rules, and making referrals to sources of information available under regular informational programs of the Department.

c. The facility so established and maintained by the Assistant Secretary for Administration shall provide these services for all officials and offices within the Office of the Secretary, and for each operating unit the head of which elects to have the Assistant Secretary provide these services on its behalf. The Assistant Secretary may establish application and other forms, fees and charges for services performed, provide procedures and administrative instructions to those organizations services by the facility, and publish such rules as may be necessary for processing requests for identifiable records made under 5 U.S.C. 552(a)(3).

d. The head of each operating unit which does not use the facility provided by the Assistant Secretary for handling such requests for records shall establish his own rules for such purpose. However, he shall provide therein for use of the same forms and schedule of fees established by the Assistant Secretary, except as the Assistant Secretary shall otherwise approve. The Assistant Secretary and the heads of operating units which have established their own facilities may at any time combine such facilities if they determine that economy of operation and convenience to the public so require.

SEC. 6. *Supplementary rules.* .01 The Secretary may from time to time issue such supplementary rules or instructions as he deems appropriate to carry out the purposes of this order.

.02 Each duly authorized official shall issue rules covering his respective area of responsibility which are designed to implement and are consistent with this order and with those rules and instructions issued by the Secretary under subsection .01 above.

SEC. 7. *Compulsory process requesting documents or testimony.* .01 In any case where it is sought by subpoena, order or other compulsory process or other demand of a court or other authority (hereinafter referred to as a "demand") to require the production or disclosure of any record in the files of the Department of Commerce or other information acquired by an officer or employee of the Department as a part of the performance of his official duties or because of his official status, the matter shall be immediately referred for determination to the appropriate official described in subsection 4.01 of this order. If such official has discretion with respect to disclosure and he determines that it would be improper to comply with the demand, or if he has no discretion with respect to disclosure, the matter shall be promptly referred to the Secretary of Commerce for final determination. Unless and until the Secretary determines that the records or information should be produced, the officer or employee who appears in answer to the demand shall inform the court or other authority (a) that the section 7 of this order prohibits the officer or employee from producing or disclosing the records or other information demanded without the prior approval of the Secretary of Commerce, and (b) that the demand has been, or is being, as the case may be, referred for the prompt consideration of the Secretary. The officer or employee shall also provide the court or other authority with a copy of the regulations prescribed in this section 7 of this order, and shall respectfully request the court or other authority to stay the demand pending the receipt of instructions or directions from the Secretary of Commerce concerning the demand.

.02 Whenever a demand of the type described in subsection .01 of this section is made upon an officer or employee of the Department of Commerce while he is appearing before or is otherwise in the presence of the court or other authority, the officer or employee or the U.S. attorney or other appropriate Government official or attorney acting on behalf of the officer or employee, shall (a) immediately inform the court or other authority that this section 7 of this order prohibits the officer or employee from producing or disclosing the records or other information demanded without the prior approval of the appropriate official described in subsection 4.01 of this order or of the Secretary of Commerce, as the case may be; (b) offer to refer the demand for the prompt consideration of the aforesaid official or of the Secretary; (c) unless the court or other authority withdraws the demand, provide the court or other authority with a copy of the regulations prescribed by this section 7; and (d) respectfully request the court or other authority to stay the demand pending receipt of instructions or directions from the aforesaid official or from the Secretary concerning the demand.

.03 If the court or other authority declines to stay the effect of the demand in response to a request made in accordance with subsections .01 or .02 of this section pending the receipt of instructions or directions from the appropriate official described in subsection 4.01 of this order or from the Secretary of Commerce, or if the court or other authority rules adversely on any claim of privilege or other ground that may be asserted in conformity with the law, the provisions of this order, or with instructions or directions issued by the aforesaid official or by the Secretary pursuant to this order, the officer or employee upon whom the demand shall have been made shall, pursuant to the regulations contained in or pursuant to this order, respectfully decline to produce or disclose the records or other information demanded. (United States ex rel. Touhy v. Ragen, 340 U.S. 462.)

.04 No officer or employee of the Department shall appear as a witness and testify on behalf of or at the request of any party other than the U.S. Government in any court or other proceeding either because of his official capacity or because of his possession of knowledge gained in an official capacity, except (a) upon demand and in accord with the provisions of subsections .01–.03 of this section; (b) as may be otherwise provided by the regulations of the Department or an agency thereof with respect to specific types of proceedings; or (c) as may be otherwise authorized by the General Counsel of the Department or his designees.

SEC. 8. *Saving provision.* Any other prior orders, regulations, or instructions, or parts thereof, the provisions of which are inconsistent or in conflict with the provisions of this order are hereby amended or superseded accordingly.

Effective date: July 4, 1967.

LAWRENCE E. IMHOFF,
Acting Assistant Secretary for Administration.

[F.R. Doc. 67-7616; Filed, July 3, 1967; 8:51 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

UNION CARBIDE CORP.

Notice of Establishment of Temporary Tolerances

Notice is given that at the request of the Union Carbide Corp., South Charleston, W. Va. 25303, temporary tolerances are established for residues of a herbicide that is a mixture consisting of 80 percent of 3,4-dichlorobenzyl methylcarbamate and 20 percent of 2,3-dichlorobenzyl methylcarbamate, in or on garlic at 0.15 part per million and in or on the succulent form, dry form, and hay of beans, peanuts, peas, and soybeans at 0.1 part per million. The Commissioner of Food and Drugs has determined that these temporary tolerances will protect the public health.

A condition under which these temporary tolerances are established is that the herbicide will be used in accord with the temporary permit issued by the U.S. Department of Agriculture. Distribution will be under the Union Carbide Corp. name.

These temporary tolerances expire October 14, 1967.

This action is taken pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a (j)) and delegated by him to the Commissioner (21 CFR 2.120).

Dated: June 26, 1967.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 67-7628; Filed, July 3, 1967; 8:52 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

PUBLIC HEALTH SERVICE

Statement of Organization and Functions and Delegations of Authority

The following statement supersedes all previous material issued in part 4 (Public Health Service) of the Statement of Organization and Delegations of Authority for the Department of Health, Education, and Welfare:

SEC. 4-A. *Mission.* The Public Health Service provides leadership and direction to programs and activities designed to protect and improve the health of the people of the United States.

To this end the Service (1) conducts and supports biomedical and related research on the causes, diagnosis, treatment, and control of diseases, including environmental hazards to human health, (2) directs or supports programs to control or prevent infectious diseases, chronic diseases, accidental injuries, and environmental health hazards, (3) operates inpatient and outpatient facilities to provide medical care to designated beneficiaries, (4) establishes quality standards for health services financed in whole or in part by programs of the Department of Health, Education, and Welfare, (5) administers programs to ensure an adequate, qualified, and effectively utilized supply of health manpower for the nation, (6) supports planning and construction of health facilities, (7) provides leadership and grant support for State and area systems of comprehensive health planning and services and for regional cooperative arrangements among medical schools, research institutions, and hospitals, (8) collects, analyzes, and disseminates statistical data on births, deaths, disease incidence, and the state of the nation's health, and (9) administers a library-based program to collect, index, and disseminate publications and other information important to medicine and health, including research in new techniques for storage, retrieval, and communication of scientific findings.

SEC. 4-B. *Organization and functions.* The Public Health Service shall be administered by the Surgeon General under the supervision and direction of the Secretary and shall consist of the following major components, with functions as indicated:

OFFICE OF THE SURGEON GENERAL (2000)

Provides leadership for the programs of the Public Health Service.

Immediate Office of the Surgeon General (2001). (1) Provides leadership in protecting and improving the health of the people of the United States, (2) manages and directs the activities of the Public Health Service, and (3) advises on health matters for the U.S. Government, both at home and abroad.

Office of Information (2017). Plans, directs, and coordinates the information and publications programs of the Public Health Service. The Assistant to the Surgeon General for Information, who acts as Director of the Office of Information, (1) reports to the Surgeon General advising him on policy matters related to public reporting and public information, (2) formulates policies for the general guidance of information and publications activities throughout the Service, and (3) determines Office programs, plans, and policies.

Office of Administrative Management (2019). (1) Advises the Surgeon General and his top staff officers on management implications of PHS plans and operations, and (2) establishes policy and provides servicewide leadership in the areas of data management, budget and fiscal administration, internal audit, procurement, and materiel management, organizational planning, and planning and utilization of buildings and facilities.

Management Policy Staff (20192). Provides agency-level management analyses needed to improve the Service's organization and management policies: (1) Conducts organizational and management studies and surveys, (2) prepares or reviews proposals and issuances affecting organizational structure or function that require the approval of the Surgeon General or higher authority, (3) initiates or reviews proposals for establishing or modifying PHS management policies or regulations, (4) prepares staff papers on current management problems, (5) negotiates solutions to interagency, interbureau, and interoffice problems of organization, function, policy, procedure, or coordination, (6) advises and assists Service staff and operating offices and task forces established by the Surgeon General, (7) conducts a policy reference service, (8) assesses the management implications of legislative proposals, and (9) keeps currently informed on the latest developments in organization theory and practices and in management sciences.

Data Systems Development Staff (20193). (1) Plans, develops the specifications, and implements (or coordinates the implementation of) Service-wide systems for the recording, processing, reporting, and maintenance of data for program planning, direction, and control (2) determines the data requirements of the Surgeon General and OSG staff activities, (3) provides technical services to all elements of the OSG in data systems design, (4) maintains the necessary liaison throughout the Service to insure that data needs are met and that appropriate adjustments in the data systems are made to accommodate new areas of interest and changes in program emphases or goals, and (5) reviews all new data systems proposals for consistency with PHS program planning, direction, and management needs.

Division of Finance (20194). (1) Provides leadership for the improvement of Service programing and financial management activities, (2) develops policies and instructions for budget preparation and presentation, (3) participates actively in programing activities of the Office of Planning and Evaluation associated with Planning-Programing-Budgeting, (4) directs allocation of funds and manages a system of budgetary controls, (5) directs planning and implementation of fiscal systems and procedures and provides accounting services, and (6) in coordination with the Division of Grants and Contracts, develops policies and procedures concerning the financial aspects of negotiated research and development contracts and furnishes financial advice to contracting officers.

Division of Procurement and Materiel Management (20195). (1) Plans, directs, and coordinates the PHS procurement and materiel management programs, providing leadership, guidance, and technical automation, directives, records, forms, printing, and distribution, and (2) maintain liaison, in the Division's program areas, with components of the PHS, DHEW, other Federal agencies, and various public and private organizations.

Division of Internal Audit (20196). (1) Conducts internal audit reviews of Service operations, (2) ascertains degree of compliance with laws, regulations, and directives, (3) examines and evaluates management operations and Service accounting, financial, and statistical data systems, (4) ascertains whether assets are properly safeguarded and accounted for, (5) conducts the investigative and security-related activities of the Service and performs related staff services, and (6) reviews Service activities in connection with allegations of misconduct and possible violations of Federal statutes by Service personnel.

Division of Buildings and Facilities (20197). (1) Plans, directs, and coordinates the PHS facilities planning and construction program, (2) establishes policy and procedures, and (3) provides leadership, guidance, and technical assistance in the areas of design, construction, renovation, repair, improvement, and in related real estate activities encompassing the acquisition, utilization, and disposal of real property.

Division of Grants and Contracts (20198). (1) Provides management advice and assistance to PHS program officials in improving the effectiveness, efficiency, and economy of procedures and methods used in the administration of grants and R. & D. contracts, (2) conducts internal studies and reviews of grant and R. & D. contract activities throughout the Service to evaluate their effectiveness from a management point of view, (3) develops appropriate Service-wide policy and procedural supplements to negotiated contract regulations and instructions governing the use and administration of R. & D. contracts, (4) maintains a general surveillance over the execution of grant and R. & D. contract regulations and instructions, including determination of conformance to institutional cost-sharing policies, (5) identifies and defines administrative data needed for grant and R. & D. contract management, (6) represents the Service in intra-departmental and interagency negotiations on administrative aspects of grants and contracts, including the establishment of indirect cost rates, (7)

provides assistance to grantees and contractors needed to assure adequate accounting records, and administrative procedures in the execution of PHS grants and contracts, and (8) reviews the reports of audits and other investigations to identify and resolve significant problems in the administrative management of grants and contracts.

Office of Comprehensive Health Planning and Development (2029). (1) Provides Service-wide leadership in the development and operation of a program to provide grants to State and local governments for comprehensive health planning and the provision of health services, (2) reviews and recommends approval of proposed policy, regulations, program guidelines, and procedural instructions, (3) determines training needs and coordinates development of training material and training programs for regional personnel and for State and local officials, (4) develops and promulgates guidelines for regional office review activity, arranges for and coordinates provision of advice and assistance to regional personnel, and evaluates effectiveness of the regional participation in the program, (5) provides grants management services as needed for formula and project grants under section 314 of the Public Health Service Act, (6) develops and supervises the operation of a system for determining priorities and fund allocations between formula grants and project grants and among the different kinds of project grants, and (7) recommends kinds of data needed for program evaluation and arranges for their collection and analysis.

Office of Program Planning and Evaluation (2031). (1) Serves as the Surgeon General's principal staff arm for program planning and evaluation and health policy formulation, (2) develops, coordinates, and provides leadership for an integrated system of program alternatives and policy positions, (3) conducts long-range studies of national health needs, including evaluating the effectiveness of various activities within, the impact of Service programs on, and the socioeconomic context of the national health system, (4) develops and disseminates new and improved techniques in health program planning and development, (5) maintains liaison in these areas with other Federal and with national voluntary health agencies, and (6) coordinates staff support to the National Advisory Health Council and the Surgeon General's Conference with State and Territorial Health Officers.

Office of Extramural Programs (2033). (1) Prescribes and coordinates the maintenance of a system for the development, coordination, issuance, and interpretation of policies and procedures governing all PHS grant programs, (2) reviews and evaluates existing policies and procedures in respect to their impact upon recipients, consistency with general governmental policy, and efficacy in obtaining program objectives, and initiates changes where needed, (3) maintains liaison with grantee institutions, State and local health agencies, and other non-Federal organizations to interpret policies, identify problem areas, and effect solutions which will improve relationships and make for more effective programs, (4) prescribes systems for the receipt, recording, and referral of all grant applications, and except for grants administered by the Regional Organization, administers a central receipt system for any category of grant for which more than one bureau will receive applications, (5) in cooperation with program officials, coordinates the establishment and maintenance of guides governing the referral of applications to bureaus, to programs, and to review groups and directs a team of bureau representatives making such referrals, and (6) establishes standards and guidelines for the review of applications, including (a) establishment and use of study sections, councils, and other advisory review groups, (b) priority rankings, and (c) orientation of executive secretaries and consultant members.

Office of Legislation (2035). (1) Provides for legislative analysis and development through reports on pending bills, development of legislative program, and technical assistance to members of Congress on bills, (2) furnishes legislative program support through preparation of testimony, backup material for hearings, and assistance on preparation of congressional committee reports, (3) provides congressional services and liaison through preparation of general or special program information, (4) provides congressional inquiry service, and follows up on significant congressional mail, (5) serves as a legislative reference center, and (6) make selected analyses of State health legislative developments.

Office of Personnel (2037). (1) Formulates general policies and plans for personnel management in the Service and evaluates results, (2) acts for the Surgeon General on personnel management questions, (3) advises top officials on all aspects of personnel management, and (4) represents the Service on personnel matters with the Department, the Civil Service Commission, the Congress, and the public.

Division of Program Planning and Evaluation (20373). (1) Develops Service plans for meeting personnel needs and utilizing manpower resources, (2) develops and maintains current comprehensive written statements of Service personnel policies, regulations, and implementing procedures, (3) evaluates personnel programs within the Service and provides staff assistance for improving them, and (4) represents the Service in relations with the Department and outside agencies on above matters.

Division of Research and Standards (20374). (1) Develops and administers a comprehensive program of personnel standards and tests applicable to all Service occupations, and (2) plans and directs or performs personnel research studies.

Division of Career Development (20377). (1) Develops and coordinates a comprehensive program of recruitment, training, and career development for Service personnel, (2) monitors individual career development plans and arranges training tours for Corps officers and other centrally controlled personnel categories, (3) develops training standards and material for use in decentralized training, and (4) directs or functionally supervises centralized Service-wide training activities.

Division of Operations and Services (20379). (1) Administers all personnel operations and services not delegated to other offices, (2) plans and conducts a comprehensive personnel and training program for personnel of the Office of the Surgeon General, (3) provides advice and assistance to officials of the Service, and (4) acts as liaison with the Department, Civil Service Commission, and other agencies on specialized aspects of personnel operating programs, procedures, and cases.

Office of International Health (2045). (1) Provides direct staff advice to the Surgeon General on international health activities and programs, (2) develops Service policies concerning the relationships with bilateral and multilateral health agencies, (3) participates with the State Department in formulating U.S. positions on international health matters, (4) provides leadership, guidance, and coordination to the PHS bureaus in their international health programs, and (5) coordinates the Special Foreign Currency Program of the Service.

Office of Equal Health Opportunity (2055). (1) Plans and conducts a program—including report analysis, field investigations and negotiations, and information activities—to assure that hospitals and nursing homes, home health agencies, State and local health agencies, health research institutions, and schools for professional health personnel which receive Federal financial assistance comply with the nondiscrimination requirements of title VI of the Civil Rights Act of 1964, and (2) assures equal employment opportunity under PHS contracts and on grant-supported construction.

Public Health Service Regional Organization (20A1). The Public Health Service Regional Organization serves as the primary point of contact with State and local governmental officials, community agencies, and public or private institutions in: (1) Planning and maintaining effective health programs, (2) providing or arranging for the provision of consultative and technical assistance, (3) reviewing and approving applications for grants for health services, for construction of health facilities, and for health manpower development, (4) evaluating State and local health programs, (5) reporting to PHS headquarters on health needs, problems, and significant program developments, and (6) assuring compliance with Federal laws and regulations.

NATIONAL CENTER FOR HEALTH STATISTICS (2200)

(1) Collects, compiles, and publishes general-purpose vital and health statistics, (2) develops a program in health, demographic, and related statistics to

serve present and future needs of all segments of health and related professions, (3) conducts methodological research and developmental activities, and (4) provides national and international leadership in the field of vital and health statistics.

Immediate Office of the Center Director (2211). (1) Plans, directs, and coordinates the total program of the National Center for Health Statistics, (2) stimulates research and developmental activities, (3) provides national and international leadership in health statistics, (4) conducts a variety of professional activities to provide assistance to States, to foster international relationships, and to improve the broad field of health statistics, and (5) provides central management and information services for the Center.

Office of Information (2217). (1) Conducts information activities to present the Center's programs and product to appropriate user groups, (2) conducts scientific and technical communications programs, (3) develops exhibits, notices, information brochures, and other related material, and (4) conducts publication activities involving design, editing, and layout of special and recurring statistical volumes and reports.

Office of Administrative Management (2219). (1) Plans and directs the Center's administrative management activities, (2) conceives, initiates and conducts management programs embracing integrated systems of planning, analysis, budget formulation and reporting, (3) develops and coordinates the Center's legislative activities, and (4) provides specialized services in financial management, personnel management, management analysis, procedural development, and administrative services for the Center.

Office of Program Planning and Evaluation (2231). (1) Provides a Center focus for planning new statistical programs, evaluating the adequacy and completeness of new and existing programs in meeting the Center's total mission, and assessing program accomplishments in relation to approved plans, (2) carries out initial developmental work for new Center statistical programs, tests the methodology, and establishes primary mechanisms, (3) plans and conducts ad hoc surveys to meet special requests for data which are unavailable from ongoing survey programs, and (4) coordinates the results of program research conducted throughout the Center.

Office of Statistical Methods (2233). (1) Provides expert consultation on mathematics, probability and statistical theory, and method to the Director, the Center, the programs of the Service and Department, and the health community, (2) conducts mathematical statistical research, (3) conducts activities in the development of sampling survey techniques and the methodology of analysis of data from complex surveys, including the modification of statistical models to facilitate computer solution, and (4) exercises a surveillance function to assure the statistical adequacy of new and ongoing programs.

Office of International Statistical Program (2235). (1) Plans and conducts the Center's foreign research, consultation, and training programs and represents the Center in international statistical activities including those concerned with population problems, (2) stimulates the conception and development of research projects in foreign countries under the Special International Research Program, (3) provides technical advice on the development of health statistics and registration programs, and (4) develops and conducts academic and practical courses in statistics, demography, and registration for foreign visitors.

Office of State Services (2237). (1) Plans professional programs to foster State, local, and other professional relationships, (2) conducts a program of direct, technical assistance to States and local areas covering all aspects of vital and health statistics activities, (3) develops a training activity including courses in vital and health statistics theory and practice to serve State and local needs, (4) provides secretariat services to the Public Health Conference on Records and Statistics, and (5) encourages improvement of the vital and health statistics function in State health programs.

Office of Health Statistics Analysis (2241). (1) Plans and conducts a statistical program providing analyses in depth of health data, (2) stimulates the development of specific statistical programs or concepts throughout the Center to expand data available for analytical studies, (3) analyzes and interprets data reflecting the impact on the nation's health of existing health conditions, programs, and activities, (4) assesses the adequacy for trend analysis of methodological approaches to data collection, and (5) develops and publishes studies and reports.

Division of Vital Statistics (2245). (1) Conducts a statistical program serving demographic and public health needs, (2) promotes utilization of data and expansion of the U.S. vital registration system, (3) conducts methodological research on analyzing, evaluating, and presenting vital data and publishes results, (4) evaluates the responsiveness of the statistical product to user needs, and (5) develops actuarial methods and formulae for construction of life tables.

Division of Health Examination Statistics (2249). (1) Analyzes statistical data based on marriage and divorce records, (2) develops reports on marriage, divorce, and the family and conducts analytical and methodological research, (3) provides consultative assistance to States and other groups, and (4) cooperates in extending marriage and divorce registration areas.

Division of Health Records Statistics (2251). (1) Conducts a nationwide survey program of vital and hospital and medical care records and publishes the results, (2) makes special surveys in vital and health statistics, (3) conducts studies to improve survey methods and data quality and reliability, (4) advises and technically assists others on records survey methodology, and (5) evaluates the responsiveness of the statistical product to user needs.

Division of Health Interview Statistics (2255). (1) Conducts a statistical program based on systematic nationwide health interview surveys and publishes the results, (2) advises and technically assists others on interview data and interview methodology, (3) conducts research on data quality and reliability and the statistical techniques used, and (4) evaluates the responsiveness of the statistical product to user needs.

Division of Health Resources Statistics (2259). (1) Conducts a statistical program using primary or secondary sources to develop data on existing health resources including facilities, and manpower in a variety of occupations, and publishes the results, (2) conducts research on collection methodology for health resources data, (3) makes studies to improve data quality and reliability, (4) provides advice and technical assistance on content and utilization of health resource data, and (5) evaluates the responsiveness of the statistical product to user needs.

Division of Data Processing (2261). (1) Provides data processing services to all the Center's programs, (2) develops general computer programs and provides technical expertise in systems analysis and programing, (3) trains data processing, professional, and executive personnel, (4) conducts research and originates methods for processing, handling, transmitting, sorting, and retrieving statistical data, (5) provides technical assistance to States, other elements of the Service, and related organizations, and (6) conducts a statistical processing quality control program.

NATIONAL LIBRARY OF MEDICINE (2300)

The National Library of Medicine (1) assists the advancement of medical and related sciences through the collection, dissemination, and exchange of information important to the progress of medicine and health, (2) serves as a national medical information resource for medical education, research, and service activities of Federal and private agencies, organizations, institutions, and individuals, (3) publishes and distributes guides to medical literature in the form of catalogs, indexes, and bibliographies, (4) supports the translation and publication of biomedical literature, (5) provides support for medical library development and for training of biomedical librarians and other health information specialists, (6) conducts and supports research in techniques and methods for recording, storing, retrieving, and communicating health information, (7) provides technical consultation services and research assistance.

Immediate Office of the Director (2311). (1) Directs and coordinates library activities, (2) advises the Surgeon General on PHS policy relating to the management and control of published scientific information, (3) studies, identifies, and defines needs in biomedical communications and (4) provides the secretariat for the NLM Board of Regents.

Office of Administrative Management (2319). (1) Provides overall management and administrative services for the Library.

Office of Associate Director for Extramural Programs (2331). (1) Administers programs to augment and strengthen the health sciences libraries of the Nation and to improve biomedical communications through assistance to, or contracts with, non-Federal and private institutions, (2) analyzes and evaluates extramural programs in relation to program objectives and national needs to achieve balanced and effective support, (3) provides grants management, grants processing, and administrative management services.

Research and Training Division (2333). (1) Supports the conduct of research and development projects to: (a) Gain a better understanding of the production, processing, and communication patterns of information in the biomedical and related sciences, (b) identify the needs that institutions and workers in the health sciences have for this information, and (c) apply this new knowledge to the development of more efficient and effective communications modalities, (2) supports research projects in the history of life sciences, (3) supports training projects to increase the availability of medical librarians and health communications specialists, and makes awards to individuals in the form of traineeships and fellowships for advanced training and research in health information, (4) makes special awards to qualified scientists for the purpose of preparing comprehensive studies and critical reviews of the literature, and (5) provides secretariat services and staff assistance to advisory committees in these program areas.

Facilities and Resources Division (2335). (1) Administers programs of assistance for: (a) constructing, renovating, and expanding health sciences libraries throughout the country, (b) augmenting the basic resources of these libraries, and (c) developing a national system of regional medical libraries, (2) provides secretariat services and staff assistance to advisory committees in these program areas.

Publications and Translations Division (2337). (1) Supports the preparation and publication of translations, indexes, bibliographies, abstracts, and other publications to increase the availability and facilitate the utilization of published information in the health sciences, (2) provides secretariat services and staff assistance to advisory committees in these program areas.

Office of the Associate Director for Intramural Programs (2341). (1) Administers the Library's direct operations, (2) analyzes and evaluates intramural programs in relation to program needs, (3) develops and maintains the medical subject heading authority list, and (4) develops and administers a special program to organize and analyze published information on the effects of drugs and chemicals on man and prepares special bibliographies and reports on that subject.

Technical Services Division (2343). (1) Recommends policy on scope and coverage of the collection, (2) acquires and catalogs materials for the collection, (3) develops and maintains national and international publication exchange relationships, (4) publishes catalogs of the Library's acquisitions and holdings, and (5) performs studies directed toward mechanization and automation of technical services.

Reference Services Division (2345). (1) Provides reference services, assistance, and facilities, (2) administers the interlibrary loan program, (3) maintains, circulates, and preserves the Library's collections, (4) provides photographic and photocopying services, and (5) performs research and development activities related to graphic image storage and retrieval.

Bibliographic Services Division (2347). (1) Analyzes and indexes for publication the literature of medicine and allied sciences, (2) prepares research bibliographies on special subjects, (3) analyzes and prepares requests for special bibliographies for computer processing, and (4) develops recurring bibliographic services.

Information Systems Division (2351). (1) Conducts research in information science to further dissemination of recorded knowledge in the health sciences, (2) performs systems analyses and designs new information systems, (3) provides computer services including computer programing, conversion of raw data for computer processing, and operation of all computer, phototypesetter, and related data processing equipment, (4) monitors and evaluates operating systems to effect improvements, (5) plans and administers the decentralized MEDLARS system, and (6) distributes magnetic tapes to MEDLARS Search Centers and other authorized users in the United States and abroad.

History of Medicine Division (2355). (1) Acquires, organizes, and services the historical source materials of the Library, (2) performs research in the history of medicine, (3) contributes to historical studies by publishing catalogs, bibliographies, and other aids to medical-historical scholarship, and (4) collects, catalogs, and controls the pictorial materials of the Library including films, prints, photographs, slides, and paintings.

NATIONAL INSTITUTES OF HEALTH (2400)

Conducts and supports basic and clinical research and research training in the causes, diagnosis, prevention, and cure of diseases of man including the biological effects of environmental contaminants, in the processes of human growth and development, and in related sciences: (1) Conducts laboratory, clinical, and field research, (2) supports health and medically-related research and research training by assisting individuals, universities, institutions, and agencies through grants-in-aid for research projects, training grants, fellowships, grants for the general support of research and research training, and grants for research facilities construction, (3) advises the Surgeon General on general research policies of the Public Health Service, (4) disseminates and supports dissemination of research findings and related information and supports regional medical cooperative arrangements to apply research results, furnish training, and exchange information among medical schools, research institutions, and hospitals, and (5) administers Federal standards and licensing activities controlling the safety, purity, and potency of certain viruses, serums, toxins, and analogous products sold in interstate commerce. Activities in the field of mental health and mental disease are excluded from the above, except that under an agreement between the National Institute of Mental Health and NIH, the Director of NIH approves the program, budget, and operating policies and procedures for activities of the NIMH located at NIH.

Immediate Office of the Director (2401). (1) Provides leadership, direction, evaluation, and coordination of the total NIH program of biomedical research and related activities, and (2) advises the Surgeon General on policy matters concerning scientific research.

Office of Research Information (2417). (1) Plans, directs, and coordinates NIH research information activities, and advises the Director on public information problems, (2) develops NIH information policies and programs, and coordinates information activities of the institutes and divisions, (3) provides central NIH review of publications intended for the general public and of proposals for construction of exhibits for the general public, and coordinates NIH-wide film activities, and (4) provides coverage in depth of NIH activities and programs for professional journals, medical news publications, and specialized media, and maintains liaison with science writers on difficult issues of science news reporting.

Office of Administrative Management (2419). Provides central management services to NIH, including budget, personnel, and other administrative functions.

Office of Program Planning and Evaluation (2431). (1) Oversees planning, reporting, and analytical functions in support of program development, policy formulation, and overall program direction functions of the executive staff of NIH, (2) advises the Director, NIH and his immediate staff on policy, program, and operational implications arising from activities of the Office, and (3) participates in program planning and policy formulation.

Office of International Research (2433). (1) Formulates policies, plans, and procedures to direct and coordinate the international activities of NIH, (2) establishes and maintains liaison with the various institutes and their National Advisory Councils in implementing their international programs, (3) in concert with the Office of International Health, OSG, establishes and maintains liaison with Federal agencies and international organizations concerned with medical research, (4) advises the Director on international aspects of medical research and

research training, (5) administers international programs of medical research, and (6) directs and coordinates the activities of the OIR overseas offices.

Clinical Center (2435). (1) Provides patient facilities and services, other than physician care, for clinical investigations in the Clinical Center, (2) conducts research in clinical care, hospital administration, and related areas, (3) supervises residency and other training programs, and (4) operates the Clinical Center cafeteria.

Division of Computer Research and Technology (2437). Plans and conducts an integrated computer research and service program in support of the NIH mission. In fulfilling this responsibility, the Division: (1) Provides professional programing, computational and automatic data processing capability to meet NIH program needs, (2) conducts theoretical and applied research in mathematical statistics, mathematics, and other (physical and life) sciences, (3) provides resources for research, development, and consultation for the design and implementation of project-supporting computer systems, (4) provides scientific and administrative direction in the formulation of NIH-wide policies, standards, methods, and procedures on computation and automatic data processing activities, and (5) participates in the analysis of requirements, design, and development of automatic data processing systems to make effective use of advanced techniques and equipment.

Division of Research Services (2439). Provides centralized instrumentation and maintenance, library, medical arts, photography, translating, animal production and care, new construction, plant maintenance, environmental, landscaping, and other scientific, technical, and engineering services to NIH.

Division of Research Grants (2441). (1) Initiates and develops recommendations and provides staff support services for NIH in formulating PHS grants and awards policies and procedures relating to research, center, and training grants and fellowship programs, (2) represents the NIH in the assignment of research grant applications among the Bureaus of the PHS and assigns applications within NIH to initial review groups and Institutes and Divisions, (3) provides for the scientific review of applications by NIH study sections and review committees, (4) conducts negotiations with grantee institutions, makes studies, and provides advisory and consultative services to NIH Institutes and Divisions relative to PHS grant policy and NIH-wide management matters, (5) collects, stores, retrieves, and analyzes management and program data needed by NIH in the management of its extramural programs, and (6) reviews and analyzes the character and direction of research and training supported through NIH grants and the resources involved in providing such support.

Division of Biologics Standards (2443). (1) Administers regulation of biological products used in the District of Columbia and in interstate commerce, and (2) prepares biological products for its own use and for use by other Federal and private agencies and organizations engaged in medicine when such products are not available commercially. In carrying out these functions, cooperates with other PHS organizations, governmental and international agencies, volunteer health organizations, universities, individual scientists, nongovernmental laboratories, and manufacturers of biologicals.

Division of Research Facilities and Resources (2445). Administers those NIH extramural programs which (1) provide broad support for institutional, regional, or national programs to meet health research needs, (2) provide resources and facilities for multidisciplinary research programs of nonprofit institutions, conducting health-related research, (3) support programs for specialized research resource centers, (4) support construction and renovation of health research facilities and centers, and (5) provide general support for research and research training programs at universities and other institutions.

Division of Regional Medical Programs (2447). Administers a program of support, through grants, for regional cooperative arrangements among medical schools, research institutions, hospitals, and other public and private health agencies and resources for: (1) Developing new knowledge about the causes, prevention, diagnosis, and treatment of heart disease, cancer, stroke, and related diseases, (2) the continuing education of the health professions by conducting and encouraging research into, and developing information on, criteria, standards, and methods for continuing education programs, and (3) through demonstrations and exchange of information, raising the level of patient care generally to that obtainable in the best medical centers. Through such cooperative arrangements, affords the medical profession and medical institutions an opportunity to make available the latest diagnostic and treatment advances relating to these diseases for improving the quality of patient care. Develops criteria and standards for the identification of those facilities where advanced specialty training and the most advanced techniques in diagnosis and treatment are available.

Division of Environmental Health Sciences (2449). (1) Conducts, fosters, and coordinates research on the biological effects of chemical, physical, and biological substances present in or introduced into the environment, to: (a) Develop understanding of the mechanism of action of such substances, (b) provide the scientific basis for evaluating their extent and severity on a national scale; and (c) diagnose, define, and develop methods for treatment, (2) makes related grants for research, research training, traineeships, and fellowships, and (3) disseminates appropriate information.

National Cancer Institute (2451). (1) Conducts, administers, and cordinates the Public Health Service program of research related to the cause, prevention, diagnosis, and treatment of cancer, and (2) makes grants-in-aid for research, training, traineeships, and fellowships, and publishes related information.

National Heart Institute (2455). (1) Fosters, conducts, and coordinates research and training on the causes, prevention, diagnosis, and treatment of diseases of the heart and circulation, (2) provides grants-in-aid for cardiovascular research and teaching, (3) provides training and instruction in the research and clinical aspects of heart diseases, and (4) collects and disseminates information on cardiovascular diseases.

National Institute of Allergy and Infectious Diseases (2459). (1) Administers programs of research, and (2) makes grants-in-aid for research, training grants and awards, and career and fellowship awards in allergy, infectious, and related diseases.

National Institute of Arthritis and Metabolic Diseases (2463). (1) Administers programs of research, and (2) makes grants-in-aid for research, training grants and awards, and career and fellowship awards in arthritis and metabolic and related diseases.

National Institute of Child Health and Human Development (2467). (1) Conducts, fosters, and coordinates research relating to maternal health, child health, and human development, including research in special health problems and requirements of mothers and children, and in the basic sciences relating to the process of human growth, development, and prenatal development, (2) provides grants-in-aid to public or private institutions and individuals for research and training and provides fellowships to individuals, and (3) collects and disseminates information on research and findings in the area of child health and human development.

National Institute of Dental Research (2471). (1) Administers programs of research, grants-in-aid for research, training grants and awards, and career and fellowship awards in dental and related diseases and conditions, and (2) provides dental care for Clinical Center patients.

National Institute of General Medical Sciences (2475). Administers, fosters, and supports programs of research, research training, and research fellowships in the general or basic medical sciences and related natural or behavioral sciences which have significance for a number of other institutes, are outside the general area of responsibility of any other institute, and will benefit by administration from a single point.

National Institute of Neurological Diseases and Blindness (2483). (1) Conducts, fosters, and coordinates research on the causes, prevention, diagnosis, and treatment of neurological and sensory disorders and related fields, (2) administers a program of research grants, training grants and awards, and (3) with National Center for Chronic Diseases Control, BDPEC, collects and disseminates information related to neurological and sensory disorders.

BUREAU OF DISEASE PREVENTION AND ENVIRONMENTAL CONTROL (2500)

Provides leadership in policy development, program operations, and coordina-

tion of those Public Health Service programs designed to protect human health and general welfare and to improve the quality of the environment through (1) control of environmental hazards and exposures thereto, of incidence of and exposure to infectious diseases, of incidence of and disability from chronic diseases, of accidental injury and death, and (2) provision of means of identification and diagnosis of conditions contributing to illness and death.

Immediate Office of the Bureau Director (2511). (1) Provides leadership, direction, evaluation, and coordination of the total Bureau program, and (2) advises the Surgeon General on policy matters concerning these programs.

Office of Information (2517). (1) Assists and advises the Director in interpreting the program of the Bureau to the public, (2) reports to the Director on actual and prospective public response, and (3) participates in the planning and development of Bureau-level policies with special responsibility for their interpretation to the public.

Office of Administrative Management (2519). Assists and advises the Director in the development, coordination, direction, and assessment of administrative management activities in the Bureau and assures consideration of mangement implications in program decisions.

Office of Program Planning and Evaluation (2531). Assists and advises the Director in the development, coordination, and assessment of overall program planning activities for the Bureau, and provides liaison with Service program planning officials.

Office of Research and Development (2533). (1) Assists and advises the Director in development, coordination, and assessment of intramural and extramural research activities through the Bureau, (2) maintains liaison with research and development interests outside the Bureau, (3) interprets PHS grants policy and coordinates its application within the Bureau, and (4) cooperates with other interested organizations in evaluating need for national manpower for research and development personnel in fields of concern to the Bureau and encourages development of training programs to meet such needs.

Office of Standards and Intelligence (2535). (1) Assists and advises the Director in development, coordination, and assessment of criteria and of standards promulgated for use in program operations and of surveillance and other systems for provision of data relating to such standards, and (2) maintains liaison with the National Center for Health Statistics and other governmental and nongovernmental agencies.

Office of Compliance and Control (2537). (1) Responsible for leadership, direction, and coordination of technical assistance compliance, and enforcement activities, and of relationships with Federal, State, and local agencies, international agencies, and nongovernmental organizations which involve these activities, and (2) cooperates with other interested organizations in evaluating national manpower needs in fields of concern to the Bureau of Disease Prevention and Environmental Control, and encourages development of training programs to meet such needs.

National Center for Radiological Health (2541). Plans, conducts, coordinates, and supports a national program for the prevention and control of radiological hazards to public health through (1) surveillance activities, (2) research and development programs, (3) technical assistance to governmental and other organizations, (4) technical training programs, (5) development of criteria and codes, (6) administration of grants, (7) consultation on international programs, and (8) public information and education activities.

National Center for Urban and Industrial Health (2545). Plans, conducts, coordinates, and supports a national program for the prevention and control of environmental hazards and health problems associated with urban living, transportation, and industry—such as accidents, occupations, water supply, housing, solid waste disposal and salvage techniques, food protection and general sanitation, and health aspects of metropolitan area planning—through (1) provision of a locus for initiation of new programs to meet emerging problems, (2) surveillance activities, (3) research and development, (4) technical assistance to governmental and other organizations, (5) demonstrations and pilot operations, (6) certification of interstate milk shippers, (7) shellfish sanitation agreements with States, Canada, and Japan, (8) enforcement of interstate carrier and interstate quarantine regulations, (9) technical training, (10) development of criteria and codes, (11) administration of grants, (12) consultation on international programs, and (13) public information and education activities.

National Center for Chronic Disease Control (2551). Plans, conducts, coordinates, and supports a national program for the prevention and control of chronic diseases, and programs related to nutrition and health through (1) surveillance activities, (2) research and development programs, (3) epidemiologic studies, (4) technical assistance to governmental and other organizations, (5) development of criteria and codes, (6) administration of grants, (7) consultation on international programs, and (8) public information and education activities, including a National Clearinghouse for Smoking and Health.

National Center for Air Pollution Control (2555). Plans, conducts, coordinates, and supports a national program for the prevention and control of air pollution through (1) surveillance activities, (2) research and development programs, (3) technical assistance to governmental and other organizations, and Federal enforcement actions as initiated by the Secretary, (4) technical training programs, (5) development of criteria and codes, (6) administration of grants, (7) consultation on international programs, and (8) public information and education activities.

National Communicable Disease Center (2561). Plans, conducts, and coordinates (1) a national program for the prevention and control of communicable and certain other preventable diseases, (2) a national program for the detection, assessment, control, and reduction of potential and harmful and/or unnecessary exposure of man to pesticides and other chemical agents, (3) a comprehensive national laboratory improvement program, including the provision of laboratory technical support for other national centers of the Bureau, other segments of the Public Health Service, and State, local, and other groups engaged in medical laboratory practice or administration, and (4) a national program in biomedical audiovisual communication.

National Institute of Mental Health (2600)

Plans, directs, and coordinates the national effort to improve the mental health of the people of the United States through the development of knowledge, manpower, and services to promote and sustain mental health, prevent mental illness, and treat and rehabilitate mentally ill persons: (1) Administers direct and support programs of research and training; development of mental health standards; consultative and technical services to regions, states, and communities; construction and staffing of community mental health centers and construction, modernization, and renovation of other mental health facilities; scientific communications for professional individuals and groups and information and education for the public, (2) serves as the principal focus for behavioral science activities and for social and cultural problems related to mental health and for concerns and activities ranging from the causes, diagnosis, treatment, and prevention of mental disorders to the biological and psychosocial factors that determine human behavior and development, (3) exerts focused efforts in such areas as alcoholism, narcotic and other drug abuse, development and evaluation of psychoactive drugs, suicide prevention, cultural deprivation, crime and delinquency, services for the mentally ill offenders, and the behavior of groups including mass violence, (4) gives specific emphasis to (a) an attack on the overall mental health manpower problem by experimental training, both direct and supported, and continuing education, (b) an expansion of research efforts in clinical and applied areas, and (c) an expansion and improvement of mental health services through utilization of programs such as Medicare, Appalachian development, and pertinent aspects of aid to education, (5) consults with appropriate individuals and agencies in the development of mental health programs in other countries. Intramural research activities located on the NIH reservation are operated in accordance with the general policies and practices applicable to the intramural research programs of the NIH components under a mutual agreement between the two bureaus.

Immediate Office of the Institute Director (2611). (1) Plans, directs, and administers the programs of the Institute, (2) develops and provides policy guidance and staff direction to NIMH programs in such areas as program coordination and review, mental health research, administrative management, intramural training, and patient care, (3) serves as the focal point for the national mental health effort, (4) provides professional and technical direction to the Mental Health Staffs in the DHEW Regional Offices.

Office of Communications (2617). (1) Serves as focal point for Institute public information and scientific communications activities, including operation of the Public Information Branch and the National Clearinghouse for Mental Health Information, (2) advises the Director and the Divisions on program developments related to public information and scientific communications in the field of mental health, (3) provides central services for information activities, including editing, clearance, and layout design services for Institute publications and photography, and (4) operates the Institute library.

Office of Administrative Management (2619). (1) Provides advice, coordination, and services in financial management, management policy, personnel management, grants and contracts management, administrative services, and data processing activities, (2) advises the Director and the Divisions on developments and their implications in these areas, (3) designs, issues, and implements administrative operating procedures for the conduct of Institute affairs.

Office of Program Planning and Evaluation (2631). (1) Develops and issues guidelines and standards for program planning and evaluation, (2) develops or coordinates the development of plans and evaluates program accomplishments, (3) participates in Planning-Programming-Budgeting activities, (4) identifies and analyzes national mental health needs and their socio-economic implications, (5) develops standards for mental health diagnosis, treatment, care, and rehabilitation, (6) provides legislative reference services, assists in the development of legislation, and advises on legislative matters in mental health, (7) plans and coordinates Institute internal staff development activities.

Office of Program Liaison (2633). (1) Coordinates Institute relationships and activities with DHEW components, other Federal agencies, international groups, and with regional, State, and local mental health agencies and citizen groups, (2) acts as liaison between the NIMH Regional Staffs and other Institute program areas, (3) performs grant application review and referral for the Institute, including liaison with other PHS elements, (4) coordinates similar activities in the Divisions and keeps Divisions informed on significant developments.

Division of Extramural Research Programs (2641). (1) Plans and administers programs of support for research on causes, prevention, diagnosis, and treatment of mental diseases including research in the behavioral sciences, clinical, biological, applied, and psychopharmacological research, (2) develops and utilizes various types of grant and contract mechanisms to support this research, (3) coordinates Institute programs in schizophrenia and in mental health and social problems.

Division of Manpower and Training Programs (2645). (1) Plans and administers programs of support for training of mental health personnel for research and service on a nationwide basis, including training in the mental health core disciplines, specialized training for professionals and subprofessionals in allied fields, and experimental training for current and newly emerging programs and activities, (2) develops and utilizes various types of grant and contract mechanisms to support these training programs, (3) collects and evaluates data on national mental health manpower.

Division of Mental Health Service Programs (2649). (1) Plans and administers programs for the support of nationwide mental health services including (a) general improvement of regional, state, and local mental health programs, (b) construction and staffing of comprehensive community mental health centers, (c) improvement of the quality of care and competence of staff in State mental hospitals and institutions, (d) construction, modernization, and renovation of mental hospital, general hospital, and university-based psychiatric facilities, (2) administers mental health care administration aspects of the Social Security legislation, (3) provides advice and consultation to regional, State, and community agencies in the development and utilization of mental health services, (4) coordinates Institute programs of regional, metropolitan, and rural mental health problems.

Division of Special Mental Health Programs (2651). (1) Plans and administers programs directed toward the solution of specialized mental health problems, such as alcoholism, narcotic and other drug abuse, mental health of children and youth, crime and delinquency, and suicide prevention, including the research, training, service, and other aspects of such programs, (2) develops and utilizes various types of grant and contract mechanisms to carry out these programs, (3) coordinates and integrates these programs with other pertinent components of the Institute, (4) plans and administers a direct training program in mental health and related disciplines and special areas, utilizing Institute and other appropriate agency settings.

Division of Field Investigations (2655). (1) Plans and administers the Institute's program of field investigations through such activities as (a) operation of model comprehensive community mental health centers, (b) operation of clinical research centers in such areas as alcoholism, drug abuse, drug dependence, and personality and antisocial disorders, (c) support and conduct of epidemiological research, (d) operation of regional field stations for surveillance of local mental health conditions and conduct of studies within their catchment areas, (2) as pertinent to clinical research efforts, provides patient care for narcotic addicts and other psychiatric patients.

Mental Health Intramural Research Program (2661). (1) Plans and administers a comprehensive long-term intramural research program of clinical and behavioral, biological, and special research dealing with the causes, diagnosis, treatment, and prevention of mental disorders and the biological and psychosocial factors that determine human behavior and development, (2) provides a focus for national attention in the area of mental health research, (3) provides technical support to the two intramural divisions through development and maintenance of electronic and mechanical instrumentation and equipment, (4) assures that NIMH intramural research activities located on NIH premises are operated in accordance with the general policies and practices applicable to the intramural research programs of the NIH components under a mutual agreement between the two bureaus.

Division of Clinical, Behavioral, and Biological Research (2663). Plans and conducts a coordinated program of clinical, behavioral, and biological research dealing with (1) the causes, diagnosis, treatment, and prevention of mental disease, and (2) the basic psychosocial and biological processes which determine both adaptive and maladaptive behavior.

Division of Special Mental Health Research (2667). (1) Plans and conducts a program of intramural research on special mental health problems such as psychopharmacology, neuropharmacology, drug abuse, and the biochemistry of learning, (2) provides policy guidance, technical direction, and logistical support to other special Institute research activities in areas such as crime and delinquency, alcoholism, and suicide, (3) operates the Addiction Research Center at Lexington, Ky.

Bureau of Health Services (2700)

Provides leadership in the provision of adequate and comprehensive personal health services for the people of the United States: (1) Strengthens the partnership in health relationships by continuing mutual programs in States, regions, and communities, and providing resources, and training in the field of health planning, and health services research and development, (2) provides support to States and communities for the construction of hospital and medical facilities, with the fullest exploration and application of new technologies, (3) creates new and refines existing services which are essential to improving and maintaining health, (4) promotes, stimulates, and organizes comprehensive health services systems, develops criteria and standards for health care and health

services, and improves their distribution and financing, (5) provides guidance, consultation, and direct health services for other Federal agencies, and provides emergency health services in local or national disasters, (6) provides care of legally identifiable Federal beneficiaries, and supports programs to meet health needs of special population groups, (7) creates the professional environment to attract and retain health services personnel for the Public Health Service, as well as to contribute generally to the reservoir of skilled health personnel, (8) develops and extends comprehensive community services for the mentally retarded, (9) conducts and supports programs to improve international health status, (10) develops dynamic health education and public information programs to increase awareness in both the lay and professional of new techniques and discoveries for disease detection, prevention, and cure.

Immediate Office of the Bureau Director (2711). (1) Develops, directs, coordinates, and evaluates the program and management operations of the Bureau, (2) fosters utilization of dental and nursing services assistance available from the Bureau of Health Manpower, and environmental health services from the Bureau of Disease Prevention and Environmental Control, as appropriate.

Office of Information (2717). (1) Develops and conducts an overall Bureau information program, (2) coordinates, evaluates, and provides leadership in the development and effective operation of Division information programs, (3) provides staff advice on information matters, (4) participates in the planning and development of Bureau-level policies with special responsibility for their interpretation to the public.

Office of Administrative Management (2719). (1) Plans, develops, coordinates, evaluates, and directs the Bureau administrative management activities, including financial management, personnel management, general services, management appraisal, data processing, and legal services, (2) provides administrative services to the Office of the Bureau Director.

Office of Program Planning and Evaluation (2731). (1) Develops criteria and guidelines for the development of current and long-range Bureau plans, (2) establishes criteria for appraising program activities and services and analyzing health needs, (3) recommends changes in program and identifies need for legislation, (4) coordinates planning and development of intramural health facilities to insure consistency with Service policy and program goals, (5) coordinates Bureau professional society liaison and special projects development, (6) identifies need and provides guidance for the establishment of career development programs for special groups, (7) coordinates special staff project operations at the Bureau level, (8) advises on general legislative policy and program, works with Divisions in developing specific legislative proposals, and provides for liaison with the Office of the Surgeon General on legislative matters, (9) stimulates, coordinates, and assesses the standards-setting activities carried out by Bureau programs.

Office of Research and Development (2733). (1) Coordinates Bureau efforts in health services research and development, (2) stimulates development of extramural resources for the conduct of such research and development, (3) provides research design assistance for research and demonstration projects relating to Bureau facilities and programs, (4) assists in developing large scale, complex research projects involving two or more Divisions or Bureaus, (5) evaluates research results, (6) disseminates and encourages utilization of research findings, (7) develops financial support for research projects, utilizing available grant and contract funding, (8) carries out project and contract reviews, (9) develops and coordinates policies and procedures governing the use of grants and contracts, (10) provides grants management and negotiated contract services.

Office of Health Economics (2735). (1) Determines the economic significance of Bureau programs in relation to the national economy, (2) advises on the cost effectiveness of alternative courses of action from both short and longer range economic viewpoints, (3) advises in matters relating broadly to the health care economy, to its place in the national economy, and to public socio-economic policy issues that devolve around proposed and ongoing health programs, (4) represents the Bureau in matters involving these areas of concern.

Division of Community Health Services (2745). (1) Administers grants for research, training, and demonstration in the organization and provision of personal health services, (2) provides consultation and conducts and supports studies in planning and development of comprehensive health service systems related to problems of urban and rural communities, (3) develops training methodology and materials, and stimulates and conducts PHS, State, and local training programs in planning, (4) works with other Federal agencies, States, and communities in providing services for special population groups and the integration of programs such as family planning and school health into a total community health services system, (5) conducts and supports behavioral and communications research, demonstration projects, consultation, and training to promote sound health practices, (6) promotes effective working relationships between health services planners and rural and metropolitan planning groups, (7) encourages and supports development and utilization of health services data systems using automated techniques.

Division of Direct Health Services (2747). (1) Provides comprehensive programs of direct health care for Federal beneficiaries and selected community groups, (2) trains health services personnel for the Division and other PHS programs, (3) conducts clinical and health services research, and collaborative studies and demonstrations of better ways of delivering health services including medical rehabilitation, (4) plans, coordinates, and directs its activities in support of and in cooperation with community programs, (5) administers the Selective Service Medical Rejectee Program and the Cuban Refugee Health Program.

Division of Federal Employee Health (2749). (1) Promotes activities designed to protect the working health and safety of Federal employees in order to maximize their productivity, (2) conducts research studies, training, and demonstration projects, develops occupational medical standards and methods, provides consultation on, and stimulates the development of, improved occupational health and safety programs throughout the Government, (3) evaluates, upon request, Federal agency occupational health services programs in relation to standards, (4) administers employee occupational health programs for other Federal agencies on a reimbursable basis, (5) develops, directs, and evaluates a safety and accident prevention program for employees of the Public Health Service.

Division of Health Mobilization (2751). (1) Prepares national emergency plans and develops preparedness programs for health services, civilian health manpower, health resources, and public water supply under conditions of national disaster, (2) provides consultation and guidance to Federal, State, and local governments on the preparedness programs, (3) develops and directs nationwide health mobilization training programs, (4) manages the Federal program for stockpiling essential emergency health supplies and equipment.

Division of Hospital and Medical Facilities (2755). (1) Administers project, formula, and research grant programs for developing, expanding, and improving the planning, construction, modernization, equipping, and utilization of hospitals and related patient-care facilities, (2) provides administrative, architectural, and engineering services for the planning, construction, and modernization of facilities for the mentally retarded, teaching facilities for the health professions, and community health centers, (3) formulates, administers, and evaluates programs which supplement the grant programs, including research and the development of guide materials.

Division of Indian Health (2761). (1) Develops and directs a program of comprehensive health services for eligible American Indians and Alaska natives, (2) provides hospital and medical care services and preventive health services, such as public health nursing, health education, environmental health, maternal and child health, school health, and oral health, (3) conducts tuberculosis and other communicable disease control activities, (4) encourages and assists in the development of individual and community water and waste disposal systems, and (5) provides training for health personnel.

Division of Medical Care Administration (2765). (1) Develops organizational patterns and procedures, including considerations of administration, delivery, and financing directed toward the provision of high quality health services, accessible to the total population, (2) develops programs for meeting special problems of health care and maintenance, including those of the aging, (3) conducts research, studies, and demonstrations concerned with administration, financing, and organization of health care programs, (4) carries out professional health aspects of the Health Insurance Program for the Aged and the grants to States for Medical Assistance Programs.

Division of Mental Retardation (2769). (1) Administers a comprehensive nationwide program for those with mental retardation and related handicaps, (2) assists academic, State, and community organizations in the planning, construction, operation, and improvement of health and habilitation resources for the mentally retarded, including care services and the raising of standards of care in residential and other service programs, (3) provides a central source for information on mental retardation programs and services.

Medical Program, Bureau of Employees' Compensation (2781). (1) Develops and directs a comprehensive medical services program for Federal employees who sustain an injury or illness as a result of their employment, (2) provides technical advice in the adjudication of compensation claims, (3) participates in staff educational activities.

Medical Program, Bureau of Prisons (2783). (1) Develops and directs a comprehensive medical program for prisoners in Federal prisons and correctional institutions, (2) provides medical, psychiatric, and related services for such prisoners through hospitals and infirmaries located primarily at Bureau of Prisons facilities, (3) collaborates in planning prison hospital construction, (4) helps develop standards for medical care in State and county prisons.

Medical Program, Peace Corps (2785). (1) Provides preventive and clinical medical care to Peace Corps volunteers overseas, (2) advises the Corps in health program planning, (3) provides a focus for the administrative support and supervision of the medical program of the Corps, (4) works with the Corps and components of the Public Health Service in the recruitment and assignment of medical officers and other medical staff.

Medical Program, U.S. Coast Guard (2787). (1) Develops and directs a comprehensive medical program for military personnel of the Coast Guard, (2) provides medical and dental care to Coast Guard military personnel and eligible dependents through hospitals, clinics, infirmaries, sick bays, motorized dental units, and contract resources located throughout the United States and foreign countries and aboard Coast Guard vessels.

Appalachian Health Program (2789). (1) Provides staff assistance to the Appalachian Health Advisory Committee in the development of comprehensive health care projects, (2) assists in the development of project proposals for communities desiring to participate in demonstration projects, (3) assists in the implementation of projects authorized by the Appalachian Regional Commission, (4) coordinates Public Health Service efforts in providing consultation and staff assistance in the implementation of health programs, (5) provides guidance and assistance in the development of program evaluation procedures and techniques.

BUREAU OF HEALTH MANPOWER (2800)

(1) Provides leadership in planning, initiating, conducting, coordinating, and evaluating the Nation's health manpower programs: (a) Develops, conducts, and supports grant, loan, and operational programs to assess current and future health manpower requirements, to increase the supply and availability of health manpower, and to assess and improve the quality and utilization of health manpower and educational and training programs, communications, facilities, and teaching personnel for the health occupations, (b) develops PHS manpower policy and legislative proposals for new manpower programs and initiates the implementation of such policies and programs, (c) promotes activities to stimulate interest in and recruitment for health careers, (d) provides a PHS focus for international health manpower activities involving the United States and conducts programs for the training of health manpower from other countries, (e) coordinates PHS manpower programs (supply requirements, utilization, and secondary, collegiate, graduate, continuing, and specialty education), (f) serves as a national clearinghouse for information on health manpower needs, resources, utilization, and education and training programs, and (g) maintains requisite relationships for the Service with Federal and non-Federal organizations, educational institutions, and others concerned with health manpower, and (2) conducts and supports grant, operational, and research programs to prevent and control dental diseases and disorders and promote and extend provision of dental services and to improve nursing practice and the organization and delivery of nursing services in and out of hospitals, promotes the application of research findings in these areas, and coordinates dental and nursing research and services activities with related programs throughout the Service.

Immediate Office of the Bureau Director (2811). (1) Directs, coordinates, and evaluates Bureau programs, (2) provides a national and Public Health Service focus for health manpower program activities and coordinates Service external relationships in these areas, (3) guides and supports divisional program management, (4) designs legislative proposals to meet needs for new or revised health manpower programs, (5) coordinates Bureau research and program reporting activities, and (6) provides technical guidance and coordination to Bureau activities in the PHS regional organization.

Office of Information (2817). (1) Provides leadership to, coordinates, and evaluates Bureau information, public relations, publications, and related areas including audiovisuals and other media, and (2) guides and assists Divisions and staff offices in these areas and provides specialized information services as appropriate.

Office of Administrative Management (2819). (1) Develops and administers policies, procedures, systems, and practices to achieve effectiveness and economy in the management of Bureau programs, (2) provides leadership, coordinates, and evaluates administrative management aspects of these programs, (3) promotes the application of improved management techniques and practices, and (4) provides specialized management services and consultation to Divisions and Staff Offices of the Bureau.

Office of Program Planning and Evaluation (2831). (1) Provides a Bureau focus for developmental, coordinative, and evaluation activities relating to planning, study, and manpower supply-requirements programs, (2) identifies national health manpower requirements, guides divisional planning, and coordinates and evaluates Bureau plans, (3) identifies gap areas in manpower supply-requirements (including new health occupations), (4) stimulates the development of regional planning for the placement and construction of educational facilities and develops and tests new concepts, and (5) provides a national focus for information on total health manpower supply-requirements.

Office of International Health Manpower (2833). (1) Provides a Public Health Service focus for international health manpower activities involving the United States, (2) assesses the need for, and promotes the development and implementation of, manpower programs in this area, and (3) provides a source for information on the availability, content, and quality of international educational and training programs for persons in the health occupations (foreign nationals in the United States and U.S. citizens abroad).

Office of Educational and Training Communications (2835). (1) Serves as the Public Health Service focus for the coordination and evaluation of educational and training programs for the health occupations (secondary, collegiate, graduate, continuing, and specialty), (2) conducts and supports activities to develop and demonstrate educational communications methods, techniques, and systems including audiovisuals, (3) provides consultation and assistance in the development and improvement of educational and training programs, and (4) maintains requisite working relationships with educational institutions, organizations, and groups concerned with education and training for the health occupations.

Division of Physician Manpower (2841). Administers grant and operational programs (1) to increase the supply, (2) to improve the education and

utilization of physician manpower, and (3) to develop and improve facilities for the education and training of personnel in the health occupations.

Division of Allied Health Manpower (2845). Conducts and supports grant and operational programs (1) to increase the supply, and (2) to improve the education, utilization, and effectiveness of manpower in allied community, clinical, research, and environmental health occupations.

Division of Health Manpower Educational Services (2851). (1) Administers grant, loan, and operational programs for the education and training of personnel in the health occupations including persons from other countries, and (2) provides consultation, evaluation, information, procedural, and related services to support Public Health Service manpower grant programs.

Division of Nursing (2855). (1) Maintains a continuing review of national and international nursing manpower and utilization, (2) plans, develops, administers, and evaluates a variety of programs, intramural and extramural, to augment and improve nursing services and resources of the country and coordinates these programs with other governmental and nongovernmental nursing programs, and (3) serves as the primary unit within the PHS for information and guidance concerning all aspects of nurse manpower, nurse training, and nurse practice.

Division of Dental Health (2861). Administers grant, operational, and research programs (1) to increase the supply and improve the education and utilization of the Nation's dental manpower, (2) to develop and improve the utilization of the dental services and resources of the country, (3) to prevent and control dental diseases and disorders, (4) to organize and operate dental care programs for specifically designated population groups, and (5) to promote and extend provision of dental services.

SEC. 4-C. *Delegations of Authority.* The order of succession, specific delegations of authority to the Surgeon General, and related matters are indicated below.

Order of succession. During the absence or disability of the Surgeon General or in the event of a vacancy in that office, the first official listed below who is available shall act as Surgeon General, except during a planned period of absence for which a different order has been designated under (2) below:

(1) (a) Deputy Surgeon General.
(b) Associate Surgeon General.
(c) Director, National Institutes of Health.
(d) Director, Bureau of Health Services.
(e) Director, National Institute of Mental Health.
(f) Director, Bureau of Disease Prevention and Environmental Control.
(g) Director, Bureau of Health Manpower.
(h) Assistant Surgeons General in order of grade and Seniority excluding officers detailed to other agencies.

(2) For planned period of absence, the Surgeon General may specify a different order of succession.

Specific delegations. Except as provided in part 2 and section 4-D of this Manual, the Surgeon General shall exercise the following:

(1) The functions transferred to the Secretary by virtue of Reorganization Plan No. 3 of 1966.

(2) The functions which were, on June 24, 1966, or thereafter, vested in or delegated to the Surgeon General under the Public Health Service Act, as amended (42 U.S.C. 201 et seq.).

(3) The functions authorized by the Act of August 5, 1964 (68 Stat. 674, as amended, 42 U.S.C. 2001 et seq.). (Indian Health Program.)

(4) The functions relating to vital statistics which were transferred to the Federal Security Administrator by section 2 of Reorganization Plan No. 2 of 1946 and thereafter transferred to the Secretary by section 5 of Reorganization Plan No. 1 of 1953 (5 U.S.C. 623).

(5) The functions relating to Freedmen's Hospital which were transferred to the Federal Security Administrator by section 11(b) of Reorganization Plan No. IV (1940) and thereafter transferred to the Secretary by section 5 of Reorganization Plan No. 1 of 1953 (5 U.S.C. 623). (With the scheduled transfer of Freedmen's Hospital to Howard University on July 1, 1967, this paragraph will become obsolete.)

(6) The functions under the Act of June 21, 1950 (P.L. 81-569), as amended by the Act of August 7, 1959 (P.L. 86-145, 37 U.S.C. 352 et seq.), relating to the appointment of boards from available medical officers or physicians under the Surgeon General's jurisdiction, to determine the mental competency of (i) members of the uniformed services who are under medical care or treatment at PHS facilities and (ii) members of the PHS Commissioned Corps for whom the hospitalization or medical care is not provided by the United States.

(7) The functions under the Dependents' Medical Care Act (70 Stat. 250, 10 U.S.C. 1071 et seq.) and the regulations issued pursuant to the Act, except where consultation by the Secretary of Health, Education, and Welfare with the Secretary of Defense is required by the Act.

(8) The functions under Executive Order 11001, sections 3(a) through 3(e) and 3(h), and those portions of sections 6, 7, 9, 10, 11, and 12 pertaining to emergency health and water.

(9) The functions under Executive Order 10958, section 1101, pertaining to stockpiles of medical supplies and equipment.

(10) Delegations from the Office of Emergency Planning under the Major Disaster Act of 1950 (P.L. 81-875, 42 U.S.C. 1855 to 1855g) relating to disaster functions.

(11) The functions under section 104 (k) of the Agricultural Trade Development and Assistance Act, as amended by the Food for Peace Act of 1966 (P.L. 89-808, 7 U.S.C. 1704(b)(3)), relating to the use of foreign currencies to promote and support health activities.

(12 and 13) The functions involved in providing assistance in staffing and administering the health and medical services of the Peace Corps in accordance with the Memorandum of Understanding between the Public Health Service and the Peace Corps, and any amendments thereto, as authorized by the Peace Corps Act (P.L. 87-293, 22 U.S.C. 2501 et seq.) and Executive Order 11041.

(14) The functions vested in the Secretary by sections 740-745, Part C, Title VII, of the Public Health Service Act, 42 U.S.C. 294 to 294e, as added by the Health Professions Educational Assistance Act of 1963, P.L. 88-129, 77 Stat. 170, and as amended by P.L. 88-654, 78 Stat. 1086, and P.L. 89-290, 79 Stat. 1052, relating to student loans.

(15) The functions under Title XVII of the Social Security Act, as amended (42 U.S.C. 1391 et seq.), relating to grants to States for planning comprehensive action to combat mental retardation.

(16) The functions under Parts B and C of Title I, under Title II, and under Title IV (except the determination under section 407(b) of terms of office of added members of the Federal Hospital Council) of the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 (42 U.S.C. 2661 et seq.), amended by P.L. 89-105, relating to grants for the construction of facilities for the mentally retarded, and grants for the construction of and the initial cost of professional and technical personnel for community mental health centers.

(17) The functions vested in the Secretary by the Clean Air Act, as amended (42 U.S.C. 1857 et seq.), except:

(i) The determination to call a conference under section 103(e), 42 U.S.C. 1857b(e);

(ii) The following functions related to the abatement of air pollution under section 105, 42 U.S.C. 1857d:

(a) The determination to call conferences under section 105(c), 42 U.S.C. 1857d(c);

(b) The determination of whether foreign countries extend reciprocal air pollution abatement rights to the United States and the issuance of invitations to foreign countries to attend and participate in conferences authorized by section 105(c)(1)(D), 42 U.S.C. 1857d(c)(1)(D);

(iii) The determination under section 105(e)(1), 42 U.S.C. 1857d(e)(1), that remedial action which is reasonably calculated to secure abatement of pollution has not been taken, the determination to call a hearing, and the appointment of the hearing board;

(iv) The requesting the Attorney General to bring suit, under section 105(f)(1) and (2), 42 U.S.C. 1857d(f)(1) and (2);

(v) The mitigation of forfeitures under section 105(1)(2), 42 U.S.C. 1857d(1)(2);

(vi) The establishing of classes and issuance of permits for potential pollution sources under section 107(b), 42 U.S.C. 1857f(b).

(18) The functions vested in the Secretary by sections 822-826, Part B, Title VIII, of the Public Health Service Act, 42 U.S.C. 297a-297g, except the making of regulations authorized by section 826, as added by the Nurse Training Act of 1964, P.L. 88-581, 78 Stat. 913, and as amended by P.L. 89-290, 79 Stat. 1052, relating to nursing student loans.

(19) The functions under section 202(a), subject to the limitations of section 223, and other provisions of the Appalachian Regional Development Act of 1965, P.L. 89-4, 79 Stat. 5, relating to the making of grants for health facilities.

(20) The functions relating to the United States-Japan Cooperative Medical Science Program as specified in the Memorandum of Understanding of October 4, 1965, between the Department of State and the Department of Health, Education, and Welfare and delegated under section 5(f) of the International Health Research Act of 1960 (P.L. 86-610, 22 U.S.C. 2101 et seq.) and the President's letter of October 1, 1965, to the Secretary (1 Presidential Documents 355).

(21) The functions vested in the Secretary by the Solid Waste Disposal Act, P.L. 89-272.

(22) The functions of "responsible Department official" under title VI of the Civil Rights Act of 1964 and 45 CFR Part 80, with respect to any program receiving Federal financial assistance for the administration of which the Surgeon General is principally responsible under this statement.

(23) The functions vested in the Secretary by section 1(c) of P.L. 89-653, relating to health and sanitation services grants to the Menominee Indian people of Menominee County, Wis.

(24) The functions, established in the Public Health Service Act as amended by P.L. 89-709 relating to grants for veterinary medicine, teaching facilities, and loans for students of veterinary medicine.

(25) The functions vested in or transferred to the Secretary under the Comprehensive Health Planning and Public Health Service Amendments of 1966, P.L. 89-749, relating to comprehensive health planning and public health services.

(26) The functions vested in or transferred to the Secretary under the Allied Health Professions Personnel Training Act of 1966, P.L. 89-751, relating to health professions, nursing professions, and the allied health professions.

(27) The functions vested in or transferred to the Secretary under the Narcotic Addict Rehabilitation Act of 1966, P.L. 89-793, relating to treatment and rehabilitation of narcotic addicts.

(28) The functions vested in the Secretary by section 48(h)(12)(C) of Title 26 U.S.C. as added by P.L. 89-800, in connection with the certification of air pollution control facilities.

(29) The functions vested in the Secretary relating to supplying written advice to the Secretary of Commerce to assist him in making a determination of scientific equivalency under section 6(c)(3) of P.L. 89-651, 80 Stat. 897.

(30) The functions relating to the acceptance of gifts under section 501 of the Public Health Service Act, 42 U.S.C. 219.

Authorizations. The Surgeon General is authorized to:

(1) Exercise within the numerical requirements prescribed by the Secretary under section 210(1) of the Public Health Service Act (42 U.S.C. 211(1)) for each of the several grades, the further authority vested in the Secretary by said section to determine the numerical requirements for commissioned officers for each grade of each category.

(2) Approve amendments to the Joint Travel Regulations recommended by the Advisory Panel of the Per Diem Travel and Transportation Allowance Committee of the Uniformed Services.

Continuation of other delegations. All delegations to the Surgeon General, to the Public Health Service, or to any officer, employee, or agency thereof, of authority vested in the Secretary other than by virtue of Reorganization Plan No. 3 of 1966, are hereby confirmed and continued; where such delegations were previously vested in positions or offices which were abolished, modified, or divided as a result of the reorganization of the PHS they may be exercised by related or successor positions or offices, as designated by the Surgeon General.

Advisory functions. All functions of Public Health Service advisory committees (including councils, boards, and other advisory bodies) established as of December 31, 1966, shall be continued or revested in such committees.

SEC. 4-D *Reservation of authority.* The above delegates of functions and authority to the Surgeon General are subject to the following limitations or exceptions:

(a) Actions or functions which, by virtue of the Public Health Service Act, as amended (42 U.S.C. 201 et seq.) or by regulations issued thereunder (42 CFR Chapter 1), are required to be performed by, or with the approval of, the Secretary shall continue to be performed by, or with the approval of, the Secretary except as the Secretary may otherwise direct.

(b) Except for the appointment of commissioned officers pursuant to section 203 of the Public Health Service Act (42 U.S.C. 204) and except for the award of fellowships for duty pursuant to section 207(g) of such Act (42 U.S.C. 208(g)), the appointment of all officers and employees of the Service shall be made by the Secretary unless the authority has been specifically delegated.

(c) State plans submitted pursuant to any of the following provisions of law shall not be disapproved without prior consultation and discussion with the Secretary:

Sections 314 and 604, PHS Act.
Sections 134 and 204 of the Mental Retardation and Community Mental Health Construction Act of 1963.

(d) State authorities shall not be notified that payments will be suspended or terminated pursuant to any of the following provisions of law without prior consultation and discussion with the Secretary:

Sections 314, 604(c), 603(b), and 607, PHS Act.
Sections 134(b), 136, 204(b), and 206, Mental Retardation and Community Mental Health Construction Act of 1963.

(e) Except where such authority has been previously delegated the establishment of public advisory committees, selection of members, and the establishment of the rates at which members are to be compensated shall be subject to the approval of the Secretary.

(f) Agreements with Howard University affecting the operation and staffing of Freedmen's Hospital shall be signed by the Surgeon General and the President of Howard University and transmitted to the Secretary for approval. Any matters pertaining to such agreements which require the attention of the Secretary shall be presented to the Secretary through the Surgeon General of the Public Health Service or the President of Howard University. (With the scheduled transfer of Freedmen's Hospital to Howard University on July 1, 1967, this paragraph will become obsolete.)

(g) The functions exercised by the Surgeon General under Part C, Title VII, of the Public Health Service Act, as added by the Health Professions Educational Assistance Act of 1963, as amended by P.L. 88-654, and P.L. 89-290, and under Part B, sections 822-828 of Title VIII, Public Health Service Act, as added by the Nurse Training Act of 1964 and amended by P.L. 89-290, shall be exercised by the Surgeon General after consultation with the Commissioner of Education in order to ensure the maximum possible consistency between the policies and the methods of administration of the student loan programs of the Health Professions Educational Assistance Act of 1963, as amended, and the Nurse Training Act of 1964, as amended, and the student loan program authorized by the National Defense Education Act.

(h) The denial of a certificate of conformity under the Clean Air Act, section 206(a), 42 U.S.C. 1857f-5(a), may be made by the Surgeon General only after prior consultation and discussion with the Secretary, but after a hearing is held (as provided in § 85.63 of the regulations, 45 CFR 85-63) the final decision shall be made only by the Secretary.

SEC. 4-E. *Redelegation of authority.* Authority set forth in section 4-C may be delegated or redelegated by the Surgeon General to such officials of the Public Health Service as he may deem appropriate.

EXHIBIT X4-1

PUBLIC HEALTH SERVICE PERMANENT OFFICES AS OF APRIL 1967

Compiled in compliance with P.L. 89-487 (Freedom of Information Act).
Office of the Surgeon General; Management Policy Staff; June 1967.

State and city	Type of office or facility	Name and address	Zip Code
ALABAMA:			
Dauphin Island	Urban and Industrial Field Station.	Gulf Coast Marine Health Sciences Laboratory, Post Office Box 188.	36528
Mobile	Outpatient Clinic	PHS Outpatient Clinic, 126 Federal Building	36602
Do	Quarantine Station	U.S. Quarantine Station, Room 147, Post Office Box 760-Mailing address: 2819 Patterson Road, Algiers, New Orleans, La.	70114
Montgomery	Radiological Health Field Station.	Southeastern Radiological Health Laboratory, Post Office Box 61.	36101
ALASKA:			
Anchorage	Indian Health	Anchorage Area Office, Post Office Box 7-74	99501
Do	do	Anchorage Medical Center	99501
Do	Urban and Industrial Field Station.	Arctic Health Research Center, 945 Sixth Avenue	99501
Do	Quarantine Station	U.S. Quarantine Station, Post Office Box 6062 Annex	99502
Annette Island	Outpatient Clinic	PHS Outpatient Clinic	99920
Barrow	Indian Health	Barrow Hospital	99723
Bethel	do	Bethel Hospital	99559
Dillingham	do	Kanakanak Hospital	99576
Fort Yukon	do	Fort Yukon Health Center	99743
Juneau	do	Juneau Health Center	99801
Do	Outpatient Clinic	PHS Outpatient Clinic, St. Ann's Hospital, 419 Sixth Street.	99801
Ketchikan	Indian Health	Ketchikan Health Center	99901
Kotzebue	do	Kotzebue Hospital	99752
Metlakatla	do	Metlakatla Health Center	99926
Mount Edgecumbe	do	Mount Edgecumbe Hospital	99835
Do	do	Mount Edgecumbe School Health Center	99835
Nome	do	Nome Health Center	99762
St. George Island	do	St. George Island Hospital	99660
St. Paul Island	do	St. Paul Island Hospital	99660
Tanana	do	Tanana Hospital	99777
Wrangell	do	Wrangell School Infirmary	99929
ARIZONA:			
Chinle	do	Chinle Health Center	86503
Douglas	Quarantine Station	U.S. Quarantine Station, Post Office Box 158-Mailing Address: 505 U.S. Courthouse, El Paso, Tex.	79901
Fort Defiance	Indian Health	Fort Defiance Hospital	86504
Kayenta	do	Kayenta Health Center	86033
Keams Canyon	do	Keams Canyon Hospital	86034
Lukeville	Quarantine Station	U.S. Quarantine Station, Post Office Box 249-Mailing Address: 505 U.S. Courthouse, El Paso, Tex.	85910 79901
Naco	do	U.S. Quarantine Station, Post Office Box 98-Mailing Address: 505 U.S. Courthouse, El Paso, Tex.	85620 79901
Nogales	do	U.S. Quarantine Station-Mailing Address: 505 U.S. Courthouse, El Paso, Tex.	85621 79901
Parker	Indian Health	Parker Hospital	85344
Peach Springs	do	Peach Springs Health Center	86434
Phoenix	NIH Research or Study Facility.	Clinical Field Studies Unit, National Institute of Arthritis and Metabolic Diseases, Suite A-147, 4747 North 16th Street.	85018
Do	Indian Health	Phoenix Area Office, 4110 North 16th Street	85018
Do	Communicable Disease Field Station.	Phoenix Field Station, National Communicable Disease Center, 4402 North 76th Street	85014
Do	Indian Health	Phoenix Medical Center, 1550 East Indian School Road	85014
Do	do	Phoenix School Health Center	85018
Sacaton	do	Sacaton Hospital	85247
San Carlos	do	San Carlos Hospital	85550
San Luis	Quarantine Station	U.S. Quarantine Station, Post Office Box 158-Mailing Address: 505 U.S. Courthouse, El Paso, Tex.	85349 79901
Sells	Indian Health	Santa Rosa Health Center	85634
Do	do	Sells Hospital	85634
Tuba City	do	Tuba City Hospital	86045
Tucson	do	Tucson Health Center	85700
Do	do	Tucson Training Center, Post Office Box 11340	85706
Do	Quarantine Station	U.S. Quarantine Station, International Airport-Mailing Address: 505 U.S. Courthouse, El Paso, Tex.	85706 79901
Whiteriver	Indian Health	Whiteriver Hospital	85941
Window Rock	do	Window Rock Sub-Area Office, Post Office Box 158	87420
Winslow	do	Winslow Hospital	86047
CALIFORNIA:			
Bakersfield	Communicable Disease Field Station.	Ecological Investigations Program: National Communicable Disease Center, Post Office Box 1064.	93302
Calexico	Quarantine Station	U.S. Quarantine Station, Post Office Box 352-Mailing Address: 505 U.S. Courthouse, El Paso, Tex.	92231 79901
Riverside	Indian Health	Riverside School Infirmary	92501
San Diego	Outpatient Clinic	PHS Outpatient Clinic, 2105 Fifth Avenue	92101
San Francisco	Bureau of Health Manpower Field Office.	Dental Health Center: Division of Dental Health, Building 6, 14th Avenue and Lake Street.	94118
Do	Communicable Disease Field Station.	Ecological Investigations Program: National Communicable Disease Center, Building 19, 16th Avenue and Lake Street.	94118
Do	Chronic Disease Field Station.	Heart Disease Control Program: Chronic Disease Field Station, 13th Avenue and Lake Street.	94118
Do	Bureau of Health Manpower Field Office.	Nursing Research Field Center: Division of Nursing, 16th Avenue and Lake Street.	94118
Do	PHS Hospital	PHS Hospital, 15th Avenue and Lake Street	94118
Do	Quarantine Station	U.S. Quarantine station, Room 2015, Ferry Building	94111
San Pedro	Outpatient Clinic	PHS Outpatient Clinic, 638 South Beacon St.-Mailing Address: Post Office Box 831	90731 90731
Do	Quarantine Station	U.S. Quarantine Station, Room 8, Federal Building	90731
San Ysidro	do	U.S. Quarantine Station-Mailing Address: 505 U.S. Courthouse, El Paso, Tex.	92073 79901
Tecate	do	U.S. Quarantine Station-Mailing Address: 505 U.S. Courthouse, El Paso, Tex.	92080 79901
Winterhaven	Indian Health	Winterhaven Hospital: Mailing Address: P.O. Box 1308, Yuma, Ariz.	85364
COLORADO:			
Denver	Urban and Industrial Field Station.	Injury Study Unit: University of Colorado Medical Center, 4200 East 9th Avenue	80220
Greeley	Communicable Disease Field Station.	Ecological Investigations Program: National Communicable Disease Center, Post Office Box 1067	80632
Ignacio	Indian Health	Ignacio Health Center	81137
DISTRICT OF COLUMBIA:			
	Headquarters	Bureau of Disease Prevention and Environmental Control HEW Bldg. South, 330 C Street SW.	20201
	do	Computer Data Unit, Reports and Accounts Control Section, Fiscal Branch, Division of Finance, Office of the Surgeon General, 1041 HEW Building, 330 Independence Ave., SW.	20201
	do	Division of Special Mental Health Research: National Institute of Mental Health, William A. White Building, Saint Elizabeths Hospital, 2700 Nichols Ave. SE.	20032
	Chronic Disease Field Station.	Heart Disease Control Program Instrumentation Unit National Center for Chronic Disease Control, 725-23d Street NW.	20037
	Headquarters	National Center for Health Statistics, HEW Building South, 330 C Street SW.	20201
	do	National Center for Radiological Health Building 7, Connecticut Avenue and Van Ness Street NW. Mailing Address: 1901 Chapman Ave., Rockville, Md.	20008 20852
	do	Office of Equal Health Opportunity: Office of the Surgeon General, 5421 HEW Building South, 330 C Street SW.	20201
	do	Office of International Health: Office of the Surgeon General, 5006 HEW Building South, 330 C Street SW.	20201
	Outpatient Clinic	PHS Outpatient Clinic, Fourth and C Streets SW.	20201
	Headquarters	"PHS World," Office of Information and Publications: Office of the Surgeon General, 5228 HEW Building South, 330 C Street SW.	20201
	do	Public Inquiries Branch: Office of Information and Publications, Office of the Surgeon General, 5351 HEW Building South, 330 C Street SW.	20201
	do	Special Assistant to the Surgeon General for Program Review: Office of the Surgeon General, 5006 HEW Building South, 330 C Street SW.	20201
	do	Washington Liaison Office: National Communicable Disease Center, HEW Building South, 330 C Street SW.	20201
FLORIDA:			
Jacksonville	Outpatient Clinic	PHS Outpatient Clinic, 311 W. Monroe Street-Mailing Address: Post Office Box 4788	32201 32201
Jacksonville	Quarantine Station	U.S. Quarantine Station, Post Office Bldg.-Mailing Address: 1015 Port Boulevard, New Port of Miami, Miami.	33127
Miami	Outpatient Clinic	PHS Outpatient Clinic, 51 SW. First Ave.-Mailing Address: Post Office Box 34	33130
Do	Quarantine Station	U.S. Quarantine Station, 1015 Port Boulevard, New Port of Miami.	33127
Do	Visa Medical Examination Office.	Caribbean Area Headquarters, USPHS, c/o U.S. Quarantine Station, 1015 Port Boulevard, New Port of Miami.	33127
Perrine	Communicable Disease Field Station.	Pesticides Research Laboratory: National Communicable Disease Center.	33154
Tampa	Outpatient Clinic	PHS Outpatient Clinic, 155 Columbia Drive	33606
Do	Quarantine Station	U.S. Quarantine Station, 155 Columbia Drive	33606
West Palm Beach	do	U.S. Quarantine Station, 3800 Southern Boulevard-Mailing Address: 1015 Port Boulevard, New Port of Miami.	33406 33127
GEORGIA:			
Atlanta	Chronic Disease Field Station.	Heart Disease Control Laboratory, Heart Disease Control Program, National Center for Chronic Disease Control, 1600 Clifton Road NE.	30333
Do	NIH Research or Study Facility.	Primate Malaria Section, National Institute of Allergy and Infectious Diseases: U.S. Penitentiary.	30333
Do	Headquarters	National Communicable Disease Center, 1600 Clifton Road NE.	30333
Do	Outpatient Clinic	PHS Outpatient Clinic, 1600 Clifton Road NE	30333
Chamblee	NIH Research or Study Facility.	Cytology Section of the Laboratory of Parasite Chemotherapy: National Institute of Allergy and Infectious Diseases, Post Office Box 190.	30005
Savannah	PHS Hospital	PHS Hospital, York and Abercorn Streets-Mailing Address: Post Office Box 625	31402 31402
Do	Communicable Disease Field Station.	Technical Development Laboratories, National Communicable Disease Center, Post Office Box 769.	31402
HAWAII:			
Honolulu	NIH Research or Study Facility.	Honolulu Heart Disease Epidemiology Study: National Heart Institute, 347 North Kuakini.	96817
Do	do	Pacific Research Unit, Laboratory of Infectious Diseases: National Institute of Allergy and Infectious Diseases, Post Office Box 1680.	96806
Do	Outpatient Clinic	PHS Outpatient Clinic, 591 Ala Moana Boulevard-Mailing Address: Post Office Box 1410	96807 96807
Do	Quarantine Station	U.S. Quarantine Station, Post Office Box 1410	96807
IDAHO:			
Fort Hall	Indian Health	Fort Hall Health Center	83201
ILLINOIS:			
Chicago	Outpatient Clinic	PHS Outpatient Clinic, 4141 North Clarendon Avenue	60613
Do	Quarantine Station	U.S. Quarantine Station, 4141 North Clarendon Avenue.	60613
KANSAS:			
Kansas City	Communicable Disease Field Station.	Ecological Investigations Program: National Communicable Disease Center, 2002 West 39th Street.	66103
Lawrence	Indian Health	Haskell Institute School Health Center	66044
KENTUCKY:			
Lexington	National Institute of Mental Health Field Station.	Clinical Research Center: National Institute of Mental Health, Leestown Pike.	40507
Louisville	Bureau of Health Manpower Field Office.	Dental Clinical Development Center: Division of Dental Health, 334 East Broadway.	40202
LOUISIANA:			
Carville	PHS Hospital	PHS Hospital	70721
New Orleans	do	PHS Hospital, 210 State Street	70118
Do	Quarantine Station	U.S. Quarantine Station, 3819 Patterson Road, Algiers.	70114
MAINE:			
Portland	Outpatient Clinic	PHS Outpatient Clinic, 331 Veranda Street	04103
Do	Quarantine Station	U.S. Quarantine Station, 331 Veranda Street, Mailing Address: Logan International Airport, East Boston, Mass.	04100 02128
MARYLAND:			
Adelphi	National Institute of Mental Health Field Station.	Mental Health Study Center, Division of Field Investigations, National Institute of Mental Health, 2340 University Boulevard.	20783
Baltimore	NIH Research or Study Facility.	Baltimore Cancer Research Center, 3100 Wyman Park Drive.	21211
Do	Headquarters	Gerontology Research Center, National Institute of Child Health and Human Development, 4940 Eastern Avenue.	21224
Do	PHS Hospital	PHS Hospital, 3100 Wyman Park Drive	21211
Do	Quarantine Station	U.S. Quarantine Station, Room 426 Customhouse	21202
Bethesda	Headquarters	Division of Dental Health, 601 Woodmont Building, Woodmont and Rugby Streets.	20014
Do	do	Children's Diagnostic and Study Branch, National Institute of Child Health and Human Development, U.S. Naval Hospital, 8901 Wisconsin Avenue.	20014
Do	do	National Institutes of Health, 9000 Rockville Pike	20014
Do	do	National Library of Medicine, 8600 Rockville Pike	20014
Do	do	NIMH Intramural Research Program, National Institutes of Health, 9000 Rockville Pike.	20014
Do	do	Office of Associate Director for Extramural Programs, National Library of Medicine, 7788 Wisconsin Avenue.	20014
Do	do	Operational Research Section, Tuberculosis Program, National Communicable Disease Center, 8120 Woodmont Avenue.	20013
Do	do	*Public Health Service, 9000 Rockville Pike	20014
Chevy Chase	do	National Institute of Mental Health, Barlow Building, 5454 Wisconsin Avenue.	20203
Hagerstown	NIH Research or Study Facility.	Environmental Cancer Research Project, National Cancer Institute, Washington County (Md.) Health Department, 1300 Pennsylvania Avenue.	21741
Patuxent	do	Patuxent Primate Research Center, Collaborative and Field Research, National Institute of Neurological Diseases and Blindness.	20970
Perry Point	OSG Supply Depot	Supply Service Center, Division of Procurement and Materiel Management, Office of the Surgeon General.	21902
Rockville	Radiological Health Field Station.	Radiological Health Laboratory, National Center for Radiological Health, 1901 Chapman Avenue.	20852
Silver Spring	Headquarters	Board of Claims, Office of the Surgeon General, Willste Building, 7915 Eastern Avenue.	20910
Do	do	Bureau of Health Services, Willste Building, 7915 Eastern Avenue.	20910
Do	do	Division of Buildings and Facilities, Office of the Surgeon General, Willste Building, 7915 Eastern Avenue.	20910
MASSACHUSETTS:			
Boston	NIH Research or Study Facility.	Childhood Leukemia Section, Epidemiology Branch, National Cancer Institute, Children's Cancer Research Foundation, 35 Binney Street.	02115
Do	Chronic Disease Field Station.	Diabetes and Arthritis Field Research Section, National Center for Chronic Disease Control, 745 Massachusetts Avenue.	02118
Do	PHS Hospital	PHS Hospital, 77 Warren Street, Brighton	02135
Charlestown	Urban and Industrial Field Station.	Injury Surveillance Team, Charlestown Health Unit, National Center for Urban and Industrial Health, 71 High Street.	02129
East Boston	Quarantine Station	U.S. Quarantine Station, Logan International Airport	02128
Framingham	NIH Research or Study Facility.	Field Epidemiology Study, National Heart Institute, 25 Evergreen Street.	01701
Do	do	Framingham Heart Disease Epidemiology Study, National Heart Institute, 25 Evergreen Street.	01701
Winchester	Radiological Health Field Station.	Northeastern Radiological Health Laboratory, National Center for Radiological Health, 109 Holton Street.	01890
MICHIGAN:			
Detroit	PHS Hospital	PHS Hospital, 14700 Riverside Drive	48215
Do	Quarantine Station	U.S. Quarantine Station, 14700 Riverside Drive	48215
East Lansing	NIH Research or Study Facility.	Epizootiology Section of the Epidemiology Branch, National Cancer Institute, Michigan State University.	48823
Ypsilanti	Air Pollution Control Field Station.	Motor Vehicle Emissions Compliance Test Facility, Motor Vehicle Compliance Laboratory, National Center for Air Pollution Control, Willow Run Airport.	48197
MINNESOTA:			
Bemidji	Indian Health	Bemidji Sub-Area Office, 208 Federal Building	56601
Cass Lake	do	Cass Lake Hospital	56633
Red Lake	do	Red Lake Hospital	56671
White Earth	do	White Earth Health Center	56591
MISSISSIPPI:			
Philadelphia	do	Choctaw Hospital	39359
MISSOURI:			
Columbia	Chronic Disease Field Station.	Ecology Field Station, Heart Disease Control Program, National Center for Chronic Disease Control, Building T-25, University of Missouri.	65202
St. Louis	Outpatient Clinic	PHS Outpatient Clinic, 1520 Market Street	63103

State and city	Type of office or facility	Name and address	Zip Code
MONTANA:			
Billings	Indian Health	Billings Area Office, 3 Seventh Street West	59104
Box Elder	do	Rocky Boy's Health Center	59521
Browning	do	Blackfeet Hospital	59417
Crow Agency	do	Crow Hospital	59022
Hamilton	NIH Research or Study Facility	Rocky Mountain Laboratory, National Institute of Allergy and Infectious Diseases.	59840
Harlem	Indian Health	Fort Belknap Hospital	59526
Lame Deer	do	Lame Deer Health Center	59043
Poplar	do	Fort Peck Health Center	59422
NEBRASKA:			
Winnebago	do	Winnebago Hospital	68071
NEVADA:			
Las Vegas	Radiological Health Field Station.	Southwestern Radiological Health Laboratory: National Center for Radiological Health, 4676 Maryland Parkway, Post Office Box 684.	89101
Owyhee	Indian Health	Owyhee Hospital	87532
Schurz	do	Schurz Hospital	89427
Stewart	do	Stewart School Health Center	89437
NEW MEXICO:			
Albuquerque	do	Albuquerque Area Office, 500 Gold Avenue SW	87103
Do	do	Albuquerque Health Center	87104
Do	do	Albuquerque Sanitorium, 801 Vassar Drive	87101
Do	do	Practical Nurse Training School, 1015 Indian School Road.	87107
Columbus	Quarantine Station	U.S. Quarantine Station Mailing Address: 505 U.S. Courthouse, El Paso, Tex.	88029 79901
Crownpoint	Indian Health	Crownpoint Hospital	87313
Dulce	do	Dulce Health Center	87528
Gallup	do	Gallup Hospital	87301
Laguna	do	Laguna Health Center	87026
Mescalero	do	Mescalero Hospital	88340
Santa Fe	do	Santa Fe Hospital	87501
Shiprock	do	Shiprock Hospital	87420
Taos	do	Taos Health Center	87571
Tohatchi	do	Tohatchi Health Center	87325
University Park	Communicable Disease Field Station.	Southwest Rabies Investigations Sub-Unit (Las Cruces) National Communicable Disease Center, Post Office Box B.	88070
Zuni	Indian Health	Zuni Hospital	87327
NEW YORK:			
Buffalo	Outpatient Clinic	PHS Outpatient Clinic, 227 Post Office Building, 121 Ellicott Street.	14203
New York	do	PHS Outpatient Clinic, 67 Hudson Street	10013
Staten Island	PHS Hospital	PHS Hospital, Bay and Vanderbilt Streets	10304
Do	Quarantine Station	U.S. Quarantine Station, Rosebank	10305
NORTH CAROLINA:			
Cherokee	Indian Health	Cherokee Hospital	28719
Research Triangle Park	National Center for Health Statistics Field Office.	Data Preparation Branch, Division of Data Processing, National Center for Health Statistics, Post Office Box 12214.	27704
Do	Headquarters	Division of Environmental Health Sciences: National Institutes of Health, Post Office Box 12233.	27709
NORTH DAKOTA:			
Belcourt	Indian Health	Belcourt Hospital	58316
Fort Totten	do	Fort Totten Health Center	58335
Fort Yates	do	Fort Yates Hospital	58538
Wahpeton	do	Wahpeton School Health Center	58075
OHIO:			
Cincinnati	Headquarters	Air Quality and Emission Data Branch: National Center for Air Pollution Control, 4676 Columbia Parkway.	45226
Do	do	Chemical and Physical Research and Development Program: National Center for Air Pollution Control, 2014 Virginia Avenue. Mailing Address: 4676 Columbia Parkway	45227 45226
Do	do	Control Development Program: National Center for Air Pollution Control, 1058 Laidlaw Avenue.	45237
Do	do	Criteria and Standards Development Branch: National Center for Air Pollution Control, 550 Main Street.	45202
Do	do	Economic Effects Research Program: National Center for Air Pollution Control, 550 Main Street.	45202
Ohio—Continued			
Cincinnati	Headquarters	Emissions Control Research and Development Program: National Center for Air Pollution Control, 2014 Virginia Avenue. Mailing Address: 4676 Columbia Parkway	45227 45226
Do	Air Pollution Control Field Station.	Field Investigations Section, Abatement Program: National Center for Air Pollution Control, 1058 Laidlaw Avenue.	45237
Do	Headquarters	Health Effects Research Program: National Center for Air Pollution Control, 550 Main Street and 1058 Laidlaw Avenue.	45202 45237
Do	do	Meteorology Program: National Center for Air Pollution Control, 4676 Columbia Parkway.	45226
Do	do	National Center for Urban and Industrial Health, 5555 Ridge Avenue.	45213
Do	Radiological Health Field Station	Nuclear Engineering Laboratory: National Center for Radiological Health, 4676 Columbia Parkway.	45226
Do	do	Nuclear Medicine Unit: National Center for Radiological Health, Building T-2, 4676 Columbia Parkway.	45226
Do	Outpatient Clinic	PHS Outpatient Clinic, Fifth and Walnut Streets	45202
Do	Radiological Health Field Station	Radionuclide Toxicology Laboratory: National Center for Radiological Health, Building T-10, 4676 Columbia Parkway.	45226
Do	Headquarters	Training Program: National Center for Air Pollution Control, 4676 Columbia Parkway.	45226
Cleveland	Outpatient Clinic	PHS Outpatient Clinic, West Third Street and Prospect Avenue.	44113
OKLAHOMA:			
Anadarko	Indian Health	Anadarko Health Center	73005
Chilocco	do	Chilocco School Infirmary	74635
Claremore	do	Claremore Hospital	74017
Clinton	do	Clinton Hospital	73601
Concho	do	Concho School Health Center	73022
Hartshorne	do	Hartshorne School Health Center	74547
Lawton	do	Lawton Hospital	73501
Okemah	do	Okemah Health Center	74859
Oklahoma City	do	Oklahoma City Area Office, Post Office and Federal Building.	73102
Pawnee	do	Pawnee Hospital	74058
Shawnee	do	Shawnee Health Center	74801
Tahlequah	do	Tahlequah Hospital	74464
Do	do	Tahlequah School Health Center	74464
Talihina	do	Talihina Hospital	74571
Watonga	do	Watonga Health Center	73772
Wyandotte	do	Wyandotte School Health Center	74370
OREGON			
Portland	Outpatient Clinic	PHS Outpatient Clinic, Broadway and Main Street	97205
Do	Indian Health	Portland Area Office, 306 Southwest Fifth Avenue	97204
Do	Quarantine Station	U.S. Quarantine Station, 207 U.S. Courthouse Building Mailing Address: 33 Federal Office Building, 901 First Avenue, Seattle, Wash.	97205 98104
Salem	Indian Health	Chemawa School Infirmary	97301
Warm Springs	do	Warm Springs Health Center	97761
PENNSYLVANIA:			
Marcus Hook	Quarantine Station	U.S. Quarantine Station, Delaware Avenue and Market Street.	19061
Philadelphia	Outpatient Clinic	PHS Outpatient Clinic, 225 Chestnut Street	19106
Pittsburgh	NIH Research or Study Facility.	Field Studies Unit, Epidemiology Branch, National Cancer Institute, 901 Victory Building, 160 Desoto Street.	15213
Do	Outpatient Clinic	PHS Outpatient Clinic, Seventh Avenue and Grant Street.	15219
RHODE ISLAND:			
Narragansett	Urban and Industrial Field Station.	Northeast Marine Health Sciences Laboratory, National Center for Urban and Industrial Health, South Ferry Road.	02882
Providence	do	Driving Research Laboratory, National Center for Urban and Industrial Health, 235 Promenade Street.	02908
SOUTH CAROLINA:			
Charleston	Outpatient Clinic	PHS Outpatient Clinic, 334 Meeting Street	29403
Do	Quarantine Station	U.S. Quarantine Station, 334 Meeting Street Mailing Address: 1015 Fort Boulevard, New Port of Miami, Miami, Fla.	29401 33132

State and city	Type of office or facility	Name and address	Zip Code
SOUTH DAKOTA:			
Aberdeen	Indian Health	Aberdeen Area Office, 423½ South Main Street	57401
Eagle Butte	do	Eagle Butte Hospital	57625
Flandreau	do	Flandreau School Health Center	57028
Pierre	do	McLaughlin Health Center	57501
Do	do	Pierre School Health Center	57501
Pine Ridge	do	Pine Ridge Hospital	57770
Rapid City	do	Sioux Sanitarium	57701
Rosebud	do	Rosebud Hospital	57570
Sisseton	do	Sisseton Hospital	57262
Wagner	do	Wagner Hospital	57380
TENNESSEE:			
Memphis	Outpatient Clinic	PHS Outpatient Clinic, 360 West California Avenue	38105
TEXAS:			
Brownsville	Quarantine Station	U.S. Quarantine Station, Post Office Box 972 Mailing Address: 505 U.S. Courthouse, El Paso, Tex.	78520 79901
Dallas	do	U.S. Quarantine Station, Love Field Mailing Address: Post Office Box 208, Galveston, Tex.	75235 77551
Del Rio	do	U.S. Quarantine Station, Post Office Box 953 Mailing Address: 505 U.S. Courthouse, El Paso, Tex.	78840 79901
Eagle Pass	do	U.S. Quarantine Station, Post Office Box 908 Mailing Address: 505 U.S. Courthouse, El Paso, Tex.	78852 79901
El Paso	do	U.S. Quarantine Station, 505 U.S. Courthouse	79901
Do	Visa Medical Examination Office.	Mexican Border Area Headquarters, USPHS, 505 U.S. Courthouse.	79901
Falcon Dam	Quarantine Station	U.S. Quarantine Station Mailing Address: 505 U.S. Courthouse, El Paso, Tex.	78545 79901
Fort Worth	National Institute of Mental Health Field Station.	Clinical Research Center, National Institute of Mental Health, 3150 Horton Road.	67119
Galveston	PHS Hospital	PHS Hospital, 4400 Avenue N	77550
Do	Quarantine Station	U.S. Quarantine Station, Post Office Box 308	77551
Hidalgo	do	U.S. Quarantine Station Mailing Address: 505 U.S. Courthouse, El Paso, Tex.	78557 79901
Houston	Outpatient Clinic	PHS Outpatient Clinic, 701 San Jacinto Street	77002
Do	Quarantine Station	U.S. Quarantine Station, International Airport	77017
Laredo	do	U.S. Quarantine Station, One Convent Avenue Mailing Address: 505 U.S. Courthouse, El Paso, Tex.	78040 79901
Plainview	Communicable Disease Field Station.	Ecological Investigations Program: National Communicable Disease Center, 308 South Broadway.	79073
Port Arthur	Outpatient Clinic	PHS Outpatient Clinic, Fifth Street and Austin Avenue.	77640
Do	Quarantine Station	U.S. Quarantine Station, 220 Federal Office Building Mailing Address: Post Office Box 208, Galveston, Tex.	77641 77551
Presidio	do	U.S. Quarantine Station Mailing Address: 505 U.S. Courthouse, El Paso, Tex.	79845 79901
Progreso	do	U.S. Quarantine Station Mailing Address: 505 U.S. Courthouse, El Paso, Tex.	78596 79901
Rio Grande City	do	U.S. Quarantine Station Mailing Address: 505 U.S. Courthouse, El Paso, Tex.	78582 79901
Roma	do	U.S. Quarantine Station Mailing Address: 505 U.S. Courthouse, El Paso, Tex.	78584 79901
San Antonio	do	U.S. Quarantine Station, International Airport Mailing Address: Post Office Box 208, Galveston, Tex.	78216 77551
UTAH:			
Brigham City	Indian Health	Intermountain School Infirmary	84302
Fort Duchesne	do	Fort Duchesne Health Center	84026
Salt Lake City	Urban and Industrial Field Station.	Occupational Health Field Station National Center for Urban and Industrial Health, Post Office Box 2850.	84113
VIRGINIA:			
Arlington	Headquarters	Bureau of Health Manpower, 800 North Quincy Street.	22203
Do	do	National Center for Chronic Disease Control: Bureau of Disease Prevention and Environmental Control, 4040 North Fairfax Drive.	22203
Fort Monroe	Quarantine Station	U.S. Quarantine Station, Post Office Box 6	23369
Norfolk	PHS Hospital	PHS Hospital, 6600 Hampton Boulevard (Larchmont)	23508
WASHINGTON:			
Gig Harbor	Urban and Industrial Field Station.	Northwest Marine Health Sciences Laboratory: National Center for Urban and Industrial Health, Route 4, Post Office Box 4519.	98335
Nespelem	Indian Health	Nespelem Health Center	99155
Seattle	PHS Hospital	PHS Hospital, 1131 14th Avenue South Mailing Address: Post Office Box 3145	98118 98114
Do	Quarantine Station	U.S. Quarantine Station, 33 Federal Office Building, 901 First Avenue.	98104
WASHINGTON—Cont.			
Toppenish	Indian Health	Toppenish Health Center	98948
Wenatchee	Communicable Disease Field Station.	Pesticides Research Laboratory (Western): National Communicable Disease Center, Post Office Box 73.	98801
WEST VIRGINIA:			
Morgantown	Urban and Industrial Field Station.	Appalachian Laboratory for Occupational Respiratory Diseases, National Center for Urban and Industrial Health, Post Office Box 821, West Virginia Medical School.	
WYOMING:			
Fort Washakie	Indian Health	Fort Washakie Health Center	82514
CANAL ZONE:			
Balboa Heights	NIH Research or Study Facility.	Middle America Research Unit of the Laboratory of Tropical Virology, National Institute of Allergy and Infectious Diseases, Post Office Box 2011.	
Do	Outpatient Clinic	PHS Outpatient Clinic	
GUAM:			
Agana	NIH Research or Study Facility.	Research Center, Epidemiology Branch, Collaborative and Field Research, National Institute of Neurological Diseases and Blindness, Post Office Box AF.	96910
PUERTO RICO:			
Rio Piedras	Communicable Disease Field Station.	Tuberculosis Field Research Center, Tuberculosis Program, National Communicable Disease Center, 1127 Munoz Rivera Avenue (2d floor).	00925
San Juan	NIH Research or Study Facility.	Laboratory of Perinatal Physiology, National Institute of Neurological Diseases and Blindness, Post Office Box 5095, Puertode Tierra Station.	00908
Do	Outpatient Clinic	PHS Outpatient Clinic, Post Office Box 3768	00904
Do	Communicable Disease Field Station.	Tropical Diseases Section, Ecological Investigations Program, National Communicable Disease Center, Post Office Box 52.	00902
Do	Quarantine Station	U.S. Quarantine Station, Stop 8½, Fernandez Juncos Avenue, Post Office Box 3768.	00904
VIRGIN ISLANDS:			
Charlotte Amalie	Outpatient Clinic	PHS Outpatient Clinic, Post Office Box 8	00802
St. Croix	Quarantine Station	U.S. Quarantine Station, Peppertree Trailer Court	
St. Thomas	do	U.S. Quarantine Station, Post Office Building, Post Office Box 8, Charlotte-Amalie.	00803
FOREIGN			
ARGENTINA:			
Buenos Aires	Visa Medical Examination Office.	South American Area Headquarters, USPHS, c/o American Embassy.	
AUSTRIA:			
Vienna	do	Visa Medical Examination Office, USPHS, c/o American Embassy.	
BRAZIL:			
Rio de Janeiro	International Office	National Institutes of Health Latin American Office, c/o American Embassy.	
CANADA:			
Montreal (Quebec)	Visa Medical Examination Office.	Visa Medical Examination Office, USPHS, c/o American Embassy.	
Toronto (Ontario)	do	do	
ENGLAND:			
London	do	do	
FRANCE:			
Paris	International Office	National Institutes of Health European Office, c/o American Embassy.	
Do	Visa Medical Examination Office.	Visa Medical Examination Office, USPHS, c/o American Embassy.	
GERMANY:			
Berlin	do	do	
Frankfurt	do	do	
Hamburg	do	do	
Munich	do	do	
GREECE:			
Athens	do	do	
HONG KONG, BCC:			
Hong Kong	do	do	
ITALY:			
Naples	do	do	
Palermo	do	do	

State and city	Type of office or facility	Name and address	Zip Code
JAPAN: Tokyo	International Office	National Institutes of Health Pacific Office, c/o American Embassy.	
MEXICO: Mexico City	Visa Medical Examination Office.	Visa Medical Examination Office, USPHS, c/o American Embassy.	

"Includes also the following OEO components that use 9000 Rockville Pike as a mailing address but are physically elsewhere in Bethesda: the "Public Health Reports" Branch, Office of Information and Publications; the Contract Audit and Cost Advisory Branch and the Fiscal Branch, Division of Finance; the Division of Grants and Contracts the Division of Internal Audit; the Division of Procurement and Material Management; and the Office of Personnel

[SEAL] JOHN W. GARDNER,
Secretary, Department of Health, Education, and Welfare.

JUNE 29, 1967.

[F.R. Doc. 67-7697; Filed, July 3, 1967; 8:55 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

AIRPORT DISTRICT OFFICE AT CHARLOTTE, N.C.

Notice of Closing

Notice is hereby given that on or about July 1, 1967, the Airport District Office at Charlotte, N.C., will be closed. Services to the aviation public of North Carolina, formerly provided by this office, will be provided by the Atlanta Area Airports Branch Office in Atlanta, Ga. This information will be reflected in the FAA Organization Statement the next time it is reissued.

(Sec. 313(a), 72 Stat. 752; 49 U.S.C. 1354)

Issued in Atlanta, Ga., on June 22, 1967.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 67-7589; Filed, July 3, 1967; 8:49 a.m.]

AIRPORT TRAFFIC CONTROL TOWER, HOLLYWOOD, FLA.

Notice of Commissioning

Notice is hereby given that on or about June 26, 1967, the Airport Traffic Control Tower at North Perry Airport, Hollywood, Fla., will begin operation, providing VFR airport traffic control services to aircraft operating at North Perry Airport.

(Sec. 313(a), 72 Stat. 752; 49 U.S.C. 1354)

GORDON A. WILLIAMS, JR.,
Acting Director, Southern Region.

[F.R. Doc. 67-7590; Filed, July 3, 1967; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-284]

IDAHO STATE UNIVERSITY

Notice of Proposed Issuance of Construction Permit and Facility License

The Atomic Energy Commission ("the Commission") is considering the issuance of a construction permit, substantially as set forth below, to Idaho State University, which would authorize the university to receive, possess and construct a Model AGN-201, Serial No. 103, nuclear reactor presently owned by Aerojet-General Corp. under Facility License R-10, as amended, and located at San Ramon, Calif. The reactor will be disassembled, transferred from its present location to Pocatello, Idaho, and reconstructed on the campus of Idaho State University by Aerojet-General Corp.

Upon completion of the installation of the facility in compliance with the terms and conditions of the construction permit, the Commission, in the absence of good cause to the contrary, will issue a facility license, substantially in the form also set forth below, authorizing operation of the reactor by Idaho State University.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by the issuance of this construction permit and facility license may file a petition for leave to intervene. A request for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice, 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, a notice of hearing or an appropriate order will be issued.

For further details with respect to this proposed issuance, see (1) the application dated April 3, 1967, and amendment thereto dated May 5, 1967, and (2) the related Safety Evaluation prepared by the Division of Reactor Licensing, both of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of the Safety Evaluation may be obtained at the Commission's Document Room, or upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 27th day of June, 1967.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

The Atomic Energy Commission (hereinafter "the Commission") having found that:

a. The application for license, dated April 3, 1967, as amended May 5, 1967, complies with the requirements of the Atomic Energy Act of 1954, as amended (hereinafter "the Act"), and the Commission's regulations set forth in Title 10, Chapter 1, CFR;

b. There is reasonable assurance that a Model AGN-201, Serial No. 103, nuclear reactor can be constructed at the designated location without endangering the health and safety of the public;

c. Idaho State University is financially and technically qualified to receive, possess and construct the reactor at the location as described in the application;

d. Idaho State University is a nonprofit educational institution and will use the reactor for the conduct of educational activities and is therefore exempt from the financial protection requirement of subsection 170a of the Act; and

e. Issuance of the proposed construction permit will not be inimical to the common defense and security or to the health and safety of the public.

Construction Permit No. CPRR-_____, effective as of the date of issuance, is hereby issued as follows:

1. This license applies to a Model AGN-201, Serial No. 103, nuclear reactor (hereinafter "the reactor"), formerly owned and operated by the Aerojet-General Corp., San Ramon, Calif., under Facility License No. R-10, Docket No. 50-32, which is described in the Idaho State University application for license dated April 3, 1967, and the amendment thereto dated May 5, 1967 (hereinafter "the application").

2. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses Idaho State University:

A. Pursuant to the Atomic Energy Act of 1954, as amended, and Title 10, Chapter 1, CFR, Part 50, "Licensing of Production and Utilization Facilities," to receive, possess and construct, but not to operate, the reactor at the designated location on the university's campus in Pocatello, Idaho, in accordance with the procedures and limitations described in the application and this construction permit;

B. Pursuant to the Act and Title 10, CFR, Chapter 1, Part 70, "Special Nuclear Material," to receive, possess and store up to 700 grams of contained uranium-235;

C. Pursuant to the Act and Title 10, CFR, Chapter 1, Part 30, "Rules of General Applicability to Licensing of Byproduct Material," to receive, possess and store at the designated location, but not to separate, such byproduct material as may be contained in the reactor.

3. This permit shall be deemed to contain and be subject to the conditions specified in Part 20, § 30.34 of Part 30, §§ 50.54 and 50.55 of Part 50, and § 70.32 of Part 70 of the Commission's regulations; is subject to all applicable provisions of the Act and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified below:

A. The earliest date for the completion of the construction of the reactor is July 15, 1967, and the latest date for the completion of the construction of the reactor is October 15, 1967.

B. The construction of the reactor at the location on the campus of Idaho State University shall be accomplished in accordance with the procedures described in the application.

C. This Construction Permit is contingent upon the execution of an indemnity agreement as required by section 170 of the Act.

4. Upon completion of the construction of the reactor at the designated location in accordance with the terms and conditions of this permit, and upon finding that the reactor will operate in conformity with the provisions of the Act and the rules and regulations of the Commission, and in the absence of any good cause being shown to the Commission why the granting of a license to operate the reactor would not be in accordance with the provisions of the Act, the Commission will issue a Class 104 license to Idaho State University pursuant to section 104c of the Act, which license shall expire twenty (20) years after the date of this construction permit.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

Proposed Construction Permit

The Atomic Energy Commission (hereinafter "the Commission") having found that:

A. The application for license complies with the requirements of the Atomic Energy Act of 1954, as amended (hereinafter "the Act"), and the Commission's regulations set forth in Title 10, Chapter 1, CFR;

B. The reactor has been constructed in conformity with Construction Permit No. CPRR-_____ and will operate in conformity with the application and in conformity with the Act and the rules and regulations of the Commission;

C. There is reasonable assurance that the reactor can be operated at the designated location without endangering the health and safety of the public;

D. Idaho State University is technically and financially qualified to engage in the activities authorized by this license in accordance with the rules and regulations of the Commission;

E. Idaho State University is a nonprofit educational institution and will operate the reactor for the conduct of educational activities. Idaho State University is therefore exempt from the financial requirements of subsection 170a of the Act; and

F. The issuance of this license will not be inimical to the common defense and security or to the health and safety of the public;

Facility License No. R-_____, effective as of the date of issuance, is hereby issued as follows:

1. This license applies to a Model AGN-201, Serial No. 103, nuclear reactor (hereinafter "the reactor") which is owned by the Idaho State University (hereinafter "the licensee"), located on the campus in Pocatello, Idaho, and described in the licensee's application for license, dated April 3, 1967, and the amendment thereto dated May 5, 1967 (hereinafter "the application").

2. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses Idaho State University:

A. Pursuant to section 104c of the Act and Title 10, CFR, Chapter 1, Part 50, "Licensing of Production and Utilization Facilities," to possess, use and operate the reactor as a utilization facility at the designated location in Pocatello, Idaho.

B. Pursuant to the Act and Title 10, CFR, Chapter 1, Part 70, "Special Nuclear Material," to receive, possess and use up to 700 grams of contained uranium-235 in connection with operation of the reactor; and

C. Pursuant to the Act and Title 10, CFR, Chapter 1, Part 30, "Rules of General Applicability to Licensing of Byproduct Material," to possess, but not to separate, such byproduct material as may be produced by operation of the reactor.

3. This license shall be deemed to contain and be subject to the conditions specified in Part 20, § 30.34 of Part 30, §§ 50.54 and 50.59 of Part 50 and § 70.32 of Part 70 of the Commission's regulations; is subject to all applicable provisions of the Act and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified below:

A. *Maximum power level.* The licensee is authorized to operate the reactor at steady state power levels up to a maximum of 100 milliwatts.

B. *Technical specifications.* The Technical Specifications contained in Appendix A [1] to this license (hereinafter "the Technical Specifications") are hereby incorporated in this license. Except as otherwise permitted by the Act and the rules, regulations and orders of the Commission, the licensee shall operate the reactor in accordance with the Technical Specifications. No changes shall be made in the Technical Specifications unless authorized by the Commission as provided in 10 CFR 50.59.

C. *Reports.* In addition to reports otherwise required under this license and applicable regulations:

(1) The licensee shall inform the Commission of any incident or condition relating to the operation of the reactor which prevented or could have prevented a nuclear system from performing its safety function as described in the Technical Specifications or in the Safety Analysis Report. For each such occurrence, the licensee shall promptly notify by telephone or telegraph, the Director of the appropriate Atomic Energy Commission Regional Compliance Office listed in appendix D of 10 CFR Part 20 and shall submit within ten (10) days a report in writing to the Director, Division of Reactor Licensing (hereinafter "the Director, DRL") with a copy to the Regional Compliance Office.

(2) The licensee shall report to the Director, DRL, in writing within thirty (30) days of its observed occurrence any substantial variance disclosed by operation of the reactor from performance specifications contained in the Safety Analysis Report or the Technical Specifications.

[1] This item was not filed with the Office of the Federal Register but will be available for inspection in the Public Document Room of the Atomic Energy Commission.

(3) The licensee shall report to the Director, DRL, in writing thirty (30) days of its occurrence any significant changes in transient or accidental analysis as described in the Safety Analysis Report.

D. *Records.* In addition to those otherwise required under this license and applicable regulations the licensee shall keep the following records:

(1) Reactor operating records, including power levels.

(2) Records of in-pile irradiations.

(3) Records showing radioactivity released or discharged into the air or water beyond the effective control of the licensee as measured at the point of such release or discharge.

(4) Records of emergency reactor scrams, including reasons for emergency shutdowns.

4. This license is effective as of the date of issuance and shall expire at midnight.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[F.R. Doc. 67-7540; Filed, July 3, 1967; 8:45 a.m.]

BUREAU OF THE BUDGET

ORGANIZATION AND INFORMATION

Pursuant to and in conformity with section 552 of Title 5, United States Code, the following notice is published:

ORGANIZATION

Sec.
1 General.
2 Authority and functions.
3 Organization.

PROCEDURES

10 Methods of operation.
11 Procedural information.
12 Substantive rules, policies, and interpretation.

AVAILABILITY OF INFORMATION

20 Opinions, orders, manuals, etc.
21 Identifiable records.
22 Agency proceedings; voting records.

EXCEPTIONS

30 Exceptions.

ORGANIZATION

SECTION 1. *General.* This information is furnished for the guidance of the public, in compliance with the requirements of section 552 of title 5, United States Code, as amended, and in the interest of making available to the public all of the information in the possession of the Bureau of the Budget which may be divulged without jeopardizing the welfare of the Government or the rights of individuals.

SEC. 2. *Authority and functions.* (a) The Bureau of the Budget was established by the Budget and Accounting Act, 1921 (42 Stat. 20, 31 U.S.C. 1-25). The Bureau was transferred to the Executive Office of the President by Reorganization Plan No. I of 1939 (53 Stat. 1423, 5 U.S.C. 1135, note).

(b) In addition to the Budget and Accounting Act, 1921, the principal statutory authorities of the Bureau of the Budget are contained in the Federal Reports Act of 1942 (56 Stat. 1078); the Government Corporation Control Act (59 Stat. 597, 31 U.S.C. 841-869); and the

Budget and Accounting Procedures Act of 1950 (64 Stat. 832).

(c) The functions of the Bureau of the Budget are carried out pursuant to the provisions of the statutes cited above and the provisions of various Executive orders—principally, Executive Order No. 8248 of September 8, 1939 (3 CFR Cum. Supp., p. 576), outlining certain functions performed by the Bureau for the President, and Executive Order No. 11230 of June 28, 1965 (3 CFR 1965 Supp., p. 146), as amended, delegating certain functions of the President to the Director of the Bureau of the Budget.

SEC. 3. *Organization.* The central organization of the Bureau of the Budget consists of—

(a) The Office of the Director, which includes the Director, the Deputy Director, and three statutory Assistant Directors.

(b) Five offices and one staff office, with Government-wide responsibilities in specialized areas, as follows:

Office of Budget Review.
Office of Financial Management.
Office of Legislative Reference.
Office of Management and Organization.
Office of Statistical Standards.
Program Evaluation Staff.

(c) Seven program divisions, as follows:

Commerce and Housing Division.
Education, Manpower, and Science Division.
General Government Division.
Health and Welfare Division.
International Division.
Military Division.
Resources and Civil Works Division.

(d) The Bureau has no field organization.

(e) The public may obtain information, make submittals or requests, or obtain decisions at—

(1) Bureau of the Budget, Executive Office of the President, Washington, D.C. 20503, Telephone: 395—3000 (area code 202).

(2) Most units of the Bureau of the Budget are presently located in the Executive Office Building, 17th Street and Pennsylvania Avenue NW., Washington, D.C. 20503. Regular office hours are from 9 a.m. to 5:30 p.m., Monday through Friday.

(3) The Executive Office Building is under the security control of the U.S. Secret Service, and admission to the building is by appointment. Persons desiring to visit Bureau officers or employees will usually find it easier to do so if they write or telephone in advance for an appointment.

(f) No formal methods are prescribed for handling Bureau of the Budget functions which may concern a private party. Requests, using the address or telephone number listed above, may be made to the Director of the Bureau of the Budget concerning any function or activity of the Bureau, or to the following employees in the circumstances indicated—

Information Officer (inquiries from information media).
Records Officer (for examination of records).
Administrative Assistant (matters relating to internal administration).
Personnel Officer (matters relating to employment).
Head of an office or chief of a program division (matters relating to substantive functions of the particular office or division).
Administrative Services Officer (matters relating to contracts for supplies or services to be furnished to the Bureau).

PROCEDURES

SEC. 10. *Methods of operation.*

(a) No formal procedures are prescribed for dealing with the public. The general course and method of channeling and determining Bureau functions is through the program divisions (with guidance from the offices in their specialized fields) to the Deputy Director and the Director.

(b) Matters covered by this section may be dealt with upon the basis of a written presentation or, in the discretion of the Director or other Bureau official or employee concerned, upon the basis of an informal oral presentation.

SEC. 11. *Procedural information.* (a) Information as to the procedure to be followed by a private party with respect to any substantive function of the Bureau may be obtained from the officials, and at the address or telephone number, listed in section 3.

(b) No particular forms are prescribed for use by a private party in connection with substantive functions of the Bureau. Forms prescribed for Government-wide use in connection with administrative matters may be obtained from the Administrative Assistant to the Director or the Administrative Services Officer at the address shown in paragraph (e) of section 3.

SEC. 12. *Substantive rules, policies, and interpretations.* The Bureau has not adopted or formulated any substantive rules or statements of general policy or interpretations of general applicability regarding substantive functions of the Bureau which may directly affect a private party. Matters coming before the Bureau which are of concern to particular members or groups of the public are handled informally in the manner best suited to the particular situation.

AVAILABILITY OF INFORMATION

SEC. 20. *Opinions, orders, manuals, etc.* (a) The Bureau of the Budget has few direct dealings with the public and has not developed a body of case law such as would constitute precedential material for resolving particular matters affecting private parties. Specifically—

(1) *Opinions and orders.* The Bureau is not directly involved in the adjudication of cases involving private parties and does not render final opinions or orders in such matters.

(2) *Statements of policy and interpretation.* The Bureau has not adopted statements of policy or interpretation which are relied upon in the handling of substantive functions of the Bureau which may indirectly affect the public.

(3) *Manuals and instructions—indexes.* The materials indexed below are available for inspection and copying, and those marked with an asterisk are also for sale by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20202—

*The Budget of the United States.
*The Budget of the United States—Appendix.
*The Budget of the United States—The District of Columbia.
*The Budget in Brief.
*Special Analyses, Budget of the United States.
Bureau of the Budget Manual (except those sections relating solely to internal administration of the Bureau).
Principal Laws Relating to the Bureau of the Budget.
The Bureau of the Budget (A Digest on the Bureau of the Budget).
Bureau of the Budget Circulars and index.
Bureau of the Budget Bulletins and index.
*Standard Industrial Classification Manual.
*Standard Metropolitan Statistical Areas.
*Statistical Services of the U.S. Government.
*Statistical Reporter.

(b) Appointments for inspection or copying of materials listed in subsection (a) during regular business hours may be made by writing or telephoning the Records Officer at the address or telephone number listed in paragraph (e) of section 3. Such materials may be copied manually without charge, and reasonable facilities will be made available for that purpose. Also, copies of individual pages of such materials will be made available at the price per page specified in paragraph (2) of section 21(a); however, the right is reserved to limit to a reasonable quantity the copies of materials offered for sale by the Superintendent of Documents.

SEC. 21. *Identifiable records.* (a) Except with respect to records made available under prior sections of this notice, copies of identifiable records of the Bureau will be furnished upon written application to the Records Officer at the address shown in paragraph (e) of section 3, subject to the following:

(1) The request must describe the desired record with sufficient particularity to permit identification.

(2) A charge of 25 cents per page will be made for each copy furnished; the minimum charge will be $1. A charge of $5 per person per hour will be made for time spent in searching for records, regardless of whether the search is successful; the minimum charge will be $2. Where the estimated total cost for searching and copying is less than $5, the records will be furnished with appropriate billing instructions; where the estimated total cost is $5 or more, the person requesting the record will be informed of the estimated cost and will be required to make payment of not less than 75 percent of the estimated cost in advance of receiving the materials.

(3) Notwithstanding the foregoing, materials may be furnished without charge to foreign governments, other governmental agencies or units, nonprofit educational organizations, or other applicants whenever the Records Officer determines that such action would further the performance of the functions of the Bureau of the Budget.

SEC. 22. *Agency proceedings; voting records.* The Bureau of the Budget does not conduct agency proceedings which are settled by vote and has no records of that nature.

EXCEPTIONS

SEC. 30. *Exceptions.* Except to the extent that the Director in his sole discretion, upon request for review initiated in writing by an applicant, determines that a record which falls within one of the following categories may be made available, this section shall not apply to matters that are—

(a) Specifically required by Executive order to be kept secret in the interest of the national defense or foreign policy;

(b) Related solely to the internal personnel rules and practices of the Bureau;

(c) Specifically exempted from disclosure by statute;

(d) Trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(e) Interagency or intraagency memorandums or letters which would not be available by law to a party other than an agency in litigation with the Bureau;

(f) Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(g) Investigatory files compiled for law enforcement purposes except to the extent available by law to a party other than an agency;

(h) Contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or

(i) Geological and geophysical information and data, including maps, concerning wells.

Effective date. The provisions of this notice shall be effective July 4, 1967.

CHARLES L. SCHULTZE,
Director of the Bureau of the Budget.

[F.R. Doc. 67-7630; Filed, July 3, 1967; 8:51 a.m.]

CIVIL AERONAUTICS BOARD

[Docket Nos. 18697 etc.; Order No. E-25658]

CERTAIN AIR TRANSPORTATION FOR DEPARTMENT OF DEFENSE

Order Granting Exemption

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 29th day of June 1967.

Application for exemption from section 403 of the Act for certain air transportation for the Department of Defense, Dockets 18697, 18711, 18714.

On June 16, 1967, the Department of Defense (DOD) filed a petition (Docket 18697) requesting the Board to amend § 399.16 of the Statements of General Policy, or to take such other action as may be required, to grant to air carriers providing the type of service for DOD to which §§ 399.16 (d) and (e) apply a blanket exemption from the requirements of section 403 of the Act. DOD states that tariffs and rules filed for the transportation of this traffic (so-called Category A and X) sometimes conflict with MAC contract provisions and have resulted in problems in tariff interpretation and contract administration. Noting that the Board has recently granted a blanket exemption from Section 403 to air carriers performing DOD charter services for which minimum rates are prescribed in Part 288 of the Economic Regulations,[1] DOD requests that a similar exemption be granted to air carriers performing the individual services to which §§ 399.16 (d) and (e) apply. The blanket exemption would relieve the carriers of the necessity of applying for individual exemptions. Since the air transportation to be provided under MAC contracts begins on July 1, 1967, DOD requests expeditious treatment of its petition.

Pan American World Airways, Inc., has filed an answer in support of the DOD petition, and Pan American (Docket 18711) and Trans World Airlines, Inc. (Docket 18714) have filed applications requesting similar exemptions.[2]

In view of the short time remaining before the beginning of the new DOD contract year, we will act upon the DOD petition by this order rather than by rule-making proceedings. We intend to codify our action at a later date and will therefore limit the exemption granted herein to fiscal year 1968.

We have not previously granted general exemptions from section 403 to the carriers performing Category A and X transportation because the carriers involved have filed tariffs for such transportation and have not requested such exemptions. However, those carriers principally involved now indicate their desire for the issuance of an exemption from section 403.

In order to relieve the carriers of the burden of filing tariffs for these limited categories of military traffic, we will grant the exemption, conditioned upon the carriers' observance of the minimum rates prescribed in §§ 399.16 (d) and (e). Hereafter, no tariffs will be accepted for the transportation of Category A or X traffic pursuant to contracts with DOD, and we will expect the carriers to cancel such tariffs now on file.

In view of the foregoing, we find that the enforcement of section 403 of the Act and the Board's regulations thereunder would be an undue burden on air carriers performing the above-described services for DOD, by reason of unusual circumstances affecting these operations of the carriers, and is not in the public interest.

Accordingly, pursuant to section 416 of the Federal Aviation Act of 1958: *It is ordered*, That air carriers be, and they hereby are, exempted from July 1, 1967, through June 30, 1968, from the requirements of Section 403 of the Act and Part 221 of the Economic Regulations with respect to the transportation pursuant to contracts with the Department of Defense of (1) Category A individually ticketed passengers and individually waybilled cargo on regularly scheduled commercial service for the Department of Defense in foreign and overseas air transportation and in air transportation between the 48 contiguous States on the one hand and Hawaii and Alaska on the other hand, and (2) Category X passengers carried pursuant to option provisions of MAC contracts in the direction opposite to individually waybilled cargo: *Provided*, That, in the absence of specific Board approval, this exemption is conditioned on the observance of the minimum charges and conditions specified in §§ 399.16(d) and (e) of the Board's Statements of General Policy, and is applicable only to services for which minimum charges and conditions are so specified.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 67-7620; Filed, July 3, 1967; 8:51 a.m.]

[1] ER-494, effective June 1, 1967.

[2] The carriers' requests for specific exemptions from the planeload requirement for the transportation of Category X passengers will be dealt with in a separate order.

[Docket No. 17730]

MILLARDAIR LTD.

Notice of Prehearing Conference

Application for a foreign air carrier permit, issued pursuant to section 402 of the Federal Aviation Act of 1958, as amended, to perform operations of a casual, occasional, or infrequent nature in common carriage from Canada into the United States.

Notice is hereby given that a prehearing conference on the above-entitled matter is assigned to be held on August 4, 1967, at 10 a.m., e.d.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D.C., June 28, 1967.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 67-7621; Filed, July 3, 1967; 8:51 a.m.]

[Docket No. 18710]

MILLARDAIR LTD.

Notice of Prehearing Conference

Application for a foreign air carrier permit, issued pursuant to section 402 of the Federal Aviation Act of 1958, as amended, to perform operations of a casual, occasional, or infrequent nature in common carriage from Canada into the United States.

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on August 4, 1967, at 11:00 a.m., e.d.s.t., in Room 911, Universal Building, 1825 Connecticut

Avenue NW., Washington, D.C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D.C., June 28, 1967.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 67-7622; Filed, July 3, 1967; 8:52 a.m.]

[Docket No. 17876]

SALT LAKE CITY-LAS VEGAS-SOUTHERN CALIFORNIA SERVICE CASE

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on July 25, 1967, at 10 a.m. local time in the Moot Courtroom, College of Law, 345 University Street, Salt Lake City, Utah, before the undersigned.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on March 22, 1967, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., June 27, 1967.

[SEAL] WILLIAM J. MADDEN,
Hearing Examiner.

[F.R. Doc. 67-7623; Filed, July 3, 1967; 8:52 a.m.]

[Docket No. 18078]

TRANSATLANTIC AND TRANSPACIFIC AND MILITARY SERVICE MAIL RATE CASE

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on July 27, 1967, at 10 a.m., e.d.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner P. Merritt Ruhlen.

In order to facilitate the conduct of the conference, interested parties are instructed to submit to the examiner and other parties on or before July 24, 1967, (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statements of positions of parties; and (5) proposed procedural dates.

Dated at Washington, D.C., June 27, 1967.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 67-7624; Filed, July 3, 1967; 8:52 a.m.]

[Docket No. 18588]

TRANSAVIA, N. V.

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the hearing in the above-titled proceeding will be held on July 19, 1967, at 10 a.m., e.d.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on June 22, 1967, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., on June 28, 1967.

[SEAL] WILLIAM J. MADDEN,
Hearing Examiner.

[F.R. Doc. 67-7625; Filed, July 3, 1967; 8:52 a.m.]

CIVIL SERVICE COMMISSION

NURSES, NEW ORLEANS, LA.

Notice of Adjustment of Minimum Rates and Rate Ranges

Under authority of 5 U.S.C. 5303 and E.O. 11073, the Civil Service Commission has increased the minimum rates and rate ranges for positions of Nurse, GS-610-4 through 8, and Public Health Nurse, GS-615-5 through 8. The revised rate ranges are:

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS-4	$5,676	$5,736	$5,796	$5,856	$6,216	$6,376	$6,536	$6,696	$6,856	$7,016
GS-5	6,035	6,211	6,387	6,563	6,739	6,915	7,091	7,267	7,443	7,619
GS-6	6,461	6,650	6,837	7,025	7,213	7,401	7,589	7,847	8,045	8,243
GS-7	6,877	7,080	7,283	7,486	7,729	7,942	8,155	8,368	8,581	8,794
GS-8	7,303	7,538	7,773	8,008	8,243	8,478	8,713	8,948	9,183	9,418

[1] Corresponding statutory rates: GS-4—Sixth; GS-5—Fifth; GS-6—Fourth; GS-7—Third; GS-8—Second.

The Commission also has increased the minimum rate and rate range for positions of Nurse, PFS-610-5. The revised rate range is:

Per annum rates

Level	1[1]	2	3	4	5	6	7	8	9	10	11	12
PFS-4	$6,461	$6,652	$6,843	$7,034	$7,225	$7,416	$7,607	$7,798	$7,989	$8,180	$8,371	$8,562

[1] Corresponding statutory rate is the fifth step.

Geographic coverage is New Orleans, La.

The effective date will be the first day of the first pay period beginning on or after June 17, 1967.

All new employees in the specified occupational levels will be hired at the new minimum rate.

As of the effective date, all agencies will process a pay adjustment to increase the pay of employees on the rolls in the affected occupational levels. An employee who immediately prior to the effective date was receiving basic compensation at one of the rates of the statutory rate range shall receive basic compensation at the corresponding numbered rate authorized by this letter on and after such date. The pay adjustment will not be considered an equivalent increase within the meaning of 5 U.S.C. 5335 or 39 U.S.C. 3553.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-7606; Filed, July 3, 1967; 8:50 a.m.]

NURSES, WASHINGTON, D.C.

Notice of Adjustment of Minimum Rates and Rate Ranges

Under authority of 5 U.S.C. 5303 and E.O. 11073, the Civil Service Commission has increased the minimum rates and rate ranges for positions of Nurse, GS-610-5 through 10, and Public Health Nurse, GS-615-5 through 10. The revised rate ranges, including GS-4 rates previously established, are:

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS-4	$5,736	$5,796	$5,856	$5,916	$5,976	$6,036	$6,096	$6,156	$6,216	$6,276
GS-5	6,087	6,263	6,439	6,615	6,791	6,967	7,143	7,319	7,495	7,671
GS-6	6,507	7,059	7,253	7,451	7,649	7,847	8,045	8,243	8,441	8,639
GS-7	7,303	7,516	7,729	7,942	8,155	8,368	8,581	8,794	9,007	9,220
GS-8	7,773	8,008	8,243	8,478	8,713	8,948	9,183	9,418	9,653	9,888
GS-9	8,335	8,579	8,823	9,067	9,311	9,555	9,799	10,043	10,287	10,531
GS-10	8,709	8,967	9,225	9,483	9,741	10,000	10,259	10,518	10,777	11,036

[1] Corresponding statutory rates: GS-4—Seventh; GS-5—Seventh; GS-6—Sixth; GS-7—Fifth; GS-8—Fourth; GS-9—Third; GS-10—Second.

The revised rate ranges for positions of Nurse, PFS-610-5 and 6 are:

PER ANNUM RATES

Level	1[1]	2	3	4	5	6	7	8	9	10	11	12
PFS-5	$6,842	$7,034	$7,226	$7,418	$7,607	$7,798	$7,989	$8,180	$8,371	$8,562	$8,752	$8,944
PFS-6	7,128	7,321	7,514	7,707	7,900	8,143	8,386	8,629	8,872	9,115	9,358	9,601

[1] Corresponding statutory rates: PFS-5—Seventh; PFS-6—Sixth.

Geographic coverage is the Washington, D.C., Standard Metropolitan Statistical Area including the D.C. Government's Children's Center, Laurel, Md., and the U.S. Marine Corps Base, Quantico, Va. The SMSA includes Washington, D.C.; Montgomery County and Prince Georges County, Md.; Alexandria City, Fairfax City, Falls Church City, Arlington County, Fairfax County, Loudoun County, and Prince William County, Va.

The effective date will be the first day of the first pay period beginning on or after July 1, 1967.

All new employees in the specified occupational levels will be hired at the new minimum rate.

As of the effective date, all agencies will process a pay adjustment to increase the pay of employees on the rolls in the affected occupational levels. An employee who immediately prior to the effective date was receiving basic compensation at one of the rates of the statutory rate range shall receive basic compensation at the corresponding numbered rate authorized by this notice on and after such date. The pay adjustment will not be considered an equivalent increase within the meaning of 5 U.S.C. 5335 or 39 U.S.C. 3552.

UNITED STATES CIVIL SERVICE COMMISSION
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-7609; Filed, July 3, 1967; 8:50 a.m.]

FEDERAL DEPOSIT INSURANCE CORPORATION

CENTRAL AND FIELD ORGANIZATION

Description

The following is a Description of the Central and Field Organization of the Federal Deposit Insurance Corporation and the delegations of final authority made by the Board of Directors of the Corporation:

Sec.
1 Central organization.
2 Field organization.
3 Delegations of final authority.

SECTION 1. *Central organization*—(a) *Board of Directors.* The Federal Deposit Insurance Act (64 Stat. 873; 12 U.S.C. 1811-1831) vests the management of the Federal Deposit Insurance Corporation (hereinafter referred to as the Corporation) in a Board of Directors consisting of three members, who are appointed by the President by and with the advice and consent of the Senate for terms of 6 years. One member is the Comptroller of the Currency by virtue of his office. One of the appointive members, elected by the Board of Directors, acts as its Chairman and presides at all its meetings. The Acting Comptroller of the Currency is a member of the Board in the place and stead of the Comptroller in the event of a vacancy in the office of the Comptroller, and pending the appointment of his successor, or during his absence or disability. In the event of a vacancy in the office of the Chairman, and pending the appointment of his successor, the Comptroller of the Currency acts as Chairman. The Board of Directors is responsible for the performance of all duties and exercises all powers vested by law in the Corporation. The Board of Directors has assigned certain functions to the several officers, committees, and Divisions of the Corporation for the performance of which they are responsible to the Board.

The principal office of the Corporation, and the offices of the members of the Board and of the Secretary of the Corporation, are located at 550 17th Street NW., Washington, D.C. 20429.

(b) *Secretary.* The Secretary of the Corporation is the chief recording and custodial officer of the Board of Directors and of the Corporation, has legal custody of the seal of the Corporation, and is responsible for the maintenance and custody of the minutes and other official records of the Board, and, except as otherwise directed by the Board, the furnishing of notice of matters acted upon by the Board, the certification and sealing of all resolutions, papers, and documents requiring certification on behalf of the Corporation or the affixation of its corporate seal, the issuance of certificates of membership, or duplicates thereof, to insured banks.

(c) *Committees*—(1) *Board of Review.* A Board of Review, consisting of a member of the Board of Directors and such staff members of the Corporation as are thereto appointed by the Board of Directors, has been established to consider in those cases referred to it the recommendations from the Division of Examination relative to applications from banks for deposit insurance, for consent by the Corporation to retirement or reduction of capital, change of location of main office, establishment, operation, or change of location of branches, conversions into another bank, merger, consolidation, deposit assumption and asset acquisition transactions, extensions by State nonmember insured banks (except District banks) of corporate or charter powers, and to the service of bank directors, officers and employees convicted of certain offenses, and other similar requests and recommendations to terminate the insured status of a bank, or to issue cease and desist orders and suspension or removal orders, and to recommend to the Board of Directors the action to be taken thereon.

(2) *Committee on Liquidations, Loans, and Purchases of Assets.* A Committee on Liquidations, Loans, and Purchases of Assets, consisting of a member of the Board of Directors and such staff members of the Corporation as are thereto appointed by the Board, has been established to consider in those cases referred to it recommendations from the Division of Examination relative to applications by insured banks for financial assistance by means of loans to, or purchases of assets from, or deposits by the Corporation in insured banks, and recommendations from the Division of Liquidation relative to payment of insured deposits and liquidation activities, and to recommend to the Board of Directors the action to be taken thereon.

(3) *Special Committee.* A Special Committee, consisting of a member of the Board of Directors and such staff members of the Corporation as are thereto appointed by the Board, has been established to consider in those cases referred to it recommendations from the Legal Division with respect to legal matters requiring action of the Board, including applications for exemption from the advertising regulations of the Corporation, compromises or settlements of litigation in which the Corporation has an interest, claims by or against the Corporation which are not in connection with matters considered by the Committee on Liquidations, Loans, and Purchases of Assets, fixing of fees of attorneys retained by the Corporation; and to consider administrative procedure, rules, regulations, and forms of the Corporation, proposed changes in laws and regulations on assessment matters, instructions on preparation of certified state-

ments and payment of assessments and problems of field audit of certified statements; and to consider recommendations from the several Divisions of the Corporation which are referred to it with respect to matters requiring Board action, except as otherwise prescribed; and to recommend to the Board of Directors the action to be taken thereon.

(d) *Divisions*—(1) *Division of Examination.* The Division of Examination, headed by a Chief, is responsible for the regular examination of insured State nonmember banks and affiliates, State nonmember banks applying to become insured banks, closed insured banks, and for the special examination of other insured banks; reviews reports of such examinations as well as reports of examinations made by the office of the Comptroller of the Currency, in the case of national and District banks, and by the Federal Reserve banks, in the case of State member banks; for the education and training of examiners; advises, assists, and makes recommendations to, the Board of Directors with respect to any supervisory action pertaining to insured banks, including termination of insured status, cease and desist orders and suspension or removal orders; conducts investigations and makes recommendations to the Board of Directors on applications for consent to the service of bank directors, officers and employees convicted of certain offenses, applications for deposit insurance, applications for consent to the merger, consolidation, deposit assumption and asset acquisition transactions, applications for consent to the retirement or reduction of capital, applications for consent to the establishment and operation of branches, the change of location of the main office, or branch, the extension of corporate activities; submits to other Federal banking agencies reports on the competitive factors involved in merger applications; administers the Corporation's responsibilities in connection with the Bank Service Corporations Act, the Securities Acts Amendments of 1964, changes in the control of bank stock; and performs such other functions and activities as may be assigned from time to time by the Board of Directors.

(2) *Legal Division.* The Legal Division, headed by a General Counsel, advises and assists the Board of Directors and the several Divisions of the Corporation with repect to all legal matters concerning the functions, activities, and operations of the Corporation, including all litigation, correspondence of a legal character, interpretation of organic law and Federal and State laws applicable to or affecting the Corporation or its activities, and the preparation of rules, regulations, orders and opinions as permitted by law, and documents of a legal character.

(3) *Office of the Controller.* The Controller is the chief financial, fiscal, and accounting officer of the Corporation, is responsible for the maintenance and custody of all accounting records, for prescribing accounting methods and procedures, for the custody, safekeeping, receipt, deposit, and disbursement of all funds of the Corporation and accountability therefor, for the custody of all assets other than those within the responsibility of the Chief of the Division of Liquidation, for supervision over and responsibility for the administration of assessment laws and regulations, for supervision of the Office of Education and Publications, and for the supervision and direction of all personnel, budget, administrative services, and services and supply functions of the Corporation.

(4) *Division of Liquidation.* The Division of Liquidation, headed by a Chief, supervises, is responsible for, and advises, assists, and makes recommendations to the Board of Directors with respect to payments to depositors of closed insured banks, the liquidation of national banks and insured State banks for which the Corporation is appointed receiver, the liquidation of closed insured banks for which the Corporation is not receiver, and with respect to loans to, purchases of assets from, or deposits by the Corporation in, open or closed insured banks and the liquidation of assets acquired thereby.

(5) *Division of Research.* The Division of Research, headed by a Chief, provides economic counsel to the Board of Directors. It supervises, is responsible for, and advises and assists the Board of Directors with respect to continuing and special studies pertaining to deposit insurance, banking, finance, and economic matters, and the collection, compilation, and interpretation of statistical data relating to the condition and operations of banks.

(6) *Audit Division.* The Audit Division, headed by a Chief, conducts and is responsible for a continuous administrative audit of all fiscal and accounting activities of the Corporation and evaluation of internal audit and fiscal controls, and the preparation of detailed and summary audit reports to the Board of Directors.

(e) *Location of divisions.* All of the divisions of the Corporation are located at the principal office of the Corporation at 550 17th Street NW., Washington, D.C. 20429.

SEC. 2. *Field organization*—(a) *District offices.* The United States is divided into 14 Federal Deposit Insurance Districts. The Corporation maintains an office in each of such Districts. Each District office is headed by a Supervising Examiner who is appointed by the Board of Directors and functions under the supervision of the Chief of the Division of Examination. Each Supervising Examiner is assisted by one or more Assistant Supervising Examiners and by a staff of examiners, assistant examiners, and clerical and stenographic employees. The Supervising Examiner directs and supervises the examination by the Corporation of insured banks located within the States and Territories comprising the District, make recommendations to the Chief of the Division of Examination with respect to applications and other activities as set forth in paragraph 1(d) hereof, and acts as the Corporation's representative in dealing directly with insured banks and State bank supervisory authorities in his District regarding bank supervisory matters. The location of the District offices and the States and Territories comprising each District are as follows:

ADDRESS AND AREA IN DISTRICT

State Street Bank Building, 225 Franklin Street, Suite 805, Boston, Mass. 02110. (Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont.)

74 Trinity Place, New York, N.Y. 10006. (New Jersey, New York, Puerto Rico, Virgin Islands.)

Suite 950, Public Ledger Building, Sixth and Chestnut Streets, Philadelphia, Pa. 19106. (Delaware, Pennsylvania.)

403 East Grace Street, Richmond, Va. 23219. (District of Columbia, Maryland, North Carolina, South Carolina, Virginia.)

1000 Bank of Georgia Building, Atlanta, Ga. 30303. (Alabama, Florida, Georgia.)

Huntington Trust Building, Suite 600, 37 West Broad Street, Columbus, Ohio 43215. (Kentucky, Ohio, West Virginia.)

715 Tenney Building, Madison, Wis. 53703. (Michigan, Wisconsin.)

164 West Jackson Boulevard, Chicago, Ill. 60604. (Illinois, Indiana.)

420 Locust Building, 1015 Locust Street, St. Louis, Mo. 63101. (Kansas, Missouri.)

First National Bank Building, Suite 1606, 165 Madison Avenue, Memphis, Tenn. 38103. (Arkansas, Louisiana, Mississippi, Tennessee.)

748 Roanoke Building, Minneapolis, Minn. 55402. (Minnesota, Montana, North Dakota, South Dakota, Wyoming.)

1708 Federal Reserve Bank Building, Kansas City, Mo. 64106. (Iowa, Nebraska.)

Station K, Dallas, Tex. 75222. (Colorado, New Mexico, Oklahoma, Texas.)

Wells Fargo Building, Suite 3600, 44 Montgomery Street, San Francisco, Calif. 94104. (Alaska, Arizona, California, Hawaii, Idaho, Nevada, Oregon, Utah, Washington, Guam.)

(b) *Agents for service of process.* The Board of Directors, in accordance with the provisions of section 9 Fourth of the Federal Deposit Insurance Act (12 U.S.C. 1819) has designated an agent upon whom service of process may be made in each State, Territory, and other jurisdiction in which an insured bank is located. Persons desiring to serve process upon the Corporation in any jurisdiction may obtain the name and address of the proper agent by communicating with the Secretary of State or corresponding official in such jurisdiction, the Supervising Examiner for the District including such jurisdiction, or the General Counsel of the Corporation at Washington, D.C.

(c) *Liquidators.* The Corporation appoints a Liquidator for each receivership of an insured national bank or District bank or insured State bank for which the Corporation is appointed receiver, as well as for the liquidation of the assets acquired by the Corporation pursuant to a loan or purchase of assets. Under the control of the Board of Directors, and subject to the supervision of the Chief of the Division of Liquidation, a Liquidator is the official representative of the Corporation with respect to the receivership or liquidation entrusted to his charge, and, in general, is the supervisor immediately in charge of the liquidation or receivership on behalf of the Corporation. Local field offices are ordinarily maintained by such Liquidators with respect to such receiverships and liquidations and located in the community in which the closed insured bank was engaged in business. Persons desiring to communicate or transact business with any such Liquidator may obtain his name and address by communicating with the Chief of the Division of Liquidation.

SEC. 3. *Delegations of final authority.* The Chief of the Division of Examination and the Supervising Examiner of the District in which the bank is located have been authorized to take final action with respect to the approval of certain applications, such as applications by a State nonmember insured bank to move its main office or branch or to obtain an extension of a time limitation imposed in connection with a previous application. This delegated authority is subject to certain limitations set forth in the delegations of authority which are available at the office of each Supervising Examiner. The Chief of the Division of Examination is also authorized to act upon applications by State nonmember insured banks for extensions of time of ninety days or less within which to register securities pursuant to the provisions of section 12(g) of the Securities Exchange Act of 1934, as amended. For the purpose of assuring the performance and continuity in the management functions and activities of the Corporation, the Board of Directors has delegated, to the extent deemed necessary, authority with respect to the management of the Corporation's affairs to certain designated officers, such authority to be exercised only in the event of an emergency, involving an enemy attack on the continental United States or other warlike occurrence, which renders the Board of Directors unable to perform the management functions and activities normally performed by it. Except as otherwise provided herein, or with respect to matters which generally involve conditions or circumstances requiring prompt action in the field for the better protection of the interests of the Corporation and to achieve flexibility and expedition in its operations and in the exercise of its functions, such as arise in connection with the Corporation's litigation and liquidation matters and with the payment of claims for insured deposits, the Board of Directors does not delegate its authority and no delegations of final authority within the statutory meaning of that phrase are made by the Board of Directors. Any person having a proper and direct concern therein may ascertain the scope of authority of any officer, agent, or employee of the Corporation by communicating with the Secretary of the Corporation.

(d) *Claim agents.* Pursuant to the provisions of subsection (b) of section 10 of the Federal Deposit Insurance Act (12 U.S.C. 1820(b)), the Corporation appoints one or more Claim Agents for each insured bank which shall have been closed under circumstances requiring the Corporation, in accordance with applicable law, to make payment of the insured deposits therein. Under the control of the Board of Directors, and subject to the supervision of the Chief of the Division of Liquidation, the Claim Agent exercises the powers prescribed by law and is the official representative of the Corporation with respect to the payment of insured deposits in such closed bank and, in general, supervises the payoff of the insured depositors on behalf of the Corporation. Local field offices, as authorized by the Board of Directors, are maintained by such Claim Agents with respect to each such payoff and ordinarily are located at the site of the closed insured bank until the payoff has been fully or substantially completed. Persons desiring to communicate or transact business with any such Claim Agent may obtain his name and address by communicating with the Chief of the Division of Liquidation.

SEC. 3. *Delegations of final authority.* The Chief of the Division of Examination and the Supervising Examiner of the District in which the bank is located have been authorized to take final action with respect to the approval of certain applications, such as applications by a State nonmember insured bank to move its main office or branch or to obtain an extension of a time limitation imposed in connection with a previous application. This delegated authority is subject to certain limitations set forth in the delegations of authority which are available at the office of each Supervising Examiner. The Chief of the Division of Examination is also authorized to act upon applications by State nonmember insured banks for extensions of time of ninety days or less within which to register securities pursuant to the provisions of section 12(g) of the Securities Exchange Act of 1934, as amended. For the purpose of assuring the performance and continuity in the management functions and activities of the Corporation, the Board of Directors has delegated, to the extent deemed necessary, authority with respect to the management of the Corporation's affairs to certain designated officers, such authority to be exercised only in the event of an emergency, involving an enemy attack on the continental United States or other warlike occurrence, which renders the Board of Directors unable to perform the management functions and activities normally performed by it. Except as otherwise provided herein, or with respect to matters which generally involve conditions or circumstances requiring prompt action in the field for the better protection of the interests of the Corporation and to achieve flexibility and expedition in its operations and in the exercise of its functions, such as arise in connection with the Corporation's litigation and liquidation matters and with the payment of claims for insured deposits, the Board of Directors does not delegate its authority and no delegations of final authority within the statutory meaning of that phrase are made by the Board of Directors. Any person having a proper and direct concern therein may ascertain the scope of authority of any officer, agent, or employee of the Corporation by communicating with the Secretary of the Corporation.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] E. F. DOWNEY,
Secretary.

[F.R. Doc. 67-7536; Filed, July 3, 1967; 8:46 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. RI 67-113 etc.]

WILLIAM HARVEY DENMAN ET AL.

Order Modifying Ruling and Granting Motions for Clarification of Order, Amendment of Answer, and Consolidation

JUNE 23, 1967.

William Harvey Denman, Trustee, et al. v. J. M. Huber Corp., Docket No. RI67-113; Mobil Oil Corp. v. Carl F. Matzen et al., Docket No. RI67-114; Western Natural Gas Co. v. Elmer Hennigh et al., Docket No. RI67-310; Pan American Petroleum Corp. v. Leland C. Waechter et al., Docket No. RI67-400.

The proceeding in Docket No. RI67-113 was begun by a petition for a declaratory order filed by William Harvey Denman, Trustee, et al. (Denman) following the decision of the Fifth Circuit Court of Appeals in J. M. Huber Corp. v. Denman, 367 F. 2d 104 (1966). J. M. Huber Corp. (Huber) filed an answer and a cross-complaint to Denman's petition and Denman filed an answer thereto. The proceedings in Docket No. RI67-114 and Docket No. RI67-310 were instituted by complaints filed by Mobil Oil Corp. (Mobil) and Western Natural Gas Co. (Western), to which answers were filed by the lessor defendants named in each proceeding. Mobil and Western submitted replies to these answers.

By order issued April 3, 1967, the Commission consolidated these proceedings for hearing. The common question presented is whether royalty payments made to the lessors named in these proceedings are subject to this Commission's jurisdiction under the Natural Gas Act. By order issued May 8, 1967, the Commission permitted intervention or the filing of amici briefs as requested by various lessor interests, producers, distributors and pipeline companies, including The Land and Royalty Owners of Louisiana (LAROLA).

The ruling on admission of evidence. The presiding examiner in prehearing conference ruled that "* * * under the Commission's order issued April 3, 1967 * * * the evidence to be received must relate and be confined to the issues set forth in the hearing order as it relates to the royalty interests named in the petitions and complaints named in the above dockets, i.e., that this proceeding is not a general investigation of all other royalty interests." The examiner was asked to explain his ruling. The following dialogue took place:

Mr. Poland: Mr. Examiner, in connection with your ruling, I had understood you to say that you would not permit the presentation of evidence such as was perhaps suggested by Mr. McGrath as evidence pertaining to specific circumstances surrounding the effect of jurisdiction over royalty owners in Louisiana.

On the other hand, I did not understand your Examiner's ruling to be so broad as to rule out the presentation of general industry evidence as to the impact of an order asserting jurisdiction over royalty owners. In other words, for example, if groups here should show industry practice and how that might affect the Commission's ruling in these cases or the impact of assertions of jurisdiction over royalty payments, as to how that might affect these particular cases, I do not understand your ruling to rule out that type of evidence.

Am I correct?

Presiding examiner: It does. It rules out that type of evidence. (Tr. 121.)

From this ruling, LAROLA, Humble Oil & Refining Co. (Humble), and the State of Texas have appealed.

The examiner was correct in excluding evidence as to particular royalty agreements and particular circumstances other than those involving the royalty interests party to these proceedings. We think, however, that evidence relating to the general industry contracting practices with respect to gas leases should be admitted so that the Commission may be fully informed as to the general background of the problem and possible economic and legal consequences before making its determination. As specific items of evidence are presented the examiner should rule upon their admissibility in accordance with the views here expressed.

The examiner was quite correct in stating that this proceeding is not a general investigation of royalty interests other than those involved in these proceedings, and nothing in this order or in any other order issued heretofore in this proceeding should be construed to the contrary.

The Huber motions. Two motions have been made by Huber. On May 5, 1967, Huber moved to clarify the Commission order of April 3, 1967, to make it clear that Huber's complaint in Docket No. RI67-113 is consolidated in this proceeding. This was the intent of the April 3 order and, to the extent any such clarification is necessary, Huber's motion is granted. Huber further moved to amend its complaint by interlineation to correct inadvertent omission. Specifically, Huber

wishes to insert "V" between "IV" and "VI" on page 8 of its answer to the complaint in Docket No. RI67–113. There being no objection, Huber's motion is granted.

The Pan American motion to consolidate. On May 11, 1967, Pan American Petroleum Corp. (Pan American) filed its complaint against Leland C. Waechter, et al., requesting the Commission to institute a hearing to determine whether it has regulatory jurisdiction over rates at which royalty payments are to be made under Pan American Gas Rate Schedule No. 84. On the same day, Pan American moved to consolidate its proceeding with the other dockets that are the subject of this order. It appears that the same issues are presented in all these proceedings, and that no undue delay will result from granting Pan American's motion, to which there has been no opposition. Accordingly, the motion is granted. In view of the likelihood that consolidation of additional proceedings that may be instituted may delay decision in the present dockets, the Commission does not anticipate that motions for consolidation of such additional proceedings will be granted.

The Commission orders:

(A) The rulings of the presiding examiner with respect to admission of evidence to be presented in this proceeding shall be made in accordance with the foregoing.

(B) The motion of J.M. Huber Corp. for clarification of the order of April 3, 1967, in this proceeding, and its motion to amend its answer and complaint in Docket No. RI67–113, are granted.

(C) The motion of Pan American Petroleum Corp. to consolidate Docket No. RI67–400 for hearing with the other dockets that are the subject of this order is granted.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 67–7547; Filed, July 3, 1967; 8:46 a.m.]

[Docket Nos. CS67–35, RI60–276]

INVESTORS PETROLEUM CORP. ET AL.

Findings and Order

JUNE 26, 1967.

The Investors Petroleum Corp., et al., Docket No. CS67–35; J. Wes Johnson doing business as Tower Oil & Gas Company of Texas, Jeane Kerbs, W. A. Morel, Walter E. Heller & Co., and The Investors Petroleum Corp., et al., Docket No. RI60–276.

Findings and order after statutory hearing issuing small producer certificate of public convenience and necessity, terminating certificates, redesignating rate schedules, granting relief, and requiring proper refund assurance.

On January 11, 1967, The Investors Petroleum Corp. et al. (Applicant), filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a small producer certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce from the Permian Basin area of Texas and New Mexico, all as more fully set forth in the application.

Applicant seeks to have the small producer certificate cover sales of gas formerly rendered by J. Wes Johnson doing business as Tower Oil & Gas Company of Texas (Johnson) under Johnson's FPC Gas Rate Schedule Nos. 1, 5, and 7. Applicant also seeks to cover all interest owners of properties covered by the aforementioned rate schedules.

Applicant is presently making sales from the Permian Basin area and, therefore, the small producer certificate issued herein shall be effective on the date of this order.

The certificates heretofore issued in Docket Nos. G–18852, CI61–1020, and CI61–1336 will be terminated. J. Wes Johnson doing business as Tower Oil & Gas Company of Texas FPC Gas Rate Schedule Nos. 1, 5, and 7, as supplemented, will be redesignated herein as The Investors Petroleum Corp. FPC Gas Rate Schedule Nos. 1, 2, and 3, as supplemented, respectively (Supplement Nos. 1–11, 1–2, and 1–3, respectively).

Applicant has requested that it be allowed to continue to collect rates in excess of the applicable area base rate ceilings prescribed in Opinion No. 468 consistent with the Commission's order issued February 6, 1967, in Rodman and Late et al., Docket No. C866–48 et al. For the reasons set forth in that order Applicant will be allowed to continue the collection of the 17.2295-cent rate (FPC Gas Rate Schedule No. 1) involved in Docket No. RI60–276 and the 16-cent rates (FPC Gas Rate Schedule Nos. 2 and 3) now in effect under unconditioned temporary certificates issued to Applicant's predecessor in interest. It is necessary, therefore, that Applicant's redesignated rate schedules and supplements thereto be effective as of February 4, 1964, the date of the transfer of the properties involved. It will also be necessary to make Applicant a co-respondent in Docket No. RI60–276. In this connection Applicant will be required to file appropriate refund assurance as hereinafter ordered.

The above rates will be subject to rejection as of the date of this order in the event the Permian court stay is dissolved or the moratorium provisions in Opinion Nos. 468 and 468–A are upheld ultimately upon judicial review. The collection of such rates is also subject to the refund provisions of paragraph (D) of Opinion No. 468, as well as the refund provisions of Docket No. RI60–276. Our action here is also without prejudice to whatever refunds may be required with respect to sales under Applicant's FPC Gas Rate Schedule Nos. 2 and 3 for the period between February 4, 1964, and the date of this order when the above-ceiling rates involved here were being collected under unconditioned temporary certificates, and is also without prejudice to any refunds that may be required of Johnson for the period prior to February 4, 1964.

After due notice no petition to intervene, notice of intervention, or protest to the granting of the application has been received.

At a hearing held on June 22, 1967, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications and exhibits thereto, submitted in support of the authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Applicant is engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and is, therefore, a "natural-gas company" within the meaning of the Natural Gas Act.

(2) The sales of natural gas hereinbefore described, as more fully described in the application herein, will be made in interstate commerce subject to the jurisdiction of the Commission, and such sales by Applicant, together with the construction and operation of any facilities will be subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicants are able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(4) Applicant is an independent producer of natural gas who is not affiliated with natural gas pipeline companies and whose total jurisdictional sales on a nationwide basis, together with sales of affiliated producers, was not in excess of 10,000,000 Mcf of natural gas at 14.65 p.s.i.a. during the preceding calendar year.

(5) The sales of natural gas by Applicant, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity, and a small producer certificate of public convenience and necessity therefor should be issued as hereinafter ordered and conditioned.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates heretofore issued in Docket Nos. G–18852, CI61–1020, and CI61–1336 be terminated.

The Commission orders:

(A) A small producer certificate of public convenience and necessity is issued upon the terms and conditions of this order authorizing the sale for resale and the delivery of natural gas in interstate commerce by Applicant from the Permian Basin area of Texas and New Mexico, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as more fully described in the application in this proceeding.

(B) The certificate granted in paragraph (A) above is not transferable and shall be effective only so long as Applicant continues the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission and particularly,

(a) The subject certificate shall be applicable only to all present and future "small producer sales," as defined in § 157.40(a)(3) of the regulations under the Natural Gas Act, from the Permian Basin area;

(b) Except where otherwise authorized in this order, sales made under this small producer certificate shall not be at rates in excess of those set forth in § 157.40(b)(1) of the regulations under the Natural Gas Act; however, Applicant may file notices of changes in rate for any contractually authorized rates in excess of the ceiling rates, which increased rates shall be subject to suspension pursuant to section 4(e) of the Natural Gas Act and subsequently may be rejected as of the date of filing, as provided by the order granting relief issued February 6, 1967, in Docket No. C866–48 et al.;

(c) Applicant shall file annual statements pursuant to § 154.104 of the regulations under the Natural Gas Act.

(C) The certificate granted in paragraph (A) above shall remain in effect for small producer sales until the Commission on its own motion or on application terminates said certificate because Applicant no longer qualifies as a small producer or fails to comply with the requirements of the Natural Gas Act, the regulations thereunder, or the terms of the certificate. Upon such termination Applicant will be required to file separate certificate applications and individual rate schedules for future sales. To the extent compliance with the terms of this order is observed, the small producer certificate will still be effective as to those sales already included thereunder.

(D) The grant of the certificate issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 7 of the Natural Gas Act or Part 157 of the Commission's regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against Applicant. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificate aforesaid for service to the particular customer involved imply approval of all of the terms of the contracts, particularly as to the cessation of service upon termination of said contracts as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificate aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales subject to said certificate.

(E) The certificate issued herein shall be effective on the date of this order.

(F) The certificates heretofore issued in Docket Nos. G–18852, CI61–1020, and CI61–1336 are terminated.

(G) J. Wes Johnson doing business as Tower Oil & Gas Company of Texas FPC Gas Rate Schedule Nos. 1, 5, and 7, as supplemented are redesignated as The Investors Petroleum Corp. FPC Gas Rate Schedule Nos. 1, 2, and 3, as supplemented, respectively, and such rate schedules together with Supplement Nos. 1 through 11, 1 and 2, and 1 through 3 thereto, respectively, are accepted for filing effective as of February 4, 1964, subject to the provisions of paragraphs (H), (I), (J), and (K) hereof.

(H) Applicant is hereby made a co-respondent in Docket No. RI60–276 and may charge and collect, subject to refund, the 17.2295-cent rate involved in Docket No. RI60–276 for sales under its FPC Gas Rate Schedule No. 1 effective as of February 4, 1964, if within 30 days of the issuance of this order it files in the attached form as refund assurance either a satisfactory agreement and undertaking, together with appropriate data evidencing its financial responsibility, or a satisfactory surety bond in the amount of $1,400. In the event a surety bond is filed, it shall be accompanied by a certificate to the effect that no other obligation has been assumed in connection with the bond in addition to the payment of the bond premium. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of filing, the refund assurance filed herein shall be deemed to be satisfactory and to have been accepted for filing. The refund assurance filed herein shall remain in full force and effect until discharged by the Commission. Applicant shall comply with the refunding and reporting procedures required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(I) Investors may continue to charge and collect the 16-cent rates for sales of gas made under its FPC Gas Rate Schedule Nos. 2 and 3, as supplemented.

(J) The rates set forth in paragraphs (H) and (I) above are subject to rejection as of the date of the issuance of this order in the event the Permian court stay is dissolved or the moratorium provisions in Opinion Nos. 468 and 468–A are upheld ultimately upon judicial review. The collection of such rates is also subject to the refund provisions of paragraph (D) of Opinion 468 as well as the refund provisions of Docket No. RI60–276.

(K) The action taken herein is without prejudice to whatever refunds may be required with respect to sales made under unconditioned temporary certificates between February 4, 1964, and the date of this order under Applicant's FPC Gas Rate Schedule Nos. 2 and 3 at rates in excess of the rates authorized under the small producer certificate issued herein and is also without prejudice to any refunds that may be required of Johnson for the period prior to February 4, 1964, with respect to these sales either in Docket No. RI60–276 or under the unconditioned temporary certificates.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 67–7548; Filed, July 3, 1967; 8:46 a.m.]

[Docket No. CP67–375]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

JUNE 26, 1967.

Take notice that on June 15, 1967, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Ill. 60603, filed in Docket No. CP67–375 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of additional volumes of natural gas in interstate commerce to existing customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to sell and deliver additional daily quantities of natural gas aggregating 67,382 Mcf to 13 existing customers commencing in the fall of 1967. The customers and their additional requirements are as follows:

	Additional quantity of natural gas (Mcf)
CD–1 customers:	
Associated Natural Gas Co.	302
Commonwealth Edison Co.	6,000
Interstate Power Co.	2,208
Iowa Electric Light & Power Co.	1,000
Iowa-Illinois Gas and Electric Co.	15,893
Iowa Power & Light Co.	601
Iowa Southern Utilities Co.	700
Northern Illinois Gas Co.	40,000
Sullivan, Ill., city of	100
Total CD–1 customers	66,804
G–1 customers:	
Central Illinois Public Service Co.	127
Kaskaskia Gas Co.	129
Missouri Utilities Co.	222
Monarch Gas Co.	100
Total G–1 customers	578
Total CD–1 customers	66,804
Total	67,382

Applicant states that no additional facilities will be required to effectuate the proposed sale and delivery of the additional quantities of natural gas.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before July 20, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without

further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-7549; Filed, July 3, 1967; 8:46 a.m.]

FEDERAL RESERVE SYSTEM

ANNAPOLIS BANKING AND TRUST CO.

Order Denying Exemption

In the matter of the application of the Annapolis Banking and Trust Co. for exemption from the registration requirements of the Securities Exchange Act of 1934.

There has come before the Board of Governors, pursuant to section 12(h) of the Securities Exchange Act of 1934 (15 U.S.C. 78*l*), an application by The Annapolis Banking and Trust Company, Annapolis, Maryland ("bank"), a member State bank of the Federal Reserve System, for exemption from the registration requirements of section 12(g) of said Act. The bank had previously been granted a temporary exemption from registration until June 30, 1967.

Public notice of receipt of the application and opportunity to request a hearing has been given by the Board and no such request has been received.

From the information set forth in the application or otherwise available, the Board finds that:

(1) The bank has assets of $22.7 million and equity capital of $2.2 million;

(2) The bank has outstanding 60,000 shares of stock, owned by 1,580 shareholders; many of such shareholders received their shares in lieu of deposits when the bank reopened after the 1933 Bank Holiday;

(3) Although there is at present a limited amount of trading activity in the bank's stock and absence of any regular market, a sufficient investor interest exists to merit the protection of the registration and reporting requirements of the Act; and

(4) Compliance with the registration and reporting requirements of the Act would not impose an undue hardship on the bank or its personnel.

Upon consideration of all the circumstances, the Board concludes that the granting of the requested exemption would not be consistent with the public interest and the protection of investors.

It is hereby ordered, that the application of the Annapolis Banking and Trust Co. for exemption from the registration requirements of section 12(g) of the Securities Exchange Act of 1934 be, and is hereby, denied.

Dated at Washington, D.C., this 23d day of June 1967.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 67-7553; Filed, July 3, 1967; 8:46 a.m.]

PEOPLES BANK OF GLEN ROCK

Order Granting Temporary Exemption

In the matter of the application of Peoples Bank of Glen Rock for exemption from the registration requirements of the Securities Exchange Act of 1934.

There has come before the Board of Governors, pursuant to section 12(h) of the Securities Exchange Act of 1934 (15 U.S.C. 78*l*) an application by Peoples Bank of Glen Rock, Glen Rock, Pa. ("bank"), a member State bank of the Federal Reserve System, for exemption from the registration requirements of section 12(g) of said Act.

Public notice of receipt of the application and opportunity to request a hearing has been given by the Board and no such request has been received.

From the information set forth in the application or otherwise available, the Board finds that:

(1) The bank has assets of $12.8 million and equity capital of $845,000;

(2) The bank has outstanding 20,000 shares of stock, owned by 570 shareholders;

(3) There is a limited amount of trading activity in the bank's stock but no regular market; and

(4) Compliance, at this time, with the registration and reporting requirements of the Act would impose an undue hardship on the bank and its personnel.

Upon consideration of all the circumstances, the Board concludes that the granting of a temporary exemption until April 30, 1968, would not be inconsistent with the public interest or the protection of investors.

It is hereby ordered, That Peoples Bank of Glen Rock be, and it hereby is, exempted from the registration requirements of section 12(g) of the Securities Exchange Act of 1934 until April 30, 1968.

Dated at Washington, D.C. this 23d day of June 1967.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 67-7554; Filed, July 3, 1967; 8:46 a.m.]

SEATTLE TRUST AND SAVINGS BANK

Order Approving Merger of Banks

In the matter of the application of Seattle Trust and Savings Bank for approval of merger with Olympia State Bank and Trust Co.

There has come before the Board of Governors, pursuant to the Bank Merger Act (12 U.S.C. 1828(c)), an application by Seattle Trust and Savings Bank, Seattle, Wash., a State member bank of the Federal Reserve System, for the Board's prior approval of the merger of that bank and Olympia State Bank and Trust Co., Olympia, Wash., under the charter and title of Seattle Trust and Savings Bank. As an incident to the merger, the three offices of Olympia State Bank and Trust Co. would become branches of the resulting bank. Notice of the proposed merger, in form approved by the Board, has been published pursuant to said Act.

Upon consideration of all relevant material in the light of the factors set forth in said Act, including reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corp., and the Attorney General on the competitive factors involved in the proposed merger,

It is hereby ordered, For the reasons set forth in the Board's Statement[1] of this date, that said application be and hereby is approved, provided that said merger shall not be consummated (a) before the 30th calendar day following the date of this Order or (b) later than 3 months after the date of this Order.

Dated at Washington, D.C., this 26th day of June 1967.

By order of the Board of Governors.[2]

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 67-7555; Filed, July 3, 1967; 8:46 a.m.]

SOUTHERN ARIZONA BANK AND TRUST CO.

Order Denying Exemption

In the matter of the application of Southern Arizona Bank and Trust Co. for exemption from the registration requirements of the Securities Exchange Act of 1934.

There has come before the Board of Governors, pursuant to section 12(h) of the Securities Exchange Act of 1934 (15 U.S.C. 78*l*), an application by Southern Arizona Bank and Trust Co., Tucson, Ariz. ("bank"), a member State bank of the Federal Reserve System, for exemption from the registration requirements of section 12(g) of said Act.

Public notice of receipt of the application and opportunity to request a hearing has been given by the Board and no such request has been received.

From the information set forth in the application or otherwise available, the Board finds that:

(1) The bank has assets of $193 million and equity capital of $12.7 million;

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of San Francisco.

[2] Voting for this action: Governors Robertson, Mitchell, Daane, Maisel, Brimmer, and Sherrill. Absent and not voting: Chairman Martin.

(2) The bank has outstanding 440,000 shares of stock, owned by 520 shareholders;

(3) 90 per cent of the bank's stock is owned by Western Bancorporation, a bank holding company registered under the Bank Holding Company Act of 1956;

(4) Although there is at present a limited amount of trading activity in the bank's stock and absence of any regular market, a sufficient investor interest exists to merit the protection of the registration and reporting requirements of the Act; and

(5) Compliance with the registration and reporting requirements of the Act would not impose an undue hardship on the bank or its personnel.

Upon consideration of all the circumstances, the Board concludes that the granting of the requested exemption would be inconsistent with the public interest and the protection of investors.

It is hereby ordered, That the application of Southern Arizona Bank and Trust Co. for exemption from the registration requirements of section 12(g) of the Securities Exchange Act of 1934 be, and is hereby, denied.

Dated at Washington, D.C. this 23d day of June 1967.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 67-7556; Filed, July 3, 1967; 8:46 a.m.]

LIBRARY OF CONGRESS

STATEMENT OF ORGANIZATION

The following statement is issued in the interest of better informing members of the public concerning the organization and functions of the Library of Congress.

Sec.
1 The Librarian of Congress.
2 Office of the Librarian.
3 The Administrative Department.
4 The Copyright Office.
5 The Law Library.
6 The Legislative Reference Service.
7 The Processing Department.
8 The Reference Department.
9 Honorary Consultants.
10 Use of the Library for reference.
11 Extension of service.

SECTION 1. *The Librarian of Congress.* The Librarian of Congress is the principal administrative officer of the Library with authority and responsibility for making rules and regulations for the government of the Library (see 2 U.S.C. 136). The Librarian's immediate staff consists of the Deputy Librarian of Congress, the Assistant Librarian, and six department heads: the Director of the Administrative Department, the Register of Copyrights, the Law Librarian, the Director of the Legislative Reference Service, the Director of the Processing Department, and the Director of the Reference Department.

SEC. 2. *Office of the Librarian.* Those offices which are an integral part of the Office of the Librarian are the following: The Chief Internal Auditor, the Information Systems Office, the Office of the Coordinator of Building Planning, the Personnel Office, the Exhibits Office, the Information Office, the Publications Office, and the Administrative Office for the Permanent Committee for the Oliver Wendell Holmes Devise.

SEC. 3. *The Administrative Department.* Under the supervision of a Director, the Department is comprised of the following divisions: Buildings and Grounds Division, Guard Division, Office of Protective Services, Preservation Office, Office of the Secretary of the Library, Photoduplication Service, and the Office of Fiscal Services.

SEC. 4. *The Copyright Office.* Under the administrative direction of the Register of Copyrights, the Copyright Office is established pursuant to Title 17, United States Code section 201 et seq. and the organization and functions of this Office are found therein (see also Title 37, Code of Federal Regulations Chapter II for procedures). In addition to the Office of the Register, the Copyright Office has a Cataloging Division Examining Division, Reference Division, and Service Division.

SEC. 5. *The Law Library.* The Law Library is charged with responsibility for the development and service of the law collections of the Library of Congress. Administrative responsibility rests in the Law Librarian, who also serves as the General Counsel for the Library of Congress. The Law Library is comprised of the American-British Law Division, the European Law Division, the Far Eastern Law Division, the Near Eastern and African Law Division, and the Hispanic Law Division.

SEC. 6. *The Legislative Reference Service.* Administered by a Director, the Legislative Reference Service is a separate department of the Library, specifically authorized by the Legislative Reorganization Act of 1946, Title II, Section 203 (see 2 U.S.C. 166). The Service gathers, analyzes, and makes available to the Congress or to Committees or individual Members thereof, data for or bearing on legislation. Congressional requests are assigned through the Office of the Director to: the American Law Division, the Economics Division, the Education and Public Welfare Division, the Foreign Affairs Division, the Government and General Research Division, the Library Services Division, the Natural Resources Division, the Science Policy Research Division, or the Senior Specialists Division. The Legislative Reference Service does not provide assistance or reference service directly to the public.

SEC. 7. *The Processing Department.* Under the administration of a Director, the Processing Department is responsible for (a) receipt and review of all recommendations for additions to the Library's permanent collections, (b) the acquisition and selection of materials for the Library's collections and the acquisition abroad of certain materials for American research libraries under Public Law 480, as amended (see 7 U.S.C. 1691 et seq.), (c) development and publication of bibliographic controls for use by the Library of Congress and other libraries, (d) the preparation of materials for addition to the collections, (e) provision of a reference service to locate materials in process and to answer inquiries relating to cataloging, classification, and other matters, and (f) cooperation with other agencies, other libraries, or library organizations in carrying out special projects and activities. Within the Office of the Director are the following sections: Children's Literature Cataloging Office, Cyrillic Bibliographic Project, National Union Catalog Publication Project, Office of Cataloging Instruction, Office of the Coordinator of Overseas Programs, Selection Office, and Technical Processes Research Office. The Processing Department, in addition to the Office of the Director, consists of the following: the Binding Division, the Card Division, the Catalog Maintenance and Catalog Publication Division, the Descriptive Cataloging Division, the Decimal Classification Office, the Exchange and Gift Division, the Order Division, the Serial Record Division, the Shared Cataloging Division, the Subject Cataloging Division, and the Union Catalog Division.

SEC. 8. *The Reference Department.* Administered by a Director, the Reference Department is responsible for (a) recommending materials to be acquired for the Library's collections, (b) custody of all materials (exclusive of legal materials in the custody of the Law Library and special collections assigned to the Copyright Office and the Photoduplication Service), (c) circulating materials to readers in the general and special reading rooms (except for the Congressional Reading Room and the Law Library) and in study rooms, and for lending certain materials for Government use or for interlibrary loan, (d) reference service in person, by telephone, and through correspondence on materials in its custody (see 44 CFR 501.7), (e) preparing and publishing bibliographic guides and providing special abstracting and bibliographical services, and (f) planning and administering special projects and activities for or in cooperation with other Government agencies. Within the Reference Department are the following: the Aerospace Technology Division, the Defense Research Division, the Division for the Blind and Physically Handicapped, the General Reference and Bibliography Division, the Geography and Map Division, the Hispanic Foundation, the Loan Division, the Manuscript Division, the Music Division, the National Referral Center for Science and Technology, the Orientalia Division, the Prints and Photographs Division, the Rare Book Division, the Science and Technology Division, the Serial Division, the Slavic and Central European Division, and the Stack and Reader Division.

SEC. 9. *Honorary Consultants.* The Library has the services of a group of specialists ("consultants" and "honorary consultants") whose association with the Library is either voluntary or is made possible by gifts from nongovernmental sources and who are without administra-

tive responsibility. The specialists assist the Library in the systematic development of the collections, furnish expert counsel in specialized fields of knowledge, and serve as liaison between the Library and investigators pursuing intensive research. For the latter, special facilities are provided both in the Main Building and in the Library Annex.

SEC. 10. *Use of the Library for reference.* For the purposes of reference, the use of the Library is free to adults. Credentials are required for the use of certain materials. Although some reference work is carried on by correspondence, priority must be given to service to the Congress and the other branches of the Federal Government. The Library is therefore compelled to decline many correspondents' requests and to suggest that libraries within the correspondents' reach can provide satisfactory assistance. The Library gives priority to inquiries pertaining to its holdings of special materials or to subjects in which its resources are unique.

SEC. 11. *Extension of service.* The Library extends its service through (a) an interlibrary loan system (see 44 CFR 501.9); (b) the photoduplication, at reasonable cost (and subject to conditions of law, copyright, and deposit) of books, manuscripts, maps, newspapers, and prints in its collections, and the sale of sound recordings, which are released by its Recording Laboratory (see 44 CFR 501.12, 501.19); (c) the exchange of duplicates with other institutions; (d) the sale of printed catalog cards and the publication in book form of cumulative catalogs, which make available the results of the expert bibliographical and cataloging work of its technical personnel (see 44 CFR 501.27); (e) a cooperative cataloging and classification service which, working in conjunction with other libraries, assists in the preparation of catalog entries for books not in the Library of Congress and in the preparation of analytical entries for the serial publications of learned societies and institutions (see 44 CFR 501.28); (f) the development of a scientific scheme of classification and cataloging embracing the entire field of printed matter; (g) the preparation of bibliographical lists responsive to the needs of Government and research; (h) the maintenance of a National Union Catalog and the publication of "The National Union Catalog," a record of books acquired by American libraries since 1956; (i) the publication of catalogs, bibliographical guides and lists, and of texts or original manuscripts and rare books in the Library of Congress (see 44 CFR 501.28); and (j) the provision of books in raised type, on "talking book" records, and on magnetic tape, for the blind and physically handicapped.

[SEAL] PAUL L. BERRY,
Acting Librarian.

JUNE 28, 1967.

[F.R. Doc. 67-7608; Filed, July 3, 1967; 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812-2067]

INVESTORS DIVERSIFIED SERVICES, INC., ET AL.

Notice of Application Approving Exchange of Shares Between Funds

JUNE 28, 1967.

Notice is hereby given that Investors Diversified Services, Inc. ("IDS"), Investors Variable Payment Fund, Inc. ("Variable"), and Investors Selective Fund, Inc. ("Selective"), Investors Building, Minneapolis, Minnesota 55402, have jointly filed an application pursuant to section 11(a) of the Investment Company Act of 1940 ("Act"), for an order approving a proposed offer of exchange involving the transfer of shares of Variable and Selective on the basis described below.

IDS, a face-amount certificate company registered under the Act, and a broker-dealer registered under the Securities Exchange Act of 1934 is the investment adviser and sole distributor of the shares of Variable, Selective, Investors Mutual, Inc. ("Mutual"), and Investors Stock Fund, Inc. ("Stock Fund"), each of which is an open-end, diversified, management investment company registered under the Act. They are referred to collectively herein as "the Investors Group." All interested persons are referred to the application on file with the Commission for a statement of the representations made therein which are summarized below.

Shares in Selective are offered to the public at their net asset value plus a maximum sales charge of 7 percent of the public offering price, whereas the shares of Variable, Mutual and Stock Fund are offered to the public at net asset value plus a maximum sales charge of 8 percent of their respective public offering prices.

Shareholders of each of the Funds in the Investors Group, except Selective, are accorded the privilege of converting shares of one Fund into shares of any of the other Funds in the Investors group at any time at their respective net asset values without paying any additional sales charge. This privilege is available to shareholders of Selective only after they have held their shares for 5 months. The 5-month restriction was intended to prevent persons from purchasing the shares of Selective and immediately converting them into shares of the other Funds in the Investors Group in order to obtain the advantage of the lower sales charge on the shares of Selective.

In 1954, the Commission issued an order permitting shareholders of Selective to exchange their shares for the shares of Stock Fund or Mutual within five months after the date of acquisition upon the payment to IDS of an amount equal to the difference between the sales charge paid on the purchase of the Selective shares and the charge that would have been paid if the shares of Stock Fund or Mutual had been purchased initially rather than shares of Selective (Investment Company Act Release No. 1997).

Applicants now propose to extend to the shareholders of Selective the privilege of exchanging their shares for the shares of Variable within five months of the date of the purchase of the shares of Selective, on condition that the transferor pay to IDS an amount equal to the difference between the actual sales charge paid on the shares of Selective sought to be exchanged and the sales charge that would have been paid had Variable shares been purchased initially.

The application states that this would put the privilege of transferring investments between the funds in the Investors Group on a uniform basis giving due consideration, in respect to transfers made within five months, to the lower sales charge applicable to purchases of Selective. It further states that such privilege would permit shareholders of Selective to change their investment from one fund to the other as their personal investment objectives change or as tax, economic or market conditions, in their opinion, make it more advantageous for them to have their investments in one fund rather than another. It declares that to avoid any possible incentive on the part of salesmen to switch Selective shareholders into Variable, applicants propose that the additional sales charge be paid to IDS and no portion of it be paid or credited to any salesman.

Section 11(a) of the Act states in pertinent part, that it shall be unlawful for any registered open-end company or any principal underwriter for such a company to make or cause to be made an offer to the holder of a security of such company or of any other open-end investment company to exchange his security for a security in the same or another such company on any basis other than the relative net asset values of the respective securities to be exchanged, unless the terms of the offer have first been submitted to and approved by the Commission.

Notice is further given that any interested person may, not later than July 19, 1967, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-7569; Filed, July 5, 1967; 8:47 a.m.]

[File No. 1-464]

JADE OIL & GAS CO.

Order Suspending Trading

JUNE 28, 1967.

The 50-cent par value common stock and the 6½ percent Convertible Subordinated Debentures due January 1, 1979, with or without warrants attached, listed and registered on the Pacific Coast Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Jade Oil & Gas Company, being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the Pacific Coast Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period June 29, 1967 through July 8, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-7570; Filed, July 5, 1967; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 623]

KANSAS

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of June 1967, because of the effects of certain disasters, damage resulted to residences and business property located in Garden City, in the State of Kansas;

Whereas, the Small Business Administration has investigated and received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Associate Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property, situated in the aforesaid Garden City and areas adjacent thereto, suffered damage or destruction resulting from tornado and accompanying conditions occurring on or about June 23, 1967.

OFFICE

Small Business Administration Regional Office, 120 South Market Street, Wichita, Kans. 67202.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to December 31, 1967.

Dated: June 26, 1967.

LOGAN B. HENDRICKS,
Associate Administrator.

[F.R. Doc. 67-7571; Filed, July 5, 1967; 8:47 a.m.]

VETERANS ADMINISTRATION

Statement of Organization

Sec.
1. General.
2. Central Office.
3. Field stations.
4. Addresses of VA installations and Central Office and jurisdictional areas of insurance centers.

SECTION 1 *General*—(a) *Authority and functions.* (1) The VA (Veterans Administration) administers laws authorizing benefits principally for former members and dependents of deceased former members of the Armed Forces. The VA also administers certain limited benefits authorized by law to individuals currently on active duty and to dependent children of seriously disabled veterans. VA benefits include: Compensation for service-connected disability or death; pension for non-service-connected disability or death; dependency and indemnity compensation; vocational rehabilitation for service-connected disability; educational assistance for those who serve after January 31, 1955; war orphans' educational assistance; guaranty or insurance of home, farm, and business loans, and, under certain conditions, direct home loans; six life insurance programs for veterans and servicemen; hospitalization; restorative care; domiciliary care, nursing home care; outpatient medical and dental care; prosthetic and other appliances; special housing for certain seriously disabled veterans; automobiles or other conveyances for certain disabled veterans; World War I adjusted service certificates; a guardianship program for the protection of estates derived from VA benefits paid to incompetent or minor beneficiaries; burial allowances; and burial flags. In addition the VA administers the insurance section of the Soldiers' and Sailors' Civil Relief Act for persons in the active military service.

(2) The Veterans Administration was established as an independent agency under the President by Executive Order 5398, of July 21, 1930, in accordance with the act of July 3, 1930 (46 Stat. 1016). This act authorized the President to consolidate and coordinate Federal agencies especially created for or concerned in the administration of laws providing benefits for veterans.

(b) *General description of organization.* (1) The Veterans Administration is under the charge of the Administrator of Veterans Affairs, who is responsible for the administration of all laws governing the Veterans Administration.

(2) The Veterans Administration is organizationally divided as follows: (i) *The Central Office.* The Central Office of the Veterans Administration consists of the following staff offices and departments:

STAFF OFFICES

Information Service.
Office of the Controller.
Office of the General Counsel.
Office of Management Engineering and Evaluation.
Investigation and Security Service.
Office of Construction.
Office of Personnel.
Office of Administrative Services.

DEPARTMENTS

Department of Medicine and Surgery.
Department of Veterans Benefits.
Department of Data Management.

(ii) *The Field Stations.* This term applies to Veterans Administration installations located in the field, and includes the following:

Insurance centers.
Regional offices.
Veterans Benefits Office—District of Columbia.
Hospitals.
VA centers.
Domiciliaries.
Restoration centers.
Outpatient clinics.
VA offices.
Supply depots.
Marketing center.
Forms and publications depot.
Data processing centers.
VA Office, Rome, Italy.

SEC. 2 *Central Office*—(a) *Office of the Administrator.*—(1) *The Administrator.* The Administrator is responsible to the President for the administration of veterans' affairs and the laws which govern them. In him is vested the authority to operate VA. He is directly responsible for the establishment of the basic policies governing agency operation; the development and maintenance of its basic organization structure; the interpretation of laws pertaining to veterans' affairs, and the establishment of supplementary regulations; the stimulation and approval of long-range plans; and the development and maintenance of favorable relations with important organizations, groups, and individuals interested in

veterans' affairs. As head of an independent agency of the executive branch of the Government, the Administrator is the adviser to the President on veterans' affairs.

(2) *The Deputy Administrator.* The Deputy Administrator is the principal assistant to the Administrator in the overall administration of the VA. He takes independent action for the Administrator on all problems affecting the VA which do not require the Administrator's personal attention and acts for the Administrator in the latter's absence.

(3) *Associate Deputy Administrator.* (i) The Associate Deputy Administrator assists the Administrator and the Deputy Administrator in the overall administration of the VA. He takes independent action for the Administrator on all problems affecting the VA in the areas of management engineering, appraisals, audits, office methods and administration, budget, finance, reports and statistics, safety and fire protection, and construction, which do not require the personal attention of the Administrator or the Deputy Administrator. He is responsible for coordination of the entire VA construction function and for all relations external to the agency dealing with construction. Under the VA's Planning-Programing-Budgeting system he is responsible for reviewing and presenting to the Administrator the recommended agency Program and Financial Plans with primary concern for (*a*) the fiscal and budgetary aspects of the total plan, and (*b*) programing and budgeting for VA's support functions. He acts for the Deputy Administrator in the latter's absence and for the Administrator in the absence of both the Administrator and the Deputy Administrator.

(ii) The Assistant Administrator for Management Engineering and Evaluation, Construction, the VA-Controller, and the Manager, Administrative Services, report to the Administrator and the Deputy Administrator through the Associate Deputy Administrator.

(4) *Assistant Deputy Administrator.* (i) The Assistant Deputy Administrator, as full assistant to the Administrator and the Deputy Administrator, participates in high-level policy discussions and contributes recommendations regarding solutions of problems and decisions to be made on all programs administered by VA. As directed, he represents the Administrator with the Congress, other Federal agencies, and the Bureau of the Budget. He also acts for the Associate Deputy Administrator in the latter's absence and for the Deputy Administrator in the absence of both the Deputy Administrator and the Associate Deputy Administrator.

(ii) The Assistant Deputy Administrator makes independent recommendations to the Administrator as to areas which should receive priority in substantive research, and recommends approval, disapproval or revision of plans submitted by the department heads and staff offices. He is the Administrator's top planning officer and coordinator of research and development programs.

(iii) The Assistant Deputy Administrator is designated as the principal VA official responsible for the development of the Planning-Programing-Budgeting system for the agency. He is also responsible for reviewing and presenting to the Administrator in conjunction with the Associate Deputy Administrator's presentation, the broad planning aspects, including alternatives considered, of the agency program and financial plan.

(iv) The Assistant Deputy Administrator is responsible for the VA's emergency planning function, and as such he

(*a*) Formulates and recommends to the Administrator general policies, plans and procedures of VA-wide application pertaining to emergency planning.

(*b*) Coordinates the development of agency national emergency plans and preparedness programs, the implementation of national civil defense plans, and the disaster relief program.

(*c*) Provides for continuous manning and operational capability of VA's emergency relocation sites; responsible for the implementation of plans for the relocation of emergency designees under conditions of national emergency.

(5) *Special Assistant.* The Special Assistant serves as confidential and special assistant and adviser to the Administrator on policies, programs, and activities with primary emphasis on VA legislative matters and relationships. He is the personal representative of the Administrator and top level liaison official of the agency with Congress, the Executive Office of the President, and other Federal and non-Federal agencies, organizations, and individuals. The Special Assistant has overall responsibility for the operation of the Congressional Liaison Service. This service, under a Director, (i) furnishes assistance and advice, with respect to benefits provided under laws administered by the VA, to Members of Congress and their secretarial staffs, and to veterans and their dependents and beneficiaries referred by Members of Congress; and promoting the prompt and efficient processing and adjudication of claims brought to its attention; and (ii) maintains liaison at the Capitol and at the Senate and House Office Buildings to keep the Administrator and his principal assistants informed of matters of importance to the VA.

(6) *Office of the Executive Assistant.* This office, under the direction of the Executive Assistant to the Administrator, is the central coordinating staff for the Office of the Administrator. The Executive Assistant presents to the Administrator those matters requiring his personal attention. The office monitors special projects and assignments and insures that required action is controlled and coordinated. It is the responsibility of the office to do for the Administrator and his Deputies what they would do for themselves in their official capacity if they had the time. The office acts as the point of contact for operating matters coming to the Office of the Administrator and is responsible for the last line of review before an action is taken or a decision is made in the operations of the agency. In this capacity the office (i) represents the Administrator, Deputy Administrator, Associate Deputy Administrator and Assistant Deputy Administrator in making inquiry into operating matters of interest; (ii) evaluates proposals for changes in operating policies and recommends to the above officials approval, disapproval, further study, or other appropriate action; (iii) coordinates proposals with departments and staff offices to assure their presentation for decision is in the form desired; and (iv) follows up to assure that decisions once made are implemented. The office discharges for the Administrator all matterns of administrative nature within the Administrator's Office.

(7) *Contract Appeals Board.* The Contract Appeals Board is an integral part of the Office of the Administrator. Under the chairman, this board, by delegation of authority from the Administrator, acts as his authorized representative:

(i) To ascertain the facts and circumstances attending appeals by contractors from decisions of VA contracting officers under VA contracts.

(ii) To render final decisions on such appeals in accordance with contract provisions.

(8) *Administrator's Advisory Council.* (i) The Administrator's Advisory Council, under a Chairman, advises the Administrator on policies, plans, research programs, and organization. It evaluates major established VA programs, from a management point of view, to determine whether they are meetng their objectives.

(ii) The Council is concerned with such matters as how veterans compare with nonveterans; what are the handicaps and needs of veterans in various categories; what new programs are advisable; what changes to established programs should be made; and what the long-range impact of both existing and proposed programs is upon the social and economic welfare of the veteran population as a whole.

(iii) Specifically as concerns the VA's Planning-Programming-Budgeting system, primary staff support in broad areas of planing is provided by the Administrator's Advisory Council. It is the responsibility of this body to carry on continuing studies of the environment in which the VA functions; to furnish the Administrator information concerning the desirability or feasibility of alternative policies and objectives; and to give him advice in the broad planning areas under the Planning-Programming-Budgeting system. Included among the Council's responsibilities in connection with the VA's Planning-Programming-Budgeting system are the following:

(*a*) Formulating and recommending to the Administrator, through the Assistant Deputy Administrator, VA-wide policies and procedures for establishing and advancing the Planning-Programming-Budgeting system in the agency;

(*b*) Directing and coordinating throughout the agency the program of special studies required by the Planning-Programming-Budgeting system; conducting or participating in the conduct of individual studies, in collaboration, where indicated, with other VA elements and other Federal organizations; and

(*c*) Reviewing and analyzing special studies, program memorandums, and other Planning-Programming-Budgeting submissions from the departments and staff offices.

(*d*) Advising the Administrator, department heads and top staff officials on the above matters. Appraising for the Administrator the effectiveness and economy of these activities.

(*e*) Providing necessary intra- and extra-agency liaison services in connection with the above activities.

(9) *Board of Veterans Appeals.* The Board of Veterans Appeals, under a Chairman and Vice Chairman, has statutory jurisdiction to decide appeals to the Administrator for benefits under all laws administered by the Veterans Administration (38 U.S.C. 4001–4009; 38 CFR 19.1–19.3). Appellate proceedings are governed by Rules of Practice published in 38 CFR 19.101–19.156. Decisions are final, except as to issues on insurance contracts which are subject to action in the Federal district courts.

(b) *Staff offices*—(1) *Information Service.* The Director:

(i) Formulates and recommends to the Administrator basic policies governing VA public information programs.

(ii) Counsels and advises the Administrator and other levels of management where public interest is involved in the determination of VA policy.

(iii) Reviews and coordinates programs for informing the public of VA's activities in areas of special interest to operating departments.

(iv) Keeps informed of and appraises for the Administrator the results of public information programs.

(v) Develops and maintains relationships with national information outlets and contacts.

(vi) Obtains, assembles, prepares, and coordinates information for release through press, radio, and other media to advise veterans and dependents on benefits administered by the VA to provide information concerning the offices where applications for benefits may be made.

(vii) Obtains, assembles, prepares, and coordinates information for release through press, radio, and other media concerning operations of the VA.

(viii) Reviews for possible policy conflicts and renders technical advice on the preparation of speeches, articles, pamphlets, posters, transcriptions, films, and other material for public distribution.

(2) *Office of the Controller.* The Controller: (i) Formulates and recommends policies, plans, and procedures for agencywide application in the following controllership areas:

(*a*) Budget.

(*b*) Finance.

(*c*) Reports and Statistics.

(ii) Within the framework of subdivision (i), operates for the VA the finance program and serves the staff offices and department heads relating to all finance matters.

(iii) Within the framework of subdivision (i), operates a centralized reports and statistics service for the VA and serves staff offices and department heads on matters relating to these activities.

(iv) Reviews, evaluates and coordinates the VA construction program.

(v) Advises the Administrator and department heads on fiscal status, progress and problems currently existent or potentially imminent in and between VA programs, and makes recommendations for needed adjustments in funding, policies and existing operational financial plans, in keeping with overall VA objectives and funding availability.

(vi) Maintains overall agency financial accounts; controls the allocation, apportionment, and intra-agency transfer and adjustment of funds; and controls agency funding transactions with the Department of the Treasury, including the evaluation of antideficiency violations and the reporting actions required thereon to the President and to the Congress.

(vii) Conducts surveys, financial audits and reviews, and prepares analyses of recommendations on financial management problems in current and long-range plans, agencywide.

(viii) Formulates and recommends standards, policies and plans pertaining to the operation of the VA integrated reporting system and the control of the creation of reports, including periodic review of data requirements. Provides for the consolidation and submission of consolidated, agencywide, fiscal funding and other resource reports, estimates, and requests, pertinent to the controllership activities of the department and staff offices as required by the Administrator, by other governmental agencies, congressional committees, Members of Congress, and other authorized individuals.

(ix) Collaborates with the General Counsel on the financial and budgetary aspects of proposed or pending legislation for VA, and recommends to the Administrator legislation required to improve controllership functions.

(x) Interprets for the Administrator and staff office heads, in fiscal terms, the laws and regulatory measures of other governmental bodies which have a direct bearing on VA controllership activities.

(xi) Serves as the principal representative of the VA with other governmental agencies and offices and the Congress on controllership matters, and in the coordination of VA controller activities and programs with all authorized external agencies.

(xii) Provides for staff support in the methodology of statistical research, the conduct of and collaboration in statistical research studies of the effectiveness of substantive programs, and the development of official veteran population estimates and socioeconomic data on veterans, their dependents and survivors for use in current and long-range program planning.

(3) *Office of the General Counsel.* The General Counsel:

(i) Serves as chief officer of the VA in all matters of law and legislation.

(ii) As the chief law officer of the VA, is responsible to the Administrator for the interpretation of all laws administered by or pertaining to the VA, and for establishing precedents thereon through Administrator's decisions, binding upon all officers and employees of the VA and upon all claimants and other persons concerned.

(iii) Renders legal advice (formal and informal) and other legal services upon request to all department heads and top staff officers. Is the attorney for the Administrator in all civil actions in State courts and in independent actions in the Federal courts, and represents the Administrator in all actions in the Federal courts in cooperation with the Department of Justice, and keeps all interested VA officials informed. Makes final disposition of tort claims within the limitations of the Federal Tort Claims Act, and renders cooperative assistance to the Department of Justice on all actions arising therefrom involving the VA or any official thereof.

(iv) Cooperates informally with all department heads and top staff officers in the formulation of governing regulations and amendments thereto and reviews for legal correctness all such regulations or directives.

(v) Serves as the point of contact with all governmental offices on legal and legislative matters, including, in addition to the Department of Justice, the Office of the Comptroller General, and the Judge Advocate General of the Armed Forces. Reports to the Department of Justice all matters arising in the VA involving probable violation of Federal penal statutes and cooperates with the Department of Justice as requested in the disposition thereof.

(vi) Supervises and coordinates all matters pertaining to proposed legislation, Executive orders, and proclamations affecting the VA, including the preparation of proposed legislation, Executive orders, and proclamations, and the preparation of all reports concerning such matters to committees of Congress, the President, the Bureau of the Budget, and other executive agencies.

(vii) Develops and coordinates VA policy pertaining to proposed legislation, Executive orders, and proclamations; and records such policy upon approval by the Administrator.

(viii) Represents the Administrator in congressional committee and other hearings and in interdepartmental conferences on legislative matters.

(ix) Receives and, as directed by the Administrator, disposes of all requests from congressional committees and subcommittees (other than appropriations) or their staffs, except oral requests for purely routine administrative data, and clears all letters and other communications to such committees initiated in the VA.

(x) Collaborates and coordinates with the Controller legislative language in drafts of appropriation bills, amendments thereto, and related communications.

(xi) Receives and as directed by the Administrator disposes of all requests on the VA for preparation of drafts of bills or comment, formally or informally, on proposed legislation or to furnish information concerning pending legislation.

(xii) Arranges for attendance of VA personnel as witnesses or observers at meetings of congressional committees (other than appropriations). Receives and disposes of all requests for detail or assignment of personnel to work with congressional committees or their staffs. Maintains liaison with the Senate and House committees.

(xiii) Prepares compilations of Federal laws pertaining to veterans, annotated, indexed, and cross-referenced, in accordance with 38 U.S.C. 215, or as otherwise authorized; and pamphlets, resumes, releases, and documents pertaining to veterans legislation, as required. Maintains legislative historical records and service therefrom.

(4) *Office of Management Engineering and Evaluation.* The Assistant Administrator for Management Engineering and Evaluation: (i) Formulates and recommends to the Administrator general policies and plans of VA-wide application pertaining to the following activities:

(*a*) Management engineering (including specific programs such as manpower utilization).

(*b*) Internal audits and special studies.

(*c*) Appraisal programs.

(*d*) Paperwork management.

(ii) Seeks out new ideas, new skills, new methods, and technologies in the field of management engineering and in collaboration with the departments and staff offices selectively facilitates their implementation in the VA, through programs of education, demonstration, and use.

(iii) Directs the conduct of necessary studies and research to determine policy requirement in the above areas.

(iv) Directs the conduct of systems analysis studies, surveys, and special studies authorized by the Administrator, Deputy Administrator, or Associate Deputy Administrator of Veterans Affairs.

(v) Formulates criteria for the development and operation of management and operating standards systems and assists department and staff heads in the implementation and utilization of such systems.

(vi) Provides needed technical staff management engineering assistance to department and staff office heads.

(vii) Conducts internal audits of all activities and elements of VA as a basis for protective and constructive service to management.

(viii) Submits appraisals and reports for the use of the Administrator, Deputy Administrator, or Associate Deputy Administrator of Veterans Affairs; disseminates information from these reports to the heads of departments and other top officials; and maintains controls to assure that corrective action is accomplished by the responsible officials in accordance with instructions of the Administrator.

(ix) Furnishes advice, guidance and assistance to the Administrator, department heads, and top staff officials in connection with the above activities.

(x) Appraises and evaluates the effectiveness and economy of the above activities for the Administrator.

(xi) Maintains liaison and acts in cooperation with the officials of other offices and agencies of the Government on these matters.

(xii) Coordinates review and evaluation of General Accounting Office reports concerning VA matters, including summary reports to the Bureau of the Budget.

(5) *Investigation and Security Service.* The Director: (i) Formulates and recommends to the Administrator general policies, plans and procedures of VA-wide application pertaining to the following activities:

(*a*) Investigations.

(*b*) Security program.

(*c*) Employment discrimination complaints and contract compliance program under Executive Order 11246.

(ii) Conducts administrative and other investigations, surveys, and special studies, as directed, of all activities and all levels of VA, as well as those organizations, associations, or individuals having official dealings or relationships with the VA.

(iii) Submits reports of factual findings, with conclusions and recommendations, to the interested heads of departments and other top staff officials; establishes control of reports to assure that action as approved by the Deputy Administrator is taken.

(iv) Reviews investigation reports from VA field stations and makes recommendations to the departments as to the adequacy of the investigation and the appropriateness of the action taken.

(v) Operates a technical laboratory for the examination, analysis, identification and classification of handwriting, typewriting, questioned documents, fingerprints, and other material subject to laboratory analysis; provides expert witnesses in these matters.

(vi) Collects, reviews, coordinates, and disseminates data concerning veterans reported as missing.

(vii) Receives and processes anonymous communications, complaints, and allegations and disseminates such information with appropriate recommendations.

(viii) Receives, reviews, and disseminates investigation reports from the Federal Bureau of Investigation and other Government agencies.

(ix) Operates the VA-wide personnel security program, including initiation of investigations. For both Central Office and field station employees, issues security clearance when appropriate or recommends other disposition to the Administrator or Deputy Administrator.

(x) As VA Discrimination Complaints Officer and Contract Compliance Officer for matters coming within the purview of Executive Order 11246, receives complaints, conducts contract compliance reviews, develops relevant information through investigation and otherwise, determines action necessary to deal with instances (or alleged instances) of discrimination by the VA or by contractors, and acts for the Administrator in ordering any necessary corrective measures.

(xi) Furnishes advice, guidance and assistance to the Administrator, department heads, and top staff officials in connection with the above activities.

(xii) Appraises and evaluates the effectiveness and economy of the above activities for the Administrator.

(xiii) Maintains liaison and acts in cooperation with officials of departments and other agencies of the Government in connection with the above activities.

(xiv) Supervises and directs the activities of Investigation and Security field representatives.

(6) *Office of Construction.* The Assistant Administrator for Construction: (i) As Chief Engineer of the VA, formulates and recommends to the Administrator general policies and plans of VA-wide application pertaining to the following activities:

(*a*) Design, construction, maintenance, and operation of buildings, structures, and utilities.

(*b*) Real property management, including acquisition, economical utilization protection, and disposal of real property and interests therein.

(*c*) Accident and fire prevention, fire protection, and station emergency planning.

(ii) Advises and assists the staff and the heads of the departments in connection with these activities, and appraises for the Administrator the effectiveness and economy of these activities.

(iii) Interprets administratively, for the Administrator and staff and the department heads, regulations, decisions, and directives of other governmental bodies concerned with these activities.

(iv) Upon consultation with heads of operating departments concerned, develops and takes action to obtain necessary approvals of fiscal year construction programs to provide, convert, and preserve facilities (except operational maintenance and repair), meeting requirements of the operating departments, and consistent with current legislative and executive policy and VA responsibility for preservation of real property assets.

(v) Formulates, for inclusion in the consolidated VA budget, annual estimates for VA construction programs, and participates, with the Controller and department heads concerned, in presentation of the budget for construction programs before the Bureau of the Budget and the Congress.

(vi) Directs and controls design and construction of hospital, domiciliary, and other facilities, major alterations, improvements, and repairs (exclusive of operational maintenance and repair), in conformance with professional standards and operating requirements as defined in collaboration with the operating departments concerned, and within established program and appropriation limitations.

(vii) Takes action for the VA to acquire real property and property interests in fee, in accordance with approved program requirements, and to dispose of such real property and interests where excess to the needs of the VA (not including transactions within the veteran's Loan Guaranty program).

(viii) Acts as duly authorized representative of the Administrator under provisions of contracts related to assigned activities except hearing and decision appeals from the decisions of VA Contracting Officers. Provides counsel to represent the Government in appeals under supply contracts.

(7) *Office of Personnel.* The Assistant Administrator for Personnel:

(i) Is the Director of Personnel for the agency and is responsible to the Administrator of Veterans Affairs for the personnel program of the VA; advises and assists the Administrator and top agency officials on all personnel matters; provides leadership and overall direction for effective and efficient personnel management throughout the agency.

(ii) As a member of the Administrator's top staff, advises and assists agency management on organization planning, selections for top management positions, manpower planning, manpower utilization and cost reduction, position management, employee productivity and motivation, and the impact of organization and operations on employees, labor relations, and the public image of the VA as an employer.

(iii) Serves as the Equal Employment Opportunity Officer for the VA and in this capacity is directly responsible for the full development and implementation of positive action programs directed toward full equality of opportunity for all persons in accordance with public policy objectives.

(iv) Establishes objectives and initiates programs to obtain, develop, and maintain an effective work force for the successful accomplishment of the missions of the agency; formulates plans, policies, systems, and procedures for the personnel management throughout the agency; appraises for the Administrator the effectiveness and economy of personnel management and takes corrective action or recommends improvements to the Administrator and department heads.

(v) Is the principal representative of the agency with the Civil Service Commission, unions, and other employee organizations; represents the Administrator before the Congress and to the Bureau of the Budget and other Federal agencies on matters relating to VA personnel management.

(8) *Office of Administrative Services.* The Manager: (i) Is responsible to the Associate Deputy Administrator for the provision of general administrative services, including:

(*a*) *Services—VA-Wide.* (*1*) Supplemental claimant identification, claims folder location, development of veterans records, and language translation.

(*2*) Centralized processing of notices of death.

(*3*) Printing and reproduction program, including distribution and creative arts.

(*4*) Audiovisuals program including exhibits, film production, and distribution.

(*b*) *Services—Central Office, and Data Processing Center, Washington, D.C.* (*1*) Mail, telecommunications, and maintenance of Central Office records.

(*2*) Employee travel.

(*3*) Supply, including contractual services.

(*4*) Maintenance of office furnishings and equipment.

(*5*) Emergency preparedness functions, including operation of the public shelter program, and safety and fire protection program.

(*6*) Space management, including coordination with General Services Administration concerning building improvements and maintenance.

(*c*) *Services—Veterans Benefits Office, Washington, D.C.* (*1*) Telecommunications.

(*2*) Space acquisition, disposal and reporting.

(ii) Formulates and recommends to the Associate Deputy Administrator, policies relating to the above operations.

(iii) Conducts staff studies, and maintains continuing evaluation and control of these operations to insure effective and economical operations.

(iv) Provides guidance and assistance to staff offices, departments, Veterans Benefits Office, and the Data Processing Center, Washington, D.C., in the above operations.

(v) Maintains liaison with Joint Committee on Printing, and Government Printing Office, and operating contacts with other Government agencies, public utilities, and other public and private organizations to coordinate and improve service and support in these activities.

(*c*) *Departments*—(*1*) *Department of Medicine and Surgery.* The Chief Medical Director has jurisdiction over and is responsible to the Administrator for the proper conduct of the activities of the Department of Medicine and Surgery; insures complete medical and hospital service for the medical care and treatment of veterans as prescribed by the Administrator of Veterans Affairs pursuant to title 38, United States Code, and other statutory authority and regulations.

The Deputy Chief Medical Director serves as the immediate and full assistant to the Chief Medical Director and, as delegated by him or in his absence, performs any statutory or other duty which he is required or authorized to perform with respect to the department.

The Associate Deputy Chief Medical Director serves as an assistant to the Chief Medical Director and the Deputy Chief Medical Director in the overall administration of the department with special responsibility for the supervision of hospital construction, administrative services, management and evaluation and budget activities; is responsible for management systems, administrative research, and planning, programming and budgeting and for field station activation and deactivation instructions and coordination of their implementation.

(*f*) *Office of Administrative Services.* The Director: (*a*) Formulates and recommends to the Associate Deputy Chief Medical Director policies and plans pertaining to administrative services in hospitals, clinics, domiciliaries, and restoration centers. Directs and coordinates the activities of administrative services and the Canteen Service.

(*b*) Develops and recommends standards required in the administrative support of an integrated program of medical, domiciliary and restoration center care.

(*c*) Appraises for the Associate Deputy Chief Medical Director the effectiveness of policies and plans pertaining to administrative services within areas of responsibilities.

(*d*) Disseminates information of administrative, nondirective nature dealing with developments in the areas of responsibility.

(*e*) Performs forms management and records management services for the department.

(*f*) Responsible for the management analysis program.

(ii) *Office of the Assistant Chief Medical Director for Management and Evaluation.* The Assistant Chief Medical Director for Management and Evaluation: (*a*) Coordinates for the department all internal and external evaluation and inspection activities, and the reports relating thereto.

(*b*) Develops policies and plans for audits, surveys, and pertinent reporting systems for evaluation of field station management and operations.

(*c*) Evaluates overall department effectiveness in the conduct of audits and surveys and the application of management controls; recommends action necessary for correction of deficiencies or to accomplish improvements.

(*d*) Develops plans and policies for the operation and evaluation of the department's cost reduction and management improvement programs. Evaluates the department's manpower utilization and work simplification programs.

(*e*) Reviews proposed legislation and Executive orders to determine the specific effect upon the medical program, comments and recommends with respect thereto; recommends changes to existing laws affecting medical benefits. Participates in congressional hearings on proposed legislation, when requested.

(*f*) Advises on legal matters and collaborates with the Office of the General Counsel on matters relating to the legal and legislative aspects of the medical program.

(*g*) Reviews and processes outside inquiries pertaining to quality of medical care, surveys of Joint Commission on Accreditation of Hospitals, and utilization review and coordinates replies thereto.

(h) Assures compliance with the requirements of the nondiscriminatory employment policy.

(i) Reviews, processes, and is responsible for appropriate coordination of reports received on emergency situations at field stations.

(j) Reviews and takes coordinated action for the department on all investigations.

(k) Performs special assignments as directed by the Chief Medical Director.

(iii) *Office of the Budget Service.* The Director: (a) Recommends to the Associate Deputy Chief Medical Director general policies, plans and standards, of departmentwide application, including those for the General Post Fund, pertaining to the following activities:

(1) Budget.

(2) Finance.

(b) Integrates workload, manpower, and cost requirements for overall departmental plans.

(c) Appraises for the Associate Deputy Chief Medical Director the effectiveness of general policies and plans and standards pertaining to these activities.

(d) Provides liaison with the VA Controller on policies, procedures, and plans relating to accounting and fiscal systems covering Department of Medicine and Surgery programs. Makes recommendations covering these areas.

(e) Advises and assists key staff officials in connection with these activities.

(f) Recommends allocations to be made from funds under control of department after coordination.

(g) Allocates, allots, and controls funds as approved.

(h) Assists the Chief Medical Director and Associate Deputy Chief Medical Director in the presentation of the Department of Medicine and Surgery budget before the Bureau of the Budget and the Congress.

(i) Recommends to the Chief Medical Director the final selection of the best qualified candidate, for centralized positions, for referral to the field station.

(j) Concurs in final selection of candidates for field station assistant chief and accounting positions.

(iv) *Office of the Hospital Construction Service.* This office: (a) Develops master plans including assembling of space criteria, equipment requirements, mechanized and electronic systems for transportation and communications within medical facilities, etc., needed for master plans, and development of the criteria where it has not been provided.

(b) Reviews and coordinates architectural plans.

(c) Prepares project submissions for VA and Bureau of the Budget approval.

(d) Serves on site selection boards.

(e) Conducts followup inspections and studies of hospitals following activations.

(f) Keeps current on advances in the field of hospital construction, especially in criteria and design.

(v) *Office of the Assistant Chief Medical Director for Professional Services.* The Assistant Chief Medical Director for Professional Services: (a) Formulates and recommends to the Chief Medical Director policies and plans of departmentwide application pertaining to professional services in hospitals, domiciliaries, clinics, nursing home care units, and restoration centers. Coordinates the activities of the professional services to insure a balanced program of medical care and treatment.

(b) Develops and recommends to the Chief Medical Director standards governing the kinds and quality of staff, facilities, equipment and supplies needed for an integrated program of medical, domiciliary, and restoration center care.

(c) Advises and assists the Chief Medical Director on professional matters related to the operation of hospitals and extended care services including domiciliaries, clinics, restoration centers, and nursing home care.

(d) Appraises for the Chief Medical Director the effectiveness of policies and plans pertaining to professional services and the validity of professional standards.

(e) Collects and disseminates information of a purely professional, nondirective nature, dealing with clinical and scientific matters.

(f) Formulates and recommends policies, plans and objectives pertaining to Administrative Assistants to Chiefs of Staff, and for Medical Illustration activities.

(vi) *Office of the Assistant Chief Medical Director for Research and Education in Medicine.* The Assistant Chief Medical Director for Research and Education in Medicine: (a) Formulates and recommends to the Chief Medical Director policies and plans of departmentwide application pertaining to programs of research and education in medicine.

(b) Develops and administers a coordinated research program.

(c) Develops and coordinates programs of medical, paramedical, and medical administrative education.

(d) Appraises for the Chief Medical Director the effectiveness of policies and plans pertaining to research and education in medicine activities.

(e) Collects and disseminates information of a purely professional, scientific or technical, nondirective nature to research and education staffs in hospitals, domiciliaries, clinics and restoration centers.

(vii) *Office of the Assistant Chief Medical Director for Dentistry.* The Assistant Chief Medical Director for Dentistry: (a) Formulates and recommends to the Chief Medical Director policies, plans and professional standards, of departmentwide application, pertaining to a program of dental care.

(b) Develops and recommends to the Chief Medical Director standards governing kinds and quality of staff, facilities, equipment and supplies needed for an integrated program of dental care. Collaborates with the Assistant Chief Medical Directors and other elements of the Chief Medical Director's staff in developing and maintaining unified planning and operations.

(c) Appraises for the Chief Medical Director the effectiveness of policies and plans pertaining to the dental services, and the validity of professional standards.

(d) Collects and disseminates information of a purely professional, nondirective nature, dealing with clinical and scientific matters, to professional staffs of hospitals, domiciliaries, clinics and restoration centers.

(e) Maintains liaison with dental activities in other Federal agencies and dental organizations.

(f) To the extent delegated by the Chief Medical Director has jurisdiction over and responsibility for the conduct of the dental activities.

(viii) *Regional Medical Director.* The Director: (a) Acts for and represents the Chief Medical Director with delegated authority to determine the mission and administer and operate medical programs within assigned geographical boundaries.

(b) Evaluates the need and establishes priorities for all special medical treatment programs and facilities seeking guidance and coordination from Central Office staff.

(c) Controls and insures equitable distribution of funds to field stations.

(d) Appraises and evaluates the management effectiveness of field station operation and quality of medical care programs through use of intra-VA and extra-VA specialty consultants.

(e) Provides the Chief Medical Director with current and objective information on total operation of individual field stations.

(f) Coordinates effective work relationships between field stations and affiliated training and health care institutions.

(g) Assures that all approved recommendations regarding operations of field stations made by Internal Audit, General Accounting Office and the Joint Commission on Accreditation of Hospitals are implemented by management.

(2) *Department of Data Management.* The Chief Data Management Director has jurisdiction over, directs and is responsible to the Administrator for the conduct of activities of the Department of Data Management. He insures the effective support of the mission of the VA through the use of data processing, data management process control, and electronic communications systems and appraises the effectiveness and economy of all activities under the jurisdiction of the department.

The Budget Staff maintains liaison for the department with VA Controller on budget and fiscal matters; develops and recommends to the Chief Data Management Director annual budget estimates and current fiscal plans; controls departmental and field station funds; participates in the justification of the budget estimates of the Department of Data Management before the Bureau of the Budget representatives and congressional committees; and develops and maintains a departmentwide program for analyzing and interpreting financial management information.

(i) *Systems Development Service No. I and No. II.* The Director: (a) Conducts preliminary studies of VA operations to determine whether a full ADP (automatic data processing) feasibility study is justified.

(b) Conducts ADP feasibility studies in areas of potential data automation.

(c) Makes systems analysis and determines systems design specifications in collaboration with representatives of other VA elements.

(d) Evaluates the capability of new and existing equipment to accomplish the objectives of the proposed system and makes recommendations accordingly to the Chief Data Management Director.

(e) Develops data processing systems in detail on the basis of approved feasibility studies.

(f) Makes modifications requiring extensive redesign to ongoing ADP systems as necessitated by new legislation, user requirements, or improvements in ADP techniques.

(g) Tests ADP systems and certifies to the Chief Data Management Director as to their readiness for live operation, subject to concurrence of systems auditors.

(h) Writes data processing procedures required for new or redesigned ADP systems. Identifies changes required in procedures of the other VA elements and reviews procedures written for conformity with approved systems designs and objectives.

(i) Participates in the installation of new or redesigned ADP systems, including conversion from the old system.

(ii) *Systems Operations Service.* The Director: (a) Provides staff support to the Chief Data Management Director for operation of data processing centers and data processing branches.

(b) Develops system logic, computer program and ADP field instructions to reflect legislative, regulatory, procedural or system improvement changes.

(c) In collaboration with the Planning and Research Service, reviews requests for ADP equipment. Recommends equipment changes (acquisitions and dispositions) to modify existing ADP systems, or ADP systems for which equipment purchase orders have been placed. Evaluates the utilization of ADP equipment (computers, peripheral, and EAM (electric accounting machines)) to assure optimum utilization on an agencywide basis and recommends appropriate equipment adjustments, including acquisition, replacement, or disposition.

(d) Recommends the establishment, merger or elimination of Department of Data Management field installations and implements approved recommendations.

(e) Designs, develops, installs, and maintains EAM systems on an agencywide basis.

(f) Conducts special studies to determine impact of changes to existing and planned applications on schedules and resources.

(g) Installs new approved ADP systems.

(h) Develops schedules and plans for converting existing VA operations to ADP systems in collaboration with all affected organizations.

(i) Develops conversion and operating training plans and material for users of ADP systems.

(j) Monitors test parallel operations and evaluates readiness for "live" operations.

(k) Reviews proposed changes in ADP field instructions prior to approval by the Chief Data Management Director and assures that new ADP systems are adequately documented for all field stations including those under the jurisdiction of the Department of Data Management.

(l) Collaborates with other VA elements and provides leadership in training key employees of Central Office and field stations in details of ADP systems.

(m) Reviews requests for ADP services and recommends approval or alternate techniques.

(n) Reviews and recommends approval or changes to detailed schedules and plans for security purposes and for implementing the department's emergency planning program.

(iii) *Management and Evaluation Service.* The Director: (a) Conducts a continuing program of evaluation of the internal management of the department and field stations.

(b) Conducts special studies as approved by the Chief Data Management Director.

(c) Coordinates the department's reply to all reports of investigation, audits, and surveys and follows through on the disposition of the recommendations.

(d) Conducts the performance standards program.

(e) Operates a comprehensive cost estimating program to determine the cost of existing operations being studied for automation and estimates costs for new ADP applications to determine savings or increased costs at each stage of a project.

(f) Operates a comprehensive ADP systems audit program to provide management with an independent evaluation of the propriety and accuracy of new and ongoing ADP systems.

(g) Participates in the planning and development of new ADP systems and changes to existing systems to assure inclusion of adequate controls and audit trails.

(h) Provides administrative services to the department in such areas as records management and forms and publications control, and acts as liaison on these matters with other departments and staff offices.

(iv) *Communications Service.* The Director: (a) Formulates and recommends to the Chief Data Management Director, general policies, plans and guidelines for VA-wide communications systems consisting of:

(1) Teletype network.

(2) Telephone systems.

(3) Hospital communications systems.

(4) Electronic data transmission systems.

(b) Coordinates the administration of the agency's communications systems with all departments and staff offices.

(c) Designs, engineers, tests, and assists in the installation of communications systems for use VA-wide. Makes technical reviews and recommends actions on proposals for the purchase or lease of electronic communications equipment.

(d) Develops and prepares for use VA-wide, procedures, standards, directives, guidelines, and informational material relating to the management and operation of communications systems.

(e) Manages the use of the radio frequency spectrum VA-wide and coordinates this effort with regulatory and other user agencies.

(f) Provides services to all departments and staff offices on all communications matters including onsite technical service to field stations when needed.

(g) Reviews and evaluates the effectiveness of communications policies and plans being followed, the efficiency of procedures used, and the economy of performance under these policies, plans, and procedures. Advises the Chief Data Management Director of conditions found and recommends actions.

(h) Maintains liaison and coordinates VA communications plans and systems with other Government agencies and commercial industries.

(i) Keeps abreast of overall Federal Government planning and the latest technological developments in all fields of electronic communications systems.

(v) *Planning and Research Service.* The Director: (a) Formulates and recommends to the Chief Data Management Director policies and plans for planning and research in data management. Develops and administers a coordinated program for long-range planning; emergency preparedness planning; and investigation of new computer equipment, advanced data sciences techniques and programming techniques. Maintains liaison with other Government agencies, groups and individuals concerned with these fields.

(b) Develops and revises VA ADP long-range plans and reviews short-range plans.

(c) Conducts periodic technical review of all projects under study or development to insure compatibility with long- and short-range plans; including adequacy of project objectives, schedules, and consideration of related current or planned subsystems and studies.

(d) Reviews all requests to acquire, replace or dispose of electronic computers, peripheral equipment and data transmission equipment to insure compatibility with long- and short-range plans.

(e) Reviews plans of other VA departments and staff offices, and other Government agencies to determine their impact on the department. Advises the Chief Data Management Director of conditions found and recommends action.

(f) Makes an initial review of unsolicited ADP proposals and recommends action to be taken.

(g) Investigates ADP plans and practices of other Government agencies and private concerns to identify programs or procedures with potential for VA use.

(h) Responsible for emergency preparedness planning for the department.

(i) Investigates advanced data sciences techniques using ADP (e.g., linear programing, operations research, mathematical modeling) for application within the VA. Tests those which appear to have current or potential use.

(j) Investigates new developments in ADP equipment to identify that which has current or potential VA use.

(k) Investigates advanced programming techniques and efficiency of compilers and other software, and conducts original research in this area. Tests advanced programming techniques which appear to have current or potential use. Recommends standardized programming techniques for adoption in the VA.

(l) Provides or arranges technical support and training in data sciences and advanced programming.

(m) Reviews, on a periodic basis, programming techniques being used in project development to assure consistency with standards.

(n) Develops and recommends standardized ADP data elements for VA-wide use.

(3) *Department of Veterans Benefits.* The Chief Benefits Director has jurisdiction over, directs, and is responsible to the Administrator for the conduct of the activities of the Department of Veterans Benefits. He administers an integrated program of veterans benefits consisting of compensation, pension and education, insurance, loan guaranty, guardianship, and contact activities of the VA.

The Deputy Chief Benefits Director serves as the full assistant to the Chief Benefits Director in the discharge of his responsibilities, acts for him in his absence, and participates fully in the direction of all activities of the Department of Veterans Benefits. He is responsible to the Chief Benefits Director for the department's operations.

The Evaluation Staff, responsible to the Chief Benefits Director, develops policies and plans for processing and utilization of all data relating to effectiveness of field station operations; evaluates policies and plans for audits, surveys and evaluation of field station operations and management, and Central Office, Department of Veterans Benefits activities; evaluates overall department effectiveness in applying management control, management reporting, measurement and evaluation techniques; plans audit and reporting requirements under ever-changing organizational realignments and electronic and mechanical processing; coordinates evaluation, reporting and inspection activities in the department; provides guidance and assistance in the implementation and use of methods and standards for evaluation; evaluates department effectiveness in implementing VA and department policies and plans for all standards; evaluates effectiveness of and necessity for department reports, surveys and inspections; audits and evaluates performance of Central Office, Department of Veterans Benefits staff and line elements; and performs special assignments as directed by the Chief Benefits Director.

(i) *Compensation, Pension and Education Service.* Director, Compensation, Pension and Education Service: (a) Formulates and recommends to the Chief Benefits Director plans, regulations, procedures, and standards of departmentwide application within the limitations of VA-wide policies and plans pertaining to the following activities:

(1) Disability compensation and pension claims.

(2) The schedule for rating disabilities.

(3) Claims for automobiles or other conveyances.

(4) Special housing claims.

(5) Emergency officers' retirement claims and Reserve officers' retirement pay under laws administered by the VA.

(6) Eligibility determinations for other services or Government agencies.

(7) Death compensation and pension claims.

(8) Claims for dependency and indemnity compensation.

(9) Claims for reimbursement for burial, funeral, and transportation expenses of deceased veterans.

(10) Claims for accrued compensation, pension, retirement pay, subsistence and training allowances, and readjustment allowances.

(11) Forfeiture of rights and benefits.

(12) Claims for Government insurance by beneficiaries of deceased veterans.

(13) Claims for servicemen's indemnity.

(14) Claims for adjusted compensation in death cases.

(15) Claims for vocational rehabilitation and education benefits under title 38, United States Code.

(b) Appraises for the Chief Benefits Director the effectiveness, efficiency, and economy of policies, regulations, procedures, and standards in implementing public laws and attaining program objectives and the significant effect of the compensation, pension and educational benefits program nationally.

(c) Reviews proposed legislation and Executive orders to determine the specific effect upon the program and comments and recommends with respect thereto; also recommends changes to existing laws affecting compensation, pension and educational benefits. Participates in congressional hearings on proposed legislation, when requested.

(d) Maintains liaison with agencies and organizations interested in compensation, pension and educational benefits.

(e) Develops long-range plans, policies, and objectives for the compensation, pension and educational benefits program.

(f) Renders staff coordination and technical assistance to insure that automatic data processing programs and procedures are consistent with compensation, pension and educational benefits program substantive and procedural requirements.

(g) In collaboration with the Director, Program Planning and Budgeting Service, performs budgetary administrative functions relating to the compensation, pension and educational benefits program.

(ii) *Loan Guaranty Service.* Director, Loan Guaranty Service: (a) Formulates and recommends to the Chief Benefits Director, policies, plans, regulations, procedures and standards for departmentwide application within the limitations of VA-wide policies and plans pertaining to the guaranty or insurance of loans, the making of direct loans, and the making of grants for specially adapted housing, and for activities pertaining to the liquidation, sale, or other disposition of loans and properties.

(b) Appraises for the Chief Benefits Director the effectiveness, efficiency and economy of policies, regulations, procedures and standards in implementing public laws and attaining program objectives and the significant effects of the loan guaranty and direct loan programs nationally.

(c) Reviews proposed legislation and Executive orders to determine the specific effects upon the programs and comments and recommends with respect thereto; also recommends changes in existing laws affecting the loan guaranty and direct loan programs. Participates in congressional hearings on proposed legislation, when requested.

(d) Maintains top-level liaison with other Government departments and agencies and industry and financial organizations interested in the construction, marketing and financing of residential dwellings and the extension of credit to consumers for home, farm and business purposes.

(e) Develops long-range plans, policies and objectives for the loan guaranty and direct loan programs.

(f) Directs staff coordination and technical assistance to insure that automatic data processing programs and procedures are consistent with loan guaranty and direct loan programs' substantive and procedural requirements.

(g) Advises the Chief Benefits Director on resources necessary for programwide operations, to pay claims, acquire properties, make direct loans and defray operating expenses and on the sources of funds, including revenues from operations and sales of loans and properties, available for such expenditures. In collaboration with the Director, Program Planning and Budgeting Service, performs budgetary functions relating to the general operating expenses of the programs.

(iii) *Insurance Service.* Director, Insurance Service: (a) Formulates and recommends to the Chief Benefits Director policies, plans, regulations, procedures, and standards of departmentwide application within the limitations of VA-wide policies and plans pertaining to the conduct of the Government Life Insurance program, including the following activities:

(1) Billing, collecting (excluding the receipt and deposit of payments), and crediting payments for insurance premiums, loans and liens.

(2) Adjudication and payment of disability income awards.

(3) Authorization of policy loans, cash surrenders, and matured endowments.

(4) Adjudication of disability insurance claims involving waiver of premiums.

(5) Conducting allotment transactions with the service departments and payroll transactions with commercial employers.

(6) Effecting lapse, reinstatement or refund action.

(7) Effecting conversions, reductions, renewals and other insurance policy changes.

(8) Issuing new policies and disability income riders.

(9) Authorizing gratuitous insurance.

(10) Determining whether death or disability is directly traceable to the extra hazards of military or naval service and authorizing transfer from appropriation to funds.

(11) Reviewing of running awards under disability insurance claims to determine whether recovery has been effected and award should be terminated.

(12) Effecting administrative adjustments on individual cases.

(13) Cancellation of insurance by reason of fraud or forfeiture of rights.

(14) Establishment of health requirements and medical criteria for insurance purposes.

(15) Conducting transactions with commercial insurers for guarantee of premium payments under article IV of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, and for providing insurance under the Servicemen's Group Life Insurance program.

(16) Conducting studies of mortality and disability to calculate and establish policy rates and values, determine surplus and apportionment of dividends, and compile actuarial statements.

(b) Appraises for the Chief Benefits Director the effectiveness, efficiency, and economy of policies, regulations, procedures, and standards in implementing public laws and attaining program objectives and the significant effect of the insurance program nationally.

(c) Reviews proposed legislation and Executive Orders to determine the specific effect upon the program and comments and recommends with respect thereto; also recommends changes to existing laws affecting the insurance program.

(d) Maintains liaison with agencies, organizations and commercial activities interested in life insurance.

(e) Develops long-range plans, programs, policies, and objectives for the insurance program.

(f) Renders staff coordination and technical assistance to insure that automatic data processing programs and procedures are consistent with the insurance program substantive and procedural requirements.

(g) In collaboration with the Director, Program Planning and Budgeting Service, performs budgetary administrative functions relating to the insurance program.

(iv) *Program Planning and Budgeting Service.* Director, Program Planning and Budgeting Service: (a) Formulates, upon consultation with staff officials, and recommends to the Chief Benefits Director, policies, plans, and procedures pertaining to the following activities of the department:

(1) Budgetary programs.

(2) Planning-Programing-Budgeting system.

(3) Adequacy, efficiency, and quality of finance field operations.

(4) Internal Management program.

(5) Establishment and maintenance of standards: Work measurement, quality, management, and evaluation.

(6) Cost reduction and manpower utilization programs.

(7) Research activities.

(b) Appraises for the Chief Benefits Director, the effectiveness, efficiency, and economy of policies, regulations, procedures, and standards in implementing public laws and attaining program objectives.

(c) Recommends allotments to be made from funds under control of department and allots funds within overall approved budgetary programs of the department; maintains departmentwide budgetary control records.

(d) Responsible for developing and installing the Planning-Programing-Budgeting system in the department, and presenting the program and financial plans and program memorandums, including systematic analysis of programs and special studies.

(e) Conducts an integrated, departmentwide system of management improvement and management controls, including performance and evaluation standards, productivity indicators, and other management and work improvement methods and techniques.

(f) Responsible for the development of cost consciousness throughout the department and the promotion of better management through cost reduction and manpower utilization programs.

(g) Maintains liaison with the VA Controller on policies, procedures, and plans relating to accounting and fiscal systems, quality control and work measurement covering the department's finance activities. Advises the Chief Benefits Director of the effectiveness, efficiency and adequacy of fiscal procedures and operations throughout the department.

(h) Directs departmental liaison with the VA Controller on reports and statistics; responsible for apprising the Chief Benefits Director as to the adequacy of support provided to the department.

(i) Directs the coordination of formal research activities for the department. Directs the planning, recommendation for, and conduct of special research studies to develop, analyze and provide pertinent information to VA officials for their use or their release to other governmental officials, the Congress, or the general public concerning the appropriateness and impact of the benefits administered by the department.

(j) Serves as the principal point of contact with the VA Controller and, in conjunction with the latter, with the General Accounting Office, Bureau of the Budget, and other Government agencies on these activities.

(v) *Guardianship Service.* Director, Guardianship Service: (a) Formulates and recommends to the Chief Benefits Director, policies, plans, procedures, and standards of departmentwide application within the limitations of VA-wide policies and plans pertaining to the following activities:

(1) The VA guardianship program under 38 U.S.C. 3202, an act to safeguard the estates of minors and incompetents entitled to benefits under acts administered by the VA, including courts in which the Administrator of Veterans Affairs is represented by his duly authorized attorney.

(2) Field examination program, including field examinations in guardianship cases; compensation, pension, retirement, insurance, and indemnity cases; vocational rehabilitation and education cases, loan guaranty cases, and other matters.

(3) Waivers, compromises, suspension and termination of collection activity of overpayments and of other debts arising out of compensation, pension, vocational rehabilitation and education, loan guaranty and insurance programs.

(b) Furnishes legal advice and assistance to the Chief Benefits Director with respect to the application of the Federal and State laws, and VA regulations and instructions pertaining to Guardianship and Field Examination activities.

(c) Advises the Chief Benefits Director on matters involving State legislation affecting the guardianship program and commitment of mentally ill veterans.

(d) Maintains liaison with agencies and organizations interested in these activities.

(e) Appraises for the Chief Benefits Director the effectiveness, efficiency, and economy of policies, plans, procedures, and standards in implementing public laws and attaining program objectives, and the significant effect thereof on the Guardianship activities nationally.

(f) Formulates and recommends to the Chief Benefits Director work-rate and quality performance standards and related work measurement reporting system for all activities of the Office of the Chief Attorney; conducts studies to assure continued validity of the standards and reliability of the work measurement system.

(vi) *Contact and Administrative Service.* Director, Contact and Administrative Service: Formulates policies, plans, procedures, and standards of departmentwide application pertaining to:

(a) Providing information, advice, and assistance to veterans, their dependents and beneficiaries, their representatives, and others in preparing, developing, and presenting applications and claims under laws administered by the VA, and providing personal assistance on benefit matters to separatees from military service for reasons of disability and preseparation group orientation on veterans' benefits to other

separatees at points of embarkation of servicemen returning from foreign locations and at stateside military establishments;

(b) Foreign affairs including veterans' services in foreign countries and U.S. possessions, and operation of VA offices in Europe and the Panama Canal Zone;

(c) Negotiating reciprocal agreements for veterans' services pursuant to 38 U.S.C. 109 and coordination of agreements and other matters relating to administration of the Manila Regional Office;

(d) An office services program involving records management; correspondence; publication; forms and forms letters; office machines and equipment; real and personal property management; and general office practices performed by regional office administrative activities;

(e) Formulation and maintenance of work-rate and quality performance standards and related work measurement systems for the field station activities for which the Service is responsible; and

(f) Appraises for Chief Benefits Director the effectiveness, efficiency, and economy of the policies, plans, procedures and standards in implementing public laws and attaining program objectives.

(vii) *Area Field Director.* Each Area Field Director for assigned geographic area is responsible to the Deputy Chief Benefits Director for:

(a) Effective, efficient, and economical operation of the complete departmental program of benefits and services;

(b) Continuing control and evaluation of field station management and operations; and

(c) Providing assistance and guidance to field station Managers, or Center Director.

SEC. 3 *Field Stations.* VA centers, domiciliaries, hospitals, insurance centers, and regional offices, located throughout the United States, and the Veterans Benefits Office, located in the District of Columbia, facilitate the granting of benefits provided for veterans and their dependents. Under the jurisdiction of parent regional offices are located VA offices to render service to veterans nearer their homes. Outside the United States, a regional office is located in the Philippines; a VA center (hospital and regional office) is located at San Juan, P.R.; a VA office for Europe is located in Rome, Italy; and a representative of the VA is stationed at Balboa, C.Z.

(a) *Insurance Centers.* The Veterans Administration, Department of Veterans Benefits, operates insurance field activities through two VA centers at Philadelphia and St. Paul. They provide policy, underwriting, and disability insurance claims service to veterans with Government life insurance within assigned geographical areas. The offices implement established plans, policies, and operating procedures. They are responsible for the auxiliary services essential to the insurance office operations, including finance, personnel, administrative, and supply activities. All United States Government Life Insurance policyholders and those National Service Life Insurance policyholders paying premiums by allotment from service department pay and by deduction from benefit payments, also those living in foreign countries, are serviced by the Philadelphia VA center.

(b) *Regional Office.* A VA regional office is a field station which under properly constituted authority grants benefits and services provided by law for veterans, their dependents, and beneficiaries within an assigned territory; furnishes information as to all VA benefits and services; procures data regarding applications and claims; rates and adjudicates claims and makes awards for disability compensation and pension; establishes eligibility and need for hospitalization in other Government and private institutions and State-home care; handles guardianship and fiduciary matters and authorized legal proceedings; aids, guides, and prescribes vocational rehabilitation training and administers educational benefits; guarantees loans for purchase or construction of homes, farms, or business property and, under certain conditions, makes direct home loans; processes death claims; aids and otherwise assists the veteran in exercising his rights to benefits and services; conducts administrative, finance, files, and records activities; and supervises VA offices under its jurisdiction.

(c) *Veterans Benefits Office—District of Columbia.* The Veterans Benefits Office—District of Columbia is a field station which grants benefits and services provided by law for veterans and their dependents and beneficiaries. This office performs the functions of a regional office for an assigned territory and in addition adjudicates claims for death compensation and pension, all types of Government insurance and indemnity benefits filed by beneficiaries of deceased veterans, and reimbursement for burial, funeral, and transportation expenses of deceased veterans not assigned to the VA regional offices.

(d) *Hospital.* A VA hospital is an organizational element established to provide all eligible beneficiaries with medical care at a level comparable with the best civilian institutions treating similar types of illnesses. Hospitals are generally classified as GM&S (General Medical and Surgical), NP (Neuropsychiatric), and TB (Tuberculosis) indicating the major type of treatment. Usually, however, hospitals are equipped to render more than one type of treatment and some hospitals have facilities for highly specialized services such as those for tumors, chest surgery, neurosurgery, paraplegia, etc.

(e) *VA Center.* A VA center is an organizational element consisting of a combination of activities of two or more of the following VA field stations under jurisdiction of one manager: insurance center, regional office, hospital, or domiciliary.

(f) *Domiciliary.* A VA domiciliary is a field station providing a program of planned living in a sheltered environment and necessary ambulatory medical treatment to veterans who are unable because of their disabilities to earn a living but who are not in need of nursing service, constant medical supervision, or hospitalization.

(g) *Restoration Center.* A VA Restoration Center is designed for mobilization of medical, social, and vocational services for veterans who have reached maximum hospital and/or domiciliary benefits and who have potential for return to community living within 1 year. The program is geared primarily for younger veterans to prevent a pattern of institutionalization, but eligible veterans of all ages are accepted.

(h) *Outpatient Clinic.* A VA outpatient clinic is an organizational element established to provide eligible beneficiaries with outpatient care.

(i) *VA Office.* A VA office is an organizational element established to provide contact service and such other services as cannot be conveniently provided to veterans, their dependents and beneficiaries, and others in a given locality by the parent regional office or center.

(j) *Other field installations.* In addition to the installations referred to in the above paragraphs, there are two supply depots, a marketing center, a forms and publications depot, and six data processing centers.

(k) *Services to veterans in foreign countries.* Services to veterans in foreign countries are provided through the offices of the United States Foreign Service, except in the Republic of the Philippines where a VA regional office is located in Manila. Because of the large number of veterans residing in Mexico, the Foreign Service has an Attache for Veterans Affairs assigned in the American Embassy at Mexico City who administers directly certain veterans benefit programs by agreement between the Secretary of State and the Administrator of Veterans Affairs. Under authority contained in the act of October 15, 1962 (76 Stat. 927; 38 U.S.C. 230(c)), the VA now maintains a VA Office for Europe, located in Rome, Italy, to render technical advice and assistance in the administration of veterans' programs in the European area.

SEC. 4. *Addresses of Veterans Administration installations and Central Office and jurisdictional areas of insurance centers.* This is a guide to the location of Veterans Administration Central Office and field stations in each State (also District of Columbia, Canal Zone, Republic of the Philippines, and Commonwealth of Puerto Rico) where information may be obtained concerning benefits to veterans and their dependents and beneficiaries. Information concerning benefits as well as such matters as office hours, location of public reference facilities, fees charged for certain services such as records searching or copying, forms for use by the public and where they may be obtained, and officials to contact for various services, information or decisions, may be obtained by writing or otherwise contacting the office concerned. On any matter in which there may be a question as to the proper point of contact for services, information, or decisions, request may be directed to the Manager or Contact Officer in the nearest VA regional office.

Appeals to the Board of Veterans Appeals should be filed with the field office of the Veterans Administration which made the decision to which the appeal relates. The field office is responsible for any preliminary development indicated, for furnishing the claimant and his representative, if any, a statement of the case giving "notice" of the pertinent facts on the issue or issues, the applicable laws, regulations and the action taken, sufficient to permit proper exercise of the statutory appeal right. When all preliminary action has been completed, the field office certifies the appeal and transfers the records to the BVA in Washington, D.C. The claimant and his representative are notified of the certification and transfer of the records to the Board. The Board of Veterans Appeals conducts a formal hearing, if desired, and makes a final decision based upon review of the entire record.

The jurisdictional areas of the two insurance centers are listed in parentheses after the insurance center concerned. The parent regional offices, and centers with regional office activities are listed with their subordinate VA Offices indented thereunder.

Type of activity and location	*Address*
ALABAMA	
Regional Office, Montgomery 36104	Aronov Building, 474 South Court Street.
Hospital, Birmingham 35233	700 South 19th Street.
Hospital, Montgomery 36109	Perry Hill Road.
Hospital, Tuscaloosa 35401	Veterans Administration Hospital.
Hospital, Tuskegee 36083	Do.
ALASKA	
Regional Office, Juneau 99801	Post Office Box 1288, 709 West Ninth Street.
VA Office, Anchorage 99801	Post Office Box 1399, Federal Building.
ARIZONA	
Regional Office, Phoenix 85025	230 North First Avenue, Federal Building.
Hospital, Phoenix 85012	Seventh Street and Indian School Road.
Hospital, Tucson 85723	Veterans Administration Hospital.
Center (Hospital and Domiciliary), Prescott 86301.	Veterans Administration Center.
ARKANSAS	
Regional Office, Little Rock 72201	700 West Capitol Avenue, Federal Office Building.
Hospital, Fayetteville 72701	Veterans Administration Hospital.
Hospital, Little Rock 72205	300 East Roosevelt Road.
Little Rock Hospital Division	Mail: Little Rock.
North Little Rock Hospital Division	Do.
CALIFORNIA	
Regional Office, Los Angeles 90073	1380 South Sepulveda Boulevard.
VA Office, San Diego 92101	2131 Third Avenue, Wussaw Medical Building.
Regional Office, San Francisco 94105	49 Fourth Street.
Outpatient Clinic, Los Angeles 90016	1031 South Broadway.
Hospital, Fresno 93703	2615 Clinton Avenue.
Hospital, Livermore 94550	Veterans Administration Hospital.
Hospital, Long Beach 90801	5901 East Seventh Street.
Center (Hospital and Domiciliary), Los Angeles 90073.	Sawtelle and Wilshire Boulevards.
Brentwood Division	Mail: Los Angeles.
Wadsworth Division	Do.
Hospital, Martinez 94553	150 Muir Road.
Hospital, Palo Alto 94304	Veterans Administration Hospital.
Menlo Park Division	Mail: Palo Alto.
Palo Alto Division	Do.
Hospital, San Fernando 91342	13000 Seyre Street.
Hospital, San Francisco 94121	42d Avenue and Clement Street.
Hospital, Sepulveda 91343	Veterans Administration Hospital.
Canal Zone	Balboa Clubhouse. Mail: Post Office Box 3672.
COLORADO	
Regional Office, Denver 80225	Denver Federal Center.
Hospital, Denver 80220	1055 Clermont Street.
Hospital, Fort Lyon 81038	Veterans Administration Hospital.
Hospital, Grand Junction 81501	Do.
CONNECTICUT	
Regional Office, Hartford 06103	450 Main Street.
Hospital, Newington 06111	555 Willard Avenue.
Hospital, West Haven 06516	West Spring Street.
DELAWARE	
Regional Office, Wilmington 19899	Post Office Box 1266, 1601 Kirkwood Highway.
Hospital, Wilmington 19805	Veterans Administration Hospital.
DISTRICT OF COLUMBIA	
Central Office, Washington 20420	810 Vermont Avenue NW.
Hospital, Washington 20422	50 Irving Street NW.
Veterans Benefits Office, Washington 20421	2033 M Street NW.
FLORIDA	
Regional Office, St. Petersburg 33731	Post Office Box 1437.
VA Office, Jacksonville 32201	Post Office and Courthouse Building, 311 West Monroe Street. Mail: Post Office Box 505.
VA Office, Miami 33130	51 Southwest First Avenue, Room 100.
Center (Hospital and Domiciliary), Bay Pines 33504.	Veterans Administration Center.
Hospital, Coral Gables 33134	Veterans Administration Hospital.
Hospital, Lake City 32055	Do.
GEORGIA	
Regional Office, Atlanta 30309	730 Peachtree Street NE.
Hospital, Atlanta 30329	Clairmont Road NE. Mail: Box 29457.
Hospital, Augusta 30904	Veterans Administration Hospital.
Forest Hills Division	Mail: Augusta.
Lenwood Division	Do.
Center (Hospital and Domiciliary), Dublin 31021.	Veterans Administration Center.
HAWAII	
Regional Office, Honolulu 96801	680 Ala Moana Boulevard, Post Office Box 3198.
IDAHO	
Center (Regional Office and Hospital), Boise 83707.	Fifth and Fort Streets.
ILLINOIS	
Regional Office, Chicago 60612	2030 West Taylor Street.
Hospital, Chicago 60611	333 East Huron Street (Research).
Hospital, Chicago 60612	820 South Damen Avenue (West Side).
Hospital, Danville 61832	Veterans Administration Hospital.
Hospital, Downey 60064	Do.
Hospital, Hines 60141	Do.
Hospital, Marion 62959	Do.
INDIANA	
Regional Office, Indianapolis 46204	36 South Pennsylvania Street.
Hospital, Fort Wayne 46806	1600 Randalia Drive.
Hospital, Indianapolis 46202	1481 West 10th Street.
10th Street Hospital Division	Mail: 1481 West 10th Street.
Cold Spring Road Hospital Division	Do.

INDIANA—Continued

Type of activity and location	Address
Hospital, Marion 46952	Veterans Administration Hospital.
IOWA	
Center (Regional Office and Hospital), Des Moines 50308.	Veterans Administration Center.
Hospital, Iowa City 52240	Veterans Administration Hospital.
Hospital, Knoxville 50138	Do.
KANSAS	
Center (Regional Office and Hospital), Wichita 67218.	5500 East Kellogg.
Hospital, Topeka 66622	2200 Gage Boulevard.
Center (Hospital and Domiciliary), Wadsworth 66089.	Veterans Administration Center.
KENTUCKY	
Regional Office, Louisville 40201	1405 West Broadway.
Hospital, Lexington 40507	Veterans Administration Hospital.
Hospital, Louisville 40202	Mellwood and Zorn Avenue.
LOUISIANA	
Regional Office, New Orleans 70118	701 Loyola Avenue.
VA Office, Shreveport 71101	510 East Stoner Avenue.
Hospital, Alexandria 71301	Veterans Administration Hospital.
Hospital, New Orleans 70140	1601 Perdido Street.
Hospital, Shreveport 71101	510 East Stoner Avenue.
MAINE	
Center (Regional Office and Hospital), Togus 04330.	Veterans Administration Center.
VA Office, Portland 04111	76 Pearl Street.
MARYLAND	
Regional Office, Baltimore 21202	Fayette and St. Paul Streets.
Hospital, Baltimore 21218	3900 Loch Raven Boulevard.
Hospital, Fort Howard 21052	Veterans Administration Hospital.
Hospital, Perry Point 21902	Do.
MASSACHUSETTS	
Regional Office, Boston 02203	John Fitzgerald Kennedy Federal Building, Government Center.
VA Office, Springfield 01103	1200 Main Street.
Outpatient Clinic, Boston 02108	17 Court Street.
Hospital, Bedford 01730	200 Springs Road.
Hospital, Boston 02130	150 South Huntington Avenue.
Hospital, Brockton 02401	Veterans Administration Hospital.
Hospital, Northampton 01062	Do.
Hospital, West Roxbury 02132	1400 Veterans of Foreign Wars Parkway.
MICHIGAN	
Regional Office, Detroit 48231	210 Gratiot Avenue at Library.
Hospital, Ann Arbor 48105	2215 Fuller Road.
Hospital, Battle Creek 49016	Veterans Administration Hospital.
Hospital, Dearborn 48121	Do.
Hospital, Iron Mountain 49801	Do.
Hospital, Saginaw 48602	1500 Weiss Street.

MINNESOTA

Type of activity and location	Address
Center (Regional Office and Insurance), St. Paul 55111. (Alaska, Arizona, Arkansas, California, Colorado, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, Wyoming)	Fort Snelling, Remittances: Post Office Box 1820.
Hospital, Minneapolis 55417	54th Street and 46th Avenue South.
Hospital, St. Cloud 56301	Veterans Administration Hospital.
MISSISSIPPI	
Center (Regional Office and Hospital), Jackson 39216.	1500 East Woodrow Wilson Boulevard.
Center (Hospital and Domiciliary), Biloxi 39531.	Veterans Administration Center.
Biloxi Division	Mail: Biloxi.
Gulfport Division	Do.
MISSOURI	
Regional Office, St. Louis 63103	Room 4705, Federal Building, 1520 Market Street.
VA Office, Kansas City 64106	601 East 12th Street, Federal Office Building.
Hospital, Jefferson Barracks, St. Louis 63125	Veterans Administration Hospital.
Hospital, Kansas City 64128	4801 Linwood Boulevard.
Hospital, Poplar Bluff 63901	Veterans Administration Hospital.
Hospital, St. Louis 63106	915 North Grand Boulevard.
MONTANA	
Center (Regional Office and Hospital), Fort Harrison 59636.	Veterans Administration Center.
Hospital, Miles City 59301	Veterans Administration Hospital.
NEBRASKA	
Regional Office, Lincoln 68508	230 South 17th Street.
Hospital, Grand Island 68801	Veterans Administration Hospital.
Hospital, Lincoln 68501	600 70th Street.
Hospital, Omaha 68105	4101 Woolworth Avenue.
NEVADA	
Center (Regional Office and Hospital), Reno 89504.	1000 Locust Street.
NEW HAMPSHIRE	
Regional Office, Manchester 03103	497 Silver Street.
Hospital, Manchester 03104	718 Smyth Road.
NEW JERSEY	
Regional Office, Newark 07102	20 Washington Place.
Hospital, East Orange 07019	Veterans Administration Hospital.
Hospital, Lyons 07939	Do.
NEW MEXICO	
Regional Office, Albuquerque 87101	500 Gold Avenue SW.
Hospital, Albuquerque 87108	2100 Ridgecrest Drive SE.
NEW YORK	
Regional Office, Buffalo 14028	1021 Main Street.
VA Office, Rochester 14614	39 State Street.

NEW YORK—Continued

Type of activity and location	Address
VA Office, Syracuse 13202	Chimes Building, 800 South Salina Street.
Regional Office, New York 10001	252 Seventh Avenue.
VA Office, Albany 12201	Executive Park, North Stuyvesant Plaza.
Outpatient Clinic, Brooklyn 11205	35 Ryerson Street.
Hospital, Albany 12208	Veterans Administration Hospital.
Hospital, Batavia 14020	Do.
Center (Hospital and Domiciliary), Bath 14810.	Veterans Administration Center.
Hospital, Bronx 10468	130 West Kingsbridge Road.
Hospital, Brooklyn 11209	800 Poly Place.
Hospital, Buffalo 14215	3495 Bailey Avenue.
Hospital, Canandaigua 14424	Veterans Administration Hospital.
Hospital, Castle Point 12511	Do.
Hospital, Montrose 10548	Do.
Hospital, New York 10010	First Avenue at East 24th Street.
Hospital, Northport, Long Island 11768	Veterans Administration Hospital.
Hospital, Syracuse 13210	Irving Avenue and University Place.
NORTH CAROLINA	
Regional Office, Winston-Salem 27102	Wachovia Building, 301 North Main Street.
Hospital, Durham 27705	Fulton Street and Erwin Road.
Hospital, Fayetteville 28301	Veterans Administration Hospital.
Hospital, Oteen 28805	Do.
Hospital, Salisbury 28144	Do.
NORTH DAKOTA	
Center (Regional Office and Hospital), Fargo 58102.	Veterans Administration Center.
OHIO	
Regional Office, Cleveland 44114	Cuyahoga Building, 216 Superior Avenue.
VA Office, Cincinnati 45202	550 Main Street, Room 1024, Federal Office Building.
VA Office, Columbus 43215	Bryson Building, 700 Brydan Road.
Hospital, Brecksville 44141	10000 Brecksville Road.
Hospital, Chillicothe 45601	Veterans Administration Hospital.
Hospital, Cincinnati 45220	3200 Vine Street.
Hospital, Cleveland 44106	10701 East Boulevard.
Center (Hospital and Domiciliary), Dayton 45428.	Veterans Administration Center.
OKLAHOMA	
Regional Office, Muskogee 74401	Second and Court Streets.
VA Office, Oklahoma City 73102	Federal Building, 200 Northwest Fourth Street.
Hospital, Muskogee 74401	Memorial Station, Honor Heights Drive.
Hospital, Oklahoma City 73104	921 Northeast 13th Street.
OREGON	
Regional Office, Portland 97204	306 Southwest Fifth Avenue.
Domiciliary, White City 97501	Veterans Administration Domiciliary.
Hospital, Portland 97207	Sam Jackson Park.
Hospital, Roseburg 97470	Veterans Administration Hospital.

PENNSYLVANIA

Type of activity and location	Address
Center (Regional Office and Insurance), Philadelphia 19101. (Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Commonwealth of Puerto Rico (including Virgin Islands), Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia.)	5000 Wissahickon Avenue. Mail: Post Office Box 8079. Remittances: Post Office Box 7787.
VA Office, Wilkes-Barre 18701	19–27 North Main Street.
Regional Office, Pittsburgh 15222	1000 Liberty Avenue.
Hospital, Altoona 16603	Veterans Administration Hospital.
Hospital, Butler 16001	Do.
Hospital, Coatesville 19320	Do.
Hospital, Erie 16504	135 East 38th Street Boulevard.
Hospital, Lebanon 17042	Veterans Administration Hospital.
Hospital, Philadelphia 19104	University and Woodland Avenues.
Hospital, Pittsburgh 15206	Leech Farm Road.
Hospital, Pittsburgh 15240	University Drive.
Aspinwall Division	Mail: University Drive, Pittsburgh.
Pittsburgh Division	Do.
Hospital, Wilkes-Barre 18703	1111 East End Boulevard.
Outpatient Clinic, Philadelphia 19102	128 North Broad Street.
PHILIPPINE REPUBLIC	
Regional Office, Manila	1131 Roxas Boulevard. Mailing address: APO San Francisco, Calif. 96528.
PUERTO RICO, COMMONWEALTH OF (INCLUDING THE VIRGIN ISLANDS)	
Center (Regional Office and Hospital), San Juan 00901.	520 Ponce de Leon Avenue.
RHODE ISLAND	
Regional Office, Providence 02903	Federal Building, Kennedy Plaza.
Hospital, Providence 02908	Davis Park.
SOUTH CAROLINA	
Regional Office, Columbia 29201	1801 Assembly Street.
Hospital, Charleston 29403	109 Bee Street.
Hospital, Columbia 29201	Veterans Administration Hospital.
SOUTH DAKOTA	
Center (Regional Office and Hospital), Sioux Falls 57101.	Veterans Administration Center.
Hospital, Fort Meade 57741	Veterans Administration Hospital.
Center (Hospital and Domiciliary), Hot Springs 57747.	Veterans Administration Center.
TENNESSEE	
Regional Office, Nashville 37203	U.S. Courthouse, 801 Broadway.
Hospital, Memphis 38115	Park Avenue and Getwell Street.
Hospital, Murfreesboro 37130	Veterans Administration Hospital.

TENNESSEE—Continued

Type of activity and location	Address
Center (Hospital and Domiciliary), Mountain Home.	Mail: Veterans Administration Center, Mountain Home, Johnson City, Tenn. 37684.
Hospital, Nashville 37203	1310 24th Avenue South.
TEXAS	
Regional Office, Houston 77061	515 Rusk Avenue.
VA Office, San Antonio 78204	307 Dwyer Avenue.
Regional Office, Waco 76710	1400 North Valley Mills Drive.
VA Office, Dallas 75201	2206 Main Street.
VA Office, Lubbock 79401	1612–20 19th Street.
Hospital, Amarillo 79106	Veterans Administration Hospital.
Hospital, Big Spring 79720	Do.
Center (Hospital and Domiciliary), Bonham 75418.	Veterans Administration Center.
Hospital, Dallas 75216	4500 South Lancaster Road.
Hospital, Houston 77031	2002 Holcombe Boulevard.
Hospital, Kerrville 78028	Veterans Administration Hospital.
Hospital, Marlin 76661	Do.
Center (Hospital and Domiciliary), Temple 76501.	Veterans Administration Center.
Hospital, Waco 76703	Memorial Drive.
Outpatient Clinic, Lubbock 79401	1612–20 19th Street.
Outpatient Clinic, San Antonio 78204	307 Dwyer Avenue.
UTAH	
Regional Office, Salt Lake City 84111	125 South State Street.
Hospital, Salt Lake City 84113	Veterans Administration Hospital.
VERMONT	
Center (Regional Office and Hospital), White River Junction 05001.	Veterans Administration Center.
VIRGINIA	
Regional Office, Roanoke 24011	211 West Campbell Avenue.
Center (Hospital and Domiciliary), Hampton 23367.	Veterans Administration Center.
Hospital, Richmond 23219	1201 Broad Rock Road.
Hospital, Salem 24153	Veterans Administration Hospital.
WASHINGTON	
Regional Office, Seattle 98121	Sixth and Lenora Building.
Hospital, American Lake, Takoma 98493	Veterans Administration Hospital.
Hospital, Seattle 98108	4435 Beacon Avenue South.
Hospital, Spokane 99208	North 4815 Assembly Street.
Hospital, Vancouver 98663	Veterans Administration Hospital.
Hospital, Walla Walla 99362	Do.
WEST VIRGINIA	
Regional Office, Huntington 25701	502 Eighth Street.
Hospital, Beckley 25801	200 Veterans Avenue.
Hospital, Clarksburg 26301	Veterans Administration Hospital.
Hospital, Huntington 25701	1540 Spring Valley Drive.
Center (Hospital and Domiciliary), Martinsburg 25401.	Veterans Administration Center.
WISCONSIN	
Regional Office, Milwaukee 53203	342 North Water Street.
Hospital, Madison 53705	2500 Overlook Terrace.
Hospital, Tomah 54660	Veterans Administration Hospital.
Center (Hospital and Domiciliary), Wood 53193.	5000 West National Avenue.
WYOMING	
Center (Regional Office and Hospital), Cheyenne 82001.	2360 East Pershing Boulevard.
Hospital, Sheridan 82801	Veterans Administration Hospital.

By direction of the Administrator.

A. H. MONK,
Associate Deputy Administrator.

JUNE 29, 1967.

[F.R. Doc. 67-7354; Filed, July 3, 1967; 8:51 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 613]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 29, 1967.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR Part 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 2860 (Sub-No. 12 TA), filed June 27, 1967. Applicant: NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, N.J. 08360. Applicant's representatives: Brodsky, Linett, and Altman, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass or plastic containers, bottles, jars, pack glasses, and jelly tumblers, with or without caps, covers, stoppers or tops, and corrugated paper boxes or paper containers*, knocked down, when moving in mixed shipments with the above-described commodities, between Freehold, N.J., on the one hand, and, on the other, points in Massachusetts and New York; for 180 days. Supporting shipper: Brockway Glass Co., Inc., Brockway, Pa. Send protests to: Raymond T. Jones, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 410 Post Office Building, 402 East State Street, Trenton, N.J. 08608.

No. MC 55896 (Sub-No. 32 TA), filed June 27, 1967. Applicant: R–W SERVICE SYSTEM, INC., 4840 Wyoming Avenue, Dearborn, Mich. 48126. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the plantsites and warehouses of Rockwell-Standard Corp., at or near Winchester, Ky., on the one hand, and, on the other, points in Illinois, Indiana, Michigan, Missouri, Ohio, and Wisconsin; for 180 days. Supporting shipper: Rockwell-Standard Corp., Transmission and Axle Division, Winchester, Ky. 40391. Send protests to: Gerald J. Davis, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1110 Broderick Tower, 10 Witherell, Detroit, Mich., 48226.

No. MC 57688 (Sub-No. 4 TA) (Correction), filed May 23, 1967, published in FEDERAL REGISTER, issue of June 1, 1967, corrected, and republished as corrected, this issue. Applicant: CHICAGO & EASTERN ILLINOIS RAILROAD COMPANY, 646 Chicago Road, Chicago Heights, Ill. 60411. Applicant's representative: James H. Durkin (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (1) between Watseka and Villa Grove, Ill.: From Watseka over U.S. Highway 24 to junction Illinois Highway 49, thence over Illinois Highway 49 to junction U.S. Highway 36, thence over U.S. Highway 36 to junction Illinois Highway 130 at Camargo, Ill., thence over Illinois Highway 130 to Villa Grove, and return over the same route, serving the intermediate and off-route points of Ellis, Carlock, Coaler, Woodland, Bryce, Goodwine, Fountain Creek, Hustle, Reilly, Gerald, Dailey, Royal, Pauline, Glover, Tipton, Rutherford, Block, and Bongard, Ill.; (2) between Watseka and Danville, Ill.: From Watseka over U.S. Highway 24 to junction Illinois Highway 1, thence over Illinois Highway 1 to Danville, and return over the same route, serving the intermediate and off-route points of Milford, Wellington, Hoopeston, Canning Spur, Rossville, Carlock, Coaler, Woodland, Alvin, Bismarck and West Newell, Ill.; (3) between Danville and Villa Grove, Ill.: From Danville over Illinois Highway 1 to junction U.S. Highway 150, thence over U.S. Highway 150 to junction U.S. Highway 36 near Chrisman, thence over U.S. Highway 36 to junction Illinois Highway 130 at Camargo, thence over Illinois Highway 130 to Villa Grove, and return over the same route, serving the intermediate and off-route points of Westville, Bunsen, Switch, Maring, Grape Creek, Riols, Indianola, Scone, Sidell, Hastings, Allerton, Broadlands, Long View and Fairland, Ill.; (4) between Rossville and Sidell, Ill.:

From Rossville over Illinois Highway 1 to junction U.S. Highway 136, thence over U.S. Highway 136 to junction Illinois Highway 49, thence over Illinois Highway 49 to junction U.S. Highway 150, thence over U.S. Highway 150 to junction unnumbered highway at Muncie, Ill., thence over unnumbered highway to Sidell, and return over the same route, serving the intermediate and off-route points of Henning, Bennett, Ryan, Jamaica, Maizetown, Jamesburg, Collison, Brothers, and Bronson, Ill.; (5) between Dawson Park, Ill., and Cissna Park, Ill.: From Dawson Park over unnumbered highway to junction Illinois Highway 1 at Milford, Ill., thence over Illinois Highway 1 to junction unnumbered highway north of Wellington, Ill., thence over unnumbered highway to Cissna Park, and return over the same route, serving the intermediate and off-route points of Honeywell, Stockland, Crawford Switch, Milford, Alonzo, Hickman, Goodwine, and Claytonville, Ill.; (6) (a) between Villa Grove and Thebes, Ill.: From Villa Grove over unnumbered county highway to junction U.S. Highway 45 at Tuscola, Ill., thence over U.S. Highway 45 to junction Illinois Highway 133, thence over Illinois Highway 133 to junction Illinois Highway 32, thence over Illinois Highway 32 to junction unnumbered county highway near Bruce, Ill., thence over unnumbered county highway to junction Illinois Highway 128, thence over Illinois Highway 128 to Shelbyville, Ill., thence over Illinois Highway 16 to junction unnumbered county highway, thence over unnumbered county highway to junction Illinois Highway 33, thence over Illinois Highway 33 to junction Illinois Highway 128, thence over Illinois Highway 128 to junction U.S. Highway 40, thence over U.S. Highway 40 to Altamont, Ill., thence over U.S. Highway 40 to junction unnumbered county highway southwest of St. Elmo, Ill., thence over unnumbered county highway to junction Illinois Highway 185 (also: from Shelbyville, Ill., over Illinois Highway 16 to junction Illinois Highway 32, thence over Illinois Highway 32 to junction U.S. Highway 40 at Effingham, Ill., thence over U.S. Highway 40 through Altamont, Ill., and St. Elmo, Ill., to junction Illinois Highway 185, thence over Illinois Highway 185 to Loogootee, Ill.), thence over Illinois Highway 185 to junction Illinois Highway 37, thence over Illinois Highway 37 to junction unnumbered county highway south of Joppa Junction, thence over unnumbered county highway to junction U.S. Highway 51 at Wetaugh, Ill., thence over U.S. Highway 51 to junction unnumbered county highway at Ullin, Ill., thence over unnumbered county highway to junction Illinois Highway 127, thence over Illinois Highway 127 to junction unnumbered county highway at Tamms, Ill., thence over unnumbered county highway to junction Illinois Highway 3, thence over Illinois Highway 3 to Thebes, Ill. (also: from Joppa Junction over Illinois Highway 37 to junction unnumbered county highway north of Grand Chain, Ill., thence over unnumbered county highway to junction Illinois Highway 127, thence over Illinois Highway 127 to junction Illinois Highway 3, thence over Illinois Highway 3 to Olive Branch); and

(b) Between Joppa Junction and Joppa, Ill.: From Joppa Junction over Illinois Highway 37 to junction Illinois Highway 169, thence over Illinois Highway 169 to junction U.S. Highway 45, thence over U.S. Highway 45 to junction unnumbered county highway south of Choat, Ill., thence over unnumbered county highway to Joppa, Ill., and return over the same route routes, serving the intermediate and off-route points of West Ridge, Tuscola, Craigs, Bourbon, Arthur, Cadwell, Chipps, Sullivan, Kirksville, Findlay, Shelbyville, Clarksburg, Mode, Holland, Moccasin, Altamont, St. Elmo, St. James, Loogootee, St. Peter, Kinmundy, Brubaker, Salem, Carter, Kell, Texico, Mount Vernon, Bonnie, Ina, Whittington, Benton, Orient, West Frankfort, Johnston City, Marion, Goreville, Buncombe, West Vienna, Cypress, Joppa Junction, Oberts, Perks, Ullin, Tamms, Olive Branch, Fayville, Chasco, Mains, Spur, Karnak, and Boaz, Ill., in connection with (a) and (b) above; (7) between Findlay and East St. Louis, Ill.: From Findlay over unnumbered county highway to junction Illinois Highway 128, thence over Illinois Highway 128 to junction unnumbered county highway, thence over unnumbered county highway through Westervelt and Henton, Ill., to Dollville, Ill., thence over unnumbered county highway to junction Illinois Highway 16 (also: from Findlay over unnumbered county highway to junction Illinois Highway 128, thence over Illinois Highway 128 to junction Illinois Highway 16, thence over Illinois Highway 16 to Pana, Ill.), thence over Illinois Highway 16 through Tower Hill, Pana, Rosamon, Nokomis, Witt, and Irving, Ill., to junction Illinois Highway 127 at Hillsboro, Ill., thence over Illinois Highway 127 to Taylor Springs, thence over Illinois Highway 127 to junction Illinois Highway 16 at Hillsboro, thence over Illinois Highway 16 to junction U.S. Highway 66, between Hamel, Ill., and intersection Illinois State line and U.S. Highway Bypass 40 and Bypass 66; between junction U.S. Highway Bypass 66 and U.S. Highway 66 at Hamel, Ill., and intersection Illinois State line and Interstate Highways 55 and 70 over U.S. Highway 66 and Interstate Highways 55 and 70; between junction U.S. Highway Bypass 66 and U.S. Highway 66 at Hamel, Ill., and intersection of Illinois State line and U.S. Highway 66 and Interstate Highways 55 and 70; between junction Illinois Highway 111 and U.S. Highway Bypass 40 and Bypass 66 and junction Illinois Highway 11 and Interstate Highways 55 and 70 over Illinois Highway 111; between junction Illinois Highway 111 and Illinois Highway 162 and intersection of Illinois State line and Main St., Venice, Ill., at McKinley Bridge over Illinois Highway 3, thence over U.S. Highway Alternate 67 to junction Illinois Highway 3 into Venice, Ill., thence over Broadway to Main Street, thence over Main Street and over McKinley Bridge to East St. Louis, and return over the same route, serving the intermediate and off-route points of Westervelt, Henton, Dollville, Pana, Rosamond, Ohlman, Nokomis, Witt, Irving, Hillsboro, Taylor Springs, Livingston, Mitchell Yard, Mitchell, Nameoki, Granite City, and Madison, Ill.; and

(8) Between Chicago, and Watseka, Ill.: From Chicago at 12th and Clark Streets, thence over 12th Street to junction Wabash Avenue, thence over Wabash Avenue to 63d Street, thence over 63d Street to State Street, thence over State Street to 95th Street (also: from Clark and Taylor Streets over Taylor Street to junction State Street, thence over State Street to junction 95th Street), thence on 95th Street to Michigan Avenue, thence over Michigan Avenue to 126th Street, Kensington, thence over 126th Street to junction Indiana Avenue, thence over Indiana Avenue to junction Leyden Avenue, thence over Leyden Avenue to junction South Park Avenue, thence over South Park Avenue through South Holland to junction Eleanor Street, Thornton, thence over Eleanor Street to junction Illinois Highway 83 (also: from junction 126th Street and Indiana Avenue over Indiana Avenue to junction Illinois Highway 83, thence over Illinois Highway 83 to Thornton), thence over Illinois Highway 83 through Thornton and Glenwood to junction unnumbered highway (known as Glenwood-Chicago Heights Road), thence over unnumbered highway (known as Glenwood-Chicago Heights Road) to junction Illinois Highway 1, thence over Illinois Highway 1 to junction 14th Street, Chicago Heights, thence over 14th Street to junction East End Avenue, thence over East End Avenue

through South Chicago Heights and Steger to junction Illinois Highway 1, thence over Illinois Highway 1 through Crete, Goodenow, Beecher, Grant Park and Momence, to junction unnumbered highway south of Momence, thence over unnumbered highway to Wichert, thence over unnumbered highway to junction Illinois Highway 1, thence over Illinois Highway 1 through St. Anne, to junction unnumbered highway south of St. Anne, thence over unnumbered highway to Parineau, thence over said unnumbered highway to junction Illinois Highway 1, thence over Illinois Highway 1 through Martinton to junction unnumbered highway south of Martinton, thence over said unnumbered highway to Pittwood, thence over said unnumbered highway to Illinois Highway 1, thence over Illinois Highway 1 to Watseka, and return over the same route, serving the intermediate and off-route points to Kensington, Dolton, South Holland, Thorn, Chicago Heights, South Chicago Heights, Steger, Crete, Goodenow, Beecher, Grant Park, Momence, Wichert, St. Anne, Papineau, Martinton, and Pittwood, Ill.

NOTE: Duration of temporary authority: 150 days. Applicant states that the Commission's order authorizing the Missouri Pacific Railroad Co. to acquire stock control of applicant has been affirmed by the Supreme Court, thus this application. The Louisville & Nashville Railroad Co. has beneficial ownership of 275,464 shares of applicant's stock out of 1,297,006,798 shares. Applicant states that it intends to tack and interline with other carriers at Chicago and East St. Louis, Ill. The purpose of this republication is to set forth applicant's intention to tack and interline, previously inadvertently omitted. Supporting shippers: There are 56 shippers' supporting statements attached to application which may be examined at the Interstate Commerce Commission in Washington, D.C., or at the field office named below. Send protests to: Roger L. Buchanan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, U.S. Courthouse and Federal Office Building, Room 1086, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 95876 (Sub-No. 67 TA), filed June 27, 1967. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, Post Office Box 844, St. Cloud, Minn. 56301. Applicant's representative: Donald A. Morken, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sectional wooden fencing, wood sections, wood posts, wood rails, and accessories* used in the installation thereof, from points in Amberg Township, Marinette County, Wis., to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, and Wyoming; for 180 days. Supporting shipper: M & M Rustic Fence, Inc., Amberg, Wis. Send protests to: C. H. Bergquist, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 109435 (Sub-No. 47 TA), filed June 27, 1967. Applicant: ELLSWORTH BROS. TRUCK LINE, INC., Post Office Drawer J, 116 North Allied Road, Stroud, Okla. 74079. Applicant's representative: Hugh Smothers (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in packages, from Ada, Okla., to points in Texas; for 150 days. Supporting shipper: Ideal Cement Co., 821 17th Street, Denver, Colo. 80202 (Paul S. Barnett, General Traffic Manager). Send protests to: C. L. Phillips, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 350, American General Building, 210 Northwest Sixth, Oklahoma City, Okla. 73102.

No. MC 119317 (Sub-No. 26 TA), filed June 27, 1967. Applicant: GROSS AND SONS TRANSPORT COMPANY, 10929 Winner Road, Post Office Box 665, Independence, Mo. 64052. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, Mo. 64106. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products and related items*, between Lubbock, El Paso, Houston, Dallas, Fort Worth, Austin, San Antonio, Amarillo, and Corpus Christi, Tex.; Louisville, Ky.; Warrensburg, St. Joseph, La Plata, Jefferson City, and Sedalia, Mo.; Denver, Colo.; Topeka and Wichita, Kans.; Chicago and Peoria, Ill.; Lincoln, Columbus, Grand Island, Norfolk, and Omaha, Nebr.; Hamilton, Ohio; Albuquerque, N. Mex.; Kansas City, St. Louis, Springfield, Butler, Higginsville, Joplin, and Columbia, Mo.; Memphis and Nashville, Tenn.; Huntington, Ind.; Phoenix and Tucson, Ariz.; Oklahoma City and Tulsa, Okla.; and Des Moines, Sioux City, Griswold, Corning, Shenandoah, Atlantic, Creston, and Fort Dodge, Iowa; under a continuing contract with Sealtest Foods Division of National Dairy Products Corp.; for 150 days. Supporting shipper: Sealtest Foods Division of National Dairy Products Corp., 3805 Van Brunt Extension, Kansas City, Mo. 64128. Send protests to: Vernon V. Coble, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1100 Federal Office Building, 911 Walnut, Kansas City, Mo. 64106.

No. MC 123372 (Sub-No. 13 TA), filed June 27, 1967. Applicant: CARTAGE SERVICES, INC., 26380 Van Born Road, Dearborn Heights, Mich. 48125. Applicant's representative: Frank J. Kerwin, Jr., 900 Guardian Building, Detroit, Mich. 48226. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from South Bend, Ind., to points in Illinois; under a continuing contract or contracts with Drewrys Limited U.S.A., Inc.; for 180 days. Supporting shipper: Drewrys Limited U.S.A., Inc., South Bend, Ind. Send protests to: Gerald J. Davis, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1110 Broderick Tower, 10 Witherell, Detroit, Mich. 48226.

No. MC 124813 (Sub-No. 39 TA), filed June 27, 1967. Applicant: UMTHUN TRUCKING CO., 910 South Jackson Street, Eagle Grove, Iowa 50533. Applicant's representative: William A. Landau, 1307 East Walnut Street, Post Office Box 1634, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed ingredients* (other than liquid), from Dubuque, Iowa, to points in Illinois, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin; for 180 days. Supporting shipper: International Minerals & Chemical Corp., Administrative Center, Skokie, Ill. 60078. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 227 Federal Office Building, Des Moines, Iowa 50309.

No. MC 128936 (Sub-No. 1 TA), filed June 27, 1967. Applicant: JOHN DAVIS AND RICHARD SELLAND, doing business as AUTO TRANSPORT, 2767 13th SW., Seattle, Wash. 98134. Applicant's representative: Boyd Hartman, Suite 1010, Dexter Horton Building, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pickup trucks*, between points in Washington, Oregon, Montana, and Idaho; for 180 days. Supporting shippers: Nissan Motor Corp. (DATSUN), 4832 Southwest Scholls Ferry Road, Portland, Oreg. 97225; and American Lease Co., 1112 Howell Street, Seattle, Wash. 98101. Send protests to: E. J. Casey, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 129202 TA, filed June 27, 1967. Applicant: LUNN-BRUNO TRUCKING, INC., Margaretville, N.Y. 12455. Applicant's representative: Harold A. Kleinfeld, First National Bank Building, Fleischmanns, N.Y. 12430. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Logs, timber, wood veneer and wood products*, from Fleischmanns, N.Y., to New Freedom, Pa.; for 180 days. Supporting shipper: Williamson Veneer Co., New Freedom, Pa. Send protests to: Charles F. Jacobs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 215-217 Post Office Building, Binghamton, N.Y. 13902.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-7644; Filed, July 3, 1967; 8:52 a.m.]

[Notice 2]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 29, 1967.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 279), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-69658. By order of June 23, 1967, the Transfer Board approved the transfer to Smith's Transfer & Storage Co., Inc., 1313 U Street NW., Washington, D.C. 20009; of certificate in No. MC-2280, issued October 18, 1949, to Smith's Van & Transport Co., Inc., 1313 U Street NW., Washington, D.C. 20009; authorizing the transportation of: Household goods, between Washington, D.C., on the one hand, and, on the other, points in Maryland, Delaware, Virginia, and specified points in Pennsylvania and West Virginia.

No. MC-FC-69659. By order of June 23, 1967, the Transfer Board approved the transfer to Edward D. Walker and David E. Walker, a partnership doing business as D. E. Walker and Son, North Wales, Pa., of certificate in No. MC-30550, issued December 22, 1965, to Fred Horn, Inc., North Wales, Pa., authorizing the transportation of: Household goods, between points in Montgomery County, Pa., on the one hand, and, on the other, points in New Jersey, Delaware, Maryland, and the District of Columbia; and, Iron and steel castings, hand trucks, machinery, and asbestos waste, between North Wales, Pa., on the one hand, and on the other, points in New Jersey. William R. Cooper II, 329 West Main Street, Lansdale, Pa. 19446, attorney for applicants.

No. MC-FC-69660. By order of June 22, 1967, the Transfer Board approved the transfer to State Transport Inc., Woburn, Mass., of certificate of registration in No. MC-99350 (Sub-No. 1), issued July 8, 1965, to Bernard J. Salvador, Jr., Cohasset, Mass., authorizing the transportation of general commodities within the Commonwealth of Massachusetts. Mary E. Kelley, 10 Tremont Street, Boston, Mass. 02108, attorney for Transferee, and Robert J. Gallagher, 111 State Street, Boston, Mass., attorney for Transferor.

No. MC-FC-69731. By order of June 27, 1967, the Transfer Board approved the transfer to Gower Horse Transportation, Inc., Allentown, N.J., of the operating rights of Switt Horse Transportation, Inc., Crosswicks, N.J., in certificate No. MC-126277, issued August 25, 1964, authorizing the transportation of livestock, other than ordinary livestock, and, in connection therewith, personal effects of their attendants, and supplies, and equipment used in the care or exhibition of such animals, over irregular routes, between points in New Jersey, on the one hand, and, on the other, points in New York, Pennsylvania, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, Maine, New Jersey, Delaware, Maryland, Virginia, Kentucky, West Virginia, South Carolina, Georgia, and the District of Columbia. Martin Werner, 2 West 45th Street, New York, N.Y. 10036, attorney for Transferor. Barclay P. Malsbury, 12 North Main Street, Allentown, N.J. 08501, attorney for Transferee.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-7645; Filed, July 3, 1967; 8:53 a.m.]

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The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during July.

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PART II

The President



Executive Order 11360

Amending the Selective Service Regulations

THE PRESIDENT

Executive Order 11360

AMENDING THE SELECTIVE SERVICE REGULATIONS

By virtue of the authority vested in me by the Military Selective Service Act of 1967 (62 Stat. 604), as amended, I hereby prescribe the following amendments of the Selective Service Regulations prescribed by Executive Orders No. 9979 of July 20, 1948, No. 9988 of August 20, 1948, No. 10008 of October 18, 1948, No. 10001 of September 17, 1948, No. 10202 of January 12, 1951, No. 10292 of September 25, 1951, No. 10363 of June 17, 1952, No. 10366 of June 26, 1952, No. 10469 of July 11, 1953, No. 10562 of September 20, 1954, No. 10659 of February 15, 1956, No. 10714 of June 13, 1957, No. 10735 of October 17, 1957, No. 10809 of March 19, 1959, No. 10984 of January 5, 1962, No. 11098 of March 14, 1963, No. 11188 of November 17, 1964, No. 11241 of August 26, 1965, No. 11266 of January 18, 1966, and No. 11350 of May 3, 1967, and constituting portions of Chapter XVI of Title 32 of the Code of Federal Regulations:

1. The term "Military Selective Service Act of 1967" shall be substituted for "Universal Military Training and Service Act, as amended," wherever the latter appears in the Selective Service Regulations.

2. The term "Environmental Science Services Administration" shall be substituted for "Coast and Geodetic Survey" wherever the latter appears in the Selective Service Regulations.

3. Part 1604, *Selective Service Officers*, is amended as follows:

(a) Section 1604.22, Composition and Appointment, is amended to read as follows:

"For each appeal board area an appeal board, normally of five members, shall be appointed by the President, upon recommendation of the Governor. The members shall be citizens of the United States who are not members of the armed forces or any reserve component thereof; they shall be residents of the area in which their board is appointed; and they shall be at least 30 years of age. No member shall serve on an appeal board for more than twenty-five years, or after he has attained the age of seventy-five years. The appeal board should be a composite board, representative of the activities of its area, and as such should include one member from labor, one member from industry, one physician, one lawyer, and, where applicable, one member from agriculture. If the number of appeals sent to the board becomes too great for the board to handle without undue delay, additional panels of five members similarly constituted shall be appointed to the board by the President, upon recommendation of the Governor. Each such panel shall have full authority to act on all cases assigned to it. Each panel shall act separately. The State Director of Selective Service shall coordinate the work of all the panels to effect an equitable distribution of the workload."

(b) Section 1604.52, Composition and Appointment, is amended by:

(1) Amending paragraph (c) to read as follows:

"(c) The members of local boards shall be citizens of the United States who shall be residents of a county in which their local board has jurisdiction and who shall also, if at all practicable, be residents of the area in which their local board has jurisdiction. No member of a local board shall be a member of the armed forces or any reserve component thereof. Members of local boards shall be at least 30 years of age."

(2) Adding at the end a new paragraph (d) to read as follows:

"(d) No member shall serve on any local board for more than twenty-five years, or after he has attained the age of seventy-five years."

(c) Section 1604.71, Appointment and Duties, is amended as follows:

(1) Paragraph (c) is amended to read as follows:

"(c) Each government appeal agent and associate government appeal agent shall be, whenever possible, a person with legal training and experience."

(2) A new paragraph (e) is added, to read as follows:

"(e) The State Director of Selective Service may authorize any duly appointed government appeal agent or associate government appeal agent to perform such duties for any local board within the state."

4. Part 1611, *Duty and Responsibility to Register*, is amended as follows:

(a) Paragraph (a) of section 1611.2, Persons Not Required to be Registered, is amended to read as follows:

"(a) Under the provisions of section 6(a) of the Military Selective Service Act of 1967 the following persons are not required to be registered;

"(1) Commissioned officers, warrant officers, pay clerks, enlisted men, and aviation cadets of the Regular Army, the Navy, the Air Force, the Marine Corps, the Coast Guard, the Environmental Science Services Administration, and the Public Health Service;

"(2) cadets, United States Military Academy;

"(3) midshipmen, United States Navy;

"(4) cadets, United States Air Force Academy;

"(5) cadets, United States Coast Guard Academy;

"(6) midshipmen, Merchant Marine Reserve, United States Naval Reserves;

"(7) students enrolled in an officer procurement program at military colleges the curriculum of which is approved by the Secretary of Defense;

"(8) members of the reserve components of the Armed Forces, the Coast Guard, and the Public Health Service, while on active duty, provided that such active duty in the Public Health Service that commences after the enactment of the Military Selective Service Act of 1967 is performed by members of the Reserve of the Public Health Service while assigned to staff any of the various offices and bureaus of the Public Health Service, including the National Institutes of Health, or while assigned to the Coast Guard, the Bureau of Prisons of the Department of Justice, or the Environmental Science Services Administration; and

"(9) foreign diplomatic representatives, technical attaches of foreign embassies and legations, consuls general, consuls, vice consuls and other consular agents of foreign countries who are not citizens of the United States, and members of their families."

(b) Section 1611.5, Registration of Certain Persons Entering the United States, is amended by striking paragraph (a) and redesignating the provisions of the present paragraph (b) as section 1611.5.

5. Part 1622, *Classification Rules and Principles*, is amended as follows:

(a) Section 1622.1, General Principles of Classification, is amended as follows:

(1) Paragraph (a) is amended to read as follows:

"(a)(1) Primary liability for military training and service provided by the selective service law is placed on those persons in the following categories who are between the ages of 18 years and 6 months and 26 years:

"(i) Every male citizen of the United States;

"(ii) Every male alien admitted to the United States for permanent residence; and

"(iii) Every male alien who has remained in the United States in a status other than that of a permanent resident for a period or periods totaling one year.

"(2) Persons who on June 19, 1951, or thereafter were deferred under the provisions of section 6(c)(2)(A) of the Act that were in effect prior to September 3, 1963, remain liable for training and service until they attain age 28.

"(3) Persons whose liability for training and service is extended by the Act to age 35 are:—

"(i) persons in a medical, dental or allied specialist category, and

"(ii) persons who on June 19, 1951, were, or thereafter are, deferred under any other provisions of section 6 of the Act.

(2) A new paragraph (e) is prescribed, to read as follows:

"(e) Notwithstanding any other provision of law, any registrant who has failed or refused to report for induction shall continue to remain liable for induction, and when available shall be immediately inducted."

(b) Section 1622.11, Class I-A-O: Conscientious Objector Available for Noncombatant Military Service Only, is amended by deleting paragraph (b) thereof, and paragraph (a) is redesignated as section 1622.11.

(c) Paragraph (d) of section 1622.12, Class I-C: Member of the Armed Forces of the United States, the Environmental Science Services Administration, or the Public Health Service, is amended to read as follows:

"(d) Exclusive of periods for training only, every registrant who is a member of a reserve component of the Armed Forces and is on active duty, and every member of the Reserve of the Public Health Service on duty prior to the enactment of the Military Selective Service Act of 1967 or who after such enactment is on active duty and assigned to staff the various offices and bureaus of the Public Health Service including the National Institutes of Health, or assigned to the Coast Guard, or the Bureau of Prisons of the Department of Justice, or the Environmental Science Services Administration."

(d) Paragraph (f) of section 1622.13, Class I-D: Member of Reserve Component or Student Taking Military Training, is amended to read as follows:

"(f) In Class I-D shall be placed any registrant, other than a registrant referred to in paragraph (b) or (g) of this section, who—

"(1) prior to the issuance of orders for him to report for induction; or

"(2) prior to the date scheduled for his induction and pursuant to a proclamation by the Governor of a State to the effect that the authorized strength of any unit of the National Guard of that State cannot be maintained by the enlistment or appointment of persons who have not been issued orders to report for induction; or

"(3) prior to the date scheduled for his induction and pursuant to a determination by the President that the strength of the Ready Reserve of the Army Reserve, Naval Reserve, Marine Corps Reserve, Air Force Reserve, or Coast Guard Reserve cannot be maintained by the enlistment or appointment of persons who have not been issued orders to report for induction;

enlists or accepts appointment, before attaining the age of 26 years, in

the Ready Reserve of any Reserve component of the Armed Forces, the Army National Guard, or the Air National Guard. Such registrant shall remain eligible for Class I–D so long as he serves satisfactorily as a member of an organized unit of such Ready Reserve or National Guard, or satisfactorily performs such other Ready Reserve service as may be prescribed by the Secretary of Defense, or serves satisfactorily as a member of the Ready Reserve of another reserve component, the Army National Guard, or the Air National Guard, as the case may be."

(e) Paragraph (b) of section 1622.14, Class I–O: Conscientious Objector Available for Civilian Work Contributing to the Maintenance of the National Health, Safety, or Interest, is hereby rescinded, and paragraph (a) is redesignated as section 1622.14.

(f) Paragraph (b) of section 1622.15, Class I–S: Student Deferred by Statute, is amended to read as follows:

"(b) In Class I–S shall be placed any registrant who while satisfactorily pursuing a full-time course of instruction at a college, university or similar institution of learning and during his academic year at such institution is ordered to report for induction, except that no registrant shall be placed in Class I–S under the provisions of this paragraph

"(1) who has previously been placed in Class I–S thereunder or

"(2) who has been deferred as a student in Class II–S and has received his baccalaureate degree.

A registrant who is placed in Class I–S under the provision of this paragraph shall be retained in Class I–S

"(1) until the end of his academic year or

"(2) until he ceases satisfactorily to pursue such course of instruction, whichever is the earlier.

The date of the classification in Class I–S and the date of its termination shall be entered in the "Remarks" column of the Classification Record (SSS Form 102) and be identified on that record as Class I–S(C)."

(g) Section 1622.22, Class II–A: Registrant Deferred Because of Civilian Occupation (Except Agriculture and Activity in Study), is amended by designating the present provisions thereof as paragraph (a) and by adding thereto a new paragraph (b), to read as follows:

"(b) In Class II–A shall be placed any registrant who is preparing for critical skills and other essential occupations as identified by the Director of Selective Service upon the advice of the National Security Council."

(h) Paragraph (c) of section 1622.23, Necessary Employment Defined, is amended to read as follows:

"(c) The Director of Selective Service may from time to time, upon the advice of the National Security Council, identify needed professional and scientific personnel and those engaged in and preparing for critical skills and other essential occupations."

(i) Section 1622.24, Class II–C: Registrant Deferred Because of Agricultural Occupation, is amended by rescinding paragraph (c) thereof.

(j) Section 1622.25, Class II–S: Registrant Deferred Because of Activity in Study, is amended to read as follows:

"(a) In Class II–S shall be placed any registrant who has requested such deferment and who is satisfactorily pursuing a full-time course of instruction at a college, university, or similar institution of learning, such deferment to continue until such registrant completes the requirement for his baccalaureate degree, fails to pursue satisfactorily a full-time course of instruction, or attains the twenty-fourth anniversary of the date of his birth, whichever occurs first.

"(b) In determining eligibility for deferment in Class II–S, a student's 'academic year' shall include the 12-month period following the beginning of his course of study.

"(c) A student shall be deemed to be 'satisfactorily pursuing a full-time course of instruction' when, during his academic year, he has earned, as a minimum, credits toward his degree which, when added to any credits earned during prior academic years, represent a proportion of the total number required to earn his degree at least equal to the proportion which the number of academic years completed bears to the normal number of years established by the school to obtain such degree. For example, a student pursuing a four-year course should have earned 25% of the credits required for his baccalaureate degree at the end of his first academic year, 50% at the end of his second academic year, and 75% at the end of his third academic year.

"(d) It shall be the registrant's duty to provide the local board each year with evidence that he is satisfactorily pursuing a full-time course of instruction at a college, university, or similar institution of learning."

(k) Section 1622.26, Class II–S: Registrant Deferred Because of Activity in Graduate Study, is hereby prescribed, to read as follows:

"(a) In Class II–S shall be placed any registrant who is satisfactorily pursuing a course of graduate study in medicine, dentistry, veterinary medicine, osteopathy or optometry, or in such other subjects necessary to the maintenance of the national health, safety, or interest as are identified by the Director of Selective Service upon the advice of the National Security Council.

"(b) Any registrant who is entering his second or subsequent year of post-baccalaureate study without interruption on October 1, 1967, may be placed in Class II–S if his school certifies that he is satisfactorily pursuing a full-time course of instruction leading to his degree; but such registrant shall not be deferred for a course of study leading to a master's degree or the equivalent for more than one additional year, or for a course of studying leading to a doctoral or professional degree or the equivalent (or combination of master's and doctoral degrees) for more than a total of five years, inclusive of the years already used in such course of study, or for one additional year, whichever is greater. Any registrant enrolled for his first year of post-baccalaureate study in a graduate school or a professional school on October 1, 1967, or accepted for admission involving enrolled status on October 1, 1967, may be placed in Class II–S if he has entered the first class commencing after the date he completed the requirements for admission and shall be deferred for one academic year only, or until he ceases satisfactorily to pursue such course of instruction, whichever is the earlier."

(l) Paragraph (a) of section 1622.30, Class III–A: Registrant With a Child or Children; and Registrant Deferred by Reason of Extreme Hardship to Dependents, is amended to read as follows:

"(a) In Class III–A shall be placed any registrant who has a child or children with whom he maintains a bona fide family relationship in their home and who is not a physician, dentist or veterinarian, or who is not in an allied specialist category which may be announced by the Director of Selective Service after being advised by the Secretary of Defense that a special requisition under authority of section 1631.4 of these regulations will be issued by the delivery of registrants in such category, except that a registrant who is classified in Class II–S after the date of enactment of the Military Selective Service Act of 1967 shall not be eligible for classification in Class III–A under the provisions of this paragraph."

(m) Section 1622.40, Class IV–A: Registrant Who Has Completed Service; Sole Surviving Son, is amended by:

(1) Amending subparagraph (3) of paragraph (a) to read as follows:

"(3) A registrant who has served on active duty for a period of not less than twenty-four months as a commissioned officer in the Environmental Science Services Administration or in the Public Health Service, provided that such period of active duty in the Public Health

Service as a commissioned reserve officer commencing after the date of enactment of the Military Selective Service Act of 1967 shall have been performed by the registrant while assigned to staff any of the various offices and bureaus of the Public Health Service including the National Institutes of Health, or while assigned to the Coast Guard, or the Bureau of Prisons of the Department of Justice, or the Environmental Science Services Administration."

(2) Amending paragraph (b) by adding at the end thereof a new subparagraph (6), to read as follows:

"(6) Periods of active duty of members of the Reserve of the Public Health Service commencing after the date of enactment of the Military Selective Service Act of 1967 other than when assigned to staff any of the various offices and bureaus of the Public Health Service, including the National Institutes of Health, or the Coast Guard or the Bureau of Prisons of the Department of Justice, or the Environmental Science Services Administration."

(n) Section 1622.42, Class IV–C: Aliens, is amended by adding thereto a new paragraph (d), to read as follows:

"(d) In Class IV–C shall be placed an alien who has registered at a time when he was required by the selective service law to present himself for and submit to registration and thereafter has acquired status within one of the groups of persons exempt from registration."

(o) Paragraph (a) and (b) of section 1622.50, Class V–A: Registrant Over the Age of Liability for Military Service, are amended to read as follows:

"(a) In Class V–A shall be placed every registrant who has attained the twenty-sixth anniversary of the day of his birth except—

"(1) those registrants who are in active military service in the armed forces and are in Class I–C,

"(2) those registrants who are performing civilian work contributing to the maintenance of the national health, safety, or interest in accordance with the order of the local board and are in Class I–W,

"(3) those registrants who have consented to induction,

"(4) those registrants who on June 19, 1951, or at any time thereafter, were deferred under the provisions of section 6 of the Military Selective Service Act of 1967, and

"(5) registrants who are in a medical, dental, or allied specialist category."

"(b) In Class V–A shall be placed every registrant who has attained the twenty-eighth anniversary of the day of his birth except—

"(1) those registrants who are in active military service in the armed forces and are in Class I–C,

"(2) those registrants who are performing civilian work contributing to the maintenance of the national health, safety, or interest in accordance with the order of the local board and are in Class I–W,

"(3) those registrants who have consented to induction,

"(4) those registrants who on June 19, 1951, or at any time thereafter, were deferred under any provisions of section 6 of the Military Selective Service Act of 1967 other than the provisions of subsection (c)(2)(A) of such section which were in effect prior to September 3, 1963, and

"(5) those registrants who are in a medical, dental, or allied specialist category."

6. Part 1626, *Appeal to Appeal Board*, is amended as follows:

(a) Subparagraph (3) and (4) of paragraph (b) of section 1626.24, Review by Appeal Board, are rescinded.

(b) Section 1626.25, Special Provisions When Appeal Involves Claim that Registrant Is a Conscientious Objector, is hereby rescinded.

7. Paragraph (a) of section 1630.4, of Part 1630, *Volunteers*, is amended to read as follows:

"(a) Disregarding all other grounds for deferment, he would be classified in Class II–A, Class II–C, or Class III–A;"

8. Part 1631, *Quotas and Calls*, is amended as follows:

(a) Section 1631.4, Calls by the Secretary of Defense, is amended to read as follows:

"(a) The Secretary of Defense may from time to time place with the Director of Selective Service a call or requisition for a specified number of men required for induction into the Armed Forces. The Secretary of Defense may also from time to time place with the Director of Selective Service a call or requisition for a specified number of men in any medical, dental, or allied specialist category required for induction into the Armed Forces.

"(b) When future needs of the Armed Forces may require it, the Secretary of Defense also may from time to time place with the Director of Selective Service a call or requisition for a specified number of men for induction into the Armed Forces, designating the age group or groups from which such men shall be selected.

"(c) All registrants born within any calendar year shall constitute an age group within the meeting of this section.

"(d) The Secretary of Defense shall present such calls or requisition to the Director of Selective Service not less than 60 days prior to the period during which the delivery and induction of such men are to be accomplished."

(b) Paragraph (a) of section 1631.5, Calls by the Director of Selective Service, is amended to read as follows:

"(a) The Director of Selective Service shall, upon receipt of a call or requisition from the Secretary of Defense for a specified number of men to be inducted into the Armed Forces, allocate such call or requisition among the several States."

(c) Section 1631.7, Action by Local Board Upon Receipt of Notice of Call, is amended as follows:

(1) Paragraph (a) is amended by adding the phrase, "When a call is placed without designation of age group or groups," immediately before the phrase "Each local board * * *" at the beginning of the first sentence so that the beginning will read as follows: "When a call is placed without designation of age group or groups, each local board, upon receiving a * * *"; and is further amended by striking from the second proviso thereof the phrase "if an appeal is not pending in his case and the period during which an appeal may be taken has expired," so that the beginning of the second proviso will read as follows: "*And provided further*, That a registrant classified in Class I–A or Class I–A–O who has volunteered for induction may be selected and ordered for induction * * *."

(2) Paragraph (b) is redesignated as paragraph (c) and a new paragraph (b) is prescribed to read as follows:

"(b) When a call is placed with designation of age group or groups, each local board, upon receiving a Notice of Call on Local Board (SSS Form 201) from the State Director of Selective Service for a specified number of men to be delivered for induction, shall select and order to report for induction the number of men required to fill the call from among its registrants who have been classified in Class I–A and Class I–A–O and who have been found acceptable for service in the Armed Forces and to whom the local board has mailed a Statement of Acceptability (DD Form 62) at least 21 days before the date fixed for induction; *Provided*, That a registrant classified in Class I–A or Class I–A–O who is a delinquent may be selected and ordered to report for induction to fill an induction call notwithstanding the fact that he has not been found acceptable for service in the Armed Forces and has not been mailed a Statement of Acceptability (DD Form 62); *And provided further*, That a registrant classified in Class I–A or

Class I–A–O who has volunteered for induction may be selected and ordered to report for induction notwithstanding the fact that he has not been found acceptable for service in the Armed Forces and regardless of whether a Statement of Acceptability (DD Form 62) has been mailed to him. Such registrants shall be selected and ordered to report for induction in the following order:

"(1) Delinquents who have attained the age of 19 years in the order of their dates of birth with the oldest being selected first.

"(2) Volunteers who have not attained the age of 26 years in the sequence in which they have volunteered for induction.

"(3) Registrants in the designated age group; and registrants who previously have been deferred in Class I–S–C after attaining the age of 19 years, or who have requested and have been granted a deferment in Class II–S after the enactment of the Military Selective Service Act of 1967, and who are no longer so deferred, shall be considered as being within the age group called regardless of their actual age. These registrants shall be integrated and called according to the month and day of their birth, the oldest first. Registrants who have been deferred in Class I–S–C or Class II–S and have been integrated with a prime age group under the provisions of this paragraph shall, for the purposes of selection and call, thereafter be considered a member of such age group."

(d) Section 1631.8, Registrants Who Shall Be Inducted Without Calls, is amended by adding at the end thereof a new paragraph (c), to read as follows:

"(c) Notwithstanding any other provision of law, any registrant who has failed or refused to report for induction shall continue to remain liable for induction and when available shall be immediately inducted."

9. Subparagraph (3) of paragraph (b) of section 1632.20 of Part 1632, *Delivery and Induction*, is amended to read as follows:

"(3) For each registrant found not qualified for service in the Armed Forces, file the original Record of Induction (DD Form 47), the original Report of Medical Examination (Standard Form 88), the copy of the Report of Medical History (Standard Form 89) and any copy of the Application for Voluntary Induction (SSS Form 254) in the Cover Sheet (SSS Form 101) and forward to the State Director of Selective Service the copy of the Record of Induction (DD Form 47)."

10. Part 1642, *Delinquents*, is amended as follows:

(a) Section 1642.10, Restriction on Classification and Induction of Delinquents, is amended to read as follows:

"No delinquent registrant shall be placed in Class I–A, Class I–A–O, or Class I–O under the provisions of section 1642.12 or shall be ordered to report for induction under the provisions of section 1642.13 or section 1631.7 of this chapter, or, in the case of a conscientious objector opposed to noncombatant training and service, ordered to report for civilian work in lieu of induction, unless the local board has declared him to be a delinquent in accordance with the provisions of section 1642.4 and thereafter has not removed him from such delinquency status."

(b) Section 1642.12, Classification of Delinquent Registrant, is amended to read as follows:

"Any delinquent registrant between the ages of 18 years and 6 months and 26 years and any delinquent registrant between the ages of 26 and 28 who was deferred under the provisions of section 6(c)(2)(A) of the Military Selective Service Act of 1967 which were in effect prior to September 3, 1963, and any delinquent registrant between the ages of 26 and 35 who on June 19, 1951, was, or thereafter has been or may be, deferred under any other provision of section 6 of such Act, including the provisions of subsection (c)(2)(A) in effect on and after September 3, 1963, may be classified in or reclassified into

Class I–A, Class I–A–O or Class I–O, whichever is applicable, regardless of other circumstances: *Provided*, That a delinquent registrant who by reason of his service in the Armed Forces is eligible for classification into Class IV–A may not be classified or reclassified into Class I–A, Class I–A–O or Class I–O under this section unless such action is specifically authorized by the Director of Selective Service."

(c) Section 1642.13, Certain Delinquents to Be Ordered to Report for Induction or for Civilian Work in Lieu of Induction, is amended to read as follows:

"The local board shall order each delinquent registrant between the ages of 18 years and 6 months and 26 years and each delinquent registrant between the ages of 26 and 28 who was deferred under the provisions of section 6(c)(2)(A) of the Military Selective Service Act of 1967 which were in effect prior to September 3, 1963, and each delinquent registrant between the ages of 26 and 35 who on June 19, 1951, was, or thereafter has been or may be, deferred under any other provisions of section 6 of such Act, including the provisions of subsection (c)(2)(A) in effect on and after September 3, 1963, who is classified in or reclassified into Class I–A or Class I–A–O to report for induction in the manner provided in section 1631.7 of this chapter, or in the case of a delinquent registrant classified or reclassified into Class I–O, the local board shall determined the type of civilian work it is appropriate for him to perform and shall order him to perform such civilian work in lieu of induction in accordance with the provisions of Part 1660 of this chapter, unless in either case (a) it has already issued such order, or (b) pursuant to a written request of the United States Attorney, the local board determines not to order such registrant to report for induction or civilian work."

(d) Section 1642.14, Personal Appearance, Reopening, and Appeal, is amended to read as follows:

"(a) When a delinquent registrant is classified in or reclassified into Class I–A, Class I–A–O or Class I–O under the provisions of this part, a personal appearance may be requested and shall be granted under the same circumstances as in any other case.

"(b) The classification of a delinquent registrant who is classified in or reclassified into Class I–A, Class I–A–O or Class I–O under the provisions of this part may be reopened at any time before induction or before the date he is to report for civilian work in the discretion of the local board without regard to the restrictions against reopening prescribed in section 1625.2 of this chapter.

"(c) When a delinquent registrant is classified in or reclassified into Class I–A, Class I–A–O or Class I–O under the provisions of this part, an appeal may be taken under the same circumstances and by the same persons as in any other case."

(e) Section 1642.15, Continuous Duty of Certain Registrants to Report for Induction or for Civilian Work in Lieu of Induction, is amended to read as follows:

"Regardless of the time when or the circumstances under which a registrant fails or has failed to report for induction pursuant to an Order to Report for Induction (SSS Form 252) or pursuant to an Order for Transferred Man to Report for Induction (SSS Form 253), or fails or has failed to report for civilian work in lieu of induction pursuant to an Order to Report for Civilian Work and Statement of Employer (SSS Form 153), it shall thereafter be his continuing duty from day to day to report for induction or for civilian work in lieu of induction to his own local board, and to each local board whose area he enters or in whose area he remains."

(f) Section 1642.21, Procedure, is amended as follows:

(1) Paragraph (c) is redesignated as paragraph (e).

(2) New paragraph (c) and (d) are prescribed to read as follows:

"(c) If a delinquent registrant who is in Class I–O reports to or is brought before a local board other than his own local board, the local board to which he reports or before which he is brought shall advise his own local board by telegram or other expeditious means that the delinquent has reported to or has been brought before such local board, and that he will be ordered under the provisions of Part 1660 to perform civilian work deemed appropriate by such local board for the registrant to perform in lieu of induction, if it is satisfactory to his own local board. The registrant's own local board shall reply by telegram or other expeditious means.

"(d) If the registrant's own local board advises that the registrant is delinquent because he has failed to respond to an Order to Report for Civilian Work and Statement of Employer (SSS Form 153), the local board at which the registrant appeared or was brought shall issue to him written instructions regarding the date and place he is to report for work and the type of work he is to perform. Whenever necessary, travel, meals and lodging may be furnished the registrant under the provisions of section 1660.21(b) of this chapter."

(3) Paragraph (c), as redesignated, is amended to read as follows:

"(e) If the registrant's own local board advises that no Order to Report for Induction (SSS Form 252) or Order for Transferred Man to Report for Induction (SSS Form 253) or Order to Report for Civilian Work and Statement of Employer (SSS Form 153) has been issued to such registrant or that the registrant is no longer a delinquent, it shall advise the local board before which the registrant has appeared or has been brought of the action to be taken with reference to such registrant."



THE WHITE HOUSE,
June 30, 1967.

[F.R. Doc. 67-7754; Filed, July 3, 1967; 10:10 a.m.]

FEDERAL REGISTER

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THE UNIVERSITY OF MICHIGAN
JUL 10 1967
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THE NATIONAL ARCHIVES OF THE UNITED STATES • 1934 •

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How To Find U.S. Statutes and United States Code Citations

[Revised Edition—1965]

This pamphlet contains typical legal references which require further citing. The official published volumes in which the citations may be found are shown alongside each reference—with suggestions as to the logical sequence to follow in using them. Additional finding aids, some especially useful in citing current legislation, also have been included. Examples are furnished at pertinent points and a list of references, with descriptions, is carried at the end.

This revised edition contains illustrations of principal finding aids and reflects the changes made in the new master table of statutes set out in the 1964 edition of the United States Code.

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Title 3—THE PRESIDENT

Proclamation 3790

PROCLAMATION AMENDING PART 3 OF THE APPENDIX TO THE TARIFF SCHEDULES OF THE UNITED STATES WITH RESPECT TO THE IMPORTATION OF AGRICULTURAL COMMODITIES

By The President of the United States of America

A Proclamation

WHEREAS, pursuant to section 22 of the Agricultural Adjustment Act, as amended (7 U.S.C. 624), limitations have been imposed by Presidential proclamations on the quantities of certain dairy products which may be imported into the United States in any quota year; and

WHEREAS, in accordance with section 102(3) of the Tariff Classification Act of 1962, the President by Proclamation No. 3548 of August 21, 1963, proclaimed the additional import restrictions set forth in part 3 of the Appendix to the Tariff Schedules of the United States; and

WHEREAS the import restrictions on certain dairy products set forth in part 3 of the Appendix to the Tariff Schedules of the United States as proclaimed by Proclamation No. 3548 have been amended by Proclamation No. 3558 of October 5, 1963, Proclamation No. 3562 of November 26, 1963, Proclamation No. 3597 of July 7, 1964, section 88 of the Tariff Schedules Technical Amendments Act of 1965 (79 Stat. 950), and Proclamation No. 3709 of March 31, 1966; and

WHEREAS, pursuant to said section 22 the Secretary of Agriculture advised me there was reason to believe that the dairy products described hereinafter are being imported, and are practically certain to be imported, under such conditions and in such quantities as to render or tend to render ineffective, or materially interfere with the price support program now conducted by the Department of Agriculture for milk and butterfat;

WHEREAS, at my request, the United States Tariff Commission has made an investigation under the authority of section 22 of the Agricultural Adjustment Act, as amended, with respect to this matter and related questions outlined in my request for an investigation and has reported to me its findings and recommendations made in connection therewith; and

WHEREAS, on the basis of such investigation and report, I find that the articles described below are being imported and are practically certain to be imported into the United States under such conditions and in such quantities as to materially interfere with the price support program now conducted by the Department of Agriculture for milk and butterfat:

(1) American-type cheese, including Colby, washed curd, and granular cheese (but not including Cheddar) and cheese and substitutes for cheese containing, or processed from, such American-type cheese;

(2) Articles containing over 5.5 percent but not over 45 percent by weight of butterfat which are classifiable for tariff purposes under item 182.91 of the Tariff Schedules of the United States (TSUS), the butterfat content of which is commercially extractable, or which are capable of being used for any edible purpose (except articles pack-

aged for distribution in the retail trade and ready for use by the purchaser at retail for an edible purpose or in the preparation of an edible article); and

(3) Milk and cream, fluid or frozen, fresh or sour, containing over 5.5 percent but not over 45 percent by weight of butterfat; and

WHEREAS, on the basis of such investigation and report, I find and declare that for the purpose of the first proviso to section 22(b) of the Agricultural Adjustment Act, as amended, the representative period for imports of such articles is the calendar years 1961–1965; and

WHEREAS, on the basis of such investigation and report, I find and declare that changed circumstances require that the section 22 quotas on dairy products be changed to a calendar year basis, with semi-annual allocations when the yearly quota is periodically allocated; and

WHEREAS, at my request, the United States Tariff Commission has also made an investigation under the authority of section 22 of the Agricultural Adjustment Act, as amended, to determine whether an additional quantity of Cheddar cheese could be imported without materially interfering with the price support program and has reported to me its findings and recommendations made in connection therewith; and

WHEREAS, on the basis of such investigation and report, I find and declare that changed circumstances require the modification, as hereinafter proclaimed, of the quota on Cheddar cheese, and cheese and substitutes for cheese containing, or processed from, Cheddar cheese; and

WHEREAS, on the basis of such investigations and reports, I find and declare that the imposition of the import restrictions hereinafter proclaimed is necessary in order that the entry, or withdrawal from warehouse, for consumption of such articles will not render or tend to render ineffective, or materially interfere with the price support program now conducted by the Department of Agriculture for milk and butterfat;

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, acting under and by virtue of the authority vested in me as President, and in conformity with the provisions of section 22 of the Agricultural Adjustment Act, as amended, and the Tariff Classification Act of 1962, do hereby proclaim that part 3 of the Appendix to the Tariff Schedules of the United States is amended as follows:

(1) headnote 3(a) is revised to read as follows:

3. (a) *Dairy Products.*

(i) imported articles subject to the import quotas provided for in items 950.01 through 950.11, except 950.06, may be entered only by or for the account of a person or firm to whom a license has been issued by or under the authority of the Secretary of Agriculture, and only in accordance with the terms of such license; except that no such license shall be required for up to 1,225,000 pounds per quota year of natural Cheddar cheese made from unpasteurized milk and aged not less than 9 months which prior to exportation has been certified to meet such requirements by an official of a government agency of the country where the cheese was produced, of which amount not more than 612,500 pounds may be entered during the period July 1, 1967, through December 31, 1967, or during the first six months of a quota year. Such licenses shall be issued under regulations of the Secretary of Agriculture which he determines will, to the fullest extent practicable, result in (1) the equitable distribution of the respective quotas for such articles among importers or users and (2) the allocation of shares of the respective quotas for such articles among supplying countries, based upon the proportion supplied by such countries during previous representative periods, taking due account of any special factors which may have affected or may be affecting

the trade in the articles concerned. No licenses shall be issued which will permit entry during the first six months of a quota year of more than one-half of the quantities specified for any of the cheeses or substitutes for cheese (items 950.07 through .10) in the column entitled "Quota Quantity."

(ii) not more than 4,406,250 pounds of the quota quantity specified for articles under item 950.08A for the period July 1, 1967, through December 31, 1967, and not more than 8,812,500 pounds of the annual quota quantity specified in such item for each subsequent 12-month period shall be products other than natural Cheddar cheese made from unpasteurized milk and aged not less than 9 months,

(2) the superior heading preceding items 950.00 through 950.13 of part 3 is changed to read as follows:

Whenever, in any 12-month period beginning January 1 in any year, the respective aggregate quantity specified below for one of the numbered classes of articles has been entered, no article in such class may be entered during the remainder of such period:

(3) item 950.00 is added preceding item 950.01 which reads as follows:

950.00	Milk and cream, fluid or frozen, fresh or sour, containing over 5.5 percent but not over 45 percent by weight of butterfat:	
	For the 12-month period ending December 31, 1967:	
	NEW ZEALAND	the quantity entered on or before June 30, 1967, plus 750,000 gallons
	OTHER	NONE
	For each subsequent year	
	NEW ZEALAND	1,500,000 gallons
	OTHER	NONE

(4) item 950.08A is amended to read as follows:

950.08A	Cheddar cheese, and cheese and substitutes for cheese containing, or processed from, Cheddar cheese:	
	For the 12-month period ending December 31, 1967	the quantity entered on or before June 30, 1967, plus 5,018,750 pounds (See headnote 3(a)(ii) of this part)
	For each subsequent 12-month period	10,037,500 pounds (See headnote 3(a)(ii) of this part)'

(5) item 950.08B is added following item 950.08A, which reads as follows:

950.08B	American-type cheese, including Colby, washed curd, and granular cheese (but not including Cheddar) and cheese and substitutes for cheese containing, or processed from, such American-type cheese:	
	For the 12-month period ending December 31, 1967	the quantity entered on or before June 30, 1967, plus 3,048,300 pounds
	For each subsequent 12-month period	6,096,600 pounds

(6) item 950.12 is divided into two items and is amended to read as follows:

Articles containing over 5.5 percent by weight of butterfat, the butterfat content of which is commercially extractable, or which are capable of being used for any edible purpose (except articles provided for in subparts A, B, C or item 118.30, of part 4, Schedule 1, and except articles imported packaged for distribution in the retail trade and ready for use by the purchaser at retail for an edible purpose or in the preparation of an edible article):	

950.12	Over 45 percent by weight of butterfat	NONE
950.13	Over 5.5 percent but not over 45 percent by weight of butterfat and classifiable for tariff purposes under item 182.91:	
	For the 12-month period ending December 31, 1967:	
	AUSTRALIA	the quantity entered on or before June 30, 1967, plus 1,120,000 pounds
	BELGIUM and DENMARK	
	OTHER	NONE
	(aggregate)	the quantity entered on or before June 30, 1967, plus 170,000 pounds
	For each subsequent 12-month period:	
	AUSTRALIA	2,240,000 pounds
	BELGIUM and DENMARK	
	OTHER	NONE
	(aggregate)	340,000 pounds

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 30th day of June in the year of our Lord nineteen hundred and sixty-seven, and of the Independence of the United States of America the one hundred and ninety-first.

Lyndon B. Johnson

By the President:
Dean Rusk
Secretary of State.

[F.R. Doc. 67-7834; Filed, July 3, 1967; 4:11 p.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Housing and Home Finance Agency and Department of Housing and Urban Development

Section 213.3144 is amended to show that the position of Director, Compliance Division is no longer excepted under Schedule A. Section 213.3184 is added to show that the position of Director, Inspector Division, Office of the Secretary is accepted under Schedule A.

1. Effective on publication in the FEDERAL REGISTER subparagraph (2) of paragraph (a) of § 213.3144 is revoked.

§ 213.3144 **Housing and Home Finance Agency.**

(a) *Office of the Administrator.* * * *
(2) [Revoked]
* * * * *

2. Effective on publication in the FEDERAL REGISTER a new § 213.3184 is added as set out below.

§ 213.3184 **Department of Housing and Urban Development.**

(a) *Office of the Secretary.* (1) Director Inspection Division.

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-7737; Filed, July 5, 1967; 8:49 a.m.]

PART 213—EXCEPTED SERVICE

National Conference on Problems of Mexican-American and Puerto Rican Communities

Section 213.3192 is amended to extend the Schedule A authority for positions on the Conference staff for 1 additional month, until July 31, 1967. Effective on publication in the FEDERAL REGISTER, paragraph (a) of § 213.3192 is amended as set out below.

§ 213.3192 **National Conference on the Problems of the Mexican-American and Puerto Rican Communities.**

(a) Until July 31, 1967, all positions on the Conference staff.

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-7735; Filed, July 5, 1967; 8:49 a.m.]

PART 213—EXCEPTED SERVICE

Department of Commerce

Section 213.3214(a) is added to show that not to exceed 100 positions of interviewers, supervisors, and data collection specialists in the Census Bureau who conduct interviews in the hard-core poverty areas of large cities or who supervise the conduct of these interviews, are in Schedule B when filled by residents of the areas served. Effective on publication in the FEDERAL REGISTER, § 213.3214(a) is added as set out below.

§ 213.3214 **Department of Commerce.**

(a) Not to exceed 100 positions of interviewers, supervisors, and data collection specialists in the Census Bureau who conduct interviews in the hard-core poverty areas of large cities or who supervise the conduct of these interviews, when filled by residents of the areas served.
* * * * *

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-7736; Filed, July 5, 1967; 8:49 a.m.]

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Section 213.3384 is amended to show that the position of Special Assistant to the Director of Public Affairs is in Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (23) is added to paragraph (a) of § 213.3384 as set out below.

§ 213.3384 **Department of Housing and Urban Development.**

(a) *Office of the Secretary.* * * *
(23) One Special Assistant to the Director of Public Affairs.
* * * * *

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-7738; Filed, July 5, 1967; 8:49 a.m.]

PART 213—EXCEPTED SERVICE

Department of Transportation

Section 213.3394 is amended to show that the position of Confidential Secretary to the Assistant Secretary for Public Affairs is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (7) is added to paragraph (a) of § 213.3394 as set out below.

§ 213.3394 **Department of Transportation.**

(a) *Office of the Secretary.* * * *
(7) One Confidential Secretary to the Assistant Secretary for Public Affairs.
* * * * *

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-7739; Filed, July 5, 1967; 8:49 a.m.]

PART 550—PAY ADMINISTRATION (GENERAL)

Compensation for Intermittent Employment as Test Monitor

Section 550.505 is amended by the addition of a new paragraph (k) which excepts compensation for intermittent employment as a test monitor by the Civil Service Commission from section 5533(a) of title 5, United States Code (formerly section 301(a) of the Dual Compensation Act). Section 550.505 is amended as set out below.

§ 550.505 **Specific exceptions.**

* * * * *

(k) Compensation for intermittent employment as a test monitor by the Civil Service Commission.

(Sec. 9, P.L. 89-301; 79 Stat. 1118; E.O. 11257, 30 F.R. 14358, 3 CFR 1965 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-7740; Filed, July 5, 1967; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 67-CE-54]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

On page 6581 of the FEDERAL REGISTER dated April 28, 1967, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to alter the control zone at Minneapolis, Minn. (Crystal Airport).

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the amendment as so proposed is hereby adopted, subject to the following change:

The Crystal Airport coordinates recited in the Minneapolis, Minn. (Crystal Airport), control zone redesignation as "latitude 45°21'20" N., longitude 93°-21'20" W." are changed to read "latitude 45°03'45" N., longitude 93°21'-20" W."

This amendment shall be effective 0001 e.s.t., September 14, 1967.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on June 20, 1967.

DANIEL E. BARROW,
Acting Director, Central Region.

Redesignate the Minneapolis, Minn. (Crystal Airport), control zone as that airspace within a 5-mile radius of Crystal Airport (latitude 45°03'45" N., longitude 93°21'20" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

[F.R. Doc. 67-7665; Filed, July 5, 1967; 8:45 a.m.]

[Airspace Docket No. 67-CE-47]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On pages 6581 and 6582 of the FEDERAL REGISTER dated April 28, 1967, the Federal Aviation Administration published a notice of proposed rule making which would amend §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at North Platte, Nebr.

Interested persons were given 45 days to submit written comments, suggestions or objections regarding the proposed amendments.

No objections have been received and the amendments as so proposed are hereby adopted, subject to the following change:

The Lee Bird Field Municipal Airport coordinates recited in the North Platte, Nebr., control zone and transition area redesignations as "latitude 41°07'41" N., longitude 100°41'58" W." are changed to read "latitude 41°07'35" N., longitude 100°41'50" W."

These amendments shall be effective 0001 e.s.t., September 14, 1967.

(Sec. 307(a), Federal Aviation Act of 1958; (49 U.S.C. 1348))

Issued in Kansas City, Mo., on June 21, 1967.

DANIEL E. BARROW,
Acting Director, Central Region.

(1) Redesignate the North Platte, Nebr., control zone as that airspace within a 5-mile radius of Lee Bird Field (latitude 41°07'35" N., longitude 100°-41'50" W.); within 2 miles each side of the North Platte VOR 029° radial, extending from the 5-mile radius zone to the VOR; within 2 miles each side of the 186° bearing from North Platte RBN, extending from the 5-mile radius zone to 8 miles south of the RBN; and within 2 miles each side of the 131° bearing from Lee Bird Field, extending from the 5-mile radius zone to 10 miles southeast of the airport.

(2) Redesignate the North Platte, Nebr., transition area as that airspace extending upward from 700' above the surface within a 10-mile radius of Lee Bird Field (latitude 41°07'35" N., longitude 100°41'50" W.); and within 2 miles each side of the North Platte VOR 209° radial, extending from the 10-mile radius area to 8 miles southwest of the VOR; and that airspace extending upward from 1,200 feet above the surface within a 25-mile radius of the North Platte VOR.

[F.R. Doc. 67-7666; Filed, July 5, 1967; 8:46 a.m.]

[Airspace Docket No. 67-CE-40]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On pages 6580 and 6581 of the FEDERAL REGISTER dated April 28, 1967, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Michigan City, Ind.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0001 e.s.t., September 14, 1967.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on June 21, 1967.

DANIEL E. BARROW
Acting Director, Central Region.

Redesignate the Michigan City, Ind., transition area as that airspace extending upward from 700 feet above the surface within a 6-mile radius of the Michigan City, Ind. Michigan City Airport (latitude 41°42'10" N., longitude 86°49'20" W.), within 2 miles each side of the South Bend, Ind. VORTAC 261° radial extending from the 6-mile radius area to 13 miles west of the VORTAC, and within 2 miles each side of the 016° bearing from Michigan City Airport extending from the 6-mile radius area to 9 miles north of the airport.

[F.R. Doc. 67-7667; Filed, July 5, 1967; 8:46 a.m.]

[Airspace Docket No. 67-CE-55]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Bismarck, N. Dak., transition area.

Since designation of the Bismarck, N. Dak., transition area, the Bismarck L/MF radio beacon has been relocated to the Bismarck ILS outer marker site. Instrument approach procedures predicated on this radio beacon at its former site have been canceled. As a result, controlled airspace for the protection of aircraft executing these canceled procedures is no longer required. Therefore, alteration of the Bismarck transition area is necessary to delete this airspace from the transition area designation.

Since the proposed alteration will reduce the existing designated Bismarck, N. Dak., transition area, it will not impose any additional burden on any person. Therefore, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective immediately as hereinafter set forth:

In § 71.181 (32 F.R. 2148), the following transition area is amended to read:

BISMARCK, N. DAK.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Bismarck Municipal Airport (latitude 46°-46'33" N., longitude 100°45'14" W.), within 8 miles northeast and 5 miles southwest of the Bismarck ILS localizer southeast course extending from the OM to 12 miles southeast of the OM, and within 8 miles north and 5 miles south of the Bismarck 105° radial extending from the VOR to 12 miles east of the VOR, and that airspace extending upward from 1,200 feet above the surface within 8 miles north and 5 miles south of the 105° radial of the Bismarck VOR extending from the VOR to 14 miles east of the VOR, within 8 miles northeast and 5 miles southwest of the 129° radial of the Bismarck VOR extending from the VOR to 20 miles southeast of the VOR, and within 8 miles northeast and 5 miles southwest of the Bismarck ILS localizer southeast course extending from 8 miles northwest to 14 miles southeast of the Bismarck OM.

(Sec. 307(a) Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on June 21, 1967.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 67-7668; Filed, July 5, 1967; 8:46 a.m.]

[Reg. Docket No. 8265]

[Special Federal Aviation Regulation No. 17]

PART 91—GENERAL OPERATING AND FLIGHT RULES

Prohibition of Air Traffic Along the St. Lawrence Seaway

The purpose of this special regulation is to restrict aircraft from operating in close proximity to the Royal Party aboard the Royal Yacht of Her Majesty Queen Elizabeth of Great Britain when the Royal Party is within the U.S. territory.

On or about July 4, 1967, Her Majesty Queen Elizabeth and other officials of Great Britain and Canada intend to travel by the Royal Yacht through territorial waters of the United States along the St. Lawrence Seaway. The Canadian Government will restrict aircraft from operating in proximity to the Royal Party within Canada and it has requested the United States to take a similar action for that portion of the voyage within or adjacent to U.S. territory. During the voyage from Montreal to Kingston, Ontario, the Royal Yacht will at times be in the United States between Cornwall, Ontario, and Kingston, Ontario.

The interest of the public in the Queen may cause an assembly on the ground of large numbers of persons and the operation of numerous aircraft along the route of the Royal Party. In order to preclude the possibility of an aircraft accident endangering air safety as well as persons and property on the surface, it appears necessary to restrict the flight of all aircraft in proximity to the Royal Party. The times of the restrictions, together with the details of the special regulation, will be published at a later date in a Notice to Airmen. The notice will include information as to which FAA facilities may be contacted to authorize operations contrary to the regulation.

On the basis of the above, I have determined there exists a requirement for the immediate adoption of this regulation for the safety to air commerce and the protection of persons and property on the ground. Therefore, I find it impracticable to comply with the notice and public procedure provisions of the Administrative Procedure Act and that good cause exists for making this regulation effective immediately.

In consideration of the foregoing, the following special Federal Aviation Regulation is hereby adopted, effective immediately:

1. Unless otherwise authorized by ATC, no person may operate an aircraft within 4,000 feet vertically or 3 nautical miles horizontally of the segment or segments of the United States-Canadian territorial border specified between Cornwall, Ontario, and Kingston, Ontario, and during the time periods specified, in a Notice to Airmen.

2. This regulation does not apply to aircraft operated by Federal, State or local authorities while engaged in law enforcement activities; or to aircraft taking off or landing at airports within the areas specified in a Notice to Airmen.

3. This regulation expires 2400 e.s.t., July 31, 1967.

(Sec. 307 of the Federal Aviation Act of 1958; 49 U.S.C. 1348).

Issued in Washington, D.C., on June 29, 1967.

WILLIAM F. MCKEE,
Administrator.

[F.R. Doc. 67-7649; Filed, July 5, 1967; 8:45 a.m.]

Title 12—BANKS AND BANKING

Chapter I—Bureau of the Comptroller of the Currency, Department of the Treasury

PART 1—INVESTMENT SECURITIES REGULATION

Alaska State Housing Authority State Lease Revenue Bonds

§ 1.188 Alaska State Housing Authority State Lease Revenue Bonds.

(a) *Request.* The Comptroller of the Currency has been requested to rule that the $5,020,000 Alaska State Housing Authority State Lease Revenue Bonds are eligible for purchase, dealing in, underwriting and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The Alaska State Housing Authority is a public corporate authority under the laws of the State of Alaska. The Authority is authorized to provide for the acquisition, construction and financing of public building projects and to enter into lease agreements with the State of Alaska for the use of space in such projects. The Authority is issuing its general obligation bonds to accomplish such financing.

(2) The State of Alaska which possesses general powers of taxation has agreed to pay the Authority, for the right to use and occupy the projects, annual rentals in amounts sufficient to enable the Authority to make the annual principal and interest payments on these bonds and the Authority has pledged these rentals to secure such payments. The bonds of the Authority are thus supported by the faith and credit of the State.

(c) *Ruling.* It is our conclusion, therefore, that the $5,020,000 Alaska State Housing Authority State Lease Revenue Bonds are general obligations of a state or political subdivision thereof under paragraph Seventh of 12 U.S.C. 24 and, accordingly, are eligible for purchase, dealing in, underwriting and unlimited holding by national banks.

Dated: June 30, 1967.

[SEAL] WILLIAM B. CAMP,
Comptroller of the Currency.

[F.R. Doc. 67-7696; Filed, July 5, 1967; 8:47 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER A—MISCELLANEOUS REGULATIONS

PART 365—MOBILE TRADE FAIRS

Requests for Financial Assistance by Mobile Trade Fair Operators

Section 365.1 *Requests for assistance by mobile trade fair operators* is amended in the following respect:

Paragraph (c), *Requests for financial assistance:*

Information required is amended by adding the following unnumbered paragraph at the end thereof:

§ 365.1 Requests for assistance by mobile trade fair operators.

• • • • • •

(c) • • •

It is the policy of the Department to extend financial assistance only to applicants proposing to operate mobile trade fairs primarily as an independent service to producers or distributors of U.S. goods. This will preclude any financial assistance under the Act to applicants intending to operate mobile trade fairs as a technique primarily for the promotion of the sale of goods in which they themselves have a direct interest, particularly as export agents or representatives of the producers of such goods.

• • • • • •

The foregoing is an amendment of procedures involving the extension of grants and benefits and is, therefore, exempt from the provisions of 5 U.S.C. 553.

LAWRENCE A. FOX,
Director,
Bureau of International Commerce.

[F.R. Doc. 67-7658; Filed, July 5, 1967; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C—DRUGS

PART 141c—PENICILLIN AND PENICILLIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 145—ANTIBIOTIC DRUGS; DEFINITIONS AND INTERPRETATIVE REGULATIONS

PART 146c—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

Changes in Nomenclature

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.120), the antibiotic drug regulations are amended as follows to effect nomenclature changes for consistency with the N.F. or U.S.P.:

1. "Penicillin V" is changed to read "phenoxymethyl penicillin" in the following places: §§ 141a.9(a) (1) (twice), (4) (twice), (5) (twice), and (b); 141a.16, section heading (twice), paragraphs (a) and (f) (five times); 141a.81, section heading (also delete the words in parentheses), paragraphs (a) and (f) (three times); 141a.82, section heading (also delete the words in parentheses) and paragraph (a); 141a.83, section heading (twice), paragraphs (a) and (h) (five times); 141a.84, section heading and paragraph (a) (2) (7 times) and (3); 141a.85, section heading and paragraph (a) (twice); 141a.87, section heading (twice) and paragraph (a); 141a.91, section heading (twice), paragraphs (a) and (g) (five times); 141a.92, section heading and paragraph (a); 141a.99, section heading and paragraph (a); 141a.121, section heading and paragraph (a) (five times); 145.3 (a) (1) (iii) (four times) and (b) (1) (iii); 145.4(a) (1) (twice); 146a.19, section heading, paragraphs (a) (four times), (d) (1) (twice), (d) (2) (ii) (twice), (d) (3) (ii) and (iv); 146a.27(a) (four times), (c) (1) (ii) (c) (twice) and (d), (d) (2) (ii) (four times) and (3) (ii) (twice); 146a.61, section heading (twice) and paragraph (a) (three times); 146a.72, section heading (twice), paragraphs (a) (three times) and (d); 146a.73, section heading section introduction, paragraphs (a) (twice) and (c) (twice); 146a.103, section heading (also delete the words in parentheses), paragraphs (a) (twice) and (d); 146a.104, section heading (twice, also delete the words in parentheses), paragraphs (a) (six times), (c) (1) (ii) (twice), and (d) (2) (ii) (three times); 146a.105, section heading (twice), paragraphs (a) (three times) and (d) (1) and (3); 146a.106, section heading, paragraphs (a) (twice), (b) (three times), and (c) (2); 146a.107, section heading and text (twice); 146a.109, section heading (twice), section introduction (twice), paragraphs (a), (b) (twice), and (c) (twice); and 146a.117, section heading, paragraphs (a) (four times), (d) (1), (2) (ii) (twice), and (3) (ii), and (e).

2. In § 146a.103(a), the first sentence is changed to read: "Phenoxymethyl penicillin is crystalline 6-(phenoxyacetamido) penicillanic acid."

The amendments in this order are to achieve consistency of certain nomenclature in the subject regulations with that of official compendia, and I find that notice and public procedure and delayed effective date are unnecessary prerequisites to this promulgation.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: June 28, 1967.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 67-7713; Filed, July 5, 1967; 8:46 a.m.]

PART 141c—PENICILLIN AND PENICILLIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146c—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

Potassium Phenoxymethyl Penicillin Chewable Wafers

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008), the antibiotic drug regulations are amended to provide for certification of potassium phenoxymethyl penicillin chewable wafers by adding respectively to Parts 141a and 146a new sections, as follows:

§ 141a.130 Potassium phenoxymethyl penicillin chewable wafers.

(a) *Potency.* Using the phenoxymethyl penicillin working standard as the standard of comparison, proceed as directed in § 141a.1, except in lieu of the directions in § 141a.1(d), prepare the sample as follows: Grind a representative number of wafers (usually 5 to 12) using a mortar and pestle. Transfer all the powder, or a weighed aliquot of the powder, to an appropriate volumetric flask, made to mark by adding sufficient 1.0-percent phosphate buffer, pH 6.0, and shake on a mechanical shaker for not less than 45 minutes. Remove from shaker and let stand in a refrigerator overnight. Filter through a Whatman No. 1 filter paper. Remove an aliquot of the filtrate, and make the proper estimated dilutions to the reference concentration in 1.0-percent phosphate buffer, pH 6.0. The potency of potassium phenoxymethyl penicillin chewable wafers is satisfactory if they contain not less than 90 percent and not more than 126 percent of the number of units of phenoxymethyl penicillin that they are represented to contain.

(b) *Moisture.* Use four wafers and proceed as directed in § 141a.5(a).

* * * * *

§ 146a.126 Potassium phenoxymethyl penicillin chewable wafers.

(a) *Standards of identity, strength, quality, and purity.* Potassium phenoxymethyl penicillin chewable wafers are wafers composed of potassium phenoxymethyl penicillin with suitable diluents, binders, buffers, colorings, and flavorings. Each wafer contains either 200,000 units or 400,000 units of phenoxymethyl penicillin. The moisture content is not more than 1.5 percent. The potassium phenoxymethyl penicillin used conforms to the standards prescribed by § 146a.61 (a). Each other ingredient used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* In all cases the immediate container shall be a tight container as defined by the U.S.P. and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused that are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter. Its expiration date is 12 months.

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of wafers in such batch, the number of wafers packaged into dispensing-size containers during each day's packaging operations, the number of units in each wafer, the date on which the latest assay of the drug comprising such batch was completed, the date (unless submitted previously) on which the latest assay of the potassium phenoxymethyl penicillin used in making such batch was completed, the quantity of each ingredient used in making the batch, and a statement that such ingredient conforms to the requirements prescribed therefor, if any, by this section.

(2) Except as otherwise provided in subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following made by him on an accurately representative sample of:

(i) The batch:

(a) If the person who requests certification is the manfacturer of the batch: Average potency and average moisture of wafers collected during the time of compressing the batch; and, unless the wafers are packaged into dispensing-size containers immediately after they are compressed, average moisture of wafers collected during each day of packaging the batch.

(b) If the person who requests certification is not the manufacturer of the batch: Average potency and average moisture of wafers collected during each day the wafers are being packaged into dispensing-size containers.

(ii) The potassium phenoxymethyl penicillin used in making the batch: Potency, toxicity, moisture, pH, crystallinity, and phenoxymethyl penicillin content.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch:

(a) If the person who requests certification is the manufacturer of the batch: One wafer for each 5,000 wafers in the batch, but in no case less than 30 wafers collected by taking single wafers at such intervals throughout the entire time of compressing the batch that the quantities compressed during the intervals are approximately equal;

(b) If, after compressing, such person packages the batch into dispensing-size containers: 20 wafers collected at equal intervals during each day the wafers are being packaged, except that this sample is not required if the wafers are packaged immediately after they are compressed; or

(c) If the person who requests certification is not the manufacturer of the batch (for the purposes of certification, a batch shall be that number of wafers filled by such person into dispensing-size containers during each day's packaging operations): One wafer for each 5,000 wafers in the batch, but in no case less than 30 wafers collected by taking single wafers at such intervals throughout each day of packaging the wafers that the quantities packaged during the intervals are approximately equal.

(ii) The potassium phenoxymethyl penicillin used in making the batch: 10 packages, each containing equal portions of not less than 300 milligrams.

(iii) In case of an initial request for certification, each other ingredient used in making the batch: One package of each containing approximately 5 grams.

(4) The result referred to in subparagraph (2) (ii) of this paragraph and the sample referred to in subparagraph (3) (ii) of this paragraph are not required if such result and sample have been previously submitted.

(e) *Fees.* The fees for the services rendered with respect to each batch of potassium phenoxymethyl penicillin chewable wafers under the regulations in this section shall be:

(1) $0.75 for each wafer in the samples submitted in accordance with paragraph (d) (3) (i) (a) and (c) of this section; $3 for the sample submitted in accordance with paragraph (d) (3) (i) (b) of this section; $4 for each package submitted in accordance with paragraph (d) (3) (ii) and (iii) of this section.

(2) If the Commissioner considers that investigations, other than examination of such wafers and packages, are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification, unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

Data supplied by the manufacturer concerning the safety and efficacy of the subject drug have been evaluated. Since the conditions prerequisite to providing for certification of the subject drug have been complied with and since it is in the public interest not to delay in providing for such certification, notice and public procedure and delayed effective date are not prerequisites to this promulgation.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: June 28, 1967.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 67-7712; Filed, July 5, 1967; 8:48 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 526—INDUSTRIES OF A SEASONAL NATURE AND INDUSTRIES WITH MARKED SEASONAL PEAKS OF OPERATION

Fresh Fruit and Vegetable Industry

On January 20, 1967, a notice was published in the FEDERAL REGISTER (32 F.R. 674) proposing to find that the fresh fruit and vegetable industry, as defined, is an industry of a seasonal nature within the meaning and under the authority of section 7(c) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(c)) as amended by the Fair Labor Standards Amendments of 1966 (P.L. 89-601). The notice further proposed to find that this industry is engaged in the handling, packing, storing, preparing, first processing, or canning of perishable agricultural commodities in their raw or natural state within the meaning, and under the authority, of section 7(d) of the same Act and Amendments.

Interested persons were given 30 days in which to present written data, views, or arguments. After consideration of all such relevant matter as was presented and pursuant to sections 7(c) and 7(d) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207 (c) and (d)), Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp. p. 1004), General Order No. 45-A of the Secretary of Labor (15 F.R. 3290), and the procedure set forth in 29 CFR Part 526 (32 F.R. 3775) such findings are hereby made, and it is further found that all fresh fruits and vegetables are perishable. Accordingly, 29 CFR 526.12 is amended by adding "Fresh fruit and vegetable industry" to the list there provided with the date of this document shown under the heading "Date of Finding," and the volume and page of the FEDERAL REGISTER in which this document appears under the heading "Citation." As this amendment merely grants an additional exemption, no delay in its effective date is required (5 U.S.C. 553(d)). No useful purpose would be served by such delay. Accordingly, this amendment shall be effective immediately.

For purpose of this finding, the fresh fruit and vegetable industry is defined to include only the handling, packing, storing, preparing, first processing, and canning, of any fresh fruits and vegetables in their raw or natural state and any other operations and services necessary and incidental thereto. It includes such operations when performed in connection with fresh fruits and vegetables which have been merely refrigerated, but does not include operations performed in connection with fresh fruits and vegetables which have been frozen, preserved, canned, dehydrated or otherwise changed so that they are no longer perishable or in their raw or natural state.

The industry to which these findings apply may include transactions whereby, for purpose of filling a customer's order, fresh fruits and vegetables that have been packed or canned by employees of one employer are commingled with those packed or canned by the employees of the employer claiming these exemptions: *Provided,* That the amount of fill-in goods is 5 percent or less of the weekly volume of shipments made during each week in which the exemption is claimed.

(29 U.S.C. 207 (c) and (d))

Signed at Washington, D.C., this 30th day of June 1967.

CLARENCE T. LUNDQUIST,
Administrator, Wage and Hour and Public Contracts Divisions, U.S. Department of Labor.

[F.R. Doc. 67-7751; Filed, July 5, 1967; 8:50 a.m.]

Chapter XII—Federal Mediation and Conciliation Service

PART 1401—AVAILABILITY OF INFORMATION

PART 1402—PROCEDURES OF THE SERVICE

PART 1403—FUNCTIONS AND DUTIES

PART 1404—ARBITRATION

Revision of Regulations

Parts 1401 through 1404 of chapter XII are revised to read as follows:

PART 1401—AVAILABILITY OF INFORMATION

Sec.
1401.1 Places at which information may be obtained.
1401.2 Nondisclosure of information.
1401.3 Confidential records.
1401.4 Notices of disputes nonconfidential.
1401.5 Compliance with subpoenas.

AUTHORITY: The provisions of this Part 1401 issued under sec. 202, 61 Stat. 153, as amended; 29 U.S.C. 172. Interpret or apply sec. 3, 80 Stat. 250, sec. 203, 61 Stat. 153; 5 U.S.C. 552, 29 U.S.C. 173.

§ 1401.1 Places at which information may be obtained.

Any individual, employer or union, or representative thereof, desiring information regarding the operations of the Service within a region should communicate with the regional office of the Service in the region in which the labor dispute or other matter exists with respect to which information is sought. General inquiries for information concerning the Service should be addressed to the Federal Mediation and Conciliation Service, 14th and Constitution Avenue NW., Washington, D.C., 20427. The location of regional offices of the Service and their respective jurisdictions are as follows:

REGION NUMBER, ADDRESS, AND JURISDICTION

1. Room 1101, 11th Floor East, 346 Broadway, New York, N.Y. 10013—Maine; New Hampshire; Vermont; Connecticut; Rhode Island; Massachusetts; New York; and northern New Jersey counties of Bergen, Essex, Hudson, Middlesex, Morris, Passaic, Somerset, Sussex, and Union.

2. Room 3021, U.S. Courthouse and Post Office Building, Ninth and Chestnut Streets, Philadelphia, Pa. 19107—Pennsylvania; Delaware; Maryland; District of Columbia; West Virginia; southern New Jersey counties of Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Ocean, Warren, Hunterdon, Mercer, Monmouth, and Salem; eastern Virginia counties of Alleghany, Botetourt, Roanoke, Franklin, Henry, and all east of these counties; and southeastern Ohio counties of Belmont, Monroe, Washington, Noble, and Guernsey.

3. Room 154, Peachtree at Seventh Street Building, 50 Seventh Street NE., Atlanta, Ga. 30323—western Virginia counties of Lee, Wise, Scott, Dickenson, Buchanan, Russell, Washington, Tazewell, Smyth, Bland, Wythe, Grayson, Carroll, Pulaski, Giles, Craig, Montgomery, Floyd, and Patrick; southwest Kentucky counties of Fulton, Hickman, Carlisle, Ballard, McCracken, Graves, Marshall, Calloway, Livingston, Todd, Lyon, Trigg, Caldwell, Crittenden, Union, Webster, Hopkins, Christian, Muhlenberg, Logan, and Simpson; Arkansas (Crittenden County only); Tennessee; North Carolina; South Carolina; Georgia; Florida; Alabama; Mississippi; Louisiana; Puerto Rico; and the Virgin Islands.

4. Room 2021, Superior Building, 815 Superior Avenue NE., Cleveland, Ohio 44114—Indiana (counties of Clark and Floyd); Kentucky (except the counties under Region 3 jurisdiction); Ohio (except the counties of Belmont, Monroe, Washington, Noble, and Guernsey); Michigan (Lower Peninsula; Upper Peninsula under Region 5 jurisdiction).

5. Room 1402, U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, Ill. 60604—Illinois (except the counties under Region 6 jurisdiction); Indiana (except Clark and Floyd Counties under Region 4 jurisdiction); Wisconsin; Minnesota; North Dakota; South Dakota; and Michigan (Upper Peninsula; Lower Peninsula under Region 4 jurisdiction).

6. Room 2305, Federal Building, 1520 Market Street, St. Louis, Mo. 63103—Iowa; Missouri; southwest Illinois (counties of Calhoun, Greene, Jersey, Madison, Macoupin, Monroe, Randolph, and St. Clair); Arkansas (except Crittenden County); Nebraska; Kansas; Oklahoma; and Texas (except El Paso and Hudspeth Counties under Region 7 jurisdiction).

7. Room 13471, New Federal Office Building, 450 Golden Gate Avenue, Post Office Box 36007, San Francisco, Calif. 94102—Washington; Oregon; California; Idaho; Montana; Wyoming; Nevada; Utah; Colorado; Arizona; New Mexico; southwest Texas (counties of El Paso and Hudspeth); Alaska; Hawaii; and Guam.

§ 1401.2 Nondisclosure of information.

Public policy and the successful effectuation of the Federal Mediation and Conciliation Service's mission require that commissioners and employees maintain a reputation for impartiality and integrity. Labor and management or other interested parties participating in mediation efforts must have the assurance and confidence that information disclosed to commissioners and other employees of the service will not subsequently be divulged, voluntarily or because of compulsion.

§ 1401.3 Confidential records.

All files, reports, letters, memoranda, minutes, documents, or other papers (hereinafter referred to as "confidential records") in the official custody of the Service or any of its employees, relating to or acquired in its or their official activities under Title II of the Labor-Management Relations Act, 1947, as amended, are hereby declared to be confidential. No such confidential records shall be disclosed to any unauthorized person, or be taken or withdrawn, copied or removed from the custody of the Service or its employees by any person, or by any agent or representative of such person without the prior consent of the Director.

§ 1401.4 Notices of dispute nonconfidential.

Written notices of disputes received pursuant to section 8(d)(3) of the Labor-Management Relations Act, 1947, as amended, are not confidential records of the Service. Parties at interest have the right to receive certified copies of any such notice of dispute upon written request to the regional director of the region in which the notice is filed. The notice of dispute and a conformed copy should be filed in the office of the regional director of the region in which the dispute exists, or if the filing party so desires, at the office of the Director of the Service; and if the dispute is occurring in two or more regions such notice may be filed with the regional director for any of such regions, or filed at the office of the Director of the Service, at 14th and Constitution Avenue NW., Washington, D.C. 20427. A conformed copy of such notice of dispute should be served upon the other party to the contract.

§ 1401.5 Compliance with subpoenas.

No officer, employee, or other person officially connected in any capacity with the Service, shall produce or present any confidential records of the Service or testify on behalf of any party to any cause pending in any arbitration or other proceedings or court or before any board, commission, committee, tribunal, investigatory body, or administrative agency of the United States or of any State, Territory, the District of Columbia or any municipality with respect to facts or other matters coming to his knowledge in his official capacity or with respect to the contents of any confidential records of the Service, whether in answer to an order, subpoena, subpoena duces tecum, or otherwise, without the prior written consent of the Director. Whenever any subpoena or subpoena duces tecum calling for confidential records or testimony as described above shall have been served upon any such officer, employee, or other person, he will appear in answer thereto, and unless otherwise expressly directed by the Director, respectfully decline, by reason of this section, to produce or present such confidential records or to give such testimony.

PART 1402—PROCEDURES OF THE SERVICE

Sec.
1402.1 Notice of dispute.

AUTHORITY: The provisions of this Part 1402 issued under sec. 202, 61 Stat. 153, as amended; 29 U.S.C. 172. Interpret or apply sec. 3, 80 Stat. 250, sec. 203, 61 Stat. 153; 5 U.S.C. 552, 29 U.S.C. 173.

§ 1402.1 Notice of dispute.

The notice of dispute filed with the Federal Mediation and Conciliation Service pursuant to the provisions of section 8(d)(3) of the Labor-Management Relations Act, 1947, as amended, shall be in writing. The following Form F-7, for use by the parties in filing a notice of dispute, has been prepared by the Service:

FMCS Form F-7.
Revised May 1964.

NOTICE TO MEDIATION AGENCIES

To: Regional Office, Federal Mediation and Conciliation Service; and
To: (Appropriate State or Territorial agency.)

Date _____

You are hereby notified that written notice of the proposed termination or modification of the existing collective bargaining contract was served upon the other party to this contract and that no agreement has been reached:

1. (a) Name of employer (If more than one company or an association, submit names and addresses on separate sheet in duplicate). Phone No._____
Address of establishment affected (street) (city) (State) (Zip Code).
(If more than one establishment, or plant, list addresses on separate sheet.)

(b) Employer Official to communicate with (name and title).
Address: Phone No: _____
(Street) (City) (State)

2. (a) International union _____ Local No._____ AFL–CIO ( ). Independent ( ). Phone No._____ Address of local union:
(Street) (City) (State)
(Zip Code)

(b) Union official to communicate with: _____ Phone No._____
Address:
(Street) (City) (State)
(Zip Code)

3. (a) Number of employees covered by the Contract(s) _____
(b) Total number employed by the Company at this location(s) _____

4. Type of establishment and principal products, or services _____
(Factory, mine, wholesaler, over-the-road trucking, etc.)

5. Contract expiration or reopening date _____

6. Name of official filing this notice _____ Title _____
Address _____ Phone No. _____

Check on whose behalf this notice is filed: Union _____ Employer _____
Signature _____

Receipt of this notice does not constitute a request for mediation nor does it commit the agencies to offer their facilities. This particular form of notice is not legally required. Receipt of notice will not be acknowledged in writing by the Federal Mediation and Conciliation Service. (Attach copies of any statement you wish to make to the Mediation Agencies.)

Copies of this Form F-7 are obtainable at the national, regional and field offices of the Service. This form may be duplicated for use by representatives of employers or unions provided it is copied in full without change.

(Sec. 202, 61 Stat. 153, as amended; 29 U.S.C. 172. Interpret or apply sec. 3, 80 Stat. 250, sec. 203, 61 Stat. 153; 5 U.S.C. 552, 29 U.S.C. 173)

PART 1403—FUNCTIONS AND DUTIES

Sec.
1403.1 Definitions.
1403.2 Policies of the Federal Mediation and Conciliation Service.
1403.3 Obtaining data on labor-management disputes.
1403.4 Assignment of mediators.
1403.5 Relations with State and local mediation agencies.

AUTHORITY: The provisions of this Part 1403 issued under sec. 202, 61 Stat. 153, as amended; 29 U.S.C. 172. Interpret or apply sec. 3, 80 Stat. 250, sec. 205, 61 Stat. 153; 5 U.S.C. 552, 29 U.S.C. 175.

§ 1403.1 Definitions.

As used in this part, unless the context clearly indicates otherwise.

(a) The term "commerce" means trade, traffic, commerce, transportation, or communication among the several States, or between the District of Columbia or any Territory of the United States and any State or other Territory, or between any foreign country and any State, Territory, or the District of Columbia, or within the District of Columbia or any Territory, or between points in the same State but through any other State or any Territory or the District of Columbia or any foreign country.

(b) The term "affecting commerce" means in commerce, or burdening or obstructing commerce or the free flow of commerce, or having led or tending to lead to a labor-management dispute burdening or obstructing commerce or the free flow of commerce.

(c) The term "labor union" or "labor organization" means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

(d) The term "State or other conciliation services" means the official and accredited mediation and conciliation establishments of State and local governments, which are wholly or partially supported by public funds.

(e) The term "proffer its services," as applied to the functions and duties of the Federal Mediation and Conciliation Service, means to make mediation services and facilities available either on its own motion or upon the request of one or more of the parties to a dispute.

§ 1403.2 Policies of the Federal Mediation and Conciliation Service.

It is the policy of the Federal Mediation and Conciliation Service:

(a) To facilitate and promote the settlement of labor-management disputes through collective bargaining by encouraging labor and management to resolve differences through their own resources.

(b) To encourage the States to provide facilities for fostering better labor-management relations and for resolving disputes.

(c) To proffer its services in labor-management disputes in any industry affecting commerce, except as to any matter which is subject to the provisions of the Railway Labor Act, as amended, either upon its own motion or upon the request of one or more of the parties to the dispute, whenever in its judgment such dispute threatens to cause a substantial interruption to commerce.

(d) To refrain from proffering its services: (1) In labor-management disputes affecting intrastate commerce exclusively, (2) in labor-management disputes having a minor effect on interstate commerce, if State or other conciliation services are available to the parties, or (3) in a labor-management dispute when a substantial question of representation has been raised, or to continue to make its facilities available when a substantial question of representation is raised during the negotiations.

(e) To proffer its services in any labor-management dispute directly involving Government procurement contracts necessary to the national defense, or in disputes which imperil or threaten to imperil the national health or safety.

(f) To proffer its services to the parties in grievance disputes arising over the application or interpretation of an existing collective-bargaining agreement only as a last resort and in exceptional cases.

§ 1403.3 Obtaining data on labor-management disputes.

When the existence of a labor-management dispute comes to the attention of the Federal Service upon a request for mediation service from one or more parties to the dispute, through notification under the provisions of section 8(d)(3), Title I of the Labor-Management Relations Act, 1947, or otherwise, the Federal Service will examine the information to determine if the Service should proffer its services under its policies. If sufficient data on which to base a determination is not at hand, the Federal Service will inquire into the circumstances surrounding the case. Such inquiry will be conducted for fact-finding purposes only and is not to be interpreted as the Federal Service proffering its services.

§ 1403.4 Assignment of mediators.

The Federal Service will assign one or more mediators to each labor-management dispute in which it has been determined that its services should be proffered.

§ 1403.5 Relations with State and local mediation agencies.

(a) If under State or local law a State or local mediation agency must offer its facilities in a labor-management dispute in which the Federal Service is proffering its services, the interests of such agencies will be recognized and their cooperation will be encouraged in order that all efforts may be made to prevent or to effectively minimize industrial strife.

(b) If, in a labor-management dispute there is reasonable doubt that the dispute threatens to cause a substantial interruption to commerce or that there is more than a minor effect upon interstate commerce, and State or other conciliation services are available to the parties, the regional director of the Federal Service will endeavor to work out suitable arrangements with the State or other conciliation or mediation agency for mediation of the dispute. Decisions in such cases will take into consideration the desires of the parties, the effectiveness and availability of the respective facilities, and the public welfare, health, and safety.

(c) If requested by a State or local mediation agency or the chief executive of a State or local government, the Federal Service may make its services available in a labor-management dispute which would have only a minor effect upon interstate commerce when, in the judgment of the Federal Service, the effect of the dispute upon commerce or the public welfare, health, or safety justifies making available its mediation facilities.

PART 1404—ARBITRATION

Sec.
1404.1 Arbitration.
1404.2 Composition of roster maintained by the Service.
1404.3 Security status.
1404.4 Procedures; how to request arbitration services.
1404.5 Arbitrability.
1404.6 Nominations of arbitrators.
1404.7 Appointment of arbitrators.
1404.8 Status of arbitrators after appointment.
1404.9 Prompt decision.
1404.10 Importance of impartiality.
1404.11 Arbitrator's award and report.
1404.12 Fees of arbitrators.
1404.13 Conduct of hearings.

AUTHORITY: The provisions of this Part 1404 issued under sec. 202, 61 Stat. 153, as amended; 29 U.S.C. 172. Interpret or apply sec. 3, 80 Stat. 250, sec. 203, 61 Stat. 153; 5 U.S.C. 552, 29 U.S.C. 173.

§ 1404.1 Arbitration.

The labor policy of the U.S. Government is designed to foster and promote free collective bargaining. Voluntary arbitration and fact-finding are tools, in appropriate cases, of free collective bargaining and may be desirable alternatives to economic strife. The parties assume broad responsibilities for the success of the private juridical system they have chosen. The Service will assist the parties in their selection of arbitrators.

§ 1404.2 Composition of roster maintained by the Service.

It is the policy of the Service to maintain on its roster only those arbitrators who are experienced, qualified, and acceptable, and who adhere to ethical standards. Applicants for inclusion on its roster must not only be well-grounded in the field of labor-management relations, but, also, possess experience in the labor arbitration field or its equivalent. (Arbitrators employed full time as representatives of management or labor are not included on the Service's roster.) After a careful screening and evaluation of the applicant's experience, the Service contacts representatives of both labor and management, as qualified arbitrators must be acceptable to those who utilize its arbitration facilities. The responses to such inquiries are carefully weighed before an otherwise qualified arbitrator is included on the Service's roster.

§ 1404.3 Security status.

The arbitrators on the Service's roster are not employees of the Federal Government, and, because of this status, the Service does not investigate their security status. Moreover, when an arbitrator is selected by the parties, he is retained by them and, accordingly, they must assume complete responsibility for the arbitrator's security status.

§ 1404.4 Procedures; how to request arbitration services.

The Service prefers to act upon a joint request which should be addressed to the Director of the Federal Mediation and Conciliation Service, Washington, D.C. 20427. In the event that the request is made by only one party, the Service may act if the parties have agreed that either of them may seek a panel of arbitrators. A brief statement of the nature of the issues in dispute should accompany the request, to enable the Service to submit the names of arbitrators of specialized competence. The request should also include a copy of the collective bargaining agreement or stipulation. In the event that the entire agreement is not available, a verbatim copy of the provisions relating to arbitration should accompany the request.

§ 1404.5 Arbitrability.

Where either party claims that a dispute is not subject to arbitration, the Service will not decide the merits of such claim. The submission of a panel should not be construed as anything more than compliance with a request.

§ 1404.6 Nominations of arbitrators.

When the parties have been unable to agree on an arbitrator, the Service will submit to the parties the names of three, five, seven, or more arbitrators, as requested, or will make a direct appointment upon being duly advised that a panel is not desired. Together with the submission of a panel of suggested arbitrators, the Service furnishes a short statement of the background, qualifications, and experience of each of the nominees. In selecting names for inclusion on a panel, the Service considers many factors, but the desires of the parties are, of course, the foremost consideration. If at any time a company or a union, or both, suggests that a name or names be omitted from a panel, such name or names will generally be omitted. The Service will not, however, place names on a panel at the request of one party unless the other party has knowledge of such request and has no objection thereto, or unless both parties join in such request. If the issue described in the request appears to require special technical experience or qualifications, arbitrators who possess such qualifications will, where possible, be included in the list submitted to the parties. Where the parties expressly request that the list be composed entirely of technicians, or that it be all-local or non-local, such request will be honored, if qualified arbitrators are available. Two of the methods of selection from a panel are (a) at a joint meeting, alternately striking names from the submitted panel until one remains, and (b) each party separately advising the Service of its order of preference by numbering each name on the panel. In almost all cases, an arbitrator is chosen from one panel of names. However, if a request for another panel is made, the Service will comply with the request, providing that additional panels are permissible under the terms of the agreement or the parties so stipulate. Subsequent adjustment of disputes is not precluded by the submission of a panel or an appointment. A substantial number of issues are being settled by the parties themselves after the initial request for a panel and after selection of the arbitrator. Notice of such settlement should be sent promptly to the arbitrator and to the Service. The arbitrator should be compensated whenever he receives insufficient notice of settlement to enable him to rearrange his schedule of arbitration hearings or working hours.

§ 1404.7 Appointment of arbitrators.

After the parties notify the Service of their selection, the arbitrator is appointed by the Director. If any party fails to notify the Service within 15 days after the date of mailing the panel, all persons named therein shall be deemed acceptable to such party. The arbitrator, upon appointment notification, is requested to communicate with the parties immediately to arrange for preliminary matters such as date and place of hearing. There is an advantage to the parties of advising the Service of the arbitrator selected, as the standards and procedures established by the Service, including those governing the range of fees, apply to the appointed arbitrator. Also, the names of arbitrators who have not completed a pending arbitration are not ordinarily included on panels requested by the same parties.

§ 1404.8 Status of arbitrators after appointment.

After appointment, the legal relationship of arbitrators is with the parties rather than the Service, though the Service does have a continuing interest in the proceedings. Industrial peace and good labor relations are enhanced by arbitrators who function justly, expeditiously and impartially so as to obtain and retain the respect, esteem and confidence of all participants in the arbitration proceedings. The conduct of the arbitration proceeding is under the arbitrator's jurisdiction and control, subject to such rules of procedure as the parties may jointly prescribe. He is to make his own decisions and write his own opinions based on the record in the proceedings. He may not delegate his duty and responsibility to others in whole or in part without the knowledge and prior consent of both parties. The powers of the arbitrators may be exercised by a majority unless otherwise provided by agreement or by law, and, unless prohibited by law, they may proceed in the absence of any party who, after due notice, fails to be present or to obtain a postponement. The award, however, must be supported by evidence as an award cannot be based solely upon the default of a party.

§ 1404.9 Prompt decision.

Early hearing and decision of industrial disputes is desirable in the interest of good labor relations. The parties should inform the Service whenever a decision is unduly delayed. The Service expects to be notified if and when (a) an arbitrator cannot schedule, hear and determine issues promptly, and (b) he is advised that a dispute has been settled by the parties prior to arbitration. The arbitrator is also expected to keep the Service informed of changes in address, occupation or availability, and of any business connection with or of concern to labor or management. The award shall be made not later than thirty (30) days from the date of the closing of the hearing, or the receipt of a transcript and any posthearing briefs, or if oral hearings have been waived, then from the date of receipt of the final statements and proof by the arbitrator, unless otherwise agreed upon by the parties or specified by law. However, a failure to make such an award within thirty (30) days shall not invalidate an award. The Service, however, when nominating arbitrators, takes notice of any arbitrator's failure to comply with its policies and procedures. The parties can expedite awards. They may advise the Service and the arbitrator if an early decision is desired. If such notice is given, the Service will so advise the arbitrator at the time of his appointment. The parties can also request that an opinion follow the award, or that an opinion be omitted in appropriate cases. The parties may also provide in their agreement or in their arbitration stipulation or request that an award must be rendered within a fixed time after the close of the hearing in order to be valid, unless the time is enlarged by agreement of the parties. Such a provision, however, would operate to nullify an award made after such a period of time and should therefore be carefully drafted so as not to cause hasty and ill-considered decisions.

§ 1404.10 Importance of impartiality.

Interviews with or communications by the arbitrator to and from one party without the knowledge and consent of the other party, are easily misunderstood and should be avoided since they can result in a loss of confidence in the integrity, fairness and judgment of the arbitrator. Likewise, the arbitrator should refrain from giving unsolicited advice in his opinion, or award or other document for the same reason. Arbitrators are called upon to decide issues which the parties have been unable to resolve and, consequently, difficult decisions are inevitable. Their acceptability can be advanced not alone by the soundness of the decisions, but also by the orderly and impartial manner in which the entire arbitration proceeding is conducted.

§ 1404.11 Arbitrator's award and report.

At the conclusion of the hearing and after the award has been submitted to the parties, each arbitrator is required to file a copy with the Service. The Service then evaluates awards with a view to determining whether they meet the accepted professional standards as to form, clarity and logic. The arbitrator is further required to submit a report showing a breakdown of his fees and expense charges so that the Service may be in a position to check conformance with its fee policies. Cooperation in filing both award and report within fifteen (15) days after handing down the award is expected of all arbitrators. It is the policy of the Service not to release arbitration decisions for publication without the consent of both parties. Furthermore, the Service expects the arbitrators it has nominated or appointed not to give publicity to awards they may issue, except in a manner agreeable to both parties.

§ 1404.12 Fees of arbitrators.

No administrative or filing fee is charged since the Service is required by law to provide such facilities. The current policy of the Service permits its nominees or appointees to charge a fee for their services not exceeding $150 per day. The Service expects its arbitrators in fixing the fee for a case to give due consideration to the financial condition of each party, the accepted standards for the area in which the dispute arises, the complexity of the issues involved and the length of time consumed preliminary to and in the course of the hearing; in the study of the evidence and preparation of the award. In those rare instances where arbitrators fix wages or other terms of a new contract, the responsibilities involved are so grave that the arbitrators are not subject to the above fee restriction. The parties may prefer to agree with the arbitrator upon a fixed fee in advance of the arbitration. This, however, could result in unnecessarily prolonging an arbitration hearing. The parties can reduce the cost of arbitration by the careful preparation of exhibits and evidence and by the stipulation of undisputed facts. The parties may also stipulate that the arbitrator devote not more than a specified number of days to the study and preparation of the opinion and award. There is, however, some risk in so doing since the award and opinion may not be satisfactory or sufficiently clear if such restriction is made in other than simple, routine cases. The Service is not concerned with whether the fees and expenses of the arbitrator are paid by only one of the parties or are divided between them. Nevertheless, unless the parties agree otherwise, (a) the fee and expenses of the arbitrator shall be paid equally by the parties, (b) the expenses of witnesses for either side shall be paid by the parties producing such witnesses, (c) the total cost of the stenographic record, if any is made, and all transcripts thereof, shall be prorated equally by all parties ordering copies, and (d) the expenses of any witnesses or the cost of any briefs produced at the direct request of the arbitrator, shall be borne equally by the parties unless the arbitrator in his award assesses such expenses or any part thereof against any specified party or parties.

§ 1404.13 Conduct of hearings.

The Service does not prescribe detailed or specific rules of procedure for the conduct of an arbitration proceeding because it favors flexibility in labor relations. It believes that the parties and experienced arbitrators know best how arbitration proceedings should be conducted if wise decisions and industrial peace are to be achieved. Questions such as hearing rooms, submission or prehearing or post hearing briefs, and recording of testimony, are left to the discretion of the individual arbitrator and the parties. The Service does, however, expect its arbitrators and the parties to conform to applicable laws, and to be guided by ethical and procedural standards as codified by appropriate professional organizations and generally accepted by the industrial community and experienced arbitrators. In cities where the Service maintains offices, the parties are welcome upon request to the Service to use its conference rooms when they are available.

Washington, D.C., June 30, 1967.

WILLIAM E. SIMKIN,
Director.

[F.R. Doc. 67-7753; Filed, July 5, 1967; 8:50 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 17254, RM-1062; FCC 67-765]

PART 73—RADIO BROADCAST SERVICES

Assignment of UHF Channel to Anaheim, Calif.

Report and order. 1. On March 3, 1966, pursuant to a petition by Morrio Publishing Co., the Commission issued a notice of proposed rulemaking in the above entitled matter (FCC 67-278, 32 F.R. 3835) proposing to assign Channel 56 to Anaheim, Calif. Interested parties were invited to comment on or before April 10, 1967, and to reply to such documents on or before April 20, 1967.

2. Only one party filed comments, Davis Broadcasting Co. (Davis), licensee of KWIZ, Santa Ana, Calif., and KWIZ-FM, Beverly Hills, Calif., which supported the proposed assignment and stated that if the assignment is made it is prepared to promptly apply for the channel. The petitioner, Morrio Publishing Co., failed to file comments or reply comments. Davis Broadcasting Co. is not connected in any way with the petitioner.

3. Anaheim is approximately 25 miles southeast of the Los Angeles Post Office and 28 miles from Mt. Wilson, site of the Los Angeles TV stations. No claim is made that reception from the Los Angeles stations is inadequate, however, both parties point out that these stations are oriented programwise to the Greater Los Angeles market and do not satisfy the need of Anaheim and Orange County for an outlet of local expression and a forum for local advertising. The Commission desires to continue its policy of encouraging the development of television stations to serve local needs and we believe that there is reasonable evidence that the assignment of a channel to Anaheim would result in a local service for this city. We are concerned, nevertheless, with the fact that Anaheim is only 25 miles from Los Angeles and that good service to the city could be provided if the transmitter were eventually to be located on the outskirts of the metropolitan area. The petitioner did not indicate where it intends to locate its transmitter, however, Davis Broadcasting Co. submitted engineering data showing the location of possible transmitter sites in the Santa Ana mountains in the opposite direction from Los Angeles. In order to forestall any interest in using the Anaheim assignment as a metropolitan outlet the Commission wishes to make it clear that the decision in this case is based on data supporting the assignment of a channel for local use. The need for an additional channel in Los Angeles would have to be determined in a separate proceeding.

4. Accordingly, pursuant to the authority contained in sections 4(i), 303, and 307(b) of the Communications

Act of 1934: *It is ordered*, That, effective August 7, 1967, § 73.606(b) of the Commission rules is amended, insofar as the city listed below is concerned, to read as follows:

City	Channel No.
Anaheim, Calif.	56

NOTE: The appropriate offset for Channel 56 will be supplied in subsequent order.

5. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: June 28, 1967.

Released: June 29, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R.Doc. 67-7703; Filed, July 5, 1967; 8:47 a.m.]

Title 44—PUBLIC PROPERTY AND WORKS

Chapter IV—Business and Defense Services Administration, Department of Commerce

[Foreign Excess Property Order No. 1]

PART 401—FOREIGN EXCESS PROPERTY

Definition of Used and Unused Personal Property

On June 2, 1967, there was published in the FEDERAL REGISTER (32 F.R. 7978) a Notice of Proposed Amendment to Foreign Excess Property Order No. 1. Said notice provided for the submission of views or arguments in writing to the Foreign Excess Property Officer of the Department of Commerce within 20 days following the day of publication of the notice. Views and arguments have been received in writing and modifications have been made in the text of the proposed amendment.

Pursuant to the above and in accordance with the provisions of 5 U.S.C. 553, Foreign Excess Property Order No. 1 (44 CFR, Part 401) (27 F.R. 5937) is hereby amended by adding the following two paragraphs to § 401.2, "Definitions."

§ 401.2 Definitions.

* * * * *

(j) "Used" property means property which shows physical signs of use or which has deteriorated because of such factors as rust, damage, age, handling or exposure.

(k) "Unused" property means property which is in new condition.

[1] Commissioner Johnson absent.

This amendment shall take effect upon the date of its publication in the FEDERAL REGISTER.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION,
RODNEY L. BORUM,
Administrator.

[F.R. Doc. 67-7698; Filed, July 5, 1967; 8:47 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission and Department of Transportation

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Ex Parte No. 37]

PART 105a—INSPECTION OF RECORDS

Availability of Commission Records for Public Inspection

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 26th day of June 1967.

Part 105a is amended by adding the ICC Manual-Administration to the specific files and records in the custody of the Secretary which are available for public inspection.

It is ordered, That paragraph (f) be added to § 105a.1 of Chapter I, Subtitle B, of Title 49 of the Code of Federal Regulations to read as follows:

§ 105a.1 Records available at the Commission's Washington Office.

* * * * *

(f) ICC Manual-Administration.

(Sec. 12, 24 Stat. 383, as amended; 49 U.S.C. 12, 81 Stat. 54; 5 U.S.C. 552)

It is further ordered, That this amendment shall become effective July 4, 1967.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy hereof in the Office of the Secretary of the Commission, Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-7742; Filed, July 5, 1967; 8:49 a.m.]

Title 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

PART 412—PUBLIC INFORMATION

The Federal Crop Insurance Corporation hereby establishes rules for the implementation of Public Law 90-23 (81 Stat. 54), 5 U.S.C. 552. The rules are incorporated in a new Part 412 and are for guidance of the public as to the availability of records of the Federal Crop Insurance Corporation for public inspection and copying and the fees to be charged. The text of this Part 412 follows:

Subpart A—Disclosure of Identifiable Records

Sec.
412.1 Policy.
412.2 Records available to the public.
412.3 Records not available to the public.
412.4 Determination of availability.
412.5 Deletion of identifying details.
412.6 Procedure for requesting access.
412.7 Fees.

Subpart B—Availability of Bulletins, Staff Manuals and Instructions and Related Material

412.8 Bulletins, staff manuals, and instructions and related material.
412.9 Index.

AUTHORITY: The provisions of this part issued under 5 U.S.C. 552, 559.

Subpart A—Disclosure of Identifiable Records

§ 412.1 Policy.

To make available to the public all Federal Crop Insurance Corporation (hereinafter referred to as "Corporation") records except where exempted by 5 U.S.C. 552(b). All Corporation offices as listed, and referred to, in Amendment 5 to former Part 400, Chapter IV of the FEDERAL REGISTER entitled Federal Crop Insurance Corporation, Organization, Functions, and Procedures (32 F.R. 8774, et seq.) are designated information centers from which records may be requested.

§ 412.2 Records available to the public.

The Corporation will promptly make available all records upon creation according to rules prescribed in § 412.6 and for the fees provided in § 412.7 except exempt records described in § 412.3. "Creation" as used herein is defined as the time when the record is approved by proper authority or when the material is published.

§ 412.3 Records not available to the public.

Exempt records of the Corporation include the following:

(a) Matters that are related solely to the internal personnel rules and practices of the Corporation.

(b) Matters that are specifically exempted from disclosure by statute.

(c) Matters that are trade secrets and commercial or financial information obtained from a person and privileged or confidential such as from producers, processors, and producer associations.

(d) Matters that are intra-agency and interagency memorandums or letters which would not be available by law to a party other than an agency in litigation with the Corporation such as agendas to be acted upon by the Board of Directors; minutes of Board of Directors meetings; documents in an insurance contract file with any person; budgets, budget estimates, and supporting data.

(e) Personnel, medical, and similar records of employees of the Corporation, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(f) Matters that are investigatory files compiled for law enforcement purposes except to the extent available by law to a party other than an agency.

§ 412.4 Determination of availability.

The head of the office to which a request is made by a person for a record, the availability of which is in question because it is not specifically covered by §§ 412.2 or 412.3, shall determine the availability subject to review by the Manager of the Corporation, who shall have the final authority to rule on its availability. Any appeals shall be made in writing to the Manager.

§ 412.5 Deletion of identifying details.

Records generally available to the public may contain certain information, the disclosure of which would clearly be an unwarranted invasion of personal privacy. The records holding office shall delete details concerning business affairs, medical or family matters, and such other matters, the disclosure of which would be an invasion of privacy, from the record before making it available. A covering letter shall be prepared explaining the justification for the deletion which shall accompany the transmittal of the record.

§ 412.6 Procedure for requesting access.

(a) *Where to request records or material.* The Federal Crop Insurance office in Washington, D.C., and each office in the field is designated as an "information center." There is established in the Washington, D.C., office a reference and reading room where all records are or will be made available to the public. This is located in Room 4090 of the South Building, U.S. Department of Agriculture, Washington, D.C. 20250. Requests for records may be made during the regular working hours of the respective information centers. Any such center shall furnish the requested record within that reasonable period of time which will allow the center to honor the request without undue interference with its regular operations.

(b) *How to request records.* Members of the public may make their requests orally or in writing. The request for any records must be specific enough to reasonably identify the record requested to enable the Corporation's representative to locate it. If a fee is to be charged for the record in accordance with § 412.7, payment of such fee shall accompany the request.

(c) *Obtaining records not maintained by the office to which the request is made.* Records normally in the possession of the Corporation are maintained by the several offices which use them. An information center which does not possess the requested record may request it from the State office or the National Service office, or may refer the request to one of those offices for proper service. The Washington office will honor requests for records normally maintained by any of its field offices.

§ 412.7 Fees.

(a) Single copies of material and blank forms made available to the public under § 412.2 are furnished free of charge to the extent that stocks on hand last. If the requester needs more than one copy, he is authorized at his own expense to make reproductions.

(b) If the requester prefers that the Corporation provide reproductions, they will be provided under a schedule of fees issued pursuant to regulations prescribed by the Director, Office of Plant and Operations, Department of Agriculture. In the event that any item requested is not included in the schedule, the fee shall be negotiated.

Subpart B—Availability of Bulletins, Staff Manuals and Instructions and Related Material

§ 412.8 Bulletins, staff manuals, and instructions and related material.

Requests for bulletins, staff manuals and other instructions and related material shall be made in accordance with § 412.6.

§ 412.9 Index.

The Corporation will maintain and make available for public inspection and copying a current index providing identifying information for all Corporation regulations, manuals, handbooks, Manager's numbered memorandums, and bylaws of the Corporation upon creation pursuant to § 412.2.

(Above relates to Title 7, Chapter IV, Parts 401 et seq.)

Adopted by the Board of Directors on June 29, 1967.

[SEAL] EARLL H. NIEKEL,
Secretary,
Federal Crop Insurance Corporation.

Approved:

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67-7813; Filed, July 3, 1967; 12:35 p.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 725—FLUE-CURED TOBACCO

Subpart—Proclamation of National Marketing Quotas on an Acreage-Poundage Basis for the 1968–69, 1969–70, and 1970–71 Marketing Years, and Determinations and Announcements With Respect to the National Marketing Quota for the 1968–69 Marketing Year

Basis and purpose. Section 725.3 is issued pursuant to and in accordance with the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.), and as further amended by Public Law 89-12 (79 Stat. 66), approved April 16, 1965, hereinafter referred to as the "Act," to proclaim national marketing quotas for Flue-cured tobacco for the 1968–69, 1969–70, and 1970–71 marketing years; to determine and announce the reserve supply level for Flue-cured tobacco for the marketing year beginning July 1, 1967; and to determine and announce for Flue-cured tobacco for the marketing year beginning July 1, 1968, the amount of the national marketing quota; the national average yield goal; the national acreage allotment; the reserve for making corrections in farm acreage allotments, adjusting inequities, and for establishing acreage allotments for new farms; the national acreage factor; and the national yield factor.

Flue-cured marketing quotas on an acreage-poundage basis have been in effect for the 1965–66, 1966–67, and 1967–68 marketing years, and the 1967–68 marketing year is the last of the 3 consecutive years for which marketing quotas previously proclaimed will be in effect. Section 317(d) of the Act provides that the Secretary shall proclaim marketing quotas for Flue-cured tobacco on either an acreage basis or an acreage-poundage basis for the 1968–69, 1969–70, and 1970–71 marketing years, whichever he determines would result in a more effective quota. It is hereby determined that, in view of the better supply control resulting from the experience gained with the acreage-poundage quota program, a more effective quota would result from marketing quotas on an acreage-poundage basis. The determinations by the Secretary contained in § 725.3 have been made on the basis of the latest available statistics of the Federal Government.

Due consideration has been given data, views, and recommendations received from Flue-cured tobacco producers and others pursuant to the notice (32 F.R. 7287) given in accordance with the provisions of 5 U.S.C. 553. Respondents to the notice (32 F.R. 7287) preponderantly recommended the proclamation of quotas and holding the referendum at polling places before the opening of the 1967 marketing season. All respondents, on the issue of whether quotas should be proclaimed on an acreage basis or on an acreage-poundage basis, were in favor of acreage-poundage quotas. As to the national marketing quota, national average yield goal, and national acreage allotment for the 1968–69 marketing year, respondents also preponderantly recommended keeping the quota, yield goal, and allotment about the same as for each of the three marketing years 1965–66, 1966–67, and 1967–68.

Flue-cured tobacco farmers approved quotas on an acreage-poundage basis for the 3 marketing years beginning July 1, 1965, July 1, 1966, and July 1, 1967, for Flue-cured tobacco comprising types 11, 12, 13 and 14, in a special referendum (30 F.R. 9299; 31 F.R. 881–886; 30 F.R. 6144, 6145), in lieu of quotas on an acreage basis in effect for those marketing

years. Since flue-cured tobacco farmers will soon be making their plans for 1968 flue-cured tobacco production and need to know the 1968 acreage allotments for their farms, as well as the type of marketing quota program available, in order to complete such plans, it is hereby found that compliance with the 30-day effective date provision of 5 U.S.C. 553 is impracticable and contrary to the public interest. Therefore, the proclamation, determinations and announcements contained herein shall become effective upon the date of filing with the Director, Office of the Federal Register.

Under the formula in the Act the basis for determining the reserve supply level depends upon the marketing year in which it is determined. 7 U.S.C. 1301(b)–(10)(B), (11)(B), (12), (14)(B). The 1967–68 marketing year begins on July 1, 1967 and ends on June 30, 1968 (7 U.S.C. 1301(b)(7)). The reserve supply level is determined to be 3,107.0 million pounds, based upon a normal year's domestic consumption of 770.0 million pounds and a normal year's exports of 510.0 million pounds.

The reserve supply level is defined in the Act as 105 percent of the normal supply. The normal supply is defined in the Act as a normal year's domestic consumption and exports, plus 175 percent of a normal year's domestic consumption and 65 percent of a normal year's exports. A normal year's domestic consumption is defined in the Act as the yearly average quantity produced in the United States and consumed in the United States during the 10 marketing years immediately preceding the marketing year in which such consumption is determined, adjusted for current trends in such consumption. A normal year's exports is defined in the Act as the yearly average quantity produced in the United States which was exported from the United States during the 10 marketing years immediately preceding the marketing year in which such exports are determined, adjusted for current trends in such exports. The 10-year average domestic consumption during the 10 marketing years preceding the 1967–68 marketing year (including estimate for the 1966–67 marketing year) was 760.6 million pounds, and the 10-year average exports during such period (including estimate for the 1966–67 marketing) was 461.9 million pounds. After adjustment for trends, a normal year's domestic consumption at 770.0 million pounds and a normal year's exports of 510.0 million pounds appear reasonable, and result in a reserve supply level of 3,107.0 million pounds.

The carryover of Flue-cured tobacco on July 1, 1968 is estimated at 2,212.0 million pounds. The 1968 crop, based on the 1968 national acreage allotment of 607,605.18 acres and with an allowance for overmarketings and undermarketings, is estimated at 1,138.0 million pounds. The total supply of Flue-cured tobacco for the 1968–69 marketing year is, therefore, presently estimated at 3,350.0 million pounds or 243.0 million pounds above the reserve supply level.

It is estimated that 780.0 million pounds of Flue-cured tobacco will be utilized in the United States during the 1968–69 marketing year, and 520.0 million pounds will be exported in such marketing year. This compares with the present estimates for the 1967–68 marketing year of 735 million pounds for domestic utilization and 330 million pounds for export. The estimates for the 1968–69 marketing year take into account an expected increase in cigarette production and a high level of exports because of improved quality in the leaf marketed under the acreage-poundage program.

It is determined that it is desirable to effect an orderly reduction of supplies to the reserve supply level, and, therefore, a downward adjustment in a national marketing quota of 1,270 million pounds should be made. Accordingly, the national marketing quota for Flue-cured tobacco for the marketing year beginning July 1, 1968 is determined to be 1,126.5 million pounds. This reduction is less than the maximum reduction of 15 per centum permitted by the Act, but no further reduction is deemed desirable because experience gained from actual operations under the acreage-poundage program is still limited and a greater reduction would not effect an orderly reduction to the reserve supply level.

It is determined that the national marketing quota of 1,126.5 million pounds in view of the anticipated carryover will insure an adequate supply of Flue-cured tobacco for the 1968–69 marketing year.

The "national average yield goal" has been determined to be 1,854 pounds per acre. It has been determined that this yield will improve or insure the usability of Flue-cured tobacco and increase the net return per pound to the growers. In making this determination consideration was given to research data of the Agricultural Research Service of the Department and one of the land-grant colleges in the Flue-cured tobacco area. A national average yield goal of 1,854 pounds was determined and announced for the 1965–66, 1966–67 and 1967–68 marketing years (30 F.R. 6144, 14592; 31 F.R. 15020).

The community average yields have been determined for Flue-cured tobacco and published in the FEDERAL REGISTER, § 724.34u (30 F.R. 6207, 9675, 14487.

The national acreage allotment is 607,605.18 acres, determined in accordance with the provisions of the Act by dividing the national marketing quota of 1,126.5 million pounds by the national average yield goal of 1,854 pounds.

In accordance with the provisions of the Act a reserve from the national acreage allotment is established in the amount of 301.57 acres for making corrections in farm acreage allotments, adjusting inequities and establishing allotments for new farms. It is estimated that the reserve acreage will be adequate.

Consideration in the light of the latest available statistics of the Federal Government was given as to whether any of the types of Flue-cured tobacco should be treated as a kind of tobacco pursuant to the proviso in section 301(b)(15) of the Act at the time the national marketing quota for the 1965–66 marketing year for Flue-cured tobacco was determined (30 F.R. 6144), and it was determined that types 11, 12, 13, and 14 constitute one kind of tobacco for purposes of the Act for the 1965–66, 1966–67, and 1967–68 marketing years. This finding was affirmed by the Secretary in his determination of January 10, 1966 (31 F.R. 881), and that determination was sustained in the case of Brown et al. v. Freeman. This finding is hereby made applicable for the 1968–69, 1969–70, and 1970–71 marketing years.

No action may be taken under section 313(i) of the Act unless a substantial difference exists in the usage or market outlets for any one or more of the types comprising the kind of tobacco. On the basis of the facts recited (30 F.R. 6144) in connection with the consideration of section 301(b)(15), it was determined that there is no substantial difference existing in the usage or marketing outlets for any one or more of the types of Flue-cured tobacco and, therefore, no action was taken for the 1965–66 marketing year (nor for the 1966–67 and 1967–68 marketing years) under this section. The same conditions prevailed with respect to usage or marketing outlets that prevailed at the time of the determination for the marketing quotas on an acreage-poundage basis for the 1965–66, 1966–67, and 1967–68 marketing years and, therefore, no action is being taken under section 313(i) of the Act for the 1968–69 marketing year. In addition, section 313(i) of the Act applied only to marketing quotas and acreage allotments established pursuant to section 313. It is, therefore, concluded that, notwithstanding section 4 of Public Law 89–12, the better view is that section 313(i) of the Act should not be applied to acreage allotments and marketing quotas determined under Public Law 89–12.

§ 725.3 Proclamation, determinations and announcements.

(a) *Proclamation.* Since marketing quotas have been made effective for Flue-cured tobacco for the 1965–66, 1966–67, and 1967–68 marketing years (30 F.R. 6144), and since the 1967–68 marketing year is the last of 3 consecutive years for which marketing quotas previously proclaimed will be in effect for Flue-cured tobacco, and since it is determined that a marketing quota program on an acreage-poundage basis will result in a more effective marketing quota for Flue-cured tobacco, a marketing quota on an acreage-poundage basis is hereby proclaimed for Flue-cured tobacco for the 1968–69, 1969–70 and 1970–71 marketing years.

(b) *Reserve supply level for Flue-cured tobacco for the marketing year beginning July 1, 1967.* The reserve supply level for Flue-cured tobacco for the marketing year beginning July 1, 1967 is 3,107 million pounds, calculated, as provided in the Act, from a normal year's domestic consumption of 770 million pounds and a normal year's exports of 510 million pounds.

(c) *National marketing quota for Flue-cured tobacco on an acreage-poundage basis for the marketing year beginning July 1, 1968.* A national marketing quota for Flue-cured tobacco on an acreage-poundage basis for the marketing year beginning July 1, 1968 is hereby determined and announced in the amount of 1,126.5 million pounds. This quota is based upon an estimated utilization in the United States in such marketing year of 780 million pounds and exports in such marketing year of 520 million pounds, with a downward adjustment which is determined to be desirable for the purpose of effecting an orderly reduction of supplies (3,350 million pounds estimated as of July 1, 1968) to the reserve supply level.

(d) *National average yield goal.* The national average yield goal for flue-cured tobacco for the marketing year beginning July 1, 1968, is determined and announced at 1,854 pounds. This goal is based on the yield per acre which on a national average basis, it is determined, will improve or insure the usability of flue-cured tobacco and increase the net return per pound to growers.

(e) *National acreage allotment.* The national acreage allotment for flue-cured tobacco on an acreage-poundage basis for the marketing year beginning July 1, 1968 is determined and announced to be 607,605.18 acres. This allotment was determined by dividing the national marketing quota of 1,126.5 million pounds by the national average yield goal of 1,854 pounds.

(f) *Reserve acreage for making corrections in farm acreage allotments, adjusting inequities, and establishment of acreage allotments for new farms.* A national reserve from the national acreage allotment in the amount of 301.57 acres is hereby determined and announced. This reserve is for making corrections in farm acreage allotments, adjusting inequities, and establishing allotments for new farms. Of the 301.57 acres, 100.0 acres are hereby set aside to be available for new farms. The remainder of 201.57 acres is hereby made available for making corrections in farm acreage allotments and for adjusting inequities.

(g) *National acreage factor.* The national acreage factor for flue-cured tobacco for the 1968–69 marketing year is determined and announced to be 1.0.

(h) *National yield factor.* The national yield factor for flue-cured tobacco for the 1968–69 marketing year is determined and announced to be .9316.

(Secs. 301, 313, 317, 375, 52 Stat. 38, 47, 66, as amended, 79 Stat. 66; 7 U.S.C. 1301, 1313, 1314c, 1375)

Effective date: Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on July 3, 1967.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67-7810; Filed, July 5, 1967; 8:50 a.m.]

PART 728—WHEAT

Subpart—1968–69 Marketing Year

Sec.
728.341 Basis and purpose.
728.342 National marketing quota for wheat for 1968–69 marketing year.
728.343 1968 national acreage allotment for wheat.
728.344 Apportionment of the 1968 national acreage allotment for wheat among the several States.
728.345 Designation of States outside the commercial wheat-producing area for the 1968–69 marketing year.

AUTHORITY: Secs. 728.341 to 728.345 issued under secs. 301, 332, 333, 334, 334a, 335, 375, 377, 379b, 52 Stat. 38, as amended, 53, as amended, 54, as amended, 66 as amended, 73 Stat. 393, as amended, 76 Stat. 621, 626, as amended; 7 U.S.C. 1301, 1332, 1333, 1334, 1334b, 1335, 1375, 1377, 1379b.

§ 728.341 Basis and purpose.

(a) The regulations contained in §§ 728.341 to 728.345 are issued pursuant to and in accordance with the Agricultural Adjustment Act of 1938, as amended, to (1) announce that a national wheat marketing quota shall not be in effect for the 1968–69 marketing year, (2) announce the amount of the national marketing quota which would have been determined if a national quota had been proclaimed, (3) proclaim the 1968 national acreage allotment for wheat, (4) apportion the national acreage allotment among the several States, and (5) designate the commercial wheat-producing area for the 1968–69 marketing year.

(b) Section 332(d) of the act provides that the Secretary shall not proclaim a national marketing quota for the crop of wheat planted for harvest in the calendar year 1968, and that farm marketing quotas shall not be in effect for such crop of wheat.

(c) Section 333 of the act provides that the Secretary shall proclaim a national acreage allotment for each crop of wheat; and that "The amount of the national acreage allotment for any crop of wheat shall be the number of acres which the Secretary determines on the basis of the projected national yield and expected underplantings (acreage other than that not harvested because of program incentives) of farm acreage allotments will produce an amount of wheat equal to the national marketing quota for wheat for the marketing year for such crop, or if a national marketing quota was not proclaimed, the quota which would have been determined if one had been proclaimed."

(d) Section 322(b) provides that "The amount of the national marketing quota for wheat for any marketing year shall be an amount of wheat which the Secretary estimates (f) will be utilized during such marketing year for human consumption in the United States as food, food products, and beverages, composed wholly or partly of wheat, (ii) will be utilized during such marketing year in the United States for seed, (iii) will be exported either in the form of wheat or wheat products thereof, and (iv) will be utilized during such marketing year in the United States as livestock (including poultry) feed, excluding the estimated quantity of wheat which will be utilized for such purpose as a result of the substitution of wheat for feed grains under section 328 of the Food and Agriculture Act of 1962; less (A) an amount of wheat equal to the estimated imports of wheat into the United States during such marketing year and, (B) if the stocks of wheat owned by the Commodity Credit Corporation are determined by the Secretary to be excessive, an amount of wheat determined by the Secretary to be a desirable reduction in such marketing year in such stocks to achieve the policy of the act: *Provided*, That if the Secretary determines that the total stocks of wheat in the nation are insufficient to assure an adequate carryover for the next succeeding marketing year, the national marketing quota otherwise determined shall be increased by the amount the Secretary determines to be necessary to assure an adequate carryover: *And provided further*, That the national marketing quota for wheat for any marketing year shall be not less than 1 billion bushels." The amount of national marketing quota for wheat for the 1968–69 marketing year set out in § 728.342 and 1968 national acreage allotment for wheat set out in § 728.343 were computed in accordance with the formulas in the act."

(e) The considerations entering into the determination of the national marketing quota for wheat that would have been determined for the 1968–69 marketing year in the amount of 1,510 million bushels are set out in § 728.342. The projected national yield for the 1968 crop of wheat is determined to be 27.5 bushels per acre. The basis for this determination follows: The national yield per harvested acre of wheat during each of the 5 calendar years 1962 through 1966, as reported by the Statistical Reporting Service, USDA, was found to be 25.0, 25.2, 25.8, 26.5, and 26.3 respectively. The average of these five annual yields was computed to be 25.8. Based on a graphic projection of national annual wheat yields for a 16-year (1951–66) base period to determine trend in wheat yields and with consideration given to annual wheat yields in the various production areas, improved current production practices, abnormal weather, and expected harvest acreage, it was determined that the 5-year average of 25.8 should be adjusted upward to 27.5 for the purposes of the projected national yield for the 1968 crop of wheat. On the basis of a national quota of 1,510 million bushels, a national projected yield of 27.5 bushels per acre, and expected underplantings (acreage other than that not harvested because of program incentives) of 4.3 million acres, a national acreage allotment of 59.3 million acres was determined.

(f) (1) Section 334(a) of the act, as amended, provides that the 1968 national

acreage allotment for wheat (less (i) a reserve of not to exceed 1 per centum thereof for apportionment to counties in addition to the county allotments made under section 334(b) of the act on the basis of relative needs of counties for additional allotment because of reclamation and other new areas coming into production of wheat, and less (ii) a special reserve not in excess of 1 million acres for the purpose explained in the following paragraph) shall be apportioned by the Secretary among the several States on the basis of the preceding year's allotment for each such State, including all amounts allotted to the State, adjusted to the extent deemed necessary by the Secretary to establish a fair and equitable apportionment base for each State, taking into consideration established crop rotation practices, estimated decrease in farm allotments because of loss of history, and other relevant factors.

(2) A special reserve acreage of not in excess of 1 million acres, is also provided for in addition to the national acreage reserve. Such special acreage reserve shall be made available to the States to make additional allotments to counties on the basis of relative need of counties, as determined by the Secretary, for additional allotments to make adjustments in the allotments on old wheat farms (i.e. farms on which wheat has been seeded or regarded as seeded to one or more of the three crops immediately preceding the crop for which the allotment is established) on which the ratio of wheat acreage allotment to cropland on the farms is less than one-half the average ratio of wheat acreage allotment to cropland on old wheat farms in the county. Such adjustments shall not provide an allotment for any farm which would result in an allotment-cropland ratio for the farm in excess of one-half of such county average ratio and the total of such adjustments in any county shall not exceed the acreage made available therefor in the county. Such apportionment from the special acreage reserve shall be made only to counties where wheat is a major income-producing crop, only to farms on which there is limited opportunity for the production of an alternative income-producing crop, and only if an efficient farming operation on the farm requires the allotment of additional acreage from the special acreage reserve. For the purpose of making adjustments from the special acreage reserve, the cropland on the farm shall not include any land developed as cropland subsequent to the 1963 crop year. In determining the amount of the reserve, consideration was given to the acreage required for making such adjustments for past programs. The acreage apportioned to farms for the 1965 program amounted to approximately 46,000 acres. The acreage apportioned to farms in 1966 was 23,255 acres, and in 1967 was 20,582 acres. Accordingly, it is determined that 20,000 acres will be adequate for the purpose of this special reserve for the 1968 crop.

(3) The national reserve acreage needed for reclamation and other new areas coming into the production of wheat is determined to be 5,000 acres. This determination is based upon experience gained during past years and expected needs for the coming year.

(4) The 1968 national wheat allotment was apportioned among the various States as follows:

(i) To each 1967 State wheat allotment determined under section 334(a) of the act, as amended, and published in the FEDERAL REGISTER of June 15, 1966 (31 F.R. 8337) and increased 15 percent by further amendment published in the FEDERAL REGISTER of September 9, 1966 (31 F.R. 11850), was added the sum of 1967 allotment acreage allocated to counties in each State from the special national acreage reserve to increase allotments on eligible farms in designated counties where wheat is a major income-producing crop. The resulting preliminary apportionment bases for each State were (a) adjusted to reflect the net plus or minus change in 1967 wheat allotment resulting from the transfer of farms to other States for administrative purposes, and (b) were adjusted downward to the extent of the sum of 1967 wheat allotments removed from farms going out of agricultural production. Adjustment in State preliminary apportionment bases for established crop rotation practices were determined to be necessary only in the States of Colorado, Oregon, and Washington. Because history loss in 1964 and prior years is already reflected in each 1967 State allotment and section 334(a) of the act, as amended by the Agriculture Act of 1964, provided for full preservation of history in 1965 and under provisions of section 377 of the act has the effect of preserving history in 1966, no adjustment of State preliminary apportionment bases was made because of history loss. The national wheat allotment of 59.3 million acres, less the national reserve and the special reserve, was distributed pro rata to States on the basis of each State's apportionment base determined in accordance with the foregoing.

(g) Section 334a of the act provides that if the acreage allotment for any State for any crop of wheat is 25,000 acres or less, the Secretary may designate such State as outside the commercial wheat-producing area for the marketing year for such crop in order to promote efficient administration of the act and the Agricultural Act of 1949. From the standpoint of efficient and equitable administration of the marketing quota and marketing allocation program for the 1968–69 marketing year, it is considered desirable that wheat marketing certificates be made available to wheat producers in all States on precisely the same basis. Therefore, no State for which a State acreage allotment was determined will be designated outside the commercial wheat-producing area for the 1968–69 marketing year.

(h) The findings and determinations by the Secretary contained in §§ 728.342 through 728.345 have been made on the basis of the latest available statistics of the Federal Government as required by section 301(c) of the act.

(i) Since farmers need to know their 1968 farm acreage allotments as soon as possible in order to plan their 1968 seeding operations, and since farm acreage allotments cannot be determined until the national acreage allotment is determined and apportioned among States and counties, it is necessary that this document become effective as soon as possible. Moreover, since farm marketing quotas will not be in effect on the 1968 crop of wheat, this document relates only to loans, grants, and benefits, and is exempted from the notice, public procedure, and effective date provisions of 5 U.S.C. 553. Accordingly, the apportionment and determinations herein shall become effective upon the date of the filing of this document with the Director, Office of the Federal Register.

§ 728.342 National marketing quota for wheat for 1968–69 marketing year.

A national marketing quota for wheat shall not be in effect for the 1968–69 marketing year. In order that a national acreage allotment may be determined for the 1968 crop of wheat, it is necessary to determine the amount of the national wheat marketing quota which would have been determined if one had been proclaimed for the 1968–69 marketing year.

Based upon (a) estimated human consumption in the United States during the 1968–69 marketing year of 540 million bushels for food, food products, and beverages, composed wholly or partly of wheat, (b) estimated use for seed in the United States during each marketing year of 70 million bushels, (c) estimated exports of wheat and wheat products during such marketing year of 750 million bushels, and (d) the estimated amount which will be utilized during such marketing year as livestock (including poultry) feed, excluding the estimated quantity of wheat which will be utilized for such purpose as a result of the substitution of wheat for feed grains under section 328 of the Food and Agriculture Act of 1962, of 126 million bushels; less estimated imports into the United States during such marketing year of 1 million bushels, the amount of the national marketing quota for wheat for the 1968–69 marketing year would be 1,485 million bushels. It is determined that stocks of wheat owned by the Commodity Credit Corporation are not excessive and no reduction in such stocks is necessary to achieve the policy of the Act. If is also determined that the total stocks of wheat in the nation are insufficient to assure an adequate carryover for the 1969–70 marketing year. Therefore, the national quota for the 1968–69 marketing year which would otherwise be determined is increased by 25 million bushels to a total amount of 1,510 million bushels.

§ 728.343 1968 national acreage allotment for wheat.

Based upon the projected national yield of wheat of 27.5 bushels per acre which is hereby determined, and expected underplantings, the 1968 national acreage allotment which will make available a supply of wheat equal to the national marketing quota is determined to be 59.3 million acres, and a 1968 national acreage allotment in that amount is hereby proclaimed.

§ 728.344 Apportionment of the 1968 national acreage allotment of wheat among the several States.

The national acreage allotment, less a national reserve of 5,000 acres and a special acreage reserve of 20,000 acres for additional allotments to counties, is hereby apportioned among the several States as follows:

State	Acreage allotment
Alabama	71,742
Arizona	45,068
Arkansas	154,770
California	422,945
Colorado	2,690,395
Connecticut	364
Delaware	20,880
Florida	19,464
Georgia	142,280
Idaho	1,242,982
Illinois	1,866,458
Indiana	1,435,717
Iowa	158,874
Kansas	11,117,320
Kentucky	235,174
Louisiana	43,551
Maine	265
Maryland	180, 820
Massachusetts	225
Michigan	1, 241, 575
Minnesota	1, 084, 737
Mississippi	61, 459
Missouri	1, 749, 686
Montana	4, 084, 955
Nebraska	3, 310, 931
Nevada	17, 509
New Jersey	53, 276
New Mexico	488, 868
New York	346, 485
North Carolina	451, 645
North Dakota	7, 618, 232
Ohio	1, 099, 514
Oklahoma	5, 117, 838
Oregon	852, 544
Pennsylvania	614, 696
Rhode Island	184
South Carolina	303, 497
South Dakota	2, 879, 784
Tennessee	216, 707
Texas	4, 258, 167
Utah	509, 895
Vermont	515
Virginia	309, 262
Washington	2, 051, 715
West Virginia	31, 612
Wisconsin	81, 090
Wyoming	395, 354
Total apportioned to States	59, 275, 000
Special acreage reserve	20, 000
National reserve	5, 000
Total national allotment	59, 300, 000

§ 728.345 Designation of States outside the commercial wheat-producing area for the 1968–69 marketing year.

No State for which a State acreage allotment was determined is designated as outside the commercial wheat-producing area for the 1968–69 marketing year. Accordingly, the commercial wheat-producing area for the 1968–69 marketing year shall consist of all States in the United States except New Hampshire, Alaska and Hawaii.

Effective date: Upon filing with the Director, Office of the Federal Register.

Issued at Washington, D.C., this 29th day of June 1967.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67-7722; Filed, July 5, 1967; 8:49 a.m.]

SUBCHAPTER C—SPECIAL PROGRAMS

[Amdt. 10]

PART 751—LAND USE ADJUSTMENT PROGRAMS

Subpart—Cropland Adjustment Program for 1966 through 1969

LAND ACQUISITION FUNDS AND COST-SHARE ASSISTANCE TO PUBLIC ENTITIES

The regulations governing the 1966–1969 Cropland Adjustment Program (31 F.R. 3483) are amended as follows:

Section 751.142(c)(2) is amended to read as follows: "must not be acquired through the actual exercise of the right of eminent domain unless the seller requested or consented to such action and the Deputy Administrator determines that acceptance of such land would be in the interest of the program; and".

(Sec. 602(q), 79 Stat. 1210)

Effective date: Date of signature.

Signed at Washington, D.C., on June 28, 1967.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 67-7699; Filed, July 5, 1967; 8:46 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

PART 900—GENERAL REGULATIONS

Subpart—Procedure for Determining the Qualification of Cooperative Milk Marketing Associations

Sec.
900.350 General statement.
900.351 Applications for qualification.
900.352 Confidential information.
900.353 Qualification standards.
900.354 Inspection and investigation.
900.355 Annual reporting.
900.356 Listing of qualified associations.
900.357 Denial of application; suspension or revocation of determination of qualification.

AUTHORITY: The provisions of this subpart issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

§ 900.350 General statement.

Cooperative marketing associations apply for qualification by the Secretary under the Federal milk order program for certain privileges and exemptions. These privileges and exemptions are expressed in the Agricultural Marketing Agreement Act of 1937 (50 Stat. 246) as amended, and the milk marketing orders issued pursuant to its provisions.

§ 900.351 Applications for qualification.

Any association of producers may apply for determinations as to whether it is a qualified cooperative association with authority to represent producers in order referendums; has authorization to collect payment from handlers for members' milk; and is rendering specified marketing services to producers. Applicant associations should supply information for these determinations, using as a guide Application Form DA–25. The application form may be obtained from the Dairy Division, Consumer and Marketing Service, United States Department of Agriculture, Washington, D.C. 20250. Determinations required of the Secretary of Agriculture, or the Administrator of the Consumer and Marketing Service, by delegation are made by the Director of the Dairy Division. Once issued they are valid until amended, suspended or terminated.

§ 900.352 Confidential information.

The documents and other information submitted by an applicant association and otherwise obtained by investigation, examination of books, documents, papers, records, files and facilities, and in reports filed subsequent to initial determinations of qualification, shall be regarded as confidential and shall be governed by § 900.210.

§ 900.353 Qualification standards.

Statutory requirements for qualification of cooperative associations are provided in subsections (5) and (12) of section 608c of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). The association must: (a) Be a cooperative marketing association of producers, qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," (7 U.S.C. 291, 292); (b) have its entire organization and all of its activities under the control of its members; (c) have full authority in the sale of its members' milk; and (d) be engaged in making collective sales or marketing of milk or milk products for the producers thereof. Qualification for exemption from deductions for marketing service payments under specific marketing orders and payment for milk of members under specific orders shall be determined in accordance with the terms of the respective marketing orders.

§ 900.354 Inspection and investigation.

The Secretary of Agriculture, or his duly authorized representative, shall have the right, at any time after an application is received, to examine all books, documents, papers, records, files and facilities of the association, to verify any of the information submitted and to procure such other information as may be required to determine whether the association is qualified in accordance with its application.

§ 900.355 Annual reporting.

Determinations of qualification for privileges and exemptions are subject to amendment, termination or suspension if the association does not currently meet the qualification standards. An association found to be qualified pursuant to the Act is required to file an annual report after its annual meeting has been held following the close of its fiscal year. Form DA-24 is used for this purpose. The report form is available at the Dairy Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250. The association is required to file a copy of its report with the Dairy Division at Washington and with the market administrator of each order under which it operates.

§ 900.356 Listing of qualified associations.

A copy of each determination of qualification is furnished to the respective association. Copies are also filed in the Dairy Division, Consumer and Marketing Service, and with the Hearing Clerk, Office of the Secretary, U.S. Department of Agriculture, Washington, D.C. 20250, where they are available for public inspection. A list of qualified associations engaged in marketing milk under a particular milk marketing order is maintained at the office of the market administrator of the order.

§ 900.357 Denial of application; suspension or revocation of determination of qualification.

Any cooperative association whose application has been wholly or partially denied, or whose determination of qualification has been wholly or partly revoked or suspended, may petition the Secretary for a review of such action. Such petition shall state facts relevant to the matter for which review is sought. After due notice to such cooperative association, the Director of the Dairy Division, or in his absence the Acting Director, shall hold, in the manner hereinafter specified, an informal hearing.

(a) *Notice.* Notice shall be given in writing and shall be mailed to the last known address of the association, or of an officer thereof, at least 3 days before the date set for a hearing. Such notice shall contain: a statement of the time and place of the hearing, said place to be as convenient to the association as can reasonably be arranged, and may contain a statement of the reason for calling the hearing and the nature of the questions upon which evidence is desired or upon which argument may be presented.

(b) *Parties.* Hearings are not to be public and are to be attended only by representatives of the association and of the Government, and such other persons as either the association or the Government desires to have appear for purposes of submitting information or as counsel.

(c) *Conduct of hearing.* The Director or Acting Director of the Dairy Division, or a person designated by him, shall preside at the hearing. The hearing shall be conducted in such manner as will be most conducive to the proper disposition of the matter. Written statements or briefs may be filed by the association within the time specified by the presiding officer.

(d) *Preliminary report.* The presiding officer shall prepare a preliminary report setting forth a recommendation as to what action shall be taken and the basis for such action. A copy of said report shall be served upon the association by mail or in person. The association may file exceptions to said report within 10 days after service thereof.

(e) *Final report.* After due consideration of all the facts and the exceptions, if any, the Director of the Dairy Division shall issue a final report setting forth the action to be taken and the basis for such action.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective Date: Upon publication.

Signed at Washington, D.C., on June 30, 1967.

S. R. SMITH,
Administrator.

[F.R. Doc. 67-7729; Filed, July 5, 1967; 8:49 a.m.]

[Lime Reg. 23, Amdt. 3]

PART 911—LIMES GROWN IN FLORIDA

Quality and Size Regulation

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911), regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Florida Lime Administrative Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of limes, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of limes grown in Florida.

Order. The provisions of paragraph (a)(1)(ii) of § 911.325 (Lime Reg. 23; 32 F.R. 6606, 8022, 9081) are hereby amended to read as follows on and after July 5, 1967:

§ 911.325 Lime Regulation 23.

(a) *Order.* (1) • • •

(ii) Any limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties) which do not grade at least U.S. Combination, Mixed Color, with not less than 75 percent, by count, of the limes in each container thereof grading at least U.S. No. 1, Mixed Color, and the remainder thereof grading not less than U.S. No. 2, Mixed Color; or

• • • • •

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 3, 1967.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-7812; Filed, July 3, 1967; 12:35 p.m.]

[Plum Reg. 4, Amdt. 1]

PART 917—FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917), regulating the handling of fresh pears, plums, and peaches grown in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Plum Commodity Committee, and upon other available information, it is hereby found that the limitation of shipments of July Santa Rosa variety of plums, in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that, as hereinafter set forth, the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; compliance with the provisions of this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof; and this amendment relieves restrictions on the handling of July Santa Rosa variety of plums for the shipment of smaller sizes.

In § 917.392 (Plum Reg. 4 (32 F.R. 7841)) subparagraph (a)(1) is revised, subparagraph (2) is redesignated subparsgraph (4), and new subparagraphs 2 and 3 are inserted.

§ 917.392 Plum Regulation 4.

(a) *Order.* (1) During the period July 1, 1967, through October 31, 1967, no handler shall ship any package or container of Burmosa, El Dorado, Mariposa, Red Roy, Laroda, Ace, Elephant Heart, Sharkey, July Santa Rosa, or Grand Rosa plums unless such plums are of a size that, when packed in a standard basket, they will pack at least a 3 x 4 x 5 standard pack.

(2) During each day of the aforesaid period, any handler may ship from any shipping point a quantity of July Santa Rosa variety of plums, which are smaller than the size prescribed in subparagraph (1) of this paragraph if such quantity does not exceed 50 percent of such variety shipped by such handler which meets the size specified in said subparagraph (1): *Provided,* That all such smaller plums are of a size that, when packed in a standard basket, they will pack at least a 4 x 5 standard pack.

(3) If any handler, during any day of the aforesaid period, ships from any shipping point less than the maximum allowable quantity of July Santa Rosa variety of plums that may be smaller than the size prescribed in subparagraph (1) of this paragraph, the quantity of such undershipment may be shipped by such handler only from such shipping point.

(4) When used herein, "standard pack" shall have the same meaning as set forth in the U.S. Standards for Grades of Fresh Plums and Prunes (7 CFR 51.1520–1538), "standard basket" shall mean the standard basket set forth in paragraph I of section 828.1 of the Agricultural Code of California; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(b) The provisions of this amendment shall become effective July 1, 1967.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 30, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-7683; Filed, July 5, 1967; 8:46 a.m.]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk) Department of Agriculture

[Milk Order Nos. 104, 132]

PART 1104—MILK IN RED RIVER VALLEY MARKETING AREA

PART 1132—MILK IN TEXAS PANHANDLE MARKETING AREA

Order Amending Orders

Findings and determinations. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of each of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein. The following findings are hereby made with respect to each of such orders.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the above designated marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than the month of July 1967. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The emergency decision of the Assistant Secretary containing all amendment provisions of this order, was issued June 28, 1967. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective July 1, 1967, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (5 U.S.C. 553(d) (1966).)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in sec. 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof the handling of milk in the respective hereinafter designated marketing areas shall be in conformity to and in compliance with the terms and conditions of the aforesaid orders, as amended and as hereby further amended, as follows:

Section 1104.61(a) is revised to read as follows:

§ 1104.61 Plants subject to other Federal orders.

• • • • •

(a) A distributing plant meeting the requirements of § 1104.9 which also meets the pooling requirements of another Federal order and from which, the Secretary determines, a greater quantity of Class I milk was disposed of during the month on routes in such other Federal order marketing area than was so disposed of in this marketing area, except that if such plant was subject to all the provisions of this part in the immediately preceding month, it shall continue to be subject to all the provisions of this part until the third consecutive month in which a greater proportion of its Class I disposition is made in such other marketing area unless, notwithstanding the provisions of this paragraph, it is regulated under such other order. On the basis of a written application made by the plant operator at least 15 days prior to the date for which a determination of the Secretary is to be effective, the Secretary may determine that the Class I dispositions in the respective marketing areas to be used for purposes of this paragraph shall exclude (for a specified period of time) Class I disposition made under limited term contracts to governmental bases and institutions.

• • • • •

1. Section 1132.10(a) is revised to read as follows:

§ 1132.10 Pool plant.

* * * * *

(a) A distributing plant from which a volume of Class I milk not less than 50 percent of the Grade A milk received at such plant from dairy farmers and from other plants is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except pool plants) and not less than 15 percent of such receipts, or an average of not less than 10,000 pounds per day, whichever is less, is so disposed of to such outlets in the marketing area: *Provided*, That if a portion of a plant is physically apart from the Grade A portion of such plant, is operated separately and is not approved by any health authorities for the receiving, processing or packaging of any fluid milk product for Grade A disposition, it shall not be considered as part of a pool plant pursuant to this section.

* * * * *

2. § 1132.61(a) is revised to read as follows:

§ 1132.61 Plants subject to other Federal orders.

* * * * *

(a) A distributing plant meeting the requirements of § 1132.10(a) which also meets the pooling requirements of another Federal order and from which, the Secretary determines, a greater quantity of Class I milk is disposed of during the month on routes in such other Federal order marketing area than was disposed of to retail and wholesale outlets (excluding pool plants) in this marketing area, except that if such plant was subject to all the provisions of this order in the immediately preceding month, it shall continue to be subject to all the provisions of this order until the third consecutive month in which a greater proportion of its Class I disposition is made in such other marketing area unless notwithstanding the provisions of this paragraph it is regulated under such other order. On the basis of a written application made by the plant operator at least 15 days prior to the date for which a determination of the Secretary is to be effective, the Secretary may determine that the Class I dispositions in the respective marketing areas to be used for purposes of this paragraph shall exclude (for a specified period of time) Class I disposition made under limited term contracts to governmental bases and institutions.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: July 1, 1967.

Signed at Washington, D.C., on June 29, 1967.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 67-7654; Filed, July 5, 1967; 8:45 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1967 Crop Grain Sorghum Supp.]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1967 Crop Grain Sorghum Loan and Purchase Program

This annual crop year supplement, together with the General Regulations for the 1964 and Subsequent Crops (31 F.R. 5941) and the 1966 and Subsequent Crops Grain Sorghum Supplement (31 F.R. 8000), and any amendments thereto, contain the provisions for price support loans and purchases for the 1967 crop of grain sorghum.

Sec.
1421.2581 Availability.
1421.2582 Compliance requirements.
1421.2583 Warehouse charges.
1421.2584 Maturity of loans.
1421.2585 Support rates and discounts.

AUTHORITY: The provisions of this subpart issued under sec. 4, 62 Stat. 1070 as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051 as amended; 15 U.S.C. 714c, 7 U.S.C. 1421, 1441.

§ 1421.2581 Availability.

A producer desiring a price support loan must request a loan on his eligible grain sorghum on or before May 31, 1968, on grain sorghum stored in Oklahoma and Texas and on or before June 30, 1968, on grain sorghum stored in all other States. To obtain price support through a sale to CCC, a producer must give the appropriate ASCS county office notice of his intent to sell his eligible grain sorghum to CCC on or before June 30, 1968, with respect to grain sorghum stored in the States of Oklahoma and Texas and on or before July 31, 1968, with respect to grain sorghum stored in any other State.

§ 1421.2582 Compliance requirements.

To be eligible for a loan or purchase, a producer must qualify for a price support payment under the 1966–69 Feed Grain Program Regulations (31 F.R. 8339), and any amendments thereto, on grain sorghum of the 1967 crop on the farm on which the grain sorghum tendered for loan or purchase was produced except that such qualification is not necessary with respect to grain sorghum produced in an area of the United States in which the feed grain program is not in effect.

§ 1421.2583 Warehouse charges.

Subject to the provisions of § 1421.2569, the following schedule of deductions for grain sorghum stored in an approved warehouse operating under the Uniform Grain Storage Agreement shall apply:

SCHEDULE OF DEDUCTIONS FOR STORAGE CHARGES BY MATURITY DATES

Maturity date of June 30, 1968	Deductions (cents per hundredweight)	Maturity date of July 31, 1968
(1)	27	(1)
	26	Prior to June 4, 1967.
Prior to June 5, 1967	25	June 4–June 10, 1967.
June 5–June 20, 1967	24	June 20–July 5, 1967.
June 21–July 6, 1967	23	July 6–July 21, 1967.
July 7–July 22, 1967	22	July 23–Aug. 6, 1967.
July 23–Aug. 7, 1967	21	Aug. 7–Aug. 22, 1967.
Aug. 8–Aug. 23, 1967	20	Aug. 23–Sept. 7, 1967.
Aug. 24–Sept. 8, 1967	19	Sept. 8–Sept. 23, 1967.
Sept. 9–Sept. 24, 1967	18	Sept. 24–Oct. 9, 1967.
Sept. 25–Oct. 10, 1967	17	Oct. 10–Oct. 25, 1967.
Oct. 11–Oct. 26, 1967	16	Oct. 26–Nov. 10, 1967.
		Nov. 11–Nov. 26, 1967.
Oct. 27–Nov. 11, 1967	15	Nov. 27–Dec. 12, 1967.
Nov. 12–Nov. 27, 1967	14	Dec. 13–Dec. 28, 1967.
Nov. 28–Dec. 13, 1967	13	Dec. 29, 1967–Jan. 13, 1968.
Dec. 14–Dec. 29, 1967	12	Jan. 14–Jan. 29, 1968.
Dec. 30, 1967–Jan. 14, 1968	11	Jan. 30–Feb. 14, 1968.
Jan. 15–Jan. 30, 1968	10	Feb. 15–Mar. 1, 1968.
Jan. 31–Feb. 15, 1968	9	Mar. 2–Mar. 17, 1968.
Feb. 16–Mar. 2, 1968	8	Mar. 18–Apr. 2, 1968.
Mar. 3–Mar. 18, 1968	7	Apr. 3–Apr. 18, 1968.
Mar. 19–Apr. 3, 1968	6	Apr. 19–May 4, 1968.
Apr. 4–Apr. 19, 1968	5	May 5–May 20, 1968.
Apr. 20–May 5, 1968	4	May 21–June 5, 1968.
May 6–May 21, 1968	3	June 6–June 21, 1968.
May 22–June 6, 1968	2	June 22–July 7, 1968.
June 7–June 30, 1968	1	July 8–July 31, 1968.

(1) Dates storage charges start, all dates inclusive.

§ 1421.2584 Maturity of loans.

Loans mature on demand but not later than: June 30, 1968, on grain sorghum stored in the States of Oklahoma and Texas and July 31, 1968, on grain sorghum stored in all other States.

§ 1421.2585 Support rates and discounts.

(a) *Basic support rates (terminals).* Basic support rates for terminal markets for grain sorghum grading No. 2 or better are as follows:

Terminal market	*Rate per hundredweight*
Sioux City, Iowa	$1.71
Omaha, Nebr.	1.75
Council Bluffs, Iowa	1.75
Atchison, Kans.	1.85
Kansas City, Kans.	1.85
Kansas City, Mo.	1.85
St. Joseph, Mo.	1.85
Cairo, Ill.	1.99
East St. Louis, Ill.	1.99
St. Louis, Mo.	1.99
Memphis, Tenn.	2.04
Beaumont, Tex.	2.09
Brownsville, Tex.	2.09
Corpus Christi, Tex.	2.09
Galveston, Tex.	2.09
Houston, Tex.	2.09
Port Arthur, Tex.	2.09
Baton Rouge, La.	2.09
New Orelans, La.	2.09
Los Angeles, Calif.	2.28
Long Beach, Calif.	2.28
Oakland, Calif.	2.28
San Francisco, Calif.	2.28
Wilmington, Calif.	2.28
Stockton, Calif.	2.28
Astoria, Oreg.	2.26
Portland, Oreg.	2.26
Kalama, Wash.	2.26
Longview, Wash.	2.26
Seattle, Wash.	2.26
Tacoma, Wash.	2.26
Vancouver, Wash.	2.26

(b) *Basic support rates (counties).* Basic support rates for counties for grain sorghum grading No. 2 or better are as follows:

ALABAMA

County	*Rate per hundredweight*
All counties	$1.16

ARIZONA

Apache	$1.58	Mohave	$1.58
Cochise	1.83	Navajo	1.58
Coconino	1.58	Pima	1.88
Gila	1.58	Pinal	1.93
Graham	1.68	Santa Cruz	1.83
Greenlee	1.58	Yavapai	1.58
Maricopa	1.93	Yuma	1.96

ARKANSAS

Arkansas	$1.77	Lee	$1.82
Ashley	1.71	Lincoln	1.74
Baxter	1.59	Little River	1.55
Benton	1.51	Logan	1.55
Boone	1.56	Lonoke	1.77
Bradley	1.61	Madison	1.51
Calhoun	1.60	Marion	1.56
Carroll	1.54	Miller	1.55
Chicot	1.73	Mississippi	1.82
Clark	1.60	Monroe	1.80
Clay	1.77	Montgomery	1.55
Cleburne	1.78	Nevada	1.56
Cleveland	1.65	Newton	1.56
Columbia	1.56	Ouachita	1.59
Conway	1.73	Perry	1.60
Craighead	1.81	Phillips	1.81
Crawford	1.54	Pike	1.56
Crittenden	1.82	Poinsett	1.82
Cross	1.82	Polk	1.51
Dallas	1.61	Pope	1.59
Desha	1.76	Prairie	1.79
Drew	1.72	Pulaski	1.76
Faulkner	1.74	Randolph	1.79
Franklin	1.56	St. Francis	1.82
Fulton	1.66	Saline	1.65
Garland	1.60	Scott	1.51
Grant	1.61	Searcy	1.56
Greene	1.60	Sebastian	1.54
Hempstead	1.56	Sevier	1.53
Hot Spring	1.61	Sharp	1.66
Howard	1.55	Stone	1.63
Independence	1.71	Union	1.56
Izard	1.61	Van Buren	1.73
Jackson	1.77	Washington	1.51
Jefferson	1.76	White	1.79
Johnson	1.56	Woodruff	1.81
Lafayette	1.56	Yell	1.59
Lawrence	1.78		

CALIFORNIA

Alameda	$2.06	San Benito	$2.02
Amador	2.06	San Bernardino	2.02
Butte	2.02	San Diego	1.96
Calaveras	2.06	San Francisco	2.09
Colusa	2.04	San Joaquin	2.10
Contra Costa	2.06	San Luis Obispo	1.97
El Dorado	2.01	San Mateo	2.07
Fresno	2.03	Santa Barbara	1.95
Glenn	2.03	Santa Clara	2.05
Imperial	1.99	Santa Cruz	2.01
Inyo	1.78	Shasta	1.85
Kern	2.00	Sierra	1.74
Kings	2.03	Siskiyou	1.85
Lake	1.97	Solano	2.05
Lassen	1.76	Sonoma	2.04
Los Angeles	2.04	Stanislaus	2.08
Madera	2.07	Sutter	2.03
Marin	2.06	Tehama	1.94
Merced	2.07	Tulare	2.01
Modoc	1.84	Tuolumne	2.07
Monterey	2.00	Ventura	2.03
Napa	2.05	Yolo	2.05
Orange	2.03	Yuba	2.08
Placer	2.04		
Plumas	1.88		
Riverside	1.98		
Sacramento	2.06		

COLORADO

County	*Rate per hundredweight*
All counties	$1.48

FLORIDA

County	*Rate per hundredweight*
All counties	$1.66

GEORGIA

County	*Rate per hundredweight*
All counties	$1.71

IDAHO

County	*Rate per hundredweight*
All counties	$1.40

ILLINOIS

County	*Rate per hundredweight*
All counties	$1.53

INDIANA

County	*Rate per hundredweight*
All counties	$1.56

IOWA

Adair	$1.50	Mahaska	$1.48
Adams	1.52	Marion	1.49
Appanoose	1.52	Marshall	1.43
Audubon	1.52	Mills	1.53
Boone	1.46	Monona	1.56
Buena Vista	1.47	Monroe	1.49
Calhoun	1.48	Montgomery	1.53
Carroll	1.51	O'Brien	1.49
Cass	1.51	Osceola	1.48
Cherokee	1.49	Page	1.55
Clarke	1.52	Palo Alto	1.44
Clay	1.46	Plymouth	1.49
Crawford	1.53	Pocahontas	1.45
Dallas	1.47	Polk	1.46
Davis	1.49	Pottawattamie	1.53
Decatur	1.53	Ringgold	1.54
Des Moines	1.43	Sac	1.49
Dickinson	1.44	Shelby	1.53
Emmet	1.43	Sioux	1.49
Fremont	1.53	Story	1.45
Greene	1.48	Taylor	1.57
Guthrie	1.49	Union	1.54
Hamilton	1.44	Van Buren	1.46
Harrison	1.53	Wapello	1.49
Henry	1.44	Warren	1.50
Humboldt	1.44	Washington	1.43
Ida	1.49	Wayne	1.54
Jasper	1.46	Webster	1.46
Jefferson	1.47	Woodbury	1.49
Keokuk	1.47	Wright	1.42
Lee	1.46	All other counties	1.41
Lucas	1.52		
Lyon	1.48		
Madison	1.50		

KANSAS

Allen	$1.59	Lyon	$1.58
Anderson	1.62	McPherson	1.50
Atchison	1.63	Marion	1.51
Bourbon	1.61	Marshall	1.58
Brown	1.61	Miami	1.63
Butler	1.51	Mitchell	1.50
Chase	1.55	Montgomery	1.58
Chautauqua	1.55	Morris	1.54
Cherokee	1.58	Morton	1.49
Clay	1.54	Nemaha	1.59
Cloud	1.52	Neosho	1.59
Coffey	1.59	Osage	1.61
Cowley	1.51	Osborne	1.49
Crawford	1.59	Ottawa	1.51
Dickinson	1.52	Pottawatomie	1.59
Doniphan	1.62	Reno	1.49
Douglas	1.68	Republic	1.52
Elk	1.55	Rice	1.50
Ellsworth	1.50	Riley	1.56
Franklin	1.63	Saline	1.51
Geary	1.56	Sedgwick	1.51
Greenwood	1.56	Seward	1.49
Harper	1.49	Shawnee	1.61
Harvey	1.51	Smith	1.50
Jackson	1.61	Stevens	1.49
Jefferson	1.63	Sumner	1.51
Jewell	1.51	Wabaunsee	1.58
Johnson	1.63	Washington	1.54
Kingman	1.50	Wilson	1.58
Labette	1.58	Woodson	1.59
Leavenworth	1.63	Wyandotte	1.63
Lincoln	1.50	All other counties	1.48
Linn	1.63		

KENTUCKY

County	*Rate per hundredweight*
All counties	$1.66

LOUISIANA

County	*Rate per hundredweight*
All parishes	$1.66

MICHIGAN

County	*Rate per hundredweight*
All counties	$1.51

MINNESOTA

County	*Rate per hundredweight*
All counties	$1.46

MISSISSIPPI

County	*Rate per hundredweight*
All counties	$1.66

MISSOURI

Adair	$1.52	Linn	$1.59
Andrew	1.62	Livingston	1.62
Atchison	1.57	McDonald	1.55
Audrain	1.52	Macon	1.57
Barry	1.56	Madison	1.71
Barton	1.59	Maries	1.56
Bates	1.63	Marion	1.51
Benton	1.59	Mercer	1.57
Bollinger	1.73	Miller	1.51
Boone	1.54	Mississippi	1.75
Buchanan	1.63	Moniteau	1.53
Butler	1.76	Monroe	1.54
Caldwell	1.63	Montgomery	1.56
Callaway	1.50	Morgan	1.55
Camden	1.51	New Madrid	1.76
Cape Girardeau	1.74	Newton	1.55
Carroll	1.63	Nodaway	1.59
Carter	1.56	Oregon	1.65
Cass	1.63	Osage	1.54
Cedar	1.61	Ozark	1.59
Charlton	1.61	Pemiscot	1.78
Christian	1.55	Perry	1.69
Clark	1.50	Pettis	1.59
Clay	1.63	Phelps	1.54
Clinton	1.63	Pike	1.49
Cole	1.50	Platte	1.63
Cooper	1.57	Polk	1.58
Crawford	1.56	Pulaski	1.52
Dade	1.58	Putnam	1.56
Dallas	1.54	Ralls	1.52
Daviess	1.61	Randolph	1.57
De Kalb	1.62	Ray	1.63
Dent	1.53	Reynolds	1.53
Douglas	1.56	Ripley	1.76
Dunklin	1.77	St. Charles	1.59
Franklin	1.60	St. Clair	1.62
Gasconade	1.56	St. Francois	1.71
Gentry	1.59	St. Louis	1.61
Greene	1.55	Ste. Genevieve	1.69
Grundy	1.59	Saline	1.61
Harrison	1.57	Schuyler	1.51
Henry	1.62	Scotland	1.50
Hickory	1.59	Scott	1.75
Holt	1.59	Shannon	1.56
Howard	1.56	Shelby	1.55
Howell	1.61	Stoddard	1.75
Iron	1.71	Stone	1.55
Jackson	1.63	Sullivan	1.57
Jasper	1.58	Taney	1.55
Jefferson	1.68	Texas	1.56
Johnson	1.62	Vernon	1.61
Knox	1.50	Warren	1.58
Laclede	1.50	Washington	1.69
Lafayette	1.63	Wayne	1.75
Lawrence	1.55	Webster	1.54
Lewis	1.50	Worth	1.58
Lincoln	1.48	Wright	1.56

NEBRASKA

Adams	$1.50	Gage	$1.57
Boone	1.49	Hamilton	1.48
Burt	1.53	Jefferson	1.55
Butler	1.53	Johnson	1.57
Cass	1.56	Lancaster	1.56
Cedar	1.49	Madison	1.50
Clay	1.51	Merrick	1.49
Colfax	1.53	Nance	1.49
Cuming	1.53	Nemaha	1.57
Dakota	1.50	Nuckolls	1.51
Dodge	1.53	Otoe	1.56
Dixon	1.49	Pawnee	1.58
Douglas	1.53	Piece	1.50
Fillmore	1.54	Platte	1.52

NEBRASKA—Continued

County	Rate per hundredweight	County	Rate per hundredweight
Polk	$1.51	Thurston	$1.52
Richardson	1.48	Washington	1.53
Saline	1.56	Wayne	1.49
Sarpy	1.54	Webster	1.49
Saunders	1.52	York	1.50
Seward	1.55	All other counties	1.48
Stanton	1.52		
Thayer	1.54		

NEVADA

All counties $1.50

NEW MEXICO

Curry	$1.59	Luna	$1.59
Hidalgo	1.59	All other counties	1.58
Lea	1.59		

NORTH CAROLINA

All counties $1.71

NORTH DAKOTA

All counties $1.41

OHIO

All counties $1.96

OKLAHOMA

Adair	$1.47	Latimer	$1.47
Alfalfa	1.52	Le Flore	1.47
Atoka	1.57	Love	1.60
Beaver	1.53	McCurtain	1.51
Beckham	1.57	Major	1.53
Bryan	1.60	Marshall	1.60
Carter	1.57	Noble	1.52
Choctaw	1.57	Nowata	1.57
Cimarron	1.53	Osage	1.50
Comanche	1.58	Ottawa	1.56
Cotton	1.58	Pawnee	1.53
Craig	1.56	Pushmataha	1.51
Dewey	1.53	Roger Mills	1.54
Ellis	1.52	Rogers	1.53
Garfield	1.54	Sequoyah	1.47
Grant	1.50	Stephens	1.57
Greer	1.57	Texas	1.53
Harmon	1.59	Tillman	1.58
Harper	1.51	Tulsa	1.52
Haskell	1.47	Washington	1.56
Jackson	1.58	Woods	1.51
Jefferson	1.60	Woodward	1.52
Johnston	1.57	All other counties	1.55
Kay	1.49		
Kiowa	1.58		

OREGON

All counties $1.55

PENNSYLVANIA

All counties $1.71

SOUTH CAROLINA

All counties $1.71

SOUTH DAKOTA

Bon Homme	$1.47	Minnehaha	$1.46
Charles Mix	1.43	Moody	1.44
Clay	1.49	Turner	1.47
Douglas	1.44	Union	1.49
Hanson	1.43	Yankton	1.49
Hutchinson	1.45	All other counties	1.42
Lincoln	1.48		
McCook	1.44		

TENNESSEE

All counties $1.66

TEXAS

Anderson	$1.70	Burden	$1.60
Andrews	1.60	Bosque	1.72
Angelina	1.63	Bowie	1.63
Aransas	1.91	Brazoria	1.89
Archer	1.63	Brazos	1.84
Atascosa	1.83	Brooks	1.84
Austin	1.88	Brown	1.69
Bandera	1.80	Burleson	1.83
Bastrop	1.81	Burnet	1.73
Baylor	1.63	Caldwell	1.84
Bee	1.91	Calhoun	1.87
Bell	1.77	Callahan	1.69
Bexar	1.82	Cameron	1.91
Blanco	1.76	Camp	1.68
Case	$1.66	Leon	$1.61
Chambers	1.88	Liberty	1.68
Cherokee	1.76	Limestone	1.79
Childress	1.61	Lipscomb	1.65
Clay	1.68	Live Oak	1.68
Coke	1.69	Llano	1.72
Coleman	1.69	McCulloch	1.69
Collin	1.67	McLennan	1.77
Collingsworth	1.60	McMullen	1.86
Colorado	1.86	Madison	1.84
Comal	1.82	Marion	1.66
Comanche	1.69	Martin	1.61
Concho	1.69	Mason	1.69
Cooke	1.63	Matagorda	1.84
Coryell	1.74	Maverick	1.71
Cottle	1.61	Medina	1.81
Dallam	1.56	Menard	1.69
Dallas	1.70	Midland	1.61
Delta	1.63	Milam	1.80
Denton	1.67	Mills	1.70
De Witt	1.84	Mitchell	1.60
Dimmit	1.72	Montague	1.66
Duval	1.86	Montgomery	1.88
Eastland	1.69	Moore	1.55
Ellis	1.71	Morris	1.66
Erath	1.69	Nacogdoches	1.77
Falls	1.79	Navarro	1.75
Fannin	1.63	Newton	1.83
Fayette	1.88	Nolan	1.65
Fisher	1.66	Nueces	1.92
Foard	1.63	Ochiltree	1.55
Fort Bend	1.89	Orange	1.88
Franklin	1.68	Palo Pinto	1.69
Freestone	1.77	Panola	1.74
Frio	1.78	Parker	1.69
Galveston	1.89	Polk	1.85
Gillespie	1.80	Rains	1.70
Glasscock	1.62	Real	1.77
Goliad	1.89	Red River	1.60
Gonzales	1.80	Refugio	1.91
Grayson	1.63	Roberts	1.56
Gregg	1.70	Robertson	1.80
Grimes	1.86	Rockwall	1.66
Guadalupe	1.82	Runnels	1.69
Hamilton	1.69	Rusk	1.73
Hansford	1.55	Sabine	1.77
Hardeman	1.60	San Augustine	1.77
Hardin	1.83	San Jacinto	1.88
Harris	1.89	San Patricio	1.92
Harrison	1.69	San Saba	1.69
Hartley	1.55	Scurry	1.61
Haskell	1.66	Shackelford	1.66
Hays	1.79	Shelby	1.77
Hemphill	1.55	Sherman	1.58
Henderson	1.74	Smith	1.73
Hidalgo	1.89	Somervell	1.70
Hill	1.74	Starr	1.84
Hood	1.69	Stephens	1.66
Hopkins	1.64	Sterling	1.65
Houston	1.82	Stonewall	1.65
Howard	1.61	Tarrant	1.70
Hunt	1.67	Taylor	1.68
Hutchinson	1.55	Throckmorton	1.66
Jack	1.66	Titus	1.68
Jackson	1.86	Tom Green	1.69
Jasper	1.82	Travis	1.79
Jefferson	1.86	Trinity	1.85
Jim Hogg	1.94	Tyler	1.82
Jim Wells	1.91	Upshur	1.70
Johnson	1.70	Uvalde	1.77
Jones	1.68	Val Verde	1.68
Karnes	1.86	Van Zandt	1.70
Kaufman	1.69	Victoria	1.87
Kendall	1.81	Walker	1.86
Kenedy	1.88	Waller	1.88
Kent	1.61	Washington	1.84
Kerr	1.80	Webb	1.80
Kimble	1.69	Wharton	1.87
King	1.62	Wichita	1.60
Kinney	1.72	Wilbarger	1.60
Kleberg	1.90	Willacy	1.89
Knox	1.64	Williamson	1.79
Lamar	1.62	Wilson	1.83
Lampasas	1.72	Wise	1.67
La Salle	1.76	Wood	1.69
Lavaca	1.83	Young	$1.65
Lee	1.83	Zapata	1.80
		Zavala	1.72
		All other counties	$1.50

UTAH

All counties $1.40

VIRGINIA

All counties $1.71

WASHINGTON

All counties $1.56

WISCONSIN

All counties $1.66

WYOMING

All counties $1.65

(c) *Discounts.* The basic support rate shall be adjusted by discounts as follows:

	(Cents per hundredweight)
(1) Class:	
Mixed grain sorghum	5
(2) Grade:	
No. 3 (not over 14 percent moisture)	3
No. 4 (not over 14 percent moisture)	5
Smutty	5
(3) Weed control law (where required by § 1421.74)	15

(4) *Other factors:* Discounts established by CCC for quality factors not specified above which affect the value of the grain sorghum, such as (but not limited to) moisture heat damage, test weight, weevily, musty, sour, stones, weathered, discolored. The discounts established will be based upon the market discounts for the factors at the time the grain sorghum is delivered to CCC, as determined by CCC. Producers may obtain schedules of such factors and discounts at ASCS county offices approximately one month prior to the loan maturity date.

NOTE: Discounts are cumulative except only one grade discount shall be applied.

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on June 27, 1967.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 67-7478; Filed, July 5, 1967; 8:45 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1464—TOBACCO

Subpart—Tobacco Loan Program

1966 CROP PUERTO RICAN TOBACCO, TYPE 46, ADVANCE SCHEDULE

Set forth below is a schedule of advance rates, by grades, for the 1966 crop of type 46 tobacco under the tobacco loan program published July 16, 1966 (31 F.R. 9679).

§ 1464.1776 1966-Crop Puerto Rican Tobacco, Type 46, Advance Schedule.[1]

(Dollars per hundred pounds, farm sales weight)

Grade		Advance rate
C1F, C1P, X1P, X1F, X1S	Price block I	30.6
X2P, X2F, X2T, X2S	Price block II	27.5
N	Price block III	20.5
	Price block IV	10.5

(Sec. 1464.1776 issued under sec. 4, 62 Stat. 1070, as amended, sec. 5, 62 Stat. 1072, secs. 101, 106, 401, 403, 63 Stat. 1051, as amended, 1054, sec. 126, 70 Stat. 198, 74 Stat. 6; 7 U.S.C. 1441, 1445, 1421, 1423, 7 U.S.C. 1813, 15 U.S.C. 714b, 714c)

Effective date: Date of filing with Office of Federal Register.

Signed at Washington, D.C., on June 29, 1967.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 67-7733; Filed, July 5, 1967; 8:49 a.m.]

Chapter XV—Foreign Agricultural Service, Department of Agriculture

PART 1520—PUBLIC INFORMATION

The Foreign Agricultural Service hereby establishes rules for the implementation of 5 U.S.C. 552(a)(2) and 552(a)(3). The rules are incorporated in a new Part 1520, the text of which follows:

Subpart A—Availability of Reports, Staff Manuals and Instructions, and Related Material

Sec.
1520.1 Reports and informational material.
1520.2 Staff manuals and instructions.
1520.3 Index.
1520.4 Facilities for inspection; copies.

Subpart B—Disclosure of Identifiable Records

Sec.
1520.5 Requests.
1520.6 Delegation of authority.
1520.7 Available records.
1520.8 Exempt records.
1520.9 Appeals.
1520.10 Inspection and copies.

AUTHORITY: The provisions of this part issued under 5 U.S.C. 552, 559.

Subpart A—Availability of Reports, Staff Manuals, and Instructions, and Related Material

§ 1520.1 Reports and informational material.

The Foreign Agricultural Service, hereinafter referred to as "FAS", issues from time to time reports, leaflets, and other informational material concerning the programs for which it has responsibilities in the field of foreign agricultural trade, including the administration of Public Law 480. As such reports and material are issued, copies, will be mailed to all interested persons who may be affected. FAS will make all such issued reports and material available for public inspection and copying. Forms utilized by participants in FAS programs will also be made available for public inspection and copying.

§ 1520.2 Staff manuals and instructions.

FAS will make available for public inspection and copying its administrative staff manuals and instructions to staff affecting any member of the public except those exempt from disclosure pursuant to the provisions of 5 U.S.C. 552(b).

§ 1520.3 Index.

FAS will maintain and make available for public inspection and copying a current index providing identifying information for all FAS reports and staff manuals and instructions made available pursuant to § 1520.2.

§ 1520.4 Facilities for inspection; copies.

Facilities for public inspection and copying of the material described in the foregoing sections will be provided in a reading area in the office of the Assistant Administrator for Management, FAS, South Building, U.S. Department of Agriculture, Washington, D.C. Copies of such material may also be obtained in person or by mail. Applicable fees are prescribed by the Director, Office of Plant and Operations, U.S. Department of Agriculture.

Subpart B—Disclosure of Identifiable Records

§ 1520.5 Requests.

Requests for FAS records pursuant to 5 U.S.C. 552(a)(3) shall (a) be made to the Assistant Administrator for Management, FAS, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, and (b) identify each record sought with reasonable specificity. The Assistant Administrator may require that the request be made in writing. Requests for records may be filed in person or by mail.

§ 1520.6 Delegation of authority.

Subject to the provisions of § 1520.9, the Assistant Administrator for Management is authorized to act on behalf of FAS on all requests for records in accordance with 5 U.S.C. 552, as implemented by this subpart and the regulations of the Secretary of Agriculture, Part 1 of this title, as amended.

§ 1520.7 Available records.

The Assistant Administrator for Management will promptly make available all FAS records requested in accordance with § 1520.5 unless he determines that it is an exempt record as described in § 1520.8. The Assistant Administrator shall promptly give written notice of any such determination, together with the reasons therefor.

§ 1520.8 Exempt records.

Exempt records of FAS include the following:

(a) Matters that are specifically required by Executive order to be kept secret.

(b) Matters that are related solely to the internal personnel rules and practices of FAS.

(c) Matters that are specifically exempt from disclosure by statute.

(d) Matters that are trade secrets and commercial or financial information obtained from a person and privileged or confidential.

(e) Matters that are intra-agency and interagency memorands or letters which would not be available by law to a party other than an agency of the Government in litigation with FAS.

(f) Matters that are personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(g) Matters that are investigatory files compiled for law enforcement purposes except to the extent available by law to a party other than an agency of the Government.

§ 1520.9 Appeals.

A denial by the Assistant Administrator for Management of any request for a FAS record may be appealed by the person who made the request to the Administrator, FAS. The appeal shall be made in writing within 15 days after the date of mailing of the Assistant Administrator's notice of determination. The Administrator will give written notice of FAS's final determination. As provided in the regulations of the Secretary of Agriculture governing the availability of official records, Part 1 of this title, as amended, except where disclosure is prohibited by statute, Executive order, or the regulations of other Government agencies, the Administrator may, in individual cases, make records exempt from disclosure available if he determines that disclosure will not adversely affect the national interest or constitute an unwarranted invasion of individual privacy.

§ 1520.10 Inspection and copies.

A person who has requested available records shall be promptly notified that upon payment of applicable fees, he may inspect and copy such records, and purchase copies or extracts thereof, in the office of the Assistant Administrator for Management, on business days from 9:30 a.m. to 5 p.m. Copies of such records may also be purchased by mail. Applicable fees are prescribed by the Director, Office of Plant and Operations, U.S. Department of Agriculture.

Effective date. This Part 1520 shall become effective on July 4, 1967.

Issued at Washington, D.C., this 30th day of June 1967.

RAYMOND A. IOANES,
Administrator,
Foreign Agricultural Service.

[F.R. Doc. 67-7819; Filed, July 5, 1967; 12:35 p.m.]

[1] The cooperative associations through which price support is made available to growers are authorized to deduct $1 per hundred pounds from the advances to growers to apply against overhead and handling costs. Tobacco is eligible for advance only if consigned by the original producer. No advance is authorized for scrap or tobacco designated as "No-G" (no grade).

Chapter XVIII—Farmers Home Administration, Department of Agriculture

SUBCHAPTER A—GENERAL REGULATIONS

[FHA Instruction 424.2]

PART 1804—PLANNING AND PERFORMING DEVELOPMENT WORK

Design Policies and Construction Contracts

Subpart B, Part 1804, Title 7, Code of Federal Regulations is amended as follows:

1. Section 1804.22(b)(2) (32 F.R. 8236) is revised to read as follows:

§ 1804.22 Design policies.

* * * * *

(b) *Community waste disposal systems.* * * *

(2) Sewage collection lines will be designed and constructed with capacities based upon the estimated per capita population to be served by the system, including both existing and future. The average per capita flow of sewage is estimated at 40 gallons per day. The lateral and submain lines will be designed for not less than six times the average daily flow. Main trunk lines will be designed for not less than five times the daily average flow.

* * * * *

2. Section 1804.26(b) (32 F.R. 8237) is revised to read as follows:

§ 1804.26 Construction contracts.

* * * * *

(b) *Contract forms—negotiated and competitive bids.* Development performed in accordance with § 1804.25 (b) and (c) of this subpart may be completed in accordance with either lump-sum or unit-price contracts. Such contracts should contain the following:

Item I—Notice and Instructions to Bidders.
Item II—Bidder's Proposal.
Item III—Notice of Award.
Item IV—Bid Schedule.
Item V—Construction Contract.
Item VI—Performance Payment Bond.
Item VII—Plans and Specifications.
Item VIII—Form FHA 442–7, "Change Orders."
Item IX—Form FHA 400–2, "Equal Opportunity Clause," (where applicable).

A model form of each document listed from I through VI above is available at any FHA office. All such contract documents and related items must be approved by the State Director, with the assistance of the Office of the General Counsel, prior to the release of invitations to bid. Form FHA 440–27, "Labor Standards Provisions," will be used where required for contracts financed by Economic Opportunity loans to cooperatives.

* * * * *

(R.S. 161, 5 U.S.C. 301; sec. 339, 75 Stat. 318; 7 U.S.C. 1989; sec. 602, 78 Stat. 526, 42 U.S.C. 2942; Order of Director, Office of Economic Opportunity, 30 F.R. 14764; Orders of Secretary of Agriculture, 30 F.R. 16210, 32 F.R. 9550)

Dated: June 29, 1967.

HOWARD BERTSON,
Administrator,
Farmers Home Administration.

[F.R. Doc. 67–7726; Filed, July 5, 1967; 8:48 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

Subpart D—Information and Requests

MISCELLANEOUS AMENDMENTS

The Securities and Exchange Commission has amended section 200.80 of Title 17 of the Code of Federal Regulations to reflect its implementation of the recently enacted amendment of section 3 of the Administrative Procedure Act, 5 U.S.C. 552. Both the amendment to the Act and the amendment to § 200.80 will become effective on July 4, 1967.

Pursuant to the Commission's action, § 200.80 will be redesignated as "Commission Records and Information" and will be significantly expanded to reflect in full the nature of information available from the Commission and the manner in which that information may be obtained. Since the subject matter of Rule 25 of the Commission's rules of practice, 17 CFR 201.25 has been incorporated into § 200.80 by this amendment, § 201.25 has been repealed, and §§ 201.26 and 201.27 of Title 17 of the Code of Federal Regulations have been renumbered §§ 201.25 and 201.26 respectively.

Since this amendment relates only to matters of agency procedure and practice, the Commission deems that the public notice and other rule making procedures provided in section 4 of the Administrative Procedure Act, as amended, 5 U.S.C. 553, are unnecessary.

Commission action: Pursuant to the authority contained in section 3 of the Administrative Procedure Act, 60 Stat. 238, as amended by Public Law 90–23, 81 Stat. 54, 5 U.S.C. 552, and section 19 of the Securities Act of 1933, 48 Stat. 85, 15 U.S.C. 77s, section 23 of the Securities Exchange Act of 1934, 48 Stat. 901, 15 U.S.C. 78w, section 20 of the Public Utility Holding Company Act of 1935, 49 Stat. 833, 15 U.S.C. 79t, section 319 of the Trust Indenture Act of 1939, 53 Stat. 1173, 15 U.S.C. 77sss, section 38 of the Investment Company Act of 1940, 54 Stat. 841, 15 U.S.C. 80a–37, and section 211 of the Investment Advisers Act of 1940, 54 Stat. 856, 15 U.S.C. 80b–11, the Commission hereby rescinds § 201.25, redesignates §§ 201.26 and 201.27 as §§ 201.25 and 201.26 respectively, amends § 200.80, and adds §§ 200.80a–200.80d of Chapter II of Title 17 of the Code of Federal Regulations to read as follows:

§ 200.80 Commission records and information.

(a) *Information published in the Federal Register.* Except as provided in paragraph (c) of this section the following materials are published in the FEDERAL REGISTER for the guidance of the public:

(1) Description of the Commission's central and field organization and the established places at which, the employees from whom, and the methods whereby the public may obtain information, make submittals or requests, or obtain decisions;

(2) Statements of the general course and method by which the Commission's functions are channeled and determined, including the nature and requirements of all formal and informal procedures available;

(3) Rules of procedure, descriptions of forms available or the places at which forms may be obtained, and instructions as to the scope and contents of all papers, reports, or examinations;

(4) Substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretations of general applicability formulated and adopted by the Commission; and

(5) Each amendment, revision, or repeal of the foregoing.

(b) *Public reference facilities; materials and records available.* (1) The Commission has a specially staffed and equipped public reference room in its principal office at Washington, D.C., and public reference facilities in the New York and Chicago Regional Offices. Some facilities for public use are also provided in other regional and branch offices. In addition to materials otherwise set forth in this paragraph (b), certain of the materials described in paragraph (a) of this section will be available at the public reference room at the principal office of the Commission and may be available at the Regional Offices.

(2) Except as provided in paragraph (c) of this section the materials hereinafter set forth in this subparagraph (2) are available for public inspection and copying during normal business hours at the public reference room at the principal office of the Commission and at the Regional Offices of the Commission. To the extent required to prevent a clearly unwarranted invasion of personal privacy, identifying details may be deleted, e.g., apparently defamatory statements made about any person, information received by or given to the Commission in confidence, or any contents of personnel and medical and similar files. In addition, certain materials which are considered to be nonpublic, as described in paragraph (c) of this section may, as authorized by the Commission from time to time, be made available for public inspection and copying in an abridged or summary form or with identifying details deleted.

(i) Final opinions of the Commission, including concurring and dissenting opinions, as well as orders made by the Commission in the adjudication of cases;

(ii) A record of the final votes of each member of the Commission in every Commission proceeding concluded after July 1, 1967.

(iii) Statements of policy and interpretations which have been adopted by the Commission and are not published in the FEDERAL REGISTER;

(iv) Administrative staff manuals and instructions to staff that affect a member of the public; and

(v) Current indices to the materials made available pursuant to subparagraphs (i), (iii), and (iv) of this subparagraph (2) which have been issued, adopted or promulgated after July 1, 1967, and such other indices as the Commission may determine.

(3) Subject to the provisions of paragraphs (c), (e) and (g) of this section, all other records and documents retained by the Commission in the performance of its statutory duties will promptly be made available for inspection to any person, and a copy of any record or document will be provided as soon as may be practicable, upon request made pursuant to paragraph (d) of this section. A compilation of documentary materials available at the public reference room at the principal office of the Commission appears below as Appendix A to this section (17 CFR 200.80a).

(4) All regional offices have available for public examination copies of prospectuses used in recent offerings of securities registered under the Securities Act; registration statements and recent annual reports filed pursuant to the Securities Exchange Act of companies having their principal office in their respective regions; active broker-dealer and investment adviser applications originating in their respective regions; and Regulation A (17 CFR 200.251 et seq.) letters of notification filed in their respective regions.

(5) In the New York offices of the Commission other available materials include copies of all recent registration statements and annual reports filed pursuant to the Securities Exchange Act; recent periodic reports made by companies having securities listed on exchanges; and recent periodic reports by many companies which have effective registration statements under the Securities Act of 1933.

(6) In the Chicago offices of the Commission other available materials include all recent registration statements and annual reports filed pursuant to the Securities Exchange Act, and other recent periodic reports of many companies which have securities listed on exchanges.

(7) In the San Francisco offices of the Commission other available materials include all recent registration statements and annual reports filed pursuant to the Securities Exchange Act.

(c) *Nonpublic matters.* Certain materials and records are considered to be nonpublic. Thus the Commission will not generally publish or make available to any person matters that are:

(1) Specifically required by Executive order to be kept secret in the interest of the national defense or foreign policy.

(2) Related solely to the internal personnel rules and practices of the Commission or any other agency of the Government of the United States, including operation rules, guidelines, and manuals of procedure for investigators, auditors, and other employees.

(3) Specifically exempted from disclosure by statute, including:

(i) Information contained in any notification, statement, application, declaration, report, or other document or record filed with or received by the Commission as required or permitted by law which is entitled to confidential treatment by operation or application of the provision of Clause 30 of Schedule A of the Securities Act of 1933 and Rule 485 (17 CFR 230.485) thereunder, section 24 of the Securities Exchange Act of 1934 and Rule 24b–2 (17 CFR 240.24b–2) thereunder, section 22 of the Public Utility Holding Company Act of 1935 and Rule 104(b) (17 CFR 250.104(b)) thereunder, section 321(b) of the Trust Indenture Act of 1939, section 33(b) of the Investment Company Act of 1940, section 45(a) of the Investment Company Act of 1940 and Rule 45a–1 (17 CFR 270.45a–1) thereunder, or section 210 of the Investment Advisers Act of 1940; and

(ii) Information concerning administrative proceedings which are nonpublic pursuant to the provisions of section 22 of the Securities Exchange Act of 1934, section 19 of the Public Utility Holding Company Act of 1935, section 320 of the Trust Indenture Act of 1939, section 41 of the Investment Company Act of 1940, or section 212 of the Investment Advisers Act of 1940.

(4) Trade secrets and commercial and financial information obtained from a person and privileged or confidential, including:

(i) Information obtained in connection with interpretative letters or no-action letters which is deemed to have been submitted in confidence unless the contrary clearly appears; and

(ii) Information contained in letters of comment in connection with registration statements, applications for registration or other material filed with the Commission, replies thereto, and related material which is deemed to have been submitted to the Commission in confidence or to be confidential at the instance of the registrant or person who has filed such material unless the contrary clearly appears; and

(iii) Information contained in any document submitted to or required to be filed with the Commission where the Commission has undertaken formally or informally to receive such submission or filing for its use or the use of specified persons only, such as preliminary proxy material filed pursuant to Rule 14a–6 under the Securities Exchange Act (17 CFR 240.14a–6), reports filed pursuant to Rule 322(c) and (d) under the Securities Act (17 CFR 230.322 (c) and (d)), agreements filed pursuant to Rule 320(e) under the Securities Act (17 CFR 230.320(e)) or Rule 15c3–1(c)(7)(G) under the Securities Exchange Act (17 CFR 240.15c3–1(c)(7)(vii)) and schedules filed pursuant to Part II of Form X–17A–5 (17 CFR 249.617) in accordance with Rule 17a–5(b)(3) under the Securities Exchange Act (17 CFR 240.17a–5(b)(3)); and

(iv) Information contained in reports, summaries, analyses, letters, or memoranda arising out of or in connection with an examination or inspection or other investigation of the books and records of any person.

(5) Interagency or intra-agency memoranda or letters, including records which reflect discussions between or consideration by members of the Commission or members of its staff, or both, of any action taken or proposed to be taken by the Commission or by any member of its staff and also reports, summaries, analyses, conclusions, or any other work product of members of the Commission or of attorneys, accountants, analysts, or other members of the Commission's staff prepared in the course of an examination of the books or records of any person whose affairs are regulated by the Commission, or prepared otherwise in the performance of their duties, except those which by law would routinely be made available to a party other than an agency in litigation with the Commission.

(6) Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, including those concerning all employees of the Commission and those concerning persons subject to regulation by the Commission such as personal information about employees of brokers or dealers reported to the Commission pursuant to Rule 15b8–1(a)(2)(iii) under the Securities Exchange Act (17 CFR 240.15b8–1(a)(2)(iii)).

(7) Investigatory files compiled for law enforcement purposes except to the extent available by law to a party other than an agency, including those concerning or related to inspections or examinations of the books and records of any person and other investigations as authorized by law, which pertain to or may disclose the possible violation by any person of any provision of any of the statutes, rules, or regulations administered by the Commission; and all written communications from or to any person complaining of or otherwise furnishing information respecting such possible violations, as well as all correspondence and memoranda in connection with such complaint or information.

(8) Contained in or related to examinations, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; and

(9) Geological and geophysical information and data, including maps, concerning wells.

(d) *Requests for Commission records and copies thereof.* Requests for Commis-

sion records may be made in person on Form SEC–86 during normal business hours at the public reference room at the principal offices of the Commission in Washington, D.C. Inquiries in general, and orders for copies of Commission records may be made to the public reference room personally, by telephone or by mail.

(1) Each request for a Commission record or copy thereof shall identify the record with sufficient specificity with respect to names, dates and subject matter to permit it to be located among the records maintained by or for the Commission. A person who has made a request for a Commission record or copy thereof will be advised if further identifying information must be provided before his request can be filled.

(2) A charge will be made for locating and making available for inspection or copying records requested by any one person only if more than one-half man-hour of work is required to comply with his request.

(3) Certain Commission records, such as correspondence to and from the Commission, are maintained in files which also contain nonpublic materials such as intra-agency and interagency memoranda and letters. If undue delay and expense is to be avoided, any person who wishes to examine such a record or to obtain a copy thereof should identify the letter or other similarly filed record with particular specificity.

(4) No records will be made available, and no copy of any records will be provided to any person who has failed to pay appropriate fees for records services, as described in paragraph (g) of this section, with respect to any current or past records services obtained or requested.

(e) *Record availability subject to delay.* Records generally will be made available to the public on a first-come, first-served basis. In some circumstances, however, there may be a delay in making records available or in providing copies thereof:

(1) *Records at Federal Records Centers.* Many records of the Commission are stored in Federal Records Centers in accordance with law (including many of the documents which have been on file with the Commission for more than 2 years) and cannot be made available for several days after a request has been made. Any person who has requested for personal examination a record stored at the Federal Records Center will be notified when the record will be made available to him at the public reference room of the Commission. Any person who has ordered a copy of such record will be provided with a copy as soon as practicable.

(2) *Records in use.* Any record being inspected by or copied for another member of the public will be made available as soon as practicable. Although every effort will be made to make a record in use by a member of the Commission or its staff available when requested, it may occasionally be necessary to delay making such a record available when doing so at the time the request is made would seriously interfere with the work of the Commission or its staff. When for reasons stated in this subparagraph (2) it appears that a record cannot be made available on the day it is requested, the person who made the request will then or thereafter be notified when the record will be made available to him at the public reference room of the Commission. Any person who has requested a copy of a record that is in use when the request is received will be provided with a copy as soon as practicable.

(3) *Missing or lost records.* Any person who has requested a record or copy will be notified if the record sought cannot be found. If he so requests, he will be notified if it subsequently is located.

(4) *Inadequate description; requests for numerous records.* If the records clerk finds that more than one-half man-hour will be required on any one day to locate and make available for inspection records requested by a person, whether because of the inadequacy of identifying information provided, because of the aggregate number of records requested by him on that day, or for a similar reason, work in excess of one-half man-hour on that day will be contingent upon the availability of personnel and in accordance with an equitable allocation of time to all persons requesting records. Such additional work will also be subject to payment of fees in accordance with subparagraph (1) of paragraph (g) of this section.

(f) *Administrative review*—(1) *Rulings on availability or records.* Any person may apply for a ruling by the Public Information Officer of the Commission or his designee with respect to any record which has not been made available upon request and with respect to any copy of a record which has been requested but which has not been provided. Such application shall be in writing and will be given prompt attention. If the Public Information Officer finds that any provision of this section, or any rule or regulation referred to herein has not been applied properly to the applicant's request he shall direct proper compliance.

(2) *Petition for Commission action.* Any person who has not received a record requested or a copy requested may, within 30 days after the Public Information Officer has acted upon his application for a ruling, petition the Commission for an order directing that the record be made available to him or that a copy of the record be provided, either for good cause shown or because such record may not lawfully be withheld. Such petition shall be in writing, shall identify the record in the form in which it originally was requested, shall state the date upon which the record was requested, and may state such facts and cite such authorities as petitioner may consider appropriate.

(g) *Fees for records services; schedule of fees.* A current schedule of fees for records services, including locating and making records available, attestations, and copying as provided in this paragraph (g) is published by the Commission and may be obtained upon request made in person, by telephone or by mail from the public reference room or at any regional or branch office of the Commission.

(1) *Services requiring more than one-half man-hour.* A fee will be charged as provided in the Commission's current schedule of fees when more than one-half man-hour of work is devoted to locating and making available for inspection or for copying records requested by a person, except that no such fee will be charged in connection with any record which is not made available because it is found to be nonpublic as described in paragraph (c) of this section, and no such fee will be charged for time devoted to an attempt to locate any record which, although adequately identified, is not made available because, after reasonable search, it cannot be located unless, after the person who requested the record or copy has been notified that it cannot be located, the search is continued beyond that time at his insistence.

(2) *Records obtained from Federal Records Centers.* When, to fill a request for inspection or copying, records are required to be obtained from a Federal Records Center, fees, in addition to those provided in this paragraph (g), will be charged to the extent authorized or required by rules or regulations promulgated by the General Services Administration.

(3) *Attestations.* In addition to any other fees or charges which may apply, a fee will be charged for records attestations as provided in the Commission's current schedule of fees. The seal of the Commission will be affixed to all attestations without additional charge.

(4) *Copying services.* Photocopies of public records filed with or retained by the Commission, or portions thereof, will be provided subject to fees established by an annual agreement between the Commission and the private contractor. A person who has been provided with copies of records upon request will be billed by the contractor for his copying services at rates shown in the Commission's current schedule of fees.

(5) *Transcripts of public hearings.* Copies of the transcripts of recent public hearings may be obtained from the reporter subject to the fees established by an annual agreement between the Commission and the reporter. Copies of that contract, which contains tables of charges, may be inspected in the public reference room at the principal office of the Commission and in each regional and branch office. Copies of other public transcripts may be obtained, in the manner of other Commission records, subject to the charges referred to in subparagraph (4) of this paragraph (g).

(h) *Releases and publications.* (1) The Commission's decisions, reports, orders, rules and regulations are published initially in the form of releases and distributed to the press and mailed to persons on the mailing lists to receive them. Certain decisions and reports thereafter are printed in bound volumes entitled "Securities and Exchange Commission Decisions and Reports;" these volumes may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The Commission also makes other information in the fields of securities and finance, including economic studies, available to the public through the publication of releases on specific subject matters.

(2) The Commission publishes an annual report to the Congress which sets forth the result of the Commission's operations during the past fiscal year under the various statutes committed to its charge. Copies may be obtained from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

(3) The Commission publishes an annual compilation of the rules and regulations under the statutes administered by the Commission. Copies may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(4) A classification of the releases available from the Commission appears below as Appendix B to this section (17 CFR 200.60b). Other publications available from the Commission are set forth in Appendix C of this section (17 CFR 200.60c). Copies of statutes, rules and regulations, and miscellaneous publications set forth in Appendix D to this section (17 CFR 200.60d) may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

§ 200.60a Appendix A—Documentary materials available to the public.

Securities Act of 1933

Description	Pursuant to section
Registration statement providing financial and other information concerning securities offered for public sale, filed under Regulation C [17 CFR 230.400 et seq.].	6.
Prospectuses (sales circulars) in connection with registration statement.	10.
Periodic reports (annual, semiannual, and current) to keep reasonably current the information in registration statement.	13.
Preliminary data (prospectus, circular letter, etc.) to obtain offering [Regulation B] [17 CFR 230.300 et seq.]; Offering sheet for oil or gas rights and royalties under Regulation B [17 CFR 230.500 et seq.].	8(b).
Notifications of exemption from registration filed under Regulation A [17 CFR 230.251, 230.601, 230.651 et seq.].	3(b).
Offering circulars and written advertisements or other communications under Regulation A, B, and F [17 CFR 230.251, 230.701, 230.651 et seq.].	3(b).
Report of sales and use of proceeds (Regulation A and B) [17 CFR 230.261, 230.601 et seq.];	3(b).
Consent by accountant to service of process (Regulation A) [17 CFR 230.251 et seq.];	3(b).
Application for relief from disability under Regulations A and F [17 CFR 230.651 et seq.].	3(b).

Securities Exchange Act of 1934

Registration statement (securities listed on a national securities exchange).	12(b).
Registration statement (securities traded over the counter).	12(g).
Exemption from section 12(g), 13, 14, 15, or 16 [Information by a foreign issuer temporarily exempt from section 12(g)].	12(h); 12(g)(3).
Certification of exchange approving securities for listing registration.	12(d).
Periodic reports (annual, semiannual, quarterly, and current) to keep current the information in above application for registration of securities.	13(a).

[1] Section 12(d)—Securities Exchange Act of 1934.

Description	Pursuant to section
Notice of suspension of trading	12(d).
Application to withdraw or strike a security from listing and registration on a national securities exchange.	12(d).
Notification by an exchange of the admission to trading of a substituted or additional class of security.	12(a).
Definitive proxy soliciting material filed under Regulation 14A [17 CFR 240.14a–1 et seq.].	14(a).
Distribution of information to security holders from whom proxies are not solicited filed under Regulation G [17 CFR 230.400 et seq.].	14(c).
Initial statement of beneficial ownership of equity securities by officers, directors, and principal stockholders of issuers having listed equity securities; and changes in such ownership.	16(a).
Application for permission to extend unlisted trading privileges, notification of changes, and notification of termination or suspension.	12(f).
Application for registration as a broker and dealer, and amendments or supplements to such application.	15(b).
Reports of financial condition of registered brokers and dealers.	17.
Irrevocable appointment of agent for service of process, pleadings, and other papers.	28(a).
Notice by nonresident broker or dealer specifying address of place in United States where copies of books and records are located and undertaking to furnish to Commission, upon demand, copies of books and records he is required to maintain.	17.
Subordination agreements	15(b)(8).
Annual assessment and information for registered brokers and dealers not members of a registered national securities association.	15(b)(8).
Assessment and information form for registered brokers and dealers now members of a registered national securities association (as of June 30, 1965).	15(b)(8).
Initial assessment and information form for registered brokers and dealers not members of a registered national securities association.	15(b)(8).
Application by an exchange for registration or exemption from registration as a national securities exchange.	6(a).
Annual amendments and supplemental material filed to keep reasonably current the information contained in applications for registration or exemption.	6(e).
Record disposal plans of national securities exchange	17.
Application for listing securities on an exempted exchange.	12(b).
Periodic reports to keep reasonably current the information contained in application for listing securities on exempted exchange.	13.
Certification of exempted exchange approving securities for listing.	13(d).
Application for registration as a national securities association.	15A.
Annual supplement consolidated to keep reasonably current the information in the above application.	15A.
Application by a national securities association or a broker or dealer for admission or continuance of broker or dealer as member of a national securities association, notwithstanding a disqualification under section 15A (b)(4).	15A(b)(4).

SECURITIES EXCHANGE ACT OF 1934—Continued

Description	Pursuant to section
Application for review of disciplinary action or denial of membership by registered securities association.	15A(g).
Reports on stabilizing activities pertaining to a fixed price offering of securities registered or to be registered under the Securities Act of 1933, or offered or to be offered pursuant to an exemption under Regulation A [17 CFR 230.261 et seq.], or being or to be otherwise offered if aggregate offering price exceeds $300,000.	17.
Plans by exchanges authorizing payment of special commission in connection with a distribution of securities on exchanges.	10.

PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

Description	Pursuant to section
Notification of registration and registration statement by public utility holding companies providing financial and other information concerning the issue and sale of securities.	5(a), 5(b).
Annual reports by registered holding companies to keep reasonably current information in the registration statement.	14.
Application for an order of the Commission declaring registrant has ceased to be a holding company.	5(d).
Statement by a person employed or retained by a registered holding company or subsidiary thereof, of subject matter in respect of which retained or employed; and annual statement thereafter.	12(f).
Application for exemption from provisions of the Act and applications for declaratory orders regarding status of company under Act by holding companies, subsidiaries, and other companies.	2(a)(3), 2(a)(4), 2(a)(7)(B), 2(a)(8)(B), 3(a), (b).
12-month statement by bank claiming general exemption under the Act.	3(a), (d).
Application for approval of mutual service company or declaration with respect to organization and conduct of business of subsidiary service company.	13(b).
Statement executed by financial institution authorizing representative to serve as officer or director of holding company or subsidiary, filed by representative.	17(c).
Initial statement of beneficial ownership of securities filed by officers and directors of registered public utility holding companies, and changes in such ownership.	17(a).
Annual reports by mutual and subsidiary service companies.	13.
Application by interested persons for approval of reorganization plans required in court proceedings for reorganization of registered holding companies and subsidiaries.	11(f).
Application by or on behalf of persons requesting approval of payment of fees, expenses or remuneration for services rendered in connection with a proceeding in reorganization in a U.S. court involving registered holding companies or subsidiaries.	11(f).
Application by registered holding companies and subsidiaries for approval of voluntary plans of reorganization to enable companies to conform with provision of section 11(b), and applications or affidavits in support of requests for fees and expenses by participants.	11(e).

PUBLIC UTILITY HOLDING COMPANY ACT OF 1935—Continued

Description	Pursuant to section
Report by an affiliate service company or by a person principally engaged in performance of services for public utilities proposing to take any step in performance of service, construction or sale of goods.	13(e), 13(f).
Application by registered holding company for approval of amount at which to enter investments pursuant to Paragraph 80 of Uniform System of Accounts.	16.
Declaration with respect to solicitation of proxies or consents regarding reorganization and security transactions of registered holding company or subsidiary.	11(g), 12(c).
Proxy soliciting material	12(e).[1]
Annual statement claiming exemption for a holding company system which is intrastate or predominantly an operating company.	3(a)(1), 3(a)(2).
Applications and declarations thereto regarding sale and acquisition of assets and securities by registered holding companies, subsidiaries, and certain persons.	6(b), 7, 9(a)(2), 9(c)(3), 10, 12(b), (c), (d), (f).
Certificate of notification for short-term borrowings not requiring Commission approval.	6(b), 7, 9(c)(3), 10, 11, 12(b), (c), (d), (f).
Notices of intention regarding proposed sales of securities and other assets not requiring filing of application or declaration.	11, 12(d), 12(f).
Statements in justification of fees and expenses proposed to be paid.	6(b), 7, 9, 10, 12(d).
Reports to stockholders by registered holding company or subsidiary thereof and annual reports submitted by registered holding company or subsidiary thereof to a State commission covering operations not reported to Federal Power Commission.	14, 15.

TRUST INDENTURE ACT OF 1939

Description	Pursuant to section
Statement of eligibility and qualification of corporations or individuals as trustees under qualified indenture under which debt security has been or is to be issued.	305, 307.
Application for qualification of indenture under which security (bonds, debentures, notes, and similar debt securities) has been or is to be issued.	307.
Application for exemption from provisions of the Act in certain cases.	304(c), (d).
Application re conflict of interest of trustee	310(b)(1).
Reports by indenture trustee to indenture security holders with respect to eligibility and qualification under section 310.	313.
Application relative to affiliations between trustees and underwriters.	310(b)(3), 310(b)(6).

INVESTMENT ADVISERS ACT OF 1940

Description	Pursuant to section
Application for registration as investment adviser or to amend or supplement such an application.	203(c) or 203(f), 204.
Irrevocable appointment of agent for service of process, pleadings and other papers.	211(a).
Application by person who does not deem himself to be an investment adviser.	202(a)(11)(F).

INVESTMENT COMPANY ACT OF 1940

Description	Pursuant to section
Notification of registration of investment company, and registration statement covering an offering of securities of investment company evidencing an interest in a portfolio of securities in which the investment company invests.	8(a), 8(b).

[1] Regulation 14 under the Securities Exchange Act of 1934 applicable (17 CFR 240.14a–1 et seq.).

INVESTMENT COMPANY ACT OF 1940—Continued

Description	Pursuant to section
Periodic reports (annual, semiannual, and quarterly) to keep reasonably current the information in above registration statement.	30(a), 30(b)(1), 30(b)(2).
Annual, semiannual, and other periodic reports to security holders of registered investment companies.	30(b)(3).
Application for order of the Commission determining registrant has ceased to be an investment company.	8(f).
Fidelity bond, resolution of board of directors notice of cancellation or termination of bond for officers and employees of investment companies who have access to its securities or funds.	17(g).
Waiver of indemnification of officer and directors of investment companies.	17(h), 17(i).
Report of independent auditors examining records of investment companies.	17(f).
Application by other than registrant for order of Commission declaring corporate name of registrant is misleading or deceptive.	35(d).
Request by company for certificate to be issued to Secretary of Treasury.	(1).
Proxy soliciting material	20(a).[1]
Initial statement of beneficial ownership of securities by officers, directors, and other specified insiders of registered closed-end investment companies, and changes in such ownership.	17(j).
Application for exemption from provisions of the Act and other relief.	2(a)(9), 3(b)(2), 6(b), (c), (d), 7(d), 10(e), (f), 11(a), (c), 12(d)(1), (d)(2), 14(a), 15(a), 16(a), 17(a), (b), (d), (e), 18(i), 23(c), 26(b)(5), (c)(3), 24(d), 26(a)(2)(C), 28(c), 30(d), and others.
Statement of transaction—exemption from provisions of section 10(f).	10(f).
Application for an ineligible person to serve as officer, director, etc., of a registered investment company.	9(b).
Request for advisory report of the Commission relating to the reorganization of registered investment company.	25(b).
Report of repurchase of its own securities by a closed-end company.	23(c).
Sales literature regarding securities of certain investment companies.	24(b).
Statement of the Federal Savings and Loan Corporation relating to the exemption of certain issuers.	6(a)(4).
Reports submitted pursuant to an order of the Commission.	

[1] Section 881(e)(1) of the Internal Revenue Code of 1954 is applicable.

[1] Regulation 14 under the Securities Exchange Act of 1934 is applicable (17 CFR 240.14a–1 et seq.).

MISCELLANEOUS

Requests or petitions that a change in the Commission's rules, regulations or forms be made; comments on proposed rules, regulations or forms; issuance, amendment or repeal of rules, regulations or forms promulgated under various Acts administered by the Commission.

Transcripts of proceedings in public hearings including testimony, exhibits received in evidence, intermediate decisions, oral argument, motions, briefs, exceptions, Commission findings, opinions, orders, rulings, and notices issued for public release.

Hearings and comments on proposed rules or statements of policy, etc., except where the writer requests that his comments not be made public.

Periodic reports filed by the International Bank for Reconstruction and Development under Regulation BW—Rules 1 to 4, section 15(a) of the Bretton Woods Agreement Act [17 CFR Part 285].

Periodic reports filed by Inter-American Development Bank, pursuant to Regulation IA [17 CFR Part 286] adopted pursuant to section 11(a) of the Inter-American Bank Act.

Copies of papers filed in court, and papers and documents received from courts, are primarily for the use of the Commission attorneys and other members of the staff. These may not always be complete and accurate and may contain nonpublic staff notations. However, in appropriate circumstances, with the approval of the Office of the General Counsel, examination of such material may be made or copies obtained as a matter of courtesy.

Reports by the Commission to the Congress as a whole.

§ 200.80b Appendix B—Classification of release available.

Mailing lists are maintained in the following classifications only:

1. *Rule Proposals:* A special classification for those who wish to receive all proposals (except those referred to in item 8 below) for adoption of new rules or forms or amendments of existing rules or forms (under any of the SEC laws) in order to have an opportunity to submit views and comments thereon. Registrants affected by any such proposal will receive copies thereof whether or not they are on this list. For new or amended rules or forms, if and when adopted, see other release classifications.

2. *All Rules Under Securities Act of 1933* (including those with respect to all and gas royalties, securities and dealers) and under the Trust Indenture Act of 1939: This classification is only for new or amended rules as finally adopted. See classification 3 for proposed new or amended rules or forms.

3. *All Rules Under Securities Exchange Act of 1934:* This classification is only for new or amended rules, as finally adopted. See classification 3 for proposed new or amended rules or forms.

4. *Holding Company Act Orders and Rules:* Special classification for those interested in Commission decisions and rules adopted under this Act (frequently, a summary of a decision is distributed in lieu of the full text thereof). See classification 3 for proposed new or amended rules or forms.

5. *All Rules Under Investment Company Act of 1940:* This classification is only for new or amended rules, as finally adopted. See classification 2 for proposed new or amended rules or forms.

6. *All Rules Under Investment Advisers Act of 1940:* This classification is only for new or amended rules, as finally adopted. See classification 3 for proposed new or amended rules or forms.

7. *Accounting:* A paperbound book containing Accounting Series Releases Nos. 1 to 77, inclusive, amended to March 10, 1966, may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402, for $1. Proposed new or amended accounting rules will be distributed to persons whose names appear on the accounting list. When any such revision in the accounting rules or other accounting release is adopted, one copy thereof will generally be distributed to each person on this list. However, where the new rule or release is lengthy or may not be of wide, general interest, a special "summary" briefly describing the rule or release will be distributed to this list. In such event, one copy of such newly adopted rule or release may be obtained by request from our Publications and Distribution Unit.

8. *Corporate Reorganizations:* Announcements relating to the Commission's activities under Chapter X of the Bankruptcy Act, as amended, and advisory reports (or summaries thereof) filed with Courts pursuant thereto.

9. *Securities Traded on Exchanges:* Annual directory and quarterly supplements of securities traded on national securities exchanges.

10. *Individuals' Saving:* Releases issued quarterly presenting data on the volume and composition of individuals' saving. (Information is also included in the SEC monthly Statistical Bulletin.)

11. *Weekly Trading Data on New York Exchanges:* SEC stock price indexes and daily round-lot and odd-lot transactions effected on the New York and American Stock Exchanges. (Information is also included in the SEC monthly Statistical Bulletin.)

12. *Plant and Equipment Expenditures:* Releases based quarterly presenting data on plan and equipment expenditures of U.S. business, both actual and anticipated. Joint study of SEC and Department of Commerce. (Information is also included in the SEC monthly Statistical Bulletin.)

13. *Net Working Capital:* Releases issued quarterly presenting data on current assets and liabilities of all U.S. corporations. (Information is also included in the SEC monthly Statistical Bulletin.)

14. *Quarterly Financial Reports:* Releases based quarterly summarizing balance sheet and income data for U.S. manufacturing corporations reflected in reports of joint

SEC and FTC study. (Copies of reports available at GPO at cost of $1 per year.)

16. *New Securities Offerings:* Releases issued quarterly presenting data on all new securities offerings by corporations in the United States. (More detailed data is available in the SEC monthly Statistical Bulletin.)

16. *Corporate Pension Funds:* Releases issued annually presenting estimates of corporate pension fund assets and their composition and data on receipts and expenditures.

17. *Litigation Releases:* Releases announcing actions to enjoin violations of SEC laws and rules and developments in such actions, as well as developments in criminal prosecutions for securities violations.

§ 200.86c Appendix C—Other publications available from the Commission.

Limited amounts of the following material are available, free of charge, upon request to the Commission's Publications and Distribution Units:

Work of the Securities and Exchange Commission. (This pamphlet describes briefly the duties and activities of the Commission.)

Uniform System of Accounts for Public Utility Holding Companies.

Uniform System of Accounts for Mutual Service Companies and Subsidiary Service Companies.

List of Registered Investment Companies.

Most frequently used Forms under each of the Acts.

§ 200.86d Appendix D—Statutes, rules, and miscellaneous publications.

Copies of the material listed below may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C.:

Acts, Rules and Regulations:

Securities Act of 1933, as Amended.

General Rules and Regulations Under the Securities Act of 1933.

Securities Exchange Act of 1934, as Amended.

General Rules and Regulations Under the Securities Exchange Act of 1934.

Public Utility Holding Company Act of 1935.

General Rules and Regulations Under the Public Utility Holding Company Act of 1935.

Trust Indenture Act of 1939 and General Rules and Regulations Thereunder.

Investment Company Act of 1940, as Amended.

General Rules and Regulations Under the Investment Company Act of 1940.

Investment Advisers Act of 1940 and General Rules and Regulations Thereunder.

Regulation S–X (form and content of financial statements) Under the Securities Act of 1933, the Securities Exchange Act of 1934, the Public Utility Holding Company Act of 1935, and the Investment Company Act of 1940.

Chapter X of the National Bankruptcy Act.

Rules of Practice of the Commission.

Compilations and Reports:

SEC Annual Report to Congress.

SEC Decisions and Reports.

SEC Judicial Decisions.

Accounting Series Releases (compiled, includes Nos. 1–77—see classification 8 in Appendix A for further information).

Periodicals:

Official Summary. A monthly summary of security transactions and holdings reported under the provisions of the Securities Exchange Act of 1934, the Public Utility Holding Company Act of 1935, and the Investment Company Act of 1940 by officers, directors, and certain other persons.

Statistical Bulletin. Issued monthly. Presents data on new securities offerings, registrations, underwriters, trading on exchanges, stock price indexes, round-lot and odd-lot tradings, special offerings, secondary distributions, and other financial series including these releases under classifications 11 to 15, inclusive.

Quarterly Financial Reports—Manufacturing: Reports beginning with the third quarter of 1965 presenting quarterly balance sheet and income data for all U.S. manufacturing corporations. Joint study of SEC and the Federal Trade Commission.

News Digest. A daily summary of orders, decisions, rules and rule proposals issued by the Commission under the various laws it administers, together with a résumé of financing proposals contained in Securities Act registration statements and of other Commission announcements.

Directory of Companies Filing Annual Reports With the Securities and Exchange Commission Under the Securities Exchange Act of 1934. Published annually. Lists companies alphabetically and classified by industry groups according to the Standard Industrial Classification Manual of the Bureau of the Budget.

(Sec. 8, 80 Stat. 383, as amended, P.L. 90-23, 81 Stat. 54, 5 U.S.C. 552; secs. 19, 23, 48 Stat. 85, 901, as amended, 15 U.S.C. 77s, 78w; sec. 20, 49 Stat. 833, 15 U.S.C. 79t; sec. 319, 53 Stat. 1173, 15 U.S.C. 77sss; secs. 38, 211, 54 Stat. 841, 855, 15 U.S.C. 80a-37, 80b-11)

Effective date. The foregoing action shall be effective on July 4, 1967.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

JUNE 30, 1967.

[F.R. Doc. 67-7793; Filed, July 3, 1967; 12:36 p.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 958]

[AO-283-A1]

ONIONS GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO, AND MALHEUR COUNTY, OREG.

Decision and Referendum Order on Proposed Amendment of Marketing Agreement and Order

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Parma, Idaho, April 19, 1967, pursuant to notice thereof which was published in the FEDERAL REGISTER (32 F.R. 5629), upon proposed amendments to Marketing Agreement No. 130 and Order No. 958 (7 CFR Part 958) regulating the handling of onions grown in the Idaho and Malheur County, Oreg., production area.

On the basis of the evidence presented at the hearing and the record thereof, a recommended decision in this proceeding was filed on June 2, 1967, with the Hearing Clerk, U.S. Department of Agriculture, and notice thereof was published in the June 7, 1967, FEDERAL REGISTER (32 F.R. 8168). The notice allowed 15 days after publication (or until June 22, 1967) for filing exceptions thereto. No exceptions were filed.

Material issues, findings and conclusions. The material issues, findings, and conclusions, and the general findings of the recommended decision set forth in the FEDERAL REGISTER (32 F.R. 8168) are hereby approved and adopted as the material issues, findings and conclusions, and the general findings of this decision as if set forth in full herein.

Amendment of the marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement, as Amended, Regulating the Handling of Onions Grown in Certain Designated Counties in Idaho and Malheur County, Oreg." and "Order Amending the Order Regulating the Handling of Onions Grown in Certain Designated Counties in Idaho, and Malheur County, Oreg." which have been decided upon as the appropriate and detailed means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Referendum order. Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), it is hereby directed that a referendum be conducted among producers who, during the period July 1, 1966, through June 30, 1967 (which period is hereby determined to be a representative period for the purpose of such referendum) were engaged in the production area comprising Malheur County, Oreg., and all counties south and southeast of the southern boundary of Idaho County in the State of Idaho, in the production of onions for market, to determine whether such producers favor the issuance of the annexed order.

Robert H. Eaton and Allan E. Henry of the Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, are hereby designated referendum agents of the Secretary of Agriculture to conduct said referendum severally or jointly.

The procedure applicable to the referendum shall be the "Procedure for the Conduct of Referenda in Connection With Marketing Orders for Fruits, Vegetables, and Nuts Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended" (30 F.R. 15414).

The ballots used in the referendum shall contain a summary of the proposed amendments to be voted on.

It is hereby ordered, That this decision and referendum order, except the annexed marketing agreement, as amended, be published in the FEDERAL REGISTER. The regulatory provisions of the said marketing agreement, as amended, are identical with those contained in the annexed order which will be published with this decision.

Dated: June 29, 1967.

GEORGE L. MEHREN, *Assistant Secretary.*

Order[1] Amending the Order Regulating the Handling of Onions Grown in Certain Designated Counties in Idaho, and Malheur County, Oreg.

§ 953.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of the order, and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674) and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held at Parma, Idaho, on April 19, 1967, upon proposed amendments to Marketing Agreement No. 130 and Order No. 958 (7 CFR Part 958), regulating the handling of onions grown in the Idaho and Malheur County, Oreg., production area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is hereby found that:

(1) The said order, and all the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order regulates the handling of onions produced in the production area in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, the marketing agreement and order upon which a hearing has been held;

(3) The said order is limited in its application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of onions in the production area covered by the order which require different terms applicable to different parts of such area; and

(5) All handling of onions produced in the production area is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce.

It is therefore ordered, That, on and after the effective date hereof, all handling of onions produced in the production area shall be in conformity to, and in compliance with, the terms and conditions of the said order which are as follows:

1. Delete § 958.44 "*Refunds*" and in lieu thereof insert a new § 958.44 and add a new § 958.45, as follows:

§ 958.44 Reserve fund.

At the end of each fiscal period, funds in excess of the committee's expenses may be placed in an operating reserve not to exceed approximately 1 fiscal year's operational expenses or such lower limits as the committee, with the approval of the Secretary, may establish. Also, the committee, with the approval of the Secretary, may include in its budget an item for such reserve. Funds in the reserve shall be available for use by the committee for expenses authorized pursuant to § 958.40. Funds in excess of

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders have been met.

those placed in the operating reserve shall be refunded to handlers. Each handler's share of such excess shall be the amount he paid in excess of his pro rata share of the expenses of the committee.

§ 958.45 Accounting of funds upon termination of the order.

Any funds collected as assessments pursuant to this subpart and remaining unexpended in the possession of the committee after termination of this part shall be distributed in such manner as the Secretary may direct: *Provided*, That to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

2. Amend § 958.47 to read as follows:

§ 958.47 Marketing research and development.

(a) The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects, including paid advertising, designed to assist, improve, or promote the marketing, distribution, and consumption of onions. Any such project for the promotion and advertising of onions may utilize an identifying mark which shall be made available for use by all handlers in accordance with such terms and conditions as the committee, with the approval of the Secretary, may prescribe. The expenses of such projects shall be paid from funds collected pursuant to § 958.42.

(b) In recommending projects pursuant to this section the committee shall give consideration to the following:

(1) The expected supply of onions in relation to market requirements;

(2) The supply situation among competing areas and commodities;

(3) The anticipated benefits from such projects in relation to their costs;

(4) The need for marketing research with respect to any market development activity; and

(5) The need for a coordinated effort with USDA's Plentiful Foods Program.

(c) If the committee should conclude that a program of marketing research or development should be undertaken, or continued, in any crop year, it shall submit the following for the approval of the Secretary:

(1) Its recommendations as to the funds to be obtained pursuant to § 958.42;

(2) Its recommendation as to any marketing research projects; and

(3) Its recommendation as to promotion activity and paid advertising.

3. Amend subparagraph (3), paragraph (a), of § 958.52 to read as follows:

§ 958.52 Issuance of regulations.

* * * * *

(a) * * *

(3) Provide a method, through rules and regulations issued pursuant to this part, for fixing the size, capacity, weight, dimensions, or pack of the container, or containers, which may be used in the packaging or handling of onions, including appropriate container markings to identify the contents thereof.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

[F.R. Doc. 67–7684; Filed, July 5, 1967; 8:45 a.m.]

[7 CFR Part 1004]

[Docket No. AO–160–A34]

MILK IN DELAWARE VALLEY MARKETING AREA

Notice of Recommended Decision and Opportunity to File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Delaware Valley marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the 3d day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Philadelphia, Pa., on June 12–13, 1967, pursuant to notice thereof which was issued May 29, 1967, (32 F.R. 7976), and a supplemental notice thereto issued June 2, 1967 (32 F.R. 8176).

The material issues on the record of the hearing relate to:

1. Providing a base and excess plan for payment of producers and need for emergency action with respect to this plan.
2. Diversion of milk to other Federal order plants for Class II use.
3. Modification of the point of pricing of diverted milk.
4. Shipping requirements for supply plants to attain pool plant status.

This decision deals only with issue No. 1. All the remaining material issues will be considered in a further decision on the record.

Findings and conclusions. The following findings and conclusions on the material issue are based on evidence presented at the hearing and the record thereof:

Issue No. 1. Base and excess producer payment plan. The order should provide for the payment of producers under a base and excess plan as a means of encouraging a uniform level of production throughout the year.

The base-excess plan proposed by one of the major cooperatives in the market and included herein, is identical with minor exceptions to the plans contained in the Washington, D.C., and Upper Chesapeake Bay markets.

Effective May 1, 1967, the Class I seasonal pricing plan was removed from the Delaware Valley order. The base-excess plan was then proposed in recognition of the problems involved in inducing producers to maintain a desirable pattern of production throughout the year. With the discontinuance of seasonal pricing there is no longer adequate financial incentive for producers to maintain production patterns that meet the seasonal needs of the market.

In the Delaware Valley market production usually reaches its high during the March through June period and its low during the July through December period. On the other hand, Class I sales hold relatively even during the year. When production and sales patterns are considered together the greatest need for production is during the July through December period and the least need for production is during the March through June period.

The base-excess plan herein proposed will provide added incentive for the producers to maintain the needed production pattern. This is accomplished by providing that each producer's base shall be based on his deliveries of milk during the low production months. Hence, each producer's returns during the high production months reflect the degree of conformity of his production during such period with that of the low production months.

Base-excess plans have been operated in various forms in the market by the proponent cooperative since as early as 1920. In recent years the cooperative has operated base plans in conjunction with several handlers for which its members were the sole suppliers. These base plans have apparently been readily accepted by the producers involved. The proponent also indicated that many of its members who had not been under base-excess plans were also interested in a base-excess plan for the market.

Under the plan herein adopted bases will be determined annually. Bases so computed will reflect each individual producer's average daily deliveries during the months of July through December to the extent that deliveries were made on 154 or more days. These bases will be effective for the subsequent months of March through June. Each producer will receive payment at the base price for milk delivered during the March–June period which is not in excess of his established base. Milk delivered in such months in excess of his established base will be paid for at the excess price.

The computation of a daily base for each producer would be made by the market administrator who should be required to notify producers of their established bases on or before the 20th day of February each year.

The market administrator cannot compute the bases earned by individual producers until after the end of the base-forming period on December 31 of each year. On the other hand, a producer needs to know the size of his daily base prior to the March 1 beginning of the base-paying period. Provision for notification of the producer of his daily base by February 20 of each year will allow the market administrator sufficient time to compute the bases and yet give the producers advance notice of the size of their bases so that they may make any needed adjustments in their operations.

The daily base of each producer will be determined by dividing his total deliveries of milk during the base-forming months by the number of days of delivery but by not less than 154 days.

The calendar period from July through December is 184 days. Therefore, a producer delivering during the entire period should have his deliveries divided by 184 in determining his base. Where a producer is on every-other-day delivery and a delivery is made on July 1, the delivery would, in fact, include production from the last day of June. Therefore, in such case the divisor for the entire period of delivery should be 185 which would be the total number of days of production included in his deliveries. When he delivers on less than 184 days his deliveries should also be divided by the number of days of production included in his deliveries except that the divisor should in no case be less than 154.

A base-excess plan is adopted to encourage a uniform production pattern throughout the year. Therefore, a producer should be required to deliver his milk regularly to the market during the months of short production (the base-forming period) in order to earn a full base on which he would be paid a higher price during the flush production months (the base-paying period). However, by providing a minimum divisor of 154, a 30-day allowance is made which will accommodate unusual circumstances which might prevent deliveries of production from each day during the full period.

Definitions of "base milk" and "excess milk" should be provided to implement the base-excess plan as herein proposed. The amount of base milk to which a producer may be entitled during each of the base-paying months of March through June should be computed by multiplying the number of days in such months on which the producer's milk is received by the daily base determined for such producer. In the case of every-other-day delivery the order should provide that the day of nondelivery prior to a day of delivery, although such prior day is in the preceding month, be considered as a day of delivery in determining the amount of base milk to which the producer is entitled during the month.

The amount of a producer's deliveries up to the amount of base milk to which he is entitled during the month will be base milk. Any deliveries by the producer above the amount of base milk to which he is entitled will be excess milk.

Because of the recent change in the Delaware Valley order to a marketwide pooling arrangement and in light of the necessity for instituting this base-excess plan on such short notice the first base-forming period should not begin until August 1, 1967. This will insure greater equity among all producers by allowing time for adjustments to be made to the changed market structure without a reduction in the size of the producer's base.

The first base-forming period should be August through December 1967. The number of calendar days during this period, therefore, would be 153 and in the case of every-other-day delivery beginning on August 1, the total days delivered would be 154. Bases would be computed in the same manner as otherwise provided except that the minimum divisor should be reduced by the previously discussed 30-day contingency period. During this first base-forming period, therefore, the minimum divisor will be 123.

With respect to provisions hereinafter discussed relating to bases for producers transferring from either the Washington, D.C., or Upper Chesapeake Bay markets during the base-forming period and for producers delivering to plants which become pool plants after the beginning of the base-forming period, it is concluded that such bases formed during the initial base-forming period should be computed from deliveries during August through December the same as for the other producers. This will provide each affected producer equal treatment under these provisions.

Bases are applicable only during the months of March through June which are the months of highest production and of least need for additional supplies. Any producer who does not establish a base during the months of July through December has not, in fact, served the market when his milk was needed; therefore, he should not appropriately share in the Class I sales during the four flush production months when his milk would not be needed for Class I use. However, provision should be made to cover a situation in which a producer transfers from the Washington, D.C., or Upper Chesapeake Bay markets to the Delaware Valley market during the base-forming period.

There is a close interrelationship between the three markets. To a large degree they draw upon the same supply area and producers should not be unduly inhibited from shifting between the markets in response to the varying needs of the markets.

Such a provision should allow a producer who has delivered to either of the other two markets during the July through September period and then to the Delaware Valley market during the October through December period to establish a base under the Delaware Valley order computed from total deliveries to all three orders during the entire July through December base-forming period.

Both the Washington, D.C., and Upper Chesapeake Bay orders contain base-excess plans essentially identical to the plan herein proposed for the Delaware Valley order. Therefore, producers delivering to these markets during the base-forming period are in fact operating under a base-excess plan and are producing accordingly for a fluid market. However, providing that they can form a full base under the Delaware Valley order only if they delivered to the Delaware Valley market during the last 3 months of the base-forming period assures that they have been associated with that market when the supplies are most needed.

The Washington, D.C., and Upper Chesapeake Bay orders now have similar provisions for transfer of producers between those two orders. Although, these two orders do not presently provide for similar transfers from the Delaware Valley market, the interrelationship of these markets and the similarity of base plans requires that the Delaware Valley order provide for such transfers.

Producers and producer representatives associated with the New York-New Jersey market proposed that similar treatment be provided for producers who might wish to transfer from the New York-New Jersey market which operates a seasonal incentive (Louisville) plan. Similar treatment in such case would be unjustified since the two types of plans are not compatible for the purposes of transferring base-forming rights. If similar provisions were made, a producer could associate himself with a pay-back market until October 1 and then form a base on the Delaware Valley market which includes deliveries to the other market for which the producer would have shared in part in payments under the seasonal incentive plan. Then in the flush months such producer would benefit by drawing a base price under the Delaware Valley order while his counterparts under the "Louisville" plan were receiving a lower price during the take-out period. Such treatment would allow the producer a decided financial advantage under both orders without commitment to either market. Therefore, this modification is denied.

Provision also should be made for computing bases for dairy farmers delivering to a plant which first achieves pool plant status after the beginning of the base-forming period. For such farmers bases should be computed from records of deliveries to the plant during the applicable base-forming period. Also, provision should be made for a producer who delivered to a pool plant during September through December but was considered as a "dairy farmer for other markets" during the immediately preceding months of July and August to have his base computed from his total deliveries to the pool and nonpool plants of the handler during the entire July through December period. These two provisions will permit such producers to share equitably with all other producers in the returns for milk.

Operation of the base-excess plan for paying producers requires certain rules in connection with the establishment and transfer of bases to provide reasonable administrative workability of the plan.

In general these rules herein adopted are identical to those contained in the Washington, D.C., and Upper Chesapeake Bay orders. Because the three markets to a large extent draw from a common supply area it was considered desirable to provide a base-excess plan for the Delaware Valley order essentially identical to those contained in the other two orders. Since these rules have worked well in the other two orders and because of the interrelationship of the Delaware Valley market's supply with their supply these rules are concluded to be equally appropriate for Delaware Valley.

The order should provide that a base may be transferred in its entirety upon proper application to the market administrator for such transfer signed by the parties involved. Such application is to be made on or before the second day of the month following the month of transfer. It is also necessary for administrative reasons to provide a procedure for assignment of bases in cases of joint ownership where the order provides for the allotment of only one base. In such cases the rules should provide for division of a base among joint holders upon termination of partnership if certain conditions are met. If a copy of the partnership agreement setting forth the percentage of the total interest of the partners in the base is filed with the market administrator before the end of the base-making period then, upon termination of the partnership agreement, each partner would be entitled to his stated share of the base.

When a producer operates more than one farm selling milk eligible for forming a base a separate base should be established for each farm.

During the months of March through June, separate uniform prices will be computed for base milk and excess milk. Base milk of each producer is that quantity of milk delivered by him during the month up to his average daily base multiplied by the number of days of production delivered by him to handlers during the month. Milk delivered in addition to this quantity by the producer will be excess milk.

The uniform price for excess milk would be computed first and is generally the Class II price. However, if the total Class I sales exceed the total quantity of base milk the excess uniform price is a blend of the Class I and Class II usage of excess milk.

The uniform price for base milk is determined by dividing the total volume of base milk into the remaining value of milk of all producers after subtracting the value of excess milk.

In some cases, due to audit adjustment or inventory classification, the normal procedure for calculation of base and excess prices might result in a base price higher than the Class I price. If this should occur, such additional value over the Class I prices should be assigned first to excess milk until the value of excess milk per hundredweight is brought up to the Class I price and any remaining additional value should be prorated between base and excess milk.

The order presently provides for location differentials to producers at the Class I rate applicable to handlers. Such differentials should continue to apply to all producer milk during July through February and to producer base milk during March through June. However, application of the Class I rate to excess milk during March through June could result in the excess price at certain locations being lower than the Class II use value of the milk at such locations. Therefore, the order should provide that excess milk be subject to the same location differential rate as the handler Class II location differential rate.

Emergency action. The notice of hearing stated that consideration would be given to the economic and emergency marketing conditions relating to this proposed amendment. Producer representatives requested emergency action in order that the plan be made effective as soon as possible. This was to provide as close to a full initial base-forming period as possible so as to properly affect production decisions during the 1967 base-forming period and the 1968 base-paying period.

It is concluded that these ends can be achieved without the omission of the recommended decision. Therefore, the request to eliminate the issuance of the recommended decision and the opportunity to file exceptions thereto is denied.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions, and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or to reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order as amended regulating the handling of milk in the Delaware Valley marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

1. In § 1004.16, the period at the end of paragraph (c) is changed to a semicolon and new paragraphs (d) and (e) are added to read as follows:

§ 1004.16 Milk and milk products.

* * * * * * *

(d) "Base milk" means milk received from a producer by a pool handler during any of the months of March through June of each year which is not in excess of such producer's daily base computed pursuant to § 1004.63 multiplied by the number of days in such months on which such producer's milk was so received: *Provided*, That with respect to any producer on every-other-day delivery, the day of nondelivery prior to a day of delivery, although such prior day is in the preceding month, shall be considered as a day of delivery for the purpose of this paragraph;

(e) "Excess milk" means milk received from a producer by a pool handler during any of the months of March through June which is in excess of base milk received from such producer during such month.

2. In § 1004.22, subparagraph (2) of paragraph (j) is revised and a new paragraph (o) is added, both to read as follows:

§ 1004.22 Duties.

* * * * * * *

(j) * * *

(2) The 13th day of each month, the uniform price(s) computed pursuant to §§ 1004.71 and 1004.72 and the butterfat differential to producers computed pursuant to § 1004.81, both for the preceding month;

* * * * * * *

(o) On or before February 20 of each year notify:

(1) Each cooperative association of the daily base established by each producer member of such association; and

(2) Each nonmember producer of the daily base established by such producer.

3. A new § 1004.63 is added to read as follows:

§ 1004.63 Computation of base for each producer.

For each of the months of March through June each year the market administrator shall compute, subject to the rules set forth in § 1004.64, a base for each producer described in paragraph (a) through (d) of this section by dividing the applicable quantity of milk receipts specified in such paragraph by 104 (by 185, in the case of a producer on every-other-day delivery schedule who delivered July 1) less the number of days, if any, during the immediately preceding base-forming period of July through December for which it is shown that the day's production of milk of such producer was not received by a pool handler as described in the applicable paragraphs (a), (b), (c), or (d) of this section under which such producer's base is computed: *Provided*, That in no event shall the number of days used to compute a producer's base pursuant to this part be less than 154; except that with respect to this paragraph and paragraphs (a), (b), and (c) of this section the initial base-forming period shall be August through December 1967 and the minimum number of days used to compute the producer's base which will be applicable during the March through June 1968 base-paying period shall be not less than 123:

(a) For any producer, except as provided in paragraphs (b), (c), and (d) of this section, the quantity of milk receipts shall be the total pounds of producer milk received by all pool handlers from such producer during the preceding months of July through December;

(b) For any producer whose milk was received during the preceding months of July through December at a plant which became a pool plant after the beginning of such base-earning period, the quantity of milk receipts shall be the total pounds of milk received from such dairy farmer during such July–December period by pool handlers as producer milk or at the plant as a nonpool plant;

(c) For any producer who, during any of the three base-earning months July through September the preceding year (two base-earning months of August and September 1967 during the initial base-earning period), qualified under Order 2 (Washington, D.C.) or Order No. 16 (Upper Chesapeake Bay) as a producer and was a producer under Order No. 4 during all of each of the three remaining base-earning months of October, November, and December, the quantity of milk receipts shall be the total pounds of milk received from such farmer during all of the months of July through December by pool handlers under each of the orders; or

(d) For any producer not described in paragraphs (b) or (c) of this section but whose milk was received by a handler as producer milk during the months of September, October, November, and December of the preceding year at a pool plant at which receipt of his milk in the immediately preceding months of July and August would have qualified or did qualify his as a "dairy farmer for other markets" pursuant to § 1004.14(b), the quantity of milk receipts shall be the total pounds of milk received from such producer by pool handlers during such months of July through December and verified receipts at the nonpool plant of the handler, affiliate of the handler or any person who controls or is controlled by the handler during such months of July through September.

4. A new § 1004.64 is added to read as follows:

§ 1004.64 Base rules.

The following rules shall apply in connection with the establishment of bases:

(a) A base computed pursuant to § 1004.63 or as designated pursuant to paragraph (a) of this section may be transferred in its entirety to any other person upon written application to the market administrator on or before the second day of the month following the month of transfer. Such application shall be on a form approved by the market administrator and shall be signed by the base holder, or his heirs, or assigns and by the person to whom such base is to be transferred: *Provided*, That if a base is held jointly, the entire base shall be transferable only upon receipt of such application signed by all joint holders or their heirs, or assigns;

(b) If a producer operates more than one farm, and milk is received from each at a pool plant or by a cooperative association in its capacity as a handler pursuant to § 1004.10 (b) or (c), he shall establish a separate base with respect to producer milk delivered from each such farm;

(c) Only one base shall be allotted with respect to milk produced by one or more persons where the dairy farm is jointly owned or operated: *Provided*, That in the case of a base established jointly, if a copy of the partnership agreement setting forth as a percentage of the total the interests of the partners in the base is filed with the market administrator before the end of the base-making period, then upon termination of the partnership agreement each partner will be entitled to his stated share of the base to hold in his own right, or to transfer as provided in paragraph (a) of this section (including transfer to a partnership of which he is a member) such division with respect to any member of the partnership to be effective as of the end of any month during which an application for such division signed by each member is received by the market administrator.

5. In § 1004.71, the introductory paragraph and paragraph (f) are revised to read as follows:

§ 1004.71 Computation of uniform price.

For each month the market administrator shall compute the weighted average price and for each of the months of July through February the uniform price per hundredweight of milk received from producers as follows:

* * * * * * *

(f) Subtract not less than four cents or more than five cents per hundredweight. The result shall be the single "weighted average price" and also the "uniform price" per hundredweight for milk of 3.5 percent butterfat received from producers in the months of July through February.

6. A new § 1004.72 is added to read as follows:

§ 1004.72 Computation of uniform prices for base milk and excess milk.

For each of the months of March through June the market administrator shall compute the uniform prices per hundredweight for base milk and excess milk received from producers, each of 3.5 percent butterfat content, f.o.b. market, as follows:

(a) Compute the aggregate value of excess milk for all handlers included in the computations pursuant to § 1004.71 (a) as follows:

(1) Multiply the hundredweight quantity of such milk which does not exceed the total quantity of producer milk received by such handlers assigned to Class II milk by the Class II milk price;

(2) Multiply the remaining hundredweight quantity of excess milk by the Class I milk price; and

(3) Add together the resulting amounts;

(b) Divide the total value of excess milk obtained in paragraph (a) of this section by the total hundredweight of such milk and round to the nearest cent. The resulting figure shall be the uniform price for excess milk;

(c) From the amount resulting from the computations of § 1004.71 (a) through (d) subtract an amount computed by multiplying the hundredweight of milk specified in § 1004.71(a) (2) by the weighted average price;

(d) Subtract the total value of excess milk determined by multiplying the uniform price obtained in paragraph (b) of this section by the hundredweight of excess milk, from the amount computed pursuant to paragraph (c) of this section;

(e) Divide the amount calculated pursuant to paragraph (d) of this section by the total hundredweight of base milk for handlers included in these computations: *Provided*, That if the resulting price should exceed the Class I price by more than the amount deducted pursuant to paragraph (f) of this section the aggregate amount in excess thereof shall be included in the computation of the excess price pursuant to paragraph (a) of this section, except that if by such addition the excess price should exceed the base price then the aggregate amount of the excess shall be prorated to the aggregate values of base milk and excess milk on the basis of the respective volumes of base and excess milk; and

(f) Subtract not less than four cents nor more than five cents from the price

computed pursuant to paragraph (e) of this section. The resulting figure shall be the uniform price for base milk.

7. In § 1004.80, paragraph (a) and subparagraph (2) of paragraph (d) are revised to read as follows:

§ 1004.80 Time and method of payment.

(a) Except as provided in (b) and (d) of this section, each pool handler shall make payment as specified in subparagraph (1) and (2) of this paragraph to each producer from whom milk is received.

(1) On or before the last day of each month at not less than the Class II price for the preceding month per hundredweight for his deliveries of producer milk during the first 15 days of the months of July through February and for his deliveries of base milk during the first 15 days of the months of March through June; and

(2) On or before the 20th of the following month at not less than the uniform price computed pursuant to § 1004.71 for the month of July through February and at not less than the price for base milk computed pursuant to § 1004.72 (c) through (f) with respect to base milk received from such producer and not less than the excess price determined pursuant to § 1004.72 (a) and (b) for excess milk received from such producers for the months of March through June subject to the following adjustments:

(i) Proper deductions authorized in writing by such producers;

(ii) Partial payments made pursuant to subparagraph (1) of this paragraph;

(iii) The butterfat differential computed pursuant to § 1004.81; and

(iv) Less the location differential received pursuant to § 1004.82: *Provided*, That if by such date such handler has not received full payment from the market administrator pursuant to § 1004.85 for such month he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payment to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after receipt of the balance due from the market administrator;

* * * * *

(d) * * *

(2) A final payment equal to the value of such milk at the uniform price(s) adjusted by the applicable differentials pursuant to §§ 1004.81 and 1004.82, less the amount of partial payment on such milk.

8. Section 1004.82 is revised to read as follows:

§ 1004.82 Location differential to producers.

(a) For milk received from producers and from cooperative association handlers pursuant to § 1004.10(c), subject to the exception contained in § 1004.15(d):

(1) The uniform price computed pursuant to § 1004.71 during any month(s) of July through February and the uniform price for base milk computed pursuant to § 1004.72 for base milk received from producers during any month(s) of March through June at a pool plant located at least 45 miles from the nearest of the city halls, in Philadelphia, Pennsylvania; Atlantic City or Trenton, New Jersey, by the shortest highway distance as determined by the market administrator shall be reduced 23 cents plus one and one-half cent for each additional 10 miles.

(2) The uniform price for excess milk computed pursuant to § 1004.72 for excess milk received from producers during any month(s) of March through June at a pool plant at which a location differential applies shall be reduced by a location differential computed pursuant to § 1004.52(c).

(b) For purposes of computations pursuant to §§ 1004.84 and 1004.85 the weighted average price shall be reduced at the rates set forth in paragraph (a) (1) of this section applicable at the location of the plant(s) at which the milk was received with respect to other source milk for which a value is computed pursuant to § 1004.70(e) (1) and at the location of the nonpool plant(s) from which the milk was received with respect to other source milk for which a value is computed pursuant to § 1004.70(e)(2).

9. In § 1004.84, paragraph (b) is revised to read as follows:

§ 1004.84 Payments to the producer-settlement fund.

* * * * *

(b) The sum of:

(1) The value of milk received by such handler from producers and from cooperative association handlers pursuant to § 1004.10(c) at the applicable uniform price(s) pursuant to § 1004.71 and § 1004.72 adjusted by producer butterfat and location differentials, less in the case of a cooperative association on milk for which it is a handler pursuant to § 1004.10(c), the amount due from other handlers pursuant to § 1004.80(d); and

(2) The value at the weighted average price adjusted by the producer butterfat differential pursuant to § 1004.81 and the location differential on nonpool milk pursuant to § 1004.82(b) (not to be less than the value at the Class II price) with respect to other source milk for which values are computed pursuant to § 1004.70(e).

Signed at Washington, D.C., on June 30, 1967.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 67-7735; Filed, July 5, 1967; 8:49 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 91]

[Docket No. 8354; Notice 67-24]

VOR EQUIPMENT CHECK OUTSIDE THE UNITED STATES

Notice of Proposed Rule Making

The Federal Aviation Administration is considering amending Part 91 of the Federal Aviation Regulations to provide for VOR equipment checks outside the United States using test signals and checkpoints that have not been approved or designated by the Administrator.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket GC-24, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before September 4, 1967, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

When the VOR equipment check requirements were originally adopted in CAR Part 43, they were applicable only to operations conducted in the United States. They were recodified into FAR § 91.25 and by virtue of a recent amendment (Amendment 91-29), are now applicable to operations by U.S. registered civil aircraft outside the United States. Since the FAA does not operate, approve, or designate test signals and checkpoints for conducting VOR equipment checks outside the United States, the operators of these aircraft are forced to rely on the less accurate methods provided for by § 91.25(b)(4). This proposed amendment would allow the use of test signals or checkpoints that are operated, approved, or designated by appropriate authority outside the United States. Appropriate authority would include both foreign governments and the U.S. military forces serving abroad.

In consideration of the foregoing, it is proposed to amend Part 91 by amending § 91.25(b) to read as follows:

§ 91.25 VOR equipment check for IFR operations.

* * * * *

(b) Except as provided in paragraph (c) of this section, each person conducting a VOR check under paragraph (a) (2) of this section, shall—

(1) Use, at the airport of intended departure, an FAA operated or approved test signal or, outside the United States, a test signal operated or approved by appropriate authority, to check the VOR equipment (the maximum permissible indicated bearing error is plus or minus 4 degrees);

(2) If a test signal is not available at the airport of intended departure, use a point on an airport surface designated as a VOR system checkpoint by the Administrator or, outside the United States, by appropriate authority (the maximum permissible bearing error is plus or minus 4 degrees);

(3) If neither a test signal nor a designated checkpoint on the surface is available, use an airborne checkpoint designated by the Administrator or, outside the United States, by appropriate authority (the maximum permissible bearing error is plus or minus 6 degrees); or

(4) * * *

(Secs. 307, 313(a), and 601; 49 U.S.C. 1348, 1354(a), and 1421)

Issued in Washington, D.C., on June 29, 1967.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[F.R. Doc. 67-7669; Filed, July 5, 1967; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 221, 399]

[Docket No. 18256; EDR-112B; PSDR-17B]

TARIFFS OF AIR CARRIERS AND FOREIGN AIR CARRIERS

Passenger Charges for Visual In-Flight Entertainment in Interstate and Overseas Air Transportation; Supplemental Notice

JUNE 29, 1967.

The Board in 32 F.R. 4076, March 15, 1967, and by circulation of EDR-112, PSDR-17, dated March 9, 1967, gave notice that it had under consideration proposed amendments to Part 221 of the Economic Regulations (14 CFR Part 221) and Part 399 of its Statements of General Policy (14 CFR Part 399). Inter alia, the proposed amendments would state the policy of the Board that, in the absence of a contrary showing, a tariff providing for a charge of less than $2 for visual in-flight entertainment which includes a full-length feature motion picture would be considered unjust and unreasonable. Subsequently, in a related proceeding—IATA Agreement Relating to In-flight Entertainment, Docket 17828—the Board directed U.S. carrier members of IATA to submit data concerning their experience with the $2.50 charge for in-flight entertainment and ordered Inflight Motion Pictures, Inc., to submit data upon its contracts by June 19, 1967, and provision was made for the filing of comments on such data and reply comments in that proceeding (Order E-25153, May 16, 1967). By EDR-112A/PSDR-17A, 32 F.R. 8021, June 22, 1967, the Board gave notice that it would consider the data and comments filed pursuant to Order E-25153, supra, in this rule making proceeding and invited interested persons to submit comments on such data and reply comments by July 5 and July 11, 1967, respectively. However, the Board has extended the time for filing comments and reply comments in the IATA Agreement proceeding to July 27 and August 3, respectively. Good cause exists for a like extension of time for the filing of comments and reply comments in this proceeding.

Accordingly, pursuant to authority delegated in § 385.20(d) of the Board's organization regulations, effective June 21, 1967, the undersigned hereby extends the time for submitting comments to July 27, 1967, and the time for filing reply comments to August 3, 1967.

(Sec. 204(a), Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324)

By the Civil Aeronautics Board.

[SEAL] ARTHUR H. SIMMS,
Associate General Counsel,
Rules and Rates Division.

[F.R. Doc. 67-7700; Filed, July 5, 1967; 8:47 a.m.]

[14 CFR Part 389]

[Docket No. 18745; ODR-3]

FEES AND CHARGES FOR SPECIAL SERVICES

Certain Filing and License Fees

JUNE 29, 1967.

Notice is hereby given that the Civil Aeronautics Board has under consideration reissuance and amendment of the above part which would set forth additional fees for Board services. The principal features of the proposed amendments are further described in the explanatory statement, and the proposed amendments are set forth in the proposed rule. This regulation is proposed under the authority of section 204(a) of the Federal Aviation Act of 1958 (72 Stat. 743, 49 U.S.C. 1324) and Title V of the Act of August 31, 1951 (65 Stat. 290, 5 U.S.C. 140).

Interested persons may participate in the proposed rule making through submission of 10 copies of comments addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant matter in communications received on or before August 7, 1967, will be considered by the Board before taking action on the proposal. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 710 Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

Explanatory statement. Title V of the Act of August 31, 1951, 5 U.S.C. 140, expresses the policy of Congress "that any work, service, publication, report, document, benefit, privilege, authority, use, franchise, license, permit, certificate, registration, or similar thing of value or utility performed, furnished, provided, granted, prepared, or issued by any Federal Agency * * * to or for any person * * * except those engaged in the transaction of official business of the Government, shall be self-sustaining to the full extent possible * * *." In order to accomplish this objective, the statute authorizes the head of each agency to prescribe by regulation such fees and charges as he shall determine to be fair and equitable "taking into consideration direct and indirect cost to the Government, value to the recipient, public policy or interest served, and other pertinent facts." The Bureau of the Budget, in implementing this policy, has issued Circular A-25, September 23, 1959, which sets forth general policies for developing an equitable and uniform system of charges for certain government services.

The Board, in conducting its regulatory activities, confers special benefits on indentifiable recipients above and beyond those which accrue to the public, and it is therefore proper, and in implementation of the sense of Congress as indicated above, that these recipients should bear a greater share of the Board's costs. At the same time, it is clear that some part of the Board's expense should be financed by the general revenue. The proposed fees set forth in Subpart C represent approximately one-fourth of the direct costs incurred by the Board in relation to the various matters involved, and, in our opinion, represent reasonable recoveries in relation to the benefits accruing to those to whom the fees apply.

Because of the public policy and interest served, the proposed rule would exempt governments or instrumentalities thereof, as well as foreign direct and indirect air carriers, from the payment of the fees. The general rules applicable to payment of fees and the fee schedule itself are believed self-explanatory with the exception of the license fee provided by § 389.24(a)(2). The latter provides for the payment of a license fee by each carrier which, pursuant to its application, is issued a certificate or has its certificate amended. This fee is based on annual gross transport revenue increase, as estimated by the Board, resulting from the new or changed authority in accordance with a specified schedule. The estimate of gross annual transport revenue increase will ordinarily be determined from the Board's findings in its opinion or order in the case. It is contemplated that this determination will be made under delegated authority by the Executive Director with appropriate procedures for review of this determination by the Board.

Subparts A and B of the proposed rule represent recodification of the present Part 389, and the substantive amendments appear in Subpart C.

Proposed rule. It is proposed to amend and reissue Part 389 of the Organization Regulations (14 CFR 389) to read as follows:

PART 389—FEES AND CHARGES FOR SPECIAL SERVICES

Subpart A—General Provisions

Sec.
389.1 Policy and scope.

Subpart B—Fees for Special Services

389.10 Applicability of subpart.
389.11 Services available.
389.12 Payment of fees and charges.
389.13 Fees for services.
389.14 Copying records and documents.
389.15 Certification of copies of documents.
389.16 Board publications.
389.17 Transcripts of hearings.

Subpart C—Filing and License Fees

389.20 Applicability of subpart.
389.21 Payment of fees.
389.22 Failure to make proper payment.
389.23 Exemption.
389.24 Schedule of filing and license fees.

Subpart A—General Provisions

§ 389.1 Policy and scope.

Pursuant to the provisions of Title V of the Independent Offices Appropriation Act of 1952 (5 U.S.C. 140) as implemented by Bureau of Budget Circular A-25, dated September 23, 1959, the Board sets forth in this regulation the special services made available by the Board and prescribes the fees to be paid for these and various other services.

Subpart B—Fees for Special Services

§ 389.10 Applicability of subpart.

This subpart describes certain special services made available by the Board and prescribes the fees and charges for these services.

§ 389.11 Services available.

Upon request and payment of fees as provided in subsequent sections, there are available, with respect to documents subject to inspection, services as follows:

(a) Copying records and documents.

(b) Certification of copies of documents under seal of the Board.

(c) Subscriptions to publications of the Board.

(d) Transcripts of hearings.

§ 389.12 Payment of fees and charges.

The fees charged for special services may be paid by check, draft, or postal money order, payable to the Civil Aeronautics Board, except for charges for reporting services which are performed under competitive bid contracts with non-Government firms. Fees for reporting are payable to the firms providing the services.

§ 389.13 Fees for services.

Except for photocopy work, the basic fees set forth below provide for documents to be mailed with ordinary first class postage prepaid. If copy is to be transmitted by registered, certified, air, or special delivery mail, postal fees therefor will be added to the basic fee. Also, if special handling or packaging is required, costs therefor will be added to the basic fee. For photocopy work, postage will be in addition to the fee for copying.

§ 389.14 Copying records and documents.

Copies of public records and documents on file with the Civil Aeronautics Board, as it may be practicable to furnish, will be provided upon request therefor and payment of fees as set forth below:

(a) Copies of documents are made by Board facilities, or by non-Government contractors.

(b) The fee for photocopying, including handling, will be at the rate of 35 cents per page.

(c) A minimum fee of $1 excluding postage will be charged for this service.

(d) The fee for copying by non-Government contractors will be that established in the contracts with the Board and will be billed directly by such contractors.

§ 389.15 Certification of copies of documents.

(a) The Secretary of the Board will provide, on request, certification or validation (with the Civil Aeronautics Board seal) of documents filed with or issued by the Board. Copies of tariffs filed with the Board will be certified only when such copies have been made under the Board's supervision upon request of the applicant. Charges for this service are as follows:

(b) Certification of the Secretary, $2. This fee includes clerical services involved in checking the authenticity of records to be certified, and shall be prepaid with the request. If copying of the documents to be certified is required, the copying charges provided for in § 389.14 will be in addition to the charges specified in this section.

§ 389.16 Board publications.

(a) *Charges for subscriptions.* Charges are established for subscriptions to Board publications for which there are regular mailing lists. Publications available, and charges therefor, are described in the "List of Publications" available on request to the Board's Publications Section, B-22, Washington, D.C. 20428. This list and the charges therein are subject to revision at least annually and without prior notice. Subscriptions to publications are for calendar year terms and all subscriptions expire on December 31 of each year. Subscriptions to weekly or monthly publications for periods of less than a full calendar year will be prorated on a monthly basis. Quarterly publications will be prorated on a quarterly basis. No provision is made for refund upon cancellation of subscription by a purchaser. Payment for subscriptions in the form prescribed in § 389.12 shall accompany the subscription order.

(b) *Free services.* No charge will be made by the Board for notices, decisions, orders, etc., required by law to be served on a party to any proceeding or matter before the Board. No charge will be made for single copies of Board publications individually requested in person or by mail, except where a charge is specifically fixed for a publication at the time of its issuance. In addition, subscriptions to Board publications will be entered without charge when one of the following conditions is present:

(1) The furnishing of the service without charge is an appropriate courtesy to a foreign country or international organization;

(2) The recipient is engaged in a nonprofit activity designed for the public safety, health, and welfare in the field of civil aeronautics;

(3) The recipient is another government agency, Federal, State or local, concerned with aeronautics or having a legitimate interest in the proceedings and activities of the Board;

(4) The recipient is a college or university;

(5) The recipient does not fall into any of the foregoing categories, but free service at a reduced rate is determined by the Board to be appropriate in the interest of and contributing to the Board's program.

(c) *Reciprocal services.* Arrangements may be made for furnishing publications to a foreign country on a reciprocal basis.

§ 389.17 Transcripts of hearings.

Transcripts of testimony and oral argument are furnished by a non-Government contractor, and may be purchased directly from the reporting firm.

Subpart C—Filing and License Fees

§ 389.20 Applicability of subpart.

This subpart prescribes the fees for filing certain documents with the Board and the license fees to be paid by air carriers which are issued certificates or which have their certificates amended and the general rules pertaining to such fees.

§ 389.21 Payment of fees.

(a) Any document for which a filing fee is required by § 389.24 shall be accompanied by check, draft or postal money order, payable to the Civil Aeronautics Board, in the amount prescribed herein.

(b) The license fee required by § 389.24(a)(2) shall be paid within 30 days of notification by the Board of the amount determined by it to be due.

(c) Where a document seeks authority or relief in the alternative and therefore would otherwise be subject to more than one filing fee, only the highest fee shall be required.

(d) No fee shall be returned after the document has been filed with the Board, except as provided in § 389.24(a)(1).

§ 389.22 Failure to make proper payment.

Documents which are not accompanied by the filing fees required by § 389.24 will be returned to the sender, and such documents will not be considered as filed with the Board.

§ 389.23 Exemption.

Governments, and instrumentalities or agencies thereof, and foreign direct and indirect air carriers are exempted from the fee requirements prescribed herein.

§ 389.24 Schedule of filing and license fees.

(a) *Certificates of public convenience and necessity.* (1) The filing fee for an application, under section 401 of the Act, (i) for a certificate of public convenience and necessity to engage in air transportation, or (ii) to amend, modify, renew or transfer a certificate or to abandon a route or a part thereof, is $200, of which $100 will be refunded if the application is withdrawn prior to hearing or dismissed under the stale application rule of § 302.911 of this chapter.

(2) In addition to the filing fee, one of the following license fees shall be paid by each carrier which, pursuant to its application, is issued a certificate or has its certificate amended:

(i) A fee based on annual gross transport revenue increase, as estimated by the Board, resulting from new or changed authority in accordance with the following schedule:

Over—	Under—	Fee
$0 to	$100,000	$100
$100,000 to	$1,000,000	1,200
$1,000,000 to	$5,000,000	6,000
$5,000,000 to	$10,000,000	12,000
$10,000,000 or	Over	25,000

or

(ii) A fee of $1,000 for each point involved where annual gross transport revenues are not estimated by the Board to increase from delegation or consolidation of points.

(b) *Agreements.* The filing fee for a contract or agreement filed under section 412(a) of the Act is $20: *Provided, however,* That where the filing seeks approval of more than one contract, agreement or conference resolution, a separate filing fee will be assessed for each such separate contract, agreement or resolution: *Provided further,* That identical resolutions in the same filing applicable to different IATA conference areas will be counted as one resolution.

(c) *Air cargo pickup and delivery service.* The filing fee for an application, under § 222.3 of this chapter, for tariff filing authority providing for pickup and delivery service is $150.

(d) *Airport notice or authorization.* The filing fee (1) for an airport notice, under § 202.3(a) of this chapter or § 203.5(a) of this chapter, to permit a certificated route carrier to serve a point regularly through an airport not then regularly used by such carrier, or (2) for an application, under § 202.3(b)(2) of this chapter, for permission to use an airport, is $30.

(e) *Change in service pattern.* The filing fee for an application, under Parts 202, 203, or 376 of this chapter, for change in service pattern or an approved service plan is $240.

(f) *Change of name.* The filing fee for an application, under Part 215 of this chapter, for a change of name or use of a trade name is $300.

(g) *Delay inauguration of or temporarily suspend service.* The filing fee for an application, under Part 205 of this chapter, for authority to delay inauguration of service or to temporarily suspend service is $240.

(h) *Exemptions from section 401 and special operating authorization.* The filing fee for an application (1) for an exemption under section 416(b) of the Act from the provisions of section 401 of the Act (except an application dealing with a single specifically described charter flight), or (2) for a special operating authorization under section 417 of the Act, is $240.

(i) *Exemptions from section 403.* The filing fee for an application for exemption under section 416(b) of the Act from the provisions of section 403 of the Act is $25.

(j) *Other exemptions and Part 208 and 295 waivers.* The filing fee for (1) an application for exemption under section 101(3) and section 416(b) of the Act, except applications within the provisions of §§ 389.24(h) or (i), or (2) a request under § 208.3a of this chapter or § 295.3 of this chapter for a waiver of any of the provisions of Part 208 of this chapter or Part 295 of this chapter, respectively, is $55.

(k) *Free or reduced-rate authority, waiver of tariff regulations, and special tariff permission.* The filing fee for applications (1) under § 223.3 of this chapter for authority to furnish free or reduced-rate overseas or foreign air transportation, (2) under § 221.200 of this chapter for waiver or modification of the provisions of Part 221 of this chapter with respect to the filing and posting of tariffs, or (3) for special tariff permission under § 221.133 of this chapter or § 221.191 of this chapter, is $7.

(l) *Inclusive tour charters.* The filing fee for an application for a Statement of Authorization under § 378.11 of this chapter to conduct inclusive tour charters is $75 for each tour charter described.

(m) *Interlocking relationships under section 409.* The filing fee for an application for approval of interlocking relationships, under section 409 of the Act, is $175.

(n) *Merger, acquisition of control, etc., under section 408.* The filing fee for an application, under section 408 of the Act, is $65, except that for an application for merger or consolidation, the filing fee is $2,000 for each carrier named in the merger or consolidation.

(o) *Operating authorization — air freight forwarder.* The filing fee for an application, under Part 296 of this chapter or 297 of this chapter, for operating authorization as an air freight forwarder or international air freight forwarder is $275.

(p) *Tariff filing.* The filing fee for tariffs filed pursuant to section 403 of the Act is $1 per tariff page.

[F.R. Doc. 67-7703; Filed, July 5, 1967; 8:47 a.m.]

FEDERAL TRADE COMMISSION

[16 CFR Part 415]

ADVERTISING OF NONPRESCRIPTION SYSTEMIC ANALGESIC DRUGS

Notice of Trade Regulation Rulemaking Proceeding

Notice is hereby given that the Federal Trade Commission, pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C. 41, et seq., and the provisions of Part 1, Subpart B of the Commission's procedures and rules of practice, 32 F.R. 8444 (June 13, 1967), has initiated a proceeding for the promulgation of a Trade Regulation Rule regarding unfair and deceptive acts or practices in the advertising of nonprescription systemic analgesic drugs.

The Commission has initiated this proceeding, having reason to believe that manufacturers and other marketers of nonprescription systemic analgesic drug preparations, in the advertising of such products, have: (1) made representations with respect to the efficacy or safety thereof which contradict or exceed the warnings, statements or directions for use appearing on the label or in the labeling thereof; (2) falsely and deceptively represented that the analgesic effects resulting from the use of their products are faster, stronger, or longer lasting than those achieved by use of such competing products. (It appears that each of the various analgesic products now offered to the consuming public is effective to essentially the same degree as all other competing products supplying an equivalent quantity of an analgesic ingredient or combination of ingredients); (3) claimed that benefits will be derived from the action of a specified ingredient or combination of ingredients without disclosing the identity of such ingredient or combination of ingredients by its common or usual name(s); (4) claimed that benefits will be derived from the action of any specified ingredient or combination of ingredients without having established that each such ingredient or combination of ingredients is efficacious for the purpose for which it is offered when the product is taken in accordance with directions for use; and, therefore, that (5) these practices constitute an unfair method of competition and an unfair and deceptive act or practice, in violation of sections 5 and 12 of the Federal Trade Commission Act.

In taking this action the Commission has considered, among other things, the results of an extensive staff investigation of advertising representations for nonprescription systemic analgesic drugs, and on the basis of its accumulated experience and available studies and reports, is of the opinion that the public interest in a Trade Regulation Rulemaking proceeding is specific and substantial.

Accordingly, the Commission therefore proposes the following Trade Regulation Rule:

§ 415.1 The Rule.

In connection with the sale or offering for sale of nonprescription systemic analgesic drug preparations, subject to jurisdictional requirements of sections 5 and 12 of the Federal Trade Commission Act, it is an unfair method of competition and/or an unfair or deceptive act or practice to disseminate any advertisement which:

(a) Contains any representation with respect to efficacy or safety which contradicts, or in any manner exceeds, the warnings, statements or directions for use appearing on the label or in the labeling of such product; or

(b) Represents that any analgesic effects resulting from the use of such product are faster, stronger, or longer lasting than those achieved by the use of a competitive product unless the advertiser has established and can demonstrate that a significant difference in such effects exists due to an increased total quantity of analgesic ingredient(s) in the recommended dosage, and this fact is clearly and conspicuously disclosed in the advertisement; or

(c) Represents that any benefit will be derived from the action of any specified ingredient or combination of ingredients unless—

(1) The identity of such ingredient or combination of ingredients is clearly and conspicuously disclosed by its common or usual name(s), and,

(2) The advertiser has established and can demonstrate that each such ingredient or combination of ingredients is efficacious as represented for the purpose for which it is offered when the product is taken in accordance with directions for use.

For the purpose of carrying out the provisions of the statutes administered by it, the Commission is empowered to promulgate rules and regulations applicable to unlawful trade practices. Such Trade Regulation Rules express the experience and judgment of the Commission, based on facts of which it has knowledge derived from studies, reports, investigations, hearings, and other proceedings, or within official notice, concerning the substantive requirements of the statutes which it administers.

Where a Trade Regulation Rule is relevant to any issue involved in an adjudicative proceeding thereafter instituted, the Commission may rely upon the rule to resolve the issue, provided that the respondent shall have been given a fair hearing on the applicability of the rule to the particular case.

Protection of the consuming public from false, misleading, deceptive or unfair advertising of products, particularly those that may endanger human health or safety, is a prime duty of the Commission.

All interested persons, including the consuming public, are hereby notified that they may file written data, views, or arguments concerning the proposed Rule and the subject matter of this proceeding with Mr. Joseph W. Shea, Secretary, Federal Trade Commission, Sixth Street at Pennsylvania Avenue NW., Washington, D.C. 20580, not later than September 15, 1967. To the extent practicable, persons wishing to file written presentations in excess of two pages should submit 20 copies.

The data, views, or arguments presented with respect to the proposed rule will be available for examination by interested parties at the office of the Assistant Secretary for Legal and Public Records, Federal Trade Commission, Washington, D.C., and will be considered by the Commission.

All persons, firms, corporations, or others engaged in the sale or distribution of non-prescription analgesic drugs in commerce, as "commerce" is defined in the Federal Trade Commission Act, would be subject to the requirements of any Trade Regulation Rule promulgated in the course of this proceeding.

All interested parties, including the consuming public, are urged to express their approval or disapproval of the proposed rule, or to recommend revisions thereof, and to give a full statement of their views in connection therewith.

Issued: July 5, 1967.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 67-7741; Filed, July 5, 1967; 8:49 a.m.]

Notices

DEPARTMENT OF STATE

Agency for International Development

[Public Notice No. 1]

STATEMENT OF ORGANIZATION, FUNCTIONS, AND PROCEDURES

In compliance with 5 U.S.C. 552, this notice provides for the guidance of the public a description of the central and field organization of the Agency for International Development, the established places at which, the officers from whom and the methods whereby the public may obtain information, make submittals or requests or obtain decisions; statements of the general course and method by which the Agency's functions are channeled and determined, including the nature and requirements of all formal and informal procedures available; rules of procedure, descriptions of forms available or the places at which forms may be obtained, and instructions as to the scope and contents of all papers, reports, or examinations; statements of general policy or interpretations of general applicability formulated and adopted by the Agency. Any revision or amendment of this statement will be published in the FEDERAL REGISTER.

I. *Creation and authority of the Agency.* Section 621 of the Foreign Assistance Act of 1961 (75 Stat. 445; 22 U.S.C. 2381), authorizes the President to exercise his functions under that act through such agency or officer of the U.S. Government as he may direct. Executive Order 10973 of November 3, 1961, 26 F.R. 10469, as amended, delegated to the Secretary of State the functions set forth in the Foreign Assistance Act of 1961, Public Law 87-195, 75 Stat. 424, approved September 4, 1961, as amended, and certain other Acts, except with respect to certain matters specifically reserved to the President or delegated to others by that order. The Executive order also directed that the Secretary of State establish an Agency in the Department of State to be known as the Agency for International Development. Pursuant to the authority and direction contained in Executive Order 10973, the Secretary of State issued Delegation of Authority No. 104, November 3, 1961, 26 F.R. 10608 establishing the Agency for International Development as an agency within the Department of State and delegated to the Administrator of that Agency the functions conferred upon the Secretary of State by Executive Order 10973, unless otherwise reserved by the Secretary of State or delegated to others by him.

II. *Program of the Agency.* A. AID has responsibility for carrying out nonmilitary U.S. foreign assistance programs and for continuous supervision and general direction of the assistance programs under the Foreign Assistance Act of 1961 as amended. It also carries out certain functions under the act of September 8, 1960 (74 Stat. 869; 22 U.S.C. 1942 et seq.), to provide for assistance in the development of Latin America and for other purposes, and under Public Law 480, the Agricultural Trade Development and Assistance Act of 1954, as amended (68 Stat. 454; 7 U.S.C. 1691 et seq.).

B. The nonmilitary foreign assistance programs which AID administers include the following major categories of assistance:

1. *Development Loans.* To promote economic development through loans repayable in dollars to less developed friendly countries and areas. Emphasis is placed on assisting long-range plans and programs designed to develop economic resources and increase productive capabilities, taking into account the statutory criteria, such as whether financing could be obtained from other free-world sources on reasonable terms, including private sources within the United States; economic and technical soundness of the activity to be financed, including capacity of the recipient country to repay the loan at a reasonable rate of interest; whether the financed activity gives reasonable promise of contributing to the development of economic resources or to the increase of productive capacities; the contribution the financed activity will make to realizable long-range development objectives and self-sustaining growth; the extent to which the recipient country is demonstrating a clear determination to take effective self-help measures and showing a responsiveness to the vital economic, political and social concerns of its people; and the possible effects of the loan involved upon the U.S. economy.

2. *Technical Cooperation and Development Grants.* To promote the economic development of less developed friendly countries and areas with emphasis on assisting the development of human resources through programs of technical cooperation and development. Statutory criteria for Technical Cooperation and Development Grants largely parallel those for Development Loans but include also requirements that there be taken into account the recipient country's willingness to pay a fair share of the costs of programs under this title, its demonstration of a clear determination to take effective self-help measures, and the desirability of safeguarding the international balance of payments position of the United States. Statutory language directs emphasis on programs of development of education and human resources in countries and areas in earlier stages of economic development and high priority efforts to increase agricultural production where expanding populations or diet deficiencies cause demand to exceed the rate of food production.

Under this title assistance is also authorized to be furnished to schools and libraries abroad founded or sponsored by U.S. citizens and serving as study and demonstration centers for ideas and practices of the United States, and to overseas hospital centers for medical education and research, founded or sponsored by U.S. citizens.

In addition, under this title, there is authority: (1) to make loans (particularly of foreign currencies) to associations of operators of small farms in less developed friendly countries to improve agricultural methods, increase or diversify agricultural productivity and stimulate development of local self-help and mutual cooperation programs; (2) to pay transportation costs of U.S. registered voluntary non-profit relief agencies' shipments of voluntary contributions for relief and rehabilitation of friendly peoples.

3. *Investment Guaranties.* To facilitate and increase participation of private enterprise in furthering the development of the economic resources and productive capacities of less developed friendly countries and areas, the Agency issues guaranties to eligible U.S. investors.

Under Sections 221 through 224 of the Foreign Assistance Act of 1961, as amended, Congress has authorized three investment guaranty programs: (1) Specific political risk guaranties against (a) inconvertibility of foreign currency, (b) loss by expropriation or confiscation, and (c) loss due to war, revolution or insurrection; (2) Extended risk guaranties which cover up to 75 percent of both political and business risks; (3) Extended risk guaranties covering up to 100 percent of losses on certain housing projects.

4. *Surveys of investment opportunities.* To encourage and promote the undertaking by private enterprise of surveys of investment opportunities, other than surveys of extraction opportunities, in less developed friendly countries by financing up to 50 percent of the costs of surveys undertaken, subject to terms and conditions specified by A.I.D. under authority of section 281 of the Act.

5. *Development research.* Carry out program of research into, and evaluation of, the process of economic development in less developed friendly countries and areas, into the factors affecting the relative success and costs of development activities, and into the means, techniques, and such other aspects of development assistance as A.I.D. may determine, in order to render such assistance of increasing value and benefit.

6. *International organizations.* To provide voluntary contributions on a grant basis to international organizations and programs administered by international organizations in accordance with section 301 of the Act.

7. *Supporting assistance.* To provide assistance to friendly countries, organizations or eligible bodies, to support or promote economic or political stability.

8. *Public Law 480—the Agricultural Trade Development and Assistance Act of 1954, as amended.* In cooperation with the Department of Agriculture, the Agency participates in the sale of agricultural commodities on concessional terms under Title I of P.L. 480 for economic development and to assist in combatting hunger, and under Title II, administers the donation of agricultural commodities to meet famine or other urgent or extraordinary relief requirements, to combat malnutrition, to promote economic and community development and for needy persons and nonprofit school lunch and preschool feeding programs outside the United States.

The Agency also administers certain local currency programs under Title I, principally loans and grants for economic development, including so-called "Cooley" loans to U.S. business firms, their branches, subsidiaries or affiliates for business development and trade expansion in developing countries.

III. *Organization and functions.* A. *General.* A.I.D. performs its functions as an agency within the Department of State. The Administrator reports directly to the Secretary of State and the President and is charged with central direction and responsibility for the economic assistance program and coordination of the military and economic assistance programs. The headquarters office in Washington is responsible for the formulation, coordination, and support of the various programs of the Agency.

The overall organization structure of the Agency consists of the Office of the Administrator; five Regional Bureaus to carry out assistance programs abroad; and offices and staffs to assist the Administrator in dealing with functional areas and interregional programs and managing the affairs of the Agency; and overseas U.S. A.I.D. missions which develop the program of assistance in cooperation with the government of the participating country and work closely with the local officials in program execution.

B. *The Office of the Administrator.* The Administrator plans, directs, and coordinates the operation of the Agency. He is responsible, subject to the approval of the Secretary of State, for the formulation and execution of U.S. foreign assistance programs delegated to the Agency. He supervises and directs the activities of all personnel of the Agency in the United States and overseas.

The Administrator's office includes the Deputy Administrator, the Operations Evaluation Staff and an Executive Secretariat. The following staffs report to the Office of the Administrator:

a. *Information Staff.*—Develops public information policies and prepares and disseminates information to the public through available press media. Services inquiries and requests from the public for information and access to agency records.

b. *Congressional Liaison Staff.*—Maintains a general liaison between the Agency and Congress.

c. *Office of the General Counsel.*—Provides all legal advice, counsel, and services to Agency officials, both in the United States and abroad.

C. *Regional Bureaus.* There are five Regional Bureaus: Near East and South Asia; Africa; East Asia; Viet-Nam and Latin America.

The Regional Bureaus are the principal line offices of A.I.D. with responsibility for program planning and execution of U.S. economic development programs in their respective areas overseas. Each region's programs are administered in accordance with policies and standards established by the A.I.D. Administrator assisted by the Agency's headquarters staff, program, and management offices.

The head of each Regional Bureau, within Agency policies and delegated authorities: (a) plans, directs, and supervises the activities of the bureau, and the overseas U.S. A.I.D. missions within the region; (b) directs the formulation of U.S. assistance programs in the region, reviews and approves proposed regional and country programs and projects, and approves the negotiation and execution of development agreements with countries of the region; (c) approves and submits to the Administrator an annual budget covering all proposed Agency activities in the region, and assists in presenting and justifying the budget to the Congress; (d) approves and directs the allocation of available program and administrative resources among U.S. A.I.D. missions in the region and components of the Regional Bureau; (e) directs, coordinates, and supervises the implementation of programs and projects; (f) monitors, reviews, and reports to the Administrator on the conduct and performance of authorized programs and projects, and takes any required remedial action or recommends appropriate action to the Administrator; (g) assures the maintenance of necessary liaison with Department of State, other U.S. and multilateral agencies and organizations, public and private organizations, and officials of recipient countries; and (h) represents the Agency and the bureau as required before the press and the public.

In addition to the immediate office of the regional Assistant Administrator including his deputy and personal assistants, the organization of the Regional Bureaus typically includes offices, divisions or staffs at A.I.D. Washington for:

a. Development program planning and regional policy coordination;

b. Capital development financing;

c. Technical support and institutional development;

d. Geographic areas, countries, and regional programs;

e. Management operations, logistic support and contract operations.

D. *Program Offices.*—1. *The Office of Program and Policy Coordination* is the central staff office concerned with overall program policy, coordination, and evaluation. It develops economic assistance policies, provides guidance to the Regional Bureaus on program planning and economic analysis, and coordinates the formulation and revision of the Agency's program and budget, the Congressional presentation and related testimony. It coordinates the Agency's trade and aid policies and its policies for capital assistance; provides the Administrator with staff support in his function as coordinator of military and economic assistance, and prepares statistics and reports on A.I.D. and other development activities. It developes planning policy and techniques for integrating the various aid tools and disciplines, for evaluating progress toward program goals, for coordinating U.S. economic assistance with other bilateral and multilateral assistance programs, for assuring implementation of Title IX of the Foreign Assistance Act, and for providing leadership and assistance throughout the Agency in the areas of education and human resource development, science and technology, economic development planning, and development administration.

2. *The Office of Private Resources* is the central staff office concerned with assuring maximum involvement of U.S. non-Federal resources in overseas development, stimulating the growth of the private sector in the less-developed countries, and providing professional leadership to the Agency's development assistance efforts in industry and housing.

The Office of Private Resources is responsible for:

a. Establishing and maintaining general relationships with all non-Federal entities, except universities and registered voluntary agencies, currently or potentially interested in overseas development;

b. Formulating policies and program guidance as well as developing procedures and techniques for the maximum effective utilization of U.S. private resources in overseas development;

c. Through a private investment center, formulating and coordinating the private lending policies and procedures of the Agency, and advising the Administrator on private lending policy matters;

(1) Providing leadership, coordination, assistance, and technical guidance to the Regional Bureaus on dollar and local currency (Cooley) loans and extended risk (nonhousing) guaranties for private projects;

(2) Administering the extended risk (nonhousing) guaranty program and A.I.D.'s specific risk insurance, equity insurance, and investment survey insurance programs;

d. Providing staff leadership, coordination, technical guidance, and assistance on cooperatives development, industrial development and housing activities in the program, and assistance on the development of agri-business overseas; and

e. Administering the: (a) Development Resources Referral Service to identify and assist in harnessing non-A.I.D. resources available to developing countries, (b) the Catalog of Investment Information and Opportunities, (c) the Industry Profiles, and (d) the Businessmen's Information Service.

3. *The Office of the War on Hunger* is the central staff office in A.I.D. responsible for implementing the President's War on Hunger program. It is the Agency's central focal point for dealing with the Department of Agriculture; the Department of Health, Education, and Welfare on health, population, and nutrition matters; and the non-Regional Bureaus and offices of the Department of State on War on Hunger matters. It also establishes and maintains professional liaison with other government, non-Federal, and international organizations concerned specifically with the War on Hunger.

The Office of the War on Hunger:

a. Administers the A.I.D. research program, and the programs under section 211(d) of the Foreign Assistance Act;

b. Serves as central point of contact for the U.S. registered private voluntary agencies;

c. Coordinates foreign disaster relief activities;

d. Provides leadership, coordination and assistance in and technical guidance on the conduct of development program activities in or concerning:

(1) Agricultural and rural development;

(2) Population/family planning;

(3) Nutrition and child feeding;

(4) Health and disease eradication;

(5) Food from the Sea.

e. Assures A.I.D.'s prompt and effective implementation of its responsibilities under the Food for Peace Act, P.L. 89-808 (80 Stat. 1526).

4. *The Office of Engineering* provides engineering policies, standards, and practices for capital projects and technical assistance programs under loans, grants, or guaranties; as requested by regional bureaus, reviews major projects for engineering feasibility; and monitors engineering operations under all agency programs.

5. *The Office of Public Safety* has primary responsibility for A.I.D. public safety programs. It develops policies, standards, and programs in public safety assistance; coordinates public safety programs and operations with other appropriate agencies and A.I.D. offices; administers participant training in public safety activities; and develops, recruits, and assigns A.I.D. public safety personnel.

6. *The Office of Labor Affairs* develops agencywide guidelines and policies to govern the labor aspects of country programs and projects and provides general agency liaison and coordination with the U.S. trade movement, the International Labor Organization, and the U.S. Department of Labor.

E. *Management offices and staffs.* The Assistant Administrator for Administration is responsible for organization and management within the Agency for International Development. He plans and directs the internal administrative management programs of the Agency, establishes general procurement and contract policies, directs the American Schools and Hospitals Abroad Program, establishes general management policies through the general management offices, and represents the Agency on management and administrative matters with the committees of Congress, the Bureau of the Budget, other regulatory agencies, and with the Department of State. The Assistant Administrator for Administration is assisted by the following:

1. *Office of the Controller.* As principal financial office of the Agency, provides advice and assistance to Agency management with respect to the financial implications of legislation, plans, programs, policies, procedures, operating activities, and audit and evaluation findings. The Office of the Controller administers and coordinates the Agency's principal financial and manpower management activities comprising:

(1) Preparation, review, and execution of budgets including the establishment of budgetary policies and participation in the presentation of proposed programs to the Congress.

(2) Establishment and maintenance throughout the Agency of a system of internal financial management control.

(3) Management of manpower programing, control, and reporting systems.

(4) Development, maintenance, and interpretation of financial reports.

(5) Recruitment, training, and development of qualified financial management personnel.

The Office of the Controller provides technical guidance on financial management to the overseas Missions and exercises administrative and technical supervision over Area Controllers established for the purpose of (1) conducting orderly phaseout and termination of financial activities in countries where liquidation activities are in process or (2) furnishing consolidated financial services for selected countries.

2. *Office of Personnel Administration.* Assigned central responsibility for personnel administration and develops policies, standards, and guidelines for operation of overseas and domestic personnel systems for the Agency. The office operates centralized recruitment, assignment, evaluation, and training programs, and conducts a full range of personnel operations for the departmental service of the Agency. Under a decentralization plan, pursuant to specific delegations of authority the Regional Bureaus, and the Office of Public Safety conduct most personnel operations for foreign service personnel assigned to their jurisdictions, with assistance of the Office of Personnel Administration in specialized situations.

3. *Office of Management Planning.* Provides assistance to all elements of A.I.D. in the area of management analysis, organization planning, systems analysis and planning, application of business machines and automatic data processing systems, directives issuance, management information systems, work measurement, work simplification methods, and management improvement services.

4. *Office of International Training.* Provides support and service to the regional bureaus and overseas missions by developing participant training policies and standards, develops and conducts training programs for participants and arranges for implementation of approved participant training projects.

5. *Office of Security.* Assigned responsibility for the personnel security program and for the physical and documentary security program of the Agency.

6. *Office of Administrative Services.* Directs activities to provide administrative support to operations of the agency and its overseas missions, including: administrative type procurement; real and personal property acquisition and management; space planning and acquisition; travel and transportation; printing, reproduction, distribution, graphic arts and visual aids services; and management of the A.I.D. worldwide motor vehicle fleet.

7. *Office of Procurement.* Develops policies, procedures, standards, and regulations governing the procurement of commodities and services by A.I.D.'s borrower-grantees and by A.I.D.-recipient countries, and monitors the implementation thereof; performs the contracting function for A.I.D./W staffs and offices, the negotiation of general agreements with participating agencies and provides Agency components with technical advice on industrial products.

The office also:

a. Plans, programs, and schedules the transportation of commodities for use in A.I.D. programs;

b. Administers the U.S. Government-owned Excess Property Program;

c. Provides advice and assistance to the Regional Bureaus and through them to the overseas Missions on all aspects of the supply management program;

d. Encourages the participation of U.S. small business in export supply activities of the Agency; and

e. Implements A.I.D. requirements pertaining to commodity marking and labeling.

8. *Inspection and Investigations Staff.* Investigates allegations of fraud, criminality, malfeasance, or nonfeasance on the part of A.I.D. personnel, contractors, and others engaged in A.I.D. financed programs.

IV. *Course and method of operation.*—A. *General.* In general A.I.D. conducts its programs on a decentralized basis through the five headquarters Regional Bureaus and the overseas missions in the aid-receiving countries. Each regional Assistant Administrator has authority to receive applications for and to process and approve dollar and foreign currency development loans and grants, enters into contracts and issues guaranties, in accordance with Agency policies and procedures and within limits specified in A.I.D. Delegations of Authority which are published in the FEDERAL REGISTER. See 27 F.R. 449 and 2014; 28 F.R. 868; 29 F.R. 6956, and 29 F.R. 8806, as amended from time to time. To the extent authority is not delegated to regional Assistant Administrators to take final ac-

tions, the A.I.D. Administrator or his deputy makes the decision.

The Assistant Administrator for Private Resources has authority to receive applications for and to process and approve Investment Survey Participation Grants, Specific Risk Investment Insurance, and Extended Risk (nonhousing) Investment Guaranties, pursuant to Delegations of Authority published in the FEDERAL REGISTER. See 29 F.R. 2430 and 5356. Under direction of the Assistant Administrator for Administration (1) pursuant to delegation of authority (29 F.R. 5353 and 32 F.R. 3781) the Office of Procurement negotiates and executes A.I.D.-direct nonregional service-type contracts and research grants and contracts for nonpersonal services with individuals, (2) the Office of Administrative Services enters into administrative type contracts; and (3) the Office of International Training enters into contracts for interpreter services and for other services related to the program for training foreign participants. See 30 F.R. 14567.

B. *Statements of general policy and procedures.* The statements of A.I.D. policy, and the nature and requirements of A.I.D.'s formal and informal procedures which are currently available to the public, are contained in the published regulations and other publications of A.I.D. listed below. To the extent applicable these also contain descriptions of forms available or specify the places at which forms may be obtained, and give instructions as to the scope and content of papers, reports or examinations involved in the transaction of business with A.I.D.

The following A.I.D regulations are codified in Chapter II of Title 22 of the Code of Federal Regulations.

SUBJECT

No. 1. Rules and Procedures Applicable to Commodity Transactions Financed by A.I.D.
No. 2. Overseas Shipments of Supplies by Voluntary Nonprofit Relief Agencies.
No. 3. Registration of Agencies for Voluntary Foreign Aid.
No. 5. Per Diem Payments to Participants in Nonmilitary Mutual Security Training Programs.
No. 7. Service Contracting: Use of Third Country Nationals on A.I.D.-financed Construction.
No. 8. Suppliers of Commodities and Commodity Related Services Ineligible for A.I.D. Financing.
No. 9. Nondiscrimination in Federally Assisted Programs of A.I.D.—Effectuation of Title VI of the Civil Rights Act of 1964.
No. 10. Loyalty and Security Investigations for Persons Serving under Contracts Financed from U.S. Foreign Assistance Funds.
No. 11. Transfer of Food Commodities for Use in Disaster Relief and Economic Development, and other Assistance (P.L. 480, Title II).

The Procurement Regulations for the Agency for International Development (AIDPR) are codified in Chapter 7 of Title 41 of the Code of Federal Regulations.

In addition, the following other A.I.D. publications contain procedure available to the public:

a. Capital Projects Guidelines.

b. Specific Risk Investment Guaranty Handbook.

c. Policy Paper, Extended Risk Investment Guaranties.

d. A.I.D. Catalog of Investment Information.

e. Aids to Business (Overseas Investment).

f. Commercial Exports Under A.I.D. Programs.

g. A.I.D. Small Business Circulars.

Copies of the above listed A.I.D. regulations and other publications are available for public inspection and copying at the A.I.D. Businessmens' Information Service, or the Office of the Director, Information Staff, A.I.D., State Department Building, Washington D.C. 20523. In addition A.I.D. Small Business Circulars and the A.I.D. Catalog of Investment Information are available at Department of Commerce Field Offices located in principal cities of the United States. A.I.D. Procurement Regulations are also for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

V. *Information, submittals and requests for decisions*—A. *Information.* A.I.D. Regulation No. 12 (22 CFR Ch. II) specifies A.I.D. policy and procedures for making information available to the public, and for obtaining access to its identifiable records for information or for historical research.

B. *Submittals, requests, or decisions.* Members of the public doing business, or wishing to do business, with A.I.D. may make their submittals or requests, or obtain decisions at the cognizant A.I.D. headquarters regional bureau, or at the program, management, or staff offices described in section III above, in accordance with the provisions of the published A.I.D. Regulation or other publication which govern the action or process.

In case of uncertainty by a member of the public as to the appropriate A.I.D. bureau or office, or as to the methods of applying for or obtaining A.I.D. action, application should be made to:

a. A.I.D. Businessmen's Information Service, Room 2926 NS, Department of State, 21st and Virginia Avenue NW., Washington, D.C. 20523; or

b. Director, Information Staff, A.I.D., Room 4898 NS, Department of State, 21st and Virginia Avenue NW., Washington, D.C. 20523.

Effective date: This notice shall be effective July 4, 1967.

Dated: June 30, 1967.

WILLIAM O. HALL,
Assistant Administrator for Administration.

[F.R. Doc. 67-7756; Filed, July 5, 1967; 12:36 p.m.]

DEPARTMENT OF DEFENSE

Department of the Navy

ORGANIZATION STATEMENT

Bonds and Similar Components

The Organization Statement of the Department of the Navy (32 F.R. 8305) is amended by inserting a new section to read as follows:

SEC. 7a. *Boards and similar components*—(a) *Physical Review Council.* The Physical Review Council is convened by the Secretary of the Navy pursuant to regulations prescribed by him for the administration of Title 10, United States Code, Chapter 61, Retirement or separation for physical disability (see 10 U.S.C. 1218 and 32 CFR 725, particularly §§ 725.501 to 725.511). The Council is composed of the Chief of Naval Personnel, the Director of Personnel, Marine Corps, the Chief of the Bureau of Medicine and Surgery and the Judge Advocate General, or their designated representatives acting for them as members, and a recorder. The Physical Review Council reviews the proceedings and recommended findings submitted by the Physical Evaluation Boards and advises the Secretary of the Navy of its concurrence or nonconcurrence therein, or in lieu thereof, presents substitute findings. The records of proceedings reviewed by the Physical Review Council are transmitted to the Secretary of the Navy for his action theron.

(Secs. 301, 552, 80 Stat 379, 388 (Public Law 90-23, 81 Stat. 54, effective July 4, 1967); 5 U.S.C. 301, 552)

By direction of the Secretary of the Navy.

Date: June 29, 1967

WILFRED HEARN,
Rear Admiral, U.S. Navy, Judge Advocate General of the Navy.

[F.R. Doc. 67-7755; Filed, July 5, 1967; 12:35 p.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[U-1384, U-1621]

UTAH

Notice of Proposed Classification

JUNE 27, 1967.

Notice is hereby given of a proposal to classify the lands described below for disposal through exchange under section 8 of the Taylor Grazing Act (43 U.S.C. 315g), for lands within the Bureau of Land Management Salt Lake District, Utah. This publication is made pursuant to the Act of September 19, 1964 (43 U.S.C. 1412).

This proposal has been discussed with the District Advisory Board, local government officials, and other interested parties. Information derived from discussions and other sources indicate that these lands meet the criterion of 43 CFR 2410.1-3(c)(4), which authorizes classification of lands "for exchange under appropriate authority where they are found to be chiefly valuable for public purposes because they have special values, arising from the interest of exchange proponents, for exchange for other lands which are needed for the support of a Federal program." Information concerning the lands, including the record of public discussions, is available for inspection and study at the Brigham City Office of the Bureau of Land Management, Box Elder County Courthouse, Brigham City, Utah, and the Salt Lake District Office, 1750 South Redwood Road, Salt Lake City, Utah. For a period of 60 days from the date of the publication, interested parties may submit comments to the District Manager of the Salt Lake District.

The lands affected by this proposal are located in Box Elder County and are described as follows:

SALT LAKE MERIDIAN

T. 8 N., R. 15 W.,
Sec. 6, all.
T. 8 N., R. 16 W.,
Sec. 4, all.
T. 8 N., R. 17 W.,
Sec. 6, N½;
Sec. 22, all;
Sec. 34, all.
T. 9 N., R. 15 W.,
Secs. 6, 8, 18, 20, 30, all.
T. 9 N., R. 16 W.,
Sec. 12, 14, 22, 24, 26, 28, 34, all.
T. 10 N., R. 15 W.,
Sec. 30, all.
T. 10 N., R. 16 W.,
Sec. 24, S½SE¼;
Sec. 26, S½SE¼;
Sec. 34, S½SE¼.

The areas described aggregate 11,431.93 acres.

R. D. NIELSON,
State Director.

[F.R. Doc. 67-7602; Filed, July 5, 1967; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

FLUE-CURED TOBACCO

Notice of Referendum

Notice is hereby given that on July 18, 1967; a referendum will be held of farmers engaged in the production of flue-cured tobacco of the 1967 crop, pursuant to the provisions of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.) and as further amended by Public Law 89-12 (79 Stat. 66), approved April 16, 1965. Notice that consideration would be given to establishing a date (or period) for holding such referendum and whether the referendum would be conducted at polling places rather than by mail ballots was given and published in the FEDERAL REGISTER (32 F.R. 7287). The views and recommendations received pursuant to such notice have been considered within the limits permitted by the Act. It is hereby determined that the referendum will be held at polling places on the date specified above. The purpose of the referendum is to determine whether the farmers voting favor or oppose the establishment of marketing quotas for the 3 marketing years beginning July 1, 1968, July 1, 1969, and July 1, 1970. The referendum will be conducted in accordance with the provisions of the Act and the regulations governing the holding of referenda on marketing quotas (28 F.R. 13249; 29 F.R. 16184; 30 F.R. 2521, 2588, 6144, 14260; 14411, 31 F.R. 2413, 4193, 6533, 12011, 14673, 16401) including any amendments made prior to the referendum.

Signed at Washington, D.C., on July 3, 1967.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 67-7811; Filed, July 5, 1967; 8:50 a.m.]

Consumer and Marketing Service

HUMANELY SLAUGHTERED LIVESTOCK

Identification of Carcasses; Changes in Lists of Establishments

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904), and the statement of policy thereunder in 9 CFR 381.1, the lists (31 F.R. 16724, 32 F.R. 1059, 3715, 4582, 6585, and 7983) of establishments which are operated under Federal inspection pursuant to the Meat Inspection Act (21 U.S.C. 71 et seq.) and which use humane methods of slaughter and incidental handling of livestock are hereby amended as follows:

The reference to Johnson Meat Products Co., Inc., establishment 994, and the reference to swine with respect to such establishment are deleted. The reference to The Cudahy Co., establishment 19, and the reference to cattle with respect to such establishment are deleted.

The following table lists additional species at previously listed establishments that have been reported as being slaughtered and handled humanely.

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Idaho Meat Packers	46		(*)	(*)			
Noble's Independent Meat Co.	235			(*)			
Species Added: 3.							

Done at Washington, D.C., this 29th day of June 1967.

R. K. SOMERS,
Deputy Administrator, Consumer Protection

[F.R. Doc. 67-7685; Filed, July 5, 1967; 8:46 a.m.]

Farmer Cooperative Service

ORGANIZATION, FUNCTIONS, AND AVAILABILITY OF INFORMATION

Notice is hereby given for the guidance for the general public as to the organization, functions and availability of information of the Farmer Cooperative Service, pursuant to 5 U.S.C. 552, 559.

I. *Organization and functions.* The Farmer Cooperative Service is located in Washington, D.C. It is comprised of three divisions: Management Services—provides research services, advisory and educational assistance to cooperatives on management problems; Purchasing—provides research services, advisory and educational assistance in connection with farm supplies and other services to co-ops; Marketing—provides research service, advisory and educational assistance in connection with marketing services of co-ops.

The Agency conducts research studies and service activities and provides educational assistance to rural people in connection with cooperatives engaged in marketing farm products, purchasing supplies, and other business services and cooperative activities. The work of the agency relates to problems of management, organization, policies, financing, merchandising, product quality, costs, efficiency, and membership.

It publishes the results of such studies; confers and advises with officials of rural cooperatives; and works with educational agencies, cooperatives, and others in the dissemination of information relating to cooperative principles and practices. The Agency does not have a field organization.

II. *Availability of records.* All records of FCS are available for public inspection and copying except exempt records which include the following:

A. Intra-agency and interagency memorandums or letters which would not be available by law to a party other than an agency in litigation with the Agency. This includes but is not limited to: estimates and supporting material used in developing the President's budget; manuscripts and other current informational material being prepared for release.

B. Trade secrets and commercial or financial information obtained from a person privileged or confidential. This includes but is not limited to; questionnaires with individual data, special case studies, and service reports.

C. Personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal

privacy. This includes but is not limited to: mailing lists of farm cooperatives.

D. Specifically required by Executive order to be kept secret.

E. Related solely to the internal personnel rules and practices of an agency.

F. Specifically exempted from disclosure by statute.

G. Investigatory files compiled for law enforcement purposes except to the extent available by law to a party other than an agency.

III. *Requests for information.—Records.* Requests for specifically identified records should be directed to the Executive Assistant to the Administrator, FCS, USDA, Washington, D.C. 20250. Copies of records may be obtained in person or by mail.

Records will be available for inspection and copying between the hours of 9:30 a.m. and 5 p.m.

Publications. Copies of FSC's publications may be obtained direct from the Division of Information, Office of Management Services, USDA, Washington, D.C. 20250.

IV. *Fees.* Fees for copying and searching will be in accordance with the Office of Plant and Operation's schedule of fees for such services.

V. *Appeal procedure.* A. Any person from whom FCS records are withheld may file an appeal with the Administrator, Farmer Cooperative Service. The appeal shall be filed within 15 days after being notified that the records are being withheld.

B. The appeal must be in writing, containing a statement of grounds upon which the appeal is based, and be signed by the applicant or his authorized representative.

C. The Administrator shall consider the appeal, determine availability of records and furnish the applicant written notice of his determination.

Effective date: This notice shall be effective July 4, 1967.

DAVID W. ANGEVINE,
Administrator,
Farmer Cooperative Service.

[F.R. Doc. 67-7814; Filed, July 3, 1967; 12:35 p.m.]

Office of the Inspector General

ORGANIZATION, FUNCTIONS, AND DELEGATIONS OF AUTHORITY

Pursuant to the authority delegated to the Inspector General in section 40 of the Statement of Organization and Delegations appearing in 29 F.R. 16212, dated December 3, 1964, section 5 of 32 F.R. 8822, dated June 21, 1967, which sets forth the Statement of Organization, Functions, and Delegations of Authority of the Office of the Inspector General (OIG), is hereby superseded and the following is substituted therefore:

AVAILABILITY OF SERVICE

SEC. 5. *Service.* Any person desiring to bring to the attention of OIG any audit or investigative matter which they consider warrants such attention, may address his communication to either:

(a) The Inspector General, U.S. Department of Agriculture, Washington, D.C. 20250.

(b) Assistant Inspector General, Operations, Office of the Inspector General, U.S. Department of Agriculture, Washington, D.C. 20250, or

(c) To the appropriate Regional Inspector General listed in section 3, 32 F.R. 8822.

AVAILABILITY OF INFORMATION

SEC. 6. *Information.* Any person desiring information, or to make submittals or request with respect to the operations and functions of OIG should address his request to: Assistant Inspector General, Analysis and Evaluation, Office of the Inspector General, U.S. Department of Agriculture, Washington, D.C. 20250, who is authorized to act on all such requests. Each record sought should be identified with reasonable specificity. Requests may be submitted in person or by mail.

(a) *Available Records.* The Assistant Inspector General, Analysis and Evaluation, shall make available any requested record, unless he determines that it is exempt, in which event he shall give written notice of such determination and the reasons therefor.

(b) *Exempt Records.* Exempt records of OIG include but are not limited to the following:

(1) Matters specifically required by Executive Order to be kept secret.

(2) Matters that are related solely to the internal personnel rules and practices of the Department. Among such records are reports relating to management operations to the extent that the proper performance of necessary agency functions would require such withholding; operating rules, guidelines, and manuals of procedure for investigators or auditors.

(3) Matters that are specifically exempted from disclosure by statute.

(4) Matters that are trade secrets and commercial or financial information obtained from a person and privileged or confidential. This exemption includes information given in confidence or as subject and similar to the doctor-patient, lawyer-client, or lender-borrower privileges.

(5) Matters that are intra-agency and interagency memoranda or letters which would not be available by law to a private party in litigation with the agency. Among OIG records in this class are those which consist of intra-agency or interagency memoranda or letters containing opinions, recommendations, or reports of internal deliberations.

(6) Matters that are personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(7) Investigatory files compiled for law enforcement purposes except to the extent available by law to a party other than an agency. For example, investigation reports, audit reports, work papers, notes, and related materials would be exempt.

(8) Matters contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of agency responsible for the regulation or supervision of financial institutions.

(c) *Appeals.* A denial by the Assistant Inspector General, Analysis and Evaluation, of any request for a record or records may be appealed to the Inspector General by the person who made the request. The appeal shall be made in writing within 15 days of the date of the Assistant Inspector General's notice of his action. The Inspector General will give written notice of his final determination.

(d) *Inspection and Copies.* Facilities for public inspection and copying of requested and available material will be provided by Analysis and Evaluation, OIG, during normal business hours. Copies of such material may be obtained in person or by mail. Applicable fees are prescribed by the Director, Office of Plant and Operations, USDA, for those available documents for which copies are requested and furnished. The availability of information and records of OIG, its Regions and offices is governed by the rules and regulations of the Department published in Title 7, Part 1, Subpart A, of the Code of Federal Regulations and the applicable provisions of 5 U.S.C. 552.

Issued at Washington, D.C., this 3d day of July 1967.

LESTER P. CONDON,
Inspector General.

[F.R. Doc. 67-7815; Filed, July 5, 1967; 12:35 p.m.]

Packers and Stockyards Administration

FLORENCE TRADING POST ET AL.

Deposting of Stockyards

It has been ascertained, and notice is hereby given, that the livestock markets named herein, originally posted on the respective dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), no longer come within the definition of a stockyard under said Act and are, therefore, no longer subject to the provisions of the Act.

Name, location of stockyard, and date of posting

Florence Trading Post, Florence, Ala., May 14, 1959.

Farmers and Stockholders Commission Company, Inc., Fountaintown, Ark., Feb. 20, 1959.

Producers Livestock Market, Marshall, Mo., Apr. 7, 1964.

Friend Sale Barn, Friend, Nebr., Apr. 21, 1960.

Clear Lake Livestock Market, Clear Lake, Wis., May 20, 1960.

Notice or other public procedure has not preceded promulgation of the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore, be impracticable and contrary to the public interest. There is no legal warrant or justification for not deposting promptly a stockyard which is no longer within the definition of that term contained in the Act.

The foregoing is in the nature of a rule granting an exemption or relieving a restriction and, therefore, may be made effective in less than 30 days after publication in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER.

(42 Stat. 159, as amended and supplemented; 7 U.S.C. 181 et seq.)

Done at Washington, D.C., this 29th day of June, 1967.

JOHN R. BRANNIGAN,
Registrations, Bonds, and Reports Branch, Packers and Stockyards Administration.

[F.R. Doc. 67-7730; Filed, July 5, 1967; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

BONA FIDE MOTOR-VEHICLE MANUFACTURERS

Notice of Determination

Notice is hereby given that pursuant to authority contained in Chapter III, Part 301, of Title 19 of the Code of Federal Regulations, the Administrator, as of June 15, 1967, has determined the following to be bona fide motor-vehicle manufacturers:

Haywood Adams Brake Service, 116 Carroll Street, Thomasville, Ga. 31792, January 18, 1967.

American Body & Trailer, Inc., 1500 Exchange Avenue, Oklahoma City, Okla. 73101, January 18, 1967.

American Motors Corp., 14250 Plymouth Road, Detroit, Mich. 48232, January 18, 1967.

American Trailer Service, Inc., 2814 North Cleveland Avenue, St. Paul, Minn. 55113, January 18, 1967.

Antietam Equipment Co., Post Office Box 91, Hagerstown, Md. 21740, January 18, 1967.

Automotive Safety, Inc., 725 Dowd Avenue, Elizabeth, N.J. 07201, January 18, 1967.

Avanti Motor Corp., 613 South Michigan Street, South Bend, Ind. 46601, January 18, 1967.

Big "T" Truck Parts, U.S. Route 22, Post Office Box 144, Phillipsburg, N.J. 08865, January 18, 1967.

Adam Black & Sons, 270-300 Tonnele Avenue, Jersey City, N.J. 07306, January 18, 1967.

Blue Bird Body Co., Fort Valley, Ga. 31030, January 18, 1967.

Boatel Co., Inc., Mora, Minn. 55051, January 1, 1967.

Brake & Equipment Co., Inc., 1801 North Mayfair Road, Milwaukee, Wis. 53226, January 24, 1967.

Brake Service, Inc., Post Office Box 774, 170 Washington Street, Bangor, Maine 04401, January 18, 1967.

Bristol-Donald Co., Inc., B-D Manufacturing Corp., 50 Roanoke Avenue, Newark, N.J. 07105, January 17, 1967.

Brown Trailer Division, Clark Equipment Co., Post Office Box 410, Michigan City, Ind. 46360, January 18, 1967.

Capitol Trailer & Body Co., 3420 East Broadway, No. Little Rock, Ark. 72117, January 18, 1967.

The Carnegie Body Co., 9500 Brookpark Road, Cleveland, Ohio 44129, January 18, 1967.

Checker Motors Corp., 2016 North Pitcher Street, Kalamazoo, Mich. 49004, January 18, 1967.

Chrysler Corp., 341 Massachusetts Avenue, Highland Park, Mich. 48203, January 18, 1967.

B. M. Clark Co., Route 17, Union, Maine 04862, January 14, 1967.

Cloverleaf Equipment & Sales, Inc., 7801 Old Granger Road, Cleveland, Ohio 44125, January 18, 1967.

Commercial Body Sales & Manufacturing Co., Inc., Post Office Box 3296, Fresno, Calif. 93766, January 18, 1967.

Connell Motor Truck Co. of Fresno, Post Office Box 3316, Fresno, Calif. 93766, January 18, 1967.

Crane Carrier Co., Division of CCI Corp., 1150 North Peoria, Post Office Box 5008, Tulsa, Okla. 74104, January 17, 1967.

Critzer Equipment Co., East 3804 Front Avenue, Spokane, Wash. 99210, January 18, 1967.

Dade Trailer Sales & Service Inc., 2980 Northwest 73d Street, Miami, Fla. 33147, January 18, 1967.

Daleiden Auto Body & Manufacturing Corp., 425 East Vine Street, Kalamazoo, Mich. 49001, January 17, 1967.

Dealers Truck Equipment Co., Inc., 2491 Texas Avenue, Shreveport, La. 71102, January 18, 1967.

Dealers Truckstell Sales, Inc., 655 Beale Street, Memphis, Tenn. 49423, January 18, 1967.

Decker Tank Co., 118 Route 17, Upper Saddle River, N.J. 07458, January 18, 1967.

Divco-Wayne Corp., 680 Fifth Avenue, New York, N.Y. 10019, January 18, 1967.

Drake-Scruggs Equipment, Inc., 600 South 31st Street, Springfield, Ill. 62703, January 10, 1967.

Eastern Tank Corp., 290 Pennsylvania Avenue, Paterson, N.J. 07503, January 1, 1967.

Eggiman Motor & Equipment Sales, Inc., 2959 West Beltline Highway, Post Office Box 1628, Madison, Wis. 53701, January 18, 1967.

Eight-Point Trailer Corp., 6100 East Washington Boulevard, Los Angeles, Calif. 90022, January 18, 1967.

Elliott Machine Works, Rensch Avenue, Galion, Ohio 44833, January 18, 1967.

Emmert Trailer Corp., 614-618 Mishawaka Street, Elkhart, Ind. 46514, January 18, 1967.

John Evans Manufacturing Co., Post Office Box 669, Sumter, S.C. 29150, January 18, 1967.

Fleet Equipment Co., 10606 Harry Hines, Dallas, Tex. 75220, January 17, 1967.

Fleet Supply Co., Ltd., Post Office Box 96, Salem Station, Winston-Salem, N.C. 27102, January 18, 1967.

The Fixible Co., 326-332 North Water Street, Loudonville, Ohio 44842, January 18, 1967.

FMC Corp., 3075 14th Street, Riverside, Calif. 92502, February 22, 1967.

Ford Motor Co., The American Road, Dearborn, Mich. 48120, January 18, 1967.

Fox Corp., 1111 West Racine Street, Janesville, Wis. 53545, January 18, 1967.

Freightliner Corp., 5400 North Basin Avenue, Portland, Oreg. 97217, January 18, 1967.

FWD Corp., 105 East 12th Street, Clintonville, Wis. 54929, January 1, 1967.

Garsite Products, Inc., 10 East Grand Boulevard, Deer Park, N.Y. 11729, January 18, 1967.

Gar-Wood—Albany Truck Equipment, Inc., Railroad and Maplewood Avenues, Albany, N.Y. 12205, January 18, 1967.

Gar-Wood—Detroit Truck Equipment, Inc., 21063 Mound Road, Warren, Mich. 48091, January 18, 1967.

Geoda Manufacturing Co., 428 West Market Street, Salinas, Calif. 93901, January 1, 1967.

General Motors Corp., 8044 West Grand Boulevard, Detroit, Mich. 48202, January 18, 1967.

General Trailer Co., Inc., Post Office Box G, Springfield, Oreg. 97477, January 18, 1967.

Gibbes Machinery Co., Wheat and Assembly Streets, Columbia, S.C. 29202, January 18, 1967.

Gooch Brake & Equipment Co., 512 Grand Avenue, Kansas City, Mo. 64106, January 18, 1967.

Grand Rapids Brake Service, Inc., 1936 Century Avenue SW., Grand Rapids, Mich. 49509, January 18, 1967.

Ole Granning Trailer, Inc., 3040 Wyoming, Dearborn, Mich. 48120, January 18, 1967.

HarDee Manufacturing Co., Division of Harsco Corp., Post Office Drawer 699, Plant City, Fla. 33566, January 17, 1967.

Hawkeye Truck Equipment Co., 4101 East 14th Street, Des Moines, Iowa 50313, January 18, 1967.

Heislers, Inc., Willard Airport, Willard, Ohio 44905, January 4, 1967.

Hendrickson Manufacturing Co., 8001 West 47th Street, Lyons, Ill. 60534, January 18, 1967.

The Hess & Eisenhardt Co., 3959 Blue Ash Road, Cincinnati, Ohio 45242, November 1, 1966.

Hobbs Equipment Co., Inc., Keeler Avenue, Norwalk, Conn. 06856, January 18, 1967.

Hudsonville Truck & Trailer Service Co., 5210 36th Avenue, Hudsonville, Mich. 49426, January 17, 1967.

O. G. Hughes & Sons, Inc., 312 South Central Avenue, Knoxville, Tenn. 37902, January 18, 1967.

Humes Truck & Trailer Manufacturing Co., 907 Franklin Avenue, Steubenville, Ohio 43952, January 18, 1967.

International Harvester Co., 401 North Michigan Avenue, Chicago, Ill. 60611, January 18, 1967.

Kaiser-Jeep Corp., 940 North Cove Boulevard, Toledo, Ohio 43601, January 18, 1967.

Kay Wheel Sales Co., Tacony and Van Kirk Streets, Philadelphia, Pa. 19135, January 18, 1967.

Kenworth Motor Truck Co., 8801 East Marginal Way, Seattle, Wash. 98108, January 18, 1967.

Knapheide Equipment Co., Post Office Box 553, Quincy, Ill. 62301, January 18, 1967.

KW-Dart Truck Co., 1301 North Manchester Trafficway, Kansas City, Mo. 64120, January 18, 1967.

Leland Equipment Co., 406 North Main Street, Tulsa, Okla. 74101, January 18, 1967.

Mack Trucks, Inc., Executive Offices, Box M, Allentown, Pa. 18105, January 18, 1967.

Marion Metal Products Co., Post Office Box 406, 959 Cheney Avenue, Marion, Ohio 43302, January 18, 1967.

Massart Supply, Inc., Post Office Box 2758, Lafayette, La. 70501, January 18, 1967.

Merit Tank & Body, Inc., 707 Gilman Street, Berkeley, Calif. 94706, January 18, 1967.

Middlekauff, Inc., 1615 Ketcham Avenue, Toledo, Ohio 43606, January 18, 1967.

Midget Motors Corp., Campbell Street Extension, Athens, Ohio 45701, January 18, 1967.

Mid West Truck Equipment Sales Corp., 640 East Pershing Road, Decatur, Ill. 62526, January 31, 1967.

Moline Body Co., 222 52d Street, Moline, Ill. 61265, January 18, 1967.

Montone Manufacturing Co., Route 309 Hazle Village, Hazleton, Pa. 18201, January 18, 1967.

Moorhead Plastics, Inc., 2300 12th Avenue South, Moorhead, Minn. 56560, September 1, 1966.

Motor Coach Industries, Inc., Pembina, N. Dak. 58271, January 18, 1967.
Motor Truck Equipment Corp., 2950 Irving Boulevard, Dallas, Tex. 75207, January 18, 1967.
Murphy Body Works, Inc., Post Office Box 90, Wilson, N.C. 27893, January 18, 1967.
Neil's Automotive Service, Inc., 197 East Kalamazoo Avenue, Kalamazoo, Mich. 49006, January 18, 1967.
Nelson Manufacturing Co., U.S. 224 East, Ottawa, Ohio 45875, January 18, 1967.
New England Oil Burner Co. and Vermont Chemicals, Route 2-A, Main Street, Colchester, Vt. 05446, December 12, 1966.
Northwest Truckstop Sales, Inc., 805 Southeast Hawthorne Boulevard, Portland, Oreg. 97214, January 18, 1967.
Nye Implement Co., Inc., 260 East Fourth Street, Posteris, Ohio 44880, January 18, 1967.
Ohio Body Manufacturing Co., New London, Ohio, 44851, January 18, 1967.
Oshkosh Motor Truck, Inc., 2307 Oregon Street, Oshkosh, Wis. 54901, January 18, 1967.
Ottawa Steel Products, Daybrook-Ottawa Corp., 1313 North Hickory Street, Ottawa, Kans. 66067, January 17, 1967.
Outboard Marine Corp., 100 Pershing Road, Waukegan, Ill. 60085, January 18, 1967.
Pacific Car & Foundry Co., 1400 Fourth Avenue North, Renton, Wash. 98055, January 18, 1967.
Page & Page Co., 1601 North Columbia Road, Portland, Oreg. 97217, January 18, 1967.
Palmer Spring Co., 356 Forest Avenue, Portland, Maine 04101, January 18, 1967.
Peerless Trailer & Truck Service, Inc., 16205 Southwest Boones Ferry Road, Tualatin, Oreg. 97062, January 18, 1967.
Perfection Equipment Co., 7 South Pennsylvania, Oklahoma City, Okla. 73107, February 21, 1967.
Perfection Truck Equipment Co., 2550 McGee Trafficway, Kansas City, Mo. 64108, January 18, 1967.
Peterbilt Motors Co., 38801 Cherry Street, Newark, Calif. 94560, January 18, 1967.
Power Brake Co., Inc., 1506 West Morehead Street, Box 538, Charlotte, N.C. 28208, January 17, 1967.
Power Brake Service & Equipment Co., Inc., 1307-17 Carnegie Avenue, Cleveland, Ohio 44115, January 18, 1967.
Reliable Spring Co., Inc., 10557 South Michigan Avenue, Chicago, Ill. 60628, January 11, 1967.
Reliance Trailer & Truck Co., Inc., 2765 16th Street, San Francisco, Calif. 94103, January 18, 1967.
S. S. Automobiles, Inc., 161 West Wisconsin Avenue, Milwaukee, Wis. 53203, May 22, 1967.
Safety Sales & Service Corp., Post Office Box 1439, Harrisburg, Pa. 17105, January 18, 1967.
Schweigers, Inc., Post Office Box 747, Watertown, S. Dak. 57201, January 18, 1967.
Scientific Brake & Equipment Co., 314 West Genesee Avenue, Saginaw, Mich. 48601, January 18, 1967.
Shasta Truck & Equipment, Inc., 3333 South Market, Redding, Calif. 96001, January 18, 1967.
Shelby American, Inc., 6501 West Imperial Highway, Los Angeles, Calif. 90009, December 1, 1966.
Paul Stutler, Inc., 2307 East Waterloo Road, Akron, Ohio 44312, January 18, 1967.
Superior Coach Corp., 1300 East Kibby Street, Lima, Ohio 45802, January 18, 1967.
Syracuse Auto Parts, Inc., 120 North Geddes Street, Syracuse, N.Y. 13204, January 18, 1967.
Thiokol Chemical Corp., Post Office Box 407, Logan, Utah 84321, January 18, 1967.
Truck Equipment Co., 360 Industrial Avenue, New Orleans, La. 70121, January 18, 1967.
Truck Equipment, Inc., Post Office Box 2345, Green Bay, Wis. 54306, January 18, 1967.
Truck Parts & Equipment Co., 395 Hegenburger Road, Oakland, Calif. 94621, January 18, 1967.
Truck Parts & Equipment Co., 2236 Folsom Street, San Francisco, Calif. 94110, January 18, 1967.
Truck & Trailer Equipment Co., 4214 West Mount Hope Road, Lansing, Mich. 48906, January 20, 1967.
Tuff Boy, Inc., Route 2, Box 129A, Manteca, Calif. 95336, January 18, 1967.
Urbana Truck Body Co., 501 East University Avenue, Urbana, Ill. 61801, January 18, 1967.
Utility Trailer & Equipment Co. Inc., 4771 Southeast 17th Avenue, Portland, Oreg. 97202, January 18, 1967.
Valley Truck Parts, 862 North 10th Street, San Jose, Calif. 95112, January 18, 1967.
Walter Motor Truck Co., School Road, Voorheesville, N.Y. 12186, January 17, 1967.
Ward LaFrance Truck Corp., Grand Central Avenue, Elmire Heights, N.Y. 14903, January 18, 1967.
The Treco Corp., doing business as Weaver Trailer & Body Co., 1355 West Mound Street, Columbus, Ohio 43223, January 18, 1967.
Weigand GMC Truck Sales, Inc., 1008 North Tuscarawas Avenue, Dover, Ohio 44622, January 18, 1967.
White Motor Corp., Post Office Box 6979, Cleveland, Ohio 44114, January 18, 1967.

The Administrator will publish from time to time such revisions of this list as may be appropriate to reflect additions, deletions, or other necessary changes in it.

RODNEY L. BOHUM,
Administrator, Business and Defense Services Administration.

[F.R. Doc. 67-7651; Filed, July 5, 1967; 8:46 a.m.]

FRESNO STATE COLLEGE ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C.

A copy of each comment filed with the Director of the Office of Scientific and Technical Equipment must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 67-00105-01-77030. Applicant: Fresno State College, Department of Chemistry, Cedar and Shaw, Fresno, Calif. 93720. Article: Nuclear Magnetic Resonance Spectrograph, Model R-20. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: Applicant states:

> * * * the instrument will be used primarily as a teaching tool in such courses as instrumental methods of analysis, qualitative organic analysis and the undergraduate course called Independent study which represents an introduction to chemical research. Basically, the research in the Chemistry Department is at the Master's level and the use of the instrument for research purposes will be incidental to its use for classroom instruction.

Application received by Commissioner of Customs: June 2, 1967.

Docket No. 67-00135-33-46040. Applicant: Florida State University, Tallahassee, Fla. 32306. Article: Electron Microscope, Model HU-11C. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used in the following research programs currently in progress: (a) Interpretation of the arrangement of nucleoprotein fibrils of meiotic chromosomes in relation to the mechanisms of synapsis and division; (b) determination of nerve synaptic organization by interpretation of the membrane systems within a synaptic region; (c) visualization of the sequence of purine and pyrimidine bases in DNA, using the base analog, 5-iodouridine, to allow more precise localization of the thymidine analog without uranyl salt staining; (d) study in vitro protein synthesis through investigation of the role of template DNA, messenger RNA and DNA associated histones that have been negatively stained; (e) studies of smaller size nuclei on evaporated gold film. Application received by Commissioner of Customs: June 22, 1967.

Docket No. 67-00137-33-46500. Applicant: The Johns Hopkins University, School of Medicine, Department of Anatomy, 725 North Wolfe Street, Baltimore, Md. 21205. Article: Ultramicrotome "Om U2" Sides. Manufacturer: C. Reichert Optishhe Werke A.G., Austria. Intended use of article: The article will be used in a research program to analyze patterns of interconnection amongst nerve cells in mammalian cerebral cortex. This instrument will provide serially cut sections for microscopic examination. Application received by Commissioner of Customs: June 22, 1967.

CHARLES M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 67-7686; Filed, July 5, 1967; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

2,6-DICHLORO-4-NITROANILINE

Notice of Establishment of Temporary Tolerance

Notice is given that at the request of the Upjohn Co., Kalamazoo, Mich. 49001, a temporary tolerance of 20 parts per million is established for residues of the fungicide 2,6-dichloro-4-nitroaniline in or on nectarines from both preharvest and postharvest applications. The Commissioner of Food and Drugs has determined that this temporary tolerance will protect the public health.

A condition under which this temporary tolerance is established is that the fungicide will be used in accord with the temporary permit issued by the U.S. Department of Agriculture. Distribution will be under the Upjohn Co. name.

This temporary tolerance expires June 27, 1968.

This action is taken pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)) and delegated by him to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: June 27, 1967.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 67-7688; Filed, July 5, 1967; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[PN-17]

STATEMENT OF ORGANIZATION AND DELEGATIONS OF FINAL AUTHORITY

Rescission

JUNE 30, 1967.

Notice is hereby given that, effective July 4, 1967, Civil Aeronautics Board Public Notice PN-15 (26 F.R. 7231) is rescinded.

Part 384 of the Board's Organization Regulations (14 CFR Part 384) published 32 F.R. 8797 and Part 385 of the Board's Organization Regulations (14 CFR Part 385) published 32 F.R. 8799 replace Public Notice PN-15.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 67-7689; Filed, July 5, 1967; 8:47 a.m.]

AIR STAR ROUTES

Certification Required by Postmaster General

In accordance with Public Law 277 of the 81st Congress (approved Aug. 30, 1949), notice is hereby given that the Civil Aeronautics Board has received a request from the Postmaster General (Docket 18746) for certification that the proposed air star routes, hereinafter described, do not conflict with the development of air transportation as contemplated under the Federal Aviation Act of 1958, as amended.

The routes proposed are as follows:

KANSAS

Scott City-Wichita.
Colby-Wichita.
Concordia-Wichita.

OKLAHOMA

Woodward-Oklahoma City.
Durant-Oklahoma City.
Altus-Oklahoma City.
Poteau-Oklahoma City.

Under the provisions of the said Public Law 277, the Postmaster General is required to obtain the certification of the Board prior to advertising for bids for the carriage of mail by aircraft on any star route. Any contract which may ultimately be awarded by the Postmaster General under such law will not confer authority to carry persons or property (other than mail) by air.

Prior to reaching its decision as to whether the requested certification should be issued, the Board desires to afford interested persons an opportunity to comment thereon through the submission of written data, views, or arguments, in triplicate, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant matter in communications bearing the above docket number received on or before July 31, 1967, will be considered by the Board before taking final action on the request of the Postmaster General.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

JUNE 30, 1967.

[F.R. Doc. 67-7701; Filed, July 5, 1967; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 17537; FCC 67-748]

GEORGIA RADIO, INC. (WPLK)

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In re application of Georgia Radio, Inc. (WPLK), Rockmart, Ga., Docket No. 17537, File No. BP-16698; has: 1220 kc., 500 w., day, class II; requests: 1060 kc., 5 kw., DA-day, class II; for construction permit.

1. The Commission has under consideration the above-captioned and described application.

2. Examination of the application of Georgia Radio, Inc., indicates that the proposed 1 v/m contour would encompass a population of 848 persons, a number greater than 300 and also greater than 1 percent of the total population included within the 25 mv/m contour (7,195 persons). Accordingly, the applicant is not in compliance with § 73.24(g) of the Commission's rules. The applicant has requested a waiver of the rule but the Commission is unable, on the basis of the data submitted, to conclude that a waiver would serve the public interest. Rather, it is of the opinion that the matter should be explored in an evidentiary hearing.

3. Except as indicated by the issues specified below, the applicant is qualified to construct and operate as proposed. However, for the reason set out in the preceding paragraph, the Commission is unable to make a statutory finding that a grant of the subject application would serve the public interest, convenience and necessity, and is of the opinion that the applicant must be designated for hearing on the issues set forth below:

Accordingly it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WPLK and the availability of other primary service to such areas and populations.

2. To determine whether the proposal of Georgia Radio, Inc., is in compliance with § 73.24(g) of the Commission's rules concerning population within the 1000 mv/m contour, and, if not, whether circumstances exist which would warrant a waiver of said section.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the application would serve the public interest, convenience and necessity.

It is further ordered, That, in the event of a grant of the application of Georgia Radio, Inc., the construction permit should contain the following condition:

Pending final decision in Docket No. 14419 with respect to presunrise operation with daytime facilities, the present provisions of § 73.87 of the Commission's rules are not extended to this authorization, and such operation is precluded.

It is further ordered, That, to avail itself of the opportunity to be heard, the applicant herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That, the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Communication's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the pub-

lication of such notice as required by § 1.594(g) of the rules.

Adopted: June 21, 1967.

Released: June 27, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-7704; Filed, July 5, 1967; 8:47 a.m.]

[Docket No. 17504; FCC 67M-1092]

ARTHUR H. JONES, JR.

Order Regarding Place of Hearing

In the matter of Arthur H. Jones, Jr., 4017 Cold Spring Lane, Baltimore, Md. 21215, Docket No. 17504; suspension of radiotelephone first class operator license.

It is ordered, That the action of the Chief Hearing Examiner released June 19, 1967, in the above-entitled proceeding (FCC 67M-1006), is hereby amended by the substitution of Baltimore, Md., for Washington, D.C., as the place of hearing in the proceeding; and

It is further ordered, That the request made in behalf of the respondent for field hearing is dismissed as moot.

Issued: June 28, 1967.

Released: June 29, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-7705; Filed, July 5, 1967; 8:47 a.m.]

[Docket No. 17509; FCC 67M-1091]

ARTHUR H. JONES, JR.

Order Regarding Place of Hearing

In the matter of Arthur H. Jones, Jr., Baltimore, Md., Docket No. 17509; suspension of amateur radio operator license (W31RL).

It is ordered, That the action of the Chief Hearing Examiner released June 19, 1967 in the above-entitled proceeding (FCC 67M-1007), is hereby amended by the substitution of Baltimore, Md., for Washington, D.C., as the place of hearing in the proceeding; and

It is further ordered, That the request made in behalf of the respondent for field hearing is dismissed as moot.

Issued: June 28, 1967.

Released: June 29, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary,

[F.R. Doc. 67-7706; Filed, July 5, 1967; 8:47 a.m.]

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[1] Commissioner Cox absent.

[Docket Nos. 17454, 17455; FCC 67M-1085]

NEW YORK UNIVERSITY AND FAIRLEIGH DICKINSON UNIVERSITY

Order Scheduling Hearing

In re applications of New York University, New York, N.Y., Docket No. 17454, File No. BPED-742; Fairleigh Dickinson University, Teaneck, N.J., Docket No. 17455, File No. BPED-751; for construction permits.

On the basis of discussions held at the first prehearing conference in this proceeding on June 23, 1967, and a consequent agreement among the parties: *It is ordered*, That the presentation of evidence in this case will be by written exhibits, except to the extent that the respective applicants deem it appropriate to amplify, delete or otherwise modify the information in the written exhibits by the testimony of witnesses at the hearing;

It is further ordered, That the exchange of preliminary engineering exhibits relating to Issue 2, as modified, will occur on September 1, 1967; that the exchange of all other exhibits will occur on October 3, 1967; that notification of witnesses to be presented (together with a brief statement as to the scope of testimony of each), as well as those witnesses desired for cross-examination, will occur on October 10, 1967; and that the hearing will commence at 10 a.m., October 17, 1967, in the Commission's offices in Washington, D.C.

Issued: June 27, 1967.

Released: June 29, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN P. WAPLE,
Secretary.

[F.R. Doc. 67-7707; Filed, July 5, 1967; 8:47 a.m.]

[Docket Nos. 17541, 17542; FCC 67M-1083]

S R C, INC., AND SAN ANGELO INDEPENDENT SCHOOL DISTRICT NO. 226-903

Order Scheduling Hearing

In re applications of S R C, Inc., San Angelo, Tex., Docket No. 17541, File No. BPCT-3764; San Angelo Independent School District No. 226-903, San Angelo, Tex., Docket No. 17542, File No. BPCT-3783; for construction permit for new television broadcast station (Channel 6).

It is ordered, That Elizabeth C. Smith shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on September 13, 1967, at 10 a.m.; and that a prehearing conference shall be held on July 18, 1967, commencing at 9 a.m.: *And, it is further ordered*, That all proceedings shall take place in the offices of the Commission, Washington, D.C.

Issued: June 27, 1967.

Released: June 28, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-7708; Filed, July 5, 1967; 8:47 a.m.]

[Docket No. 17143; FCC 67M-1090]

STOKES COUNTY BROADCASTING CO. (WKTE)

Order Continuing Prehearing Conference

In re application of Stokes County Broadcasting Co. (WKTE), King, N.C., Docket No. 17143, File No. BP-16610; for construction permit.

The applicant filed on March 6, 1967, a petition for reconsideration which interlocutory pleading is still pending before the Commission. In view of the foregoing, it is deemed feasible that the further hearing conference now scheduled for July 3, 1967, should be continued.

Accordingly, it is ordered, That the further hearing conference now scheduled herein for July 3 be and the same is hereby rescheduled for July 31, 1967, 9 a.m., in the Commission's offices, Washington, D.C.

Issued: June 28, 1967.

Released: June 29, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-7709; Filed, July 5, 1967; 8:48 a.m.]

[Docket Nos. 16924-16926; FCC 67M-1094]

SUNSET BROADCASTING CORP. ET AL.

Order Continuing Prehearing Conference

In re applications of Sunset Broadcasting Corp., Yakima, Wash., Docket No. 16924, File No. BPCT-3478; Apple Valley Broadcasting, Inc., Yakima, Wash., Docket No. 16925, File No. BPCT-3648; Northwest Television & Broadcasting Co. (a joint venture), Yakima, Wash., Docket No. 16926, File No. BPCT-3672; for construction permit for new television broadcast station at Yakima, Wash.

The Hearing Examiner having been informally advised that the applicants contemplate the prompt filing of a new settlement agreement designed to eliminate the faults outlined in the Review Board's order released June 26, 1967;

It appearing, that further hearing procedures should be deferred pending the Board's consideration of the said agreement;

It is ordered, That the conference now scheduled for July 6, 1967, is continued pending further order.

Issued: June 29, 1967.

Released: June 29, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-7710; Filed, July 5, 1967; 8:48 a.m.]

[Docket No. 17535; FCC 67M-1087]

TOP VISION CABLE CO.

Order Scheduling Hearing

In re cease and desist order to be directed against: Top Vision Cable Co., owner and operator of a CATV system at Owensboro, Ky., Docket No. 17535.

It is ordered, That James D. Cunningham shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on July 31, 1967, at 10 a.m.; and that a prehearing conference shall be held on July 21, 1967, commencing at 9 a.m.; *And, it is further ordered*, That all proceedings shall take place in the offices of the Commission, Washington, D.C.

Issued: June 27, 1967.

Released: June 29, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-7711; Filed, July 5, 1967; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

INDO CHINA STEAM NAVIGATION CO., LTD., ET AL.

Application for Certificate of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages; Security for Protection of Public

Notice is hereby given that pursuant to the provisions of section 2, Public Law 89-777 (80 Stat. 1356, 1357) and Federal Maritime Commission General Order 20, (46 CFR Part 540) that a Certificate of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages has been issued to the following (all effective on August 7, 1967):

The Indo China Steam Navigation Co., Ltd. (Dominion Far East Line). Certificate No. C-1002.

Compania Trasatlantica Espanola, S.A. (Spanish Line). Certificate No. C-1008.

Themistocles Navegacion S.A. (Operator: National Hellenic American Line). Certificate No. C-1004.

The New Zealand Shipping Co., Ltd. (Certificate No. C-1005.

Jugoslavenska Linijska plovidba-Rijeka (Yugoslav Lines) (Jugolinija Yugoline). Certificate No. C-1006.

Dominion Navigation Co., Ltd. Certificate No. C1007.

Oceanic S.A. (Oceanic Lines). Certificate No. C-1005.

Compagnia Genovese Di Armamento SPA (Cogedar Line). Certificate No. C-1000.

Dated: June 30, 1967.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-7714; Filed, July 5, 1967; 8:48 a.m.]

COMPANHIA DE NAVEGACAO LLOYD BRASILEIRO AND CANADIAN PACIFIC RAILWAY CO.

Financial Responsibility To Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages; Security for Protection of Public

Notice is hereby given that pursuant to the provisions of section 2, Public Law 89-777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, Amendment 2 (46 CFR Part 540) the following persons have applied to the Federal Maritime Commission for a Certificate of Financial Responsibility to Meet Liability Incurred for Death or Injury To Passengers or Other Persons on Voyages:

Companhia De Navegacao Lloyd Brasileiro (Lloyd Brasileiro).

Canadian Pacific Railway Co. (Canadian Pacific).

Dated: June 30, 1967.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-7715; Filed, July 5, 1967; 8:48 a.m.]

INDO CHINA STEAM NAVIGATION CO., LTD.

Indemnification of Passengers for Nonperformance of Transportation; Notice of Issuance of Certificate (Performance); Security for Protection of Public

Notice is hereby given that pursuant to the provisions of section 3, Public Law 89-777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20 (46 CFR 540) that a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation has been issued to the following:

The Indo China Steam Navigation Co., Ltd. (Dominion Far East Line), Certificate No. P-45. Effective date: June 27, 1967.

Dated: June 30, 1967.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-7716; Filed, July 5, 1967; 8:48 a.m.]

[Docket No. 968]

PACIFIC COAST TERMINALS

Discontinuance of Proceeding Regarding Granting of Free Time and Collecting Wharf Demurrage and Storage Charges

In December 1961 the subject proceeding was instituted to investigate the practices of Pacific Coast terminals in granting free time and collecting wharf demurrage and storage. The proceeding included issues as to the reasonableness of practices of all terminals on the Pacific Coast and the establishment by rule of a maximum 10-day free time provision and other practices and regulations insuring equitable treatment of all users of terminal facilities.

Upon consideration of comments submitted by parties, further action was deferred pending an examination of terminal practices in other areas. The Commission has recently concluded proceedings covering the major ports on the Atlantic and Gulf coasts (Fact Finding Investigation No. 4—Terminal Practices at North Atlantic Ports—Hampton Roads, Va., Searsport, Maine; and Fact Finding Investigation No. 5—Terminal Practices at South Atlantic and Gulf Ports From, But Excluding Hampton Roads, Va. to Brownsville, Tex.).

Free time practices at San Diego were investigated in detail in Investigation of Free Time Practices—Port of San Diego, 9 F.M.C. 525 (1961), in which the Commission held that no more than 10 days free time on outbound cargo and 7 days free time on inbound cargo could be offered. These are the same free time periods allowed at all other California ports.

Ports in the Pacific Northwest area provide for a 20-day assembling time allowance in addition to 10 days free time. Such provision has been attacked by California ports as being unlawful because it has caused diversion of cargo. Certain Pacific Northwest ports contend that such additional assembling time is necessary to allow sufficient time to accumulate enough cargo to warrant ship calls at smaller ports and must be retained by larger northwest ports for competitive reasons. The Commission has no information to substantiate the California ports' claims of diversion, much less that the assembling time practice is responsible therefor. We therefore do not think that a 10-day maximum free time period should be imposed upon northwest ports at this time nor is there any other reason for continuing the present proceeding.

In view of the information secured from the above fact finding investigations, and in light of the decision in Docket No. 1217, the Commission is of the opinion that no regulatory purpose would be served in promulgating the proposed rules in Docket No. 968 at this time.

The discontinuance of this proceeding is, of course, without prejudice to the filing of a complaint under section 22 of the Shipping Act, 1916, or subsequent in-

vestigation upon the Commission's own motion at a later date.

Therefore, it is ordered, That this proceeding be, and hereby is, discontinued.

By the Commission.

[SEAL] THOMAS LISI, *Secretary.*

[F.R. Doc. 67-7717; Filed, July 5, 1967; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP67-379]

CITY OF HARDIN, KY., AND TEXAS GAS TRANSMISSION CORP.

Notice of Application

JUNE 28, 1967.

Take notice that on June 21, 1967, the city of Hardin, Ky. 42048 (Applicant), filed in Docket No. CP67-379 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Texas Gas Transmission Corp. (Respondent) to establish physical connection of its transportation facilities with the facilities proposed to be constructed by Applicant and to sell and deliver to Applicant volumes of natural gas for resale and distribution in the incorporated city of Hardin and its environs, in Marshall and Calloway Counties, all in the State of Kentucky, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate a municipal natural gas distribution system in the city of Hardin and environs and it plans to construct the necessary connecting laterals from a point of connection with the above-proposed municipal distribution system south to a point of connection with an intermediate main from Respondent's main transmission line near Murray, Ky.

Applicant estimates its third year daily and annual natural gas requirements at 500 Mcf and 43,052 Mcf, respectively.

Applicant estimates the total cost of the proposed facilities at approximately $380,000, said cost to be financed through the sale of natural gas revenue bonds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before July 24, 1967.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 67-7658; Filed, July 5, 1967; 8:48 a.m.]

[Docket No. CP67-376]

EL PASO NATURAL GAS CO.

Notice of Application

JUNE 27, 1967.

Take notice that on June 12, 1967, El Paso Natural Gas Co. (Applicant), Post Office Box 1492, El Paso, Tex. 79999, filed in Docket No. CP67-376 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities and the sale and delivery of additional quantities of natural gas to an existing customer for resale and distribution, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate the following natural gas facilities:

(1) A positive displacement sales meter station and necessary appurtenances to be located on its 20-inch Spokane Lateral in Adams County, Wash.; and

(2) A positive displacement sales meter station and necessary appurtenances to be located on its 16-inch Spokane Lateral in Lincoln County, Wash.

Applicant states that the purpose of the above-proposed natural gas facilities is to enable it to sell quantities of natural gas to the Washington Water Power Co. (Water), an existing resale customer of Applicant, for transportation to and resale and distribution in the communities of Lind, Adams County, and Sprague, Lincoln County, both in the State of Washington. Applicant further states that Water proposes to provide initial natural gas service to both the above-mentioned communities. Applicant also states that Water proposes to construct and operate all necessary facilities to transport the natural gas from the proposed sales meter stations to its proposed municipal distribution systems.

Applicant states that Water has estimated its daily and annual third year natural gas requirements for the two communities as follows:

City	Third year maximum daily requirement (Mcf)	Third year maximum annual requirement (Mcf)
Lind, Wash.	229	31,443
Sprague, Wash.	139	19,086

Applicant estimates the total cost of its facilities proposed herein at approximately $14,972, said cost to be financed through the use of working funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before July 21, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 67-7659; Filed, July 5, 1967; 8:48 a.m.]

[Docket No. CP67-378]

EL PASO NATURAL GAS CO.

Notice of Application

JUNE 28, 1967.

Take notice that on June 20, 1967, El Paso Natural Gas Co. (Applicant), Post Office Box 1492, El Paso, Tex. 79999, filed in Docket No. CP67-378 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate one 4,000 horsepower compressor unit, together with necessary appurtenances, to be located at its compressor station No. 23 in the Big Piney Field, Sublette County, Wyo. The horsepower addition, together with the presently installed horsepower, will make a total of 8,620 horsepower at this station.

Applicant states that the facilities proposed above will enable it to reduce the line pressure in those facilities utilized to receive natural gas from the Frontier-Muddy Formation, permit an orderly depletion of reserves and provide additional quantities of natural gas from the Frontier-Muddy Formation which would not otherwise be available to satisfy the requirements of its Northwest Division customers.

Applicant estimates the total cost of the jurisdictional facilities proposed at approximately $1,852,000, said cost to be financed initially from working funds, supplemented as necessary by short-term bank loans.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before July 24, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 67-7660; Filed, July 5, 1967; 8:48 a.m.]

[Docket No. CP67-377]

NORTHERN NATURAL GAS CO.

Notice of Application

JUNE 28, 1967.

Take notice that on June 20, 1967, Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha, Nebr. 68102, filed in Docket No. CP67-377 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate the following natural gas facilities:

(1) Measurement facilities consisting of two 10-inch orifice meter runs; and

(2) Approximately 1.22 miles of 16-inch pipeline to and from a proposed products recovery plant.

Applicant states that the above-described natural gas facilities are to run to and from a proposed products recovery plant to be constructed adjacent to Applicant's Beaver Compressor Station, Beaver County, Okla., by Pan American Petroleum Corp. (Pan Am) and various other natural gas producers in the area from whom Applicant purchases natural gas. Applicant, under processing agreements with the producers, will deliver the natural gas purchased by it to the proposed recovery plant where it will be processed and the residue stream returned to Applicant.

Applicant estimates the total cost of the proposed facilities at approximately $188,330, said cost to be financed from internal sources such as reserve accruals, retained earnings and cash on hand. A contribution in aid of construction of up to $140,000 toward the 16-inch connecting lines will be made by Pan Am.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before July 24, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 67-7661; Filed, July 5, 1967; 8:45 a.m.]

[Docket Nos. RI67-360 etc.]

PHILLIPS PETROLEUM CO., ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates

JUNE 15, 1967.

Phillips Petroleum Co. (Operator), Docket Nos. RI67-360 et al., Texaco, Inc., Docket No. RI67-369, Brooks Hall and Don D. Montgomery, Docket No. RI67-372.

In the order providing for hearings on and suspension of proposed changes in rates issued April 28, 1967 and published in the FEDERAL REGISTER May 9, 1967 (F.R. Doc. 67-5020, 32 F.R. 7033), in Appendix "A" make the following changes: After Docket No. RI67-369, Texaco, Inc., change effective date "6-22-67" to read "7-1-67" and "Date Suspended Until" should be changed to read "12-1-67" in lieu of "11-22-67."

After Docket No. RI67-372, Brooks Hall and Don D. Montgomery change "Respondent" to read "Brooks Hall and Don D. Montgomery" in lieu of "Brooks Hall (Operator), et al." Change "Supplement No. 6" to read "Supplement No. 2" to Rate Schedule No. 1.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 67-7663; Filed, July 5, 1967; 8:45 a.m.]

[Docket No. CP67-380]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application

JUNE 28, 1967.

Take notice that on June 21, 1967, Transcontinental Gas Pipe Line Corp. (Applicant), Post Office Box 1396, Houston, Tex. 77001, filed in Docket No. CP67-380 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7(b) of the regulations under the Act, for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct, during the 12-month period following the issuance of authority in this docket, and operate routine natural gas purchase facilities necessary to enable it to take into its certificated main pipeline system additional supplies of natural gas in new and existing fields which is or will become available in its general supply area. Applicant states that the above-proposed facilities will enable it to assure the maintenance of adequate and economical service to its customers. Applicant further states that no new sale or service is proposed by this application.

Applicant states that the total cost of its proposed construction is not to exceed $2 million with no single project expenditure to exceed $500,000, said cost to be financed initially from temporary bank loans and company funds, with permanent financing to be arranged as part of an overall financing program.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before July 26, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 67-7663; Filed, July 5, 1967; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

VIRGINIA COMMONWEALTH BANKSHARES, INC.

Order Approving Application Under Bank Holding Company Act

In the matter of the application of Virginia Commonwealth Bankshares, Inc., Richmond, Va., for approval of acquisition of more than 50 percent of the vot-

ing shares of National Bank of Commerce of Fairfax County, Falls Church, Va.

There has come before the Board of Governors, pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), and § 222.4(a) of Federal Reserve Regulation Y (12 CFR 222.4(a)), an application by Virginia Commonwealth Bankshares, Inc., Richmond, Va., for the Board's prior approval of the acquisition of more than 50 percent of the outstanding voting shares of National Bank of Commerce of Fairfax County, Falls Church, Va.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Comptroller of the Currency and requested his views and recommendation. The Comptroller recommended approval.

Notice of receipt of the application was published in the FEDERAL REGISTER on April 13, 1967 (32 F.R. 5967), which provided an opportunity for interested persons to submit comments and views with respect to the proposed acquisition. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, for the reasons set forth in the Board's statement[1] of this date, that said application be and hereby is approved, provided that the acquisition so approved shall not be consummated (a) before the 30th day following the date of this order or (b) later than 3 months after the date of the order.

Dated at Washington, D.C., this 27th day of June 1967.

By order of the Board of Governors.[2]

[SEAL] MERRITT SHERMAN, *Secretary.*

[F.R. Doc. 67-7688; Filed, July 5, 1967; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 624]

SOUTH DAKOTA

Declaration of Disaster Loan Area

Whereas, It has been reported that during the month of June 1967, because of the effects of certain disasters, damage resulted to residences and business property located in Beadle, Hughes, and Stanley Counties, in the State of South Dakota;

Whereas, the Small Business Administration has investigated and received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the Office below indicated from persons or firms whose property, situated in the aforesaid Counties and areas adjacent thereto, suffered damage or destruction resulting from floods and accompanying conditions occurring on or about June 18, 1967.

OFFICE

Small Business Administration Regional Office, Eighth and Main Avenue, Sioux Falls, S. Dak. 57102.

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to December 31, 1967.

Dated: June 27, 1967.

BERNARD L. BOUTIN, *Administrator.*

[F.R. Doc. 67-7695; Filed, July 5, 1967; 8:46 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060), as amended, 29 U.S.C. 201 et seq.), and Administrative Order No. 596 (31 F.R. 12981) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. For each certificate, the effective and expiration dates, number or proportion of learners and the principal product manufactured by the establishment are as indicated. Conditions on occupations, wage rates, and learning periods which are provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations; such conditions in certificates not issued under the supplemental industry regulations are as indicated.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.20 to 522.25, as amended).

The following normal labor turnover certificates authorize ten percent of the total number of factory production workers except as otherwise indicated.

Ainsbrooke, division of Genesco, Inc., Olney, Ill.; 6-19-67 to 6-11-68 (men's and boys' woven pajamas).

Altamont Shirt Corp., Altamont, Tenn.; 6-12-67 to 6-11-68 (men's and boys' shirts).

Angelica Uniforms Co., Summerville, Mo.; 6-12-67 to 6-11-68 (women's washable uniforms).

Angelica Uniform Co., Marquand, Mo.; 6-16-67 to 6-17-68 (men's pants).

Angelica Uniform Co., Eminence, Mo.; 6-20-67 to 6-19-68 (men's and women's washable service uniforms).

The Arrow Co., Gilbert, Minn.; 6-24-67 to 6-23-68 (collars and cuffs for men's dress shirts).

The Arrow Co., Virginia, Minn.; 6-24-67 to 6-23-68 (men's dress shirts).

Blackville Manufacturing Corp., Blackville, S.C.; 6-21-67 to 6-20-68 (ladies' dresses and blouses).

Blue Gem Manufacturing Co., Stoneville, N.C.; 6-12-67 to 6-11-68 (men's and boys' dungarees).

Bur-Mac Corp., Athens, Ga.; 6-16-67 to 6-15-68 (men's and boys' dress slacks).

Cal-Crest Outerwear, Inc., Murphysboro, Ill; 6-9-67 to 6-8-68 (men's outerwear jackets).

Carolina Girls Wear, Inc., St. George, S.C.; 6-18-67 to 6-17-68 (children's dresses).

Central Apparel Corp., Danville, Va.; 6-16-67 to 6-15-68 (children's pants).

Cookeville Shirt Co., d.b.a. Wilson County Garment Co., Watertown, Tenn.; 6-16-67 to 6-15-68 (ladies' blouses).

Devil Dog Manufacturing Co., Inc. & Superior Garment Contractors, Inc., Zebulon, N.C.; 6-25-67 to 6-24-68 (children's sportswear).

Forest Hills Sportswear Co., Lawrenceburg, Tenn.; 6-26-67 to 6-25-68 (men's dress trousers).

Freeland Manufacturing Co., Freeland, Pa.; 6-19-67 to 6-18-68 (men's and boys' outerwear jackets, work clothes and work uniforms).

Freeland Dress Co., Inc., Freeland, Pa.; 6-19-67 to 6-18-68; five leafners (girls' dresses.

Hunter Bros. Co., Inc., Statesville, N.C.; 6-20-67 to 6-19-68 (men's sport shirts and ladies' blouses).

Hy-Grade Pants Co., Inc., Taylor, Pa.; 6-12-67 to 6-11-68 (men's and boys' pants).

Imperial Bonding Corp., Lafayette, Tenn.; 6-26-67 to 6-25-68 (men's sport shirts).

Lake Butler Apparel Co., Lake Butler, Fla.; 6-24-67 to 6-23-68 (men's and boys' dress slacks).

Lakeland Mfg. Co., Sheboygan, Wis.; 6-29-67 to 6-28-68 (men's and boys' outerwear jackets).

Lillington Garment Co., Lillington, N.C.; 6-20-67 to 6-19-68 (men's sport shirts).

Louisiana Industrial Garment Manufacturing Corp., Gonzales, La.; 6-12-67 to 6-11-68 (men's dress pants and work pants).

Lyons Garment Co., Inc., Athens, Ga.; 6-8-67 to 6-7-68 (men's pants).

McCreary Manufacturing Co., Inc., Stearns, Ky.; 6-26-67 to 6-25-68 (men's shirts).

Monticello Manufacturing Co., Inc., Monticello, Ky.; 6-26-67 to 6-25-68 (men's sport shirts and ladies' blouses).

Mylcraft Manufacturing Co., Inc., Rich Square, N.C.; 6-27-67 to 6-26-68 (ladies' sleepwear).

New Castle Manufacturing Co., Inc., New Castle, Va.; 6-12-67 to 6-11-68 (ladies' and children's woven nightwear).

Paducah Shirt Co., Inc., Paducah, Ky.; 6-27-67 to 6-26-68 (boys' sport shirts).

Paula Lee, Inc., Carbondale, Pa.; 6-16-67 to 6-15-68 (women's and children's dresses).

Quality Manufacturing Co., Point Pleasant, W. Va.; 6-14-67 to 6-13-68; 10 learners (ladies' dresses).

Reidbord Bros. Co., Philippi, W. Va.; 6-7-67 to 6-6-68 (men's work pants).

Rivera, Inc., Pontotoc, Miss.; 6-20-67 to 6-19-68 (men's shirts).

Henry I. Siegel Co., Inc., Gleason, Tenn.; 6-22-67 to 6-22-68 (men's and boys' pants).

Spencer California, Tehachapi, Calif.; 6-20-67 to 6-19-68; five learners (children's pajamas and jumpers).

Spring Hope Manufacturing Co., Inc., Spring Hope, N.C.; 6-25-67 to 6-24-68 (children's outerwear, sport shirts).

Summerville Dress Co., Inc., Summerville, S.C.; 6-5-67 to 6-5-68 (children's dresses).

Trimble Manufacturing Corp., Trimble, Tenn.; 6-16-67 to 6-15-68 (men's and boys' outerwear jackets).

Williamson-Dickie Manufacturing Co., Tyler, Tex.; 6-20-67 to 6-19-68 (men's and boys' pants).

The following plant expansion certificates were issued authorizing the number of learners indicated.

The Arrow Co., Albertville, Ala.; 6-15-67 to 12-14-67; 40 learners (men's dress shirts).

Edward Hyman Co., Jackson, Miss.; 6-15-67 to 12-14-67; 65 learners (coveralls).

Reidbord Bros. Co., Philippi, W. Va.; 6-7-67 to 12-6-67; 25 learners (men's work pants).

Tracy City Manufacturing Co., Tracy City, Tenn.; 6-16-67 to 12-15-67; 40 learners (men's and boys' sport shirts).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.60 to 522.65, as amended).

Ideal Glove Co., Maben, Miss.; 6-15-67 to 6-14-68; five learners for normal labor turnover purposes (work gloves).

Indianapolis Glove Co., Inc., Houlka, Miss.; 6-22-67 to 12-21-67; 20 learners for plant expansion purposes (work gloves).

Southern Glove Manufacturing Co., Inc., Conover, N.C.; 6-23-67 to 6-22-68; 10 percent of the total number of machine stitchers for normal labor turnover purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.40 to 522.43, as amended).

Lawler Hosiery Mills, Inc., Carrollton, Ga.; 6-18-67 to 6-17-68; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Van Raalte Co., Inc., Blue Ridge, Ga.; 6-20-67 to 12-19-67; 15 learners for plant expansion purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.30 to 522.35, as amended).

The Arrow Co., Eveleth, Minn.; 6-24-67 to 6-23-68; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's underwear).

Mullins Textile Mills, Inc., Chadbourn, N.C.; 6-9-67 to 12-8-67; 30 learners for plant expansion purposes (men's and boys' knit sport shirts).

Paul-Bruce Manufacturing Co., Inc., Scotland Neck, N.C.; 6-30-67 to 6-29-68; 5 learners for normal labor turnover purposes (ladies' sleepwear).

Paul-Bruce Manufacturing Co., Inc., Scotland Neck, N.C.; 6-9-67 to 12-8-67; 30 learners for plant expansion purposes (ladies' sleepwear).

Snowdon, Inc., Osceola, Iowa; 6-19-67 to 6-18-68; 5 percent of the total number of factory production workers for normal labor turnover purposes (women's underwear).

Sweetree Mills, Inc., Cherryville, N.C.; 6-30-67 to 6-29-68; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' sweaters).

Tazewell Textiles, Inc., New Tazewell, Tenn.; 6-22-67 to 6-21-68; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' knitted tee shirts and briefs).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods and the number of learners authorized to be employed, are indicated.

Ana Manufacturing Corp., Aibonita, P.R.; 6-28-67 to 5-26-68; 27 learners for normal labor turnover purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of 84 cents an hour (women's underwear).

Ana Manufacturing Corp., Aibonito, P.R.; 6-12-67 to 12-11-67; 25 learners for plant expansion purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of 84 cents an hour (women's underwear).

Bayuk International, Inc., Ciales, P.R.; 6-12-67 to 6-11-68; 18 learners for normal labor turnover purposes in the occupations of: (1) Sorting, sizing, tying, and grading, each for a learning period of 240 hours at the rate of 90 cents an hour; and (2) inspecting, for a learning period of 160 hours at the rate of 90 cents an hour (wrapper type tobacco).

Carlin Manufacturing Corp., Luquillo, P.R.; 6-12-67 to 6-11-68; 10 learners for normal labor turnover purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of $1.03 an hour (brassieres).

Corosal Knitting Mills, Inc., Corozal, P.R.; 5-29-67 to 5-28-68; 15 learners for normal labor turnover purposes in the occupation of finger knitting, finger closing; each for a learning period of 320 hours at the rate of 95 cents an hour (knitted gloves and mittens).

Corosal Knitting Mills, Inc., Corosal, P.R.; 6-2-67 to 12-1-67; 75 learners for plant expansion purposes in the occupation of finger knitting, finger closing, each for a learning period of 320 hours at the rate of 95 cents an hour (knitted gloves and mittens).

Goodyale Corp., Rio Grande, P.R.; 6-6-67 to 12-5-67; 40 learners for plant expansion purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of 84 cents an hour (ladies' panties).

Each learner certificate has been issued upon the representations of the employer, which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR Part 528.

Signed at Washington, D.C., this 23d day of June 1967.

ROBERT G. GRONEWALD, *Authorized Representative of the Administrator.*

[F.R. Doc. 67-7694; Filed, July 5, 1967; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 30, 1967.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41064—*Sulphuric acid from Baton Rouge, La.* Filed by O. W. South, Jr., agent (No. A5041), for interested rail carriers. Rates on sulphuric acid, in tank carloads, also in multiple tank car shipments of not less than 5 cars, from Baton Rouge, La., to Cantonment and Gonzalez, Fla.

Grounds for relief—Market competition.

Tariff—Supplement 23 to Southern Freight Association, agent, tariff ICC S-671.

FSA No. 41065—*Sulphuric acid from Baton Rouge, La.* Filed by O. W. South, Jr., agent (No. A5042), for interested rail carriers. Rates on sulphuric acid, in tank carloads, also in multiple tank car shipments of not less than 5 cars, from Baton Rouge, La., to Demopolis and Green Tree, Ala.

Grounds for relief—Market competition.

Tariff—Supplement 23 to Southern Freight Association, agent, tariff ICC S-671.

By the Commission

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-7743; Filed, July 5, 1967; 8:50 a.m.]

[Notice 453]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JUNE 30, 1967.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Richmond.

[2] Voting for this action: Vice Chairman Robertson, and Governors Mitchell, Daane, Maisel, Brimmer, and Sherrill. Absent and not voting: Chairman Martin.

MOTOR CARRIERS OF PROPERTY

No. MC 67646 (Deviation No. 15), HALL'S MOTOR TRANSIT COMPANY, Fifth and Vine Streets, Sunbury, Pa. 17801, filed June 16, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Cleveland, Ohio, over Interstate Highway 90 to junction Interstate Highway 87 at or near Albany, N.Y., thence over Interstate Highway 87 to the boundary of the United States and Canada at or near Rouses Point, N.Y., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Oil City, Pa., over U.S. Highway 62 via Franklin to Sandy Lake, Pa., thence over Pennsylvania Highway 358 to the Pennsylvania-Ohio State line, thence over Ohio Highway 88 to Parkman, Ohio, thence over U.S. Highway 422 to Chagrin Falls, Ohio, thence over unnumbered highway to Cleveland, Ohio, (2) from Harrisburg, Pa., over U.S. Highways 11–15 to Amity Hall, Pa., (3) from Amity Hall, Pa., over U.S. Highway 22 to junction U.S. Highway 322, thence over U.S. Highway 322 to Old Fort, Pa., (4) from Old Fort, Pa., over Pennsylvania Highway 53 to junction U.S. Highway 322, thence over U.S. Highway 322 to Franklin, Pa., thence over U.S. Highway 62 to Oil City, Pa., (5) from Lewistown, Pa., over U.S. Highway 22 to junction U.S. Highway 11, thence over U.S. Highway 11 to Duncannon, Pa., (6) from Harrisburg, Pa., over U.S. Highway 422 to Reading, Pa., (7) from Harrisburg, Pa., over U.S. Highway 22 to Allentown, Pa., (8) from Harrisburg, Pa., over U.S. Highway 422 to Reading, Pa., thence over U.S. Highway 222 to Allentown, Pa., thence over U.S. Highway 22 to New York, N.Y., (9) from Reading, Pa., over U.S. Highway 222 to Allentown, Pa., thence over unnumbered highway via Butztown and Farmersville, Pa., to Easton, Pa., thence over U.S. Highway 22 to Jersey City, N.J., thence through the Holland Tunnel to New York, N.Y., and (10) from Reading, Pa., over U.S. Highway 222 to junction U.S. Highway 611, thence over U.S. Highway 611 to junction U.S. Highway 209, thence over U.S. Highway 209 to Kingston, N.Y., thence over U.S. Highway 9W to Albany, N.Y., thence over U.S. Highway 9 via Glens Falls and Plattsburgh, N.Y., to the boundary of the United States and Canada near Rouses Point, and return over the same routes.

No. MC 77424 (Deviation No. 1), WENHAM TRANSPORTATION, INC., 3290 East 79th Street, Cleveland, Ohio 44104, filed June 23, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Rockford, Ill., over Interstate Highway 90 to Syracuse, N.Y., (2) from Cleveland, Ohio, over Interstate Highway 71 to Cincinnati, Ohio, (3) from Cincinnati, Ohio, over Interstate Highway 75 to Detroit, Mich., and (4) from Rock Island, Ill., over Interstate Highway 80 to junction Interstate Highway 76, thence over Interstate Highway 76 to Pittsburgh, Pa., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Rockford, Ill., over U.S. Highway 20 to Auburn, N.Y., thence over New York Highway 5 to Syracuse, N.Y., (2) from Cleveland, Ohio, over U.S. Highway 42 to Cincinnati, Ohio, (3) from Cincinnati, Ohio, over U.S. Highway 25 to Detroit, Mich., and (4) from Rock Island, Ill., over U.S. Highway 6 to junction U.S. Highway 20, thence over U.S. Highway 20 to Cleveland, Ohio, thence over Ohio Highway 14 to Deerfield, Ohio, thence over Ohio Highway 14A to Salem, Ohio, thence over Ohio Highway 45 to Lisbon, Ohio, thence over U.S. Highway 30 to Pittsburgh, Pa., and return over the same routes.

MOTOR CARRIERS OF PASSENGERS

NO. MC 1515 (Deviation No. 383), GREYHOUND LINES, INC. (Southern Division), 219 East Short Street, Lexington, Ky. 40507, filed June 19, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over a deviation route as follows: From Orlando, Fla., over U.S. Highway 17 to junction with the Bee Line Expressway, thence over the Bee Line Expressway to junction Florida Highway 520, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From Jacksonville, Fla., over U.S. Highway 17 to Lake Alfred, Fla., thence over U.S. Highway 92 via Plant City to Tampa, Fla., thence over Gandy Bridge to St. Petersburg, Fla., (2) from Belleview, Fla., over U.S. Highway 441 to Orlando, Fla., thence over Florida Highway 50 via Christmas, Fla., to Indian River City, Fla., and return over the same routes.

No. MC 1515 (Deviation No. 389) (Cancels Deviation Nos. 81 and 117), GREYHOUND LINES, INC. (Southern Division), 219 East Short Street, Lexington, Ky. 40507, filed June 19, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over a deviation route as follows: From Jacksonville, Fla., over Interstate Highway 10 to junction Interstate Highway 75 (northeast of Wellborn, Fla.), thence over Interstate Highway 75 to junction Florida Highway 6 (east of Jasper, Fla.), thence over Florida Highway 6 to Madison, Fla., with the following access route: from junction Interstate Highway 10 and U.S. Highway 441, over U.S. Highway 441 to Lake City, Fla., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: From Dothan, Ala., over U.S. Highway 231 to junction Florida Highway 73, thence over Florida Highway 73 to Marianna, Fla., thence over U.S. Highway 90 to Lake City, Fla., and (2) from Chattanooga, Tenn., over U.S. Highway 41 via Macon, Ga., to Lake City, Fla., thence over U.S. Highway 90 to Jacksonville, Fla., and return over the same routes.

No. MC 1515 (Deviation No. 390) (Cancels Deviation No. 381), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio 44113, filed June 22, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From the western terminus of the Erie section of the New York State Throughway at the New York-Pennsylvania State line near Ripley, N.Y., over the Erie section of the New York State Throughway to Interchange No. 59 of the New York State Throughway near Buffalo, N.Y., (2) from junction U.S. Highway 20 and Shortman Road west of Ripley, N.Y., and near the Pennsylvania-New York State line, over Shortman Road to the New York State Throughway, (3) from Westfield, N.Y., over New York Highway 17 to Interchange No. 60 (Westfield Interchange) of the New York State Throughway, (4) from Fredonia, N.Y., east over U.S. Highway 20 to junction Bennett Road, thence over Bennett Road to Interchange No. 58 of the New York State Throughway (Fredonia-Dunkirk Interchange), (5) from Dunkirk, N.Y., over Bennett Road to Interchange No. 59 of the New York State Throughway (Fredonia-Dunkirk Interchange), (6) from junction U.S. Highway 20, New York Highway 5 and Access Highway to Interchange No. 58, east of Silver Creek, N.Y., near Irving, N.Y., over Access Highway to Interchange No. 58 of the New York State Throughway (Silver Creek Interchange), (7) from junction U.S. Highway 20 and New York Highway 75, near Athol Springs, N.Y., over New York Highway 75 to Access Road to Interchange No. 57 of the New York State Throughway, (8) from junction New York Highway 5 and New York Highway 179, near Blasdell, N.Y., over New York Highway 179 to junction with South Park Avenue, thence over South Park Avenue to Milo Strip Road, thence over Milo Strip Road to Throughway Access Road, thence over Access Road to Interchange No. 54 of the New York State Throughway.

(9) From Buffalo, N.Y., over Interstate Highway 190 to Interchange No. 53 of the New York State Throughway, and (10) from Buffalo, N.Y., over the Kensington Expressway to Interchange No. 51 of the New York State Throughway, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From Rochester, N.Y., over New York Highway 15 to Batavia, N.Y., thence over New York Highway 5 via Buffalo to Athol Springs, N.Y., thence over New York Highway 75 to junction U.S. Highway 20, thence over U.S. Highway 20 to junction New York Highway 5 (Irving), thence over U.S. Highway 20 and New York Highway 5 to Silver Creek, N.Y. (also from Dunkirk over New York Highway 60 to Fredonia; also from Silver Creek, over U.S. Highway 20 to Fredonia), thence over U.S. Highway 20 via Harborcreek, Pa., to Erie, Pa., (2) from junction U.S. Highway 20 and New York Highway 75, over New York Highway 75 to the New York State Throughway (at Interchange No. 57), (3) from Avon, N.Y., over U.S. Highway 20 to junction New York Highway 75 (south of Woodlawn, N.Y.), (4) from Suffern, N.Y. (Interchange No. 15), over the New York State Throughway to Buffalo, N.Y. (Interchange No. 50), and (5) from Buffalo, N.Y., over access streets to Interchange No. 50, and return over the same routes.

No. MC 2890 (Deviation No. 66), AMERICAN BUSLINES, INC., 1805 Leavenworth Street, Omaha, Nebr. 68102, filed June 20, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From Jean, Nev., over Interstate Highway 15 to Las Vegas, Nev., (2) from West Glendale Junction, Nev., over Interstate Highway 15 to East Glendale Junction, Nev., and (3) from junction old U.S. Highway 91 and Interstate Highway 15 west of Bunkerville, Nev., over Interstate Highway 15 to junction Interstate Highway 15 and old U.S. Highway 91 west of Mesquite, Nev., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Uintah Junction, Utah, over U.S. Highway 89 to junction U.S. Highway 91, thence over U.S. Highway 91 via Juab, Utah, to junction U.S. Highway 66, and return over the same route.

No. MC 3210 (Deviation No. 1), ROBERT P. HEMPERLEY, JR., doing business as ST. LOUIS-CAPE BUS LINE, 16 North Frederick Street, Cape Girardeau, Mo. 63701, filed June 16, 1967. Carrier's representative: Marvin Eldridge Wright, 325 Broadway, Cape Girardeau, Mo. 63701. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From St. Louis, Mo., over Interstate Highway 55 to junction Missouri Highway 141 west of Arnold, Mo., with the following access routes (a) from junction Interstate Highway 55 and U.S. Highways Bypass 61 and Bypass 67 over U.S. Highways Bypass 61 and Bypass 67 to junction U.S. Highway 67, and (b) from junction Interstate Highway 55 and Missouri Highway 141 over Missouri Highway 141 to junction U.S. Highways 61–67, and (2) from junction U.S. Highway 61 and Interstate Highway 55 one mile south of Fruitland, Mo., over Interstate Highway 55 to junction Missouri Highway Route K, west of Cape Girardeau, Mo., thence over Missouri Highway Route K (an access road) to junction U.S. Highway 61, with the following access route: from junction Interstate Highway 55 and U.S. Highway 61, four miles north of Cape Girardeau, Mo., over U.S. Highway 61 to Cape Girardeau, Mo., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over pertinent service routes as follows: From St. Louis, Mo., over U.S. Highway 67 to junction U.S. Highway 61, thence over U.S. Highway 61 via Jackson, Mo., to Cape Girardeau, Mo., and return over the same route.

No. MC 3210 (Deviation No. 2), ROBERT P. HEMPERLEY, JR., doing business as ST. LOUIS-CAPE BUS LINE, 16 North Frederick Street, Cape Girardeau, Mo. 63701, filed June 16, 1967. Carrier's representative: Marvin Eldridge Wright, 325 Broadway, Cape Girardeau, Mo. 63701. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over a deviation route as follows: From Sikeston, Mo., over Interstate Highway 57 to junction Missouri Highway 77, 1 mile south of Charleston, Mo., with the following access route: From junction Interstate Highway 57 and Missouri Highway 77 over Missouri Highway 77 to Charleston, Mo., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Cape Girardeau, Mo., over U.S. Highway 61 to junction Missouri Highway 74, thence over Missouri Highway 74 to junction Missouri Highway 25 near Dutchtown, Mo., thence over Missouri Highway 25 to junction Missouri Highway 77 near Blomeyer, Mo., thence over Missouri Highway 77 to junction Scott County Road A, thence over Scott County Road A to Chaffee, Mo., thence return over Scott County Road A to Missouri Highway 77, thence over Missouri Highway 77 to junction U.S. Highway 61, thence over U.S. Highway 61 to junction Missouri Highway 91, thence over Missouri Highway 91 to Morley, Mo., and return over Missouri Highway 91 to junction U.S. Highway 61, thence over U.S. Highway 61 to Sikeston, Mo., thence over U.S. Highway 60 to Charleston, Mo., thence over Missouri Highway 77 to Anniston, Mo., thence return over Missouri Highway 77 to junction Missouri Highway 105, thence over Missouri Highway 105 to East Prairie, Mo., and return over the same route.

No. MC 3210 (Deviation No. 3), ROBERT P. HEMPERLEY, JR., doing business as ST. LOUIS-CAPE BUS LINE, 16 North Frederick Street, Cape Girardeau, Mo. 63701, filed June 16, 1967. Carrier's representative: Marvin Eldridge Wright, 325 Broadway, Cape Girardeau, Mo. 63701. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over a deviation route as follows: From Cape Girardeau, Mo., over Interstate Highway 55 to junction U.S. Highway 62 two miles east of Sikeston, Mo., with the following access routes: (1) From Cape Girardeau, Mo., over Missouri Highway Route K to junction Interstate Highway 55, and (2) from junction Interstate Highway 55 and U.S. Highway 62, over U.S. Highway 62 to Sikeston, Mo., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Cape Girardeau, Mo., over U.S. Highway 61 to junction Missouri Highway 74, thence over Missouri Highway 74 to junction Missouri Highway 25 near Dutchtown, Mo., thence over Missouri Highway 25 to junction Missouri Highway 77 near Blomeyer, Mo., thence over Missouri Highway 77 to junction Scott County Road A, thence over Scott County Road A to Chaffee, Mo., thence over Missouri Highway 74 to junction Missouri Highway 25 near Dutchtown, Mo., thence over Missouri Highway 25 to junction Missouri Highway 77 near Blomeyer, Mo., thence over Missouri Highway 77 to junction Scott County Road A, thence over Scott County Road A, to Chaffee, Mo., thence return over Scott County Road "A," to Missouri Highway 77, thence over Missouri Highway 77 to junction U.S. Highway 61, thence over U.S. Highway 61 to junction Missouri Highway 91, thence over Missouri Highway 91 to Morley, Mo., and return over Missouri Highway 91 to junction U.S. Highway 61, thence over U.S. Highway 61 to Sikeston, Mo., thence over U.S. Highway 60 to Charleston, Mo., thence over Missouri Highway 77 to Anniston, Mo., thence return over Missouri Highway 77 to junction Missouri Highway 105, thence over Missouri Highway 105 to East Prairie, Mo., and return over the same route.

No. MC 50026 (Deviation No. 9) ARKANSAS MOTOR COACHES LIMITED, INC., 100 East Markham, Little Rock, Ark., 72201, filed July 8, 1966. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over a deviation route as follows: From Dodson's Corner, Ark., over unnumbered St. Francis County Road to junction Interstate Highway 40, thence over Interstate Highway 40 to junction Arkansas Highway 38, thence over Arkansas Highway 38 to junction U.S. Highway 70, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: Between Memphis, Tenn., and Hot Springs National Park, Ark., over U.S. Highway 70.

No. MC 109780 (Deviation No. 20) (Cancels Deviation Nos. 7 and 10), TRANSCONTINENTAL BUS SYSTEM, INC., 315 Continental Avenue, Dallas, Tex. 75207, filed June 23, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, over a

deviation route as follows: From Salina, Kans., over Interstate Highway 70 to Denver, Colo., with the following access routes: (1) From Salina, Kans., over Interstate Highway 35W to junction Interstate Highway 70, and (2) from Salina, Kans., over U.S. Highway 81 to junction Interstate Highway 70, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From Salina, Kans., over U.S. Highway 81 to junction U.S. Highway 24, (2) from Manhattan, Kans., over U.S. Highway 24 to junction Kansas Highway 129, thence over Kansas Highway 129 to Beloit, Kans., thence over Kansas Highway 14 to junction U.S. Highway 24, thence over U.S. Highway 24 to junction U.S. Highway 281, thence over U.S. Highway 281 to Osborne, Kans., thence return over U.S. Highway 281 to junction U.S. Highway 24, thence over U.S. Highway 24 to Stockton, Kans., (3) from Phillipsburg, Kans., over U.S. Highway 183 via Stockton, Kans., to La Crosse, Kans., and (4) from Phillipsburg, Kans., over U.S. Highway 36 to Denver, Colo., and return over the same routes.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-7744; Filed, July 5, 1967; 8:50 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

JUNE 30, 1967.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. 8956-KC, filed June 21, 1967. Applicant: B & D TRANSFER COMPANY, INC., 3350 Northwest 60th Street, Miami, Fla. Applicant's representative: John T. Bond, 1955 Northwest 17th Avenue, Miami, Fla. Applicant seeks a certificate of public convenience and necessity to operate a motor transportation service, in contract carriage, for the accounts of Philco Distributors, Inc., and Kennedy & Cohen, Inc., and proposes to transport, service and install: *Freight* of its shippers, including, but not limited to, *refrigerators, freezers, ranges, air conditioners, stereos, televisions, washers, and dryers* over irregular routes and on irregular schedules, from applicant's warehouse located in Dade County, Fla., to points in Dade, Broward, and Palm Beach Counties, and *damaged or returned items* on return; all such items having an origin or a destination at applicant's storage warehouse located in Dade County, Fla. NOTE: Applicant likewise seeks a certificate of registration from the Interstate Commerce Commission to engage in transportation, in interstate and foreign commerce, within geographical limits which do not exceed the scope of intrastate operations for movements which may have a prior or subsequent movement in interstate or foreign commerce.

HEARING: Not yet assigned. Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Florida Public Service Commission, 700 South Adams Street, Tallahassee, Fla. 32304, and should not be directed to the Interstate Commerce Commission.

State Docket No. A 48327, filed March 17, 1966. Applicant: M AND M TRANSFER COMPANY, 1818 Oak Street, Torrance, Calif. Applicant's representative: Charlton A. Mewborn, 2211 Torrance Boulevard, Torrance, Calif. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, with the exceptions of (1) used household goods and personal effects not packed in accordance with the crated property requirements set forth in paragraph (d) of Item No. 10-C of Minimum Rate Tariff No. 4-A, (2) Automobiles, trucks and buses, viz: New and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses, and taxis, freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks, and trailers combined, buses and bus chassis, (3) livestock, viz: Bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, oxen, pigs sheep, sheep camp outfits, sows, steers, stags, or swine, (4) commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerated shipment, (5) liquids, compressed gases, commodities in semiplastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles, (6) commodities when transported in bulk in dump trucks or in hopper-type trucks, and

(7) Commodities when transported in motor vehicles equipped for mechanical mixing in transit. Applicant is seeking authority to transport said commodities from and between all points and places located in the Los Angeles Basin Territory, beginning at the point the Ventura County-Los Angeles County boundary line intersects the Pacific Ocean, thence northeasterly along said county line to the point it intersects State Highway No. 118, approximately 2 miles west of Chatsworth, easterly along State Highway No. 118 to Sepulveda Boulevard, northerly along Sepulveda Boulevard to Chatsworth Drive, northeasterly along Chatsworth Drive to the corporate boundary of the city of San Fernando, westerly and northerly along said corporate boundary to McClay Avenue, northeasterly along McClay Avenue and its prolongation to the Angeles National Forest boundary, southeasterly and easterly along the Angeles National Forest and San Bernardino National Forest boundary to the county road known as Mill Creek Road, westerly along Mill Creek Road to the county road 3.8 miles north of Yucaipa, southerly along said county road to and including the unincorporated community of Yucaipa, westerly along Redlands Boulevard to U.S. Highway 99, northwesterly along U.S. Highway No. 99 to the corporate boundary of the city of Redland, westerly and northerly along said corporate boundary to Brookside Avenue, westerly along Brookside Avenue to Barton Avenue, westerly along Barton Avenue and its prolongation to Palm Avenue, westerly along Palm Avenue to La Cadena Drive, southwesterly along La Cadena Drive to Iowa Avenue, southerly along Iowa Avenue to U.S. Highway No. 60, southwesterly along U.S. Highways Nos. 60 and 395 to the county road approximately 1 mile north of Perris, easterly along said county road via Nuevo and Lakeview to the corporate boundary of the city of San Jacinto, easterly, southerly, and westerly along said corporate boundary to San Jacinto Avenue, southerly along San Jacinto Avenue to State Highway No. 74, westerly along State Highway No. 74 to the corporate boundary of the city of Hemet, southerly, westerly, and northerly along said corporate boundary to the right of way of The Atchison, Topeka & Santa Fe Railway Co., southwesterly along said right of way to Washington Avenue, southerly along Washington Avenue, through and including the unincorporated community of Winchester to Benton Road, westerly along Benton Road to the county road intersecting U.S. Highway No. 395, 2.1 miles north of the unincorporated community of Temecula, southerly along said county road to U.S. Highway No. 395, southeasterly along U.S. Highway No. 395 to the Riverside County-San Diego County boundary line, westerly along said boundary line to the Orange County-San Diego County boundary line, southerly along said boundary line to the Pacific Ocean, northwesterly along the shore line of the Pacific Ocean to point of beginning. Applicant proposes to use all available public highways between points proposed to be served as hereinabove mentioned, and within the cities hereinabove proposed to be served, and applicant proposes to use such streets and highways as may be necessary to serve consignors and consignees, located within said cities. Both intrastate and interstate authority sought.

HEARING: Wednesday, July 12, 1967, at Los Angeles, Calif. Requests for procedural information, including the time for filing protests, concerning this application, should be addressed to California Public Utilities Commission, California State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-7745; Filed, July 5, 1967; 8:50 a.m.]

[Notice 414]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 30, 1967.

The following are notices of filing of applications for temporary authority under section 210a (a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 42487 (Sub-No. 675 TA), filed June 28, 1967. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: V. R. Odlenburg, Post Office Box 5136, Chicago, Ill. 60680. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those requiring armored vehicles or armed guards, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between the plantsites and warehouses of Rockwell-Standard Corp. at or near Winchester, Ky., and Louisville, Ky.: From Winchester over U.S. Highway 60 to Lexington, thence over U.S. Highway 421 to Frankfort, and thence over U.S. Highway 60 to Louisville; and (2) between the plantsites and warehouses of Rockwell-Standard Corp. at or near Winchester, Ky., and Cincinnati, Ohio: From Winchester, over U.S. Highway 227 to Paris, and thence over U.S. Highway 27 to Cincinnati; and return over the same routes, serving no intermediate points, in (1) and (2) above; *for* 180 days. NOTE: Applicant states that it intends to tack with authority in MC 42487 Sub Nos. 500 and 578 at Cincinnati, Ohio, and Louisville, Ky. Supporting shipper: Rockwell-Standard Corp., Transmission and Axle Division, Winchester, Ky. 40391. Send protests to: William R. Murdoch, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 6992 (Sub-No. 11 TA) (Correction), filed May 24, 1967, published in FEDERAL REGISTER, issue of June 2, 1967, corrected, and republished as corrected, this issue. Applicant: AMERICAN RED BALL TRANSIT COMPANY, INC., 200 Illinois Building, Indianapolis, Ind. 46209. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household* goods, as defined by the Commission, 17 M.C.C. 467, between points in Washington east of the summit of the Cascade Mountains, on the one hand, and, on the other, points in Oregon and that portion of Washington lying west of the summit of the Cascade Mountains; for 180 days. NOTE: Applicant states that it will tack with authority held in the States of North Dakota, Montana, Idaho, Utah, Nevada, and the eastern portion of Washington. The purpose of this republication is to set forth applicant's intention to tack, previously inadvertently omitted. Supporting shipper: Albina Transfer Co., 3710 North Mississippi Avenue, Portland, Oreg. 97227. Send protests to: R. M. Hagarty, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, Ind. 46204.

No. MC 115257 (Sub-No. 36 TA) (Correction), filed May 25, 1967, published in FEDERAL REGISTER issue of June 2, 1967, corrected, and republished as corrected, this issue. Applicant: SHAMROCK VAN LINES, INC., Post Office Box 5447, Dallas, Tex. 75222. Applicant's representative: R. C. Dawe (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, in cartons, between points in Shelby County, Tenn., on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Massachusetts, Maine, Maryland, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; for 180 days. NOTE: Applicant requests authority to tack with Subs 23, 25, 30, 33TA, and 34TA. The purpose of this republication is to set forth applicant's intention to tack, previously inadvertently omitted. Supporting shippers: National Bedding & Furniture Industries, 1700 Channel Avenue, Memphis, Tenn. 38102; L. & M. Associates, 3210 Carrington Avenue, Memphis, Tenn. 38111; and Memphis Furniture Manufacturing Co., 715 South Camilla Street, Post Office Box 358, Memphis, Tenn. 38101. Send protests to: E. K. Willis, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

No. MC 117200 (Sub-No. 9 TA), filed June 28, 1967. Applicant: TISCH & DREWS, INC., 212 Green Bay Avenue, Oconto Falls, Wis. 54154. Applicant's representative: Eugene E. Behling, Oconto Falls, Wis. 54154. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lignin liquor*, in bulk, and in tank vehicles, from Oconto Falls, Wis., to points in Minnesota; for and as directed by Scott Paper Co., Oconto Falls, Wis., and Philadelphia, Pa.; for 180 days. Supporting shipper: Scott Paper Co., Oconto Falls, Wis. 54154 (P. E. Jones, assistant traffic manager). Send protests to: W. F. Sibbald, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 118089 (Sub-No. 7 TA), filed June 28, 1967. Applicant: JACK H. DWENGER, INC., Route 1, Box 362, Weatherford, Tex. 76086. Applicant's representative: Mert Starnes, 904 Lavaca Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Gulfport, Miss., to points in Texas; and *rejected shipments* on return; for 150 days. Supporting shippers: Panhandle Fruit Co., Amarillo, Tex.; and Ben E. Keith Co., Ninth and Jones Streets, Fort Worth, Tex. Send protests to: Billy R. Reid, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 9A27 Federal Building, 819 Taylor Street, Fort Worth, Tex. 76102.

No. MC 119560 (Sub-No. 7 TA), filed June 28, 1967. Applicant: SOUTHERN BULK HAULERS, INC., Post Office Box 278, Harleyville, S.C. 29448. Applicant's representative: Frank A. Graham, Jr., 707 Security Federal Building, Columbia, S.C. 29201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick*, building, solid, hollow or perforated, from Cayce, S.C., to Charlotte, Concord, and Gastonia, N.C.; for 150 days. Supporting shipper: Miami Stone of the Southeast, Inc., Cayce, S.C. Send protests to: Arthur B. Abercrombie, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 303A Federal Building, 901 Sumter Street, Columbia, S.C.

No. MC 121533 (Sub-No. 1 TA), filed June 28, 1967. Applicant: WESTERN HAULING, INC., Post Office Box 3001, Seattle, Wash. 98114. Applicant's representative: George Kargianis, 609-11 Norton Building, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: In radial service, *general freight*, between Seattle and points in Washington; *agricultural commodities consisting of grain* only from points in eastern Washington to Seattle, Tacoma, and Everett; *feed*, from Seattle and Tacoma to Walla Walla, Spokane,

Moses Lake, Yakima, Quincy, and Ephrata; *fertilizer*, from Seattle and Tacoma to Spokane, Moses Lake, and Quincy, Wash., and points within a 5-mile radius of said cities; *scrap metal* from points in Grant, Okanogan, Chelan, Spokane, Pierce, Kitsap, Whatcom, Clerk, and Snohomish Counties, Wash., to Seattle, and from Seattle to Spokane, Wash.; irregular route nonradial service as a carrier of *heavy machinery; agricultural commodities consisting of hay, straw, grain, and seed* only; and *building materials* (excluding cement in bulk, in tank or bottom dump vehicles or similar specialized equipment) and *building hardware supplies* in the State of Washington; *agricultural commodities consisting of fruits and vegetables* only, between points in Yakima and Kittitas Counties, Wash., on the one hand, and, on the other, points in King, Pierce, Yakima, Spokane, and Chelan Counties, during the months of July, August, and September, and to and including October 15; *general freight* (local cartage) in the city of Seattle; *peat and/or peat moss* in bags, bales, and cartons and/or boxes, in western Washington and from points in western Washington to points in Eastern Washington; and *box shook*, between points in Yakima County, on the one hand, and, on the other, points in Benton County, and between Spokane and points in Benton County, Wash.; for 150 days. Supporting shippers: There are 27 shippers' supporting statements attached to application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or at the field office named below. Send protests to: E. J. Casey, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 123011 (Sub-No. 1 TA), filed June 26, 1967. Applicant: GERALD SCHNEIDER, R.F.D. 1, Postville, Iowa 52162. Applicant's representative: James E. Thomson, Waukon, Iowa 52172. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Cheese*, from Gunder, Clayton County, Iowa, to Boscobel, Wis.: From Gunder, over county road to junction U.S. Highway 18, thence over U.S. Highway 18 to Prairie du Chien, Wis., thence over U.S. Highway 18 to Bridgeport, Wis., thence over U.S. Highway 18 to junction Wisconsin Highway 60, thence over Wisconsin Highway 60 to junction U.S. Highway 61, thence south over U.S. Highway 61 to Boscobel; and return over the same route, with *cheese factory supplies*; serving no intermediate points; for 180 days. NOTE: Applicant states that it intends to tack with authority in MC 123011. Supporting Shippers: Gunder Cooperative Cheese Factory, Gunder, Iowa; and Borden Co. Receiving Plant, Boscobel, Wis. Send protests to: Charles C. Biggers, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 332 Federal Building, Davenport, Iowa 52801.

No. MC 124174 (Sub-No. 61 TA), filed June 28, 1967. Applicant: MOMSEN TRUCKING CO., a corporation, Highways 18 and 71 North, Post Office Box 309, Spencer, Iowa 51301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel castings*, from Lynchburg and Radford, Va., to Joplin, Mo.; and Omaha and Grand Island, Nebr.; for 180 days. Supporting Shipper: Vickers, Inc., Post Office Box 302, Troy, Mich. 48084 (L. J. Frederick, Traffic Manager). Send protests to: Carroll Russell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 304 Post Office Building, Sioux City, Iowa 51101.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-7746; Filed, July 5, 1967; 8:50 a.m.]

[No. MC-C-5689]

NOTICE OF FILING OF PETITION FOR A DECLARATORY ORDER RESPECTING EXEMPTIONS PROVIDED IN SECTION 203(b)(6) OF THE ACT

JUNE 30, 1967.

Petitioner: HENNINGSEN FOODS, INC., Norfolk, Nebr. Petitioner's representatives: Thomas W. Hill, Jr., and Martin R. Fine, 63 Wall Street, New York, N.Y. 10005. Petitioner states that it produces and ships in interstate commerce, by motor carrier, the following products: (1) Chunked-style dehydrated chicken and turkey; (2) powdered chicken and turkey; (3) dehydrated chicken and turkey broth; (4) rendered chicken and turkey fat; and (5) spray-dried chicken fat; and that all of the above-named products are the result of processing fresh and frozen poultry. It has for many years prepared and marketed powdered and dried eggs which are shipped by motor carriers partially exempt from the provisions of the Interstate Commerce Act pursuant to section 203(b)(6), 49 U.S.C. (1963). Petitioner states that it believes that the above-named products are "agricultural commodities." By the instant petition, petitioner requests that the Commission enter an order instituting an appropriate proceeding for the purpose of issuing a formal declaratory order that the above-named products are exempt agricultural commodities under section 203(b)(6), 49 U.S.C., and that the matter be assigned for oral hearing or oral argument, or that a date be fixed on which all parties interested in such question may file statements and briefs as the Commission may deem desirable. Any interested person desiring to participate, may file an original and six copies of his written representations, views, or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-7747; Filed, July 5, 1967; 8:50 a.m.]

[Rev. S. O. 562; ICC Order No. 228; Amdt. 1]

CHICAGO, BURLINGTON & QUINCY RAILROAD CO.

Rerouting Traffic or Diversion of Traffic

Upon further consideration of ICC Order No. 228 (Chicago, Burlington & Quincy Railroad Co.) and good cause appearing therefor:

It is ordered, That:

ICC Order No. 228 be, and it is hereby amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) Expiration date: This order shall expire at 11:59 p.m., July 31, 1967, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., June 30, 1967, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., June 29, 1967.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[F.R. Doc. 67-7748; Filed, July 5, 1967; 8:50 a.m.]

[Notice 8]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 30, 1967.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 279), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-69687. By order of June 27, 1967, the Transfer Board approved the transfer to Experienced Machinery Movers, Inc., Brooklyn, N.Y., of certificate No. MC-105673, issued October 21, 1955, to Alpine Moving & Storage Co., Inc., Brooklyn, N.Y., authorizing the transportation of household goods, over irregular routes, between New York, N.Y., on the one hand, and, on the other, points in New York, New Jersey, and Connecticut. Edward M. Alfano, 2 West 45th Street, New York, N.Y. 10036, attorney for applicants.

No. MC-FC-69704. By order of June 27, 1967, the Transfer Board approved the transfer to Walter's Newark & New York Express, Inc., Newark, N.J., of the operating rights in certificate No. MC-33008, issued September 29, 1941, to Walter E. Asseng, doing business as Walter's Newark & New York Express, Newark, N.J., authorizing the transportation of general commodities, with exceptions, over irregular routes, between New York, N.Y., on the one hand, and, on the other, points in Essex, Union, Middlesex, and Bergen Counties, N.J., Morton E. Kiel, 140 Cedar Street, New York, N.Y., attorney for applicants.

No. MC-FC-69707. By order of June 27, 1967, the Transfer Board approved the transfer to Ford Truck Line, Inc., Southaven, Miss., of certificate No. MC-124606 (Sub-No. 1), issued December 11, 1964, to W. R. Ford and W. E. Ford, a partnership, doing business as Ford Truck Line, Southaven, Miss., authorizing the transportation of general commodities, with usual exceptions, between Memphis, Tenn., on the one hand, and, on the other, Curtis Station, Independence, Wyatte, Looxahoma, Arkabutla, Tessdale, Enid Shores, the site of the Tennessee Gas Transmission Plant about 8 miles west of Batesville, Scobey, and Hardy Station, Miss. James N. Clay III, 2700 Sterick Building, Memphis, Tenn. 38103, attorney for applicants.

No. MC-FC-69716. By order of June 27, 1967, the Transfer Board approved the transfer to Jarrett & Son Trucking Co., Inc., Spartanburg, S.C., the operating rights in certificate No. MC-125911 issued March 1, 1965, to W. A. Jarrett and James F. Jarrett, doing business as Jarrett & Son, Spartanburg, S.C., authorizing the transportation of: Textile waste materials and used bagging, and textile waste materials and cotton which are within the exemption of section 203 (b)(6) of the Interstate Commerce Act, when transported in the same vehicle with the commodities specified herein. Horace C. Smith, 118 Walnut Street, Spartanburg, S.C., attorney for applicants.

No. MC-FC-69719. By order of June 27, 1967, the Transfer Board approved the transfer to James E. Benner, doing business as James Benner, Rural Route No. 3, Tuscola, Ill. 61953, of the operating rights in certificate No. MC-80756 issued June 2, 1941, to Raymond Benner, Rural Route No. 3, Tuscola, Ill. 61953, authorizing the transportation of: Various commodities of a general commodity nature, including household goods, between points in Illinois and Indiana.

No. MC-FC-69729. By order of June 27, 1967, the Transfer Board approved the transfer to Skyline Motor Air Cargo, Inc., Beaver Falls, Pa., of the operating rights of George K. Hall, doing business as Skyline Motors, Beaver Falls, Pa., in certificate Nos. MC-126516 and MC-126516 (Sub-No. 3), issued July 12, 1965, and September 15, 1965, respectively, authorizing the transportation, over irregular routes, of general commodities, excluding household goods, commodities in bulk, and other specified commodities, between Greater Pittsburgh Airport, Allegheny County, Pa., on the one hand, and, on the other, points in Beaver, Butler, and Lawrence Counties, Pa., and between Greater Pittsburgh Airport, Allegheny County, Pa., on the one hand, and, on the other, points in Mercer County, Pa., both authorities restricted to the transportation of shipments having an immediately prior or immediately subsequent movement by air. James D. Morton, 1800 Oliver Building, Pittsburgh, Pa. 15222, attorney for applicants.

No. MC-FC-69730. By order of June 27, 1967, the Transfer Board approved the transfer to Batchelder's Express, Inc., Lynn, Mass., of the operating rights of Ralph W. E. Schencks, Plaistow, N.H., in certificate No. MC-73132, issued November 22, 1940, authorizing the transportation, over a regular route, of general commodities, excluding household goods, commodities in bulk, and other specified commodities, between Haverhill, Mass., and Boston, Mass. John F. Curley, 33 Broad Street, Boston, Mass. 02109, attorney for transferor. George C. O'Brien, 33 Broad Street, Boston, Mass. 02109, attorney for transferee.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-7749; Filed, July 5, 1967; 8:50 a.m.]

[Notice 1060]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JUNE 30, 1967.

The following publications are governed by special rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER issue of April 20, 1966, which became effective May 20, 1966.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 117439 (Sub-No. 39), filed June 26, 1967. Applicant: BULK TRANSPORT, INC., U.S. Highway 190, Post Office Box 89, Port Allen, La. 70767. Applicant's representative: John Schwab, 617 North Boulevard, Post Office Box 1350, Baton Rouge, La. 70821. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk and in bags, between points in Alabama (except Mobile as an origin point), Arkansas, Georgia, Iowa, Kansas, Louisiana, Minnesota, Missouri, Mississippi, Nebraska, Oklahoma, Tennessee, and Texas (except Houston as an origin point), restricted to shipments having prior rail or water movement from the plantsites and shipping origins of Dundee Cement Co.

HEARING: July 27, 1967, in Room 401, U.S. Courthouse and Customhouse, 1114 Market Street, St. Louis, Mo., before Examiner Harry M. Shooman.

No. MC 29566 (Sub-No. 124) (Republication), filed November 16, 1966, published FEDERAL REGISTER issue of December 8, 1966, and republished this issue. Applicant: SOUTHWEST FREIGHT LINES, INC., 1400 Kansas Avenue, Kansas City, Kans. 66105. Applicant's representative: Vernon M. Masters (same address as applicant). By application filed November 16, 1966, applicant seeks authority to operate as a common carrier, by motor vehicle, over irregular routes, of (1) grain flour, edible flour, with or without chemical, cereal or other ingredients, from Wichita, Kans., to Lohman, Mo.; (2) meats, meat products, and meat byproducts, and articles distributed by meat packinghouses, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Wichita, Kans., to Omaha, Nebr.; (3) glass, glass products, and glass container closures, from Alton, Ill., to Weston, Mo.; and (4) petroleum products in containers, from El Dorado, Kans., to those points in Missouri on and north of a line beginning at the Missouri-Kansas State line, thence east on U.S. Highway 54 through Nevada to the junction with Missouri Highway 13, thence south on Missouri Highway 13 to the junction with Missouri Highway 32, thence east on Missouri Highway 5 to its junction with U.S. Highway 60, thence east on U.S. Highway 60 to its junction with U.S. Highway 67, and thence south on U.S. Highway 67 to the Missouri-Arkansas State line and except points in Missouri on the regular routes specified in section (a) of said carrier's certificate No. MC-29566 issued November 27, 1959.

The application was referred to Examiner Henry C. Winters for hearing and the recommendation of an appropriate order thereon. Hearing was held on April 18, 1967, at Kansas City, Mo. A report and order of the Commission, division 1 served June 5, 1967, which became effective June 26, 1967, finds that the present and future public convenience and necessity require operation by applicant in interstate or foreign commerce, as a common carrier, by motor vehicle, over irregular routes, of (1) edible flour from Wichita, Kans., to Lohman, Mo.; (2) meats, meat products, and meat byproducts, and articles distributed by meat packinghouses, as defined in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles) from Wichita, Kans., to Omaha, Nebr., restricted to the transportation of shipments originating at Wichita, Kans., and destined to Omaha, Nebr.; (3) *glass containers, and glass container closures*, from Alton, Ill., to Weston, Mo.; and

(4) Petroleum products, in containers, from El Dorado, Kans., to points in Missouri on and north and east of a line beginning at the Kansas-Missouri State line, thence east on U.S. Highway 54 to junction Missouri Highway 13, thence south on Missouri Highway 13 to junction Missouri Highway 32, thence east on Missouri Highway 32 to junction Missouri Highway 5 to junction U.S. Highway 60, thence east on U.S. Highway 60 to junction U.S. Highway 67 and thence south on U.S. Highway 67 to the Missouri-Arkansas State line; except St. Joseph, Kansas City and St. Louis, Mo., and their respective commercial zones: restricted to the transportation of shipments destined to the described destination area of Missouri; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 36222 (Sub-No. 10) (Republication), filed July 19, 1966, published FEDERAL REGISTER issue of August 18, 1966, and republished this issue. Applicant: JOHN L. FANSHAW, JR., doing business as CREWE TRANSFER, Crewe, Va. Applicant's representative: John C. Goddin, Insurance Building, 10 South 10th Street, Richmond, Va. 23219. By application filed July 19, 1966, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation in interstate or foreign commerce, as a common carrier by motor vehicle, over a described regular route, of (1) wearing apparel, on hangers, loose and on bundles, hangers, or cartons, and (2) cut and uncut goods, trimmings and articles used in the manufacture of wearing apparel between Crewe, Va., and Emporia, Va., serving the intermediate point of Lawrenceville. An order of the Commission, Operating Rights Board No. 1 dated May 19, 1967, and served June 21, 1967, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over *irregular routes*, of (1) *wearing apparel*, from Emporia and Lawrenceville, Va., to Crewe, Va., and (2) *materials and supplies* used in the manufacture of wearing apparel, from Crewe, Va., to Emporia and Lawrenceville, Va.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 56553 (Sub-No. 16) (Republication), filed December 13, 1965, published FEDERAL REGISTER issue of January 13, 1966, and republished this issue. Applicant: PULASKI HIGHWAY EXPRESS, INC., 640 Hamilton Avenue, Nashville, Tenn. Applicant's representative: James C. Havron, Nashville Bank and Trust Building, Nashville, Tenn. 37201. By application filed December 13, 1965, as tendered in its amended form, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over regular routes, of general commodities (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Pulaski and Lawrenceburg, Tenn., over U.S. Highway 64, serving all intermediate points, (2) between Memphis, Tenn., and the Tennessee-Alabama State line; from Memphis over Tennessee Highway 15 to junction Tennessee Highway 13, and thence over Tennessee Highway 13 to the Tennessee-Alabama State line, and return over the same route, authorizing service from Nashville consigned to Selmer, Bolivar, Summerville, and Whiteville and deliver same in connection with service now performed by it, and serving Clifton, Tenn., as an off-route point, with closed doors between Summerville and Savannah, Tenn., (3) between Pulaski and Memphis, Tenn., over U.S. Highway 64, serving the intermediate point of Lawrenceburg, Tenn.

(4) Between Nashville and Bolivar, Tenn.; From Nashville over Tennessee Highway 100 to junction Tennessee Highway 18, thence over Tennessee Highway 18, to junction U.S. Highway 64 at Bolivar, and return over the same route, serving no intermediate points as an alternate route to be used solely in connection with the authority set out in (3) above and applicant's regular-route operations in MC-56553, (5) between the junction Tennessee Highways 100 and 18 and junction Tennessee Highway 100 and U.S. Highway 64, approximately 1 mile west of Whiteville, Tenn., over Tennessee Highway 100, serving no intermediate points, as an alternate route to be used in connection with routes (3) and (4) above, (6) between Nashville and Memphis, Tenn., over U.S. Highway 70 and Interstate Highway 40, serving no intermediate points, and (7) between junction U.S. Highway 43 at the Tennessee-Alabama State line and Tuscumbia, Ala.; from the Tennessee-Alabama State line over U.S. Highway 43 to junction U.S. Highway 72, and thence over U.S. Highway 72 to Tuscumbia, and return over the same route, serving all intermediate points. Route (7) is subject to restrictions against (a) the transportation of classes A and B explosives, (b) the handling of any traffic originating at or destined to Lister Hill, Ala., (c) against the handling of any traffic originating at, destined to or interchanged at Tuscumbia, Florence, and Sheffield, Ala., on the one hand, and, on the other, any traffic originating at, destined to or interchanged at points on U.S. Highway 64 in Tennessee west of Lawrenceburg, Tenn. (not including Lawrenceburg but including Memphis, Tenn., and Memphis, Tenn., commercial zone), and

(d) The handling of traffic originating at or destined to the plantsite or plantsites of Reynolds Aluminum Co. located in Tuscumbia, Florence, or Sheffield, Ala. An order of the Commission, Operating Rights Board No. 1, dated June 21, 1967, and served June 28, 1967, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over regular routes, of *general commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Pulaski and Lawrenceburg, Tenn., over U.S. Highway 64 (Tennessee Highway 15), serving all intermediate points, (2) between Lawrenceburg and Memphis, Tenn., over U.S. Highway 64 (Tennessee Highway 15), serving the intermediate points of Somerville, Whiteville, Bolivar, and Selmer, Tenn., only in connection with traffic moving from Nashville, Tenn., and destined to said intermediate points, and serving Clifton, Tenn., as an off-route point, (3) between junction U.S. Highway 64 (Tennessee Highway 15) and Tennessee Highway 13, and the Tennessee-Alabama State line, over Tennessee Highway 13, serving no intermediate points, and serving the junction of U.S. Highway 64 (Tennessee Highway 15) and Tennessee Highway 13 for purpose of joinder only.

(4) Between Nashville and Bolivar, Tenn.: From Nashville over Tennessee Highway 100 to junction Tennessee Highway 18, thence over Tennessee Highway 18 to Bolivar, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, (5) between junction Tennessee Highways 100 and 18 and junction Tennessee Highway 100 and U.S. Highway 64 (Tennessee Highway 15), over Tennessee Highway 100, serving no intermediate points, and serving the termini for purposes of joinder only, as an alternate route for operating convenience only, (6) between Nashville and Memphis, Tenn., over Interstate Highway 40, serving no intermediate points, and (7) between the Tennessee-Alabama State line and Tuscumbia, Ala.: From the Tennessee-Alabama State line over U.S. Highway 43 to junction U.S. Highway 72, thence over U.S. Highway 72 to Tuscumbia, and return over the same route, serving all intermediate points, except that the operations over route (7) are restricted (a) against the transportation of classes A and B explosives, (b) against service at the plant sites of Reynolds Aluminum Co., at Florence, Sheffield, and Tuscumbia, Ala., and

(c) Against the transportation of traffic moving between Florence, Sheffield, or Tuscumbia, Ala., on the one hand, and, on the other, points in Tennessee on U.S. Highway 64 west of Lawrenceburg, Tenn.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder and that an appropriate certificate should be issued, subject to the condition that it shall be limited in point of time to a period expiring 5 years from the effective date hereof; and that the grant of authority herein will be conditioned upon the coincidental cancellation at applicant's written request of its certificates of registration Nos. MC 56553 (Sub-No. 12), dated July 23, 1965, and (Sub-No. 14), dated November 4, 1964. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 128758 (Republication), filed December 13, 1966, published FEDERAL REGISTER issue of January 12, 1967 and republished this issue. Applicant: BLUE LINES, INC., 2001 New York Avenue NE., Washington, D.C. 20002. Applicant's representative: Leonard A. Jaskiewicz, 1155 15th Street NW., Washington, D.C. 20005. By application filed December 13, 1966, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over regular routes, of passengers and their baggage, and express and newspapers, in the same vehicle with passengers, between Brunswick, Md., and Washington, D.C.: From Brunswick over Maryland Highway 464 to junction Maryland Highway 78, thence over Maryland Highway 78 to junction U.S. Highway 15, thence over U.S. Highway 15 to junction Maryland Highway 28, thence over Maryland Highway 28 to junction Interstate Highway 70S, thence over Interstate Highway 70S and U.S. Highway 240 to Washington, D.C., and return over the same route, serving all intermediate points between Brunswick and junction Maryland Highway 28 and Interstate Highway 70S; restricted to discharge only between Rockville and the District of Columbia, on southbound, and restricted to pickup only between the District of Columbia and Rockville on northbound. An order of the Commission, Operating Rights Board No. 1, dated June 16, 1967 and served June 23, 1967, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over regular routes, of *passengers and their baggage, and express and newspapers*, in the same vehicle with passengers, between Brunswick Md., and Washington, D.C.:

From Brunswick over Maryland Highway 464 to junction Maryland Highway 78, thence over Maryland Highway 78 to junction U.S. Highway 15, thence over U.S. Highway 15 to junction Maryland Highway 28, thence over Maryland Highway 28 to junction Interstate Highway 70S and U.S. Highway 240 to Washington, D.C., and return over the same route, serving all intermediate points between Brunswick and the District of Columbia, restricted to the transportation of passengers who are picked up or discharged on that portion of the described route between Brunswick and the junction of Maryland Highway 28 and Interstate Highway 70S; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

NOTICE OF FILING OF PETITIONS

No. MC 116816 (Notice of filing of petition to modify permit by adding an additional shipper), filed June 15, 1967. Petitioner: MERIT TRUCKING CORP., Building 261, Port Newark, N.J. Petitioner's representative: Edward M. Alfano, 2 West 45th Street, New York, N.Y. Petitioner is authorized in No. MC 116816, in part, to conduct operations as a motor contract carrier, over irregular routes, to transport: *Household gas and electrical appliances and parts and equipment therefor*, from Port Newark, N.J., to New York, N.Y., and points in Nassau, Suffolk, Westchester, and Rockland Counties, N.Y.; and *returned shipments* of the above-specified commodities, from New York, N.Y., and points in Nassau, Suffolk, Westchester, and Rockland Counties, N.Y., to Port Newark, N.J., limited to a continuing contract, or contracts, with Igoe Appliance Corp., of Newark, N.J. By the instant petition, petitioner seeks to add Appolle Distributing Co., of Newark, N.J., as an additional shipper. Any interested person desiring to participate, may file an original and six copies of his written representations, views or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 124705 (Sub-No. 2) (Notice of filing of petition for waiver of rule 1.101(c) and modification of certificate), filed June 14, 1967. Petitioner: JOSEPH SWAN, doing business as SWAN MESSENGER SERVICE, East Brunswick, N.J. Petitioner's representative: William J. Augello, Jr., 2 West 45th Street, New York, N.Y. Petitioner holds authority in No. MC 124705 (Sub-No. 2), to transport *documents, advertising material, books, machine, and electrical parts, and interoffice correspondence*, in packages not exceeding 50 pounds, in shipments not exceeding 200 pounds, between points in Middlesex and Somerset Counties, N.J., on the one hand, and, on the other, Philadelphia, Pa., Wilmington, Del., Baltimore, Md., and New York, N.Y., and points in Nassau, Suffolk, and Westchester Counties, N.Y., and Fairfield, New Haven, and Hartford Counties, Conn. By the instant petition, petitioner prays that rule 1.101(c) of the general rules of practice be waived, that this petition for modification of petitioner's certificate be accepted for filing, and that the aforementioned certificate be modified by amending the present restriction on package and weight restrictions to read: "* * * in packages not exceeding 250 pounds, in shipments not exceeding 5,000 pounds. * * *" Any interested person desiring to participate, may file an original and six copies of his written representations, views or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 27817 (Sub-No. 71), filed June 26, 1967. Applicant: H. C. GABLER, INC., Rural Delivery No. 3, Chambersburg, Pa. 17101. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, from Fairmont, W. Va., to points in New Jersey and those in that part of Pennsylvania on and east of U.S. Highway 15. NOTE: This application is a matter directly related to MC-F-9796 also published in this issue of the FEDERAL REGISTER. The present application seeks conversion of the contract carrier authority from Jay T. Logan under MC 118950 to common carrier certificate. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Harrisburg, Pa.

No. MC 106061 (Sub-No. 38), filed June 19, 1967. Applicant: OLD COLONY

TRANSPORTATION CO., INC., 676 Dartmouth Street, South Dartmouth, Mass. Applicant's representative: Francis E. Barrett, Jr., 536 Granite Street, Braintree, Mass. 02184. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Household goods*, (1) between points in Albany County, N.Y.; (2) from points in Albany County, N.Y., to points in Broome, Chemung, Clinton, Columbia, Delaware, Nassau, Niagara, Oneida, Onondaga, Orange, Dutchess, Erie, Essex, Franklin, Fulton, Otsego, Rensselaer, St. Lawrence, Saratoga, Schenectady, Greene, Herkimer, Jefferson, Monroe, Montgomery, Schoharie, Ulster, Warren, Washington, and Westchester Counties, N.Y., and New York, N.Y.; (3) from points in Clinton, Columbia, Erie, Fulton, Greene, Montgomery, Monroe, Otsego, Rensselaer, Schenectady, Schoharie, Ulster, Warren, Washington Counties, and New York, N.Y.; (4) from points in Rensselaer County, N.Y., to points in Chautauqua, Dutchess, Genesee, Greene, Fulton, Ontario, Otsego, Seneca, Suffolk, and Tompkins Counties, N.Y.; (5) from points in Jefferson County, N.Y., to points in Rensselaer County, N.Y.; (6) from points in Schenectady County, N.Y., to points in Columbia and Washington Counties, N.Y.; (B) *general commodities*, (1) between points in Albany County, N.Y.; (2) from points in Albany County, N.Y., to points in Columbia, Dutchess, Fulton, Greene, Herkimer, Montgomery, Otsego, Rensselaer, Saratoga, Schenectady, Schoharie, Ulster, Warren, Washington, and Westchester Counties, N.Y.; (3) from points in Columbia, Dutchess, Fulton, Greene, Herkimer, Montgomery, Rensselaer, Saratoga, Schenectady, Schoharie, Ulster, Warren, Washington, and Westchester Counties, N.Y. NOTE: Applicant states that the principal tacking point would be Albany, N.Y., and other points in the Albany, N.Y. area. This application is a matter directly related to Docket No. MC–F–9789, published FEDERAL REGISTER issue of June 28, 1967. If a hearing is deemed necessary, applicant requests it be held at Albany, N.Y.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–9796. Authority sought for purchase by H. C. GABLER, INC., Rural Delivery No. 3, Chambersburg, Pa. 17201, of the operating rights of JAY T. LOGAN, 1230 Country Club Drive, Lancaster, Pa. 17601, and for acquisition by HAROLD C. GABLER, Montgomery Avenue extended, Chambersburg, Pa. 17201, of control of such rights through the purchase. Applicants' attorney: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Operating rights sought to be transferred: *Glass containers*, as a *contract carrier*, over irregular routes, from Fairmont, W. Va., to points in New Jersey and those in that part of Pennsylvania on and east of U.S. Highway 15. Vendee is authorized to operate as a *common carrier* in Pennsylvania, Maryland, Virginia, West Virginia, New York, New Jersey, Iowa, Kentucky, Massachusetts, Michigan, Missouri, New Hampshire, Rhode Island, Vermont, Maine, Connecticut, Delaware, Illinois, Indiana, Ohio, North Carolina, Alabama, Mississippi, Louisiana, Tennessee, Wisconsin, South Carolina, Georgia, Florida, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b). NOTE: No. MC–27817 Sub-71 is a matter directly related.

No. MC–F–9797. Authority sought for purchase by H. J. JEFFRIES TRUCK LINE, INC., Post Office Box 94850, Oklahoma City, Okla. 73109, of the operating rights of NEFF TRUCKING COMPANY, INC., Post Office Box 511, Sterling, Colo., and for acquisition by H. J. JEFFRIES, also of Oklahoma City, Okla., of control of such rights through the purchase. Applicants' attorneys: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224 and Leslie R. Kehl, 420 Denver Club Building, Denver, Colo. 80202. Operating rights sought to be transferred: *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, and *machinery, equipment, materials, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipelines, except in connection with main or trunk pipelines, as a *common carrier* over irregular routes between certain specified points in Colorado, and between points in the Colorado territory as above, on the one hand, and, on the other, certain specified points in Nebraska; *machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, except in connection with main or trunk pipelines, and *machinery, equipment, materials, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, except in connection with main or trunk pipelines, between points in Nebraska, between certain specified points in Nebraska, Colorado, and Wyoming, on the one hand, and, on the other, certain specified points in North Dakota, South Dakota, and Montana, between points in Nebraska on and west of U.S. Highway 83, on the one hand, and, on the other, certain specified points in Colorado, and Wyoming; and *heavy machinery*, and *road contractor's equipment and supplies*, between points in Colorado and Wyoming, with restriction. Vendee is authorized to operate as a *common carrier* in Oklahoma, Illinois, Kansas, Texas, Arkansas, New Mexico, Indiana, Iowa, Kentucky, Missouri, Louisiana, Colorado, Wyoming, Montana, North Dakota, South Dakota, Utah, Nevada, Tennessee, Ohio, Alaska, Wisconsin, and Michigan. Application has been filed for temporary authority under section 210a(b).

No. MC–F–9798. Authority sought for control and merger by WRIGHT MOTOR LINES, INC., 1401 North Little Street, Cushing, Okla. 74023, of the operating rights and property of RAYE & COMPANY TRANSPORTS, INC., 2043 South Grand Street, Carthage, Mo. 64836, and for acquisition by EARL BRAY, INC., and, in turn by SAM E. CARPENTER, FRANK E. COCHRAN, and MARY BRAY COCHRAN, all also of Cushing, Okla., of control of such rights and property through the transaction. Applicants' attorneys: Marion F. Jones, 420 Denver Club Building, Denver, Colo. 80202, and Harry Ross, 848 Warner Building, Washington, D.C. 20004. Operating rights sought to be controlled and merged: *Dairy products*, and numerous other specified commodities, as a *common carrier*, over irregular routes, from and to specified points in the States of Oregon, California, Missouri, Kansas, Oklahoma, Washington, Nebraska, Arkansas, Idaho, Montana, Nevada, Utah, Wyoming, Missouri, Iowa, Texas, Louisiana, Mississippi, Tennessee, Alabama, Colorado, Florida, Georgia, Kentucky, Minnesota, South Dakota, North Dakota, Wisconsin, Arizona, and New Mexico, with certain restrictions, as more specifically described in Docket No. MC–118196 and subnumbers thereunder. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for the purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating in full, the entirety, thereof. WRIGHT MOTOR LINES, INC., is authorized to operate as a *common carrier* in Kansas, Colorado, Oklahoma, Nebraska, Utah, Idaho, South Dakota, Wyoming, Texas, Arkansas, Missouri, New Mexico, Oregon, Washington, Nevada, Montana, Arizona, Tennessee, Iowa, Louisiana, North Dakota, and California. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–9799. Authority sought for purchase by FOGARTY BROS. TRANSFER, INC., 1103 Cumberland Avenue, Tampa, Fla. 33601, of a portion of the operating rights of TRANSPORT VAN LINES, INC., 501 West Sixth Street, Papillion, Nebr., and for acquisition by J. E. FOGARTY and JERRY E. FOGARTY, both also of Tampa, Fla., of control of such rights through the purchase. Applicants' attorney: Robert J. Gallagher, 66 Central Street, Wellesley, Mass. Operating rights sought to be transferred: *Household goods*, as a *common carrier*, over irregular routes, between Nelson, Nebr., and points in Nebraska, within 15 miles of Nelson, on the one hand, and, on the other, points in Colorado. Vendee is authorized to operate as a *common carrier* in Florida, Georgia, Alabama, Iowa, Tennessee, Kentucky, Ohio, Indiana, Wisconsin, Illinois, South Carolina, North Carolina, Virginia, West Virginia, Maryland, Pennsylvania, Delaware, Arkansas, New Jersey, New York, Connecticut, Kansas, Louisiana, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Vermont, New Hampshire, Oklahoma, Rhode Island, Texas, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–9800. Authority sought for purchase by MICHIGAN REFRIGERATED TRUCKING SERVICE, INC., 713 North Junction Street, Detroit, Mich. 48209, of a portion of the operating rights of DARLING FREIGHT, INC., 15 Andre Street SE., Grand Rapids, Mich. 49507, and for acquisition by JOHN M. JOHNSON, 10404 Kingston, Huntington Woods, Mich., of control of such rights through the purchase. Applicants' attorneys: William B. Elmer, 22644 Gratiot, East Detroit, Mich. 48021, and Robert A. Sullivan, 1800 Buhl Building, Detroit, Mich. 48226. Operating rights sought to be transferred: *Frozen foods*, and *anhydrated foods*, in mixed loads with frozen foods, as a *common carrier*, over irregular routes, from the plant and storage sites of Ore-Ida Foods, Inc., at or near Greenville, Mich., to points in Ohio, those in Indiana south of U.S. Highway 40, and certain specified points in Illinois; and *frozen foods* and *anhydrated foods*, from the plant site and storage facilities of Ore-Ida Foods, Inc., at or near Greenville, Mich., to points in Kentucky and West Virginia, with restriction. Vendee is authorized to operate as a *common carrier* in Michigan, Indiana, and Ohio. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–9801. Authority sought for control by LEONARD BROS. TRUCKING CO., INC., 2595 Northwest 20th Street, Miami, Fla. 33152, of SOUTHWESTERN TRANSFER COMPANY, INC., 3033 Federal Avenue, El Paso, Tex. 79930, and for acquisition by ARMLON LEONARD, also of Miami, Fla., of control of SOUTHWESTERN TRANSFER COMPANY, INC., through the acquisition by LEONARD BROS. TRUCKING CO., INC. Applicant's attorney and representative: William O. Turney, 2001 Massachusetts Avenue NW., Washington, D.C. 20036, and Francis S. Ainsa, Sixth Floor, Bassett Tower, El Paso, Tex. 79901. Operating rights sought to be controlled: *Mine machinery, ranch and farm equipment*, and *contractors' equipment, machinery, materials, and supplies*, as a *common carrier*, over irregular routes, between El Paso, Tex., and points within 50 miles thereof, on the one hand, and, on the other, points in New Mexico; *commodities*, the transportation of which because of size or weight requires the use of special equipment, and *related machinery parts* and *related contractors' materials and supplies* when their transportation is incidental to the transportation by carrier of commodities which by reason of size or weight require special equipment, and *road construction machinery and equipment*, between points in Arizona and New Mexico, and those in Texas west of the eastern boundary lines of Lipscomb, Hemphill, Wheeler, Collingsworth, Hall, Motley, Dickens, Kent, Scurry, Howard, Glasscock, Reagan, Crockett, and Val Verde Counties, Tex.; and *machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, and *machinery, equipment, materials, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines including the stringing and picking up thereof, and *such other commodities* as require specialized handling or rigging because of size or weight, between points in Texas. LEONARD BROS. TRUCKING CO., INC., is authorized to operate as a *common carrier* in Texas, Alabama, Georgia, Kentucky, Kansas, Nebraska, New Mexico, Maryland, New Jersey, North Carolina, South Carolina, Tennessee, Virginia, West Virginia, Oklahoma, Wisconsin, Iowa, Arkansas, Louisiana, California, Connecticut, Delaware, Florida, Maine, Massachusetts, Mississippi, Missouri, New Hampshire, New York, Ohio, Rhode Island, Pennsylvania, Vermont, Indiana, Michigan, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–9802. Authority sought for purchase by MID CONTINENT FREIGHT LINES, INC., 2711 North Fairview Avenue, St. Paul, Minn. 56113, of the operating rights of MAIN LINE TRUCKING, INC. (NATHAN YORKE, assignee for the benefit of creditors), 2424 West Cermak Road, Chicago, Ill. 60608, and for acquisition by COMMERCIAL SUPPLIERS, INC., and, in turn by R. J. BABCOCK, both also of St. Paul, Minn., of control of such rights through the purchase. Applicants' attorneys: Axelrod, Goodman & Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC–121500 Sub 1, covering the transportation of property, as a common carrier, in intrastate commerce, within the State of Illinois. Vendee is authorized to operate as a *common carrier* in Oklahoma, Missouri, Kansas, Illinois, Texas, Minnesota, Wisconsin, and Indiana. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67–7750; Filed, July 5, 1967; 8:50 a.m.]

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PART II

Department of Agriculture

Consumer and Marketing Service



Milk in Massachusetts-Rhode Island and Connecticut Marketing Areas

Notice of Recommended Decision

THE NATIONAL ARCHIVES OF THE UNITED STATES • 1934 •

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Parts 1001, 1015]

[Docket Nos. AO–14–A36, AO–306–A12]

MILK IN MASSACHUSETTS–RHODE ISLAND AND CONNECTICUT MARKETING AREAS

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreements and to Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreements and orders regulating the handling of milk in the Massachusetts–Rhode Island and Connecticut marketing areas.

Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the 20th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreements and to the orders as amended, were formulated, was conducted at Concord, N.H., Framingham, Mass., Greenfield, Mass., and Hartford, Conn., on June 20–July 1, 1966, pursuant to a notice thereof which was issued May 19, 1966 (31 F.R. 7520) and a supplemental notice which was issued June 9, 1966 (31 F.R. 8242).

With respect to the Massachusetts–Rhode Island order the hearing was reopened on February 15–16, 1967 in conjunction with a joint emergency hearing involving the Massachusetts–Rhode Island, Connecticut and New York–New Jersey markets for consideration of the elimination of seasonal pricing and adoption of a "take-out-pay-back (Louisville)" plan for payment of producers. The hearing was again reopened on April 14–15, 1967, in conjunction with regional hearings on Federal orders generally to consider emergency Class I price increases. Decisions have been issued on the matters involved at each of these hearings and the amending orders became effective April 1 and May 1, 1967, respectively. A further reopening of the hearing is scheduled for June 19, 1967, as a part of a joint hearing for the six northeastern markets at which the appropriate level of surplus milk pricing will be considered.

The material issues on the record of the hearing relate to:

1. Extension of the Massachusetts–Rhode Island marketing area.
2. Modification of the pooling provisions in one or both orders with respect to:
   (a) Exempt distributing plants.
   (b) Supply plants.
   (c) Diversions.
   (d) Certified milk.
   (e) Exempt government agency.
   (f) Dairy farmer for other markets.
   (g) Pool milk definition.
3. Cooperative as a handler on farm bulk tank milk.
4. Definition and treatment of producer handlers.
5. Classification and assignment provisions.
6. Modification of pricing provisions with respect to:
   (a) Class I.
   (b) Class II.
7. Zoning and zone differentials.
8. Farm location differentials.
9. Payment provisions.
10. Miscellaneous and administrative provisions.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Extension of the Massachusetts–Rhode Island marketing area.* The Massachusetts–Rhode Island marketing area should be expanded by adding the New Hampshire counties of Belknap, Hillsboro, Merrimack, Rockingham, and Strafford, the towns of Ashland, Bridgewater, Bristol, Holderness and Plymouth in Grafton County, the towns of Dublin, Jaffery, Harrisville, Nelson, Marlboro, Roxbury, Sullivan, and Keene City in Cheshire County; and in addition, that portion of Essex County, Mass., not included in the present marketing area. Such expanded marketing area should be designated the Massachusetts–Rhode Island–New Hampshire marketing area.

The maximum area of extension as set forth in the proposals contained in the hearing notice included, in addition to the area herein proposed, the remainder of Cheshire County, Sullivan County, the towns of Enfield, Lebanon, Canaan, Hanover, Lyme, and Oxford in Grafton County, all in New Hampshire, the counties of Windham and Windsor and the towns of Thetford, Fairlee, and Bradford in Orange County, all in Vermont and all of the remaining nonfederally regulated area of Massachusetts except Berkshire and Nantucket Counties.

The area of extension as herein proposed is a relatively densely populated area. The principal cities and towns include Concord, Manchester, Nashua, Portsmouth, Dover, Rochester, Laconia, and Keene, New Hampshire; Amesbury, Newburyport, Gloucester, Ipswich, and Danvers, Massachusetts. The population of the New Hampshire portion of this territory is about 460,000 or 75 percent of the total population within the State. The population of the Essex County, Mass., portion of this territory is about 135,000. The total population in this additional area to be included in the marketing area equals about 11 percent of the population within the present marketing area.

This area of extension as herein recommended is served almost exclusively by presently regulated handlers and/or by handlers who would be fully regulated by virtue of their sales in the expanded marketing area. It insures a minimum involvement of outside unregulated handlers based on their existing sales patterns and at the same time encompasses the preponderance of the normal sales area of all handlers who would be regulated under the expanded order.

Regulation of fluid milk handlers who distribute within the area of extension herein proposed is necessary to assure orderly marketing conditions and effectuate the declared policy of the Act. There is presently a wide variation in prices paid by handlers for fluid milk which is distributed within this area.

Interstate milk procurement practices are common among handlers selling fluid milk in the area.

State regulatory agencies for many years have administered classified pricing programs applicable to handlers within the area. In recent years, however, such programs have been applicable to less than one-half of the milk distributed there due to the interstate procurement and sales practices which handlers are employing and over which such agencies have no pricing authority. Several of the larger handlers in the area now procure milk supplies almost exclusively from Vermont and Maine at prices substantially below the prices which they are required to pay for milk procured from producers within the States (New Hampshire and Massachusetts) in which their plants are located. Such out-of-State procurements have substantially displaced milk supplies from local producers. These displaced supplies have attached themselves to the Massachusetts–Rhode Island order pool.

During 1962 one handler, who also operates regulated plants under the Massachusetts–Rhode Island and Connecticut orders, constructed a fluid milk bottling plant at Portsmouth, N.H. The milk supply for this plant is obtained from Vermont sources at a price which is about the level of the Federal order blend price. The milk bottled in this plant is distributed through a chain of dairy stores which the handler opened in New Hampshire and the nonfederally regulated areas of Massachusetts. Some of such stores are located in Rockingham, Hillsboro, Merrimack, Strafford, and Belknap Counties of New Hampshire as well as Essex County, Mass.

Another of the larger handlers in the area proposed for expansion, who also operates a number of regulated plants under the Massachusetts–Rhode Island and Connecticut orders, receives about 3 million pounds of milk each month from out-of-State sources at his Manchester, N.H., plant from which milk is distributed in the New Hampshire counties of Hillsboro, Merrimack, Rockingham, Strafford, and in Essex County, Mass. Most of the milk supply for this plant is procured in the State of Maine at a cost significantly below the Federal order blend price. This low cost supply of milk is made possible by procuring the milk in conjunction with a supply of fluid milk for local distributing plants in the State of Maine.

The Maine Milk Control Commission establishes minimum classified milk prices for milk distributors in the State. The Class I price is the same as the Federal order city plant Class I price while the Class II (surplus) price is set 26 cents below the Federal order city plant Class II price. Under the Maine milk control law, milk sold in bulk outside of the State is classified and priced as Class II milk irrespective of its ultimate use. Thus the milk shipped to the Manchester plant is accounted for as Class II milk while the milk distributed as fluid milk in the local Maine markets is accounted for as Class I milk.

As a practical matter, to maintain a supply of milk the handler must return to his Maine producers an average price which is competitive with the Federal order blend price. However, this arrangement enables him to procure a substantial portion of his supply for fluid use at his New Hampshire plant at a cost even below the Federal order blend price.

This Manchester handler also procures some supplies in the State of Vermont for sale in New Hampshire and in Essex County, Mass. This milk is obtained at a price slightly above the blend price under the order. Prior to obtaining milk from these out-of-State sources this handler received milk from some 66 local New Hampshire producers who have subsequently been shifted to the Federal order market.

Another handler located in Portsmouth, N.H., dropped the last of his New Hampshire producers in 1964 and is now receiving his entire supply from some 25 producers located in southern Maine at a price slighity over the Federal order blend price applicable in that area. This milk is in turn distributed in Essex County, Mass., and the New Hampshire counties of Rockingham and Strafford.

Several other handlers operating bottling plants in the proposed additional area purchase bulk supplies of milk from Vermont sources at prices slightly over the order blend price. Such plants are located at Ipswich, Mass.; and Laconia, Milford, Manchester, West Franklin, Plymouth, and Nashua, N.H.

Handlers who purchase out-of-State milk supplies at prices approximating the Federal order blend price handle about one-half of all the milk distributed in the proposed area of extension in New Hampshire. About 10 percent is distributed by handlers presently regulated under the Massachusetts–Rhode Island order and the remainder is distributed by relatively small local dealers and producer handlers.

The procurement practices of the larger handlers in this proposed area of extension have resulted in a very unstable market. Local producers have no assurance of a continuing market for their milk with local handlers. To the extent that such a market exists, producers whose milk has been priced under State regulation, and who have historically received a price equivalent to the Federal order Class I price for milk disposed of for Class I use, now receive a substantially lesser price. To the extent that regulated handlers sell regulated milk in the area they are at a substantial disadvantage in competition with unregulated handlers whose procurement cost is as much as $1 a hundredweight less. It is apparent that it is this situation which has motivated regulated handlers to purchase or construct plants to serve the area herein proposed to be added to the marketing area.

There are very few local Massachusetts producers (approximately 15) delivering to local handlers who would be brought under regulation with the addition of the remainder of Essex County to the marketing area.

Essex County is a heavily populated area. The population of the county not now included but herein proposed for inclusion in the marketing area is approximately 135,000. Because of this heavy concentration of population milk handlers have found it a highly desirable area in which to sell milk and competition for milk sales is strong. Largely as a result of this strong competition handlers have sought milk supplies from out-of-State unpriced sources. Such milk is purchased at essentially the same prices at which presently unregulated New Hampshire dealers pay for out-of-State milk. As a result of the competitive situation only about 13 percent of the milk distribution in this area is by local State regulated handlers purchasing local supplies while almost 50 percent of the distribution is by unregulated handlers purchasing milk supplies from out-of-State unpriced sources. Of the remainder, 30 percent is by presently federally regulated handlers and 7 percent by producer-handlers.

Procurement practices performed primarily by the larger unregulated handlers have resulted in a very unstable market in this proposed area of extension. Producers under the order have experienced an ever increasing loss of Class I sales to unregulated milk in Essex County. While the regulated market carries the necessary balancing supplies it no longer substantially shares in the Class I sales. The few remaining local producers, although they opposed Federal regulation of this area, in fact have no assurance of a continuing market for their milk with local handlers. To the extent that such a market still exists, these producers whose milk is priced under State regulation receive a price equivalent to the Federal order Class I price for milk disposed of for Class I use. This represents a substantially better price than the blended price received by producers delivering to handlers regulated by the Federal order.

However, it must be recognized that one of the primary reasons that these local producers can consider opposing regulation in the face of continuing possible loss of their local market is the existence of the stable marketing conditions in the adjacent federally regulated marketing area. These producers and the local handlers are generally able to dispose of any surplus milk through regulated plants and to rely on the regulated milk supplies for balancing needs. In addition, these producers have reasonable assurance of an outlet for their milk in the framework of the Federal order upon loss of their local markets.

Handlers who would be brought under regulation generally took no position at the hearing. However, one handler, who operates a plant in Manchester and who has attempted to pay his producers on the basis of the established New Hampshire Milk Board prices, stated that he was in an untenable position in competing with handlers using out-of-State milk. He had lost subetantial sales which resulted in lower returns to his producers. He urged that action be taken which would insure that no handlers distributing milk in his local market (Hillsboro County) could obtain a milk supply at less than the established price.

The need for expansion of the marketing area into New Hampshire has been accentuated by the decision of the New Hampshire Milk Control Board to terminate its price control on both the retail and producer levels. This circumstance provides an even greater threat to the already unstable market conditions. Local New Hampshire producers who sell milk directly to New Hampshire handlers are faced with a substantial reduction in their returns in the absence of regulation.

Federal regulation of this additional territory will assure uniform minimum prices to all handlers doing business in the area. This will assist local producers in maintaining their traditional markets and insure producer returns sufficient to maintain a continuing adequate supply of milk for the market. In addition, it will assist handlers by removing pressures for making uneconomic shortrun procurement and operating decisions in an effort to maintain their market position.

Extension of the Massachusetts–Rhode Island marketing area to include the aforementioned territory is the most appropriate means of effectuating the policy of the Act therein. In the context of existing operations in the proposed area of extension such area might be distinguishable as a separate marketing area. However, this situation in large measure reflects the adjustments many handlers have made to avail themselves of the opportunity to serve such area with unpriced milk.

As has been previously indicated a number of regulated handlers have built or purchased unregulated plants to serve this area. In fact, however, the location of this proposed area of extension with respect to the current regulated area, the location of regulated plants, the interrelationship of producers and the volume of Class I sales demonstrates the

need for a single regulation. It appears likely that with the extension of regulation there will be a number of plant consolidations and a reorganization of routes to the end that, in fact, the entire area will be a single integrated market. The principal proponent for a single regulation represents the majority of dairy farmers delivering milk to dealers in the area of extension and in addition is one of the major cooperatives representing producers serving the present marketing area. With such close interrelationship of plant ownership, distribution patterns, milk supply, and producer representation orderly marketing in the area will best be served by adding such territory to the present marketing area.

The additional territory in New Hampshire consisting of Belknap, Hillsboro, Merrimack, Rockingham, and Strafford Counties plus parts of Cheshire and Grafton Counties represents about 40 percent of the area of the State. About 75 percent of the population of the State is within this area. The addition of New Hampshire to the name of the marketing area will provide a more descriptive characterization of the area under regulation. Accordingly, the marketing area should be designated the Massachusetts-Rhode Island-New Hampshire marketing area.

Although certain adjacent New Hampshire and Vermont counties and towns bordering the Connecticut River and the remaining nonfederally regulated area in Massachusetts, except Berkshire and Nantucket Counties were proposed for inclusion in the marketing area, it cannot be concluded on the basis of this record that such territory appropriately should be included.

Proponents' informing their proposals attempted, insofar as possible, to cover all of the territory in which New Hampshire handlers who would be brought under regulation do any business. With this objective it was necessary to propose the inclusion of all of Cheshire and Sullivan Counties and the Grafton County towns of Lebanon and Hanover, all in New Hampshire. Recognizing that Vermont dealers had substantial distribution in this particular area they extended their proposal to include certain adjacent counties and towns in Vermont which might be expected to be the primary sales area of such Vermont based dealers.

While the record is not sufficiently detailed to determine a precise quantitative breakdown of distribution patterns of Vermont and New Hampshire dealers in the New Hampshire area here excluded, it is clear that by far the preponderance of such distribution is by Vermont handlers and/or local New Hampshire dealers who would not be regulated if this territory were excluded from the marketing area.

There are no milk processing plants located in either Cheshire or Sullivan Counties. The area is sparsely populated and by location is more accessible to Vermont dealers than to New Hampshire dealers who will become fully regulated.

The western boundary of the area of extension herein adopted was proposed and supported by Vermont handlers. Recognizing their competition with New Hampshire dealers in distribution in the city of Keene and adjacent towns to the east in Cheshire County they conceded the need for including such area in the marketing area. They pointed out that this area involved only a small part of their business and this was insufficient to bring them under full regulation. They further contended that, with the marketing area boundary as herein proposed, sales by regulated handlers in the unregulated New Hampshire area in Sullivan and Cheshire Counties would not exceed 5 percent of any such handler's total sales. They estimated that Vermont dealers, on the other hand, did 85 percent of the total business in this area. Their estimates in this regard were uncontested.

There is no showing of any market disorder in the Vermont area of proposed extension. Milk purchased in Vermont by local Vermont dealers is regulated by the Vermont Milk Control Board. The price established by the Board applies to all milk purchased without regard to use. This price ranges from 40 cents over the Federal order blend price in the 201–210-mile zone in northern Vermont to 85 cents over such price in the southern part of the State. Hence, while local dealers obtain milk for Class I use at a price below the Federal order price this need be a matter of concern only to the extent that it contributes to disorderly marketing conditions in areas of competition with regulated handlers. There was no such showing on the record.

Excepting Essex County, hereinbefore discussed, no additional territory in Massachusetts should be added to the marketing area on the basis of this record. The presently unregulated area in Massachusetts (other than Essex County) included in proponent's proposed area of extension is served almost exclusively by local dealers or by presently regulated handlers. The local dealers serving this territory purchase their milk almost exclusively from Massachusetts dairy farmers. Such milk is purchased at prices established by the Massachusetts Milk Control Commission virtually identical with the Federal order prices. In total only about 2.5 percent of the total milk distributed in this large area is derived from unpriced sources. While the record is not specific with respect to the source of this milk it appears that a significant proportion of such milk will become regulated under the area extension herein adopted.

Proponents contended that failure to include the additional Massachusetts territory will encourage handlers presently dealing in unpriced milk to make arrangements by which they could circumvent the effect of State Milk Control pricing in essentially the same manner in which this was accomplished in southern New Hampshire and in Essex County.

While this is, of course, a possibility it is significant that such action has not been taken. In general the nonfederally regulated handlers serving the area are small and their distribution is local in character. In total their milk supply originates from approximately 75 scattered dairy farmers. Under present circumstances there appears to be an insufficient concentration of population to encourage local dealers to jeopardize the stability of their local markets with the use of unpriced milk.

The marketing area proposed herein is the basic sales area of the handlers to be regulated and handlers presently regulated under the order. In addition, as hereinbefore indicated all milk to be regulated in the proposed marketing area is in the current of interstate commerce or directly burdens, obstructs, or affects interstate commerce in milk and its products.

All producer milk received at regulated plants must be made subject to classified pricing under the order regardless of whether it is disposed of within or outside the marketing area. Otherwise, the effect of the order would be nullified and the orderly marketing process would be jeopardized.

If only a pool handler's "in-area" sales were subject to classification, pricing and pooling, a regulated handler with Class I sales both inside and outside the marketing area could assign any value he chose to his outside sales. He thereby could reduce the average cost of all his Class I milk below that of other regulated handlers having all, or substantially all, of their Class I sales within the marketing area. Unless all milk of such a handler were fully regulated under the order, he would not be subject to effective price regulation. The absence of effective classification, pricing and pooling of such milk would disrupt orderly marketing conditions within the regulated marketing area and could lead to a complete breakdown of the order. If a pool handler was free to value a portion of his milk at any price he chooses, it would be impossible to enforce uniform prices to all fully regulated handlers or a uniform basis of payment to the producers who supply the market.

It is essential, therefore, that the order price all the milk received at a pool plant regardless of the point of disposition. Further, the level of price should be identical on Class I sales inside and outside the marketing area.

2. Modification of the pooling provisions.

(a) *Exempt distributing plants.* The "exempt distributing plant" definition in the New England orders should not be amended to increase the exemption level on route disposition in the marketing area. Currently the orders exempt from regulation a plant which meets all of the requirements for status as a pool distributing plant except that its route disposition in the marketing area during the month does not exceed 700 quarts on any day or a daily average of 300 quarts.

A cooperative association which operates no distributing plants proposed that the 300-quart daily average exemption be raised to 500 quarts and that the 700-quart maximum volume on any day as an exemption measurement be removed under each of the respective orders. The spokesman for the proponent cooperative indicated, however, that the proposal was intended only with respect to the Massachusetts-Rhode Island order. He contended that because of the numerous small New Hampshire towns being considered for inclusion in the marketing area it was likely that a number of small distributors could be involved and that it might be well to allow them to be left unregulated. He further contended that the present 300-quart exemption limit is too small for the operation of even one efficient route.

The existing exemption has generally accommodated the small handlers in both the Connecticut and Massachusetts-Rhode Island markets. No one other than the proponent supported the proposal or testified as to any present or prospective hardship as a result of the present exemption figure. Proponent had no specific knowledge of the situation in the proposed area of extension nor did he substantiate that it was in fact any different from that in the present marketing area. In addition, there was no showing of the possible impact of the adoption of a higher exemption on presently regulated handlers. Accordingly the proposal is denied.

(b) *Supply plants.* Both the Massachusetts-Rhode Island and Connecticut orders should be amended to increase the shipping requirements for the pooling of supply plants during the months of July through November from 15 percent to 25 percent. In addition, pooling status for any plant (supply or distributing) under the Massachusetts-Rhode Island order should be conditioned on the plant's handling no milk subject to a commitment limiting its availability for use as Class I milk. No change should be made in the supply plant definition which would result in a bulk reload point, which otherwise met the supply plant definition, not qualifying as a plant if facilities are there maintained and used for washing and sanitizing cans or tank trucks. Also no further exemption should be provided to remove the possibility of "exempt distributing plants" and "distributing plants for unregulated markets" being pooled as supply plants.

The present plant definition under the Massachusetts-Rhode Island order specifically excepts a bulk reload point at which facilities for washing and sanitizing cans or tank trucks are not maintained and used. This provision was adopted under the Greater Boston, Merrimack Valley, Springfield, and Worcester, Mass., orders in 1959 to retain insofar as possible, as points of pricing, the then existing plant locations. This amendment was intended to make clear that a reload facility to qualify as a point of pricing must consist of land and buildings with facilities and equipment for handling or processing milk, operated by an individual or individuals engaged in receiving milk for resale or manufacture into milk products and that the washing and sanitizing of trucks must be done on the premises.

Proponents argued on the one hand that their milk is in reality associated with city plants and that a reload point should not be a pricing point simply because tank trucks were washed and sanitized there. On the other hand, they argued that it was very easy to accommodate to the requirements of the order and hence each handler essentially was in a position to determine the point of pricing on his bulk farm tank milk. It was proposed that a handler be allowed to designate whether his reload point should be considered a plant or in the alternative, that a stationary holding tank or some other substantial facility be required for plant status.

While there can be no question but that the present requirement for washing and sanitizing of trucks in large measure places the handler in a position of himself determining the point of pricing on his farm bulk tank milk, it is equally apparent that the alternatives proposed would have the same result. There is no indication on the record that the present provisions have in any substantial way impeded the normal operations of regulated handlers or resulted in inappropriate pricing of producer milk. It is not clear why a handler would desire that his milk be priced at city plants rather than at transfer points, particularly in view of later findings that the differential between the 201–210 zone (basic price) and the nearby zone has been 7 cents more than the cost of transporting the milk plus the additional cost of receiving milk through a country plant. Under any circumstances the evidence on this record does not provide an adequate basis for changing the plant definition.

Under the existing provisions of the Massachusetts-Rhode Island and Connecticut orders a supply plant is required to ship 15 percent of its total receipts of producer milk to pool distributing plants under these orders and is pooled under the order under which the greater quantity of such shipments is made. Provision is further made for system pooling of supply plants, under which individual plants in a system need meet the 15 percent shipping requirements in only one month of July through November to qualify for pooling in each month of that period. A plant which was pooled under one of the New England orders in at least 2 of the months of July through November and which would have been pooled in the remaining months except that it was a pool plant under the New York-New Jersey order has automatic pooling status in the months of December through June under that New England order to which it made the greater qualifying shipments in the July–November period.

Various proposals were made which ranged from increasing the shipping requirements for pool supply plants in the months of July through November only to increasing the requirements to as much as 40 percent in all months. Another proposal, abandoned at the hearing, would have provided more flexible pooling requirements in the months of July through November for a supply plant which otherwise would not be a pool plant under any Federal order but which held automatic pooling status under one of the New England orders in the immediately preceding months of December through June.

Essentially all of the milk in the milkshed is pooled under one or the other of the New England orders except that which has a preferential Class I market in a local unregulated market. The present pooling provisions were constructed to bring about this result.

To supply the fluid market it is essential that supply plants as a whole ship far in excess of the minimum requirements for pooling. During the period May 1965 through April 1966 the total Class I usage of the Massachusetts-Rhode Island market varied from a low of 50.7 percent (May) to 70 percent (November). Only a very limited quantity of country plant milk is disposed of for Class I use upcountry. For all practical purposes it must be moved to city distributing plants if it is to be disposed of for Class I use. During the May 1965–April 1966 period Class I usage of country plant milk under the Massachusetts-Rhode Island order varied from a low of 38.1 percent (April) to a high of 61.8 percent (November). During this period the total Class I usage of the Connecticut market varied from a low of 71.1 percent (May) to 88.1 percent (November). Hence there can be no question but that supply plants generally would have no difficulty in meeting more substantial shipping requirements.

The basic problem is that the operators of some supply plants under the Massachusetts-Rhode Island order which are primarily manufacturing plants have been reluctant to ship more milk than that necessary to insure pooling status, with the result that in some months of short supply city plant handlers have had considerable difficulty in obtaining necessary milk supplies for fluid use.

While it is desirable that milk not needed for fluid use be processed into manufactured products at country plants, it is essential that such milk be shipped to the city when needed for fluid use. To better insure this result it is concluded that the required shipping percentages during the months of July through November should be increased from 15 percent to 25 percent under both orders. While proponents suggested even higher shipping requirements (as much as 40 percent) it must be recognized that the need for country plant milk varies from month to month and from year to year. Too high a requirement might well result in uneconomic milk shipments solely for the purpose of maintaining pooling status. On the other hand, it must be recognized, in view of the past market utilization and the necessarily flexible pooling provisions which have been provided, that an increase in the shipping requirements from 15 to 25 percent during the months of July through November may not fully implement the desired result. This is particularly true in recognition of the fact that during the May 1965–April 1966 period a minimum of 38.1 percent of the country plant milk was used in Class I.

To fully accomplish the end sought by proponents; i.e., insure the availability of milk when needed, more forceful provisions are needed under the Massachusetts-Rhode Island order. "Call" provisions could be provided which would permit the market administrator to increase the required shipping percentages to conform with the current needs of the market. However, the industry generally opposed the adoption of such provisions. It was argued that the application of a "call" provision would place cooperatives in an unfavorable bargaining position in the sale of their milk, and additionally, that the intended result likely would not be accomplished since any required shipments could be made to one or two of the larger handlers, leaving smaller handlers still inadequately supplied.

A proposal considered at the hearing would preclude the pooling of any plant unless all milk there received was available as needed for Class I use. It is concluded that the problem can best be met by including a provision in the Massachusetts-Rhode Island order providing that should the market administrator determine that the operator of any plant has entered into an unconditional contract which provides for the delivery of any specified quantity or proportion of such plant's receipts from dairy farmers and of pool milk from other sources for Class II use, the plant shall not be pooled during the month of such ascertainment nor for any subsequent month in which the contract is in force for any part of the month. It is the intent of the order to insure an adequate supply of milk for the fluid market. To assure an adequate supply a reserve, over and above actual Class I disposition, is needed and should appropriately share in the pool even though it may be used as Class II. However, it would be inequitable to pool milk which, in fact, is not available for Class I use and is thereby not a part of the reserve supply. Such a provision can readily be complied with by conditioning contracts for other than Class I disposition on the milk not being needed for Class I use. Clearly, handlers who acquire pool status for their plants should reasonably expect to supply milk for Class I use as the need arises up to the total amount of producer receipts at such plants.

Some cooperatives contended that an increase in the supply plant shipping requirements would weaken their ability to bargain with handlers for handling charges over the minimum order prices. It is not clear why this should result, particularly since the increase in shipping requirements herein provided is well below the percentage of total country plant milk which has in the past been shipped for Class I use. It is recognized that to the extent any cooperative has attempted to maintain a premium structure above the competitive market price in bargaining with handlers for a fluid outlet for its supply plant milk the increase in the shipping requirements may exert some pressure for lower handling charges. However, cooperatives operating manufacturing facilities and who have chosen to associate such facilities with the pool for the purpose of drawing the uniform price must make their milk supply available to the fluid market. They should not presume the right to recover from fluid sales the further profit which they might otherwise gain from the use of the milk in their own manufacturing operation.

Under another proposal an "exempt distributing plant" or a "distributing plant for unregulated markets" would not be pooled as a supply plant under the Massachusetts-Rhode Island order even though it made sufficient qualifying shipments to pool plants. Proponents argued that it was inconceivable that the operator of such a plant would intentionally conduct his business to qualify as a supply plant and hence such a plant should not be jeopardized by the possibility of acquiring pool status in the disposition of its surplus.

Exemption from regulation as a distributing plant is not a basis for exemption as a supply plant. The exemption as a distributing plant is predicated on the fact that the plant either has insufficient distribution in the marketing area to be a competitive factor; i.e., less than 300 quarts per day or that it does not meet the basic pooling requirements of having at least 40 percent of its total receipts of fluid milk products in Class I and at least 10 percent of such total receipts in route disposition within the marketing area. However, when an otherwise unregulated distributing plant makes sufficient shipments to pool distributing plants to qualify as a pool supply plant it may not appropriately be distinguished from any other pool supply plant. Obviously, the intent of the proposal was to provide greater flexibility in the operation of nonpool distributing plants. These plants compete with fully regulated plants both with respect to route sales and in procurement. While exemption from regulation is provided on the basis of the nature of their route distribution such exemption cannot appropriately be construed as a basis for immunity under all circumstances.

The order provides a reasonable basis whereby certain distributing plants can maintain nonpool status. If such status is desired the plants must be operated in conformity with the existing rules. While greater flexibility of operation might better accommodate the interest of certain nonpool handlers it cannot be concluded that it would tend to further promote and maintain orderly marketing. Accordingly, the request for further exemption is denied.

(c) *Diversions.* The diversion provisions of the Massachusetts-Rhode Island order should be modified to allow a handler who closes a pool plant and begins to receive the milk of producers associated with that plant at another of his pool plants to retain the diversion rights associated with such milk. In addition, milk diverted from a pool plant located in zones 1–14 to a plant located beyond zone 14 should be priced at the zone location of the plant of physical receipt.

Currently the order provides, with minor variations, that a handler can only divert milk if he caused milk from the dairy farmer's farm to be moved to the diverting pool plant on the majority of delivery days on which he caused milk to be moved from the farm as producer milk during the 12 months ending with the current month. The order also provides that diverted milk is priced at the zone location of the plant from which it is diverted.

Multiple plant handler proposed that diversion rights associated with producers be transferred along with the producers when one plant operation is discontinued and the producers are moved to another of the handler's pool plants. The sole concern of proponent was to allow a handler to shift producers to another of his pool plants after closing the pool plant to which they normally delivered without having to wait 6 months before any diversion rights could be reacquired on such milk.

The existing provisions, requiring delivery to the diverting plant on majority of delivery days during the most recent 12-month period, were formulated to assure a bona fide association of milk with the market and yet permit a handler necessary flexibility to insure efficient handling of the market's reserve supply. For a handler who consolidates the operations of several plants, the present provisions do not accomplish their intended purposes. In many cases they may well impede the efficient handling of milk even though the producers whose milk is involved have already established their association with the market.

The change to allow transfer of diversion rights would be applicable only when a plant operation is discontinued and the producers are transferred to another pool plant of the same handler. Therefore, such a change will in no way circumvent the intent of the present diversion provision and at the same time will remove an unnecessary deterrent to greater operating efficiency. It is concluded therefore that it should be adopted.

Proponent of the proposal to price milk, diverted from a plant in the nearby zone to a plant in a distant zone, at the zone location of the plant of actual receipt contended that such a change was needed to prevent the possibility of a transportation subsidy being paid by the pool and to eliminate any possible gains to handlers operating their own hauling systems. At the hearing proponent's representative modified his proposal so that milk produced on farms within 200 miles of Boston and back-hauled more than 50 miles would be priced at the zone location of the plant from which the milk was diverted. This modification was intended to accommodate situations where milk might be diverted substantial distances to manufacturing facilities.

Under the present order provisions milk produced in distant zones and normally delivered to a city plant may be diverted to local country plants in the area of production and still be priced as if it had been transported to the city plant.

The Class I and blend price zone differentials applicable at any plant location are identical, but the Class II differential is much lower. As a result, the nearer the diverting plant is to Boston

the greater is the difference between the applicable blend and Class II differentials. Therefore, when milk is diverted for Class II use, which is normally the case, the pricing of such milk at the diverting plant rather than the more distant plant of physical receipt causes the handler's cost of milk under the order to be increased only slightly. On the other hand, the handler's pool credit and the blend price payable to the producers involved are substantially greater than would be the case if the milk were in fact priced at the plant of physical receipt. Hence the pool absorbs transportation costs which in many circumstances are actually not incurred when producer milk is diverted to a plant more distant from the market but nearer to the producers' farms.

Milk that is diverted will, in most cases, be transported much shorter distances than would otherwise be the case if it were moved to the diverting pool plant. Therefore, it is possible that producers save in transportation costs and yet are paid as if the milk had moved the full distance to the diverting plant. However, in many cases the savings in transportation costs accrue directly to the hauler instead of the producer since he may continue to collect the full hauling charge that was applicable to the longer movement of the milk. Further, if the handler is the hauler he may be the sole beneficiary of the cost savings.

Several examples of handlers being the ultimate recipient of the cost savings were cited by the proponent's representative. In one case the handler diverted milk from his plant located in the nearby plant zone to a plant located in the 21st zone and near the farms of the producers involved. Since the handler continued to deduct the same hauling charge he apparently was able to retain the transportation savings on that diverted milk hauled in his tank trucks.

Although proponent wanted to correct a situation where producers or handlers were profiting at the expense of the pool on savings in hauling costs he did not want to make any change where diverted milk from farms within 200 miles of Boston had to be back-hauled more than 50 miles. He contended that in such cases there may be little or no savings in transportation and that the producers involved should not have to accept the lower blend price without the compensating reduction in costs. The record does not establish the need for milk to be back-hauled great distances. If it is merely to accommodate an existing arrangement of manufacturing facilities operated by the diverting handler or the producer group, as seems likely, it would be no more fair to the other producers to subsidize such operations from the pool than in other situations to which proponents objected. This modification is therefore denied.

When there is more milk available in the market than is needed for fluid use the total costs associated with handling the excess milk would be lowered substantially by retaining the most distant milk upcountry for manufacturing. That is, the cost of transporting the milk great distances to the city for manufacturing would be avoided. The diversion provisions were designed to encourage this more efficient handling of milk as well as to allow the handler as much flexibility as possible in adjusting producer receipts at his plant to meet his needs. This flexibility permits handlers to divert milk for extended periods of time as long as such diversions do not exceed the majority of days limitation previously referred to. In certain cases the handler could continuously divert milk from the same producers for almost 6 months without exceeding the limitation.

In circumstances where diversions are on a more or less regular basis there is little reason to believe that the hauling rate would not be adjusted downward to reflect the shorter haul or that handlers with their own transportation systems would not realize a savings in hauling costs even though they may not be passed on to producers. However, any gain to individual producers or handlers is financed by all producers if the milk continues to be priced as though received at city plants. It is desirable therefore to deter individual gains at the expense of the pool on diversion operations.

Pricing at the plant of physical receipt of milk diverted from within the 14th zone to more distant plants will tend to implement the efficient handling of reserve milk without undue cost to the pool. Essentially all of the plants located beyond the 14th zone to which diversions likely would be made are manufacturing plants. Hence essentially all of such diversions will be for Class II use and this revision in point of pricing of diverted milk will eliminate much of the transportation subsidy which the pool has borne when milk associated with city plants is diverted to country plants.

It is not necessary to change the point of pricing with respect to milk normally received at country plants or at city plants and which is diverted to plants within the 14th zone. Milk associated with country plants is priced below the price of milk received at nearby plants by the amount of the transportation and extra plant handling required to move such milk to nearby plants. Hence a handler normally experiences no out-of-pocket transportation costs if he elects to divert country plant milk to nearby plants for Class I use. Milk which is associated with nearby plants and which is diverted to other nearby plants is normally utilized for Class I purposes. Since the Class I and blend price differentials are identical there is no element of cost to the pool when milk normally received at nearby plants is diverted to other nearby plants for Class I use, even though the plant of physical receipt may be more distant from the central market than the diverting plant.

(d) *Certified milk.* The special exemption for certified milk should be removed from the Massachusetts-Rhode Island order.

Presently the order exempts from pooling any milk produced and processed in accordance with the standards established by the American Association of Medical Milk Commissions and disposed of as packaged certified milk or packaged certified skimmed milk.

A group of cooperatives in the market proposed that the special exemption for certified milk be removed from the Massachusetts-Rhode Island order. A spokesman for the group stated that there should be no exemption for Class I milk differing only as to special quality or characteristics since market demand for such a differentiated product should compensate handlers for the added expense of it. He further pointed out that there were no longer any certified milk operations in the market.

In the past certified milk and certified skimmed milk have been exempted on the basis of being noncompetitive with other milk, both on the basis of cost and sales conditions. The exemption was restricted to these two products which were, at the time the exemption was adopted, the only products eligible to carry a certified label and which were permitted to be packaged and marketed without pasteurization.

For reasons not shown on the record the restrictions on the processing and sale of certified milk have been relaxed on certain points since the exemption was granted. The current publication "Methods and Standards for the Production of Certified Milk" contains the regulations pertaining to "certified milk" and was introduced as an exhibit in the hearing record.

Under these regulations there is a wide range of products which may carry the certified label. These included the basic product "certified milk," "certified milk-pasteurized," "certified cream," "certified half and half," "certified fat-free milk," and "special certified milks" among others.

In addition, current standards permit the utilization of new processing technology by allowing milk from certified farms to be processed and/or bottled at another certified farm or at a processing plant that is not a "certified farm." Of course, the specifications for transporting the milk, labeling, and control by the supervising milk commission must be met in these cases. However, from an economic standpoint the ability to make such arrangements greatly reduces any difference between certified milk and producer milk which is aggregated, processed, and distributed in a conventional manner.

The proposal to remove the exemption with respect to certified milk was opposed by a Vermont based handler producing certified milk who argued that he was exploring the possibility of extending his distribution into the marketing area. In this regard, he recognized that the traditional method of distribution could not accommodate his situation and contemplated testing the potential of direct distribution of his line of certified products through supermarkets in the marketing area.

There can be no question but that such distribution of certified products would be in direct competition with the distribution of similar noncertified products by regulated handlers. While

opponent contended that he would necessarily sell his products at a premium of 3 cents per quart over competing milk, this can no longer be presumed nor can it be considered as a prime deterrent against a loss of Class I sales when the product is mass-distributed.

In reality the distribution of certified milk in this market such as opponent contemplates is essentially no different than that of the distribution of a "special" breed milk under a trademark controlled by a producer organization. The possibilities of such schemes to evade pooling under the order are almost unlimited. In many markets there are producer associations which distribute milk under their own brand name, which brand names are registered and are controlled by producer associations. The fact that such milk may be claimed to have superior qualities entailing higher production costs which entitle producers to higher prices is not a compelling argument. The required pooling of such milk cannot be construed as a penalty to the producers thereof. If, in fact, the milk has superior qualities in the eyes of the consumer it can command a premium over competing milk which would tend to offset, to the extent that they exist, higher production or processing costs.

The marketwide pooling arrangement provided under the order contemplates the equitable sharing by all producers of the total proceeds from the sale of their milk computed at the established order prices. The situation which prompted the exemption with respect to certified milk is no longer present in this market. The exemption therefore should be removed to deter its exploitation at some future time.

(e) *Exempt government agency.* The Connecticut order should be amended to exempt from regulation the plants of government agencies distributing fluid milk products in the marketing area. Fluid milk products received by such a plant from a pool plant or a cooperative association in its capacity as a handler should be classified as Class I except for specified cases with respect to Class II uses by the University of Connecticut. Fluid milk products received at a pool plant from such a plant should be Class II.

Limited exemption for State-owned and operated institutions is presently contained in the "exempt milk" provisions of the order. Such exemption applies only with respect to milk which is processed and packaged at a plant operated by a similar institution to the extent that such milk is used only to serve residents of either institution on the premises thereof. In addition the University of Connecticut, as well as certain other State-owned institutions have been exempted from regulation by virtue of the fact that they have operated in conformity with the producer-handler definition.

The University has from time to time purchased pool milk for use in experimental production of manufactured dairy products. Such milk, however, under the terms of the order was classified and priced as Class I milk.

To provide greater flexibility in the operation of its farm and plant in the research and teaching field the University proposed an "exempt government agency provision" under which it and other State-owned and operated institutions would be exempted from regulation. Under their proposal any sale by such an agency to a pool plant would be considered a Class II receipt at such plant and any purchase from a pool plant or cooperative association would be a purchase of Class I milk, except that with respect to the University purchase could be as Class II if both the purchaser and seller so reported to the market administrator.

The University spokesman pointed out that in both classroom and research work they needed milk for manufacture into ice cream, cottage cheese, and Cheddar cheese and for flavor and other research and that it greatly added to the cost of education and research to be required to pay the Class I price for such milk. He further indicated that they would have great difficulty as a pool plant in meeting pool payments under the rules and regulations of the State with respect to fiscal matters; i.e., all checks are issued by the Comptroller.

Information with respect to the specific operations of the University and of other State-owned institutions was not presented on the hearing record. However, it is apparent that the operation of the University's farm and plant are for the purpose of advancing the recognized functions of the State in the public interest. These operations are not in the nature of the operations of proprietary handlers whose regulation is necessary to effectuate the intent of the Act. Accordingly, the requested exemption is appropriate, not only with respect to the University but also for other State-owned and operated institutions and for the same reasons.

If these government agencies should develop a production in excess of their requirements it would normally be a temporary situation or one that was a by-product of other functions. To the extent that such surplus might develop it could not be depended upon by handlers in the market as either a regular supply of milk or a supplemental supply during periods when the market might be in short supply. It would clearly be surplus to the government agency and hence if disposed of to a pool plant appropriately should be allocated first to Class II. Under the terms of the order on any such milk allocated to Class I the pool plant operator would be obligated to the pool for the difference between the Class I and Class II price.

If any such exempt agency receives milk from pool sources (except as specified below) it should be classified as a Class I since such milk will be needed and used for Class I purposes. Special exception, however, is desirable in this regard with respect to pool purchases by the University in recognition of the Class II milk requirements for teaching and research. It is provided therefore, that the University may purchase milk from pool plants or from a cooperative association in its capacity as a handler and have such milk classified as Class II on the basis of a claim by the selling handler, supported by a certification signed by an authorized agent of the University that such milk was used to produce milk products other than fluid milk products or cream.

Under this revised treatment of State-owned and operated institutions there is no longer any need for the limited exemption now contained in the "exempt milk" definition and it is therefore deleted.

(f) *Dairy farmer for other markets.* The Massachusetts-Rhode Island order should be amended to provide that receipts from a "dairy farmer for other markets" shall be considered as a receipt from the plant to which his milk was delivered on the majority of the delivery days in the most recent month.

Under the present order provisions the plant of original receipt of such milk is considered to be the plant to which the milk was delivered on the majority of delivery days in the most recent 12 months. Under normal circumstances a handler causes a dairy farmer to assume producer or nonproducer status by the manner in which such dairy farmer's milk is handled. Handlers operating both pool and nonpool plants often find that when they have excess milk associated with their nonpool operation the excess milk can be most efficiently disposed of by moving it directly from the farm to their pool plant. Milk so received comes within the definition of "dairy farmer for other markets" and under the prescribed allocation procedure is allocated first to Class II. On any of such milk allocated to Class I the handler accounts to the pool at the Class I price and is credited at the Class II price, at the zone prices applicable at the plant of normal receipt.

The plant of majority of days of delivery in the most recent 12 months is designated as the plant of original receipt to insure insofar as possible that any pool obligation on the part of the pool handler would be computed at the location of the nonpool plant. This procedure has entailed considerable administrative work on the part of the market administrator, particularly in situations where the milk has been received at several nonpool plants. In addition, situations have arisen where a handler has discontinued receiving milk of certain dairy farmers as producer milk and begun receiving it as unregulated milk at a nonpool plant. Under the present order provisions it is possible, in the event that any of such milk is received at a pool plant and allocated to Class I, that the pricing point for determining the handler's pool obligation would in fact be the pool plant. Appropriately, however, the obligation should be determined at the location of his nonpool plant. This can best be accommodated by providing that the milk will be considered as a receipt from the unregulated plant at which the greatest quantity of such milk was received in the most recent month.

Another proposal considered would further amend the "dairy farmer for other markets" definition to include a dairy farmer when more than half of the milk marketed from his farm during the month is not producer milk under any Federal order. This amendment was proposed to deny producer status to dairy farmers whose regular markets are with handlers in unregulated markets but who deliver any milk in excess of their handlers' needs to pool plants of other handlers as producer milk. During the period April 1964–March 1965 an average of 52 producers shipping the majority of their milk to unregulated markets delivered 15,886,000 pounds of milk to pool plants as producer milk.

Under Federal orders generally milk which is received at a pool plant directly from a dairy farmer's farm is accorded producer milk status. Exceptions are made in certain circumstances to deter handlers from pooling the necessary reserve of their unregulated operations. For this reason "dairy farmer for other markets" status is conditioned on the fact that the handler caused milk to be nonpool milk. Continuation of pooling status for the milk which proponent seeks to exclude gives essentially no different result than the effect of pooling milk now excluded under the present definition; i.e., pooling of the reserve supply of an unregulated fluid milk operation. However, in this instance neither the unregulated handler nor the producer is subject to regulation and it is not the unregulated handler who causes the milk to be pooled. Neither can it be presumed that the regulated handler receiving the milk has specific knowledge that he is receiving only a part of a producer's total milk supply. There would be great administrative difficulty under the circumstances in administering a provision which would deny pooling status for such milk since the market administrator could not have the necessary specific knowledge with respect to every producer on the market to insure equitable administration of the provision. Accordingly, the proposal is denied.

(g) *Pool milk definition.* The "pool milk" provision of the Massachusetts-Rhode Island order should be amended to include as "pool milk" any route distribution in the marketing area from a plant regulated under another Federal order to the extent that such milk is not classified and priced under the other order and is in excess of the present exemption for unregulated distributing plants of 700 quarts on any day or a daily average of 300 quarts, whichever is greater.

The "pool milk" definition designates that milk for which a blended price credit is applied in the computation of each handler's pool obligation. This includes, in certain circumstances, receipts at a pool plant from regulated plants under other Federal orders which are not classified and priced under such other orders. The definition, however, does not include milk distributed directly on routes in the marketing area from a regulated plant under an other Federal order which is not classified and priced under such other order. It is possible therefore under the present order for such milk to be distributed in the market without being subject to pricing under any Federal order.

Under the terms of the New York-New Jersey order (Order 2) it is possible for a regulated plant to receive unregulated milk and dispose of such milk as route disposition outside the Order 2 marketing area (in the Massachusetts-Rhode Island marketing area for example) with no monetary obligation to the pool, regardless of the price at which such milk might have been procured. There is presently no route disposition of this nature in the marketing area; nevertheless, its location with respect to New York-New Jersey regulated distributing plants does not preclude such possibility. In such event the milk should appropriately be treated in the identical manner as similar receipts at a pool plant and for the identical reasons set forth by the Assistant Secretary in his decision of October 31, 1963 (28 F.R. 12006) on this matter, official notice of which is taken. Accordingly, the "pool milk" definition is revised to insure this result when the amount of such distribution exceeds the allowable volume of an exempt distributing plant; i.e., 700 quarts in any day or a daily average of 300 quarts, whichever is greater.

3. *Cooperative as a handler on farm bulk tank milk.* The handler definition under the Massachusetts-Rhode Island order should be broadened to include a cooperative association with respect to its operations in delivering the farm bulk tank milk of its producer members directly from the farm to a pool plant or in diverting such milk to a nonpool plant for the account of the association.

The impact of regulation under an order is on handlers. The handler definition identifies those persons from whom the market administrator must receive reports, or who have financial responsibility for payment for milk in accordance with its classified use value. The handler who receives milk from producers is held responsible under the terms of the order for reporting receipts and utilization of such milk and for proper payment to producers and to the pool.

Essentially all of the milk produced for this market is handled through farm bulk tanks and moved to the market in tank trucks. After the milk has been pumped from the farm tank into the tank truck and commingled with the milk of other producers there is no opportunity to measure, sample, or reject the milk of an individual producer. Thus, the amount of milk delivered by producers using farm bulk tanks and the butterfat content thereof, can be determined only by measurement at the farm and from milk samples taken at the farm.

In the past in this market hauling has generally been done by the plant operator either in his own trucks or through contract haulers or by independent haulers under contracts negotiated by individual producers. Accordingly, the operator of the pool plant where the milk was initially received directly from the farm, or deemed to have been so received in the case of a diversion, has appropriately been held the responsible handler for accounting purposes and for payments to producers.

Recently one of the larger cooperatives on the market has taken over the hauling of its members' milk. When the pickup is performed by a cooperative association or by a person under contract to or control of such association it is the association which controls the operation with respect to individual producer weights and tests. Accordingly, the association must be the responsible handler unless through agreement between the association and the operator of the pool plant at which the milk is received, filed with the market administrator, the plant operator assumes the role of responsible handler and agrees to purchase the milk on the basis of farm weights and tests. When the cooperative association is the responsible handler the milk is treated as a receipt of producer milk by the cooperative association at a pool plant in the same location as the pool plant at which the milk was physically received. The milk is then treated as a transfer by the cooperative association to the plant operator.

The order should specify, however, that handlers shall pay a cooperative association which is a handler pursuant to § 1001.9(d) at the blended price for the milk received directly from producers' farms. It will simplify order accounting if such milk is paid for by the plant operator at the blended price. This method of payment will facilitate any adjustments required when audit by the market administrator discloses an error such as an error in classification.

Payments into and out of the producer settlement fund will be made directly between the regulated handler and the market administrator. This will establish directly the responsibility for accounting for milk and for its payment on the part of the handler. When settlement is made through a cooperative association; i.e., when a handler settles with the cooperative at class prices and the cooperative pays into or out of the producer settlement fund, an unnecessary third party is intruded into the transaction. By eliminating the cooperative as an intermediary between the regulated handler and the market administrator, with respect to transactions with the producer settlement fund, problems of financial responsibility, enforcement, and subsequent audit adjustments will be greatly reduced.

The cooperative, of course, must be held accountable to the pool for the volume of milk which it picks up, or causes to be picked up at the farm and which it diverts to nonpool plants or which it does not deliver to any plant during the month; i.e., overage, shrinkage and accidental loss, and inventory of milk en route to plants at the end of the month. To simplify accounting procedure insofar as practical such milk should be priced at the zone location of the plant, or plants within the same zone,

to which the greatest aggregate quantity of such milk of the cooperative association was moved during the month.

The order currently provides a Class II classification for shrinkage not in excess of 2 percent of the respective quantities of butterfat and skim milk contained in receipts of fluid milk products and cream, exclusive of diverted milk and inventory at the beginning of the month. Hence pool plant operators have had a maximum shrinkage allowance of 2 percent for receiving and processing farm bulk tank milk. The fact that a cooperative association becomes the responsible handler with respect to farm bulk tank milk which it picks up or causes to be picked up at the farm and delivered to a pool plant provides no basis for changing the maximum shrinkage allowed in Class II on such milk. Appropriately, therefore some means must be provided for a division of the shrinkage allowance when hauling is performed by or on behalf of a cooperative association. The principal proponent supporting handler status for a cooperative association in such capacity proposed a one-half of 1 percent allowance to the cooperative and a one and one-half percent allowance to the pool plant operator. Such a division of shrinkage reflects the experience under Federal orders generally that in a reasonably efficient receiving operation shrinkage should not exceed one-half of 1 percent and in a reasonably efficient processing operation shrinkage experienced should not exceed 1½ percent. Accordingly, the proposal is adopted.

Previously in this market milk has been associated with specific plants and the plant operator controlled the movement of the milk. Diversion privileges were given only the plant operator as a pool handler and were generally conditioned on the receipt of the milk at the diverting plant on the majority of delivery days, during the 12 months ending with the current month, or in the period in which such handler caused milk to be moved from the farms as producer milk. This procedure was adopted to deter the arbitrary shifting of producers between plants of a multiple plant handler for financial gains at the expense of producers.

When a cooperative association controls the pickup of producer milk and acts as the responsible handler on such milk it is necessary for maintaining pooling status on that milk in excess of a proprietary handler's requirements or which he chooses not to receive that the cooperative be given diversion privileges so it may maintain the pool status of the milk when it is moved into manufacturing uses. Under the terms of the current order all milk which has established a bona fide association with the local market is included in the equalization pool. To insure appropriate implementation of this principle under the revised order the handler definition should be sufficiently broad so as to include a cooperative association with respect to producer milk diverted to a nonpool plant for the account of such association. Milk not needed by local handlers can generally be most economically handled by movement directly from the farm to its ultimate destination. Unless the cooperative is permitted to be the handler and divert such milk it is likely that cooperative members would bear the primary burden of carrying the market's reserve supplies, since handlers could accept only that volume of milk needed to meet their immediate requirements and cooperatives would be forced to handle the remaining milk as other than pool milk.

Providing handler status to a cooperative association with respect to milk which it diverts will not only better insure orderly marketing but also will promote efficient utilization of producer milk in the highest available use class since this arrangement will permit a cooperative to divert milk for Class I use to a nonpool plant which milk might otherwise be used or disposed of by proprietary handlers in Class II.

In consideration of the equitable treatment of all producers the limitation on cooperative diversions should, insofar as possible, parallel those accorded proprietary handlers; i.e., the milk must have been delivered to pool plants on the majority of delivery days during the past 12 months during which the cooperative was the responsible handler. To implement orderly administration, milk which a cooperative diverts is considered a receipt in the zone of the pool plant or plants to which the greatest aggregate quantity of the milk of the producers involved was moved during the month. However, when diversion is made from a plant in zones 1–14 to nonpool plants in the 15th zone and beyond, the milk for pricing purpose is, as heretofore discussed, considered a receipt at the plant where physically delivered.

The Connecticut order currently contains provisions intended to implement the administration of the regulation when a cooperative association is performing or directing the pickup and delivery of farm bulk tank milk to pool plants. However, the cooperative may avoid handler responsibility on such milk by simply not electing handler status. Because there is always the probability that farm weights and the tests of farm drawn samples will not agree with the weights and tests of milk delivered to plants there is always the threat of an administrative problem in the application of regulation if the plant operator refuses to accept the farm weights and tests.

As previously stated, when the pickup is conducted by a cooperative association or by a person under contract to or control of such association it is the association which controls the operation with respect to individual producer weights and tests. Accordingly, the association appropriately must be held as the responsible handler unless the plant operator assumes the role of responsible handler and purchases the milk on the basis of farm weights and tests.

The provisions hereinbefore concluded to be appropriate for the Massachusetts-Rhode Island market ostensibly are equally appropriate for the Connecticut order. However, while both producers and most handlers recognized the existing accounting problems under the present order they were equally insistent that proprietary handlers continue to be the responsible handler for farm bulk tank milk in essentially the same manner as in the past since the cooperatives have not generally elected handler status. To minimize the change in order application they argued that the order should specify that the plant operator be held the responsible handler unless he notifies in writing both the market administrator and the cooperative association that he is not accepting that responsibility, in which case the cooperative would necessarily be the responsible handler.

It is not clear why the requested application of the provision could influence handlers' decisions with respect to becoming the responsible handler on farm bulk tank milk picked up and delivered by the cooperative association. Nevertheless, such application does, in fact, provide a clear line of responsibility and will remove the existing problems encountered under the current order in the accountability for milk because the cooperative association has not elected handler status on milk which it causes to be picked up and delivered to pool plants. Accordingly, it is adopted.

Local cooperative interests objected to any change in the handler status of cooperatives with respect to member bulk tank milk hauled in tank trucks owned or controlled by the cooperative. They contended that affixing the final responsibility on the cooperative for such milk if the receiving plant did not accept the responsibility would force them to bargain with the receiving handler to obtain a charge above minimum prices for services performed with regard to this milk. They further contended that if the final responsibility were fixed upon the cooperative, the order should specify a sufficiently higher price for this milk to assure the cooperative of being reimbursed for services performed, such as milk sampling and testing, and quality control.

In the presence of Federal regulation producers are guaranteed the minimum order prices for their milk. Therefore, it must be presumed that a cooperative's decision to haul its members' milk is made in the interest of operating efficiency, to retain effective control of the milk in the interest of maintaining or improving the cooperative's bargaining position with its buying handlers and/or to provide the flexibility of operation necessary to insure disposition of the milk in the highest available use. Prior to the advent of farm bulk tank handling each producer was generally associated with a specific handler or plant and normally his milk moved to that outlet regardless of the use (either fluid or manufacturing) by such handler. Farm bulk tank handling greatly increased the flexibility of marketing. For this reason many cooperatives have considered it essential that they control the hauling of their members' milk. As previously stated, under such circumstance it is the cooperative which controls the operation with respect to individual producer weights and tests. Accordingly, the cooperative must assume the role of responsible handler unless the operator of the receiving plant accepts responsibility of accounting for the milk on the basis of farm weights and butterfat tests of farm drawn samples.

When the cooperative acts as the responsible handler it is probable that it also performs some related services which otherwise the handler would necessarily perform at some cost over and above the order class price. Under usual circumstances it is to be expected that a cooperative controlling its milk supply would be able to bargain effectively with handlers for the cost of such services. Its ability in this regard is obviously dependent on the competitive market situation.

Because milk can move freely between regulated markets it is to be expected that as among the northeastern Federal order markets, producers, either individually or through their cooperative associations, will actively seek an outlet for their milk in that market where returns are greatest. Proprietary handlers, on the other hand, can be expected to seek out the most economical sources of milk supply. Hence any attempt to structure the cost of services rendered by local cooperatives into the pricing scheme of the Connecticut order could seriously hamper such cooperatives in the sale of their members' milk. When handlers purchase milk from each other they must reach a common understanding on the sale price if such sale is consummated. There is no apparent reason why cooperatives cannot be equally effective in their dealings with handlers. Notwithstanding the position of cooperatives in this matter, it is concluded that the best interest of producers will be served by continuation of the present pricing structure. Accordingly, the request to establish a premium over the Class I price to be paid by handlers on farm bulk tank milk for which a cooperative is the handler is denied.

4. *Definition and treatment of producer-handlers.* The definition and treatment of producer-handlers under the Massachusetts-Rhode Island order should not be modified on the basis of this record. The provisions of the Connecticut order should be modified only to the extent of permitting a producer-handler to purchase from outside sources, either pool or nonpool, nonfat dry milk solids for use in fortification of fluid milk products.

The Massachusetts-Rhode Island order provides, among other conditions, that a producer-handler may receive no fluid milk products except from his own production and pool plants under any New England Federal order. If his receipts from own production and total route sales each exceed 2,150 pounds per day during the month his receipts from New England order pool plants may not exceed 2 percent of his receipts from own production.

While the Connecticut order, with certain exceptions with respect to State-owned and operated institutions, limits a producer-handler's sources of milk supply to own production and fluid milk products transferred from pool plants, such a person is not limited with respect to the extent of his receipts from pool plants.

A number of proposals were made to change the producer-handler provisions in one or both of the orders. Certain of the proposals would provide that there be no separate treatment under the orders of producer-handlers in their capacity as handlers, but would provide instead an exemption from pooling of a handler's own farm production within prescribed volume limitations. Another proposal would permit producer-handlers to buy unlimited quantities of milk during the months of September through November.

Other proposals would amend the Massachusetts-Rhode Island order to (1) fully regulate producer-handlers above a specified size, (2) permit producer-distributors below a specified size to buy and sell milk to each other, and (3) exempt own farm production and permit unrestricted purchases from regulated sources. Still other proposals would amend the Connecticut order to (1) set a volume limitation of 75,000 pounds in any month which a producer-handler could buy from pool sources and retain his status, and (2) permit a producer-handler to purchase nonfat dry milk and cream for fortification and standardization purposes.

The status and treatment of producer-handlers under the Massachusetts Federal orders have been a consideration at numerous past hearings. The producer-handler provisions of the existing order, adopted on the basis of the record of the merger hearing held in January and February 1963, are substantially those previously contained in the separate Boston, Southeastern New England, Springfield and Worcester orders. The exemption of producer-handlers from the pooling and pricing provisions of the order is predicated on the self-sufficiency of the combined production, processing and distribution operation of such person. When such an individual ceases to be self-sufficient and relies on sources other than own production for any significant portion of his Class I needs his operation is, in fact, indistinguishable from that of handlers whose operations are fully regulated under the order. Appropriately, his treatment as a producer and as a handler then should be no different than that of other producers and of other regulated handlers.

When producer-handlers produce, process, and distribute their own farm production other producers do not share in their Class I sales. To the extent that producer-handlers acquire pool milk to supplement their own production producers under the order bear the full burden of carrying the necessary reserve supplies associated with such milk. To permit a producer-handler to purchase substantial, or unlimited quantities of supplemental milk would substantially eliminate the normal risks which are associated with a combined own production-distribution business. A producer-handler could aggressively seek additional Class I outlets without risking production expansion until the new outlets were assured. Under such an arrangement a producer-handler would be a continuing threat to orderly marketing and regular producers could experience a continuing loss of their Class I market to such individuals.

Certain producer-handlers complained of production costs and labor difficulties which they argued should be recognized through liberalization of the present order provisions to permit greater purchases of supplemental milk. They presented billings to substantiate their contention that supplemental pool purchases cost approximately $1 per hundredweight over the established order prices. It was their position that cost alone was an effective deterrent on purchases of such supplemental milk. They argued that the need for any significant purchases results from unusual and costly production problems, and that such a situation in conjunction with the cost of the supplemental milk would insure that a producer-handler would have no competitive advantage over pool handlers. They further argued that producer-handlers are severely penalized if they exceed allowable purchases by being required to pool their own production.

The production problems of producer-handlers are no different from those of producers who are equally beset with higher costs and labor problems. As previously stated producer-handler status is conditioned on the concept of self-sufficiency. It is not unusual that small lot, spot purchases command a substantial premium. However, there is no reason to conclude that purchases of significant quantities of milk on a regular basis would be any more costly to a producer-handler than to any other handler. Under any circumstance, premiums paid by a producer-handler for pool purchases do not accrue to producers as a whole, and hence such producers receive no compensation to offset the costs of carrying the necessary reserves associated with such milk.

Loss of producer-handler status in any particular month, or months, cannot be viewed as unreasonable since the individual's separate treatment as a producer and as a handler is identical to that of other producers and of other handlers. Further, status as a producer-handler is reestablished in the first month in which the operation returns to self-sufficiency.

The removal of the present basis for producer-handler exemption and the substitution therefor of a pool exemption of a limited quantity of a handler's own farm production was proposed as the most appropriate means by which regulatory treatment should be applied to operations of producer-handlers. However, there was no evidence that producer-handlers in the Massachusetts-Rhode Island market are adversely affecting the competitive position of either pool handlers or producers under

the existing regulation or that the proposed exemption of specific quantities of own farm production would in any way implement administration of the order, enhance overall producer returns or insure more orderly marketing.

The definition and treatment of producer-handlers under the Connecticut order differs from that under the Massachusetts-Rhode Island order in that the concept of self-sufficiency is not employed. Connecticut producer-handlers have had the opportunity to purchase unlimited quantities of fluid milk products from pool plants. However, they are restricted in that supplemental purchases for fluid use must be in the form of fluid milk products.

The basic difference in treatment of producer-handlers under the Connecticut order as compared to Massachusetts-Rhode Island primarily reflects the unique position which such individuals have historically held in the Connecticut market and the fact that they have not engaged in practices which would undermine or disrupt the local market.

The general tranquility which has existed in the market between producer-handlers, handlers and producers has been disturbed with the recent change in status of a very substantial handler from that of a pool handler buying all of his milk from producers and other pool handlers to that of a producer-handler. Connecticut producer interests made several attempts during the hearing to frame a proposal which would deny producer-handler status to this individual without affecting the status of any other producer-handler presently in the market. Their final suggestion in this regard was a proposed 75,000-pound limitation on the volume of fluid milk products which a producer-handler could purchase from pool plants during the month.

The record reveals no market instability or threat of market instability resulting from the change in status of this handler. While the precise size of his operation was not revealed it is apparent that he is one of the larger handlers in the market. It is also apparent that his own farm production is a relatively minor portion of his total fluid requirements. Based on information contained in the record it is estimated that his total Class I sales exceed 4 million pounds monthly and own farm production is about 700,000 pounds.

Since all pool purchases by a producer-handler are mandatorily classified as Class I under the terms of the order, own farm production must absorb any necessary reserve and Class II usage in his plant. Under the existing situation it is unlikely that the handler realizes any significantly greater return on his own farm production as a producer-handler than would be returned to him as a producer under the order since the average utilization of producer milk approximates 79 percent. There is, therefore, no apparent need at this time for the type of action proposed.

If such handler should in the future change his operation through substantial expansion of his production facilities while using pool purchases for the purpose of removing risks which otherwise would be involved in expanding production and distribution or for the purpose of balancing day-to-day and seasonal variations in supplies and sales, amendment of the producer-handler definition to embrace a self-sufficiency concept such as contained in the Massachusetts-Rhode Island order might appropriately be considered.

The University of Connecticut proposed that the order be amended to permit producer-handlers to purchase nonfat milk solids for use in fortification of fluid milk products and to purchase cream for use in standardization of fluid milk products. This proposal was based upon their own special need as a research and teaching institution as well as upon the need of producer-handlers in general.

The special need of the University is dealt with through special exemption elsewhere in this decision, and therefore, is not discussed further in this section.

At the present time a producer-handler's milk supply is restricted to own farm production and purchases of fluid milk products from pool plants. Hence, any fortification or standardization of fluid milk products on the part of producer-handlers must be done with products produced in their own plants.

The University spokesman pointed out that fortification of several of the fluid milk products is necessary from a competitive standpoint and that it is too costly for a producer-handler to maintain drying or condensing equipment for this purpose. However, he did not identify like problems with cream for standardization nor did he show any need in the market for allowing such a change.

It is concluded on the basis of this record that there is no need for any change in the order to allow for the purchase of cream for use in standardization of fluid milk products. On the other hand, it is recognized that fortification of certain of the fluid milk products may be essential for competitive survival and that current restrictions on the purchase of nonfat dry milk for fortification by producer-handlers may be unnecessarily burdensome. It is unreasonable to expect that a producer-handler could maintain drying equipment solely for the purpose of processing nonfat dry milk for fortification.

Since fortification, in fact, adds only slightly to the volume of product there can be no significant loss to the pool in permitting producer-handlers to purchase powder for this purpose. It would, of course, be inappropriate to permit producer-handlers to purchase powder for reconstitution purposes. Should such situation occur it is intended that loss of producer-handler status should result. As a pool handler such individual would then be required to pool his own farm production and make appropriate equalization payment on the volume of reconstituted fluid milk products.

5. *Classification and assignment provisions.* The proposal to change the fluid milk products definition in the Massachusetts-Rhode Island order to exclude any mixture of milk or skimmed milk and cream containing at least 10 percent but less than 16 percent butterfat from the definition should be denied.

Currently, the order provides that 50 percent of the quantity of any mixture of milk or skimmed milk and cream containing at least 10 percent but less than 16 percent butterfat is classified as Class II milk while the remaining 50 percent is treated as a fluid milk product classified as Class I. Under the proposal the 50 percent of any such mixture now classified as Class I milk would be placed in the Class II category.

A representative of New England Milk Dealers, Inc., testified that such a change was necessary to lower the cost of the product to handlers who would then be able to lower the selling price and thereby make the mixture more competitive with similar products using vegetable fats.

No specific evidence was presented at the hearing concerning the encroachment of competing products on the sales of the mixtures nor was any evidence presented concerning the competitive nature of the products other than a pricing advantage. In this regard, the representative testified that the raw product cost of the vegetable fat product was about 12 cents per quart while the raw product cost of a 12 percent butterfat product was about 25 cents per quart. He also stated that a change in the classification of the 50 percent quantity of the mixture remaining in Class I to Class II would reduce the raw product cost by about three cents.

Producers opposed any change in the classification of half and half on the grounds that a Class II classification is not compatible with the concept of the classified pricing scheme in that "half and half" is required by the appropriate health authorities to be made from milk and milk products received from approved sources of supply and that the product is sold in direct competition with other fluid milk products in Class I.

Market competition from a vegetable base (or any nondairy substitute) product is not an appropriate basis for determining the classification of a fluid milk product. Under the classification scheme employed under Federal orders the fluid milk products classified as Class I are those which are required by the appropriate health authorities in the marketing area to be made of milk products from approved sources. The extra cost incurred by producers in producing quality milk and in delivering it to market in the condition and in the quantity needed by the market necessitates a price for milk used for fluid uses somewhat above the price of milk used for manufacturing products. The higher price must be at a level which will provide sufficient incentive to producers through the uniform price to encourage the production of those quantities of milk needed for Class I plus the necessary reserve to cover daily fluctuations in market demand.

The existing split classification of half and half was adopted in recognition of the fact that consumers and commercial

customers (restaurants, etc.) could readily purchase fluid skim milk (Class I) and cream (Class II) and combine them to make half and half if there was an economic incentive to do so. The present pricing structure therefore was adopted in recognition of this competitive market situation. This record provides no basis for any change in the classification of "half and half" and the request to do so is denied.

The proposal to amend the Massachusetts-Rhode Island and Connecticut orders to include consumer packaged milk shake mixes as a fluid milk product should be denied.

Several producer associations proposed to substitute for the wording in the fluid milk products definition which excludes "ice cream mix, ice milk mix, and milk shake base mix" the words "frozen dairy product mixes." As brought out at the hearing the intended effect of such a word substitution was to include as a fluid milk product any milk shake mix that was packaged in a consumer container for consumption without any additional additives being used.

At the present time there are products on the market sold in consumer type packages the ingredients of which are essentially the same as milk shake base mixes sold to dairy stores, soda fountains and similar establishments and for which the orders specify a Class II classification. These products are considered the same as a milk shake base mix and therefore have not been considered a fluid milk product under the terms of the respective orders.

Although proponents contended that such products were in direct competition with chocolate milk, chocolate drink, and conventional milk shakes the record evidence does not indicate that this is the case. Rather, the empirical evidence cited by a handler's representative would indicate that there is little, if any, problem in this area. In addition, there was no evidence presented to show what the volume of sales of this product are nor how fast the sales are increasing.

Milk shake mix is a product that is quite comparable to ice cream mix. Apparently, because of this similarity the local health authorities in both Massachusetts and Connecticut have placed it in the same health category as ice cream. Since there is no requirement that the product be made from approved milk supplies it could be made in plants anywhere in the country and sold in the marketing area either directly on routes, through jobbers or grocery chains or through presently regulated handlers. Under such circumstances there would be insurmountable problems in order administration if such products were included within the fluid milk definition and classified as Class I milk. Accordingly, the request for the inclusion of such products in the fluid milk definition is denied.

The Massachusetts-Rhode Island order should be amended to clarify the assignment provisions as they apply to milk unfit for human consumption which is received from dairy farmers for salvage purposes only.

The assignment provisions provide that skim milk and butterfat in milk products other than fluid milk products received from dairy farmers shall be assigned to Class II. This wording was adopted to permit handlers to accept for manufacturing uses milk unfit for human consumption without including such milk in the pool.

It is recognized that a dairy farmer necessarily is confronted with a disposal problem when for some quality reason the handler cannot accept his milk in his normal operations. However, in Federal orders generally, milk which a handler receives directly from the farm at a pool plant is considered a receipt of producer milk. This presumes that if the applicable health department permits the milk to be received in the regular plant operation it does, in fact, have the necessary health approval. Nevertheless, it is possible that handlers operating separate manufacturing facilities which facilities may carry health approval to supply milk to the fluid market, can under certain circumstances utilize milk in such facilities which cannot be disposed of for fluid use. Under such circumstances there is no reason why a handler and a dairy farmer in the unfortunate circumstance of having milk unfit for human consumption should not be permitted to cooperate in the disposition of such milk for salvage purposes. However, appropriate safeguards must be provided both for the producer and the pool so that a handler cannot arbitrarily initially refuse to accept a producer's milk solely for the purpose of acquiring such milk outside the framework of the order for Class II use.

This can be appropriately accomplished by requiring that the milk must have been rejected at the farm in the course of normal pickup operations, segregated therefrom, and accepted by the handler only as salvage product rather than as milk. Further, the producer definition should be modified to specifically exclude a dairy farmer with respect to such salvage milk. These clarifications reflect no change from the present treatment of such milk under the existing order. Nevertheless, it is desirable that the provisions with respect to the treatment of salvage milk be stated in more explicit language to prevent any misunderstanding as to their application.

The Massachusetts-Rhode Island and Connecticut orders should be amended to provide a new basis of assignment with respect to receipts of bulk milk at pool distributing plants from plants fully regulated under another Federal order. To the extent that such receipts from other Federal order plants are not offset by similar shipments to such other Federal order plants or are not assigned to Class II by agreement, the orders should provide that such milk shall be assigned pro rata to classes of use. Such pro rata assignment should be made according to the lower of either the market average utilization as estimated by the market administrator or the utilization of the milk remaining in each class at all of the handler's pool plants but in no case should the quantities of butterfat and skim milk assigned to Class II milk exceed the respective quantities remaining in Class II at all of his plants.

The orders presently provide only for assigning such receipts in proportion to the respective remaining pounds in each class at all of the handler's pool plants. As pointed out by the cooperative proponents this procedure under certain circumstances allows producers associated with other Federal markets to share in the New England order Class I sales to a greater extent than do local producers. That is, local producers must bear an unduly large portion of the reserve supply burden because they share in the market sales at the market average utilization while other Federal order producers can share at a higher rate of Class I sales and thus bear a lower share of the reserves, depending upon the receiving handler's utilization.

The only situations that this amendment will affect are those in which a handler who operates a distributing plant has both Class I and Class II sales and receives part of his milk from producers under the order and part in bulk from other Federal orders. For these plants the reserve supply is included, in part, in the receiving market and in part in the shipping market. The present order provisions do not fully recognize this sharing of the reserve between local producers and other order producers since these provisions provide only for prorating bulk milk shipments from other Federal orders over the classes of utilization of the receiving handler. By assigning such Federal order receipts on the basis of either the marketwide or the handler's utilization, whichever results in the greater Class II assignment, the local producers will not be required to bear a disproportionate share of the reserve.

If the milk imported by a multiple plant handler is assigned only to the receiving plant's utilization, such assignment could reduce the handler's percentage of producer milk in Class I in his system to a greater extent than if assignment were applied over the whole system. Therefore, to prevent a multiple plant handler from discriminating against local producers by importing milk into his high utilization plant, assignments of interorder bulk milk should continue to be made over all utilization of milk at all the handler's regulated plants in the receiving market.

By limiting the quantity assigned to Class II to the actual quantity utilized as Class II by the receiving handler the order will not assess an additional cost on milk assigned to Class II in excess of a handler's own utilization in that class. It assures also that producers in the shipping market will have their milk classified as Class II in no greater quantity than that actually used by the handler to whom the milk was transferred.

In any month in which bulk milk is received in the market from another order market (without Class II agreement on the part of the handlers involved in the transfer) it will be necessary that the administrator in the shipping market know the classification of such milk on or about the date when handler reports

are due under that order. Because the reporting dates under orders are very similar, the administrator of the receiving market will generally not have complete information to compute his exact marketwide utilization of producer milk by the time the classification of a transfer is needed by the administrator in the shipping market. In fact, classification of the receiving market's producer milk will be dependent on the assignment of the other order milk. Since the administrator of the receiving market will have adequate information to assure an estimate very close to the actual marketwide utilization, it is provided that such estimate will be made, when necessary, and publicly announced to the nearest whole percentage and, for this purpose will be final.

In a situation where the local receiving plant and the other order shipping plant have moved bulk milk back and forth during the same month only transfers of milk between the two handlers which are not offset by an equal quantity of milk moved from the local handler to the other order handler need be considered. Such a provision is now provided in the order and should continue to apply.

6. *Class prices*—(a) *Class I price.* No change should be made with respect to the basic point of pricing under the respective orders; i.e., 201–210-mile zone under the Massachusetts-Rhode Island order and nearby zone under the Connecticut order. The factor 0.04041 used in the calculation of the New England dairy ration index component of the pricing formula should be revised to conform with revisions in the dairy ration price series for New England as reported by the Department of Agriculture. The contraseasonal pricing provisions should be removed from the orders and the scheme of adjusting the Class I price level in increments of 22 cents should be abandoned. The snubbing provision in the Class I pricing formula which holds the New England economic index price within a 5-cent range of the New York-New Jersey (Order 2) Class I price (before supply-demand adjustment) should be modified to permit a 13-cent variance between such prices, and the economic index should be floored at 115.89 through April 1968. Finally, the additional supplies and sales of the plants associated with the proposed area of extension should be excluded from the computation of the supply-demand adjustment factor and the supply-demand adjustment factor should be fixed at 0.99 through December 1967.

Various proposals which would revise the Class I pricing provisions under one or both orders were considered at the June 20–July 1, 1966, hearing. Such proposals would: (1) Provide for f.o.b. market pricing under the Massachusetts-Rhode Island market; (2) continue the present 21st zone pricing but raise the basic (21st zone) price by 7 cents; (3) provide for farm pricing of farm bulk tank milk with no plant hauling allowance; (4) provide a transition provision in the supply-demand adjustment mechanism to eliminate possible skew because of additional receipts and sales associated with the marketing area extension; and (5) adjust the base period factor used in the computation of the dairy ration index to conform with the Department's revision of the dairy ration price series.

Four regional hearings were held during the week of April 10, 1967, to consider Class I price levels under all but three Federal orders. The regional hearing held at Washington, D.C., during April 14–15, 1967, covered, among others, both the Connecticut and Massachusetts-Rhode Island markets. For the Massachusetts-Rhode Island market this was a limited reopening of the June 20–July 1, 1966, hearing.

On April 25, 1967, a decision based on the April hearing, set the prices in Massachusetts-Rhode Island and Connecticut at $6.35 and $6.82, respectively. In establishing such prices the Assistant Secretary recognized that several of the issues considered at the June–July 1966 hearing involved modifications of the Class I pricing formula and that a decision on these matters was still pending.

Proposals to amend the Massachusetts-Rhode Island order to provide for (1) f.o.b. market pricing and (2) continuation of the 21st zone as the basic point of pricing with a 7-cent upward adjustment in the basic price level were both directed to the same end; i.e., integration into the pricing scheme of a 7-cent reduction in differential pricing between the 21st zone and the nearby zone without affecting the price in the nearby zone. Proponents for nearby zone pricing contended that a substantial and continuously increasing proportion of producer milk was moving directly from the farm to city plants and hence prices appropriately should be announced f.o.b. market to reflect this situation and to facilitate price comparisons with prices under the Connecticut order.

Traditionally, the 21st zone has been the basic point of pricing in the Massachusetts-Rhode Island market and both producers and handlers customarily use the announced prices for the 21st zone in making price comparisons with the adjacent New York-New Jersey market. Also, about half the producer milk is still being received at country plants. Since the actions herein recommended will provide the identical pricing at each zone which would prevail under nearby zone pricing it is concluded that no change need be made in the basic point of pricing on the basis of this record. Nevertheless, to facilitate price comparisons between Federal orders generally, consideration should be given to the possible announcement of prices f.o.b. market under both the Massachusetts-Rhode Island and New York-New Jersey orders at any hearing called to review interorder price alignment as between these markets.

Proposals to price milk at the farm or milk house, to zone such milk house according to individual or town location based upon Boston or other suitable central points, and to provide that no deduction from the producer price be permitted for hauling or other related services by the handler were supported by a number of producers and by a cooperative primarily associated with the New York market. Little evidence was introduced relative to a need for such changes in the Massachusetts-Rhode Island or Connecticut markets.

The individual producers supported the proposals generally on the basis that such amendments would provide free hauling from farm to plant and, thus, would relieve to some extent the effects of rising production costs. This in itself is not a valid consideration for a change in the point of pricing. The prices established under the order are those concluded to be necessary to insure an adequate milk supply for the market. Should it develop at any time that a higher return to producers is required to achieve this end the matter of appropriate price level should be promptly considered at a public hearing. In this regard, on the basis of the reopened hearing held in Washington, D.C., on April 14–15, 1967, in conjunction with emergency hearings called to consider the Class I price level under Federal orders generally, the Class I price level was increased 20 cents effective May 1, 1967, and extending through April 1968.

The proponent cooperative contended that the proposal should be adopted on the more general grounds that it would solve many of the problems being considered at the hearing. The contentions, however, were based primarily on experience in the New York market with little consideration given to the actual effects of such provisions. On cross examination a representative of the cooperative admitted that they had not surveyed the markets involved to determine the need or the effects of adoption of their proposal on the local market. The request for such pricing is therefore denied.

One of the components of the economic index used in the computation of the Class I price under the New England orders is a New England dairy ration index. This is computed by dividing the monthly average price reported by the Department of Agriculture to have been paid by farmers in the New England region for 100 pounds of mixed dairy feed containing less than 29 percent protein by the factor 0.04041, which factor reflects the average price for such feed as reported by the Department of Agriculture during the years 1957–59.

The Statistical Reporting Service of the Department of Agriculture has now determined that the prices reported in recent years have not appropriately reflected the actual price paid by farmers purchasing bulk (unbagged) feed in quantity lots which is now the customary practice. They have, effective June 29, 1966, revised the basis for reporting such price and in addition revised the prices previously reported for the period January 1954 through May 1966.

Under the revised price series the average price per hundredweight during the period 1957–59 was $3.884 as compared to a price of $4.041 previously reported. It is necessary that the order be amended to reflect this adjustment to provide comparability between the base period price and the price as currently reported. Unless this is done the New England dairy ration index would have an unwarranted depressing influence on the Class I price level. In this regard, official notice is taken of the action of the Assistant Secretary effective July 22, 1966. (Determination of Equivalent Factor To Be Used in Computation of Price for Class I Milk.) (31 F.R. 10414.)

Official notice is taken of the amendments effective April 1, 1967, for the Massachusetts-Rhode Island, Connecticut, and New York-New Jersey orders which removed the seasonal Class I pricing provisions and provided in lieu thereof a take-out-pay-back (Louisville) plan for paying producers. Previously in these markets the seasonal price adjustments contained in the Class I pricing formulas provided the highest level of price for the months of October, November, and December, normally the shortest months of supply. To insure that the intent of the seasonal price adjustments could not be negated during these months by a downward movement in any of the Class I pricing components the New England orders contained a contraseasonal price provision which provided that the Class I price in November and December, respectively, could not be lower than the price in the preceding month.

Since the orders no longer provide for seasonality of Class I pricing and because, as hereinafter recommended, the bracketing scheme providing for Class I price adjustments in 22-cent increments is being removed from the orders, month-to-month Class I price adjustments in response to changes in the economic index factors or the supply-demand adjustment will not be substantial. Accordingly, the contraseasonal provisions of the orders will no longer serve any substantial purpose and appropriately should be removed to permit free action of the pricing formula.

Price alignment between the New England orders and the New York-New Jersey order must be given careful consideration in any modification of the New England Class I price formulas.

At the present time the New England Class I price formula employs a snubbing provision to keep the economic index price (price prior to supply-demand adjustments and bracketing) aligned with the New York-New Jersey price prior to supply-demand adjustments. This snubber allows a maximum 5-cent variation in the prices at that point. However, the final prices can vary by considerably more than 5 cents. For example, the average 1966 Class I price (21st zone) for the New England orders exceeded the similar price for New York-New Jersey by 31 cents. As these price differences increase there is increasing incentive for milk to move from the lower priced New York-New Jersey market to the higher priced New England markets.

Official notice is taken of the monthly statistical reports of the market administrators for the two markets for the months of June 1966 through February 1967. During the 12 months ending with February 1967, over 31.5 million pounds of New York-New Jersey pool milk were disposed to pool plants associated with the Massachusetts-Rhode Island marketing area. The monthly amounts have followed a general upward trend during this period, starting at 1.2 million pounds in March 1966 and ranging up to 4.5 million pounds in February 1967. It is apparent that this continuing upward trend in receipts of New York-New Jersey pool milk in the New England Federal order markets is the direct result of the pricing advantage New England handlers gain through the use of such milk.

Part of the problem of price alignment stems from the use of the bracketing system in the New England orders. Under this system if prices are in close alignment prior to bracketing they can, after bracketing, be out of alignment by as much as 11 cents, depending upon where the unbracketed price falls within the bracket system. In addition, a small movement of the unbracketed price can cause a movement of 22 cents in the final price.

Removal of the bracketing system would reduce the sharp increases or decreases in the final price and reduce the tendency for price misalignment. Therefore, the bracket system should be removed from the orders.

To implement the 7-cent adjustment in differential pricing hereinafter concluded to be necessary, appropriate adjustments must be made in the pricing formula. If no adjustment is made in the basic price, the Class I price level at city plants and returns to producers delivering to such plants would be decreased 7 cents. On the other hand, if no change is to be made in returns to producers delivering to city plants, the basic price level and returns to producers delivering to country plants would necessarily have to be increased by 7 cents.

In light of the Assistant Secretary's recent decision increasing the Class I price level by 20 cents on the basis of evidence presented at the reopened hearing there can be no further basis on the record for any change which would significantly affect total producer returns. Ideally, the 7-cent adjustment in differential pricing should therefore be integrated into the pricing scheme in a manner which would not change total producer returns. Currently, almost 50 percent of producer milk in the Massachusetts-Rhode Island order is priced at city plants. Accordingly, a 4-cent upward adjustment in the basic price level in combination with the 7-cent adjustment in differential pricing will result in a 3-cent reduction in the nearby zone Class I price. Total producer returns for the market, however, will remain virtually unchanged. This is concluded to be the most appropriate means of integrating the 7-cent adjustment in differential pricing into the pricing structure.

It is recognized that this procedure will necessarily effect a 3-cent reduction in the Class I price applicable at city plants under the Connecticut order and that 90 percent of the producer milk under that order is priced at city plants. However, because of the close interrelationship of the Connecticut and Massachusetts-Rhode Island markets it is not possible to maintain a higher city plant price under the Connecticut order than is applicable at Massachusetts-Rhode Island city plants. The Connecticut market is only 40 percent the size of the Massachusetts-Rhode Island market and milk from the latter market is equally available to the Connecticut market. Accordingly, there simply is no practical means by which this slight reduction in price can be prevented.

It is a coincidence that except for action of the present snubbing provision and the effect of bracketing, the Class I pricing formula would have provided an April Class I price of $6.35 which is the identical Class I price level established by the May 1, 1967 amendment. The New England economic index price, however, was 9 cents above the New York-New Jersey Class I price (prior to application of the supply-demand adjustor) established by such amendments.

To insure a Class I price of $6.39 it is necessary that the New England economic index be floored at 115.89 or 0.71 points above its April level. In addition, the snubber must be extended from the present 5 cents to 13 cents. This will insure an economic index price of not less than $6.455 which after supply-demand adjustment will provide a Class I price of not less than $6.39. The 115.89 floor on the economic index should run through April 1968. At that time the floor in the U.S. Wholesale Price Index in the New York-New Jersey Class I pricing formula as well as the price adjustment effected in June 1967, will expire and the pricing formulas of the respective orders could continue to operate. At this time it is not possible to appraise the interorder price relationship which would result. However, in this connection the principal cooperatives in the New England and New York-New Jersey markets have indicated their intent to review their respective pricing formulas with the expectation of an amendment hearing to provide a more integrated pricing scheme among these markets.

The supply-demand adjustment mechanism which is a component of the pricing formulas reflects the combined producer receipts and Class I sales of the two markets. Briefly, the experience for each of the second, third, and fourth preceding months, is compared with a base Class I percentage reflecting a 37-month market experience (determined annually at the beginning of each calendar year) adjusted by the weighted average utilization in the base year 1958. The result is expressed as a "percentage of base supply" and the economic index price is adjusted one percent for each 1.5 points deviation of the percentage of base supply from 100.

Without some adjustment in the supply-demand provision the current supply and sales data for plants being brought under regulation as a result of the decision could, unless the pattern is identical to the existing market, affect

the supply-demand factor of the formula and further adjust the Class I price. Since information with respect to such plants will not be available for any month prior to the effective date of the amending order; it is not possible at this time to reconstruct the supply-demand mechanism to accommodate the extended market.

It would be possible to specifically provide that supply-sales experience of plants being brought under regulation by this amendment be excluded from the computation of the supply-demand adjustment. However, it is recognized that the area extension may well prompt regulated handlers, who have also operated unregulated plants to serve the previously unregulated area, to change their operations by closing plants and consolidating routes.

The spokesman for the principal cooperative proponent for the area extension proposed that the effect of the supply-sales relationship change be minimized by compensation in the supply-demand adjustment mechanism. Under his proposal this would be accomplished by providing for statistical reporting for plants serving the area of extension 1 month prior to effective date of the full order. The supply-sales data for the two markets and the area of extension then would be used to calculate a current percentage of base supply identical with that resulting from the existing orders for such month by adjusting the "norm" (which reflects the average Class I utilization in the base year) to the extent necessary to accomplish this end. The "norm" thus computed would be used in all subsequent months in the computation of supply-demand adjustment.

The major problem with this suggestion is that the data for the trial month will not be available until after the month for statistical reporting is over and the Class I price for the next month is announced and in use. In addition, the compensating adjustment would have to be based on 1 month's experience which may or may not be representative. For example, if the seasonality of the production and/or sales differ from the seasonality used in adjusting the base percentages, the new "norm" would not be representative. Or, if the handlers make changes in their operations to include or exclude sales and/or production from the area after the expansion has taken place, the new "norm" would not be representative.

On the basis of this record there is no way to predict the adjustments that handlers may make in their operations after the area extension. Thus, the possible effect of the additional supplies and Class I sales associated with the area of extension on the supply-demand adjustor cannot be predicted. It is concluded therefore, that pending consideration of the matter at a subsequent hearing, when more adequate data are available, the supply-sales data of the plants brought under regulation as a result of the area expansion should not be reflected in the supply-demand adjustment. To insure against possible inappropriate action of the adjustor as a result of plant closings and/or route changes as a direct result of the area expansion the factor should be held at its present level (0.99) through December 1967. During this period data will be accumulated and can be used to properly appraise the possible impact of the overall effect of the area extension on supplies and sales. To this end the market administrator should separately announce the receipt and sales experience of plants presently regulated and, in addition, that for the expanded market as a whole.

(b) *Class II prices.* No change should be made with respect to the Class II price level under the respective orders on the basis of this record.

All of the northeastern Federal orders price surplus (reserve) milk on the basis of the average price for milk for manufacturing purposes, f.o.b. plants United States as reported by the U.S. Department of Agriculture adjusted to a 3.5 percent butterfat content basis. The resulting price is then adjusted seasonally in specified amounts under each of the respective orders. These seasonal adjustments increase the Class II price level in the New England markets on an average annual basis by 5.4 cents.

Proposals were made to increase the Class II price level, (1) by 5 cents during July through November, (2) by 4.2 cents in each month but only in the nearby plant zones, and (3) on an increasing scale from zero in the 21st zone to 9.2 cents in the nearby zone.

In support of their proposals proponents contended that a higher Class II price level was needed to provide price alignment with the Class III price under the New York-New Jersey market as it applies with respect to farm bulk tank milk. In addition, proponents for a higher Class II price in the nearby zones contended that a higher price in these zones would tend to deter handlers from the continuing practice of associating Class II milk with plants in the nearby zone. They pointed out that this practice is fostered under the present orders since much of the transportation associated with such movement of milk is subsidized from pool proceeds. Finally, proponents for a higher Class II price in the July–November period only, also argued that such price increases would moderately increase the blend price during such period and hence encourage more even seasonal production without affecting the marketability of the milk.

The appropriate level of pricing for reserve milk and the need for interorder price alignment under the northeastern Federal orders was considered at a hearing held in New York City during the period June 19–30 and July 10–August 2, 1961. The present Class II pricing provisions of the New England orders were promulgated on the basis of testimony presented at that hearing. In this regard, official notice is taken of the findings and conclusions of the Under Secretary as set forth in his decision of April 25, 1962 (27 F.R. 4115).

The conclusions of the Under Secretary in this 1962 decision with respect to price alignment were not contested in the hearing now under consideration except to the extent that it was argued that the desired price alignment was not, in fact, achieved between the New England markets and the bulk tank milk priced as Class III under the New York-New Jersey order.

A similar argument was advanced in the exceptions to the 1962 recommended decision and was answered by the Under Secretary in the final decision in which he stated "* * * a similar situation exists within the terms of New York-New Jersey order. Some handlers currently purchase their milk for Class III use f.o.b. the plant, while others purchase such milk in bulk tanks and pay the haul from the farm. The level of Class III prices adopted herein is related to Class II prices in the other northeastern markets for location of plants since this is the customary basis for pricing milk in all the markets, and even in the New York-New Jersey market the major portion of supplies are so priced. Any cost adjustment which may be appropriate in the New York-New Jersey market relative to bulk tank milk received at the farm may be considered in terms of proposed changes to the bulk tank provisions of the order."

The situation in this regard is unchanged and the conclusions of the Under Secretary in denying exceptions are equally appropriate to the current situation. Hence the request for recognition in Class II pricing under the New England orders of the costs to handlers under the New York-New Jersey order of bulk farm tank milk for Class III use, is denied.

A primary concern of proponents of a higher Class II price level is the volume of producer milk received at plants in the nearby zones which is disposed of for Class II use, and on which the transportation from farm to plant is substantially subsidized from pool funds. This subsidization results from the fact that the location differential on Class II milk received directly at nearby plants is +5.8 cents whereas the blend price differential is +4.7 cents.

Under usual circumstances there is no reason why milk should be transported substantial distances for Class II use. Milk not needed for Class I use can most economically be disposed of to manufacturing plants in the production area. If handlers demand producer milk for Class II uses at city plants they appropriately should pay the transportation cost involved to move such milk from the production area to their plants.

The situation in the New England markets is somewhat unusual, however, in that cooperative associations operate several manufacturing plants in the nearby zones. These plants were initially constructed to act as balancing plants for local markets when separate Federal regulation was provided in the Boston, Merrimack Valley, Springfield, and Worcester, Mass., markets. Under the combined order these plants continue to serve the combined market in essentially the same manner as under separate regulation. That is, milk which cannot be disposed of for Class I uses by the handlers who usually receive such milk is moved to these plants and principally is processed into nonfat dry milk and cream, the value of which is appropriately reflected in the present Class II price level.

It is not apparent from the record that cooperatives operating nearby manufacturing plants are seeking or have sought milk for manufacturing. Rather, such plants have functioned to promote orderly marketing by contributing to the orderly disposition of reserve milk in the market. A higher Class II price would probably place on the cooperatives operating such plants the additional burden of handling the reserve milk supply now manufactured by proprietary handlers since there is no evidence that milk disposed of for nonfat dry milk and cream could yield a higher return than the existing Class II price.

Under any circumstances, the proposed price adjustments considered at the hearing would do little to ameliorate the situation which proponents seek to correct. If proprietary handlers with city plants are demanding producer milk for specialized Class II uses, consideration might more appropriately be given to establishing a higher price for milk disposed of in such specified uses. The record of this hearing, however, provides no basis for such action. To the extent that handlers have associated milk with nearby plants and are diverting to country manufacturing plants, milk not needed for Class I use, the amendments adopted elsewhere in this decision which would price such milk at the plant of physical receipt, will eliminate any advantage which handlers have enjoyed through transportation savings on such milk.

7. *Zoning and zone differentials.* The Massachusetts-Rhode Island and Connecticut orders should be amended to provide that the Class I and blended prices applicable at nearby (city) plants shall be 40 cents per hundredweight above comparable prices for the 21st (201–210 miles) zone. The nearby plant zone under the Massachusetts-Rhode Island order (at which the plus 40-cent zone differential would apply) should encompass only the area within the States of Connecticut and Rhode Island and that part of Massachusetts which is within the farm location differential areas.

The zone differential schedule set forth in § 1001.62(d) should be revised to conform with the revision in the nearby plant zone and incorporate the receiving station allowance and fixed transportation costs into the rate schedule at the 15th (141–150 miles) zone.

Under the existing Massachusetts-Rhode Island order the nearby plant zone takes in the entire marketing area. It also includes the farm location differential areas which extend to a number of Vermont, New Hampshire, and Maine towns. Class I and blended prices within the nearby plant zone are at the city plant price; i.e., 47 cents above the announced 21st zone price. The receiving station allowance and fixed transportation costs are incorporated in the rate schedule at the nearby zone and the zone differentials from that point through the 21st zone vary at the rate of 1.2 cents per zone. Beyond the 21st zone the increment is at the rate of 1.0 cent per zone.

Prices under the Connecticut order are announced f.o.b. market and the nearby zone to which such prices are applicable extends to within 50 miles of Hartford. The receiving station allowance and fixed transportation charges are incorporated into the zone differential schedule at the 6th zone and the price for more distant zones is adjusted at the rate of 1.4 cents per zone.

Proposals were made to reduce the differential between zone 21 and the nearby plant zone from 47 cents to 40 cents in both orders. Also proposals, or modifications thereof, were made for the Massachusetts-Rhode Island order to establish more than one basing point for the purpose of applying location differentials; also to change the existing differentials between zones, the nearby plant zone definition, the point at which supply plant allowances are effective, and the point at which the variable transportation rate becomes effective. One proposal to modify the nearby plant zone definition in the Massachusetts-Rhode Island order to include all plants located within the 46-cent farm location differential area was conditioned upon the addition of Cheshire and Sullivan Counties to the marketing area. Since the inclusion of these counties is not being recommended, this proposal is not here considered.

The present zone differentials under the Massachusetts-Rhode Island order have been effective since October 1, 1964. The differential of 47 cents between the 21st zone and nearby zone price reflects a fixed transportation cost of 13 cents regardless of distance plus variable transportation costs of 1.2 cents per 10 miles distance; and plus additional costs of handling milk through country plants, as compared to direct receipt at the city, of 10 cents.

At the hearing both producer and handler interests concurred that the differential between city plant and country plant pricing was excessive in terms of present transportation and country plant operating costs. Since the application of zone differentials is intended to achieve a high degree of uniformity in prices to all handlers f.o.b. the market, it is necessary that such differentials reflect insofar as possible only the additional costs incurred in receiving milk first at country plants and moving it to the central market.

Handler and cooperative representatives both testified that with the essentially complete transition from can to farm bulk tank handling, the additional cost of receiving milk through country plants has been significantly reduced. The principal handler spokesman, whose company operates a number of country plants, testified that their actual costs in operating country plants were about 4.5 cents per hundredweight of milk as compared to the current allowance of 10 cents included in the present differentials. A reduction in the cost of operating country plants was further attested to by a representative of a cooperative association who stated that the average additional cost of operating eight of their receiving stations was 6 cents per hundredweight.

Information was placed on the record on actual transportation charges by independent haulers for over 186 million pounds of milk moved from 29 country plants to plants within 40 miles of Boston during the period July through November 1965. The weighted average cost varied from 24.53 cents for milk originating at plants in the 15th zone to 35.53 cents for milk originating at plants in the 25th zone. While there are some unusual variations in hauling costs as between zones of origin (for example, the charge from the 25th zone only slightly exceeded that from the 21st zone) the data generally substantiate a transportation cost of 34 cents from the 21st zone with an average 1.2-cent increment in cost from one zone to the next. Thus it must be concluded that the present 47-cent differential between the 21st zone and the central market appropriately should be reduced to 40 cents.

The 7-cent reduction reflects a 4-cent reduction in country plant costs from 10 cents to 6 cents and a 3-cent reduction in transportation costs. Since the evidence on hauling rates substantiates retention of the current variable rate of 1.2 cents per 10-mile zone, the 3-cent reduction in transportation costs must be associated with the fixed costs of transportation.

Under the present order the country plant charges and fixed transportation costs are added at the nearby zone. This scheme of applying location differentials has accommodated the past market structure since essentially all of the regulated distributing plants were located south of the Massachusetts-New Hampshire line, while the supply plants were generally located beyond the 14th zone. However, the extension of regulation into southern New Hampshire requires reappraisal of the point at which fixed transportation and country plant charges should be introduced into the schedule of differentials.

Various proposals were made relative to the construction of a location differential schedule reflecting a seven-cent reduction in differential pricing between the 21st zone and the central market. Proponents generally recognized that extension of regulation to southern New Hampshire presented a delicate pricing problem. If the presently defined nearby zone was left unchanged and the present scheme of applying location differentials was retained, essentially all of the New Hampshire handlers being brought under regulation would be required to account to the pool for their milk and pay their producers at the identical prices required of Boston based handlers. Because their plants are much closer to the primary milk supply of the market, however, there would be opportunity for these New Hampshire handlers to undercut the order prices by charging exces-

sive transportation in moving milk directly from farms to plants.

Handlers would be under considerable pressure to cut order prices in this manner since their alternative supply source would be upcountry supply plants and to the extent that the established differentials might exceed transportation and plant costs associated with procurement of country plant milk, the incentive would exist to drop producers in favor of supply plant milk. Producers, on the other hand, would be under strong pressure to accept excessive hauling charges in order to hold their local market as long as they received net returns at least equivalent to that which they would get if their milk were delivered to Boston. As a result, New Hampshire handlers would be able to obtain their milk at prices below the established order prices.

To insure appropriate pricing as between pool distributing plants located south of the Massachusetts-New Hampshire line and distributing plants north of this line which will become regulated as a result of the area extension hereinbefore proposed, the nearby plant zone should be reduced to encompass only the States of Connecticut and Rhode Island and the territory within the farm location differential areas within the State of Massachusetts.

This adjustment alone, however, will not fully accommodate the market structure under the expanded area. If the country plant and fixed transportation cost are incorporated into the zone differential schedule at the nearby zone, as at present, local New Hampshire handlers would be forced to rely on country plants for a milk supply since southern New Hampshire producers would receive higher returns shipping to plants in the nearby zone than they could obtain shipping to local New Hampshire dealers.

To avoid such a result the country plant and fixed transportation cost appropriately should be incorporated in the zone differential schedule at some point outside the area of local pool distributing plants but where they will be applicable for all country supply plants. This may be accomplished by adding such costs into the differential schedule so as to be applicable to plants located in the 15th zone and beyond.

Under this procedure all plants located south of the Massachusetts-New Hampshire line and within the farm location differential zones will have identical pricing. Plants located outside of this area but within 31 to 40 miles (4th zone) of Boston will have a location differential of 3.6 cents. For each successive 10-mile zone through the 14th zone the differential will increase 1.2 cents. At the 15th zone the revised country plant and fixed transportation costs of 6 cents and 10 cents, respectively, should be added making the total differential between the 14th and 15th zones 17.2 cents. The zone increments beyond the 15th zone should remain as at present; i.e., 1.2 cents through the 21st zone and 1 cent beyond. The total Class I price and blended price differential between the 21st and nearby zone would be 40 cents rather than 47 cents as at present.

This revision in the zone differential schedule will achieve a high degree of uniformity in prices to all handlers and appropriately reflect the costs of moving milk through supply plants to distributing plants throughout the market. Accordingly, producers and handlers, respectively, will be free to choose their market and source of supply without substantial influence from the variations in zone prices under the order.

Producers under the Connecticut order opposed any change in the zone differential structure. They argued that the continuing increase in the proportion of milk which is received directly at city plants under the Massachusetts-Rhode Island order supports an increase in the location differential, rather than a decrease. It was their position that excessive location differentials would cause handlers to make economic decisions to retain country plant operations. Since the opposite of this has resulted they contended that the present differentials must be considered inadequate.

These arguments fail to recognize that producers generally have a choice of markets. To the extent that city markets are available and provide greater net returns, producers can be expected to seek out such markets. Country plant operators, therefore, have a problem in holding producers unless they pay prices which result in equivalent returns to producers. With the flexibility in milk handling which resulted from the transition to farm bulk tanks, producer milk can be readily moved directly to the market when the producers receive a price advantage. For this reason there has been a continuing trend toward direct receipt at city plants.

In order to retain the interorder price alignment which has been found necessary in the past, the zone differential schedule in the Connecticut order must also be revised to reflect a 7-cent reduction in differential pricing as between the city and the 21st zone. This can be accomplished by reducing the differential for each zone beyond the nearby plant zone by 7 cents. This will result in a 19-cent differential for the 6th zone with an additional 1.4 cents being added for each successive zone beyond.

In order to accommodate to the change in the nearby plant zone in the Massachusetts-Rhode Island order which now will encompass zones 1 through 3 rather than 1 through 8, it is desirable that the Class II zone differential table be extended to include a variable rate for zones 4 through 8. No specific evidence was introduced in this regard but there was general testimony stating that the increment in zone differentials should reflect the variation in transportation costs.

Official notice is taken of the zone differential schedule set forth in § 904.7(c) of the Greater Boston order effective May 1, 1949, and of all subsequent amendments thereto. The nearby zone at that time included the area within 40 miles of Boston as compared to the area herein recommended of within 30 miles. The differentials for zones 9 through 40 were identical to those contained in the current order and it is therefore concluded that the differentials therein set forth for zones 5 through 8 may be adopted as appropriate differentials in the revised zone differential schedule. This leaves only the problem of an appropriate differential for zone 4. In this regard it is noted for zones 5 through 10 the differentials vary alternately by two-tenths and three-tenths of a cent. It is concluded therefore, continuing this sequence, that the differential for the 5th zone should exceed that of the 4th zone by three-tenths of a cent. This results in a 4.5-cent differential for the 4th zone.

8. *Farm location differentials.* The farm location differential provisions under the Massachusetts-Rhode Island order should be continued.

A proposal by an individual producer, supported by a number of other individual producers all of whose farms are located outside either of the specified farm location differential areas, would eliminate the farm location differentials under the Massachusetts-Rhode Island order. Proponent argued that he saw no reason why nearby producers should continue to receive "preferential" price adjustments under the order. A representative of a number of cooperatives having membership primarily, if not exclusively, among producers outside the farm location differential areas, indicated support of the proposal but offered no evidence to substantiate his position. He merely reaffirmed a position taken at previous hearings and indicated it would be repetitious to burden the record with the rationale of his position.

Farm location differentials represent plus adjustments of 46 cents and 23 cents per hundredweight to producers whose farms are located in specified "nearby" and "intermediate" areas, respectively. These adjustments which the nearby producers receive in their blend price are derived by making certain deductions from pool funds in the course of computing the announced "uniform" or "blend" price.[1] The additional returns to the nearby producers who are eligible for these differentials, thus, are monies which, in the absence of such differentials, would accrue through the blend price computation to all producers including more distant producers.

These relatively higher returns for milk customarily had been received by producers in the nearby areas prior to

[1] The basic blended price as announced by the market administrator is applicable for milk of 3.5 percent butterfat content received at plants in the 201–210-mile zone under the Massachusetts-Rhode Island order and in the nearby plant zone under the Connecticut order. It is subject to adjustments for variation in butterfat content of milk received, location of plant of receipt and farm location differentials. Because of these various adjustments the basic announced blended price is not in fact received by most producers under the order terms, but is instead, the starting point from which the blended price payable to each individual producer is computed.

the advent of Federal regulation. They were preserved in the original Boston license issued in 1933 and in the first marketing order issued in 1936 for the area by means of a form of preferential base plan which insured the retention of the relatively higher returns to producers in the nearby area which they customarily had received. The original license accompanied and was issued simultaneously with the marketing agreement voluntarily entered into between the Secretary and handlers under the original Agricultural Adjustment Act of 1933. The present structure of the farm location differential provisions, accomplishing the same purpose as the earlier base plan; i.e., to preserve these marketing differentials which had customarily been applied by the handlers in paying nearby producers, was adopted in the Boston order in 1937.

The farm location differential provisions were adopted to retain for nearby producers in the pricing structure of a marketwide pool under the order a relative position vis-a-vis upcountry producers comparable to that which they had held in the Boston market prior to the advent of Federal regulation and which had been continued under the base plan. Official notice is taken of the promulgation record and findings leading to the provisions adopted in the amendment to the Boston order effective August 1, 1937. The record showed that historically, "without any Government regulation producers on farms located within these distances (0–40- and 41–80-mile zones) over a period of years have been able to receive much more for their milk (than distant producers). This is due to the fact that their production is relatively even, and their milk is accessible to small dealers." It also showed that "if we should take away from these producers a differential that they have been able to get without Government regulation, they would have a legitimate objection that we are placing them at a comparative disadvantage as compared with producers more distant from the market."

At that time, the cost of operating an upcountry receiving and cooling station was 20 cents per hundredweight as compared with a cost of 5 cents for receiving milk from producers directly at a city plant, and the cost of furnishing cans for shipment of milk from country plants to the city was 3 cents per hundredweight. The cost of rail transportation from a plant in the 191–200-mile zone to Boston was 36 cents. Based on these transportation and country receiving station costs the Class I price charged under the order to a handler receiving milk directly at a plant in Boston was fixed at 54 cents per hundredweight more than the Class I price charged to a handler receiving milk at a plant in the 191–200-mile zone.

Based solely on these transportation and receiving station cost advantages, nearby producers presumably would have received a price of only about 54 cents more prior to regulation than the price received by upcountry producers in the 191–200-mile zone. In fact, however, the differential customarily and actually received by the nearby producers from handlers prior to regulation exceeded this 54 cents by at least 46 cents. For example, for the years 1927–30, nearby producers marketing milk to Deerfoot Farms of Southboro, Mass., received an average price $1.16 per hundredweight above that received by producers in the 191–200-mile zone. For the years 1923–32, local producers marketing their milk to the J. B. Prescott Co., of Bedford, Mass., received an average price $1.04 above that received by producers in the 191–200-mile zone. For the years 1920–30, nearby producers marketing their milk to H. P. Hood, Salem, Mass., received an average price $1.20–$1.30 above the price received by producers in the 191–200-mile zone.

Producers in the intermediate zone (41–80 miles) marketing their milk to Manchester Dairies, Manchester, N.H., in the intermediate zone during the 8-year period of 1929–36 received an average price of $2.482, 59 cents above that received by producers in the 191–200-mile zone. With similar receiving station costs and can charges in the intermediate and distant zones, only 24 cents of this differential can be accounted for in transportation savings.

Clearly, in the context of section 608c (5)(B)(ii)(a) of the Marketing Agreement Act of 1937, these greater returns for their milk, over and above just the transportation and receiving station costs, which nearby producers delivering to the Boston market had historically received prior to Federal regulation were, in the language of the statute, "market differentials customarily applied by the handlers." As a method of providing for them in the order they were translated into a 46-cent differential applicable to milk produced on farms located in the 0–40-mile zone and a 23-cent differential applicable to milk produced on farms in the 41–80-mile zone. Inasmuch as these greater returns for milk were directly related to geographical source, it was considered that these differentials were also adjustments based on "location" and within the meaning and context of section 608c(5)(B)(ii)(c) of the Act.

For whatever reasons the nearby producers historically had received preferential price treatment in the Boston market, it was found necessary to preserve for nearby producers a relative position comparable to that they had historically held in the market so as to provide "a fair and reasonable method of distributing to producers the proceeds of sales of milk to handlers,"[2] promote orderly marketing of milk in the Boston area, and prevent disruption in the normal supplies of milk for the Boston area and thus tend to effectuate the declared purposes and policy of the Act.

When each of the secondary New England markets and the Connecticut market were subsequently brought under Federal regulation these same customary higher returns for milk produced near the centers of concentrated population were found to exist and were preserved for nearby producers in these orders also in a manner identical with the Boston order provisions. In this connection, official notice is taken of decisions of the Secretary with respect to the promulgation of the Connecticut order (24 F.R. 1049) the former Springfield, Mass., and Worcester, Mass., orders (14 F.R. 7085 and 7097), and the Southeastern New England order (23 F.R. 8225). Upon the merger of these three New England orders, and the Boston order, into the Massachusetts-Rhode Island order in 1964, the historic differentials which had been provided in each of the individual orders were continued, insofar as possible, in the consolidated order.

The farm location differentials in the Massachusetts-Rhode Island order thus represent the additional returns for milk which were customarily received by nearby producers prior to regulation. These order provisions preserve, insofar as possible, the long-established status quo in relative returns of nearby producers, vis-a-vis upcountry producers. They are "adjustments" in the uniform pricing provisions. Clearly, the business decisions of nearby producers have been influenced over the years by the higher returns provided by the application of these nearby differential provisions.

The proponents' contention that the farm location differentials should be removed from the Massachusetts-Rhode Island order was not supported by facts showing that these provisions contributed to, or resulted in, disorderly marketing conditions, that they impeded or impaired the supply of milk in the marketing area or were otherwise not in the public interest. In this connection, it should perhaps be noted that the adjustments in transportation rates, hereinbefore recommended, would in fact reduce somewhat the relative returns to the nearby producers. Also it should be noted that over the years the relative importance, or impact, of the nearby differentials has been diminished in that absolute price levels have increased substantially, whereas these differentials have remained unchanged.

In view of these considerations, the present record does not provide an adequate justification or substantial basis for deletion of the farm location differential provisions from the order. Therefore, this proposal is denied.

Official notice is taken of the fact that, subsequent to the closing of the record of this hearing, several Vermont producers on December 27, 1966, filed an action in the U.S. District Court for the District of Columbia, on behalf of themselves and allegedly all other producers similarly situated, challenging the legality of the farm location differential provisions (Section 1001.72) of the order. This action styled as Russell Allen, et al. v. Orville Freeman (Civil Action No. 3379–66) sought to enjoin the enforcement of these provisions, together with a declaratory judgment holding such provisions to be illegal and not within

[2] Finding No. 2, order dated July 27, 1937, approved by the President July 27, 1937 (2 F.R. 1566).

the authority of the Agricultural Marketing Agreement Act of 1937, as amended.

Plaintiffs in this action are producers who are not eligible by virtue of the location of their farms to receive the differentials. Following a hearing, the Court issued a preliminary injunction on January 16, 1967, enjoining the payment of farm location differentials in accordance with the provisions of the order and requiring that the amounts of such differentials be held in a special escrow fund pending final resolution of the case on the merits.

Thereafter, upon motion by the Government, consented to by plaintiffs, the Court modified the terms of the preliminary injunction on March 17, 1967, to allow payment to the "nearby" producers of that portion of the differentials which was and would be attributable to the marketing of their milk regardless of the final disposition of the case. The remainder of the amounts of the differentials, together with monthly accruals, are being held in escrow.

On May 24, 1967, after a hearing, the Court granted plaintiffs' motion for summary judgment on the authority of Blair, et al. v. Freeman, 370 F. 2d 229 (CCA. DC., 1966). A final order was entered in the action on June 15, and the time for taking an appeal has not been exhausted. In its memorandum of May 24, 1967, the Court stated simply that the Blair decision was authority for the ruling on the plaintiffs' motion.

In the Blair case, several Pennsylvania producers who did not receive the differentials successfully challenged provisions of the New York-New Jersey Milk Marketing Order which provided for location differential payments on milk produced at specified locations near the markets.

Plaintiffs in the Allen case relied primarily upon the decision in the Blair case to support their allegations. The Government's position presented to the district court was, inter alia, that the Blair decision was confined in its application to the provisions of the New York-New Jersey order and was not applicable to the Massachusetts-Rhode Island Marketing Order. Additionally, the Government argued that the prior decision in Green Valley Creamery, Inc., v. United States, et al. (108 F. 2d 342), decided by the Court of Appeals for the First Circuit on December 15, 1939, was dispositive of the issues presented.

In the Green Valley case the Court of Appeals for the First Circuit upheld the legality and propriety of identical farm location differential provisions in the then Boston order. It was subsequent to, and substantially in reliance upon, this decision that farm location differential provisions were considered to be legal and proper for inclusion in other New England orders. Three of these orders containing identical provisions were merged with the Boston order on August 1, 1964, to become the Massachusetts-Rhode Island order.

As previously stated herein, farm location differential payments have been effective in New England milk orders for over 30 years. They have been and are an integral part of the pricing and market relationships in these areas. Further, and as hereinbefore stated, upon consideration of the facts presented in this and previous hearings no substantial justification for deleting these provisions from the Massachusetts-Rhode Island order has been demonstrated. It is our considered judgment that the facts presented to the Court in the Blair case as they related to the New York-New Jersey Marketing Order are distinguishable from the facts in issue in the Allen case as they related to the Massachusetts-Rhode Island Marketing Order, and further, that the legal issues presented by the two actions are equally distinguishable.

In this connection, we continue to hold the view that the validity of the farm location differential provisions of the expanded Boston order was affirmatively adjudicated in the Green Valley decision supra. It is our interpretation of the decision of the Court of Appeals for the District of Columbia Circuit in the Blair case that it was limited to the validity of the provisions of the New York-New Jersey order. This interpretation is confirmed by reasons stated in the Court's decision itself.

We do not, of course, by our present findings in the matter intend to ignore or circumvent in any way the recent decision of the District Court in the Allen case. In the present circumstances and pending final disposition of the Allen case in such appellate proceedings as may be taken, in furtherance of our authority and responsibility under the Act we are constrained to state our full views in this matter.

It was proposed and generally supported that the town of Arundel, Maine, be included in the 23-cent farm location differential area under the Massachusetts-Rhode Island order since it had been inadvertently omitted at the time that these differential areas were defined in the order.

In conjunction with the consolidation of the Boston order with three other New England orders to form the Massachusetts-Rhode Island order the method for determining boundaries for the nearby farm location differential areas was changed to facilitate administration of the order. Prior to consolidation the nearby differential areas were defined by the use of "40-mile" and "80-mile" airline arcs measured from specified locations. Upon consolidation it was concluded that the use of long-established, well-known, and readily ascertainable political boundaries would provide a less burdensome procedure for determining a producer's eligibility to receive farm location differentials than would the use of airline arcs.

In determining the cities and towns to be included in the two areas, the "40-mile" and "80-mile" airline arcs previously defined were used as a starting point. All of the cities and towns falling wholly within either of the arcs were included in the proper zone. In addition, certain cities and towns which were intersected by the arcs were included in their respective zones. However, cities and towns intersected by the "80-mile" arc were included only if the arc encompassed one or more farms that had recently delivered milk to the Boston market.

In determining the additional towns and cities to be included in the 23-cent differential area the town of Arundel, Maine, was inadvertently overlooked although it would have qualified for inclusion. The name of the town of North Kennebunkport had been changed to Arundel at some time prior to the determination but this change was not reflected on the maps used by the determining authorities. As a result, North Kennebunkport was shown as one of the intersected towns rather than Arundel. At the time of this determination there appeared to be no Boston market producers located in North Kennebunkport but this was only because the producer locations in the town were listed as being in Arundel.

There was at least one producer in the town of Arundel who was located within the prescribed "80-mile" arc and who was associated with the Boston market at the time of the consolidation. Since this would have qualified the entire town of Arundel at that time this oversight should now be corrected and Arundel should be added to the list of towns and cities included in the 23-cent farm location differential area.

The 46-cent farm location differential area defined in the Connecticut order should not be extended to include that portion of Columbia County, N.Y., now included in the 23-cent defferential area.

The present 46-cent nearby location differential area includes all the territory in the States of Connecticut and Rhode Island, that portion of New York State lying east of the Hudson River and south of the Berkshire section of the New York State Thruway, and that portion of Massachusetts lying south of the Massachusetts Turnpike. The 23-cent nearby location differential area includes that portion of New York State east of the Hudson River, north of the Berkshire extension of the New York State Thruway and south of the northern boundaries of North Greenbush, Sand Lake, and Stephantown townships in Rensselaer County, and that portion of Berkshire County, Mass., north of the Massachusetts Turnpike.

The proposal to extend the 46-cent farm location differential to include the remaining portion of Columbia County, N.Y., was made by a group of producers whose farms are located in that area. Of the 21 farmers located in this area, 19 are producers, for the Connecticut market and supported this proposal.

The farm differential areas in Connecticut are delineated by a use of both political boundaries and natural topographical features. The boundaries were drawn in a manner thought to best integrate the pricing of milk in this market with that of adjacent Federal order markets; i.e., to minimize incentives for shifting of supplies among markets except in response to differences in market demand as reflected in the respective basic blended prices.

The northeast corner of Columbia County, N.Y., was excluded from the 46-cent differential area on the understanding that the New York Thruway was a natural boundary which deterred ready access to the Connecticut market. When such natural boundaries are used producers whose farms are adjacent but are located on different sides of the line receive different returns, even though mileages are identical from the central market.

On the basis of the record it is clear that milk in this small area is produced almost exclusively for the Connecticut market. Further, several of the producers' farms are traversed by the thruway so that part of a farm is in the nearby 46-cent farm location differential area and part in the intermediate 23-cent area. In addition, the milk of all of these producers is picked up at the same time and in the same loads as other producers south of the thruway. This is accomplished by numerous crossings of the thruway during the course of loading a truck, to the end that the milk of producers north of the thruway is regularly delivered to the same handlers in the market, at the same time, and in the same trucks as producers located in the present 46-cent zone.

There are 19 producers for the Connecticut market whose farms are located in Columbia County north of the thruway. One of these producers began shipping milk to the Connecticut market in June of 1957 and another in May of 1959. (The order became effective Apr. 1, 1959.) The record does not indicate when the remaining 17 first became associated with the Connecticut market. While the record of this hearing clearly establishes that the thruway does not impede the delivery of milk from this area of Columbia County to the Connecticut market, it cannot be concluded that the thruway is an inappropriate boundary between the 46-cent and 23-cent farm location differential areas.

The purpose of these differentials was to maintain returns to nearby producers in the same relative position with respect to returns of more distant producers which had historically prevailed prior to Federal regulation. There was no showing that the existing boundaries have not accomplished the objective.

9. *Payments to producers and cooperative associations.* The Massachusetts-Rhode Island order should be amended to provide that handlers shall pay a cooperative, in its capacity as a handler pursuant to § 1001.9(d) or as the operator of a pool plant, at the same time and at the same rate as such handlers are required to pay producers. The proposal to increase the rate of advance partial payment to producers to 50 cents below the administrator's announced estimated blend price should be denied.

The Connecticut order should be amended to provide that producer-handlers shall pay for milk received from a cooperative association, in its capacity as the operator of a pool plant, at the same time and at the same rate as other handlers are required to pay such an association for milk so received.

Proposals were made by the New England Milk Dealers Association, Inc., and by a cooperative association that would require handlers under the Massachusetts-Rhode Island order to pay cooperative associations in the same manner as they are required to pay individual producers. The cooperative association also proposed that the advance partial payment to producers or cooperative associations for milk received from them during the first 15 days of the month be at a rate not less than 50 cents below the market administrator's announced estimated blend price.

When cooperative associations act as handlers and assume the responsibility for the producer's milk at the farm as is recommended under specified circumstances elsewhere in this decision they also assume a unique role under the order. That is, they are responsible for payments to producers for milk received from them during the month even though they do not operate a plant. The producers, of course, expect to receive payment within the dates specified in the order, but presently the associations have no means other than bargaining power to collect the money owed for this milk by those dates from the handler who actually used it. As a result, when circumstances prevail that weaken its bargaining position the cooperative association can be put in the position of involuntarily financing a handler's purchases through its producer-members. In such a situation the very purpose of the order of assuring proper and timely payments to producers is defeated and disorderly marketing could result.

It is possible that certain arrangements may be made between the handler and the cooperative which might circumvent the provision proposed to be adopted, and yet be legal. However, such a provision would still be an aid to effective administration in that any arrangement made between the cooperative and the handler for payment at less than the appropriate order prices or in some unusual manner or at dates later than those specified in the order would have to be in the open, and have been agreed to by both parties. Under the present arrangement there need be no formal agreement but only the unilateral action by the handler in failing to make proper payment on time. It is concluded that adoption of the proposal requiring timely payment by handlers at not less than order prices will promote orderly marketing and will provide for more effective order administration.

At the present time handlers are required to pay each producer on or before the 5th day after the end of each month for the approximate value of milk received from him during the first 15 days of the month. This payment may not be at less than the applicable zone Class II price for the month.

A producer receiving only the Class II price as a partial payment is in fact extending to the handler a certain amount of credit until the final payment is made by the handler, which is not required until the 20th day of the month following the month in which the milk is delivered. The amount of credit in such cases is equal to the difference between the advance payment and the applicable blend price. Under normal circumstances the amount of credit extended is relatively small and probably unavoidable since the actual blend prices are not available by the fifth of the month following delivery.

The record evidence does not reveal any substantial problems resulting from the current level of partial payments. Moreover, the lack of widespread support by producer representatives of this proposal indicates that there is no great need for specifying higher required rates of partial payments at this time. Therefore, the proposal is denied.

A proposal was made by local Connecticut cooperatives which would require producer-handlers to pay for milk received from a cooperative association, in its capacity as the operator of a pool plant, at the same time and rate as is required of other handlers. At the hearing a representative of the Connecticut Milk Producer Dealers Association testified that his association was agreeable to such a proposal.

Presently handlers and buyer-handlers under the Connecticut order are required to make payments for milk received from a cooperative association, in its capacity as the operator of a pool plant, by specified dates and at the applicable class prices adjusted by the zone price and butterfat differentials while producer-handlers are exempt from such requirements. In the interest of assuring orderly marketing through the equitable treatment of handlers and assurance of payments for producers' milk supplies from a cooperative's pool plant, producer-handlers should be required to make the same payments and by the same dates as other handlers are required to pay in similar circumstances.

10. *Miscellaneous and administrative provisions—Reclassification of ending inventory.* The Massachusetts-Rhode Island order should be amended to provide that the reclassification charge on fluid milk products included in a plant's ending inventories which were classified and priced as Class II milk in the previous month but which are reclassified as Class I in the current month shall be computed at the zone prices for the same zone location as would have been used had such milk been originally classified and priced as Class I.

When ending inventory is classified as Class II and subsequently reclassified as Class I a charge at the difference between the previous month's Class II price and the current month's Class I price is made on the amount of opening inventory which is assigned to Class I in the current month. This procedure is designed to assure equal product cost among handlers for milk disposed of in Class I.

At the present time the order provides that the prices used in computing the pool payment on beginning inventory that has been reclassified as Class I shall be the prices for the zone location of the

plant for which the value is being computed. Under this provision when milk received at a nearby plant from a country plant is held in inventory as Class II and is reclassified as Class I milk in the current month, the value attached to such reclassified milk is higher than would have been attached to it had the plant involved claimed all the preceding month's ending inventory as Class I, or if only one plant were involved.

Under the order the operator of the shipping plant is held responsible for the milk at the price applicable at its zone location. While the operator of the receiving plant has no pool obligation on the milk, he must, of necessity, incur the cost of moving the milk to his plant. However, when part of this milk so shipped is included as ending inventory at the transferee plant and classified as Class II, but is subsequently assigned to Class I milk in the current month, the order requires a reclassification charge which provides the same total Class I obligation on such milk as though it had been initially received from producers directly at the transferee plant. In other words, the milk is normally priced at the location of the shipping plant when originally classified as Class I or Class II, but, when it is reclassified as Class I milk as part of the current month's beginning inventory it is priced at the location of the receiving plant. Therefore, the receiving handler is responsible to the pool for such reclassified milk at the same rate as would have been applicable had the milk been delivered directly by producers to his plant. In such case the handler incurs an added cost for which he receives no return. The result of this is to create unequal costs to handlers for this volume of reclassified inventory milk, depending upon the manner in which different handlers treat their ending inventories.

In order to avoid any unequal pricing to handlers on inventory milk that is reclassified and priced as Class I and to provide that the producers, through the pool, do not receive additional money through inequitable pricing of such milk, the point of pricing for opening inventory milk reclassified as Class I should be changed to the point at which such milk would have been priced as Class I milk in the preceding month.

Statements to producers. The Massachusetts-Rhode Island order should be amended to make clear that the butterfat differential value is part of the required information to be shown by handlers on their statements to producers.

In making required payments to producers, handlers currently are required to furnish each producer with a supporting statement which must show, among other things, the minimum rate or rates at which payment to the producer is required by the order. It is desirable that the producer have this information readily available to him in order that he be able to check his payment for accuracy as well as to make valid price comparisons with other potential outlets for his milk. The butterfat differential by which the rate of payment is adjusted to the butterfat content of the producer's milk is a necessary part of these computations and should be shown on his supporting statement.

Monthly reports of receipts and utilization. The Massachusetts-Rhode Island order should be amended to provide that the handlers' monthly reports of receipts and utilization be filed on or before the 8th day after the end of the month or not later than the 10th day if the report is delivered in person to the office of the market administrator. In conjunction with this change the order should also be amended to allow the market administrator until the 13th day of each month to announce the zone blended prices.

Currently the order provides that all such reports must be filed on or before the 8th day after the end of the month, without any special provision for reports delivered in person. It also provides that the market administrator shall announce the zone blended prices by the 12th day of each month.

Proponent of the proposal to allow personal delivery of the report by the 10th contended that its adoption was necessary to allow handlers with large operations sufficient time to prepare these reports when weekends and holidays intervened. He also proposed that the market administrator be allowed until the 14th day of each month to announce the zone blended prices. This was to allow for the later date of receipt of some reports as a result of the change to the 10th day for personally delivered reports.

For handlers with substantial operations the deadline of the eighth as now set does require extensive extra work when holidays or weekends fall toward the end of this 8-day period. It is possible to decrease this burden without adversely affecting the interest of producers or handlers generally by extension of the deadline for hand delivered reports to the 10th day.

Major opposition to the change came from one handler who contended that such a change resulting in a blend price announcement on the 14th, would not allow him sufficient time to prepare his producer payroll and make producer payments by the required date. In this regard, the market administrator stated that since mailed reports were many times not received before the ninth, setting the final date as the 10th for personally delivered reports would require only 1 additional day for him to make the necessary pool computations. Therefore, allowing him until the 13th to announce the zone blended prices would provide adequate time.

It is concluded that provision should be made for personal delivery of the handler's report on or before the 10th day after the end of the month and for announcement of zone blended prices by the market administrator by the 13th day of each month.

Reports of dumping. The Connecticut order should be amended to allow the exclusion of Sundays and legal holidays applicable at the location of the reporting plant from the time limit for the filing of reports pertaining to dumping not witnessed by the market administrator. Also, the 48-hour limit now in the order should be changed to the more general term of 2 days.

The Connecticut Milk Dealers Association asked that the exclusion of Sundays and legal holidays be allowed on the grounds that getting the report prepared and signed on these normally nonworking days was nearly impossible within the 48-hour limit and it therefore created a hardship on affected handlers. In discussion of this proposal it was also determined that making the exclusion of legal holidays applicable at the plant location would avoid any confusion on what holidays were excluded since the plants could be located in different States. It was also determined that changing the 48-hour limit to the more general term of 2 days would be a more reasonable time limit to meet.

No opposition was voiced with respect to these proposals and since they would reduce the problems encountered by affected parties without reducing the effectiveness of the order they should be adopted.

Marketing service. No change should be made in the marketing service provision of the Connecticut order.

Currently, the order requires that the market administrator provide certain marketing services for producers, such as verifying the weights and tests of producer milk and dissemination of market information. The cost of these services is borne by the producers. Where a cooperative association is determined by the Secretary to be performing these services for its member producers, such producers are not subject to the marketing service deduction.

A proposal was made to exempt from the marketing service deduction a producer who is not a member of a cooperative association but who during the past 12-month period had total milk production in excess of 5 million pounds, is currently producing at that rate, and delivers all of his production to one handler. It was proponent's contention that a producer meeting these standards normally provides such services on his own and that the marketing service program is merely a duplication of the producer's own services.

A marketing service program cannot be efficiently operated and maintained if the scope of the service is made subject to the consent or withdrawal on the direction of each nonmember producer involved. Nor would such a condition contribute to the fulfillment of the statutory requirement of uniformity in price to regulated handlers if the important functions of accurate butterfat testing and verification of weights were, in effect, left to the choice, by negotiation or otherwise, of either the producer or the handler. Such a provision, when included in an order, must be such as will accomplish the full range of objectives both as to producers (members and nonmembers alike) and as to the maintenance of uniform minimum prices among handlers. Therefore, the proposal is denied.

Miscellaneous and conforming changes. Proposals to delete the obsolete transition language currently contained in the Massachusetts-Rhode Island order should be adopted.

At the time of the merger of the four New England markets in 1964 certain language was contained in the resulting Massachusetts-Rhode Island order to provide an orderly transition from the individual orders to the single order. Such language has now served its purpose and is no longer affecting any of the order operations, therefore, it should be removed.

Other changes in the orders which are not specifically discussed are conforming changes necessary to implement the conclusions previously set forth herein.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreements and the orders, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing areas, and the minimum prices specified in the proposed marketing agreements and the orders, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreements and the orders, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, marketing agreements upon which a hearing has been held.

Recommended marketing agreements and orders amending the orders. The following order amending the orders as amended regulating the handling of milk in the Massachusetts-Rhode Island and Connecticut marketing areas is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreements are not included in this decision because the regulatory provisions thereof would be the same as those contained in the orders, as hereby proposed to be amended:

Amendments to Massachusetts-Rhode Island order provisions.

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GENERAL DEFINITIONS

§ 1001.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 1001.2 Massachusetts-Rhode Island-New Hampshire marketing area.

"Massachusetts-Rhode Island-New Hampshire marketing area," referred to in this part as the "marketing area," means all territory within the places listed below, all waterfront facilities connected therewith and craft moored thereat, and all territory therein occupied by any governmental installation, institution, or other establishment:

MASSACHUSETTS

COUNTIES

Barnstable.
Bristol.
Dukes.
Essex.
Norfolk.
Plymouth.
Suffolk.

CITIES AND TOWNS

Agawam.	Milford.
Arlington.	Millbury.
Ashland.	Millville.
Auburn.	Natick.
Ayer.	Newton.
Bedford.	Northampton.
Belmont.	Northborough.
Billerica.	North Reading.
Blackstone.	Oxford.
Boylston.	Paxton.
Burlington.	Princeton.
Cambridge.	Reading.
Charlton.	Rutland.
Chelmsford.	Sherborn.
Chicopee.	Shrewsbury.
Clinton.	Somerville.
Dracut.	Southborough.
Dudley.	Southbridge.
Easthampton.	South Hadley.
East Longmeadow.	Spencer.
Everett.	Springfield.
Fitchburg.	Sterling.
Framingham.	Stoneham.
Gardner.	Sutton.
Grafton.	Tewksbury.
Holden.	Tyngsborough.
Holliston.	Upton.
Holyoke.	Wakefield.
Hopedale.	Waltham.
Hopkinton.	Watertown.
Lancaster.	Wayland.
Leicester.	Webster.
Leominster.	Westborough.
Lexington.	West Boylston.
Littleton.	Westfield.
Longmeadow.	Westford.
Lowell.	Westminster.
Ludlow.	Weston.
Lunenburg.	West Springfield.
Malden.	Wilbraham.
Marlborough.	Wilmington.
Medford.	Winchester.
Melrose.	Woburn.
Mendon.	Worcester.

NEW HAMPSHIRE

COUNTIES

Belknap.	Rockingham.
Hillsboro.	Strafford.
Merrimack.	

CITIES AND TOWNS

Ashland.	Keene.
Bridgewater.	Marlborough.
Bristol.	Nelson.
Dublin.	Plymouth.
Harrisville.	Roxbury.
Holderness.	Sullivan.
Jaffrey.	

RHODE ISLAND

All cities and towns except New Shoreham (Block Island).

§ 1001.3 Route disposition.

"Route disposition" means distribution of Class I milk by a handler to retail or wholesale outlets, which include vending machines but do not include plants or distribution points. The route disposition of a handler shall be attributed to the processing and packaging plant from which the Class I milk is moved to retail or wholesale outlets without intermediate movement to another processing and packaging plant.

DEFINITIONS OF PERSONS

§ 1001.5 Person.

"Person" means any individual, partnership, corporation, association, or any other business unit.

§ 1001.6 Secretary.

"Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 1001.7 Producer.

"Producer" means a dairy farmer who produces milk which is moved, other than in packaged form, from his farm to a pool plant, or to any other plant as diverted milk. The term shall not include:

(a) A producer-handler under any Federal order;

(b) A dairy farmer with respect to milk which is considered as a receipt from a producer under the provisions of another Federal order;

(c) A dairy farmer for other markets;

(d) A dairy farmer who is a local or state government and has nonproducer status for the month under § 1001.26(c); or

(e) A dairy farmer with respect to salvage product assigned under § 1001.55(e).

§ 1001.8 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, known as the "Capper-Volstead Act";

(b) To have full authority in the sale of milk of its members; and

(c) To be engaged in making collective sales of, or marketing, milk or its products for its members.

§ 1001.9 Handler.

"Handler" means:

(a) Any person who operates a pool plant;

(b) Any person who operates any other plant, or a pool bulk tank unit as defined under another Federal order, from which fluid milk products are disposed of, directly or indirectly, in the marketing area;

(c) Any person who does not operate a plant but who engages in the business of receiving fluid milk products for resale and distributes to retail or wholesale outlets packaged fluid milk products received from any plant described in paragraph (a) or (b) of this section; or

(d) Any cooperative association with respect to the milk which is moved from farms of its members in tank trucks operated by or under contract to the association, and which is moved to pool plants, or as diverted milk to nonpool plants other than producer-handlers' plants, for the account of and at the direction of the association. The association shall be considered as the handler who received the milk from the dairy farmers. However, the cooperative association shall not be the handler with respect to the milk moved from any farm if the association and the operator of the pool plant to which milk from such farm is moved both submit a request in writing, on or before the due date for filing the monthly reports of receipts and utilization, that the operator of the pool plant be considered as the handler who received the milk from the dairy farmer, and the pool plant operator's request states that he is purchasing the milk from such farm on the basis of the farm bulk tank measurement readings and of the butterfat tests of samples of the milk taken from the farm bulk tank.

§ 1001.10 Producer-handler.

"Producer-handler" means any person who, during the month, is both a dairy farmer and a handler and who meets the conditions specified in each of the paragraphs of this section.

(a) He provides as his own enterprise and at his own risk the maintenance, care, and management of the dairy herd and other resources and facilities which he uses to produce milk, to process and package such milk at his own plant, and to distribute it as route disposition.

(b) His own route disposition constitutes the majority of the route disposition from his plant.

(c) The quantity of route disposition in the marketing area from his plant is greater than in any other Federal marketing area.

(d) He receives no fluid milk products except from his own production and pool plants under any New England Federal order. If his receipts from own production and the total route disposition from his plant each exceed 2,150 pounds per day for the month, his receipts from New England Federal order pool plants are not in excess of 2 percent of his receipts from own production. For the purposes of this paragraph, his receipts of fluid milk products shall include receipts from plants of other persons at all retail and wholesale outlets which are located in New England Federal marketing areas and which are operated by him, an affiliate, or any person who controls or is controlled by him.

§ 1001.11 Dairy farmer for other markets.

"Dairy farmer for other markets" means any dairy farmer described in this section. For the purposes of this section, the acts of any person who is an affiliate of, or who controls or is controlled by, a handler or dealer shall be considered as having been performed by the handler or dealer. Receipts from a "dairy farmer for other markets" shall be considered as receipts from the unregulated plant at which the greatest quantity of his milk was received in the most recent month.

(a) The term includes a dairy farmer with respect to milk which is purchased from him during the month by a dealer who operates a plant but does not operate a pool plant, if the milk is moved to a pool plant directly from the dairy farmer's farm. The term shall not apply to the dairy farmer, however, if all the nonpool milk purchased from him during the month by the same dealer is a receipt of producer milk under the provisions of another Federal order or will be such if the dairy farmer is a producer under this part.

(b) The term includes a dairy farmer with respect to milk which is purchased from him by a handler and moved to a pool plant or which is purchased from him by a cooperative association it its capacity as a handler under § 1001.9(d), if that handler caused milk from the same farm to be moved as nonpool milk to any plant during the same month. The term shall not apply to the dairy farmer, however, if all the nonpool milk is a receipt of producer milk under the provisions of another Federal order or will be such if the dairy farmer is a producer under this part.

(c) The term includes a dairy farmer with respect to milk which is received from him by a handler at a pool plant or which is purchased from him by a cooperative association in its capacity as a handler under § 1001.9(d) during any of the months of December through June, if the handler caused nonpool milk from the same farm to be received during any of the preceding months of July through November at a plant which is not a pool plant under any Federal order in the current month. The term shall not apply to the dairy farmer, however, if all the nonpool milk was a receipt of producer milk under the provisions of another Federal order or represented receipts from own production by a producer-handler under any Federal order.

DEFINITIONS OF PLANTS

§ 1001.15 Plant.

"Plant" means the land and buildings, together with their surroundings, facilities, and equipment, constituting a single operating unit or establishment which is operated exclusively by one or more persons engaged in the business of handling fluid milk products for resale or manufacture into milk products, and which is used for the handling or processing of milk or milk products. The term "plant" does not include:

(a) Distribution points (separate premises used primarily for the transfer to vehicles of packaged fluid milk products moved there from processing and packaging plants); or

(b) Bulk reload points (separate premises used for the transfer of milk en route from dairy farmers' farms to a plant, at which premises facilities for washing and sanitizing cans or tank trucks are not maintained and used).

§ 1001.16 Pool plant.

"Pool plant" means any plant which meets the applicable conditions for pool plant status as a pool distributing plant, under § 1001.35; a cooperative association plant located in the marketing area, under § 1001.36; or a pool supply plant, under § 1001.37. However, if the market administrator determines that a specified proportion or quantity of the receipts from dairy farmers and of pool milk from other sources handled at a plant is not available for Class I use because there is in force an unconditional contract for the plant to supply fluid milk products for Class II use, the plant shall not be a pool plant for the month in which the market administrator notifies the handler of the determination and for any subsequent month in which the contract is in force for any part of the month.

§ 1001.17 Exempt distributing plant.

"Exempt distributing plant" means a plant, other than a pool supply plant or a regulated plant under another Federal order, which meets all the requirements for status as a pool distributing plant except that its route disposition in the marketing area in the month does not exceed 700 quarts on any day or a daily average of 300 quarts.

§ 1001.18 Distributing plant for unregulated markets.

"Distributing plant for unregulated markets" means a processing and packaging plant from which the route disposition outside any Federal marketing area amounts to more than 50 percent of its total receipts of fluid milk products during the month. The term shall not apply to a pool plant, an exempt distributing plant under any New England Federal order, a producer-handler's plant under any Federal order, or a regulated plant under another Federal order.

§ 1001.19 Regulated plant under another Federal order.

"Regulated plant under another Federal order" means a pool plant or any other plant at which all fluid milk products handled become subject to the classification and pricing provisions of another Federal order. The term shall also include a pool bulk tank unit as defined under another Federal order.

DEFINITIONS OF MILK AND MILK PRODUCTS

§ 1001.22 Fluid milk products.

"Fluid milk products" means milk, skimmed milk, flavored milk or skimmed milk, cultured skimmed milk, buttermilk, concentrated milk, any mixture of milk or skimmed milk and cream containing less than 10 percent butterfat, and 50 percent of the quantity by weight of any mixture of milk or skimmed milk and cream containing at least 10 percent but less than 16 percent butterfat. The term includes these products in fluid, frozen, fortified, or reconstituted form but does not include sterilized products in hermetically sealed containers and such products as eggnog, yogurt, whey, ice cream mix, ice milk mix, milk shake base mix, and evaporated or condensed milk or skimmed milk, in either plain or sweetened form. Fluid milk products which have been placed in containers for disposition to retail or wholesale outlets are referred to in this part as packaged fluid milk products.

§ 1001.23 Cream.

"Cream" means that portion of milk, containing not less than 18 percent butterfat, which rises to the surface of milk on standing, or is separated from it by centrifugal force. The term also includes soured cream, frozen cream, fortified cream, reconstituted cream, any mixture of milk or skimmed milk and cream containing 16 percent or more of butterfat, and 50 percent of the quantity by weight of any mixture of milk or skimmed milk and cream containing at least 10 percent but less than 16 percent butterfat.

§ 1001.24 Producer milk.

"Producer milk" means milk which the handler has received from producers. The quantity of milk received by a handler from producers shall include any milk of a producer which was not received at any plant but which the handler or an agent of the handler has accepted, measured, sampled, and transferred from the producer's farm tank into a tank truck during the month. Such milk shall be considered as having been received at the pool plant at which other milk from the same farm of that producer is received by the handler during the month, except that in the case of a cooperative association in its capacity as a handler under § 1001.9(d), the milk shall be considered as having been received at a plant in the zone location of the pool plant, or pool plants within the same zone, to which the greatest aggregate quantity of the milk of the cooperative association in such capacity was moved during the current month or the most recent month.

§ 1001.25 Pool milk.

"Pool milk" means fluid milk products (other than exempt milk) received or disposed of as specified in this section:

(a) Receipts of producer milk;

(b) The following receipts of fluid milk products at pool plants (exclusive of receipts from other pool plants, producer-handlers under any Federal order, exempt distributing plants under any New England Federal order, and receipts from regulated plants under other Federal orders which are classified and priced under the other orders):

(1) Receipts at pool distributing plants from plants located outside the New England States and beyond zone 40;

(2) Receipts at pool plants, other than pool distributing plants, to the extent assigned to Class I milk under § 1001.55(g), from plants located outside the New England States and beyond zone 40; and

(3) Receipts at pool plants, to the extent assigned to Class I milk under § 1001.55(h), from plants located within one of the New England States or in zone 40 or a nearer zone, exclusive of bulk fluid milk products from distributing plants for unregulated markets;

(c) Receipts of bulk fluid milk products at pool distributing plants, to the extent assigned to classes under § 1001.56(b), from regulated plants under other Federal orders with individual-handler pools;

(d) Receipts of bulk fluid milk products at pool plants, other than pool distributing plants, to the extent assigned to Class I milk under § 1001.57(g), from regulated plants under other Federal orders with individual-handler pools;

(e) Route disposition in the marketing area from any processing and packaging plant (except a pool plant, a producer-handler's plant under any Federal order, an exempt distributing plant under any New England Federal order, or a regulated plant under another Federal order) to the extent of all such disposition in the month which is in excess of a daily average of 300 quarts or of 700 quarts on any day, whichever is greater. In determining the quantity of pool milk under this paragraph, the total quantity of route disposition in the marketing area from the plant first shall be reduced by the quantity of fluid milk products received at the plant during the month which is classified and priced as Class I milk or the equivalent thereof under any marketwide pool Federal order and which is not used to offset route disposition in any other Federal marketing area. The reduction shall be made first in any route disposition which is in excess of 700 quarts on any day; and

(f) Route disposition in the marketing area from a regulated plant under another Federal order of fluid milk products which are not both classified and priced under the other order, to the extent of all such disposition in the month which is in excess of 700 quarts on any day or of a daily average of 300 quarts, whichever is greater.

§ 1001.26 Exempt milk.

"Exempt milk" means:

(a) Milk received at a pool plant in bulk from a nonpool plant to be processed and packaged, for which an equivalent quantity of packaged fluid milk products is returned to the operator of the nonpool plant during the same month, if the receipts of bulk milk and return of packaged fluid milk products occur during an interval in which the facilities of the nonpool plant at which the milk is usually processed and packaged are temporarily unusable because of fire, flood, storm, or similar extraordinary circumstances completely beyond the dealer's control;

(b) Packaged fluid milk products received at a pool plant from a nonpool plant in return for an equivalent quantity of bulk milk moved from a pool plant for processing and packaging during the same month, if the movement of bulk milk and receipt of packaged fluid milk products occur during an interval in which the facilities of the pool plant at which the milk is usually processed and packaged are temporarily unusable because of fire, flood, storm, or similar extraordinary circumstances completely beyond the handler's control; and

(c) Milk received at a pool plant in bulk from the dairy farmer who produced it, to the extent of the quantity of any packaged fluid milk products returned to the dairy farmer, if:

(1) The dairy farmer is a State or local government which is not engaged in the route disposition of any of the returned products; and

(2) The dairy farmer has, by written notice to the market administrator and the receiving handler, elected nonproducer status for a period of not less than 12 months beginning with the month in which the election was made and continuing for each subsequent month until canceled in writing, and the election is in effect for the current month.

§ 1001.27 Diverted milk.

"Diverted milk" means:

(a) Milk which a handler in his capacity as the operator of a pool plant reports as having been moved from a dairy farmer's farm to the pool plant, but which he caused to be moved from the farm to another plant, if the handler specifically reports such movement to the other plant as a movement of diverted milk, and the conditions of subparagraph (1) or (2) of this paragraph have been met. Milk which is diverted milk under this paragraph shall be considered to have been received at the pool plant from which it was diverted, but for pricing purposes the differentials for the zone location specified in § 1001.63 shall be used.

(1) The handler caused milk from the farm to be moved to such pool plant, or to another of his pool plants which is no longer operated as a plant, on a majority of the delivery days, during the 12 months ending with the current month, on which the handler either caused milk to be moved from the farm as producer milk, or caused milk to be moved as producer milk from the farm in a tank truck.

(2) The handler caused the milk to be moved from the farm in a tank truck in which it was intermingled with milk from other farms, the milk from a majority of which farms was diverted from the same pool plant during the month in accordance with the preceding provisions of this paragraph.

(b) Milk which a cooperative association in its capacity as a handler under § 1001.9(d) caused to be moved from a farm to a nonpool plant, if the cooperative association specifically reports the movement to such plant as a movement of diverted milk, and the conditions of subparagraph (1) or (2) of this paragraph have been met.

(1) The cooperative association caused milk from the farm to be moved to pool plants on a majority of the delivery days, during the 12 months ending with the current month, on which the cooperative association caused milk to be moved from the farm as producer milk.

(2) The cooperative association caused the milk to be moved from the farm in a tank truck in which it was intermingled with milk from other farms, the milk from a majority of which farms was diverted by the cooperative association during the month in accordance with the preceding provisions of this paragraph.

Market Administrator

§ 1001.30 Designation.

The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 1001.31 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To make rules and regulations to effectuate its terms and provisions;

(c) To receive, investigate, and report to the Secretary complaints of violations; and

(d) To recommend amendments to the Secretary.

§ 1001.32 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part. His duties shall include but not be limited to those specified in this section.

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, he shall execute and deliver to the Secretary a bond effective as of the date on which he enters upon his duties. The bond shall be conditioned upon the faithful performance of those duties and shall be in an amount and with surety thereon satisfactory to the Secretary.

(b) He shall employ and fix the compensation of any persons necessary to enable him to administer the terms and provisions of this part.

(c) He shall obtain a bond in a reasonable amount, and with reasonable surety thereon, covering each employee who handles funds entrusted to the market administrator.

(d) He shall pay from the funds provided by § 1001.87 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties except those expenses incurred under § 1001.75.

(e) He shall keep books and records to reflect clearly the transactions provided for in this part and, upon request by the Secretary, surrender them to any other person the Secretary may designate.

(f) He shall submit his books and records to examination by the Secretary and furnish any information and reports requested by the Secretary.

(g) He shall prepare and make available for the benefit of producers, handlers, and consumers, statistics and information concerning the operation of this part.

(h) He shall verify handlers' reports and payments to the extent necessary, by any appropriate means including audit of the handlers' records and, if made available, of the records of any other persons upon whose utilization the classification of butterfat and skim milk depends. If verification discloses that the original classification was incorrect, the market administrator shall make appropriate reclassification of the butterfat and skim milk.

(i) At his discretion and unless otherwise directed by the Secretary, he shall publicly announce (by posting in a conspicuous place in his office and by such other means as he deems appropriate) the name of any handler the value of whose fluid milk products is not included in the computation of the basic blended price because of failure to file reports under § 1001.40 or make payments under § 1001.82.

(j) He shall publicly announce (by posting in a conspicuous place in his office and by such other means as he deems appropriate):

(1) By the 25th day of the month, the Class I price for the following month, as computed under § 1001.60;

(2) By the 5th day of the month, the Class II price and the butterfat differential for the preceding month, as computed under §§ 1001.61 and 1001.71(b), respectively.

(3) By the 13th day of each month, the zone blended prices resulting from the adjustment of the basic blended price for the preceding month, as computed under § 1001.65, by the zone differentials contained in § 1001.62(d);

(4) Whenever required for purpose of assigning receipts from other Federal order plants under § 1001.56(b), his estimate of the utilization (to the nearest whole percentage) in each class during the month of butterfat and skim milk, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose; and

(5) By the 25th day of each January, the monthly base Class I percentage factors computed under § 1001.66(a).

(k) He shall place the sums deducted under § 1001.65(c) and retained under § 1001.80 in an interest-bearing bank account or accounts in a bank or banks duly approved as a Federal depository for such sums, or invest them in short-term U.S. Government securities.

Pool Plant Requirements

§ 1001.35 Distributing plants.

Each processing and packaging plant (other than a producer-handler's plant under any Federal order or a regulated plant under another Federal order) shall be a pool distributing plant in any month in which it meets the conditions specified in this section.

(a) Its total Class I disposition in the month, or in either of the 2 preceding months, is not less than 40 percent of its total receipts of fluid milk products in the corresponding month.

(b) Its route disposition in the marketing area in the month:

(1) Is not less than 10 percent of its total receipts of fluid milk products;

(2) Exceeds its route disposition in any other Federal marketing area; and

(3) Exceeds 700 quarts on any day or a daily average of 300 quarts.

§ 1001.36 Cooperative association plants located in the marketing area.

Each plant which is located in the marketing area and which is operated by a cooperative association shall be a pool plant in any month in which its route disposition does not exceed 2 percent of its total receipts of fluid milk products.

§ 1001.37 Supply plants.

Each plant (other than a plant described in paragraph (e) of this section) shall be a pool supply plant in any month in which it meets the conditions specified in paragraph (a), and in paragraph (b), (c), or (d), of this section. For the purposes of this section, milk received at a plant from a cooperative association in its capacity as a handler under § 1001.9(d) shall be considered as received at that plant from dairy farmers' farms.

(a) It is a plant at which facilities are maintained and used for washing and sanitizing cans or tank trucks and to which milk is moved from dairy farmers' farms in cans and is there accepted, weighed or measured, sampled, and cooled, or to which milk is moved from dairy farmers' farms in tank trucks and is there transferred to stationary equipment or to other vehicles.

(b) For any month of July through November, it is a plant from which at least 25 percent of its total receipts of milk from dairy farmers' farms is shipped as fluid milk products, other than as diverted milk:

(1) To pool distributing plants; or

(2) To plants to which qualifying shipments may be made under any New England Federal order and a greater quantity of fluid milk products is shipped to pool distributing plants under this order than to the other plants.

(c) For any month of July through November, it is one of a group of plants which meets the conditions specified in this paragraph.

(1) The handler's written request for continuation of pool supply plant status, which the plant held under his operation in the preceding month, is received by the market administrator on or before the 16th day of the month.

(2) The plant does not qualify for pool plant status under another New England Federal order on the basis of shipments of fluid milk products which exceed those made to pool distributing plants under this order, and the group of plants, considered as a unit, meets the shipping requirements specified in paragraph (b) of this section.

(3) To qualify as a pool supply plant under this paragraph in November of any year, the plant, considered individually, shall have met the shipping requirements specified in paragraph (b) of this section in one of the months of July through October of that year.

(d) For any month of December through June, it is a plant from which at least 15 percent of its total receipts of milk from dairy farmers' farms is shipped as fluid milk products, other than as diverted milk, to plants in accordance with paragraph (b) (1) or (2) of this section, or it is a plant which meets the requirements for automatic pool plant status specified in this paragraph. The automatic pool plant status of a plant shall be revoked for any month for which the market administrator has received the handler's written request for revocation on or before the 16th day of that month. In that event the plant shall not have automatic pool plant status in any subsequent month of the current December through June period.

(1) The plant was a pool supply plant in each of the preceding months of July through November; or

(2) The plant was a pool supply plant under one or another of the New England Federal orders in at least two of the preceding months of July through November and would have been such a plant in all other months in that period had it not been a pool plant under the New York-New Jersey Federal order, and a greater quantity of its receipts from dairy farmers' farms during the July through November period was pooled under this order than under any other New England Federal order.

(e) No plant shall be a pool supply plant in any month in which it is operated as:

(1) A pool distributing plant;

(2) The plant of a producer-handler under any Federal order;

(3) A regulated plant under another Federal order with a marketwide pool, including any plant which meets the requirements for pool supply plant status specified in § 1015.16(b) (3) or (5) of the Connecticut order;

(4) A plant qualifying for pooling under a Federal order with individual-handler pools on the basis of its route disposition or on the basis of shipments of fluid milk products which exceed the shipments of fluid milk products qualifying the plant for pooling under this order.

Reports, Records, and Facilities

§ 1001.40 Monthly reports of receipts and utilization.

On or before the 8th day after the end of the month, or not later than the 10th day if the report is delivered in person to the office of the market administrator, each handler who operates a pool plant or any other plant from which there is route disposition in the marketing area, and each cooperative association in its capacity as a handler under § 1001.9(d), shall file a report for the month with the market administrator. The report for each such plant and for each such cooperative association in its capacity as a handler under § 1001.9(d) shall be in the detail and on forms prescribed by the market administrator and shall show the quantities of butterfat and of skim milk contained in:

(a) Receipts of milk and milk products in the form of:

(1) Producer milk (including the specific quantities of diverted milk and of receipts from the handler's own production);

(2) Pool milk other than producer milk;

(3) Fluid milk products and cream from all other plants; and

(4) Fluid milk products and cream from all other sources (including the quantities of fluid milk products or cream reconstituted from other milk products and the quantities of other milk products used to fortify fluid milk products or cream);

(b) Inventories of fluid milk products and cream at the beginning and at the end of the month; and

(c) The respective quantities of fluid milk products and cream sold, distributed, used, or otherwise disposed of, classified in accordance with the provisions of §§ 1001.47 through 1001.51.

§ 1001.41 Other reports of receipts and utilization.

(a) Within 5 days after the first receipt at his pool plant of fluid milk products during the month from each plant which is neither a pool plant nor a producer-handler's plant under any New England Federal order, each handler shall file with the market administrator a report showing the identity of the operator of the shipping plant, the plant location, the quantities of bulk and packaged fluid milk products received, and such other information respecting the receipt as the market administrator may prescribe.

(b) For any month in which it is claimed that the farm of any dairy farmer from whom he received milk is located in a farm location differential area described in § 1001.72, each handler from whose plant pool milk other than producer milk is moved to a pool plant and each handler with route disposition of pool milk in the marketing area from a nonpool plant shall file with the market administrator a report showing the name, post office address, and farm location of each dairy farmer from whom he received milk at the plant during the month, and the total pounds of milk received from each farm. The report shall be submitted within 10 days after the market administrator's request, made not earlier than the 20th day after the end of the month.

(c) Each handler who is not required to file monthly reports of receipts and utilization under § 1001.40 shall file with the market administrator reports relating to his receipts and utilization of milk and milk products at the time and in the manner prescribed by the market administrator.

§ 1001.42 Reports regarding individual producers and dairy farmers.

(a) Within 20 days after a handler begins or resumes receiving milk at his pool plant from a producer's farm or begins receiving milk by tank truck at his pool plant from a producer's farm, or a cooperative association in its capacity as a handler under § 1001.9(d) begins receiving milk from a producer's farm, the handler shall file with the market administrator a report showing the applicable date and the producer's name, post office address, and farm location. The report shall indicate, if known, the plant at which, or the cooperative association in its capacity as a handler under § 1001.9 (d) by which, the producer's milk was being received prior to the beginning or resumption of receipts from the farm by the handler.

(b) Within 15 days after the 5th consecutive day on which a handler fails to receive milk at his pool plant from a producer's farm or a cooperative association in its capacity as a handler under § 1001.9(d) fails to receive milk from a producer's farm, the handler shall file with the market administrator a report showing the last date on which he received milk from the farm and the producer's name, post office address, and farm location. The report shall indicate, if known, the reason why the handler is no longer receiving milk from the farm.

(c) With respect to a producer who moves from one farm to another the handler shall file reports as required under paragraphs (a) and (b) of this section, respectively, relative to the farm to which the producer moves and the farm from which he moves.

(d) Each handler who is not a cooperative association, upon request from any such association, shall furnish it with information with respect to each of its producer members from whose farm the handler begins, resumes, or stops receiving milk at his pool plant. Such information shall include the applicable date, the producer member's post office address and farm location, and, if known, the plant at which his milk was previously received, or the reason for the handler's failure to continue receiving milk from his farm. In lieu of providing the information directly to the association, the handler may authorize the market administrator to furnish the association with such information, derived from the handler's reports and records.

§ 1001.43 Notices to producers.

Each handler shall furnish each producer from whom he receives milk with information regarding the daily weight and composite butterfat test of the producer's milk, as follows:

(a) Within 3 days after each day on which he received milk from the producer, the handler shall give the producer written notice of the daily quantity so received; and

(b) Within 7 days after the end of any sampling period for which the composite butterfat test of the producer's milk was determined, the handler shall give the producer written notice of such composite test.

§ 1001.44 Records and facilities.

(a) Each handler shall maintain detailed and summary records showing the quantities of butterfat and of skim milk and the total thereof contained in all receipts, movements, and disposition of milk and milk products during each month, and inventories of milk and milk products at the beginning and end of the month.

(b) For the purpose of ascertaining the correctness of any report made to the market administrator as required by this part, or for the purpose of obtaining the information required in any such report where it has been requested and has not been furnished, each handler shall permit the market administrator or his agent, during the usual hours of business to:

(1) Verify the information contained in the reports submitted in accordance with this part;

(2) Verify the payments to producers, including any deductions, and the disbursement of money so deducted;

(3) Weigh, sample, and test milk and milk products; and

(4) Make whatever examination of records, operations, equipment, and facilities as the market administrator deems necessary for the purpose specified in this section.

(c) Each handler shall submit to the market administrator, within 10 days after his request made not earlier than 20 days after the end of the month, his producer payroll for the month, which shall show for each producer:

(1) The daily and total pounds of milk delivered and its average butterfat test; and

(2) The net amount of the handler's payments to the producer, with the prices, deductions, and charges involved.

§ 1001.45 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the month to which the books and records pertain. If, within the 3-year period, the market administrator notifies the handler in writing that the retention of the books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain the books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 1001.47 Classification of milk and milk products—in general.

All butterfat and skim milk in milk and milk products required to be reported under § 1001.40 shall be classified as Class I milk or Class II milk under §§ 1001.48 through 1001.51.

§ 1001.48 Class I milk.

Subject to the provisions of §§ 1001.50 and 1001.51, Class I milk shall be all butterfat and skim milk (including that used to produce concentrated milk):

(a) Disposed of in the form of fluid milk products other than as specified in § 1001.49; or

(b) Not established as Class II milk under § 1001.49.

§ 1001.49 Class II milk.

Subject to the provisions of §§ 1001.50 and 1001.51, Class II milk shall be all butterfat and skim milk for which the handler who first receives the butterfat and skim milk proves that the butterfat and skim milk were:

(a) Disposed of, or in inventory at the end of the month, in the form of cream;

(b) Used to produce milk products other than fluid milk products or cream;

(c) Disposed of in fluid milk products for livestock feed, or disposed of in bulk fluid milk products to manufacturing establishments such as bakeries, candy factories, soup factories, and similar establishments at which the fluid milk products were used in the manufacture of food products other than milk products;

(d) Contained in fluid milk products in inventory at the end of the month to the extent not classified as Class I milk under § 1001.51;

(e) Contained in fluid milk products dumped or discarded;

(f) Contained in fluid milk products destroyed or lost under extraordinary circumstances; and

(g) In shrinkage not in excess of 2 percent of the respective quantities of butterfat and of skim milk contained in receipts of fluid milk products and cream, exclusive of diverted milk and inventory at the beginning of the month. The shrinkage on the milk of a cooperative association in its capacity as a handler under § 1001.9(d) which is received at a pool plant shall be classified as Class II milk up to the entire 2 percent maximum rate if the operator of the pool plant notifies the market administrator in writing, on or before the date on which its receipt is required to be reported under § 1001.40, that he has agreed to purchase the milk on the basis of farm bulk tank measurement readings and of the butterfat tests of samples of the milk taken from the farm bulk tank; otherwise the shrinkage on such receipts at a pool plant shall be classified as Class II milk only up to 1½ percent thereof and shrinkage of up to one-half of 1 percent on the milk so moved shall be classified as Class II milk to the cooperative association in its capacity as a handler under § 1001.9(d).

§ 1001.50 Classification of fluid milk products moved to plants.

Butterfat and skim milk in fluid milk products moved from a pool plant to any other plant, or by a cooperative association in its capacity as a handler under § 1001.9(d) to any plant, shall be classified as follows:

(a) As Class I milk if moved as packaged fluid milk products to any other plant;

(b) As Class I milk if moved from a pool plant to the plant of a producer-handler under any Federal order;

(c) In the class to which assigned under § 1001.57 if moved as bulk fluid milk products to any pool plant;

(d) In the class to which assigned under the other order if moved as bulk fluid milk products to a regulated plant under another Federal order;

(e) As Class I milk, to the extent of the total quantity of the same form of fluid milk products so moved which is utilized as Class I milk at the plant to which transferred, if moved as bulk fluid milk products to any plant other than a plant to which movements of bulk fluid milk products are subject to classification under the preceding paragraphs of this section, and as Class II milk to the extent of any remainder; and

(f) As Class I milk if moved as bulk fluid milk products to any plant other than a pool plant or a regulated plant under another Federal order and thence to another plant, not regulated under a Federal order, located outside the New England States and New York State.

§ 1001.51 Classification of inventories.

All butterfat and skim milk contained in inventories of fluid milk products at the end of each month shall be classified as Class I milk pending final disposition of the fluid milk products, if the handler requests such classification and either receives no milk from producers or does not claim classification as Class II milk of any fluid milk products.

ASSIGNMENT OF RECEIPTS

§ 1001.53 Assignment of receipts to classes—in general.

(a) The total quantities of butterfat and of skim milk received during the month at each pool plant and by each cooperative association in its capacity as a handler under § 1001.9(d) (including those quantities in inventory at the beginning of the month) shall be assigned separately, in the manner and sequence provided in §§ 1001.54 through 1001.58, to the respective quantities of butterfat and of skim milk classified as Class I milk and Class II milk under §§ 1001.47 through 1001.51.

(b) Except as provided in § 1001.56, whenever receipts have been assigned under §§ 1001.54 through 1001.58 to the remaining pounds in a class, all remaining receipts shall be assigned to the other class.

(c) If receipts from more than one plant are to be assigned under a paragraph in § 1001.55 or § 1001.57, or under § 1001.58, the receipts shall be assigned in sequence according to the zone locations of the plants, beginning with the plant in the nearest zone to Boston for assignments to Class I milk and beginning with the plant in the most distant zone from Boston for assignments to Class II milk.

§ 1001.54 Initial assignments to Class I milk.

(a) Assign to Class I milk the quantities received in exempt milk.

(b) Assign to Class I milk the quantities in packaged fluid milk products received from regulated plants under other Federal orders, if the fluid milk products received are classified and priced under the other orders as Class I milk or the equivalent thereof or in accordance with their assignment under this part.

(c) Assign to Class I milk the quantities in packaged fluid milk products received from other pool plants.

(d) Assign to Class I milk the quantities in fluid milk products in inventory at the beginning of the month which were classified as Class I milk in the preceding month.

§ 1001.55 Initial assignments to Class II milk.

(a) Assign to Class II milk the quantities in fluid milk products or cream reconstituted from other milk products, and the quantities in other milk products used to fortify fluid milk products or cream. If the quantity of any reconstituted product is not known, the quantities assigned shall be the quantity of butterfat used in the reconstitution and the quantity of skim milk required to produce the milk products so used. Any unaccounted-for plain condensed milk or skimmed milk, dry whole milk, or nonfat dry milk shall be considered to have been used in the reconstitution of fluid milk products.

(b) Assign to Class II milk the quantities in cream in inventory at the beginning of the month and received during the month.

(c) Assign to Class II milk the quantities in fluid milk products (other than exempt milk) received from a local or State government which has elected nonproducer status for the month under § 1001.26(c).

(d) Assign to Class II milk the quantities in fluid milk products in inventory at the beginning of the month not assigned under § 1001.54(d).

(e) Assign to Class II milk the quantities in fluid milk products received from producer-handlers under any Federal order and from exempt distributing plants under any New England Federal order; and in receipts from dairy farmers which are rejected and segregated in the handler's normal operation for receiving milk, and are accepted and disposed of by the handler as salvage product rather than as milk.

(f) Assign to Class II milk the quantities in bulk fluid milk products received from distributing plants for unregulated markets located within one of the New England States or in zone 40 or a nearer zone.

(g) At pool plants other than pool distributing plants, assign to Class II milk the quantities in fluid milk products received from plants located outside the New England States and beyond zone 40, if the fluid milk products received are not classified and priced under any Federal order.

(h) Assign to Class II milk the quantities in fluid milk products received from plants located within one of the New England States or in zone 40 or a nearer zone, except receipts assigned under paragraph (f) of this section and receipts which are classified and priced under any Federal order.

§ 1001.56 Special assignments to classes.

(a) At pool distributing plants, assign to Class II milk, to the extent of the respective remaining pounds in that class, the quantities in bulk fluid milk products received from each regulated plant under another Federal order, if the operators of the shipping plant and of the receiving plant have both requested such Class II classification and assignment.

(b) At pool distributing plants, assign in the manner provided in subparagraphs (1) and (2) of this paragraph any remaining receipts of bulk fluid milk products from each regulated plant under another Federal order, if such receipts are classified and priced under the other order as Class I milk or the

equivalent thereof or in accordance with their assignment under this part.

(1) Assign the quantities in such receipts to Class I milk and Class II milk in proportion to the estimated percentages of butterfat and skim milk, respectively, in each class in producer milk of all handlers for the month as announced under § 1001.32(j)(4), or in proportion to the respective remaining pounds in each class at all of the handler's pool plants, whichever procedure results in the greater combined quantity of butterfat and of skim milk in such receipts being assigned to Class II milk.

(2) The quantities assigned to Class II milk under this paragraph shall not exceed the respective quantities of butterfat and of skim milk in Class II milk remaining at all of the handler's pool plants. Any remaining receipts shall be assigned to Class I milk.

(c) If the quantity to be assigned to a class under paragraph (b) of this section exceeds the respective quantity remaining in that class at the pool distributing plant, the remaining quantity shall be increased to the quantity to be assigned to that class and the respective remaining quantity in that class at the handler's other pool plants shall be decreased to the same extent, in sequence beginning with the plant in the zone nearest to Boston. The respective quantity remaining in the other class thereupon shall be decreased correspondingly at the pool distributing plant and shall be increased correspondingly at those other pool plants involved in the adjustment.

(d) The quantities assigned under this section shall be limited to the excess of the receipts from a plant over the respective quantities in bulk fluid milk products moved to that plant from the pool distributing plant.

§ 1001.57 Additional assignments to Class I milk.

(a) At pool distributing plants, assign to Class I milk the quantities in bulk fluid milk products received from the handler's pool plants located in the nearby plant zone.

(b) Assign to Class I milk the quantities received from other handlers' pool plants in bulk fluid milk products for which classification as Class II milk has not been requested by both handlers.

(c) Assign to Class I milk the quantities received in milk from producers and from cooperative associations in their capacity as handlers under § 1001.9(d).

(d) Assign to Class I milk the quantities received from the handler's pool plants in bulk fluid milk products not assigned under paragraph (a) of this section.

(e) At pool distributing plants, assign to Class I milk the quantities received from plants located outside the New England States and beyond zone 40 in pool milk other than producer milk, if the fluid milk products received are not classified and priced under any Federal order.

(f) Assign to Class I milk the quantities received from other handlers' pool plants in bulk fluid milk products for which classification as Class II milk has been requested by both handlers.

(g) At pool plants other than pool distributing plants, assign to Class I milk the quantities in bulk fluid milk products received from regulated plants under other Federal orders, if such receipts are classified and priced under the other order as Class I milk or the equivalent thereof or in accordance with their assignment under this part.

§ 1001.58 Additional assignment to Class II milk.

Assign to Class II milk the quantities received from regulated plants under other Federal orders in fluid milk products not previously assigned to classes under §§ 1001.54 through 1001.57.

MINIMUM PRICES

§ 1001.60 Class I price.

The Class I price per hundredweight of milk containing 3.5 percent butterfat, at plants located in zone 21, shall be computed for each month as specified in this section. The latest reported figures available to the market administrator on the 25th day of the preceding month shall be used in making the computations, except that if the 25th day of the preceding month falls on a Sunday or legal holiday the latest figures available on the next succeeding workday shall be used.

(a) Compute an economic index, with the year 1958 as the base period, as follows:

(1) Calculate a U.S. wholesale commodity price index by dividing the monthly wholesale price index for all commodities (as reported by the Bureau of Labor Statistics, U.S. Department of Labor, with the years 1957–59 as the base period) by 1.0025.

(2) Calculate a New England consumer income index by multiplying the current annual rate of per capita disposable personal income in the United States (based upon the quarterly figure released by the U.S. Department of Commerce or the Council of Economic Advisers to the President) by the New England adjustment percentage and dividing the result by 20.50. The New England adjustment percentage shall be the current percentage relationship of per capita personal income in the United States (using data on per capita personal income by States and regions as published by the U.S. Department of Commerce).

(3) Calculate a New England dairy ration index by dividing the monthly average price paid by farmers in the New England region for 100 pounds of mixed dairy feed containing less than 29 percent protein (as reported by the U.S. Department of Agriculture) by 0.03884.

(4) Calculate a New England farm wage rate index by dividing the weighted average farm wage rate for the New England region by 1.9833. The weighted average farm wage rate for the New England region shall be the average of the farm wage rates for the New England region (as reported by the U.S. Department of Agriculture) weighted by the factors indicated in the following table.

	Weighting factor
Per month with board and room	1.00
Per month with house	1.00
Per week with board and room	4.33
Per week without board or room	4.33
Per day without board or room	26.00

(5) Calculate a New England grain-labor cost index by multiplying the New England dairy ration index by 0.6 and the New England farm wage rate index by 0.4, and combining the two results.

(6) The economic index shall be the result of dividing by seven the sum of three times the U.S. wholesale commodity price index, the New England consumer income index, and three times the New England grain-labor cost index, except that for the purpose of computing the Class I price for each of the months through April 1968 such economic index shall not be less than 115.89.

(b) Compute an economic index price as follows:

(1) Multiply the economic index by $0.0557, expressing the result to the nearest mill.

(2) Divide the Class I–A price for the month computed under the New York-New Jersey Federal order, applicable to milk containing 3.5 percent butterfat received at plants located in the 201–210-mile freight zone, by the utilization adjustment percentage which entered into the computation of that price, expressing the result to the nearest mill.

(3) The economic index price shall be the price computed in subparagraph (1) of this paragraph, except that its deviation from the result obtained in subparagraph (2) of this paragraph shall be limited to $0.13.

(c) Compute a supply-demand adjustment factor (using quantities announced in the statistical reports of the respective market administrators for the New England Federal orders for the second, third, and fourth months preceding the month for which the price is being computed but excluding receipts and sales of plants which become regulated on the basis of their sales in the area of extension) as follows:

(1) For each of the 3 months, determine the total Class I producer milk and the total producer milk for the New England Federal order markets by combining the respective totals for the individual markets.

(2) For each of the 3 months, divide the total Class I producer milk for the New England Federal order markets by the base Class I percentage factor for the same month as determined under § 1001.65(a). The result shall be the New England base supply for that month.

(3) For each of the 3 months, express the total producer milk for the New England Federal order markets as a percentage of the New England base supply for the same month. The simple average of the three resulting percentages shall be the percentage of base supply.

(4) The supply-demand adjustment factor shall be the figure in the following table opposite the bracket within which the percentage of base supply falls, except that for the purposes of computing Class I prices through December 1967 such factor shall be 0.99. When the percentage of base supply falls in an interval between brackets, the supply-demand adjustment shall be the figure shown for the next higher bracket if the factor for the previous month was based on a bracket higher than such interval, and shall be the figure for the next lower bracket if the factor for the previous month was based on a bracket lower than such interval.

Percentage of base supply:[1]	*Supply-demand adjustment factor*
90.5–91.5	1.06
92.0–93.0	1.05
93.5–94.5	1.04
95.0–96.0	1.03
96.5–97.5	1.02
98.0–99.0	1.01
99.5–100.5	1.00
101.0–102.0	.99
102.5–103.5	.98
104.0–105.0	.97
105.5–106.5	.96
107.0–108.0	.95
108.5–109.5	.94

[1] If the percentage of base supply calculated according to subparagraph (3) of this paragraph falls outside the extremes shown in this column, the supply-demand adjustment factor shall be determined by extending the table at the indicated rate of extension.

(d) The Class I price shall be the result, rounded to the nearest full cent, of the economic index price determined under paragraph (b) of this section, multiplied by the supply-demand adjustment factor determined under paragraph (c) of this section.

§ 1001.61 Class II price.

The Class II price per hundredweight of milk containing 3.5 percent butterfat, at plants located in zone 21, shall be computed for each month as specified in this section.

(a) Adjust the average price for milk for manufacturing purposes, f.o.b. plants United States, as reported by the U.S. Department of Agriculture on a preliminary basis for the month, by subtracting for each one-tenth of 1 percent of average butterfat content above 3.5 percent, or adding for each one-tenth of 1 percent of average butterfat content below 3.5 percent, an amount per hundredweight which shall be calculated by multiplying by 0.125 the average of the daily prices, using the midpoint of any range as one price, for Grade A (92-score) butter at wholesale in the New York market as reported by the U.S. Department of Agriculture for the period beginning with the 16th day of the preceding month and ending with the 15th day of the current month.

(b) Adjust the result obtained in paragraph (a) of this section by the amount shown below for the applicable month:

Month:	*Amount*
January	+$0.06
February	+.07
March	.00
April	−.04
May	−.07
June	−.06
July	+.08
August	+.15
September	+.11
October	+.11
November	+.11
December	+.11

§ 1001.62 Zone differentials.

The class prices and blended prices computed under §§ 1001.60, 1001.61, and 1001.65 shall be subject to zone differentials based upon the zone locations of plants. The zone location of any plant and the differentials applicable to each zone location shall be determined as specified in this section.

(a) Each plant which is located in any of the places specified in this paragraph shall be in the "nearby plant" zone.

CONNECTICUT

All of the State of Connecticut.

MASSACHUSETTS

COUNTIES

Barnstable.	Middlesex.
Bristol.	Nantucket.
Dukes.	Norfolk.
Essex.	Plymouth.
Franklin.	Suffolk.
Hampden.	Worcester.
Hampshire.	

TOWNS

Sandisfield.	Becket.
Savoy.	Florida.
Washington.	Hinsdale.
Windsor.	Otis.
Peru.	

RHODE ISLAND

All of the State of Rhode Island.

(b) The zone location of each plant which is outside the "nearby plant" zone shall be based upon its highway mileage distance to Boston, as determined by use of Mileage Guide No. 8, and supplements to an revisions thereof, issued by Household Goods Carriers' Bureau, Agent, Washington, D.C. The mileages used shall be those shown between designated key points in the mileage charts, and between named points on the appropriate State road maps, as published in the mileage guide. In any instance in which the map does not clearly show the mileage between points on a road, the mileage used shall be the mileage as determined by the highway authority for the State in which the road is located.

(c) The distance for each plant shall be the mileage between Boston and the named point nearest to the plant, as shown in the mileage charts. If that named point is not listed in the mileage charts, the distance for the plant shall be the lowest mileage distance between Boston and that named point, computed as follows:

(1) Determine from the charts the mileage between Boston and each of the three key points nearest to the named point which are nearer to Boston than the named point.

(2) For each of these key points, add to the result in subparagraph (1) of this paragraph the mileage between the key point and the named point, measured to the greatest possible extent over roads designated as paved, all-weather roads.

(d) The zone differentials for each plant shall be those applicable to its zone location as shown in the following table.

DIFFERENTIALS FOR DETERMINATION OF ZONE PRICES

Distance to Boston (miles)	Plant location zone	Class I and blended price differentials (cents per hundredweight)	Class II price differentials (cents per hundredweight)
Various	Nearby plant	+$0.6	+$.8
21 to 40	4	+36.4	+4.5
41 to 50	5	+35.2	+4.2
51 to 60	6	+34.0	+4.0
61 to 70	7	+32.8	+3.7
71 to 80	8	+31.6	+3.5
81 to 90	9	+30.4	+3.2
91 to 100	10	+29.2	+3.0
101 to 110	11	+28.0	+2.9
111 to 120	12	+26.8	+2.8
121 to 130	13	+25.6	+2.4
131 to 140	14	+24.4	+2.1
141 to 150	15	+7.2	+1.6
151 to 160	16	+6.0	+1.3
161 to 170	17	+4.8	+1.2
171 to 180	18	+3.6	+.6
181 to 190	19	+2.4	+.4
191 to 200	20	+1.2	+.1
201 to 210	21	0	0
211 to 220	22	−1.0	−.6
221 to 230	23	−2.0	−.7
231 to 240	24	−3.0	−.9
241 to 250	25	−4.0	−.9
251 to 260	26	−5.0	−1.2
261 to 270	27	−6.0	−1.5
271 to 280	28	−7.0	−1.5
281 to 290	29	−8.0	−1.6
291 to 300	30	−9.0	−1.8
301 to 310	31	−10.0	−2.3
311 to 320	32	−11.0	−2.4
321 to 330	33	−12.0	−2.5
331 to 340	34	−13.0	−2.8
341 to 350	35	−14.0	−2.8
351 to 360	36	−15.0	−3.0
361 to 370	37	−16.0	−3.1
371 to 380	38	−17.0	−3.3
381 to 390	39	−18.0	−3.4
391 to 400	40	−19.0	−3.5
401 and over	41 and over	(1)	−3.5

[1] Class I and blended price differentials applicable to plants located more than 400 miles from Boston shall be obtained by extending the table at the rate of 1 cent for each additional 10 miles except that in no event shall the Class I or blended price at any zone be less than the Class II price for the month for plants in the same zone

(e) Notwithstanding the provisions of paragraphs (b) and (c) of this section, for any named point located in New England and New York State, determine the highway mileage distance between Boston and the named point by use of the appropriate State maps contained in Mileage Guide No. 7, issued by Household Goods Carriers' Bureau, Agent, Washington, D.C. Such distance shall be the lowest highway mileage between Boston and the named point on the map, over roads designated thereon as paved, all-weather roads. In the event that the named point is not located on a through, paved, all-weather road, such other roads shall be used to reach a through, paved, all-weather road as will result in the lowest highway mileage to Boston, except that such other roads shall not be used for a distance of more than 15 miles if it is otherwise possible to connect with a through, paved, all-weather road. In any instance in which the map does not

clearly show the mileage between points on a road, the mileage used shall be the mileage as determined by the highway authority for the State in which the road is located. The mileage so determined, or the mileage determined under paragraphs (b) and (c) of this section, whichever is less, shall be considered to be the lowest highway mileage distance between Boston and the named point.

§ 1001.63 Determination of applicable zone locations for pricing purposes.

In computing the value of fluid milk products at class prices under § 1001.64, the minimum amounts payable to producers under § 1001.70, the minimum amounts payable to cooperative associations under § 1001.76, and the handlers' producer settlement fund debits and credits under § 1001.81, the differentials specified in § 1001.62 for the zone location of the plant for which the computation is being made shall be used except that for the following items the differentials for the zone locations specified shall be used:

(a) For producer milk diverted by any handler, including a cooperative association in its capacity as a handler under § 1001.9(d), from a pool plant in zone 14 or a nearer zone to a plant located in any zone more distant than zone 14, the zone location of the plant to which the milk was diverted;

(b) For producer milk of a cooperative association in its capacity as a handler under § 1001.9(d) moved to a pool plant, the zone location of the plant to which the milk was moved;

(c) For milk of a cooperative association in its capacity as a handler under § 1001.9(d) in diversions to nonpool plants other than diversions described in paragraph (a) of this section, the zone location of the pool plant, or pool plants within the same zone, to which, during the current month or the most recent month, the association moved the greatest aggregate quantity of milk from the farms of the producers whose milk was diverted;

(d) For milk of a cooperative association in its capacity as a handler under § 1001.9(d) in shrinkage, overage, extraordinary loss, and ending inventory, the zone location of the pool plant, or pool plants within the same zone, to which the greatest aggregate quantity of such milk of the cooperative association was moved during the current month or the most recent month;

(e) For beginning inventory of a cooperative association in its capacity as a handler under § 1001.9(d), the zone location at which the milk was priced as ending inventory during the previous month;

(f) For receipts of pool milk other than producer milk from plants, the zone location of the plant from which it was received;

(g) For receipts assigned to Class I milk under §§ 1001.55 (e) and (f), and 1001.58, the zone location of the plant from which the product was received; and

(h) For any excess of beginning inventory assigned to Class I milk under § 1001.55(d) over the quantities of producer milk and of milk from cooperative associations in their capacity as handlers under § 1001.9(d) assigned to Class II milk in the preceding month, the zone location of the pool plants from which an equivalent quantity of receipts of fluid milk products were assigned to Class II milk in the preceding month in sequence beginning with the plant in the zone nearest to Boston.

§ 1001.64 Computation of value of fluid milk products at class prices.

For each month, the market administrator shall compute, as specified in this section, the value of fluid milk products at class prices, at each plant other than the plant of a producer-handler under any Federal order, and of the fluid milk products of each cooperative association in its capacity as a handler under § 1001.9(d) which were not moved to a pool plant. The prices used shall be those for the applicable zone locations as determined under § 1001.63.

(a) Multiply by the applicable class prices the quantities of:

(1) Producer milk assigned under § 1001.57(c), except that for any cooperative association in its capacity as a handler under § 1001.9(d), the quantity of producer milk shall be reduced by the total quantity of milk moved to pool plants during the month, to the limit of the quantity of producer milk;

(2) Pool milk other than producer milk assigned under §§ 1001.55 (g) and (h), 1001.56, and 1001.57 (e) and (g); and

(3) Milk received at a pool plant from a cooperative association in its capacity as a handler under § 1001.9(d) and assigned under § 1001.57(c).

(b) Multiply by the applicable Class I prices the quantities of:

(1) Product assigned to Class I milk under §§ 1001.54(d) and 1001.55 (a) through (c);

(2) Product assigned to Class I milk under § 1001.55(d), except that for any cooperative association in its capacity as a handler under § 1001.9(d), the quantity shall be reduced by the quantity of any excess of milk moved to pool plants during the month over the quantity of producer milk, to the limit of the quantity assigned to Class I milk under § 1001.55(d); and

(3) Product assigned to Class I milk under §§ 1001.55(e) and (f), and 1001.58.

(c) If the total quantity of butterfat or of skim milk classified as Class I milk or Class II milk under §§ 1001.47 through 1001.51 exceeds the respective total quantity assigned to that class under §§ 1001.53 through 1001.58, multiply the excess (overage) by the applicable class price, adjusted by the butterfat differential.

(d) Multiply by the applicable Class I price the quantity of pool milk distributed as route disposition in the marketing area from the handler's nonpool plant.

(e) Multiply by the applicable Class II prices the quantities of:

(1) Product assigned to Class I milk under § 1001.55 (a) through (c); and

(2) Product assigned to Class I milk under §§ 1001.55 (e) and (f), and 1001.58.

(f) Multiply by the applicable Class I price for the preceding month the product assigned to Class I milk under § 1001.54(d).

(g) Multiply by the applicable Class II price for the preceding month the quantity of product for which a value is determined under subparagraph (b)(2) of this section.

(h) For any cooperative association in its capacity as a handler under § 1001.9(d), multiply by the applicable Class II price for the preceding month the quantity of any excess of milk moved to pool plants during the month over the quantity of producer milk, to the limit of the quantity of milk in its inventory at the beginning of the month.

(i) Add together the amounts obtained under paragraphs (a) through (d) of this section and subtract therefrom the sum of the amounts obtained under paragraphs (e) through (h) of this section.

§ 1001.65 Basic blended price.

The basic blended price per hundredweight of pool milk containing 3.5 percent butterfat, applicable to plants located in zone 21, shall be computed for each month as specified in this section.

(a) Combine into one total the respective values of fluid milk products at class prices computed under § 1001.64 for each handler from whom the market administrator has received at his office, prior to the 11th day after the end of the month, the reports for the month prescribed in § 1001.40 and the payment for the preceding month required under § 1001.82(a).

(b) Deduct the amount of the plus differentials, and add the amount of the minus differentials, which are applicable under §§ 1001.62, 1001.63, 1001.72, and 1001.81(a)(3).

(c) Subtract for each of the months of March, April, May, and June an amount computed by multiplying the total hundredweight of pool milk included in these computations by 10 cents in March, 20 cents in April, and 30 cents in May and June. For 1967 only the rate of deduction shall be 22 cents in April and 33 cents in May and June.

(d) Add for the months of August, September, and October, respectively, an amount representing 25 percent, 30 percent, and 30 percent of the aggregate amount subtracted under paragraph (c) of this section for the prior period of March–June, and for November add the remainder of the amount subtracted under paragraph (c) and the interest earned on the aggregate fund.

(e) Add the amount of the unobligated balance of the producer-settlement fund as at the close of business on the 10th day after the end of the month.

(f) Divide the resulting amount by the total hundredweight of pool milk for which a value is included under paragraph (a) of this section.

(g) Subtract not less than 4 cents nor more than 5 cents for the purpose of retaining a cash balance in the producer-settlement fund.

§ 1001.66 Factors used in formulas.

(a) The base Class I percentage factors to be used in the computation of the Class I price under § 1001.60 for each of the 12 months beginning with February of each year shall be computed on or before January 25 of that year as specified in this paragraph.

(1) For each month of the 3 preceding years and for December of the fourth preceding year (using the most recent statistical reports of the market administrators for the New England Federal orders) compute the daily average of the total Class I producer milk under all the New England Federal orders and the daily average of the total receipts from producers under all the New England Federal orders.

(2) For each of the two series of daily averages, using the median link-relative method, compute a seasonal index for each month, rounded to two decimal places.

(3) For each month, multiply the seasonal index of Class I producer milk by 0.6812 and divide the product by the seasonal index of receipts from producers for the same month. The result, rounded to one decimal place, shall be the base Class I percentage factor for the month.

(b) If for any reason a price, index, or wage rate specified in this part for use in computing class prices or for other purposes is not reported or published in the manner described in this part, the market administrator shall use one determined by the Secretary to be equivalent to the factor which is specified.

PAYMENTS—GENERAL

§ 1001.70 Payments to producers.

(a) On or before the 5th day after the end of the month, each handler shall pay each producer for the approximate value of milk received from him during the first 15 days of the month. This payment shall be at a rate not less than the applicable zone Class II price for the month.

(b) On or before the 20th day after the end of the month, each handler shall make final payment to each producer for the total value of milk received from him during the month at not less than the basic blended price per hundredweight computed under § 1001.65, adjusted by the zone, butterfat, and farm location differentials applicable under §§ 1001.62, 1001.63, 1001.71, and 1001.72, minus the amount of the payment made to the producer under paragraph (a) of this section.

(c) If the handler's net payment to a producer is for an amount less than the total amount due the producer under this section, the burden shall rest upon the handler to prove to the market administrator that each deduction from the total amount due is properly authorized, and properly chargeable to the producer.

(d) In making payments to producers under paragraph (b) of this section, the handler may use the simple average of the butterfat tests of semimonthly composite samples of the milk unless the difference between the semimonthly tests is more than two points (0.2 percent) or the quantity of milk received from the producer in either semimonthly period is as much as three times as large as the quantity received from him in the other semimonthly period.

§ 1001.71 Butterfat differential.

(a) In making the payments to producers required under § 1001.70 and the payments to cooperative associations required under § 1001.76(d), each handler shall add for each one-tenth of 1 percent of average butterfat content above 3.5 percent, or may deduct for each one-tenth of 1 percent of average butterfat content below 3.5 percent, as a butterfat differential, an amount per hundredweight which shall be computed by the market administrator under paragraph (b) of this section.

(b) Multiply by 1.20 the average of the daily prices, using the midpoint of any range as one price, for Grade A (92-score) butter at wholesale in the New York market as reported by the U.S. Department of Agriculture for the period beginning with the 16th day of the preceding month and ending with the 15th day of the current month, and divide the result by 10.

§ 1001.72 Farm location differentials.

In making the payments to producers required under § 1001.70, each handler shall add any applicable farm location differential specified in this section.

(a) With respect to milk received from a producer whose farm is located within any of the places specified in this paragraph, the differential shall be 46 cents per hundredweight, unless the addition of 46 cents gives a result greater than the Class I price determined under §§ 1001.60, 1001.62, and 1001.63 which is effective at the plant at which the milk is received. In that event there shall be added a rate which will produce that price.

CONNECTICUT

All of the State of Connecticut east of the Connecticut River and the towns of:

Granby. Suffield.

MAINE

The towns of:

Eliot. Kittery.

MASSACHUSETTS

All counties other than Berkshire County.

NEW HAMPSHIRE

Rockingham County, and the following cities and towns:

Allenstown. Hollis.
Amherst. Hooksett.
Barrington. Hudson.
Bedford. Lee.
Bow. Litchfield.
Brookline. Lyndeborough.
Chichester. Madbury.
Deering. Manchester.
Dover. Mason.
Durham. Merrimack.
Epsom. Milford.
Francestown. Mount Vernon.
Goffstown. Nashua.
Greenfield. New Boston.
Greenville. New Ipswich.
Hinsdale. Pelham.
Pembroke. Temple.
Pittsfield. Weare.
Rochester. Wilton.
Rollinsford. Winchester.
Strafford.

RHODE ISLAND

All of the State of Rhode Island.

VERMONT

The towns of:

Guilford. Vernon.
Halifax. Whitingham.
Readsboro.

(b) With respect to milk received from a producer whose farm is located within any of the following cities and towns, the differential shall be 23 cents per hundredweight, unless the addition of 23 cents gives a result greater than the Class I price determined under §§ 1001.60, 1001.62, and 1001.63 which is effective at the plant at which the milk is received. In that event there shall be added a rate which will produce that price.

MAINE

Arundel. North Berwick.
Berwick. Sanford.
Kennebunk. South Berwick.
Kennebunkport. Wells.
Lebanon. York.
Lyman.

MASSACHUSETTS

Becket. Sandisfield.
Florida. Savoy.
Hinsdale. Washington.
Otis. Windsor.
Peru.

NEW HAMPSHIRE

Antrim. Loudon.
Barnstead. Marlborough.
Bennington. Middleton.
Boscawen. Milton.
Bradford. Nelson.
Canterbury. Northfield.
Chesterfield. Peterborough.
Concord. Richmond.
Dublin. Rindge.
Dunbarton. Roxbury.
Farmington. Sharon.
Fitzwilliam. Somersworth.
Gilmanton. Stoddard.
Gilsum. Sullivan.
Hancock. Surry.
Harrisville. Swanzey.
Henniker. Troy.
Hillsborough. Webster.
Hopkinton. Westmoreland.
Jaffrey. Windsor.
Keene.

VERMONT

Brattleboro. Marlboro.
Brookline. Newfane.
Dover. Putney.
Dummerston. Wilmington.

§ 1001.73 Statements to producers.

In making the payments to producers required under § 1001.70, each handler shall furnish each producer with a supporting statement, in such form that it may be retained by the producer, which shall show:

(a) The month and the identity of the handler and of the producers;

(b) The pounds and butterfat test of milk which is received from the producer, or if more than one minimum rate of payment is applicable to the producer's milk under § 1001.70, the respective pounds and test to which each minimum rate of payment applies;

(c) The minimum rate or rates, including the butterfat differential, at which payment to the producer is required under § 1001.70;

(d) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(e) The amount or the rate per hundredweight of each deduction claimed by the handler, including any deductions claimed under §§ 1001.75 and 1001.76, together with a description of the respective deductions; and

(f) The net amount of payment to the producer.

§ 1001.74 Adjustment of payments to producers.

Whenever the market administrator's verification of a handler's payments to producers discloses payment to a producer of an amount less than is required by § 1001.70, the handler shall make payment of the balance due the producer not later than the 20th day after the end of the month in which the handler is notified of the deficiency.

§ 1001.75 Marketing service deductions.

(a) In making the payments required by § 1001.70 to producers, other than himself and any producer who is a member of a cooperative association which the Secretary determines is performing the services specified in this section, each handler shall deduct 3 cents per hundredweight, or such lesser rate as the Secretary shall determine to be sufficient, for marketing services. The handler shall pay the amount deducted to the market administrator on or before the 18th day after the end of the month.

(b) The market administrator shall expend amounts received under paragraph (a) of this section only in providing for market information to such producers and for verification of weights, samples, and tests of milk received from them. The market administrator may contract with a cooperative association for the furnishing of the whole or any part of these services.

§ 1001.76 Payments to cooperative associations.

(a) Each cooperative association may file with a handler who is not a cooperative association a claim either for the payments which the handler is required to make to the association's producer members under § 1001.70 or for authorized deductions from such payments. The claim shall contain a list of the producers to whom the payments are due or to whom the deductions apply, an agreement to indemnify the handler in the making of such payments or deductions, and a certification that the association has, with each producer listed, an unterminated membership contract authorizing the payment or deduction.

(b) The handler shall withhold from the association's producer members the payments or the deductions specified in paragraph (a) of this section in accordance with the association's claim. He shall pay the amounts withheld to the association on or before the dates on which such amounts otherwise would have been due to the producer members under § 1001.70.

(c) For each producer member from whom payment was withheld, the handler shall furnish the association a supporting statement showing the information required to be furnished to the producer under § 1001.73. For each producer member from whom a deduction is made under this section, the handler shall furnish the association a statement showing the pounds of milk received.

(d) Each handler who receives fluid milk products from a cooperative association in its capacity as the operator of a pool plant or in its capacity as a handler under § 1001.9(d) shall make payment to the association for such receipts as follows:

(1) On or before the 5th day after the end of the month, for the approximate value of the fluid milk products received from the association during the first 15 days of the month. This payment shall be at a rate not less than the applicable zone Class II price for the month. The payment made to the association under this subparagraph shall constitute partial payment of the total amount required to be paid under this paragraph.

(2) On or before the 20th day after the end of the month, for not less than the total value of fluid milk products received from the association's pool plants, as determined by multiplying the respective quantities assigned to each class under §§ 1001.54 and 1001.57 by the class prices for the month, adjusted by the zone and butterfat differentials applicable under §§ 1001.62, 1001.63, and 1001.71.

(3) On or before the 20th day after the end of the month, for not less than the total value of milk received from the cooperative association in its capacity as a handler under § 1001.9(d), at the basic blended price per hundredweight for the month computed under § 1001.65, adjusted by the zone and butterfat differentials applicable under §§ 1001.62, 1001.63, and 1001.71.

(4) Whenever the market administrator's verification of a handler's payments under this paragraph discloses an underpayment, the handler shall make payment of the balance due the cooperative association not later than the 20th day after the end of the month in which the handler is notified of the deficiency.

PAYMENTS—PRODUCER SETTLEMENT FUND

§ 1001.80 Producer settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer settlement fund." He shall deposit into the fund all amounts received from handlers under §§ 1001.82, 1001.83, and 1001.84. He shall pay from the fund all amounts due handlers under §§ 1001.82, 1001.83, and 1001.84, subject to his right to offset any amounts due from the handler under these sections. All amounts subtracted under § 1001.66 (c), inclusive of interest earned thereon, shall remain therein as an obligated balance until it is withdrawn for the purpose of effectuating § 1001.65(d).

§ 1001.81 Handlers' producer settlement fund debits and credits.

On or before the 15th day after the end of the month, the market administrator shall render a statement to each handler showing the amount of the handler's producer settlement fund debit or credit, as calculated in this section.

(a) The producer settlement fund debit or credit for each plant and each cooperative association in its capacity as a handler under § 1001.9(d) shall be computed as specified in this paragraph.

(1) Multiply the quantities of pool milk and the quantities of fluid milk products received at the pool plant from cooperative associations in their capacity as handlers under § 1001.9(d) by the basic blended price computed under § 1001.65 adjusted by any zone differential applicable under §§ 1001.62 and 1001.63.

(2) Multiply the quantities of producer milk which are subject to farm location differentials under § 1001.72 (a) and (b) by the respective rates applicable under those paragraphs.

(3) With respect to any nonpool plant from which pool milk other than producer milk was received or distributed, divide the respective quantities of milk received at the plant directly from dairy farmers' farms located in the farm location differential areas described in § 1001.72 (a) and (b) by the total receipts of fluid milk products at the plant, multiply by 100, and apply the resulting percentages to the total quantity of pool milk received or distributed from the plant. Multiply each resulting quantity by the respective farm location differential rate specified in § 1001.72(a) or (b). Until such time as full information relative to all receipts at the plant, including the respective quantities of milk received directly from dairy farmers' farms in each farm location differential area, is submitted to the market administrator, it shall be considered that none of the farms from which milk was received at the plant is located in a farm location differential area.

(4) Combine the values obtained under subparagraphs (1) through (3) of this paragraph.

(5) For any cooperative association in its capacity as a handler under § 1001.9 (d), multiply the quantities of milk moved to each pool plant by the basic blended price computed under § 1001.65 adjusted by any zone differentials applicable under §§ 1001.62 and 1001.63; and to the result add the value determined under § 1001.64.

(6) If the value of fluid milk products, as determined under § 1001.64 for any plant, or as determined under subparagraph (5) of this paragraph for any cooperative association in its capacity as a handler under § 1001.9(d), is greater than the credit as determined under subparagraph (4) of this paragraph, the difference shall be the producer settlement fund debit for the plant or the cooperative association in its capacity as a handler under § 1001.9(d).

(7) If the value of fluid milk products, as determined under § 1001.64 for any plant, or as determined under subparagraph (5) of this paragraph for any cooperative association in its capacity as a handler under § 1001.9(d), is less than the credit as determined under subparagraph (4) of this paragraph, the difference shall be the producer settlement fund credit for the plant or the cooperative association in its capacity as a handler under § 1001.9(d).

(b) The producer settlement fund debit or credit of any handler shall be the net of the producer settlement fund debits and credits as computed for all of its operations under paragraph (a) of this section.

§ 1001.82 Payments to and from the producer settlement fund.

(a) On or before the 18th day after the end of the month, each handler shall make payment to the market administrator of the amount of the handler's producer settlement fund debit for the month as determined under § 1001.81.

(b) On or before the 20th day after the end of the month, the market administrator shall make payment to each handler of the amount of the handler's producer settlement fund credit for the month as determined under § 1001.81.

§ 1001.83 Adjustment of errors in producer settlement fund payments.

Whenever the market administrator's verification of reports or payments of any handler discloses an error in producer settlement fund payments made under § 1001.82, the market administrator shall promptly issue to the handler a charge bill or a credit, as the case may be, for the amount of the error. Adjustment charge bills issued during the period beginning with the 11th day of the prior month and ending with the 10th day of the current month shall be payable by the handler to the market administrator on or before the 18th day of the current month. Adjustment credits issued during that period shall be payable by the market administrator to the handler on or before the 20th day of the current month.

§ 1001.84 Adjustment of overdue producer settlement fund accounts.

Any producer settlement fund account balance due from or to a handler under §§ 1001.82, 1001.83, or 1001.84, for which remittance has not been received in or paid from the market administrator's office by the close of business on the 20th day of any month, shall be increased one-half of 1 percent effective the following day. Any remittance received by the market administrator after the 20th day of any month in an envelope which is postmarked not later than the 18th day of the month shall be considered to have been received by the 20th day of that month.

ADMINISTRATION EXPENSE

§ 1001.87 Payment of administration expense.

On or before the 18th day after the end of the month, each handler shall make payment to the market administrator of his pro rata share of the expense of administration of this part. The payment shall be at the rate of 4 cents per hundredweight, or such lesser rate as the Secretary may prescribe. The payment shall apply to:

(a) All of a handler's receipts at pool plants during the month of fluid milk products from all sources, except receipts from pool plants, receipts from regulated plants under other Federal orders if such receipts were subject to an administration expense assessment under the other order, and receipts of exempt milk processed at plants other than pool plants;

(b) All receipts and beginning inventory of a cooperative association in its capacity as a handler under § 1001.9(d) for the month less its disposition to pool plants and ending inventory for the month; and

(c) The quantity of pool milk distributed as route disposition in the marketing area from a handler's nonpool plant.

MISCELLANEOUS PROVISIONS

§ 1001.90 Effective time.

The provisions of this part, or any amendments to its provisions, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated under § 1001.91.

§ 1001.91 Suspension or termination.

The Secretary may suspend or terminate this part or any provision thereof whenever he finds that it obstructs or does not tend to effectuate the declared policy of the Act. This part, in any event, shall terminate whenever the provisions of the Act authorizing it cease to be in effect.

§ 1001.92 Continuing obligations.

If, upon the suspension or termination of any or all provisions of this part, there are any obligations arising under it, the final accrual or ascertainment of which requires further acts by any person, such further acts shall be performed notwithstanding such suspension or termination.

§ 1001.93 Liquidation.

Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate, if so directed by the Secretary, shall liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected under the provisions of this part, over and above the amount necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 1001.94 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part, except as provided in paragraphs (b) and (c) of this section, shall terminate 2 years after the last day of the month during which the market administrator received the handler's utilization report on the milk involved in the obligation, unless within the 2-year period the market administrator notifies the handler in writing that the money is due and payable. Service of the notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of the producer or cooperative association, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator, within the 2-year period provided for in paragraph (a) of this section, may notify the handler in writing of the failure or refusal. If the market administrator so notifies a handler, the said 2-year period with respect to the obligation shall not begin to run until the first day of the month following the month during which all the books and records pertaining to the obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud, or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which the handler claims to be due him under the terms of this part shall terminate 2 years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or 2 years after the end of the month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on the payment is claimed, unless the handler, within the applicable period of time, files a petition under section 8c(15)(A) of the Act, claiming the money.

§ 1001.95 Agents.

The Secretary, by designation in writing, may name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 1001.96 Separability of provisions.

If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Amendments to the Connecticut Order Provisions. In § 1015.9, paragraph (c) (4) is revoked and paragraph (d) is revised to read as follows:

§ 1015.9 Handler.

* * * * *

(c) * * *

(4) [Revoked]

(d) Any cooperative association with respect to producer milk transferred from the producer's farm tank to a tank truck owned and operated by or under contract to such association for delivery to a pool plant if prior to delivery the operator of the pool plant gives notice in writing to both the market administrator and the association of its intention to purchase such milk on a basis of weights and butterfat tests other than as determined from farm tank measurements and farm tank samples.

* * * * *

In § 1015.10 the introductory paragraph and paragraph (a) are revised to read as follows:

§ 1015.10 Producer-handler.

"Producer-handler" means any person who is both a dairy farmer and a handler during the month and who meets all the conditions specified in this section. Sections 1015.63, 1015.64, 1015.72, 1015.73, 1015.75, 1015.80, through 1015.82, and 1015.87 through 1015.89 shall not apply to a producer-handler as defined under this or any other Federal order.

(a) His only sources of milk supply (except that prerepresented by nonfat solids used in fortification) are his own production and fluid milk products transferred from pool plants. For the purpose of this paragraph, any fluid milk products which were acquired or purchased from a nonpool plant by him, his agent, partner or other associate and which he or such other person caused to be delivered at retail or wholesale outlets (including vending machines) in any Federal marketing area without being first received at his plant shall be included in such person's nonpool source of fluid milk products.

* * * * *

In § 1015.16(b), subparagraph (1) is revised to read as follows:

§ 1015.16 Pool plants.

* * * * *

(b) * * *

(1) Any plant, other than as provided in subparagraphs (2) through (5) of this paragraph, from which is shipped during any month of July through November at least 25 percent, and during any month of December through June at least 15 percent, of its total receipts of milk from dairy farmers as fluid milk products, other than as diverted milk, to pool distributing plants, producer-handlers and plants to which qualifying shipments may be made under another New England Federal order, if a greater quantity of qualifying shipments are made to pool distributing plants and producer-handlers under this order than to the other plants. In the case of any plant which is eligible for qualification under subparagraph (5) of this paragraph and for which such qualification is requested the receipts at the plant from dairy farmers and the shipments therefrom to pool distributing plants for the purpose described in this subparagraph, shall include all direct deliveries of milk to pool distributing plants by producer-members of the cooperative association.

* * * * *

In § 1015.26, paragraph (c) is revoked.

§ 1015.26 Exempt milk.

* * * * *

(c) [Revoked]

In § 1015.32(g), a new subparagraph (5) is added to read as follows:

§ 1015.32 Duties.

* * * * *

(g) * * *

(5) Whenever required for purpose of allocating receipts from other order plants pursuant to § 1015.55(c)(2), his estimate of the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose.

* * * * *

A new § 1015.35 together with a center heading is provided to read as follows:

APPLICATION OF PROVISIONS

§ 1015.35 Exempt governmental agency.

None of the provisions of this part shall apply to a governmental agency. Receipts of fluid milk products at a pool plant from such an agency shall be Class II. The disposition of fluid milk products by a pool handler to such an agency shall be Class I except that the disposition of fluid milk products in bulk to a plant operated by the University of Connecticut shall be Class II if claimed by the selling handler and supported by a certification, signed by an authorized agent of the University, that such milk was used to produce milk products other than fluid milk products or cream.

In § 1015.41, paragraphs (c) and (e)(1) are revised to read as follows:

* * * * *

§ 1015.41 Other reports of receipts and utilization.

* * * * *

(c) Each handler under § 1015.9(d) shall report to the market administrator in detail and on forms prescribed by the market administrator by the date on which reports are due under § 1015.40 after the end of each month, the quantities of skim milk and butterfat in producer milk delivered to each pool plant in such month and in the milk transferred into the tank truck at each producer's farm, and the classification of the quantities of skim milk and butterfat which are considered producer milk pursuant to § 1015.24(a)(4).

* * * * *

(e) * * *

(1) Mail or deliver to the market administrator on or before the second day (exclusive of Sundays and of legal holidays applicable at the location of the plant) following the day of each dumping not witnessed by the market administrator or his agent, a report in writing, as prescribed by the market administrator, showing the date on which the dumping was performed and the quantity dumped, such report to be signed by both the person who performed the dumping operation and the person authorized to sign reports for the handler under § 1015.40 (if the latter person is not available to sign the report within the 2-day period, the signature of the plant manager or plant superintendent shall be substituted on the report); and

* * * * *

Section 1015.50 is revised to read as follows:

§ 1015.50 Skim milk and butterfat to be classified.

All skim milk and butterfat which is required to be reported pursuant to § 1015.40, or is producer milk pursuant to § 1015.24(a)(4) and required to be reported pursuant to § 1015.41(c), shall be classified pursuant to the provisions of §§ 1015.51 to 1015.53. Bulk milk which a cooperative association causes to be delivered under § 1015.9(c)(3) to the pool plant of another cooperative association shall be considered as if it were transferred between two pool plants located in the same zone location. When nonfat milk solids derived from nonfat dry milk, condensed skim milk or any other product condensed from milk or skim milk are utilized or unaccounted for by the handler, the total pounds of skim milk classified shall reflect a volume equivalent to the skim milk used to produce such nonfat milk solids, except that if the solids are utilized to fortify fluid milk products or cream, the actual weight of any such products shall be included in classifying the total product weight.

In § 1015.52, paragraphs (g)(2), (g)(3) and, (l) are revised, paragraph (l) is redesignated as paragraph (j), and a new paragraph (l) is added. Paragraphs (g)(2), (g)(3), (l), and (j) are to read as follows:

§ 1015.52 Class II milk.

* * * * *

(g) * * *

(2) Plus 1.5 percent of:

(l) Producer milk received from a handler under § 1015.9(d);

(ll) Milk received at the pool plant of a cooperative association from another cooperative association as specified in § 1015.9(c)(3) unless the association that received the milk at its pool plant notifies the market administrator in writing by the date reports are due under § 1015.40 that it is purchasing the milk on the basis of farm tank measurements and butterfat tests determined from farm tank samples in which case the applicable percentage shall be 2 percent;

(3) Plus 0.5 percent of:

(i) Producer milk received by a handler under § 1015.9(c)(3) if the association operating the pool plant where the milk is delivered has not notified the market administrator in writing by the date reports are due under § 1015.40 that it is purchasing the milk on the basis of farm tank measurements and butterfat tests determined from farm tank samples;

(ii) Milk transferred by a cooperative association in its capacity as a handler pursuant to § 1015.9(d) from a producer's farm tank into a tank truck.

* * * * *

(j) Contained in bulk fluid milk products transferred or diverted to the plant of an exempt governmental agency if the conditions of § 1015.35 are met.

(j) Contained in fluid milk products transferred or diverted from a pool plant to another plant other than the plant of a producer-handler under any Federal order or the plant of an exempt governmental agency if the conditions of § 1015.53 are met.

In § 1015.55, the introductory paragraph, and paragraphs (b)(3) and and (c)(2) are revised to read as follows:

§ 1015.55 Assignment to classes of skim milk and butterfat received.

The total quantity of skim milk and butterfat received during the month at each pool plant and by handlers specified in § 1015.9(c) and required to be reported under § 1015.40 (including those quantities in inventory at the beginning of the month) and in producer milk pursuant to § 1015.24(a)(4) required to be reported pursuant to § 1015.41(c), shall be assigned separately, in the manner and sequence provided below, to the respective quantities of skim milk and butterfat classified in each class under §§ 1015.50 through 1015.53.

* * * * *

(b) * * *

(3) Fluid milk products from producer-handlers under any Federal order, from exempt governmental agencies or exempt distributing plants under any New England Federal order in sequence beginning with the source most distant from Hartford according to its zone location;

* * * * *

(c) * * *

(2) To the remaining pounds in each class, assign in the manner provided in subdivisions (i) and (ii) of this subparagraph any remaining receipts of bulk fluid milk products from each regulated plant under another Federal order, to the extent that such receipts are not offset by transfers of bulk fluid milk products to the same plants, if such receipts are classified and priced under the other order as Class I milk or are subject to such classification and pricing or the equivalent thereof, if assigned to Class I milk under this order. Should the quantity to be assigned to either class exceed the respective quantity remaining in that class at the plant of receipt, the respective quantity remaining in that class shall be increased to the quantity to be assigned and the respective quantity remaining in the other class shall be decreased by an identical quantity. If such an adjustment is required at the receiving plant, an offsetting adjustment shall be made to the respective remaining quantities in each class at the handler's other pool plants, in sequence beginning with the plant nearest Hartford.

(i) Assign the quantities in such receipts to Class I milk and Class II milk in proportion to the estimated percentages of skim milk and butterfat, respectively, in each class in producer milk of all handlers for the month as announced under § 1015.32(g)(5), or in proportion to the respective remaining pounds in each class at all of the handler's pool plants, whichever procedure results in the greater combined quantity of skim milk and of butterfat in such receipts being assigned to Class II milk.

(ii) The quantities assigned to Class II milk under this paragraph shall not exceed the respective quantities of skim milk and of butterfat in Class II milk remaining at all of the handler's pool plants. Any remaining receipts shall be assigned to Class I milk.

* * * * *

Section 1015.60 is revised to read as follows:

§ 1015.60 Class I price.

The Class I price per hundredweight of milk containing 3.5 percent butterfat, at plants in the nearby plant zone under § 1015.62 shall be the amount computed for each month as specified in this section. The latest reported figures available to the market administrator on the 25th day of the preceding month shall be used in making the computations, except that if the 25th day of the preceding month falls on a Sunday or legal holiday the latest figures available on the next succeeding workday shall be used.

(a) Compute an economic index, with the year 1958 as the base period, as follows:

(1) Calculate a U.S. wholesale commodity price index by dividing the monthly wholesale price index for all commodities (as reported by the Bureau of Labor Statistics, U.S. Department of Labor, with the years 1957–59 as the base period) by 1.0025.

(2) Calculate a New England consumer income index by multiplying the current annual rate of per capita disposable income in the United States (based upon the quarterly figure released by the U.S. Department of Commerce or the Council of Economic Advisers to the President) by the New England adjustment percentage and dividing the result by 20.50. The New England adjustment percentage shall be the current percentage relationship of per capita personal income in the United States (using data on per capita personal income by States and regions as published by the United States Department of Commerce).

(3) Calculate a New England dairy ration index by dividing the monthly average price paid by farmers in the New England region for 100 pounds of mixed dairy feed containing less than 20 percent protein (as reported by the U.S. Department of Agriculture) by 0.03884.

(4) Calculate a New England farm wage rate index by dividing the weighted average farm wage rate for the New England region by 1.9833. The weighted average farm wage rate for the New England region shall be the average of the farm wage rates for the New England region (as reported by the U.S. Department of Agriculture) weighted by the factors indicated in the following table.

Rate	Weighting factor
Per month with board and room	1.00
Per month with house	1.00
Per week with board and room	4.33
Per week without board or room	4.33
Per day without board or room	26.00

(5) Calculate a New England grain-labor cost index by multiplying the New England dairy ration index by 0.6 and the New England farm wage rate index by 0.4, and combining the two results.

(6) The economic index shall be the result of dividing by 7 the sum of three times the U.S. wholesale commodity price index, the New England consumer income index, and three times the New England grain-labor cost index, except that for the purpose of computing the Class I price for each of the months through April 1968 such economic index shall not be less than 115.89.

(b) Compute an economic index price as follows:

(1) Multiply the economic index by $0.0557, expressing the result to the nearest mill.

(2) Divide the Class I–A price for the month computed under the New York-New Jersey Federal order, applicable to milk containing 3.5 percent butterfat received at plants located in the 201–210-mile freight zone, by the utilization adjustment percentage which entered into the computation of that price, expressing the result to the nearest mill.

(3) The economic index price shall be the price computed in subparagraph (1) of this paragraph, except that its deviation from the result obtained in subparagraph (2) of this paragraph shall be limited to $0.13.

(c) Compute a supply-demand adjustment factor (using quantities announced in the statistical reports of the respective market administrators for the New England Federal orders for the second, third, and fourth months preceding the month for which the price is being computed but excluding receipts and sales of plants which become regulated on the basis of their sales in the Massachusetts-Rhode Island area extension) as follows:

(1) For each of the 3 months, determine the total Class I producer milk and the total producer milk for the New England Federal order markets by combining the respective totals for the individual markets.

(2) For each of the 3 months, divide the total Class I producer milk for the New England Federal order markets by the base Class I percentage factor for the same months as determined under § 1015.65(a). The result shall be the New England base supply for that month.

(3) For each of the 3 months, express the total producer milk for the New England Federal order markets as a percentage of the New England base supply for the same month. The simple average of the three resulting percentages shall be the percentage of base supply.

(4) The supply-demand adjustment factor shall be the figure in the following table opposite the bracket within which the percentage of base supply falls, except that for the purposes of computing Class I prices through December 1967 such factor shall be 0.99. When the percentage of base supply falls in an interval between brackets, the supply-demand adjustment factor shall be the figure shown for the next higher bracket if the factor for the previous month was based on a bracket higher than such interval, and shall be the figure for the next lower bracket if the factor for the previous month was based on a bracket lower than such interval.

Percentage of base supply: [1]	*Supply-demand adjustment factor*
90.5–91.5	1.08
92.0–93.0	1.06
93.5–94.5	1.04
95.0–96.0	1.03
96.5–97.5	1.02
98.0–99.0	1.01
99.5–100.5	1.00
101.0–102.0	.99
102.5–103.5	.98
104.0–105.0	.97
105.5–106.5	.96
107.0–108.0	.95
108.5–109.5	.94

[1] If the percentage of base supply calculated according to subparagraph (3) of this paragraph falls outside the extremes shown in this column, the supply-demand adjustment factor shall be determined by extending the table at the indicated rate of extension.

(d) The Class I price shall be the result, rounded to the nearest full cent, of the economic index price determined under paragraph (b) of this section, multiplied by the supply-demand adjustment factor determined under paragraph (c) of this section, plus 40 cents.

In § 1015.62, paragraph (d) is revised to read as follows:

§ 1015.62 Plant zone price differentials.

* * * * *

(d) The zone price differentials for each plant shall be those applicable to its zone location as shown in the following table:

PLANT ZONE PRICE DIFFERENTIALS

Distance to Hartford (miles)	Plant location zone	Class I and uniform price differentials (cents per hundredweight)	Class II price differentials (cents per hundredweight)
Various	Nearby plant	0.0	0.0
51 to 60	6	−19.0	−1.4
61 to 70	7	−20.4	−1.7
71 to 80	8	−21.8	−2.0
81 to 90	9	−23.2	−2.6
91 to 100	10	−24.8	−2.8
101 to 110	11	−26.0	−2.9
111 to 120	12	−27.4	−3.2
121 to 130	13	−28.8	−3.4
131 to 140	14	−30.2	−3.7
141 to 150	15	−31.6	−4.2
151 to 160	16	−33.0	−4.8
161 to 170	17	−34.4	−4.6
171 to 180	18	−35.8	−5.2
181 to 190	19	−37.2	−5.4
191 to 200	20	−38.6	−5.7
201 to 210	21	−40.0	−5.8
211 to 220	22	−41.4	−6.4
221 to 230	23	−42.8	−6.5
231 to 240	24	−44.2	−6.7
241 to 250	25	−45.6	−6.7
251 to 260	26	−47.0	−7.0
261 to 270	27	−48.4	−7.1
271 to 280	28	−49.8	−7.3
281 to 290	29	−51.2	−7.4
291 to 300	30	−52.6	−7.6
301 to 310	31	−54.0	−8.1
311 to 320	32	−55.4	−8.2
321 to 330	33	−56.8	−8.3
331 to 340	34	−58.2	−8.6
341 to 350	35	−59.6	−8.6
351 to 360	36	−61.0	−8.8
361 to 370	37	−62.4	−8.9
371 to 380	38	−63.8	−9.1
381 to 390	39	−65.2	−9.2
391 to 400	40	−66.6	−9.3
401 and over	41 and over	(1)	−9.3

[1] Class I and uniform price differentials applicable to plants located more than 400 miles from Hartford shall be obtained by extending the table at the rate of 1.4 cents for each additional 10 miles, except that in no event shall the Class I or uniform price at any zone be less than the Class II price for the month for plants in such zone.

* * * * *

In § 1015.63, the introductory paragraph and paragraph (c) are revised to read as follows:

§ 1015.63 Value of each handler's fluid milk products.

For each month, the market administrator shall compute the value of fluid milk products for each handler under § 1015.9(a), (b), (c), and (d) except a producer-handler under any Federal order. The prices used shall be those for the zone location of the plant for which the value is being computed or at which it has been considered that a handler under § 1015.9(c) or (d) received producer milk, except that under paragraphs (a)(2), (b)(2), and (f)(2) of this section the prices used shall be those applicable at the zone locations of the plants from which the fluid milk products were received, and under paragraph (c) of this section, the prices which are specified therein shall be used.

* * * * *

(c) Compute a charge on the handler's beginning inventory as follows:

(1) Multiply the difference between the Class II price for the preceding month and the Class I price for the current month applicable at the nearest plant location from which an equivalent quantity of skim milk and butterfat, respectively, was allocated to Class II milk in the preceding month, by the hundredweight of skim milk and butterfat, respectively, assigned to Class I milk under § 1015.55(b)(7) for the month which is in excess of the hundredweights of skim milk and butterfat, respectively, allocated to Class II milk under § 1015.55 (e) and (f) during the preceding month and classified and priced as Class I milk or the equivalent thereof under the provisions of any Federal order; and

(2) Multiply the hundredweight of skim milk and butterfat in milk which is in transit to a pool plant at the beginning of the month from a cooperative association in its capacity as a handler under § 1015.9(d), by the difference between the Class II price for the preceding month and the uniform price for the current month applicable at the location at which such milk was priced during the preceding month.

* * * * *

In § 1015.64, paragraph (a) is revised to read as follows:

§ 1015.64 Basic uniform price.

(a) Combine into one total the value of fluid milk products computed under § 1015.63, excluding any charge under § 1015.63(c)(2), for each handler who made the reports prescribed in §§ 1015.40 and 1015.41(c) for the month and who was not in default of payments under § 1015.81 for the preceding month.

* * * * *

In § 1015.73, paragraph (b) is revised to read as follows:

§ 1015.73 Statements to producers.

* * * * *

(b) The total pounds and average butterfat test of milk received from the producer or from the cooperative association in its capacity as a handler under § 1015.9(d) except that the butterfat test shall not be required on statements accompanying payment for the first 15 days of the month;

* * * * *

Section 1015.74 is revised to read as follows:

§ 1015.74 Adjustment of payments to producers and cooperative associations.

Whenever the market administrator's verification of a handler's payments to producers or cooperative associations discloses payment of an amount less than is required by § 1015.70 the handler shall make payment of the balance due the producer or cooperative association not later than the date for making payment under § 1015.70 for the month in which the handler is notified by the market administrator of the deficiency.

Section 1015.80 is revised to read as follows:

§ 1015.80 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund." He shall deposit all amounts received from handlers under §§ 1015.81, 1015.88, and 1015.89 into the fund. He

shall pay all amounts due handlers under §§ 1015.82 and 1015.88 from the fund, subject to his right to offset a payment due to a handler from the producer-settlement fund against any payment due from the handler to the fund. All amounts subtracted under § 1015.64 (c) inclusive of interest earned thereon, shall remain therein as an obligated balance until it is withdrawn for the purpose of effectuating § 1015.64(d). The market administrator shall render a statement to each handler who made the reports prescribed in § 1015.40 or § 1015.41(c), by the 16th day of the month showing the amount due to or from the producer-settlement fund computed in accordance with §§ 1015.63, 1015.81, and 1015.82.

In § 1015.87, paragraph (b) is revised to read as follows:

§ 1015.87 Payment of administration expense.

* * * * *

(b) The payment shall also apply to the quantity of pool milk distributed as route disposition in the marketing area from a handler's nonpool plant, to the quantity of producer milk for which a cooperative association is the handler under § 1015.9(c), and to the quantity of producer milk for which the cooperative association is the handler under § 1015.9 (d), except that disposed of to pool plants or in ending inventory for the month.

Signed at Washington, D.C., on June 27, 1967.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 67-7467; Filed, July 5, 1967; 8:45 a.m.]

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FEDERAL REGISTER

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Commerce Department
Commodity Credit Corporation
Consumer and Marketing Service
Defense Department
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PART 8—COLOR ADDITIVES

Subpart D—Listing of Color Additives for Food Use Exempt From Certification

CONFIRMATION OF EFFECTIVE DATE OF ORDER REGARDING USE OF CALCIUM HYDROXIDE U.S.P. IN MANUFACTURING CARAMEL

In the matter of amending the color additive regulations (§ 8.303) to provide for use of calcium hydroxide U.S.P. as an alkali to assist caramelization in the manufacture of caramel:

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706 (b), (c) (2), (d), 74 Stat. 399–403; 21 U.S.C. 376 (b), (c) (2), (d), and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.120), notice is given that no objections were filed to the order in the above-identified matter published in the FEDERAL REGISTER of May 12, 1967 (32 F.R. 7173). Accordingly, the amendment promulgated by that order will become effective July 11, 1967.

(Sec. 706 (b), (c) (2), (d), 74 Stat. 399–403; 21 U.S.C. 376 (b), (c) (2), (d))

Dated: June 28, 1967.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 67-7620; Filed, July 6, 1967; 8:49 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER B—COOPERATIVE CONTROL AND ERADICATION OF ANIMAL DISEASES

PART 51—CATTLE DESTROYED BECAUSE OF BRUCELLOSIS (BANG'S DISEASE), TUBERCULOSIS, OR PARATUBERCULOSIS

Payment of Indemnities

Pursuant to the provisions of sections 3 and 11 of the Act of May 29, 1884, as amended (21 U.S.C. 114, 114a), and section 2 of the Act of February 2, 1903, as amended (21 U.S.C. 111), § 51.6 of Part 51, Subchapter B, Title 9, Code of Federal Regulations, relating to payment of indemnity for cattle destroyed because of brucellosis, tuberculosis, or paratuberculosis, is amended to read as follows:

§ 51.6 Time limit for slaughter.

Payment of indemnity will be made under this part for cattle destroyed because of brucellosis, tuberculosis or paratuberculosis only if the animals are slaughtered or die otherwise within 15 days after the date of appraisal, except that the appropriate Veterinarian in Charge, for reasons satisfactory to him, may extend the period beyond 15 days.

(Sec. 3–6, 23 Stat. 32, as amended, sec. 2, 32 Stat. 792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 11, 58 Stat. 734, as amended; 21 U.S.C. 111, 112, 113, 114, 114a, 120, 125)

The foregoing amendment delegates full authority to the Veterinarian in Charge to grant, for reasons satisfactory to him, any extension of time believed necessary to enable owners of reactors to comply with the requirements of § 51.6. The amendment will be of benefit to affected persons as it will facilitate the payment of certain indemnity claims for cattle destroyed because of brucellosis, tuberculosis, or paratuberculosis. Accordingly, under the administrative procedure provisions (5 U.S.C. 553) it is found upon good cause that notice and other public procedure with respect to the foregoing amendment are impracticable and contrary to the public interest and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Effective date. The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 3d day of July 1967.

F. J. MULHERN,
Deputy Administrator,
Agricultural Research Service.

[F.R. Doc. 67-7660; Filed, July 6, 1967; 8:51 a.m.]

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Commuted Travel Time Allowances

Pursuant to the authority conferred upon the Director of the Plant Quarantine Division by § 354.1 of the regulations concerning overtime services relating to imports and exports, effective July 31, 1966 (7 CFR 354.1), administrative instructions (7 CFR 354.2), effective January 27, 1965, as amended March 19, 1966, April 23, 1966, June 9, 1966, July 15, 1966, August 25, 1966, October 13, 1966, January 27, 1967, March 1, 1967, April 18, 1967, and May 26, 1967 (31 F.R. 1052, 4722, 6247, 8113, 9593, 11212, 13203, 32 F.R. 969, 3383, 6019, 7697), prescribing the commuted travel time that shall be included in each period of overtime duty are hereby amended by adding to and deleting from the "lists" therein as follows:

§ 354.2 Administrative instructions prescribing commuted travel time.

WITHIN METROPOLITAN AREA

ONE HOUR

Add: McChord AFB, Wash.

* * * * * *

OUTSIDE METROPOLITAN AREA

ONE HOUR

Add: Fort Lewis, Wash. (served from McChord AFB, Wash.).

Add: Olympia, Wash. (served from McChord AFB, Wash.).

Add: Tacoma, Wash. (served from McChord AFB, Wash.).

* * * * * *

TWO HOURS

Add: SEA-TAC Airport, Wash. (served from McChord AFB, Wash.).

* * * * * *

THREE HOURS

Delete: Fort Lewis, Wash. (served from Seattle, Wash.).

* * * * * *

These commuted travel time periods have been established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such overtime duty when such travel is performed solely on account of such overtime duty. Such establishment depends upon facts within the knowledge of the Plant Quarantine Division. It is to the benefit of the public that these instructions be made effective at the earliest practicable date. Accordingly, pursuant to the provisions of 5 U.S.C. 553, it is found upon good cause that notice and public procedure on these instructions are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making these instructions effective less than 30 days after publication in the FEDERAL REGISTER.

(64 Stat. 561)

This amendment shall become effective July 7, 1967.

Done at Hyattsville, Md., this 30th day of June 1967.

[SEAL] F. A. JOHNSTON,
Director,
Plant Quarantine Division.

[F.R. Doc. 67-7816; Filed, July 6, 1967; 8:49 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM ACREAGE ALLOTMENTS AND MARKETING QUOTAS

[Amdt. 15]

PART 717—HOLDING OF REFERENDA ON MARKETING QUOTAS

Subpart—Regulations Governing the Holding of Referenda on Marketing Quotas

TIME OF VOTING AND REFERENDUM COMMUNITIES

Basis and purpose. The amendment herein is issued under and in accordance with the provisions of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.).

The purpose of these amendments is to (1) change the hours during which polls will be open in all counties in the States of Alabama, Florida, Georgia, North Carolina, South Carolina, and Virginia, and (2) publish in the FEDERAL REGISTER the referendum communities by States and counties in which polling places will be designated for holding flue-cured tobacco referendums. If a community is not listed in the amendment, no referendum is to be held therein because there are no eligible voters in the community.

The boundaries of the ASCS communities in Marion County, S.C., are involved in litigation. In the case of Drew v. Lawrimore et al., Federal Judge Robert W. Hemphill of the U.S. District Court for the District of South Carolina directed that the boundaries of certain ASCS communities in Marion County be established differently from the boundaries previously established. Judge Hemphill's decision has been appealed and the matter has not been finally determined. For the purposes of the flue-cured tobacco referendum to be held in 1967, the boundaries of the communities established pursuant to Judge Hemphill's order will be used.

Since a referendum for flue-cured tobacco will be held in the near future, it is important that these amendments be issued and made effective as soon as possible. Accordingly, it is hereby found that compliance with the notice, public procedure, and effective date requirements of 5 U.S.C. 553 is impracticable and contrary to the public interest and these amendments shall become effective as provided herein.

1. Section 717.4 is amended by adding at the end thereof a new paragraph (c) to read as follows:

§ 717.4 Place for balloting.

* * * * *

(c) Referendum communities for flue-cured tobacco referendums by States and counties are as follows:

REFERENDUM COMMUNITIES

ALABAMA

County	Commodity	Referendum communities
Butler	Flue-cured tobacco	ASC community 4. ASC community 7 and a combination of ASC communities 3, 5, and 6.
Cherokee	do	County is one community.
Conecuh	do	Do.
Covington	do	Do.
Crenshaw	do	Do.
Geneva	do	Do.
St. Clair	do	Do.

FLORIDA

Alachua	Flue-cured tobacco	Regular ASCS communities.
Baker	do	County is one community.
Bradford	do	Do.
Calhoun	do	Do.
Columbia	do	Regular ASCS communities.
Dixie	do	County is one community.
Duval	do	Do.
Gadsden	do	Regular ASCS communities.
Gilchrist	do	Do.
Hamilton	do	Do.
Holmes	do	County is one community.
Jackson	do	Do.
Jefferson	do	Regular ASCS communities, except 1 and 3 are combined into one referendum community.
Lafayette	do	Regular ASCS communities.
Leon	do	County is one community.
Levy	do	Regular ASCS communities, except B and C are to be combined into one referendum community.
Liberty	do	County is one community.
Madison	do	Regular ASCS communities.
Marion	do	County is one community.
Nassau	do	Do.
Sumter	do	Do.
Suwannee	do	Regular ASCS communities.
Taylor	do	County is one community.
Union	do	Do.

GEORGIA

Appling	Flue-cured tobacco	Regular ASCS communities.
Atkinson	do	Do.
Bacon	do	Do.
Baker	do	County is one community.
Ben Hill	do	Regular ASCS communities.
Berrien	do	Do.
Brantley	do	Do.
Brooks	do	Do.
Bryan	do	Do.
Bulloch	do	Do.
Burke	do	County is one community.
Calhoun	do	Do.
Camden	do	Regular ASCS communities.
Candler	do	Do.
Charlton	do	Do.
Chatham	do	De.
Clinch	do	Do.
Coffee	do	Do.
Colquitt	do	Do.
Cook	do	Do.
Crisp	do	Do.
Decatur	do	County is one community.
Dodge	do	Regular ASCS communities, except C, D, E, F, and G are combined into one referendum community.
Dooly	do	Regular ASCS communities.
Dougherty	do	County is one community.
Echols	do	Do.
Effingham	do	Regular ASCS communities.
Emanuel	do	Regular ASCS communities, except A, B, and F combined.
Evans	do	Regular ASCS communities.
Grady	do	Do.
Irwin	do	Do.
Jeff Davis	do	Do.
Jefferson	do	Do.
Jenkins	do	County is one community.
Johnson	do	Regular ASCS communities, except A, C, and E combined.
Lanier	do	County is one community.
Laurens	do	Regular ASCS communities.
Liberty	do	Regular ASCS communities, except A, B, E, G, H, I, K, N, O, and Q are combined and F and M are combined.
Long	do	Regular ASCS communities.
Lowndes	do	Do.
Miller	do	Do.
Mitchell	do	County is one community.
Montgomery	do	Regular ASCS communities.
Pierce	do	Do.
Pulaski	do	Do.
Screven	do	County is one community.
Stewart	do	Regular ASCS communities.
Tattnall	do	Do.
Taylor	do	Do.
Telfair	do	Do.
Terrell	do	County is one community.
Thomas	do	Regular ASCS communities.
Tift	do	Do.
Toombs	do	Do.
Treutlen	do	Do.

REFERENDUM COMMUNITIES

ALABAMA

County	Commodity	Referendum communities
Greene	do	Regular ASCS communities, except voting precincts Eutaw, Forkland, Fort Run, Hookerton, Sucarnochee, Arba, and Jamison.
		Regular ASCS communities.
Grenada	do	Do.
		Do.
		Do.
		Do.
Guilford	do	Regular ASCS communities, except Amoret, Amoret Gardens, Cool Springs, Falkstown, Helena, Rehobeth, and Stokesdale combined into one referendum community.
Halifax	do	Regular ASCS communities, except Oneals which is divided into voting precincts South Oneals and North Oneals.
Harnett	do	Regular ASCS communities.
Hartford	do	Do.
Hoke	do	Do.
Iredell	do	Regular ASCS communities are divided into referendum communities: Contentnea, North, Kinston, Mosley Hall South, Falling Creek, North, Neuse, Pink Hill No. 1, Pink Hill No. 2, Sand Hill, Southwest, Trent No. 1, Trent No. 2, Vance, Woodington.
Johnston	do	Regular ASCS communities, except voting precincts of Pleasant Hill and Hamilton.
Jones	do	Regular ASCS communities, except D and H are combined into one referendum community and E and J are combined into one referendum community.
Lee	do	Regular ASCS communities.
Lenoir	do	Do.
		Do.
Martin	do	County is one community.
Montgomery	do	Regular ASCS communities, except Gaston, Gerrybury, Pleasant Hill, and Vulkare, are combined; Rich Square, Laster, Rahoboth are combined; Severs, Conway, Galatia, and Margaretsville, and Pendleton are combined; Woodland, Newtown, Potecasi, and Milwaukee are combined.
Moore	do	Regular ASCS communities are divided into referendum communities: Bensonville, Southwest, Richlands, Haw Branch, Spouts Ferry, Folkston, Hawfield, Belgrade, Rhodes Town, Fountain Town, Back Swamp.
Nash	do	Regular ASCS communities, except Gaston, Gerrybury, Pleasant Hill, and Vulkare, are combined; Rich Square, Laster, Rahoboth are combined; Severs, Conway, Galatia, and Margaretsville, and Pendleton are combined; Woodland, Newtown, Potecasi, and Milwaukee are combined.
New Hanover	do	Regular ASCS communities are divided into referendum communities: Bensonville, Southwest, Richlands, Haw Branch, Spouts Ferry, Folkston, Hawfield, Belgrade, Rhodes Town, Fountain Town, Back Swamp.
Northampton	do	Regular ASCS communities: C and D. Voting precincts: Grantsboro, Bairds Creek, Hamilton, Merrit, Florence, Oriental, and Arapahoe.
Onslow	do	Regular ASCS communities, except Upper Union and Lower Union which are divided into voting precincts—Upper Union, Lower Union, Pendeiola.
Orange	do	Regular ASCS communities.
Pamlico	do	Do.
		Do.
Pender	do	Do.
		Do.
Person	do	Do.
Pitt	do	Do.
Randolph	do	Voting precincts Cardwell Garage, New Bethel community center, Charlie Wilson, Ruffin Fire Station, Oregon Hill community center, Mayfield-Pryor Store, Bethlehem Hill community center, Wentworth Court House are seperate referendum communities.
Richmond	do	Madison City Hall precinct and Mayodan precinct are combined into one referendum community.
Robeson	do	Regular ASCS communities Huntsville, Laboville, Mayo, Price, Reidsville, Simpsonville, and Williamsburg are seperate referendum communities.
Rockingham	do	County is one community.
		Regular ASCS communities.
Rowan	do	Do.
Sampson	do	Do.
Scotland	do	Do.
Stokes	do	Do.
Surry	do	Regular ASCS communities.

REFERENDUM COMMUNITIES

ALABAMA

County	Commodity	Referendum communities
Turner	do	Do.
Ware	do	Do.
Washington	do	County is one community.
Wayne	do	Regular ASCS communities
Wheeler	do	Do.
Wilcox	do	Communities E and B combined; communities F and C combined, and communities A and D combined.
		County is one community.
Wilkinson	do	Regular ASCS communities.
Worth	do	

NORTH CAROLINA

Alamance	Flue-cured tobacco	Regular ASCS communities.
Alexander	do	Do.
Anson	do	Morven and Golledge combined into one referendum community. Lanesboro No. 1, Lilesville, Wadesboro, and Ansonville, Lanesboro No. 2 combined into one community. White Store combined into one community. Rural Hall ASCS communities, except U and V are combined into one referendum community.
Beaufort	do	Regular ASCS communities.
Bertie	do	Do.
Bladen	do	Do.
Brunswick	do	County is one community.
Buncombe	do	Do.
Caldwell	do	Regular ASCS communities, except Lenoir—Lower Creek and North. Caldwells are combined into one referendum community.
Camden	do	County is one community.
Carteret	do	Regular ASCS communities are divided into referendum communities: North White Oak, South White Oak, East Morehead, West Morehead, North Newport, South Newport, North Beaufort-Harlowe, South Beaufort-Harlowe, East Smyrna-Merrimon, West Smyrna-Merrimon.
Caswell	do	Regular ASCS communities: Pelham ASCS community combined into Pelham West and Pelham East; Milton West; and, Anderson ASCS community divided into Anderson West and Anderson East.
Catawba	do	County is one community.
Chatham	do	Regular ASCS communities.
Chowan	do	Do.
Cleveland	do	County is one community.
Columbus	do	Regular ASCS communities.
Craven	do	Do.
Cumberland	do	Do.
Dare	do	County is one community.
Davidson	do	Regular ASCS communities, except Holly Grove—Liberty, Jackson Hill, Linwood, and Silver Hill are combined into one referendum community.
Davie	do	Regular ASCS communities.
Duplin	do	Do.
Durham	do	Voting Precincts 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 37, and 38 are seperate referendum communities.
Edgecombe	do	Regular ASCS communities.
Forsyth	do	Do.
Franklin	do	Regular ASCS communities, except C is divided into voting Precincts—Dunn No. 1, and Dunn No. 2.
Gaston	do	County is one community.
Gates	do	Regular ASCS communities Haslett, Holly Grove, Reynoldson ASCS communities are combined into one referendum community. ASCS communities Gatesville, Hall, Hunters Mill, Mapleville, and Sunbeam communities are combined into one divided into referendum community.
Granville	do	Regular ASCS communities: North Bruswick, North Creedmoor, Oxford, Providence, Salem, Sassafras Fork, South Creedmoor, South Dutchville, East Fishing Creek, Middle Fishing Creek, West Fishing Creek, Oak Hill, East Oxford, West Oxford, North Salem, South Salem, North Sassafras Fork, South Sassafras Fork, West Walnut Grove, South Walnut Grove.

REFERENDUM COMMUNITIES
VIRGINIA

County	Commodity	Referendum communities
Amelia	Flue-cured tobacco	Regular ASCS communities.
Appomattox	do	County is one community.
Bedford	do	Regular ASCS communities.
Brunswick	do	Alberta and Dansiltown precincts combined into Dansiltown precinct and Kimore precinct of Red Oak Magisterial District; Lawrenceville precinct of Totaro Magisterial District; Sturgeon precinct of Sturgeon Magisterial District; and Bracey precinct of Bracey Magisterial District. Regular ASCS communities are divided into referendum communities: East Buck Swamp, West Buck Swamp, East Indian Springs, West Indian Springs, East Nahunta, West Nahunta, East Pikeville, West Pikeville, North Stoney Creek, South Stoney Creek, North Grantham, and South Grantham.
Buckingham	do	Regular ASCS communities: Antioch, Edwards, New Castle, and Rock Creek are separate referendum communities.
Campbell	do	Falling River ASCS community.
Carroll	do	County is one community.
Charlotte	do	Regular ASCS communities.
Chesterfield	do	Bermuda, Dale, Manchester, Midlothian, and Clover Hill communities are combined into one referendum community.
Cumberland	do	Regular ASCS communities: Loveless and Somers are combined into one referendum community.
Dinwiddie	do	Regular ASCS communities.
Franklin	do	Do.
Goochland	do	Regular ASCS communities except, that ASCS communities A, B, D, and E are combined into one referendum community.
Greensville	do	County is one community.
		Green Bay ASCS community is in ASCS communities A and B with community C combined with Courthouse precinct in community H.
Halifax	do	Regular ASCS communities.
Hanover	do	County is one community.
Henry	do	Regular ASCS communities.
Isle of Wight	do	County is one community.
Lunenburg	do	Regular ASCS communities.
Mecklenburg	do	Do.
Nottoway	do	County is one community.
Patrick	do	Regular ASCS communities, except communities F and A are combined into one referendum community.
Pittsylvania	do	Regular ASCS communities, except communities F & G are combined into one referendum community. Henan, Straight Stone, Brutus, Sycamore, Chalk Level, Hill Grove, Hurt, Level Run, and Motley precincts of Staunton River Magisterial District.
		Regular ASCS communities, except communities F and A are combined into one referendum community. Ricesville, Grasty Store, Cedar Hill, Murphy's Store, Shockoe and Polk in Banister River Magisterial District; Altamont, Climax, Four Mile Creek, Halifax, and White Oak precincts of Pigg River Magisterial District. Callands, Hollywood, Grady, Banister, Swansonville, Sandy River, and Musterville precincts of Callands Magisterial District.
		Regular ASCS communities except, that communities E and F are combined into one referendum community. East Chatham, West Chatham, Weal, Dry Fork, Spring Garden, Whitlies, Bryant, and Gretna precincts of Chatham Magisterial District.
		Blairs, Kentuck, Keeling, Glenwood, Ringgold, Laurel Grove and Sinclairville precincts of Dan River Magisterial District.
		Mount Herman, Mount Cross, Westover Hills, Holland Road, Fairy Road, and Bachelor Hall precincts of East Tunstall Magisterial District.
		Broseville, Cascade, Whitnell and McDowell's Mill precincts of West Tunstall Magisterial District.
Powhatan	do	County is one community.
Prince Edward	do	Regular ASCS communities.
Prince George	do	County is one community.
Southampton	do	Do.
Sussex	do	The area of Henry community west of Route 610; that area of Henry community east of Route 610; that area of Stony Creek community west of Route 630; that area of Stony Creek community east of Route 630; and Courthouse and Newville ASCS communities combined into one referendum community.

REFERENDUM COMMUNITIES
ALABAMA

County	Commodity	Referendum communities
Vance	do	Do.
Wake	do	Do.
Warren	do	Do.
Washington	do	Do.
Wayne	do	Regular ASCS communities: Brogden-A, Fort, Grantham-N, Great Swamp, New Hope, Seaboard, and Brogden-N are separate referendum communities. Other regular ASCS communities are divided into referendum communities: East Buck Swamp, West Buck Swamp, East Indian Springs, West Indian Springs, East Nahunta, West Nahunta, East Pikeville, West Pikeville, North Stoney Creek, South Stoney Creek, North Grantham, and South Grantham.
Wilkes	do	Regular ASCS communities: Antioch, Edwards, New Castle, and Rock Creek are separate referendum communities.
		Regular ASCS communities: Boomer, Brushy Mountain, Moravian Falls, and Wilkesboro are combined into one referendum community.
		Regular ASCS communities: Loveless and Somers are combined into one referendum community.
		Regular ASCS communities except, that ASCS communities A, B, D, and E are combined into one referendum community.
		Regular ASCS communities: Traphill and Walnut Grove are combined into one referendum community.
Wilson	do	Regular ASCS communities except, that communities A and B are combined into one referendum community.
		Regular ASCS communities: Black Creek, Saratoga, Stantonsburg, Taylors, and Wilson are separate referendum communities. Other regular ASCS communities are divided into referendum communities: Lucama, Scotts, Holden's Crossroads, Pender, Bims, Rock Ridge, Buckhorn, Kirby's Crossing, Elm City, and Town Creek.
Yadkin	do	Regular ASCS communities.

SOUTH CAROLINA

County	Commodity	Referendum communities
Abbeville	Flue-cured tobacco	County is one community.
Aiken	do	Do.
Allendale	do	Do.
Bamberg	do	Do.
Barnwell	do	Do.
Calhoun	do	Regular ASCS communities.
Chesterfield	do	County is one community.
		Regular ASCS communities, except F & G are combined into one referendum community.
Clarendon	do	Regular ASCS communities.
Colleton	do	Regular ASCS communities, except F, G, and I are combined into one referendum community and H and part of D combined into one referendum community.
Darlington	do	Regular ASCS communities.
Dillon	do	Do.
Dorchester	do	Regular ASCS communities, except E and F are combined into one referendum community.
Florence	do	Regular ASCS communities.
Georgetown	do	Do.
Hampton	do	County is one community.
Horry	do	Regular ASCS communities.
Jasper	do	County is one community.
Kershaw	do	Regular ASCS communities, except C, D, and G are combined into one referendum community and A and E are combined into one referendum community.
Lancaster	do	County is one community.
Lee	do	Regular ASCS communities.
Lexington	do	County is one community.
Marion	do	Regular ASCS communities.
Marlboro	do	Do.
Orangeburg	do	Regular ASCS communities, except A, D, E, F, I, L, M, N, O, H, S, and T are combined into one referendum community.
Richland	do	County is one community.
Sumter	do	Regular ASCS communities, except E, G, I, J, and H are combined into one referendum community.
Williamsburg	do	Regular ASCS communities.
York	do	County is one community.

2. Section 717.5 is amended by revising the times listed in the table for the States of Alabama, Florida, Georgia, North Carolina, South Carolina, and Virginia for polls to open and close as follows:

§ 717.5 Time of voting.

* * * * *

State	Polls to open	Polls to close
	a.m.	p.m.
Alabama	7:00	7:00
Florida	7:00	7:00
Georgia	7:00	7:00
North Carolina	7:00	7:00
South Carolina	7:00	7:00
Virginia	7:00	7:00

(Secs. 312, 336, 343, 344a, 354, 358, 375, 52 Stat. 46, 55, 56, 61, 66, as amended, 55 Stat. 88, as amended, 79 Stat. 1187, 7 U.S.C. 1312, 1336, 1343, 1344b, 1354, 1358, 1375)

Effective date. Date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on June 29, 1967.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 67-7731; Filed, July 6, 1967; 8:45 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 811, Amdt. 10]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

Requirements and Quotas for 1967

Basis and purpose and statement of bases and considerations. The purpose of this amendment to Sugar Regulation 811 (31 F.R. 15581, 32 F.R. 2609, 3085, 4015, 6387, 7011, 7521, 7581, 8577, 9149) is to revise the determination of sugar requirements for the calendar year 1967 and to establish quotas, prorations and direct-consumption limits thereof consistent with such requirements pursuant to the Sugar Act of 1948, as amended (61 Stat. 922, as amended), hereinafter referred to as the "Act."

Section 201 of the Act directs the Secretary to revise the determination of sugar requirements at such times during the calendar year as he deems necessary.

The work stoppage at the Pacific Coast cane sugar refinery temporarily retarded the availability of raw sugar supplies from Hawaii. While deliveries of beet sugar supplied the requirements of users on the West Coast, some diminution of refined beet sugar deliveries elsewhere during the summer and prior to the sugarbeet harvest could occur as a result. It is prudent in these circumstances to add to the offerings of immediately available raw sugar supplies for Gulf and East Coast cane sugar refineries. Also, in the development of this amendment, consideration has been given to the desirability of obtaining fairly stable sugar prices that will carry out the price objectives set forth in Section 201 of the Act.

Accordingly, total sugar requirements for the calendar year 1967 are hereby increased by 100,000 short tons, raw value, to 10,800,000 short tons, raw value.

By virtue of the authority vested in the Secretary of Agriculture by the Act, Part 811 of this chapter is hereby amended by amending §§ 811.50, 811.51 and 811.53 as follows:

1. Section 811.50 is amended to read as follows:

§ 811.50 Sugar requirements, 1967.

The amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1967 is hereby determined to be 10,800,000 short tons, raw value.

2. Section 811.51 is amended by amending paragraph (a)(1) to read as follows:

§ 811.51 Quotas for domestic areas.

(a)(1) For the calendar year 1967 domestic area quotas limiting the quantities of sugar which may be brought into or marketed for consumption in the continental United States are established, pursuant to Section 202(a) of the Act, in Column (1) and the amounts of such quotas for offshore areas that may be filled by direct-consumption sugar are established, pursuant to Section 207 of the Act, in Column (2) as follows:

Area	Quotas (1)	Direct-consumption limits (2)
	(Short tons, raw value)	
Domestic beet sugar	3,215,667	(1)
Mainland cane sugar	1,169,333	(1)
Hawaii	1,282,563	96,938
Puerto Rico	1,140,000	162,000
Virgin Islands	15,000	0

[1] No limit.

* * * * *

3. Section 811.53 is amended by amending paragraph (c) to read as follows:

§ 811.53 Quotas for foreign countries.

* * * * *

(c) For the calendar year 1967, the prorations or allocations to individual foreign countries other than the Republic of the Philippines pursuant to section 202(c) (3) and (4), section 202(d) and paragraph (a) of section 204 of the Act are as follows:

Countries	Basic quotas	Temporary quotas and prorations pursuant to sec. 202(d) [1]	Deficit prorations and allocation	Total quotas and prorations
	(Short tons, raw value)			
Mexico	222,321	237,008	62,508	521,837
Dominican Republic	217,482	231,801	166,134	615,367
Brazil	217,482	231,793	61,184	510,359
Peru	173,458	184,864	48,781	407,073
British West Indies	86,858	73,460	22,802	182,820
Ecuador	31,627	33,725	8,895	74,257
French West Indies	27,223	23,108	7,078	57,509
Argentina	26,748	28,514	7,520	62,782
Costa Rica	25,597	27,292	7,196	60,087
Nicaragua	25,597	27,292	7,196	60,087
Colombia	23,009	24,528	6,469	54,006
Guatemala	21,571	23,000	6,065	50,636
Panama	16,106	17,170	4,528	37,804
El Salvador	15,819	16,867	4,448	37,134
Haiti	12,060	12,877	3,396	28,333
Venezuela	10,929	11,650	3,073	25,652
British Honduras	6,227	5,352	1,639	13,218
Bolivia	2,588	2,759	728	6,075
Honduras	2,588	2,744	726	6,058
Australia	102,529	87,000		190,529
Republic of China	43,141	36,250		79,391
India	41,416	34,800		76,216
South Africa	20,487	25,616		46,103
Fiji Islands	22,721	19,092		41,813
Thailand	9,491	7,975		17,466
Mauritius	9,491	7,975		17,466
Malagasy Republic	4,889	4,108		8,997
Swaziland	3,739	3,142		6,881
Ireland	3,351	0		3,351
Total	1,439,655	1,441,782	430,000	3,311,437

[1] Proration of the quotas withheld from Cuba and Southern Rhodesia.

(Secs. 201, 202, 207 and 403; 61 Stat. 923, as amended, 924, as amended, 927, as amended, and 932, as amended; 7 U.S.C. 1111, 1112, 1117, and 1153)

Effective date. This action increases quotas for the calendar year 1967 by 100,000 tons. In order to promote orderly marketing, it is essential that all persons selling and purchasing sugar for consumption in the continental United States be able as soon as possible to make plans based on changes in the marketing opportunities. Therefore, it is hereby determined and found that compliance with the notice, procedure, and 30-day effective date requirements in 5 U.S.C. 553 is unnecessary, impracticable, and contrary to the public interest and this amendment shall become effective when filed for public inspection in the Office of the Federal Register.

Signed at Washington, D.C., this 30th day of June 1967.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67-7753; Filed, July 3, 1967; 10:03 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1446—PEANUTS

Subpart—General Regulations Governing 1967 and Subsequent Crop Peanut Warehouse Storage Loans and Sheller Purchases

GENERAL

Sec.
1446.1 General statement.
1446.2 Administration.
1446.3 Definitions.

WAREHOUSE STORAGE LOANS

1446.4 Availability of warehouse storage loans.
1446.5 Producer indebtedness.
1446.6 Eligible producer.
1446.7 Eligible peanuts.

SHELLER PURCHASES

1446.10 CCC purchases from shellers.
1446.11 Eligible sheller.
1446.12 Peanuts excluded from purchase.
1446.13 Ineligible peanuts.
1446.14 Period of offering—size of lots—grading.
1446.15 Determination of compliance.
1446.16 Delivery.
1446.17 Passage of title.
1446.18 Payment for peanuts.
1446.19 Records and books.
1446.20 Covenant against contingent fees.
1446.21 Setoff.
1446.22 Assignment.
1446.23 Buy American.
1446.24 Convict labor.
1446.25 Disputes.
1446.26 Officials not to benefit.
1446.27 Equal employment opportunity.

AUTHORITY: The provisions of this subpart issued under secs. 4 and 5, 62 Stat. 1070, as amended; 15 U.S.C. 714 b and c. Interpret or apply secs. 101, 401, 63 Stat. 1051, as amended, 7 U.S.C. 1441, 1421.

GENERAL

§ 1446.1 General statement.

(a) *Scope.* This subpart contains the regulations which set forth the terms and conditions under which (1) eligible producers acting collectively through specified cooperative marketing associations (referred to severally in this subpart as "the association") may obtain warehouse storage price support loans on their eligible 1967 and subsequent crop farmers stock peanuts, and (2) Commodity Credit Corporation will purchase 1967 and subsequent crop peanuts from eligible shellers: *Provided, however,* That CCC will make warehouse storage loans on, and purchases from shellers of, peanuts of a particular crop only if an annual supplement to this subpart providing for such loans or purchases, or both, is issued by CCC. Any such annual supplement will also specify support and purchase prices, the association through which producers may obtain price support, and other terms and conditions not contained in this subpart applicable to the warehouse storage loan and sheller purchase programs for peanuts of a particular crop.

(b) *Price support advances.* Eligible producers may obtain price support through the association specified in the applicable annual supplement for the Southeastern area, Southwestern area, and Virginia-Carolina area, respectively. Each association will make price support advances on eligible peanuts delivered to it by eligible producers at warehouses operating under peanut receiving and warehouse contracts with the association. CCC will make a loan (referred to in this subpart as a "warehouse storage loan") to the association. Such loan will be secured by the eligible peanuts upon which the association has made advances to eligible producers.

(c) *Purchases from shellers.* CCC will purchase farmers stock and shelled peanuts of a particular crop from shellers who participate in the price support program for the crop as provided in § 1446.11 and are parties to any peanut marketing agreement which is applicable to the crop and which is approved by the Secretary of Agriculture under the Agricultural Marketing Agreement Act of 1937, as amended.

(d) *Farm storage loans; purchases from producers.* Regulations containing the terms and conditions under which CCC may make farm storage loans directly to producers on, and purchases directly from, producers of farmers stock peanuts of any crop will be published separately in the FEDERAL REGISTER.

§ 1446.2 Administration.

(a) *Responsibility.* Under the general direction and supervision of the Executive Vice President, CCC, the Producer Associations Division, ASCS, will administer this subpart.

(b) *Limitation of authority.* County office managers, State and county ASC committees, and the associations do not have authority to modify or waive any of the provisions of this subpart or any amendments or supplements thereto.

(c) *Supervisory authority.* No delegation of authority in this subpart shall preclude the Executive Vice President, CCC, or his designee, from determining any questions arising under the regulations or from reversing or modifying any determination made pursuant to such delegation.

§ 1446.3 Definitions.

As used in this subpart, and in instructions and documents in connection herewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) *ASCS.* The Agricultural Stabilization and Conservation Service of the United States Department of Agriculture.

(b) *CCC.* The Commodity Credit Corporation, an agency and instrumentality of the United States within the Department of Agriculture.

(c) *County office.* The office of the ASC county committee where records for the farm are kept.

(d) *Effective farm allotment.* The effective farm peanut acreage allotment for the applicable crop of peanuts, as defined in the marketing quota regulations.

(e) *Farm.* A farm, as defined in the Regulations Governing Reconstitution of Farms, Allotments, and Bases, as amended, for the applicable crop of peanuts, Part 719 of this title, which in general define a farm as all adjoining or nearby farmland which is operated by one person.

(f) *Farmers stock peanuts.* Picked or threshed peanuts produced in the United States which have not been shelled, crushed, cleaned or otherwise changed (except for removal of foreign material, loose shelled kernels, and excess moisture) from the state in which picked or threshed peanuts are customarily marketed by producers.

(g) *Farm peanut acreage.* The farm peanut acreage for the applicable crop determined in accordance with the marketing quota regulations which, in general, define such acreage as the total acreage of peanuts on the farm which is picked or threshed.

(h) *Form MQ–94.* Inspection Certificate and Sales Memorandum for farmers stock peanuts.

(i) *Inspector.* A Federal or Federal-State inspector authorized or licensed by the Secretary, U.S. Department of Agriculture.

(j) *Lot.* That quantity of farmers stock or shelled peanuts for which one Form MQ–94 or other inspection certificate is issued.

(k) *Marketing quota regulations.* The Allotment and Marketing Quota Regulations for Peanuts as amended, issued by the Administrator, ASCS, and effective for the applicable crop, Part 729 of this title.

(l) *Marketing year.* The period beginning on August 1 of the year in which peanuts of the applicable crop are planted and ending on July 31 of the following year.

(m) *Net weight.* That weight of farmers stock or shelled peanuts obtained by multiplying the gross scale weight of peanuts by a percentage equal to 100 percent minus the sum of the percentages of (1) foreign material, and (2) moisture in excess of 7 percent in the Southwestern and Southeastern areas, and 8 percent in the Virginia-Carolina area.

(n) *Peanut receiving and warehouse contract.* Form CCC–1028 Identity Preserved (Segregation 1 and Segregation 2); Form CCC–1028–A (commingled); or Form CCC–1028–B Identity Preserved (Segregation 3).

(o) *Price support value.* The value of a lot of farmers stock peanuts computed on the basis of the weight, quality and type of such peanuts and the support price for such peanuts as shown on the Price Support Schedule for such type appearing in the applicable annual supplement to this subpart.

(p) *Segregation 1 peanuts.* Farmers stock peanuts with (1) at least 99 percent peanuts of one type, (2) not more than 2 percent damaged kernels, and (3) not more than 1 percent concealed damage caused by rancidity, mold or decay.

(q) *Sound mature kernels.* Kernels which are free from "damage" and

"minor defects," as defined in the U.S. Standards for the applicable type of peanuts effective on the date of the inspection, and which will not pass through screens with the following openings:

(1) 15/64 by ¾ inch in the case of Spanish and Valencia type peanuts.

(2) 15/64 by 1 inch screen in the case of Virginia type peanuts.

(3) 15/64 by ¾ inch in the case of Runner type peanuts.

(r) *Extra large kernels.* Shelled Virginia type peanuts which will not pass through a screen having 21.5/64- by 1-inch openings and which are "whole" and free from "minor defects" and "damage," as such terms are defined in the U.S. Standards for Shelled Virginia type peanuts effective on the date of inspection.

(s) *Type.* The generally known types of peanuts (i.e., Runner, Spanish, Valencia, and Virginia), as defined in the marketing quota regulations.

(t) *Valencia type peanuts suitable for cleaning and roasting.* Valencia type peanuts containing not more than 25 percent peanuts having shells damaged by (1) discoloration, (2) cracks or broken ends, or (3) both.

(u) *Within quota card.* Form MQ–76 (Peanuts), Peanut Within Quota Marketing card for the applicable crop issued pursuant to the marketing quota regulations.

WAREHOUSE STORAGE LOANS

§ 1446.4 Availability of warehouse storage loans.

(a) *Loans to associations.* CCC will make warehouse storage loans to the associations specified in § 1446.1 which contract with CCC to arrange for the storing and handling of eligible farmers stock peanuts, make advances to eligible producers on such peanuts, and use such peanuts as collateral for loans to be obtained from CCC. Such loans will mature on demand.

(b) *Areas.* Price support advances will be available in the following areas:

(1) The Southeastern area consisting of the States of Alabama, Georgia, Mississippi, Florida, and that part of South Carolina south and west of the Santee-Congaree-Broad Rivers.

(2) The Southwestern area consisting of the States of Arizona, Arkansas, California, Louisiana, New Mexico, Oklahoma, and Texas.

(3) The Virginia-Carolina area consisting of the States of Missouri, North Carolina, Tennessee, Virginia, and that part of South Carolina north and east of the Santee-Congaree-Broad Rivers.

(c) *Where available.* Price support advances will be available to eligible producers at warehouses which have entered into peanut receiving and warehouse contracts with the association. Such contracts will require the warehouses to inform producers that price support advances are available and to make advances to eligible producers on eligible peanuts tendered for price support as provided in paragraph (g) of this section. The names and locations of such warehouses may be obtained from the office of the appropriate association or from an ASCS State or county office. The associations shall pledge to CCC all eligible peanuts upon which they have made price support advances as security for loans obtained pursuant to agreements with CCC.

(d) *Time.* Price support advances to eligible producers on peanuts of any crop will be available from time of harvest through January 31 following the beginning of the marketing year on such crop, or such later date as may be established by the Executive Vice President, CCC. If the final date of availability falls on a nonworkday for the association, the applicable final date shall be the next workday.

(e) *Inspection.* The type and quality of each lot of farmers stock peanuts delivered to an association for a price support advance shall be determined by an inspector when such peanuts are received at a warehouse under contract with an association. The fee for such determination shall be paid by the association.

(f) *Producer agreement.* To obtain a price support advance, the producer shall, in writing, authorize the association to pledge peanuts delivered to the association to CCC as collateral for a warehouse storage loan, and relinquish any right to redeem or obtain possession of such peanuts.

(g) *Advance to producer.* For each lot of eligible peanuts received, the association will make a price support advance to the producer in an amount equal to the price support value of such peanuts, except that, in addition to the deductions specified in § 1446.5, (1) the association will deduct from such advances and pay over to the proper State authorities any assessments or excise taxes imposed by State law, and (2) the Southwestern Peanut Growers Association will, upon the prior agreement of the producer, deduct from such advance an amount approved by CCC, not to exceed 50 cents per net weight ton of peanuts upon which such advance was made, to be used in payment for its peanut activities outside the price support program.

(h) *Fraud of producer.* The making of any fraudulent representation by a producer in the loan documents or in obtaining a loan or advance shall render him subject to criminal prosecution under Federal law. The producer shall be personally liable to CCC, aside from any additional liability under criminal or civil frauds statutes, for the amount of such advance and for all costs which CCC would not have incurred except for the producer's fraudulent representation, together with interest upon such amounts at the rate of 6 percent per annum: *Provided,* That the producer shall be given credit for the proceeds received by CCC upon sale of the peanuts upon which such advance was made.

§ 1446.5 Producer indebtedness.

(a) *Facility and drying equipment loans.* If any installment or installments on any loan made by CCC on farm storage facilities or drying equipment are payable under the provisions of the note evidencing such loan out of any amount due the producer under this subpart, the amount due the producer, after deduction of amounts due prior lienholders, shall be applied to such installment(s).

(b) *Producers listed on county debt record.* If the producer is indebted to CCC or to any other agency of the United States and such indebtedness is listed on the county debt record, amounts due the producer under this subpart, after deduction of amounts due prior lienholders and on farm storage facilities or drying equipment, shall be applied to such indebtedness as provided in the Secretary's Setoff Regulations, Part 13 of this title.

(c) *Producer's right.* Compliance with the provisions of this section shall not deprive the producer of any right he would otherwise have to contest the justness of the indebtedness involved in the setoff action either by administrative appeal or by legal action.

§ 1446.6 Eligible producer.

(a) *Requirements.* An eligible producer is an individual, partnership, association, corporation, estate, trust, or other legal entity, and whenever applicable, a State, political subdivision of a State or any agency thereof, producing peanuts as a landowner, landlord, tenant, or sharecropper on a farm on which the farm peanut acreage, determined in accordance with the Determination of Acreage and Compliance Regulations for the applicable crop, Part 718 of this title, does not exceed the effective farm allotment established under the marketing quota regulations, or on a farm on which such acreage exceeds such allotment (1) if the producer establishes to the satisfaction of the ASC County Committee, as provided in paragraph (c) of this section, that he did not knowingly exceed such allotment, or (2) if a within quota marketing card is issued to the producer upon the execution of Form MQ–92, Peanuts, as provided in Part 729 of this title and paragraph (b) of this section. No producer on a farm in a certification county for which the farm operator fails timely to file a certification of crop or land use acreages as required by § 718.8b (c) of Part 718 of this title shall be eligible for price support, except as otherwise provided in paragraph (d)(2) of § 718.8b.

(b) *Agreement by operator of overplanted peanut farm.* If a producer has executed a Form MQ–92, Peanuts, Agreement by Operator of Overplanted Peanut Farm, and (1) the farm peanut acreage exceeded the effective farm allotment by not more than the larger of one-tenth acre or 2 percent of such allotment, payment of the liquidated damages specified in the agreement will not be required if the ASCS State Executive Director, or in his absence, the Acting Executive Director, determines that the breach of such agreement was unintentional and occurred despite a bona fide effort by the operator and other producers on the farm to comply with such agreement, or (2) the farm peanut acreage exceeded the effective farm allotment by more than the larger of one-tenth acre or 2

percent of such allotment, payment of the liquidated damages will not be required if the ASC State Committee makes the determination specified in subparagraph (1) of this paragraph and also determines that the amount by which the farm peanut acreage exceeded the effective farm allotment was so small in relation to such allotment that it did not materially impair CCC's price support operations.

(c) *Determination that producer unknowingly exceeded the effective farm allotment.* A producer on a farm on which the farm peanut acreage exceeds the effective farm allotment shall be considered not to have knowingly exceeded such allotment, if (1) the excess acreage is determined, in accordance with the marketing quota regulations, to be zero, (2) payment of the liquidated damages provided for as the result of a breach of the terms of Form MQ-92—Peanuts is not required under paragraph (b) of this section, (3) an erroneous notice of measured acreage was issued to the producer and the farm peanut acreage is deemed to be equal to the effective farm allotment under the Determination of Acreage and Compliance Regulations, Part 718 of this title, (4) in certification counties on farms with an effective allotment of more than 1 acre, such excess is not more than the larger of 0.5 acre or 5 percent of the allotment, not to exceed 10 acres, or (5) the producer exceeded the effective farm allotment under circumstances which are not provided for under subparagraphs (1), (2), (3), and (4) of this paragraph and the ASC County Committee determines that the producer unknowingly exceeded such allotment.

(d) *Estates and trusts.* A receiver of an insolvent debtor's estate, an executor or an administrator of a deceased person's estate, a guardian of an estate or of a ward or incompetent person, and trustees of a trust estate shall be considered to represent the insolvent debtor, the deceased person, the ward or incompetent, and the beneficiaries of a trust, respectively, and the production of the receiver, executor, administrator, guardian or trustees shall be considered to be the production of the person he represents. Loan documents executed by any such person shall be accepted by CCC only if they are legally valid and such person has the authority to sign the applicable documents.

(e) *Eligibility of minors.* A minor who is otherwise an eligible producer shall be eligible for price support only if he meets one of the following requirements: (1) The right of majority has been conferred on him by court proceedings or by statute; (2) a guardian has been appointed to manage his property and the applicable price support documents are signed by the guardian; or (3) a bond is furnished under which a surety guarantees to protect CCC from any loss incurred for which the minor would be liable had he been an adult.

§ 1446.7 Eligible peanuts.

(a) *Eligible peanuts.* Peanuts eligible for price support advances shall be farmers stock peanuts of the applicable crop which were produced in the United States by an eligible producer, and

(1) Which contain not more than 10 percent moisture, and which if they have been mechanically dried, contain at least 6 percent moisture;

(2) Which contain not more than 10 percent foreign material;

(3) Which were not produced in violation of a restrictive lease on federally owned land, or on land owned by the Federal Government which was occupied by the producer without lease, permit, or other right of possession;

(4) Which are free and clear of all liens and encumbrances, including landlord's lien, or if liens or encumbrances exist on the peanuts, acceptable waivers are obtained; and

(5) In which the beneficial interest is in the producer who delivers them to the association and has always been in him or in him and a former producer whom he succeeded before they were harvested. To meet the requirements of succession to a former producer, the rights, responsibilities, and interest of the former producer with respect to the farm on which the peanuts were produced shall have been substantially assumed by the person claiming succession. Mere purchase of a crop prior to harvest, without acquisition of any additional interest in the farm on which the peanuts were produced, shall not constitute succession. Any producer in doubt as to whether his interest in the peanuts complies with the requirements of this section should, before applying for price support, make available to the ASC County Committee all pertinent information which will permit a determination with respect to succession to be made by CCC.

(6) Which are, if delivered to the association in bags in the Southwestern area, in new or thoroughly cleaned used bags which are made of material, other than mesh or net, weighing not less than 7½ ounces nor more than 10 ounces per square yard and containing no sisal fibers, are free from holes and are finished at the top with either the selvage edge of the material, binding or a hem. Such bags shall be of uniform size approximately 2 bushel capacity.

Sheller Purchases

§ 1446.10 CCC purchases from shellers.

Sections 1446.10 through 1446.27 of this subpart contain the terms and conditions under which CCC will purchase farmers stock and shelled peanuts from eligible shellers. Such shellers may offer peanuts to CCC through the appropriate associations listed in the applicable annual supplement.

§ 1446.11 Eligible sheller.

To be eligible to sell peanuts to CCC under this subpart the sheller shall:

(a) File with the appropriate association, not later than the date specified in the annual supplement, or such later date as may be approved by CCC, his notice of participation (the form of which will be furnished by the association), which includes the equal employment opportunity representation required by the regulations under Executive Order 11246.

(b) Execute and comply with any peanut marketing agreement approved by the Secretary of Agriculture relating to the applicable crop of peanuts.

(c) Cooperate with the association and CCC in making price support available to peanut producers by: (1) Informing each producer, upon request, of the price support value of his peanuts, (2) paying producers not less than the price support value for each lot of farmers stock peanuts purchased, and (3) if requested by the association, making price support advances available to producers by entering into peanut receiving and warehouse contract(s) with the association unless all his storage space is needed in his normal milling operations and other storage space is not available to him in his area at reasonable cost.

(d) Provide that the type and quality of each lot of farmers stock peanuts received by the sheller through purchase, loan or otherwise be determined by an inspector. The type and quality shall be shown on Form MQ-94 and be determined in accordance with procedures of the Consumer and Marketing Service, U.S. Department of Agriculture.

(e) Furnish CCC an assurance, in his notice of participation, that his cooperation with and participation in the peanut price support program for the applicable crop will be conducted, and his facilities operated, in compliance with all requirements imposed by or pursuant to the regulations governing nondiscrimination in federally assisted programs of the Department of Agriculture, Part 15 of this title, which effectuate Title VI of the Civil Rights Act of 1964.

§ 1446.12 Peanuts excluded from purchase.

CCC will not purchase from a sheller (a) any loose shelled kernels, sheller oilstock or pickouts which the sheller is obligated under the marketing agreement to identify separately and to dispose of in accordance with limitations imposed in the marketing agreement, (b) any peanuts which are eligible for indemnification, or which would be eligible for indemnification if sold commercially, under any peanut marketing agreement approved by the Secretary of Agriculture, (c) any shelled peanuts which have been blanched (for the purposes of this section, blanched peanuts are whole peanut kernels with 50 percent or more of their skins removed), or (d) a quantity of peanuts (farmers stock equivalent as determined by CCC) of any crop which exceeds 90 percent of the quantity of Segregation 1 farmers stock peanuts of that crop purchased by the sheller for which producers received not less than their price support value, exclusive of any farmers stock peanuts purchased from CCC or an association for the restricted uses of crushing or export.

§ 1446.13 Ineligible peanuts.

(a) *Rejection or sale.* (1) CCC may refuse to accept delivery of, or may reject to the sheller, any lot of peanuts or any portion thereof which (i) fails to meet all of the applicable quality requirements of the subpart and the applicable annual supplement, (ii) was offered or delivered by a sheller who was not an eligible sheller, or (iii) was excluded from purchase under § 1446.12. With respect to any peanuts rejected, the sheller shall reimburse CCC for any transportation, storage or handling charges incurred thereon by CCC.

(2) If CCC has sold any lot of peanuts described in subparagraph (1) of this paragraph (a), the price paid the sheller shall be adjusted downward by CCC, in the case of peanuts described in subparagraph (1) (i) of this paragraph, to reflect their reduced value due to the quality deficiencies, as determined by CCC, or in the case of peanuts described in subparagraph (1) (ii) and (iii) of this paragraph, to the final sales price of such peanuts received by CCC. The sheller shall, promptly upon demand by CCC, refund to CCC the amount by which the price originally paid the sheller for the peanuts by CCC exceeds the price therefor provided in this subparagraph.

(3) If CCC finds that a sheller has offered or delivered to CCC from any crop any lot of peanuts, or part thereof, which the sheller knew did not meet all of the quality requirements of this subpart and the applicable annual supplement, CCC may thereafter terminate its obligation to purchase additional peanuts from that crop from such sheller.

(b) *Liquidated damages.* (1) CCC will incur administrative costs in connection with any peanuts described in subdivision (i), (ii), and (iii) of subparagraph (1), paragraph (a) of this section, as well as damages to its program of orderly disposition of surplus peanuts, the amount of which would be difficult to ascertain exactly. The sheller shall, therefore, in addition to any other payment or price adjustment provided for in this section, pay to CCC as liquidated damages and not as a penalty, one cent ($0.01) per net pound of such peanuts either rejected to the sheller or sold by CCC.

(2) The sheller agrees that the amount of liquidated damages specified is a reasonable estimate of the administrative costs and program damages which CCC may incur because of sale to it of such peanuts.

(c) *Other rights of the Government.* Nothing contained in this section shall be construed as waiving any other rights which CCC or the United States may have in the event of any unlawful or fraudulent act on the part of a sheller.

§ 1446.14 Period of offering—size of lots—grading.

(a) *Offers of peanuts.* Written offers to sell peanuts to CCC, on the form prescribed by CCC, may be filed with the association from time of harvest through the dates specified in the applicable annual supplement. Copies of the offer form may be obtained from the association.

(b) *Time of offer and acceptance.* The date the offer is received by the association shall be deemed to be the date of the offer. If peanuts (other than farmers stock peanuts) are inspected before they are offered to CCC, the offer must be received by the association within 9 days after the date of the inspection certificate, except that when the 9th day following the date of the inspection certificate is a Saturday, Sunday, or a holiday, receipt of the offer by the association on the next regular working day will be considered timely. Offers will be accepted by CCC as soon as possible after receipt thereof.

(c) *Contract.* The sheller's offer, the acceptance, and the terms and conditions of §§ 1446.10–1446.27 and of the applicable annual supplement shall constitute the sales contract between the sheller and CCC with respect to the lot(s) of peanuts covered by the acceptance.

(d) *Size of lot.* Unless otherwise specified by CCC or the association, shelled peanuts offered by shellers shall consist of lots of approximately 40,000 pounds.

(e) *Inspection.* The type and grade of peanuts delivered to CCC shall be determined by an inspector, whose certificate shall be used for determining quality and net weight. Shelled peanuts which are not inspected before being offered to CCC shall be inspected at the time of delivery to CCC. If shelled peanuts have been inspected before being offered to CCC, the sheller may, at his expense, obtain from an inspector a certificate showing the percentage of moisture in the peanuts at the time of delivery, and such percentage shall be used in determining the net weight of peanuts delivered to CCC.

The sheller shall pay the cost of all inspections under this paragraph. Nothing in this subpart shall preclude the sheller or CCC from applying for an appeal inspection under the regulations governing inspection of fresh fruits, vegetables and other products, Part 51.1–51.67 of this title.

(f) *Identification.* Each bag of shelled peanuts purchased by CCC shall be positively identified with a tag or seal affixed in accordance with instructions issued by the Federal or Federal-State Inspection Service.

(g) *Weight.* The gross weight of the peanuts delivered to CCC shall be determined at the time of delivery in a manner satisfactory to CCC.

§ 1446.15 Determination of compliance.

Authorized representatives of CCC or the association may enter and remain in the sheller's mill(s) and storage and other facilities to the extent deemed necessary by them to determine that the sheller is complying with all of the terms and conditions of this subpart.

§ 1446.16 Delivery.

(a) *Place of delivery.* The sheller shall arrange with the association in his area for the delivery of lots of peanuts accepted by CCC. The sheller shall deliver all peanuts sold to CCC either f.o.b. cars or trucks (CCC's option) at sheller's mill or storage facility as CCC may direct, or the sheller may deliver such peanuts in store at a cold storage warehouse if such delivery is approved by CCC. The sheller shall deliver a quantity of peanuts which is not less than 95 percent or more than 105 percent of the quantity specified in the sheller's offer which is accepted by CCC. Unless otherwise approved by CCC, all peanuts delivered to CCC on or after April 1 shall be fumigated at the time of delivery at the sheller's expense and in accordance with instructions issued by CCC. All deliveries of peanuts to CCC shall be made in accordance with shipping instructions issued by the association.

(b) *Bags.* The sheller shall deliver all shelled peanuts to CCC in bags of uniform size which are packed in accordance with instructions issued by the association. Unless otherwise approved by CCC, such bags shall be made of new burlap of not less than 10-ounce weight material, except that all U.S. grade shelled peanuts shall be delivered in bags made of new burlap of not less than 12-ounce weight material.

§ 1446.17 Passage of title.

Title and risk of loss or damage to the peanuts purchased by CCC shall pass to CCC upon delivery. Title and risk of loss or damage to peanuts rejected to the sheller in accordance with § 1446.11 shall revert to the sheller at the time of delivery of rejection as of the date of CCC's notice of rejection.

§ 1446.18 Payment for peanuts.

(a) *Purchase price.* Payment for peanuts purchased by CCC shall be made on the basis of the net weight determined at time of delivery. For purposes of calculating the price of shelled peanuts, the percentage of each grade factor shall be rounded to the nearest tenth of a percent; fractions of five-hundredths or less shall be dropped.

(b) *Invoice.* Payment for peanuts delivered to CCC by the sheller shall be made after presentation to the association of an invoice accompanied by a copy of the offer form and the inspection certificate applicable to the peanuts.

§ 1446.19 Records and books.

(a) The sheller shall keep complete and accurate records with respect to all his transactions relating to peanuts of each crop with respect to which he participates in the program, including but not limited to: (1) With respect to each lot of farmers stock or shelled peanuts purchased, the date and place received and the name and address of the seller, the type and grade or quality as determined by an inspector, the weight and price paid, and (2) with respect to each lot of peanuts sold, the date of sale, the name and address of the purchaser, the type and grade or quality as determined by an inspector, and weight of peanuts involved in each sale. The sheller shall keep such records for a period of 3 years after the final delivery of peanuts to CCC pursuant to this subpart and make them available upon request to representatives of the association, the General Accounting Office or CCC for examination and audit. The sheller shall obtain and furnish to CCC a statement from any person (other than

a producer, the association, or another sheller participating in this program) from whom the sheller purchases farmers stock peanuts of any crop with respect to which he participates in the program to the effect that such person will keep until December 31 of the third year following the date of purchase by the sheller, and make available to representatives of CCC, the General Accounting Office or the appropriate association, records which will readily disclose the quality and price paid to producers for each lot of such peanuts.

(b) For peanuts of any crop with respect to which he participated in the program, the sheller shall, upon request by CCC, furnish CCC a written report summarizing, by type, quality and quantity, all purchases of farmers stock peanuts and all sales of shelled and cleaned in-shell peanuts.

§ 1446.20 Covenant against contingent fees.

Sheller warrants that no person or selling agency has been or will be employed or retained to solicit or secure any contract entered into pursuant to this subpart upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by sheller for the purpose of securing business. For breach or violation of this warranty, CCC shall have the right to annul its agreement to purchase peanuts without liability or in its discretion to deduct from the contract price for peanuts, or otherwise recover, the full amount of such commission, percentage, brokerage, or contingent fee.

§ 1446.21 Setoff.

If the sheller is indebted to CCC or any other agency of the United States, the amount of such indebtedness may be set off against any amount due the sheller under this subpart in accordance with the CCC Setoff and Withholding Regulations, 30 F.R. 8094, as amended.

§ 1446.22 Assignment.

No assignment shall be made by the sheller of any contract entered into pursuant to this subpart or any rights thereunder, except that the sheller may assign the proceeds of such contract to any bank, trust company, Federal lending agency, or other financial institution and, subject to the approval of CCC, assignment may be made to any other person: *Provided*, That such assignment shall be recognized only if and when the assignee files with CCC written notice of the assignment, together with a signed copy of the instrument of the assignment, in accordance with the instructions on Form CCC–251, "Notice of Assignment," which form must be used in giving notice of assignment to CCC: *Provided further*, That such assignment shall cover all amounts payable and not already paid under such contract, shall not be made to more than one person and shall not be subject to further assignment, except that such assignment may be made to one person as agent or trustee for two or more persons. The "Instrument of Assignment" may be executed on Form CCC–252, or the assignee may use his own form of assignment. Forms may be obtained from the Producer Associations Division, ASCS.

§ 1446.23 Buy American.

The sheller warrants he will deliver to CCC only peanuts which have been produced in the United States.

§ 1446.24 Convict labor.

The sheller, in the performance of any contract entered into pursuant to this subpart, agrees not to employ any person undergoing sentence of imprisonment at hard labor.

§ 1446.25 Disputes.

(a) *Questions of fact.* Except as may otherwise be provided in this subpart, any dispute concerning a question of fact rising out of any sales contract entered into pursuant to this subpart, which is not disposed of by agreement shall be decided by the Director or Acting Director, Producer Associations Division, ASCS, who shall reduce his decision to writing and mail or otherwise furnish a copy thereof to the sheller. Such decision shall be final and conclusive unless within 30 days from the date of receipt of such copy, the sheller mails or otherwise furnishes a written appeal addressed to the Contract Disputes Board, CCC. The decision of such Board shall be final and conclusive unless determined by a court of competent jurisdiction to have been fraudulent, or capricious, or arbitrary, or so grossly erroneous as necessarily to imply bad faith, or not supported by substantial evidence. In connection with any appeal proceeding under this section, the sheller shall be afforded an opportunity to be heard and to offer evidence in support of its appeal. Pending final decision of a dispute hereunder, if performance under any such sales contract has not been completed by the sheller or terminated by CCC, the sheller shall proceed diligently with the performance of the contract and in accordance with the decision of the Director or Acting Director, Producer Associations Division, ASCS.

(b) *Questions of law.* This "disputes" section does not preclude consideration of questions of law in connection with decisions provided for in paragraph (a) of this section: *Provided*, That nothing herein shall be construed as making final the decision of any administrative official, representative, or board on a question of law.

§ 1446.26 Officials not to benefit.

No member of or delegate to the Congress of the United States, or Resident Commissioner, shall be admitted to any share or part of any sales contract entered into pursuant to this subpart or to any benefit that may arise therefrom, but this provision shall not be construed to extend to such contract if made with a corporation for its general benefit, and shall not extend to any benefits that may accrue from such contract to a member of or delegate to Congress or a Resident Commissioner in his capacity as a farmer.

§ 1446.27 Equal employment opportunity.

During the period between the date the sheller files his notice of participation pursuant to § 1446.11 and the date on which he completes delivery of the final lot of peanuts of the applicable crop sold to CCC pursuant to this subpart, the sheller agrees as follows:

(a) *Nondiscrimination.* The sheller will not discriminate against any employee or applicant for employment because of race, creed, color, or national origin. The sheller will take affirmative action to insure that applicants are employed and that employees are treated during employment without regard to their race, creed, color, or national origin. Such action shall include, but not be limited to, the following: Employment upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The sheller agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Association setting forth the provisions of this nondiscrimination clause.

(b) *Advertisements.* The sheller, will, in all solicitations or advertisements for employees placed by or on behalf of the sheller, state that all qualified applicants will receive consideration for employment without regard to race, creed, color, or national origin.

(c) *Notice to labor union.* The sheller will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer advising the said labor union or workers' representative of the sheller's commitments under this section and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(d) *Executive Order No. 11246.* The sheller will comply with all provisions of Executive Order No. 11246 of September 24, 1965, and of the rules, regulations and relevant orders of the Secretary of Labor.

(e) *Information and reports.* The sheller will furnish all information and reports required by Executive Order No. 10925 of March 6, 1961, as amended, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and order.

(f) *Noncompliance.* In the event of the sheller's noncompliance with the nondiscrimination clauses of this contract or with any of the said rules, regulations, or orders, this contract may be canceled, terminated, or suspended in whole or in part and the sheller may be declared ineligible for further government contracts in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in the said Executive Order or by rule, regulations, or order of the Secretary of Labor, or as otherwise provided by law.

(g) *Subcontracts.* The sheller will include the provisions of paragraphs (a) through (g) of this section in every subcontract or purchase order, unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order No. 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The sheller will take such action with respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing such provisions, including sanctions for noncompliance: *Provided, however*, That in the event the sheller becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the sheller may request the United States to enter into such litigation to protect the interests of the United States.

The reporting and recordkeeping requirements contained in this subpart have been approved by, and subsequent reporting requirements will be subject to approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date: This subpart shall be effective on the date of its publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on June 30, 1967.

E. A. JAENKE,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 67–7647; Filed, July 6, 1967; 8:51 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R–339; Order 353]

[General Policy 61–1, Amdt. 11]

PART 2—GENERAL POLICY AND INTERPRETATIONS

Independent Producers of Natural Gas; Antitriggering Conditions in Certificates of Public Convenience and Necessity

JUNE 30, 1967.

The 10th amendment to the Commission's statement of general policy No. 61–1[1] provided that all permanent certificates issued with respect to applications filed after April 15, 1965, would contain substantially the following condition:

No increase in rate shall be filed prior to _____ at any price which would exceed the ceiling prescribed for the given area by paragraph (d) of the Commission's statement of general policy No. 61–1, as amended.

The moratorium period in the above condition extended to January 1, 1968, for all areas except the south Louisiana and Oklahoma areas where a July 1, 1967, date had previously been established.

In view of the pending expiration of these moratoria periods, we think it appropriate for the same reasons set forth in the 10th amendment to revise paragraph (d) of the Commission's statement of general policy No. 61–1 to preclude any rate increase filing above the antitriggering levels set forth therein until January 1, 1970, in all permanent certificates issued with regard to applications filed on or after July 1, 1967. Applications filed prior to July 1, 1967, will remain subject to the provisions of the 10th amendment (§ 2.56(d) (1), (2)).

Any applicant wishing to demonstrate that the price specified in the policy statement is not a triggering rate or otherwise wishing to contest the propriety of the condition will be permitted to do so, upon filing a timely request. In such situation, the application will be set for formal hearing and, if the producer wishes to commence operation pending such hearing, he must comply with the provisions of § 157.28 of the regulation under the Natural Gas Act governing temporary authorizations.

The Commission finds: In view of the fact that this statement of policy does not prescribe any course of action on the part of any person but merely sets forth the Commission's contemplated course of action, notice under section 4 of the Administrative Procedure Act (5 U.S.C. 553) is not required and the Statement may be made effective upon issuance.

The Commission, acting pursuant to authority granted by the Natural Gas Act, as amended, particularly sections 4, 5, 7, and 16 thereof (52 Stat. 822, 823, 824, 830, 15 U.S.C. 717c; 717d, 717f, 7170), orders:

(A) Effective upon the issuance of this order, § 2.56, Part 2, Statements of General Policy and Interpretations, Chapter I of Title 18 of the Code of Federal Regulations, is amended by adding thereto two new subparagraphs (3) and (4) to paragraph (d), as follows:

§ 2.56 Area price levels for natural gas sales by independent producers.

* * * * *

(d) * * *

(3) All permanent certificates of public convenience and necessity granting applications filed on or after July 1, 1967, will contain a condition, substantially in the language set out in subparagraph (4) of this paragraph, precluding any filing of an increased rate at a price in excess of those designated in the table referred to in subparagraph (1) of this paragraph, prior to January 1, 1970, unless at the time of filing such certificate application, or within the time fixed in the notice of application for filing protests or petitions to intervene, the applicant indicates in writing that it is unwilling to accept such a condition in which event the application will be set for formal hearing to determine, inter alia, whether any grant of certificate shall be so conditioned.

(4) Standard anti-triggering condition: "No increase in rate shall be filed prior to January 1, 1970, at any price which would exceed the ceiling prescribed for the given area by paragraph (d)(3) of the Commission's statement of general policy No. 61–1, as amended."

(B) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 67–7774; Filed, July 6, 1967; 8:46 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 20,702]

PART 545—OPERATIONS

Loans in Excess of 80 Percent of Value

JUNE 29, 1967.

Resolved that, notice and public procedure having been duly afforded (32 F.R. 2989) and all relevant material presented or available having been considered by it, the Federal Home Loan Bank Board, upon the basis of such consideration and of determination by it of the advisability of amending § 545.6–1 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.6–1) relating to loans, and for the purpose of effecting such amendment, hereby amends § 545.6–1 aforesaid, by revising subparagraph (4) of paragraph (a) of said section to read as follows, effective July 7, 1967:

§ 545.6–1 Lending powers under sections 13 and 14 of Charter K.

* * * * *

(a) *Homes or combination of homes and business property.*

* * * * *

(4) *Loans in excess of 80 percent of value.* The limitation of 80 percent set forth in subdivision (i) of subparagraph (1) of this paragraph shall be 90 percent in the case of any loan which is made in an amount not in excess of $21,500 and with respect to which the following requirements are met:

(i) The association, at the time it makes or invests its funds in the loan,

[1] Promulgated by order No. 296, Docket No. R–373, issued Apr. 5, 1965 (33 FPC 662, 30 F.R. 4670).

has general reserves, surplus, and undivided profits equal to at least 3 percent of the association's assets;

(ii) The loan is made upon the security of a first lien upon real estate upon which there is located only a structure designed for residential use for one family or a structure designed for residential use for one family and structures ancillary to such residential use. The amount by which such a loan exceeds 80 percent of the value of the improved real estate shall not be disbursed until construction has been completed, and, if such structure is being constructed for sale, until the property has been sold and title has been conveyed to a purchaser who has executed an agreement with the association assuming and agreeing to pay the loan;

(iii) The principal obligation of the loan is specified in the instrument securing the loan and does not exceed (*a*) $31,500 or (*b*) 90 percent of the value of the real estate or, if the loan is made to finance the purchase of the real estate, 90 percent of the purchase price set forth in the certification specified in subdivision (vii) of this subparagraph, whichever is less;

(iv) The loan contract requires that, in addition to interest and principal payments on the loan, the equivalent of one-twelfth of the estimated annual taxes, assessments, and insurance premiums on the real estate security be paid monthly in advance to the association;

(v) The borrower, including a purchaser who assumes the loan, has executed a certification in writing stating (*a*) that no lien or charge upon such property, other than the lien of the association or liens or charges which will be discharged from the proceeds of the loan, has been given or executed by the borrower or has been contracted or agreed to be so given or executed, and (*b*) that the borrower is actually occupying the property as a dwelling or that the borrower in good faith intends to do so;

(vi) If the loan is sought or assumed for the purpose of enabling a purchaser to acquire the security property, the vendor or vendors have executed a certification in writing stating that no lien or charge upon such property, other than the lien of the association or liens or charges which will be discharged from the proceeds of the loan, has been given or executed to the vendor or vendors by the purchaser or has been contracted or agreed to be so given or executed;

(vii) If the loan is sought or assumed for the purpose of enabling a purchaser to acquire the security property, the purchaser and the vendor or vendors have jointly executed a certification in writing stating the purchase price of the security property and the items comprising such price;

(viii) The association has made or obtained, prior to approval of the loan, a written report on the credit standing of the borrower and the financial ability of such borrower to undertake and pay off the obligation involved in the loan;

(ix) The resulting aggregate of the principal amount of such loan and of the association's investment in the principal amount of all other loans made under this subparagraph, exclusive of any such loan with respect to which the unpaid principal balance has been reduced to an amount not in excess of 80 percent of the value of the property according to the appraisal on which such loan was made (or 80 percent of the purchase price set forth in the certification specified in subdivision (vii) of this subparagraph, if such purchase price is less than such value), does not, at the time the association makes or invests, its funds in such loan, exceed 20 percent of the association's assets; and

(x) In the case of a loan purchased by a Federal association from other than a Federal association, each certification required by subdivisions (v), (vi), and (vii) of this subparagraph (4) shall contain a statement that the certification is made for the purpose of inducing a Federal savings and loan association to purchase the loan.

* * * * *

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,
Secretary.

[F.R. Doc. 67-7756; Filed, July 6, 1967; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 66-WE-87]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On April 15, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 6060) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would alter the controlled airspace in the vicinity of Crescent City, Calif.

Interested persons were afforded an opportunity to participate in the proposed rule through the submission of comments. The only comment received was from the Air Transport Association and they interposed no objection.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., September 14, 1967, as hereinafter set forth.

1. In § 71.171 (32 F.R. 2071) the Crescent City, Calif., control zone is amended to read:

CRESCENT CITY, CALIF.

Within a 5-mile radius of Jack McNamara Field Crescent City (latitude 41°46'50" N., longitude 124°14'00" W.), within 2 miles each side of the Crescent City VORTAC 325° radial, extending from the 5-mile radius zone to 8 miles northwest of the VORTAC and within 2 miles each side of the Crescent City VORTAC 180° radial extending from the 5-mile radius zone to 7 miles south of the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

2. In § 71.181 (32 F.R. 2148) the Crescent City, Calif., transition area is amended to read:

CRESCENT CITY, CALIF.

That airspace extending upward from 1,200 feet above the surface within 10 miles east and 7 miles west of the Crescent City VORTAC 180° and 360° radials, extending from 8 miles north to 20 miles south of the VORTAC; within 5 miles each side of the Crescent City VORTAC 234° radial, extending from the VORTAC to 12 miles southwest of the VORTAC; that airspace north of Crescent City bounded on the east by the east edge of V-27; on the north and northwest by the arc of 16.5-mile radius of Crescent City VORTAC, bounded on the southwest by a line 8 miles southwest of and parallel to the Crescent City VORTAC 325° radial and bounded on the south by latitude 41°46'00" N.

(Secs. 307(a), 1110, Federal Aviation Act of 1958; 49 U.S.C. 1348, 1510; E.O. 10854 (24 F.R. 9565))

Issued in Washington, D.C., on June 29, 1967.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-7804; Filed, July 6, 1967; 8:48 a.m.]

[Airspace Docket No. 67-SO-62]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zones

On June 17, 1967, Federal Register Docket No. 67-6830 was published in the FEDERAL REGISTER (32 F.R. 8708 and 8709), amending Part 71 of the Federal Aviation Regulations by altering the Albany, Ga. (Municipal Airport), and the Albany, Ga. (Turner AFB), control zones.

In the amendment the effective period of the Albany, Ga. (Turner AFB), control zone was reduced from a full time basis to 0800 to 1700 hours, local time, Monday through Friday until July 1, 1967, and thereafter unless it is changed by a Notice to Airmen.

Subsequent to publication of the rule, it was determined there is an aeronautical requirement that the effective period of this control zone exceed the 0800 to 1700 hours, local time, for June 30, 1967. The effective period of the control zone for June 30, 1967, will be published by a Notice to Airmen prior to that date.

Since this amendment will impose no additional burden on the public and is required for reasons of safety, notice and public procedures hereon are unnecessary.

In consideration of the foregoing, effective immediately, Federal Register Docket No. 67-6830 is amended as follows: On line ten of the Albany, Ga. (Turner AFB) control zone description "* * * July 1, 1967 * * *" is deleted and "* * * June 30, 1967 * * *" is substituted therefor.

(Sec. 307(a), the Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on June 28, 1967.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 67-7805; Filed, July 6, 1967; 8:49 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 8241; Amdt. 548]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, miles an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	

PROCEDURE CANCELED, EFFECTIVE 29 JULY 1967.

City, Del Rio; State, Tex.; Airport name, International; Elev., 999'; Fac. Class., H; Ident., DLF; Procedure No. 1, Amdt. 3; Eff. date, 15 May 65; Sup. Amdt. No. 2; Dated 20 Mar. 65

Indianapolis VOR	LOM	Direct	2400	T-dn	300-1	300-1	200-½
Shelbyville VOR	LOM	Direct	2400	C-dn	400-1	500-1	500-1¼
Morgantown Int	LOM	Direct	2600	S-dn-31	400-1	400-1	400-1
Whiteland Int	LOM (final)	Direct	2400	A-dn	800-2	800-2	800-2

Radar available.
Procedure turn E side of crs, 133° Outbnd, 313° Inbnd, 2400' within 10 miles.
Minimum altitude over facility on final approach crs, 2400'.
Crs and distance, facility to airport, 313°—5.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.4 miles after passing CO LOM, climb to 2500' and proceed direct to IND VOR, or when directed by ATC, climb to 2400', turn left and proceed direct to the IN LOM.
MSA within 25 miles of facility: 000°–360°—3100'.

City, Indianapolis; State, Ind.; Airport name, Indianapolis Municipal (Weir Cook); Elev., 797'; Fac. Class., LOM; Ident., CO; Procedure No. NDB(ADF) Runway 31, Amdt. 2; Eff. date, 29 July 67; Sup. Amdt. No. ADF 2, Amdt. 1; Dated, 7 Mar. 64

HOU VORTAC	SPX RBn	Direct	1800	T-dn	300-1	300-1	200-½
GLS VORTAC	SPX RBn	Direct	1600	C-dn	600-1	600-1	600-1½
				A-dn	NA	NA	NA

Radar available.
Procedure turn E side of crs, 116° Outbnd, 296° Inbnd, 1600' within 10 miles.
Minimum altitude over facility on final approach crs, 1600'.
Crs and distance, facility to airport, 296°—3.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing SPX RBn, turn right, climb to 1600' direct to SPX RBn.
NOTES: (1) No weather service available at airport. (2) Use Houston, Tex. altimeter setting.
CAUTION: 300' tower, 2 miles E of airport, 480' tower, 2.7 miles NE of airport.
MSA within 25 miles of facility: 000°–090°—1600'; 090°–180°—1400'; 180°–270°—2200'; 270°–360°—2100'.

City, League City; State, Tex.; Airport name, Spaceland Airpark; Elev., 24'; Fac. Class., MHW; Ident., SPX; Procedure No. NDB(ADF) Runway 31, Amdt. 1; Eff. date, 29 July 67; Sup. Amdt. No. NDB(ADF) Runway 31, Orig.; Dated, 4 Mar. 67

Scarsdale Int	UR LOM (final)	Direct	2000	T-dn	300-1	300-1	200-½
				C-dn	700-1	700-2	700-2
				S-dn-22	700-1	700-1	700-1¾
				A-dn	800-2	800-2	800-2

Radar available.
Procedure turn N side of crs, 043° Outbnd, 223° Inbnd, 2000' within 10 miles.
Minimum altitude over facility on final approach crs, 1900'.
Crs and distance, LOM to airport, 223°—5.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.7 miles after passing UR LOM, climb to 2500' on crs, 223° to Prospect Int. Hold SW 1-minute left turns, Inbnd crs, 040°.
NOTE: Bridge tower 862', 2.1 miles NE and tank 422', 1.4 miles N of airport.
MSA within 25 miles of facility: 000°–090°—2100'; 090°–180°—1700'; 180°–270°—2600'; 270°–360°—2600'.

City, New York; State, N.Y.; Airport name, La Guardia; Elev., 21'; Fac. Class., LOM; Ident., UR; Procedure No. NDB(ADF) Runway 22, Amdt. 3; Eff. date, 29 July 67; Sup. Amdt. No. ADF 2, Amdt. 2; Dated, 27 Mar. 66

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
OAK VOR	LOM	Direct	3700	T-dn	300–1	300–1	*200–½
Decoto INT/DME Fix	LOM	Direct	3700	C-dn**	500–1	500–1	500–1½
				S-dn-29	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Radar available.
Procedure turn E side of crs, 120° Outbnd, 300° Inbnd, 3700 within 10 miles.
Minimum altitude over facility on final approach crs, 1700'.
Crs and distance, facility to airport, 263°—4.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.6 miles after passing LOM, make a left-climbing turn and proceed direct to LOM. Continue climb to 2500' in a 1-minute holding pattern NW of LOM, 120° Inbnd, left turns.
CAUTION: In vicinity of LOM, heavy VFR traffic in Hayward traffic pattern.
*200–1 required for takeoff on Runways 33 and 15.
**Circling N of Runways 9/27 below 700' not authorized due to 362' tank, 1.6 miles N of airport.
MSA within 25 miles of facility: 000°–090°—5100'; 090°–180°—5400'; 180°–270°—3900'; 270°–360°—4900'.
City, Oakland; State, Calif.; Airport name, Oakland International; Elev., 6'; Fac. Class., LOM; Ident., IN; Procedure No. NDB(ADF) Runway 30, Amdt. 5; Eff. date, 20 July 67 or upon relocation of LOM; Sup. Amdt. No. ADF 1, Amdt. 4; Dated 28 Oct. 65

EPH VOR	OMK RBn	Direct	6000	T-dn%	2200–2	2200–2	2200–2
				C-d*	2200–2	2200–2	2200–2
				C-n*	2200–3	2200–3	2200–3
				A-dn#	4000–5	4000–5	4000–5

Procedure turn W side of crs, 155° Outbnd, 335° Inbnd, 5000' within 10 miles.
Minimum altitude over facility on final approach crs, 3501'.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of OMK RBn, make climbing left turn, climb to 8000' on crs, 155° Outbnd, 335° Inbnd, within 10 miles of OMK RBn.
%Climb visually over the airport to 3500'. Climb 155° bearing OMK RBn to en route altitude.
*If OMK altimeter setting not available, use Ephrata altimeter setting. Authorized circling minimums increased 400' when Ephrata altimeter setting used.
#Alternate minimums not authorized except for those with approved weather reporting service.
MSA within 25 miles of facility: 000°–090°—6300'; 090°–180°—7500'; 180°–270°—8900'; 270°–360°—9300'.
City, Omak; State, Wash.; Airport name, Omak; Elev., 1301'; Fac. Class., H; Ident., OMK; Procedure No. NDB(ADF)–1, Amdt. 1; Eff. date, 29 July 67; Sup. Amdt. No. NDB (ADF)–1, Orig.; Dated 22 June 67

Glens Falls VOR	RUT RBn	Direct	8000	T-dn	1600–2	1600–2	1600–2
Benson Int	RUT RBn	Direct	5000	C-dn	1900–2	1900–2	1900–2
Granville Int	RUT RBn	Direct	5000	A-dn	NA	NA	NA

Procedure turn W side of crs, 338° Outbnd, 178° Inbnd, 4000' within 10 miles.
Minimum altitude over facility on final approach crs, 2700'.
Crs and distance, facility to airport, 178°—2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of RUT RBn, make right-climbing turn to 6000' direct to RUT RBn. Hold N of RUT RBn, 178° Inbnd, 1-minute right turns.
NOTES: (1) Approach from a holding pattern not authorized. Procedure turn required. (2) Use Glens Falls altimeter setting. (3) Night operations Runways 1/19 only.
CAUTION: High terrain all quadrants.
IFR DEPARTURE: Climb VFR to RUT RBn. Continue climb in holding pattern to 5000' or above prior to departure.
MSA within 25 miles of facility: 000°–090°—5300'; 090°–180°—5300'; 180°–270°—5000'; 270°–360°—4400'.
City, Rutland; State, Vt.; Airport name, Rutland Municipal; Elev., 787'; Fac. Class., MHWZ; Ident., RUT; Procedure No. NDB(ADF)–1, Amdt. 1; Eff. date, 29 July 67; Sup. Amdt. No. ADF–2, Orig.; Dated, 11 Sept. 65

2. By amending the following very high frequency omnirange (VOR) procedures prescribed in § 97.11(c) to read:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
R 116°, DLH VOR clockwise	R 192°, DLH VOR	Via 7-mile DME Arc.	3000	T-dn	300–1	300–1	200–½
				C-d	400–1	500–1	500–1½
R 250°, DLH VOR counterclockwise	R 192°, DLH VOR	Via 7-mile DME Arc.	3000	C-n	400–1½	500–1½	500–1½
				S-dn-8	400–1	400–1	400–1
7-mile DME Fix, R 192°	DLH VOR (final)	Direct	2100	A-dn	800–2	800–2	800–2

Radar available.
Procedure turn E side of crs, 192° Outbnd, 012° Inbnd, 3000' within 10 miles.
Minimum altitude over facility on final approach crs, 2100'.
Crs and distance, facility to airport, 012°—2.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.2 miles after passing VOR, climb to 3000' on R 012° within 10 miles and return to VOR.
NOTE: Final approach from holding pattern at VOR not authorized. Procedure turn required.
MSA within 25 miles of facility: 000°–360°—3300'.
City, Duluth; State, Minn.; Airport name, Duluth International; Elev. 1429'; Fac. Class., H-BVORTAC; Ident., DLH; Procedure No. VOR Runway 3, Amdt. 7; Eff. date, 29 July 67; Sup. Amdt. No. VOR Runway 3, Amdt. 6; Dated, 25 Feb. 67

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
R 240°, clockwise	R 320°	16-mile DME Arc	1800	T-dn	300–1	300–1	200–½
R 008°, counterclockwise	R 320°	10-mile DME Arc	1800	C-dn%	700–1	700–1	700–1½
10-mile DME, R 320°	Lyman Int (final)	R 320°	628	S-dn-12%*	600–1	600–1	600–1
				A-dn@	800–2	800–2	800–2
				DME minimums:			
				S-dn-12%#	400–1	400–1	400–1

Procedure turn W side of crs, 320° Outbnd, 140° Inbnd, 1500' within 10 miles.
Minimum altitude over facility on final approach crs, 628' (428' if Lyman 4-mile DME Fix is identified).
Facility on airport. Bearing and distance, breakoff point to Runway 13, 130°—0.3 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of GPT VORTAC, climb to 1500' on R 140° and return to GPT VORTAC.
CAUTION: 439' tower, 1.1 miles SSW of airport.
@Alternate minimums authorized only from 0600 to 2200 local time daily. Local weather not available other hours.
%Use Mobile altimeter setting when control zone not effective and following minimums apply: VOR S-dn 800–1, C-dn 800–2; DME S-dn 600–1.
NOTES: % and @ do not apply to air carriers having approved weather reporting service.
*Reduction not authorized.
#400–¾ authorized with operative HIRL, except for 4-engine turbojets.
MSA within 25 miles of facility: 000°–090°—2600'; 090°–270°—1500'; 270°–360°—2600'.
City, Gulfport; State, Miss.; Airport name, Gulfport Municipal; Elev., 28'; Fac. Class., L-BVOR TAC; Ident., GPT; Procedure No. VOR Runway 13, Amdt. 3; Eff. date, 29 July 67; Sup. Amdt. No. VOR Runway 13, Amdt. 2; Dated, 3 June 67

McAllen VOR	Lasara Int	Direct	1600	T-dn	300–1	300–1	200–½
Lasara Int	Lyford Int	Direct	1600	C-dn	400–1	400–1	500–1½
Lyford Int	HRL VOR (final)	Direct	1100	S-dn-17	400–1	400–1	400–1
				A-dn*	NA	NA	NA

Procedure turn W side of crs, 328° Outbnd, 148° Inbnd, 1600' within 10 miles.
Minimum altitude over facility on final approach crs, 1100'.
Crs and distance, facility to airport, 148°—5.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.4 miles after passing HRL VOR, climb to 1600' on R 148°, HRL VOR, then turn left, proceed direct to HRL VOR, maintain 1600' on HRL VOR R 328° within 20 miles.
NOTE: Weather service not available to general public.
*AIR CARRIER NOTE: 800–2 authorized for carriers having approval of their arrangements for weather service at this airport.
CAUTION: 853' TV tower, 4.5 miles and 1049' TV tower, 5.5 miles SW of airport.
MSA within 25 miles of facility: 090°–270°—2100'; 270°–090°—1500'.
City, Harlingen; State, Tex.; Airport name, Harlingen Municipal (Harvey-Richards Field); Elev., 46'; Fac. Class., L-BVOR; Ident., HRL; Procedure No. VOR Runway 17, Amdt. 3; Dated, 13 May 67

GLS VORTAC	Bright Int or 5.6-mile DME Fix GLS, R 36° (final).	GLS, R 336°, 5.6 nautical miles.	1500	T-dn	300–1	300–1	200–½
				C-dn#	400–1	500–1	500–1½
				S-dn-31#	400–1	400–1	400–1
				A-dn	NA	NA	NA

Radar available.
Procedure turn not authorized.
Minimum altitude over Bright Int or 5.6-mile DME Fix, R 336° to airport, 336°—5 miles.
Crs and distance, Bright Int or 5.6-mile DME Fix, R 336° to airport, 336°—5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5 miles after passing Bright Int or 5.6-mile DME Fix GLS R 336°, turn right, climb to 1600' on heading of 080° within 15 miles.
NOTES: (1) No weather service available at airport. (2) Use Houston altimeter setting.
CAUTION: 300' tower, 2 miles E of airport; 460' tower, 2.7 miles NE of airport.
#Dual VOR, DME, or radar required.
MSA within 25 miles of facility: 000°–270°—1400'; 270°–360°—2300'.
City, League City; State, Tex.; Airport name, Spaceland Airpark; Elev., 24'; Fac. Class., L-BVORTAC; Ident., GLS; Procedure No. VOR Runway 31, Amdt. Orig.; Eff. date, 29 July 67

PROCEDURE CANCELED, EFFECTIVE 29 JULY 1967.
City, Panama City; State, Fla.; Airport name, Panama City-Bay County; Elev., 20'; Fac. Class., L-BVOR; Ident., PFN; Procedure No. VOR-1, Amdt. 2; Eff. date, 21 Jan. 67; Sup. Amdt. No. TerVOR R 087°, Amdt. 1; Dated, 19 Mar. 66

PROCEDURE CANCELED, EFFECTIVE 29 JULY 1967.
City, Panama City; State, Fla.; Airport name, Panama City-Bay County; Elev., 20'; Fac. Class., L-BVOR; Ident., PFN; Procedure No. VOR-2, Amdt. 2; Eff. date, 21 Jan. 67; Sup. Amdt. No. TerVOR R 325°, Amdt. 1; Dated, 19 Mar. 66

Bruce Int	PFN VOR	Direct	1600	T-dn	300–1	300–1	200–½
Greenhead Int	PFN VOR	Direct	1800	C-dn*	600–1	600–1	600–1½
Chason Int	PFN VOR	Direct	2000	S-dn-14*	600–1	600–1	600–1
Orange Int	PFN VOR	Direct	1800	A-dn*	NA	NA	NA
Wilma Int	PFN VOR	Direct	1800	Radar minimums:			
				C-dn	300–1	300–1	300–1½
				S-dn-14	400–1	400–1	400–1

Radar available.
Procedure turn N side of crs, 307° Outbnd, 127° Inbnd, 1600' within 10 miles.
Minimum altitude over 2-miles Radar Fix on final approach crs, 620'.
Facility on airport. Breakoff point to Runway 14, 140°—0.4 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of PFN VOR, left-climbing turn to 1600' on R 328° within 15 miles.
NOTE: Weather service not available to the general public.
*VOR ceiling minimums reduction of 100' and alternate minimums day/night 800–2 is authorized for air carriers only.
MSA within 25 miles of the facility: 000°–090°—2100'; 090°–180°—1500'; 180°–270°—1600'; 270°–360°—1600'.
City, Panama City; State, Fla.; Airport name, Panama City-Bay County; Elev., 20'; Fac. Class., L-BVOR; Ident., PFN; Procedure No. VOR Runway 14, Amdt. Orig.; Eff. date, 29 July 67

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Bruce Int	PFN VOR	Direct	1600	T-dn	800-1	800-1	200-½
Ormanhead Int	PFN VOR	Direct	1800	C-dn	700-1	700-1	700-1⅓
Chason Int	PFN VOR	Direct	2000	S-dn-22	700-1	700-1	700-1
Orange Int	PFN VOR	Direct	1800	A-dn*	NA	NA	NA
Wilma Int	PFN VOR	Direct	1600	Radar minimums:			
				C-dn	500-1	500-1	500-1¼
				S-dn-22*	500-1	500-1	500-1

Radar available.
Procedure turn N side of crs, 088° Outbnd, 268° Inbnd, 1600′ within 10 miles.
Minimum altitude over 1.8-mile Radar Fix on final approach crs, 730′.
Facility on airport. Breakoff point to Runway 22, 223°—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of PFN VOR, right-climbing turn to 1600′ on R 328° within 15 miles.
NOTE: Weather service not available to general public.
*Radar ceiling minimums reduction of 100′ and alternate minimums day/night 800-2 is authorized for air carriers only.
MSA within 25 miles of the facility: 000°–090°—2100′, 090°–180°—1800′, 180°–270°—1600′, 270°–360°—1600′.

City, Panama City; State, Fla.; Airport name, Panama City-Bay County; Elev., 20′; Fac. Class., L-BVOR; Ident., PFN; Procedure No. VOR Runway 22, Amdt. Orig.; Eff. date, 29 July 67

R 300°, UBS VOR clockwise	R 091°	10-mile DME Arc	1800	T-d	800-1	NA	NA
				C-d	800-1	NA	NA
R 180°, UBS VOR counterclockwise	R 091°	10-mile DME Arc	1800	S-d-27	400-1	NA	NA
				A-d	NA	NA	NA
10-mile Fix, R 091°, UBS VOR	UBS VOR (final)	Via R 091°	1800	DME minimums:			
				C-d	400-1	NA	NA
				S-d-27	400-1	NA	NA

Radar available.
Procedure turn S side of crs, 091° Outbnd, 271° Inbnd, 1800′ within 10 miles.
Minimum altitude over facility on final approach crs, 1800′; at 4-mile DME Fix 900′.
Crs and distance, facility to airport, 271°—4.3 miles; 4-mile DME Fix to airport, 271°—4.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 8.3 miles after passing UBS VORTAC, climb to 1800′ on R 271° UBS VORTAC within 15 miles.
NOTES: (1) Use Columbus approach control altimeter setting. (2) Aircraft will cancel IFR with Columbus approach control prior to landing and upon reaching visual flight conditions. (3) Aircraft will not takeoff without prior ATC approval. (4) Airport weather information not available.
MSA within 25 miles of facility: 000°–360°—1900′.

City, Starkville; State, Miss.; Airport name, Oktibbeha; Elev., 250′; Fac. Class., L-BVORTAC; Ident., UBS; Procedure No. VOR Runway 27, Amdt. 2; Eff. date, 29 July 67; Sup. Amdt. No. VOR–1, Amdt. 1; Dated, 25 Dec. 66

				T-dn*	300-1	300-1	200-½
				C-d*	400-1	500-1	500-1⅓
				C-n*	400-1½	500-1½	500-1⅓
				S-dn-18*	400-1	400-1	400-1
				A-dn*	800-2	800-2	800-2

Procedure turn W side of crs, 297° Outbnd, 117° Inbnd, 2600′ within 10 miles.
Minimum altitude over facility on final approach crs, 1510′ (1710′ when control zone not effective).
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of VOR, climb to 2600′ on R 130° within 10 miles.
NOTE: Use Grand Forks altimeter setting when control zone not effective.
CAUTION: Runways 4/22 unlighted.
#Circling and straight-in ceiling minimums are raised 200′ and alternate minimums not authorized when control zone not effective.
%When weather is below 800–1 aircraft departing northbound, flight below 2100′ is prohibited between radials 300° clockwise to 030° inclusive of the TVF VOR due to 1613′ tower, 3 miles N of the airport.
*These minimums apply at all times for air carriers with approved weather reporting service.
MSA within 25 miles of facility: 000°–360°—2700′.

City, Thief River Falls; State, Minn.; Airport name, Municipal; Elev., 1116′; Fac. Class., L-BVOR; Ident., TVF; Procedure No. VOR Runway 13, Amdt. 1; Eff. date, 29 July 67; Sup. Amdt. No. TwVOR-13, Orig.; Dated, 23 July 66

				T-dn%	300-1	300-1	200-½
				C-d*	400-1	500-1	500-1⅓
				C-n*	400-1½	500-1½	500-1⅓
				S-dn-31*	400-1	400-1	400-1
				A-dn*	800-2	800-2	800-2

Procedure turn E side of crs, 130° Outbnd, 310° Inbnd, 2600′ within 10 miles.
Minimum altitude over facility on final approach crs, 1510′ (1710′ when control zone not effective).
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of TVF VOR, climb to 2600′ on R 297° within 10 miles.
NOTE: Use Grand Forks altimeter setting when control zone not effective.
CAUTION: Runways 4/22 unlighted.
#Circling and straight-in ceiling minimums are raised 200′ and alternate minimums not authorized when control zone not effective.
*These minimums apply at all times for air carriers with approved weather reporting service.
%When weather is below 800–1 aircraft departing northbound, flight below 2100′ is prohibited between radials 300° clockwise to 030° inclusive of the TVF VOR due to 1613′ tower, 3 miles N of the airport.
MSA within 25 miles of facility: 000°–360°—2700′.

City, Thief River Falls; State, Minn.; Airport name, Municipal; Elev., 1116′; Fac. Class., L-BVOR; Ident., TVF; Procedure No. VOR Runway 31, Amdt. 2; Eff. date, 29 July 67; Sup. Amdt. No. TwVOR-31, Amdt. 1; Dated, 23 July 66

3. By amending the following very high frequency omnirange—distance measuring equipment (VOR/DME) procedures prescribed in § 97.15 to read:

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
VRB VORTAC	7-mile DME Fix (final)	Via R 150°	1000	T-dnf	800-1	800-1	800-1¼
				C-dnf	800-1	800-1	800-1⅓
				S-d-14f	400-1	400-1	400-1
				A-dn%#	NA	NA	NA

Procedure turn W side of crs, 330° Outbnd, 150° Inbnd, 1500′ within 10 miles.
Minimum altitude over facility on final approach crs, 1800′; over 7-mile DME Fix, 1000′; over 16.5-mile DME Fix, 800′.
Crs and distance, facility to airport, 150°—12.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing 12.5-mile DME Fix, right-climbing turn to 1500′ and return to VRB VORTAC via R 163°.
NOTES: (1) Use VRB FSS altimeter setting. (2) Close IFR flight plan with VRB FSS immediately after landing or reaching VFR conditions.
fNight takeoffs and landings authorized on Runways 9 and 27 only.
%Weather service not available.
MSA within 25 miles of facility: 000°–360°—1600′.

City, Fort Pierce; State, Fla.; Airport name, St. Lucie County; Elev., 24′; Fac. Class., H-BVORTAC; Ident., VRB; Procedure No. VOR/DME Runway 14, Amdt. 1; Eff. date, 29 July 67; Sup. Amdt. No. VOR/DME No. 1, Orig.; Dated, 6 Jan. 66

PROCEDURE CANCELED, EFFECTIVE 29 JULY 1967.

City, Philadelphia; State, Pa.; Airport name, Philadelphia International; Elev., 14′; Fac. Class., L-BVORTAC; Ident., EWT; Procedure No. VOR/DME Runway 9, Amdt. Orig.; Eff. date, 29 Feb. 67

4. By amending the following instrument landing system procedures prescribed in § 97.17 to read:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Woodville Int	River Int	Direct	1800	T-dn	300-1	300-1	200-½
Baton Rouge VOR	LOM	Direct	1500	C-dn	**400-1	500-1	500-1⅓
Morganza Int	LOM	Direct	1600	S-dn-13	*200-½	*300-½	*300-½
River Int	LOM (final)	Direct	1300	A-dn	800-2	800-2	800-2

Procedure turn W side of NW crs, 307° Outbnd, 127° Inbnd, 1200′ within 10 miles.
Minimum altitude at glide slope interception Inbnd, 1300′.
Altitude of glide slope and distance to approach end of runway at OM, 1271′—3.8 miles; at MM, 281′—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 1600′ on SE crs, ILS within 20 miles, or when directed by ATC, (1) turn left, climb to 1600′ on R 061°, BTR VOR within 10 miles of Creole Int or (2) turn left, climb to 1900′ on R 041°, BTR VOR within 20 miles.
CAUTION: 282′ water tank located on airport W of control tower; 224′ radio antenna located 1.3 miles WSW of the airport.
**Circling 400–1 not authorized in W quadrant as defined by centerline extension of Runways 4 and 13. 500–1 authorized in this area.
*400 ¾ required when glide slope not utilized. Approach lights not installed.
MSA within 25 miles of LOM: 043°–126°—1500′; 126°–225°—2800′; 225°–315°—1500′; 315°–045°—1900′.

City, Baton Rouge; State, La.; Airport name, Ryan; Elev., 70′; Fac. Class., ILS; Ident., I-BTR; Procedure No. ILS Runway 13, Amdt. 11; Eff. date, 29 July 67; Sup. Amdt. No. ILS-13, Amdt. 13; Dated, 1 May 65

Summit Hill Int	LOM	Direct	2500	T-dn##	300-1	300-1	200-½
Wallburg Int	LOM	Direct	2800	C-dn	400-1	500-1	500-1⅓
Greensboro VOR	LOM	Direct	2500	S-dn-14*#	200-½	200-½	200-½
Thomas Int	LOM	Direct	2600	A-dn	800-2	800-2	800-2
Pine Hall Int	LOM (final)	Direct	2500				

Radar available.
Procedure turn N side NW crs, 315° Outbnd, 138° Inbnd, 2500′ within 10 miles.
Minimum altitude at glide slope interception Inbnd, 2500′.
Altitude of glide slope and distance to approach end of runway at OM, 2519′—5.7 miles; at MM, 1130′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2600′ on SE crs, ILS (138°) within 30 miles, or when directed by ATC, turn left, climb to 2500′ on R 054°, GSO VOR within 20 miles or turn left, climb to 2500′ and return direct to LOM.
*400–½ (RVR 4000′) required when glide slope not utilized. 400–½ (RVR 2400′) authorized with operative ALS, except for 4-engine turbojets.
#RVR 2400′. Descent below 1126′ not authorized unless ALS visible.
##RVR 2400′ authorized Runway 14.
MSA within 25 miles of LOM: 000°–090°—3500′; 090°–180°—3100′; 180°–270°—3400′; 270°–360°—3100′.

City, Greensboro; State, N.C.; Airport name, Greensboro-High Point-Winston-Salem; Elev., 920′; Fac. Class., ILS; Ident., I-GSO; Procedure No. ILS Runway 14, Amdt. 10; Eff. date, 29 July 67; Sup. Amdt. No. ILS-14, Amdt. 9; Dated, 2 Oct 65

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Indianapolis VOR	LOM	Direct	2400	T–dn#	300–1	300–1	300–1/4
Shelbyville VOR	LOM	Direct	2400	C–dn	400–1	500–1	500–1 1/4
Morgantown Int	LOM	Direct	2600	S–dn–31°##	200–1/2	200–1/2	300–1/2
Whiteland Int	LOM (final)	Via IND VOR E 136° and ILS SE crs.	2400	A–dn	600–2	600–2	600–2

Radar available.
Procedure turn E side of crs. 133° Outbnd, 313° Inbnd, 2400′ within 10 miles.
Minimum altitude at glide slope intercept on Inbnd 2400′.
Altitude of glide slope and distance to approach end of runway at OM, 2350′—5.4 miles; at MM, 954′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2500′ and proceed direct to IND VOR, or when directed by ATC, climb to 2400′, turn left and proceed direct to the IN LOM.
*600–¼ required when glide slope not utilized. 400–½ authorized with operative ALS, except for 4-engine turbojets.
#RVR 2400′ authorized on Runway 31.
##RVR 2600′. Descent below 997′ not authorized unless approach lights are visible.
MSA within 25 miles of LOM. 000°–360°—3100′.

City, Indianapolis; State, Ind.; Airport name, Indianapolis Municipal (Weir-Cook); Elev., 797′; Fac. Class., ILS; Ident., I–COA; Procedure No. ILS Runway 31, Amdt. 3; Eff. date, 29 July 67; Sup. Amdt. No. ILS–31, Amdt. 2; Dated 19 June 66

Scarsdale Int	UR LOM (final)	Direct	3000	T–dn	300–1	300–1	300–1/4
				C–dn	700–1	700–2	700–2
				S–dn–22	200–1/2	200–1/2	300–1/2
				A–dn	800–2	800–2	800–2
				Glide slope inoperative:			
				S–dn–22	600–1	600–1	600–1

Radar available.
Procedure turn N side of crs. 043° Outbnd, 223° Inbnd, 2000′ within 10 miles.
Minimum altitude at glide slope intercept on Inbnd, 1622′.
Altitude of glide slope and distance to approach end of runway at OM, 1900′—5.7 miles at MM, 223′—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.7 miles after passing LOM, climb to 2500′ on crs of 223° to Prospect Int. Hold SW of Prospect Int. 1-minute left turns, Inbnd crs, 040°.
NOTES: (1) Bridge tower 383′, 2.1 miles NE and tank 422′, 1.4 miles N of airport. (2) Back crs unusable. (3) Glide slope unusable below 211′.
MSA within 25 miles of LOM. 000°–090°—2100′, 090°–180°—1700′; 180°–270°—2000′, 270°–360°—2000′.

City, New York; State, N.Y.; Airport name, La Guardia; Elev., 21′; Fac. Class., ILS; Ident., I–URD; Procedure No. ILS–Runway 22; Amdt. 5; Eff. date, 29 July 67; Sup. Amdt. No. ILS–22, Amdt. 4; Dated 5 Nov. 66

Missiet Int/DME Fix	Irvington Int/DME Fix	Direct	3500	T–dn%	300–1	300–1–	%300–1/4
Sunol Int/DME Fix	Irvington Int/DME Fix	Direct	4000	C–dn**	500–1	500–1	500–1 1/4
Irvington Int/DME Fix	Center Int	Direct	2500	S–dn–340°§	200–1/2	200–1/2	200–1/2
Center Int	LOM (final)	Direct	1800	A–dn	600–2	600–2	600–2
				Category II special authorization required: TDZ elevation 9′; decision heights: S–dn–29, DH 100, RVR 1800′, 165′ MSL RA 156′¢.			

Radar available.
Procedure turn not authorized. Aircraft must: (1) Proceed via an approved transition or, (2) descend in the Irvington Int holding pattern 228° Inbnd, 1-minute pattern, right turns, minimum altitude 4000′ or, (3) be radar vectored to final approach crs.
Final approach crs Inbnd, 300°.
Minimum altitude at glide slope intercept Inbnd, 3500′.
Altitude of glide slope and distance to approach end of runway from Center Int, 3054′—13 miles; LOM, 1354′§—4.6 miles; MM, 218′—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb straight ahead to 800′, then turn right and intercept the OAK VOR, R 313°, climbing to 3000′ to Richmond Int.
Category II missed approach: Climb straight ahead to 300′ then turn right and intercept the OAK VOR, R 313° climbing to 3000′ to Richmond Int if contact with visual guidance system not established at DH.
%RVR 1800′ authorized Runway 29. IFR departures must comply with published Oakland SID's, or be radar vectored.
#RVR 2000′ 4-engine turbojet; RVR 1800′ other aircraft. Descent below 300′ not authorized unless approach lights are visible.
%300–1 required for takeoff on Runways 33 and 15.
*400–¼ required if glide slope not utilized. 400–½ authorized with operative ALS, except for 4-engine turbojets.
§Upon intercepting the glide slope, aircraft may continue descent on the glide slope to cross the OM at 1354′. If glide slope not utilized, aircraft must cross the OSI VOR, R 025° at 3000′ and the OM at 1600′.
¢Radar altitude height may vary from −7′ to +6′ with changing tides.
**Circling N of Runways 9/27 below 700′ not authorized due to 322′ tank, 1.6 miles N of airport.
MSA within 25 miles of LOM: 000°–090°—5100′, 090°–180°—5400′, 180°–270°—3000′, 270°–360°—4900′.

City, Oakland; State, Calif.; Airport name, Oakland International; Elev., 6′; Fac. Class., ILS; Ident., I–INB; Procedure No. ILS Runway 29, Amdt. 8; Eff. date, 29 July 67; Sup. Amdt. No. ILS–29, Amdt. 7; Dated, 23 July 66

5. By amending the following radar procedures prescribed in § 97.19 to read:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
					Surveillance		
000°	350°	Within: 40 miles	5000	T–dn	300–1	300–1	300–1/4
000°	340°	30 miles	4000	C–dn	600–1	600–1	600–1 1/4
000°	340°	25 miles	3000	S–dn	NA	NA	NA
000°	360°	25 miles	4000	A–dn	800–2	800–2	800–2
340°	360°	10 miles	2500				
000°	340°						

Approach from the E:
Minimum altitude over 5-mile Radar Fix (AGC ILS OM), 3000′.
Crs and distance, 5-mile Radar Fix to airport, 275°—5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 3000′ direct to AGC RBn. Hold W right turns, 1 minute, 062° Inbnd.
Approach from the SW:
Minimum altitude over 5-mile Radar Fix (AGC VOR), 3000′.
Crs and distance, 5-mile Radar Fix to airport, 052°—6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 3000′, proceed to MKP RBn. Hold E, 1-minute left turns, 270° Inbnd.

City, Pittsburgh; State, Pa.; Airport name, Allegheny County; Elev., 1252′; Fac. Class. and Ident., Pittsburgh Radar; Procedure No. 1, Amdt. Orig.; Eff. date, 29 July 67

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), and 601, Federal Aviation Act of 1958 (49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 753, 756))

Issued in Washington, D.C., on June 21, 1967.

EDWARD C. HODSON,
Acting Director, Flight Standards Service.

[F.R. Doc. 67–7365; Filed, July 6, 1967; 8:45 a.m.]

Chapter III—National Transportation Safety Board

SUBCHAPTER A—ORGANIZATION

[NTSB Reg. OR–1]

PART 401—PUBLIC AVAILABILITY OF INFORMATION

Adopted by the National Transportation Safety Board at its office in Washington, D.C., on the 3d day of July 1967.

Part 401 of the National Transportation Safety Board's Organizational Rules is intended to comply with the requirements of the Freedom of Information Act of 1966 (Public Law 89–487, enacted July 4, 1966, effective July 4, 1967) which amended section 3 of the Administrative Procedure Act. The part initially sets forth the Board's policy with reference to the disclosure of information to the public and describes the information which will be made available to the public. With respect to such information, it states where and when matters can be inspected by the public, the identity of the custodian of the records, the procedures to be followed by the public in identifying the information sought, the fees to be paid for copies and certain services of Board employees, and the procedure to be followed by members of the public who are denied access to certain Board information.

It should also be noted that the regulation identifies in general terms the Board information which will not be made public in accordance with the exemptions contained in the Freedom of Information Act. Specifically, the public's attention is called to information which the Board has determined under section 1104 of the Federal Aviation Act of 1958, as amended, 49 U.S.C. 1504, it will not be in the public interest to disclose; namely, information either oral or documentary in character which pertains to the Convention on International Civil Aviation (Chicago Convention), or which involves the interchange of ideas with the International Civil Aviation Organization (ICAO), or any member thereof, and information which is obtained as a result of the Board's participation as an accredited representative observer or advisor in a foreign accident investigation. Such information would include but not be limited to accident reports from foreign governments, correspondence relative thereto, or oral communications exchanged between the Board or its employees and the foreign government. Such information will be made available to the public where the foreign government indicates in writing it has no objection to the disclosure thereof.

The part identifies the Board employee who is custodian of records and provides that records can be inspected during the working hours of the Board (8:30 a.m. to 5 p.m.). It also provides that copies of the Board documents can be obtained by members of the public upon the payment of certain fees to the Board. The amount of the fees and the manner of payment are fully described in the regulation. In connection with the payment of fees, it should be noted that the NTSB is continuing the practice of the Civil Aeronautics Board in imposing such fees and has adopted the CAB's fee bill as being consistent with the need of the Board of recovering a portion of its cost in supplying such services. These fees are charged in line with the Congressional policy expressed in Title V of the Act of August 31, 1951, 5 U.S.C. 140, wherein Congress has stated: "that any work, service, publication, report, document, * * * or similar thing of value or utility, performed, furnished, provided, granted, prepared or issued by any Federal agency * * * to or for any person * * * except those engaged in the transaction of official business of the Government, shall be self-sustaining to the fullest extent possible." In order to accomplish this objective, section 140 of Title V authorizes the head of each agency to prescribe by regulation such fees and charges as he shall determine to be fair or equitable, "taking into consideration indirect, or direct, cost of government, value to the recipient, public policy or interest served and other pertinent facts." The Bureau of the Budget, in implementing this policy has issued Circular A–25, September 23, 1959, which sets forth general policies for developing an equitable and uniform system of

charges for certain government services. It should be noted that the Board has exempted governments or instrumentalities thereof, as well as foreign applicants, from the payment of the proposed fees, and the exemption also applies to persons engaged in a nonprofit activity designed for public safety, health, and welfare in the field of civil aeronautics or to colleges and universities.

Finally, it should be noted that the part provides an administrative procedure whereby a member of the public can ask for reconsideration of a refusal of the Executive Director, to permit disclosure thereof. In cases where the applicant has correctly identified the record and disclosure has been refused, the applicant can appeal the ruling of the Executive Director to the Chairman. The Chairman's decision, in all cases, will be final.

Since this part is merely a rule of organization, and is not in derogation of the rights of any person, notice and public hearing are not required, and the part may become effective upon less than 30 days' notice.

In consideration of the foregoing, a new Chapter III is hereby established in Title 14 to contain Parts 400 through 499, and under Chapter III the NTSB adopts Part 401 of its regulations (14 CFR Part 401), effective July 4, 1967, to read as follows:

Subpart A—General Provisions

Sec.
401.1 Applicability.
401.2 Policy.
401.3 Administration of the part.

Subpart B—Availability and Access to the Public of Board Information

401.4 Availability during working hours.
401.5 Place where available.
401.6 Method for obtaining access to records and information.
401.7 Request for records of concern to more than one agency.
401.8 Protection of records.

Subpart C—Fees for Special Services

401.9 Policy and scope.
401.10 Services available.
401.11 Payment of fees and charge.
401.12 Fees for services.
401.13 Copying records and documents.
401.14 Certification of copies of documents.
401.15 Board publication
401.16 Transcript of hearings.
Appendix

Subpart D—Information Exempted From Disclosure

401.17 General statement.
401.18 Material required to be withheld from public disclosure by Executive Orders.
401.19 Material related solely to internal rules and practices.
401.20 Matters exempted from disclosure by statute.
401.21 Trade secrets and privileged or confidential information.
401.22 Intragovernmental exchanges.
401.23 Protection of personal privacy.
401.24 Investigating files compiled for law enforcement purposes except to the extent available by law to a private party.

Subpart E—Administrative Review From Denial of Information

401.25 General.

AUTHORITY: The provisions of Part 401 issued under secs. 5(k), 6, and 12 of the Department of Transportation Act, 80 Stat. 931, et seq.; secs. 902(f), 72 Stat. 784, as amended by 75 Stat. 466, 76 Stat. 150, 76 Stat. 921, 49 U.S.C. 1472(f), and 1104 of the Federal Aviation Act of 1958, as amended, 72 Stat. 797, 49 U.S.C. 1504; and section 3 of the Administrative Procedures Act, 80 Stat. 250, 5 U.S.C. 552.

§ 401.1 Applicability.

(a) This part implements section 3 of the Administrative Procedure Act, 80 Stat. 250, 5 U.S.C. 552, and prescribes rules governing the availability to the public of the records and other written information of the National Transportation Safety Board (Board).

(b) This part applies only to information and records existing at the time a request therefor is made. The Board is not required to supply or procure a record or other written information solely for the purpose of making it available under this part.

§ 401.2 Policy.

It is the policy of the Board to make its information and records available to the public to the greatest extent possible in keeping with the Congressional intention expressed in section 3 of the Administrative Procedure Act, the national interest, the protection of private rights, and the efficient conduct of the public business. All the records and other information of the Board, except those records and information which are necessarily and specifically made unavailable by section 3(e) of the Administrative Procedure Act, and which are described in Subpart D of this part, are declared to be available to the public promptly and to the fullest extent consistent with this policy.

§ 401.3 Administration of the part.

The overall authority to administer this part is delegated to the Board's Executive Director. In cases where the head of the Board's component is of the view that the information should be denied to the person requesting it pursuant to § 401.6, he shall so advise the Executive Director. The initial agency decision to deny access to information will be made by the Executive Director. Appeals from such a denial may be made to the Board Chairman pursuant to § 401.25.

Subpart B—Availability and Access to the Public of Board Information

§ 401.4 Availability during working hours.

All documents except those exempted from public disclosure in Subpart D of this part shall be made available for public inspection and copying during the working hours of the Board (8:30 a.m. to 5 p.m.).

§ 401.5 Place where available.

(a) Copies of all records required to be made public by section 5 of the Department of Transportation Act shall be made available for public inspection and copying by the Board's Executive Director in a public reading room, or its equivalent, to be maintained at the Board's official headquarters. Moreover, indices of the Board's decisions and public dockets of all proceedings before it will also be made available for public inspection and copying in a similar manner.

(b) All other records or written information shall be made available for public inspection and copying by the heads of the various Board's components where such records or information is found, and persons requesting such information will be specifically advised by the head of the Board's component where such records will be available for inspection and copying.

§ 401.6 Method for obtaining access to records and information.

(a) Any person desiring to see a record covered by this subpart must make a written request to the office in which the record is located. If the person making the request does not know where the record is located, but does know the name of the Board's component in which it is located, he may send his request to the head of that component. If he does not know the name of the Board's component in which it is located he may send his request to the Executive Director, National Transportation Safety Board, Washington, D.C. 20591.

(b) Each request must describe the particular record in enough detail to allow the record to be identified and located with a reasonable amount of effort. If the description is insufficient, the officer handling the request will notify the applicant and, to the extent possible, indicate the additional data required. In any case in which an extended period of time will be required to identify and locate the record sought, the officer handling the request will notify the person making the request of the required time.

(c) Each request for a search of records or for a copy of a record must be accompanied by the fee prescribed in Subpart C of this part. However, if the fee cannot be ascertained from the appropriate schedule, the officer or employee processing the request shall furnish an estimate of the fee to the person making the request.

(d) Each record covered by this subpart is available for inspection and copying during regular working hours at the facility in which it is located. Original records may be copied but may not be released from custody.

§ 401.7 Request for records of concern to more than one agency.

Any request for a record covered by this subpart that is identifiable as being of concern to both the Board and another agency will be processed by the Board only if its interest in that record is the primary interest and only after coordination with the other interested agency. If the Board's interest in the record is not the primary interest, the request will be transferred to the agency having the primary interest.

§ 401.8 Protection of records.

(a) No person may steal, mutilate, obliterate, or destroy, in whole or in part, any record or other written information made available to him for inspection or copying under this Part.

(b) Section 641 of Title 18 of the United States Code provides, in pertinent part, as follows:

> Whoever * * * steals, purloins, or knowingly converts to his use or the use of another, or without authority, sells, conveys or disposes of any record * * * or thing of value of the United States or of any department or agency thereof * * * Shall be fined not more than $10,000 or imprisoned not more than ten years or both; but if the value of such property does not exceed the sum of $100, he shall be fined not more than $1,000 or imprisoned not more than 1 year, or both. * * *

Section 2071 of Title 18 of the United States Code provides, in pertinent part, as follows:

> Whoever willfully and unlawfully conceals, removes, mutilates, obliterates, or destroys, or attempts to do so, or, with intent to do so takes and carries away any record, proceeding, map, book, paper, document, or other thing, filed or deposited * * * in any public office, or with any * * * public officer of the United States, shall be fined not more than $2,000 or imprisoned not more than 3 years, or both.

Subpart C—Fees for Special Services

§ 401.9 Policy and scope.

Pursuant to policies established by the Congress, the Government's costs for special services furnished to individuals or firms who request such services are to be recovered by the payment of fees. (Title V of Independent Offices Appropriation Act of 1952; 5 U.S.C. 140.) This regulation sets forth the special services made available by the Board and the fees therefor.

§ 401.10 Services available.

Upon request and payment of fees as provided in subsequent sections, there are available, with respect to documents subject to inspection, services as follows:

(a) Copying records and documents.

(b) Certification of copies of documents under seal of the Board.

(c) Subscriptions to publications of the Board.

(d) Transcripts of hearings.

§ 401.11 Payment of fees and charges.

The fees charged for special services may be paid by check, draft, or postal money order, payable to the National Transportation Safety Board, except for charges for copying documents and reporting services which are performed under competitive bid contracts with non-Government firms. Fees for the latter are payable to the firms providing the services.

§ 401.12 Fees for services.

The basic fees set forth below provide for documents to be mailed with ordinary first class postage prepaid. If copy is to be transmitted by registered, certified, air, or special delivery mail, postal fees therefor will be added to the basic fee. Also, if special handling or packaging is required, costs therefor will be added to the basic fee.

§ 401.13 Copying records and documents.

Copies of public records and documents on file with the National Transportation Safety Board, as it may be practicable to furnish, will be provided upon request therefor and payment of fees as set forth below:

(a) Copies of documents are made by non-Government contractors, on request to the Board. The contractor will bill directly those who request such copies.

(b) To the extent that time can be made available, services involved in searching the records and files of the Board for documents to be copied and preparing such materials for copying will be charged for as follows:

(1) Factual accident investigation reports, statements, photographs and other material contained in the Board's accident investigation files, insofar as such materials are open to public inspection at the rate of $2 for each accident involved. Payment of this fee shall accompany the request.

(2) All other materials, at the rate of $6 per hour.

(3) A minimum charge of $1 will be made for these services.

§ 401.14 Certification of copies of documents.

The Executive Director of the Board will provide, on request, certification or validation (with the National Transportation Safety Board seal) of documents filed with or issued by the Board. Charges for this service are as follows:

(a) Certification of the Executive Director, $2. This fee includes clerical services involved in checking the authenticity of records to be certified, and shall be prepaid with the request. If copying of the documents to be certified is required, the copying charges provided for in § 401.13(a) will be in addition to the charges specified in this section.

§ 401.15 Board publications.

(a) *Charges for subscriptions.* Charges are established for subscriptions to Board publications for which there are regular mailing lists. Publications available, and charges therefor, are described in the "List of Publications" available on request to the Board's Executive Director. This list and the charges therein are subject to revision at least annually and without prior notice. Subscriptions to publications are for calendar year terms and all subscriptions expire on December 31 of each year. Subscriptions to weekly or monthly publications for periods of less than a full calendar year will be prorated on a monthly basis. Quarterly publications will be prorated on a quarterly basis. No provision is made for refund upon cancellation of subscription by a purchaser. Payment for subscriptions in the form prescribed in § 401.11 shall accompany the subscription order.

(b) *Free services.* No charge will be made by the Board for notices, decisions, orders, etc., required by law to be served on a party to any proceeding or matter before the Board. No charge will be made for single copies of Board publications individually requested in person or by mail, except where a charge is specifically fixed for a publication at the time of its issuance. In addition, subscriptions to Board publications will be entered without charge when one of the following conditions is present:

(1) The furnishing of the service without charge is an appropriate courtesy to a foreign country or international organization;

(2) The recipient is engaged in a nonprofit activity designed for the public safety, health, and welfare in the field of transportation;

(3) The recipient is another government agency, Federal, State or local, concerned with transportation or having a legitimate interest in the proceedings and activities of the Board;

(4) The recipient is a college or university;

(5) The recipient does not fall into any of the foregoing categories, but free service or service at a reduced rate is determined by the Executive Director to be appropriate in the interest of and contributing to the Board's program.

(c) *Reciprocal services.* Arrangements may be made for furnishing publications to a foreign country on a reciprocal basis.

§ 401.16 Transcripts of hearings.

Transcripts of testimony and oral argument are furnished by a non-Government contractor, and may be purchased directly from the reporting firm.

APPENDIX—SCHEDULE OF SUBSCRIPTION RATES FOR PUBLICATIONS

Publications	Rates in effect calendar year 1967
Examiners' recommended or initial decisions	$25
Aircraft accident reports	5
Statistical review and resume of air carrier accidents (annually)	1
General aviation accidents, a statistical review (annually)	1
Board safety enforcement opinions and orders	10
Briefs of accidents, U.S. general aviation (monthly)	15
Notices of proposed rulemaking	2
Special Studies	(1)

[1] Price determined at publication.

Subpart D—Information Exempted From Disclosure

§ 401.17 General statement.

This subpart describes the material that may be withheld from public inspection under this part and implements section 3(e) of the Administrative Procedure Act authorizing the withholding of certain material from public inspection under that section.

§ 401.18 Material required to be withheld from public disclosure by Executive orders.

Material specifically required by Executive orders to be withheld in the interest of national defense or foreign policy includes that within the scope of Executive Order 10501 of November 5, 1953 (3 CFR, 1949–53 Comp., p. 979), as amended by Executive Order 11097 of February 28, 1963 (3 CFR, 1963, Supp., p. 161). It will also include any material described in any Executive order issued by the President dealing with matters not to be disclosed in the interest of foreign policy. This material may not be made available for public inspection.

§ 401.19 Material related solely to internal rules and practices.

(a) Material related solely to internal rules and practices that may be withheld includes memoranda pertaining to personnel matters such as staffing policies and policies and procedures for the hiring, training, promotion, demotion, and discharge of employees. In addition, it includes operating rules, practices, guidelines, and procedures for Board investigators and examiners, the release of which would substantially impair the effective performance of their duties.

(b) The purpose of this section is to authorize the withholding of material that is designed only for the guidance of Board personnel, including internal rules and practices that cannot be disclosed to the public without substantial prejudice to the effective performance of a significant Board function. For example, a Board negotiator cannot bargain effectively if his instructions and limitations are known to the person with whom he is negotiating. Similarly, the effectiveness of an authorized but unannounced inspection or audit would be destroyed if the circumstances under which that inspection or audit would be held were public knowledge.

§ 401.20 Matters exempted from disclosure by statute.

(a) Applicable statutes that specifically authorize or require the withholding of material from public inspection include—

(1) Section 1472(f) of Title 48, United States Code, which prohibits any member of the Board or any officer or employee of the Board from divulging certain information which may come to his knowledge during the course of an examination of the account, records, and memorandums of any air carrier.

(2) Section 1504 of Title 49, United States Code, authorizes the Board to order certain information withheld from public disclosure when in its judgment a disclosure of such information would adversely affect the interests of a person and is not required in the interest of the public. All information ordered by the Board to be held confidential under this section will not be disclosed to the public and, in addition, the Board has determined that it will not be in the interest of the public to disclose (i) any information or documents in the Board's possession dealing with or related to the Board's position or construction of the provisions of the Annexes to the Chicago Convention (61 Stat. 1180), and (ii) any information obtained by the Board or the Board personnel as a result of participation by the Board and its personnel in accident investigations in foreign countries, unless the country of occurrence notifies the Board in writing that it has no objection to a disclosure of such information.

§ 401.21 Trade secrets and privileged or confidential information.

(a) Trade secrets and privileged or confidential information, including the following, may be withheld from public inspection:

(1) Information furnished by any person, to the extent that the person furnishing the information would not customarily release it to the public;

(2) Information furnished and accepted in confidence;

(3) A statement of financial interests furnished by any employee of the Board;

(4) Information customarily subject to doctor-patient, lawyer-client, priest-penitent, or similar privileges.

(b) The purpose of this section is to authorize the withholding of material that is customarily privileged as is appropriately given to the Board in confidence. It assures the confidentiality of information obtained by the Board through questionnaires and required reports to the extent that the information would not customarily be made public by the person from which it was obtained. In any case in which the Board has obligated itself in good faith not to disclose information it receives, this section authorizes the Board to honor that obligation.

§ 401.22 Intragovernmental exchanges.

(a) Any memorandum, letter, report, or similar document prepared by a Government officer or employee for internal Government use may be withheld from public inspection to the extent that it contains—

(1) Opinions, advice, deliberations, or recommendations made in the course of developing official action by the Government; or

(2) Material concerning any pending matter, including any claim or other dispute to be resolved before a court of law, administrative board, hearing officer, or contracting officer.

However, material covered by subparagraph (2) of this paragraph will be made available to the public to the extent that material could be made available by the Board under the discovery procedures applicable to that claim or other dispute.

(b) The purpose of this section is to protect the full and frank exchange of ideas, views, and opinions necessary for the effective functioning of the Government. These resources must be fully and readily available to those officials upon whom the responsibility rests to take official Board action. Its purpose is also to protect against the premature disclosure of material that is in the development stage if premature disclosure would be detrimental to the authorized and appropriate purposes for which the material is being used, or if, because of its tentative nature, the material is likely to be revised or modified before it is officially presented to the public.

(c) Examples of materials covered by this section include staff papers containing advice, opinions, or suggestions, preliminary to a decision or action; advance information on such things as proposed plans to procure, lease, or otherwise hire and dispose of materials, real estate, or facilities; documents exchanged preparatory to anticipated legal proceedings; material intended for public release at a specified future time, if premature disclosure would be detrimental to orderly processes of the Board; records of inspections, investigations, and surveys pertaining to internal management of the Board; and matters that would not be routinely disclosed in litigation but which are likely to be the subject of litigation.

§ 401.23 Protection of personal privacy.

(a) Any of the following personnel, medical, or similar information may, if its disclosure would be a clearly unwarranted invasion of personal privacy, be withheld from public inspection:

(1) Personnel and background information personal to any officer or employee of the Board or other person;

(2) Medical histories and information concerning individuals, including applicants for licenses;

(3) Any other detailed record identifiable with a particular person.

(b) The purpose of this section is to provide a proper balance between the protection of personal privacy and the preservation of the public's right to Board information by authorizing the withholding of information, the use of which might harass the individual or interfere with his personal privacy.

§ 401.24 Investigating files compiled for law enforcement purposes except to the extent available by law to a private party.

(a) Files compiled by the Board for law enforcement purposes, including the enforcement of the regulations of the Board, may be withheld from public inspection except to the extent available by law to a private party.

(b) The purpose of this section is to protect from disclosure the law enforcement files of the Board, including files prepared in connection with related litigation and adjudicative proceedings. It includes the enforcement not only of criminal statutes but all kinds of laws. While it confirms the availability to litigants of documents from investigatory files to the extent that Congress and the courts have made them available, it ensures that the litigant is not given any earlier or greater access to investigatory material than he would have directly in litigation or other enforcement proceedings.

Subpart E—Administrative Review From Denial of Information

§ 401.25 General.

(a) Each officer or employee of the Board who, upon a request by a number of the public for a record or other information under this part, determines not to make that information available shall give his reasons therefor to the Executive Director. The Executive Director shall then determine whether or not the information will be disclosed and shall advise the person seeking such information of his determination.

(b) Any person to whom a record or other information is not made available within 14 days after his request is made, or who is denied such record or information by the Executive Director, may apply to the Chairman of the Board for reconsideration of the request.

(c) Each application for reconsideration must be in writing and must include all information and arguments relied upon by the person making the request.

(d) Whenever the Executive Director, or the Chairman, determines it to be necessary, he may require the person making the request to furnish additional information, or proof of factual allegations, and may order other proceedings appropriate in the circumstances.

(e) A decision by the Chairman not to make a record or information available is considered to be a refusal by the Board for the purposes of section 3(c) of the Administrative Procedure Act.

By the National Transportation Safety Board.

Adopted: July 3, 1967.

Effective: July 4, 1967.

[SEAL] JOSEPH J. O'CONNELL, JR., *Chairman.*

[F.R. Doc. 67-7633; Filed, July 3, 1967; 5:07 p.m.]

Title 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

SUBCHAPTER B—BUREAU OF THE PUBLIC DEBT

PART 323—DISCLOSURE OF RECORDS

The regulations set forth in the Code of Federal Regulations, Title 31, Subtitle B, Part 323, "Availability of Records," are revised in the manner shown below, and the heading amended as set forth above, to be effective July 4, 1967.

Dated: July 3, 1967.

[SEAL] GEORGE F. STICKNEY, *Deputy Fiscal Assistant Secretary.*

Sec
- 323.1 Purpose of regulations.
- 323.2 Rules governing availability of information.
- 323.3 Materials available for inspection and copying.
- 323.4 Requests for identifiable records.
- 323.5 Fees.

AUTHORITY: The provisions of this Part 323 are issued under 5 U.S.C. 301 and 552.

§ 323.1 Purpose of regulations.

The regulations of this part are issued to implement 5 U.S.C. 552(a)(2) and (3). The requirements of 5 U.S.C. 552(a)(1) are met through the publication in the FEDERAL REGISTER of the statement of the organization, functions and procedures available of the Fiscal Service, including the Bureau of the Public Debt, and revisions thereof, and through the publication therein of substantive and procedural regulations of the Bureau. A synopsis of the statements of Bureau organization, functions and procedures available will be published annually by the Office of the Federal Register in the U.S. Government Organization Manual.

§ 323.2 Rules governing availability of information.

(a) *General.* The records of the Bureau of the Public Debt required by 5 U.S.C. 552 to be made available to the public shall be made available in accordance with the regulations on the Disclosure of Records of the Office of the Secretary issued under 5 U.S.C. 552 and published as Part I of Title 31 of the Code of Federal Regulations, 32 F.R. 9562, July 1, 1967, except as specifically provided in this Part.

(b) *Limitations on the availability of records relating to securities.* Records relating to the purchase, ownership of, and transactions in Treasury securities or other securities handled by the Bureau of the Public Debt for government agencies or wholly or partially Government-owned corporations will ordinarily be disclosed only to the owners of such securities, their executors, administrators or other legal representatives or to their survivors or to investigative and certain other agencies of the Federal and State governments, to trustees in bankruptcy, receivers of insolvents' estates or where proper order has been entered requesting disclosure of information to Federal and State courts. These records are held confidential because they relate to private financial affairs of the owners.

§ 323.3 Materials available for inspection and copying.

(a) *Availability.* The materials which are required under 5 U.S.C. 552(a)(2) to be made available for inspection and copying are:

(1) Final opinions or orders made in the adjudication of cases. Any issued by the Bureau of the Public Debt would be in the form of letters or memorandums setting out determinations made in disposing of any matter before the Bureau.

(2) Statements of policy and interpretations which have been adopted by the Bureau but not published in the FEDERAL REGISTER.

(3) Administrative staff manuals and instructions to the staff that affect any member of the public. Some Federal Reserve Bank memorandums and Public Debt memorandums will be made available under this provision.

(b) *Location.* The materials listed in paragraph (a) of this section are available for inspection and copy during office hours in the Public Reading Room of the Treasury Department, 15th Street and Pennsylvania Avenue NW., Washington, D.C. 20220.

§ 323.4 Requests for identifiable records.

(a) *Procedure.* (1) A written request for an identifiable record relating to a U.S. savings bond or note shall be addressed to the Deputy Commissioner, Bureau of the Public Debt, Chicago, Ill. 60605.

(2) A request for an identifiable record relating to any Treasury Department security, other than a savings bond or note, or a security of a Government agency or a wholly or partially Government-owned corporation, the record of which is maintained by the Bureau of the Public Debt, shall be addressed to the Chief, Division of Loans and Currency, Bureau of the Public Debt, Washington, D.C. 20226.

(3) A request for an identifiable record relating to any security of a Government agency or wholly or partially Government-owned corporation, the record for which is maintained by the Federal Reserve Bank of New York, shall be addressed to the Federal Reserve Bank of New York, New York, N.Y. 10045.

(4) A written request for any identifiable record that the Bureau of the Public Debt has other than those set out in subparagraphs (1), (2), and (3) of this paragraph shall be addressed to the Commissioner of the Public Debt, Washington, D.C. 20220.

(5) A request may be presented in person at the office to which a written request would be addressed.

(b) *Determination of availability.* Determination as to whether or not a requested record shall be disclosed will be made by the Officer to whom the request should be directed under paragraph (a) of this section, and by the Bureau of Public Debt Information Officer for requests directed to the Office of the Commissioner, subject to an appeal to the Commissioner of the Public Debt. The decision of the Commissioner shall constitute final agency action unless he refers the appeal to the Fiscal Assistant Secretary, in which case the decision of the Fiscal Assistant Secretary shall constitute final agency action.

§ 323.5 Fees.

The fees provided in Part 1 of Title 31 of the CFR (32 F.R. 9562, July 1, 1967), shall apply to all requests for identifiable records under this Part except as follows:

(a) No charge will be made for verifying the record of a savings bond or note identified by series and denomination and either the registration and issue date or the serial number at the request of the owner, coowner, or surviving beneficiary or person entitled to the security under the applicable regulations.

(b) No charge will be made for verifying the record of a registered Treasury security, other than a savings bond or note, or a registered security of a Government agency or a wholly or partially

Government-owned corporation, identified as to loan and registration for an owner, joint owner or person entitled to the security under the applicable regulations.

(c) No charge will be made for advising a person who has submitted satisfactory evidence of ownership as to the status of a bearer Treasury security or a bearer security of a Government agency or a wholly or partially Government-owned corporation.

(d) No charge will be made for furnishing an owner, coowner, joint owner, surviving beneficiary, or person who is entitled to the security under the applicable regulations a photocopy or similar reproduction of any Treasury security, with any necessary supporting documents, which it is alleged was improperly paid or was reissued, transferred or redeemed on a forged or defective request, endorsement, or assignment.

(e) Fees may be waived for other classes of requested records upon a finding by the Commissioner of the Public Debt that the person requesting the information is entitled to the record requested without charge.

[F.R. Doc. 67-7850; Filed, July 3, 1967; 8:07 p.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER B—PERSONNEL, MILITARY AND CIVILIAN

PART 67—IDENTIFICATION CARDS FOR ISSUE TO THE MEMBERS OF THE ARMED FORCES OF THE UNITED STATES

The Assistant Secretary of Defense (Manpower) approved the following on June 12, 1967:

Sec.
67.1 Reissuance and purpose.
67.2 Applicability.
67.3 Policy.
67.4 Procedures.

AUTHORITY: The provisions of this Part 67 issued under 5 U.S.C. 301.

§ 67.1 Reissuance and purpose.

This part reissues DoD Instruction 1336.2, dated February 17, 1959, which is hereby cancelled, and prescribes the identification cards (DD Forms 2)[1] to be issued members of the Armed Forces of the United States.

§ 67.2 Applicability.

The provisions of this part apply to the Military Departments.

§ 67.3 Policy.

(a) The DD Form 2, printed in green security-type ink on a paper insert with a light green background laminated between two (2) sheets of plastic, shall be issued to members of the Armed Forces who are serving on extended active duty.

(b) The DD Form 2, printed in gray security-type ink on a paper insert with a light gray background and laminated between two (2) sheets of plastic, shall be issued to retired members of the Armed Forces who are entitled to retired pay.

(c) The DD Form 2, printed in red security-type ink on a paper insert with a light red background and laminated between two (2) sheets of plastic, shall be issued to members of the Reserve Components who are not otherwise entitled to either of the cards prescribed in paragraph (a) or (b) of this section.

§ 67.4 Procedures.

(a) The method of control and record of issuance of the DD Forms 2 shall be as determined by the respective Military Departments.

(b) Positive statement of entitlement to health care benefits under the provisions of Public Law 614, 89th Congress will not be entered on DD Forms 2 (gray). Potential sources of care will assume entitlement in the absence of a negative statement in this regard.

(c) DD Forms 2 (gray) will not be reissued for the sole purpose of covering entitlement to new medical benefits authorized by Public Law 89-614, except in the following cases:

(1) DD Forms 2 (gray) will be reissued to Reservists entitled to retired pay under the provisions of DoD Directive 1340.7, "Notification of Eligibility for Retired Pay for Members of Reserve Components," dated March 29, 1967,[2] who served on active duty (other than for training) for less than eight (8) years.

(2) In the case of a Reservist who is 65 years of age or older and who is entitled to hospital insurance benefits under title I of the Social Security Amendments of 1965, Public Law 97, 89th Congress, the entry "NoCivMedCare" will be made in the blank space to the right of the "Date of Issue" section of the form.

(d) When for any reason a DD Form 2 (gray) is issued in the future to a retired member who is under 65 years of age, the entry "NoCivMedCare after (date)" will be made to the right of the "Date of Issue" section of the form. The date to be entered will be the day preceding the retired member's 65th birthday.

(e) When a retired member 65 years of age or older who has a DD Form 2 (gray) issued pursuant to paragraph (d) of this section presents a statement from the Social Security Administration indicating that he is not eligible for hospital insurance benefits under title I of the Social Security Amendments of 1965 (Public Law 89-97), a new form will be issued with no entry in the blank space to the right of the "Date of Issue" section of the form.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[F.R. Doc. 67-7769; Filed, July 6, 1967; 8:45 a.m.]

PART 68—UNIFORMED SERVICES IDENTIFICATION AND PRIVILEGE CARD

The Assistant Secretary of Defense (Manpower) approved the following on June 12, 1967:

Sec.
68.1 Reissuance and purpose.
68.2 Policy and scope.
68.3 Procedures.
68.4 DD Form 1173[1] preparation instructions.
68.5 Application for uniformed services identification and privilege card (DD Form 1172).

AUTHORITY: The provisions of this Part 68 issued under 5 U.S.C. 301.

§ 68.1 Reissuance and purpose.

This part reissues DoD Instruction 1000.7, dated June 28, 1960, which is superseded to prescribe a uniform identification and privilege card (DD Form 1173[1]) for issue to dependents of members of the Uniformed Services, civilians accompanying or employed by the Uniformed Services, foreign personnel subject to NATO Status of Forces Agreements who are entitled to medical care in accordance with DoD Directive 6310.7, "Medical Care for Foreign Personnel Subject to the North Atlantic Treaty Organization (NATO) Status of Forces Agreement (SOFA)," dated December 18, 1962,[2] and for such purposes as may be determined.

§ 68.2 Policy and scope.

(a) DD Form 1173 shall be used throughout the Department of Defense for identification of those categories of persons listed in § 68.1, and as an authorization card for the benefits or privileges administered by the military departments to which those persons may be entitled. No other forms shall be used for such purposes, except as herein provided.

(b) The DD Form 1173 shall be printed in black security-type ink on a paper insert with an identification of passport-type photograph of the bearer and laminated between two sheets of plastic.

(c) DD Form 1173 shall not be issued to individuals when eligibility for or usage of the card for periods of 30 days or less is indicated. Except in unusual cases, DD Form 1173 shall not be issued to minor dependents under ten years of age. Normally, certificates of these minors for eligibility for medical care in civilian medical facilities will be the responsibility of the accompanying parent, member or acting guardian.

(d) DD Form 1173 will replace all other identification or organization cards now prescribed by the military departments for the categories of personnel indicated above, except as may be required for additional identification for access to classified areas; activities or installations, or at the discretion of the headquarters of the military department concerned, to satisfy unusual requirements which cannot be met by DD Form 1173.

(e) DD Form 1173 shall generally not be issued to military personnel except on an individual basis. DD Form 1173 may be issued to a member of the Armed Forces if the Secretary of the Service concerned or his designee, considers the issuance to be in the Service's interest. DoD Instruction 1336.2, "Identification Cards for Issue to the Members of the Armed Forces of the United States," dated June 12, 1967 (Part 67 of this subchapter), prescribes the identification card to be issued to members in an active, inactive or reserve status.

§ 68.3 Procedures.

(a) Application for issuance of the DD Form 1173 ID card shall be made on DD Form 1172 (see § 68.5).

(b) The method of control and record of issuance of DD Form 1173 shall be as determined by the respective military departments.

(c) Existing official criteria relative to the determination of eligibility and identification of individuals will apply to the issuance of DD Form 1173.

(d) The DD Form 1173 shall be effective for the contracted period of service of the sponsor upon whom the entitlement is based, in the case of dependents of members of the Uniformed Services, or, in the case of minors, the 21st birthday, if it occurs prior to the termination of the service of the sponsor except that for entitlement to medical care, the provisions of DoD Directive 6010.4, "Dependents' Medical Care," dated April 25, 1962 (Part 70 of this subchapter), and Public Law 89-614 will apply.

(e) DD Forms 1173 issued to personnel other than dependents of members of the Uniformed Services, or to dependents of personnel having no contracted period of service, such as deceased and retired military personnel, may be assigned an expiration date as prescribed by the military departments, but not later than 6 years from date of issuance.

(f) DD Forms 1173 issued to the dependents of a retired or deceased member who will reach age 65 before the normal 6-year expiration date would occur, will show an expiration date reflecting the date preceding the day on which such a person will reach age 65.

(g) The military departments will ensure that sponsors are directed to notify the appropriate authority immediately upon any change in status that would terminate or modify the right to any of the benefits for which the DD Form 1173 may be issued. Survivors of deceased personnel will likewise be so directed.

(h) All dependents of each sponsor will be listed on the application Form DD 1172 (see § 68.5). A separate DD Form 1173 will be issued to each dependent 10 years of age or older. DD Forms 1173 shall not be reissued solely because of changes in the grade of the sponsor.

(i) Instructions for preparation of items 4, 9, 11, 14, and 15 of DD Form 1173 are shown in § 68.4; other items on the Form are self-explanatory.

(j) Privileges and facilities not authorized for the holder of DD Form 1173 will be blocked out.

§ 68.4 DD Form 1173, preparation instructions.

Item 4 Relationship of named dependent to sponsor:
W—Wife; H—Husband; S—Son; D—Daughter; F—Father;
M—Mother; FL—Father-in-law; ML—Mother-in-law;
U—Unremarried Widow; UW—Unremarried Widower. When issued to a person who is not a dependent, the words "and Relationship" will be lined out.

Item 9 In those special circumstances which permit children 21 and over entitlement to medical care and other privileges, indicate, after date of birth (INC) for incompetency, or (SCH) for attendance at an approved school.

Item 11 Present status of sponsor will be indicated by code as follows:
AD—Active Duty; RET—Retired; D—Deceased; CIV—Civilian;
FM—Foreign Military Personnel.

Item 14 Signature of cardholder in those instances where the individual is incompetent will be coded as (INC).

Item 15a The positive entry "YES" will be entered when bearer is entitled to medical care in Uniformed Services facilities. These include:

a. Eligible spouses and children of members of the Uniformed Services who are on active duty for a period of more than 30 days.

b. Eligible spouses and children of active duty members who died while on active duty for a period of more than 30 days.

c. Eligible spouses and children of retired members and deceased retired members, including the spouses and children of those reservists entitled to retired pay under the provisions of DoD Directive 1340.7, "Notification of Eligibility for Retired Pay for Members of Reserve Components," dated March 29, 1967. (32 FR 6393)

d. Eligible parents and parents-in-law of members of the Uniformed Services who are on active duty for a period of more than 30 days and of members who died while on such duty.

e. Eligible parents and parents-in-law of retired members and of deceased retired members.

Item 15b The positive entry "YES" will be entered for persons who fall in categories of a through c, above. The "effective date" will be as follows:

a. For persons in category a, above, the most recent date the person became an eligible dependent, or December 7, 1956, whichever is later.

b. For persons in category b and c, above, the date the person became an eligible dependent, or January 1, 1967, whichever is later.

c. The date a person becomes an eligible dependent is one of the following as appropriate:

1. Date of marriage to sponsor; or

2. Date of sponsor's last entry on active duty after a break in service of more than 24 hours; or

3. Date of sponsor's initial entry on continuous active duty (no break in service of more than 24 hours); or

4. In the case of children, the date: of birth; of adoption by sponsor; or on which the child became a dependent of sponsor.

d. Block out item 15b on cards issued to persons—

1. In categories b and c, Item 15a, above, if the foregoing persons are 65 years of age or older and are entitled to hospital insurance benefits under title I of the Social Security Amendments of 1965.

2. In categories d and e, Item 15a, above.

§ 68.5 Application for Uniformed Services Identification and Privilege Card (DD Form 1172).

NOTE: Form filed as part of original document.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[F.R. Doc. 67-7760; Filed, July 6, 1967; 8:45 a.m.]

SUBCHAPTER M—MISCELLANEOUS

PART 242—AIR POLLUTION CONTROL

The Acting Assistant Secretary of Defense (Installations and Logistics) approved the following:

Sec.
242.1 Purpose.
242.2 Applicability.
242.3 Definitions.
242.4 Policy.
242.5 Plans.
242.6 Annual progress reports and revised plans.
242.7 Report control symbol.
242.8 Air pollution control; requirements plan by installation (format A).
242.9 Air pollution control; summary financing plan (format B).
242.10 Air pollution control; annual progress report by installation, fiscal year 19-- (format C).

AUTHORITY: The provisions of this Part 242 issued under 5 U.S.C. 301.

§ 242.1 Purpose.

This Part establishes Department of Defense procedures for developing and submitting plans for installing improvements needed to abate air pollution emanating from DoD installations, in implementation of Executive Order 11282, "Prevention, Control, and Abatement of Air Pollution by Federal Activities," May 25, 1966; Bureau of the Budget Circular No. A-78, "Air Pollution from Federal Activities," August 6, 1966 and DoD Directive 5100.50,[1] "Environmental Pollution Control," January 4, 1966 (31 FR 849).

§ 242. Applicability.

The provisions of this part apply to all components of the Department of Defense and to all contractor activities

[1] Filed as part of original document; copies may be obtained from Departments of Army, Navy, or Air Force, as appropriate.

[2] Filed as part of original; copies of this Directive are available by writing Publications Branch, OASD(A), Pentagon, Washington, D.C. 20301, or Oxford 52167.

[1] Facsimile filed as part of original; DD Forms issued to eligible personnel upon application (DD Form 1173).

[1] Filed as part of original; copies of this Directive are available by writing Publications Branch, OASD(A), Pentagon, Washington, D.C. 20301, or Oxford 52167.

located on real property under the jurisdiction of the Department of Defense.

§ 242.3 Definitions.

For purposes of this part the following definitions apply:

(a) **Installation**: Includes all buildings and facilities owned by the Military Departments whether or not operated by a component of the DoD. It excludes buildings and facilities leased in whole or in part by DoD components except where the DoD component, in consultation with the Department of Health, Education, and Welfare, determines that exclusion of such buildings or facilities would seriously impair the ability to abate air pollution resulting from the activities of the DoD component.

(b) **United States**: The 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

(c) **Cost of Remedial Measures**: Funds which must be specifically provided for in the DoD budget for the purpose of accomplishing the required measures. (Generally, this will mean the capital costs of equipment and installation, but not maintenance and operating costs.)

(d) **Existing Facilities**: Facilities for which construction contracts were awarded prior to August 1966 as well as facilities already in operation.

§ 242.4 Policy.

(a) Pursuant to Executive Order 11282, "Prevention, Control, and Abatement of Air Pollution by Federal Activities," May 25, 1966, projects proposed for approval in the Five Year Defense Program and projects included in budget requests for new facilities and buildings in the United States must provide for the installation of air pollution control equipment where necessary. Accordingly, the annual submission of the military construction programs by DoD components shall be accompanied by a statement indicating compliance with the above requirement of Executive Order 11282, "Prevention, Control, and Abatement of Air Pollution by Federal Activities," May 25, 1966.

(b) Air pollution control systems shall be designed to meet the standards contained in Executive Order 11282, "Prevention, Control, and Abatement of Air Pollution by Federal Activities," May 25, 1966, and Department of Health, Education, and Welfare "Performance Standards and Techniques of Measurement," June 2, 1966 (42 CFR 76.1–76.9).

(c) Pursuant to Bureau of the Budget Circular No. A–78, "Air Pollution from Federal Activities," August 6, 1966, construction contracts which have been or will be awarded subsequent to August 6, 1966, must meet the requirements and procedures specified for new installations in Executive Order 11282, "Prevention, Control, and Abatement of Air Pollution by Federal Activities," May 25, 1966, and Department of Health, Education, and Welfare "Performance Standards and Techniques of Measurement," June 2, 1966 (42 CFR 76.1–76.9). If necessary to comply with this policy, change orders will be issued to contracts which have been awarded prior to receipt of this Part and financed from within existing available funds.

(d) DoD Components may communicate directly with the Division of Air Pollution, Department of Health, Education, and Welfare, for advice and assistance concerning compliance with Executive Order 11282, "Prevention, Control, and Abatement of Air Pollution by Federal Activities," May 25, 1966, and Department of Health, Education, and Welfare "Performance Standards and Techniques of Measurement," June 2, 1966 (42 CFR 76.1–76.9).

(e) DoD Components will cooperate with the Division of Air Pollution, Health, Education, and Welfare, by furnishing pertinent data, including inventory information, concerning potential air pollution sources at all installations identified under the provisions of paragraph VI.D.1 of DoD Directive 5100.50, "Environmental Pollution Control," January 4, 1966 (31 FR 849).

§ 242.5 Plans.

Each DoD Component will submit to the Assistant Secretary of Defense (Installations and Logistics) a phased and orderly plan for the prevention, control, or abatement of air pollution from existing facilities. Prior to submission to the ASD(I&L), these plans will be reviewed by the DoD Environmental Pollution Control Committee (see DoD Directive 5100.50, "Environmental Pollution Control," January 4, 1966 (31 FR 849)). The plan for each DoD Component should provide for compliance with Executive Order 11282, "Prevention, Control, and Abatement of Air Pollution by Federal Activities," May 25, 1966 and Department of Health, Education, and Welfare "Performance Standards and Techniques of Measurement," June 2, 1966 (42 CFR 76.1–76.9) at all DoD installations within 5 years or less.

(a) Six (6) copies of each plan will be forwarded by June 1, 1967, and will cover conditions existing as of April 1, 1967, at all installations in the United States which are below the standards set forth in Executive Order 11282, "Prevention, Control, and Abatement of Air Pollution by Federal Activities," May 25, 1966, and Department of Health, Education, and Welfare "Performance Standards and Techniques of Measurement," June 2, 1966 (42 CFR 76.1–76.9). Operations involving the use of (1) fossil fuels, where the heat input is less than 1 million B.t.u.'s per hour; (2) No. 1 and No. 2 distillate fuel oil; or (3) gas-fired units will not be reported unless there is reason to believe that an air pollution problem exists and remedial action should be taken.

(b) Format A, "Air Pollution Control—Requirements Plan by Installation" (§ 242.8), will be completed for each installation covered by the plan. All installations covered will be listed on Format B, "Air Pollution Control—Summary Financing Plan" (§ 242.9), in the order of their priority in funding the required remedial measures. Installations will be designated in the same manner as used in the Annual Real Property Inventory furnished to the General Services Administration pursuant to Subchapter A, Part 101–8 of the Federal Property Management Regulations.

§ 242.6 Annual progress reports and revised plans.

Each DoD Component will submit six (6) copies of an annual fiscal year report to the ASD(I&L) describing progress in accomplishing the objectives of the pollution abatement plan by June 1, 1968 (to be identified as the "FY 1968" report) and by the first of June of each year thereafter, covering conditions existing as of April 1, or when appropriate, conditions anticipated by June 30 of the year in which submitted. The annual progress report shall be accompanied by revised requirements and financial plans, as necessary.

(a) **Annual Progress Reports**: will be comprised of separate reports for each installation covered by the plan, except those where remedial measures (1) have been completed prior to the fiscal year covered by the annual report or (2) are scheduled for budgeting and financing in a subsequent budget estimate submission and no planning and design work has been initiated. All information specified on Format C "Air Pollution Control—Annual Progress Report by Installation, FY____" (§ 242.10) will be included in the annual report.

(1) The report will contain information on projects included in the President's budget of the preceding or prior fiscal year and on congressional action on each of these projects. If congressional action has not yet been taken on the project, the DoD Components will so indicate, and the project should be restated in the following year's annual progress report indicating final congressional action thereon.

(2) The report for each installation will also include the specific prevention, control or abatement measures (i) completed during the preceding fiscal year, and (ii) the progress on remedial measures for which work has been started, but not yet completed.

(b) **Revised Plans**: If changed conditions, such as the nature or volume of the air pollution discharged, have caused a previously nonpolluting installation to contribute to air pollution, a Format A (§ 242.8) will be submitted for that installation as part of the DoD component's annual report. If such changed conditions, unanticipated budgetary action, or other factors have made revisions in a DoD component's overall plan necessary, a revised financing plan (Format B, § 242.9) will also be submitted as part of the annual report.

§ 242.7 Report Control Symbol.

Reporting requirements contained herein have been assigned Report Control Symbol DD-I&L(A)761.

§ 242.8 Air Pollution Control; Requirement Plan by Installation (Format A).

FORMAT A (MILITARY DEPARTMENT) OR (DEFENSE AGENCY)

AIR POLLUTION CONTROL—REQUIREMENTS PLAN BY INSTALLATION

(Date)

a. Name of installation and GSA inventory control number. Albemarle Arsenal—No. 546307.

b. Location of installation (Town or City, County and State). Albemarle, Jefferson County, Utah.

c. Location of point of discharge and Federal enforcement action[1] taken, if any. Power plant at Albemarle, Utah. Arsenal was cited in the tri-State enforcement action, October 20, 1966.

d. Nature and amount of pollutant being discharged.[1] 846 tons of particulates per day and 600 tons of SO_2 per day.

e. Existing level of control being provided. Mechanical filters.

f. Remedial measures proposed. Installation of electrostatic precipitators.

g. Cost of remedial measures (in thousands of dollars). Total cost: $5,000 for electrostatic precipitators. Cost by fiscal years: 1968—$50 for design and engineering studies; 1969—$4,950 for construction.

h. Title of account under which costs will be appropriated.

[1] List each point of discharge on the installation which meets the requirements of § 242.5(a).

[1] Provide information on the total individual emissions for each point of discharge listed in Item 3, with additional information as to the amounts of pollution above the standards indicated in Department of Health, Education, and Welfare "Performance Standards and Techniques of Measurement," June 2, 1966 (42 CFR 76.1–76.9).

§ 242.9 Air Pollution Control; Summary Financing Plan (Format B).

FORMAT B

(MILITARY DEPARTMENT)
OR
(DEFENSE AGENCY)

AIR POLLUTION CONTROL—SUMMARY FINANCING PLAN

(In thousands of dollars)

Date_____

Name of installation (list in order of priority) and location	NOA for remedial measures proposed				
	1969	1970	1971	1972	Total
(a) Albemarle Arsenal, Albemarle, Utah	4,980				4,980
(b) Jones Air Force Base, Reno, Nev	50	100	200		350
Total NOA, all facilities	5,430	800	300		10,236

§ 242.10 Air Pollution Control; Annual Progress Report by Installation, fiscal year 19__ (Format C).

FORMAT C (MILITARY DEPARTMENT) OR (DEFENSE AGENCY)

Date _____

AIR POLLUTION CONTROL—ANNUAL PROGRESS REPORT BY INSTALLATION, FISCAL YEAR 19__ (CONDITIONS EXISTING AS OF APRIL 1, 19__, UNLESS OTHERWISE EXPLAINED IN PARAGRAPH E BELOW)

(a) Name of installation and GSA inventory control number. Albemarle Arsenal—No. 546307.

(b) Location of installation (Town or City, County and State). Albemarle, Jefferson County, Utah.

(c) Budgetary action (in thousands of dollars).[1]

(1) In 19__, President's Budget: $50.

(2) Congressional action: $50.

(3) Other (for appropriate explanation when the project has not been included in the President's Budget).

(d) Progress on remedial measures. A contract has been let for design and engineering studies.

(e) New or Changed Conditions between 1 April and 30 June. (Where conditions 1 April will not fairly represent conditions which are anticipated to exist on 30 June, submit appropriate explanation.)

[1] It is not anticipated that specific projects will be identified in the President's Budget until fiscal year 1969. Therefore, the reports covering conditions in fiscal year 1968 will include a statement in § 242.10(c)(3) as to financing from within existing available funds, when applicable.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[F.R. Doc. 67–7761; Filed, July 6, 1967; 8:45 a.m.]

PART 243—WATER POLLUTION CONTROL

The Assistant Secretary of Defense (Installations and Logistics) approved the following on June 5, 1967:

Sec.
243.1 Purpose.
243.2 Applicability.
243.3 Definitions.
243.4 Policy.
243.5 Plan for existing facilities.
243.6 Annual progress reports and revised plans.
243.7 Report Control Symbol.
243.8 Water Pollution Control; Requirements Planned by Installation (Format A).
243.9 Water Pollution Control; Summary Financing Plan (Format B).
243.10 Water Pollution Control; Annual Progress Report by Installation (Format C).

AUTHORITY: The provisions of this Part 243 issued under 5 U.S.C. 301.

§ 243.1 Purpose.

This part establishes Department of Defense procedures for developing and submitting plans for installing improvements needed to abate water pollution emanating from DoD installations, in implementation of Executive Order 11288, "Prevention, Control, and Abatement of Water Pollution by Federal Activities," July 2, 1966; Bureau of the Budget Circular No. A–81, "Reporting Requirements in Connection with Prevention, Control and Abatement of Water Pollution by Federal Activities," March 30, 1967, and DoD Directive 5100.50[1] "Environmental Pollution Control," January 4, 1966 (31 F.R. 849).

§ 243.2 Applicability.

The provisions of this part apply to all components of the Department of Defense and to all contractor activities located on real property under the jurisdiction of the Department of Defense.

§ 243.3 Definitions.

For purposes of this part the following definitions apply:

(a) **Installation**: Includes all buildings and facilities owned by the Military Departments whether or not operated by a component of the DoD. It excludes buildings and facilities leased in whole or in part by DoD Components except where the DoD Component, in consultation with the Department of Interior, determines that exclusion of such buildings or facilities would seriously impair the ability to abate water pollution resulting from the activities of the DoD Component.

(b) **United States**: The 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

(c) **Cost of Remedial Measures**: Funds which must be specifically provided for in the DoD budget for the purpose of accomplishing the required water pollution control measures. This will include design and engineering costs, capital cost of structures, equipment and cost of installation, but not the annual maintenance and operating costs.

(d) **Existing Facilities**: Facilities for which construction contracts were awarded prior to April 1, 1967, as well as facilities already in operation.

§ 243.4 Policy.

(a) Pursuant to Executive Order 11288, "Prevention, Control, and Abatement of Water Pollution by Federal Activities," July 2, 1966, projects proposed for approval in the 5-year defense program and projects included in budget requests for new facilities and buildings in the United States must provide for the installation of water pollution control equipment where necessary. Accordingly, the annual submission of the military construction programs by DoD Components shall be accompanied by a statement indicating compliance with the above requirement of Executive Order 11288, "Prevention, Control, and Abatement of Water Pollution by Federal Activities," July 2, 1966.

[1] Filed as part of original; copies of this Directive are available by writing Publications Branch, OASD(A), Pentagon, Washington, D.C. 20301, or Oxford 52167.

(b) Water pollution abatement projects will, in general, be included in the military construction programs. Projects of $25,000 or less may be included in the operation and maintenance programs. Projects at industrial plants or at research and development installations will be programed in accordance with established procedures for the construction of facilities at those installations. Pollution abatement projects constructed solely for family housing should be included in family housing programs. All programing and changes thereto will be accomplished through the established procedures governing all programs in the 5-year defense program.

(c) Water pollution control systems shall be designed to meet the standards contained in Executive Order 11288, "Prevention, Control, and Abatement of Water Pollution by Federal Activities," July 2, 1966.

(d) Pursuant to Bureau of the Budget Circular No. A-81, "Reporting Requirements in Connection with Prevention, Control, and Abatement of Water Pollution by Federal Activities," March 30, 1967, construction contracts which have been or will be awarded subsequent to April 1, 1967, must meet the requirements and procedures specified for new installations in Executive Order 11288, "Prevention, Control, and Abatement of Water Pollution Federal Activities," July 2, 1966. If necessary to comply with this policy, change orders will be issued to contracts which have been awarded prior to receipt of this Part and financed from within existing available funds.

(e) DoD Components may communicate directly with the Division of Federal Activities Coordination, Federal Water Pollution Control Administration, Department of the Interior, or with the appropriate Regional Director of that Administration for advice and assistance concerning compliance with Executive Order 11288, "Prevention, Control, and Abatement of Water Pollution by Federal Activities," July 2, 1966.

(f) DoD Components will cooperate with the Federal Water Pollution Control Administration by furnishing pertinent data, including survey information, concerning potential water pollution sources at DoD installations.

§ 243.5 Plan for existing facilities.

(a) The phased and orderly fiscal plan for control of water pollution which was submitted to the Bureau of the Budget on July 1, 1966, will be updated and revised, as necessary, by each DoD Component and submitted to the Assistant Secretary of Defense (Installations and Logistics) by June 15, 1967. Prior to submission to the ASD(I&L), these plans will be reviewed by the DoD Environmental Pollution Control Committee (see DoD Directive 5100.50, "Environmental Pollution Control," January 4, 1966 (31 F.R. 849)). The plan for each DoD Component should cover conditions as of April 1, 1967, and should provide for compliance with Executive Order 11288, "Prevention, Control, and Abatement of Water Pollution by Federal Activities," July 2, 1966, at all DoD installations by the end of fiscal year 1972.

(b) Twenty (20) copies each of Format A, "Water Pollution Control—Requirements Planned by Installation" (§ 243.8) and Format B, "Water Pollution Control-Summary Financing Plan" (§ 243.9) will be submitted for each installation which is below the general standards set forth in Executive Order 11288, "Prevention, Control, and Abatement of Water Pollution by Federal Activities," July 2, 1966. Format B (§ 243.9) will list all installations covered in Format A in order of their recommended priority in funding the required remedial measures. Amounts in the "total" column of Format B should equal the total amount indicated for each project in section 7 on Format A. Installations will be designated in the same manner as used in the Annual Real Property Inventory furnished the General Services Administration pursuant to Subchapter A, Part 101-3 of the Federal Property Management Regulations.

§ 243.6 Annual progress reports and revised plans.

Each DoD Component will submit twenty (20) copies of an annual fiscal year progress report (Format C (§ 243.10) to the ASD(I&L)) describing progress in accomplishing the objectives of the pollution abatement plan by June 15, 1967, and by the first of June of each year thereafter, covering conditions existing as of April 1, or when appropriate, conditions anticipated by June 30 of the year in which submitted. The annual progress report shall be accompanied by revised requirements and financial plans, as necessary. The first progress report due June 15, 1967, will cover installations included in the plan submitted to the Bureau of the Budget in July 1966 (as modified by the fiscal year 1968 budget).

(a) *Annual Progress Reports:* Will be comprised of separate reports for each installation covered by the plan, except those where remedial measures (1) have been completed prior to the fiscal year covered by the annual report or (2) are scheduled for budgeting and financing in a subsequent budget estimate submission and no planning and design work have been initiated. All information specified on Format C, "Water Pollution Control-Annual Progress Report by Installation, Fiscal Year ------ (§ 243.10), will be included in the annual report.

(1) The report will contain information on projects included in the President's budget of the preceding or prior fiscal year and on congressional action on each of these projects. If congressional action has not yet been taken on the project, the DoD Components will so indicate, and the project should be restated in the following year's annual progress report indicating final congressional action thereon.

(ii) The report for each installation will also include the specific prevention, control or abatement measures (a) completed during the preceding fiscal year, and (b) the progress on remedial measures for which work has been started, but not yet completed.

(b) *Revised plans:* If changed conditions, such as the nature or volume of the water pollutant discharged, have caused a previously nonpolluting installation to contribute to pollution, a Format A (§ 243.8) will be submitted for that installation as part of the DoD Component's annual report. If such changed conditions, unanticipated budgetary action, or other factors have made revisions in a DoD Component's overall plan necessary, a revised financing plan (Format B, § 243.9) will also be submitted as part of the annual report.

§ 243.7 Report Control Symbol.

Reporting requirements contained herein have been assigned Report Symbol DD-I&L(A)781.

§ 243.8 Water Pollution Control: Requirements Planned by Installation (Format A).

FORMAT A (MILITARY DEPARTMENT)
OR
(DEFENSE AGENCY)

WATER POLLUTION CONTROL—REQUIREMENTS PLANNED BY INSTALLATION

(a) Name of installation and GSA inventory control number. Albemarle Arsenal—No. 546307.

(b) Location of installation (State, County, and Town or City). Utah, Jefferson County, Albemarle.

(c) Location of point(s) of discharge and Federal enforcement action taken, if any. Effluent from primary sewage treatment plant, Albemarle Arsenal, discharges into Jefferson River. Arsenal was cited in the Tri-State enforcement action, October 20, 1965.

(d) Nature and amount of pollutant being discharged. 3 million gallons/day of domestic sewage.

(e) Existing level of control being provided and effectiveness in removing the significant pollutants at this installation. Primary treatment plant consisting of bar screen, grit chamber, chemical flocculator with mechanical mixing, primary settling tanks, and sludge digestor. Average BOD removal of 50 percent. Average suspended solids removal of 60 percent.

(f) Remedial measures proposed and estimated effectiveness in removing the significant pollutants at this installation. Installation of secondary treatment consisting of two high-rate trickling filters and secondary clarifier. Would provide average BOD removal of 90 percent and average suspended solids removal of 92 percent.

(g) Cost of remedial measures (in thousands of dollars). Total cost: $600 for trickling filters and clarifier. Cost by fiscal years: 1968—$50 for design and engineering studies; 1969—$750 for construction.

(h) Title and symbol of account under which costs will be appropriated. Construction 96X1111.

§ 243.9 Water Pollution Control: Summary Financing Plan (Format B).

FORMAT B
(MILITARY DEPARTMENT)
OR
(DEFENSE AGENCY)

WATER POLLUTION CONTROL—SUMMARY FINANCING PLAN

(In thousands of dollars)

Date .....

Name of installation (list in order of recommended priority) and location	NOA for remedial measures proposed					
	1968	1969	1970	1971	1972	Total
(a) Albemarle Arsenal, Albemarle, Utah	50	750				800
(b) Jones Air Force Base, Reno, Nev		50	200	300		550
Total, NOA, all facilities	50	800	200	300		1,350

§ 243.10 Water Pollution Control; Annual Progress Report by Installation (Format C).

FORMAT C (MILITARY DEPARTMENT)
OR
(DEFENSE AGENCY)

WATER POLLUTION CONTROL—ANNUAL PROGRESS REPORT BY INSTALLATION, FISCAL YEAR 19--

19--
(Date)

(a) Name of installation and GSA inventory control number. Albemarle Arsenal—No. 546307.

(b) Location of installation (State, County, and Town or City). Utah, Jefferson County, Albemarle.

(c) Budgetary action (in thousands of dollars).

(1) In 19-- Budget submitted to Congress: $50.

(2) Congressional action: $50.

(d) Progress on remedial measures. A contract has been let for design and engineering studies.

NOTE: The example illustrates how a project shown in Formats A (§ 243.8) and B (§ 243.9) as a proposed project, would appear after having been approved for inclusion in the President's budget, funds appropriated by the Congress, and the contract let for design and engineering studies.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[F.R. Doc. 67-7762; Filed, July 6, 1967; 8:45 a.m.]

Chapter XVI—Selective Service System

[Amdt. No. 105]

SELECTIVE SERVICE REGULATIONS

Miscellaneous Amendments

The Selective Service Regulations are hereby amended as follows:

PART 1607—FINANCE ADMINISTRATION

1. Part 1607—Finance Administration, is amended as follows:

(a) Section 1607.2 *State Director of Selective Service May Authorize Certain Expenditures*, is amended to read as follows:

§ 1607.2 State Director of Selective Service may authorize certain expenditures.

Subject to the provisions of applicable regulations and to any limitation imposed by the Director of Selective Service, the State Director of Selective Service, or his designee, may authorize such lawful expenditures as he determines to be necessary for the operation and maintenance of the Selective Service System in his State.

§ 1607.3 [Revoked]

(b) Section 1607.3 *State Procurement Officer*, is hereby rescinded.

(c) Section 1607.5 *Report of obligations*, is amended to read as follows:

§ 1607.5 Report of obligations.

A report of obligations incurred shall be submitted for each State Headquarters at such times and in such manner as the Director of Selective Service may prescribe.

PART 1609—EXPENDITURES OTHER THAN FOR PERSONAL SERVICES

2. Part 1609—Expenditures Other Than for Personal Services, is amended as follows:

(a) Section 1609.1 *Procurement*, is amended as follows:

(1) Paragraph (b) and (d) are amended to read as follows:

§ 1609.1 Procurement.

* * * * *

(b) In each State the procurement of property, equipment, supplies, office space, and services, unless otherwise provided for by regulations or instructions of the Director of Selective Service, shall be performed by the State Director of Selective Service, or his designee.

* * * * *

(d) Except when circumstances justify other action, the procurement of property, equipment and supplies shall be accomplished through the General Services Administration.

(2) Paragraph (e) is rescinded, and paragraph (f) is redesignated as paragraph (e).

(b) Section 1609.2 *Requisitions*, is amended to read as follows:

§ 1609.2 Requisitions.

Equipment, supplies, and services required by selective service offices within the State will be obtained by requisition on the State Director of Selective Service, or his designee.

(c) Paragraph (b) of § 1609.21 *Telephone; authorization*, is amended to read as follows:

§ 1609.21 Telephone; authorization.

* * * * *

(b) Contracts, when required, for telephone installation shall be executed by the General Services Administration.

PART 1610—PROPERTY ACCOUNTABILITY

3. Paragraphs (a) and (b) of § 1610.2 of Part 1610—*Property Accountability*, are amended to read as follows:

§ 1610.2 Government property; responsibility and accountability.

(a) The State Director of Selective Service shall designate for each selective service office in the State an officer or a compensated civilian employee who shall be responsible for property of the United States in the possession of that office.

(b) The State Director of Selective Service, or his designee, shall be accountable for all U.S. Government property purchased by, or issued, transferred, or donated to the Selective Service System within his State, and accurate records of such property shall be maintained and reports rendered as may be prescribed by the Director of Selective Service.

(Sec. 10, 62 Stat. 618, as amended; 50 U.S.C. App. 460; E.O. 9979, July 20, 1948, 13 F.R. 4177; 3 CFR 1948-48 Comp)

PART 1622—CLASSIFICATION RULES AND PRINCIPLES

4. Part 1622—Classification Rules and Principles, is amended as follows:

(a) Subparagraph (2) of paragraph (f) of § 1622.23a, *Standards and requirements for Apprentice Training Programs and acceptance of such programs for deferment purposes under paragraph* (b) of § *1622.23*, is amended to read as follows:

§ 1622.23a Standards and requirements for apprentice training programs and acceptance of such programs for deferment purposes under paragraph (b) of § 1622.23.

* * * * *

(f) * * *

(2) The registrant currently is meeting all the standards and requirements of the apprentice training program and is satisfactorily performing and progressing in his on-the-job training and related trade instruction.

(Sec. 10, 62 Stat. 618, as amended; 50 U.S.C. App. 460; E.O. 10988, June 26, 1962, 17 F.R. 5740)

§ 1622.25a [Revoked]

(b) Section 1622.25a *Criteria concerning the placing of registrants in Class II-S*, is hereby rescinded.

(Sec. 10, 62 Stat. 618; 50 U.S.C. App. 460; E.O. 10984, Jan. 5, 1962, 27 F.R. 193)

[SEAL] LEWIS B. HERSHEY,
Director of Selective Service.

JUNE 30, 1967.

[F.R. Doc. 67-7827; Filed, July 6, 1967; 8:50 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

SUBTITLE A—OFFICE OF THE SECRETARY OF THE INTERIOR

PART 2—RECORDS AND TESTIMONY

Part 2 of Title 43 of the Code of Federal Regulations is revised to read as follows:

Sec.
2.1 Inspection.
2.2 Determinations as to availability of records.
2.3 Charges.
2.4 Opinions in adjudication of cases; administrative manuals.
2.5 Compulsory process.
2.6 Testimony of employees.
2.7 Definition.

AUTHORITY: The provisions of this Part 2 are issued under 81 Stat. 54, 5 U.S.C. 552; 66 Stat. 290, 31 U.S.C. 483a; and 64 Stat. 402.

§ 2.1 Inspection.

Records of the Department of the Interior which are available to the public may be inspected or copied by any person during the normal business hours at the office in which the records are located. Requests to inspect or to obtain copies of records shall be handled as promptly as possible with due regard for the dispatch of other public business. While there is no general requirement that requests to inspect must be in writing, applicants may be required to file written requests in instances in which such action will assist in the search for the records sought or in the orderly filling of such requests. A request to inspect or to obtain copies of a record must contain a reasonably specific description of the records sought.

§ 2.2 Determinations as to availability of records.

(a) Section 552 of Title 5, U.S. Code, as amended by Public Law 90–23 (the act codifying the "Public Information Act") requires that identifiable agency records be made available for inspection. Subsection (b)[1] of section 552 exempts several categories of records from the general requirement but does not require the withholding from inspection of all records which may fall within the categories exempted. Accordingly, no request made of a field office to inspect a record shall be denied unless the head of the office or such higher field authority as the head of the bureau may designate shall determine (1) that the record falls within one or more of the categories exempted and (2) either that disclosure is prohibited by statute or Executive order or that sound grounds exist which require the invocation of the exemption. A request to inspect a record located in the headquarters office of a bureau shall not be denied except on the basis of a similar determination made by the head of the bureau or his designee, and a request made to inspect a record located in a major organizational unit of the Office of the Secretary shall not be denied except on the basis of a similar determination by the head of that unit. Officers and employees of the Department shall be guided by the "Attorney General's Memorandum on the Public Information Section of the Administrative Procedure Act" of June 1967.

(b) An applicant may appeal from a determination that a record is not available for inspection to the Solicitor of the Department of the Interior, who may exercise all of the authority of the Secretary of the Interior in this regard. The Deputy Solicitor may decide such appeals and may exercise all of the authority of the Secretary in this regard.

§ 2.3 Charges.

(a) No charge shall be made for the inspection of any record available pursuant to the provisions of section 2.4. No charge shall be made in connection with requests to inspect identifiable records in those instances involving no search or only a nominal search for the records. In those instances in which a request to inspect a record requires more than a nominal search, a charge shall be made (in accordance with the policy of Bureau of the Budget Circular A–25, "User Charges") which covers the cost of the service.

(b) Except as otherwise provided in this section, a charge shall be made for a copy of a record. Such charge shall be at a rate that recovers the full cost of rendering the service in accordance with the policy of Bureau of the Budget Circular A–25, "User Charges."

(c) A charge of 25 cents may be made for each certificate or verification attached to authenticated copies of records furnished to the public.

(d) No charge shall be made for furnishing unauthenticated copies of any opinions, regulations, or instructions reproduced for gratuitous distribution.

(e) No charge shall be made for the making or verifying of copies of records which are required for official use by the officers of any branch of the Government.

(f) No charge shall be made for furnishing one copy of a personal document (e.g., a birth certificate) to a person who has been required to furnish it for retention by the Department.

(g) A copy of the transcript of a hearing before a hearing board in an adverse action or grievance proceeding shall be furnished without charge to the employee for whom the hearing was held.

(h) Money received from the collection of charges fixed under this section shall be deposited in the Treasury to the credit of the appropriation current and chargeable for the cost of furnishing the copies.

(i) Copies of records may be provided free:

(1) To press, radio, television, and newsreel representatives for dissemination to the general public.

(2) To donors with respect to the original of their gift, individuals or associations having an official voluntary or cooperative relationship to an agency in rendering assistance toward its work, or national governments and international agencies when furnishing the service without charge is an appropriate courtesy.

(3) To agencies of State and local governments which are carrying on a function related to that of the Federal agency involved, when furnishing the service will help to accomplish an objective of the Federal agency.

(4) When furnishing the service free saves costs or yields income equal to the direct costs of the agency providing the service. This category includes cases where the fee for the service would be included in a billing against the Government (for example, in cost-type contracts, or in the case of private physicians who are treating Government beneficiaries at Government expense).

(5) When furnishing the service free is in conformance with generally established business custom, such as furnishing personal reference data to prospective employers of former Government employees.

(6) To the extent of one copy, to those who require copies of records or information from the records in order to obtain financial benefits to which they may be entitled (e.g., veterans or their dependents, employees with workmen's compensation claims, or persons insured by the Government).

§ 2.4 Opinions in adjudication of cases; administrative manuals.

(a) (1) Copies of final opinions and orders issued in the following categories of cases are available for inspection and copying in the Docket and Records Section, Office of the Solicitor, Interior Building, Washington, D.C.:

(i) Appeals from decisions of officers of the Bureau of Land Management and of the Geological Survey in proceedings relating to lands or interests in land;

(ii) Contract appeals;

(iii) Tort claims decided in the headquarters office of the Office of the Solicitor, and appeals from decisions of Regional Solicitors or Field Solicitors on tort claims;

(iv) Irrigation claims under Public Works Appropriation Acts (e.g., 79 Stat. 1103) or 25 U.S.C. section 388 decided in the headquarters office of the Office of the Solicitor, and appeals from decisions of Regional Solicitors on irrigation claims;

(v) Appeals in Indian probate proceedings; and

(vi) Indian enrollment appeals.

(2) An Index-Digest is issued by the Office of the Solicitor. All opinions in the categories of cases described in subdivisions (i) and (ii) of subparagraph (1) of this paragraph (that is, land appeals and contract appeals), are covered in the Index-Digest; in addition, the Index-Digest covers the more important opinions in the remaining categories of cases described in subparagraph (1) of this paragraph and the more important opinions of law issued by the Office of the Solicitor. The Index-Digest is available for use by the public in the Docket and Records Section mentioned in subparagraph (1) of this paragraph and in the offices of the Regional Solicitors and Field Solicitors.[2] Selected opinions are published in a series entitled "Decisions of the United States Department of the Interior" (cited at I.D.) and copies may be obtained by subscription from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(3) Copies of final opinions and orders issued by Regional Solicitors on tort claims, irrigation claims, and appeals in Indian probate proceedings are available for inspection and copying in their respective offices. Copies of final opinions and orders issued by Field Solicitors on tort claims and by hearing examiners in Indian probate proceedings are available for inspection and copying in their respective offices.

(b) (1) Copies of final opinions and orders issued on appeals to the Director, Bureau of Land Management, in proceedings relating to lands and interests in land are available for inspection and copying in the Office of Appeals and Hearings, Bureau of Land Management, Robin Building, Silver Spring, Md., and in the offices of hearing examiners referred to in subparagraph (2) of this paragraph.

(2) Copies of final opinions and orders issued by hearing examiners of the Bureau of Land Management in proceedings relating to lands and interests in land are available for inspection at their offices in the Interior Building, 2929 Fulton Avenue, Sacramento, Calif., and in the Federal Building, Salt Lake City, Utah, and at the Robin Building, Silver Spring, Md.

(c) Copies of final opinions and orders issued in cases pertaining to applications for subsidies for the construction of fishing vessels are available for inspection and copying in the Branch of Grants and Loans, Bureau of Commercial Fisheries, Washington, D.C.

(d) Copies of final opinions and orders issued by the Oil Import Appeals Board are available for inspection and copying in the Office of the Chairman, Interior Building, Washington, D.C.

(e) The Departmental Manual is available for inspection in the Departmental Library, Interior Building, Washington, D.C., and at each of the regional offices of bureaus of the Department. The administrative manuals of those bureaus which have issued such documents are available for inspection at the headquarters offices and at the regional offices of the bureaus.

§ 2.5 Compulsory process.

(a) If the production of any record of the Department is sought by compulsory process and if it is determined, in accordance with the provisions of § 2.2 that the record should not be disclosed, the person making such determination shall immediately report the matter to the Solicitor. The person to whom the compulsory process is directed shall appear in answer to the process and respectfully decline to produce the record on the ground that the disclosure, pending the receipt of instructions from the Secretary of the Interior, is prohibited by the regulations in this part.

(b) The Solicitor of the Department of the Interior and the Deputy Solicitor may exercise all of the authority of the Secretary of the Interior under this section.

§ 2.6 Testimony of employees.

(a) An officer or employee of the Department shall not testify in any judicial or administrative proceeding concerning matters related to the business of the Government without the permission of the head of the bureau, or his designee, or of the Secretary of the Interior, or his designee. If the head of a bureau, or his designee, concludes that permission should be withheld, he shall report the matter immediately to the Solicitor for a determination, and the officer or employee shall appear in answer to process and respectfully decline to testify, pending the receipt of instructions from the Secretary, on the ground that testimony is prohibited by the regulations in this part. Pending instructions from the Secretary, or his designee, an officer or employee in the Office of the Secretary shall follow the same procedure.

(b) Any person (including a public agency) wishing an officer or employee of the Department to testify in a judicial or administrative proceeding concerning a matter related to the business of the Government may be required to submit a statement setting forth the interest of the litigant and the information with respect to which the testimony of the officer or employee of the Department is desired, before permission to testify will be granted under this section.

(c) The Solicitor of the Department of the Interior and the Deputy Solicitor may exercise all of the authority of the Secretary of the Interior under this section.

§ 2.7 Definition.

As used in the regulations in this part, the term "bureau" includes the other Departmental offices.

CHARLES F. LUCE,
Acting Secretary of the Interior.

JULY 3, 1967.

APPENDIX

OFFICE OF THE SOLICITOR—FIELD OFFICES

Anchorage Region

Regional Solicitor; Anchorage, Alaska, Federal Building.
Field Solicitor; Juneau, Alaska, U.S. Post Office and Courthouse.

Denver Region

Regional Solicitor; Denver, Colo., Denver Federal Center.
Field Solicitor; Aberdeen, S. Dak., U.S. Post Office and Courthouse.
Hearing Examiner; Aberdeen, S. Dak., U.S. Post Office and Courthouse.
Field Solicitor; Albuquerque, N. Mex., Federal Building and Courthouse.
Field Solicitor; Billings, Mont., Federal Building and Courthouse.
Hearing Examiners; Billings, Mont., Federal Building and Courthouse.
Field Solicitor; Cheyenne, Wyo., U.S. Post Office and Courthouse.
Hearing Examiner; Gallup N. Mex., V. E. M. Building.
Hearing Examiner and Field Solicitor; Minneapolis, Minn., Bussa Building.
Field Solicitor; Santa Fe, N. Mex., U.S. Courthouse.

Los Angeles Region

Regional Solicitor; Los Angeles, Calif., 7759 Federal Building.
Field Solicitor; Phoenix, Ariz., Arizona Title Annex Building.
Hearing Examiner; Phoenix, Ariz., Arizona Title Annex Building.
Field Solicitor; Reno, Nev., U.S. Courthouse.

Philadelphia Region

Regional Solicitor; Philadelphia, Pa., Second Bank Building.

Portland Region

Regional Solicitor; Portland, Oreg., Federal Building.
Hearing Examiner; Portland, Oreg., Federal Building.
Field Solicitor; Boise, Idaho, Fairgrounds, Reclamation Building.
Field Solicitor; Ephrata, Wash., Reclamation Building.

Sacramento Region

Regional Solicitor; Sacramento, Calif., Interior Building.
Hearing Examiner; Sacramento, Calif., Interior Building.
Field Solicitor; San Francisco, Calif., 450 Golden Gate Avenue.

Salt Lake City Region

Regional Solicitor; Salt Lake City, Utah, Federal Building.

Tulsa Region

Regional Solicitor; Tulsa, Okla., U.S. Post Office and Federal Office Building.

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[1] Subsection (b) of section 552 provides that:

(b) This section does not apply to matters that are—

(1) Specifically required by Executive order to be kept secret in the interest of the national defense or foreign policy;

(2) Related solely to the internal personnel rules and practices of an agency;

(3) Specifically exempted from disclosure by statute;

(4) Trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(5) Interagency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;

(6) Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(7) Investigatory files compiled for law enforcement purposes except to the extent available by law to a party other than an agency;

(8) Contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or

(9) Geological and geophysical information and data, including maps, concerning wells.

[2] See Appendix for list of field offices.

Hearing Examiner; Tulsa, Okla., U.S. Post Office and Federal Office Building.
Field Solicitor; Amarillo, Tex., Petroleum Building.
Field Solicitor; Anadarko, Okla., 128 Northwest Second Street.
Trial Attorney; Durant, Okla., U.S. Post Office and Courthouse.
Field Solicitor; Muskogee, Okla., Federal Building.
Field Solicitor; Pawhuska, Okla., c/o Osage Indian Agency.
Field Solicitor; Elberton, Ga., First National Bank Building.

[F.R. Doc. 67-7953; Filed, July 6, 1967; 8:10 p.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Parts 1090, 1101]

[Docket Nos. AO 266-A9, AO 195-A16]

MILK IN CHATTANOOGA AND KNOXVILLE, TENN., MARKETING AREAS

Notice of Recommended Decision and Opportunity to File Written Exceptions On Proposed Amendments to Tentative Marketing Agreements and Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreements and orders regulating the handling of milk in the Chattanooga and Knoxville marketing areas.

Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the seventh day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quintuplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreements and to the orders as amended, were formulated, was conducted at Knoxville, Tenn., on May 24, 1967, pursuant to notice thereof which was issued May 5, 1967 (32 F.R. 7133).

The material issues on the record of the hearing relate to:

1. The Class II price, and
2. Date for announcing class prices.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *The Class II price.* The Class II price under the Chattanooga and Knoxville orders should be established at the level of the basic formula price for the month. For the year ending April 30, 1967, this would have resulted in an average Class II price of $4.06. In the same 12 months, the actual Chattanooga and Knoxville Class II prices averaged $3.59 and $3.54, respectively.

The basic formula price for the Chattanooga and Knoxville orders is the average price per hundredweight paid for manufacturing grade milk in Minnesota and Wisconsin as reported by the U.S. Department of Agriculture, adjusted to a 3.5 percent butterfat test. This price series, which is used as a basis for determining Class I prices in most Federal orders, has also gained wide acceptance in the various orders as a formula for pricing milk used for manufacturing purposes.

The Class II price in the Knoxville order is now the average reported basic paying price at nine Tennessee milk manufacturing plants plus 10 cents in the months of February–August and 25 cents September–January. Such price, however, may not exceed the higher of (1) a formula based on the market prices of butter and nonfat dry milk or (2) a formula based on the market prices for butter and cheddar cheese. The average pay price of the nine Tennessee manufacturing plants adjusted by the fixed differentials has been consistently less than the two alternative prices. At no time in recent years has either of the two alternative prices been the effective Class II price.

The Chattanooga Class II price for February through August is the average reported basic paying prices of four local manufacturing plants. For other months, the Class II price is the higher of either the average paying price at such plants or a formula price based on market prices of butter and nonfat dry milk. The formula price generally has been the applicable Class II price in the September–January periods. For the year ending April 30, 1967, this formula price averaged $3.86; 20 cents less than the average Minnesota-Wisconsin price for the same 12-month period.

Under both the Chattanooga and Knoxville orders, the monthly Class II prices have been consistently below the Class II price that would have been obtained by using the Minnesota-Wisconsin price series as herein proposed.

The basic prices reported by local manufacturing plants are no longer appropriate for determining Class II prices under the two orders. The prices actually paid dairy farmers for milk delivered to these manufacturing plants are significantly more than the basic price quotations for such plants that are used in determining the orders' Class II prices. These basic price quotations do not include premiums for such things as volume, concrete floors, cooling, quality, bulk tank and hauling, some or all of which are paid to their patrons. Also, the formula prices now used in determining the Chattanooga and Knoxville Class II prices do not reflect the value of Class II milk in these markets under current conditions.

The major producer associations in the Knoxville and Chattanooga markets have for some time been disposing of their Class II milk, both to regulated and unregulated plants, at substantially more than the order Class II price. Such sales to local manufacturing plants have been at prices 50 to 70 cents above the Class II prices applicable under these orders. Also, since last September sales to regulated handlers of Class II milk in these markets have been negotiated at the level of the Minnesota-Wisconsin price series. On the other hand, however, the handlers receiving milk from producers unaffiliated with the cooperatives are required to settle with the pool only on the basis of the relatively low Class II prices that are now provided under the two orders.

The Class II price recommended herein is representative of the value of milk used for manufacturing purposes in the Chattanooga and Knoxville markets and will result in more equitable returns to producers for Class II milk. This formula is used for the same purpose in 44 other Federal orders. Utilizing it in the Chattanooga and Knoxville orders will return to producers a value for their milk consistent with the value of milk used in the manufacture of similar products in other markets. There was no opposition to the proposal for basing the Class II price on the Minnesota-Wisconsin price series.

Information on the prices paid at manufacturing plants in Wisconsin is assembled by the State-Federal Crop Reporting Service. A large number of manufacturing plants are included in the monthly sample on which average prices and butterfat content information is based. Plant operators report the total pounds of manufacturing grade milk received from farmers, the total butterfat content, and total dollars paid to dairy farmers for such milk, f.o.b. plant. Similar information is assembled for Minnesota manufacturing plants. These prices are available on a current month basis and are announced on or about the 5th day of the following month.

The Minnesota-Wisconsin price series for manufacturing grade milk reflects price information in each of the two States weighted by the proportionate amount of manufacturing milk produced in each State. The series is based upon a large sample of plants located in the remaining large production area of manufacturing grade milk in the United States. Competition for this milk is strong in both States. Consequently, no firm or group of firms can have a significant influence upon the level of prices.

The present Class II butterfat differential in the Chattanooga and Knoxville orders for adjusting the price for milk containing more or less than 3.5 percent

butterfat should be retained. It is arrived at for each one-tenth percent of butterfat by multiplying the monthly average wholesale selling price per pound of 92-score butter at Chicago by 11.5 percent. Producers maintain that this differential has been satisfactory in the past and would be suitable in connection with the adoption of the Class II price herein proposed. Moreover, this differential is the same as that applied to Class II prices under many other Federal orders, including the order for the nearby Nashville market.

Both orders also provide that the Class II butterfat differential shall not exceed the result obtained by dividing by 40 the price on a 4 percent butterfat basis of each of the average reported paying prices or formula prices now used in determining the Class II price. It would be impractical to retain in the order these reported pay prices and formula prices solely for the purpose of computing this proviso, especially since it has never been effective in establishing a Class II butterfat differential in the orders. Moreover, there is no indication that it would have any different effect in the future. Accordingly, the producer prepesal that it be removed from the orders should be adopted.

2. *Date for announcing class prices.* The Chattanooga and Knoxville Class I prices and butterfat differentials for the month should be announced by the market administrator not later than the 6th day of the month.

Both orders now provide for announcing the Class I price and butterfat differential by the 10th day of the month. The proposed earlier announcement date would be helpful to the industry by providing it with information concerning what the precise Class I price for the month would be at the earliest practicable date. Also, changing the Class I price announcement date from the 10th to the 6th day of the month will align the announcement dates in these orders with those provided in the great majority of the Federal milk orders and in all the nearby orders.

In determining the supply-demand adjustment applicable to their monthly Class I prices, the Chattanooga and Knoxville orders now use the producer milk deliveries and Class I sales data for the first and second preceding months. Since such data for the first preceding month would not be available by the proposed earlier announcement date (handler reports are not due until the 6th), it is necessary that the supply-sales data used in computing the supply-demand adjustment be those for the second and third preceding months. This requires that each 2-month utilization period and corresponding standard utilization percentages now used in computing the Class I price for a particular month be used instead for determining the following month's price. Thus, a price adjustment determined under the present provisions for a certain month would apply under the proposed change one month later. The level of adjustments on an annual basis, however, would not be affected by this change in the supply-demand provisions.

The Chattanooga order provides that the market administrator announce the Class II price and butterfat differential by the 10th day of the following month. Since the information for computing the Class II price will now be available on or about the 5th day of the month, it is practicable and desirable that it be announced by the 6th, the same date by which most orders, including Knoxville, announce their Class II prices. This change, which was proposed by producers, should be adopted.

Rulings on proposed findings and conclusions. No briefs or proposed findings and conclusions were filed on behalf of interested parties.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreements and the orders, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing areas, and the minimum prices specified in the proposed marketing agreements and the orders, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreements and the orders, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, the marketing agreements upon which a hearing has been held.

Recommended marketing agreements and orders amending the orders. The following orders amending the orders as amended regulating the handling of milk in the Chattanooga and Knoxville marketing areas are recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreements are not included in this decision because the regulatory provisions thereof would be the same as those contained in the orders, as hereby proposed to be amended:

PART 1090—MILK IN THE CHATTANOOGA MARKETING AREA

1. In § 1090.27(k), subparagraph (1) is revised to read as follows:

§ 1090.27 Duties.

* * * * *

(k) * * *

(1) The 6th day of each month, the Class I price and Class I butterfat differential, both for the current month; and the Class II price and Class II butterfat differential, both for the preceding month, and

* * * * * *

2. Section 1090.51 is revised to read as follows:

§ 1090.51 Class prices.

Subject to the provisions of §§ 1090.52 and 1090.53, the minimum prices per hundredweight of milk containing 3.5 percent butterfat, to be paid by each handler for milk received at his pool plant from producers during the month, shall be as follows:

(a) *Class I milk price.* The price per hundredweight for Class I milk for the month shall be the basic formula price for the preceding month, subject to the adjustments provided in subparagraphs (1) and (2) of this paragraph:

(1) Add $1.75, and plus 20 cents through April 1968;

(2) Add if the utilization percentage calculated pursuant to subparagraph (3) of this paragraph is less than, or subtract if it is more than, the standard utilization range, an amount determined by multiplying the net utilization percentage calculated pursuant to subparagraph (4) of this paragraph by 2 cents: *Provided,* That any addition or subtraction shall be limited to 50 cents per hundredweight;

(3) Calculate a utilization percentage for each month by dividing the net hundredweight of Class I milk (excluding the skim milk and butterfat in fluid milk products received during the month in the same product and same package from a plant fully regulated pursuant to Order No. 101 (Part 1101 of this chapter) regulating the handling of milk in the Knoxville marketing area) disposed of from all pool plants for the second and third preceding months into the total hundredweight of producer milk for the same months, multiplying by 100, and rounding the resultant figure to the nearest whole number;

(4) Calculate a net utilization percentage by determining the amount by which the utilization percentage calculated pursuant to subparagraph (3) of this paragraph exceeds the higher figure or is less than the lower figure of the standard utilization range in the following table:

Month for which price applies	Months for which utilization is computed	Standard utilization range	
		Minimum	Maximum
January	October–November	114	118
February	November–December	117	121
March	December–January	117	121
April	January–February	117	121
May	February–March	119	123
June	March–April	124	128
July	April–May	126	130
August	May–June	124	128
September	June–July	120	124
October	July–August	118	119
November	August–September	110	114
December	September–October	114	118

(b) *Class II milk price.* The Class II milk price shall be the basic formula price for the month.

3. Section 1090.52(b) is revised to read as follows:

§ 1090.52 Butterfat differentials to handlers.

* * * * *

(b) *Class II milk price.* Multiply the Chicago butter price for the month by 0.115.

PART 1101—MILK IN THE KNOXVILLE MARKETING AREA

1. In § 1101.22(j), subparagraph (1) is revised to read as follows:

§ 1101.22 Duties.

* * * * *

(j) * * *

(1) The 6th day of each month, the Class I price and the Class I butterfat differential, both for the current month;

* * * * *

2. Section 1101.51 is revised to read as follows:

§ 1101.51 Class prices.

Subject to the provisions of §§ 1101.52 and 1101.53, each handler shall pay producers, at the time and in the manner set forth in §§ 1101.80 through 1101.86, not less than the prices per hundredweight computed as follows for the respective quantities of Class I milk and Class II milk computed pursuant to § 1101.46:

(a) *Class I milk price.* The price per hundredweight for Class I milk for the month shall be the basic formula price for the preceding month, subject to the adjustments provided in subparagraphs (1) and (2) of this paragraph:

(1) Add $1.50, and plus 20 cents through April 1968;

(2) Add if the utilization percentage calculated pursuant to subparagraph (3) of this paragraph is less than, or subtract if it is more than, the base utilization range, an amount determined by multiplying the net utilization percentage calculated pursuant to subparagraph (4) of this paragraph by 2 cents: *Provided,* That any addition or subtraction shall be limited to 50 cents per hundredweight;

(3) Calculate a utilization percentage for each month by dividing the net hundredweight of Class I milk disposed of from all pool plants for the second and third preceding months into the total hundredweight of producer milk for the same months, multiplying by 100, and rounding the resultant figure to the nearest whole number;

(4) Calculate a "net utilization percentage" by determining the amount by which the utilization percentage calculated pursuant to subparagraph (3) of this paragraph exceeds the higher figure or is less than the lower figure of the base utilization range in the following table:

Pricing month	Second and third preceding months	Base utilization range
January	October–November	114–118
February	November–December	114–118
March	December–January	114–118
April	January–February	114–118
May	February–March	115–119
June	March–April	124–128
July	April–May	121–125
August	May–June	120–124
September	June–July	124–128
October	July–August	116–120
November	August–September	112–116
December	September–October	110–114

(b) *Class II milk price.* The Class II milk price shall be the basic formula price for the month.

3. Section 1101.52(b) is revised to read as follows:

§ 1101.52 Butterfat differentials to handlers.

* * * * *

(b) *Class II milk.* Multiply the average price per pound of butter for the month as described in § 1101.50 by 0.115.

Signed at Washington, D.C., on June 30, 1967.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 67-7848; Filed, July 6, 1967; 8:51 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 14]

CACAO PRODUCTS; SWEET AND MILK CHOCOLATE

Identity Standards; Proposal To List Sorbitan Monostearate and Polysorbate 60 as Optional Ingredients

Notice is given that a petition has been filed by Atlas Chemical Industries, Inc., Wilmington, Del. 19899, proposing that the standards of identity for sweet chocolate (21 CFR 14.6) and milk chocolate (21 CFR 14.7) be amended by listing sorbitan monostearate and polysorbate 60 as additional optional emulsifiers. The emulsifiers presently permitted in these products are lecithin (with or without related natural phosphatides) and mono- and diglycerides of fat-forming fatty acids (in combination with monosodium phosphate derivatives thereof).

The proposal sets limits of 1 percent on the sorbitan monostearate and 0.5 percent on the polysorbate 60 with a total quantity limitation on all four ingredients of 1.5 percent, and with the following further limitations on percent by weight of the finished food:

1. The total amount of lecithin and mono- and diglycerides, used singly or in combination, does not exceed 0.5 percent.

2. The total amount of any two or all three of the ingredients mono- and diglycerides, sorbitan monostearate, and polysorbate 60 in any combination does not exceed 1 percent.

Due to cross-references, adoption of the proposed amendment to the standard for sweet chocolate (§ 14.6) would have the effect of making sorbitan monostearate and polysorbate 60 permitted ingredients in sweet cocoa and vegetable fat (other than cacao fat) coating (§ 14.12), and adoption of the proposed amendment to the standard for milk chocolate (§ 14.7) would have the effect of making sorbitan monostearate and polysorbate 60 permitted ingredients of skim milk chocolate (§ 14.8), buttermilk chocolate (§ 14.9), and mixed dairy product chocolates (§ 14.10). The proposal provides that sorbitan monostearate and polysorbate 60 not be permitted optional ingredients in sweet chocolate and vegetable fat (other than cacao fat) coating (§ 14.11).

The proposed amendments would require any sorbitan monostearate or polysorbate 60 used in a standardized cacao product to be declared on the product label as "Emulsifier Added" or "With Added Emulsifier."

Concurrently with the petition to amend the cacao products standards Atlas Chemical Industries, Inc., has petitioned to amend the food additive regulations for sorbitan monostearate (21 CFR 121.1029) and polysorbate 60 (21 CFR 121.1030) to provide for the safe and limited use of these emulsifiers in cacao products.

Grounds set forth in the petitions to support the proposed amendments are that use of sorbitan monostearate and polysorbate 60 in cacao products will preserve the surface gloss and delay or prevent occurrence of "fat bloom," which is related to higher temperature storage conditions and is manifested as a gray film on the product due to migration of fat to the surface.

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.120), all interested persons are invited to submit their views in writing, preferably in quintuplicate, regarding this proposal. Such views and comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, within 60 days following the date of publication of this notice in the FEDERAL REGISTER, and may be accompanied by a memorandum or brief in support thereof.

Dated: June 28, 1967.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 67-7833; Filed, July 6, 1967; 8:49 a.m.]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

SMALL BUSINESS SIZE STANDARDS

Definitions of Small Business Manufacturers in Certain Manufacturing Industries and Classes of Products for Government Procurement

Notice is hereby given that the Administrator of the Small Business Administration proposes to amend Part 121 of Chapter I of Title 13 of the Code of Federal Regulations and revise existing or establish new definitions of a small business manufacturer in certain manufacturing industries and classes of products, for the purpose of Government procurement.

The Government procurement size standards for the manufacturing industries established in 1964 were based primarily on the 1947 Census of Manufactures and the 1948 Census of Business Statistics. As the 1954 and 1958 census data became available they were analyzed and some standards were revised. Since then the size structure of firms that provides effective competition in certain industries and classes of products has been affected by changes in (1) price levels and/or sales or physical volume of business, (2) production and distribution processes, and/or (3) the number and employment of companies. Further, the 1967 Edition of the Standard Industrial Classification Manual, prepared and published by the Bureau of the Budget, Executive Office of the President, contains changes in the composition of certain industries and subindustries. All of these factors make obsolete the current size standards for certain industries.

Accordingly, the size standards for certain industries and classes of products require revision. In addition, size standards need to be established for newly recognized industries and classes of products.

Proposed Schedule B with Explanation of Changes lists the various industries or classes of products and their census classification code, the proposed size standard for each, the current standard if different than the proposed standard and the nature of each change.

Interested persons may file with the Small Business Administration, within 15 days after publication of this proposal in the FEDERAL REGISTER, written statements of facts, opinions or arguments concerning the proposal.

All correspondence shall be addressed to:

Associate Administrator for Procurement and Management Assistance, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416, Attention: Size Standards Staff.

Dated: June 23, 1967.

EBERHARD L. BOUTIN,
Administrator.

PROPOSED SCHEDULE B WITH EXPLANATION OF CHANGES

MANUFACTURING

Census classification code	Industry	Proposed size standard (number of employees) [1]	Size standard currently in effect [2]	Type of change
	Major group 28—Chemicals and Allied Products:			
2813	Alkalies and chlorine	1,000	1,000	Revision of size standard.
2816	Carbon black	750	500	Do.
2823	Cellulosic manmade fibers	1,000		
2815	Cyclic intermediates, dyes, organic pigments (lakes and toners), and cyclic (coal tar) crudes.	750		Includes former industry 2814, Cyclic (coal tar) crudes, with 500-employee size standard.
2892	Explosives	750		
2813	Industrial gases [3]	1,000		
2819	Industrial inorganic chemicals, n.e.c.	750		
2818	Industrial organic chemicals, n.e.c.	1,000		
2816	Inorganic pigments	1,000		
2833	Medicinal chemicals and botanical products	750		
2844	Perfumes, cosmetics, and other toilet preparations.	750	500	Revision of size standard.
2834	Pharmaceutical preparations	1,000	750	Do.
2821	Plastics materials, synthetic resins, and nonvulcanizable elastomers.	750		
2841	Soap and other detergents, except specialty cleaners.	1,000	750	Do.
2824	Synthetic organic fibers, except cellulosic	1,000		
2822	Synthetic rubber (vulcanizable elastomers)	1,000		
	Major group 29—Electrical Machinery, Equipment, and Supplies:			
2836	Carbon and graphite products	750		
3672	Cathode ray picture tubes	750		
3634	Electric housewares and fans	750		
3641	Electric lamps [3]	2,500	1,000	Do.
3694	Electrical equipment for internal combustion engines.	750		
3631	Household cooking equipment	750		
3633	Household laundry equipment	1,000		
3632	Household refrigerators and home and farm freezers.	1,000		
3635	Household vacuum cleaners	750		
3622	Industrial controls	750		
3621	Motors and generators	1,000		
3652	Phonograph records	750		
3612	Power, distribution, and specialty transformers.	750		
3691	Primary batteries, dry and wet	2,500	1,000	Do.
3651	Radio and television receiving sets, except communication type.	750		
3671	Radio and television receiving type electron tubes, except cathode ray [4]	2,500	1,000	Do.
3661	Radio and television transmitting, signaling, and detection equipment and apparatus.	750		
3693	Radiographic X-ray, fluoroscopic X-ray, therapeutic X-ray, and other X-ray apparatus and tubes; electromedical and electrotherapeutic apparatus.	750	500	Do.
3674	Semiconductors and related devices	1,000	500	Formerly included in industry 3679, Electronic components and accessories, n.e.s., with 500-employee size standard.
3636	Sewing machines	750		
3613	Switchgear and switchboard apparatus	750		
3661	Telephone and telegraph apparatus [3]	2,500	1,000	Revision of size standard.
3673	Transmitting, industrial, and special purpose electron tubes.	750		
	Major group 34—Fabricated Metal Products, Except Ordnance, Machinery, and Transportation Equipment:			
3421	Cutlery	750	500	Do.
3466	Enameled iron and metal sanitary ware	750		
3411	Metal cans	1,000		
3482	Safes and vaults	1,000	500	Do.
	Major group 20—Food and Kindred Products:			
2063	Beet sugar	750		
2062	Cane sugar refining	750		
2032	Canned specialties	2,500	1,000	Do.
2045	Cereal preparations	1,000		
2072	Chocolate and cocoa products	750	500	Do.
2052	Cookies and crackers	750		
2085	Distilled, rectified, and blended liquors	750		
2087	Flavoring extracts and flavoring syrups, n.e.c.	750	500	Do.
2026	Fluid milk	750		
2082	Malt liquors	750	500	Do.
2046	Shortening, table oils, margarine, and other edible fats and oils, n.e.c.	750		
2075	Soybean oil mills	1,000	500	Do.
2068	Vegetable oil mills, except corn, cottonseed, and soybean.	1,000		
2044	Wet corn milling	750		
	Major group 35—Machinery, Except Electrical:			
3585	Air conditioning equipment and commercial and industrial refrigeration machinery and equipment.	750		
3562	Ball and roller bearings	750		
3574	Calculating and accounting machines, except electronic computing equipment.	500	1,000	Formerly included in industry 3571, Computing and accounting machines, including cash registers, with 1,000-employee size standard.
3531	Construction machinery and equipment	500		

See footnotes at end of table.

Census classification code	Industry	Proposed size standard (number of employees) [1]	Size standard currently in effect [2]	Type of change
3061	Reclaimed rubber	1,000	750	Do.
3011	Rubber footwear	1,000		
3011	Tires and inner tubes	1,000		
30112	Passenger car, truck, and bus tires (and off-the-road) pneumatic tires.	1,000		
	Major group 32—Stone, Clay, Glass, and Concrete Products:			
3281	Abrasive products	750	500	Do.
3251	Brick and structural clay tile	750		
3253	Ceramic wall and floor tile	750		
3255	Clay refractories	750		
3241	Cement, hydraulic	1,000	750	Do.
3275	Gypsum products	750		
3297	Nonclay refractories	750		
3229	Pressed and blown glass and glassware, n.e.c.	750		
3211	Flat glass	1,000	500	Do.
3296	Mineral wool	750		
3255	Nonclay refractories	750		
3281	Structural clay products	750		
3259	Vitreous china plumbing fixtures and china and earthenware fittings and bathroom accessories.	750		
3253	Vitreous china table and kitchen articles	750	500	Do.
	Major group 22—Textile Mill Products:			
2296	Automotive, apparel, and other industry fabrics, except rubberized.	1,000		
2295	Coated fabrics, not rubberized	1,000		
2221	Manmade fiber and silk broad woven fabric mills	1,000	750	Do.
2222	Manmade fiber and silk narrow fabric mills	1,000		
2231	Wool broad woven fabric mills, except felt.	1,000		
2298	Cordage and twine	750		
2211	Cotton broad woven fabric mills	1,000	750	Do.
2241	Narrow fabric and other smallwares mills: cotton, wool, manmade fiber, and silk.	750		
2392	Housefurnishings, except curtains and drapes	750		
2391	Curtains and drapes	750		
2393	Textile bags	750		
2394	Canvas and related products	750		
2399	Fabricated textile products, n.e.c.	750		
	Major group 23—Apparel and Other Finished Products Made From Fabrics and Similar Materials:			
2385	Raincoats and other rubberized apparel	1,000	500	Do.
2386	Leather and sheep-lined clothing	750		
2381	Fabric dress and work gloves	750		
2384	Robes and dressing gowns	750		
2383	Waterproof outerwear	1,000	500	Do.
	Major group 24—Lumber and Wood Products, Except Furniture:			
2435	Hardwood veneer and plywood	750		
2426	Hardwood dimension and flooring mills	750		
2421	Sawmills and planing mills, general	750		
2429	Special product sawmills, n.e.c.	750		
2491	Wood preserving	750		
2436	Softwood veneer and plywood	750		
2493	Reconstituted wood products	750		
	Major group 25—Furniture and Fixtures:			
2515	Mattresses and bedsprings	1,000	500	Do.
2511	Wood household furniture	750		
2512	Upholstered household furniture	750		
2521	Wood office furniture	750		
2522	Office furniture, except wood	750		
2531	Public building and related furniture	750		
2541	Wood partitions and fixtures	750		
2542	Partitions and fixtures, except wood	750		
	Major group 26—Paper and Allied Products:			
2655	Fiber cans, drums, and similar products	750		
2611	Pulp mills	750		
2621	Paper mills, except building paper	750		
2631	Paperboard mills	750		
2652	Setup paperboard boxes	750		
2651	Folding paperboard boxes	750		
2653	Corrugated and solid fiber boxes	750		
2654	Sanitary food containers	750		
2649	Sanitary paper products	750		
	Major group 27—Printing and Publishing:			
2731	Book publishing	500	250	Revision of size standard.
2732	Book printing	500		
2752	Commercial printing, lithographic	500		
2754	Commercial printing, gravure	500		
2759	Commercial printing, n.e.c.	500		
2761	Manifold business forms	500		
2782	Blankbooks and looseleaf binders	500		
2789	Bookbinding and related work	500		
2791	Typesetting	500		
2796	Platemaking and related services	500		
	Major group 28—Chemicals and Allied Products:			
2861	Gum and wood chemicals	750		
2865	Cyclic crudes and intermediates	750		
2869	Industrial organic chemicals, n.e.c.	750		
2819	Industrial inorganic chemicals, n.e.c.	750		
2895	Carbon black	750		
2851	Paints and allied products	750		
2911	Petroleum refining [5]	1,500	1,000	Revision of size standard.
	Major group 29—Petroleum Refining and Related Industries:			
2951	Asphalt felts and coatings	750		
2952	Asphalt paving mixtures and blocks	750		
2992	Lubricating oils and greases	750		
2911	Petroleum refining [5]	1,500	1,000	Revision of size standard.
	Major group 30—Rubber and Miscellaneous Plastics Products:			
3011	Tires and inner tubes	1,000		
3021	Rubber and plastics footwear	1,000		
3052	Rubber and plastics hose and belting	1,000		
3069	Fabricated rubber products, n.e.c.	1,000	750	Do.
3079	Miscellaneous plastics products	1,000		
	Major group 31—Leather and Leather Products:			
3111	Leather tanning and finishing	750		
3131	Boot and shoe cut stock and findings	750		
3142	House slippers	750		
3149	Footwear, except rubber, n.e.c.	750		
3172	Personal leather goods	750		
3111	Leather, gloves and mittens	750		
3199	Leather goods, n.e.c.	750		
	Major group 32—Stone, Clay, Glass, and Concrete Products:			
3211	Flat glass	1,000	500	Do.
3221	Glass containers	1,000		
3229	Pressed and blown glass and glassware, n.e.c.	750		
3231	Products of purchased glass	750		
3241	Cement, hydraulic	1,000	750	Do.
3251	Brick and structural clay tile	750		
3253	Ceramic wall and floor tile	750		
3255	Clay refractories	750		
3259	Structural clay products, n.e.c.	750		
3261	Vitreous china plumbing fixtures and china and earthenware fittings and bathroom accessories.	750		
3262	Vitreous china table and kitchen articles	750	500	Do.
3264	Porcelain electrical supplies	750		
3269	Pottery products, n.e.c.	750		
3271	Concrete block and brick	750		
3272	Concrete products, except block and brick	750		
3273	Ready-mixed concrete	750		
3274	Lime	750		
3281	Cut stone and stone products	750		
3291	Abrasive products	750		
3292	Asbestos products	750		
3293	Gaskets, packing, and sealing devices	750		
3295	Minerals, ground or treated	750		
3296	Mineral wool	750		
3297	Nonclay refractories	750		
3299	Nonmetallic mineral products, n.e.c.	750		
	Major group 33—Primary Metal Industries:			
3312	Blast furnaces and steel mills	1,000	750	Do.
3313	Electrometallurgical products	1,000		
3315	Steel wire drawing and steel nails and spikes	1,000		
3316	Cold rolled steel sheet, strip, and bars	1,000		
3317	Steel pipe and tubes	1,000		
3321	Gray iron foundries	1,000		
3322	Malleable iron foundries	1,000		
3323	Steel foundries, n.e.c.	1,000		
3331	Primary smelting and refining of copper	1,000		
3334	Primary production of aluminum	1,000		
3339	Primary smelting and refining of nonferrous metals, except copper and aluminum.	1,000		
3341	Secondary smelting and refining of nonferrous metals.	1,000		
3351	Rolling, drawing, and extruding of copper	1,000		
3353	Aluminum sheet, plate, and foil	1,000		
3354	Aluminum extruded products	1,000		
3355	Aluminum rolling and drawing, n.e.c.	1,000		
3356	Rolling, drawing, and extruding of nonferrous metals, except copper and aluminum.	1,000		
3357	Nonferrous wiredrawing and insulating	1,000		
3365	Aluminum foundries	1,000		
3366	Copper foundries	1,000		
3369	Nonferrous foundries, except aluminum and copper.	1,000		
3398	Metal heat treating	1,000		
3399	Primary metal products, n.e.c.	1,000		
	Major group 34—Fabricated Metal Products, Except Ordnance, Machinery, and Transportation Equipment:			
3411	Metal cans	1,000	750	Do.
3412	Metal barrels, drums, kegs, and pails	1,000		
3421	Cutlery	750	500	Do.
3423	Hand and edge tools, n.e.c.	750		
3425	Saw blades and handsaws	750		
3429	Hardware, n.e.c.	750		
3431	Enameled iron and metal sanitary ware	750		
3432	Plumbing fixture fittings and trim	750		
3433	Heating equipment, except electric and warm air furnaces.	750		
3441	Fabricated structural metal	750		
3442	Metal doors, sash, frames, molding, and trim	750		
3443	Fabricated plate work (boiler shops)	750		
3444	Sheet metal work	750		
3446	Architectural metal work	750		
3448	Prefabricated metal buildings and components.	750		
3449	Miscellaneous metal work	750		
3451	Screw machine products	750		
3452	Bolts, nuts, screws, rivets, and washers	750		
3461	Metal stampings	750		
3462	Iron and steel forgings	750		
3463	Nonferrous forgings	750		
3464	Automotive stampings	750		
3465	Crowns and closures	750		
3466	Metal stampings, n.e.c.	750		
3469	Metal foil and leaf	750		
3471	Electroplating, plating, polishing, anodizing, and coloring.	750		
3479	Coating, engraving, and allied services, n.e.c.	750		
3482	Small arms ammunition	750		
3483	Ammunition, except for small arms	750		
3484	Small arms	750		
3489	Ordnance and accessories, n.e.c.	750		
3491	Industrial valves	750		
3492	Fluid power valves and hose fittings	750		
3493	Steel springs, except wire	750		
3494	Valves and pipe fittings, n.e.c.	750		
3495	Wire springs	750		
3496	Miscellaneous fabricated wire products	750		
3497	Metal foil and leaf	750		
3498	Fabricated pipe and fittings	750		
3499	Fabricated metal products, n.e.c.	750		
	Major group 35—Machinery, Except Electrical:			
3511	Steam, gas, and hydraulic turbines, and turbine generator sets.	750	500	Do.
3519	Internal combustion engines, n.e.c.	750		
3523	Farm machinery and equipment	750		
3524	Lawn and garden equipment	750		
3531	Construction machinery and equipment	500		
3532	Mining machinery and equipment, except oil field machinery.	750		
3533	Oil field machinery and equipment	750		
3534	Elevators and moving stairways	750		
3535	Conveyors and conveying equipment	750		
3536	Hoists, cranes, and monorails	750		
3537	Industrial trucks, tractors, trailers, and stackers	750		
3541	Machine tools, metal cutting types	750		
3542	Machine tools, metal forming types	750		
3543	Industrial patterns	750		
3544	Special dies and tools and machine tool accessories.	750		
3545	Machine tool accessories	750		
3546	Power driven handtools	750		
3547	Rolling mill machinery and equipment	750		
3548	Electric and gas welding and soldering equipment.	750		
3549	Metalworking machinery, n.e.c.	750		
3551	Food products machinery	750		
3552	Textile machinery	750		
3553	Woodworking machinery	750		
3554	Paper industries machinery	750		
3555	Printing trades machinery and equipment	750		
3559	Special industry machinery, n.e.c.	750		
3561	Pumps and pumping equipment	750		
3562	Ball and roller bearings	750		
3563	Air and gas compressors	750		
3564	Blowers and fans	750		
3565	Packaging machinery	750		
3566	Speed changers, industrial high speed drives, and gears.	750		
3567	Industrial furnaces and ovens	750		
3568	Mechanical power transmission equipment, n.e.c.	750		
3569	General industrial machinery, n.e.c.	750		
3571	Electronic computing equipment	750	500	Do.
3572	Computer storage devices	750		
3573	Computer terminals	750		
3574	Calculating and accounting machines, except electronic computing equipment.	500	1,000	Formerly included in industry 3571, Computing and accounting machines, including cash registers, with 1,000-employee size standard.
3579	Office machines, n.e.c.	750	500	Do.
3581	Automatic merchandising machines	750		
3582	Commercial laundry, dry cleaning, and pressing machines.	750		
3585	Air conditioning equipment and commercial and industrial refrigeration machinery and equipment.	750		
3586	Measuring and dispensing pumps	750		
3589	Service industry machines, n.e.c.	750		
3592	Carburetors, pistons, piston rings, and valves	750		
3593	Fluid power cylinders and actuators	750		
3594	Fluid power pumps and motors	750		
3596	Scales and balances, except laboratory	750		
3599	Machinery, except electrical, n.e.c.	750		
	Major group 36—Electrical Machinery, Equipment, and Supplies:			
3612	Power, distribution, and specialty transformers.	750		
3613	Switchgear and switchboard apparatus	750		
3621	Motors and generators	750		
3622	Industrial controls	750		
3623	Welding apparatus, electric, except electrolytic	750		
3624	Carbon and graphite products	750		
3629	Electrical industrial apparatus, n.e.c.	750		
3631	Household cooking equipment	750		
3632	Household refrigerators and home and farm freezers.	1,000		
3633	Household laundry equipment	1,000		
3634	Electric housewares and fans	750		
3635	Household vacuum cleaners	750		
3636	Sewing machines	750		
3639	Household appliances, n.e.c.	750		
3641	Electric lamps [3]	2,500	1,000	Do.
3643	Current-carrying wiring devices	750		
3644	Noncurrent-carrying wiring devices	750		
3645	Residential electric lighting fixtures	750		
3646	Commercial, industrial, and institutional electric lighting fixtures.	750		
3647	Vehicular lighting equipment	750		
3648	Lighting equipment, n.e.c.	750		
3651	Radio and television receiving sets, except communication type.	750		
3652	Phonograph records	750		
3661	Radio and television transmitting, signaling, and detection equipment and apparatus.	750		
3662	Radio and television communication equipment	750		
3671	Radio and television receiving type electron tubes, except cathode ray [4]	2,500	1,000	Do.
3672	Cathode ray picture tubes	750		
3674	Semiconductors and related devices	1,000	500	Formerly included in industry 3679, Electronic components and accessories, n.e.c., with 500-employee size standard.
3675	Electronic capacitors	750		
3676	Electronic resistors	750		
3677	Electronic coils, transformers, and other inductors.	750		
3678	Electronic connectors	750		
3679	Electronic components, n.e.c.	750		
3691	Storage batteries	750		
3692	Primary batteries, dry and wet	2,500	1,000	Do.
3693	Radiographic X-ray, fluoroscopic X-ray, therapeutic X-ray, and other X-ray apparatus and tubes; electromedical and electrotherapeutic apparatus.	750	500	Do.
3694	Electrical equipment for internal combustion engines.	750		
3699	Electrical machinery, equipment, and supplies, n.e.c.	750		
	Major group 37—Transportation Equipment:			
3711	Motor vehicles and passenger car bodies	1,000		
3713	Truck and bus bodies	750		
3714	Motor vehicle parts and accessories	750		
3715	Truck trailers	750		
3716	Motor homes	750		
3721	Aircraft	1,500	1,000	Revision of size standard.
3724	Aircraft engines and engine parts	1,000		
3728	Aircraft parts and auxiliary equipment, n.e.c.	1,000		
3731	Ship building and repairing	1,000		
3732	Boat building and repairing	750		
3743	Railroad and street cars	750		
3751	Motorcycles, bicycles, and parts	750		
3761	Guided missiles and space vehicles	1,000		
3764	Guided missile engines and engine parts	1,000		
3769	Guided missile and space vehicle parts and auxiliary equipment, n.e.c.	1,000		
3792	Travel trailers and campers	750		
3799	Transportation equipment, n.e.c.	750		
	Major group 38—Instruments and Related Products:			
3811	Engineering and scientific instruments	750		
3822	Automatic temperature controls	750		
3823	Industrial process measurement and control instruments.	750		
3824	Totalizing fluid meters and counting devices	750		
3825	Instruments to measure electricity	750		
3826	Laboratory analytical instruments	750		
3827	Optical instruments and lenses	750		
3829	Measuring and controlling devices, n.e.c.	750		
3831	Optical instruments and lenses	750		
3841	Surgical and medical instruments and apparatus.	750	500	Do.
3842	Orthopedic, prosthetic, and surgical appliances and supplies.	750		
3843	Dental equipment and supplies	750		
3844	X-ray apparatus and tubes and therapeutic X-ray apparatus.	750		
3845	Electromedical and electrotherapeutic apparatus.	750		
3851	Ophthalmic goods	750		
3861	Photographic equipment and supplies	750	500	Do.
3873	Watches, clocks, clockwork operated devices, and parts.	750		
	Major group 39—Rubber and Miscellaneous Plastics Products:			
3911	Jewelry, precious metal	500	250	Do.
3914	Silverware, plated and stainless steel flatware.	500		
3915	Jewelers' findings and materials and lapidary work.	500		
3931	Musical instruments	500		
3942	Dolls and stuffed toys	500		
3949	Sporting and athletic goods, n.e.c.	500		
3951	Pens, mechanical pencils, and parts	500		
3952	Lead pencils, crayons, and artists' materials	500		
3953	Marking devices	500		
3955	Carbon paper and inked ribbons	500		
3961	Costume jewelry	500		
3962	Costume novelties, except precious metal	500		
3963	Buttons	500		
3964	Needles, pins, and fasteners	500		
3965	Fabricated textile products, n.e.c.	500		
3991	Brooms and brushes	500		
3993	Signs and advertising specialties	500		
3995	Burial caskets	500		
3996	Linoleum, asphalted-felt-base, and other hard surface floor covering, n.e.c.	750		
3999	Manufacturing industries, n.e.c.	500		

[1] The number of employees means the average employment of any concern and its affiliates based on the number of persons employed during the pay period ending nearest the last day of the third month in each calendar quarter for the preceding four quarters.

[2] Together with its affiliates does not employ more than 1,000 persons and does not have more than a combined capacity of 1,000 tons daily basis owned or leased by the firm.

[3] Is small if it is bidding on a contract for radio and television receiving type electron tubes (except cathode ray) within Census classification code 3671 and together with its affiliates does not manufacture or otherwise produce in the United States during the preceding calendar year more than (0%) three percent of the total value manufactured or produced of such tubes.

[4] Is small if it is bidding on a contract for radio and television receiving type electron tubes (except cathode ray) within Census classification code 3671 and together with its affiliates does not manufacture or otherwise produce in the United States during the preceding calendar year more than (0%) three percent of the total value manufactured or produced of such tubes.

[5] Is small if it is bidding on a contract for steam, gas, or hydraulic turbines or steam, gas or hydraulic turbine generator sets within Census classification code 3511 and together with its affiliates does not employ more than 2,500 persons and did not manufacture or produced of such engines, turbines or generator sets in the United States during the preceding calendar year more than (0%) three percent of the total value manufactured or produced in industry 3720. Missile control systems are classified in industry 3812.

[6] Guided missile engine and engine parts are classified in industry 3764. Missile control systems are classified in industry 3812.

[7] Is small if it is bidding on a contract for telephone and telegraph apparatus within Census classification code 3661 and together with its affiliates does not employ more than 2,500 persons and did not manufacture or otherwise produce in the United States during the preceding calendar year more than (0%) three percent of the total value manufactured or produced of such apparatus.

[8] Is small if it is bidding on a contract for steam, gas, or hydraulic turbines or steam, gas or hydraulic turbine generator sets within Census classification code 3511 and together with its affiliates does not employ more than 2,500 persons and did not manufacture or produced of such engines, turbines or generator sets in the United States during the preceding calendar year more than (0%) three percent of the total value manufactured or produced in industry 3720. Missile control systems are classified in industry 3812.

[9] Guided missile engine and engine parts are classified in industry 3764. Missile control systems are classified in industry 3812.

[10] Is small if it is bidding on a contract for telephone and telegraph apparatus within Census classification code 3661 and together with its affiliates does not employ more than 2,500 persons and did not manufacture or otherwise produce in the United States during the preceding calendar year more than (0%) three percent of the total value manufactured or produced of such apparatus.

[11] Is small if it is bidding on a contract for radio and television receiving type electron tubes (except cathode ray) within Census classification code 3671 and together with its affiliates does not employ more than 2,500 persons and did not manufacture or otherwise produce in the United States during the preceding calendar year more than (0%) three percent of the total value manufactured or produced of such tubes.

[12] Is small if it is bidding on a contract for radio and television receiving type electron tubes (except cathode ray) within Census classification code 3671 and together with its affiliates does not manufacture or otherwise produce in the United States during the preceding calendar year more than (0%) three percent of the total value manufactured or produced of such tubes.

[13] Is small if it is bidding on a contract for radio and television receiving type electron tubes (except cathode ray) within Census classification code 3671 and together with its affiliates does not manufacture or otherwise produce in the United States during the preceding calendar year more than (0%) three percent of the total value manufactured or produced of such tubes.

[14] Is small if it is bidding on a contract for radio and television receiving type electron tubes (except cathode ray) within Census classification code 3671 and together with its affiliates does not manufacture or otherwise produce in the United States during the preceding calendar year more than (0%) three percent of the total value manufactured or produced of such tubes.

[15] Is small if it is bidding on a contract for radio and television receiving type electron tubes (except cathode ray) within Census classification code 3671 and together with its affiliates does not manufacture or otherwise produce in the United States during the preceding calendar year more than (0%) three percent of the total value manufactured or produced of such tubes.

[16] Is small if it is bidding on a contract for radio and television receiving type electron tubes (except cathode ray) within Census classification code 3671 and together with its affiliates does not manufacture or otherwise produce in the United States during the preceding calendar year more than (0%) three percent of the total value manufactured or produced of such tubes.

[17] Is small if it is bidding on a contract for radio and television receiving type electron tubes (except cathode ray) within Census classification code 3671 and together with its affiliates does not manufacture or otherwise produce in the United States during the preceding calendar year more than (0%) three percent of the total value manufactured or produced of such tubes.

[18] Is small if it is bidding on a contract for radio and television receiving type electron tubes (except cathode ray) within Census classification code 3671 and together with its affiliates does not manufacture or otherwise produce in the United States during the preceding calendar year more than (0%) three percent of the total value manufactured or produced of such tubes.

[19] Is small if it is bidding on a contract for radio and television receiving type electron tubes (except cathode ray) within Census classification code 3671 and together with its affiliates does not manufacture or otherwise produce in the United States during the preceding calendar year more than (0%) three percent of the total value manufactured or produced of such tubes.

[20] Is small if it is bidding on a contract for radio and television receiving type electron tubes (except cathode ray) within Census classification code 3671 and together with its affiliates does not manufacture or otherwise produce in the United States during the preceding calendar year more than (0%) three percent of the total value manufactured or produced of such tubes.

[21] Is small if it is bidding on a contract for radio and television receiving type electron tubes (except cathode ray) within Census classification code 3671 and together with its affiliates does not manufacture or otherwise produce in the United States during the preceding calendar year more than (0%) three percent of the total value manufactured or produced of such tubes.

[22] Is small if it is bidding on a contract for radio and television receiving type electron tubes (except cathode ray) within Census classification code 3671 and together with its affiliates does not manufacture or otherwise produce in the United States during the preceding calendar year more than (0%) three percent of the total value manufactured or produced of such tubes.

[23] Is small if it is bidding on a contract for radio and television receiving type electron tubes (except cathode ray) within Census classification code 3671 and together with its affiliates does not manufacture or otherwise produce in the United States during the preceding calendar year more than (0%) three percent of the total value manufactured or produced of such tubes.

[24] Is small if it is bidding on a contract for radio and television receiving type electron tubes (except cathode ray) within Census classification code 3671 and together with its affiliates does not manufacture or otherwise produce in the United States during the preceding calendar year more than (0%) three percent of the total value manufactured or produced of such tubes.

[25] Is small if it is bidding on a contract for radio and television receiving type electron tubes (except cathode ray) within Census classification code 3671 and together with its affiliates does not manufacture or otherwise produce in the United States during the preceding calendar year more than (0%) three percent of the total value manufactured or produced of such tubes.

[26] Is small if it is bidding on a contract for radio and television receiving type electron tubes (except cathode ray) within Census classification code 3671 and together with its affiliates does not manufacture or otherwise produce in the United States during the preceding calendar year more than (0%) three percent of the total value manufactured or produced of such tubes.

[27] Is small if it is bidding on a contract for radio and television receiving type electron tubes (except cathode ray) within Census classification code 3671 and together with its affiliates does not manufacture or otherwise produce in the United States during the preceding calendar year more than (0%) three percent of the total value manufactured or produced of such tubes.

[28] Is small if it is bidding on a contract for radio and television receiving type electron tubes (except cathode ray) within Census classification code 3671 and together with its affiliates does not manufacture or otherwise produce in the United States during the preceding calendar year more than (0%) three percent of the total value manufactured or produced of such tubes.

[29] Is small if it is bidding on a contract for radio and television receiving type electron tubes (except cathode ray) within Census classification code 3671 and together with its affiliates does not manufacture or otherwise produce in the United States during the preceding calendar year more than (0%) three percent of the total value manufactured or produced of such tubes.

[30] Is small if it is bidding on a contract for radio and television receiving type electron tubes (except cathode ray) within Census classification code 3671 and together with its affiliates does not manufacture or otherwise produce in the United States during the preceding calendar year more than (0%) three percent of the total value manufactured or produced of such tubes.

[31] Is small if it is bidding on a contract for radio and television receiving type electron tubes (except cathode ray) within Census classification code 3671 and together with its affiliates does not manufacture or otherwise produce in the United States during the preceding calendar year more than (0%) three percent of the total value manufactured or produced of such tubes.

[32] Is small if it is bidding on a contract for rad

[1] The size standards for Census classification codes 30111, 30112, and 37171 are set forth in §§ 121.3-8(b)(4) and 121.3-8(b)(5) of the regulation.

[2] Is small if it is bidding on a contract for gypsum products within Census classification code 3275 and together with its affiliates does not employ more than 2,500 persons and did not manufacture or otherwise produce in the United States during the preceding calendar year more than (3%) three percent of the total value manufactured or produced of such gypsum products in the United States.

[3] Includes maintenance as defined in the Federal Aviation Regulations (14 CFR 1.1) but excludes contracts solely for preventive maintenance as defined in 14 CFR 1.1. As defined in the Federal Aviation Regulations:

" 'Maintenance' means inspection, overhaul, repair, preservation, and the replacement of parts, but excludes preventive maintenance. 'Preventive maintenance' means simple or minor preservation operations and the replacement of small standard parts not involving complex assembly operations."

[4] The three Standard Industrial Classification industries (3711, 3712, and 3716) have been combined because of a major problem of defining the reporting unit in terms of these industries. This difficulty arises from the fact that many large establishments have integrated operations which include the production of parts or bodies and the assembly of complete vehicles at the same location.

[F.R. Doc. 67-7493; Filed, July 6, 1967; 8:45 a.m.]

[13 CFR Part 121]

SMALL BUSINESS SIZE STANDARDS

Definitions of Small Business Manufacturers in Certain Manufacturing Industries and Classes of Products for Receiving Financial Assistance

Notice is hereby given that the Administrator of the Small Business Administration proposes to amend Part 121 of Chapter I of Title 13 of the Code of Federal Regulations and revise existing or establish new definitions of a small business manufacturer in certain manufacturing industries and classes of products, for the purpose of receiving financial assistance.

The financial assistance size standards for the manufacturing industries established in 1954 were based primarily on the 1947 Census of Manufactures and the 1948 Census of Business Statistics. As the 1954 and 1958 census data became available they were analyzed and some standards were revised. Since then the size structure of firms that provide effective competition in certain industries and classes of products has been affected by changes in (1) price levels and/or sales of physical volume of business, (2) production and distribution processes, and/or (3) the number of employment of companies. Further, the 1967 Edition of the Standard Industrial Classification Manual, prepared and published by the Bureau of the Budget, Executive Office of the President, contains changes in the composition of certain industries and subindustries. All of these factors make obsolete the current size standards for certain industries.

Accordingly, the size standards for certain industries and classes of products require revision. In addition, size standards need to be established for newly recognized industries and classes of products.

Proposed Schedule A with Explanation of Changes lists the various industries or classes of products and their census classification codes, the proposed size standard for each, the current standard if different than the proposed standard and the nature of each change.

Interested persons may file with the Small Business Administration, within 15 days after publication of this proposal in the FEDERAL REGISTER, written statements of facts, opinions or arguments concerning the proposal.

All correspondence shall be addressed to:

Associate Administrator for Procurement and Management Assistance, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416, Attention: Size Standards Staff.

Dated: June 23, 1967.

BERNARD L. BOUTIN,
Administrator.

PROPOSED SCHEDULE A WITH EXPLANATION OF CHANGES

Census classification code	Industry or class of products	Proposed size standard (number of employees)[1]	Size standard currently in effect[2]	Type of change
	Major group 23—Apparel and Related Products, except for the following industries.	250		
2342	Corsets and allied garments	500	250	Revision of size standard.
2371	Men's, youths', and boys' shirts (except work shirts), collars, and nightwear	500		
2311	Men's, youths', and boys' suits, coats, and overcoats	500	250	Do.
	Major group 28—Chemicals and Allied Products			
2891	Adhesives and gelatin	250		
2879	Agricultural pesticides, and other agricultural chemicals, n.e.c.	500		Includes former industry 2873, Agricultural pesticides, with same size standard.
2812	Alkalies and chlorine	1,000		
2831	Biological products	500	250	Revision of size standard.
2895	Carbon black	750	500	Do.
2823	Cellulosic manmade fibers	1,000		
2899	Chemicals and chemical preparations, n.e.c.	250		Includes former industry 2894, Fatty acids, with 500-employee size standard.
2815	Cyclic intermediates, dyes, organic pigments (lakes and toners), and cyclic (coal tar) crudes	750		Includes former industry 2814, Cyclic (coal tar) crudes, with 500-employee size standard.
2892	Explosives	750		
2871	Fertilizers	500		
2872	Fertilizers, mixing only	500		
2861	Gum and wood chemicals	500		
2813	Industrial gases [5]	1,000		Revision of size standard. See footnote.
2819	Industrial inorganic chemicals, n.e.c.	750		
2818	Industrial organic chemicals, n.e.c.	1,000		
2816	Inorganic pigments	1,000		
2833	Medicinal chemicals and botanical products	750		Includes former industry 2852, Putty, caulking compounds and allied products with same size standard.
2851	Paints, varnishes, lacquers, enamels, and allied products	250		
2844	Perfumes, cosmetics, and other toilet preparations	750	500	Revision of size standard.
2834	Pharmaceutical preparations	1,000	750	Do.
2821	Plastics materials, synthetic resins, and nonvulcanizable elastomers	750		
2893	Printing ink	250		
2841	Soap and other detergents, except specialty cleaners	1,000	750	Do.
2842	Specialty cleaning, polishing, and sanitation preparations, except soap and detergents	500		
2843	Surface active agents, finishing agents, sulfonated oils and assistants	250		
2824	Synthetic organic fibers, except cellulosic	1,000		
2822	Synthetic rubber (vulcanizable elastomers)	1,000		
	Major Group 36—Electrical machinery, equipment, and supplies			
3624	Carbon and graphite products	750		
3672	Cathode ray picture tubes	750		
3643	Current-carrying wiring devices	500		
3634	Electric housewares and fans	750		
3641	Electric lamps	1,000		
3611	Electric measuring instruments and test equipment	500		
3694	Electrical equipment for internal combustion engines	750		
3629	Electrical industrial apparatus, n.e.c.	500		
3699	Electrical machinery, equipment, and supplies, n.e.c.	500		
3679	Electronic components and accessories, n.e.c.	500		
3493	Steel springs	500		
3494	Valves and pipe fittings, except plumbers' brass goods	500		
	Major group 20—Food and Kindred Products:			
2394	Animal and marine fats and oils	500		Includes former industries 2006, Animal and marine fats and oils, except grease and tallow, and 2004, Grease and tallow, with same size standards.
2063	Beet sugar	750		
2045	Blended and prepared flour	500		
2086	Bottled and canned soft drinks and carbonated waters	250		
2051	Bread and other bakery products, except cookies and crackers	250		
2071	Candy and other confectionery products	250		
2061	Cane sugar, except refining only	750		
2062	Cane sugar refining	250		
2091	Canned and cured fish and seafoods	500		
2033	Canned fruits, vegetables, preserves, jams, and jellies	1,000		
2032	Canned specialties	1,000		
2043	Cereal preparations	500		Includes processed and other cheese products from former industry 2026, Special dairy products, with same size standard.
2022	Cheese, natural and processed			
2073	Chewing gum	500	500	Revision of size standard.
2072	Chocolate and cocoa products	500		
2023	Condensed and evaporated milk	750		
2052	Cookies and crackers	250		
2074	Cottonseed oil mills	250		
2021	Creamery butter	750		
2085	Distilled, rectified, and blended liquors	500		
2034	Dried and dehydrated fruits and vegetables	750	500	Do.
2087	Flavoring extract and flavoring syrups, n.e.c.	500		
2041	Flour and other grain mill products	500		
2026	Fluid milk	250		
2099	Food preparations, n.e.c.	500		
20992	Peanuts (ready-to-mix)	500		
20994	Baking powder and yeast	250		
2092	Fresh or frozen packaged fish and sea foods	500		
2037	Frozen fruits, fruit juices, vegetables, and specialties	500		
2024	Ice cream and frozen desserts	250		
2098	Macaroni, spaghetti, vermicelli, and noodles	250		
2083	Malt	750	500	Do.
2082	Malt liquors	500		
2097	Manufactured ice	500		
2011	Meat packing plants	250		
2035	Pickled fruits and vegetables; vegetable sauces and seasonings; salad dressings	500	250	Do.
2015	Poultry and small game dressing and packing, wholesale	250		
2042	Prepared feeds for animals and fowls	250		
2044	Rice milling	500	250	Formerly included in industry 2099, Food preparations, n.e.c., with 250-employee size standard.
2095	Roasted coffee			
2013	Sausages and other prepared meat products	500		
2080	Shortening, table oils, margarine, and other edible fats and oils, n.e.c.	750		
2075	Soybean oil mills	1,000	500	Revision of size standard.
2076	Vegetable oil mills, except corn, cottonseed, and soybean	1,000		
2046	Wet corn milling	750		
2084	Wines, brandy, and brandy spirits	250		

[5] See footnotes at end of table.

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Census classification code	Industry or class of products	Proposed size standard (number of employees)[1]	Size standard currently in effect[2]	Type of change
3630	Household appliances, n.e.c.	500		
3631	Household cooking equipment	750		
3633	Household laundry equipment	1,000		
3632	Household refrigerators and home and farm freezers	1,000		
3635	Household vacuum cleaners	750		
3823	Industrial controls	750		
3642	Lighting fixtures	500		
3621	Motors and generators	1,000		
3644	Noncurrent-carrying wiring devices	500		
3652	Phonograph records	750		
3612	Power, distribution, and specialty transformers	750		
3692	Primary batteries, dry and wet	1,000		
3651	Radio and television receiving sets, except communication types	750		
3671	Radio and television receiving type electron tubes, except cathode ray	1,000		
3662	Radio and television transmitting, signaling, and detection equipment and apparatus [3]	750		
3693	Radiographic X-ray, fluoroscopic X-ray, therapeutic X-ray, and other X-ray apparatus and tubes; electromedical and electrotherapeutic apparatus	750	500	Do.
3674	Semiconductors and related devices	1,000	500	Formerly included in industry 3679, Electronic components and accessories, n.e.c., with 500-employee size standard.
3636	Sewing machines	750		
3691	Storage batteries	750		
3613	Switchgear and switchboard apparatus	750		
3661	Telephone and telegraph apparatus	1,000		
3673	Transmitting, industrial, and special purpose electron tubes	750		
3699	Welding apparatus	500		
	Major Group 34—Fabricated Metal Products, Except Ordnance, Machinery, and Transportation Equipment:			
3446	Architectural and ornamental metal work	250		Formerly included in industry 3449, Architectural and miscellaneous metal work, with same size standard.
3452	Bolts, nuts, screws, rivets, and washers	500		
3479	Coating, engraving, and allied services, n.e.c.	250		
3498	Collapsible tubes	750	500	Revision of size standard.
3421	Cutlery	250		
3471	Electroplating, plating, polishing, anodizing, and coloring	750		
3431	Enameled iron and metal sanitary ware	250		
3499	Fabricated metal products, n.e.c.	500		
3498	Fabricated pipe and fabricated pipe fittings	500		
3443	Fabricated plate work (boiler shops)	500		
3441	Fabricated structural steel	500		
3423	Hand and edge tools, except machine tools and hand saws	250		
3425	Hand saws and saw blades	500		
3429	Hardware, n.e.c.	500		
3433	Heating equipment, except electric	1,000		
3411	Metal cans	750		
3442	Metal doors, sash, frames, molding, and trim	500		
3497	Metal foil and leaf	500		
3491	Metal shipping barrels, drums, kegs, and pails	250		
3461	Metal stampings	500		
3481	Miscellaneous fabricated wire products	500		
3449	Miscellaneous metal work	500		
3432	Plumbing fixture fittings and trim (brass goods)	1,000	500	Do.
3402	Sales and vaults	250		
3451	Screw machine products	500		
3444	Sheet metal work			

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Census classification code	Industry or class of products	Proposed size standard (number of employees)[1]	Size standard currently in effect[2]	Type of change
	Major group 25—Furniture and Fixtures, except for the following industry.	250		
2522	Metal office furniture	500		
	Major group 31—Leather and Leather Products, except for the following industry.	250		
3141	Footwear, except house slippers and rubber footwear	500		
	Major group 24—Lumber and Wood Products, except for the following industry.	250		
2445	Cooperage	500	250	Do.
	Major group 35—Machinery, Except Electrical:			
3585	Air conditioning equipment and commercial and industrial refrigeration machinery and equipment.	750		
3581	Automatic merchandising machines	250		
3562	Ball and roller bearings	750		
3564	Blowers and exhaust and ventilation fans	250		
3574	Calculating and accounting machines, except electronic computing equipment.	750	1,000	Formerly included in industry 3571, Computing and accounting machines, including cash registers, with 1,000-employee size standard.
3582	Commercial laundry, dry cleaning, and pressing machines	250		
3531	Construction machinery and equipment	750		
3535	Conveyors and conveying equipment	250		
3573	Electronic computing equipment	1,000		Formerly included in industry 3571, Computing and accounting machines, including cash registers, with same size standard.
3534	Elevators and moving stairways	500		
3522	Farm machinery and equipment	500		
3551	Food products machinery	250		
3599	General industrial machinery and equipment, n.e.c.	250		
3536	Hoists, industrial cranes, and monorail systems.	500		
3598	Industrial patterns	250		
3567	Industrial process furnaces and ovens	250		
3537	Industrial trucks, tractors, trailers, and stackers.	250		
3519	Internal combustion engines, n.e.c.	1,000		
3545	Machine tool accessories and measuring devices.	250		
38492	Precision-measuring tools	500		
3541	Machine tools, metal cutting types	500		
3542	Machine tools, metal forming types	500		
3586	Measuring and dispensing pumps	500		
3568	Mechanical power transmission equipment, except ball and roller bearings.	500		
3548	Metalworking machinery, except machine tools; and power driven hand tools.	500		
3532	Mining machinery and equipment, except oil field machinery and equipment.	500		
3599	Miscellaneous machinery, except electrical	250		Includes former industry 3591, Machine shops, jobbing and repair, with same size standard.
3579	Office machines, n.e.c.	500		
3533	Oil field machinery and equipment	500		
3554	Paper industries machinery	250		
3555	Printing trades machinery and equipment	500		
3561	Pumps, air and gas compressors, and pumping equipment.	500		
3576	Scales and balances, except laboratory	250		
3589	Service industry machines, n.e.c.	250		Includes former industry 3584, Vacuum cleaners, industrial, with same size standard.
3544	Special dies and tools, die sets, jigs, and fixtures.	500		
3599	Special industry machinery, n.e.c.	250		
3511	Steam engines, steam, gas, and hydraulic turbines, and steam, gas, and hydraulic turbine generator set units.	1,000		
3552	Textile machinery	250		
3572	Typewriters	1,000		
3553	Woodworking machinery	250		
	Major group 39—Miscellaneous Manufacturing Industries:			
3991	Brooms and brushes	250		Former industry 3991, Brooms and brushes, with same size standard.
3988	Buttons	250		
3955	Carbon paper and inked ribbons	500	250	Revision of size standard.
3943	Children's vehicles, except bicycles	250		
3961	Costume jewelry and costume novelties, except precious metal.	250		
3942	Dolls	250		
3962	Feathers, plumes, and artificial flowers	250		
3941	Games and toys, except dolls and children's vehicles.	250		
3913	Jewelers' findings and materials	250		
3911	Jewelry, precious metal	250		
3913	Lapidary work	250		
3952	Lead pencils, crayons, and artists' materials	250		
3996	Linoleum, asphalted-felt-base, and other hard surface floor coverings, n.e.c.	700		Former industry 3982, with same title and size standard.
3999	Manufacturing industries, n.e.c.	250		Includes former industries 3964, Candles, 3962, Furs, dressed and dyed; and 3987, Lamp shades, and 3996, Umbrellas, parasols and canes, with same size standards.
38608	Matches	750	500	Revision of size standard for former industry 3963 of same title.
3953	Marking devices	250		
3604	Morticians' goods	250		
3631	Musical instruments	500		
3964	Needles, pins, hooks and eyes, and similar notions.	250		
3951	Pens, pen points, fountain pens, ball point pens, mechanical pencils, and parts.	500		
3993	Signs and advertising displays	250		
3914	Silverware, plated ware, and stainless steel ware.	500		
3949	Sporting and athletic goods, n.e.c.	250		
	Major group 19—Ordnance and Accessories:			
1979	Ammunition, except for small arms, n.e.c.	500	250	Revision of size standard. Includes former industries 1923, Ammunition loading and assembling, and 1921, Artillery ammunition, with 250-employee size standards.
1928	Guided missiles and space vehicles, completely assembled.	1,000	250	Revision of size standard. Formerly included in industry 1929, Ammunition, n.e.c., with 250-employee size standard.
1191	Guns, howitzers, mortars, and related equipment.	500	250	Revision of size standard.
1999	Ordnance and accessories, n.e.c.	500	250	Do.
1941	Sighting and fire control equipment	500	250	Do.
1951	Small arms	1,000		
1953	Small arms ammunition	1,000		
1931	Tanks and tank components	1,000		
	Major group 26—Paper and Allied Products:			
2643	Bags, except textile bags	500		
2661	Building paper and building board mills	750		
2649	Converted paper and paperboard products, n.e.c.	500		

Census classification code	Industry or class of products	Proposed size standard (number of employees)[1]	Size standard currently in effect[2]	Type of change
2653	Corrugated and solid fiber boxes	500	250	Do.
2645	Die cut paper and paperboard and cardboard.	250		
2642	Envelopes	250		
2655	Fiber cans, tubes, drums, and similar products.	250		
2651	Folding paperboard boxes	250		
2641	Paper coating and glazing	500		
2621	Paper mills, except building paper mills	750		
2631	Paperboard mills	750		
2646	Pressed and molded pulp goods	1,000	750	Do.
2611	Pulp mills	750		
2656	Sanitary food containers	1,000	500	Formerly included in industry 2649, Converted paper and paperboard products, n.e.c., with 500-employee size standard.
2647	Sanitary paper products			
2652	Set-up paperboard boxes	250		
2644	Wallpaper	250		
	Major group 29—Petroleum Refining and Related Industries:			
2952	Asphalt felts and coatings	750		
2992	Lubricating oils and greases	500		
2951	Paving mixtures and blocks	250		
2911	Petroleum refining [3]	1,000		Revision of size standard. See footnote.
2999	Products of petroleum and coal, n.e.c.	250		
	Major group 33—Primary Metal Industries:			
3361	Aluminum castings	250		
3313	Blast furnaces (including coke ovens), steel works, and rolling mills.	1,000		
3369	Brass, bronze, copper, copper base alloy castings.	250		
3316	Cold rolled steel sheet, strip, and bars	1,000		
3357	Drawing and insulating of nonferrous wire	1,000	750	Revision of size standard.
3313	Electrometallurgical products	500		
3321	Gray iron foundries	500		
3391	Iron and steel forgings	500		
3322	Malleable iron foundries	250		
3369	Nonferrous castings, n.e.c.	500	250	Do.
3392	Nonferrous forgings	750		
3399	Primary metal products, n.e.c.	1,000		
3334	Primary production of aluminum	1,000		
3331	Primary smelting and refining of copper	1,000		
3332	Primary smelting and refining of lead	750		
3339	Primary smelting and refining of nonferrous metals, n.e.c.	750		
3333	Primary smelting and refining of zinc	750		
3352	Rolling, drawing, and extruding of aluminum	750		
3351	Rolling, drawing, and extruding of copper	750		
3356	Rolling, drawing, and extruding of nonferrous metals, except copper and aluminum.			
3341	Secondary smelting and refining of nonferrous metals.	250		
3325	Steel foundries	500		
3317	Steel pipes and tubes	1,000		
3315	Steel wire drawing and steel nails and spikes	1,000		
	Major group 27—Printing and Publishing Industries, except for the following industry.	250		
2771	Greeting card publishing	500	250	Do.
	Major group 38—Professional, Scientific, and Controlling Instruments; Photographic and Optical Goods; Watches and Clocks:			
3822	Automatic temperature controls	750	500	Do.
3843	Dental equipment and supplies	250		
3811	Engineering, laboratory, and scientific and research instruments and associated equipment.	750	500	Do.
3821	Mechanical measuring and controlling instruments, except automatic temperature controls.	500		
3851	Ophthalmic goods	250		
3831	Optical instruments and lenses	250		
3842	Orthopedic, prosthetic, and surgical appliances and supplies.	250		
3861	Photographic equipment and supplies	750	500	Do.
3841	Surgical and medical instruments and apparatus.	500	250	Do.
3872	Watchcases	750		
3871	Watches, clocks, clockwork operated devices, and parts, except watchcases.			
	Major group 30—Rubber and Miscellaneous Plastics Products:			
3069	Fabricated rubber products, n.e.c.	500		
3079	Miscellaneous plastics products	250		
3031	Reclaimed rubber	1,000	750	Do.
3021	Rubber footwear	1,000		
3011	Tires and inner tubes	1,000		
	Major group 32—Stone, Clay, Glass, and Concrete Products:			
3291	Abrasive products	250		
3292	Asbestos products	750		
3251	Brick and structural clay tile	250		
3241	Cement, hydraulic	1,000	750	Do.
3253	Ceramic wall and floor tile	500		
3255	Clay refractories	250		
3271	Concrete block and brick	250		
3272	Concrete products, except block and brick	250		
3281	Cut stone and stone products	250		
3263	Fine earthenware (whiteware) table and kitchen articles.	500		
3211	Flat glass	1,000		
3293	Gaskets, packing, and asbestos insulations	500		
3221	Glass containers	750		
3231	Glass products, made of purchased glass	250		
3275	Gypsum products	1,000		
3274	Lime	500		
3296	Mineral wool	1,000	750	Do.
3295	Minerals and earths, ground or otherwise treated.	250		
3297	Nonclay refractories	750		
3299	Nonmetallic mineral products, n.e.c.	250		
3264	Porcelain electrical supplies	500		
3269	Pottery products, n.e.c.	250		
3229	Pressed and blown glass and glassware, n.e.c.	750		
3273	Ready-mixed concrete	250		
3259	Structural clay products, n.e.c.	250		
3261	Vitreous china plumbing fixtures and china and earthenware fittings and bathroom accessories.	750		
3262	Vitreous china table and kitchen articles	750	500	Do.
	Major group 22—Textile Mill Products:			
2295	Artificial leather, oilcloth, and other impregnated and coated fabrics except rubberized.	250		
2211	Broad woven fabric mills, cotton	1,000		
2221	Broad woven fabric mills, manmade fiber and silk.	750	500	Do.
2231	Broad woven fabric mills, wool: including dyeing and finishing.	250		
2279	Carpets and rugs, n.e.c.	500		
2298	Cordage and twine	250		
2291	Felt goods, except woven felts and hats	250		
2261	Finishers of broad woven fabrics of cotton	500		
2262	Finishers of broad woven fabrics of manmade fiber and silk.	500		
2269	Finishers of textiles, n.e.c.	500		
2252	Hosiery, except women's full length and knee length hosiery.	250		
2258	Knit fabric mills	250		
2253	Knit outerwear mills	250		

[1] See footnotes at end of table.

Census classification code	Industry or class of products	Proposed size standard (number of employees) [1]	Size standard currently in effect [2]	Type of change
2254	Knit underwear mills	500	250	Do.
2259	Knitting mills, n.e.c.	250		
2292	Lace goods	250		
2241	Narrow fabrics and other smallwares mills: Cotton, wool, silk, and manmade fiber.	250		
2262	Paddings and upholstery filling	250		
2394	Processed waste and recovered fibers and flock	250		
2299	Textile goods, n.e.c	250		
2284	Thread mills	500		
2296	Tire cord and fabric	1,000		
2272	Tufted carpets and rugs	500		
2251	Women's full length and knee length hosiery, seamless and full-fashioned	250		
2297	Wool scouring, worsted combing, and tow to top mills	250		
2271	Woven carpets and rugs	750		
2283	Yarn mills, wool, including carpet and rug yarn	250		
2281	Yarn spinning mills: Cotton, manmade fibers and silk	500		
2282	Yarn throwing, twisting, and winding mills; cotton, manmade fibers and silk	250		
	Major group 21—Tobacco Manufactures:			
2111	Cigarettes	1,000		
2121	Cigars	750	500	Do.
2131	Tobacco (chewing and smoking) and snuff	1,000	500	Do.
2141	Tobacco stemming and redrying	500		
	Major group 37—Transportation Equipment:			
3721	Aircraft [3]	1,500		
3722	Aircraft engines and engine parts [3 4]	1,500	1,000	Do.
3729	Aircraft parts and auxiliary equipment, n.e.c. [3]	1,000		
3728	Aircraft propellers and propeller parts [4]	1,500	1,000	Do.
3732	Boat building and repairing	250		
3741	Locomotives and parts	1,000		
3717	Motor vehicles and parts [5]	1,000		
3751	Motorcycles, bicycles, and parts	500		
3742	Railroad and street cars	750		
3731	Ship building and repairing	1,000		
3791	Trailer coaches	250		
3799	Transportation equipment, n.e.c	250		
3713	Truck and bus bodies	250		
3715	Truck trailers (full)	500		

[1] The "number of employees" means the average employment of any concern and its affiliates based on the number of persons employed during the pay period ending nearest the last day of the third month in each calendar quarter for the preceding four quarters.

[2] Together with its affiliates does not employ more than 1,000 persons and does not have more than a combined capacity of 1,500 tons daily from owned or leased facilities.

[3] Guided missile engines and engine parts are classified in SIC 3722. Missile control systems are classified in SIC 3662.

[4] Together with its affiliates does not employ more than 1,000 persons and does not have more than 50,000 barrels-per-day capacity from owned and leased facilities.

[5] Includes maintenance as defined in the Federal Aviation Regulations (14 CFR 1.1) but excludes contracts solely for preventive maintenance as defined in 14 CFR 1.1. As defined in the Federal Aviation Regulations:

"'Maintenance' means inspection, overhaul, repair, preservation, and the replacement of parts, but excludes preventive maintenance. 'Preventive maintenance' means simple or minor preservation operations and the replacement of small standard parts not involving complex assembly operations."

[6] The three Standard Industrial Classification industries (3711, 3712, and 3714) have been combined because of a major problem of defining the reporting unit in terms of these industries. This difficulty arises from the fact that many large establishments have integrated operations which include the production of parts or bodies and the assembly of complete vehicles at the same location.

[F.R. Doc. 67-7483; Filed, July 6, 1967; 8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 67-SO-65]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Kinston, N.C., control zone.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Area Manager, Atlanta Area Office, Attention: Chief, Air Traffic Branch, Federal Aviation Administration, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The Kinston control zone described in § 71.171 (32 F.R. 2071) would be redesignated as:

Within a 5-mile radius of Stallings Field (latitude 35°19'40" N., longitude 77°37'05" W.), effective from 0600 to 0030 hours, local time, daily.

An airport activity appraisal conducted at Stallings Field, Kinston, N.C., disclosed that airline personnel are performing aviation weather observations and reporting duties from 0530 to 0030, local time, daily and scheduled air carrier flights are operating from 0626 to 0004 local time, daily. To provide controlled airspace necessary for the protection of IFR operations, it is necessary to redesignate the effective hours of operation of the Kinston control zone from 0600 to 0030, local time, daily.

The official docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Administration, Room 724, 3400 Whipple Street, East Point, Ga.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)).

Issued in East Point, Ga., on June 27, 1967.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 67-7606; Filed, July 6, 1967; 8:49 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-SO-66]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Fort Stewart, Ga., control zone.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Area Manager, Atlanta Area Office, Attention: Chief, Air Traffic Branch, Federal Aviation Administration, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The Fort Stewart control zone described in 71.171 (32 F.R. 2071) would be redesignated as:

Within a 5-mile radius of Liberty AAF (latitude 31°53'20" N., longitude 81°33'45" W.); within a 1.5-mile radius of Liberty County Airport (latitude 31°47'22" N., longitude 81°38'15" W.); within 2 miles each side of the 231° bearing from the Liberty RBN, extending from the 5-mile radius zone to 8 miles southwest of the RBN; within 2 miles each side of the 049° bearing from the Stewart RBN, extending from the 5-mile radius zone to 2 miles northeast of the RBN.

The proposed control zone extension predicated on the 231° bearing from the Liberty RBN is required for the protection of aircraft executing the (NDB ADF-1) approach procedure.

Because of the redefinement of the final approach radial (NDB ADF-2), it is necessary to redesignate the extension predicated on the 048° bearing from the Stewart RBN to the 049° bearing.

The official docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Administration, Room 724, 3400 Whipple Street, East Point, Ga.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)).

Issued in East Point Ga., on June 27, 1967.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 67-7607; Filed, July 6, 1967; 8:49 a.m.]

[14 CFR Part 91]

[Docket No. 8258; Notice 67-25]

FOREIGN CIVIL AIRCRAFT IN THE UNITED STATES

Proposed Operation

The Federal Aviation Administration is considering amending Part 91 of the Federal Aviation Regulations to set forth certain of the conditions under which a foreign civil aircraft may be operated in the United States without a currently effective airworthiness certificate.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before September 5, 1967, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Section 610(a)(1) of the Federal Aviation Act of 1958 prohibits any person from operating in air commerce any civil aircraft for which there is not currently in effect an airworthiness certificate, or in violation of any such certificate. However, under section 610(b) of the Act, foreign aircraft and airmen serving in connection therewith may be exempted from the provisions of subsection (a) to the extent and, upon such terms and conditions, as may be prescribed by the Administrator as being in the public interest.

The navigation of foreign civil aircraft in the United States is subject to the permission of the Civil Aeronautics Board under section 1108(b) of the Act. Part 375 of the Board's Special Regulations implements section 1108(b) and sets forth the rules, conditions, and limitations applicable to the navigation of foreign aircraft in the United States. As a general rule, foreign civil aircraft registered in any foreign country which at the time is a member of the International Civil Aviation Organization created by the Chicago Convention (ICAO) may be operated in the United States if they carry aboard currently effective certificates of registration and airworthiness, issued or rendered valid by the country of registry. Moreover, the Board has granted blanket permission in Part 375 for the operation of these foreign aircraft for certain specified purposes without airworthiness certificates on condition that an air safety flight authorization for such aircraft is obtained from the Administrator of the FAA. On the other hand, aircraft registered in foreign countries that are not members of ICAO may be operated in the United States only under special authorization from the Board.

In the past, the air safety flight authorizations referred to in Part 375 of the Board's Special Regulations have been issued by the FAA in the form of individual exemptions under section 610(b) of the Act. However, in the light of the increasing number of requests for such authorizations being received by the FAA, it is now considered appropriate to implement the provisions of section 610(b) of the Act by regulation. In this connection, it is proposed to add a new § 91.28 which would permit certain foreign civil aircraft to be operated without appropriate airworthiness certificates if the aircraft are engaged in specified operations which have been found by the Administrator to be in the public interest. Permission would be granted through the issuance of special airworthiness flight authorizations. Applications for the authorizations would have to be made to the FAA Regional Office of the Region in which the applicant is located and the regulation contemplates the issuance of the authorizations in the field under a delegation of authority from the Administrator. In order to assure that the operations permitted under this regulation are conducted safely, the regulation would provide for the imposition by the issuing Region of appropriate conditions and limitations on the special authorizations.

The purposes for which a special airworthiness flight authorization would be issued under this regulation parallel those specified by the Civil Aeronautics Board in Part 375 of its regulations as requiring FAA authorization. These purposes include, among other things, the operation in the United States of a foreign aircraft that is not in full compliance with the comprehensive and detailed airworthiness code of the country of registry but which is to be operated at an exhibition or air show. The proposal would also provide for the issuance of an authorization for new model aircraft of foreign manufacture that have not been issued airworthiness certificates but for which permission to conduct demonstration flights in the United States is desired. In addition, it would cover foreign registered aircraft of U.S. manufacture that are brought to the United States for alterations that invalidate their airworthiness certificates. The authorizations issued under this amendment would constitute the air safety flight authorization referred to by the Board in its regulations.

These amendments are proposed under the authority of sections 313(a), 601, 603, and 610(b) of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1421, 1423, and 1430).

In consideration of the foregoing, it is proposed to amend Part 91 of the Federal Aviation Regulations as follows:

1. By amending the introductory clause of paragraph (a) of § 91.27 to read as follows:

§ 91.27 Civil aircraft certificates required.

(a) Except as provided in § 91.28, no person may operate a civil aircraft unless it has within it—

* * * * * *

2. By amending § 91.27(b) by inserting the words "or a special airworthiness flight authorization issued under § 91.28" immediately after the word "section".

3. By adding the following new section after § 91.27:

§ 91.28 Special airworthiness flight authorizations for foreign civil aircraft.

(a) Foreign civil aircraft may be operated without the airworthiness certificate required under § 91.27 if a special airworthiness flight authorization for that operation is issued under this section. Application for a special airworthiness flight authorization must be made to the FAA Region in which the applicant is located.

(b) The Administrator may issue a special airworthiness flight authorization for a foreign civil aircraft for any of the following purposes, subject to any conditions that he considers necessary to establish that the aircraft is capable of safe flight:

(1) The flight of an aircraft to a place where repairs or alterations are to be made, if the country of registry determines that the aircraft has been damaged to the extent that the airworthiness certificate is invalid.

(2) The flight of an aircraft to a new country of registry, if the airworthiness certificate has been invalidated by the country of registry due to change in nationality.

(3) The flight of an aircraft of U.S. manufacture for flight testing or giving training in the operation of the aircraft to the buyer or his employees or designees, or for the purpose of ferrying the aircraft to make an export delivery outside of the United States, whenever title to the aircraft has passed to a foreign buyer and there is no airworthiness certificate for it.

(4) The flight of an aircraft for any purpose stated in subparagraph (3) of this paragraph, in the case of a foreign civil aircraft brought to the United States for alterations which invalidate its airworthiness certificate.

(5) The flight of a foreign civil aircraft brought to the United States for the purpose of demonstration or test of the whole or any part thereof.

(6) The flight of a foreign civil aircraft for any other purpose specifically authorized for that aircraft by an authorization issued by the Civil Aeronautics Board.

(c) An aircraft of U.S. manufacture may be operated for the purposes stated in paragraph (b)(3) of this section even though no registration certificate has been issued by the country of the foreign buyer, if the aircraft bears identification markings issued by the country of registry or intended registry.

Issued in Washington, D.C., on June 30, 1967.

JAMES F. RUDOLPH,
Acting Director,
Flight Standards Service.

[F.R. Doc. 67-7806; Filed, July 6, 1967; 8:49 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

STATEMENT OF ORGANIZATION, FUNCTIONS, AND PROCEDURES

Correction

In F.R. Doc. 67-7135, appearing in the issue for Saturday, June 24, 1967, at page 9031, make the following changes:

1. In section 4(a), delete line 6 reading "Stat. 54) provides that '* * * each".

2. In section 4(b), line 2, delete the word "the" preceding the word "Director".

3. In section 6(c)(2), line 22, delete "; the General Arrangements to" and insert instead "and its affiliates, the Inter-Amer-".

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[New Mexico 1613]

NEW MEXICO

Notice of Proposed Classification

Pursuant to section 2 of the Act of September 19, 1964 (43 U.S.C. 1412), notice is hereby given of a proposal to classify the lands described below for disposal through exchange, under the Act of June 28, 1934 (48 Stat. 1269; 43 U.S.C. 315g), as amended, for lands within Valencia County, N. Mex.

The District Advisory Board, local governmental officials and other interested parties have been notified of this application. Information derived from discussions and other sources indicate that these lands meet the criterion of 43 CFR 2410.1-3(c)(4), which authorizes classification of lands "for exchange under appropriate authority where they are found to be chiefly valuable for public purposes because they have special values, arising from the interest of exchange proponents, for exchange for other lands which we need for the support of a Federal Program." Information concerning the lands, including the record of public discussions, is available for inspection and study in the Land Office, Bureau of Land Management, U.S. Post Office and Federal Building, Santa Fe, N. Mex. 87501, Socorro District Office, 200 Neel Avenue, Socorro, N. Mex. 87801, and Albuquerque District Office, 1304 Fourth Street NW., Albuquerque, N. Mex. 87107.

For a period of 60 days from the date of this publication, interested parties may submit comments to the District Manager of the Socorro or Albuquerque District Office.

The lands affected by this proposal are located in San Juan, Socorro and McKinley Counties, New Mexico, and are described as follows:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 2 N., R. 6 W.,
Sec. 2, lots 1, 2, 3, 4, and S½N½.
T. 18 N., R. 8 W.,
Sec. 2, lots 3, 4, and S½NW¼;
Sec. 10.
T. 19 N., R. 8 W.,
Sec. 2;
Sec. 16, lots 3, 4, 5, 6, 7, NE¼, NE¼SW¼, and N½SE¼;
Sec. 18, lots 3, 4, and E½SW¼;
Sec. 21, N½, SW¼, and N½SE¼.
T. 19 N., R. 9 W.,
Sec. 13;
Sec. 14, N½ and SE¼;
Sec. 24, W½ and SE¼;
Sec. 34, SW¼.
T. 13 N., R. 12 W.,
Sec. 18;
Sec. 24, N½ and N½S½.
T. 14 N., R. 13 W.,
Sec. 24, N½ and SE¼.
T. 15 N., R. 13 W.,
Sec. 2, S½NE¼ and SE¼;
Sec. 16, W½SE¼ and SE¼SE¼;
Sec. 22, NE¼ and SW¼;
Sec. 36, SW¼.
T. 23 N., R. 13 W.,
Sec. 15, SW¼;
Sec. 20, SW¼SE¼.
T. 14 N., R. 14 W.,
Sec. 4.
T. 16 N., R. 14 W.,
Sec. 4;
Sec. 6, lots 3, 4, 5, 6, 7, SE¼NW¼, E½SW¼, and SE¼.
T. 17 N., R. 14 W.,
Sec. 34, lots 1, 2, 3, 4, and S½S½.
T. 15 N., R. 15 W.,
Sec. 14, NE¼;
Sec. 16, N½.
T. 16 N., R. 15 W.,
Sec. 6, lots 3, 4, 5, and SE¼NW¼;
Sec. 10, NE¼.
T. 17 N., R. 15 W.,
Sec. 34, lots 1, 2, 3, 4, and S½S½.
T. 15 N., R. 16 W.,
Secs. 8, 10 and 12;
Sec. 14, lots 1, 2, 3, and 4.
T. 15 N., R. 20 W.,
Sec. 2, lots 1, 4, S½N½, and S½;
Sec. 24, E½.

The areas described aggregate 13,482.15 acres.

W. J. ANDERSON,
State Director.

[F.R. Doc. 67-7776; Filed, July 6, 1967; 8:46 a.m.]

[Colorado 1369]

COLORADO

Proposed Classification of Public Lands for Multiple Use Management

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18), and to the regulations in 43 CFR, Parts 2410 and 2411, it is proposed to classify for multiple use management the public lands within the areas described below, together with any lands therein that may become public lands in the future. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose. Publication of this notice has the effect of segregating all lands described in this notice from appropriation only under the agricultural land laws (43 U.S.C. Parts 7 and 9, 25 U.S.C. 334) and from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171), and the lands shall remain open to all other applicable forms of appropriation including the mining and mineral leasing laws.

2. Public lands proposed for classification are located within the following described areas and are shown on maps on file in the Montrose District Office, Bureau of Land Management, Highway 550 South, Montrose, Colo., and Land Office, Bureau of Land Management, New Federal Building, Denver, Colo.

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

MONTROSE COUNTY

T. 41 N., R. 14 W.,
Secs. 5 to 8, inclusive;
Secs. 16 to 18, inclusive.
T. 42 N., R. 14 W.,
Secs. 19 to 23, inclusive;
Sec. 24, W½W½;
Sec. 25, W½W½;
Secs. 26 to 35, inclusive;
Sec. 36, W½W½.
T. 42 N., R. 15 W.,
Secs. 19 to 36, inclusive.
T. 42 N., R. 16 W.,
Secs. 19 to 30, inclusive;
Sec. 32, E½;
Secs. 33 to 36, inclusive.
T. 42 N., R. 17 W.,
Secs. 23 to 25, inclusive.

SAN MIGUEL COUNTY

T. 42 N., R. 10 W.,
Sec. 4.
T. 42 N., R. 14 W.,
Secs. 4 to 9, inclusive;
Secs. 16 to 18, inclusive.
T. 42 N., R. 15 W.,
Sec. 1;
Secs. 3 to 9, inclusive;
Secs. 11 to 15, inclusive;
Secs. 17 to 18, inclusive.
T. 42 N., R. 16 W.,
Secs. 1 to 5, inclusive;
Secs. 7 to 18, inclusive;
Secs. 17 to 18, inclusive.
T. 42 N., R. 17 W.,
Secs. 1 to 5, inclusive;
Sec. 6, that portion north and east of Dolores River;
Secs. 7 to 18, inclusive.
T. 42 N., R. 18 W.,
All lands north and east of Dolores River in projected secs. 1 to 3, inclusive, and 12 to 14, inclusive.
T. 43 N., R. 10 W.,
Secs. 5 to 8, inclusive;
Secs. 17 to 18, inclusive;
Sec. 19, N½N½;
Secs. 20 to 28, inclusive;
Secs. 26 to 29, inclusive;
Sec. 33.

T. 43 N., R. 11 W.,
Secs. 1 to 7, inclusive;
Secs. 9 to 14, inclusive;
Secs. 23 to 24, inclusive;
Sec. 26.
T. 43 N., R. 12 W.,
Secs. 1 to 3, inclusive;
Secs. 4 to 8, inclusive;
Sec. 7, N½NE¼;
Secs. 8 to 10, inclusive;
Sec. 21;
Secs. 27 to 29, inclusive;
Sec. 34.
T. 43 N., R. 14 W.,
Secs. 5 to 8, inclusive;
Secs. 17 to 20, inclusive;
Sec. 31.
T. 43 N., R. 15 W.,
Secs. 2 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 43 N., R. 16 W.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.
T. 43 N., R. 17 W.,
Secs. 1 to 18, inclusive;
Secs. 13 to 36, inclusive.
T. 43 N., R. 18 W.,
Secs. 1 to 3, inclusive;
Sec. 3, that portion north and east of Dolores River;
Projected Sec. 4, that portion north and east of Dolores River;
Projected sec. 10, that portion north and east of Dolores River;
Projected sec. 11;
Sec. 12;
Projected secs. 13 to 14, inclusive;
Projected sec. 15, that portion north and east of Dolores River;
Projected secs. 22 to 23, inclusive, that portion north and east of Dolores River;
Projected secs. 24 to 26, inclusive;
Projected sec. 27, that portion south and east of Dolores River;
Projected secs. 34 to 35, inclusive, that portion north and east of Dolores River;
Projected sec. 36.
T. 44 N., R. 11 W.,
Secs. 19 to 35, inclusive.
T. 44 N., R. 12 W.,
Secs. 3 to 5, inclusive;
Secs. 8 to 10, inclusive;
Secs. 14 to 17, inclusive;
Sec. 20;
Secs. 22 to 27, inclusive;
Secs. 29 to 32, inclusive;
Sec. 35.
T. 44 N., R. 13 W.,
Secs. 5 to 6, inclusive.
T. 44 N., R. 14 W.,
Secs. 1 to 9, inclusive;
Secs. 17 to 21, inclusive;
Secs. 28 to 34, inclusive.
T. 44 N., R. 15 W.,
Secs. 3 to 4, inclusive;
Secs. 6 to 11, inclusive;
Sec. 17;
Secs. 19 to 20, inclusive;
Secs. 24 to 26, inclusive;
Secs. 29 to 33, inclusive.
T. 44 N., R. 16 W.,
Secs. 1 to 6, inclusive;
Secs. 9 to 11, inclusive;
Secs. 14 to 15, inclusive;
Secs. 17 to 23, inclusive;
Secs. 25 to 34, inclusive.
T. 44 N., R. 17 W.,
Secs. 1 to 5, inclusive;
Secs. 7 to 36, inclusive.
T. 44 N., R. 18 W.,
Secs. 2 to 29, inclusive;
Secs. 30 to 34, inclusive, that portion north and east of Dolores River;
Secs. 35 to 36, inclusive.
T. 44 N., R. 19 W.,
Secs. 1 to 6, inclusive;
Secs. 7 to 18, inclusive, that portion north of McIntyre Canyon and east of Dolores River;
Secs. 24 to 25, inclusive, that portion east of Dolores River;
Sec. 36, that portion east of Dolores River.
T. 44 N., R. 20 W.,
Secs. 1 to 2, inclusive;
Secs. 11 to 12, inclusive, that portion north of McIntyre Canyon.
T. 45 N., R. 12 W.,
Sec. 18, S½;
Secs. 19 to 20, inclusive;
Secs. 26 to 30, inclusive;
Sec. 33.
T. 45 N., R. 13 W.,
Sec. 13, S½;
Sec. 18, S½;
Sec. 19;
Secs. 29 to 32, inclusive.
T. 45 N., R. 14 W.,
Sec. 13, S½;
Sec. 14, S½;
Sec. 15, S½;
Sec. 18, S½;
Sec. 19;
Secs. 22 to 27, inclusive;
Secs. 29 to 35, inclusive.
T. 45 N., R. 15 W.,
Sec. 13, S½;
Sec. 14, S½;
Sec. 15, S½;
Sec. 17, S½;
Sec. 18, S½;
Secs. 19 to 34, inclusive.
T. 45 N., R. 16 W.,
Sec. 13, S½;
Sec. 14, S½;
Sec. 15, S½;
Sec. 17, S½;
Sec. 18, S½;
Secs. 19 to 35, inclusive.
T. 45 N., R. 17 W.,
Sec. 13, S½;
Sec. 14, S½;
Sec. 15, S½;
Sec. 16, S½;
Sec. 17, S½;
Sec. 18, S½;
Secs. 19 to 36, inclusive.
T. 45 N., R. 18 W.,
Secs. 13, S½;
Sec. 14, S½;
Sec. 15, S½;
Sec. 17, S½;
Sec. 18, S½;
Secs. 19 to 36, inclusive.
T. 45 N., R. 19 W.,
Sec. 13, S½;
Sec. 14, S½;
Sec. 15, S½;
Sec. 17, S½;
Sec. 18, S½;
Secs. 19 to 36, inclusive.
T. 45 N., R. 20 W.,
Sec. 13, S½;
Sec. 14, S½;
Secs. 23 to 26, inclusive;
Secs. 35 to 36, inclusive.

MONTROSE COUNTY

T. 45 N., R. 12 W.,
Sec. 13, N½.
T. 45 N., R. 13 W.,
Secs. 1 to 3, inclusive;
Secs. 10 to 12, inclusive;
Sec. 13, N½;
Sec. 14, N½.
T. 45 N., R. 14 W.,
Sec. 4;
Secs. 6 to 9, inclusive;
Sec. 15, N½;
Sec. 16, N½.
T. 45 N., R. 15 W.,
Secs. 1 to 3, inclusive;
Secs. 11 to 13, inclusive;
Sec. 13, N½;
Sec. 14, N½;
Sec. 17, N½;
Sec. 18, N½.
T. 45 N., R. 16 W.,
Secs. 1 to 13, inclusive;
Sec. 13, N½;
Sec. 14, N½;
Sec. 15, N½;
Sec. 17, N½;
Sec. 18, N½.
T. 45 N., R. 17 W.,
Secs. 1 to 12, inclusive;
Sec. 13, N½;
Sec. 14, N½;
Sec. 15, N½;
Sec. 16, N½;
Sec. 17, N½;
Sec. 18, N½.
T. 45 N., R. 18 W.,
Secs. 1 to 12, inclusive;
Sec. 13, N½;
Sec. 14, N½;
Sec. 15, N½;
Sec. 16, N½;
Sec. 17, N½;
Sec. 18, N½.
T. 45 N., R. 19 W.,
Secs. 1 to 12, inclusive;
Sec. 13, N½;
Sec. 14, N½;
Sec. 15, N½;
Sec. 16, N½;
Sec. 17, N½;
Sec. 18, N½.
T. 45 N., R. 20 W.,
Secs. 1 to 20, inclusive;
Secs. 11 to 12, inclusive;
Sec. 13, N½;
Sec. 14, N½.
T. 46 N., R. 13 W.,
Secs. 19 to 21, inclusive;
Secs. 28 to 33, inclusive.
T. 46 N., R. 14 W.,
Secs. 1 to 20, inclusive;
Sec. 31;
Secs. 33 to 36, inclusive.
T. 46 N., R. 15 W.,
Secs. 1 to 4, inclusive;
Secs. 10 to 14, inclusive;
Sec. 15, SE¼;
Sec. 21, S½S½, NE¼SW¼;
Sec. 22, E½SW¼, S½NW¼;
Secs. 23 to 32, inclusive;
Secs. 34 to 36, inclusive.
T. 46 N., R. 16 W.,
Sec. 4, that portion south of San Miguel River;
Secs. 5 to 9, inclusive;
Sec. 10, that portion south of San Miguel River;
Sec. 14, that portion south of San Miguel River;
Secs. 15 to 19, inclusive;
Secs. 21 to 23, inclusive;
Secs. 25 to 36, inclusive.
T. 46 N., R. 17 W.,
Secs. 1 to 7, inclusive;
Secs. 9 to 36, inclusive.
T. 46 N., R. 18 W.,
Secs. 1 to 36, inclusive.
T. 46 N., R. 19 W.,
Secs. 1 to 36, inclusive.
T. 46 N., R. 20 W.,
Secs. 1 to 3, inclusive;
Secs. 10 to 14, inclusive;
Secs. 23 to 26, inclusive;
Secs. 35 to 36, inclusive.
T. 47 N., R. 14 W.,
Secs. 19 to 21, inclusive;
Secs. 28 to 33, inclusive.

T. 47 N., R. 15 W.,
Secs. 4 to 9, inclusive;
Secs. 16 to 21, inclusive;
Secs. 28 to 33, inclusive.
T. 47 N., R. 16 W.,
Secs. 1 to 15, inclusive;
Secs. 17 to 24, inclusive;
Secs. 28, W½;
Secs. 29 to 32, inclusive;
Sec. 33, W½.
T. 47 N., R. 17 W.,
Secs. 1 to 36, inclusive.
T. 47 N., R. 18 W.,
Secs. 1 to 3, inclusive;
Sec. 4, NE¼, NE¼NW¼;
Sec. 9, E½SW¼, SE¼NE¼;
Secs. 10 to 15, inclusive;
Secs. 19 to 20, inclusive;
Sec. 23, S½S½;
Secs. 29 to 36, inclusive.
T. 47 N., R. 19 W.,
Secs. 4 to 11, inclusive;
Secs. 13 to 36, inclusive.
T. 47 N., R. 20 W.,
Secs. 1 to 3, inclusive;
Secs. 10 to 15, inclusive;
Secs. 22 to 27, inclusive;
Secs. 34 to 36, inclusive.
T. 48 N., R. 15 W.,
Sec. 19;
Sec. 21;
Secs. 28 to 33, inclusive.
T. 48 N., R. 16 W.,
Secs. 3 to 10, inclusive;
Secs. 13 to 36, inclusive.
T. 48 N., R. 17 W.,
Secs. 1 to 36, inclusive.
T. 48 N., R. 18 W.,
Sec. 1;
Sec. 2, lots 1, 2, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, S½;
Sec. 3, lots 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, S½;
Sec. 4, lots 3, 9, 11, 13, 14, 15, 16, S½;
Sec. 5, lots 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, S½;
Sec. 6, lots 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, SE¼, E½SW¼;
Secs. 7 to 29, inclusive;
Sec. 30, N½, SE¼, N½SW¼, SE¼SW¼;
Sec. 32, N½N½, S½NE¼, SE¼NW¼, N½SE¼;
Secs. 33 to 36, inclusive.
T. 48 N., R. 19 W.,
Projected sec. 1, lots 9, 10, 11, 12, 13, 14, 15, 16, S½;
Sec. 6;
Projected secs. 9 to 14, inclusive;
Sec. 15;
Projected sec. 16;
Secs. 20 to 23, inclusive;
Projected secs. 24 to 25, inclusive;
Secs. 26 to 29, inclusive;
Secs. 32 to 36, inclusive.
T. 48 N., R. 20 W.,
Secs. 34 to 36, inclusive.
T. 49 N., R. 16 W.,
Sec. 19, S½, S½N½;
Sec. 20, S½, S½N½;
Secs. 29 to 32, inclusive.
T. 49 N., R. 17 W.,
Sec. 19, SE¼, S½NE¼;
Sec. 20, S½, S½N½;
Sec. 21, S½, S½N½;
Sec. 22, S½, S½N½;
Sec. 23, S½, S½N½;
Sec. 24, S½, S½N½;
Secs. 25 to 29, inclusive;
Sec. 30, E½, E½W½;
Secs. 31 to 36, inclusive.
T. 49 N., R. 18 W.,
Sec. 36, E½.

MESA COUNTY

T. 40 N., R. 16 W.,
Sec. 7;
Secs. 17 to 18, inclusive;
Sec. 19, N½N½;
Sec. 20, N½N½.
T. 40 N., R. 17 W.,
Secs. 1 to 3, inclusive;
Sec. 4, E½, SW¼, E½NW¼;
Sec. 5, E½SE¼;
Sec. 8, E½, E½SW¼;
Secs. 9 to 15, inclusive;
Sec. 17, E½, E½W½;
Sec. 19, N½NE¼;
Sec. 20, N½E½;
Sec. 21, N½, E½;
Sec. 26, N½E½;
Sec. 28, E½E½;
Sec. 34, E½E½.
T. 50 N., R. 17 W.,
Sec. 33, S½SE¼;
Sec. 34, S½.

The areas described aggregate approximately 650,305 acres of public land.

3. For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the District Manager, Bureau of Land Management, Highway 550 South, Montrose, Colo.

4. A public hearing on the proposed classification will be held on August 11, 1967, at 10 a.m. in the District Courtroom in the County Courthouse at Montrose, Colo.

E. I. ROWLAND,
State Director.

[F.R. Doc. 67-7777; Filed, July 6, 1967; 8:46 a.m.]

[R 617]

CALIFORNIA

Notice of Proposed Classification of Public Lands for Multiple Use Management

1. Pursuant to the Act of September 19, 1964, (43 U.S.C. 1411-18), and to the regulations in 43 CFR 2410 and 2411, it is proposed to classify for multiple use management the public lands in paragraph 3, together with any lands in the area described in paragraph 2 that may become public lands in the future. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. Publication of this notice has the effect of segregating the public lands in paragraph 3 from appropriation under the agricultural land laws (43 U.S.C. Chs. 7 and 9; 25 U.S.C., sec. 334), and from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171).

3. The overall description of the planning unit is as follows:

MOUNT DIABLO MERIDIAN

INYO AND TULARE COUNTIES

T. 22 S., R. 36 E.
T. 22 S., R. 37 E.
T. 23 S., R. 35 E.,
Secs. 25 and 36.
T. 23 S., R. 36 E.
T. 23 S., R. 37 E.
T. 23 S., R. 38 E.,
West of the Los Angeles Aqueduct.
T. 24 S., R. 35 E.,
Secs. 1, 12, 13, 24, 25, 26.
T. 24 S., R. 36 E.
T. 24 S., R. 37 E.
T. 24 S., R. 38 E.,
West of the Los Angeles Aqueduct.

These lands lie in the extreme southeastern portion of Tulare County and southwestern portion of Inyo County. The public lands which are being classified aggregate 3,977.58 acres; the remainder is withdrawn land not subject to classification, as shown on the map on file in the District Office, Room 311, Federal Building, 800 Truxtun Avenue, Bakersfield, Calif. 93301 and as noted on the records in the Land Office, 1414 University Avenue, Riverside, Calif. 92507.

4. For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the District Manager, Bureau of Land Management, Room 311, Federal Building, 800 Truxtun Avenue, Bakersfield, Calif. 93301.

5. A public hearing will be held on the proposed classification if sufficient public interest exists to warrant the time and expense of a hearing (43 CFR 2411.2(a)(2)).

For the State Director.

ROBERT J. SPRINGER,
District Manager.

[F.R. Doc. 67-7778; Filed, July 6, 1967; 8:46 a.m.]

CALIFORNIA

Notice of Filing of California State Protraction Diagram

JUNE 29, 1967.

Notice is hereby given that effective August 14, 1967, the following protraction diagram, approved April 7, 1967, is officially filed and of record in the Riverside District and Land Office. In accordance with Title 43, Code of Federal Regulations, this protraction will become the basic record for describing the land for all authorized purposes at and after 10 a.m. on the above effective date. Until this date and time, the diagram has been placed in the open files and is available to the public for information only.

CALIFORNIA PROTRACTION DIAGRAM NO. 30

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 18 N., R. 3 E.,
Secs. 1 to 12, inclusive;
Sec. 13, N½, SW¼;
Secs. 14 and 15;
Secs. 26 to 27, inclusive;
Sec. 28, NE¼, S½;
Sec. 33, N½, SE¼;
Secs. 34 to 36, inclusive.

T. 18 N., R. 4 E.,
Sec. 6;
Sec. 7, N½, SW¼;
Sec. 13, NW¼, S½;
Sec. 14, E½;
Sec. 18, NW¼;
Sec. 20, S½;
Sec. 21, S½;
Sec. 23, NE¼;
Sec. 24, N½, SE¼;
Sec. 25, NE¼, S½;
Sec. 26, S½;
Sec. 27, NW¼, S½;
Secs. 28 to 36, inclusive.
T. 18 N., R. 5 E.,
Sec. 3, N½;
Sec. 7, E½;
Sec. 8, W½, SE¼;
Sec. 9, SW¼;
Sec. 15, SW¼, excluding mineral survey;
Sec. 17;
Sec. 18, NE¼, S½, excluding mineral survey;
Sec. 19, excluding mineral survey;
Sec. 20;
Sec. 21, excluding mineral surveys;
Sec. 22, NW¼, S½, excluding mineral surveys;
Sec. 23, S½;
Sec. 28, S½;
Secs. 26 to 28, inclusive, excluding mineral surveys;
Secs. 29 to 33, inclusive;
Secs. 34 to 36, inclusive, excluding mineral surveys.
T. 19 N., R. 3 E.,
Secs. 1 and 2;
Sec. 3, N½, SE¼;
Sec. 4, N½, N½;
Sec. 5, N½, N½;
Sec. 6, N ½, SW¼;
Sec. 10, E½;
Secs. 11 to 14, inclusive;
Sec. 15, NE¼;
Sec. 22, SE¼;
Secs. 23 to 26, inclusive;
Sec. 27, E½, SW¼;
Sec. 31, S½;
Sec. 32, S½;
Sec. 33, S½;
Secs. 34 and 35.
T. 19 N., R. 4 E.,
Sec. 5, W½;
Secs. 6 and 7;
Sec. 8, W½;
Sec. 17, W½;
Secs. 18 and 19;
Sec. 20, W½;
Sec. 29, W½;
Secs. 30 and 31;
Sec. 32, W½.
T. 19 N., R. 5 E.,
Sec. 1;
Sec. 2, excluding mineral survey;
Secs. 3 to 6, inclusive;
Sec. 7, NE¼;
Sec. 8, N½;
Sec. 9, N½;
Secs. 10 to 14, inclusive;
Sec. 15, N½, SE¼;
Sec. 22, E½;
Secs. 23 to 26, inclusive;
Secs. 35 and 36.

Copies of this diagram are for sale at one dollar ($1.00) each by the Cadastral Engineering Office, Bureau of Land Management, 4017 Courthouse and Federal Building, 650 Capitol Mall, Sacramento, Calif. 95814 and the District and Land Office, Bureau of Land Management, 1414 University Avenue, Post Office Box 723, Riverside, Calif. 92502.

IRA J. PEAVY,
Acting Manager.

[F.R. Doc. 67-7779; Filed, July 6, 1967; 8:47 a.m.]

CALIFORNIA

Notice of Filing of California State Protraction Diagram

JUNE 29, 1967.

Notice is hereby given that effective August 14, 1967, the following protraction diagram, approved April 7, 1967, is officially filed and of record in the Riverside District and Land Office. In accordance with Title 43, Code of Federal Regulations, this protraction will become the basic record for describing the land for all authorized purposes at and after 10 a.m. on the above effective date. Until this date and time, the diagram has been placed in the open files and is available to the public for information only.

CALIFORNIA PROTRACTION DIAGRAM NO. 37

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 25 S., R. 44 E.,
Secs. 1 to 3, inclusive;
Secs. 10 to 15, inclusive;
Secs. 22 to 27, inclusive;
Secs. 34 to 36, inclusive.
T. 25 S., R. 45 E.,
Secs. 1 to 18, inclusive;
Secs. 19 and 20, excluding mineral survey;
Secs. 21 to 29, inclusive;
Secs. 30 and 31, excluding mineral survey;
Secs. 32 to 36, inclusive.
T. 25 S., R. 46 E.,
Secs. 1 to 36, inclusive.
T. 26 S., R. 44 E.,
Sec. 1;
Secs. 2 and 11, excluding mineral survey;
Secs. 12 to 14, inclusive;
Secs. 22 to 27, inclusive;
Secs. 34 to 36, inclusive.
T. 26 S., R. 45 E.,
Secs. 1 to 36, inclusive.
T. 26 S., R. 46 E.,
Secs. 1 to 36, inclusive.

Copies of this diagram are for sale at one dollar ($1.00) each by the Cadastral Engineering Office, Bureau of Land Management, 4017 Courthouse and Federal Building, 650 Capitol Mall, Sacramento, Calif. 95814 and the District and Land Office, Bureau of Land Management, 1414 University Avenue, Post Office Box 723, Riverside, Calif. 92502.

IRA J. PEAVY,
Acting Manager.

[F.R. Doc. 67-7780; Filed, July 6, 1967; 8:47 a.m.]

CALIFORNIA

Notice of Filing of California State Protraction Diagram

JUNE 29, 1967.

Notice is hereby given that effective August 14, 1967, the following protraction diagram, approved April 7, 1967, is officially filed and of record in the Riverside District and Land Office. In accordance with Title 43, Code of Federal Regulations, this protraction will become the basic record for describing the land for all authorized purposes at and after 10 a.m. on the above effective date. Until this date and time, the diagram has been placed in the open files and is available to the public for information only.

CALIFORNIA PROTRACTION DIAGRAM NO. 46

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 27 S., R. 43 E.,
Secs. 1 to 36, inclusive.
T. 27 S., R. 44 E.,
Secs. 1 to 36, inclusive.
T. 27 S., R. 45 E.,
Secs. 1 to 36, inclusive.
T. 28 S., R. 43 E.,
Secs. 1 to 36, inclusive.
T. 28 S., R. 44 E.,
Secs. 1 to 36, inclusive.
T. 28 S., R. 45 E.,
Secs. 1 to 36, inclusive.

Copies of this diagram are for sale at one dollar ($1.00) each by the Cadastral Engineering Office, Bureau of Land Management, 4017 Courthouse and Federal Building, 650 Capitol Mall, Sacramento, Calif. 95814 and the District and Land Office, Bureau of Land Management, 1414 University Avenue, Post Office Box 723, Riverside, Calif. 92502.

IRA J. PEAVY,
Acting Manager.

[F.R. Doc. 67-7781; Filed, July 6, 1967; 8:47 a.m.]

CALIFORNIA

Notice of Filing of California State Protraction Diagram

JUNE 29, 1967.

Notice is hereby given that effective August 14, 1967, the following protraction diagram, approved April 7, 1967, is officially filed and of record in the Riverside District and Land Office. In accordance with Title 43, Code of Federal Regulations, this protraction will become the basic record for describing the land for all authorized purposes at and after 10 a.m. on the above effective date. Until this date and time, the diagram has been placed in the open files and is available to the public for information only.

CALIFORNIA PROTRACTION DIAGRAM NO. 49

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 29 S., R. 45 E.,
Secs. 1 to 5, inclusive;
Sec. 6, E½;
Sec. 8, N½;
Sec. 9, N½;
Sec. 10, N½, SE¼;
Secs. 11 and 12;
Sec. 13, N½, E½SW¼, SE¼;
Sec. 24, E½, E½NW¼.
T. 30 S., R. 44 E.,
Secs. 1 to 36, inclusive.
T. 31 S., R. 45 E.,
Secs. 3 to 10, inclusive;
Sec. 15.

Copies of this diagram are for sale at one dollar ($1.00) each by the Cadastral Engineering Office, Bureau of Land Management, 4017 Courthouse and Federal Building, 650 Capitol Mall, Sacramento, Calif. 95814 and the District and Land Office, Bureau of Land Management, 1414 University Avenue, Post Office Box 723, Riverside, Calif. 92502.

IRA J. PEAVY,
Acting Manager.

[F.R. Doc. 67-7782; Filed, July 6, 1967; 8:47 a.m.]

CALIFORNIA

Notice of Filing of California State Protraction Diagram

JUNE 29, 1967.

Notice is hereby given that effective August 14, 1967, the following protraction diagram, approved April 7, 1967, is officially filed and of record in the Riverside District and Land Office. In accordance with Title 43, Code of Federal Regulations, this protraction will become the basic record for describing the land for all authorized purposes at and after 10 a.m. on the above effective date. Until this date and time, the diagram has been placed in the open files and is available to the public for information only.

CALIFORNIA PROTRACTION DIAGRAM NO. 50

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 28 S., R. 46 E.,
Secs. 1 to 36, inclusive.
T. 28 S., R. 47 E.,
Secs. 4 to 9, inclusive;
Secs. 17 to 19, inclusive;
Secs. 20, N½, SW¼.
T. 29 S., R. 46 E.,
Secs. 1 to 36, inclusive.
T. 29 S., R. 47 E.,
Secs. 3 to 10, inclusive;
Secs. 15 to 22, inclusive;
Sec. 27, N½, SW¼;
Secs. 28 to 33, inclusive.
T. 30 S., R. 46 E.,
Secs. 1 to 36, inclusive.
T. 30 S., R. 47 E.,
Secs. 3 to 10, inclusive;
Sec. 15, N½, SW¼;
Secs. 16 to 21, inclusive;
Secs. 28 to 32, inclusive;
Sec. 33, N½, SW¼.

Copies of this diagram are for sale at one dollar ($1.00) each by the Cadastral Engineering Office, Bureau of Land Management, 4017 Courthouse and Federal Building, 650 Capitol Mall, Sacramento, Calif. 95814 and the District and Land Office, Bureau of Land Management, 1414 University Avenue, Post Office Box 723, Riverside, Calif. 92502.

IRA J. PEAVY,
Acting Manager.

[F.R. Doc. 67-7783; Filed, July 6, 1967; 8:47 a.m.]

CALIFORNIA

Notice of Filing of California State Protraction Diagram

JUNE 29, 1967.

Notice is hereby given that effective August 14, 1967, the following protraction diagram, approved April 7, 1967, is officially filed and of record in the Riverside District and Land Office. In accordance with Title 43, Code of Federal Regulations, this protraction will become the basic record for describing the land for all authorized purposes at and after 10 a.m. on the above effective date. Until this date and time, the diagram has been placed in the open files and is available to the public for information only.

CALIFORNIA PROTRACTION DIAGRAM NO. 51

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 26 S., R. 47 E.,
Secs. 4 to 9, inclusive;
Secs. 16 to 21, inclusive;
Secs. 28 to 33, inclusive, excluding mineral survey.
T. 26 S., R. 47 E.,
Secs. 4 to 8, inclusive;
Sec. 9, NE¼, W½;
Secs. 18 and 19;
Sec. 20, W½, SE¼;
Sec. 28, W½, SE¼;
Secs. 29 to 33, inclusive.
T. 27 S., R. 46 E.,
Secs. 1 to 36, inclusive.
T. 27 S., R. 47 E.,
Secs. 5 to 7, inclusive;
Sec. 8, N½, SW¼;
Secs. 18 to 20, inclusive;
Sec. 21, W½, SE¼;
Secs. 28 to 33, inclusive.

Copies of this diagram are for sale at one dollar ($1.00) each by the Cadastral Engineering Office, Bureau of Land Management, 4017 Courthouse and Federal Building, 650 Capitol Mall, Sacramento, Calif. 95814 and the District and Land Office, Bureau of Land Management, 1414 University Avenue, Post Office Box 723, Riverside, Calif. 92502.

IRA J. PEAVY,
Acting Manager.

[F.R. Doc. 67-7784; Filed, July 6, 1967; 8:47 a.m.]

CALIFORNIA

Notice of Filing of California State Protraction Diagram

JUNE 29, 1967.

Notice is hereby given that effective August 14, 1967, the following protraction diagram, approved April 7, 1967, is officially filed and of record in the Riverside District and Land Office. In accordance with Title 43, Code of Federal Regulations, this protraction will become the basic record for describing the land for all authorized purposes at and after 10 a.m. on the above effective date. Until this date and time, the diagram has been placed in the open files and is available to the public for information only.

CALIFORNIA PROTRACTION DIAGRAM NO. 56

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 18 N., R. 1 E.,
Secs. 1 to 15, inclusive;
Secs. 17 to 36, inclusive.
T. 18 N., R. 2 E.,
Sec. 1, E½;
Sec. 4, W½;
Secs. 5 to 8, inclusive;
Sec. 9, W½;
Sec. 12, E½;
Sec. 15, W½, SE¼;
Secs. 17 to 22, inclusive;
Sec. 28, W½, SE¼;
Secs. 26 to 34, inclusive;
Sec. 35, N½, SW¼.
T. 18½ N., R. 1 E.,
Secs. 31 to 35, inclusive.
T. 19 N., R. 1 E.,
Sec. 1, N½, SE¼;
Sec. 2, N½;
Sec. 3, N½;
Sec. 4, N½, SW¼;
Sec. 5, E½;
Sec. 8, E½;
Sec. 9, W½;
Sec. 12, NE¼;
Sec. 26, S½;
Sec. 27, S½;
Sec. 28, W½, SE¼;
Sec. 29;
Sec. 30, NE¼, S½;
Secs. 31 to 35, inclusive.
T. 19 N., R. 2 E.,
Secs. 1 to 11, inclusive;
Secs. 14 and 15;
Secs. 17 to 23, inclusive;
Secs. 26 to 33, inclusive;
Sec. 34, N½, SW¼;
Sec. 35, N½.

Copies of this diagram are for sale at one dollar ($1.00) each by the Cadastral Engineering Office, Bureau of Land Management, 4017 Courthouse and Federal Building, 650 Capitol Mall, Sacramento, Calif. 95814 and the District and Land Office, Bureau of Land Management, 1414 University Avenue, Post Office Box 723, Riverside, Calif. 92502.

IRA J. PEAVY,
Acting Manager.

[F.R. Doc. 67-7785; Filed, July 6, 1967; 8:47 a.m.]

CALIFORNIA

Notice of Filing of California State Protraction Diagram

JUNE 29, 1967.

Notice is hereby given that effective August 14, 1967, the following protraction diagram, approved April 7, 1967, is officially filed and of record in the Riverside District and Land Office. In accordance with Title 43, Code of Federal Regulations, this protraction will become the basic record for describing the land for all authorized purposes at and after 10 a.m. on the above effective date. Until this date and time, the diagram has been placed in the open files and is available to the public for information only.

CALIFORNIA PROTRACTION DIAGRAM NO. 57

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 12 N., R. 2 E.,
Sec. 5, N½, SW¼;
Sec. 6.
T. 13 N., R. 1 E.,
Sec. 25, NW¼, S½;
Sec. 26, NE¼, S½;
Sec. 35, N½, SE¼;
Sec. 36.
T. 13 N., R. 2 E.,
Sec. 31, NE¼, S½;
Sec. 32, NW¼, S½.
T. 14 N., R. 2 E.,
Sec. 3, N½, SW¼;
Secs. 4 and 5;
Sec. 6, N½, SE¼;
Sec. 13, NE¼, S½;
Secs. 24 and 25;
Sec. 36, N½.

Copies of this diagram are for sale at one dollar ($1.00) each by the Cadastral

Engineering Office, Bureau of Land Management, 4017 Courthouse and Federal Building, 650 Capitol Mall, Sacramento, Calif. 95814 and the District and Land Office, Bureau of Land Management, 1414 University Avenue, Post Office Box 723, Riverside, Calif. 92502.

IRA J. PEAVY,
Acting Manager.

[F.R. Doc. 67-7786; Filed, July 6, 1967; 8:47 a.m.]

[C-2295]

COLORADO

Notice of Proposed Classification of Public Lands for Multiple Use Management

JUNE 30, 1967.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18), and to the regulations in 43 CFR 2410 and 2411, it is proposed to classify for multiple use management the public lands described in paragraph 3 below, together with any lands therein that may become public lands in the future.

2. Publication of this notice: (a) segregates the described lands from appropriation only under the agricultural land laws (43 U.S.C., Chs. 7 and 9; 25 U.S.C. sec. 334); from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171); and the lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws; (b) the lands described in paragraph 4 of this notice are further segregated from operation of the general mining laws (30 U.S.C. 20), but not the mineral leasing laws. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

3. The public lands proposed for classification are located within the following described area and are shown on a map and designated No. 1, located in the Canon City District Office, Bureau of Land Management, 1001 Main Street, Canon City, Colo.; and the Land Office, Bureau of Land Management, 1961 Stout Street, Denver, Colo.

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

T. 47 N., R. 10 E.,
Secs. 1 and 2.
T. 47 N., R. 11 E.,
Secs. 1 to 18, inclusive;
Sec. 17, E½.
T. 47 N., R. 12 E.,
Secs. 1 to 12, inclusive.
T. 48 N., R. 9 E.,
Sec. 1.
T. 48 N., R. 10 E.,
Secs. 1 to 6, inclusive;
Sec. 8, N½;
Secs. 9 to 16, inclusive;
Secs. 22 to 27, inclusive, and sec. 35.
T. 48 N., R. 11 E.,
Secs. 1 to 28, inclusive;
Secs. 31 to 36, inclusive.
T. 48 N., R. 12 E.,
Secs. 1 to 36, inclusive.
T. 49 N., R. 9 E.,
Secs. 1 to 3, inclusive;
Secs. 10 to 15, inclusive;
Secs. 22 to 27, inclusive.
T. 49 N., R. 10 E.,
Secs. 1 to 36, inclusive.
T. 49 N., R. 11 E.,
Secs. 1 to 36, inclusive.
T. 49 N., R. 12 E.,
Secs. 2 to 11, inclusive;
Secs. 14 to 23, inclusive;
Secs. 26 to 35, inclusive.
T. 50 N., R. 9 E.,
Secs. 34 and 35.
T. 50 N., R. 11 E.,
Secs. 1 to 35, inclusive.
T. 50 N., R. 12 E.,
Secs. 1 to 12, inclusive;
Secs. 14 to 23, inclusive;
Secs. 26 to 35, inclusive.

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 15 S., R. 70 W.,
Secs. 3 to 10, inclusive, and sec. 15;
Secs. 17 to 22, inclusive;
Secs. 27 to 34, inclusive.
T. 16 S., R. 68 W.,
Secs. 13 and 14;
Secs. 18 to 36, inclusive.
T. 16 S., R. 69 W.,
Secs. 18 to 36, inclusive.
T. 16 S., R. 70 W.,
Secs. 1 to 36, inclusive.
T. 17 S., R. 68 W.,
Secs. 1 to 13, inclusive;
Secs. 17 to 20, inclusive.
T. 17 S., R. 69 W.,
Secs. 1 to 36, inclusive.
T. 17 S., R. 70 W.,
Secs. 1 to 36, inclusive.
T. 17 S., R. 71 W.,
Secs. 1 to 8, inclusive;
Secs. 10 to 13, inclusive;
Secs. 18 to 36, inclusive.
T. 17 S., R. 72 W.,
Secs. 1 to 15, inclusive;
Secs. 17 and 18;
Secs. 23 to 35, inclusive.
T. 18 S., R. 72 W.,
Secs. 1 to 34, inclusive.
T. 18 S., R. 73 W.,
Secs. 1 to 36, inclusive.
T. 19 S., R. 71 W.,
Secs. 1, 2, and 7;
Secs. 12, 13, and 14;
Secs. 18, 19, and 20;
Secs. 29 to 33, inclusive.
T. 19 S., R. 72 W.,
Secs. 1 to 36, inclusive.
T. 19 S., R. 73 W.,
Secs. 1 to 17, inclusive;
Secs. 20 to 25, inclusive;
Secs. 28 and 29;
Secs. 31 to 34, inclusive.
T. 20 S., R. 71 W.,
Secs. 5 to 9, inclusive;
Secs. 16 to 21, inclusive;
Secs. 28 to 33, inclusive.
T. 20 S., R. 72 W.,
Secs. 1, 2, and 3;
Secs. 11 to 15, inclusive;
Secs. 23 to 27, inclusive;
Secs. 35 and 36.
T. 20 S., R. 73 W.,
Secs. 4 to 9, inclusive;
Secs. 16 to 21, inclusive.
T. 21 S., R. 71 W.,
Secs. 6, 7, and 18.
T. 21 S., R. 72 W.,
Secs. 1, 2, and 3;
Secs. 10 to 15, inclusive.

The area described aggregates approximately 298,873 acres of public land.

4. As provided in paragraph 2 of this notice, the following described lands are further segregated from operation of the general mining laws (30 U.S.C. 21), but not the mineral leasing laws.

NEW MEXICO PRINCIPAL MERIDIAN

FREMONT COUNTY

Coaldale C-0111199

T. 48 N., R. 11 E.,
Sec. 26, SW¼SW¼.

Cotopaxi C-083480

T. 48 N., R. 12 E.,
Sec. 29, SE¼NE¼, NW¼SE¼.

Swissvale C-083414

T. 49 N., R. 10 E.,
Sec. 19, SE¼SE¼.

Rincon Recreation Area C-083426

T. 49 N., R. 10 E. (continued),
Sec. 28, N½SE¼SE¼, W½NE¼SE¼, NW¼NW¼SE¼, N½NE¼SW¼, S½N½SW¼NW¼NW¼;
Sec. 29, NE¼NE¼.

CHAFFEE COUNTY

East Salida Campground C-083991

T. 49 N., R. 9 E.,
Sec. 10, SE¼SW¼, SW¼SE¼.

SIXTH PRINCIPAL MERIDIAN COLORADO

FREMONT COUNTY

Eight Mile Area C-083409

T. 17 S., R. 69 W.,
Sec. 5, lot 1.

Phantom Canyon Area C-083482

T. 17 S., R. 69 W.,
Sec. 9, N½NE¼, NE¼NW¼.

Baker's Gulch C-083440

T. 18 S., R. 72 W.,
Sec. 20, SE¼SE¼;
Sec. 21, SW¼SW¼;
Sec. 29, N½NW¼.

Pinnacle Rock C-083393

T. 18 S., R. 73 W.,
Sec. 35, NE¼NW¼.

Lone Tree C-0127886

T. 19 S., R. 73 W.,
Sec. 7, NE¼NE¼.

The area described aggregates 920.83 acres of public land.

5. For a period of sixty (60) days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the Canon City District Manager, Bureau of Land Management, 1001 Main Street, Canon City, Colo.

6. A public hearing on this proposed classification will be held at 10 a.m. on August 1, 1967, in the Fremont County Courthouse, Canon City, Colo.

E. I. ROWLAND,
State Director.

[F.R. Doc. 67-7787; Filed, July 6, 1967; 8:47 a.m.]

[Colorado 2286]

COLORADO

Proposed Classification of Public Lands for Multiple Use Management

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18), and to the regulations in 43 CFR, Parts 2410 and 2411, it is proposed to classify for multiple use management the public lands within the areas described below, together with any lands therein that may become public lands in the future. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose. Publication of this notice has the effect of segregating all lands described in this notice from appropriation only under the agricultural land laws (43 U.S.C. Parts 7 and 9, 25 U.S.C. 334) and from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171), and the lands shall remain open to all other applicable forms of appropriation including the mining and mineral leasing laws.

2. Public lands proposed for classification are located within the following described areas and are shown on maps on file in the Montrose District Office, Bureau of Land Management, Highway 550 South, Montrose, Colo., and the Land Office, Bureau of Land Management, New Federal Building, Denver, Colo.

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

MONTROSE AND OURAY COUNTIES

T. 46 N., R. 9 W.,
Secs. 4, 5, and 8.
T. 47 N., R. 9 W.,
Secs. 2 to 11, inclusive;
Secs. 14 to 23, inclusive;
Secs. 27 to 34, inclusive.
T. 47 N., R. 10 W.,
Secs. 1 to 9, inclusive;
Secs. 11 to 14, inclusive;
Secs. 17, 18, 23, 24, and 25.
T. 47 N., R. 11 W.,
Secs. 1, 2, and 15.
T. 48 N., R. 9 W.,
Secs. 18, 19, and 20;
Secs. 27 to 35, inclusive.
T. 48 N., R. 10 W.,
Secs. 5 to 9, inclusive;
Sec. 11;
Secs. 13 to 21, inclusive;
Secs. 23 to 36, inclusive.
T. 48 N., R. 11 W.,
Secs. 1 to 29, inclusive;
Secs. 34, 35, and 36.
T. 48 N., R. 12 W.,
Sec. 1;
Secs. 12, 13, and 14;
Sec. 24.
T. 49 N., R. 10 W.,
Secs. 6, 7, and 8;
Secs. 17 to 20, inclusive;
Secs. 29 to 32, inclusive.
T. 49 N., R. 11 W.,
Secs. 1 to 36, inclusive.
T. 49 N., R. 12 W.,
Secs. 12, 13, 24, 25, and 36.

The total area of public lands described aggregates approximately 90,768 acres.

3. For a period of 60 days from the date of publication in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the District Manager, Bureau of Land Management, Highway 550 South, Post Office Box 1269, Montrose, Colo. 81401.

4. A public hearing on the proposed classification will be held at 10 a.m., August 11, 1967, in the District Courtroom in the County Courthouse at Montrose, Colo.

E. I. ROWLAND,
State Director.

[F.R. Doc. 67-7788; Filed, July 6, 1967; 8:47 a.m.]

[Serial No. N-257]

NEVADA

Notice of Classification of Public Lands for Multiple Use Management

JUNE 27, 1967.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18) and to the regulations in 43 CFR, Subparts 2410 and 2411, the public lands described in paragraph 3 below are hereby classified for multiple use management.

2. Publication of this notice segregates (a) the public lands described in paragraph 3 from appropriation under the agricultural land laws (43 U.S.C., Chs. 7 and 9; 25 U.S.C., sec. 334), and from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171) and the Public Land Sale Act of September 19, 1964 (43 U.S.C. 1421-27), and (b) further segregates the public land described in paragraph 4 of this notice from operation of the general mining laws (30 U.S.C. 20). Except as provided in (a) and (b) above, the lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing or material sale laws. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district, established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

3. The classified public lands are located within the Spring Mountain Planning Unit and are shown on maps, designated as N-257, which are on file in the Las Vegas District Office, Bureau of Land Management, 1859 North Decatur Boulevard, Las Vegas, Nev., and the Land Office, Bureau of Land Management, Federal Building, 300 Booth Street, Reno, Nev. The lands involved are described as follows:

MOUNT DIABLO MERIDIAN, NEVADA

T. 16 S., R. 50 E.,
Secs. 24, 25, 36.
T. 17 S., R. 50 E.,
Sec. 1;
Sec. 12, lots 1 to 15, inclusive;
Secs. 13, 24, 25, 36.
T. 19 S., R. 50 E.
T. 16 S., R. 51 E.,
Secs. 19 to 35, inclusive;
Sec. 36, W½.
T. 17 S., R. 51 E.,
Sec. 1, lots 3, 4, S½NW¼, S½;
Secs. 2 to 36, inclusive.
T. 18 S., R. 51 E.,
Secs. 1 to 6, inclusive;
Secs. 8 to 17, inclusive;
Secs. 20 to 29, inclusive;
Secs. 32 to 36, inclusive.
T. 19 S., R. 51 E.
T. 20 S., R. 51 E.
T. 16 S., R. 52 E.,
Secs. 19 to 30, inclusive;
Sec. 31, E½W½, E½;
Secs. 32 to 36, inclusive.
T. 17 S., R. 52 E.,
Secs. 1 to 6, inclusive;
Sec. 7, lots 1, 2, 3, 4, N½NE¼, NE¼NW¼, SE¼NW¼, SE¼SW¼, S½SE¼;
Sec. 8, E½, E½W½, NW¼NW¼;
Secs. 9 to 24, inclusive;
Secs. 26 to 35, inclusive.
T. 18 S., R. 52 E.,
Secs. 2 to 11, inclusive;
Secs. 14 to 23, inclusive;
Secs. 26 to 35, inclusive.
T. 19 S., R. 52 E.,
Secs. 3 to 10, inclusive;
Secs. 15 to 22, inclusive;
Secs. 27 to 34, inclusive.
T. 20 S., R. 52 E.,
Sec. 5;
Sec. 6, lots 1 to 8, inclusive, S½NE¼, SE¼NW¼;
Sec. 7, lot 3;
Sec. 8.
T. 16 S., R. 53 E.,
Secs. 13 to 36, inclusive.
T. 17 S., R. 53 E.,
Secs. 1 to 10, inclusive;
Sec. 11, S½NE¼, NW¼NE¼, NW¼, S½;
Sec. 12, N½, SW¼SW¼, E½SW¼, SE¼;
Secs. 13 to 18, inclusive;
Secs. 19 and 20, exclusive of patented mining claims;
Sec. 21, N½, W½SW¼, NE¼SW¼, SE¼, exclusive of patented mining claims;
Secs. 22 to 25, inclusive;
Sec. 26, N½N½, SE¼NE¼, SE¼NW¼, SW¼, SW¼SE¼, N½SE¼;
Sec. 27, N½, SW¼, W½SE¼;
Secs. 28, 29, 32, 33;
Sec. 34, exclusive of patented mining claims;
Sec. 35;
Sec. 36, N½, W½SW¼, SE¼SW¼, SE¼.
T. 18 S., R. 53 E.,
Secs. 1, 2;
Secs. 11 to 14, inclusive;
Secs. 23, 24.
T. 16 S., R. 54 E.,
Sec. 15, W½;
Secs. 16 to 36, inclusive.
Tps. 17, 18 S., R. 54 E.
T. 19 S., R. 54 E.,
Secs. 1 to 21, inclusive;
Sec. 22, SE¼NE¼, W½NE¼, NW¼, S½;
Secs. 23 to 36, inclusive.
T. 20 S., R. 54 E.,
Secs. 1 to 18, inclusive;
Secs. 20 to 28, inclusive;
Sec. 34, E½;
Secs. 35, 36.
T. 16 S., R. 55 E.,
Secs. 19 to 36, inclusive.
T. 17 S., R. 55 E.,
Secs. 1 to 24, inclusive;
Sec. 25, W½E½, W½;
Secs. 26 to 35, inclusive;
Sec. 36, W½E½, W½.
T. 18 S., R. 55 E.,
Sec. 1, N½, SW¼, S½SE¼;
Secs. 2 to 9, inclusive;
Sec. 10, W½;
Sec. 15, W½;
Secs. 16 to 22, inclusive;
Secs. 26 to 35, inclusive.
T. 19 S., R. 55 E.,
Secs. 3 to 10, inclusive;
Secs. 15 to 23, inclusive;
Secs. 25 to 36, inclusive.
T. 20 S., R. 55 E.
T. 16 S., R. 55½ E.,
Secs. 23, 24, 25, 26, 35, 36.
T. 16 S., R. 56 E.,
Secs. 19 to 23, inclusive;
Secs. 26 to 36, inclusive.

T. 17 S., R. 56 E.,
Secs. 1 to 30, inclusive;
Sec. 31, lots 1, 2, 3, 4, NE¼, NE¼NW¼, SE¼SW¼, E½SE¼;
Secs. 33 to 36, inclusive.
T. 18 S., R. 56 E.,
Secs. 1 to 5, inclusive;
Sec. 6, lots 1, 2, 3, 4, 7, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Secs. 7 to 11, inclusive;
Sec. 12, W½, N½SW¼, SE¼SW¼, SE¼;
Sec. 13, NE¼, S½NW¼, S½;
Sec. 14, NW¼NE¼, S½NE¼, W½, SE¼;
Secs. 15, 16, 17, 23, 24.
T. 20 S., R. 56 E.,
Secs. 6 to 10, inclusive;
Secs. 14 to 26, inclusive;
Sec. 27, N½N½, SE¼NE¼, S½NW¼, W½SW¼, S½SE¼, NE¼SE¼;
Secs. 28 to 36, inclusive.
T. 21 S., R. 56 E.
T. 22 S., R. 56 E.,
Secs. 1, 2, 3, 10, 11, 12.
T. 16 S., R. 57 E.,
Sec. 31.
T. 17 S., R. 57 E.,
Secs. 2 to 36, inclusive.
T. 18 S., R. 57 E.,
Secs. 1 to 29, inclusive;
Secs. 32 to 36, inclusive.
T. 19 S., R. 57 E.,
Secs. 1 to 4, inclusive;
Secs. 9 to 16, inclusive;
Secs. 21 to 27, inclusive;
Sec. 28, N½N½, S½NW¼, W½SW¼, SE¼SW¼, S½SE¼, SE¼SE¼;
Secs. 34, 35, 36.
T. 20 S., R. 57 E.,
Sec. 1, lots 1, 2, 3, 4, S½NE¼, SW¼NW¼, W½SW¼, SE¼SW¼, SE¼;
Secs. 2, 3;
Secs. 10 to 17, inclusive;
Secs. 19 to 36, inclusive;
Sec. 27, N½, N½SW¼, SE¼SW¼, SE¼;
Sec. 28, NE¼NE¼, W½, W½SE¼, SE¼SE¼;
Secs. 29, 30;
Sec. 31, lots 1, 2, 3, NE¼, E½NW¼, NE¼SW¼, N½SE¼;
Secs. 32, 33;
Sec. 34, NE¼, SW¼NW¼, S½;
Secs. 35, 36.
T. 21 S., R. 57 E.
T. 22 S., R. 57 E.,
Secs. 1 to 14, inclusive;
Sec. 15, N½, E½SW¼, SE¼;
Secs. 16 to 36, inclusive;
Secs. 34, 35, 36.
T. 23 S., R. 57 E.,
Sec. 1, lots 3, 4, S½NW¼, S½ exclusive of patented mining claims;
Secs. 2, 3;
Secs. 10, 11;
Sec. 12, exclusive of patented mining claims;
Secs. 13, 14, 15;
Secs. 22 to 27, inclusive;
Secs. 34, 35, 36.
T. 24 S., R. 57 E.,
Secs. 1, 2;
Sec. 3, exclusive of patented mining claims;
Secs. 10 to 15.
T. 17 S., R. 58 E.,
Secs. 17 to 20, inclusive;
Secs. 27 to 34, inclusive.
T. 18 S., R. 58 E.,
Secs. 2 to 11, inclusive;
Secs. 13 to 36, inclusive.
T. 19 S., R. 58 E.
T. 20 S., R. 58 E.,
Secs. 1 to 5, inclusive;
Sec. 6, lot 1, 5, 6, 7, S½NE¼, E½SW¼, SW¼SE¼, N½SE¼;
Secs. 7 to 28, inclusive;
Sec. 29, N½, SW¼, W½SE¼;
Secs. 30, 31;
Sec. 32, NW¼NE¼, S½NE¼, NW¼, S½;
Secs. 33 to 36, inclusive.

T. 21 S., R. 58 E.,
Sec. 1, lots 2, 3, 4, S½N½, S½;
Secs. 2 to 15, inclusive;
Sec. 16, N½N½, SE¼NE¼, SW¼NW¼, S½;
Secs. 17 to 24, inclusive;
Sec. 25, W½E½NE¼, E½W¼, W½SE¼, W½E½SE¼;
Secs. 26 to 33, inclusive;
Sec. 34, N½, SW¼, N½SE¼, SW¼SE¼;
Sec. 35, N¼, SE¼;
Sec. 36, W½E½NE¼, W½NE¼, W½, W½SE¼, NE¼SE¼, W½SE¼SE¼.
T. 22 S., R. 58 E.,
Sec. 1, lots 1, 2, 3, 4, S½N½, N½SE¼, SE¼SE¼;
Sec. 2, lots 1, 2, 3, S½N½, N½SW¼, NW¼SE¼;
Sec. 3, lots 1, 2, 3, 4, S½NW¼, S½SW¼, SE¼;
Secs. 4 to 11, inclusive;
Sec. 12, lots 1 to 6, inclusive, NE¼, SE¼SW¼, SE¼;
Secs. 13 to 18, inclusive;
Sec. 19, lots 1, 2, 3, 4, NE¼, E½W½, W½SE¼, SE¼SE¼ exclusive of patented mining claims;
Sec. 20, N½, E½NW¼SW¼SW¼, W½SW¼SW¼SW¼, NW¼SE¼SW¼, N½SE¼SW¼, SW¼SE¼SW¼, N½NE¼SW¼, SW¼NE¼SW¼, NW¼NW¼SE¼;
Secs. 21 to 28, inclusive;
Sec. 29, lots 1 to 10, inclusive, S½NE¼NE¼, NW¼SE¼NE¼, E½NE¼SE¼NE¼, SW¼NE¼, SW¼SE¼, E½SE¼;
Sec. 30;
Sec. 31, lots 5 to 12, inclusive;
Secs. 32 to 36, inclusive.
T. 23 S., R. 58 E.,
Secs. 1 to 4, inclusive;
Sec. 5, lots 1, 2, S½NE¼, S½;
Sec. 6, lots 5 to 7, inclusive, SE¼NW¼, E½SW¼, SE¼;
Secs. 7 to 36, inclusive.
T. 24 S., R. 58 E.,
Secs. 1 to 18, inclusive;
Secs. 19, 17, exclusive of patented mining claims;
Sec. 18.
T. 19 S., R. 59 E.,
Secs. 16, 17, 19 to 23, inclusive;
Secs. 27 to 34, inclusive.
T. 20 S., R. 59 E.,
Secs. 2 to 11, inclusive;
Sec. 15, N½;
Sec. 17, N½, SW¼;
Sec. 18;
Sec. 19, N½;
Sec. 20, NW¼.
T. 21 S., R. 59 E.,
Sec. 6, lot 7, E½SE¼SE¼NW¼, N½NW¼NE¼SW¼, S½S½NE¼NE¼SW¼, SE¼SW¼NE¼SW¼, E½SW¼SW¼SE¼, S½NE¼SW¼SE¼;
Sec. 17, S½S½, S½;
Sec. 18, lots 1, 2, 3, 4, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 19, 20;
Sec. 30, lots 5, 8, 9, 13, 16, N½NE¼NE¼, W½NE¼, SE¼NE¼NW¼, SE¼NW¼, N½NE¼SW¼, SW¼NE¼SW¼, NW¼NW¼SE¼;
Secs. 21 to 28, inclusive;
Secs. 29 to 32, inclusive.
T. 23 S., R. 59 E.,
Secs. 5 to 8, inclusive;
Secs. 15 to 22, inclusive;
Secs. 27 to 34, inclusive.
T. 24 S., R. 59 E.,
Secs. 3 to 10, inclusive;
Secs. 15 to 18, inclusive.

SAN BERNARDINO MERIDIAN, NEVADA

T. 24 N., R. 7 E.
T. 25 N., R. 7 E.
T. 26 N., R. 7 E.
T. 35 N., R. 5 E.

The areas described above aggregate approximately 809,361 acres.

4. As provided in paragraph 2(b) above, the following public lands are further segregated from the general mining laws:

MOUNT DIABLO MERIDIAN, NEVADA

T. 17 S., R. 54 E.,
Sec. 19, E½;
Secs. 30, 31;
Sec. 32, W½;
Sec. 27, W½;
Secs. 28, 29;
Sec. 30, E½;
Secs. 31, 32, 33;
Sec. 34, W½.
T. 18 S., R. 54 E.,
Secs. 3, 9.
T. 17 S., R. 55 E.,
Sec. 35;
Sec. 36, W½E½, W½.
T. 18 S., R. 55 E.,
Sec. 1, E½, SW¼, S½SE¼;
Sec. 2;
Sec. 10, NW¼;
Sec. 15, NW¼;
Sec. 17, SW¼;
Sec. 18;
Sec. 19, E½;
Sec. 20;
Sec. 21, W½;
Sec. 23, E½, NW¼;
Secs. 23, 24, 25.
T. 19 S., R. 55 E.,
Sec. 4;
Sec. 5, E½.
T. 20 S., R. 55 E.,
Secs. 1, 12, 13.
T. 17 S., R. 56 E.,
Sec. 31, lots 1, 2, 3, 4, NE¼, NE¼NW¼, SE¼SW¼, E½SE¼.
T. 18 S., R. 56 E.,
Sec. 31, lots 1, 2, 3, 4, NE¼, NE¼NW¼, SE¼SW¼, E½SE¼.
T. 18 S., R. 56 E.,
Sec. 6, lots 1, 2, 3, 4, 7, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
T. 20 S., R. 56 E.,
Secs. 6, 7, 8, 10, 15, 18, 22;
Sec. 31, SE¼SE¼;
Sec. 32, SW¼SW¼;
Sec. 34, SE¼SE¼;
Sec. 35, S½;
Sec. 36, S½.
T. 21 S., R. 56 E.,
Sec. 2, lots 3, 4;
Sec. 3, lots 1, 2, S½NE¼, SW¼, E½SE¼;
Sec. 36, NW¼.
T. 18 S., R. 57 E.,
Secs. 25, 36.
T. 19 S., R. 57 E.,
Sec. 1.
T. 20 S., R. 57 E.,
Secs. 24, 25;
Sec. 31, lot 3, NE¼SW¼, N½SE¼;
Sec. 32, S½NE¼, SE¼NW¼, S½;
Sec. 33, S½N½, N½S½;
Sec. 36.
T. 21 S., R. 57 E.,
Sec. 1;
Sec. 8, S½SE¼;
Sec. 9, S½SW¼;
Secs. 12, 13;
Sec. 16, NW¼;
Sec. 17, NE¼;
Secs. 24, 25, 36.
T. 22 S., R. 57 E.,
Sec. 16, SE¼;
Sec. 21, NE¼.
T. 18 S., R. 58 E.,
Sec. 29, S½;
Sec. 33, N½, NW¼SE¼;
Sec. 32, S½.
T. 19 S., R. 58 E.,
Sec. 19, NW¼.
T. 20 S., R. 58 E.,
Secs. 5 to 36, inclusive;
Sec. 30, lot 7, SE¼SW¼, SW¼SE¼;
Sec. 31, E½;
Sec. 32, S½NE¼, NW¼NE¼, NW¼, S½;
Secs. 33 to 36, inclusive.

T. 21 S., R. 58 E.,
Sec. 1, lots 2, 3, 4, S½N½, S½;
Secs. 2 to 15, inclusive;
Sec. 16, W½N½, SE¼NE¼, SW¼NW¼, S½;
Secs. 17 to 23, inclusive;
Sec. 24, W½W½;
Sec. 25, W½;
Secs. 26 to 33, inclusive;
Sec. 34, N½, SW¼, SW¼SE¼, N½SE¼;
Sec. 35, N½, SE¼;
Sec. 36, W½.
T. 22 S., R. 58 E.,
Sec. 1, lots 1, 2, 3, 4, S½N½, N½SE¼, SE¼SE¼;
Sec. 2, lots 1, 2, 3, S½N½, N½SW¼, NW¼SE¼;
Sec. 3, lots 3, 4, SW¼NW¼, S½SW¼, SE¼;
Secs. 4 to 11, inclusive;
Sec. 12, lots 1 to 6, inclusive, E½, SE¼SW¼;
Secs. 13 to 18, inclusive;
Sec. 20, NE¼;
Secs. 21 to 28, inclusive;
Secs. 33 to 36, inclusive.
T. 23 S., R. 58 E.,
Secs. 2, 11;
Sec. 13, S½;
Sec. 14, N½, SE¼;
Sec. 24;
Sec. 26, SW¼NE¼, NW¼SE¼;
Sec. 30, lots 5, 4, E½SW¼;
Sec. 32, SE¼.
T. 20 S., R. 59 E.,
Secs. 7, 18;
Sec. 19, N½.
T. 21 S., R. 59 E.,
Sec. 6, S½SW¼;
Sec. 8, lot 7, SE½SW¼, SW¼SE¼;
Sec. 7;
Sec. 8, W½;
Sec. 16.
T. 24 S., R. 59 E.,
Sec. 4, lots 1, 2, 3, 4, S½N½.

The area described above aggregates approximately 98,000 acres.

5. For a period of 30 days, interested parties may submit comments to the Secretary of the Interior, LLM, 721, Washington, D.C. 20240. (43 CFR 2411.1-2(d).)

DANIEL P. BAKER,
Acting State Director, Nevada.

[F.R. Doc. 67-7789; Filed, July 6, 1967; 8:47 a.m.]

[C-2285]

COLORADO

Proposed Classification of Public Lands for Multiple Use Management

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18), and to the regulations in 43 CFR, Parts 2410 and 2411, it is proposed to classify for multiple use management the public lands within the areas described below, together with any lands therein that may become public lands in the future. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 8910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose. Publication of this notice segregates all lands described in this notice from appropriation only under the agricultural land laws (43 U.S.C. Parts 7 and 9, 25 U.S.C. 334) and from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171), and the lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws.

2. Public lands proposed for classification are all public lands located within the following described areas and are shown on maps on file in the Montrose District Office, Bureau of Land Management, Highway 550 South, Montrose, Colo., and Land Office, Bureau of Land Management, New Federal Building, Denver, Colo.

SIXTH PRINCIPAL MERIDIAN, COLORADO

DELTA, MONTROSE, AND MESA COUNTIES

T. 12 S., R. 95 W.,
Secs. 33 and 34.
T. 13 S., R. 95 W.,
Secs. 4, 5, 6, 8, 9, 10, 16 to 21, inclusive;
Secs. 28 to 32, inclusive;
Sec. 34.
T. 13 S., R. 96 W.,
Secs. 24 to 27, inclusive;
Secs. 34, 35 and 36.
T. 13 S., R. 97 W.,
Secs. 33 and 35.
T. 14 S., R. 95 W.,
Secs. 3 to 10, inclusive;
Secs. 15 to 22, inclusive;
Secs. 27 to 34, inclusive.
T. 14 S., R. 96 W.,
All.
T. 14 S., R. 97 W.,
Secs. 1 to 12, inclusive;
Secs. 14, 22, 25 and 26, 35, and 36.
T. 14 S., R. 98 W.,
Secs. 1, 2, 9 to 12, inclusive;
Secs. 14 to 17, inclusive;
Secs. 19 to 23, inclusive;
Secs. 26 to 35, inclusive.
T. 15 S., R. 93 W.,
Secs. 5 to 8, inclusive;
Secs. 17 to 21, inclusive;
Secs. 27 to 34, inclusive.
T. 15 S., R. 94 W.,
Secs. 1, 5, 6, 8, 9, 12, and 13, 15, 16, and 17;
Secs. 20 to 28, inclusive;
Secs. 32 to 36, inclusive.
T. 15 S., R. 95 W.,
Secs. 4 and 5.
T. 15 S., R. 96 W.,
Secs. 1 to 9, inclusive;
Secs. 13 and 18.
T. 15 S., R. 97 W.,
Secs. 1, 2, 7, 8, and 9;
Secs. 11 to 36, inclusive.
T. 15 S., R. 98 W.,
Secs. 2 to 36, inclusive.
T. 15 S., R. 99 W.,
Secs. 24, 25, and 26;
Secs. 32 to 36, inclusive.

NEW MEXICO PRINCIPAL MERIDIAN

DELTA, MONTROSE AND MESA COUNTIES

T. 49 N., R. 11 W.,
Secs. 5 and 6.
T. 49 N., R. 12 W.,
Secs. 1 to 6, inclusive.
T. 49 N., R. 13 W.,
Secs. 1 to 5, inclusive.
T. 50 N., R. 8 W.,
Secs. 5, 6 and 7.
T. 50 N., R. 9 W.,
Secs. 1 and 2.
T. 50 N., R. 11 W.,
Secs. 5 to 8, inclusive;
Secs. 17 to 22, inclusive;
Secs. 26 to 36, inclusive.
T. 50 N., R. 12 W.,
All.
T. 50 N., R. 13 W.,
Secs. 1 to 11, inclusive;
Secs. 29 to 32, inclusive.
T. 51 N., R. 6 W.,
Secs. 7, 8, 17 to 20, inclusive;
Secs. 29 to 32, inclusive.
T. 51 N., R. 9 W.,
Secs. 7 to 36, inclusive.
T. 51 N., R. 10 W.,
Secs. 10 to 14, inclusive;
Secs. 23 to 26, inclusive;
Secs. 35 and 36.
T. 51 N., R. 11 W.,
Secs. 19, 29, 31.
T. 51 N., R. 12 W.,
Secs. 7 to 36, inclusive.
T. 51 N., R. 13 W.,
Secs. 7 to 36, inclusive.
T. 51 N., R. 14 W.,
Secs. 7 to 36, inclusive.

UTE PRINCIPAL MERIDIAN

DELTA COUNTY

T. 3 S., R. 2 E.,
Secs. 35 and 36.
T. 4 S., R. 3 E.,
Secs. 1 to 36, inclusive.

The total area described aggregates approximately 249,350 acres of public land in Delta, Montrose, and Mesa Counties, Colo.

3. For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the District Manager, Bureau of Land Management, Highway 550 South, Post Office Box 1269, Montrose, Colo. 81401.

4. A public hearing on the proposed classification will be held at 10 a.m., August 11, 1967, in the District Courtroom in the County Courthouse at Montrose, Colo.

E. I. ROWLAND,
State Director.

[F.R. Doc. 67-7790; Filed, July 6, 1967; 8:47 a.m.]

[Colorado 2267]

COLORADO

Proposed Classification of Public Lands for Multiple Use Management

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18), and to the regulations in 43 CFR, Parts 2410 and 2411, it is proposed to classify for multiple use management the public lands within the area described below, together with any lands therein that may become public lands in the future. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 8910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose. Publication of this notice has the effect of segregating all public lands described

in this notice from appropriation only under the agricultural land laws (43 U.S.C. Parts 7 and 9, 25 U.S.C. 331) and from sale under Section 2455 of the Revised Statutes (43 U.S.C. 1171), and the lands shall remain open to all other applicable forms of appropriation including the mining and mineral leasing laws.

2. Public lands proposed for classification are located within the following described areas and are shown on maps on file in the Montrose District Office, Bureau of Land Management, Highway 550, South, Montrose, Colo., and Land Office, Bureau of Land Management, New Federal Building, Denver, Colo.

NEW MEXICO PRINCIPAL MERIDIAN COLORADO

MONTROSE COUNTY

T. 47 N., R. 7 W.,
Sec. 6.
T. 47 N., R. 8 W.,
Secs. 1 to 6, inclusive;
Secs. 10, 11, and 12.
T. 48 N., R. 8 W.,
Secs. 2 to 11, inclusive;
Secs. 15 to 23, inclusive;
Secs. 26 to 36, inclusive.
T. 48 N., R. 9 W.,
Secs. 1, 11, 12, 13, and 14;
Secs. 24 and 25.
T. 49 N., R. 8 W.,
Secs. 4 to 8, inclusive;
Secs. 15 to 22, inclusive;
Sec. 27;
Secs. 33 to 36, inclusive.
T. 49 N., R. 9 W.,
Secs. 1, 2, and 3;
Secs. 10 to 15, inclusive.
T. 50 N., R. 8 W.,
Sec. 7, south of Gunnison River;
Secs. 18 and 19;
Secs. 29 to 33, inclusive.
T. 50 N., R. 9 W.,
Sec. 1 and 2, SW of Gunnison River;
Secs. 3 to 11, inclusive;
Sec. 12, South of Gunnison River;
Secs. 13 to 17, inclusive;
Secs. 21 to 28, inclusive;
Secs. 34, 35, and 36.

The public lands described aggregate approximately 44,458 acres.

3. For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the District Manager, Bureau of Land Management, Highway 550 South, Montrose, Colo.

4. A public hearing on the proposed classification will be held on August 11, 1967, at 10 a.m. in the District Courtroom in the County Courthouse at Montrose, Colo.

E. I. ROWLAND,
State Director.

[F.R. Doc. 67-7791; Filed, July 6, 1967; 8:48 a.m.]

[A 918]

ARIZONA

Notice of Proposed Classification of Public Lands for Multiple Use Management

1. Pursuant to the Act of September 19, 1964 (78 Stat. 986; 43 U.S.C. 1411-18) and to the regulations in 43 CFR, Parts 2410 and 2411, it is proposed to classify for multiple use management the public lands described in paragraph 6. Principal public resource values to be enhanced by this proposed classification are conservation of important watershed, grazing, and wildlife habitat, conservation of outstanding natural beauty, and provision for present and long-range future use for outdoor recreational activities near an expanding urban area. Publication of this notice has the effect of segregating the land from appropriation under the agricultural land laws (43 U.S.C., Chs. 7 and 9; 25 U.S.C. 334); from private exchange (43 U.S.C. 315g(b)); from State exchange (43 U.S.C. 315g (c)); from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171); from appropriation under section 2477 of the Revised Statutes (43 U.S.C. 932); from State selection (43 U.S.C. 851, 852); and from sale under the Act of September 19, 1964 (43 U.S.C. 1421-27). The lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws. As used herein "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. The land is located approximately 40 miles southwest of Tucson, Ariz., and constitutes a scenic desert mountain range at elevations between 3,000 and 6,000 feet in an undisturbed natural condition.

3. The site is receiving moderate public recreational use by hunters, photographers, artists, hikers, horseback riders, rock hounds, artifact hunters, picnickers, and Boy Scout groups.

4. Local planning, zoning and recreation officials, and representatives of the Bureau of Land Management have agreed after study and analysis that the best use for this public land is for outdoor recreational purposes. The site will be known as the Coyote Mountain Natural Area.

5. The public lands proposed for classification in this notice are shown on maps on file and available for inspection in the Phoenix District Office, Bureau of Land Management, Federal Building, Phoenix, Ariz.

6. The land involved is in Pima County and is described as follows:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 16 S., R. 8 E.,
Sec. 25, lots 1 to 12, inclusive, and NE¼;
Sec. 26, lots 1 to 4, inclusive, S½N½ and S½;
Sec. 27, lots 1 to 4, inclusive, S½N½ and S½;
Sec. 28, lots 1 to 4, inclusive, E½W½ and E½;
Sec. 33, lots 1 to 7, inclusive, NE¼, E½NW¼, NE¼SW¼, and N½SE¼;
Sec. 34, lots 1 to 4, inclusive, N½ and N½S½.
T. 17 S., R. 8 E.,
Sec. 3, lots 1 to 4, inclusive, S½N½ and SW¼;
Sec. 4, lots 1 and 2, S½NE¼ and SE¼;
Sec. 9, NE¼;
Sec. 10, NW¼.

The areas described aggregate 5,082.28 acres of public land.

7. For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the District Manager, Bureau of Land Management, 3041 Federal Building, Phoenix, Ariz. 85025.

FRED S. WEILER,
State Director.

JUNE 29, 1967.

[F.R. Doc. 67-7825; Filed, July 6, 1967; 8:50 a.m.]

[N-1338]

NEVADA

Notice of Proposed Withdrawal and Reservation of Lands

JUNE 29, 1967.

The Federal Aviation Administration has filed the above application for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws, but not from leasing under the mineral leasing laws.

The applicant desires the land for proper operation of facilities on the lands.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 3008 Federal Building, 300 Booth Street, Reno, Nev. 89502.

The Department's regulations (43 CFR 2311.1-3(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN, NEVADA

T. 2 N., R. 42 E.,
Sec. 1, that portion of the NW¼SW¼ and SW¼NW¼ which abuts and lies to the south of patented Mineral Survey 4262.

The area described contains 44 acres more or less.

DANIEL P. BAKER,
Land Office Manager.

[F.R. Doc. 67-7826; Filed, July 6, 1967; 8:50 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

LICENSED DEALERS UNDER LABORATORY ANIMAL WELFARE ACT

List of Persons

Pursuant to § 2.127 of the regulations (9 CFR 2.127) under the Act of August 24, 1966 (80 Stat. 350; 7 U.S.C. 2131 et seq.), commonly known as the Laboratory Animal Welfare Act, notice is hereby given that, as of June 12, 1967, the following persons were licensed as dealers under said Act and regulations as indicated below:

ALABAMA

G. R. Floyd and E. A. Marchand, Partners, Route 1, Box 235D, McDonald Road, Irvington 36544.
Claude Hancock, Route 2, Section 35771.

ARKANSAS

George J. E. Holzwarth, doing business as George J. E. Holzwarth Co., Post Office Box 186, Fayetteville 72701.

CALIFORNIA

Henry K. Knudsen, doing business as Knudsen's Biological Supplies, J 12488 South, Highway 50, Lathrop 95330.

DISTRICT OF COLUMBIA

George Masur Enterprises, Inc., 77 Eye Street SE., Washington 20003.

ILLINOIS

John C. Akers, doing business as Salifin Pet Shop, 104 North Sixth Street, Champaign 61820.
Omis Corporation, 504 North Parkside Avenue, Chicago 60644.
Don A. Carlson and Carl S. Carlson, Partners, doing business as Viking Kennels, 238 Sanders Road, Deerfield 60015.
Robert R. Motsinger, doing business as Robert Motsinger Kennel, Rural Route 2, St. Joseph 61873.
Lewis N. Warren, Box 125, Pana 62557.

INDIANA

American Animal Industries, Inc., Rural Route 3, Box 303A, Sheridan 46069.
Robert A. Everett, doing business as Oakdale Farm and Kennel, Rural Route 5, Decatur 46733.
Robert B. Metcalf, Rural Route 1, Box 88, Auburn 46706.
Atlantic Kennels, Inc., Rural Route 1, Box 167, Zionsville 46077.
David W. Wilson, doing business as Wilson Small Animal Farm, Rural Route 3, Box 91, Vincennes 47591.
Alton S. Windsor, Sr., doing business as Windsor Biology Gardens, Box 1210, Bloomington 47401.
Harry K. Zook, doing business as Maple Hill Kennel, Rural Route 5, Martinsville 46151.

IOWA

Dewey Adams, 514 North Kent Street, Knoxville 50138.
Henry F. Bockenstedt, R.F.D. 1, Earlville 52041.
Dave Irving, Route 1, Chariton 50049.
Robert B. Lauer, doing business as Lauer's Kennels, 1210 Home Park Boulevard, Waterloo 50701.
Elmer B. Scherbring, doing business as Clearview Kennels, Box 106, Earlville 52041.

KANSAS

Charles M. Brink, Route 2, Box 13, Paola 66071.
Woodrow W. Huffstutler, Rural Route 1, Beryton 66409.
Biotec Laboratories, Inc., 5246 Merriam Drive, Merriam 66206.

KENTUCKY

M. E. Northcutt, doing business as Goodwill Kennels, Rural Route 5, Cynthiana 41031.
J. W. Toombs, Moreland 40454.

MARYLAND

W. L. Eckert, Harney Road, Taneytown 21787.
William T. Thompson, doing business as Thompson Rabbit Farm, Box 372, Route 2, Reisterstown 21136.
Edgar E. Walls, Sr., Route 1, Box 57A Centreville 21617.

MASSACHUSETTS

Dr. Thomas Boris, doing business as Scientific Breeding Laboratory, 1106 Main Street, Worcester 01603.
John Czepiel, 26 Paderewski Avenue, Chicopee 01013.
Dr. Orville H. Drumm, doing business as O'Malley Animal Hospital, 100 Boylston Street, Clinton 01510.
Alvin C. Finch, doing business as Pineland Farm Kennels, Leonard Street, Raynham 02767.
Vincent R. Malone, 42 Oakland Street, Medway 02053.
Roma Kennels, Inc., Main Street, Dunstable 01827.

MICHIGAN

Grant Hodgins, doing business as Hodgins Kennel, 6110 Lange Road, Howell 48843.
Edward Radzilowski, doing business as Meadow Brook Farms and Co., 10533 Gratiot, Richmond 48062.
Tri-Co Research Projects, Inc., 314 South Sherwood Avenue, Plainwell 49080.

MINNESOTA

Delores N. Beise, Route 4, Hastings 55033.
Melvin Beise, Jordan 55352.
James Goebel, Janesville 56048.
Earland Gustzkow, New Germany 55367.
Donald Hippert, Kasson 55944.
Allen W. LaFave, 402 Third Street SE., East Grand Forks 56721.
Norman L. Larson, doing business as Wayside Kennels, Route 2, Box 449, Long Lake 55356.
Math Serger, Watkins 55389.

MISSISSIPPI

Holley Vanlandingham, Post Office Box 133, Vardaman 38878.

MISSOURI

Bill Adams, doing business as Adams Kennels, 602 North Allen, Marshall 65340.
Wanda Barnfield, doing business as Bar-Wan Rabbitry and Kennel, Route 1, Box 80, Crocker 65452.
Dr. M. L. McGown, 206 East Church Street, Aurora 65605.
Harold Miller, Granger 63442.
Dick Palmer, doing business as Palmer's Livestock Farm, Rural Route 2, Box 186, Liberal 64762.

NEBRASKA

Mrs. Kenneth Campbell, South Fulton, Falls City 68355.
Sam A. Gross, Shickley 68436.
Harold Hansen and Viola Hansen, Partners, Route 2, Hooper 68031.
Clarence Hayes, 7732 Main Street, Ralston 68127.
Richard McGinnis, Route 3, Omaha 68123.
Mrs. Sylvia Meisinger, Rural Route 1, Ashland 68003.

NEW HAMPSHIRE

Henry Bickford, Goose Pond Road, Lyme Center 03769.
John B. Simpson, Pike 03780.

NEW JERSEY

James Joseph Barton and Edward D. Barton, Partners, doing business as Barton's West End Farms, Rural Delivery 1, Box 45, Hackettstown 07840.
Carl Calabrese, doing business as Eastcoast Animal Supply, 484 Lakeview Avenue, Clifton 07011.
Henry Christ, Box 217, Marlboro Road, Old Bridge 08857.
George Clauss, 18-19 Saddle River Road, Fairlawn 07410.
Howard E. Doolittle, doing business as H Bar D Farms, Rural Delivery 1, Box 103, Lafayette 07848.
John W. Jaeger, doing business as John W. Jaeger Enterprises, Post Office Box 345, Rural Delivery 1, Sussex 07461.
K-G Farms, Inc., 3651 Hill Road, Parsippany 07054.
Donald Munson, doing business as Munson Farms, Almond Road, Norma 08347.
Ernest Parker and Walter H. Daniels, Partners, doing business as West Jersey Kennels, Lindenwold 08021.
Price Laboratories, Inc., 2367 Lakewood Road, Toms River 08753.
Harry Shaw, Ocean View 08230.
Lloyd D. Wenger, doing business as Wenger Pet Farm, Box 235, Oxford 07863.
James E. Williams, doing business as Hilldale Farms, Box 728, Dutchmill Road, Franklinville 08322.

NEW YORK

Abark, Inc., Route 17-M, MD 1, Monroe 10950.
E. J. Argetsinger, 203 Pine Tree Road, Ithaca 14850.
Ronald M. Barlow, doing business as Barlow Research Animals, Ridge Road, Pompey 13138.
Mrs. Eugenia K. Bean, Rural Delivery 3, Iowa Road, Moravia 13118.
Claude Benjamin, doing business as Lake Brook Kennel, Hobart 13788.
Arthur F. Keicher, 948 South French Road, Cheektowaga 14225.
Kinwood Farm, Inc., Rural Delivery 1, Mannsville 13661.
Marshall Research Animals, Inc., North Rose 14516.
Beagles for Research, Inc., White Sulphur Springs 12787.
Steven Molnar, 231 Union Street, Box 182, Hudson 12534.
Clarence Morey, Rural Delivery 2, Waverly 14892.
J. J. Nowak, doing business as J. J. Nowak Kennels, 4347 Broadway, Depew 14043.
Robert W. Steedman, North Road, Leroy 14482.

Donald L. Stumbo, doing business as Stumbo Farms, Reed Road, Lima 14485.
Eugene E. Wells, Box 174, Springfield Center 13468.
Western New York Animal Resources, Inc., 10 Boston Road, Ontario 14519.

OHIO

Paul Anthony, Route 1, Trestle Road, St. Paris 43072.
Carrol Blue, doing business as Blue's Animal Farm, Route 1, Plain City 43064.
James C. Cotrell and George F. Cotrell, Partners, doing business as Cotrell Farm and Kennel, Route 1, Fort Laramie 45845.
Romeo Marchetti and Quintino Marchetti, Partners, doing business as Roe-Quinn Kennels, 16728 Route 700, Burton 44021.
Frank H. Maxfield, doing business as Maxfield Animal Supply, Box 44004, 3192 Little Dry Run Road, Cincinnati 45244.
Dr. C. W. McConkey, 909½ North Perry Street, Napoleon 43545.

OKLAHOMA

Charles Alexander, doing business as Alexander's Kennels, Route 1, Wayne 73095.

PENNSYLVANIA

Dierolf Farms, Inc., Post Office Box 26, Rural Delivery 2, Boyertown 19512.
Sam Esposito, Box 137, Rural Delivery 1, Quakertown 18951.
Patricia Haab, Daisy M. Groseo and Walter Haab, Partners, doing business as Pocono Rabbit Farm and Laboratory, Dutch Hill Road, Canadensis 18325.
W. J. Hass, doing business as Three Springs Kennels, 146 Beacom Street, Pittsburgh 15214.
Charles Hazzard, doing business as North Creek Kennels, Box 121, West Chester 19380.
M. L. Kredovski, doing business as Lone Trail Kennels, Post Office Box 46, Friedensburg 17933.
William R. Miller, doing business as Broken Arrow Kennels, Box 111, McConnellsburg 17233.
The Buckshire Corporation, Ridge Road, Mail Route 1, Perkasie 18944.
Haycock Kennels, Inc., Rural Delivery 4, Quakertown 18951.
Vincent Neamond and Janet Neamond, Partners, doing business as White Eagle Farms, 2015 Lower State Road, Rural Delivery 3, Doylestown 18901.
Dale M. Lightner and Myrtle M. Mehring, Partners, doing business as The Orange and Black Farm, Rural Delivery 5, Hanover 17331.
George F. Pierce, doing business as Pleasant View Kennel, Box 131, Rural Delivery 3, Hummelstown 17036.
Harry Pratt, doing business as Pratt Laboratories, 1739 South 54th Street, Philadelphia 19143.
Frances V. Stinson, doing business as Hy-Line Beagles, Kellers Church Road, Bedminster 18910.
Marlin U. Zartman, Rural Delivery 2, Douglassville 19518.

RHODE ISLAND

James Leo Burke, doing business as Shangri-La Kennels, 750 Greenville Avenue, Johnston 02919.

TENNESSEE

Terrell Fisher, Route 1, Greenbrier 37073.
William L. Hargrove, Jr., West Avenue, Medina 38355.
James B. Wampler, doing business as Rocky Mountain Kennels, Post Office Box 991, Cleveland 37311.

TEXAS

Carmon Nichols, doing business as Carmon Nichols Kennels, 100 South Elm Street, Bunham 75418.
Dr. James E. Teague, doing business as Dublin Veterinary Clinic, Post Office Box 206, Dublin 76446.
Carl Walden, doing business as Clayco Kennels, Box 506, Henrietta 76365.

UTAH

Thomas F. Imlay, doing business as Dogs for Research, 4996 South Redwood Road, Murray 84107.

VERMONT

Richard Frank Lahue, doing business as Shady Maples Animal Farm, Box 132, East Berkshire 05447.

VIRGINIA

James D. Conners, Heathsville 22473.
Sidney J. Edwards, 2014 West Norfolk Road, Chesapeake 23703.
Leslie H. Judd and Ronnie Judd, Partners, doing business as Rockey Lane Kennels, Route 1, Edinburg 22824.
Noel E. Leach, doing business as Leach Kennels, Route 3, Chase City 23924.
Jack T. Musick, 2333 Shakeville Road, Bristol 24201.
The Richard E. Saunders Corporation, 1 Belt Boulevard, Richmond 23224.
Dublin Laboratory Animals, Inc., Box 875, Dublin 24084.
John F. Thompson, R.F.D. 2, Box 63, Saltville 24370.

WEST VIRGINIA

John F. Troxell, doing business as The "Show Me" Farm, Route 4, Box 197D, Martinsburg 25401.

WISCONSIN

Richard Buboltz, R.F.D. 2, Rio 53960.
Mrs. Doris Carlstrom, Ellsworth 54011.
Ridgian Farms, Inc., 801 West Main Street, Mt. Horeb 53572.
John W. Evans, doing business as Merry Hill Kennel, Route 1, Box 177, Sun Prairie 53590.
Felix A. Hartmeister, doing business as Northern Biological Supply, 456 South Arch Avenue, New Richmond 54017.
Walter Peuschel, 13101 North Wauwatosa Road, 76W, Mequon 53092.
Joseph R. Schettle Frog Farm, Inc., Houlton.
Leonard Tauber, Route 1, Waldo 53093.
Stanley Wilke, R.F.D. 2, Waunakee 53597.

Done at Washington, D.C., this 30th day of June 1967.

R. E. OMOHUNDRO,
Acting Director, Animal Health Division, Agricultural Research Service.

[F.R. Doc. 67-7846; Filed, July 6, 1967; 8:51 a.m.]

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

July Sales List

Notice to buyers. Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F.R. 6669), and subject to the conditions stated therein as well as herein, the commodities listed below are available for sale and, where noted, for redemption of payment-in-kind certificates on the price basis set forth.

The U.S. Department of Agriculture announced the prices at which CCC commodity holdings are available for sale beginning at 3 p.m., e.d.t., on June 30, 1967, and, subject to amendment, continuing until superseded by the August Monthly Sales List.

The following commodities are available: Cotton (upland and extra long staple), wheat, corn, oats, barley, rye, rice, grain sorghum, peanuts, flax, linseed oil, dry edible beans, tung oil, butter, cheese, and nonfat dry milk.

With the 1967-crop marketing year beginning July 1 for wheat, barley, oats, flaxseed, and rye, the July list includes formula minimum pricing for these commodities based on 1967 price-support loan rates. The beginning markups used in CCC minimum sales prices for these grains in-store have been adjusted to reflect changes in receiving rate under the Uniform Grain Storage Agreement. This results in increased markups for some grains and decreased ones for others.

Information on the availability of commodities stored in Commodity Credit Corporation bin sites may be obtained from ASCS State offices shown at the end of the sales list, and for commodities stored at other locations from ASCS commodity and grain offices also shown at the end of the list.

Corn, oats, barley, or grain sorghum, as determined by CCC, will be sold for unrestricted use for "Dealers' Certificates" issued under the emergency livestock feed program. Grain delivered against such certificates will be sold at the applicable current market price, determined by CCC.

In the following listing of commodities and sales prices or method of sales, "unrestricted use" applies to sales which permit either domestic or export use and "export" applies to sales which require export only. CCC reserves the right to determine the class, grade, quality, and available quantity of commodities listed for sale.

The CCC Monthly Sales List, which varies from month to month as additional commodities become available or commodities formerly available are dropped, is designed to aid in moving CCC's inventories into domestic or export use through regular commercial channels.

If it becomes necessary during the month to amend this list in any material way—such as by the removal or addition of a commodity in which there is general interest or by a significant change in price or method of sale—an announcement of the change will be sent to all persons currently receiving the list by mail from Washington. To be put on this mailing list, address: Director, Procurement and Sales Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250.

Interest rates per annum under the CCC Export Credit Sales Program (Announcement GSM-3 or 4) for July 1967 are 5½ percent for U.S. bank obligations and 6½ percent for foreign bank obligations. Commodities now eligible for financing under the CCC Export Credit Sales Program include wheat, wheat flour, barley, bulgur, corn, cornmeal, grain sorghum, upland and extra long staple cotton, tobacco, cottonseed oil, soybean oil, dairy products, dry edible beans, and tallow. Unless otherwise provided in applicable sales or credit announcements, commodities purchased from CCC may be financed for export as private stocks under Announcement GSM-4.

Information on commodities available under Title I, Public Law 480, private trade agreements, and current information on interest rates and other phases of the program may be obtained from the Office of the General Sales Manager, Foreign Agricultural Service, U.S. Department of Agriculture, Washington, D.C. 20250.

The following commodities are currently available for new and existing barter contracts: oats, cotton (upland and extra long staple), and tobacco. Wheat and grain sorghum are also available under conditions noted in the individual commodity listings. (In addition, free market stocks of corn, grain sorghum, wheat, wheat flour, tobacco, cottonseed, and soybean oils are eligible for barter programming under barter contracts covering procurements for Federal agencies that will reimburse CCC except that hard red winter, hard red spring, and durum wheats, and flour produced from those wheats, may not be exported through west coast ports. Also new barter contracts may not provide for exports of white wheat from west coast ports prior to August 15, 1967.) This list is subject to change from time to time.

The CCC will entertain offers from responsible buyers for the purchase of any commodity on the current list. Offers accepted by CCC will be subject to the terms and conditions prescribed by the Corporation. These terms include payment by cash or irrevocable letter of credit before delivery of the commodity, and the conditions require removal of the commodity from CCC stocks within a reasonable period of time. Where sales are for export, proof of exportation is also required, and the buyer is responsible for obtaining any required U.S. Government export permit or license. Purchases from CCC shall not constitute any assurance that any such permit or license will be granted by the issuing authority.

Applicable announcements containing all terms and conditions of sale will be furnished upon request. For easy reference a number of these announcements are identified by code number in the following list. Interested persons are invited to communicate with the Agricultural Stabilization and Conservation Service, USDA, Washington, D.C. 20250, with respect to all commodities or—for specified commodities—with the designated ASCS commodity office.

Commodity Credit Corporation reserves the right to amend from time to time, any of its announcements. Such amendments shall be applicable to and be made a part of the sale contracts thereafter entered into.

CCC reserves the right to reject any or all offers placed with it for the purchase of commodities pursuant to such announcements.

CCC reserves the right to refuse to consider an offer, if CCC does not have adequate information of financial responsibility of the offerer to meet contract obligations of the type contemplated in this announcement. If a prospective offerer is in doubt as to whether CCC has adequate information with respect to his financial responsibility, he should either submit a financial statement to the office named in the invitation prior to making an offer, or communicate with such office to determine whether such a statement is desired in his case. When satisfactory financial responsibility has not been established, CCC reserves the right to consider an offer only upon submission by offerer of a certified or cashier's check, a bid bond, or other security, acceptable to CCC, assuring that if the offer is accepted, the offerer will comply with any provisions of the contract with respect to payment for the commodity and the furnishing of performance bond or other security acceptable to CCC.

Disposals and other handling of inventory items often result in small quantities at given locations or in qualities not up to specifications. These lots are offered by the appropriate ASCS office promptly upon appearance and therefore, generally, they do not appear in the Monthly Sales List.

On sales for which the buyer is required to submit proof to CCC of exportation, the buyer shall be regularly engaged in the business of buying or selling commodities and for this purpose shall maintain a bona fide business office in the United States, its territories or possessions and have a person, principal or resident agent upon whom service of judicial process may be had.

Prospective buyers for export should note that generally, sales to U.S. Government agencies, with only minor exceptions will constitute domestic unrestricted use of the commodity.

Commodity Credit Corporation reserves the right, before making any sales, to define or limit export areas.

The Department of Commerce, Bureau of International Commerce, pursuant to regulations under the Export Control Act of 1949, prohibits the exportation or reexportation by anyone of any commodities under this program to Cuba, the Soviet Bloc or Communist-controlled areas of the Far East including Communist China, North Korea, and the Communist-controlled area of Viet Nam except under validated license issued by the U.S. Department of Commerce, Bureau of International Commerce.

For all exportations, one of the destination control statements specified in Commerce Department Regulations (Comprehensive Export Schedule, § 379.10(c)) is required to be placed on all copies of the shipper's export declaration, all copies of the bill of lading, and all copies of the commercial invoices. For additional information as to which destination control statement to use, the exporter should communicate with the Bureau of International Commerce or one of the field offices of the Department of Commerce.

Exporters should consult the applicable Commerce Department regulations for more detailed information if desired and for any changes that may be made therein.

SALES PRICE OR METHOD OF SALE

WHEAT, BULK

Unrestricted use.

A. *Storable.* All classes of wheat in CCC inventory are available for sale at market price but not below 115 percent of the 1967 price-support loan rate for the class, grade, and protein of the wheat plus the markup shown in C below applicable to the type of carrier involved.

B. *Nonstorable.* At not less than market price, as determined by CCC.

C. *Markup and examples (dollars per bushel—in-store).*[1]

Markup in-store received by—		Examples—Agricultural Act of 1949; Stat. minimum
Truck	Rail or barge	
$0.04	$0.01½	Minneapolis—No. 1 DNS ($1.55) 115 percent +$0.01½; $1.80½. Portland—No. 1 SW ($1.44) 115 percent +$0.01½; $1.67½. Kansas City—No. 1 HRW ($1.42) 115 percent +$0.01½; $1.66½. Chicago—No. 1 SW ($1.47) 115 percent +$0.01½; $1.71½.

Export.

A. CCC will sell limited quantities of Hard Red Winter and Hard Red Spring wheat at west coast ports at domestic market price levels for export under Announcement GR-345 (Revision III, July 6, 1963, as amended) as follows:

(1) Notice of foreign sale must be furnished CCC within 5 calendar days after purchase.

(2) Sales will be made only to fill dollar market sales abroad and exporter must show export from the west coast to a destination west of the 170th meridian, west longitude, and east of the 60th meridian, east longitude, and to countries on the west coast of Central and South America.

B. CCC will sell wheat for export under Announcement GR-261 (Revision III, Jan. 9, 1961, as amended and supplemented) subject to the following:

(1) All classes will be sold subject to offers which include the price at which the buyer proposes to purchase the wheat.

(2) All classes will be sold to fill dollar market sales abroad and exporter must show export from the west coast to a destination within the geographical limitation shown in A(2) above.

(3) All classes will be sold for application to barter contracts entered into pursuant to invitations for barter offers dated prior to 3:30 p.m., e.d.t., on August 26, 1966. However, CCC-owned wheat will not be sold for barter at west coast ports nor will evidence of export at west coast ports be acceptable under a sale for barter.

C. Announcement GR-262 (Revision II, Jan. 9, 1961, as amended) for export as flour as follows: All classes will be sold for application to barter contracts entered into pursuant to invitations for barter offers dated prior to 3:30 p.m., e.d.t., on August 26, 1966. However, sales for barter will not be made at west coast ports nor will evidence of export from west coast ports be acceptable under a

sale for barter pursuant to this announcement.

D. CCC will not sell wheat under Announcement GR-846 until further notice.

Available. Evanston, Kansas City, Minneapolis, and Portland ASCS offices.

CORN, BULK

Unrestricted use.

A. *Redemption of domestic payment-in-kind certificates.* Such CCC dispositions of corn as CCC may designate will be in redemption of certificates or rights represented by pooled certificates under a feed grain program. The price at which corn shall be valued for such dispositions shall be the market price as determined by CCC, but not less than 115% of the applicable 1966 price-support loan rate[1] for the class, grade, and quality of the corn plus the markup shown in C of this unrestricted use section.

B. *General sales.*

1. *Storable.* Such CCC dispositions of storable corn as CCC may designate as general sales will be made during the month at market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent of the applicable 1966 price support rate[1] (published loan rate plus 19 cents per bushel) for the class, grade, and quality of the corn, plus the markup shown in C of this unrestricted use section.

2. *Nonstorable.* At not less than market price as determined by CCC.

C. *Markups and examples (dollars per bushel in-store[1] basis No. 2 Yellow Corn 14 percent M.T. 2 percent F.M.).*

Markup in-store received by—	Example
Truck	
$0.17½	Feed grain program domestic PIK certificate minimums: McLean County, Ill. ($1.62+$0.03) 115 percent +$0.37½; $2.07½. Agricultural Act of 1949; stat. minimums: McLean County, Ill. ($1.62+$0.19 +$0.09); 105 percent +$0.17½; $1.47½.

Available. Evanston, Kansas City, Minneapolis, and Portland ASCS grain offices.

Export.

Corn from CCC inventory is not available for export sale.

GRAIN SORGHUMS (BULK)

Unrestricted use.

A. *Redemption of domestic payment-in-kind certificates.* Such CCC dispositions of grain sorghum as CCC may designate will be in redemption of certificates or rights represented by pooled certificates under a feed grain program. The minimum price at which grain sorghum shall be valued for such dispositions shall be market price, as determined by CCC, but not less than 115 percent of the applicable 1966 price-support loan rate[1] for the class, grade, and quality of the grain sorghum, plus the markup shown in C of this unrestricted use section applicable to the type of carrier involved.

B. *General sales.*

1. *Storable.* Such CCC dispositions of storable grain sorghum as CCC may designate as general sales will be made during the month at market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent of the applicable 1966 price-support rate[1] (published loan rate plus 34 cents per hundredweight) for the class, grade, and quality of the grain sorghum, plus the markup shown in C of this unrestricted use section applicable to the type of carrier involved.

2. *Nonstorable.* At not less than market price as determined by CCC.

C. *Markups and examples (dollars per hundredweight in-store[1] No. 2 or better).*

Markup in-store received by—		Example
Truck	Rail or barge	
$0.39½	$0.28½	Feed grain program domestic PIK certificate minimums: Hale County, Tex. ($2.65) 115 percent +$0.39½; $3.04½. Kansas City, Mo. (ex-rail) ($1.75) 115 percent +$0.39½; $2.14½. Agricultural Act of 1949; stat. minimums: Hale County, Tex. ($2.29+$0.24); 105 percent +$0.39½; $2.68½. Kansas City, Mo. (ex-rail) ($1.51+$0.24); 105 percent +$0.39½; $2.14½.

Export.

Sales are made at applicable domestic market price levels for export, as determined by CCC; export payment rates, if any, are deducted in arriving at barter prices. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcements is 105 percent of the applicable price-support rate plus the markup referred to in C of the unrestricted use section for grain sorghum. Sales will be made pursuant to the following announcements:

A. Announcement GR-806 (Revision 2, Mar. 1, 1965, as amended), for export commodity certificate redemption.

B. Announcement GR-212 (Revision 2, Jan. 9, 1961) for application to barter contracts entered into pursuant to invitations for barter offers dated prior to 3:30 p.m., e.d.t., on August 20, 1966, and for cash or other designated sales.

Available. Evanston, Kansas City, Minneapolis, and Portland ASCS grain offices.

BARLEY, BULK

Unrestricted use.

A. *Storable.* Market price, as determined by CCC, but not less than 115 percent of the applicable 1967 price-support rate[1] for the class, grade, and quality of the barley plus the applicable markup.

B. *Markups and examples (dollars per bushel in-store[1] No. 2 or better).*

Markup in-store received by—		Example
Truck	Rail or barge	
$0.04	$0.01½	Cass County, N. Dak. ($0.87); 105 percent +$0.04; $1.05. Minneapolis, Minn. (ex-rail) ($1.10); 105 percent +$0.01½; $1.25½.

C. *Nonstorable.* At not less than market price as determined by CCC.

Export.

Sales are made at applicable domestic market price levels for export, as determined by CCC. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcement is 105 percent of the applicable price-support rate plus the markup referred to in B of the unrestricted use section for barley. Sales will be made pursuant to the following announcements:

A. Announcement GR-806 (Revision 2, Mar. 1, 1965, as amended), for export commodity certificate redemption.

B. Announcement GR-212 (Revision 2, Jan. 9, 1961) for cash or other designated sales.

Available. Kansas City, Evanston, Minneapolis, and Minneapolis grain offices.

OATS, BULK

Unrestricted use.

A. *Market price,* as determined by CCC, but not less than 115 percent of the applicable 1967 price-support rate[1] for the class, grade, and quality of the oats plus the markup shown in B below.

B. *Markups and examples (dollars per bushel in-store[1] basis No. 2 XHWO).*

Markup in-store received by—	Examples—Agricultural Act of 1949; Stat. minimum
Truck	
$0.04	Redwood County, Minn. ($0.60+$0.08 quality differential); 115 percent +$0.04; $0.72.

C. *Nonstorable.* At not less than the market price as determined by CCC.

Export.

Sales are made at applicable domestic market price levels for export as determined by CCC; export payment rates, if any, are deducted in arriving at barter prices. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcements is 105 percent of the applicable price-support rate plus the markup referred to in B of the unrestricted use section for oats. Sales will be made pursuant to the following announcements.

A. Announcement GR-806 (Revision 2, Mar. 1, 1965, as amended), for export commodity certificate redemption.

B. Announcement GR-212 (Revision 2, Jan. 9, 1961), for application to barter contracts and for cash or other designated sales.

Available. Kansas City, Evanston, Minneapolis, and Portland ASCS grain offices.

RYE, BULK

Unrestricted use.

A. *Storable.* Market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula price which is 105 percent[1] of the applicable 1967 price-support rate for the class, grade, and quality of the grain plus the markup shown in B below applicable to the type of carrier involved.

B. *Markups and examples (dollars per bushel in-store[1] No. 2 or better).*

Markup in-store received by—		Examples—Agricultural Act of 1949 Stat. minimum
Truck	Rail or barge	
$0.04	$0.02½	Rolette County, N. Dak. ($0.90); 105 percent +$0.04; $0.99. Minneapolis, Minn. (ex-rail) ($1.23); 105 percent +$0.02½; $1.31½.

C. *Nonstorable.* At not less than market price as determined by CCC.

Export. Sales are made at applicable domestic market price levels for export, determined by CCC. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcement is 105 percent of the applicable price-support rate plus the markup referred to in B of the unrestricted use section for rye. Sales will be made pursuant to the following announcements:

A. Announcement GR-806 (Revision 2, Mar. 1, 1965, as amended), for export commodity certificate redemption.

B. Announcement GR-212 (Revision 2, Jan. 9, 1961) for cash or other designated sales.

Available: Evanston, Kansas City, Portland, and Minneapolis ASCS grain offices.

RICE, ROUGH

Unrestricted use.

Market price but not less than 1966 loan rate plus 5 percent plus 44 cents per hundredweight, basis in store.

Export.

As milled or brown under Announcement GR-369 (Revision III, as amended), Rice Export Program.

Available: Prices, quantities, and varieties of rough rice available from Kansas City ASCS Commodity Office.

COTTON, UPLAND

Unrestricted use.

A. Competitive offers under the terms and conditions of Announcement NO-C-32 (Sale of Upland Cotton for Unrestricted Use). Under this announcement, upland cotton acquired under price-support programs will be sold at the highest price offered but in no event at less than the higher of (a) 110 percent of the current loan rate for such cotton, or (b) the market price for such cotton, as determined by CCC.

B. Competitive offers under the terms and conditions of Announcement NO-C-31 (Disposition of Upland Cotton—In Redemption of Payment-In-Kind Certificates or Rights in Certificate Pools, In Redemption of Export Commodity Certificates, Against the "Short-fall," and Under Barter Transactions), as amended. Cotton may be acquired at the current market price for such cotton at time of delivery, which shall be the highest price offered but not less than the minimum determined by CCC, and in no event at less than the loan rate for such cotton at time of delivery.

Export.

CCC disposals for barter. Competitive offers under the terms and conditions of Announcements CN-EX-28 (Acquisition of Upland Cotton for Export under the Barter Program) and NO-C-31 (described above), as amended.

COTTON, EXTRA LONG STAPLE

Unrestricted use.

Competitive offers under the terms and conditions of Announcements NO-C-6 (Revised July 22, 1960), as amended, and NO-C-10, as amended. Under these announcements extra long staple cotton (domestically grown) will be sold at the highest price offered but in no event at less than the higher of (a) 115 percent of the current support price for such cotton plus reasonable carrying charges, or (b) the domestic market price as determined by CCC.

Export.

A. *CCC sales for export.* Competitive offers under the terms and conditions of Announcements CN-EX-23 (Extra Long Staple Cotton Export Program) and NO-C-27 (Sale of Extra Long Staple Cotton), as amended.

B. *Barter.* Competitive offers under the terms and conditions of Announcement CN-EX-27 (Acquisition of Extra Long Staple Cotton for Export under the Barter Program), and NO-C-27 (Sale of Extra Long Staple Cotton), as amended.

COTTON, UPLAND OR EXTRA LONG STAPLE

Unrestricted use.

A. Competitive offers under the terms and conditions of Announcement NO-C-18 (Sale of Cotton—To Establish Claims). Any such cotton will be offered for sale periodically on the basis of samples representing the cotton for the purpose of establishing claims against producers and others according to schedules issued from time to time by CCC.

B. Competitive offers under the terms and conditions of Announcement NO-C-20 (Sale of Special Condition Cotton). Any such cotton (Below Grade, Sample Loose, Damaged Pickings, etc.) owned by CCC will be offered for sale periodically on the basis of samples representing the cotton according to schedules issued from time to time by CCC.

Availability information.

Sale of cotton will be made by the New Orleans ASCS Commodity Office. Sales announcements, related forms and catalogs for upland cotton and extra long staple cotton showing quantities, qualities and location may be obtained for a nominal fee from that office.

PEANUTS, SHELLED

When stocks are available in their area of responsibility, the quantity, type, and grade offered and whether for restricted or unrestricted use are announced in weekly lot lists or invitations to bid issued by the following:

GFA Peanut Association, Camilla, Ga.

Peanut Growers Cooperative Marketing Association, Franklin, Va.

Southwestern Peanut Growers' Association, Gorman, Tex.

A. *Restricted use sales.* Announcement PR-1 effective July 1, 1966, Amendment 1, and the lot list contain terms and conditions of sales restricted to domestic crushing or export.

1. Shelled peanuts of less than U.S. No. 1 grade may be purchased for foreign or domestic crushing.

2. U.S. Medium, Virginia type may be purchased for export only.

B. *Unrestricted sales.* Announcement PR-3 effective May 11, 1967, and the invitation to bid contain the terms and condition of sale.

U.S. Medium Virginia type may be purchased for domestic unrestricted use.

All sales are made on the basis of competitive bids each Wednesday, by the Producer Associations Division, Agricultural Stabilization and Conservation Service, Washington, D.C. 20250, to which all bids are submitted.

TUNG OIL

Unrestricted use.

Sales are made periodically on a competitive bid basis. Bids are submitted to the Producer Associations Division, Agricultural Stabilization and Conservation Service, Washington, D.C. 20250.

The quantity offered and the date bids are to be received are announced to the trade in notices of Invitation to Bid, issued by the National Tung Oil Marketing Cooperative, Inc., Poplarville, Miss. 39470.

Terms and conditions of sale are set forth in Announcement NTOM-PR-4 of April 6, 1967, as amended, and the applicable Invitation to Bid.

Bids will include, and be evaluated on the basis of, price offered per pound f.o.b. storage location. For certain destinations, CCC will as provided in the Announcement, as amended, refund to the buyer a "freight equalization" allowance.

Copies of the Announcement or the Invitation may be obtained from the Cooperative or Producer Associations Division, ASCS, telephone Washington, D.C., area code 202, DU 8-3901.

DRY EDIBLE BEANS (BAGGED)

Unrestricted use.

Domestic market price but not less than the following minimum prices per hundredweight for U.S. No. 1, f.o.b. indicated points of production. Amount of paid-in-freight to be added as applicable. For other grades and location, adjust by applicable 1966 price support differentials.

Class	Price per cwt.	Area of production
Light red kidney	$9.84	Michigan and New York.
Dark red kidney	9.48	Michigan.
Pea	7.40	Do.
Pink	7.97	Michigan and New York.

FLAXSEED, BULK

Unrestricted use.

A. *Storable.* Domestic market price but not less than the applicable 1967 support price for the class, grade, and quality of flaxseed plus 14½ cents per bushel, and plus the respective markup shown in B below applicable to the type of carrier involved.

B. *Markups and examples (dollars per bushel, in-store[1]).*

Markup per bushel received by—		Examples of minimum prices (ex-rail or barge)		
Truck	Rail or barge	Terminal	Class and grade	Price
Cents $0.06	*Cents* $0.01½	Minneapolis	No. 1	$3.31½

C. *Nonstorable.* At not less than domestic market price as determined by CCC.

Export.

Flaxseed will be sold at domestic market price levels for export with payment to be made in cash or export commodity certificates under Announcement PS-GR-4, Revision 1, as amended.

Available. Through the Minneapolis Grain Merchandising ASCS office.

LINSEED OIL, RAW (BULK)

Export.

Linseed oil will be sold at domestic market price levels for export with payment to be made in cash or export commodity certificates under Announcement PS-GR-4, Revision 1, as amended.

Available. Through the Minneapolis ASCS commodity office.

DAIRY PRODUCTS

Sales are in carlots only in-store at storage location of products.

Submission of offers. Submit offers to the Minneapolis ASCS Commodity Office.

NONFAT DRY MILK

Unrestricted use.

Announced prices, under MP-14: Spray process, U.S. Extra Grade, 21.60 cents per pound.

BUTTER

Unrestricted use.

Announced prices, under MP-14: 74 cents per pound—New York, Pennsylvania, New Jersey, New England, and other States bordering the Atlantic Ocean and Gulf of Mexico. 73.25 cents per pound—Washington, Oregon, and California. All other States 73 cents per pound.

CHEDDAR CHEESE (STANDARD MOISTURE BASIS)

Unrestricted use.

Announced prices, under MP-14: 49.125 cents per pound—New York, Pennsylvania, New England, New Jersey, and other States bordering the Atlantic Ocean and Pacific Ocean and the Gulf of Mexico. All other States 48.125 cents per pound.

FOOTNOTES

[1] The formula price delivery basis for bin site sales will be f.o.b.

[2] To compute, multiply applicable support price by 105 percent or the price-support loan rate by 115, as indicated, round product up to nearest whole cent and add amount shown in the appropriate table and any applicable freight and handling charges.

USDA AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE OFFICES

GRAIN OFFICES

Kansas City ASCS Commodity Office, 8660 Ward Parkway, Post Office Box 205, Kansas City, Mo. 64141. Telephone: Emerson 1-6262.

Alabama, Alaska, Arizona, Arkansas, Colorado, Florida, Georgia, Hawaii, Kansas, Louisiana, Mississippi, Missouri, Nebraska, Nevada, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Wyoming (domestic and export) California (domestic only).

Branch Office—Evanston ASCS Branch Office, 2201 Howard Street, Evanston, Ill. 60202. Telephone: Long Distance—University 9-5000 (Evanston Exchange), Local—Rogers Park 1-5000 (Chicago, Ill.).

Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, Vermont, and West Virginia.

Branch Office—Minneapolis ASCS Branch Office, 310 Grain Exchange Building, Minneapolis, Minn. 55415. Telephone: 336-5661.

Minnesota, Montana, North Dakota, South Dakota, and Wisconsin.

Branch Office—Portland ASCS Branch Office, 1218 Southwest Washington Street, Portland, Oreg. 97205. Telephone: 226-3381.

Idaho, Oregon, Utah, and Washington (domestic and export sales), California (export sales only).

PROCESSED COMMODITIES OFFICE (ALL STATES)

Minneapolis ASCS Commodity Office, 6400 France Avenue South, Minneapolis, Minn. 55435. Telephone: Area Code 612, 334-2200.

COTTON OFFICES (ALL STATES)

New Orleans ASCS Commodity Office, Wirth Building, 120 Marais Street, New Orleans, La. 70112. Telephone: 527-7766.

GENERAL SALES MANAGER OFFICES

Representative of General Sales Manager, New York Area: Joseph Reidinger, 80 Lafayette Street, New York, N.Y. 10013. Telephone: 264-8439, 8440, 8441.

Representative of General Sales Manager, West Coast Area: Callan B. Duffy, Appraisers' Building, Room 802, 630 Sansome Street, San Francisco, Calif. 94111. Telephone: 556-6185.

ASCS STATE OFFICES

Illinois, Room 232, U.S. Post Office and Courthouse, Springfield, Ill. 62701. Telephone: Area Code 217, 525-4180.

Indiana, Room 110, 311 West Washington Street, Indianapolis, Ind. 46204. Telephone: Area Code 317, 633-8521.

Iowa, Room 311, Iowa Building, 505 Sixth Avenue, Des Moines, Iowa 50307. Telephone: Area Code 515, 284-4213.

Kansas, 2601 Anderson Avenue, Manhattan, Kans. 66502. Telephone: Area Code 913, JE 9-3531.

Michigan, 1405 South Harrison Road, East Lansing, Mich., 48823. Telephone: Area Code 517, 372-1910.

Missouri, I.O.O.F. Building, 10th and Walnut Streets, Columbia, Mo. 65201. Telephone: Area Code 314, 443-4111.

Minnesota, Griggs Midway Building, 1821 University Avenue, St. Paul, Minn. 55104. Telephone: Area Code 612, 296-7881.

Montana, Post Office Box 670, U.S.P.O. and Federal Office Building, Bozeman, Mont. 59715. Telephone: Area Code 587, 4511, Ext. 3271.

Nebraska, Post Office Box 793, 5801 O Street, Lincoln, Nebr. 68501. Telephone: Area Code 402, 475-3647.

North Dakota, Post Office Box 2017, 15 South 21st Street, Fargo, N. Dak. 58103. Telephone: Area Code 701, 237-5205.

Ohio, Room 202, Old Federal Building, Columbus, Ohio 43215. Telephone: Area Code 614, 469-5644.

South Dakota, Post Office Box 843, 239 Wisconsin Street SW., Huron, S. Dak. 57350. Telephone: Area Code 605, 352-8651, Ext. 321 or 310.

Wisconsin, Post Office Box 4248, 4601 Hammersley Road, Madison, Wis. 53711. Telephone: Area Code 608, 246-4441, Ext. 7535.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 407, 62 Stat. 1092; sec. 105, 69 Stat. 1051, as amended by 76 Stat. 612; secs. 303, 306, and 307, 79 Stat. 614-617; 7 U.S.C. 1441 (note))

Signed at Washington, D.C., on June 30, 1967.

E. A. JAENKE,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 67-7817; Filed, July 6, 1967; 8:49 a.m.]

Office of Management Improvement

ORGANIZATION AND FUNCTIONS AND AVAILABILITY OF INFORMATION

Notice is hereby given for the guidance of the general public as to the organization and functions, and the availability of records of the Office of Management Improvement pursuant to 5 U.S.C. 552, 559.

Organization and functions. The Office of Management Improvement provides leadership in planning, administering, and evaluating the Department's management program. The Office initiates appraisals of management activities and operating policies of the Department to achieve more effective and lower cost approaches to the conduct of business. It designs and revises management systems, and develops guidelines for a comprehensive data processing program designed to promote effective use of automatic data processing in the Department.

Availability of records. Records in possession of the Office of Management Improvement are open for inspection at their location either in Washington, D.C., or New Orleans, La., and copies may be made by the requestor or furnished by the Office of Management Improvement, except exempt records as described in the paragraph below.

Exempt records. Exempt records of the Office of Management Improvement include the following:

(1) Matters specifically required by Executive Order to be kept secret;

(2) Matters related solely to the internal personnel rules and practices of the Department;

(3) Matters specifically exempted from disclosure by statute;

(4) Trade secrets and commercial or financial information obtained from any person and privileged or confidential;

(5) Interagency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the Department;

(6) Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(7) Investigatory files compiled for law enforcement purposes except to the extent available by law to a party other than an agency.

Requests for records. Requests for records, other than publications available from office stocks, shall be submitted in writing, either to (1) Deputy Director, Office of Management Improvement, U.S. Department of Agriculture, Office of the Secretary, 14th and Independence Avenue SW., Washington, D.C. 20250; or (2) Director, Management Data Service Center, U.S. Department of Agriculture, 119 South Claiborne Avenue, New Orleans, La. 70112. Requests shall identify each desired record with reasonable specificity. Requests may be submitted in person or by mail.

Appeals. Denials of requested records may be appealed to the Director of Management Improvement. Appeals shall be made in writing within 15 days of the denied request. The Director will give written notice of final determination on the appeal.

Fees. A person who has requested available records shall be promptly notified that he may inspect and, upon payment of applicable fees, may copy such records, or purchase copies or extracts thereof on business days during regular office hours. Copies of such records may also be purchased by mail. Applicable fees are prescribed by the Director, Office of Plant and Operations, U.S. Department of Agriculture.

Effective date. The provisions of this notice are effective July 4, 1967.

Done at Washington, D.C., this 30th day of June 1967.

JOSEPH HASPRAY,
Director of Management Improvement.

[F.R. Doc. 67-7840; Filed, July 3, 1967; 8:49 a.m.]

Office of the Secretary

NORTH CAROLINA

Extension of Designation of Area for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of North Carolina natural disasters have caused a continuing need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

North Carolina	Original designation
Chowan	31 F.R. 10263.
Perquimans	31 F.R. 10263.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1968, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

This extension shall become effective as of June 30, 1967.

Done at Washington, D.C., this 30th day of June 1967.

DEVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67-7844; Filed, July 6, 1967; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

RUTH M. SMYSER AND GEORGIANA R. RAMSEY

Delegation of Authority Relating to Certifications

1. Pursuant to the authority delegated to the Assistant Secretary for Administration by Department Order 166, the following employees of the Office of Administrative Services, Office of the Secretary, are hereby authorized to sign as certifying officers certifications as to the official nature of copies of correspondence and records from the files, publications and other documents of the Department and to affix the seal of the Department of Commerce to such certifications or documents for all purposes, including the purposes authorized by 28 U.S.C. 1733(b).

Ruth M. Smyser.
Georgiana R. Ramsey.

2. This delegation of authority shall be effective as of the date hereof.

Dated: June 27, 1967.

DAVID R. BALDWIN,
Assistant Secretary for Administration.

[F.R. Doc. 67-7787; Filed, July 6, 1967; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ATLAS CHEMICAL INDUSTRIES, INC.

Notice of Filing of Petition for Food Additives Sorbitan Monostearate and Polysorbate 60 (Polyoxyethylene (20) Sorbitan Monostearate)

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 6B2009) has been filed by Atlas Chemical Industries, Inc., Wilmington, Del. 19899, proposing amendments to §§ 121.1089 Sorbitan monostearate and 121.1089 Polysorbate 60 (polyoxyethylene (20) sorbitan monostearate) to provide for the safe use of sorbitan monostearate and polysorbate 60 (polyoxyethylene (20) sorbitan monostearate) as emulsifiers in standardized sweet chocolate, milk chocolate, skim milk chocolate, buttermilk chocolate, mixed dairy product chocolates, and sweet cocoa and vegetable fat (other than cocoa fat) coating. The petition proposes that when the additives are used alone the maximum amounts not exceed 1 percent sorbitan monostearate and 0.5 percent polysorbate 60 (polyoxyethylene (20) sorbitan monostearate) by weight of the finished, standardized cocoa product; and that when used in combination the total maximum amount not exceed 1 percent by weight of such product, with the limitation that the polysorbate 60 not exceed 0.5 percent by weight.

Dated: June 28, 1967.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 67-7824; Filed, July 6, 1967; 8:49 a.m.]

STATEMENT OF ORGANIZATION, FUNCTIONS, AND DELEGATIONS OF AUTHORITY

The following Statement Supersedes All Previous Material Issued in Part 10 (Food and Drug Administration) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare.

10-A *Mission.* The Food and Drug Administration administers the Federal Food, Drug, and Cosmetic Act, Tea Importation Act, Import Milk Act, Caustic Poison Act, Hazardous Substances Act, Fair Packaging and Labeling Act, and the Filled Milk Act. It is responsible for promoting purity, standard potency, and truthful and informative labeling of consumer products covered by this legislation.

10-B *Organization and functions.* The Food and Drug Administration is under the supervision and direction of the Commissioner of Food and Drugs, and is comprised of the following organizational components:

Office of the Commissioner. Under the general direction and supervision of the Secretary of Health, Education, and Welfare, the Commissioner of Food and Drugs is responsible for administering the following Acts: Federal Food, Drug, and Cosmetic Act; Federal Caustic Poison Act; Import Milk Act; Filled Milk Act; Tea Importation Act; Fair Packaging and Labeling Act; and Federal Hazardous Substances Act. Responsible for executive direction of the Agency and for developing and maintaining high management goals and objectives including: (1) assurance that FDA will hold a position of leadership in the medical and science issues surrounding the mission; and (2) assurance that medical and related scientific matters in the mission, and in relation to enforcement in administrative matters, are given appropriate weight in the making of top management decisions.

Associate Commissioner for Compliance. Functions as principal adviser to the Commissioner on regulations and compliance-oriented matters which impact on policy and Agency-level decisions. Evaluates and coordinates FDA's overall compliance effort to assure an optimum use of FDA resources (combined with other Federal, State, and local resources), a balance between voluntary and regulatory compliance, and FDA responsiveness to consumer needs. Stimulates an awareness within the Agency of the need for prompt and positive action to secure compliance by the regulated industries. Directs and coordinates the regulation-making activities of the Food and Drug Administration, to include procedural regulations, interpretive regulations, exempt regulations, rule-making regulations, and formal and informal regulatory policy statements. Responsible for preparation of FEDERAL REGISTER material. Counsels the Commissioner on courses of action necessary to rectify major deficiencies in compliance programs as reflected in formal program evaluation reports prepared by responsible staff officers. Determines impact on and/or need for major changes in Agency policy and direction and long-range program goals. Operates FDA emergency preparedness and civil defense program. Coordinates FDA delegate-agency and other civil defense responsibilities, and special FDA programs designed to meet national disaster and emergency requirements. Serves as liaison between FDA and outside agencies and industry on emergency preparedness matters.

Associate Commissioner for Science. Stimulates scientific and technological effort and achievement in the Agency. Provides leadership in shaping long-range program goals, advancement of programs, and understanding of FDA's scientific role and responsibilities. Promotes intra and extramural scientific cooperation. Serves as principal advisor to the Commissioner on scientific matters which impact on policy and agency-level decisions, specifically, (1) long-range program plans and goals, (2) initiation, curtailment, consolidation, or decentralization of major scientific research projects and functions, (3) organization; delegation of authority; and deployment of resources, and (4) industry petitions and proposals; precedent court cases; consumer protection; proposed legislation; and implementing FDA regulations. Responsible for all committee management within FDA. Serves as or designates, a scientific committee chairman for (a) scientific committees attached to the National Advisory Council; (b) agency-wide FDA research councils established to make objective appraisal of research accomplishments, needs and capabilities; (c) agency-wide contract research committees established to review status

and determine priorities for proposed research contract awards; and (d) related ad hoc committees established to determine an agency-wide approach for resolution of critical problems of immediate concern. Provides broad policy guidance and establishes relative degree of emphasis necessary for effective administration of the Science Information Facility in FDA. Responsible for, and is the focal point within the Agency, for continuing agency-wide appraisal of ongoing scientific research programs in FDA. Coordinates FDA scientific research programs to prevent overlap or duplication of effort within FDA and with scientific research performed in other Government agencies such as NIH, ARS, or research and development laboratories of the Defense Department. Responsible for the administration of the FDA Library. Directs the FDA safety program.

Assistant Commissioner for Administration. Serves as principal advisor to the Commissioner on all phases of management inherent in the operations of FDA. Responsible for the effective direction and utilization of all management resources and the implementation of operating programs by coordinating the funding, manpower, facilities, and equipment needs of the Agency. Provides leadership and direction to administrative management including budget, finance, personnel, organization, methods, procurement and property, records, and similar supporting activities. Provides central administrative services. Assures that conduct of these efforts effectively supports program operations.

Division of Financial Management. Plans, directs, and coordinates a comprehensive financial management program for the Food and Drug Administration encompassing the areas of budget analysis, formulation and execution, fiscal accounting, voucher audit, and financial reporting. Provides staff assistance in justifying budgets through executive and Congressional echelons. After appropriation, assures an orderly expenditure rate. Develops apportionment plans and issues allotments for expenditure. Makes periodic reports regarding the status of agency's financial management. Maintains liaison with the HEW Office of Financial Management, Bureau of the Budget, Congressional Committees, and other Federal agencies concerned with such matters. The Director of this Division is the Financial Manager of the Food and Drug Administration.

Division of General Services. Provides leadership and guidance to headquarters staff officers, headquarters operating activities, and field activities for all general services programs, including: procurement, contracts, personal property management and accountability, real property management, space management and utilization, construction and engineering services, communications, printing and reproduction, and mails and files. Responsible for maintaining effective liaison with the Government Printing Office, and for the centralized clearance and coordination of all printing and publication services. Coordinates the development of agencywide policies and procedures for such services and plans, executes, evaluates, and adjusts efforts in these activities. Maintains liaison with the HEW Division of General Services, General Services Administration, and other Federal agencies concerned with such matters.

Division of Management Systems. Assists the Assistant Commissioner for Administration in carrying out his responsibilities in those phases of agency management which involve: organization analysis and design; planning and evaluation of operations; the more effective and economical use of resources; the analyses, design, installation and maintenance of operating systems and procedures. Conducts management surveys or studies of FDA administrative and program operations. Designs and installs modern automated systems for data processing. Provides automatic data processing (ADP) services for all of FDA including electronic data processing (EDP) as well as electrical accounting machine (EAM) equipment. Develops and maintains coordinated systems for the management of directives, reports, forms, records, and correspondence. Establishes policy for all systems development and improvement work of the agency including such work performed by the operating Bureaus. Maintains liaison with the DHEW Office of Management Policy, General Services Administration, Bureau of the Budget, and other Federal agencies concerned with such matters.

Division of Personnel Management. Responsible for planning, developing, executing, and evaluating a comprehensive personnel management program for FDA including recruitment, placement, classification, pay administration, employee relations, employee services, employee-management relations, and employee development and training. Through this program, assists top management as well as operating units to expeditiously and efficiently achieve its program objectives while insuring the application of the Federal Merit System. Maintains liaison with the HEW Division of Personnel Management, Civil Service Commission, and other Federal agencies concerned with such matters. The Director of this Division is the Personnel Officer of the Food and Drug Administration.

Assistant Commissioner for Education and Information. Acts as principal advisor to the Commissioner concerning public information and education. Plans, coordinates, and participates in a comprehensive public information program for the Agency and acts as a focal point for dissemination of news concerning FDA activities; maintains contacts with the press and other public information media for this purpose. Gives proper emphasis to newsworthy occurrences and assures that distortions of FDA intention do not occur as a result of insufficient explanation by the Agency. Conducts a public information program that will create a positive atmosphere for FDA regulatory programs and will be conductive to the FDA personnel recruitment effort. Maintains contact with key individuals and organizations in the field of education and educational materials in order to interest them in the role of FDA as an item of educational importance. Reviews long-range plans and sets long-range goals for consumer education programs. Reviews all speeches and other informational material prepared for public presentation to assure that they are in agreement with the latest FDA and Department policies. Provides editorial, design, and graphic art services to FDA headquarters activities. Answers public inquiries and corresponds with the public on topics of consumer interest.

Assistant Commissioner for Planning and Evaluation. Responsible for FDA long-range planning including program analysis. Develops and participates in the administration of the FDA planning-programing-budgeting system by: Assisting the Bureaus in developing long-range objectives; developing cost-benefit studies; providing staff leadership in the conduct of economic and demographic studies as a basis for forecasting trends, needs, and major problems requiring solution. Coordinates intra- and inter-agency planning-programing; provides liaison with the Department Office of Program Coordination. Consolidates and issues FDA 5-year plan. Evaluates program accomplishments against objectives and priorities.

Office of International Affairs. Advises the Commissioner on all FDA matters having international implications. Develops position papers on international programs as recommendations to the Commissioner. Helps to coordinate implementation of such programs. Serves as focal point for and coordinates FDA contacts and liaison with international organizations. Represents FDA at meetings concerning international affairs when requested to do so by the Commissioner. Assumes leadership in the fostering of multilateral interests, support, and action by other countries in administering FDA-type regulatory programs of foods, drugs, cosmetics, and hazardous substances which are subject to importation into the United States. Fosters international cooperation on problems concerning foods, drugs, cosmetics, and hazardous substances. Maintains constant liaison and close working relationships with the Office of the Assistant Secretary for Health and Scientific Affairs, DHEW, regarding developments, trends, programs, policies, and procedures concerning international activities. Maintains a working relationship with other U.S. Government organizations that have to do with international affairs, such as the Department of State and the Department of Defense. Represents the Food and Drug Administration in relations with foreign visitors.

Office of Legislative and Governmental Services. Advises the Commissioner concerning legislative and other needs necessary to develop effective Federal-State cooperative programs. Provides a focal point of headquarters-field liaison, program development, and information concerning State food and drug consumer protection programs and FDA operating relationships with the States. Provides assistance in the analysis of State legislative needs and develops or coordinates the development of model legislation and regulations. Coordinates analyses of FDA legislative needs and the development of FDA legislative proposals and prepares FDA position papers for the approval of the Commissioner. Maintains liaison with the Congress concerning food and drug legislative proposals and provides assistance in making modifications and interpretations as appropriate. Develops the FDA position on proposed legislation which may affect FDA programs and initiates action to resolve major differences of opinion. Coordinates Congressional inquiries and reports, as appropriate, coordinates State and local inquiries. Coordinates pertinent activities and acts as liaison with the Office of the Assistant Secretary for Legislation, DHEW.

Office of Policy Management. Advises the Commissioner on policy and procedures necessary for maintaining the integrity of trade secrets and other privileged information submitted by industry to the Food and Drug Administration. Formulates Agency-wide security measures to be followed to prevent disclosure of such privileged information to unauthorized sources. Investigates and recommends action concerning problems associated with security. Serves as FDA representative and liaison with the Office of Internal Security, OS, and participates with them in developing and implementing intra-agency policy and procedures for security-related matters. Advises the Commissioner on policy and special problems concerning conflict of interest and/or potential conflict of interest. Establishes broad Agency-wide policy, and reviews and initiates actions as necessary to maintain a climate of confidence, on the part of regulated industry and of the general public, in the integrity of the Food and Drug Administration. Reviews the administration of fair employment practices within the Agency and recommends corrective action as may be indicated.

Bureau of Drug Abuse Control.—Responsible for the development and execution of appropriate inspection, enforcement, and analytical programs necessary to carry out the intent and provisions of the Drug Abuse Control Amendments of 1965 (relating to the control of depressant, stimulant, hallucinogenic, and counterfeit drugs) and to prevent the illegal sale of prescription drugs. Executes at the local level, in cooperation with the Bureau of Education and Voluntary Compliance, educational and voluntary compliance programs. Initiates and conducts programs designed to emphasize the social, physiological, and psychological aspects of drug abuse control. Develops and conducts a program of inventory audit of manufacturers and other handlers of stimulant and depressant drugs to prevent the illegal diversion of such drugs. Conducts investigations and takes appropriate enforcement action designed to stop illegal traffic in stimulant and depressant drugs, counterfeit drugs, and the illegal sale of prescription drugs. Responsible for the operation of field offices established to implement the programs of the Bureau in the field.

Division of Case Assistance. Provides guidelines in interpretation of statutes, regulations, and court decisions relating to the control of stimulant and depressant drugs, counterfeit drugs, and illegal sale of prescription-legend drugs. Develops policies and procedures and provides guideline in the areas of fundamentals of evidence, legal authorities and rights, libel action, search and seizure, and other aspects of general criminal law including current court decision relating to the control of stimulant and depressant drugs, counterfeit drugs, and illegal sale of prescription-legend drugs. Monitors all contested court actions pending in cases initiated by the Bureau. In this role, assures that the field office and the U.S. Attorney receives all needed assistance in whatever form. (Responsibility for additional investigational work rests with the Division of Investigations.) Serves as a focal point of information on all current court cases initiated by the Bureau. Provides counsel and assistance, as required, to the Bureau's field staff in preparing legal actions for trial. Provides for any needed coordination of court cases among the Bureau, Bureau of Regulatory Compliance, and the General Counsel (HEW). Prepares and organizes Bureau presentations at hearings conducted under Section 701 of the Federal Food, Drug, and Cosmetic Act. Drafts, or coordinates the preparation of, the regulations necessary to implement the Drug Abuse Control Amendments; maintains the regulations in a current status. Provides guidance and assistance to the BDAC Hearing Officers.

Division of Drug Studies and Statistics. Provides a focal point on the social, psychological, and physiological ramifications of stimulant and depressant drug abuse. Collects, maintains, and analyzes statistical data concerning legal and illegal stimulant and depressant drug production, distribution and use. Initiates, arranges for, and coordinates studies to determine the potential for drug abuse of existing and new psychotoxic drugs and to expand current knowledge concerning the side effects of controlled drugs. Recommends programs for community action and other types of educational and voluntary compliance programs and conducts studies that would lead to the development of effective programs.

Division of Investigations. Develops policies and procedures for the inventory audit of manufacturers, compounders, processors, wholesalers, jobbers, distributors, pharmacies, hospitals, and other persons or firms required to maintain records on stimulant and depressant drugs. Develops recommended records and controls for voluntary use by manufacturers and other handlers of stimulant and depressant drugs in order to obstruct the illegal diversion of such drugs. Develops and coordinates field investigations relating to the control of stimulant and depressant drugs, counterfeit drugs, and the illegal sale of prescription drugs. Develops policies and procedures for the guidance of field investigative staff in conducting criminal and other types of investigations and in the protection of personnel. Coordinates with the Bureau of Regulatory Compliance concerning the following: provision of adequate laboratory support from BRC for the examination of samples; proper timing of citations and other enforcement actions to avoid duplication of investigative and enforcement efforts, scheduling of audits of stimulant and depressant drug handlers to minimize the possibility of conflicting visits to firms.

Field Offices. Carries out assigned programs designed to eliminate the problem of drug abuse. Conducts and participates in educational and voluntary compliance activities designed to prevent and forestall the necessity for punitive action to be taken by Federal and State authorities in their efforts to control drug abuse. Conducts overt and covert investigations to prevent illegal traffic in stimulant and depressant, counterfeit, and prescription legend drugs; takes appropriate regulatory action when violations of the Drug Abuse Control Amendments are encountered. Audits inventory records of manufacturers and distributors of stimulant and depressant drugs to determine whether there is diversion of such drugs from legitimate channels of distribution; initiates remedial action. Advises manufacturers and distributors of stimulant and depressant drugs as requested in developing and maintaining such records and controls that will discourage and detect illegal diversions and will facilitate inventory audits by FDA. Holds informal hearings for violators of the Drug Abuse Control Amendment of 1965 when violations occur and recommends appropriate regulatory action. Maintains working relationships with State and local agencies, police and narcotic enforcement officials and with local representatives of the Bureau of Narcotics, Federal Bureau of Investigation and the Department of Justice. Coordinates with the appropriate FDA district office in scheduling inventory audits of drug manufacturers and in taking regulatory actions in order to avoid duplication of investigative and enforcement efforts and to minimize the possibility of conflicting visits.

Bureau of Education and Voluntary Compliance. Conducts a broad program of promoting voluntary compliance and cooperation between the public, the regulated industries, and the Food and Drug Administration through educational and informational activities. Conducts programs to effectively inform specific segments of the population to avoid abuse and misuse of drugs; avoid health hazards, frauds, and quackery; and to use drugs safely and effectively. Conducts programs aimed at effectively providing industry with facts and techniques that will give industry the greatest opportunity to comply with FDA

regulations and standards. Decides areas of emphasis and techniques to be used for such programs. Determines consumer attitudes, interests, and values; industry trends and attitudes; and program effectiveness through the use of special surveys.

Division of Consumer Relations. Conducts educational and informational programs to assist consumers in deriving the most benefit from the Federal Food, Drug, and Cosmetic Act and related laws. Organizes and conducts meetings, workshops, and seminars for providing consumer information directed to specific population groups, such as low income, senior citizens, youth, and other representative consumer organizations. Initiates plans and prepares informational material in support of areas of responsibility. Initiates plans for movies, radio and TV spots, filmstrips, exhibits, and other audiovisual materials as required to support meetings, workshops, and seminars. Designs, plans, and recommends consumer surveys as required. Implements programs in schools, colleges, and universities relevant to Federal Food, Drug, and Cosmetic Act. Makes long-range plans in the areas of the Division's responsibilities.

Division of Industry Education. Conducts programs to encourage and promote industry self-improvements and self-regulation. Assures understanding of FDA regulations and policies by the regulated industries. Prepares and distributes informational material to explain FDA's laws, regulations, and policies. Organizes and conducts meetings, workshops, and seminars for discussion of new laws or amendments, proposed regulations, and for providing industry with facts and techniques to produce products that meet the agency's regulatory standards. Initiates plans for visual materials in support of division's areas of responsibility. Makes long-range plans for carrying out an effective industry voluntary compliance program.

Bureau of Medicine. Develops medical policy of the Food and Drug Administration with respect to efficacy and safety for man of drugs and devices. Establishes medical policy and furnishes the Commissioner with medical evaluation of substances found, or proposed for use, in foods, drugs, cosmetics, and hazardous household substances. Coordinates and evaluates New Drug Applications and claims for investigational drugs. Operates an adverse drug reaction reporting program. Conducts through contract, a program of clinical studies of drugs and devices. Coordinates medical aspects of FDA's inspectional and investigational programs, new drug hearings, and court cases. Determines those drugs having a potential for abuse; develops recommendations and explanatory data for review by committees established to advise the Commissioner in this area of responsibility. Analyses data on drugs subject to abuse and makes appropriate recommendations for action by FDA. In response to Bureau of Drug Abuse Control requirements, conducts and contracts for studies on the medical aspects of drug abuse control.

Office of Drug Surveillance. Evaluates the safety and efficacy data and proposed labeling in supplements to new drug applications and makes appropriate recommendations to the Division Director with respect to approval and disapproval of the supplements. Conducts continuing surveillance and medical evaluation of the labeling, clinical experience and reports of adverse reactions, including those submitted by an applicant under the records and reports requirements, of all drugs for which a new drug approval is in effect. Determines whether there is a need for revised labeling, withdrawal of approval of the drug, or recall of the drug from the market. Consults with medical experts to ascertain the concensus of informed medical opinion relating to current problems regarding individual or classes of drugs. Reviews inspection and other findings designed to reveal whether new drugs are being marketed in accordance with commitments contained in new drug applications. When the Office determines there is a need for labeling revision, withdrawal of a new drug approval or removal of a new drug from the market, makes appropriate recommendations to the Division Director. Provides medical evaluation with regard to the safety of foods, particularly special dietary foods, food additives, and cosmetics. Maintains a system to obtain reports of adverse reactions from the use of drugs. Maintains a system to collect reports of and disseminate information on hazardous substances.

Division of Drug Monitoring. Makes preliminary review and analysis of all adverse drug reactions coming into the Bureau of Medicine. Administers the Hospital Adverse Drug Reaction Reporting Program and develops and coordinates other sources of adverse drug reaction information. Receives and disseminates information obtained from those sources. Screens adverse reaction reports to initiate prompt in-depth evaluation by other Divisions of situations that may require changes in labeling, issuance of warning letters, withdrawal of new drug approvals, or removal of drugs from the market. Makes in-depth evaluations when requested.

Division of Epidemiology. Collects, evaluates, and disseminates information obtained with regard to the hazards of chemicals used in the household and of cosmetics, pesticides, food additives, and the accidental ingestion of drugs. Develops precautionary statements for hazardous substances covered by Federal laws. Makes recommendations for further study, precautionary labeling, changes in labeling, or withdrawal from use, to other Divisions in the Bureau of Medicine and the Office of the Bureau Director. Conducts clinical studies based on hospital records-keeping systems.

Division of Supplemental Review. Evaluates the safety and efficacy data provided in supplements to new drug applications. Evaluates proposed labeling changes submitted as part of supplements to new drug applications. Monitors and otherwise refers to appropriate catalogs of labeling for all new drugs to assure that supplemental labeling changes are consistent with and otherwise in conformity with the labeling of similar or comparable drug articles. Makes appropriate medical recommendations to the Office of Drug Surveillance with respect to approval or disapproval of supplements to new drug applications.

Office of Medical Review. Provides assistance on medical matters to legal officers in hearings and court cases. Reviews and evaluates promotional material for drugs, devices, and books which are sold principally through the mails and after consideration of the drug's formula, design of the devices, or review of the book, forwards a report to the Chief Postal Inspector indicating whether or not there is convincing medical basis for a fraud action. In Post Office Fraud hearings gives medical testimony in support of the Department's charges of false and fraudulent claims, and when indicated, makes arrangements for other physicians to testify in support of the Government's position. Testifies at Grand Jury hearings when requested by the Post Office Department and assists the U.S. Attorney by explaining the medical aspects of the particular case and assists him in preparation of the case for trial. Advises the Post Office Department of the need or desirability for clinical studies to support actions against false and fraudulent therapeutic claims set forth in the Department's complaint, plans such studies, and secures the cooperation of physicians and scientists in carrying them through to completion. Reviews advertising claims and promotional labeling and recommends actions to prevent misleading and false claims. Develops medical facts and opinions to establish medical policy with respect to therapeutic devices and appliances having medical claims. Provides necessary medical evidence and expert witnesses to support legal actions involving violative devices.

Division of Case Review. Reviews proposed legal actions involving medical issues and recommends appropriate action on the basis of medical evidence. Determines the necessity for field investigation of drug problems and when indicated, assists the field in making these investigations. Directs, designs, or conducts clinical investigations to obtain the medical and other scientific facts necessary for the final determination of policy and to support regulatory actions on violative drugs. Develops medical evidence, procures expert medical witnesses, and collaborates with the Bureau of Regulatory Compliance and the Office of the General Counsel to provide medical support in new drug hearings and court cases. Provides technical advice to the General Counsel and to the U.S. Attorney in the presentation of court cases, including preparing and answering of interrogatories, depositions, and sitting with the attorneys in court to advise on cross-examination of opposition witnesses.

Division of Medical Advertising. Monitors and evaluates professional journal advertising, and promotional

labeling and advertising contained in establishment inspection reports and submitted under the records and reports requirements. Recommends regulatory procedures to deal with false or misleading claims in advertising and promotional labeling or failure of prescription drug advertisements to fairly present in brief summary, information concerning side effects, contraindications, and effectiveness of drugs. Cooperates with the Bureau of Regulatory Compliance and the Bureau of Education and Voluntary Compliance in furnishing medical support for trade correspondence and regulatory proceedings based on the advertising and promotional labeling for prescription drugs.

Division of Medical Devices. Develops medical facts and opinions necessary to establish Food and Drug Administration medical policy with respect to therapeutic devices and appliances having medical claims. Conducts or directs research, testing, and laboratory studies required to determine the technical adequacy, qualitative characteristics, physical characteristics, and the physical effects produced by medical devices and appliances. Conducts or directs clinical studies to determine the truthfulness or falsity of claims made in the labeling of such devices. In cooperation with the Bureau of Regulatory Compliance, provides necessary medical evidence and expert witnesses to support legal actions involving violative devices.

Office of New Drugs. Determines whether preclinical pharmacologic tests and other toxicological evaluations performed on new drug articles are adequate to support proposed clinical uses. Determines whether clinical trials of new drugs on man are soundly conceived and are supported by prior animal testing and other controls adequate to justify the tests on man. Determines whether applications by manufacturers for permission to market new drugs for general use should be approved on the basis of an evaluation of the evidence of safety and effectiveness. Evaluates the truthfulness of claims for safety and effectiveness, and the adequacy of directions for uses, and warnings against misuses, appearing in proposed labeling; the adequacy of animal, clinical, and chemical tests performed on the new drug and the suitability of manufacturing and laboratory methods, facilities and controls exercised in factories producing new drugs.

Division of Anti-infective Drugs. Performs all of the functions outlined in the overall functions for the Office of New Drugs with regard to drugs that will be classified anti-infective drugs.

Division of Cardiopulmonary and Renal Drugs. Performs all of the functions outlined in the overall functions for the Office of New Drugs with regard to drugs that will be classified cardiopulmonary renal drugs.

Division of Dental and Surgical Adjuncts. Performs all of the functions outlined in the overall functions for the Office of New Drugs with regard to drugs that will be classified dental and surgical adjuncts.

Division of Metabolism and Endocrine. Performs all of the functions outlined in the overall functions for the Office of New Drugs with regard to drugs that will be classified metabolism and endocrine drugs.

Division of Neuropharmacological Drugs. Performs all of the functions outlined in the overall functions for the Office of New Drugs with regard to drugs that will be classified neuropharmacological drugs.

Division of Oncology and Radiopharmaceuticals. Performs all of the functions outlined in the overall functions for the Office of New Drugs with regard to drugs that will be classified oncologic and radiopharmaceutical drugs.

Bureau of Regulatory Compliance. Provides staff assistance to the FDA district offices through the development of regulatory program plans, the collection and processing of program statistics, the development of legal, inspectional, and laboratory guidelines, and the provision of guidance, coordination, and assistance in case handling. Develops program plans in concert with the district offices within the context of national compliance programs developed by the Associate Commissioner for Compliance. Receives, processes, and analyzes program statistics collected from the field organization, and provides the Commissioner and the district offices with relevant program data and summary information. Provides technical guidance for the district offices by developing and revising program manuals for district use. In coordination with the Field Liaison Officer and the district offices, uses field expertise in the development of the manuals. Recommends to the Commissioner delegations of authority to the districts concerning the direct handling of legal actions. Develops and maintains legal guidelines for the districts to use in such cases. Reviews and approves legal actions in cases where authority has not been delegated to the field or where guidelines have not yet been established, and in cases of national scope requiring headquarters coordination. Advises the Commissioner and the district offices regarding the development of evidence leading to precedent-establishing court contests designed to test and interpret the law. Provides data and information for long-range planning and budget formulation to the Assistant Commissioner for Planning and Evaluation and the Assistant Commissioner for Administration. Issues advisory opinions resulting from specific requests from industry. Prepares responses to Congressional inquiries and requests for information under 21 CFR 4.1 relating to investigations and enforcement policies. Performs a liaison function between FDA and the General Counsel and other governmental organizations in the conduct of various enforcement actions.

Division of Case Guidance. Provides support and guidance upon request to the district offices in the handling of legal actions, and provides headquarters case development, coordination, and contested case assistance. Recommends to the Commissioner delegations of authority to the districts concerning the direct handling of legal actions. Develops and maintains legal guidelines for the districts to use in such cases. Reviews and approves legal actions in cases where authority has not been delegated to the field, and in cases of national scope requiring headquarters coordination. Advises the Commissioner and the district offices regarding the development of evidence leading to precedent-establishing court contests designed to test and interpret the law. Issues advisory opinions resulting from specific requests from industry, trade associations, government agencies, and members of Congress. Answers inquiries relating to pending or terminated legal actions. Responds to requests for official records and information under 21 CFR 4.1. Serves as liaison office between FDA and General Counsel, DHEW, and other Federal agencies on policy issues relating to cases. Participates in the training of field staff who are concerned with court cases.

Division of Program Operations. Develops program plans in concert with the district offices within the context of national compliance programs developed by the Associate Commissioner for Compliance. Receives, processes, and analyzes program statistics collected from the district offices for use in the Division's program planning. Provides the Office of the Commissioner and the districts with relevant program data and summary information. Recommends workload distribution for the district offices to the Commissioner. Provides data and information for long-range planning and budget formulation to the Assistant Commissioner for Planning and Evaluation and the Assistant Commissioner for Administration. Participates in decisions on nationwide technical training needs. Cooperates with the district offices, the Field Liaison Officer, and the Training Branch, ACA in planning and presenting training programs.

Bureau of Science. Plans, develops and administers a program of scientific support to the regulatory missions of the Food and Drug Administration. Responsible to the Commissioner for scientific standards and research relating to the composition and quality of foods, drugs, and cosmetics. Establishes policy for and directs a National program for the development of scientific standards for the protection of consumers against deleterious and fraudulent products. Develops and administers a program of scientific research in support of FDA's regulatory certification and enforcement responsibilities. Establishes and maintains relationships with other governmental and nongovernmental research and science organizations.

Division of Antibiotic and Insulin Certification. Jointly administers the antibiotic and insulin certification programs. Assists Bureau of Medicine in the evaluation of the adequacy and reliability of chemical and biological data in proposals for listing for certification antibiotic and insulin drugs and dosage forms. Assists Bureau of Medicine in the development of specifications, tests, and

methods of assay for antibiotic and insulin drugs. Assists Bureau of Medicine in the formulation of judgments on the nature of various antibiotic and insulin drugs including their safety and efficacy in use. Conducts laboratory tests and assays of samples submitted for certification, including tests for identity, composition, potency, sterility, and pyrogenicity. Conducts research programs to secure and organize new scientific information about the composition, properties, and interactions of these drugs to provide bases for the improvement of analytical methods and the development of sound opinions and policies. Performs examinations and tests required to support regulatory programs involving these drugs. Serves as repository of expertise and information concerning antibiotic and insulin drugs. Establishes planning, reporting, and accomplishment appraisal procedures.

Division of Color Certification and Evaluation. Administers the color certification program. Reviews and evaluates scientifically petitions and proposals for listing color additives and diluents with respects to the adequacy and reliability of chemical data (identity, composition, purity, stability) and methodology. Prepares color additive regulations. Conducts laboratory examinations and tests of samples for compliance with specifications as based for certification of batches. Conducts laboratory investigations to: (1) Check on accuracy of data consigned in petitions and proposals, (2) study unusual findings or difficulties encountered in routine analysis of samples submitted for certification, and (3) carry out special investigations involving regulatory samples. Participates in development of regulatory programs involving color additives. Establishes planning, reporting and accomplishment appraisal procedures.

Division of Color and Cosmetic Chemistry. Originates, plans, and conducts far-ranging researches to elucidate the nature and properties of significant substances occurring in cosmetics, colorants, and related commodities. Devises new methods for the analysis of cosmetics, colorants, and related commodities; investigates the mechanisms of the underlying chemical reactions; and explores the utilization of novel instruments and equipment. Designs and participates in collaborative studies to establish the reliability of new analytical methods and to validate important discoveries in the area of its competence. Organizes and conducts short-term training courses to impart its findings to scientists in other FDA Bureaus; participates in joint long-range experiments with members of these Bureaus and with interested scientists from other government agencies and academic institutions. Recommends the initiation of new research projects to the Bureau Director. Provides expert advice and consultation to the Office of the Commissioner and the components of FDA and to other government agencies with respect to research and the interpretation of scientific information in the domain of cosmetic and colorant science and technology. Performs regulatory analyses when required facilities are not available elsewhere, and when additional or check data are desired to support legal actions; participates in the formulation of regulatory programs concerning cosmetics and colorants. Publishes the results of its investigations in scientific journals and circulates preliminary reports among the scientists in FDA to apprise them promptly of its findings.

Division of Food Chemistry. Originates, plans and conducts far-ranging researches to elucidate the nature and properties of significant substances occurring in foods and related commodities. Devises new methods for the analysis of foods and related commodities; investigates the mechanisms of the underlying chemical reactions; and explores the utilization of novel instruments and equipment. Cooperates with the Bureau of Regulatory Compliance to design and participate in collaborative studies establishing the reliability of new analytical methods and validating important discoveries in the area of its competence. Organizes and conducts short-term training courses to impart its findings to scientists in other FDA Bureaus; performs joint long-range experiments with members of these Bureaus and with interested scientists from other government agencies and academic institutions. Recommends the initiation of new research projects to the Bureau Director. Provides expert advice and consultation to the Office of the Commissioner and the components of FDA and to other Government agencies with respect to research and the interpretation of scientific information in the domain of food chemistry. Performs regulatory analyses when required facilities are not available elsewhere, and when additional or check data are desired to support legal actions; participates in the formulation of regulatory programs concerning foods, food additives, pesticides, and related commodities. Publishes the results of its investigations in scientific journals and circulates preliminary reports among the scientists in FDA to apprise them promptly of its findings.

Division of Food Standards and Additives. Initiates and conducts a planned program for development of standards of identity, quality, and fill of container for food products. Evaluates scientifically and processes proposals for regulations establishing standards of identity, quality, and fill of container for food products. Serves as a repository of expertise and information in current food technology. Evaluates scientifically pesticide and food additive petitions with respect to adequacy and reliability of information on chemistry (identity, reproducibility, purity, stability), residue data, methodology, and intended effect data (food additives). Plans and conducts appropriate laboratory investigations with respect to: (1) Food Standards: (a) Preparation, analysis, and evaluation of authentic packs, (b) development of data and expertness in food processing, (c) data and methods for identification of foods, (d) data and methods for detecting substitutes, (e) deceptive packaging, and (f) examination of check regulatory samples. (2) Pesticides and Food Additives: (a) validation of methodology related to particular pesticide or food additive petitions or enforcement programs, and (b) collection of authentic research data by applying established methodology, e.g.: *i* Commodity (specific foods or feeds) surveys for levels of pesticide residues and food additives.

Division of Microbiology. Originates, plans and conducts researches to determine the nature, extent, and significance of microbial and other microscopic contaminants occurring in foods and drugs; studies causes and develops methods for the detection and prevention of food poisoning. Devises new microscopic and biological methods for the analysis of foods, drugs, and cosmetics; and explores the utilization of novel biological systems, instruments, and techniques. Designs and participates in collaborative studies to determine the reliability of new analytical methods and to evaluate important discoveries within the areas of its special competence. Organizes and conducts short-term training courses to impart its findings to scientists in other Bureaus of FDA and to State and Municipal regulatory officials. Recommends the initiation of new research projects to the Bureau Director. Provides expert advice and consultation to the Commissioner and the components of FDA and to other Government agencies with respect to technological developments, research, and the interpretation of scientific information in the areas of microbiology (bacteriology, mycology, virology, etc.), entomology and other biological sciences, and microanalysis; participates in the formulation of regulatory programs involving these disciplines. Performs regulatory analyses when required facilities are not available elsewhere, and when additional or check data are desired to support legal actions. Publishes the results of its investigations in scientific journals and circulates preliminary reports among the scientists in FDA to apprise them promptly of its findings.

Division of Nutrition. Originates, plans, and conducts far-ranging researches to elucidate the nature and properties of nutrient substances occurring in foods, drugs, and related commodities and factors affecting these nutrients; to determine the nutritional effects of these substances in biological and microbiological systems; and to study the metabolic fate of these substances. Devises new methods for the analysis of nutrients in foods, drugs, and related commodities; investigates the mechanisms of the underlying chemical and biochemical reactions; and explores the utilization of novel instruments and equipment. Designs and participates in collaborative studies to establish the reliability of new analytical methods to validate important discoveries in the area of its competence. Organizes and conducts short-term training courses to impart its findings to scientists in the Bureau of Regulatory Compliance, the Bureau of Medicine and the Bureau of Veterinary Medicine; participates in joint long-range experiments with members of these Bureaus and with interested scientists from other Government agencies and academic institutions. Recommends the initiation of new research projects to the Bureau Director. Provides expert advice and consultation to the Office of the Commissioner and the components of FDA and to other Government agencies with respect to general technological developments, research, and the interpretation of scientific information in the domain of the nutritional sciences. Performs regulatory analyses when required facilities are not available elsewhere, and when additional or check data are desired to support legal actions; participates in the formulation of regulatory programs concerning special dietary foods and certain drugs offered for their nutrient properties. Publishes the results of its investigations in the scientific journals and circulates preliminary reports among the scientists in FDA to apprise them promptly of its findings.

Division of Pharmaceutical Chemistry. Originates, plans, and conducts far-ranging researches to elucidate the nature of significant substances occurring in drugs and related commodities. Devises new methods for the analysis of drugs and related commodities; investigates the mechanism of the underlying chemical reactions; and explores the utilization of novel instruments and equipment. Designs and participates in collaborative studies to establish the reliability of new analytical methods and to validate important discoveries in the area of its competence; cooperates with the Committees of Revision of the Pharmacopoeia of the United States and the National Formulary in providing tests, assays, and standards for the drugs recognized by these compendia. Organizes and conducts short-term training courses to impart its findings to scientists in other FDA Bureaus; participates in joint long-range experiments with members of these Bureaus and with interested scientists from other Government agencies and academic institutions. Recommends the initiation of new research projects to the Bureau Director. Provides expert advice and consultation to the Office of the Commissioner and the components of FDA and to other Government agencies with respect to general technological developments, research, and the interpretation of scientific information in the domain of pharmaceutical chemistry. Performs regulatory analyses when required facilities are not available elsewhere, and when additional or check data are desired to support legal actions; participates in the formulation of regulatory programs concerning drugs. Publishes the results of its investigations in scientific journals and circulates preliminary reports of its findings.

Division of Pharmacology. Originates, plans, and conducts far-ranging researches to elucidate the nature and properties of pharmacologically significant substances occurring in foods, drugs, cosmetics, colorants, and related commodities; to investigate the pharmacological effects of these substances in biological and microbiological systems; and to study the metabolic fate of these substances. Devises new methods for the analysis of foods, drugs, and related commodities for pharmacologically significant substances; investigates the mechanisms of the underlying chemical and biochemical reactions; and explores the utilization of novel biological systems, instruments and equipment. Designs and participates in collaborative studies to establish the reliability of new analytical methods and to validate important discoveries in the areas of its competence; participates in the formulation of regulatory programs concerning drugs, cosmetics, and related commodities. Publishes the results of its investigations in scientific journals and circulates preliminary reports among the scientists in FDA to apprise them promptly of its findings.

Division of Toxicological Evaluation. Evaluates scientifically pesticide and food additive petitions with respect to adequacy and reliability of toxicological data and tests. Evaluates scientifically color additive petitions and proposals with respect to adequacy and reliability of toxicological data and tests. Evaluates scientifically labeling for hazardous substances. Plans and conducts appropriate laboratory investigations, such as: (1) Acute and chronic administration studies on various classes of pesticide chemicals, food additives, drugs, color, and hazardous substances to provide bases for evaluation of new proposals, and bases for review of existing tolerances and uses, (2) investigations to check data submitted by petitioners, (3) studies in application and interpretation of new procedures, and (4) studies to detect likelihood of potentiation of mixtures of pesticide chemicals, additives, and drugs. Serves as a repository of expertise and information on the toxicology of pesticide chemicals, food additives, color additives, drugs and hazardous substances. Establishes planning, reporting, and accomplishment appraisal procedures.

Bureau of Veterinary Medicine. Responsible for developing the veterinary medical policy of the Food and Drug Administration, with respect to the safety and efficacy of veterinary preparations and devices. Evaluates proposed use of veterinary preparations for animal safety and efficacy. Responsible for the veterinary medical aspects of the Food and Drug Administration inspection and investigational programs, and providing veterinary medical opinion in drug hearings and court cases.

Division of Veterinary Medical Review. Maintains surveillance of veterinary preparations and devices to assure safety and efficacy. Evaluates drug experience reports, establishment inspection information, advertising, and other clinical or research data bearing on marketed veterinary preparations. Evaluates and recommends action on medicated feed applications for those preparations that have been approved for marketing (generally under an approved food additive regulation or other original new drug applications). Recommends and/or supports regulatory and research activity. In cooperation with Bureau of Regulatory Compliance, obtains expert witnesses and data to support the Government's case when contest is pending or anticipated. Prepares veterinary medical reports for the Post Office Department on which action, as prescribed by the Postal Laws and Regulations, may or may not be taken; testifies as expert witness when such action is taken.

Division of Veterinary New Drugs. Evaluates for animal safety and efficacy proposed new veterinary preparations. Reviews the use of such preparations in veterinary medical practice to determine the effect on animals. (If the preparation is administered to food producing animals, the use of the product is considered as it relates to safety in humans.) Evaluates proposed labels to assure that they clearly indicate the use and limitations of the product. Evaluates manufacturing facilities and procedures as described in the application to assure that such controls are adequate. Recommends action to be taken on proposed new veterinary preparations submitted for FDA review. Determines data required to establish safety and efficacy and provides such information to investigators and manufacturers. Initiates research projects to gain further information on new drugs.

Division of Veterinary Research. Conducts studies to evaluate the validity of data supporting the safety and efficacy of veterinary drugs intended for the prevention or treatment of animal diseases. Conducts acute and chronic toxicity studies in large domestic animals following reports of contaminated animal feeds, such as heavy metals, weed seeds, pesticides, etc. Studies the therapeutic properties of specific products and substances and the experimental reproduction of various disease conditions. Cooperates with other Divisions and Bureaus of the Food and Drug Administration in the development of actual evidence based on animal experimentation to support legal action under the Federal Food, Drug, and Cosmetic Act. Directs research to develop methods for studying the effects of therapeutic agents and various disease conditions. Conducts experiments to develop information re-

garding food additive problems arising from the use of drugs in veterinary medicine. Maintains the veterinary laboratories located at the Agricultural Research Center, Beltsville, Md. Maintains colonies of laboratory animals for experimental tests and studies.

District Offices. Carries out all field activities necessary for the enforcement of the several laws under the jurisdiction of the Food and Drug Administration, with the exception of those activities relating to drug abuse control. Working within broad program plans developed in concert with headquarters, carries out investigations and inspections to assure and encourage compliance with pertinent sections of the Food, Drug, and Cosmetic Act, its regulations, and related acts. Collects and makes laboratory analyses of samples where the need is indicated. Analyzes violative situations and makes recommendations on legal actions. Carries out approved actions. Where authority and responsibility have been delegated, makes the enforcement decisions and carries out or initiates the enforcement or legal action indicated within the context of guidelines provided by headquarters. Maintains communications and working relationships with companion districts necessary for collaborating on investigations or programs that involve more than a single district. Carries out assignments from the Office of the Commissioner which require the special expertise or services of a field organization. Participates actively in FDA voluntary compliance programs and encourages industry participation during regular inspectional operations. Provides selected laboratory support services for the field offices of the Bureau of Drug Abuse Control. Provides headquarters with short- and long-range plans and budget proposals and cooperates with the Office of the Commissioner in the formal planning and budgeting function. Makes critical self-assessments of the district's role and of its administrative and program accomplishment, and reports the conclusions to the Commissioner. Responsible for making effective use of headquarters program, technical and administrative review services. Decides on technical training needs of the district offices jointly with the Field Liaison Officer, and cooperates in the planning and carrying out of group training sessions. Conducts hearings for alleged violations of the Food, Drug, and Cosmetic Act. Maintains liaison and develops cooperative relations with Federal, State, and local enforcement agencies.

10–C *Delegations of authority*—1. *Order of Succession.* During the absence or disability of the Commissioner of Food and Drugs or in the event of a vacancy in that office, the first official listed below who is available shall act as Commissioner:

a. Deputy Commissioner.

b. Associate Commissioner for Compliance.

c. Associate Commissioner for Science.

d. Assistant Commissioner for Administration.

e. Assistant Commissioner for Planning and Evaluation.

2. *Delegations of Authority to the Commissioner of Food and Drugs.* Except as provided in Part 2, the Commissioner of Food and Drugs shall exercise the:

a. Functions vested in the Secretary and the Department under the Federal Food, Drug, and Cosmetic Act, the Federal Caustic Poison Act, the Import Milk Act, the Filled Milk Act, the Tea Importation Act, the Federal Hazardous Substances Act (as amended by the Child Protection Act of 1966), and the Fair Packaging and Labeling Act, pursuant to section 12 of Reorganization Plan No. IV and Reorganization Plan No. I of 1953, including authority to administer oaths vested in the Secretary of Agriculture by 7 U.S.C. 2217.

b. Functions vested in the Secretary by amendments to the foregoing statutes subsequent to Reorganization Plan No. I of 1966.

c. Functions under Executive Order 11001, section 3(f), and those portions of sections 3(b), 3(d), 3(e), 6, 7, 9, and 12 which relate to food, drugs, and biologicals. In the performance of his emergency functions the Commissioner shall coordinate his activities with the Surgeon General in order that preemergency plans shall be developed in consonance with postattack organizational plans and structure of the Department for the Emergency Health Service.

d. Function of issuing all regulations of the Food and Drug Administration. The reservation of authority contained in Part 2 shall not apply.

e. Function of authorizing and approving miscellaneous and emergency expenses of enforcement activities, vested in the Secretary by Public Law 88–309 or by any other law.

3. *Establishment of the National Advisory Food and Drug Council.* Within the provisions of Executive Order 11007, the Commissioner of Food and Drugs is authorized to establish and maintain a National Advisory Food and Drug Council. The Commissioner will serve as Chairman, ex officio, of said council.

10–D *Reservation of authority.* Not applicable.

10–E *Redelegation of authority.* Authority contained in section C may be redelegated by the Commissioner to such officials of the Food and Drug Administration and, with the concurrence of the General Counsel, to such officials of the Office of the General Counsel, as he may deem appropriate.

EXHIBIT X10-1

FOOD AND DRUG ADMINISTRATION PERMANENT OFFICES

	Type of office	Address	ZIP Code
California:			
Los Angeles	District Office	1521 West Pico Blvd.	90015
	Field Office	714 West Olympic Blvd.	90015
San Francisco	District Office	Room 518, Federal Office Bldg., 50 Fulton St.	94102
Colorado:			
Denver	District Office	Room 573, New Customhouse Bldg., 20th and California Sts.	80202
	Field Office	1614 California St.	80202
District of Columbia:			
Washington	Headquarters	200 C St. SW.	20204
Georgia:			
Atlanta	District Office	60 Eighth St. NE.	30309
	Field Office	1681 Peachtree St. NE.	30309
Illinois:			
Chicago	District Office	Room 1222, Main Post Office Bldg., 433 West Van Buren St.	60607
	Field Office	Engineering Bldg., 205 West Wacker Dr.	60606
Louisiana:			
New Orleans	District Office	Room 222, U.S. Customhouse Bldg., 423 Canal St.	70130
Maryland:			
Baltimore	District Office	900 Madison Ave.	21201
	Field Office	401 Water St.	21202
Massachusetts:			
Boston	District Office	535 Commercial St.	02109
	Field Office	John F. Kennedy Federal Bldg.	02203
Michigan:			
Detroit	District Office	1560 East Jefferson Ave.	48207
Minnesota:			
Minneapolis	District Office	240 Hennepin Ave.	55401
Missouri:			
Kansas City	District Office	1009 Cherry St.	64106
	Field Office	U.S. Courthouse, 811 Grand Ave.	64106
St. Louis	District Office	Room 1608, U.S. Courthouse and Customhouse Bldg., 1114 Market St.	63101
New York:			
Brooklyn	District Office	709 Federal Office Bldg., 850 Third Ave.	11232
Buffalo	District Office	820 Delaware Ave.	14202
New York	Field Office	346 Broadway	10013
Ohio:			
Cincinnati	District Office	1141 Central Parkway	45202
Pennsylvania:			
Philadelphia	District Office	Room 1204, U.S. Customhouse Bldg., Second and Chestnut Sts.	19106
Texas:			
Dallas	District Office	3032 Bryan St.	75204
	Field Office	1114 Commerce St.	75202
Washington:			
Seattle	District Office	Room 501, Federal Office Bldg., 909 First Ave.	98104

Dated: June 30, 1967.

[SEAL] JOHN W. GARDNER, *Secretary.*

[F.R. Doc. 67-7838; Filed, July 6, 1967; 8:47 a.m.]

Office of the Secretary

WELFARE ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

The following statement supersedes all previous material issued in Part 8 (Welfare Administration) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare.

9–A *Mission.* The Welfare Administration is responsible for administering the programs of the Federal Government pertaining to assistance to individuals and families in need, and the provision of welfare and medical assistance and services for children, the aging, and other groups, and of maternal and child health services. It is responsible for studying the causes, prevention, and reduction of dependency, matters pertaining to child life, the welfare and medical needs of children, the aging, and other groups, and for making studies and recommendations as to the most effective method of providing social and economic security through social welfare programs.

9–B *Organization and functions.* The Welfare Administration, which is under the supervision and direction of the Commissioner of Welfare, consists of:

Office of the Commissioner. Directs the administration of the program of the Federal Government pertaining to assistance to persons in need and the provision of welfare and medical assistance and services for children, the aging and other groups, and of maternal and child health services. This includes certification of compliance of State laws, plans, and operations with Federal requirements, and approval of grants to States. Acts as the focal point in the Federal Government in the welfare field. Provides leadership; develops program policies and objectives; oversees the planning and execution of programs; coordinates program operations and activities; evaluates the effectiveness of operations and takes action to achieve improvements. Provides advice to and maintains relationships with Federal, State, and international welfare and other professional agencies and organizations. Directs and coordinates activities relating to fiscal and administrative management, public information, civil rights, civil defense, staff development and field liaison, legislative reference, economic opportunity programs, and voluntary organization liaison so that all these functions are integrated and unified.

Division of Research. Formulates broad research and statistical goals and policies, conducts the basic studies necessary to analyze aspects of social welfare that are beyond the immediate scope of the bureaus, and reviews and integrates the statistical and analytic work of program bureaus. Its activities are concentrated on overall social, financial, medical, and economic aspects, the relation of the programs to other social welfare and related measures, and the development of findings and recommendations on the most effective methods of providing social and economic security through social welfare programs. Provides a secretariat for making contracts with or grants to States and public and other nonprofit organizations and agencies for paying part of the cost of research or demonstration projects in the field of social welfare and related programs.

International Office. Conducts and coordinates the international activities of the Welfare Administration. Provides advisory service on U.S. foreign social policy. Serves as contact point with United States and international welfare programs. Develops programs for the technical training of foreign welfare personnel. Recommends welfare experts for foreign assignments with AID and the U.N. Conducts a grant program of cooperative research and demonstration projects in foreign countries with counterpart funds.

Office of Juvenile Delinquency and Youth Development. Administers a program of Federal grants to and contracts with public or nonprofit organizations or institutions for support of demonstration projects and training programs in the field of juvenile delinquency and youth development. Services the independent review panels that provide professional recommendations on grant applications. Provides consultant services to State, local, and private, nonprofit agencies. Works with the Division of Juvenile Delinquency Service of Children's Bureau which provides consultant services in correctional aspects of juvenile delinquency. Responsible for coordination of activities involving delinquency programs within the Department and maintains a close working relationship with the staff of the President's Committee on Juvenile Delinquency and Youth Crime in developing the total Federal delinquency program.

Cuban Refugee Program Staff. Administers an emergency Cuban refugee program which includes: (1) Financial assistance to supply basic essentials (food, clothing, and shelter) to needy refugees; (2) financial assistance in relocating refugees from Miami, Fla., to homes and jobs elsewhere in the country; (3) emergency health services; (4) assistance to the public schools of Dade County (Miami, Fla.) in providing instruction to the refugee children as well as English instruction and vocational training to adults; (5) loans to refugee students in college and funds for English and refresher courses for doctors and other professional persons; and (6) care of minors unaccompanied by relatives. These programs are carried out through a Federal Cuban Refugee Emergency Center in Miami, Fla., four voluntary relocation agencies which have offices at the Federal Center in Miami, and a variety of Federal, State, and local agencies and organizations.

Bureau of Family Services—Office of the Director. Responsible for directing and coordinating Bureau activities in the administration of Federal grants to States for old-age assistance and medical assistance for the aged, aid to families with dependent children, aid to the blind, aid to the permanently and totally disabled, and medical assistance programs. Coordinates formulation of and issues program policies and standards and provides consultation and assistance for improvement of State programs and provision of services directed to strengthening family life, self-support, self-care, and prevention of dependency. Coordinates public assistance programs with those of public and private agencies doing similar work. Provides information services to increase public understanding and support of the assistance programs, prepares information materials, and answers inquiries from Congress and the public. Provides a program of training and development for Bureau staff. Administers grants for demonstration projects in public welfare. Advises on selected aspects of international welfare activities. Appraises the national public assistance programs and recommends improvements.

The Divisions of the Bureau are: Office of Special Services, Division of Administration, Division of Staff Development, Division of Program Operations, Division of Research, Division of Welfare Services, Division of State Administrative and Fiscal Standards, and Division of Medical Services.

Office of Special Services. Serves as focal point for Bureau activities in carrying out responsibilities related to Work Experience and Training Programs (Title V, Economic Opportunity Act) and Community Work and Training Programs (sec. 409, Social Security Act). Provides technical assistance to States and localities in developing and executing projects that: (1) provide opportunities for constructive work experience and other needed training to unemployed parents and other needy persons to secure and retain employment, or to attain or retain capability for self-support or personal independence; and (2) relate to coordinated community efforts providing a broad variety of services and assistance to attack poverty in the community. Reviews Title V project proposals and State plan materials in community work and training projects. Conducts program evaluation of Work Experience and Training Program projects.

Division of Administration. Conducts Bureau administrative and business management activities and assists in coordination of program activities, including work plans and reports. Plans and conducts management analyses and appraisals and a system of issuances management. Prepares internal Bureau procedures and instructions. Conducts Bureau personnel management and incentive awards programs. Advises on training needs of Bureau employees and conducts certain administrative training. Plans and develops Bureau financial management programs and executes budget. Formulates administrative budget justifications; coordinates grant-in-aid and emergency welfare program

estimates; maintains administrative accounting system and audits administrative expenses. Maintains Bureau central records. Arranges for procurement of supplies, equipment, travel and other general services.

Division of Staff Development. Formulates, in collaboration with Children's Bureau, policies and standards on staff development and manpower utilization for use by State agencies. Gives leadership in implementation and interpretation of such policies and standards. Develops teaching materials on content, methods, and techniques in program administration and teaching. Evaluates recommendations for legislation on training and education. Provides technical assistance to Bureau staff and State agencies. Participates in development of standards on recruitment, selection, and utilization of staff. Cooperates with other Federal and national agencies and educational institutions on educational and training needs of public welfare personnel.

Division of Program Operations. Implements, in the field, Bureau programs of grants to States by maintaining continuing relationships through advice and assistance to State agencies administering public assistance programs. Coordinates field use of Bureau services. Takes action on State public assistance plan material. Conducts a continuing review of State and local public assistance program administration. Keeps the Bureau informed of important developments in State programs and whether State operations meet requirements of the Social Security Act for continued certification of Federal funds. Analyses State grant requests. Makes recommendations for grants to States and action on fiscal audit reports. Carries out Bureau responsibilities in programs of emergency welfare services, assistance for U.S. citizens and hospitalization of mentally ill nationals returned from foreign countries, and welfare planning for refugees and immigrants. Plans, directs, and coordinates the activities of Bureau regional staff who, within the framework of the nine regional offices, maintain Federal-State relationships with State agencies receiving grants-in-aid for public assistance, assure that requirements and standards under the Federal act are understood and in effect, provide technical assistance to States in the administration of their programs, conduct a continuing review of State and local public assistance administration, review and take action on State plan material, analyze State grant estimates, and review audit reports, making recommendations as required.

Division of Research. Develops and conducts a research and statistical program which includes collection and analysis of data on public assistance programs and the people aided by them for use in program interpretation, evaluation, and planning. Assists State agencies in developing statistical reporting and research programs and staff through technical supervision of Regional research analysts and specialized consultation. Serves as central resource of quantitative data about public assistance and related programs. Develops projections and justifications for the Federal budget, including estimates of coverage and costs of public assistance. Develops formulas for Federal financial participation. Participates in joint or coordinated research related to several programs of the Welfare Administration and the Department.

Division of Welfare Services. Formulates policies, standards, and procedures to assure entitlement to assistance and social services, promote adequate assistance, and improve welfare services directed to prevention of dependency, personal rehabilitation, care and protection of children, the aged, including those in mental hospitals, the blind, disabled, and medically needy. Assesses progress and problems in these areas and provides leadership in administrative and legislative planning for protection of recipients' rights, development of services, establishment of assistance standards and determination of eligibility. Develops recommended public assistance program objectives. Initiates recommendations for Federal legislation and evaluates and advises on proposals made elsewhere. Provides technical assistance to Bureau staff and State agencies in these areas.

Division of State Administrative and Fiscal Standards. Formulates policies, standards, and methods relating to proper and efficient administration of State and local public assistance programs, such as organizational and management standards and practices, fiscal accountability, fiscal policy affecting financing of programs, administrative controls and procedures, State administrative supervision of local agencies, requirements for Federal participation in costs of administration, and technical aspects of Federal matching. Provides technical assistance to Bureau staff and State agencies in these areas.

Division of Medical Services. Formulates policies, standards, methods, and guides relating to (a) the provision of medical care and health services for needy children, the blind, disabled, and aged, and the medically needy and (b) the medical aspects of eligibility in programs of old age assistance, aid to the blind, aid to families with dependent children, aid to the permanently and totally disabled, and medical assistance. Conducts studies in these areas. Assists States through consultation and other methods to extend the medical scope and content and to improve the quality of the medical and medical-social aspects of their medical assistance programs, including prevention of illness and medical rehabilitative services, and to encourage recipients to make maximum use of available medical care and related health services.

Children's Bureau—Office of the Chief. Establishes Bureau program objectives within broad statutory requirements. Develops and coordinates overall program policies and plans, and directs staff in carrying out these programs. Maintains liaison with other units of government within and outside the Department. Establishes and maintains working relationships with nongovernmental organizations and individuals interested in the well-being of mothers and children. Identifies national problems, needs, and trends related to children and youth. Formulates, develops, and coordinates legislative recommendations, and analyzes and evaluates proposed legislation. Provides representation on and staff services to the Interdepartmental Committee on Children and Youth. Coordinates policies relating to the administration of the Bureau's grants programs. Participates in international programs affecting maternal and child health and welfare. Provides program planning and consultation on the development and strengthening of services for adolescent youth. Serves as the focal point for planning and carrying out decennial conferences on the status of children and youth in the nation.

The divisions of the Bureau are:

Division of Health Services. Plans and administers the Bureau's nationwide health programs for mothers and children. Provides national leadership in the field of maternal and child health and crippled children's services. Formulates and carries out, through its central and regional office staff, programs designed to provide comprehensive preventive health, hospital, medical care and after care services for mothers and children throughout the nation, including services for mentally retarded children. Administers grants to State health departments, crippled children's agencies, local health agencies, schools of medicine, and other public and nonprofit institutions of higher learning as authorized under Title V, Parts 1, 2, and 4 of the Social Security Act, as amended, for the following purposes: Maternal and child health services, crippled children's services, maternity and infant care projects, projects for the health of school and preschool children, and grants for the training of professional personnel for the care of crippled children. Develops policies, guides and standards for professional services and effective administration of the grant programs. Provides consultation and technical assistance on a nationwide basis on the development, extension and improvement of programs and services in the various specialized fields represented in the programs (e.g., medicine, including pediatrics and obstetrics, dentistry, psychology, nursing, nutrition, medical social work, audiology and speech pathology, physical and occupational therapy, public health administration). Works cooperatively with national, State and local organizations and agencies, both public and voluntary, on programs for improving the effectiveness of health services for mothers and children.

Division of Social Services. Plans and administers the Bureau's nationwide child welfare programs. Provides national leadership in the development, extension and strengthening of child welfare services. Formulates and carries out, through its central and regional office staff, programs designed to provide comprehensive child welfare services in all areas of the nation. Administers grants to State welfare agencies for public child welfare services, and to institutions of higher learning for training of personnel for work in the field of child welfare, as authorized under Title V, Part 3, of the Social Security Act, as amended. Develops policies, guides and standards for professional services and effective administration of the grant programs. Provides consultation and technical assistance on a nationwide basis on the development, extension, and improvement of child welfare programs, including specialized areas (e.g., services to children in their own homes, foster care, day care services, adoptions, services to unmarried mothers, homemaker services, protective services for neglected, abused, or exploited children, services to mentally retarded children, licensing of child care facilities, training, and staff development in child welfare). Works cooperatively with national, State and local organizations and agencies, both public and voluntary, on programs for improving the effectiveness of child welfare services.

Division of Juvenile Delinquency Service. Plans and carries out the Bureau's activities in the field of juvenile delinquency. Provides national leadership in the development of programs for the control and treatment of juvenile delinquency. Develops program policies, standards and guides for services. Provides consultation and technical assistance to, and works cooperatively with, public and voluntary agencies and other organizations at national, State, and local levels on the development, extension, and improvement of services and facilities for the control and treatment of juvenile delinquency, including legislative bases, organization, content, administration, and coordination of programs, training of both professional and nonprofessional personnel for services, and operation of such special services as police, law enforcement, juvenile courts, probation, detention, diagnostic and reception centers, training schools, group work, and community services. Makes evaluative surveys of overall programs or of special services and facilities.

Division of Research. Plans and carries out the Bureau's activities in the field of research. Conducts and reports on studies dealing with child life and with the evaluation of programs and services for children. Administers the program authorized under Title V, Part 3, of the Social Security Act, as amended, for grants to child welfare or research organizations and agencies and to institutions of higher learning for research or demonstration projects in the child welfare field. Administers the program authorized under Title V, Part 4 of the Social Security Act, as amended, providing funds to agencies and organizations engaged in research or in maternal and child health or crippled children's programs, and to institutions of higher learning for research projects that show promise of substantial contribution to the advancement of maternal and child health and crippled children's services. Develops, compiles, analyzes and reports program and administrative data relating to the health of mothers and children, child welfare, and juvenile delinquency. Provides consultation on research in all areas of child life and on statistical reporting systems. Collects, analyzes, and disseminates information on research findings. Conducts a clearinghouse on current research in child life. Prepares content for publications interpreting research findings for use by parents, professional workers, and others concerned about children. Answers inquiries from the public about problems of child care and child life. Stimulates through conferences, publications and other means the utilitization of research findings by administrators and practitioners.

Division of Reports. Directs the Bureau's program of public information. Advises the Bureau Chief and other staff on the public interest in and reaction to the Bureau's programs and activities. Formulates policies and implements program plans for communicating information to parents, children, youth, those working with children, and the general public. Produces a variety of publications, visual materials, and releases for parents, children, youth, professional workers, civic groups, and others, including an interdisciplinary journal for the child-serving professions. Plans and carries out effective distribution of these informational materials. Provides information to the mass media concerning the needs of and services for children. Provides consultation and advice to State child health and welfare agencies on methods of interpreting programs for, or special subject areas about, children to professional and lay groups. Provides technical assistance on writing and other information activities. Procures or provides printing and duplicating services to meet Bureau needs.

Division of International Cooperation. Directs, coordinates and carries out the Bureau's participation in international activities relating to the health and well-being of mothers and children. Serves as the focal point in the U.S. Government for the development and coordination of U.S. policies and positions on programs of the United Nations Children's Fund. Provides consultation and technical assistance to other Federal agencies on programs in foreign countries and international programs in the fields of the Bureau's competence. Maintains working relationships with international organizations concerned with child life. Plans and arranges training and observation programs in the United States for specialists from other countries in the fields with which the Bureau is concerned. Assists in recruitment of specialists in these fields to serve overseas and provides technical assistance to them through cooperation with the Agency for International Development. Develops and administers research programs under the Agricultural Trade Development and Assistance Act of 1954 and the International Health Research Act of 1960 for research grants, research fellowships, and interchange of experts in the maternal and child health field.

Division of Administrative Services. Directs the administrative and management activities essential to the operation of the Bureau's programs. Carries out budget planning and execution for all Bureau appropriations. Performs administrative accounting and auditing functions, including establishment of new or revised systems. Participates in the formulation and implementation of fiscal and administrative policies and procedures relating to grants administration. Provides office services, including procurement of equipment and supplies, space utilization, property management, etc. Develops and implements personnel policies and programs, including staffing, classification, staff development, employee recognition, employee relations, etc. Maintains Bureau official records. Coordinates preparation of the Bureau's annual work plan and progress report. Coordinates the Bureau's participation in the Department's planning-programing-budgeting system. Participates in and advises on overall Bureau program planning from the viewpoint of administrative management.

9–C *Delegations of authority.* 1. Order of succession: In the absence of the Commissioner of Welfare, the Deputy Commissioner acts for him.

2. Delegations of authority to the Commissioner of Welfare:

(a) Except as provided in paragraph (b) of this section and Part 2 of this Statement, the Commissioner of Welfare shall exercise:

(1) The functions vested in the Secretary by Titles I, IV, V, X, XIV, and XVI of the Social Security Act (42 U.S.C. 301–306, 601–609, 701–731, 1201–1206, 1351–1355, 1381–1385), by Title XIX of the Act (42 U.S.C. 1396–1396 d), subject to Part 1 of this Statement, by Title XVIII of the Act (42 U.S.C. 1395–1395 ll), to the extent of the responsibilities assigned by Part I of this Statement, and by Titles VII and XI of the Act (42 U.S.C. 90–907, 1301–1315), insofar as the provisions of such Titles pertain to the mission of the Welfare Administration as described in section 9–A.

(2) The functions vested in the Secretary relating to the mission of the Welfare Administration, as described in section 9–A, under the Social Security Act which are not contained in the Act but which are contained in the Acts cited in Exhibit X3–2.

(3) The functions vested in the Secretary by the Juvenile Delinquency and Youth Offenses Control Act of 1961 (42 U.S.C. 2541–2548).

(4) The functions vested in the Secretary by Public Law 86–571 (24 U.S.C. 321–329) (pertaining to hospitalization of mentally ill nationals returned from foreign countries) with the exception of the issuance of regulations under section 1(d) (2) (24 U.S.C. 321(d) (2)). (In exercising this authority, the Commissioner shall work with the Surgeon General, Public Health Service, and the Superintendent, Saint Elizabeths Hospital, in arranging for appropriate use of their resources to provide the most ef-

fective and economical administration of this law.)

(5) The functions vested in the Secretary by letter dated September 1, 1960, to the Secretary of the Treasury from the Director, Bureau of the Budget, authorizing the carrying out of programs under section 104(k) of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1704 (k)), insofar as this authority pertains to the mission of the Welfare Administration as described in section 9–A, provided that this authority shall be exercised in accordance with applicable policies and procedures established by appropriate authorities to ensure consistency with basic foreign policy and with related Federal programs.

(6) The functions vested in the Secretary by section 4 of the International Health Research Act of 1960 (22 U.S.C. 2102), with respect to responsibilities relating to the mission of the Welfare Administration as described in section 9–A: *Provided, however*, That such authority, with respect to the exercise of responsibilities under the Act entitled "An Act To Establish in the Department of Commerce and Labor a Bureau To Be Known as the Children's Bureau" (42 U.S.C. Ch. 6), shall be administered under the Commissioner's supervision and direction through the Children's Bureau: *Provided further*, That this authority shall be exercised in accordance with applicable policies and procedures established by appropriate authorities to ensure consistency with basic foreign policy and with related Federal programs.

(7) The functions under Executive Order 11001, section 4, and those portions of sections 5, 7, 9, 10, 11, and 12 pertaining to emergency welfare. In the performance of his emergency functions the Commissioner shall coordinate the health activities of the Children's Bureau with the Surgeon General in order that preemergency plans shall be developed in consonance with postattack organizational plans and structure of the Department for the Emergency Health Service.

(8) The functions under section 2 of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601) delegated to the Secretary by Executive Order 11077 of January 22, 1963, effective as of July 1, 1962.

(9) The functions under the Economic Opportunity Act of 1964 (42 U.S.C. 2701–2967) delegated to the Secretary pursuant to the Delegation of Authorities from the Director, Office of Economic Opportunity, dated October 24, 1964 (29 F.R. 14764, Oct. 29, 1964), pertaining to (a) the authority delegated to the Secretary under Title V, Work Experience Programs; and (b) the authority delegated to the Secretary contained in section 602 of such Act, to the extent the Commissioner may deem such authority to be necessary or appropriate for carrying out such functions in exercise if the authority indicated in (a) above: *Provided*, (1) Such authority shall be exercised pursuant to policies, standards, criteria, and procedures jointly prescribed by the Director, Office of Economic Opportunity, and the Commissioner; (2) that in exercising such authorities, preference shall, to the extent feasible, be given to programs and projects which are components of a community action program pursuant to Title II, Part A, of such Act; and (3) that such authorities shall be exercised subject to the reporting and coordination provisions of section 611 of such Act.

(b) The functions currently performed by the Children's Bureau under the Act of April 9, 1912, and under Title V of the Social Security Act, shall continue to be performed by the Chief of the Children's Bureau under the supervision and direction of the Commissioner of Welfare.

9–D *Reservation of authority.* None

9–E *Redelegation of authority.* Authority contained in section 9–C2(a) may be redelegated by the Commissioner to such officers and employees of the Welfare Administration as he may deem appropriate, except that authority conferred by section 3(c)(2), 4, 403(c)(2), 404, 505, 515, 1003(c)(2), 1004, 1116 (insofar as it provides for reconsideration of disapproved State plans or State plan amendments or disallowed claims for Federal financial participation), 1403 (c)(2), 1404, 1603(c)(2), 1604, or 1904 of the Social Security Act, as amended, shall be exercised only by the Commissioner and Deputy Commissioner of Welfare.

EXHIBIT X9–1

WELFARE ADMINISTRATION PERMANENT OFFICES

	Type of office	Address	ZIP Code
District of Columbia	Headquarters	330 Independence Ave. SW.	20201
Florida: Miami	Cuban Refugee Emergency Center	600 Biscayne Blvd.	33100

EXHIBIT X9–2

FUNCTIONS VESTED IN THE SECRETARY RELATING TO THE MISSION OF THE WELFARE ADMINISTRATION UNDER THE SOCIAL SECURITY ACT, WHICH ARE NOT CONTAINED IN THE SOCIAL SECURITY ACT

1. Sec. 618 of the Revenue Act of 1951, 65 Stat. 569, as amended by P.L. 86–778, sec. 608, 74 Stat. 992, and P.L. 87–543, sec. 141(e), 76 Stat. 205 (relating to public access to records of public assistance disbursements).

2. Sec. 9 of the Act of April 19, 1950, P.L. 474, 81st Cong. (relating to Navajo and Hopi Indians).

3. Public Welfare Amendments of 1962, P.L. 87–543, 76 Stat. 172, secs. 104(b), 106(c), and 141 (b) and (f).

4. The Labor-Federal Security Appropriation Act, 1953, P.L. 452, 82d Cong., 2d sess., 66 Stat. 368, providing restriction on availability of allotments under Title V of the Social Security Act.

5. Social Security Amendments of 1965, P.L. 89–97, 79 Stat. 386, secs. 121(b), 406, and 407.

6. Sec. 701 of the Economic Opportunity Act of 1964 (42 U.S.C. 2981) (relating to the disregard of certain payments in determining need under approved State public assistance plans).

7. Sec. 7 (b) and (c) of the Food Stamp Act of 1964 (7 U.S.C. 2016 (b) and (c)) (relating to the disregard of the excess value of food stamps in determining need under approved State public assistance plans).

8. Sec. 213 of the Elementary and Secondary Education Act (20 U.S.C. 241(m)) (relating to the disregard of certain payments in determining need under a State plan approved under Title IV of the Social Security Act).

9. Sec. 203(1) of the Manpower Development and Training Act of 1962 (42 U.S.C. 2583(1)) (relating to the disregard of certain payments in determining need under approved State public assistance plans).

Dated: June 30, 1967.

[SEAL] JOHN W. GARDNER, *Secretary.*

[F.R. Doc. 67–7837; Filed, July 3, 1967; 5:07 p.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 18306]

NORTHERN CONSOLIDATED-WIEN ALASKA MERGER

Notice of Hearing

Notice is hereby given, pursuant to provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding is assigned to be held on August 8, 1967, at 10 a.m., e.d.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned Examiner.

Dated at Washington, D.C., July 3, 1967.

[SEAL] THOMAS L. WRENN, *Associate Chief Examiner.*

[F.R. Doc. 67–7838; Filed, July 6, 1967; 8:50 a.m.]

[Docket Nos. 18292, 18483]

PAN AMERICAN WORLD AIRWAYS, INC., AND AMERICAN AIRLINES, INC.

Transpacific Exemption Requests; Notice of Oral Argument

At the direction of the Board notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument on the exemption request of Pan American World Airways, Inc., in Docket 18292 and American Airlines, Inc., in Docket 18483 is assigned to be held on September 13, 1967, at 10 a.m., e.d.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the Board.

Pan American World Airways, Inc., and American Airlines, Inc., will be allotted 30 minutes each for the presentation of their arguments. The opposing carriers Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., Northwest Airlines, Inc., Trans World Airlines, Inc., and United Air Lines, Inc., will be allotted 10 minutes each for argument. The Flying Tiger Line Inc., will also be allotted 10 minutes. The applicants will be allowed to reserve not to exceed one-quarter of their allotted time for rebuttal. Please advise the Chief Examiner on or before September 5, 1967, whether the time allotted will be utilized and the name of the person who will present the argument.

Dated at Washington, D.C., June 30, 1967.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F.R. Doc. 67–7836; Filed, July 6, 1967; 8:50 a.m.]

CIVIL SERVICE COMMISSION

DESCRIPTION OF THE ORGANIZATION AND STATEMENTS OF FUNCTIONS

Pursuant to section 552 of title 5, United States Code, this notice describes the organization of the U.S. Civil Service Commission and contains statements of the functions of the Commission with descriptions as to how those functions are channeled and determined. The rules of procedures of the Commission are set forth in the Civil Service Regulations published in title 5 of the Code of Federal Regulations and references to them are contained in this notice as appropriate. Any revision or amendment of this notice will be published in the FEDERAL REGISTER. Prior statements describing the organization of the Commission and its functions which appear in 11 F.R. 177A–362 and 11 F.R. 177A–370 are superseded by this notice.

General. The Commission, the Executive Director, the Executive Assistant to the Commissioners, and the bureaus and staff offices of the Civil Service Commission are located in the central office of the Commission at 1900 E Street NW., Washington, D.C. The employees from whom members of the public may obtain information are the employees designated to disclose information by the head of the bureau or staff office concerned with the subject matter in regard to which the information is sought. Contact with these employees may be made through the office of the head of the bureau or staff office concerned. The locations of the Commission's regional and branch offices are shown subsequently in this notice.

The Chairman and Commissioners. The organization and special authorities of the U.S. Civil Service Commission (referred to in this notice as the Commission) are governed by chapters 11 and 13 of title 5, United States Code. The Commission is composed of three Commissioners appointed by the President, by and with the advice and consent of the Senate. The Chairman of the Commission, who is designated by the President from among the Commissioners as the presiding head of the Commission, is the chief executive and administrative officer of the Commission. The President also designates, from among the Commissioners, a Vice Chairman who performs the functions of the Chairman during the latter's absence or disability. The Commissioners prescribe the regulations of the Commission; establish the policies of the Commission; assist the President in preparing the Civil Service Rules; and, in their discretion, may reopen and reconsider any operating or appellate decision of a bureau, staff office, or regional office of the Commission (see 5 CFR 511.612, 713.324, and 772.308).

The Executive Director. The Executive Director of the Commission coordinates the internal management of the Commission; directs the operating and staff activities of the Commission; and, in the absence or disability of the three Commissioners, performs the executive and administrative functions of the Chairman.

The Executive Assistant to the Commissioners. The Executive Assistant to the Commissioners maintains control of all matters submitted to the Commissioners for action; arranges meetings of the Commissioners; compiles and records the official minutes of the Commission; and has official custody of the official records of the Commission.

Staff Offices—Office of the General Counsel. The Office of the General Counsel, under the direction of the General Counsel, provides general legal services to the Commission; enforces the political activity restrictions in chapter 15 and subchapter III of chapter 73 of title 5, United States Code (see 5 CFR Parts 151 and 733); adjudicates claims under the Federal Tort Claims Act (see sec. 2672 of title 5, United States Code, and 5 CFR Part 177), and other claims involving personnel of the Commission; prepares or reviews legislation and regulations; assists in the defense of actions at law involving the Commission; administers the ethical conduct program under Executive Order 11222 and 5 CFR Part 735; and provides assistance in the implementation of the Voting Rights Act of 1965 (see "Voting Rights Program" regulations in 45 CFR Part 801).

The Board of Appeals and Review. The Board of Appeals and Review acts for the Commissioners in adjudicating appeals from decisions of the bureaus, staff offices, and regional offices of the Commission, and agency decisions reviewable in the Commission, except position-classification appeals (see 5 CFR 511.601–511.612) and political activity appeals (see 5 CFR Parts 151 and 733). (See 5 CFR 352.508(d), 353.704, and 772.307 concerning appeals to the Board relative to decisions of bureaus, staff offices, and regional offices, and 5 CFR 713.221–713.226 for the Board's jurisdiction relative to appeals from agency decisions concerning complaints of discrimination on the ground of race, creed, color, or national origin.) The Board, in addition, adjudicates appeals from retirement, insurance, and health benefits decisions of the Bureau of Retirement and Insurance (see 5 CFR 831.107, 870.205, 890.103, 891.106). Contact with this Board may be made through the Chairman, Board of Appeals and Review.

The Public Information Office. The Public Information Office, under the direction of the Public Information Officer, furnishes information to news media regarding the personnel needs of the competitive service and actions of the Commission affecting Federal personnel management; prepares public address material and informational pamphlets and articles concerning the Federal civil service; prepares exhibits, audiovisual, and radio-television material connected with recruitment; provides informational materials to Federal employees and their organizations; answers inquiries from news media and the public on civil service matters; publishes the Civil Service Journal; coordinates interagency projects to inform the public about civil service careers; and, with respect to the press and public media, coordinates the policies of the Commission relative to the availability of official information (see 5 CFR Part 294).

The Office of Hearing Examiners. The Office of Hearing Examiners advises the Commission on all matters relating to hearing examiners appointed under section 3105 of title 5, United States Code, and directs the nationwide program for their employment and compensation (see 5 CFR 930.201–930.234). The Director of the Office serves as the point of contact within the Commission for all information and services relative to the hearing examiner program in the Government.

The Appeals Examining Office. The Appeals Examining Office has initial jurisdiction of appeals from Government employees in the Washington, D.C., metropolitan area, outside the continental limits of the United States (except when jurisdiction has been specifically assigned to a regional office), and reduction-in-force appeals by field employees whose notices are issued from the Washington, D.C., office of an agency. The appeals covered, in addition to reduction-in-force appeals under 5 CFR Part 351, relate to adverse actions under 5 CFR Part 752, actions instructed to be taken by the Commission under 5 CFR 754, the denial of reemployment or restoration rights under 5 CFR Parts 352 and 353, the separation of probationary employees under 5 CFR Subpart H of Part 315, the denial of salary retention under 5 CFR Subpart E of Part 531, and performance ratings under 5 CFR Part 430 (in regard to performance rating appeals, the Chief of the Appeals Examining Office has been designated as the chairman of the appropriate boards of review). The Office investigates or directs the investigation of appellate matters, holds hearings as required, and makes and issues initial appellate decisions. Contact with this office may be made through the Chief, Appeals Examining Office.

The International Organizations Employees Loyalty Board. The Interna-

tional Organizations Employees Loyalty Board makes advisory determinations concerning the appointment of U.S. citizens considered for, or employed in, international organizations of which the United States is a member (see Executive Order 10422, as amended). Contact with this Board may be made through the Chairman, International Organizations Employees Loyalty Board.

Bureaus—The Bureau of Recruiting and Examining. The Bureau of Recruiting and Examining, under the direction of the Director of that Bureau, directs the Government-wide recruiting and examining program for positions in the competitive service at or below the equivalent of grade GS–15; designs a nationwide program for operating the recruiting and examining plan through a network of Interagency Boards of Civil Service Examiners (see sec. 1105 of title 5, United States Code); and aids in publicising the employment opportunities and needs of the Government to insure that all qualified citizens have full information about, and the opportunity to compete for, positions (see chapter 33 of title 5, United States Code, and 5 CFR Parts 212, 315, 316, 330, 332, 333, 335, and 337). The Bureau also directs programs to promote employment of the handicapped and the operation of a nationwide program of college relations and recruitment; acts on agency recommendations for according competitive status to employees noncompetitively under legislation, Executive orders, and the Commission's regulations; and makes determinations of civil service status in individual cases. In addition, the Bureau acts on promotion and training agreements; operates the Separated Career Employee Program and the Interdepartmental Placement Program for the Washington, D.C., metropolitan area; provides rosters of specialized personnel to fill key positions; and operates the examining program to fill Presidential postmaster positions and rural carrier positions. The Bureau provides guidance in operating the competitive examining program for staffing positions throughout the country through the Interagency Board of Examiners system and through the Post Office Boards of Examiners.

The Bureau of Personnel Investigations. The Bureau of Personnel Investigations, under the direction of the Director of that Bureau, directs the investigative programs of the Commission which include investigations to determine the suitability of persons for appointment and retention in the Government service, investigations relative to the enforcement of the laws, rules, and regulations administered by the Commission, and investigations of the qualifications of applicants for high-level administrative and professional positions. In addition, the Bureau provides program coordination and liaison with agencies to insure the adequacy of investigations and to advise on the application of suitability standards (see 5 CFR Part 731). The Division of Adjudications within the Bureau decides on the suitability of appointees to nonsensitive positions in the competitive service in the Washington, D.C., metropolitan area and all nonsensitive cases under the jurisdiction of the Commission in which a full field investigation by the Federal Bureau of Investigation has been conducted. The Bureau considers initial appeals from the Division of Adjudication, and instructs agencies to remove or take other disciplinary action against employees for fraud in examination or appointment or for violating the Civil Service Rules or Regulations (see 5 CFR Part 754). The Bureau also conducts a continuing study of the Government-wide security program under Executive Order 10450, and decides on the reemployment eligibility of former employees separated on charges of misconduct, delinquency, or inefficiency, or in connection with a security proceeding (see 5 CFR Subpart D of Part 731 and Subpart D of Part 732).

The Bureau of Inspections. The Bureau of Inspections, under the direction of the Director of the Bureau, plans evaluations of Government personnel management on a nationwide basis; evaluates the effectiveness of personnel management in terms of its contribution to the accomplishment of agency mission and the degree to which it accords with public policy and employee rights established under law or regulation; serves as a clearinghouse for information to improve the efficiency and economy of agency personnel management; and reviews personnel management practices in the Washington, D.C., metropolitan area. Except with respect to positions above grade GS–15, the Bureau develops procedures and technical instructions for Government-wide application in regard to the classification of positions under chapter 51 and subchapter III of chapter 53 of title 5, United States Code (see 5 CFR Parts 511, 530, 531, 534, and 539); acts on requests for classification action (classification appeals) under section 5112 of title 5, United States Code, and 5 CFR 511.601–511.610, from employees in the Washington, D.C., metropolitan area; and, in the discretion of the Bureau, reopens and reconsiders classification decisions of the regional offices of the Commission (see 5 CFR 511.611). The Bureau decides appeals relative to the salary level of positions in the Postal Field Service under section 3502 of title 39, United States Code. In addition, the Project Manager for Equal Employment Opportunity in the Bureau is responsible for the development and coordination of the Government-wide Equal Employment Opportunity Program and serves as the primary contact point in the Commission on Equal Opportunity matters.

The Bureau of Management Services. The Bureau of Management Services, under the direction of the Director of that Bureau, is responsible for the direction, coordination, and control of the fiscal, administrative, and business management activities of the Commission. Within the Bureau, the Management Systems Division develops and evaluates systems and records for performing the functions of the Commission; conducts operational audits and management surveys; directs automated data processing operations within the Commission and aids agencies in automating personnel systems; and prepares personnel statistics on the total Government work force. The Budget and Finance Division of the Bureau prepares and executes the budget program of the Commission; operates the Commission's accounting systems, including the preparation of financial and accounting statements; and audits vouchers, maintains accounts, and prepares payrolls for central office activities. The Bureau's Office Services Division is responsible for procurement and property management and maintenance; transportation and communications; publications and distribution; and records management and control. The Library maintains a specialized collection of current and historical information on all phases of public and personnel administration, including civil service law, and performs research and reference work in civil service and related fields. The Personnel Division of the Bureau administers the internal personnel program of the Commission and is the point of contact for information available in regard to employees of the Commission.

The Bureau of Executive Manpower. The Bureau of Executive Manpower, under the direction of the Director of that Bureau, is responsible for developing, operating, and evaluating the Executive Assignment System established under Executive Order 11315, and for handling other functions of the Commission relating to the classification (including classification appeals under sec. 5112 of title 5, United States Code, and 5 CFR 511.601–511.610), qualification, and appointment determinations for positions at grades GS–16, GS–17, and GS–18, and comparable salary levels, except Hearing Examiners (see sec. 3324 of title 5, United States Code, and chapter 51 of title 5, United States Code, particularly section 5108). Within the Bureau, the Division of Plans and Programs recommends improvements for the Executive Assignment System; reviews, on a continuing basis, the effectiveness of the System; prepares programs and budget estimates for the Bureau; and performs staff studies on executive manpower. The Bureau's Division of Executive Manpower Requirements reviews the top level staffing needs of the Government; recommends the allocation of spaces for positions at grades GS–16, GS–17, and GS–18; and passes on the qualifications of persons for those grades and for appointments under section 3325 of title 5, United States Code. The Division of Executive Manpower develops, operates, and maintains the career executive inventory of Government employees in and above grade GS–15; develops special qualification requirements and recruiting methods for positions covered by the system; and prepares merit staffing standards for executive search outside the Government.

The Bureau of Policies and Standards. The Bureau of Policies and Standards, under the direction of the Director of that Bureau, is responsible for a coordinated program of policy development, planning, and standards setting in the areas of Federal personnel administration with which the Commission is concerned. The Policy Development Division of the Bureau conducts studies, develops plans, and recommends policies to improve Federal personnel management; prepares the Commission's legislative program and the annual report; and plans for the management of Federal personnel in the event of a national emergency. The Bureau's Program Systems and Instructions Division develops policies and procedures to implement the laws, programs, and legal decisions with which the Commission is concerned, including pay and allowances (see chapters 53 and 55 of title 5, United States Code, and 5 CFR Parts 511, 550, 530, 531, 539, 550, and 591), leave (see chapter 63 of title 5, United States Code, and 5 CFR chapter 630), hours of duty (see chapter 61 of title 5, United States Code, and 5 CFR 610), conferring competitive status, and employee grievances. The Program Systems and Instructions Division also prepares and interprets the Commission's regulations and instructions not reserved to another bureau or staff office, administers the Federal Personnel Manual system; and evaluates the operation of the Commission's appeals program at the first appellate level. The Standards Division of the Bureau sets classification standards under section 5105 of title 5, United States Code, and standards for wage board positions; establishes qualification standards for positions in the competitive service; and devises tests for measuring qualifications for original appointments, promotions, and other personnel actions.

The Bureau of Retirement and Insurance. The Bureau of Retirement and Insurance, under the direction of the Director of that Bureau, administers the Civil Service Retirement Program (see chapter 83 of title 5, United States Code) and the Federal Employees' Life Insurance and Health Benefits Programs (see chapters 87 and 89 of title 5, United States Code). In addition, the Bureau administers the Retired Federal Employees Health Benefits Act, 74 Stat. 849, the Canal Zone Construction Annuity Act, 58 Stat. 257, the Lighthouse Service Widows Annuity Act, 64 Stat. 465. The Bureau prepares and interprets regulations necessary for the operation of the programs it administers (see 5 CFR Part 831 (Retirement), Part 870 (Life Insurance), Part 890 (Federal Employees Health Benefits), and Part 891 (Retired Federal Employees Health Benefits)). In addition, the Bureau controls the accounting systems used by agencies under the Bureau's programs; audits reports on life insurance and health benefits carriers; negotiates contracts with carriers; and develops instructional and informational material to increase employee understanding of the Bureau's programs. The Bureau also adjudicates claims for retirement, death benefits, refunds of retirement deductions, applications to make deposit, redeposit, or voluntary contributions; and determines eligibility for the health benefits enrollment of annuitants and survivor annuitants. The Bureau's Medical Division develops, provides guidance for, and evaluates the Government-wide medical program of the Commission which includes the medical review of disability retirement claims, fixing physical standards for Federal service, and coordinating nationwide programs for employment of the handicapped.

The Bureau of Training. The Bureau of Training develops, promotes, and carries out nationwide programs to assure the effective training, development, and utilization of Government employees; coordinates interagency training activities; assists agencies in assessing training needs; and aids in the development and improvement of non-Government educational programs (see chapter 41 of title 5, United States Code, Executive Order 11348, and 5 CFR Part 410). The Bureau operates the Executive Seminar Center and the ADP Management Training Center; and fosters and coordinates the Government-wide Incentive Awards Program (see chapter 45 of title 5, United States Code, and 5 CFR 451).

Regional and Branch Offices. The Commission has 10 regional offices and four branch offices. Each regional office is headed by a Director and each branch office, which is under the supervision of the Director of the region in which it is located, is headed by a Manager. Each regional office provides top level representation of the Commission within the region; represents to agency field establishments and to Government personnel in the region the authority of the Commission in maintaining the merit system and in administering the other programs of the Commission; conducts and rates examinations; and conducts qualifications, security, and other personnel investigations and makes determinations of the suitability of persons for Government employment. Within their geographical areas, the regions also coordinate training and career development; administer the Federal Equal Employment Opportunity Program; inspect personnel operations and evaluate personnel management in agency field establishments; administer the Commission's medical program and programs to employ the handicapped; and maintain liaison with employee organizations, veterans organizations, schools, and other groups having an interest in Government employment. In addition, the regional offices adjudicate appeals from employees involving adverse personnel actions, reduction in force, position classification, and other agency-initiated actions (see 5 CFR Subpart H of Part 315, Subpart B of Part 330, Subpart I of Part 351, Subpart A of Part 352, Subpart E of Part 531, and Subparts B and C of Part 752). The regional offices and their geographic jurisdiction are as follows:

Region and area served, and address

Atlanta (Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, Puerto Rico, and Virgin Islands), 240 Peachtree Street NW., Atlanta, Ga. 30303.

Boston (Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont), Post Office and Courthouse Building, Boston, Mass. 02109.

Chicago (Illinois, Indiana, Kentucky, Michigan, Ohio, and Wisconsin), Main Post Office Building, Chicago, Ill. 60607.

Dallas (Arkansas, Louisiana, Oklahoma, and Texas), 1114 Commerce Street, Dallas, Tex. 75202.

Denver (Arizona, Colorado, New Mexico, Utah, and Wyoming), Building 20, Denver Federal Center, Denver, Colo. 80225.

New York (New Jersey and New York), 220 East 42d Street, New York, N.Y. 10017.

Philadelphia (Delaware, Maryland, Pennsylvania, Virginia, and West Virginia), Customhouse, Philadelphia, Pa. 19106.

St. Louis (Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota), 1256 Federal Building, St. Louis, Mo. 63103.

San Francisco (California, Hawaii, Nevada, and the Pacific Overseas Area), Federal Building, San Francisco, Calif. 94102.

Seattle (Alaska, Idaho, Montana, Oregon, and Washington), 902 Federal Office Building, Seattle, Wash. 98104.

The branch offices of the Commission and their addresses are as follows:

Branch office and address

New Orleans, La.: Room 802, Federal Building South, 600 South Street, New Orleans, La. 70112.

Anchorage, Alaska: Federal Office Building, Anchorage, Alaska 99501.

Los Angeles, Calif.: 714 West Olympic Boulevard, Los Angeles, Calif. 90015.

Fort Snelling, Minn.: Veterans Administration Building 57, Fort Snelling, Minn. 55111.

Effective date. This notice shall be effective on the date of its publication in the FEDERAL REGISTER.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67–7823; Filed, July 6, 1967; 8:49 a.m.]

CLERK-TYPISTS AND CLERK-STENOGRAPHERS, TRAINEES

Manpower Shortage

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission has found, effective June 9, 1967, that there is a manpower shortage for the positions of Clerk-Typist (Trainee), GS–323–1 and Clerk-Stenographer (Trainee), GS–312–2 in the Washington, D.C., Metropolitan Area.

The appointees to these positions may be paid for the expenses of travel and transportation to the first post of duty.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67–7824; Filed, July 6, 1967; 8:49 a.m.]

NURSES, NEW ORLEANS, LA.

Notice of Adjustment of Minimum Rates and Rate Ranges

Correction

In F.R. Doc. 67-7608, appearing in the issue for Tuesday, July 4, 1967, at page 9758, in column 12 of the table, opposite Level PFS-5, the figure should read "$8,562" instead of "$8,362".

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 17519, 17520, FCC 67M-1099]

HI-POINT BROADCASTING CO. AND CHARLES H. CHAMBERLAIN

Order Continuing Prehearing Conference

In re applications of Hi-Point Broadcasting Co., Bellefontaine, Ohio, Docket No. 17519, File No. BPH-5468; Charles H. Chamberlain, Bellefontaine, Ohio, Docket No. 17520, File No. BPH-5497; for construction permits.

On the Hearing Examiner's own motion: *It is ordered*, That the prehearing conference in the above-styled proceeding presently scheduled for July 14, 1967, is hereby continued to Friday, July 28, 1967, beginning at 9 a.m. in the offices of the Commission, Washington, D.C.

Issued: June 29, 1967.

Released: June 30, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-7840; Filed, July 6, 1967; 8:50 a.m.]

[Docket Nos. 17243-17250; FCC 67M-1097]

KITTYHAWK BROADCASTING CORP. ET AL.

Order Continuing Hearing

In re applications of Kittyhawk Broadcasting Corp., Kettering, Ohio, Docket No. 17243, File No. BP-16603; The Gem City Broadcasting Co., Kettering, Ohio, Docket No. 17244, File No. BP-16877; Western Ohio Broadcasting Service, Inc., Eaton, Ohio, Docket No. 17245, File No. BP-16816; Treaty City Radio, Inc., Greenville, Ohio, Docket No. 17246, File No. BP-16881; James L. Schmals, Phyllis Ann Schmals, James I. Toy, Jr., and Thomas A. Gallmeyer, doing business as Bloomington Broadcasting Co., Bloomington, Ind., Docket No. 17247, File No. BP-16976; Voice of the Ohio Valley, Inc., Louisville, Ky., Docket No. 17248, File No. BP-16878; W. V. Ramsey and Lewis Young, doing business as Shively Broadcasting Co., Shively, Ky., Docket No. 17249, File No. BP-16738; Albert S. Tedesco (WWCM), Brasil, Ind., Docket No. 17250, File No. BP-16669; for construction permits.

As a result of a discussion held at a prehearing conference on June 27, 1967: *It is ordered*, That the date for commencement of hearing is changed from July 13, 1967, to September 6, 1967.

Issued: June 29, 1967.

Released: June 30, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-7841; Filed, July 6, 1967; 8:51 a.m.]

[Docket No. 17005; FCC 67M-1096]

ROMAC BATON ROUGE CORP.

Order Following Further Prehearing Conference

In reapplication of Romac Baton Rouge Corp., Baton Rouge, La., Docket No. 17005, File No. BPCT-3725; for construction permit for new television broadcast station.

Pursuant to arrangements made at the further prehearing conference held on June 29, 1967, in the above-captioned proceeding: *It is ordered*, That the following schedule will govern the hearing on the qualifications issues applicable to the subject application (See, Memorandum Opinion and Order of Review Board, FCC 67R-126, released April 5, 1967):

Exchange of proposed exhibits—July 13, 1967.

Commencement of hearing—August 3, 1967.

If the above hearing date is found unacceptable to counsel for Miss Lou Broadcasting Corp., which will also be a party to the hearing on these issues, a revision in the above-indicated date will be considered in the prehearing conference scheduled in Docket Nos. 17517 and 17518 on July 12, 1967.

Issued: June 29, 1967.

Released: June 30, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-7842; Filed, July 6, 1967; 8:51 a.m.]

[Docket No. 17483; FCC 67-762]

WORLD TRADE CENTER

Order Scheduling Hearing

In the matter of investigation of television interference to be caused by the construction of the World Trade Center by the Port of New York Authority, Docket No. 17483.

The Commission having under consideration its order of June 2, 1967, instituting this investigation and indicating that the presiding officer and the date, time, and place of hearing would be later announced; and

It appearing that it is now appropriate to specify the aforementioned information and to provide for the procedures to be followed in this proceeding.

It is ordered, That Commissioner Robert E. Lee is designated as the Presiding Officer for this proceeding and that the hearing herein commence at 10 a.m. on July 24, 1967 in Courtroom No. 110, U.S. Courthouse, Foley Square, New York, N.Y.; and

It is further ordered, That, subject to any necessary rulings on materiality and relevancy, witnesses in behalf of the following participants will be heard at such time in the order in which their names are listed:

Committee for a Reasonable World Trade Center.
Empire State Building Co.
Trans-Tel Corp.
Port of New York Authority.
Television Broadcasters All Industry Committee.
City of New York Municipal Broadcasting System.
National Association of Broadcasters.
Teleprompter Corp.
Thomas A. Cronin Corp.

It is further ordered, That each witness appearing at this proceeding shall provide for the Commission twenty (20) copies of each exhibit tendered for inclusion in the record of this proceeding; and

It is further ordered, That all witnesses in this proceeding may be accompanied by counsel of their own choice whom they may consult with, as necessary, off the record; however, all examination of witnesses will be conducted by counsel for the Commission and any questions proposed to be asked of such witnesses by persons other than Commission counsel shall be tendered in writing to Commission counsel who will, in his own discretion, determine whether or not such questions shall be put to the witness; and

It is further ordered, That upon completion of the hearing herein, the Presiding Officer shall certify to the Commission the record made, together with such observations or comments as he may deem necessary and appropriate.

Adopted: June 28, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-7843; Filed, July 6, 1967; 8:51 a.m.]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 158]

CORNELIUS M. HURLEY

Revocation of License

Whereas, Cornelius M. Hurley, 1491 Metropolitan Avenue, Bronx, N.Y. 10462, has ceased to operate as an independent ocean freight forwarder; and

Whereas, by letter received June 28, 1967, Cornelius M. Hurley has requested the cancellation of his Independent Ocean Freight Forwarder License No. 158.

Now, therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order 201.1 (revised), section 6.03.

It is ordered, That the Independent Ocean Freight Forwarder License No. 158 of Cornelius M. Hurley be and is hereby revoked, effective 12:01 a.m., June 30, 1967.

It is further ordered, That Independent Ocean Freight Forwarder License No. 158 be returned to the Commission for cancellation.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served on the licensee.

JAMES E. MAHER,
Director,
Bureau of Domestic Regulation.

[F.R. Doc. 67-7839; Filed, July 6, 1967; 8:50 a.m.]

[1] Commissioner Johnson absent.

FEDERAL POWER COMMISSION

[Docket Nos. AR61-1, etc.]

AREA RATE PROCEEDING ET AL.

Order Permitting Withdrawal of Increased Rate Filing, Severing and Terminating Proceeding

JUNE 29, 1967.

George R. Brown (Brown) has submitted a notice of withdrawal of Supplement No. 5 to his FPC Gas Rate Schedule No. 20 which involved the sale of natural gas to El Paso Natural Gas Co. (El Paso) from the Headlee Plant, Ector County, Tex. The subject proceeding concerns a proposed rate increase from 10.9406 cents per Mcf to 17.2296 cents per Mcf that was filed on January 4, 1960, by Brown's predecessor, Herman Brown, and thereafter suspended. This proceeding was consolidated with Docket Nos. AR61-1 et al. by the Commission in its order issued December 23, 1960.

In support of his request for withdrawal, Brown states that the subject increased rate proposal has not been placed in effect; that deliveries of gas under contract involved ceased in December 1959, and all gas produced since that time has been reinjected into the producing formations; and that it is estimated that it will be 10 years or more before deliveries of gas under the contract will be resumed. El Paso, on June 2, 1967, submitted a letter in support of these statements. Accordingly, as the increased rate has not placed in effect, the increased rate proposal should be permitted to be withdrawn, the proceeding involved should be severed from the Permian Basin area rate proceeding and terminated.

The Commission finds: Good cause exists for permitting the withdrawal of said Supplement No. 5, for severing Docket No. RI60-82 from the proceedings in Docket Nos. AR61-1 et al., and for terminating Docket No. RI60-82.

The Commission orders; Supplement No. 5 to George R. Brown's FPC Gas Rate Schedule No. 20 is permitted to be withdrawn; Docket No. RI60-82 is severed from the proceedings in Docket Nos. AR61-1 et al.; and the proceeding in Docket No. RI60-82 is terminated.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-7767; Filed, July 6, 1967; 8:45 a.m.]

[Docket No. CP67-61]

EL PASO NATURAL GAS CO.

Notice of Petition To Amend

JUNE 29, 1967.

Take notice that on June 23, 1967, El Paso Natural Gas Co. (Petitioner), Post Office Box 1492, El Paso, Tex. 79999, filed in Docket No. CP67-61 a petition to amend the order issued by the Commission December 13, 1966, by authorizing Petitioner to continue the sale and delivery of natural gas to Pacific Gas and Electric Co. (Pacific) for an additional period of time to commence November 1, 1967, and to continue until either the commencement of additional firm deliveries now pending in Docket No. CP67-217 or October 31, 1968, whichever occurs first, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the abovementioned order, Petitioner was authorized to sell and deliver to Pacific, under Petitioner's FPC Gas Rate Schedule G-X-2, up to 36,500 MMcf of natural gas on an interruptible, best efforts basis, during any calendar year for a period continuing through October 31, 1967. By the instant filing, Petitioner seeks authorization to continue the sale and delivery, on an interruptible, best efforts basis, of an average daily quantity of 100 MMcf of natural gas to Pacific for the limited term commencing November 1, 1967, and continuing until commencement of the additional firm deliveries pending in Docket No. CP67-217 or October 31, 1968, whichever occurs first. Petitioner states that the deliveries aboveproposed are to be made by the use of existing facilities and will not require any new or additional facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 27, 1967.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-7768; Filed, July 6, 1967; 8:46 a.m.]

[Docket No. CP66-269 etc.]

TENNESSEE GAS PIPELINE CO. ET AL.

Order Initiating Proceedings, Consolidating Proceedings and Setting the Proceedings to Consolidated for Hearing

JUNE 29, 1967.

Tennessee Gas Pipeline Co., a division of Tenneco, Inc., Docket No. CP66-269; Pan American Petroleum Corp. et al., Docket No. CI66-910 et al.; The Delta Development Co., Inc., Docket No. CI67-1808; Moise W. Dennery, Docket No. CI67-1806; Charles William Fastering, Docket No. CI67-1807; Gertrude Jastrzan Fastering, Docket No. CI67-1808; John Bernard Fastering III, Docket No. CI67-1809; The Louisiana Land and Exploration Co., Docket No. CI67-1810; Joseph McCloskey, Docket No. CI67-1811; Joan B. Fastering Meyers, Docket No. CI67-1812; Edith Fastering McGee and Kenneth C. McGee, Docket No. CI67-1813.

Tennessee Gas Pipeline Co., the interstate pipeline division of Tenneco, Inc. (Tennessee),[1] has applied, in Docket No. CP66-269, for a certificate of public convenience and necessity authorizing the construction and operation of 2.63 miles of pipeline facilities to connect reserves in the Bastian Bay field, Plaquemines Parish, La., with its interstate pipeline transmission system. Pan American Petroleum Corp. (Pan American) has applied, in Docket No. CI66-910, for a certificate of public convenience and necessity authorizing the assignment of certain leasehold interest in developed acreage in the Bastian Bay field. Each of these applications has been filed pursuant to our mandate in Opinion No. 413, 30 FPC 1477 (1963), reh. den. 31 FPC 241 (1964).

The Bastian Bay acreage involved in each of the applications was acquired by Pan American between 1954 and 1959 through its acquisition of twelve oil, gas and mineral leases in what was then undeveloped acreage. By 1960 Pan American had succeeded in proving all of the acreage covered by the 12 leases and on December 1, 1960, it consummated a "Lease Sale Agreement" and an "Assignment and Conveyance" whereby it assigned to Tennessee its rights in the 12 leases, together with its wells, equipment and related personal property on the acreage affected, for a purchase price, subject to redetermination, of $159,463,500. Tennessee paid $9,427,104 at the time and agreed to pay the balance in seventeen annual installments. The contract provided for a redetermination of the gas reserves, which had been agreed by the parties at the time of contracting to be 759,350,000 Mcf at 15.025 p.s.i.a., between 1969 and 1973 at the request of either party and for the adjustment of the purchase price upon such redetermination.

The assignment of leases was subject to certain reservations. Pan American (1) retained its rights in minerals other than natural gas, oil, and other petroleum liquids; (2) retained its rights in the leases below the bottom of the deepest presently known productive horizons; (3) reserved, as a production payment, all proceeds received by Tennessee from the sale of oil produced on the leased acreage, such payment to terminate when 85 percent of the recoverable reserves have been produced; (4) reserved a similar production payment for pro-

[1] Formerly Tennessee Gas Transmission Co. By order of July 20, 1966, we permitted the amendment of Tennessee's pending application to reflect the change in corporate name which previously had been effected.

ceeds received by Tennessee from the sales of separator liquids, permitting the deduction by Tennessee of its costs and expenses associated with such sales; and (5) retained the right to process all gas produced from the assigned leaseholds (including that attributable to the royalty interests) for the recovery of natural-gas liquids, with Tennessee to be reimbursed at 21 cents per Mcf for plant and fuel losses.

Prior to the assignment Pan American's wells had not been connected to an interstate pipeline. Following the sale Tennessee installed 2.63 miles of 12-inch connecting line for which it here seeks certification. Gas from the Bastian Bay leaseholds has flowed into Tennessee's system since February 3, 1961.

Tennessee's construction of the connecting facilities was undertaken pursuant to a budget certificate issued to it on January 6, 1961, in Docket No. CP61-106, pursuant to an application for facilities "to relieve applicant of the time and expense of preparing numerous relatively minor certificate applications, and the Commission and its staff of the burden of processing such routine applications." The application made no reference to Tennessee's acquisition of Bastian Bay reserves nor did it disclose Tennessee's intention to rely on the issuance of a budget authorization to connect any such reserves. As the budget application appeared routine and as no petition to intervene or protest had been filed, we granted the application, 25 FPC 129.

Subsequently, on April 6, 1961, having learned of the attachment by Tennessee of the Bastian Bay reserves, we reopened the proceedings in Docket No. CP61-106 to determine (1) whether the budget-type certificate therein issued covered the 2.63 miles of line connecting the Bastian Bay reserves with Tennessee's interstate system and (2) the cost to Tennessee of the reserves so acquired. On March 21, 1962, in Docket No. CI62-1035, we directed Pan American to show cause why it should not be found to have made a jurisdictional sale of natural gas to Tennessee. The show cause order thereafter was consolidated with the reopened Tennessee docket.

Following hearing the Commission, in Opinion No. 413, held, as to Tennessee, that the budget-type certificate did not cover the construction and operation of the 2.63 miles of connecting line noting that "the very size and cost of these reserves will necessarily have a material effect on Tennessee's rates." 30 FPC at 1480. Accordingly, the Commission concluded that authorization of the connecting facilities without close scrutiny would be inconsistent with the mandate of CATCO (Atlantic Refining Co. v. P.S.C. of N.Y., 360 U.S. 378.) This part of Opinion 413 was affirmed in Tennessee Gas Transmission Co. v. FPC, 340 F. 2d 100 (C.A. 10). As to Pan American the Commission, although declining to determine the precise nature of the sale until such time as an appropriate application is filed, held that the Pan American-Tennessee leasehold assignment constitutes a jurisdictional sale of natural gas. Pan American and Tennessee were given six months from the date of the issuance of our order to file for appropriate section 7 authorizations and the pending applications were filed pursuant thereto.

The royalty portion of the reserves at issue, as the examiner found following the prior hearing, equals more than 25 percent of the total volume which Tennessee will receive from the leases, 30 FPC at 1491. Pursuant to its obligation under the lease assignment Tennessee negotiated separate contracts with the royalty owners whereby it agreed to pay the royalty owners for such interests at the rate of 22.5 cents per Mcf, plus reimbursement for the Louisiana severance tax of 2.3 cents per Mcf until January 1, 1962, and 25 cents per Mcf plus severance tax reimbursement (or 27.3 cents per Mcf) thereafter. Thus, it appears that the royalty owners have departed from the usual royalty situation and instead have elected to take their gas in-kind and negotiate their own sales. In the circumstances it would appear that these royalty owners have engaged in the jurisdictional sale of natural gas in interstate commerce for which sales the authorization of this Commission should have been obtained. Accordingly, we are hereby directing the following named royalty owners either to file, within 45 days from the issuance of this order, for appropriate section 7 certificates or to show cause why they should not be required to obtain such certification: [1]

The Delta Development Co., Inc.
Moise W. Dennery.
Charles William Fasterling.
Gertrude Jackman Fasterling.
John Bernard Fasterling III.
The Louisiana Land and Exploration Co.
Joseph McCloskey.
Joan B. Fasterling Meyers.
Edith Fasterling McGee and Kenneth McGee.

We note that in addition to the aforementioned, the State of Louisiana and one of its local subdivisions (the Buras Levee District) are among the royalty owners of the acreage at issue. But section 2(6) of the Natural Gas Act would seem to exclude such political entities from the definition of "natural-gas company" and thus exempt them from the necessity of obtaining this Commission's authorization prior to effectuating an interstate sale. However, in view of the fact that this Commission already has made clear its concern with the cost to Tennessee of the Bastian Bay reserves we would expect that both the State of Louisiana and the Buras Levee district will be most interested in the course of these proceedings and we would welcome their participation as intervenors.

Since the application of Tennessee and Pan American raise common questions of law and fact we are consolidating them for hearing. Similarly, since the applications or responses to be filed by the aforementioned royalty owners are intimately related to each of the pending applications it is appropriate to consolidate those proceedings as well.

Timely petitions to intervene in Docket No. CI66-910 (the Pan American application), have been filed by Long Island Lighting Co., Consolidated Edison Co. of New York, Inc., Brooklyn Union Gas Co., Consolidated Gas Supply Corp., the East Ohio Gas Co., Lake Shore Pipe Line Co., and the Peoples Natural Gas Co., Manufacturers Light and Heat Co., the Ohio Fuel Gas Co., United Fuel Gas Co., and Tennessee Gas Pipeline Co., a division of Tenneco, Inc. In Docket No. CP66-269 (the Tennessee application), timely petitions to intervene have been filed by Public Service Electric and Gas Co., United Fuel Gas Co., the Manufacturers Light and Heat Co., the Ohio Fuel Gas Co., Consolidated Gas Supply Corp., the East Ohio Gas Co., Lake Shore Pipe Line Co., the Peoples Natural Gas Co., the Brooklyn Union Gas Co., and Pan American Petroleum Corp. Each of the timely petitions to intervene will be granted. [2]

These proceedings should be expedited by the holding of a prehearing conference to clarify the position of the parties and limit the issues. Since hearings have already been held on the underlying Bastian Bay transaction, the prehearing conference should also explore the extent to which the record in the prior hearings could be used in this case. The examiner may allow the incorporation by reference of evidence from the prior proceeding in this proceeding and limit the presentation of the parties to the correction or supplementation of the prior record.

The Commission finds:

(A) It is necessary and appropriate in the public interest and to carry out the provisions of sections 4, 5, 7, and 16 of the Natural Gas Act to direct Delta Development Co., Inc., Moise W. Dennery, Charles William Fasterling, Gertrude Jackman Fasterling, John Bernard Fasterling III, the Louisiana Land and Exploration Co., Joseph McCloskey, Joan B. Fasterling Meyers, and Edith Fasterling McGee and Kenneth C. McGee to file, within 45 days of the issuance of this order, for appropriate certificates authorizing the sale by them, in-kind, of their royalty interests in gas in the Bastian Bay field to Tennessee, or show cause why they should not file for such certification.

[1] It should be clear that our action here in no way prejudges the pending proceeding of William Harvey Denman, Trustee et al., v. J. M. Huber Corp., Docket Nos. RI67-113 et al. In Denman the question is whether the Commission has jurisdiction over a landowner's royalty interest in natural gas leaseholds under traditional transactions where the royalty owner makes no independent contract for sale of his interest but instead receives a fixed percentage of the receipts the producer secures when he sells the gas.

[2] The long Island Light Co., in addition to its timely intervention petition in the Pan American docket, filed an untimely intervention request in the Tennessee docket. In view of an order herein consolidating those dockets Long Island Lighting will be permitted to participate fully with respect to each of the applications.

(B) It is necessary and appropriate in the public interest and to carry out the provisions of sections 4, 5, 7, and 16 of the Natural Gas Act to consolidate for hearing the proceedings heretofore initiated against the aforementioned royalty owners and the applications of Tennessee and Pan American.

(C) The granting of the above mentioned petitions to intervene would be in the public interest.

The Commission orders:

(1) That the Delta Development Co., Inc., Moise W. Dennery, Charles William Fasterling, Gertrude Jackman Fasterling, John Bernard Fasterling III, the Louisiana Land and Exploration Co., Joseph McCloskey, Joan B. Fasterling Meyers, and Edith Fasterling McGee and Kenneth C. McGee, within 45 days of the issuance of this order, file appropriate applications for certificates authorizing the sale, by them, in-kind, of their royalty interest in Bastian Bay reserves to Tennessee or show cause why they should not be required so to file.

(2) That the proceedings hereby initiated against the aforementioned royalty owners and the applications of Tennessee and Pan American are consolidated for hearing.

(3) That the above noted petitions to intervene are granted.

(4) That a prehearing conference shall be held in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., on September 25, 1967, at 10 a.m., for the purpose of limiting the issues, effectuating factual stipulations and for such other purposes as may seem appropriate to the Presiding Examiner.

(5) Following the prehearing conference, the Presiding Examiner shall give notice of the date of hearing and shall prescribe such other procedure as he deems appropriate in the disposition of these proceedings.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 67-7768; Filed, July 6, 1967; 8:46 a.m.]

[Docket No. G-12646 etc.]

TEXAS EASTERN TRANSMISSION CORP. ET AL.

Order Consolidating Proceedings and Setting Matters for Hearing

June 29, 1967.

The Continental Oil Co. (Continental), the Sun Oil Co. (Sun), M. H. Marr (Marr) and the General Crude Oil Co. (General), have applied for certificates of public convenience and necessity authorizing the assignment of certain leasehold interests in developed acreage in the Rayne Field, Acadia Parish, La. Texas Eastern Transmission Corp. (Texas Eastern) has applied for a certificate of public convenience and necessity authorizing the construction and operation of a 2,200 horsepower compressor station and 22 miles of 14-inch pipeline to transport natural gas from the Rayne Field to Opelousas, La., where the gas would be delivered into its interstate pipeline system. Each of these applications is before us pursuant to our mandate in Opinion No. 378, 29 FPC 249.

The initial transaction which gave use to these applications took place on February 1, 1957, when Texas Eastern executed conventional 20-year gas sales contracts with Continental, Sun, Marr, and General, purchasing their natural gas production in the Rayne Field at an initial price of 23.9 cents per Mcf, including 1.3 cents per Mcf for reimbursement of State taxes. In April 1957, Texas Eastern applied for a certificate authorizing it to connect that production to its interstate pipeline system. Shortly thereafter each of the producers applied for certificates authorizing the sale of their gas to Texas Eastern. On April 15, 1958, the examiner issued his initial decision wherein he recommended the grant of unconditional certificates to each of the applicants. However, before the Commission could act on the exceptions but after the decision of the Court of Appeals for the Third Circuit in Public Service Commission of New York v. Federal Power Commission, 267 F. 2d 717, affirmed sub nom. Atlantic Refining Co. v. Public Service Commission of New York, 360 U.S. 378 (the "CATCO" case), the producers canceled their original contracts with Texas Eastern and, in September 1958, Texas Eastern filed a petition to reopen the hearing and to amend its application.

A new plan was then formulated under which Texas Eastern agreed to acquire the leasehold interest in the reserves which the producers had formerly committed under the standard gas purchase contracts. To effectuate the plan, Continental, Sun, Marr, and General, on December 4, 1958, entered into a contract (designated "Lease Sale Agreement"), with Louisiana Gas Corp., an intermediary created by Texas Eastern for this transaction. Texas Eastern, by agreement with Louisiana Gas, had the right to acquire and did acquire, title to the "Lease Sale Agreement".

Under the agreement the producers conveyed their leasehold rights to gas down to the base of the Nodosaria "A" Sand at a depth of from 13,850 to 13,980 feet, together with wells and related equipment, but reserved their "leasehold" rights to the oil and other minerals, except gas and condensate, below the Nodosaria "A" Sand. The producers also retained the right to receive, as "production payments", all proceeds from the sale of the condensate in excess of the costs of operating the leasehold, including processing expenses. Continental, which previously had operated the field for itself and the other producers, was to continue to conduct all operations, including drilling, developing, and managing the wells and well equipment. A management agreement so providing was signed on July 27, 1959.

Consideration for the conveyance was $196,989,706, of which $72,420,500 was paid in cash and the balance in promissory notes payable in 16 annual installments (ending in 1976). If gas production exceeds a specified amount payment of the notes, at Texas Eastern's nomination, may be accelerated (in inverse order of maturity) in accordance with a prescribed formula.

Although the exact amount of recoverable reserves in the Rayne Field is a matter of controversy, they are admittedly substantial; Texas Eastern's estimate exceeds 900,000,000 Mcf. Recently, by supplement to their pending applications, the producers have filed an undertaking in which they guarantee minimum reserves of 830,648 MMcf at 14.73 p.s.i.a. and 60° F., agreeing to reimburse Texas Eastern in the amount of 20.220 cents per Mcf for any reserve deficiency below that amount providing such deficiency is not attributable to bad management on the part of Texas Eastern.

The Commission granted Texas Eastern's request to reopen the proceeding in order to consider the lease sale plan, and on June 23, 1959, issued an unconditional certificate to Texas Eastern for its proposed facilities. On June 27, 1959, the transfer of the gas rights under the leases was completed and Texas Eastern began to receive gas from Rayne Field, gas which it has since transmitted and sold at wholesale in interstate commerce. However, on review, the Court of Appeals for the District of Columbia Circuit set aside the certificate order and remanded the case for further proceedings. Public Service Commission of New York v. Federal Power Commission, 287 F. 2d 143. The court held that, regardless of the form of the transaction, the Commission was required to consider fully the reasonableness of the acquisition costs to the pipeline.

On remand, and following a hearing at the conclusion of which the examiner found that the average cost to Texas Eastern would be 24.34 cents per Mcf at 15.025 p.s.i.a. and recommended that a certificate to it be conditioned upon the inclusion of Rayne Field gas in the pipeline's cost of service at an initial price of 18.5 cents per Mcf, the Commission decided that it had jurisdiction over the "in-place" sale of the Rayne Field gas reserves but concluded that it was not in the public interest to certificate the transaction then before us for we were not satisfied that the unit cost of the gas was reasonable or that it could be determined with reasonable accuracy. Rather than deny outright Texas Eastern's application the Commission afforded it and the sellers an opportunity to revise their contractual arrangements so as to furnish assurance that the transactions, already partially consummated, would be consistent with the public interest.

The parties were given 6 months, following the completion of judicial review, "to work out new arrangements in the light of the requirements of the Natural Gas Act and our discussion * * *." 30 FPC at 267. Following affirmance by the Supreme Court of the Commission's holding that the assignment of the leaseholds constituted a jurisdictional sale of natural gas subject to the jurisdiction of this Commission, (United Gas Improvement

Co. v. Continental Oil Co. et al., 381 U.S. 392) Continental, Sun, Marr, and General filed applications pursuant to our mandate. Texas Eastern has chosen to proceed upon the application which it filed on April 22, 1967, as amended on December 5, 1968.

Since the applications of Continental, Sun, Marr, General and Texas Eastern raise common questions of law and fact, we are consolidating them for hearing. Timely petitions to intervene were filed in Continental, Sun, Marr, and General dockets by The Manufacturers Light and Heat Co., The Ohio Fuel Gas Co., Consolidated Gas Supply Corp., The East Ohio Gas Co., The Peoples Natural Gas Co., The River Gas Co., Philadelphia Electric Corp., Consolidated Edison Company of New York, Inc., Texas Eastern Transmission Co., Public Service Electric and Gas Co., Philadelphia Electric Co., Brooklyn Union Gas Co., and The Philadelphia Gas Works Division of The United Gas Improvement Co. The Public Service Commission of New York and The Long Island Lighting Co. did not move to intervene in the General docket but did in the others. Nevertheless, in view of our action consolidating the proceedings they will be permitted to participate fully with respect to each of the applications, as will each of the parties already permitted to intervene in the Texas Eastern docket.

These proceedings should be expedited by the holding of a prehearing conference to clarify the position of the parties and limit the issues. Since hearings already have been held on the underlying Rayne Field transaction, the prehearing conference should explore the extent to which the record in the prior hearing could be used in this case. The examiner may allow the incorporation by reference of evidence from the prior proceeding in this proceeding and limit the presentation of the parties to the correction or supplementation of the prior record.

The Commission Finds:

(A) It is necessary and appropriate in the public interest and to carry out the provisions of sections 4, 5, 7, and 16 of the Natural Gas Act to consolidate for hearing the Continental, Sun, Marr, General, and Texas Eastern applications.

(B) The granting of the above mentioned petitions to intervene would be in the public interest.

The Commission Orders:

(1) That the application of Continental (Docket No. CI66-890), Sun (Docket No. CI66-891), Marr (Docket No. CI66-892), General (Docket No. CI66-919) and Texas Eastern (Docket No. G-12440) are consolidated for hearing.

(2) That the above noted petitions to intervene are granted.

(3) That a prehearing conference shall be held in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., on October 2, 1967, at 10 a.m., for the purpose of limiting the issues, effectuating factual stipulations and for such other purposes as may seem appropriate to the presiding examiner.

(4) Following the prehearing conference, the presiding examiner shall give notice of the date of hearing and shall prescribe such other procedures as he deems appropriate in the disposition of these proceedings.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 67-7770; Filed, July 6, 1967; 8:46 a.m.]

[Docket No. CP67-39]

TRANSWESTERN PIPELINE CO.

Notice of Petition To Amend

JUNE 29, 1967.

Take notice that on June 21, 1967, Transwestern Pipeline Co. (Petitioner), First City National Bank Building, Houston, Tex. 77002, filed in Docket No. CP67-39 a petition to amend the order issued by the Commission October 17, 1966, by extending the period of authorization for the sale of natural gas to Duval Corp. (Duval) from July 31, 1967, to July 31, 1968, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the above-mentioned order, Petitioner was authorized to construct and operate certain minor natural gas sales facilities to enable it to sell and deliver, if available, up to 5,000 Mcf of natural gas per day to Duval on an interruptible basis, said authorization to terminate July 31, 1967. In the instant filing, Petitioner states that Duval has advised that it will have a continuing need for the volumes of natural gas as originally authorized and has requested Petitioner to continue the sale and delivery of same for an additional 1 year period. Petitioner, therefore, requests authorization to continue the sale and delivery of up to 5,000 Mcf per day of natural gas to Duval on an interruptible basis for an additional 1 year period terminating July 31, 1968. Petitioner states that no additional facilities or expenditures are required to render the above-proposed service.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before July 27, 1967.

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 67-7771; Filed, July 6, 1967; 8:46 a.m.]

[Docket No. G-10656]

UNITED FUEL GAS CO.

Order Further Amending Order Issuing Certificate of Public Convenience and Necessity

JUNE 29, 1967.

On May 12, 1967, United Fuel Gas Co. (Petitioner) filed in Docket No. G-10656 a petition to amend the order issued in said docket on September 18, 1956, as amended by the orders issued October 27, 1964, and March 31, 1967, authorizing an extension of 1 month in the period during which increased daily deliveries may be made, on an interruptible basis to one of its industrial customers all as more fully set forth in the petition to amend.

By the order issued in the instant proceeding on September 18, 1956, Petitioner was authorized to deliver a maximum of 35,000 Mcf of natural gas per day to E. I. du Pont de Nemours Co. (du Pont), Belle, Kanawaha County, W. Va. By the amending order issued October 27, 1964, Petitioner was authorized to increase its deliveries to du Pont to a maximum of 60,000 Mcf per day.

On March 31, 1967, Petitioner was authorized to deliver to du Pont for the period from April 1, 1967, through October 1, 1967, a maximum daily quantity of 70,000 Mcf in order that du Pont may effectuate certain changes in its plant facilities.

Petitioner now states that it inadvertently misstated the interim period during which the increased deliveries were required, and that the customer actually requested such increased volumes for the period April 1, 1967, through October 31, 1967. Petitioner requests further amendment of the Commission's amending order, issued March 31, 1967, so as to terminate the interim authorization on October 31, 1967, in lieu of the existing termination date of October 1, 1967.

Due notice of the filing of the petition to amend and opportunity for hearing thereon have been given by publication in the FEDERAL REGISTER on May 25, 1967 (32 F.R. 7650). No protest, petition to intervene, or notice of intervention has been filed in the proceeding concerning this amendment.

The Commission finds: It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the Commission's order issued September 18, 1956, as amended October 27, 1964, and March 31, 1967, in Docket No. G-10656 be further amended as hereinafter ordered.

The Commission orders: (A) The Commission's order issued September 18, 1956, as amended October 27, 1964, and March 31, 1967, is further amended so as to authorize Petitioner to transport and deliver up to 70,000 Mcf of natural gas daily on an interruptible basis to du Pont to October 31, 1967, in lieu of October 1, 1967, as presently fixed.

(B) The certificate order issued in Docket No. G-10656 is amended on the express condition that the increased interruptible service authorized herein shall be curtailed or interrupted to the extent required to meet existing or future maximum contract obligations of Petitioner for firm service to its customers.

(C) In all other respects said order shall remain in full force and effect.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 67-7772; Filed, July 6, 1967; 8:46 a.m.]

[Docket No. CP65-421]

UNITED NATURAL GAS CO. AND PENNSYLVANIA GAS CO.

Notice of Petition To Amend

JUNE 29, 1967.

Take notice that on June 21, 1967, United Natural Gas Co. (United), 308 Seneca Street, Oil City, Pa. 16301, and Pennsylvania Gas Co. (Penn), 213 Second Avenue, Warren, Pa. 16365 (Petitioners), filed in Docket No. CP65-421 a petition to amend the order of the Commission issued September 3, 1965, by allowing Petitioners to exchange natural gas on any day of the year at any existing or future point of interconnection between the respective pipeline systems and amending United's FPC Gas Rate Schedule X-6 and Penn's FPC Gas Rate Schedule X-2, respectively, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the above-mentioned order, Petitioners were authorized inter alia, to exchange volumes of natural gas during the months of May through October, at certain points of interconnection. By the instant filing, Petitioners seek authorization to exchange natural gas during all 12 months of the year during the term of the exchange agreement. Petitioners state that United's market requirements in the Youngsville, Pa., area have increased in the past year to the extent that United will require increased natural gas deliveries from Penn during the winter months. Petitioners also state that since Penn would be receiving like amounts of natural gas from United at other points on its system, it is able to make the necessary natural gas available to United adjacent to the Youngsville market area.

United and Penn propose to amend and revise their FPC Gas Rate Schedule X-6 and X-2, respectively, to reflect the changes set forth above.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before July 26, 1967.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 67-7773; Filed, July 6, 1967; 8:46 a.m.]

FEDERAL RESERVE SYSTEM

HARVARD TRUST CO. ET AL.

Applications for Exemption From Registration

Notice is hereby given that Harvard Trust Co., Cambridge, Mass.; Newton-Waltham Bank and Trust Co., Newton, Mass.; Norfolk County Trust Co., Brookline, Mass.; and Valley Bank and Trust Co., Springfield, Mass., member State banks of the Federal Reserve System, have applied to the Board of Governors, pursuant to sections 12(h) and 12(l) of the Securities Exchange Act of 1934 (15 U.S.C. 781), for exemption from the registration requirements of section 12 (g) of said Act.

In determining whether to grant such exemptions, the Board is required by section 12(h) to consider whether, by reason of the number of public investors, amount of trading interest in the securities, the nature and extent of the activities of the bank, income or assets of the bank, or otherwise, such action will be consistent with the public interest and the protection of investors.

Any interested person may, not later than 15 days after the publication of this notice in the FEDERAL REGISTER, (i) submit written comments and recommendations with respect to any of the applications, (ii) request the holding of a hearing on the matter, stating the nature of his interest and the reason for such request, or (iii) request to be notified if the Board should order a hearing thereon. Such communication should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. At any time after the expiration of said 15 days, an order disposing of the applications may be issued by the Board upon the basis of the information stated therein and other available information, unless an order for a hearing thereon shall have been issued.

Dated at Washington, D.C., this 30th day of June 1967.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN, *Secretary.*

[F.R. Doc. 67-7775; Filed, July 6, 1967; 8:46 a.m.]

NATIONAL SCIENCE FOUNDATION

INFORMATION AND OTHER MATTERS

Statement for Guidance of the Public

Organization. The National Science Foundation is an independent agency of the U.S. Government, established by the National Science Foundation Act of 1950 (64 Stat. 149; 42 U.S.C. 1861-1879). A Statement of Organization of the Foundation was published in the FEDERAL REGISTER, Volume 31, No. 1—Tuesday, January 4, 1966.

Inquiries and transaction of business. All inquiries, submittals or requests should be addressed to the National Science Foundation, Washington, D.C. 20550, or a member of the public may call at the Foundation offices at 1800 G Street NW., Washington, D.C., during normal business hours, which are 8:30 a.m., to 5 p.m., Monday through Friday. The Statement of Organization described above indicates the officers with whom members of the public should deal in particular matters. If a person is not sure with whom he should deal on a particular matter, he should address his inquiry, submittal or request to the Foundation (if by mail) or he may call in person at the National Science Foundation Public Information Office at 1800 G Street NW.

General method of functioning, procedures, forms, descriptions of programs. The Foundation's general course and method of operation is to furnish financial support on behalf of basic research and education in the sciences in response to requests, applications and proposals submitted by the person or organization desiring support. In general, grants in support of scientific research or science education, and fellowship awards are made on a merit basis after a review process involving both the Foundation staff and qualified outside commentators acting individually or in review panels drawn from the scientific, educational, and industrial community.

The Foundation publishes a number of booklets describing the programs of the Foundation and covering its procedures and the methods by which its functions are channeled. The booklet entitled, "Guide to Programs of the National Science Foundation," provides a comprehensive description of Foundation programs, functions and procedures. The booklet entitled, "Grants for Scientific Research," covers all general matters and procedures relating to scientific research grants. The booklet entitled, "Grants in Support of Science Education" similarly covers education programs. Forms or instructions for application to participate in these programs are described in these booklets and are obtainable upon request. All publications and forms may be obtained by writing to or calling at the Foundation as described above.

Availability of information; Foundation rules and policies. Persons desiring to obtain a Foundation record, statement of policy, or similar document which is legally available to the public should write to or call at the Foundation as described above. These records or documents will be made available for inspection or copying according to the terms of the then current Foundation rules on this subject (and upon payment of charges as prescribed therein), which may be obtained by writing to or calling at the Foundation as described above. An index of Foundation policy statements and interpretations is maintained at the Foundation for public use. Foundation substantive rules are published in Title 45 of the Code of Federal Regulations. Currently these relate to (1) Weather Modification Activities, (2) Nondiscrimination, and (3) Denial or Revocation of Fellowship Awards.

Dated: July 3, 1967.

LELAND J. HAWORTH, *Director, National Science Foundation.*

[F.R. Doc. 67-7761; Filed, July 3, 1967; 8:07 p.m.]

SECURITIES AND EXCHANGE COMMISSION

[70-4501]

ALABAMA POWER CO.

Notice of Proposed Issue and Sale of Short-Term Notes to Banks

JUNE 30, 1967.

Notice is hereby given that Alabama Power Co. ("Alabama"), 600 North 18th Street, Birmingham, Ala. 35202, a public-utility subsidiary company of The Southern Co. ("Southern"), a registered holding company, has filed a declaration with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6 and 7 thereof as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Alabama requests authorization to issue, from time to time prior to December 1, 1967, its unsecured promissory notes to banks in an aggregate principal amount not to exceed $45 million, including in such amount up to an aggregate of $32,054,000 principal amount of promissory notes to be issued pursuant to the exemption afforded by the first sentence of section 6(b) of the Act: $26,727,000 principal amount of such notes have been issued, $7,502,000 at 5¾ percent and $19,225,000 at 5½ percent per annum. Each note proposed to be issued by Alabama will bear interest at the prime rate in effect at Chemical Bank New York Trust Co. (presently 5½ percent per annum) on the date of issue, will mature not more than 9 months after the date of issue and will be prepayable without penalty or premium.

Commitments from the following banks for the initial $40,527,000 of Alabama's notes are set forth below in the respective aggregate amounts:

Name of banks	Amounts
The Bank of Abbeville, Ala.	$50,000
The First National Bank, Alexander City, Ala.	75,000
The Anniston National Bank, Anniston, Ala.	200,000
The Commercial National Bank of Anniston, Ala.	50,000
The First National Bank of Anniston, Ala.	300,000
Auburn National Bank of Auburn, Ala.	75,000
The First National Bank of Auburn, Ala.	80,000
Birmingham Trust National Bank, Birmingham, Ala.	1,800,000
The First National Bank of Birmingham, Ala.	4,000,000
Central Bank & Trust Co., Birmingham, Ala.	800,000
Exchange Security Bank, Birmingham, Ala.	400,000
Steiner Bank, Birmingham, Ala.	60,000
Citizens-Farmers & Merchants Bank, Brewton, Ala.	70,000
The Choctaw Bank of Butler, Ala.	40,000
The First National Bank, Clanton Ala.	80,000
Southern-Citizens Bank of Gordova, Ala.	12,000
The Commercial National Bank of Demopolis, Ala.	40,000
Robertson Banking Co., Demopolis, Ala.	65,000
The Citizens Bank, Enterprise, Ala.	80,000
Bufaula Bank & Trust Co., Bufaula, Ala.	80,000
Merchants & Farmers Bank of Greene County, Eutaw, Ala.	100,000
The Citizens Bank of Fayette, Ala.	50,000
The First National Bank, Fayette, Ala.	60,000
Alabama City Bank of Gadsden, Ala.	50,000
The American National Bank, Gadsden, Ala.	200,000
State National Bank of Alabama, Gadsden, Ala.	1,000,000
The Citizens Bank of Geneva, Ala.	100,000
The Headland National Bank, Headland, Ala.	50,000
The First National Bank of Jasper, Ala.	150,000
Walker County Bank, Jasper, Ala.	50,000
Marion Bank & Trust Co., Marion, Ala.	10,000
American National Bank & Trust Co., Mobile, Ala.	400,000
First National Bank of Mobile, Ala.	750,000
The Merchants National Bank of Mobile, Ala.	1,000,000
The Monroe County Bank, Monroeville, Ala.	60,000
The Alabama National Bank of Montgomery, Ala.	800,000
The First National Bank of Montgomery, Ala.	550,000
Union Bank & Trust Co., Montgomery, Ala.	350,000
Bankers Trust Co., New York, N.Y.	8,800,000
Chemical Bank New York Trust Co., New York, N.Y.	9,500,000
The Chase Manhattan Bank, New York, N.Y.	2,000,000
Irving Trust Co., New York, N.Y.	2,500,000
Morgan Guaranty Trust Co. of New York, N.Y.	3,000,000
The Bank of Ozark, Ala.	50,000
The Commercial Bank of Ozark, Ala.	35,000
Phenix-Girard Bank, Phenix City, Ala.	25,000
Phenix National Bank, Phenix City, Ala.	25,000
Mellon National Bank & Trust Co., Pittsburgh, Pa.	950,000
Bank of Prattville, Ala.	50,000
Citizens Bank & Trust Co., Selma, Ala.	25,000
The City National Bank of Selma, Ala.	100,000
The Peoples Bank & Trust Co., Selma, Ala.	110,000
The Selma National Bank, Selma, Ala.	200,000
The Isbell National Bank, Talladega, Ala.	70,000
The Talladega National Bank, Talladega, Ala.	50,000
The City National Bank, Tuscaloosa, Ala.	200,000
The First National Bank of Tuscaloosa, Ala.	300,000
The American National Bank of Union Springs, Ala.	15,000
The First National Bank of Union Springs, Ala.	35,000
Total	40,527,000

Alabama proposes to use the proceeds from the notes listed above, together with its cash on hand and the proceeds from the sale on June 2, 1967, of 20,000 shares of common stock to Southern and a contemplated sale during the latter part of 1967 of $35 million principal amount of first mortgage bonds to the public and common stock to Southern to finance its 1967 construction program, estimated at $80,834,000, to reimburse its treasury for the retirement of previously outstanding bonds, to pay its short-term bank loans incurred for such purposes and for other lawful purposes. All notes issued under any authorization issued in respect of this declaration will be paid in full at or before maturity from the net proceeds from such sale of bonds, from funds generated from internal sources, or from notes issued by Alabama pursuant to the exemption afforded by the first sentence of section 6(b).

The fees and expenses to be incurred in connection with the proposed transactions are estimated at $500, including legal fees of $200.

It is stated that the Alabama Public Service Commission has jurisdiction over the proposed issue of notes and that no other State commission and no Federal commission, other than this Commission, has such jurisdiction.

Notice is further given that any interested person may, not later than July 25, 1967, request in writing that a hearing be held in respect of such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified should the Commission order a hearing in respect thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service thereof (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-7793; Filed, July 6, 1967; 8:48 a.m.]

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

JUNE 30, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 2, 1967, through July 11, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-7794; Filed, July 6, 1967; 8:48 a.m.]

[File No. 1-1686]

LINCOLN PRINTING CO.

Order Suspending Trading

JUNE 30, 1967.

The common stock, 50 cents par value, and the $3.50 cumulative preferred stock, no par value, of Lincoln Printing Co., being listed and registered on the Midwest Stock Exchange pursuant to the provisions of the Securities Exchange Act of 1934 and the 6 percent convertible debenture bonds due March 13, 1968, being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the Midwest Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 2, 1967, through July 11, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-7795; Filed, July 6, 1967; 8:48 a.m.]

[70-4502]

NATIONAL FUEL GAS CO. ET AL.

Proposed Issue and Sale of Debentures

JUNE 30, 1967.

Notice is hereby given that National Fuel Gas Co. ("National"), 30 Rockefeller Plaza, New York, N.Y. 10020, a registered holding company, and three of its gas utility subsidiary companies, Iroquois Gas Corp. ("Iroquois"), United Natural Gas Co. ("United"), and Pennsylvania Gas Co. ("Penn"), have filed a joint application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7, 9(a), 10, 12(b), and 12(f) of the Act and Rules 43, 45, and 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the joint application-declaration, which is summarized below, for a complete statement of the proposed transactions.

National proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 promulgated under the Act, $18 million principal amount of ——— percent sinking fund debentures due 1992. The interest rate of the debentures (which shall be a multiple of one-eighth of 1 percent) and the price, exclusive of accrued interest, to be paid to National (which shall be not less than 99 percent nor more than 102¾ percent of the principal amount thereof) will be determined by the competitive bidding. The debentures will mature on August 15, 1992, will be issued under an indenture to be dated as of August 15, 1967, between National and Irving Trust Co., New York, N.Y., Trustee, and will be issued in registered form.

National also proposes to issue and sell, from time to time prior to December 31, 1967, its unsecured promissory notes to the Chase Manhattan Bank (National Association) ("Chase") in an aggregate face amount not to exceed $12,600,000 outstanding at any one time. The notes will mature on December 31, 1968, will bear interest, payable quarterly, at the prime commercial rate in effect at the Chase (currently 5½ percent), and will be prepayable, in whole or in part, at any time without penalty, except that a premium of three-eighths of 1 percent must be paid if the prepayment results from borrowings from a bank other than Chase. National proposes to use the net proceeds from the sale of its notes and debentures (1) to prepay its outstanding notes due to a bank, amounting to $11,900,000 and maturing December 31, 1967, and (2) to acquire for cash $18 million principal amount of long-term notes from its three mentioned gas utility subsidiary companies.

Iroquois, Penn, and United propose to issue and sell, from time to time prior to December 31, 1967, to National, a total aggregate amount of $12,400,000 unsecured short-term notes in the respective aggregate face amounts outstanding at any one time of $8,700,000 for Iroquois, $1,700,000 for United, and $2 million for Penn. These notes will bear interest at the same prime rate and will be subject to the same general terms and conditions as the notes to be issued by National to Chase except that no prepayment penalty or premium will be incurred under any circumstances. Such notes will mature December 31, 1968, and, to a large extent, will replace notes due National maturing on December 31, 1967. Iroquois, United, and Penn also propose to issue from time to time during 1967 short-term notes to banks not in excess of $7 million, $4 million, and $2,300,000 respectively to finance the purchase of inventory gas. The three subsidiary companies propose to issue and sell said notes to National and to banks as shown below.

	To National		To Banks: Short-term notes to finance the purchase of inventory gas	Total
	Long-term construction notes for cash	Short-term construction notes largely in replacement of maturing notes		
Iroquois	$12,700,000	$8,700,000	$7,000,000	$28,400,000
United	2,300,000	1,700,000	4,000,000	8,000,000
Penn	3,000,000	2,000,000	2,300,000	7,300,000
Total	$18,000,000	$12,400,000	$13,300,000	$43,700,000

The maximum amount to be borrowed by the subsidiary companies from each such bank being as follows:

Iroquois:	
Marine Midland Trust Co., Buffalo, N.Y.	$3,200,000
Manufacturers & Traders Trust Co., Buffalo, N.Y.	3,150,000
Liberty National Bank & Trust Co., Buffalo, N.Y.	550,000
Total	7,000,000
United:	
Bradford National Bank, Bradford, Pa.	200,000
Du Bois Deposit National Bank, Du Bois, Pa.	200,000
Elk County Bank & Trust Co., Ridgway, Pa.	100,000
Emporium Trust Co., Emporium, Pa.	150,000
United—Continued	
Exchange Bank & Trust Co., Franklin, Pa.	$200,000
First National Bank of Mercer County, Greenville, Pa.	150,000
First Seneca Bank & Trust Co., Oil City, Pa.	600,000
McDowell National Bank, Sharon, Pa.	400,000
Northwest Pennsylvania Bank & Trust Co., Oil City, Pa.	500,000
The Pennsylvania Bank & Trust Co., Titusville, Pa.	500,000
Producers Bank & Trust Co., Bradford, Pa.	70,000
The St. Marys National Bank, St. Marys, Pa.	160,000
Mellon National Bank & Trust Co., Pittsburgh, Pa.	730,000
Total	4,000,000

Penn:	
Warren National Bank, Warren, Pa	$60,000
The First National Bank of Erie, Erie, Pa	800,000
Marine National Bank, Erie, Pa	925,000
Marine Midland Chautauqua National Bank, Jamestown, N.Y	475,000
The Pennsylvania Bank & Trust Co., Warren, Pa	150,000
Total	2,300,000

The long-term notes will be issued and sold to National, as a series, between August 1967, and December 31, 1967. The first such serial note issued by each company will mature on September 15, 1971, followed by maturities of one note each succeeding September 15th with the last payment due August 15, 1992. The notes will bear interest at a rate per annum equal to the effective cost of money incurred by National on the sale of its new debentures, rounded to the next higher one-tenth of 1 percent, payable semiannually. Such notes will be prepayable at any time, in whole or in part, without premium. The net proceeds from the proposed long-term notes are to be used by the subsidiary companies, together with funds available from other sources, to make additions to utility plant and to increase and replenish working capital. Construction expenditures for 1967 are estimated at $13,205,000 for Iroquois, $3,442,000 for United, and $3,220,000 for Penn.

The short-term notes to be issued to banks by Iroquois, United, and Penn will be dated as of the date of issue, will mature not later than 9 months from the date thereof, will bear interest at the prime rate in effect at the lending bank on the date of issue of each note, and will be prepayable at any time, in whole or in part, without penalty or premium. Such notes will aggregate about 6.4 percent of the principal amount and par value of Iroquois' other securities outstanding, about 7.5 percent of the principal amount and par value of United's other securities outstanding, and about 12 percent of the principal amount and par value of Penn's other securities outstanding March 31, 1967. Any amount in excess of 5 percent may be issued only pursuant to an order under section 6(b) of the Act.

The proposed issue and sale of long-term notes by Iroquois are subject to the jurisdiction of the Public Service Commission of New York, the State commission of the State in which Iroquois is organized and doing business; the proposed issue and sale of long-term notes by United and Penn are subject to the jurisdiction of the Pennsylvania Public Utility Commission, the State commission of the State in which both United and Penn are organized and doing business. No other State commission and no Federal commission, other than this commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than July 27, 1967, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the joint application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-7796; Filed, July 6, 1967; 8:48 a.m.]

NORTHERN INSTRUMENT CORP.

Order Suspending Trading

JUNE 30, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Northern Instrument Corp., Babylon, N.Y., and all other securities of Northern Instrument Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15 (c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange is summarily suspended, this order to be effective for the period July 1, 1967, through July 10, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-7797; Filed, July 6, 1967; 8:48 a.m.]

[File No. 0-502]

PAKCO COMPANIES, INC.

Order Suspending Trading

JUNE 30, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Pakco Cos., Inc., and all other securities of Pakco Cos., Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15 (c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 2, 1967, through July 11, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-7798; Filed, July 6, 1967; 8:48 a.m.]

[File No. 811-1369]

S & P NATIONAL CORP.

Order Suspending Trading

JUNE 30, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the Common and Class A stock of S & P National Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15 (c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 1, 1967, through July 10, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-7799; Filed, July 6, 1967; 8:48 a.m.]

STEEL CREST HOMES, INC.

Order Suspending Trading

JUNE 30, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Steel Crest Homes, Inc., King of Prussia, Pa., and all other securities of Steel Crest Homes, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15 (c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 1, 1967, through July 10, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-7800; Filed, July 6, 1967; 8:48 a.m.]

UNDERWATER STORAGE, INC.

Order Suspending Trading

JUNE 30, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Underwater Storage, Inc., otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15 (c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 2, 1967, through July 11, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-7801; Filed, July 6, 1967; 8:48 a.m.]

[File No. 1-4371]

WESTEC CORP.

Order Suspending Trading

JUNE 30, 1967.

The common stock, 10 cents par value, of Westec Corp., being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Westec Corp., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15 (c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 2, 1967, through July 11, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-7803; Filed, July 6, 1967; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1081]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

JUNE 30, 1967.

The following applications are governed by Special Rule 1.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of § 1.247(d)(4) of the special rule, and shall include the certification required therein.

Section 1.247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

[1] Copies of Special Rule 1.247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 2860 (Sub-No. 10), filed June 19, 1967. Applicant: NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, N.J. 08360. Applicant's representative: Alvin Altman, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Food and food products* (except in bulk), from points in Cumberland County, N.J., to points in Maine, New Hampshire, Vermont, Ohio, and West Virginia, and (2) *commodities used in or incidental to the preparation, packing, and shipment of canned, frozen, and processed foods* (except in bulk), from points in Maine, New Hampshire, Vermont, Ohio, and West Virginia to points in Cumberland County, N.J. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or New York, N.Y.

No. MC 2860 (Sub-No. 11), filed June 19, 1967. Applicant: NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, N.J. 08360. Applicant's representative: Alvin Altman, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass or plastic containers, bottles, jars, pack glasses, and jelly tumblers*, with or without caps, covers, stoppers, or tops, and *corrugated paper boxes or paper containers*, knocked down, when moving in mixed shipments with the above-described commodities, between Freehold, N.J., on the one hand, and on the other, points in Massachusetts and New York. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or New York, N.Y.

No. MC 4963 (Sub-No. 25), filed June 21, 1967. Applicant: JONES MOTOR CO., INC., Bridge Street, and Schuylkill Road, Spring City, Pa. 19475. Applicant's representative: John C. Bradley, 618

Perpetual Building, 111 E Street, NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of Kingston Manufacturing Co., Inc., located at or near Newfields, N.H., as an off-route point in connection with applicant's present regular route authority between Boston, Mass., and Manchester, N.H., in MC-4963 Sub-20. NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashua, N.H., or Washington, D.C.

No. MC 5888 (Sub-No. 29), filed June 20, 1967. Applicant: MID-AMERICAN TRUCK LINES, INC., 900 North Indiana Avenue, Kansas City, Mo. 64120. Applicant's representative: Robert D. Schuler, Suite 1700, 1 Woodward Avenue, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite, Ford Motor Co., Sterling Township, Macomb County, Mich., as an off-route point in connection with authorized service at Detroit, Mich. NOTE: If a hearing is deemed necessary, applicant did not specify location.

No. MC 18068 (Sub-No. 45) (Amendment), filed April 24, 1967, published in FEDERAL REGISTER issues of May 11, 1967, and May 18, 1967, amended May 17, 1967, and republished as amended, this issue. Applicant: FLOYD AND BEASLEY TRANSFER COMPANY, INC., Post Office Drawer 3, Sycamore, Ala. Applicant's representative: John W. Cooper, 1301 City Federal Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), serving Pelham, Ala., as an off-route point in connection with applicant's regular route authority between Birmingham and Anniston, Ala., over U.S. Highway 78. NOTE: The purpose of this republication is to remove the restriction. If a hearing is deemed necessary, applicant requests it be he held at Birmingham, Ala.

No. MC 22195 (Sub-No. 131), filed June 20, 1967. Applicant: DAN DUGAN TRANSPORT COMPANY, a corporation, 41st and Grange Avenue, Post Office Box 946, Sioux Falls, S. Dak. 57101. Applicant's representative: J. F. Everist (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (liquid and dry) including but not restricted to anhydrous ammonia and fertilizer solutions, in bulk, from Welcome, Minn., and points within 5 miles thereof to points in Iowa, Minnesota, North Dakota, South Dakota, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 25798 (Sub-No. 151), filed June 19, 1967. Applicant: CLAY HYDER TRUCKING LINES, INC., 502 East Bridgers Avenue, Post Office Box 1186, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs*, unfit for human consumption (except in bulk, in tank vehicles), from points in Alabama, Georgia, Mississippi, Tennessee, North Carolina, South Carolina, and Tampa and Alachua, Fla., to Golden Meadow and New Orleans, La. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or New Orleans, La.

No. MC 25798 (Sub-No. 152), filed June 19, 1967. Applicant: CLAY HYDER TRUCKING LINES, INC., 502 East Bridgers Avenue, Post Office Box 1186, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Food products*, and (2) *food products* in mixed shipments with commodities, the transportation of which is partially exempt under the provisions of section 203(b)(6) of the Interstate Commerce Act if transported in vehicles not used in carrying any other property, when moving in the same vehicle at the same time with commodities in (2) above, from Wellston, Ohio, to points in Florida, Georgia, North Carolina, and South Carolina. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Columbus, Ohio.

No. MC 26174 (Sub-No. 3) (Amendment), filed May 18, 1966, published FEDERAL REGISTER issue of October 13, 1966, amended June 26, 1967, and republished as amended, this issue. Applicant: M. W. DALTON, ROBERT D. DALTON, AND MAURICE WAYNE DALTON, a partnership, doing business as M. W. DALTON & SONS, 709 E Street, Hamburg, Iowa 51640. Applicant's representative: Howard B. Wenger, 1101 Main Street, Hamburg, Iowa 51640. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic pipe, plastic awnings, and related plastic products*, from Nebraska City, Nebr., and Hamburg, Iowa, to points in Illinois, Iowa, Missouri, Minnesota, Nebraska, Kansas, South Dakota, and North Dakota, and (2) *dry fertilizer and dry feed*, in bags, from St. Joseph, Mo., to Hamburg, Iowa. NOTE: The purpose of this republication is to broaden the scope of the application. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 28956 (Sub-No. 12) (Amendment), filed May 17, 1967, published in FEDERAL REGISTER issues of June 1, 1967, and June 15, 1967, amended June 19, 1967, and republished as amended this issue. Applicant: G. P. RYALS, doing business as RYALS TRUCK SERVICE, Post Office Box 634, Albany, Oreg. Applicant's representative: Lawrence V. Smart, Jr., 419 Northwest 23d Avenue, Portland, Oreg. 97210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer and fertilizer solutions*, from points in Clark County, Wash., to points in Oregon. NOTE: Applicant states no duplicating authority is being sought. The purpose of this republication is to more clearly set forth the proposed operations. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 29079 (Sub-No. 37), filed June 23, 1967. Applicant: BRADA MILLER FREIGHT SYSTEM, INC., 1210 South Union Street, Kokomo, Ind. 46901. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the plantsites and warehouses of Rockwell-Standard Corp. at or near Winchester, Ky., on the one hand, and, on the other, points in Illinois, Indiana, Michigan, Ohio, and St. Louis, Mo. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Columbus, Ohio.

No. MC 30605 (Sub-No. 141), filed June 9, 1967. Applicant: THE SANTA FE TRAIL TRANSPORTATION COMPANY, a corporation, 423 East Waterman Street, Wichita, Kans. 67202. Applicant's representative: F. J. Steinbrecher, 80 East Jackson Boulevard, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, nitroglycerin, livestock, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading, (1) between the Colorado-Kansas State line and Pueblo, Colo.; from the Colorado-Kansas State line over U.S. Highway 50 to Pueblo, Colo., and return over the same route, serving all intermediate points; (2) between junction U.S. Highway 50 Bypass and U.S. Highway 85 north of Pueblo, Colo.; and junction U.S. Highway 50 Bypass and U.S. Highway 50; from junction U.S. Highway 50 Bypass and U.S. Highway 85, over U.S. Highway 50 Bypass to junction U.S. Highway 50 Bypass and U.S. Highway 50, and return over the same route, serving all intermediate points; and (3) between Pueblo, Colo., and junction U.S. Highway 50 and Colorado Highway 209, from Pueblo, Colo.; over Colorado Highway 96 to Boone, Colo., thence over Colorado

Highway 209 to junction U.S. Highway 50, and return over the same route, serving all intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 38227 (Sub-No. 6), filed May 29, 1967. Applicant: CRUTCHER TRANSFER LINE, INC., 600 Marret Avenue, Louisville, Ky. Applicant's representative: Rudy Yessin, Sixth Floor, McClure Building, Post Office Box 457, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Elizabethtown and Munfordville, Ky., over U.S. Highway 31W, serving the intermediate point of Bonnieville, Ky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 46313 (Sub-No. 9), filed June 19, 1967. Applicant: GREAT FALLS TRANSFER AND STORAGE COMPANY, a corporation, doing business as SUHR TRANSPORT, 117 Park Drive South, Great Falls, Mont. 59401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cement and concrete products*, from Montana City, Mont., to points in Wyoming in and north of Lincoln, Sublette, Fremont, Natrona, Commerce, and Niobrara Counties, Wyo., and (2) *concrete products*, from Billings, Great Falls, and Missoula, Mont., to points in Wyoming. NOTE: If a hearing is deemed necessary, applicant requests it be held at Helena, Great Falls, or Billings, Mont.

No. MC 51012 (Sub-No. 19), filed June 20, 1967. Applicant: JIMMIE THOMAS BRYANT, doing business as J. T. BRYANT, 810 E. Pinner Street, Suffolk, Va. 23434. Applicant's representative: Henry E. Ketner, 1208 State Planters Building, Richmond, Va. 23219.

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Suffolk, Va., to Cincinnati, Ohio, Detroit, Mich., Chicago, Ill., and points in Illinois, Indiana, Michigan, and Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Richmond, Va.

No. MC 51146 (Sub-No. 57), filed June 23, 1967. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis. 54306. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal foods*, from Momence, Ill., to Omaha, Nebr., and points in Indiana, Ohio, Missouri, Iowa, Kentucky, Tennessee, West Virginia, and Wisconsin and (2) *returned and rejected shipment* on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 53116 (Sub-No. 104), filed June 20, 1967. Applicant: BRADY MOTORFRATE, INC., 2150 Grand Avenue, Des Moines, Iowa 50312. Applicant's representative: Robert D. Schuler, Suite 1700, One Woodward Avenue, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of the Ford Motor Co., located at or near Van Dyke and 18-Mile Road, Sterling Township, Macomb County, Mich., as an off-route point in connection with applicant's authorized service at Detroit, Mich. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 55811 (Sub-No. 91), filed June 22, 1967. Applicant: CRAIG TRUCKING, INC., Albany, Ind. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between the plantsites and warehouses of Rockwell-Standard Corp. at or near Winchester, Ky., on the one hand, and, on the other, points in Indiana, Ohio, and Michigan. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Columbus, Ohio.

No. MC 55896 (Sub-No. 31), filed June 22, 1967. Applicant: R–W SERVICE SYSTEM, INC., 4840 Wyoming Avenue, Dearborn, Mich. 48126. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the plantsites and warehouses of Rockwell-Standard Corp. at or near Winchester, Ky., on the one hand, and, on the other, points in Illinois, Indiana, Michigan, Missouri, Ohio, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Columbus, Ohio.

No. MC 59590 (Sub-No. 10), filed June 19, 1967. Applicant: CLIPPER TRANSPORTATION COMPANY, a corporation, 143 Danforth Avenue, Jersey City, N.J. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Precast forms* composed of concrete and wood fibers or other reinforcing materials, and when moving therewith, *equipment, tools, and implements* used in the erection of such forms, (1) from Farmington, Conn., to points in Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, and (2) *returned shipments of the equipment, tools, and implements* specified in (1) above, from the destination states to Farmington, Conn., under contract with Concrete Plank Co., Inc., North Arlington, N.J. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 60186 (Sub-No. 28), filed June 19, 1967. Applicant: NELSON FREIGHTWAYS, INC., 47 East Street, Rockville, Conn. 06066. Applicant's representative: Vernon V. Baker, 1411 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wallboard, building board, insulation board, fiberboard, pulpboard, and incidental materials and supplies* used in connection with the installation thereof, from Lisbon Falls, Maine, to points in New York, New Jersey, Delaware, Maryland, Virginia, West Virginia, and Pennsylvania and (2) *refused, rejected, or damaged shipments* of the commodities in (1) above from the destination points to Lisbon Falls, Maine, on return. NOTE: Applicant holds contract authority in MC 93421, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or Washington, D.C.

No. MC 61403 (Sub-No. 168) (Correction), filed May 9, 1967, published FEDERAL REGISTER issue of May 25, 1967, and republished as corrected this issue. Applicant: THE MASON AND DIXON TANK LINES, INC., Eastman Road, Kingsport, Tenn. 37662. Applicant's representative: W. C. Mitchell, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from the plantsite and storage facilities of Reichhold Chemicals, Inc., at or near Tuscaloosa, Ala., to points in the United States (except Alaska and Hawaii), restricted to traffic originating at the plantsite or storage facilities of Reichhold Chemicals, Inc. NOTE: Applicant states it does not seek duplicating authority. The purpose of this republication is to add the restriction, inadvertently omitted in previous publication. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., Memphis, Tenn., or Jacksonville, Fla.

No. MC 68980 (Sub-No. 13), filed June 8, 1967. Applicant: CHECKER EXPRESS CO., a corporation, 960 West Montana Street, Milwaukee, Wis. 53215. Applicant's representative: John L. Bruemmer, 1210 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between North Lake and Milwaukee, Wis., over Wiscon-

sin Highway 74, serving all intermediate points, and (2) between Allenton located at or near junction Wisconsin Highways 33 and 175 and Milwaukee, Wis., over Wisconsin Highway 175, serving all intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 72420 (Sub-No. 7), filed June 20, 1967. Applicant: THE ACE MOTOR TRANSPORT COMPANY, a corporation, 3103 Tiffin Avenue, Sandusky, Ohio 44870. Applicant's representative: Robert A. Sullivan, 1800 Buhl Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Automobile parts, assemblies, and materials* used in the manufacture of automobiles, serving the Willow Run Airport located at Ypsilanti, Mich., as an off-route point in connection with applicant's presently authorized regular route operations to and from Sandusky, Ohio, restricted to shipments having a prior or subsequent movement by air. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Washington, D.C.

No. MC 73688 (Sub-No. 20), filed June 23, 1967. Applicant: SOUTHERN TRUCKING CORP., 1500 Orenda Road, Memphis, Tenn. 38107. Applicant's representative: Charles H. Hudson, Jr., 833 Stahlman Building, Nashville, Tenn. 37201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) Iron and steel *pipe*, from Preston, Tenn. (near Counce on Pickwick Lake), to points in Tennessee, Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina, Virginia, West Virginia, Kentucky, Ohio, Indiana, Illinois, Louisiana, Arkansas, Missouri, Iowa, Texas, Oklahoma, Kansas, Nebraska, and Michigan, and (2) iron and steel *plates, sheets, skelp*, and *equipment, materials, and supplies* used in the manufacturing, processing, or production of iron and steel pipe, from points in the States named in (1) above, to Preston, Tenn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Nashville, Tenn.

No. MC 94201 (Sub-No. 59), filed June 7, 1967. Applicant: BOWMAN TRANSPORTATION, INC., 2161 Moreland Avenue SE., Atlanta, Ga. 30316. Applicant's representative: Maurice F. Bishop, 327 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), (1) between Gadsden, Ala., and Memphis, Tenn.: (a) From Gadsden, over U.S. Highway 431 to junction U.S. Highway 72 at Huntsville, Ala., thence over U.S. Highway 72 to Memphis, Tenn., and return over the same routes serving all intermediate points in Alabama and the off-route point of Scottsboro, Ala.; those points in Alabama within a 15-mile radius of Gadsden; Huntsville, Decatur, Florence, Sheffield, and Tuscumbia, Ala.; and those points in Tennessee, Mississippi, and Arkansas within a 15-mile radius of Memphis, Tenn.; (b) from Gadsden, Ala., over U.S. Highway 278 to junction U.S. Highway 231, thence over U.S. Highway 231 to junction Alabama Highway 67, thence over Alabama Highway 67 to junction U.S. Highway 31, thence over U.S. Highway 31 to junction U.S. Alternate Highway 72 at Decatur, Ala., thence over U.S. Alternate Highway 72 to junction U.S. Highway 72, thence over U.S. Highway 72 to Memphis, Tenn., and return over the same routes serving all intermediate points in Alabama;

(c) From Gadsden, Ala., over U.S. Highway 278 to Cullman, Ala., thence over Interstate Highway 65 to Hartselle, Ala., thence over Alabama Highway 36 to its intersection with Alabama Highway 33 at or near Wren, thence over Alabama Highway 33 to Moulton, thence over Alabama Highway 24 to Russellville, Ala., thence over U.S. Highway 43 to Tuscumbia, Ala., thence over U.S. Highway 72 to Memphis, Tenn., serving all intermediate points in Alabama; (2) between Florence, Ala., and Memphis, Tenn.: (a) From Florence over Alabama Highway 20 to the Alabama-Tennessee State line, thence over Tennessee Highway 69 to junction U.S. Highway 64 at Savannah, Tenn., thence over U.S. Highway 64 to Memphis, Tenn., and return over the same routes serving all intermediate points in Alabama and Tennessee; (3) between Guntersville, Ala., and junction Alabama Highways 69 and 67 near Hulaco, Ala.; (a) from Guntersville over Alabama Highway 69 to junction Alabama Highway 67, and return over the same routes serving all intermediate points; (4) between Huntsville and Decatur, Ala.: (a) From Huntsville and Decatur, Ala.: From Huntsville over U.S. Highway Alternate 72 to Decatur, and return over the same routes serving all intermediate points; (5) between Gadsden, and Huntsville, Ala.:

(a) From Gadsden over U.S. Highway 278 to junction U.S. Highway 231, thence over U.S. Highway 231 to Huntsville, and return over the same routes serving all intermediate points; (6) between Piedmont and Gadsden, Ala., over U.S. Highway 278, serving all intermediate points; (7) between Corinth, Miss., and Selmer, Tenn., over U.S. Highway 45, for operating convenience only; (8) between Selmer and Jackson, Tenn., over U.S. Highway 45, serving no intermediate points; (9) between Memphis and Jackson, Tenn.: From Memphis to Jackson, over U.S. Highway 70 or Interstate Highway 40, serving no intermediate points—but serving all points within a 15-mile radius of Jackson, as off-route points. NOTE: Applicant states it intends to tack the above-proposed routes with each other and with all that authority previously granted under certificates No. MC-94201 and Subs, wherein applicant is authorized to serve points in the States of Alabama, Tennessee, Virginia, Maryland, Florida, Georgia, North Carolina, South Carolina, Mississippi, Kentucky, Louisiana, West Virginia, New York, Delaware, New Jersey, Pennsylvania, District of Columbia, and Connecticut. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Memphis, Tenn.

No. MC 95540 (Sub-No. 702), filed June 21, 1967. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, Fla. 33803. Applicant's representative: Bill R. Davis, Suite 1600, First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen carnivorous animal foodstuffs*, unfit for human consumption, (except in bulk in tank vehicles) from points in Alabama, Georgia, Mississippi, Tennessee, North Carolina, South Carolina, and Tampa and Alachua, Fla., to Golden Meadow and New Orleans, La. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 95876 (Sub-No. 66), filed June 15, 1967. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, Minn. Applicant's representative: Grant J. Merritt, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Plywood, veneer, wood paneling, hardboard, wallboard or wood particle board, and materials, supplies, and accessories used in connection therewith*, from Oshkosh and Phillips, Wis., to points in Colorado, Iowa, Kansas, Minnesota, Montana, Nebraska, New Mexico, North Dakota, South Dakota, and Wyoming. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 103191 (Sub-No. 23) (Amendment), filed May 4, 1967, published in the FEDERAL REGISTER issue of May 18, 1967, amended and republished as amended, this issue. Applicant: THE GEORGE A. RHEMAN CO., INC., Post Office Box 2095, Station A, Charleston, S.C. 29403. Applicant's representative: Frank A. Graham, Jr., 707 Security Federal Building, Columbia, S.C. 29201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in bulk, in pneumatic tank trailers, from points in Charleston, Darlington, Greenville, Richland, and Spartanburg Counties, S.C., to points in North Carolina. NOTE: The purpose of this republication is to broaden the authority sought by including additional origin points. If a hearing is deemed necessary, applicant requests it be held at Charleston or Columbia, S.C., or Charlotte, N.C.

No. MC 107002 (Sub-No. 337), filed June 23, 1967. Applicant: HEARIN-MILLER TRANSPORTERS, INC., Post Office Box 1123, Jackson, Miss. 39205. Applicant's representatives: Harold D. Miller, Jr., Post Office Box 1250, Jackson, Miss. 39205, and John J. Borth (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dimethyl acetamide* (resin solvents), in bulk, in tank vehicles, from Decatur, Ala., to Taft, La., and Gonzales, Fla. NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or New Orleans, La.

No. MC 107286 (Sub-No. 23), filed June 19, 1967. Applicant: M. PASCALE TRUCKING, INC., 8-10 Rice Street, South Attleboro, Mass. 02774. Applicant's representative: Russell B. Curnett, 36 Circuit Drive, Edgewood Station, Providence, R.I. 02905. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick*, from Attleboro, and Bridgewater, Mass., to points in New York. NOTE: If a hearing is deemed necessary, applicant requests it be held at Providence, R.I., or Boston, Mass.

No. MC 107515 (Sub-No. 576), filed June 2, 1967. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 10799, Station A, Atlanta, Ga. 30310. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Food products*, and (2) *food products* in mixed shipments with commodities, the transportation of which is partially exempt under the provisions of section 203(b)(6) of the Interstate Commerce Act if transported in vehicles not used in carrying any other property, when moving in the same vehicle at the same time with commodities in (2) above, from Wellston, Ohio, to points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 108651 (Sub-No. 18), filed June 26, 1967. Applicant: ROY B. MOORE, INC., Post Office Box 628, Kingsport, Tenn. Applicant's representative: Jacob P. Billing, 1108 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, dealt in by wholesale and retail grocery stores, from Brockport, N.Y., to Richmond, Va. NOTE: If a hearing is deemed necessary, applicant did not specify location.

No. MC 108676 (Sub-No. 21), filed June 19, 1967. Applicant: A. J. METLER HAULING AND RIGGING, INC., 117 Chicamauga Avenue NE., Knoxville, Tenn. 37917. Applicant's representative: Robert M. Pearce, Central Building, 1033 State Street, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, from Knoxville, Tenn., to points in Delaware, Illinois, Indiana, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, West Virginia, Wisconsin, and the District of Columbia, and (2) *equipment, material, and supplies* used in the manufacturing and processing of iron and steel articles (except commodities in bulk) from the destinations described in (1) above and points in Kentucky and Virginia to Knoxville, Tenn. NOTE: Applicant indicates tacking the authority sought with presently held authority in MC-108676 whereas applicant is authorized to serve between Knoxville, Tenn., and points within (75) miles of Knoxville on the one hand, and, on the other, points in Kentucky, Virginia, Georgia, Alabama, North Carolina, South Carolina, and Tennessee. If a hearing is deemed necessary, applicant requests it be held at Knoxville or Nashville, Tenn.

No. MC 108859 (Sub-No. 46), filed June 12, 1967. Applicant: CLAIRMONT TRANSFER CO., a corporation, 1803 Seventh Avenue North, Escanaba, Mich. 49829. Applicant's representative: William B. Elmer, 32644 Gratiot Avenue, East Detroit, Mich. 48021. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, and commodities in bulk), between St. Ignace and Cheboygan, Mich.: From St. Ignace over Interstate Highway 75 to junction U.S. Highway 23, thence over U.S. Highway 23 to Cheboygan, and return over the same route, (a) restricted against service at points intermediate to Ignace and Cheyboygan, (b) restricted to traffic transported either from or to otherwise authorized points in the Upper Peninsula of Michigan west of Interstate Highway 75, U.S. Highway 2, and Michigan Highway 48 between St. Ignace and Sault Ste. Marie, and points in Wisconsin north of U.S. Highway 18 between Milwaukee and the Mississippi River, and (c) restricted against interlining traffic at Cheboygan with any connecting carrier if such traffic originates at or is destined to points other than those in Michigan and the area described in (b) above in Wisconsin. NOTE: This application is accompanied by a petition seeking a modification to applicant's present certificate in Docket No. MC 108859 against the transportation of any traffic which originates in the Lower Peninsula of Michigan and is destined to points in the Upper Peninsula of Michigan on and east of Interstate Highway 75, U.S. Highway 2, and Michigan Highway 48 between St. Ignace, Mich., and Sault Ste. Marie, Mich., and similarly restricted against the transportation of traffic which originates in the described area in the Upper Peninsula of Michigan and is destined to points in the Lower Peninsula of Michigan. Applicant states the proposed extension of service is expressly conditioned upon the modification of applicant's present certificate as above described. If a hearing is deemed necessary, applicant requests it be held at Lansing or Escanaba, Mich.

No. MC 109637 (Sub-No. 321), filed June 16, 1967. Applicant: SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville, Ky. 40211. Applicant's representative: G. R. Thim (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, in bulk, in tank vehicles, from Louisville, Ky., to points in Michigan. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Washington, D.C.

No. MC 110420 (Sub-No. 547), filed June 26, 1967. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. 53105. Applicant's representatives: Allan B. Torhorst, Post Office Box 339, Burlington, Wis. 53105, and Fred H. Figge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrup and corn syrup mixtures*, in bulk, from Du Quoin, Ill., to points in Illinois, Indiana, Michigan, Wisconsin, Iowa, Kentucky, Tennessee, Missouri, Minnesota, and Ohio. NOTE: Applicant states it could tack at Chicago or Pekin, Ill., Clinton, Keokuk, or Cedar Rapids, Iowa, or St. Louis and North Kansas City, Mo., to serve points in various States. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 110525 (Sub-No. 814) (Amendment), filed January 24, 1967, published in FEDERAL REGISTER issue of February 9, 1967, amended June 28, 1967, and republished as amended, this issue. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representatives: Leonard A. Jaskiewicz, 1155 15th Street NW., Washington, D.C. 20005, and Edwin H. van Deusen (same address as applicant). Authority sought to operate as a *common carrier*, by motor over irregular routes, transporting: *Diammonium phosphate*, in bulk, from Depue, Colfax, and Riverside, Ill., and Des Moines, Iowa, to points in Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Wisconsin, and Michigan. NOTE: The purpose of this republication is to broaden the origin point. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110525 (Sub-No. 837), filed June 16, 1967. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representatives: Leonard A. Jaskiewicz, 1155 15th Street NW., Madison Building, Washington, D.C. 20005, and Edwin van Deusen, 520 East Lancaster Avenue, Downingtown, Pa. 19335. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic granules*, in bulk, from points in Lawrence County, Ohio, to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 112750 (Sub-No. 245), filed June 15, 1967. Applicant: AMERICAN COURIER CORPORATION, 222-17

Northern Boulevard, Bayside, N.Y. 11361. Also: De Revalas Building, Bayside, N.Y. 11361. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Commonwealth Building, Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents, written instruments, and business records* (except coin, currency, bullion, and negotiable securities), as are used in the business of banks and banking institutions, (1) between Duluth, Minneapolis, and St. Paul, Minn., on the one hand, and, on the other, points in the Upper Peninsula of Michigan, (2) between Richmond, Va., on the one hand, and, on the other, points in Alamance, Bertie, Brunswick, Camden, Carteret, Caswell, Chowan, Columbus, Currituck, Dare, Duplin, Forsyth, Gates, Guilford, Hartford, Hyde, Jones, New Hanover, Onslow, Pamlico, Pasquotank, Pender, Perquimans, Scotland, Tyrrell and Washington Counties, N.C.; and Allendale, Bamberg, Barnwell, Beaufort, Berkeley, Calhoun, Charleston, Chesterfield, Clarendon, Colleton, Darlington, Dillon, Dorchester, Florence, Georgetown, Hampton, Horry, Jasper, Kershaw, Lee, Marion, Marlboro, Orangeburg, Richland, Sumter and Williamsburg Counties, S.C.; and (3) between Belvidere, Ill., on the one hand, and, on the other, Milwaukee, Wis., under contract with banks and banking carrier authority in MC 111729, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Cleveland, Ohio.

No. MC 113267 (Sub-No. 176), filed June 23, 1967. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. 62232. Applicant's representative: Lawrence A. Fischer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs*, from Trafalgar, Ind., to points in Illinois, Ohio, Kentucky, and Tennessee. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 113828 (Sub-No. 131), filed June 22, 1967. Applicant: O'BOYLE TANK LINES, INCORPORATED, 4848 Cordell Avenue, Washington, D.C. 20014. Applicant's representative: William P. Sullivan, 1825 Jefferson Place NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Spent silica gel catalyst*, in bulk, (1) between points in New Jersey, Delaware, Maryland, and Virginia, and (2) between points in New Jersey, Delaware, Maryland, and Virginia, on the one hand, and, on the other, points in New York, Pennsylvania, Virginia, Ohio, and Kentucky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113843 (Sub-No. 130), filed June 19, 1967. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, potatoes, and potato products*, from points in Montcalm County, Mich., to points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Detroit, Mich.

No. MC 114067 (Sub-No. 9), filed June 20, 1967. Applicant: DECATUR PETROLEUM HAULERS, INC., 159 First Avenue NE., Decatur, Ala. Applicant's representative: D. H. Markstein, Jr., 818 Massey Building, Birmingham, Ala. 35203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Resin solvents*, in bulk, in tank vehicles, from Decatur, Ala., to Taft, La., under contract with Monsanto Co., Textile Division. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Atlanta, Ga.

No. MC 114300 (Sub-No. 16), filed June 16, 1967. Applicant: SOUTHERN EXPRESS COMPANY, a corporation, 3333 South Cicero Avenue, Cicero, Ill. 60650. Applicant's representative: Edward C. Baselon, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles, and equipment, materials, and supplies used in the manufacture or processing of iron and steel articles*, from points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone, and Alton and Madison, Ill., to points in Indiana, Kentucky, Michigan, and Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 115578 (Sub-No. 13), filed June 22, 1967. Applicant: ERWIN HURNER, 2505 South Rivershore Drive, Moorehead, Minn. 56560. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and articles dealt in by wholesale beverage distributors*, from Chicago, Ill., to Moorehead, Minn., and Fargo N. Dak., under contract with Pernelin Distributing Co. NOTE: Applicant holds common carrier authority under MC-117148, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Fargo, N. Dak.

No. MC 116273 (Sub-No. 94), filed June 19, 1967. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, Ill. 60650. Applicant's representative: Robert G. Paluch (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt and road oil*, in bulk, in tank vehicles, from Chicago, Ill., to points in Wisconsin, and *damaged, defective, or returned shipments* of the above-specified commodities, on return. NOTE: This application is accompanied by a petition seeking a modification to applicant's present certificate in Docket No. MC 116273 (Sub-No. 6) to have the qualifying restriction namely "equipped with heating devices designed to control the viscosity of the commodities during transit" with respect to the handling of asphalt and road oils eliminated. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 117119 (Sub-No. 401), filed June 15, 1967. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. 72728. Applicant's representative: John H. Joyce, 26 North College, Fayetteville, Ark. 72702. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, between Fort Smith, Springdale, Lowell, and Johnson, Ark., and Haskell, Spiro, Westville, and Stigler, Okla. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 117557 (Sub-No. 14), filed June 15, 1967. Applicant: MATSON, INC., Post Office Box 43, Cedar Rapids, Iowa 52406. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road construction machinery and equipment* as described in appendix VIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from points in the United States (except points in Alaska), Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Washington, Wyoming, and Utah, to Cedar Rapids, Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines or Cedar Rapids, Iowa.

No. MC 117883 (Sub-No. 101), filed June 21, 1967. Applicant: SUBLER TRANSFER, INC., East Main Street, Versailles, Ohio 45380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from St. Louis, Mo., to points in Indiana, Ohio, Pennsylvania, Michigan, New Jersey, New York, Delaware, Connecticut, Massachusetts, Maryland, New Hampshire, Maine, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 118994 (Sub-No. 4), filed June 23, 1967. Applicant: AIR VAN LINES, INC., 220 Post Road, Anchorage, Alaska. Also: Post Office Box 2188, ECB, Anchorage, Alaska. Applicant's representative: Wyman C. Knapp, 626 City National Bank Building, 606 South Olive Street, Los Angeles, Calif. 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, when moving on through bills of lading of an exempt freight forwarder, between points in the Seattle, Wash., commercial zone, restricted to shipments moving to and from the State of Alaska. NOTE: Applicant does not propose to restrict itself to transporting shipments which only originate or terminate in the aforesaid commercial zone, but will receive shipments from and deliver shipments to connecting carriers within said zone. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash., or Portland, Oreg.

No. MC 119641 (Sub-No. 66), filed June 21, 1967. Applicant: RINGLE EXPRESS, INC., 450 East Ninth Street, Fowler, Ind. Applicant's representative: Robert C. Smith, 620 Illinois Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood products*, with or without metal attachments or metal parts, from Jackson and Magee, Miss., to points in Illinois, Indiana, Iowa, and Michigan. NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 121550 (Sub-No. 1), filed May 15, 1967. Applicant: JAMES C. WETHERILL, doing business as HATBORO DELIVERY SERVICE, 800 Ivyland Road, Warminster, Pa. 18974. Applicant's representative: S. H. Copelin, 121 South Broad Street, Philadelphia, Pa. 19107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between points in the borough of Hatboro, Montgomery County, Pa., and points within 5 miles of the limits of said borough, and the freight terminals, bus terminals, wharves, airports, and Philadelphia Airport, located in Philadelphia, Pa. NOTE: Applicant states the authority sought above is limited to emergency service constituting pickups and deliveries in less than 8 hours. If a hearing is deemed necessary, applicant requests it be held at or near Philadelphia, Pa.

No. MC 123112 (Sub-No. 2), filed June 19, 1967. Applicant: HOCKMAN'S MOTOR EXPRESS, INC., 300 Broad Street, Terre Hill, Pa. 17581. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Empty containers, thread, trimmings, cotton, rayon, and silk piece goods and machinery, machine parts, and supplies* used in the manufacture of shirts, pajamas, sleeping garments, underwear, and dresses, from Blue Ball, Pa. to Coats, N.C., and (2) *shirts, pajamas, sleeping garments, underwear, and dresses*, from Coats, N.C., to Blue Ball, Pa. NOTE: Applicant states it could tack at New Holland, Pa., to serve New York and New Jersey. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Harrisburg, Pa.

No. MC 123373 (Sub-No. 12), filed June 19, 1967. Applicant: CARTAGE SERVICES, INC., 26340 Van Born Road, Dearborn Heights, Mich. 48125. Applicant's representative: Frank J. Kerwin, Jr., 900 Guardian Building, Detroit, Mich. 48226. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from South Bend, Ind., to points in Illinois, under contract with Drewrys Limited U.S.A., Inc. NOTE: Applicant is also authorized to conduct operations as a common carrier in certificate No. MC 118594, therefor, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Chicago, Ill.

No. 123383 (Sub-No. 23), filed June 22, 1967. Applicant: BOYLE BROTHERS, INC., 276 River Road, Edgewater, N.J. 07020. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiberboard, wallboard, and accessories and supplies* used in the installation thereof, from Deposit, N.Y., to points in Maine, New Hampshire, Vermont, North Carolina, South Carolina, and Tennessee, and *return shipments*, on return. NOTE: Applicant states the above-described commodities will be transported on flat-bed equipment. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 123393 (Sub-No. 187), filed June 21, 1967. Applicant: BILYEU REFRIGERATED TRANSPORT CORPORATION, 2105 East Dale Street, Springfield, Mo. 65803. Applicant's representative: Harley E. Laughlin, Post Office Box 948, Commercial Station, Springfield, Mo. 65803. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food products and food products in mixed shipments with commodities* exempt from economic regulations pursuant to the provisions of section 203(B)(6) of the Interstate Commerce Act, from Wellston, Ohio, to points in Arkansas, Connecticut, Delaware, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Cleveland, Ohio.

No. MC 123819 (Sub-No. 11), filed June 19, 1967. Applicant: ACE FREIGHT LINE, INC., Post Office Box 2103, Memphis, Tenn. 38102. Also: 261 East Webster Street, Memphis, Tenn. Applicant's representative: Bill R. Davis, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer materials, acids, and chemicals*, including but not limited to anhydrous ammonia, fertilizer solutions, insecticides, fungicides, herbicides, aqua ammonia, methanol, urea, and urea products, in bulk, from the plantsite of Gulf Oil Corp. (Faustina Works) at or near Donaldsonville, La., to points in Alabama, Arkansas, Mississippi, Missouri, Florida, Illinois, Kentucky, Tennessee, Texas, Louisiana, and Oklahoma. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City or St. Louis, Mo.

No. MC 124951 (Sub-No. 20), filed June 19, 1967. Applicant: WATHEN TRANSPORT, INC., Post Office Box 237, Henderson, Ky. Applicant's representative: Robert M. Pearce, Central Building, 1033 State Street, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fabricated iron and steel articles*, from Owensboro and Kenderson, Ky., to points in Missouri and West Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Louisville, Ky.

No. MC 127551 (Sub-No. 2), filed June 22, 1967. Applicant: GEORGE F. DAVIS, JR., doing business as GEORGE DAVIS TRUCKING COMPANY, 429 East Waterloo Street, Rapid City, S. Dak. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses* as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except hides and commodities in bulk in tank vehicles), from Rapid City, S. Dak., to points in Weston, Crook, Campbell, Johnson, and Sheridan Counties, Wyo., under contract with Black Hills Packing Co., Rapid City, S. Dak. NOTE: If a hearing is deemed necessary, applicant requests it be held at Rapid City, S. Dak.

No. MC 127568 (Sub-No. 6) (Correction), filed June 9, 1967, published FEDERAL REGISTER issue of June 29, 1967, and republished as corrected, this issue. Applicant: MID SOUTH DELIVERY SERVICE CO., a corporation, 3215 Tulane Road, Memphis, Tenn. Applicant's representative: Dale Woodall, 900 Memphis Bank Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Prefabricated metal buildings* knocked down, *prefabricated metal building sections* knocked down, *component parts thereof, equipment, materials, and supplies* used in the installation, construction, and erection thereof (except metal buildings which are designed to be drawn by passenger vehicles, and commodities which because of their size or weight require special equipment and handling), from Evansville, Wis., to points in Iowa, Illinois, Nebraska, Kansas, Missouri, Oklahoma, New Mexico, Arizona, Texas, Louisiana, Arkansas, Mississippi, Tennessee, Indiana, Kentucky, Alabama, Florida, Georgia, South Carolina, North Carolina, Virginia, West Virginia, Ohio,

California, and Michigan, and (2) *materials, equipment and supplies* used or useful in the commodities described in (1) above, on return. NOTE: The purpose of this republication is to redescribe (2) above. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 127626 (Sub-No. 8), filed June 20, 1967. Applicant: SANTEE CEMENT CARRIERS, INC., Post Office Box 597, Holly Hill, S.C. 29059. Applicant's representative: Frank B. Hand, Jr., 1345 Pennsylvania Avenue NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials* in bulk, from points in Chatham, Columbia, Effingham, and Richmond Counties, Ga., to points in South Carolina. NOTE: If a hearing is deemed necessary, applicant requests it be held at Charleston or Columbia, S.C., or Augusta or Savannah, Ga.

No. MC 127626 (Sub-No. 9), filed June 20, 1967. Applicant: SANTEE CEMENT CARRIERS, INC., Post Office Box 597, Holly Hill, S.C. 29059. Applicant's representative: Frank B. Hand, Jr., 1345 Pennsylvania Avenue NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, in bulk, from points in Spartanburg and Darlington Counties, S.C., to points in North Carolina. NOTE: If a hearing is deemed necessary, applicant requests it be held at Charleston or Columbia, S.C., or Charlotte, N.C.

No. MC 128630 (Sub-No. 5), filed June 16, 1967. Applicant: COMMODITY CARRIERS, INC., 700 Denargo Market Denver, Colo. 80216. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat products, frozen foods, and bakery goods*, from Denver and Colorado Springs, Colo., to points in Utah, Idaho, Oregon, and Washington, under contract with Johnson Food Co., Shurtenda Steaks, Inc., and Colorado Pizza Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 128630 (Sub-No. 6), filed June 16, 1967. Applicant: COMMODITY CARRIERS, INC., 700 Denargo Market, Denver, Colo. 80216. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat products, frozen foods, and bakery goods*, from Denver and Colorado Springs, Colo., to points in California, Arizona, New Mexico, Nevada, Kansas, Missouri, and Indiana, under contract with Johnson Food Co., Shurtenda Steaks, Inc., and Colorado Pizza Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 128762 (Sub-No. 2), filed June 21, 1967. Applicant: P. L. LAWTON INC., Post Office Box 125, Berwick, Pa. 18603. Applicant's representative: John M. Musselman, 409 North Third Street, Harrisburg, Pa. 17108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Prepared foodstuffs*, not frozen and not in bulk; and *advertising materials, displays, dispensing equipment, premiums*, and *office equipment and supplies*, from Berwick, Pa., to points in Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia, and (2) *packing materials, display racks, machinery, office equipment and supplies, foodstuff ingredients*; and *rejected prepared foodstuffs, advertising materials, displays, dispensing equipment, and premiums*, from the above-destination points to Berwick, Pa., under contract with Wise Potato Chip Co., subsidiary of The Borden Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 128805 (Sub-No. 1), filed June 19, 1967. Applicant: GARY E. CHAPMAN, doing business as CHAPMAN TRUCKING CO., Route 1, Box 295, Barboursville, W. Va. 25504. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Materials and supplies* used in the manufacture of carpets and carpeting, from Huntington, W. Va., to the plantsite of Louisa Carpet Mills, Inc., at or near Louisa, Ky., restricted to traffic having a prior movement by rail, under contract with Louisa Carpet Mills, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Charleston or Huntington, W. Va., or Columbus, Ohio.

No. MC 128940 (Sub-No. 1), filed June 22, 1967. Applicant: RICHARD A. CRAWFORD, doing business as R. A. CRAWFORD TRUCKING SERVICE, Post Office Box 722, Adelphi, Md. 20783. Applicant's representative: Charles E. Creager, 10 West Boscawen Street, Post Office Box 81, Winchester, Va. 22601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat*, from Milwaukee, Wis., to Washington, D.C., and Baltimore, Md., under contract with Standard Meat Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Baltimore, Md.

No. MC 129123 (Sub-No. 1), filed June 20, 1967. Applicant: CHECKER VAN & STORAGE, INC., 2130 Third Street, San Francisco, Calif. 94107. Applicant's representative: Alan P. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Marin, Sonoma, Napa, San Francisco, Solano, San Mateo, Santa Clara, Alameda, and Contra Costa Counties, Calif., restricted to shipments having a prior or subsequent movement beyond said counties in containers, and further restricted to pickup and delivery service incidental to and in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such shipments. NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif., or Washington, D.C.

No. MC 129129 (Sub-No. 2), filed June 19, 1967. Applicant: JACK-LEONARD TRANSPORTATION CO., INC., 67-12 73d Place, Middle Village, N.Y. 11379. Applicant's representative: Robert B. Pepper, 297 Academy Street, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wire rope, wire mesh, and technical fabrics, wire winding machinery, and parts thereof, coil wire machinery, and parts thereof, dental tools, instruments, and burrs*, from points in the New York Harbor area, Ex Parte 140, 49 CFR Part 303, to points in Westchester County, N.Y., restricted to traffic having a prior movement by water. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 129167 (Sub-No. 1) (Correction), filed June 1, 1967, published FEDERAL REGISTER issue of June 29, 1967, and republished as corrected, this issue. Applicant: SCHILLI TRANSPORTATION, INC., 200 St. Clair Avenue, East St. Louis, Ill. 62201. Applicant's representative: Thomas F. Kilroy, 1341 G Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Nitro-glycerin, desensitized*, in drums, from Martinsburg, W. Va., McArthur, Ohio, and Atlas, Mo., to East Alton, Ill., and (2) *drums, empty, and their contents of solvent*, on return. NOTE: Applicant holds contract carrier authority under MC 117500 Sub-2 and other subs, therefore, dual operations and common control may be involved. The purpose of this republication is to state that the applicant did not request no-hearing procedure. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Washington, D.C.

No. MC 129169, filed June 9, 1967. Applicant: ANDREWS EXPRESS AND STORAGE WAREHOUSE INCORPORATED, 7 Fir Street, Newport, R.I. 02840. Applicant's representative: Joseph A. Kline, 185 Devonshire Street, Boston, Mass. 02110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containerized shipments of used household goods* in containers, when moving on through bills of lading of an exempt freight forwarder, between points in Rhode Island, that part of eastern Connecticut bounded by New London and U.S. Highway 53 and the Rhode Island State line, that part of eastern Massachusetts bounded by U.S. Highway 95 on the west, Boston on the north, including all of Cape Cod and southeastern part of Massachusetts. NOTE: If a hearing is deemed necessary, applicant requests it be held at Providence, R.I., Boston, Mass., or Washington, D.C.

No. MC 129175, filed June 12, 1967. Applicant: M and M MESSENGER SERVICE, INC., 314 Hemlock Terrace, Teaneck, N.J. 07666. Applicant's representative: Paul Halprin, 50 Broad Street, New York, N.Y. 10004. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Business papers, records, audits, accounting media, magazines and data processing*, except in tank vehicles or in bulk, between New York, N.Y., and Poughkeepsie, N.Y., on the one hand, and, on the other, Princeton, Trenton, Woodridge, and Newark, N.J.; Sharon Hills and Philadelphia, Pa.; East Hartford, Hartford, and New Haven, Conn., under contract with Service Bureau Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 129180 (Sub-No. 1), filed June 19, 1967. Applicant: ROBERT D. CAPISTRANT, doing business as CAPPIE'S TRUCKING CO., 106 Lyton Place, St. Paul, Minn. 55117. Applicant's representative: Carl T. Johnson, 414 Hamm Building, St. Paul, Minn. 55102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aggregates such as sand, gravel, and crushed rock and also sacked lime and cement and other building materials*, from Lakeland, Minn., to points in Polk, Pierce, and St. Croix Counties, Wis. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 129181 (Sub-No. 1), filed June 16, 1967. Applicant: DELRAN CARTAGE & LEASING CO., INC., Post Office Box 1003, Route 130, Delran, N.J. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Polystyrene foam articles*, (1) from Willow Grove, Pa., to points in New Jersey, New York, Connecticut, Delaware, Maryland, District of Columbia, Virginia, West Virginia, Ohio, and Kentucky, (2) from applicant's warehouse at Delran, N.J., to points in New York, Pennsylvania, Connecticut, Delaware, Maryland, District of Columbia, Virginia, West Virginia, Ohio, and Kentucky, and *returned shipments* in the opposite direction, under continuing contract with Sullifoam Inc. of Willow Grove, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 129189, filed June 15, 1967. Applicant: WING CARTAGE CO., a corporation, Box 250, Cary, Ill. 60013. Applicant's representative: Irving Stillerman, 29 South La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand and gravel*, from points in Lake County, Ill., to points in Kenosha County, Wis. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 129195, filed June 22, 1967. Applicant: TOMMY WEBB AND JUNE WEBB, a partnership, doing business as WEBB MOVING & STORAGE, Route No. 6, Box 474, London, Ky. 40741. Applicant's representative: Louis J. Amato, Central Building, 1033 State Street, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Adair, Bell, Casey, Clay, Clinton, Cumberland, Estill, Floyd, Garrard, Harlan, Jackson, Johnson, Knott, Knox, Laurel, Lee, Leslie, Letcher, Lincoln, Madison, Magoffin, Martin, Menifee, Metcalfe, Monroe, McCreary, Owsley, Perry, Pike, Pulaski, Rockcastle, Russell, Taylor, Wayne, Whitley, and Wolfe Counties, Ky. Restriction: The above operations restricted to shipments having a prior or subsequent movement beyond said counties and further restricted to pickup and delivery service incidental to and in connection with packing, crating, and containerization, or unpacking, uncrating and decontainerization of such shipments. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Nashville, Tenn.

MOTOR CARRIER OF PASSENGERS

No. MC 126454 (Sub-No. 1), filed June 19, 1967. Applicant: STOCK BROS. BUS LINES LIMITED, 37 Stanton Drive, Orillia, Ontario, Canada. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in special operations, in round-trip sightseeing and pleasure tours, from ports of entry of the international boundary line between the United States and Canada to points in the United States (except Alaska and Hawaii), and on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

APPLICATION OF FREIGHT FORWARDER

No. FF-139 (Sub-No. 4), Midland Forwarding Corporation Extension—Maine, etc., Filed June 23, 1967. Applicant: MIDLAND FORWARDING CORPORATION, 201 11th Avenue, New York, N.Y. Applicant's representative: Leon Mitchell (same address as applicant). Authority sought under section 410, Part IV of the Interstate Commerce Act to extend operations as a *freight forwarder* in interstate or foreign commerce, through use of the facilities of common carriers by railroad, motor vehicle, water in the transportation of *general commodities*, between points in Maine, Maryland, New Hampshire, Pennsylvania, Rhode Island, and Vermont, on the one hand, and, on the other, points in Louisiana, Tennessee, and Texas.

APPLICATION OF WATER CARRIER

No. W-830 (Sub-No. 2), A. L. Mechling Barge Lines, Inc.—Extension—Mississippi Test Facility, Filed June 26, 1967. Applicant: A. L. MECHLING BARGE LINES, INC., 51 North Desplaines Street, Joliet, Ill. 60431. Applicant's representative: J. Richard Hommrich (same address as applicant). Application of A. L. Mechling Barge Lines, Inc., filed June 26, 1967, for a revised certificate authorizing extension of its operations to include transportation as a *contract carrier* by water by towing vessels in the performance of towage of Government-owned or supplied barges, empty or laden with space vehicles or component parts thereof, (1) between New Orleans, La., including Michoud, La., on the one hand, and, on the other, the Mississippi Test Facility on the Pearl River; and, (2) between the Mississippi Test Facility on the Pearl River, on the one hand, and, Cape Kennedy, Fla., on the other. By way of the Pearl River, the Gulf Intracoastal Waterway, the Atlantic Ocean, and the Atlantic Intracoastal Waterway including operations through the Cross-Florida Waterway.

APPLICATION IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 89723 (Sub-No. 49), filed June 15, 1967. Applicant: MISSOURI PACIFIC TRUCK LINES, INC., 210 North 13th Street, St. Louis, Mo. 63103. Applicant's representative: Robert S. Davis (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, from junction U.S. Highway 65 and Arkansas Highway 81 (6 miles southeast of Pine Bluff, Ark.), thence southward over Arkansas Highway 81 to and serving presently authorized point of Monticello, Ark. (closed doors at intermediate points); thence from Monticello, Ark., over Arkansas Highway 81 to and serving presently authorized point of Hamburg, Ark. (closed doors at intermediate points); thence from Hamburg, Ark., over Arkansas Highway 81 to Arkansas-Louisiana State line, thence over Louisiana Highway 139 to junction Louisiana Highway 140 at, but not serving Log Cabin, La. (closed doors at all intermediate points), a total distance of 101 miles, and return over the same route. NOTE: Common control may be involved.

No. MC 128698 (Sub-No. 2), filed June 14, 1967. Applicant: BEVARD BROTHERS, INC., 4600 St. Barnabas Road SE., Washington, D.C. 20031. Applicant's representative: Francis J. Ortman, Suite 770, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Crushed stone*, from Chantilly, Va., and points within 10 miles thereof, to Washington, D.C., and those points in Prince Georges County, Md., which are not within the Washington, D.C., commercial zone, as described by the Commission, under contract with Prince George Bituminous Co., Inc. NOTE: Applicant states the purpose of this application is to convert its common carrier authority presently held under certificate MC 126664, Sub-No. 1 to a permit.

No. MC 129119 (Sub-No. 1), filed June 20, 1967. Applicant: JOHN H. SANN, doing business as SANN'S

TRUCKING SERVICE, 1572 Annapolis Road, Odenton, Md. 21123. Applicant's representative: Irving J. Raley, 1411 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paint and advertising and promotional material*, not including commodities in bulk, in tank vehicles, and *rejected shipments* on return, from Odenton, Md., to points in New Jersey, Pennsylvania, Delaware, West Virginia, Ohio, Kentucky, Tennessee, Alabama, Mississippi, Indiana, Illinois, Michigan, Wisconsin, and Louisiana, under contract with The American Sta-Dri Co.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-7718; Filed, July 6, 1967; 8:45 a.m.]

[4th Rev. S.O. 562; ICC Orders 223-229]

NORFOLK AND WESTERN RAILWAY CO. ET AL.

Rerouting or Diversion of Traffic; Corrections

The ICC orders listed below relating to the rerouting or diversion of traffic of certain railroads were inadvertently issued under Third Revised Service Order No. 562 instead of Fourth Revised Service Order No. 562. The orders listed below accordingly are corrected to show issuance under Fourth Revised Service Order No. 562.

ICC Order No. 223—Norfolk & Western Railway Co. (F.R. 8945, issue of June 22, 1967).

ICC Order No. 224—Chicago, Rock Island & Pacific Railroad Co. (F.R. 8945, issue of June 22, 1967).

ICC Order No. 225—Southern Industrial Railroad, Inc. (F.R. 8944, issue of June 22, 1967).

ICC Order No. 226—Union Pacific Railroad Co. (F.R. 9052, issue of June 24, 1967).

ICC Order No. 227—Chicago, Burlington & Quincy Railroad Co. (F.R. 9052, issue of June 24, 1967).

ICC Order No. 228—Chicago, Burlington & Quincy Railroad Co. (F.R. 9052, issue of June 24, 1967).

Amendment No. 1 to ICC Order No. 223—Norfolk & Western Railway Co. (F.R. 9197, issue of June 28, 1967).

ICC Order No. 229—Missouri-Kansas-Texas Railroad Co. (F.R. 9278, issue of June 29, 1967).

This notice shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., July 3, 1967.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[F.R. Doc. 67-7838; Filed, July 6, 1967; 8:50 a.m.]

[4th Rev. S.O. 562, Rev. ICC Order 229]

MISSOURI-KANSAS-TEXAS RAILROAD CO.

Rerouting or Diversion of Traffic

In the opinion of R. D. Pfahler, agent, the Missouri-Kansas-Texas Railroad Co. is unable to transport traffic over its line between Parsons, Kans., and St. Louis, Mo., because of high water.

It is ordered, That:

(a) Rerouting traffic: The Missouri-Kansas-Texas Railroad Co. being unable to transport traffic over its line between Parsons, Kans., and St. Louis, Mo., that carrier and its connections are hereby authorized to reroute or divert such traffic over any available route to expedite the movement. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 11:59 p.m., June 30, 1967.

(g) Expiration date: This order shall expire at 11:59 p.m., July 15, 1967, unless otherwise modified, changed or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., June 30, 1967.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[F.R. Doc. 67-7829; Filed, July 6, 1967; 8:50 a.m.]

[Ex Parte No. 256]

EASTERN AND WESTERN RAILROADS

Increased Freight Rates, 1967

In the matter of June 19, 1967, petition filed by the Eastern and Western Railroads for leave to amend their petition filed May 18, 1967, in the above proceeding.

Present: Laurence K. Walrath, Commissioner, to whom the matters which are the subject of this order have been assigned for action thereon.

Upon consideration of the petition filed by certain respondent railroads in the above proceeding for leave to amend their petition of May 18, 1967, by changing the petitioners shown in Appendices I thereof, and by adding to the tariffs listed in Exception No. 2 to Item 122 on page 38 of said petition, and in Note 7 of page 53 of said petition, "EL Tariff 164, ICC 199" which tariff was inadvertently omitted; and good cause appearing therefor:

It is ordered, That the petition for leave to amend be, and it is hereby, granted.

And it is further ordered, That a copy of this order be filed with the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to interested parties.

Dated at Washington, D.C., this 26th day of June, A.D. 1967.

By the Commission, Commissioner Walrath.

[SEAL] H. NEIL GARSON, *Secretary*

[F.R. Doc. 67-7830; Filed, July 6, 1967, 8:50 a.m.]

[Notice 415]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 3, 1967.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67, (49 CFR Part 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 29079 (Sub-No. 38 TA), filed June 26, 1967. Applicant: BRADA MILLER FREIGHT SYSTEM INC., 1210 South Union Street, Kokomo, Ind. 46901. Applicant's representative: Edward G. Bazelon, 39 La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except articles of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the plantsites and warehouses of Rockwell-Standard Corp., at or near Winchester, Ky., on the one hand, and, on the other, points in Illinois, Indiana, Michigan, Ohio, and St. Louis, Mo.; for 180 days. Supporting shipper: Rockwell-Standard Corp., Transmission and Axle Division, Winchester, Ky. 40391. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 308 Federal Building, Fort Wayne, Ind. 46802.

No. MC 42406 (Sub-No. 26 TA) (Correction), filed May 29, 1967, published in FEDERAL REGISTER, issue of June 8, 1967, corrected, and republished as corrected, this issue. Applicant: MISTLETOE EXPRESS SERVICE, a corporation, 111 North Harrison, Oklahoma City, Okla. 73125. Applicant's representative: Max Morgan, 450 American National Building, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives), between Wichita, Hutchinson, and Pratt, Kans., as follows: From Wichita over U.S. Highway 81 to Newton, Kans., thence over U.S. Highway 50 to Hutchinson, thence over Kansas Highway 61 to Pratt, thence over U.S. Highway 54 to Wichita, serving all intermediate points and the off-route point of Halstead, Kans., for 180 days. NOTE: Applicant requests the right to tack with its Sub 10 at Wichita and to interline with Beaver Express, MC 117465, at Woodward, Okla., and Morgan Express, MC 120092, at Dallas, Tex. The purpose of this republication is to set forth applicant's intention to tack, previously inadvertently omitted. Supporting shippers: There are 34 shippers' supporting statements attached to application which may be examined at the Interstate Commerce Commission in Washington, D.C., or at the field office named below. Send protests to: C. L. Phillips, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 350, American General Building, 210 Northwest Sixth, Oklahoma City, Okla. 73102.

No. MC 63562 (Sub-No. 46 TA), filed June 26, 1967. Applicant: NORTHERN PACIFIC TRANSPORT COMPANY, 175 East Fifth Street, St. Paul, Minn. 55101. Applicant's representative: Barry McGrath, Northern Pacific Railway Co., Law Department, 1018 Northern Pacific Building, St. Paul, Minn. 55101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Kalispell, Mont., and Missoula, Mont., on the one hand, and, on the other, the Swan River Youth Forest Camp, at or near Goat Creek, located approximately 47½ miles southeast of Kalispell, Mont., on Montana Highway 209; for 180 days. NOTE: Applicant states that it intends to tack with authority under MC 63562 and subs thereunder. Supporting shipper: There are 7 shippers' supporting statements attached to application, which may be examined at the Interstate Commerce Commission, in Washington, D.C., or at the field office named below. Send protests to: A. E. Rathert, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 93235 (Sub-No. 5 TA), filed June 29, 1967. Applicant: INDIANA TRUCKING, INC., 425 East Chicago Avenue, East Chicago, Ind. 46312. Applicant's representative: Eugene L. Cohn, 1 North La Salle Street, Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle over irregular routes, transporting: *Castings, forgings, finished machine parts, truck cabs and parts, materials, and supplies* used in the manufacture, processing, or sale of motor trucks, between points in the Chicago, Ill., commercial zone, and Butler, Ind.; for 180 days. Supporting shipper: Hendrickson Manufacturing Co., Motor Truck Division, 3001 West 47th Street, Lyons, Ill. 60534. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 308 Federal Building, Ft. Wayne, Ind. 46802.

No. MC 107403 (Sub-No. 723 TA), filed June 28, 1967. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, in tank vehicles, from Washington, D.C., to Allentown, Pa.; for 180 days. Supporting shipper: Wilkins-Rogers Milling Co., Inc., 3261 K Street NW., Washington, D.C. Send protests to: Ross A. Davis, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 900 U.S. Customhouse, Second and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 107515 (Sub-No. 578 TA), filed June 29, 1967. Applicant: REFRIGERATED TRANSPORT CO., INC., 3901 Jonesboro Road SE., Post Office Box 10799, Station A, Atlanta, Ga. 30310. Applicant's representative: E. L. Gundlach (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Buffalo, N.Y., to points in Michigan, Ohio, Indiana, and Illinois; for 180 days. Supporting shipper: Rich Products Corp., 1145 Niagara Street, Buffalo, N.Y. 14213. Send protests to: William L. Scroggs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 680 West Peachtree Street NW., Atlanta, Ga. 30308.

No. MC 108449 (Sub-No. 265 TA), filed June 29, 1967. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Mylenbeck (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silica sand*, in bulk, from Minneapolis, Minn., to Superior, Wis.; for 180 days. Supporting shipper: Minnesota Silica Sand Co., 43d Avenue NE. and N.P. Tracks, Minneapolis, Minn., 55421. Send protests to: A. E. Rathert, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 108449 (Sub-No. 266 TA), filed June 29, 1967. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Mylenbeck (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk, from Port Edwards, Wis., to points in Illinois, Indiana, Iowa, Michigan, and Minnesota; for 180 days. Supporting shipper: Wyandotte Chemicals Corp., Wyandotte, Mich. 48192. Send protests to: A. E. Rathert, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 110525 (Sub-No. 67 TA), filed June 29, 1967. Applicant: RINGER TRANSPORT, INC., 405 South Grant, Post Office Box 591, Fowler, Ind. 47944. Applicant's representative: Charles Singer, 33 North Dearborn Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the plantsite of American Home Foods at La Porte, Ind., to points in Illinois, Kentucky, Michigan, Ohio, and Wisconsin; and *damaged and rejected shipments* on return; for 180 days. Supporting shipper: American Home Foods, Division of American Home Products Corp., 685 Third Avenue, New York, N.Y. 10017. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 308 Federal Building, Fort Wayne, Ind. 46802.

No. MC 110988 (Sub-No. 240 TA), filed June 28, 1967. Applicant: KAMPO TRANSIT, INC., 200 West Cecil Street,

Neenah, Wis. 54957. Applicant's representative: David A. Petersen (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk, in tank vehicles, from Port Edwards, Wis., to points in Illinois, Indiana, Iowa, Michigan, and Minnesota; for 180 days. Supporting shipper: Wyandotte Chemicals Corp., Wyandotte, Mich. 48192 (William H. Wright, Transportation Manager). Send protests to: W. F. Sibbald, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 119195 (Sub-No. 9 TA) (Correction), filed May 29, 1967, published in FEDERAL REGISTER, issue of June 7, 1967, corrected, and republished as corrected, this issue. Applicant: CHARLES S. ROGERS, JR., AND EDNA ROGERS, a partnership, doing business as ROGERS TRUCKING, Old Country Road, Monroe, N.Y. 10950. Applicant's representative: Vincent M. Brennan, Central Valley, N.Y. 10917. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is distributed by premium stamp redemption centers*, for the account of Stop and Save Trading Stamp Corp., from South Hackensack, N.J., to points in Orange, Ulster, Greene, and Dutchess Counties, N.Y.; for 150 days. NOTE: Applicant states that it intends to tack with authority held under MC 119195 (Sub-No. 7). The purpose of this republication is to set forth applicant's intention to tack, previously inadvertently omitted. Supporting shipper: Stop and Save Trading Stamp Corp., 125 Phillips Avenue, South Hackensack, N.J. 07606. Send protests to: Charles F. Jacobs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 215–217 Post Office Building, Binghamton, N.Y. 13902.

No. MC 129149 (Sub-No. 1 TA) (Amendment), filed June 12, 1967, published in FEDERAL REGISTER, issue of June 21, 1967, amended, and republished as amended, this issue. Applicant: ELLIS HAINES, doing business as HAINES TRUCK LINES, 906 Washington Street, Bushnell, Ill. 61422. Applicant's representative: Robert T. Lawley, 306–308 Reisch Building, Springfield, Ill. 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gravity flow wagon boxes and component parts thereof*, from Bushnell, Ill., to points in Iowa, Indiana, Kansas, Missouri, Michigan, Minnesota, Nebraska, and Ohio; for the account of Bushnell Illinois Tank Co., Bushnell, Ill.; for 180 days. NOTE: The purpose of this republication is to add the destination State of Ohio. Supporting shipper: Bushnell Illinois Tank Co., 110 East Davis Street, Bushnell, Ill. 61422. Send protests to: Raymond E. Mauk, District Supervisor, Bureau of Operations, Interstate Commerce Commission, U.S. Courthouse and Federal Office Building, Room 1086, 219 South Dearborn Street, Chicago, Ill. 60604.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 67-7831; Filed, July 6, 1967; 8:50 a.m.]

[Notice 4]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 3, 1967.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 279), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–69319. By order June 28, 1967, the Transfer Board approved the transfer to Jackson Distribution Corp., a corporation, Syracuse, N.Y., of permit No. MC–18259, issued June 22, 1943, to B. H. Transportation Co., Inc., Syracuse, N.Y., authorizing the transportation of: Such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, equipment, materials, and supplies used in the conduct of such business, between points within a specified territory in central and western New York. Carl F. Guy, 103 Seitz Building, Syracuse, N.Y. 13202, attorney for applicants.

No. MC–FC–69661. By order of June 28, 1967, the Transfer Board approved the transfer to D & O Transport, Inc., Yakima, Wash., of certificates Nos. MC–123766 (Sub-No. 1), and MC–123766 (Sub-No. 4), issued June 27, 1963, and November 8, 1965, respectively, to Donald L. Werst and Orville Charley, a partnership, doing business as D & O Transport, Yakima, Wash., authorizing the transportation of box shook, over irregular routes, from the plantsite of the Chelan Box Manufacturing Co. near Manson, Wash., to points in California, Idaho, and Montana, and specified points in Oregon. E. F. Velikanje, Suite 4, Yakima Legal Center, 303 East D Street, Yakima, Wash. 98901, attorney for applicants.

No. MC–FC–69669. By order of June 28, 1967, the Transfer Board approved the transfer to James E. Tolsma, doing business as Dawes Truck & Dray Line, Springfield, S. Dak., of the operating rights of Fred E. Dawes, doing business as Dawes Truck & Dray Line, Springfield, S. Dak., in certificate No. MC–81354, issued March 15, 1941, authorizing the transportation, over regular routes, of general commodities, except household goods, commodities in bulk, and other specified commodities, between Springfield, S. Dak., and Sioux City, Iowa, and of household goods, over irregular routes, between Springfield, S. Dak., and points within 20 miles of Springfield, on the one hand, and, on the other, points in Iowa, Minnesota, and Nebraska. Ray E. Post, Tyndall, S. Dak. 57066, attorney for applicants.

No. MC–FC–69709. By order of June 28, 1967, the Transfer Board approved the transfer to Helen E. Sappington, doing business as Sam Sappington, Terre Haute, Ind., of certificate No. MC–88959, issued December 11, 1947, to Samuel V. Sappington, doing business as Sam Sappington, Terre Haute, Ind., authorizing the transportation of household goods, as defined in 17 M.C.C. 467, over irregular routes, between Terre Haute, Ind., and points and places within 75 miles thereof, on the one hand, and, on the other, points and places in Illinois, Indiana, Kentucky, Michigan, Missouri, Ohio, Iowa, Arkansas, Tennessee, West Virginia, and Pennsylvania. Donald W. Smith, 511 Fidelity Building, Indianapolis, Ind. 46204, attorney for applicants.

No. MC–FC–69717. By order of June 28, 1967, the Transfer Board approved the transfer to N & I Express, Inc., Middleburg, N.Y., of the operating rights in certificate No. MC–76257 issued June 26, 1950, to Niles C. Tanner and Raymond C. Seoville, doing business as N. & I. Express, Middleburg, N.Y., authorizing the transportation of: General commodities, with the usual exceptions, between specified points in New York. John J. Brady, Jr., 75 State Street, Albany, N.Y. 12207, attorney for applicants.

No. MC–FC–69735. By order of June 28, 1967, the Transfer Board approved the transfer to Lopes Freight Service, Inc., New Orleans, La., of the certificate of registration in No. MC–57734 (Sub-No. 1), issued October 22, 1963, to Raymond P. Lopes, doing business as Lopes Freight Service, New Orleans, La., evidencing a right to engage in transportation in interstate or foreign commerce solely within the State of Louisiana, corresponding in scope to the service authorized by certificate No. 231 dated February 24, 1941, issued by the Louisiana Public Service Commission. George V. Knaumann, 1728 Howard Avenue, New Orleans, La., representative for applicants.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 67-7832; Filed, July 6, 1967; 8:50 a.m.]

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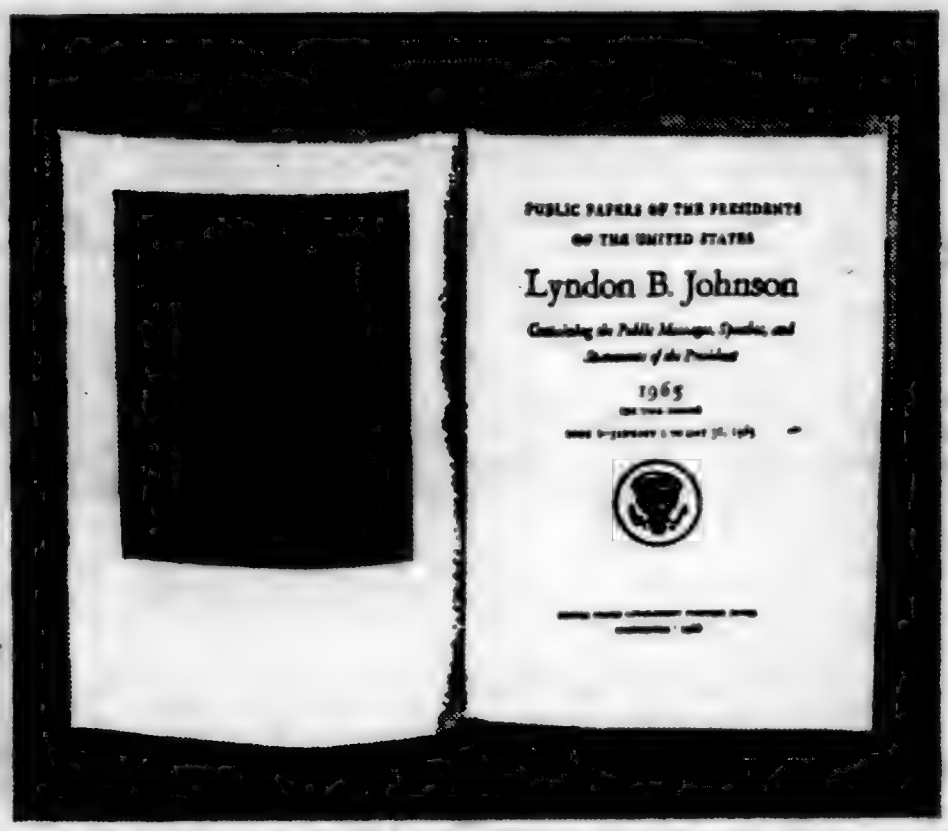
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JUL 11 1967

FEDERAL REGISTER

VOLUME 32 • NUMBER 131

Saturday, July 8, 1967 • Washington, D.C.

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WORLD LAW DAY, 1967

By the President of the United States of America
A Proclamation

Our Nation is committed to the Rule of Law. A government of laws, rather than of men, is the very essence of our society.

The Rule of Law, in our tradition, demands that

—Men be entitled to the government and the representatives of their choice.

—No citizen be above the law.

—Justice be administered by an independent judicial system.

—Disputes be fairly resolved by peaceful means.

We wish that relations among nations, as among individual citizens, were always governed by the Rule of Law—that disputes among nations were always adjudicated peacefully—that nations could learn to live with their differences as law-abiding neighbors.

One step in making this vision a reality is the joining together of the best judicial and legal minds of many nations. Many men of such eminence will assemble in Geneva on July 10, 1967, for the World Conference of World Peace Through Law. While other meetings will command more headlines, none will meet for a more important purpose.

It is especially fitting in these times of strife that we salute those who seek to establish the Rule of Law as a standard for the world.

Our best wishes are with this conference, as it assembles to promote the role of law and legal institutions in the resolution of international disputes and the maintenance of world peace. We join our fellow men throughout the world in reaffirming our commitment to the principles of international justice—and our hope that all men may find the wisdom to implement them.

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, in order to advance the great goal of achieving and securing world peace, do hereby proclaim July 10, 1967, as World Law Day, and I call upon all public and private officials, members of the legal profession, citizens, and all men of good will to demonstrate the importance of the law in mankind's quest for world peace by appropriate observances and ceremonies in courts, schools, universities, and other public places.

IN WITNESS WHEREOF, I have hereunto set my hand this third day of July in the year of our Lord nineteen hundred and sixty-seven, and of the Independence of the United States of America the one hundred and ninety-first.



[F.R. Doc. 67-7971; Filed, July 7, 1967; 10:35 a.m.]

Executive Order 11359A

ADDING THE SECRETARY OF TRANSPORTATION TO THE MEMBERSHIP OF THE PRESIDENT'S COUNCIL ON RECREATION AND NATURAL BEAUTY

By virtue of the authority vested in me as President of the United States, Executive Order No. 11278 of May 4, 1966, entitled "Establishing a President's Council and a Committee on Recreation and Natural Beauty", is hereby amended as follows:

(1) By inserting in section 101(a) thereof, after "the Secretary of Housing and Urban Development,", the following: "the Secretary of Transportation,".

(2) By substituting for "and the Secretary of Housing and Urban Development,", in section 101(b) thereof, the following: "the Secretary of Housing and Urban Development, and the Secretary of Transportation,".

Lyndon B. Johnson

THE WHITE HOUSE,
June 29, 1967.

[F.R. Doc. 67-7931; Filed, July 6, 1967; 2:11 p.m.]

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Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Orange Reg. 56]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, including Temple and Murcott Honey oranges, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on June 21, 1967, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this regulation, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of oranges, and compliance with this regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

§ 905.494 Orange Regulation 56.

(a) *Order.* (1) Orange Regulation 55 (31 F.R. 15189, 15584, 32 F.R. 4567, 8761, 9081) is hereby terminated July 10, 1967.

(2) During the period July 10, 1967, through September 10, 1967, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any oranges, except Temple and Murcott Honey oranges, grown in the production area, which do not grade at least U.S. No. 2, Russet; or

(ii) Any oranges, except Temple and Murcott Honey oranges, grown in the production area, which are of a size smaller than 2⅛ inches in diameter, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the U.S. Standards for Florida Oranges and Tangelos: *Provided*, That in determining the percentage of oranges in any lot which are smaller than 2⅛ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size 2⁹⁄₁₆ inches in diameter or smaller.

(3) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the applicable meaning given to the respective term in the U.S. Standards for Florida Oranges and Tangelos (7 CFR 51.1140–51.1178).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 6, 1967.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-7959; Filed, July 7, 1967; 8:49 a.m.]

[Valencia Orange Reg. 210]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.510 Valencia Orange Regulation 210.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and

compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 6, 1967.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period July 9, 1967, through July 15, 1967, are hereby fixed as follows:

(i) District 1: 150,000 cartons;

(ii) District 2: 350,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 7, 1967.

F. L. SOUTHERLAND,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67–7975; Filed, July 7, 1967; 11:40 a.m.]

[Lemon Reg. 275]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.575 Lemon Regulation 275.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 5, 1967.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period July 9, 1967, through July 15, 1967, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 325,500 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 7, 1967.

F. L. SOUTHERLAND,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67–7974; Filed, July 7, 1967; 11:40 a.m.]

[Avocado Reg. 15, Amdt. 1]

PART 944—FRUIT; IMPORT REGULATIONS

Avocados

Pursuant to the provisions of section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), the provisions of paragraph (a) of § 944.7 (Avocado Reg. 15; 32 F.R. 7245) are hereby amended to read as follows:

§ 944.7 Avocado Regulation 15.

(a) On and after the effective time of this section, the importation into the United States of any avocados is prohibited unless such avocados are inspected and meet the following requirements:

(1) All avocados imported during the period May 20, 1967, through April 30, 1968, shall grade not less than U.S. No. 3.

(2) Avocados of the Pollock variety shall not be imported prior to July 10, 1967, and from July 10, 1967, through July 30, 1967, shall not be imported unless the individual fruit in each lot of such avocados weighs at least 18 ounces or measures at least 3 11/16 inches in diameter;

* * * * *

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective time of this regulation beyond that hereinafter specified (5 U.S.C. 553) in that (a) the requirements of this amended import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), which makes such regulation mandatory; (b) such regulation imposes the same grade and comparable maturity requirements on imports of avocados as are being made applicable to the shipment of avocados grown in Florida under Avocado Regulation 9, as amended, which becomes effective July 10, 1967; (c) such domestic and import restrictions should become effective at as near the same time as practicable; (d) compliance with this import regulation will not require any special preparation which cannot be completed by the effective time hereof; (e) notice hereof in excess of 3 days, the minimum prescribed by said section 8e, is given with respect to this import regulation, insofar as it imposes added restrictions and (f) such notice is hereby determined, under the circumstances, to be reasonable.

Dated: July 7, 1967, to become effective July 10, 1967.

F. L. SOUTHERLAND,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67–7972; Filed, July 7, 1967; 11:40 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1967-Crop Barley Supp.]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1967 Crop Barley Loan and Purchase Program

The General Regulations Governing Price Support for the 1964 and Subsequent Crops (Revision 1) (31 F.R. 5941) and the 1966 and Subsequent Crop Barley Supplement (31 F.R. 7984 and 32 F.R. 9151) which contain regulations of a general nature with respect to price support operations are further supplemented for the 1967 crop of barley as follows:

Sec.
1421.2281 Availability.
1421.2282 Warehouse charges.
1421.2283 Maturity of loans.
1421.2284 Support rates and discounts.

AUTHORITY: The provisions of this subpart issued under sec. 4, 62 Stat. 1070 as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051 as amended; 15 U.S.C. 714c, 7 U.S.C. 1421, 1441.

§ 1421.2281 Availability.

A producer desiring a price support loan must request a loan on his eligible barley on or before April 30, 1968, on barley stored in Alaska, Idaho, Minnesota, Montana, North Dakota, Oregon, South Dakota, Washington, Wisconsin, and Wyoming, and on or before March 31, 1968, on barley stored in all other States. To obtain price support through a sale to CCC, a producer must give the appropriate ASCS county office notice of his intent to sell his eligible barley to CCC on or before May 31, 1968, for barley stored in the States named in this section and on or before April 30, 1968, for barley stored in all other States.

§ 1421.2282 Warehouse charges.

Subject to the provisions of § 1421.2269, the schedules of deductions set forth in this section shall apply to barley stored in an approved warehouse operating under the Uniform Grain Storage Agreement and operated by an Eastern common carrier.

(a) *Warehouses approved under the Uniform Grain Storage Agreement.*

SCHEDULE OF DEDUCTIONS FOR STORAGE CHARGES BY MATURITY DATES

Maturity date of April 30, 1968	Deduction (cents per bushel)	Maturity date of May 31, 1968
(1)		(1)
Prior to May 17, 1967	12	Prior to June 17, 1967.
May 17–June 13, 1967	12	June 17–July 14, 1967.
June 14–July 11, 1967	11	July 15–Aug. 11, 1967.
July 12–Aug. 8, 1967	10	Aug. 12–Sept. 8, 1967.
Aug. 9–Sept. 5, 1967	9	Sept. 9–Oct. 6, 1967.
Sept. 6–Oct. 3, 1967	8	Oct. 7–Nov. 3, 1967.
Oct. 4–Oct. 31, 1967	7	Nov. 4–Dec. 1, 1967.
Nov. 1–Nov. 28, 1967	6	Dec. 2–Dec. 29, 1967.
Nov. 29–Dec. 26, 1967	5	Dec. 30, 1967–Jan. 26, 1968.
Dec. 27, 1967–Jan. 23, 1968	4	Jan. 27–Feb. 23, 1968.
Jan. 24–Feb. 20, 1968	3	Feb. 24–Mar. 22, 1968.
Feb. 21–Mar. 19, 1968	2	Mar. 23–Apr. 19, 1968.
Mar. 20–Apr. 30, 1968	1	Apr. 20–May 31, 1968.

(1) Date storage charges start, all dates inclusive.

(b) *Warehouses operated by Eastern common carriers.* (1) Eligible barley stored in the following approved Eastern common carrier warehouses may be placed under loan or offered for sale to CCC: (i) Canadian National Railway Co., Portland Elevator, Warehouse Code 9–2101, Portland, Maine, and (ii) Pennsylvania Railroad Co. Canton Elevator, Warehouse Code 9–2151, Baltimore, Md.

(2) Schedule of deductions for storage charges:

Maturity date of April 30, 1968 (1)	Deduction (cents per bushel) (2)
Prior to June 26, 1967	16
June 26–July 15, 1967	15
July 16–Aug. 4, 1967	14
Aug. 5–Aug. 24, 1967	13
Aug. 25–Sept. 13, 1967	12
Sept. 14–Oct. 3, 1967	11
Oct. 4–Oct. 23, 1967	10
Oct. 24–Nov. 12, 1967	9
Nov. 13–Dec. 2, 1967	8
Dec. 3–Dec. 22, 1967	7
Dec. 23, 1967–Jan. 11, 1968	6
Jan. 12–Jan. 31, 1968	5
Feb. 1–Feb. 20, 1968	4
Feb. 21–Mar. 11, 1968	3
Mar. 12–Mar. 31, 1968	2
Apr. 1–Apr. 30, 1968	1

(1) Storage commence date, all dates inclusive.

(2) Charges shall be reduced by 2 cents per bushel if producer presents evidence that elevation charges were prepaid.

§ 1421.2283 Maturity of loans.

Loans mature on demand but not later than: May 31, 1968, on barley stored in the States of Alaska, Idaho, Minnesota, Montana, North Dakota, South Dakota, Oregon, Washington, Wisconsin, and Wyoming and April 30, 1968, on barley stored in all other States.

§ 1421.2284 Support rates and discounts.

(a) *Basic support rates (terminals).* Basic support rates for loan and settlement purposes for grade No. 2 or better barley stored in approved warehouses at the terminal markets listed below are as follows:

Terminal market	Rate per bushel
Atchison, Kans.	$1.09
Kansas City, Mo.	1.09
Saint Joseph, Mo.	1.09
Omaha, Nebr.	1.07
Sioux City, Iowa	1.07
Minneapolis, Minn.	1.10
Duluth, Minn.	1.10
Superior, Wis.	1.10
St. Paul, Minn.	1.10
Galveston, Tex.	1.19
Houston, Tex.	1.19
Port Arthur, Tex.	1.19
Baton Rouge, La.	1.19
New Orleans, La.	1.19
Beaumont, Tex.	1.19
Chicago, Ill.	1.14
Saint Louis, Mo.	1.14
Milwaukee, Wis.	1.14
Memphis, Tenn.	1.13
Cairo, Ill.	1.13
Longview, Wash.	1.14
Tacoma, Wash.	1.14
Vancouver, Wash.	1.14
Seattle, Wash.	1.14
Kalama, Wash.	1.14
Portland, Oreg.	1.14
Astoria, Oreg.	1.14
San Francisco, Calif.	1.18
Stockton, Calif.	1.18
Oakland, Calif.	1.18
Los Angeles, Calif.	1.18
Long Beach, Calif.	1.18
Wilmington, Calif.	1.18
Albany, N.Y.	1.23
Philadelphia, Pa.	1.23
Baltimore, Md.	1.23
New York, N.Y.	1.23
Norfolk, Va.	1.23

(b) *Basic support rates (counties).* Basic county support rates for loan and settlement purposes for farm-stored and country warehouse-stored barley are established for barley grading No. 2 or better and are as follows:

County	Rate per bushel
ALABAMA	
All counties	$0.96
ALASKA	
All counties	$1.80
ARIZONA	
Apache	$0.81
Cochise	.95
Coconino	.81
Gila	.76
Graham	.86
Greenlee	.76
Maricopa	1.00
Mohave	$0.81
Navajo	.81
Pima	.96
Pinal	1.00
Santa Cruz	.96
Yavapai	.81
Yuma	1.02
ARKANSAS	
Arkansas	$0.99
Ashley	.97
Baxter	.90
Benton	.87
Boone	.85
Bradley	.93
Calhoun	.91
Carroll	.86
Chicot	.97
Clark	.91
Clay	.99
Cleburne	1.00
Cleveland	.94
Columbia	.89
Conway	.97
Craighead	1.01
Crawford	.88
Crittenden	1.02
Cross	1.02
Dallas	.92
Desha	.99
Drew	.97
Faulkner	.88
Franklin	.89
Fulton	.94
Garland	.91
Grant	.92
Greene	1.01
Hempstead	.89
Hot Spring	.92
Howard	.89
Independence	.96
Izard	.93
Jackson	.99
Jefferson	.99
Johnson	.89
Lafayette	.89
Lawrence	1.00
Lee	$1.02
Lincoln	.98
Little River	.89
Logan	.89
Lonoke	.99
Madison	.87
Marion	.89
Miller	.89
Mississippi	1.02
Monroe	1.01
Montgomery	.89
Nevada	.89
Newton	.89
Ouachita	.90
Perry	.91
Phillips	1.01
Pike	.89
Poinsett	1.02
Polk	.87
Pope	.90
Prairie	1.00
Pulaski	.99
Randolph	1.00
St. Francis	1.02
Saline	.94
Scott	.87
Searcy	.89
Sebastian	.88
Sevier	.88
Sharp	.94
Stone	.92
Union	.89
Van Buren	.97
Washington	.87
White	1.00
Woodruff	1.01
Yell	.90
CALIFORNIA	
Alameda	$1.07
Alpine	.98
Amador	1.07
Butte	1.04
Calaveras	1.07
Colusa	1.06
Contra Costa	1.07
El Dorado	1.04
Fresno	1.05
Glenn	1.06
Humboldt	.95
Imperial	1.05
Inyo	.93
Kern	1.04
Kings	1.05
Lake	1.02
Lassen	.93
Los Angeles	1.06
Madera	1.07
Marin	1.07
Mariposa	1.07
Mendocino	.99
Merced	1.07
Modoc	.96
Monterey	1.04
Napa	1.06
Orange	1.05
Placer	1.06
Plumas	$0.98
Riverside	1.03
Sacramento	1.06
San Benito	1.05
San Bernardino	1.05
San Diego	1.03
San Joaquin	1.08
San Luis Obispo	1.02
San Mateo	1.07
Santa Barbara	1.01
Santa Clara	1.06
Santa Cruz	1.04
Shasta	.96
Sierra	.91
Siskiyou	.96
Solano	1.06
Sonoma	1.06
Stanislaus	1.07
Sutter	1.05
Tehama	1.01
Tulare	1.04
Tuolumne	1.07
Ventura	1.05
Yolo	1.06
Yuba	1.05
COLORADO	
Adams	$0.86
Alamosa	.81
Arapahoe	.86
Archuleta	.81
Baca	$0.86
Bent	.86
Boulder	.86
Chafee	.81

COLORADO—Continued

County	Rate per bushel	County	Rate per bushel
Cheyenne	$0.86	Lincoln	$0.86
Conejos	.81	Logan	.86
Costilla	.81	Mesa	.81
Crowley	.86	Moffat	.81
Custer	.86	Montezuma	.81
Delta	.81	Montrose	.81
Denver	.86	Morgan	.86
Dolores	.81	Otero	.86
Douglas	.86	Ouray	.81
Eagle	.81	Phillips	.86
Elbert	.86	Pitkin	.81
El Paso	.86	Prowers	.86
Fremont	.86	Pueblo	.86
Garfield	.81	Rio Blanco	.81
Grand	.81	Rio Grande	.81
Huerfano	.86	Routt	.81
Jackson	.81	Saguache	.81
Jefferson	.86	San Miguel	.81
Kiowa	.86	Sedgwick	.86
Kit Carson	.86	Summit	.81
La Plata	.81	Washington	.86
Larimer	.86	Wild	.86
Las Animas	.86	Yuma	.86

CONNECTICUT

All counties	$1.00

DELAWARE

All counties	$1.00

FLORIDA

All counties	$0.99

GEORGIA

All counties	$0.99

IDAHO

County	Rate per bushel	County	Rate per bushel
Ada	$0.91	Gem	$0.91
Adams	.91	Gooding	.91
Bannock	.90	Idaho	.92
Bear Lake	.89	Jefferson	.89
Benewah	.94	Jerome	.91
Bingham	.89	Kootenai	.94
Blaine	.90	Latah	.94
Boisé	.91	Lemhi	.89
Bonner	.89	Lewis	.93
Bonneville	.89	Lincoln	.91
Boundary	.88	Madison	.89
Butte	.89	Minidoka	.91
Camas	.90	Nez Perce	.94
Canyon	.91	Oneida	.90
Caribou	.89	Owyhee	.91
Cassia	.91	Payette	.91
Clark	.89	Power	.90
Clearwater	.93	Shoshone	.85
Custer	.90	Teton	.89
Elmore	.91	Twin Falls	.91
Franklin	.90	Valley	.91
Fremont	.89	Washington	.91

ILLINOIS

County	Rate per bushel	County	Rate per bushel
Adams	$0.98	Franklin	$0.96
Alexander	.96	Fulton	.99
Bond	.98	Gallatin	.92
Boone	1.02	Greene	.96
Brown	.98	Grundy	1.02
Bureau	1.01	Hamilton	.95
Calhoun	.97	Hancock	.97
Carroll	1.00	Hardin	.92
Cass	.96	Henderson	.96
Champaign	1.00	Henry	1.00
Christian	.97	Iroquois	1.02
Clark	.95	Jackson	.96
Clay	.98	Jasper	.97
Clinton	1.00	Jefferson	1.02
Coles	.97	Jersey	.98
Cook	1.02	Jo Daviess	.89
Crawford	.96	Johnson	.92
Cumberland	.97	Kane	1.02
De Kalb	1.02	Kankakee	1.02
De Witt	.98	Kendall	1.02
Douglas	.98	Knox	.99
Du Page	1.02	Lake	1.01
Edgar	.96	La Salle	1.02
Edwards	.97	Lawrence	.94
Effingham	.97	Lee	1.02
Fayette	.96	Livingston	1.01
Ford	1.01	Logan	.98

ILLINOIS—Continued

County	Rate per bushel	County	Rate per bushel
McDonough	$0.97	Randolph	$0.96
McHenry	1.02	Richland	.95
McLean	.99	Rock Island	1.00
Macon	.98	St. Clair	.99
Macoupin	.98	Saline	.93
Madison	.99	Sangamon	.97
Marion	.97	Schuylar	.96
Marshall	1.01	Scott	.96
Mason	.97	Shelby	.96
Massac	.95	Stark	1.00
Menard	.98	Stephenson	1.01
Mercer	.99	Tazewell	.98
Monroe	.98	Union	.96
Montgomery	.97	Vermilion	1.00
Morgan	.96	Wabash	.97
Moultrie	.98	Warren	.99
Ogle	1.02	Washington	.96
Peoria	.99	Wayne	.98
Perry	.96	White	.93
Piatt	.98	Whiteside	1.01
Pike	.98	Will	1.02
Pope	.94	Williamson	.96
Pulaski	.96	Winnebago	1.01
Putnam	1.00	Woodford	1.00

INDIANA

County	Rate per bushel	County	Rate per bushel
Adams	$0.92	Lawrence	$0.92
Allen	.92	Madison	.93
Batholomew	.90	Marion	.92
Benton	.96	Marshall	.94
Blackford	.94	Martin	.91
Boone	.92	Miami	.94
Brown	.89	Monroe	.94
Carroll	.95	Montgomery	.98
Cass	.95	Morgan	.90
Clark	.87	Newton	.99
Clay	.95	Noble	.93
Clinton	.94	Ohio	.88
Crawford	.97	Orange	.95
Daviess	.90	Owen	.90
Dearborn	.88	Parke	.93
Decatur	.90	Perry	.97
De Kalb	.93	Pike	.94
Delaware	.92	Porter	.98
Dubois	.98	Posey	.95
Elkhart	.94	Pulaski	.96
Fayette	.90	Putnam	.92
Floyd	.87	Randolph	.93
Fountain	.93	Ripley	.88
Franklin	.90	Rush	.91
Fulton	.95	St. Joseph	.96
Gibson	.95	Scott	.88
Grant	.93	Shelby	.90
Greene	.90	Spencer	.97
Hamilton	.92	Starke	.96
Hancock	.92	Steuben	.92
Harrison	.88	Sullivan	.95
Hendricks	.92	Switzerland	.86
Henry	.92	Tippecanoe	.95
Howard	.94	Tipton	.93
Huntington	.93	Union	.90
Jackson	.89	Vanderburgh	.99
Jasper	.98	Vermillion	1.00
Jay	.93	Vigo	.99
Jefferson	.87	Wabash	.94
Jennings	.89	Warren	.97
Johnson	.91	Warrick	.99
Knox	.99	Washington	.88
Kosciusko	.94	Wayne	.92
Lagrange	.93	Wells	.92
Lake	1.00	White	.97
La Porte	.96	Whitley	.94

IOWA

County	Rate per bushel	County	Rate per bushel
Adair	$0.89	Calhoun	$0.86
Adams	.90	Carroll	.90
Allamakee	.90	Cass	.90
Appanoose	.91	Cedar	.93
Audubon	.91	Cerro Gordo	.90
Benton	.91	Cherokee	.88
Black Hawk	.90	Chickasaw	.90
Boone	.87	Clarke	.88
Bremer	.90	Clay	.89
Buchanan	.90	Clayton	.91
Buena Vista	.86	Clinton	.94
Butler	.90	Crawford	.91

IOWA—Continued

County	Rate per bushel	County	Rate per bushel
Dallas	$0.88	Marion	$0.88
Davis	.91	Marshall	.88
Decatur	.88	Mills	.92
Delaware	.91	Mitchell	.90
Des Moines	.94	Monona	.91
Dickinson	.89	Monroe	.89
Dubuque	.92	Montgomery	.92
Emmet	.90	Muscatine	.94
Fayette	.90	O'Brien	.88
Floyd	.90	Osceola	.88
Franklin	.89	Page	.92
Fremont	.92	Palo Alto	.86
Greene	.90	Plymouth	.89
Grundy	.89	Pocahontas	.88
Guthrie	.89	Polk	.88
Hamilton	.88	Potta-wattamie	.91
Hancock	.90	Poweshiek	.90
Hardin	.89	Ringgold	.87
Harrison	.92	Sac	.89
Henry	.92	Scott	.94
Howard	.90	Shelby	.92
Humboldt	.86	Sioux	.89
Ida	.89	Story	.88
Iowa	.91	Tama	.90
Jackson	.96	Taylor	.89
Jasper	.88	Union	.89
Jefferson	.91	Van Buren	.91
Johnson	.92	Wapello	.90
Jones	.92	Warren	.88
Keokuk	.90	Washington	.91
Kossuth	.89	Wayne	.90
Lee	.95	Webster	.88
Linn	.92	Winnebago	.90
Louisa	.92	Winneshiek	.90
Lucas	.88	Woodbury	.90
Lyon	.87	Worth	.90
Madison	.87	Wright	.89
Mahaska	.90		

KANSAS

County	Rate per bushel	County	Rate per bushel
Allen	$0.93	Johnson	$0.93
Anderson	.93	Kearny	.86
Atchinson	.93	Kingman	.91
Barber	.90	Kiowa	.90
Barton	.90	Labette	.93
Bourbon	.93	Lane	.86
Brown	.93	Leavenworth	.93
Butler	.93	Lincoln	.91
Chase	.93	Linn	.93
Chautauqua	.93	Logan	.87
Cherokee	.93	Lyon	.93
Cheyenne	.86	McPherson	.91
Clark	.87	Marion	.92
Clay	.93	Marshall	.93
Cloud	.92	Meade	.87
Coffey	.93	Miami	.93
Comanche	.88	Mitchell	.92
Cowley	.92	Montgomery	.93
Crawford	.93	Morris	.93
Decatur	.88	Morton	.84
Dickinson	.92	Nemaha	.93
Doniphan	.93	Neosho	.93
Douglas	.93	Ness	.90
Edwards	.90	Norton	.90
Elk	.93	Osage	.93
Ellis	.90	Osborne	.91
Ellsworth	.91	Ottawa	.92
Finney	.87	Pawnee	.90
Ford	.89	Phillips	.90
Franklin	.93	Pottawat-omie	.93
Geary	.93	Pratt	.90
Gove	.88	Rawlins	.87
Graham	.90	Reno	.91
Grant	.86	Republic	.92
Gray	.88	Rice	.91
Greeley	.86	Riley	.93
Greenwood	.93	Rooks	.90
Hamilton	.86	Rush	.90
Harper	.91	Russell	.90
Harvey	.92	Saline	.92
Haskell	.87	Scott	.87
Hodgeman	.90	Sedgwick	.92
Jackson	.93	Seward	.86
Jefferson	.93	Shawnee	.93
Jewell	.92		

KANSAS—Continued

County	Rate per bushel	County	Rate per bushel
Sheridan	$0.88	Trego	$0.90
Sherman	.86	Wabaunsee	.86
Smith	.91	Wallace	.86
Stafford	.90	Washington	.93
Stanton	.85	Wichita	.86
Stevens	.86	Wilson	.93
Sumner	.92	Woodson	.93
Thomas	.87	Wyandotte	.93

KENTUCKY

All counties	$0.94

LOUISIANA

All parishes	$0.87

MAINE

All counties	$1.00

MARYLAND

All counties	$1.00

MASSACHUSETTS

All counties	$1.00

MICHIGAN

County	Rate per bushel	County	Rate per bushel
Alcona	$0.82	Keweenaw	$0.82
Alger	.85	Lake	.84
Allegan	.91	Lapeer	.90
Alpena	.80	Leelanau	.82
Antrim	.80	Lenawee	.93
Arenac	.86	Livingston	.91
Baraga	.86	Luce	.81
Barry	.91	Mackinac	.81
Bay	.89	Macomb	.91
Benzie	.84	Manistee	.86
Berrien	.94	Marquette	.86
Branch	.92	Mason	.86
Calhoun	.94	Mecosta	.86
Cass	.96	Menominee	.88
Charlevoix	.79	Midland	.89
Cheboygen	.79	Missaukee	.84
Chippewa	.81	Monroe	.92
Clare	.87	Montcalm	.89
Clinton	.90	Montmorency	.81
Crawford	.83	Muskegon	.89
Delta	.86	Newaygo	.86
Dickinson	.87	Oakland	.90
Eaton	.91	Oceana	.86
Emmet	.79	Ogemaw	.85
Genesee	.91	Ontonagon	.84
Gladwin	.87	Osceola	.87
Gogebic	.88	Oscoda	.83
Grand Traverse	.82	Otsego	.81
Gratiot	.90	Ottawa	.91
Hillsdale	.91	Presque Isle	.79
Houghton	.83	Roscommon	.86
Huron	.89	Saginaw	.90
Ingham	.91	St. Clair	.91
Ionia	.91	St. Joseph	.94
Iosco	.84	Sanilac	.86
Iron	.85	Schoolcraft	.82
Isabella	.89	Shiawassee	.91
Jackson	.94	Tuscola	.89
Kalamazoo	.94	Washtenaw	.93
Kalkaska	.82	Wayne	.91
Kent	.90	Wexford	.89

MINNESOTA

County	Rate per bushel	County	Rate per bushel
Aitkin	$0.94	Douglas	$0.91
Anoka	.96	Faribault	.98
Becker	.89	Fillmore	.99
Beltrami	.89	Freeborn	.98
Benton	.93	Goodhue	.99
Big Stone	.94	Grant	.90
Blue Earth	.96	Hennepin	.97
Brown	.94	Houston	.95
Carlton	.95	Hubbard	.89
Carver	.96	Isanti	.94
Cass	.91	Itasca	.93
Chippewa	.95	Jackson	.99
Chisago	.95	Kanabec	.93
Clay	.88	Kandiyohi	.98
Clearwater	.88	Kittson	.84
Cottonwood	.97	Koochiching	.96
Crow Wing	.92	Lac Qui Parle	.94
Dakota	.96	Lake of the Woods	.88
Dodge	.98		

MISSISSIPPI

All counties	$0.96

MISSOURI

County	Rate per bushel	County	Rate per bushel
Adair	$0.92	Lewis	$0.94
Andrew	.98	Lincoln	.98
Atchison	.91	Linn	.92
Adurain	.96	Livingston	.92
Barry	.93	McDonald	.93
Barton	.98	Macon	.92
Bates	.93	Madison	1.00
Benton	.91	Maries	.95
Bollinger	.90	Marion	.95
Boone	.94	Mercer	.90
Buchanan	.93	Miller	.93
Butler	.99	Mississippi	.98
Caldwell	.93	Moniteau	.93
Callaway	.95	Monroe	.94
Camden	.97	Montgomery	.96
Cape Girardeau	.99	Morgan	.92
Carroll	.93	New Madrid	.99
Carter	.90	Newton	.93
Cass	.93	Nodaway	.91
Cedar	.93	Oregon	.93
Chariton	.93	Osage	.95
Christian	.93	Ozark	.91
Clark	.94	Pemiscot	1.00
Clay	.93	Perry	1.01
Clinton	.93	Pettis	.91
Cole	.94	Phelps	1.00
Cooper	.93	Pike	.95
Crawford	1.01	Platte	.93
Dade	.99	Polk	.96
Dallas	.95	Pulaski	.89
Daviess	.92	Putnam	.96
De Kalb	.98	Ralls	.94
Dent	.99	Randolph	.93
Douglas	.93	Ray	.97
Dunklin	.99	Reynolds	.89
Franklin	.96	Ripley	1.01
Gasconade	.94	St. Charles	1.01
Gentry	.91	St. Clair	.93
Greene	.94	St. Francois	1.01
Grundy	.91	Ste. Genevieve	1.02
Harrison	.90	St. Louis	1.02
Henry	.93	Saline	.92
Hickory	.93	Schuyler	.92
Holt	.91	Scotland	.98
Howard	.94	Scott	.98
Howell	.92	Shannon	.90
Iron	1.01	Shelby	.94
Jackson	.96	Stoddard	.98
Jasper	.93	Stone	.93
Jefferson	1.02	Sullivan	.90
Johnson	.93	Taney	.92
Knox	.93	Texas	.91
Laclede	.97	Vernon	.93
Lafayette	.98	Warren	.99
Lawrence	.98	Washington	1.02

MISSOURI—Continued

County	Rate per bushel	County	Rate per bushel
Wayne	$0.96	Worth	$0.90
Webster	.98	Wright	.92

MONTANA

County	Rate per bushel	County	Rate per bushel
Beaverhead	$0.79	McCone	$0.73
Big Horn	.69	Madison	.84
Blaine	.70	Meagher	.80
Broadwater	.88	Mineral	.86
Carbon	.77	Missoula	.86
Carter	.73	Musselshell	.76
Cascade	.77	Park	.83
Chouteau	.75	Petroleum	.73
Custer	.72	Phillips	.67
Daniels	.70	Pondera	.78
Dawson	.72	Powder River	.70
Deer Lodge	.84	Powell	.84
Fallon	.73	Prairie	.72
Fergus	.75	Ravalli	.89
Flathead	.85	Richland	.73
Gallatin	.84	Roosevelt	.73
Garfield	.71	Rosebud	.72
Glacier	.77	Sanders	.85
Golden Valley	.77	Sheridan	.72
Granite	.83	Silver Bow	.84
Hill	.72	Stillwater	.77
Jefferson	.83	Sweet Grass	.80
Judith Basin	.75	Teton	.76
Lake	.83	Toole	.76
Lewis and Clark	.76	Treasure	.73
Liberty	.73	Valley	.89
Lincoln	.84	Wheatland	.77
		Wibaux	.74
		Yellowstone	.77

NEBRASKA

County	Rate per bushel	County	Rate per bushel
Adams	$0.91	Jefferson	$0.93
Antelope	.92	Johnson	.96
Arthur	.86	Kearney	.90
Banner	.81	Keith	.86
Blaine	.88	Keya Paha	.88
Boone	.92	Kimball	.82
Box Butte	.84	Knox	.92
Boyd	.92	Lancaster	.93
Brown	.88	Lincoln	.87
Buffalo	.91	Logan	.88
Burt	.92	Loup	.90
Butler	.92	McPherson	.87
Cass	.93	Madison	.93
Cedar	.93	Merrick	.93
Chase	.85	Morrill	.82
Cherry	.86	Nance	.92
Cheyenne	.82	Nemaha	.93
Clay	.92	Nuckolls	.92
Colfax	.92	Otoe	.93
Cuming	.92	Pawnee	.93
Custer	.90	Perkins	.85
Dakota	.92	Phelps	.90
Dawes	.82	Pierce	.93
Dawson	.90	Platte	.92
Deuel	.85	Polk	.93
Dixon	.92	Red Willow	.88
Dodge	.92	Richardson	.98
Douglas	.92	Rock	.88
Dundy	.85	Saline	.93
Fillmore	.93	Sarpy	.93
Franklin	.90	Saunders	.93
Frontier	.88	Scotts Bluff	.81
Furnas	.89	Seward	.93
Gage	.93	Sheridan	.83
Garden	.84	Sherman	.91
Garfield	.91	Sioux	.83
Gosper	.89	Stanton	.93
Grant	.84	Thayer	.93
Greeley	.93	Thomas	.87
Hall	.92	Thurston	.93
Hamilton	.93	Valley	.91
Harlan	.90	Washington	.92
Hayes	.86	Wayne	.92
Hitchcock	.86	Webster	.91
Holt	.91	Wheeler	.92
Hooker	.86	York	.92
Howard	.92		

NEVADA

All counties	$0.91

New Hampshire	Rate per bushel
All counties	$1.00

New Jersey	Rate per bushel
All counties	$1.00

New Mexico	Rate per bushel		Rate per bushel
Bernalillo	$0.83	Mora	$0.83
Catron	.83	Otero	.83
Chaves	.88	Quay	.91
Colfax	.83	Rio Arriba	.81
Curry	.92	Roosevelt	.91
De Baca	.87	Sandoval	.83
Dona Ana	.83	San Juan	.81
Eddy	.87	San Miguel	.83
Grant	.83	Santa Fe	.83
Guadalupe	.84	Sierra	.83
Harding	.86	Socorro	.83
Hidalgo	.84	Taos	.81
Lea	.90	Torrance	.84
Lincoln	.83	Union	.90
Luna	.84	Valencia	.83
McKinley	.83		

New York	Rate per bushel
All counties	$1.00

North Carolina	Rate per bushel
All counties	$1.00

North Dakota	Rate per bushel		Rate per bushel
Adams	$0.78	McLean	$0.80
Barnes	.86	Mercer	.79
Benson	.82	Morton	.80
Billings	.77	Mountrail	.78
Bottineau	.79	Nelson	.84
Bowman	.77	Oliver	.80
Burke	.78	Pembina	.83
Burleigh	.83	Pierce	.81
Cass	.87	Ramsey	.83
Cavalier	.82	Ransom	.86
Dickey	.86	Renville	.78
Divide	.76	Richland	.88
Dunn	.77	Rolette	.81
Eddy	.83	Sargent	.87
Emmons	.81	Sheridan	.83
Foster	.84	Sioux	.79
Golden Valley	.74	Slope	.78
Grand Forks	.86	Stark	.78
Grant	.78	Steele	.86
Griggs	.86	Stutsman	.85
Hettinger	.78	Towner	.82
Kidder	.85	Traill	.86
La Moure	.84	Walsh	.84
Logan	.83	Ward	.79
McHenry	.81	Wells	.83
McIntosh	.82	Williams	.77
McKenzie	.75		

Ohio	Rate per bushel		Rate per bushel
Adams	$0.91	Geauga	$0.96
Allen	.92	Greene	.91
Ashland	.93	Guernsey	.90
Ashtabula	.96	Hamilton	.91
Athens	.92	Hancock	.92
Auglaize	.93	Hardin	.92
Belmont	.93	Harrison	.93
Brown	.91	Henry	.92
Butler	.91	Highland	.91
Carroll	.93	Hocking	.93
Champaign	.91	Holmes	.93
Clark	.91	Huron	.92
Clermont	.91	Jackson	.91
Clinton	.91	Jefferson	.94
Columbiana	.94	Knox	.93
Coshocton	.93	Lake	.94
Crawford	.92	Lawrence	.91
Cuyahoga	.93	Licking	.93
Darke	.94	Logan	.91
Defiance	.92	Lorain	.93
Delaware	.92	Lucas	.92
Erie	.92	Madison	.91
Fairfield	.92	Mahoning	.96
Fayette	.91	Marion	.92
Franklin	.92	Medina	.93
Fulton	.98	Meigs	.91
Gallia	.91	Mercer	.92

Ohio—Continued	Rate per bushel		Rate per bushel
Miami	$0.92	Sandusky	$0.92
Monroe	.88	Scioto	.91
Montgomery	.91	Seneca	.92
Morgan	.93	Shelby	.92
Morrow	.92	Stark	.93
Muskingum	.93	Summit	.96
Noble	.93	Trumbull	.96
Ottawa	.92	Tuscarawas	.93
Paulding	.93	Union	.92
Perry	.93	Van Wert	.92
Pickaway	.92	Vinton	.93
Pike	.91	Warren	.91
Portage	.96	Washington	.93
Preble	.91	Wayne	.96
Putnam	.92	Williams	.92
Richland	.93	Wood	.93
Ross	.92	Wyandot	.93

Oklahoma	Rate per bushel		Rate per bushel
Adair	$0.90	Le Flore	$0.88
Alfalfa	.91	Lincoln	.92
Atoka	.93	Logan	.93
Beaver	.91	Love	.93
Beckham	.92	McClain	.92
Blaine	.92	McCurtain	.88
Bryan	.91	McIntosh	.93
Caddo	.93	Major	.91
Canadian	.92	Marshall	.92
Carter	.93	Mayes	.93
Cherokee	.92	Murray	.92
Choctaw	.88	Muskogee	.92
Cimarron	.91	Noble	.91
Cleveland	.92	Nowata	.93
Coal	.92	Okfuskee	.92
Comanche	.93	Oklahoma	.92
Cotton	.92	Okmulgee	.92
Craig	.93	Osage	.91
Creek	.92	Ottawa	.93
Custer	.91	Pawnee	.92
Delaware	.93	Payne	.93
Dewey	.91	Pittsburg	.92
Ellis	.91	Pontotoc	.92
Garfield	.92	Pottawatomie	.92
Garvin	.92	Pushmataha	.88
Grady	.92	Roger Mills	.89
Grant	.90	Rogers	.93
Greer	.92	Seminole	.92
Harmon	.92	Sequoyah	.90
Harper	.90	Stephens	.92
Haskell	.88	Texas	.91
Hughes	.92	Tillman	.92
Jackson	.92	Tulsa	.93
Jefferson	.92	Wagoner	.92
Johnston	.92	Washington	.93
Kay	.91	Washita	.92
Kingfisher	.92	Woods	.90
Kiowa	.93	Woodward	.91
Latimer	.88		

Oregon	Rate per bushel		Rate per bushel
Baker	$0.94	Lake	$0.98
Benton	1.01	Lane	.97
Clackamas	1.02	Lincoln	.93
Clatsop	.97	Linn	1.00
Columbia	.99	Malheur	.90
Coos	.89	Marion	1.02
Crook	1.00	Morrow	1.00
Curry	.91	Multnomah	1.03
Deschutes	1.00	Polk	1.02
Douglas	.92	Sherman	1.03
Gilliam	1.01	Tillamook	1.04
Grant	1.00	Umatilla	1.00
Harney	.87	Union	.98
Hood River	1.04	Wallowa	.93
Jackson	.92	Wasco	1.04
Jefferson	1.03	Washington	1.04
Josephine	.92	Wheeler	1.00
Klamath	.96	Yamhill	1.03

Pennsylvania	Rate per bushel
All counties	$1.00

Rhode Island	Rate per bushel
All counties	$1.00

South Carolina	Rate per bushel
All counties	$1.00

South Dakota	Rate per bushel		Rate per bushel
Aurora	$0.88	Jackson	$0.85
Beadle	.90	Jerauld	.89
Bennett	.84	Jones	.87
Bon Homme	.89	Kingsbury	.91
Brookings	.91	Lake	.90
Brown	.90	Lawrence	.80
Brule	.88	Lincoln	.90
Buffalo	.88	Lyman	.88
Butte	.80	McCook	.89
Campbell	.82	McPherson	.86
Charles Mix	.89	Marshall	.87
Clark	.91	Meade	.81
Clay	.90	Mellette	.88
Codington	.91	Miner	.90
Corson	.81	Minnehaha	.89
Custer	.82	Moody	.92
Davison	.89	Pennington	.83
Day	.91	Perkins	.78
Deuel	.91	Potter	.89
Dewey	.84	Roberts	.91
Douglas	.89	Sanborn	.89
Edmunds	.89	Shannon	.83
Fall River	.80	Spink	.91
Faulk	.90	Stanley	.88
Grant	.92	Sully	.89
Gregory	.90	Todd	.88
Haakon	.85	Tripp	.89
Hamlin	.91	Turner	.88
Hand	.89	Union	.90
Hanson	.89	Walworth	.87
Harding	.81	Washabaugh	.85
Hughes	.91	Yankton	.88
Hutchinson	.89	Ziebach	.83
Hyde	.89		

Tennessee	Rate per bushel		Rate per bushel
Shelby	$0.99	All other counties	$0.97

Texas	Rate per bushel		Rate per bushel
Anderson	$1.04	Coryell	$1.01
Archer	.98	Cottle	.92
Armstrong	.92	Crane	.88
Atascosa	1.00	Crockett	.86
Austin	1.08	Crosby	.92
Bailey	.92	Dallam	.91
Bandera	.99	Dallas	.99
Baylor	.92	Dawson	.92
Bee	1.08	Deaf Smith	.92
Bell	1.08	Delta	.96
Bexar	1.03	Denton	.97
Blanco	1.02	De Witt	1.05
Borden	.92	Dickens	.92
Bosque	1.00	Donley	.92
Bowie	.96	Eastland	.96
Brazoria	1.08	Ector	.91
Brazos	1.06	Edwards	.92
Brewster	.88	Ellis	1.00
Briscoe	.92	El Paso	.82
Brown	.97	Erath	.97
Burleson	1.06	Falls	1.04
Burnet	1.01	Fannin	.96
Callahan	.96	Fayette	1.06
Cameron	.95	Fisher	.92
Camp	.98	Floyd	.92
Carson	.92	Foard	.92
Cass	.97	Fort Bend	1.08
Castro	.92	Franklin	.98
Chambers	1.06	Freestone	1.03
Cherokee	1.03	Gaines	.92
Childress	.92	Garza	.92
Clay	.98	Gillespie	.99
Cochran	.92	Goliad	1.05
Coke	.92	Gonzales	1.04
Coleman	.95	Gray	.92
Collin	.96	Grayson	.96
Collingsworth	.92	Gregg	1.00
Comal	1.03	Grimes	1.07
Comanche	.97	Guadalupe	1.03
Concho	.97	Hale	.92
Cooke	.96	Hall	.92
		Hamilton	.98

Texas—Continued	Rate per bushel		Rate per bushel
Hansford	$0.91	Ochiltree	$0.91
Hardeman	.93	Oldham	.93
Hardin	1.06	Orange	1.06
Harris	1.06	Palo Pinto	.96
Harrison	.99	Panola	1.01
Hartley	.91	Parker	.96
Haskell	.92	Parmer	.92
Hays	1.04	Pecos	.83
Hemphill	.91	Polk	1.07
Henderson	1.02	Potter	.93
Hidalgo	.95	Presidio	.82
Hill	1.01	Rains	.99
Hockley	.93	Randall	.92
Hood	.97	Reagan	.86
Hopkins	.96	Red River	.96
Houston	1.05	Reeves	.84
Howard	.93	Roberts	.91
Hudspeth	.88	Robertson	1.04
Hunt	.97	Rockwall	.97
Hutchinson	.91	Runnels	.95
Irion	.87	Rusk	1.01
Jack	.95	Sabine	1.08
Jackson	1.06	San Augustine	1.03
Jasper	1.05	San Jacinto	1.06
Jeff Davis	.83	San Saba	.97
Jefferson	1.07	Schleicher	.87
Jim Wells	1.01	Scurry	.93
Johnson	.99	Shackelford	.94
Jones	.93	Shelby	1.03
Karnes	1.08	Sherman	.91
Kaufman	.99	Smith	1.01
Kendall	.99	Somervell	.98
Kenedy	.98	Starr	.96
Kent	.92	Stephens	.96
Kerr	.98	Sterling	.88
Kimble	.97	Stonewall	.93
King	.93	Sutton	.86
Kinney	.96	Swisher	.92
Knox	.93	Tarrant	.99
Lamar	.96	Taylor	.93
Lamb	.92	Terrell	.87
Lampasas	1.00	Terry	.92
Leon	1.05	Throckmorton	.94
Liberty	1.08	Titus	.98
Limestone	1.04	Tom Green	.93
Lipscomb	.91	Travis	1.04
Live Oak	1.01	Trinity	1.07
Llano	1.00	Tyler	1.05
Loving	.84	Upshur	.99
Lubbock	.93	Upton	.84
Lynn	.93	Uvalde	.98
McCulloch	.87	Val Verde	.93
McLennan	1.03	Van Zandt	.99
Madison	1.06	Victoria	1.05
Marion	.98	Walker	1.07
Martin	.92	Waller	1.06
Mason	.97	Ward	.87
Maverick	.95	Washington	1.06
Medina	1.00	Wharton	1.07
Menard	.97	Wheeler	.93
Midland	.91	Wichita	.93
Milam	1.04	Wilbarger	.92
Mills	.99	Willacy	.95
Mitchell	.92	Williamson	1.04
Montague	.95	Wilson	1.02
Montgomery	1.06	Winkler	.90
Moore	.91	Wise	.97
Morris	.98	Wood	.96
Motley	.93	Yoakum	.92
Nacogdoches	1.05	Young	.96
Navarro	1.02		
Newton	1.06		
Nolan	.92		

Utah	Rate per bushel		Rate per bushel
Beaver	$0.86	Juab	$0.86
Box Elder	.91	Kane	.86
Cache	.91	Millard	.86
Carbon	.86	Morgan	.91
Daggett	.86	Piute	.86
Davis	.91	Rich	.91
Duchesne	.86	Salt Lake	.91
Emery	.86	San Juan	.86
Garfield	.86	Sanpete	.86
Grand	.90	Sevier	.86
Iron	.88	Summit	.86

Utah—Continued	Rate per bushel		Rate per bushel
Tooele	$0.91	Washington	$0.86
Uintah	.86	Wayne	.86
Utah	.86	Weber	.91
Wasatch	.86		

Vermont	Rate per bushel
All counties	$1.00

Virginia	Rate per bushel
All counties	$1.00

Washington	Rate per bushel		Rate per bushel
Adams	$0.98	Lewis	$0.97
Asotin	.94	Lincoln	.97
Benton	1.01	Mason	.96
Chelan	.99	Okanogan	.97
Clallam	.90	Pacific	.96
Clark	1.08	Pend Oreille	.85
Columbia	.98	Pierce	1.01
Cowlitz	1.00	San Juan	.90
Douglas	.98	Skagit	.96
Ferry	.94	Skamania	1.03
Franklin	.99	Snohomish	1.00
Garfield	.97	Spokane	.95
Grant	.96	Stevens	.93
Grays Harbor	.96	Thurston	.96
Island	1.00	Wahkiakum	1.00
Jefferson	.91	Walla Walla	1.00
King	1.02	Whatcom	.98
Kitsap	.95	Whitman	.95
Kittitas	1.03	Yakima	1.02
Klickitat	1.03		

West Virginia	Rate per bushel
All counties	$0.97

Wisconsin	Rate per bushel		Rate per bushel
Adams	$0.91	Marathon	$0.89
Ashland	.91	Marinette	.89
Barron	.92	Marquette	.92
Bayfield	.91	Menominee	.91
Brown	.92	Milwaukee	.99
Buffalo	.92	Monroe	.91
Burnett	.94	Oconto	.91
Calumet	.93	Oneida	.88
Chippewa	.91	Outagamie	.92
Clark	.89	Ozaukee	.95
Columbia	.98	Pepin	.93
Crawford	.91	Pierce	.95
Dane	.94	Polk	.94
Dodge	.94	Portage	.91
Door	.87	Price	.89
Douglas	.95	Racine	.90
Dunn	.93	Richland	.92
Eau Claire	.92	Rock	.95
Florence	.88	Rusk	.91
Fond du Lac	.94	Saint Croix	.94
Forest	.88	Sauk	.93
Grant	.91	Sawyer	.92
Green	.94	Shawano	.91
Green Lake	.96	Sheboygan	.94
Iowa	.93	Taylor	.89
Iron	.90	Trempealeau	.90
Jackson	.90	Vernon	.90
Jefferson	.95	Vilas	.86
Juneau	.93	Walworth	.94
Kenosha	1.00	Washburn	.92
Kewaunee	.89	Washington	.95
La Crosse	.90	Waukesha	.95
Lafayette	.93	Waupaca	.92
Langlade	.89	Waushara	.93
Lincoln	.88	Winnebago	.93
Manitowoc	.93	Wood	.91

Wyoming	Rate per bushel		Rate per bushel
Albany	$0.88	Natrona	$0.86
Big Horn	.89	Niobrara	.77
Campbell	.74	Park	.86
Carbon	.86	Platte	.80
Converse	.74	Sheridan	.72
Crook	.75	Sublette	.86
Fremont	.86	Sweetwater	.86
Goshen	.80	Teton	.86
Hot Springs	.86	Uinta	.86
Johnson	.72	Washakie	.86
Laramie	.83	Weston	.77
Lincoln	.86		

(c) *Discounts.* The basic support rate shall be adjusted as applicable by discounts as follows:

Reason:	Discount (cents per bushel)
Class—Mixed Barley	2
Grade:	
No. 3	3
No. 4	6
No. 5	15
Total damage (percent):	
10.1–11	1
11.1–12	2
12.1–13	3
13.1–14	4
14.1–15	5
15.1–16	6
16.1–17	7
17.1–18	8
18.1–19	9
19.1 and above	10
Garlicky	10
Weed Control Law (where required by § 1421.74)	10

Other factors: CCC may establish discounts for other quality factors not specified above which affect the value of the barley, such as (but not limited to) thin barley, moisture, foreign material, test weight, heat damage, musty, sour, smutty, stained, weevily, ergoty, and bleached. The discounts established will be based upon the market discounts for the factors at the time the barley is delivered to CCC, as determined by CCC. Producers may obtain schedules of such factors and discounts at ASCS county offices approximately one month prior to the loan maturity date.

Note: Discounts are cumulative except only one grade discount shall be applied. The discounts for total damage in excess of 10 percent are in addition to the discount of 15 cents for barley grading No. 5. For the purpose of applying discounts, factors which cause barley of the subclass Malting Barley or Blue Malting Barley to have a lower numerical grade than if the barley were graded under a different subclass shall be disregarded.

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on June 29, 1967.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 67-7784; Filed, July 7, 1967, 8:45 a.m.]

[OCC Grain Price Support Regs., 1966 and Subsequent Crops Rice Supp. Amdt. 1]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1966 and Subsequent Crops, Rice Loan and Purchase Program

COMPLIANCE REQUIREMENTS AND DETERMINATION OF QUANTITY

The regulations issued by the Commodity Credit Corporation, published in

31 F.R. 8346 and setting forth requirements with respect to price support for the 1966 and subsequent crops of rice, are hereby amended as follows:

1. Section 1421.2753 is amended to restate price support compliance provisions and reads as follows:

§ 1421.2763 Compliance requirements.

An eligible producer shall be a producer on whose farm the rice acreage allotment established for the farm under the provisions of the Rice Acreage Allotment Regulations of Part 730 of this title has not been knowingly exceeded. If the farm is determined to be in compliance with the farm rice acreage allotment under the provisions of Parts 718 and 730 of this title, the farm rice acreage allotment will not be considered to have been knowingly exceeded. If a producer has an interest in a rice crop produced on more than one farm in the same county, he must also, in order to be eligible for price support, be entitled to market rice produced on each such farm as penalty free rice under the provisions of the Rice Marketing Quota Regulations of Part 730 of this title and any amendments thereto. If a producer is engaged in the production of rice in more than one county (in the same State or in two or more States) and the requirements of Rice Marketing Quota Regulations of Part 730 of this title, and any amendments thereto, are applied to such multiple farming unit, he must also, in order to be eligible for price support, be entitled to market rice produced on each such farm, wherever situated, as penalty free rice under the provisions of such regulations. Notwithstanding the provisions of this section, rice produced on a farm shall be considered as available for marketing as penalty free rice for price support purposes if such rice was produced on a farm for which a certification is furnished under § 718.21(f) of this title of the Determination of Acreage and Compliance Regulations and subsequent measurement of the rice acreage on such farm indicates that the acreage planted in excess of the farm rice acreage allotment does not exceed the larger of 0.5 of an acre, or 5 percent of the farm rice acreage allotment but not to exceed 15 acres.

2. Section 1421.2765(a)(2) is amended to provide for expressing weights in whole units of 100 pounds and reads as follows:

§ 1421.2765 Determination of quantity.

(a) *In warehouse.*

* * * * *

(2) *Identity preserved or modified commingled.* The amount of a loan on the quantity of eligible rice stored identity preserved or modified commingled in an approved warehouse shall be based on a percentage, as determined by the State committee, of the weight specified on the warehouse receipt representing such rice which is pledged as security for the loan, or on the supplemental certificate if applicable. Such percentage shall not exceed 95 percent of the weight so specified. The State committee's determination shall be made on a statewide basis or for specified areas within the State. The county committee may lower such percentage on an individual basis when determined to be in the best interest of CCC. Weights determined on the basis of such percentages shall be expressed in terms of whole units of 100 pounds.

* * * * *

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 62 Stat. 1051, as amended, 1064, sec. 302, 72 Stat. 968; 15 U.S.C. 714c, 7 U.S.C. 1421, 1441)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on July 3, 1967.

E. A. JAENKE,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 67-7809; Filed, July 7, 1967; 8:49 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-1216]

PART 13—PROHIBITED TRADE PRACTICES

Continental Scarf Corp., Inc., et al.

Subpart—Importing, selling, or transporting flammable wear: § 13.1060; Importing, selling, or transporting flammable wear.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Continental Scarf Corp., Inc., trading as Continental Scarf & Novelty Co., New York, N.Y., Docket C-1216, June 16, 1967]

In the Matter of Continental Scarf Corp., Inc., a corporation, and Isaac M. Topol, Individually, as an Officer of said Corporation, and Trading as Continental Scarf & Novelty Co.

Consent order requiring a New York City manufacturer of wearing apparel to cease importing and selling scarves and other items made from dangerously flammable fabrics.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That the respondents Continental Scarf Corp., Inc., a corporation, and its officers, and Isaac M. Topol, individually, as an officer of said corporation, and trading as Continental Scarf & Novelty Co., or under any other name or names, and respondents' representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from:

1. (a) Importing into the United States; or

(b) Manufacturing for sale, selling, offering for sale, introducing, delivering for introduction, transporting or causing to be transported in commerce, as "commerce" is defined in the Flammable Fabrics Act; or

(c) Transporting or causing to be transported, for the purpose of sale or delivery after sale in commerce;

Any article of wearing apparel which, under the provisions of section 4 of the Flammable Fabrics Act, as amended, is so highly flammable as to be dangerous when worn by individuals.

2. Manufacturing for sale, selling, or offering for sale any article of wearing apparel made of fabric, which fabric has been shipped or received in commerce, and which under section 4 of the Act, as amended, is so highly flammable as to be dangerous when worn by individuals.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: June 16, 1967.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 67-7865; Filed, July 7, 1967; 8:46 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER F—ENROLLMENT

PART 41—PREPARATION OF ROLLS OF INDIANS

Requirements for Enrollment and Deadlines for Filing Applications

That portion of Part 41 of Title 25 of the Code of Federal Regulations regulating the preparation of a roll of Tlingit and Haida Indians of Alaska, authorized by the Act of June 19, 1935 (49 Stat. 388), as amended by the Act of August 19, 1965 (79 Stat. 543), is amended to extend the deadline date for filing applications for enrollment with the Tlingit and Haida Indians of Alaska to December 31, 1967.

In § 41.3, paragraph (b) is revised to read as follows:

§ 41.3 Qualifications for enrollment and the deadline for filing applications.

* * * * *

(b) Tlingit and Haida Tribes in Alaska: All persons of Tlingit or Haida Indian blood residing in the various local communities or areas in the United States or Canada on August 19, 1965, shall be eligible for enrollment provided they were legal residents of the Territory of Alaska on June 19, 1935, or prior thereto, or they are descendants of persons of Tlingit or Haida Indian blood who were legal residents of the Territory of Alaska on June 19, 1935, or prior thereto. Applications for enrollment must be postmarked no later than December 31, 1967.

* * * * *

No further changes are made in the text of Part 41.

Notice of proposed rule making would cause undue delay in the preparation of the roll and would be contrary to the public interest. Therefore, notice and public procedure imposed by section 4 of the Administrative Procedure Act of June 11, 1946 (5 U.S.C. 1003), are dispensed with under the exceptions provided in that section. Accordingly, this amendment shall become effective on June 30, 1967.

CHARLES F. LUCE,
Acting Secretary of the Interior.

JUNE 30, 1967.

[F.R. Doc. 67-7866; Filed, July 7, 1967; 8:46 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Subtitle A—Office of the Secretary of the Treasury

PART 1—DISCLOSURE OF RECORDS

Correction

In F.R. Doc. 67-7610, appearing in the issue for Saturday, July 1, 1967, at page 9562, make the following changes:

1. In amendatory paragraph 3, the last word in line 4, and all of line 5, should read "constituting Part 1 to read as follows:".

2. In the authority citation, insert "5" preceding "U.S.C.".

3. In § 1.4(d), line 3, the word "from" should read "room".

Title 29—LABOR

Chapter I—National Labor Relations Board

PART 101—STATEMENTS OF PROCEDURE, SERIES 8

Miscellaneous Amendments

Correction

In F.R. Doc. 67-7411, appearing in the issue for Saturday, July 1, 1967, at page 9547, make the following change: In § 101.9(c)(2), line 17, should read "agreement to the board, the charging".

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Amdt. 8]

PART 101—ADMINISTRATION

Miscellaneous Amendments

Part 101 of Title 13 of the Code of Federal Regulations is hereby amended by adding a new § 101.4 thereto. The new § 101.4 reads as follows:

§ 101.4 List of public-use SBA forms.

No.	Date	Reference [1]	Title	Code [1]
	7-66	ND 135-5	Purchase order	P
1	1-66	ND 135-5	Purchase order (continuation sheet)	P
1A	7-66		Purchase order	PC
1B	4-66	ND 510-1	Application for loan	P
4(I)	11-65	ND 510-1	Application for loan (statement of personal history)	P
4(II)	8-66	ND 510-1	Schedule A—summary of collateral offered by applicant as security for loan and SBA appraiser's evaluation report.	P
4	2-67	ND 510-1	Instruction sheet (Form 4, Part 1, and Schedule A)	P
4A	4-66	ND 510-1	Essential information required for loans to producers of minerals, metals, fuel except oil, and gas (mining loans).	P
4B	9-64	ND 560-1	Essential information for substantial economic injury disaster loans.	P
4C	2-65		Convalescent nursing homes	P
4H	7-65	ND 560-1	Application for disaster loan—business	P
5	12-66	ND 560-1	Application for disaster loan of $3,560 or less	P
5B	8-65	ND 560-1	Application for disaster loan—home	P
5C	1-67	ND 510-1	Application for loan	P
6B	2-66	ND 615-1	Application for certificate of competency	P
74	10-66	ND 615-1	Instructions for the preparation of SBA Form 74	RC
74A	5-67		Biographical data—proposed members of SBA advisory councils.	P
113	3-67		Mailing application—free management assistance publications.	P
115MI	3-66	ND 510-1	Participation agreement (immediate—serviced by bank)	P
136	12-66	ND 510-1	Simplified early maturities participation agreement	P
136B	9-63	ND 510-1	Participation agreement (immediate—serviced by SBA)	P
137	1-67	ND 560-1	Disaster participation agreement (immediate)	P
138A	12-66	ND 560-1	Disaster participation agreement program (immediate)	P
138B	12-66	ND 520-1	Standby agreement	R
139	11-64	ND 560-1	Request for credit information	P
143	9-63	ND 560-1	Note (direct disaster in excess of $1,000)	P
147	7-65		Note—Direct and SBA serviced immediate participation loans—over $25,000.	P
147A	19-66	500-M-503	Guaranty (direct)	P
148	9-63	500-M-503	Guaranty	P
148A	2-64	500-M-503	Guaranty (loan guaranty plan)	P
148B	1-66	500-M-503	Participation certificate	P
152	4-66	500-M-503	....do	P
152A	10-66	500-M-503	Loan agreement	P
153	4-63	500-M-503	Loan agreement (loan guaranty plan)	P
153a	1-65	509-M-503	Note (participation)	P
154	7-65		Note—loan agreement—bank serviced immediate participation loans—over $25,000.	P
154B	12-65	ND 520-1	Standby agreement (participation loan)	P
155	1-65	500-M-503	Certificate of interest	P
156	10-66	500-M-503	....do	P
156A	12-66	500-M-503	....do	P
156B	8-65	500-M-503	Participation certificate	P
157	10-62	ND 1100-4	Compensation agreement for services in connection with application and loan from (or participation with) Small Business Administration.	P
159	9-64	ND 560-1	Resolution of board of directors of (applicant)	P
160	9-64	ND 560-1	Certificate as to partners	P
160A	12-66	ND 560-1	Loan agreement (direct)	R
161	10-66	ND 420-1	Registration of manufacturing facilities for small business concerns.	R
166	3-65	ND 620-1	Registration of contruction—General contractor or service facilities for small business concerns.	R
166B	8-65	ND 620-1	Registration of facilities—timber	R
166C	6-66	ND 620-1	Registration of small business research and development concerns.	P
166D	4-66	ND 520-1	Report of transactions on loans serviced by banks	P
172	12-66	500-M-503	Report of transactions on loan serviced by bank (EMP-8EMP).	P
172d	7-54	205-M-205	Notice of assignment (contract)	P
175	4-66	ND 205-1	Notice of loan payment past due	P
203	2-66	ND 520-1	Substitution of assigned accounts receivable	P
225	4-66	ND 205-1	Notice of loan payment due	P
226	6-66	ND 205-1	Receipt for payment	P
230	12-66	ND 560-1	Confidential bank credit report	P
203	9-64	ND 560-1	Authorization (disaster-residential—direct)	P
304	7-66	ND 560-1	Authorization (disaster business loan—direct)	PC
305	13-65	ND 213-1	Blanket bond	P
316	12-66		Report and confirmation of loan	P
319	12-66	200-M-213	Note (for all immediate participation loans not over $25,000 SBA's share).	P
320A	2-66	200-M-213	Note (direct loan not over $26,000)	P
320B	7-65		Note—bank serviced immediate participation loan—$25,000 or less.	P
320C	7-65		Note—direct and SBA serviced immediate participation loans—$25,000 or less.	PC
320D	2-66		Computation and transmittal notice (bank's share)	P
347	8-67		Listing of field office addresses	P
348	12-66	ND 510-1	Authorization (direct loan)	P
349A	5-66	ND 510-1	Authorization (immediate participation)	P
349B	9-66	ND 510-1	Authorization (loan guaranty plan)	P
349C	11-65	ND 205-1	Past due notice—participation loan	P
351	13-66	ND 400-4	Application for small business size determination	P
355	8-66	ND 520-1	Financial statement	P
362	8-66	ND 520-1	Data to support balance sheet	P
362A	13-66	ND 205-1	Monthly report of collections—disaster deferred participation loans purchased.	P
366	2-59	ND 205-1	Monthly report of collections—disaster deferred participation loans.	P
395A	5-66	ND 1100-4	Representative index	P
370	4-66	ND 205-1	Quarterly report on deferred participation or guaranteed loans.	P
391	9-67	200-M-205	Qualifications inquiry	P
393	5-63	ND 1100-4	Policy and regulations concerning representatives and their fees.	P
394	9-64	ND 560-1	Note (disaster loans only)	P
403	9-65		Authorization—direct loan	P
405				

See footnotes at end of table.

No.	Date	Reference[1]	Title	Code[2]
701	8-66	ND 810-1	Certification of fees paid in connection with SBLF or SEMP loan.	P
702	11-66	ND 650-1	Starting a new business.	P-A
703	1-66	ND 650-1	Workshop for prospective small business owners—work-sheets.	P-A
708	7-66	ND 650-1	Supplementary A—laundry and cleaning plants and agencies.	P
707	3-67	ND 510-1	Operating agreement (delayed participation)	P-A
708	2-66	ND 530-1	Application for liquidity privileges	P-A
709	2-66	ND 1800-2A	Applicant's agreement of compliance	P-A
709A	2-66	ND 1800-2A	Agreement of amendment of contract to conform with requirements of SBA Form 601.	P-A
710	12-66	ND 505-1	Information for inquiries on section 502 applications for guarantee or loan.	P
711	10-66	ND 650-1	Inventory of retired business executive counseling talent.	P-A
712	2-66		Advice inquiry.	P-A
713	2-66	ND 650-1	SCORE case report.	P-A
714	10-66	ND 650-1	Request for counseling	P-A
715	1-67	ND 1800-2A	Communication acknowledgment (post card)	P-A
716	2-66	ND 1800-2A	Applicant's assurance of compliance.	P-A
716A	2-66	ND 1800-2A	Applicant licensee's assurance of compliance.	P-A
716B	2-66	ND 1800-2A	Assurance of compliance.	P-A
716C	2-66	ND 1800-2A	Applicant's contingent assurance of compliance.	P-A
716D	4-67	ND 1800-2A		P-A
717	2-66	ND 1800-2A	Assurance of compliance	P-A
718	2-66	200-M-206	Control report.	P-A
719	2-66		Agreement	P-A
720	2-66		Guaranty agreement	P-A
721	11-66	ND 1080-1	Portfolio confirmation request	P-A
722	11-66	ND 1080-1	Custodian confirmation request	P-A
723	11-66		Bank and savings institution confirmation request	P-A
724	11-66		Participation paid confirmation request	P-A
725	11-66		SBC confirmation request	P-A
726	11-66		Confirmation request for amount due	P-A
727	2-66	ND 810-1	SBDC client interview form	P-A
728	2-66		Program evaluation report	P-A
729	11-66		Notice—mailing list revision for sbdc	P-A
730	10-66		Liability certificate	P-A
731	11-66		Liability certificate	P-A
732	2-66	ND 960-1	Lease for UBL notification	P-A
733	2-66	ND 1800-2	Equal employment opportunity poster	P-A
734	2-66	ND 628-1	Small Business certification required on all preferential sales of set-aside timber.	P-A
737		ND 650-1	SCORE identification card	P-A
740	12-66	600-M-306	Certification and receipt	P-A
750	4-67		Blanket loan guaranty agreement between SBA and bank	P-A
751	1-67		Application for loan under blanket guaranty	P-A
770	1-67	B4/ND 930	Financial statement of debtor	P-A

[1] Explanation of reference symbols:
ND—SBA National Directive, e.g., ND 135-8.
M—SBA Manual, e.g., 200-M-206.
Part—Part of 13 CFR (SBA rules and regulations), e.g., Part 107.
PAM—SBA forms used by the public when applying for or obtaining SBA assistance or when providing services for SBA.
P—Forms available in both the Washington and field offices.
PO—Forms available only in the Washington Office.
R&RC—SBA forms used by SBA or under SBA sponsorship to solicit information from 10 or more persons (other than Federal employees). These forms have Bureau of the Budget approval, as required by the Federal Reports Act of 1942.
A—Forms available in both the Washington and field offices.
RC—Forms available only in the Washington Office.

Effective date: June 15, 1967.

ROBERT C. MOOT,
Acting Administrator.

[F.R. Doc. 67-7803; Filed, July 6, 1967; 8 a.m.]

No.	Date	Reference[1]	Title	Code[2]
408A	10-66		Authorization—immediate participation—small loan.	P-A
408B	11-66		Authorization—loan guaranty plan—small loan.	P-A
408C	2-67	ND 650-1	Authorization—direct loan—EOL program.	P-A
408D	2-67	ND 510-1	Authorization—immediate participation—EOL program	P-A
408E	12-66	ND 510-1	Authorization—loan guaranty plan—EOL program	P-A
413	1-67	ND 650-1	Personal financial statement	P
414—Part I	10-66	ND 900-1	Proposal to operate a small business investment company	P
414—Part II	10-66	ND 900-1	Statement of personal History and qualification of management.	P
414A	4-66		Amendments to proposal to operate a small business investment company under the Small Business Investment Act of 1958, as amended.	P
415—Part I	2-61		License application (SBIC)	P
415—Part II	12-66			P
416	12-66		Application for financing	P
416A	12-66		Application for membership in small business investment company pool.	P
419	12-66		Application for grant or reward and development pool.	P
435	2-66		Small Business Administration license (SBIC)	P-A
435A	2-66		Small Business Administration license (SBIC) (copy).	P-A
444	12-66		Subordinated debenture.	P
445	12-66		Financial report.	P
445A	12-66	Part 107	Instructions for preparation of the financial report.	P
446	2-66	Part 107	Compliance questionnaire.	P
476	2-66		Application for personal property sale assistance	P
482	2-66	ND 650-1	register.	P
482A	2-66		do	P
483	2-66	ND 650-1	Unfilled orders—publications	P
484	2-66	ND 530-1	Application for loan (4d)	P
485	11-66	ND 530-1	Addendum to SBA Form 912	P
485E	11-66	ND 540-1	Information to be submitted by the small business which is applying for a lease/purchase SBA loan.	P
500	1-67	ND 650-1	Statement of personal history	P-A
502C	2-66	ND 650-1	Exhibit to SBA Form 888	P-A
502D	2-66	ND 650-1	Exhibit to SBA Form 602	P-A
502E	2-66	600-M-306	Note (timber access road loan program)	P-A
502A	12-66	600-M-306	do	P-A
502A	2-66	600-M-306	Assignment of rights under timber sale contract	P-A
502A	2-66	600-M-306	Direct loan on eligible timber contract for sale of timber	P-A
510A	1-67		Loan amendment and extension	P-A
522	2-61		Questionnaire—Small Business Administration loans to local development companies.	P
527	6-66	ND 810-1	Bank request for loan participation or immediate participation (SBLP-SEMP).	P-A
528	5-66	ND 510-1	Applicant's statement	P-A
528A	12-66	ND 510-1	Authorization approving bank's request for SBA participation (SEMP).	P-A
528B	6-66	ND 810-1	Authorization approving bank's request for SBA guaranty.	P-A
530	2-66	ND 810-1	Note (SBLP)	P-A
530A	7-66	ND 810-1	Note (SEMP)	P-A
530B	7-66	ND 810-1	Note (SBLP—immediate participation only).	P-A
534	11-66	ND 650-1	Cost estimate register—information.	P-A
545	1-67		Note (bank disbursed loan)	P-A
546	1-67		Assignment agreement	P-A
547	2-67	ND 540-1	Contents of portfolio	P-A
548	2-67		Contractor's proposal of costs.	P-A
548A	2-67		Invoice—claim for reimbursement	P-A
548B	2-67		Itemization of direct costs—salaries	P-A
548C	2-67		Itemization of direct costs—transportation and communication.	P-A
550C	4-67	ND 620-1	Itemization of direct costs—supplies and equipment.	P-A
559	2-66		Facilities inventory registration (post card)	P-A
571	2-66	ND 530-1	Conference ID card	P-A
	2-66		Certificate of incorporation for local development companies.	P-A
578A	1-66	ND 1060-1	Subpoena duces tecum	P-A
578A	1-66	ND 1060-1	Subpoena	P-A

See footnotes at end of table.

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 6361; Amdt. 39-442]

PART 39—AIRWORTHINESS DIRECTIVES

British Aircraft Corporation Model BAC 1-11 200 and 400 Series Airplanes

There has been a failure of the rudder pedal reach lock unit spring housing during flight on a BAC 1-11 airplane. The rudder pedal reach lock unit spring housing failed circumferentially at its lower end allowing the spring and locking plunger to move downwards leaving the pedals unlocked. Since failures are likely to occur in other airplanes of the same type, an airworthiness directive is being issued to require periodic inspection of the housing and the lock unit assembly until the incorporation of BAC 1-11 Modification PM 2946.

In view of the possible seriousness of an inflight failure of the rudder pedal reach lock unit spring housing, a situation exists that requires immediate adoption of this regulation, and it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BRITISH AIRCRAFT. Applies to Model BAC 1-11 200 and 400 Series airplanes.

Compliance required as indicated.

To prevent failure of the rudder pedal reach adjuster lock unit housing P/N AB32-509, accomplish the following:

(a) Within the next 50 hours' time in service after the effective date of this AD, unless already accomplished within the last 200 hours' time in service, and thereafter at intervals not to exceed 250 hours' time in service from the last inspection, visually inspect the rudder pedal reach adjuster lock unit housing P/N AB32-509 for cracks in accordance with British Aircraft Corporation BAC 1-11 Alert Service Bulletin No. 27-A-PM 2946, Issue 1, or later ARB-approved issue. Cracked housings must be replaced before further flight with an unused or serviceable housing having the same part number or with a new housing P/N AB32-9011 and locking plunger P/N AB32-9013 in accordance with BAC 1-11 Service Bulletin No. 27-PM 2946, or later ARB-approved issue, or FAA-approved equivalent.

(b) If no cracks are detected during the inspection required by paragraph (a), lubricate the housing and conduct a functional check of the lock unit assembly in accordance with BAC 1-11 Alert Service Bulletin No. 27-A-PM 2946 or later ARB-approved issue. Correct defects found before further flight.

(c) Within the next 1,200 hours' time in service after the effective date of this AD, replace rudder pedal reach adjuster lock unit housing P/N AB32-509 with new housing P/N AB32-9011 and locking plunger P/N AB32-9013 in accordance with BAC 1-11 Service Bulletin No. 27-PM 2946, or later ARB-approved issue, or FAA-approved equivalent.

(d) The repetitive inspections required by paragraph (a) and the functional checks required by paragraph (b) may be discontinued after the new housing P/N AB32-9011 and locking plunger P/N AB32-9013 are installed in accordance with paragraph (a) or (c) of this AD.

This amendment becomes effective July 13, 1967.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on June 30, 1967.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[F.R. Doc. 67-7872; Filed, July 7, 1967; 8:46 a.m.]

[Airspace Docket No. 67-WE-40]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The Department of the Navy will decommission the Oak Harbor Seaplane Base, Whidbey Island, Wash., approximately July 1967; thus, the portion of the Whidbey Island, Wash., control zone designated to protect aircraft operating to and from the Oak Harbor Seaplane Base and the Coupeville Airport, Coupeville, Wash., will no longer be required. Additionally, the Whidley Island (AL-451 USN) TACAN approach has been revised to permit a 1.5 SM reduction in the control zone extension north of Whidbey Island. An ADF approach has also been developed that will require a 3 SM control zone extension 2 miles each side of the 283° T bearing from the Whidbey Island RBN. The above actions will necessitate an amendment to the Whidbey Island, Wash., control zone, and action is taken herein to accomplish this purpose.

Since this amendment is minor in nature, is less restrictive than the present airspace designation, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., September 14, 1967, as hereinafter set forth:

In § 71.171 (32 F.R. 2145) the Whidbey Island, Wash., control zone is amended as follows:

WHIDBEY ISLAND, WASH.

Within a 5-mile radius of Ault Field, Whidbey Island, Wash. (latitude 48°21'10" N., longitude 122°39'20" W.), within 2 miles each side of the Whidbey Island TACAN 350° radial, extending from the 5-mile radius zone to 6 miles north of the TACAN, and within 2 miles each side of the 283° bearing from the Whidbey Island RBN, extending from the 5-mile radius zone to 8 miles west of the RBN.

(Sec. 307(a), Federal Aviation Act of 1958, as amended; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Los Angeles, Calif., on June 29, 1967.

A. E. HOMMING,
Acting Director, Western Region.

[F.R. Doc. 67-7877; Filed, July 7, 1967; 8:47 a.m.]

[Docket No. 67-SW-11]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

Correction

In F.R. Doc. 67-6533 appearing at page 8709 of the issue for Saturday, June 17, 1967, the latitude reading "31°08'00" N" in the fifteenth line of the Jasper, Tex., transition area designation is corrected to read "31°07'00" N."

[Airspace Docket No. 66-EA-96]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

On page 1086 of the FEDERAL REGISTER for January 31, 1967, the Federal Aviation Administration published a rule under Airspace Docket No. 66-EA-96 which altered the control zone for Manchester, N.H., by converting it to a part-time control zone for the hours 0700 to 2300 hours.

Due to requests from the State of New Hampshire and users of the Manchester Airport, the effective date of the conversion to a part-time control zone has been postponed until July 1, 1967, through several intervening airspace actions. It is now apparent that the State of New Hampshire is in a position to continue the operation of the control tower on a full time basis until at least January 1, 1968, at which time this matter will be reviewed again. Thus, it seems appropriate to delete all reference to a part-time control zone.

Since this amendment requires the deletion of an effective date of July 1, 1967, and to avoid any confusion immediate action is required and notice and public procedure hereon are impracticable and good cause exists for making this amendment effective on less than 30 days notice.

In view of the foregoing the following rule is hereby adopted effective upon publication in the FEDERAL REGISTER.

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete in the description of the Manchester, N.H., control zone all after

and including the words "on and after * * *"

2. Delete item 2 of the original notice of proposed rule making and the rule as originally published on January 31, 1967.

(Sec. 307(a) of the Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on June 30, 1967.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 67-7958; Filed, July 7, 1967; 8:49 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R-338; Order 351]

PART 1—RULES OF PRACTICE AND PROCEDURE

PART 3—ORGANIZATION; OPERATION; INFORMATION AND REQUESTS; ETHICAL STANDARDS

Public Information, Organization and Method of Operation

JULY 3, 1967.

Following enactment of Public Law 89-487, an Act to amend section 3 of the Administrative Procedure Act to clarify and protect the right of the public to information (80 Stat. 250, recodified by P.L. 90-23, 81 Stat. 54), the Commission has reviewed its existing rules, regulations, practice and procedures relating to the availability to the public of material in its files. Our review disclosed that the existing practices with respect to the release of information substantially accord with the revised section 3. We are revising our rules on public records (§ 1.36 (c) and (d)) to describe more clearly what information is available to the public. In Part 3 we indicate the places at and the method by which such information may be obtained. As required by the statute we have updated and are recodifying the Commission's statement of "Course and Method of Operation." Additionally, as indicated in § 3.102(e), a current subject-index of major Commission actions issued after July 4, 1967, will be maintained in the Office of Public Information where it will be available for public inspection and copying, to supplement the indexing services which are now being rendered to the public.

The principal change in § 1.36 is one of form. Paragraphs (c) and (d) have been combined into a new paragraph (c). Under this amended paragraph the records which are available to the public are specifically enumerated and any exceptions noted where appropriate. Previously, paragraph (c) broadly described the records available to the public and paragraph (d) listed the exceptions. Moreover, it was necessary to read appropriate portions of our definitions section (1.1(f)) in conjunction with § 1.36 (c) and (d). The new consolidation will largely obviate the necessity of analyzing and comparing different sections and paragraphs of our rules. Furthermore, since the Public Information Act provides for judicial review of any withholding of agency records, we are establishing a procedure for the filing of written appeals by complainants. On the basis of past experience however, we anticipate that almost all such cases can be handled orally and informally by the Office of Public Information.

The Commission finds:

(1) It is appropriate and in the public interest in administering the Federal Power and Natural Gas Acts and to implement the provisions of section 3 of the Administrative Procedure Act, as revised by Public Law 89-487 (80 Stat. 250) codified by P.L. 90-23 (81 Stat. 54), in 5 U.S.C. 552, to amend the Commission's general rules as ordered herein.

(2) The notice and effective date provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 553) do not apply with respect to the amendments here adopted.

The Commission, acting pursuant to authority granted by section 309 of the Federal Power Act, section 16 of the Natural Gas Act (16 U.S.C. 825h; 15 U.S.C. 717o) and in accordance with section 3 of the Administrative Procedure Act, as amended by P.L. 90-23 (81 Stat. 54), orders:

(A) Parts 1 and 3, Subchapter A, General Rules, Chapter I of Title 18 of the Code of Federal Regulations are amended as follows:

1. In § 1.1, paragraph (g) is revised to read as follows:

§ 1.1 The Commission.

* * * * *

(g) *Public information.* Requests for information may be addressed to the Office of Public Information at the Commission's headquarters in Washington, D.C. Public records are available for public inspection and copying at that office, as provided in § 1.36. Pleadings and other official filings are made as provided in § 1.2(c). A description of the facilities available for public reference and the procedures that may be employed to obtain information, copies of public records or to secure informal advice and assistance from or consultation with members of the staff on problems relating to the statutes and regulations administered by the Commission is contained in the material published in Part 3 of this chapter.

2. In § 1.2, paragraph (c) is revised to read as follows:

§ 1.2 The Secretary.

* * * * *

(c) *Pleadings and submittals.* Pleadings and other submittals or papers shall be filed in the Office of the Secretary of the Commission at Washington, D.C., within such time limits as are prescribed for such filings.

3. Section 1.36, Public Information, is amended by adding a new paragraph before the existing paragraph (a); revising paragraph (b); revising paragraph (c); deleting paragraph (d); revising paragraph (e) and renumbering it as (d) and adding a new paragraph (e). As amended, § 1.36 reads as follows:

§ 1.36 Public information and requests.

Section 3.102 of this chapter describes the methods by which the Commission makes information available to the public. This section prescribes the rules governing public notice of proceedings, publication of decisions, and public records of the Commission.

(a) *Notice of proceedings.* Notice of applications, formal complaints, and petitions other than petitions to intervene, is provided for in §§ 1.17 and 1.37. Notice of applications for certificates of public convenience and necessity under section 7 of the Natural Gas Act is provided for by § 157.9 of this chapter. Notice of hearings and of initiation or pendency of rulemaking proceedings is provided for in § 1.19. Notice of applications under Part I of the act for preliminary permits and licenses is provided for by §§ 4.31 and 4.81 of this chapter. Notice of proposed alterations or surrenders of license under section 6 of the Federal Power Act may be given by filing and publication in the FEDERAL REGISTER as provided in § 1.19(a), and, where deemed desirable by the Commission, by local newspaper advertisement. Notice of rates charged and changes therein is provided for by the filing requirements of Parts 35 and 154 of this chapter. Any other notice required by statute, rule, regulation, or order, or deemed desirable, may be given by filing and publication in the FEDERAL REGISTER as provided in § 1.19(a) or by service as provided in § 1.17(a).

(b) *Notice and publication of decisions, rules, statements of policy, organization, and operations.* Service of intermediate and final decisions upon parties to the proceedings is provided in § 1.30 (a), (b), and (i). Descriptions of the Commission's organization, its methods of operation, statements of policy and interpretations, procedural and substantive rules, and amendments thereto will be filed with and published in the FEDERAL REGISTER. Commission opinions together with accompanying orders, Commission orders, and intermediate decisions will be released to the press and made available to the public promptly. Copies of Commission opinions, orders in the nature of opinions, rulemaking and selected procedural orders, and intermediate decisions which have become final are published in the Federal Power Commission Reports (____FPC____) and may be procured from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402, upon payment of prescribed charges.

(c) *Public records.* The public records of the Commission, available upon specific request for inspection and copying during regular business hours in the public reference room maintained by the Office of Public Information, include: (1) All submittals and filings as follows:

(i) applications, declarations, complaints (both formal and informal), petitions and other papers seeking Commission action;

(ii) financial and statistical and other reports to the Commission (except for the "Curtailments of Main Line Industrial Customers" reports filed as a supplement to Form No. 2), power system statements, statements of claimed cost of licensed projects, original cost and reclassification studies, proposed accounting entries, certificates of notification (under section 204(e) of the Federal Power Act), rates or rate schedules and related data and concurrences, and other filings and submittals to the Commission in compliance with the requirement of any statute, executive order, or Commission rule, regulation, order, license, or permit;

(iii) all answers, replies, responses, objections, protests, motions, stipulations, exceptions, other pleadings, notices, depositions, certificates, proofs of service, transcripts or oral arguments, and briefs in any matter or proceeding;

(iv) all exhibits, attachments and appendices to, amendments and corrections of, supplements to, or transmittals or withdrawals of, any of the foregoing;

(v) any Commission correspondence relating to any of the foregoing.

(2) All other parts of the formal record in any matter or proceeding set for formal or statutory hearing and any Commission correspondence related thereto. "Matter or proceeding" means the Commission's elucidation of the relevant facts and applicable law, consideration thereof, and action thereupon with respect to a particular subject within the Commission's jurisdiction, initiated by a filing or submittal or a Commission notice or order. "Formal record" includes in addition to all the filings and submittals in a matter or proceeding, any notice or Commission order initiating the matter or proceeding, and, if a hearing is held, the following: the designation of the presiding officer, transcript of hearing, all exhibits received in evidence, all exhibits offered but not received in evidence, offers of proof, motions, stipulation, subpenas, proofs of service, reference to the Commission, and determinations made by the Commission thereon, certifications to the Commission, and anything else upon which action of the presiding officer or the Commission may be based; it does not include any unaccepted offer of settlement made by a party in the course of a proceeding and not formally submitted to the Commission.

(3) Any proposed testimony or exhibit filed with the Commission but not yet offered or received in evidence.

(4) All presiding officer actions and all presiding officer correspondence and memoranda to or from others with the exception of internal communications within the Office of Hearing Examiners.

(5) All Commission orders, notices, findings, opinions, determinations, and other actions in any matter or proceeding and all Commission minutes which have been approved.

(6) All Commission correspondence relating to any furnishing of data or information, except to or by another branch, department, or agency of the Government.

(7) Commission correspondence[1] with respect to the furnishing of data, information, comments, or recommendations to or by another branch, department, or agency of the Government where furnished to satisfy a specific requirement of a statute or where made public by that branch, department or agency.

(8) Commission correspondence and reports on legislative matters under consideration by the Bureau of the Budget or Congress but only if and after made public or released for publication by that Bureau or the Committee or Member of Congress involved.

(9) Staff reports on statements of claimed cost by licensees where such reports have been served on the licensee.

(10) Commission correspondence on interpretation of the Uniform System of Accounts and letters on such interpretation signed by the Chief Accountant and sent to others than the Commission, a Commissioner, or any of the staff.

(11) Commission correspondence on the interpretation or applicability of any statute, rule, regulation, order, license, or permit issued or administered by the Commission and letters of opinion on that subject signed by the General Counsel and sent to others than the Commission, a Commissioner, or any of the staff.

(12) Copies of all filings, certifications, pleadings, records, briefs, orders, judgments, decrees, and mandates in court proceedings to which the Commission is a party and all correspondence with the courts or clerks of court.

(13) The Commission's Administrative and Operating Manuals.

(14) All other records of the Commission except for those that are:

(i) Specifically required by Executive order to be kept secret in the interest of the national defense or foreign policy;

(ii) Related solely to the internal personnel rules and practices of an agency;

(iii) Specifically exempted from disclosure by statute;

(iv) Trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(v) Interagency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;

(vi) Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(vii) Investigatory files compiled for law enforcement purposes except to the extent available by law to a party other than an agency; or

(viii) Geological and geophysical information and data, including maps, concerning wells.

(15) The following are examples of information which is not part of the public records of the Commission:

(i) Files and records containing facts or information not permitted to be divulged by section 301 of the Federal Power Act or section 8 of the Natural Gas Act because knowledge thereof was gained during the course of examination of books, records, data, or accounts pursuant to those sections and divulgence thereof has not been ordered by the Commission;

(ii) Files and records classified under Executive Order No. 10501, 3 CFR, 1949-53 Comp., p. 979, for national security purposes;

(iii) The schedule entitled "Curtailments of Main Line Industrial Customers" prescribed as a supplement to FPC Form No. 2 by § 260.1 of this chapter;

(iv) Written communications between or among the Commission, members of the Commission, the Secretary, and expressly designated members of the staff while particularly assigned, in accordance with all applicable legal requirements, to aid the Commission in the drafting of any order and findings, with or without opinion in any matter or proceeding;

(v) Unaccepted offers of settlement in any matter or proceeding unless or until made public by act of the offeror.

(d) *Other records.* Records not made part of the public records by this section may be requested in writing, accompanied by a showing in support thereof, filed with the Secretary and will be made available for public reference upon good cause shown by order of the Commission or the Chairman, where consistent with the public interest and permitted by the Commission's statutory authority.

(e) *Procedure in event of withholding of public records.* In any case where there is a question of interpretation under paragraph (c) of this section, the question shall be resolved informally, if possible, by the Director of the Office of Public Information. If the question cannot be resolved informally, the person seeking such record may request the Secretary, by petition filed pursuant to § 1.7, to make such record available for inspection and copying. The Secretary shall either cause the record to be made available or shall state in writing the basis for his determination that the document requested is not a public record under paragraph (c) of this section. If the Secretary denies the petition, the person seeking the record may appeal such denial to the Commission by petition conforming to the requirements of §§ 1.15 through 1.17.

(f) *Procedure in event of subpoena.* If an officer or employee of the Commission is served with a subpoena duces tecum, material which is not part of the public files and records of the Commission shall be produced only as authorized by the Commission. Service of such a subpoena shall immediately be reported to the Commission with a statement of all relevant facts. The Commission will thereupon enter such order or give such instructions as it deems advisable.

4. The heading of Part 3 is revised to read: Part 3—Organization; Operation; Information and requests; Ethical standards.

[1] As defined in § 1.1(f)(22).

5. The heading of Subpart A is revised to read: Subpart A—Organization; Delegations of Authority.

6. Subpart A is amended by revising § 3.1; revising § 3.4(e) by revising the opening paragraph thereof; revising subparagraphs (7), (9), (10), and (12), and revising paragraphs (a), (b), and (c) of § 3.6. As amended, the affected sections read as follows:

§ 3.1 Purpose.

This subpart describes the central and field organization of the Federal Power Commission, including delegations of final authority and the established places at which, and methods whereby, the public may secure information or make submittals or requests. This subpart also describes the plan of organization and operation which will be observed by this Commission in discharging its lawful duties and responsibilities in the event of an armed attack upon the United States, its territories and possessions, in the event of official notification of the likelihood or imminence of such attack or at a time specified by authority of the President, whichever may first occur.

§ 3.4 Organization.

* * * * *

(e) *The staff.* The Commission is comprised of the following bureaus and offices. The functions of each element, here summarized, are described in greater detail in the FPC Administrative Manual. * * *

(7) The Office of Special Assistants to the Commission, responsible for assisting the Commission in the preparation of opinions, orders, and other legal documents, and for analysing exceptions, preparing summaries of facts and issues, and performing related duties, as assigned. The Office, under the administrative supervision of the Chief of the Office, is directly responsible to the Commission for its operation.

* * * * *

(9) The Office of Administrative Operations, responsible for providing contracting and procurement, travel and transportation, records, dockets, and files, all types of office services, and library services.

(10) The Office of the Comptroller, responsible for development and implementation of program and budget planning and review, administrative accounting, audit and payroll services; organization and management analysis; direction and coordination of the automatic data processing program and computer operations; administration of the FPC staff instruction system; and the Employees' Suggestion Program in conjunction with the Commission's Incentive Awards Program.

* * * * *

(12) Office of Personnel Programs, responsible for the Commission's personnel management, personnel security and other related employee developments, utilization and service programs, such as recruiting, training, incentive awards, safety and health.

§ 3.6 Offices of the Commission; information and submittals.

(a) Headquarters of the Federal Power Commission are in the General Accounting Office Building, 441 G Street NW., Washington, D.C. Information concerning matters for which the Commission is responsible may be obtained in person at that office, or by written request addressed to the Federal Power Commission, Washington, D.C. 20426. Except as provided in paragraph (b) of this section, all formal requests, filings, and submittals should be addressed to the principal office of the Commission, pursuant to § 1.2(c) of this chapter.

(b) Regional offices of the Bureau of Power to which should be submitted all prescribed Power System Statements and Licensed Project Recreation Reports and from which information may be obtained to the extent available, are located as follows: * * *

(c) Public records are available pursuant to § 1.36 of this chapter for public inspection and copying in the Office of Public Information at agency headquarters.

7. The heading and section analysis of Subpart B, currently reserved, is added as follows:

Subpart B—Course and Method of Operation

GENERAL

Sec.
3.100 Introduction.
3.101 Right to conference.
3.102 Public information, requests, and assistance.
3.103 Hearings.
3.104 Complaints; answers.
3.105 Investigative functions.
3.106 Accounting.
3.107 Depreciation.
3.108 Reports to the Commission.
3.109 Publication and sale of reports.

FUNCTIONS UNDER PART I OF THE FEDERAL POWER ACT

3.111 Investigations.
3.112 Declaration of intention.
3.113 Preliminary permits.
3.114 Licenses.
3.115 Annual charges.
3.116 Cost or fair value determinations.
3.117 Headwater benefits.
3.118 Restoration of Government lands.
3.119 Field inspections and revocation of permits and licenses by court action.
3.120 Other matters.

FUNCTIONS UNDER PARTS II AND III OF THE FEDERAL POWER ACT

3.131 Determination of jurisdictional status.
3.132 Interconnection and coordination of facilities.
3.133 Exportation of electric energy.
3.134 Disposition of property, consolidation, purchase of securities.
3.135 Issuance of securities; assumption of liabilities.
3.136 Rate schedules.
3.137 Fixing rates and charges.
3.138 Ascertainment of cost and depreciation.
3.139 Interlocking positions.
3.140 Investigations relating to electric energy, etc.
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Subpart B—Course and Method of Operation

GENERAL

§ 3.100 Introduction.

(a) This subpart describes the general course and method by which the public functions of the Commission are channeled. Section 3.101 et seq., apply generally to all Commission matters; § 3.111 et seq. are concerned with functions relating to matters arising under the Federal Power Act; and § 3.161 et seq. with those under the Natural Gas Act. Functions under other authorizations are treated in § 3.181 et seq.

(b) The rules and regulations of the Commission, published in the FEDERAL REGISTER and in Chapter I of Title 18 of the Code of Federal Regulations, set forth the Commission's formal and informal procedures, prescribed forms, and instructions as to the scope and content of all papers, reports, and examinations. All applications, complaints, declarations, petitions, pleadings, protests, reports, and other documents addressed to the Commission are, unless otherwise specifically provided, received in its offices at Washington, D.C. Such material goes to the appropriate Bureaus or Offices, described in Subpart A of this part, for study and recommendation to the Commission as set out in the subsequent sections of this subpart. Inquiries about the status of such material should be directed to the Office of the Secretary of the Commission or as may be otherwise provided in this subpart. The Commission or the staff may seek information by written inquiry, conference, telephone inquiry, field investigation, or hearing.

§ 3.101 Right to conference.

In any formal or informal proceeding, a party may request a conference for the submission and consideration of facts, arguments, offers of settlement, or proposals of adjustment where time, the nature of the proceeding, and the public interest permit.

§ 3.102 Public information, requests, and assistance.

(a) A detailed description of the functions and responsibilities of the Office of Public Information, which is responsible for carrying out the Commission's public information program is set out in § 3.4(e)(11). The office is located in the Commission's headquarters in Washington, D.C., where there is maintained a specially staffed and equipped public reference room. More limited facilities for public use are provided in the Regional Offices (see § 3.6) where information may be obtained to the extent available.

(b) During the Commission's regular business hours, the public may examine in the Office of Public Information in Washington, D.C., copies of public information filed with the Commission. Photo copies of public material may be obtained through the public reference room. Fees charged for such copies are established by an annual contract between the Commission and a private company which does the work. Current schedules of fees for copying work are available from the Office of Public Information. Inquiries and orders may be made to that office personally, by telephone, or by mail.

(c) The stenographic reporting of the Commission's hearings is performed by a private company pursuant to an annual contract made with the Commission. Interested members of the public may obtain copies of the transcript of public hearings from the contract reporter at prices set by tables of charges in the contract, copies of which are on file in the Commission offices in Washington and are available for public inspection in the Office of Public Information.

(d) The Commission's opinions, decisions, orders, and rulemaking actions are published initially in mimeographed form, distributed in the Office of Public Information and mailed to persons on request. The opinions, decisions, rules and regulations, and selected categories of orders thereafter are printed in: "Preliminary Prints" and bound volumes entitled "Federal Power Commission Reports"; these publications may be obtained from the Superintendent of Documents, Government Printing Office, Washington, D.C.

(e) A "List of Formal Documents" issued by the Commission is published daily and provides a convenient reference to current Commission actions. A current subject-index of major Commission actions since July 1, 1967, is also maintained in the Office of Public Information where it is available for public inspection and copying.

(f) The Commission publishes an annual report to the Congress which sets forth the result of the Commission's operations during the past fiscal year under the various statutes committed to its charge. Copies may be obtained from the Superintendent of Documents, Government Printing Office, Washington, D.C.

(g) The Commission also makes other information related to its functions available to the public through the issuance of reports, maps, statistics and other materials on specific subject matters.

(h) Informal assistance and advice. Informal procedures are designed to aid the public and facilitate the execution of the Commission's functions. Opinions expressed by members of the staff do not constitute an official expression of the Commission's views. They represent, however, the views of persons who are continuously working with the provisions of the statutes and rules which are involved. More specifically, the staff provides advisory assistance to members of the general public and to prospective applicants for the several categories of authorizations (licenses, certificates, etc.) granted by the Commission. Inquiries may be directed to the chief of the appropriate bureau, office or division described in § 3.4(e).

(i) Press releases. The Commission issues press releases under authority of sections 4(d), 307, 311 and 312 of the Federal Power Act and section 14(a) of the Natural Gas Act. Releases are issued on major applications, decisions, opinions, major orders, rulemaking actions, new publications, major personnel changes and other matters of general public interest. Releases are primarily intended to inform the public of actions taken by, and matters pending before, the Commission. The Office of Public Information is responsible for the editorial preparation, including any necessary consultation with members of the Commission or the staff, and issuance of releases.

(j) Press, television, radio and photographic coverage of Commission proceedings. (1) Press tables are provided in each hearing room, located as near as possible to the bench and witness chair. The press may attend all sessions of hearings, subject to the same rules of conduct as all others present; (2) the use of television, movie and still cameras and recording equipment is permitted in hearing rooms prior to the opening of a hearing or argument and during recesses, pursuant to prior arrangements with the Commission or presiding Examiner, as the case may be. All equipment must be removed from the room before the proceedings begin or resume; (3) the use of television, movie, still cameras or recording equipment is not permitted while Commission hearings and oral arguments are in progress; (4) pursuant to prior arrangement with the Director of Public Information, television cameras, press cameras and recording equipment are permitted at FPC press conferences, provided that they are used in such a manner as not to interfere with the orderly conduct of the conference.

§ 3.103 Hearings.

Hearings are not required to be held in all of the Commission's proceedings. Where no hearing is held, the Commission acts on the basis of the material filed and the staff studies and recommendations thereon. (See also § 1.32 of this chapter.) The procedures for the possible use of joint boards and cooperation with State commissions pursuant to section 209 of the Federal Power Act and section 17 of the Natural Gas Act, are set forth in § 1.37 of this chapter. If a hearing is held under the Federal Power Act, section 308 thereof applies; if under the Natural Gas Act, section 15 thereof applies. In either case they are subject to the requirements of § 1.20 of this chapter. In general, the following procedure is followed: The time and place of hearings and the issues involved are stated in Commission orders or notices served on the participants and interested State agencies and published in the FEDERAL REGISTER. A prehearing conference procedure is provided by § 1.18 of this chapter. Provisions are also made in the rules concerning expert witnesses, stipulations, evidence, presiding officers, copies of transcripts, motions, and time requirements. Evidence may be offered and cross-examination conducted by any party to the proceeding and by staff counsel. Testimony and exhibits are given and prepared, and other assistance rendered staff counsel by the technical staff as may be required. Appeals from rulings of presiding officers during the course of proceedings may be made to the Commission in accordance with § 1.28 of this chapter. Briefs and oral arguments before presiding officers, and proposed findings and orders, are subject to § 1.29 of this chapter. The presiding officer's decision, exceptions thereto, briefs and oral arguments before the Commission, decisions by the Commission, and reopening of proceedings are governed by § 1.30 et seq. of this chapter. Whether or not a hearing has been held, an application may be made for rehearing under section 313(a) of the Federal Power Act or section 19(a) of the Natural Gas Act, respectively, and the provisions of § 1.34 of this chapter. Such applications may be filed with respect to any final Commission order.

§ 3.104 Complaints; answers.

Section 306 of the Federal Power Act, section 13 of the Natural Gas Act, and §§ 1.6 and 1.9 of this chapter provide for complaints (and answers) by any person, State commission, State or municipality on account of any act done or omitted to be done by any licensee, public utility, or natural gas company.

§ 3.105 Investigative functions.

Investigations made pursuant to the general authority provided in section 307 (a) of the Federal Power Act and section 14(a) of the Natural Gas Act are conducted by the bureau or office primarily concerned with the subject matter, with the OGC[1] participating on the legal aspects thereof. After notice, hearings may be held.

§ 3.106 Accounting.

The Uniform System of Accounts prescribed by the Commission for public

[1] The following abbreviations are used in this subpart: ENG—Bureau of Natural Gas; OAF—Office of Accounting and Finance; OEC—Office of Economics; OGC—Office of the General Counsel; OPI—Office of Public Information; PWR—Bureau of Power.

utilities, licensees, and natural gas companies pursuant to sections 301 and 6, respectively, of the Federal Power and Natural Gas Acts is contained in Subchapters C and F of this Chapter. Before prescribing any rules or requirements as to accounts, records, or memoranda, the Commission notifies interested State commissions and affords reasonable opportunity for presentation of their views, pursuant to the Acts. Studies and examinations of the accounting practices of the companies are conducted by the OAF, with the participation of the OGC on the legal aspects thereof. After notice, a hearing may be held.

§ 3.107 Depreciation.

(a) Rules, regulations, and forms of account for depreciation are set forth in the Uniform System of Accounts referred to in § 3.106. Studies and recommendations concerning depreciation under the Acts are made by the OAF and OEC, with the participation of the OGC on the legal aspects thereof.

(b) Before prescribing any rules or requirements as to depreciation, the Commission notifies interested State commissions and affords reasonable opportunity for presentation of their views.

§ 3.108 Reports to the Commission.

The reports and forms prescribed by the Commission pursuant to the Federal Power Act are listed in § 3.142; those prescribed under the Natural Gas Act are listed in § 3.169. Rules prescribing public use forms are submitted to the Bureau of the Budget for clearance as required by the Federal Reports Act of 1942, as amended.

§ 3.109 Publication and sale of reports.

Pursuant to section 312 and other sections of the Federal Power Act and section 14 of the Natural Gas Act, the Commission publishes reports, decisions, and other material on the electric power and natural gas industries. These publications are available over the counter from the Office of Public Information and by mail or over the counter from the Superintendent of Documents, GPO, Washington, D.C. 20402.

FUNCTIONS UNDER PART I OF THE FEDERAL POWER ACT

§ 3.111 Investigations.

(a) *Water power resources.* Investigations under section 4(a) of the act concerning water power resources and their utilization, are initiated by the Commission upon its own motion, request of another governmental agency or complaint. The staff work is performed by the PWR, with participation of the OGC on the legal aspects thereof. Such investigations may be conducted in cooperation with other governmental agencies. After notice, a hearing may be held.

(b) *Jurisdiction.* Investigations pursuant to section 4(g) of the act to determine Federal jurisdiction over water power projects which may require authorization under the act, are initiated by the Commission upon its own motion, request of another Federal agency, or complaint. The staff work is performed by the PWR with the participation of the OGC on the legal aspects thereof. Whenever it appears from such investigation that a license is required, the owner of the project may be so informed by the Secretary. If an application for license is not filed an order to show cause therefor may be issued and a hearing held.

§ 3.112 Declaration of intention.

Notice of declarations of intention to construct a dam or other project works, pursuant to section 23(b) of the Act, is given to interested public officials and state agencies. The declarations are referred to the PWR and to the OGC for studies to determine whether the interests of interstate or foreign commerce would be affected by the proposed construction. After notice, a hearing may be held.

§ 3.113 Preliminary permits.

Applications for preliminary permits to maintain priority of applications for license, under section 4(f) of the act are referred to the PWR and the OGC for studies and recommendations. Notice of an application filed by any person, association, or corporation is published in the FEDERAL REGISTER and in local newspapers in the vicinity of the proposed project and is given to States and municipalities likely to be affected, pursuant to section 4(f) of the act. After notice, a hearing may be held.

§ 3.114 Licenses.

(a) Formal procedures relating to the following applications are set out in Parts 4, 5, 6, 16, and 131 of this chapter.

(b) Applications under the Federal Power Act for license for proposed major projects; for constructed major projects; for amendment of licenses for major projects and for renewal of licenses for major projects are processed in the manner stated in § 3.113, except that those for alteration or surrender of licenses pursuant to section 6 of the act may be acted on by the Commission after thirty (30) days' public notice published in the FEDERAL REGISTER and, if deemed necessary, in local newspapers.

(c) Except for the notice requirements, applications for licenses for minor projects; for transmission lines only; for extension of time for commencing or completing construction of a project; for amendment of licenses for minor projects or primary transmission lines only; for approval of transfer of license or lease of project property; for renewal of licenses for minor projects or primary transmission lines only under license which expires on a specified date; for approval of plans and exhibits; for surrender of licenses for minor projects or primary transmission lines only; for annual licenses; and applications concerning a minor part only of a complete project except for primary transmission lines only (regulations for similar applications for major projects are applicable) are similarly processed. In certain cases Special Use Permits may be issued by the Forest Service covering projects of less than 2,000 horsepower.

§ 3.115 Annual charges.

Petitions for adjustment of annual charges are referred to the Bureau of Power for study and recommendation. Petitions by State or municipal licensees for exemption pursuant to section 10(e) of the act (§§ 11.24 and 131.70 of this chapter) from payment of such charges are similarly referred to the PWR. Petitions of both types are referred to the OGC for legal study and recommendation. After notice, a hearing may be held.

§ 3.116 Cost or fair value determinations.

The licensee initiates proceedings for the determination of actual legitimate original cost or fair value of a licensed project by the filing of an initial statement of cost or value (Form No. 6) pursuant to the requirements of the license and the Commission's regulations. Such statement is referred to the OAF for audit and report, with participation by the OGC on the legal aspects thereof and, when appropriate, with participation by OEC and PWR. Such report is served on interested state and federal agencies. Protest thereto may be filed by the licensee. If a protest is filed, a hearing is held after notice. In the absence of protest, the Commission makes the determination upon the basis of the staff report and recommendations. The licensee is required to file thereafter a statement on Form No. 7 (§ 141.12 of this chapter) showing its compliance with the Commission determination.

§ 3.117 Headwater benefits.

Commission action for the determination of headwater benefits under section 10(f) of the act may be initiated by the Commission, or by petition of an affected party, therefor, pursuant to the Commission's regulations. Answers may be submitted. The matter is referred to the PWR and the OGC for studies and recommendations. After notice, a hearing may be held.

§ 3.118 Restoration of Government lands.

Applications for restoration of Government lands withdrawn for power purposes under section 24 of the act are referred to the PWR and to the OGC for studies and recommendations. After notice, a hearing may be held. The Commission notifies the Secretary of the Interior of the determination made in accordance with section 24 of the act.

§ 3.119 Field inspections and revocation of permits and licenses by court action.

Compliance with the terms of licenses and with the approved plans in construction, operation, and maintenance of licensed projects, and with the terms of preliminary permits, is enforced by periodic inspections by the PWR, principally through the Regional Offices, or through designated Federal agencies. Apparent violations of such terms or

plans, or of provisions of the act and regulations of the Commission, are reported to the Commission either by the staff or other agency or by complaint. Reports and recommendations thereon by the PWR and the OGC are submitted to the Commission and attempts made through correspondence or field investigation to secure compliance by the permittees or licensees. If satisfactory adjustments are not made, orders to show cause are issued and served upon the permittees or licensees and interested State agencies and published in the FEDERAL REGISTER. After notice, hearings may be held and the matter referred to the Attorney General for institution of court proceedings pursuant to sections 13 and 26 of the act.

§ 3.120 Other matters.

Information concerning any function, form, or procedure of the Commission under Part I of the act, not described in §§ 3.111 to 3.119 inclusive, may be secured by written request to the Secretary.

FUNCTIONS UNDER PARTS II AND III OF THE FEDERAL POWER ACT

§ 3.131 Determination of jurisdictional status.

In the course of the administration and enforcement of the requirements of Parts II and III of the act, persons owning or operating electric power facilities may initially be classified as to jurisdictional status under the terms of section 201 of the act. These classifications, which are tentative and not binding on the persons or the Commission, are made on the basis of data reported to the Commission by such persons, supplemented when necessary by staff investigation of the facilities and their operations. The technical phases of such work are performed by the Bureau of Power. In all instances, the OGC participates in the legal aspects of the work. If any person involved disagrees with the classification and refuses to comply with the requirements of the act in accordance therewith, a formal proceeding may be initiated to resolve the questions presented. The proceeding is initiated by Commission order served upon such person and interested State agencies and published in the FEDERAL REGISTER. After notice, a hearing is held.

§ 3.132 Interconnection and coordination of facilities.

(a) To enhance the reliability of bulk power supply, to strengthen existing mechanisms and to establish new ones for coordination in the electric power industry, and to encourage comprehensive development of power resources of each area and region of the United States, national and regional investigations and power surveys are conducted pursuant to section 202(a) and reports thereon published and supplied to interested parties. These functions are performed by the PWR in cooperation with all segments of the electric power industry.

(b) Applications for orders directing the establishment of physical connection of transmission facilities or sale or exchange of electric energy pursuant to section 202(b) of the act are referred to the PWR and the OGC for studies and recommendations. Notice is given to each State commission and public utility affected and published in the FEDERAL REGISTER. After notice, a hearing may be held.

(c) The authority of the Commission under section 202(c) of the act to require emergency connections of facilities and generation, delivery, interchange, or transmission of electric energy may be exercised upon its own motion or upon complaint, with or without notice, hearing or report. Staff studies and recommendations are made by the PWR and the OGC. If the parties fail to agree upon the terms or any arrangements between them in carrying out a Commission order in such a proceeding, either party may file an application or the Commission may by order served upon the parties and interested State agencies and published in the FEDERAL REGISTER, initiate a proceeding to prescribe terms pursuant to the last sentence of section 202(c) of the act. A hearing is held after notice.

(d) Applications for approval of permanent connections of facilities for emergency use only, under the last provision of section 202(d) of the act, are referred to the PWR and the OGC for studies and recommendations. A hearing may be held after notice.

§ 3.133 Exportation of electric energy.

(a) Applications for authorization to transmit electric energy from the United States to a foreign country pursuant to section 202(e) of the act and for Presidential Permits under Executive Order 10485 (3 CFR, 1949–53 Comp., p. 970), are studied, and recommendations are made by the PWR and the OGC. After notice, a hearing may be held. Such authorizations are issued simultaneously with the requisite Presidential Permits.

(b) Proceedings for supplemental orders under the last provision of section 202(e) of the act may be initiated by application or by Commission order served on the parties and interested state agencies and published in the FEDERAL REGISTER. Staff studies and recommendations are made by the PWR and the OGC. After notice, a hearing may be held.

§ 3.134 Disposition of property, consolidation, purchase of securities.

(a) Written notice of applications for approval of disposition of property, consolidation of facilities, or purchase by public utilities of securities of another public utility pursuant to section 203 of the act is given to the Governor and state commission of each state affected and published in the FEDERAL REGISTER. The applications are referred to the OAF, PWR, and the OGC for studies and recommendations. After notice, a hearing may be held.

(b) Proceedings for supplemental orders under the last provision of section 203(b) of the act may be initiated by application or by Commission order served on the parties and interested State agencies and published in the FEDERAL REGISTER. Staff studies and recommendations are made by the OAF, the PWR, and the OGC. After notice, a hearing may be held.

§ 3.135 Issuance of securities; assumption of liabilities.

(a) Written notice of applications for authorizations to issue securities or to assume liabilities, pursuant to section 204 of the act is given to the Governor and the State commission of each State affected and published in the FEDERAL REGISTER. Such applications are referred to the OAF, the PWR, and the OGC for studies and recommendations. After notice, a hearing may be held.

(b) Proceedings for supplemental orders under section 204(b) of the act may be initiated by application or by Commission order served on the parties and interested State agencies and published in the FEDERAL REGISTER. Staff studies and recommendations are made by the OAF, PWR, and the OGC. After notice, a hearing may be held.

§ 3.136 Rate schedules.

Rate schedules and changes therein filed under section 205 of the act, and any accompanying requests for waiver of the 30- to 90-day prior notice provision are referred to the PWR for study and recommendation, with the participation of the OGC on the legal aspects thereof. Any complaint under section 205(e) of the act and any answer thereto, are similarly referred. Upon such complaint or upon its own motion the Commission may suspend the operation of rate schedules proposing changes in existing schedules, after notice and a statement of reasons therefor. Staff studies and recommendations are made by the PWR and the OGC. After notice, a hearing may be held pursuant to sections 205(e) and 308 of the Act.

§ 3.137 Fixing rates and charges.

Proceedings to determine just and reasonable rates, charges, etc., under section 206(a) of the act are initiated by complaint or by Commission order served on the parties and interested State agencies and published in the FEDERAL REGISTER. Staff studies and recommendations in such proceedings are made by the OAF, OEC, PWR, and OGC. After notice, a hearing is held.

§ 3.138 Ascertainment of cost and depreciation.

Investigations to ascertain the actual legitimate cost of public utility properties and depreciation therein pursuant to section 208(a) of the act, are made by the OAF, with the participation of the OGC on the legal aspects thereof. Such investigations are usually made in connection with rate proceedings under sections 205 and 206, or accounting proceedings under section 301 of the act, and frequently involve field studies of utility records and properties. After notice, a hearing may be held.

§ 3.139 Interlocking positions.

The requirements for applications for authority to hold interlocking positions pursuant to section 305(b) of the act, are stated in Part 45 of this chapter. Such applications are referred to the OAP and the OGC for studies and recommendations. After notice, a hearing may be held. Authorizations under this section of the act are subject to revocation after notice and opportunity for hearing.

§ 3.140 Investigations relating to electric energy, etc.

Investigations for the purpose of recommending legislation relating to electric energy and other matters referred to in section 311 of the act are conducted in the manner described in § 3.105. Unlike the investigations there described, however, the Commission in conducting an investigation pursuant to section 311 of the act may require the submission of information by persons and entities not otherwise subject to its regulatory jurisdiction. The results of such investigations may be published by the Commission pursuant to section 312 of the act. Lists of titles and prices of such publications may be secured from the Office of Public Information.

§ 3.141 Forfeitures.

On the basis of staff studies and recommendations, proceedings to fix the amount of forfeitures under section 315 (a) of the act are initiated by Commission order served on the parties and interested state agencies and published in the FEDERAL REGISTER. A hearing may be held.

§ 3.142 Approved forms, etc.

(a) The following is a list of approved forms, statements, and reports under the Federal Power Act, descriptions of which have been published in the indicated sections of Parts 131 and 141 of this chapter.

(1) Certificate of service (§ 131.1 of this chapter).

(2) Application for license for major project or minor part thereof (§ 131.2 of this chapter).

(3) Certificate of organization (§ 131.3 of this chapter).

(4) Certificate of exhibits (§ 131.4 of this chapter).

(5) Application for license for primary transmission lines only (§ 131.5 of this chapter).

(6) Application for license for minor project having installed capacity of 2,000 horsepower or less (§ 131.6 of this chapter).

(7) Application for preliminary permit (§ 131.10 of this chapter).

(8) Application for approval of transfer of license (§ 131.20 of this chapter).

(9) Application for amendment of license (§ 131.30 of this chapter).

(10) Balance sheet (§ 131.40 of this chapter).

(11) Classifications of utility plant and reserves applicable to utility plant (§ 131.41 of this chapter).

(12) Comparative income statement (§ 131.42 of this chapter).

(13) Report of securities issued (§ 131.43 of this chapter).

(14) Certificate of notification (§ 131.-50 of this chapter).

(15) Notice of succession of ownership or operation (§ 131.51 of this chapter).

(16) Certificate of concurrence (§ 131.-53 of this chapter).

(17) Notice of cancellation (§ 131.53 of this chapter).

(18) Verification of application (§ 131.-60 of this chapter).

(19) Form of application by state and municipal licensees for exemption from payment of annual charges (§ 131.70 of this chapter).

(20) Form No. 1, annual report public utilities and licensees, Classes A and B (§ 141.1 of this chapter).

(21) Form No. 1–F, annual report for public utilities and licensees, Classes C and D (privately-owned) (§ 141.2 of this chapter).

(22) Form No. 1–M, annual report for municipal electric utilities having annual electric operating revenues of $250,000 or more (§ 141.7 of this chapter).

(23) Form No. 6, initial cost statement for licensed projects (§ 141.11 of this chapter).

(24) Form No. 7, statement of actual legitimate original cost of construction (§ 141.12 of this chapter).

(25) Form No. 9, annual report form for licensees of privately owned major projects (utility and industrial) (§ 141.-13 of this chapter).

(26) Form No. 80, report of recreation facilities (§§ 8.11 and 141.14 of this chapter).

(27) Form No. 3, typical net monthly bills (§ 141.21 of this chapter).

(28) Form No. 4, monthly report of generation of electric energy consumption and stocks of fuel (multiple plant utilities) (§ 141.22 of this chapter).

(29) Form No. 4–A, monthly report of generation of electric energy consumption and stocks of fuel (multiple plant utilities) (§ 141.23 of this chapter).

(30) Form No. 4–B, monthly report of industrial generation of electric energy (§ 141.25 of this chapter).

(31) Form No. 5, monthly statement of electric operation revenue and income (§ 141.24 of this chapter).

(32) Form No. 13, summary for national electric rate book (§ 141.26 of this chapter).

(33) Form No. 12, power system statements for Class I and II systems, and for Class IV and V systems where requested (§ 141.51 of this chapter).

(34) Form No. 12–A, power system statement for Class III, IV and V systems (§ 141.52 of this chapter).

(35) Form No. 12–B, industrial electric generating capacity (detailed information) (§ 141.53 of this chapter).

(36) Form No. 12–C, industrial electric generating capacity (limited information) (§ 141.54 of this chapter).

(37) Form No. 12–D, power system statement for Class III systems having annual energy requirements of less than 5 million KWH, and Class IV and V systems when requested (§ 141.55 of this chapter).

(38) Form No. 12–E, monthly load statement (§ 141.56 of this chapter).

(39) Form No. 12–F, power line and generating plant data (§ 141.57 of this chapter).

(40) General requirements for annual reports to stockholders and others (§ 141.100 of this chapter).

(41) Report on bulk electric power supply interruptions (§ 141.58 of this chapter).

(b) The approved forms listed in paragraph (a) (1) to (19), inclusive, and paragraph (a) (41) of this section, are published in the cited regulations, copies of which may be obtained from the Secretary or the OPI upon request. Copies of statements and reports listed in paragraph (a) (20) to (39), inclusive, of this section, may be obtained from the OPI of the Commission.

§ 3.143 Other matters.

Information concerning any function, form, or procedure of the Commission under Parts II and III of the act, not described in §§ 3.131 to 3.142, inclusive, may be secured upon written request to the Secretary.

FUNCTIONS UNDER THE NATURAL GAS ACT

§ 3.161 Determination of jurisdictional status.

In the course of the administration and enforcement of the requirements of the Natural Gas Act, persons engaged in the transportation or sale of natural gas may initially be classified as to jurisdictional status under the terms of section 1 of the act. These classifications, which are tentative and not binding on the persons or the Commission, are made on the basis of available information, including data reported to the Commission by such persons, supplemented when necessary by staff investigation. The technical phases of such work are performed by the BNG and the legal phases by the OGC. If any person involved disagrees with the classification and refuses to comply with the requirements of the act in accordance therewith, a formal proceeding may be initiated to resolve the questions presented. The proceeding is initiated by Commission order served upon such person and interested State agencies, and published in the FEDERAL REGISTER. After notice, a hearing is held. The requirements for applications for exemptions pursuant to section 1(c) of the act (the Hinshaw Amendment) are set out in Part 152 of this chapter.

§ 3.162 Export or import of natural gas.

Applications for authorization to export or import natural gas from or to the United States, pursuant to section 3 of the act, for Presidential Permits under Executive Order 10485, described in § 3.191, and for certificates of public convenience and necessity pursuant to section 7 necessary in connection therewith, described in § 3.168 are studied and recommendations are made by the BNG, the OAP and the OGC. Notice is given to each State commission and gas company affected and published in the FEDERAL REGISTER. A hearing may be held. See also Part 159 of this chapter with respect to certain filing fees. Such authorizations are issued simultaneously with the requisite Presidential Permits.

§ 3.163 Rate schedules.

Rate schedules, and tariffs and changes therein filed under section 4 of the act and any accompanying requests for waiver of the 30- to 90-day prior notice provision, are referred to the BNG and OAP for study and recommendation, with the participation of the OGC on the legal aspects thereof. Any complaints under section 4(e) of the act and any answers thereto, are similarly referred. Upon such complaint or upon its own motion, the Commission may suspend the operations of rate schedules or tariff provisions proposing changes, after notice and a statement of reasons therefor. Staff studies and recommendations are made by the BNG, OEC, OAP, and OGC. After notice, a hearing may be held pursuant to sections 4(e) and 15 of the act.

§ 3.164 Fixing rates and charges.

Proceedings to determine just and reasonable rates, charges, etc., under section 5(a) of the act may be initiated by Commission order upon its own motion or upon complaint served on the parties and interested State agencies and published in the FEDERAL REGISTER. Staff studies and recommendations in such proceedings are made by the BNG, OEC, OAP, and OGC. After notice, a hearing may be held.

§ 3.165 Ascertainment of cost and depreciation.

Investigations to ascertain the actual legitimate cost of the properties of natural gas companies and depreciation therein, pursuant to section 6(a) of the act, are made by the OAP, with the participation of the OGC on the legal aspects thereof. Such investigations are usually made in connection with rate proceedings under sections 4 and 5, or accounting proceedings under section 8, of the act and frequently involve field studies of records and investigation of the properties of natural gas companies. After notice, a hearing may be held.

§ 3.166 Extension of facilities.

Action to require the extension or improvement of transportation facilities, the establishment of physical connection between facilities, and the sale of natural gas under section 7(a) of the act, may be initiated by application or by the Commission upon its own motion. An application seeking a Commission order directing such attachment and sale may be filed in accordance with the provisions of Part 156 of this chapter. Notice is given to each company affected and interested State agencies, and published in the FEDERAL REGISTER. Staff studies and recommendations are made by the BNG, OAP, OEC, and OGC. After notice, a hearing may be held. See Part 159 of this chapter relative to certain filing fees.

§ 3.167 Abandonment.

Applications for approval of abandonment of facilities or service pursuant to section 7(b) of the act are referred to the BNG, OAP and OGC for studies and recommendations. Notices thereof are served upon the parties and interested State agencies and published in the FEDERAL REGISTER. After notice, a hearing is held.

§ 3.168 Certificates.

Applications for certificates of public convenience and necessity authorizing the construction, extension, acquisition, or operation of facilities or the sale of natural gas under sections 7(c) and 7(e) of the act are referred to the BNG, OAP and OGC for studies and recommendations, with the participation of OEC. After notice, a hearing is held. Part 157 of this chapter applies. Notice of the application is given to the parties and interested State agencies, and published in the FEDERAL REGISTER. See Part 159 of this chapter relative to filing fees.

§ 3.169 State compacts.

The information required under section 11 of the act concerning matters covered in any proposed State compact on natural gas is assembled and maintained by the BNG. Inquiries concerning such information may be made to the Secretary.

§ 3.170 Approved forms, etc.

(a) The following is a list of approved forms, statements, and reports under the Natural Gas Act, descriptions of which have been published in Subchapter G, Parts 250 and 260 of this chapter.

(1) Certificate of service (§ 250.1 of this chapter).

(2) Form of proposed cancellation of tariff or part thereof (§ 250.2 of this chapter).

(3) Form of proposed cancellation or termination of contract or part thereof (§ 250.3 of this chapter).

(4) Form of certificate of adoption (§ 250.4 of this chapter).

(5) Form of contract summary to be filed by all applicants for certificates of public convenience, including successors in interest (§ 250.5 of this chapter).

(6) Form of application to be filed by distributor under section 7(a) seeking gas service of not more than 2,000 Mcf per day (3d year of operation) for a single community (§ 250.6 of this chapter).

(7) Form of contract summary for abandonment applications (§ 250.7 of this chapter).

(8) Summary to accompany rate schedule filed by an assignee as successor in interest (§ 250.8 of this chapter).

(9) Form of notice of proposed cancellation or termination of independent producer rate schedule or part thereof, where no new schedule is to be filed in its place (§ 250.9 of this chapter).

(10) Application for small producer certificate of public convenience and necessity (§ 250.10 of this chapter).

(11) Annual statement for independent producers holding small producer certificates (§ 250.11 of this chapter).

(12) Form No. 2, annual report for natural gas companies (Class A and Class B) (§ 260.1 of this chapter).

(13) Form No. 2–A, annual report for natural gas companies (Class C and Class D) (§ 260.2 of this chapter).

(14) Form No. 11, natural gas pipeline company monthly statement (§ 260.3 of this chapter).

(15) Form No. 301–A, statement of sales and revenues of independent producers (§ 260.5 of this chapter).

(16) Form No. 301–B, statement of sales and revenues of independent producers (§ 260.6 of this chapter).

(17) Form No. 15 and 15–A, annual report of gas supply and deliverability for certain natural gas companies (§§ 260.7, 260.7a of this chapter).

(18) System flow diagrams (§ 260.8 of this chapter).

(19) General requirements for annual reports to stockholders and others (§ 260.100 of this chapter).

(b) The approved forms listed in paragraph (a) (1) to (11), inclusive, and 18, of this section, are published in the regulations, copies of which regulations may be obtained from the Secretary or OPI upon written request. Copies of statements and reports listed in paragraph (a) (12) to (19), inclusive, of this section, may be obtained from the OPI of the Commission.

§ 3.171 Other matters.

Information concerning any function, form, or procedure of the Commission under the Natural Gas Act, not described in §§ 3.161 to 3.170, inclusive, may be secured upon written request to the Secretary.

FUNCTIONS UNDER OTHER AUTHORIZATIONS

§ 3.181 Executive Order 10485.

(a) Applications for construction, operation, maintenance, or connection of facilities for the transmission of electric energy between the United States and foreign countries, under Executive Order 10485 (3 CFR 1949–53 Comp., p. 970), are referred to the PWR and to the OGC for studies and recommendations. The Commission thereafter acts upon the basis of the application, staff studies, recommendations of the Secretaries of State, Defense, and Treasury and other pertinent data. If granted, the permit is signed by the Chairman.

(b) Applications for construction, operation, maintenance, or connection of facilities for the exportation and importation of natural gas from or into the United States are referred to the BNG and to the OGC for studies and recommendations. Thereafter they are processed in the manner described in paragraph (a) of this section, for applications for the exportation of electric energy.

§ 3.182 Flood Control and River and Harbor Acts.

Beginning with the Flood Control Act of 1938 (33 U.S.C. 701j) and the Flood Control and River and Harbor Acts of subsequent years, the Commission studies plans for proposed water resources

projects to be constructed by the Department of the Army, the Department of the Interior, or other Federal agencies, and makes recommendations concerning the installation of penstocks and similar facilities for the development of hydroelectric power.

§ 3.183 Federal multipurpose projects.

The Bonneville Project Act (16 U.S.C. 832), Fort Peck Act (52 Stat. 403), the Flood Control Act of 1944 (16 U.S.C. 825s), provide that the Commission review and, if satisfactory, confirm and approve rates proposed for the sale of electric energy generated at the projects constructed pursuant to these and other acts. It also allocates the costs of certain of these projects and participates in the allocation of the costs of others.

§ 3.184 Water Resources Planning Act.

The Commission participates, through its Chairman, as a permanent member of the Water Resources Council, in the administration of the Water Resources Planning Act (42 U.S.C. 1962), including the review of comprehensive river basin plans for water and related land resources development.

§ 3.185 Outer Continental Shelf Lands Act.

Section 5 of this Act (43 U.S.C. 1334) provides for the grant of rights-of-way across submerged lands for pipelines for the transportation of natural gas, oil, sulphur or other mineral. Such grants are upon condition that the gas pipelines shall transport gas produced in the vicinity of the line in such proportionate amounts as the Federal Power Commission shall determine after full hearing.

§ 3.186 Information relative to miscellaneous functions.

Pertinent excerpts from the statutes referred to in §§ 3.181 through 3.185 are set out in the appendices to the pamphlet editions of the Federal Power Act and the Natural Gas Act, copies of which may be obtained from the Office of Public Information. Additional information with respect to these functions may be obtained from the Secretary.

(B) These amendments to the Commission's rules shall be effective upon the issuance of this order.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-7868; Filed, July 7, 1967; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter II—Bureau of Narcotics, Department of the Treasury

[T.D. 80]

PART 308—PUBLIC ACCESS TO INFORMATION

Chapter II of Title 21 of the Code of Federal Regulations is hereby amended by adding a new Part 308 to read as follows:

Sec.
308.1 Purpose of regulations.
308.2 Definitions.
308.3 Records made available.
308.4 Records exempt from disclosure.
308.5 Fees for service.
308.6 Appeal.
308.7 Records not to be otherwise withdrawn or disclosed.
308.8 Testimony or the production of records in a court or other proceeding.
308.9 Regulations not applicable to official requests.

AUTHORITY: The provisions in this Part 308 are issued under 5 U.S.C. 301 and 5 U.S.C. 552.

§ 308.1 Purpose of regulations.

These regulations are issued to implement the public information provisions of Public Law 89-487, codified by Public Law 90-23 as 5 U.S.C. 552. The publication requirements of 5 U.S.C. 552(a)(1) are met through the publication in the FEDERAL REGISTER of statements of the Bureau's organization, functions, and procedures available, and revisions thereof, and through the continuing publication therein of substantive and procedural regulations of the Bureau. A current synopsis of the statements of the Bureau's organization, functions and procedures available will be published annually by the Office of the Federal Register in the U.S. Government Organizational Manual.

§ 308.2 Definitions.

As used in this part the following definitions shall apply:

(a) An "opinion" is a statement of reasons accompanying an "order".

(b) An "order" is a final disposition having precedential significance of an adjudicative proceeding.

(c) "Statements of policy and interpretations" are statements and interpretations of limited rather than general applicability adopted by the Bureau of Narcotics upon which the Bureau may rely as governing policy or precedents. They do not include advisory interpretations on a specific set of facts addressed to a particular person which are not relied on, used or cited as precedent in the disposition of other cases.

(d) "Administrative staff manuals and instructions to staff" are internal instructions that affect a member of the public, but they do not include instructions which set forth criteria or guidelines for the staff in auditing, or inspection procedures, or in the selection or handling of cases, such as operational tactics, allowable tolerances or criteria for defense, prosecution, or settlement of cases.

(e) The term "records" includes all books, papers, maps, photographs, or other documentary materials, regardless of physical form or characteristics, made or received by the Bureau of Narcotics in pursuance of Federal law or in connection with the transaction of public business, and preserved or appropriate for preservation by the Bureau as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government or because of informational value of data contained therein. Extra copies of documents preserved only for convenience of reference are not records. The term "records" refers only to records in being and in the possession or under the control of a Bureau office covered by these regulations. It does not include the compiling or procuring of a record not already in existence. Nor does it include objects or articles such as structures, vehicles, equipment, etc.

(f) The term "identifiable" means a reasonably specific description of the particular record sought which will enable a Bureau employee to locate the requested record. The burden of identification rests with the person seeking the record.

(g) The term "available" means provided for inspection, copying, and purchase of copies.

§ 308.3 Records made available.

(a) *Records covered.* Within the meaning of the foregoing definitions, the following records of the Bureau of Narcotics covered by these regulations, unless determined to be exempt from disclosure under the provisions of 5 U.S.C. 552 and these regulations, will be made available, upon request, in accordance with the procedures provided in these regulations: (1) Opinions and orders, (2) statements of policy and interpretations, (3) administrative staff manuals and instructions to staff, and (4) identifiable records.

(b) *Determination of availability.* The determination of which records are available under this section will be made by the Commissioner of Narcotics, or his delegate, subject to the appeal provided in § 308.6. If a record is of concern to another agency whose interest in the record is paramount, the request shall be referred to that other agency for determination, and the person requesting the record shall be advised of the referral.

(c) *Means of access.* (1) The matters covered by paragraph (a) (1), (2), and (3) of this section, which are issued, adopted, or promulgated on or after July 4, 1967, will be made available during office hours in the public reading room of the Bureau of Narcotics, 633 Indiana Avenue NW., Washington, D.C. 20226, or in such other reading room as the Commissioner of Narcotics, or his delegate, may designate. To the extent feasible, such matters issued, adopted, or promulgated prior to July 4, 1967, are also shelved and indexed and are available in the designated public reading room. If not so shelved and indexed, they may be requested as identifiable records and shall be subject to the same fees as for identifiable records.

(2) Identifiable records covered by paragraph (a)(4) of this section will be made available upon request in writing to the Deputy Commissioner of Narcotics or to any district supervisor of any of the Bureau's district offices in the United States. A person appearing in the public reading room to request an identifiable record may complete a written request, which will be delivered to the Deputy Commissioner of Narcotics, or his delegate. Time will be required to obtain a record not at hand. The person requesting a record will be informed as promptly as possible of the time required to obtain it and the approximate cost of making the record available. The person requesting the record will be required to make arrangements for payment of the estimated cost prior to the search for the record.

(3) Since reading rooms are not provided at the field service level, requests at that level for matters covered under paragraph (a) (1), (2), (3), and (4) of this section, must be made in writing to the district supervisor of the appropriate district office of the Bureau of Narcotics. To the extent possible, the supervisor will provide the material and a reading area. If the district supervisor does not have the material or is otherwise unable to comply with the request, the request will be transmitted to Bureau headquarters, the material or copies thereof will be sent to the district office, and will be made available in a reading area provided by the district supervisor.

(d) *Provision of copies.* Copies of records made available in the public reading room under paragraph (c) of this section will be made through photocopy on payment of the fees therefor set forth in § 308.5. Copies made available by mail in response to written request therefor, or to a requester appearing personally, will be subject to the same charge.

(e) *Deletion of identifying details.* Before any records are made available under paragraph (a) (1), (2), and (3) of this section any identifying details the disclosure of which would be a clearly unwarranted invasion of personal privacy will be deleted by the appropriate official and justification therefor will be made in writing.

(f) *Deletion of matters exempt.* To the extent that the Commissioner of Narcotics, or his delegate, may find it feasible and consistent with the purposes of 5 U.S.C. 552, records that would be made available under paragraph (a) (1), (2), (3), or (4) of this section, if not for the application of § 308.4, nevertheless may be made available after deletion of those matters outlined in § 308.4 that the Commissioner of Narcotics, or his delegate, determines need be held exempt.

(g) *Indexes.* Indexes will be periodically prepared and made available in the public reading room with respect to the records having precedential significance to be made available under paragraph (a) (1), (2), and (3) of this section, relating to matters which are issued, adopted or promulgated on or after July 4, 1967.

§ 308.4 Records exempt from disclosure.

(a) As determined by the Commissioner of Narcotics, or his delegate, subject to the appeal provided in § 308.6, the following classes of records covered by these regulations are exempt from disclosure:

(1) Matters that are specifically required by Executive order to be kept secret in the interest of the national defense or foreign policy, including specifically Executive Order 10501, as amended;

(2) Matters related solely to the internal personnel rules and practices of the Bureau of Narcotics, including instructions, manuals and other records, or parts thereof, which set forth operating rules, guidelines, procedures, or other criteria for Bureau employees in audits, examinations, inspections, investigations, and negotiations, or in the selection or handling of cases, such as operational tactics, allowable tolerances or criteria for defense, prosecution, or settlement of cases;

(3) Matters specifically exempted from disclosure by statute; see, for example, 18 U.S.C. 1905 and 26 U.S.C. 7237(e);

(4) Trade secrets and commercial or financial information obtained from a person and privileged or confidential. This exemption restricts the disclosure of records which would not customarily be made public by the person from whom it was obtained by the Bureau. It includes, but is not limited to, business sales statistics, inventories, customer lists, scientific or manufacturing processes or developments; information customarily subject to protection as privileged in a court or other proceeding, such as information protected by the doctor-patient, lawyer-client, or lender-borrower privilege; information submitted by any person to the Bureau in confidence or where the Bureau has obligated itself not to disclose information it received; formulae, designs, drawings, research data, and other records developed by or for the Government which are significant as items of valuable property;

(5) Interagency or intra-agency memorandums or letters which would not be available by law to a private party in litigation with the Bureau of Narcotics or the Treasury Department, such as, internal drafts, memoranda between officials or agencies, opinions, and interpretations prepared by Government employees for the use of the Bureau and records of the deliberations of the Bureau or staff groups, which would not routinely be disclosed to a private party through the discovery process in litigation with the Bureau or the Department. This exemption is also designed to protect from premature disclosure Government plans, such as those undergoing development and those final plans which cannot be made available in advance of their effectuation without harm to the authorized and appropriate purpose for which they are being used;

(6) Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. In addition to exempting all personnel and medical files, this exemption protects all private or personal information contained in other files, which, if disclosed to the public, would amount to a clearly unwarranted invasion of the privacy of any person, including a Government employee;

(7) Investigatory files compiled for law enforcement purposes except to the extent available by law to a party other than an agency. This exemption protects from disclosure, except to litigants in accordance with law, investigatory files compiled to enforce all kinds of laws and is not limited to files compiled to enforce criminal statutes. This exemption shall not prevent a Bureau employee from furnishing information, either oral or written, to a bank or other lending institution seeking to comply with the policy of the Treasury Department in 31 CFR 15.1 with respect to the remission or mitigation or forfeiture of a vehicle, vessel, or aircraft.

(b) A record which may be classified as exempt pursuant to paragraph (a) of this section nevertheless may be made available, in whole or in part, if it is determined in a particular case that there is no need to rely on the exemption.

§ 308.5 Fees for service.

Fees for service performed by the Bureau of Narcotics shall be the same as the fees imposed by the Office of the Secretary of the Treasury in Part 1 of Title 31 of the Code of Federal Regulations. No fee shall be paid by a bank or other lending institution seeking to comply with the policy of the Treasury Department in 31 CFR 15.1 with respect to the remission or mitigation or forfeiture of vehicles, vessels, and aircraft.

§ 308.6 Appeal.

(a) Any person denied access to records requested under § 308.3 may, within 30 days after notification of such denial, file an appeal to the Commissioner of Narcotics. Such an appeal shall be in writing addressed to the Commissioner of Narcotics, 633 Indiana Avenue NW., Washington, D.C. 20226. The appeal shall provide the name and address of the appellant, the identification of the record denied, and the dates of the original request and its denial.

(b) The appeal will be promptly considered. The granting or denial of the request upon appeal shall constitute final agency action.

§ 308.7 Records not to be otherwise withdrawn or disclosed.

Except in accordance with this chapter, or as otherwise authorized, Bureau of Narcotics officers and employees are prohibited from making available to any person, not an officer or employee of the Treasury Department, and are prohibited from withdrawing from the files, possession or control of the Bureau, records or duplicates thereof.

§ 308.8 Testimony or the production of records in a court or other proceeding.

(a) Bureau of Narcotics officers and employees are prohibited from testifying or otherwise furnishing information obtained as a result of their official capacities or in connection with the transaction of public business, in compliance with a subpoena or other order or demand of any court or other authority without the prior approval of the Commissioner of Narcotics, or his delegate.

(b) Bureau of Narcotics officers and employees are prohibited from furnishing any record in compliance with subpoenas duces tecum or other order or demand of any court or other authority without the prior approval of the Commissioner of Narcotics, or his delegate.

(c) In court cases in which the United States, the Treasury Department or the Bureau of Narcotics is not a party, where the giving of testimony is desired, an affidavit by the litigant or his attorney, setting forth the information with respect to which the testimony of a Bureau officer or employee is desired, must be submitted before permission to testify will be granted. Permission to testify will, in all cases, be limited to the information set forth in the affidavit or to such portions thereof as may be deemed proper.

(d) Where approval to testify or to furnish records in compliance with a subpoena, order, or demand is not given the person to whom it is directed will, if possible, appear in court or before the other authority and respectfully state his inability to comply in full with the subpoena, order, or demand, relying for his action upon this section.

§ 368.9 Regulations not applicable to official requests.

These regulations shall not be applicable to official requests of other governmental agencies or officers thereof acting in their official capacities, unless it appears that granting a particular request would be in violation of law or inimical to the public interest. Cases of doubt will be referred for decision to the Commissioner of Narcotics.

Effective date. These regulations shall be effective as of July 4, 1967.

[SEAL] HENRY L. GIORDANO,
Commissioner of Narcotics.

Approved: June 3, 1967.

JAMES POMEROY HENDRICK,
Special Assistant to the Secretary (for Enforcement).

[F.R. Doc. 67-7367; Filed, July 7, 1967; 8:48 a.m.]

Title 23—HIGHWAYS AND VEHICLES

Chapter II—Vehicle and Highway Safety

[Docket No. 9]

PART 255—INITIAL FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Standard No. 105, Hydraulic Service Brake, Emergency Brake, and Parking Brake Systems

A proposal to amend § 255.21 of Part 255—Initial Federal Motor Vehicle Safety Standards, Motor Vehicle Safety Standard No. 105 (32 F.R. 2410) to include specified emergency system performance of the braking system on passenger cars was published in the FEDERAL REGISTER on February 3, 1967 (32 F.R. 2418).

Interested persons have been afforded an opportunity to participate in the making of the amendment. Two comments suggested increasing the average emergency brake deceleration rate from 6 fps² to 8 fps². Another comment suggested adopting the 8.5 fps² deceleration rate of the proposed standards of the Economic Commission for Europe. Since these suggestions are beyond the scope of the notice of proposed rule making, they were not considered for this amendment. A higher deceleration rate was not proposed in the notice, because the National Traffic Safety Agency determined that a rate greater than that proposed would not be reasonable nor practicable for 1968 cars. One comment requested a change in the pedal pressure requirement of SAE J843a as applied to the emergency braking system. Since the requirements and test procedures of SAE J843a (except for vehicle loading) do not apply to the emergency braking system when determining compliance with paragraph S4.2.1, there is no emergency braking system pedal pressure requirement. Therefore no changes have been made in the amendment.

In consideration of the foregoing, § 255.21 of Part 255—Initial Federal Motor Vehicle Safety Standards, Motor Vehicle Safety Standard No. 105 (32 F.R. 2410), paragraph S4.2.1, is amended to read as follows:

S4.2.1 *Emergency System Performance.* If failure of a pressure component or insufficient hydraulic fluid in the system causes loss of pressure in any part of the brake system, the remaining portion of the brake system shall provide a stop of the vehicle loaded in accordance with SAE Recommended Practice J843a, June 1966, from a speed of 60 m.p.h., in not more than 646 feet, without pulling or swerving to the extent that would cause the vehicle to leave a level, 12-foot wide lane on a clean, dry, smooth, Portland cement concrete pavement (or other surface with equivalent coefficient of surface friction).

This amendment is made under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407) and the delegation of authority of March 31, 1967 (32 F.R. 5606), as amended April 6, 1967 (32 F.R. 6495), and becomes effective January 1, 1968.

Issued in Washington, D.C., on June 30, 1967.

LOWELL K. BRIDWELL,
Federal Highway Administrator.

[F.R. Doc. 67-7362; Filed, July 7, 1967; 8:47 a.m.]

[Docket No. 16]

PART 255—INITIAL FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Standard No. 205, Glazing Materials

Motor Vehicle Safety Standard No. 205 (32 F.R. 2414) specifies requirements for glazing materials for use in passenger cars, multipurpose passenger vehicles, motorcycles, trucks, and buses.

Paragraph S3.2 requires that exposed edges of glazing materials be treated in accordance with Society of Automotive Engineers Recommended Practice J673, "Automotive Glazing," June 1960. SAE J673 specifies that exposed edge radii be not less than 0.187 inch nor greater than 0.250 inch.

The National Highway Safety Bureau has determined that the minimum edge radius specified in SAE J673, while suitable for glazing of 0.250 inch nominal thickness, does not provide the same level of safety for glazing of less than 0.250 inch nominal thickness. Therefore, Standard No. 205 is being amended to require that exposed edge radii be not less than one half the nominal thickness of the glazing material.

Since this amendment relieves a restriction and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, § 255.21 of Part 255—Initial Federal Motor Vehicle Safety Standards, Motor Vehicle Safety Standard No. 205 (32 F.R. 2414), paragraph S3.2, is amended to read as follows:

S3.2 *Edges.* In vehicles, except school buses, exposed edges shall be treated in accordance with Society of Automotive Engineers Recommended Practice J673, "Automotive Glazing," June 1960, except that the minimum edge radius dimension shall be not less than one half of the nominal thickness of the glazing material. In school buses, exposed edges shall be banded.

This amendment is made under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407) and the delegation of authority of March 31, 1967 (32 F.R. 5606), as amended April 6, 1967 (32 F.R. 6495), and becomes effective January 1, 1968.

Issued in Washington, D.C., on June 30, 1967.

LOWELL K. BRIDWELL,
Federal Highway Administrator.

[F.R. Doc. 67-7363; Filed, July 7, 1967; 8:47 a.m.]

[Docket No. 17]

PART 255—INITIAL FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Standard No. 210, Seat Belt Assembly Anchorages

Motor Vehicle Safety Standard No. 210 (32 F.R. 2415) specifies requirements for seat belt anchorages for passenger cars.

Paragraph S4.3.2.1 provides that the anchorage for the upper end of the upper torso restraint shall be to the rear of the extension of the torso line with the seat in its rearmost position, and the seat back in its rearmost driving position.

The National Highway Safety Bureau has determined that clarification is needed with respect to the required position of the seat and seat back when determining compliance with paragraph S4.3.2.1, and that, due to the configuration of the body structure of certain passenger cars, location of the upper anchorage to the rear of the extended torso line could result in an unfavorable compound belt angle. Therefore, Standard No. 210 is being amended to require that these anchorages be to the rear of a line extending 6 inches vertically above the shoulder reference point and then extending rearward at an angle of 80 degrees above the horizontal, with the seat in its rearmost driving position and the seat back in its nominal design driving position.

Since this amendment relieves a restriction and provides a clarification and it imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, § 255.21 of Part 255—Initial Federal Motor Vehicle Safety Standards, Motor Vehicle Safety Standard No. 210 (32 F.R. 2415), paragraph S4.3.2.1, is amended to read as follows:

S4.3.2.1 With the seat in its rearmost driving position, and the seat back in its nominal design driving position, the anchorage for the upper end of the upper torso restraint shall be to the rear of a line extending 6 inches vertically above the shoulder reference point of the two-dimensional manikin described in Society of Automotive Engineers Standard J826, "Manikins for Use in Defining Vehicle Seating Accommodation," November 1962, and then extending rearward at an angle of 80 degrees above the horizontal. If the angle of the upper torso restraint passing from the shoulder of a seated 95th percentile adult male to the anchorage, or to a structure between the shoulder point and the anchorage, is downward from the horizontal, it shall be not more than 40 degrees.

This amendment is made under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407) and the delegation of authority of March 31, 1967 (32 F.R. 5606), as amended April 6, 1967 (32 F.R. 6495), and becomes effective January 1, 1968.

Issued in Washington, D.C., on June 30, 1967.

LOWELL K. BRIDWELL,
Federal Highway Administrator.

[F.R. Doc. 67-7364; Filed, July 7, 1967; 8:47 a.m.]

Title 45—PUBLIC WELFARE

Chapter X—Office of Economic Opportunity

PART 1030—COMMUNITY ACTION PROGRAMS

Requirement of Increase in Non-Federal Share

Section 1030.10 of Chapter X of Title 45 of the Code of Federal Regulations is hereby revised to read as follows:

§ 1030.10 Regulations governing requirement of increase in non-Federal share.

(a) *Purpose.* (1) A 1966 amendment to section 208(a) (42 U.S.C. 2788(a)) of the Economic Opportunity Act increased the basic non-Federal share requirement applicable to community action (CAP) grants under sections 204 and 205(a) (42 U.S.C. 2784, 2785(a)) of Title II–A of the Act from 10 to 20 percent, effective July 1, 1967. However, section 208(a) permits OEO to exercise discretion in making the transition to the stricter requirement and in allowing relief from the non-Federal share requirement to ease the burden on communities where real hardship would be felt.

(2) This section explains non-Federal share requirements with regard to future grant actions under sections 204 and 205(a).[1] Paragraph (b) of this section describes general non-Federal share rules applicable to most communities. The major provision in paragraph (b) of this section is the adoption of a so-called "32 month rule". In essence, all community action agencies (CAA's) and single-purpose grantees with the exception of 1967 Summer Head Start and Upward Bound will have a 32-month operation period under the 10 percent requirement prior to meeting the 20 percent non-Federal share requirement as set out in section 208 of the Economic Opportunity Act. The rule set forth in paragraph (b) of this section is intended to insure fair treatment as between grantees which have been funded by OEO for a substantial period of time and those initially funded in more recent months. (NOTE: Paragraph (d) of this section explains the special steps to be followed by grantees which will reach their 33d month of CAP funding during a current program year or grant period.)

(3) Paragraph (c) of this section explains special exemption rules applicable to communities with per capita incomes below $1,000 per year. These rules are intended to provide lower non-Federal share requirements for communities and counties which have the most serious overall poverty.

(b) *Basic non-Federal share requirements.*—(1) *General rule.* (i) Grantees that are not eligible for exemption under paragraph (c) of this section will be required to provide a 20 percent non-Federal share for any portion of their program which will be conducted after the grantee has been funded by OEO for 32 months. The original groups of CAP grantees funded in November 1964 will reach their 33d month on July 1, 1967. Those funded originally in December 1964 will reach their 33d month on August 1, 1967, and so on.

(ii) All grantees not eligible for total or partial exemption under paragraph (c) of this section reaching their 33d month during a program year or grant period will thus be required to furnish a non-Federal share of at least 10 percent but not more than 20 percent of their total program costs during that program year. Those grantees affected during their current program year, should consult paragraph (d) of this section.

(iii) For purposes of computing the non-Federal share required under this rule, it will be assumed that monthly program expenditures are made evenly throughout a grant program. The non-Federal share required under the rule therefore depends on the number of program months which will occur following the 32d anniversary of a grantee's original OEO grant. The resulting percentage is to be rounded to the nearest whole number, i.e., upward if five-tenths of 1 percent or more, downward if four-tenths of 1 percent or less. The formula for computing this is shown below:

$$\text{Non-Federal} = 10\% \text{ (basic)} + \left(\frac{A}{B} \times 10\%\right).$$

A = Number of months of current program year occurring after end of 32-month grace period.

B = Total number of months in program year.

Example: A community action agency which received its first OEO grant in March 1965, requests OEO assistance for a new component project to run from August 1, 1967, through March 31, 1968.

Number of months of grant participation as of July 31, 1967 is 29.

A. Number of months occurring after 32d (i.e. Nov. 1, 1967, to Mar. 31, 1968) = 5 months.

B. Inclusive dates of new grant action (i.e. Aug. 1, 1967, to Mar. 31, 1968) = 8 months.

Non-Federal contribution = 10% (basic) + $\frac{5}{8} \times 10\% = 10\% + 6.25\% = 16\%$.

Exhibit I is attached to serve as a ready guide to the non-Federal share percentage to be approved. In all instances when the new grant is on a 12-month basis, the attached table can be used to determine the overall non-Federal percentage contribution. The table is to be used as follows:

Read down Column A until the date of initial grant from OEO.

Read across the row for that date to the column for the ending month of new grant (under D).

The number where the latter column intersects the proper row is the non-Federal percentage contribution.

When the new grant period covers less or more than 12 months, the above formula should be used.

(2) *Reorganized grantees and transferred grants.* Where a program has been transferred from a previous grantee to the present one or where the original grantee has been reorganized or dissolved in favor of the present one, the 32 months will be counted from the date of the original grant to the original grantee.

(3) *Single-purpose agencies.* (i) The non-Federal share of an established single-purpose grantee in a community where there is also a CAA will be determined on the basis of the single-purpose grantee's own history. The same will be

[1] For information concerning non-Federal share requirements in the projects under the Community Betterment and Employment Program under sec. 205(d) of the Act (42 U.S.C. 2785(d)) and the New Careers Program under sec. 205(e) of the Act (42 U.S.C. 2785(e)) administered by the Department of Labor, see 29 CFR 51.4(c)(1), 32 F.R. 6440, 6443 (Apr. 16, 1967).

true for applicants for independent funding of new programs.

(ii) However, the non-Federal share required of an agency which seeks independent or direct funding for a program which it previously ran as a delegate agency of a CAA will be determined on the basis of the history of the CAA.

(iii) See subparagraphs (5) and (6) of this paragraph for rules specially applicable to Summer Head Start programs and Upward Bound programs.

(4) *Rule for multicounty CAA's resulting from merger.* Where two or more CAA's for different counties (or other political jurisdiction) have merged into a multicounty CAA, the status of each CAA (prior to merger) will be considered in developing the overall rate of the new CAA. As a point of practical application, each prior CAA will be considered separately and then totaled in arriving at an overall non-Federal cost and rate of the newly formed CAA. However, should any of the segments be subject to the relief granted CAAs in low per capita income countries (see paragraph (c) of this section), a further percentage adjustment may be in order. An exception to this general rule is the adoption of an overall 20 percent rate where, at the discretion of the OEO Regional Directors, such an action would work no hardship on the newly formed CAA.

Example 2:

County "A"—$200,000—funded 28 months as of June 30, 1967.
County "B"—$400,000—funded 32 months as of June 30, 1967.
County "C"—$300,000—funded 26 months as of June 30, 1967.

The funding program of the multicounty CAA is from July 1, 1967, to June 30, 1968. In all counties, the per capita income is over $1,000. Using the attached table, the percentage rate is as follows for each of the counties.

	Rate	Program amount	Non-Federal contribution
	Percent		
County "A"	17	$200,000	$34,000
County "B"	20	400,000	80,000
County "C"	15	300,000	45,000
Total		900,000	159,000=18%

On the basis of the above, an overall rate of 18 percent will be charged the multicounty CAA. Note that any program which serves all these counties will be required to furnish the 18 percent local share. Where the specific amount, by county, is not readily available, an allocation of the total grant should be developed on a judgment basis. When data is not available to develop a cost allocation, the Regional Director will determine a non-Federal contribution percentage based on whatever facts are available. In all cases, at least a 10 percent non-Federal share shall be required unless the grantee qualifies for total or partial exemption under paragraph (c) of this section.

Example 3:

"D" is a multicounty CAA which covers counties "R," "S," and "T" as shown below. All of the funds requested are for multicounty components. None of the components can be associated with any specific county or even any two of the three counties. Therefore the only basis for determining non-Federal share is population.

To determine the total amount of non-Federal share in dollars that will be required of the CAA, follow the procedure described.

1. Determine the percentage the population of each county is of the total population of the area covered by the CAA.

2. Multiply the total dollar amount to be requested by the population percentage figure thus obtained for each of the counties. This apportions the total dollars requested to each county.

3. Determine the local share percentage for each county based on the per capita income (less than $750; $750–$1,000; over $1,000).

4. Multiply the dollars apportioned to the county by its local share percentage figure. This determines the dollar amount of local share each county must contribute.

5. Add the local share dollar amounts for each of the counties to obtain the total non-Federal share that will be required.

MULTICOUNTY "D"—$80,000 POPULATION; $100,000 GRANT REQUESTED

County	Population	Percent of total population	Dollar portion of request based on population	Local share category	Local share dollar amount
		Percent		*Percent*	
"R" (Below $750 [1] per capita)	160,000	50	$50,000	5	
"S" (Between $750–$1,000 [1] per capita)	80,000	25	25,000	10	$2,500
"T" (Over $1,000 per capita and operating for 32 months) [2]	80,000	25	25,000	20	5,000
Total local share			25,000		
Total Federal share			62,500		
Total program			100,000		

[1] See paragraph (c) of this section for rules for low-income counties.
[2] If County "T" would not reach its 32d month of operation until 3 months after the start of the new program year, the local share percentage would be only 17½ percent, that is, 10 percent local share would be required for the first 3 months and 20 percent for the last 9 months.

(5) *Special rule for Summer Head Start programs.* Commencing with the programs funded for summer of 1967, all local agencies which are not eligible for relief under paragraph (c) of this section will be expected to provide a 20 percent non-Federal share of the costs of summer Head Start programs. This will be true even though under preceding paragraphs of this paragraph (b), the same grantee may provide a smaller non-Federal share for other component programs which will be operating at the same time.

(6) *Special rule for Upward Bound programs.* (i) The round of Project Upward Bound grant actions effective April 1, 1967, will all be funded on a 90 percent–10 percent basis. This will be true even when the grantee is a CAA which will be required to contribute a 20 percent local share for its other component programs which are being conducted simultaneously.

(ii) Commencing in 1968, all Upward Bound grant actions will be funded on an 80 percent–20 percent basis, without regard to the 32-month rule.

(c) *Exemptions from non-Federal share requirements for communities with per capita incomes below $1,000 per year*—(1) *General rules.* (i) The Economic Opportunity Act provides, in subsection 208(a) (42 U.S.C. 2788(a)), that the Director of OEO may relieve grantees of all or part of the non-Federal share requirements. Previously, when the basic non-Federal share required for section 204/205 grants was 10 percent, an exemption was granted to communities with annual per capita incomes below $750 according to 1960 census data to the extent that they were unable to raise non-Federal share. This exemption will be continued.

(ii) Moreover, with the increase in basic non-Federal share requirements to 20 percent, OEO will extend a partial exemption to an additional group of about 500 counties with per capita incomes above $750 but below $1,000 per year according to 1960 census data. The exemption rules are as follows:

(A) As in the past, grantees serving communities with per capita incomes below $750 per year are expected to provide 10 percent of the program cost whenever possible. However, as in the past, such grantees may request exemption from that portion of the required non-Federal share which they are unable to provide.

(B) Grantees serving communities with per capita incomes in the $750–$999 range shall in all cases provide at least 10 percent non-Federal share but may request exemption from that portion of the non-Federal share above 10 percent which they are unable to provide.

(iii) For these purposes, community per capita incomes may be based on data from the 1960 U.S. Census of Population or any more recent reliable source of per capita income data submitted by the applicant agency.

(iv) The request for a waiver of the non-Federal share requirements under paragraph (A) or paragraph (B) above should be in the form of a letter accompanying the application for CAP grant and shall state clearly (a) the basis on which the community's per capita income was determined; (b) the amount of non-Federal share which the community can provide; and (c) that the applicant has made a reasonable effort to raise more non-Federal share and has been unsuccessful. OEO may require that additional evidence be submitted in support of these representations.

(2) *Rule for multicounty programs.* Generally, the waiver of part or all of the non-Federal share will be based on a showing that the per capita income of the entire community served by the community action programs is below $750 or $1,000 per year. However, if there are one or more counties in a multicounty area served by a single CAA having per capita incomes below $750 (or $1,000), even though the multicounty area, taken as a whole, does not, the CAA may request relief from its overall non-Federal share requirement for component projects designed to serve only the poorest counties. Note that this rule is not intended to either encourage or discourage the development or continuance of components to serve only one county in a multicounty CAA.

Example 4:

"G" a multicounty CAA, serves four counties, "W," "X," "Y," and "Z." Counties "W" and "X" have per capita incomes below $750. The other counties have per capita incomes in the $750–$999 range. The entire area served by "G" has a per capita income below $1,000 but not below $750. Its normal non-Federal share requirement is thus 10 percent, but for programs serving only county "W" or county "X" it is entitled to relief from that requirement if it cannot raise the non-Federal share.

The non-Federal share requirement on its grant may be calculated as follows:

Component projects	Total cost	Minimum required Non-Federal share
Head Start in county "W"	$50,000	
Legal services in county "X"	35,000	
Head Start in county "Y"	10,000	$1,000
Neighborhood Center in county "Z"	50,000	5,000
Program administration	10,000	1,000
Total	195,000	17,000

Note that the Program Administration component, which serves all four counties, is required to provide non-Federal share on the basis of 10 percent because the four-county area, taken as a whole, has a per capita income below $1,000 but not below $750.

OEO will permit pooling of the non-Federal share as between exempt and nonexempt counties served by the same CAA. See paragraph (e)(1) of this section.

(3) *Special rule for programs serving reservation Indians and migrant groups.* In cases where a CAA or other Title II–A grantee provides a specific component program solely for the benefit of Indians on Federal or State reservations within the community or for the benefit of groups of migrant farm workers who live, or earn their living, outside of the community 6 months or more a year, the CAA shall be entitled to seek a partial or total exemption of the non-Federal share requirements for the costs of those component programs in cases where the per capita income of the groups served is below $1,000. If the per capita income is below $750, the Regional Director is authorized to grant an exemption for that portion of the non-Federal share which the CAA is unable to provide. If the per capita income is in the $750–$999 range, the Regional Director is authorized to grant an exemption for the portion of the non-Federal share above 10 percent of program costs which the CAA is unable to provide. Exemptions granted under this paragraph will apply only to the particular component programs serving Indians or migrants, and shall not operate to reduce the non-Federal share requirements applicable to other component programs operated by the same CAA.

(d) *Instructions to grantees reaching their 33d month during a current program year.* (i) Grantees who, according to the rules in paragraph (b) of this section, will reach their 33d month of CAP funding during their present program years (or other grant periods) will be responsible for contributing the additional non-Federal share of costs called for according to the table in Exhibit I. They will be expected to submit revised CAP Form 25's for affected component projects identifying the value and kind of increased local share and showing a corresponding reduction in Federal funds.

(ii) Note that no increase in a grantee's level of approved program will be permitted on account of the increase in the required non-Federal share. That increase will be offset by a corresponding decrease in Federal support for the component projects in question.

(iii) Following receipt of the revised CAP Forms 25, the appropriate OEO/CAP office will review the changes and, upon approval, will issue a supplemental CAP Form 14 together with copies of the CAP Form 25's showing the approved changes.

(iv) Failure to take prompt action to provide the required increase in non-Federal share and to achieve a corresponding reduction in Federal funds may necessitate remedial action by OEO. Such action may include suspension or termination of the grant, and legal action to recover non-Federal share deficiencies and overexpenditures of Federal funds.

(e) *General*—(1) *Pooling of non-Federal share during program years.* (i) Grantees are reminded that the pooling of non-Federal share among all components of the same grant during a single program year is acceptable. The policy stated in CAP Guide, Volume II (Part I, par. 4 (page 20)) with reference to pooling in terms of the Federal fiscal year is obsolete and under revision.

(ii) The pooling provision should be utilized to lessen the burden of the increased non-Federal share requirement for component programs which will have the greatest difficulty in providing increased non-Federal share.

(2) *For further information.* Applicants are advised to communicate with the appropriate OEO Regional Office for any further specific information they may need with regard to non-Federal share requirements.

Dated: June 27, 1967.

SARGENT SHRIVER,
Director,
Office of Economic Opportunity.

EXHIBIT I—TABLE TO DETERMINE NON-FEDERAL CONTRIBUTION PERCENTAGES FOR 12-MONTH GRANTS

(A) Month of initial grant	(B) Months Component completed as of June 30, 1967	(C) Months of grace after June 30, 1967	(D) Last full month of funding period after June 30, 1967 (1967) July	August	September	October	November	December
			Percent	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*
1966:								
November	32		11	12	12	13	14	15
December	31	1	10	11	12	12	13	14
1967:								
January	30	2	10	10	11	12	13	13
February	29	3	10	10	10	11	12	12
March	28	4	10	10	10	10	11	12
April	27	5	10	10	10	10	10	11
May	26	6	10	10	10	10	10	10
June	25	7	10	10	10	10	10	10
July	24	8	10	10	10	10	10	10
August	23	9	10	10	10	10	10	10
September	22	10	10	10	10	10	10	10
October	21	11	10	10	10	10	10	10
November	20	12	10	10	10	10	10	10
December	19	13	10	10	10	10	10	10
1968:								
January	18	14	10	10	10	10	10	10
February	17	15	10	10	10	10	10	10
March	16	16	10	10	10	10	10	10
April	15	17	10	10	10	10	10	10
May	14	18	10	10	10	10	10	10
June	13	19						
July	12	20						
August	11	21						
September	10	22						
October	9	23						
November	8	24						
December	7	25						
1969:								
January	6	26						
February	5	27						
March	4	28						
April	3	29						
May	2	30						
June	1	31						
July	0	32						

(A) Month of initial grant	(B) Months completed as of June 30, 1967	(C) Months of grace after June 30, 1967	(D) Last full month of funding period after June 30, 1967 (1968)											
			January	February	March	April	May	June	July	August	September	October	November	December
			Per-cent	Per-cent	Per-cent	Per-cent	Per-cent	Per-cent	Per-cent	Per-cent	Per-cent	Per-cent	Per-cent	Per-cent
1964:														
November	33		16	17	18	18	19	20	20	20	20	20	20	20
December	31	1	15	16	17	18	18	19	20	20	20	20	20	20
1965:														
January	30	1	14	15	16	17	18	18	19	20	20	20	20	20
February	29	2	13	14	15	16	17	18	18	19	20	20	20	20
March	28	4	12	13	14	15	16	17	18	18	19	20	20	20
April	27	5	12	12	13	14	15	16	17	18	18	19	20	20
May	26	6	11	12	12	13	14	15	16	17	18	18	19	20
June	25	7	10	11	12	12	13	14	15	16	17	18	18	19
July	24	8	10	10	11	12	12	13	14	15	16	17	18	18
August	23	9	10	10	10	11	12	12	13	14	15	16	17	18
September	22	10	10	10	10	10	10	12	12	13	14	15	16	17
October	21	11	10	10	10	10	10	11	12	12	13	14	15	16
November	20	12	10	10	10	10	10	10	11	12	12	13	14	15
December	19	13	10	10	10	10	10	10	10	11	12	13	13	14
1966:														
January	18	14	10	10	10	10	10	10	10	10	11	12	12	13
February	17	15	10	10	10	10	10	10	10	10	10	11	12	12
March	16	16	10	10	10	10	10	10	10	10	10	10	11	12
April	15	17	10	10	10	10	10	10	10	10	10	10	10	11
May	14	18	10	10	10	10	10	10	10	10	10	10	10	10
June	13	19												
July	12	20												
August	11	21												
September	10	22												
October	9	23												
November	8	24												
December	7	25												
1967:														
January	6	26												
February	5	27												
March	4	28												
April	3	29												
May	1	30												
June	1	31												
July	0	32												

[F.R. Doc. 67-7613; Filed, July 7, 1967; 8:45 a.m.]

Title 49—TRANSPORTATION

Subtitle A—Office of the Secretary of Transportation

PART 9—TESTIMONY OF EMPLOYEES OF OFFICE OF THE SECRETARY

This amendment adds a new Part 9 "Testimony of Employees of Office of the Secretary" to the regulations of the Office of the Secretary to state the policies and procedures of that Office with respect to the testimony of its employees in legal proceedings, the service of legal process, and the production of records pursuant to a subpoena. The new Part does not apply to the National Transportation Safety Board, the U.S. Coast Guard, the Federal Aviation Administration, the Federal Highway Administration, the Federal Railroad Administration, or the St. Lawrence Seaway Development Corporation.

Government agencies are often requested by private litigants to furnish expert witnesses as to technical or other matters that are within the scope of agency functions. It is the policy of the Office of the Secretary of Transportation not to authorize its employees to testify in these cases for the reasons enumerated in § 9.5. However, this Part does establish procedures whereby, under appropriate circumstances, an employee may testify as to facts within his personal knowledge, while refraining from opinion testimony. The regulation does not apply to those private cases in which an employee may be called upon to testify, while on leave, as to facts or events that have no relationship to his duties and the functions of the Department.

The new Part 9 also states the method whereby records of the Office of the Secretary may be subpoenaed and explains the relationship of records sought to be obtained by subpoena to records that may be made available, upon request and without a subpoena, under Part 7 "Public Availability of Information."

Section 9.15 sets forth the titles of the officials of the Office of the Secretary who are authorized to accept service of legal process or pleadings on behalf of the Secretary.

Since this amendment concerns itself with matters relating to Departmental management, procedures, and practices, notice and public procedure hereon is not required, and it may be made effective in less than 30 days after publication in the FEDERAL REGISTER.

This amendment is made under the authority of section 9 of the Department of Transportation Act (P.L. 89-670; 49 U.S.C. 1657).

In consideration of the foregoing, Subtitle A of Title 49 is amended, effective July 10, 1967, by adding the following new Part 9 "Testimony by Employees of Office of the Secretary."

Issued in Washington, D.C., on July 1, 1967.

ALAN S. BOYD,
Secretary of Transportation.

Sec.
9.1 Purpose.
9.3 Testimony by employees in proceedings involving United States.
9.5 Legal proceedings between private parties: General rule.
9.7 Legal proceedings between private litigants: Subpoenas.
9.9 Legal proceedings between private litigants: Factual testimony.
9.11 Legal proceedings between private litigants: Expert or opinion testimony.
9.13 Legal proceedings between private litigants: Disclosure of records.
9.15 Acceptance of service on behalf of Secretary.

AUTHORITY: The provisions of this Part 9 issued under sec. 9 of the Department of Transportation Act (P.L. 89-670; 49 U.S.C. 1657).

§ 9.1 Purpose.

(a) This part prescribes the policies and procedures of the Office of the Secretary of Transportation with respect to testimony of its employees as witnesses in legal proceedings, the serving of legal process and pleadings in legal proceedings involving the Secretary or his Office, and the production of records of that Office pursuant to subpoena.

(b) The General Counsel may grant permission to deviate from a policy or procedure prescribed by this part. He may grant that permission only when—

(1) It is necessary to prevent a miscarriage of justice;

(2) The Department has an interest in the decision that may be rendered in the legal proceeding; or

(3) The deviation is in the best interests of the United States.

(c) For the purposes of this part, "legal proceeding" includes any proceeding before a court of law, administrative board, hearing officer, or any other body conducting a legal or administrative proceeding.

(d) This part does not apply to any legal proceeding in which an employee is to testify, while in leave status, as to facts or events that are in no way related to the duties he performs or to the functions of the Department.

§ 9.3 Testimony by employees in proceedings involving United States.

(a) An employee of the Office of the Secretary shall testify as a witness for the United States whenever, in any legal proceeding involving the United States, the attorney in charge of presenting the case for the United States requests it.

(b) An employee of the Office of the Secretary may not testify as an expert or opinion witness for an adverse party in any legal proceeding in which the United States is involved, but may testify as to facts.

§ 9.5 Legal proceedings between private parties: General rule.

Subject to §§ 9.7 and 9.11, an employee of the Office of the Secretary of Transportation is not authorized to testify as an expert or opinion witness in any legal proceeding between private litigants for the following reasons:

(a) To conserve the time of employees for conducting official business.

(b) To minimize the possibility of criticism of the Department in cases in which its employees participate in controversial issues.

(c) To avoid spending the time and money of the United States for private purposes.

§ 9.7 Legal proceedings between private litigants: Subpoenas.

(a) Whenever, in a legal proceeding between private litigants, an employee of the Office of the Secretary is properly served with a subpoena, he shall immediately report the service to the General Counsel, who shall determine whether the employee is required to comply and shall provide legal representation for the employee.

(b) Whenever an employee's compliance with a subpoena would adversely affect the performance of official duties the General Counsel shall attempt to have the subpoena withdrawn or modified.

§ 9.9 Legal proceedings between private litigants: Factual testimony.

(a) An employee of the Office of the Secretary who has been properly subpoenaed in a legal proceeding between private litigants shall testify as to facts within his personal knowledge, even if the facts are contained in a report that he is not allowed to produce. However, he must obtain the permission of the General Counsel before disclosing any information that is restricted by statute or regulation.

(b) An employee who gives factual testimony shall avoid any statements of opinion.

§ 9.11 Legal proceedings between private litigants: Expert or opinion testimony.

If, while testifying in a legal proceeding between private litigants, an employee of the Office of the Secretary is asked for expert or opinion testimony, he shall decline to answer on the grounds that he is forbidden to do so by this part. If he is then ordered by competent authority to testify, he shall do so.

§ 9.13 Legal proceedings between private litigants: Disclosure of records.

(a) Copies of any records available for public inspection under Part 7 "Public Availability of Information", are available, as provided in that part, to litigants upon request.

(b) If copies of records that are available for public inspection under Part 7 are subpoenaed, the person subpoenaing them is liable for the fee established under that part for the production of those records, including any search for them.

(c) If an employee is served with a subpoena calling for records that the General Counsel determines should not be released, the General Counsel shall attempt to have the subpoena withdrawn or modified. If this cannot be done, the employee shall appear at the time and place specified in the subpoena, accompanied by an attorney from the Office of the General Counsel or the Department of Justice, as appropriate, and explain to the authority conducting the proceeding that a statute or regulation prohibits him from producing the records.

(d) If an employee who follows the procedure in paragraph (c) of this section is ordered to show cause why he should not be cited for contempt of court, the General Counsel shall request the Department of Justice to represent the employee.

§ 9.15 Acceptance of service on behalf of Secretary.

Process or pleadings in any legal proceeding may be served, at the option of the server, on the General Counsel, the Deputy General Counsel, or the Assistant General Counsel for Litigation, with the same effect as if served upon the Secretary. The official accepting the service for the Secretary acknowledges the service and takes further action as appropriate.

[F.R. Doc. 67-7676; Filed, July 7, 1967; 8:47 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[10 Gen. Rev. of Export Regs., Amdt. 31]

EXPORTS OF COPPER, NICKEL AND NICKEL ALLOYS

I. Exports of copper, July and August 1967.

Purpose and effect: Short supply controls over the export of copper and copper products will be continued at the same level as during the first half of 1967. However, because of the current unsettled condition of supply and demand, export licensing quotas are being established for a 2-month period, July and August 1967. These export licensing quotas are as follows:

Commodity	*Quota*
(a) Copper scrap, as follows: Copper metalliferous ash and residues (Export Control Commodity No. 28401); Copper or copper-base alloy waste and scrap, including copper alloy waste and scrap of less than 40 percent copper content where copper is the component of chief weight (Export Control Commodity No. 28402); Nickel waste and scrap containing 50 percent or more copper irrespective of nickel content (Export Control Commodity No. 28403).	5,500 copper content short tons.
(b) Refined copper including remelted, in cathodes, billets, ingots (except copper-base alloy ingots), wire bars, and other crude forms (Export Control Commodity No. 68212).[1]	8,330 copper content short tons.
(c) Copper-base alloy ingots composed essentially of copper with one or more other metals, for example: Beryllium copper ingots, devarda alloy ingots, guines alloy ingots, ounce metal ingots, etc. (Export Control Commodity No. 68212).	330 copper content short tons.
(d) Semifabricated copper products and master alloys of copper, as follows:[2]	3,000 copper content short tons.

[1] Shipments of refined copper produced from foreign-origin copper raw materials, and refined copper produced from material which was declared as an offset against an equivalent quantity of foreign-origin copper raw materials entered into the United States under a U.S. Customs Import Entry made within 3 months preceding the date of the license application, will be licensed without a charge against the quota (see § 373.42(b)(2)).

[2] Shipments of semifabricated copper products and master alloys of copper under U.S. military contracts or under contracts financed by the Agency for International Development will be licensed without a charge against the quota (see § 373.43(d)(2)).

Export Control Commodity Number and Commodity Description	
68713	Master alloys of copper.
68221	Bars, rods, angles, shapes, sections, and wire of copper or copper-base alloy.
68222	Plates, sheets, and strips of copper or copper-base alloy.
68223	Copper foil.
68223	Paper backed copper foil.
68224	Copper or copper alloy powders and flakes.
68225	Tubes, pipes, and blanks therefor, and hollow bars of copper or copper-base alloy.
65893	Copper and copper-base alloy castings and forgings.
72310	Wire and cable coated with, or insulated with, fluorocarbon polymers or copolymers.
72310	Coaxial-type communications cable as follows: (a) Containing fluorocarbon polymers or copolymers, (b) using a mineral insulator dielectric, (c) using a dielectric aired by discs, beads, spiral, screw, or any other means, (d) designed for pressurization or use with a gas dielectric, or (e) intended for submarine laying.
72310	Other coaxial cable.
72310	Communications cable containing more than one pair of conductors of which any one of the conductors, single or stranded, has a diameter exceeding 0.9 mm. (0.035 inch), as follows: (a) Cable in which the nominal mutual capacitance of paired circuits is less than 58 nanofarads/mile (38 nanofarads/KM), except conventional paper and air dielectric types, (b) submarine cable, or (c) cable containing fluorocarbon polymers or copolymers.

Export Control Commodity Number and Commodity Description	
72310	Other communications cable containing more than one pair of conductors and containing any conductor, single or stranded, exceeding 0.9 mm. in diameter.
72310	Other copper or copper-base alloy insulated wire and cable.

Licensing under past participation in exports licensing method. The quotas set forth above for copper-base scrap, refined copper, and copper-base alloy ingots will continue to be licensed entirely in accordance with the Past Participation in Exports licensing method described in § 373.8 of the U.S. export regulations.

Of the total quota of 3,000 copper content short tons established for semifabricated copper products and master alloys of copper, 55 percent (or 1,950 copper content short tons) will be allocated in accordance with the Past Participation in Exports licensing method. The remaining portion of the quota (1,050 copper content short tons) again will be reserved to meet essential export requirements that cannot be satisfied under the Past Participation in Exports licensing method.

The Office of Export Control will notify each exporter of his share of a quota.

Time schedules for submitting applications. An exporter who qualifies as a "historical exporter" under the Past Participation in Exports licensing method may submit his applications as soon as he receives his notice of entitlement but not later than August 15, 1967. An exporter who does not qualify as a "historical exporter" shall submit his applications no later than July 31, 1967.

The submission of applications for licenses to export semifabricated copper products and master alloys of copper is not subject to time schedules. Applications for these products may be submitted at any time.

Applicability of other provisions. Exporters are reminded that all other special copper provisions continue in effect. These provisions are set forth in §§ 373.20 and 373.43. It should be noted in particular that applications for licenses to export copper ores, concentrates, matte, and blister copper generally are denied. However, applications for licenses to export these commodities as well as copper and copper-base alloy waste and certain nickel scrap that cannot be processed commercially in the United States will continue to be considered for licensing without a charge against an export quota.

Effective date: June 20, 1967.

II. *Exports of nickel and nickel alloys.* A validated export license will now be required for shipments to Country Groups T and V of the nickel and nickel alloys and the nickel scrap described below. This added requirement is in addition to the previous requirement of a validated export license for shipments of these commodities to Country Groups S, W, X, Y, and Z.

Export Control Commodity Number and Commodity Description	
28403	Any nickel or nickel alloy waste and scrap, not previously requiring a validated license for shipments to Country Groups T and V.
51369	Nickel oxide.
51470	Nickel sulfate.
67160	Ferronickel containing 90 percent or less of nickel.
68310	Any nickel or nickel alloys, unwrought, not previously requiring a validated license for shipments to Country Groups T and V.
68324	Nickel or nickel alloy electroplating anodes.

Shipments of these commodities removed from general license as a result of this change that were on dock for lading, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to 12:01 a.m., June 10, 1967, may be exported under the previous general license provisions up to and including July 10, 1967. Any such shipment not laden aboard the exporting carrier on or before July 10, 1967, requires a validated license for export.

Effective date of action: June 10, 1967.

Amendments to the U.S. Export Regulations (15 CFR Ch. III, Subch. B) reflecting the above changes will be published in the near future.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487, 3 CFR 1959–63 Comp.; E.O. 11038, 27 F.R. 7003, 3 CFR 1959–63 Comp.)

RAUER MEYER,
Director,
Office of Export Control.

[F.R. Doc. 67-7493; Filed, July 7, 1967; 8:49 a.m.]

[10 Gen. Rev. of Export Regs., Amdt. 32]

MISCELLANEOUS AMENDMENTS TO CHAPTER

Parts 369, 370, 372, 373, and 379 of the Code of Federal Regulations are amended as set forth below.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487, 3 CFR 1959–63 Comp.; E.O. 11038, 27 F.R. 7003, 3 CFR 1959–63 Comp.)

Effective date: June 28, 1967.

RAUER MEYER,
Director,
Office of Export Control.

I. *Reporting requirement.*

Purpose and effect: The provisions of § 369.2 of the U.S. Export Regulations require any U.S. exporter, who receives a request for any action that has the effect of furthering or supporting a restrictive trade practice or boycott fostered by any foreign country against any country not included in Country Group S, W, Y, or Z, to report such a request to the Office of Export Control. To clarify the applicability of this reporting requirement, an "exporter" is construed to be that person who, as the principal party in interest in the export transaction, has the power and responsibility for determining and controlling the sending of the commodities and technical data out of the United States.

Accordingly, the note following § 369.2 is revised to read as set forth below.

II. *Request for waiver of documentation for certain reexports.*

In accordance with the provisions of § 372.12(c)(2) of the Export Regulations, requests for authorization to reexport to certain specified destinations require the submission of documents such as Consignee/Purchaser Statements, Swiss Blue Import Certificates, or Yugoslav End Use Certificates. The Export Regulations are revised to point out that if the document cannot be obtained, the applicant may request a waiver of the documentation requirement.

The Office of Export Control will give consideration to the waiver request when a satisfactory explanation accompanies the request, and such waiver will not be contrary to the objectives of the U.S. Export Control program.

Accordingly, a new paragraph is added to § 372.12(c)(2)(ii)(c) as set forth below.

III. *Parts, components, and materials in foreign-made end-products.*

Purpose and effect: To avoid any misunderstanding of the scope of export controls, a specific statement has been added to the Export Regulations explaining that parts, components, materials, or other commodities exported from the United States and used abroad to manufacture or produce a foreign-made end-product are subject to the export control laws of the United States. The Department of Commerce exercises vigilance over exports and reexports of these commodities to prevent such exports or reexports from being used for a purpose detrimental to the national security or foreign policy of the United States.

Accordingly, a new § 370.11 is added, as set forth below.

IV. *Kansas City, Mo., Airport authorized to clear air shipments.*

Purpose and effect: Certain inland airports in the United States have been authorized to clear air shipments for export, as set forth in § 379.12 of the U.S. Export Regulations. Kansas City, Mo., is now added to the list of airports with this authority.

Accordingly, § 379.12(c) is amended as set forth below.

V. *Additional country adhering to Limited Nuclear Test Ban Treaty.*

Purpose and effect: Section 373.7 of the U.S. Export Regulations sets forth the procedures to be followed when exporting commodities and technical data related to nuclear weapons, nuclear explosive devices, or nuclear testing. Certain provisions of these regulations do not apply to destinations subject to the jurisdiction of a country which is an adherent to the "Limited Nuclear Test Ban Treaty" (see list of countries adhering to this treaty in Part 373, Supplement No. 4 of the U.S. Export Regulations).

The Federation of Nigeria deposited an instrument of ratification with the U.S. Department of State on February 28, 1967, and is now added to the list.

Accordingly, Supplement No. 4 to Part 373 is amended as set forth below.

VI. *Exports of copper, July and August 1967.*

Supplement 1 of Part 373 is revised to read as set forth below.

The amendments to Parts 369, 370, 372, 373, and 379 are as follows:

PART 369—REQUEST FOR INFORMATION OR ACTION IN SUPPORT OF CERTAIN FOREIGN RESTRICTIVE TRADE PRACTICES OR BOYCOTTS

§ 369.2 Reporting requirements.

* * * * * * *

NOTE: *1. Exporter.* For the purpose of the reporting requirement set forth in § 369.2, an exporter is construed to be that person who, as the principal party in interest in the export transaction, has the power to determine and control and the responsibility for determining and controlling the sending of the commodities and technical data out of the United States.

2. Examples of restrictive trade practices or boycotts. The above § 369.2 refers to "a request for an action that has the effect of furthering or supporting a restrictive trade practice or boycott fostered by any foreign country against any country not included in Country Group S, W, Y, or Z * * *." These requests may be received by U.S. exporters in the form of general questionnaires to be answered, specific statements or certifications to be supplied in particular transactions, or other types of requests for action. Shown below are some examples of requests that could indicate the furthering or supporting of restrictive trade practices or boycotts.

a. A request for information as to whether the U.S. exporter or any subsidiary or affiliate of the U.S. exporter has, or intends to have, any stockholders, owners, employees, or officers who are nationals of a boycotted country.

b. A request for information as to whether the U.S. exporter or any subsidiary or affiliate of the U.S. exporter has, or intends to have, any stockholders, owners, employees, or officers who are members of a religious organization or of a race, creed, or color generally associated with a boycotted country.

c. A request for information as to whether the U.S. exporter or any subsidiary or affiliate of the U.S. exporter has, or intends to have, any business relationship with a boycotted country or a national of a boycotted country. These business relationships include but are not limited to trade in commodities or technical know-how, licensing arrangements, advertising, or promotion of sale of goods originating in a boycotted country, or use of such goods as components in a manufacturing process.

d. A request for information as to whether the U.S. exporter or any subsidiary or affiliate of the U.S. exporter does any business, or intends to do any business, with any firm that has a business relationship with a boycotted country or a national of a boycotted country.

e. A request for information as to whether the U.S. exporter or any subsidiary or affiliate of the U.S. exporter has any investments, including branches, subsidiaries, affiliates, or holdings, or any commercial or legal representation in a boycotted country or a business firm located in, or doing business in, a boycotted country.

f. A restriction prohibiting the U.S. exporter or any subsidiary or affiliate of the U.S. exporter from using shipping or transportation facilities that are "blacklisted" by the importing country: *Provided, however,* That a request or restriction solely precluding the export of commodities to the importing country on (a) shipping or transportation facilities owned, controlled, operated, or chartered by a country or a national of a country, friendly to the United States but not friendly to the importing country, or (b) a carrier that stops at a port in a country friendly to the United States but not friendly to the importing country prior to stopping at the port of unlading, is not deemed a restrictive practice within the meaning of section 2(4) of the Export Control Act, but rather a precautionary measure to avoid any risk of confiscation of the commodities. Accordingly, the two aforementioned types of shipping restrictions are exempted from the reporting requirement of this section.

The above examples of types of requests, which could indicate the furthering or supporting of restrictive trade practices or boycotts, are merely illustrative, and are not intended in any sense to be the only examples of restrictive trade practices or boycotts.

PART 370—SCOPE OF EXPORT CONTROL BY DEPARTMENT OF COMMERCE

§ 370.11 Parts, components, and materials in foreign-made end-products.

Parts, components, materials, or other commodities exported from the United States and used abroad to manufacture or produce a foreign-made end-product are subject to the export control laws of the United States. The Department of Commerce exercises vigilance over exports and reexports of these commodities in order to prevent such exports or reexports from being used for a purpose detrimental to the national security or the foreign policy of the United States.

PART 372—PROVISIONS FOR INDIVIDUAL AND OTHER VALIDATED LICENSES

§ 372.12 Reexportation.

* * * * * * *

(c) *Reexportation request subsequent to submission of license application.*
* * *

(2) *Additional special requirements.*
* * *

(ii) * * *

(c) * * *

If the required documentation cannot be obtained, waiver may be requested in accordance with the applicable provisions of the Export Regulations. (See § 373.65 (b)(6) for waiver of a Consignee/Purchaser Statement; 373.2(j) for waiver of an Import Certificate; § 373.67(d) for waiver of a Swiss Blue Import Certificate; and § 373.70(d) for waiver of a Yugoslav End Use Certificate.)

* * * * * * *

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

Supplement No. 1—Time Schedules for Submission of Applications for Certain Commodities

Export control commodity No.	Commodity	Submission dates for nonhistorical applicants (No later than date shown below)	Submission dates for historical applicants (No later than date shown below)
28401	Copper metalliferous ash and residues	July 31, 1967	Aug. 31, 1967
28403	Copper or copper-base alloy waste and scrap, including copper alloy waste and scrap of less than 40 percent copper content where copper is the component of chief weight.	July 31, 1967	Aug. 31, 1967
28408	Nickel alloy waste and scrap containing 60 percent or more copper irrespective of nickel content.	July 31, 1967	Aug. 31, 1967
68212	Refined copper, including remelted, in cathodes, billets, ingots (except copper-base alloy ingots), wire bars and other crude forms.	July 31, 1967	Aug. 31, 1967
68212	Copper-base alloy ingots composed essentially of copper with one or more other metals, for example: beryllium copper ingots, devarda alloy ingots, guinea alloy ingots, ounce metal ingots, etc.	July 31, 1967	Aug. 31, 1967

Supplement No. 4—Countries Adhering to the Limited Nuclear Test Ban Treaty

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Federation of Nigeria.

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PART 379—EXPORT CLEARANCE AND DESTINATION CONTROL

§ 379.12 Air cargo clearance at certain ports of origin.

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(c) *Airports designated as ports of origin.*

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Kansas City, Mo.

* * * * * * *

[F.R. Doc. 67-7494; Filed, July 7, 1967; 8:49 a.m.]

[10 Gen. Rev. of Export Regs., Amdt. 34]

MISCELLANEOUS AMENDMENTS TO CHAPTER

Parts 371, 373, and 385 of the Code of Federal Regulations are amended as set forth below.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487, 3 CFR 1959–63 Comp.; E.O. 11038, 27 F.R. 7003, 3 CFR 1959–63 Comp.)

RAUER MEYER,
Director,
Office of Export Control.

I. *Temporary exports of video tape.*[1]

Purpose and effect: The Office of Export Control has established a simplified

[1] The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

procedure for the temporary export to destinations in Country Groups T and V of blank video tape (raw stock) and video tape containing program material in order to facilitate the recording and broadcasting of news events, sports events, entertainment programs, educational programs, etc., in the United States and abroad. It provides that an exporter, without the need for obtaining an individual validated license for each shipment, may make such shipments of video tape over an indefinite period of time for the purpose of (a) recording program material abroad for broadcasting abroad and in the United States and (b) broadcasting in a foreign country(ies) program material which has been recorded in the United States.

An exporter may obtain authorization to make such exports by submitting to the Office of Export Control a letter request, in original and two copies, setting forth certain required information and certifying that the video tape will be used for authorized purposes only and will be returned to the United States unless other disposition is authorized by the Office of Export Control. The request need not be supported by an Import Certificate, a Single or Multiple Transaction Statement by Consignee and Purchaser, a Swiss Blue Import Certificate, or a Yugoslav End-Use Certificate. If the request is approved, the Office of Export Control will return to the U.S. exporter a copy of the letter request bearing the validation stamp of the U.S. Department of Commerce. If the request is disapproved, the Office of Export Control will so advise the U.S. exporter.

Effective date of action: July 3, 1967.

Accordingly, a new § 373.57 of the Export Regulations is established to read as set forth below.

II. *Reexports of technical data and exports of the product manufactured abroad by use of U.S. technical data.*

Purpose and effect: The Export Regulations regarding reexports of U.S. technical data and exports of the foreign-made products of U.S. technical data have been restated for purposes of greater clarity. In addition, specific instructions have been added for requesting authorization to reexport these technical data and to export from abroad the foreign-made products of such data. These authorizations shall be requested by means of a letter to the Office of Export Control fully describing the proposed transactions.

Effective date of action: July 3, 1967.

Accordingly, § 385.6 of the Export Regulations is revised to read as set forth below.

III. *Revision of General License GTDU.*

Purpose and effect: Before exporting unpublished data relating to certain materials and equipment under the provisions of General License GTDU, the exporter must obtain from the importer a written assurance that neither the technical data nor the direct product thereof is intended to be shipped, directly or indirectly, to a destination in Country Group W, Y, or Z. The list of materials and equipment subject to this requirement for a written assurance is now extended to include technical data relating to "Polyimide-polyamide resins and products made therefrom (Export Control Commodity Nos. 53333, 58120, 59958, 66311, and 89300)."

Effective date of action: August 2, 1967.

Accordingly, § 385.2(c)(4)(iii)(*gg*) of the Export Regulations is added to read as set forth below.

IV. *Shipments from the U.S. Virgin Islands to the British Virgin Islands.*

Purpose and effect: General License GLV has been amended to permit the export in a single shipment of commodities from the U.S. Virgin Islands to the British Virgin Islands, provided that the net value of the shipment does not exceed $500 or the amount specified on the Commodity Control List as the GLV dollar-value limit for Country Group T, whichever is greater. These provisions do not apply to the export of any commodity related to nuclear weapons, nuclear explosive devices, or nuclear testing, as described in paragraph 373.7(b) of the Export Regulations.

Effective date of action: July 3, 1967.

Accordingly, § 371.10 of the Export Regulations is revised to read as set forth below.

V. *Technical data supporting a quotation, bid, or offer.*

Purpose and effect: General License GTDU has been revised to permit exports of certain additional limited types of technical data to Country Groups W and Y. Technical data in support of a quotation, bid, or offer to sell, lease, or otherwise supply commodities, plants, technical data, or services, may now be exported, with certain restrictions, to these destinations under general license. Specifically excluded from the general license coverage are technical data concerning the strategic commodities identified by the symbol "A" on the Commodity Control List or listed on the U.S. Munitions List. Furthermore, the quotation technical data authorized by the general license must be of a type customarily transmitted with a prospective or actual quotation, bid, or offer; and the details of design, production, or manufacture, or the means of reconstruction, of either the commodity concerned in the quotation, bid, or offer or of its product may not be disclosed by the technical data. Similarly, a quotation, bid, or offer for technical data or services must not disclose the technical process involved.

The revision in the regulation makes clear that the use of General License GTDU to send technical data in support of a quotation, bid, or offer does not mean that the U.S. Government intends or is committed to approve an export license application for any commodity or technical data that may be the subject of the transaction to which the quotation relates. Exporters are advised to include in any quotations, bids, or offers, as well as in any resulting contracts, a provision relieving themselves of liability in the event that a validated export license (when required) is not approved by the Office of Export Control.

Effective date of action: July 3, 1967.

Accordingly, § 385.2(c)(2) of the Export Regulations is revised to read as set forth below.

The amendments to Parts 371, 373, and 385 are as follows:

PART 371—GENERAL LICENSES

§ 371.10 General License GLV; shipments of limited value.

(a) *Scope.* A general license designated GLV is hereby established, subject to the other provisions of this § 371.10, authorizing the export in a single shipment of any commodity on the Commodity Control List:

(1) To Country Group S, T, V, or X, provided that the net value of the commodity included in a single entry does not exceed the GLV dollar-value limit specified for the appropriate Country Group S, T, V, or X in the column headed "GLV $ Value Limits for Shipments to Country Groups S, T, V, X"; and

(2) From the U.S. Virgin Islands to the British Virgin Islands: *Provided*, That the net value of the shipment does not exceed $500 or the amount specified as the GLV dollar-value limit for Country Group T, whichever is greater.

(b) *Exception.* This General License GLV does not apply to the export of any commodity related to nuclear weapons, nuclear explosive devices, or nuclear testing, as described in paragraph 373.7(b).

(c) *Definitions*—(1) *"Net value."* Net value means the actual selling price less shipping charges or the current market price to the same type of purchaser in the United States, whichever is the larger.

(2) *"Single shipment."* Single shipment means a shipment of commodities which moves at the same time from one exporter to one consignee or intermediate consignee on the same exporting carrier even though such shipment is to be forwarded to one or more ultimate consignees. However, not more than one shipment may be made by parcel post or mail per calendar week from one exporter to one consignee or intermediate consignee.

(d) *Evasion of "single shipment" provisions.* Shipments designed as a device to evade the requirement of a validated export license are prohibited. Such devices include, but are not limited to, (1) the splitting of orders from a single consignee into two or more shipments the total value of which exceeds the maximum GLV dollar-value limit specified for a single shipment; (2) the solicitation from a single consignee of a number of separate orders each of which conforms to such dollar-value limits but which have a combined value in excess thereof.

NOTE: To determine the net value of a commodity which may be exported in a single shipment under the provisions of General License GLV, the exporter should first determine which country group includes the proposed country of destination. (See par. 370.1(g).) The exporter should then find on the Commodity Control List the commodity he proposes to export. For each commodity, in the column titled "GLV $ Value Limits for Shipments to Country Groups S, T, V, X" a dollar amount or a dash (—) is shown for each of the four applicable country groups. The exporter may ship this commodity in an amount not to exceed the dollar-value limit shown for the country group which includes the proposed destination. Where a dash (—) appears, the commodity may not be shipped to that country group under General License GLV. However, despite a lesser dollar-value limit appearing for Country Group T, single shipments of a net value not to exceed $500 may be exported from the U.S. Virgin Islands to the British Virgin Islands under the provisions of General License GLV.

PART 373—SPECIAL LICENSING POLICIES

§ 373.57 Temporary exports of video tape.

(a) *Scope.* A procedure is established authorizing temporary exports to destinations in Country Group T or V of blank vedeo tape (raw stock) and video tape containing program material (Export Control Commodity No. 89120), over an indefinite period of time, without the need of applying for or obtaining an individual validated license to cover each shipment. Such exports may be made from any port in the United States: *Provided*, That authorization is obtained from the Office of Export Control and:

(1) The tape is intended for use in the recording of program material abroad for broadcasting abroad and in the United States; or

(2) The tape contains program material recorded in the United States for broadcasting in a foreign country(ies); and

(3) The tape will be returned to the United States unless prior authorization to dispose of the tape abroad is obtained from the Office of Export Control.

(b) *Submission of request.* A request for authorization to make temporary exports of video tape under the provisions of this § 373.57 shall be submitted by signed letter, in original and two copies, to the Office of Export Control and shall include the following:

(1) A full description of the nature of the business in which the exporter is engaged;

(2) A statement as to whether the request covers blank video tape, video tape containing program material, or both;

(3) A general description of the types of program material, i.e., news events, sports events, entertainment, educational, etc., which will be recorded in the United States or in a foreign country(ies);

(4) The name(s) and address(es) of the consignee(s) who will use the video tape (if U.S. exporter, so state); and

(5) The following certification:

I(We) certify that if this request is approved, shipments will be made only in accordance with the provisions of § 373.57 of the Comprehensive Export Schedule.

If the request is approved, the Office of Export Control will stamp the letter request with the validation stamp of the U.S. Department of Commerce and return one validated copy to the applicant. Where the request is not approved, the applicant will be advised by letter. Customs Offices will be furnished with the names of U.S. exporters approved under these provisions.

(c) *Export clearance.* The exporter shall furnish the Customs Office with an additional copy of the Shipper's Export Declaration covering each shipment made under these provisions. The Declaration shall bear the notation "364" in the upper right corner, the words "Temporary Export," and the following certification in the commodity description space:

I(We) certify that the video tape described in this Declaration will be returned to the United States or authorization will be obtained from the Office of Export Control before it is disposed of abroad, and (contains program material recorded in the United States) (will be used to record program material abroad).

(d) *Waiver of supporting documentation.* A request submitted in accordance with the provisions of this § 373.57 need not be supported by an Import Certificate, a Form FC–842, Single Transaction Statement by Consignee and Purchaser, a Form FC–843 Multiple Transactions Statement by Consignee and Purchaser, a Swiss Blue Import Certificate, or a Yugoslav End-Use Certificate.

PART 385—TECHNICAL DATA

§ 385.2 General licenses.

* * * * *

(c) *General License GTDU.* * * *

(2) *Destination restrictions.* This general license shall not be applicable to any export of technical data, directly or indirectly, to Country Group Z. Only the following technical data may be exported under this general license to Country Group W or Y:

(i) Technical data such as manuals, instruction sheets, or blueprints: *Provided*, That the technical data are:

(*a*) Sent as part of the transaction involving, and directly related to, a commodity licensed for export from the United States to the same consignee and destination to which the commodity was or will be exported;

(*b*) Sent no later than 1 year following the shipment of the commodity to which the technical data are related;

(*c*) Of a type normally delivered with the commodity;

(*d*) Necessary to the assembly, installation, maintenance, repair, or operation of the commodity; and

(*e*) Not related to the production, manufacture, or construction of the commodity.

(ii) Technical data supporting a prospective or actual quotation, bid, or offer to sell, lease, or otherwise supply a commodity, plant, technical data, or service: *Provided*, That:

(*a*) The commodity, plant, technical data, or service, is not (and is not related to) a commodity identified on the Commodity Control list by the symbol "A", or shown on the U.S. Munitions List; and

(*b*) The technical data are of a type customarily transmitted with a prospective or actual quotation, bid, or offer (in accordance with established business practice); and

(*c*) The export will not disclose the details of design, production, or manufacture, or the means of reconstruction, of either the quotation item or its product. Similarly, a quotation, bid, or offer for technical data or services must not disclose the technical process involved.

NOTE: Neither this authorization nor its use means that the U.S. Government intends, or is committed, to approve an export license application for any commodity, plant, technical data, or service that may be the subject of the transaction to which such quotation, bid, or offer relates. Exporters are advised to include, in any quotations, bids, or offers, and in any contracts entered into pursuant to such quotations, bids, or offers, a provision relieving themselves of liability in the event that an export license (when required) is not approved by the Office of Export Control.

* * * * *

(4) *Requirements of written assurances for certain data, services, and materials.* * * *

(iii) * * *

(*gg*) Polyimide-polyamide resins and products made therefrom (Export Control Commodity Nos. 53332, 58120, 59958, 66311, and 89300).

* * * * *

§ 385.6 Reexports of technical data and exports of the product manufactured abroad by use of United States technical data.

(a) *Prohibited exports and reexports.* Unless specifically authorized by the Office of Export Control, or otherwise authorized under the provisions of paragraph (b) of this section of this § 385.6, no person in the United States or in a foreign country may:

(1) Reexport any technical data imported from the United States, directly or indirectly, in whole or in part, from the authorized country(ies) of ultimate destination;

(2) Export any technical data from the United States with the knowledge that it is to be reexported, directly or indirectly, in whole or in part, from the authorized country(ies) of ultimate destination; or

(3) Export or reexport to Country Group W, Y, or Z any foreign produced direct product of U.S. technical data, or any commodity produced by any plant or major component thereof which is a direct product of U.S. technical data, if such direct product or commodity is covered by the provisions of §§ 385.2(c)(4), 385.2(c)(5), or § 385.4(c)(3).

(b) *Permissive reexports.* (1) Any technical data which have been exported from the United States may be reexported from any destination to any other destination: *Provided*, That, at the time of reexport, the technical data is exportable directly from the United States to the new country of destination under General License GTDP, GTDU, or GTDS: *And provided*, That all of the requirements and conditions for use of these general licenses have been met.

(2) When the Office of Export Control has authorized the export of a commodity from the United States to a destination in Country Group W or Y, or the reexport of a U.S. origin commodity

from any foreign country to a destination in Country Group W or Y, technical data, such as manuals, instructional sheets, or blueprints, as described in and subject to the conditions of § 385.2(c)(2) may be sent to the same destination as part of the same transaction without separate specific authorization by the Office of Export Control.

(c) *Specific authorization to reexport.* Requests for specific authorization to reexport technical data or to export any product thereof shall be submitted to the Office of Export Control by letter. The letter shall bear the words "Technical Data Reexport Request" immediately below the heading. The letter shall contain all of the information required under § 385.4(a). Any request for extension of such authorization shall similarly be submitted by letter. Authorization to reexport, if granted, will be issued with a validity period of 12 months on Form IA–L–71 or by means of a letter from the Office of Export Control.

[F.R. Doc. 67–7940; Filed, July 7, 1967; 8:49 a.m.]

[10 Gen. Rev. of Export Regs., Amdt. 33]

MISCELLANEOUS AMENDMENTS TO CHAPTER

Parts 382 and 399 of the Code of Federal Regulations are amended as set forth below:

(Sec. 8, 63 Stat. 7; 50 U.S.C. App. 2028; E.O. 10945, 26 F.R. 4487, 3 CFR 1959–63 Comp.; E.O. 11038, 27 F.R. 7003, 3 CFR 1959–63 Comp.)

RAUER MEYER,
Director,
Office of Export Control.

I. The Commodity Control List, § 399.1, is amended as follows:

A. *Revisions.* The Commodity Control List is amended as set forth below, effective June 26, 1967, unless otherwise specified. Exporters are advised that only the items listed below opposite the specific Export Control Commodity Numbers are affected by these changes. The unnumbered captions serve only to identify the broad categories of commodities within which these items are to be found in Schedule B.

Two different types of explanatory numerical references are used at the end of a commodity description:

(a) A numerical reference enclosed in parentheses which indicates the entry being revised. For example, where a revised entry is followed by (1), it indicates that the new entry revises the first entry or only entry presently on the Commodity Control List under the same Export Control Commodity Number; if the entry is followed by a (2), it revises the second entry on the Commodity Control List, etc.

(b) A footnote reference referring to the footnote below which explains the effect of the revision.

[1] The GLV Dollar-Value Limit is decreased for shipments to Country Groups S and V, effective July 8, 1967.

[2] Effective July 28, 1967, these commodities may no longer be exported under the Periodic Requirements licensing procedure (see Part 376).

Department of Commerce export control commodity number and commodity description	Unit	*Processing number	*Validated license required for country groups shown below	*GLV dollar value limits for shipments to country groups				*Special provisions list
				S	T	V	X	
Metalliferous ores and metal scrap								
28401 Nickel bearing residues and dross. (6) [1]	Lb.	262	STVWXYZ...	100	500	100	.....	
28402 Other nickel or nickel alloy waste and scrap. (3 and 5) [1]	Lb.	262	STVWXYZ...	100	500	100	.....	
Nonferrous metals								
68510 Other nickel or nickel alloys, unwrought. (5 and 6) [1]	Lb.	262	STVWXYZ...	.....	500	100	.....	

B. *Saving clause.* Shipments of commodities removed from general license as a result of changes set forth in Part A above which were on dock for lading, on lighter, laden aboard and exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to 12:01 a.m. July 5, 1967, may be exported under the previous general license provisions up to and including July 28, 1967. Any such shipment not laden aboard the exporting carrier on or before July 28, 1967, requires a validated license for export.

II. The Commodity Control List, § 399.1 is further amended as follows:

A. *Revisions.* The Commodity Control List is amended as set forth below, effective July 3, 1967. Exporters are advised that only the items listed below opposite the specific Export Control Commodity Numbers are affected by these changes. The unnumbered captions serve only to identify the broad categories of commodities within which these items are to be found in Schedule B.

Two different types of explanatory numerical references are used at the end of a commodity description:

(a) A numerical reference enclosed in parentheses to indicate the entry being revised. For example, where a revised entry is followed by (1), it indicates that the new entry revises the first entry or only entry presently on the Commodity Control List under the same Export Control Commodity Number; if the entry is followed by a (2), it revises the second entry on the Commodity Control List, etc.

(b) A footnote reference referring to the footnote below which explains the effect of the revision.

[1] A separate entry is established.

[2] Effective July 10, 1967, a validated license is required for export of these commodities to Country Groups T, V, W, X, and Y.

[3] Effective July 10, 1967, a validated license is required for export of these commodities to Country Groups T, V, and W.

[4] Effective Aug. 17, 1967, an Import Certificate (or a Hong Kong Import Licenses) will be required in support of a license application covering export of these commodities to the countries specified in § 373.3.

Department of Commerce export control commodity number and commodity description	Unit	*Processing number	*Validated license required for country groups shown below	*GLV dollar value limits for shipments to country groups				*Special provisions list
				S	T	V	X	
Dyeing, tanning and coloring materials, natural and synthetic								
53327 Varnishes, finishes, enamels and dispersions made of polyimide-polyamide. (6) [1, 3]	Gal.	222	STVWXYZ...	500	500	500	.....	
Plastic materials, regenerated cellulose and artificial resins								
58120 Polyimide-polyamide resins, unfinished and semifinished. (12) [1, 4]	Lb.	222	STVWXYZ...	.....	500	25	.....	
Chemical materials and products, n.s.e.								
59058 Adhesives or cements made of polyimides, polybenzimidazoles, polyimidazopyrrolones, aromatic polyamides and polyparaxylylenes where the value of the contained polymeric substances is 80 percent or more of the total value of the materials used. (Specify value of polymeric substances and total value of other materials.) (7) [1, 4]	Lb.	221	STVWXYZ...	.....	500	25	.....	A.
59058 Adhesives or cements made of polypyromellitimide or polybenzimidazole where the value of the contained polymeric substances is less than 80 percent of the total value of the materials used. (Specify value of polymeric substances and total value of other materials.) (7) [1, 3]	Lb.	222	STVWXYZ...	.....	500	25	.....	
59058 Adhesives or cements made of polyimidepolyamide. (7) [1, 3]	Lb.	222	STVWXYZ...	.....	500	25	.....	
Nonmetallic mineral manufactures, n.s.e.								
66511 Diamond grinding wheels for power-operated machines, fabricated with polyimidepolyamide. (Specify value of polymeric substances and total value of other materials.) (6) [1, 3]	Carat	422	STVWXYZ...	.....	500	.....	.....	
66511 Diamond grinding wheels for hand- or pedal-operated machines, fabricated with polyimide-polyamide. (Specify value of polymeric substances and total value of other materials.) (7) [1, 3]	Carat	212	STVWXYZ...	.....	500	.....	.....	
Miscellaneous manufactured articles, n.s.e.								
69300 Manufactures, n.s.e., of polyimide-polyamide. (Specify value of polymeric substances and total value of commodity.) (16) [1, 3]	Lb.	223	STVWXYZ...	50	500	50	.....	

B. *Saving clause.* Shipments of commodities removed from general license as a result of changes set forth in Part A above which were on dock for lading, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to 12:01 a.m. July 10, 1967, may be exported under the previous general license provisions up to and including August 2, 1967. Any such shipment not laden aboard the exporting carrier on or before August 2, 1967, requires a validated license for export.

III. Revision of denial and probation orders: The denial and probation orders are revised as shown below. Accordingly, § 382.51 of the Export Regulations is amended as set forth below:

ADDITIONS

Name and address	Effective date	Expiration dates	Export privileges affected	Federal Register citation
New World Ltd., Yu To Sang Building, 87 Queens Road C., Hong Kong.	6-26-67	Indefinite.....	General and validated licenses, all commodities, any destination, also exports to Canada.	32 F.R. 9246, 6-29-67.
Sinclair Industrial Agencies Ltd., (Sindal), 13 Priory Avenue, Hornsey, London, N.8, England.	5-22-67	....do.....	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Shepherd Export & Trading Co., Ltd., and Shepherd, Denis H., which see.)	30 F.R. 12266, 12-24-64.

B. AMENDMENTS

Aebersold, Paul, Zurich, Switzerland.	5-3-67	Until further notice.	General licenses, all commodities, any destination, also exports to Canada.*	32 F.R. 6736–6737, 5-3-67; 32 F.R. 8927, 6-23-67.

*No export of any commodity in any amount may be made to this person or firm under any General License. A validated license is required for all exports to any destination, including Canada.

C. DELETIONS

Name	Address
Schweisstechnik, G.m.b.H.....	Rasumhofstrasse 22, A-1200, Vienna, Austria 22 Humboldstrasse, Linz/Donau, Austria, and 16 Annenstrasse, Graz/Steyria, Austria.

[F.R. Doc. 67–7939; Filed, July 7, 1967; 8:48 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 4—Department of Agriculture

PART 4–2—PROCUREMENT BY FORMAL ADVERTISING

Equal Low Bids

The following miscellaneous amendments are made in the Agriculture Procurement Regulations:

1. The table of contents for Part 4–2—Procurement by Formal Advertising, is amended to add the following new entry:

* * * * *

Subpart 4–2.4—Opening of Bids and Award of Contract

* * * * *

Sec.
4–2.407–6 Equal low bids.

* * * * *

2. Part 4–2—Procurement by Formal Advertising, is amended as follows: In Subpart 4–2.4—*Opening of Bids and Award of Contract*, a new § 4–2.407–6 is added as follows:

§ 4–2.407–6 Equal low bids.

Where the application of § 1–2.407–6 results in two or more bidders being equally eligible for award, the award shall be made by a drawing by lot limited to such bidders. In each such case, except as otherwise authorized by the Director of Plant and Operations, the bidders involved shall be given an opportunity to be present at the drawing.

Done at Washington, D.C., this 3d day of July 1967.

ELMER MOSTROM,
Director, Plant and Operations.

[F.R. Doc. 67–7880; Filed, July 7, 1967; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 51]

FLORIDA GRAPEFRUIT

Standards for Grades [1]

Notice is hereby given that the U.S. Department of Agriculture is considering the revision of U.S. Standards for Grades of Florida Grapefruit (7 CFR 51.750–51.783) pursuant to the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposal should file the same in duplicate, not later than July 31, 1967, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, where they will be available for public inspection during official hours of business (par. (b) of § 1.27, as amended at 29 F.R. 7311).

Statement of considerations leading to the proposed revision of the grade standards. Trends in production and marketing practices, over the past few years, have prompted a revision of the U.S. Standards for Grades of Florida Grapefruit which have been in effect since 1960.

In proposing this revision, the U.S. Department of Agriculture is introducing a new concept in grade standards which would involve the use of statistical principles and procedures in the application of tolerances to a greater extent than heretofore.

During the 1966–67 harvest season experimental studies were conducted in a number of Florida fresh fruit packinghouses utilizing these statistical procedures. As a result of these studies and demonstrations, a quality control master note sheet was developed and used under continuous inspection operations. The note sheet graphically presents the quality level being packed during any given period in the day. The proposal would involve the use of this quality control aid during the packing process as well as for establishing the grade of grapefruit on a lot basis. This would bring about more uniformity and better industry understanding of the grade standards. The Florida Citrus industry has requested that this new concept be adopted and incorporated in the standards. This would require the following changes in the presentation of tolerances:

(1) In selecting samples for grade determination, each sample would consist of 33 grapefruit. When individual packages contain at least 33 grapefruit, the sample is drawn from one package; when individual packages contain less than 33 grapefruit a sufficient number of adjoining packages would be combined to form a 33-grapefruit sample. The sample size would be constant regardless of the size of the containers.

(2) Tolerances: The tolerances for defects would be specified as acceptance numbers. The total maximum or minimum number of defective or off-size grapefruit would be specified for all samples selected for grade determination in the lot.

(3) Under the proposal, individual 33 count samples would be limited to a maximum number of defective or off-size grapefruit permitted, or to a minimum number of grapefruit having the amount of discoloration required in certain grades. This limitation would be specified in the tolerance tables under the absolute limit heading, and would replace the Application of Tolerances section in the existing standards.

In these standards a new format is proposed in an effort to arrange in logical order the various requirements for the particular grade. This would promote uniformity and bring about better understanding and simplifications of the standards.

A new Classification of Defects section would be provided which lists the various grade defects with limitations for these defects under the injury, damage, serious damage, and very serious damage headings.

Representatives of the U.S. Department of Agriculture will be available upon appointment to discuss and demonstrate the proposed revision to interested persons during the period provided for submitting comments. Request for such appointments should be made in writing to: Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, C&MS, U.S. Department of Agriculture, Washington, D.C. 20250.

The proposed standards, as revised, are as follows:

GRADES

Sec.
51.750 U.S. Fancy.
51.751 U.S. No. 1.
51.752 U.S. No. 1 Bright.
51.753 U.S. No. 1 Golden.
51.754 U.S. No. 1 Bronze.
51.755 U.S. No. 1 Russet.
51.756 U.S. No. 2.
51.757 U.S. No. 2 Bright.
51.758 U.S. No. 2 Russet.
51.759 U.S. No. 3.

UNCLASSIFIED

51.760 Unclassified.

TOLERANCES

51.761 Tolerances.

STANDARD PACK

51.762 Standard pack.

DEFINITIONS

51.763 Similar varietal characteristics.
51.764 Well colored.
51.765 Firm.
51.766 Well formed.
51.767 Mature.
51.768 Smooth texture.
51.769 Injury.
51.770 Discoloration.
51.771 Fairly well colored.
51.772 Fairly smooth texture.
51.773 Damage.
51.774 Fairly firm.
51.775 Slightly misshapen.
51.776 Slightly rough texture.
51.777 Serious damage.
51.778 Slightly colored.
51.779 Misshapen.
51.780 Slightly spongy.
51.781 Very serious damage.
51.782 Diameter.
51.783 Classification of defects.

AUTHORITY: The provisions of this subpart issued under secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended; 7 U.S.C. 1622, 1624.

GRADES

§ 51.750 U.S. Fancy.

"U.S. Fancy" consists of grapefruit which meet the following requirements:
(a) Basic requirements:
(1) Discoloration:
(i) Not more than one-tenth of the surface, in the aggregate, may be affected by discoloration. (See § 51.770.)
(2) Firm;
(3) Mature;
(4) Similar varietal characteristics;
(5) Smooth texture;
(6) Well colored; and,
(7) Well formed.
(b) Free from:
(1) Ammoniation;
(2) Bruises;
(3) Buckskin;
(4) Caked melanose;
(5) Cuts not healed;
(6) Decay;
(7) Growth cracks;
(8) Scab;
(9) Sprayburn; and,
(10) Wormy fruit.
(c) Free from injury caused by:
(1) Green spots;
(2) Oil spots;
(3) Scale;
(4) Scars;
(5) Skin breakdown; and,
(6) Thorn scratches.
(d) Free from damage caused by:
(1) Dirt or other foreign material;
(2) Disease;
(3) Dryness or mushy condition;
(4) Hail;
(5) Insects;
(6) Sprouting;
(7) Sunburn; and,
(8) Other means.
(e) For tolerances see § 51.761.

§ 51.751 U.S. No. 1.

"U.S. No. 1" consists of grapefruit which meet the following requirements:
(a) Basic requirements:
(1) Discoloration:
(i) Not more than one-third of the surface, in the aggregate, may be affected by discoloration. (See § 51.770.)
(2) Fairly smooth texture;
(3) Fairly well colored;
(4) Firm;
(5) Mature;
(6) Similar varietal characteristics; and,
(7) Well formed.
(b) Free from:
(1) Bruises;
(2) Cuts not healed;
(3) Decay;
(4) Growth cracks; and,
(5) Wormy fruit.
(c) Free from damage caused by:
(1) Ammoniation;
(2) Buckskin;
(3) Caked melanose;
(4) Dirt or other foreign material;
(5) Disease;
(6) Dryness or mushy condition;
(7) Green spots;
(8) Hail;
(9) Insects;
(10) Oil spots;
(11) Scab;
(12) Scale;
(13) Scars;
(14) Skin breakdown;
(15) Sprayburn;
(16) Sprouting;
(17) Sunburn;
(18) Thorn scratches; and,
(19) Other means.
(d) For tolerances see § 51.761.

§ 51.752 U.S. No. 1 Bright.

The requirements for this grade are the same as for the U.S. No. 1 except that no fruit may have more than one-fifth of its surface, in the aggregate, affected by discoloration.
(a) For tolerances see § 51.761.

§ 51.753 U.S. No. 1 Golden.

The requirements for this grade are the same as for U.S. No. 1 except that not more than the number of fruits permitted in § 51.761, Tables I and II, shall have more than one-third of their surface, in the aggregate, affected by discoloration.
(a) For tolerances see § 51.761.

§ 51.754 U.S. No. 1 Bronze.

The requirements for this grade are the same as for U.S. No. 1 except that all fruit must show some discoloration. Not less than the number of fruits required in § 51.761, Tables I and II, shall have more than one-third of their surface, in the aggregate, affected by discoloration. The predominating discoloration on these fruits shall be of rust mite type.
(a) For tolerances see § 51.761.

§ 51.755 U.S. No. 1 Russet.

The requirements for this grade are the same as for U.S. No. 1 except that not less than the number of fruits required in § 51.761, Tables I and II, shall have more than one-third of their surface, in the aggregate, affected by any type of discoloration.
(a) For tolerances see § 51.761.

§ 51.756 U.S. No. 2.

"U.S. No. 2" consists of grapefruit which meet the following requirements:
(a) Basic requirements:
(1) Discoloration:
(i) Not more than one-half of the surface, in the aggregate, may be affected by discoloration. (See § 51.770.)
(2) Fairly firm;
(3) Mature;
(4) Similar varietal characteristics;
(5) Slightly colored;
(6) Slightly misshapen; and,
(7) Slightly rough texture.
(b) Free from:
(1) Bruises;
(2) Cuts not healed;
(3) Decay;
(4) Growth cracks; and,
(5) Wormy fruit.
(c) Free from serious damage caused by:
(1) Ammoniation;
(2) Buckskin;
(3) Caked melanose;
(4) Dirt or other foreign material;
(5) Disease;
(6) Dryness or mushy condition;
(7) Green spots;
(8) Hail;
(9) Insects;
(10) Oil spots;
(11) Scab;
(12) Scale;
(13) Scars;
(14) Skin breakdown;
(15) Sprayburn;
(16) Sprouting;
(17) Sunburn;
(18) Thorn scratches; and,
(19) Other means.
(d) For tolerances see § 51.761.

§ 51.757 U.S. No. 2 Bright.

The requirements for this grade are the same as for U.S. No. 2 except that no fruit may have more than one-fifth of its surface, in the aggregate, affected by discoloration.
(a) For tolerances see § 51.761.

§ 51.758 U.S. No. 2 Russet.

The requirements for this grade are the same as for U.S. No. 2 except that not less than the number of fruits required in § 51.761, Tables I and II, shall have more than one-half of their surface, in the aggregate, affected by discoloration.
(a) For tolerances see § 51.761.

§ 51.759 U.S. No. 3.

"U.S. No. 3" consists of grapefruit which meet the following requirements:
(a) Basic requirements:
(1) Mature;
(2) Misshapen;
(3) Poorly colored:
(i) Not more than 25 percent of the surface may be of a solid dark green color.
(4) Rough texture, not seriously bumpy;
(5) Similar varietal characteristics; and,
(6) Slightly spongy.
(b) Free from:
(1) Cuts not healed;
(2) Decay; and,
(3) Wormy fruit.
(c) Free from very serious damage caused by:
(1) Ammoniation;
(2) Bruises;
(3) Buckskin;
(4) Caked melanose;
(5) Disease;
(6) Dryness or mushy conditon;
(7) Growth cracks;
(8) Hail;
(9) Insects;
(10) Scab;
(11) Scale;
(12) Scars;
(13) Skin breakdown;
(14) Sprayburn;
(15) Sprouting;
(16) Sunburn; and,
(17) Other means.
(d) For tolerances see § 51.761.

UNCLASSIFIED

§ 51.760 Unclassified.

"Unclassified" consists of grapefruit which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no grade has been applied to the lot.

TOLERANCES

§ 51.761 Tolerances.

In order to allow for variations incident to proper grading and handling in each of the foregoing grades, based on sample inspection, the number of defective or off-size specimens in the individual sample, and the number of defective or off-size specimens in the lot, shall be within the limitations specified in Tables I and II. No tolerance shall apply to wormy fruit.

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

TABLE I—SHIPPING POINT [1]

(a) FOR 1 THROUGH 30 SAMPLES

Factor	Grades	AL [2]	Number of 33-count samples [3]																			
			1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
			Acceptance numbers [4] (maximum permitted)																			
Decay	U.S. Fancy, U.S. No. 1, U.S. No. 2	1	0	0	0	1	↑1	1	2	2	2	↑2	2	2	3	3	3	↑3	3	4	4	4
	U.S. No. 3	1	0	1	↑1	1	2	↑2	3	3	3	↑3	3	4	4	4	↑4	5	5	5	↑5	5
Very serious damage including decay.	U.S. Fancy, U.S. No. 1, U.S. No. 2	4	3	5	7	8	10	11	13	14	16	17	18	20	21	23	24	26	27	28	30	31
Total defects including decay and very serious damage.	All	5	5	9	13	16	19	22	25	28	31	34	37	40	44	46	49	52	55	58	61	64
Off-size		7	5	9	13	16	19	22	25	28	31	34	37	40	44	46	49	52	55	58	61	64
Discoloration	U.S. No. 1, U.S. No. 1 Bright, U.S. No. 2, U.S. No. 2 Bright	7	5	9	13	16	19	22	25	28	31	34	37	40	44	46	49	52	55	58	61	64
	U.S. No. 1 Golden	15	13	23	34	44	54	63	73	83	93	102	112	122	131	140	150	159	169	178	188	197
			Acceptance numbers [4] (minimum required)																			
	U.S. No. 1 Bronze, U.S. No. 1 Russet	8	9	20	32	44	56	68	81	93	106	118	130	143	155	168	180	193	205	218	231	244
	U.S. No. 2 Russet	0	3	4	8	11	14	18	21	25	28	32	36	39	43	47	50	54	57	61	64	68

(b) FOR 31 THROUGH 60 SAMPLES

Factor	Grades	AL [2]	Number of 33-count samples [3]																			
			31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50
			Acceptance numbers [4] (maximum permitted)																			
Decay	U.S. Fancy, U.S. No. 1, U.S. No. 2	1	4	4	↑4	4	4	5	5	5	5	5	↑5	5	5	6	6	6	6	↑6	6	6
	U.S. No. 3	1	5	6	6	6	↑6	6	7	7	7	↑7	7	8	8	8	↑8	8	9	9	9	9
Very serious damage including decay.	U.S. Fancy, U.S. No. 1, U.S. No. 2	4	83	84	85	86	88	89	40	42	43	44	45	47	48	49	51	52	53	54	55	57
Total defects including decay and very serious damage.	All	5	67	70	73	76	79	82	84	87	90	93	96	99	102	105	107	110	113	116	119	122
Off-size		7	67	70	73	76	79	82	84	87	90	93	96	99	102	105	107	110	113	116	119	122
Discoloration	U.S. No. 1, U.S. No. 1 Bright, U.S. No. 2, U.S. No. 2 Bright	7	67	70	73	76	79	82	84	87	90	93	96	99	102	105	107	110	113	116	119	122
	U.S. No. 1 Golden	16	206	216	226	234	247	252	264	274	281	290	300	309	318	327	337	346	355	364	374	383
			Acceptance numbers [4] (minimum required)																			
	U.S. No. 1 Bronze, U.S. No. 1 Russet	8	206	209	212	234	207	220	233	245	256	271	283	296	309	322	335	347	360	372	386	399
	U.S. No. 2 Russet	0	72	76	80	84	88	92	96	99	103	107	110	114	118	122	126	130	134	137	141	145

[1] Shipping point, as used in these standards, means the point of origin of the shipment in the production area or at port of loading for ship stores or overseas shipments, or in the case of shipments from outside the continental United States, the port of entry into the United States.

[2] AL—Absolute limit permitted in individual 33-count sample.

[3] Sample size—33 count.

[4] Acceptance number—Maximum or minimum number of defective or off-size fruit permitted.

↑ Preferred number of samples for this acceptance number.

TABLE II—EN ROUTE OR AT DESTINATION

Factor	Grades	AL[1]	Number of 33-count samples[2]																		
			1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
			Acceptance numbers[3] (maximum permitted)																			
Decay	All	3	1	2	3	4	5	6	7	[4]7	8	9	[4]9	10	11	[4]11	12	13	[4]13	14	[4]14	15
Very serious damage other than decay.	U.S. Fancy U.S. No. 1 U.S. No. 2	4	3	5	7	8	10	11	13	14	16	17	18	20	21	23	24	26	27	28	30	31
Total defects including very serious damage other than decay.	All	5	5	9	13	16	19	23	26	30	33	36	39	43	46	49	53	56	59	63	66	69
Off-size		7	8	9	12	16	19	22	25	28	31	34	37	40	44	46	49	52	55	58	61	64
Discoloration	U.S. No. 1 U.S. No. 1 Bright. U.S. No. 2 U.S. No. 2 Bright.	7	5	9	12	16	19	22	25	28	31	34	37	40	44	46	49	52	55	58	61	64
	U.S. No. 1 Golden.	16	13	28	34	44	54	63	73	83	92	102	113	122	131	140	150	159	169	178	188	197
			Acceptance numbers[3] (minimum required)																			
	U.S. No. 1 Bronze. U.S. No. 1 Russet.	5	9	20	32	44	56	68	81	93	105	118	130	142	153	166	180	192	205	218	231	244
	U.S. No. 2 Russet.	0	2	4	8	11	14	18	21	25	28	32	36	39	43	47	50	53	57	61	64	68

[1] AL—Absolute limit permitted in individual 33-count sample.
[2] Sample size—33 count.
[3] Acceptance number—Maximum or minimum number of defective or off-size fruit permitted.
[4] Preferred number of samples for this acceptance number.

STANDARD PACK

§ 51.762 Standard pack.

(a) Fruits shall be fairly uniform in size, unless specified as uniform in size, and when packed in boxes or cartons, shall be arranged according to the approved and recognized methods. Each wrapped fruit shall be fairly well enclosed by its individual wrapper.

(b) All such containers shall be tightly packed and well filled but the contents shall not show excessive or unnecessary bruising because of overfilled packages. When grapefruits are packed in standard nailed boxes, each box shall have a minimum bulge of 2 inches, except that boxes packed with grapefruit of a size 80 or smaller need only have a bulge of 1½ inches. When packed in cartons or in wire-bound boxes, each container shall be at least level full at time of packing.

(c) "Fairly uniform in size" means that not more than the number of fruits permitted in § 51.761, Tables I and II, are outside the ranges of diameters given in the following table for various packs:

TABLE III—DIAMETER IN INCHES

Pack	Minimum	Maximum
36's	5	5 9/16
42's or 44's	4 13/16	5 5/16
54's or 56's	4 5/16	4 13/16
64's	4 1/16	4 5/16
70's or 72's	3 13/16	4 1/16
80's	3 9/16	3 13/16
96's	3 5/16	3 9/16
112's	3 1/16	3 5/16
125's or 126's	2 13/16	3 1/16

(d) "Uniform in size" means that not more than the number of fruits permitted in § 51.761, Tables I and II, vary more than the following amounts:

(1) 64 size and smaller—not more than 9/16 inch in diameter.

(2) 54 size and larger—not more than 9/16 inch in diameter.

(e) In order to allow for variations, other than sizing, incident to proper packing, not more than 5 percent of the packages in any lot may fail to meet the requirements of standard pack.

DEFINITIONS

§ 51.763 Similar varietal characteristics.

"Similar varietal characteristics" means that the fruits in any container are similar in color and shape.

§ 51.764 Well colored.

"Well colored" means that the fruit is yellow in color with practically no trace of green color.

§ 51.765 Firm.

"Firm" means that the fruit is not soft, or noticeably wilted or flabby, and the skin is not spongy or puffy.

§ 51.766 Well formed.

"Well formed" means that the fruit has the shape characteristic of the variety.

§ 51.767 Mature.

"Mature" shall have the same meaning currently assigned that term in sections 601.16, 601.17, and 601.18 of the Florida Citrus Code of 1949, as amended (Chs. 28090 and 29760, Laws of Florida, 1953 and 1955), or as the definition of such term may hereafter be amended.

§ 51.768 Smooth texture.

"Smooth texture" means that the skin is thin and smooth for the variety and size of the fruit.

§ 51.769 Injury.

"Injury" means any specific defect described in § 51.783, Table IV; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which slightly detracts from the appearance, or the edible or marketing quality of the fruit.

§ 51.770 Discoloration.

"Discoloration" means russeting of a light shade of golden brown caused by rust mite or other means. Lighter shades of discoloration caused by superficial scars or other means may be allowed on a greater area, or darker shades may be allowed on a lesser area, provided no discoloration caused by speck type melanose or other means may detract from the appearance of the fruit to a greater extent than the shade and amount of discoloration allowed in the grade.

§ 51.771 Fairly well colored.

"Fairly well colored" means that, except for an aggregate area of green color which does not exceed the area of a circle 1 inch in diameter, the yellow or orange color predominates over the green color.

§ 51.772 Fairly smooth texture.

"Fairly smooth texture" means that the skin is fairly thin and not coarse for the variety and size of the fruit.

§ 51.773 Damage.

"Damage" means any specific defect described in § 51.783, Table IV; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which materially detracts from the appearance, or the edible or marketing quality of the fruit.

§ 51.774 Fairly firm.

"Fairly firm" means that the fruit may be slightly soft, but not bruised, and the skin is not spongy, or puffy.

§ 51.775 Slightly misshapen.

"Slightly misshapen" means that the fruit has fairly good shape characteristic of the variety and is not more than slightly elongated or pointed or otherwise deformed.

§ 51.776 Slightly rough texture.

"Slightly rough texture" means that the skin may be slightly thick but not excessively thick, materially ridged or grooved.

§ 51.777 Serious damage.

"Serious damage" means any specific defect described in § 51.783, Table IV; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which seriously detracts from the appearance, or the edible or marketing quality of the fruit.

§ 51.778 Slightly colored.

"Slightly colored" means that except for two inches in the aggregate of green color, the remainder of the fruit surface shows some yellow color.

§ 51.779 Misshapen.

"Misshapen" means that the fruit is decidedly elongated, pointed, or flat-sided.

§ 51.780 Slightly spongy.

"Slightly spongy" means that the fruit is puffy or slightly wilted but not flabby.

§ 51.781 Very serious damage.

"Very serious damage" means any specific defect described in § 51.783, Table IV; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which very seriously detracts from the appearance, or the edible or marketing quality of the fruit.

§ 51.782 Diameter.

"Diameter" means the greatest dimension measured at right angles to a line from stem to blossom end.

§ 51.783 Classification of defects.

TABLE IV

Factor	Injury	Damage	Serious damage	Very serious damage
Ammoniation		Not occurring as light speck type.	Scars are cracked or dark and aggregating more than a circle 1 inch in diameter on a 70 size grapefruit.	Aggregating more than 25 percent of the surface.
Buckskin		Aggregating more than a circle 1¼ inches in diameter on a 70 size grapefruit.	Aggregating more than 25 percent of the surface.	Aggregating more than 50 percent of the surface.
Caked melanose		Aggregating more than a circle ¾ inch in diameter on a 70 size grapefruit.	Aggregating more than a circle 1 inch in diameter on a 70 size grapefruit.	Aggregating more than 25 percent of the surface.
Dryness or mushy condition		Affecting all segments more than ¼ inch at stem end, or the equivalent of this amount, by volume, when occurring in other portions of the fruit.	Affecting all segments more than ½ inch at stem end, or the equivalent of this amount, by volume, when occurring in other portions of the fruit.	Affecting all segments more than ¾ inch at stem end, or the equivalent of this amount, by volume, when occurring in other portions of the fruit.
Green spots	More than slightly affecting appearance.	More than 10 spots caused by scale, each spot equivalent to the area of a circle ⅛ inch in diameter on a 70 size grapefruit.	More than 25 spots caused by scale, each spot equivalent to the area of a circle ¼ inch in diameter on a 70 size grapefruit.	
Hail	Not well healed, or aggregating more than a circle ¾ inch in diameter on a 70 size grapefruit.	Not well healed, or aggregating more than a circle ½ inch in diameter on a 70 size grapefruit.	Not well healed, or aggregating more than a circle ¾ inch in diameter on a 70 size grapefruit.	Not well healed, or aggregating more than a circle 1 inch in diameter on a 70 size grapefruit.
Oil spots	More than slightly affecting appearance.	More than 8 spots, or aggregating more than a circle ¾ inch in diameter on a 70 size grapefruit.	More than 10 spots, or aggregating more than a circle 1 inch in diameter on a 70 size grapefruit.	Aggregating more than 25 percent of the surface.
Scab		Materially detracts from the shape or texture, or aggregating more than a circle ¾ inch in diameter on a 70 size grapefruit.	Seriously detracts from the shape or texture, or aggregating more than a circle 1 inch in diameter on a 70 size grapefruit.	Aggregating more than 25 percent of the surface.
Scale	More than a few adjacent to the "buttons" at the stem end, or more than 6 scattered on other portions of the fruit.	Blotch aggregating more than a circle ¾ inch in diameter, or occurring as a ring more than a circle 1¼ inches in diameter on a 70 size grapefruit.	Blotch aggregating more than a circle 1 inch in diameter, or occurring as a ring more than a circle 1¼ inches in diameter on a 70 size grapefruit.	Aggregating more than 25 percent of the surface.
Scars	Depressed, not smooth, or detracts from appearance more than the amount of discoloration permitted in the grade.	Deep, not smooth, or shallow or fairly shallow and detracts from appearance more than the amount of discoloration permitted in the grade.	Very deep, fairly smooth, or detracts from appearance more than the amount of discoloration permitted in the grade.	Deep, rough, or unsightly that appearance is very seriously affected.
Skin breakdown		Aggregating more than a circle ⅛ inch in diameter on a 70 size grapefruit.	Aggregating more than a circle ¼ inch in diameter on a 70 size grapefruit.	Affecting more than 25 percent of the surface.
Sprayburn		Aggregating more than a circle ¼ inch in diameter on a 70 size grapefruit.	Hard and aggregating more than a circle 1¼ inches in diameter on a 70 size grapefruit.	Aggregating more than 25 percent of the surface.
Sprouting		More than 6 seeds are sprouted, or more than 1 sprout is more than ¼ inch in length.	More than 6 seeds are sprouted, or more than 1 sprout is more than ½ inch in length.	More than 6 seeds are sprouted or more than 1 sprout is more than ¾ inch in length.

TABLE IV—Continued

Factor	Injury	Damage	Serious damage	Very serious damage
Sunburn		Skin is flattened, dry, darkened, or hard and the affected area exceeds 36 percent of the surface.	Skin is hard and affects more than one-third of the surface.	Affecting more than 50 percent of the surface.
Thorn scratches	Not well healed, or more unsightly than discoloration permitted in the grade.	Not well healed, or hard concentrated thorn injury aggregating more than a circle ¾ inch in diameter on a 70 size grapefruit.	Not well healed, or hard concentrated thorn injury aggregating more than a circle 1⅛ inch in diameter on a 70 size grapefruit.	Affecting more than 25 percent of the surface.

Dated: June 28, 1967.

G. R. GRANGE,
Deputy Administrator, Marketing Services.

[F.R. Doc. 67-7516; Filed, July 7, 1967; 8:45 a.m.]

[7 CFR Part 51]

FLORIDA ORANGES AND TANGELOS

Standards for Grades [1]

Notice is hereby given that the U.S. Department of Agriculture is considering the revision of U.S. Standards for Grades of Florida Oranges and Tangelos (7 CFR 51.1140–51.1179) pursuant to the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposal should file the same in duplicate, not later than July 31, 1967, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, where they will be available for public inspection during official hours of business (par. (b) of § 1.27, as amended at 29 F.R. 7311).

Statement of considerations leading to the proposed revision of the grade standards. Trends in production and marketing practices, over the past few years, have prompted a revision of the U.S. Standards for Grades of Florida Oranges and Tangelos which have been in effect since 1960.

In proposing this revision, the U.S. Department of Agriculture is introducing a new concept in grade standards which would involve the use of statistical principles and procedures in the application of tolerances to a greater extent than heretofore.

During the 1966–67 harvest season experimental studies were conducted in a number of Florida fresh fruit packinghouses utilizing these statistical procedures. As a result of these studies and demonstrations, a quality control master note sheet was developed and used under continuous inspection operations. The note sheet graphically presents the quality level being packed during any given period in the day. The proposal would involve the use of this quality control aid during the packing process as well as for establishing the grade of oranges on a lot basis. This would bring about more uniformity and better industry understanding of the grade standards. The Florida Citrus industry has requested that this new concept be adopted and incorporated in the standards. This would require the following changes in the presentation of tolerances:

(1) In selecting samples for grade determination, each sample would consist of 50 oranges. When individual packages contain at least 50 oranges, the sample is drawn from one package; when individual packages contain less than 50 oranges a sufficient number of adjoining packages would be combined to form a 50-orange sample. The sample size would be constant regardless of the size of the containers.

(2) Tolerances: The tolerances for defects would be specified as acceptance numbers. The total maximum or minimum number of defective or off-size oranges would be specified for all samples selected for grade determination in the lot.

(3) Under the proposal, individual 50 count samples would be limited to a maximum number of defective or off-size oranges permitted, or to a minimum number of oranges having the amount of discoloration required in certain grades. This limitation would be specified in the tolerance tables under the absolute limit heading, and would replace the Application of Tolerances section in the existing standards.

In these standards a new format is proposed in an effort to arrange in logical order the various requirements for the particular grade. This would promote uniformity and bring about better understanding and simplification of the standards.

A new Classification of Defects section would be provided which lists the various grade defects with limitations for these defects under the injury, damage, serious damage, and very serious damage headings.

Representatives of the United States Department of Agriculture will be available upon appointment to discuss and demonstrate the proposed revision to interested persons during the period provided for submitting comments. Request for such appointments should be made in writing to: Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, C&MS, U.S. Department of Agriculture, Washington, D.C. 20250.

The proposed standards, as revised, are as follows:

GENERAL

Sec.
51.1140 General.

GRADES

51.1141 U.S. Fancy.
51.1142 U.S. No. 1 Bright.
51.1143 U.S. No. 1.
51.1144 U.S. No. 1 Golden.
51.1145 U.S. No. 1 Bronze.
51.1146 U.S. No. 1 Russet.
51.1147 U.S. No. 2 Bright.
51.1148 U.S. No. 2.
51.1149 U.S. No. 2 Russet.
51.1150 U.S. No. 3.

UNCLASSIFIED

51.1151 Unclassified.

TOLERANCES

51.1152 Tolerances.

STANDARD PACK

51.1153 Standard pack.

STANDARD SIZING

51.1154 Standard sizing.

DEFINITIONS

51.1155 Similar varietal characteristics.
51.1156 Well colored.
51.1157 Firm.
51.1158 Well formed.
51.1159 Mature.
51.1160 Smooth texture.
51.1161 Injury.
51.1162 Discoloration.
51.1163 Fairly smooth texture.
51.1164 Damage.
51.1165 Fairly well colored.
51.1166 Reasonably well colored.
51.1167 Fairly firm.
51.1168 Slightly misshapen.
51.1169 Slightly rough texture.
51.1170 Serious damage.
51.1171 Misshapen.
51.1172 Slightly spongy.
51.1173 Very serious damage.
51.1174 Diameter.
51.1175 Classification of defects.

STANDARDS FOR INTERNAL QUALITY OF COMMON SWEET ORANGES (CITRUS SINENSIS (L) OSBECK)

51.1176 U.S. Grade AA Juice (Double A).
51.1177 U.S. Grade A Juice.
51.1178 Maximum anhydrous citric acid permissible for corresponding total soluble solids.
51.1179 Method of juice extraction.

AUTHORITY: The provisions of this subpart issued under secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended; 7 U.S.C. 1622, 1624.

GENERAL

§ 51.1140 General.

The standards contained in this subpart apply only to the common or sweet orange group and varieties and hybrids of varieties belonging to the Mandarin group, except tangerines, and to the citrus fruit commonly known as "tangelo"—a hybrid between tangerine or mandarin orange (citrus reticulata) with either the grapefruit or pomelo (C. paradisi and C. grandis). Separate U.S. Standards apply to tangerines. The standards for internal quality contained in §§ 51.1176 through 51.1179 apply only to common sweet oranges (citrus sinensis (L) Osbeck).

GRADES

§ 51.1141 U.S. Fancy.

"U.S. Fancy" consists of oranges which meet the following requirements:
(a) Basic requirements:
(1) Discoloration:
(i) Not more than one-tenth of the surface, in the aggregate, may be affected by discoloration. (See § 51.1162.)
(2) Firm;
(3) Mature;
(4) Similar varietal characteristics;
(5) Smooth texture;
(6) Well colored; and,
(7) Well formed.
(b) Free from:
(1) Ammoniation;
(2) Bruises;
(3) Buckskin;
(4) Caked melanose;
(5) Creasing;
(6) Cuts not healed;
(7) Decay;
(8) Growth cracks;
(9) Scab;
(10) Split navels;
(11) Sprayburn;
(12) Undeveloped segments; and,
(13) Wormy fruit.
(c) Free from injury caused by:
(1) Green spots;
(2) Oil spots;
(3) Rough, wide or protruding navels;
(4) Scale;
(5) Scars;
(6) Skin breakdown; and,
(7) Thorn scratches.
(d) Free from damage caused by:
(1) Dirt or other foreign material;
(2) Disease;
(3) Dryness or mushy condition;
(4) Hail;
(5) Insects;
(6) Riciness or woodiness;
(7) Sunburn; and,
(8) Other means.
(e) For Tolerances see § 51.1152.
(f) Internal quality:
(1) Lots meeting the internal requirements for "U.S. Grade AA Juice (Double A)" or "U.S. Grade A Juice" may be so specified in connection with the grade. (See §§ 51.1176–51.1179.)

§ 51.1142 U.S. No. 1 Bright.

The requirements for this grade are the same as for U.S. No. 1 except that no fruit may have more than one-fifth of its surface, in the aggregate, affected by discoloration.
(a) For tolerances see § 51.1152.
(b) Internal quality:
(1) Lots meeting the internal requirements for "U.S. Grade AA Juice (Double A)" or "U.S. Grade A Juice" may be so specified in connection with the grade. (See §§ 51.1176–51.1179.)

§ 51.1143 U.S. No. 1.

"U.S. No. 1" consists of oranges which meet the following requirements:
(a) Basic requirements:
(1) Color:
(i) Early and midseason varieties shall be fairly well colored.
(ii) For Valencia and other late varieties, not less than 50 percent, by count, shall be fairly well colored and the remainder reasonably well colored.
(2) Discoloration:
(i) Not more than one-third of the surface, in the aggregate, may be affected by discoloration. (See § 51.1162.)
(3) Fairly smooth texture;
(4) Firm;
(5) Mature;
(6) Similar varietal characteristics; and,
(7) Well formed.
(b) Free from:
(1) Cuts not healed;
(2) Bruises;
(3) Decay;
(4) Growth cracks; and,
(5) Wormy fruit.
(c) Free from damage caused by:
(1) Ammoniation;
(2) Buckskin;
(3) Caked melanose;
(4) Creasing;
(5) Dirt or other foreign material;
(6) Disease;
(7) Dryness or mushy condition;
(8) Green spots;
(9) Hail;
(10) Insects;
(11) Oil spots;
(12) Riciness or woodiness;
(13) Scab;
(14) Scale;
(15) Scars;
(16) Skin breakdown;
(17) Split, rough or protruding navels;
(18) Sprayburn;
(19) Sunburn;
(20) Thorn scratches; and,
(21) Other means.
(d) For tolerances see § 51.1152.
(e) Internal quality:
(1) Lots meeting the internal requirements for "U.S. Grade AA Juice (Double A)" or "U.S. Grade A Juice" may be so specified in connection with the grade. (See §§ 51.1176–51.1179.)

§ 51.1144 U.S. No. 1 Golden.

The requirements for this grade are the same as for U.S. No. 1 except that not more than the number of fruits permitted in § 51.1152, Tables I and II, shall have more than one-third of their surface, in the aggregate, affected by discoloration.
(a) For tolerances see § 51.1152.
(b) Internal quality:
(1) Lots meeting the internal requirements for "U.S. Grade AA Juice (Double A)" or "U.S. Grade A Juice" may be so specified in connection with the grade. (See §§ 51.1176–51.1179.)

§ 51.1145 U.S. No. 1 Bronze.

The requirements for this grade are the same as for U.S. No. 1 except that all fruit must show some discoloration. Not less than the number of fruits required in § 51.1152, Tables I and II, shall have more than one-third of their surface, in the aggregate, affected by discoloration. The predominating discoloration on these fruits shall be of rust mite type.
(a) For tolerances see § 51.1152.
(b) Internal quality:
(1) Lots meeting the internal requirements for "U.S. Grade AA Juice (Double A)" or "U.S. Grade A Juice" may be so specified in connection with the grade. (See §§ 51.1176–51.1179.)

§ 51.1146 U.S. No. 1 Russet.

The requirements for this grade are the same as for U.S. No. 1 except that not less than the number of fruits required in § 51.1152, Tables I and II, shall have more than one-third of their surface, in the aggregate, affected by any type of discoloration.
(a) For tolerances see § 51.1152.
(b) Internal quality:
(1) Lots meeting the internal requirements for "U.S. Grade AA Juice (Double A)" or "U.S. Grade A Juice" may be so specified in connection with the grade. (See §§ 51.1176–51.1179.)

§ 51.1147 U.S. No. 2 Bright.

The requirements for this grade are the same as for U.S. No. 2 except that no fruit may have more than one-fifth of its surface, in the aggregate, affected by discoloration.
(a) For tolerances see § 51.1152.
(b) Internal quality:
(1) Lots meeting the internal requirements for "U.S. Grade AA Juice (Double A)" or "U.S. Grade A Juice" may be so specified in connection with the grade. (See §§ 51.1176–51.1179.)

§ 51.1148 U.S. No. 2.

"U.S. No. 2" consists of oranges which meet the following requirements:
(a) Basic requirements:
(1) Discoloration:
(i) Not more than one-half of the surface, in the aggregate, may be affected by discoloration. (See § 51.1162.)
(2) Fairly firm;
(3) Mature;
(4) Reasonably well colored;
(5) Similar varietal characteristics;
(6) Slightly misshapen; and,
(7) Slightly rough texture.
(b) Free from:
(1) Bruises;
(2) Cuts not healed;
(3) Decay;
(4) Growth cracks; and,
(5) Wormy fruit.
(c) Free from serious damage caused by:
(1) Ammoniation;
(2) Buckskin;
(3) Caked melanose;
(4) Creasing;
(5) Dirt or other foreign material;
(6) Disease;
(7) Dryness or mushy condition;
(8) Green spots;
(9) Hail;
(10) Insects;
(11) Oil spots;
(12) Riciness or woodiness;
(13) Scab;
(14) Scale;
(15) Scars;
(16) Skin breakdown;
(17) Split, rough or protruding navels;

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

(18) Sprayburn;
(19) Sunburn;
(20) Thorn scratches; and,
(21) Other means.
(d) For tolerances see § 51.1152.
(e) Internal quality:
(1) Lots meeting the internal requirements for "U.S. Grade AA Juice (Double A)" or "U.S. Grade A Juice" may be so specified in connection with the grade. (See §§ 51.1176–51.1179.)

§ 51.1149 U.S. No. 2 Russet.

The requirements for this grade are the same as for U.S. No. 2 except that not less than the number of fruits required in § 51.1153, Tables I and II, shall have more than one-half of their surface, in the aggregate, affected by discoloration.
(a) For tolerances see § 51.1152.
(b) Internal quality:
(1) Lots meeting the internal requirements for "U.S. Grade AA Juice (Double A)" or "U.S. Grade A Juice" may be so specified in connection with the grade. (See §§ 51.1176–51.1179.)

§ 51.1150 U.S. No. 3.

"U.S. No. 3" consists of oranges which meet the following requirements:
(a) Basic requirements:
(1) Mature;
(2) Misshapen;
(3) Poorly colored:
(i) Not more than 25 percent of the surface may be of a solid dark green color.
(4) Rough texture, not seriously lumpy;
(5) Similar varietal characteristics; and,
(6) Slightly spongy.
(b) Free from:
(1) Cuts not healed;
(2) Decay; and,
(3) Wormy fruit.
(c) Free from very serious damage caused by:
(1) Ammoniation;
(2) Bruises;
(3) Buckskin;
(4) Caked melanose;
(5) Creasing;
(6) Disease;
(7) Dryness or mushy condition;
(8) Growth cracks;
(9) Hail;
(10) Insects;
(11) Riciness or woodiness;
(12) Scab;
(13) Scale;
(14) Scars;
(15) Skin breakdown;
(16) Split navels;
(17) Sprayburn;
(18) Sunburn; and,
(19) Other means.
(d) For tolerances see § 51.1152.
(e) Internal quality:
(1) Lots meeting the internal requirements for "U.S. Grade AA Juice (Double A)" or "U.S. Grade A Juice" may be so specified in connection with the grade. (See §§ 51.1176–51.1179.)

UNCLASSIFIED

§ 51.1151 Unclassified.

"Unclassified" consists of oranges which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no grade has been applied to the lot.

TOLERANCES

§ 51.1152 Tolerances.

In order to allow for variations incident to proper grading and handling in each of the foregoing grades, based on sample inspection, the number of defective or off-size specimens in the individual sample, and the number of defective or off-size specimens in the lot, shall be within the limitations specified in Tables I and II. No tolerance shall apply to wormy fruit.

TABLE I—SHIPPING POINT [1]

(a) FOR 1 THROUGH 20 SAMPLES

Factor	Grades	AL [2]	Number of 80-count samples [3]																		
			1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
			Acceptance numbers [4] (maximum permitted)																		
Decay	U.S. Fancy, U.S. No. 1, U.S. No. 2	1	0	1	[5]1	1	2	[5]2	2	2	3	3	[5]3	3	4	4	[5]4	4	5	5	5	6
	U.S. No. 3	2	0	1	2	[5]2	2	[5]3	3	4	4	[5]4	5	5	[5]5	6	6	[5]6	6	7	7	[5]7
Very serious damage including decay.	U.S. Fancy, U.S. No. 1, U.S. No. 2	6	4	6	9	11	14	16	18	20	22	24	26	28	30	32	34	37	39	41	43	45
Total defects including decay and very serious damage.	ALL	8	7	12	17	23	27	32	36	41	46	50	54	59	63	68	72	76	81	86	90	94
Off-size		10	7	12	17	23	27	32	36	41	46	50	54	59	63	68	72	76	81	86	90	94
Discoloration	U.S. No. 1, U.S. No. 1 Bright, U.S. No. 2, U.S. No. 2 Bright	10	7	12	17	23	27	32	36	41	46	50	54	59	63	68	72	76	81	86	90	94
	U.S. No. 1 Golden	22	18	24	30	36	39	46	109	123	138	151	166	180	194	208	223	237	251	266	279	293
			Acceptance numbers [4] (minimum required)																		
	U.S. No. 1 Bronze, U.S. No. 1 Russet	11	15	22	31	38	46	104	123	144	162	182	201	220	240	260	278	297	317	336	354	374
	U.S. No. 2 Russet	1	3	8	13	18	23	28	34	40	45	51	56	62	68	74	79	85	91	97	102	108

(b) FOR 21 THROUGH 40 SAMPLES

Factor	Grades	AL [2]	Number of 80-count samples [3]																		
			21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40
			Acceptance numbers [4] (maximum permitted)																		
Decay	U.S. Fancy, U.S. No. 1, U.S. No. 2	1	[5]5	6	6	6	6	[5]6	6	7	7	7	7	[5]7	7	8	8	8	[5]8	8	9	9
	U.S. No. 3	2	8	8	[5]8	8	9	9	[5]9	9	10	10	[5]10	11	11	[5]11	11	12	12	[5]12	12	13
Very serious damage including decay.	U.S. Fancy, U.S. No. 1, U.S. No. 2	6	57	60	61	62	64	66	68	69	62	64	66	68	70	72	74	76	78	80	82	83
Total defects including decay and very serious damage.	All	8	98	103	107	111	116	120	124	128	133	137	141	145	150	154	159	163	167	171	176	180
Off-size		10	98	103	107	111	116	120	124	128	133	137	141	145	150	154	159	163	167	171	176	180
Discoloration	U.S. No. 1, U.S. No. 1 Bright, U.S. No. 2, U.S. No. 2 Bright	10	98	103	107	111	116	120	124	128	133	137	141	145	150	154	159	163	167	171	176	180
	U.S. No. 1 Golden	22	307	331	356	380	403	427	451	476	410	433	447	461	475	489	503	517	531	545	559	573
			Acceptance numbers [4] (minimum required)																		
	U.S. No. 1 Bronze, U.S. No. 1 Russet	11	394	413	433	453	471	491	510	530	549	569	585	606	627	647	666	686	706	726	744	764
	U.S. No. 2 Russet	1	114	119	125	131	137	143	149	155	161	166	172	178	184	190	196	202	208	214	220	226

[1] Shipping point, as used in these standards, means the point of origin of the shipment in the production area or at port of loading for ship stores or overseas shipments, or in the case of shipments from outside the continental United States, the port of entry into the United States.
[2] AL—Absolute limit permitted in individual 80-count sample.
[3] Sample size—80 count.
[4] Acceptance number—Maximum or minimum number of defective or off-size fruit permitted.
[5] Preferred number of samples for this acceptance number.

TABLE II—EN ROUTE OR AT DESTINATION

Factor	Grades	AL [1]	Number of 50-count samples [2]																		
			1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
			Acceptance numbers [3] (maximum permitted)																		
Decay	All	4	3	3	4	5	7	8	9	10	11	12	13	14	15	16	17	18	19	[4] 20	21
Very serious damage other than decay.	U.S. Fancy U.S. No. 1 U.S. No. 2	8	4	6	9	11	14	16	19	20	22	24	26	28	30	33	35	37	39	41	43	44
Total defects including very serious damage other than decay.	All	8	7	12	17	22	27	32	36	41	45	50	54	59	63	68	72	76	81	85	90	94
Off-size		10	7	12	17	22	27	32	36	41	45	50	54	59	63	68	72	76	81	85	90	94
Discoloration	U.S. No. 1 U.S. No. 1 Bright. U.S. No. 2 U.S. No. 3 Bright.	10	7	12	17	22	27	32	36	41	45	50	54	59	63	68	72	76	81	85	90	94
	U.S. No. 1 Golden.	22	15	24	33	44	90	93	109	122	138	151	166	180	194	208	223	237	251	265	279	293
			Acceptance numbers [3] (minimum required)																		
	U.S. No. 1 Bronze. U.S. No. 1 Russet.	11	15	23	31	39	48	105	125	144	162	182	201	220	240	259	278	297	317	336	355	374
	U.S. No. 2 Russet.	1[2]	9	9	13	18	23	28	34	40	44	51	56	62	68	74	79	85	91	97	102	108

[1] AL—Absolute limit permitted in individual 50-count sample.
[2] Sample size—50 count.
[3] Acceptance number—maximum or minimum number of defective or off-size fruit permitted.
[4] Preferred number of samples for this acceptance number.

STANDARD PACK

§ 51.1153 Standard pack.

(a) Fruit shall be fairly uniform in size and shall be place packed in boxes or cartons and arranged according to the approved and recognized methods and shall meet the applicable size requirements set forth in this section.

(b) All containers shall be tightly packed and well filled but the contents shall not show excessive or unnecessary bruising because of overfilled containers.

(c) When packed in half-standard ⅘-bushel nailed boxes or 1⅗-bushel wire-bound boxes, the bulge of any box shall not exceed 1¼ inches; when packed in ⅘-bushel wire-bound boxes including the ⅘-bushel flat wire-bound boxes, the bulge of any box shall not exceed 1 inch; when packed in telescope cartons, the bottom of each telescope cover, when in place, shall not be more than ¾ inch above the bottom of the carton container and each container shall be at least level full at time of packing.

(d) Fruit in each container shall meet the size, count, minimum diameter, and pack arrangement given in one of the following tables for the various types of fruit and sizes of containers:

TABLE III

(When oranges, including navels, are packed in 1⅗ bushel wire-bound box)

Size and count	Pack	Rows	Layers	Minimum diameter in inches
100's	4 x 4 or 5 x 5	5 4	5 5	3⅝ 3⅜
125's	5 x 5	5	5	3⅜
163's	7 x 6	5	5	2¹³⁄₁₆
200's	8 x 8	5	5	2¹³⁄₁₆
252's	7 x 7	6	6	2⅝
324's	9 x 9	6	6	2⅜

Provided, That when Navel oranges are packed in this container, the sizes and minimum diameter may be as follows:

Size and count	Minimum diameter in inches
96's	3⅝
125's or 136's	3⅜
150's	3
175's or 176's	2¹³⁄₁₆
216's	2⅝
252's	2⅜
288's or 294's	2⅛
324's	2⅛

TABLE IV

(When Temple oranges and Tangelos are packed in ⅘ bushel flat wire-bound box)

Size and count	Pack	Rows	Layers	Minimum diameter in inches
84's	4 x 5	4	5	3⅝
96's	6 x 5	4	5	3⅜
80's	4 x 4	5	4	3
100's	5 x 5	5	4	2¹³⁄₁₆
120's	5 x 5	6	4	2⅝
140's	7 x 6	6	4	2⅜

Provided, That when Murcott honey oranges are packed in this container, or in ⅘-bushel nailed box, or ⅘-bushel wire-bound box, or ⅘-bushel fiberboard carton, the sizes, packs, and minimum diameters shall be as follows:

Size and count	Pack	Rows	Layers	Minimum diameter in inches
100's	5 x 5	4	5	2¹³⁄₁₆
120's	4 x 6	5	6	2¹³⁄₁₆
150's	5 x 6	5	6	2⅝
176's	6 x 6	6	6	2⅜
210's	5 x 7	6	7	2⅛
245's	6 x 6	6	7	2⅛
294's	7 x 7	6	7	2

TABLE V

(When oranges, Temple oranges, Navel oranges and Tangelos are packed in 4/5 bushel wire-bound box and 4/5 bushel fiberboard carton)

Size	Count	Pack	Rows	Layers	Minimum diameter in inches
100's	48 or	8 x 6	4	4	3⅝
125's	80 64 or	8 x 5 4 x 4	5 4	4 4	3⅜ 3¹³⁄₁₆
163's	80 100 or	5 x 8 4 x 4 5 x 5	4 4	5 5	2¹³⁄₁₆ 2¹³⁄₁₆
200's	100	4 x 4	5	5	2¹³⁄₁₆
252's	125	5 x 5	5	5	2⅝
324's	168 or 163	7 x 6 8 x 4	5 6	5 6	2⅜ 2⅜

Provided, That when Navel oranges are packed in these containers, the size, pack, count, and minimum diameter may be as follows:

Size	Count	Pack	Rows	Layers	Minimum diameter in inches
96's	48	8 x 6	4	4	3⅝
125's or 126's	64	4 x 4	4	4	3⅜
150's	72	6 x 4	4	4	3
175's or 176's	88	4 x 3	5	5	2¹³⁄₁₆
216's	113	4 x 5	5	5	2¹³⁄₁₆
252's	128	5 x 5	5	5	2⅝
288's	150	6 x 6	5	5	2⅜
324's	162	6 x 7	6	5	2⅜

(e) "Fairly uniform in size", as applied to oranges packed in containers as set forth in paragraph (d) of this section, means that not more than the number of fruits permitted in § 51.1152; Tables I and II, are below the minimum diameters given for the various packs and vary more than the following amounts:

Size	Diameter range in inches
100's and 125's	9/16
163's and 200's	9/16
252's and 324's	1/16

(f) In order to allow for variations incident to proper packing, not more than 5 percent of the containers in any lot may fail to meet the requirements of standard pack.

STANDARD SIZING

§ 51.1154 Standard sizing.

(a) Boxes, cartons, bag packs, or bulk loads in which oranges are not packed according to a definite pattern do not meet the requirements of standard pack, but may be certified as meeting the requirements of standard sizing: *Provided*, That the oranges are fairly uniform in size as defined in this section: *And provided further*, That when packed in boxes or cartons the contents have been properly shaken down and the container is at least level full at time of packing.

(b) "Fairly uniform in size" as applied to oranges packed as set forth in paragraph (a) of this section, means that not more than the number of fruits permitted in § 51.1152, Tables I and II, are outside the range of diameters given for the following pack sizes:

Size	Diameter in inches	
	Minimum	Maximum
100's	2¹³⁄₁₆	3⅛
126's	2¹³⁄₁₆	2¹⁵⁄₁₆
163's	2¹³⁄₁₆	2¹³⁄₁₆
200's	2⅝	2¹³⁄₁₆
252's	2⅜	2⅝
324's	2⅛	2⅜

(c) When oranges are packed in containers, in order to allow for variations incident to proper packing, not more than 5 percent of the containers in any lot may fail to meet the requirements of standard sizing.

DEFINITIONS

§ 51.1155 Similar varietal characteristics.

"Similar varietal characteristics" means that the fruits in any container are similar in color and shape.

§ 51.1156 Well colored.

"Well colored" means that the fruit is yellow or orange in color with practically no trace of green color.

§ 51.1157 Firm.

"Firm" as applied to common oranges and tangelos means that the fruit is not soft, or noticeably wilted or flabby; as applied to oranges of the Mandarin group (Satsumas, King, Mandarin), "firm" means that the fruit is not extremely puffy, although the skin may be slightly loose.

§ 51.1158 Well formed.

"Well formed" means that the fruit has the shape characteristic of the variety.

§ 51.1159 Mature.

(a) "Mature" for other than Temple oranges shall have the same meaning currently assigned that term in sections 601.19 and 601.20 of the Florida Citrus Code of 1949, as amended (ch. 25149, Laws of Florida, 1949), or as the definition of such term may hereafter be amended;

(b) "Mature" for Temple oranges shall have the same meaning currently assigned that term in sections 601.21 and 601.22 of the Florida Citrus Code of 1949, as amended (ch. 26492, Laws of Florida, 1951), or as the definition of such term may hereafter be amended; and;

(c) "Mature" for Tangelos shall have the same meaning currently assigned that term in sections 601.231 and 601.232 of the Florida Citrus Code of 1949, as amended (ch. 29757, Laws of Florida, 1955), or as the definition of such term may hereafter be amended.

§ 51.1160 Smooth texture.

"Smooth Texture" means that the skin is thin and smooth for the variety and size of the fruit.

§ 51.1161 Injury.

"Injury" means any specific defect described in § 51.1175, Table VI; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which slightly detracts from the appearance, or the edible or marketing quality of the fruit.

§ 51.1162 Discoloration.

"Discoloration" means russeting of a light shade of golden brown caused by rust mite or other means. Lighter shades of discoloration caused by superficial scars or other means may be allowed on a greater area, or darker shades may be allowed on a lesser area, provided no discoloration caused by speck type melanose or other means may detract from the appearance of the fruit to a greater extent than the shade and amount of discoloration allowed for the grade.

§ 51.1163 Fairly smooth texture.

"Fairly smooth texture" means that the skin is fairly thin and not coarse for the variety and size of the fruit.

§ 51.1164 Damage.

"Damage" means any specific defect described in § 51.1175, Table VI; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which materially detracts from the appearance, or the edible or marketing quality of the fruit.

§ 51.1165 Fairly well colored.

"Fairly well colored" means that, except for an aggregate area of green color which does not exceed the area of a circle 1 inch in diameter, the yellow or orange color predominates over the green color.

§ 51.1166 Reasonably well colored.

"Reasonably well colored" means that the yellow or orange color predominates over the green color on at least two-thirds of the fruit surface, in the aggregate.

§ 51.1167 Fairly firm.

"Fairly firm" as applied to common oranges and tangelos, means that the fruit may be slightly soft, but not bruised; as applied to oranges of the Mandarin group (Satsumas, King, Mandarin), means that the skin of the fruit is not extremely puffy or extremely loose.

§ 51.1168 Slightly misshapen.

"Slightly misshapen" means that the fruit is not of the shape characteristic of the variety but is not appreciably elongated or pointed or otherwise deformed.

§ 51.1169 Slightly rough texture.

"Slightly rough texture" means that the skin is not of smooth texture but is not materially ridged, grooved, or wrinkled.

§ 51.1170 Serious damage.

"Serious damage" means any specific defect described in § 51.1175, Table VI; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which seriously detracts from the appearance, or the edible or marketing quality of the fruit.

TABLE VI—Continued

Factor	Injury	Damage	Serious damage	Very serious damage
Scale	More than a few adherent to the "button" at the stem end, or more than a few adherent on other portions of the fruit.	Aggregating more than a circle ¾ inch in diameter on a 200 size orange.	Aggregating more than a circle ¾ inch in diameter on a 200 size orange.	Covering more than 25 percent of the surface.
Scars	Depressed, not smooth, or shallow or fairly shallow and detracts from appearance more than the amount of disorder-ation permitted in the grade.	Deep, not smooth, or shallow and detracts from appearance more than the amount of disorder-ation permitted in the grade.	Very deep, fairly smooth, or detracts from appearance more than the amount of disorder-ation permitted in the grade.	Deep, rough or unsightly that appearance is very seriously affected.
Skin breakdown	Aggregating more than 25 percent of the surface.	Aggregating more than a circle ¾ inch in diameter on a 200 size orange.	Aggregating more than a circle ¾ inch in diameter on a 200 size orange.	Affecting more than 25 percent of the surface.
Sprayburn	Aggregating more than ¼ inch in diameter on a 200 size orange.	Aggregating more than ¼ inch in diameter on a 200 size orange.	Hard and aggregating more than ¼ inch in diameter on a 200 size orange.	Aggregating more than 25 percent of the surface.
Sunburn	Skin is flattened, dry, darkened, or hard and the affected area exceeds 25 percent of the surface.	Skin is flattened, dry, darkened, or hard and the affected area exceeds 25 percent of the surface.	Skin is hard and affects more than one-third of the surface.	Affecting more than 50 percent of the surface.
Split, Rough, Protruding Navels.	Split is unhealed, or more than ¼ inch in length, or navel protrudes beyond the general contour, and opening is so wide, folded and ridged that it detracts from appearance.	Split is unhealed, or more than ¼ inch in length, or navel protrudes beyond the general contour, and opening is so wide, folded and ridged that it detracts from appearance.	Split is unhealed, or more than ¼ inch in length, or two or more splits aggregate more than 1 inch in length, or navel protrudes beyond general contour, and opening is so wide, folded and ridged that it detracts from appearance.	Split is unhealed or fruit is seriously weakened.
Thorn scratches	Not well healed, or more unsightly than discoloration permitted in this grade.	Not well healed, or hard concentrated thorn injury aggregating more than a circle ¾ inch in diameter on a 200 size orange.	Not well healed, or hard concentrated thorn injury aggregating more than a circle ¾ inch in diameter on a 200 size orange.	Affecting more than 25 percent of the surface.

STANDARDS FOR INTERNAL QUALITY OF COMMON SWEET ORANGES (CITRUS SINENSIS (L) OSBECK)

§ 51.1176 U.S. Grade AA Juice (Double A).

Any lot of oranges, the juice content of which meets the following requirements, may be designated "U.S. Grade AA Juice (Double A)":

(a) Each lot of fruit shall contain an average of not less than 5 gallons of juice per standard packed box of 1⅗ bushels.

(b) The average juice content for any lot of fruit shall have not less than 10 percent total soluble solids, and not less than one-half of 1 percent anhydrous citric acid, or more than the permissible maximum acid specified in Table VII of § 51.1178.

§ 51.1177 U.S. Grade A Juice.

Any lot of oranges, the juice content of which meets the following requirements, may be designated "U.S. Grade A Juice":

(a) Each lot of fruit shall contain an average of not less than 4½ gallons of juice per standard packed box of 1⅗ bushels.

(b) The average juice content for any lot of fruit shall have not less than 9 percent total soluble solids, and not less than one-half of 1 percent anhydrous citric acid, or more than the permissible maximum acid specified in Table VII of § 51.1178.

§ 51.1171 Misshapen.

"Misshapen" means that the fruit is decidedly elongated, pointed or flat-sided.

§ 51.1172 Slightly spongy.

"Slightly spongy" means that the fruit is puffy or slightly wilted but not flabby.

§ 51.1173 Very serious damage.

"Very serious damage" means any specific defect described in § 51.1175.

§ 51.1175 Classification of defects.

Table VI; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which very seriously detracts from the appearance, or the edible or marketing quality of the fruit.

§ 51.1174 Diameter.

"Diameter" means the greatest dimension measured at right angles to a line from stem to blossom end.

TABLE VI

Factor	Injury	Damage	Serious damage	Very serious damage
Ammoniation		Not occurring as light speck type.	Scars are cracked or dark and aggregating more than a circle ¾ inch in diameter on a 200 size orange.	Aggregating more than 25 percent of the surface.
Bucktail		Aggregating more than a circle 1 inch in diameter on a 200 size orange.	Aggregating more than 50 percent of the surface.	Aggregating more than 50 percent of the surface.
Caked melanose		Aggregating more than a circle ¾ inch in diameter on a 200 size orange.	Aggregating more than 25 percent of the surface.	Aggregating more than 25 percent of the surface.
Creasing		Materially weakens the skin, or extends over more than one-third of the surface.	Seriously weakens the skin, or extends over more than one-third of the surface.	Very seriously weakens the skin, or extends over practically the entire surface.
Dryness or musty condition.		Affecting all segments more than ¼ inch at stem end, or the equivalent of this amount, by volume, when occurring in other portions of the fruit.	Affecting all segments more than ¼ inch at stem end, or the equivalent of this amount, by volume, when occurring in other portions of the fruit.	Affecting all segments more than ¼ inch at stem end, or the equivalent of this amount, by volume, when occurring in other portions of the fruit.
Green spots	More than slightly affecting appearance.	More than 10 spots caused by scale, each spot equivalent to the area of a circle ¼ inch in diameter on a 200 size orange.	More than 25 spots caused by scale, each spot equivalent to the area of a circle ¼ inch in diameter on a 200 size orange.	
Hail	Not well healed, or aggregating more than a circle ¾ inch in diameter on a 200 size orange.	Not well healed, or aggregating more than a circle ¾ inch in diameter on a 200 size orange.	Not well healed, or aggregating more than a circle ¾ inch in diameter on a 200 size orange.	Not well healed, or aggregating more than a circle ¾ inch in diameter on a 200 size orange.
Oil spots	More than slightly affecting appearance.	More than 3 spots, or aggregating more than a circle ¼ inch in diameter on a 200 size orange.	More than 10 spots, or aggregating more than a circle 1 inch in diameter on a 200 size orange.	Aggregating more than 25 percent of the surface.
Scab		Materially detracts from the shape or texture, or aggregating more than a circle ¼ inch in diameter on a 200 size orange.	Seriously detracts from the shape or texture, or aggregating more than a circle ¾ inch in diameter on a 200 size orange.	

§ 51.1178 Maximum anhydrous citric acid permissible for corresponding total soluble solids.

For determining the grade of juice, the maximum permissible anhydrous citric acid content in relation to corresponding total soluble solids in the fruit is set forth in the following Table VII together with the minimum ratio of total soluble solids to anhydrous citric acid:

TABLE VII

Total soluble solids (average percent)	Maximum anhydrous citric acid (average percent)	Minimum ratio of total soluble solids to anhydrous citric acid
9.0	0.947	9.50–1
9.1	.963	9.45–1
9.2	.979	9.40–1
9.3	.995	9.35–1
9.4	1.011	9.30–1
9.5	1.027	9.25–1
9.6	1.043	9.20–1
9.7	1.060	9.15–1
9.8	1.077	9.10–1
9.9	1.094	9.05–1
10.0	1.111	9.00–1
10.1	1.128	8.95–1
10.2	1.146	8.90–1
10.3	1.164	8.85–1
10.4	1.182	8.80–1
10.5	1.200	8.75–1
10.6	1.218	8.70–1
10.7	1.237	8.65–1
10.8	1.256	8.60–1
10.9	1.275	8.55–1
11.0	1.294	8.50–1
11.1	1.306	8.50–1
11.2	1.318	8.50–1
11.3	1.329	8.50–1
11.4	1.341	8.50–1
11.5	1.353	8.50–1
11.6	1.365	8.50–1
11.7	1.376	8.50–1
11.8	1.388	8.50–1
11.9	1.400	8.50–1
12.0	1.412	8.50–1
12.1	1.424	8.50–1
12.2	1.435	8.50–1
12.3	1.447	8.50–1
12.4	1.459	8.50–1
12.5	1.471	8.50–1
12.6	1.482	8.50–1
12.7	1.494	8.50–1
12.8	1.506	8.50–1
12.9	1.517	8.50–1
13.0	1.530	8.50–1
13.1	1.541	8.50–1
13.2	1.553	8.50–1
13.3	1.566	8.50–1
13.4	1.576	8.50–1
13.5	1.588	8.50–1
13.6	1.600	8.50–1
13.7	1.612	8.50–1
13.8	1.624	8.50–1
13.9	1.635	8.50–1
14.0	1.647	8.50–1
14.1	1.659	8.50–1
14.2	1.671	8.50–1
14.3	1.682	8.50–1
14.4	1.694	8.50–1
14.5	1.706	8.50–1
14.6	1.718	8.50–1
14.7	1.729	8.50–1
14.8	1.741	8.50–1
14.9	1.753	8.50–1
15.0	1.765	8.50–1
15.1	1.776	8.50–1
15.2	1.788	8.50–1
15.3	1.800	8.50–1
15.4	1.812	8.50–1
15.5	1.824	8.50–1
15.6 or more		

§ 51.1179 Method of juice extraction.

The juice used in the determining of solids, acid, and juice content shall be extracted from representative samples as thoroughly as possible with a hand reamer or by such mechanical extractor or extractors as may be approved. The juice shall be strained through cheese cloth or other approved straining device of extra fine mesh to prevent passage of juice cells, pulp, or seeds.

Dated: June 28, 1967.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

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[7 CFR Part 51]

FLORIDA TANGERINES

Standards for Grades [1]

Notice is hereby given that the U.S. Department of Agriculture is considering the revision of U.S. Standards for Grades of Florida Tangerines (7 CFR 51.1810–51.1834) pursuant to the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposal should file the same in duplicate, not later than July 31, 1967, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, where they will be available for public inspection during official hours of business (par. (b) of § 1.27, as amended at 29 F.R. 7311).

Statement of considerations leading to the proposed revision of the grade standards. Trends in production and marketing practices, over the past few years, have prompted a revision of the U.S. Standards for Grades of Florida Tangerines which have been in effect since 1960.

In proposing this revision, the U.S. Department of Agriculture is introducing a new concept in grade standards which would involve the use of statistical principles and procedures in the application of tolerances to a greater extent than heretofore.

During the 1966–67 harvest season experimental studies were conducted in a number of Florida fresh fruit packinghouses utilizing these statistical procedures. As a result of these studies and demonstrations, a quality control master note sheet was developed and used under continuous inspection operations. The note sheet graphically presents the quality level being packed during any given period in the day. The proposal would involve the use of this quality control aid during the packing process as well as for establishing the grade of tangerines on a lot basis. This would bring about more uniformity and better industry understanding of the grade standards. The Florida citrus industry has requested that this new concept be adopted and incorporated in the standards. This would require the following changes in the presentation of tolerances:

(1) In selecting samples for grade determination, each sample would consist of 50 tangerines. When individual packages contain at least 50 tangerines, the sample is drawn from one package; when individual packages contain less than 50 tangerines a sufficient number of adjoining packages would be combined to form a 50-tangerine sample. The sample size would be constant regardless of the size of the containers.

(2) Tolerances: The tolerances for defects would be specified as acceptance numbers. The total maximum or minimum number of defective or off-size tangerines would be specified for all samples selected for grade determination in the lot.

(3) Under the proposal, individual 50-count samples would be limited to a maximum number of defective or off-size tangerines permitted, or to a minimum number of tangerines having the amount of discoloration required in certain grades. This limitation would be specified in the tolerance tables under the absolute limit heading, and would replace the Application of Tolerances section in the existing standards.

The requirements for the U.S. No. 1 Bronze and U.S. No. 1 Russet grades would be changed to correspond to the U.S. No. 1 Bronze and U.S. No. 1 Russet grades in the present Florida orange and grapefruit standards.

The existing Bronze grade requires that at least 75 percent of the fruit shall show some discoloration and more than 20 percent shall have more than one-third of their surface affected with bronzed russeting.

The proposed Bronze grade would require that all fruit must show some discoloration and rust mite type discoloration must predominate only on fruits showing more than one-third of their surface discolored. This will accomplish the elimination of a large amount of other more objectionable types of discoloration. The change would facilitate the sorting procedure, eliminate time consuming evaluation of the discoloration on each fruit and provide for a more uniform flow of Bronze grade fruit to market. Corresponding changes would be made in the Russet grade.

In these standards a new format is proposed in an effort to arrange in logical order the various requirements for the particular grade. This would promote uniformity and bring about better understanding and simplification of the standards.

A new Classification of Defects section would be provided which lists the various grade defects with limitations for these defects under the injury, damage, serious damage, and very serious damage headings.

Representatives of the U.S. Department of Agriculture will be available upon appointment to discuss and demonstrate the proposed revision to interested persons during the period provided for submitting comments. Request for such appointments should be made in writing to: Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, C&MS, U.S. Department of Agriculture, Washington, D.C. 20250.

The proposed standards, as revised, are as follows:

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

GRADES

Sec.
51.1810 U.S. Fancy.
51.1811 U.S. No. 1.
51.1812 U.S. No. 1 Bronze.
51.1813 U.S. No. 1 Russet.
51.1814 U.S. No. 2.
51.1815 U.S. No. 2 Russet.
51.1816 U.S. No. 3.

UNCLASSIFIED

51.1817 Unclassified.

TOLERANCES

51.1818 Tolerances.

STANDARD PACK

51.1819 Standard pack.

DEFINITIONS

51.1820 Mature.
51.1821 Firm.
51.1822 Well formed.
51.1823 Damage.
51.1824 Highly colored.
51.1825 Discoloration.
51.1826 Well colored.
51.1827 Fairly well colored.
51.1828 Fairly firm.
51.1829 Fairly well formed.
51.1830 Serious damage.
51.1831 Reasonably well colored.
51.1832 Very serious damage.
51.1833 Diameter.
51.1834 Classification of defects.

AUTHORITY: The provisions of this subpart issued under secs. 208, 205, 60 Stat. 1087, as amended, 1090 as amended; 7 U.S.C. 1622, 1624.

GRADES

§ 51.1810 U.S. Fancy.

"U.S. Fancy" consists of tangerines which meet the following requirements:

(a) Basic requirements:

(1) Discoloration:

(i) Not more than one-tenth of the surface, in the aggregate, may be affected by discoloration. (See § 51.1825.)

(2) Firm;
(3) Highly colored;
(4) Mature; and,
(5) Well formed.

(b) Free from:

(1) Bruises;
(2) Caked melanose;
(3) Decay;
(4) Unhealed skin-breaks; and,
(5) Wormy fruit.

(c) Free from damage caused by:

(1) Ammoniation;
(2) Buckskin;
(3) Creasing;
(4) Dirt or other foreign material;
(5) Dryness or mushy condition;
(6) Disease;
(7) Green spots;
(8) Hail;
(9) Insects;
(10) Oil spots;
(11) Scab;
(12) Scale;
(13) Scars;
(14) Skin breakdown;
(15) Sprayburn;
(16) Sunburn;
(17) Unsightly discoloration; and,
(18) Other means.

(d) For tolerances see § 51.1818.

§ 51.1811 U.S. No. 1.

"U.S. No. 1" consists of tangerines which meet the following requirements:

(a) Basic requirements:

(1) Discoloration:

(i) Not more than one-third of the surface, in the aggregate, may be affected by discoloration. (See § 51.1825.)

(2) Fairly well colored;
(3) Firm;
(4) Mature; and,
(5) Well formed.

(b) Free from:

(1) Bruises;
(2) Decay;
(3) Unhealed skin-breaks; and,
(4) Wormy fruit.

(c) Free from damage caused by:

(1) Ammoniation;
(2) Buckskin;
(3) Caked melanose;
(4) Creasing;
(5) Dirt or other foreign material;
(6) Disease;
(7) Dryness or mushy condition;
(8) Green spots;
(9) Hail;
(10) Insects;
(11) Oil spots;
(12) Scab;
(13) Scale;
(14) Scars;
(15) Skin breakdown;
(16) Sprayburn;
(17) Sunburn;
(18) Unsightly discoloration; and,
(19) Other means.

(d) For tolerances see § 51.1818.

§ 51.1812 U.S. No. 1 Bronze.

The requirements for this grade are the same as for U.S. No. 1 except that all fruit must show some discoloration. Not less than the number of fruits required in § 51.1818, Tables I and II, shall have more than one-third of their surface, in the aggregate, affected by discoloration. The predominating discoloration on these fruits shall be of rust mite type.

(a) For tolerances see § 51.1818.

§ 51.1813 U.S. No. 1 Russet.

The requirements for this grade are the same as for U.S. No. 1 except that not less than the number of fruits required in § 51.1818, Tables I and II, shall have more than one-third of their surface, in the aggregate, affected by any type of discoloration.

(a) For tolerances see § 51.1818.

§ 51.1814 U.S. No. 2.

"U.S. No. 2" consists of tangerines which meet the following requirements:

(a) Basic requirements:

(1) Discoloration:

(i) Not more than one-half of the surface, in the aggregate, may be affected by discoloration. (See § 51.1825.)

(2) Fairly firm;
(3) Fairly well formed;
(4) Mature; and,
(5) Reasonably well colored.

(b) Free from:

(1) Bruises;
(2) Decay;
(3) Unhealed skin-breaks; and,
(4) Wormy fruit.

(c) Free from serious damage caused by:

(1) Ammoniation;
(2) Buckskin;
(3) Caked melanose;
(4) Creasing;
(5) Dirt or other foreign material;
(6) Disease;
(7) Dryness or mushy condition;
(8) Green spots;
(9) Hail;
(10) Insects;
(11) Oil spots;
(12) Scab;
(13) Scale;
(14) Scars;
(15) Skin breakdown;
(16) Sprayburn;
(17) Sunburn;
(18) Unsightly discoloration; and,
(19) Other means.

(d) For tolerances see § 51.1818.

§ 51.1815 U.S. No. 2 Russet.

The requirements for this grade are the same as for U.S. No. 2 except that not less than the number of fruits required in § 51.1818, Tables I and II, shall have more than one-half of their surface, in the aggregate, affected by discoloration.

(a) For tolerances see § 51.1818.

§ 51.1816 U.S. No. 3.

"U.S. No. 3" consists of tangerines which meet the following requirements:

(a) Basic requirements:

(1) Mature;
(2) Not flabby; and,
(3) Not seriously lumpy.

(b) Free from:

(1) Decay;
(2) Unhealed skin-breaks; and,
(3) Wormy fruit.

(c) Free from very serious damage caused by:

(1) Ammoniation;
(2) Bruises;
(3) Caked melanose;
(4) Creasing;
(5) Dirt or other foreign material;
(6) Disease;
(7) Dryness or mushy condition;
(8) Hail;
(9) Insects;
(10) Scab;
(11) Scale;
(12) Scars;
(13) Skin breakdown;
(14) Sprayburn;
(15) Sunburn;
(16) Unsightly discoloration; and,
(17) Other means.

(d) For tolerances see § 51.1818.

UNCLASSIFIED

§ 51.1817 Unclassified.

"Unclassified" consists of tangerines which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no grade has been applied to the lot.

TOLERANCES

§ 51.1818 Tolerances.

In order to allow for variations incident to proper grading and handling in each of the foregoing grades, based on sample inspection, the number of defective or off-size specimens in the individual sample, and the number of defective or off-size specimens in the lot, shall be within the limitations specified in Tables I and II. No tolerance shall apply to wormy fruit.

TABLE I—SERVICE FOOT [1]

(a) FOR 1 THROUGH 20 SAMPLES

Factor	Grades	AL [2]	Number of 80-count samples [3]																	
			1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
			Acceptance numbers [4] (maximum permitted)																	
Decay	U.S. Fancy, U.S. No. 1, U.S. No. 2	1	0	1	*1	1	2	*2	2	3	3	3	*3	3	4	4	*4	4	5	5	5	5
	U.S. No. 3	2	0	1	2	*2	2	*3	3	4	4	*4	5	5	*5	6	6	*6	6	7	7	*7
Very serious damage including decay.	U.S. Fancy, U.S. No. 1, U.S. No. 2	6	4	6	9	11	14	16	18	20	22	24	26	28	30	33	35	37	39	41	43	45
Total defects including decay and very serious damage	All	8	7	13	17	22	27	32	36	41	45	50	54	59	63	68	72	76	81	85	90	94
Off-size		10	7	13	17	22	27	32	36	41	45	50	54	59	63	68	72	76	81	85	90	94
Discoloration	U.S. Fancy, U.S. No. 1, U.S. No. 2	10	7	12	17	22	27	32	36	41	45	50	54	59	63	68	72	76	81	85	90	94
	Serious damage by unsightly discoloration.	2	1	2	2	*2	3	*4	5	*5	6	*6	7	*7	8	*8	9	*9	9	10	*10	11
			Acceptance numbers [4] (minimum required)																			
	U.S. No. 1 Bronze, U.S. No. 1 Russet.	11	15	22	31	39	48	106	125	144	162	183	201	220	240	259	278	297	317	336	355	374
	U.S. No. 2 Russet.	1	3	8	12	15	22	25	34	40	45	51	56	62	68	74	79	85	91	97	102	108

(b) FOR 31 THROUGH 40 SAMPLES

Factor	Grades	AL[1]	Number of 50-count samples[2]																		
			31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49
			Acceptance numbers[3] (maximum permitted)																		
Decay	U.S. Fancy, U.S. No. 1, U.S. No. 2	1	[4]5	6	6	6	6	[4]6	6	7	7	7	7	[4]7	7	[4]8	8	8	[4]8	8	9
	U.S. No. 3	3	8	8	[4]8	8	9	9	[4]9	9	10	10	[4]10	11	11	[4]11	11	12	[4]12	12	12
Very serious damage including decay.	U.S. Fancy, U.S. No. 1, U.S. No. 2	6	47	49	51	52	54	55	56	60	62	64	66	68	70	72	74	76	78	80	81
Total defects including decay and very serious damage.	All	8	98	103	107	111	116	120	124	129	133	137	141	146	150	154	158	163	167	171	176
Off-size		10	98	103	107	111	116	120	124	129	133	137	141	146	150	154	159	163	167	171	176
Discoloration	U.S. Fancy, U.S. No. 1, U.S. No. 2	10	98	103	107	111	116	120	124	129	133	137	141	146	150	154	159	163	167	171	176
	Serious damage by unsightly discoloration.	2	[4]11	13	[4]12	13	13	[4]13	14	[4]14	15	15	[4]15	16	[4]16	17	17	[4]17	18	[4]18	19
			Acceptance numbers[3] (minimum required)																		
	U.S. No. 1 Bronze, U.S. No. 1 Russet.	11	391	413	435	457	471	491	510	530	549	569	588	608	627	647	666	686	705	725	744
	U.S. No. 2 Russet.	1	114	119	125	131	137	143	149	155	161	168	172	178	184	190	196	202	208	214	220

[1] Shipping point, as used in these standards, means the point of origin of the shipment in the production area or at part of loading for ship stores or overseas shipments, or in the case of shipments from outside the continental United States, the port of entry into the United States.
[2] Sample size—50 count.
[3] Acceptance number—Maximum or minimum number of defective or off-size fruit permitted.
[4] Preferred total number of samples for this acceptance number.
[5] AL—Absolute limit permitted in individual 50-count sample.

TABLE II—EN ROUTE OR AT DESTINATION

Factor	Grades	AL[1]	Number of 50-count samples[2]																		
			1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
			Acceptance numbers[3] (maximum permitted)																		
Decay	All	4	2	3	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	[4]20
Very serious damage other than decay.	U.S. Fancy, U.S. No. 1, U.S. No. 2	6	6	8	9	11	14	16	18	20	23	24	26	28	30	33	35	37	39	41	43
Total defects including very serious damage other than decay.	All	8	7	12	17	23	27	32	36	41	45	50	54	59	63	68	72	76	81	85	90
Off-size		10	7	12	17	23	27	32	36	41	45	50	54	59	63	68	72	76	81	85	90
Discoloration	U.S. Fancy, U.S. No. 1, U.S. No. 2	10	7	13	17	23	27	32	36	41	45	49	54	59	63	68	72	76	81	85	90
	Serious damage by unsightly discoloration.	2	1	3	3	3	[4]4	[4]4	5	[4]5	6	[4]6	7	[4]7	8	[4]8	8	[4]9	9	10	[4]10
			Acceptance numbers[3] (minimum required)																		
	U.S. No. 1 Bronze, U.S. No. 1 Russet.	11	15	22	31	40	48	56	65	73	82	90	99	107	116	124	133	141	150	158	167
	U.S. No. 2 Russet.	1	3	6	12	18	23	29	34	40	45	51	56	62	68	74	79	85	91	97	102

Factor	Grades	AL[1]	Number of 50-count samples[2]																		
			21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39
			Acceptance numbers[3] (maximum permitted)																		
Decay	All	4	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39
Very serious damage other than decay.	U.S. Fancy, U.S. No. 1, U.S. No. 2	6	46	48	50	52	54	56	58	60	62	64	66	68	70	72	74	76	78	80	82
Total defects including very serious damage other than decay.	All	8	97	101	105	109	113	117	121	125	129	133	137	141	145	149	153	157	161	165	169
Off-size		10	97	101	105	109	113	117	121	125	129	133	137	141	145	149	153	157	161	165	169
Discoloration	U.S. Fancy, U.S. No. 1, U.S. No. 2	10	97	101	105	109	113	117	121	125	129	133	137	141	145	149	153	157	161	165	169
	Serious damage by unsightly discoloration.	2	[4]10	11	[4]11	12	[4]12	13	[4]13	14	[4]14	15	[4]15	16	[4]16	17	[4]17	18	[4]18	19	[4]19
			Acceptance numbers[3] (minimum required)																		
	U.S. No. 1 Bronze, U.S. No. 1 Russet.	11	176	184	193	201	210	218	227	235	244	252	261	269	278	286	295	303	312	320	329
	U.S. No. 2 Russet.	1	76	80	84	88	92	96	100	104	108	112	116	120	124	128	132	136	140	144	148

[1] AL—Absolute limit permitted in individual 50-count sample.
[2] Sample size—50 count.
[3] Acceptance number—Maximum or minimum number of defective or off-size fruit permitted.
[4] Preferred total number of samples for this acceptance number.

STANDARD PACK

§ 51.1819 Standard pack.

The tangerines in each container shall be packed in accordance with recognized methods. Each container shall be well filled and properly marked to indicate the size of the fruit. When the figures used to indicate size of fruit vary from the actual number of tangerines in the container, as in the case of fractional parts of boxes, the figures indicating size shall be followed by the letter "s" or the word "size," as, for example, "210's," or "210 size." Containers which are not so marked shall not be regarded as meeting requirements of "standard pack."

(a) Fruit in each container shall be of a size not less than the minimum diameters specified in Table III for the various packs. Packs other than those listed shall have a minimum diameter not less than specified for the nearest count.

TABLE III

Pack	Diameter in inches (minimum)
100	2 15/16
120	2 11/16
150	2 5/16
176	2 1/16
210	2 1/16
246	2 1/16
294	2

(b) In order to allow for variations incident to proper sizing, not more than the number of fruits permitted in § 51.1818, Tables I and II, are below the minimum size for the count as specified in Table III.

DEFINITIONS

§ 51.1820 Mature.

"Mature" shall have the same meaning currently assigned that term in sections 601.21 and 601.22 of the Florida Citrus Code of 1949, as amended (ch. 28492, Laws of Florida, 1951), or as the definition of such term may hereafter be amended.

§ 51.1821 Firm.

"Firm" means that the flesh is not soft and the fruit is not badly puffy and that the skin has not become materially separated from the flesh of the tangerine.

§ 51.1822 Well formed.

"Well formed" means that the fruit has the characteristic tangerine shape and is not deformed.

§ 51.1823 Damage.

"Damage" means any specific defect described in § 51.1834, Table IV; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which materially detracts from the appearance, or the edible or marketing quality of the fruit.

§ 51.1824 Highly colored.

"Highly colored" means that the ground color of each fruit is a deep tangerine color with practically no trace of yellow color.

§ 51.1825 Discoloration.

"Discoloration" means russeting of a light shade of golden brown caused by rust mite or other means. Lighter shades

of discoloration caused by superficial scars or other means may be allowed on a greater area, or darker shades may be allowed on a lesser area, provided no discoloration caused by speck type melanose or other means may detract from the appearance of the fruit to a greater extent than the shade and amount of discoloration allowed in the grade.

§ 51.1826 Well colored.

"Well colored" means that a good yellow or better ground color predominates over the green color on the entire fruit surface with no distinct green color present, and that some portion of the surface has a reddish tangerine blush.

§ 51.1827 Fairly well colored.

"Fairly well colored" means that the surface of the fruit may have green color which does not exceed the aggregate area of a circle 1¼ inches in diameter and that the remainder of the surface has a yellow or better ground color with some portion of the surface showing reddish tangerine blush.

§ 51.1828 Fairly firm.

"Fairly firm" means that the flesh may be slightly soft but is not bruised or badly puffy, and that the skin has not become seriously separated from the flesh of the tangerine.

§ 51.1829 Fairly well formed.

"Fairly well formed" means that the fruit may not have the shape characteristic of the variety but that it is not badly deformed.

§ 51.1830 Serious damage.

"Serious damage" means any specific defect described in § 51.1834, Table IV; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which seriously detracts from the appearance, or the edible or marketing quality of the fruit.

§ 51.1831 Reasonably well colored.

"Reasonably well colored" means that a good yellow or reddish tangerine color shall predominate over the green color on at least one-half of the fruit surface in the aggregate, and that each fruit shall show practically no lemon color.

§ 51.1832 Very serious damage.

"Very serious damage" means any specific defect described in § 51.1834, Table IV; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which very seriously detracts from the appearance, or the edible or marketing quality of the fruit.

§ 51.1833 Diameter.

"Diameter" means the greatest dimension measured at right angles to a line from stem to blossom end.

TABLE IV

Factor	Damage	Serious damage	Very serious damage
Ammoniation	Not occurring as light speck type, or detracts more than discoloration permitted in the grade.	Scars are cracked or dark and aggregating more than ⅛ inch in diameter on a 176 size tangerine.	Aggregating more than 25 percent of the surface.
Buckskin	Aggregating more than a circle ⅜ inch in diameter on a 176 size tangerine.	Aggregating more than 25 percent of the surface.	Aggregating more than 25 percent of the surface.
Caked melanose	Aggregating more than a circle ⅜ inch in diameter on a 176 size tangerine.	Aggregating more than a circle ⅝ inch in diameter on a 176 size tangerine.	Aggregating more than 25 percent of the surface.
Creasing	Materially weakens the skin, or extends over more than one-third of the surface.	Seriously weakens the skin, or extends over more than one-half of the surface.	Very seriously weakens the skin, or is distributed over practically the entire surface.
Dryness or mushy condition.	Affecting all segments more than ⅛ inch at stem end, or the equivalent of this amount, by volume, when occurring in other portions of the fruit.	Affecting all segments more than ⅛ inch at stem end, or the equivalent of this amount, by volume, when occurring in other portions of the fruit.	Affecting all segments more than ⅛ inch at stem end, or the equivalent of this amount, by volume, when occurring in other portions of the fruit.
Green spots	More than 10 spots caused by scale, each spot equivalent to the area of a circle ⅛ inch in diameter on a 176 size tangerine.	More than 30 spots caused by scale, each spot equivalent to the area of a circle ⅛ inch in diameter on a 176 size tangerine.	
Hail	Not well healed, or aggregating more than a circle ⅛ inch in diameter on a 176 size tangerine.	Not well healed, or aggregating more than a circle ⅛ inch in diameter on a 176 size tangerine.	Not well healed, or aggregating more than a circle ⅛ inch in diameter on a 176 size tangerine.
Oil spots	More than 5 spots, or aggregating more than a circle ⅛ inch in diameter on a 176 size tangerine.	More than 10 spots, or aggregating more than a circle ⅛ inch in diameter on a 176 size tangerine.	
Scab	Materially detracts from the shape or texture, or aggregating more than a circle ⅛ inch in diameter on a 176 size tangerine.	Seriously detracts from the shape or texture, or aggregating more than a circle ⅛ inch in diameter on a 176 size tangerine.	Aggregating more than 25 percent of the surface.
Scale	Aggregating more than a circle ⅜ inch in diameter on a 176 size tangerine.	Aggregating more than a circle ⅝ inch in diameter on a 176 size tangerine.	Aggregating more than 25 percent of the surface.
Scars	Not smooth, or causing any noticeable depression, or detracts from appearance more than the amount of discoloration permitted in the grade.	Not fairly smooth, or causing any materially depressed area, or detracts from appearance more than the amount of discoloration permitted in the grade.	Deep, rough, or unsightly that appearance is very seriously affected.
Skin breakdown	Aggregating more than a circle ¼ inch in diameter on a 176 size tangerine.	Aggregating more than a circle ½ inch in diameter on a 176 size tangerine.	Affecting more than 25 percent of the surface.
Sprayburn	Skin is hard and aggregating more than a circle ¼ inch in diameter on a 176 size tangerine.	Skin is hard and aggregating more than a circle 1¼ inches in diameter on a 176 size tangerine.	Aggregating more than 25 percent of the surface.
Sunburn	Skin is flattened, dry, darkened, or hard and the affected area exceeds 25 percent of the surface.	Skin is hard and affects more than one-third of the surface.	Affecting more than 50 percent of the surface.
Unsightly discoloration.	Color and pattern causes an unattractive appearance.	Color and pattern causes a distinctly unattractive appearance.	Very objectionable appearance caused by any means.

Dated: June 28, 1967.

G. R. GRANGE,
Deputy Administrator, Marketing Services.

[F.R. Doc. 67-7520; Filed, July 7, 1967; 8:45 a.m.]

Maritime Administration

[32A CFR Ch. XVIII, SRM-5, Rev.]

MASTER LUMP SUM REPAIR CONTRACT—NSA-LUMPSUMREP

Proposed Revision

The Acting Director, National Shipping Authority has under consideration the revision of the Master Lump Sum Repair Contract, NSA-LUMPSUMREP with respect to vessel repairs, etc.

A copy of the proposed revised form of contract has been filed with the original of this document in the Office of the Federal Register.

Copies of said revised form may be obtained upon request to the Secretary, Maritime Administration.

Interested persons may present views or comments in connection with the foregoing by filing same in writing, in triplicate, with the Secretary, Maritime Administration, 441 G Street NW., Washington, D.C. 20235, by close of business on August 31, 1967.

Dated: June 30, 1967.

JAMES W. GULICK,
Acting Director, National Shipping Authority.

[F.R. Doc. 67-7905; Filed, July 7, 1967; 8:49 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 23]

[Docket No. 8070; Notice 67-11A]

AIRWORTHINESS STANDARDS

Small Airplanes Capable of Carrying More Than 10 Occupants; Extension of Comment Period

The Federal Aviation Administration proposed in Notice 67-11, published on April 7, 1967 (32 F.R. 5698), to amend Part 23 of the Federal Aviation Regulations to provide additional airworthiness standards for small airplanes capable of carrying more than 10 persons, and intended for use under Part 135, Air Taxi Operators and Commercial Operators of Small Aircraft. The notice stated that consideration would be given to all comments received on or before June 30, 1967.

The Aerospace Industries Association of America, Inc. (AIA), on behalf of its members, has requested a 168-day extension of the time for comments on this proposed regulatory action. This organization indicates that it has now determined that additional work on Notice 67-11 is necessary in order to provide the Administration with the information necessary to prepare regulations that will be readily adaptable to the expected large family of air taxi type aircraft. The AIA advises that the 168-day extension is necessary since all available manpower is being devoted to the preparation of industry response to Notice 67-14, and it will not be possible to begin review of Notice 67-11 until September 1967.

While the FAA recognizes the difficulties referred to in the petition, the petitioner has, nevertheless, not shown good cause for a 168-day extension of the comment period. Moreover, in view of the safety considerations which prompted the issuance of Notice 67-11, a grant of an extension for the requested length of time would not be consistent with the public interest. On the other hand, the FAA has previously acknowledged that Notice 67-11 contains complex proposals and that there may be some inconsistency with, or some duplication of, the proposals set forth in Notice 67-14 (32 F.R. 5791). Therefore, the FAA considers that the comment periods on Notices 67-11 and 67-14 should coincide, insofar as practicable, to permit the simultaneous evaluation of the two proposals with respect to any such inconsistencies or duplications.

In consideration of the foregoing, I find that the petitioner has shown a substantive interest in the proposed rule, that good cause exists for extending the comment period on Notice 67-11 to coincide with the comment period on Notice 67-14, and that such an extension is consistent with the public interest.

Therefore, pursuant to the authority delegated to me by the Administrator (14 CFR 11.45), the time within which comments on Notice 67-11 will be received is extended to September 9, 1967.

Issued in Washington, D.C., on June 30, 1967.

R. S. SLIFF,
Acting Director, Flight Standards Service.

[F.R. Doc. 67-7874; Filed, July 7, 1967; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-WE-38]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations which would alter the controlled airspace in the Yuma, Ariz., area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

The control zone is required to protect aircraft executing prescribed instrument approach and departure procedures while operating below 1,000 feet above the surface. The 700-foot transition area will provide controlled airspace for aircraft executing prescribed instrument approach and departure procedures during operation between 700 and 1,200 feet above the surface. The 1,200-foot transition area will provide controlled airspace for aircraft executing prescribed instrument approach, departure, and holding procedures above 1,200 feet above the surface. The additional 1,200-foot above the surface and 4,000-foot MSL transition areas are required to provide controlled airspace for aircraft executing standard instrument departure procedures from Yuma MCAS and transition routings to Blythe and Imperial, Calif., VORTAC's.

In view of the foregoing, the FAA proposes the following airspace actions:

In § 71.171 (32 F.R. 2147) the Yuma, Ariz., control zone is amended as follows:

YUMA, ARIZ.

Within a 5-mile radius of Yuma MCAS/Yuma International Airport (latitude 32°-39'23" N., longitude 114°36'18" W.), within 2 miles each side of the Yuma VORTAC 181° radial, extending from the 5-mile radius zone to 2 miles south of the VORTAC, and within 2 miles each side of the 044° bearing from the MCAS Yuma RBN, extending from the 5-mile radius zone to 8 miles northeast of the RBN.

In § 71.181 (32 F.R. 2273) the Yuma, Ariz., transition area is amended as follows:

YUMA, ARIZ.

That airspace extending upward from 700 feet above the surface, within an 11-mile radius of Yuma MCAS/Yuma International Airport (latitude 32°39'23" N., longitude 114°36'18" W.), within 2 miles each side of the Yuma VORTAC 181° radial, extending from the 11-mile radius area to 21 miles south of the VORTAC; that airspace extending upward from 1,200 feet above the surface, within 12 miles west and 11 miles east of the Yuma VORTAC 351° radial, extending from the north edge of V-66 to 20 miles north of the VORTAC, within 5 miles north and 8 miles south of the Yuma VORTAC 087° radial, extending from the VORTAC to 14 miles east of the VORTAC, within 11 miles east and 8 miles west of the Yuma VORTAC 180° radial, extending from the VORTAC to the United States/Mexico border; and that airspace northwest of Yuma, extending upward from 4,000 feet MSL, bounded on the north by the arc of an 18-mile radius circle centered on the Blythe, Calif., Airport (latitude 33°37'15" N., longitude 114°43'00" W.), on the east by the west edge of V-135, on the south by the north edge of V-66, and on the northwest and west by lines 5 miles northwest and west of and parallel to the Imperial and Blythe, Calif., VORTAC's, 064° and 187° radials respectively; excluding that portion outside the United States.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348).

Issued in Los Angeles, Calif., on June 29, 1967.

A. E. HORNING,
Acting Director, Western Region.

[F.R. Doc. 67-7875; Filed, July 7, 1967; 8:47 a.m.]

[14 CFR Part 61]

[Docket No. 8260; Notice 67-26]

LIMITING CERTAIN PILOT PRIVILEGES

Operation of Hot Air Balloons Without an Airborne Heater

The Federal Aviation Administration is considering amending Part 61 of the Federal Aviation Regulations to limit the privileges of certain student and commercial pilots (lighter-than-air) to operating only hot air balloons without an airborne heater, if they do not meet all of the applicable aeronautical knowledge and experience requirements.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket GC-24, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before September 5, 1967, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Since 1951, the FAA and its predecessor agencies have allowed pilots to operate hot air balloons upon a demonstration of very limited aeronautical knowledge, experience, or skill. At present, the holder of a student pilot certificate who passes the written test required by § 61.71(c)(1) may act as pilot in command of a hot air balloon (subject to the limitations in § 61.71(b)). After he meets the flight instruction requirements of § 61.71(c)(2), he may act as pilot in command of any free balloon (also subject to § 61.71(b)). At present, an applicant for a commercial pilot certificate (lighter-than-air, free balloon class) who successfully performs the maneuvers required by § 61.130 may be issued a commercial pilot certificate with lighter-than-air category and free balloon class ratings limited to "Hot Air Balloons Only", and may give flight instruction in those balloons. After he meets the aeronautical knowledge and experience requirements of §§ 61.113(c) and 61.128, the "Hot Air Balloons Only" limitation may be removed from his commercial pilot certificate.

Originally when hot air was the lifting means, a ballon was filled with hot air from a heater that was located on the ground and that was no longer available after the balloon ascended. As the balloon rose, the hot air cooled rapidly resulting in flights of limited distance and altitude. Longer flights at higher altitudes usually were possible only with balloons that depended on a captive lighter-than-air gas for lift, rather than on retained heat, and the present regulations reflect the greater aeronautical knowledge, experience, and skill necessary for operating those balloons.

The development of compact and efficient airborne heaters for hot air balloons in recent years, and their increasing use, has greatly extended the altitude, distance, and duration capabilities of hot air balloons. Basically, the operating characteristics of a hot air balloon with an airborne heater are more similar to those of a lighter-than-air gas balloon than they are to the operating characteristics of a hot air balloon without an airborne heater. The FAA believes that the greater aeronautical knowledge, experience, and skill necessary to operate a hot air balloon with an airborne heater should be recognized, while continuing to allow presently authorized operations of hot air balloons without an airborne heater.

Accordingly, the FAA proposes to extend the general limitations as to class ratings in §§ 61.16(b) and 61.16(c) to all pilots of lighter-than-air aircraft, except those who operate hot air balloons without an airborne heater, and also to reflect that change in § 61.15(e). The proposed amendment to § 61.15(e) would require holders of the certificates named in that paragraph to either exchange their certificates or limit their pilot activities to operating hot air balloons without an airborne heater. Holders of certificates that now are limited to "Hot Air Balloons Only", and that either expire under § 61.9(c) or may be exchanged under § 61.15(e)(3), would be reissued a certificate that bears the new limitations described in proposed § 61.130(c). Proposed amendments to § 61.71 would allow a student pilot to operate a hot air balloon without an airborne heater after his instructor certifies on his student pilot certificate that the student is familiar with the general and visual flight rules in §§ 91.1 through 91.9 and Subpart B of Part 91 (rather than after passing the written test now required). However, he would be limited to operating those balloons until he acquired the necessary aeronautical experience. Under proposed § 61.130(c), an applicant for a commercial pilot certificate (lighter-than-air category, free balloon class) who demonstrates his aeronautical skill under §§ 61.130(a) and 61.130(b) would be eligible for a certificate limited to "Hot Air Balloons Without Airborne Heater Only". This limitation, or a limitation to "Hot Air Balloons Only", could be removed when the applicant meets the aeronautical knowledge and experience requirements of §§ 61.113(c) and 61.128. Under proposed § 61.131(c), the holder of a certificate issued under § 61.130(c), or one limited to "Hot Air Balloons Only", would have commercial pilot and flight instruction privileges only as to hot air balloons without an airborne heater.

Present §§ 61.101(a)(5) and 61.101(b) do not clearly reflect that only lighter-than-air category and airship class ratings are issued to private pilots under Subpart C of Part 61. Present § 61.39(a)(2)(iv) does not provide for logging free balloon flight instruction received from a private pilot (lighter-than-air, airship class). Appropriate clarifying amendments are proposed to those sections.

In consideration of the foregoing, it is proposed to amend Part 61 of the Federal Aviation Regulations as follows:

1. By amending the introductory language of paragraph (e) and subparagraph (e)(3) of § 61.15 to read as follows:

§ 61.15 Aircraft ratings.

* * * * *

(e) Subject to § 61.16, the holder of a lighter-than-air pilot certificate, a pilot certificate with a lighter-than-air category rating, or a free balloon pilot certificate may continue to exercise the privileges of that certificate or rating. However, if he exchanges his certificate— * * *

(3) The holder of a free balloon pilot certificate is issued a commercial pilot certificate with a lighter-than-air category rating and free balloon class rating, and if appropriate, with the limitation provided in § 61.130(c).

* * * * *

2. By amending subparagraph (d)(4) of § 61.16 to read as follows:

§ 61.16 General limitations.

* * * * *

(d) * * *

(4) The holder of a pilot certificate with a lighter-than-air category rating when operating a hot air balloon without an airborne heater.

3. By amending subdivision (a)(2)(iv) of § 61.39 to read as follows:

§ 61.39 Pilot logbooks: Except airline transport pilots.

(a) * * *

(2) * * *

(iv) Flight instruction from an appropriately rated flight instructor, in the case of airplanes or rotorcraft; from an appropriately rated flight instructor or commercial glider pilot, in the case of gliders; from an appropriately rated commercial pilot, in the case of airships; or from an appropriately rated private or commercial pilot, in the case of free balloons.

* * * * *

4. By amending § 61.71 by amending the flush paragraph at the end of paragraph (a), by amending paragraph (c), and by adding the following new paragraph (d), to read as follows:

§ 61.71 Lighter-than-air operations: Flight limitations.

(a) * * *

Subparagraph (2) of this paragraph does not apply to a student pilot who holds a free balloon class rating, unless that rating bears a limitation named in § 61.130(c).

* * * * *

(c) A student pilot (lighter-than-air) may not operate a free balloon as pilot in command until his instructor certifies on his certificate that he is familiar with the general and visual flight rules of §§ 91.1 through 91.9 and Subpart B of Part 91 of this chapter.

(d) A student pilot (lighter-than-air) may not operate a free balloon, other than a hot air balloon without an airborne heater, as pilot in command until his instructor certifies on his certificate that he has had at least six instruction flights, totaling at least 6 hours, in free balloons.

§ 61.101 [Amended]

5. By amending the parenthetical clauses in subparagraph (a)(5) and in paragraph (b) of § 61.101 to read "(lighter-than-air, airship class)".

6. By amending the introductory language of paragraph (c) of § 61.113 to read as follows:

§ 61.113 Aeronautical knowledge.

* * * * *

(c) An applicant for a commercial pilot certificate (lighter-than-air, free balloon class), other than a certificate issued under § 61.130(c), must pass a written test on the following:

* * * * *

7. By amending § 61.128 to read as follows:

§ 61.128 Lighter-than-air rating (free balloon class): aeronautical experience.

An applicant for a commercial pilot certificate (lighter-than-air, free balloon class), other than a certificate issued under § 61.130(c), must have made at least eight ascents averaging 2 hours in duration, substantiated by a logbook, including six ascents under the supervision of an appropriately rated private or commercial pilot, one ascent in control to an altitude of 10,000 feet under that supervision, and one solo ascent.

8. By adding the following new paragraph (c) at the end of § 61.130:

§ 61.130 Lighter-than-air rating (free balloon class): aeronautical skill.

* * * * *

(c) An applicant who meets the requirements of this section, but who does not meet the requirements of §§ 61.113(c) and 61.128, may obtain a commercial pilot certificate with lighter-than-air category and free balloon class ratings limited to "Hot Air Balloons Without Airborne Heater Only". Upon meeting the requirements of §§ 61.113(c) and 61.128, the "Hot Air Balloons Without Airborne Heater Only" limitation, or a "Hot Air Balloons Only" limitation, may be removed.

9. By amending paragraph (c) of § 61.131 to read as follows:

§ 61.131 General privileges and limitations.

* * * * *

(c) Unless his certificate is issued under § 61.130(c) or is limited to "Hot Air Balloons Only", a commercial pilot (lighter-than-air, free balloon class) may act as pilot in command of, and give flight instruction in, a free balloon. A commercial pilot (lighter-than-air, free balloon class) whose certificate is issued under § 61.130(c) or is limited to "Hot Air Balloons Only", may act as pilot in command of, and give flight instruction in, only a hot air balloon without an airborne heater.

This proposal is made under the authority of sections 313(a), 601, and 602 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1421, and 1422).

Issued in Washington, D.C., on July 3, 1967.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[F.R. Doc. 67-7876; Filed, July 7, 1967; 8:47 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[101.11]

STATEMENT OF ORGANIZATION, FUNCTIONS, AND PROCEDURES

In compliance with 5 U.S.C. 552, this notice provides a statement for the guidance of the public of the Bureau of Customs central and field organization; the established places at which, the officers from whom, and the methods whereby the public may secure information, make submittals or requests, or obtain decisions; and the general course and method by which the Bureau of Customs functions are channeled and determined, including the nature and requirements of all formal and informal procedures available, superseding the material appearing in 16 F.R. 6964 [1951]:

Part

I Central Organization and Functions.
II Field Organization and Functions.
III Sources and Methods of Securing Information.
IV Procedures.
V Substantive Rules.

I. Central Organization and Functions

Section 1. *Official address and business hours*—(a) *Official address.* The principal office of the Bureau of Customs is at 2100 K Street NW., Washington, D.C. 20226. Communications to the Bureau of Customs should be addressed to the Commissioner of Customs at the above address unless otherwise specifically directed.

(b) *Business hours.* Principal and field offices are open on each business day from 8:30 a.m. to 5 p.m., unless otherwise posted.

Sec. 2. *Commissioner and Deputy Commissioner of Customs*—(a) *Appointment.* The Commissioner is appointed pursuant to law by the Secretary of the Treasury.

(b) *Authority*—(1) *Commissioner.* Under the general supervision of the Secretary of the Treasury, and pursuant to authority delegated by him, the Commissioner of Customs establishes the policies and supervises the activities of the Customs Service, including the appointment of its personnel and the management of its finances. The Commissioner is responsible for the implementation and administration of all executive directives and legislation relating to customs activities. He promulgates rules and regulations with the approval of the Secretary of the Treasury, and makes decisions under authority delegated to him.

(2) *Deputy Commissioner.* The Deputy Commissioner acts as Commissioner when the Commissioner is absent or when the office is vacant. He participates in the establishment of policies, and has general administrative supervision and control, under the general direction of the Commissioner, over all the work of the Bureau. He further participates in the supervision of the four Assistant Commissioners and the Regional Commissioners.

(c) *Officers empowered to act during absence, disability, or vacancy.* The officers of customs empowered to act as Commissioner of Customs during the absence or disability of the Commissioner, or when there is a vacancy in the office, are designated in Customs Delegation Order No. 27, dated November 25, 1966, T.D. 66-265 (31 F.R. 15098). If any change in the order of succession is hereafter made, a further delegation order will be published in the Federal Register.

Sec. 3. *Office of the Commissioner.* The Commissioner and other Bureau officials are assisted by five Assistants to the Commissioner on Bureau programs in the areas of equal employment opportunity, foreign customs assistance, public information, security, and priority correspondence.

Sec. 4. *Office of the Chief Counsel.* This office, which is a part of the Office of the General Counsel of the Treasury Department, is under the supervision of an Assistant General Counsel. The Chief Counsel serves as the legal advisor to the Commissioner and his staff on all matters pertaining to the administration and enforcement of the customs and related laws. His office also performs such other duties of a legal nature as may be assigned by the Commissioner of Customs, his Deputy, or Assistants. The Chief Counsel supervises the five Regional Counsels located in Chicago, Houston, Miami, New York, and San Francisco. (See Part II, sec. 3 of this notice.)

Sec. 5. *Offices and Divisions*—(a) *Office of Administration.* Under the supervision of an Assistant Commissioner of Customs, this office is composed of six divisions, each headed by a director. This office is responsible for the development, implementation and evaluation of internal programs relating to budgeting, accounting, personnel, data processing, audit, management analysis, administrative services, and facilities management. The designations of the divisions are generally descriptive of the functions performed in each: Division of Finance and Management Analysis; Division of Administrative Services; Division of Audits; Division of Personnel Management; Division of Data Processing; and Division of Facilities Management.

(b) *Office of Investigations.* Under the supervision of an Assistant Commissioner of Customs, this office is composed of four divisions, each headed by a director. This office is responsible for the development, implementation, and evaluation of programs relating to the investigative and enforcement activities of the Bureau, and for supervision of the field personnel of the Customs Agency Service (see Part II, sec. 3). The designations of the divisions are generally descriptive of the functions and responsibilities of each: Division of Planning and Inspection; Division of Enforcement; Division of Technical and Fraud Investigations; and Division of Intelligence and Communications.

(c) *Office of Operations.* Under the supervision of an Assistant Commissioner of Customs, this office is responsible for the development, implementation, and evaluation of programs relating to the identification, control, and disposition of imported merchandise, the control of carriers arriving in and departing from the United States, the procedural and operational requirements for enforcement of the regulations of other Government agencies by Customs personnel, the operational facilitation of the international movement of land, sea, and air carriers, passengers, baggage, and cargo, for the application of factual information concerning matters of value, tariff classification, and operational matters pertaining to acceptance and liquidation of entries, examination of merchandise, the collection and refund of duties and taxes on imported merchandise, the administration of import quotas, and for the furnishing of technical and scientific information. The responsibilities of the three divisions, each headed by a director, are indicated in a general way by the designations of the divisions: Division of Inspection and Control; Division of Appraisement and Collections; and Division of Technical Services.

(d) *Office of Regulations and Rulings.* Under the supervision of an Assistant Commissioner of Customs, this office is responsible for continuing review of customs decisions, programs, and procedures to assure conformity with the laws and regulations administered by the Bureau of Customs, for interpretation of the Antidumping Act, 1921, the countervailing duty provision of the Tariff Act of 1930 (19 U.S.C. 1303), and the laws relating to the tariff classification of merchandise, to personal or administrative exemptions, and to entry or valuation of merchandise, for decisions on matters relating to claims, fines, penalties, and forfeitures, for interpretation of the law and for decisions relating to the entrance, clearance and use of vessels, vehicles, and aircraft, for drafting regulations and rulings to implement Treasury and Bureau decisions and procedures, and for drafting or participating in the drafting of legislation. The responsibilities of the four divisions, each headed by a director, are indicated in a general way by the designations of the divisions: Division of Tariff Classification Rulings; Division of Entry Procedures and Penalties; Division of Marine and Transportation Ratings; and Division of Regulations.

Sec. 6. *Office of Planning and Research.* This office is headed by the Director of Planning and Research, who reports directly to the Commissioner, and consults with and provides technical advice and assistance to the Commissioner and officers of Customs on budget program and planning matters.

II. Field Organization

Section 1. *Field audit.* Under the direction of the Division of Audits, Office of Administration, field audit offices, headed by a director, conduct internal audits of regional fiscal procedures, accounts and records, property, and control of imported merchandise, and examine certain aspects of the accounts and records of customhouse brokers and wool manufacturers and processors. Field audit offices and the regions assigned to them are located as set forth in § 1.4a of the Customs Regulations (19 CFR 1.4a).

Sec. 2. *Customs Agency Service.* Under the direction of the Office of Investigations, Customs Agency Service investigative and enforcement staffs are responsible for preventing, detecting, and investigating offenses against Customs and related laws, and for providing information in matters of personnel security. The location and jurisdiction of Customs Agency Service offices is set out in § 1.5 of the Customs Regulations (19 CFR 1.5).

Sec. 3. *Office of the Regional Counsel.* Although assigned to the field and located in the offices of the Regional Commissioners in Chicago, Houston, Miami, New York, and San Francisco, the Regional Counsels are under the general supervision of the Chief Counsel at Bureau headquarters. The Regional Counsels serve as legal advisors to the principal customs field officers and their staffs and perform such other functions as are assigned.

Sec. 4. *Regional and District Offices.* There are nine Customs regions, each headed by a Regional Commissioner, with their offices in the following cities: Region I, Boston, Mass.; Region II, New York City, N.Y.; Region III, Baltimore, Md.; Region IV, Miami, Fla.; Region V, New Orleans, La.; Region VI, Houston, Tex.; Region VII, Los Angeles, Calif.; Region VIII, San Francisco, Calif.; Region IX, Chicago, Ill. The geographical areas and the location of customs districts or areas assigned to each region are as published in § 1.2 of the Customs Regulations (19 CFR 1.2).

Sec. 5. *Regional Commissioner of Customs.* The Regional Commissioner represents and acts for the Commissioner of Customs and is responsible for effective implementation in his region of the policies, programs, and procedures established by the Commissioner. He is also responsible for the development and implementation of regional policies, programs, and procedures, and the coordination, control, and supervision of all customs activities in his region, except those of Field Audit, and the Customs Agency Service.

Sec. 6. *Office of the Regional Commissioner.* The responsibilities and functions of the regional staffs are divided as follows, unless some other division is required by circumstances and authorized by the Commissioner:

(a) *Assistant Regional Commissioner of Customs for Administration.* This officer is responsible for developing, implementing, and evaluating programs for the budget, accounting, personnel, data processing, management analysis, and administrative services functions of the region. Under his immediate supervision are the Deputy Assistant Regional Commissioners of Customs for Personnel Management, and for Financial Management, whose responsibilities are indicated in a general way by the designations of their offices.

(b) *Assistant Regional Commissioner of Customs for Operations.* This officer is responsible for the development, implementation, and evaluation of operational programs relating to the inspection and control of persons, carriers, cargo, and baggage arriving in the United States, the inspection, identification, and control, assessment of duties and taxes upon, and disposition of imported merchandise, and the enforcement of the regulations of other Government agencies. Under his immediate supervision are the Deputy Assistant Regional Commissioners of Customs for Classification and Value, and for Inspection and Control, and the Chief Chemist of the region, whose responsibilities are indicated in a general way by the designations of their offices.

Sec. 7. *District Offices*—(a) *District Director of Customs.* The District Director of Customs represents and acts for the Regional Commissioner and is responsible for the implementation in his district of Bureau and regional policies, programs, and procedures, the development, implementation, and evaluation of district programs and procedures, and the coordination, control, and supervision of all customs activities in the district except laboratory, audit, and Agency Service activities. The district director also is the port director for the district headquarters port. Under his supervision are the Assistant District Directors of Customs for Inspection and Control, and for Classification and Value. These officers, as indicated by their designations, are responsible for operational functions pertaining to the entry and clearance of vessels, inspection and control of persons, carriers, baggage, and cargo, and for entry, examination, appraisement, and classification of imported merchandise, the liquidation of entries and the collection of duties and taxes.

(b) *Customs Port Director.* The Port Director serves as the principal operating official at each port other than district headquarters and is a staff assistant to the District Director of Customs. He is responsible for the final implementation of customs policies, programs, and procedures which apply to the every day activities of the port, except audit, laboratory, and Customs Agency Service activities. At each port where the volume of activity justifies it, the Port Director is assisted by one or more Assistant Port Directors.

III. Sources and Methods of Securing Information

Section 1. The places at which and the methods whereby the public may secure official information in matters administered by the Bureau of Customs are as follows:

(a) A request for information relating to the activities or functions of a District Director of Customs may be addressed to him at the headquarters office of his district or to a port director at a port other than at the headquarters port. Oral requests for information may be made at a customhouse in any port having jurisdiction over the subject matter of the request.

(b) A request for information relating to activities or functions of other field officials of the Customs Service may be addressed to the official in charge of the appropriate office having jurisdiction over the subject matter.

(c) Requests for information may also be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, D.C. 20226.

(d) Oral requests may be made to any official of the central organization of the Bureau for information on a subject within the jurisdiction of that official.

Sec. 2. No formal procedures for obtaining information relating to any matter within the Customs jurisdiction are required unless prescribed in the published regulations of the Bureau of Customs (19 CFR Ch. I). However, to assure prompt action upon a request, all pertinent facts relevant to the subject matter of the inquiry should be furnished.

Sec. 3. The availability of information in all cases shall be subject to any pertinent limitations or restrictions contained in Parts 14, 17, and 26 of the regulations (19 CFR Parts 14, 17, 26).

IV. Procedures

Section 1. No formal procedures other than those relating solely to internal agency management are required in connection with any function of the Customs Service except those described by, or referred to or cited in, the regulations published in 19 CFR, Chapter I, or regulations issued jointly by the Secretary of the Treasury, or the Commissioner of Customs with the approval of the Secretary of the Treasury, and the heads of other agencies, Departments, or Bureaus as referred to or cited in the published regulations of the Bureau of Customs. In addition to these procedures, interested parties may request conferences with appropriate officials of the Bureau to discuss matters within their responsibility.

Sec. 2. In general, required procedures and any required forms or documents for use in connection therewith are described or identified in the appropriate part of 19 CFR, Chapter I, although procedures, forms, or documents applicable to a given situation may be described, identified, or referred to in more than one part or section of that chapter. The part headings and section headings of

the regulations are designated as a general index of subject matter with sufficient accuracy to enable related procedures, forms, or documents to be considered. Information regarding procedures, forms, or documents are set forth in the parts indicated below:

Part	
1	General provisions.
4	Vessels in foreign and domestic trades.
6	Customs relations with contiguous foreign territory.
6	Air commerce regulations.
7	Customs relations with insular possessions and Guantanamo Bay Naval Station.
8	Liability for duties; entry of imported merchandise.
9	Importations by mail.
10	Articles conditionally free, subject to a reduced rate, etc.
11	Packing and stamping; marking; trademarks and trade names; copyrights.
12	Special classes of merchandise.
13	Examination, measurement, and testing of certain products.
14	Appraisement.
15	Relief from duties on merchandise lost, stolen, destroyed, injured, abandoned, or short-shipped.
16	Liquidation of duties.
17	Protests and reappraisements.
18	Transportation in bond and merchandise in transit.
19	Customs warehouses and control of merchandise therein.
20	Disposition of unclaimed and abandoned merchandise.
21	Cartage and lighterage.
22	Drawback.
23	Enforcement of customs and navigation laws.
24	Customs financial and accounting procedure.
25	Customs bonds.
26	Disclosure of information.
30	Foreign-trade zones.
31	Customhouse brokers.
32	Trade fairs.

Information regarding procedures covering temporary situations presently in effect and the required forms or documents for use therewith are set forth in the following parts:

Part	
54	Certain importations temporarily free of duty.
58	Extensions of time pursuant to Proclamation of the President under section 318, Tariff Act of 1930.

SEC. 3. Except where formal procedures are required as heretofore indicated, all informal procedures available for obtaining information, as described in Part III of this notice, are available for use in appropriate circumstances in any application for reconsideration of an official customs ruling or decision made in the field or at headquarters, in any petition for mitigation of a fine, penalty, or forfeiture, in any request for amendment of regulations or suggestion for the improvement of the Customs Service, or in any other matter within the jurisdiction of the Customs Service. In making use of such informal procedures all pertinent facts should be stated in correspondence to avoid delay.

SEC. 4. Requests, applications, petitions, or other communications soliciting or contemplating action by the central organization respecting matters within its jurisdiction, if addressed to the Commissioner of Customs, 2100 K Street NW., Washington, D.C. 20226, will be referred to the proper assistant for appropriate attention. If such communications concern specific transactions arising at a field office, action thereon will be expedited if the request, application, petition, or communication so addressed is first submitted to the district director of customs for the district in which the transaction arose, who will transmit it to the Bureau with his report thereon. There are no forms for or procedures governing the submission of such requests, applications, or petitions other than those set forth in the Customs Regulations as amended from time to time, which may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, or may be consulted at the Bureau headquarters office or at the customhouse at any port of entry.

V. SUBSTANTIVE RULES

Substantive rules and statements of general policy or interpretations formulated and adopted by the Treasury Department or the Bureau of Customs for the guidance of the public generally are included in the regulations of the Bureau of Customs and the joint regulations heretofore mentioned. Amendments of or supplements to such regulations, as promulgated from time to time, will be published in the FEDERAL REGISTER and the Code of Federal Regulations.

This notice shall be effective upon publication in the FEDERAL REGISTER.

Dated: June 30, 1967.

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

[F.R. Doc. 67-7886; Filed, July 7, 1967; 8:48 a.m.]

Bureau of Narcotics

STATEMENT OF ORGANIZATION, FUNCTIONS AND PROCEDURES

In compliance with 5 U.S.C. 552, this notice provides a statement for the guidance of the public of the Bureau of Narcotics' central and field organization; the established places at which, the employees from whom and the methods whereby the public may obtain information, make submittals or requests or obtain decisions; and the general course and method by which the Bureau's functions are channeled and determined, including the nature and requirements of all formal and informal procedures available. Any revision or amendment of this statement will be published in the FEDERAL REGISTER. A current synopsis of the statement will be published annually by the Office of the Federal Register in the U.S. Government Organization Manual. The prior statements of organization, functions and procedures of the Bureau of Narcotics are revised to read as follows:

Sec.
1. Introduction.
2. Central organization.
(a) Commissioner of Narcotics.
(b) Deputy Commissioner of Narcotics.
(c) Office of Chief Counsel.
(d) Office of Assistant Commissioner (Enforcement).
(e) Office of Assistant Commissioner (Administration).
(f) Office of Assistant Commissioner (Permissive).
(g) Office of Assistant to the Commissioner (Information and Law Enforcement Training).
(h) Office of Inspection and Internal Audit.
3. Field organization.
4. Public information; submittals, requests, decisions.
5. Formal and informal procedures.

SECTION 1. *Introduction.* Under the Commissioner of Narcotics, the Bureau is responsible for investigating, detecting, and preventing violations of the Federal narcotic and marihuana laws and related statutes, including the Harrison Narcotic Act, the Narcotic Drugs Import and Export Act, the Opium Poppy Control Act, the Marihuana Tax Act, the Narcotic Control Act, and the Narcotics Manufacturing Act; and seizing and effecting forfeitures of vehicles, vessels, and aircraft under the Act of August 9, 1939, used in the transportation or concealment of contraband narcotic drugs or marihuana. In cooperation with the U.S. Public Health Service, the Bureau determines the quantities of crude opium and coca leaves to be imported into the United States for medical and scientific purposes; issues permits to import crude drugs; and limits the quantities of narcotic drugs manufactured in the United States. The Bureau has authority to issue licenses for the production of poppies and the manufacture of opium products therefrom if and when such production and manufacture shall become necessary to supply medical and scientific needs for opium products. The Bureau issues export permits for narcotic drugs and preparations in accordance with the international conventions and protocols. The Bureau cooperates with the State Department in the discharge of international obligations of the United States pertaining to the traffic in narcotic drugs and with the several States in the suppression of the abuse of narcotic drugs and marihuana in their respective jurisdictions. The headquarters office of the Bureau of Narcotics is located at 633 Indiana Avenue NW., Washington, D.C. 20226.

SEC. 2. *Central organization*—(a) *Commissioner of Narcotics.* The Commissioner of Narcotics is appointed by the President, and is the head of the Bureau of Narcotics. Subject to general supervision of the Secretary of the Treasury, he has the responsibility and authority to direct the administration of the Bureau and enforce the laws and regulations of the United States relating to narcotic drugs and marihuana. Specifically, the Secretary of the Treasury has imposed upon the Commissioner of Narcotics all the rights, privileges, powers, and duties relating to—

(1) The detection and punishment of violations of the narcotic drug and marihuana laws, and regulations issued thereunder;

(2) Exemptions from any of the provisions of the applicable laws and regulations;

(3) The books, records, and returns required to be kept or rendered under any of the applicable laws;

(4) The prescribing of forms and order forms under any of the applicable laws;

(5) The appointment of a committee for the certification and disposition of confiscated narcotic drugs and marihuana, and the manner in which application shall be made for the use of confiscated narcotic drugs and marihuana;

(6) The compromise of criminal and civil cases arising under certain provisions of the applicable laws;

(7) Seizures of property for violations of applicable laws, and the custody, control, sale, and disposition of property so seized;

(8) The determination of quantities of narcotic drugs which may be imported into the United States for medical and scientific purposes, and the issuance of import and export permits;

(9) The determination of the necessity to produce opium poppies for medical and scientific use in the United States, and the issuance of licenses for that purpose;

(10) The administration of the provisions of the laws relating to the licensing of narcotic drug manufacturers, the establishing of basic classes of narcotic drugs, the establishing of quotas, and the determination of substances as "opiates";

(11) The prescribing of such regulations as may be necessary for the execution of the functions imposed under the applicable laws;

(12) The appointment of such officers and employees as may be necessary for the execution of the functions imposed upon the Bureau of Narcotics.

(b) *Deputy Commissioner of Narcotics.* The Deputy Commissioner of Narcotics acts as Commissioner of Narcotics in his absence; he exercises general supervision over the Bureau of Narcotics, including the field force, with particular emphasis on administrative functions; and assists the Commissioner generally in all matters of narcotic drug and marihuana law enforcement and administration.

(c) *Office of Chief Counsel.* Under the general supervision and direction of the General Counsel of the Treasury Department, the Chief Counsel is the chief law official of the Bureau. The Chief Counsel is responsible to the Commissioner of Narcotics and to the General Counsel for the supervision and coordination of all legal duties of the Bureau. The legal activities include the rendering of advice and the consideration and resolution of all legal problems arising in connection with the administration of the duties and functions of the Bureau.

(d) *Office of Assistant Commissioner (Enforcement).* This office is responsible for policy coordination and direction of the Bureau's law enforcement activities, including the Bureau's investigations and coordination with the functions of other Federal, State, municipal, and international law enforcement agencies; studying and reporting trends of the national and international narcotic and marihuana traffic; and establishing and maintaining liaison with United States and foreign narcotic law enforcement agencies for exchange of information and improvement of cooperation in suppression of the narcotic and marihuana traffic.

(e) *Office of Assistant Commissioner (Administration).* This office is responsible for policy coordination, supervision and direction of field administrative matters; direction and supervision of the Bureau's Fiscal, Personnel, Statistics and Records, and Supplies and Equipment Divisions; budget programs; and liaison in connection with administrative control activities of the Treasury Department and other agencies.

(f) *Office of Assistant Commissioner (Permissive).* This office is responsible for policy coordination and direction of matters of concern to the Returns Division of the Bureau of Narcotics, pertaining to imports, exports, storage, manufacture, and distribution of narcotic drugs through legitimate channels for medical and scientific purposes; directs the activities of the Drugs Disposal Committee; audits returns of narcotic drug production and distribution; maintains records on imports, exports, manufacture, distribution, seizure, and diversion of narcotic drugs; and establishes and maintains liaison with manufacturers, medical and paramedical groups in connection with narcotic drug controls.

(g) *Office of Assistant to Commissioner (Information and Law Enforcement Training).* This office correlates general information on narcotic drugs and trafficking, and handles public information and correspondence of general nature; writes articles for publication in various trade journals and other news media; prepares the annual report of the Bureau; directs and conducts the Federal Bureau of Narcotics Training School; and programs technical narcotic law enforcement in-service training.

(h) *Office of Inspection and Internal Audit.* This office makes inspections of Bureau and field operations; conducts financial audits; and reports on the effectiveness of each operation, including general narcotic law enforcement conditions in the field.

SEC. 3. *Field organization.* The field organization is responsible for conducting investigations of violations of the narcotic drug, marihuana, and applicable statutes; establishing and maintaining liaison with the U.S. attorneys, the courts, State and municipal officials at local levels, and in foreign areas; and conducting inspections and examining procedures for effective control of the legitimate trade. The field organization is divided into districts, each of which is headed by a district supervisor, as follows:

Number; Headquarters Office; Territory
1. 1425 Post Office and Courthouse, Boston, Mass. 02109, Maine, Rhode Island, New Hampshire, Vermont, Connecticut, Massachusetts.
2. 90 Church Street, Suite 605, New York, N.Y. 10007, New York State, Newark I.R.S. District of New Jersey.
3. 605 U.S. Customhouse, Second and Chestnut Sts., Philadelphia, Pa. 19106, Pennsylvania, Delware, New Jersey (except Newark I.R.S. District).
5. 106 South Gay Street, Baltimore, Md. 21202, Maryland, District of Columbia, North Carolina, Virginia, West Virginia.
6. 1056 Federal Office Building, Atlanta, Ga. 30303, Georgia, Florida, Alabama, South Carolina, Tennessee.
8. 602 Federal Building, Detroit, Mich. 48226, Michigan, Ohio, Kentucky.
9. 1836 U.S. Courthouse and Federal Office Building, Chicago, Ill. 60604, Illinois, Indiana, Wisconsin.
10. 1114 Commerce Street, Room 1104, Dallas, Tex. 75202, Texas, Louisiana, Mississippi.
11. 1002 Federal Office Building, Kansas City, Mo. 64106, Missouri, Kansas, Arkansas, Oklahoma.
12. 403 Federal Building, 110 South Fourth Street, Minneapolis, Minn. 55401, Minnesota, Iowa, Nebraska, North Dakota, South Dakota.
13. 3317 U.S. Customhouse, Denver, Colo. 80202, Colorado, Utah, Wyoming, New Mexico.
14. 450 Golden Gate Avenue, Box 36085, San Francisco, Calif. 94102, California, Nevada, Arizona.
15. 311 U.S. Courthouse, Seattle, Wash. 98104, Washington, Oregon, Idaho, Montana, Alaska, Hawaii.
16. American Embassy, 95 Wireless Road, Bangkok, Thailand. Address mail to: Treasury, American Embassy, APO San Francisco, Calif. 96346, Far East.
17. American Embassy, Via Veneto 62A, Room 113, Rome, Italy. Address mail to: Narcotics Division, American Embassy, APO New York, N.Y. 09794, Europe, Middle East.
18. American Embassy, Mexico, D.F., Mexico. Address mail to: American Embassy—Nar. Apartado Postal 88 Bis., Mexico, D.F., Mexico. Mexico, Central and South America.

SEC. 4. *Public information; submittals, requests, decisions.*—(a) *Public information.* Requests for final opinions and all orders made in the adjudication of cases, those statements of policy and interpretations which have been adopted and not published in the FEDERAL REGISTER, administrative staff manuals and instructions to staff that affect a member of the public and other Bureau of Narcotics records or information may be made in person or by correspondence as provided in 21 CFR Part 306.

(b) *Submittals, requests, decisions.* Submittals, requests for decisions or other requests may be made in person or by correspondence to the Deputy Commissioner of Narcotics at the headquarters office in Washington, D.C., or with the appropriate district supervisor in the area described in the above section 3.

SEC. 5. *Formal and informal procedures.* The formal and informal provisions relating to functions of the Bureau of Narcotics may be found in the Code of Federal Regulations. The provisions relating to appeal and review to the Secretary of the Treasury of the action or nonaction of the Commissioner of Narcotics are in 21 CFR Part 301; the provisions relating to importation and exportation of narcotic drugs are in 21 CFR Part 302; the provisions relating to the growing of opium poppies are in 21 CFR Part 303; the provisions relating to adjudication and licensing procedure are in 21 CFR Part 304; the provisions relating to the determination of substances

as "opiates" are in 21 CFR Part 305; the provisions relating to the surrender of heroin are in 21 CFR Part 306; the provisions relating to the manufacture of narcotic drugs are in 21 CFR Part 307; the provisions relating to public access to information are in 21 CFR Part 308, the provisions relating to the regulatory taxes on smoking opium are in 21 CFR Part 150; the provisions relating to the regulatory taxes on narcotic drugs are in 26 CFR Part 151; the provisions relating to the regulatory taxes on marihuana are in 26 CFR Part 152; and the provisions relating to seizures of vehicles, vessels, and aircraft under the Act of August 9, 1939, are in 26 CFR Part 153. Certain other provisions may be found in the procedures published by the Office of the Secretary of the Treasury in 31 CFR Subtitle A and 41 CFR Part 10.

Additionally, provisions relating to Government employment and the purchase, sale, and disposition of Government property, are found in the respective procedures prescribed in the Federal Personnel Manual and the General Services Administration regulations. For specific instructions in connection with these procedures, interested persons may request conferences with the officials listed in this notice and assistance will be provided.

Effective date: This notice shall be effective as of July 4, 1967.

[SEAL] HENRY L. GIORDANO,
Commissioner of Narcotics.

Approved: June 3, 1967.

JAMES POMEROY HENDRICK,
Special Assistant to the Secretary (for Enforcement).

[F.R. Doc. 67-7888; Filed, July 7, 1967; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 18596]

ALM DUTCH ANTILLEAN AIRLINE

Notice of Hearing

Notice is given herewith, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that public hearing in the above-entitled proceeding is assigned to be held before the undersigned Examiner on July 26, 1967, at 10 a.m., e.d.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on June 27, 1967, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., July 3, 1967.

[SEAL] RICHARD A. WALSH,
Hearing Examiner.

[F.R. Doc. 67-7890; Filed, July 7, 1967; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. CI61-448 etc.]

MARVIN E. WILHITE ET AL.

Findings and Orders

JUNE 26, 1967.

Findings and orders after statutory hearing issuing certificates of public convenience and necessity, amending certificates, canceling docket number, severing proceeding, permitting and approving abandonment of service, terminating certificates, making successor co-respondent, redesignating proceeding requiring filing of agreement and undertaking, and accepting related rate schedules and supplements for filing.

Each of the Applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce, for permission and approval to abandon service, or a petition to amend an existing certificate authorization, all as more fully described in the respective applications and petitions (and any supplements or amendments thereto) which are on file with the Commission.

The Applicants herein have filed related FPC gas rate schedules and propose to initiate, abandon or add natural gas service in interstate commerce as indicated by the tabulation herein. All sales certificated herein are at rates either equal to or below the ceiling prices established by the Commission's statement of general policy No. 61-1, as amended, or involve sales for which permanent certificates have been previously issued; except that the sales from the Permian Basin area of Texas are authorized to be made at or below the applicable area base rates and under the conditions prescribed in Opinion Nos. 468 and 468-A.

Rocanville Corp. (Operator) et al., Applicant in Docket No. CI61-1806, proposes to continue the sale of natural gas heretofore authorized in said docket to be made pursuant to W. H. Hudson (Operator) et al., FPC Gas Rate Schedule No. 2. Said rate schedule will be redesignated as that of Applicant. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI64-605. Therefore, Applicant will be made a co-respondent in said proceeding, the proceeding will be redesignated accordingly, and Applicant will be required to file an agreement and undertaking to assure the refund of any amounts collected by it in excess of the amount determined to be just and reasonable in said proceeding.

Forest Oil Corp., Applicant in Docket No. CI67-1388, has filed an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon the sale of natural gas made pursuant to an unconditioned temporary certificate issued in Docket No. CI61-248. The pending certificate application is consolidated with Union Texas Petroleum et al., Docket No. G-13221 et al. Inasmuch as the gas supply is depleted, the application filed in Docket No. CI67-1388 will be construed as an amendment to the application filed in Docket No. CI61-248, Docket No. CI67-1388 will be canceled, the application in Docket No. CI61-248 will be severed from the consolidated proceeding, and the temporary certificate will be terminated. Although the temporary certificate which will be terminated contained no express refund condition, there is a possibility that some portion of the initial price may have to be refunded,[1] and the termination of the certificate should not be construed to relieve Applicant of any such obligation. Likewise the termination of the temporary certificate should not be construed to relieve Applicant of any refund obligation in Docket No. RI65-216, in which proceeding an increased rate under the related rate schedule is effective subject to refund.

The staff has reviewed each application and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

After due notice, no petitions to intervene, notices of intervention, or protests to the granting of any of the respective applications or petitions in this order have been received.

At a hearing held on June 15, 1967, the Commission on its own motion received and made a part of the record in these proceedings all evidence, including the applications, amendments, and exhibits thereto, submitted in support of the respective authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will therefore, be a "natural-gas company" within the meaning of said Act upon the commencement of the service under the respective authorizations granted hereinafter.

(2) The sales of natural gas hereinbefore described, as more fully described in the respective applications, amendments and/or supplements herein, will be made in interstate commerce, subject to the jurisdiction of the Commission, and such sales by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

[1] P.S.C. of the State of New York v. F.P.C., 329 F. 2d 242, cert. denied sub nom. Prado Oil & Gas Co. v. F.P.C.

(3) The respective Applicants are able and willing properly to do the acts and to perform the services proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(4) The sales of natural gas by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefore should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the certificate authorizations heretofore issued by the Commission in Docket Nos. CI61-448, CI61-819, CI61-874, CI61-1096, CI61-1806, CI62-303, CI62-578, CI62-1127, CI65-403, CI66-714, CI66-853, CI66-867, CI66-942, and CI67-1104 should be amended as hereinafter ordered and conditioned.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the application pending in Docket No. CI61-248 should be severed from the proceeding in Union Texas Petroleum et al., Docket No. G-13221 et al.

(7) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Docket No. CI67-1388 should be canceled and that the application filed therein should be construed as an amendment to the application filed in Docket No. CI61-248.

(8) The sales of natural gas proposed to be abandoned by the respective Applicants, as hereinbefore described, all as more fully described in the respective applications and in the tabulation herein, are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act, and such abandonments should be permitted and approved as hereinafter ordered.

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates of public convenience and necessity heretofore issued to the respective Applicants relating to the abandonments hereinafter permitted and approved should be terminated.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Rocanville Corp. (Operator) et al., should be a co-respondent in the proceeding pending in Docket No. RI64-605, that said proceeding should be redesignated accordingly, and that Rocanville Corp. should be required to file an agreement and undertaking.

(11) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the respective related rate schedules and supplements as designated in the tabulation herein should be accepted for filing as hereinafter ordered.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order, authorizing the sales by the respective Applicants herein of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary for such sales, all as hereinbefore described and as more fully described in the respective applications, amendments, supplements, and exhibits in this proceeding.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against the respective Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the respective contracts particularly as to the cessation of service upon termination of said contracts, as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificates aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The grant of the certificates issued herein on all applications filed after April 15, 1965, is upon the condition that no increase in rate which would exceed the ceiling prescribed for the given area by paragraph (d) of the Commission's statement of general policy No. 61-1, as amended, shall be filed prior to the applicable dates, as indicated by footnotes 2 and 4 in the attached tabulation.

(E) The initial rates for sales authorized in Docket Nos. CI67-1075 and CI67-1461 shall be the applicable base area rates prescribed in Opinion No. 468, as modified by Opinion No. 468-A, as adjusted for quality, or the contract rates, whichever are lower; and no increases in rate in excess of said initial rates shall be filed before January 1, 1968.

(F) If the quality of the gas delivered by Applicants in Docket Nos. CI67-1075 and CI67-1461 deviates at any time from the quality standards set forth in Opinion No. 468, as modified by Opinion No. 468-A, so as to require a downward adjustment of the existing rate, a notice of change in rate shall be filed pursuant to the provisions of section 4 of the Natural Gas Act: *Provided, however,* That adjustments reflecting changes in B.t.u. content of the gas shall be computed by the applicable formula and charged without the filing of notices of changes in rate.

(G) Within 90 days from the date of initial delivery Applicants in Docket Nos. CI67-1075 and CI67-1461 shall file three copies each of a rate schedule quality Opinion No. 468-A statement in the form prescribed in

(H) Certificates are issued herein in Docket Nos. CI67-658 and CI67-1301 authorizing the respective Applicants to continue the sales of natural gas being rendered on June 7, 1954.

(I) A certificate is issued herein in Docket No. CI67-1181 authorizing Applicant to continue the sale of natural gas which was being rendered without prior Commission authorization by the predecessor.

(J) The certificates heretofore issued in Docket Nos. CI61-874, CI66-853, CI66-867, CI66-942, and CI67-1104 are amended by adding thereto authorization to sell natural gas to the same purchasers and in the same areas as covered by the original authorizations pursuant to the rate schedule supplements as indicated in the tabulation herein.

(K) The certificate heretofore issued in Docket No. CI61-819 is amended to include the sale of natural gas from the additional acreage at 15.0 cents per Mcf at 14.65 p.s.i.a., including tax reimbursement, plus B.t.u. adjustment; however, in the event that the Commission amends its Policy Statement No. 61-1, by adjusting the boundary between the Panhandle area and the "Other" Oklahoma area so as to increase the initial wellhead price for new gas in the area involved herein, Applicant thereupon may substitute the new rate reflecting the amount of such increase, and thereafter collect such new rate prospectively in lieu of the initial rate herein required.

(L) The certificates heretofore issued in Dockets Nos. CI61-448, CI61-1096, CI61-1806, CI62-303, CI62-578, CI62-1127, and CI66-714 are amended by changing the certificate holders to the respective successors in interest as indicated in the tabulation herein.

(M) The certificate heretofore issued in Docket No. CI65-403 is amended by permitting Applicant to continue the sale of natural gas from interest acquired from the coowner which was previously covered under said certificate and rate schedule pursuant to the rate schedule supplements as indicated in the tabulation herein.

(N) The application pending in Docket No. CI61-248 is severed from the proceeding pending in *Union Texas Petroleum* et al., Docket No. G-13221 et al.

(O) Docket No. CI67–1338 is canceled.

(P) Permission for and approval of the abandonment of service by the respective Applicants, as hereinbefore described, all as more fully described in the respective applications and in the tabulation herein are granted.

(Q) Permission for and approval of the abandonment in Docket No. CI67–1474 shall not be construed to relieve Applicant of any refund obligations which may be ordered in the rate suspension proceedings pending in Docket Nos. G–19914, RI61–191, RI62–52, RI63–158, and RI64–261.

(R) The temporary certificate heretofore issued in Docket No. CI61–248 is terminated and the termination of said certificate shall not be construed to relieve Applicant of any refund obligation in said docket or in Docket No. RI65–214.

(S) The certificate heretofore issued in Docket No. G–8577 is terminated only insofar as it pertains to Mesco Drilling & Supply Co.'s FPC Gas Rate Schedule No. 11.

(T) The certificates heretofore issued in Docket Nos. G–12780, G–16982, and CI65–1158 are terminated.

(U) Rocanville Corp. (Operator) et al., shall be a co-respondent in the proceeding pending in Docket No. RI64–606 and said proceeding is redesignated accordingly.[1]

(V) Within 30 days from the issuance of this order Rocanville Corp. (Operator) et al., shall execute, in the form set out below, and shall file with the Secretary of the Commission an acceptable agreement and undertaking in Docket No. RI64–606 to assure the refund of any amounts collected by it, together with interest at the rate of 7 percent per annum, in excess of the amount determined to be just and reasonable in said proceeding. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreement and undertaking shall be deemed to have been accepted for filing.

(W) Rocanville Corp. (Operator) et al., shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreement and undertaking filed by Rocanville Corp. in Docket No. RI64–606 shall remain in full force and effect until discharged by the Commission.

(X) The respective related rate schedules and supplements as indicated in the tabulation herein are accepted for filing; further, the rate schedules relating to the successions herein are accepted and redesignated, subject to the applicable Commission regulations under the Natural Gas Act to be effective on the dates as indicated in the tabulation herein.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[1] W. H. Hudson (Operator) et al., and Rocanville Corp. (Operator) et al.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
CI65–443 E 4–19–67	Marvin E. Wilhite et al. (successor to Superior Oil and Gas, Inc.).	Consolidated Gas Supply Corp. De Kalb District, Gilmer County, W. Va.	Superior Oil and Gas, Inc., FPC GRS No. 1. Notice of succession 10–26–66.	3	
			Assignment 7–11–66[1]	3	1
CI65–619 C 5–4–67[2]	Shelly Oil Co.	Michigan Wisconsin Pipe Line Co., acreage in Major County, Okla.	Effective date: 7–11–66. Amendatory agreement 10–4–66.[3]	105	6
CI65–654 C 5–17–67[4]	Roswell, Inc. (Operator) et al.	Texas Gas Transmission Corp., Minden Field, Webster and Claiborne Parishes, La.	Ratified 11–1–65[5]	1	1
CI61–1094 E 4–18–67	Marvin E. Wilhite et al. (successor to Superior Oil and Gas, Inc.).	Consolidated Gas Supply Corp., De Kalb District, Gilmer County, W. Va.	Superior Oil and Gas, Inc., FPC GRS No. 2. Notice of succession 10–26–66.	4	
			Assignment 7–11–66[1]	4	1
			Effective date: 7–11–66.		
CI61–1208 E 3–28–67	Rocanville Corp. (Operator) et al. (successor to W. H. Hudson (Operator) et al.).	El Paso Natural Gas Co., Basin Dakota Field, San Juan County, N. Mex.	W. H. Hudson (Operator), et al., FPC GRS No. 2.	1	
			Supplement Nos. 1–3	1	1–3
			Assignment 3–1–67	1	4
			Assignment 3–1–67	1	5
			Effective date: 3–1–67.		
CI65–909 E 4–19–67	Marvin E. Wilhite et al. (successor to Superior Oil and Gas, Inc.).	Consolidated Gas Supply Corp., De Kalb District, Gilmer County, W. Va.	Superior Oil and Gas, Inc., FPC GRS No. 4. Notice of succession 10–26–66.	2	
			Assignment 7–11–66[1]	2	1
CI67–678 E 1–31–67	Rodman Petroleum Corp. (Operator) et al. (successor to E. G. Rodman (Operator) et al.).	Northern Natural Gas Co., Hansford (Morrow) Field, Hansford County, Tex.	Effective date: 7–11–66. E. G. Rodman (Operator) et al., FPC GRS No. 6.	5	
			Supplement No. 1	5	1
			Notice of succession 9–15–66.		
			Assignment 9–8–66[1]	6	2
			Effective date: 9–1–66.		
CI66–1127 E 4–19–67	Hayward Simmons, agent for H & C Oil & Gas Co. (successor to Henry Oakes et al.).	Consolidated Gas Supply Corp., Union District, Ritchie County, W. Va.	Henry Oakes et al., FPC GRS No. 2. Notice of succession 4–26–67	1	
			Assignment 12–1–66[1]	1	1
			Effective date: 12–1–66.		
CI66–962 (CI66–1223) B 12–11–66	Texaco Oil Co.	United Gas Pipe Line Co., Washom Field, Caddo Parish, La.	Notice of cancellation 12–9–66.[1] [6]	192	1
CI66–968 F 4–13–67[7]	Mobil Oil Corp. (Operator) et al.	El Paso Natural Gas Co., Pegasus Gasoline Plant, Midland and Upton Counties, Tex.	Assignment 2–10–67[7]	206	6
			Letter agreement 3–8–67[8]	206	7
			Effective date: 1–8–67.		
CI66–714 E 4–18–67	Sun Oil Co. (Southwest Division) (successor to Shell Oil Co.).	Lone Star Gathering Co., Spraberry Field, Karnes County, Tex.	Shell Oil Co., FPC G–2.9 No. 225.	217	
			Supplement Nos. 1–2	217	1–2
			Notice of succession 4–10–67.		
			Assignment 2–14–67[7]	217	3
			Effective date: 2–1–67.		
CI66–935 C 4–24–67[7]	Skelton Gas Products Co. (Operator) et al.	Panhandle Eastern Pipe Line Co., East Aline Processing Plant, Alfalfa County, Okla.	Amendatory agreement 12–22–66.[7] [9]	7	2
CI66–962 C 4–26–67[7]	Chevron Oil Co., Western Division.	El Paso Natural Gas Co., Hispanito Mesa Verde Unit, San Juan County, N. Mex.	Supplemental agreement 2–27–67.[7]	11	2
CI66–967 C 4–21–67[7]	Pan American Petroleum Corp.	Northern Natural Gas Co., Northeast Arnett Field, Ellis County, Okla.	Supplemental agreement 4–3–67.[7]	449	3
CI67–349 (G–8577) B 2–1–66 4–17–67[10]	Mesco Drilling & Supply Co.	Consolidated Gas Supply Corp., Beaumette Township, Elk County, Pa.	Assignment 2–28–66[10]	11	1
			Notice of cancellation 4–14–67.[7] [11]	11	2
CI67–691 A 11–14–66 1–20–67[7] [12]	Joe Hutson & Judith D. Anstar, trustees.	United Fuel Gas Co., acreage in Pike County, Ky.	Contract 10–6–64	1	
			Letter agreement 12–15–66.	1	1
			Court order 6–20–13.[13]	1	2
			Court order 12–17–64.[13]	1	3
			Court order 5–29–66.[13]	1	4
CI66–1095 A 2–17–67[14]	The Superior Oil Co.[15]	Transwestern Pipeline Co., Wheeham-Roper Ellenburger Field, Reeves County, Tex.	Contract 2–1–67[7]	188	
CI67–1084 C 4–24–67[7]	Hamblin Oil & Refining Co.	Arkansas Louisiana Gas Co., Kinta Field, Le Flore County, Okla.	Supplemental agreement 3–22–67.[7]	69	1

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

FPC rate schedule to be accepted

Docket No.[1] and date filed	Applicant	Purchaser, field, and location	Description and date of document	No.	Supp.
CI67–1151 A 2–28–67[2]	J. E. Gresl	The Manufacturers Light & Heat Co., Mahaffey Complex, Pa.	Contract 7–2–65[3] Assignment 1–18–67 Effective date: 1–1–67	1	
CI67–1152 A 1–1–67[2]	Elmer S. Kiky et al.	The Manufacturers Light & Heat Co., Mahaffey Area, Clearfield County, Pa.	Contract 1–10–63[3] Assignment 10–15–63[4]	1	
CI66–1153 (CI61–1276) B 2–27–67	Forest Oil Corp.	Transcontinental Gas Pipe Line Corp., Webb Area, Tyrrell County, N.C.	Notice of cancellation 2–20–67.[4]	44	
CI66–1154 A 11–14–66	Mobil Oil Corp.[2]	El Paso Natural Gas Co., Cliverton Plant, Ward County, Tex.	Contract 8–21–67[3]	48	
CI67–1155 A 1–1–67	W. H. Mason	Panhandle Gas Co., Panhandle Field, Roberts County, Tex.	Contract 8–21–67[3]	48	
CI67–1156 A 1–13–67	Red Tiger Municipal Corp. (Operator) et al.	United Gas Pipe Line Co., Joaquin Field, Shelby County, Tex.	Contract 1–6–67[3]	1	
CI67–1157 A 1–13–67	Chas. Petroleum, Inc. (Operator) et al.	Panhandle Eastern Pipe Line Co., Hemphill County, Tex.	Contract 8–16–67.	22	
CI67–1158 A 1–13–67	Jacob H. Sayre, Agent, et al.	Consolidated Gas Supply Corp., Burnt Cabin District, Wyoming County, W. Va.	Contract 11–4–65[3]	10	
CI67–1159 A 1–13–67	Oliver Oil Co.	Consolidated Gas Supply Corp., Burnt Cabin District, Wyoming County, W. Va.	Contract 10–25–65[3]	10	
CI67–1160 A 1–13–67	Eugene Development Corp., Inc.	The Ohio Fuel Gas Co., Olive Township, Knox County, Ohio.	Contract 12–1–65 Contract 10–1–66[3]	1	
CI67–1161 A 1–13–67	Pennzoil Co. et al.	Consolidated Gas Supply Corp., Big Creek District, Wyoming County, W. Va.	Contract 11–26–65[3]	15	
CI67–1162 A 1–13–67	Harry J. Cyprus (Operator) et al.	The Manufacturers Light & Heat Co., Webster Area, Harrison County, W. Va.	Contract 4–4–67[3]	1	
CI67–1163 A 2–20–67	Ker-McGee Corp. (Operator) et al.	United Fuel Gas Co., Big Almond Area, Clendenin Parish, La.	Notice of cancellation 4–25–67.[4]	50	
CI67–1164 (CI61–1164) B 4–25–67	Lewis Drilling Co.	United Gas Pipe Line Co., Hico, Hampton et al., Smith County, Tex.	Notice of cancellation 4–19–67.[4]	3	
CI67–1165 (CI61–1165) B 4–25–67	Estate of Rupert Cox et al.	Texas Eastern Transmission Corp., Carnahan Field, Gregg County, Tex.	Notice of cancellation 4–20–67.[4]	4	
CI67–1166 B 4–24–67	J. & J. Enterprises, Inc.	The Manufacturers Light & Heat Co., Union District, Doddridge County, W. Va.	Contract 6–11–67[3]	20	
CI67–1167 A 4–28–67	do	Consolidated Gas Supply Corp., Big Creek District, Wyoming County, W. Va.	Contract 2–21–67[3]	21	
CI67–1168 A 4–28–67	do	Consolidated Gas Supply Corp., Burnt Cabin District, Wyoming County, W. Va.	Contract 4–11–67[3]	22	

See footnotes at end of table.

[1] Pursuant to Opinion 511 & Gas Rate, 34 FPC 159, 160 (1965), as amended by Opinion No. 511–A, 34 FPC 1356 (1965), and Opinion No. 511–B, 34 FPC 1815 (1965), the Commission shall revise the Applicant's contract dated Nov. 24, 1965, which has been designated as Supplement No. 2 to Applicant's FPC Gas Rate Schedule No. C–1, to reflect the following:

(A) Applicant agrees to charge a jurisdictional rate of 18.5 cents per Mcf at 14.65 psia for all gas delivered.

(B) Applicant agrees to refund, pursuant to § 154.102 of the regulations under the Natural Gas Act, all amounts collected in excess of the rate ordered herein.

(C) Applicant agrees to file, within 30 days from the issuance of this order, a notice of change in rate to reflect the rate ordered herein.

(D) Applicant agrees to file, within 30 days from the issuance of this order, a statement of refunds due and refunds made pursuant to the Opinion No. 511 proceeding.

(E) Applicant agrees to execute a jurisdictional agreement and file it with the Commission within 30 days from the issuance of this order.

(F) Applicant agrees to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreement and undertaking filed by Applicant in Docket No. CI66–1154 shall remain in full force and effect until discharged by the Commission.

[2] Applicant's contract dated Nov. 24, 1965, which has been designated as Supplement No. 2 to Applicant's FPC Gas Rate Schedule No. C–1, is subject to the provisions of Opinion No. 511, 34 FPC 159, as amended by Opinion No. 511–A, 34 FPC 1356, and Opinion No. 511–B, 34 FPC 1815.

[3] Subject to the provisions of Opinion No. 511, 34 FPC 159, as amended by Opinion No. 511–A, 34 FPC 1356, and Opinion No. 511–B, 34 FPC 1815.

[4] Effective date: Date of filing unless otherwise stated.

[5] Applicant agrees to charge a jurisdictional rate of 18.5 cents per Mcf at 14.65 psia for all gas delivered.

[6] Applicant agrees to refund, pursuant to § 154.102 of the regulations under the Natural Gas Act, all amounts collected in excess of the rate ordered herein.

[7] Applicant agrees to file, within 30 days from the issuance of this order, a notice of change in rate to reflect the rate ordered herein.

[8] Applicant agrees to file, within 30 days from the issuance of this order, a statement of refunds due and refunds made pursuant to the Opinion No. 511 proceeding.

[9] Applicant agrees to execute a jurisdictional agreement and file it with the Commission within 30 days from the issuance of this order.

[10] Applicant agrees to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreement and undertaking filed by Applicant in Docket No. CI66–1154 shall remain in full force and effect until discharged by the Commission.

[11] Applicant's contract dated Nov. 24, 1965, which has been designated as Supplement No. 2 to Applicant's FPC Gas Rate Schedule No. C–1, is subject to the provisions of Opinion No. 511, 34 FPC 159, as amended by Opinion No. 511–A, 34 FPC 1356, and Opinion No. 511–B, 34 FPC 1815.

[12] Subject to the provisions of Opinion No. 511, 34 FPC 159, as amended by Opinion No. 511–A, 34 FPC 1356, and Opinion No. 511–B, 34 FPC 1815.

[13] Effective date: Date of filing unless otherwise stated.

[14] Applicant agrees to charge a jurisdictional rate of 18.5 cents per Mcf at 14.65 psia for all gas delivered.

[15] Applicant agrees to refund, pursuant to § 154.102 of the regulations under the Natural Gas Act, all amounts collected in excess of the rate ordered herein.

[Docket No. CP67-382]

EL PASO NATURAL GAS CO.

Notice of Application

JULY 3, 1967.

Take notice that on June 27, 1967, El Paso Natural Gas Co. (Applicant), Post Office Box 1492, El Paso, Tex. 77999, filed in Docket No. CP67-382 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities for the sale and delivery of additional volumes of natural gas to an existing customer, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate the following natural gas facilities:

(1) Approximately 5.5 miles of 16-inch O.D. pipeline and necessary appurtenances, commencing at a point of connection with its 26-inch O.D. Sumas Mainline and terminating at a point of connection with its existing 16-inch O.D. North Seattle Lateral loopline, all in Snohomish County, Wash.;

(2) Relocate its existing pressure regulator station from its present location at the beginning of the existing 16-inch O.D. loopline to the point of interconnection of the 16-inch loopline proposed in (1) above; and

(3) Add an additional 12¾ inch O.D. orifice meter run and make modifications to the existing North Seattle Lateral and loop, Snohomish County, Wash.

Applicant proposes to sell and deliver to Washington Natural Gas Co. (Washington), through the facilities proposed above, additional volumes of natural gas to meet Washington's estimated needs during the 1967–68, 1968–69, 1969–70, and 1970–71 heating seasons. Applicant states that Washington estimates its needs for the 1970–71 heating season at 123,479 Mcf per day of natural gas. Applicant states that Washington has experienced continuous load growth in the Seattle area since the inception of natural gas service and will require the volumes of natural gas proposed above to meet its growing demands.

Applicant estimates the total cost of the proposed facilities at approximately $571,907, said cost to be financed through working funds, supplemented, as necessary, by short-term bank loans.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before July 28, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-7860; Filed, July 7, 1967; 8:46 a.m.]

[Project No. 2131]

KINGSFORD CO. AND WISCONSIN MICHIGAN POWER CO.

Notice of Application for Transfer of Interest in License for Constructed Project

JUNE 30, 1967.

Public notice is hereby given that application for transfer of interest in license has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Kingsford Co. of Iron County, Mich. (corporate successor to Kingsford Chemical Co. to whom the license was originally issued) and Wisconsin Michigan Power Co. (correspondence to: Owen Pyle, President, Kingsford Co., Post Office Box 1033, Louisville, Ky. 40201, and John G. Quale, Vice President and General Counsel, Wisconsin Michigan Power Co., 231 West Michigan Street, Milwaukee, Wis. 53201) for transfer of Kingsford Co.'s interest in the license to Wisconsin Michigan Power Co.

The existing project, known as Kingsford Hydroelectric Plant, is located partially in the city of Kingsford, in Dickinson County, Mich., and Florence County, Wis., on the Menominee River, and affects public lands of the United States consisting of several islands. The project consists of: (1) A dam about 845 feet long composed of, a powerhouse intake section, a gated spillway section, and two earth sections; (2) a detached earth dike about 313 feet long on the Michigan side of the river; (3) a powerhouse containing three 3,200 horsepower turbines, each connected to a 2,400 kilowatt generator; (4) a double circuit transmission line about three miles long; and (5) appurtenant facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is August 18, 1967. The application is on file with the Commission for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-7861; Filed, July 7, 1967; 8:46 a.m.]

[Docket No. RP67-21]

NATURAL GAS PIPELINE CO. OF AMERICA

Order Providing for Hearing and Suspending Revised Tariff Sheets

JUNE 30, 1967.

Natural Gas Pipeline Co. of America (Natural) tendered for filing on May 31, 1967, changes in its FPC Gas Tariff, First Revised Volume No. 1 [1] to become effective on July 1, 1967. The proposed changes would increase Natural's sales rates by $19,158,000, based on billing demand units and volumes for the year beginning December 1, 1967, and its storage service rate by $757,000 per year. The proposed increases would be applicable to Natural's rate schedules as follows: 11 cents per Mcf in the demand rate and 1.9 cents per Mcf in the commodity rate of CD–1, CD–2, and PL–1; 1.9 cents per Mcf on I–1; 2.62 cents per Mcf on G–1 and G–2. Natural's S–1 storage service rate which is a cost-of-service formula rate, would be increased by changing the rate of return therein from 6¼ percent to 7 percent.

In support of its proposed increase, the company states that on or before December 1, 1967, it will have completed and placed in service facilities authorized in recent dockets [2] at an estimated cost of $95.7 million. The company also states that it will experience increased purchased gas costs during the test period due to new supplies from Southern Louisiana and increases filed by other producers under contract provisions. Additionally, Natural claims that its overall rate of return should be 7 percent because its cost of capital has increased materially due to higher interest cost on new financing and retirement of older, low cost debt. Natural estimates its capital needs for the near future at about $130 million. The proposed rates also reflect normalized taxes and a 1½ percent rate of return on accumulated deferred income taxes. Analysis of the filing indicates that, among other things, the data submitted in support of the proposed increases present issues concerning rate base, the overall rate of return, the claimed allowance for income taxes, the use of normalized taxes and a 1½ percent rate of return on accumulated deferred income taxes, the estimated sales volumes, claimed purchased gas costs and rate design.

The increased rates proposed have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions

[1] The proposed revised sheets include First Revised Sheets Nos. 25–B, 25–E; Second Revised Sheets Nos. 25–C, 25–D, 25–F; Third Revised Sheets Nos. 16, 19, 19–C, 22; Fifth Revised Sheets Nos. 6, 12, 15, 18; Sixth Revised Sheets Nos. 9, 13, 19–A, 19–B.

[2] The dockets referred to are: CP66–169 (Phase II) (not including facilities authorized on May 18, 1967, by an amendment to the Commission's order), CP66–169, CP66–170, and CP64–150.

of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates, charges, classifications and services contained in Natural's FPC Gas Tariff, and that the proposed revised tariff sheets listed above be suspended and the use thereof deferred as hereinafter provided.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held on a date fixed by notice from the Presiding Examiner concerning the lawfulness of the rates, charges, classifications and services contained in Natural Gas Pipeline Co.'s FPC Gas Tariff, as proposed to be amended by First Revised Sheets Nos. 25–B, 25–E; Second Revised Sheets Nos. 25–C, 25–D, 25–F; Third Revised Sheets Nos. 16, 19, 19–C, 22; Fifth Revised Sheets Nos. 6, 12, 15, 18; Sixth Revised Sheets Nos. 9, 13, 19–A, 19–B.

(B) Pending such hearing and decision thereon, the proposed tariff sheets listed in paragraph (A) above are suspended and the use thereof deferred until December 1, 1967, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Natural, having already served its direct evidence, the Commission staff and interveners shall serve their direct testimony and exhibits in this proceeding upon the Presiding Examiner and all other parties as follows: Staff, on or before October 24, 1967, and interveners on or before November 6, 1967.

(D) Pursuant to § 1.18 of the Commission's rules of practice and procedure, a prehearing conference before the Presiding Examiner shall commence at 10 a.m., e.s.t., on November 27, 1967, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C. 20426, for the purpose of effectuating the expeditious disposition of this proceeding.

(E) Presiding Examiner Ewing G. Simpson, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the prehearing conferences and hearing in this matter, pursuant to the Commission's rules of practice and procedure, and particularly §§ 1.27, 1.18 and 2.59 thereof: *Provided, however,* That the Presiding Examiner may in his discretion set the date for service of rebuttal evidence before or after cross-examination of the direct evidence.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-7862; Filed, July 7, 1967; 8:46 a.m.]

[Project No. 2157]

PUBLIC UTILITY DISTRICT NO. 1 OF SNOHOMISH COUNTY, WASH., AND CITY OF EVERETT, WASH.

Supplemental Order

JUNE 30, 1967.

Pursuant to the Commission's order of May 19, 1967, as amended, a hearing was convened in Seattle, Wash., on inter alia water releases in the Sultan River, project inspection and consideration of repairs to project structures. Testimony of witnesses for the joint licensees at pages 76, 77, 86, 87, and 123 of the record makes it clear that repairs to Culmback Dam outlet tunnel, one of the project structures, may be safely deferred until next year. However, conditions of the downstream diversion dam utilized in water supply to the city of Everett are such that repairs are immediately necessary this year in order to avoid danger of structural failure and subsequent serious impairment of the city's water supply system.

To meet the above conditions by accomplishing necessary repairs to the diversion dam this summer, staff, joint licensees and petitioners State of Washington Departments of Fisheries and Game, recognized the need for certain minimum water releases during the period of repair to preserve fish life. The understanding of the joint licensees and petitioners is reflected in an agreement dated June 15, 1967, pages 239 and 240 of the record.

Following execution of the June 15, 1967, agreement the hearing was recessed by the presiding examiner to permit joint licensees to begin immediate plans for making repairs as soon as possible to the diversion dam and to provide the minimum water releases for fish (Tr. 240–241).

Counsel for the Public Utility District at page 237 of the record noted that the June 15 agreement was made with the understanding that it would not prejudice the rights of the Public Utility District or city with regard to future water releases when repairs are made at Culmback Dam and/or the city's diversion dam in 1968 or beyond.

The Commission finds: It is necessary and appropriate for the purposes of the Federal Power Act, the Commission's regulations thereunder and the license for Project No. 2157 to order as hereinafter provided.

The Commission orders:

(A) Further hearings in this proceeding are continued for a period of 120 days.

(B) The Commission's order of May 19, 1967, requiring continuation of present flows is modified in accordance with the terms of the June 15 agreement of the joint licensees and petitioners which is hereby incorporated by reference in its entirety, so as to provide a temporary minimum flow of water for fish during the period the diversion dam is under repair.

(C) Joint licensees shall submit within 21 days from the date hereof for Commission consideration revised Exhibit L drawings reflecting the proposed repairs or modification of the diversion dam facility.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-7863; Filed, July 7, 1967; 8:46 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[S-567]

CALIFORNIA

Notice of Proposed Classification of Public Lands for Multiple-Use Management

JUNE 28, 1967.

1. Pursuant to the Act of September 19, 1964 (78 Stat. 986; 43 U.S.C. 1411–18), and to the regulations in 43 CFR, Parts 2410 and 2411, it is proposed to classify for multiple-use management, the public lands described in paragraph 3 together with any lands in the areas described in paragraph 3 that may become public lands in the future. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. Publication of this notice segregates (a) all public lands described below from appropriation under the agricultural land laws (43 U.S.C., Chs. 7 and 9, and 25 U.S.C. 334) and from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171) and (b) the lands described in paragraph 4 from appropriation under the mining laws (30 U.S.C., Ch. 2).

3. The public lands are located within the following described areas within Amador and Calaveras Counties, west of Stanislaus National Forest. For the purposes of this proposed classification, the lands have been subdivided into Blocks, each of which has been analyzed in detail and described in documents and on maps available for inspection at the Folsom District Office, Bureau of Land Management, 63 Natoma Street, Folsom, Calif. 95630, and in the Sacramento Land Office, Bureau of Land Management, 650 Capitol Mall, Sacramento, Calif. 95814. The overall descriptions of the areas are as follows:

MOUNT DIABLO MERIDIAN, CALIFORNIA

BLOCK NO. 1

All public lands in:

T. 1 N., R. 13 E.,
Secs. 2, 4, 5, 8, 9, 11, 15, 21, 22, 28, and 29.
T. 2 N., R. 13 E.,
Secs. 21, 23, 24, 25, and 26.

T. 2 N., R. 14 E.,
Secs. 4, 5, 6, 8, 9, 17, 19, and 20.
T. 3 N., R. 14 E.,
Secs. 1, 2, 11, 12, 13, 14, 15, 22, 23, 26, 27, 31, 33, and 34.
T. 4 N., R. 14 E.,
Secs. 34, 35, and 36.

BLOCK NO. II

All public lands in:

T. 3 N., R. 11 E.,
Secs. 3, 4, 9, 10, 11, 13, 14, 15, 17, 18, 20, 21, 23, 24, 25, and 26.
T. 4 N., R. 11 E.,
Secs. 25, 26, and 35.
T. 3 N., R. 12 E.,
Secs. 19 and 20.

Except the following public lands:

T. 3 N., R. 11 E.,
Sec. 3, lot 4 and SE¼NE¼.

BLOCK NO. III

All public lands in:

T. 5 N., R. 11 E.,
Sec. 1.
T. 5 N., R. 13 E.,
Secs. 5 and 6.
T. 6 N., R. 13 E.,
Secs. 1, 11, 12, 13, 14, 23, 24, 25, 26, 27, 29, 33, 33, 34, and 35.
T. 6 N., R. 13 E.,
Secs. 1, 2, 3, 5, 6, 7, 8, 9, 12, 13, 14, and 15, secs. 17 to 27, inclusive, and sec. 30.
T. 7 N., R. 13 E.,
Secs. 18, 20, 21, 28 to 29, inclusive, and secs. 31 to 36, inclusive.
T. 8 N., R. 14 E.,
Secs. 1, 2, and 3.
T. 6 N., R. 14 E.,
Secs. 4, 5, 7, 8, 15, 17, 18, 19, 20, 26, 29, 30, 32, and 35.
T. 7 N., R. 14 E.,
Sec. 30.

Except the following public lands:

T. 6 N., R. 13 E.,
Sec. 30, lots 9 and 79B.
T. 7 N., R. 13 E.,
Sec. 21, lot 2;
Sec. 26, those portions of lots 2 and 3 lying between Mineral Survey 5062 and lot 46, and those portions of lots 2 and 3 lying east of lot 46;
Sec. 29, lots 1 to 5, inclusive;
Sec. 33, tract designated as Mineral Land in W½NW¼ and fractional W½W½W½SE¼NW¼;
Sec. 35, tract designated as Mineral Land in SW¼NE¼.
T. 7 N., R. 14 E.,
Sec. 30, lots 3 and 4.

BLOCK IV

All public lands in:

T. 4 N., R. 13 E.,
Secs. 1 and 2, and secs. 11 to 14, inclusive.
T. 5 N., R. 12 E.,
Secs. 11, 13, and 14, secs. 23 to 26, inclusive, sec. 35.
T. 4 N., R. 13 E.,
Secs. 5 to 8, inclusive, sec. 13, secs. 18 to 30, inclusive, and secs. 33 to 36, inclusive.
T. 5 N., R. 13 E.,
Sec. 30.
T. 4 N., R. 14 E.,
Sec. 19, and secs. 29 to 32, inclusive.

Except the following public lands:

T. 5 N., R. 13 E.,
Sec. 11, that portion of lot 1 lying west of Mineral Survey 6114;
Sec. 24, lot 2.
T. 4 N., R. 13 E.,
Sec. 27, lot 12;
Sec. 33, lot 1.
T. 4 N., R. 14 E.,
Sec. 30, lots 6 and 7.

BLOCK NO. V

All public lands in:

T. 4 N., R. 10 E.,
Secs. 3 and 4.
T. 5 N., R. 10 E.,
Secs. 33, 33, and 34.
T. 7 N., R. 11 E.,
Secs. 10 to 15, inclusive.
T. 6 N., R. 12 E.,
Sec. 9.
T. 7 N., R. 12 E.,
Secs. 1, 2, 9, 10, 12, 13, 14, 17, 18, 19, 20, 28, 29, 33, and 34.
T. 4 N., R. 13 E.,
Secs. 2, 10, 11, and 15.
T. 5 N., R. 13 E.,
Sec. 6, secs. 8 to 11, inclusive, secs. 17, 20, 27, 33, and 34.
T. 6 N., R. 13 E.,
Sec. 31.
T. 4 N., R. 14 E.,
Secs. 4, 7, 22, and 27.
T. 5 N., R. 14 E.,
Secs. 11, 13, 14, 18, 19, and 23.
T. 6 N., R. 14 E.,
Secs. 24 and 31.

Except the following public lands:

T. 7 N., R. 11 E.,
Sec. 15, SE¼SE¼.
T. 5 N., R. 12 E.,
Sec. 2, tract in W½ designated as Mineral Land.
T. 7 N., R. 12 E.,
Sec 33, lot 46.
T. 4 N., R. 13 E.,
Sec. 10, N½NW¼SE¼;
Sec. 11, NE¼NW¼SE¼.
T. 5 N., R. 13 E.,
Sec. 33, E½SW¼SE¼.
T. 4 N., R. 14 E.,
Sec. 7, lots 13 and 18.

The public lands proposed to be classified aggregate approximately 30,972 acres.

4. As provided in paragraph 2, the following lands are segregated from appropriation under the mining laws (totaling approximately 1,997 acres):

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 8 N., R. 9 E.,
Sec. 26, NE¼NW¼ and S½NW¼.
T. 8 N., R. 10 E.,
Sec. 32, NE¼SE¼ and S½SE¼;
Sec. 33, SW¼NW¼ and NW¼SW¼.
T. 8 N., R. 10 E.,
Sec. 22, SW¼NW¼.
T. 8 N., R. 12 E.,
Sec. 9, E½SE¼NW¼.
T. 6 N., R. 12 E.,
Sec. 34, NW¼SE¼.
T. 4 N., R. 13 E.,
Sec. 6, SE¼NW¼.
T. 5 N., R. 13 E.,
Sec. 11, W½SE¼SE¼;
Sec. 27, Emma Quarts Mine;
Sec. 34, NW¼NE¼ and NE¼NW¼.
T. 6 N., R. 13 E.,
Sec. 3, tract in S½NW¼ designated as Mineral Land.
T. 7 N., R. 13 E.,
Sec. 13, SE¼SW¼SE¼ and SE¼SE¼;
Sec. 23, NE¼SE¼ and SE¼SW¼SE¼;
Sec. 24, lots 2, 3, 4, 5, and 6, N½NW¼NE¼, N½NE¼NW¼, NW¼NW¼, W½SW¼NW¼, and NW¼SE¼;
Sec. 26, W½NE¼NE¼, W½NE¼, SE¼SE¼NW¼, NE¼SW¼, SE¼NW¼SW¼, SW¼SW¼, and NW¼SE¼SW¼;
Sec. 27, SE¼SE¼SE¼;
Sec. 32, S½ of lot 1, SE¼NW¼SW¼, E½SW¼SW¼, and portion of N½SE¼;
Sec. 33, NE¼NE¼, S½NW¼NE¼, S½NE¼, SE¼NW¼, NW¼NE¼SW¼, and NW¼SW¼;
Sec. 34, N½NE¼, W½NW¼, and SE¼NW¼;
Sec. 35, NW¼NW¼NW¼.
T. 2 N., R. 14 E.,
Sec. 4, NW¼SW¼;
Sec. 17, W½SW¼.
T. 3 N., R. 14 E.,
Sec. 33, SE¼SE¼;
Sec. 34, NW¼NW¼.
T. 6 N., R. 14 E.,
Sec. 4, W½NW¼;
Sec. 5, E½NE¼;
Sec. 18, NE¼SE¼;
Sec. 20, W½SE¼.

5. For a period of sixty (60) days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the Folsom District Manager, Bureau of Land Management, 63 Natoma Street, Folsom, Calif. 95630, or at the public hearing.

6. A public hearing on this proposed classification will be held at 10 a.m. on July 19, 1967, in the City Hall, San Andreas, Calif.

For the State Director.

H. CURT HAMMIT,
District Manager.

[F.R. Doc. 67-7867; Filed, July 7, 1967; 8:46 a.m.]

[N-1348]

NEVADA

Notice of Proposed Withdrawal and Reservation of Lands

JUNE 30, 1967.

The Atomic Energy Commission has filed the above application for the withdrawal of the lands described below, from all forms of appropriation including the Taylor Grazing Act and the mining and mineral leasing laws.

The applicant desires the land for an underground nuclear testing and buffer area.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 3008, Federal Building, 300 Booth Street, Reno, Nev.

The Department's regulations (43 CFR 2311.1-3(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN, NEVADA

T. 9 N., R. 51 E., unsurveyed,
Beginning at a point which is N. 36°08'09" W., 15,911.46 feet, from the southeast corner of T. 9 N., R. 51 E.; thence W., 5,280 feet; thence N., 5,280 feet; thence E., 5,280 feet; thence S., 5,280 feet, to the point of beginning.

The area described contains 640 acres.

DANIEL P. BAKER,
Land Office Manager.

[F.R. Doc. 67-7868; Filed, July 7, 1967; 8:46 a.m.]

Office of the Secretary

[Order No. 2508, Amdt. No. 72]

COMMISSIONER OF INDIAN AFFAIRS

Delegation of Authority

Delegation of authority to Commissioner of Indian Affairs with respect to the distribution of funds derived from appropriations in satisfaction of awards to Indian tribes by the Indian Claims Commission and the Court of Claims, Order 2508, as amended, is further amended to add subparagraphs 32 through 38 to section 30. As so amended, section 30 reads as follows:

SEC. 30. *Authority under specific acts.* (a) In addition to any authority delegated elsewhere in this order, the Commissioner of Indian Affairs, except as provided in paragraph (b) of this section, is authorized to perform the functions and exercise the authority vested in the Secretary of the Interior by the following acts or portions of acts or any acts amendatory thereof:

* * * * * *

(32) Act of August 20, 1964, P.L. 88-464, 78 Stat. 563: The Snake and Paiute Indians of the former Malheur Reservation;

(33) Act of August 20, 1964, P.L. 88-506, 78 Stat. 639: The Nehalem Band of the Tillamook Indians and the Tillamook Band of the Tillamook Indians;

(34) Act of October 14, 1966, P.L. 89-655, 80 Stat. 908-906: The Quileute and Hoh Tribes;

(35) Act of October 14, 1966, P.L. 89-656, 80 Stat. 906: The Nooksack Tribe;

(36) Act of October 14, 1966, P.L. 89-659, 80 Stat. 909-910: The Miami Indians of Indiana and Oklahoma;

(37) Act of October 14, 1966, P.L. 89-660, 80 Stat. 910-911: The Duwamish Tribe of Indians.

(38) All other acts which may authorize the Secretary of the Interior to prepare a roll for purposes of distributing judgment funds and to distribute such funds to those persons whose names appear on the rolls.

(b) * * *

CHARLES F. LUCE,
Acting Secretary of the Interior.

JULY 3, 1967.

[F.R. Doc. 67-7869; Filed, July 7, 1967; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Foreign Agricultural Service

STATEMENT OF ORGANIZATION, FUNCTIONS AND DELEGATIONS OF AUTHORITY

Pursuant to the authority contained in 5 U.S.C. 552 and 559, there is hereby published the Statement of Organization, Functions, and Delegations of Authority of the Foreign Agricultural Service.

SECTION 1. *General.* The Foreign Agricultural Service, hereinafter referred to as "FAS", was established March 10, 1953, by the Secretary of Agriculture pursuant to the authority vested in him by section 161, Revised Statutes, 5 U.S.C. 22, and Reorganization Plan No. 2 of 1953. The central office of FAS is located at Washington, D.C., in the South Building of the Department of Agriculture.

SEC. 2. *Functions.* FAS is responsible for the general administration of a wide range of programs relating to foreign trade in agricultural commodities. The Service (a) has primary responsibilities for Department activities relating to foreign agricultural trade, including coordination of U.S. agricultural interests before bodies such as the Special Representative for Trade Negotiations, the Trade Expansion Act Advisory Committee, and other departmental committees concerned with the administration of the Trade Expansion Act of 1962, the Organization for Economic Cooperation and Development, the General Agreement on Tariffs and Trade, and the European Economic Community (the Common Market); development of foreign markets for agricultural products of the United States; relationships with foreign areas; marketing and economic investigations and service work related to current and prospective competition with and demand for specific U.S. agricultural products in foreign commodity markets; functions under 7 U.S.C. 1761-1766, 19 U.S.C. 1354, 22 U.S.C. 501, but excluding basic and long-range analyses of world conditions and developments affecting supply, demand, and trade in farm products and general economic analyses of the international financial and monetary aspects of agricultural affairs as assigned to Economic Research Service; (b) has responsibility for the administration of section 22 of the Agricultural Adjustment Act (of 1933), as amended, 7 U.S.C. 624, and export and import controls, except those under 7 U.S.C. 608e-1, but including the coordination of Department positions, actions, and recommendations as they pertain to the administration of the Export Control Act of 1949, as amended, 50 U.S.C. 2021-2032; (c) has responsibility for the coordination of relationships in the field of its primary responsibilities between the Department of Agriculture and the Department of State, other departments and agencies of the Government, and the Food and Agriculture Organization of the United Nations; (d) has responsibility for acting as the liaison agency between the Department of Agriculture and the Department of State, and coordinates, to the extent permitted by law, the carrying out by Department agencies of their functions in foreign areas, including relations with the Department of State at U.S. diplomatic and consular missions, foreign governments, private and public organizations, private firms, and other departments and agencies of the U.S. Government; (e) has responsibility for the administration of commodity export sales programs including export pricing policies, and export subsidy programs, other than section 32, 7 U.S.C. 612c; (f) has primary responsibility for the administration of barter programs under which agricultural commodities are exported in exchange for strategic and other materials, including strategic and critical materials for the National Stockpile, 15 U.S.C. 714b; strategic and other materials for the supplemental stockpile, 7 U.S.C. 1856; materials, goods, and equipment required in connection with foreign economic and military aid and assistance programs, for offshore construction programs, and for specific requirements of government agencies, 7 U.S.C. 1692; (g) has primary responsibility for Department functions under Title I of the Agricultural Trade Development and Assistance Act of 1954 (Public Law 480), as amended, 7 U.S.C. 1701-1709, 1731-1736, including market development trade programs under section 104(b)(1) of the Act, but excluding utilization research in aid of market development under section 104(b)(1), and farm, forestry, marketing, and utilization research under section 104(b)(3) of the Act; (h) has responsibility for activities involving program development, evaluation and review, including related liaison with the Agency for International Development, participating

private relief agencies and intergovernmental organizations with respect to the donation of foods for distribution to needy persons in foreign countries, but excluding responsibilities related to program execution involving procurement, reprocessing, packaging, delivery of commodities, and maintenance of records pertaining thereto; and (f) has responsibility for ocean transportation functions under the provisions of Public Law 480, but excluding the responsibility for designating and moving to port position commodities donated under Title II of Public Law 480 and the fiscal examination and accounting functions for Public Law 480 transactions.

Sec. 3. Organization and functional responsibilities. The Administrator, who is also a Vice President of the Commodity Credit Corporation (hereinafter referred to as "CCC"), is responsible to the Assistant Secretary for International Affairs for the general direction and supervision of programs assigned to FAS.

(a) *Associate Administrator.* The Associate Administrator acts for and assists the Administrator in formulating and administering the policies and programs of FAS and CCC, and acts in the capacity of Vice President, CCC, in the absence of the Administrator.

(b) *General Sales Manager.* The General Sales Manager is primarily responsible for administering CCC and FAS export programs and pricing policies relating to foreign sale for dollars of CCC owned or price-support commodities, and export pricing policies and programs with respect to special export programs except for the wheat and flour export programs.

(c) *Assistant Administrator for Export Programs.* The Assistant Administrator for Export Programs is primarily responsible for the policies and programs of FAS with respect to Title I of Public Law 480. He coordinates such programs with other agencies of the Government, in making use of foreign currencies and related appropriations in the development of new, and expansion of existing, foreign markets through such activities as international agricultural trade fairs and specialized trade projects.

(d) *Barter and Stockpiling Manager.* The Barter and Stockpiling Manager is primarily responsible for administering the program and policies for barter of U.S. surplus agricultural commodities in meeting specific national objectives, cooperating with other U.S. Government agencies in determining the impact of current barter activities on foreign policy and the U.S. balance of payments, and developing in conjunction with other U.S. agencies new opportunities for enlarging the use of barter in support of U.S. Government objectives.

(e) *Assistant Administrator for Commodity Programs.* The Assistant Administrator for Commodity Programs is primarily responsible for administering policies and programs involving studies of worldwide production, trade, marketing, prices, consumption, and other factors affecting exports and imports of U.S. agricultural commodities designed for use in the development of programs, and the provision of such information to domestic producers, the agricultural trade, the public, and other interests; and the promotion of normal commercial markets abroad.

(f) *Assistant Administrator for International Trade.* The Assistant Administrator for International Trade is primarily responsible for administering and coordinating the responsibilities of the Department of Agriculture with respect to international trade agreement programs and negotiations. He also administers specified agricultural import and export controls.

(g) *Assistant Administrator for Agricultural Attaches.* The Assistant Administrator for Agricultural Attaches is primarily responsible for administering the worldwide Agricultural Attache program in coordinating the collection, interpretation, and reporting by attaches of marketing, economic, and trade information in foreign areas essential to the administration of U.S. foreign agricultural policies and programs, assuring effective Department liaison through Agricultural Attaches with Chiefs of the U.S. Diplomatic Missions, and assuring effective working relationships by Agricultural Attaches with other U.S. agencies and foreign government officials, private agencies in the fields of agriculture, commerce, industry and finance, trade organizations, exporters, distributors, farmers, and international trade, farm and commodity groups, and organizations.

(h) *Assistant Administrator for Management.* The Assistant Administrator for Management assists the Administrator in the formulation, coordination, and evaluation of FAS programs and operations. He also designs and administers management and information operations essential to effective conduct of FAS activities.

Sec. 4. Delegations of Authority. The Administrator formulates and administers programs assigned to FAS under delegated authority from the Secretary of Agriculture, 29 F.R. 16210. This includes authority to execute any document, authorize any expenditure, promulgate any rule, regulation, order or instruction required by law or deemed by him to be necessary and proper to the discharge of the functions assigned to FAS, and take any other actions incident to the discharge of such functions. This authority is exercised under the general direction and supervision of the Assistant Secretary for International Affairs and is subject to the general responsibilities of the Secretary to the President and to Congress. The Administrator may delegate his authority and provide for redelegation of such authority to appropriate officers and employees. However, in no case does any delegation of authority to the Administrator preclude the Secretary, Under Secretary, or the appropriate Assistant Secretary from exercising any of the powers or functions so delegated.

Sec. 5. Availability of Records and Information. Any person desiring information or wishing to make submittals or requests with respect to the programs and functions of FAS should address his request to the Assistant Administrator for Management, FAS, Department of Agriculture, Washington, D.C. 20250. Records of FAS are available for examination in accordance with regulations governing the availability of records issued by the Secretary of Agriculture and the Administrator, 7 CFR Parts 1 and 1520, as amended.

Signed at Washington, D.C., this 30th day of June 1967.

RAYMOND A. IOANNIS,
Administrator,
Foreign Agricultural Service.

Approved: July 3, 1967.

JOHN A. BAKER,
Acting Secretary.

[F.R. Doc. 67-7879; Filed, July 7, 1967; 8:47 a.m.]

Office of the Secretary

ORGANIZATION, FUNCTIONS, AND AVAILABILITY OF INFORMATION

Notice is hereby given for the guidance of the general public as to the organization, functions, and availability of information of the Office of the Secretary, U.S. Departments of Agriculture, pursuant to 5 U.S.C. 552, 552a.

SECTION 1. *Organization and functions.* The Office of the Secretary, U.S. Department of Agriculture, consists of the Secretary, Under Secretary, and Assistant Secretaries of Agriculture, and other staff members. The Office of the Secretary provides the overall policy guidance and direction of the activities of the Department of Agriculture. Overall policy statements and announcements are made from this Office.

The Office of the Secretary is located in Washington, D.C. Hours of duty are from 8 a.m. to 5:30 p.m.

SEC. 2. *Availability of internal directives.* Internal administrative and program directives of the Office of the Secretary are available for public inspection and copying except as may be exempt under section 3. An index to such material is also available for inspection and copying. Facilities for inspection and copying are available in the Administration Building, U.S. Department of Agriculture, Washington, D.C. Arrangements for such may be made by contacting the Chief, Secretary's Records and Communications Division, Office of Plant and Operations, U.S. Department of Agriculture, either in person or by mail. Applicable fees are prescribed by the Director, Office of Plant and Operations.

SEC. 3. *Availability of identifiable records.* All records of the Office of the Secretary are available for inspection and copying except exempt records, which include the following:

(a) Matters specifically required by Executive order to be kept secret;

(b) Matters related solely to the internal personnel rules and practices of the Department;

(c) Matters specifically exempt from disclosure by statute;

(d) Trade secrets and commercial or financial information obtained from any person and privileged or confidential;

(e) Interagency or intraagency memoranda or letters which would not be available by law to a party other than an agency in litigation with the Department;

(f) Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and

(g) Investigatory files compiled for law enforcement purposes except to the extent available by law to a party other than an agency.

SEC. 4. *Requests for records.* Requests for Office of the Secretary records may be made in writing or in person to the Chief, Secretary's Records and Communications Division, Office of Plant and Operations, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250. Each request shall be reasonably specific in order to properly identify the record(s) sought.

SEC. 5. *Determination.* The Chief, Secretary's Records and Communications Division, shall make records available when requested in accordance with section 4, unless he determines that it is an exempt record. The Chief, Secretary's Records and Communications Division, shall give written notice of any such determination, together with the reasons therefor.

SEC. 6. *Appeals.* A denial by the Chief, Secretary's Records and Communications Division, for an Office of the Secretary record or records may be appealed, by the person who made the request, to the Assistant Secretary of Agriculture for Administration. The appeal shall be made in writing within 15 days of the date of the notice of denial. The Assistant Secretary will give written notice of the final determination of the Office of the Secretary.

SEC. 7. *Inspection and copies.* A person requesting available records may inspect them and, upon payment of applicable fees, copy them, in the Office of the Chief, Secretary's Records and Communications Division, on business days from 9:30 a.m. to 5 p.m. Copies of such records may also be purchased by mail. The applicable fees are prescribed by the Director, Office of Plant and Operations, U.S. Department of Agriculture.

Effective Date: The provisions of this notice are effective on July 4, 1967.

JOSEPH M. ROBERTSON,
Assistant Secretary
for Administration.

JUNE 30, 1967.

[F.R. Doc. 67-7881; Filed, July 7, 1967; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

OHIO STATE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6 (c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 67-00016-33-00000. Applicant: The Ohio State University, 190 North Oval Drive, Columbus, Ohio 43210. Article: Bennett Stereotaxic Apparatus, with parts and accessories. Manufacturer: Whitby Tool & Engineering Co., Ltd., United Kingdom. Intended use of article: Applicant states:

> This apparatus is designed to enable the Surgeon to perform any operation of stereotaxic surgery with certainty and ease. * * *
>
> Anterior and lateral views define the target in three dimensions, so that the semicircular instrument carrier is readily set to guide to the chosen part of the brain any straight instrument, electrode, needle, cannula, X-ray, or ultrasonic beam.
>
> The carrier and its bearings are marked off in degrees so that instruments or beams can be directed to meet at a single point from any combination of approaches. Three-dimensional patterns of electrodes or radioactive pellets can be set up. Lateral approaches through the temporal area as in the treatment of temporal lobe epilepsy can be made with guide plates mounted on the frame.
>
> For some applications it has been found valuable to use the apparatus to set the direction of single or multiple hole guides fastened subcutaneously to the skull, so that repeated observations or interventions can be made over a period of time. Such guides have been successfully used in the treatment of Parkinson's Disease and in the exploration of the thalamus. The stereotaxic apparatus measures the distance from the surface of the indwelling guides to the target area.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to such article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The stereotaxic apparatus is to be used in the neurosurgical treatment of human disease. Accuracy in placement of electrodes, ease and versatility in the use of the instrument, and comfort of the patient are of major importance in the design of such apparatus. The foreign article provides needed accuracy without requiring correction for parallax or specialized X-ray equipment in order to achieve this accuracy. The foreign article also provides wide versatility in its range of application to any area within the human head. In addition, the foreign article permits the use of a variety of lesion producing methods with a single apparatus. In our judgment, the greater utility and versatility of the foreign article can provide not only a greater degree of success in the operating theater or laboratory, it can also in certain cases insure success rather than failure. The Department of Commerce knows of no instrument or apparatus being made in the United States, which is of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used.

CHARLEY M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 67-7856; Filed, July 7, 1967; 8:45 a.m.]

OREGON REGIONAL PRIMATE RESEARCH CENTER OF THE MEDICAL RESEARCH FOUNDATION OF OREGON

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No.: 67-00017-33-46040. Applicant: Oregon Regional Primate Research Center of the Medical Research Foundation of Oregon, 505 Northwest 185th Avenue, Beaverton, Oreg. 97005. Article: Electron Microscope Model EM-300 S, No. 30030000; Anticontamination Device No. 38300700, and Desiccator No. 38301000. Manufacturer: Philips Electronic Instruments, Inc., Holland. Intended use of article: Applicant states:

> The instrument will be used in conjunction with the medical-biological research programs * * *. The projects include the following diverse activities:
>
> A. Investigation of the ultrastructure of the fetal, neonatal, and adult Rhesus monkey adrenal cortex with particular reference to cytological expressions of sexual dimorphism and response to stress.
>
> B. A fine-structural investigation of the oviduct in the Rhesus mon-

key with emphasis on the control exerted by various gonadal hormones over ciliary atrophy and morphogenesis.

C. A study of the development of the fetal skin, including sweat glands, sebacious glands, and hair follicles.

D. An ultrastructural investigation of the development of epidermal tumors after the administration of carcenogenic agents.

E. A study of developing elastin in ligaments and in the aorta in normal animals and in copper deficient animals.

F. An investigation to describe the ultrastructural features of cardiac and skeletal muscle both in normal animals as well as in animals exposed to special diets (i.e., high fat) or to the effects of various pharmacological agents.

G. A fine structural study of human melanocytes and melanomas, part of these grown in tissue culture.

H. The study of simple photoreceptors with emphasis on the correlation of structure and function of specific cell types.

I. A descriptive study of fetal, neonatal, and adult pituitary under the influence of hormonal manipulation, such as gonadectomy.

J. In addition to the aforementioned, other problems are pursued on a routing service basis for other investigative staff of this Regional Primate Research Center who have projects amenable to the electron microscope program.

Comments: Comments were received from one domestic manufacturer, Radio Corporation of America (RCA), which alleged inter alia that "the RCA Model EMU-4 Electron Microscope with/named/accessories is of equivalent scientific value to the instrument and accessories for which duty free entry has been requested for the purposes stated in the application for which the instrument is intended to be used." (RCA comment, Apr. 27, 1967, par. (3).) Decision: Application Approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The pertinent characteristics and pertinent specifications of the foreign article were compared with similar pertinent characteristics and pertinent specifications of the RCA EMU-4 electron microscope. With respect to resolving power, the foreign article offers 5 Angstroms or better (the lower the numerical value in terms of Angstrom units, the higher the resolving power). (See specification sheet of foreign article attached to application, page I.) The domestic instrument offers 8 Angstroms or better. (See RCA comment, par. 4(c)(1).) While the major applications of the foreign article will involve the use of sectioned materials in which the fine structure beyond the resolution capabilities claimed for the domestic instrument is not preserved, the applicant intends to apply the article also to samples prepared by techniques that do preserve structural detail to the limit of resolution claimed for the foreign article.

The differences in resolution capabilities between the domestic instrument and the foreign article are therefore pertinent to the evaluation of scientific equivalency.

The foreign article also offers accelerating voltages of 20, 40, 60, 80, and 100 kilovolts. (See page 1 of specification sheet attached to application.) The domestic instrument offers only accelerating voltages of 50 and 100 kilovolts. (See par. 4(c)(iii) of comment by RCA.) The domestic manufacturer states that it has not been demonstrated that the additional accelerating voltages offered by the foreign article have produced any results. However, it is known that for certain types of specimens contrast is increased as the accelerating voltage is reduced below 50 kilovolts. The applicant has described the scientific benefits, particularly the maximum contrast obtained in unstained specimens, which can be achieved through using lower accelerating voltages. (See reply of applicant to comments of RCA, dated May 4, 1967, p. 3.) The availability of the lower accelerating voltages is, therefore, pertinent to the research objectives of the applicant.

The domestic manufacturer also claims that the microfocus gun is needed as an accessory to the foreign article only when the lower accelerating voltages are utilized. (See RCA comment par. 4(c)(v).) However, the applicant has demonstrated the need for the lower accelerating voltage. Moreover, as cited by the applicant (page 4 of applicant's reply to RCA comment), the microfocus gun can be used advantageouly with other operating voltages.

Therefore, the availability of the microfocus gun is pertinent to achieving the research objectives of the applicant.

In our judgment, the differences in resolving power and accelerating voltages, plus the availability of the microfocus gun as an accessory, lead to the conclusion that the domestic instrument is not scientifically equivalent to the foreign article for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus which is of equivalent scientific value to the foreign article for the purpose for which the article is intended to be used and is being made in the United States.

CHARLES M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 67-7866; Filed, July 7, 1967; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

CONSTRUCTION OF NONCOMMERCIAL EDUCATIONAL TELEVISION BROADCAST FACILITIES

Notice of Acceptance for Filing of Application for Federal Financial Assistance

Notice is hereby given that effective with this publication the following described applications for Federal financial assistance in the construction of noncommercial educational television broadcast facilities are accepted for filing in accordance with 45 CFR, section 60.7:

Memphis Community Television Foundation, Memphis State University, Box 80,000, Memphis, Tenn., File No. 202, to expand the facilities of noncommercial educational television station WKNO, Channel 10, Memphis, Tenn.

Hampton Roads Educational Television Association, 402 East Charlotte Street, Norfolk, Va., File No. 170, to amend its application for improvement of WHRO-TV, Channel 15, Norfolk, Va., by adding a transmitter unit which will increase power and expand coverage.

Arizona Board of Regents, Arizona State University, Tempe, Ariz., File No. 203, to improve the facilities of noncommercial educational television station KAET, Channel 8, Phoenix, Ariz.

Northeastern Pennsylvania Educational Television Association, 29 West Northampton Street, Wilkes-Barre, Pa., File No. 204, to improve the facilities of noncommercial educational television station WVIA, Channel 44, Scranton, Pa.

Nebraska Educational Television Commission, 1600 R Street, Lincoln, Nebr., File No. 205, to improve the facilities of noncommercial educational television station KUON, Channel 12, Lincoln, Nebr.

Any interested person may, pursuant to 45 CFR, section 60.8 within 30 calendar days from the date of this publication, file comments regarding the above applications with the Chief, Educational Television Facilities Branch, U.S. Office of Education, Washington, D.C. 20202.

(76 Stat. 64, 47 U.S.C. 390)

DONALD M. TRAPP,
Acting Chief, Educational Television Facilities Branch, U.S. Office of Education.

[F.R. Doc. 67-7896; Filed, July 7, 1967; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-213]

CONNECTICUT YANKEE ATOMIC POWER CO.

Notice of Issuance of Provisional Operating License

Please take notice that no request for a hearing by the applicant or petition for leave to intervene by any interested person having been filed following publication of the notice of proposed action in the FEDERAL REGISTER, the Atomic Energy Commission has issued Provisional Operating License No. DPR-14 to Connecticut Yankee Atomic Power Co. authorizing the licensee to possess, use, and operate the Haddam Neck Plant pressurized water nuclear reactor located on Connecticut Yankee's site on the east bank of the Connecticut River, approximately 21 miles south-southeast of Hartford, in the town of Haddam, Middlesex County, Conn. The license authorizes operation of the reactor at power levels not to exceed 1473 thermal megawatts, and incorporates Technical Specifications.

The Commission has inspected the facility and determined that it has been constructed in accordance with the application, as amended, and the provisions of Construction Permit No. CPPR-14.

The provisional operating license, as issued, is as set forth in the Notice of Proposed Issuance of Provisional Operating License published in the FEDERAL REGISTER on May 12, 1967, 32 F.R. 7167, except for the following changes in paragraph 3.C. of the license: (1) In line 3 of subparagraph (1) the words "a nuclear system" have been substituted for "the facility" in order to clarify the reporting requirement, and (2) in subparagraph (4) the listing of reporting requirements has been changed to a reference to the reporting requirements described in the Technical Specifications.

Dated at Bethesda, Md., this 30th day of June 1967.

For the Atomic Energy Commission.

S. LEVINE,
For Peter A. Morris,
Director,
Division of Reactor Licensing.

[F.R. Doc. 67-7853; Filed, July 7, 1967; 8:45 a.m.]

BUREAU OF THE BUDGET

TENNESSEE VALLEY AUTHORITY

Order Transferring the Use, Possession, and Control of the Coal and Coal Rights in and Under Lands From the General Services Administration

By virtue of the authority vested in the President of the United States by section 7(b) of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831f(b)), and delegated to the Director of the Bureau of the Budget by section 1(15) of Executive Order No. 11230 of June 28, 1965:

It is ordered, That the use, possession, and control of the coal and coal rights in and under the land hereinafter described are transferred from the General Services Administration to the Tennessee Valley Authority.

It is further ordered, That the right to use any surface areas of said land which are reasonably necessary in order to use any and all methods and processes, whether now known or hereafter developed, to prospect for, explore, mine, operate, produce, store and remove coal therefrom and the nonexclusive right of use of existing roads on said land for ingress and egress subject to liability to the owner or owners of the said surface area for actual damage caused thereby to the surface, growing crops, improvements, and livestock be and the same are transferred from the General Services Administration to the Tennessee Valley Authority.

The above transfers are deemed necessary and proper for the purposes of the Tennessee Valley Authority as stated in the Tennessee Valley Authority Act of 1933, as amended.

That certain tract of land designated on TVA land records as tract CBCR-1, the said land consisting of a portion of the U.S. Military Reservation identified as Camp Breckinridge, situated in the counties of Union, Webster, and Henderson, State of Kentucky, and more particularly described as follows:

NOTE: It is understood and agreed by the agencies affected by this transfer that when reference is made in the following property descriptions by way of identifying a given parcel of land by a number following the prefix "A," "B," or "E" (as the case may be), it is the intention that the same be deemed to refer to parcels correspondingly numbered and shown, in a general way and without accurate boundaries, on the "Land Acquisition Map—Morganfield, Kentucky, Triangular Division Camp Site—Portions of Union, Henderson, and Webster Counties, Ky.," a copy of which is attached hereto as Exhibit B.

Beginning on the northern boundary of Camp Breckinridge at the point of intersection of the south right-of-way line of U.S. Highway No. 60 and the center line of Little Air Line Road (Young-Harris Road), same also being the northwest corner of a tract of land formerly owned by P. B. Waller et al. (B-1); thence with said U.S. Highway No. 60 south right-of-way line N. 78°10' E., 53.71 poles to a corner common to a tract of land formerly owned by the Henderson-Union Rural Electric Co-op Corp. et al. (B-9); thence continuing with said U.S. Highway No. 60 south right-of-way line N. 78°10' E., 6.06 poles to a corner common to a tract of land formerly owned by Minnie Thomas et al. (B-9); thence continuing with said U.S. Highway No. 60 south right-of-way line in a northeasterly direction to the point of its intersection of the center line of Warehouse Road as designated on the reservation road map of Camp Breckinridge (attached hereto as Exhibit A); thence following the centerline of Warehouse Road in a southeasterly direction to a point which is approximately 795 feet northwest of the intersection of Road W-3 and Warehouse Road as designated on the reservation road map of Camp Breckinridge; thence in a southwesterly direction and parallel to Road W-3, a distance of approximately 660 feet; thence at a right angle in a southeasterly direction and parallel to Warehouse Road a distance of approximately 620 feet to a point; thence at a right angle in a southwesterly direction and parallel to Road W-3, approximately 200 feet to a point.

Thence at a right angle in a southeasterly direction and parallel to Road No. 26 as designated on the reservation map of Camp Breckinridge, approximately 175 feet to a point in the centerline of Road W-3; thence in a northeasterly direction with the centerline of Road W-3 to a point of intersection with the centerline of Warehouse Road; thence following the centerline of Warehouse Road in a southeasterly direction to its point of intersection with Road A as designated on the reservation map of Camp Breckinridge; said point also being Point H, which is an established internal property corner located in the intersection of Road A and Warehouse Road; thence in a generally easterly direction along the centerline of said Road A to a point where it intersects with the centerline of East Road as designated on the reservation road map of Camp Breckinridge; thence following the centerline of East Road in a northeasterly direction to the point of intersection of the south right-of-way line of U.S. Highway No. 60 and the centerline of East Road as designated on the reservation road map (attached hereto as Exhibit A) of Camp Breckinridge, said point being located in the northwest property line of a tract of land formerly owned by Margaret I. Drury (B-15); thence along the south right-of-way line of U.S. Highway No. 60 in a northeasterly direction to the point of intersection of the south right-of-way of U.S. Highway No. 60 and the northeast right-of-way line of Kentucky State Highway No. 141, a corner to a tract of land formerly owned by Fred Douglas Suggs et al. (B-29).

Thence with said U.S. Highway No. 60 south right-of-way line N. 72°35' E., 23.7 poles more or less to a corner common to the land formerly owned by John C. Roberts Estate (B-28) and the said Suggs tract (B-23); thence continuing with the south right-of-way line of U.S. Highway No. 60 N. 72°25' E., 87.0 poles; thence leaving the south right-of-way line of U.S. Highway No. 60 and with the northeast line of the said Roberts Estate tract (B-23) S. 49°55' E., 92 poles to a point in the center of Beaver Dam Road; thence with the centerline of said Beaver Dam Road N. 41°00' E., 3 poles to a corner common to the land formerly owned by Pearl Nally et vir. (B-24); thence continuing with the centerline of Beaver Dam Road N. 38°30' E., 95.8 poles to a corner common to tracts of land formerly owned by Charles R. Thomas (E-158) and the aforesaid Roberts Estate (B-23), said corner being the intersection of the centerline of Beaver Dam Road and the centerline of Highland Lick Road; thence with the west line of said Thomas tract N. 03° W., 67 poles to a point in the south right-of-way line of U.S. Highway No. 60; thence with said south right-of-way line of U.S. Highway No. 60 N. 85°10' E., 112 poles to a corner common to a tract of land formerly owned by Frank C. Rapier (E-158½) and to the aforesaid Thomas tract (E-158); thence continuing with the south right-of-way line of U.S. Highway No. 60 N. 85°10' E., 1,320 feet; thence continuing in the northeasterly direction along the south right-of-way line of U.S. Highway No. 60 and crossing a dirt road to a corner of a tract of land formerly owned by E. R. Rapier et al. (E-178).

Thence with the south right-of-way line of U.S. Highway No. 60 N. 85°10' E., 132 poles to a corner of said Rapier's tract (E-178); thence leaving said south right-of-way line of U.S. Highway No. 60 and with the northeast boundary line of said Rapier tract, S. 54°40' E., 98 poles; thence S. 38°25' W., 44 poles to a corner of a tract formerly owned by Susan Mills et al. (E-177); thence with said Mills northeast boundary line S. 56° E., 160 poles crossing the old bed of Casey Creek to the most easterly corner in said Mills tract; thence with the south boundary line of said Mills tract S. 46°32' W., 91 poles to the northeast right-of-way line of House Bridge Road; thence in a southwesterly direction and crossing House Bridge Road S. 33°30' W., 84 poles to a point in the old bed of Casey Creek which is a corner to a tract of land formerly owned by LeRoy Thomas et ux. (E-176); thence with the northeast line of said Thomas tract of land S. 50°45' E., 104 poles to the northeast corner of said Thomas tract; thence with the southeast boundary of said Thomas tract S. 38°40' W., 83 poles to the north corner of a tract of land formerly owned by Lillie G. Hosman et al. (E-183); thence with the northeast line of said Hosman tract S. 53°00' E., 58 poles; thence S. 38°05' W., 116 poles to the most northerly corner of a 1.06 acre school lot formerly owned by the Board of Education of Union County, Ky. (E-190); thence with the lines of said school lot S. 50°20' E., 17 poles; thence S. 38°05' W., 10 poles to a corner common to a tract of land formerly owned by Irene

Fowler et vir. (E-174) and to the tract of Board of Education of Union County (E-180).

Thence S. 88°29' E. along the northeast boundary line of said Fowler tract (E-174) and a tract of land formerly belonging to the Mary Ann Higginson Estate (E-178) to a corner common to a tract of land formerly owned by William A. Roberts et al. (E-391) and the Mary Ann Higginson Estate; thence with the northeast line of William A. Roberts' tract S. 54°54' E., 168 poles to a corner common to a tract of land formerly owned by Mary Katherine Roberts et al. (E-393) and the William A. Roberts tract; thence with the northeast line of Mary Katherine Roberts' tract S. 54°00' E., 77 poles; thence N. 28°05' E., 37.5 poles; thence S. 38°50' E. 23 poles to a point in the bed of the Old Highland Creek Ditch, thence with the center of the Old Highland Creek bed the following courses and distances: S. 11°00' W., 15 poles, thence S. 21°00' E., 6 poles, thence with the centerline of the Old Highland Creek N. 86°00' E., 15 poles, thence S. 20°30' E., 36 poles, thence S. 84°00' E., 15 poles, thence S. 69°00' E., 20 poles, thence S. 38°00' E., 10 poles, thence S. 45°00' W., 10 poles, thence S. 78°10' W., 37 poles; thence leaving the bed of the Old Highland Creek and continuing along the northeast boundary line of said Mary Katherine Roberts tract S. 54°45' E., 844.5 feet to a point, said point being the northwest corner of Federal Lease BLM-A-050213 (said lease being recorded in Oil and Gas Lease Book 86 at page 643 in the office of the County Clerk of Henderson County), said point also being in the northeastern boundary of Camp Breckinridge and is located 1,329 feet on a course N. 54°45' W. from the intersection of Berman-Corydon Road and the northeast boundary line of said Mary Katherine Roberts tract; thence south 6,600 feet along the westerly boundary of said Federal Lease BLM-A-050213 to a point being the southwest corner of said Federal Lease BLM-A-050212.

Thence east 6,900 feet along the southerly boundary of said Federal Lease BLM-A-050213 to Point O, said Point O being the southeast corner of said Federal Lease BLM-A-050213, this said Point O being located 2,800 feet due south of a point in the centerline of Duncan Road, which point is designated "X" and is located 132.25 feet on a course of S. 54°45' E. from the intersection of the centerline of Duncan Road and the northwest boundary line of a tract of land formerly owned by H. K. Tapp et ux. (E-688), the said boundary line also being the southwest line of an 8.8 acre tract formerly owned by H. K. and Barbara Tapp (E-696); thence north along the east boundary line of said Federal Lease BLM-A-050213 to Point X; thence from Point X along the centerline of Duncan Road and the H. K. Tapp northeast property line (E-688) to the corner of a tract formerly owned by Barbara Tapp et al. (E-687); thence with the centerline of Duncan Road S. 54°45' E., 39 poles; thence with the centerline of Duncan Road which is a northwest boundary line of the said Barbara Tapp tract (E-687) to the north corner of said tract in the centerline of Duncan Road; thence S. 56°00' E. with the centerline of Duncan Road which is the northwest boundary line of said Barbara Tapp tract (E-687) and a tract of land formerly owned by Nealie Tapp et al. (E-697) to a point in the center of White Lick Road and at the northwest corner of a tract of land formerly owned by Byron Tapp et ux. (E-682), said corner also being common to a tract formerly owned by Nealie Tapp, et al. (E-697).

Thence leaving the centerline of White Lick Road and following the northeast line of said Byron Tapp tract S. 55°10' E., 197 poles to a point in the northwest line of a tract formerly owned by Nannie Tapp et al. (E-686); thence with the northeast line of said tract and the centerline of Poole Road N. 33°25' E. to a point at the northwest corner of said Nannie Tapp tract and in the center of Poole Road; thence leaving the centerline of said road and continuing with the northeast line of the Nannie Tapp tract S. 53°30' E., 124 poles to the northeast corner of said tract; thence S. 36°40' W., 159 poles passing the Henderson-Webster County line to a point in the northeast property line of a tract formerly owned by E. C. Tapp et ux. (E-677); thence with the northeast line of the E. C. Tapp tract S. 51°20' E., 30.5 poles to the northeast corner of the said tract (E-677); thence S. 37°30' W., 73 poles to a corner common to a tract formerly owned by Jewel C. Duncan et vir. (E-679) and E. C. Tapp (E-677); thence with the line of Jewel C. Duncan's tract S. 57°25' E., 125 poles; thence S. 7°40' W., 27 poles; thence S. 81°40' E., 12 poles; thence S. 10°35' W., 30.5 poles to a point in the northeast line of a tract formerly owned by Mary Jane Melton et al. (E-678); thence with the north line of said Melton tract S. 79°30' E., 88 poles to a point in the center of the Jonestand Road (as located at the time of the Government's acquisition of the said tract E-678); thence following the centerline of Jonestand Road located as aforesaid which is the southeast line of the Mary Jane Melton tract S. 37°30' W., 96 poles; thence S. 24°30' W., 19 poles; thence S. 09°10' E., 25 poles to a point in the northwest line of a tract formerly owned by R. C. Bumpus et al. (E-702), said line also being common to Mary Jane Melton tract (E-678).

Thence with the center of Jonestand Road (as located at the time of the Government's acquisition of the tract E-702) S. 06°35' E., 17 poles, more or less, S. 28°0' E., 17.25 poles, more or less, S. 2°30' E., 14 poles, more or less, S. 18°35' E., 15 poles, more or less, S. 47°30' E., 9 poles to a corner common to a tract formerly owned by J. W. Tapp et ux. (E-661) and the R. C. Bumpus tract; thence with the center of the Jonestand Road (as located at the time of the Government's acquisition of the tract E-661) which is the east line of the J. W. Tapp tract, S. 17°45' E., 29 poles to a point in the east line of the J. W. Tapp tract; thence S. 06°45' W., 4 poles to a corner common to a tract formerly owned by G. M. Gibson et ux. (E-703) and the J. W. Tapp tract; thence continuing along the centerline of the Jonestand Road (as located at the time of the Government's acquisition of tract E-703) this being the east boundary line of the Gibson tract (E-703) S. 18° W., 8 poles, more or less; thence S. 09°55' W., 18 poles, more or less; thence S. 27°35' W., 24.5 poles, more or less; thence S. 1°25' E., 27.5 poles, more or less; thence S. 12°35' W., 29 poles, more or less; thence S. 14°30' W., 35 poles, more or less; thence S. 05°20' W., 07 poles, more or less, to a point in the north line of a tract formerly owned by T. T. Fulcher et ux. (E-618), said line also being common to G. M. Gibson tract; thence along the centerline of Jonestand Road (as located at the time of the Government's acquisition of tract E-618) S. 05° W., 56 poles, more or less; thence S. 17°45' E., 29 poles, more or less, to the northeast corner of a tract formerly owned by R. A. Tapp et ux. (E-700); thence with said R. A. Tapp property line and the centerline of the Jonestand Road (as located at the time of the Government's acquisition of tract E-700) S. 03°20' W., 49 poles to the southeast corner of tract E-700.

Thence N. 87°55' W., 15 poles along the south line of tract E-700; thence S. 03°20' W., 7.3 poles to a point in the north right-of-way line of Kentucky State Highway No. 56; thence with said Kentucky State Highway No. 56 north right-of-way line and R. A. Tapp's property line N. 87°55' W., 69 poles; thence N. 76°15' W., 23 poles to a point in the south line of tract E-700; thence leaving Kentucky State Highway No. 56 north right-of-way line and continuing with R. A. Tapp's line N. 6°25' E., 18 poles to a corner of tract formerly owned by Lula Melton et al. (E-610); thence along the southerly boundary of said Melton tract (E-610) N. 28°45' W., 65 poles to a point, and thence N. 78°10' W., 22 poles to a corner of a tract formerly owned by Gardie Tapp et ux. (E-615); thence N. 76°15' W. along the southerly boundary line of the said Gardie Tapp tract 31 poles, more or less, to a point in the east line of a tract formerly owned by David Tapp et ux. (E-631); thence along said David Tapp's east line S. 6°30' E., 15.2 poles to a point in the north right-of-way line of Kentucky State Highway No. 56; thence continuing along the north right-of-way line of said Kentucky State Highway No. 56 in a westerly direction to the southeast corner of a tract of land formerly owned by Rosabella Liles et vir. (E-226); thence continuing with the north right-of-way line of Kentucky State Highway No. 56, N. 78°00' W., 20.5 poles; thence S. 33°25' W. crossing said Kentucky State Highway No. 56 and continuing the same course in all 6.5 poles to the northeast corner of a tract of land owned by I. C. Russell; thence with the north line of the Russell tract N. 36°45' W., 40 poles; thence N. 78°30' W., 43 poles to the southeast corner of a tract of land formerly owned by J. E. Caton (E-218).

Thence with the east line of the said Caton tract N. 36°30' E. crossing the centerline of said Kentucky State Highway No. 56 at 6 poles and continuing to the north right-of-way line of said Kentucky State Highway No. 56; thence in a northwesterly direction along the north right-of-way line of said Kentucky State Highway No. 56 to Point P, said Point P which is the intersection of the north right-of-way line of Kentucky State Highway No. 56 and the intersection of the northerly line of Richards Road extended to intersect the north right-of-way line of said Kentucky State Highway No. 56, said point also being a corner in a tract of land formerly owned by Ella Bruce Waller (E-304); thence in a straight line to Point C, said Point C being 14,583 feet south of latitude 37°40'00" and 2,500 feet west of longitude 87°50'00"; thence continuing in a straight line in a northwesterly direction to Point B, said Point B being 10,125 feet south of latitude 37°40'00" and 625 feet west of longitude 87°52'30"; thence in a northwesterly direction in a straight line to Point A, said Point A being 6,000 feet south of latitude 37°40'00" and 7,542 feet west of longitude 87°52'30" thence continuing in a northwesterly direction in a straight line to Point G, said Point G being 3,542 feet south of latitude 37°40'00" and 667 feet west of longitude 87°55'00", said point being in the northwest line of tracts of land formerly owned by E. R. McBride et al. (E-110), and B. O. Waller (E-109), said line also being the westerly boundary of Camp Breckinridge; thence in a northeasterly direction along the westerly boundary of Camp Breckinridge and the northwest lines of the McBride and Waller tracts to the southwesterly corner of a tract of land formerly owned by T. S. Waller, Jr., et ux. (E-108).

Thence with said T. S. Waller line N. 40°00' E. 148.50 poles to the southwest corner of a tract of land formerly owned by Walter W. Leiter et ux. (E-107); thence with the line of said Leiter tract N. 40°00' E., 150 poles to a point in the south right-of-way line of Kentucky State Highway No. 56; thence continuing in a northeasterly direction crossing said Kentucky State Highway No. 56 to a point in the north right-of-way line of said Highway No. 56, said point also being a corner to a tract of land formerly owned by Lonnie Baird et ux. (A-19); thence with the property lines of the Lonnie Baird tract and running with the north right-of-way line of said Kentucky State Highway No. 56 N. 36°25' W., 28.20 poles to a point in the north right-of-way line of said Kentucky State Highway No. 56; thence leaving said highway, N. 58°20' E., 92.50 poles to a point in the west line of the Lonnie Baird tract; thence N. 37°55' E., 149.20 poles to a point in the center of Beaver Dam Road and the point of the northerly corner of the Baird tract; thence in a southeasterly direction along the centerline of Beaver Dam Road to the point of its intersection with the centerline of Coleman Lane; said point also being the southwest corner of a tract of land formerly owned by Tom Ellis et ux. (A-5); thence along the centerline of Coleman Lane and the line of Tom Ellis N. 38°49' E., 182.49 poles, thence N. 32°04' E., 15 poles; thence N. 36°04' E., 2.4 poles to the southwest corner of a tract formerly owned by the Trustees Coleman Cemetery (A-6); thence with the center of Coleman Lane and the line of said cemetery N. 36°04 E., 6.30 poles to the northwest corner of said cemetery, also a corner to Tom Ellis.

Thence with the center of Coleman Lane and Tom Ellis lines N. 36°04' W., 7.70 poles to the southwest corner of a tract of land formerly owned by Rice Cleveland et ux. (A-3); thence continuing along the centerline of Coleman Lane and the line of Rice Cleveland N. 35°34' E., 51.5 poles; thence N. 47°34' E., 19.5 poles; thence N. 39°50' E., 39 poles to a point in the center of Coleman Lane, a corner of a tract formerly owned by Zeda Ellis Wright (A-2); thence continuing with the centerline of Coleman Lane and Zeda Ellis Wright's line N. 40°04' E., 61 poles to the centerline of Little Air Line Road (Young-Harris Road); thence along the centerline of Little Air Line Road N. 50°00' W., 90.8 feet to the south right-of-way line of U.S. Highway No. 60, the point of beginning, containing 30,590 acres, more or less, and being all the land, except as noted below, within the tracts shown on Map D-Ky-433-B, Camp Breckinridge Minerals, a copy of which is attached hereto as Exhibit C, as follows:

Tract 2—4,975 acres, more or less.
Tract 3—3,950 acres, more or less.
Tract 4—4,390 acres, more or less.
Tract 5—3,600 acres, more or less.
Tract 6—5,075 acres, more or less.
Tract 7—4,270 acres, more or less.
Tract 8—4,330 acres, more or less.

Less and excepting from the above description and from this transfer:

1. The Independent Order of Odd Fellows Cemetery which is located on the south side of Kentucky State Highway No. 56 and west of the intersection of Kentucky State Highway No. 141, described as follows: Beginning at a point in the south right-of-way line of Kentucky State Highway No. 56 and the northeast corner of a tract of land formerly owned by Ulis M. Woodring et ux. (E-86), said corner also being common to a tract of land owned by the Independent Order of Odd Fellows Cemetery (E-101); thence with the north boundary line of said cemetery S. 85° E., 24.4 poles, said boundary line also being the south right-of-way line of Kentucky State Highway No. 56 to a corner of tract of land formerly owned by L. N. Duncan et al. (E-102); thence leaving said Kentucky State Highway No. 56 S. 04° W., 16 poles along a line common to said L. N. Duncan tract of land and to the Independent Order of Odd Fellows Cemetery to a point in the north line of tract of land formerly owned by L. N. Duncan et al. (E-100); thence with Duncan's north line 86°15' W., 13 poles; thence with the west line of said L. N. Duncan tract S. 04°00' W., 18 poles to the east corner of a tract of land formerly owned by Ulis M. Woodring (E-86); thence with the lines of said Woodring tract of land as follows: N. 85°30' W., 13 poles; thence N. 04° E., 16 poles; thence N. 86°15' W., 9 poles; thence N. 04°15' E., 15 poles to the point of beginning.

2. All rights of the State of Kentucky, any political subdivision thereof, and the public in those portions of the above described property lying within roads and highways known or designated as: (a) Kentucky State Highway No. 56, (b) Bordley Road, and (c) House Bridge Road.

3. All rights of the State of Kentucky, any political subdivision thereof, and the public in that portion of Kentucky State Highway No. 141 which lies south of the intersection of said highway and Kentucky State Highway No. 56 which may be situated within the above described property.

4. Any rights which may not have been acquired by the United States of America in and to the 2-acre church and cemetery plot which was excepted from the deed to Parcel E-173 dated July 14, 1943, recorded in Deed Book 110, page 95, Union County.

The above property was duly designated surplus and assigned to the Administrator of the General Services Administration for disposal pursuant to the provisions of the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, and regulations and orders promulgated thereunder, and this transfer is made subject to the terms and conditions of Invitation for Bids GSA Disposal No. D-Ky-432B, as modified and amended by Addendum No. 1 dated March 25, 1965, and the Tennessee Valley Authority's agreement to pay the sum of Seven Million Four Hundred and Ten Thousand Dollars ($7,410,000) to the General Services Administration conditioned upon the handling of such payment in accordance with the procedure set forth in the letter of April 17, 1967, from the Commissioner, Property Management and Disposal Service, General Services Administration, to the Chairman of the Board of Directors of the Tennessee Valley Authority.

Dated: June 29, 1967.

PHILLIP S. HUGHES,
Acting Director.

[F.R. Doc. 67-7854; Filed, July 7, 1967; 8:45 a.m.]

FEDERAL MARITIME COMMISSION

AMERICAN PRESIDENT LINES AND LUCKENBACH STEAMSHIP CO., INC.

Notice of Proposed Cancellation of Agreements

Notice is hereby given that a request for cancellation of the following agreement, pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814) has been filed with the Commission.

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of intent to cancel Agreement 7535 filed by:

Mr. G. M. Jordana, Acting Manager, American President Lines, 918 16th Street NW., Washington, D.C. 20006.

Agreement 7535, approved on October 7, 1941, between American President Lines, Ltd., and Luckenbach Steamship Co., Inc., provided that certain vessels of Luckenbach were to be used in American President Lines Trans-Pacific trade and the Luckenbach Co. agreed not to thereafter base any claim that it was an established operator in said trade. American President Lines has notified the Commission of their intention to terminate their participation in Agreement 7535.

Dated: July 5, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-7891; Filed, July 7, 1967; 8:48 a.m.]

HAMBURG-AMERIKA LINIE ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Hamburg-Amerika Linie, Norddeutscher Lloyd, and States Marine Lines, Inc., Global Bulk Transport Inc.

Notice of Agreement filed for approval by:

Mr. William J. Gestal, Container Division, States Marine-Isthmian Agency, Inc., 90 Broad Street, New York, N.Y. 10004.

Agreement 9638, between Hamburg-Amerika Linie and Norddeutscher Lloyd and States Marine Lines, Inc., and Global Bulk Transport Inc., provides for the

interchange of empty cargo containers and/or related equipment in the trades between Antwerp/Hamburg Range and U.S. North Atlantic ports in the Hampton Roads/Portland, Maine Range in accordance with the terms and conditions set forth therein.

Dated: July 5, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-7892; Filed, July 7, 1967; 8:46 a.m.]

HAWAII/EUROPE RATE AGREEMENT

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

F. Conger Fawcett, Esquire, Graham James & Rolph, 310 Sansome Street, San Francisco, Calif. 94104.

Agreement 9418-4, between the member lines of the Hawaii/Europe Rate Agreement, amends the basic agreement to provide for (1) transshipment of cargoes destined to ports in the United Kingdom of Great Britain and Northern Ireland; Ireland; the Scandinavian Peninsula; Continental Europe, including ports on and in the Baltic and Mediterranean Seas, as well as the seas and waters bordering thereon; Morocco and the Atlantic Islands of the Azores, Madeira, Canary, and Cape Verdes, and (2) by transshipment only at the aforementioned ports to ports in West, South, and East Africa, Iceland, and on the Gulf of Aden, and to ports on and in the Red Sea and Persian Gulf. The proposed amendment will clarify the trade areas presently served by the parties directly and/or via transshipment.

Dated: July 5, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-7893; Filed, July 7, 1967; 8:46 a.m.]

KEAT NAVIGATION CO., LTD., AND ORIENT OVERSEAS LINE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. K. W. Schmoins, Vice President, Thor Richert & Co., Inc., 19 Rector Street, New York, N.Y. 10006.

Agreement 9827 between Keat Navigation Co., Ltd. (Keat), and Orient Overseas Line (OOL) provides for the transportation of rubber under through bills of lading from Bhatiak, Thailand, served by Keat to U.S. Atlantic and Gulf ports served by OOL with transshipment at Penang, Malaysia, under terms and conditions as set forth in the agreement.

Dated: July 5, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-7894; Filed, July 7, 1967; 8:48 a.m.]

LYKES BROS. STEAMSHIP CO., INC., AND SOUTH AFRICAN MARINE CORP., LTD.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. R. W. Patterson, Traffic Manager, African Line, Lykes Bros. Steamship Co., Inc., 821 Gravier Street, New Orleans, La. 70112.

Agreement 9618-1, between Lykes Bros. Steamship Co., Inc., and South African Marine Corp., Ltd., modifies the basic agreement covering cargo moving from Portuguese East Africa to Puerto Rico via transshipment at U.S. Gulf of Mexico ports, to provide that transfer charges on canned fish shall be adjusted as may be necessary to insure a minimum division of revenue to Lykes of not less than $22.40 per long ton.

Dated: July 5, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-7895; Filed, July 7, 1967; 8:46 a.m.]

PORTUGAL/U.S. NORTH ATLANTIC WESTBOUND FREIGHT CONFERENCE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Guy L. Estournet, Secretary, Portugal/U.S. North Atlantic Westbound Freight Conference, 10, Place de la Joliette, Marseilles, France.

Agreement 9616-1, between the member lines of the Portugal/U.S. North Atlantic Westbound Freight Conference, provides for the addition of the following provision to Article 1.3 of the basic agreement:

The initial Admission Fee of $2,500.00 per Member, after a 12-month period dating from the date of approval, will carry an increase of 10 percent and every 12 months thereafter to follow the same procedure, up to a ceiling of $5,000.

Dated: July 5, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-7896; Filed, July 7, 1967; 8:46 a.m.]

SPAIN/U.S. NORTH ATLANTIC WESTBOUND FREIGHT CONFERENCE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Guy L. Estournet, Secretary, Spain/U.S. North Atlantic Westbound Freight Conference, 10, Place de la Joliette, Marseilles, France.

Agreement 9615-2, between the member lines of the Spain/U.S. North Atlantic Westbound Freight Conference, provides for the addition of the following provision to Article 13 of the basic agreement:

The initial Admission Fee of $2,500.00 per Member, after a 12-month period dating from the date of approval, will carry an increase of 10 percent and every 12 months thereafter to follow the same procedure, up to a ceiling of $5,000.

Dated: July 5, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-7897; Filed, July 7, 1967; 8:46 a.m.]

ALLIED STEVEDORING AND MARINE CORP. ET AL.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Thomas D. Wilcox, Attorney at Law, 1666 K Street NW., Washington, D.C. 20006.

Agreement No. T-2964 between Allied Stevedoring and Marine Corp., Oswego Stevedoring and Trucking Co. et al., permits the parties thereto to confer with each other, discuss, and agree upon rates, charges, regulations and procedures pertaining to their marine terminal operations in Oswego, N.Y. Each party has the right of independent action with respect to any matter previously agreed upon, after giving the other parties sixty (60) days written notice of intent to do so. The parties agree to publish and file a tariff of rates, rules and regulations covered by the agreement and not deviate therefrom, except under the right of independent action provided for in the agreement. Any qualified maritime terminal operator in the Port of Oswego may become a party to the agreement.

Dated: July 6, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-7963; Filed, July 7, 1967; 8:49 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN MALAYSIA

Entry and Withdrawal From Warehouse for Consumption

JULY 3, 1967.

On April 28, 1967, after discussions with the Government of Malaysia, the U.S. Government requested the Government of Malaysia to maintain for the 23-month period beginning April 28, 1967, its exports to the United States of cotton textiles and cotton textile products in Categories 9 and 38, produced or manufactured in Malaysia. In furtherance of the objectives of, and under the terms of the Long Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 3(c) relating to nonparticipants, the U.S. Government is establishing restraints in accordance with that request. These restraints do not apply to cotton textiles and cotton textile products produced or manufactured in Malaysia and exported to the United States prior to April 28, 1967.

There is published below a letter of June 28, 1967, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that the amounts of cotton textiles and cotton textile products in Categories 9 and 38 produced or manufactured in Malaysia which may be entered or withdrawn from warehouse for consumption in the United States for the designated 12-month period be limited to designated levels.

GEORGE HOUSER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

THE SECRETARY OF COMMERCE
PRESIDENT'S CABINET TEXTILE
ADVISORY COMMITTEE
WASHINGTON, D.C. 20230,
June 28, 1967.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

DEAR MR. COMMISSIONER: Under the terms of the Long Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 3(c) thereof relating to nonparticipants, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective June 30, 1967, and for the 12-month period beginning April 28, 1967, and extending through April 27, 1968, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 9 and 38, produced or manufactured in Malaysia, in excess of the following designated levels of restraint:

Category	12-month level of restraint [1]
9	square yards.. 400,000
38	do.... 600,000

[1] This level of restraint has not been adjusted to reflect entries made on or after Apr. 28, 1967.

Cotton textiles and cotton textile products in Categories 9 and 38, produced or manufactured in Malaysia and which have been exported to the United States prior to April 28, 1967, shall not be subject to this directive.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on July 7, 1966 (31 F.R. 9099).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for con-

sumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Malaysia and with respect to imports of cotton textiles and cotton textile products from Malaysia have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

A. B. THOMSEN,
Secretary of Commerce and Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 67-7885; Filed, July 7, 1967; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[811-1063]

COLUMBIA FUND, INC.

Notice of Proposal To Terminate Registration

JULY 3, 1967.

Notice is hereby given that the Securities and Exchange Commission proposes, pursuant to section 8(f) of the Investment Company Act of 1940 ("Act"), to declare by order upon its own motion that Columbia Fund, Inc. ("Fund"), 1346 Connecticut Avenue NW., Washington, D.C. 20006, a Delaware corporation which registered under the Act on May 24, 1961 as an open-end nondiversified management investment company, has ceased to be an investment company.

The Commission has been informed by letter from the President of the Fund that all of the Fund's assets were distributed to its shareholders by the Bank of Delaware and the corporation was formally dissolved on petition to the Delaware Corporation Commission. The letter also states that the Fund never made a public offering of its shares.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, on its own motion, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, that upon the taking effect of such order, the registration of such company shall cease to be in effect, and that, if necessary for the protection of investors, such order may be made upon appropriate conditions.

Notice is further given that any interested person may, not later than July 21, 1967, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the Fund at the address set forth above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations under the Act, an order disposing of the matter may be issued by the Commission upon the basis of the information stated in this notice, unless an order for hearing upon this matter shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-7870; Filed, July 7, 1967; 8:46 a.m.]

SUBSCRIPTION TELEVISION, INC.

Order Suspending Trading

JULY 3, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $1 par value of Subscription Television, Inc., New York, N.Y., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 5, 1967, through July 14, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-7871; Filed, July 7, 1967; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 5, 1967.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41066—*Corn to points in Iowa, also La Crosse, Wis.* Filed by Western Trunk Line Committee, agent (No. A-2506), for and on behalf of Chicago, Milwaukee, St. Paul & Pacific Railroad Co. Rates on corn, in bulk, in carloads, from points in Iowa, Minnesota, and South Dakota, to points in Iowa, also La Crosse, Wis.

Grounds for relief—Unregulated truck competition.

Tariffs—Supplement 50 to Western Trunk Line Committee, agent, tariff ICC A-4278, and supplements 10 and 38 to Chicago, Milwaukee, St. Paul & Pacific Railroad Co. tariffs, ICC B-8072 and B-8088, respectively.

FSA No. 41067—*Joint motor-rail rates—Eastern Central.* Filed by the Eastern Central Motor Carriers Association, Inc., agent (No. 451), for interested carriers. Rates on property moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in middle Atlantic or New England territories, on the one hand, and points in Central States, middlewest or southwestern territories, on the other.

Grounds for relief—Motortruck competition.

Tariff—Supplement 22 to the Eastern Central Motor Carriers Association, Inc., agent, tariff MF-ICC A-268.

FSA No. 41068—*Joint motor-rail rates—Eastern Central.* Filed by the Eastern Central Motor Carriers Association, Inc., agent (No. 452), for interested carriers. Rates on property moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in middle Atlantic or New England territories, on the one hand, and points in Central States, middlewest or southwestern territories, on the other.

Grounds for relief—Motortruck competition.

Tariff—Supplement 22 to the Eastern Central Motor Carriers Association, Inc., agent, tariff MF-ICC A-268.

FSA No. 41069—*Joint motor-rail rates—Eastern Central.* Filed by the Eastern Central Motor Carriers Association, Inc., agent (No. 453), for interested carriers. Rates on property moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in middle Atlantic or New England territories, on the one hand, and points in Central States, middlewest or southwestern territories, on the other.

Grounds for relief—Motortruck competition.

Tariff—Supplement 22 to the Eastern Central Motor Carriers Association, Inc., agent, tariff MF-ICC A-268.

FSA No. 41070—*Iron and steel articles from Fieldsboro, N.J.* Filed by Southwestern Freight Bureau, agent (No. B-8989), for interested rail carriers. Rates on iron and steel articles, in carloads, as described in the application, from Fieldsboro, N.J., to specified points in Louisiana and Texas.

Grounds for relief—Market competition.

Tariff—Supplement 251 to Southwestern Freight Bureau, agent, tariff ICC 4503.

FSA No. 41071—*Class and commodity rates from and to Hybart, Ala.* Filed by O. W. South, Jr., agent (No. A5043), for interested rail carriers. Rates on property moving on class and commodity rates, between Hybart, Ala., on the one hand, and points in the United States and Canada, on the other.

Grounds for relief—New station and grouping.

FSA No. 41072—*Superphosphate from Don, Idaho.* Filed by Western Trunk Line Committee, agent (No. A-2505), for interested rail carriers. Rates on superphosphate, not defluorinated superphosphate, nor feed grade superphosphate, also ammonium phosphate fertilizer, in carloads, minimum 100,000 pounds, from Don, Idaho, to points in Iowa, Minnesota, and Wisconsin.

Grounds for relief—Market competition.

Tariff—Supplement 196 to Western Trunk Line Committee, agent, tariff ICC A-4411.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-7878; Filed, July 7, 1967; 8:47 a.m.]

ORGANIZATION MINUTES

Order. At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 22d day of June 1967.

Section 17 of the Interstate Commerce Act, as amended (49 U.S.C. 17) and other provisions of law being under consideration, with a view to reflecting the new organization of the Office of Proceedings.

It is ordered, That the Organization Minutes of the Interstate Commerce Commission relating to the Organization of Division and Boards and Assignment of Work, issue of July 27, 1965, as amended (30 F.R. 11189, 12559 and 13302; 31 F.R. 242, 4762, 9529, 12693, 13099, and 14025; and 32 F.R. 431, 7105, 8000, and 8784), be further amended as follows:

1. In Item 4.2, paragraphs (e), (j), (k), (l), (n), (t), and (w) are amended to read as follows:

4.2 *Division one—Operating Rights Division.*

* * * * *

(e) Section 204(a)(4a), relating to certificates of exemption to motor carriers operating solely within a single State, except matters assigned to and determined by the Operating Rights Board pursuant to Item 7.11(a).

* * * * *

(j) Sections 206, 207, and 208, relating to certificates of public convenience and necessity, and certificates of registration, except matters assigned to and determined by the Operating Rights Board pursuant to Items 7.11(a) and 7.11(b).

(k) Section 209, relating to permits, except matters assigned to and determined by the Operating Rights Board pursuant to Item 7.11(a).

(l) Section 210, relating to dual operations, except matters assigned to and determined by the Operating Rights Board pursuant to Item 7.11(a).

* * * * *

(n) Section 211, relating to brokerage licenses, except matters assigned to and determined by the Operating Rights Board pursuant to Item 7.11(a).

* * * * *

(t) Sections 303(1), 309, and 310, relating to certificates of public convenience and necessity and permits; section 311(a), relating to temporary authorities, when certified to the Division by the Temporary Authorities Board; section 312a, relating to suspension, change, or revocation of certificates and permits except determination of uncontested proceedings which have not involved the taking of testimony at a public hearing unless certified to the Division by the Temporary Authorities Board; section 410 (a) to (f), inclusive, section 410 (h) and (i), relating to permits, except matters assigned to and determined by the Operating Rights Board pursuant to Item 7.11(a) or by the Temporary Authorities Board pursuant to Item 7.4(c).

* * * * *

(w) Any matters arising under Parts II, III, and IV not specially assigned or referred to other Divisions, except matters relating to the Commission's Deviation Rules (49 CFR Part 311, or as amended) assigned to and determined by the Operating Rights Board, pursuant to Item 7.11(c).

2. In Item 4.4, paragraphs (c), (g), (k), and (r) are amended to read as follows:

4.4 *Division three—Finance and Service.*

* * * * *

(c) Section 1 (18) to (20), inclusive, relating to certificates of public convenience and necessity, except determination of applications which have not involved the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits, unless certified to the Division by a review board or recalled by the Division. (See Item 7.12(f).)

* * * * *

(g) Section 5 (2) to (13), inclusive (except matters assigned to Division 1), relating to consolidations, mergers, purchases, leases, operating contracts, and acquisitions of control of carriers, noncarrier control, and trackage rights, including matters of public convenience and necessity under section 207 and consistency with the public interest under section 209 directly related thereto, except determination of applications under section 5(2) and aforesaid related matters under sections 207 and 209 which have not involved the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits, unless certified to the Division by a review board or recalled by the Division. (See Item 7.12 (d) and (g).)

* * * * *

(k) Section 20a (other than matters assigned under Item 6.6(a) relating to interlocking directorates) and 214, relating to securities, except determination of applications which have not involved the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits, unless certified to the Division by an employee board or recalled by the Division. (See Items 7.6 (a) and 7.12 (d), (f), and (g).)

* * * * *

(r) Sections 210a(b) and 311(b) relating to applications for temporary authority when certified to the Division by a review board or recalled by the Division. (See Item 7.12 (e) and (h).)

* * * * *

3. Item 7.6 is revised to read as follows:

7.6 *Finance Board.* (a) Determination of applications under sections 20a (1) to (11), inclusive, and 214 relating to securities when not connected with an application under section 1 (18)-(20) or section 5(2) and which have not involved the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits.

(b) Any matter referred to the Finance Board which is assigned for the taking of testimony at a public hearing shall be carried to a conclusion in accordance with the established practices and assignments of work of the Commission.

(c) The Finance Board may certify to Division 3 any matter which in the Board's judgment should be passed on by that Division, or the Commission, and Division 3 may recall any matter from the Finance Board.

4. Item 7.11 is revised to read as follows:

7.11 *Operating Rights Board.* (a) Determination of applications under sections 204 (a) (4a), 206, 207, 208, 209, 210, 211, 303(1), 309, 310, 410 (a) to (f), inclusive, and 410 (h) and (i), relating to the issuance of certificates of public convenience and necessity and permits to motor and water carriers, permits to freight forwarders, certificates of exemption to single-State motor carriers, licenses to brokers, and dual operation matters which have not involved the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits.

(b) Determination of issues, raised by the filing of protests or otherwise, concerning applications by holders of intrastate authorities for certificates of registration to engage in operations in interstate or foreign commerce under sections 206(a) (6) and (7), except those applications under section 206(a)(6) in connection with which petitions for reconsideration of the finding of the State Commission that the public convenience and necessity require applicant's proposed operations in interstate or foreign commerce are seasonably filed, not involving the taking of testimony at a public hearing before the Commission or the submission of evidence to the Commission by opposing parties in the form of affidavits, with the right to designate

any such matter for hearing and determination in accordance with the general rules of practice where such action is deemed necessary or desirable.

(c) Determination of issues, raised by the filing of protests or otherwise, concerning the interpretation and application of the Deviation Rules, 49 CFR Part 211 (30 F.R. 638, 4823), or as amended, not involving the taking of testimony at an oral hearing or the submission of evidence by opposing parties in the form of affidavits, with the right to designate any such matter for hearing and determination in accordance with the general rules of practice where such action is deemed necessary or desirable.

(d) Any matter referred to the Operating Rights Board which is assigned for the taking of testimony at a public hearing shall be carried to a conclusion in accordance with the established practices and assignment of work of the Commission.

(e) The Operating Rights Board may certify to Division 1 any matter which in the Board's judgment should be passed on by that Division, or the Commission, and Division 1 may recall any matter from the Operating Rights Board.

5. In Item 7.12, paragraphs (d), (e), and (f) are revised; and paragraphs (g), (h), (i), (j), and (k) are added. As amended, Item 7.12 reads as follows:

7.12 *Review Board Nos. 1, 2, 3, 4, and 5:*

. . . . .

(d) Determination of applications (except matters assigned in Item 4.2(a)) relating to consolidations, mergers, purchases, leases, operating contracts, and acquisitions of control of motor carriers, and noncarrier control of such carriers, including matters of public convenience and necessity under section 207 and consistency with the public interest under section 209 directly related thereto, and issuance of securities and assumption of obligations under section 214 in connection therewith, which have not involved the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits. The term "motor carriers" as used herein does not include a motor carrier which also is a carrier subject to Part I or Part III of the Interstate Commerce Act.

(e) Section 210a(b) relating to applications for temporary authority, and continuance of temporary authority under section 9(b) of the Administrative Procedure Act and interpretative special rules (49 CFR 102.1 to 102.4).

(f) Determination of applications under section 1 (18) to (20), inclusive, relating to certificates of public convenience and necessity, and issuance of securities and assumption of obligations under section 20a in connection therewith, which have not involved the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits.

(g) Determination of applications under section 5(2) (except matters assigned in Item 4.2(a)) relating to consolidations, mergers, purchases, leases, operating contracts, and acquisitions of control of carriers, by railroad or water, noncarrier control of such carriers, and trackage rights; and applications under section 20a (2) to (11), inclusive, relating to securities of carriers, in connection with the aforesaid applications under section 5(2), which have not involved the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits.

(h) Section 311(b) relating to applications for temporary authority, and continuance of temporary authority under section 9(b) of the Administrative Procedure Act and interpretative special rules (49 CFR 102.1 to 102.4).

(i) In any proceeding under the provisions of law set forth under Item 4.2, 4.3, or 4.4 hereof, in which the parties request the withdrawal of exceptions, a Review Board may grant such request and enter an order making the recommended order of the hearing officer (other than a Commissioner) effective.

(j) In any proceeding under the provisions of law set forth under Item 4.2, 4.3, or 4.4 hereof, a Review Board may enter an order staying the recommended order of a hearing officer (other than a Commissioner) and may vacate such a stay order in the event it concludes later that the recommended order should be allowed to become effective.

(k) A Review Board may certify matters to the Divisions and the Divisions may recall matters from a Review Board, as follows:

(1) A Review Board may certify to Division 1 and Division 1 may recall from a Review Board any matter in any proceeding under the provisions of law set forth under Item 4.2 hereof.

(2) A Review Board may certify to Division 2 and Division 2 may recall from a Review Board any matter in any proceeding under the provisions of law set forth under Item 4.3 hereof.

(3) A Review Board may certify to Division 3 and Division 3 may recall from a Review Board any matter in any proceeding under the provisions of law set forth under Item 4.4.

6. Under the heading Rehearings and Further Proceedings, Items 8.4 and 8.6(a) are amended to read as follows:

REHEARINGS AND FURTHER PROCEEDINGS

. . . . .

8.4 Division 1 is hereby designated as an appellate division to which applications or petitions for reconsideration or review, based on an allegation of error on the merits, in whole or in part, of any order, action, or requirement of the Temporary Authorities Board under paragraphs (a) and (b) of Item 7.4, of the Operations Boards under paragraphs (a) and (b) of Item 7.8, of the Operating Rights Board under paragraphs (a), (b), and (c) of Item 7.11, and of the Review Boards under paragraph (a) of Item 7.12, shall be assigned or referred for disposition (except as otherwise provided in Item 7.4(a)), and the decisions or orders of the appellate division shall be administratively final and not subject to review by the Commission. All other petitions seeking modification of any order, action, or requirement of any such Board, or supplementary authority in the proceeding, shall be determined by the Board, whose order, action, or requirement is sought to be modified.

. . . . .

8.6 Division 3 is hereby designated as an appellate division—

(a) To which applications or petitions for reconsideration or review, based on an allegation of error on the merits, in whole or in part, of any order, action, or requirement of the Transfer Board under Item 7.5(a), the Finance Board under Item 7.6(a), and the Review Boards under paragraphs (c), (d), (e), (f), (g), and (h) of Item 7.12 shall be assigned or referred for disposition, and the decisions or orders of the appellate division shall not be subject to review by the Commission. All other petitions, seeking modification of any order, action, or requirement of any such Board, or supplementary authority in the proceeding, shall be determined by the Board, whose order, action, or requirement is sought to be modified.

. . . . .

By the Commission.

(SEAL) H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-7859; Filed, July 7, 1967; 8:48 a.m.]

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FEDERAL REGISTER

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PART II

Department of Labor



Federal Service Contracts

Proposed Interpretations

DEPARTMENT OF LABOR

Office of the Secretary

[29 CFR Part 4]

FEDERAL SERVICE CONTRACTS

Proposed Interpretations

Pursuant to sections 2 and 4 of the McNamara-O'Hara Service Contract Act of 1965 (79 Stat. 1035) and Secretary's Order No. 36-65 (30 F.R. 15305), I propose to amend 29 CFR Part 4 by adding thereto a new Subpart C as herein set out.

On September 27, 1966, other regulations relating to the administration of the McNamara-O'Hara Service Contract Act of 1965 were published in the FEDERAL REGISTER (31 F.R. 12646) as Subparts A and B of a proposal to revise 29 CFR Part 4. Public comment was invited, and it was stated that "Subpart C containing interpretative materials will be issued at a later date". Some of the comments received requested further opportunity to comment on Subparts A and B after publication of Subpart C. Accordingly, further data, views, or argument on Subparts A and B as published on September 27, 1966 (31 F.R. 12646) as well as such comment on the Subpart C herein set out are invited as provided in that document, but during a period which is expanded to include 30 days following the publication of this document.

Part 4 of Title 29 of the Code of Federal Regulations is hereby amended by adding thereto a new Subpart C as herein set out. As this Subpart C relates only to public contracts, the exemption provided in paragraph (a) (2) makes inapplicable the provisions of subsections (b), (c), and (d) of 5 U.S.C. 553 which otherwise require public procedure and a delayed effective date. It does not appear that any useful purpose would be served by such procedure and delay insofar as it relates to this Subpart C. Accordingly, this amendment shall be effective on the day this document is published in the FEDERAL REGISTER.

On September 27, 1966, other regulations relating to the administration of the McNamara-O'Hara Service Contract Act of 1965 were published in the FEDERAL REGISTER (31 F.R. 12646) as Subparts A and B of a proposal to revise 29 CFR Part 4. Public comment was invited, and it was stated that "Subpart C containing interpretative materials will be issued at a later date". Some of the comments received requested further opportunity to comment on Subparts A and B after publication of Subpart C. Accordingly, further data, views, or argument on Subparts A and B as published on September 27, 1966 (31 F.R. 12646) are invited as provided in that document, but during a period which is expanded to include 30 days following the publication of this document.

The new Subpart C of 29 CFR Part 4 reads as follows:

Subpart C—Application of the McNamara-O'Hara Service Contract Act

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AUTHORITY: The provisions of this Subpart C issued under secs. 2(a) and 4, 79 Stat. 1035; 41 U.S.C. 352, R.S. 161, 5 U.S.C. 22, Secretary's Order 36-65 (30 F.R. 15305).

INTRODUCTORY

§ 4.101 Official rulings and interpretations in this subpart.

The purpose of this subpart is to provide, pursuant to the authority cited in § 4.103, official rulings and interpretations with respect to the application of the McNamara-O'Hara Service Contract Act for the guidance of the agencies of the United States and the District of Columbia which may enter into and administer contracts subject to its provisions, the persons desiring to enter into such contracts with these agencies, and the contractors, subcontractors, and employees who perform work under such contracts. This subpart supersedes all prior rulings and interpretations issued under the Act to the extent, if any, that they may be inconsistent with rules herein stated. Principles governing the application of the Act as set forth in this subpart are clarified or amplified in particular instances by illustrations and examples based on specific fact situations. Since such illustrations and examples cannot and are not intended to be exhaustive, no inference should be drawn from the fact that a subject or illustration is omitted. If doubt arises, inquiries with respect to matters other than safety and health standards should be directed to the Administrator of the Wage and Hour and Public Contracts Divisions, U.S. Department of Labor, Washington, D.C. 20210, or to any Regional or District Office of the Divisions. Safety and health inquiries should be addressed to the Director, Bureau of Labor Standards, U.S. Department of Labor, Washington, D.C. 20210, or to any Regional Office of the Bureau. A full description of the facts and any relevant documents should be submitted if an official ruling is desired.

§ 4.102 The Act.

The McNamara-O'Hara Service Contract Act of 1965 (Public Law 89-286, 79 Stat. 1034, 41 U.S.C. 351 et seq.), hereinafter referred to as the Act, was approved by the President on October 22, 1965 (1 Weekly Compilation of Presidential Documents 428). It establishes standards for minimum compensation and safety and health protection of employees performing work for contractors and subcontractors on service contracts entered into with the Federal Government and the District of Columbia. It applies to contracts entered into pursuant to negotiations concluded or invitations for bids issued on or after January 30, 1966.

§ 4.103 What the Act provides, generally.

The provisions of the Act apply to contracts, whether negotiated or advertised, the principal purpose of which is to furnish services in the United States through the use of service employees. Under its provisions, every contract subject to the Act (and any bid specification therefor) entered into by the United States or the District of Columbia in excess of $2,500 must contain stipulations requiring (a) that specified minimum monetary wages and fringe benefits determined by the Secretary of Labor (based on wage rates and fringe benefits prevailing in the locality) be paid to service employees employed by the contractor or any subcontractor in performing the services contracted for; (b) that working conditions of such employees which are under the control of the contractor or subcontractor meet safety and health standards; and (c) that notice be given to such employees of the compensation due them under the minimum wage and fringe benefits provisions of the contract. The Act does not permit the monetary wage rates specified in such a contract to be less than the minimum wage specified under section 6(a) (1) of the Fair Labor Standards Act, as amended (29 U.S.C. 206(a) (1)). In addition, it is a violation of the Act for any contractor or subcontractor under a Federal contract subject to the Act, regardless of the amount of the contract, to pay any of his employees engaged in performing work on the contract less than such Fair Labor Standards Act minimum wage (or, in the case of certain linen supply contractors, the alternative minimum wage provided under sec. 5(c)(2) of such Act). Contracts of $2,500 or less are not, however, required to contain the stipulations described above. These provisions of the Service Contract Act are implemented by the regulations contained in Subparts A and B of this Part 4, and are discussed in more detail in subsequent sections of this subpart.

§ 4.104 Administration of the Act.

(a) As provided by section 4 of the Act and under provisions of sections 4 and 5 of the Walsh-Healey Public Contracts Act (49 Stat. 2036, 41 U.S.C. 38, 39) which are made expressly applicable for the purpose, the Secretary of Labor is authorized and directed to administer and enforce the provisions of the McNamara-O'Hara Service Contract Act, to make rules and regulations, issue orders, make decisions, and take other appropriate action under the Act, including the provision of reasonable limitations and the making of such rules and regulations allowing reasonable variations, tolerances, and exemptions to and from provisions of the Act as he may find necessary and proper in the public interest or to avoid serious impairment of the conduct of Government business.

(b) Functions of the Secretary are performed by the Administrator of the Wage and Hour and Public Contracts Divisions, subject to the direction of the Assistant Secretary for Labor-Management Relations, by the Director of the Bureau of Labor Standards, subject to the direction of the Assistant Secretary for Labor Standards, and by the Solicitor of Labor, as provided in Secretary's Orders 36-65 (30 F.R. 15305) and 12-66 (31 F.R. 12820), and the regulations in this part and in Part 6 of this title.

(c) The Administrator has authority and responsibility for administration of the Act's provisions relating to matters other than occupational health and safety, including (1) determining minimum wages and fringe benefits pursuant to section 2(a) of the Act; (2) issuing interpretations with respect to the Act and regulations thereunder on the advice of the Solicitor; (3) authorizing and instituting investigations and prosecuting any inquiry with respect to possible violations of the Act; (4) reviewing findings and decisions of the hearing examiners in administrative enforcement proceedings and making revised findings, conclusions, and decisions pursuant to section 8 of the Administrative Procedure Act as well as reviewing and modifying recommendations to the Secretary of Labor concerning application of the ineligibility list sanction; (5) making recommendations to the Secretary of Labor as to exceptions, limitations, variations, tolerances, and exemptions from the provisions of the Act and from regulations of the Secretary of Labor; (6) making disbursements from the deposit fund directly to the underpaid employees from any accrued underpayments withheld under the Act; (7) making recommendations to the Secretary for the issuance, amendment, or rescission of such rules and regulations as he may deem to be necessary or advisable to carry out the provisions of the Act; and (8) making appropriate arrangements with the contracting agencies pursuant to section 3 of the Act and for their cooperation in carrying out its provisions.

(d) The director has authority and responsibility for administration of the Act's provisions relating to occupational health and safety, including (1) formulating safety and health standards; (2) making safety and health inspections under the provisions of the Act; (3) reviewing findings and decisions of hearing examiners and making revised findings, conclusions, and decisions concerning compliance with safety and health standards, in administrative enforcement proceedings under the Act; (4) reviewing hearing examiners' recommendations for relief from the ineligibility list sanction for violations of safety and health standards and making recommendations with respect thereto to the Secretary; and (5) otherwise administering enforcement policy and activities in connection with the safety and health standards under the Act.

(e) The Solicitor of Labor has responsibility for (1) providing legal advice and assistance to the Secretary, the Administrator, and the Director in the issuance of regulations, rules, and interpretations under the Act and the regulations issued thereunder; (2) prosecuting judicial enforcement proceedings, determination in each case whether such proceedings are appropriate to be made by the Solicitor of Labor; and (3) assisting the Administrator and the Director in the development of policies for the administration and enforcement of the Act.

AGENCIES WHOSE CONTRACTS MAY BE COVERED

§ 4.107 Federal contracts.

(a) Section 2(a) of the Act covers contracts (and any bid specification therefor) "entered into by the United States" and section 2(b) applies to contracts entered into "with the Federal Government." Within the meaning of these provisions, contracts entered into by the United States and contracts with the Federal Government include generally all contracts to which any agency or instrumentality of the U.S. Government becomes a party pursuant to authority derived from the Constitution and laws of the United States. The Act does not authorize any distinction in this respect between such agencies and instrumentalities on the basis of their inclusion in or independence from the executive, legislative, or judicial branches of the Government, the fact that they may be corporate in form, or the fact that payment for the contract services is not made from appropriated funds. Thus, contracts of wholly owned Government corporations, and those of nonappropriated fund instrumentalities under the jurisdiction of the Armed Forces, are included among those subject to the general coverage of

the Act. Contracts with the Federal Government and contracts entered into "by the United States" within the meaning of the Act do not, however, include contracts for services entered into on their own behalf by agencies or instrumentalities of other Governments within the United States such as those of the several States and their political subdivisions, or of Puerto Rico, the Virgin Islands, Guam, or American Samoa.

(b) Where a Federal agency exercises its contracting authority to procure services for the Government or Government personnel, the method of procurement utilized by the contracting agency is not controlling in determining coverage of the contract as one entered into by the United States. Such contracts may be entered into by the United States either through a direct award by a Federal agency or through the exercise by another agency (whether governmental or private) of authority granted to it to procure services for or on behalf of a Federal agency. Thus, sometimes authority to enter into service contracts of the character described in the Act for and on behalf of the Government and on a cost-reimbursable basis may be delegated, for the convenience of the contracting agency, to a prime contractor with the Government under the terms of a contract having a principal purpose other than the furnishing of services through the use of service employees (as, for example, a contract to operate or manage a Federal installation or facility or a Federal program). The contracts entered into by such a prime contractor with secondary contractors for and on behalf of the Federal agency pursuant to such delegated authority, which have such services as their principal purpose, are deemed to be contracts entered into by the United States and contracts with the Federal Government within the meaning of the Act. However, service contracts entered into by Federal contractors or State or local public bodies with purveyors of services are not deemed to be entered into by the United States merely because such services are paid for with funds of the contractor or public body which have been received from the Federal Government as payment for contract work or as a grant under a Federal program. For example, a contract entered into by a municipal housing authority for tree trimming, tree removal, and landscaping for an urban renewal project financed by Federal funds is not a contract entered into by the United States and is not covered by the Service Contract Act.

§ 4.108 District of Columbia contracts.

Section 2(a) of the Act covers contracts (and any bid specification therefor) in excess of $2,500 which are "entered into by the * * * District of Columbia." The contracts of all agencies and instrumentalities which procure contract services for or on behalf of the District or under the authority of the District Government are contracts entered into by the District of Columbia within the meaning of this provision. Such contracts are also considered contracts "entered into with the Federal Government" within the meaning of section 2(b) of the Act. The legislative history indicates no intent to distinguish District of Columbia contracts from the other contracts made subject to the Act, and traditionally, under other statutes, District Government contracts have been made subject to the same labor standards provisions as contracts of other agencies and instrumentalities of the United States.

Covered Contracts Generally

§ 4.110 What contracts are covered.

The Act covers service contracts of the Federal agencies described in §§ 4.107-4.108. Except as otherwise specifically provided (see §§ 4.115 et seq.), all such contracts, the principal purpose of which is to furnish services in the United States through the use of service employees, are subject to its terms. This is true of contracts entered into by such agencies with States or their political subdivisions, as well as such contracts entered into with private employers; however, contracts between a Federal or District of Columbia agency and another such agency are not within the purview of the Act. It makes no difference in the coverage of a contract whether the contract services are procured through negotiation or through advertising for bids. Also, the mere fact that an agreement is not reduced to writing does not mean that the contract is not within the coverage of the Act. The amount of the contract is not determinative of the Act's coverage, although the requirements are different for contracts in excess of $2,500 and for contracts of a lesser amount. The Act is applicable to the contract if the principal purpose of the contract is to furnish services, if such services are to be furnished in the United States, and if service employees will be used in providing such services. These elements of coverage will be discussed separately in the following sections.

§ 4.111 Contracts "to furnish services".

(a) *"Principal purpose" as criterion.* Under its terms, the Act applies to a "contract (and any bid specification therefor) * * * the principal purpose of which is to furnish services * * *" If the principal purpose is to provide something other than services of the character contemplated by the Act and any such services which may be performed are only incidental to the performance of a contract for another purpose, the Act does not apply. However, as will be seen by examining the illustrative examples of covered contracts in §§ 4.130 et seq., no hard and fast rule can be laid down as to the precise meaning of the term "principal purpose." Whether the principal purpose of a particular contract is the furnishing of services through the use of service employees is largely a question to be determined on the basis of all the facts in each particular case. Even where tangible items of substantial value are important elements of the subject matter of the contract, the facts may show that they are of secondary import to the furnishing of services in the particular case.

(b) *Determining whether a contract is for "services", generally.* Except indirectly through the definition of "service employee" the Act does not define, or limit, the types of "services" which may be contracted for under a contract "the principal purpose of which is to furnish services". As stated in the congressional committee reports on the legislation, the types of service contracts covered by its provisions are varied. Among the examples cited are contracts for laundry and dry cleaning, for transportation of the mail, for custodial, janitorial, or guard service, for packing and crating, for food service, and for miscellaneous housekeeping services. Covered contracts for services would also include those for other types of services which may be performed through the use of the various classes of service employees included in the definition in section 8(b) of the Act (see § 4.113). Examples of some such contracts are set forth in §§ 4.130 et seq. In determining questions of contract coverage, due regard must be given to the apparent legislative intent to include generally as contracts for "services" those contracts which have as their principal purpose the procurement of something other than the construction activity described in the Davis-Bacon Act or the materials, supplies, articles, and equipment described in the Walsh-Healey Act. The Committee reports in both House and Senate, and statements made on the floor of the House, took note of the labor standards protections afforded by these two Acts to employees engaged in the performance of construction and supply contracts and observed: "The service contract is now the only remaining category of Federal contracts to which no labor standards protections apply" (H. Rept. 948, p. 1; see also S. Rept. 798, p. 1; daily Congressional Record Sept. 20, 1965, p. 23497). A similar understanding of contracts principally for "services" as embracing contracts other than those for construction or supplies is reflected in the statement of President Johnson upon signing the Act (1 Weekly Compilation of Presidential Documents, p. 428).

§ 4.112 Contracts to furnish services "in the United States."

(a) The Act covers contract services furnished "in the United States". The geographical area included in the "United States" is defined in section 8(d) as "any State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Outer Continental Shelf lands as defined in the Outer Continental Shelf Lands Act, American Samoa, Guam, Wake Islands, Eniwetok Atoll, Kwajalein Atoll, Johnston Island." The definition expressly excludes any other territory under the jurisdiction of the United States (e.g. the Canal Zone) and any United States base or possession within a foreign country. Services to be performed exclusively on a vessel operating in international waters outside the geographic areas named in section 8(d) would not be services furnished "in the United States" within the meaning of the Act.

(b) A service contract to be performed in its entirety outside the geographic limits of the United States as thus defined is not covered and is not subject to the labor standards of the Act. See § 4.6(c)(8). However, if a service contract is to be performed in part within and in part without these geographic limits, the stipulations required by § 4.6 or CFR 4.7, as appropriate, must be included in the invitation for bids or negotiation documents and in the contract, and the labor standards must be observed with respect to that part of the contract services that is performed within these geographic limits. In such a case the requirements of the Act and of the contract clauses will not be applicable to the services furnished outside the United States.

§ 4.113 Contracts to furnish services "through the use of service employees".

(a) *Use of "service employees" in contract performance.* (1) As indicated in § 4.110, the Act covers service contracts in which "service employees" will be used in performing the services which it is the purpose of the contract to procure. A service contract otherwise subject to the Act ordinarily will meet this condition if any of the services which it is the principal purpose of the contract to obtain will be furnished through the use of any service employee or employees. Even where it is contemplated that the services (of the kind performed by service employees) will be performed individually by the contractor himself, the contract cannot be considered outside the reach of the Act unless it is known in advance that the contractor will in no event use any service employee during the term of the contract in furnishing the services called for. If the contracting officer knows when advertising for bids or concluding negotiations that no such employee will be used by the contractor in any event in providing the contract services, the Act will not be deemed applicable to the contract and the contract clauses required by § 4.6 or § 4.7 may be omitted. However, in all other cases such clauses must be included in the contract documents, for application in the event service employees are used in furnishing the services. The fact that the required services will be performed by municipal employees or employees of a State would not remove the contract from the purview of the Act, as this Act does not contain any exemption for contracts performed by such employees. Also, where the services the Government wants under the contract are principally of a type that will require the use of service employees as defined in section 8(b) of the Act, including supervisory personnel in positions "having trade, craft, or laboring experience as the paramount requirement", the contract is not taken out of the purview of the Act by the fact that the manner in which the services of such employees are performed will be subject to the continuing overall supervision of professional personnel to whose services the Act would not be considered to apply.

(2) The coverage of the Act does not extend, however, to contracts which have as their principal purpose the procurement of a type of service in the furnishing of which no service employees will be used. A contract for medical services is an example of such a contract. So are other contracts under which the desired services called for by the Government are to be performed by bona fide executive, administrative, or professional personnel as defined in Part 541 of this title (see paragraph (b) of this section). If the use of service employees will not be involved in providing the type of service specified by the Government, the contract is not subject to the Act even though there is some incidental employment by the contractor or a subcontractor of service employees to do work not specifically called for by the contract.

(b) *"Service employees" defined.* In determining whether or not any of the contract services will be performed by service employees, the definition of "service employee" in section 8(b) of the Act is controlling. It provides:

> The term "service employee" means guards, watchmen, and any person engaged in a recognized trade or craft, or other skilled mechanical craft, or in unskilled, semiskilled, or skilled manual labor occupations; and any other employee including a foreman or supervisor in a position having trade, craft, or laboring experience as the paramount requirement; and shall include all such persons regardless of any contractual relationship that may be alleged to exist between a contractor or subcontractor and such persons.

It will be noted that the definition expressly includes certain supervisory employees. However, it is not deemed to include those employees who are employed in a bona fide executive, administrative, or professional capacity as defined in Part 541 of this title. The breadth of the definition is indicated by the fact that much of its language is identical with that in the Classification Act Amendments of 1954 (5 U.S.C. 1083(7)) defining the so-called "blue collar workers" or "wage board employees" in the Federal service. The legislative history indicates that such employees are the "counterpart" in Federal service of the contractors' employees to whom the Act was intended to extend. (H. Rept. No. 948, 89th Cong., 1st sess. p. 2.) The definition therefore includes as service employees those classes of employees described in some detail in the Handbook of Blue Collar Occupational Families and Series issued by the Civil Service Commission (the latest being October 1961). Some of the specific types of service employees who may be employed on service contracts are noted in subsequent sections which discuss the application of the Act to employees.

§ 4.114 Subcontracts.

(a) *Requirements applicable to subcontractors.* The Act's provisions apply to the performance not only of the contracts entered into with the United States or the District of Columbia which they cover but also to the performance of any subcontract thereunder. The Act and the regulations (§§ 4.6–4.7) require the Government prime contractor to agree that the required labor standards will be observed by his subcontractors as well as by himself, that the prescribed contract clauses relating thereto will be inserted in all subcontracts, and that appropriate sanctions provided under the Act may be invoked against him in the event of any failure to comply. Subcontractors responsible for violation of the contract stipulations are also liable for underpayments of wages which the stipulations require to be paid and are subject to the enforcement provisions of the Act. The payment by subcontractors to their employees, performing work on covered contracts with the Federal Government, of less than the minimum wage specified under section 6(a)(1) of the Fair Labor Standards Act (29 U.S.C. 206(a)(1)) is expressly prohibited, except as otherwise provided in the case of certain linen supply subcontractors under section 6(c)(2) of such Act.

(b) *"Contractor" as including "subcontractor."* Except where otherwise noted or where the term "Government prime contractor" is used, the term "contractor" as used in this Part 4 shall be deemed to include a subcontractor. The term "contractor" as used in the contract clauses required by Subpart A in any subcontract under a covered contract shall be deemed to refer to the subcontractor, or, if in a subcontract entered into by such a subcontractor, shall be deemed to refer to the lower level subcontractor.

Specific Exclusions

§ 4.115 Exemptions and exceptions generally.

The Act, in section 7, specifically excludes from its coverage certain contracts and work which might otherwise come within its terms as procurements the principal purpose of which is to furnish services through the use of service employees. In addition, as noted in § 4.104 provision is made in section 4 of the Act for administrative action by the Secretary of Labor providing reasonable limitations and allowing reasonable variations, tolerances, and exemptions to and from provisions of the Act in accordance with standards set forth in the section. These provisions of the Act apply as explained in the following discussion. The limitations stated in this subpart in defining the scope of the statutory exemptions are reasonable limitations that have been found necessary and proper in the public interest in accordance with the provisions of section (4)b of the Act.

§ 4.116 Contracts for construction activity.

(a) *General scope of exemption.* The Act, in paragraph (1) of section 7, exempts from its provisions "any contract of the United States or District of Columbia for construction, alteration and/or repair, including painting and decorating of public buildings or public works." This language corresponds to the language used in the Davis-Bacon Act to describe its coverage (40 U.S.C. 270a).

The legislative history of the McNamara-O'Hara Service Contract Act indicates that the purpose of the provision is to avoid overlapping coverage of the two acts by excluding from the application of the McNamara-O'Hara Act those contracts (and any bid specification therefor) to which the Davis-Bacon Act is applicable and in the performance of which the labor standards of that Act are intended to govern the compensation payable to the employees of contractors and subcontractors on the work. (See H. Rept. 198, pp. 2, 5, and H. Rept. 948, pp. 1, 5, also Hearing, Special Subcommittee on Labor, House Committee on Education and Labor, p. 9 (89th Cong., 1st sess.).) The intent of section 7(1) is simply to exclude from the provisions of the Act those construction contracts which involve the employment of persons whose wage rates and fringe benefits are determinable under the Davis-Bacon Act.

(b) *Contracts not within exemption.* (1) Section 7(1) does not exempt contracts which, for purposes of the Davis-Bacon Act, are not considered to be of the character described by the corresponding language in that Act, and to which the provisions of such Act are therefore not applied. Such contracts are accordingly subject to the McNamara-O'Hara Act where their principal purpose is to furnish services in the United States through the use of service employees. For example, a contract for clearing timber or brush from land or for the demolition or dismantling of buildings or other structures located thereon may be a contract for construction activity subject to the Davis-Bacon Act where it appears that the clearing of the site is to be followed by the construction of a public building or public work at the same location. If, however, no further construction activity at the site is contemplated the Davis-Bacon Act may be considered inapplicable to such clearing, demolition, or dismantling work. In such event, the exemption in section 7(1) of the McNamara-O'Hara Act has no application and the contract will be subject to the Act in accordance with its general coverage provisions.

(2) Also, where the principal purpose of a contract is to furnish services in the United States through the use of service employees whose wage rates and fringe benefits are not determinable under the Davis-Bacon Act, the fact that the contract may, by a literal reading of section 7(1), be considered to come within its exemptive language does not justify an application of the exemption where this would result in no wage determinations for these employees under either Act. This is found to be a reasonable limitation on the exemption, consistent with the rule of narrow construction of exemptions from remedial statutes and with the legislative history of this Act, which is necessary and proper in the public interest, in accordance with the provisions of section 4(b) of the Act.

(3) It should be noted also that contracts in the amount of $2,000 or less and contracts to be performed in geographic areas outside the boundaries of the 50 States and the District of Columbia are not subject to the Davis-Bacon Act. Such a contract is within the general coverage provisions of the McNamara-O'Hara Act, however, if it is to be performed within the "United States" as defined in such Act and if its principal purpose is to furnish services through the use of service employees. If the contract meets these tests, it will not be deemed exempt under section 7(1) of the Act even though it calls for construction activity, since there is no suggestion in the legislative history that the Congress intended this exclusion to apply to contracts not subject to the Davis-Bacon Act or to leave employees performing such contracts outside the protection of either Act. This is found to be a reasonable limitation of the exemption which is necessary and proper in the public interest in accordance with the provisions of section 4(b) of the Act.

(c) *Partially exempt contracts.* Instances may arise in which, for the convenience of the Government, instead of awarding separate contracts for construction work subject to the Davis-Bacon Act and for services of a different type to be performed by service employees, the contracting officer may include separate specifications for each type of work in a single contract calling for the performance of both types of work. For example, a contracting agency may invite bids for the installation of a plumbing system in a public building and for the maintenance of the system for one year, under separate bid specifications. In such a case, the exemption provided by section 7(1) will be deemed applicable only to that portion of the contract which calls for construction activity subject to the Davis-Bacon Act. The contract documents are required to contain the clauses prescribed by § 4.6 for application to the contract obligation to furnish services through the use of service employees, and the provisions of the McNamara-O'Hara Act will apply to that portion of the contract. This is a reasonable limitation of the application of the exemption found to be necessary and proper in the public interest in accordance with the provisions of section 4(b) of the Act.

§ 4.117 Contracts for carriage subject to published tariff rates.

The Act, in paragraph (3) of section 7, exempts from its provisions "any contract for the carriage of freight or personnel by vessel, airplane, bus, truck, express, railway line or oil or gas pipeline where published tariff rates are in effect". In order for this exemption to be applicable, the contract must be for such carriage by a common carrier described by the terms used. It does not, for example, apply to contracts for taxicab or ambulance service, because taxicab and ambulance companies are not among the common carriers specified by the statute. Also, a contract for transportation service does not come within this exemption unless the service contracted for is actually governed by published tariff rates in effect pursuant to State or Federal law for such carriage. Rates governed by section 22 of Part I of the Interstate Commerce Act are not considered to be published tariff rates; accordingly, a contract for transportation of personnel or freight performed in accordance with a reduced rate under such section is not within the exemption. The contracts excluded from the reach of the Act by this exemption are typically those where there is on file with the Interstate Commerce Commission or an appropriate State or local regulatory body a tariff rate applicable to the transportation involved, and the transportation contract between the Government and the carrier is evidenced by a bill of lading citing the published tariff rate. It should be noted further that only such contracts for the carriage of "freight or personnel" are exempt. This exemption thus does not exclude any contracts for the transportation of mail from the application of the Act, because the term "freight" does not include the mail. (For an administrative exemption of certain contracts with common carriers for carriage of mail, see § 4.6(c)(9).)

§ 4.118 Contracts for services of communications companies.

The Act, in paragraph (4) of section 7, exempts from its provisions "any contract for the furnishing of services by radio, telephone, telegraph, or cable companies, subject to the Communications Act of 1934." This exemption is applicable to contracts with such companies for communication services regulated under the Communications Act. It does not exempt from the Act any contracts with such companies to furnish any other kinds of services through the use of service employees.

§ 4.119 Contracts for public utility services.

The Act, in paragraph (5) of section 7, exempts from its provisions "any contract for public utility services, including electric light and power, water, steam, and gas." This exemption is applicable to contracts for such services with companies whose rates therefor are regulated under State, local, or Federal law governing operations of public utility enterprises. Contracts entered into with public utility companies to furnish services through the use of service employees, other than those subject to such rate regulation, are not exempt from the Act. Among the contracts included in the exemption would be those between Federal electric power marketing agencies and investor-owned electric utilities, Rural Electrification Administration cooperatives, municipalities and State agencies engaged in the transmission and sale of electric power and energy. (See H. Rept. No. 948, 89th Cong., 1st sess., p. 4.)

§ 4.120 Contracts for operation of postal contract stations.

The Act, in paragraph (7) of section 7, exempts from its provisions "any contract with the Post Office Department, the principal purpose of which is the operation of postal contract stations." The exemption is limited to postal service contracts having the operation of such stations as their principal purpose. A provision of the legislation which would also have exempted contracts with the Post Office Department having as their principal purpose the transportation, handling, or delivery of the mails was eliminated from the bill during its consideration by the House Committee on Education and Labor (H. Rept. 948, p. 1, 89th Cong., 1st sess.).

§ 4.121 Contracts for individual services.

The Act, in paragraph (6) of section 7, exempts from its provisions "any employment contract providing for direct services to a Federal agency by an individual or individuals." This exemption, which applies only to an "employment contract" for "direct services," makes it clear that the Act's application to Federal contracts for services is intended to be limited to service contracts entered into with independent contractors. If a contract to furnish services (to be performed by a service employee as defined in the Act) provides that they will be furnished directly to the Federal agency by the individual under conditions or circumstances which will make him an employee of the agency in providing the contract service, the exemption applies and the contract will not be subject to the Act's provisions. The exemption does not exclude from the Act any contract for services of the kind performed by service employees which is entered into with an independent contractor whose individual services will be used in performing the contract, but as noted earlier in § 4.113, such a contract would be outside the general coverage of the Act if only the contractor's individual services would be furnished and no service employee would in any event be used in its performance.

§ 4.122 Work subject to requirements of Walsh-Healey Act.

The Act, in paragraph (2) of section 7, exempts from its provisions "any work required to be done in accordance with the provisions of the Walsh-Healey Public Contracts Act (49 Stat. 2036)." It will be noted that this like the similar provision in the Contract Work Hours Standards Act (40 U.S.C. 329(b)), is an exemption for "work" rather than for "contracts" subject to the Walsh-Healey Act. The purpose of the exemption was to eliminate possible overlapping of the differing labor standards of the two Acts, which otherwise might be applied to employees performing work on a contract covered by the McNamara-O'Hara Act if such contract and their work under it should also be deemed to be covered by the Walsh-Healey Act. The Walsh-Healey Act applies to contracts in excess of $10,000 for the manufacture or furnishing of materials, supplies, articles or equipment. There is no overlap of coverage, therefore, in the case of contracts in amounts not in excess of $10,000. Nor is there an overlap if the principal purpose of the contract is the manufacture or furnishing of such materials etc., rather than the furnishing of services of the character referred to in the McNamara-O'Hara Act, for such a contract is not within the general coverage of the latter Act. In such cases the exemption in section 7(2) is not pertinent. It is pertinent, however, in the case of contracts exceeding $10,000 which are covered by the McNamara-O'Hara Act, because they have as their principal purpose the furnishing of services through the use of service employees, and are also covered by the Walsh-Healey Act, because it applies to contracts in the required amount, irrespective of their principal purpose, if the furnishing of materials, supplies, articles, or equipment in a substantial amount is called for by the contract or is a significant or independent purpose of the contract. Under such contracts, the "work required to be done in accordance with the provisions of the Walsh-Healey Public Contracts Act," which is exempted by section 7(2), includes only the work of those employees who are "engaged in or connected with the manufacture, fabrication, assembling, handling, supervision, or shipment of materials, supplies, articles, or equipment required under the contract" (41 CFR 50-201.103). Service employees engaged in such work on a contract covered by both Acts are thus exempt under section 7(2) from the provisions of the McNamara-O'Hara Act and subject only to the provisions of the Walsh-Healey Act, while other employees such as guards, watchmen, and employees performing only general office or clerical work are not covered by the Walsh-Healey Act or within this exemption, and are covered by the provisions of the McNamara-O'Hara Act when performing work on a contract subject to its terms.

§ 4.123 Administrative limitations, variations, tolerances, and exemptions.

(a) *Authority of the Secretary.* The Act, in section 4(b) authorizes the Secretary to "provide such reasonable limitations" and to "make such rules and regulations allowing reasonable variations, tolerances, and exemptions to and from any or all provisions of this Act as he may find necessary and proper in the public interest or to avoid serious impairment of the conduct of Government business." This authority is similar to that vested in the Secretary under section 6 of the Walsh-Healey Public Contracts Act (41 U.S.C. 40) and under section 105 of the Contract Work Hours Standards Act (40 U.S.C. 331).

(b) *Administrative action under section 4(b) of the Act.* The authority conferred on the Secretary by section 4(b) of the Act will be exercised with due regard to the remedial purpose of the statute to protect prevailing labor standards and to avoid the undercutting of such standards which could result from the award of Government work to contractors who will not observe such standards, and whose saving in labor cost therefrom enables them to offer a lower price to the Government than can be offered by the fair employers who maintain the prevailing standards. Administrative action consistent with this statutory purpose may be taken under section 4(b) with or without a request therefor, when found necessary and proper in accordance with the statutory standards. No formal procedures have been prescribed for requesting such action. However, a request for exemption from the Act's provisions will be granted only upon a strong and affirmative showing that it is necessary and proper in the public interest or to avoid serious impairment of Government business. If the request for administrative action under section 4(b) is not made by the headquarters office of the contracting agency to which the contract services are to be provided, the views of such office on the matter should be obtained and submitted with the request or the contracting officer may forward such a request through channels to the agency headquarters for submission with the latter's views to the Administrator of the Wage and Hour and Public Contracts Divisions, Department of Labor.

(c) *Documentation of official action under section 4(b).* All papers and documents made a part of the official record of administrative action pursuant to section 4(b) of the Act are available for public inspection in accordance with the regulations in 29 CFR 2.6. Limitations, variations, tolerances and exemptions of general applicability and legal effect promulgated pursuant to such authority are published in the Federal Register and made a part of the rules incorporated in this Part 4. For convenience in use of the rules they are set forth in the sections of this part covering the subject matter to which they relate, rather than as a separate listing. (See, for example, the exemption provided in § 4.5(b) and the limitations set forth in §§ 4.115 et seq.) Any rules that are promulgated under section 4(b) of the Act relating to subject matter not dealt with elsewhere in this Part 4 will be set forth immediately following this paragraph.

Particular Applications of Contract Coverage Principles

§ 4.130 Types of covered service contracts illustrated.

The types of contracts, the principal purpose of which is to furnish services through the use of service employees, are too numerous and varied to permit an exhaustive listing. The following list is illustrative, however, of the types of services called for by such contracts that have been found to come within the coverage of the Act.

(a) Aerial spraying.
(b) Aerial reconnaissance for fire detection.
(c) Ambulance service.
(d) Cafeteria and food service.
(e) Chemical testing and analysis.
(f) Clothing alteration and repair.
(g) Custodial and janitorial services.
(h) Electronic equipment maintenance and operation.
(i) Flight training.
(j) Forest fire fighting.
(k) Geological field surveys.
(l) Grounds maintenance.
(m) Guard or watchman service.
(n) Landscaping (other than part of construction).

(o) Laundry and dry cleaning.
(p) Linen supply service.
(q) Lodging and meals.
(r) Mail hauling.
(s) Maintenance and repair of motor equipment.
(t) Maintenance and repair of office equipment.
(u) Miscellaneous housekeeping.
(v) Motor Pool operation.
(w) Packing and crating.
(x) Parking services.
(y) Snow removal.
(z) Stenographic reporting.
(aa) Support services at military installations.
(bb) Taxicab services.
(cc) Tire and tube repairs.
(dd) Transporting property or personnel (except as explained in § 4.117).
(ee) Trash and garbage removal.
(ff) Warehousing or storage.
(gg) Drafting and illustrating.
(hh) Mortuary services.

§ 4.131 Furnishing services involving more than use of labor.

(a) If the principal purpose of a contract is to furnish services in the performance of which service employees will be used, the Act will apply to the contract, in the absence of an exemption, even though the use of nonlabor items may be an important element in the furnishing of the services called for by its terms. The Act is concerned with protecting the labor standards of workers engaged in performing such contracts, and is applicable if the statutory coverage test is met, regardless of the proportion of the labor cost to the total cost of furnishing the contract services, the form in which the contract is drafted, or the necessity of providing tangible nonlabor items in performing the contract obligations. A procurement that requires tangible items to be supplied as a part of the service furnished is covered by the Act so long as the facts show that the contract is chiefly for services, and that the furnishing of tangible items is of secondary importance.

(b) Some examples of covered contracts illustrating these principles may be helpful. One such example is a contract for the maintenance and repair of typewriters. Such a contract may require the contractor to furnish typewriter parts, as the need arises, in performing the contract services. Since this does not change the principal purpose of the contract, which is to furnish the maintenance and repair services through the use of service employees, the contract remains subject to the Act.

The same is true of contracts for maintenance or repair of motor vehicles or other equipment. (As noted in § 4.122, if such contracts exceed $10,000 in amount, the Walsh-Healey Public Contracts Act may also apply to them, in which event the employees performing work required to be done in accordance with its provisions would be exempt from the application of the Service Contract Act.)

(c) Another example of the application of the above principle is a contract for the recurrent supply to a Government agency of freshly laundered items on a rental basis. It is plain from the legislative history that such a contract is typical of those intended to be covered by the Act. Although tangible items owned by the contractor are provided on a rental basis for the use of the Government, the service furnished by the contractor in making them available for such use when and where they are needed, through the use of service employees who launder and deliver them, is the principal purpose of the contract. Similarly, a contract in the form of rental of equipment with operators for the plowing and reseeding of a park area is a service contract. The Act applies to it because its principal purpose is the service of plowing and reseeding, which will be performed by service employees, although as a necessary incident the contractor is required to furnish equipment. For like reasons the contracts for aerial spraying and aerial reconnaissance listed in § 4.130 are covered, even though the use of airplanes, an expensive item of equipment, is essential in performing such services. Contracts under which the contractor agrees to provide the Government with vehicles or equipment on a rental basis with drivers or operators are similarly deemed contracts to furnish services, in the performance of which service employees will be used. (Such contracts are not considered contracts for furnishing equipment within the meaning of the Walsh-Healey Public Contracts Act.)

§ 4.132 Services and other items to be furnished under single contract.

If the principal purpose of a contract specification is to furnish services through the use of service employees within the meaning of the Act, the contract to furnish such services is not removed from the Act's coverage merely because, as a matter of convenience in procurement, it is combined in a single contract document with specifications for the procurement of different or unrelated items. For example, a contracting agency may invite bids for supplying a quantity of new typewriters and for the maintenance and repair of the typewriters already in use, under separate bid specifications. The principal purpose of the latter, but not the former, would be the furnishing of services through the use of service employees. A typewriter company might be the successful bidder on both items and the specifications for each might be included in a single contract for the convenience of the parties. In such a case, the contract obligation to furnish the maintenance and repair services would be subject to the provisions of the Act. The "principal purpose" test would be applicable to the specification for such services rather than to the combined contract. The Act would not apply in such case to the contract obligation to furnish new typewriters, although its performance would be subject to the provisions of the Walsh-Healey Public Contracts Act if the amount was in excess of $10,000.

§ 4.133 Government as beneficiary of contract services.

(a) *In general.* The Act does not say to whom the services under a covered contract must be furnished; so far as its language is concerned, it is enough if the contract is "entered into" by and with the Government and if its principal purpose is "to furnish services in the United States through the use of service employees." The legislative history indicates an intention to cover at least contracts for services of direct benefit to the Government, its property, or its civilian or military personnel for whose needs it is necessary or desirable for the Government to make provision for such services. Such contracts as those for furnishing food service and laundry and dry cleaning service for personnel at military installations, for example, were specifically referred to. Where the principal purpose of the Government contract is to provide these or other services to the Government or its personnel through the use of service employees, the contract is within the general coverage of the Act regardless of the source of the funds from which the contractor is paid for the service and irrespective of whether he performs the work in his own establishment, on a Government installation, or elsewhere. The fact that the contract permits him to provide the services directly to individual personnel as a concessionaire, rather than through the contracting agency, does not require a different conclusion.

(b) *Special situations.* It is not considered that the Act was intended to cover every contract, however, which is entered into with the Government by a contractor to furnish services, no matter how indirect or remote a benefit the Government may derive therefrom. If, for example, a contract with the Government grants the contractor the privilege of operating as a concessionaire in a Government park for the purpose of furnishing services to the public generally rather than to the Government or to personnel engaged in its business, the contract is not considered subject to the Act. Since the statute itself provides no clear line of demarcation, questions of contract coverage where doubt arises because of remoteness of benefit to the Government from the services to be furnished should be referred to the Administrator of the Wage and Hour and Public Contracts Divisions for resolution.

§ 4.134 Contracts outside the Act's coverage.

(a) Contracts entered into by agencies other than those of the Federal Government or the District of Columbia as described in §§ 4.107–4.108 of this subpart are not within the purview of the Act. Thus, the Act does not cover service contracts entered into with any agencies of Puerto Rico, the Virgin Islands, American Samoa, or Guam acting in behalf of their respective local governments. Similarly, it does not cover service contracts entered into by agencies of States or local public bodies, not acting as agents or for or on behalf of the United States or the District of Columbia, even though Federal financial assistance may be provided for such contracts under Federal law of the terms and conditions specified in Federal law may govern the award and operation of the contract.

(b) Further, as already noted in §§ 4.111–4.113, the Act does not apply to Government contracts which do not have as their principal purpose the furnishing of services, or which call for no services to be furnished within the United States or through the use of service employees as those terms are defined in the Act. Clearly outside the Act's coverage for these reasons are such contracts as those for the purchase of tangible products which the Government needs (e.g. fuel, vehicles, office equipment, and supplies), for the logistic support of an air base in a foreign country, or for the services of a lawyer to examine the title to land. Similarly, where the Government contracts for a lease of building space for Government occupancy and as an incidental part of the lease agreement the building owner agrees to furnish janitorial and other building services through the use of service employees, the leasing of the space rather than the furnishing of the building services is the principal purpose of the contract, and the Act does not apply. Another type of contract which is outside the coverage of the Act because it is not for the principal purpose of furnishing services may be illustrated by a contract for the rental of parking space under which the Government agency is simply given a lease or license to use the contractor's real property. Such a contract is to be distinguished from contracts for the live storage of vehicles which are delivered into the possession or custody of the contractor, who will provide the required services including the parking or retrieval of the vehicles.

(c) There are a number of types of contracts which, while outside the Act's coverage in the usual case, may be subject to its provisions under the conditions and circumstances of a particular procurement, because these may be such as to require a different view of the principal purpose of the contract. Thus, the ordinary contract for the recapping of tires would have as its principal purpose the manufacture and furnishing of rebuilt tires for the Government rather than the furnishing of services through the use of service employees, and thus would be outside the Act's coverage. Similarly, contracts calling for printing, reproduction, and duplicating ordinarily would appear to have as their principal purpose the furnishing in quantity of printed, reproduced, or duplicated written materials rather than the furnishing of the reproduction services through the use of service employees. However, in a particular case, the terms, conditions, and circumstances of the procurement would be such that the facts would show its purpose to be chiefly the obtaining of services (e.g. repair services, typesetting, photostating, editing, etc.), and where such services would require the use of service employees the contract would be subject to the Act unless excluded therefrom for some other reason.

(d) A further category of contracts outside the coverage of the Act includes those service contracts which would otherwise be covered but to which the Act does not apply because they were entered into pursuant to negotiations concluded or invitations for bids issued before January 30, 1966 (see § 4.102) and have remained in effect without change since that date.

DETERMINING AMOUNT OF CONTRACT

§ 4.140 Significance of contract amount.

As set forth in § 4.109 and in the requirements of §§ 4.6–4.7, the obligations of a contractor with respect to labor standards differ in the case of a covered and nonexempt contract, depending on whether the contract is or is not in excess of $2,500. Rules for resolving questions that may arise as to whether a contract is or is not in excess of this figure are set forth in the following sections.

§ 4.141 General criteria for measuring amount.

(a) In general, the contract amount is measured by the consideration agreed to be paid, whether in money or other valuable consideration, in return for the obligations assumed under the contract. Thus, even though a contractor, such as a wrecker entering into a contract with the Government to raze a building on a site which will remain vacant, may not be entitled to receive any money from the Government for such work under his contract or may even agree to pay the Government in return for the right to dispose of the salvaged materials, the contract will be deemed one in excess of $2,500 if the value of the property obtained by the contractor, less anything he might pay the Government, is in excess of such amount.

(b) All bids from the same person on the same invitation for bids will constitute a single offer, and the total award to such person will determine the amount involved for purposes of the Act. Where the procurement is made without formal advertising, in arriving at the aggregate amount involved, there must be included all property and services which would properly be grouped together in a single transaction and which would be included in a single advertisement for bids if the procurement were being effected by formal advertising. However, where an invitation is for services in an amount in excess of $2,500 and bidders are permitted to bid on a portion of the services not amounting to more than $2,500, the amounts of the contracts awarded separately to individual and unrelated bidders will be measured by the portions of the services covered by their respective contracts.

(c) Where a contract is issued in an amount in excess of $2,500 this amount will govern for purposes of application of the Act even though penalty deductions, deductions for prompt payment, and similar deductions may reduce the amount actually expended by the Government to $2,500 or less.

§ 4.142 Contracts in an indefinite amount.

(a) Every contract subject to this Act (and any bid specification therefor) which is indefinite in amount and is not otherwise exempt from the requirements of section 2(a) of the Act and § 4.6 is required to contain the clauses prescribed in § 4.6 for contracts in excess of $2,500, unless the contracting officer has definite knowledge in advance that the contract will not exceed $2,500 in any event.

(b) Where contracts or agreements between a Government agency and prospective purveyors of services are negotiated, which provide terms and conditions under which services will be furnished through the use of service employees in response to individual purchase orders or calls, if any, which may be issued by the agency during the life of the agreement, these agreements would ordinarily constitute contracts within the intendment of the Act under principles judicially established in United Biscuit Co. v. Wirtz, 17 WH Cases 146 (C.A.D.C.), a case arising under the Walsh-Healey Public Contracts Act. Such a contract, which may be in the nature of a bilateral option contract and not obligate the Government to order any services or the contractor to furnish any, nevertheless governs any procurement of services that may be made through purchase orders or calls issued under its terms. Since the amount of the contract is indefinite, it is subject to the rule stated in paragraph (a) of this section. The amount of the contract is not determined by the amount of any individual call or purchase order.

CHANGES IN CONTRACT COVERAGE

§ 4.143 Effects of changes or extensions of contracts, generally.

Sometimes an existing service contract is modified, amended, or extended in such a manner or at such a time that, if originally entered into in its changed form at such time, the application of provisions of the Act to it would be different at such time from the application of the Act's provisions to the original contract at the time it was entered into. One example is a contract to which the Act did not originally apply because invitations for bids thereon were issued prior to January 20, 1966, which is subsequently extended by agreement of the parties. Another example is a contract which, when originally executed, was exempted from the provisions of section 2(a) of the Act and § 4.6 requiring specification in the contract of predetermined monetary wage rates and fringe benefits, because no wage determination had been made prior to the invitation for bids; and then, at a later time, contract amendments relative to the scope of the work are incorporated by agreement of the parties after prevailing wage and fringe benefit determinations have been made for classes of service employees in the locality which will be engaged in the contract work. The general rule with

respect to such contracts is, that whenever changes are made by the parties in the terms of the contract, the provisions of the Act and the regulations thereunder will apply to the changed contract in the same manner and to the same extent as they would to a wholly new contract in the same terms if such a contract were entered into at the time of the change. Under this rule, the contract in the first example would become subject to the Act and regulations when the changes were effected in it by the parties, although it was not originally covered. Similarly, the specified monetary wages and fringe benefits would have to be incorporated in the amended contract in the second example, although not required in the contract originally entered into. Whenever an existing service contract is changed by modification or amendment to such a degree as to require agreement of both parties, the changed contract will be deemed a contract entered into by the contracting agency at such time for purposes of the Act. On like principle, such a contract will be deemed entered into when the term of an existing contract is extended by mutual consent of the parties or pursuant to an option clause therein so that the contractor furnishes services over an extended period of time, rather than being granted extra time to fulfill his original commitment.

§ 4.144 Contract modifications affecting amount.

Pursuant to the rule set forth in § 4.143, where a contract which was originally issued in an amount not in excess of $2,500 is later modified by mutual consent so that its amount may exceed that figure, all the provisions of section 2(a) of the Act and the regulations thereunder are applicable from the date of modification to the date of contract completion. In the event of such modification the contracting officer will immediately insert the required contract clauses into the contract and notify the Department of Labor of such action. In the event that a contract for services subject to the Act in excess of $2,500 is modified by mutual agreement so that it cannot exceed $2,500, compliance with the provisions of section 2(a) of the Act and the contract clauses required thereunder ceases to be an obligation of the contractor when such modification becomes effective.

§ 4.145 Extended term contracts.

Sometimes services contracts are entered into for a term of years; however, their continuation in effect is subject to the appropriation by Congress of funds for each new fiscal year. In such event, for purposes of this Act, a contract shall be deemed entered into at the beginning of each new fiscal year during which the terms of the original contract are made effective by an appropriation for the purpose. In other cases a service contract, entered into for a specified term by a Government agency, may contain a provision such as an option clause under which the agency may unilaterally extend the contract for a period of the same length or other stipulated period. If a new appropriation is required to finance such extension, the rule just stated will apply. In any event, however, since the exercise of the option results in the rendition of services for a new or different period not included in the term for which the contractor is obligated to furnish services or for which the Government is obligated to pay under the original contract in the absence of such action to extend it, the contract for the additional period, is, within the intendment of the Act, in the same position as a wholly new contract with respect to application of the Act's provisions and the regulations thereunder.

PERIOD OF COVERAGE

§ 4.146 Contract obligations after award, generally.

A contractor's obligation to observe the provisions of the Act arises on the date he is informed that he has received the award of the contract, not necessarily the date of formal execution. However, he is required to comply with the provisions of the Act and regulations thereunder only while his employees are performing on the contract, provided his records make clear the period of such performance.

EMPLOYEES COVERED BY THE ACT

§ 4.150 Employee coverage generally.

The Act, in section 2(b), makes it clear that its provisions apply generally to all employees engaged in performing work on a covered contract entered into by the contractor with the Federal Government, regardless of whether they are his employees or those of any subcontractor under such contract. All employees who, on or after the date of award, are engaged in working on or in connection with the contract, either in performing the specific services called for by its terms or in performing other duties necessary to the performance of the contract, are thus subject to the Act unless a specific exemption (see §§ 4.115 et seq.) is applicable. All such employees must be paid wages at a rate not less than the minimum wage specified under section 6(a)(1) of the Fair Labor Standards Act (29 U.S.C. 206(a)(1)), as amended, unless the special exception provided in section 6(e)(2) of such Act for certain linen supply contract services is applicable (see § 4.160). Payment of a higher minimum monetary wage and the furnishing of fringe benefits may be required under the contract, pursuant to the provisions of section 2(a)(1), (2), of the Act.

§ 4.151 Employees covered by provisions of section 2(a).

The provisions of section 2(a) of the Act prescribe labor standards requirements applicable, except as otherwise specifically provided, to every contract in excess of $2,500 which is entered into by the United States or the District of Columbia for the principal purpose of furnishing services in the United States through the use of service employees. These provisions apply to all service employees engaged in the performance of such a contract or any subcontract thereunder. The Act, in section 8(b) defines the term "service employee". The general scope of the definition is considered in § 4.113(b) of this subpart.

§ 4.153 Employees subject to prevailing compensation provisions of section 2(a)(1) and (2).

Under section 2(a)(1) and (2) of the Act minimum monetary wages and fringe benefits to be paid or furnished the various classes of service employees performing such contract work are determined by the Secretary of Labor or his authorized representative in accordance with prevailing rates and fringe benefits for such employees in the locality and are required to be specified in such contracts and subcontracts thereunder. All service employees of the classes who actually perform the specific services called for by the contract (e.g. janitors performing on a contract for office cleaning; stenographers performing on a contract for stenographic reporting) are covered by the provisions specifying such minimum monetary wages and fringe benefits for such classes of service employees.

§ 4.153 Inapplicability of prevailing compensation provisions to some employees.

There may be employees, used by a contractor or subcontractor in performing a service contract in excess of $2,500 which is subject to the Act, whose services, although necessary to the performance of the contract, are not subject to minimum monetary wage or fringe benefit provisions contained in the contract pursuant to section 2(a). This may occur either because such employees do not come within the classes of service employees, directly engaged in performing the specified contract services, which are included in the Secretary's determinations of monetary wages and fringe benefits and for which such compensation is specified in the contract (an example might be a laundry contractor's billing clerk performing billing work with respect to the items laundered); or because the contract itself is exempted from the predetermined wage and fringe benefit requirements of section 2(a) (under the provisions of § 4.5) as a contract calling for services of classes of service employees with respect to whom there is no currently applicable wage or fringe benefit determination for the locality. In all such situations the employees, who are engaged in performing work on the contract but for whom no monetary minimum wage or fringe benefits are specified by its provisions, are nevertheless subject to the minimum wage provision of section 2(b) (see § 4.150) requiring payment of not less than the minimum wage specified under section 6(a)(1) of the Fair Labor Standards Act to all employees working on a covered contract, unless specifically exempt. The same is true in situations where minimum monetary wages and fringe benefits have not been specified in the contract for a particular class or classes of service employees because the wage and fringe benefit determinations applicable to the locality have been made only for other classes of service employees who will perform the contract work, and not for these. However, although wages lower than the specified Fair Labor Standards Act minimum may not be paid to such employees in classes omitted from those for which monetary wages or fringe benefits were predetermined and specified in the contract, the employer will be required to pay any higher monetary wages together with fringe benefits which may be specified for them pursuant to agreement of the interested parties as provided in § 4.6(b)(1).

§ 4.154 Employees covered by sections 2(a)(3) and (4).

The safety and health standards of section 2(a)(3) (see § 4.186) and the notice requirements of section 2(a)(4) of the Act (see § 4.183) are applicable, in the absence of a specific exemption, to every service employee engaged by a contractor or subcontractor to furnish services under a contract subject to section 2(a) of the Act.

§ 4.155 Employee coverage does not depend on form of employment contract.

The Act, in section 8(b), makes it plain that the coverage of service employees depends on whether their work for the contractor or subcontractor on a covered contract is that of a service employee as defined in section 8(b) and not on any contractual relationship that may be alleged to exist between the contractor or subcontractor and such persons.

§ 4.156 Employees in bona fide executive, administrative, or professional capacity.

As stated in § 4.113(b), the service employees covered by the Act are not deemed to include employees employed in a bona fide executive, administrative, or professional capacity as defined in 29 CFR Part 541. This has been found to be a reasonable limitation on coverage which is necessary and proper in the public interest (Act, sec. 4(b)). Employees within the definition of service employee who are employed in a professional, administrative, or supervisory capacity are not excluded from coverage, however, even though they are highly paid, if they fail to meet the tests set forth in 29 CFR Part 541. Thus, such employees as laboratory technicians, draftsmen, and air ambulance pilots, though they require a high level of skill to perform their duties and may meet the salary requirements of the regulations in Part 541 of this title, are ordinarily covered by the Act's provisions because they do not typically meet the other requirements of those regulations.

COMPENSATION STANDARDS

§ 4.159 General minimum wage.

The Act, in section 2(b)(1), provides generally that no contractor or subcontractor under any Federal contract subject to the Act shall pay any of his employees engaged in performing work on such a contract less than the minimum wage specified under section 6(a)(1) of the Fair Labor Standards Act. Section 2(a)(1) provides that the minimum monetary wage specified in any such contract exceeding $2,500 shall in no case be lower than this Fair Labor Standards Act minimum wage. Section 2(b)(1) is a statutory provision which applies to the contractor or subcontractor without regard to whether it is incorporated in the contract; however, §§ 4.6–4.7 provide for inclusion of its requirements in covered contracts and subcontracts. Because the statutory requirement specifies no fixed monetary wage rate and refers only to the minimum wage specified under section 6(a)(1) of the Fair Labor Standards Act, and because its application does not depend on provisions of the contract, any increase in such Fair Labor Standards Act minimum wage during the life of the contract is, on its effective date, also effective to increase the minimum wage payable under section 2(b)(1) to employees engaged in performing work on the contract. The minimum wage under section 6(a)(1) of the Fair Labor Standards Act was increased from $1.25 to $1.40 an hour effective February 1, 1967; such minimum wage effective February 1, 1968, is $1.60 an hour. As explained in § 4.160(c), in certain establishments providing linen supply services under Government contracts entered into on or after February 1, 1967, section 6(e)(2) of the Fair Labor Standards Act has the effect of modifying the requirement of section 2(b) of the Service Contract Act, as discussed above.

§ 4.160 Effect of section 6(e) of the Fair Labor Standards Act.

(a) *General.* Contractors and subcontractors performing work on contracts subject to the Service Contract Act are, in general, required not only to comply, in paying wages for such work, with the general minimum wage standard provided in section 6(a)(1) of the Fair Labor Standards Act as explained in § 4.159, above, but also to pay those of their employees who are not performing work on or in connection with such contracts in accordance with the compensation requirements of section 6(e) of the Fair Labor Standards Act, which applies to every employer providing any contract services under a contract entered into on or after February 1, 1967 (H. Rept. No. 2004, 89th Cong., 2d sess., p. 20) with the United States, or any subcontract thereunder. In the case of employer providing linen supply services to the United States under such contracts, section 6(e) of such Act also has the effect of modifying the general minimum wage requirement discussed in § 4.159 for their employees engaged in work on such contracts in certain establishments providing such linen supply services. (See par. (c) of this section.)

(b) *Section 6(e)(1) of the Fair Labor Standards Act.* Section 6(e)(1) of the Fair Labor Standards Act applies to "every employer providing any contract services (other than linen supply services) under a contract with the United States or any subcontract thereunder." It provides that every such employer "shall pay to each of his employees whose rate of pay is not governed by the Service Contract Act of 1965", or to whom section 6(a)(1) of the Fair Labor Standards Act is not otherwise applicable, wages at rates not less than the rates provided for in section 6(b) of such Act. The only exemptions permitted from this requirement are those provided in section 13(a)(1) of such Act for employees employed in a bona fide executive, administrative, professional, or outside sales capacity as defined and delimited in 29 CFR Part 541, and in section 13(f) of such Act for employees employed in workplaces in territory not described in that subsection. The minimum wage rates under section 6(b) of such Act, to which section 6(e) refers, are: $1 an hour, beginning February 1, 1967; $1.15 an hour, beginning February 1, 1968; $1.30 an hour, beginning February 1, 1969; $1.45 an hour, beginning February 1, 1970; and $1.60 an hour on and after February 1, 1971.

(c) *Section 6(e)(2) of the Fair Labor Standards Act.* (1) Section 6(e)(2) of the Fair Labor Standards Act which is effective as to contracts entered into on or after February 1, 1967, is limited in its application to "every employer in an establishment providing linen supply services to the United States under a contract with the United States or any subcontract thereunder." It provides that every such employer "shall pay to each of his employees in such establishment wages at rates not less than those prescribed in" section 6(b) of such Act, "except that if more than 50 per centum of the gross annual dollar volume of sales made or business done by such establishment is derived from providing such linen supply services under any such contracts or subcontracts, such employer shall pay to each of his employees in such establishment wages at rates not less than those prescribed in" section 6(a)(1) of the Fair Labor Standards Act.

(2) Where this latter exception is applicable, the effect of section 6(e)(2) is to require all employees in an establishment providing linen supply services under Government contract and not just those performing work on such contracts, to be paid not less than the Fair Labor Standards Act section 6(a)(1) rate of wages which, as explained in § 4.159, is the general minimum wage floor for contract work under section 2(b) of the Service Contract Act.

(3) However, where 50 percent or less of an establishment's gross annual dollar volume of sales made or business done is derived from linen supply services under Government contract, the effect of section 6(e)(2) is to modify the general minimum wage requirement of section 2(b)(1) of the Service Contract Act so as to permit the payment to employees engaged in performing such contracts of wages at a rate not less than the rate applicable under section 6(b) of the Fair Labor Standards Act, in lieu of the rate applicable under section 6(a)(1) of such Act. (For the minimum rates provided under section 6(b), see par. (b) of this section.) If higher minimum wage rates or fringe benefits are determined and

specified in the contract under the provisions of section 2(a) of the Service Contract Act for such contract workers, the contractor or subcontractor must provide such compensation to the employees to whom such wage rates or fringe benefits apply, notwithstanding the provisions of section 6(c)(2) of the Fair Labor Standards Act. Section 6(c)(2) of such Act provides an alternative rate only in lieu of the minimum wage floor prescribed in section 2(b)(1) of the Service Contract Act, and does not supersede the provisions of section 2(a). With respect to employees in any establishment providing linen supply services under Government contract and not deriving more than 50 percent of its gross annual dollar volume from such contract services, section 6(c)(2) does, however, require that a minimum wage not less than that prescribed in section 6(b) of the Fair Labor Standards Act be paid to each employee, whether or not subject to the provisions of the Service Contract Act, who is employed in such establishment and for whom no higher monetary wage rate is prescribed under the provisions of section 2(a)(1) of the Service Contract Act.

(4) Like section 6(c)(1), section 6(c)(2) of the Fair Labor Standards Act limits the exemptions from its provisions under such Act to the executive, administrative, professional, outside sales, and geographic exemptions mentioned in paragraph (b) of this section.

(d) *"Linen supply services" under section 6(c).* (1) As noted in paragraphs (b) and (c) of this section, the provisions of section 6(c)(1) of the Fair Labor Standards Act apply to Government contractors and subcontractors providing contract services "other than linen supply services", whereas the provisions of section 6(c)(2) are applicable only to employers in establishments "providing linen supply services to the United States under a contract with the United States or any subcontract thereunder." Section 6(c)(2) thus does not apply in establishments providing only laundry or cleaning, and not linen supply, services under Government contracts or subcontracts, as in the case of contracts for family laundering, or commercial laundering and dry cleaning. Also the legislative history makes it clear that the exception for linen supply services is to be "construed narrowly so as not to place other laundering and cleaning establishments at a competitive disadvantage in bidding for U.S. contracts." (Daily Congressional Record, Sept. 7, 1966, p. 21032.) The stated intent is to include "standard linen supply services, such as for sheets, pillowcases, tablecloths, and so on." Other items recognized as standard linen supply items are dresses, uniforms, bibs, aprons, and other wearing apparel of the type used by barbers, doctors, waitresses, waiters, nurses, food workers, beauticians, retail sales personnel, etc. It is made plain by the legislative history of the provision, however, that it is not intended to include, in the "linen supply services" to which section 6(c)(2) refers, any contract services which involve supplying the Government with cleaned and laundered items of types not normally provided by linen supply services, such as work uniforms worn by mechanics and production workers in heavy industry, machine shops, garages, service stations, and the like, where the garments are likely to be heavily soiled or greasy by the nature of their use. Other examples of contracts which are not for linen supply services within the meaning of the provision are those for diaper service and those providing services for industrial wiping towels, safety equipment salvage, dust control—including treated dust tool covers and cloths, treated dust mops and treated mats or rugs—and other industrial laundering services.

(2) In order for a contract to qualify as a linen supply contract, the linen supply items furnished to the Government must be furnished on a rental basis by the contractor. If the contractor is not furnishing the linen supply items to the Government on a rental basis, he would not be considered as furnishing linen supply services but merely to be furnishing a laundering service to the Government. As such, he would be subject to the provisions of section 6(c)(1) of the Fair Labor Standards Act rather than section 6(c)(2).

§ 4.161 Minimum monetary wages under contracts exceeding $2,500.

The standards established pursuant to the Act for minimum monetary wages to be paid by contractors and subcontractors under service contracts in excess of $2,500 to service employees engaged in performance of the contract or subcontracts are required to be specified in the contract and in all subcontracts (see § 4.6). Section 2(a)(1) requires that every such contract (and any bid specification therefor) which is subject to the Act shall contain a "provision specifying the minimum monetary wages to be paid the various classes of service employees in the performance of the contract or any subcontract thereunder, as determined by the Secretary or his authorized representative, in accordance with prevailing rates for such employees in the locality, which in no case shall be lower than" the minimum wage specified under section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended. If some or all of the determined wages in a contract fall below the level of the Fair Labor Standards Act minimum by reason of a change in that rate by amendment of the law, these rates become obsolete and the employer is obligated under section 2(b)(1) of the Service Contract Act, to pay the new minimum wage rate established by the amendment as of the date it becomes effective. A change in the Fair Labor Standards Act minimum by operation of law would also have the same effect on advertised specifications or negotiations for covered service contracts, i.e., it would make ineffective and would supplant any lower rate or rates included in such specifications or negotiations whether or not determined. However, unless affected by such a change in the Fair Labor Standards Act minimum wage or by contract changes necessitating the insertion of new wage provisions (see §§ 4.143–4.145), the minimum monetary wage rate specified in the contract for each of the classes of service employees for which wage determinations have been made under section 2(a)(1) will continue to apply throughout the period of contract performance. No change in the obligation of the contractor or subcontractor with respect to minimum monetary wages will result from the mere fact that higher or lower wage rates may be determined to be prevailing for such employees in the locality after the award and before completion of the contract. Such wage determinations are effective for contracts not yet awarded, as provided in § 4.5(b).

§ 4.162 Fringe benefits under contracts exceeding $2,500.

(a) Section 2(a)(2) of the Act requires that every covered contract in excess of $2,500 shall contain "a provision specifying the fringe benefits to be furnished the various classes of service employees, engaged in the performance of the contract or any subcontract thereunder, as determined by the Secretary or his authorized representative to be prevailing for such employees in the locality. Such fringe benefits shall include medical or hospital care, pensions on retirement or death, compensation for injuries or illness resulting from occupational activity, or insurance to provide any of the foregoing, unemployment benefits, life insurance, disability and sickness insurance, accident insurance, vacation and holiday pay, costs of apprenticeship or other similar programs and other bona fide fringe benefits not otherwise required by Federal, State, or local law to be provided by the contractor or subcontractor."

(b) Under this provision, the fringe benefits, if any, which the contractor or subcontractor is required to furnish his service employees engaged in the performance of the contract are specified in the contract documents (see § 4.6). How he may satisfy this obligation is dealt with in §§ 4.170–4.171 and in Subpart B of this part. A change in the fringe benefits required by the contract provision will not result from the mere fact that other or additional fringe benefits are determined to be prevailing for such employees in the locality at a time subsequent to the award but before completion of the contract. Such fringe benefit determinations are effective for contracts not yet awarded (see § 4.5(b)), or in the event that changes in an existing contract requiring their insertion for prospective application have occurred (see §§ 4.143–4.145).

§ 4.163 Locality basis of wage and fringe benefit determinations.

Under section 2(a) of the Act, the Secretary or his authorized representative is given the authority to determine what minimum monetary wages and fringe benefits are prevailing for various classes of service employees "in the locality." The term "locality" has reference to geographic space. However, it has an elastic and variable meaning and, if the statutory purposes are to be achieved, must be viewed in the light of the existing wage structures which are pertinent to the employment by potential contractors of particular classes of service employees on the kinds of service contracts which must be considered, which are extremely varied. It is, accordingly, not possible to devise any precise single formula which would define the exact geographic limits of a "locality" that would be relevant or appropriate for the determination of prevailing wage rates and prevailing fringe benefits in all situations under the Act. The locality within which a wage or fringe benefit determination is applicable is, therefore, defined in each such determination upon the basis of all the facts and circumstances pertaining to that determination. Each such determination applies only to contracts for the locality which it includes.

§ 4.164 Making the determinations and informing contractors.

(a) *Information considered.* The minimum monetary wages and the fringe benefits set forth in determinations of the Secretary are based on information as to wage rates and fringe benefits in effect at the time the determination was made. The Department considers all pertinent information regarding prevailing wage rates and fringe benefits in the locality for the classes of service employees for which determinations are made.

Such information may be derived from area surveys made by the Bureau of Labor Statistics or other Department personnel, from Government contracting officers, and from other available sources including employees and their representatives and employers and their associations. The determinations may be based on the wage rates and fringe benefits contained in union agreements where such have been determined to prevail in a locality for a specified occupational group.

(b) *Provision for consideration of currently prevailing wage rates and fringe benefits.* (1) Determinations will be reviewed periodically and where prevailing wage rates or fringe benefits have changed, such changes will be reflected in new determinations. In a locality where it is determined that the wage rate which prevails for a particular class of service employees is the rate specified in a collective bargaining agreement or agreements applicable in that locality, and such agreement or agreements specify increases in such rates to be effective on specific dates, the prior determinations would be modified to reflect such changes when they become effective, and the revised determinations would apply to contracts entered into after the modification.

(2) The regulations, in § 4.4, provide for the filing with the Administrator by the awarding agency, prior to any invitation for bids or the commencement of negotiations for contracts exceeding $2,500, of a notice of intention to make a service contract which is subject to the Act. Upon receipt of the notice the Administrator may make a determination of minimum monetary wages and fringe benefits for the classes of service employees who will perform on the contract or may revise a determination which is currently in effect.

(c) *Informing contractors of applicable determinations.* Contractors and subcontractors on contracts subject to the Act are apprised of the Secretary's determinations applicable at the time of the award by specification in the contract of the determined wage rates and fringe benefits. (See § 4.6(b)(1).) A determination of prevailing wages or fringe benefits made after the date of the contract award for classes of employees that will be used in performing the contract does not apply to the performance of the previously awarded contract. Prospective contractors are advised, in the invitations for bids or negotiation papers issued by the contracting agency, of the minimum monetary wages and fringe benefits required under the most recent applicable determinations of the Secretary for service employees who will perform the contract work. These requirements are, of course, the same for all bidders and none will be placed at a competitive disadvantage.

Compliance With Compensation Standards

§ 4.165 Wage payments and fringe benefits—in general.

(a) (1) Monetary wages specified under the Act shall be paid to the employees to whom they are due, promptly following the end of the pay period in which they are earned. No deduction, rebate, or refund is permitted, except as hereinafter stated. The same rules apply to cash payments authorized to be paid with the statutory monetary wages as equivalents of determined fringe benefits (see Subpart B of this part).

(2) The Act makes no distinction, with respect to its compensation provisions, between temporary, part-time, and full-time employees, and the wage and fringe benefit determinations apply, in the absence of an express limitation, equally to all such service employees engaged in work subject to the Act's provisions.

(b) The Act does not prescribe the length of the pay period. However, for purposes of administration of the Act, and to conform with practices required under other statutes that may be applicable to the employment, wages and hours worked must be calculated on the basis of a fixed and regularly recurring workweek of seven consecutive 24-hour workday periods, and the records must be kept on this basis. It is appropriate to use this workweek for the pay period. A biweekly, semimonthly, or monthly pay period may, however, be used if agreed upon by the employer and his employees. A pay period longer than 1 month is not recognized as appropriate for service employees and wage payments at greater intervals will not be considered as constituting proper payments in compliance with the Act.

(c) The prevailing rate established by a wage determination under the Act is a minimum rate. A contractor is not precluded from paying wage rates in excess of those determined to be prevailing in the particular locality. Nor does the Act affect or require the changing of any provisions of union contracts specifying higher monetary wages or fringe benefits than those contained in an applicable determination. However, if a determination for a class of service employees contains a wage or fringe benefit provision which is higher than that specified in an existing union agreement, the determination's provision will prevail for any work performed on a contract subject to the determination.

§ 4.166 Wage payments—unit of payment.

The standard by which monetary wage payments are measured under the Act is the wage rate per hour. An hourly wage rate is not, however, the only unit for payment of wages that may be used for employees subject to the Act. Employees may be paid on a daily, weekly, or other time basis, or by piece or task rates, so long as the measure of work and compensation used, when translated or reduced by computation to an hourly basis, will provide a rate per hour that will fulfill the statutory requirement. Whatever system of payment is used, however, must ensure that each hour of work in performance of the contract is compensated at not less than the required minimum rate. Failure to pay for certain hours at the required rate cannot be transformed into compliance with the Act by reallocating portions of payments made for other hours which are in excess of the specified minimum.

§ 4.167 Wage payments—medium of payment.

The wage payment requirements under the Act for monetary wages specified under its provisions will be satisfied by the timely payment, finally and unconditionally or "free and clear", of such wages to the employee either in cash or negotiable instrument payable at par. Scrip, tokens, credit cards, "dope checks", coupons, and similar devices which permit the employer to retain and prevent the employee from acquiring control of money due for the work until some time after the pay day for the period in which it was earned, are not proper mediums of payment under the Act. If, as is permissible, they are used as a convenient device for measuring earnings or allowable deductions during a single pay period, the employee cannot be charged with the loss or destruction of any of them and the employer may not, because the employee has not actually redeemed them, credit himself with any which remain outstanding on the pay day, in determining whether he has met the requirements of the Act. The employer may not include the cost of fringe benefits or equivalents furnished as required under section 2(a)(2) of the Act, as a credit toward the monetary

wages he is required to pay under section 2(a)(1) or 2(b) of the Act (see § 4.51). However, the employer may include, as a part of the applicable minimum wage which he is required to pay under the Act, the reasonable cost or fair value, as determined by the Administrator, of furnishing an employee with "board, lodging, or other facilities" as defined in Part 531 of this title, in situations where such facilities are customarily furnished to employees and the employees' acceptance of them is voluntary and uncoerced. The determination of reasonable cost or fair value will be in accordance with the Administrator's regulations under the Fair Labor Standards Act, contained in such Part 531 of this title. While employment on contracts subject to the Act would not ordinarily involve situations in which service employees would receive tips from third persons, the treatment of tips for wage purposes in the situations where this may occur should be understood. If pursuant to an employment agreement tips received by an employee must be accounted for or turned over to the employer, such sums may after receipt by the employer be used like other funds of the employer in payment of the wages required under the Act. In other words, where there is such an agreement, so that the tips received by an employee are accounted for or turned over by the employee to the employer as the latter's property, they become a source of funds which may be released or returned to the employee in payment of the employer's wage obligations. However, in the absence of an agreement that the tips belong to the employer, they are the employee's property and may not be credited toward the employer's minimum wage obligations under the Act.

§ 4.168 Wage payments—deductions from wages paid.

The wage requirements of the Act will not be met where unauthorized deductions, rebates, or refunds reduce the wage payment made to the employee below the minimum amounts required under the provisions of the Act and the regulations thereunder, or where the employee fails to receive such amounts free and clear because he "kicks back" directly or indirectly to the employer or to another person for the employer's benefit the whole or part of the wage delivered to him. Authorized deductions are limited to those required by law, such as taxes payable by employees required to be withheld by the employer and amounts due employees which the employer is required by court order to pay to another; deductions allowable for the reasonable cost or fair value of board, lodging, and facilities furnished as set forth in § 4.167; and deductions of amounts which are authorized to be paid to third persons for the employee's account and benefit pursuant to his voluntary assignment or order or a collective bargaining agreement with bona fide representatives of employees which is applicable to the employer. Deductions for amounts paid to third persons on the employee's account which are not so authorized or are contrary to law or from which the employer or any affiliate derives any profit or benefit directly or indirectly, may not be made if they cut into the wage required to be paid under the Act. The principles applied in determining the permissibility of deductions for payments made to third persons are explained in more detail in §§ 531.38–531.40 of this title.

§ 4.169 Wage payments—work subject to different rates.

If an employee during a workweek works in different capacities in the performance of the contract and two or more rates of compensation under section 2 of the Act are applicable to the classes of work which he performs, he must be paid the highest of such rates for all hours worked in the workweek unless it appears from the employer's records or other affirmative proof which of such hours were included in the periods spent in each class of work. The rule is the same where such an employee is employed for a portion of the workweek in work not subject to the Act, for which compensation at a lower rate would be proper if the employer by his records or other affirmative proof, segregated the worktime thus spent.

§ 4.170 Furnishing fringe benefits or equivalents.

(a) *General.* Fringe benefits specified under the Act shall be furnished, in addition to the specified monetary wages, by the contractor or subcontractor to employees engaged in performance of the contract, as provided in the determination of the Secretary or his authorized representative and prescribed in the contract documents, or, in the event that this is not possible or practicable, the obligation to furnish such benefits "may be discharged by furnishing any equivalent combinations of fringe benefits or by making equivalent or differential payments in cash under rules and regulations established by the Secretary." (Act, section 2(a)(2).) The governing rules and regulations for furnishing such equivalents are set forth in Subpart B of this part. The various fringe benefits listed in the Act are illustrative of those which may be found to be prevailing for service employees in a particular locality. The benefits which an employer will actually be required to furnish employees performing on a specific contract will be specified in the contract documents. When an employer has not made any provisions for fringe benefits, he cannot offset an amount of monetary wages paid in excess of the wages required under the determination, in order to satisfy his fringe benefit obligations under the Act. Also, the furnishing to the employee of items the cost or value of which is creditable toward the monetary wages specified under the Act, such as board, lodging, and other facilities in the situations described in § 4.167, may not be used to offset any fringe benefits specified in the contract.

(b) *Meeting the requirements, in general.* A contractor may dispose of certain of his fringe benefit obligations, such as pension, retirement, or health insurance benefits, which may be required by an applicable determination, by irrevocably paying the required contributions for fringe benefits to a trustee or third person pursuant to an existing bona fide fund, plan, or program. Where such a plan or fund does not exist, a contractor must discharge his obligation relating to fringe benefits by furnishing either an equivalent combination of bona fide fringe benefits or by making equivalent payments in cash to the employee, as authorized by the regulations in Subpart B of this part. When a contractor or subcontractor substitutes fringe benefits not specified in the contract for fringe benefits which are so specified, the substituted fringe benefits, like those for which the contract provisions are prescribed, must be "bona fide fringe benefits." No benefit required by Federal, State, or local law is a "bona fide" fringe benefit for purposes of the Act. No contribution toward fringe benefits made by the employees themselves, or fringe benefits provided from monies withheld from the employees' wages, or benefits statutorily required of the contractor or subcontractor (such as unemployment compensation, workmen's compensation, or social security) may be included in satisfying any fringe benefit requirement under the Act. Also, the furnishing of facilities which are primarily for the benefit or convenience of the employer or the cost of which is properly a business expense of the employer is not the furnishing of a "bona fide fringe benefit." This would be true of such items, for example, as tools and other materials and services incidental to the employer's performance of the contract and the carrying on of his business, and the cost of uniforms and of their laundering where the nature of the work he has contracted to perform requires the employee to wear a uniform.

§ 4.171 Meeting requirements for particular fringe benefits.

(a) *Determinations specifying amount of fringe benefit.* Where a fringe benefit determination specifies the amount of the employer's contribution to provide the benefit, the amount specified is the actual amount that must be provided by the employer for the employee. Thus, if prevailing fringe benefits for insurance or retirement are determined in a stated amount, and the employer provides such benefits through contributions in a lesser amount, he will be required to furnish the employee with the difference between the amount stated in the determination and the actual cost of the benefits which he provides. Unless otherwise specified in the particular wage determination, every employee performing on a covered contract must be furnished the fringe benefits required by that determination for all hours spent working on that contract. Where a fringe benefit determination has been made requiring employer contributions for a specified fringe benefit in a stated amount per hour, a contractor employing his regular employees part of the time on contract work and part of the time on other work may credit against the hourly amount required for the hours spent on the contract work the proportionate part of a weekly, monthly, or other amount contributed by him for such fringe benefits or equivalent benefits for such employees. If, for example, the determination requires health and welfare benefits in the amount of 10 cents an hour and the employer provides hospitalization insurance for such employees at a cost of $3.50 a week, the employer may credit 8.75 cents an hour toward his fringe benefit obligation to an employee who, in a particular workweek, works 35 hours on the contract work and 5 hours on other work. He cannot, however, allocate the entire $3.50 to the 35 hours spent on contract work and take credit for 10 cents per hour in that manner.

(b) *Determinations not specifying monetary amount of fringe benefit.* (1) Where a fringe benefit determination provides for a stated number of paid holidays per year, and the contractor does not give the applicable time off for holidays occurring during the period of contract performance to temporary or casual employees, he would be required to pay such employees an equivalent amount in cash or in the form of other fringe benefits proportionate to their period of employment. The amount of such additional payment could be reduced to an hourly basis through the application of an equitable formula, as provided in § 4.53(e).

(2) Some questions have been raised about the application of provisions appearing in some fringe benefit determinations which call for "1 week paid vacation after 1 year of service with a contractor or successor." To determine when an employee meets the "after 1 year of service" test, an employer must take two factors into consideration: (i) the total length of time an employee has been in the employer's service, including both the time he has been performing on regular commercial work and the time he has been performing on the Government contract itself, and (ii) the total length of time an employee has been employed either by the present contractor or predecessor contractors in the performance of similar work on the same base. If an employee has a year of service under either the first or second consideration, he is eligible for 1 week's vacation with pay. For example, if a contractor has an employee who has worked for him for 2 years on regular commercial work and only for 6 months on a Government service contract, that employee would be eligible for the vacation since his total service with the employer adds up to more than 1 year. Similarly, if a contractor has an employee who worked for 2 years under a janitorial service contract on a particular base for two different predecessor contractors, and only 8 months with the present employer, that employee would also be considered as meeting the "after 1 year of service" test and would thus be eligible for the specified vacation. Work performed before, as well as after, a pertinent wage determination is issued must be counted in determining an employee's length of service.

(3) Where, however, a fringe benefit determination requires 1 week's paid vacation per year after 1 year's service with an employer, no employee, temporary or permanent, with less than 1 year's service with the contractor, whether or not he was working on the contract, would qualify for this benefit.

§ 4.172 Computation of hours worked.

Since employees subject to the Act are entitled to the minimum compensation specified under its provisions for each hour worked in performance of a covered contract, a computation of their hours worked in each workweek when such work under the contract is performed is essential. Determinations of hours worked will be made in accordance with the principles applied under the Fair Labor Standards Act as set forth in Part 785 of this title. In general, the hours worked by an employee include all periods in which he is suffered or permitted to work whether or not he is required to do so, and all time during which he is required to be on duty or to be on the employer's premises or to be at a prescribed workplace. The hours worked which are subject to the compensation provisions of the Act are those in which the employee is engaged in performing work on contracts subject to the Act; however, unless such hours are adequately segregated, as indicated in § 4.173, compensation in accordance with the Act will be required for all his hours of work in any workweek in which he performs any work in connection with the contract, because it will be presumed in the absence of affirmative proof to the contrary that such work continued throughout the workweek.

§ 4.173 Identification of contract work.

Contractors and subcontractors under contracts subject to the Act are required to comply with its compensation requirements throughout the period of performance on the contract and to do so with respect to all employees who in any workweek are engaged in performing work on such contracts. If such a contractor during any workweek is not exclusively engaged in performing such contracts, or if while so engaged he has employees who spend a portion but not all of their worktime in the workweek in performing work on such contracts, it is necessary for him to identify accurately in his records, or by other means, those periods in each such workweek when he and each such employee performed work on such contracts. In cases where contractors are not exclusively engaged in Government contract work, and there are adequate records segregating the periods in which work was performed on contracts subject to the Act from periods in which other work was performed, the compensation specified under the Act need not be paid for hours spent on non-contract work. However, in the absence of records adequately segregating non-covered work from the work performed on or in connection with the contract, all employees working in the establishment or department where such covered work is performed shall be presumed to have worked on or in connection with the contract during the period of its performance, unless affirmative proof establishing the contrary is presented. Similarly, in the absence of such records, an employee performing any work on or in connection with the contract in a workweek shall be presumed to have continued to perform such work throughout the workweek, unless affirmative proof establishing the contrary is presented.

Overtime Pay of Covered Employees

§ 4.180 Overtime pay—in general.

The Act does not provide for compensation of covered employees at premium rates for overtime hours of work. Section 6 recognizes however, that other Federal laws may require such compensation to be paid to employees working on or in connection with contracts subject to the Act (see § 4.181) and prescribes, for purposes of such laws, the manner in which fringe benefits furnished pursuant to the Act shall be treated in computing such overtime compensation, as follows: "In determining any overtime pay to which such service employees are entitled under any Federal law, the regular or basic hourly rate of such an employee shall not include any fringe benefit payments computed hereunder which are excluded from the regular rate under the Fair Labor Standards Act by provisions of section 7(e) thereof." Fringe benefit payments which qualify for such exclusion are described in Part 778, Subpart C of this title. The interpretations there set forth will be applied in determining the overtime pay to which covered service employees are entitled under other Federal statutes. The effect of section 6 of the Act in situations where equivalent fringe benefits or cash payments are provided in lieu of the specified fringe benefits (see § 4.170) is stated in § 4.55 of Subpart B of this part, and illustrated in § 4.182.

§ 4.181 Overtime pay provisions of other Acts.

(a) *Fair Labor Standards Act.* Although provision has not been made for insertion in Government contracts of stipulations requiring compliance with the Fair Labor Standards Act, contractors and subcontractors performing contracts subject to the McNamara-O'Hara Service Contract Act may be required to compensate their employees working on or in connection with such contracts for overtime work pursuant to the overtime pay standards of the Fair Labor Standards Act, This is true with respect to employees engaged in interstate or foreign commerce or in the production of goods for such commerce (including occupations and processes closely related and directly essential to such production) and employees employed in enterprises which are so engaged, subject to the definitions and exceptions provided in such Act. Such employees, except as otherwise specifically provided in such Act, must receive overtime com-

penseation at a rate of not less than 1½ times their regular rate of pay for all hours worked in excess of the applicable standard in a workweek. See Part 778 of this title. However, the Fair Labor Standards Act provides no overtime pay requirements for employees, not within such interstate commerce coverage of the Act, who are subject to its minimum wage provisions only by virtue of the provisions of section 6(e), as explained in § 4.160.

(b) *Contract Work Hours Standards Act.* (1) The Contract Work Hours Standards Act (40 U.S.C. 327–332) applies generally to Government contracts, including service contracts in excess of $2,500, which may require or involve the employment of laborers and mechanics. Guards, watchmen, and many other classes of service employees are laborers or mechanics within the meaning of such Act. However, employees rendering only professional services, seamen, and as a general rule those whose work is only clerical or supervisory or nonmanual in nature, are not deemed laborers or mechanics for purposes of the Act. The wages of every laborer or mechanic for his performance of work on such contracts must include compensation at a rate not less than 1½ times his basic rate of pay for all hours worked in any workweek in excess of 40 or in excess of eight on any calendar days therein, whichever is the greater number of overtime hours. Exemptions are provided for transportation and communications contracts, contracts for the purchase of supplies ordinarily available in the open market, and work required to be done in accordance with the provisions of the Walsh-Healey Act.

(2) Regulations concerning this Act are contained in Part 5, and § 5.14(c) of this subtitle permits overtime pay to be computed in the same manner as under the Fair Labor Standards Act, subject of course to the differences in computations required by reason of the daily overtime provision of the Contract Work Hours Standards Act, which has no counterpart in the Fair Labor Standards Act.

(3) Although the application of the Contract Work Hours Standards Act does not depend on inclusion of its requirements in provisions physically made part of the contract, the regulations of the Secretary require such provisions to be set forth in contract clauses. (See § 5.5(c) of this subtitle.)

(c) *Walsh-Healey Public Contracts Act.* As pointed out in § 4.122, while some Government contracts may be subject both to the McNamara–O'Hara Service Contract Act and to the Walsh-Healey Public Contracts Act, the employees performing work on the contract which is subject to the latter Act are, when so engaged, exempt from the provisions of the former. They are, however, subject to the overtime provisions of the Walsh-Healey Act if, in any workweek, any of the work performed for the employer is subject to such Act and if, in such workweek, the total hours worked by the employee for the employer (whether wholly or only partly on such work) exceed 40 hours in the workweek or 8 hours in any day therein. In any such workweek the Walsh-Healey Act requires payment of overtime compensation at a rate not less than 1½ times the employee's basic rate for such weekly or daily overtime hours, whichever are greater in number. The overtime pay provisions of the Walsh-Healey Act are discussed in greater detail in the Rulings and Interpretations issued under such Act, copies of which are available from any office of the Wage and Hour and Public Contracts Divisions, U.S. Department of Labor.

§ 4.182 Overtime pay of service employees entitled to fringe benefits.

Reference is made in § 4.180 to the rules prescribed by section 6 of the Act and Subpart B of this part which permit exclusion of certain fringe benefits and equivalents provided pursuant to section 2(a)(2) of the Act from the regular or basic rate of pay when computing overtime compensation of a service employee under the provisions of any other Federal law. As provided in § 4.55 of Subpart B, not only those fringe benefits excludable under section 6 as benefits determined and specified under section 2(a)(2), but also equivalent fringe benefits and cash payments authorized under Subpart B to be furnished in lieu of the specified benefits may be excluded from the regular or basic rate of such an employee. The application of this rule may be illustrated by the following examples:

(a) The A company pays a service employee $3.80 an hour in cash under a wage determination which requires a monetary rate of not less than $3 and a fringe benefit contribution of 50 cents which would qualify for exclusion from the regular rate under section 7(e) of the Fair Labor Standards Act. The contractor pays the 50 cents in cash because he made no contributions for fringe benefits specified in the determination and the contract. Overtime compensation in this case would be computed on a regular or basic rate of $3 an hour.

(b) The B Company has for some time been paying $3.25 an hour to a service employee as his basic cash wage plus 20 cents an hour as a contribution to a welfare and pension plan, which contribution qualifies for exclusion from the regular rate under the Fair Labor Standards Act. For performance of work under a contract subject to the Act a monetary rate of $3 and a fringe benefit contribution of 50 cents (also qualifying for such exclusion) are specified because found to be prevailing for such employees in the locality. The contractor may credit his 20-cent welfare and pension contribution toward the discharge of his fringe benefit obligation under the contract and make an additional contribution of 25 cents for the specified or equivalent fringe benefits or pay the employee an additional 25 cents in cash, as authorized in Subpart B of this part. These contributions or equivalent payments may be excluded from the employee's regular rate, which remains $3.25, the rate agreed upon as the basic cash wage.

(c) The C company has been paying $3 an hour as its basic cash wage on which the firm has been computing overtime compensation. For performance of work on a contract subject to the Act the same rate of monetary wages and a fringe benefit contribution of 50 cents an hour (qualifying for exclusion from the regular rate under the Fair Labor Standards Act) are specified in accordance with a determination that these are the monetary wages and fringe benefits prevailing for such employees in the locality. The contractor is required to continue to pay at least $3 an hour in monetary wages and at least this amount must be included in the employee's regular or basic rate for overtime purposes under applicable Federal law. His fringe benefit obligation under the contract would be discharged if 50 cents of the contributions for fringe benefits were for the fringe benefits specified in the contract or equivalent benefits as defined in Subpart B of this part. He may exclude such fringe benefit contributions from the regular or basic rate of pay of the service employee in computing overtime pay due. Exclusion of the remainder of the fringe benefit contributions from the regular rate under the Fair Labor Standards Act would depend on whether they are contributions excludable under section 7(e) of that Act.

Notice to Employees

§ 4.183 Employees must be notified of compensation required.

The Act, in section 2(a)(4), and the regulations thereunder in § 4.6(b)(4), require all contracts subject to the Act which are in excess of $2,500 to contain a clause requiring the contractor or subcontractor to notify each employee commencing work on a contract to which the Act applies of the compensation required to be paid such employee under section 2(a)(1) and the fringe benefits required to be furnished under section 2(a)(2). A notice form provided by the Wage and Public Contracts Divisions is to be used for this purpose. It may be delivered to the employee or posted as stated in § 4.184.

§ 4.184 Posting of notice.

Posting of the notice provided by the Wage and Hour and Public Contracts Divisions shall be in a prominent and accessible place at the worksite, as required by § 4.6(b)(4). The display of the notice in a place where it may be seen by employees performing on the contract will satisfy the requirement that it be in a "prominent and accessible place". Should display be necessary at more than one site, in order to assure that it is seen by such employees, additional copies of the poster may be obtained without cost from the Divisions. The contractor or subcontractor is required to attach to the poster a listing of all minimum monetary wages and fringe benefits, as specified in the contract, to be paid or furnished to the classes of service employees performing on the contract.

Records

§ 4.185 Recordkeeping requirements.

The records which a contractor or subcontractor is required to keep concerning employment of employees in the performance of contracts subject to the Act are specified in § 4.6(b)(6) of Subpart A of this part. They are required to be maintained for 3 years from the completion of the work, and must be made available for inspection and transcription by authorized representatives of the Administrator. Such records must be kept for each service employee performing work under the contract, for each

workweek during the performance of the contract. If the required records are not separately kept for the service employees performing on the contract, it will be presumed, in the absence of affirmative proof to the contrary, that all service employees in the department or establishment where the contract was performed were engaged in covered work during the period of performance. (See § 4.173.)

Safety and Health Provisions

§ 4.186 Contract requirements for safety and health of workers.

The Act, in section 2(a)(3), requires every service contract in excess of $2,500 subject to its provisions to contain a stipulation that "no part of the services covered by this Act will be performed in buildings or surroundings or under working conditions provided by or under the control or supervision of the contractor or any subcontractor which are unsanitary or hazardous or dangerous to the health or safety of a service employee engaged to furnish the services". Regulations under this provision are set forth in Part 1516 of this title.

Enforcement

§ 4.187 Recovery of underpayments.

(a) The Act, in section 3(a) provides that any violation of any of the contract stipulations required by section 2(a)(1) or (2) or of section 2(b) of this Act shall render the party responsible therefor liable for a sum equal to the amount of any deductions, rebates, refunds, or underpayments of compensation due to any employee engaged in the performance of such contract. So much of the accrued payment due on the contract or any other contract between the same contractor and the Federal Government may be withheld as is necessary to pay such employees. Such withheld sums shall be held in a deposit fund. On order of the Secretary, any compensation which the head of the Federal agency or the Secretary has found to be due pursuant to this Act shall be paid directly to the underpaid employees from any accrued payments withheld under this Act.

(b) The Act, in section 5(b), provides that, if the accrued payments withheld under the terms of the contract are insufficient to reimburse all service employees with respect to whom there has been a failure to pay the compensation required pursuant to this Act, the United States may bring action against the contractor, subcontractor, or any sureties in any court of competent jurisdiction to recover the remaining amount of underpayments. Any sums thus recovered by the United States shall be held in the deposit fund and shall be paid, on the order of the Secretary, directly to the underpaid employee or employees. Any sum not paid to an employee because of inability to do so within 3 years shall be covered into the Treasury of the United States as miscellaneous receipts.

§ 4.188 Ineligibility for further contracts when violations occur.

Section 5 of the Act directs the Comptroller General to distribute a list to all agencies of the Government giving the names of persons or firms that the Federal agencies or the Secretary have found violated this Act. Unless the Secretary otherwise recommends, no contract of the United States shall be awarded to the persons or firms appearing on this list or to any firm, corporation, partnership, or association in which such persons or firms have a substantial interest until 3 years have elapsed from the date of publication of the list containing the name of such persons or firms. This prohibition against the award of a contract to an ineligible contractor applies to him in the capacity of either a prime contractor or a subcontractor.

§ 4.189 Administrative proceedings relating to enforcement of labor standards.

The Secretary is authorized, pursuant to the provisions of section 4(a) of the Act, to hold hearings and make such decisions based upon findings of fact as are deemed to be necessary to enforce the provisions of the Act. The Secretary's findings of fact after notice and hearing are declared to be conclusive upon all agencies of the United States and, if supported by a preponderance of the evidence, conclusive in any court of the United States. Rules of practice for administrative proceedings under this authority are set forth in Part 6 of this subtitle.

§ 4.190 Contract cancellation.

As provided in section 3 of the Act, when a violation is found of any contract stipulation, the contract is subject upon written notice to cancellation by the contracting agency. Whereupon, the United States may enter into other contracts or arrangements for the completion of the original contract, charging any additional cost to the original contractor.

§ 4.191 Complaints and compliance assistance.

(a) Any employer, employee, labor or trade organization, or other interested person or organization may report to any office of the Wage and Hour and Public Contracts Divisions (or to any office of the Bureau of Labor Standards, in instances involving the safety and health provisions), a violation, or apparent violation of the act, or of any of the rules or regulations prescribed thereunder. Such offices are also available to assist or provide information to contractors or subcontractors desiring to ensure that their practices are in compliance with the Act. Information furnished is treated confidentially.

(b) A report of breach or violation relating solely to safety and health requirements may be in writing and addressed to the Regional Director of a Bureau of Labor Standards' Regional Office, U.S. Department of Labor or to the Director of the Bureau of Labor Standards, U.S. Department of Labor, Washington, D.C. 20210.

(c) Any other report of breach or violation may be in writing and addressed to the Regional Director of a Wage and Hour and Public Contracts Divisions' Regional Office, U.S. Department of Labor, or to the Administrator of the Wage and Hour and Public Contracts Divisions, U.S. Department of Labor, 14th Street and Constitution Avenue NW., Washington, D.C. 20210.

(d) In the event that a Regional Director of the Wage and Hour and Public Contracts Divisions is notified of a breach or violation which also involves safety and health standards, such Director shall notify the appropriate Regional Director of the Bureau of Labor Standards who shall with respect to the safety and health violation take action commensurate with his responsibilities pertaining to safety and health standards.

(e) The report should contain the following:

(1) The full name and address of the person or organization reporting the breach or violations.

(2) The full name and address of the person against whom the report is made.

(3) A clear and concise statement of the facts constituting the alleged breach or violation of any of the provisions of the McNamara-O'Hara Service Contract Act, or of any of the rules or regulations prescribed thereunder.

Signed at Washington, D.C., this 5th day of July 1967.

CLARENCE T. LUNDQUIST,
Administrator, Wage and Hour and Public Contracts Divisions, U.S. Department of Labor.

[F.R. Doc. 67-7900; Filed, July 7, 1967; 8:49 a.m.]

FEDERAL REGISTER

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Pages 10149–10243

THE UNIVERSITY OF MICHIGAN
JUL 14 1967

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Civil Service Commission
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Consumer and Marketing Service
Customs Bureau
Defense Department
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SUSPENDING A PROVISION OF SECTION 5751(b) OF TITLE 10, UNITED STATES CODE, WHICH RELATES TO OFFICERS OF THE MARINE CORPS IN THE GRADE OF FIRST LIEUTENANT

By virtue of the authority vested in me by Section 5785(b) of Title 10 of the United States Code, I hereby suspend the provision of Section 5751(b) of Title 10 of the United States Code which relates to the service-in-grade requirement for officers of the Marine Corps in the grade of first lieutenant for eligibility for consideration by a selection board for promotion to the next higher grade.

Lyndon B. Johnson

THE WHITE HOUSE,
July 6, 1967.

[F.R. Doc. 67-8063; Filed, July 10, 1967; 11:48 a.m.]

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Title 7—AGRICULTURE

Chapter VI—Soil Conservation Service, Department of Agriculture

PART 601—GREAT PLAINS CONSERVATION PROGRAM

Subpart—General Program Provisions

The regulations governing the Great Plains Conservation Program, 22 F.R. 6851, as amended, are hereby further amended as provided herein.

Sections 601.1 *Definitions* is amended by:

Deleting paragraphs (aa) and (bb) in their entirety and by substituting in lieu thereof the following:

§ 601.1 **Definitions.**

• • • • •

(aa) "Cost" means (1) the amount actually paid or engaged to be paid by the producer for equipment use, materials, and services for carrying out an identifiable unit, or (2) if the producer uses his own forces in carrying out an identifiable unit, the constructed value of his own labor, his own equipment use and the materials he produced and used. Constructed values shall be developed in accordance with guidelines established by the Administrator, SCS.

(bb) "Average cost" means the average of the current cost estimates considered necessary to carry out an identifiable unit.

(cc) "Specified maximum cost" means the maximum amount, with respect to an identifiable unit to which cost sharing will apply.

(dd) "Program year" means the period beginning July 1, and ending on December 31, of the succeeding year.

Section 601.8 *Contracts* is amended by changing paragraph (a) and by adding at the end thereof two paragraphs (d) and (e) to read as follows:

§ 601.8 **Contracts.**

"(a) (1) In order for a producer to participate in the program, a contract must be entered into by him for the contract period by which he shall agree to accomplish his plan of operations. Where any person has control of the operating unit for the proposed contract period, he must sign the contract. Evidence satisfactory to the contracting officer of the control of the operating unit by the producer must be presented.

(2) The contract shall be for a period that is needed to carry out and establish the conservation practices in the plan of operations for which Federal cost-share commitments are made under the program. Contracts may be entered into during the period ending not later than December 31, 1971. The period of any contract shall not exceed 10 years (120 months) and the period of the initial contract shall not be less than 36 months.

(3) The contracting officer having determined that the plan of operations is adequate for a contract may execute the contract with the producer subject to certification in the Soil Conservation Service State Office that funds are available. It is the responsibility of the producer who signs a contract to keep the contracting officer currently informed of his mailing address.

(4) If, during the contract period, all or part of the right and interest of any producer signatory to the contract in an operating unit is transferred by sale or otherwise, his successor, as transferee, during the contract period may upon his request be substituted under the contract for that transferred by executing a form prescribed by the Administrator, SCS for such purposes. Also see § 601.20.

• • • • •

(d) The contracting officer may find, in accordance with standards determined by the Administrator, SCS, that an identifiable unit has been carried out in accordance with applicable program provisions but, due to conditions beyond the control of the producer signatory to the contract, has failed to achieve the desired results. In such cases the contracting officer may agree to modify the contract to authorize cost-share payments for again carrying out the identifiable unit: *Provided*, That the remaining period of the contract is of such length of time as to allow the carrying out and establishment of the identifiable unit. The producer may not be required to again carry out an identifiable unit that has failed due to conditions beyond his control.

(e) The contracting officer may find, in accordance with standards determined by the Administrator, SCS, that an identifiable unit has been carried out in accordance with applicable program provisions and has achieved the desired results but, due to conditions beyond the control of the producer signatory to the contract, subsequently deteriorated during the contract period to the point of need of repeat applications. In such cases the contracting officer may agree to modify the contract to authorize cost-share payments for again carrying out the identifiable unit: *Provided*, That the remaining period of the contract is of such length of time as to allow the carrying out and establishment of the identifiable unit. The producer may not be required to again carry out an identifiable unit that has deteriorated due to circumstances beyond his control.

Section 601.11 *Eligible conservation practices* is amended by revising paragraph (a)(25), by deleting paragraph (a)(26) in its entirety, by revising paragraphs (b) and (c) and by adding paragraphs (d), (e), (f), and (g) to read as follows:

§ 601.11 **Eligible conservation practices.**

(a) • • •

(25) Consistent with the principles set forth in this program, any conservation practice not included in subparagraphs (1) through (24) of this paragraph but which is needed to meet particular conservation problems in a designated county shall, with the recommendation of the Administrator, SCS, and the Administrator, ASCS, be submitted by the Administrator, ASCS, to the Secretary for approval. Such approval may be given only upon the recommendation of the State Conservationist and the Chairman of the State ASC Committee and the designated SCS technician and the Chairman of the County ASC Committee, and upon their finding (i) that the conservation problem exists on a substantial number of operating units in the designated county, (ii) that the conservation practices listed in this program will not provide adequate treatment of the problem, (iii) that the proposed conservation practice will adequately meet the problem, (iv) that the proposed conservation practice would not be performed to the extent needed without Federal cost sharing, (v) that the proposed conservation practice will provide the most enduring solution to the problem practicably attainable under existing circumstances, (vi) that the proposed conservation practice is one on which the offering of financial assistance is fully justified as being appropriate and in the public interest, and (vii) that the proposed conservation practice meets the standards and requirements of comparable conservation practices in this program. Costs will not be shared under this conservation practice for elements of performance for which cost sharing is specifically precluded by the wording of a similar conservation practice or elsewhere in this program.

(26) [Deleted]

(b) (1) A list of eligible conservation practices selected from the Great Plains Conservation Program Practice List, § 601.11a (1) through (24) of the regulations of this part, and a cost-share rate for each practice included in the list shall be developed for each Great Plains State. This list with cost-share rates shall be developed by the State Conservationist and the Chairman of the State ASC Committee, after consultation with the State Program Committee; and shall be submitted by the State Conservationist to the Administrator, SCS, for review and recommendation of both the Administrator, SCS, and the Administrator, ASCS, prior to transmittal by the Administrator, SCS, and the Administrator for approval.

(2) The maximum cost-share rate for carrying out a practice or an identifiable unit may not exceed 80 percent.

(3) Any change in the state list developed and approved in accordance with this subsection must be approved by the Secretary. Recommendations for changes shall be signed by the State Conservationist and the Chairman of the State ASC Committee and submitted by the State Conservationist to the Administrator, SCS, for review and recommendation by both the Administrator, SCS, and the Administrator, ASCS, prior to the transmittal by the Administrator, ASCS, to the Secretary for approval.

(c) A list of practices selected from the State list (see paragraph (b) of this section) shall be developed for each designated county. This list shall include the cost-share rate for each practice and identifiable unit included in the list. The cost-share rate in this list may not exceed, but may be lower than, the cost-share rate in the State list (see paragraph (b) of this section). This list shall also include an average cost or a specified maximum cost developed in accordance with paragraph (e) of this section for each practice or identifiable unit included in the list. This list when developed, and when approved by the designated SCS technician and the Chairman of the County ASC Committee after consultation with the County Program Committee, must be approved by the State Conservationist and the Chairman of the State ASC Committee.

(d) Average costs and specified maximum costs shall be determined annually from cost data collected on a continuing basis as prescribed by the Administrator, SCS.

(e) Average costs, specified maximum costs, and cost-share rates that will apply to each designated county for a 12-month period shall be approved by the designated SCS technician, County ASC Chairman, State Conservationist, and the Chairman of the State ASC Committee, not later than March 1, each year.

(f) Changes in average costs, specified maximum costs, and cost-share rates approved in accordance with paragraph (e) of this section may be approved at any time by the designated SCS technician, County ASC Chairman, State Conservationist, and the Chairman of the State ASC Committee.

(g) Approvals required in paragraph (b), (c), (e), and (f) of this section shall be in a format prescribed by the Administrator, SCS.

Section 601.12 *Cost-share payments* is amended by revising paragraph (a) and by deleting paragraphs (c) and (d) in their entirety to read as follows:

§ 601.12 Cost-share payments.

(a) Cost-share payments shall be made at cost-share rates specified in the contract, at the average cost, or the actual cost not to exceed the average cost, or the actual cost not to exceed the specified maximum cost as set forth in the contract. *Provided*, That, if the average cost or the specified maximum cost applicable at the time of initial action to carry out the identifiable unit is less than the average cost or specified maximum cost set forth in the contract, payment shall be made on the basis of such lower average cost or lower specified maximum cost: *Provided further*, That whenever the approved average cost or specified maximum cost, in effect at the time any identifiable unit covered by a contract is scheduled to be carried out, is in excess of the average cost or specified maximum cost set out in the contract, such contract may be modified by the contracting officer prior to initial action to carry out such identifiable unit to reflect such increased average cost or specified maximum cost.

* * * * *

(c) [Deleted]
(d) [Deleted]

(Sec. 4, 49 Stat. 164, as amended, 16 U.S.C. 590d)

Done at Washington, D.C., this 6th day of July 1967.

[SEAL] JOHN A. BAKER,
Assistant Secretary.

[F.R. Doc. 67-7961; Filed, July 10, 1967; 8:50 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Avocado Order 9, Amdt. 2]

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 915, as amended (7 CFR Part 915), regulating the handling of avocados grown in south Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter set forth. A reasonable determination as to the quality and the time of maturity of avocados must await the development of the crop; a determination as to the maturity of the varieties of avocados covered by this amendment was made at the meeting of the Avocado Administrative Committee on June 14, 1967. Supplementary information with respect to such maturity was submitted to the Department on July 3, 1967. After consideration of all available information relative to the growing conditions prevailing during the current season, recommendations and supporting information for such maturity regulations were submitted to the Department; such meeting was held to consider recommendation for such regulation after giving due notice thereof, and interested parties were afforded opportunity to submit their views at this meeting; the provisions hereof are identical with the aforesaid recommendations of the committee and information concerning such provisions has been disseminated among the handlers of avocados; and compliance with the provisions hereof will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

Order. The provisions of subparagraph (a)(2) of § 915.309 (32 F.R. 7213, 8761) are hereby amended by revising in Table I certain dates and minimum weights and diameters applicable to the Pollock and Simmonds varieties of avocados, so that after such revision the portion of such Table I relating to such varieties reads as follows:

Variety	Date	Minimum weight or diameter	Date	Minimum weight or diameter	Date	Minimum weight or diameter	Date
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Pollock	7-10-67	15 oz. 3¹⁵/₁₆ in.	7-31-67				
Simmonds	7-10-67	15 oz. 3¹⁵/₁₆ in.	7-31-67				

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated July 7, 1967, to become effective July 10, 1967.

F. L. SOUTHERLAND,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-7978; Filed, July 7, 1967; 11:40 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER A—ARMED SERVICES PROCUREMENT REGULATIONS

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

The following amendments to this subchapter are issued by direction of the Assistant Secretary of Defense (Installations and Logistics) pursuant to authority contained in Department of Defense Directive No. 4105.30, dated March 11, 1959 (24 F.R. 2289) as amended, and 10 U.S.C. 2202.

PART 1—GENERAL PROVISIONS

1. New §§ 1.201–30, 1.201–50, and 1.305–5 are added, and §§ 1.308, 1.311, 1.313, and 1.315 are revised, as follows:

§ 1.201–30 Automatic data processing equipment (ADPE).

Automatic data processing equipment (ADPE) means:

(a) Digital and Analog Computer components and systems, irrespective of type of use, size, capacity, or price (FSC 7440);

(b) All peripheral, auxiliary, and accessorial equipment used in support of Digital and/or Analog Computers, either cable connected, or "self standing" and whether selected or acquired with the computers or separately (FSC 7410 or 7440);

(c) Punched Card Machines (PCM) and systems used in conjunction with or independently of Digital or Analog Computers (FSC 7410); and

(d) Digital and Analog Terminal and Conversion equipment that is acquired solely or primarily for use with a system which employs a Computer or Punched Card Machines (FSC 7410 or 7440).

§ 1.201–50 Paying office.

"Paying office" means the office which makes payments under the contract.

§ 1.305–5 Research, exploratory development and advanced development.

Solicitations shall generally indicate either a desired term of performance or a completion date. In cases where development of a tangible item by a given date is urgent, solicitations shall indicate such urgency. Generally, solicitations to conduct research and exploratory development work will specify a level of effort for a term of performance. However, solicitations calling for a specific item in the category of such exploratory or advanced development will specify a completion date. A contractor may propose an alternate term of performance or completion date without disqualification of his proposal.

§ 1.308 Documentation of procurement actions; maintenance and disposition of contract files.

(a) Each office performing purchasing, contract administration, or contract paying functions shall maintain official records of all actions with respect to solicitations and contracts in accordance with the provisions of this section, except that the application of these provisions to small purchases and other simplified procurements covered by subpart F Part 1 of this chapter, is optional. The head of each such office shall be responsible for the establishment, supervision, completeness, and review of this documentation, and for its final disposition, in accordance with Supplement 2 entitled "Contract File Maintenance, Closeout, and Disposition."

(b) The combination of official contract files listed in 32–201 shall contain documentation of all actions taken with respect to the contract, including final disposition, sufficient to constitute a full history of the transaction and permit ready reconstruction of all stages of the transaction, for the purpose of (1) providing a complete background to assist informed decisions at each step in the procurement, (2) supporting actions taken by personnel in the procurement cycle; (3) providing information for reviews and investigations conducted by the Department concerned, the Department of Defense, the General Accounting Office, or others, and (4) furnishing essential facts in the event of litigation or Congressional inquiries.

§ 1.311 "Buying in".

"Buying in" refers to the practice of attempting to obtain a contract award by knowingly offering a price or cost estimate less than anticipated costs with the expectation of either (a) increasing the contract price or estimated cost during the period of performance through change orders or other means, or (b) receiving future "follow-on" contracts at prices high enough to recover any losses on the original "buy-in" contract. Such a practice is not favored by the Department of Defense since its long-term effects may diminish competition and it may result in poor contract performance. Where there is reason to believe that "buying in" has occurred, contracting officers shall ensure that amounts thereby excluded in the development of the original contract price are not recovered in the pricing of change orders or of follow-on procurements subject to cost analysis.

§ 1.313 Procurement of parts.

(a) Any part, subassembly or component (hereinafter called "part") for military equipment, to be used for replenishment of stock, repair, or replacement, must be procured so as to assure the requisite safe, dependable, and effective operation of the equipment. (Items procured as spare parts are governed by the "DOD High Dollar Spare Parts Breakout Program" described in DOD Joint Regulation AR 715–22, NAVMATINST P4200.33, AFR 57–6, MCO P4200.13, DSAM 4105.2.) Where it is feasible to do so without impairing this assurance, parts should be procured on a competitive basis, as in the kind of cases described in paragraph (b) of this section. However, where this assurance can be had only if the parts are procured from the original manufacturer of the equipment or his supplier, the procurement should be restricted accordingly, as in the kind of cases described in paragraph (c) of this section.

(b) Parts that are fully identified and can be obtained from a number of known sources, and parts for which fully adequate manufacturing drawings and any other needed data are available (or can be made available in keeping with the policies in Subpart B, Part 9 of this chapter) are to be procured on a competitive basis. In general, such parts are of a standard design configuration. They include individual items that are susceptible of separate procurement, such as resistors, transformers, generators, spark plugs, electron tubes, or other parts having commercial equivalents.

(c) Parts not within the scope of paragraph (b) of this section generally should be procured (either directly or indirectly) only from sources that have satisfactorily manufactured or furnished such parts in the past, unless fully adequate data (including any necessary data developed at private expense), test results, and quality assurance procedures, are available (or can reasonably be made available in keeping with the policies in Subpart B, Part 9 of this chapter) to assure the requisite reliability and interchangeability of the parts, and procurement on a competitive basis would be consistent with the assurance described in paragraph (a) of this section. In assessing this assurance, the nature and function of the equipment for which the part is needed should be considered. Parts qualifying under this criteria are normally sole source or source controlled parts (see MIL-STD 100) which exclusively provide the performance, installation, and interchangeability characteristics required for specific critical applications. To illustrate, acceptable tolerances for a commercial television part may be far less stringent than those for a comparable military motor part, permitting competitive procurement of the former but not of the latter. The existing performance requirements of specially designed military equipment may demand that parts be closely controlled and have proven capabilities of precise integration with the system in which they operate, to a degree that precludes the use of even apparently identical parts from new sources, since the functioning of the whole may depend on latent characteristics of each part which are not definitely known.

(d) When an award is made to a source that has not previously produced the item, the cognizant Government inspection activity and the appropriate contract administration office should be notified by the procurement contracting office that the contractor will be producing the item for the first time.

§ 1.315 Procurement of jewel bearings.

(a) It has been determined that defense interests require the continued maintenance of an active and versatile mobilization base for the production of jewel bearings. This base has been estab-

lished at the Government-owned William Langer Jewel Bearing Plant, Rolla, N. Dak. In support of this policy, Government purchases of jewel bearings shall be made from that plant in all cases where it can meet purchase requirements. Additionally, all procurements of items containing jewel bearings shall provide, in the solicitations and resulting contracts, a requirement that jewel bearings in the quantities, and of the types and sizes necessary for the end items to be supplied under the contract, be purchased from the William Langer Jewel Bearing Plant and be incorporated in the delivered items, subject to the criteria provided in paragraphs (b), (c), and (d) of this section, except:

(1) When quantity requirements, quality standards, or delivery requirements cannot be satisfied by bearings manufactured at the William Langer Jewel Bearing Plant;

(2) For purchases of commercial end items or of military end items having jeweled components used in commercial end items, when the quantities of such end items or components are such that the contracting officer either knows or reasonably expects that all such commercial end items or commercial components of military end items are already manufactured and available from the stock of any dealer, wholesaler, distributor, or manufacturer; or

(3) For bearings used in items that are to be procured and used outside the United States, its possessions, and Puerto Rico.

(b) In order to assure that all bidders or offerors are competing on the same basis, it is necessary that the solicitation for items containing jewel bearings clearly state:

(1) The successful contractor will be required to purchase (directly or through subcontractors, as appropriate) William Langer Jewel Bearing Plant bearings at prices established in the U.S. Government Jewel Bearing Price List then in effect, and to incorporate such bearings in the items to be delivered; and

(2) Bids or proposals are to be predicated on this requirement.

If it should occur, after award, that the William Langer Jewel Bearing Plant rejects the contractor's (or subcontractor's) purchase order entirely or in part, the contractor (or subcontractor) shall be required to so notify the contracting officer who will effect an equitable adjustment in the contract price to reflect any costs or savings accruing to contractor by reason of any price differential for such bearings, pursuant to the clause of this contract entitled "Changes."

(c) To the extent William Langer Jewel Bearing Plant bearings are fungible with other bearings and it is not practical or would be costly to segregate jewel bearing inventories or work in process for items to be furnished the Government from that to be furnished commercial customers, or for other similar reasons, it may be in the Government's interest to waive the use requirements at the discretion of the contracting officer. No waiver will be granted to prospective contractors prior to award and no assurance will be given prior to award to any prospective contractors that such waiver will be granted after award. Minor inconvenience to contractors alone will not satisfy the need for demonstrating that the Government's interests are served by such waiver. When the use requirement is waived, an equitable adjustment for cost savings resulting therefrom shall be made.

(d) In circumstances where a procurement is not exempt from this procedure but it would be impractical or contrary to the Government's best interest to require actual use of all of the William Langer Jewel Bearing Plant bearings required to be purchased, the contracting officer may provide in the solicitation and resulting contract that a minimum fixed percentage of the total bearings requirements be of William Langer Jewel Bearing Plant origin, or that William Langer Jewel Bearing Plant bearings be purchased for and used in a certain number of the total items to be supplied.

(e) In all procurements subject to these procedures, the following clause is required for use:

REQUIRED SOURCES FOR JEWEL BEARINGS (APRIL 1967)

Jewel bearings required in the performance of this contract shall be procured from the William Langer Jewel Bearing Plant, Rolla, N. Dak., at prices established in the Official U.S. Government Jewel Bearing Price List dated (insert latest effective date). The Contractor agrees that the delivery dates specified for the quantities and types of jewel bearings so ordered will be reasonably related to manufacturing schedules and delivery requirements of this contract. The Contractor agrees to notify the Contracting Officer promptly of the rejection of his (or any subcontractor) purchase order in whole or in part by the William Langer Jewel Bearing Plant and further agrees to an equitable adjustment in the contract price pursuant to the "Changes" clause of this contract to reflect any costs or savings to the Contractor (or subcontractor) resulting from such rejection. The Contractor further agrees to incorporate or to have his subcontractors incorporate the purchased William Langer Jewel Bearing Plant jewel bearings in the items to be delivered under this contract.[1] The requirement for use (but not the requirement for purchase) of such bearings may be waived in the discretion of the Contracting Officer when such waiver is determined by him to be in the Government's interest, and where agreement is reached for an equitable adjustment in the contract price by reason of such waiver.

[1] Where less than total purchase and usage of William Langer Jewel Bearing Plant bearings is to be required, substitute "The Contractor further agrees to purchase and incorporate William Langer Jewel Bearing Plant bearings in items to be delivered under this contract equivalent to at least ____ percent of the total quantity of bearings required to perform this contract." (Percentage to be inserted by Contracting Officer.) In lieu of a percentage, the clause may refer to specific quantities of items listed in the schedule for which William Langer Jewel Bearing Plant bearings must be purchased and used.

§ 1.319 Renegotiation performance reports.

• • • • •

(f) *Advanced-development, engineering-development, and operational-systems-development and production contracts.* Upon request of the Renegotiation Board, the Director of Contractor Performance Evaluation, Office of the Assistant Secretary of Defense (Installations and Logistics) (see § 4.117 of this chapter) shall furnish Contractor Performance Evaluation Reports on advance-development contracts, engineering-development contracts, and operational-systems-development contracts and production contracts which follow or are concurrent with the development contracts that are evaluated.

§ 1.905–3 Sources of information.

• • • • •

(c) Existing information within the Department of Defense—including records (e.g., § 4.117 of this chapter) on file and knowledge of personnel within the purchasing office making the procurement, other purchasing offices, related activities, contract administration offices, audit activities, and offices concerned with contract financing.

• • • • •

§ 1.1002–1 [Amended]

3. In § 1.1002–1, the reference "4.205–2" is changed to read "4.106–2".

§ 1.1003–4 [Amended]

4. In § 1.1003–4, the reference "4.203" is changed to read "4.103".

PART 2—PROCUREMENT BY FORMAL ADVERTISING

5. In § 2.201, new subparagraph (11) is added to paragraph (a); new subparagraphs (15) and (23) are added to paragraph (b); and subparagraph (7) in paragraph (c) is revised, as follows:

§ 2.201 Preparation of invitation for bids.

• • • • •

(a) • • •

(11) DD Form 1423 (Contract Data Requirements List) (see § 16.815 of this chapter); a line item in the Schedule referring to DD Form 1423 and requiring delivery of all data listed thereon; and a provision in the Schedule requesting the bidder to complete Items 25 and 26 of the form.

• • • • •

(b) • • •

(15) If the contract is for laundry and dry cleaning services, the provision required by § 22.702–1 of this chapter.

• • • • •

(23) If the contract involves performance of services on a Government installation, the following provision.

Site visit. Bidders are urged and expected to inspect the site where services are to be performed and to satisfy themselves as to all general and local conditions that may affect the cost of performance of the contract, to the extent such information is reasonably obtainable. In no event will a failure to inspect the site constitute grounds for withdrawal of a bid after opening or for a claim after award of the contract. (APRIL 1967)

(c) • • •

(7) Information as to what utilities the Government will furnish during construction, when the contracting officer determines that any utilities are adequate for the needs of both the Government and the contractor. Such information shall specify any special conditions of use to be imposed on the contractor and shall also specify any utilities to be furnished without charge; utilities shall be furnished without charge when the contracting officer determines that this is advantageous to the Government, as when the administrative costs incident to maintaining records and collecting payments will approximate the cost of the utility services to be furnished. Such information may also include any applicable rates to be imposed under the Availability and Use of Utility Services clause (see § 7.602–30 of this chapter).

• • • • •

6. New paragraph (f) is added to § 2.405; subparagraph (2) of § 2.406–3 (b) is revised; and § 2.407–5 is revised, as follows:

§ 2.405 Minor informalities or irregularities in bids.

• • • • •

(f) Failure to complete Items 25 and 26 on DD Form 1423, Contract Data Requirements List (see § 16.815 of this chapter).

§ 2.406–3 Other mistakes.

• • • • •

(b) • • •

(2) Department of the Navy: To the Assistant Commander for Contracts, Naval Facilities Engineering Command Headquarters; the Deputy Commander Purchasing, Naval Supply Systems Command Headquarters.

• • • • •

§ 2.407–5 Other factors to be considered.

(a) The factors set forth in subparagraphs (1) through (6) of this paragraph, among others, may be considered in evaluating bids.

(1) Foreseeable costs or delays to the Government resulting from differences in inspection, location of supplies, transportation, etc. If, pursuant to Subpart M, Part 1 of this chapter, bids are on an f.o.b. origin basis, transportation costs to the designated destination points shall be considered in determining the lowest cost to the Government.

(2) Changes made or requested in any of the provisions of the solicitation to the extent that any such change does not constitute grounds for rejection of the bid under the provisions of § 2.404.

(3) Advantages or disadvantages to the Government that might result from making multiple awards (see § 2.201(b)(19)).

(4) Qualified products (see Subpart K of this part).

(5) Federal, State, and local taxes (see Part 13 of this chapter).

(6) Origin of supplies, whether domestic or foreign, and if foreign, the application of the Buy American Act or any other prohibition on foreign purchases (see Part 6 of this chapter).

(7) Estimated data prices submitted on DD Form 1423 (Contract Data Requirements List) (see § 2.201(b)(11)) and § 16.815 of this chapter) shall not be considered in evaluating bids.

PART 3—PROCUREMENT BY NEGOTIATION

7. The introductory text of § 3.101 is revised; §§ 3.109 and 3.405–3 are revised; in § 3.405–5, paragraphs (c)(1) and (d)(3) are revised; and in § 3.501(b), subparagraphs (2) and (16) are revised and new subparagraphs (57) and (65) are added, as follows:

§ 3.101 Negotiation as distinguished from formal advertising.

Whenever supplies or services are to be procured by negotiation (see Subparts A and B of Part 16 of this chapter), price quotations, supported by statements and analyses of estimated costs or other evidence of reasonable prices and other vital matters deemed necessary by the contracting officer (see § 3.807), shall be solicited from the maximum number of qualified sources of supplies or services consistent with the nature of and requirements for the supplies or services to be procured, in accordance with the basic policies set forth in Subpart C, Part 1 of this chapter (for research and development, see § 4.106 of this chapter), to the end that the procurement will be made to the best advantage of the Government, price and other factors considered. Unless award without written or oral discussion is permitted under § 3.805–1(a), negotiation shall thereupon be conducted, by contracting officers and their negotiators, with due attention being given to the following and any other appropriate factors:

• • • • •

§ 3.109 Abstract of proposals.

The abstract of proposals required by § 1.308 of this chapter shall be prepared on Abstract of Bids (DD Form 1501) or Abstract of Bids—Construction (DD Form 1501–1) appropriately modified (see § 16.817 of this chapter) to include all the information necessary for evaluation (but see §§ 3.507–2 and 3.805–4(b)). These forms need not be used in the case of procurement from a single source of supply, for research and development, for the chartering of vessels by the Military Sea Transportation Service, or for the procurement of coal and petroleum products by the Defense Fuel Supply Center.

§ 3.405–3 Cost-sharing contract.

A cost-sharing contract is a cost-reimbursement type contract, for use in a research or development procurements, under which the contractor is reimbursed only for an agreed portion of his allowable costs. The contractor agrees to absorb a portion of the costs of performance in the expectation of substantial compensating benefits. For instructions governing the use of cost-sharing contracts, see § 4.108 of this chapter.

§ 3.405–5 Cost-plus-a-fixed-fee contract.

• • • • •

(c) *Limitations.* (1) This type of contract normally should not be used in the development of major weapons and equipment, once preliminary exploration and studies have indicated a high degree of probability that the development is feasible and the Government generally has determined its desired performance objectives and schedule of completion (See § 3.405–4). The cost-plus-a-fixed-fee contract shall not be used for procurements categorized as either Engineering Development or Operational System Development (see § 4.101(a) (6) and (7) of this chapter. For contracts exceeding $1 million, exceptions to this policy must be processed in accordance with procedures authorized in § 1.109–3 of this chapter; and in all other cases, in accordance with the procedures authorized in § 1.109–2 of this chapter.

• • • • •

(d) • • •

(3) The Completion form of contract, because of differences in obligation assumed by the contractor, is to be preferred over the Term form whenever the work itself or specific milestones can be defined with sufficient precision to permit the development of estimates within which prospective contractors can reasonably be expected to complete the work, as is usually the case in advanced development and engineering development. A milestone is a definable point in a program when certain objectives can be said to have been accomplished. In contracting for Advanced Development work (see § 4.101(a)(3) of this chapter), an incentive contracting arrangement is preferred; however, if it is necessary to use a cost-plus-fixed-fee contract, it shall be the Completion form.

• • • • •

§ 3.501 Preparation of request for proposals or request for quotations.

• • • • •

(b) • • •

(2) Name and address of issuing activity, channels for submission of offer, exact location, including room and building numbers where offers including a hand carried offer must be submitted, and identification of the Government office or individual responsible for supplying additional information and answering inquiries;

• • • • • •

(16) Factors other than price (including technical quality where technical proposals are requested), which will be given paramount consideration in the awarding of the contract;

• • • • •

(57) If the contract involves performance of services on a Government installation, the following provision.

Site visit. Offerors are urged and expected to inspect the site where services are to be performed and to satisfy themselves as to all general and local conditions that may affect the cost of performance of the contract, to the extent such information is reasonably obtainable. In no event will a failure to inspect the site constitute grounds for a claim after award of the contract. (APRIL 1967)

• • • • •

(65) DD Form 1423 (Contract Data Requirements List) (see § 16.815 of this chapter); a line item in the Schedule referring to DD Form 1423 and requiring delivery of all data listed thereon; a provision in the Schedule requesting the offeror to complete Items 25 and 26 of the form; and the following provision either in the Schedule or on the form.

CONTRACTOR'S DATA CERTIFICATION (APRIL 1967)

The offeror shall submit with his offer a certification as to whether he has delivered or is obligated to deliver to the Government under another contract or subcontract the same data; if so, he shall identify one such other contract or subcontract for each item of data and state where he has already delivered such data.

• • • • •

8. In § 3.507–1, paragraphs (d) and (e) and footnote 2 to the legend in paragraph (a) are revised; in § 3.608–(b), subparagraph (2) is revised; and paragraph (c) in § 3.608–4 is revised, as follows:

§ 3.507–1 Restrictions on disclosure and use of data in proposals and quotations.

(a) • • •

• • • • •

(d) Proposals, solicited and unsolicited, shall be maintained and disposed of pursuant to § 1.208 of this chapter and related S2–102.1(xi) and S2–501.

(e) See § 4.106–1(e) of this chapter for further provisions with respect to unsolicited proposals.

§ 3.608–2 Order for Supplies or Services/Request for Quotations (DD Forms 1155, 1155r, 1155r–1; Standard Form 36; DD Form 1155c–1 and Standard Form 30).

• • • • •

(b) • • •

(2) *Use as a purchase order of not more than $5,000 outside the United States, its possessions, and Puerto Rico.* DD Form 1155 and 1155r–1, with executed contractor's acceptance when required, are authorized for negotiated purchases of not more than $5,000 when such purchases are for supplies and services procured and used outside the United States, its possessions, and Puerto Rico, provided:

(i) The procurement is unclassified;

(ii) No clauses covering the subject matter of any clause set forth in this subchapter, other than clauses set forth in DD Form 1155r–1, are to be used, except that—

(a) Either the standard foreign Disputes clauses in § 7.103–12(b) of this chapter or that clause as modified in accordance with § 7.103–12(c) of this chapter shall be inserted in the schedule.

(b) When the contract is translated into another language, the following clause shall be inserted in the schedule:

INCONSISTENCY BETWEEN ENGLISH VERSION AND TRANSLATION OF CONTRACT (APRIL 1966)

In the event of inconsistency between any terms of this contract and any translation thereof into another language, the English language meaning shall control.

(c) When Government property having acquisition cost in excess of $25,000 is to be furnished (for use in performance of contract or for repair), the Government Property (Fixed Price) clause in § 13.702 of this chapter shall be inserted in the Schedule in accordance with instructions in § 13.702(b) of this chapter. Where Government property having an acquisition cost not in excess of $25,000 is to be furnished for use in performance of the contract or for repair, the Government-Furnished Property (Short Form) clause in § 13.710 of this chapter shall be inserted in the Schedule in accordance with instructions in § 13.710(b) of this chapter: *Provided*, That, use of the clause shall be optional where the acquisition cost of property furnished for repair is not in excess of $2,500. Where a Government Property clause is inserted in the Schedule the contractor's signature shall be obtained on DD Form 1155r–1.

(d) The Commercial Warranty clause in § 1.324–2(c) of this chapter, modified to insert the words "United States" before the word "Government" therein, may be used in accordance with the provisions of that paragraph.

(iii) The Additional General Provisions on DD Form 1155r–1 are made applicable and the contractor's acceptance is obtained on DD Form 1155r–1 when the purchase exceeds $2,500; and

(iv) In purchases in excess of $2,500, the Communist Areas clause in § 6.403 of this chapter shall be inserted in the Schedule.

The contracting officer may delete the Taxes clause from the DD Form 1155r–1 in purchases under $1,000 if he determines that the administrative burden of securing relief from such taxes would be out of proportion to the relief obtained: *Provided*, That such clause shall be included in all contracts in support of NATO infrastructure programs involving the expenditures of funds under section 503(b) of the Foreign Assistance Act of 1961, as amended (see § 11.403–1 (a) of this chapter).

• • • • •

§ 3.608–4 Obtaining contractor acceptance and modifying the purchase order.

• • • • •

(c) The Additional General Provisions on DD Form 1155r–1 shall be made applicable and the contractor's acceptance shall be obtained on DD Form 1155r–1 for all purchases in excess of $2,500 which are made in accordance with § 3.608–2(b)(2).

• • • • •

[1] If proposal is unsolicited (see § 4.101(c) of this chapter, delete "furnished in connection with Request for Proposals No. ——".

§ 3.707 [Amended]

9. In § 3.707, the reference "4.308" is changed to read "4.110".

10. Section 3.802–2 is revised; in § 3.805–1, the introductory text of paragraph (a) and all of paragraphs (c) and (d) are revised; and new § 3.807–12 is added, as follows:

§ 3.802–2 Selection of prospective sources.

Selection of qualified sources for solicitation of proposals is basic to sound pricing. Proposals should be solicited from a sufficient number of competent potential sources to insure adequate competition. (See §§ 1.302, 1.702, 1.902, 3.101, 3.104, 3.105, 4.106–1, and 12.102 of this chapter.) The bidders mailing lists prescribed by § 3.503 should be used when appropriate.

§ 3.805–1 General.

(a) After receipt of initial proposals, written, or oral discussions shall be conducted with all responsible offerors who submit proposals within a competitive range, price, and other factors (including technical quality where technical proposals are requested) considered, except that this requirement need not necessarily be applied to:

• • • • •

(c) Except where cost-reimbursement type contracts are to be used (see § 3.805–2), a request for proposals may provide that after receipt of initial technical proposals, such proposals will be evaluated to determine those which are acceptable to the Government or which, after discussion of those within a competitive range, can be made acceptable, and upon submission of prices thereafter, award shall be made to that offeror of an acceptable proposal who is the low responsible offeror.

(d) The procedures set forth in paragraphs (a), (b), and (c) of this section may not be applicable in appropriate cases when special services (such as architect-engineer services) or when cost-reimbursement type contracting is anticipated. Moreover award of such contract and R&D contracts may be properly influenced by the proposal which promises the greatest value to the Government in terms of possible performance, technical quality ultimate producibility, growth potential, and other factors rather than the proposals offering the lowest price or probable cost and fixed fee.

• • • • •

§ 3.807–12 Estimated data prices (DD Form 1423).

(a) The Department of Defense requires estimates of the prices of data in order to evaluate the cost to the Government of data items in terms of their management, product, or engineering value.

(b) When data is required to be delivered under a contract, § 3.501(b)(65) and § 16.815 of this chapter require inclusion in the solicitation of DD Form 1423, Contract Data Requirements List; the form and the provision included in the solicitation under § 3.501(b)(65) request the offeror to state what portion of the total price is estimated to be attributable to the production or development of the listed data for the Government (not to the sale of rights in the data). However, offerors' estimated prices may not reflect all such costs, and different offerors may reflect these costs in a different manner, for the following reasons:

(1) Differences in business practices in competitive situations;

(2) Differences in accounting systems among offerors;

(3) Use of factors or rates on some portions of the data;

(4) Application of common effort to two or more data items;

(5) Differences in data preparation methods among offerors.

For these and other reasons, data price estimates should not be used for contract pricing purposes without further analysis.

(c) The contracting officer shall assure to the extent practicable that the negotiated price does not include any amount for data which the contractor has submitted or is obligated to submit to the Government under another contract or subcontract, and that the successful offeror furnishes the certification required by the solicitation (see § 3.501(b)(65)).

(d) The provisions on the form specify that, regardless of whether the contractor has entered estimated data prices on the form and regardless of what price he enters, he is obligated to deliver all the data listed on the form and the price he is to be paid therefor is included in the total price specified in the contract.

§ 3.808–5 [Amended]

11. In § 3.808–5(d)(2), the reference "4.215" is changed to read "4.117".

PART 4—SPECIAL TYPES AND METHODS OF PROCUREMENT

12. A new Subpart A is added and Subparts B and C are revoked, as follows:

Subpart A—Procurement of Research and Development

Sec.
4. 100 Scope of Subpart.
4. 101 Definitions.
4. 102 General policy.
4. 103 Publicizing procurement actions and expanding sources.
4. 104 Method of contracting.
4. 105 Statement of work.
4. 106 Selection of research and development contractors.
4. 106–1 Selection of sources.
4. 106–2 Solicitation.
4. 106–3 Conduct of negotiations.
4. 106–4 Evaluation for award.
4. 106–5 Evaluation of price and costs.
4. 106–6 Profit or fee.
4. 106–7 Documentation.
4. 107 Concept formulation and contract definition.
4. 108 Grants for basic research.
4. 109 Types of contracts most applicable for research and development.
4. 110 Cost-sharing policy.
4. 111 Special use allowances for research facilities acquired by educational institutions.
4. 112 Placing subcontracts for research and development effort.
4. 113 Scientific and technical reports.
4. 114 Data under research and development contracts.
4. 115 Insurance under research and development contracts.
4. 115–1 Contractor immunity from liability for torts.
4. 115–2 Indemnification against unusually hazardous risks.
4. 116 Government property under research and development contracts.
4. 116–1 General.
4. 116–2 Control of Government property in possession of research and development contractors.
4. 116–3 Providing Government production and research property.
4. 116–4 Transfer of title to equipment to nonprofit educational or research institutions.
4. 117 Contractor performance evaluation program.

AUTHORITY: The provisions of this Subpart A issued under sec. 2202, 70A Stat. 130; 10 U.S.C. 2202. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 4.100 Scope of subpart.

Procurement procedures of special application to research and development contracts are set forth in this subpart, and in certain instances other portions of this subchapter having particular significance to research and development contracts are cross-referenced herein. This subpart, however, does not purport to contain or cross-reference all provisions of this subchapter applying to research and development contracts. Other provisions of this subchapter are also applicable to research and development contracts and shall be adhered to where applicable.

§ 4.101 Definitions.

(a) The following terms and categories relating to "research and development" are those set forth by the Department of Defense for management of RDT&E programs. However, the term "research and development" as used in this regulation ordinarily encompasses only the first six categories below. Generally, it does not cover categories subparagraphs (7) and (8) of this paragraph. For example, construction of recreational facilities at an installation used exclusively or generally for research and development would not be procurement of "research and development" under this subchapter. Nevertheless, in an exceptional case, depending upon the particular facts, some kinds of work within categories in subparagraphs (7) and (8) could be "research and development" within this subchapter.

(1) *Research.* Includes all effort directed toward increased knowledge of natural phenomena and environment and efforts directed toward the solution of problems in the physical, behavioral and social sciences that have no clear direct military application. It would, thus, by definition, include all basic research and, in addition, that applied research directed toward the expansion of knowledge in various scientific areas. It does not include efforts directed to prove the feasibility of solutions of problems of immediate military importance or time-oriented investigations and developments.

(2) *Exploratory development.* Includes all effort directed toward the solution of specific military problems, short of major development projects. This type of effort may vary from fairly fundamental applied research to quite sophisticated bread-board hardware, study, programing, and planning efforts. It would thus include studies, investigations and minor development effort. The dominant characteristic of this category of effort is that it be pointed toward specific military problem areas with a view toward development and evaluating the feasibility and practicability of proposed solutions and determining their parameters.

(3) *Advanced development.* Includes all effort directed toward projects which have moved into the development of hardware for experimental or operational test. It is characterized by line item projects and program control is exercised on a project basis. A further descriptive characteristic lies in the design of such items being directed toward hardware for test or experimentation as opposed to items designed and engineered for eventual Service use.

(4) *Concept formulation.* Describes the activities preceding a decision to carry out Engineering Development or Operational Systems Development. These activities include accomplishment of comprehensive system studies and experimental hardware efforts under Exploratory and Advanced Development, and are prerequisite to a decision to carry out Engineering or Operational Systems Development.

(5) *Contract definition.* (Formerly referred to as Project Definition Phase)—is that phase during which preliminary design and engineering are verified or accomplished, and firm contract and management planning are performed.

(6) *Engineering development.* Includes all effort directed toward those development programs being engineered for Service use but which have not yet been approved for procurement or operation. This area is characterized by major line item projects and program control will be exercised by review of individual projects.

(7) Operational system development. Includes all effort directed toward development, engineering and test of systems, support programs, vehicles and weapons that have been approved for production and Service deployment. This area is included for convenience in considering all RDT&E projects. All items in this area are major line item projects which appear as RDT&E Costs of Weapons Systems Elements in other programs. Program control will thus be exercised by review of the individual research and development effort in each Weapon System Element.

(8) *Management and Support.* Includes all effort directed toward support of installations or operations required for general research and development use. Included would be military construction of a general nature unrelated

to specific programs, maintenance support of laboratories, operation and maintenance of test ranges, and maintenance of test aircraft and ships. Costs of laboratory personnel, either in-house or contract-operated, would be assigned to appropriate projects or as a line in the Research, Exploratory Development, or Advanced Development Program areas, as appropriate. Military construction costs directly related to a major development program will be included in the appropriate element.

(b) "Educational or other nonprofit organization" means any corporation, foundation, trust, or institution operated for scientific, educational, or medical purposes, not organized for profit, no part of the net earnings of which inures to the profit of any private shareholder or individual.

(c) "Unsolicited proposal" is a research or development proposal which is made to the Government by a prospective contractor without prior formal or informal solicitation from a purchasing activity. See also §§ 4.106–1(a) and 4.106–2(d)(2).

§ 4.102 General policy.

A fundamental mission of research and development programs is to maintain scientific and technological superiority required to promote and advance the effectiveness of military operations. The accomplishment of this mission requires the broadest possible base of contractor and subcontractor sources including the optimum use of manpower and resources. It is essential that the best technical competence be located and fully utilized. The procurement pattern of research and development must be responsive to the achievement of these goals on a timely basis.

§ 4.103 Publicizing procurement actions and expanding sources.

The Departments shall continually search for and develop information on sources (including small business concerns) competent to perform research and development. Advance publicity, including use of the Commerce Business Daily (see § 1.1003–4 of this chapter) to the fullest extent practicable, shall be given for this purpose. The search should include (a) a review of relevant data or brochures furnished by sources seeking research and development work and (b) a cooperative effort by technical personnel, small business specialists, and contracting officers to obtain information and recommendations with respect to potential sources and to consider the desirability of seeking other sources by publication of proposed procurements, in addition to the synopsis requirement.

§ 4.104 Method of contracting.

In research and development procurements it is generally not possible to formulate precise specifications necessary for formal advertising and, therefore, negotiation is necessary. The inherent difficulties in obtaining research and development by formal advertising are recognized by the exception in § 3.211 of this chapter. However, two-step formal advertising as stated in Subpart E, Part 2 of this chapter, may be useful, for example, in the case of an advanced developmental project. While the use of negotiation is the general rule for research and development contracts, this does not diminish the obligation to obtain competition to the maximum practicable extent. (See Subparts A and B, Part 3 of this chapter.)

§ 4.105 Statement of work.

(a) The preparation and use of a clear and complete statement of work is essential to sound contracting for research and development. In research, exploratory development and advanced development, statements of work must be individually tailored by technical and contracting personnel to attain the desired degree of flexibility for contractor creativity, both in submitting proposals and in contract performance. Careful distinction must be drawn between level-of-effort work statements, which essentially require the furnishing of technical effort and a report on the results thereof, and task completion type work statements which often require development of tangible end items designed to meet specific performance characteristics.

(b) In preparing statements of work, the following elements shall be considered:

(1) A general description of the required objectives and desired results;

(2) Background information helpful to a clear understanding of the requirements and how they evolved;

(3) Technical considerations, such as any known specific phenomena or techniques;

(4) A detailed description of the technical requirements and subordinate tasks;

(5) A description of reporting requirements and any other deliverable items, such as data, experimental hardware, mock-ups, prototypes, etc., and

(6) Other special considerations.

§ 4.106 Selection of research and development contractors.

§ 4.106–1 Selection of sources.

(a) *General.* Through its research and development programs, the Department of Defense must seek the most advanced scientific knowledge attainable and the best possible equipment, weapons, and weapon systems that can be devised and produced. This means two things. First, it means seeking the best scientific and technological sources consistent with the demands of the proposed procurement for the best mix of cost, performances and schedules. Second, it means unremitting efforts to increase the number of qualified sources, and to encourage participation by small business concerns, as well as others, in Defense research and development. See also § 1.903 of this chapter.

(b) *Small business sources.* (1) Contracting officers, technical personnel, and small business specialists shall cooperatively seek and develop information on the technical competence of small business concerns for research and development contracts. Small business specialists shall regularly bring to the attention of contracting officers and technical personnel descriptive data, brochures, and other information as to small business concerns that are apparently competent to perform research or development work in fields in which the purchasing activity is interested.

(2) In order to cooperate with the Small Business Administration in carrying out its responsibility of assisting small business concerns to obtain contracts for research and development, contracting officers, technical personnel and small business specialists shall, upon request, provide to authorized SBA representatives information necessary to understand the Government's needs concerning research and development programs under consideration for specific future procurement actions. Normally, this information shall be provided to SBA representatives assigned to a purchasing activity, as early as practicable, and shall cover the Government's requirements for each proposed research and development procurement exceeding $10,000. To the maximum extent feasible, SBA shall be afforded a minimum of 15 working days to provide pertinent information concerning qualified potential small business sources developed through its investigation of the capabilities of specific firms in the particular field of research and development covered by such procurements. Full evaluation shall be given to any such information in selecting qualified sources. Exception to the policy of providing SBA a minimum 15 working day interval to recommend additional qualified small research and development sources for a proposed procurement will be permitted only in those cases where the head of the purchasing activity or his designated representative advises the SBA representative that such action would result in unjustifiable delay.

(c) *Recommendations by technical personnel.* Recommendations as to which potential sources are technically qualified shall be made by cognizant technical personnel after review of the information obtained as a result of advance publicity (see § 4.103), and, as appropriate, on the basis of discussion with potential sources (either singly or in a group), correspondence or suitable surveys.

(d) *Research and development pools.* See § 1.302–3 of this chapter.

(e) *Unsolicited proposals.* (1) Unsolicited proposals may be the product of original thinking and generally are the property of the organization or individual who presents them. They are offered in the hope that the Government will contract with the offeror for further research on, or development of, the ideas they contain. Accordingly, it is important that such proposals received by purchasing activities be handled in a manner which will encourage prospective contractors to disclose to the Government ideas which they have originated, conceived, or developed.

(2) The submitter of an unsolicited proposal may mark it with a legend, such as that provided in § 3.507–1(a) of this chapter, restricting the disclosure and use of data in the proposal. If a proposal is so marked, the terms of the legend shall be complied with.

(3) If the contracting officer receives an unsolicited proposal marked with a more restricted legend than that provided in § 3.507–1(a) of this chapter, then he shall immediately return the proposal to the submitter with a letter stating that the proposal cannot be considered because it is impracticable for the Government to comply with the legend (and pointing out specifically why this is so), but that the proposal will be considered if it is resubmitted with a satisfactorily revised legend or with the legend provided in § 3.507–1(a) of this chapter.

(4) If the contracting officer receives an unsolicited proposal without any restrictive legend, he shall place a cover sheet on the proposal or otherwise clearly mark it substantially as follows—and the terms of the notice shall be complied with—unless the submitter gives a clear written indication that he does not wish to impose any restrictions on the disclosure or use of the data contained in the proposal.

UNSOLICITED PROPOSAL

USE OF DATA LIMITED

All Government personnel handling this proposal shall exercise EXTREME CARE to insure that the information contained herein is NOT DISCLOSED outside the Government and is NOT DUPLICATED, USED, OR DISCLOSED in whole or part for any purpose other than to evaluate the proposal, without the written permission of the submitter (except that if a contract is awarded on the basis of this proposal, the terms of the contract shall control disclosure and use).

This notice does not limit the Government's right to use information contained in the proposal if it is obtainable from another source without restriction.

This is a Government notice, and shall not by itself be construed to impose any liability upon the Government or Government personnel for any disclosure or use of data contained in this proposal.

(5) The submitter of an unsolicited proposal is not necessarily entitled to preferential treatment in the award of any contract because of his submission of such a proposal. See § 4.106–3(d)(2).

§ 4.106–2 Solicitation.

(a) To reduce the number of technical proposals, the preparation of which can be both costly and wasteful of scientific or engineering manpower, contracting officers should request proposals only from sources which have been technically evaluated and found qualified to perform research or development in the specific field of science or technology involved. Where several sources are found fully qualified technically, proposals generally shall be solicited from each such source. Sources which become known as a result of synopses or other means of publicizing requirements shall be sent requests for proposals if such sources have been technically evaluated and determined reasonably qualified to perform, and possess the necessary security clearance. When a source not initially solicited requests a copy of a solicitation and such source has been technically evaluated within the past 6 months and determined not qualified, he may be so advised and his request denied. In the event such source has not been technically evaluated within the past 6 months a copy of the request for proposal shall be furnished but only after advice has been given to the source making the request as to the reasons for the limited solicitation and, as appropriate, the unlikelihood of any other source being able to qualify for a contract award under the circumstances. The formal solicitation process described above is not the only method of entering into contracts for research and development. The ongoing research and development work pursued in industrial laboratories is producing ideas and products of interest to the Government; this is especially true in the exploratory and advanced development segment of the research and development spectrum. In the R&D areas where there has been unique and significant industrial accomplishment by a specific concern, the establishment of specifications for solicitation of others may defeat the purpose of taking advantage of this industrial initiative. When a contractor has a new idea or product in the fields of exploratory development or advance development there should be no hesitancy to discuss it with him, encourage him to submit a proposal, and to negotiate directly with him. Subject to § 3.211 of this chapter, this can be done without a formal solicitation. Where there is no substantial question as to the choice of the source, as illustrated in paragraph (d) of this section, solicitations may be limited to a single source.

(b) In soliciting proposals for the conduct of research and exploratory development, it may be desirable for the Government to furnish prospective contractors with certain information to elaborate on the proposed statement of work, permit optimum response by offerors, and allow more timely and comparable evaluation of proposals by the Government. This information normally should consist of the Government's estimate of the scientific and technical manpower, or other reasonable indicators, it envisions when it is not possible to describe the magnitude of the proposed work to a sufficiently definitive degree. For example, the estimated effort may be expressed in terms of numbers of man-months or years in particular occupational categories. This technique may be appropriate in cases of contracts for research studies, investigations, or laboratory scale evaluations of feasibility where the Government desires to limit the scope of effort or depth of research. Where the degree of effort type of information is furnished, it should be made clear that such information is advisory only and is not cause for restricting what the contractor believes to be a meritorious technical proposal.

(c) In addition to paragraph (a) of this section, exploratory requests may be used to determine the existence of ideas or prior work in specific fields of research. However, the request for such information shall clearly state that it does not impose any obligation on the Government or signify a firm intention of the Government to enter into a contract.

(d) The following examples are illustrative of circumstances where there may be no substantial question as to choice of source:

(1) As a result of thorough technical evaluation, only one source is found fully qualified to perform the proposed work.

(2) The purpose of the contract is to explore an unsolicited proposal which offers significant scientific or technological promise, represents the product of original thinking, and was submitted in confidence by one source.

(3) Where the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to insure that a new product or idea of a specific concern is given financial support.

(e) In all procurements of research or development in which no small business source was solicited for a proposal, a statement shall be included in the solicitation file setting forth the reasons for not soliciting small business.

§ 4.106–3 Conduct of negotiations.

See §§ 3.804 and 3.805 of this chapter. The contracting officer should make certain that each prospective contractor fully understands the details of the various phases of the Government's requirement, especially the statement of work. This may be best accomplished by conferences between a prospective contractor, the contracting officer, and appropriate technical personnel, particularly where there is doubt that a work statement is understood or will be interpreted correctly by prospective contractors.

§ 4.106–4 Evaluation for award.

(a) Generally, research and development contracts should be awarded to those organizations, including educational organizations, which have the highest competence in the specific field of science or technology involved. However, awards should not be made for research or development capabilities that exceed those needed for the successful performance of the work.

(b) Before determining the technical competence of prospective contractors, and recommending to the contracting officer the concern or concerns that they consider most technically competent, cognizant technical personnel shall consider the following:

(1) The contractor's understanding of the scope of the work as shown by the scientific or technical approach proposed;

(2) Availability and competence of experienced engineering, scientific, or other technical personnel;

(3) Availability, from any source, of necessary research, test, and production facilities;

(4) Experience or pertinent novel ideas in the specific branch of science or technology involved; and

(5) The contractor's willingness to devote his resources to the proposed work with appropriate diligence.

(c) In determining to whom the contract shall be awarded, the contracting officer shall consider not only technical competence, but also all other pertinent factors including management capabilities, cost controls including the nature and effectiveness of any cost reduction program (see § 3.101(h) of this chapter), and past performance in adhering to contract requirements, weighing each factor in accordance with the requirements of the particular procurement (see § 1.903 of this chapter). The contracting officer shall notify those sources whose proposals or offers have been determined to be unacceptable of that decision in accordance with § 3.508 of this chapter.

(d) In evaluating proposals for contracts in excess of $1 million for advanced development, engineering development, operational systems development, and followon or concurrent production contracts, the Source Selection Advisory Council or any other person or group acting in a similar capacity shall obtain from the Defense Documentation Center, Attention: DDC–OSB, Cameron Station, Alexandria, Va. 22314 (see § 4.117), a transcript of the performance evaluations of all contractors submitting acceptable proposals, or a statement that there is no record on file. This transcript or statement may be obtained for a procurement below $1 million. This information shall be furnished within 3 working days from receipt of the request by the Defense Documentation Center.

§ 4.106–5 Evaluation of price and costs.

(a). While cost or price should not be the controlling factor in selecting a contractor for a research or development contract, cost or price should not be disregarded in the choice of the contractor. It is important to evaluate a proposed contractor's cost or price estimate, not only to determine whether the estimate is reasonable, but also to determine his understanding of the project and ability to organize and perform the contract. The most useful tools for this purpose are price analysis and cost analysis (see § 3.807–2 of this chapter.

(b) Price analysis generally considers the overall reasonableness of the proposals in relation to the total contemplated expenditures and the extent and nature of the task scheduled to be accomplished. In most research and development contracts, the inability to define specifications and the nature of the end items prevent the effective use of certain techniques of price analysis, such as comparisons with prior quotations and current prices and evaluations in terms of quantitative yardsticks. The conclusions reached by price analysis techniques must be supported by cost analysis procedures, used to examine the details of the offerors' proposals.

(c) The analysis of cost factors begins with an evaluation of the reliability of the offeror's cost estimating procedures and the dependability of his cost controls, as demonstrated by his history of cost management in the performance of other contracts or by his establishment of sound practices for this purpose. The cost analysis proceeds with a critical examination of the composition of each cost element in terms of its expected application to the objectives of the contract, and its conformance to the accepted principles of allocability and reasonableness. (See Subpart C, Part 15, and § 15.201 of this chapter.) A Government cost estimate may help in projecting tools for these purposes and may develop the expected incidence of various cost factors in relation to performance phases, planned segments, or identifiable "milestones." This estimate should provide a summary forecast of the time, effort, materials, equipment, and services necessary to accomplish the research or development objective. The comparison and reconciliation of the Government cost estimate with the offeror's cost estimate for the same phases, segments, or events should bring into focus any areas of excessive or insufficient emphasis and provide a foundation for meaningful discussions with the offeror.

(d) Special care should be exercised to comply with §§ 15.205–1 and 15.205–33 of this chapter in the allowance of advertising costs under § 15.309–1 of this chapter.

§ 4.106–6 Profit or fee.

See §§ 3.405–1(c), 3.405–6(c), 3.805–2, 3.806, 3.807–10(d), and 3.808 of this chapter.

§ 4.106–7 Documentation.

Contract files for research and development procurement shall be fully documented to include the basis and reasons for the selection of the sources solicited and for the award. Such documentation should be adequate to justify the selection of the contractor over others whose proposals, from the standpoint of some single factor (such as lower estimated costs or shorter performance time), might appear more advantageous to the Government. (See § 1.308 of this chapter.)

§ 4.107 Concept formulation and contract definition.

Policies governing concept formulation and contract definition as set forth in AR–705–4, SECNAV Instruction 3060.33 and AFR 80–26 are applicable to all new (or major modifications of existing) engineering developments and operational systems developments estimated to require total cumulative RDT&E financing in excess of 25 million dollars, or estimated to require a total production investment in excess of 100 million dollars, unless specific waivers are granted by written approval of the Director of Defense Research and Engineering. Other projects may be required to be conducted in accordance with these procedures at the discretion of the individual Departments or as directed by DDR&E. Concept formulation and contract definition have a significant impact on both procurement and research and development personnel, particularly in their advanced planning for a major development program. It is essential that engineering and operational system development policies be considered early in concept formulation in order for procurement to be conducted efficiently and in consonance with these policies.

§ 4.108 Grants for basic research.

Grants are authorized under 42 U.S.C. 1891 for basic research at educational institutions and other nonprofit organizations whose primary purpose is the conduct of scientific research. The policies and procedures for grants are prescribed by other Department of Defense directives as implemented in Departmental procedures.

§ 4.109 Types of contracts most applicable for research and development.

See Subpart D, Part 3 of this chapter.

§ 4.110 Cost-sharing policy.

(a) It is the policy of the Department of Defense to utilize cost-sharing in research or development procurements with contractors, other than educational institutions and foreign governments, only when there is a high probability that the contractor will receive substantial present or future commercial benefits. Accordingly, cost-sharing contracts may be used in such procurements only when:

(1) The contracting officer shows conclusive evidence that there is a high probability that the contractor will receive substantial present or future commercial benefits, and

(2) The Head of a Procuring Activity approves the use of such a contract in writing.

It should be recognized that these controls do not apply to jointly sponsored research or development work with educational institutions or to cost-sharing arrangements between the United States and foreign governments.

(b) Willingness to share costs should not be a factor in competitive source selection. Department of Defense objectives of fostering competition and furthering the Small Business Program will be inhibited unless competition is conducted on terms that provide equitable opportunity for all eligible sources. An award based on ability to share costs rather than on competence does not provide such equitable opportunity and may preclude securing the services of the best qualified source.

(c) Purchasing activities should not include in solicitations statements of work which would require more funds for completion than will be available. Similarly, the prospect of preferred consideration for award of a possible future contract should not be offered or implied as an incentive to induce contractors to enter into cost-sharing arrangements.

§ 4.111 Special use allowances for research facilities acquired by educational institutions.

(a) *Definitions.* As used in this section:

(1) "Special use allowance" means a negotiated direct or indirect allowance for buildings, structures, and real property, other than land, computed at an annual rate in excess of the rate which normally would be allowed under Subpart C, Part 15 of this chapter; and

(2) "Research facility" means real property, other than land, and includes structures, alterations, and improvements, acquired for the purpose of conducting scientific research under contracts with agencies of the Department of Defense.

(b) *Policy.* The expanding requirements of the Department of Defense for the performance of scientific research programs by educational institutions may create special situations wherein the acquisition or construction of additional research facilities by such institutions is essential for the effective performance of scientific research programs of major importance to the Department of Defense. Educational institutions are expected to furnish facilities required for the performance of Defense contracts, and the extent of reimbursement by the Government for the research programs of such institutions shall be governed by the principles set forth in Subpart C, Part 15 of this chapter. However, in certain limited situations an educational institution may be unable to provide capital for new laboratories or other expanded facilities necessitated by Defense contracts unless the institution is given Governmental assistance in return for the risks and expenses it assumes in acquiring or constructing such facilities. Special use allowances constitute a means for recognizing these risks and expenses on the part of the educational institution and also provide a basis for permitting essential governmental research programs to go forward. The resort to special use allowances as provided by this section is an extraordinary type of arrangement and constitutes an exception to the provisions for normal use allowances contained in § 15.309–10 of this chapter. Any specific agreement providing for a special use allowance shall be negotiated on a case-by-case basis using the criteria established herein.

(c) *Authorization of special use allowances.* The Secretary concerned, or his sole designee for the purpose, may approve special use allowances for the acquisition or construction costs of research facilities financed by educational institutions only when all of the following conditions are met:

(1) The research facility is essential to the performance of Department of Defense contracts;

(2) The program requirements cannot be met practically and effectively by existing facilities, either Government or non-Government;

(3) The proposed agreement for the special use allowances represents a sound business arrangement;

(4) It is undesirable or impractical for the Government to provide Government-owned facilities for the performance of the research; and

(5) The proposed use of the research facility is in consonance with the underlying objective of the Government in granting the special use allowance.

(d) *Negotiation and administration of contracts providing for special use allowances.* The negotiation and administration of contracts providing for special use allowances are subject to the conditions set forth in subparagraphs (1) through (13) of this paragraph:

(1) The terms of the agreement for special use allowances authorized herein shall be specified or incorporated by reference in the applicable contracts.

(2) Where the special use allowance is based on the total acquisition cost, no normal use allowance or other use or depreciation charge will apply during the special allowance period nor after the educational institution has recovered the total acquisition cost under Government contracts or from other users. Where the special use allowance is based on less than total acquisition cost of the research facility, the agreement will specify whether any normal use allowance or other use or depreciation charge will apply to the balance during the special use allowance period; however, no more than the normal use allowance computed in accordance with Subpart C, Part 15 of this chapter may be applied thereafter to the balance.

(3) During the period of the special use allowance, and for subsequent periods to the extent agreed upon, the research facility shall be available for Government research use on a priority basis over non-Government use. Any significant use during such period other than that which justified the special use allowance shall be subject to prior consent of the cognizant approval authority specified in this section.

(4) Special use allowances are applicable only in years in which the Government has contracts in effect with the educational institution for research to be conducted in the facility. The Government has no liability to the educational institution for the special use allowance in any year in which there is no Government contract. In any year when the level of research effort under Government contracts has been reduced to a point where the special use allowance is excessive in relation to the extent of the Government research funding, the parties may negotiate a special use allowance for that year at a mutually acceptable rate.

(5) Where more than one Government contract is to be performed in the research facility, special use allowances generally should be allocated to using contracts on an equitable basis.

(6) If during the period when a special use allowance is in effect, any substantial use is made of the research facility for parties other than the Government, only an allocable share of the special use allowance shall be charged to the Government.

(7) Special use allowances shall not include any maintenance, utilities, or other operational costs.

(8) Generally, the period for which a special use allowance is authorized shall be at least 10 years. However, a shorter period of time is authorized where the total amount to be allowed is less than acquisition cost for the research facility.

(9) Reimbursements under contracts for special use allowances shall not commence until the research facility is occupied and used for research under the contract. However, equitable adjustments may be made in the special use allowance during the construction period if the research facility is partially used for research under the contract.

(10) Determination of the amount of a special use allowance shall be based on the comparative need for the research facility by the Department of Defense and by the educational institution. In no event shall the institution be paid more than the acquisition costs.

(11) In establishing the annual special use allowance, due consideration shall be given to rental costs for similar space in the area where the research facility is to be located.

(12) No payment shall be made to the educational institution for costs of land or interest charges on capital, used or borrowed, for the acquisition of the research facility.

(13) Information copies of each special use allowance agreement negotiated shall be furnished to each authorizing official specified in paragraph (c) of this section and to the Director of Defense Research and Engineering, Office of the Secretary of Defense.

§ 4.112 Placing subcontracts for research and development effort.

Since the selection of research or development contractors is based upon seeking the best scientific and technological sources, it is important that the contractor selected on this basis does not in turn subcontract technical or scientific work without prior approval of the contracting officer. The clause prescribed in § 7.402–8 of this chapter, for cost-reimbursement type research and development contracts, requires prior written consent of the contracting officer for the placement of any subcontract which has experimental, developmental, or research work as one of its purposes. During the negotiation of the contract, it is imperative that the contracting officer obtain complete information concerning the contractor's plans for subcontracting any portion of the research or development effort. See §§ 1.906, 3.807–10 and 23.201–2 of this chapter.

§ 4.113 Scientific and technical reports.

(a) Scientific and Technical Reports are documents written for the permanent record to document results obtained from and recommendations made on scientific and technical activities relating to a single project, task, or contract or relating to a small group of closely connected efforts within the Department of Defense Research and Development Program. A completed Document Control Data—R&D (DD Form 1473) is to be included in each copy of a scientific or technical report required by the contract. (See § 16.807 of this chapter.)

(b) Wherever a scientific or technical report is required as a product of the Research, Development, Test, and Evaluation Effort, the contracting officer will assure that the requirement for a completed DD Form 1473 is clearly stated and that a complete DD Form 1473 is in-

cluded with each copy of the required scientific and technical reports.

(c) Research and development contracts are required to contain appropriate data clauses as prescribed in Subpart B, Part 9 of this chapter, which usually provide, among other things, for the reproduction and use for any purpose of the Government of any or all of the information to be provided under the contract. Contracting officers shall require contractors to furnish all such information resulting from research or development contracts. Scientific and technical reports should be reproduced as economically as practicable, consistent with the reporting needs of the Government.

(d) It is important that the results of research and development contracts be made readily available to Government activities, and to non-Government organizations and persons who have a need to know in accordance with procedures of the Military Departments. Defense Documentation Center, Cameron Station, Alexandria, Va. 22314, provides a central service for the interchange of scientific and technical information of value to Department of Defense agencies and contractors.

§ 4.114 Data under research and development contracts.

(a) It is imperative that all research and development contracts carefully specify the data to be delivered under the contract since the Basic Data clause requires delivery only of "Subject Data" and defines "Subject Data" as data to be delivered under the contract.

(b) In planning a developmental procurement, when subsequent production contracts are contemplated, consideration should be given to the need and time required for obtaining a procurement package. The term "procurement package" means plans, drawings, specifications, and other descriptive information and data necessary to achieve competition in production contracts.

§ 4.115 Insurance under research and development contracts.

See Part 10 of this chapter.

§ 4.115–1 Contractor immunity from liability for torts.

In the case of cost-reimbursement type contracts where nonprofit educational institutions or other contractors do not carry insurance either because as charitable organizations they claim immunity from liability for torts or, in the case of State institutions, because the State law does not permit them to expend their funds for insurance premiums, the requirements of the Insurance-Liability clause, § 7.203-22 of this chapter, may be modified to recognize a claim of partial immunity as provided in § 7.402-26(a) of this chapter or for a claim of total immunity as provided in § 7.402-26(b) of this chapter.

§ 4.115–2 Indemnification against unusually hazardous risks.

Under the authority provided by 10 U.S.C. 2354, research and development contracts may specifically include language to indemnify contractors against liability on account of claims by third parties (including those of contractors' employees) for death, bodily injury, and loss of or damage to property, and for loss of or damage to the contractors' property, to the extent such liabilities arise out of the direct performance of the contract involved and from a risk defined in the contract as unusually hazardous. (See Subpart G, Part 10 of this chapter.)

§ 4.116 Government property under research and development contracts.

§ 4.116–1 General.

In research and development contracts with commercial organizations, the clauses relating to property furnished by the Government or acquired by the contractor at Government expense are the same as those used in other types of contracts. (See §§ 13.702 and 13.703 of this chapter.) Different clauses are prescribed for use in research and development contracts with educational or other nonprofit institutions where no profit or fee is involved. (See §§ 13.706 and 13.707 of this chapter.)

§ 4.116–2 Control of Government property in possession of research and development contractors.

The basic requirements to be observed by the Departments for establishing and maintaining control over Government Property as set forth in § 30.2 of this chapter are applicable to research and development contracts except, in contracts with educational or other nonprofit organizations (executed on a nonprofit basis), § 30.2 of this chapter is applicable.

§ 4.116–3 Providing Government production and research property.

See Subpart C, Part 13 of this chapter.

§ 4.116–4 Transfer of title to equipment to nonprofit educational or research institutions.

(a) *General.* This section implements 42 U.S.C. 1892 which gives the Department of Defense discretionary authority to vest in nonprofit institutions of higher education or nonprofit organizations whose primary purpose is the conduct of scientific research, without further obligation to the Government or on such other terms and conditions as may be appropriate, title to equipment purchased with funds available for grants or contracts for the conduct of basic or applied research.

(b) *Purpose of the legislation.* The general purpose of the legislation implemented by this section is to facilitate the scientific research performed under contract for the Government by the nonprofit institutions and organizations described in paragraph (a) of this section. It is intended to permit the elimination of the recordkeeping required when the Government retains title to equipment furnished or purchased under a research contract, in those cases where the cost of such recordkeeping to the contractor or to the Government is out of proportion to the value of the equipment. It is further intended to reduce where desirable the time and labor involved in formally circulating through the Government long lists of highly specialized or minor items of equipment or in relocating major equipment when such relocation is impracticable or uneconomical and not required for other research programs of the Government. Finally, it is intended to provide a measure of administrative flexibility when, from the standpoint of increased research effectiveness and in the absence of other Departmental or Governmental requirements, it is desirable to transfer title to equipment to such research contractors.

(c) *Transfer of title.* (1) Contracts with nonprofit institutions of higher education or nonprofit organizations whose primary purpose is the conduct of scientific research, shall provide, or shall be amended to provide, for transfer to contractors of title to each item of equipment having an acquisition cost of less than $200 and purchased with funds available for grants or contracts for the conduct of basic or applied research. With respect to such equipment already in possession of such contractors, the contracting officer shall vest in the contractor title to all such low cost equipment at the time of amendment of the appropriate contract or as soon as practicable thereafter. With respect to such equipment to be acquired by the contractor for the account of the Government, the contracting officer shall vest in the contractor title to such equipment upon receiving from the contractor a written receipt pursuant to Item 305, § 30.3 of this chapter. The requirements of this section are not applicable to transfers of title that are precluded by controls governing the equipment involved.

(2) With respect to equipment having an acquisition cost of $200 or more, contracts with such institutions and organizations may provide, or may be amended to provide, that the contracting officer may transfer title to the contractor. To the maximum extent possible, transfer of title should be effected at the beginning of the contract or upon acquisition of the equipment, but such transfer may be effected at the beginning, during the course of, or at the end of a contract provided:

(i) The equipment was purchased with grant or contract funds allocated for basic or applied scientific research;

(ii) (a) Either the retention of title in the Government would create an administrative burden not warranted by the value of the equipment, or the keeping of inventory and records by the contractor would become prohibitively complicated or expensive, or

(b) It would be impractical or uneconomical to remove the equipment from the contractor's plant;

(iii) The transfer of title will further the scientific research objectives of the Department concerned; and

(iv) The transfer of title is not precluded by controls governing the equipment involved.

(3) The contracting officer may, when provision is made therefor by contract, vest in the contractor title to any item

of equipment having an acquisition cost of from $200 to $3,000, inclusive, following his written determination that the criteria in subparagraph (2) of this paragraph had been met. When the acquisition cost of an item of equipment is in excess of $3,000, the contracting officer may transfer title to the contractor upon the written approval of the head of the procuring activity or his designee. Such approval shall be given on the basis of the criteria in subparagraph (2) of this paragraph and only after considering whether transfer of title is consistent with any known need of the Department concerned. (No formal screening is required.) In addition, for items of equipment having an acquisition cost in excess of $25,000, the approval of designated representatives[1] of the Departments must be secured. Such approval shall be given within sixty (60) days, but only after a reasonable check, commensurate with the value of the item involved, has established that there is no known requirement for the item within the respective Departments.

(4) Where title to equipment is vested pursuant to subparagraph (1) or (2) of this paragraph, the contractor shall be without further obligation to the Government with respect to such equipment, except that the contractor must agree, as a condition to taking title, that no charge will be made to the Government for any depreciation, amortization, or use charge with respect to such equipment under any existing or future Government contract.

(d) *Contract clauses.* Where it is anticipated that in connection with a contract, title to equipment may be vested in the contractor in accordance with this paragraph, the alternate subparagraph (c)(2) of the clause in § 13.706 of this chapter shall be included in fixed-price type contracts, and the addition to subparagraph (c)(1) of the clause in § 13.707 of this chapter shall be included in cost-reimbursement contracts.

§ 4.117 Contractor performance evaluation program.

The Contractor performance evaluation program is a procedure for determining and recording the effectiveness of advanced-development (with measurable contractual commitments), engineering-development, and operational-systems-development and production contractors in meeting the performance, schedule, and cost provisions of their contracts. The program requires project managers within the military departments to submit periodic contractor performance evaluation reports (see DD Form 1446 series) for all such development contracts whose projected cost for a single year will exceed $2 million or whose projected overall cost will exceed $10 million and for all production contracts that follow or are concurrent with the development contracts evaluated (until firm specifications susceptible to price competition are in use), if the projected cost exceeds $5 million for a single year or if the projected overall cost exceeds $20 million. After review or certification by the appropriate Departmental contractor performance evaluation group (see DD Form 1447 series), the report is submitted to the contractor and then transmitted, with the contractor's comments, to the Director of Contractor Performance Evaluation, Office of the Assistant Secretary of Defense (Installations and Logistics), for storage in a central data bank and use by source selection advisory councils or other persons or groups acting in similar capacity, contracting officers in determining fees or profits and the Renegotiation Board. The central data bank is maintained at the Defense Documentation Center of the Defense Supply Agency, Cameron Station, Alexandria, Va. 22314. Detailed procedures for this program are set forth in the Department of Defense Guide to Contractor Performance Evaluation (Development and Production).

Subpart B—Procurement of Research and Development [Revoked]

Subpart C—Contracts for Preparation of Household Goods for Shipment, Government Storage and Related Services [Revoked]

PART 6—FOREIGN PURCHASES

13. In § 6.102–3, paragraph (a)(2) is revised, and in § 6.103–2, the introductory text of paragraph (b) is revised, as follows:

§ 6.102–3 Procurement from other Government agencies.

(a) • • •

(2) If an end product listed as foreign on a Federal Supply Service Schedule is first acquired by a Defense activity, it shall be procured in accordance with § 6.103.

• • • • •

§ 6.103–2 Nonavailability in the United States.

• • • • •

(b) Notwithstanding the foregoing, procurement of foreign end products on the basis of "nonavailability," whether or not listed in § 6.106, shall be made only if the procurement is approved by:

• • • • •

PART 7—CONTRACT CLAUSES

14. New §§ 7.104–62 and 7.104–63 are added; § 7.105–7 is revised; § 7.105–8 is revoked; and in § 7.203–2, the clause heading and clause paragraph (c) are revised, as follows:

§ 7.104–62 Material inspection and receiving report.

Insert the following clause except in negotiated subsistence procurements and contracts for tanker/barge shipments of bulk petroleum products.

MATERIAL INSPECTION AND RECEIVING REPORT (MARCH 1967)

At the time of each delivery under this contract, the Contractor shall prepare and furnish to the Government a Material Inspection and Receiving Report (DD Form 250 Series), in the manner and to the extent required by ASPR Appendix I, "Preparation, Reproduction, and Distribution, Material Inspection and Receiving Report (MIRR)."

§ 7.104–63 Protection of Government buildings, equipment, and vegetation.

Insert the following clause in all contracts which involve the performance of any services on a Government installation.

PROTECTION OF GOVERNMENT BUILDINGS, EQUIPMENT, AND VEGETATION (APRIL 1967)

The Contractor shall avoid damaging existing buildings, equipment, and vegetation (such as trees, shrubs, and grass) on the Government installation. If the Contractor damages any such buildings, equipment, or vegetation, he shall replace or repair the damage at no expense to the Government as directed by the Contracting Officer. If he fails or refuses to do so, the Contractor shall be liable for the cost of replacement or repair, and such cost may be deducted from the contract price.

§ 7.105–7 Supply warranty.

In accordance with § 1.324 of this chapter, an appropriate supply warranty clause may be inserted.

§ 7.105–8 Supply warranty. [Revoked]

§ 7.203–2 Changes.

CHANGES (APRIL 1967)

• • • • •

(c) Notwithstanding the provisions of paragraphs (a) and (b) above, the estimated cost of this contract and, if this contract is incrementally funded, the funds allotted for the performance thereof, shall not be increased or deemed to be increased except by specific written modification of the contract indicating the new contract estimated cost and, if this contract is incrementally funded, the new amount allotted to the contract. Until such modification is made, the Contractor shall not be obligated to continue performance or incur costs beyond the point established in the clause of this contract entitled "Limitation of Cost" or "Limitation of Funds."

• • • • •

15. New § 7.204–44 is added; § 7.205–8 is revoked; new §§ 7.203–13, 7.403–41 are added; and § 7.404–1 is revised, as follows:

§ 7.204–44 Material inspection and receiving report.

Insert the clause in § 7.104–62 except in negotiated subsistence procurements and contracts for tanker/barge shipments of bulk petroleum products.

[1] In the case of the Department of the Army, the designee is Army Research Office, Office Chief of Research and Development, Washington, D.C. 20310.

In the case of the Department of the Navy, the designee is Chief of Naval Research, Office of Naval Research, Washington, D.C. 20390.

In the case of the Department of the Air Force, the designee is Commander, Office of Aerospace Research, Washington, D.C. 20333.

In the case of the Defense Supply Agency, the designee is Executive Director for Supply Operations, Defense Supply Agency, Cameron Station, Alexandria, Va. 22314.

§ 7.205–6 Material inspection and receiving report. [Revoked]

§ 7.303–13 Material inspection and receiving report.

Insert the clause set forth in § 7.104–62.

§ 7.403–41 Material inspection and receiving report.

Insert the clause set forth in § 7.104–62.

§ 7.404–1 Changes.

CHANGES (APRIL 1967)

(a) The Contracting Officer may at any time, by a written order, and without notice to the sureties, if any, make changes, within the general scope of this contract, in any one or more of the following:

(i) Drawings, designs, or specifications;

(ii) Method of shipment or packing; and

(iii) Place of inspection, delivery, or acceptance.

(b) If any such change causes an increase or decrease in the estimated cost of, or the time required for the performance of any part of the work under this contract, whether changed or not changed by any such order, or otherwise affects any other provision of this contract, an equitable adjustment shall be made:

(i) In the estimated cost or delivery schedule, or both;

(ii) In the amount of any fixed fee to be paid to the Contractor; and

(iii) In such other provisions of the contract as may be affected, contract shall be modified in writing accordingly.

Any claim by the Contractor for adjustment under this clause must be asserted within thirty (30) days from the date of receipt by the Contractor of the notification of change: *Provided, however,* That the Contracting Officer, if he decides that the facts justify such action, may receive and act upon any such claim asserted at any time prior to final payment under this contract. Failure to agree to any adjustment shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes." However, except as provided in paragraph (c) below, nothing in this clause shall excuse the Contractor from proceeding with the contract as changed.

(c) Notwithstanding the provisions of paragraphs (a) and (b) above, the estimated cost of this contract and, if this contract is incrementally funded, the funds allotted for the performance thereof, shall not be increased or deemed to be increased except by specific written modification of the contract indicating the new contract estimated cost and, if this contract is incrementally funded, the new amount allotted to the contract. Until such modification is made, the Contractor shall not be obligated to continue performance or incur costs beyond the point established in the clause of this contract entitled "Limitation of Cost" or "Limitation of Funds."

In the foregoing clause, the period of "thirty (30) days" within which any claim for adjustment must be asserted, may be varied in accordance with Departmental procedures. In accordance with 10 U.S.C. 2306(f), prior to the pricing of any change order that is expected to exceed $100,000, except where the price is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation, the contracting officer shall require the contractor to furnish a Certificate of Current Cost or Pricing Data (see § 3.807–4 of this chapter) and shall assure that the contract includes or is modified to include a defective pricing data clause (see § 7.104–29).

16. Sections 7.603–30, 7.705–2, and 7.705–4 are revised; an introductory statement is added at the beginning of § 7.802–4; and in § 7.802–5(a), the clause heading and clause paragraph (a) are revised, as follows:

§ 7.603–30 Availability and use of utility services.

Insert the following clause in contracts for performance at Government installations when it is determined that one or more utility systems and supplies are adequate for the needs and use of both the Government and the contractor and it is advantageous to the Government to furnish such utility services.

AVAILABILITY AND USE OF UTILITY SERVICES (APRIL 1967)

(a) The Government will make available to the Contractor, from existing outlets and supplies, all reasonably required amounts of utilities as specified in the Schedule or specifications. Except as otherwise provided in the Schedule or specifications, each utility shall be charged to or paid for by the Contractor at prevailing rates charged to the Government or, where the utility is produced by the Government, at reasonable rates as determined by the Contracting Officer.

(b) The Contractor shall carefully conserve utilities furnished without charge. The Contractor, at his own expense and in a workmanlike manner satisfactory to the Contracting Officer, shall install and maintain all necessary temporary connections and distribution lines and, if necessary to determine charges, all meters required to measure the amount of each utility used; and he shall remove the same prior to final acceptance of the construction.

§ 7.705–2 Filing of patent applications.

In accordance with the requirements of § 9.106 of this chapter, insert the contract clause set forth therein.

§ 7.705–4 Transfer of title to the facilities.

In accordance with the instructions contained in § 4.116–4 of this chapter, the following clause may be inserted in facilities contracts.

TRANSFER OF TITLE TO THE FACILITIES (SEPTEMBER 1964)

Notwithstanding the provisions of the clause of this contract entitled "Title", the Contracting Officer may at any time during the term of this contract, or upon completion or termination, transfer title to equipment to the Contractor upon such terms and conditions as may be agreed upon: *Provided,* That the Contractor shall not under any Government contract, or subcontract thereunder, charge for any depreciation, amortization, or use of such equipment as is donated under this clause. Upon the transfer of title to equipment under this clause, such equipment shall cease to be Government property.

§ 7.802–4 Payments clauses for letter contracts.

The following clause shall be included in all letter contracts contemplating a cost-type contract. As to letter contracts contemplating a fixed-price type contract, see § 163.84 of this chapter.

* * * * *

§ 7.802–5 Definitization.

(a) * * *

DEFINITIZATION (APRIL 1967)

(a) A ---------- type definitive contract is contemplated. To accomplish this result, the Contractor agrees to enter into negotiation promptly with the Contracting Officer over the terms of a definitive contract, which will include all clauses required by the Armed Services Procurement Regulation on the date of execution of the letter contract, all clauses required by law on the date of execution of the definitive contract and such other clauses, terms, and conditions as may be mutually agreeable. The Contractor agrees to submit a fixed-price proposal [cost and fee proposal], and cost or pricing data supporting that quotation.

* * * * *

17. Section 7.902–7 is revised; new §§ 7.902–25 and 7.1102–4 are added; and new Subparts M, N, and O are added, as follows:

§ 7.902–7 Filing of patent applications.

In accordance with § 9.106 of this chapter, insert the clause set forth therein.

§ 7.902–25 Material inspection and receiving report.

Insert the clause in § 7.104–62 except in negotiated subsistence procurements and contracts for tanker/barge shipments of bulk petroleum products.

§ 7.1102–4 Material inspection and receiving report.

Insert the clause in § 7.104–62 except in negotiated subsistence procurements and contracts for tanker/barge shipments of bulk petroleum products.

Subpart M—Clauses for Bakery and Dairy Products Contracts

Sec.

7.1300 Scope of subpart.
7.1301 Required clauses.
7.1301–1 Delivery vehicles and conveyances.
7.1301–2 Responsibility for containers and equipment.
7.1301–3 Time of delivery.
7.1301–4 Plant locations.
7.1301–5 Sanitary conditions.
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7.1301–8 "Fluid Milk" contracts.
7.1301–9 Solicitations for fluid milk.
7.1302 Additional required clauses for perishable dairy products contracts.
7.1302–1 Containers and equipment.
7.1302–2 Examination and testing.
7.1302–3 Deficiency adjustment.
7.1303 Clauses to be used when applicable.
7.1303–1 Code dating.
7.1303–2 Marking.

AUTHORITY: The provisions of this Subpart M issued under sec. 2202, 70A Stat. 120; 10 U.S.C. 2202. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 7.1300 Scope of subpart.

This subpart sets forth uniform contract clauses for use in indefinite delivery contracts as defined in § 3.409 of this chapter, for perishable bakery and dairy products. These clauses are to be used in addition to other required or applicable clauses.

§ 7.1301 Required clauses.

The following clause shall be included in all indefinite delivery contracts for perishable bakery and dairy products.

§ 7.1301–1 Delivery vehicles and conveyances.

DELIVERY VEHICLES (APRIL 1967).

The supplies delivered under this contract shall be transported in clean, closed vehicles. The vehicles shall be maintained in a sanitary condition to prevent contamination of the supplies and shall be equipped to maintain any temperature requirement prescribed in the specification or elsewhere in this contract. The vehicles shall be subject to inspection by the Government at all reasonable times and at all places, including the plant of the Contractor. Supplies tendered for acceptance in vehicles which are not sanitary, or which are not equipped to maintain any prescribed temperatures, may be rejected without further inspection.

§ 7.1301–2 Responsibility for containers and equipment.

RESPONSIBILITY FOR CONTAINERS AND EQUIPMENT (APRIL 1967)

The Contractor shall maintain all reusable containers and equipment in a sanitary condition and in a good state of repair and working order. At the time of each delivery, the Contractor shall remove from the premises of the Government all empty reusable containers, unless the Contracting Officer grants permission in writing for less frequent removal. The Government shall not be liable for any damage to, or loss or destruction of, containers and equipment furnished by the Contractor.

§ 7.1301–3 Time of delivery.

TIME OF DELIVERY (APRIL 1967)

Individual written delivery orders issued or oral delivery orders placed under this contract shall specify the locations to which deliveries shall be made and the quantities for each location. Deliveries will be completed within the hours prescribed in the Schedule of this contract and on the days specified by the order. Orders which call for delivery within less than twenty-four (24) hours from the time the Contractor receives said orders shall be governed by paragraph (e) of the clause entitled "Requirements."

If an indefinite quantity contract as defined in § 3.409–3 of this chapter is used, rather than a requirements contract, the following shall be included instead of the last sentence of the foregoing clause.

The Contractor shall not be required to deliver within less than _____ hours from the time the Contractor receives a delivery order.

§ 7.1301–4 Plant locations.

Prior to award of a contract, the contractor must identify the plant or plants at which any manufacturing or processing will occur and from which shipment will be made. See § 1.903–2(b) of this chapter. The plants named by the contractor shall be listed in the Schedule, and the following clause shall be included in the contract.

CHANGE IN PLANT LOCATION (APRIL 1967)

The performance of any work under this contract at any place other than that named in this contract is prohibited unless specific written advance approval is obtained from the Contracting Officer.

§ 7.1301–5 Sanitary conditions.

SANITARY CONDITIONS (APRIL 1967)

(a) All plant facilities, machinery, equipment, and apparatus used in the production, processing, handling, storage, or delivery of supplies under this contract, and all supplies (as the term "supplies" is defined in paragraph (a) of the clause entitled "Inspection") delivered under this contract, shall meet the sanitary standards, including bacteriological requirements, prescribed by the specifications cited elsewhere in this contract.

(b) All plant facilities, machinery, equipment, and apparatus used in the production, processing, handling, storage, or delivery of supplies under this contract shall be subject to inspection and test by the Government at all places and at all reasonable times.

(c) The Government shall notify the Contractor in writing of any failure to meet the sanitary standards, including bacteriological requirements, prescribed by this contract. If such failure has not been corrected within three (3) days from the date the Contractor receives said notice, the whole or any part of this contract may be terminated for default or, at the option of the Contracting Officer, the Contractor's right to perform under this contract may be partially or wholly suspended for not less than ten (10) days, and for such longer period of time as the Contracting Officer deems appropriate to permit correction of such failure. A suspension shall not operate to extend the life of this contract and shall not be considered sufficient cause of any delivery time. During the period of any such suspension, the Government may procure from other sources, upon such terms and in such manner as the Contracting Officer may deem appropriate, supplies similar to those specified in the Schedule, and the Contractor shall be liable to the Government for any excess costs for such similar supplies. If the Contractor does not correct the failure to meet the sanitary standards, including bacteriological requirements, within any suspension period specified by the Contracting Officer, the Government may terminate the unexpired portion of this contract for default without allowing additional time for correction, notwithstanding paragraph (a) (ii) of the clause entitled "Default."

If an indefinite quantity contract as defined in § 3.409–3 of this chapter is used, rather than a requirements contract, the following shall be inserted in paragraph (c) of the foregoing clause after the third sentence.

The quantity of supplies designated in the Schedule as "Minimum" shall be reduced, in the event of a suspension, by an amount proportionate to the ratio between the number of days the Contractor's right to perform is suspended and the number of days in the contract period. The quantity of supplies designated as "Maximum" shall not be reduced.

§ 7.1301–6 Disclaimer of export subsidies.

DISCLAIMER OF EXPORT SUBSIDIES (APRIL 1967)

The commodities supplied hereunder, or components thereof, shall not have been purchased at reduced prices for export, nor subsidized for export by the Department of Agriculture either directly or indirectly, and the Contractor agrees that the deliveries hereunder will not be the basis for any export subsidy benefit from the Department of Agriculture.

§ 7.1301–7 Remedies under delivery orders.

REMEDIES UNDER DELIVERY ORDERS (APRIL 1967)

All rights and remedies afforded to the Government under the provisions of this contract may be exercised and enforced by the Government with respect to each written or oral delivery order placed under this contract.

If delivery orders are to be placed by an activity other than the activity which awarded the contract, the following may be added to the foregoing clause to establish authority in the ordering officer under the Changes, Extras, Inspection, Default, and Disputes clauses for the administration of individual delivery orders.

For the purpose of the exercise of the Government's rights and remedies under one or more individual delivery orders, the term "Contracting Officer" as used in the "Changes," "Extras," "Inspection," "Default," and "Disputes" clauses, shall include the person executing or placing said order or orders.

§ 7.1301–8 "Fluid Milk" contracts.

All contracts which require the delivery of any item of "fluid milk for beverage purposes" and in which the period of performance exceeds 3 months shall include the following clause.

PRICE ADJUSTMENT FOR FLUID MILK FOR BEVERAGE PURPOSES (MARCH 1967)

(a) For the purpose of this clause the term, "fluid milk for beverage purposes," means fresh whole milk, skim milk, buttermilk, flavored milk, flavored milk drinks, recombined milk, cream, half and half, and lowfat milk.

(b) For the purposes of this clause, action by the U.S. Secretary of Agriculture for which a price adjustment may be made includes, but is not limited to, amendment, suspension, institution, or termination of the provisions of any applicable Federal Milk Marketing Order, and direct changes in the support prices under the dairy price support program. A price adjustment will not be made where a change in the Contractor's direct costs for fluid milk results merely from the normal operation of a price-formula contained in any applicable Federal Milk Marketing Order except as influenced by changes in the dairy price support program.

(c) In the event that action by the U.S. Secretary of Agriculture subsequent to the date of bid opening, if this is a contract entered into by formal advertising, or the contract date if this is a negotiated contract, causes an increase or decrease in the Contractor's direct costs of fluid milk used or to be used to furnish items of fluid milk for beverage purposes under this contract, the contract price shall be increased or decreased by an amount equal to the changes in the Contractor's direct cost of fluid milk which were caused by such action. No price adjustment shall be made with respect to deliveries during the first 3-month period of the contract.

(d) If action by the U.S. Secretary of Agriculture is taken during the first or any subsequent 3-month period of the contract, the Contractor within five (5) days after completion of the deliveries for each such period shall furnish to the Contracting Officer a written notice stating whether such action increased, decreased, or caused no change in the Contractor's direct cost for fluid milk

used or to be used in the performance of the contract. This notice shall include the Contractor's proposal for a price adjustment and pertinent documentary evidence or other information explaining: (i) The effective date and the amount of any increase or decrease in the Contractor's direct cost of fluid milk used or to be used in the performance of the contract; (ii) the Contractor's direct fluid milk cost used in computing the contract price prior to adjustment; and (iii) how his direct costs for fluid milk were affected by the action of the U.S. Secretary of Agriculture or that such costs were unaffected by such action. The notice shall be supplemented by such additional information as the Contracting Officer may request. Within thirty (30) days from receipt of the Contractor's proposal, the Contracting Officer shall adjust the contract prices for deliveries already made (except those made during the first 3-month period of the contract) and for deliveries to be made under the balance of the contract, or advise the Contractor why the requested adjustment will not be made.

(c) The Contracting Officer may examine the Contractor's books, records and other supporting data relevant to the Contractor's direct costs of the fluid milk used or to be used in the performance of this contract, during all reasonable times until three (3) years after final payment under this contract.

§ 7.1301–9 Solicitations for fluid milk.

The following provision shall be included in all solicitations for fluid milk for beverage purposes which contain the clause set forth in § 7.1301–8.

Evaluation of bids. Notwithstanding the provisions of the clause entitled "Price Adjustment for Fluid Milk for Beverage Purposes," bids or offers shall be evaluated on the basis of quoted prices without the possible adjustments being considered. (MARCH 1967)

§ 7.1302 Additional required clauses for perishable dairy products contracts.

Clauses substantially as follows shall be included in all indefinite delivery contracts for perishable dairy products.

§ 7.1302–1 Containers and equipment.

If the contractor is to furnish cabinets for dispensing milk from bulk containers, a notice so stating shall be included in the Schedule of solicitations and resultant contracts. The notice shall state (a) the number of dispenser cabinets required, or a reasonably accurate estimate thereof, (b) whether metal stands for the cabinets are required, (c) the number of cabinets required with a capacity of two containers each, and (d) the number required with a capacity of three containers each.

CONTAINERS AND EQUIPMENT (APRIL 1967)

(a) Dispenser containers and filling equipment used by the Contractor in the performance of this contract, and any refrigerated bulk milk dispenser cabinets furnished by the Contractor, shall comply with MIL–STD–175, "Minimum Sanitary Standards for the Equipment and Methods for the Handling of Milk and Milk Products in Bulk Milk Dispensing Operations," as amended.

(b) Any bulk milk dispenser cabinets required by the Schedule to be furnished by the Contractor shall be installed, serviced, and maintained to the satisfaction of the Contracting Officer. All responsibility for the supply, installation, maintenance, and removal thereof, including labor and material costs, and for any damage thereto or loss or destruction, shall remain with the Contractor.

(c) When, and for as long as, the Contractor fails to furnish bulk milk dispenser cabinets or milk dispenser containers as required in the Schedule, or does not properly service, maintain, and repair said dispenser cabinets, so that milk cannot be dispensed as needed by the Government, the Contractor shall deliver a sufficient quantity of milk in half-pint containers to satisfy orders for milk dispenser containers at the price per gallon for milk dispenser containers.

(d) Any contamination, spoilage, leakage, or other loss of any contents of a dispenser container due to functional failure of the dispenser cabinets or dispenser containers, except for a general power failure at the Government installation, shall be replaced immediately by the Contractor without cost to the Government.

(e) The tare weight of dispenser containers required to be certified in accordance with paragraph (b) of the clause entitled "Examination and Testing" shall include all parts of the container delivered as a complete unit, including lids, tubes, and seals.

§ 7.1302–2 Examination and testing.

EXAMINATION AND TESTING (APRIL 1967)

(a) In accordance with the specifications cited elsewhere in this contract, the Contractor shall examine and test all supplies to be delivered (as the term "supplies" is defined in paragraph (a) of the clause entitled "Inspection"). Records of all such examinations and tests shall be kept complete and available to the Government until the sixtieth (60th) day following the expiration of this contract, or until the final resolution of any dispute, appeal, claim, or litigation arising out of or in connection with this contract, whichever is later.

(b) The Contractor shall certify the tare weights of all containers on the shipping document and furnish a copy thereof to the Government inspector at destination. If different types of containers with different tares are included in a single delivery, the Contractor shall furnish the tare weight and identifying characteristics of each type. Volume and net weight shortages of any line item, revealed by inspecting a reasonable sample of said line item, shall be deducted from payment for the entire quantity of the line item delivered on the day the shortage is discovered. For the purpose of determining net weight, milk will be considered to weigh 8.6 pounds per gallon.

(c) At its own expense, the Government shall select samples at random from each type of product delivered hereunder. These samples shall be submitted to a laboratory for bacteriological analysis or chemical analysis, or both.

(d) Not less than three (3) days after notice to the Contractor of nonconformance with the bacteriological requirements prescribed by the commodity specifications cited elsewhere herein, the Government shall select and test an additional sample of the type or types of product which failed to conform. Upon the failure of said additional sample, the Government may terminate the whole or any part of this contract for default, suspend the Contractor's right to perform all or a part of this contract in accordance with the "Sanitary Conditions" clause herein, or exercise any other rights and remedies provided by law or under this contract.

(e) The butterfat, milk solids not-fat, and protein content of the entire quantity of each type of product delivered during a monthly period shall be deemed to be the weighted average of the results of the tests of all samples thereof selected during said period. If the butterfat, milk solids not-fat, or protein content of any type of product in any monthly period, as determined by a chemical analysis of at least two (2) samples, is less than required by this contract, the Contractor shall reimburse the Government for the deficiency in an amount determined pursuant to the clause entitled "Deficiency Adjustment." Monthly periods commence on the first (1st) day of the contract period and on the same day of each succeeding calendar month thereafter. The butterfat, milk solids not-fact, and protein content of one type of product will not be averaged with or offset against the content of another type of product, and the content of products delivered in any one monthly period will not be averaged with or offset against the content of products delivered in any other monthly period. No payment will be made for butterfat, milk solids not-fat, and protein content in excess of the amount required by this contract.

(f) For the purposes of this clause, the term "type of product" includes all line items in the Schedule governed by identical specification requirements, except for packaging and flavor. For example, all line items of "Milk Whole, Fresh" constitute a single type of product, notwithstanding that delivery is made in various quantities of ½-pint, quart, ½-gallon, and bulk containers.

(g) The foregoing is an agreed method for the adjustment of prices of rejectable products which are accepted under the "Inspection" clause of this contract, and is without prejudice to the Government's right to terminate for default or to pursue any other remedy under this contract or as provided by law.

§ 7.1302–3 Deficiency adjustment.

The formulae prescribed in the following clause may be modified to accommodate purchasing or ordering activities which do not have access to the Department of Agriculture reports cited therein.

DEFICIENCY ADJUSTMENT (APRIL 1967)

(a) The amount to be paid by the Contractor to the Government as consideration for the acceptance of supplies deficient in butterfat, milk solids not-fat, or protein, pursuant to the clause entitled "Examination and Testing," shall be determined in accordance with the following formulae:

(i) *Butterfat.* Subtract the total pounds of butterfat delivered from the total pounds of butterfat required to be delivered, and multiply the remainder by the butterfat value.

(ii) *Milk solids not-fat.* Subtract the total pounds of milk solids not-fat delivered from the total pounds of milk solids not-fat required to be delivered, and multiply the remainder by the milk solids not-fat value.

(iii) *Protein.* Subtract the total pounds of protein delivered from the total pounds of protein required to be delivered, multiply the remainder by the milk solids not-fat value, and multiply the product of the foregoing by 2.8.

(b) The term "butterfat value" shall mean the average Chicago top "Wholesale Selling Price" of Grade A, 92 score butter during the monthly period for which the deficiency is computed, as reported in the Dairy and Poultry Market News, published by the Department of Agriculture, Consumer and Marketing Service, Chicago, Ill., multiplied by 1.30. The term "milk solids not-fat value" shall mean the average Chicago top price for "Commercial Sales, Extra Grade, Nonfat Dry Milk, Spray (bags)" during the monthly period for which the deficiency is computed, as reported in the aforementioned Dairy and Poultry Market News, multiplied by 1.40.

§ 7.1303 Clauses to be used when applicable.

§ 7.1303–1 Code dating.

If a Schedule or specification provision requires the labels of one or more items to show the date of pasteurization, manufacture, production, or processing, a clause substantially as follows may be included to permit the use of a coding system.

CODE DATING (APRIL 1967)

A code may be used to comply with the requirement set forth in the Schedule or specifications of this contract for showing a date on the labels of items delivered hereunder: *Provided*, That, prior to the use of a code, a written explanation thereof is furnished to the Contracting Officer and approved by him in writing. No changes in the code symbols, code system or explanation thereof, shall be made without the advance written approval of the Contracting Officer.

§ 7.1303–2 Marking.

A clause substantially as follows shall be included, unless a provision is inserted in the Schedule specifically requiring supplies to be marked in accordance with MIL–STD–129, "Marking for Shipment and Storage."

MARKING (APRIL 1967)

Notwithstanding any specification references to MIL–STD–129, commercial markings are acceptable.

Subpart N—Clauses for Laundry and Dry Cleaning Contracts

Sec.
- 7.1400 Scope of subpart.
- 7.1401 Required clauses.
- 7.1401–1 Activities.
- 7.1401–2 Contract period.
- 7.1401–3 Specifications.
- 7.1401–4 Pickup and delivery points and times.
- 7.1401–5 Count of articles.
- 7.1401–6 Loss or damage.
- 7.1401–7 Storage and handling.
- 7.1401–8 Vehicles.
- 7.1401–9 Requirements or indefinite quantity.
- 7.1401–10 Ordering.
- 7.1401–11 Special definitions of Government property.
- 7.1401–12 Individual laundry.

AUTHORITY: The provisions of this Subpart N issued under sec. 2202, 70A Stat. 120; 10 U.S.C. 2202. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 7.1400 Scope of subpart.

This subpart sets forth special uniform contract clauses for laundry and dry cleaning contracts (see Subpart G, Part 22 of this chapter). These clauses are to be used in addition to other required or applicable clauses prescribed by Subpart A of this part.

§ 7.1401 Required clauses.

§ 7.1401–1 Activities.

ACTIVITIES (APRIL 1967)

Activities to be covered by this contract are:

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§ 7.1401–2 Contract period.

CONTRACT PERIOD (APRIL 1967)

Any contract awarded as a result of bids submitted under this Invitation for Bids shall extend from _____ or date of contract award, whichever is later, through _____, both dates inclusive, unless sooner terminated under the terms of the contract.

7.1401–3 Specifications.

SPECIFICATIONS (APRIL 1967)

All work under this contract shall be accomplished in accordance with specifications MIL–L–2868, MIL–STD–666A, and MIL–STD–666A, amendments or revisions thereto, and any other Federal or Military Specifications or Standards cited herein.

§ 7.1401–4 Pickup and delivery points and times.

PICKUP AND DELIVERY POINTS AND TIMES (APRIL 1967)

The locations for pickup and delivery and the times therefor are set forth below.

Location	*Pickup time*	*Delivery time*

The unit prices include (do not include) all pickup and delivery charges.

§ 7.1401–5 Count of articles.

COUNT OF ARTICLES (APRIL 1967)

(a) The Contractor shall be liable for return of the number and kind of articles furnished for service under this contract, in accordance with the count of the Contracting Officer, or the number and kind of articles agreed upon as a result of a joint count by the Contractor and the Contracting Officer at the time of delivery to the Contractor.

(b) Delivery tickets in the number of copies required, and in the form approved by the Contracting Officer shall be completed by the Contractor at the time of his receipt of the articles to be serviced. One copy of each delivery ticket shall accompany the Contractor's invoice.

In contracts that provide for laundry or dry cleaning service to individual personnel (see § 7.1401–12), add the following paragraph (c) to the above clause.

(c) Individual laundry bundle delivery tickets shall be provided by the Contractor as specified in the clause entitled "Individual Laundry" of the General Provisions of this contract.

§ 7.1401–6 Loss or damage.

LOSS OR DAMAGE (APRIL 1967)

(a) The Contractor shall indemnify the Government for any property delivered to the Contractor for servicing under this contract which is lost, or which is damaged and, in the opinion of the Contracting Officer, cannot be repaired satisfactorily. In either of these events, the Contractor shall pay to the Government the value thereof in accordance with Federal Supply Class price lists. If the property is not on these price lists, the Contracting Officer shall determine a fair and just price. Credit shall be allowed for any depreciation in the value of the property at the time of loss or damage, and the parties hereto shall determine the amount of the allowable credit. If the parties fail to agree upon the value property, or fail to agree on the amount of credit due, the dispute shall be determined as provided in the clause hereof entitled "Disputes."

(b) In case of damage to any property which the Contracting Officer and the Contractor agree can be satisfactorily repaired, the Contractor shall repair the property at his expense in a manner satisfactory to the Contracting Officer.

§ 7.1401–7 Storage and handling.

STORAGE AND HANDLING (APRIL 1967)

During the time Government-owned property is in the possession of the Contractor, it shall be adequately stored and protected. When contaminated hospital linen is furnished for service under this contract, it shall be handled separately from other articles.

§ 7.1401–8 Vehicles.

VEHICLES (APRIL 1967)

Vehicles used in the transportation of items called for in this contract shall be clean, closed, conform to commercial standards, and equipped to protect against contamination of the items. Such vehicles shall be subject to examination at all times by the Contracting Officer or his authorized representative.

§ 7.1401–9 Requirements or indefinite quantity.

Insert the Requirements clause in § 7.1102–2(a), or the Indefinite Quantity clause in § 7.1102–3(b), as appropriate.

§ 7.1401–10 Ordering.

In accordance with the requirements of § 7.1101–1, insert the clauses set forth therein.

§ 7.1401–11 Special definitions of Government property.

SPECIAL DEFINITIONS OF GOVERNMENT PROPERTY (APRIL 1967)

(a) The term "Government-furnished property," as used in this contract, means any supplies or facilities furnished to the Contractor by the Government for use in connection with the performance of this contract, but does not include the articles delivered to the Contractor to be laundered or dry cleaned.

(b) The term "Government-owned property," as used in this contract, means all of the articles delivered to the Contractor to be laundered or dry cleaned, expressly including any articles which may actually be owned by individual Government personnel.

§ 7.1401–12 Individual laundry.

The clause set forth below shall be inserted in any contracts which, pursuant to Departmental authority, provide for laundry service to individual personnel.

INDIVIDUAL LAUNDRY (APRIL 1967)

(a) The Contractor shall provide laundry service on both a unit bundle and on a piece-rate bundle basis for individual personnel when required by this contract. The total number of pieces listed in the column "Estimated Quantity" in the Schedule is the estimated amount of individual laundry for this contract, but does not constitute any representation as to the amount of individual laundry to be required. Individual may elect whether they shall patronize the laundry services. Services covered by this provision shall be on a weekly basis and the schedule for pickup and delivery shall be as specified elsewhere in this contract. Charges for individual laundry shall be on a per unit bundle or a piece-rate basis as indicated on the form, to be furnished by the Contractor, accompanying the bundle at time of pickup.

(b) The maximum number of pieces to be allowed per bundle is as specified in the Schedule and as follows: [1]

(i) Bundle consisting of twenty-six (26) pieces including laundry bag. This bundle shall contain approximately _____ pieces of outer garments which are to be starched and pressed. Outer garments shall include but not be limited to cotton shirts, trousers, jackets, dresses, coats.

(ii) Bundle consisting of thirteen (13) pieces including laundry bag. This bundle shall contain approximately _____ pieces of outer garments which are to be starched and pressed. Outer garments shall include but not be limited to cotton shirts, trousers, jackets, dresses, coats.

(c) Individual laundry bundles shall be accompanied by forms listing the items contained therein, prepared by the persons concerned. Forms on individual laundry bundles shall clearly identify unit bundle or piece-mate bundle as applicable where both services are provided by this contract.

Subpart O—Clauses for Contracts for Rental of Motor Vehicles

Sec.
7.1500 Scope of subpart.
7.1501 Required clauses.
7.1501–1 Rental payments.
7.1501–2 Condition of the rented property.
7.1501–3 Responsibility for damage or injury.
7.1501–4 Insurance/Liability.
7.1501–5 Marking of vehicles.
7.1501–6 Other required clauses.
7.1502 Clauses to be used when applicable.
7.1503 Additional clauses.

AUTHORITY: The provisions of this Subpart O issued under sec. 2202, 70A Stat. 130; 10 U.S.C. 2202. Interpret or apply secs. 2301–2314, 70A Stat. 128–139; 10 U.S.C. 2301–2314.

§ 7.1500 Scope of subpart.

This subpart sets forth uniform contract clauses for the rental of motor vehicles as described in § 23.800 of this chapter.

§ 7.1501 Required clauses.

The following clauses shall be inserted in all contracts for the rental of motor vehicles.

§ 7.1501–1 Rental payments.

RENTAL PAYMENTS (APRIL 1967)

(a) The Government shall pay rent for the property at the rate(s) specified in this contract upon the submission of proper invoices and vouchers. Rental charges shall accrue with the commencement of the term of this contract, or from the date that the property is delivered to the Government, whichever is later, and shall continue until the expiration of the term or the termination of this agreement: *Provided*, That rental shall accrue only for the period that the property is in the possession of the Government. No rent shall accrue with respect to any property furnished by the Contractor which the Contracting Officer determines is not in accordance with the standards prescribed by the clause of this contract entitled "Condition of the Rented Property," or is not otherwise in accordance with the requirements of this contract, until the property is replaced or the defects corrected. Furthermore, no rent shall accrue with respect to any property during any period when the property is unavailable or unusable as a result of a failure by the Contractor to render services in connection with the operation and maintenance of the property as prescribed by this contract.

(b) Rental charges stated in monthly terms shall be prorated on the basis of ⅙ of the monthly rental for each day the vehicle is in the Government's possession. Where the contract contains a mileage provision, rental charges shall be paid as indicated in the Schedule.

§ 7.1501–2 Condition of the rented property.

CONDITION OF THE RENTED PROPERTY (APRIL 1967)

Each item of property furnished under this contract shall be of good quality and in operating condition: *Provided*, however that the Government "shall accept or reject the property promptly after receipt. If the Contracting Officer determines that any item of property furnished is not in compliance with the terms of this contract, he shall inform the Contractor promptly in writing. If the Contractor fails to replace the property or correct the defects in accordance with the determination of the Contracting Officer, the Government may (i) by contract or otherwise correct the defect or arrange for a rental of similar property and shall charge or set off against the Contractor the excess costs occasioned thereby; or (ii) terminate the contract for default as provided in the "Default" clause of this contract.

§ 7.1501–3 Responsibility for damage or injury.

RESPONSIBILITY FOR DAMAGE OR INJURY (APRIL 1967)

The Government shall not be responsible for damage to the property of the Contractor or others, or for injuries to any person, arising from or incident to (i) the defective or unsafe condition of the property (unless due to the fault or negligence of the Government, its agents, or its employees), (ii) the defective or improper maintenance or repair of the property by the Contractor (when maintenance or repair is required by this contract), or (iii) the negligent operation of the property by the Contractor, his agents, employees, or servants; and the Contractor shall save harmless and indemnify the Government from any and all claims arising therefrom.

§ 7.1501–4 Insurance/Liability.

INSURANCE/LIABILITY (APRIL 1967)

(a) The Government shall be responsible for damage to vehicles hired caused by its fault or negligence (or that of its drivers) amounting to no more than $100 but shall not be liable for any loss or damage to any vehicle hired in an amount greater than $100. The Contractor shall be liable and will indemnify and hold harmless the Government and its agencies and employees against all actions or claims by reason of damage or injury (including death) arising or resulting from the fault, negligence, wrongful act, or wrongful omission of the Contractor.

(b) At his expense, the Contractor shall procure and maintain policies of bodily injury liability and property damage liability insurance under this contract in amounts not less than the following:

Type	Minimum amount
Automobile liability	$100,000/$300,000
Property damage	$10,000

§ 7.1501–5 Marking of vehicles.

MARKING OF VEHICLES (APRIL 1967)

(a) The Government shall be permitted to place upon front and rear bumpers non-permanent markings as may be required to identify a vehicle as to the using agency or activity.

(b) Placards may be used for temporary identification of vehicles provided they contain no references to the Contractor which may be construed as advertising or endorsement by the Government of the Contractor.

(c) The Government may place an identification decal on each side of each vehicle. Decals will be of a type which can be removed without damage to the vehicle.

§ 7.1501–6 Other required clauses.

Insert the clauses prescribed by § 7.103, except for the clauses entitled:

Variations in quantity;
Inspection;
Responsibility for supplies;
Payments;
Walsh-Healey Public Contracts Act.

§ 7.1502 Clauses to be used when applicable.

Insert the appropriate clauses prescribed by § 7.104.

§ 7.1503 Additional clauses.

Insert the clauses prescribed by § 7.105 when it is desired to cover the subject matter thereof in the contract.

[1] The number of pieces and the composition of a bundle may be revised by the contracting officer prior to advertising to meet local conditions.

PART 9—PATENTS, DATA, AND COPYRIGHTS

18. Paragraph (b) in § 9.109–2 is revised, as follows:

§ 9.109–3 Maintenance and use of records of performance.

* * * * *

(b) Where a contract is subject to the contractor performance evaluation program (§ 4.117 of this chapter), the procuring activity shall report to the project manager any significant or repeated failure to comply with the patent right clause. The project manager shall note in the contract or performance evaluation reports any such information which he has received relating to the contractor's meeting his obligations under the "required clauses."

§ 9.202–3 [Amended]

19. In § 9.202–3(e), the reference "4.205–1" is changed to read "4.106–1".

PART 10—BONDS, INSURANCE, AND INDEMNIFICATION

20. Paragraph (a) in § 10.112 is revised to read as follows:

§ 10.112 Execution and administration of bonds and consents of surety.

(a) *Execution.* Several prescribed forms for bonds and related documents are listed in § 16.806 of this chapter. Bonds and related documents executed on such forms shall comply with the instructions accompanying each form. The IFB or RFP may provide for execution and submission of more than one copy if desired. When required by Instruction Number 2 of the standard bond forms, the evidence of authority of a principal's representatives shall be a duly executed power of attorney reciting that the individual executing the bond or consent of surety is authorized to do so. A corporation, in lieu of such power of attorney, may submit a "Certificate as to Corporate Principal" in the format prescribed in paragraph (c) of this section.

* * * * *

PART 13—GOVERNMENT PROPERTY

21. New § 13.106 is added, and in § 13.702, the introductory text of paragraph (a) is revised, paragraph (b) is redesignated as paragraph (c) and a new paragraph (b) is added, as follows:

§ 13.106 Furnishing motor vehicles to Government contractors.

(a) For all major Department of Defense projects in which substantial numbers of motor vehicles, as described in § 22.800 of this chapter, will be required for use by contractor personnel, a determination shall be made as early as possible in the program effort as to the feasibility of providing the vehicles as Government furnished equipment. Unless there are substantial reasons to the contrary, the vehicles shall be so provided when the following conditions are met:

(1) The Government contract will bear the entire cost of the vehicle program,

(2) The prospective contractors do not have, or would not be expected to have, an existing and continuing capability for providing the vehicles necessary to perform the contract from their own resources;

(3) The number of vehicles required in the performance of the contract is predictable with a reasonable degree of accuracy and is expected to remain fairly constant over a period of 1 year or more; and

(4) Substantial savings can be expected.

(b) The required vehicles shall not be provided by the Government when they will be used to support the normal and continuing operation of a contractor in the performance of defense contracts generally (or with a mix of use in commercial activities) and the cost thereof would be distributed in overhead among unrelated contracts or partially allocated to commercial use.

(c) All Government furnished vehicles will be identified as contractor-operated vehicles, to distinguish them from vehicles operated by components of the Department of Defense, as prescribed in section VIII of the Joint Procedures for Management of Administrative Use Motor Vehicles (AR 58–1; OPNAV P44–2; AFM 77–1; MCO P11240.46; DSAR 4510.5).

§ 13.702 Government property clause for fixed-price contracts.

(a) Except as provided in paragraph (c) of this section, the following clause shall be used in fixed-price contracts and short form contracts (except contracts for experimental, developmental, or research work with educational or nonprofit institutions, where no profit to the contractor is contemplated) under which a Department is to furnish to the contractor, or the contractor is to acquire, Government property having an acquisition cost of more than $25,000.

* * * * *

(b) When used in overseas contracts, insert the words "United States" before the words "Government" or "Government-furnished" wherever they appear in the clause in paragraph (a) of this section, and substitute the following paragraphs (d) and (k) in the clause in paragraph (a) of this section.

(d) *Property Administration.* The Contractor shall comply with the provisions of the "Manual for Control of Government Property in Possession of Contractors" (Appendix B, Armed Services Procurement Regulation) as in effect on the date of the contract, which Manual is hereby incorporated by reference and made a part of this contract.

(k) *Communications.* All communications issued pursuant to this clause shall be in writing.

(c) * * *

§ 13.706 [Amended]

22. In § 13.706(b), the reference "4.214–4(d)" is changed to read "4.116–4(d)".

§ 13.707 [Amended]

23. In § 13.707(b), the reference "4.214–4(d)" is changed to read "4.116–4(d)".

24. In § 13.710, the existing text is designated as paragraph (a) and a new paragraph (b) is added, as follows:

§ 13.710 Government-furnished property clause for short form contracts.

* * * * *

(b) When used in overseas contracts, insert the words "United States" before the words "Government" or "Government-furnished" wherever they appear in the clause in paragraph (a) of this section.

PART 16—PROCUREMENT FORMS

25. Sections 16.206–1, 16.206–3, and 16.807 are revised and new §§ 16.814 and 16.815 are added, as follows:

§ 16.206–1 General.

(a) DD Forms 633, 633–1, 633–2, 633–3, and 633–4 are designed for submission of cost or pricing data by prospective contractors. Contractor reproduction of these forms is authorized.

(b) DD Forms 783 (Royalty Report), is approved for use as the separate schedule required by footnote 14 of DD Form 633 and footnote 4 of DD Forms 633–3 and 633–4.

§ 16.206–3 DD Forms 633–1, 633–2, 633–3, and 633–4.

The following forms may be used as appropriate:

(a) DD Form 633–1 (Contract Pricing Proposal (Technical Services));

(b) DD Form 633–2 (Contract Pricing Proposal (Technical Publications));

(c) DD Form 633–3 (Contract Pricing Proposal (Motion Pictures)); or

(d) DD Form 633–4 (Contract Pricing Proposal (Research and Development)).

§ 16.807 Document control data—R&D (DD Form 1423).

This form shall be used in connection with scientific and technical reports under research and development contracts pursuant to § 4.113 of this chapter.

§ 16.814 Records of contract actions.

Contract Cross Reference Data (DD Form 1592) shall be used in connection with the maintenance of contract cross reference/locator systems as prescribed in Supplement 2, Part 2, Contract Administration Completion Record (DD Form 1593), Contract Completion Statement (DD Form 1594), and Contract Closeout Check List (DD Form 1597) shall be used to assure completion of all required actions prior to closeout of contract files in accordance with Supplement 2, Part 3.

§ 16.815 Contract data requirements list (DD Form 1423).

(a) DD Form 1423 provides in one place in the contract a list of all data required to be delivered under the contract, and obtains from the contractor (and from all bidders and offerors) an estimate of what portion of the total price is attributable to the production or development of the listed data (not to the sale of rights in the data). Use of DD Form 1423 also helps achieve the following objectives of the department of Defense with respect to the acquisition of data:

(1) To acquire most economically the minimum amount of data needed to procure and support military systems, materiel, and services.

(2) To assure the acquisition of required data on time to serve its intended purpose.

(3) To establish data requirements on the basis of needs in management, engineering, and logistics functions of the DOD; and to fulfill these needs on the basis of cost-effectiveness analyses.

(4) To specify data requirements in solicitations for bids or proposals in sufficient detail to provide a basis for a full, clear, and firm understanding between the Government and the contractor with respect to the total data requirements at the time the contract is placed. This requirement may be satisfied by a contractual provision for the right to defer the selection, ordering, or delivery of technical data specified in the contract.

(5) To provide competent administration of contracts requiring the furnishing of data, and assure that all contract provisions pertaining to data are fully satisfied.

(6) To maintain quality assurance procedures in the acquisition of data to assure the adequacy of the data for its intended purpose.

(7) To provide for the continued currency of acquired data in consonance with requirements.

(8) To prevent the acquisition of duplicate or over-lapping data pertaining to materiel, systems, or services when data which would serve the same end has

been or is being acquired by the Government from the same or other contractor.

(b) DD Form 1423 or its mechanized equivalent shall be used whenever data is required to be delivered under a contract, and shall constitute the sole contractual list of requirements for the amounts and kinds of data required. When DD Form 1423 is used it will be completed and furnished to the contracting officer by the personnel responsible for determining the data requirements of the contract. The reverse side of the form contains instructions for the bidders or offerors to follow in entering on the form the price group and estimated price for each item of data.

PART 18—PROCUREMENT OF CONSTRUCTION AND CONTRACTING FOR ARCHITECT-ENGINEER SERVICES

26. New §§ 18.117, 18.117–1, 18.117–2, and 18.117–3 are added and paragraph (a) of § 18.903–3 is revised, as follows:

§ 18.117 Performance evaluation of construction contractors.

Performance evaluations of construction contractors shall be made and distributed in accordance with the following procedures and shall be used in making contractor responsibility determinations. (See §§ 1.900 and 18.106 of this chapter.

§ 18.117–1 Preparation of performance reports.

(a) For each construction contract of $10,000 or more, a performance evaluation report shall be prepared, by the cognisant construction activity, at the time of final acceptance of the work, utilizing DD Form 1596, "Construction Contractor Performance Evaluation Report."

(b) Performance evaluation reports will also be prepared, at the time of termination, for every construction contract over $2,000 that is terminated for default and for every construction contract of $100,000 or more that is terminated for the convenience of the Government.

(c) The head of each procuring activity that awards construction contracts shall establish procedures within his command to assure that fully qualified personnel prepare and review these reports. Normally, the evaluating official should be the officer or civilian who is responsible for supervising the work. The reviewing official should have knowledge of the contractor's performance and normally will be an officer or civilian at a higher organizational level than the evaluating official.

(d) Prior to forwarding an overall unsatisfactory performance report, the evaluating or reviewing official will advise a responsible official of the contractor's organization that an unsatisfactory report is being prepared and the facts on which it is based. Any written comments made by the contractor shall be included in the report and mistakes of fact alleged shall be resolved and made a part of the report.

§ 18.117–2 Distribution of performance reports.

(a) The original of the performance evaluation report for every contract will be retained by the activity preparing the report for a minimum of 6 years after date of the report. In addition, the reviewing official will forward a copy of the following reports to the offices listed in paragraph (b) of this section:

(1) Reports with an overall unsatisfactory evaluation,

(2) Reports which cite outstanding performance, and

(3) Reports for all contracts in excess of $200,000.

(b) Offices to which reports are to be forwarded are as follows:

(1) Office of the Chief of Engineers, Attention: ENGMC–KC, Building T–7, Washington, D.C. 20315.

(2) Contractor Liaison Office, Naval Facilities Engineering Command, Yards and Docks Annex, Washington, D.C. 20390.

(3) Director of Procurement Policy (USAF), Contract Management Division, The Pentagon, Washington, D.C. 20330.

(c) The heads of the activities indicated above are responsible for establishing procedures and practices which will assure appropriate distribution and utilization of performance evaluation data within their respective Departments.

§ 18.117–3 Utilization of performance reports.

In the selection of fully qualified responsible contractors for future awards or negotiations of construction contracts above $100,000, the contracting officer shall obtain from one of the three central data banks listed in § 18.117–2 the following:

(a) A complete transcript of the performance evaluation of the contractor, or

(b) A statement that there is no record on file.

This transcript or statement may be obtained for smaller awards if it is established that they are relevant.

§ 18.903–3 Patent indemnity clause in construction contracts.

(a) Except where complete performance is to be accomplished outside the United States, its possessions, and Puerto Rico, all contracts in excess of $10,000 calling for "construction" as defined in § 18.101–1 shall contain the clause in § 7.602–16 of this chapter (see Standard Form 23–A).

* * * * *

PART 22—SERVICE CONTRACTS

27. Section 22.207–5 is revised, and new Subparts F, G, and H are added, as follows:

§ 22.207–5 Administrative treatment.

Individual experts or consultants who are to render personal services under contract are charged against personnel ceilings in the same way as experts and consultants employed by excepted appointment. Also, the cognisant civilian personnel office must maintain certain records on individual experts and consultants who render personal services. Therefore, the contracting officer shall effect necessary coordination with the cognisant civilian personnel office before award of a contract for personel services, and may also designate the appropriate civilian personnel officer as his representative for the purpose of administering contract provisions relating to benefits, obtaining necessary data from the contractor for tax withholding purposes, and administering applicable conflict of interest provisions.

Subpart F—Contracts for Preparation of Household Goods for Shipment, Government Storage and Intracity or Intraarea Movement

Sec.

22.601	Policy.
22.601–1	Annual contracts.
22.601–2	Zones of performance.
22.601–3	Invitations for bids.
22.602	Procedure.
22.602–1	Coordination.
22.602–2	Procurement by purchase order.
22.603	Contract provisions.
22.603–1	Scope of contract.
22.603–2	Period of contract.
22.603–3	Indefinite quantities.
22.603–4	Government ordering activities.
22.603–5	Contract zones.
22.603–6	Government's estimated requirements.
22.603–7	Reserved.
22.603–8	Award.
22.603–9	Bidder's facilities and equipment.
22.603–10	Schedules of items.
22.603–11	Performance.
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22.603–13	Permits and licenses.
22.603–14	Demurrage.
22.603–15	Vans.
22.603–16	Disposition of packing materials and containers.
22.603–17	Drayage.
22.603–18	Interim storage.
22.603–19	Liability.
22.603–20	Shipments.
22.603–21	Erroneous shipments.
22.603–22	Marking and weighing instructions.
22.603–23	Weight certificates.
22.603–24	Inventory of damaged material.

AUTHORITY: The provisions of this Subpart F issued under sec. 2202, 70A Stat. 120; 10 U.S.C. 2202. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 22.601 Policy.

§ 22.601–1 Annual contracts.

Contracts for the preparation of household goods for shipment, storage in a Government facility, and intracity or intraarea movement normally shall be formally advertised. Such contracts shall be for a calendar year or part thereof ending on December 31, except for noncontinuous requirements for shorter periods.

§ 22.601–2 Zones of performance.

The estimated requirements for all activities within an area shall be included in one solicitation. The solicitation shall provide for clearly defined zones of performance. Determination as to the number of zones and boundaries thereof shall take into consideration such matters as total volume, size of

overall area included in the solicitation, and capacity of prospective bidders.

§ 22.601–3 Invitations for bids.

Bids for preparation of household goods for shipment, storage, and intracity or intraarea movement, shall be solicited as provided in § 2.201 of this chapter. Invitations for bids shall include such general provisions and conditions as are required by law and by this subchapter. The clause prescribed by § 13.702 (a) of this chapter shall be included in the Schedule.

§ 22.602 Procedure.

§ 22.602–1 Coordination.

One military activity in each geographic area shall contract for the estimated requirements of all the activities in that area. An activity shall be designated by mutual agreement of the installation contracting officers concerned. The Military Traffic Management and Terminal Service (MTMTS) shall designate the contracting activity when local contracting officers are unable to reach an agreement as to the activity to be designated.

§ 22.602–2 Procurement by purchase order.

When requirements exceed the service available under contracts, services may be obtained by using purchase order procedures (see Subpart F, Part 3 of this chapter), using this subpart as guidance. Recooperage and remarking services shall be procured under such procedure.

§ 22.603 Contract provisions.

The following special clauses and Schedules shall be inserted in all invitations for bids for formally advertised contracts for the preparation of household goods for shipment, storage, and intracity or intraarea movement. Where a requirement does not exist for an item in a schedule, it will be so indicated in the Estimated Quantity block. Commands overseas, except Alaska and Hawaii, may modify the format when necessary to conform with local trade customs and practices and country (including political subdivisions thereof) laws and regulations.

§ 22.603–1 Scope of contract.

SCOPE OF CONTRACT (OCTOBER 1965)

The Contractor shall furnish services and materials for the preparation of household goods and unaccompanied baggage for shipment, servicing of appliances, storage, drayage, and related services, including the furnishing of all materials except shipping containers, unless otherwise directed by the Contracting Officer. Unless otherwise indicated in this contract, the Contractor shall furnish all equipment, plant, labor, and performance of all work in accomplishing containerization (packing and crating) of household goods for overseas or domestic shipment or storage; restenciling; recooperage; drayage of household goods and unaccompanied baggage in connection with or without other services; and decontainerization (unpacking and uncrating) of inbound shipments of household goods.

§ 22.603–2 Period of contract.

PERIOD OF CONTRACT (APRIL 1967)

This contract shall begin January 1, 19..., or the date of award if later, and shall end December 31, 19..., both dates inclusive: *Provided*, However, that any work started before, and not completed by, the expiration of this contract period shall be governed by the terms of this contract.

§ 22.603–3 Indefinite quantities.

INDEFINITE QUANTITIES (APRIL 1967)

The quantities specified herein are estimates only. The amounts which the Contractor may be required to furnish and the Government to accept hereunder shall be the amounts which shall from time to time be ordered hereunder by the Government during the ordering period of this contract. The minimum amount of services which the Government shall order during the period of this contract shall be $100, computed upon the unit prices specified herein; however, the Government shall be entitled to order and the Contractor shall be required to furnish services hereunder amounting to not more than the total estimated quantities set forth in his contract.

§ 22.603–4 Government ordering activities.

GOVERNMENT ORDERING ACTIVITIES (OCTOBER 1965)

The following activities are authorized to issue orders under this contract and to administer the performance thereof:

(Insert the name of each ordering activity.)

§ 22.603–5 Contract zones.

CONTRACT ZONES (APRIL 1967)

Services shall be performed within limits of the zone(s) defined as follows: I.e., Zone I (define geographical boundaries); (Add other zones as needed).

§ 22.603–6 Government's estimated requirements.

GOVERNMENT'S ESTIMATED REQUIREMENTS (APRIL 1967)

(a) The quantities shown by zone for each item in this Invitation for Bids are the Government's estimates of requirements which may be ordered during the period of the contract. Bids shall be evaluated on the basis of these quantities. Because seasonal demands will cause large fluctuations in daily requirements, the Government's estimated daily maximum requirements set forth in (c) below shall be used to determine the need for award of standby contracts.

(b) Since various contract items are interrelated to the extent that performance under one item will affect total capability to perform similar items, the Government's estimated daily maximum requirements, and the Bidder's guaranteed daily capability, are stated in terms of all outbound items, all inbound items, all intracity/intraarea items, and the aggregate of all items.

(c) The Government's estimated maximum daily requirements, excluding Saturdays, Sundays, and Federal Holidays are as follows:

Outbound (Schedule I)	------Lbs.
Inbound (Schedule II)	------Lbs.
Intracity/area (Schedule III)	------Lbs.
Total Estimated Maximum Daily Requirements	------Lbs.

§ 22.603–7 [Reserved]

§ 22.603–8 Award.

AWARD (OCTOBER 1965)

Subject to the provisions contained herein, award generally shall be made to a single Bidder for all the items, for one or more zones, in the Invitation for Bids; however, the Government reserves the right to award on the basis of a schedule of items, for one or more zones, whichever is to the advantage of the Government. Bidders must offer unit prices for each item listed, for one or more zones, in order that bids may be properly evaluated. Failure to do so shall be cause for rejection of the entire bid. Also, bidders failing to guarantee daily capabilities in the space provided in this Invitation for Bids shall be considered not responsive and ineligible for award. The Government reserves the right to award secondary contracts as standby contracts at the unit prices offered unless the Bidder specifies otherwise in its bid. Any bid which stipulates minimum charges or graduated prices for any or all items shall be rejected.

§ 22.603–9 Bidder's facilities and equipment.

BIDDER'S FACILITIES AND EQUIPMENT (APRIL 1967)

(a) As the minimum standard for qualification of a Contractor's warehouse, it must have either (i) an acceptable automatic sprinkler system; (ii) an acceptable automatic fire detection and reporting system; or (iii) a fire contents rate (FCR) of not more than $0.60 per one hundred dollars ($100) per year based on eighty percent (80%) coinsurance factors. (Meeting of this minimum standard does not relieve Contractor of liability set forth in para. 22–603.19.)

(b) The following information shall be furnished by the Contractor upon receipt of award:

(1) *Evidence of the following kinds and minimum amounts of insurance covering work herein to be performed by Contractor and his subcontractors.* The Contractor and subcontractors shall maintain minimum coverage throughout the contract period. Each policy shall contain an indorsement that cancellation or material change in the policy shall not be effective until after a 30-day written notice is furnished to the Contracting Officer.

(i) Workmen's Compensation Insurance $------

(ii) Comprehensive General Liability Insurance $------

(iii) Automobile Liability Insurance $------

(2) Evidence as to compliance with cargo insurance required of common carriers by State laws, Interstate Commerce Commission or regulatory body of the nation or the country in which the contract is being performed.

§ 22.603–10 Schedules of items.

SCHEDULE I

OUTBOUND SERVICES

Item 1. *Complete Service—Outbound.* Service under this item shall include premove survey, servicing of appliances, disassembly of furniture if required, preliminary packing, inventorying, tagging, wrapping, padding, packing, and bracing of goods in Government-owned and furnished shipping containers, Type II or Type III (Type III for Government storage only), described in Federal Specifications PPP ------ 800 ------ at owner's residence and properly securing and sealing for shipment, weighing, marking, strapping, and drayage of loaded container between owner's residence and Contractor's facility within zone(s) described herein. Service provided under this item shall include loading (to include blocking, bracing and sealing) of shipments on line-haul carrier's equipment; temporary holding (interim storage) of the shipment at the Contractor's facility for not more than ten (10) days after completion of containerization service; the

receiving, stacking, protecting, and assembling of Government-furnished shipping containers to be used in conjunction with service under this item. When Type II or III containers will not accommodate all articles of any one lot, loose articles shall be packed in the said containers before any overpacked articles are placed therein. Overflow articles which require packing and crating shall be paid for under Item 11.

Zone _____ (Provide for additional zones as needed.)
Estimated quantity _____ lbs.
Unit price per gross cwt. $_____ Total amount $_____
Contractor's guaranteed daily capability _____ lbs.

Item 2. *Complete Service—Outbound.* Service provided under this item shall be the same as under Item 1, except that drayage of the loaded container(s) between Contractor's facility and the military installation shipping office, common carrier terminal, freight station, or team track within zone(s) described herein is required. Packing and crating of overflow articles shall be paid for under Item 12.

Zone _____ (Provide for additional zones as needed.)
Estimated quantity _____ lbs.
Unit price per gross cwt. $ _____ Total amount $ _____
Contractor's guaranteed daily capability _____ lbs.

Item 3. *Outbound (From Nontemporary Storage).* Service provided under this item shall be the same as Item 1 except that: (i) Household goods shall be picked up at a nontemporary storage facility and transported to Contractor's facility; or (ii) household goods shall be delivered to Contractor's facility; and (iii) premove survey, servicing of appliances, preliminary packing, and accessorial services shall not be provided.

(a) *Pickup by Contractor:*

Zone _____ (Provide for additional zones as needed.)
Estimated quantity _____ lbs.
Unit price per gross cwt. $ _____ Total amount $ _____
Contractor's guaranteed daily capability _____ lbs.

(b) *Delivered to Contractor:*

Zone _____ (Provide for additional zones as needed.)
Estimated quantity _____ lbs.
Unit price per gross cwt. $ _____ Total amount $ _____
Contractor's guaranteed daily capability _____ lbs.

Item 4. *Outbound (From Nontemporary Storage).* Service provided under this item shall be the same as that provided under Item 3 except that drayage of loaded containers between Contractor's facility, military installation shipping office, and the common carrier terminal, team track, or freight station within zone(s) described herein is required.

(a) *Pickup by Contractor:*

Zone _____ (Provide for additional zones as needed.)
Estimated quantity _____ lbs.
Unit price per gross cwt. $ _____ Total amount $ _____
Contractor's guaranteed daily capability _____ lbs.

(b) *Delivered to Contractor:*

Zone _____ (Provide for additional zones as needed.)
Estimated quantity _____ lbs.
Unit price per gross cwt. $_____ Total amount $_____
Contractor's guaranteed daily capability _____ lbs.

Item 5. *Complete Service—Outbound—(Contractor's Facility).* Service provided under this item shall be the same as under Item 1 except that final containerization shall be performed at the Contractor's facility upon approval of the Contracting Officer.

Zone _____ (Provide for additional zones as needed.)
Estimated quantity _____ lbs.
Unit price per gross cwt. $_____ Total amount $_____
Contractor's guaranteed daily capability _____ lbs.

Item 6. *Complete Service—Outbound—(Contractor's Facility).* Service provided under this item shall be the same as under Item 2 except that final containerization shall be performed at the Contractor's facility upon approval of the Contracting Officer.

Zone _____ (Provide for additional zones as needed.)
Estimated quantity _____ lbs.
Unit price per gross cwt. $_____ Total amount $_____
Contractor's guaranteed daily capability _____ lbs.

Item 7. *Complete Service—Outbound—(CONEX Containers).* Service provided under this item shall be the same as under Item 1 or Item 5 as appropriate except that the Contractor shall utilize Government-furnished metal shipping containers (CONEX). This service includes pickup and drayage of empty containers to and from Government facility. Zone _____ (Provide for additional zones as appropriate.)

(a) *At Owner's Residence:*

Estimated quantity _____ lbs.
Unit price per gross cwt. $_____ Total amount $_____
Contractor's guaranteed daily capability _____ lbs.

(b) *At Contractor's Facility:*

Estimated quantity _____ lbs.
Unit price per gross cwt. $_____ Total amount $_____
Contractor's guaranteed daily capability _____ lbs.

Item 8. *Complete Service—Outbound (CONEX Containers).* Service provided under this item shall be the same as under Item 2 or Item 6 as appropriate except that Contractor shall utilize Government-furnished metal shipping containers (CONEX). This service includes pickup and drayage of empty containers to and from Government facility.

Zone _____ (Provide for additional zones as needed.)

(a) *At Owner's Residence:*

Estimated quantity _____ lbs.
Unit price per gross cwt. $_____ Total amount $_____
Contractor's guaranteed daily capability _____ lbs.

(b) *At Contractor's Facility:*

Estimated quantity _____ lbs.
Unit price per gross cwt. $_____ Total amount $_____
Contractor's guaranteed daily capability _____ lbs.

Item 9. *Outbound Service (CONEX Containers) at Contractor's Facility.* The service provided under this item shall be the same as under Item 3 except that household goods shall be packed in CONEX Type I or II containers or both. This service includes pickup and drayage of empty containers to and from Government facility.

Zone _____ (Provide for additional zones as needed.)

(a) *Pickup by Contractor:*

Estimated quantity _____ lbs.
Unit price per gross cwt. $_____ Total amount $_____
Contractor's guaranteed daily capability _____ lbs.

(b) *Delivered to Contractor:*

Estimated quantity _____ lbs.
Unit price per gross cwt. $_____ Total amount $_____
Contractor's guaranteed daily capability _____ lbs.

Item 10. *Outbound Service (CONEX Containers) at Contractor's Facility.* The service provided under this item shall be the same as under Item 4 except that household goods shall be packed in CONEX Type I or II containers or both. This service includes pickup and drayage of empty containers to and from Government facility.

Zone _____ (Provide for additional zones as needed.)

(a) *Pickup by Contractor:*

Estimated quantity _____ lbs.
Unit price per gross cwt. $_____ Total amount $_____
Contractor's guaranteed daily capability _____ lbs.

(b) *Delivered to Contractor:*

Estimated quantity _____ lbs.
Unit price per gross cwt. $_____ Total amount $_____
Contractor's guaranteed daily capability _____ lbs.

Item 11. *Complete Service—Outbound—(Small Lot Shipments of 700 Net Lbs. or Less, Overflow Articles or Shipments Requiring Other Than Type II or III Containers).* Service provided under this item shall be the same as Item 1 except that the loose articles may be drayed to Contractor's facility when authorized by the Contracting Officer for containerization in Government-approved Contractor-furnished containers.

Zone _____ (Provide for additional zones as needed.)

(a) *Oversea Pack:*

Estimated number of containers by type _____
Estimated quantity _____ lbs.
Unit price per gross cwt. $_____ Total amount $_____
Contractor's guaranteed daily capability _____ lbs.

(b) *Domestic Pack:*

Estimated number of containers by type _____
Estimated quantity _____ lbs.
Unit price per gross cwt. $_____ Total amount $_____
Contractor's guaranteed daily capability _____ lbs.

Item 12. *Complete Service—Outbound—(Small Lot Shipment of 700 Net Pounds or Less, Overflow Articles or Shipments Requiring Other Than Type II or III Containers).* Service provided under this item shall be the same as provided under Item 2.

Zone _____ (Provide for additional zones as needed.)

(a) *Oversea Pack:*

Estimated number of containers by type _____
Estimated quantity _____ lbs.
Unit price per gross cwt. $_____ Total amount $_____
Contractor's guaranteed daily capability _____ lbs.

(b) *Domestic Pack:*

Estimated number of containers by type _____
Estimated quantity _____ lbs.
Unit price per gross cwt. $_____ Total amount $_____
Contractor's guaranteed daily capability _____ lbs.

Item 13. *Outbound (From Nontemporary Storage—Contractor Furnished Containers—Small Lot Shipments of 700 Net Lbs. or Less, Overflow Articles or Shipments Requiring Other Than Type II or III Containers).* Service provided under this item shall be the same as Item 3 except that containerization shall be in Government-approved Contractor-furnished containers.

(a) *Pickup by Contractor:*

Zone _____ (Provide for additional zones as needed.)

(1) *Oversea Pack:*

Estimated number of containers by type _____
Estimated quantity _____ lbs.
Unit price per gross cwt. $_____ Total amount $_____
Contractor's guaranteed daily capability _____ lbs.

(2) *Domestic Pack:*

Estimated number of containers by type _____
Estimated quantity _____ lbs.
Unit price per gross cwt. $_____ Total amount $_____
Contractor's guaranteed daily capability _____ lbs.

(b) *Deliver to Contractor:*

Zone _____ (Provide for additional zones as needed.)

(1) *Oversea Pack:*

Estimated number of containers by type _____
Estimated quantity _____ lbs.
Unit price per gross cwt. $_____ Total amount $_____
Contractor's guaranteed daily capability _____ lbs.

(2) *Domestic Pack:*

Estimated number of containers by type _____
Estimated quantity _____ lbs.
Unit price per gross cwt. $_____ Total amount $_____
Contractor's guaranteed daily capability _____ lbs.

Item 14. *Outbound Service (From Nontemporary Storage—Contractor Furnished Containers—Small Lot Shipments of 700 Net Lbs. or Less, Overflow Articles and Shipments Requiring Other Than Type II or III Containers).* Service provided under this item shall be the same as provided under Item 4 except that containerization shall be in Government-approved Contractor-furnished containers.

(a) *Pickup by Contractor:*

Zone _____ (Provide for additional zones as needed.)

(1) *Oversea Pack:*

Estimated quantity _____ lbs.
Unit price per gross cwt. $_____ Total amount $_____
Contractor's guaranteed daily capability _____ lbs.

(2) *Domestic Pack:*

Estimated quantity _____ lbs.
Unit price per gross cwt. $_____ Total amount $_____
Contractor's guaranteed daily capability _____ lbs.

(b) *Delivery to Contractor:*

Zone _____ (Provide for additional zones as needed.)

(1) *Oversea Pack:*

Estimated quantity _____ lbs.
Unit price per gross cwt. $_____ Total amount $_____
Contractor's guaranteed daily capability _____ lbs.

(2) *Domestic Pack:*

Estimated quantity _____ lbs.
Unit price per gross cwt. $_____ Total amount $_____
Contractor's guaranteed daily capability _____ lbs.

Item 15. *Containers.* Under this item the Contractor shall supply Type II and III containers (Fed. Spec. PPP _____ 550 _____) when directed by the Contracting Officer. This shall include stenciling the tare weight together with the words "Property of U.S. Government" on one side and one end of the container.

Zone _____ (Provide for additional zones as appropriate.)

Estimated quantity—
Type II _____ Unit price each $_____
Type III _____ Unit price each $_____
Total amount $_____

Item 16. *Packing of Goods of Extraordinary Value.* Service provided under this item shall include furnishing the proper container by the Contractor, inventorying (each item in each container), packing, marking, banding, weighing, and cubing at owner's residence. Drayage of packed container(s) is not required under this item.

Zone _____ (Provide for additional zones as appropriate.)

Estimated quantity _____ lbs.
Unit price per gross cwt. $_____ Total amount $_____
Contractor's guaranteed daily capability _____ lbs.

Item 17. *Complete Service (Unaccompanied Baggage).* Service includes pickup, inventorying, weighing, strapping, marking and packing (when required) of unaccompanied baggage containers not exceeding 15 cubic feet. Unaccompanied baggage normally consists of footlockers, trunks, and similar containers and may include owner-furnished, securely locked canvas duffle bags or B-4 type bags when articles therein are not susceptible to breakage. Baggage may consist also of cribs, baby carriages, collapsible play pens, and similar articles; it shall not include articles of furniture. Containers shall be constructed of a light-weight material which will give adequate protection to insure safe delivery. Service provided under this item shall include, when necessary, drayage from owner's residence to Contractor's facility and common carrier's terminal, military installation shipping office, or interim storage.

Zone _____ (Provide for additional zones as appropriate.)
Estimated quantity _____ lbs.
Unit price per gross cwt. $_____ Total amount $_____
Contractor's guaranteed daily capability _____ lbs.

Item 18. *Unaccompanied Baggage Packed by Owner.* Service under this item shall provide pickup, weighing, strapping, banding, and marking unaccompanied baggage described in Item 17 which has been packed by owner. Service provided under this item shall include, when necessary, drayage from owner's residence to Contractor's facility and common carrier's terminal, military installation shipping office, or interim storage.

Zone _____ (Provide for additional zones as appropriate.)
Estimated quantity _____ lbs.
Unit price per gross cwt. $_____ Total amount $_____
Contractor's guaranteed daily capability _____ lbs.

Item 19. *Storage.* Service provided under this item shall include short term storage (not to exceed 180 days) of containerized articles subsequent to the interim period specified after completion of containerization at owner's residence or Contractor's facility when specifically ordered by the Contracting Officer. Service performed under this item shall not commence earlier than the eleventh (11th) calendar day (for outbound shipment) from date of completion of containerization service. Date of release from storage shall not be considered in computation of storage charges.

Zone _____ (Provide for additional zones as appropriate.)
Estimated quantity _____ gross cwt.

Distribution of estimated quantity		Unit price (Noncumulative) per gross cwt.	Subtotal amounts
1–10 days	Gross cwt.	$_____	$_____
11–20 days	Gross cwt.	$_____	$_____
21–30 days	Gross cwt.	$_____	$_____
31–45 days	Gross cwt.	$_____	$_____
46–60 days	Gross cwt.	$_____	$_____
61–90 days	Gross cwt.	$_____	$_____
91–120 days	Gross cwt.	$_____	$_____
121–150 days	Gross cwt.	$_____	$_____
151–180 days	Gross cwt.	$_____	$_____
Total amount			$_____
Contractor's guaranteed monthly capability		Gross cwt.	

Item 20. *Drayage (When Other Services Are Performed).* Service provided under this item shall include drayage as required beyond the zone(s) of performance included in the item specified in the order for service. Drayage shall be paid for at a rate per gross cwt. of shipment per mile of shipment over the shortest practicable route.

Zone _____ (Provide for additional zones as appropriate.)
Estimated quantity _____ Gross cwt. _____
Estimated total miles per trip _____
Unit price per gross cwt. per mile $_____

Item 21. *Drayage (When Other Services Not Required).* Service under this item shall include drayage as ordered, when other services are not required, at a rate per gross cwt. of shipment per mile of shipment over the shortest practicable route. Service under this item includes the loading and unloading of goods, and placing of same in line-haul carrier terminals or military transportation shipping offices or both. An inventory will be prepared when requested by the Contracting Officer.

Zone _____ (Provide for additional zones as appropriate.)
Estimated quantity _____ Gross cwt. _____
Estimated total miles per trip _____
Unit price per gross cwt. per mile $_____

Item 22. [Reserved]

SCHEDULE II

INBOUND SERVICES

Item 23. *Complete Service—Inbound.* Service under this item provides pickup of unaccompanied baggage and loaded containers of household goods (except CONEX) from line-haul carrier's terminal, military installation shipping office, storage facility or the Contractor's plant, delivering them to the owner's residence, the uncrating and unpacking, and at the owner's residence as

directed by the owner or his designated representative, servicing of major appliances and removing shipping containers, barrels, boxes, crates, and debris from the owner's residence, and drayage of empty Government containers to Contractor's facility or place of storage as directed by the Contracting Officer. This service also shall include interim storage for not more than fifteen (15) days.

(a) *Household Goods.*

Estimated quantity _____ lbs.
Unit price per gross cwt. $_____ Total amount $_____.
Contractor's guaranteed daily capability _____ lbs.

(b) *Unaccompanied Baggage.* This normally shall consist of foot lockers, trunks, and similar containers and may also include articles such as cribs, baby carriages, and collapsible playpens.

Estimated quantity _____ lbs.
Unit price per gross cwt. $_____ Total amount $_____.

Item 24. *Complete Unpacking Service (Inbound).* Service provided under this item shall be the same as that provided under Item 23 except that shipments shall be received at Contractor's plant, and drayage from line-haul carrier's terminal, military installation, storage, or other Contractor facility is not required.

Zone _____ (Provide for additional zones as appropriate.)
Estimated quantity _____ lbs.
Unit price per gross cwt. $_____ Total amount $_____.
Contractor's guaranteed daily capability _____ lbs.

(b) *Unaccompanied Baggage.*

Estimated quantity _____ lbs.
Unit price per gross cwt. $_____ Total amount $_____.
Contractor's guaranteed daily capability _____ lbs.

Item 25. *Complete Service—Inbound—(CONEX Containers).* Service provided under this item shall be the same as under Item 23 except that such service shall be performed for household goods shipped in CONEX containers. This service shall include drayage of empty CONEX containers to place of storage as directed by the Contracting Officer.

Estimated quantity _____ lbs.
Unit price per gross cwt. $_____ Total amount $_____.
Contractor's guaranteed daily capability _____ lbs.

Item 26. *Complete Service—Inbound—(CONEX Containers).* Service provided under this item shall be the same as under Item 23 except that shipments shall be received at Contractor's plant, and drayage from line-haul carrier terminals, military installations, storage or other Contractor's facility is not required.

Zone _____ (Provide for additional zones as appropriate.)
Estimated quantity _____ lbs.
Unit price per gross cwt. $_____ Total amount $_____.
Contractor's guaranteed daily capability _____ lbs.

Item 27. *Storage.* Service provided under this item shall include short-term storage (not to exceed 180 days) of containerized articles in excess of the interim period specified in Items 23, 24, 25, and 26 on inbound shipments, when specifically ordered by the Contracting Officer. Service required under this item shall not commence earlier than the thirteenth (13th) calendar day from date of receipt in Contractor's facility. Date of delivery from storage shall not be considered in computation of storage charges.

Zone _____ (Provide for additional zones as appropriate.)
Estimated quantity _____ gross cwt.

Distribution of estimated quantity		Unit price (Nonnegotiable) per gross cwt.	Subtotal amounts
1– 10 days	gross cwt.	$_____	$_____
11– 20 days	gross cwt.	$_____	$_____
21– 30 days	gross cwt.	$_____	$_____
31– 45 days	gross cwt.	$_____	$_____
46– 60 days	gross cwt.	$_____	$_____
61– 90 days	gross cwt.	$_____	$_____
91–120 days	gross cwt.	$_____	$_____
121–150 days	gross cwt.	$_____	$_____
151–180 days	gross cwt.	$_____	$_____
Total amount			$_____

Contractor's guaranteed monthly capability _____ gross cwt.

Item 28. *Drayage (When Other Services Are Performed).* Service under this item shall include drayage as required beyond the zone(s) of performance included in the item specified in the order for service. Drayage shall be paid for at a rate per gross cwt. of shipment per mile of shipment over the shortest practicable route.

Zone _____ (Provide for additional zones as appropriate.)
Estimated quantity _____ gross cwt.
Estimated total miles per trip _____
Unit price per gross cwt. per mile $_____.
Total amount $_____.

Item 29. *Drayage (When Other Services Not Required).* Service under this item shall include drayage as ordered, when other services are not required, at a rate per gross cwt. of shipment per mile per shipment over the shortest practicable route. Service under this item includes loading and unloading of goods, and placing of same in owner's residence. An inventory of individual articles will be prepared when requested by the Contracting Officer.

Zone _____ (Provide for additional zones as appropriate.)
Estimated quantity _____ gross cwt.
Estimated total miles per trip _____
Unit price per gross cwt. per mile $_____.
Total amount $_____.

Item 30. [Reserved]

SCHEDULE III

INTRACITY AND INTRAAREA MOVES

Item 31. *Complete Service for Intracity and Intraarea Movements.* Service under this item shall be performed in conformance with provisions of MIL-P-23266(SHA) and shall include a pretmove survey, servicing of appliances and packing at owner's residence to protect goods properly during transit, inventorying, loading, weighing, drayage unloading, unpacking, and placing of goods in owner's new residence as directed by owner or his designated representative, servicing of appliances, and removal of all empty containers and boxes from residence.

Zone _____ (Provide additional zones as needed.)
Estimated quantity _____ net lbs.
Unit price per net cwt. $_____.
Total amount $_____.
Contractor's guaranteed daily capability _____ lbs.

§ 22.603–11 Performance.

PERFORMANCE (OCTOBER 1965)

(a) The services called for hereunder shall be performed in conformance with MIL–STD 212 _____, "Preparation of Household Goods for Shipments, Storage, and Related Services", unless otherwise stated herein. All packing service provided by the Contractor under this contract will be subject to a minimum performance standard of _____ net lbs. per gross cu. ft. of container used. This performance may be checked periodically by the Contracting Officer. Labor employed to perform pickup and delivery, inventorying, packing, crating, weighing, marking, loading, hauling, drayage, unpacking, blocking, bracing, and other services described herein shall be competent in the performance of such services.

(b) Inventory of shipment shall be accomplished pursuant to provisions of MIL–STD-212 _____.

(c) All services shall be performed in accordance with the priority order established by the Contracting Officer.

(d) "Military Standard-Preparation of Household Goods for Shipment and Storage and Related Services" (MIL–STD–913 _____) and applicable specifications referred to herein are available in the local Procurement or Transportation Offices.

§ 22.603–12 Time requirements.

TIME REQUIREMENTS (APRIL 1967)

(a) The Contractor shall commence containerization of household goods or unaccompanied baggage at owner's residence or Contractor's facility on the date specified by the Contracting Officer. If containerization is authorized at Contractor's facility, the household goods or unaccompanied baggage as required, shall be picked up on the date(s) specified. Unless a longer period is authorized by the Contracting Officer, the maximum packing and crating time allowed at the Contractor's facility shall be eight (8) working days from specified pickup date for household goods and three (3) working days from specified pickup date for unaccompanied baggage.

(b) The Contracting Officer or his designated representative shall give the Contractor notice to commence containerization or to pick up household goods or baggage shipments at least twenty-four (24) hours prior to the date and time specified.

(c) Delivery or removal of household goods or unaccompanied baggage to or from owner's residence, or packing and crating of household goods or unaccompanied baggage at owner's residence, shall be accomplished between the hours of 8 a.m. and 5 p.m. Monday through Friday only, Federal holidays excluded, unless the owner, his authorized agent, or the Contracting Officer authorizes such services to be accomplished earlier or later than the hours specified.

(d) The Contractor shall accept and pick up inbound shipments of household goods, effect delivery thereof to the destination, and shall unload, unpack, and uncrate the same on the date specified by the Contracting Officer during the working hours set forth above. Delivery shall be effected within two (2) working days from date of pickup/receipt unless otherwise indicated.

§ 22.603–13 Permits and licenses.

PERMITS AND LICENSES (OCTOBER 1965)

(a) Bidder certifies that he or his subcontractor has those valid permits, operating or other authorization required by Federal, State, or foreign regulatory bodies to perform services called for herein.

(b) ICC Operating Authority Number _____

(c) If any authorization is revoked or withdrawn during the life of the contract, the Contractor shall immediately notify the Contracting Officer of such fact in writing.

§ 22.603–14 Demurrage.

DEMURRAGE (OCTOBER 1965)

The Contractor shall be liable for all demurrage or other charges accruing as a result of his failure to remove shipments from

freight cars, freight terminals, vessel piers, or warehouses within the free time allowed under applicable rules and tariffs.

§ 22.603–15 Vans.

VANS (OCTOBER 1965)

Vans used in transporting unpacked and uncrated furniture shall be of the closed type and shall be supplied with sufficient clean, sanitary pads, covers, and other equipment to protect household goods adequately during transit and delivery. Vehicles used in transporting packed and crated personal property may be of the open type provided a weatherproof tarpaulin is used to protect the shipment.

§ 22.603–16 Disposition of packing materials and containers.

PACKING MATERIAL (OCTOBER 1965)

(a) The Contractor shall remove all packing and crating materials from the owner's residence including Government containers. Soiled packing materials shall not be reused.

(b) Title to all household goods, crates, or metal shipping boxes (CONEX) furnished by the Government shall remain with the Government. All Contractor-furnished containers shall become Government property upon their use in performing services ordered under this contract.

(c) The Contractor shall store Government property under protective cover.

§ 22.603–17 Drayage.

DRAYAGE (APRIL 1967)

(a) Drayage under the Schedules of Items in this contract shall include all outbound or inbound hauling of loose articles or containerized shipments and return of empty Government containers from owner's residence or storage point (other than Contractor's facility) to Contractor's facility, common carrier's terminal, freight station, warehouse, military installation shipping office, or pier as directed by the Contracting Officer. When pickup is part of the line haul service, Contractor shall perform loading on freight forwarder or carrier equipment at Contractor's facility. Payment shall not be made for drayage performed within the zones awarded.

(b) Repositioning of Government containers between Contractor's facilities shall be at no additional cost to the Government.

(c) Payment for drayage shall be made at a rate per mile per Gross hundredweight of shipment per shipment over the shortest practicable route.

§ 22.603–18 Interim storage.

INTERIM STORAGE (OCTOBER 1965)

Interim storage of packed and crated household goods for the periods specified by contract Schedules herein shall be furnished by the Contractor without additional cost to the Government. Any expense for furnishing interim storage (when required) shall be included in prices bid for items which provide for such storage. Interim storage for outbound shipments is defined as the period of time between completion of the services ordered (evidenced by receipt of the original packing list by the Contracting Officer) and receipt by the Contractor of final disposition instructions. Interim storage for inbound shipments is defined as the period of time between pickup of loaded containers and receipt by the Contractor of final disposition instructions.

§ 22.603–19 Liability.

LIABILITY (OCTOBER 1965)

(a) The words "reasonable time" as used in the following paragraph mean a period of time not to exceed two (2) years after the time the owner discovers loss or damage to his property or the time he should have discovered the loss or damage if he had exercised due diligence. The word "article" as used in the following paragraph means any shipping piece or package and the contents thereof.

(b) During the period of this contract and for a reasonable time, the Contractor agrees to indemnify the owner for loss or damage to the owner's property which arises from any cause while it is in the Contractor's possession as follows:

(i) *Nonnegligent Damage.* The Contractor shall indemnify owners for any loss or damage to their property which results from any cause, other than the Contractor's negligence, at a rate of not to exceed sixty cents (60¢) per pound per article.

(ii) *Negligent Damage.* When loss or damage is caused by the negligence of the Contractor, he shall be liable for the full cost of satisfactory repair or for the replacement value of the article.

The Contractor shall make prompt payment to the owner of the property for any loss or damage for which the Contractor is liable.

§ 22.603–20 Shipments.

SHIPMENTS (OCTOBER 1965)

Shipments shall be accompanied, if delivered to a common carrier, by Government Bill of Lading issued by the transportation officer. Copies 2, 3, and 4 of the Government Bill of Lading shall be given to the carrier, and all remaining copies receipted by the carrier shall be returned to the transportation officer. Under no circumstances shall these copies be retained by the Contractor more than twenty-four (24) hours after shipment has been delivered to the carrier, Saturday, Sunday and Federal holidays excepted. When household goods are shipped via freight forwarder, the original Government Bill of Lading shall be given to the initial agent of the freight forwarder for conveyance to the consignee. This is in addition to those copies normally furnished to a carrier. The following certification shall be placed on all copies of the Government Bill of Lading for signature by the initial agent of the freight forwarder, in the name of the forwarder: "Initial Carrier's agent, by signature below, certifies he received the original bill of lading."

§ 22.603–21 Erroneous shipments.

ERRONEOUS SHIPMENTS (OCTOBER 1965)

(a) It shall be the responsibility of the Contractor at his expense to have articles of personal effects and household goods which he inadvertently packed with goods of other than the rightful owner forwarded to the rightful owner by the quickest means of transportation.

(b) Further, it shall be the responsibility of the Contractor to insure that all shipments have been stenciled correctly. When a shipment is forwarded to an incorrect address due to incorrect stenciling by the Contractor or its personnel, the shipment shall be returned with the least possible delay to its rightful owner by a mode of transportation selected by the transportation officer. The Contractor shall be liable for all costs incurred including charges for preparation, drayage, and transportation.

§ 22.603–22 Marking and weighing instructions.

MARKING AND WEIGHING INSTRUCTIONS (OCTOBER 1965)

(a) All marking shall be stenciled in accordance with MIL–STD–312 _____. Lettering must be at least 1½ inches in height when the size of the container permits, and in no case less than ¾ of an inch, and spaced in such a manner as to be easily read. All containers of professional books, papers or equipment shall be stenciled "Professional Books, Papers, Equipment" and their weights shall be shown separately on packing lists.

(b) Containers shall be marked with consecutive numbers for each lot of articles contained therein (e.g., Box 1 of 4, Box 2 of 4, etc.) and shall be so listed and identified on the packing list.

(c) Washing machines, refrigerators, radios, and other items which must be kept in an upright position shall have the following notice conspicuously printed on two sides of the container: "Notice to any agent, checker, or owner on receiving this piece. Should container be damaged in any way or if contents are loose, make an exception when receipting for the article. Please note all exceptions.".

§ 22.603–23 Weight certificates.

WEIGHT CERTIFICATES (OCTOBER 1965)

(a) A weight certificate, in triplicate, from a certified scale or weighmaster shall be submitted to the transportation officer for all outbound shipments.

(b) To determine the net weight of inbound household goods shipments, when such weight is not shown on the Government Bill of Lading, the tare weight indicated on the container shall be deducted from the gross weight on the container or on the Government Bill of Lading. The net weight shall be annotated on the Government Bill of Lading.

(c) When inbound shipments include shipping containers other than Type II or III (PPP _____ 580 _____), the tare weight shall be determined in the same manner as in (b) above and such weight shall be deducted from the gross weight set forth on the shipping container or on the Government Bill of Lading, to determine the net weight of the household goods.

§ 22.603–24 Inventory of damaged material.

INVENTORY OF DAMAGED MATERIAL (OCTOBER 1965)

It shall be the responsibility of the Contractor when making delivery to prepare a separate inventory listing all articles lost or damaged and describing such loss or damage. This inventory shall be submitted to the transportation officer within seven (7) days after the delivery of the goods.

Subpart G—Contracts for Laundry and Dry Cleaning Services

Sec.
22.700 Scope of subpart.
22.701 General policy.
22.702 Solicitation provisions.
22.702–1 Instructions to bidders.
22.702–3 Schedule format.

AUTHORITY: The provisions of this Subpart G issued under sec. 2202, 70A Stat. 120; 10 U.S.C. 2202. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 22.700 Scope of subpart.

This subpart contains instructions for the preparation and use of contracts for laundry and dry cleaning services within the United States. It may be used as guidance in all other locations.

§ 22.701 General policy.

Except for laundry and dry cleaning services procured under small purchase procedures, the normal method of obtaining contracts for laundry and dry cleaning services shall be by formal

advertising. The term of such contracts normally shall be for one year but shall not extend beyond the then current fiscal year.

§ 22.702 Solicitation provisions.

All solicitations for laundry and dry cleaning services shall include provisions as set forth below.

§ 22.702–1 Instructions to bidders.

INSTRUCTIONS TO BIDDERS (APRIL 1967)

(a) Bids must include unit prices for each item in a lot. Failure to bid on any item in a lot shall be cause for rejection of the bid on that lot. Bids shall be evaluated on the basis of the estimated quantities stated in the solicitation. Subject to the provision contained herein, award generally shall be made to a single bidder for all lots. The Government reserves the right, however, to award by individual lot when the Contracting Officer determines that this is more advantageous to the Government.

(b) Upon application to the Contracting Officer, types of articles to be serviced may be inspected prior to bidding.

§ 22.702–2 Schedule format.

Set forth below is an example of a schedule format suitable for use in solicitations. The estimated quantities are only illustrative.

Item No.	Item	Estimated quantity for contract period	Unit	Unit price	Amount
	LOT I				
	LAUNDERING				
1	Pillowcases (F)	100,000	each		
2	Nurses Uniforms, with bib (S) (F) (OD)*	20,000	each		
3	Slippers	10,000	pair		
	LOT II				
	DRY CLEANING				
4	Curtains	200	each		
5	Trousers (F)	4,000	each		
	LOT III**				
	INDIVIDUAL LAUNDRY				
6	Individual laundry (24 pieces)	1,000	each		
7	Individual laundry (12 pieces)	1,000	each		

*(S)—Starched, (F)—Finished, (OD)—Items delivered on hanger (hanger included in unit price), and ( ) other instructions as required.

**Include in contracts containing the individual laundry clause in § 7.1403–13 of this chapter.

Subpart H—Rental of Motor Vehicles

Sec.
22.800 Scope of subpart.
22.801 Type of contract.
22.802 Limitation on use.
22.802–1 Prestige motor vehicles.
22.802–2 Authority to rent motor vehicles.
22.802–3 Age of vehicles.
22.803 Schedule provisions.

AUTHORITY: The provisions of this Subpart H issued under sec. 2202, 70A Stat. 132; 10 U.S.C. 2202. Interpret or apply secs. 2301–2314, 70A Stat. 127–132; 10 U.S.C. 2301–2314.

§ 22.800 Scope of subpart.

Procurement procedures peculiar to contracts for the rental of limousines, sedans, and station wagons from commercial concerns, with the driver provided by the Department of Defense, are set forth in this subpart. Detailed procedures concerning the rental of motor vehicles are contained in "Joint Procedures for Management of Administrative Use Motor Vehicles" (AR 58–1; OPNAV P 44–2; AFM 77–1; MCO P11240.46; DSAR 4510.5). Contract clauses for the rental of motor vehicles are prescribed in Subpart O, Part 7 of this chapter.

§ 22.801 Type of contract.

Contracts for the rental of motor vehicles shall be of either a definite quantity or an indefinite quantity type, providing for payment on a flat rate basis or a combination of flat rate and mileage basis.

§ 22.802 Limitation on use.

Contracts for the rental of vehicles are subject to the following limitations.

§ 22.802–1 Prestige motor vehicles.

Prestige motor vehicles (limousines, heavy sedans, and medium sedans) may be rented only for use in accordance with and subject to the approval required in the Joint Procedures for Management of Administrative Use Motor Vehicles.

§ 22.802–2 Authority to rent motor vehicles.

(a) Contracts for the rental of motor vehicles may be entered into by the contracting officer:

(1) For periods not exceeding 30 days without regard to established allowances, when required to satisfy peak load, unusual, or emergency requirements. This authority shall not be used, however, to provide transportation for normal, routine requirements for which allowances have been established and vehicles provided;

(2) For periods not exceeding 90 days, within any 12 consecutive months, to provide transportation for normal, routine purposes to the extent Department of Defense owned vehicles have not been supplied to fill established allowances; and

(3) After prior approval as required in accordance with the Joint Procedures for Management of Administrative Use Motor Vehicles—

(a) For periods in excess of those specified in subparagraphs (1) and (2) of this paragraph; requests for approval shall include justification, number of vehicles by type, the total estimated contract cost, and the anticipated period of use; and

(b) For the rental of vehicles not in conformance with the body design, weight, equipment, accessories, or other features which would have been authorized if Department of Defense owned vehicles had been provided.

§ 22.802–3 Age of vehicles.

Generally, solicitations shall not be limited to the current year's production models. However, with the prior approval of the Head of the Procuring Activity concerned or his designee, such solicitations may be limited to current models on the basis of overall economy.

§ 22.803 Schedule provisions.

The Schedule of each solicitation or resulting contract shall set forth:

(a) Contract period;

(b) Scope of contract;

(c) Special payment provisions;

(d) A listing of the number and types of vehicles being rented;

(e) Rates applicable to each type of vehicle;

(f) Equipment and accessories to be provided with each vehicle;

(g) A provision as to the furnishing of gasoline, motor oils, antifreeze, etc.;

(h) Unless a prior determination has been made that it will be more economical for the Department of Defense to perform the work, a statement that the contractor shall perform all maintenance on the vehicles;

(i) A statement as to pertinent state and local laws and regulations;

(j) The responsibilities of the parties in the event of the malfunctioning of the vehicles;

(k) The responsibilities of the parties for emergency repairs and services; and

(l) Performance bonds, if required.

PART 30—APPENDICES TO ARMED SERVICES PROCUREMENT REGULATIONS

§ 30.3 [Amended]

29. In § 303.3, under item 305, the reference "4–214.4" is changed to read "4–116.4".

[Rev. 22, ASPR, Apr. 3, 1967] (Sec. 2202, 70A Stat. 120; 10 U.S.C. 2202. Interpret or apply secs. 2301–2314, 70A Stat. 127–132; 10 U.S.C. 2301–2314)

KENNETH G. WICKHAM,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 67–7867; Filed, July 10, 1967; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS: GENERAL RULES AND REGULATIONS

Order

In the matter of amendment of Part 2, Subpart G of the Commission's rules and regulations to effect certain editorial changes therein.

The Commission having under consideration the desirability of making certain editorial changes in Part 2, Subpart G of its rules and regulations; and

It appearing, That the amendments adopted herein are editorial in nature, and, therefore, prior publication of notice of proposed rule making under the provisions of section 4 of the Administrative Procedure Act is unnecessary, and the amendments may become effective immediately; and

It further appearing, That the amendments adopted herein are issued pursuant to authority contained in sections 4(i), (5)(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.261(a) of the Commission's rules;

It is ordered, This 3d day of July 1967, that effective July 10, 1967, Part 2, Subpart G is amended as set forth in the appendix below.

Released: July 3, 1967.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303)

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

APPENDIX

In Subpart G §§ 2.601, 2.602, and 2.603 are revised to read as follows:

§ 2.601 General.

This subpart is corrected to July 1, 1967. The Commission does not distribute copies of these documents. Inquiry may be made to the U.S. Government Printing Office concerning availability for purchase.

§ 2.602 Citation abbreviations used in this subpart.

Trenwith—Treaties, Conventions, International Acts, Protocols, and Agreements between the United States of America and Other Powers, 1923–37 (compiled under S. Res. No. 132, 75th Cong., 1st sess.).

LNTS—League of Nations Treaty Series.
Stat.—United States Statutes at Large.
UST—United States Treaties and Other International Agreements.
TS—Treaty Series.
EAS—Executive Agreement Series.
TIAS—Treaties and Other International Acts Series.

§ 2.603 Treaties and other international agreements relating to radio.

(a) The applicable treaties and other international agreements in force relating to radio and to which the United States of America is a party (other than reciprocal operating agreements for radio amateurs) are listed below:

Date	Citations	Subject
1925	IV Trenwith 4248, 4250 and 4251. TS 726–A.	US-UK (also for Canada and Newfoundland) Bilateral Arrangements providing for the Prevention of Interference by Ships off the Coasts of these Countries with Radio Broadcasting. Effected by exchange of notes Sept. and Oct., 1925. Entered into force Oct. 1, 1925.
1928 and 1929	102 LNTS 143. TS 767–A.	US-Canada Arrangement governing Radio Communications between Private Experimental Stations. Effected by exchange of notes at Washington Oct. 3 and Dec. 28, 1928, and Jan. 12, 1929. Entered into force Jan. 1, 1929. Continued by the arrangement contained in EAS 62.
1929	IV Trenwith 4787. TS 777–A.	US-Canada (including Newfoundland) Arrangement relating to Assignment of High Frequencies on the North American Continent. Effected by exchange of notes at Ottawa Feb. 28 and 26, 1929. Entered into force Mar. 1, 1929. (Originally, Cuba was also a party to this arrangement, but by virtue of notice to the Canadian Government, it ceased to be a party effective Oct. 5, 1932.)
1934	48 Stat. 1876. EAS 62.	US-Canada Arrangement relative to Radio Communications between Private Experimental Stations and between Amateur Stations. Continues the arrangement contained in TS 767–A. Effected by exchange of notes at Ottawa Apr. 22, and May 2 and 4, 1934. Entered into force May 4, 1934.
1934	49 Stat. 3355. EAS 66.	US-Peru Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Lima Feb. 16 and May 23, 1934. Entered into force May 23, 1934.
1934	49 Stat. 3067. EAS 73.	US-Chile Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Santiago Aug. 2 and 17, 1934. Entered into force Aug. 17, 1934.
1937	53 Stat. 1576. TS 938.	Inter-American Radio Communications Convention between the United States and Other Powers. Signed at Havana Dec. 13, 1937. (First Inter-American Radio Conference.) Entered into force for the United States July 21, 1938, for Parts I, III and IV; Apr. 17, 1939, for Part II. Part II of the Convention (Inter-American Radio Office) terminated for all parties Dec. 20, 1946 (TIAS 4079).
1938	54 Stat. 1675. TS 949.	Regional Radio Convention between the United States (in behalf of the Canal Zone) and Other Powers. Signed at Guatemala City Dec. 6, 1935. Entered into force Oct. 5, 1938.
1938	53 Stat. 2092. EAS 142.	US-Canada Agreement regarding Radio Communications between Alaska and British Columbia. Effected by exchange of notes at Washington June, July, Aug., Sept., Oct., Nov., and Dec., 1938. Entered into force Aug. 1, 1938.
1939	53 Stat. 2187. EAS 143.	US-Canada Arrangement governing the Use of Radio for Civil Aeronautical Services. Effected by exchange of notes at Washington Feb. 20, 1939. Entered into force Feb. 20, 1939.
1940	54 Stat. 2463. EAS 190.	US-Mexico Agreement relating to Radio Broadcasting. Effected by exchange of notes at Mexico Aug. 24 and 28, 1940. Entered into force Mar. 29, 1941.
1946	60 Stat. 1696. TIAS 1557.	US-USSR Agreement on Organization of Commercial Radio Teletype Communication Channels. Signed at Moscow May 24, 1946. Entered into force May 24, 1946.
1947	61 Stat. (3) 3131. TIAS 1662.	US-UK Agreement regarding Standardization of Distance Measuring Equipment. Signed at Washington Oct. 18, 1947. Entered into force Oct. 18, 1947.
1947	61 Stat. (4) 3416. TIAS 1670.	US-UN Agreement relative to Headquarters of the United Nations. Signed at Lake Success June 26, 1947. Entered into force Nov. 21, 1947. Supplemented by the agreement contained in TIAS 2681 which was signed Feb. 9, 1952.
1947	61 Stat. (4) 3809. TIAS 1728.	US-Canada Agreement providing for Frequency Modulation Broadcasting in Channels in the Radio Frequency Band 88–108 Mc/s. Effected by exchange of notes at Washington Jan. 8 and Oct. 15, 1947. Entered into force Oct. 15, 1947.
1948	9 UST 621. TIAS 4044.	Intergovernmental Maritime Consultative Organization (IMCO) Convention. Signed at Geneva Mar. 6, 1948. Entered into force Mar. 17, 1958.
1949	3 UST (3) 3305. TIAS 2493.	London Telecommunications Agreement between the United States and Certain British Commonwealth Governments. Signed at London Aug. 12, 1949. Entered into force Feb. 26, 1950. Amended by the agreement contained in TIAS 2705 which was signed Oct. 1, 1952.
1940	3 UST (2) 2054. TIAS 2489.	Inter-American Radio Agreement between the United States and Canada and Other American Republics. Signed at Washington July 9, 1949. (Fourth Inter-American Radio Conference.) Entered into force Apr. 12, 1952, subject to the provisions of Article 13.
1950	3 UST (2) 2672. TIAS 2488.	US-Ecuador Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Quito Mar. 16 and 17, 1950. Entered into force Mar. 17, 1950.
1950	11 UST 613. TIAS 4490.	North American Regional Broadcasting Agreement (NARBA). Signed at Washington Nov. 15, 1950. Entered into force Apr. 19, 1960. Effective between United States, Canada, Cuba, Dominican Republic, and the United Kingdom of Great Britain and Northern Ireland for the Bahama Islands. Ratification on behalf of Jamaica pending.
1950 and 1951	2 UST (1) 663. TIAS 2223.	US-Liberia Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Monrovia Nov. 9, 1950, and Jan. 8, 9, and 10, 1951. Entered into force Jan. 11, 1951.
1951	3 UST (3) 3787. TIAS 2508.	US-Canada Convention relating to the Operation by Citizens of Either Country of Certain Radio Equipment or Stations in the Other Country. Signed at Ottawa Feb. 8, 1951. Entered into force May 15, 1952.
1951	3 UST (2) 2660. TIAS 2498.	US-Cuba Agreement concerning the Control of Electromagnetic Radiation. Effected by exchange of notes at Havana Dec. 10 and 18, 1951. Entered into force Dec. 18, 1951.
1951 and 1952	3 UST (3) 3892. TIAS 2929.	US-Cuba Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Havana Sept. 17, 1951, and Feb. 27 1952. Entered into force Feb. 27, 1952.

Abbreviations:
LNTS—League of Nations Treaty Series.
Stat.—United States Statutes at Large.
UST—United States Treaties and Other International Agreements.
TS—Treaty Series.
EAS—Executive Agreement Series.
TIAS—Treaties and Other International Acts Series.

Date	Citations	Subject
1953	3 UST (4) 4930 TIAS 2966.	US-Canada Agreement for the Promotion of Safety on the Great Lakes by Means of Radio. The agreement applies to vessels of all countries as provided for in Article I. Signed at Ottawa Feb. 21, 1953. Entered into force Nov. 18, 1954.
1952	3 UST (?) 4443 TIAS 2894.	US-Canada Agreement relating to the Assignment of Television Frequency Channels along United States-Canadian Border. Effected by exchange of notes at Ottawa Apr. 23 and June 23, 1952. Entered into force June 23, 1952.
1952	3 UST (4) 5140 TIAS 2708.	London Revision (1952) of the London Telecommunications Agreement (1949) between the United States and Certain British Commonwealth Governments. Signed at London Oct. 1, 1952. Entered into force Oct. 1, 1952. This amends the agreement contained in TIAS 2435 signed Aug. 13, 1949.
1953	4 UST (3) 2840 TIAS 2836.	US-Canada Understanding relating to the Sealing of Mobile Radio Transmitting Equipment. Effected by exchange of notes at Washington Mar. 9 and 17, 1953. Entered into force Mar. 17, 1953.
1956	7 UST 2179 TIAS 3617.	US-Panama Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Panama July 19 and Aug. 1, 1956. Entered into force Sept. 1, 1956.
1956	7 UST 2839 TIAS 3668.	US-Costa Rica Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Washington Aug. 13 and Oct. 19, 1956. Entered into force Oct. 19, 1956.
1956	7 UST 3159 TIAS 3804.	US-Nicaragua Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Managua Oct. 8 and 16, 1956. Entered into force Oct. 16, 1956.
1957	12 UST 734 TIAS 4777.	US-Mexico Agreement regarding Radio Broadcasting in the Standard Broadcast Band. Signed at Mexico Jan. 29, 1957. Entered into force June 9, 1961. Amended by the protocol contained in TIAS 6210 signed Apr. 13, 1966.
1947	9 UST 1537 TIAS 4079.	Multilateral Declaration between the United States and Other Powers terminating Part II (Inter-American Radio Office) of the Inter-American Radio Communications Convention of Dec. 13, 1937 (TS-956). Signed at Washington Dec. 20, 1947. Entered into force Dec. 20, 1947. Additionally, a Contract on the Exchange of Notifications of Radio Broadcasting Frequencies between the Pan American Union, the United States and Other Powers was signed at Washington Dec. 20, 1947. Entered into force Jan. 1, 1948.
1958	9 UST 1001 TIAS 4089.	US-Mexico Agreement regarding Allocation of Ultra High Frequency Channels to Land Border Television Stations. Effected by exchange of notes at Mexico July 15, 1958. Entered into force July 16, 1958.
1958	10 UST 2428 TIAS 4390	Telegraph Regulations (Geneva Revision, 1958) Annexed to the International Telecommunication Convention. Signed at Geneva Nov. 20, 1958. Entered into force Jan. 1, 1960.
1959	10 UST 1440 TIAS 4206.	US-Mexico Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Mexico July 31, 1959. Entered into force Aug. 30, 1959.
1959 and 1960	11 UST 257 TIAS 4442.	US-Honduras Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Tegucigalpa Oct. 28, 1959, and Feb. 17, 1960, and related note of Feb. 19, 1960. Entered into force Mar. 17, 1960.
1959	10 UST 2019 TIAS 4394.	US-Venezuela Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Caracas Nov. 12, 1959. Entered into force Dec. 12, 1959.
1959	12 UST 2377 TIAS 4893.	International Radio Regulations Annexed to the International Telecommunication Convention. Signed at Geneva Dec. 21, 1959. Entered into force with respect to the United States Oct. 28, 1961. Revised by the Partial Revision of the Radio Regulations, Geneva, 1959, signed at Geneva Nov. 8, 1963 (TIAS 5603).
1960	11 UST 1. TIAS 4399.	US-Haiti Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Port-au-Prince Jan. 4 and 6, 1960. Entered into force Feb. 5, 1960.
1960	16 UST 185 TIAS 5780.	International Convention for the Safety of Life at Sea and Annexed Regulations. Signed at London June 17, 1960. Entered into force May 26, 1965.
1960	11 UST 2229 TIAS 4526.	US-Paraguay Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Asuncion Aug. 31 and Oct. 6, 1960. Entered into force Nov. 5, 1960.
1961	TIAS 5118.	US-Uruguay Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Montevideo Sept. 12, 1961. Entered into force Sept. 25, 1961.
1961	12 UST 1696 TIAS 4886.	US-Bolivia Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at La Paz Oct. 23, 1961. Entered into force Nov. 22, 1961.
1962	13 UST 997 TIAS 5043.	US-Mexico Agreement relating to the Assignment of VHF Television Channels along United States-Mexican Border. Effected by exchange of notes at Mexico Apr. 18, 1962. Entered into force Apr. 18, 1962.
1962	13 UST 411 TIAS 5001.	US-El Salvador Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at San Salvador Apr. 5, 1962. Entered into force May 5, 1962.
1962	13 UST 2418 TIAS 5205.	US-Canada Agreement relating to the Coordination and Use of Radio Frequencies above 30 Mc/s. Effected by exchange of notes at Ottawa Oct. 24, 1962. Entered into force Oct. 24, 1962. The technical annex to this agreement was revised by the agreement contained in TIAS 5633, which was signed June 18 and 24, 1965.
1962	14 UST 817 TIAS 5300.	US-Dominican Republic Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Santo Domingo Apr. 18 and 23, 1962. Entered into force May 23, 1962.
1963	15 UST 887 TIAS 5603.	Partial Revision of the Radio Regulations, Geneva, 1959. Signed at Geneva Nov. 8, 1963. Entered into force Jan. 1, 1965.
1963	14 UST 1754 TIAS 5463.	US-Colombia Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Bogota Nov. 18 and 20, 1963. Entered into force Dec. 20, 1963.
1964	15 UST 1706 TIAS 5646.	US-Other Governments Agreement Establishing Interim Arrangements for a Global Commercial Communications Satellite System and Special Agreement. Done at Washington Aug. 20, 1964. Entered into force Aug. 20, 1964. Additionally, a Supplementary Agreement on Arbitration was done at Washington June 4, 1965. Entered into force Nov. 21, 1966.
1965	16 UST 621 TIAS 5810.	US-Brazil Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Washington June 1, 1965. Entered into force June 1, 1965.
1965	16 UST 923 TIAS 5833.	US-Canada Agreement regarding Coordination and Use of Radio Frequencies above 30 Mc/s Revising the Technical Annex to the Agreement of Oct. 24, 1962 (TIAS 5205). Effected by exchange of notes at Ottawa June 18 and 24, 1965. Entered into force June 24, 1965.
1965	16 UST 883 TIAS 5827.	US-Israel Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Washington July 7, 1965. Entered into force Aug. 6, 1965.
1965		International Telecommunication Convention. Signed at Montreux Nov. 12, 1965. Entered into force with respect to the United States May 29, 1967.
1966	17 UST 74 TIAS 5881.	US-UN Agreement regarding Headquarters of the United Nations Supplementing the Agreement of June 26, 1947 (TIAS 1676). Signed at New York Feb. 9, 1966. Entered into force Feb. 9, 1966. Amended by the agreement contained in TIAS 6176 which was signed Dec. 8, 1966.
1966	TIAS 6210.	US-Mexico Protocol regarding Radio Broadcasting in the Standard Broadcast Band Amending the Agreement of Jan. 29, 1957 (TIAS 4777). Signed at Mexico Apr. 13, 1966. Entered into force Jan. 12, 1967.
1966	TIAS 6176.	US-UN Agreement regarding Headquarters of the United Nations Amending the Supplemental Agreement of Feb. 9, 1966 (TIAS 5881). Effected by exchange of notes at New York Dec. 8, 1966. Entered into force Dec. 8, 1966.
1967	TIAS 6244.	US-Argentina Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Buenos Aires Mar. 31, 1967. Entered into force Apr. 30, 1967.
1967		US-Canada Agreement relating to Pre-Sunrise Operation of Certain Standard (AM) Radio Broadcasting Stations. Effected by exchang of notes at Ottawa Mar. 31 and June 12, 1967. Entered into force June 12, 1967.

(b) The applicable agreements in force between the United States and another country relating to the reciprocal granting of authorizations to permit licensed amateur radio operators of either country to operate their stations in the other country are as follows:

Date	Citations	Subject
1964	15 UST 1757 TIAS 5646.	US-Costa Rica Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at San Jose Aug. 17 and 24 1964. Entered into force Aug. 24, 1964.
1955	16 UST 93 TIAS 5784.	US-Dominican Republic Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Santo Domingo Jan. 28 and Feb 2, 1955. Entered into force Feb. 2, 1955.
1965	16 UST 165 TIAS 5777.	US-Bolivia Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at La Paz Mar. 18, 1965. Entered into force Apr. 15, 1965.
1955	16 UST 161 TIAS 5779.	US-Ecuador Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Quito Mar. 26, 1965. Entered into force Mar. 26 1965.
1965	16 UST 817 TIAS 5815.	US-Portugal Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Lisbon May 17 and 26, 1965. Entered into force May 26, 1965.
1965	16 UST 869 TIAS 5824.	US-Belgium Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Brussels June 15 and 18, 1965. Entered into force June 15, 1965.
1965	16 UST 973 TIAS 5836.	US-Australia Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Canberra June 25, 1965. Entered into force June 25, 1965.
1955	16 UST 1160 TIAS 5850.	US-Peru Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Lima June 28 and Aug. 11, 1955. Entered into force Aug. 11, 1955.
1965	16 UST 1746 TIAS 5900.	US-Luxembourg Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Luxembourg July 7 and 29, 1965. Entered into force July 29, 1965.
1955	16 UST 1131 TIAS 5856.	US-Sierra Leone Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Freetown Aug. 14 and 16, 1965. Entered into force Aug. 16, 1965.
1965	16 UST 1742 TIAS 5899.	US-Colombia Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Bogota Oct. 19 and 28, 1965. Entered into force Nov. 28, 1965.
1965	16 UST 2047 TIAS 5941.	US-UK Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at London Nov. 26, 1965. Entered into force Nov. 26, 1965.
1966	17 UST 628 TIAS 5978.	US-Paraguay Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Asuncion Mar. 18, 1966. Entered into force Mar. 18, 1966.
1966	17 UST 719 TIAS 6022.	US-France Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Paris May 4, 1966, with related notes of June 29 and July 6, 1966. Entered into force July 1, 1966.
1966	17 UST 813 TIAS 6038.	US-India Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at New Delhi May 16 and 25, 1966. Entered into force May 25, 1966.
1966	17 UST 760 TIAS 6028.	US-Israel Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Washington June 15, 1966. Entered into force June 15, 1966.
1966	TIAS 6180.	US-Netherlands Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at The Hague June 22, 1966. Entered into force Dec. 21, 1966.
1966	17 UST 1120 TIAS 6088.	US-Federal Republic of Germany Arrangement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Bonn June 23 and 30, 1966. Entered into force June 30, 1966.
1966	17 UST 1089 TIAS 6061.	US-Kuwait Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Kuwait July 19 and 24, 1966. Entered into force July 19, 1966.
1966	TIAS 6112.	US-Nicaragua Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Managua Sept. 8 and 20, 1966. Entered into force Sept. 20, 1966.
1966	TIAS 6180.	US-Panama Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Panama Nov. 16, 1966. Entered into force Nov. 16, 1966.
1966 and 1967		US-Honduras Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Tegucigalpa Dec. 29, 1966, Jan. 24 and Apr. 17, 1967. Entered into force Apr. 17, 1967.
1967		US-Switzerland Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Bern Jan. 12 and May 16, 1967. Entered into force May 16, 1967.
1967		US-Trinidad and Tobago Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Port of Spain Jan. 14 and Mar. 16, 1967. Entered into force Mar. 16, 1967.
1967	TIAS 6248.	US-Argentina Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Buenos Aires Mar. 31, 1967. Entered into force Apr. 30, 1967.
1967		US-El Salvador Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at San Salvador May 24 and June 1, 1967. Entered into force June 5, 1967.
1967		US-Norway Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Oslo May 27 and June 1, 1967. Entered into force June 1, 1967.

(c) With respect to its relations with several countries, the United States is bound by certain superseded treaties and agreements because some of the contracting countries other than the United States did not become a party to subsequent treaties and agreements. These include the following:

Date	Citations	Subject
1912	38 Stat. 1672 TS 651.	International Radiotelegraph Convention. Signed at London July 5, 1912. Entered into force July 1, 1913. Superseded by the International Radiotelegraph Convention and General Regulations, Washington, 1927 (TS 767).
1927	45 Stat. 2760 TS 767.	International Radiotelegraph Convention and General Regulations. Signed at Washington Nov. 25, 1927. Entered into force Jan. 1, 1928. Superseded by the International Telecommunication Convention and General Radio Regulations, Madrid, 1932 (TS 867).
1932	49 Stat. 2391 TS 867.	International Telecommunication Convention. Signed at Madrid Dec. 9, 1932. Entered into force for the United States June 12, 1934. Superseded by the International Telecommunication Convention, Atlantic City, 1947 (TIAS 1901).
1937	54 Stat. 2514 EAS 200.	Inter-American Arrangement concerning Radiocommunications and Annex. Signed at Havana Dec. 13, 1937. (First Inter-American Radio Conference.) Entered into force for the United States July 18, 1938. This arrangement was replaced by the Inter-American Agreement concering Radiocommunications, Santiago, 1940 (EAS 231).
1938	54 Stat. 1417 TS 948.	General Radio Regulations (Cairo Revision, 1938) Annexed to the International Telecommunication Convention, Madrid, 1932. Signed at Cairo Apr. 8, 1938. Entered into force Sept. 1, 1939. Superseded by the Radio Regulations, Atlantic City, 1947 (TIAS 1901).
1940	55 Stat. 1483 EAS 231.	Inter-American Radiocommunications Agreement between the United States, Canada and Other American Republics. Signed at Santiago, Jan. 26, 1940. (Second Inter-American Radio Conference.) Entered into force with respect to the United States Feb. 24, 1942. Replaced by the Inter-American Radio Agreement, Washington, 1949 (TIAS 2489).
1947	63 Stat. (2) 1399 TIAS 1901.	International Telecommunication Convention and Radio Regulations. Signed at Atlantic City Oct. 2, 1947. Entered into force Jan. 1, 1949. The Convention was superseded by the International Telecommunication Convention, Buenos Aires, 1952 (TIAS 2486). The Radio Regulations were superseded by the International Radio Regulations, Geneva, 1959 (TIAS 4893).
1949	2 UST (1) 17 TIAS 2175.	Telegraph Regulations (Paris Revision, 1949) Annexed to the International Telecommunication Convention. Signed at Paris Aug. 5, 1949. Entered into force with respect to the United States Sept. 30, 1950. Superseded by the Telegraph Regulations, Geneva Revision, 1958 (TIAS 4390).
1952	6 UST 1213 TIAS 3208.	International Telecommunication Convention. Signed at Buenos Aires Dec. 22, 1952. Entered into force with respect to the United States June 27, 1955. Superseded by the International Telecommunication Convention, Geneva, 1959 (TIAS 4892).
1959	12 UST 1761 TIAS 4892.	International Telecommunication Convention. Signed at Geneva Dec. 21, 1959. Entered into force with respect to the United States Oct. 23, 1961. Superseded by the International Telecommunication Convention, Montreux, 1965.

(d) There are certain treaties and agreements primarily concerned with matters other than the use of radio but which affect the work of the Federal Communications Commission insofar as they involve communications. Among the most important of these are the following which are available from the Secretary General, International Civil Aviation Organization (ICAO), International Aviation Building, 1080 University Street, Montreal, Canada:

Date	Citations	Subject
1944	61 Stat. (2) 1180; TIAS 1591.	International Civil Aviation Convention. Signed at Chicago Dec. 7, 1944. Entered into force Apr. 4, 1947. Amended by the protocols contained in TIAS 3756 and TIAS 5170.
1946		ICAO Communications Division, Second Session, Montreal.
1949		ICAO Communications Division, Third Session, Montreal.
1951		ICAO Communications Division, Fourth Session, Montreal.
1954		ICAO Communications Division, Fifth Session, Montreal.
1954	8 UST 179; TIAS 3756.	Protocol Amending the International Civil Aviation Convention (TIAS 1591). Done at Montreal June 14, 1954. Entered into force Dec. 12, 1956.
1957		ICAO Communications Division, Sixth Session, Montreal.
1958		ICAO Communications Division, Special Session, Montreal.
1961	12 UST 2204; TIAS 5170.	Protocol Amending the International Civil Aviation Convention (TIAS 1591). Done at Montreal June 21, 1961. Entered into force July 17, 1962.
1962		ICAO Communications Division, Seventh Session, Montreal.
1963		ICAO Communications Division, Special Session, Montreal.
1966		ICAO Communications/Operations (COM/OPS) Divisional Meeting, Montreal.

[F.R. Doc. 67-7844; Filed, July 10, 1967; 8:45 a.m.]

[FCC 67-758]

PART 73—RADIO BROADCAST SERVICES

Subpart G—Emergency Action Notification System and the Emergency Broadcast System

In the matter of amendment of Subpart G of Part 73 of the Commission's rules and regulations—Emergency Broadcast System (EBS):

1. The Commission has before it for consideration the amendment of Subpart G of Part 73 of the Commission's rules and regulations governing the operation of the Emergency Broadcast System (EBS).

2. The National Industry Advisory Committee (NIAC) has forwarded the first revision of the Basic Emergency Broadcast System (EBS) plan to the Commission for approval. The revision incorporates into the Plan the provisions of a Presidential Memorandum of December 21, 1966 to his Armed Forces Aide directing that in the event an enemy attack has been detected, the White House Communications Agency (WHCA) shall be authorized to activate the EBS and the Office of Civil Defense (OCD) shall be authorized to follow with the dissemination of appropriate warning messages. Since the EBS may possibly be activated where no enemy attack has been detected, the revision provides for the broadcast of an Emergency Action Notification message either with or without an OCD attack warning message.

3. The present Basic EBS Plan provides for activation of the EBS during a "war, threat of war, state of public peril or disaster, or other national emergency." The first revision changes the above-quoted language to provide for activation during a "grave national crisis or war."

4. Additionally, the revision provides national level guidelines for the development of Detailed State EBS Operational Plans; incorporates the concept of assigning operational designations (primary, alternate, primary relay, or alternate relay) to specific National Defense Emergency Authorization (NDEA) stations; and effects numerous editorial changes which serve to clarify the meaning and objectives of the Basic EBS Plan. The revised EBS Plan has been approved by the Commission.

5. There is a need to amend Subpart G of Part 73 of the rules and regulations to reflect those changes in the Emergency Action Notification System and the Emergency Broadcast System which have been effected in the first revision of the Basic EBS Plan.

6. Since the prompt amendment of Subpart G of Part 73 of the rules and regulations is necessary for purposes of national defense, compliance with the notice, public procedure, and effective date requirements of 5 U.S.C. 553 would be contrary to the public interest.

7. The authority for the rules adopted herein is contained in sections 1, 4(i), and 303(r) of the Communications Act of 1934, as amended, and Executive Order 11092;

It is ordered, That effective August 4, 1967, Subpart G of Part 73 of the Commission's rules and regulations is amended as set forth in the Appendix below.

(Secs. 1, 4, 303, 48 Stat., as amended, 1064, 1066, 1082; 47 U.S.C. 151, 154, 303, and E.O. 11092 of Feb. 26, 1963)

Adopted: June 28, 1967.

Released: July 6, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

APPENDIX

Subpart G of Part 73 of the Commission's rules and regulations is amended to read as follows:

Subpart G—Emergency Action Notification System and the Emergency Broadcast System

SCOPE AND OBJECTIVES

Sec.
73.901 Scope of subpart.
73.902 Objectives of subpart.

DEFINITIONS

73.905 Emergency Action Notification System and the Emergency Broadcast System Implementation System.
73.906 Attention Signal.
73.907 Emergency Action Notification.
73.908 Emergency Action Condition.
73.909 Emergency Action Condition Termination.
73.910 Emergency Broadcast System (EBS).
73.911 Basic Emergency Broadcast System (EBS) Plan.
73.912 NIAC Order.
73.913 National Defense Emergency Authorization (NDEA).
73.914 Primary Station National Defense Emergency Authorization (NDEA).
73.915 Alternate Station National Defense Emergency Authorization (NDEA).
73.916 Primary Relay National Defense Emergency Authorization (NDEA).
73.917 Alternate Relay National Defense Emergency Authorization (NDEA).
73.918 Non-NDEA Station.
73.919 Detailed Regional Emergency Broadcast System (EBS) Operational Plan.
73.920 Detailed State Emergency Broadcast System (EBS) Operational Plan.
73.921 Operational Area.
73.922 Common Program Control Broadcast Station.

EMERGENCY ACTIONS

73.931 Notification of Emergency Action Condition.
73.932 Emergency Action Notification Procedures.
73.933 Radio Monitoring Requirement.
73.934 Emergency Broadcast System (EBS) operation during an Emergency Action Condition.
73.935 Emergency Broadcast System (EBS) programing priorities.
73.940 Termination of Emergency Action Condition.

PARTICIPATION

73.950 Participation in the Emergency Broadcast System (EBS).

TESTS

73.961 Tests of the Emergency Action Notification System.
73.962 Tests of Approved Interconnecting Systems and Facilities.

WEATHER WARNINGS

73.971 Emergency Weather Warnings.

NETWORK CONNECTION

73.981 Participation by Telephone Companies.

AUTHORITY: The provisions of this Subpart G issued under secs. 1, 4, 303, 48 Stat., as amended, 1064, 1066, 1082, 47 U.S.C. 151, 154, 303; E.O. 11092, Feb. 26, 1963.

Subpart G—Emergency Action Notification System and the Emergency Broadcast System

SCOPE AND OBJECTIVES

§ 73.901 Scope of subpart.

This subpart provides for an Emergency Action Notification System for all licensees and regulated services of the Federal Communications Commission and the general public, and for an Emergency Broadcast System (EBS). This subpart applies to all broadcast stations governed by this part within any State, the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States, but not those stations located in the Canal Zone.

[1] Commissioner Johnson absent.

§ 73.902 Objectives of subpart.

The objectives of this subpart are to provide an expeditious means for the dissemination of an Emergency Action Notification (with or without an Attack Warning) to licensees and regulated services of the Federal Communications Commission and to the general public during conditions of a grave National crisis or war and to provide for an Emergency Broadcast System (EBS), which would be activated upon release of an Emergency Action Notification by direction of the President of the United States. The Emergency Broadcast System provides for controlled operation of broadcast stations subject to this part, on a voluntary organized basis, to provide the President and the Federal Government, as well as State and local governments, with an expeditious means of communicating with the general public during an Emergency Action Condition.

DEFINITIONS

§ 73.905 Emergency Action Notification System and the Emergency Broadcast System Implementation System.

The system by which all licensees and regulated services of the Federal Communications Commission, and the general public, are notified (with or without an Attack Warning) of the existence of an Emergency Action Condition resulting from a grave national crisis or war. The Emergency Action Notification System and the Emergency Broadcast System Implementation System consist only of the following approved facilities, systems, and arrangements:

(a) *First Method.* From the President of the United States via the White House Communications Agency to the Associated Press (AP) and United Press International (UPI); thence via automatic selective switching and teletype Emergency Action Notification to all standard, FM, and television broadcast and other stations subscribing to the AP and UPI Radio Wire Teletype Networks.

(b) *Second Method.* From the President of the United States via the White House Communications Agency to specified control points of the nationwide commercial Radio and Television Broadcast Networks, the American Telephone and Telegraph Co. and other specified points via a dedicated teletypewriter network; thence to all affiliates via any available internal commercial radio and television network alerting facilities.

(c) *Third Method.* Off-the-air monitoring of specified standard, FM, and television broadcast stations by standard, FM, and television broadcast stations and other licensees and regulated services for receipt of the Emergency Action Notification. All broadcast licensees are required to install, maintain, and operate radio receiving equipment for receipt of the Emergency Action Notification.

(d) *Fourth Method.* Off-the-air monitoring of standard, FM, and television broadcast stations by the general public who are listening or viewing or whose radio or television receivers are equipped for actuation by the Attention Signal to receive the Emergency Action Notification.

§ 73.906 Attention signal.

The signaling arrangement transmitted by all standard, FM, and television broadcast stations for the purpose of actuating muted standard, FM, and television receivers.

§ 73.907 Emergency Action Notification.

The Emergency Action Notification is the notice (with or without an Attack Warning) to all licensees and regulated services of the Federal Communications Commission and to the general public of the existence of an Emergency Action Condition. The Emergency Action Notification is released upon direction of the President of the United States and is disseminated only via the Emergency Action Notification System.

§ 73.908 Emergency Action Condition.

The Emergency Action Condition is the period of time between the transmission of an Emergency Action Notification and the transmission of the Emergency Action Condition Termination.

§ 73.909 Emergency Action Condition Termination.

The Emergency Action Condition Termination is the notice to all licensees and regulated services of the Federal Communications Commission and to the general public of the termination of an Emergency Action Condition. The Emergency Action Condition Termination is released upon direction of the President of the United States and is disseminated only via the Emergency Action Notification System.

§ 73.910 Emergency Broadcast System (EBS).

The Emergency Broadcast System (EBS) is a system of facilities and personnel of nongovernment broadcast stations and other authorized facilities licensed or regulated by the Federal Communications Commission, including approved and authorized integral facilities or systems, arrangements, procedures, and interconnecting facilities, which have been authorized by the Commission to operate in a controlled manner during a grave national crisis or war.

§ 73.911 Basic Emergency Broadcast System (EBS) Plan.

The Basic Emergency Broadcast System (EBS) Plan is a plan containing, among other things, approved basic concepts and designated national-level systems, arrangements, procedures, and interconnecting facilities to satisfy the White House Statement of Requirements for Presidential Messages and National Programing and News. Provision is made therein for the development, designation, and approval of facilities, mutually compatible operational arrangements, procedures, and interconnecting facilities to satisfy the Department of Defense (Office of Civil Defense) statement of requirements for the dissemination of emergency information and instructions by Regional, State, and Operational Area (Local) authorities in addition to Presidential Messages and National Programing and News, as set forth above.

§ 73.912 NIAC Order.

A NIAC Order is a service order previously filed with the American Telephone and Telegraph Co., providing for approved arrangements for program origination reconfiguration of the major commercial Radio and Television (aural) Broadcast Networks (except UPI Audio) voluntarily participating in the Emergency Broadcast System (EBS). Broadcast networks presently participating are American Broadcasting Co. (ABC), Columbia Broadcasting System (CBS), Mutual Broadcasting System (MBS), National Broadcasting Co. (NBC), Intermountain Network (IMN), and the United Press International Audio (UPI). Any NIAC Order must meet White House requirements and may be activated only when requested by the White House Communications Agency in accordance with approved established procedures.

§ 73.913 National Defense Emergency Authorization (NDEA).

A National Defense Emergency Authorization (NDEA) is an authorization issued by the Federal Communications Commission only to the licensees of broadcast stations subject to the provisions of this part to permit controlled operation of such stations, as well as associated auxiliary broadcast stations subject to Part 74 of this chapter, on a voluntary organized basis during an Emergency Action Condition, consistent with the provisions of this subpart and the Basic Emergency Broadcast System (EBS) Plan, including the annexes and supplements to that plan. A broadcast station licensee will be issued a National Defense Emergency Authorization only in accordance with the Criteria for Eligibility set forth in the Basic Emergency Broadcast System (EBS) Plan, which will remain valid concurrently with the term of the broadcast station license, so long as the station licensee continues to comply with the Criteria for Eligibility.

§ 73.914 Primary Station National Defense Emergency Authorization (NDEA).

A Primary Station National Defense Emergency Authorization is the authorization issued to one or more broadcast station licensees in an Operational Area assigning such licensees the responsibility for broadcasting a common emergency program for the initial period of, or for the duration of, an Emergency Action Condition. Broadcasts by such stations are intended for direct public reception in an Operational Area, as specified in an approved Detailed State Emergency Broadcast System (EBS) Operational Plan.

§ 73.915 Alternate Station National Defense Emergency Authorization (NDEA).

An Alternate Station National Defense Emergency Authorization is the authorization issued to one or more broadcast licensees in an Operational Area assigning such licensees as specified alternates. An Alternate station will assume broadcasting responsibility in accordance with the Detailed State Emergency Broadcast System (EBS) Operational Plan.

§ 73.916 Primary Relay National Defense Emergency Authorization (NDEA).

A Primary Relay National Defense Emergency Authorization is the authorization issued to one or more broadcast licensees in an Operational Area assigning such licensees the function of emergency program distribution on relay service of emergency programing to stations holding Primary or Alternate Station National Defense Emergency Authorizations, in accordance with an approved Detailed State Emergency Broadcast System (EBS) Operational Plan. A Relay station will not generally broadcast emergency program material intended for direct public reception.

§ 73.917 Alternate Relay National Defense Emergency Authorization (NDEA).

An Alternate Relay National Defense Emergency Authorization is the authorization issued to one or more broadcast licensees in an Operational Area assigning such licensees as specified alternates to stations holding Primary Relay National Defense Emergency Authorizations. In the event a Primary Relay station is unable to assume its initial operational functions, or discontinues such operation for any reason, an Alternate Relay station will assume those operational functions, in accordance with the "alternate" designations (1st, 2d, 3d, 4th, etc.) contained in an approved Detailed State Emergency Broadcast System (EBS) Operational Plan.

§ 73.918 Non-NDEA Station.

A Non-NDEA Station is a broadcast station which is not voluntarily participating in the Emergency Broadcast System (EBS) and does not hold a National Defense Emergency Authorization. Such stations are required to discontinue operations for the duration of an Emergency Action Condition.

§ 73.919 Detailed Regional Emergency Broadcast System (EBS) Operational Plan.

A detailed Regional Emergency Broadcast System (EBS) Operational Plan is a plan providing for a regional emergency programing origination capability at the Federal Regional Center in coordination with the State Industry Advisory Committees and integrated into the Detailed State Emergency Broadcast System (EBS) Operational Plans within the Federal Region as a coordinated Regional/State operation. Such a plan shall be in conformity with the provisions of this subpart and the Basic Emergency Broadcast System (EBS) Plan and shall be considered a supplement thereto.

§ 73.920 Detailed State Emergency Broadcast System (EBS) Operational Plan.

A detailed State Emergency Broadcast System (EBS) Operational Plan is a plan containing the designation of facilities approved detailed mutually compatible operational arrangements, procedures, instructions, and interconnecting facilities to satisfy the requirements of the President and the Federal Government, as well as State and Operational Area (Local) authorities for communicating with the general public during an Emergency Action Condition. Such a plan includes approved and authorized detailed emergency operational communications facilities, systems, procedures, and interconnecting systems. It shall be in conformity with the provisions of this subpart and the Basic Emergency Broadcast System (EBS) Plan and shall be considered a supplement thereto.

§ 73.921 Operational Area.

An Operational Area is a geographical area which may encompass a number of contiguous communities, as mutually determined by the State Industry Advisory Committee and State authorities, and as delineated in the approved Detailed State Emergency Broadcast System (EBS) Operational Plan.

§ 73.922 Common Program Control Broadcast Station.

A Common Program Control Broadcast Station is a Primary NDEA broadcast station in each Operational Area assigned the responsibility for coordinating the operations for the broadcasting of the common program for the Operational Area. In the event a Common Program Control Broadcast Station is unable for any reason to carry out this responsibility, other Primary and Alternate broadcast stations in the Operational Area will be assigned as the Common Program Control Broadcast Station in progressive order, as set forth in the approved Detailed State Emergency Broadcast System (EBS) Operational Plan.

EMERGENCY ACTIONS

§ 73.931 Notification of Emergency Action Condition.

(a) Authority for release of the Emergency Action Notification rests solely with the President of the United States. This authority has not been delegated, except as set forth in paragraph (b) of this section.

(b) Under the President's responsibility to activate the Emergency Broadcast System (EBS), he has directed that in the event an enemy attack has been detected, the White House Communications Agency shall be authorized to activate the Emergency Broadcast System (EBS) and the Office of Civil Defense shall be authorized to follow with the dissemination of appropriate warning messages.

(c) The Emergency Action Notification will be released by direction of the President and will be disseminated only via the Four Methods of the Emergency Action Notification System in one of the following two forms:

(1) The Emergency Action Notification only without Attack Warning Message.

(2) The Emergency Action Notification with Attack Warning Message.

§ 73.932 Emergency Action Notification Procedures.

All broadcast stations are to be furnished complete instructions on color coded cards (yellow, white, red, blue). Each card specifies the procedure to be followed (Texts of these cards are included in Annex V of the EBS Plan). Immediately upon receipt of an Emergency Action Notification (yellow card), all standard, commercial FM, and noncommercial educational FM broadcast stations with a transmitter output of over 10 watts, and television broadcast stations, including all such stations operating under equipment or program test authority, will proceed as set forth in paragraph (a) or (b) of this section, as applicable:

(a) Receipt of the Emergency Action Notification without Attack Warning:

(1) Discontinue normal program and follow the detailed transmission procedures set forth on the White Card entitled "Broadcast Message" EAN-1. This White Card has been furnished to all licensed broadcast stations for posting in all studios and broadcast operating positions.

(2) Upon completion of these detailed transmission procedures, all licensed broadcast stations which do not hold a National Defense Emergency Authorization (NDEA) shall discontinue operation for the duration of the Emergency Action Condition.

(b) Receipt of the Emergency Action Notification with Attack Warning:

(1) Discontinue normal program and follow the detailed transmission procedures set forth on the Red Card entitled "Broadcast Message" EAN-2. This Red Card has been furnished to all licensed broadcast stations for posting in all studios and broadcast operating positions.

(2) Upon completion of these detailed transmission procedures, all licensed broadcast stations which do not hold a National Defense Emergency Authorization (NDEA) shall discontinue operation for the duration of the Emergency Action Condition.

(c) A station which normally broadcasts a substantial part of its programing in a language other than English may broadcast the required announcements as well as EBS programing, in such foreign language sequentially with the broadcast in English, provided such station has been authorized to do so as part of an approved Detailed State Emergency Broadcast System (EBS) Operational Plan.

(d) Noncommercial educational FM broadcast stations with a transmitter power output of 10 watts or less will, upon receipt of an Emergency Action Notification, interrupt the program in progress and broadcast the appropriate Emergency Action Notification Message as provided in paragraph (a) of this section, but without the transmission of the Attention Signal. Such stations will then discontinue operation and maintain radio silence in accordance with the Basic Emergency Broadcast System (EBS) Plan.

(e) International broadcast stations will cease broadcasting immediately upon receipt of an Emergency Action Notification and will maintain radio silence in accordance with the Basic Emergency Broadcast System (EBS) Plan.

§ 73.933 Radio monitoring requirement.

(a) In order to ensure the effectiveness of the Third Method Emergency Action Notification System, all broadcast station licensees must install and operate during their hours of broadcast operation equipment capable of receiving Emergency Action Notifications or Terminations transmitted by other radio broadcast stations. This equipment must be maintained in operative condition, including arrangements for human listening watch or automatic alarm devices, and shall have its termination at each transmitter control point. However, where more than one broadcast transmitter is controlled from a common point by the same operator, only one set of equipment is required at that point.

(b) The off-the-air monitoring assignment of each standard, FM, and television broadcast station is specified in the Detailed State Emergency Broadcast System (EBS) Operational Plan. Particular attention should be paid to avoiding "closed loops" in monitoring assignments.

(c) Prior to commencing routine operation or originating any emissions under program test, equipment test, experimental, or other authorizations or for any other purpose, licensees or permitees shall first ascertain whether an Emergency Action Condition exists and, if so, shall operate only in accordance with the Basic Emergency Broadcast System (EBS) Plan and Detailed State Emergency Broadcast System (EBS) Plan.

§ 73.934 Emergency Broadcast System (EBS) operation during an Emergency Action Condition.

Following completion of the procedures set forth in § 73.932, and upon receipt of emergency programming, authorized participating broadcast stations will immediately begin operations in accordance with the approved Detailed State Emergency Broadcast System (EBS) Operational Plan, as follows:

(a) Primary NDEA stations within an Operational Area will, upon cue from the Common Program Control Broadcast Station, begin broadcast of a common program consisting of either Presidential Messages, State programing, Operational Area (local) programing, National programing and news, or Regional programing in the order or priority indicated, consistent with the provisions of the Basic Emergency Broadcast System (EBS) Plan and the Detailed State Emergency Broadcast System (EBS) Operational Plan.

(b) Alternate NDEA Stations within an Operational Area will stand by in a state of operational readiness to begin operation to broadcast a common program upon cue from a Primary or Alternate NDEA station which is discontinuing operation for any reason, or has discontinued operation with no advance notice, consistent with the provisions of the Basic Emergency Broadcast System (EBS) Plan and the Detailed State Emergency Broadcast System (EBS) Operational Plan.

(c) Primary Relay NDEA Stations will begin emergency program relay and distribution service in accordance with the provisions of the Basic Emergency Broadcast System (EBS) Plan and the Detailed Regional and State Emergency Broadcast System (EBS) Operational Plans.

(d) Alternate Relay NDEA Stations will stand by in a state of operational readiness to begin emergency program relay and distribution service upon cue from a Primary Relay or Alternate Relay NDEA station which is discontinuing operation for any reason, or has discontinued operation with no advance notice, consistent with the provisions of the Basic Emergency Broadcast System (EBS) Plan and the Detailed Regional and State Emergency Broadcast System (EBS) Operational Plans.

(e) Broadcast stations which do not hold a National Defense Emergency Authorization (NDEA) are not authorized to operate in the Emergency Broadcast System (EBS). Such stations shall discontinue operation and remove their carriers from the air after completion of the Emergency Action Notification Procedures set forth in § 73.932.

(f) Stations in the International Broadcast Service operating under the jurisdiction of the Federal Communications Commission may under certain conditions be issued a NDEA by the Federal Communications Commission with concurrence of the Director, Office of Emergency Planning, and will transmit only Federal Government broadcasts or communications. The station's carrier must be removed from the air during periods of no broadcast or communications transmissions.

(g) No station shall broadcast its call letters during an Emergency Action Condition. Only State and Operational Area identifications shall be given.

(h) All stations operating and identified with a particular Operational Area will broadcast a common program.

(i) Stations are exempted from keeping operating or maintenance logs during an Emergency Action Condition. Program logs should be maintained where possible.

(j) Broadcast stations are specifically exempt from complying with § 73.57 (pertaining to maintenance of operating power) while operating under their National Defense Emergency Authorization.

§ 73.935 Emergency Broadcast System (EBS) programing priorities.

(a) Program priorities for the Emergency Broadcast System (EBS) are as follows:

Priority One—Presidential Messages.
Priority Two—State Programing.
Priority Three—Operational Area (Local) Programing.
Priority Four—National Programing and News and Regional Programing.

(b) The Common Program Control Broadcast Station is responsible for coordinating the operations of the participating stations in the Operational Area in the broadcast of a common program for the Operational Area in accordance with the program priorities set forth in paragraph (a) of this section.

(c) All authorized participating stations that remain on the air in accordance with the Basic Emergency Broadcast System (EBS) Plan and the Detailed State Emergency Broadcast System (EBS) Operational Plan must carry Presidential Messages "live" at time of tranmission.

(d) The nationwide commercial Radio and Television (aural) Broadcast Network program distribution facilities shall be reserved exclusively for the distribution of Presidential Messages (Priority One) and National Programing and News (Priority Four). National Programing and News which is not broadcast at the time of original transmission shall be recorded locally by the Common Program Control Broadcast Station for broadcast at the earliest opportunity consistent with Operational Area requirements.

(e) Regional Programing (Priority Four), which utilizes the approved interconnecting distribution facilities for State Programing, as provided in the Detailed State Emergency Broadcast System (EBS) Operational Plans within the Federal Region, is an integrated and coordinated Regional/State operation. If not broadcast at the time of original tranmission, Regional/State Programing shall be recorded at the Common Program Control Broadcast Station in each Operational Area for broadcast at the earliest opportunity.

§ 73.940 Termination of Emergency Action Condition.

Upon receipt of an Emergency Action Condition Termination, all stations operating in the Emergency Broadcast System (EBS) will broadcast the following Termination Message twice:

This concludes operations under the Emergency Broadcast System. All broadcast stations may now resume normal broadcast operation.

Unlimited time stations operating in the Emergency Broadcast System (EBS) will transmit the Termination Message twice, and then resume normal operation. Daytime Only and Limited Time broadcast stations operating in the Emergency Broadcast System (EBS) shall also broadcast the Termination Message twice, then operate in accordance with their regular authorization.

PARTICIPATION

§ 73.950 Participation in the Emergency Broadcast System (EBS).

(a) Any licensee desiring to participate voluntarily in the Emergency Broadcast System (EBS) must prepare in narrative form an application directed to the establishment of eligibility based upon the criteria set forth in the Basic Emergency Broadcast System (EBS) Plan. The application should be mailed to the appropriate FCC Regional Liaison Officer for processing. The Federal Communications Commission may then issue a National Defense Emergency Authorization to the licensee authorizing participation in the Emergency Broadcast System (EBS) consistent with the provisions of the approved Detailed Regional and State Emergency Broadcast System (EBS) Operational Plans.

(b) Any station participating in the Emergency Broadcast System (EBS)

may withdraw from participation by giving 30 days written notice and by submitting its National Defense Emergency Authorization to the Federal Communications Commission through the appropriate FCC Regional Liaison Officer for cancellation.

(c) Any station that is denied participation in the Emergency Broadcast System (EBS) for any reason may appeal to the Federal Communications Commission for review.

TESTS

§ 73.961 Tests of the Emergency Action Notification System.

Tests of the Emergency Action Notification System will be made at regular intervals with appropriate entries in the station operating log, as follows:

(a) Test transmissions using the First Method of the Emergency Action Notification System utilizing the facilities of the Associated Press (AP) and United Press International (UPI) Radio Wire Teletype Networks will be conducted twice each week. These tests will be conducted on Saturday at 9:30 a.m., e.s.t., and on Sunday at 8:30 p.m., e.s.t. The Blue Card, identified as First Method EAN Tests, which has been furnished to all standard, FM, and television broadcast stations, sets forth details of these test transmissions.

(b) Test transmissions using the Second Method of the Emergency Action Notification System via dedicated teletype network between the White House Communications Agency, specified control points of the nationwide commercial Radio and Television Broadcast Networks, the American Telephone and Telegraph Co. and other specified points will be conducted once each week at a selected time in accordance with the test procedures set forth in the Emergency Broadcast System (EBS) Standing Operating Procedures (EBS SOP–3). Testing of the internal alerting facilities of the nationwide commercial Broadcast Networks is not necessary since these facilities are utilized in day-to-day operations.

(c) Test transmissions of the Third Method of the Emergency Action Notification System will be conducted by standard, FM, and television broadcast stations once each week on an unscheduled basis between the hours of 8:30 a.m. and local sunset. Noncommercial educational FM broadcast stations with a transmitter output of 10 watts or less are not required to conduct these tests. The Blue Card, identified as Third Method EAN Tests, which has been furnished to all standard, FM, and television broadcast stations, sets forth details of these test transmissions.

§ 73.962 Tests of Approved Interconnecting Systems and Facilities.

Tests of approved interconnecting systems and facilities voluntarily participating in the Emergency Broadcast System (EBS) will be conducted, as set forth below. Appropriate entries shall be made in the station operating log.

(a) National program distribution interconnecting systems and facilities (the total NIAC Order No. 1 program distribution facilities) will be tested on a scheduled basis. This test consists of a closed circuit transmission from 12:40 to 12:50 p.m., Washington, D.C. time on the first Wednesday of each month except when such a Wednesday is a national holiday, then the test is conducted on the following Thursday. Due to varying program scheduling of the commercial Radio Broadcast Networks involved, the individual network facilities shall remain as separate entities for these tests. The audio networks associated with the video networks of ABC–TV, CBS–TV, or NBC–TV shall not be utilized nor are the Telephone Companies authorized to add any of the unaffiliated stations participating in the Emergency Broadcast System (EBS). The American Telephone and Telegraph Co. is authorized to interconnect the facilities of the Intermountain (IMN) Radio Network to any one of the nationwide commercial Radio Broadcast Networks for the duration of these closed circuit tests, then remove such interconnections. Periodic tests of program distribution facilities for other NIAC Orders (No. 2 through No. 63) may be conducted as desired and will be based on thoroughly coordinated arrangements between all parties involved.

(b) Tests of regional program distribution interconnecting systems and facilities will be conducted periodically on a closed circuit basis as a coordinated Regional/State operation and as provided in approved Detailed Regional and State Emergency Broadcast System (EBS) Operational Plans.

(c) Tests of State program distribution interconnecting systems and facilities should be conducted on a day-to-day basis as periodic broadcast operations such as State Weather Networks, or State Association of Broadcasters Networks. Letters granting rebroadcast authority shall be exchanged between all participating licensees in accordance with the provisions of section 325(a) of the Communications Act of 1934, as amended, and Part 73 of this chapter.

(d) Operational Area common program distribution interconnecting systems, facilities, and procedures shall be tested on a closed circuit basis to insure emergency readiness of such interconnecting facilities in accordance with approved Detailed State Emergency Broadcast System (EBS) Operational Plans.

WEATHER WARNINGS

§ 73.971 Emergency Weather Warnings.

Upon receipt of notification from the U.S. Weather Bureau of an Emergency Weather Warning of a condition of immediate danger to life and property, all standard, commercial, FM, and television broadcast stations may, at their option, during authorized hours of operation only, transmit the Emergency Action Notification Attention Signal as follows:

(a) Cut the transmitter carrier for 5 seconds. (Sound carrier only for TV stations.)

(b) Return carrier to the air for 5 seconds.

(c) Cut transmitter carrier for 5 seconds. (Sound carrier only for TV stations.)

(d) Return carrier to the air.

(e) Broadcast 1,000-cycle steady-state tone for 15 seconds; then, proceed to broadcast the text of the Emergency Weather Warning issued by the U.S. Weather Bureau, as provided in §§ 73.90 and 73.296, respectively. Nothing in this section shall be construed as permitting a standard broadcast station licensed to operate daytime only or limited time to operate during unauthorized hours.

NETWORK CONNECTION

§ 73.981 Participation by Telephone Companies.

(a) Telephone Companies which have facilities available in place may, without charge, connect an unaffiliated broadcast station to commercial networks operated by ABC, CBS, MBS, NBC, or IMN for the duration of an Emergency Action Condition: *Provided*, That:

(1) The station is authorized by the Federal Communications Commission to participate in the Emergency Broadcast System (EBS) under § 73.950, and is required by an approved Detailed State Emergency Broadcast System (EBS) Operational Plan to carry Presidential or National Programing and News.

(2) The station has in service a local channel from the station studio or transmitter directly to the nearest telephone company Principal Central Office (toll test).

(b) During an Emergency Action Condition and for testing the arrangements for the origination of Presidential Messages and National Programing and News as provided for in NIAC Orders No. 1 through No. 63, telephone companies which have facilities in place may, without charge, connect an originating source associated with an appropriate NIAC Order Number from the nearest Telephone Company Exchange to a selected Toll Test Center, thence to the authorized commercial Radio and Television (aural) Broadcast Networks: *Provided:*

(1) That the originating source has in service a telephone company local channel from the originating point to the nearest Telephone Company Exchange.

(2) That a NIAC Order covering this service is requested by the White House Communications Agency in accordance with the provisions of the Basic Emergency Broadcast System (EBS) Plan.

(c) Upon issuance of the Emergency Action Condition Termination, or completion of tests as provided in paragraph (b) of this section, such telephone companies shall disconnect the unaffiliated broadcast stations and the authorized origination source and then restore the Broadcast Networks to their original configuration as individual entities.

(d) Closed circuit tests of technical program origination and distribution channels associated with NIAC Order No. 1 will be conducted as provided in § 73.962(a). These tests are in conformance with the provisions of this section.

(e) Closed circuit tests of technical program origination and distribution channels associated with NIAC Orders No. 2 through No. 63 will be conducted when considered desirable and when advance coordinated arrangements and voluntary agreement is accomplished among the White House Communications Agency, the nationwide commercial Radio Broadcast Networks, and the AT&T. These tests are in conformance with the provisions of this section.

(f) Every such carrier rendering any such free service shall make and file, in duplicate, with the Federal Communications Commission, on or before the 31st day of July and on or before the 31st day of January in each year, reports covering the periods of 6 months ending on the 30th day of June and the 31st day of December, respectively, next prior to said dates. These reports shall show the call letters and locations of the broadcast stations to which free service was rendered pursuant to this rule and the charges in dollars which would have accrued to the carrier for such service rendered if charges therefor had been collected at the published tariff rates.

[F.R. Doc. 67-7980; Filed, July 10, 1967; 8:47 a.m.]

Title 12—BANKS AND BANKING

Chapter III—Federal Deposit Insurance Corporation

SUBCHAPTER B—REGULATIONS AND STATEMENTS OF GENERAL POLICY

PART 328—ADVERTISEMENT OF MEMBERSHIP

Effective August 1, 1967, Part 328 of the rules and regulations of the Federal Deposit Insurance Corporation (12 CFR Part 328) is amended to read as follows:

Sec.
328.0 Scope.
328.1 Mandatory requirements with regard to the official sign and its display.
328.2 Mandatory requirements with regard to the official advertising statement and manner of use.

AUTHORITY: The provisions of this Part 328 issued under sec. 9, 64 Stat. 881; 12 U.S.C. 1819. Interpret or apply sec. 18, 64 Stat. 891; 12 U.S.C. 1828.

§ 328.0 Scope.

The regulation contained in this part prescribes the requirements with regard to the official sign insured banks must display and the requirements with regard to the official advertising statement insured banks must include in their advertisements. It also prescribes an approved short title which insured banks may use at their option. It imposes no limitations on other proper advertising of insurance of deposits by insured banks and does not apply to advertisements published in foreign countries by insured banks which maintain offices in such foreign countries in which offices the deposits are not insured.

§ 328.1 Mandatory requirements with regard to the official sign and its display.

(a) *Insured banks to display official sign.* Each insured bank shall continuously display an official sign as hereinafter prescribed at each station or window where insured deposits are usually and normally received in its principal place of business and in all its branches: *Provided*, That no bank becoming an insured bank shall be required to display such official sign until twenty-one (21) days after its first day of operation as an insured bank. The official sign may be displayed by any insured bank prior to the date display is required. Additional signs in other sizes, colors, or materials, incorporating the basic design of the official sign, may be displayed in other locations within an insured bank.

(b) *Official sign.* The official sign referred to in paragraph (a) of this section shall be of the following design:



The "symbol" of the Corporation shall be that portion of the official sign represented by the letters and the Corporation seal contained upon the sign.

(1) Any insured bank may procure official signs from the Corporation. Variations in size, color, and materials in the official sign, as described in the "Official Catalog of Insured Bank Signs"—No. ED1, may be procured at no charge from the Corporation by insured banks for official use. The Corporation shall furnish to banks an order blank for use in procuring the official signs. Any bank which promptly, after receipt of the order blank, fills it in, executes it, and properly directs and forwards it to the Federal Deposit Insurance Corporation, Washington, D.C. 20429, shall not be deemed to have violated this regulation on account of not displaying an official sign, or signs, unless the bank shall omit to display such official sign or signs after receipt thereof.

(2) Official signs reflecting variations in color and materials and additional signs reflecting variations in size, color, and materials may be procured by insured banks from commercial suppliers.

(c) *Receipt of deposits at same teller's station or window as noninsured bank or institution.* An insured bank is forbidden to receive deposits at any teller's station or window where any noninsured bank or institution receives deposits or similar liabilities.

(d) *Required changes in official sign.* The Corporation may require any insured bank, upon at least 30 days' written notice, to change the wording of its official signs in a manner deemed necessary for the protection of depositors or others.

§ 328.2 Mandatory requirements with regard to the official advertising statement and manner of use.

(a) *Insured banks to include official advertising statement in all advertisements except as provided in paragraph (c) of this section.* Each insured bank shall include the official advertising statement, prescribed in paragraph (b) of this section, in all of its advertisements except as provided in paragraph (c) of this section.

(1) An insured bank is not required to include the official advertising statement in its advertisements until thirty (30) days after its first day of operation as an insured bank.

(2) In cases where the Board of Directors of the Federal Deposit Insurance Corporation shall find the application to be meritorious, that there has been no neglect or willful violation in the observance of this section and that undue hardship will result by reason of its requirements, the Board of Directors may grant a temporary exemption from its provision to a particular bank upon its written application setting forth the facts. For the procedure to be followed in making such application see § 303.8 of this chapter.

(3) In cases where advertising copy not including the official advertising statement is on hand on the date the requirements of this section become operative, the insured bank may cause the official advertising statement to be included by use of a rubber stamp or otherwise.

(b) *Official advertising statement.* The official advertising statement shall be in substance as follows: "Member of the Federal Deposit Insurance Corporation". The word "the" or the words "of the" may be omitted. The words "This bank is a" or the words "This institution is a" or the name of the insured bank followed by the words "is a" may be added before the word "member". The short title "Member of FDIC" or "Member FDIC" or a reproduction of the "symbol" may be used by insured banks at their option as the official advertising statement. The official advertising statement shall be of such size and print to be clearly legible. Where it is desired to use the "symbol" of the Corporation as the official advertising statement, and the "symbol" must be reduced to such proportions that the small lines of type and the Corporation seal therein are indistinct and illegible, the Corporation seal in the letter C and the two lines of small type may be blocked out or dropped.

(c) *Types of advertisements which do not require the official advertising statement.* The following is an enumeration of the types of advertisements which need not include the official advertising statement:

(1) Statements of condition and reports of condition of an insured bank which are required to be published by State or Federal law;

(2) Bank supplies such as stationery (except when used for circular letters), envelopes, deposit slips, checks, drafts, signature cards, deposit passbooks, certificates of deposit, etc.;

(3) Signs or plates in the banking office or attached to the building or buildings in which the banking offices are located;

(4) Listings in directories;

(5) Advertisements not setting forth the name of the insured bank;

(6) Display advertisements in bank directory, provided the name of the bank is listed on any page in the directory with a symbol or other descriptive matter indicating it is a member of the Federal Deposit Insurance Corporation;

(7) Joint or group advertisements of banking services where the names of insured banks and noninsured banks or institutions are listed and form a part of such advertisements;

(8) Advertisements by radio which do not exceed thirty (30) seconds in time;

(9) Advertisements by television, other than display advertisements, which do not exceed thirty (30) seconds in time;

(10) Advertisements which are of the type or character making it impractical to include thereon the official advertising statement including, but not limited to, promotional items such as calendars, matchbooks, pens, pencils, and key chains;

(11) Advertisements which contain a statement to the effect that the bank is a member of the Federal Deposit Insurance Corporation, or that the bank is insured by the Federal Deposit Insurance Corporation, or that its deposits or depositors are insured by the Federal Deposit Insurance Corporation to the maximum of $15,000 for each depositor;

(12) Advertisements relating to the making of loans by the bank or loan services;

(13) Advertisements relating to safekeeping box business or services;

(14) Advertisements relating to trust business or trust department services;

(15) Advertisements relating to real estate business or services;

(16) Advertisements relating to armored car services;

(17) Advertisements relating to service charges or analysis charges;

(18) Advertisements relating to securities business or securities department services;

(19) Advertisements relating to travel department business, including traveler's checks on which the bank issuing or causing to be issued the advertisement is not primarily liable;

(20) Advertisements relating to savings bank life insurance.

(d) *Outstanding billboard advertisements.* Where an insured bank has billboard advertisements outstanding which are required to include the official advertising statement and has direct control of such advertisements either by possession or under the terms of a contract, it shall, as soon as it can consistent with its contractual obligations, cause the official advertising statement to be included therein.

(e) *Official advertising statement in non-English language.* The non-English equivalent of the official advertising statement may be used in any advertisement: *Provided*, That the translation has had the prior written approval of the Corporation.

The purpose of amended Part 328 is to include the new official sign and to restate the mandatory requirements with regard to its display and the use of the official advertising statement.

In view of the recent increase in deposit insurance coverage from $10,000 to $15,000 for each depositor, a new official sign has been adopted by the Corporation for use by insured banks. As was formerly the case, the official sign must be displayed at each station or window where deposits are received. However, the use of a substitute sign, in lieu of the official sign, will not be permitted.

The official advertising statement has been broadened to include the short title "Member FDIC" and reproductions of the official sign and to permit their use by insured banks, at their option, as the official advertising statement. Promotional items which are of the type or character making it impractical to include thereon the official advertising statement are included in advertisements which are exempted from the requirements as to the official advertising statement.

In adopting these amendments to the Corporation's rules and regulations, the Board of Directors has found that (1) for good cause shown prior publication of notice of proposed rule making in the FEDERAL REGISTER and public participation in the making of rules under the provisions of the Administrative Procedure Act (5 U.S.C. 553) and Part 302 of the Corporation's rules and regulations (12 CFR 302.1–302.7) is not required with respect to the adoption of these amendments and such publication is impracticable, unnecessary, and contrary to the public interest, and (2) that a delay of not less than 30 days in the effective date of said amendments after their publication is not required by the provisions of the Administrative Procedure Act (5 U.S.C. 553) and Part 302 of the Corporation's rules and regulations (12 CFR 302.1–302.7), since the amendments impose no substantial additional duties or burdens upon the public and are therefore excepted from the 30-day prior publication before the effective date requirement of the Administrative Procedure Act.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] E. F. DOWNEY,
Secretary.

[F.R. Doc. 67-7886; Filed, July 10, 1967; 8:45 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

PART 114—ADMINISTRATIVE CLAIMS UNDER FEDERAL TORT CLAIMS ACT

Chapter 1 of Title 13 of the Code of Federal Regulations is hereby amended by adding a new Part 114 as hereinafter set out.

Sec.
114.100 Definitions.
114.101 Scope of regulations.
114.102 Administrative claim; when presented; appropriate Administration Office.
114.103 Administrative claim; who may file.
114.104 Investigations.
114.105 Administrative claim; evidence and information to be submitted.
114.106 Authority to adjust, determine, compromise, and settle.
114.107 Limitations on authority.
114.108 Referral to Department of Justice.
114.109 Examination.
114.110 Final denial of claim.
114.111 Action on approved claim.

AUTHORITY: The provisions of this Part 114 issued under 28 U.S.C. 2672; 28 CFR 14.11 (31 F.R. 16616).

§ 114.100 Definitions.

As used throughout this Part 114:

(a) "Administration" means the Small Business Administration;

(b) "Area Board of Survey" means a three-member board composed of the Area Counsel and representatives from the Area Financial Assistance and Procurement and Management Assistance Divisions;

(c) "Employee" means an officer or employee of the Administration;

(d) "Regional Board of Survey" means a three-member board composed of the Regional Counsel and representatives from the Regional Financial Assistance and Procurement and Management Assistance Divisions;

(e) "Survey Officer" means the officer who reviews the findings and recommendations of all Boards of Survey and approves or disapproves such findings and recommendations;

(f) "Washington Board of Survey" means a board composed of three voting members, namely: A representative of the Security and Investigations Division, Office of Audits and Investigations; a representative of the Accounting Operations Division, Office of Budget and Finance; and a representative of the Office Services Division, Office of Administrative Services; together with one non-voting member representing the Office of General Counsel.

§ 114.101 Scope of regulations.

This part applies only to claims asserted under the Federal Tort Claims Act, as amended, 28 U.S.C. 2671–2680, accruing on or after January 18, 1967, for money damages against the United States for injury to or loss of property or personal injury or death caused by the negligent or wrongful act or omission of an employee of the Administration while acting in the scope of his office or employment.

§ 114.102 Administrative claim; when presented; appropriate Administration office.

For purposes of this Part 114, a claim is deemed to have been presented when the Administration receives, at the area or regional office nearest to the place where the incident occurred, an executed "Claim for Damage or Injury," Standard Form 95, in triplicate, or other written notice of an incident together with a claim for money damages in a sum certain for injury to or loss of property or injury or death alleged to have occurred as a result of the incident. When any such written notice is given, it shall be incumbent upon the regional or area office concerned to furnish to the claimant the requisite copies of Standard Form 95 with instructions for completing it.

§ 114.103 Administrative claim; who may file.

(a) A claim for injury to or loss of property may be presented by the owner of the property, his duly authorized agent, or legal representative.

(b) A claim for personal injury may be presented by the injured person, his duly authorized agent, or legal representative.

(c) A claim based on death may be presented by the executor or administrator of the decedent's estate, or by any other person legally entitled to assert such a claim in accordance with applicable state law.

(d) A claim for loss wholly compensated by an insurer with the rights of a subrogee may be presented by the insurer. A claim for loss partially compensated by an insurer with the rights of a subrogee may be presented by the parties individually as their respective interests appear, or jointly.

(e) A claim presented by an agent or legal representative shall be presented in the name of the claimant, be signed by the agent or legal representative, show the title or legal capacity of the person signing, and be accompanied by evidence of his authority to present a claim on behalf of the claimant as agent, executor, administrator, parent, guardian, or other representative.

§ 114.104 Investigation.

The Administration may investigate, or may request any other Federal agency to investigate, a claim filed under this part.

§ 114.105 Administrative claims; evidence and information to be submitted.

(a) *Death.* In support of a claim based on death, the claimant may be required to submit the following evidence or information:

(1) An authenticated death certificate or other competent evidence showing cause of death, date of death, and age of the decedent.

(2) Decedent's employment or occupation at time of death, including his monthly or yearly salary or earnings (if any), and the duration of his last employment or occupation.

(3) Full names, addresses, birth dates, kinship, and marital status of the decedent's survivors, including identification of those survivors who were dependent for support upon the decedent at the time of his death.

(4) Degree of support afforded by the decedent to each survivor dependent upon him for support at the time of his death.

(5) Decedent's general physical and mental condition before death.

(6) Itemized bills for medical and burial expenses incurred by reason of the incident causing death or itemized receipts of payment for such expenses.

(7) If damages for pain and suffering prior to death are claimed, a physician's detailed statement specifying the injuries suffered, duration of pain and suffering, any drugs administered for pain, and the decedent's physical condition in the interval between injury and death.

(8) Any other evidence or information which may have a bearing on either the responsibility of the United States for the death or the damages claimed.

(b) *Personal injury.* In support of a claim for personal injury, including pain and suffering, the claimant may be required to submit the following evidence or information:

(1) A written report by his attending physician or dentist setting forth the nature and extent of the injury, nature and treatment, any degree of temporary or permanent disability, the prognosis, period of hospitalization, and any diminished earning capacity. In addition, the claimant may be required to submit to a physical or mental examination by a physician employed by the Administration or another Federal agency. A copy of the report of the examining physician shall be made available to the claimant upon the claimant's written request: *Provided*, That he has, upon request, furnished the report referred to in the first sentence of this subparagraph and has made or agrees to make available to the Administration any other physician's reports previously or thereafter made of the physical or mental condition which is the subject matter of his claim.

(2) Itemized bills for medical, dental, and hospital expenses incurred, or itemized receipts of payment for such expenses.

(3) If the prognosis reveals the necessity for future treatment, a written statement of expected expenses for such treatment.

(4) If a claim is made for loss of time from his employment, a statement from his employer showing actual time lost from employment, whether he is a full- or part-time employee, and wages or salary actually lost.

(5) If a claim is made for loss of income and the claimant is self-employed, documentary evidence showing the amount of earnings actually lost.

(6) Any other evidence or information which may have a bearing on either the responsibility of the United States for the personal injury or the damages claimed.

(c) *Property damage.* In support of a claim for damage to or loss of property, real or personal, the claimant may be required to submit the following evidence or information:

(1) Proof of ownership.

(2) A detailed statement of the amount claimed with respect to each item of property.

(3) An itemized receipt of payment for necessary repairs or itemized written estimates of the cost of such repairs.

(4) A statement listing date of purchase, purchase price and salvage value, where repair is not economical.

(5) Any other evidence or information which may have a bearing on either the responsibility of the United States for the damage to or loss of property or the damages claimed.

§ 114.106 Authority to adjust, determine, compromise, and settle.

(a) Upon presentation of a claim and appropriate investigation thereof, the Board of Survey of the area or regional office to which the claim was presented shall consider all of the evidence and enter the Board's findings of fact, conclusions, and recommendations. There shall be appended to the Board's findings of fact, conclusions, and recommendations, a legal opinion of the Area or Regional Counsel regarding the liability of the United States under the applicable state law governing negligence and other related matters. The Area or Regional Board of Survey shall establish a case file containing all documents related to the claim and the incident out of which it arose. The file shall also contain the Board's findings of fact, conclusions, and recommendations, and the legal opinion of the Area or Regional Counsel. The file shall be forwarded to the Chairman of the Washington Board of Survey after the Area or Regional Board of Survey has performed its function.

(b) The Washington Board of Survey shall review the case and submit its recommendations in a report to the Survey Officer. A representative of the Office of General Counsel, normally the nonvoting member of the Washington Board of Survey, shall review the submitted legal opinions regarding the liability of the United States under applicable State law governing negligence and related matters and, in the event of disagreement, shall render a separate legal opinion to the Washington Board of Survey. The report and legal opinion, if any, shall be prepared in an original and five copies and shall be attached to the case file.

(c) If the Survey Officer approves the recommendation of the Washington Board of Survey to pay the claim, the Chairman of the Washington Board of Survey shall complete an original copy of Standard Form 1145 and two memorandum copies of Standard Form 1145A, "Voucher for Payment Under Federal Tort Claims Act." The Chairman shall forward said copies to the claimant for his signature and acceptance.

(d) Upon receiving the Standard Forms 1145 and 1145A from the Claimant, the Chairman of the Washington Board of Survey shall attach the forms to the case file and forward the file to

the Administrator or his designee for final approval.

(e) If the Survey Officer disapproves the recommendations of the Washington Board of Survey that the claim be paid, the case file shall be forwarded immediately to the Administrator or his designee for final action. If the Administrator or his designee concurs with the Survey Officer, this shall constitute a final agency denial of the claim and appropriate notice shall be given the claimant as provided in § 114.110 of this part. If the Administrator or his designee disagrees with the Survey Officer, Standard Forms 1145 and 1145A shall be prepared and forwarded to the claimant as provided for in paragraph (c) of this section. After the claimant has signed and returned them, the Administrator or his designee shall sign them.

(f) If the Area or Regional Board of Survey or the Washington Board of Survey recommends that the claim not be paid, the claim shall nevertheless be processed to final action by the Administrator or his designee through all the appropriate stages outlined in the preceding paragraphs of this section.

§ 114.107 Limitations on authority.

(a) An award, compromise, or settlement of a claim in excess of $25,000 filed under this part shall not be effected without prior written approval of the U.S. Attorney General or his designee. For purposes of this paragraph, a principal claim and any derivative or subrogated claim shall be treated as a single claim.

(b) An administrative claim may be adjusted, determined, compromised, or settled under the Federal Tort Claims Act only after consultation with the Department of Justice when, in the opinion of the nonvoting member of the Washington Board of Survey and with the concurrence of the General Counsel:

(1) A new precedent or a new point of law is involved; or

(2) A question of policy is or may be involved; or

(3) The United States is or may be entitled to indemnity or contribution from a third party and the Administration is unable to adjust the third party claim; or

(4) The compromise of a particular claim, as a practical matter, will or may control the disposition of a related claim in which the amount to be paid may exceed $25,000.

(c) An administrative claim may be adjusted, determined, compromised, or settled by the Administration under the Federal Tort Claims Act only after consultation with the Department of Justice when the Administration is informed or is otherwise aware that the United States or an employee, agent, or cost-plus contractor of the United States is involved in litigation based on a claim arising out of the same incident or transaction.

§ 114.108 Referral to Department of Justice.

When Department of Justice approval or consultation is required under § 114.107, or the advice of the Department of Justice is otherwise to be requested, the referral or request shall be sent to the Assistant Attorney General, Civil Division, Department of Justice, in writing and shall contain (a) a short and concise statement of the facts and of the reasons for the referral or request, (b) copies of relevant portions of the Administration's claim file, and (c) a statement of the recommendations or views of the Administration. Such referrals may be made any time after the presentment of a claim to the Administration, and shall be transmitted by the General Counsel or his designee.

§ 114.109 Examination.

The Administration may request any other Federal agency to conduct a physical examination of a claimant and provide a report of the physical examination. Where reimbursement for such services is authorized or required by statute or regulation, the Administration may reimburse any Federal agency which conditions its compliance with the Administration's request upon such reimbursement.

§ 114.110 Final denial of claim.

Final denial of an administrative claim shall be in writing and sent to the claimant, his attorney, or legal representative by certified or registered mail. The notification of final denial may include a statement of the reasons for the denial and shall include a statement that, if the claimant is dissatisfied with the agency action, he may file a suit in an appropriate U.S. District Court not later than 6 months after the date of mailing of the notification.

§ 114.111 Action on approved claim.

(a) Payment of a claim approved under this part is contingent upon the claimant's or his duly authorized agent's or legal representative's executing the requisite copies of Standard Form 95, Standard Form 1145, and Standard Form 1145A. When a claimant is represented by an attorney, the voucher shall designate both the claimant and his attorney as payees. The check shall be delivered to the attorney, whose address shall appear on Standard Form 1145, voucher for payment of a claim under the Federal Tort Claims Act.

(b) Acceptance by the claimant, his agent, or legal representative, of any award, compromise, or settlement made pursuant to the Federal Tort Claims Act shall be final and conclusive on the claimant, his agent or legal representative and any other person on whose behalf or for whose benefit the claim has been presented, and shall constitute a complete release of any claim against the United States and against any employee of the Government whose act or omission gave rise to the claim, by reason of the same subject matter.

Effective date: June 29, 1967.

BERNARD L. BOUTIN,
Administrator.

[F.R. Doc. 67-7916; Filed, July 10, 1967; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 66-CE-104]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airways

On February 4, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 2452) stating that the Federal Aviation Agency was considering amendments to Part 71 of the Federal Aviation Regulations that would realign V-120 and V-15 west alternate via the Mitchell, S. Dak., VOR.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., October 12, 1967, as hereinafter set forth.

Section 71.123 (32 F.R. 2009) is amended as follows:

1. In V-15 all between "12 AGL Huron, S. Dak.," and "12 AGL Aberdeen, S. Dak.," is deleted and "including a 12 AGL west alternate from Sioux Falls to Huron via Mitchell, S. Dak.;" is substituted therefor.

2. In V-120 "12 AGL Sioux Falls, S. Dak.;" is deleted and "12 AGL Mitchell, S. Dak.; 12 AGL Sioux Falls, S. Dak.;" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 3, 1967.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-7943; Filed, July 10, 1967; 8:48 a.m.]

[Airspace Docket No. 66-WE-76]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On April 15, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 6060) stating that the Federal Aviation Administration was considering amendments to the Federal Aviation Regulations that would alter the controlled airspace in the vicinity of North Bend, Oreg.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. The only comment received was from the Air Transport Association, and they interposed no objection.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., September 14, 1967, as hereinafter set forth.

1. In § 71.171 (32 F.R. 2071) the North Bend, Oreg., control zone is amended to read:

NORTH BEND, OREG.

Within a 5-mile radius of North Bend Municipal Airport (latitude 43°25'00" N., longitude 124°14'45" W); within 2 miles each side of the North Bend VORTAC 044° radial, extending from the 5-mile radius zone to 6.5 miles northeast of the VORTAC; within 2 miles each side of the North Bend VORTAC 111° radial, extending from the 5-mile radius zone to 4.5 miles east of the VORTAC, and within 2 miles each side of a 330° bearing from the North Bend RBN extending from the 5-mile radius zone to 8 miles northwest of the airport.

2. In § 71.181 (32 F.R. 2148) the North Bend, Oreg., transition area is amended to read:

NORTH BEND, OREG.

That airspace extending upward from 700 feet above the surface within 2 miles each side of the North Bend VORTAC 004° radial, extending from the VORTAC to 6 miles north of the VORTAC; within 2 miles each side of the North Bend VORTAC 023° radial, extending from the VORTAC to 8 miles northeast of the VORTAC; within 2 miles each side of the North Bend VORTAC 044° radial, extending from the VORTAC to 11 miles northeast of the VORTAC; within 2 miles each side of the North Bend VORTAC 090° radial, extending from the VORTAC to 8 miles east of the VORTAC; within 2 miles each side of the North Bend VORTAC 111° radial, extending from the VORTAC to 13 miles east of the VORTAC; within 2 miles each side of the North Bend VORTAC 182° radial, extending from the VORTAC to 5 miles south of the VORTAC; within 2 miles each side of the North Bend VORTAC 270° radial, extending from the VORTAC to 10 miles west of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 22-mile radius of the North Bend VORTAC, extending clockwise from the east edge of V-27, south of the VORTAC to the east edge of V-287 north of the VORTAC; within 5 miles north and 8 miles south of the North Bend VORTAC 090° radial, extending from the VORTAC to 12 miles east of the VORTAC.

(Secs. 307(a), 1110, Federal Aviation Act of 1958, 49 U.S.C. 1348, 1510; Executive Order 10854, 24 F.R. 9565)

Issued in Washington, D.C., on June 30, 1967.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-7916; Filed, July 10, 1967; 8:46 a.m.]

[Airspace Docket No. 67-SW-43]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Albuquerque, N. Mex., control zone and transition area by deleting the controlled airspace which is based on the Albuquerque RBN. This action is necessary since the Albuquerque, N. Mex., RBN has been decommissioned, the facility converted to an SABH aid, and the instrument approach procedure based on the Albuquerque RBN has been canceled.

Since this amendment is less restrictive in nature, and lessens the burden on the public, notice and public procedures hereon are unnecessary and the amendment may be made effective immediately.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.171 (32 F.R. 2072) the Albuquerque, N. Mex. (Albuquerque Sunport Airport/Kirtland AFB) control zone is amended by deleting "• • • within 2 miles each side of the 188° bearing from the Albuquerque RBN extending from the 5-mile radius zone to 7 miles south of the RBN; • • •."

In § 71.181 (32 F.R. 2149) the Albuquerque, N. Mex., transition area is amended by deleting "• • • within 2 miles each side of the 188° bearing from the Albuquerque RBN, extending from the 14-mile radius area to 12 miles south of the RBN; • • •."

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Fort Worth, Tex., on June 30, 1967.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 67-7917; Filed, July 10, 1967; 8:46 a.m.]

[Airspace Docket No. 66-SW-97]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On page 6579 of the FEDERAL REGISTER for April 28, 1967, the Federal Aviation Administration published a proposed rule which would alter the Akron, Ohio, 700-foot transition area.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed rule is adopted effective 0001 e.s.t., August 17, 1967.

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on June 19, 1967.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Akron, Ohio, 700-foot floor transition area by adding the description of the 700-foot-floor transition area following the phrase "extending from the Akron-Canton OM to 12 miles south of the OM;" the following:

within a 5-mile radius of the Andrew W. Paton of Kent State University Airport, Kent, Ohio (41°09'06" N., 81°26'06" W.); within 2 miles each side of the Akron VORTAC 285° radial, extending from the Andrew W. Paton of Kent State University Airport 5-mile radius area to the VORTAC; within 2 miles each side of the Akron RBN 344° and 164° bearings, extending from the Andrew W. Paton of Kent State University Airport 5-mile radius area to 8 miles south of the RBN.

[F.R. Doc. 67-7918; Filed, July 10, 1967; 8:46 a.m.]

[Airspace Docket No. 67-SW-40]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Corpus Christi, Tex., transition area.

The Corpus Christi, Tex., transition area is described in section 71.181 (32 F.R. 2173). A portion of the 700-foot transition area is described as "• • • within 2 miles each side of the Corpus Christi RBN 048° bearing, extending from the International Airport 6-mile radius area to 8 miles northeast of the RBN."

The Corpus Christi RBN is scheduled for relocation and is no longer operational. It is therefore necessary to amend the Corpus Christi, Tex., transition area by deleting the controlled airspace which was based on the RBN.

Since this amendment lessens the burden on the public, notice and public precedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.181 (32 F.R. 2173) the Corpus Christi, Tex., transition area is amended by deleting "• • • within 2 miles each side of the Corpus Christi RBN 048° bearing, extending from the International Airport 6-mile radius area to 8 miles northeast of the RBN • • •."

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Fort Worth, Tex., on June 30, 1967.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 67-7919; Filed, July 10, 1967; 8:46 a.m.]

[Airspace Docket No. 67-SO-6]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Control Zone; Alteration

On February 18, 1967, F.R. Doc. 67-1872, effective March 2, 1967, was published in the FEDERAL REGISTER (32 F.R. 3049), amending Part 71 of the Federal Aviation Regulations by altering the effective times of designation of the Charlotte Amalie, Saint Thomas, V.I. (Harry S. Truman Airport), control zone.

In the above document, the last sentence of the description of the control zone read as follows: "The effective date and time will thereafter be continuously

published in the Airman's Information Manual."

Information concerning Puerto Rico, Swan Island, and Virgin Islands will be dropped from the Airman's Information Manual and published in the International Flight Information Manual and the International Notams publication. Therefore, it will be necessary to amend the last sentence in the description of the above control zone.

Since this amendment is editorial in nature, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, effective immediately, F.R. Doc. 67-1872 is amended as follows:

The last sentence in the description of the Charlotte Amalie, Saint Thomas, V.I. (Harry S. Truman Airport), control zone is deleted and "The effective date and time will thereafter be continuously published in the FAA publication International Notams." is substituted therefor.

Since this action involves, in part, airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

(Secs. 307(a), 1110, Federal Aviation Act of 1958, 49 U.S.C. 1348 and 1510; Executive Order 10854, 24 F.R. 9565)

Issued in Washington, D.C., on June 30, 1967.

T. McCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-7921; Filed, July 10, 1967; 8:46 a.m.]

[Airspace Docket No. 67-WE-13]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

On April 28, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 6582) stating that the Federal Aviation Administration was considering an amendment to Part 73 of the Federal Aviation Regulations that would increase the time of designation of Restricted Area R-2516, Offshore of California.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. One comment was received which interposed no objection.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., August 17, 1967, as hereinafter set forth.

In § 73.25 (32 F.R. 2297, 5709) Restricted Area R-2516 Offshore of California, is amended as follows: "Time of designation. Sunrise to sunset." is deleted and "Time of designation. Sunrise to 2000 local time." is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 3, 1967.

H. B. HELSTROM,
Acting Director, Air Traffic Service.

[F.R. Doc. 67-7944; Filed, July 10, 1967; 8:48 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter II—National Bureau of Standards, Department of Commerce

SUBCHAPTER A—FEE SCHEDULES FOR MEASUREMENT SERVICES

PART 200—GENERAL

Pursuant to authority contained in 15 U.S.C. 275a and 277, the following revision, effective upon publication in the FEDERAL REGISTER, supersedes in its entirety Part 200 of Subchapter A, Chapter II, Title 15 of the Code of Federal Regulations previously issued. This revision restates and expands the statement of policies and procedures relating to various measurement services, including calibrations and tests.

Sec.
200.100 Statutory functions.
200.101 Measurement research.
200.102 Standards for measurement.
200.103 Types of calibration and test services.
200.104 Consulting and advisory services.
200.105 Standard reference materials.
200.106 Critically evaluated data.
200.107 Publications.
200.108 Broadcasts.
200.109 Request procedure.
200.110 Shipping, insurance, and risk of loss.
200.111 Identification and operability of devices submitted.
200.112 Priority and time of completion.
200.113 Witnessing of operations.
200.114 Reports.
200.115 Use of results.
200.116 Fees.
200.117 Billing charges.

AUTHORITY: The provisions of this Part 200 issued under sec. 2, 31 Stat. 1450, as amended; 15 U.S.C. 277. Interprets or applies sec. 7, 70 Stat. 959; 15 U.S.C. 275a.

§ 200.100 Statutory functions.

(a) The National Bureau of Standards has been assigned the following functions (15 U.S.C. 271-278e):

(1) The custody, maintenance, and development of the national standards of measurement, and the provision of means and methods for making measurements consistent with those standards, including the comparison of standards used in scientific investigations, engineering, manufacturing, commerce, and educational institutions with the standards adopted or recognized by the Government.

(2) The determination of physical constants and properties of materials when such data are of great importance to scientific or manufacturing interests and are not to be obtained of sufficient accuracy elsewhere.

(3) The development of methods for testing materials, mechanisms, and structures, and the testing of materials, supplies, and equipment, including items purchased for use of Government departments and independent establishments.

(4) Cooperation with other governmental agencies and with private organizations in the establishment of standard practices, incorporated in codes and specifications.

(5) Advisory service to Government agencies on scientific and technical problems.

(6) Invention and development of devices to serve special needs of the Government.

(b) The calibration and testing activities of the Bureau stem from the functions in paragraph (a) (1) and (3) of this section. These activities are assigned primarily to the NBS Institute for Basic Standards. Its program provides the central basis within the United States for a complete and consistent system of physical measurement; coordinates that system and the measurement system of other nations; and furnishes essential services leading to accurate and uniform physical measurements throughout the Nation's scientific community, industry, and commerce.

(c) The provision of standard reference materials for sale to the public is assigned to the Office of Standard Reference Materials of the NBS Institute for Materials Research. It evaluates the requirements of science and industry for carefully characterized reference materials, stimulates the Bureau's efforts to develop methods for production of needed reference materials and directs their production and distribution. The items available under this program are listed in Subchapter B of this chapter.

(d) The provision of technical services to facilitate technical innovation and industrial use of the results of modern science and technology is assigned to the NBS Institute for Applied Technology. The principal elements of the Institute are (1) a Textiles and Apparel Technology Center furnishing specialized technical services to that industry; (2) technical divisions which provide services in technology of more general applicability; (3) the Clearinghouse for Federal Scientific and Technical Information which promotes widest effective use by the scientific community, industry, and commerce of current information in all fields of industrial technology; and (4) a Center for Computer Sciences and Technology which conducts research and provides technical services designed to improve cost effectiveness in the conduct of agency programs through the use of computers and related techniques.

§ 200.101 Measurement research.

(a) The NBS Institute for Basic Standards carries out the Bureau's function in developing an adequate national system of physical measurement, and in providing related calibration services. Its staff continually reviews the advances in science and the trends in technology, examines the measurement potentialities of newly discovered physical phenomena, and uses these to devise and improve standards, measuring devices, and measurement techniques. As new requirements appear, there are continual shifts of program emphasis to meet the most urgent needs for the measurement of additional quantities, extended ranges, or improved accuracies.

(b) The basic research and development activities of the Bureau are primarily funded by direct appropriations, and are aimed at meeting broad general needs. When necessary, the Bureau also undertakes investigations or developments to meet some specialized physical measurement problem of another government agency, industrial group, or manufacturing firm, using funds supplied by that organization.

§ 200.102 Standards for measurement.

(a) (1) An international treaty, the Metric Convention, was signed by 18 countries in 1875. In 1893 the United States established prototype No. 27 of the international meter bar and prototype No. 20 of the international kilogram as U.S. Prototype Standards for length and mass. Representatives of many of the 80 nations now adhering to this treaty meet periodically, in the General Conference of Weights and Measures, to consider detailed proposals concerning international standards for physical measurement. The 11th Conference (1960) redefined the meter in terms of wavelengths of krypton 86 light, and agreed to adopt six units to serve as a practical base for an International System of Units (abbreviated SI from the French, Système International)—kilogram, meter, second, degree Kelvin, ampere, and candela. These are arbitrarily chosen but precisely defined magnitudes of six quantities of the physical world—mass, length, time, temperature, electric current, and luminous intensity, respectively—which are assigned unitary value in the International System. The units of the English System—pound, inch, second, degree Fahrenheit, etc.—and of other systems of units are related to the SI units by agreed-upon conversion factors. Consistent units for all other physical quantities needed by science and technology can be derived from, and their numerical values are fixed by, these SI units.

(2) The SI units for the six quantities are defined as follows:

(i) In terms of a prototype object:

(a) *Mass.* The kilogram is the mass of a platinum-iridium cylinder preserved at the International Bureau of Weights and Measures of Sèvres, France. Prototype No. 20 is kept at NBS; equivalent prototypes are kept by other countries.

(ii) In terms of natural phenomena:

(a) *Length.* The meter is the length of exactly 1,650,763.73 wavelengths of radiation in vacuum corresponding to the unperturbed transition between the levels $2p_{10}$ and $5d_5$ of the atom of krypton 86, the orange-red line.

(b) *Time interval.* The second was long defined as 1/86400 of the time required for an average complete rotation of the earth on its axis with respect to the sun. This led to the universal time scale (UT). Because of the slight slowing of the earth's average rotation rate (from 5 to 6 ms per year, each year), and other larger random fluctuations, the universal second thus defined is not a constant. The 11th Conference (1960) ratified the following definition: "the second is the fraction 1/31,556,925.9747 of the tropical year for January 0, 1900 at 12 o'clock ephemeris time." The 12th Conference (1964) authorized the designation of an atomic standard of frequency to be used temporarily for the physical measurement of time. The standard designated is "the transition between the hyperfine levels F=4, M=0, and F=3, M=0 of the ground state $2_{s,s}$ of the cesium 133 atom not perturbed by external fields, and the value 9,192,631,770 hertz is assigned to the frequency of this transition." Experimental evidence indicates that the two alternative definitions of the second are consistent within expected uncertainties.

(c) *Temperature.* The degree Kelvin is 1/273.16 of the thermodynamic temperature range between the triple point of water and absolute zero.

(d) *Electric current.* The ampere is that constant current which if maintained in two straight parallel conductors of infinite length, of negligible circular sections, and placed 1 meter apart in a vacuum, would produce between these conductors a force equal to 2×10^{-7} newton per meter of length.

(e) *Luminous intensity.* The candela is the luminous intensity of 1/60 of 1 square centimeter of projected area of a blackbody radiator at the temperature of freezing platinum.

(b) (1) Although the six base units, and others derived from them, are exactly defined, their practical use requires a realization through the development of accurate measurement standards. Measurement standards may be based on physical phenomena, specimen objects, signal sources, or reference instruments. Extensive theoretical studies and laboratory experiments are involved in their selection, design, construction, and operation.

(2) It will be noted that a kilogram mass standard can be calibrated only through a series of comparisons, starting from the International Prototype. The units for the other five base quantities, and all quantities derived from them, are in principle independently realizable in many laboratories. In practice, however, inevitable minor differences among instruments, environments, and operators are bound to introduce small discrepancies. Periodic comparison of standards and the resolution of these discrepancies is required for compatibility among domestic standards laboratories, as well as internationally.

(3) Within the United States, NBS consults with the major industrial and governmental standards laboratories, and cooperates with the Department of Defense and the National Conference of Standards Laboratories in conducting measurement agreement comparisons. Periodic intercomparisons of Bureau standards with those of other countries are made through the International Bureau of Weights and Measures, through international scientific organizations, or by direct arrangement. The operations of the International Bureau are supervised by the General Conference of Weights and Measures, to which U.S. delegates are appointed by the Department of State.

(4) Frequency and time comparisons within the United States are made between the National Bureau of Standards, the U.S. Naval Observatory, and manufacturers of frequency standards. The data from worldwide astronomical observations and from standards laboratories in many countries are coordinated by the International Bureau of the Hour, which announces recommended approximations for the rate difference between atomic and universal time, as well as for epoch adjustments.

§ 200.103 Types of calibration and test services.

(a) The Bureau has developed instrumentation and techniques for realizing standards for the six base units of the International System of Units, as agreed upon by the General Conference of Weights and Measures. Reference standards have been established not only for these six base units, but also for many derived quantities and their multiples and submultiples. Such reference standards, or equivalent working standards, are used to calibrate laboratory and plant standards for other organizations. Accuracy is maintained by stability checks, by comparison with the standards of other national and international laboratories, and by the exploration of alternative technique as a means of reducing possible systematic error.

(b) Calibrations for many types of instruments and ranges of physical quantities are described in the itemized schedules of this Subchapter. (See also NBS Miscellaneous Publication 250,[1] "Calibration and Test Services of the National Bureau of Standards.") Charges for many services are based upon established fees, while charges for some services are billed on the basis of actual costs incurred. (See subsequent Parts of this Subchapter for description of service items and schedule of fees.) Changes in services and fees are published in the FEDERAL REGISTER. Such changes are announced also in supplements to Miscellaneous Publication 250 and in the monthly NBS Technical News Bulletin.[1]

(c) Consideration will always be given to requests involving unusual physical quantities, upper or lower extremes of range, higher levels of accuracy, fast response speeds, short durations, broader ranges of associated parameters, or special environmental conditions. Such inquiries should describe as clearly as possible the measurement desired and the scientific or economic basis for the requirement to be satisfied.

(d) The Bureau's principal emphasis is on those calibrations and other tests requiring such accuracy as can be obtained only by direct comparison with its

[1] For sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

reference standards. However, in order to maintain efficient utilization of specialized equipment and skilled personnel, NBS will at times undertake upon request to calibrate devices requiring lesser accuracy but suitable for working standards in plant or laboratory.

(e) Other services which may be obtainable include:

(1) Tests of measuring instruments to determine compliance with specifications or claims, when the evaluation is critical in national scientific or technical operations, and when suitable facilities are not available elsewhere.

(2) Referee tests in important cases when clients are unable to agree upon the method of measurement, the results of tests, or the interpretation of these results, but have agreed in advance in writing to accept and abide by the findings of the Bureau.

(f) In general, measurement services are not provided for organizations or individuals in foreign countries.

(g) The Bureau reserves the right to decline any request for services if the work would interfere with other activities deemed by the Director to be of greater importance.

§ 200.104 Consulting and advisory services.

(a) In areas of its special competence, the Bureau offers consulting and advisory services on physical or mathematical problems related to measurement, e.g., unusual or extreme conditions, methods of statistical control of the measurement process automated acquisition of laboratory data, and data reduction and analysis by computer. The Bureau at its discretion may make appropriate charges for rendering such services; the charges would be based upon actual costs.

(b) To enhance the competence of standards laboratory personnel, the Bureau conducts annually several group seminars on the precision measurement of specific types of physical quantities, offering the opportunity of laboratory observation and informal discussion. A 2-week summer course in electromagnetic measurements and standards is conducted biennially by the NBS Radio Standards Laboratory.

(c) Suggestions will be offered on measurement techniques and on other sources of assistance on calibration or measurement problems when the Bureau's own equipment and personnel are unable to undertake the work. The National Conference of Standards Laboratories issues a Directory of Standards Laboratories in the United States (obtainable from NCSL Secretariat, c/o National Bureau of Standards, Washington, D.C. 20234.) Others are listed in the ASTM Directory of Testing Laboratories, Commercial and Institutional. (Directory available from the American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pa. 19103.) Similar listings appear in buyer's guides for commerical products and in technical journals concerned with physical measurement.

§ 200.105 Standard reference materials.

Often the performance of a device or structure can be evaluated at the user's laboratory by comparing its response to unknown values with its response to a standardized specimen or a material of certified composition, properties, or purity. Several types of such specimens are listed in Part 202 of this Subchapter. (See also NBS Miscellaneous Publication 250.[1]) Carefully characterized materials are listed in Part 230 of Subchapter B of Chapter II, Title 15 of the Code of Federal Regulations. (See also Miscellaneous Publication 260,[2] "Standard Reference Materials".) The Office of Standard Reference Materials in the NBS Institute for Materials Research administers a program to provide all types of well-characterized materials that are needed to calibrate a measurement system or to produce scientific data that can be readily referred to a common base.

§ 200.106 Critically evaluated data.

Data on the physical properties of the thousands of well-defined substances which are commercially available need to be compiled and evaluated to be useful for reference in engineering design. The Office of Standard Reference Data in the NBS Institute for Basic Standards provides two-way communication with a number of governmental and nongovernmental data centers throughout the country. Its compilation and dissemination activities cover seven technical areas—nuclear data, atomic and molecular data, solid state data, thermodynamic and transport data, chemical kinetics, colloid and surface properties, and mechanical properties. Monthly accounts of progress appear in the National Standard Reference Data System News (available upon request from the Office of Standard Reference Data) and in the Technical News Bulletin.[1]

§ 200.107 Publications.

(a) The monthly NBS Technical News Bulletin[1] announces changes in services and fees, as published in the FEDERAL REGISTER. The Bulletin also describes recent results of Bureau staff work, lists currently issued publications, and carries sections giving up-to-date detailed information on standards and calibrations, standard reference materials, and the National Standard Reference Data System. A 6-year index to publications by Bureau authors will be found in a Supplement[1] to Miscellaneous Publication 240, Publications of the National Bureau of Standards, for July 1, 1960, to June 30, 1966. The index covers Monographs,[1] Technical Notes,[1] and all papers appearing either in the NBS Journal of Research[1] or in outside technical journals.

(b) Unclassified research and development reports from all Government agencies and their contractors are listed in a semimonthly Government-wide Index available from the NBS Clearinghouse for Federal Scientific and Technical Information, Springfield, Va. 22151. Publication series available from the Clearinghouse include Report Abstracts, Fast Announcement Service, Package Reviews, and Technical Translations.

§ 200.108 Broadcasts.

(a) The Radio Standards Laboratory of NBS broadcasts various types of standard frequency and time signals from four radio stations: WWV, WWVH, WWVL, and WWVB. (NBS Miscellaneous Publication 236,[1] "NBS Standard Frequency and Time Services", contains information concerning the broadcasts of various types of such signals from these four stations.) WWVH is located at Maui, Hawaii. WWV, WWVL, and WWVB are located at Fort Collins, Colo. (WWV was relocated in December 1966, from Greenbelt, Md.) Notices of precisions, accuracies, and adjustments in NBS clocks and radio emissions are published regularly in the FEDERAL REGISTER. (Such notices are published also in the Time and Frequency Service Bulletin which is available from the Radio Standards Laboratory on request.)

(b) Broadcasts from WWV are at nominal frequencies of 2.5, 5, 10, 15, 20, and 25 MHz, and from WWVH at 2.5, 5, 10, 15 MHz; the carrier frequencies and time pulse rates emitted by both are offset from nominal values in accordance with the Universal Time Coordinated (UTC) system. The frequency is offset by -300 parts in 10^{10}, and the time pulses occur at intervals slightly longer than 1 second. As recommended by the International Bureau of the Hour, the phase of the time pulses is occasionally adjusted to approximate UT2 within about 100 ms. The UT2 scale is a partly smoothed version of Universal Time (UT), as determined by astronomical observations and with annual and semiannual fluctuations removed. WWV and WWVH also provide standard musical pitch at 440 hertz, weather forecasts, and geophysical alerts. WWV broadcasts Universal Time—seconds, minutes, hours, and days of the year—in the code format of the National Aeronautics and Space Administration. For more precise determination of UT2, both WWV and WWVH broadcast in International Morse Code appropriate corrections based on astronomical data from the U.S. Naval Observatory, Washington, D.C.

(c) At WWVL, the modes of broadcast of the carrier and the timing signals are also in conformity with the UTC system.

(d) Station WWVB broadcasts on the standard radio frequency of 60 KHz without offset, emitting time marker pulses exactly 1 second apart, as determined by the NBS cesium clock. The phase of these pulses is reset every few months by 0.2-s adjustments, as recommended by the International Bureau of the Hour, in order to approximate UT2 within about 0.1 s. This is a coordinated system known as Stepped Atomic Time (SAT).

(e) The U.S. Naval Observatory also broadcasts standard UTC time and time interval (frequency), using both astronomical and atomic data. It coordinates a number of Navy and Coast Guard stations around the globe, and also monitors the NBS broadcasts. Both USNO and NBS monitor broadcasts from selected laboratories in foreign countries, and issue periodic comparisons of reference signals.

[1] For sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

§ 200.109 Request procedure.

(a) A formal purchase order for the calibration or test should be sent prior to or at the time of shipment. This should provide clear identification of the instrument or standard being submitted, and give instructions for billing. If a client wishes to minimize the time during which his equipment is out of service, he can usually arrange to delay shipment until the test is scheduled to start. Requests from Federal agencies, or from State agencies, for calibrations or tests on material to be used on private or Federal contract work, should be accompanied either by purchase order or by letter or document authorizing the cost of the test to be billed to the agency.

(b) Acceptance of purchase orders does not imply acceptance of any provisions set forth in the order contrary to the policy, practice, or regulations of the National Bureau of Standards or the U.S. Government. (A statement to the effect that the National Bureau of Standards is an agency of the U.S. Government should satisfy other Government agencies with regard to compliance with Government regulations and Executive orders.)

(c) A test number will be assigned by the Bureau to each item (instrument or group of similar instruments or standards) when accepted for test. This test number should be referred to in all subsequent communications. If the apparatus submitted has been previously calibrated by the Bureau, reference should be made to the test number previously assigned, so that a continuing record of stability history can be established.

(d) Inquiries related to electrical standards in the radio frequency region (above 30 kHz, Part 201, §§ 201.701 through 201.950 of this subchapter), and on all frequency and time standards should be directed to:

Coordinator, Calibration Services, Radio Standards Laboratory, National Bureau of Standards, Boulder, Colo. 80302.

(e) Inquiries for measurement services listed in this subchapter, other than those noted in paragraph (d) of this section, should be directed to:

Test Administration Unit, National Bureau of Standards, Washington, D.C. 20234.

§ 200.110 Shipping, insurance, and risk of loss.

(a) Shipment of material to the Bureau for calibration or other test should be made only after the client has accepted the estimate of cost and the tentative scheduling.

(b) Calibrations of electrical standards in the radiofrequency region (above 30 kHz, Part 201, §§ 201.701 through 201.950 of this subchapter) are performed at Boulder, Colo. Shipments should be addressed to:

Coordinator, Calibration Services, Radio Standards Laboratory, National Bureau of Standards, Boulder, Colo. 80302.

If apparatus for high frequency is also to be given incidental low-frequency calibration, this may be done at Boulder, Colo., but if a complete range of low-frequency tests are needed, the instrument should be sent to:

National Bureau of Standards, Route 70S and Quince Orchard Road, Gaithersburg, Md.

(c) The calibrations listed in this subchapter, other than those noted in paragraph (b) of this section, are performed in the Bureau's laboratories at either Gaithersburg, Md., or Washington, D.C. For shipments which are heavy (in excess of 100 lbs.) or bulky (a combined girth in excess of 27 cu. ft.), request a shipping address from:

Test Administration Unit, National Bureau of Standards, Washington, D.C. 20234.

Items other than heavy or bulky shipments that are sent by common carrier, should be addressed to:

National Bureau of Standards, Route 70S and Quince Orchard Road, Gaithersburg, Md.

(d) Equipment sent to the Bureau must be properly packed to minimize likelihood of damage in shipment and handling. Suggestions on packing and shipping are made in some sections of the fee schedule. In every case, the client should consider the nature of the equipment, pack it accordingly, and clearly label shipments containing fragile instruments or materials, such as glass and the like. The use of "security express" should be considered in shipping delicate instruments.

(e) To minimize damage during shipment resulting from inadequate packing, the use of strong reusable containers is recommended. As an aid in preventing loss of such containers, the client's name should be legibly and permanently marked on the outside. In order to prolong the container's use, the notation Reusable Container, Do Not Destroy should be marked on the outside.

(f) Shipping and insurance coverage instructions, in order to be followed, must be clearly and legibly shown on the purchase order for the calibration or test. As the Bureau will not pay shipping or insurance charges and add this cost to the billing invoice, return shipment, when no shipping or insurance instructions are furnished, will be made by common carrier collect, but uninsured.

(g) When a test number has been assigned prior to shipment to the Bureau, this number should be clearly marked on the shipping container. When a test number has not been assigned, an invoice, copy of the purchase order, or letter should be enclosed in the shipment to insure proper identification. The original purchase order should be forwarded as appropriate to:

Test Administration Unit, National Bureau of Standards, Washington, D.C. 20234.
Coordinator, Calibration Services, Radio Standards Laboratory, National Bureau of Standards, Boulder, Colo. 80302.

(h) NBS will not be responsible for the risk of loss or damage to any item in shipping to or from the Bureau. Any arrangements for insurance covering this risk must be made by the client. Return shipment will be made by the Bureau as indicated in paragraph (f) of this section. The purchase order should always show the value of the equipment, and if transit insurance is carried by the client, this fact should be stated.

(i) The risk of loss or damage in handling or testing of any item by NBS must be assumed by the client, except when it is determined by the Bureau that such loss or damage was occasioned solely by the negligence of Bureau personnel.

§ 200.111 Identification and operability of devices submitted.

(a) Since the data provided by the Bureau's report is specific to the individual item or piece of apparatus tested, it is essential that this piece be identified uniquely by an appropriate number or symbol. In most cases, the manufacturer's name and serial numbers are used. When such a number is lacking, an alternative identifying mark should be provided. If none is found, the Bureau may apply an appropriate one, usually the Bureau's Test Number, for which an additional charge may be made.

(b) All apparatus submitted for calibration and test must be in good operating condition. Repairs and adjustments should be attended to by the client prior to shipment. Apparatus not in good condition cannot be tested, nor can the Bureau undertake the repair or adjustment of any equipment, except by special arrangement. If it is evident that equipment has been abused or has not received proper care, a test ordinarily will not be conducted. If defects are found at the Bureau after a test has begun, this fact will be reported, the test may be terminated, and a report issued summarizing such information as has been found, and a fee charged in accordance with the amount of work done.

§ 200.112 Priority and time of completion.

(a) Except for emergency Government work, calibrations and other tests are in general undertaken in the order in which requests are received.

(b) The date at which a test will be completed depends on a number of factors, such as the condition of submitted equipment, setup time, duration of test run, limitations on available personnel, occasional large backlogs of work, and grouping of tests of similar devices to lessen costs. Sometimes repetitive runs are needed to determine reliability of results, or peculiar behavior is noted, requiring unusually careful investigation. The Bureau will cooperate with a client to minimize the out-of-use time for his equipment, and will upon request inform him of a probable starting date and give notice of unexpected delays in completion of the work. Estimates of completion dates are therefore provisional.

§ 200.113 Witnessing of operations.

The Bureau welcomes scientists and engineers who may wish to visit its laboratories and discuss its methods. However, visitors ordinarily will not be permitted to witness the actual carrying out of highly precise measurements because their presence introduces distraction

that may lead to errors or delays. This policy may be waived in those cases where the visitor can be of service in setting up apparatus of a new or unusual nature, in the case of referee tests, or in other cases in which the legal validity of the result may require the presence of duly authorized witnesses.

§ 200.114 Reports.

Results of calibrations and other tests are issued as reports entitled, "National Bureau of Standards Report of Calibration," "National Bureau of Standards Report of Test," or "National Bureau of Standards Report of Analysis," as appropriate. The report form used carries no special significance. Whenever formal certification is required by law, or to meet special conditions adjudged by the National Bureau of Standards to warrant it, a letter will be provided certifying that the particular item was received and calibrated or tested, and identifying the report containing the results.

§ 200.115 Use of results.

(a) The NBS report of calibration or test contains data which pertain only to the particular device or specimen calibrated or tested. There is no implication that other items of the same lot or type will show comparable results. However, on the basis of tests on a sample of instruments or objects drawn from a lot of nominally identical items, in accordance with an approved sampling procedure, the Bureau may declare that the entire lot does or does not meet stated requirements for acceptance.

(b) The results given in the NBS report are limited to the condition of the equipment at the time of calibration or test. Clients should not assume that comparable performance will be sustained unless suitable precautions are taken in handling and use.

(c) The National Bureau of Standards does not "approve," "recommend," or "endorse" any proprietary product or material, either as a single item or as a class or group. Results reported by the Bureau shall not be used in advertising or sales promotion, or to indicate explicit or implicit endorsement of the product or material by the Bureau.

§ 200.116 Fees.

(a) In accordance with 15 U.S.C. 271–278e, fees are charged for all calibrations and tests made by the National Bureau of Standards.

(b) This fee schedule is published subject to the above-mentioned basic act which authorizes the Secretary of Commerce, from time to time, to make regulations regarding the payment of fees, the limits of tolerance on standards submitted for verification, and related matters.

§ 200.117 Billing charges.

The minimum billing charge for any test request accepted by the Bureau is $10, unless otherwise indicated in a particular fee schedule. If apparatus is returned without testing, a minimum charge of $10 may be made to cover handling. Fees for tests include the cost of preparation of an original report. Additional copies ordinarily are not issued to other than the recipient of the original, and are not issued unless the client has shown a technical need for them. Copies of reports requested subsequent to the date of tests will be supplied at cost, with a minimum charge of $5. All checks should be made payable to NBS, Department of Commerce.

Dated: June 21, 1967.

A. V. ASTIN,
Director.

[F.R. Doc. 67-7963; Filed, July 10, 1967; 8:45 a.m.]

SUBCHAPTER C—TRANSCRIPT SERVICES

PART 235—TRANSCRIPT SERVICES

Motion Picture Films

The following revision to 15 CFR 235.1 announces additional motion picture films available from the National Bureau of Standards, and changes the item numbering system which identifies the films. For convenience, all of § 235.1 is reprinted. This revision supersedes in its entirety 15 CFR 235.1.

Section 235.1 *Motion pictures* is revised as follows:

§ 235.1 Motion pictures.

(a) The films listed in paragraph (c) of this section are available on loan from the National Bureau of Standards free of charge. The borrower, however, is required to pay return parcel post and insurance charges. Requests for the films should be directed to the Office of Technical Information and Publications, National Bureau of Standards, Washington, D.C. 20234.

(b) Prints may be purchased by writing to the above address for "authorization to purchase" forms and instructions. Completed forms, upon approval by the National Bureau of Standards, authorize duplication of the film by a commercial firm who will ship the film and bill the purchaser direct.

(c) All films are 16mm sound and color.

Item and Description
141–1.1 "Preparation of White Cast-Iron Standards," 1966; 550 feet; running time 15½ minutes.
141–1.2 "Calibration of the Platinum Resistance Thermometer," 1964; 575 feet; running time 16 minutes.
141–1.3 "Mixing Nonhomogeneous Air Streams," 1964; 225 feet; running time 6 minutes.
141–1.4 "Scatter Radar: Space Research from the Ground," 1963; 864 feet; running time 25 minutes.
141–1.5 "Ultrasonic Thermometer," 1962; 145 feet; running time 4 minutes.
141–1.6 "Trapping of Free Radicals at Low Temperatures," 1960; 510 feet; running time 13½ minutes.
141–1.7 "Understanding the Physical World Through Measurement," 1967; 1,130 feet; running time 33 minutes.
141–1.8 "Assignment—Weights and Measures," 1967; 674 feet; running time 18 minutes.
141–1.9 "Testing Mass Standards by Substitution," 1966; 800 feet; running time 22 minutes.
141–1.10 "A True Standard," 1964; 438 feet; running time 12 minutes.
141–1.11 "Four Experiments in Hydraulics," 1963; 607 feet; running time 16½ minutes.
141–1.12 "Silicate Cement," 1947; 657 feet; running time 18 minutes.
141–1.13 "Dental X-Ray Equipment: Alteration for Modern Radiation Hygiene," 1950; 629 feet; running time 18 minutes.
141–1.14 "Dental Materials: Specification and Certification," 1955; 756 feet; running time 21 minutes.
141–1.15 "A Porcelain Jacket Crown Technique," 1955; 856 feet; running time 23 minutes.
141–1.16 "Dental Burs in Action," 1955; 365 feet; running time 10 minutes.
141–1.17 "Hazards of Dental Radiography," 1954; 505 feet; running time 13 minutes.
141–1.18 "A Method of Mixing Silicate Cement," 1953; 329 feet; running time 8½ minutes.
141–1.19 "The Casting of Dental Gold Alloys: Thermal Expansion Technique," 1951; 632 feet; running time 16½ minutes.
141–1.20 "Denture Resin," 1949; 557 feet; running time 15 minutes.
141–1.21 "Dental Amalgam: Failure Caused by Moisture Contamination," 1948; 502 feet; running time 15 minutes.
141–1.22 "Dental Roentgenographic Film Characteristics and Use in Radiation Hygiene," 1962; 754 feet; running time 20 minutes.

(R.S. 161; 5 U.S.C. 301)

Effective date. This revision is effective upon publication in the FEDERAL REGISTER.

A. V. ASTIN,
Director.

JUNE 21, 1967.

[F.R. Doc. 67-7904; Filed, July 10, 1967; 8:45 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

Subpart D—Information and Requests

FEES FOR SPECIAL SERVICES

On June 30, 1967, the Securities and Exchange Commission amended § 200.80 of Title 17 of the Code of Federal Regulations to reflect implementation of the recently enacted amendment of section 3 of the Administrative Procedure Act, 5 U.S.C. 552. In further implementation thereof, and in accordance with paragraph (g) of § 200.80 of this title, a new Appendix E is added as § 200.80e of this title, reading as follows:

§ 200.80e Appendix E—Schedule of fees for special services.

(a) *Searching and attestation services.* (1) Searching for and preparing records requested for inspection or copying (including overhead costs):

First one-half man-hour	No fee
Each additional one-half man-hour or fraction thereof	$2.50
Attestation with Commission Seal (in addition to other fees, if any)	2.00

(2) Payment for the above services must be made by check or money order payable to: "Treasurer of the United States". Address mailed payments to:

Comptroller, Securities and Exchange Commission, Washington, D.C. 20549.

(b) *Copies of documents.* (1) Documents are copied by a commercial copier under an annual contract with the Commission. All requests for copies should be directed to the Public Reference Section, Securities and Exchange Commission, Washington, D.C. 20549. Copies when authorized will be sent directly to the purchaser by the contract copier unless attestation is requested. Purchaser will be billed by the copier for the cost of the copies; and by the Commission separately for the attestation and searching fees, if any. Cost estimates with respect to any copying job will be supplied upon request.

Page size up to 8½ inches by 14 inches, per page	$0.09
Page size between 8½ by 14 and 14 by 18 inches, per page	.15
Page size between 14 x 18 and 18 x 24 inches, per page	.25
Page size larger than 18 x 24 inches (per section, match and join)	.25
Minimum charge per order	2.00

(2) Expedited service can be obtained at a premium of 25 percent over the above copying charges. Regular orders generally will be filled within 5 days of their receipt (if additional time is required, advice to that effect will be given). Payment of charges must be made to the official copier, not the SEC, in the manner specified on the company invoice.

(3) In addition to the ordinary copying services described above, the contract copier maintains coin-operated machines in the public reference rooms of the Commission in Washington, D.C., New York, and Chicago. These machines, which are operated by customers on a do-it-yourself basis, can be used to make immediate copies of material available for inspection, at a cost of 25 cents per page (up to 9 inches by 14 inches in size).

(Sec. 3, 60 Stat. 238, as amended, P.L. 90–23, 81 Stat. 54, 5 U.S.C. 552; secs. 19, 23, 48 Stat. 85, 901, as amended, 15 U.S.C. 77s, 78w; sec. 20, 49 Stat. 833, 15 U.S.C. 79t; sec. 319, 53 Stat. 1173, 15 U.S.C. 77sss; secs. 38, 211, 54 Stat. 841, 855, 15 U.S.C. 80a–37, 80b–11)

Effective date. The foregoing amendment shall become effective July 4, 1967.

[SEAL] ORVAL L. DUBOIS,
Secretary.

JULY 3, 1967.

[F.R. Doc. 67-7906; Filed, July 10, 1967; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 8—COLOR ADDITIVES

Subpart D—Listing of Color Additives for Food Use Exempt From Certification

CORN ENDOSPERM OIL; LISTING FOR FOOD USE; EXEMPTION FROM CERTIFICATION

In the matter of establishing a regulation listing and exempting from certification the color additive corn endosperm oil for use in chicken feed:

An order in the above-identified matter was published in the FEDERAL REGISTER of March 30, 1967 (32 F.R. 5324). The original petitioner, Corn Products Co., 717 Fifth Avenue, New York, N.Y. 10022, subsequently submitted data showing that the color additive produced by good manufacturing practice cannot reasonably meet the 50 parts per million specification for isopropyl alcohol and has requested that the specification be changed to 100 parts per million. The Commissioner of Food and Drugs finds that such a change is necessary and will not adversely affect the public health.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706(b), (c)(2), (d), 74 Stat. 399–403; 21 U.S.C. 376(b), (c)(2), (d)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120): *It is ordered*, That § 8.322 (b) (32 F.R. 5324) be amended by changing the item reading "Isopropyl alcohol, not more than 50 parts per million" to read "Isopropyl alcohol, not more than 100 parts per million."

No other response was received to the order of March 30, 1967; therefore, aside from the amendment herein ordered, § 8.322 became effective May 29, 1967.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in six copies.

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Sec. 706(c), (c)(2), (d), 74 Stat. 399–403; 21 U.S.C. 376(b), (c)(2), (d))

Dated: June 30, 1967.

WINTON B. RANKIN,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 67-7955; Filed, July 10, 1967; 8:49 a.m.]

SUBCHAPTER C—DRUGS

PART 141e—BACITRACIN AND BACITRACIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146e—CERTIFICATION OF BACITRACIN AND BACITRACIN-CONTAINING DRUGS

Antibiotic Troches

No comments were received in response to the notice published in the FEDERAL REGISTER of February 2, 1967 (32 F.R. 1184), proposing the issuance of new regulations to provide for the certification of certain antibiotic troches (identified herein). It is concluded that the proposed regulations should be issued as set forth below.

Therefore, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and delegated by him to the Commissioner of Food and Drugs (21 CFR 2.120), Parts 141e and 146e are amended by adding thereto new sections, as follows:

§ 141e.436 Bacitracin-neomycin sulfate-tyrothricin troches; zinc bacitracin-neomycin sulfate-tyrothricin troches.

(a) *Potency*—(1) *Bacitracin content.* Dissolve 5 troches in sufficient 1.0 percent phosphate buffer, pH 6.0, to give a concentration of 10 units of bacitracin per milliliter (estimated), or if they contain zinc bacitracin dissolve 5 troches in sufficient 0.01*N* HCl to give a concentration of 10 units of bacitracin per milliliter (estimated), and proceed as directed in § 141e.401(a)(1) except § 141e.401(a)(1)(i). In lieu of the directions in § 141e.401(a)(1)(i), prepare the standard as follows: Prepare the stock solution as directed in § 141e.401(a)(1)(i), except that the dilutions for assay are prepared to contain the same ratio of 0.01*N* HCl to 1 percent phosphate buffer, pH 6.0, as the sample under test. The content of bacitracin is satisfactory if it is not less than 90 percent and not more than 125 percent of the number of units of bacitracin that it is represented to contain.

(2) *Neomycin content.* Proceed as directed in § 148l.1(b)(1) of this chapter, except prepare the sample for assay as

follows: Dissolve a representative number of troches in 0.1*M* potassium phosphate buffer, pH 8.0, to make a stock solution of convenient concentration. Make estimated dilutions to the reference concentration with 0.1*M* potassium phosphate buffer, pH 8.0. The content of neomycin is satisfactory if it is not less than 90 percent and not more than 125 percent of the number of milligrams of neomycin that it is represented to contain.

(3) *Tyrothricin content.* Proceed as directed in § 148r.1(b)(1) of this chapter, except prepare the sample for assay as follows: Dissolve a representative number of troches in 20 milliliters of distilled water. Further dilute in 95 percent alcohol to give a stock solution of convenient concentration. Make proper estimated dilutions with 95 percent alcohol to the prescribed reference concentration. The content of tyrothricin is satisfactory if it is not less than 90 percent and not more than 125 percent of the number of milligrams of tyrothricin that it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141a.5(a) of this chapter.

§ 146e.436 Bacitracin-neomycin sulfate-tyrothricin troches; zinc bacitracin-neomycin sulfate-tyrothricin troches.

(a) *Standards of identity, strength, quality, and purity.* Bacitracin-neomycin sulfate-tyrothricin troches and zinc bacitracin-neomycin sulfate-tyrothricin troches are troches composed of bacitracin or zinc bacitracin, neomycin sulfate, and tyrothricin, with one or more suitable and harmless diluents, binders, lubricants, colorings, and flavorings, and with or without benzocaine. Each troche contains 50 units of bacitracin or zinc bacitracin, 3.5 milligrams of neomycin, 1.0 milligram of tyrothricin, and, if it contains benzocaine, 5.0 milligrams thereof. The moisture content is not more than 5.0 percent. The bacitracin used conforms to the standards prescribed by § 146e.401(a) (1), (3), (5), (6), and (7). The zinc bacitracin used conforms to the standards prescribed by § 146e.418(a). The neomycin sulfate used conforms to the standards prescribed by § 148i.1(a)(1) (i), (iv), (v), (vi), and (vii) of this chapter. The tyrothricin used conforms to the standards prescribed by § 148r.1(a).(1) of this chapter. Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* Unless each troche is enclosed in foil or plastic film and such enclosure is a tight container as defined by the U.S.P., except the provision that it shall be capable of tight reclosure, the immediate container shall be a tight container as so defined. The immediate container may also contain a desiccant separated from the troches by a plug of cotton or other like material. The composition of the immediate container, or foil or film enclosure, shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* In addition to the labeling requirements prescribed by § 1.106 (b) of this chapter (regulations issued under sec. 502(f) of the act), each package shall bear on its label or labeling, as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container, the statement "Expiration date ----------" the blank being filled in with the date that is 12 months after the month during which the batch was certified, except that the blank may be filled in with the date that is 18, 24, 30, 36, 42, 48, 54, or 60 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed therefor by paragraph (a) of this section.

(b) On the circular or other labeling within or attached to the package, information to the effect that the drug is for use only following tonsillectomy as an aid in preventing local infection and secondary hemorrhage due to local infection.

(d) *Requests for certification; samples.* In addition to the requirements of § 146.2 of this chapter, each such request shall contain:

(1) Results of tests and assays on:

(i) The bacitracin or zinc bacitracin used in making the batch: Potency, moisture, toxicity, pH, and ash content, except that if it is zinc bacitracin, zinc content in lieu of ash content.

(ii) The neomycin sulfate used in making the batch: Potency, toxicity, moisture, pH, and identity.

(iii) The tyrothricin used in making the batch: Potency, moisture, and identity.

(iv) The batch for bacitracin content, neomycin content, tyrothricin content, and moisture.

(2) Samples required:

(i) The bacitracin or zinc bacitracin used in making the batch: 10 packages, each containing approximately 500 milligrams.

(ii) The neomycin sulfate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(iii) The tyrothricin used in making the batch: 5 packages, each containing approximately 300 milligrams.

(iv) The batch: A minimum of 30 troches.

(v) In case of an initial request for certification, each other ingredient used in making the batch: 1 package of each containing approximately 5 grams.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this section shall be:

(1) $1.25 for each troche submitted in accordance with paragraph (d)(2)(iv) of this section; $4 for each package in the samples submitted in accordance with paragraph (d)(2)(i), (ii), (iii), and (v) of this section.

(2) If the Commissioner considers that investigations, other than examination of such troches and packages are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: June 30, 1967.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 67-7956; Filed, July 10, 1967; 8:50 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 67-155]

CUSTOMS AUTOMATED ACCOUNTING SYSTEM

Suspension of Effective Date

The date(s) for implementing the automated accounting system in each of the following regions as published in Treasury Decision 67-33 (32 F.R. 492) and amended by Treasury Decision 67-71 (32 F.R. 3741), is temporarily suspended. The effective date of the regulations implementing the automated accounting system in these regions will be announced by publication of a notice in the FEDERAL REGISTER.

Region No.	*Headquarters*
V	New Orleans, La.
VI	Houston, Tex.
VII	Los Angeles, Calif.
VIII	San Francisco, Calif.
IX	Chicago, Ill.
II	New York, N.Y.

Attention is again called to the fact that, although courtesy notices of liquidation will be issued as soon as possible after the system is implemented, the posting of the bulletin notice of liquidation provided for in § 16.2 of the Customs Regulations will continue to constitute full compliance with the requirement for giving notice of liquidation under section 505, Tariff Act of 1930 (19 U.S.C. 1505).

The importer number is essential to proper association of transactions with the importer of record and must be on file to afford timely recording and reporting of information by the Data Center under the automated accounting system. Brokers and importers are requested, therefore, to comply with § 24.5 of the Customs Regulations which became effective February 1, 1967, upon issuance of T.D. 67-33, dated January 9, 1967, and file their identification numbers (Customs Form 5106), even though the customs region in which they are doing business is not scheduled for automation until a later date.

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

Approved: June 28, 1967.

TRUE DAVIS,
Assistant Secretary of the Treasury.

[F.R. Doc. 67-7926; Filed, July 10, 1967; 8:47 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

SUBCHAPTER A—BUREAU OF ACCOUNTS

PART 205—WITHDRAWAL OF CASH FROM THE TREASURY FOR ADVANCES UNDER FEDERAL PROGRAMS

Subchapter A, Chapter II of Title 31 of the Code of Federal Regulations is amended by a new part, designated Part 205 (also appearing as Treasury Department Circular 1075 (Revised), dated Feb. 13, 1967) reading as follows:

Sec.
205.1 Purpose.
205.2 Scope of regulations.
205.3 General policy.
205.4 Letter-of-credit method of financing advances.
205.5 Implementing instructions.

AUTHORITY: The provisions of this Part 205 are issued under R.S. 161, as amended; 5 U.S.C. 301.

§ 205.1 Purpose.

This part is issued in recognition of the facts that Federal programs which involve cash advances to organizations outside the Federal Government constitute a significant portion of the Federal Budget and that timing of advance payments has a substantial impact on the Treasury, including the level of the public debt and financing costs. The purpose of this part is to preclude withdrawals from the Treasury any sooner than necessary to finance the operations of recipients of advances.

§ 205.2 Scope of regulations.

The regulations in this part cover disbursement practices for all advances under Federal grant or other programs, including advances to a State and local government, educational institution, international organization, and any other public and private organization, hereinafter referred to as "recipient organization". Coverage is intended to be so broad as to apply to any program requiring advance Federal payments to finance the recipient organization's activities in carrying out that program, whether by contract, grant, contribution, or other form of agreement. Programs involving either administrative budget or trust funds are covered. Programs for which disbursements are made, or will be made, as reimbursements for work performed or which require delivery or performance before payment are not covered by this part.

§ 205.3 General policy.

Advances shall be limited to the minimum amounts possible. Advances shall be timed to be in accord with the actual cash requirements of the recipient organization in carrying out the purpose of the approved program or project. For relatively small operations (where the aggregate annual amount of advances is under $250,000) the amount of cash advances in the hands of the recipient organization shall not at any time exceed 1 month's needs and the agency authorizing the advance shall be guided accordingly. For larger operations the amount of cash advances in the hands of the recipient organization shall be as close to daily needs as administratively feasible. In general, the larger the annual amount of advances to any recipient organization, the more frequent specific cash advances shall be.

§ 205.4 Letter-of-credit method of financing advances.

(a) *Applicability.* Whenever the purpose of this part cannot be fully accomplished by making advances by check under regular disbursement procedure, the letter-of-credit method shall be considered. Letters of credit provide recipient organizations with the means of obtaining funds promptly from the Treasury, from time to time, as close to actual daily needs as administratively feasible, under approved Federal programs. Alternative methods of making advances may be approved by the Treasury if equally advantageous in meeting the purpose of this part.

(b) *Limitations.* The letter-of-credit method shall not apply unless (1) the Federal department or agency has, or expects to have, a continuing relationship of at least 1 year with a recipient organization, and (2) the annual amount of advances will be at least $250,000. Documents drawing on letters of credit ordinarily will not be in amounts less than $10,000 or more than $1 million, but in no case more than $5 million unless so stated on the letter of credit.

(c) *Execution.* Each letter of credit (Standard Form 1193) shall be executed by an authorized certifying officer of the department or agency concerned and the provisions of this part shall be considered as part of the conditions therein.

(d) *Drawdowns.* Recipient organizations shall draw on letters of credit by issuing a payment voucher, Standard Form 218. Each payment voucher, bearing the signature and, if required, the countersignature of the individuals so authorized by the recipient organization, shall be forwarded through the commercial bank in which the recipient organization has its account to the appropriate Federal Reserve Bank or branch, where the payment voucher will be reviewed for compliance herewith and the payment charged to the general account of the Treasurer of the United States. The amount of each payment voucher paid by a Federal Reserve Bank or branch to a designated commercial bank for credit to the account of the recipient organization shall constitute payment to the recipient organization by the United States.

(e) *Signature cards.* The Federal department or agency, before issuing a letter of credit, shall secure from the recipient organization a signature card, Standard Form 1194, bearing (1) the names and signatures of the individuals authorized to sign and, if required, countersign payment vouchers, and (2) the signature of an official of the recipient organization who has authority to designate the individuals so authorized. The signature card shall be signed by an authorized certifying officer of the Federal department or agency evidencing that agency's approval of the signatures. The Federal department or agency concerned is responsible for determining that the official of the recipient organization whose signature appears in accord with subparagraph (2) of this paragraph is duly authorized to designate the individuals indicated in subparagraph (1) of this paragraph. If deemed necessary in fulfilling such responsibility, the Federal department or agency may also secure from the recipient organization a designation, authenticated by its governing body (or by the officer duly authorized in the case of a public agency) of the official or officials of the recipient organization, together with specimens of their signatures, who are authorized to designate the individuals to sign payment vouchers.

(f) *Disposition.* Letters of credit, together with related signature cards, shall be transmitted to the Bureau of Accounts, Department of the Treasury, Washington, D.C. 20226, for transmittal to the appropriate Federal Reserve Bank or branch and a copy of the letter of credit shall be furnished to the recipient organization. A recipient organization shall not submit, and a Federal Reserve Bank or branch shall not charge the account of the Treasurer of the United States for, any payment voucher which exceeds the balance of the letter or credit remaining available, or which does not contain the signature and, if required, countersignature of the individuals authorized to sign the payment voucher.

§ 205.5 Implementing instructions and forms.

(a) Procedural requirements under this part will be promulgated by the Commissioner of Accounts in the "Treasury Fiscal Requirements Manual for Guidance of Departments and Agencies."

(b) Agency procedures to accomplish the objective of this part will be submitted to the Commissioner of Accounts, Bureau of Accounts, for approval in behalf of the Fiscal Assistant Secretary.

(c) The forms required by this part will be furnished to recipient organizations by the Federal grantor agency.

Effective date. This addition to Subchapter A is effective immediately.

Dated: July 5, 1967.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 67-7927; Filed, July 10, 1967; 8:47 a.m.]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER D—GRANTS

PART 57—GRANTS FOR CONSTRUCTION OF HEALTH RESEARCH FACILITIES (INCLUDING MENTAL RETARDATION RESEARCH FACILITIES), TEACHING FACILITIES, STUDENT LOANS, EDUCATIONAL IMPROVEMENT AND SCHOLARSHIPS

Subpart H—Grants To Improve the Quality of Training Centers for Allied Health Professions

SPECIFIED CURRICULUM AND ASSURANCES REQUIRED

Notice of proposed rule making, public rule making procedures, and postponement of effective date have been omitted in the issuance of the following amendments to Subpart H—Grants To Improve the Quality of Training Centers for Allied Health Professions, which relates solely to grants. The purposes of these amendments are (1) to add medical technology and optometric technology to the list of curriculums leading to the associate degree which are eligible for improvement grants; and (2) to revoke the requirement that an applicant for a basic improvement grant must provide assurance for the development of a coordinated program of training for the health occupations. The following amendments shall become effective on the date of publication in the FEDERAL REGISTER.

1. Paragraph (b) of § 57.703 is revised to read as follows:

§ 57.703 Specified curriculums.

* * * * *

(b) Basic and special improvement grant funds authorized under section 792 of the Act may also be used to develop and improve curriculums which qualify students for the associate degree or its equivalent and for employment as one of the following:

(1) X-ray Technician.
(2) Medical Records Technician.
(3) Inhalation Therapy Technician.
(4) Dental Laboratory Technician.
(5) Dental Hygienist.
(6) Dental Assistant.
(7) Ophthalmic Assistant.
(8) Occupational Therapy Technician.
(9) Food Service Assistant.
(10) Medical Technologist.
(11) Optometric Technologist.

* * * * *

2. Paragraph (d) of § 57.707 is revoked.

§ 57.707 Assurances required.

* * * * *

(d) [Revoked]

* * * * *

(Secs. 215(b), 798 of the Public Health Service Act as amended, 58 Stat. 690, 80 Stat. 1228; 42 U.S.C. 216(b), 295h–4)

[SEAL] LEO J. GEHRIG,
Acting Surgeon General.

Approved: June 30, 1967.

WILBUR J. COHEN,
Acting Secretary.

[F.R. Doc. 67–7067; Filed, July 10, 1967; 8:50 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Parts 1032, 1050, 1062, 1067]

[Docket Nos. AO 313–A14, AO 356–A3, AO 10–A40, AO 223–A24]

MILK IN THE SOUTHERN ILLINOIS, CENTRAL ILLINOIS, ST. LOUIS, MO., AND OZARKS MARKETING AREAS

Decision on Proposed Amendments to Tentative Marketing Agreements and to Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at St. Louis, Mo., on March 2, 1967, pursuant to notice thereof issued on February 23, 1967 (32 F.R. 3298).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, on June 2, 1967 (32 F.R. 8176; F.R. Doc. 67–6357) filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision (32 F.R. 8176; F.R. Doc. 67–6357) are hereby approved and adopted and are set forth in full herein subject to the following modifications:

Under Findings and Conclusions two sentences are added at the end of the second paragraph and a sentence is added at the end of the 14th paragraph.

The material issue on the record of the hearing relates to the seasonal production incentive plan in each of the four markets.

Findings and conclusions. The following findings and conclusions on the material issue are based on evidence presented at the hearing and the record thereof.

Seasonal production incentive plan. The "Louisville" plan for seasonal payments to milk producers in these four markets should be modified to set aside 15 cents per hundredweight of producer milk during each of the months of March and July and 25 cents per hundredweight during each of the months of April, May, and June. The payment of this money to producers during the fall months should be modified also by adding the month of September to the months of October, November, and December as the period in which the payments are made. The rate of payment of this money in the September–December period should be 20 percent in each of the months of September and December and 30 percent in each of the months of October and November. These changes should be made effective beginning with March 1968. In addition, the period for set aside this year should be continued through August at the existing rate of 10 cents per hundredweight. The month of September 1967 should be added as a "pay-back" month. The payments back to producers in 1967 should be made at the rate of one-fourth of the total withheld for each of the months of September through December.

A Louisville plan for seasonal adjustment of payments to producers has been effective in the St. Louis, Mo., Ozarks, and Suburban St. Louis (now Southern Illinois) orders for several years. A similar Louisville plan was made a part of the Central Illinois order issued to be effective January 1, 1967. The purpose of these plans is to provide incentive for producers in each of these markets to achieve a more even production of milk throughout the year.

The present orders provide for retaining in the producer-settlement fund 10 cents per hundredweight of producer milk delivered during the months of April through July. This money is distributed to producers during the following months of October through December, one-third of the total in each month. During each of the months of October, November, and December in each of the three orders where the plan has been operative, the inclusion of this money in the uniform prices to producers during the fall months has contributed approximately 14 cents per hundredweight to the level of price.

This seasonal variation in returns to producers has been in addition to that resulting from seasonal changes in Class I price differentials. Prior to amendment of the orders May 1, 1967, seasonal Class I differentials were provided as follows: At the annual average for each respective order in the months of December, January, February, and July; 20 cents per hundredweight higher in the months of August through November; and 20 cents lower than the annual average in other months.[1]

The seven cooperative associations, which represent a majority of the producers in each of the four markets here considered, asked that the Louisville plans of the respective orders be modified as described above if the seasonal Class I differentials were changed to a single annual differential. The proponent cooperative associations were of the opinion that with the seasonal changes in Class I price differentials eliminated it would be necessary to provide other means to encourage producers to avoid undue seasonal changes in production.

For the March–July period, under the proposal, the average of the monthly rates of deduction would be 21 cents per hundredweight. Money set aside at this rate during these 5 months, and subsequent payment in the 4-month fall period, would produce a seasonal variation in the St. Louis market blend price estimated at close to 50 cents per hundredweight. Additional seasonal changes in per hundredweight returns would result from normal changes in class utilization.

The proposed plan would produce similar seasonal changes in returns to producers in each of the four markets. The total effect would be not greatly different from the changes previously resulting from the combination of the existing Louisville plans at a lesser rate of deduction and the additional effect of the seasonal changes in Class I differentials.

The problem that the seasonal production incentive plan is intended to correct is the tendency towards large seasonal changes in production which aggravate the problems of handling reserve milk in some months and the converse problem of providing an adequate supply during other times of the year. Production per farm tends to be higher in spring months than in the fall.

In the St. Louis market during 1966, production per farm during the proposed set-aside months (March through July) was 109 percent of the production per farm during the subsequent fall months of September through December. In the Ozarks market the corresponding percentage was approximately 111 percent.

The problem of seasonal changes in production, however, is greater than would be represented by these average production per farm data for these groups of months. This is because the average obscures the extremes of variation from spring to fall seasons. In the St. Louis market, for instance, the production per farm at the highest level was in May, which was 122 percent of the production per farm in October. Similarly, in the Ozarks market, production per farm in May was 129 percent of production per farm in October.

In the Southern Illinois market, based on data prior to expansion of the marketing area January 1, 1967, production per farm in June 1966 was 117 percent of the production per farm in September.[2] While similar data are not available for the Central Illinois market, inasmuch as

[1] Official notice is taken of amendments to these orders effective May 1, 1967 (32 F.R. 6606), providing for a single Class I differential in each order equal to the annual average of the prior seasonal differentials.

[2] Official notice is taken of data published by the market administrator for Order No. 32.

it became effective January 1, 1967, it would be expected because of the similarity of production conditions that the problem of seasonal variation in production per farm would be about the same as in the other three markets.

The position of the proponent cooperative associations was that seasonal changes in production would continue to be a problem which could become more severe unless the orders were amended to provide seasonal changes in producer returns comparable to those under prior pricing plans. With the removal of seasonal changes in Class I differentials, the cooperatives felt that a larger seasonal change in producer returns should be provided under the Louisville plan.

The proposed modification would begin Louisville plan deductions in March, which was the month of the hearing. The proposed higher rates of deduction were contingent, however, on adoption of proposed amendments to eliminate seasonal Class I price differentials, which were effectuated May 1, 1967. The proponent witness indicated that under this condition the higher rates of set aside should be made effective beginning in March 1968, and that the present deduction of 10 cents per hundredweight should be continued through August this year. In their exceptions proponents stated that their proposal would include September in the fall payment months beginning in 1967 rather than in 1968 as provided in the recommended decision.

The rates of deduction and payment proposed by the cooperative associations for these four markets will result in an effective and proper method of encouraging a more even seasonal rate of production. The varying rates of deduction during the March–July period are designed to apply the highest rates in the months of greatest seasonal surplus, namely April through June. The lesser rates of deduction would apply in March and July when production is normally higher than the annual average, although not as high as in April, May, and June.

Similarly, the fall payments would be highest in October and November when production normally is seasonally lowest. The lesser rate of payment would apply in September and December when production normally is higher than in October and November but less than the annual average. It is appropriate that the payment months of 1967 include September as requested by the association. Proponents' exceptions pointed out that this month represents the beginning of seasonal decrease in production and seasonal increase in Class I sales. Such conditions would be as applicable this year as in subsequent years. However, the 1967 fall payments should be divided pro rata among the four months (September through December) in view of the lesser amount of funds involved than provided for subsequent years.

The purpose of discouraging extreme seasonal changes in production is in the interest of orderly marketing of milk in these markets. The proposed modifications of the seasonal production incentive plans in these four orders are adopted.

Three handlers who operate plants in one or the other of the Southern Illinois or Central Illinois order areas stated that they approved the principle of the Louisville plan as a method of encouraging a more level production throughout the year. The same handlers objected, however, to the proposed increase in the rate of set aside at this time under the Central Illinois and Southern Illinois orders. They feared that the increased rates of set aside during the spring and summer months and payment during fall months would result in seasonal misalignment of prices to producers compared with markets to the north in Illinois, Wisconsin, and Iowa. It was also argued that handlers would need to pay premiums in whichever market the uniform prices were lower due to the proposed seasonal changes. Otherwise, it was argued, dairy farmers would tend to shift between markets to get a higher price.

If the arguments of these handlers have validity, the same arguments would apply to the producer price relationships between St. Louis and Southern Illinois, and between Southern Illinois and Central Illinois if the proposed higher rates were made effective only in Southern Illinois. In effect, therefore, the arguments seem to preclude modification of the Louisville plans of these orders unless similar seasonal pricing to dairy farmers were simultaneously made effective in all markets which are in close geographic relationship.

It is concluded that the reasons given by the handlers in objection to the proposed changes should not prevent the adoption of changes to be effective beginning March 1968. During the intervening period there will be opportunity for parties in adjoining markets to propose appropriate changes in seasonal variation of returns to their producers. The issuance of a recommended decision at this time on this record will serve to inform interested parties in other markets as to the changes to be made in the four markets considered here. Furthermore, whether or not comparable changes are made in adjoining markets, it would not be expected that the difference in payment plans would result in serious disruption of milk supplies. Some seasonal variation in returns to producers normally occurs in any market due to changes in class utilization. Thus all markets in the area will to a degree have similar periods of seasonally higher and seasonally lower prices.

The Louisville plan of distributing returns to producers does not affect handlers' costs under the order or change the total amount of money received by all producers for a year's milk production. For the individual producer, however, the plan may change the amount of money he receives for his year's production of milk. The plan would tend to increase, or on the other hand, decrease, the returns to an individual dairy farmer depending on whether the seasonal variation in his production was less or more, respectively, than the market average. It is only by providing that the individual dairy farmer's returns will be so affected that the plan can achieve its purpose of rectifying extreme seasonal changes in milk production. In these markets producers as represented by their cooperative associations desire that their money be paid to them in the manner proposed.

A cooperative association whose members supply certain Ozarks order handlers requested that if such handlers are exempted from the Ozarks order regulation due to a change in the marketing area between the periods of set aside and payment under the Louisville plan, then the proportionate amount of money deducted for member milk should be in some manner returned to such members.

The question of marketing area change is a consideration in records of other hearings on the Ozarks and St. Louis orders pursuant to notice issued January 24, 1967 (32 F.R. 1042) and the Ozarks and Fort Smith orders pursuant to notice issued October 11, 1966 (31 F.R. 13395). Decisions on those records are pending. It would not be possible to anticipate on this record what modifications of the marketing area might be made or what importance these or other changes based on the other records would have in relation to the Louisville plan. The problem raised by the cooperative therefore cannot be resolved on this record.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreements and the orders, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreements and the orders, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreements Regulating the Handling of Milk in the Southern Illinois, Central Illinois, St. Louis, Mo., and Ozarks Marketing Areas", and "Order Amending the Orders Regulating the Handling of Milk in the Southern Illinois, Marketing Areas", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreements, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreements are identical with those contained in the orders as hereby proposed to be amended by the attached orders which will be published with this decision.

Determination of representative period. The month of April 1967 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached orders, as amended and as hereby proposed to be amended, regulating the handling of milk in the Southern Illinois, Central Illinois, St. Louis, Mo., and Ozarks marketing areas, is approved or favored by producers, as defined under the terms of the orders, as amended and as hereby proposed to be amended, and who during such representative period, were engaged in the production of milk for sale within the aforesaid marketing areas.

Signed at Washington, D.C., on July 5, 1967.

GEORGE L. MEHREN,
Assistant Secretary.

Order[1] Amending the Orders Regulating the Handling of Milk in Certain Specified Marketing Areas

Marketing Area	7 CFR Part
1032	Southern Illinois
1050	Central Illinois
1062	St. Louis, Mo.
1067	Ozarks

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of each of the aforesaid orders and the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein. The following findings are hereby made with respect to each of the aforesaid orders.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the above designated marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof the handling of milk in the respective hereinafter designated marketing areas shall be in conformity to and in compliance with the terms and conditions of the aforesaid orders, as amended and as hereby further amended, as follows:

The provisions of the proposed marketing agreements and orders amending the orders contained in the recommended decision issued by the Deputy Administrator, Regulatory Programs, on June 2, 1967, and published in the FEDERAL REGISTER on June 7, 1967 (32 F.R. 8176; F.R. Doc. 67-6357), shall be and are the terms and provisions of this order, and are set forth in full herein subject to the following revisions:

1. Paragraph (f) of the provision in each of the hereinafter designated orders entitled "Computation of uniform prices" is revised.

PART 1032—MILK IN SOUTHERN ILLINOIS MARKETING AREA

1. Paragraphs (h) and (i) of § 1032.71 are revised to read as follows:

§ 1032.71 Computation of the uniform price.

* * * * *

(h) Subtract in the case of milk delivered during each of the months of March and July an amount equal to 15 cents per hundredweight and during each of the months of April, May, and June an amount equal to 25 cents per hundredweight of producer milk specified in paragraph (e) (1) of this section, except that the rate of deduction for each of the months of April through August 1967 shall be 10 cents;

(i) Add in the case of milk delivered during each of the months of September and December 20 percent and during each of the months of October and November 30 percent of the total amount subtracted pursuant to paragraph (h) of this section, except that in the case of money deducted pursuant to paragraph (h) of this section during 1967 one-fourth of the sum shall be added in each of the months of September, October, November, and December 1967;

* * * * *

PART 1050—MILK IN CENTRAL ILLINOIS MARKETING AREA

1. Paragraphs (h) and (i) of § 1050.71 are revised to read as follows:

§ 1050.71 Computation of the uniform price.

* * * * *

(h) Subtract in the case of milk delivered during each of the months of March and July an amount equal to 15 cents per hundredweight and during each of the months of April, May, and June an amount equal to 25 cents per hundredweight of producer milk specified in paragraph (e) (1) of this section, except that the rate of deduction for each of the months of April through August 1967 shall be 10 cents;

(i) Add in the case of milk delivered during each of the months of September and December 20 percent and during each of the months of October and November 30 percent of the total amount subtracted pursuant to paragraph (h) of this section, except that in the case of money deducted pursuant to paragraph (h) of this section during 1967 one-fourth of the sum shall be added in each of the months of September, October, November, and December 1967;

* * * * *

PART 1062—MILK IN ST. LOUIS, MO., MARKETING AREA

1. Paragraphs (h) and (i) of § 1062.71 are revised to read as follows:

§ 1062.71 Computation of uniform prices.

* * * * *

(h) Subtract in the case of milk delivered during each of the months of March and July an amount equal to 15 cents per hundredweight and during each of the months of April, May, and June an amount equal to 25 cents per hundredweight of producer milk specified in paragraph (e) (1) of this section, except that the rate of deduction for each of the months of April through August 1967 shall be 10 cents;

(i) Add in the case of milk delivered during each of the months of September and December 20 percent and during each of the months of October and November 30 percent of the total amount subtracted pursuant to paragraph (h) of this section, except that in the case of money deducted pursuant to paragraph (h) of this section during 1967 one-fourth of the sum shall be added in each of the months of September, October, November, and December 1967;

* * * * *

PART 1067—MILK IN OZARKS MARKETING AREA

1. Paragraphs (h) and (i) of § 1067.71 are revised to read as follows:

§ 1067.71 Computation of uniform prices.

* * * * *

(h) Subtract in the case of milk delivered during each of the months of March and July an amount equal to 15 cents per hundredweight and during each of the months of April, May, and June an amount equal to 25 cents per hundredweight of producer milk specified in paragraph (e) (1) of this section, except that the rate of deduction for each of the months of April through August 1967 shall be 10 cents;

(i) Add in the case of milk delivered during each of the months of September and December 20 percent and during each of the months of October and November 30 percent of the total amount subtracted pursuant to paragraph (h) of this section, except that in the case of money deducted pursuant to paragraph (h) of this section during 1967 one-fourth of the sum shall be added in each of the months of September, October, November, and December 1967;

* * * * *

[F.R. Doc. 67-7920; Filed, July 10, 1967; 8:46 a.m.]

[7 CFR Part 1128]

[Docket No. AO 238-A20]

MILK IN CENTRAL WEST TEXAS MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Abilene, Tex., on February 9, 1967, pursuant to notice thereof issued on January 31, 1967 (32 F.R. 2382).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs on March 27, 1967 (32 F.R. 5371; F.R. Doc. 67-3500) filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision (32 F.R. 5371; F.R. Doc. 67-3500) are hereby approved and adopted and are set forth in full herein subject to the following modifications:

Under issue No. 1, paragraphs 1, 10, 11, and 13 are revised, a new paragraph is inserted immediately following paragraph 13, paragraph 14 is revised, paragraphs 15, 16, 17, 18, and 19 are deleted and six new paragraphs are substituted therefor.

The material issues on the record of the hearing relate to:

1. Revision of Class I price and location adjustments.

2. Emergency action on Issue 1.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Revision of Class I price and location adjustments.* The Class I and uniform prices for milk received at plants within 70 miles of Midland, Tex., should be reduced by 15 cents. No action should be taken at this time to change Class I prices at other locations.

The Central West Texas Class I price is presently 25 cents over the North Texas Class I price at Abilene and San Angelo plants and 40 cents over North Texas at a Midland plant. The announced Class I price is subject to minus location adjustments so that the price for milk delivered to a plant in the eastern portion of the marketing area that is nearer to the North Texas marketing area is reduced by 20 cents to a level 5 cents more than the North Texas Class I price. The same adjustments apply to the producer uniform prices. While the Central West Texas marketing area includes 32 cities and towns located in 22 counties in Texas, processing plants regulated under the order are operated only at the cities of Abilene, San Angelo, and Midland. A supply plant operated by the cooperative association is located at Dublin.

The cooperative association representing all but one of the Central West Texas producers and a handler operating pool distributing plants at Midland and Abilene proposed elimination of the 15-cent increase in the Class I price at Midland over the price effective at Abilene. A handler operating a pool distributing plant at Abilene proposed a general reduction of 15 cents per hundredweight in the Class I price at all plant locations.

The handler who operates two pool plants, one at Midland and the other at Abilene, also operates a plant at Lubbock that is a pool plant under the Lubbock-Plainview order. This handler contended that the Midland area Class I price is excessive in relation to prices to competing distributors regulated by this order at certain locations and in relation to prices under nearby Federal orders. He testified that a shift in the area of supply of producer milk for the Midland plant from the eastern portion of the marketing area to west Texas and New Mexico has removed justification for a 15-cent higher level in the Class I prices at that location. The cooperative joined in the proposal, primarily because it feared that the Midland plant would be closed and the distribution area now served by the plant would be served either by other order plants or from the Abilene plant of this handler. In either case the cooperative association felt it could not provide producers supplying the Midland plant a market with returns equal to those they now have.

The handler proposing a general 15-cent reduction in the Class I price level opposed elimination of the 15-cent differential at Midland. He distributes milk in the Midland section of the marketing area from his Abilene plant. He contends that a Midland price at the Abilene level would give his Midland competitor a competitive advantage equal to the transportation cost on the milk he moves the 143 miles between the two cities. He contended that at present price levels distribution in other parts of the marketing area by plants regulated by the Red River Valley, Lubbock-Plainview, North Texas, and Oklahoma Metropolitan orders could displace producer milk from Class I uses.

A handler operating plants regulated under the Red River Valley and North Texas orders that distribute milk in the Central West Texas area offered at the hearing a modified proposal to set the Abilene Class I price at 17 cents over that of North Texas and the price at Midland 13 cents higher than the Abilene price. In his brief, however, he abandoned this proposal in favor of no change in present order provisions.

Producer receipts and Class I use at Central West Texas regulated plants have been maintained at a relatively steady level for the past 2 years. This market is one of relatively high Class I utilization of producer receipts. For the past 4 years Class I use of producer milk has ranged from 85 to 90 percent. In 1965, 85 percent of producer milk was used in Class I, down from the 90 percent utilization in 1963 and 1964, but such use increased to 88 percent of producer receipts in 1966.

Generally the local supply of producer milk has been sufficient at present Class I prices to supply the fluid milk needs of handlers regulated by the Central West Texas order. There has been no occasion in the recent past to procure bulk milk from alternative sources for the needs of these plants. However, regular distribution in this marketing area is made by plants regulated under nearby orders. Such other order plant distribution of milk has not increased in the past 2 years but has been maintained relatively steady. Regular route distribution is made by handlers in this area from the North Texas, San Antonio, Red River Valley, Oklahoma Metropolitan, Rio Grande Valley, and Lubbock-Plainview markets.

The principal source of milk supply for local plants is from approximately 300 producers with farms located in counties containing parts of the marketing area or counties adjacent thereto. Some of these producers delivering milk directly to Central West Texas plants are located in New Mexico and in Texas counties located in the marketing area of the Red River Valley or North Texas orders.

There are regular and continuing Class I sales of fluid milk to consumers in the marketing area from plants regulated under nearby orders and by producer-handlers. Such sales by these other plants have ranged from 28 percent of the total marketing area Class I distribution to 32 percent in the last 7 years. In 1966, distribution from plants other than regulated plants amounted to 45 million pounds or 29 percent of total Class I distribution in the marketing area. This is a decline from 32 percent in 1964 and 31 percent in 1965.

The Lubbock-Plainview and Red River Valley orders are the principal orders under which it claimed that milk may be distributed in the Central West Texas area at a competitive advantage over milk priced by the Central West Texas order. To a lesser extent it is claimed that North Texas handlers have competitive advantage, particularly in the eastern portion of the area to which Central West Texas handlers move milk eastward.

The Lubbock-Plainview price is 30 cents less than the Central West Texas price at Midland and 15 cents less than that at Abilene. Lubbock is 117 miles from Midland. At a rate of 1.5 cents per hundredweight per 10 miles, Lubbock-Plainview milk could be delivered to Midland at 12 cents less than the Central West Texas price at Midland. Lubbock-Plainview milk is distributed in the Midland-Odessa section of the Central West Texas area. More important, it is at Lubbock that the Midland handler has a plant from which he could serve the sales now served by the Midland plant.

Red River Valley milk is distributed in the Midland-Odessa area from a plant in Wichita Falls. In 1966, the Midland price exceeded the Wichita Falls price by 16 cents per hundredweight in addition to the transportation cost. While Red River Valley milk has in the past also been distributed in the Abilene portion of the Central West Texas area, such sales are presently being served from the North Texas plant of this handler. The Red River Valley milk could have been delivered to Abilene in 1966 at an average of about 22 cents per hundredweight less than the Central West Texas Class I price.

About 4 cents of these differences in prices was due to the action of separate supply-demand adjustors affecting the Class I prices. Official notice is taken that a hearing has been held at which proposals were offered to establish a common supply-demand adjustor for all Oklahoma and Texas orders which would remove supply-demand adjustor differences between these markets. If these supply-demand adjustor disparities had been removed in 1966, milk from both the Red River Valley and Lubbock-Plainview markets could have been delivered to Midland at 12 cents less than the Central West Texas price at that location.

While Central West Texas handlers and producers are not currently losing Class I sales to other markets, there is clearly potential for such loss in the current price alignment with such orders. The potential loss is greatest with respect to sales of the Midland plant since the operator of this plant also operates an other order plant which could serve the Midland sales area. The imminent threat to loss of Class I sales to other markets is with respect to the sales served by the Midland plant.

The recommended decision proposed that prices be reduced by 10 cents at plants located in the Abilene area and by 5 cents in the San Angelo area. After a review of the record, it is concluded that no change should be made in prices applicable at these plant locations at this time. Strong exceptions were filed to the recommended decision which proposed reduction of prices at pool plants at locations other than at Midland. Exceptors pointed out that only at the Midland plant location is there any immediate need for price adjustment.

Review of the record evidence in light of the exceptions filed indicates there is less need at this time for price adjustments at plants located in the Abilene and San Angelo areas than at the Midland plant. The Midland handler could serve the local distribution area from his Lubbock-Plainview plant and such Class I sales would be lost to producers in this market.

Handlers with plants at Abilene could start serving the fluid milk sales in this marketing area from their plants under other orders. There is no indication on the record that they intend to do so at this time. The current alignment of prices at the Abilene area plants and the prices at plants of such handlers under other orders would indicate little or no price advantage could accrue to handlers if sales were shifted to other order plants. The Central West Texas handlers with plants at Abilene and San Angelo do not operate Red River Valley plants under which some price advantage might be found.

While handlers under the Red River Valley order can deliver milk to Abilene for less than the Central West Texas prices at Abilene and San Angelo, no Red River Valley handler is currently making sales in the city of Abilene or in other cities close to Abilene. Except for the sales in the Midland-Odessa area noted above, Red River Valley handlers were shown to have sales in only seven of the 32 cities of the marketing area. These seven cities are small cities in the general area nearest to Wichita Falls, where these handlers' plants are located. Even in these cities their sales exceed 10 percent of the total in only two cities, for which it was claimed their sales were 17 and 20 percent, respectively, of total sales. One handler regulated by the San Antonio order, but whose plant is located in the Red River Valley marketing area, distributes more generally over the Central West Texas area, but was not shown to have over 10 percent of total sales in any city. In Abilene this percentage was 2 percent.

While there is potential danger of loss of Abilene sales to Red River Valley milk, there is no present showing of such loss nor danger that it will become substantial in the immediate future. Should such losses occur, an amendatory hearing could be called to examine the need for further price alignment.

Accordingly, it is concluded that action on this record should be limited to removal of the plus 15-cent location adjustment at plants located within 70 miles of Midland, Tex.

2. *Emergency action on Issue 1.* The Midland handler and the cooperative association urged that emergency suspension action be taken and that a recommended decision on Issue 1 with respect to the Midland price be omitted. Other handlers objected to taking emergency action contending that this is a problem that has existed for a long time and there is no urgency in the matter which would require deviation from normal amendatory procedures.

In view of the expressed opposition to the emergency suspension or elimination of a recommended decision and because testimony on the record indicates no imminence of disorderly marketing conditions in the area, emergency action is denied.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the request to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Central West Texas Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Central West Texas Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of April 1967 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Central West Texas marketing area, is approved or favored by producers, as defined under the terms of the order, as amended and as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on July 5, 1967.

GEORGE L. MEHREN,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Central West Texas Marketing Area

§ 1128.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Central West Texas marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof the handling of milk in the Central West Texas marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

§ 1128.53 [Amended]

1. Section 1128.53(a) is revoked and paragraphs (b), (c), and (d) are redesignated (a), (b), and (c), respectively.

2. Section 1128.91 (a) is revised to read as follows:

§ 1128.91 Location adjustments to producers.

(a) In making payments to producers pursuant to § 1128.90, the uniform price for all milk computed pursuant to § 1128.72 for milk received from producers at an approved plant shall be adjusted at the rates set forth in § 1128.53, applicable at the location of such plant.

* * * * *

[F.R. Doc. 67-7960; Filed, July 10, 1967; 8:50 a.m.]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[27 CFR Part 5]

LABELING AND ADVERTISING OF DISTILLED SPIRITS

Notice of Hearing on Petitions Proposing Changes in Regulations

Notice is hereby given, pursuant to the provisions of section 5 of the Federal Alcohol Administration Act (49 Stat. 981 as amended; 27 U.S.C. 205), of a public hearing to begin at 9:30 a.m., e.d.t., on Monday, September 18, 1967, in the Auditorium of the Museum of Natural History, 10th Street and Constitution Avenue NW., Washington, D.C., at which time and place all interested parties will be afforded opportunity to be heard, in person or by authorized representative, concerning the petitions for regulatory changes in 27 CFR Part 5 as stated below.

PETITIONS

1. Petitioner: The American Distilling Co., 150 East 42d Street, New York, N.Y. 10017.

Petition; a. To add a new standard of identity for a whisky which has been distilled at more than 160° proof but at less than 190° proof, aged in oak barrels seasoned by prior use, and to permit such whisky to bear a conventional age statement.

2. Petitioner: The Associated Cooperage Industries of America, Inc., 408 Olive Street, St. Louis, Mo. 63102.

Petition: a. To provide a maximum limit of 53 wine gallons on the size of new white oak barrels used for the aging of domestic whiskies.

Remarks: Persons desiring to testify on this proposal should be prepared to discuss the effect of barrel size on the aging of whisky, and, if the testimony is directed at barrels of a particular size, the relative effect of that size on age should be covered. Persons who support large size containers provided pieces of charred oak wood can be inserted into the containers to correct or minimize deficiencies resulting from the large size of the container, should submit evidence: (1) as to the effect of aging whisky in this manner; (2) as to any differences from aging whisky in barrels to which wood chips have been added; and (3) as to whether the insertion of pieces of charred oak wood into the containers should be required to be disclosed on the label.

3. Petitioner: Grossaurth Distillers, Inc., Echo Trail Road, Anchorage, Ky. 40001.

Petition: a. To redefine "bourbon whisky," "rye whisky," "wheat whisky," "malt whisky," or "rye malt whisky," as whisky which has been distilled from a fermented mash of not less than 51 percent corn grain, rye grain, wheat grain, malted barely grain, or malted rye grain, respectively, and stored in any type of charred white oak container, new or used.

b. To eliminate the requirement that domestically produced whiskies (other than corn) aged in reused cooperage bear a statement to the effect that they have been stored in reused cooperage.

c. To permit the normal age claim for domestic whiskies aged in reused cooperage.

d. To eliminate the maximum distillation proofs prescribed for whisky and American type whiskies respectively, which presently are as follows:

(1) Less than 190° proof for the class whisky, and

(2) 160° proof or less for American type whiskies.

4. Petitioner: Publicker Industries, Inc., 1429 Walnut Street, Philadelphia, Pa. 19102.

Petition: a. To redefine "bourbon whisky," "rye whisky," "wheat whisky," "malt whisky," or "rye malt whisky" as whisky which has been distilled at less than 190° proof from a fermented mash of not less than 51 percent corn grain, rye grain, wheat grain, malted barley grain, or malted rye grain, respectively, and stored in any type of charred white oak container, new or used.

b. To eliminate the requirement that domestically produced whiskies (other than corn) aged in reused cooperage bear a statement to the effect that they have been stored in reused cooperage, and to permit the normal age statement for domestic whiskies aged in reused cooperage.

c. To provide that any mixture of one type of straight whisky be designated as "straight (appropriate type) whisky" instead of "a blend of straight (appropriate type) whiskies."

d. To provide that any mixture of different types of straight whiskies be designated as "straight whisky" instead of "a blend of straight whiskies."

e. To eliminate the present maximum proof (125°) at which whiskies may be stored.

5. Petitioner: Schenley Industries, Inc., 1290 Avenue of the Americas, New York, N.Y. 10019.

Petition: a. To eliminate the requirement that domestically produced whiskies (other than corn) aged in reused cooperage bear a statement to the effect that they have been stored in reused cooperage and to permit the normal age statement for domestic whiskies aged in reused cooperage.

b. To redefine "bourbon whisky," "rye whisky," "wheat whisky," "malt whisky," or "rye malt whisky" as whisky which, without limitation as to distillation or entry proof, has been distilled from a fermented mash of not less than 51 percent corn grain, rye grain, wheat grain, malted barley grain, or malted rye grain, respectively, and stored in any type of charred white oak container, new or used.

c. To provide that all domestically produced whiskies must be aged a minimum of 2 years before bottling.

d. To provide that regulatory changes in respect to the labeling of any whisky or other distilled spirits shall not apply to products produced before the date of the publication of the new regulations in final form; nor to products produced after said date if bottled in less than 6 years from the date of publication.

6. Petitioner: Joseph E. Seagram & Sons, Inc., 375 Park Avenue, New York, N.Y. 10022.

Petition: a. To amend the standards of identity with respect to distilled spirits distilled at or above 190° proof from a fermented mash of grain to provide that such distilled spirits, when stored in reused cooperage for not less than 2 years, be designated "grain spirits" in lieu of "neutral spirits" with the required statement as to the commodity from which distilled.

b. To provide that spirits distilled at or above 190° proof from a fermented mash of grain and placed in reused cooperage for a minimum of 2 years be permitted to claim age for the period of storage in reused cooperage.

TESTIMONY

In the interest of orderly procedure the subjects raised by the petitions will be heard separately and in the order set forth below:

Order of subjects	Petition	Proposal
1. Prescribe a new type of light whisky stored in used cooperage which will bear a conventional age statement.	American Distilling Co.	a
2. Eliminate the reused cooperage statement for all whiskies	Grossaurth Distillers	b
	Publicker Industries	b
	Schenley Industries	a
3. Permit age statement for domestic whisky stored in used cooperage	Grossaurth Distillers	c
	Publicker Industries	b
	Schenley Industries	a
4. Permit storage of bourbons, ryes, etc., in used cooperage	Grossaurth Distillers	a
	Publicker Industries	a
	Schenley Industries	b
5. Eliminate present maximum distillation proofs	Grossaurth Distillers	d
	Publicker Industries	e
	Schenley Industries	b
6. Eliminate present maximum entry proof	Publicker Industries	f
	Schenley Industries	b
7. Establish minimum age requirement for whiskies	Publicker Industries	e
	Schenley Industries	a
8. Limit barrel size	Associated Cooperage Industries	c
9. Change designation for mixtures of one type of straight whisky	Publicker Industries	c
10. Change designation for mixtures of different types of straight whiskies	do	d
11. Prescribe a new designation and age claim for neutral spirits stored in used cooperage	Joseph E. Seagram	a, b
12. Effective dates	Schenley Industries	d

REQUESTS TO PRESENT ORAL TESTIMONY

All persons who desire to present oral testimony should so advise the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington, D.C. 20224, not later than Friday, September 8, 1967. Requests shall be submitted in an original and three copies and must include (1) the name and address of the party submitting the request, (2) the name and address of the person or persons who will present oral testimony, (3) identification of the subject or subjects to which the testimony will be directed, and (4) the approximate length of time desired for the presentation of testimony on each subject.

SUBMISSION OF WRITTEN MATERIAL

Any interested party may submit to the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington, D.C. 20224, in an original and nine copies, relevant and material written data, views, or arguments for incorporation into the record of hearing. The subject to which the comments are directed must be specifically identified. Written material must be received not later than Wednesday, September 13, 1967.

At the conclusion of the hearing a reasonable time will be afforded interested parties for examination of the record and submission of written arguments and briefs.

[SEAL] HAROLD A. SERR,
Director, Alcohol and Tobacco Tax Division, Internal Revenue Service.

[F.R. Doc. 67-7928; Filed, July 10, 1967; 8:47 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 67-SW-47]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter the Palacios, Tex., control zone so as to provide controlled airspace for the proposed emergency DF instrument approach procedure which will serve the Palacios Municipal Airport.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

It is proposed that the Palacios, Tex., control zone as presently described in FAR, Part 71, § 71.171 (32 F.R. 2124) be amended to read:

PALACIOS, TEX.

That airspace within a 5-mile radius of Palacios Municipal Airport (latitude 28°43' 35'' N., longitude 96°15'15'' W.) and within 2 miles each side of the 333° bearing (315° magnetic) from the Palacios DF station (latitude 28°43'22'' N., longitude 96°15'07'' W.) extending from the 5-mile radius zone to 8 miles northwest of the DF station.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Fort Worth, Tex., on June 30, 1967.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 67-7922; Filed, July 10, 1967; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-SO-43]

FEDERAL AIRWAY

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would reduce the ceiling on the segment of V-56 between Fayetteville, N.C., and the intersection of Fayetteville 066° and New Bern, N.C., 258° True radials (Wallace INT) from "at and above 9,000 feet MSL" to "at and above 5,000 feet MSL." This action would result in a maximum authorized altitude of 4,000 feet MSL on this airway segment, and release additional airspace for Air Force Air Combat Tactics Training which will be conducted down to 5,000 feet MSL.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on June 30, 1967.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-7923; Filed, July 10, 1967; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-SW-27]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate a transition area at Evadale, Tex. The proposed transition area will provide airspace protection for aircraft executing approach/departure procedures at Evadale Airport, Evadale, Tex.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

It is proposed to designate the Evadale, Tex., transition area as that airspace extending upward from 700 feet above the surface within a 5-mile radius of Evadale Airport (latitude 30°19'30'' N., longitude 94°04'24'' W.), and within 2 miles each side of the 150° bearing (143° magnetic) from the Evadale RBN (latitude 30°24'-16'' N., longitude 94°07'37'' W.), extending from the 5-mile radius area to the RBN.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Fort Worth, Tex., on June 30, 1967.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 67-7924; Filed, July 10, 1967; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-EA-36]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Cincinnati, Ohio, control zone and 700-foot floor transition area.

A new NDB (ADF) instrument approach procedure has been authorized for Cincinnati Municipal (Lunken Field) Airport, Cincinnati, Ohio, and will require airspace protection for aircraft executing the approach and departure procedures.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Cincinnati, Ohio, proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Cincinnati, Ohio, control zone and insert in lieu thereof the following:

CINCINNATI, OHIO

Within a 5-mile radius of the center, 39°06'14'' N., 84°25'18'' W., of Cincinnati Municipal (Lunken Field) Airport, Cincinnati, Ohio; within 2 miles each side of the Cincinnati Municipal ILS localizer north course extending from the 5-mile radius zone to the Madeira, Ohio, RBN and within 2 miles each side of a 227° bearing from the Lunken RBN extending from the 5-mile radius zone to the RBN.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete in the 700-foot floor Cincinnati, Ohio, transition area the phrase "Within an 8-mile radius" and insert in lieu thereof "Within a 9-mile radius"; further delete the period at the end of the paragraph and add "; within 2 miles each side of a 044° bearing from the Lunken RBN extending from the 9-mile radius area to 8 miles northeast of the RBN and within 2 miles each side of a 040° bearing from the Lunken RBN extending from the 9-mile radius area to 12 miles northeast of the RBN."

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; U.S.C. 1348).

Issued in Jamaica, N.Y., on June 23, 1967.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 67-7945; Filed, July 10, 1967; 8:49 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-AL-5]

CONTROL ZONE AND TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would designate a control zone and transition area at Point Barrow, Alaska, as follows:

1. The Point Barrow, Alaska, control zone would be within a 5-mile radius of the Point Barrow AFS Airport, Point Barrow, Alaska (latitude 71°20'18'' N., longitude 156°38'00'' W.); within 2 miles each side of the 041° True (015° M) bearing from the Point Barrow radio beacon (PBA), extending from the 5-mile radius zone to 8 miles northeast of the RBN; within 2 miles each side of the 171° True (145° M) bearing from the Point Barrow RBN (PBA), extending from the 5-mile radius zone to 8 miles south of the RBN; within a 5-mile radius of the Wiley Post-Will Rogers Memorial Airport, Barrow, Alaska (latitude 71°17'05'' N., longitude 156°46'05'' W.); within 2 miles each side of the 226° True (200° M) bearing from the Point Barrow, Alaska RBN (BRW), extending from the 5-mile radius zone to 8 miles southwest of the RBN; and within 2 miles each side of the 286° True (240° M) bearing from the Point Barrow RBN (BRW), extending from the 5-mile radius zone to 8 miles west of the RBN. This control zone would be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time would thereafter be continuously published in the Alaska Airman's Guide and Chart Supplement.

2. The Point Barrow, Alaska, transition area would be designated as that airspace extending upward from 700 feet above the surface within a 17-mile radius of latitude 71°18'00'' N., longitude 156° 43'00'' W. This transition area would be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time would thereafter be continuously published in the Alaska Airman's Guide and Chart Supplement.

The proposed control zone and transition area would provide controlled airspace for aircraft executing holding patterns, and instrument approach and departure procedures for the airports concerned.

Considerably more than 200 annual instrument approach procedures have been conducted in the Point Barrow area for a number of years. The continuing volume of instrument operations in this area of notably poor weather conditions dictates the need for the proposed control zone and transition area.

Minimum facilities necessary to support the proposed control zone, transition area and a public instrument approach procedure for the Point Barrow area are planned in the near future. Special instrument approach procedures using a private radio beacon to both airports, are authorized for a scheduled air carrier.

A part-time Flight Service Station is expected to be operational at Barrow, Alaska, in the near future. Initially, the hours of operation will be from 0800 to 1800, local time, daily. However, after it has been in operation for a sufficient period of time, a determination will be made concerning the hours of operation required to meet the public need. The time of weather observations, point-to-point communications to Fairbanks, Alaska, air route traffic control center, and air/ground communications capability will coincide with the hours of operation of the Flight Service Station.

As parts of these proposals relate to navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices, by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 21 and Annex 11 to the Convention on International Civil Aviation (ICAO), which pertains to the establishment of air navigation facilities and services necessary to promoting the safe, orderly, and expeditious flow of civil air traffic. Its purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and Secretary of Defense in accordance with the provisions of Executive Order 10854.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as

they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Alaskan Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 632 Sixth Avenue, Anchorage 99501. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the Office of the Regional Air Traffic Division Chief.

These amendments are proposed under the authority of sections 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510) and Executive Order 10854 (24 F.R. 9565).

Issued in Washington, D.C., on July 3, 1967.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-7946; Filed, July 10, 1967; 8:49 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 66-SW-52]

VOR FEDERAL AIRWAYS

Proposed Alteration and Designation

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would alter and designate certain VOR Federal airway segments within the Greater Houston, Tex., terminal area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The Federal Aviation Administration is considering the following airspace proposals:

1. Realign VOR Federal airway No. 15 segment from Houston, Tex., with a 12 AGL floor to College Station, Tex., via Navasota, Tex.

2. Realign VOR Federal airway No. 20 north alternate segment from Palacios, Tex., with a 12 AGL floor to Houston via the intersection of the Palacios 031° T (023° M) and Houston 253° T (244° M) radials.

3. Designate VOR Federal airway No. 79 north alternate segment from Palacios with a 12 AGL floor to Sabine Pass, Tex., via the intersection of the Palacios 031° T (023° M) and Sabine Pass 284° T (277° M) radials.

4. Realign VOR Federal airway No. 180 segment from Eagle Lake, Tex., with a 12 AGL floor to Galveston, Tex., via the intersection of the Eagle Lake 112° T (104° M) and Galveston 276° T (268° M) radials.

5. Extend VOR Federal airway No. 196 from Houston with a 12 AGL floor to Sabine Pass via the intersection of the Houston 090° T (082° M) and Sabine Pass 265° T (258° M) radials, including a 12 AGL north alternate segment from Eagle Lake to Sabine Pass via the intersection of the Eagle Lake 066° T (058° M) and Sabine Pass 284° T (277° M) radials.

6. Realign VOR Federal airway No. 222 segment from Industry, Tex., with a 12 AGL floor to Beaumont via the intersection of the Industry 087° T (079° M) and Beaumont 274° T (267° M) radials, including a 12 AGL north alternate segment from the intersection of the Industry 087° T (079° M) and Beaumont 274° T (267° M) radials to Lake Charles, La., via Delacta, Tex.

7. Realign VOR Federal airway No. 477 north alternate segment from Houston with a 12 AGL floor to Leona, Tex., via Navasota, Tex.

8. Designate VOR Federal airway No. 261 from Corpus Christi, Tex., with a 12 AGL floor to Dallas, Tex., via the intersection of Corpus Christi 054° T (045° M) and Palacios 226° T (218° M) radials; Palacios; intersection of Palacios 010° T (002° M) and Eagle Lake 163° T (155° M) radials; Eagle Lake; College Station; Leona; intersection of Leona 353° T (346° M) and Dallas 155° T (147° M) radials, including a 12 AGL east alternate segment from Palacios to Leona via the intersection of Palacios 031° T (023° M) and Navasota 120° T (112° M) radials and Navasota.

These proposed airway alterations are designed to serve air traffic arriving and departing the new Houston Intercontinental Airport. The proposed designation of V-261 will provide a bypass route west of the Houston terminal area for air traffic operating between Corpus Christi and Dallas.

These proposed amendments are made under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on July 3, 1967.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-7947; Filed, July 10, 1967; 8:49 a.m.]

[14 CFR Part 75]

[Airspace Docket No. 67-SW-28]

JET ROUTE

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 75 of the Federal Aviation Regulations that would realign Jet Route No. 26 from El Paso, Tex., via the INT of El Paso 069° and Roswell, N. Mex., 215° True radials; to Roswell. This action would provide a shorter more direct route between El Paso and Roswell. J-26 is now aligned from El Paso to Roswell via the intersection of El Paso 089° and Roswell 213° True radials.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on July 3, 1967.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-7948; Filed, July 10, 1967; 8:49 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-SO-68]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Birmingham, Ala., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Area Manager, Memphis Area Office, Attention: Chief, Air Traffic Branch, Federal Aviation Administration, Post Office Box 18097, Memphis, Tenn. 38118. All communications received within 30 days after publication of this notice in the

FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The Birmingham 1,200-foot transition area described in § 71.181 (32 F.R. 2148 and 3765) would be altered as follows:

"* * * thence southwest along the southeast boundary of V-209 to a 19-mile radius arc centered on the Tuscaloosa, Ala., VOR; thence clockwise along this arc to longitude 87°30'00" W.; thence north along longitude 87°30'00" W. to point of beginning, excluding that portion that coincide with R-2101 and the Gadsden, Ala., transition area * * *." would be deleted and "* * * thence southwest along the southeast boundary of V-209 to longitude 88°00'00" W.; thence north along longitude 88°00'00" W., to the north boundary of V-18; thence northeast along the north boundary of V-18 to a 19-mile radius arc centered on the Tuscaloosa, Ala., VORTAC; thence clockwise along this arc to longitude 87°30'00" W.; thence north along longitude 87°30'00" W. to point of beginning, excluding that portion that coincides with R-2101 and the Gadsden, Ala., transition area * * *." would be substituted therefor.

The proposed additional airspace is required for the protection of IFR operations and for radar vectoring of aircraft arriving and departing the Birmingham area.

The official docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Administration, Room 724, 3400 Whipple Street, East Point, Ga.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)).

Issued in East Point, Ga., on June 30, 1967.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 67-7949; Filed, July 10, 1967; 8:49 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-SO-64]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Camden, S.C., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Area Manager, Atlanta Area Office, Attention: Chief, Air Traffic Branch, Federal Aviation Administration, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The Camden transition area would be designated as:

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Woodward Field (latitude 34°17'03" N., longitude 80°33'53" W.); within 2 miles each side of the 040° bearing from the Camden RBN (latitude 34°17'02" N., longitude 80°33'43.5" W.), extending from the 7-mile radius area to 8 miles northeast of the RBN.

The proposed transition area is required for the protection of IFR operations at Woodward Field. A prescribed instrument approach procedure to this airport utilizing the Camden (private) nondirectional radio beacon is proposed in conjunction with the designation of this transition area.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)).

Issued in East Point, Ga., on June 21, 1967.

GORDON A. WILLIAMS, Jr.,
Acting Director, Southern Region.

[F.R. Doc. 67-7950; Filed, July 10, 1967; 8:49 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-EA-1]

FEDERAL AIRWAYS

Supplemental Proposed Alteration

On March 1, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 3403) stating that the Federal Aviation Agency was considering amendments to Part 71 of the Federal Aviation Regulations that would realign V-1 from Cape Charles, Va., via the INT of Cape Charles 013° and Salisbury, Md., 206° True radials; to Salisbury; that would designate a segment of V-139 from Norfolk, Va., via Cape Charles; to Snow Hill, Md., including a west alternate from Norfolk to Snow Hill via INT of Norfolk 360° and Snow Hill 226° True radials; and that would revoke the segment of V-194 from Norfolk to INT of Norfolk 031° and Cape Charles 213° True radials. Floors of 1,200 feet above the surface were proposed for these airway segments. These actions were proposed to simplify air traffic control procedures and flight planning in the Norfolk area.

Subsequent to publication of the notice, it was determined that the Snow Hill 226° True radial would not support a Federal airway. Accordingly, the proposals published in the notice are hereby cancelled and in lieu thereof, consideration is given to the following airway alignments that would serve the same purpose.

1. Redesignate the segment of V-194 from Norfolk via the intersection of Norfolk 001° T (008° Mag.) and Harcum, Va., 072° T (079° Mag.) radials; to the intersection of Harcum 072° and Snow Hill 211° True radials.

2. Realign V-1 from Cape Charles via the intersection of Cape Charles 009° T (016° Mag.) and Salisbury 206° T (214° Mag.) radials; to Salisbury.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket will be available for examination at the office of the Regional Air Traffic Division Chief.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on July 3, 1967.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-7951; Filed, July 10, 1967; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[10 CFR Part 50]

LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

General Design Criteria for Nuclear Power Plant Construction Permits

The Atomic Energy Commission has under consideration an amendment to its regulation, 10 CFR Part 50, "Licensing of Production and Utilization Facilities," which would add an Appendix A, "General Design Criteria for Nuclear Power

Plant Construction Permits."[1] The purpose of the proposed amendment would be to provide guidance to applicants in developing the principal design criteria to be included in applications for Commission construction permits. These General Design Criteria would not add any new requirements, but are intended to describe more clearly present Commission requirements to assist applicants in preparing applications.

The proposed amendment would complement other proposed amendments to Part 50 which were published for public comment in the FEDERAL REGISTER on August 16, 1966 (31 F.R. 10891).

The proposed amendments to Part 50 reflect a recommendation made by a seven-member Regulatory Review Panel, appointed by the Commission to study: (1) The programs and procedures for the licensing and regulation of reactors and (2) the decision-making process in the Commission's regulatory program. The Panel's report recommended the development, particularly at the construction permit stage of a licensing proceeding, of design criteria for nuclear power plants. Work on the development of such criteria had been in process at the time of the Panel's study.

As a result, preliminary proposed criteria for the design of nuclear power plants were discussed with the Commission's Advisory Committee on Reactor Safeguards and were informally distributed for public comment in Commission Press Release H-252 dated November 22, 1965. In developing the proposed criteria set forth in the proposed amendments to Part 50, the Commission has taken into consideration comments and suggestions from the Advisory Committee on Reactor Safeguards, from members of industry, and from the public.

Section 50.34, paragraph (b), as published for comment in the FEDERAL REGISTER on August 16, 1966, would require that each application for a construction permit include a preliminary safety analysis report. The minimum information to be included in this preliminary safety analysis report is (1) a description and safety assessment of the site, (2) a summary description of the facility, (3) a preliminary design of the facility, (4) a preliminary safety analysis and evaluation of the facility, (5) an identification of subjects expected to be technical specifications, and (6) a preliminary plan for the organization, training, and operation. The following information is specified for inclusion as part of the preliminary design of the facility:

(i) The principal design criteria for the facility;

(ii) The design bases and the relation of the design bases to the principal design criteria;

(iii) Information relative to materials of construction, general arrangement and approximate dimensions, sufficient to provide reasonable assurance that the final design will conform to the design bases with adequate margin for safety;

The "General Design Criteria for Nuclear Power Plant Construction Permits" proposed to be included as Appendix A to this part are intended to aid the applicant in development item (i) above, the principal design criteria. All criteria established by an applicant and accepted by the Commission would be incorporated by reference in the construction permit. In considering the issuance of an operating license under the regulations, the Commission would assure that the criteria had been met in the detailed design and construction of the facility or that changes in such criteria have been justified.

Section 50.34 as published in the FEDERAL REGISTER on August 16, 1966, would be further amended by adding to Part 50 a new Appendix A containing the General Design Criteria applicable to the construction of nuclear power plants and by a specific reference to this Appendix in § 50.34, paragraph (b).

The Commission expects that the provisions of the proposed amendments relating to General Design Criteria for Nuclear Power Plant Construction Permits will be useful as interim guidance until such time as the Commission takes further action on them.

Pursuant to the Atomic Energy Act of 1954, as amended, and the Administrative Procedure Act of 1946, as amended, notice is hereby given that adoption of the following amendments to 10 CFR Part 50 is contemplated. All interested persons who desire to submit written comments or suggestions in connection with the proposed amendments should send them to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, within 60 days after publication of this notice in the FEDERAL REGISTER. Comments received after that period will be considered if it is practicable to do so, but assurance of consideration cannot be given except as to comments filed within the period specified. Copies of comments may be examined in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

1. Section 50.34(b)(3)(i) of 10 CFR Part 50 is amended to read as follows:

§ 50.34 Contents of applications; technical information safety analysis report.[2]

* * * * *

(b) Each application for a construction permit shall include a preliminary safety analysis report. The report shall cover all pertinent subjects specified in paragraph (a) of this section as fully as available information permits. The minimum information to be included shall consist of the following:

* * * * *

(3) The preliminary design of the facility, including:

(i) The principal design criteria for the facility. Appendix A, "General Design Criteria for Nuclear Power Plant Construction Permits," provides guidance for establishing the principal design criteria for nuclear power plants.

* * * * *

2. A new Appendix A is added to read as follows:

[1] Inasmuch as the Commission has under consideration other amendments to 10 CFR Part 50 (31 F.R. 10891), the amendment proposed herein would be a further revision to Part 50 previously published for comment in the FEDERAL REGISTER.

[2] Inasmuch as the Commission has under consideration other amendments to § 50.34 (31 F.R. 10891), the amendment proposed herein would be a further revision of § 50.34 (b)(3)(i) previously published for comment in the FEDERAL REGISTER.

APPENDIX A—GENERAL DESIGN CRITERIA FOR NUCLEAR POWER PLANT CONSTRUCTION PERMITS[1]

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[1] Inasmuch as the Commission has under consideration other amendments to 10 CFR Part 50 (31 F.R. 10891), the amendment proposed herein would be a further revision to Part 50 previously published for comment in the FEDERAL REGISTER.

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[1] Inasmuch as the Commission has under consideration other amendments to 10 CFR Part 50 (31 F.R. 10891), the amendment proposed herein would be a further revision to Part 50 previously published for comment in the FEDERAL REGISTER.

Introduction. Every applicant for a construction permit is required by the provisions of § 50.34 to include the principal design criteria for the proposed facility in the application. These General Design Criteria are intended to be used as guidance in establishing the principal design criteria for a nuclear power plant. The General Design Criteria reflect the predominating experience with water power reactors as designed and located to date, but their applicability is not limited to these reactors. They are considered generally applicable to all power reactors.

Under the Commission's regulations, an applicant must provide assurance that its principal design criteria encompass all those facility design features required in the interest of public health and safety. There may be some power reactor cases for which fulfillment of some of the General Design Criteria may not be necessary or appropriate. There will be other cases in which these criteria are insufficient, and additional criteria must be identified and satisfied by the design in the interest of public safety. It is expected that additional criteria will be needed particularly for unusual sites and environmental conditions, and for new and advanced types of reactors. Within this context, the General Design Criteria should be used as a reference allowing additions or deletions as an individual case may warrant. Departures from the General Design Criteria should be justified.

The criteria are designated as "General Design Criteria for Nuclear Power Plant Construction Permits" to emphasize the key role they assume at this stage of the licensing process. The criteria have been categorized as Category A or Category B. Experience has shown that more definitive information is needed at the construction permit stage for the items listed in Category A than for those in Category B.

I. OVERALL PLANT REQUIREMENTS

Criterion 1—Quality Standards (Category A). Those systems and components of reactor facilities which are essential to the prevention of accidents which could affect the public health and safety or to mitigation of their consequences shall be identified and then designed, fabricated, and erected to quality standards that reflect the importance of the safety function to be performed. Where generally recognized codes or standards on design, materials, fabrication, and inspection are used, they shall be identified. Where adherence to such codes or standards does not suffice to assure a quality product in keeping with the safety function, they shall be supplemented or modified as necessary. Quality assurance programs, test procedures, and inspection acceptance levels to be used shall be identified. A showing of sufficiency and applicability of codes, standards, quality assurance programs, test procedures, and inspection acceptance levels used is required.

Criterion 2—Performance Standards (Category A). Those systems and components of reactor facilities which are essential to the prevention of accidents which could affect the public health and safety or to mitigation of their consequences shall be designed, fabricated, and erected to performance standards that will enable the facility to withstand, without loss of the capability to protect the public, the additional forces that might be imposed by natural phenomena such as earthquakes, tornadoes, flooding conditions, winds, ice, and other local site effects. The design bases so established shall reflect: (a) Appropriate consideration of the most severe of these natural phenomena that have been recorded for the site and the surrounding area and (b) an appropriate margin for withstanding forces greater than those recorded to reflect uncertainties about the historical data and their suitability as a basis for design.

Criterion 3—Fire Protection (Category A). The reactor facility shall be designed (1) to minimize the probability of events such as fires and explosions and (2) to minimize the potential effects of such events to safety. Noncombustible and fire resistant materials shall be used whenever practical throughout the facility, particularly in areas containing critical portions of the facility such as containment, control room, and components of engineered safety features.

Criterion 4—Sharing of Systems (Category A). Reactor facilities shall not share systems or components unless it is shown safety is not impaired by the sharing.

Criterion 5—Records Requirements (Category A). Records of the design, fabrication, and construction of essential components of the plant shall be maintained by the reactor operator or under its control throughout the life of the reactor.

II. PROTECTION BY MULTIPLE FISSION PRODUCT BARRIERS

Criterion 6—Reactor Core Design (Category A). The reactor core shall be designed to function throughout its design lifetime, without exceeding acceptable fuel damage limits which have been stipulated and justified. The core design, together with reliable process and decay heat removal systems, shall provide for this capability under all expected conditions of normal operation with appropriate margins for uncertainties and for transient situations which can be anticipated, including the effects of the loss of power to recirculation pumps, tripping out of a turbine generator set, isolation of the reactor from its primary heat sink, and loss of all offsite power.

Criterion 7—Suppression of Power Oscillations (Category B). The core design, together with reliable controls, shall ensure that power oscillations which could cause damage in excess of acceptable fuel damage limits are not possible or can be readily suppressed.

Criterion 3—Overall Power Coefficient (Category B). The reactor shall be designed so that the overall power coefficient in the power operating range shall not be positive.

Criterion 4—Reactor Coolant Pressure Boundary (Category A). The reactor coolant pressure boundary shall be designed and constructed so as to have an exceedingly low probability of gross rupture or significant leakage throughout its design lifetime.

Criterion 16—Containment (Category A). Containment shall be provided. The containment structure shall be designed to sustain the initial effects of gross equipment failures, such as a large coolant boundary break, without loss of required integrity and, together with other engineered safety features as may be necessary, to retain for as long as the situation requires the functional capability to protect the public.

III. Nuclear and Radiation Controls

Criterion 11—Control Room (Category B). The facility shall be provided with a control room from which actions to maintain safe operational status of the plant can be controlled. Adequate radiation protection shall be provided to permit access, even under accident conditions, to equipment in the control room or other areas as necessary to shut down and maintain safe control of the facility without radiation exposures of personnel in excess of 10 CFR 20 limits. It shall be possible to shut the reactor down and maintain it in a safe condition if access to the control room is lost due to fire or other cause.

Criterion 12—Instrumentation and Control Systems (Category B). Instrumentation and controls shall be provided as required to monitor and maintain variables within prescribed operating ranges.

Criterion 13—Fission Process Monitors and Controls (Category B). Means shall be provided for monitoring and maintaining control over the fission process throughout core life and for all conditions that can reasonably be anticipated to cause variations in reactivity of the core, such as indication of position of control rods and concentration of soluble reactivity control poisons.

Criterion 14—Core Protection Systems (Category B). Core protection systems, together with associated equipment, shall be designed to act automatically to prevent or to suppress conditions that could result in exceeding acceptable fuel damage limits.

Criterion 15—Engineered Safety Features Protection Systems (Category B). Protection systems shall be provided for sensing accident situations and initiating the operation of necessary engineered safety features.

Criterion 16—Monitoring Reactor Coolant Pressure Boundary (Category B). Means shall be provided for monitoring the reactor coolant pressure boundary to detect leakage.

Criterion 17—Monitoring Radioactivity Releases (Category B). Means shall be provided for monitoring the containment atmosphere, the facility effluent discharge paths, and the facility environs for radioactivity that could be released from normal operations, from anticipated transients, and from accident conditions.

Criterion 18—Monitoring Fuel and Waste Storage (Category B). Monitoring and alarm instrumentation shall be provided for fuel and waste storage and handling areas for conditions that might contribute to loss of continuity in decay heat removal and to radiation exposures.

IV. Reliability and Testability of Protection Systems

Criterion 19—Protection Systems Reliability (Category B). Protection systems shall be designed for high functional reliability and in-service testability commensurate with the safety functions to be performed.

Criterion 20—Protection Systems Redundancy and Independence (Category B). Redundancy and independence designed into protection systems shall be sufficient to assure that no single failure or removal from service of any component or channel of a system will result in loss of the protection function. The redundancy provided shall include, as a minimum, two channels of protection for each protection function to be served. Different principles shall be used where necessary to achieve true independence of redundant instrumentation components.

Criterion 21—Single Failure Definition (Category B). Multiple failures resulting from a single event shall be treated as a single failure.

Criterion 22—Separation of Protection and Control Instrumentation Systems (Category B). Protection systems shall be separated from control instrumentation systems to the extent that failure or removal from service of any control instrumentation system component or channel, or of those common to control instrumentation and protection circuitry, leaves intact a system satisfying all requirements for the protection channels.

Criterion 23—Protection Against Multiple Disability for Protection Systems (Category B). The effects of adverse conditions to which redundant channels or protection systems might be exposed in common, either under normal conditions or those of an accident, shall not result in loss of the protection function.

Criterion 24—Emergency Power for Protection Systems (Category B). In the event of loss of all offsite power, sufficient alternate sources of power shall be provided to permit the required functioning of the protection systems.

Criterion 25—Demonstration of Functional Operability of Protection Systems (Category B). Means shall be included for testing protection systems while the reactor is in operation to demonstrate that no failure or loss of redundancy has occurred.

Criterion 26—Protection Systems Fail-Safe Design (Category B). The protection systems shall be designed to fail into a safe state or into a state established as tolerable on a defined basis if conditions such as disconnection of the system, loss of energy (e.g., electric power, instrument air), or adverse environments (e.g., extreme heat or cold, fire, steam, or water) are experienced.

V. Reactivity Control

Criterion 27—Redundancy of Reactivity Control (Category A). At least two independent reactivity control systems, preferably of different principles, shall be provided.

Criterion 28—Reactivity Hot Shutdown Capability (Category A). At least two of the reactivity control systems provided shall independently be capable of making and holding the core subcritical from any hot standby or hot operating condition, including those resulting from power changes, sufficiently fast to prevent exceeding acceptable fuel damage limits.

Criterion 29—Reactivity Shutdown Capability (Category A). At least one of the reactivity control systems provided shall be capable of making the core subcritical under any condition (including anticipated operational transients) sufficiently fast to prevent exceeding acceptable fuel damage limits. Shutdown margins greater than the maximum worth of the most effective control rod when fully withdrawn shall be provided.

Criterion 30—Reactivity Holddown Capability (Category B). At least one of the reactivity control systems provided shall be capable of making and holding the core subcritical under any conditions with appropriate margins for contingencies.

Criterion 31—Reactivity Control Systems Malfunction (Category B). The reactivity control systems shall be capable of sustaining any single malfunction, such as, unplanned continuous withdrawal (not ejection) of a control rod, without causing a reactivity transient which could result in exceeding acceptable fuel damage limits.

Criterion 32—Maximum Reactivity Worth of Control Rods (Category A). Limits, which include considerable margin, shall be placed on the maximum reactivity worth of control rods or elements and on rates at which reactivity can be increased to ensure that the potential effects of a sudden or large change of reactivity cannot (a) rupture the reactor coolant pressure boundary or (b) disrupt the core, its support structures, or other vessel internals sufficiently to impair the effectiveness of emergency core cooling.

VI. Reactor Coolant Pressure Boundary

Criterion 33—Reactor Coolant Pressure Boundary Capability (Category A). The reactor coolant pressure boundary shall be capable of accommodating without rupture, and with only limited allowance for energy absorption through plastic deformation, the static and dynamic loads imposed on any boundary component as a result of any inadvertent and sudden release of energy to the coolant. As a design reference, this sudden release shall be taken as that which would result from a sudden reactivity insertion such as rod ejection (unless prevented by positive mechanical means), rod dropout, or cold water addition.

Criterion 34—Reactor Coolant Pressure Boundary Rapid Propagation Failure Prevention (Category A). The reactor coolant pressure boundary shall be designed to minimize the probability of rapidly propagating type failures. Consideration shall be given (a) to the notch-toughness properties of materials extending to the upper shelf of the Charpy transition curve, (b) to the state of stress of materials under static and transient loadings, (c) to the quality control specified for materials and component fabrication to limit flaw sizes, and (d) to the provisions for control over service temperature and irradiation effects which may require operational restrictions.

Criterion 35—Reactor Coolant Pressure Boundary Brittle Fracture Prevention (Category A). Under conditions where reactor coolant pressure boundary system components constructed of ferritic materials may be subjected to potential loadings, such as a reactivity-induced loading, service temperatures shall be at least 120° F. above the nil ductility transition (NDT) temperature of the component material if the resulting energy release is expected to be absorbed by plastic deformation or 60° F. above the NDT temperature of the component material if the resulting energy release is expected to be absorbed within the elastic strain energy range.

Criterion 36—Reactor Coolant Pressure Boundary Surveillance (Category A). Reactor coolant pressure boundary components shall have provisions for inspection, testing, and surveillance by appropriate means to assess the structural and leaktight integrity of the boundary components during their service lifetime. For the reactor vessel, a material surveillance program conforming with ASTM–E–185–66 shall be provided.

VII. Engineered Safety Features

Criterion 37—Engineered Safety Features Basis for Design (Category A). Engineered safety features shall be provided in the facility to back up the safety provided by the core design, the reactor coolant pressure boundary, and their protection systems. As a minimum, such engineered safety features shall be designed to cope with any size reactor coolant pressure boundary break up to and including the circumferential rupture of any pipe in that boundary assuming unobstructed discharge from both ends.

Criterion 38—Reliability and Testability of Engineered Safety Features (Category A). All engineered safety features shall be designed to provide high functional reliability and ready testability. In determining the suitability of a facility for a proposed site, the degree of reliance upon and acceptance of the inherent and engineered safety afforded by the systems, including engineered safety features, will be influenced by the known and the demonstrated performance capability and reliability of the systems, and by the extent to which the operability of such systems can be tested and inspected where appropriate during the life of the plant.

Criterion 39—Emergency Power for Engineered Safety Features (Category A). Alternate power systems shall be provided and designed with adequate independency, redundancy, capacity, and testability to permit the functioning required of the engineered safety features. As a minimum, the onsite power system and the offsite power system shall each, independently, provide this capacity assuming a failure of a single active component in each power system.

Criterion 40—Missile Protection (Category A). Protection for engineered safety features shall be provided against dynamic effects and missiles that might result from plant equipment failures.

Criterion 41—Engineered Safety Features Performance Capability (Category A). Engineered safety features such as emergency core cooling and containment heat removal systems shall provide sufficient performance capability to accommodate partial loss of installed capacity and still fulfill the required safety function. As a minimum, each engineered safety feature shall provide this required safety function assuming a failure of a single active component.

Criterion 42—Engineered Safety Features Components Capability (Category A). Engineered safety features shall be designed so that the capability of each component and system to perform its required function is not impaired by the effects of a loss-of-coolant accident.

Criterion 43—Accident Aggravation Prevention (Category A). Engineered safety features shall be designed so that any action of the engineered safety features which might accentuate the adverse after-effects of the loss of normal cooling is avoided.

Criterion 44—Emergency Core Cooling Systems Capability (Category A). At least two emergency core cooling systems, preferably of different design principles, each with a capability for accomplishing abundant emergency core cooling, shall be provided. Each emergency core cooling system and the core shall be designed to prevent fuel and clad damage that would interfere with the emergency core cooling function and to limit the clad metal-water reaction to negligible amounts for all sizes of breaks in the reactor coolant pressure boundary, including the double-ended rupture of the largest pipe. The performance of each emergency core cooling system shall be evaluated conservatively in each area of uncertainty. The systems shall not share active components and shall not share other features or components unless it can be demonstrated that (a) the capability of the shared feature or component to perform its required function can be readily ascertained during reactor operation, (b) failure of the shared feature or components does not initiate a loss-of-coolant accident, and (c) capability of the shared feature or component to perform its required function is not impaired by the effects of a loss-of-coolant accident and is not lost during the entire period this function is required following the accident.

Criterion 45—Inspection of Emergency Core Cooling Systems (Category A). Design provisions shall be made to facilitate physical inspection of all critical parts of the emergency core cooling systems, including reactor vessel internals and water injection nozzles.

Criterion 46—Testing of Emergency Core Cooling Systems Components (Category A). Design provisions shall be made so that active components of the emergency core cooling systems, such as pumps and valves, can be tested periodically for operability and required functional performance.

Criterion 47—Testing of Emergency Core Cooling Systems (Category A). A capability shall be provided to test periodically the delivery capability of the emergency core cooling systems at a location as close to the core as is practical.

Criterion 48—Testing of Operational Sequence of Emergency Core Cooling Systems (Category A). A capability shall be provided to test under conditions as close to design as practical the full operational sequence that would bring the emergency core cooling systems into action, including the transfer to alternate power sources.

Criterion 49—Containment Design Basis (Category A). The containment structure, including access openings and penetrations, and any necessary containment heat removal systems shall be designed so that the containment structure can accommodate without exceeding the design leakage rate the pressures and temperatures resulting from the largest credible energy release following a loss-of-coolant accident, including a considerable margin for effects from metal-water or other chemical reactions that could occur as a consequence of failure of emergency core cooling systems.

Criterion 50—NDT Requirement for Containment Material (Category A). Principal load carrying components of ferritic materials exposed to the external environment shall be selected so that their temperatures under normal operating and testing conditions are not less than 30° F. above nil ductility transition (NDT) temperature.

Criterion 51—Reactor Coolant Pressure Boundary Outside Containment (Category A). If part of the reactor coolant pressure boundary is outside the containment, appropriate features as necessary shall be provided to protect the health and safety of the public in case of an accidental rupture in that part. Determination of the appropriateness of features such as isolation valves and additional containment shall include consideration of the environmental and population conditions surrounding the site.

Criterion 52—Containment Heat Removal Systems (Category A). Where active heat removal systems are needed under accident conditions to prevent exceeding containment design pressure, at least two systems, preferably of different principles, each with full capacity, shall be provided.

Criterion 53—Containment Isolation Valves (Category A). Penetrations that require closure for the containment function shall be protected by redundant valving and associated apparatus.

Criterion 54—Containment Leakage Rate Testing (Category A). Containment shall be designed so that an integrated leakage rate testing can be conducted at design pressure after completion and installation of all penetrations and the leakage rate measured over a sufficient period of time to verify its conformance with required performance.

Criterion 55—Containment Periodic Leakage Rate Testing (Category A). The containment shall be designed so that integrated leakage rate testing can be done periodically at design pressure during plant lifetime.

Criterion 56—Provisions for Testing of Penetrations (Category A). Provisions shall be made for testing penetrations which have resilient seals or expansion bellows to permit leak tightness to be demonstrated at design pressure at any time.

Criterion 57—Provisions for Testing of Isolation Valves (Category A). Capability shall be provided for testing functional operability of valves and associated apparatus essential to the containment function for establishing that no failure has occurred and for determining that valve leakage does not exceed acceptable limits.

Criterion 58—Inspection of Containment Pressure-Reducing Systems (Category A). Design provisions shall be made to facilitate the periodic physical inspection of all important components of the containment pressure-reducing systems, such as, pumps, valves, spray nozzles, torus, and sumps.

Criterion 59—Testing of Containment Pressure-Reducing Systems Components (Category A). The containment pressure-reducing systems shall be designed so that active components, such as pumps and valves, can be tested periodically for operability and required functional performance.

Criterion 60—Testing of Containment Spray Systems (Category A). A capability shall be provided to test periodically the delivery capability of the containment spray system at a position as close to the spray nozzles as is practical.

Criterion 61—Testing of Operational Sequence of Containment Pressure-Reducing Systems (Category A). A capability shall be provided to test under conditions as close to the design as practical the full operational sequence that would bring the containment pressure-reducing systems into action, including the transfer to alternate power sources.

Criterion 62—Inspection of Air Cleanup Systems (Category A). Design provisions shall be made to facilitate physical inspection of all critical parts of containment air cleanup systems, such as, ducts, filters, fans, and dampers.

Criterion 63—Testing of Air Cleanup Systems Components (Category A). Design provisions shall be made so that active components of the air cleanup systems, such as fans and dampers, can be tested periodically for operability and required functional performance.

Criterion 64—Testing of Air Cleanup Systems (Category A). A capability shall be provided for in situ periodic testing and surveillance of the air cleanup systems to ensure (a) filter bypass paths have not developed and (b) filter and trapping materials have not deteriorated beyond acceptable limits.

Criterion 65—Testing of Operational Sequence of Air Cleanup Systems (Category A). A capability shall be provided to test under conditions as close to design as practical the full operational sequence that would bring the air cleanup systems into action, including the transfer to alternate power sources and the design air flow delivery capability.

VIII. Fuel and Waste Storage Systems

Criterion 66—Prevention of Fuel Storage Criticality (Category B). Criticality in new and spent fuel storage shall be prevented by physical systems or processes. Such means as geometrically safe configurations shall be emphasized over procedural controls.

Criterion 67—Fuel and Waste Storage Decay Heat (Category B). Reliable decay heat removal systems shall be designed to prevent damage to the fuel in storage facilities that could result in radioactivity release to plant operating areas or the public environs.

Criterion 68—Fuel and Waste Storage Radiation Shielding (Category B). Shielding for radiation protection shall be provided in the design of spent fuel and waste storage

facilities as required to meet the requirements of 10 CFR 20.

Criterion 69—Protection Against Radioactivity Release From Spent Fuel and Waste Storage (Category B). Containment of fuel and waste storage shall be provided if accidents could lead to release of undue amounts of radioactivity to the public environs.

IX. PLANT EFFLUENTS

Criterion 70—Control of Releases of Radioactivity to the Environment (Category B). The facility design shall include those means necessary to maintain control over the plant radioactive effluents, whether gaseous, liquid, or solid. Appropriate holdup capacity shall be provided for retention of gaseous, liquid, or solid effluents, particularly where unfavorable environmental conditions can be expected to require operational limitations upon the release of radioactive effluents to the environment. In all cases, the design for radioactivity control shall be justified (a) on the basis of 10 CFR 20 requirements for normal operations and for any transient situation that might reasonably be anticipated to occur and (b) on the basis of 10 CFR 100 dosage level guidelines for potential reactor accidents of exceedingly low probability of occurrence except that reduction of the recommended dosage levels may be required where high population densities or very large cities can be affected by the radioactive effluents.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Washington, D.C., this 28th day of June 1967.

For the Atomic Energy Commission,

W. B. McCOOL,
Secretary.

[F.R. Doc. 67-7901; Filed, July 10, 1967; 8:45 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

INSURED BANKS

Joint Call for Report of Condition

CROSS REFERENCE: For a document regarding the above-titled matter, see Federal Deposit Insurance Corporation, F.R. Doc. 67-7935, *infra*.

Secret Service

STATEMENT OF ORGANIZATION, FUNCTIONS, AND PUBLIC INFORMATION PROCEDURES

In compliance with the provisions of 5 U.S.C. 552, this notice provides a description for the guidance of the public of the Secret Service central and field organization, including a statement of the established places at which, the officers from whom, and the methods whereby the public may secure information, make submittals or requests, or obtain decisions. The prior statement of organization, functions and procedures of the Secret Service which appears in 11 F.R. 177A-101, as amended, is revised to read as follows:

Sec.
1 Central Organization.
2 Field Organization.
3 Public Information: Disclosure of Records.

SECTION 1. *Central Organization.*

(a) The Director of the Secret Service, aided by four Assistant Directors, supervises the activities of the Service, subject to the direction of the Secretary of the Treasury and the Special Assistant to the Secretary (for Enforcement). The Director is charged with supervision of the White House Police Force, the Treasury Guard Force, and the field and departmental forces of the Secret Service.

(b) A major function of the Secret Service is the protection of the President and Vice President of the United States. Other major functions and duties are as follows:

Protection of the President's immediate family, former Presidents, the White House and buildings housing Treasury Department activities; suppression of counterfeiting, forging, and alteration of obligations and securities, as well as coins, of the United States and foreign governments; investigation of the forgery of endorsements on, or the fraudulent negotiation of, U.S. Treasury checks; investigation of crimes relating to the coins, obligations, and other securities of the United States; and other investigative and law enforcement functions as provided by law or ordered by the Secretary of the Treasury. The principal laws enforced by the Secret Service may be found in 18 U.S.C. Chapter 25.

SEC. 2. *Field Organization.*

(a) The field organization is divided into districts, each under the charge of a supervising agent who is directly responsible to the Assistant Director—Investigations. The following is a list of the district offices:

Office	Address	Phone Number
Aberdeen	210 Post Office and Customhouse, 4th and Lincoln, Aberdeen, S. Dak. 57401.	605-225-7355
Albany	Room 328, Federal Bldg., Albany, N.Y. 12207.	518-472-2884
Albuquerque	Suite 1110 Federal Office Bldg., 517 Gold Ave., SW., Albuquerque, N. Mex. 87101.	505-247-2243
Anchorage	Room 218 Federal Bldg., Anchorage, Alaska 99501.	907-272-8691
Atlanta	Room 648 Old Post Office, Atlanta, Ga. 30301.	404-526-6317
Austin	Suite 972, Federal Office Bldg., 300 East Eighth St., Austin, Tex. 78701.	512-476-6108
Baltimore	Suite 733, Calvert Bldg., East Fayette at St. Paul, Baltimore, Md. 21202.	301-752-2147
Birmingham	Room 1016, 2121 Bldg., 2121 Eighth Ave., North Birmingham, Ala. 35203.	205-325-3148
Boston	Room 1037, U.S. Post Office and Courthouse, Boston, Mass. 02109.	617-223-2726
Buffalo	Room 220 U.S. Courthouse, Court and Franklin Sts., Buffalo, N.Y. 14202.	716-842-3542
Charleston	Rooms 4408-10, Federal Bldg. and U.S. Courthouse, 500 Quarrier St., Charleston, W. Va. 25301.	304-343-1317
Charlotte	Room 426, Post Office and Courthouse Bldg., Charlotte, N.C. 28201.	704-372-7644
Chicago	Room 1936, Federal Courthouse and Office Bldg., 219 South Dearborn St., Chicago, Ill. 60604.	312-353-5431
Cincinnati	Room 8503, Federal Bldg., 550 Main St., Cincinnati, Ohio 45201.	513-684-3448
Cleveland	Rooms 516-520, Federal Bldg., Cleveland, Ohio 44114.	216-522-4365
Columbia	Rooms 203-205a, U.S. Courthouse, Columbia, S.C. 29203.	803-253-3448
Columbus	Room 411, New Post Office Bldg., Columbus, Ohio 43216.	614-469-7370
Dallas	Room 300, Reliance Life Bldg., 506 North Ervay St., Dallas, Tex. 75201.	214-749-3461
Denver	1327 New Custom House, Denver, Colo. 80202.	303-297-3027
Detroit	Room 1044, Federal Bldg., Detroit, Mich. 48226.	313-226-6100
El Paso	Room 142, U.S. Courthouse, El Paso, Tex. 79901.	915-533-3205
Fort Worth	Room 502, U.S. Courthouse, 10th and Lamar Sts., Fort Worth, Tex. 76101.	817-334-2016
Gettysburg	Room 206, Post Office Bldg., Gettysburg, Pa. 17325.	717-334-7173
Grand Rapids	Rooms 303-3-4, Federal Bldg., 180 Ionia NW., Grand Rapids, Mich. 49502.	616-456-2276
Great Falls	Room 222, U.S. Post Office and Courthouse, Great Falls, Mont. 59401.	406-761-3343
Honolulu	Room 244, Federal Bldg., 335 South King St., Honolulu, Hawaii 96801.	585-617 (Commercial)
Houston	Room 6302, Federal Office and Courts Bldg., 515 Rusk Ave., Houston, Tex. 77002.	713-226-4328
Indianapolis	Room 429, Federal Bldg., Indianapolis, Ind. 46204.	317-633-7681
Jackson	Room 222, U.S. Post Office and Courthouse, Jackson, Miss. 39205.	601-948-2351
Jacksonville	Room 319, Post Office Bldg., Jacksonville, Fla. 32201.	904-791-2777
Kansas City	Room 809, U.S. Courthouse, Kansas City, Mo. 64142.	816-374-5021
Knoxville	Room 338, Federal Bldg., Knoxville, Tenn. 37901.	615-524-4501
Little Rock	Room 361, U.S. Post Office and Courthouse, 600 West Capitol Ave., Little Rock, Ark. 72201.	501-372-5356
Los Angeles	Room 754, U.S. Courthouse, Los Angeles, Calif. 90012.	213-688-4630
Louisville	Room 427, Post Office Bldg., Louisville, Ky. 40201.	502-582-5171
Memphis	Room 811, Federal Bldg., 167 North Main St., Memphis, Tenn. 38103.	901-534-3566
Miami	Room 408, Ainsley Bldg., 14 Northeast First Ave., Miami, Fla. 33101.	305-350-5661
Milwaukee	Room 336, Federal Bldg., Milwaukee, Wis. 53202.	414-272-3588
Minneapolis	396 Federal Bldg., U.S. Courthouse, 110 South 4th St., Minneapolis Minn. 55401.	612-334-3371
Mobile	Room 431, U.S. Court and Customhouse, Mobile, Ala. 36601.	205-433-3202
Nashville	Room 622, U.S. Courthouse, Nashville, Tenn. 37202.	615-242-3273
Newark	Room 300, Post Office Bldg., Federal Square, Newark, N.J. 07101.	201-645-2334
New Haven	Room 207, 157 Church St., New Haven, Conn. 06501.	203-772-6410
New Orleans	Room 982, Federal Bldg., 600 South St., New Orleans, La. 70130.	504-527-2219
New York	Room 903 Federal Office Bldg., 90 Church St., New York, N.Y. 10007.	212-264-7204
Norfolk	Room 262, U.S. Post Office and Courthouse, 600 Granby St., Norfolk, Va. 23501.	703-627-7841
Oklahoma City	Room 5414, Federal Bldg., Oklahoma City, Okla. 73101.	405-236-2908

Office	Address	Phone Number
Omaha	Room 2102, Federal Bldg., U.S. Post Office and Courthouse, 215 North 17th St., Omaha, Nebr. 68102.	402-221-4671
Paris	Rooms 806-809, American Embassy "D" Bldg., 58 rue, Le Boetie, Paris 8, France.	Anjou 74-00 Ext. 8206
Philadelphia	Room 504, U.S. Customhouse, Philadelphia, Pa. 19106.	215-597-4320
Phoenix	Room 3570, New Federal Bldg., 230 North First Ave., Phoenix, Ariz. 85025.	602-261-3888
Pittsburgh	Rooms 309-417, U.S. Post Office and Courts Bldg., Pittsburgh, Pa. 15219.	412-644-2384
Portland	Room 224, U.S. Courthouse, Portland, Oreg. 97207.	503-226-3826
Providence	Rooms 402-404, Federal Bldg., U.S. Courthouse, Providence, R.I. 02901.	401-528-4462
Richmond	Room 10-304, Federal Bldg., North Eighth St., Richmond, Va. 23240.	703-649-2275
Sacramento	Room 3628, New Federal Bldg., 650 Capitol Ave., Sacramento, Calif. 95814.	916-449-2413
St. Louis	Room 936, U.S. Court and Customshouse, 1114 Market St., St. Louis, Mo. 63100.	314-622-4236
Salt Lake City	Room 401, Post Office Bldg., Salt Lake City, Utah 84110.	801-524-5910
San Antonio	Room 277, Federal Bldg., San Antonio, Tex. 78206.	512-225-4277
San Diego	Room 343, U.S. Courthouse, San Diego, Calif. 92101.	714-293-6640
San Francisco	Suite 17649, Federal Bldg., 450 Golden Gate Ave., San Francisco Calif. 94102.	415-556-5300
San Juan	Second Floor, Hato Rey Bldg., Ponce de Leon Ave., Corner Bolivia, Hato Rey, P.R.	765-7818 (Commercial)
Scranton	Room 304, Post Office Bldg., Washington and Linden Sts., Scranton, Pa. 18503.	717-344-7160
Seattle	Room 220, U.S. Courthouse, Seattle, Wash. 98104.	206-583-5406
Spokane	Room 201, Post Office Bldg., Spokane, Wash. 99207.	509-838-3324
Springfield	Room 258, Federal Bldg., Springfield, Ill. 62701.	217-525-4033
Syracuse	Room 1729, Main Post Office Bldg., Syracuse, N.Y. 13201.	315-473-5060
Tampa	Rooms 216-217, Main Post Office Bldg., Tampa, Fla. 33602.	813-228-7711
Toledo	Rooms 116-120, U.S. Courthouse and Customhouse, Toledo, Ohio 43604.	419-259-6434
Washington	Room 916, 1825 H St. NW., Washington, D.C. 20220.	202-964-3060

SEC. 3. *Public information: Disclosure of records.*

(a) Records of the Secret Service, in accordance with 5 U.S.C. 552, will be made available, upon request, in accordance with the regulations relating to the disclosure of records published in 31 CFR Part 1.

(b) In addition to the procedures established for the disclosure of records in paragraph (a) of this section, the public may secure information from, or make submittals or requests to, a supervising agent of a district office, or the Assistant to the Director, Information and Liaison, U.S. Secret Service, Department of the Treasury, Washington, D.C. 20226.

(c) The determination of which records are available under paragraphs (a) and (b) of this section will be made by the Director, or his delegate. This determination shall be subject to the appellate procedure provided in paragraph (d) of this section.

(d) Any person denied access to records may, within 30 days after notification of such denial, file an appeal to the Special Assistant to the Secretary (for Enforcement). Such an appeal shall be in writing, addressed to the Special Assistant to the Secretary (for Enforcement), Treasury Department, Washington, D.C. 20220.

Effective date. This notice shall be effective upon publication in the FEDERAL REGISTER.

Dated: July 5, 1967.

[SEAL] JAMES J. ROWLEY,
Director,
U.S. Secret Service.

[F.R. Doc. 67-7934; Filed, July 10, 1967; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

DOMESTIC BEET SUGAR PRODUCING AREA

1968-Crop Proportionate Shares; Notice of Hearing

Notice is hereby given that the Secretary of Agriculture, acting pursuant to the Sugar Act of 1948, as amended, will conduct a public hearing to receive the views and recommendations of interested persons on the need for establishing proportionate shares (farm acreage allotments) for the 1968 crop of sugar beets in the Domestic Beet Sugar Area.

In accordance with the provisions of paragraph (1), subsection (b) of section 302 of the Sugar Act of 1948, as amended (7 U.S.C. 1132(b)), the Secretary must determine for each crop year whether the production of sugar from any crop of sugar beets will, in the absence of proportionate shares, be greater than the quantity needed to enable the area to meet its quota and provide a normal carryover inventory, as estimated by the Secretary for such area for the calendar year during which the larger part of the sugar from such crop normally would be marketed. Such determination may be made only after due notice and opportunity for an informal public hearing.

The hearing on this matter will be conducted in Room 15018 on the 15th Floor of the Federal Building, 450 Golden Gate Avenue, San Francisco, Calif., beginning at 10 a.m., on July 18, 1967.

Proportionate shares are not in effect for the 1967 crop of sugar beets. Latest industry estimates indicate that about 2,861,000 short tons, raw value, sugar will be produced from the 1966 crop from about 1,230,000 planted acres. According to beet sugar company figures, about 1,207,101 acres have been or will be planted to 1967-crop sugar beets.

Views and recommendations on the need for establishing proportionate shares may be presented orally at the hearing, preferably supported in writing by an original and two copies of the oral statement. Views and recommendations may also be submitted in writing (original and two copies) at the hearing or they may be mailed to the Director, Sugar Policy Staff, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250, postmarked not later than August 8, 1967.

Oral and written views proposing that proportionate shares be established for the 1968 crop should include recommendations as to the level of the national sugar beet acreage requirement and as to the details of a program. These would include such items as methods (formulae) of establishing State allocations, area allotments and farm bases, the level of set asides for new producers, appeals and adjustments, and the acreage, if any, to be reserved for any nonaffiliated single plant processor of sugar beets.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places in a manner convenient to the public business (7 CFR 1.27 (b)).

Signed at Washington, D.C., on July 5, 1967.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 67-7929; Filed, July 10, 1967; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

AMERICAN MAIL LINE, LTD.

Notice of Application

Notice is hereby given that American Mail Line, Ltd., has applied for (A) an increase in maximum sailings on its "extended area" subsidized service—Indonesia-Malaya (including Singapore), Burma, Ceylon, East and West Coast of India, East and West Pakistan and Sabah (formerly British North Borneo)—from 12 to 16 sailings per annum, (B) an increase in overall maximum sailings on its subsidized service (Trade Route No. 29, U.S. Pacific/Far East (as Extended)) from 42 to 46 sailings per annum, and (C) additional changes in its subsidized services which would include:

1. Movement of cargo from California to Malaya, Singapore, Ceylon, and Sabah (formerly British North Borneo) on a maximum of 16 sailings per annum.

2. Movement of cargo between the U.S. Pacific Coast (Washington-Oregon-California) and Sarawak, Brunei, and the Persian Gulf area on a maximum of 16 sailings per annum.

3. The making of direct inbound calls to the Washington/Oregon area, notwithstanding that the vessel itinerary includes calls at California.

4. Movement of cargo between Alaskan ports west of longitude 155° and foreign port service areas.

Any person, firm, or corporation having any interest in such application and desiring a hearing on issues pertinent to section 605(c) of the Merchant Marine Act, 1936, as amended, 46 U.S.C. 1175, should by the close of business on July 25, 1967, notify the Secretary, Maritime Subsidy Board in writing, in triplicate, and file petition for leave to intervene in accordance with the rules of practice and procedure of the Maritime Subsidy Board.

In the event a hearing is ordered to be held on the application under section 605(c), the purpose thereof will be to receive evidence relevant to (1) whether the application is one with respect to a vessel to be operated on a service, route, or line served by citizens of the United States which would be in addition to the existing service, or services, and if so, whether the service already provided by vessels of U.S. registry in such service, route, or line is inadequate, and (2) whether in the accomplishment of the purpose and policy of the Act additional vessels should be operated thereon.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

Any person, firm, or corporation having any interest, within the meaning of Public Law 87-346, in the foregoing who desires to offer data, views, or arguments should submit the same in writing, in triplicate, to the Secretary, Maritime Subsidy Board, Washington, D.C. 20235, by close of business on July 25, 1967. In the event an opportunity to present oral argument is also desired, specific reason for such request should also be included. The Maritime Subsidy Board will consider these comments and views and take such action with respect thereto as in its discretion it deems warranted.

By order of the Maritime Subsidy Board.

JOHN M. O'CONNELL,
Acting Secretary.

Dated: July 5, 1967.

[F.R. Doc. 67-7927; Filed, July 10, 1967; 8:46 a.m.]

AMERICAN EXPORT ISBRANDTSEN LINES, INC.

Notice of Application

Notice is hereby given that American Export Isbrandtsen Lines, Inc., has requested approval to further modify the 1967 cruise schedule of the SS *Atlantic* as previously published in the FEDERAL REGISTER of April 13, 1967 (32 F.R. 5961), and approved by the Maritime Subsidy Board on May 11, 1967, so that the schedule of this vessel for November 1967 will read as follows:

Commences	Terminates	Itinerary
Nov. 19	Nov. 22	New York, Freeport, Port Everglades.
Nov. 23	Nov. 29	Port Everglades, St. Thomas, San Juan, Port Everglades.

REDELEGATIONS OF AUTHORITY; FUNCTIONS

Pursuant to authority delegated by the Secretary of Commerce to the Maritime Administrator under Department of Commerce Order 117-A, 31 F.R. 8087, June 8, 1966; 31 F.R. 15331, December 7, 1966, the following authorities have been redelegated to the Maritime Administration officials designated below:

A—U.S. MERCHANT MARINE ACADEMY

SECTION 1. *Organization.*

(a) The U.S. Merchant Marine Academy is under the direction and supervision of a Superintendent, who reports to the Maritime Administrator.

(b) The Superintendent is assisted in the performance of his duties by an Assistant Superintendent who acts for the Superintendent in his absence or preoccupation, and in addition serves as Executive Officer of the Academy.

(c) The U.S. Merchant Marine Academy shall consist of the following principal positions and organizational components:

(1) Immediate Office of the Superintendent.
(2) Executive Officer.
(i) Administrative Office.
(ii) Public Information Office.
(iii) Department of Finance and Supply.
(iv) Department of Public Works.
(3) Dean.
(i) Department of Nautical Science.
(ii) Department of Engineering.
(iii) Department of Mathematics and Science.
(iv) Department of Maritime Law and Economics.
(v) Department of Humanities.
(vi) Department of Naval Science.
(vii) Department of Physical Education and Athletics.
(viii) Admissions Office.
(ix) Registrar's Office.
(x) Library.
(xi) Shipboard Training Office.
(4) Regimental Officer.
(i) Regimental Office.
(ii) Medical Department.
(iii) Ship's Service Department.
(5) Chaplains' Office.
(6) Alumni Office.

SEC. 2. *Delegations of Authority.*

(a) Subject to such conditions and limitations as the Maritime Administrator may impose in other directives and instructions, the Superintendent, U.S. Merchant Marine Academy is authorized to exercise all of the authorities of the Maritime Administrator that are required to perform the functions listed in sections 3-7 below.

(b) The Superintendent is authorized to exercise all the authority of the Maritime Administrator to accept or reject gifts and bequests of property, both real and personal, for the purpose of aiding or facilitating the work of the U.S. Merchant Marine Academy or its employees under Public Law 88-611 and Public Law 80-435, except any gift or bequest:

(1) Of over $2,500 in value, or

(2) For representation or official entertainment purposes, regardless of amount.

SEC. 3. *Executive Officer.*

(a) The Executive Officer shall be responsible for the planning, direction, and general supervision of all administrative functions and services necessary for the efficient management and operation of the Academy. Under the Executive Officer there shall be the following organizational units:

(1) The Administrative Office, under the supervision of an Administrative Officer, shall provide administrative services on personnel matters, records management, organization and methods studies, forms control, reports control, space allocation, printing services, photographic, audio and visual aid services, mail and files and telephone services, and shall be responsible for the coordination of these functions with the Atlantic Coast District or the Headquarters Office, as appropriate.

(2) The Public Information Office, under the direction of a Public Information Officer, shall provide for the dissemination of information about the Academy through news media, personal appearances, public events speeches by Academy officials, and audiovisual aids. All information activities shall be subject to policy direction and clearance, as appropriate, by the Headquarters Public Information Officer.

(3) The Department of Finance and Supply, under the direction of a Finance and Supply Officer, and within applicable directives of the Maritime Administration and the Department of Commerce, shall develop fiscal plans essential to the presentation of the annual and special budgetary requirements of the Academy and shall execute the budgeted fiscal plans, including the appropriated and reimbursable accounts. In addition, the Department of Finance and Supply shall provide memorandum accounting services, travel and supply services, property control, and shall be responsible for administering the provision of the Food Service Contract.

(4) The Department of Public Works, under the direction of a Public Works Officer, shall provide for building and

grounds maintenance, mechanical services, transportation services, heat and power, and fire and security protection.

(b) The Administrative Officer in the absence of the Executive Officer shall act for the Executive Officer in carrying out the functions set forth in this section.

SEC. 4. *Dean.*

(a) The Dean shall be responsible for developing, recommending, administering and directing the academic program (including admissions) of the Academy. The Dean shall be responsible for:

(1) Developing academic policy and curricula to implement that policy.

(2) Administering faculty affairs, including the selection, orientation, supervision, and guidance, including career development of faculty.

(3) Controlling and evaluating the instruction, testing, and grading of cadets, including evaluation of instructor and student performance.

(4) Providing academic education necessary to qualify cadets to receive the Bachelor of Science degree in accordance with standards of the Middle States Association of Colleges and Secondary Schools.

(5) Providing naval science training, in accordance with requirements of the Department of the Navy, to qualify graduates as Naval Reserve Officers.

(6) Providing technical education necessary to qualify graduates to serve as licensed merchant marine officers in accordance with U.S. Coast Guard requirements.

(7) A program of on-the-job training aboard ships for cadets.

(8) The admission, registration, and assignment of cadets, and the maintenance of academic records.

(b) Under the Dean there shall be the following academic departments, each under the supervision of a Head of Department:

(1) The Department of Nautical Science shall provide for the teaching of practical and theoretical subjects relating to nautical science.

(2) The Department of Engineering shall provide for the teaching of practical and theoretical marine engineering and related subjects.

(3) The Department of Mathematics and Science shall provide for the teaching of the mathematics and science phase of the curriculum.

(4) The Department of Maritime Law and Economics shall provide for the teaching of Maritime Law, Economics, Marine Insurance, and related subjects.

(5) The Department of Humanities shall provide for the teaching of the liberal arts phase of the curriculum.

(6) The Department of Naval Science shall be operated by Department of the Navy personnel to provide for the teaching of the Naval Science phase of the curriculum.

(7) The Department of Physical Education and Athletics shall administer programs to provide for the physical training of Cadets, including intramural, intercollegiate, and recreational athletics.

(c) In addition, under the Dean, there shall be the following Offices:

(1) The Admissions Office shall be headed by the Assistant Dean who shall serve as Acting Dean in the absence of the Dean. The Admissions Office shall:

(i) Provide for the admittance of Cadets to the Academy in accordance with criteria approved by the Maritime Administrator.

(ii) Conduct studies of the validity of existing criteria for admission and recommend to the Superintendent desirable revisions of admissions criteria.

(2) The Registrar's Office, headed by the Registrar, shall:

(i) Register and assign Cadets to classes.

(ii) Maintain student records.

(iii) Process applications for certificates, licenses, and commissions.

(iv) Issue degrees and grant retroactive degrees in accordance with applicable regulations.

(d) The Library, under the Dean shall be headed by a Librarian who shall provide necessary library services to the students, faculty, and staff.

(e) The Shipboard Training Office, headed by a Shipboard Training Coordinator shall arrange for, supervise, and coordinate the Sea Year Program for Cadets. Within this Office are three Academy Training Representatives stationed at New York, New Orleans, and San Francisco.

SEC. 5. *Regimental Officer.*

(a) The Regimental Officer in the absence of both the Superintendent and Assistant Superintendent shall act for the Superintendent.

(b) Under the Regimental Officer there shall be the following Office and Departments:

(1) The Regimental Office shall be responsible for all cadet activities of a nonacademic nature including military type organization, discipline, and a system of self-government; ensuring the adequacy of the cadets' quarters, clothing, food, and related commissary services; and providing and directing a program of nonathletic recreational activities. The Regimental Officer shall act as Head of the Regimental Office.

(2) The Medical Department, under the supervision of commissioned medical and dental officers of the U.S. Public Health Service, shall be responsible for the medical and dental care and treatment of Cadets.

(3) The Ship's Service Department, a nonappropriated fund activity operated by a Ship's Service Officer who is under contract to the Maritime Administration, shall provide retail store services for Cadets; a uniform shop; tailoring, dry cleaning, laundry, and shoe repair services; barber services; and a food canteen. It shall also accept and maintain records of deposits made by Cadets for the purchase of clothing, textbooks, and other personal items.

SEC. 6. *Chaplains' Office.*

The Chaplains' Office, staffed by U.S. Navy Chaplains assigned by the Department of the Navy, shall provide for and give support and general direction to a program of religious and spiritual activities for Cadets.

SEC. 7. *Alumni Office.*

The Alumni Office, under an Alumni Officer, shall maintain liaison with Alumni groups for the benefit of the Academy, obtain suitable maritime employment for graduates of the Academy, maintain up-to-date records of graduates, and prepare studies and reports of their employment status.

B—OFFICE OF MARITIME PROMOTION

SECTION 1. *Organization.*

The Office of Maritime Promotion is supervised by a Chief who reports to the Maritime Administrator. The Office has the following parts:

(a) Office of the Chief.
(b) Division of Ports and Systems.
(c) Division of Trade Studies.
(d) Division of Cargo Promotion.

SEC. 2. *Delegation of Authority.*

(a) Subject to such conditions and limitations as the Maritime Administrator may impose in other directives and instructions, the Chief, Office of Maritime Promotion is authorized to exercise all the authorities of the Maritime Administrator that are required to perform the functions listed in sections 3 through 6 below, except the authority to approve any project involving the furnishing of statistical data to public or private parties when the estimated cost thereof exceeds $500.

(b) The Chief, Office of Maritime Promotion is authorized to exercise the authority of the Maritime Administrator to assess, mitigate, or remit, where appropriate and consistent with approved standards, fines for delays in filing Vessel Utilization and Performance Reports and for delays in filing corrected Reports after respondent has been notified that revised data are required; except that appeals from decisions of the Chief, Office of Maritime Promotion, and revisions of the approved standards shall be forwarded to the Office of the Maritime Administrator for action.

SEC. 3. *Office of the Chief.*

In addition to the usual responsibilities for planning and directing the functions listed in sections 4, 5, and 6 below, the Office of the Chief shall conduct activities relating to the promotion and development of the domestic waterborne commerce of the United States, with primary concern in the Great Lakes, Intercoastal, and Coastwise trades, Inland Waterways and noncontiguous domestic trades to Puerto Rico, Virgin Islands, Alaska, and Hawaii.

SEC. 4. *Division of Ports and Systems.*

The Division of Ports and Systems shall:

(a) Formulate and conduct programs for the promotion of integrated transportation systems including the promotion of unitization and containerization systems.

(b) Pursuant to section 8 of the Merchant Marine Act, 1920, as amended, conduct surveys, studies, and investigations of seaports and adjacent port areas, flow of commerce into the ports, marine terminals, and their facilities, and recommend, where necessary, ways of improving and expediting the operation thereof; recommend, with respect to facilities, new locations, new types of construction and shore equipment which may be required for modern types of ships, and to meet changing traffic conditions; develop estimates of national needs and prepare long-range plans, as required, to the end that adequate port facilities may be established for handling the foreign and domestic waterborne commerce of the United States; furnish information and advice on the foregoing to representatives of Government agencies, private industry, and State and municipal governments.

(c) Develop plans for more effective coordinated efforts on the part of agencies of the Federal Government under normal peacetime operations, for promotion, development, and utilization of ports and port facilities required for handling the foreign and domestic waterborne commerce of the United States.

(d) Furnish technical advice with respect to foreign port data to other Government agencies.

(e) As requested, represent the Department of Commerce and the United States in the international field of ports, and provide technical advice on ports to foreign countries.

(f) Conduct emergency planning for the utilization and control of ports and port facilities under national mobilization conditions, pursuant to Executive Order 10999.

SEC. 5. *Division of Trade Studies.*

The Division of Trade Studies shall:

(a) Conduct studies of cargo, commodity, traffic, and ship data, as required to develop and conduct programs to promote increased trade and participation by U.S.-flag ships in the oceanborne commerce of the United States.

(b) Summarize and conduct analyses of cargo and ship data for use in connection with studies of trade routes, port activities, tramp shipping, ship employment, and other activities, as requested by the Maritime Administrator, the Maritime Subsidy Board and other Offices of the Maritime Administration.

(c) Make continuing studies and prepare reports on activities of each service of the U.S.-flag operators in the interest of improving vessel utilization and service.

(d) Prepare reports on traffic and related aspects of applications for Government aids.

(e) Analyze and recommend the trade route structure and service requirements of the foreign oceanborne commerce of the United States; furnish expert testimony on traffic and trade route matters before the Maritime Subsidy Board and others.

(f) Analyze and prepare reports on the extent of foreign competition on essential trade routes and services to provide the basis for the calculation of operating-differential subsidy rates and for other purposes; and maintain current competitive data.

(g) Collect and process Vessel Utilization and Performance Reports filed by ship operators and agents; acquire and maintain commodity information with respect to U.S. coastwise, intercoastal, noncontiguous, and foreign trades.

(h) Examine, approve, and/or disapprove sailing schedules of U.S.-flag subsidized ships and report to the Chief, Office of Government Aid, on sailings of subsidized operators which vary from those permitted by the Operating-Differential Subsidy Agreements.

(i) On its own initiative or on request, prepare reports to the interested offices concerning traffic aspects of agreements filed under Article II-18(c) of Standard Part II of the Operating-Differential Subsidy Agreement, changes in service descriptions, and of ship requirements, and their assignment or reassignment between services.

(j) Compile, maintain, and disseminate statistical data on world merchant fleets, on ship employment and utilization of U.S.-flag ships, and on cargo and commodity movements in the oceanborne commerce of the United States.

SEC. 6. *Division of Cargo Promotion.*

The Division of Cargo Promotion shall:

(a) Develop programs and goals for the promotion of increased trade and participation for American flag vessels in the oceanborne commerce of the United States.

(b) Maintain relationships with shippers, forwarders, bankers, insurance, and other groups interested in cargo and trade expansion.

(c) Develop and maintain cooperative efforts with Government agencies involved in trade expansion activities.

(d) Coordinate with the Division of Trade Studies on all matters affecting the competitive position of American shipping, including the determinations of the Division of Trade Studies of those trades, commodities, and areas of activity of greatest potential return.

(e) Exercise general surveillance over the administration and operation of cargo preference activities under Public Law 664—83d Congress pursuant to Recommendation 7 in House Report No. 80, dated February 28, 1955.

(f) Maintain liaison with other Government agencies to encourage the increase of U.S.-flag participation in the transportation of Government-financed cargoes, rendering advice and assistance about proper cargo preference clauses in contracts and regulations, and the availability of U.S.-flag shipping in determinations where waivers may be invoked.

(g) Act as intermediary between the shipping industry and Government shipper agencies to solve complex problems such as ship availabilities and charter terms for transportation of Government-financed cargoes.

(h) Develop, formulate, and analyze records of U.S.-flag participation in Government-financed programs.

(i) Process applications for, and in the event of nonavailability of U.S.-flag ships, approve and administer Export-Import Bank waivers pursuant to Statement of Policy on Public Resolution 17, 73d Congress; exercise surveillance over compliance and maintain records of U.S. and foreign-flag participation under waiver agreements.

(j) Conduct reviews and analyses of discriminatory laws, regulations, and practices of foreign governments, for use in connection with waiver policy on Public Resolution 17; collaborate with and furnish traffic advise to other offices, the Department of State, and the Federal Maritime Commission in efforts to combat and eliminate discriminations against U.S. ships.

(k) Maintain liaison with the Department of State on international relations involved in shipment of Government-financed cargoes.

(l) Ascertain and evaluate Government shipping programs, export and import (other than military), keeping informed of all programs subject to the cargo preference statutes, including importing requirements; financial arrangements; programing of movements; arrangement of ocean transportation; approval of bookings/fixtures; U.S.-flag vessel requirements; payment of ocean freight; and reporting of shipments and arrivals.

C—COAST DIRECTORS

SECTION 1. *Redelegation of Authorities.* Subject to such conditions and limitations as the Maritime Administrator may impose in other directives and instructions, the Atlantic, Gulf, and Pacific Coast Directors are authorized to exercise the authorities set forth in section 2 below with respect to such Maritime Administration activities that are within their respective jurisdictions and responsibilities.

SEC. 2. *Specific Authorities Redelegated to the Coast Directors.*

(a) Ship Operations activities. (1) Authority to determine terms of, execute, administer, interpret, and terminate towage contracts, upon authorization for ship movement, and stevedoring contracts; and to approve changes in such contracts.

(2) Authority to determine terms of, execute, administer, interpret, and terminate agreements for stripping and outfitting of ships, and related agreements of a local nature, such as for standby crews or temporary pier space.

(3) Authority to administer agreements for the preparation, operation, and charter out of ships, including chartering agreements with subsidized operators.

(4) Authority to enter into, execute, administer, and interpret Master Ship Repair Contracts including the receipt and review of applications for such contracts and the approval of applicant's qualifications to perform thereunder; and review of applications for such contracts when such action is not caused by unusual circumstances which might have effects on national policy.

(5) Authority to award and execute job orders and supplemental job orders under Master Ship Repair Contracts, or other repair contracts, for ship reactivations and deactivations in the United States, and to approve changes thereto; subject to prior clearance with the Office of Ship Operations when the total

contract amount exceeds $350,000 per ship.

(6) Authority to award and execute job orders and supplemental job orders under Master Ship Repair Contracts, or other repair contracts, for ship voyage and other repairs in the United States, and to approve changes thereto; subject to prior clearance with the Office of Ship Operations when the total contract amount exceeds $115,000 per ship.

(7) Authority to approve the requests of ship operators for the deferment of the contractual requirements for dry docking and repair of ships under Trade-In and Use Agreements.

(8) Authority to negotiate settlements with, or make unilateral determinations against, and bill charterers of ships for the estimated cost of performing work (including charter hire and ship expenses in connection therewith), which is determined to be the charterer's obligation at the time of redelivery of a ship, when such work is not performed by the charterer.

(9) Authority to approve costs incurred by General Agents for taking ship inventories pursuant to NSA Order 47 (AGE 4).

(10) Authority to deliver and accept redelivery of ships, in accordance with approved contracts or agreements.

(11) Authority to approve the surrender of the marine certificates of a ship of the United States sold for scrap, except certificates of registry or enrollment.

(12) Authority to approve the employment of masters and disapprove the employment of other licensed officers (including radio officers) for general agency ships. (Formal approval of licensed officers other than masters is not required.)

(13) Authority to require bareboat charterers of Maritime Administration-owned ships to remove masters and chief engineers if their employment is considered prejudicial to the interests of the United States.

(b) Property and Supply activities. (1) Subject to Department orders, authority to fill requisitions by executing contracts including the authority to modify such contracts by addenda, and to terminate such contracts pursuant to their provisions, within the limitations of fiscal plans and funds allotted; except: (i) Any contract covering construction projects, or any supply or equipment contract, involving a cost in excess of $100,000; (ii) consolidated purchases covering requirements of more than one District; (iii) any service contract (other than construction projects), involving a cost in excess of $25,000; (iv) purchases of automotive vehicles; and (v) requisitions for Maritime Administration, Department of Commerce, and overprinted standard forms.

(2) Authority to dispose of personal property owned by the Maritime Administration and located in their respective Districts, determined to be unrequired by the Maritime Administration, except ships and property deemed to have national sales interest, in accordance with the Federal Property and Administrative Services Act, 1949, regulations issued pursuant thereto by the General Services Administration and the Department of Commerce, and other applicable statutes and regulations.

(3) Authority to serve as the final reviewing authority in the disposal of personal property by competitive bid sale, in accordance with Title I, Chapter IV of the Regulations of the General Services Administration, when, based upon the proposed award, the acquisition cost of such property is $10,000 and over, but not in excess of $25,000.

(4) Authority, in cases of emergency, to make purchases from commercial firms of material which appears on the schedules of the National Industries for the Blind and the Federal Prison Industries.

(5) Authority, subject to the established policy requirements to transfer marine equipment under their jurisdiction for the operation, construction, or repair of U.S.-flag ships, when requests therefor originate within the District or are referred to the District for action.

(6) Authority to issue Government bills of lading and Federal excise tax exemption certificates.

(7) Authority to procure from other Government agencies the use of Government-owned space, or the rent-free use of space.

(8) Authority to approve subleases, structural and utility changes and additions, and lessee rates and charges, and to authorize utility and service contracts, as required in the administration of real estate leases.

(9) Authority to determine the value of metallic ballast abroad scrap ships and effect settlement thereof with the purchaser.

(10) Authority to invoke and collect liquidated damages for delay in accepting delivery of scrap ships, in accordance with the terms of the sales contract.

(11) Authority to determine the unit prices and value of stores, supplies, fuel, equipment, and spare parts included in ship inventories and to approve settlement with shipowners, operators, charterers, and shipbuilders with respect to such items.

(12) Authority to lease and renew leases on real property for use by any Maritime Administration program, and to authorize the repair or improvement of such property provided the cost thereof does not exceed $100,000.

(13) Authority to lease and renew leases of real and personal property under the jurisdiction of the Maritime Administration, excluding the leasing of marine terminals and reserve shipyards in their entirety, provided such leases do not unduly interfere with the intended use of the property by the Maritime Administration; and authority to terminate such leases.

(14) Authority to execute on behalf of the Maritime Administration leases and other real estate instruments not required by law or Department of Commerce order to be executed by the Secretary of Commerce or other Department of Commerce official or by the Maritime Administrator or Secretary of the Maritime Administration.

(15) Authority to terminate leases on real property of which the Maritime Administration is the lessee; to determine the method of disposition and dispose of improvements placed on such property by the Maritime Administration; and to approve payments for restoration of such property pursuant to the terms of the lease provided the cost thereof does not exceed $100,000.

(16) Authority to approve the use of idle Maritime Administration real property and related personal property by other Federal, State, and City Government agencies, providing the permits include a 30-day cancellation clause in the event of national emergency, as well as a clause providing for cancellation at any time upon not to exceed 90 days' notice.

(17) Authority to grant easements on Maritime Administration-owned property provided the easement does not reduce the value of the property or unduly interfere with the intended use of the property by the Maritime Administration.

(18) Authority to approve plans, specifications, and technical requirements for construction projects, and modification or repair of Maritime Administration real property, provided such projects are in conformance with national policies, programs, and procedures, and the cost thereof is not in excess of $100,000.

(19) Authority, when designated as the action official by the Maritime Administrator, to dispose of real estate owned by the Maritime Administration, located within the District, determined to be unrequired by the Maritime Administration, pursuant to statutory authority and approval of the Maritime Administrator, and in accordance with the condition of such approval.

(c) Government Aid activities. (1) Authority, in accordance with General Order 27, to:

(i) Determine subsidizable items of expense necessary for the maintenance, preservation, repair, or husbanding of a subsidized ship during and under the circumstances of a layup period;

(ii) Require the operator to establish to the Coast Director's satisfaction that any period of idleness could not have been prevented in whole or in part through the most efficient and economical operation; and

(iii) Determine whether and to what extent there should be recovery of any payment of subsidy for any item of expense allocable to a period of idleness which in the opinion of the Coast Director could have been avoided by efficient and economical operation.

(2) Authority to establish the voyage termination date on or before the end of a quarter, if in the opinion of the Coast Director such voyage would have been terminated by that date had strikes not interfered with normal operations, and with the understanding that an idle period will commence upon termination of the voyage and will be included as part of the next succeeding voyage.

(3) Authority to determine "Other Floating Equipment," "Other Physical Assets," and "Assets of Wholly Owned Subsidiary Companies," to be included by the District Comptroller, under General Order 31, 2d Rev., in the computation of "capital necessarily employed in the business" of subsidized steamship companies.

(4) Authority to review and accept, where appropriate, affidavits submitted by subsidized operators as to costs of services rendered by related companies as required by exemptions under section 803 of the Merchant Marine Act, 1936, as amended, and permissions under Article II–10(c) of Standard Part II of the operating-differential subsidy contracts; and where affidavits are not acceptable or other source data indicate possible violations, initiate an appropriate recommendation for submission to the Chief, Office of Government Aid, Washington, D.C.

(d) Comptroller activities. (1) Authority to grant extensions of time for the submission of financial accountings by charterers of ships, subsidized operators, and other contractors for use in connection with external audit responsibilities, provided the effects of such extensions are not inconsistent with approved external audits programs.

(2) Authority to administer and maintain special bank accounts required in connection with operations under Agency (Service) Agreements, excluding authority to effect the establishment or closing of such accounts.

(3) Authority to determine the amount, and to grant extensions of time for the payment of additonal charter hire by charterers of ships under charter contracts.

(4) Authority, with respect to contracts which affect matters exclusively in their Districts, to determine the financial qualifications and limitations of contractors, approve the financial (excluding insurance) provisions, determine performance under such financial provisions, and execute conditional or unconditional release agreements or effect final setlements based on determinations of contract performance.

(5) Authority, with respect to contracts which affect matters exclusively in their Districts, to (i) maintain custody of the official contract or counterpart, good faith deposits, and bid, performance, and payment bonds; and (ii) determine the financial security of a personal bond: *Provided*, That clearance is obtained from the District Counsel as to the form of bonds, if other than a standard form is used; clearance is obtained from the Treasury Department, when required; and the contracting representative is advised of such clearances.

(6) Authority to review finally and make determinations pursuant to external audits except those relating to prime shipbuilding and reconversion contracts, and operating-differential subsidy agreements at the end of recapture periods, including authority to compute "capital necessarily employed in the business" of subsidized steamship companies and of charterers of ships in accordance with regulations and determinations of the Maritime Administration and the provisions of the contracts, taking into consideration the physical assets as defined by regulation or as determined by the Office of Government Aid.

(7) Authority to establish aggregate ceilings of amount of awards which may be held at any one time by approved recipients of Master Ship Repair Contracts and to approve adjustments of financial ceilings of existing holders of such contracts.

(8) Authority to determine that notes and accounts receivable are administratively uncollectible and to remove them from the accounting records, provided that individual uncollectible notes and accounts in the amount of $100 or over (excepting those involving debtors adjudged bankrupt) shall be transferred to the General Accounting Office.

(9) Authority, consistent with the provisions of NSA Order 47 (AGE–4) and supplemental actions of the Director, National Shipping Authority, to pay to General Agents:

(i) The compensation authorized in the NSA order upon satisfactory completion of the required liquidation services;

(ii) Interim payments in advance upon application by a General Agent if they are deemed to be earned:

Provided, That whenever it is found advisable to withhold the final amount due a General Agent and the General Agent protests such action, the matter shall be referred to the Director, National Shipping Authority, for final determination.

(10) Authority to pay justified requests for unclaimed wages resulting from General Agency ship operations after transfer from the books of the General Agent.

(e) Legal activities. (1) Authority to draft or approve as to form and legality and interpret contracts, specifications, agreements, bonds, etc., that are to be executed in the field pursuant to delegated authority.

(2) Authority to approve the settlement of litigated claims for or against the Maritime Administration where the amount of the settlement does not exceed $5,000, reporting each such settlement promptly to the Chief, Division of Litigation, Office of the General Counsel; and authority to execute or approve releases in connection with such settlements.

(3) Authority, when constituted and appointed by, and pursuant to the provisions of, properly executed power of attorney, to sign and swear to any document and to perform any act that may be necessary or required by law or regulation in connection with the documenting, entering, clearing, lading, unlading, or operation of any vessel owned or operated by the Maritime Administration and generally to transact at the Customshouses in the respective Districts any and all custom business, except making, signing, and filing of protests under section 514 of the Tariff Act of 1930.

(f) Training activities. Authority to issue official Maritime Administration certificates of completion of training programs of merchant marine personnel (exclusive of officer training reserved to the U.S. Merchant Marine Academy), including radar; loran; atomic, biological, and chemical warfare; and gyro compass.

(g) General. (1) Subject to Department orders, authority to approve requisitions within allotted funds made by all offices of the District for supplies, materials, equipment, books, publications, printing, binding, and repairs to Maritime Administration-owned property, provided the cost thereof does not exceed $100,000, and provided that any obligation incurred in filling the requisition will be charged against the appropriations for administrative expenses, operation of warehouses, maintenance of reserve shipyards, maintenance and operation of terminals, ship repair and maintenance, ship operation, reserve fleet expense, or maintenance, and custody of inactive maritime service training stations, and other allotments made to the Coast Director, as appropriate.

(2) Authority to settle disputed matters, other than claims, arising from contracts supervised, by agreement with the debtor or claimant, in an amount not to exceed $50,000; and to execute releases incident to such settlements.

(3) Authority, which may not be redelegated, to settle claims for or against the Maritime Administration arising within the District from local ship operations (excluding claims of a marine and war risk insurance nature whether commercially insured or assumed), where the amount of settlement does not exceed $5,000; and authority to execute releases in connection with such settlements.

(4) Authority to utilize the resources of the Coast District, with the exception of those under jurisdiction of the U.S. Merchant Marine Academy, in providing disaster assistance upon request and authorization of the Department of Defense, Office of Civil Defense, or Office of Emergency Planning, and to make suitable plans and preparations in cooperation with Office of Emergency Planning Regional Directors.

(5) Authority to use Federal personnel and property under the Coast Directors' jurisdiction and custody when, in their opinion, such usage would provide material assistance in an emergency to a community.

(6) Authority to give nonlegal interpretations of public orders and regulations, issued under the Administrative Procedure Act, provided that the order or regulation shall not be changed in substance by such interpretation.

(7) Authority to perform the responsibilities of a contracting representative, with respect to contracts executed in the field.

(8) Authority to settle claims, arising from contracts supervised, relating to the acquisition, utilization and disposition of real estate where the Government's claim(s) does not exceed $50,000, and to

settle claims against the Government where the claim(s) does not exceed $100,000 and the proposed settlement does not exceed $50,000, except:

(i) When, for any reason, the compromise of a particular claim, as a practical matter, will control the disposition of related claims totaling an amount in excess of the sums covered by this delegation;

(ii) When, because a novel question of law or a question of policy is presented, or for any other reason, the offer should, in the opinion of the Coast Director, receive the personal attention of the Maritime Administrator;

(iii) When the Coast Director proposes to accept, over the opposition of any other office involved, offers in compromise of claims in behalf of the United States in which the gross amount of the original claim exceeds $10,000, and of claims against the United States in which the amount of the proposed settlement exceeds $10,000:

and authority to reject offers of compromise on any such claim in behalf of or against the United States except in circumstances described in subdivision (ii) above.

D—AREA REPRESENTATIVES, PACIFIC COAST DISTRICT

SECTION 1. *Redelegation.*

Subject to such conditions and limitations as the Pacific Coast Director may impose in other directives or instructions, the authorities set forth in section 2 below have been redelegated by the Pacific Coast Director to the Area Representatives, Los Angeles (San Pedro), Calif.; Portland, Oreg.; and Seattle, Wash.

SEC. 2. *Specific Authorities Redelegated.*

(a) Authority to deliver and accept redelivery of ships, in accordance with approved contracts or agreements.

(b) Authority to approve the surrender of the marine certificates of a ship of the United States sold for scrap, except certificates of registry or enrollment.

(c) Authority, subject to the established policy requirements, to transfer marine equipment under their jurisdiction for the operation, construction, or repair of U.S.-flag ships, when requests therefor originate within the Area, subject to the prior clearance with the District Property and Supply Officer.

(d) During cut-off or serious emergency conditions, authority to utilize the resources of the Area in providing disaster assistance upon request and authorization of the Office of Civil Defense, or Office of Emergency Planning, and to make suitable plans and preparations in cooperation with civil defense regional directors.

(e) Authority to incur obligations against funds pursuant to suballotments received from the appropriations for ship repair and maintenance, ship operation, and other allotments under his jurisdiction, as appropriate.

(f) Authority to administer and interpret towage contracts and stevedoring contracts; and to recommend termination of such contracts.

(g) Authority to determine terms of, administer, interpret, and recommend termination of agreements for stripping and outfitting of ships, and related agreements of a local nature, such as for standby crews or temporary pier space.

(h) Authority to administer, within functional jurisdiction, agreements for chartering, or general agency operation of merchant ships, including agreements with subsidized operators.

(i) Authority to administer and interpret Master Ship Repair Contracts in the Area, including the receipt and review of applications for such contracts and to recommend the extent of the applicant's qualifications to perform thereunder.

(j) Authority to award and execute job orders and supplemental job orders under Master Ship Repair Contracts, or other repair contracts, for ship reactivations and deactivations in the Area, and to approve changes thereto; subject to prior clearance with the District Ship Repair and Maintenance Officer, when the total contract amount exceeds $275,000 per ship.

(k) Authority to award and execute job orders and supplemental job orders under Master Ship Repair Contracts, or other repair contracts, for ship voyage and other repairs in the Area, and to approve changes thereto; subject to prior clearance with the District Ship Repair and Maintenance Officer, when the total contract exceeds $115,000 per ship.

(l) Authority to negotiate settlements with charterers of ships for the estimated cost of performing work (including charter hire and ship expenses in connection therewith), which is determined to be the charterer's obligation at the time of redelivery of a ship, when such work is not performed by the charterer; and to recommend unilateral determinations and prepare justifications for billing to the District Comptroller.

(m) Authority to disapprove as necessary the employment of licensed deck and engineering officers for general agency ships; require removal of Masters or Chief Engineers of Maritime Administration-owned ships under bareboat charter if their employment is considered prejudicial to the interests of the United States.

(n) Authority to determine the amount and kind of metallic ballast aboard scrap ships and recommend settlement thereof with the purchaser.

(o) Authority, in accordance with General Order 27, to determine subsidizable items of expense necessary for the maintenance, preservation, repair, or husbanding of a subsidized ship during and under the circumstances of a layup period.

(p) Authority, in accordance with General Order 20, to determine necessity for work involved, justification for performance of maintenance and/or repairs on a noncompetitive basis as well as reasonableness of negotiated prices performed on subsidized ships operated under subsidy agreements.

(q) Authority to approve the amounts to be billed against reimbursable programs involving Area ship repair, maintenance, and ship operations activities.

E—AREA REPRESENTATIVES, ATLANTIC COAST DISTRICT

SECTION 1. *Redelegation.*

Subject to such conditions and limitations as the Atlantic Coast Director may impose in other directives or instructions, the authorities set forth in section 2 below have been redelegated by the Atlantic Coast Director to the Area Representatives, Baltimore, Md., and Norfolk, Va.

SEC. 2. *Specific Authorities Redelegated.*

(a) Authority to award and execute job orders and supplemental job orders under Master Ship Repair Contracts, or other repair contracts, for ship reactivations and deactivations in the Area, subject to prior clearance with the District Ship Repair and Maintenance Officer, when the total contract amount exceeds $100,000 per ship.

(b) Authority to award and execute job orders and supplemental job orders under Master Ship Repair Contracts, or other repair contracts, for ship voyage and other repairs in the Area, subject to prior clearance with the District Ship Repair and Maintenance Officer, when the total contract exceeds $25,000 per ship.

(c) Authority to approve changes in repair and stevedoring contracts provided such changes do not cause the total contract cost to exceed 10 percent of the original contract cost.

(d) Authority to determine terms of, execute, administer, interpret, and terminate agreements for stripping and outfitting of merchant ships and other agreements of a local nature, such as for standby crews or temporary pier space.

(e) Authority to administer agreements for the preparation, operation, and charter out of merchant ships including chartering agreements with subsidized operators.

(f) Authority to deliver and accept redelivery of ships, in accordance with approved contracts or agreements.

(g) Authority to give nonlegal interpretations of public orders and regulations, issued under the Administrative Procedure Act provided that the order or regulation shall not be changed in substance by such interpretations.

(h) Authority to serve as contracting representative with respect to contracts executed within the Area.

(i) Subject to Department orders, authority to fill requisitions by executing contracts, including the authority to modify such contracts by addenda and to terminate such contracts pursuant to their provisions, within the limitations of fiscal plans and funds allotted.

(j) Authority, subject to established policy requirements, to transfer marine equipment under their jurisdiction for the operation, construction or repair of U.S. flagships, when requests therefor originate within the Area, subject to the prior clearance with the District Property and Supply Officer.

(k) Authority, in cases of emergency, to make purchases from commercial firms of material which appears on the schedules of the National Industries for the Blind and the Federal Prison Industries.

(l) Authority to utilize the resources of the Area in providing disaster assistance upon request and authorization of the Office of Civil Defense, or Office of Emergency Planning, and to make suitable plans and preparations in cooperation with civil defense regional directors.

(m) In addition to the redelegations listed in paragraphs (a) to (l), the following delegations of authority are made to the Area Representative, Norfolk, Va.:

(1) Authority to determine terms of, execute, administer, interpret, and terminate towage contracts not in excess of $5,000, upon authorization for ship movement, and stevedoring contracts; and to approve changes in such contracts provided they do not cause the total contract cost to exceed 10 percent of the original contract cost.

(2) Authority to dispose of personal property owned by the Maritime Administration and located within the Area, determined to be unrequired by the Maritime Administration, except ships and property deemed to have national sales interest, in accordance with the Federal Property and Administrative Services Act, 1949, regulations issued pursuant thereto by the General Services Administration and the Department of Commerce, and other applicable statutes and regulations.

(3) Authority to determine the unit prices and value of stores, supplies, fuel, equipment, and spare parts included in ship inventories and to approve settlement with shipowners, operators, charterers, and shipbuilders with respect to such items.

Dated: July 5, 1967.

J. W. GULICK,
Acting Maritime Administrator.

[F.R. Doc. 67-7936; Filed, July 10, 1967; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

National Transportation Safety Board

[Docket No. SA-396]

AIRCRAFT ACCIDENT NEAR MARSEILLES, OHIO

Notice of Hearing

In the matter of Investigation of Accident Involving Aircraft of U.S. Registry N7313D, which occurred near Marseilles, Ohio, March 5, 1967.

Notice is hereby given that an Accident Investigation Hearing in the above matter will be held commencing at 9 a.m. (local time), on August 2, 1967, in the Cole Porter Room, Sheraton-Lincoln Hotel, Indianapolis, Ind.

Dated this 6th day of July 1967.

[SEAL] THOMAS K. MCDILL,
Hearing Officer.

[F.R. Doc. 67-7752; Filed, July 10, 1967; 8:49 a.m.]

CIVIL SERVICE COMMISSION

CONTRACT NEGOTIATOR ET AL.

Manpower Shortage; Notice of Hearing

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission has found a manpower shortage for the following:

Series code and grade	Position	Location	Effective date
GS-1102-9/12	Contract Negotiator Contract Administrator Contract Termination Specialist Contract Specialist	Washington, D.C., Metropolitan Area	June 22, 1967

Comparable positions not under the General Schedule are also covered.

Appointees to these positions may be paid for the expenses of travel and transportation to their first duty station.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-7932; Filed, July 10, 1967; 8:47 a.m.]

NURSE, DIVISION OF INDIAN HEALTH; CONTINENTAL UNITED STATES (EXCEPT ALASKA)

Notice of Adjustment of Minimum Rates and Rate Ranges

Under authority of 5 U.S.C. 5303 and Executive Order 11073, the Civil Service Commission has adjusted the minimum rates and rate ranges for positions of Nurse, GS-610-4 through 8, and Public Health Nurse, GS-615-5 through 8. The revised rate ranges are:

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS-4	$6,870	$6,726	$6,866	$6,066	$6,216	$6,376	$6,536	$6,696	$6,856	$7,016
GS-5	6,086	6,211	6,337	6,462	6,739	6,913	7,091	7,267	7,443	7,619
GS-6	6,461	6,620	6,857	7,055	7,253	7,451	7,649	7,847	8,045	8,243
GS-7	6,877	7,080	7,286	7,516	7,729	7,942	8,155	8,368	8,581	8,794
GS-8	7,328	7,588	7,773	8,008	8,243	8,478	8,713	8,948	9,183	9,418

[1] Corresponding statutory rates: GS-4—Sixth; GS-5—Fifth; GS-6—Fourth; GS-7—Third; GS-8—Second.

Coverage is Division of Indian Health, Public Health Service, Continental United States except Alaska. Additional coverage is Ellsworth AFB, Rapid City, S. Dak., and Kirkland AFB, Albuquerque, N. Mex.

The effective date will be the first day of the first pay period beginning on or after July 2, 1967.

All new employees in the specified occupational levels will be hired at the new minimum rate.

As of the effective date, all agencies will process a pay adjustment to increase the pay of employees on the rolls in the affected occupational levels. An employee who immediately prior to the effective date was receiving basic compensation at one of the rates of the statutory rate range shall receive basic compensation at the corresponding numbered rate authorized by this notice on and after such date. The pay adjustment will not be considered an equivalent increase within the meaning of 5 U.S.C. 5335.

Division of Indian Health nurses on the rolls in the State of California are now paid the salary rates established by FPM Letter 530-53. Under the provisions of Civil Service Regulation 530.306(a) no employee shall have his salary reduced when special rates are revised. Therefore, in applying the new special rate ranges prescribed herein, DIH nurses in California will retain their existing rates of basic compensation. For example:

(a) An employee currently paid at the third rate of GS-7 under FPM Letter 530-53, $7,942, will be placed in the sixth rate of GS-7 under the new special rate range and continue to receive the same rate of pay.

(b) If the employee's existing rate falls above the new maximum rate for his grade, the employee will retain his existing rate so long as he remains in the same position or until he becomes entitled to a higher rate.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-7933; Filed, July 10, 1967; 8:47 a.m.]

PSYCHOLOGISTS, WORLDWIDE

Notice of Adjustment of Minimum Rates and Rate Ranges

Under authority of 5 U.S.C. 5303 and Executive Order 11073, the Civil Service Commission has increased the minimum rates and rate ranges for positions of Psychologist, GS-180-11, 12, and 13. The revised rate ranges are:

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS-11	$11,111	$11,439	$11,761	$12,085	$12,371	$12,699	$13,001	$13,316	$13,631	$13,946
GS-12	12,986	13,343	13,623	13,901	14,179	14,457	14,735	15,013	15,291	15,569
GS-13	13,221	13,709	14,197	14,685	15,173	15,661	16,149	16,637	17,125	17,613

[1] Corresponding statutory rates: GS-11—Seventh; GS-12—Fourth; GS-13—Second.

Coverage is worldwide.

The effective date will be the first day of the first pay period beginning on or after July 2, 1967.

All new employees in the specified occupational levels will be hired at the new minimum rate.

As of the effective date, all agencies will process a pay adjustment to increase the pay of employees on the rolls in the affected occupational levels. An employee who immediately prior to the effective date was receiving basic compensation at one of the rates of the statutory rate range shall receive basic compensation at the corresponding numbered rate authorized by this notice on and after such date. The pay adjustment will not be considered an equivalent increase within the meaning of 5 U.S.C. 5335.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-7934; Filed, July 10, 1967; 8:46 a.m.]

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

FLIGHT CABIN ATTENDANTS

Sex as Occupational Qualification; Notice of Hearing

Questions of whether sex is a bona fide occupational qualification for the position of flight cabin attendant and whether discrimination based on sex with respect to the conditions of employment for this position is unlawful:

The Equal Employment Opportunity Commission is considering the questions of whether sex is "a bona fide occupational qualification reasonably necessary to the normal operation" of airline companies, within the meaning of sections 703(e) and 704(b) of Title VII of the Civil Rights Act of 1964, 42 U.S.C.A., section 2000(e) et seq., herein referred to as "the Act," for the position of flight cabin attendant, variously referred to as steward, stewardess, purser, etc., and, whether discrimination based on sex against applicants for, and employees in, such positions with respect to compensation, terms, conditions or privileges of employment (including different qualifications for hire with respect to age and marital status, and different policies with regard to retirement and resignation on marriage and on reaching certain maximum ages) is an unlawful employment practice under the Act.

Notice is hereby given that, pursuant to section 713(b) of the Act, the Equal Employment Opportunity Commission will conduct a public hearing with respect to these questions on Tuesday, August 8, 1967, at 10 a.m., d.s.t., in the Departmental Auditorium, Conference Room B (first floor), Constitution Avenue, between 12th and 14th Streets NW., Washington, D.C.

Interested persons are invited to participate in, and to present evidence, views, and arguments with respect to these questions at the hearing on Tuesday, August 8, 1967. Requests for time to testify may be submitted to the General Counsel, Equal Employment Opportunity Commission, Washington, D.C. 20506, at any time prior to 5:30 p.m., d.s.t., Tuesday, July 25, 1967. Written statements submitted for consideration by the Commission should be filed in triplicate with the General Counsel not later than 5:30 p.m., d.s.t., Tuesday, July 25, 1967. All written submissions pursuant to this notice will be available for public inspection at the Office of the General Counsel, Equal Employment Opportunity Commission, Washington, D.C. 20506.

Signed at Washington, D.C., this 6th day of July 1967.

LUTHER HOLCOMB,
Acting Chairman.

[F.R. Doc. 67-7902; Filed, July 10, 1967; 8:50 a.m.]

FEDERAL DEPOSIT INSURANCE CORPORATION

INSURED BANKS

Joint Call for Report of Condition

Pursuant to the provisions of section 7(a)(3) of the Federal Deposit Insurance Act each insured bank is required to make a Report of Condition as of the close of business June 30, 1967, to the appropriate agency designated herein, within 10 days after notice that such report shall be made: *Provided*, That if such reporting date is a nonbusiness day for any bank, the preceding business day shall be its reporting date.

Each national bank and each bank in the District of Columbia shall make its original Report of Condition on Office of the Comptroller Form, Call No. 462,[1] and shall send the same to the Comptroller of the Currency, and shall send a signed and attested copy thereof to the Federal Deposit Insurance Corporation. Each insured State bank which is a member of the Federal Reserve System, except a bank in the District of Columbia, shall make its original Report of Condition on Federal Reserve Form 105—Call 184,[1] and shall send the same to the Federal Reserve Bank of the District wherein the bank is located, and shall send a signed and attested copy thereof to the Federal Deposit Insurance Corporation. Each insured State bank not a member of the Federal Reserve System, except a bank in the District of Columbia and a mutual savings bank, shall make its original Report of Condition on FDIC Form 64—Call No. 80,[1] and shall send the same to the Federal Deposit Insurance Corporation.

The original Report of Condition required to be furnished hereunder to the Comptroller of the Currency and the copy thereof required to be furnished to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for preparation of Reports of Condition by National Banking Associations," dated January, 1961, and any amendments thereto.[1] The original Report of Condition required to be furnished hereunder to the Federal Reserve Bank of the District wherein the bank is located and the copy thereof required to be furnished to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for the preparation of Reports of Condition by State Member Banks of the Federal Reserve System," dated February 1961, and any amendments thereto.[1] The original Report of Condition required to be furnished hereunder to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for the preparation of Report of Condition on Form 64, by insured State banks not members of the Federal Reserve System," dated January 1961, and any amendments thereto.[1]

Each insured mutual savings bank not a member of the Federal Reserve System shall make its original Report of Condition on FDIC Form 64 (Savings),[1] prepared in accordance with "Instructions for the preparation of Report of Condition on Form 64 (Savings) and Report of Income and Dividends on Form 73 (Savings) by Mutual Savings Banks," dated December 1962, and any amendments thereto,[1] and shall send the same to the Federal Deposit Insurance Corporation.

K. A. RANDALL,
Chairman, Federal Deposit Insurance Corporation.
WILLIAM B. CAMP,
Comptroller of the Currency.
J. L. ROBERTSON,
Vice Chairman, Board of Governors of the Federal Reserve System.

[F.R. Doc. 67-7935; Filed, July 10, 1967; 8:46 a.m.]

[1] Form filed as part of original document.

ATOMIC ENERGY COMMISSION

[Docket No. 115-5]

ALLIS-CHALMERS MANUFACTURING CO., LA CROSSE BOILING WATER REACTOR

Notice of Issuance of Provisional Operating Authorization

Please take notice that no request for a hearing having been filed following publication of the notice of proposed action in the FEDERAL REGISTER, the Atomic Energy Commission has issued Provisional Operating Authorization No. DPRA-5 authorizing Allis-Chalmers Manufacturing Co. to use and operate the La Crosse Boiling Water Reactor (LACBWR) at powers up to 165 thermal megawatts. The reactor is located at a site along the east bank of the Mississippi River, approximately 19 miles south of La Crosse, in Vernon County, Wis.

Initial operation of the reactor will be limited by the Technical Specifications to one thermal megawatt until (1) completion of construction of certain pieces of equipment not essential to safe operation at one thermal megawatt, (2) installation and testing of these items, and (3) the Commission has made a final inspection of the facility and determined that the reactor has been completed in accordance with the application, as amended, and the provisions of Construction Authorization No. CAPR-5.

The provisional operating authorization, as issued, is as set forth in the Notice of Proposed Issuance of Provisional Operating Authorization published in the FEDERAL REGISTER on March 18, 1967, 32 F.R. 4285.

Dated at Bethesda, Md., this 3d day of July, 1967.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 67-7902; Filed, July 10, 1967; 8:45 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-6865, etc.]

HUMBLE OIL & REFINING CO. ET AL.

Findings and Order After Statutory Hearing

JUNE 29, 1967.

Findings and orders after statutory hearing issuing certificates of public convenience and necessity, canceling docket numbers, amending certificates, permitting and approving abandonment of service, terminating certificates, substituting respondent, redesignating proceeding, requiring filing of agreement and undertaking, and accepting related rate schedules and supplements for filing.

Each of the Applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce, for permission and approval to abandon service, or a petition to amend an existing certificate authorization, all as more fully described in the respective applications and petitions (and any supplements or amendments thereto) which are on file with the Commission.

The Applicants herein have filed related FPC gas rate schedules and propose to initiate or abandon, add or delete natural gas service in interstate commerce as indicated by the tabulation herein. All sales certificated herein are at rates either equal to or below the ceiling prices established by the Commission's statement of general policy No. 61-1, as amended, or involve sales for which permanent certificates have been previously issued; except that the sale from the Permian Basin area of New Mexico is authorized to be made at the applicable area base rate and under the conditions prescribed in Opinion Nos. 468 and 468-A. The sale from the Permian Basin area of Texas is authorized to be made at the applicable area base rate and such sale is fully subject to the provisions of Opinion Nos. 468 and 468-A.

Jay J. Harris, et al., Applicants in Docket No. G-19075, propose to continue the sale of natural gas heretofore authorized in said docket to be made pursuant to Hugh McMillan FPC Gas Rate Schedule No. 2. Said rate schedule will be redesignated as that of Applicants. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI64-667, and Applicants indicate in their certificate application that they intend to be responsible for the total refund obligation from the time that the increased rate became effective subject to refund. Therefore, Applicants will be substituted in lieu of Hugh McMillan as respondent in the proceeding pending in Docket No. RI64-667, the proceeding will be redesignated accordingly, and Applicants will be required to file an agreement and undertaking to assure the refund of all amounts collected in excess of the amount determined to be just and reasonable in said proceeding.

The Commission's staff has reviewed each application and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

After due notice, no petitions to intervene, notices of intervention, or protests to the granting of any of the respective applications or petitions in this order have been received.

At a hearing held on June 22, 1967, the Commission on its own motion received and made a part of the record in these proceedings all evidence, including the applications, amendments, and exhibits thereto, submitted in support of the respective authorizations sought herein, and upon consideration of the record.

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will therefore, be a "natural-gas company" within the meaning of said Act upon the commencement of the service under the respective authorizations granted hereinafter.

(2) The sales of natural gas hereinbefore described, as more fully described in the respective applications, amendments and/or supplements herein, will be made in interstate commerce, subject to the jurisdiction of the Commission, and such sales by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) The respective Applicants are able and willing properly to do the acts and to perform the services proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(4) The sales of natural gas by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificate therefore should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Docket Nos. CI67-1510 and CI67-1511 which were assigned to the succession applications in Docket Nos. G-19075 and G-6881, respectively, should be cancelled.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the certificate authorizations heretofore issued by the Commission in Docket Nos. G-6865, G-6881, G-8206, G-8641, G-11949, G-19075, CI61-737, CI64-17, CI64-1496, CI65-77, and CI66-774 should be amended as hereinafter ordered and conditioned.

(7) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates heretofore issued in the following dockets should be amended to reflect the deletion of acreage where new certificates are issued herein or existing certificates are amended herein to authorize service from the subject acreage:

Amend to delete acreage	New certificate and/or amendment to add acreage
G-10383	CI67-1004
G-11120	CI66-774
G-11660	CI67-1004
G-12149	CI67-1004
CI61-736[1]	CI67-1543
CI63-418	CI67-1598
CI65-623	CI67-1595

[1] Temporary certificate.

(8) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the sale of natural gas heretofore authorized to be made pursuant to the certificate issued in Docket No. CI61–943 should hereafter be made pursuant to the authorization granted in Docket No. CI64–17, and the certificate in Docket No. CI61–943 should be terminated.

(9) The sales of natural gas proposed to be abandoned by the respective Applicants, as hereinbefore described, all as more fully described in the respective applications and in the tabulation herein, are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act, and such abandonment should be permitted and approved as hereinafter ordered.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates of public convenience and necessity heretofore issued to the respective Applicants relating to the abandonments hereinafter permitted and approved should be terminated.

(11) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Jay J. Harris et al., should be substituted in lieu of Hugh McMillan as respondent in the proceeding pending in Docket No. RI64–667, that said proceeding should be redesignated accordingly, and that Jay J. Harris et al., should be required to file an agreement and undertaking in said proceeding.

(12) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the respective related rate schedules and supplements as designated in the tabulation herein should be accepted for filing as hereinafter ordered.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order, authorizing the sales by the respective Applicants herein of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary for such sales, all as hereinbefore described and as more fully described in the respective applications, amendments, supplements, and exhibits in this proceeding.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against the respective Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the respective contracts particularly as to the cessation of service upon termination of said contracts, as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificates aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The grant of the certificates issued herein on all applications filed after April 15, 1965, is upon the condition that no increase in rate which would exceed the ceiling prescribed for the given area by paragraph (d) of the Commission's statement of general policy No. 61–1, as amended, shall be filed prior to the applicable dates, as indicated by footnotes 16 and 47 in the attached tabulation.

(E) The initial rate for the sale authorized in Docket No. CI67–454 shall be the applicable base area rate prescribed in Opinion No. 468, as modified by Opinion No. 468–A, as adjusted for quality or the contract rate, whichever is lower; and no increase in rate in excess of said initial rate shall be filed before January 1, 1968.

(F) If the quality of the gas delivered by Applicant in Docket No. CI67–454 deviates at any time from the quality standards set forth in Opinion No. 468, as modified by Opinion No. 468–A, so as to require a downward adjustment of the existing rate, a notice of change in rate shall be filed pursuant to the provisions of section 4 of the Natural Gas Act: *Provided, however,* That adjustments reflecting changes in B.t.u. content of the gas shall be computed by the applicable formula and charged without the filing of a notice of change in rate.

(G) Within 90 days from the date of initial delivery Applicant in Docket No. CI67–454 shall file three copies of a rate schedule quality statement in the form prescribed in Opinion No. 468–A.

(H) The initial price for the sale authorized in Docket No. CI67–1585 shall be 13.0 cents per Mcf at 15.025 p.s.i.a.

(I) Certificates are issued herein in Docket Nos. CI67–1558, CI67–1559, CI67–1560, and CI67–1575 authorizing the respective Applicants to continue the sales of natural gas being rendered on June 7, 1954.

(J) Certificates are issued herein in Docket Nos. CI67–1382, CI67–1383, and CI67–1386 authorizing the respective Applicants to continue the sales of natural gas which were initiated without prior Commission authorization.

(K) The certificates heretofore issued in Docket Nos. G–11949, CI61–737, and CI66–774 are amended by adding thereto or deleting therefrom authorization to sell natural gas to the same purchasers and in the same areas as covered by the original authorizations pursuant to the rate schedule supplements as indicated in the tabulation herein.

(L) The certificate heretofore issued in Docket No. CI64–17 is amended to include the sale of natural gas from acreage acquired from the predecessor in Docket No. CI61–943; to include the sale of natural gas from new additional acreage; and to include the interest of coowners. The related rate schedule is redesignated as Juniper Oil & Gas Co. et al.

(M) The sale of natural gas heretofore authorized to be made in Docket No. CI61–943 is made pursuant to the authorization granted in Docket No. CI64–17, in paragraph (L) above, and the certificate heretofore issued in Docket No. CI61–943 is terminated.

(N) The certificate heretofore issued in Docket No. CI64–1496 is amended to include the sale of natural gas from the additional acreage and to include the interest of the coowner, and the related rate schedule is designated as W. N. Price and L. E. Geoffroy (Operator), et al.

(O) The certificates heretofore issued in the following dockets are amended to reflect the deletion of acreage where new certificates are issued herein of existing certificates are amended herein to authorize service from the subject acreage:

Amend to delete acreage	*New certificate and/or amendment to add acreage*
G–10383	CI67–1004
G–11120	CI66–774
G–11600	CI67–1004
G–12140	CI67–1004
CI61–736 [1]	CI67–1543
CI63–418	CI67–1598
CI65–623	CI67–1595

(P) Docket Nos. CI67–1510 and CI67–1511 are canceled.

(Q) The certificates heretofore issued in Docket Nos. G–6365, G–6831, G–19075, and CI65–77 are amended by changing the certificate holders to the respective successors in interest as indicated in the tabulation herein.

(R) The acceptance for filing of the related rate schedule in Docket No. G–6365 is contingent upon Applicant's filing three copies of a billing statement as required by the regulations under the Natural Gas Act.

(S) The certificate heretofore issued in Docket No. G–6306 is amended to reflect Bill L. Dean, Special Receiver for Thomas W. Harvey, Trustee, in lieu of Charles W. Campbell, Special Receiver for Thomas W. Harvey, Trustee as indicated in the tabulation herein.

[1] Supra.

(T) The certificate heretofore issued in Docket No. G–6641 is amended to reflect the name change from Fordee Rhoades Oil Co. to Rhoades Oil Co. as indicated in the tabulation herein.

(U) Permission for an approval of the abandonment of service by the respective Applicants, as hereinbefore described, all as more fully described in the respective applications and in the tabulation herein are granted.

(V) Permission for and approval of the abandonment in Docket No. CI67–1358 shall not be construed to relieve Applicant of any refund obligations which may be ordered in the related rate suspension proceeding pending in Docket No. RI63–388.

(W) The certificates heretofore issued in Docket Nos. G–6123, G–17093, G–18823, G–18826, G–19675, CI62–1320, and CI65–159 are terminated.

(X) Jay J. Harris et al., are substituted in lieu of Hugh McMillan as respondent in the proceeding pending in Docket No. RI64–667 and said proceeding is redesignated accordingly.[1]

(Y) Within 30 days from the issuance of this order Jay J. Harris et al., shall execute, in the form set out below, and shall file with the Secretary of the Commission an acceptable agreement and undertaking in Docket No. RI64–667 to assure the refund of all amounts collected, together with interest at the rate of 7 percent per annum, in excess of the amount determined to be just and reasonable in said proceeding. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreement and undertaking shall be deemed to have been accepted for filing.

(Z) Jay J. Harris et al., shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreement and undertaking filed by them in Docket No. RI64–667 shall remain in full force and effect until discharged by the Commission.

(AA) The respective related rate schedules and supplements as indicated in the tabulation herein are accepted for filing; further, the rate schedules relating to the successions herein are accepted and redesignated, subject to the applicable Commission regulations under the Natural Gas Act to be effective on the dates as indicated in the tabulation herein.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[1] Jay J. Harris et al.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
G–6365. E 5–5–67	Humble Oil & Refining Co. (Operator) et al. (successor to BBM Drilling Co. (Operator) et al.).	Natural Gas Pipeline Co. of America, West Bernard Field, Wharton County, Tex.	BBM Drilling Co. (Operator) et al., FPC GRS No. 1.	424	
			Supplement Nos. 1–6	424	1–6
			Notice of succession 5–2–67.		
			Assignment 3–14–67 [1]	424	7
			Effective date: 3–1–67		
G–6306. 4–17–67 [2]	Hill L. Dean, Special Receiver for Thomas W. Harvey, Trustee (formerly Charles W. Campbell, Special Receiver for Thomas W. Harvey, Trustee).	United Fuel Gas Co., Warfield District, Mingo County, W. Va.	Charles W. Campbell, Special Receiver for Thomas W. Harvey, Trustee, FPC GRS No. 1.	1	
			Supplement Nos. 1–5	1	1–5
			Order 11–25–66 [3]	1	6
			Effective date: 11–26–66.		
G–6641. 3–28–66 [4]	Rhoades Oil Co. (formerly Fordee Rhoades Oil Co.).	Lone Star Gas Co., acreage in Garvin County, Okla.	Contract 8–27–64	[5] 3	
F G–11949. (CI66–21) C 4–12–67 [6]	Mobil Oil Corp. (Operator).	El Paso Natural Gas Co., Pegasus Gasoline Plant, Midland and Upton Counties, Tex.	Assignment 2–10–67 [7]	46	26
			Letter agreement 3–6–67 [8]	46	27
			Effective date: 1–1–67		
CI61–737. D 5–3–67	Shell Oil Co. (partial abandonment).	Transwestern Pipeline Co., Arnett Field, Ellis County, Okla.	Notice of partial cancellation 5–2–67. [9] [10]	343	7
CI64–17. (CI61–943) E 1–23–67 C 2–3–67 [11]	Juniper Oil & Gas Co. et al. (successor to Ralph D. Phillips d.b.a. DeVaughn Oil & Gas Co. et al.).	Kansas-Nebraska Natural Gas Co., Inc., Loam Unit Area, Weld and Morgan Counties, Colo.	Amendment 10–21–66. [12] [13]	2	2
	William N. Price and L. E. Geoffroy (Operator) et al.		Amendment 2–13–67 [12] [13]	2	3
			Effective date: 6–1–66.		
CI64–1496. C 5–5–67 [12] [13]		Kansas-Nebraska Natural Gas Co., Inc., acreage in Beaver County, Okla.	Ratified 5–31–64 [12] [13]	1	2
CI65–77. E 5–1–67	CRA International, Ltd. (Operator), et al. (successor to Oil & Gas Property Management, Inc. (Operator), et al.).	Texas Eastern Transmission Corp., West Provident Field, Lavaca County, Tex.	Oil & Gas Property Management, Inc. (Operator), et al., FPC GRS No. 20.	1	
			Notice of succession 4–25–67.		
			Assignment 12–31–67 [13]	1	1
			Operating agreement 1–1–67. [13]	1	2
			Effective date: 12–31–66.		
F CI66–774. (G–11120) C 4–17–67	Mid-East Oil Co.	Consolidated Gas Supply Corp., Gaskill Township, Jefferson County, Pa.	Sublease agreement 10–1–66. [13]	3	10
			Effective date: 10–1–66.		
CI67–454. A 10–6–66 [13]	Scope Industries [13]	Transwestern Pipeline Co., Bell Lake Unit No. 10, Lea County, N. Mex.	Ratified 5–10–66 [13]	1	
			Contract 10–12–60 [13]	1	1
			Letter agreement 6–3–63. [13]	1	2
CI67–1004. (G–10383) (G–11600) (G–12140) F 2–9–67 [13] [14]	Arnold Petroleum Co. (Operator) et al.	Colorado Interstate Gas Co., Moxane-Laverne Field, Beaver County, Okla.	Contract 12–27–66 [13]	2	
CI67–1358. (G–18826) B 4–3–67	Lloyd M. Feland (Operator) et al.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Tomball Field, Harris County, Tex.	Notice of cancellation 3–28–67. [13] [15]	[15] 1	4
CI67–1382. A 3–31–67 [13]	Goal Drilling Co.	The Manufacturers Light & Heat Co. Toby Township, Clarion County, Pa.	Contract 9–29–61 [13]	1	
CI67–1383. A 3–31–67 [13]	do.	The Manufacturers Light & Heat Co., Porter Township, Clarion County, Pa.	Contract 1–15–64 [13]	2	
CI67–1386. A 3–27–67 [13]	Thomas M. Tharp, agent, et al.	The Manufacturers Light & Heat Co., Somerset Township, Washington County, Pa.	Contract 10–24–64 [13]	2	
CI67–1558. (G–6123) B 4–26–67	Frank E. O'Brien and Phillip F. Weintraub.	United Natural Gas Co., Wharton Township, Potter County, Pa.	Notice of cancellation 4–21–67. [13] [16]	2	1
CI67–1510. (G–19675) B 4–24–67 [13]	Jay J. Harris et al. (successor to Hugh McMillan).	El Paso Natural Gas Co., Blanco-Mesa Verde Field, San Juan County, N. Mex.	Hugh McMillan, FPC GR8 No. 2.	4	
			Supplement Nos. 1–2	4	1–2
			Notice of succession 4–18–67.		
			Assignment 2–20–67 [13]	4	3
			Assignment 2–20–67 [13]	4	4
			Effective date: 2–10–67.		
CI67–1511. (G–6831) B 4–24–67 [13]	Jay J. Harris (Operator) et al. (successor to Hugh McMillan (Operator) et al.).	El Paso Natural Gas Co., Fulcher Kuts-Pictured Cliffs Field, San Juan County, N. Mex.	Hugh McMillan (Operator) et al., FPC GR8 No. 1.	3	
			Supplement Nos. 1–4	3	1–4
			Notice of succession 4–18–67.		
			Assignment 3–20–67 [13]	3	5
			Effective date: 2–10–67.		

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted	
			Description and date of document	No.	Supp.
CI67-1316 (G-17084) B 4-24-67	Tidewater Oil Co.	Southern Union Gathering Co., San Juan Basin Gallup Field, San Juan County, N. Mex.	Contract 3-6-68 [2]	149	1
			Assignment 9-2-66	149	
			Amendatory agreement 9-20-67 [3]	149	2
CI67-1542 (CI61-736) [4] F 5-3-67	Gulf Oil Corp.	Colorado Interstate Gas Co., Greenwood Field, Baca County, Colo.	Notice of cancellation 4-4-67 [5] [6]	345	7
CI67-1546 A 4-6-67 [7]	Southwest Oil Industries, Inc.	Northern Natural Gas Co., Mocane-Laverne Gas Unit, Beaver County, Okla.	Contract 3-17-67 [8]	6	4
CI67-1560 (G-19878) B 4-6-67	Texas Oil & Gas Corp. (Operator) et al.	Consolidated Gas Supply Corp., Ella District, Harrison County, W. Va.	Notice of cancellation 6-1-67 [5] [6]	15	12
CI67-1564 A 4-6-67 [7]	Mercer Queen et al., d.b.a. Queen Gas Co., et al.	Panhandle Eastern Pipe Line Co., Cedar Field, Barber County, Kans.	Contract 10-7-66 [9]	39	
CI67-1565 (CI65-823) F 4-6-67	A/C Engineering & Operating Co. (successor to Harris Petroleum Co., Inc.).	Equitable Gas Co., Hacker's Creek District, Lewis County, W. Va.	Contract 10-15-66 [9] Assignment 8-12-67. Effective date: 8-12-67	1	2
CI67-1566 (CI62-418) F 4-6-67	S. W. Jack, Jr. (successor to Paul H. Ash d.b.a. Ash Oil & Gas).	Equitable Gas Co., Hacker's Creek District, Lewis County, W. Va.	Contract 9-2-67 [9] Deed 12-22-66 [9] Effective date: 12-22-66.	1	1
CI67-1600 (CI62-1230) B 4-6-67	United Gas Pipe Line Co.	United Gas Pipe Line Co., North Cecelia Field, St. Martin Parish, La.	Notice of cancellation 4-6-67 [5] [6]	1	2
CI67-1557 A 4-6-67 [7]	John T. Wagoner et al.	Consolidated Gas Supply Corp., Reno, Lyon and Kingwood Districts, W. Va.	Contract 10-6-66 [9]	1	
CI67-1560 A 4-6-67 [7]	Turley Run Gas Co., et al.	Consolidated Gas Supply Corp., Madison Township, Clarion County, Pa.	Contract 8-11-67	1	
CI67-1561 A 4-6-67 [7]	Smithwestern Natural Gas, Inc.	Northern Natural Gas Co., Follett (Morrow) Field, Lipscomb County, Tex.	Contract 2-15-67 [9]	2	
CI67-1562 A 4-6-67 [7]	J. & J. Enterprises, Inc.	Consolidated Gas Supply Corp., Upshur County, W. Va.	Contract 8-1-66 [9]	35	
CI67-1563 A 4-6-67 [7]	Hays & Co., agent for Parks Petroleum Co., et al.	Consolidated Gas Supply Corp., Parkersburg District, Wood County, W. Va.	Contract 7-29-66 [9]	275	
CI67-1564 A 4-6-67 [7]	Tri Oil & Gas Co., Inc., et al.	Consolidated Gas Supply Corp., Southwest District, Lewis, Doddridge County, W. Va.	Contract 9-19-66 [9]	10	
CI67-1565 A 4-6-67 [7]	Cities Service Oil Co.	Northern Natural Gas Co., acreage in Texas County, Okla.	Contract 4-4-67 [9]	217	
CI67-1572 A 4-6-67 [7]	Blanche Hagen et al.	The Manufacturers Light & Heat Co., Proctor District, Wetzel County, W. Va.	Contract 1-19-66	1	
CI67-1573 A 4-6-67 [7]	Shield Petroleum Corp.	Consolidated Gas Supply Corp., Tanner District, Wood County, W. Va.	Contract 4-8-67 [9]	1	
CI67-1574 A 4-6-67 [7]	Hays & Co., agent for D. A. Barnard et al.	Consolidated Gas Supply Corp., Glenville District, Gilmer County, W. Va.	Contract 4-20-66 [9]	270	
CI67-1575 (CI58-1180) B 4-6-67	Carter & Mandel Co. (Operator) et al.	Cities Service Gas Co., J. W. Long Lease, Harper County, Kans.	Notice of cancellation 4-4-67 [5] [6]	1	1

See footnotes at end of table.

[1] From H.B.M. Drilling Co. to Humble Oil & Refining Co.
[2] Amendment to the certificate filed to reflect change in Special Receiver; no change in interest involved.
[3] Court order appointing Bill L. Dees as Special Receiver for Thomas W. Harvey, Trustee in lieu of Charles W. Campbell, deceased.
[4] Amendment to the certificate filed to reflect change in name of certificate holder from Forbes Rhoades Oil Co. to Rhoades Oil Co.
[5] Rate schedule previously accepted for filing in the name of Rhoades Oil Co.
[6] Succession by Mobil to Paul Kendall's interest in the Pegasus Gasoline Plant and Pegasus Field, such interest was formerly a part of Sharples Estate. Properties of Operator et al., FPC GRS No. 1 under Docket No. G-6683 which was terminated by Commission order issued Jan. 4, 1965, and certificate in Docket No. G-6683-A issued to Mobil Oil Corp.
[7] From Paul Kendall and Leonora W. Kendall to Mobil Oil Corp.
[8] Cancels contract dated Jan. 1, 1964, between El Paso and Sharples & Co. Properties hereby as it pertains to Mobil's acquired interest and provides for such interest to be covered pursuant to Mobil's contract of June 19, 1962 (FPC GRS No. 40).
[9] Buyer is unable to justify connecting the well to its system and deliveries have not commenced.
[10] Effective date: Date of this order.
[11] Amendment to the application filed to cover additional acreage and interests of coowners.
[12] Adds acreage acquired from Ralph D. Phillips and Dewayne Vaughn Oil & Gas Co. Acreage covered by Phillips' FPC GRS No. 1 and certificate issued in Docket No. CI61-843. The subject sale will hereinafter be made pursuant to the certificate issued in CI64-17 and the certificate in Docket No. CI61-843 will be terminated.

[13] Also adds new additional acreage and sets June 1, 1967, as contractual effective date for first periodic escalation (Jan. 1, 1968, moratorium for the newly added acreage).
[14] Also adds interest of First Transportation Gas Corp., Inc.
[15] July 1, 1967, moratorium pursuant to the Commission's statement of general policy No. 61-1, as amended.
[16] Includes interest of coowner.
[17] Effective date: Date of initial delivery (Applicant shall advise the Commission as to such date).
[18] Nicholas R. Dupont assigns interest to ORA International, Ltd.
[19] Designates ORA as operator.
[20] Conveyance of Columbian Fuel Corp.'s interest in 75 acres to a depth of 4,400 feet, which is covered by Columbian Fuel Corp. FPC GRS No. 80 in Docket No. G-11120 (Sheesley Lease No. 5).
[21] Jan. 1, 1968, moratorium provided by Opinion No. 468, as modified.
[22] Applicant has agreed to accept a permanent certificate pursuant to the provisions of Opinion No. 468, as modified.
[23] Between Scope Industries and Transwestern Pipeline Co.; ratifies basic contract as amended.
[24] Between Continental Oil Co. and Transwestern Pipeline Co.
[25] By notice issued Feb. 22, 1967, and published in the FEDERAL REGISTER on Mar. 8, 1967, 32 F.R. 3853, the subject application was described as one for initial service only. In fact, Applicant will continue to sell gas heretofore authorized in Docket No. G-11600 and dedicated to Monsanto's FPC GRS No. 18 at a rate of 15.0 cents per Mcf at 14.65 p.s.i.a. subject to upward and downward B.t.u. adjustment. Sales from the remaining acreage will be made as initial service at the rate of 17.0 cents per Mcf at 14.65 p.s.i.a. subject to upward and downward B.t.u. adjustment.
[26] July 1, 1967, moratorium covering only that portion of the sale relating to the initial service.
[27] Cancels previous contracts between buyer and Humble Oil & Refining Co., dated Mar. 19, 1956, FPC GRS No. 197 (Docket No. G-10263); Monsanto Co., dated Aug. 20, 1956, FPC GRS No. 18 (Docket No. G-11600) and Cities Service Oil Co., dated Feb. 13, 1967 (Docket No. G-12149), insofar as the subject acreage is concerned.
[28] Source of gas depleted.
[29] Rate of 16.16947 cents per Mcf effective subject to refund in Docket No. RI63-338 (Docket No. RI63-338 is consolidated with Docket No. AR64-2 et al.).
[30] Sale being rendered without prior Commission authorization.
[31] Docket Nos. CI67-1510 and CI67-1511 erroneously assigned to the succession applications in Docket Nos. G-19075 and G-6681, respectively, will be canceled.
[32] Covers Lots 1 and 3, sec. 10, T. 22 N., R. 11 W.
[33] Covers Lot 2, S½ S½, sec. 10, T. 22 N., R. 11 W.
[34] Sale being rendered pursuant to a temporary certificate.
[35] Basic contract between Renwar Oil Corp. et al., and United Gas Pipe Line Co.; on file as Cities Service Co. FPC GRS No. 11.
[36] Provides for payment of all proceeds by United to Renwar for distribution to joint operating interests.
[37] Adds acreage.
[38] Provides for reimbursement of newly levied taxes.
[39] Amends makeup provisions.
[40] Amends makeup provisions.
[41] Amends contract to eliminate price redetermination provisions.
[42] Cities Service Co. assigns properties to Atlantic Richfield Co. only insofar as said lease cover Mustang Island Sand Units 6, 7-A, and 9.
[43] No certificate filing made, only rate filing made to reflect the subject deletion which is being accepted for filing.
[44] Transfers properties from Cities Service Co. to Atlantic Richfield in the Mustang Island Sand Units 6, 7-A, and 9 (filed Oct. 10, 1967).
[45] Amends application to decrease price to contract rate of 12.0 cents per Mcf.
[46] Jan. 1, 1968, moratorium pursuant to the Commission's statement of general policy No. 61-1, as amended.
[47] Ratifies, adopts, and amends Feb. 1, 1964 contract to cover Applicant's interest in 70 acres in sec. 12, T. 7 N., R. 26 W.
[48] Between Sidwell Oil & Gas, Inc., and El Paso Natural Gas Co.
[49] Adds Sidwell's interest in sec. 13, T. 7 N., R. 26 W., among other acreage to Feb. 1, 1964 contract.
[50] Sale being rendered on June 7, 1964.
[51] Limited to all depths shallower than the base of The Mississippian System (sale is to be casinghead gas only).
[52] Contract provides for a rate of 14.0 cents per Mcf, but Applicant requested a rate of 13.0 cents per Mcf.
[53] Between Sierra Petroleum Co., Inc., and buyer; on file as Sierra Petroleum Co., Inc., FPC GRS No. 6.
[54] Also on file as Paul H. Ash d.b.a. A & C Oil & Gas Co. FPC GRS No. 10.
[55] Transfers properties from Ash to S. W. Jack, Jr.

[F.R. Doc. 67-7763; Filed, July 10, 1967; 8:45 a.m.]

[Docket No. RI67-469]

KERR-McGEE CORP.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

JUNE 29, 1967.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth in Appendix A below.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however*, That the supplement to the rate schedule filed by Respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless Respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before August 16, 1967.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary*.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date [1] unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI67-469	Kerr-McGee Corp., Kerr-McGee Bldg., Oklahoma City, Okla. 73102.	[2] 75	6	Panhandle Eastern Pipe Line Co. (North Carthage Field, Texas County, Okla.) (Panhandle Area).	9528	6-13-67	[3] 7-13-67	[4] 7-14-67	[5] 16.0	[6] [7] 17.0	

[1] Basic contract dated after Sept. 28, 1960, the date of issuance of General Policy Statement No. 61-1.
[2] The stated effective date is the first day after expiration of the statutory notice.
[3] The suspension period is limited to 1 day.
[4] Periodic rate increase.
[5] Pressure base is 14.65 p.s.i.a.
[6] Subject to proportionate upward and downward B.t.u. adjustment for gas containing more or less than 1,000 B.t.u.'s per cubic foot. Present B.t.u. content of gas is 955.7 B.t.u.'s per cubic foot.

Kerr-McGee Corp. (Kerr-McGee) requests that its proposed rate increase be permitted to become effective, without suspension, as of April 1, 1967, the contractually provided effective date. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Kerr-McGee's rate filing and such request is denied. Kerr-McGee's proposed rate increase is suspended for the reason set forth below.

The contract related to the rate filing of Kerr-McGee was executed subsequent to September 28, 1960, the date of issuance of the Commission's statement of general policy No. 61-1, as amended, and the proposed increased rate of 17.0 cents per Mcf exceeds the area increased rate ceiling for the Panhandle Area but does not exceed the initial service ceiling of 17.0 cents per Mcf established for the area involved. We believe, in this situa-

tion, Kerr-McGee's proposed rate filing should be suspended for 1 day from July 13, 1967, the date of expiration of the statutory notice.

[F.R. Doc. 67-7764; Filed, July 10, 1967; 8:45 a.m.]

[Docket Nos. RI67-470 etc.]

KERR-McGEE CORP. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

JUNE 29, 1967.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A below.

[1] Does not consolidate for hearing or dispose of the several matters herein.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before August 15, 1967.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI67-470	Kerr-McGee Corp., Kerr-McGee Bldg., Oklahoma City, Okla. 73102.	54	5	Northern Natural Gas Co. (South Glenwood Pool, Beaver County, Okla.) (Panhandle Area).	$568	6-12-67	[2] 7-13-67	12-13-67	[3] 17.3[illegible]	[4] [5] 18.[illegible]	
RI67-471	Kirby Petroleum Co. (Operator) et al., Post Office Box 1943, Houston, Tex. 77001.	28	3	Panhandle Eastern Pipe Line Co. (Depths above the base of the Chase Group, Hugoton Field, Grant County, Kans.).	3,780	6- 9-67	[2] 7-10-67	12-10-67	11.0	[6] 12.0	
RI67-472	Delta Drilling Co. (Operator) et al., Post Office Box 2017, Tyler, Tex. 75701.	39	1	Lone Star Gas Co. (Katie Horton Unit No. 1, Danville Field, Gregg County, Tex.) (R.R. District No. 6).	996	[1] 6- 9-67	[2] 7-10-67	12-10-67	14.65	[6] 14.65	
RI67-473	Oklahoma Natural Gas Co., Post Office Box 871, Tulsa, Okla. 74102.	5	3	Northern Natural Gas Co. (Glenwood Field, Beaver County, Okla.) (Panhandle Area).	846	[1] 6- 3-67	[2] 7- 4-67	12- 4-67	[3] [7] 17.376	[4] [8] 18.477	RI62-305.

[1] The stated effective date is the first day after expiration of the statutory notice.
[2] Periodic rate increase.
[3] Pressure base is 14.65 p.s.i.a.
[4] Subject to proportionate upward and downward B.t.u. adjustment for gas containing more or less than 1,000 B.t.u.'s per cubic foot. Present B.t.u. content of gas is 968.7 B.t.u.'s per cubic foot.
[5] The stated effective date is the effective date proposed by Respondent.
[6] Corrected by letter dated June 12, 1967, which was filed on June 13, 1967.
[7] Corrected by letter dated June 15, 1967, which was filed on June 16, 1967.
[8] Includes base rate of 14.0 cents plus upward B.t.u. adjustment before increase and 17.0 cents plus upward B.t.u. adjustment after increase, based on B.t.u. content as shown in present filing. Base price subject to upward and downward B.t.u. adjustment.
[9] Includes 0.016 cent per Mcf tax reimbursement for recently enacted increase in Oklahoma Excise Tax which will become effective on July 1, 1967.

Kerr-McGee Corp. (Kerr-McGee) requests that its proposed rate increase be permitted to become effective, without suspension, on July 1, 1967, the contractually provided effective date. Delta Drilling Co. (Operator) et al. (Delta), request that their proposed rate increase be permitted to become effective "immediately". Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for Kerr-McGee and Delta's rate filings and such requests are denied.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR, Ch. I, Pt. 2, sec. 2.56).

[F.R. Doc. 67-7765; Filed July 10, 1967; 8:45 a.m.]

[Docket Nos. G-6530 etc.]

G. H. VAUGHN, JR., ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

JUNE 29, 1967.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 24, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however,* That pursuant to § 2.56, Part 2, Statement of General Policy and Interpretations, Chapter I of Title 18 of the Code of Federal Regulations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after April 15, 1965, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing such certificate application, or within the time fixed herein for the filing of protests or petitions to intervene the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

GORDON M. GRANT, *Secretary.*

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G-4880 E 6-9-67	G. H. Vaughn, Jr., and Jack O. Vaughn, individually; G. H. Vaughn, Jr., and J. O. Vaughn, trustees under the will of O. E. Vaughn, deceased (successor to O. E. Vaughn), c/o E. H. Gunter, general manager, 1300 Vaughn Bldg., Dallas, Tex. 75201.	United Gas Pipe Line Co., Cotton Valley Field, Webster Parish, La.	18.05076	15.025
G-6443 E 6-9-67	G. H. Vaughn, Jr., and J. O. Vaughn, trustees under the will of O. E. Vaughn, deceased (successor to O. E. Vaughn).	H. L. Hunt, North Lansing Field, Harrison County, Tex.	[1] 14.5	14.4
G-9224 E 6-19-67	CRA, Inc. (Operator), et al. (successor to Amax Petroleum Corp. (Operator) et al.), Post Office Box 7305, Kansas City, Mo. 64116.	Tennessee Gas Pipeline Co., a division of Tenneco, Inc., Magnet-Withers Field, Wharton County, Tex.	15.0	14.65
G-11243 E 6-16-67	do	Southern Natural Gas Co., Napoleonville Field, Assumption Parish, La.	15.0	15.025
G-12005 D 6-13-67 [2]	Mobil Oil Corp., Post Office Box 2444, Houston, Tex. 77001.	United Gas Pipe Line Co., Eugene Island Area, Offshore Iberia Parish, La.	Assigned	
G-12399 D 6-15-67 [2]	Sinclair Oil & Gas Co. (Operator) et al., Post Office Box 521, Tulsa, Okla. 74102.	Michigan Wisconsin Pipe Line Co., Laverne Area, Beaver County, Okla.	Assigned	
G-16699 E 6-19-67	CRA, Inc. (Operator) et al. (successor to Amax Petroleum Corp. (Operator) et al.).	El Paso Natural Gas Co., West Bar-X Area, Grand County, Utah.	12.0	14.73
G-16968 D 6-19-67	Champlin Petroleum Co. (Operator) et al.	Cities Service Gas Co., acreage in Harber County, Kans.	(4)	
CI61-276 E 6-15-67	CRA, Inc. (successor to Amax Petroleum Corp.).	Lone Star Gas Co., acreage in Stephens County, Okla.	15.0	14.65
CI61-1639 E 6-15-67	do	Michigan Wisconsin Pipe Line Co., acreage in Beaver County, Okla.	[3] 17.0	14.65
CI61-1817 E 6-16-67	do	Northern Natural Gas Co., Laverne Field, Harper County, Okla.	17.0	14.65
CI62-1294 E 6-15-67	do	Panhandle Eastern Pipe Line Co., Mocane-Laverne Field, Beaver County, Okla.	17.0	14.65
CI63-403 E 6-15-67	CRA, Inc. (Operator), et al. (successor to Amax Petroleum Corp. (Operator) et al.).	El Paso Natural Gas Co., Bar-X Unit, Grand County, Utah; and Mesa County, Colo.	[3] 12.727	15.025
CI63-431 [2] E 6-15-67	CRA, Inc. (successor to Amax Petroleum Corp.).	Northern Natural Gas Co., Gate Area, Beaver County, Okla.	17.0	14.65
CI63-469 E 6-14-67	David Jackman, Jr., and Robert C. Armstrong (successor to Clinton Oil Co.), [10] 655 Fourth National Bank Bldg., Wichita, Kans. 67202.	Northern Natural Gas Co., acreage in Edwards County, Kans.	15.5	14.65
CI63-626 E 6-16-67	CRA, Inc. (Operator), et al. (successor to Amax Petroleum Corp. (Operator) et al.).	El Paso Natural Gas Co., acreage in Mesa County, Colo.	[3] 15.0 [3] 13.5	15.025
CI63-642 E 6-15-67	do	El Paso Natural Gas Co., Bar-X Field, Grand County, Utah; and Mesa County, Colo.	[3] 12.727	15.025
CI63-719 E 6-19-67	do	El Paso Natural Gas Co., acreage in Mesa County, Colo.	12.0	15.025
CI63-1084 E 6-19-67	CRA, Inc. (successor to American Metal Climax, Inc.).	Kansas-Nebraska Natural Gas Co., Inc., and Northern Utilities, Inc., Boone Dome Area, Natrona County, Wyo.	12.9	15.025
CI63-1838 E 6-15-67	CRA, Inc. (successor to Amax Petroleum Corp.).	Northern Natural Gas Co., acreage in Beaver County, Okla.	17.0	14.65
CI63-1458 E 6-19-67	do	Panhandle Eastern Pipe Line Co., acreage in Beaver County, Okla.	[3] 17.0	14.65
CI64-367 E 6-19-67	CRA, Inc. (Operator), et al. (successor to American Metal Climax, Inc. (agent and operator) et al.).	Mountain Fuel Supply Co., Nitchie Gulch Unit Area, Sweetwater County, Wyo.	15.0	14.65
CI64-653 E 6-19-67	CRA, Inc. (successor to Amax Petroleum Corp.).	Northern Natural Gas Co., acreage in Beaver County, Okla.	17.0	14.65
CI64-1142 E 6-19-67	CRA, Inc. (Operator), et al. (successor to American Metal Climax, Inc. (Operator), et al.).	Kansas-Nebraska Natural Gas Co., Inc., North Shawnee Flat Top Field, Converse County, Wyo.	15.0	15.025
CI65-240 [9] E 6-16-67	CRA, Inc. (successor to Amax Petroleum Corp.).	Michigan Wisconsin Pipe Line Co., acreage in Woods County, Okla.	[11] 15.0	14.65
CI65-357 E 6-19-67	CRA, Inc. (Operator), et al. (successor to Amax Petroleum Corp. (Operator) et al.).	Panhandle Eastern Pipe Line Co., acreage in Beaver County, Okla.	17.0	14.65
CI65-481 6-20-67 [12]	Monsanto Co. (Operator) et al., 1300 Main St., Houston, Tex. 77002.	Natural Gas Pipeline Co. of America, Dagger Draw Area, Eddy County, N. Mex.	16.679	14.65
CI65-551 E 6-19-67	CRA, Inc. (successor to Amax Petroleum Corp.).	Arkansas Louisiana Gas Co., acreage in Blaine County, Okla.	16.5	14.65

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
CI67-1790 A 6-19-67	Columbian Fuel Corp., 400 Davey Ave., Parkersburg, Okla. 74602, Terr. Inc.	United Fuel Gas Co., acreage in Kanawha County, W. Va.	26.0	14.65
CI67-1791 A 6-19-67		Champlin Petroleum Co., Hooser Trend Field, Logan County, Okla.	11.0	14.65
CI67-1792 A 6-22-67	The California Co., a division of Chevron Oil Co., 111 Tulane Ave., New Orleans, La. 70113.	Transcontinental Gas Pipe Line Corp., Block 107, Ship Shoal Area, Gulf of Mexico.	18.0	15.025
C167-1793 A 6-20-67	Calvert Mid America, Inc., 4th Floor, National Bank of Tulsa Bldg., Tulsa, Okla. 74103.	Arkansas Louisiana Gas Co., Nichols Gulch Area, Sweetwater County, Wyo.	14.0	14.65
C167-1794 A 6-21-67	Sun Oil Co. (Southwest Division), 1608 Walnut St., Philadelphia, Pa. 19103.	Sun Gas Gathering Co., Leal (Moore 2200 Sand) Field, Duval County, Tex.	4.0	14.65
C167-1795 A 6-22-67	Reserve Oil & Gas Co., Republic Industries Inc. Southwest Bldg., Third, 601 First National Bldg., Oklahoma City, Okla. 73102.	Northern Natural Gas Co., Ryus Ranch Field, Goodlow County, Tex.	16.0	14.65
C167-1796 B 6-22-67	Reserve Oil & Gas Co. (Operator), et al., 1500 Fidelity Union Tower, Dallas, Tex. 75201.	Trans Eastern Transmission Corp., Doebrmann Field, DeWitt County, Tex.	Depleted	
C167-1797 A 6-20-67	Mesa Petroleum Co. (Operator), P. O. Box 2009, Amarillo, Tex. 79105.	Cities Service Gas Co., Lovedale Field, Harper County, Okla.	17.0	14.65
C167-1798 B 6-19-67	Reserve Oil & Gas Co., et al.	Trans Eastern Transmission Corp., Brandt Field, Goliad County, Tex.	Depleted	
C167-1799 A 6-22-67	Apache Corp. (Operator) et al., 823 South Detroit, Tulsa, Okla. 74120.	Transwestern Pipeline Co., Kiger Field, Lipscomb County, Tex.	17.0	14.65
C167-1800 A 6-20-67	Milwest Oil Corp., 1700 Broadway, Denver, Colo. 80202.	Cities Service Gas Co., Arena Valley Ranch Gomanche County, Okla.	14.0	14.65
C167-1801 A 6-20-67	Har-Ken Oil Co. (Operator) et al., Post Office Box 614, Owensboro, Ky. 42301.	Trans Gas Transmission Corp., Midland Field, Muhlenberg County, Ky.	17.0	15.025

Date in effect subject to refund in Docket No. R161-144.
Docket nos. changed to Docket & Exploration Co.
Docket nos. changed to Delta Corp.
No production has ever been obtained from subject acreage and lease has expired by its own terms.
Subject to upward and downward B.t.u. adjustment.
Base rate of 13 cents less 0.875 cent downward B.t.u. adjustment.
Applicant is filing to succeed to the properties of Amax Petroleum Corp. under subject docket. Certificate covers properties owned by Freddie Morgan Field et al and Amax Petroleum Corp.
Suspended in Docket No. R161-144.
Applicable rate for production from new gas wells (sec. 2).
No permanent certificate issued; temporary authorization granted by letter order Oct. 31, 1964.
Subject to upward B.t.u. adjustment.
Amendment to the certificate filed to add interest of nonsignatory co-owners (Cities Service Oil Co. and Tom L. Ingram).
Subject to deduction for compression should Buyer compress gas.
Applicant originally filed an application, as described in the notice issued Feb. 13, 1967, in Docket No. G-12158 et al., which was published in the FEDERAL REGISTER on March 1, 1967, 32 F.R. 3347. Applicant has amended its application in part (to add additional acreage) and in part (to abandon the subject sale because it is only all is being produced from the acreage acquired by this certificate) by Opinion No. 466-A.
Applicant agreed to accept a permanent certificate conditioned by Opinion No. 448, as modified by Opinion No. 466-A.
Applicant agreed to mechanical conditions of the well bore.
Rate in effect subject to refund in Docket No. R161-144.
Applicant filed Form No. 154, Application for Small Producer Certificate.
Applicant agreed to accept a permanent certificate conditioned by Opinion No. 468, as modified by Opinion No. 468-A.
Applicant is now purchasing gas from Pan American Petroleum Corp.
Applicant proposes to accept assignment from Champlin Petroleum Co.
Rate in effect subject to refund in Docket No. R161-144. An increase in rate to 17 cents has been filed but not suspended in Docket No. R161-144.

[F.R. Doc. 67-7706; Filed, July 10, 1967; 8:46 a.m.]

[Project No. 1971]

IDAHO POWER CO.

Oregon; Notice of Additional Land Withdrawal

JULY 5, 1967.

Idaho Power Co., on February 27, 1967, filed a supplemental map exhibit for Project No. 1971 in connection with the Pallette Junction-Hells Canyon 230-kv transmission line.

Conformable to the provisions of section 24 of the Act of June 10, 1920, as amended, notice is hereby given that the hereinafter described lands, insofar as title thereto remains in the United States, are from the date of filing of the exhibit, February 27, 1967, reserved from entry, location or other disposal under the laws of the United States until otherwise directed by the Commission or by Congress.

WILLAMETTE MERIDIAN

All portions of the following described subdivisions lying within 50 feet, on either side of the centerline survey of the transmission line right-of-way location as delimited on map, Supplemental Exhibit J and K (FPC No. 1971-220):

T. 3 S., R. 48 E.,
Sec. 36, SE¼SE¼.
T. 4 S., R. 48 E.,
Sec. 1, lots 1 and 2, SW¼NE¼, SE¼NW¼, N½SW¼, SW¼SW¼;
Sec. 6, lot 4;
Sec. 9, lot 1, SW¼NW¼, NE¼SW¼, N½SE¼;
Sec. 10, N½S½;
Sec. 11, NE¼NE¼, S½N½, N½SW¼;
Sec. 12, NW¼NW¼.
T. 3 S., R. 49 E. (unsurveyed),
Sec. 31, N½SW¼, SW¼SW¼, NW¼SE¼, S½SE¼;
Sec. 32, S½S½.
T. 4 S., R. 49 E. (unsurveyed),
Sec. 4, W½NE¼, N½NW¼;
Sec. 5, NE¼NE¼.

The general determination made by the Commission at its meeting of April 17, 1922 (2d Ann. FPC Rept. 128), with respect to lands reserved for power transmission line purposes, is applicable to those portions of the above-described lands occupied for that purpose only.

The area of United States land reserved by this notice is approximately 97.34 acres, all within the Wallowa-Whitman National Forest. Of this approximately 3.21 acres have been heretofore reserved for power purposes under Power Site Classification No. 78.

A copy of map, Exhibits J and K (FPC No. 1971-220) has been transmitted to the Bureau of Land Management, Geological Survey and Forest Service.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-7705; Filed, July 10, 1967; 8:45 a.m.]

[Docket No. CP67-384]

UNION GAS SYSTEM, INC., AND CITIES SERVICE GAS CO.

Notice of Application

JULY 3, 1967.

Take notice that on June 27, 1967, Union Gas System, Inc. (Applicant), Post Office Box 247, Independence, Kans. 67301, filed in Docket No. CP67-384 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Cities Service Gas Co. (Respondent) to establish physical connection of its transportation facilities with the facilities proposed to be constructed by Applicant and to sell and deliver to Applicant volumes of natural gas for resale and distribution in the community of Hillsdale, Miami County, Kans., and environs, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate a municipal natural gas distribution system in the community of Hillsdale and Applicant proposes to construct and operate, together with Respondent, approximately 1.8 miles of 3-inch lateral line facilities extending northward from a point of interconnection with Respondent's 20-inch transmission line to a connection at Hillsdale, serving four rural customers along said lateral. Applicant estimates the third year peak daily and peak annual natural gas requirements at 169 Mcf and 12,825 Mcf, respectively.

Applicant estimates the total cost of its proposed construction at approximately $42,343, said cost to be financed from funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 31, 1967.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-7907; Filed, July 10, 1967; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

INSURED BANKS

Joint Call for Report of Condition

CROSS REFERENCE: For a document regarding the above-titled matter, see Federal Deposit Insurance Corporation, F.R. Doc. 67-7935, *supra*.

GENERAL SERVICES ADMINISTRATION

[Temp. Reg. E-9]

PROPERTY MANAGEMENT

Revised Replacement Standards for Furniture and Office Machines

To heads of Federal agencies:

1. *Purpose.* This regulation revises the replacement standards for furniture (office, household, and quarters, and institutional) and typewriters, and establishes standards for other office machines (manual and electric) in consonance with the objectives of the President, set forth in his memorandum of September 16, 1966, to heads of departments and agencies on cost reduction in procurement, supply, and property management.

2. *Effective date.* This regulation is effective June 30, 1967.

3. *Expiration date.* This regulation expires June 30, 1968, unless sooner revised or superseded. Prior to this expiration date, this regulation shall be codified, as appropriate, in the permanent regulations of GSA appearing in Title 41, CFR, Public Contracts and Property Management. Comments concerning the effect or impact of this regulation on agency operations or programs should be submitted to General Services Administration, Federal Supply Service, Office of Supply Management, Washington, D.C. 20405, no later than January 31, 1968, for consideration and possible incorporation into the permanent regulation.

4. *General.* Existing replacement standards have been reexamined in the light of the objectives in the President's memorandum with a view to extending the useful life of such equipment and thus avoiding new procurement. This can be realized through the use of servicing facilities provided substantially through GSA sources. The revised standards are designed to assure that repair or rehabilitation of existing furniture or office machines is effected to an optimum degree and that agencies assume a "make-do" attitude.

5. *Applicability.* The provisions of this regulation apply to all executive agencies. Other agencies are encouraged to use these standards so that maximum benefits may be realized.

6. *Furniture replacement standard.* Furniture shall not be replaced unless the estimated cost of repair or rehabilitation (based on GSA terms contracts), including any transportation expense, exceeds at least 75 percent of the cost of a new item of the same type and class (based on prices as shown in the current edition of the GSA Stock Catalog, applicable Federal Supply Schedules, or the lowest available market price). An exception is authorized in those unusual situations when rehabilitation of the furniture at 75 percent of the cost of a new item would not extend its useful life for a period compatible with the cost of rehabilitation, as determined by the agency head or his designee.

7. *Office machines replacement standard.* Replacement of office machines shall be in accordance with the standards prescribed in a and b, below. The acquisition cost of comparable machines may be obtained from applicable Federal Supply Schedules with due consideration given to prices obtainable when the quantities involved exceed the maximum order limitation. In such instances, price information, unless available within the agency, may be obtained from the contracting office indicated in the Schedule. Estimated repair or overhaul costs shall be obtained from contractors providing service under GSA term contracts where provided or at the lowest rate available from other sources. Cost obtained shall include transportation costs.

a. Electrically operated office machines (typewriters, adding machines,

comptometers, and desk calculators, excluding the electronic type) under 12 years of age or manually operated office machines under 15 years of age shall not be replaced unless:

(1) The estimated one-time repair or overhaul cost of a machine under 8 years of age exceed 50 percent of the replacement cost for a comparable new model, without regard to trade-in or sale value; or

(2) The estimated one-time repair or overhaul cost of a machine 8 years of age and over exceeds 25 percent of the replacement cost for a comparable new model, without regard to trade-in or sale value.

b. Notwithstanding the limitations prescribed in a, above, office machines may be replaced under the following conditions provided a written justification supporting such replacement is approved by the agency head or an authorized designee and is retained in the agency files:

(1) In those cases where there is a continuing history of breakdowns with corresponding loss of productivity through downtime. Judgments in these cases should be based upon personal knowledge of the machine operator or supervisor, and by repair records; or

(2) When office machines lack essential features required in the performance of a particular task which is continuing in nature and other suitable machines are not readily available. However, this condition shall not be used to support replacement of typewriters.

8. *Other issuances affected.* The replacement standards for typewriters in FPMR 101–25.403 and the replacement standards for furniture in FPMR 101–25.404 are superseded.

Dated: July 3, 1967.

LAWSON B. KNOTT, JR.,
Administrator of General Services.

[F.R. Doc. 67-7941; Filed, July 10, 1967; 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812-2182]

AMERICAN & FOREIGN POWER CO., INC.

Notice of Filing of Application Exempting Transactions Between Affiliated Persons

JULY 5, 1967.

Notice is hereby given that American & Foreign Power Co., Inc. ("Foreign Power"), 2 Rector Street, New York, N.Y., a Maine corporation, a registered closed-end nondiversified investment company, and a majority-owned subsidiary of Electric Bond and Share Co., has filed an application pursuant to section 17(b) of the Investment Company Act of 1940 ("Act") for an order exempting from the provisions of section 17(a) of the Act the proposed purchase from Amercon Enterprises, Ltd. ("Amercon"), a wholly owned subsidiary of Foreign Power, by Aluminum Company of America ("Alcoa"), of all of Amercon's holdings of common stock of Aluminio, S.A. de C.V. ("Aluminio"). All interested persons are referred to the application, which is on file with the Commission, for a full statement of the representations therein, which are summarized below.

The proposed transaction. Amercon and Alcoa have entered into an agreement under which it is proposed that Alcoa will purchase Amercon's entire stock holdings, consisting of 14 percent of the common stock of Aluminio, 52,500 shares, for $35 per share or a total price of $1,837,500 plus any cash dividends accrued and unpaid at the closing date. Each share of common stock carries a coupon which will entitle Alcoa to a common stock dividend of two-thirds of a share per share.

Aluminio, a Mexican corporation which operates an aluminum smelter in Veracruz, Mexico, was formed by Amercon, Alcoa and Intercontinental S.A., a Mexican corporation, pursuant to agreements of September 25 and October 6, 1961. As part of this arrangement Amercon obtained the 52,500 shares which are the subject of this application at a cost equivalent to $420,000 or $8 per share and subordinate debentures in total principal amount of $3,150,000. As of the date of the application $1,925,000 principal amount of such debentures remained outstanding. As of December 31, 1966, Aluminio had consolidated assets of $16.9 million, outstanding long-term debt of $4.8 million (excluding current maturities), preferred stock with a total par value equivalent to $3.8 million, and common stock equity equivalent to $5.9 million.

Aluminio is an affiliated person of Foreign Power by virtue of Foreign Power's ownership of all of the capital stock of Amercon and Amercon's ownership of 14 percent of the common stock of Aluminio. Alcoa is an affiliated person of Aluminio by virtue of its ownership of 131,250 shares or 35 percent of the common stock of Aluminio. Alcoa also owns 368,750 shares (77.8 percent) of the preferred (nonvoting) stock of Aluminio.

Upon consummation of the proposed transaction, Alcoa will own 49 percent of the common stock of Aluminio, Intercontinental, S.A., will own 35 percent and other Mexican nationals will own 16 percent. Amercon will still own the $1,925,000 principal amount of Aluminio subordinate debentures which the application states it is presently negotiating to sell to a third party. However, this is not part of the transaction for which an exemption is sought.

Commission jurisdiction. Section 17(a), as here pertinent, makes unlawful the purchase by Alcoa, an affiliated person of an affiliated person (Aluminio) of a registered investment company (Foreign Power), of any securities from Amercon (a company controlled by such registered investment company). The Commission may, upon application pursuant to section 17(b), grant an order exempting a transaction if it finds that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve over-reaching on the part of any person concerned, that the proposed transaction is consistent with the policy of the registered investment company concerned, as recited in its registration statement and reports filed under the Act, and is consistent with the general purposes of the Act.

Supporting statements. The application states that Aluminio's plant has a finished product capacity of 30,000 metric tons per year which is now completely absorbed by the Mexican and export markets; that the management of Aluminio has proposed doubling plant capacity, which expansion project it has been estimated will cost $13 million over a period ending in 1972 and that Amercon deemed it desirable to terminate its stock investment in Aluminio in view of the fact that Aluminio's contemplated expansion program which was to be financed by retained earnings made it extremely likely that Aluminio would continue reinvesting earnings rather than paying dividends.

The application also states that discussions were held with underwriting firms in Mexico and elsewhere with a view to the sale of Amercon's stock interest and a firm offer to purchase the shares at a price equal to $30 per share was made by a Mexican firm. Both Intercontinental, S.A., and Alcoa have the right of first refusal in respect to any contemplated sale of Amercon's Aluminio stock. After advising them that it was considering such a sale, Amercon, with the knowledge of Intercontinental, S.A., entered into direct negotiations with Alcoa which resulted in agreement upon a price of $35 per share. Intercontinental, S.A., advised Foreign Power that it did not wish to purchase any of these shares.

The application further states that it appeared to Amercon that the proposed transaction would be advantageous to it as the sale of stock could be effected without delay and at the same time the transaction should be advantageous to Alcoa, because it will permit Alcoa to strengthen its position in Aluminio.

The Series A–1 common stock of Aluminio which is identical to Amercon's stock, except that it is held by Mexican nationals only, is traded on the Mexico City Stock Exchange, and between January 1, 1967, and June 2, 1967, 11 transactions involving 1,300 shares were recorded, the low being $31.20 per share and the high $32 per share. From declaration on April 27, 1967, until June 2, 1967, there were no reported transactions in the stock dividend shares on a "when issued" basis and no reported transactions in the coupon attached to the certificates for the outstanding common stock, against the delivery of which coupon, certificates for the dividend shares will be issued.

In addition, the application states that there is no affiliation or other relationship between Electric Bond and Share Co., Foreign Power and Amercon on the one hand and Alcoa on the other, except

by reason of the respective holdings of the stock of Aluminio by Amesson and Alcoa and that the price and terms of sale are the result of negotiations at arm's-length between Amercon and Alcoa, and that each party, by virtue of its ownership position in Aluminio, has had an equal opportunity to evaluate Aluminio and reach its own conclusions concerning the value of the shares of common stock of Aluminio which are proposed to be transferred.

Notice is further given that any interested person may, not later than July 26, 1967, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-7909; Filed, July 10, 1967; 8:45 a.m.]

[File Nos. 7-2710—7-2718]

CHROMALLOY AMERICAN CORP. ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

JULY 5, 1967.

In the matter of applications of the Philadelphia-Baltimore-Washington Stock Exchange, for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Chromalloy American Corp.	7-2710
Consolidated Electronics Industries Corp	7-2711
Handy & Harman	7-2712
Ogden Corp.	7-2713
Pacific Petroleums, Ltd.	7-7314
Signal Oil & Gas Co.—Class A	7-2715
United Park City Mines Co.	7-2716
The Villager, Inc.	7-2717
White Consolidated Industries, Inc.	7-2718

Upon receipt of a request, on or before July 21, 1967, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-7910; Filed, July 10, 1967; 8:45 a.m.]

[File No. 7-2719]

GULF & WESTERN INDUSTRIES, INC.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

JULY 5, 1967.

In the matter of application of the Pittsburgh Stock Exchange, for unlisted trading privileges in a certain security.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchange:

Gulf & Western Industries, Inc.; File No. 7-2719.

Upon receipt of a request, on or before July 21, 1967, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-7911; Filed, July 10, 1967; 8:45 a.m.]

[File No. 7-2685]

LEAR SIEGLER, INC.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

JULY 5, 1967.

In the matter of application of the Detroit Stock Exchange, for unlisted trading privileges in a certain security.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the cumulative convertible preferred stock of the following company, which security is listed and registered on one or more other national securities exchange:

Lear Siegler, Inc.; File No. 7-2685.

Upon receipt of a request, on or before July 21, 1967, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-7912; Filed, July 10, 1967; 8:45 a.m.]

[File No. 2720]

LITTON INDUSTRIES, INC.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

JULY 5, 1967.

In the matter of application of the Midwest Stock Exchange, for unlisted trading privileges in a certain security.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the convertible preference stock of the following company, which security is listed and registered on one or more other national securities exchange:

Litton Industries, Inc.; File No. 2720.

Upon receipt of a request, on or before July 21, 1967, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-7913; Filed, July 10, 1967; 8:45 a.m.]

[File Nos. 7-2721—7-2725]

JONATHAN LOGAN, INC., ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

JULY 5, 1967.

In the matter of applications of the Boston Stock Exchange, for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Jonathan Logan, Inc.	7-2721
Northrop Corp.	7-2722
U.S. Plywood-Champion Papers, Inc.	7-2723
United States Gypsum Co.	7-2724
Whirlpool Corp.	7-2725

Upon receipt of a request, on or before July 21, 1967, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-7914; Filed, July 10, 1967; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 416]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 5, 1967.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR Part 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 61403 (Sub-No. 170 TA); filed June 30, 1967. Applicant: THE MASON AND DIXON TANK LINES, INC., Eastman Road, Post Office Box 47 (37662), Kingsport, Tenn. 37664. Applicant's representative: Charles E. Cox, Kingsport, Tenn. 37662. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Polyvinol alcohol*, dry, in bulk, in tank vehicles, from Atlanta, Ga., to Gaffney, S.C., for 180 days. Supporting shipper: Seydel-Woolley & Co., Post Office Box 2345, Atlanta, Ga. 30318. Send protests to J. E. Gamble, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 706 U.S. Courthouse, Nashville, Tenn. 37203.

No. MC 118159 (Sub-No. 39 TA), filed June 30, 1967. Applicant: EVERETT LOWRANCE, 4916 Jefferson Highway, Post Office Box 10216, New Orleans, La. 70121. Applicant's representative: Harold R. Ainsworth, 2307 American Bank Building, New Orleans, La. 70130. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pies*, and *bakery goods*, both frozen and unfrozen, from Tulsa, Okla., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Bama Pie Co., Inc., 2745 East 11th Street, Tulsa, Okla. 73117. Send protests to: W. R. Atkins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, T-4009 Federal Office Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 124692 (Sub-No. 39 TA), filed June 30, 1967. Applicant: SAMMONS TRUCKING, Post Office Box 933, Missoula, Mont. 59801. Applicant's representative: Charles E. Nieman, Nieman & Bosard, 1160 Northwestern Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Salt Lake City, Utah, to the jobsite of the Great Northern Railway Relocation Tunnel at Libby Damsite, near Trego, Mont., for 150 days. Supporting shipper: Commercial Shearing & Stamping Co., Youngstown, Ohio 44501. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 251 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 126441 (Sub-No. 4 TA), filed June 29, 1967. Applicant: J. T. DAILEY, doing business as J. & J. COMPANY, Cuthbert, Ga. 31740. Applicant's representative: Guy H. Postell, Suite 693, 1375 Peachtree Street NE., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* (except plywood and veneer) *and wooden pallets*, over irregular routes from Cuthbert, Ga., to points in Alabama and Florida, for 180 days. Supporting shippers: Burgin Lumber Co., Cuthbert, Ga., and Arlington Box Co., Box 179, Cuthbert, Ga. Send protests to: William L. Scroggs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 300, 680 West Peachtree Street NW., Atlanta, Ga. 30308.

No. MC 128431 (Sub-No. 1 TA), filed June 28, 1967. Applicant: MARION F. ALDERMAN, doing business as MARVEL TRUCKING, Post Office Box 276, Idanha, Oreg. 97350. Applicant's representative: Marion F. Alderman, Post Office Box 276, Idanha, Oreg. 97350. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips* from Fox Valley at Lyons, Oreg., to Vancouver, Wash., for 150 days. Supporting shipper: Cedar Lumber, Inc., Post Office Box 275, Mill City, Oreg. Send protests to: A. E. Odoms, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, Portland, Oreg. 97204.

No. MC 128814 (Sub-No. 5 TA), filed June 29, 1967. Applicant: TRI-STATE MOTOR TRANSIT CO. (Lessee: H. Messick, Inc., Post Office Box 113, East on Interstate Business Route 44, Joplin, Mo. 64801. Applicant's representative: Max G. Morgan, Morgan, Dykeman & Williamson, 450 American National Building, Oklahoma City, Okla. 73102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Explosives, blasting agents, and supplies*, between Hampton and St. Paul, Minn., and points within 5 miles of each, on the one hand, and, on the other, North Dakota, South Dakota, Iowa, Minnesota, Wisconsin, and the Northern Peninsula of Michigan, for 180 days. Supporting shipper: Hercules Inc., Suite 500, 120 Oakbrook Center Mall, Oak Brook, Ill. 60521. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 129208 TA, filed June 28, 1967. Applicant: CHARLES MEARS, doing business as MEARS DELIVERY SERVICE, 2120 North Vanpelt Street, Philadelphia, Pa. 19121. Applicant's representative: Mr. L. W. Harris (same as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electrical equipment, appliances, and furnishing* used in restaurants, between Philadelphia, Pa., and points within 35 miles thereof, on the one hand, and, on the other, points in New York, New Jersey, Delaware, Maryland, Pennsylvania, Virginia, and Washington, D.C., for 180 days. Supporting shippers: United Freezers of Pennsylvania, Inc., Philadelphia, Pa., Natpac Inc., Ozone Park, N.Y., Admiral Corp., Philadelphia, Pa. Send protests to: Ross A. Davis, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 900 U.S. Customhouse, Second and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 129211 (Sub-No. 1 TA), filed June 30, 1967. Applicant: Mariann Burn and Charles W. Burn, doing business as M. C. B. COMPANY, Vanderberg and Railroad Avenue, Marlboro, N.J. 07746. Applicants representative: Bowes & Millner, 1060 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dinnerware* and *reproduced paintings*, between Marlboro, N.J., on the one hand, and, on the other, New York, N.Y., and Philadelphia, Pa., restricted to transportation under contract with George E. Weigl Co., New York, N.Y., for 150 days. Supporting shipper: George E. Weigl Co., 230 Fifth Avenue, New York, N.Y. 10001. Send protests to: District Supervisor, Raymond T. Jones, Interstate Commerce Commission, Bureau of Operations, 410 Post Office Building, 402 East State Street, Trenton, N.J. 08608.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-7042; Filed, July 10 1967; 8:48 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

Correction

In F.R. Doc. 67-7465, appearing at page 9343 of the issue for Friday, June 30, 1967, the FSA number in the second paragraph should read "FSA No. 41060".

CUMULATIVE LIST OF PARTS AFFECTED—JULY

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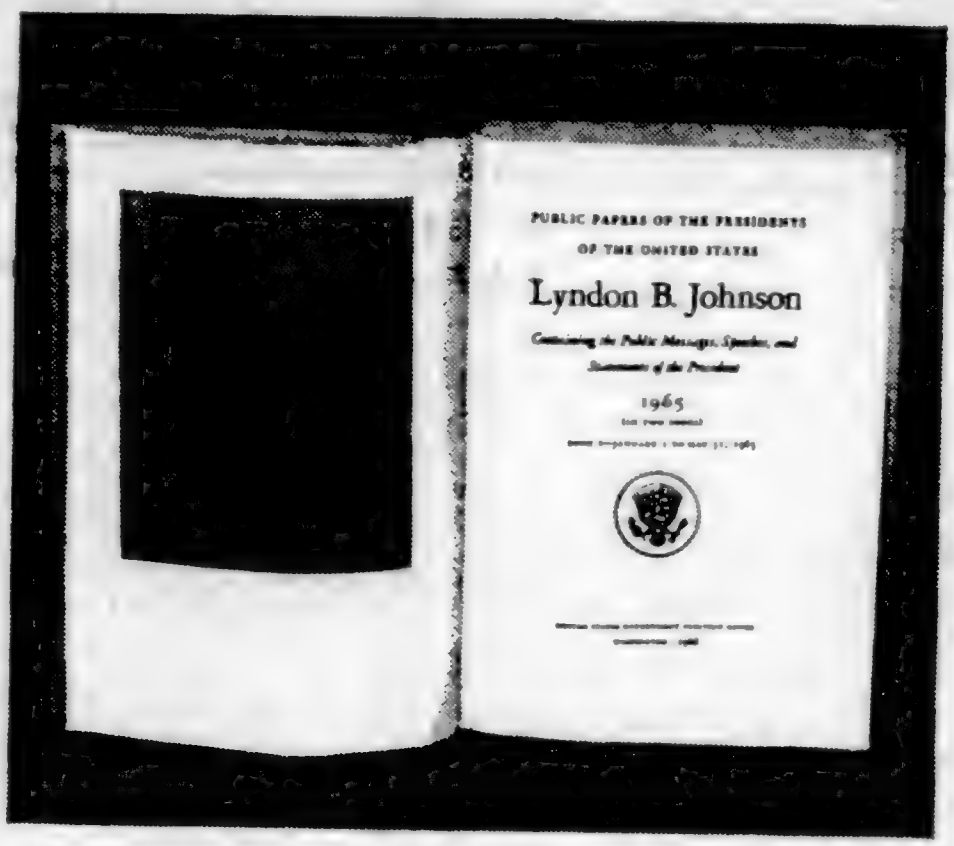
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Federal Maritime Commission
Federal Power Commission
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Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of the Interior

Section 213.3112 is amended to increase from 130 to 180 working days a year the time limitation in the Schedule A authority governing temporary positions established in the field service of the Department for fire prevention or suppression or blister rust control work outside Alaska. Effective on publication in the FEDERAL REGISTER, subparagraph (5) of paragraph (a) of § 213.3112 is amended as set out below.

§ 213.3112 Department of the Interior.

(a) *General.* • • •

(5) Temporary positions established in the field service of the Department for emergency forest and range fire prevention or suppression and blister rust control for not to exceed 180 working days a year.

• • • • •

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67–8001; Filed, July 11, 1967; 8:47 a.m.]

PART 213—EXCEPTED SERVICE

Housing and Home Finance Agency and Department of Housing and Urban Development

Section 213.3144 is amended to show that the positions of five zone operations commissioners are no longer excepted under Schedule A. Section 213.3184 is amended to show that five positions of regional operations commissioners, Federal Housing Administration, are excepted under Schedule A.

1. Effective on publication in the FEDERAL REGISTER paragraph (b) of § 213.3144 is revoked.

§ 213.3144 Housing and Home Finance Agency.

• • • • •

(b) [Revoked]

2. Effective on publication in the FEDERAL REGISTER paragraph (b) is added to § 213.3184 as set out below.

§ 213.3184 Department of Housing and Urban Development.

• • • • •

(b) *Office of the Assistant Secretary for Mortgage Credit and Federal Housing Commissioner.* (1) Five regional operations commissioners.

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67–8000; Filed, July 11, 1967; 8:47 a.m.]

PART 213—EXCEPTED SERVICE

Department of Defense

Section 213.3306 is amended to show that the position of Special Assistant for Planning, Office of the Assistant Secretary of Defense (International Security Affairs) is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (54) is added to paragraph (a) of § 213.3306 as set out below.

§ 213.3306 Department of Defense.

(a) *Office of the Secretary* • • •

(54) One Special Assistant for Planning, Office of the Assistant Secretary of Defense (International Security Affairs).

• • • • •

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67–7997; Filed, July 11, 1967; 8:47 a.m.]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that the position of Deputy Assistant Secretary for Health Manpower is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (7) is added to paragraph (h) of § 213.3316 as set out below.

§ 213.3316 Department of Health, Education, and Welfare.

• • • • •

(h) *Office of the Assistant Secretary for Health and Scientific Affairs.* • • •

(7) One Deputy Assistant Secretary for Health Manpower.

• • • • •

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67–7998; Filed, July 11, 1967; 8:47 a.m.]

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

In F.R. Doc. 67–456 published January 14, 1967, F.R. Doc. 67–1790 published February 16, 1967, and F.R. Doc. 67–6457 published June 9, 1967, the heading of paragraph (b) of § 213.3384 was shown as Office of Assistant Secretary for Mortgage Credit and Housing Assistance. Paragraph (b) should read as follows:

(b) *Office of the Assistant Secretary for Mortgage Credit and Federal Housing Commissioner.*

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67–8000; Filed, July 11, 1967; 8:47 a.m.]

Title 7—AGRICULTURE

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[Amdt. 1]

PART 1464—TOBACCO

Subpart—Tobacco Loan Program

The regulations issued by Commodity Credit Corporation, published in 31 F.R. 9679, with respect to the tobacco price support loan program are herein amended as follows:

1. In § 1464.1756 paragraph (d) (1) (iv) is amended to change the time during which price support will be available on untied tobacco in flue-cured tobacco belts other than the Georgia-Florida belt. The amended subdivision reads as follows:

§ 1464.1756 Availability of price support.

• • • • •

(d) • • •

(1) • • •

(iv) In the case of flue-cured tobacco, price support will be available on flue-cured tobacco markets in the Georgia-Florida Belt only if such tobacco is in untied form. During the first 95 hours of scheduled selling time for each flue-cured tobacco belt, other than the Georgia-Florida Belt, price support will be available on eligible tobacco of all grades of tied and untied tobacco. Beginning with the 96th hour of scheduled selling time for each such belt, price support will be available only on eligible tobacco offered for sale in tied form.

* * * * *

2. Section 1464.1762 is amended to clarify the condition for issuance of marketing cards which render a producer ineligible for price support. The amended section reads as follows:

§ 1464.1762 Eligible producer.

(a) All producers of Puerto Rican tobacco are eligible producers, since Puerto Rican tobacco is not under U.S. marketing quotas. Any producer of another kind of tobacco is an eligible producer if, under the applicable regulations of the Secretary of Agriculture with respect to tobacco marketing quotas for the applicable marketing year, a marketing card has been issued for his farm which, (1) if for flue-cured tobacco, does not bear the words "No Price Support," and (2) if for other than flue-cured tobacco, is designated a "Within Quota" marketing card. In general, the marketing quota regulations provide for the issuance of marketing cards designated "Within Quota" or not marked "No Price Support" where the tobacco acreage harvested for each kind of tobacco produced on the farm is not in excess of the applicable acreage allotment established under the marketing quota program for the farm. However, a "Within Quota" marketing card is not issued or a marketing card is marked "No Price Support" where (1) the farm operator fails to comply with provisions of Part 718 of this chapter with respect to disposition of excess acreage or certification of acreage or (2) tobacco is produced on land owned by the Federal Government in violation of the provisions of a lease restricting the production of tobacco.

(b) Marketing quota cards issued pursuant to the Agricultural Adjustment Act of 1938, as amended, when utilized for the purpose of obtaining price support under this subpart, are submitted, and the data in support thereof is reported, under the Agricultural Act of 1949, as amended, and under the Commodity Credit Corporation Charter Act, as amended, and may be utilized as CCC deems necessary or desirable for the conduct of the price support program.

(Sec. 4, 62 Stat. 1070, as amended, sec. 5, 62 Stat. 1072, secs. 101, 106, 401, 403, 63 Stat. 1051, as amended, 1054, sec. 125, 70 Stat. 198, 74 Stat. 6; 7 U.S.C. 1441, 1445, 1421, 1423, 7 U.S.C. 1813, 15 U.S.C. 714b, 714c)

Effective date: Date of filing with Office of Federal Register.

Signed at Washington, D.C., on July 6, 1967.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 67-8023; Filed, July 11, 1967; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 7664; Amdt. 1-13]

PART 1—DEFINITIONS AND ABBREVIATIONS

Definitions

Correction

In F.R. Doc. 67-7527, appearing at page 9640 of the issue for Tuesday, July 4, 1967, in the definition for "operate" in item 1, a comma should appear immediately after the word "owner".

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 8262; Amdt. 95-156]

PART 95—IFR ALTITUDES

Miscellaneous Changes

The purpose of this amendment to Part 95 of the Federal Aviation Regulations is to make changes in the IFR altitudes at which all aircraft shall be flown over a specified route or portion thereof. These altitudes, when used in conjunction with the current changeover points for the routes or portions thereof, also assure navigational coverage that is adequate and free of frequency interference for that route or portion thereof.

As a situation exists which demands immediate action in the interest of safety, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 95 of the Federal Aviation Regulations is amended, effective August 17, 1967, as follows:

1. By amending Subpart C as follows:

Section 95.102 *Amber Federal airway 2* is amended to read in part:

From, to, and MEA

Fairbanks, Alaska, LFR; Bettles, Alaska, LF/RBN; 5,500.

Section 95.1001 *Direct routes—United States* is amended to read in part:

Panama City, Fla., VOR; Orange INT, Fla.; *1,800. *1,300—MOCA.

Panama City, Fla., VOR; Greenhead INT, Fla.; *1,800. *1,500—MOCA.

Panama Routes

V-3

Chorrera INT, C.Z.; Taboga, Republic of Panama, VOR; 2,700.

V-12

France Field, C.Z., VOR; Mike 5; *4,000. *2,900—MOCA.

Section 95.1001 *Direct routes—United States* is amended by adding:

Long Beach, Calif., VOR; Manta INT, Calif.; 2,500.

Manta INT, Calif.; Int, 155° M rad, Van Nuys VOR and 323° M rad, Los Angeles VOR; 4,000.

Int, 155° M rad, Van Nuys VOR and 323° M rad, Los Angeles VOR; Park INT, Calif.; 4,000.

De Funiak Springs INT, Fla.; Int, 168° M rad, Montgomery VOR and 069° M rad, Monroeville VOR; *4,800. *2,000—MOCA.

Int, 168° M rad, Montgomery VOR and 069° M rad, Monroeville VOR; Montgomery, Ala., VOR; 2,500.

Crab INT, Alaska; Marlin INT, Alaska; 4,000.

Marlin INT, Alaska; Cold Bay, Alaska, LFR; 4,000.

Section 95.1001 *Direct routes—United States* is amended to delete:

Montgomery, Ala., VOR; De Funiak Springs INT, Fla.; *4,800. *2,800—MOCA.

Section 95.6003 *VOR Federal Airway 3* is amended to read in part:

*Harris Neck INT, Ga., Savannah, Ga., VOR; **2,000. *3,800—MRA. **1,500—MOCA.

*Catherine INT, Ga., via E alter.; **Keller INT, Ga., via E alter.; ***2,000. *5,000—MRA. **5,500—MRA. ***1,500—MOCA.

Keller INT, Ga., via E alter.; Savannah, Ga., VOR, via E alter.; *2,000. *1,500—MOCA.

Savannah, Ga., VOR; Vance, S.C., VOR; *2,000. *1,500—MOCA.

Florence, N.C., VOR; Pinehurst, N.C., VOR; 2,000.

Section 95.6004 *VOR Federal airway 4* is amended to read in part:

Salina, Kans., VOR; Custar INT, Kans.; *3,000. *2,800—MOCA.

Custar INT, Kans.; Maple Hill INT, Kans.; *3,000. *2,700—MOCA.

Section 95.6006 *VOR Federal airway 6* is amended to read in part:

Naperville, Ill., VOR; Steamboat INT, Ill.; *2,500. *2,300—MOCA.

Section 95.6007 *VOR Federal airway 7* is amended to read in part:

Milwaukee, Wis., VOR; Calvary INT, Wis.; *3,000. *2,600—MOCA.

Trimble INT, Ala., via E alter.; Roundtree INT, Ala., via E alter; *2,800. *2,300—MOCA.

Roundtree INT, Ala., via E alter.; Muscle Shoals, Ala., VOR, via E alter.; *2,400. *2,000—MOCA.

Section 95.6009 *VOR Federal airway 9* is amended to read in part:

Milwaukee, Wis., VOR; Eden INT, Wis.; *3,000. *2,600—MOCA.

Section 95.6010 *VOR Federal airway 10* is amended to read in part:

Naperville, Ill., VOR; Steamboat INT, Ill.; *2,500. *2,300—MOCA.

Section 95.6013 *VOR Federal Airway 13* is amended to read in part:

*Barnum INT, Minn., Duluth, Minn., VOR; **3,300. *4,000—MRA. **2,600—MOCA.

Section 95.6015 *VOR Federal airway 15* is amended to read in part:

Waxie INT, Tex.; Fair Park INT, Tex.; 2,700.

Section 95.6017 *VOR Federal airway 17* is amended to read in part:

*Millett INT, Tex.; Leming INT, Tex.; **2,500. *5,000—MRA. **1,900—MOCA.

Section 95.6018 *VOR Federal airway 18* is amended to read in part:

Godfrey INT, Ga., via S alter.; Sharon INT, Ga., via S alter.; *2,800. *2,000—MOCA.

Section 95.6025 *VOR Federal airway 25* is amended to read in part:

*Gateway INT, Oreg.; The Dalles, Oreg., VOR; 6,500. *2,000—MRA.

*The Dalles, Oreg., VOR; Brownstown DME Fix, Wash., 7,800. *5,600—MCA The Dalles VOR, northbound.

*The Dalles, Oreg., VOR, via E alter.; Yakima, Wash., VOR, via E alter.; 7,800. *5,400—MCA The Dalles VOR, northeastbound.

Section 95.6057 *VOR Federal airway 57* is amended to read in part:

Trimble INT, Ala.; Roundtree INT, Ala.; *2,800. *2,300—MOCA.

Roundtree INT, Ala.; Huntsville INT, Ala. *2,800. *1,900—MOCA.

Section 95.6068 *VOR Federal airway 68* is amended to delete:

Corpus Christi, Tex., VOR; Pogo INT, Tex.; *1,600. *1,400—MOCA.

Pogo INT, Tex.; Solon INT, Tex.; *1,800. *1,500—MOCA.

Solon INT, Tex.; *Armstrong INT, Tex.; **3,000. *3,000—MRA. **1,500—MOCA.

Armstrong INT, Tex.; Raymondville INT, Tex.; *1,800. *1,400—MOCA.

Raymondville INT, Tex.; Harlingen, Tex., VOR; 1,900.

Section 95.6068 *VOR Federal airway 68* is amended by adding:

Corpus Christi, Tex., VOR; Pogo INT, Tex.; *1,800. *1,400—MOCA.

Pogo INT, Tex.; Solon INT, Tex.; *1,800. *1,100—MOCA.

Solon INT, Tex.; Armstrong INT, Tex.; *4,000. *1,100—MOCA.

Armstrong INT, Tex.; Mina INT, Tex.; *4,800. *1,400—MOCA.

Mina INT, Tex.; Hargill INT, Tex.; *2,500. *1,400—MOCA. MAA—14,500.

Hargill INT, Tex.; McAllen, Tex., VOR; *1,800. *1,500—MOCA. MAA—14,500.

Armstrong INT, Tex., via S alter.; Raymondville INT, Tex., via S alter.; *4,800. *1,300—MOCA.

Raymondville INT, Tex., via S alter.; Harlingen, Tex., VOR, via S alter.; *1,800. *1,300—MOCA.

Harlingen, Tex., VOR, via S alter.; McAllen, Tex., VOR, via S alter.; *1,800. *1,500—MOCA.

Section 95.6068 *VOR Federal airway 68* is amended to read in part:

Hobbs, N. Mex., VOR, via S alter.; Goldsmith INT, Tex., via S alter.; *3,800. *4,900—MOCA.

Section 95.6070 *VOR Federal airway 70* is amended to read in part:

Galveston, Tex., VOR; Sabine Pass, Tex., VOR; *1,800. *1,400—MOCA.

Section 95.6071 *VOR Federal airway 71* is amended by adding:

Lincoln, Nebr., VOR; Columbus, Nebr., VOR; *3,400. *3,000—MOCA.

Section 95.6076 *VOR Federal airway 76* is amended to read in part:

Paige INT, Tex.; Industry, Tex., VOR; *2,500. *1,800—MOCA.

Section 95.6107 *VOR Federal airway 107* is amended to read in part:

Mission INT, Calif.; Irvington INT, Calif., southeastbound 7,000, northwestbound 4,500.

Irvington INT, Calif.; Oakland, Calif., VOR, southeastbound *7,000, northwestbound *4,000. *3,900—MOCA.

Section 95.6112 *VOR Federal airway 112* is amended to read in part:

Groves INT, Wash.; The Dalles, Oreg., VOR; *7,000. *6,400—MOCA.

The Dalles, Oreg., VOR; *Emo INT, Oreg.; 5,500. *6,000—MRA.

Section 95.6116 *VOR Federal airway 116* is amended by adding:

Naperville, Ill., VOR, via S alter.; Steamboat INT, Ill., via S alter.; *2,500. *2,300—MOCA.

Steamboat INT, Ill., via S alter.; Keeler, Mich., VOR, via S alter.; *2,600. *2,100—MOCA.

Section 95.6126 *VOR Federal airway 126* is amended to read in part:

Huguenot, N.Y., VOR; Cadet INT, N.Y.; 3,400.

Cadet INT, N.Y.; Funkhill INT, N.Y.; 3,000.

Section 95.6129 *VOR Federal airway 129* is amended to read in part:

Duluth, Minn., VOR; Hibbing, Minn., VOR; *3,200. *3,200—MOCA.

Hibbing, Minn., VOR; International Falls, Minn., VOR; *3,500. *2,300—MOCA.

Section 95.6154 *VOR Federal airway 154* is amended to read in part:

Lotts INT, Ga.; Savannah, Ga., VOR; *2,600. *1,400—MOCA.

Section 95.6163 *VOR Federal airway 163* is amended to read in part:

Brownsville, Tex., VOR; Mansfield INT, Tex.; *1,800. *1,300—MOCA.

Mansfield INT, Tex.; Armstrong INT, Tex.; *4,000. *1,800—MOCA.

Armstrong INT, Tex.; Solon INT, Tex.; *4,000. *1,100—MOCA.

Solon INT, Tex.; Pogo INT, Tex.; *1,800. *1,100—MOCA.

Pogo INT, Tex.; Corpus Christi, Tex., VOR; *1,600. *1,400—MOCA.

Brownsville, Tex., VOR, via W alter.; Harlingen, Tex., VOR, via W alter.; *1,500. *1,300—MOCA.

Harlingen, Tex., VOR, via W alter.; Raymondville INT, Tex., via W alter.; *1,800. *1,300—MOCA.

Raymondville INT, Tex., via W alter.; Armstrong INT, Tex., via W alter.; *4,000. *1,300—MOCA.

Section 95.6165 *VOR Federal airway 165* is amended to read in part:

Lamont INT, Calif.; *Arvin INT, Calif.; 8,000. *1,300—MOA Arvin INT, southeastbound.

Section 95.6183 *VOR Federal airway 183* is amended to read in part:

Groves INT, Wash.; The Dalles, Oreg., VOR; *7,000. *6,400—MOCA.

The Dalles, Oreg., VOR; Hammer INT, Oreg.; 5,500.

Hammer INT, Oreg.; *Ukiah INT, Oreg.; 8,000. *11,500—MOA Ukiah INT, eastbound.

Section 95.6187 *VOR Federal airway 187* is amended by adding:

Boysen Reservoir, Wyo., VOR, via W alter.; Cody, Wyo., VOR, via W alter.; 8,500.

Cody, Wyo., VOR, via W alter.; Billings, Mont., VOR, via W alter.; 8,400.

Section 95.6190 *VOR Federal airway 190* is amended to read in part:

*Lake INT, Ariz.; **Salt River INT, Ariz.; *** #12,000. *5,000—MCA Lake INT, northeast bound. **12,500—MRA. ***10,500—MOCA. #MRA is established with a gap in navigation signal coverage.

Section 95.6191 *VOR Federal airway 191* is amended to read in part:

Milwaukee, Wis., VOR; Eden INT, Wis.; *3,000. *2,600—MOCA.

Section 95.6210 *VOR Federal airway 210* is amended to read in part:

Carrolltown, Pa., VOR; Harrisburg, Pa., VOR; 4,500.

Section 95.6220 *VOR Federal airway 220* is amended to delete:

McCook, Nebr., VOR; Grand Island, Nebr., VOR; *6,000. *4,000—MOCA.

Section 95.6220 *VOR Federal airway 220* is amended by adding:

McCook, Nebr., VOR; Kearney, Nebr., VOR; *6,400. *4,600—MOCA.

Kearney, Nebr., VOR; Hastings, Nebr., VOR; 4,500.

Hastings, Nebr., VOR; Columbus, Nebr., VOR; 3,700.

Section 95.6276 *VOR Federal airway 276* is amended to read in part:

Bavine, Pa., VOR; Fleetwood INT, Pa.; 4,000.

Fleetwood INT, Pa., Yardley, Pa., VOR; *4,000. *2,800—MOCA.

Section 95.6280 *VOR Federal airway 280* is amended to read in part:

El Paso, Tex., VOR; Pinos, N. Mex., VOR; 5,700.

Texico, N. Mex., VOR; Moser INT, Tex.; *8,000. *5,400—MOCA.

Moser INT, Tex.; Amarillo, Tex., VOR; *6,000. *5,500—MOCA.

Section 95.6280 *VOR Federal airway 280* is amended by adding:

Amarillo, Tex., VOR; Gage, Okla., VOR; *5,500. *4,900—MOCA.

Section 95.6317 *VOR Federal airway 317* is amended to read in part:

*Harbor Point INT, Alaska; **Crescent DME Fix, Alaska; *** #8,000. *15,000—MRA. **8,000—MCA Crescent DME Fix, southeast bound. ***8,000—MOCA. #MRA is established with a gap in navigation signal coverage.

Crescent DME Fix, Alaska; Yakutat, Alaska, VOR; 3,000.

Section 95.6325 *VOR Federal airway 325* is amended to read in part:

Gadsden, Ala., VOR; Rosenbaum INT, Ala.; 3,000.

Rosenbaum INT, Ala.; Muscle Shoals, Ala., VOR; *3,400. *2,000—MOCA.

Section 95.6402 *Hawaii VOR Federal airway 3* is amended to read in part:

Myah INT, Hawaii; *Jacksons INT, Hawaii; 4,000. *8,200—MOA Jacksons INT, northeastbound.

Section 95.6437 *VOR Federal airway 437* is amended to read in part:

*Marion INT, Fla.; **Starfish INT, Ga.; ***7,500. *3,500—MRA. **3,000—MRA. ***1,000—MOCA.
*Catherine INT, Ga.; **Keller INT, Ga.; ***2,000. *5,000—MRA. **5,500—MRA. ***1,500—MOCA.
Keller INT, Ga.; Savannah, Ga., VOR; *2,000. *1,500—MOCA.

Section 95.6440 *VOR Federal airway 440* is amended to read in part:

*Harbor Point INT, Alaska; **Crescent DME Fix, Alaska; ***#8,000. *15,000—MRA. **8,000—MCA Crescent DME Fix, southeastbound. ***2,000—MOCA. #MEA is established with a gap in navigation signal coverage.
Crescent DME Fix, Alaska; Yakutat, Alaska, VOR; 2,000.
Yakutat, Alaska, VOR; Ocean DME Fix, Alaska; 2,000.
Ocean DME Fix, Alaska; Middleton Island, Alaska, VOR; *8,000. *2,000—MOCA.
Sandspit, British Columbia, VOR; Munson INT, Alaska; *#13,000. *4,500—MOCA. #For that airspace over U.S. territory.
Munson INT, Alaska; Biorka Island, Alaska, VOR; *13,000. *4,000—MOCA. %MEA is established with a gap in navigation signal coverage.

Section 95.6448 *VOR Federal airway 448* is amended to read in part:

Lewis INT, Wash.; Appleton INT, Wash.; *14,500. *14,300—MOCA.
Appleton INT, Wash.; *Simcoe INT, Wash., southwestbound **14,500, northeastbound **8,200. *10,700—MRA. **7,500—MOCA.
*Portland, Oreg., VOR, via S alter.; White Swan INT, Wash., via S alter.; **10,000. *4,500—MCA Portland VOR, northeastbound. **7,100—MOCA.
White Swan INT, Wash., via S alter.; Yakima, Wash., VOR, via S alter., northeastbound *6,500, southwestbound *10,000. *6,200—MOCA.

Section 95.6493 *VOR Federal airway 493* is amended to read in part:

Carleton, Mich., VOR; Int, 330° M rad, Carleton VOR and 208° M rad, Flint, VOR; *4,000. *2,200—MOCA.
Int, 330° M rad, Carleton VOR and 208° M rad, Flint VOR; Flint, Mich., VOR; *2,800. *2,200—MOCA.

Section 95.6497 *VOR Federal airway 497* is amended to read:

John Day, Oreg., VOR; The Dalles, Oreg., VOR; 7,300.

Section 95.6500 *VOR Federal airway 500* is amended to read in part:

*Gateway INT, Oreg.; **John Day, Oreg., VOR; ***8,500. *9,000—MRA. *9,800—MCA Gateway INT, westbound. **V-500 MCA 7,900 westbound for aircraft arriving John Day VOR, southeastbound, via V-497. ***7,900—MOCA.

Section 95.6506 *VOR Federal airway 506* is amended to read in part:

Nome, Alaska, VOR; *Mary's Igloo INT, Alaska; **7,000. *18,000—MRA. **5,000—MOCA.
Mary's Igloo INT, Alaska; Kotsebue, Alaska, VOR; *7,000. *5,600—MOCA.

Section 95.6520 *VOR Federal airway 520* is amended to delete:

Prosser INT, Wash.; Pasco, Wash., VOR; 4,000.

Section 95.6520 *VOR Federal airway 520* is amended by adding:

Portland, Oreg., VOR; groves INT, Wash., Eastbound *7,000, Westbound *6,500. *6,400—MOCA.
Groves INT, Wash.; The Dalles, Oreg., VOR; *7,000. *6,400—MOCA.
The Dalles Oreg., VOR; Patterson INT, Oreg.; 8,000.
Patterson INT, Oreg.; Pasco, Wash., VOR; northeastbound *4,000, southwestbound *5,000. *3,500—MOCA.

Section 95.7082 *Jet Route No. 82* is amended to read in part:

From, to, MEA, and MAA

Rapid City, S. Dak., VORTAC; Sioux Falls, S. Dak., VORTAC; 18,000; 45,000.

Section 95.7123 *Jet Route No. 123* is added to read:

Marble INT, Alaska; Kodiak, Alaska, VOR; 18,000; 45,000.
Kodiak, Alaska, VOR; King Salmon, Alaska, VORTAC; 18,000; 45,000.

2. By amending subpart D as follows:

Section 95.8003 *VOR Federal airway changeover points;*

Airway segment: From; to—Changeover point: Distance; from

V-25 is amended to delete:
Redmond, Oreg., VOR; The Dalles, Oreg., VOR; 40; Redmond.
The Dalles, Oreg., VOR; Yakima, Wash., VOR; 35; The Dalles.
V-112 is amended to delete:
Portland, Oreg., VORTAC; The Dalles, Oreg., VORTAC; 30; Portland.
V-122 is amended to delete:
Portland, Oreg., VORTAC; The Dalles, Oreg., VORTAC; 30; Portland.
The Dalles, Oreg., VORTAC; Baker, Oreg., VORTAC; 100; The Dalles.
V-280 is amended by adding:
Amarillo, Tex., VOR; Gage, Okla., VOR; 42; Amarillo.
J-82 is amended by adding:
Rapid City, S. Dak., VORTAC; Sioux Falls, S. Dak., VORTAC; 146; Sioux Falls.

(Secs. 307, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1348, 1510)

Issued in Washington, D.C., on June 30, 1967.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[F.R. Doc. 67-7928; Filed, July 11, 1967; 8:45 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Subtitle A—Office of the Secretary of Commerce

PART 3—RULES OF PROCEDURE FOR HANDLING CONTRACT APPEALS

Decisions

To comply with the requirements of section 553 of Title 5 U.S. Code, as amended by Public Law 90-23, effective July 4, 1967, paragraph (b) of § 3.13 is amended to read as follows:

§ 3.13 Decisions.

* * * * *

(b) The decision of a majority of the panel in a particular case constitutes the decision of the Board. Decisions will be made in writing and copies furnished to all parties. All decisions will be available to public inspection.

Dated: June 30, 1967.

NATHAN OSTROFF,
Chairman, Appeals Board.

[F.R. Doc. 67-7964; Filed, July 11, 1967; 8:45 a.m.]

Chapter II—National Bureau of Standards, Department of Commerce

SUBCHAPTER E—FELLOWSHIPS AND RESEARCH ASSOCIATES

PART 256—RESEARCH ASSOCIATE PROGRAM

Chapter II of Title 15 of the Code of Federal Regulations is amended by changing the title of Subchapter E and by adding a new Part 256, Research Associate Program.

The title of Subchapter E is changed from "Fellowships" to "Fellowships and Research Associates".

A new Part 256, Research Associate Program, is added as follows:

Sec.
256.1 Introduction.
256.2 The Research Associate Program.
256.3 Procedure.
256.4 Qualifications.
256.5 Duration of projects.
256.6 Information concerning the Research Associate Program.

AUTHORITY: Joint Resolution of April 13, 1892 (27 Stat. 395) and Act of March 3, 1901 (31 Stat. 1039; 20 U.S.C. 91).

§ 256.1 Introduction.

This Part states policies and procedures concerning the Research Associate Program at the National Bureau of Standards. In the exercise of its functions as a major scientific agency of the Federal Government, the National Bureau of Standards may make its facilities available to persons other than Bureau employees to work with NBS scientists and engineers in collaborative research aimed at furthering the Nation's scientific, industrial, and economic growth. Such cooperative programs may be sponsored by professional, technical, or industrial organizations or associations. Such participants, when so sponsored, are designated "Research Associates".

§ 256.2 The Research Associate Program.

The Bureau provides its facilities, scientific competence, and technical supervision for defined scientific or technical research by a Research Associate when such research is complementary to and compatible with scientific or technical research being performed or to be undertaken by NBS under its statutory mission and authority. The Sponsors pay the salaries of their Research Associates and Sponsor-furnished technical assistants and secretaries of the Research Associates, if any, their travel costs, and other related expenses. Additionally, Sponsors reimburse NBS for the cost of research equipment, services, or materials obtained for the Research Associate. Beginning in the third year of continued sponsorship, Sponsors also reimburse the Bureau for other costs such as, supervision and administrative expenses at a rate comparable to the cost experienced for NBS employees for similar services.

§ 256.3 Procedure.

Arrangements for collaborative research by NBS with a Research Associate generally begin through discussions or correspondence between NBS scientists and representatives of potential sponsoring companies, trade associations or professional organizations. These preliminary steps are followed by the consummation of a Memorandum of Agreement which is signed by NBS, the sponsoring organization and the Research Associate. The agreement sets out the respective responsibilities and obligations of all parties.

§ 256.4 Qualifications.

Each candidate selected to serve as a Research Associate must be determined to be scientifically qualified by the Sponsor and by the NBS, and found by NBS to be of good moral character and to possess suitable personal qualities.

§ 256.5 Duration of projects.

The work of a Research Associate is generally conducted on a full-time basis. Typically, Research Associates are in residence at NBS for 6 to 18 months; longer-term programs may be carried on by a succession of Research Associates. Agreements provide for cancellation by any of the parties.

§ 256.6 Information concerning the Research Associate Program.

Information concerning the Research Associate Program may be obtained from the Office of Industrial Services, National Bureau of Standards, Washington, D.C. 20234.

Effective date: This amendment is effective upon publication in the FEDERAL REGISTER.

Dated: June 27, 1967.

I. C. SCHOONOVER,
Acting Director.

[F.R. Doc. 67-7966; Filed, July 11, 1967; 8:45 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER G—TRIBAL GOVERNMENT

PART 73—ELECTION OF OFFICERS OF OSAGE TRIBE

Miscellaneous Amendments

On pages 3748 and 3749 of the FEDERAL REGISTER of March 4, 1967, there was published a notice and text of proposed amendment of Part 73, Title 25 of the Code of Federal Regulations by revising §§ 73.30, 73.40, 73.41, 73.42, 73.49, and 73.47, adding §§ 73.30 and 73.44, and deleting § 73.51.

After consideration of all such relevant matter as was submitted by interested persons, the amendment as so proposed is hereby adopted, subject to the following changes:

1. In § 73.40, the second sentence in paragraph (a) is changed to read: "Under the heading, Assistant Chief, with notation to vote for one, shall appear the names of all candidates for that office."; the first six words in paragraph (b) are deleted and in lieu thereof there is inserted: "A space will be provided on each ballot"; and the word "should" appearing in the last sentence of paragraph (b) is changed to "shall."

2. In § 73.41, the first word in paragraph (a) is changed to "An," and the words "or his agent" appearing in lines 3 and 4 of paragraph (b) and in line 2 of paragraph (c) are stricken.

3. In § 73.42, the last sentence is changed to read: "After it has been determined which of the absentee ballots have been cast by duly qualified electors, the supervisor in the presence of the election board shall cause the valid ballots, in the sealed inner envelopes, to be placed in the ballot box."

4. In § 73.43, the first sentence in paragraph (a) is changed to read: "Immediately after the polls are closed at 8 p.m., the counting of the ballots shall commence." The eighth sentence in paragraph (a), commencing in line 26 thereof, is changed to read: "After all other ballots have been counted, the sealed inner envelopes containing the absentee ballots shall be opened and all ballots found to be valid shall be counted and treated in the same manner as other valid ballots." The words "or tallies" in the third and second lines from the bottom of said paragraph (a) are stricken.

5. In § 73.47, the word "may" in the second sentence is changed to "shall."

Effective date: This amendment is effective on date of this publication in the FEDERAL REGISTER.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JULY 5, 1967.

The revised and new sections of 25 CFR Part 73 shall read as follows:

§ 73.30 Nominating conventions and petitions.

Conventions shall be held on or before the first Monday in April of the year in which a quadrennial election is held, and there shall be written reports of such conventions, duly certified by the secretary or presiding officer showing total number of qualified voters in attendance, together with the names of candidates nominated for the various offices: *Provided*, That at least 25 qualified voters shall have been in attendance at any such convention; also, names of any independent candidates nominated by petition of not less than 25 qualified voters, each signature to be witnessed by two persons, shall be filed with the supervisor not later than 5 p.m. on the first Monday in April of the year in which a quadrennial election is held in order that such names may be placed on the official ballot. No person shall be considered a candidate for tribal office unless and until the requirements of this section have been met.

§ 73.38 Opening and closing of poll.

The poll shall remain open without intermission from 8 a.m. to 5 p.m. on the date of the election. When all else is in readiness for the opening of the poll the supervisor shall open the ballot box in view of the other election officers, shall turn same top down to show that no ballots are contained therein, and shall then lock the box and retain the key in his possession.

§ 73.40 Ballots.

The Superintendent of the Osage Agency shall have ballots printed showing the name and the office for which each candidate has been nominated and also space for showing the value of the respective ballots. The Superintendent shall have recorded on a detachable portion of each ballot the name of the voter. The value of each voter's ballot shall be recorded on the principal portion of the respective ballots. Any faction or group has the right to nominate any candidate it chooses, in accordance with the regulations prescribed in this part. The names of such candidates shall be printed on the ballot in the manner set forth as follows:

(a) Under the heading, Principal Chief, with notation to vote for one, shall appear names of all candidates for that office. Under the heading, Assistant Chief, with notation to vote for one, shall appear the names of all candidates for that office.

Under the heading, Members of Council, with notation to vote for eight, shall appear names of all candidates for council. Names of candidates for office shall appear only once on ballot, regardless of the fact that they may have been nominated on more than one ticket. The order in which names of qualified candidates for office will be placed on the ballot shall be by lot method of drawing in a manner to be determined by the tribal council, and to be free from or regardless of party or factional affiliations. A candidate may use one nickname. Titles and professional designations will not be shown on the ballot. A record shall be kept of any ballots that may be mutilated, canceled, or used as samples.

(b) A space will be provided on each ballot in which the clerk prior to issuing the ballot shall note the value of the ballot which shall be exactly the same value as the voter's headright interest as shown on the last quarterly annuity roll, except any fraction of a headright shall be valued as to the first two decimals only unless such interest is less than one one-hundredth then it shall have its full value. As verification the clerk shall initial the ballot so numbered in the

margin. In addition each ballot shall be stamped "Official Ballot" (facsimile signature Supervisor Osage Election Board). Should any voter spoil or mutilate his ballot in his effort to vote he may surrender the ballot to the supervisor who shall give the voter in lieu thereof another ballot which shall show its appropriate value. The spoiled or mutilated ballot or any portion of a spoiled or mutilated ballot shall be retained with other records pertaining to the election.

§ 73.41 Absentee voting.

(a) An eligible voter who will be unable to appear at the poll in Pawhuska on election day shall be entitled to vote by absentee ballot. Absentee ballots shall be identical to the ballots described in § 73.40 with the exception that each such ballot shall be stamped "Absentee Ballot," and reflect the date of issuance. All applications for absentee ballots shall be made in writing by the voter. Each ballot shall indicate the value of the vote to which the voter is entitled. The supervisor shall maintain a file of all applications, together with a record of the names and addresses of all persons to whom absentee ballots are mailed or delivered, including the date of mailing or delivery. All absentee ballots must be postmarked and be in the Pawhuska Post Office prior to 8 a.m. on election day.

(b) It shall be the duty of the supervisor, upon receipt of an application, to mail or deliver to the applicant an envelope containing a ballot (after removing the detachable portion), and an inner and outer envelope as described herein. This shall be done not more than 30 days before the election, except that the envelopes and ballots may be mailed to absentee voters residing outside the continental limits of the United States at any time after mailing of the election notice.

(c) If the absentee ballot and accompanying envelopes are to be mailed to the prospective voter, the written request must be submitted to the supervisor on or before 5 p.m. of the Wednesday preceding the election. The absentee ballot and accompanying envelopes may be delivered personally to the prospective voter any time prior to the opening of the poll.

(d) The absentee voter shall mark the ballot and seal it only in the inner envelope. The following shall be printed on the inner envelope:

ABSENTEE BALLOT

ELECTION OF OFFICERS OF THE OSAGE TRIBE
JUNE ..., 19...

(e) The absentee voter shall enclose the inner envelope in the outer envelope and after sealing same shall execute the certificate imprinted thereon before two witnesses of legal age, which certificate shall be in the following form:

I will be unable to appear at the poll in Pawhuska, Oklahoma, on the ..... day of June 19... and have marked my ballot for the election of officers of the Osage Tribe.

(Voter's signature)

Two witnesses to voter's signature:

(Name) (Address)

(Name) (Address)

The outer envelope shall be preaddressed as follows:

Supervisor
Osage Election Board
Post Office Box .....
Pawhuska, Okla. 74056

§ 73.43 Absentee ballots.

The absentee ballots shall remain in the locked box in the post office, Pawhuska, Okla., until 8 a.m. on the day of election at which time the supervisor or assistant supervisor of the election board, accompanied by the Superintendent of the Osage Agency or his designated representatives, shall receive the locked box from the post office and shall personally transport the locked box to the polling site where it shall be delivered immediately to the supervisor or assistant supervisor of the election board. The supervisor or the assistant supervisor in the presence of at least two judges shall unlock the locked box containing the absentee ballots and shall then determine whether the person whose name is signed to the statement is a qualified voter of the Osage Tribe and check said voter off the poll list before opening the outer envelope. After it has been determined which of the absentee ballots have been cast by duly qualified electors, the supervisor in the presence of the election board shall cause the valid ballots in the sealed inner envelopes to be placed in the ballot box.

§ 73.43 Canvass of election returns.

(a) Immediately after the polls are closed at 8 p.m., the counting of the ballots shall commence. The supervisor and not less than two judges shall remain continuously in the room until the ballots are finally counted. One or more judges shall act as official counters and two or more clerks shall record the value of each vote and shall comprise a vote tallying team. The vote shall be recorded on two tally sheets by each team of judges and clerks under the name of each candidate for whom the voter designated his choice. The count shall continue until all votes have been recorded. The duties of the remaining officials of the election board will be to assist in conducting the election. After the vote of each ballot is recorded, the ballot shall be pierced by needle and string and after the ballots have been so counted, the ends of the string shall be tied together. After all other ballots have been counted, the sealed inner envelopes containing the absentee ballots shall be opened and all ballots found to be valid shall be counted and treated in the same manner as other valid ballots. All ballots and mutilated ballots; registration lists of voters, both absentee and those appearing at the poll; all tally sheets; and all other election materials shall be placed in the ballot box which shall be locked. The supervisor shall then deliver the locked ballot box and keys to same to the Superintendent, Osage Agency, and the box shall be retained in a safe place until opened by order of the supervisor or election board in the event a contest is filed. If no contest is filed, the ballots shall be destroyed 180 days after the election. No information concerning voting shall be posted or made public information until after 8 p.m.

(b) Should any ballot be marked for more than one principal chief or assistant chief or for more than eight councilmen, only that section of the ballot wherein the error was made shall be declared void and the remaining section or sections shall be counted in the same manner as other ballots. Absentee ballots shall be declared void when items other than the ballot are enclosed in the inner envelope, the voter fails to sign the statement appearing on the outer envelope or fails to have his signature witnessed by two witnesses, and for failure to seal the inner envelope or enclose the inner envelope in the outer envelope. Votes cast for individuals whose names are not printed on the official ballot shall not be counted.

§ 73.44 Statement of supervisor.

Following the election a statement is to be prepared by the supervisor pertaining to the conduct of the election and certifying to the correct tabulation of the votes for each candidate. The statement shall also set forth the names of the elected candidates and the office to which each was elected. The statement shall be duly acknowledged before an officer qualified to administer oaths and delivered to the Superintendent of the Osage Agency.

§ 73.47 Contesting elections.

Any unsuccessful candidate may before noon on Monday next following the tribal election file with the supervisor a challenge to the correctness of the vote cast for the office for which he was a candidate, which challenge must be accompanied by a deposit of $500. The election board or the supervisor shall order a recount and proceed with same as provided in this part. If the recount results in the contestant being elected, the deposit shall be refunded; otherwise, the deposit shall be used to defray all expenses of said recount and any balance not so used shall be returned to the contestant.

§ 73.51 [Deleted]

[F.R. Doc. 67-7977; Filed, July 11, 1967; 8:49 a.m.]

[1] Criminal penalties are provided by statute for knowingly filing false information in such statements (18 U.S.C. 1001).

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 101—Federal Property Management Regulations

SUBCHAPTER H—UTILIZATION AND DISPOSAL

PART 101–43—UTILIZATION OF PERSONAL PROPERTY

Subpart 101–43.3—Utilization of Excess

MACHINE MATCHING REQUIREMENTS AGAINST AVAILABILITIES

This amendments provides an improved method by which General Services Administration regional offices cross-match agency requirements against reported excess personal property.

Subpart 101–43.3 is amended by revising § 101–43.315–2 as follows:

§ 101–43.315–2 Information of availability.

There are several methods of obtaining reliable information regarding the availability of excess property, among which are:

(a) Personal contact with GSA or the holding installation;

(b) Review of excess property catalogs and bulletins circularized by GSA;

(c) Examination and inspection of reports and samples of excess property assembled for this purpose in GSA regional offices; and

(d) Submission of current and future requirements for excess personal property to the appropriate GSA regional office, using GSA Form 1539, Request for Excess Personal Property. Section 101–43.4904 illustrates GSA Form 1539, and § 101–43.4904–1 furnishes instructions for its acquisition and use. Property utilization specialists in GSA regional offices continually review completed forms in an effort to match agency needs with property becoming available for transfer. In addition, a mechanized method of cross matching agency requirements against reported excess property is used, keyed to the 11-digit Federal Stock Number (FSN) furnished by reporting agencies on Standard Form 120, Report of Excess Personal Property, and by requesting agencies on GSA Form 1539. A bank of requirements is maintained, recorded by agency, and identified by the applicable Federal Item Identification Number (FIIN) (the last seven digits of the Federal Stock Number). As excess property is reported, availability is matched against requirements on a direct FIIN to FIIN basis. It is important that wherever possible the 11-digit FSN be shown for each item requested. GSA will assist, to the limit of its ability, in obtaining FSNs in order that agency requirements may be incorporated into the mechanized matching system. If substitute items are acceptable, these should be furnished at the same time and identified by the 11-digit FSN. Agencies having electrical accounting machine punchcard capability may elect to use this method of submitting requirements; in such cases instructions for submission of requirements can be obtained from the Property Management and Disposal Service, Personal Property Division, at the nearest GSA regional office. Agencies may also submit requirements in the form of a list of needed property. A purge date of approximately 180 days generally will be established for items submitted to the requirements bank. Unless agencies provide instructions to the contrary, requirements will be removed from the bank at the end of the 180-day period. Agencies should notify GSA when requirements on file with GSA are no longer needed, so that the file will continue to be current. Items of excess property for which needs are registered normally will not be offered in GSA Excess Property Catalogs and Bulletins; it will be to the advantage of all agencies that their interest in obtaining excess property items be made known immediately. GSA can thus offer available excess to them for transfer.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This amendment is effective July 1, 1967.

Dated: July 6, 1967.

LAWSON B. KNOTT, JR.,
Administrator of General Services.

[F.R. Doc. 67–8012; Filed, July 11, 1967; 8:49 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4227]

[Montana 1339, 1416, 1422, 1690]

MONTANA

Withdrawal for National Forest Recreation Areas and Revocation of National Forest Administrative Site Withdrawals

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

(Montana 1339)

PRINCIPAL MERIDIAN

LOLO NATIONAL FOREST

Fishtrap Lake Campground

Unsurveyed, but probably will be when surveyed:

T. 24 N., R. 28 W.,
Sec. 4, E½NW¼SW¼NW¼, W½NE¼SW¼NW¼, SE¼NW¼SW¼NW¼, SW¼SE¼NW¼, E½NE¼NW¼SW¼, NW¼NE¼NW¼SW¼, NE¼SW¼, NW¼NW¼NW¼SE¼, S½NW¼, NW¼SE¼, N½SW¼NW¼SE¼, SW¼SW¼NW¼SE¼, W½SE¼SW¼, N½NE¼SE¼SW¼, SW¼NE¼SE¼SW¼, and E½SW¼SW¼;
Sec. 9, NE¼NW¼NE¼NW¼.

The areas described aggregate approximately 146 acres in Sanders County.

(Montana 1416)

Cabin City Campground

T. 19 N., R. 29 W.,
Sec. 26, S½SW¼NW¼, NW¼SW¼, NE¼SW¼SW¼, and W½SW¼SW¼;
Sec. 27, SE¼SE¼NE¼, E½SE¼, and E½SW¼SE¼.

Patrick Creek Campground

T. 18 N., R. 26 W.,
Sec. 15, lots 3, 4, 5, and 6, SE¼NW¼, W½NW¼NW¼, NW¼SE¼NW¼NW¼, S½SE¼NW¼NW¼, less a strip of land through these subdivisions approximately 3,300 feet long by 200 feet wide, containing 15 acres which is occupied by the Northern Pacific Railway Co. right-of-way.

The areas described aggregate 341.77 acres in Mineral and Sanders Counties.

(Montana 1422)

River Point Recreation Area

T. 17 N., R. 15 W.,
Sec. 33, lots 3, 4, and 5.

Lake Alva Boat Launch

T. 18 N., R. 16 W.,
Sec. 24, that portion of lot 1 lying west of Montana State Highway 200.

Rainy Lake Recreation Area

T. 16 N., R. 16 W.,
Sec. 11, lot 1;
Sec. 12, lot 1.

Gold Bush Recreation Area

Unsurveyed, but which probably will be when surveyed:
T. 20 N., R. 29 W.,
Sec. 5, S½SE¼NE¼.

The areas described aggregate 154.43 acres in Missoula and Sanders Counties.

2. The departmental orders of November 14, 1906, November 19, 1906, and September 8, 1908, withdrawing national forest lands for administrative sites, are hereby revoked so far as they affect the following described lands:

(Montana 1690)

PRINCIPAL MERIDIAN

BITTERROOT NATIONAL FOREST

Skalkaho Ranger Station

T. 5 N., R. 19 W.,
Sec. 20, W½NW¼, and NW¼SW¼.

X-P Ranger Station

T. 2 N., R. 20 W.,
Sec. 9, NW¼SE¼.

Chaffin Creek Administrative Site

T. 2 N., R. 21 W.,
Sec. 3, NW¼SW¼.

The areas described aggregate approximately 200 acres in Ravalli County.

3. The withdrawal made by paragraph 1 of this order does not alter the applicability of those public land laws gov-

erning the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

4. At 10 a.m. on August 11, 1967, the lands released from withdrawal by paragraph 2, above, shall be open to such forms of disposition as may by law be made of national forest lands.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JULY 6, 1967.

[F.R. Doc. 67-7978; Filed, July 11, 1967; 8:46 a.m.]

[Public Land Order 4238]

[I-58]

IDAHO

Partial Revocation of Reclamation Project Withdrawals

By virtue of the authority contained in section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), as amended and supplemented, it is ordered as follows:

1. The departmental orders of September 10, 1904, October 7, 1904, June 25, 1906, December 4, 1909, March 12, 1910, April 24, 1911, October 9, 1928, April 17, 1930, September 10, 1937, November 9, 1937, and April 26, 1938, withdrawing lands for the Boise Project, are hereby revoked so far as they affect the following described lands:

BOISE MERIDIAN

T. 2 N., R. 4 E.,
Sec. 1, lot 4, SW¼NW¼;
Sec. 2, SE¼NE¼, E½SE¼;
Sec. 11, E½;
Sec. 12, S½S½;
Sec. 13, lots 1, 2, 3, 8, 9, 10, 11, N½N½, S½NW¼, NW¼SW¼;
Sec. 14, NE¼, N½SE¼, SE¼SE¼.

T. 2 N., R. 5 E.,
Sec. 1, lots 2, 4, 7, SW¼NE¼, NE¼SW¼, S½SW¼, W½SE¼;
Sec. 2, lots 1, 2, 3, 4, S½N½, N½SW¼;
Sec. 3, lot 1, E½SW¼, SE¼;
Sec. 4, lots 2, 3, 4, NW¼SW¼;
Sec. 5, lots 1, 2, S½N½, NE¼SW¼, S½SW¼, SE¼;
Sec. 6, NE¼, E½NW¼, N½SW¼, E½SE¼;
Sec. 7, N½, E½SW¼, SW¼SW¼;
Sec. 8, lots 1, 2, 3, 4, W½NE¼, NW¼, W½SE¼;
Sec. 9, N½, E½SW¼, SW¼SW¼;
Sec. 10, N½NE¼, NE¼NW¼;
Sec. 12, NE¼, S½;
Sec. 13, NE¼;
Sec. 14, NE¼NE¼, S½NE¼, SE¼NW¼, NE¼SW¼, SE¼;
Sec. 15, SW¼SE¼;
Sec. 18, lot 1;
Sec. 19, lot 4, S½SE¼;
Sec. 20, SE¼NE¼, S½SW¼;
Sec. 21, SW¼NW¼, NW¼SW¼;
Sec. 22, W½NE¼, SE¼NE¼, SE¼NW¼, N½SW¼, SE¼SW¼, SE¼;
Sec. 24, SW¼NW¼, NE¼SW¼, SE¼;
Sec. 25, E½E½;
Sec. 26, NW¼NE¼, SE¼NE¼, NW¼NW¼, S½NW¼, S½;
Sec. 27, NE¼, E½NW¼, S½S½;
Sec. 28, SW¼SE¼;
Sec. 29, E½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 30, E½NE¼, SE¼SW¼, SE¼;
Sec. 31, NE¼, E½NW¼, SW¼SW¼, SE¼;
Sec. 32, S½N½, S½;
Sec. 33, W½NE¼, NW¼, N½SW¼, SW¼SW¼, W½SE¼.

T. 4 N., R. 5 E.,
Sec. 19, lots 3, 4, E½SW¼;
Sec. 30, W½;
Sec. 31, lots 1, 2, 5, 6, E½NW¼;
Sec. 32, NE¼, S½;
Sec. 33;
Sec. 34, SW¼NE¼, SE¼NW¼, E½SW¼, W½SE¼.

T. 1 N., R. 6 E.,
Sec. 1, lots 2, 3, 4, SW¼NE¼, S½NW¼, N½S½;
Sec. 2, lots 1, 2, 3, 4, S½N½, SW¼, NE¼SE¼, S½SE¼;
Sec. 3, lots 1, 2, 3, 4, S½NE¼, E½SW¼, W½SE¼, SE¼SE¼;
Sec. 4, NE¼SW¼, S½SW¼;
Sec. 5, lots 1, 2, 3, SE¼NE¼, S½NW¼, N½S½, SW¼SW¼, S½SE¼;
Sec. 6, lots 1, 2, S½NE¼, SE¼;
Sec. 7, E½;
Sec. 8;
Sec. 9, N½, N½S½, SW¼SW¼;
Sec. 10, E½NE¼, SE¼NE¼, W¼W½, NE¼SE¼;
Sec. 11, W½, NW¼SW¼;
Sec. 13, NE¼SE¼;
Sec. 14, S½;
Sec. 15, SE¼NE¼, SW¼SW¼, SE¼;
Sec. 16, S½NE¼, SW¼SW¼, SE¼;
Sec. 17;
Sec. 18, NE¼NE¼;
Sec. 21, W½NE¼, W½, NW¼SE¼;
Sec. 23, NE¼, SE¼NW¼, NE¼SW¼, N½SE¼;
Sec. 24, N½NE¼, SE¼NE¼, W¼NW¼, NW¼SW¼, E½SE¼;
Sec. 25, E½NE¼, SE¼, E½SW¼, SE¼SW¼;
Sec. 26, NE¼, E½NW¼, SW¼NW¼, E½SW¼, SW¼SW¼, NE¼SE¼, SW¼SE¼;
Sec. 27;
Sec. 28, E½NE¼, SW¼NE¼, W½NW¼, SW¼, W½SE¼;
Sec. 29, NE¼, E½NW¼, SW¼SW¼, SE¼;
Sec. 30, lots 1, 2, 3, 4, NE¼, E½NW¼, N½SE¼, SE¼SE¼;
Sec. 31, lots 1, 2, 3, 4, E½, E½NW¼, SE¼SW¼;
Sec. 32, SW¼NE¼, W½, NW¼SE¼, SE¼SE¼;
Sec. 33, NW¼NE¼, S½NE¼, NW¼, NE¼SW¼;
Sec. 34, NE¼, E½NW¼, SW¼NW¼, E½SW¼, SW¼SW¼, NE¼SE¼, SW¼SE¼;
Sec. 35.

T. 2 N., R. 6 E.,
Sec. 6, lots 1, 2, 6, 7, SE¼NW¼, S½NE¼, E½SW¼, SE¼;
Sec. 19, SE¼SE¼;
Sec. 21, E½;
Sec. 22, N½, W½SE¼;
Sec. 23, N½, NE¼SW¼, N½SE¼;
Sec. 24;
Sec. 25, N½NE¼, NW¼, N½SW¼, SW¼SW¼;
Sec. 26, NW¼NE¼, N½NW¼, SW¼NW¼;
Sec. 27, E½SW¼;
Sec. 28, NW¼NE¼, N½NW¼, SW¼NW¼;
Sec. 29, N½, N½SW¼, NW¼SE¼;
Sec. 30, lots 1, 2, 3, 4, E½W½, E½;
Sec. 31, N½, N½SW¼, SW¼SW¼, W½SE¼, SE¼SE¼;
Sec. 32, NE¼, E½NW¼, S½SW¼, SE¼;
Sec. 33, S½NE¼, SE¼NE¼, N½NW¼, S½SW¼, SW¼SE¼;
Sec. 34, N½NW¼, S½SW¼, SW¼SE¼;
Sec. 35, NW¼NE¼, W½, SE¼.

T. 3 N., R. 6 E.,
Sec. 6, lots 1, 2, 3, 4, S½N½, S½;
Sec. 7, lots 1, 2, 3, 4, E½W½, E½;
Sec. 8, W½;
Sec. 17, W½, NE¼SW¼, S½SW¼, N½SE¼, SE¼SE¼;
Sec. 18, lot 4, NW¼NE¼, S½SE¼, E½NW¼, E½SW¼, SE¼;
Sec. 19, lots 1, 2, 3, 4, NE¼NE¼, E½W½, W½SE¼, SE¼SE¼;
Sec. 20, NW¼NE¼, S½NE¼, W½, N½SE¼, SE¼SE¼;
Sec. 21, N½, N½SW¼, SW¼SW¼, W½SE¼, SE¼SE¼;
Sec. 27, N½, NE¼SW¼, S½SW¼, SE¼;
Sec. 28, NW¼NE¼, S½NE¼, W½, NE¼SE¼, S½SE¼;
Sec. 29, NE¼, E½NW¼, SW¼SW¼, SE¼;
Sec. 30, lots 1, 2, 3, 4, NE¼, E½NW¼, N½SE¼, SE¼SE¼;
Sec. 31, lots 1, 2, 3, 4, E½, E½NW¼, SE¼SW¼;
Sec. 32, SW¼NE¼, W½, NW¼SE¼, SE¼SE¼;
Sec. 33, NW¼NE¼, S½NE¼, NW¼, NE¼SW¼;
Sec. 34, NE¼, E½NW¼, SW¼NW¼, E½SW¼, SW¼SW¼, NE¼SE¼, SW¼SE¼;
Sec. 35.

T. 4 N., R. 6 E.,
Sec. 13, SW¼NE¼, NE¼SW¼, S½SW¼, N½SE¼, SE¼SE¼;
Sec. 21, E½;
Sec. 23, N½NE¼, SE¼NE¼, N½NW¼, S½NW¼, W½SW¼;
Sec. 23, N½NE¼, NW¼, SE¼SE¼;
Sec. 24, NE¼NE¼, S½NE¼, E½SW¼, SW¼SW¼, SE¼;
Sec. 26;
Sec. 27, E½NE¼, NW¼NW¼, S½SW¼, SE¼;
Sec. 28, N½NE¼, SW¼NE¼, NW¼;
Sec. 29, N½;
Sec. 30, lots 1, 2, 4, 5, NE¼, E½W½;
Sec. 31, SE¼;
Sec. 33, SE¼NE¼.

T. 1 N., R. 7 E.,
Sec. 18, lots 3, 4, E½SW¼, W½SE¼, SE¼SE¼;
Sec. 19;
Sec. 20;
Sec. 29, N½, SW¼, NW¼SE¼, SE¼SE¼;
Sec. 30 and 32.

T. 2 N., R. 7 E.,
Sec. 30, NE¼SW¼, N½SE¼.

T. 4 N., R. 7 E.,
Sec. 3;
Sec. 4, SE¼NE¼, NE¼SW¼, S½SW¼, SE¼;
Sec. 5, lots 1, 2, 3, 4, S½N½, SW¼, NW¼SE¼;
Sec. 6;
Sec. 7, lots 1, 2, 3, 4, E½W½, E½SW¼, SE¼SE¼;
Sec. 8, SE¼NE¼, NE¼SW¼, S½SW¼, SE¼;
Sec. 9;
Sec. 17;
Sec. 18, lot 3, E½SW¼, SE¼;
Sec. 19, lots 3, 4, E½, E½SW¼;
Sec. 30;
Sec. 31, SE¼SE¼;
Sec. 32, S½SW¼;
Sec. 33, S½NW¼, S½SE¼;
Sec. 34, N½NW¼, S½SW¼, SW¼SE¼;
Sec. 36, NW¼NE¼, W½, SE¼.

T. 4 N., R. 8 E.,
Sec. 19, SW¼NE¼, NE¼SW¼, S½SW¼;
Sec. 21, E½;
Sec. 23, N½NE¼, SE¼NE¼, N½NW¼, S½NW¼, W½SW¼;
Sec. 23, N½NE¼, NW¼, SE¼SE¼;
Sec. 24, NE¼NE¼, S½NE¼, E½SW¼, SW¼SW¼, SE¼;
Sec. 26;
Sec. 27, E½NE¼, NW¼NW¼, S½SW¼, SE¼;
Sec. 28, N½NE¼, SW¼NE¼, NW¼;
Sec. 29, N½;
Sec. 30, lots 1, 2, 4, 5, NE¼, E½W½;
Sec. 31, SE¼;
Sec. 33, SE¼NE¼.

T. 1 N., R. 7 E.,
Sec. 18, lots 3, 4, E½SW¼, W½SE¼, SE¼SE¼;
Sec. 19;
Sec. 20;
Sec. 29, N½, SW¼, NW¼SE¼, SE¼SE¼;
Sec. 30 and 32.

T. 3 N., R. 7 E.,
Sec. 30, NE¼SW¼, N½SE¼.

T. 4 N., R. 7 E.,
Sec. 3;
Sec. 4, SE¼NE¼, NE¼SW¼, S½SW¼, SE¼;
Sec. 5, lots 1, 2, 3, 4, S½N½, SW¼, NW¼SE¼;
Sec. 6;
Sec. 7, lots 1, 2, 3, 4, N½NE¼, E½NW¼, SE¼SE¼;
Sec. 8, SE¼NE¼, NE¼SW¼, S½SW¼, SE¼;
Sec. 9;
Sec. 17;
Sec. 18, lot 3, E½, E½SW¼;
Sec. 19.

T. 5 N., R. 7 E.,
Sec. 1, lots 1 to 12, inclusive;
Sec. 2, lots 1 to 3, inclusive;

Sec. 10, SE¼NE¼, N½NW¼, SW¼NW¼, E½SE¼, SW¼SE¼;
Secs. 11, 12, 13, and 14;
Sec. 15, E½, E½W½;
Sec. 16, W½, W½E½;
Sec. 21, NW¼, W½SW¼, SE¼SE¼;
Sec. 22, E½, NE¼NW¼, S½NW¼, SW¼;
Sec. 23, N½, SW¼, W½SE¼;
Sec. 24, NW¼NE¼, E½NW¼, SE¼SW¼, NE¼SE¼, S½SE¼;
Sec. 25, E½, E½W¼, SW¼;
Sec. 26, NW¼, W½SW¼;
Sec. 27;
Sec. 28, E½E½, SW¼NW¼, W½SW¼;
Secs. 29 and 32;
Sec. 33, N½NW¼, SW¼NW¼;
Sec. 34, W½NE¼, NE¼NW¼;
Sec. 35, E½, SE¼NW¼, SW¼.

T. 1 S., R. 7 E.,
Sec. 2, N½, E½SW¼, SW¼SW¼, N½SE¼, SW¼SE¼;
Sec. 3, N½NE¼, W½NW¼, SE¼NW¼, N½S½.

T. 5 N., R. 8 E.,
Sec. 5;
Sec. 6, lots 3, 4, 5, 9, S½NE¼, SE¼SW¼, SE¼;
Sec. 7;
Sec. 8, N½, SW¼, N½SE¼;
Sec. 9, N¼, N½SW¼;
Sec. 10, N½, N½SE¼;
Sec. 11, N½NE¼, NW¼, NW¼SW¼, S½SE¼;
Sec. 12, S½;
Secs. 13, 14, and 15;
Sec. 16, NE¼, S½NW¼, S½;
Sec. 17, S½NE¼, S½;
Sec. 18, lots 1, 2, 7, 8, N½NE¼, E½NW¼, NE¼SW¼;
Sec. 20.

T. 6 N., R. 8 E.,
Sec. 19;
Sec. 20, W½, W½SE¼;
Secs. 21 and 28;
Sec. 29, NW¼NE¼, W½, E½SE¼;
Secs. 30 and 31;
Sec. 32, NW¼, NW¼SW¼;
Sec. 33.

T. 2 S., R. 8 E.,
Sec. 1, SE¼SE¼;
Sec. 2, SW¼NE¼, NE¼SW¼, S½SW¼;
Sec. 11, SW¼SE¼;
Sec. 12, NE¼, NE¼NW¼.

T. 2 N., R. 10 E.,
Sec. 3, S½N½, S½;
Sec. 4, W½;
Sec. 5, N½NW¼, SW¼NW¼, SE¼SW¼, SE¼;
Sec. 6;
Sec. 7, lots 2, 3, 8, 9, NW¼NE¼, E½W½.

T. 3 N., R. 10 E.,
Sec. 1, S½;
Sec. 2, lots 1, 2, 3, 4, S½N½, N½S½, S½SW¼, SW¼SE¼;
Sec. 3, lots 1, 2, 3, S½NE¼, E½SE¼, E½SW¼SE¼;
Sec. 10, NE¼NE¼, E½NW¼NE¼, SW¼NW¼, S½SE¼;
Sec. 11, N½NE¼, NW¼, NW¼SW¼, S½SE¼;
Sec. 12, W½NW¼;
Sec. 14;
Sec. 15, NE¼, SE¼NW¼, SW¼, W½SE¼;
Sec. 21, SW¼NW¼, SE¼SE¼;
Sec. 23, E½, E½SW¼, SW¼SW¼, NW¼SE¼;
Sec. 27, N½, N½S½, SE¼SE¼;
Sec. 28, E½NE¼, E½SW¼, SW¼SW¼, SE¼;
Sec. 34, W½NE¼, SE¼NW¼, E½SW¼, SW¼SE¼.

T. 6 N., R. 11 E.,
Secs. 2 and 4;
Sec. 5, lots 1, 2, 3, 4, S½N½;
Sec. 6, lot 5, NE¼SW¼, N½SE¼;
Sec. 7, NE¼, SE¼NW¼;
Sec. 9, N½NE¼, SE¼NE¼, SW¼, SW¼SE¼;
Sec. 10, N½, N½S½;
Sec. 11, lots 1, 2, 3, 4, N½N½, S½NW¼;
Sec. 12, lot 1, N½, NE¼SW¼, N½SE¼;
Sec. 13;
Sec. 14, NE¼, E½NW¼, SW¼NW¼, S½;
Sec. 15, W½NE¼, SE¼NE¼, NW¼, S½.

T. 8 N., R. 12 E.,
Sec. 7, lots 1, 2, NE¼, E½NW¼, NE¼SE¼;
Sec. 18, lots 1, 2, 3, 4, W½NE¼, SE¼NE¼, E½W½, SE¼.

The areas described aggregate approximately 29,712 acres in Boise, Elmore, and Camas Counties, of which approximately 28,632 acres are in the Boise and Sawtooth National Forests, 560 acres are public lands, and 520 acres are State-owned lands.

The public lands are described as follows:

BOISE MERIDIAN

T. 3 N., R. 7 E.,
Sec. 30, NE¼SW¼, N½SE¼.

T. 2 S., R. 8 E.,
Sec. 1, SE¼SE¼;
Sec. 2, SW¼NE¼, NE¼SW¼, S½SW¼;
Sec. 11, SW¼SE¼;
Sec. 12, NE¼, NE¼NW¼.

2. At 10 a.m. on August 11, 1967, the national forest lands shall be open to such forms of disposition as may by law be made of such lands, subject to the provisions of existing withdrawals.

3. At 10 a.m. on August 11, 1967, the public lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on August 11, 1967, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. The lands will be open to location under the U.S. mining laws at 10 a.m. on August 11, 1967. They have been open to applications and offers under the mineral leasing laws.

The State of Idaho has waived the preference right of application granted to certain States by R.S. 2276, as amended (43 U.S.C. 852).

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Boise, Idaho.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JULY 6, 1967.

[F.R. Doc. 67-7979; Filed, July 11, 1967; 8:46 a.m.]

[Public Land Order 4240]

[Nevada 061772]

NEVADA

Revocation of Air Navigation Site Withdrawal No. 152

By virtue of the authority contained in section 4 of the Act of May 24, 1928 (45 Stat. 729; 49 U.S.C. 214), it is ordered as follows:

1. The Departmental order of January 28, 1941, which withdrew the following described public land as Air Navigation Site Withdrawal No. 152, is hereby revoked:

MOUNT DIABLO MERIDIAN

T. 34 N., R. 54 E.,
Sec. 34, NW¼NW¼NE¼NE¼, NE¼NE¼NW¼NE¼.

Containing 5 acres in Elko County.

The land is located southwest of Elko, Nev., at an elevation of approximately 5,000 feet. Topography is flat to rolling.

2. At 10 a.m. on August 11, 1967, the land shall be open to operation of the public land laws generally, including the mining laws, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on August 11, 1967, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The land has been open to applications and offers under the mineral leasing laws.

Inquiries concerning the land should be addressed to the Manager, Land Office, Bureau of Land Management, Reno, Nev.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JULY 6, 1967.

[F.R. Doc. 67-7980; Filed, July 11, 1967; 8:46 a.m.]

[Public Land Order 4241]

[Oregon 1635]

OREGON

Revocation of National Forest Administrative Site Withdrawal

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. The departmental order of January 11, 1908, so far as it withdrew the following described national forest lands in the Umatilla National Forest for use as an administrative site, is hereby revoked:

WILLAMETTE MERIDIAN

T. 5 N., R. 40 E.,
Sec. 1, lot 4.
T. 6 N., R. 40 E.,
Sec. 36, lots 1 and 2, NW¼SE¼.

The areas described aggregate 161.90 acres in Wallowa County.

2. The lands are included in Powersite Classification No. 242 and have been open to applications and offers under the mineral leasing laws. They will be open to location under the U.S. mining laws, subject to provisions of the act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621), at 10 a.m. on August 11, 1967.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JULY 6, 1967.

[F.R. Doc. 67-7981; Filed, July 11, 1967; 8:46 a.m.]

[Public Land Order 4242]

[Wyoming 2048]

WYOMING

Withdrawal for National Forest Recreation Area

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

TARGHEE NATIONAL FOREST

SIXTH PRINCIPAL MERIDIAN

Wind and Ice Caves

T. 43 N., R. 117 W. (Unsurveyed).
When surveyed will probably be in:
Sec. 30, Lots 3 and 4, according to approved Protraction Diagram No. 7, Wyoming.

T. 43 N., R. 118 W. (Unsurveyed).
When surveyed will probably be in:
Sec. 24, S½;
Sec. 25;
Sec. 26, E½NE¼;
Sec. 36, N½, according to approved Protraction Diagram No. 7, Wyoming.

Described by metes and bounds as follows:
Beginning at corner No. 1, a treated post, 4 in. square, 3 feet above the ground, at the junction of South Fork Darby Creek and the unnamed creek draining from the Wind Cave, in approximate latitude 43°39' N. and longitude 110°56' W.

From corner No. 1, by metes and bounds: S. 47° W. approximately 3,700 feet to corner No. 2 (a large limber pine); S. 19° E. approximately 6,440 feet to corner No. 3 (the point of a ledge on the divide between South Fork Darby Creek, Fox Creek, and Terrace Creek drainages); N. 43° E. approximately 5,780 feet to corner No. 4 (a fork in the South Fork of Darby Creek); N. 35° W. approximately 5,280 feet, to corner No. 1, the place of beginning (following the South Fork of Darby Creek).

The areas described aggregate approximately 580 acres in Teton County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JULY 6, 1967.

[F.R. Doc. 67-7982; Filed, July 11, 1967; 8:46 a.m.]

[Public Land Order 4243]

[New Mexico 2044]

NEW MEXICO

Addition to National Forest

By virtue of the authority contained in the act of July 9, 1962 (76 Stat. 140; 43 U.S.C. 315g-1), it is ordered as follows:

Subject to existing valid rights, the following described lands, acquired in an exchange made pursuant to section 8 of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1272; 43 U.S.C. 315g), as amended, are hereby added to and made a part of the Cibola National Forest and hereafter shall be subject to all laws and regulations applicable to said national forest:

NEW MEXICO PRINCIPAL MERIDIAN

T. 11 N., R. 11 W.,
Sec. 5, lots 1, 2, 3, 4, S½N½, and S½;
Sec. 7, lots 1, 2, 3, 4, E½, and E½W½;
Sec. 8 and 9;
Sec. 33, E½, S½NW¼, and SW¼.

The areas described aggregate 3,108.64 acres in Valencia County.

HARRY ANDERSON,
Assistant Secretary of the Interior.

JULY 6, 1967.

[F.R. Doc. 67-7983; Filed, July 11, 1967; 8:46 a.m.]

[Public Land Order 4244]

[I-190]

IDAHO

Withdrawal for National Forest

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands (Campgrounds, Historical Areas, Visitor Information Site) are hereby withdrawn from appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

CLEARWATER NATIONAL FOREST

BOISE MERIDIAN

Orogrande Campground

T. 37 N., R. 7 E.,
Sec. 3, lots 1, 2, 3, NW¼SW¼NE¼, and N½SE¼NW¼.

Totaling 156.58 acres.

Tom Beal Park

T. 36 N., R. 14 E., unsurveyed, which probably will be when surveyed:
Sec. 20, SW¼NE¼SE¼, SE¼NW¼SE¼, and S½SE¼;
Sec. 29, N½N½NE¼.

Totaling 140 acres.

Spring Mountain Campsite

T. 37 N., R. 13 E., unsurveyed, which probably will be when surveyed:
Sec. 2, SE¼NE¼SW¼SE¼, NE¼SE¼SW¼SE¼, SW¼NW¼SE¼SE¼, and NW¼SW¼SE¼SE¼.

Totaling 10 acres.

Indian Post Office Site

T. 37 N., R. 12 E., unsurveyed, which probably will be when surveyed:
Sec. 17, W½NW¼SW¼.

Totaling 20 acres.

Lonesome Cove Campsite

T. 37 N., R. 13 E., unsurveyed, which probably will be when surveyed:
Sec. 18, SW¼NE¼SW¼SE¼, SE¼NW¼SW¼SE¼, NE¼SW¼SW¼SE¼, and NW¼SE¼SW¼SE¼.

Totaling 10 acres.

Stuque Hole Campsite

T. 37 N., R. 10 E., unsurveyed, which probably will be when surveyed:
Sec. 36, E½SW¼NW¼SE¼ and W½SE¼NW¼SE¼.

Totaling 10 acres.

Indian Grave Site

T. 36 N., R. 10 E., unsurveyed, which probably will be when surveyed:
Sec. 1, S½NE¼NW¼NE¼ and N½SE¼NW¼NE¼.

Totaling 10 acres.

Smoking Place Historical Site

T. 36 N., R. 10 E., unsurveyed, which probably will be when surveyed:
Sec. 1, W½NW¼SE¼, W½E½NW¼SE¼, NW¼NE¼SW¼SE¼, and N½NW¼SW¼SE¼.

Totaling 37.50 acres.

Bald Mountain Campsite

T. 36 N., R. 10 E., unsurveyed, which probably will be when surveyed:
Sec. 20, N½S½NE¼NW¼ and S½N½NE¼NW¼.

Totaling 20 acres.

Bald Mountain Historical Site

T. 36 N., R. 10 E., unsurveyed, which probably will be when surveyed:
Sec. 19, S½SE¼NW¼NE¼ and N½NE¼SW¼NE¼.

Totaling 10 acres.

Dry Campsite

T. 35 N., R. 9 E., unsurveyed, which probably will be when surveyed:
Sec. 25, SW¼SW¼NW¼NE¼, NW¼NW¼SW¼NE¼, SE¼SE¼NE¼NW¼, and NE¼NE¼SE¼NW¼.

Totaling 10 acres.

Sherman Peak Historical Site

T. 36 N., R 9 E., unsurveyed, which probably will be when surveyed:
Sec. 34, SW¼NE¼SW¼ and E½SE¼NW¼SW¼.

Totaling 15 acres.

Cache Mountain Site

T. 35 N., R. 8 E., unsurveyed, which probably will be when surveyed:
Sec. 12, SW¼NW¼NE¼.

Totaling 10 acres.

Hungery Campsite

T. 35 N., R. 6 E., unsurveyed, which probably will be when surveyed:
Sec. 14, SW¼NE¼SW¼, NW¼SE¼SW¼.

Totaling 20 acres.

Retreat Campsite

T. 35 N., R. 8 E., unsurveyed, which probably will be when surveyed:
Sec. 15, NE¼NW¼SW¼.

Totaling 10 acres.

Soup Campsite

T. 35 N., R. 8 E., unsurveyed, which probably will be when surveyed:
Sec. 8, S½NW¼NE¼SE¼.

Totaling 5 acres.

Elbow Bend Campsite

T. 35 N., R. 7 E.,
Sec. 13, W½SW¼SW¼NE¼ and E½SE¼SE¼NW¼.

Totaling 10 acres.

Horse Shoe Meadow Campsite

T. 35 N., R. 7 E.,
Sec. 14, SW¼NW¼SW¼NE¼, NW¼SE¼SW¼NE¼, SW¼NW¼SE¼NE¼, and NW¼SW¼SE¼NE¼.

Totaling 10 acres.

Wendover Ridge Campsite

T. 37 N., R. 13 E., unsurveyed, which probably will be when surveyed:
Sec. 4, SW¼NE¼NE¼.

Totaling 10 acres.

Lolo Pass Information Site

T. 38 N., R. 15 E.,
Sec. 16, W½NW¼SE¼.

Totaling 20 acres.

The areas described aggregate 544 acres more or less in Clearwater and Idaho Counties, Idaho.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JULY 6, 1967.

[F.R. Doc. 67-7984; Filed, July 11, 1967; 8:46 a.m.]

[Public Land Order 4245]

[Utah 1287]

UTAH

Withdrawal for National Forest Recreation Areas

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

WASATCH NATIONAL FOREST

SALT LAKE MERIDIAN

Cache Campground

T. 2 N., R. 12 E.,
Sec. 24, E½E½SW¼NW¼, W½SE¼NW¼, W½SE¼SE¼NW¼.

China Lake Campground

T. 2 N., R. 14 E.,
Sec. 6, S½S½NW¼NW¼, W½NE¼SW¼NW¼, NW¼SW¼NW¼, E½SW¼SW¼NW¼, SE¼SW¼NW¼.

Pine Valley Group Campground

T. 2 S., R. 7 E.,
Sec. 26, S½SW¼NW¼SE¼, S½SE¼NW¼SE¼, NE¼SW¼SE¼, N½SE¼SW¼SE¼, NW¼SE¼SE¼, N½SW¼SE¼SE¼.

Lost Lake Trailer Camp

T. 2 S., R. 9 E.,
Sec. 5, S½SE¼SW¼NE¼, SW¼SE¼NE¼, W½SE¼SE¼NE¼, NE¼NW¼SE¼.

The areas described aggregate approximately 145 acres in Summit County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JULY 6, 1967.

[F.R. Doc. 67-7985; Filed, July 11, 1967; 8:46 a.m.]

[Public Land Order 4246]

[Colorado 1270]

COLORADO

Boundary Adjustment Uncompahgre and San Juan National Forests

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 11, 36; 16 U.S.C. 473), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), and upon the recommendation of the Assistant Secretary of Agriculture, it is ordered as follows:

The following described lands are hereby excluded from the Uncompahgre National Forest and are added to and made a part of the San Juan National Forest, effective July 1, 1967, and the boundaries of the said national forests are adjusted accordingly:

NEW MEXICO PRINCIPAL MERIDIAN

T. 43 N., R. 13 W.,
Sec. 5, E½;
Secs. 9, 10, and 15;
Sec. 16, E½ and NW¼;
Sec. 17, NE¼;
Sec. 21, E½;
Sec. 22;
Sec. 23, that part lying east of the Dolores River.

The areas described aggregate approximately 4,243 acres.

It is not intended by this order to give a national forest status to any publicly owned lands which have not hitherto had such a status, or to change the status of any publicly owned lands which have hitherto had national forest status.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JULY 6, 1967.

[F.R. Doc. 67-7986; Filed, July 11, 1967; 8:46 a.m.]

[Public Land Order 4247]

[Idaho 768]

IDAHO

Withdrawal for Recreation Site

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described public lands, which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, for the Mackay Reservoir Recreation Site:

BOISE MERIDIAN

MACKAY RESERVOIR RECREATION SITE

T. 7 N., R. 23 E.,
Sec. 1, SW¼SW¼;
Sec. 2, SE¼SE¼.

The areas described aggregate 80 acres in Custer County.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JULY 6, 1967.

[F.R. Doc. 67-7987; Filed, July 11, 1967; 8:46 a.m.]

[Public Land Order 4248]

[Oregon 015491, 015677]

OREGON

Withdrawal for Protection of Material Sites

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described revested Oregon and California Railroad grant lands are hereby withdrawn from location under the U.S. mining laws (30 U.S.C., Ch. 2), for protection of sources of materials for highway construction:

WILLAMETTE MERIDIAN

(OREGON 015491)

T. 30 S., R. 6 W.,
Sec. 31, S½ of unnumbered lot (SW¼SW¼).
T. 31 S., R. 7 W.,
Sec. 1, W½NE¼NW¼.

(OREGON 018677)

T. 30 S., R. 7 W.,
Sec. 35, N½S½NW¼.

The areas described aggregate 81.80 acres in Douglas County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the revested Oregon and California Railroad grant lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JULY 6, 1967.

[F.R. Doc. 67-7988; Filed, July 11, 1967; 8:47 a.m.]

[Public Land Order 4349]

[Idaho 401]

IDAHO

Withdrawal for Proposed Reclamation Project

By virtue of the authority contained in section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), as amended and supplemented, it is ordered as follows:

1. Subject to valid existing rights, the following described public lands, which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, and reserved for the Initial Butte Unit of the Mountain Home Division, Snake River Project, Idaho:

BOISE MERIDIAN

T. 1 S., R. 1 W.,
Sec. 25, N½.

Containing 320 acres in Ada County, Idaho.

2. The use and administration of the lands affected by this order will become subject to the provisions of the reclamation laws (act of June 17, 1902, supra, as amended and supplemented), including the use of the lands under lease, license, or permit, at such time as the Initial Butte Unit of the Mountain Home Division, Snake River Project, Idaho, is authorized by Congress.

3. Pending authorization of the project, this withdrawal does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or the disposal of their mineral or vegetative resources other than under the mining laws, subject to the condition that such use or disposition will not be inconsistent with the reclamation laws and the purpose for which the lands are withdrawn.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JULY 6, 1967.

[F.R. Doc. 67-7989; Filed, July 11, 1967; 8:47 a.m.]

[Public Land Order 4350]

[Nevada 067001]

NEVADA

Withdrawal for the Pacific Northwest-Pacific Southwest Intertie (Reclamation) Project

By virtue of the authority contained in the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), as amended and supplemented, it is ordered as follows:

Subject to valid existing rights, the following described public lands which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, and reserved for the Pacific Northwest-Pacific Southwest Intertie Reclamation Project:

MOUNT DIABLO MERIDIAN

T. 28 S., R. 68 E.,
Sec. 22, SW¼;
Sec. 28, lots 3 and 6, S½NW¼, S½;
Sec. 34, lots 5 to 8, inclusive, S½.
T. 29 S., R. 68½ E.,
Sec. 36, NE¼, N½SE¼.
T. 29 S., R. 64 E.,
Secs. 27, 28, and 29;
Sec. 30, lots 5, 6, and 7, E½, E½NW¼, NE¼SW¼;
Sec. 33, E½NE¼, NW¼NE¼, NE¼NW¼;
Sec. 34, N½, NE¼SW¼, N½SE¼, SE¼SE¼.

The areas described aggregate approximately 4,242.55 acres.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JULY 6, 1967.

[F.R. Doc. 67-7990; Filed, July 11, 1967; 8:47 a.m.]

[Public Land Order 4351]

[I-764]

IDAHO

Withdrawal for National Forest Campgrounds and Historic Site

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

BOISE MERIDIAN

CLEARWATER NATIONAL FOREST

Pete Ott Campsite

T. 39 N., R. 10 E.,
Sec. 5, NE¼NE¼NW¼.

Totaling 10 acres.

Nosecum Campsite

T. 36 N., R. 9 E., unsurveyed, which probably will be when surveyed,
Sec. 35, SE¼NW¼NW¼ and NE¼SW¼NW¼.

Totaling 20 acres.

Fish Lake Campsite

T. 40 N., R. 12 E.,
Sec. 11, S½ of lot 4, S½S½ of lot 5, SE¼ of lot 6, lot 7, and lot 8;
Sec. 14, N½ of lot 1, lot 2, N½ and SE¼ of lot 3, and NE¼ of lot 4.

Totaling 182.84 acres.

Lake Creek Campsite

T. 40 N., R. 13 E.,
Sec. 18, S½S½NE¼NE¼SW¼, S½S½NW¼NE¼SW¼, N½SW¼NE¼SW¼, SE¼SW¼NE¼SW¼, N½SE¼NE¼SW¼, and SW¼SE¼NE¼SW¼.

Totaling 20 acres.

Hotel Flat Campsite

T. 36 N., R. 13 E., unsurveyed, which probably will be when surveyed,
Sec. 9, NE¼SW¼NE¼, E½NW¼SW¼NE¼, S½SW¼NE¼, NW¼SE¼NE¼, S½SE¼NE¼, E½SE¼SE¼NW¼, NE¼NW¼NE¼SE¼, and E½NE¼SE¼;
Sec. 10, W½W½NW¼SW¼.

Totaling 102.5 acres.

Pinto Flat Campsite

T. 36 N., R. 12 E., unsurveyed, which probably will be when surveyed,
Sec. 18, SW¼SE¼NW¼, S½SE¼SE¼NW¼, NW¼SE¼SE¼NW¼, SE¼SE¼SW¼NW¼, NE¼NW¼SW¼, N½SE¼NW¼SW¼, W½NE¼SW¼, and NE¼NE¼SW¼.

Totaling 65 acres.

Jay Flat Campsite

T. 37 N., R. 14 E.,
Sec. 30, S½NE¼, of lot 4, SE¼NW¼ of lot 4, S½ of lot 4, S½SE¼SW¼, S½N½SE¼SW¼, S½N½SW¼SE¼, W½NE¼SE¼SE¼, W½SE¼SE¼, and SE¼SE¼SE¼;
Sec. 31, lot 1, N½ of lot 2, NE¼NE¼NE¼, W½NE¼NE¼, NW¼NE¼, NE¼NW¼, and N½SE¼NW¼.
T. 37 N., R. 13 E., unsurveyed, which probably will be when surveyed,
Sec. 36, E½NE¼NE¼, E½W½NE¼NE¼, and N½SE¼NE¼.

Totaling 362.5 acres, more or less.

Moose City Graves

T. 40 N., R. 11 E., unsurveyed, which probably will be when surveyed,
Sec. 29, NE¼NW¼NW¼.

Totaling 10 acres.

Isabella Campsite

T. 41 N., R. 7 E.,
Sec. 31, W½S½ of lot 3 and S½ of lot 4.

Totaling 80 acres, more or less.

The areas described aggregate 752.88 acres more or less in Clearwater and Idaho Counties.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JULY 6, 1967.

[F.R. Doc. 67-7991; Filed, July 11, 1967; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

PREPAID DUES INCOME OF CERTAIN MEMBERSHIP ORGANIZATIONS

Notice of Proposed Rule Making

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case, a public hearing will be held and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] SHELDON S. COHEN,
Commissioner of Internal Revenue.

The following regulations relating to prepaid dues income of certain membership organizations, effective for taxable years beginning after December 31, 1960, are hereby prescribed under section 456 of the Internal Revenue Code of 1954, as added by Public Law 87-109 (75 Stat. 222):

§ 1.456 Statutory provisions; prepaid dues income of certain membership organizations.

SEC. 456. *Prepaid dues income of certain membership organizations.*—(a) *Year in which included.* Prepaid dues income to which this section applies shall be included in gross income for the taxable years during which the liability described in subsection (c)(2) exists.

(b) *Where taxpayer's liability ceases.* In the case of any prepaid dues income to which this section applies—

(1) If the liability described in subsection (c)(2) ends, then so much of such income as was not includible in gross income under subsection (a) for preceding taxable years shall be included in gross income for the taxable year in which the liability ends.

(2) If the taxpayer ceases to exist, then so much of such income as was not includible in gross income under subsection (a) for preceding taxable years shall be included in gross income for the taxable year in which such cessation of existence occurs.

(c) *Prepaid dues income to which this section applies.*—(1) *Election of benefits.* This section shall apply to prepaid dues income if and only if the taxpayer makes an election under this section with respect to the trade or business in connection with which such income is received. The election shall be made in such manner as the Secretary or his delegate may by regulations prescribe. No election may be made with respect to a trade or business if in computing taxable income the cash receipts and disbursements method of accounting is used with respect to such trade or business.

(2) *Scope of election.* An election made under this section shall apply to all prepaid dues income received in connection with the trade or business with respect to which the taxpayer has made the election; except that the taxpayer may, to the extent permitted under regulations prescribed by the Secretary or his delegate, include in gross income for the taxable year of receipt the entire amount of any prepaid dues income if the liability from which it arose is to end within 12 months after the date of receipt. Except as provided in subsection (d), an election made under this section shall not apply to any prepaid dues income received before the first taxable year for which the election is made.

(3) *When election may be made.*—(A) *With consent.* A taxpayer may, with the consent of the Secretary or his delegate, make an election under this section at any time.

(B) *Without consent.* A taxpayer may, without the consent of the Secretary or his delegate, make an election under this section for its first taxable year (i) which begins after December 31, 1960, and (ii) in which it receives prepaid dues income in the trade or business. Such election shall be made not later than the time prescribed by law for filing the return for the taxable year (including extensions thereof) with respect to which such election is made.

(4) *Period to which election applies.* An election under this section shall be effective for the taxable year with respect to which it is first made and for all subsequent taxable years, unless the taxpayer secures the consent of the Secretary or his delegate to the revocation of such election. For purposes of this title, the computation of taxable income under an election made under this section shall be treated as a method of accounting.

(d) *Transitional rule.*—(1) *Amount includible in gross income for election years.* If a taxpayer makes an election under this section with respect to prepaid dues income, such taxpayer shall include in gross income, for such taxable year to which such election applies, not only that portion of prepaid dues income received in such year otherwise includible in gross income for such year under this section, but shall also include in gross income for such year an additional amount equal to the amount of prepaid dues income received in the 3 taxable years preceding the first taxable year to which such election applies which would have been included in gross income in the taxable year had the election been effective 3 years earlier.

(2) *Deductions of amounts included in income more than once.* A taxpayer who makes an election with respect to prepaid dues income, and who includes in gross income for any taxable year to which the election applies an additional amount computed under paragraph (1), shall be permitted to deduct, for such taxable year and for each of the 4 succeeding taxable years, an amount equal to one-fifth of such additional amount, but only to the extent that such additional amount was also included in the taxpayer's gross income during any of the 3 taxable years preceding the first taxable year to which such election applies.

(e) *Definitions.* For purposes of this section—

(1) *Prepaid dues income.* The term "prepaid dues income" means any amount (includible in gross income) which is received by a membership organization in connection with, and is directly attributable to, a liability to render services or make available membership privileges over a period of time which extends beyond the close of the taxable year in which such amount is received.

(2) *Liability.* The term "liability" means a liability to render services or make available membership privileges over a period of time which does not exceed 36 months, which liability shall be deemed to exist ratably over the period of time that such services are required to be rendered, or that such membership privileges are required to be made available.

(3) *Membership organization.* The term "membership organization" means a corporation, association, federation, or other organization—

(A) Organized without capital stock of any kind, and

(B) No part of the net earnings of which is distributable to any member.

(4) *Receipt of prepaid dues income.* Prepaid dues income shall be treated as received during the taxable year for which it is includible in gross income under section 451 (without regard to this section).

(Sec. 456 as added by the Act of July 26, 1961 (Public Law 87-109, 75 Stat. 222))

§ 1.456-1 Treatment of prepaid dues income.

Effective for taxable years beginning after December 31, 1960, a taxpayer which is a membership organization (as described in par. (c) of § 1.456-5) and which receives prepaid dues income as described in par. (a) of § 1.456-5 in connection with its trade or business of rendering services or making available membership privileges may elect under section 456 to include such income in gross income ratably over the taxable years during which its liability (as described in par. (b) of § 1.456-5) to render such services or extend such privileges exists, if such liability does not extend over a period of time in excess of 36 months. If the taxpayer does not elect to treat prepaid dues income under section 456, or if such income may not be reported under section 456, as for example, where the income relates to a liability to render services or make available membership privileges which extends beyond 36 months, then such income is includible in gross income for the taxable year in

which it is received (as described in par. (d) of § 1.456–5).

§ 1.456–2 Scope of election under section 456.

(a) An election made under section 456 and § 1.456–6, shall be applicable to all prepaid dues income received in connection with the trade or business for which the election is made. However, the taxpayer may further elect to include in gross income for the taxable year of receipt the entire amount of any prepaid dues income attributable to a liability extending beyond the close of the taxable year but ending within 12 months after the date of receipt, hereinafter referred to as the "within 12 months" election.

(b) If the taxpayer is engaged in more than one trade or business in connection with which prepaid dues income is received, a separate election may be made under section 456 with respect to each such trade or business. In addition, a taxpayer may make a separate "within 12 months" election for each separate trade or business for which it has made an election under section 456.

(c) A section 456 election and a "within 12 months" election shall be binding for the first taxable year for which the election is made and for all subsequent taxable years, unless the taxpayer secures the consent of the Commissioner to the revocation of either election. In order to secure the Commissioner's consent to the revocation of the section 456 election or the "within 12 months" election, an application must be filed with the Commissioner in accordance with section 446(e) and the regulations thereunder. However, an application for consent to revoke the section 456 election or the "within 12 months" election in the case of all taxable years which end before the date of publication of the regulations under section 456 in the FEDERAL REGISTER as a Treasury decision, must be filed within 90 days after the date of such publication. For purposes of Subtitle A of the Code, the computation of taxable income under an election made under section 456 or under the "within 12 months" election shall be treated as a method of accounting. For adjustments required by changes in method of accounting, see section 481 and the regulations thereunder.

(d) Except as provided in section 456 (d) and § 1.456–7, an election made under section 456 shall not apply to any prepaid dues income received before the first taxable year to which the election applies. For example, Corporation X, a membership organization which files its income tax returns on a calendar year basis, customarily sells 3-year memberships, payable in advance. In 1961 it received $160,000 of prepaid dues income for 3-year memberships beginning during 1961, and in 1962 it received $185,000 of prepaid dues income for 3-year memberships beginning on January 1, 1962. In March 1962 it elected, with the consent of the Commissioner, to report its prepaid dues income under the provisions of section 456 for the year 1962 and subsequent taxable years. The $160,000 received in 1961 from prepaid dues must be included in gross income in full in that year, and except as provided in section 456(d) and § 1.456–7, no part of such income shall be allocated to the taxable years 1962, 1963, and 1964 during which X was under a liability to make available its membership privileges. The $185,000 received in 1962 from prepaid dues income shall be allocated to the years 1962, 1963, and 1964.

(e) No election may be made under section 456 with respect to a trade or business if, in computing taxable income, the cash receipts and disbursements method (or a hybrid thereof) of accounting is used with respect to such trade or business, unless the combination of the section 456 election and the taxpayer's hybrid method of accounting does not result in a material distortion of income.

§ 1.456–3 Method of allocation.

(a) Prepaid dues income for which an election has been made under section 456 shall be included in gross income over the period of time during which the liability to render services or make available membership privileges exists. The liability to render the services or make available the membership privileges shall be deemed to exist ratably over the period of time such services are required to be rendered, or such membership privileges are required to be made available. Thus, the prepaid dues income shall be included in gross income ratably over the period of the membership contract. For example, Corporation X, a membership organization, which files its income tax returns on a calendar year basis, elects, for its taxable year beginning January 1, 1961, to report its prepaid dues income in accordance with the provisions of section 456. On March 31, 1961, it sells a 2-year membership for $48 payable in advance, the membership to extend from May 1, 1961, to April 30, 1963. X shall include in its gross income for the taxable year 1961 $\frac{3}{24}$ of the $48, or $16, and for the taxable year 1962 $\frac{12}{24}$ of the $48, or $24, and for the taxable year 1963 $\frac{9}{24}$ of the $48, or $8.

(b) For purposes of determining the period or periods over which the liability of the taxpayer exists, and for purposes of allocating prepaid dues income to such periods, the taxpayer may aggregate similar transactions during the taxable year in any reasonable manner, provided the method of aggregation and allocation is consistently followed.

§ 1.456–4 Cessation of liability or existence.

(a) If a taxpayer has elected to apply the provisions of section 456 to a trade or business in connection with which prepaid dues income is received, and if the taxpayer's liability to render services or make available membership privileges ends for any reason, as for example, because of the cancellation of a membership then so much of the prepaid dues income attributable to such liability as was not includible in the taxpayer's gross income under section 456 for preceding taxable years shall be included in gross income for the taxable year in which such liability ends. This paragraph shall not apply to amounts includible in gross income under § 1.456–7.

(b) If a taxpayer which has elected to apply the provisions of section 456 ceases to exist, then the prepaid dues income which was not includible in gross income under section 456 for preceding taxable years shall be included in the taxpayer's gross income for the taxable year in which such cessation of existence occurs. This paragraph shall not apply to amounts includible in gross income under § 1.456–7.

(c) If a taxpayer is a party to a transaction to which section 381(a) applies and the taxpayer's method of accounting with respect to prepaid dues income is used by the acquiring corporation under the provisions of section 381(c)(4), then neither the liability nor the existence of the taxpayer shall be deemed to have ended or ceased. In such cases see section 381(c)(4) and the regulations thereunder for the treatment of the portion of prepaid dues income which was not included in gross income under section 456 for preceding taxable years.

§ 1.456–5 Definitions and other rules.

(a) *Prepaid dues income.* (1) The term "prepaid dues income" means any amount for membership dues includible in gross income which is received by a membership organization in connection with, and is directly attributable to, a liability of the taxpayer to render services or make available membership privileges over a period of time which extends beyond the close of the taxable year in which such amount is received.

(2) For purposes of section 456, prepaid dues income does not include amounts received by a taxpayer in connection with sales of memberships on a prepaid basis where the taxpayer does not have the liability to furnish the services or make available the membership privileges. For example, where a taxpayer has a contract with several membership organizations to sell memberships in such organizations and retains a portion of the amounts received from the sale of such memberships and remits the balance to the membership organizations, the amounts retained by such taxpayer represent commissions and do not constitute prepaid dues income for purposes of section 456.

(b) *Liability.* The term "liability" means a liability of the taxpayer to render services or make available membership privileges over a period of time which does not exceed 36 months. Thus, if during the taxable year a taxpayer sells memberships for more than 36 months and also memberships for 36 months or less, section 456 does not apply to the income from the sale of memberships for more than 36 months. For the purpose of determining the duration of a liability, a bona fide renewal of a membership shall not be considered to be a part of the existing membership.

(c) *Membership organization.* (1) The term "membership organization" means a corporation, association, federation, or other similar organization meeting the following requirements:

(i) It is organized without capital stock of any kind,

(ii) Its charter, bylaws, or other written agreement or contract expressly prohibits the distribution of any part of the net earnings directly or indirectly, in money, property, or services, to any member, and

(iii) No part of the net earnings of which is in fact distributed to any member either directly or indirectly, in money, property, or services.

(2) For purposes of this paragraph an increase in services or reduction in dues to all members shall generally not be considered distributions of net earnings.

(3) If a corporation, association, federation, or other similar organization subsequent to the time it elects to report its prepaid dues income in accordance with the provisions of section 456, (i) issues any kind of capital stock either to any member or nonmember, (ii) amends its charter, bylaws, or other written agreement or contract to permit distributions of its net earnings to any member or, (iii) in fact, distributes any part of its net earnings either in money, property, or services to any member, then immediately after such event the organization shall not be considered a membership organization within the meaning of section 456(c)(3).

(d) *Receipt of prepaid dues income.* For purposes of section 456, prepaid dues income shall be treated as received during the taxable year for which it is includible in gross income under section 451, relating to the general rule for taxable year of inclusion, without regard to section 456.

§ 1.456–6 Time and manner of making election.

(a) *Election without consent.* A taxpayer may make an election under section 456 without the consent of the Commissioner for the first taxable year beginning after December 31, 1960, in which it receives prepaid dues income in the trade or business for which such election is made. The election must be made not later than the time prescribed by law for filing the income tax return for such year (including extensions thereof). The election must be made by means of a statement attached to such return. In addition, there should be attached a copy of a typical membership contract used by the organization and a copy of its charter, bylaws, or other written agreement or contract of organization or association. The statement shall indicate that the taxpayer is electing to apply the provisions of section 456 to the trade or business, and shall contain the following information:

(1) The taxpayer's name and a description of the trade or business to which the election is to apply.

(2) The method of accounting used for prepaid dues income in the trade or business during the first taxable year for which the election is to be effective and during each of 3 preceding taxable years, and if there was a change in the method of accounting for prepaid dues income during such 3-year period, a detailed explanation of such change including the adjustments necessary to prevent duplications or omissions of income.

(3) Whether any type of deferral method for prepaid dues income has been used during any of the 3 taxable years preceding the first taxable year for which the election is effective. Where any type of such deferral method has been used during this period, an explanation of the method and a schedule showing the amounts received in each such year and the amounts deferred to each succeeding year.

(4) A schedule with appropriate explanations showing:

(i) The total amount of prepaid dues income received in the trade or business in the first taxable year for which the election is effective and the amount of such income to be included in each taxable year in accordance with the election,

(ii) The total amount, if any, of prepayments of dues received in the first taxable year for which the election is effective which are directly attributable to a liability of the taxpayer to render services or make available membership privileges over a period of time in excess of 36 months, and

(iii) The total amount, if any, of prepaid dues income received in the trade or business in—

(a) The taxable year preceding the first taxable year for which the election is effective if all memberships sold by the taxpayer are for periods of 1 year or less,

(b) Each of the 2 taxable years preceding the first taxable year for which the election is effective if any memberships are sold for periods in excess of 1 year but none are sold for periods in excess of 2 years, or

(c) Each of the 3 taxable years preceding the first taxable year for which the election is effective if any memberships are sold for periods in excess of 2 years.

In each case there shall be set forth the amount of such income which would have been includible in each taxable year had the election been effective for the years for which the information is required.

In any case in which prepaid dues income is received from more than one trade or business, the statement shall set forth separately the required information with respect to each trade or business for which the election is made. See paragraph (c) of this section for additional information required to be submitted with the statement if the taxpayer also elects to include in gross income for the taxable year of receipt the entire amount of prepaid dues income attributable to a liability which is to end within 12 months after the date of receipt.

(b) *Election with consent.* A taxpayer may elect with the consent of the Commissioner, to apply the provisions of section 456 to any trade or business in which it receives prepaid dues income. The request for such consent shall be in writing, signed by the taxpayer or its authorized representative, and shall be addressed to the Commissioner of Internal Revenue, Washington, D.C. 20224. The request must be filed on or before the later of the following dates: (1) 90 days after the beginning of the first taxable year to which the election is to apply, or (2) 90 days after the date of publication of the regulations under section 456 in the FEDERAL REGISTER as a Treasury decision and should contain the information described in paragraph (a) of this section. See paragraph (c) of this section for additional information required to be submitted with the request if the taxpayer also elects to include in gross income for the taxable year of receipt the entire amount of prepaid dues income attributable to a liability which is to end within 12 months after the date of receipt.

(c) *"Within 12 months" election.* (1) The "within 12 months" election shall be made by including in the statement required by paragraph (a) of this section or the request described in paragraph (b) of this section, whichever is applicable, a declaration that the taxpayer elects to include such income in gross income in the taxable year of receipt, and the amount of such income for each taxable year to which the election is to apply which has ended prior to the time such statement or request is filed. If the taxpayer is engaged in more than one trade or business for which the election under section 456 is made, it must include, in such statement or request, a declaration for each trade or business for which it wishes to make the "within 12 months" election.

(2) If the taxpayer does not make the "within 12 months" election for a trade or business at the time it makes the election under paragraph (a) or (b) of this section, but later wishes to make such election, it must apply for permission from the Commissioner. Such application shall be made in accordance with the provisions of section 446(e) and § 1.446–(e)(3).

§ 1.456–7 Transitional rule.

(a) Under section 456(d)(1), a taxpayer making an election under section 456 shall include in its gross income for the first taxable year to which the election applies and for each of the 2 succeeding taxable years not only that portion of prepaid dues income which is includible in gross income for each such taxable year under section 456(a), but also an additional amount equal to that portion of the total prepaid dues income received in each of the 3 taxable years preceding the first taxable year to which the election applies which would have been includible in gross income for such first taxable year and such 2 succeeding taxable years had the election under section 456 been effective during such 3 preceding taxable years. In computing such additional amounts—

(1) In the case of taxpayers who did not include in gross income for the taxable year preceding the first taxable year for which the election is effective, that portion of the prepaid dues income received in such year attributable to a liability which is to end within 12 months after the date of receipt, no effect shall be given to a "within 12 months" election made under paragraph (c) of § 1.456–6, and

(2) There shall be taken into account only prepaid dues income arising from a trade or business with respect to which an election is made under section 456 and § 1.456–6.

Section 461 and the regulations thereunder shall have no application to the additional amounts includible in gross income under section 456(d) and this section, but section 461 and the regulations thereunder shall apply to prevent other amounts from being duplicated or omitted.

(b) A taxpayer who makes an election with respect to prepaid dues income, and who includes in gross income for any taxable year to which the election applies an additional amount computed under section 456(d)(1) and paragraph (a) of this section, shall be permitted under section 456(d)(2) to deduct for such taxable year and for each of the 4 succeeding taxable years an amount equal to one-fifth of such additional amount, but only to the extent that such additional amount was also included in the taxpayer's gross income for any of the 3 taxable years preceding the first taxable year to which such election applies. The taxpayer shall maintain books and records in sufficient detail to enable the district director to determine upon audit that the additional amounts were included in the taxpayer's gross income for any of the 3 taxable years preceding such first taxable year. If, however, the taxpayer ceases to exist, as described in paragraph (b) of § 1.456–4, and there is included in gross income, under such paragraph, of the year of cessation the entire portion of prepaid dues income not previously includible in gross income under section 456 for preceding taxable years (other than for amounts received prior to the first year for which an election was made), all the amounts not previously deducted under this paragraph shall be permitted as a deduction in the year of cessation of existence.

(c) The provisions of this section may be illustrated by the following example:

Example. (1) Assume that X Corporation, a membership organization qualified to make the election under section 456, elects to report its prepaid dues income in accordance with the provisions of section 456 for its taxable year ending December 31, 1961. Assume further that X Corporation receives in the middle of each taxable year $3,000 of prepaid dues income in connection with a liability to render services over a 3-year period beginning with the date of receipt. Under section 456(a), X Corporation will report income received in 1961 and subsequent years as follows:

Year of receipt	Total receipts	1961	1962	1963	1964	1965	1966	1967	1968
1961	$3,000	$500	$1,000	$1,000	$500				
1962	3,000		500	1,000	1,000	$500			
1963	3,000			500	1,000	1,000	$500		
1964	3,000				500	1,000	1,000	$500	
1965	3,000					500	1,000	1,000	$500
1966	3,000						500	1,000	1,000
1967	3,000							500	1,000
1968	3,000								500
Total reportable under section 456(a)		500	1,500	2,500	3,000	3,000	3,000	3,000	3,000

(2) Under section 456(d)(1), X Corporation must include in its gross income for the first taxable year to which the election applies and for each of the 2 succeeding taxable years, the amounts which would have been included in those years had the election been effective 3 years earlier. If the election had been effective in 1958, the following amounts received in 1958, 1959, and 1960 would have been reported in 1961 and subsequent years:

Year of receipt	Amount received	Years of including additional amounts		
		1961	1962	1963
1958	$1,000	$500		
1959	2,000	1,000	$500	
1960	3,000	1,000	1,000	$500
Total additional amounts to be included under section 456(d)(1)		2,500	1,500	500

(3) Having included the additional amounts as required by section 456(d)(1), and assuming such amounts were actually included in gross income in the 3 taxable years preceding the first taxable year for which the election is effective, X Corporation is entitled to deduct under section 456(d)(2) in the year of inclusion and in each of the succeeding 4 years an amount equal to one-fifth of the amounts included, as follows:

Year of inclusion	Amount	Years of deduction						
		1961	1962	1963	1964	1965	1966	1967
1961	$2,500	$500	$500	$500	$500	$500		
1962	1,500		300	300	300	300	$300	
1963	500			100	100	100	100	$100
Total amount deductible under section 456(d)(2)		500	800	900	900	900	400	100

(4) The net result of the inclusions under section 456(d)(1) and the deductions under section 456(d)(2) may be summarized as follows:

	1961	1962	1963	1964	1965	1966	1967	1968
Amount includible under section 456(a)	$500	$1,500	$2,500	$3,000	$3,000	$3,000	$3,000	$3,000
Amount includible under section 456(d)(1)	2,500	1,500	500					
Total	3,000	3,000	3,000	3,000	3,000	3,000	3,000	3,000
Amount deductible under section 456(d)(2)	500	800	900	900	900	400	100	
Net amount reportable under section 456	2,500	2,200	2,100	2,100	2,100	2,600	2,900	3,000

[F.R. Doc. 67–7953; Filed, July 11, 1967; 8:45 a.m.]

DEPARTMENT OF LABOR

Office of the Secretary

[29 CFR Part 4]

FEDERAL SERVICE CONTRACTS

Proposed Interpretations

Correction

In F.R. Doc. 67–7800, appearing at page 10132 of the issue for Saturday, July 8, 1967, the third and fourth paragraphs should be deleted.

CIVIL AERONAUTICS BOARD

[14 CFR Part 389]

FEES AND CHARGES FOR SPECIAL SERVICES

Certain Filing and License Fees

Correction

In F.R. Doc. 67–7702, appearing at page 9641 of the issue for Thursday, July 6, 1967, the following corrections are made:

1. In § 389.16(b)(5), the phrase reading "but free service at a reduced rate" should read "but free service or service at a reduced rate."

2. In § 389.24(a)(2)(ii), the word "delegation" should read "deletion".

Notices

FEDERAL POWER COMMISSION

[Docket Nos. R167-459 etc.]

GULF OIL CORP. ET AL.

Order Accepting Contract Amendments, Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

June 30, 1967.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are designated as follows:

[1] Does not consolidate for hearing or dispose of the several matters herein.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
R167-459	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla. 74102.	96	7	Colorado Interstate Gas Co. (Southwest Camp Creek Field, Beaver County, Okla.) (Panhandle Area).	$4,308	6- 5-67	[2] 7-6-67	12-6-67	[3] [4] 16.77	[5] [6] [7] 17.89	
	do	98	30	Colorado Interstate Gas Co. (Laverne Field, Harper County, Okla.) (Panhandle Area).	28,880	6- 5-67	[2] 7-6-67	12-6-67	[3] [4] 16.80	[5] [6] [7] 17.93	
R167-461	Midwest Oil Corp., 1700 Broadway, Denver, Colo. 80202.	34	2	Cimarron Transmission Co. (Sheridan Area, Love County, Okla.) (Oklahoma "Other" Area).	573	6- 9-67	[2] 7-6-67	12-6-67	[3] [4] 16.76	[5] [6] [7] 17.85	
R167-462	Sinclair Oil & Gas Co. (Operator) et al., Sinclair Oil Bldg., Tulsa, Okla. 74103.	157	[8] 5	Northern Natural Gas Co. (Rosston-Mutdraw Field, Beaver County, Okla.) (Panhandle Area).		[9] 6- 6-67	5-16-67	[2] 7-1-67	(Accepted)		
		157	[10] 6				5-16-67	[2] 7-1-67	(Accepted)		
		157	[11] 10				5-15-67	[2] 7-1-67	(Accepted)		
		157	11		701		5-15-67	[2] 7-1-67	12-1-67	[12] 16.0 / [13] 18.5	[14] 17.0 / [15] 18.5 — R166-97.
R167-463	Raymond Oil Co. (Operator) et al., 616 Fourth National Bank Bldg., Wichita, Kans. 67202.	8	8	Northern Natural Gas Co. (Braitenbeck Field, Edwards County, Kans.).	540	[16] 5-26-67	[2] 7-1-67	12-1-67			
R167-464	Union Oil Co. of California, Union Oil Center, Los Angeles, Calif. 90017.	67	[17] 4	Colorado Interstate Gas Co. (Laverne Field, Harper County, Okla.) (Panhandle Area).		6- 7-67	[18] 9-1-67	(Accepted)			
		67	5		50	6- 7-67	[18] 9-1-67	2-1-68	[19] 16.0	[20] [21] 17.0	R163-31.
R167-465	Marathon Oil Co. (Operator) et al., 539 South Main St., Findlay, Ohio 45840.	30	10	Colorado Interstate Gas Co. (Laverne Field, Harper and Beaver Counties, Okla.) (Panhandle Area).		6- 8-67	[2] 9-8-67	(Accepted)			
		30	[22] 11		28,441	6- 8-67	[2] 9-8-67	12- 9-67	[23] [24] 18.0	[25] [26] [27] 19.1	R166-34.
R167-466	do	31	[28] 13	Colorado Interstate Gas Co. (Mocane Field Area, Beaver County, Okla.) (Panhandle Area).		6- 8-67	[2] 9-8-67	(Accepted)			
		31	14		30,779	6- 8-67	[2] 9-8-67	12- 9-67	[23] [24] 17.0	[25] [26] [27] 19.0	R166-33.
R167-467	Jack W. Grigsby (Operator) et al., 1108 Commercial National Bank Bldg., Shreveport, La. 71101.	6	[29] 6	United Gas Pipe Line Co. (Maxie-Pistol Ridge Field, Forrest County, Miss.).	9,284	6- 8-67	[2] 7-9-67	12- 9-67	[30] 20.0	[31] [32] 22.6	
		7	[29] 4		1,795	6- 8-67	[2] 7-9-67	12- 9-67	[30] 20.0	[31] [32] 22.6	

[2] The stated effective date is the effective date proposed by Respondent.
[3] Periodic rate increase.
[4] Pressure base is 14.65 p.s.i.a.
[5] Includes base rate of 15.0 cents plus upward B.t.u. adjustment before increase and base rate of 16.0 cents plus upward B.t.u. adjustment after increase.
[6] Subject to upward and downward B.t.u. adjustment.
[7] The stated effective date is the first day after expiration of the statutory notice.
[8] Two-step periodic rate increase.
[9] Includes base rate of 15.0 cents plus upward B.t.u. adjustment before increase and 17.0 cents plus upward B.t.u. adjustment after increase based on present B.t.u. content of gas (1050 B.t.u.'s per cubic foot) shown in filing.
[10] Completence filing of May 15, 1967.
[11] Ratification dated Jan. 30, 1960. Phillips Petroleum Co. ratifies Sinclair's Gas Purchase Contract (prior to ratification, Phillips, a nonsignatory coowner, had an operating agreement with Sinclair).
[12] Amendment dated Apr. 13, 1967, between Phillips and buyer. Provides for increased rate of 17.0 cents from July 1, 1967, until July 1, 1972.
[13] Amendment dated Mar. 28, 1967, between Sinclair and buyer. Provides for increased rate of 17.0 cents from July 1, 1967, until July 1, 1972.
[14] Renegotiated rate increase.
[15] Filing completed by filing of comparative statement on June 7, 1967, by letter dated June 5, 1967.
[16] Subject to a downward B.t.u. adjustment.
[17] Amendment dated May 22, 1967, provides for rate of 17.0 cents for 5-year period commencing Sept. 1, 1967, and 1.0 cent periodic increase for each 5-year period thereafter.
[18] Supplement dated May 16, 1967, provides for base rate of 17.0 cents for 5-year period commencing June 29, 1967.
[19] Redetermined rate increase.
[20] Includes base rate of 16.0 cents plus upward B.t.u. adjustment before increase and 17.0 cents plus upward B.t.u. adjustment after increase based on present B.t.u. content of gas shown in filing.
[21] Base rate subject to upward and downward B.t.u. adjustment.
[22] Supplement dated May 16, 1967, provides for base rate of 17.0 cents for 5-year period commencing June 1, 1967.
[23] Redetermined rate increase. Increase from settlement rate to contractually provided for redetermined rate which is inclusive of 1.1 cent tax reimbursement.
[24] Pressure base is 15.025 p.s.i.a.
[25] Includes letter agreement with buyer dated Oct. 1, 1964, which provides for the redetermined rate proposed herein.
[26] Settlement rate as approved by Commission order issued Aug. 6, 1964, in Docket No. R161-98. Moratorium on filing increased rates expired June 1, 1967.
[27] Subject to a downward B.t.u. adjustment.
[28] Supplement Nos. 8, 9, and 10 to Sinclair's PPC Gas Rate Schedule No. 157.
[29] Supplement No. 4 to Union Oil's PPC Gas Rate Schedule No. 47.
[30] Supplement No. 10 to Marathon Oil Co. (Operator) et al., PPC Gas Rate Schedule No. 30.
[31] Supplement No. 13 to Marathon Oil Co.'s PPC Gas Rate Schedule No. 31.
[32] The proposed rates contained in such supplements will be suspended as hereinafter ordered.

Marathon Oil Co. (Operator) et al. (Marathon), request an effective date of June 29, 1967, for their proposed supplemental contract and rate increase. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Marathon's rate filings and such request is denied.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR 2.56).

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

Four of the producers herein, Sinclair Oil & Gas Co. (Operator) et al. (Sinclair); Union Oil Company of California (Union Oil); Marathon Oil Co. (Operator) et al., and Marathon Oil Co. have submitted contract amendments which provide for their proposed rate increases. We believe that it would be in the public interest to accept for filing Sinclair," Union Oil," Marathon Oil Co. (Operator) et al.," and Marathon Oil Co.'s " contract amendments to become effective July 1, 1967 (Sinclair); September 1, 1967 (Union Oil); July 9, 1967 (Marathon Oil Co. (Operator) et al., and Marathon Oil Co."

The Commission finds:

(1) Good cause has been shown for accepting for filing Sinclair, Union Oil, Marathon Oil Co. (Operator), et al., and Marathon Oil Co.'s proposed contract amendments, as set forth above, and for permitting such supplements to become effective on July 1, 1967 (Sinclair); September 1, 1967 (Union Oil); and July 9, 1967 (Marathon Oil Co. (Operator) et al., and Marathon Oil Co.).

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Supplement Nos. 8, 9, and 10 to Sinclair's PPC Gas Rate Schedule No. 157; Supplement No. 4 to Union Oil's PPC Gas Rate Schedule No. 47; Supplement No. 10 to Marathon Oil Co. (Operator) et al., PPC Gas Rate Schedule No. 30, and Supplement No. 13 to Marathon Oil Co.'s PPC Gas Rate Schedule No. 31, are accepted for filing and permitted to become effective on July 1, 1967 (Sinclair); September 1, 1967 (Union Oil); July 9, 1967 (Marathon Oil Co. (Operator) et al., and Marathon Oil Co.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's Rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in the above-designated supplements (except the supplements set forth in par. (A) above).

(C) Pending hearings and decisions thereon, the above-designated supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)), on or before August 15, 1967.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 67-7849; Filed, July 11, 1967; 8:45 a.m.]

[Docket No. R167-468]

MOBIL OIL CORP. ET AL.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

June 30, 1967.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplement to the rate schedule filed by Respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless Respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before August 15, 1967.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
R167-468	Mobil Oil Corp. (Operator) et al., Post Office Box 2444, Houston, Tex. 77001.	220	1	Natural Gas Pipeline Co. of America (West Grane and Putnam Fields, Dewey and Custer Counties, Okla.) (Oklahoma "Other" Area).	$28	5-31-67	[1] 7- 1-67	[2] 7- 2-67	[3] 15.0	[4] [5] 15.015	

[1] The stated effective date is the effective date proposed by Respondent.
[2] The suspension period is limited to 1 day.
[3] Tax reimbursement increase based on increase in Oklahoma Excise Tax from .02 cent per Mcf to 0.04 cent per Mcf which becomes effective on July 1, 1967 (House Bill No. 752).
[4] Pressure base is 14.65 p.s.i.a.
[5] Subject to a downward B.t.u. adjustment.

Mobil Oil Corp. (Operator) et al. (Mobil) proposes a rate increase from 15.0 cents to 15.016 cents per Mcf which reflects tax reimbursement for the recently enacted increase in the Oklahoma Excise Tax from 0.02 cent to 0.04 cent per Mcf to become effective on July 1, 1967. The proposed rate increase exceeds the area increased rate ceiling of 11.0 cents per Mcf for Oklahoma "Other" Area announced in the Commission's statement of general policy No. 61-1, as amended (18 CFR 2.56). However, since Mobil's rate filing relates only to a tax reimbursement increase, we conclude that such increase should be suspended for 1 day from July 1, 1967, the proposed effective date.

[F.R. Doc. 67-7064; Filed, July 11, 1967; 8:45 a.m.]

DEPARTMENT OF THE TREASURY

Fiscal Service, Bureau of Accounts

[Dept. Circ. 570, 1965 Rev., Supp. No. 2]

STATE FIRE AND CASUALTY CO.

Termination of Authority To Qualify as Surety on Federal Bonds

Notice is hereby given that the Certificate of Authority issued by the Secretary of the Treasury to the State Fire and Casualty Co., Miami, Fla., under the provisions of the Act of Congress approved July 30, 1947 (6 U.S.C. 6-13), to qualify as an acceptable surety on recognizances, stipulations, bonds, and undertakings permitted or required by the laws of the United States, is hereby revoked, effective July 31, 1967.

Bond-approving officers of the Government should, in instances where such action is necessary, secure new bonds with acceptable sureties in lieu of bonds executed by the State Fire and Casualty Co.

Dated: July 6, 1967.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 67-7094; Filed, July 11, 1967; 8:49 a.m.]

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

DEPUTY SECRETARY OF DEFENSE

Delegation of Authority

The Secretary of Defense approved the following delegation of authority July 1, 1967:

Reference: DoD Directive 5106.3, "Delegation of Authority to Deputy Secretary of Defense," January 28, 1964 (hereby canceled).

I. *Delegation of authority.* In accordance with the provisions of section 133 (d) of title 10, United States Code, I hereby delegate to Deputy Secretary of Defense Paul H. Nitze full power and authority to act for the Secretary of Defense and to exercise the powers of the Secretary of Defense upon any and all matters concerning which the Secretary of Defense is authorized to act pursuant to law.

The authority delegated herein may not be redelegated.

II. *Cancellation.* Referenced Directive is canceled.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[F.R. Doc. 67-7066; Filed, July 11, 1967; 8:45 a.m.]

DR. J. C. R. LICKLIDER

Notice of Finding Regarding Employment

The Deputy Secretary of Defense issued the following finding pursuant to section 207(b), Title 18, United States Code on June 30, 1967:

Whereas, Dr. J. C. R. Licklider is a nationally known expert in computer research accomplishments; and, whereas, Dr. Licklider was employed in the Advanced Research Projects Agency from October 8, 1962, to June 15, 1964, in the area of computer science and engineering; and, whereas, he was instrumental in the initiation of a number of research efforts formed primarily in universities under the Advanced Research Projects Agency's support, including, at the Massachusetts Institute of Technology, Project MAC (Multiple Access Computing/Machine Aided Cognition); and, whereas, on June 15, 1964, Dr. Licklider was employed as a consultant to the Director, Thomas J. Watson Research Center, International Business Machine Corp., Yorktown Heights, N.Y., where he is presently serving; and, whereas the Massachusetts Institute of Technology desires to employ Dr. Licklider as the chief investigator for Project MAC, which will incidentally require him to have personal dealings with representatives of the Government in relation to Project MAC; and, whereas, the desire of the Massachusetts Institute of Technology to employ Dr. Licklider at this date is based upon his unique and outstanding skill in the area of computer sciences and engineering.

Now, therefore, I hereby certify that, because of his outstanding scientific and technological qualifications, the national interest would be served by actions of Dr. Licklider as agent of the Massachusetts Institute of Technology in relation to the Advanced Research Projects Agency or by appearances by him before the Advanced Research Projects Agency.

Accordingly the provisions of section 207(a) will not be applicable to Dr. Licklider in relation to such actions or appearances.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division OASD (Administration).

[F.R. Doc. 67-7065; Filed, July 11, 1967; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[A-1022]

ARIZONA

Notice of Proposed Withdrawal and Reservation of Lands

The Bureau of Reclamation, Department of the Interior, has filed an application, Serial No. A-1022, for withdrawal of the lands described below from all forms of entry or disposition:

GILA AND SALT RIVER MERIDIAN

T. 24 N., R. 14 W.,
Sec. 6, SW¼.

The area described contains 159 acres.

The Bureau of Reclamation desires these public lands for use as the Peacock substation site for interconnection of existing power facilities and transmission lines now being constructed.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal, may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 3022 Federal Building, Phoenix, Ariz. 85025.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary of Interior will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

Dated: July 5, 1967.

FRED J. WELLER,
State Director.

[F.R. Doc. 67-7014; Filed, July 11, 1967; 8:49 a.m.]

ALASKA

Notice of Filing Plat of Survey

JULY 7, 1967.

1. Plat of survey of the land described below will be officially filed in the Fairbanks District and Land Office, Fairbanks, Alaska, effective 10 a.m., August 4, 1967.

FAIRBANKS MERIDIAN

T. 9 S., R. 10 E. (Group 114).

2. This survey, located about 6 miles north of Delta Junction, Alaska was initiated to accommodate Alaska State Selection, and with the exception of section 3, has been designated Tracts "A" and "B" for legal description purposes.

3. Section 3 was surveyed to accommodate homestead claim located within the section.

The survey area described aggregate 7,917.58 acres.

4. Inquiries concerning the lands should be addressed to Manager, Fairbanks District and Land Office, Post Office Box 1150, Fairbanks, Alaska 99701.

ROBERT C. KNIGHT,
Manager,
Fairbanks District and Land Office.

[F.R. Doc. 67-7068; Filed, July 11, 1967; 8:46 a.m.]

Fish and Wildlife Service

[Docket No. G-367]

WALTER WILLIS WOOLDRIGE

Notice of Loan Application

JULY 6, 1967.

Walter Willis Wooldrige, Post Office Box 704, Seadrift, Tex. 77983, has applied for a loan from the Fisheries Loan Fund to aid in financing the construction of a new 40-foot length overall steel vessel to engage in the fishery for shrimp, oysters, sea trout, red fish, flounder, and mullet.

Notice is hereby given pursuant to the provisions of Public Law 88-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised Aug. 11, 1965) that the above entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

J. L. MCHUGH,
Acting Director,
Bureau of Commercial Fisheries.

[F.R. Doc. 67-7067; Filed, July 11, 1967; 8:46 a.m.]

National Park Service

ROCKY MOUNTAIN NATIONAL PARK AND SHADOW MOUNTAIN NATIONAL RECREATION AREA, COLO.

Notice of Intention To Issue Concession Permit

Pursuant to the provisions of section 5, Public Law 89-249, public notice is hereby given that the Department of the Interior, through the Superintendent of Rocky Mountain National Park and Shadow Mountain National Recreation Area, National Park Service, proposes, thirty (30) days after the publication of this notice, to issue from the period January 1, 1967, through December 31, 1971, the concession permit under which the Denver Post is authorized to sell newspapers in the campgrounds of Rocky Mountain National Park and Shadow Mountain National Recreation Area.

The foregoing concessioner has performed their obligations under prior permits to the satisfaction of the National Park Service and, therefore, pursuant to the act cited above are entitled to be given preference in the renewal of permits and in the negotiations of new permits. However, under the act cited above, the Service is also required to consider and evaluate all proposals received as a result of this notice.

Interested parties should contact the Superintendent, Rocky Mountain National Park and Shadow Mountain National Recreation Area, Post Office Box 1080, Estes Park, Colo. 80517, for information as to the requirements of the proposed permits.

Dated: June 15, 1967.

FRED J. NOVAK,
Superintendent, Rocky Mountain National Park and Shadow Mountain National Recreation Area.

[F.R. Doc. 67-7069; Filed, July 11, 1967; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

NATURAL DISASTER AND PEACETIME RADIOLOGICAL DISASTER

Notice of Responsibilities in USDA

SECTION 1—*General*—1. *Purpose.* This notice outlines the natural disaster and peacetime radiological disaster responsibilities of the Department of Agriculture and the organization for carrying them out at the National, regional, State and county levels. It indicates the central point within the Department for assembling information on disasters and for overall coordination of disaster programs. It describes the major functions assigned to USDA agencies doing related work to provide for using natural disaster experience in building capability to handle USDA defense responsibilities.

As used herein, the term "natural disaster" is any flood, drought, fire, hurricane, earthquake, storm, or other catastrophe which the President or Secretary determines is or threatens to be of sufficient severity and magnitude to warrant assistance by the Federal Government to supplement efforts and resources of State and local governments. For the purpose of these regulations, "natural disaster" includes radioactive contamination above an acceptable level resulting from any cause other than an attack upon the United States.

2. *Summary of USDA natural disaster responsibilities.* The Department of Agriculture has the following natural disaster program responsibilities in the affected area:

a. Providing assistance, where needed, to assure safe and adequate food;

b. Providing assistance to farmers in maintaining their livestock and repairing damaged farms;

c. Providing assistance to farmers wherever radioactive contamination affects farm operations or production;

d. Providing credit where not available from other sources for restoring farms and farm facilities and for continuing normal farming operations;

e. Controlling plant diseases and insect infestations;

f. Controlling contagious and infectious livestock diseases;

g. Performing emergency measures necessary to suppress fires on or adjacent to National forests and providing aid in suppressing other rural fires;

h. Extending credit and providing technical assistance for restoring electric and telephone service by REA-financed systems;

i. Giving technical advice on emergency protection countermeasures and rehabilitation from effects of natural disaster;

j. Providing and encouraging use of crop investment insurance against loss from the many natural hazards beyond the farmer's control.

SEC. 2—*Coordination and liaison*—1. *National level.* The Assistant to the Secretary (Defense Mobilization Planning) is responsible to the Secretary for coordinating and facilitating USDA operations of natural disaster programs. This includes maintaining liaison with executive departments and the Congress on disaster matters.

Each agency shall inform the Assistant to the Secretary of requests for its programs and of the beginning, scope, and ending of any natural disaster program which it undertakes. Within the broad general guidance and coordination provided, each agency shall continue to carry out its program responsibilities. The Assistant to the Secretary may ask the USDA National Defense Board for needed advice.

4. *State and county levels.* For their respective jurisdictions, each USDA State and County Defense Board shall be the central point at which information is available concerning disaster operations of all agencies of USDA.

USDA State and County Defense Board Chairmen are responsible for exchanging disaster information among USDA and other Government agencies needing it. Other USDA representatives who receive inquiries about overall USDA disaster activities in the State or county shall refer such inquiries to the State or County Board Chairman. Each USDA agency shall continue to administer natural disaster programs for which it is responsible under this notice.

In addition, all USDA natural disaster programs shall be coordinated by USDA State and County Defense Boards when:

a. Areas within their jurisdiction are declared a major disaster area by the President, or

b. The Assistant to the Secretary determines coordination is necessary because of the number of agency programs involved, or the possibility that the President may later declare the disaster to be a major one.

This coordination shall be accomplished through an exchange of information by all agency Board members, and may include special Board meetings.

The Boards will not direct agency actions but may recommend actions to any agency through its Board member. The Chairmen of the USDA State and County Defense Boards shall be the Department's overall representatives on these natural disaster matters, including serving as focal points for providing USDA disaster program information to and receiving information from other Government agencies and the public. The Assistant to the Secretary shall determine when Board coordination is no longer necessary.

Sec. 3—*Assignment of responsibilities to agencies*—5. *Agricultural Research Service.* The Agricultural Research Service (ARS) is responsible for natural disaster operations including:

a. Carrying out necessary control measures to eradicate or prevent spread of plant and animal diseases and insect pests (except forest pests);

b. Cooperating with other Government agencies with assigned responsibilities for research and programs of countermeasures to assure safety of food from contamination by dangerous amounts of radioactive material.

6. *Agricultural Stabilization and Conservation Service.* The Agricultural Stabilization and Conservation Service (ASCS) is responsible for natural disaster programs relating to production of crops and livestock and for necessary measures for conservation and restoration of farmland including:

a. Donating CCC-owned feed grain to provide relief for livestock in major disaster areas declared by the President under Public Law 875, 81st Congress;

b. Selling CCC-owned feed grain to livestock owners in emergency areas determined by the Secretary and in major disaster areas;

c. Authorizing grazing or haying on conservation reserve acres or other acres under supply-adjustment programs;

d. Providing emergency conservation measures to control severe wind damage of farmland or to rehabilitate farmlands damaged by wind erosion, floods, hurricanes, and other natural disasters;

e. Providing emergency wildlife feeding assistance and measures to protect farm crops from heavy concentrations of migratory waterfowl, and protecting both migratory and resident wildlife.

7. *Consumer and Marketing Service.* The Consumer and Marketing Service (C&MS) is responsible for natural disaster programs relating to the processing, storage, and distribution of food, including:

a. Arranging for release of foods available for direct distribution programs for use in feeding needy persons under disaster conditions;

b. Assisting, as appropriate, in obtaining freight rate reductions to facilitate the movement of necessary hay and feed supplies to areas affected by natural disasters or in the movement of livestock from such areas to other areas where adequate pasture or forage exists;

c. Carrying out programs necessary to assure purity and wholesomeness of meat and meat products, poultry and poultry products in slaughtering and processing plants subject to continuous C&MS inspection;

d. Cooperating with the Food and Drug Administration, Department of Health, Education, and Welfare, in programs involving removal from the market of foods contaminated by radioactivity.

8. *Cooperative Extension Service.* The Cooperative Extension Service (CES) is responsible for providing advice to farmers on emergency problems, including cleanup of damaged property, sanitary measures, water supply and sewage disposal, insect infestations, disaster-caused power failures, feed and water for livestock and many other problems of safety and welfare that accompany any major peacetime disaster.

9. *Farmers Home Administration.* The Farmers Home Administration (FHA) is responsible for making emergency loans available to farmers in areas designated by the Secretary upon his finding that a peacetime disaster has created a need for agricultural credit which cannot be met temporarily by responsible local sources. Emergency loans may be made to enable farmers to resume their normal farming operations, including the rehabilitation and repair of farm facilities, the purchase of feed for livestock, farm operating and living expenses, and for other related purposes.

The Farmers Home Administration is also responsible for recommending to the Secretary, in accordance with established procedures, the designation of disaster areas in which emergency loans may be made.

10. *Federal Crop Insurance Corporation.* The Federal Crop Insurance Corporation (FCIC) is responsible for providing immediate service to insured farmers through indemnity payments when natural disasters destroy their crops, and for providing farmers through its insurance guarantees a risk-sharing way to strengthen their financial and credit status following natural disasters.

11. *Forest Service.* The Forest Service (FS) responsibilities in a natural disaster include:

a. Providing assistance to States in control of forest fires including trained overhead suppression forces, equipment, materials, and supplies required to meet the emergency;

b. Providing fire control on National forest and adjacent lands;

c. Providing emergency forest pest control on National forests and, in cooperation with State agencies, on State and privately owned forest lands;

d. Providing assistance, including equipment, materials, and supplies, in flood, hurricane, and other similar disasters;

e. Restoring facilities and performing other emergency measures on National forest lands damaged by natural disasters.

12. *Rural Electrification Administration.* The Rural Electrification Administration (REA) is responsible for providing credit, advice, and technical assistance on restoration of electric power and telephone service damaged by natural disaster.

13. *Soil Conservation Service.* The Soil Conservation Service (SCS) is responsible for providing technical assistance and radiological monitoring in the rehabilitation of natural disaster or radioactively contaminated agricultural lands, emergency protection against high water, arranging for the loan of heavy earth-moving equipment and assistance in transportation problems when major highways cannot be used.

Sec. 4—*Program Administration*—14. *Agency Programs.* Each agency having responsibilities under section 3 shall develop and maintain the appropriate program or programs needed to carry them out. The administrative channels and procedures used to carry out assigned defense responsibilities shall also be used to the extent feasible for natural disaster responsibilities.

15. *Natural disaster requests to USDA field offices.* Any USDA county or other field office employee who receives a request for natural disaster assistance shall refer it:

a. If within his agency's area of responsibility, to the agency's county, State, or National office as appropriate;

b. If outside his agency's area of responsibility, to an appropriate official of the responsible agency.

16. *Liaison with other Federal agencies.* The Office of the Assistant to the Secretary shall have primary responsibility for maintaining and coordinating liaison with agencies outside USDA at the national level.

17. *Liaison with OEP Regional Offices.* Liaison with the Regional Offices of the Office of Emergency Planning (OEP) shall be provided by the Office of the Assistant to the Secretary. The Emergency Program Coordinators shall assist the Assistant to the Secretary in this activity.

18. *State and County Disaster Committees.* State and County Disaster Committees have been established to advise ASCS of the need for its disaster programs described in this notice. The membership of the State Disaster Committee consists of the Chairman of the ASC State Committee, who shall also be Chairman of the disaster committee, and the State Directors of the Extension Service and Farmers Home Administration. The County Disaster Committee consists of the Chairman of the ASC County Committee, who shall also be Chairman of the disaster committee, the County Extension Agent, and the County Supervisor of the Farmers Home Administration. The ASCS State Executive Director shall be Executive Secretary of the State Disaster Committee. The ASCS County Office Manager shall be Executive Secretary of the County Disaster Committee.

Signed at Washington, D.C., on July 6, 1967.

ORVILLE L. FREEMAN,
Secretary of Agriculture.

[F.R. Doc. 67-8036; Filed, July 11, 1967; 8:50 a.m.]

NEBRASKA

Extension of Designation of Area for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Nebraska, natural disasters have caused a continuing need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Nebraska	Original designation	First extension	Present extension
Cheyenne	31 F.R. 10627		
Deuel	31 F.R. 10627		
Garden	29 F.R. 17994	30 F.R. 7816	31 F.R. 7763.
Kimball	31 F.R. 10627		

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1968, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

This extension shall become effective as of June 30, 1967.

Done at Washington, D.C., this 6th day of July 1967.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67-7976; Filed, July 11, 1967; 8:45 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

[Dept. Order 3-B; Amdt. 3]

ENVIRONMENTAL SCIENCE SERVICES ADMINISTRATION

Organization and Functions

The following material further amends the material appearing at 31 F.R. 10700-10702 of August 11, 1966, 31 F.R. 15548 of December 2, 1966, and 32 F.R. 3405-3406 of March 1, 1967.

Department Order 3-B, dated August 1, 1966, as amended, is hereby further amended as follows:

SEC. 4. *Weather Bureau.* The introductory paragraph and paragraph .01 are amended to read:

The Weather Bureau provides the national weather service, observing and reporting the weather of the United States and its possessions and issuing forecasts and warnings of weather and flood conditions that affect the Nation's safety, welfare and economy; develops the National Meteorological Service System; participates in international meteorological and hydrological activities, including exchanges of meteorological data and forecasts; provides forecasts for domestic and international aviation and for shipping on the high seas; and provides and manages and/or coordinates an overall ESSA Operational Telecommunications System (EOTS). In support of the above objectives the Weather Bureau operates through its Regions a national network of field offices and forecast centers.

.01 The Office of Meteorological Operations observes and prepares and distributes forecasts of weather conditions and warnings of severe storms and other adverse weather conditions for protection of life and property; establishes policies and develops plans and procedures for operation of meteorological services and is the primary channel for coordination of all Weather Bureau field services operations; and manages and/or coordinates the ESSA Operational Telecommunications System (EOTS).

Effective date: June 16, 1967.

DAVID R. BALDWIN,
Assistant Secretary for Administration.

[F.R. Doc. 67-7965; Filed, July 11, 1967; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 17373, 17374; FCC 67M-1108]

DESERT EMPIRE TELEVISION CORP., AND OASIS BROADCASTING CORP.

Order Continuing Prehearing Conference

In re applications of Desert Empire Television Corp., Palm Springs, Calif., Docket No. 17373, File No. BPCT-3848; Oasis Broadcasting Corp., Palm Springs, Calif., Docket No. 17374, File No. BPCT-3877; for construction permit for new television broadcast station.

The Hearing Examiner having under consideration the informal joint request for a 30-day continuance of procedural dates filed by the applicants herein on June 27, 1967;

It appearing, that continuance is requested to permit the drafting of a merger agreement and the filing of a request for approval thereof;

It further appearing, that scheduling of a date certain for a further prehearing conference would permit more orderly disposition of the proceeding than the 30-day continuance of each of the procedural dates requested;

It is ordered, That the said request is granted to the extent that the date for exchange of exhibits presently scheduled for July 3, 1967, the date for giving notification of witnesses to be called for cross-examination of witnesses presently scheduled for July 10, 1967, and the presently scheduled date of July 17, 1967, for commencement of hearing are continued indefinitely;

It is further ordered, That a further prehearing conference shall be held herein on September 5, 1967, commencing at 9 a.m. in the office of the Commission at Washington, D.C.

Issued: June 30, 1967.

Released: July 3, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-8017; Filed, July 11, 1967; 8:49 a.m.]

[Docket Nos. 17493, 17494; FCC 67M-1103]

EASTERN BROADCASTING CORP., AND WIKI RADIO, INC.

Order Continuing Prehearing Conference

In re applications of Eastern Broadcasting Corp., Hopewell, Va., Docket No. 17493, File No. BPH-5143; WIKI Radio, Inc., Chester, Va., Docket No. 17494, File No. BPH-5202; for construction permits.

On the Hearing Examiner's own motion: *It is ordered*, That the prehearing conference in the above-styled proceeding presently scheduled for July 12, 1967, is hereby continued to Wednesday, July 26, 1967, beginning at 9 a.m. in the offices of the Commission, Washington, D.C.

Issued: June 29, 1967.

Released: July 3, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-8018; Filed, July 11, 1967; 8:49 a.m.]

[Docket No. 17537; FCC 67M-1113]

GEORGIA RADIO, INC. (WPLK)

Order Scheduling Hearing

In re application of Georgia Radio, Inc. (WPLK), Rockmart, Ga., Docket No. 17537, File No. BP-16698; for construction permit.

It is ordered, That James D. Cunningham shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on September 14, 1967, at 10 a.m.; and that a prehearing conference shall be held on July 27, 1967, commencing at 9 a.m.: *And, it is further ordered*, That all proceedings shall take place in the Offices of the Commission, Washington, D.C.

Issued: June 27, 1967.

Released: July 6, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-8019; Filed, July 11, 1967; 8:49 a.m.]

[Docket Nos. 17472, 17473; FCC 67M-1101]

RADIO STATIONS KMND AND KRKT AND ALBANY RADIO CORP.

Order Following Prehearing Conference

In re applications of Peter Ryan and Milton Vikan doing business as Radio Stations KMND and KRKT, Albany, Oreg., Docket No. 17472, File No. BPH-5321; Albany Radio Corp., Albany, Oreg., Docket No. 17473, File No. BPH-5436; for construction permits.

In accordance with the procedural arrangements made at the prehearing conference held on June 30, 1967; *It is ordered*, That the future cause of the proceeding shall be governed by adherence of all parties to the following schedule:

Procedure	Date
(1) Preliminary Exchange of Engineering Exhibits	Aug. 28, 1967
(2) Final Exchange of Engineering Exhibits	Sept. 15, 1967
(3) Exchange of Comparative Issue Exhibits	Do.
(4) Notification re Cross-examination of Witnesses	Sept. 25, 1967

It is further ordered, That the hearing heretofore scheduled for July 25, 1967, is postponed to October 10, 1967, at 10 a.m., in the offices of the Commission at Washington, D.C.

Issued: June 30, 1967.

Released: July 3, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-8020; Filed, July 11, 1967; 8:46 a.m.]

[Docket Nos. 17841, 17842; FCC 67M-1104]

SRC, INC., AND SAN ANGELO INDEPENDENT SCHOOL

Order Continuing Hearing

In re applications of SRC, Inc., San Angelo, Tex., Docket No. 17841, File No. BPCT-2764; San Angelo Independent School, District No. 226-903, San Angelo, Tex.; Docket No. 17842, File No. BPCT-2783; for construction permit for new television broadcast station (Channel 6).

On the Hearing Examiner's own motion: *It is ordered*, That the prehearing conference in the above-styled proceeding presently scheduled for July 18, 1967, is hereby continued to Thursday, July 27, 1967, beginning at 9 a.m. in the offices of the Commission, Washington, D.C.

Issued: June 29, 1967.

Released: July 3, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-8021; Filed, July 11, 1967; 8:46 a.m.]

[Docket Nos. 16990, 16991; FCC 67M-1106]

WMGS, INC. (WMGS), AND OHIO RADIO, INC.

Order Continuing Hearing

In re applications of WMGS, Inc. (WMGS), Bowling Green, Ohio, Docket No. 16290, File No. BR-3097, for renewal of license; Ohio Radio, Inc., Bowling Green, Ohio, Docket No. 16291, File No. BP-16433, for construction permit.

It is ordered, Pursuant to an order released June 14, 1967 (FCC 67M-968),

that the hearing now scheduled for July 7 be and the same is hereby continued to July 31, 1967, 2 p.m., in the offices of the Commission, Washington, D.C.

Issued: June 30, 1967.

Released: July 3, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-8022; Filed, July 11, 1967; 8:49 a.m.]

[Canadian Change List No. 228]

CANADIAN BROADCAST STATIONS

List of changes, proposed changes and corrections in assignment of Canadian broadcast stations modifying Appendix containing Assignments of Canadian Stations (Mimeograph No. 47214-3) attached to the Recommendation of the North American Regional Broadcasting Agreement Engineering Meeting.

JUNE 16, 1967.

CANADIAN BROADCAST STATIONS

Call letters	Location	Power kw	Antenna	Schedule	Class	Expected date of commencement of operation
		740 kc/s				
CBX (now in operation with change in particulars notified in List No. 206.)	Edmonton, Alberta	50 kw	DA-2	U	II	
		1060 kc/s				
CFCN (now in operation with increased nighttime power as notified in List No. 206.)	Calgary, Alberta	50 kw	DA-2	U	II	
		1350 kc/s				
CJSA (assignment of call letters.)	Ste. Agathe-des-Monts, Quebec.	1 kW D/0.25 kW N	ND	U	IV	
		1310 kc/s				
	Westlock, Alberta	1 kw	DA-N	U	III	E.I.O. 6-15-68.
		1340 kc/s				
	Wetaskiwin, Alberta	1 kW D/0.25 kW N	ND	U	IV	E.I.O. 6-15-68.

NOTE: Supplementary information for the new assignment at Westlock, Alberta, on 1310 kc/s, specifies 5 kilowatts power for both day and night operations. Accordingly the item which specifies 1-kilowatt power for this new assignment appears to be in error.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-8016; Filed, July 11, 1967; 8:49 a.m.]

CIVIL SERVICE COMMISSION

ESTATE TAX EXAMINERS

Manpower Shortage; Notice of Listing

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission has found, effective June 16, 1967, that there is a manpower shortage for the positions of Estate Tax Examiners, GS-930-5, 7, and 9, Internal Revenue Service, Department of the Treasury, nationwide.

Appointees to these positions may be paid for the expense of travel and transportation to the first post of duty.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-8008; Filed, July 11, 1967; 8:48 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS AT SPECIAL MINIMUM WAGES IN RETAIL OR SERVICE ESTABLISHMENTS OR IN AGRICULTURE

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 20 U.S.C. 201 et seq.), the regulation on employment of full-time students (29 CFR Part 519), and Administrative Order No. 595 (31 F.R. 12981), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates are as indicated below. The minimum certificate rates are not less than 85 percent of the applicable statutory minimum.

The following certificates provide for an allowance not to exceed the proportion of the total hours worked by full-time students at rates below $1 an hour to the total number of hours worked by all employees in the establishment during the base period in occupations of the same general classes in which the establishment employed full-time students at wages below $1 an hour in the base period.

Ammons IGA Foodliner, food store; South Main Street, Marion, S.C.; 5-9-67 to 5-8-68.

Baconia Plantation, Inc., agriculture; Cary, Miss.; 5-12-67 to 5-11-68.

Billups Plantation, Inc., agriculture; Indianola, Miss.; 4-25-67 to 4-24-68.

Blair Food Town, food store; Canton, Ga.; 4-26-67 to 4-25-68.

Bond Stores, Inc., apparel store; 729 Broad Street, Newark, N.J.; 5-15-67 to 5-14-68.

Bristol County Agricultural High School, agriculture; Segreganset, Mass.; 5-1-67 to 4-31-68.

Byrd's Supermarkets, Inc., food store; Mount Olive, Miss.; 4-26-67 to 4-27-68.

Carlisle-Allen Co., department stores from 4-17-67 to 4-16-68: 4500 Main Avenue, Ashtabula, Ohio; 67 West Main Street, Geneva, Ohio; 60 South Park Place, Painesville, Ohio.

Cash & Carry Stores, food stores from 5-16-67 to 5-15-68: 720 East Fourth Street, De Quincy, La.; Kinder, La.; Oakdale, La.; Rayne, La.

J. C. Cherry, agriculture; Parkin, Ark.; 4-26-67 to 4-25-68.

Dick's Super Market, food store; Highway 80 at Pine Street, Platteville, Wis.; 5-26-67 to 5-25-68.

Eat'n Park Restaurant, restaurants from 5-10-67 to 5-9-68: Sheffield Road at 21st Street, Aliquippa, Pa.; 2230 Dues Avenue, Ambridge, Pa.; Library Road, Bethel Park, Pa.; 1197 Washington Pike, Bridgeville, Pa.; 419 North Washington Road, Canonsburg, Pa.; State Highway 51, Clairton, Pa.; Lincoln Highway, East McKeesport, Pa.; 201 Ohio River Boulevard, Edgeworth, Pa.; Greensburg, Pa.; Freeport Road at Guys Run Road, Harmarville, Pa.; Hays and Eighth Avenue, Homestead, Pa.; Route 30 at Lowry Avenue, Jeannette, Pa.; 205 Lysle Boulevard, McKeesport, Pa.; 3701 Walnut Street, McKeesport, Pa.; Main Street, Monongahela, Pa.; 3398 Wm. Penn Highway, Monroeville, Pa.; Broadview Boulevard, Natrona Heights, Pa.; Freeport Street at Fourth Street, New Kensington, Pa.; 11746 Frankstown Road, Penn Hills, Pa.; 1300 Banksville Road, Pittsburgh, Pa.; 5100 Clairton Boulevard, Pittsburgh, Pa.; 8500 Frankstown Road, Pittsburgh, Pa.; 3674 West Liberty Avenue, Pittsburgh, Pa.; 2200 Saw Mill Run Boulevard, Pittsburgh, Pa.; 7905 McKnight Road, Pittsburgh, Pa.; 1002 Ohio River Boulevard, Pittsburgh, Pa.; 6351 Penn Avenue, Pittsburgh, Pa.; Route 8 at Saxonburg Boulevard, Pittsburgh, Pa.; 1060 Washington Boulevard, Pittsburgh, Pa.; 807 West Chestnut Street, Washington, Pa.; Wexford, Pa.

Egremont Plantation, agriculture; Cary, Miss.; 5-5-67 to 5-4-68.

Essex Agricultural and Technical Institute, agriculture; Hathorne, Mass.; 6-1-67 to 5-31-68.

Fantee's Inc., department store; 100 South Main, Sioux Falls, S. Dak.; 5-5-67 to 5-5-68.

La Feria Park n' Shop, Inc., food stores from 5-10-67 to 5-30-68: 113 North Main Street, Anthony, Tex.; 7171 Alameda Street, El Paso, Tex.

Food Carnival Food Stores, Inc., food store; 965 Mulberry Street, Macon, Ga.; 5-1-67 to 4-30-68.

Food Giant Super Markets, Inc., food stores from 5-24-67 to 5-23-68: 5454 East Pima, Tucson, Ariz.; 1310 West Prince Road, Tucson, Ariz.

Forest Oaks Thrifty-Mart, food store; 5401 Allendale Road, Houston, Tex.; 5-15-67 to 5-14-68.

Wm. Gehring, Inc., agriculture; Rensselaer, Ind.; 5-17-67 to 5-16-68.

Gold Leaf Farms, Inc., agriculture; Spring Hope, N.C.; 5-24-67 to 5-23-68.

Henrietta D. Goodall Hospital, Inc., hospital; Sanford, Maine; 5-8-67 to 5-7-68.

John E. Graf, agriculture; 9878 Minor Road, Copley, Ohio; 5-1-67 to 4-30-68.

W. T. Grant Co., variety stores: No. 877, Jacksonville, Fla. (5-19-67 to 5-18-68); 10455 St. Charles Rock Road, St. Ann, Mo. (5-12-67 to 5-11-68); No. 944, Pompton Lakes, N.J. (5-24-67 to 5-23-68); No. 629, Ashland, Ohio (4-26-67 to 4-25-68); 240 Euclid Avenue, Cleveland, Ohio (4-26-67 to 4-25-68); No. 14, Johnstown, Pa. (5-22-67 to 5-27-68).

M. Grundfest, agriculture; Cary, Miss.; 6-5-67 to 6-4-68.

Herberger's department store; 518 St. Germain Street, St. Cloud, Minn.; 5-16-67 to 5-15-68.

Hering's IGA Discounter, foodstore; 421 North Broad Street, Bainbridge, Ga.; 5-31-67 to 4-30-68.

Hershey Drug Store, drugstore; 1 Chocolate Avenue, Hershey, Pa.; 5-29-67 to 5-28-68.

Hill County Implement Co., Inc., farm implements; 307 East Main, Fredericksburg, Tex.; 5-27-67 to 5-26-68.

House Brothers, agriculture; Scotland Neck, N.C.; 5-22-67 to 5-21-68.

Lloyd Justice Farms, Inc., agriculture; Daingerfield, Tex.; 5-26-67 to 5-25-68.

The Killian Co., department store; 201 Third Avenue Southeast, Cedar Rapids, Iowa; 5-31-67 to 5-30-68.

S. S. Kresge Co., variety store; 600 Minnesota Avenue, Kansas City, Kans. (5-29-67 to 5-28-68); 740 Wynnewood Village, Dallas, Tex. (5-12-67 to 5-12-68).

S. H. Kress and Co., variety stores from 4-26-67 to 4-25-68 except as otherwise indicated: 1108 Noble Street, Anniston, Ala. (4-24-67 to 4-23-68); 101 West Main Street, Dothan, Ala. (4-24-67 to 4-23-68); 107 South Washington Street, Huntsville, Ala. (4-24-67 to 4-23-68); 20 Dexter Avenue, Montgomery, Ala. (4-24-67 to 4-23-68); 30 South Wilson Avenue, Prichard, Ala. (4-24-67 to 4-23-68); 121 Broad Street, Selma, Ala. (4-24-67 to 4-23-68); 2228 Broad Street, Tuscaloosa, Ala. (4-24-67 to 4-23-68); 236 Main Street, Pine Bluff, Ark. (4-24-67 to 4-23-68); 500 Duval Street, Key West, Fla.; 9-15 South Palafax Street, Pensacola, Fla.; 475 Central Avenue, St. Petersburg, Fla.; 400 Clematis Street, West Palm Beach, Fla.; 121 Washington Street, Albany, Ga.; 118 Jackson Street, Americus, Ga.; 50 Broad Street, Southwest, Atlanta, Ga.; 862 Broad Street, Augusta, Ga.; 1505 Newcastle Street, Brunswick, Ga.; 1117 Broad Street, Columbus, Ga.; 127 Main Street, La Grange, Ga.; 620 Cherry Street, Macon, Ga.; 120 Broughton Street, West, Savannah, Ga.; 106 North Patterson Street, Valdosta, Ga.; 206 Mary Street, Waycross, Ga.; 116 North Main Street, Rockford, Ill. (5-19-67 to 5-18-68); 1102 Third Street, Alexandria, La. (4-26-67 to 4-25-68); 429 Third Street, Baton Rouge, La. (4-24-67 to 4-23-68); 318 Texas Street, Shreveport, La. (4-24-67 to 4-23-68); 500 Main Street, Hattiesburg, Miss. (4-24-67 to 4-23-68); 402 Central Avenue, Laurel, Miss. (4-24-67 to 4-23-68); 108 North Main Street, Nevada, Mo. (5-19-67 to 5-18-68); 580 Central Avenue, East Orange, N.J. (5-19-67 to 5-18-68); 242 Springfield Avenue, Summit, N.J. (5-24-67 to 5-23-68); 206 North Main Street, Roswell, N. Mex. (5-15-67 to 5-14-68); 19 Patton Avenue, Asheville, N.C.; 101 West Main Street, Durham, N.C.; 206 South Elm Street, Greensboro, N.C.; 141 South Main Street, High Point, N.C.; 307 Middle Street, New Bern, N.C.; 162 South Main Street, Rocky Mount, N.C.; 300 South Main Street, Salisbury, N.C. (5-19-67 to 5-18-68); 11 North Front Street, Wilmington, N.C.; 3 West Fourth Street, Winston-Salem, N.C.; 300 South Main Street, Anderson, S.C.; 281 King Street, Charleston, S.C.; 1508 Main Street, Columbia, S.C.; 117 West Evans Street, Florence, S.C.; 27 South Main Street, Greenville, S.C.; 311 Main Street, Greenwood, S.C.; 301 Russell Street, Northeast, Orangeburg, S.C.; 115 East Main Street, Spartanburg, S.C.; 40 South Main Street, Sumter, S.C.; 243 East Main Street, Johnson City, Tenn.; (5-22-67 to 4-30-68).

Le-Mac Nurseries, Inc., agriculture; Hampton, Va.; 5-29-67 to 5-30-68.

Lynndale Planting Co., Inc., agriculture; Cary, Miss.; 5-12-67 to 5-11-68.

Lynn's, apparel store; 4000 Bergenline Avenue, Union City, N.J.; 5-16-67 to 5-15-68.

H. B. Magruder Memorial Hospital, hospital; Fulton Street, Port Clinton, Ohio; 5-4-67 to 5-3-68.

Clifton L. Meador, agriculture; 112 East Bowles, Dumas, Ark.; 4-27-67 to 4-26-68.

Melville's, department store; 254 Union Square, Hickory, N.C.; 5-19-67 to 5-18-68.

Monticello Nursery Co., agriculture; Monticello, Fla.; 4-26-67 to 4-26-68.

Roland H. Mullinix, agriculture; Woodbine, Md.; 5-18-67 to 5-17-68.

G. C. Murphy Co., variety stores (those certificates issued to stores located in Maryland and Pennsylvania are replacement certificates): No. 97, Naugatuck, Conn. (5-4-67 to 5-3-68); No. 98, Torrington, Conn. (5-4-67 to 5-3-68); No. 255, Daytona Beach, Fla. (4-26-67 to 4-25-68); No. 276, Hialeah, Fla. (4-26-67 to 4-25-68); No. 279, Holly Hill, Fla. (4-26-67 to 4-25-68); No. 263, Jacksonville, Fla. (4-26-67 to 4-25-68); No. 264, Miami, Fla. (4-26-67 to 4-25-68); No. 272, St. Petersburg, Fla. (4-26-67 to 4-25-68); No. 274, West Palm Beach, Fla. (4-26-67 to 4-25-68); No. 248, Moultrie, Ga. (4-26-67 to 4-25-68); No. 499, Effingham, Ill. (4-25-67 to 4-24-68); No. 142, Annapolis, Md. (5-15-67 to 5-2-67); Nos. 138, 143, 151, 152, 153, 200, 224, Baltimore, Md. (5-12-67 to 5-2-67); Nos. 134, 147, 228, and 267, Baltimore, Md. (5-12-67 to 5-11-67); No. 268, Glen Burnie, Md. (5-12-67 to 5-11-67); No. 242, Hillcrest Heights, Md. (5-12-67 to 5-2-67); No. 275, Hyattsville, Md. (5-12-67 to 5-2-67); No. 226, Indianhead Road, Md. (5-12-67 to 5-2-67); No. 265, Rockville, Md. (5-15-67 to 5-2-67); No. 266, Rockville, Md. (5-12-67 to 5-2-67); No. 455, Albion, Mich. (5-1-67 to 4-30-68); No. 456, Charlotte, Mich. (5-1-67 to 4-30-68); No. 464, Coldwater, Mich. (5-1-67 to 4-30-68); No. 406, Hillsdale, Mich. (5-1-67 to 4-30-68); No. 437, Marshall, Mich. (5-1-67 to 4-30-68); No. 434, Owosso, Mich. (5-1-67 to 4-30-68); No. 130, St. Joseph, Mich. (5-1-67 to 4-30-68); No. 461, South Haven, Mich. (5-1-67 to 4-30-68); No. 126, Ocean City, N.J. (5-8-67 to 5-7-68); No. 139, Washington, N.J. (5-8-67 to 5-7-68); No. 125, Wildwood, N.J. (5-8-67 to 5-7-68); No. 249, Hickory, N.C. (4-26-67 to 4-25-68); No. 181, Alliance, Ohio (5-2-67 to 4-30-68); No. 140, Barnesville, Ohio (5-2-67 to 4-30-68); No. 65, Bellaire, Ohio (5-2-67 to 4-30-68); No. 36, Bellefontaine, Ohio (5-2-67 to 4-30-68); No. 416, Bryan, Ohio (5-2-67 to 4-30-68); No. 284, Cincinnati, Ohio (5-2-67 to 4-30-68); No. 110, Circleville, Ohio (5-2-67 to 4-30-68); No. 265, Columbus, Ohio (5-2-67 to 4-30-68); No. 418, Defiance, Ohio (5-2-67 to 4-30-68);

No. 441, Franklin, Ohio (5-3-67 to 4-30-68); No. 480, Groton, Ohio (5-3-67 to 4-30-68); No. 2, Gallipolis, Ohio (5-3-67 to 4-30-68); No. 448, Gallipolis, Ohio (5-3-67 to 4-30-68); No. 37, Greenville, Ohio (5-3-67 to 4-30-68); No. 482, Hillsboro, Ohio (5-3-67 to 4-30-68); No. 456, Jackson, Ohio (5-3-67 to 4-30-68); No. 209, Kettering, Ohio (5-3-67 to 5-7-68); No. 448, Lebanon, Ohio (5-3-67 to 5-3-68); No. 469, Lowden, Ohio (5-3-67 to 5-3-68); No. 209, Marion, Ohio (5-3-67 to 5-3-68); No. 38, Middletown, Ohio (5-3-67 to 5-3-68); No. 462, Napoleon, Ohio (5-3-67 to 5-3-68); No. 267, North Ridgeville, Ohio (5-3-67 to 5-3-68); No. 41, Piqua, Ohio (5-3-67 to 5-3-68); No. 52, Salem, Ohio (5-3-67 to 5-3-68); No. 463, St. Marys, Ohio (5-3-67 to 5-3-68); No. 40, Sidney, Ohio (5-3-67 to 5-3-68); No. 424, Toledo, Ohio (5-3-67 to 5-3-68); No. 123, Toronto, Ohio (5-3-67 to 5-3-68); No. 15, Troy, Ohio (5-3-67 to 5-3-68); No. 412, Urbana, Ohio (5-3-67 to 5-3-68); No. 426, Wapakoneta, Ohio (5-4-67 to 5-3-68); No. 20, Washington Court House, Ohio (5-3-67 to 5-7-68); No. 192, Wilmington, Ohio (5-3-67 to 5-7-68); Nos. 127 and 222, Youngstown, Ohio (5-3-67 to 5-7-68); No. 127, Aliquippa, Pa. (5-11-67 to 5-3-67); No. 27, Ambridge, Pa. (5-11-67 to 5-3-67); No. 33, Bangor, Pa. (5-12-67 to 5-3-67); No. 32, Beaver Falls, Pa. (5-12-67 to 5-3-67); No. 68, Beaver, Pa. (5-11-67 to 5-3-67); No. 221, Bethlehem, Pa. (5-15-67 to 5-11-67); No. 113, Bellevue, Pa. (5-12-67 to 5-3-67); No. 56, California, Pa. (5-12-67 to 5-3-67); No. 54, Carnegie, Pa. (5-12-67 to 5-3-67); No. 11, Charleroi, Pa. (5-11-67 to 5-3-67); No. 61, Clairton, Pa. (5-15-67 to 5-3-67); No. 138, Clearfield, Pa. (5-15-67 to 5-3-67); No. 169, Corry, Pa. (5-11-67 to 5-3-67); No. 42, Ellwood, Pa. (5-15-67 to 5-3-67); No. 226, Erie, Pa. (5-15-67 to 5-3-67); No. 64, Ford City, Pa. (5-12-67 to 5-3-67); No. 204, Franklin, Pa. (5-22-67 to 5-3-67); No. 5, Greensburg, Pa. (5-12-67 to 5-3-67); No. 8, Latrobe, Pa. (5-12-67 to 5-3-67); No. 78, Leechburg, Pa. (5-15-67 to 5-3-67); No. 252, Lemoyne, Pa. (5-15-67 to 5-3-67); No. 58, Lewistown, Pa. (5-15-67 to 5-3-67); No. 166, Ligonier, Pa. (5-15-67 to 5-3-67); No. 1, Middletown, Pa. (5-15-67 to 5-3-67); No. 92, Minersville, Pa. (5-15-67 to 5-3-67); No. 52, Mount Pleasant, Pa. (5-15-67 to 5-3-67); No. 64, Munhall, Pa. (5-15-67 to 5-3-67); No. 168, Mount Union, Pa. (5-15-67 to 5-3-67); No. 208, Natrona Heights, Pa. (5-22-67 to 5-3-67); No. 166, Nanticoke, Pa. (5-15-67 to 5-3-67); No. 62, New Kensington, Pa. (5-25-67 to 5-3-67); No. 257, North East, Pa. (5-15-67 to 5-3-67); No. 203, Philadelphia, Pa. (5-12-67 to 5-3-67); No. 246, Philadelphia, Pa. (5-11-67 to 5-3-67); No. 23, Pittsburgh, Pa. (5-15-67 to 5-3-67); Nos. 12, 20, 97, 62, 162, 178, 202, 221, 267, and 283, Pittsburgh, Pa. (5-12-67 to 5-3-67); No. 267, Ridgway, Pa. (5-11-67 to 5-3-67); No. 63, St. Marys, Pa. (5-11-67 to 5-3-67); No. 145, State College, Pa. (5-11-67 to 5-3-67); No. 164, Uniontown, Pa. (5-12-67 to 5-3-67); No. 202, Vandergrift, Pa. (5-12-67 to 5-3-67); No. 165, Washington, Pa. (5-11-67 to 5-3-67); No. 177, Waynesburg, Pa. (5-11-67 to 5-3-67); No. 29, Williamsburg, Pa. (5-11-67 to 5-3-67); No. 197, Wilkes Barre, Pa. (5-22-67 to 5-3-67); No. 205, York, Pa. (5-15-67 to 5-3-67).

Myers Fried Chicken, Inc., restaurant; 2930 Georgia, Amarillo, Tex.; 5-3-67 to 5-7-68.

Palmer Brothers, Inc., variety store; No. 128, Washington, D.C.; 5-22-67 to 5-19-68.

J. J. Newberry Co., variety store; No. 889, Pascagoula City, Miss.; 5-22-67 to 5-11-68.

Northeast Home Furnishers, furniture and appliance store; 6801 Frankford Avenue, Philadelphia, Pa.; 5-15-67 to 5-14-68.

Ochs Brothers, Inc., department store; 614 Central Avenue, Faribault, Minn.; 5-19-67 to 5-18-68.

Orlik's, Inc., apparel store; 8126 Glenway Avenue, Cincinnati, Ohio; 4-17-67 to 4-16-68.

Park 'N Shop Supermarket, food stores from 5-13-67 to 5-11-68: East Jefferson, Culver, Ind.; Lincolnway at Beech Road, Osceola, Ind.; 54977 Mayflower Road, South Bend, Ind.

Pearl Plantation, agriculture; Cary, Miss.; 6-5-67 to 6-4-68.

Piggly Wiggly, Inc., food stores: Centre, Ala. (4-17-67 to 4-15-68); 230 South Oates Street, Dothan, Ala. (5-3-67 to 5-1-68).

Preston Poultry and Feed, agriculture; Reedsville, W. Va.; 5-1-67 to 2-28-68.

Raylass Department Store, department stores from 5-1-67 to 4-30-68 except as otherwise indicated: 835-841 Broad Street, Augusta, Ga.; Corner Main and Davis Streets, Burlington, N.C.; 815 West Main Street, Durham, N.C.; 322 Hay Street, Fayetteville, N.C.; 103-04 West Main Street, Gastonia, N.C.; 843 North Main Street, Hendersonville, N.C.; Corner Main Street and Second Avenue, Lexington, N.C.; 406 Elm Street, Lumberton, N.C.; (5-31-67 to 5-30-68); 230-32 Main Street, Salisbury, N.C.; 112 Pendelton Street, Easley, S.C.; 144-146 South Main Street, Rock Hill, S.C. (5-31-67 to 5-30-68); 131 Main Street, Spartanburg, S.C.

Rankin Food Market, Inc., foodstores from 5-15-67 to 5-14-68: No. 1, Emporia, Kans.; No. 2, Emporia, Kans.

P. W. Rhinard Seeds, Inc., agriculture; Winchester, Ky.; 4-28-67 to 5-31-68.

Rivin's IGA Store, foodstores from 5-27-67 to 5-26-68: Tyndall, S. Dak.; Wagner, S. Dak.

Robin's Food Center, Inc., foodstores from 4-12-67 to 5-11-68: Abbeville, La.; Jeanerette, La.

Rosefield Food Center, foodstore; Richeyville, Pa.; 5-10-67 to 5-15-68.

Sam's Drugs, drugstore; 16300 Puritall Avenue, Detroit, Mich.; 5-26-67 to 5-25-68.

Sprung's Minimax, foodstore; 200 East Main Street, Edna, Tex.; 5-10-67 to 5-20-68.

Harry G. Stephens Farms, agriculture; 245 St. Andrews, West Helena, Ark.; 5-1-67 to 5-30-68.

Sterling Stores Co., Inc., variety stores: 121 West Main Street, Walnut Ridge, Ark. (5-8-67 to 5-1-68); 3240 Lamar Avenue, Memphis, Tenn. (5-15-67 to 4-30-68).

Stores Department Store, department store; 35-37 Main Street, Waterville, Maine; 5-31-67 to 5-31-68.

Tuttle Supermarket, Inc., foodstore; 58 Franklin Street, Clymer, Pa.; 5-15-67 to 5-19-68.

T. G. & Y. Stores Co., variety store; No. 55, Oklahoma City, Okla.; 5-1-67 to 5-31-68.

Travelridge Super Markets, Inc., foodstore; Chanute City, Kans.; 5-15-67 to 5-14-68.

Valley Farms, agriculture; 6000 Minnetonka Lake Road, Minneapolis, Minn.; 5-8-67 to 5-7-68.

George L. Weber Sons, agriculture; 600 Sheridan Road, Buffalo, N.Y.; 5-8-67 to 5-5-68.

J. C. Wiggins Co., Inc., hardware; Winfield, Ala.; 5-1-67 to 4-30-68.

Wolfe & Keller, Inc., department store; 6211 Kilbourn Ave., Chicago, Ill.; 5-15-67 to 5-25-68.

Woody's 5 & 10¢ Stores, Inc., variety stores from 5-31-67 to 5-30-68: Lumberton, N.C.; Rockingham, N.C.; Whiteville, N.C.

F. W. Woolworth Co., variety stores: No. 861, Phoenix, Ariz. (5-31-67 to 5-30-68); No. 2402, Phoenix, Ariz. (5-31-67 to 5-30-68); No. 694, Little Rock, Ark. (5-29-67 to 5-13-68); No. 7047, Longmont, Colo. (5-19-67 to 5-18-68); 600 Biddle Road, Bettendorf, Iowa (5-31-67 to 5-30-68); No. 208, Cedar Rapids, Iowa (5-1-67 to 5-31-68); No. 1888, Cherokee, Iowa (5-26-67 to 5-25-68); No. 30, Des Moines, Iowa (5-12-67 to 5-11-68); No. 248, Fort Dodge, Iowa (5-19-67 to 5-18-68); No. 1411, Dodge City, Kans. (5-24-67 to 5-23-68); No. 1081, Eldorado, Kans. (5-15-67 to 5-14-68); No. 1018, Emporia, Kans. (5-24-67 to 5-23-68); No. 1883, Great Bend, Kans. (5-5-67 to 5-4-68); No. 988, Ottawa, Kans. (5-5-67 to 5-4-68); No. 1207, Hammond, La. (5-31-67 to 5-30-68); No. 1289, Houma, La. (5-24-67 to 5-23-68); No. 2801, New Orleans, La. (5-24-67 to 5-23-68); No. 1868, Detroit Lakes, Minn. (5-19-67 to 5-11-68); No. 2220, Crestwood, Mo. (5-15-67 to 5-15-68); No. 861, Moberly, Mo. (5-22-67 to 5-22-68); No. 9, St. Louis, Mo. (5-26-67 to 5-25-68); No. 1027, St. Louis, Mo. (5-24-67 to 5-23-68); No. 1940, St. Louis, Mo. (5-6-67 to 5-5-68); 5-4 Main Street South, Minot, N. Dak. (5-22-67 to 5-23-68); No. 1097, Miami, Okla. (5-15-67 to 5-15-68); No. 841, Muskogee, Okla. (5-15-67 to 5-15-68); No. 2236, Tulsa, Okla. (5-24-67 to 5-23-68); No. 1448, Amarillo, Tex. (5-15-67 to 5-15-68); No. 1768, Bryan, Tex. (5-6-67 to 5-5-68); No. 2233, Houston, Tex. (5-15-67 to 5-15-68); No. 1028, McKinney, Tex. (5-15-67 to 5-15-68); No. 1676, Pampa, Tex. (5-23-67 to 5-22-68); No. 304, Temple, Tex. (5-15-67 to 5-15-68); No. 2233, Waco, Tex. (5-15-67 to 5-15-68); No. 988, Wichita Falls, Tex. (5-1-67 to 5-31-68); No. 288, Fond du Lac, Wis. (5-15-67 to 5-15-68).

James E. Yancey, agriculture; Marvell, Ark.; 5-10-67 to 5-9-68.

The following certificates were issued to retail or service establishments relying on the base-year employment experience of other establishments, either because they came into existence after the beginning of the applicable base year or because they did not have available base-year records. The certificates permit the employment of full-time students at rates of not less than 85 percent of the statutory minimum in the classes of occupations listed, and provide for the indicated monthly limitations on the percentage of full-time student hours of employment at rates below the applicable statutory minimum to total hours of employment of all employees.

Alcott's, Inc., department stores from 6-16-67 to 6-15-68, cashier, wrapper, ticket writer, office clerk, saleslerk, 4.6 percent: 9700 Eastwood Mall, Birmingham, Ala.; Five Points West Shopping Center, Birmingham, Ala.

Alcott, Inc., apparel stores from 6-27-67 to 6-15-68 except as otherwise indicated, saleslerk, 10 percent: 119th and Torrence Avenue, Calumet City, Ill.; 63th and Western, Chicago, Ill.; 4940 Belmeder Road, Dearborn, Mich.; 24000 Grand River Avenue, Detroit, Mich.; 14000 Gratiot Avenue, Detroit, Mich.; 1257 Woodward Avenue, Detroit, Mich.; 858 South Saginaw, Flint, Mich.; Harper Woods, Mich.; 2180 Nix Road, Lincoln Park, Mich.; 29200 Seven Mile Road, Livonia, Mich.; 870 North Telegraph, Pontiac, Mich.; 28265 Gratiot Avenue, Roseville, Mich.; 9300 Holland Road, Saginaw, Mich.; 4954 State Street, Saginaw, Mich.; Southfield, Mich. (5-22-67 to 5-21-68); Warren, Mich.; 35600 West Warren, Wayne, Mich.; 1201 West Central Avenue, Toledo, Ohio.

Ashworth Market, Inc., foodstore; 128 First Street, Harrison, Ohio; check clerk, cashier, 20.8 percent; 5-15-67 to 5-15-68.

Another Store 1966 Furniture, foodstore; 4005 West Gulfwater Road, Pearl, Miss.; cashier, check clerk, 20 percent; 5-8-67 to 5-6-68.

Big Star Food Center, food stores from 3-16-67 to 3-15-68, sacker, stock clerk: West Main Street, Carmi, Ill. (between 9.5 percent and 9.8 percent); Effingham, Ill. (between 9.5 percent and 9.8 percent).

Butler's Department Store, department store; 150 Main Street, Biddeford, Maine; saleslerk, office clerk; 10.4 percent; 6-8-67 to 6-7-68.

Carlisle-Allen Co., department store; 5000 Youngstown-Warren Road, Niles, Ohio; stock clerk, saleslerk, mailing, gift wrapping; 1.7 percent; 4-17-67 to 4-16-68.

Cash & Carry Stores, food store; 309 Lake Street, Lake Arthur, La.; bagger; between 2.2 percent and 6.7 percent; 5-16-67 to 5-15-68.

Dick's Super Market, food store; Wells Street, Darlington, Wis.; bagger-carryout, stock clerk, cleanup; 19.9 percent; 5-26-67 to 5-26-68.

J. S. Dillon & Sons, Inc., food stores from 6-9-67 to 6-8-68 except as otherwise indicated, cashier, clerk, carryout, wrapper, maintenance, with an additional occupation where indicated, 22.7 percent: No. 105, Springdale, Ark. (checker, 5-12-67 to 5-11-68); No. 44, Junction City, Kans. (replacement); No. 46, Lawrence, Kans. (replacement); No. 47, Topeka, Kans. (replacement); Nos. 51, 83, and 88, Topeka, Kans. (checker, 5-12-67 to 5-11-68).

Eagle Store, variety store; No. 24, Clinton, N.C.; saleslerk; 10.2 percent; 5-25-67 to 5-24-68.

Eat'n Park Restaurant, restaurant; Chartiers Avenue, McKees Rocks, Pa.; waitress, car hostess; 11.8 percent; 5-22-67 to 5-22-68.

Food Giant Super Markets, Inc., food store; 8640 East Broadway, Tucson, Ariz.; carryout; 33 percent; 5-24-67 to 5-23-68.

W. T. Grant Co., variety stores for the occupations of saleslerk, stock clerk, office clerk, cashier: No. 234, Bowling Green, Ky. (between 4.3 percent and 10 percent, 3-18-67 to 3-17-68); No. 983, Grand Rapids, Mich. (between 2.7 percent and 10 percent, 1-20-67 to 1-20-68); No. 1126, Somers Point, N.J. (between 3.3 percent and 6.3 percent, 3-6-67 to 3-5-68); No. 967, Albuquerque, N. Mex. (5.4 percent, 5-10-67 to 5-9-68); No. 126, Newark, Ohio) 13.5 percent, 5-15-67 to 5-14-68).

Handy-Andy, Inc., foodstore; No. 135, Austin, Tex.; package boy, stockboy, checker, office cashier, bakery sales, produce clerk, dairy box stock clerk, bottle sorter, porter; 26.9 percent; 6-20-67 to 6-19-68.

D. H. Holmes Co., department store; 819 Canal Street, New Orleans, La.; saleslerk; 3.7 percent; 5-25-67 to 5-24-68.

Kohls, Inc., foodstore; South Oak Street, Ottawa, Ohio; carryout; 5.5 percent; 6-15-67 to 6-14-68.

S. S. Kresge Co., variety stores for the occupation of saleslerk, with an additional occupation where indicated: No. 4140, Atlanta, Ga. (15.6 percent, 6-9-67 to 6-8-68); No. 4148, Hammond, Ind. (10 percent, 5-25-67 to 5-24-68); No. 4182, Mishawaka, Ind. (15 percent, 6-8-67 to 6-7-68); No. 4006, Louisville, Ky. (16.2 percent, 6-12-67 to 6-11-68); No. 4180, Louisville, Ky. (16.2 percent, 6-12-67 to 6-11-68); No. 4302, Greenville, S.C. (23.4 percent, 6-9-67 to 6-8-68); No. 4108, Nashville, Tenn. (checker, between 2.1 percent and 5.8 percent, 5-8-67 to 5-7-68); No. 4186, Charleston, W. Va. (22.4 percent, 6-12-67 to 6-11-68).

S. H. Kress and Co., variety stores for the occupations of saleslerk, stock clerk, except as otherwise indicated: Bridgeton, N.J. (24.7 percent, 6-19-67 to 6-18-68); 36 West Landis Avenue, Vineland, N.J. (saleslerk, between 17 percent and 35 percent, 5-26-67 to 5-25-68); 3300 Robinhood Road, Winston-Salem, N.C. (between 2.2 percent and 12.2 percent, 4-26-67 to 4-25-68); Gulgnard Drive, Sumter, S.C. (between 2.7 percent and 8.0 percent, 4-26-67 to 4-25-68).

Kwik Shop, Inc., foodstores from 6-9-67 to 6-8-68, cashier, clerk, carryout, wrapper, maintenance, 22.7 percent, Replacements: Nos. 70 and 74, Hutchinson, Kans.; No. 75, Lawrence, Kans.

Lerner Shops, apparel stores from 5-18-67 to 5-16-68 except as otherwise indicated, saleslerk, office clerk except as otherwise indicated: No. 126, Mobile, Ala. (saleslerk, stock clerk, office clerk, 13.2 percent); Nos. 408, 470, 477, and 479, Phoenix, Ariz. (saleslerk, office clerk, stock clerk, 14.8 percent, 5-22-67 to 5-22-68); No. 416, Tucson, Ariz. (saleslerk, stock clerk, office clerk, 14.8 percent); No. 437, Colorado Springs, Colo. (16.2 percent, 6-12-67 to 6-12-68); Nos. 411, 452, and 462, Denver, Colo. (16.2 percent, 6-12-67 to 6-12-68); No. 462, Lakewood, Colo. (16.2 percent, 6-12-67 to 6-12-68); No. 406, Pueblo, Colo. (16.2 percent, 6-12-67 to 6-12-68); No. 460, Westminster, Colo. (16.2 percent, 6-12-67 to 6-12-68); No. 152, Hartford, Conn. (22.9 percent); No. 163, New Britain, Conn. (10.7 percent); No. 151, New Haven, Conn. (10.7 percent); No. 157, Waterbury, Conn. (10.7 percent); Nos. 75, 80, and 82, Washington, D.C. (20.2 percent, 6-13-67 to 6-12-68); No. 435, Boise, Idaho (saleslerk, 7.5 percent, 6-13-67 to 6-12-68); No. 208, Berwyn, Ill. (22.9 percent, 6-13-67 to 6-12-68); Nos. 201, 236, 229, 230, 241, and 247, Chicago, Ill. (22.9 percent, 6-13-67 to 6-12-68); No. 275, Melrose Park, Ill. (22.9 percent, 6-13-67 to 6-12-68); No. 253, Ft. Wayne, Ind. (8.7 percent); No. 266, Hammond, Ind. (5.1 percent); No. 226, South Bend, Ind. (5.1 percent); No. 161, Portland, Maine (saleslerk, office clerk, stock clerk, 16.9 percent, 6-1-67 to 5-31-68); Nos. 184 and 302, Hyattsville, Md. (20.2 percent); No. 176, Langley Park, Md. (20.2 percent); No. 179, Marlow Heights, Md. (20.2 percent, 6-1-67 to 5-31-68); No. 69, Silver Spring, Md. (20.2 percent); No. 177, Wheaton, Md. (20.2 percent); No. 160, Springfield, Mass. (saleslerk, stock clerk, office clerk, 16.9 percent, 6-1-67 to 5-31-68); No. 153, Worcester, Mass. (saleslerk, office clerk, stock clerk, 16.9 percent); No. 220, Flint, Mich. (6.0 percent, 5-22-67 to 5-22-68); No. 249, Grand Rapids, Mich. (6.0 percent, 5-23-67 to 5-22-68); No. 235, Jackson, Mich. (6.0 percent, 5-23-67 to 5-22-68); No. 246, Kalamazoo, Mich. (6.0 percent, 5-23-67 to 5-22-68); No. 188, Biloxi, Miss. (saleslerk, office clerk, stock clerk, 13.2 percent); No. 74, Meridian, Miss. (saleslerk, stock clerk, office clerk, 13.2 percent); No. 205, Jennings, Mo. (saleslerk, stock clerk, office clerk, 13.2 percent, 6-1-67 to 5-31-68); Nos. 219 and 266, St. Louis, Mo. (saleslerk, office clerk, stock clerk, 13.2 percent, 6-1-67 to 5-31-68); No. 240, Omaha, Nebr. (saleslerk, stock clerk, office clerk, 13.2 percent, 6-1-67 to 5-31-68); No. 421, Reno, Nev. (saleslerk, 7.5 percent, 6-12-67 to 6-12-68); No. 209, Akron, Ohio (13.2 percent); Nos. 252, and 304, Cincinnati, Ohio (8.2 percent); No. 264, Columbus, Ohio (5.1 percent); No. 203, Dayton, Ohio (8.2 percent); No. 278, Parma, Ohio (saleslerk, cashier, credit clerk, 8.6 percent); No. 154, Woonsocket, R.I. (saleslerk, stock clerk, office clerk, 16.9 percent, 6-1-67 to 5-31-68); No. 158, Providence, R.I. (saleslerk, stock clerk, office clerk, 16.9 percent, 6-1-67 to 5-31-68); No. 447, Provo, Utah (saleslerk, 7.5 percent, 6-1-67 to 5-31-68); No. 407, Salt Lake City, Utah (saleslerk, 7.5 percent, 6-1-67 to 5-31-68); No. 473, Abilene, Tex. (16.2 percent); No. 466, Amarillo, Tex. (16.2 percent); No. 121, Austin, Tex. (16.2 percent); No. 50, Beaumont, Tex. (saleslerk, 4.0 percent); Nos. 190, 471, and 476, El Paso, Tex. (16.2 percent); No. 58, Lubbock, Tex. (16.2 percent); No. 140, Newport News, Va. (16.2 percent); Nos. 215, 248, and 261, Milwaukee, Wis. (12.0 percent); No. 204, Racine, Wis. (12.0 percent); No. 221, Wauwatosa, Wis. (12.0 percent).

Wm. A. Lewis Clothing Co., apparel store; 2037-41 Cicero Avenue, Chicago, Ill., receptionist, stock clerk, check writer, wrapper; between 7.8 perbent and 10 percent; 5-10-67 to 5-9-68.

Magic Mart—Pulaski, Inc., department store; 1701 Main Street, Little Rock, Ark.; saleslerk, stock clerk, janitor; 10.3 percent; 5-25-67 to 5-24-68.

May's Drug Store, drug stores from 5-29-67 to 5-28-68, saleslerk, stock clerk, 6.4 pecent: No. 186, Bloomington, Ill.; No. 185, Crystal Lake, Ill.; No. 182, Freeport, Ill.; No. 200, McHenry, Ill.; No. 187, Mundelein, Ill.; Nos. 179, 183, and 196, Rockford, Ill.; No. 178, Round Lake, Ill.; Nos. 183 and 198, Waukegan, Ill.; No. 199, Woodstock, Ill.; No. 180, Beloit, Wis.; No. 176, Janesville, Wis.

McCrory-McLellan-Green Stores, variety stores for the occupations of saleslerk, stock clerk, office clerk: No. 299, Lima, Ohio (10 percent, 4-10-67 to 4-9-68); No. 1071, Allentown, Pa. (5.7 percent, 5-18-67 to 5-17-68).

G. C. Murphy Co., variety stores from 4-26-67 to 4-25-68 except as otherwise indicated, saleslerk, office clerk, stock clerk, janitor: No. 289, Gainesville, Fla. (between 9.4 percent and 17.6 percent); No. 294, Orlando, Fla. (between 3.8 percent and 13.2 percent); No. 287, Panama City, Fla. (between 12.4 percent and 19.4 percent); No. 293, Pensacola, Fla. (between 12.4 percent and 19.4 percent); No. 290, West Hollywood, Fla. (between 9.8 percent and 13.6 percent); No. 291, Cleveland, Ohio (12.8 percent, 5-8-67 to 5-8-68); No. 223, Shreveport, La. (19.5 percent, 5-12-67 to 5-11-68, replacement); Nos. 71 and 295, Trenton, N.J. (between 16.6 percent and 28.0 percent, 5-8-67 to 5-7-68); No. 173, Austin, Tex. (16.2 percent, 5-10-67 to 5-9-68).

The Pancake House, Inc., restaurant; 7764 Colerain Avenue, Cincinnati, Ohio; busboy; between 5.5 percent and 6.2 percent; 4-12-67 to 4-11-68.

Piggly Wiggly, Inc., food stores: 10th Street, De Funiak Springs, Fla. (bagger, 9.2 percent, 5-12-67 to 5-11-68); No. 36, Ennis, Tex. (stock clerk, checkout, sack clerk, clerk; 10 percent; 6-12-67 to 6-11-68).

Raylass Department Store, department stores from 5-31-67 to 5-30-68 except as otherwise indicated, saleslerk, stock clerk, office clerk, marker, janitor: 1123-5 Broadway, Columbus, Ga. (between 10.7 percent and 20.9 percent, 5-4-67 to 5-3-68); 317 Chickamauga Avenue, Rossville, Ga. (19.8 percent); Brainerd Village, Chattanooga, Tenn. (21.8 percent); 607 Market Street, Chattanooga, Tenn. (21.8 percent); 906-12 Main Street, Lynchburg, Va. (between 14.2 percent and 21.8 percent, 4-10-67 to 5-31-67, Replacement).

Ross's Stores, Inc., variety store; No. 157, Morristown, Tenn.; saleslerk, stock clerk, office clerk, checker; 6.6 percent; 5-15-67 to 5-14-68.

Rylanders, foodstores from 5-25-67 to 5-24-68, sacker, packager, 10 percent: 3311 Balcones Drive, Austin, Tex.; 3611 Berkman Drive, Austin, Tex.; 2725 Exposition Boulevard, Austin, Tex.; 7101 North Lamar, Austin, Tex.; 4901 Manchaca Road, Austin, Tex.; 1706 West 35th Street, Austin, Tex.

Scott Foods, Inc., foodstore; Oneida, Tenn.; bagger, service meat counter, produce helper, stock helper; between 20.0 percent and 25.7 percent; 5-8-67 to 5-20-68.

Sterling Stores Co., Inc., variety store; 3080 Park Avenue, Memphis, Tenn.; saleslerk, stock clerk, janitor; between 11.7 percent and 27.1 percent; 5-26-67 to 4-30-68.

Super Drive Ins, restaurant; 902 Greenwood Avenue, Clarksville, Tenn.; sacker, bottle clerk; between 8.2 percent and 14.0 percent; 4-1-67 to 3-31-68.

T. G. & Y. Stores Co., variety stores from 6-12-67 to 6-11-68, saleslerk, stock clerk,

ollie clerk; No. 342, Fort Smith, Ark. (19.7 percent); No. 449, Oklahoma City, Okla. (30.9 percent); No. 998, Big Spring, Tex. (16.7 percent); No. 369, Huntsville, Tex. (20 percent).

Tom's Super Market, foodstore; Front and Kellner, Rensselaer, Ind.; stock clerk, carryout; between 25 percent and 40 percent; 5-16-67 to 5-15-68.

Tom Thumb Stores, Inc., foodstore; 8200 Park Forest Northeast, Dallas, Tex.; package clerk; 12.7 percent; 5-21-67 to 5-20-68.

Whittaker Foods, Inc., foodstore; 2020 North MacArthur, Oklahoma City, Okla., sacker, carryout; 20 percent; 5-20-67 to 5-19-68.

Williams Unlimited, Inc., foodstores; No. 508, Kearney, Nebr.; carryout; 10 percent; 5-19-67 to 5-18-68.

F. W. Woolworth Co., variety stores from 5-24-67 to 5-23-68 except as otherwise indicated, salesclerk except as otherwise indicated: No. 2262, Pine Bluff, Ark. (3.7 percent); No. 467, Phoenix, Ariz. (salesclerk, stock clerk, office clerk, 4.0 percent, 5-31-67 to 5-30-68); 527 Main Street, Evansville, Ind. (4.5 percent, 5-16-67 to 5-15-68); No. 826, Ames, Iowa (salesclerk, stock clerk, checkout, cleanup, 9.0 percent, 5-16-67 to 5-15-68); 217 South 25th Street, Fort Dodge, Iowa (salesclerk, stock clerk, checkout, cleanup, 8.3 percent, 5-16-67 to 5-15-68); No. 1374, Arkansas City, Kans. (7.8 percent, 5-17-67 to 5-16-68); No. 696, Independence, Kans. (7.8 percent, 5-5-67 to 5-4-68); No. 1690, Junction City, Kans. (20.1 percent, 5-17-67 to 5-16-68); No. 851, Manhattan, Kans. (8.7 percent, 6-1-67 to 5-31-68); No. 1970, McPherson, Kans. (8.8 percent, 6-1-67 to 5-31-68); No. 664, Pittsburg, Kans. (7.5 percent, 5-19-67 to 5-18-68); No. 621, Wichita, Kans. (7.8 percent, 5-1-67 to 5-31-68); No. 260, Paducah, Ky. (11.3 percent, 6-16-67 to 6-15-68); No. 2004, Lafayette, La. (2.5 percent, 5-17-67 to 5-16-68); No. 945, Escanaba, Mich. (salesclerk, marker, 10 percent, 5-13-67 to 5-11-68); No. 2885, St. Paul, Minn. (salesclerk, stock clerk, cleanup, 10 percent, 5-15-67 to 5-17-68); No. 1402, Brookhaven, Miss. (24.5 percent, 6-1-67 to 5-31-68); No. 2461, Cape Girardeau, Mo. (11.3 percent, 5-16-67 to 5-15-68); No. 1146, Clayton, Mo. (12.0 percent, 6-5-67 to 6-4-68); No. 2264, Grandview, Mo. (9.7 percent); No. 1288, Independence, Mo. (9.7 percent); No. 2220, Kansas City, Mo. (9.7 percent, 6-1-67 to 5-31-68); No. 2256, Maplewood, Mo. (12.0 percent, 5-15-67 to 5-17-68); No. 909, Poplar Bluff, Mo. (11.2 percent, 5-16-67 to 5-15-68); No. 2047, Rolla, Mo. (11.2 percent); No. 2026, St. Joseph, Mo. (9.7 percent, 6-5-67 to 6-4-68); No. 2040, University City, Mo. (12.0 percent); No. 2007, Camden, Nebr. (salesclerk, stock clerk, checkout, cleanup, 16.6 percent, 6-1-67 to 5-31-68); 320 South 16th Street, Omaha, Nebr. (20.0 percent, 5-26-67 to 5-25-68); 202 Main Street, Williston, N. Dak. (stock clerk, checkout, between 7.5 percent and 8.9 percent, 5-22-67 to 5-21-68); No. 2008, Bartlesville, Okla. (7.5 percent, 6-27-67 to 5-16-68); No. 2027, Stroud Springs, Okla. (20.1 percent, 5-17-67 to 5-16-68); 209 South Pierre Street, Pierre, S. Dak. (salesclerk, stock clerk, cleanup, between 1.9 percent and 9.0 percent, 5-11-67 to 5-10-68); No. 2007, Memphis, Tenn. (14.9 percent, 5-16-67 to 5-14-68); No. 1212, Beaumont, Tex. (12.5 percent); No. 2025, Brownsville, Tex. (11.0 percent, 5-19-67 to 5-17-68); No. 2000, Dallas, Tex. (13.1 percent, 5-1-67 to 5-31-68); No. 622, Ft. Worth, Tex. (13.1 percent); No. 966, Laredo, Tex. (8.5 percent); No. 1110, Madison, Tex. (9.5 percent); Nos. 628, 2040, and 2009, San Antonio, Tex. (4.5 percent); 320 East Main, Riverton, Wyo. (cleanup, salesclerk, 8.9 percent, 5-17-67 to 5-16-68).

Zukors of Lloyd Center, Inc., apparel store; 1222 Lloyd Center, Portland, Oreg.; office clerk, stock clerk, customer service, cashier; 12.7 percent; 6-6-67 to 6-5-68.

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not create a substantial probability of reducing the full-time employment opportunities of persons other than those employed under a certificate. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 536 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 15 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 519.5.

Signed at Washington, D.C., this 24 day of July 1967.

ROBERT G. CRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 67-7979; Filed, July 11, 1967; 8:46 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

DEPUTY DIRECTOR, CONTRACTS AND AGREEMENTS DIVISION, OFFICE OF GENERAL SERVICES

Designation as a Contracting Officer; Redelegation of Authority; Revocation

A. The Deputy Director, Contracts and Agreements Division, Office of General Services, is hereby designated as a contracting officer and is authorized to:

1. Enter into and administer procurement contracts and make related determinations except determinations under sections 302(a) (11), (12), and (13) of the Federal Property and Administrative Services Act, as amended (41 U.S.C. 252 (c) (11), (12), and (13)).

2. Enter into and administer agreements with other Federal agencies involving the obligation of funds.

B. The redelegation of authority to the Deputy Director, Contracts and Agreements Division, Office of General Services, effective May 8, 1967 (32 F.R. 6942, May 5, 1967), is hereby revoked.

(Redelegation of Director, Office of General Services, effective Mar. 28, 1967, 32 F.R. 4648, Mar. 28, 1967)

Effective date. This designation and redelegation of authority, and revocation, shall be effective as of July 9, 1967.

WILLIAM J. PITKIN,
Director, Contracts and Agreements Division.

[F.R. Doc. 67-7980; Filed, July 11, 1967; 8:47 a.m.]

FEDERAL MARITIME COMMISSION

EAGLE, INC., AND SOUTH ATLANTIC AND CARIBBEAN LINE, INC.

Notice of Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Gerald A. Malia, Regan & Mason, Farragut Building, 900 17th Street NW., Washington, D.C.

Agreement No. T-3063 between Eagle, Inc. (Eagle), and South Atlantic and Caribbean Line, Inc. (SACAL), provides for preferential berthing rights for SACAL at Eagle's terminal facilities at Jacksonville, Fla. SACAL will pay dockage charges on each vessel and wharfage, except where SACAL's ocean freight rate does not include wharfage. Dockage and wharfage charges will be those set forth in Eagle's terminal tariff. The agreement provides that Eagle's tariff charges will not be in excess of comparable rates in effect at the port of Miami, Fla. SACAL guarantees Eagle a "Minimum Terminal Charges" payment of $2,500 per calendar month. To the extent that SACAL's payment shall exceed the amount of wharfage collected by Eagle on cargoes handled on SACAL's vessels, SACAL will be entitled to offset or deduct such excess from the amount of the Terminal Charges balance due from SACAL to Eagle, or SACAL may, at its option, at any time offset or deduct such excess not fully recovered by offset against Terminal Charges balance from any other amount owing from SACAL to Eagle, other than Minimum Terminal Charges of $2,500 due in succeeding months.

By Order of the Federal Maritime Commission.

Dated: July 7, 1967.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-8002; Filed, July 11, 1967; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

JULY 7, 1967.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41073—*Sugar from Baltimore, Md.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2892), for interested rail carriers. Rates on sugar, beet or cane, in carloads, as described in the application, from Baltimore, Md., to Louisville, Ky., Chicago, Ill., and Cincinnati, Ohio.

Grounds for relief—Market competition.

Tariff—Supplement 61 to Traffic Executive Association-Eastern Railroads, agent, tariff ICC C-225.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-8004; Filed, July 11, 1967; 8:48 a.m.]

KEITH H. LYRLA

Statement of Changes in Financial Interests

Pursuant to subsection 302(c), Part III, Executive Order 10647 (20 F.R. 8769), "Providing for the Appointment of Certain Persons under the Defense Production Act of 1950, as amended," I hereby furnish for filing with the Division of the Federal Register for publication in the FEDERAL REGISTER the following information showing any changes in my financial interests and business connections as heretofore reported and published (20 F.R. 10086, 21 F.R. 3475, 21 F.R. 9196, 22 F.R. 3777, 22 F.R. 9450, 23 F.R. 3796, 23 F.R. 9501, 24 F.R. 4187, 24 F.R. 9502, 25 F.R. 102, 26 F.R. 1692, 26 F.R. 6284, 27 F.R. 634, 27 F.R. 6409, 28 F.R. 197, 28 F.R. 7059, 29 F.R. 585, 29 F.R. 8388, 30 F.R. 769, 30 F.R. 8145, 30 F.R. 17186, 31 F.R. 8988, and 32 F.R. 248).

1,000 shares Illinois Central Industries, Inc., stock.

Dated: June 29, 1967.

KEITH H. LYRLA.

[F.R. Doc. 67-8006; Filed, July 11, 1967; 8:48 a.m.]

FLOYD A. MECHLING

Statement of Changes in Financial Interests

Pursuant to subsection 302(c), Part III, Executive Order 10647 (20 F.R. 8769), "Providing for the Appointment of Certain Persons under the Defense Production Act of 1950, as amended," I hereby furnish for filing with the Division of the Federal Register for publication in the FEDERAL REGISTER the following information showing any changes in my financial interests and business connections as heretofore reported and published (22 F.R. 996, 22 F.R. 6984, 23 F.R. 1063, 23 F.R. 9730, 24 F.R. 583, 24 F.R. 6281, 24 F.R. 9699, 25 F.R. 109, 26 F.R. 1693, 26 F.R. 6463, 27 F.R. 634, 27 F.R. 6469, 28 F.R. 1093, 28 F.R. 7060, 29 F.R. 1861, 29 F.R. 9813, 30 F.R. 769, 30 F.R. 8765, 31 F.R. 493, 31 F.R. 9432, and 32 F.R. 769) for the period from January 26, 1967, through July 25, 1967.

Dated: June 26, 1967.

F. A. MECHLING.

[F.R. Doc. 67-8005; Filed, July 11, 1967; 8:48 a.m.]

[Notice 454]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JULY 7, 1967.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 24689 (Deviation No. 1), H. MAYNARD GOULD CO., Union Street, East Walpole, Mass. 02032, filed June 27, 1967. Carrier's representative: Francis E. Barrett, Jr., 536 Granite Street, Braintree, Mass. 02184. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between junction Massachusetts Highway 128 and Interstate Highway 95 and Providence, R.I., over Interstate Highway 95, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Boston, Mass., over U.S. Highway 1 to Providence, R.I., (2) from Boston, Mass., over Massachusetts Highway 1A to junction U.S. Highway 1, thence over U.S. Highway 1 to Providence, R.I., (3) from Boston, Mass., over Massachusetts Highway 1A to junction Massachusetts Highway 121, thence over Massachusetts Highway 121 to the Massachusetts-Rhode Island State line, thence over Rhode Island Highway 121 to junction Rhode Island Highway 114, thence over Rhode Island Highway 114 to Woonsocket, R.I., thence over Rhode Island Highway 122 to Providence, R.I. (4) from Boston, Mass., over Massachusetts Highway 1A to Walpole, Mass., thence over unnumbered highway via South Walpole, Mass., to junction U.S. Highway 1, thence over U.S. Highway 1 to Providence, R.I., and (5) from Boston, Mass., to Walpole, Mass., as specified above, thence over Massachusetts Highway 27 to junction U.S. Highway 1, thence over U.S. Highway 1 to Providence, R.I., and return over the same routes.

No. MC 25320 (Deviation No. 15), T.I.M.E. FREIGHT, INC., Post Office Box 1130, Lubbock, Tex. 79408, filed June 29, 1967. Carrier's representative: John T. Coon, same address as above. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Nashville, Tenn., over Interstate Highway 40 to junction with Interstate Highway 81, approximately 35 miles east of Knoxville, Tenn., thence over Interstate Highway 81 to Winchester, Va., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Old Hickory, Tenn., over Tennessee Highway 45 to junction U.S. Highway 31E, thence over U.S. Highway 31E to Nashville, Tenn., thence over U.S. Highway 70N to Crossville, Tenn. (also from Nashville over U.S. Highway 70S to Crossville), thence over U.S. Highway 70 to Knoxville, Tenn., thence over U.S. Highway 11E to Bristol, Va.-Tenn. (also from Knoxville over U.S. Highway 11W to junction unnumbered highway (formerly portion U.S. Highway 11W), at or near Kingsport, Tenn., thence over unnumbered highway via Indian Springs and Blountville, Tenn., to Bristol), thence over U.S. Highway 11 via junction Virginia Highway 100 and U.S. Highway 11 to Dublin, Va. (also from junction U.S. Highway 11 and Virginia Highway 100 over Virginia Highway 100 via Draper, Va., to Dublin), thence over U.S. Highway 11 via Salem, Va., to junction Virginia Highway 117 at a point approximately 4 miles north of Roanoke, Va. (also from Salem over Virginia Highway 117 to junction U.S. Highway 11 at a point approximately 4 miles north of Roanoke), thence over U.S. Highway 11 via Williamsport, Md., to Greencastle, Pa. (also from Williamsport over unnumbered highway via Huyett and Cearfoss, Md., to Greencastle), thence over U.S. Highway 11 to Chambersburg, Pa., thence over U.S. Highway 30 to junction unnumbered highway (formerly portion U.S. Highway 30), thence over unnumbered highway to Coatesville, Pa., thence

over Business Route U.S. Highway 30 (formerly portion U.S. Highway 30) to junction U.S. Highway 30, thence over U.S. Highway 30 to Philadelphia, Pa., and return over the same route.

No. MC 50544 (Deviation No. 5), THE TEXAS AND PACIFIC MOTOR TRANSPORT COMPANY, 210 North 13th Street, St. Louis, Mo. 63103, filed June 27, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Hallsville, Tex., and Shreveport, La., over Interstate Highway 20, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: Between Hallsville, Tex., and Shreveport, La., over U.S. Highway 80.

No. MC 97818 (Deviation No. 3), MICHIGAN EXPRESS, INC., 1132 Freeman Avenue SW., Grand Rapids, Mich. 49502, filed June 27, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between junction Interstate Highway 196 and Interstate Highway 94, near Benton Harbor, Mich., and junction Interstate Highway 196 and Interstate Highway 96, near Grand Rapids, Mich., over Interstate Highway 196, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Chicago, Ill., over U.S. Highway 12 to junction unnumbered highway (formerly U.S. Highway 12), thence over unnumbered highway via Benton Harbor, Mich., to junction U.S. Highway 31, thence over U.S. Highway 31 to Holland, Mich., thence over Michigan Highway 21 to Grand Rapids, Mich., and return over the same route.

No. MC 59744 (Sub-No. 2) (Deviation No. 1), VICTOR GROTHAUS, doing business as GROTHAUS EXPRESS, 202 East Fourth Street, Kingsley, Iowa 51028, filed June 30, 1967. Carrier's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 59 and Iowa Highway 141, approximately 3 miles north of Danbon, Iowa, over Iowa Highway 141 to junction Interstate Highway 29 near Sloan, Iowa, thence over Interstate Highway 29 to Sioux City, Iowa, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service route as follows: (1) From Omaha, Nebr., over U.S. Highway 30 to Denison, Iowa, (2) from Denison, Iowa, over U.S. Highway 59, to junction U.S. Highway 20, and (3) from junction U.S. Highways 20 and 59 over U.S. Highway 20 to Sioux City, Iowa, and return over the same routes.

No. MC 2890 (Deviation No. 67), AMERICAN BUSLINES, INC., 1805 Leavenworth Street, Omaha, Nebr. 68102, filed June 26, 1967. Carrier proposes to operate as a common carrier, by motor vehicle, of *passengers and their baggage*, and express and newspapers in the same vehicle with passengers, over deviation routes as follows: (1) From Dunreith, Ind., north over Indiana Highway 3 to junction Interstate Highway 70, thence over Interstate Highway 70 to junction Indiana Highway 38, thence over Indiana Highway 38 to Richmond, Ind., and (2) from junction Interstate Highway 70 and Indiana Highway 38 north of Richmond, Ind., over Interstate Highway 70 to junction U.S. Highway 40 east of Richmond, Ind., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: Between Columbus, Ohio, and St. Louis, Mo., over U.S. Highway 40.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 391), GREYHOUND LINES, INC. (Western Division), Market and Fremont Streets, San Francisco, Calif. 94106, filed June 26, 1967. Carrier's representative: W. T. Matuhold, 371 Market Street, San Francisco, Calif. 94106. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express and newspapers*, in the same vehicle with passengers, over a deviation route as follows: From junction unnumbered highway and California Highway 4 (Barrydale Junction), over California Highway 4 to junction unnumbered highway (West Martinez Junction), and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From junction Interstate Highway 80 and California Highway 4 (Franklin Canyon Junction) over California Highway 4 to junction unnumbered highway south of Martinez (Martinez Junction), thence over unnumbered highway via Martinez, Port Chicago, Willow Pass Junction, and Pittsburg, to junction California Highway 4 (Antioch), thence over California Highway 4 to Stockton, Calif., and return over the same route.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-8067; Filed, July 11, 1967; 8:45 a.m.]

[Notice 1003]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JULY 7, 1967.

The following publications are governed by Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER issue of April 20, 1966, which became effective May 20, 1966.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 2770 (Sub-No. 11) (Republication), filed July 15, 1966, published FEDERAL REGISTER issues of August 29, 1966, and September 9, 1966, and republished this issue. Applicant: SANBORN'S MOTOR EXPRESS, INC., Box 312, Norway, Maine. Applicant's representative: Mary E. Kelley, 10 Tremont Street, Boston, Mass. 02108. By application filed July 15, 1966, and amended, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of the commodities set forth below, serving the ports of entry on the international boundary line between the United States and Canada at or near Houlton and Calais, Maine, in connection with the carrier's presently authorized regular-route operations in Maine, restricted to traffic moving to or from the Provinces of Nova Scotia and New Brunswick. An order of the Commission, Operating Rights Board No. 1, dated June 21, 1967, and served June 29, 1967, finds that the proposed operation more appropriately should be described as a regular-route service, and authority therefor should be granted in such terms, therefore, the present and future public convenience and necessity require operation by applicant, in foreign commerce only, as a common carrier by motor vehicle over *regular routes*, of *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Between Topsfield, Maine, and the port of entry on the international boundary line between the United States and Canada located at or near Houlton, Maine: From Topsfield over U.S. Highway 1 to Houlton, thence over Maine Highway 5 to the port of entry, and return over the same routes, serving no intermediate points, and

(2) Between Topsfield, Maine, and the port of entry on the international boundary line between the United States and Canada located at or near Calais, Maine, over U.S. Highway 1, serving no intermediate points, restricted in (1) and (2) above, to the transportation of traffic moving to or from the Provinces of Nova Scotia and New Brunswick, Canada; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder and that an appropriate certificate should be issued subject to the condition that the authority granted herein shall not be severable, by sale or otherwise, from the regular-route authority embraced in certificate No. MC 2770 (Sub-No. 6), dated June 4, 1964. Because it is possible that other persons, who have relied upon the notice of the application as published may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 113362 (Sub-No. 129) (Republication), filed October 25, 1966, published FEDERAL REGISTER issue of November 10, 1966, and republished this issue. Applicant: ELLSWORTH FREIGHT LINES, INC., 220 East Broadway, Eagle Grove, Iowa. Applicant's representative: William J. Boyd, 29 South La Salle Street, Chicago, Ill. By application filed October 25, 1966, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of candy and confectionary (except commodities in bulk in tank vehicles), (1) from the plantsite and storage facilities of M & M Candies at Hackettstown, N.J., and Port Elizabeth, N.J., to Cincinnati, Ohio, and Detroit, Mich., and (2) from the plantsite and storage facilities of Tootsie Roll Industries, Inc., at or near Hoboken, N.J., to Detroit and Grand Rapids, Mich. The application was referred to Examiner Kenneth A. Jennings for hearing and the recommendation of an appropriate order thereon. Hearing was held on March 1, 1967, at Washington, D.C. A report and order of the Commission, Division 1 served May 26, 1967, which became effective June 26, 1967, finds that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle, in interstate or foreign commerce, over irregular routes, of *candy and confectionery* (except commodities in bulk, in tank vehicles).

(1) From the plantsite of M & M Candies, Division of Mars, Inc., located at or near Hackettstown, N.J., and the storage facilities of M & M Candies, Division of Mars, Inc., located at or near Elizabeth, N.J., to Cincinnati, Ohio, and Detroit, Mich., restricted to the transportation of shipments originated at said plantsite or storage facilities, and (2) from the plantsite and storage facilities of Tootsie Roll Industries, Inc., located at or near Hoboken, N.J., to Detroit and Grand Rapids, Mich., restricted to the transportation of shipments originated at said plantsite or storage facilities; and that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 126076 (Sub-No. 8) (Republication), filed March 2, 1967, published FEDERAL REGISTER issue of March 16, 1967, and republished this issue. Applicant: PROTECTIVE SERVICE COMPANY, A CORPORATION, 725-29 South Broad Street, Philadelphia, Pa. 19147. Applicant's representative: John M. Demcisak, 1035 Land Title Building, Philadelphia, Pa. 19110. By application filed March 2, 1967, applicant seeks a permit authorizing operations, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of business papers, reports, records, and audit and accounting media (excluding plant removal), between Allentown, Pa., and Washington, D.C., under contract with The Service Bureau Corp. An order of the Commission, Operating Rights Board No. 1, dated June 21, 1967, and served June 29, 1967, finds that operation by applicant, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of *business papers, business records, and audit and accounting media*, between Allentown, Pa., on the one hand, and, on the other, Washington, D.C., under a continuing contract with The Service Bureau Corp., of New York, N.Y., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240.)

MOTOR CARRIERS OF PROPERTY

No. MC-F-9677 (ALASKA STEAMSHIP CO.—Control—AAA TRANSFER, INC.) published in the November 16, 1966, issue of the FEDERAL REGISTER, on page 14619. Petition for modification of order approving control, filed June 20, 1967. Authority sought by SKINNER CORPORATION and, in turn by D. E. SKINNER, both of Skinner Building, 1326 Fifth Avenue, Seattle, Wash., to continue in control of ALASKA STEAMSHIP COMPANY, Pier 42, Seattle, Wash., through stock ownership and management, upon issue to it of a certificate to be issued pursuant to authority conditionally granted by order of January 26, 1967, in No. MC 126420, ALASKA STEAMSHIP COMPANY COMMON CARRIER APPLICATION (Seattle, Wash.). Applicants' attorneys: Edward G. Lowry III, 14th Floor, Norton Building, Seattle, Wash. 98104 and George R. LaBissoniere, 920 Logan Building, Seattle, Wash. 98101. Operating rights sought to be controlled: *General commodities*, excepting among others, household goods and commodities in bulk, as a *common carrier*, over irregular routes, between Ketchikan, Alaska, on the one hand, and, on the other, Wrangell and Petersburg, Alaska. The above-named applicants were conditionally authorized by order of May 17, 1967, to acquire control of AAA TRANSFER, INC., of Seattle; and they presently control KETCHIKAN WHARF COMPANY, of Seattle, which is authorized to operate as a *common carrier* between points in Ketchikan and between points in Juneau, Alaska. D. E. SKINNER is the sole survivor of a partnership, doing business as NORTHLAND TRANSPORTATION CO., of Seattle, which is authorized to operate as a *water carrier* pursuant to certificate No. W-351.

No. MC-F-9603. Authority sought for control by CANADIAN NATIONAL RAILWAY COMPANY, 935 Lagauchetiere Street West, Montreal, Quebec, Canada, of SCOBIE'S TRANSPORT LIMITED, 10 Centre Street, London, Ontario, Canada. Applicants' attorney: Rex Eames, 900 Guardian Building, Detroit, Mich. 48226. Operating rights sought to be controlled: In pending Docket No. MC 115462 Sub-2, seeking a certificate of public convenience and necessity, to operate as a common carrier, over irregular routes, transporting, general commodities, excepting, among others household goods and commodities in bulk, between Buffalo, Niagara Falls, and North Tonawanda, N.Y., on the one hand, and, on the other, points on the international boundary line between the United States and Canada located on the Niagara River. CANADIAN NATIONAL RAILWAY COMPANY, holds no authority from this Commission. However, through stock holdings, it controls certain companies conducting rail operations in the

United States subject to Part I of the Interstate Commerce Act. Application has not been filed for temporary authority under section 210a(b). NOTE: Motion to dismiss this Application, on the ground that section 5 of the Interstate Commerce Act is not applicable also included.

No. MC-F-9806. Authority sought for purchase by ARROW TRANSPORTATION CO., INC., 283 Kinsley Avenue, Providence, R.I., of the operating rights of BENJAMIN E. GOODMAN, doing business as REDDING DESPATCH, 102 Sagamore Avenue, West Medford, Mass., and for acquisition by SAMUEL MALKIN, also of Providence, R.I., and HENRY MALKIN, 167 Perry Street, New York, N.Y., of control of such rights through the purchase. Applicants' attorney: Francis E. Barrett, Jr., Investors Building, 536 Granite Street, Braintree, Mass. 02184. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC 99402 Sub-1, covering the transportation of general commodities, as a common carrier, in intrastate commerce, within the State of Massachusetts. Vendee is authorized to operate as a *common carrier* in New York, Massachusetts, Connecticut, Rhode Island, and New Jersey. Application has been filed for temporary authority under section 210a(b). NOTE: No. MC 107558 Sub-8, is a matter directly related.

No. MC-F-9805. Authority sought for purchase by M. & M. TRUCKING CO., East Poland Avenue, Bessemer (Lawrence County), Pa., 16112, of a portion of the operating rights of V. KAP TRUCKING, INC., Fairport Nursery Road, Painesville, Ohio, and for acquisition by DOROTHY C. MADRID, also of Bessemer (Lawrence County), Pa., of control of such rights through the purchase. Applicants' attorney and representative: Henry M. Wick, Jr., 1516 Park Building, Pittsburgh, Pa. 15222, and James W. Jackson, 36 North St. Clair Street, Painesville, Ohio 44077. Operating rights sought to be transferred: *Cement* and *mortar*, in bulk and in containers, as a *contract carrier*, over irregular routes, from points in Lake County, Ohio, to points in that part of New York on and west of a line formed by New York Highway 57 from Oswego to Syracuse, and U.S. Highway 11 from Syracuse to the New York-Pennsylvania State line, points in that part of Pennsylvania on and west of U.S. Highway 15, including Harrisburg, certain specified points in West Virginia and Kentucky, and points in Indiana; and *cement* and *mortar*, from Bessemer, Pa., to points in Ohio, with restriction. Vendee is authorized to operate as a *contract carrier* in Pennsylvania and Ohio. Application has been filed for temporary authority under section 210a(b).

No. MC-F-9804. Authority sought for purchase by REFRIGERATED FOODS, INC., 3300 Blake Street, Denver, Colo. 80205, of the operating rights of DENVER-PACIFIC EXPRESS, INC., 9051 Ivanhoe Street, Denver, Colo., and for acquisition by MELBURN SMOOKLER, 118 Grape Street, Denver, Colo., of control of such rights through the purchase. Applicants' attorney: John R. Barry, Suite 1411, 1700 Broadway, Denver, Colo. 80202. Operating rights sought to be transferred: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, as a *contract carrier* over irregular routes from Denver and Greeley, Colo., to points in Arizona, California, Oregon, Texas, Utah, and Washington, with restriction. Vendee is authorized to operate as a *contract carrier* in Colorado, California, and Nebraska. Application has been filed for temporary authority under section 210a(b).

No. MC-F-9807. Authority sought for control by MURPHY MOTOR FREIGHT LINES, INC., 2323 Terminal Road, St. Paul, Minn., of KEESHIN TRANSPORT SYSTEM, INC., 3131 Douglas Road, Toledo, Ohio 43606, and for acquisition by E. L. MURPHY, JR., and S. L. WAGLE, both also of St. Paul, Minn., of control of KEESHIN TRANSPORT SYSTEM, INC., through the acquisition by MURPHY MOTOR FREIGHT LINES, INC. Applicants' attorneys: Axelrod, Goodman & Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Operating rights sought to be controlled: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Sandusky, Ohio, and Rocky River, Ohio, between Toledo, Ohio, and Elyria, Ohio, between Elyria, Ohio, and Rocky River, Ohio, between Monroe, Mich., and junction U.S. Highway 24 and Michigan Highway 50, serving no intermediate points, between junction Michigan Highway 50 and U.S. Highway 24, and Cambridge, Mich., serving no intermediate points, and serving junction U.S. Highway 23 and Michigan Highway 50 for the purpose of joinder only, between Cambridge, Mich., and Jackson, Mich., serving no intermediate points, between Toledo, Ohio, and junction U.S. Highways 23 and 112, near Ypsilanti, Mich., serving no intermediate points, and serving junction U.S. Highway 23 and Michigan Highway 50 for the purpose of joinder only, between Jackson, Mich., and Ypsilanti, Mich., serving no intermediate points, between junction U.S. Highway 127 and Michigan Highway 120, and junction U.S. Highway 20 and U.S. Highway 127, near Fayette, Ohio, serving no intermediate points, and serving the termini for the purpose of joinder only, between junction U.S. Highway 27 and Michigan Highway 60, and Coldwater, Mich., serving no intermediate points and serving junction U.S. Highway 27 and Michigan Highway 60 for the purpose of joinder only, between Coldwater, Mich., and Angola, Ind., serving no intermediate points, and serving Angola for the purpose of joinder only, between South Bend, Ind., and Elkhart, Ind., between South Bend, Ind., and junction U.S. Highway 20 and Indiana Highway 2, near Rolling Prairie, Ind., serving no intermediate points, between Michigan City, Ind., and junction U.S. Highway 112 and Michigan Highway 205, serving the intermediate point of Niles, Mich., and serving junction U.S. Highway 12 and Indiana Highway 212, for the purpose of joinder only, between Niles, Mich., and junction Michigan Highway 60 and U.S. Highway 131, serving no intermediate points, and serving the termini for the purpose of joinder only, between junction U.S. Highway 12 and Indiana Highway 212, and junction Indiana Highway 212 and U.S. Highway 20, serving no intermediate points, and serving junction U.S. Highway 12 and Indiana Highway 212 for the purpose of joinder only, between Chicago, Ill., and Detroit, Mich., between Toledo, Ohio, and Detroit, Mich., serving all intermediate and certain off-route points, between Jackson, Mich., and Toledo, Ohio, serving all intermediate points, between Homer, Mich., and Adrian, Mich., between Hillsdale, Mich., and Camden, Mich., serving all intermediate and certain off-route points, between Clinton, Mich., and Morenci, Mich. Serving all intermediate points, between Detroit, Mich., and the site of the Chrysler Corporation Tank Arsenal, near Detroit, serving no intermediate points, between Detroit, Mich., and Ypsilanti, Mich., serving the intermediate point of Ford Willow Run Plant east of Ypsilanti, Mich., between Toledo, Ohio, and Cleveland, Ohio, serving all intermediate points, between Freeport, Ill., and Chicago, Ill., between Hazel Green, Wis., and Chicago, Ill., serving no intermediate points, but serving certain off-route points, between Dubuque, Iowa, and Chicago, Ill., serving all intermediate points, between Rhinelander, Wis., and Chicago, Ill., serving the intermediate point of Milwaukee, Wis., restricted to southbound traffic for delivery only; the off-route points of Neenah and Menasha, Wis., restricted to delivery of paper and paper products only; and serving the intermediate and off-route points of Antigo, Wis., and points in the Chicago, Ill., commercial zone, as defined by the Commission without restriction, between junction U.S. Highways 8 and 45 approximately 1 mile west of Monico, Wis., and Eagle River, Wis., serving no intermediate points, between Rhinelander, Wis., and Ironwood, Mich., serving the intermediate points of junction Oneida County Trunk K and U.S. Highway 51, and those between said junction and Ironwood, between Rhinelander, Wis., and Land O'Lakes, Wis., serving all intermediate points, between Rhinelander, Wis., and Land O'Lakes, Wis., serving certain intermediate points, between junction U.S. Highway 51 and County Highway M and Boulder Junction, Wis., between Boulder Junction, Wis., and junction U.S. Highway 51 and County Highway N, between junction Wisconsin Highway 70 and U.S. Highway 51, and Patterson Hardware Co., located about 8 miles west of said junction, serving all intermediate points, between Chicago, Ill., and Milwaukee, Wis., serving all intermediate points; and certain off-route points, between junction U.S. Highway 41 and Illinois Highway 176 and junction U.S. Highway 41 and Wisconsin Highway 43 for operating convenience only, serving no intermediate points; over numerous alternate routes for operating convenience only.

General commodities, except those of unusual value, classes A and B explosives, livestock, automobiles, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Toledo, Ohio, and Buffalo, N.Y., serving the intermediate and off-route points within 3 miles of Toledo, Ohio; *cheese factory supplies*, over irregular routes, from Chicago, Ill., to certain specified points in Wisconsin; *packinghouse products*, from Monroe, Wis., and Freeport, Ill., to points in Illinois and Wisconsin within 50 miles of Monroe, not including Madison and Janesville, Wis.; *groceries*, from Chicago, Ill., to certain specified points in Wisconsin; *livestock* and *agricultural commodities*, between certain specified points in Wisconsin, on the one hand, and, on the other, Chicago, Ill., and points in Illinois within 50 miles of Monroe, Wis., between certain specified points in Wisconsin, on the one hand, and, on the other, Chicago, Ill.; *cheese*, between points in that part of Illinois and Wisconsin within 50 miles of Monroe, Wis., including Monroe, between Monroe, Wis., and points in that part of Illinois and Wisconsin within 50 miles of Monroe, on the one hand, and, on the other, certain specified points in Wisconsin, between certain specified points in Wisconsin, on the one hand, and, on the other, Chicago and Dixon, Ill., St. Louis, Mo., and points in Illinois within 50 miles of Monroe, Wis.; and *household goods* as defined by the Commission, between Monroe and Platteville, Wis., and points in Wisconsin within 35 miles of each, on the one hand, and, on the other, points in Illinois and Iowa. MURPHY MOTOR FREIGHT LINES, INC., is authorized to operate as a *common carrier* in Minnesota, Iowa, Wisconsin, South Dakota, North Dakota, Illinois, and Indiana. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 67-8008; Filed, July 11, 1967; 8:48 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

JULY 7, 1967.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. 49845, filed July 21, 1966. Applicant: SMITH TRUCK LINE, INC., 4922 East California Avenue, Fresno, Calif. 93725. Applicant's representative: William H. Kessler, 638 Divisadero Street, Fresno, Calif. 93721. Certificate of public convenience and necessity sought to operate a freight service. Applicant requests authority to enlarge and extend the operative rights heretofore granted to it by decision No. 63871 and decision No. 61026 in the following respects: (1) By extending applicant's service and operations along U.S. Highway 99 between Bakersfield and the Los Angeles Metropolitan Zone Complex: *Provided*, That no service is proposed to or from points on and along said Highway 99 south of Wheeler Ridge and the northern boundary of Metropolitan Zone 203: *And provided further*, That no local service is proposed between points within said Los Angeles Metropolitan Zone Complex. (3) By extending applicant's service and operations to all points on and along U.S. Highway 466 between Wasco and its junction with State Highway 33 near Blackwell's corner on and along said State Highway 33 via McKittrick, Taft, and Maricopa, to the junction of State Highway 33 and U.S. Highway 99 approximately 4 miles north of Wheeler Ridge. (3) By extending applicant's service and operations to all points on and along an unnumbered highway extending northerly from U.S. Highway 99 near Greenfield to Weedpatch, Lamont, and Arvin.

(4) By enlarging and extending applicant's service and operations to provide service between all points set forth in paragraphs (1), (2), and (3) above, on the one hand, and, including points located within a radius of 10 miles of said points, and all points now authorized to be served by applicant, on the other hand. (5) To conduct all of the services and operations authorized and proposed as a consolidated and unified system for the transportation of property with the standard exceptions, namely: (1) Used household goods and personal effects not packed in accordance with the crated property requirements set forth in paragraph (d) of Item No. 10-C of Minimum Rate Tariff No. 4-A. (2) Automobiles, trucks, and buses; viz., new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses, and taxis, freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, truck and trailers combined, buses, and bus chassis. (3) Livestock, viz., bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, oxen, pigs, sheep, sheep camp outfits, sows, stags, steers, or swine. (4) Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerated equipment. (5) Liquids, compressed gases, commodities in semiplastic form, and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers, or a combination of such highway vehicles. (6) Commodities when transported in bulk, in dump trucks, or in hopper-type trucks.

(7) Commodities when transported in motor vehicles equipped for mechanical mixing in transit. (8) Logs. (9) Commodities which by reason of their abnormal size, weight, or bulk require special equipment and handling. (10) Articles of extraordinary value as set forth in rule 2 of Western Classification No. 77, J. P. Haskler, Tariff Publishing Officer, on the issue date thereof. (11) Commodities likely to contaminate or damage other freight. (12) Explosives as described in and subject to the regulations of Agent H. A. Campbell's Tariff No. 10. Both intrastate and interstate authority is sought.

HEARING: Wednesday, August 23, 1967, at 10 a.m., in the Commission Courtroom, State Office Building, 107 South Broadway, Los Angeles, Calif. Request for procedural information, including the time for filing protests, concerning this application, should be addressed to The Public Utilities Commission of the State of California, State Office Building 107 South Broadway, Los Angeles, Calif., and should not be directed to the Interstate Commerce Commission.

State Docket No. A 49488, filed June 21, 1967. Applicant: MOJAVE TRANSPORTATION CO., A CORPORATION, 618 East Rosecrans Avenue, Compton, Calif. 90220. Applicant's representative: Wade and Wade, 720 Crocker Citizens National Bank Building, 453 South Spring Street, Los Angeles, Calif. 90013. Applicant seeks to remove the following two restrictions from its certificate of public convenience and necessity so that applicant may conduct operations in intrastate commerce and in interstate and foreign commerce free of said restrictions: (a) Applicant shall not transport any shipment which shall carry a charge lower than that applicable to a shipment of 10,000 pounds and (b) transportation performed under the authority of said certificate shall be limited to commodities, originating at or destined to an oil-well site, construction site, or farm or originating at or destined to a storage yard.

HEARING: Not yet assigned. Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the California Public Utilities Commission, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 67-8009; Filed, July 11, 1967; 8:48 a.m.]

[Notice 417]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 7, 1967.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR Part 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIER OF PROPERTY

No. MC 3255 (Sub-No. 6 TA), filed July 3, 1967. Applicant: PEP TRUCKING CO., INC., 74 Montgomery Street, Jersey City, N.J. 07302. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plant removal equipment, materials, and supplies*, from the plantsite of Derry Products, Inc., Brooklyn, N.Y., to the plantsite of Derry Products, Inc., Middletown, N.Y.; for 180 days. Supporting shipper: Derry Products, Inc., 2006 Pitkin Avenue, Brooklyn, N.Y. 11207. Send protests to: Walter J. Grossman, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1060 Broad Street, Room 363, Newark, N.J. 07102.

No. MC 35663 (Sub-No. 4 TA), filed July 3, 1967. Applicant: WESCON TRANSPORTATION CO., INC., Oak Tree Road, Palisades, N.Y. 10964. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), from points in Westchester County, N.Y., to Trenton, N.J., and Philadelphia, Pa.; for 180 days. Supporting shippers: Burroughs Wellcome & Co. (U.S.A.) Inc., Tuckahoe, N.Y. 10707; and Technicon Corp., Ardsley, N.Y. 10502. Send protests to: Charles P. Jacobs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 215-217 Post Office Building, Binghamton, N.Y. 13902.

No. MC 44053 (Sub-No. 4 TA), (Correction) filed May 18, 1967, published in FEDERAL REGISTER, issue of May 26, 1967, amended and republished in FEDERAL REGISTER, issue of June 7, 1967, corrected, and republished as corrected, this issue. Applicant: BONDED WAREHOUSE CO., 1324 East Lancaster, Post Office Box 1637, Fort Worth, Tex. 76101. Applicant's representative: Reagan Sayers, Century Life Building, Post Office Box 17007, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, (1) between points in Texas, and (2) between points in Texas, on the one hand, and, on the other, points in Alabama, Arkansas, Mississippi, Florida, and Georgia; for 180 days. Supporting shippers: Sinclair Oil & Gas Co., Sinclair Oil Building, Tulsa, Okla.; Sherwin-Williams Co., 437 North Central Expressway, Dallas, Tex. 75201; Container Corp. of America, 500 East North Avenue, Carol Stream, Ill.; and 3M Co., 2501 Hudson Road, St. Paul, Minn. 55119. Send protests to: Billy R. Reid, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 9A27, Federal Building, 819 Taylor Street, Fort Worth, Tex. 76102. NOTE: Applicant states that it intends to tack at all common points authorized under MC 44053 and Subs thereunder. The purpose of this republication is to set forth applicant's intention to tack, previously inadvertently omitted.

No. MC 53622 (Sub-No. 5 TA), filed June 30, 1967. Applicant: SANTINI BROS., INC., doing business as THE SEVEN BROTHERS and THE SEVEN SANTINI BROTHERS, 1405 Jerome Avenue, Bronx, N.Y. 10452. Applicant's representative: Edward M. Alfano, 2 West 45th Street, New York, N.Y. 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Boone, Winnebago, Cook, Du Page, McHenry, Lake, Will, and Kane Counties, Ill.; restricted to shipments moving on the through bill of lading of a forwarder operating under the section 402(B)(2) exemption, and further restricted to shipments having an immediately prior or subsequent line-haul movement by rail, motor, water, or air; for 180 days. Supporting shipper: Home-Pack Transport, Inc., 57-48 49th Street, Maspeth, N.Y. Send protests to: Robert E. Johnston, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 346 Broadway, New York, N.Y. 10013.

No. MC 55236 (Sub-No. 151 TA), filed July 3, 1967. Applicant: OLSON TRANSPORTATION COMPANY, 1970 South Broadway, Post Office Box 1167, Green Bay, Wis. 54306. Applicant's representative: G. R. Richmond (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Port Edwards, Wis., to points in Illinois, Indiana, Iowa, Michigan, and Minnesota; for 180 days. Supporting shipper: Wyandotte Chemicals Corp., Wyandotte, Mich. 48192 (William H. Wright, Transportation Manager-Rates). Send protests to: W. F. Sibbald, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 96563 (Sub-No. 2243 TA), filed June 30, 1967. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York, N.Y. 10017. Applicant's representative: John H. Engel, 2413 Broadway, Kansas City, Mo. 64108. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service, (1) between Denver, Colo., and Salt Lake City, Utah: From Denver, over U.S. Highway 6/Interstate Highway 70 to junction U.S. Highway 50, thence over U.S. Highway 50/Interstate Highway 15 to Salt Lake City, and return over the same route, serving the intermediate and/or off-route points of Minturn, Glenwood Springs, Rifle, Palisade, Grand Junction, and Fruita, Colo., and Thompson, Green River, Price, Thistle, Payson, Spanish Fork, Provo, American Fork, Lehi, and Midvale, Utah; (2) between Grand Junction, Colo., and Gunnison, Colo., over U.S. Highway 50, and return over the same route, serving the intermediate and/or off-route points of Delta, Hotchkiss, Paonia, and Montrose, Colo.; and (3) between Glenwood Springs, Colo., and Aspen, Colo., over Colorado Highway 82, and return over the same route, serving the off-route point of Carbondale, Colo.; for 150 days. Restrictions: (1) The service to be performed shall be limited to that which is auxiliary to or supplemental of express service of the Railway Express Agency, Inc. (2) Shipments transported shall be limited to those moving on through bills of lading or express receipts. NOTE: Applicant herein seeks authority to use Interstate Highway 70 and Interstate Highway 15 where and as when completed. To bridge the gaps in those highways that are not yet completed, it is necessary at this point to revert to the U.S. highways named in conjunction with the Interstate highways and separated by a slash in the foregoing description. Applicant requests that the authority for the proposed operations, if granted, be construed as an extension, to be joined, tacked, and combined with R E A's existing authority in MC 96563 and Subs thereunder, thereby negating the restrictions against tacking or joinder customarily placed upon temporary authority. Supporting shipper: No supporting shippers except R E A. Send protests to: Stephen P. Tomany, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 346 Broadway, New York, N.Y. 10013.

No. MC 96129 (Sub-No. 3 TA), filed July 3, 1967. Applicant: CARLTON REPSHER, Skinners Eddy, Pa. Applicant's representative: Kenneth R. Davis, 1106 Dartmouth Street, Scranton, Pa. 18504. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Insulation and insulation products*, from Mountain Top, Pa., to Binghamton and Elmira, N.Y.; (2) *salt*, from Cortland, N.Y., to Laceyville, Pa.; and (3) *building materials*, from Round Brook, N.J., the harbor areas of New York and New Jersey, Buffalo, N.Y., and Baltimore, Md., to Laceyville, Pa.; for 180 days. Supporting shipper: Whipple Bros., Inc., 342 East Main Street, Laceyville, Pa. Send protests to: Paul J. Kenworthy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 309 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 107002 (Sub-No. 338 TA), filed July 3, 1967. Applicant: HEARIN-MILLER TRANSPORTERS, INC., U.S. Highway 80 West, Post Office Box 1123, Jackson, Miss. 39205. Applicant's representative: John J. North (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Pascagoula, Miss., to points in Georgia, Illinois, Indiana, Kansas, Michigan, Ohio, Texas, and Tennessee (except Kingsport); for 180 days. Supporting shipper: First Chemical Corp., Post Office Box 1427, Pascagoula, Miss. 39567 (Sam E. Carson, General Manager). Send protests to: Floyd A. Johnson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 312-A U.S. Post Office Building, Jackson, Miss. 39201.

No. MC 108397 (Sub-No. 13 TA), filed July 3, 1967. Applicant: FOX TRANSPORT SYSTEM, 21 South Fifth Street, Philadelphia, Pa. 19106. Applicant's representative: Alan Kahn, Suite 1920, 2 Penn Center Plaza, John F. Kennedy Boulevard at 15th Street, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products* requiring transportation under temperature-controlled conditions, and *fruit juices and fruit drinks* (excluding commodities in bulk, in tank or hopper vehicles), from Fort Washington Industrial Park, Fort Washington, Montgomery County, Pa., to points in Delaware south of a line extending through Little Creek, Dover, and Pearson's Corner, Del.; points in Maryland on and east of Interstate Highway 81 (excluding those points in Maryland north of Baltimore and on and east of U.S. Highway 1 and excluding those points in Maryland east and north of a line beginning at the Maryland-Pennsylvania State line and extending along the Susquehanna River to the Chesapeake Bay, thence along the Chesapeake Bay shore line to the Chesapeake and Delaware Canal, thence along the Chesapeake and Delaware Canal to the Maryland-Delaware State line, and thence along the Maryland-Delaware and Maryland-Pennsylvania State lines to the point of beginning; to points in Arlington, Clarke, Fairfax, Frederick, and Loudoun Counties, Va.; and points in Berkeley and Jefferson Counties, W. Va.; for 180 days. Supporting shipper: The Great Atlantic & Pacific Tea Co., Inc., 20th and Market Streets, Philadelphia, Pa. 19104. Send protests to: Peter R. Guman, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 900 U.S. Customhouse, Second and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 111786 (Sub-No. 21 TA), filed June 28, 1967. Applicant: BURNS MOTOR FREIGHT, INC., Post Office Box No. 149, U.S. Highway 219 North, Marlinton, W. Va. 24954. Applicant's representative: Theodore Polydoroff, 917 Munsey Building, 1329 E Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pickeboard*, on skids, from Gassaway, W. Va., to Bassett, Martinsville, and Stanleytown, Va.; York, Stewartstown, Millinburg, Glenrock, Walsontown, Eldred, Willow Grove, Meyersdale, and Red Lion, Pa.; Asheville, Drexel, Thomasville, High Point, Statesville, Marion, Morgantown, and Greensboro, N.C.; and Bel Air, Md.; for 180 days. Supporting shipper: West Virginia Forest Products Co., Gassaway, W. Va. (Lee Green, General Manager). Send protests to: H. R. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 3202 Federal Office Building, Charleston, W. Va. 25301.

No. MC 116277 (Sub-No. 6 TA), filed June 29, 1967. Applicant: POLMAN TRANSFER, INC., Route No. 3, Wadena, Minn. 56482. Applicant's representative: James F. Greenstein, Twin City Federal Building, 112 East Sixth Street, St. Paul, Minn. 55101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alfalfa pellets*, in bulk, from Thief River Falls, Minn., to points in North Dakota, South Dakota, Montana, Iowa, Nebraska, Wisconsin, and Illinois; and *rejected or damaged shipments* on return; for 180 days. Supporting shipper: Northwest Pellet Association, Box 591, Thief River Falls, Minn. 56701. Send protests to: A. E. Rathert, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 126799 (Sub-No. 2 TA), filed June 28, 1967. Applicant: MACK E. BURGESS, doing business as BUILDERS' TRANSPORT, 1127 Smelter Avenue, Black Eagle, Mont. 59401. Applicant's representative: Howard C. Burton, 504 Strain Building, Great Falls, Mont. 59401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building materials, gypsum and gypsum products, and materials and supplies* used in the installation and/or application of such commodities, from the plant of U.S. Gypsum Co. at or near Heath, Mont., to points in Wyoming, and *rejected shipments* on return; for 180 days. Supporting shippers: U.S. Gypsum Co., 101 South Wacker Drive, Chicago, Ill. 60606; and U.S. Gypsum Co., 900 South Stevens, Spokane, Wash. 99204. Send protests to: Paul J. Labane, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 251 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 126899 (Sub-No. 1 TA), filed June 29, 1967. Applicant: BRAZOS TRANSPORT CO., East Highway 80, Post Office Drawer 2070, Abilene, Tex. 79604. Applicant's representative: B. B. Gamblin (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum products and supplies and materials* used in the installation of gypsum products when transported incidental to and in the same vehicle with shipments of gypsum products, from Medicine Lodge, Kans., to Anabel, Armstrong, Ashland, Auxvasse, Bates City, Bevier, Blackburn, Blackwater, Blackwater Junction, Bree Lick, Boonville, Bowdry, Breckenridge, Brookfield, Browning, Brunswick, Bucklin, Buckner, Cairo, Callao, Cameron, Carrollton, Cedar City, Centralia, Chillicothe, Clarence, Clark, Clifton Hill, Columbia, Concordia, Corder, Danville, De Witt, Dover, Ely, Emma, Estill, Fairville, Farmersville, Fayette, Forest Green, Foristell, Franklin, Fulton, Gilliam, Glasgow, Grain Valley, Grand Pass, Hamilton, Hannibal, Higginsville, High Hill, Hinton, Holts Summit, Hunnewell, Huntsville, Independence, Jacksonville, Jefferson City, Jonesburg, Kansas City, Keytesville, Kingdom City, Kirkwood, Laclede, Lake City, Lakenan, Lamine, Lemons, Lentner, Levasy, Lewis Mills, Lexington, Linneus, Macon, McCredie, Malta Bend, Marshall, Marshall Junction, Meadville, Mexico, Miami (Carroll County), Midway (Boone County), Milan, Mineola, Moberly, Monroe City, Mooresville, Mount Leonard, Napoleon, Nettleton, New Bloomfield, New Cambria, New Florence, New Franklin, New Market, North Kansas City, Oak Grove (Jackson County), Odessa, O'Fallon, Osborn, Platte City, Pollock, Purdin, Renick, Ridge Prairie, Roanoke, Robertson, Rocheport, St. Charles, St. Joseph, St. Louis, St. Peters, Salisbury, Sedalia, Shannondale, Shelbina, Slater, Stewartsville, Sturgeon, Sweet Springs, Thompson, Trenton, Unionville, Utica, Warrenton, Waverly, Wellington, Wentzville, Wheeling, Williamsburg, and Wright City, Mo.; for 180 days. Supporting shipper: National Gypsum Co., Medicine Lodge, Kans. Send protests to: Billy R. Reid, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 9A27, Federal Building, 819 Taylor Street, Fort Worth, Tex. 76102.

No. MC 126798 (Sub-No. 1 TA), filed June 30, 1967. Applicant: GALASSO TRUCKING INC., 8 Kilmer Road, Larchmont, N.Y. 10538. Applicant's representative: Charles H. Trayford, 127 East 56th Street, New York, N.Y. 10016. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are bought, sold, dealt in, and used by department stores, between points (nonradial) in Fairfield County, Conn.; Westchester, Rockland, Nassau, Suffolk, and Orange Counties, N.Y.; Bergen, Passaic, Essex, Hudson, Union, Middlesex, Somer-

set, Morris, and Monmouth Counties, N.J.; and New York, N.Y.; for 180 days. Supporting shipper: Bloomingdale's, Lexington Avenue at 59th Street, New York, N.Y. 10022 (Robert E. Vantine, General Traffic Manager). Send protests to: Stephen P. Tomany, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 346 Broadway, New York, N.Y. 10017.

No. MC 129156 TA. (Correction), filed June 12, 1967, published in FEDERAL REGISTER, issue of June 21, 1967, corrected, and republished as corrected, this issue. Applicant: DESERT VAN & STORAGE, INC., Post Office Box 965, Barstow, Calif. 92311. Applicant's representative: Carl H. Fritze, 1010 Wilshire Boulevard, Los Angeles, Calif. 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods;* restricted to shipments moving on a through bill of lading of a freight forwarder operating under section 402(B)(2), and further restricted to shipments having a prior or subsequent line-haul movement by rail, motor, water, or air; (1) between points in San Bernardino County, Calif., and that part of Kern County, Calif., east of California Highway 14 and U.S. Highway 395 from junction California Highway 14 to the Kern-Inyo County line; and (2) between points in San Bernardino County, Calif., and that part of Kern County, Calif., east of California Highway 14 and U.S. Highway 395 from junction California Highway 14 to the Kern-Inyo County line, on the one hand, and, on the other, points in the Los Angeles Harbor commercial zone; for 180 days. Supporting shippers: Continental Forwarders, Inc., 106 Leonard Street, New York, N.Y.; Routed Thru-Pac, Inc., 360 Broadway, New York, N.Y.; Pyramid Van Lines, 479 South Airport Boulevard, South San Francisco, Calif.; Burnham World Forwarders, Inc., 1633 Second Avenue, Columbus, Ga. 31901; Swift Home-Wrap, Inc., 106 Leonard Street, New York, N.Y. 10013; and Northwest Consolidators, Post Office Box 3563, Terminal Annex, Seattle, Wash. 98124. Send protests to: John E. Nance, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012. NOTE: The purpose of this republication is to set forth the scope of the application, previously inadvertently omitted.

No. MC 129269 TA, filed June 29, 1967. Applicant: LEWIS THOMPSON DAVIS, JR., Post Office Box 65, Lewiston, N.C. 27849. Applicant's representative: W. B. Gillam, Jr., Windsor, N.C. 27983. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Farm and industrial machinery*, manufactured by Harrington Manufacturing Co., Inc., or which Harrington Manufacturing Co., Inc., may require to be hauled under bilateral written contract with applicant, from Lewiston, N.C., to points in South Carolina, Georgia, and Virginia; for 180 days. Supporting shipper: Harrington Manufacturing Co., Inc., Lewiston, N.C. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Post Office Box 10095, Cameron Village Station, Raleigh, N.C. 27605.

No. MC 172 (Sub-No. 5 TA), filed July 3, 1967. Applicant: ARNOLD E. WADE, 1312 Helderberg Avenue, Schenectady, N.Y. 12306. Applicant's representative: James H. Glavin III, 69 Second Street, Waterford, N.Y. 12188. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, from points in that part of New York bounded by a line beginning at Windham, N.Y., and extending through Gilboa to Cooperstown, thence through Sharon Springs to Amsterdam, thence through Hoffmans to Schenectady, and thence through South Berne to point of beginning, to ports of entry on the international boundary line between the United States and Canada, located in New York; for 150 days. Supporting shipper: The 11 supporting statements attached to application may be examined at the Interstate Commerce Commission in Washington, D.C., or at the field office named below. Send protests to: Jack G. Takakjian, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Albany, N.Y. 12207.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-8010; Filed, July 11, 1967; 8:48 a.m.]

[Notice 5]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 7, 1967.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-69623. By order of June 29, 1967, the Transfer Board approved the transfer to Augie Passieu Trucking, Inc., Cecil, Pa., of the operating rights in certificate No. MC-86941 (Sub No. 1), issued October 9, 1964, to A. Sidney DeVoe and Wray Fullarton, doing business as McDonald Express and Transfer, McDonald, Pa., authorizing the transportation of general commodities, except classes A and B explosives, and authorizing the transportation of household goods, coal, and oil well machinery and supplies, between designated points and areas in Pennsylvania. Transferee holds authority as a contract carrier in permit No. MC-125388. Dual operations are involved. Arthur J. Diskin, 302 Frick Building, Pittsburgh, Pa. 15219, attorney at law.

No. MC-FC-69663. By order of June 30, 1967, the Transfer Board approved the transfer to Robert Lauber, Sunman, Ind., of the operating rights in certificate No. MC-110385 issued January 27, 1960, to Cecil H. Myers, doing business as Myers Trucking Service, Batesville, Ind., authorizing the transportation of: Fertilizer, in bags, from Cincinnati, Ohio, and points and places in Ohio within 10 miles thereof, and from Louisville, Ky., to points and places in Ripley and Decatur Counties, Ind. Animal and poultry feed, from Cincinnati, Ohio, to points and places in Ripley County, Ind. Livestock, and grain in bulk, from points and places in Ripley County, Ind., to Cincinnati, Ohio. Robert C. Smith, 620 Illinois Building, Indianapolis, Ind. 46204, attorney for applicants.

No. MC-FC-69710. By order of June 29, 1967, the Transfer Board approved the transfer to Paul Abler, doing business as Central Transport Co., Norfolk, Nebr., of certificate No. MC-107350, issued May 11, 1961, to Irvin Timperley, Norfolk, Nebr., and acquired by Adeline Timperley, doing business as Timperley Trucking, Route 3, Norfolk, Nebr., pursuant to No. MC-FC-68764, and authorizing the transportation of agricultural commodities, household goods, emigrant movables, farm machinery and building materials, between specified points in Iowa, Nebraska, and South Dakota. J. Max Harding, 605 South 14th Street, Post Office Box 2028, Lincoln, Nebr. 68501, attorney for transferee.

No. MC-FC-69715. By order of June 27, 1967, the Transfer Board approved the transfer to M. and W. Corp., Lowell, Ind., of certificate in No. MC-123508, issued December 12, 1961, to Westerberg Trucking, Inc., Lowell, Ind., authorizing the transportation of: Sand, gravel, and stone, in dump trucks, from Thornton, Ill., and from the site of the facilities of the Materials and Service Division of the General Dynamics Corp., in Chicago, Ill., to points in Lake, Jasper, and Newton Counties, Ind., Warren C. Moberly, 1212 Fletcher Trust and Building, Indianapolis, Ind. 46204, attorney for applicants.

No. MC-FC-69736. By order of June 29, 1967, the Transfer Board approved the transfer to O'Brien's Moving & Storage, Inc., Reno, Nev., of the operating rights in certificate No. MC-109375, issued November 7, 1950, to Harry Armstrong O'Brien, doing business as O'Brien's Transfer & Storage, Reno, Nev., and the trade name was changed by order of Division 1 dated September 18, 1961, to read O'Brien's Moving & Storage, authorizing the transportation of household goods, over irregular routes, between Reno, Nev., and points in Nevada within 50 miles of Reno, on the one hand, and, on the other, points in California within 250 miles of Reno.

Gordon C. Shelley, 1117 Forest Street, Reno, Nev. attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-8011; Filed, July 11, 1967; 8:48 a.m.]

[Notice No. 5-A]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 7, 1967.

Application filed for temporary authority under section 210(a)(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 179:

No. MC-FC-69801. By application filed July 3, 1967, DART TRUCKING COMPANY, INC., 61 Railroad Street, Canfield, Ohio, seeks temporary authority to lease the operating rights of SIGLE TRUCKING CO., Post Office Box 332, North Lima, Ohio 44452, under section 210a(b). The transfer to DART TRUCKING COMPANY, INC., of the operating rights of SIGLE TRUCKING CO., is presently pending.

H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-8012; Filed, July 11, 1967; 8:49 a.m.]

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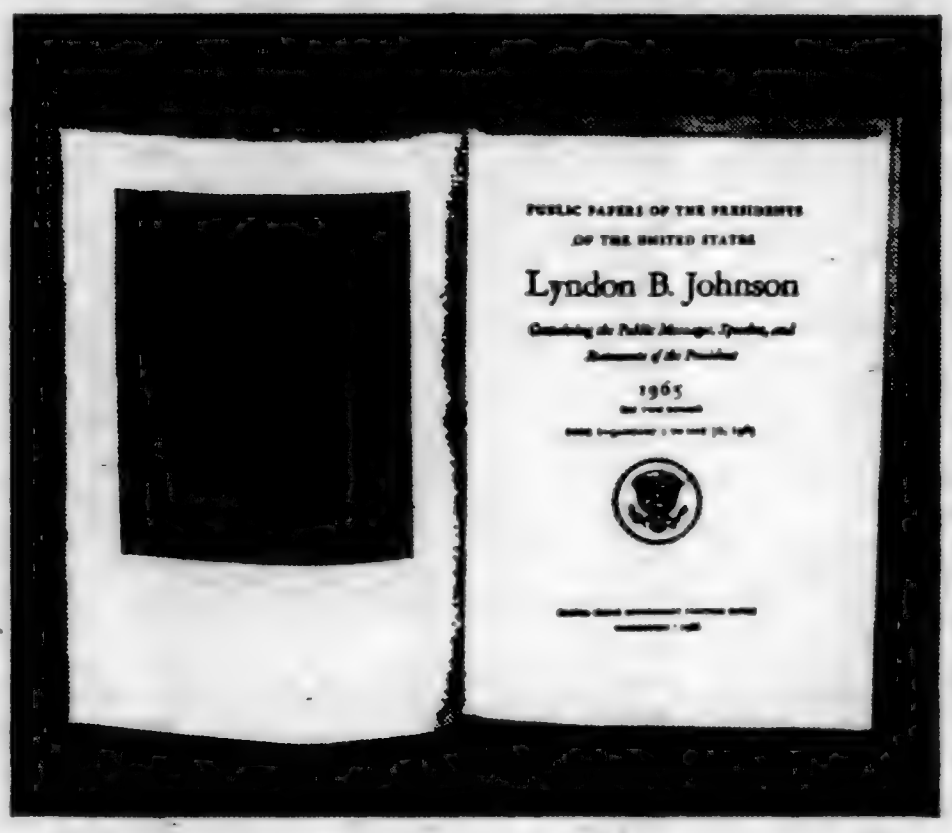
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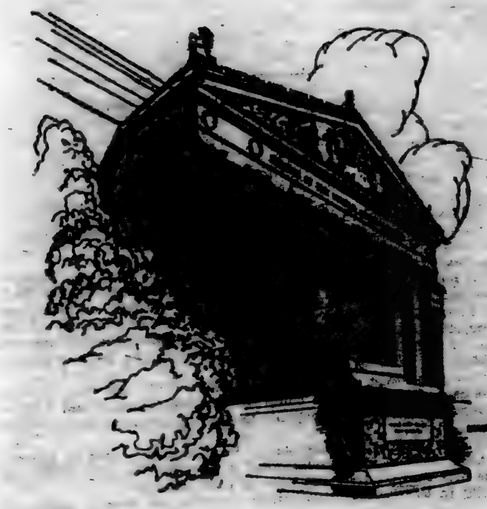
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PART 213—EXCEPTED SERVICE

Export-Import Bank of Washington

Section 213.3242 is added to show that not to exceed three positions of Loan Specialist are excepted under Schedule B when occupied by persons selected jointly by commercial banks and the agency for participation in the Eximbank-Commercial Bank Orientation Program. Appointments under this authority may not exceed 15 months. Effective on publication in the FEDERAL REGISTER, § 213.3242 is added as set out below.

§ 213.3242 Export-Import Bank of Washington.

(a) Not to exceed three positions of Loan Specialist GS-11 through GS-13 when occupied by persons selected jointly by commercial banks and the agency for participation in the Eximbank-Commercial Bank Orientation Program. Appointments under this authority may not exceed 15 months.

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7831, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-8061; Filed, July 12, 1967; 8:48 a.m.]

PART 213—EXCEPTED SERVICE

General Services Administration

Section 213.3337 is amended to show that one of two positions of Special Assistant to the Administrator no longer is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (3) of paragraph (a) of § 213.3337 is amended as set out below.

§ 213.3337 General Services Administration.

(a) *Office of the Administrator.* • • •

(3) One Special Assistant to the Administrator.

• • • • •

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7831, 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-8062; Filed, July 12, 1967; 8:48 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM ACREAGE ALLOTMENTS AND MARKETING QUOTAS

[Amdt. 15]

PART 717—HOLDING OF REFERENDA ON MARKETING QUOTAS

Subpart—Regulations Governing the Holding of Referenda on Marketing Quotas

Place for Balloting

Correction

In F.R. Doc. 67-7731, appearing at page 9946 of the issue for Friday, July 7, 1967, the following corrections are made:

1. On page 9947, the State heading at the top of the left-hand column should read "Georgia" instead of "Alabama", and the State heading at the top of the right-hand column should read "North Carolina" instead of "Alabama".

2. On page 9948, the State heading at the top of the left-hand column should read "North Carolina" instead of "Alabama".

[Amdt. 1]

PART 725—FLUE-CURED TOBACCO

Subpart—Flue-Cured Tobacco, 1966–67 and Subsequent Marketing Years

MISCELLANEOUS AMENDMENTS

Basis and purpose. This amendment is issued pursuant to and in accordance with the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.), and is made for the purpose of amending the Flue-Cured Tobacco Allotment and Marketing Quota Regulations for the 1966–67 and Subsequent Marketing Years. The amendment (1) provides that the tobacco allotment may be reduced if the farm has insufficient cropland, (2) expands provisions for preservation of history acreage where tobacco is regarded as planted under conservation programs and conservation practices pursuant to Part 719, (3) clarifies procedure for making mathematical determinations of effective farm acreage allotments and quotas, (4) authorizes the State executive director to omit showing data for 10 percent of quota on marketing cards when issued, (5) includes the rate of penalty applicable on marketings of excess tobacco during the 1967–68 marketing year, (6) includes provisions heretofore in administrative procedure which are required to be published in the FEDERAL REGISTER pursuant to Public Law 89-487, approved July 4, 1966, and (7) makes clarifying administrative changes of a procedural nature. A table of contents embodying the changes set forth is included in the amendment.

Tobacco farmers are engaged in the preparation for and production of flue-cured tobacco for 1967 and marketings of the crop will begin soon. Hence, it is essential that this amendment be made effective at the earliest possible date. Accordingly, it is hereby found and determined that compliance with the notice, public procedure, and 30-day effective date requirements of 5 U.S.C. 553 is impracticable and contrary to the public interest, and the amendment contained herein shall become effective upon date of filing this document with the Director, Office of the Federal Register.

1. Section 725.56 is amended by revising paragraph (a) to read as follows:

§ 725.56 Determination of preliminary farm acreage allotments.

(a) *Farms with history acreage in base period.* A preliminary farm acreage allotment shall be determined for each farm which has tobacco history acreage, as defined and explained in § 725.73 of this part, in the base period, except that no preliminary farm acreage allotment shall be established in the current year under any one of the following conditions: (1) The only tobacco history acreage credited to the farm during the entire base period is history acreage restored because the allotment was reduced for violation of the marketing quota regulations, (2) a new farm allotment was established in any prior year but was canceled for the year preceding the current year, (3) an allotment was pooled under Part 719 of this chapter but was canceled, or (4) the county committee determines that the cropland in the farm has been retired from agricultural production and was not and could not have been acquired under the right of eminent domain by the person or agency that acquired it: *Provided*, That this paragraph shall not preclude the determination of a preliminary farm acreage allotment for (i) an old farm that is returned to agricultural production if the allotment for the retired land was not allocated to other land contained in the farm of which the retired land was a part, or (ii) a farm for which an acreage allotment may be determined under the provisions of § 725.68.

• • • • •

2. Section 725.56 is amended to read as follows:

§ 725.56 Determination of farm acreage allotments and effective farm acreage allotments.

(a) *Farm acreage allotments.* The farm acreage allotment shall be determined by multiplying the current year's

preliminary farm acreage allotment by the national acreage factor for the current year.

(b) *Effective farm acreage allotment.* The effective farm acreage allotment for the current year shall be determined by adjusting the farm acreage allotment for the current year as follows:

(1) *Upward adjustment.* (i) Add the farm marketing quota and the pounds undermarketed in the preceding marketing year (not to exceed 100 per centum of the preceding year farm marketing quota plus pounds leased to the farm for such year) and divide the result by the current year's farm yield.

(ii) Add to the acreage computed under subdivision (i) of this subparagraph the acreage obtained by dividing the pounds leased and transferred to the farm for the current year by the current year's farm yield for the lessee farm.

(2) *Downward adjustment.* The farm acreage allotment, after adjustment under subparagraph (1) of this paragraph, if any, shall be adjusted downward as follows:

(i) Subtract from the farm marketing quota the pounds overmarketed in the preceding marketing year (plus additional pounds overmarketed in any prior marketing year for which a reduction in quotas has not been made) and divide the result by the current year's farm yield.

(ii) Subtract from the acreage computed under (i) of this subparagraph the (a) acreage obtained by dividing the pounds leased and transferred from the farm for the current year by the current year's farm yield for the lessor farm, (b) acreage reduced because of insufficient cropland, and (c) acreage reduced because of a violation of the marketing quota regulations.

3. Section 725.60 is amended by revising paragraph (b) to read as follows:

§ 725.60 Determination of effective farm marketing quotas.

* * * * *

(b) *Downward adjustment.* The farm marketing quota, after adjustment, if any, under paragraph (a) of this section shall be adjusted downward by subtracting (1) the pounds overmarketed in the preceding marketing year plus additional pounds overmarketed in any prior marketing year for which a reduction in quota has not been made, (2) the pounds reduced for violation of the tobacco marketing quota regulations for a prior year, (3) the pounds leased and transferred from the farm for the current year, and (4) the pounds computed for allotment reduction because of insufficient cropland acreage on the farm.

4. Section 725.66 is amended by adding to the end of paragraphs (a) and (b) the following:

§ 725.66 Correction of errors and adjusting inequities in acreage allotments for old farms.

(a) *General.* * * * The reserve acreage for adjusting allotments under this paragraph will be held at the national level. The national office will advise State offices of the amount. Correction of errors shall be made out of the reserve acreage before allotments are adjusted for inequities. Any reserve acreage used in adjusting old farm allotments for inequities shall be approved by the Deputy Administrator.

(b) *Basis for adjustment.* * * * The total of all adjustments in old farm allotments under this paragraph shall not exceed the acreage apportioned the county for such purpose. The sum of adjustments for farms in the county owned, operated, or controlled by the State, county and community committeemen and the county office manager, shall not be larger in relation to the sum of the preceding year's allotments for such farm than the sum of the adjustments for other farms in the county in relation to the preceding year's allotments for such farms.

* * * * *

5. Section 725.68 is amended by adding to the end of pargraph (d) the following:

§ 725.68 Allotments and yields for farms acquired under right of eminent domain.

* * * * *

(d) *Release and reapportionment* * * * No release and reapportionment of allotment acreage hereunder shall be the result of any private negotiations between individuals. Any acreage released shall be released to the county committee and such acreage shall be reapportioned only by the county committee.

6. Section 725.73 is amended by revising paragraphs (a), (b), and (c) to read as follows:

§ 725.73 Determining tobacco history acreages.

Tobacco history acreage shall be determined for each farm for which a tobacco farm acreage allotment has been established for the current year.

(a) *Farm acreage allotment fully preserved.* The farm acreage allotment is fully preserved as tobacco history acreage for the current year if:

(1) (i) In the current year or either of the two preceding years the sum of (a) the final tobacco acreage as determined under Part 718 of this chapter, (b) the acreage computed for pounds leased and transferred from the farm under lease and transfer provisions, (c) acreage reduced because of insufficient cropland acreage, (d) and the acreage regarded as planted to tobacco under the conservation programs and practices determined pursuant to Part 719 of this chapter, was as much as 75 per centum of the farm acreage allotment (after adjustment for overmarketings and reduction for violation of marketing quota regulations). If an erroneous notice of allotment is issued, the smaller of the correct or the erroneous notice shall be used to determine whether 75 percent planting provision has been met; or (ii) in the current year or either of the two preceding years the farm acreage allotment is or was in the eminent domain allotment pool; or

(2) The farm consists of federally owned land for which a restrictive lease is in effect prohibiting the production of tobacco.

(b) *Computed history acreage.* If the farm acreage allotment is not fully preserved as tobacco history acreage under paragraph (a) of this section, the tobacco history acreage shall be the sum of the acreage (not to exceed the farm acreage allotment) as follows:

(1) Final tobacco acreage.

(2) Acreage computed for pounds leased and transferred from the farm.

(3) Acreage reduced because of insufficient cropland acreage.

(4) Acreage regarded as planted to tobacco under the conservation programs and practices.

(c) *Adjustment of tobacco history acreage for abnormal weather or disease.* If the county committee determines (with the approval of a representative of the State committee) that for any year the sum of (1) the final tobacco acreage, (2) the acreage computed for pounds leased and transferred from the farm under the lease and transfer provisions, (3) acreage reduced because of insufficient cropland acreage, and (4) the acreage regarded as planted to tobacco under the conservation programs and practices is less than 75 per centum of the farm acreage allotment (after any reduction for violation of the marketing quota regulations and adjustment for overmarketings) because of abnormal weather or disease, the tobacco history acreage for such year shall be adjusted to become the smaller of (5) the farm acreage allotment, or (6) the sum of the (i) final tobacco acreage for the farm, (ii) the acreage computed for pounds leased and transferred from the farm, (iii) acreage reduced because of insufficient cropland acreage, (iv) the acreage regarded as planted to tobacco under the conservation programs and practices, and (v) if the farm operator makes a written request of the county committee not later than October 1 of the crop year involved, the additional acreage which the county committee determines (with the approval of a representative of the State committee) would have been included in the final acreage if the weather had been normal, or there had been no disease. Any adjustment in tobacco history acreages because of abnormal weather or disease shall not be considered as acreage devoted to tobacco in determining whether or not 75 percent of the farm acreage allotment is planted.

7. A new § 726.75 is added to read as follows:

§ 725.75 Reduction in farm allotment because of cropland limitation.

The allotment determined for any farm under these regulations may be reduced for the current year if the sum of the feed grain base, total allotments, and sugar proportionate shares exceeds the cropland for the farm for the current year and the farm operator requests in writing to reduce the tobacco allotment in lieu of the feed grain base: *Provided*, That such reduction shall not exceed the acreage by which the sum of the feed grain base, total allotments, and sugar proportionate shares exceeds the cropland for the farm: *Provided further*, That such reduction shall be effective for the current year only. For purposes of establishing future farm allotments, the acreage not planted under the farm allotment because of reduction under this paragraph shall be regarded as planted on the farm.

8. Section 725.87 is amended by adding two sentences to the end of paragraph (a) and changing paragraph (f) to read as follows:

§ 725.87 Issuance of marketing card.

(a) *General.* * * * The face of the marketing card may show the name of other interested producers. For cards issued in North Carolina, South Carolina, and Virginia, the card shall show the harvested acreage on the face of the card.

* * * * *

(f) *Farm quota data entered on marketing card and supplemental card.* (1) Any marketing card issued to market tobacco shall show when issued, in the space provided on the reverse side, (i) the pounds computed by multiplying 10 percent times the effective farm marketing quota (unless no entry is authorized by the State executive director) and (ii) the pounds computed by multiplying 110 percent times the effective farm marketing quota.

(2) Where the farm operator requests it, a supplemental marketing card bearing the same name and identification as shown on the original marketing card may be issued for a farm upon return to the county office of an original marketing card or a supplemental marketing card. The pounds computed as 10 percent of the effective farm marketing quota shall be entered in the space provided on reverse side of the marketing card (unless no entry is authorized by the State executive director) and the balance of 110 percent of quota from prior marketing card shall be shown in the first space on the card.

(3) Two or more marketing cards may be issued for a farm if the farm operator so requests in writing and specifies in writing the number of pounds to be assigned to each card. In such cases (i) each marketing card shall show 10 percent of the assigned quota in the space "10 percent of quota" (unless no entry is authorized by the State executive director), and (ii) each marketing card shall show the assigned quota in the space "110 percent of quota."

9. Section 726.88 is amended by adding a new sentence at the end of subparagraph (1) of paragraph (a) as follows:

§ 725.88 Debt stamping and replacing marketing cards.

(a) *Stamping to show indebtedness.* (1) * * * Issue a debt-free marketing card when the debt has been paid.

* * * * *

10. Section 725.91 is amended by revising paragraph (a) to read as follows:

§ 725.91 Identification of marketings.

(a) *Identification of producer marketings.* Each auction and nonauction marketing of tobacco from a farm in the current year shall be identified by a marketing card, Form MQ–76, issued for the farm. The reverse side of the marketing card shall show in pounds (1) 10 percent of quota (unless no entry is authorized by the State executive director), (2) 110 percent of quota, (3) balance of 110 percent of quota after each sale, and (4) date of sale. Also, each producer sale, auction or nonauction, shall be recorded on a uniform tobacco sale bill.

* * * * *

11. Section 725.92 is amended by adding paragraphs (d) and (e) as follows:

§ 725.92 Rate of penalty.

* * * * *

(d) *Average market price.* The average market price as determined by the Crop Reporting Board for the marketing years specified was:

AVERAGE MARKET PRICE

Marketing year:	Cents per pound
1966–67	66.9

(e) *Rate of penalty per pound.* The penalty per pound upon marketings of excess tobacco subject to marketing quotas during the marketing years specified shall be:

RATE OF PENALTY

Marketing year:	Cents per pound
1967–68	50

12. Section 725.98 is amended by adding paragraphs (k) and (l) at the end thereof to read as follows:

§ 725.98 Producers' records and reports.

* * * * *

(k) *Unauthorized erasure on marketing card.* Any unauthorized erasure of any information or data on a marketing card shall be considered a violation and may, subject to rebuttal, be cause for an allotment reduction and assessment of marketing quota penalty.

(l) *County administrative hearings in connection with violations.* Except for the failure to return a marketing card to the county office, the allotment for any farm shall not be reduced for a violation under this section until after the operator of the farm has been notified in writing by the county office manager of the time and place of a hearing to determine the nature and extent of the violation. The notice of the hearing shall request the farm operator to bring to the hearing warehouse bills (floor sheets) and other relevant supporting documents. At least two members of the county committee shall be present at the hearing. The hearing shall be held at the time and place named in the notice and any action taken on the violation shall be taken after the hearing. If the farm operator does not attend the hearing, or is not represented, the county committee may take whatever action it deems proper.

13. Section 725.99 is amended by changing the first sentence in subparagraph (2) of paragraph (a), adding item (11) to paragraph (g), and adding paragraph (h), to read as follows:

§ 725.99 Warehouseman's records and reports.

(a) *Record of marketing.* * * *

(3) *Buyers corrections account.* * * * Each warehouseman shall keep such records as will enable him to furnish a weekly report on Form MQ–71 to the ASCS State office showing the total pounds and amounts of the debits (for returned baskets, short baskets and short weights of tobacco) and the credits (for long baskets and long weights of tobacco) to the Buyers Corrections Account.

* * * * *

(g) *Daily warehouse sales summary.* * * *

(11) In balancing total sales (represented by marketing recorder's data for total pounds sold and identified plus pounds for suspended sales as reflected on sale bills) with computed total sales (bill-out totals, as reported by the warehouseman) the State executive director is authorized to approve reports with variances of 100 pounds or less.

(h) *Report to county office of long weights and long baskets.* Each warehouseman shall report to the ASCS county office or marketing recorder long weights and long baskets of producer tobacco (first sales) for which the farmer has been paid.

14. A new § 725.104a is added after § 725.104 to read as follows:

§ 725.104a Registration of warehousemen and dealers.

Any dealer or warehouseman dealing in flue-cured tobacco shall be registered with the U.S. Department of Agriculture. Such registration will be handled by the North Carolina ASCS State Office, Raleigh, N.C. Any person desiring to register as a dealer or warehouseman shall complete an "Application for Dealer Identification Card" and submit it to the State office. Warehousemen will be assigned a three-digit identification number and dealers will be assigned a four-digit identification number. Persons requesting it will be issued a dealer identification card, Form MQ–79–3.

15. Section 725.109 is amended by adding paragraph (j) to read as follows:

§ 725.109 Determination of discount varieties.

* * * * *

(j) *Estimate of production.* For any farm on which it has been determined discount variety tobacco is being grown, a Form MQ–92, Estimate of Production, shall be obtained. The form shall be executed jointly by a producer on the farm and a representative of the county or State committee.

(Secs. 313, 314, 316, 317, 368, 373–376, 377, 378, 52 Stat. 38, as amended, 46, as amended, 48, as amended, 75 Stat. 469, as amended, 70 Stat. 26, 52 Stat. 66, as amended, 66–66, as amended, sec. 401, 68 Stat. 1054, as amended, secs. 108, 112, 126, 70 Stat. 181, 196, 198, as amended, sec. 16(e), 70 Stat. 903, 80 Stat. 220; 7 U.S.C. 1301, 1312, 1314, 1314b, 1314c, 1363, 1372–1376, 1377, 1378, 1421, 1313, 1324, 1336; 16 U.S.C. 590p(e))

Effective date: Date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on July 7, 1967.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 67-8080; Filed, July 12, 1967; 8:51 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Fear Reg. 1]

PART 917—FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

Minimum Standards

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917), regulating the handling of fresh pears, plums, and peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Pear Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of pears, as hereinafter provided, will establish and maintain such minimum standards of quality and maturity and such grading and inspection requirements as will tend to effectuate such orderly marketing of pears as will be in the public interest, will tend to effectuate the declared policy of the act, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that, as hereinafter set forth, the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Pear Commodity Committee on June 30, 1967, but not received until July 5 due to the holiday; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; information concerning the committee's recommendation for regulation, including the effective time recommended, has been disseminated among handlers of such pears; the provisions of the act and this regulatory program authorize minimum standards of quality and maturity, as set forth herein, during periods when the seasonal average price to growers of the particular fruit will exceed the parity level specified in section 2(1) of the act; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period hereinafter set forth and at the commencement thereof, so as not to permit unrestricted shipment hereinafter of pears, as such unrestricted shipments would not be conducive to the orderly marketing of such fruit as will be in the public interest and would not tend to effectuate the declared policy of the act; and compliance with this regulation will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

§ 917.404 Pear Regulation 1.

(a) *Order.* (1) During the period July 13, 1967, through December 31, 1967, no handler shall ship any box or container of Bartlett, Max-Red, or Rosired varieties of pears unless:

(i) All such pears grade not less than U.S. No. 2;

(ii) At least 75 percent, by count, of the pears contained in any box or container grade at least U.S. No. 1, except that (a) the percentage of such pears required to grade at least U.S. No. 1 may be reduced not more than 10 percentage points below 75 percent for pears which are damaged but not seriously damaged by russeting, and (b) such pears may fail to be fairly well formed only because of short shape but shall not be seriously misshapen; and

(iii) Such pears are of a size not smaller than the size known commercially as size 180.

(2) During the effective period of this regulation no handler shall ship any box or other container of pears of any variety unless such box or other container is stamped or otherwise marked, in plain sight and in plain letters, on one outside end with the name of the variety, if known, or when the variety is not known, the words "unknown variety."

(b) *Definitions.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

(2) "Size known commercially as size 180" means a size Bartlett, Max-Red or Rosired varieties of pears that will pack a standard pear box, packed in accordance with the specifications of a standard pack, with five tiers, each tier having six rows with six pears in each row, and with the 21 smallest pears weighing not less than 5 pounds.

(3) "Standard pear box" means the container so designated in section 828.3 of the Agricultural Code of California.

(4) "U.S. No. 1," "U.S. No. 2," "fairly well formed," "seriously misshapen," and "standard pack" shall have the same meaning as when used in the U.S. Standards of Pears (Summer and Fall), 7 CFR 51.1260–51.1280.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 12, 1967.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-8174; Filed, July 12, 1967; 11:38 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 67-CE-33]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

On April 28, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 6582) stating that the Federal Aviation Administration was considering an amendment to Part 73 of the Federal Aviation Regulations that would alter the Manhattan, Kans., Restricted Area R–3602.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. Due consideration was given to all relevant matter presented.

The Aircraft Owners and Pilots Association objected to the proposal on the basis that adequate justification was not presented to support a requirement for additional restricted airspace. As stated in the NPRM, the expanded area will be used by the Army for troop training in the use of such weapons as artillery, small arms, machine guns, mortars, and rockets. The proposed additional restricted area is presently contained within controlled firing areas which are inadequate for accomplishment of the missions assigned to Fort Riley. Controlled firing areas will not support a regularly scheduled firing program since all firing operations must cease when an aircraft approaches the area.

In consideration of the foregoing, the Federal Aviation Administration has determined that the alteration of the Manhattan, Kans., restricted area, as proposed, is fully justified. Accordingly, Part 73 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., September 14, 1967, as hereinafter set forth.

In § 73.36 (32 F.R. 2310, 5769) Restricted Area R–3602 at Manhattan, Kans., is amended as follows:

R–3602 MANHATTAN, KANS.

SUBAREA A

Boundaries: Beginning at latitude 39°17'-45" N., longitude 96°49'40" W.; thence along the southern edge of the Chicago, Rock Island and Pacific Railroad right-of-way to latitude 39°16'33" N., longitude 96°57'39" W.; thence south to the shoreline of the main body of Milford Reservoir at latitude 39°12'27" N., longitude 96°57'39" W.; thence along the shoreline of the main body of Milford Reservoir to latitude 39°10'58" N., longitude 96°58'09" W.; to latitude 39°10'-58" N., longitude 96°58'13" W.; to latitude 39°08'22" N., longitude 96°58'13" W.; to latitude 39°08'22" N., longitude 96°49'52" W.; thence north along U.S. Highway No. 77 to the point of beginning.

Designated altitudes: Surface to 29,000 feet MSL.

Time of designation: Continuous.

Controlling agency: Federal Aviation Administration, Kansas City ARTC Center.

Using agency: Commanding General, Fort Riley, Kans.

SUBAREA B

Boundaries: Beginning at latitude 39° 17'-45" N., longitude 96°49'50" W.; thence south along U.S. Highway No. 77 to latitude 39°07'-54" N., longitude 96°49'52" W.; to latitude 39°04'24" N., longitude 96°53'22" W.; to latitude 39°04'24" N., longitude 96°51'15" W.; thence clockwise along the arc of a 4 nautical mile radius circle centered on the Marshall Army Air Field RBW at latitude 39°01'34" N., longitude 96°47'40" W.; to latitude 39°06'17" N., longitude 96°45'40" W.; to latitude 39°06'20" N., longitude 96°-43'00" W.; to latitude 39°09'29" N., longitude 96°43'00" W.; to latitude 39°10'43" N., longitude 96°40'35" W.; to latitude 39°12'17" N., longitude 96°40'58" W.; to latitude 39°-13'00" N., longitude 96°42'35" W.; to latitude 39°13'16" N., longitude 96°42'35" W.; thence along the southerly edge of the Chicago, Rock Island and Pacific Railroad right-of-way to the point of beginning.

Designated altitudes: Surface to 29,000 feet MSL.

Time of designation: Continuous.

Controlling agency: Federal Aviation Administration, Kansas City ARTC Center.

Using agency: Commanding General, Fort Riley, Kans.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 5, 1967.

H. B. HELSTROM,
Acting Director, Air Traffic Service.

[F.R. Doc. 67-8065; Filed, July 12, 1967; 8:47 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Trade, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[10 Gen. Rev. of Export Regs., Amdt. 35]

EXPORTS OF NICKEL

Subject. Exports of Nickel.[1]

Purpose and effect. In view of the tight supply situation in nickel, certain special provisions are established for the export of these commodities.

The commodities affected by the new special provisions are as follows:

Export Control Commodity Number and Commodity Description	
28200	Alloy steel scrap containing 5 percent or more nickel by weight.
28401	Nickel bearing residues and dross.
28403	Other nickel or nickel alloy waste and scrap.
67160	Ferronickel containing 90 percent or less nickel.
68310	Nickel based magnetic materials, unwrought.
68310	Other nickel or nickel alloys, unwrought.
68334	Nickel or nickel alloy electroplating anodes.

The special provisions for the above-listed commodities provide that:

(1) Each application for an export license shall be accompanied by a copy of the export order or contract;

(2) Any newly issued validated license will be valid for a period of 90 days;

(3) Any outstanding validated license issued on or before June 9, 1967, will automatically expire on September 5, 1967, unless an earlier expiration date is shown on the license;

(4) An additional copy of the Shipper's Export Declaration shall be filed with the Customs Office for each shipment authorized by a validated license and such Declaration shall bear in the upper right corner the notation "362";

(5) The permissible shipping tolerance is reduced from 10 percent to 5 percent of the unshipped balance specified on a validated export license.

Applications for licenses presently on file in the Office of Export Control will be returned to applicants for compliance with the above applicable special provisions.

Accordingly, the Export Regulations are amended as set forth above. The particular Export Regulations effected by this General Notice are being revised to reflect the changes and will be published in regulatory form in the near future.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487, 3 CFR 1959–63 Comp.; E.O. 11038, 27 F.R. 7003, 3 CFR 1959–63 Comp.)

Effective date: July 10, 1967.

RAUER H. MEYER,
Director, Office of Export Control.

[F.R. Doc. 67-8080; Filed, July 12, 1967; 8:45 a.m.]

[1] The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Agreement Among Members of Trade Association to Comply with Government Ruling

§ 15.133 Agreement among members of trade association to comply with government ruling.

(a) A trade association requested an advisory opinion as to its proposal to hold joint discussions among its members as to the proper description of the industry's product looking toward a possible agreement among all concerned to comply with the ruling of a government agency as to how the product should be labeled. The Association assured the Commission that the discussion would be for this limited purpose only and that there would be no price fixing, monopoly or other antitrust question involved.

(b) The Commission advised that there could be no objection to a discussion among the members looking toward a limited agreement to comply with this ruling on a voluntary basis. The members were further advised, however, that nothing in this opinion was to be construed as approval of any steps which might be taken by the members, acting in their private capacity, to enforce this ruling themselves as to any members who might not be inclined to agree. Such approval as was given was limited to the simple agreement in principle to comply with the ruling, with enforcement being left to the properly constituted government authorities.

(38 Stat. 717, as amended; 15 U.S.C. 41–58)

Issued: July 12, 1967.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 67-8068; Filed, July 12, 1967; 8:51 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Proposed Lease of Patented Industrial Machine

§ 15.134 Proposed lease of patented industrial machine.

(a) A manufacturer of a patented industrial machine designed to produce a nonpatented end product requested an advisory opinion as to the legality of its proposed form of lease.

(b) The manufacturer posed two specific questions pertaining to the lease and requested an opinion as to any other phase which the Commission might feel should be covered. The first question related to the lease term and royalty provisions, which provide that the lease shall continue in effect for three years with the lessee having the right to terminate upon 90 days notice during the second and third years and that the rental shall be 2.2 percent of the gross sales of products produced on the machine by the lessee. The Commission stated that it viewed the patent grant as conveying to the patentee the right to charge whatever royalty was satisfactory to the parties, measured by whatever patented or unpatented royalty base he desired for as long a period of time as he elects, so long as there is no attempt thereby to extend the patent monopoly beyond its intended scope. Therefore, it could see no objection to three provisions as written.

(c) The second question related to the paragraph providing that the lessor will not make any sales of the equipment and will not enter into a lease agreement for such equipment with anyone else whose place of business is located within the lessee's trading area as defined in the lease. The Commission noted that this provision did not grant the licensee an exclusive territory, although it had been advised that the nature of the end product would make it difficult for anyone else to compete within that area because of the freight factor. Be that as it may, the Commission was of the opinion that the owner or holder of exclusive patent rights to make, use and sell may carve out of his grant a limited monopoly for a licensee and, therefore, it could see no objection to this provision.

(d) The Commission further noted that following discussions with the staff the manufacturer authorized deletion of one sentence in the lease for editorial purposes and that in the paragraph dealing with alterations, the manufacturer requested deletion of the sentence requiring that any alterations, improvements, or changes, which are or may be patentable, shall, upon request, be assigned to the lessor. Thus the manufacturer did not request an opinion as to the required grant-back of improvement patents incorporated in the original submittal.

(e) While the Commission did not purport to pass upon the purely contractual aspects of the lease, it did state that it had reviewed the other provisions of the lease and expressed no objections thereto from the standpoint of the laws it administers, particularly in view of the fact that it had been advised that there were other competitive machines which the lessees are free to rent or purchase and in view of the fact that there were no tie-ins requiring the purchase of auxiliary or other equipment or supplies from the lessor.

(38 Stat. 717, as amended; 15 U.S.C. 41–58)

Issued: July 12, 1967.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 67–8087; Filed, July 12, 1967; 8:50 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C—DRUGS

PART 141c—CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

Tetracycline Phosphate Complex

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and delegated by him to the Commissioner of Food and Drugs (21 CFR 2.120), the antibiotic drug regulations providing for the certification of tetracycline phosphate complex are amended to establish a definite limit for the chloride content of the drug by revising § 141c.232(b)(2) and § 146c.232(a)(6) to read as follows:

§ 141c.232 Tetracycline phosphate complex.

(b) * * *

(2) *Chloride content.* To 1 milliliter of the filtrate prepared as directed in the first sentence of subparagraph (1) of this paragraph, add 1 drop of silver nitrate test solution and 1 drop of nitric acid. Any turbidity produced is not greater than that obtained by similarly treating 1 milliliter of 0.057*N* hydrochloric acid.

§ 146c.232 Tetracycline phosphate complex.

(a) * * *

(6) It passes identity tests showing a presence of phosphate, a content of not more than 0.2 percent chloride, and a content of not more than 1 percent tetracycline base.

This order effects a technical improvement in the regulations providing for certification of the subject drug without raising any points of controversy; therefore, notice and public procedure and delayed effective date are not prerequisites to this promulgation.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: July 5, 1967.

WINTON B. RANKIN, *Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 67–8091; Filed, July 12, 1967; 8:51 a.m.]

Title 29—LABOR

Chapter XIV—Equal Employment Opportunity Commission

PART 1605—GUIDELINES ON DISCRIMINATION BECAUSE OF RELIGION

Observance of the Sabbath and Other Religious Holidays

By virtue of its authority under section 713 of the Civil Rights Act of 1964, 42 U.S.C. 2000e–12(b), the Equal Employment Opportunity Commission hereby amends § 1605.1, Guidelines on Discrimination Because of Religion. This amendment becomes effective immediately and shall be applicable with respect to cases presently before or hereafter filed with the Commission. Section 1605.1 as amended shall read as follows:

§ 1605.1 Observation of the Sabbath and other religious holidays.

(a) Several complaints filed with the Commission have raised the question whether it is discrimination on account of religion to discharge or refuse to hire employes who regularly observe Friday evening and Saturday, or some other day of the week, as the Sabbath or who observe certain special religious holidays during the year and, as a consequence, do not work on such days.

(b) The Commission believes that the duty not to discriminate on religious grounds, required by section 703(a)(1) of the Civil Rights Act of 1964, includes an obligation on the part of the employer to make reasonable accommodations to the religious needs of employees and prospective employees where such accommodations can be made without undue hardship on the conduct of the employer's business. Such undue hardship, for example, may exist where the employee's needed work cannot be performed by another employee of substantially similar qualifications during the period of absence of the Sabbath observer.

(c) Because of the particularly sensitive nature of discharging or refusing to hire an employee or applicant on account of his religious beliefs, the employer has the burden of proving that an undue hardship renders the required accommodations to the religious needs of the employee unreasonable.

(d) The Commission will review each case on an individual basis in an effort to seek an equitable application of these guidelines to the variety of situations which arise due to the varied religious practices of the American people.

Signed at Washington, D.C., this 10th day of July 1967.

[SEAL] LUTHER HOLCOMB, *Acting Chairman.*

[F.R. Doc. 67–8066; Filed, July 12, 1967; 8:48 a.m.]

Title 32—NATIONAL DEFENSE

Chapter XIV—The Renegotiation Board

SUBCHAPTER B—RENEGOTIATION BOARD REGULATIONS UNDER THE 1951 ACT

PART 1455—PERMISSIVE EXEMPTIONS FROM RENEGOTIATION

"Stock Item" Exemption

Section 1455.6; *Subcontracts as to which it is not administratively feasible to segregate profits* is amended as follows:

1. Paragraph (b) is amended by deleting from the caption "July 1, 1967" and inserting in lieu thereof "July 1, 1968".

2. Paragraph (b) is further amended by deleting "July 1, 1967" and inserting in lieu thereof "July 1, 1968".

(Sec. 109, 68 Stat. 22; 50 U.S.C. App., 1219)

Dated: July 10, 1967.

LAWRENCE E. HARTWIG, *Chairman.*

[F.R. Doc. 67–8069; Filed, July 12, 1967; 8:51 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 207—NAVIGATION REGULATIONS

Severn River, Md.

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 207.117 is hereby prescribed establishing and governing the use and navigation of a restricted area in Severn River, Annapolis, Md., effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 207.117 Severn River, at U.S. Naval Academy Santee Basin, Annapolis, Md.; naval restricted area.

(a) *The area.* The waters within the U.S. Naval Academy Santee Basin and adjacent waters of Severn River inclosed by a line beginning at the northeast corner of Dewey Field seawall; thence to latitude 38°58'43", longitude 76°28'-47.8"; thence to latitude 38°58'58", longitude 76°28'39"; and thence to the northwest corner of Farragut Field seawall.

(b) *The regulations.* (1) No person in the water, vessel or other craft shall enter or remain in the restricted area at any time except as authorized by the enforcing agency.

(2) The regulations in this section shall be enforced by the Superintendent, U.S. Naval Academy, Annapolis, Md., and such agencies as he may designate.

[Regs., June 16, 1967, 1507–33 (Severn River, Md.)-ENGCW-ON]

(Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

KENNETH G. WICKHAM, *Major General, U.S. Army, The Adjutant General.*

[F.R. Doc. 67–8081; Filed, July 12, 1967; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

PART 21—OCCUPANCY OF CABIN SITES ON PUBLIC CONSERVATION AND RECREATION AREAS

Appeals; Correction

Section 21.8 of the regulations published in the June 10, 1967, issue of the FEDERAL REGISTER at 32 F.R. 8361, contained an error of reference to § 21.3(h) of the same document.

The reference appearing on page 8363 in § 21.8 at line five and continuing to line six, should read as follows: "* * * (see § 21.3(i)) * * *."

FRANK J. BARRY, *Solicitor.*

JULY 7, 1967.

[F.R. Doc. 67–8042; Filed, July 12, 1967; 8:46 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 101—Federal Property Management Regulations

SUBCHAPTER B—ARCHIVES AND RECORDS

PART 101–12—CURRENT RECORDS OF THE GENERAL SERVICES ADMINISTRATION

Deletion

The following regulation deletes Part 101–12 from Chapter 101. The subject matter formerly covered under Part 101–12 has now been issued in Part 105–60 of Chapter 105 (General Services Administration) of Title 41, Code of Federal Regulations.

1. The table of contents for Subchapter B is amended by deleting all entries for Part 101–12 and by substituting therefor the new entry "Reserved," as follows:

Part 101–12—[Reserved]

2. Part 101–12 of Chapter 101 is deleted.

PART 101–12—[RESERVED]

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This regulation is effective July 4, 1967.

Dated: July 7, 1967.

LAWSON B. KNOTT, Jr., *Administrator of General Services.*

[F.R. Doc. 67–8068; Filed, July 12, 1967; 8:48 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 17177; FCC 67–796]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS: GENERAL RULES AND REGULATIONS

PART 87—AVIATION SERVICES

Available Frequencies

In the matter of amendment of Parts 2 and 87—Aviation Services—to reassign frequencies in the 122–123 Mc/s band to other aviation functions, RM 1033.

1. The Commission on February 8, 1967, adopted a notice of proposed rule making in the above-entitled matter (FCC 67–179) which made provision for the filing of comments. The notice was published in the FEDERAL REGISTER on February 15, 1967 (32 F.R. 2899). The time for filing comments and reply comments has passed.

2. The notice of proposed rule making was issued in response to a petition filed by the Federal Aviation Agency (FAA). The primary purpose of the proposal is to relieve congestion and improve air/ground communications with flight service stations (FS) by reassignment of frequencies in the 122–123 Mc/s band to other aviation functions.

3. Comments were filed by the Aeronautical Radio, Inc. (ARINC), Aircraft Owners and Pilots Association (AOPA), Federal Aviation Administration (FAA), National Business Aircraft Association (NBAA) and the National Pilots Association (NPA). A late filing was submitted by the State of Minnesota, Department of Aeronautics. It was accepted and made part of this proceeding. Reply comments were filed by FAA directed to the AOPA, NPA, and State of Minnesota comments.

4. The amendments requested by FAA and adopted herein make the frequencies in the so-called private aircraft band (122–123 Mc/s) available to aeronautical stations of the Federal Aviation Administration for communicating flight service information to private aircraft. Heretofore, this band was used by pri-

vate aircraft stations for talking to FAA flight service stations with FAA responding on air traffic control (ATC) channels outside this band. The present amendment will free these ATC channels heretofore used to respond to private aircraft calls to flight service stations for ATC communications, thus, helping to relieve the present congestion in ATC without any detriment to the private aircraft stations as the 123–123 Mc/s band is not heavily used. In addition, the frequency 122.0 Mc/s is made available to air carrier aircraft for communications concerning weather information. The foregoing matters were the main portion of the rule making and were supported by all commentators. The question of utilizing 50 kc/s channels and certain suggested revisions are treated in the following paragraphs.

5. The notice raised the question of fuller utilization of the 123–123 Mc/s band by using 50 kc/s channels. This was supported by the State of Minnesota, Department of Aeronautics, and NBAA. NPA did not oppose 50 kc/s but cautioned that owners of older receivers will encounter interference. AOPA concurred with the desire to utilize 50 kc/s channels. They expressed concern about interference problems where adjacent channels were activated on the same airport that currently have either adjacent tower guard channels or adjacent FSS channels. AOPA suggested the possibility of some temporary or developmental assignments on a carefully selected basis. The FAA in its reply comments expressed a concern similar to NPA and AOPA with respect to utilization of 50 kc/s channels. FAA recommended that 50 kc/s channel usage not be considered at this time.

6. The question of utilizing 50 kc/s channels in the band 122–123 Mc/s was raised as an ancillary matter. Comments were solicited with respect to possible use of these channels. No information was received in this proceeding which could form the basis for assigning a new type of service to these 50 kc/s channels. In view of this and the concern expressed about possible interference problems, the Commission feels that utilization of the 50 kc/s channels on a regular basis should not be implemented at this time.

7. The State of Minnesota expressed a desire to establish and maintain communication transmitters on the frequencies used by FAA flight service stations. Minnesota's plan is to establish communications outlets, where none now exist, to be remotely controlled by the nearest FAA FSS. These locations would be where the FAA has found it economically or operationally impractical to install its own stations. FAA in its reply comments states that those air traffic control services not operated by the FAA are arranged in close cooperation and coordination with the Federal Communications Commission on a case-by-case basis where the services to be provided are extensions of the common air traffic control system. It takes the position that this procedure has been quite satisfactory in the past and favors seeing it continue in the same manner for FSS frequencies. Further, FAA feels that since these situations, which are expected to be relatively few, will normally require a negotiated communications agreement between the FAA and the licensee and this lends itself to case-by-case treatment rather than a rule providing for such operation.

8. The State of Minnesota proposal to utilize remote controlled operations in conjunction with flight service stations is not considered within the scope of this rule making. To provide for such an operation in the rules would appear to require the establishment of a new class of station. However, this is a matter outside of this rule making and, therefore, no provision is made for the establishment of such a service in the rules at this time.

9. As an editorial matter, Note B to §§ 87.183 and 87.401 is deleted because protection to the Government is no longer necessary on the frequency 126.18 Mc/s.

10. In view of the foregoing: *It is ordered*, Pursuant to the authority contained in sections 4(i) and 303 (b), (c), (g), and (r) of the Communications Act of 1934, as amended, that effective August 14, 1967, Parts 2 and 87 of the Commission's rules are amended as set forth below. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended 1066, 1082; 47 U.S.C. 154, 303)

Adopted: July 5, 1967.

Released: July 10, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

§ 2.106 [Amended]

1. Footnote US 31 to the Table of Frequency Allocations, § 2.106 is amended to read as follows:

US 31 The band 121.975–123.075 Mc/s is for use by private aircraft stations. In addition, the frequencies 123.80, 123.85, 122.95, 123.00 and 123.05 Mc/s may be used by aeronautical advisory stations and the frequency 122.90 Mc/s may be used by aeronautical multicom stations.

Frequencies in the band 121.975–123.625 Mc/s may be used by aeronautical stations of the Federal Aviation Administration for communications with private aircraft stations only except that the frequency 122.8 Mc/s may also be used for communications with air carrier aircraft stations concerning weather information.

2. In paragraph (l) of § 87.183 delete notes B and C to the table as follows:

§ 87.183 Frequencies available.

* * * * * *

(l) * * *

B—[Reserved]

C—[Reserved]

* * * * * *

3. A new paragraph (e) is added to § 87.195 to read as follows:

§ 87.195 Frequencies available.

* * * * * *

(e) The frequency 122.0 Mc/s is available to air carrier aircraft for communications with Flight Service Stations for the purpose of obtaining weather information.

4. In paragraph (a) of § 87.401 add the frequency 126.7 in numerical order and delete note B to the table as follows:

§ 87.401 Frequencies available.

* * * * * *

(a) * * *

B—[Reserved]

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[F.R. Doc. 67-8074; Filed, July 12, 1967; 8:49 a.m.]

[Docket No. 17282; FCC 67-804]

PART 73—RADIO BROADCAST SERVICES

In the matter of amendment of § 73.202, Table of Assignments, FM Broadcast Stations. (Rockmart, Ga., De Witt, Ark., Dover-Foxcroft, Maine, Lenoir City, Tenn., Horseheads, N.Y., Jeffersonville, Ind., Donelson, Tenn., Madisonville, Greenville, Russellville, and Columbia, Ky., Denver, Colo., Mount Sterling, Ky., Stephenville and Eastland, Tex., and Redding, Calif.).

1. The Commission has before it for consideration its notice of proposed rule making, issued in this proceeding on March 10, 1967 (FCC 67-313), and published in the FEDERAL REGISTER on March 15, 1967 (32 F.R. 4073), proposing a number of changes in the FM Table of Assignments as advanced by interested parties and upon its own motion. In a previously issued report and order all petitions except for RM-1097 and RM-1109 were disposed of. The subject decision concerns the remaining two petitions. Except as noted, the proposals were unopposed. All population figures, unless otherwise stated, are those shown in the 1960 U.S. census. All duly filed comments and data were considered in making the following determinations.

2. RM-1097 and RM-1109, Donelson, Tenn., and Columbia, Ky. In a joint petition for rule making filed on January 19, 1967, and a Supplement filed on January 25, 1967, South Kentucky Broadcasters, licensee of Station WRUS-FM, Russellville, Ky., and William O. Barry (Joint), prospective applicants for a new FM station in Donelson, Tenn., request the assignment of Channel 266 to Russellville, Ky., and 221A to Donelson, Tenn., by making two other necessary changes in the table as follows:

City	Channel No.	
	Present	Proposed
Madisonville, Ky	230, 292A	230
Greenville, Ky	266	292A
Russellville, Ky	221A	266
Donelson, Tenn		221A

3. In essence, the proposal is designed to get a first FM channel at Donelson (221A), and a wide-coverage Class C channel at Russellville instead of the present Class A (292 for 221A), by replacing 292 at Greenville with 292A, which would be moved three-fifths Madisonville, Madisonville, Ky., is a community of 13,189 persons. It has in operation a Class C FM station on Channel 230 and two AM stations, one of which is on unlimited time operation. Greenville has a population of 3,169. Station WKYP-FM operates on Class C Channel 266 with a power of 2.6 kilowatts and an antenna height of 90 feet, much less than the minimum facilities which would be required for a new Class C station. The community also has a daytime-only AM station. Russellville, with a population of 5,861, has an FM station (WRUS-FM) operating on Channel 221A. It too has a daytime-only AM station. All three communities are located in the southwestern portion of Kentucky. Donelson has a population of 17,195 and is located about 7 miles east of Nashville and in its Urbanized Area. It has no radio stations but an application is on file for a daytime-only AM station in the community.

4. Our notice invited comments on the Joint proposal and stated that, in the event it is adopted, appropriate action will have to be taken with respect to the WKYP-FM and WRUS-FM authorizations. We further stated (see footnote 3 of the notice, FCC 67-313) that since the payment of costs to WKYP-FM for the changeover contained in the agreement submitted, appeared to be larger than that usually considered to be allowed for reasonable costs incident to such changes, a justification for these costs should be filed in the forthcoming comments.

5. Comments were also invited on a conflicting proposal contained in a petition filed on February 9, 1967 (RM-1109) by Tricounty Radio Broadcasting Corp., licensee of Station WAIM(AM), Columbia, Ky., seeking the assignment of Channel 265A as a first assignment to Columbia, Ky. Columbia is a community of 2,255 persons, and is the county seat and largest community in Adair County, which has a population of 14,000. WAIM, a daytime-only AM station, is the only radio outlet in Columbia. This proposal is mutually exclusive with the Joint proposal since Channel 265A at Columbia would be less than the required separation from Channel 266, proposed for Russellville. In its comments, Joint proposes a solution to this conflict by suggesting that Channel 228A be assigned to Columbia by substituting Channel 292A for 228A at Elizabethtown, Ky. There is no application on file for Channel 228A at Elizabethtown and the proposed amendments meet the spacing requirements of the rules.

6. A third conflicting request was filed on April 10, 1967, in comments submitted by the Daily News Broadcasting Co., Inc. (Daily News), licensee of Station WKCT(AM), Bowling Green, Ky.[2] Daily News requests that Channel 265 be assigned to Bowling Green instead of Russellville, as proposed by Joint. It submits that this assignment could be made by deleting Channel 292A at Madisonville and by substituting 265A for 292 at Greenville, the other proposal by Joint; and would meet all the mileage separations at a site about 1 mile west of Bowling Green. Bowling Green has a population of 30,303 persons, and Warren County, of which it is the seat and largest community, has a population of 45,461. It has three unlimited time AM stations and one Class A FM station. In this case Joint has also suggested a means to remove the conflict by proposing that Channel 265A be assigned to Bowling Green as a second Class A assignment. This assignment would have to be used at a site about 5 miles east of the community, however, as will be discussed below, Daily News disputes the technical feasibility of the proposal for Channel 265A. As to the required change for WKYP-FM from Channel 266 to 292A, Daily News states it is willing to reimburse this station up to $5,000 for expenses incurred in the change. *Finally*, Channel 265 is assigned to Bowling Green and Daily News receives a construction permit on it.

7. Before going into a discussion of the contentions of the parties, it may be helpful to tabulate the communities involved in the various requests, their populations, and aural facilities. These are as follows:

Community	Population		AM stations	FM stations
	City	County		
Madisonville, Ky	13,189	33,431	1 unlimited 1 daytime	1 Class C. 1 Class A (Assignment only).
Greenville, Ky	3,169	27,762	1 daytime	1 Class C.
Russellville, Ky	5,861	19,899	1 daytime	1 Class A.
Donelson, Tenn	17,195	399,746	Application for AM-daytime.	
	(Since Nashville)			
Columbia, Ky	2,255	14,000	1 daytime	
Bowling Green, Ky	30,303	45,461	2 unlimited 1 Class IV	Do.

All of the communities except Donelson and Greenville are their respective county seats and largest communities. Thus, the Joint proposal would assign a first Class A channel to Donelson by deleting one from Madisonville, and would switch the Class C and A between Greenville and Russellville; the Columbia proposal would assign a first Class A to Columbia (as would the Joint counterproposal), and the Daily News proposal would assign a Class C to Bowling Green (Joint would make this community a Two Class A location).

8. In support of its proposal Joint states that the Greenville licensee wishes to continue with a low power facility and that the Russellville licensee wishes to utilize the proposed Class C assignment with a power of no less than 50 kilowatts. In its reply comments, Joint states that South Kentucky Broadcasters is prepared to accept a modification of its license to specify a power of 100 kw and such antenna height as the Commission deems appropriate. Also, Mr. Barry proposes to operate a station on Channel 221A at Donelson, in the event the proposal is adopted. A copy of an agreement among the licensee in Greenville and Russellville and Mr. Barry is attached, agreeing to the proposed changes and the necessary modification of licenses involved, as to a list of expected costs and the necessary equipment for the change in the WKYP-FM channel, totaling $4,625.50. It is urged that the proposed changes will result in a more effective use of Channel 266 and that it would provide the community of Donelson with a first FM assignment. Petitioners submit that all the assignments would conform to the spacing requirements of the rules. With respect to the move of Channel 266A from Russellville to Donelson, a showing is included which demonstrates that no assignments on the top three educational channels (218, 219, 220) will be precluded because of existing educational stations in the general area. Petitioners further assert that within the area in which Channel 266 is technically feasible there are only two communities of over 3,000 population in addition to Russellville and Greenville (Hopkinsville and Central City), that these have been assigned Class C channels, and that the use of Channel 266 at Russellville will provide a first 1 mv/m contour to areas not now receiving such a signal.[3] Finally, it is pointed out that Russellville is the center of a relatively large rural area and urged that this fact plus the greater efficiency of the use of Channel 266 at Russellville compared to Greenville justifies the move of this channel.

9. In support of its request for Channel 265 at Bowling Green, Daily News submits that the present estimated population of Bowling Green is 35,000, that it has only a Class A assignment, that nearby communities such as Central City, Hopkinsville, and Greenville are all smaller than Bowling Green yet have Class C assignments[4], and that section 307(b) requires a wide-area assignment to Bowling Green. Statistics are given to show that this community is an important industrial, agricultural, and educational center. Daily News makes a comparison of the expected coverage of a station on Channel 266 at Russellville and at two sites at Bowling Green. The coverage at Russellville is given as 2,320 square miles with an assumed 50 kw power and antenna height of 300 feet

[1] Concurring statement of Commissioner Cox filed as part of original document; Commissioner Wadsworth absent.

[2] Daily News also filed a petition for rule making requesting the same changes as contained in the comments on the same day but this will be considered herein as a comment and counterproposal.

[3] Also below us to use of the channel at Bowling Green.

[4] These were all in existence before the FM Table was adopted in 1963.

AAT (said to be the Russellville proposal) and that at Bowling Green is given as 6,281 or 4,333 square miles depending on the site to be used, the former with 100 kw and 300 feet AAT and the latter with 100 kw and 500 feet AAT.[4] In a reply comment Joint states that in the event Channel 266 is assigned to Russellville an application will be filed for its use proposing 100 kilowatts power and that South Kentucky Broadcasters is prepared to accept a modification of its license specifying a power of 100 kw and such antenna height above average terrain as the Commission deems appropriate. Daily News urges that the need for a Class C in Bowling Green is not weakened by the operation of the three AM stations since these have restricted nighttime coverage due to power and directional antenna limitations. Daily News takes issue with the contention of Joint that Russellville is the center of a large rural area submitting that Hopkinsville is the center of the area in question, and that Russellville is one of four communities with over 3,000 persons where Channel 266 can work since it can also work in Bowling Green. As to the need of Donelson for a Class A assignment, Daily News urges that there is no justification for the assignment for such a channel to a suburb such as this community, that Class C assignments were made to the large cities in order to cover suburban areas, and that the policy of the Commission used in AM, i.e., to treat suburbs as part of the major city for section 307(b) purposes, should also apply to FM. In reply to the proposal that Channel 252A could be assigned to Bowling Green, Daily News notes that the site would have to be located from 4 to 5 miles east of the city and urges that marginal service would be provided to several areas of Bowling Green proper and that it would not place a minimum city service signal to future areas of urbanized growth to the west of the city. It also submits that a separate site for a Class A channel may not be economically feasible and so it can make no representation that it will apply for such an operation. Daily News also questions the conclusion of Joint that the assignment of Channel 221A to Donelson will not preclude any educational assignments on the three top educational FM channels but does not supply any data to contradict the Joint engineering showing.

10. In view of the removal of the conflict between the Joint proposal and that of Tricounty (for the assignment of a first Class A to Columbia) there is no need to choose between them and we are of the view that we should assign Channel 228A to Columbia instead of 265A as requested by Tricounty. This would provide the community with its first FM assignment and its first local nighttime radio service and would thus serve the public interest. As between the Joint proposal and that of Daily News, the former would provide Russellville with a wide-coverage channel and Donelson with a first FM outlet, whereas the latter would provide Bowling Green with its first wide-coverage channel. In both cases the move of Channel 266 from Greenville, where it is utilized with very small facilities and where there is little prospect that increased facilities will be sought, would represent a more efficient use of this frequency. A good portion of the area served would be covered by either assignment. Both also require the deletion of the second assignment in Madisonville, but this community does have a Class C FM station and two AM stations, one of which is unlimited.

11. Thus, the question (a rather close one) is which of the conflicting Russellville-Donelson and Bowling Green proposals is the more meritorious. Despite Joint's claim, it does not appear that either the Russellville or Bowling Green assignment would serve substantial unserved areas. Much of the same area would receive service from either assignment since the two places are only 25 miles apart. The assignment of Channel 266 to Bowling Green, not only would preclude the assignment of the channel to Russellville, but also the assignment of a first Class A channel to Donelson, and would create a mixture of a Class A and C assignment in Bowling Green. We have tried to avoid mixing assignments in the same community in order to have as much technical parity between stations as possible. As Daily News points out, Donelson is within the Nashville urbanized area but this does not preclude it from having a local outlet, especially since it would not deprive any other community of a needed assignment. Nor do we believe that the "suburban" argument raised by Daily News is relevant to this matter since the channel involved is a Class A channel which we have designated for use by the smaller communities. While Daily News questions the showing that the assignment of Channel 221A would not preclude educational assignments on the top three channels, it does not show that Joint erred in any way. Another factor weighing in favor of Russellville is the fact that Bowling Green has three AM stations, all of which operate unlimited time, whereas Russellville has a daytime-only AM station. On balance, we are of the view that the Joint proposal is to be preferred over that of Daily News. With respect to the proposal to assign Channel 252A to Bowling Green as a second Class A assignment, we are of the view that this also would serve the public interest in spite of the problem of finding a suitable site. Daily News submits that from an assumed site, a small portion of the city would not be covered by the required 70 dbu signal, a point with which Joint takes issue. Joint submits a showing based upon the actual terrain from the site assumed by both parties which establishes that the assignment of Channel 252A is technically feasible and would provide the required signal over all of Bowling Green for maximum facilities. We are, therefore, adopting the Joint modified proposal which would shift Channel 266 from Greenville to Russellville, 221A from Russellville to Donelson, Tenn., Channel 292A from Madisonville to Elizabethtown, 228A from Elizabethtown to Columbia, and add Channel 252A to Bowling Green with the limitation on the site as discussed above. Finally, we find that the amount agreed upon by the parties for the WKYF–FM change in frequency appears reasonable.

12. Authority for the adoption of the amendments contained herein is contained in sections 4(i), 303, 307(b) and 316 of the Communications Act of 1934, as amended.

13. In accordance with the determinations made above: *It is ordered*, That effective August 15, 1967, § 73.202 of the Commission's rules, the FM Table of Assignments, is amended to read, insofar as the communities named are concerned, as follows:

City	Channel No.
Kentucky:	
Bowling Green	244A, 252A.
Columbia	228A.
Elizabethtown	292A.
Greenville	202A.
Madisonville	230, 266.
Russellville	221A.
Tennessee:	
Donelson	221A.

14. *It is further ordered*, That effective August 15, 1967, the outstanding authorization of Greenville Broadcasting Co., for the operation of Station WKYF–FM on Channel 266 at Greenville, Ky., is modified, to specify operation on Channel 292A in lieu of 266 subject to the following conditions:

(a) The licensee shall submit to the Commission by August 1, 1967, the technical information normally required for the issuance of a construction permit on Channel 292A, including any changes in antenna and transmission line.

(b) The licensee may continue to operate on Channel 266 until, upon its request, the Commission authorizes interim operation on Channel 292A, following which the licensee shall submit (within 30 days) the measurement data normally required of an applicant for an FM broadcast station license.

15. *It is further ordered*, That, effective August 15, 1967, the outstanding authorization of South Kentucky Broadcasters, for the operation of Station WRUS–FM on Channel 221A at Russellville, Ky., is modified to specify operation on Channel 266 in lieu of 221A subject to the following conditions:

(a) The licensee shall submit to the Commission by August 1, 1967, the technical information normally required for the issuance of a construction permit on Channel 266, subject to any changes in antenna and transmission line.

(b) The licensee may continue to operate on Channel 221A until, upon its request, the Commission authorizes interim operation on Channel 266, following which the licensee shall submit (within 30 days) the measurement data normally required of an applicant for an FM broadcast station license.

(c) The licensee shall operate with 100 kilowatts ERP and 100-foot antenna height AAT on Channel 266.

16. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat. 1066, 1082, 1066, as amended, sec. 316, 66 Stat. 717; 47 U.S.C. 154, 303, 307, 316)

Adopted: July 5, 1967.

Released: July 10, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-8077; Filed, July 12, 1967; 8:49 a.m.]

[Docket No. 16774; FCC 67-796]

PART 73—RADIO BROADCAST SERVICES

Personal Attacks; Political Editorials

In the matter of amendment of Part 73 of the rules to provide procedures in the event of a personal attack or where a station editorializes as to political candidates.

1. On April 6, 1966, the Commission adopted a notice of proposed rule making (FCC 66-291) to provide procedures in the event of certain personal attacks and where a station editorializes as to political candidates. This notice was published in the FEDERAL REGISTER of April 12, 1966 (31 F.R. 5719). Upon the request of the National Association of Broadcasters, the time for filing comments and reply comments was extended to June 20 and July 5, 1966, respectively (31 F.R. 6928, May 7, 1966).

2. Comments were timely filed by Carrol M. Barringer (WLCO), Bedford Broadcasting Corp. (WBIW), et al.,[1] Cape Fear Telecasting, Inc., Colorado Broadcasters Association, Columbia Broadcasting System, Inc., Corinthian Television Corp., et al., Golden Empire Broadcasting Co., Griffin-Leake TV, Inc., Interstate Broadcasting Co., Meredith Broadcasting Co., Mutual Broadcasting System, Inc., Mission Broadcasting Co., National Association of Broadcasters, National Broadcasting Co., Inc., Storer Broadcasting Co., Triax-Vaughn Stations, Inc., WIBC, Inc., and WPSD–TV, generally in opposition to the rules. Comments favoring the rules were received from the American Civil Liberties Union,[2] Joseph M. Gladow, International Typographical Union (AFL–CIO), Lawyers' International Union of North America (AFL–CIO), National Council of the Churches of Christ, National Rifle Association of America, The Pacifica Foundation, and the United Steel Workers of America, AFL–CIO.

3. The purpose of embodying the procedural aspects of the Commission's long-adhered-to personal attack principle and political editorial policy in its rules is twofold. It will clarify and make more precise the obligations of broadcast licensees where they have aired personal attacks and editorials regarding political candidates. Further, in the event of failure to comply with these rules, the Commission will be in a position to impose appropriate forfeitures (section 503(b) of the Act) in cases of clear violations by licensees which would not warrant designating their applications for hearing at renewal time or instituting revocation proceedings but on the other hand do warrant more than a mere letter of reprimand. Of course, pursuant to section 503(b) of the Act, only the willful or repeated violation, of these rules can result in forfeiture. We stress that the personal attack principle is applicable only in the context of the discussion of a controversial issue of public importance. See paragraph 10, *infra*.

4. These rules will serve to effectuate important aspects of the well established Fairness Doctrine; they do not alter or add to the substance of the Doctrine.[3] As set forth in the 1949 Report of the Commission in the Matter of Editorialization by Broadcast Licensees, 13 FCC 1246 at 1249 (1949), "the development of an informed public opinion through the public dissemination of news and views concerning the vital public issues of the day" is the keystone of the Fairness Doctrine. "It is the right of the public to be informed, rather than the right of the part of the government, any broadcast licensee or any individual member of the public to broadcast his own particular views on any matter, which is the foundation stone of the American system of broadcasting." Ibid. The Fairness Doctrine as a basic delineation of a standard of public interest in broadcasting was given specific Congressional approval in the 1959 amendment of section 315(a) of the Communications Act, 73 Stat. 557, 47 U.S.C. 315(a). The personal attack principle is simply a particular aspect of the Fairness Doctrine. The principle stems from the Commission's language in the 1949 Report that "elementary considerations of fairness may dictate that time be allocated to a person or group which has been specifically attacked over the station. * * *" 13 FCC 1262. The standard of fairness similarly dictates that where a licensee editorializes for or against a candidate the appropriate spokesman for the opposing point of view in the opposed candidate's representative, or, if the licensee so chooses, the candidate himself. "These concepts, of course, do restrict the licensee's freedom to utilize his station in whatever manner he chooses but they do so in order to make possible the maintenance of radio as a medium of freedom of speech for the general public." 1949 Report, *supra*, 13 FCC 1250.

5. Several of the parties contend that the Fairness Doctrine and the personal attack principle are unconstitutional infringements of broadcasters' rights of free speech and free press under the First Amendment. We believe these contentions are without merit. We have discussed the constitutionality of the fairness doctrine generally in the Report on Editorialization, 12 FCC 1246–1270. "We adhere fully to that discussion, and particularly the considerations set out in paragraphs 15 and 20 of the report." Letter to John H. Norris (WGCB), 1 FCC 2d 1682, 1589 (1965). The court in reviewing the constitutionality of the personal attack principle of the Fairness Doctrine in Red Lion,[4] concluded "that there is no abrogation of the petitioners' [licensees'] free speech right. * * * I find in the Fairness Doctrine a vehicle completely legal in its origin which implements by use of modern technology the 'free and general discussion of public matters [which] seems absolutely essential for an intelligent exercise of their rights as citizens,' Grosjean v. American Public Press, *supra*, at 249." Red Lion, *supra*, at 41. As to these particular rules, we stress again that they do not prescribe in any way the presentation by a licensee of personal attacks or editorials on political candidates. They simply provide that where he chooses to make such presentations, he must take appropriate notification steps and make an offer for reasonable opportunity for responses by those vitally affected and best able to inform the public of the contrasting viewpoint. That such rules are reasonably related to the public interest is shown by consideration of the converse of the rules—namely, operation by a licensee limited to informing the public of only one side of these issues; i.e., the personal attack or the licensee's editorial.[5]

6. The addition of § 73.123 (a), (b) (and also 73.300–FM; 73.598—Educational FM; 73.678–TV of identical language) to the rules serves to codify what

[1] On July 8, 1966, Bedford Broadcasting Corp., et al., submitted, together with a motion to accept the Addendum, an Addendum to their comments, consisting of excerpts from an "Economic Analysis of Competition in the Daily Newspaper Business," prepared by Jesse Markham, Professor of Economics, Princeton University. No reason was given for the failure to submit the material in a timely fashion. The motion to accept the addendum is denied. (47 CFR 1.415(d).)

[2] The informal arguments submitted by the A.C.L.U. raised an apparent misreading of the proposed rules in that the comments state that "rule-making specifically compels personal attacks in the context of the discussion of controversial issues * * *." In fact, this is the situation apparently covered by the proposed rules.

[3] The only new requirement in these rules are the time limits discussed in paragraphs 12 and 13, *infra*, within which licensees must act to fulfill their substantive obligations when they have broadcast personal attacks or political editorials.

[4] Affirmed sub nom., Red Lion Broadcasting Co., Inc., v. F.C.C., Case No. 19,293, D.C. Cir. (June 15, 1967).

[5] In situations not involving a personal attack or an editorial on a political candidate, the licensee may of course exercise his good faith, reasonable judgment as to the appropriate spokesman for a contrasting point of view which the licensee determines should be presented. 1949 Report, *supra*, 13 FCC at 1250.

has long been the Commission's interpretation of the personal attack aspect of the Fairness Doctrine. Report on Editorialization by Broadcast Licensees, 13 FCC 1246, 1250 (1949); Clayton W. Mapoles, 23 Pike & Fischer, R.R. 586 (1962); Billings Broadcasting Co., 22 Pike & Fischer, R.R. 961 (1962). "Thus, we have repeatedly stated that when a licensee, in connection with its coverage of a controversial issue, broadcasts a personal attack on an individual or organization, it must 'transmit the text of the broadcast to the person or group attacked * * * either prior to or at the time of the broadcast, with a specific offer of his station's facilities for an adequate response.' Public Notice of July 26, 1963; Controversial Issue Programing, FCC 63-724 (emphasis supplied)." Springfield Television Broadcasting Corp., 4 Pike & Fischer, R.R. 2d 681, 685 (1965). This duty devolves upon the licensee, because other than in the case of a broadcast by political candidates, the licensee is responsible for all material broadcast over his facilities.

7. As the notice pointed out, the Commission has set forth the obligation of a licensee when a personal attack occurs during the discussion of a controversial issue of public importance, i.e., the licensee must notify the individual or group attacked of the facts, forward a tape, transcript or accurate summary of the personal attack, and extend to the individual or group attacked an offer of time for the broadcast of an adequate response. See Clayton W. Mapoles, 23 Pike & Fischer, R.R. 586 (1962); Billings Broadcasting Co., 23 Pike & Fischer, R.R. 961 (1962); Times-Mirror, 24 Pike & Fischer, R.R. 404 and 407 (1962); and Springfield Television Broadcasting Corp., 4 Pike and Fischer, R.R. 2d 681, 685 (1965); Radio De Land, Inc. (WJBS), 1 FCC 2d 935 (1965). We notified all licensees of their responsibility in this respect, by transmitting to them the July 26, 1963 Public Notice (FCC 63-724) and the 1964 Fairness Primer, supra. Despite such notification and the Commission's rulings, the procedures specified have not always been followed, even when flagrant personal attacks have occurred in the context of a program dealing with a controversial issue. It is for this reason that we now codify the procedures which licensees are required to follow in personal attack situations. These rules will in no way lessen the force and effect of the Fairness Doctrine as it obliges licensees who permit their facilities to be used for the discussion of controversial issue of public importance to afford a reasonable opportunity for the presentation of conflicting views. Nor do they detract in any manner from a licensee's duty not to "withhold from expression over his facilities relevant news or facts concerning a controversy or * * * slant or distort the presentation of such news." Report on Editorialization, supra.

8. The obligation for compliance with these rules is on each individual licensee as it is for compliance with the Fairness Doctrine generally. Capitol Broadcasting Co., 2 Pike & Fischer, R.R. 2d 1104 (1964). Where a personal attack or editorial as to a candidate on a network program is carried by the licensee, the licensee may not avoid compliance with the rules merely because the attack or editorial occurred on a network program. Of course, if the network provides appropriate notice and opportunity for response and the licensee carries such response, its obligation would be satisfied.

9. A major purpose of the rules is to clarify and make more precise the procedures which licensees are required[*] to follow in personal attack situations. The long-applied standard of what constitutes a personal attack remains unaffected by this codification:

> (T)he personal attack principle is applicable where there are statements, in connection with a controversial issue of public importance, attacking an individual's or group's integrity, character, or honesty or like personal qualities, and not when an individual or group is simply named or referred to. Applicability of the Fairness Doctrine in the Handling of Controversial Issues of Public Importance, Public Notice of July 1, 1964, footnote 6.

Thus, no matter how strong the disagreement as to views may be, the personal attack principle is not applicable (See Letter to Pennsylvania Community Antenna Television Association, Inc., 1 FCC 2d 1610); it becomes applicable only where in the context of the discussion of a controversial issue of public importance, there is an attack on an individual's or group's integrity, etc., as noted above. As stated in the notice of proposed rule making, we recognize that in some circumstances there may be uncertainty or legitimate dispute concerning some aspects of the personal attack principle, such as whether a personal attack has occurred in the context of a discussion of a controversial issue of public importance, or whether the group or person attacked is "identified" sufficiently in the context to come within the rule. The rules are not designed to answer such questions. When they arise, licensees will have to continue making good faith judgments based on all of the relevant[†] facts and the applicable Commission interpretations.[‡] As we stated in the notice of proposed rule making, the rule will not be used as a basis for sanctions against those licensees who in good faith seek to comply with the personal attack principle. We point out that in the analogous case of the equal opportunities provision of section 315, we have not employed sanctions in the situation where a licensee has a good faith, reasonable doubt as to the provision's applicability. The rules here are thus directed to situations where the licensee do not comply with the requirements of the personal attack principle as to notification and offer of time to respond, even though there can be no reasonable doubt under the facts that a personal attack has taken place (e.g., a statement in a controversial issue broadcast that a public official or other person is an embezzler or a Communist). Statements that the rules will discourage, rather than encourage, controversial programing ignore the fact that the rules do no more than restate existing substantive policy—a policy designed to encourage controversial programing by insuring that more than one viewpoint on issues of public importance are carried over licensees' facilities. See footnote 3, supra. Further we do not perceive any discouragement to controversial issue programing, except for a licensee who wished to present only one side of such programing—namely, the personal attack and not the response by the individual attacked.

10. Several of the comments in this proceeding indicate the mistaken impression that an attack on a specific person or group constitutes, itself, a controversial issue of public importance requiring the invocation of the Fairness Doctrine. This misconceives the principle, based on the right of the public to be informed as to the vital issues of the day, which requires that an attack must occur within the context of a discussion of a controversial issue of public importance in order to invoke the personal attack principle. The use of broadcast facilities for the airing of mere private disputes and attacks would raise serious public interest issues, but such issues are not the focus of the Fairness Doctrine.

11. Under the principle it has always been the duty of a licensee to forward to a person or group attacked notification of the attack and an offer of an opportunity to respond, rather than to await a request or complaint from the person attacked. The notification requirement is of the utmost importance, since our experience indicates that otherwise the person or group attacked may be unaware of the attack, and thus the public may not have a meaningful opportunity to hear the other side. Again the rule adds no new burden in this respect to the obligations of a broadcast licensee. If an unawareness of this obligation presently exists among licensees despite the Commission's language in Mapoles, Billings, Times-Mirror, Springfield Television, the public notice of July 26, 1963, and the 1964 Fairness Primer, this only highlights the need for the rule.

12. Paragraph (a) of the rule places specific procedural responsibilities on the licensee over whose facilities a personal attack has been broadcast. A licensee is required to send the attacked person or group, within a reasonable time and in no event later than 1 week after the attack, a notice of the attack which states when the attack occurred and contains an offer of a reasonable opportunity to respond. Along with the notice, he is required to send a tape, transcript or accurate summary of the attack to the attacked person or group. This time limit should be sufficient to allow a licensee to confer with counsel or with the Commission if there is doubt as to its obligation. In any event, in the doubtful situation, if the person who possibly has been attacked is notified promptly within the time limit and the licensee seeks clarification of his obligation from his counsel or the Commission, no sanctions would be imposed, because the matter is not finally resolved within the 1-week period. See paragraph 9, supra.[†] This 1 week outer time limit does not mean that such a copy should not be sent earlier or indeed, before the attack occurs, particularly where time is of the essence.

Other matters are left to the reasonable judgment of the licensee, good faith negotiations, and the Commission's interpretive rulings based on specific factual situations.[‡]

13. As we pointed out in the notice, following present policy (public notice of July 1, 1964 (Fairness Primer), FCC 64-611, 29 F.R. 10415, footnote 6) personal attacks on foreign groups or foreign public figures are excluded from coverage by the rule. Also excluded from coverage are personal attacks made by political candidates, their authorized spokesmen, or those associated with them in the campaign against other candidates, spokesmen, or persons associated with them in the campaign. The exclusion of attacks by candidates against other candidates recognizes that the "equal opportunities" provision of section 315—and not the personal attack principle—is usually applicable to this situation. The Fairness Doctrine may, of course, be applicable to particular factual situations in the political broadcast field. See, section 315(a) of the Communications Act of 1934, as amended, 47 U.S.C. 315 (a); public notice of July 1, 1964, Applicability of the Fairness Doctrine in the Handling of Controversial Issues of Public Importance, 29 F.R. 10415 (1964).

14. Finally, subsection (c) of the rule clarifies licensee's obligations in regard to station editorials endorsing or opposing political candidates. The appropriate candidate (or candidates) must be informed of a station's editorial opposing his (or their) candidacy or supporting the candidacy of a rival, and must be offered a reasonable opportunity to respond through a spokesman of his choice including, if the licensee so agrees, himself. The language of subsection (a) has been altered from that appearing in the notice of proposed rule making (FCC 66-291) to make clear that where an editorial endorses a candidate notice and offer of an opportunity to respond must be sent to his opponent, and where an editorial opposes a candidate such notice and offer must be sent to the opposed candidate.

15. The phrase "reasonable opportunity" to respond is used here and in the personal attack subsection because such an opportunity may vary with the circumstances. In many instances a comparable opportunity in time and scheduling will be clearly appropriate; in others such as where the endorsement of a candidate is one of many and involves just a few seconds, a "reasonable opportunity" may require more than a few seconds if there is to be a meaningful response. See, Final Report of the Senate Committee on Commerce, S. Rep. No. 944, 87th Cong., second sess., Part 6, page 7. Notification shall be within 24 hours of the editorial, since time is of the essence in this area and there appears to be no reason why the licensee cannot immediately inform a candidate of an editorial. In most cases licensees will be able to give notice prior to the editorial. Indeed such prior notice is required in instances of editorials broadcast close to the election date; i.e., less than 72 hours before the day of the election. For while such last-minute editorials are not prohibited, we wish to emphasize as strongly as possible that such editorials would be patently contrary to the public interest and the personal attack principle unless the licensee insures that the appropriate candidate (or candidates) is informed of the proposed broadcast and its contents sufficiently far in advance to have a reasonable opportunity to prepare a response and to have it presented in a timely fashion. We have accordingly made this requirement explicit in a proviso to subsection (c).

16. As in the case of the personal attack subsection, the licensee may impose reasonable limitations on the reply, such as requiring the appearance of a spokesman for the candidate to avoid any section 315 "equal opportunities" cycle.[‡] The matter of scheduling responses is left to reasonable judgment and negotiation. Subsection (c) is directed only to station editorials endorsing, or opposing, political candidates. Situations containing aspects of both personal attacks and political endorsements or oppositions may arise, and in such cases rulings on the particular factual settings may be necessary. Times-Mirror, 24 Pike & Fischer, R.R. 404 and 407 (1962).

17. Authority for the rules herein adopted is contained in section 4 (i) and (j), 303(r) and 315 of the Communications Act of 1934, as amended.

18. *Accordingly, it is ordered*, That the rules contained below are adopted, effective August 14, 1967.

(Secs. 4, 303, 315, 48 Stat. as amended 1066, 1082, 1083; 47 U.S.C. 154, 303, 315)

Adopted: July 5, 1967.

Released: July 10, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[**]

[SEAL] BEN F. WAPLE, *Secretary.*

In Part 73, §§ 73.123, 73.300, 73.598, and 73.679 all to read identically are added to read as follows:

§ 73.____ Personal attacks; political editorials.

(a) When, during the presentation of views on a controversial issue of public importance, an attack is made upon the honesty, character, integrity or like personal qualities of an identified person or group, the licensee shall, within a reasonable time and in no event later than 1 week after the attack, transmit to the person or group attacked (1) notification of the date, time and identification of the broadcast; (2) a script or tape (or an accurate summary if a script or tape is not available) of the attack; and (3) an offer of a reasonable opportunity to respond over the licensee's facilities.

(b) The provisions of paragraph (a) of this section shall be inapplicable to attacks on foreign groups or foreign public figures or where personal attacks are made by legally qualified candidates, their authorized spokesmen, or those associated with them in the campaign, on other such candidates, their authorized spokesman, or persons associated with the candidates in the campaign.

NOTE: In a specific factual situation, the fairness doctrine may be applicable in this general area of political broadcasts. See, section 315(a) of the Act (47 U.S.C. 315(a)); public notice: Applicability of the Fairness Doctrine in the Handling of Controversial Issues of Public Importance, 29 Fed. Reg. 10415.

(c) Where a licensee, in an editorial, (i) endorses or (ii) opposes a legally qualified candidate or candidates, the licensee shall, within 24 hours after the editorial, transmit to respectively (1) the other qualified candidate or candidates for the same office or (ii) the candidate opposed in the editorial (1) notification of the date and the time of the editorial; (2) a script or tape of the editorial; and (3) an offer of a reasonable opportunity for a candidate or a spokesman of the candidate to respond over the licensee's facilities: *Provided, however*, That where such editorials are broadcast within 72 hours prior to the day of the election, the licensee shall comply with the provisions of this subsection sufficiently far in advance of the broadcast to enable the candidate or candidates to have a rea-

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[*] In appropriate cases, licensees can and should promptly consult the Commission for interpretation of our rules and policies.

[†] This would be the appropriate procedure should there arise a question of the applicability of the principle to a factual situation, such as the hypothetical one posed by the National Broadcasting Co.'s comments, of an attack made in the context of a discussion of controversial issue of public importance, which does not itself constitute such an issue. We note that in our experience thus far, the attack made in the context of the controversial issue has been germane to the issue.

[†] As we stated in the notice of proposed rule making, where a licensee determines that a personal attack has not occurred but recognizes that there may be some dispute concerning this conclusion, he should keep available for public inspection, for a reasonable period of time, a tape, transcript or summary of the broadcast in question.

[‡] Where the attack occurs on paid time, a question has arisen as to whether the response can also be required to be on paid time. We have ruled on this matter in Letter to John H. Norris (WGCB), aff'd sub nom., Red Lion Broadcasting Co., Inc. v. FCC, *supra*. In view of our ruling, this is a matter not covered by the rule.

[‡] Barring extraordinary circumstances, the choice of the spokesman is, of course, a matter for the candidate involved.

[**] Dissenting statement of Commissioner Bartley and concurring statement of Commissioner Loevinger filed as part of original document; Commissioner Wadsworth absent.

sonable opportunity to prepare a response and to present it in a timely fashion.

[F.R. Doc. 67-8076; Filed, July 12, 1967; 8:49 a.m.]

[FCC 67-801]

PART 73—RADIO BROADCAST SERVICES

Frequency Monitors

In the matter of Amendment of § 73.49 (b)(4) and (b)(5) of the Commission rules and regulations governing Standard Broadcast Stations to eliminate the requirement that all frequency monitors must be equipped with automatic temperature control chambers.

1. Subparagraphs (4) and (5) of § 73.49(b) of the Commission rules require that all frequency monitors approved for use at Standard Broadcast stations must be equipped with an automatic temperature control chamber to stabilize the oscillating frequency of the crystal and, where necessary, the associated tuned circuits. Modern technology has advanced to the point where such ovens may not always be necessary to insure the required stability of the instrument. Furthermore, frequency monitors submitted to the Commission for type approval are placed through a series of rigorous tests at the Commission's laboratory designed to reveal any unacceptable instability. Therefore, the requirements for a temperature control chamber and the associated indicating thermometers are no longer considered to be essential and may be eliminated as a prerequisite for type approval of frequency monitors.

2. Since the action taken herein is the removal of a restrictive requirement which is no longer considered to be necessary in the present state of the art, and since such action will not adversely affect the interest of any party, we find that prior rule making proceedings normally required by section 4 of the Administrative Procedure Act are not necessary, and the rule amendment may and should be made effective as soon as possible.

3. Accordingly, pursuant to the authority contained in sections 4(i) and 303(e) of the Communications Act of 1934, as amended: *It is ordered*, That, effective July 14, 1967, § 73.49(b) of the Commission rules is amended by deleting subparagraphs (4) and (5).

(Secs. 4, 303, 48 Stat., as amended 1066, 1082; 47 U.S.C. 154, 303)

Adopted: July 5, 1967.

Released: July 10, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-8078; Filed, July 12, 1967; 8:49 a.m.]

[FCC 67-775]

PART 74—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST SERVICES

Foreign Television Signals

In the matter of amendment to §§ 74.1105 and 74.1107 of the Commission's rules and regulations as they relate to foreign television signals.

1. The question has recently arisen whether §§ 74.1105 and 74.1107 of the Commission's rules are applicable to foreign television signals.[1] The rationale of the Second Report and Order requires that §§ 74.1105 and 74.1107 apply to foreign television signals, and we have consistently applied § 74.1107 to foreign signals. E.g., Fetzer Cable Vision, 6 FCC 2d 845, 848–849. Consequently, we have held that § 74.1107 of the rules applies to foreign television signals. Colorcable, Inc., FCC 67-774, —— FCC 2d ——. In view of the prior administrative history of this matter and the clarifying or interpretative nature of this revision, we believe that the notice and related provisions of section 4 of the Administrative Procedure Act are both inapplicable and unnecessary.[2]

2. We are therefore adding footnotes to §§ 74.1105 and 74.1107 to make clear that they apply to foreign television signals. Authority for this amendment is contained in sections 4 (i) and (j) and 303(r) of the Communications Act of 1934, as amended.

In view of the foregoing: *It is ordered*, Effective July 14, 1967, that §§ 74.1105 and 74.1107 of the rules and regulations are amended as set forth below.

(Secs. 4, 303, 48 Stat., as amended 1066, 1082; 47 U.S.C. 154, 303)

Adopted: July 3, 1967.

Released: July 6, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[3]
[SEAL] BEN F. WAPLE,
Secretary.

1. In Part 74 of Chapter I of Title 47 of the Code of Federal Regulations, a footnote is added to § 74.1105, to read as follows:

§ 74.1105 Notification prior to the commencement of new service.

* * * * *

NOTE 2: As used in § 74.1105, the term "television broadcast station" includes foreign television broadcast stations.

2. In Part 74 of Chapter I of Title 47 of the Code of Federal Regulations, a footnote is added to the end of § 74.1107 to read as follows:

§ 74.1107 Requirement for showing in evidentiary hearing and Commission approval in top 100 television markets; other procedures.

* * * * *

NOTE 1: As used in § 74.1107, the term "television broadcast station" includes foreign television broadcast stations.

[F.R. Doc. 67-8079; Filed, July 12, 1967; 8:50 a.m.]

[1] It has been argued that they are not applicable because sec. 74.1107 provides that a CATV system "shall not extend the signal of a television broadcast station," and sec. 74.1101(b) defines a television broadcast station as a station "operating on a channel * * * assigned * * * by § 73.606," which provides channels for the "United States, its Territories and Possessions."

[2] As a further matter, we also point out that since carriage of foreign television signals by CATV systems in the top 100 television markets without our prior approval given pursuant to sec. 74.1107 of the rules, could disrupt our overall CATV regulatory program, observance of the notice and effective date provisions of sec. 4 would be contrary to the public interest.

[3] Commissioners Bartley, Wadsworth, and Johnson absent; Commissioner Loevinger concurring in result.

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission and Department of Transportation

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLES

PART 292—DRIVING OF MOTOR VEHICLES

Carriers of Hazardous Materials; Stopping at Railroad Grade Crossings

These amendments are issued pursuant to the authority delegated in 49 CFR Part 1, and in accordance with the provisions of section 12(a) of the Department of Transportation Act, P.L. 89-670 (80 Stat. 931).

These amendments concern only the driving rules for motor vehicles transporting hazardous materials, and are necessary to conform to the placarding requirements of § 177.823, Title 49 CFR, Parts 171-190, 18 U.S.C. 834 (62 Stat. 738, 74 Stat. 808) effective June 1, 1967; and is an agency procedure and therefore, pursuant to the requirements of 5 U.S.C. 553 (80 Stat. 383), for good cause it is found that notice of proposed rulemaking and 30-day effective date requirements are unnecessary.

Accordingly, Title 49 CFR, § 292.10 (formerly § 192.10) be, and it is hereby amended to read as follows:

§ 292.10 Railroad grade crossings; stopping required.

(a) Except as provided in paragraph (b) of this section, the driver of any motor vehicle described in subparagraphs (1) through (5) of this paragraph, before crossing at grade any track or tracks of a railroad, shall stop such vehicle within 50 feet, but not less than 15 feet from the nearest rail of such railroad, and while so stopped shall listen and look in both directions along such track for any approaching train, and shall not proceed until such precautions have been taken and until he has ascertained that the course is clear.

(1) Every bus transporting passengers.

(2) Every motor vehicle transporting any quantity of chlorine.

(3) Every motor vehicle which, in accordance with the regulations of the Department of Transportation, is required to be marked or placarded with one of the following markings:

(i) Explosives A.
(ii) Explosives B.
(iii) Poison.
(iv) Flammable.
(v) Oxidizers.
(vi) Compressed Gas.
(vii) Corrosives.
(viii) Flammable Gas.
(ix) Radioactive.
(x) Dangerous.

(4) Every cargo tank motor vehicle, whether loaded or empty, used for the transportation of any dangerous article as defined in the regulations of the Department of Transportation or for the transportation of any liquid having a flashpoint below 200° Fahrenheit, as determined by the Standard Method of Test for Flash Point of the American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pa. 19103, as set forth in ASTM D-56-61, ASTM D-92-57, or ASTM D-93-62, and referenced by the National Fire Protection Association, 60 Batterymarch Street, Boston, Mass. 02110, in Pamphlet No. 385, 1964 edition.

(5) Every cargo tank motor vehicle transporting a commodity which at the time of loading has a temperature above its flashpoint as determined by the same standard method of testing as prescribed in subparagraph (4) of this paragraph.

(6) Every cargo tank motor vehicle, whether loaded or empty, transporting any commodity under special permit in accordance with the provisions of § 173.22 of this chapter.

(b) A stop need not be made at:

(1) A streetcar crossing, or railroad tracks used exclusively for industrial switching purposes, within a business district as defined in § 290.12 of this chapter.

(2) A railroad grade crossing when a police officer or crossing flagman directs traffic to proceed.

(3) A railroad grade crossing where a stop and go traffic light controls movement of traffic.

(4) An abandoned railroad grade crossing which is marked with a sign indicating that the rail line is abandoned.

(5) An industrial or spur line railroad grade crossing marked with a sign reading "Exempt Crossing." Such "Exempt Crossing" signs shall be erected only by or with the consent of the appropriate State or local authority.

This order is effective July 13, 1967.

LOWELL K. BRIDWELL,
Federal Highway Administrator.

[F.R. Doc. 67-8026; Filed, July 12, 1967; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1006]

[Docket No. AO-386-A3]

MILK IN UPPER FLORIDA MARKETING AREA

Notice of Extension of Time for Filing Exceptions to the Recommended Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Upper Florida marketing area, which was issued June 22, 1967 (32 F.R. 9096), is hereby extended to July 22, 1967.

Signed at Washington, D.C., on July 7, 1967.

CLARENCE H. GIRARD,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 67-8064; Filed, July 12, 1967; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 166]

DEPRESSANT AND STIMULANT DRUGS

Proposed Listing of Additional Drugs Subject to Control

The Commissioner of Food and Drugs proposes, on the basis of his investigations and the recommendations of an advisory committee appointed pursuant to section 511(g)(1) of the Federal Food, Drug, and Cosmetic Act, that the drugs set forth below be listed as depressant or stimulant drugs within the meaning of section 201(v) of the act because of their hallucinogenic effect. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(v), 511, 701, 52 Stat. 1055, as amended, 79 Stat. 227 et seq.; 21 U.S.C. 321(v), 360a, 371) and under the authority delegated by the Secretary of Health, Education, and Welfare to the Commissioner (21 CFR 2.120), it is proposed that § 166.3(c)(3) be amended by alphabetically inserting in the list of drugs three new items, as follows:

§ 166.3 Listing of drugs defined in section 201(v) of the act.

* * * * *

(c) * * *

(3) * * *

Established name	*Some trade and other names*
Bufotenine and its salts	3-(β-Dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)-5-indolol; *N,N*-dimethylserotonin; 5-hydroxy-*N*-dimethyltryptamine; mappine.
DET and its salts	*N,N*-diethyltryptamine.
* * *	* * *
Ibogaine and its salts	7-Ethyl-6,6a,7,8,9,10,12,13-octahydro-2-methoxy-6,9-methano-5H-pyrido [1',2':1,2] azepino [4,5-b] indole; tabernanthe iboga.
* * *	* * *

All interested persons are invited to submit their views in writing regarding the proposal published herein. Comments concerning any additional trade or other names that may be properly listed for the subject drugs are also invited. Views and comments should be submitted, preferably in quintuplicate, addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, within 30 days following the date of publication of this notice in the FEDERAL REGISTER.

Dated: July 5, 1967.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 67-8092; Filed, July 12, 1967; 8:51 a.m.]

POST OFFICE DEPARTMENT

[39 CFR Part 143]

METERED STAMPS

Inspection of Postage Meters

Notice is hereby given of proposed rule making consisting of a revision of paragraph (f)(2) in § 143.8 of Title 39, Code of Federal Regulations. The proposed revision to paragraph (f)(2) would require postage meter manufacturers to specifically determine whether any indications of tampering are noted during their required on site inspections of postage meters leased to mailers. In addition, the revision would require that meter register readings be compared with the control figure last recorded by the postal setting employee in the meter user's Form 3602-A, Daily Record of Meter Register Readings, to confirm the accuracy of registers.

Although the procedures in 39 CFR Part 143 relate to a proprietary function of the Government, it is the desire of the Postmaster General voluntarily to observe the rule making requirements of the Administrative Procedure Act (5 U.S.C. 553) in order that patrons of the Postal Service may have an opportunity to submit written data, views, and arguments concerning the proposed revisions. Such written comments may be submitted to the Director, Classification and Special Services Division, Bureau of Operations, Post Office Department, Washington, D.C. 20260 at any time prior to the 30th day following the date of publication of this notice in the FEDERAL REGISTER.

Accordingly, it is proposed that paragraph (f)(2) of § 143.8 read as follows:

§ 143.8 Manufacture and distribution of postage meters.

* * * * *

(f) *Maintenance* * * *

(2) *Inspection of Meters in use.* The manufacturer must have all of his meters in service with mailers inspected at least twice annually at approximate 6-month intervals. Inspection must be sufficiently thorough to determine that each meter is clean, in proper operating condition, is recording its operations correctly and accurately, that neither the post office seal nor any seal placed by the manufacturer to prevent access to the mechanism has been removed or tampered with, and that there are no other indications of tampering. The meter register readings must be compared with the control figure last recorded by the postal setting employee in the meter user's Form 3602-A, Daily Record of Meter Register Readings, to confirm the accuracy of the registers. If the post office control figure has not been recorded, obtain such figure immediately from post office to confirm accuracy of registers.

Any irregularities found in the operation of a meter at any time or any improper usage of a meter must be reported immediately to the mailer's postmaster, and appropriate steps must be taken to have the meter discontinued.

* * * * *

NOTE: The corresponding Postal Manual section is 143.862.

(5 U.S.C. 301, 39 U.S.C. 501)

TIMOTHY J. MAY,
General Counsel.

JULY 7, 1967.

[F.R. Doc. 67-8043; Filed, July 12, 1967; 8:46 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 67-SO-86]

CONTROL ZONES AND TRANSITION AREAS

Proposed Alteration

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would alter the Albany, Ga., and Tallahassee, Fla., control zones and transition areas and the Valdosta, Ga., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications pertaining to the Albany and Valdosta, Ga., portions of this docket should be submitted in triplicate to the Area Manager, Atlanta Area Office, Attention: Chief, Air Traffic Branch, Federal Aviation Administration, Post Office Box 20636, Atlanta, Ga. 30320. Communications pertaining to the Tallahassee, Fla., portion of this docket should be submitted in triplicate to the Area Manager, Miami Area Office, Attention: Chief, Air Traffic Branch, Federal Aviation Administration, Post Office Box 2014, AMF Branch, Miami, Fla. 33159. All communications received within 20 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The Albany, Ga., VOR and Tallahassee, Fla., VORTAC are scheduled for relocation to latitude 31°39'19" N., longitude 84°17'23" W. and latitude 30°33'22" N., longitude 84°22'26" W., respectively, during or following September 1967. The Albany VOR will be converted to a VORTAC in conjunction with the relocation and the VOR instrument approach procedures for the Albany and Tallahassee Municipal Airports are being revised and a VOR instrument approach procedure is proposed for the Tallahassee Commercial Airport. Additionally, the proposed realignment of associated airways and jet routes necessitated by the relocation of these navigation aids is described in Airspace Docket No. 67-SO-13. In consideration of the foregoing, it is necessary to alter the following control zones and transition areas.

The Albany, Ga. (Municipal Airport) control zone as described in § 71.171 (32 F.R. 2071 and 2708) would be redesignated as follows:

Within a 5-mile radius of the Albany Municipal Airport (latitude 31°32'09" N., longitude 84°11'36" W.); within 2 miles each side of the Albany VORTAC 148° radial, extending from the 5-mile radius zone to 1 mile SE of the VORTAC.

The Tallahassee, Fla., control zone as designated in § 71.171 (32 F.R. 2071) would be redesignated as follows:

Within a 5-mile radius of Tallahassee Municipal Airport (latitude 30°23'56" N., longitude 84°21'26" W.); within 2 miles each side of the Tallahassee VORTAC 173° radial, extending from the 5-mile radius zone to 2 miles S of the VORTAC; within 2 miles each side of the Tallahassee ILS localizer N course, extending from the 5-mile radius zone to 2 miles N of the airport.

The Albany, Ga., transition area as described in § 71.181 (32 F.R. 2148) would be redesignated as follows:

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Albany Municipal Airport (latitude 31°32'09" N., longitude 84°11'36" W.); within a 10-mile radius of NAS Albany (latitude 31°36'36" N., longitude 84°05'05" W.); within 2 miles each side of the Albany VORTAC 145° radial, extending from the 9-mile radius area to the VORTAC; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning NE of Albany at the INT of the S boundary of V-70 and the arc of a 40-mile radius circle centered at NAS, Albany, thence clockwise along this arc to latitude 31°36'30" N., thence W along this latitude to the arc of a 30-mile radius circle centered at the Albany Municipal Airport, thence clockwise along this arc to a line 5 miles S of and parallel to the direct radials between the Dothan and Albany VORTACs, thence W along this line to a line extending through latitude 31°16'30" N., longitude 84°51'30" W., and latitude 31°37'30" N., longitude 84°46'00" W., thence N along this line to latitude 31°37'30" N., longitude 84°46'00" W., thence to latitude 31°41'20" N., longitude 84°56'55" W., thence to latitude 31°47'20" N., longitude 84°56'20" W., thence W along latitude 31°47'20" N., to the E boundary of V-241, thence N along this boundary to the INT of the S boundary of V-70, thence E along this boundary to point of beginning; and that airspace extending upward from 3,700 feet MSL beginning at the INT of the NE boundary of V-7 and a line extending from latitude 31°16'30" N., longitude 84°51'30" W. through latitude 31°14'38" N., longitude 85°10'45" W.; thence to latitude 31°16'30" N., longitude 84°51'30" W.; thence N along a line extending from latitude 31°16'30" N., longitude 84°51'30" W. through latitude 31°37'30" N., longitude 84°46'00" W., to the intersection of a line 5 miles S of and parallel to the direct radials between the Albany and Dothan VORTACs; thence E along this line to the arc of a 30-mile radius circle centered at the Albany Municipal Airport; thence counterclockwise along this arc to the W boundary of V-97/V-85W; thence S along this boundary to the NE boundary of V-7; thence NW along this boundary to point of beginning.

The Tallahassee, Fla., transition area as described in § 71.181 (32 F.R. 2148) would be redesignated as follows:

That airspace extending upward from 700 feet above the surface within a 10-mile radius of the Tallahassee Municipal Airport (latitude 30°23'56" N., longitude 84°21'22" W.); within a 5-mile radius of the Tallahassee Commercial Airport (latitude 30°29'09" N., longitude 84°22'36" W.); within 8 miles E and 5 miles W of the ILS localizer S course, extending from the 10-mile radius area to 13 miles S of the LOM; within 2 miles each side of the Tallahassee VORTAC 353° radial extending from the 5-mile radius area to 8 miles N of the VORTAC.

The 1,200-foot portion of this transition area will be revoked (airspace Docket No. 67-SO-58) in conjunction with these airspace actions. The controlled airspace with a floor of 1,200 feet associated with the airways in the Tallahassee area makes the 1,200-foot portion of this transition area unnecessary.

The Valdosta, Ga., transition area as described in § 71.181 (32 F.R. 2148) would be amended as follows: The portion "* * * on the W by V-35/97 * * *" would be deleted and "* * * on the W by V-35/159 * * *" would be substituted therefor.

Turbojet aircraft are currently using the Albany Municipal Airport, NAS Albany and the Tallahassee Municipal Airport. The proposed control zone and transition areas would provide the controlled airspace necessary for the protection of IFR aircraft operating in these terminal areas.

The official docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Administration, Room 724, 3400 Whipple Street, East Point, Ga.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)).

Issued in East Point, Ga., on July 3, 1967.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 67-8047; Filed, July 12, 1967; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 66-AL-31]

FEDERAL AIRWAYS, TRANSITION AREAS AND REPORTING POINTS

Proposed Revocation, Alteration, and Designation

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations which would realign colored Federal airways Green 8, Red 40, Red 99, and Blue 27; revoke Blue 65; revoke Rocky Point, Alaska, and Kukaklek, Alaska, transition areas; designate Big Mountain, Alaska, transition area; revoke Rocky Point, Kukaklek, and Anchor Point, Alaska, low altitude reporting points and designate Big Mountain low altitude reporting point.

As parts of these proposals relate to navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices, by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 and Annex 11 to the Convention on International Civil Aviation (ICAO), which

pertains to the establishment of air navigation facilities and services necessary to promoting the safe, orderly and expeditious flow of civil air traffic. Its purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and Secretary of Defense in accordance with the provisions of Executive Order 10854.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Alaskan Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, Alaska 99501. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the Office of the Regional Air Traffic Division Chief.

The Federal Aviation Administration has under consideration the following airspace actions:

1. Realign G–8 airway segment from King Salmon, Alaska, radio range; direct Big Mountain radio beacon; direct Homer, Alaska, radio range; direct to Kenai, Alaska, radio range.

2. Realign R–40 airway segment from Kodiak, Alaska, radio range; direct Homer radio range.

3. Realign R–90 airway from Big Mountain radio beacon; direct Iliamna, Alaska, radio beacon; to the intersection of the Iliamna radio beacon 145° T (123° M) and Big Mountain radio beacon 080° T (058° M) bearings.

4. Revoke B–65 airway.

5. Realign B–27 airway segment from Kodiak radio range; via the intersection of Kodiak radio range 270° T (247° M) and the southeast course of the King Salmon radio range; direct to King Salmon radio range.

6. Designate the Big Mountain transition area as that airspace extending upward from 1,200 feet above the surface within 5 miles northwest and 7.5 miles southeast of the 049° T (027° M) and 229° T (207° M) bearings from the Big Mountain radio beacon extending from 7 miles northeast to 13 miles southwest of the radio beacon.

7. Revoke the Rocky Point and Kukaklek transition areas.

8. Designate the Big Mountain radio beacon as a low altitude reporting point.

9. Delete the Kukaklek, Rocky Point, and Anchor Point low altitude reporting points.

The proposed airway realignments would provide more direct routes between the terminal areas served. Blue 65 airway, Rocky Point and Kukaklek transition areas are proposed for revocation as they are no longer required for air traffic purposes. The proposed Big Mountain transition area would provide controlled airspace for air traffic conducting holding procedures utilizing the Big Mountain radio beacon.

These amendments are proposed under the authority of sections 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510) and Executive Order 10854 (24 F.R. 9565).

Issued in Washington, D.C., on July 6, 1967.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67–8060; Filed, July 12, 1967; 8:47 a.m.]

[14 CFR Part 91]

[Docket No. 8279; Notice 67–38]

FOREIGN CIVIL AIRCRAFT

Special Rules for VFR Flight Operations

The Federal Aviation Administration is considering amending Part 91 of the Federal Aviation Regulations to delete the requirement of § 91.43(b) that no person may operate a foreign civil aircraft in the United States in VFR flight unless a VFR flight plan has been filed with an FAA communications station.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket GC–24, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before September 11, 1967, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of the comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

The VFR flight plan requirement for foreign civil aircraft navigation contained in § 91.43(b) and its predecessor regulation CAR § 190.23(a) was originally adopted primarily for administrative purposes to enable the FAA to keep track of foreign civil aircraft navigation within the United States.

It now appears evident that any national security purpose which the regulation may fulfill can be adequately provided for by the provisions of Part 99—Security Control of Air Traffic. As a result, there is no longer an administrative need for the section for that purpose. For the purposes of safety, the considerations in requiring a VFR flight plan to be filed by the operator of a foreign civil aircraft appear to be no different than those considerations applicable to the operation of any civil aircraft. The VFR flight plan filed by an operator of a foreign civil aircraft is handled no differently from other VFR flight plans, and the services rendered by the FAA are the same as those furnished to an operator of a U.S. registered aircraft. Therefore, it appears that the obligation for filing a VFR flight plan upon the operator of a foreign civil aircraft should be no different than upon the operator of a U.S. registered aircraft.

As pointed out by a petition for rulemaking by the Canadian Owners and Pilots Association, the mandatory requirement upon operators of foreign civil aircraft to file a VFR flight plan, often creates a hardship on those pilots who wish to fly into remote areas where it is difficult, if not impossible, to file or close a flight plan. With the proposed change this difficulty will be eliminated. Furthermore, the operator of a foreign civil aircraft who desires the services of the FAA may still obtain them by filing a VFR flight plan.

In consideration of the foregoing, it is proposed that § 91.43 be amended by deleting paragraph (b). This proposal is made under the authority of sections 307(a), 313(a), and 601 of the Federal Aviation Regulations (49 U.S.C. 1348(a), 1354(a), and 1421).

Issued in Washington, D.C., on July 6, 1967.

EDWARD C. HODSON,
Acting Director, Flight Standards Service.

[F.R. Doc. 67–8061; Filed, July 12, 1967; 8:47 a.m.]

[14 CFR Part 121]

[Docket No. 8269; Notice 67–37]

TRAVEL CLUBS

Certification and Operations

The Federal Aviation Administration is considering amending Part 121 of the Federal Aviation Regulations to expressly include operations conducted by "travel clubs" with large airplanes.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket GC–24, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before September 11, 1967, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examinations by interested persons.

A commercial operator using large aircraft must obtain a certificate from this agency and must conduct its operations under Part 121 of the Federal Aviation Regulations. Section 1.1 of the Federal Aviation Regulations defines a commercial operator as follows:

"Commercial operator" means a person who, for compensation or hire, engages in the carriage by aircraft in air commerce, of persons or property, other than as an air carrier or foreign air carrier or under the authority of Part 375 of this Title. Where it is doubtful that an operation is for "compensation or hire", the test applied is whether the carriage by air is merely incidental to the person's other business or is, in itself, a major enterprise for profit.

During the past few years, a number of travel clubs have been formed for the purpose of providing their members with long-distance travel usually on large (over 12,500 lbs. takeoff weight) aircraft. In most cases, these clubs operate on the basis that the members share the expenses of the travel by an assessment, dues, membership fee, or similar payment to the club. As long as there is truly a sharing of expenses by the members and no profit is made from the club's operation, such an operation has not been considered to be for "compensation or hire" and it could be conducted under Part 91 of the Federal Aviation Regulations. However, if a club allows nonmembers to travel for a fee or if the club, or some other person, makes a profit, in any manner, from the operation of the aircraft, the operation is considered to be for compensation or hire. In such case, an operator using large aircraft must be certificated and operate under the commercial operator rules of Part 121. Moreover, if the operations involve interstate, overseas, or foreign air transportation (common carriage) appropriate economic authority would be required from the Civil Aeronautics Board.

From a safety standpoint, when a passenger has, in any manner, paid for his carriage aboard a large aircraft the FAA believes that the applicable safety standards should not depend on a distinction as to whether that passenger is carried for "compensation or hire" or is "sharing expenses" with other passengers. The average passenger certainly is not aware that the method by which he pays for his carriage determines the level of safety that the operator of the aircraft is required to maintain. Except for the method of payment, the typical travel club operation is in all practical respects no different from a charter flight conducted by a commercial operator, and the FAA believes that the level of safety required by Part 121 should be maintained. Therefore, the FAA proposes to apply the commercial operator certification and safety standards of Part 121 to travel clubs by amending the applicability of that Part to include the carriage of persons in a large aircraft by any person, travel club, or group, if, as a condition to qualifying for that carriage, those persons pay to that person, travel club, or group, any assessment, dues, membership fee, or other thing of value.

In consideration of the foregoing, it is proposed to amend Part 121 of the Federal Aviation Regulations by amending the applicability provisions of subparagraph (a)(5) of § 121.1 to read as follows:

§ 121.1 Applicability.

(a) • • •

(5) Each commercial operator when it engages in the carriage of persons or property in air commerce for compensation or hire with large aircraft, including the carriage of persons in a large aircraft by any person, travel club, or group, if, as a condition to qualifying for that carriage, those persons pay to that person, travel club, or group, any assessment, dues, membership fee, or other thing of value.

• • • • •

This amendment is proposed under the authority of sections 313(a), 601, and 607 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1427).

Issued in Washington, D.C., on July 6, 1967.

JAMES F. RUDOLPH,
Director, Flight Standards Service.

[F.R. Doc. 67–8049; Filed, July 12, 1967; 8:47 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Antidumping—ATS 643.3–b]

CERAMIC GLAZED WALL TILE FROM JAPAN

Notice of Intent To Discontinue Investigation and To Make Determination That No Sales Exist Below Fair Value

JULY 3, 1967.

Information was received on December 9, 1965, that ceramic glazed wall tile imported from Japan was being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.). This information was the subject of an "Antidumping Proceeding Notice" which was published pursuant to § 14.6(d), Customs Regulations (19 CFR 14.6(d)), in the FEDERAL REGISTER of December 30, 1965, on page 16372 thereof.

On July 13, 1966, the Acting Commissioner of Customs issued a withholding of appraisement notice with respect to such merchandise, which was published in the FEDERAL REGISTER dated July 19, 1966.

Purchase price was found to be lower than adjusted home market price in a majority of the comparisons made.

Promptly after the commencement of the antidumping investigation, price revisions were made which eliminated the likelihood of sales below fair value. Assurances were given that, regardless of the determination of this case, no future sales to the United States will be made at prices which could be construed as being at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)). There appears to be no likelihood of a resumption of prices which prevailed before such price revision.

In view of the foregoing it appears that there are not, and are not likely to be, sales below fair value of ceramic glazed wall tile from Japan.

Unless persuasive evidence or argument to the contrary is presented within 30 days, a determination will be made that there are not, and are not likely to be, sales below fair value.

Any such evidence or argument should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, D.C. 20226, in time to be received by his office not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

This notice is published pursuant to § 14.7(b) (2) of the Customs Regulations (19 CFR 14.7(b) (2)).

[SEAL] TRUE DAVIS,
Assistant Secretary of the Treasury.

[F.R. Doc. 67–8069; Filed, July 12, 1967; 8:48 a.m.]

[Antidumping—ATS 643.3–b]

THIOUREA FROM WEST GERMANY

Notice of Intent To Discontinue Investigation and To Make Determination That No Sales Exist Below Fair Value

JULY 5, 1967.

Information was received on May 11, 1966, that thiourea imported from West Germany, exported by Degussa, A. G., Frankfurt/Main, West Germany, was being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.). This information was the subject of an "Antidumping Proceeding Notice" which was published pursuant to § 14.6(d), Customs Regulations (19 CFR 14.6(d)), in the FEDERAL REGISTER of June 22, 1966, on page 8641 thereof.

On February 1, 1967, the Commissioner of Customs issued a withholding of appraisement notice with respect to such merchandise, which was published in the FEDERAL REGISTER dated February 7, 1967.

Thiourea is a chemical intermediate used in the manufacture of photographic chemicals, diaso-type coatings for office machine papers, pharmaceuticals, textile chemicals and dyes, and in the synthesis of various organic chemicals.

Promptly after being notified that its prices to the United States were lower than prices to third countries, the exporter made price revisions which eliminated the likelihood of sales below fair value. Assurances were given that, regardless of the determination of this case, no future sales to the United States will be made at prices which could be construed as being at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)). There appears to be no likelihood of a resumption of prices which prevailed before such price revision. The complaint thereafter was withdrawn.

In view of the foregoing, it appears that there are not, and are not likely to be, sales below fair value of thiourea from West Germany, exported by Degussa, A. G. Frankfurt/Main, West Germany.

Unless persuasive evidence or argument to the contrary is presented within 30 days, a determination will be made that there are not, and are not likely to be, sales below fair value.

Any such evidence or argument should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, D.C. 20226, in time to be received by his office not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

This notice is published pursuant to § 14.7(b) (2) of the Customs Regulations (19 CFR 14.7(b) (2)).

TRUE DAVIS,
Assistant Secretary of the Treasury.

[F.R. Doc. 67–8060; Filed, July 12, 1967; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

JULY 5, 1967.

The Bureau of Indian Affairs has filed an application Anchorage Serial No. AA–671 for the withdrawal of the lands described below from all forms of appropriation. The applicant desires the land for use as a site for construction of a new dormitory in connection with the Kodiak-Aleutian Vocational School. The land is a portion of an area reserved for use of the Department of the Army as a radio station site by Executive Order No. 6039 dated February 20, 1933. The Department of the Army has indicated it has no objections to the subject proposed withdrawal.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 555 Cordova Street, Anchorage, Alaska 99501.

The Department's regulations, 43 CFR 2311.1–3(c), provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

IN KODIAK TOWNSITE, ALASKA

Beginning at Corner No. 1 from which Corner No. 4, U.S. Survey 568 as accepted by the Commissioner of the General Land Office, September 11, 1941, bears West 425.00 feet, and S. 47°30' W., 238.57 feet; thence S. 0°16'50" W., a distance of 463.93 feet to Corner No. 2; thence N. 55°16'20" E. a distance of 139.78 feet to Corner No. 3; thence N. 34°43'40" W., a distance of 40 feet to Corner No. 4; thence N. 55°16'20" E., a distance of 350 feet to Corner No. 5; thence S. 34°43'40" E., a distance of 20 feet to Corner No. 6; thence N. 55°16'20" E., a distance of 119.37 feet to Corner No. 7; thence N. 34°43' W., a distance of 440.69 feet to Corner No. 8; thence S. 43°38' W., a distance of 350.30 feet to Corner No. 1, the point of beginning.

The area described aggregates approximately 177,849 square feet or approximately 4.08 acres.

LYLE F. JONES,
Acting State Director.

[F.R. Doc. 67–8070; Filed, July 12, 1967; 8:49 a.m.]

[Serial No. N–815]

NEVADA

Notice of Classification of Public Lands; Correction

JULY 7, 1967.

1. Notice of classification, serial number N–815, for multiple use management, was published as F.R. Doc. 67–7344 of the issue for Thursday, June 29, 1967.

2. The legal description of the lands described in paragraph 3, should be corrected, in part, to read as follows:

MOUNT DIABLO MERIDIAN, NEVADA

LYON COUNTY

T. 8 N., R. 27 E.,
Sec. 6 Lots 2 to 7, inclusive, S½NE¼, SE¼NW¼, W½SW¼, SE¼;
Sec. 22, N½NE¼, NW¼, N½SW¼, SW¼ SW¼.

MINERAL COUNTY

T. 6 N., R. 27 E.,
Sec. 26, N½, N½SW¼, SE¼SW¼, SE¼.

NOLAN F. KEIL,
State Director, Nevada.

[F.R. Doc. 67–8067; Filed, July 12, 1967; 8:46 a.m.]

[Serial No. N–815]

NEVADA

Notice of Proposed Classification of Public Lands; Correction

JULY 7, 1967.

Notice of proposed classification, serial number N–815, for multiple use management, was published as F.R. Doc. 67–4928 on pages 6217 and 6218 of the issue for Thursday, April 20, 1967.

The proposed classification should be corrected to include the following described land:

MOUNT DIABLO MERIDIAN, NEVADA

T. 8 N., R. 26 E.,
Sec. 7, N½, S½SW¼.

NOLAN F. KEIL,
State Director, Nevada.

[F.R. Doc. 67–8066; Filed, July 12, 1967; 8:46 a.m.]

[New Mexico 1318]

NEW MEXICO

Notice of Classification of Lands

JULY 7, 1967.

Pursuant to section 2 of the Act of September 19, 1964 (43 U.S.C. 1412), the lands described below are hereby classified for disposal through exchange under section 8 of the Act of June 28, 1934 (48 Stat. 1272), as amended, for lands within the Cibola National Forest.

As a result of comments and further investigations following publication of notice of proposed classification (32 F.R. 6730–6731) the following described lands have been eliminated from this classification:

NEW MEXICO PRINCIPAL MERIDIAN

T. 20 N., R. 6 W.,
Sec. 22, W½ and SE¼;
Sec. 27, SE¼.
T. 21 N., R. 8 W.,
Sec. 5, lots 2, 3, 4, SW¼NE¼, S½NW¼, N½SW¼, and SW¼SW¼;
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼ NW¼, E½SW¼, and SE¼;
Sec. 7, lots 1, 2, 3, 4, W½E½ and E½W½;
Sec. 18, lots 1, 2, 3, 4, W½E½ and E½W½.
T. 24 N., R. 12 W.,
Sec. 31, lot 17.
T. 26 N., R. 13 W.,
Sec. 36, S½SE¼.

The lands affected by this classification are located in San Juan and McKinley Counties, N. Mex., and are described as follows:

NEW MEXICO PRINCIPAL MERIDIAN

T. 17 N., R. 8 W.,
Sec. 33, SW¼.
T. 20 N., R. 9 W.,
Sec. 4, lots 1, 2, 3, 4, S½N½ and S½;
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼ NW¼, E½SW¼ and SE¼;
Sec. 8;
Sec. 18, NE¼.
T. 17 N., R. 11 W.,
Sec. 32, N½NW¼.
T. 25 N., R. 11 W.,
Sec. 5, SW¼;
Sec. 6, lots 1, 2, S½NE¼ and SE¼.
T. 24 N., R. 12 W.,
Sec. 2, lots 8, 9, 16, and 17;
Sec. 4, lots 5 to 20, inclusive;
Sec. 5, lots 5, 6, 11, 12, 13, 14, 19, and 20;
Sec. 8, lots 1, 2 and lots 7 to 16, inclusive;
Sec. 9, lots 3, 4, 5, 6, 12, and 13;
Sec. 17, lots 1 to 16, inclusive;
Sec. 18, lots 5, 6 and lots 11 to 20, inclusive;
Sec. 19, lots 5 to 19, inclusive;
Sec. 20, lots 2 to 6, inclusive;
Sec. 30, lots 6 to 11, inclusive, and lots 14 to 19, inclusive;
Sec. 31, lots 6 to 11, inclusive, and lots 14, 15, 16, 18, and 19.
T. 25 N., R. 12 W.,
Sec. 1, lots 1, 2, 3, 4, S½N½ and SE¼;
Sec. 2, lots 1, 2, 3, 4, S½N½ and SE¼;
Sec. 4, lots 1, 2 and S½NE¼;
Sec. 5, lots 3, 4 and S½NW¼;
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼ NW¼, E½SW¼ and SE¼;
Sec. 7, lots 1, 2, E½ and E½NW¼;
Sec. 17;
Sec. 19, E½.
T. 24 N., R. 13 W.,
Sec. 13, S½;
Sec. 14, S½;
Secs. 23, 24, 25, 26, and 35;
Sec. 36, N½, SW¼ and N½SE¼.
T. 27 N., R. 13 W.,
Secs. 11, 13 and 14.
T. 14 N., R. 17 W.,
Sec. 16, W½ and SE¼;
Sec. 18, lots 1, 2, 3, 4, E½ and E½W½;
Sec. 20, NW¼.
T. 13 N., R. 18 W.,
Sec. 4, lots 1, 2, 3, 4, S½N½ and SE¼;
Sec. 28, W½.

The areas described aggregate 19,498.89 acres.

For a period of 30 days, interested parties may submit comments to the Secretary of the Interior, LLM, 721, Washington, D.C. 20240 (43 CFR 2411.12(d)).

W. J. ANDERSON,
State Director.

[F.R. Doc. 67–8089; Filed, July 12, 1967; 8:48 a.m.]

National Park Service

LASSEN VOLCANIC NATIONAL PARK

Notice of Intention To Negotiate Concession Contract

Pursuant to the provisions of section 5, Public Law 89–249, public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service proposes to negotiate a concession contract with the Lassen National Park Co., authorizing it to continue to provide concession facilities and services for the public at Lassen Volcanic National Park for a period of twenty (20) years.

The foregoing concessioner has performed its obligations under a prior contract to the satisfaction of the National Park Service and, therefore, pursuant to the act cited above, is entitled to be given preference in the negotiation of a new contract. However, pursuant to the act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice.

Interested parties should contact the Chief of Concessions Management, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated: July 7, 1967.

EDWARD A. HUMMEL,
Assistant Director, National Park Service.

[F.R. Doc. 67–8040; Filed, July 12, 1967; 8:46 a.m.]

[Order 3]

BLUE RIDGE PARKWAY, VIRGINIA AND NORTH CAROLINA

Administrative Officer et al.; Delegations of Authority

SECTION 1. *Administrative Officer.* The Administrative Officer may execute, approve, and administer contracts not in excess of $100,000 for construction, supplies, equipment, and services; and may execute and approve revocable special use permits for use of Government-owned lands and facilities. This authority may be exercised by the Administrative Officer in behalf of any office or area administered by Blue Ridge Parkway.

SEC. 2. *General Supply Officer.* The General Supply Officer may execute, approve, and administer contracts not in excess of $25,000 for construction, supplies, equipment, and services. This authority may be exercised by the General Supply Officer in behalf of any office or area administered by Blue Ridge Parkway.

SEC. 3. *General Supply Assistant.* The General Supply Assistant may execute, approve, and administer contracts not in excess of $10,000 for construction, supplies, equipment, and services. This authority may be exercised by the General Supply Assistant in behalf of any office or area administered by Blue Ridge Parkway.

SEC. 4. *Construction and Maintenance Representative, Foreman III, and Clerk.* The Construction and Maintenance Representative, Foreman III, and Clerk of Districts 1, 2, 3, and 4 of the Blue Ridge Parkway may issue purchase orders not in excess of $600 for supplies and equipment in conformity with applicable regulations and statutory authority and subject to availability of allotted funds.

SEC. 5. *Revocation.* This order supersedes Order No. 2 and Amendment No. 1 issued March 1, 1963, and April 22, 1963, respectively.

(National Park Service Order No. 94 (31 F.R. 4265) as amended; 39 Stat. 535, 16 U.S.C. Sec. 3; Southeast Region Order No. 4 (31 F.R. 5185))

Dated: June 26, 1967.

JAMES M. EDEN,
Superintendent, Blue Ridge Parkway.

[F.R. Doc. 67-8041; Filed, July 12, 1967; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

MONTANA

Designation of Area for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named county in the State of Montana natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

MONTANA

Blaine.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named county after June 30, 1968, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 10th day of July 1967.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67-8055; Filed, July 12, 1967; 8:47 a.m.]

NEBRASKA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter named counties in the State of Nebraska natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

NEBRASKA

Adams.	Hayes.
Boone.	Hitchcock.
Buffalo.	Kearney.
Dundy.	Knox.
Frontier.	Red Willow.
Greeley.	

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1968, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 10th day of July 1967.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67-8056; Filed, July 12, 1967; 8:47 a.m.]

NEBRASKA, NORTH CAROLINA, AND NORTH DAKOTA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the States of Nebraska, North Carolina, and North Dakota natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

NEBRASKA
Banner

NORTH CAROLINA
Columbus

NORTH DAKOTA
Richland

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1968, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 10th day of July 1967.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67-8057; Filed, July 12, 1967; 8:47 a.m.]

SOUTH CAROLINA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of South Carolina natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

SOUTH CAROLINA

Abbeville.	Jasper.
Anderson.	Kershaw.
Beaufort.	Lancaster.
Berkeley.	Marion.
Chester.	Sumter.
Clarendon.	York.
Horry.	

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1968, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 10th day of July 1967.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67-8058; Filed, July 12, 1967; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

MONSANTO CO.

Notice of Withdrawal of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166, has withdrawn its petition (FAP 7B2148), notice of which was published in the FEDERAL REGISTER of March 4, 1967 (32 F.R. 3753), proposing the amendment of §§ 121.2511 and 121.2526 with respect to use of butyl benzyl phthalate as a component of food-contact articles.

Dated: July 5, 1967.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 67-8093; Filed, July 12, 1967; 8:51 a.m.]

Office of The Secretary

INTRASTATE AIR POLLUTION IN GARRISON AREA OF POWELL COUNTY, MONT.

Notice of Conference of Air Pollution Control Agencies

Whereas, the Board of County Commissioners of Powell County, Mont., has made a written request pursuant to section 105(c)(1)(B) of the Clean Air Act (42 U.S.C. 1857d(c)(1)(B)) that a conference be called regarding alleged air pollution originating in the Garrison area, Powell County, Mont., which endangers the health or welfare of persons only in the State of Montana, and

Whereas, the Governor of the State of Montana and the State air pollution control agency for the State of Montana have concurred in said request,

Now, therefore, pursuant to section 105(c)(1)(B) of the Clean Air Act, I hereby give formal notification of the air pollution described above to, and call a conference of, the air pollution control agencies of the following:

State of Montana (Montana State Board of Health), Powell County, Mont.

All municipalities, as defined in section 302(f) of the Clean Air Act (42 U.S.C. 1857h (f)) located in Powell County, Mont., alleged to be adversely affected by such air pollution.

Mr. S. Smith Griswold of the Department of Health, Education, and Welfare is hereby designated as Presiding Officer of the Conference, and Mr. William H. Megonnell is hereby designated as the official conference participant of the Department of Health, Education, and Welfare.

The Presiding Officer for the Conference will fix the date, time, and place for convening the Conference after consultation with officials of the State of Montana and Powell County.

Any municipality desiring to make a formal presentation at the conference should file 5 copies of a notice of such intention with S. Smith Griswold, Room 2432, South Building, Department of Health, Education, and Welfare, Washington, D.C. 20201 not later than 20 days after the publication of this notice.

The agencies called to attend such conference may bring such persons as they desire to the conference.

Dated: July 7, 1967.

[SEAL] JOHN W. GARDNER,
Secretary.

[F.R. Doc. 67-8094; Filed, July 12, 1967; 8:51 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-264]

DOW CHEMICAL CO.

Notice of Issuance of Amendment

The Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 1, set forth below, to Facility License No. R-108 to the Dow Chemical Co., Midland, Mich. The amendment changes the amount of contained uranium-235 that the licensee may receive, possess and use from 3.0 kilograms to 3.4 kilograms.

The Commission has found that this increase in the amount of contained uranium-235 does not involve significant hazards considerations different from those previously evaluated since the amount of fuel to be loaded into the reactor is limited by the specified excess reactivity limit in the technical specifications of the license, and the licensee has adequate facilities for safe storage of this amount of material.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's "Rules of Practice," (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see the licensee's application for license amendment dated June 19, 1967, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

For the Atomic Energy Commission.

Dated at Bethesda, Md., this 3d day of July 1967.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[License No. R-108; Amdt. No. 1]

The Atomic Energy Commission has found that:

(1) The application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter 1, CFR;

(2) The receipt, possession, and use of the special nuclear material in the manner proposed in the application will not be inimical to the common defense and security, or to the health and safety of the public;

(3) Prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazard considerations different from those previously evaluated.

Accordingly, License No. R-108 issued to The Dow Chemical Co., is hereby amended in the following respect:

1. Paragraph 3B. is amended to read as follows:

"B. Pursuant to the Act and Title 10, CFR, Chapter 1, Part 70, "Special Nuclear Material", to receive, possess and use up to 3.4 kilograms of contained uranium-235 in connection with operation of the reactor; and"

2. This amendment is effective as of the date of issuance.

Date of Issuance: July 3, 1967.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[F.R. Doc. 67-8026; Filed, July 12, 1967; 8:45 a.m.]

[Docket No. 50-264]

DOW CHEMICAL CO.

Notice of Issuance of Facility License

No request for hearing of petition to intervene having been filed following publication of the Notice of Proposed Issuance of Facility License, the Atomic Energy Commission has issued Facility License No. R-108, effective as of the date of issuance, to The Dow Chemical Co. authorizing operation of the TRIGA Mark I type nuclear research reactor located in Midland, Mich.

The license was issued as set forth in the FEDERAL REGISTER dated June 13, 1967, 32 F.R. 8427, except that the strength of the polonium-210 beryllium neutron startup source was changed from 7 curies to 11 curies, to conform with the source received from the supplier. This change in source strength does not involve any safety considerations.

Dated at Bethesda, Md., this 3d day of July 1967.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[F.R. Doc. 67-8027; Filed, July 12, 1967; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 18683]

AEREO FLETES INTERNACIONALES, S.A. (AFISA)

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the

above-entitled proceeding is assigned to be held on July 18, 1967, at 10 a.m., e.d.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned examiner.

Dated at Washington, D.C., July 6, 1967.

[SEAL] JOSEPH L. FITZMAURICE,
Hearing Examiner.

[F.R. Doc. 67-8067; Filed, July 12, 1967; 8:48 a.m.]

[Docket No. 17913; Order No. E-26387]

ALLEGHENY AIRLINES, INC.

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 7th day of July 1967.

Application of Allegheny Airlines, Inc., under section 401 of the Federal Aviation Act of 1958, as amended, for amendment of its certificate of public convenience and necessity for Route 97.

Allegheny Airlines, Inc. (Allegheny), has filed a motion seeking expedited hearing on its application, Docket 17913, which requests an amendment of its existing segment 5 to redesignate the terminal point Huntington as an intermediate point and extend the segment to the coterminal points Nashville and Memphis via the intermediate point Lexington.[1]

In support of its motion, Allegheny alleges in pertinent part that: there is a need for new and improved air service between Memphis/Nashville/Lexington and Pittsburgh/Philadelphia and the Ohio Valley points; the authority sought by Allegheny will permit that carrier to provide Nashville and Memphis with single-plane service to Lexington, Huntington, and Parkersburg, single-plane service from Lexington to Parkersburg, Pittsburgh, and Philadelphia; and needed additional service between Nashville/Memphis, and Pittsburgh/Philadelphia; first single-plane service will be provided in nine markets conveniencing 38,000 passengers annually and first competitive service in five markets conveniencing 42,000 passengers annually; grant of the authority requested will permit a reduction in subsidy of $348,000 and it is willing to accept the route on a subsidy ineligible basis. Answers supporting Allegheny's motion were filed by the Lexington-Fayette County Airport Board; the City of Philadelphia and the Greater Philadelphia Chamber of Commerce; the County of Allegheny, Pa.; the City of Memphis and the Memphis Area Chamber of Commerce; the City of Parkersburg and the Greater Parkersburg Chamber of Commerce; the City of Marietta, Ohio and the Marietta Area Chamber of Commerce; the Metropolitan Government of Nashville; and the Tri-State Airport Authority and the Greater Huntington Area Chamber of Commerce.

Piedmont filed an answer indicating that it neither supports nor opposes the motion. However, Piedmont states that it presently participates by connection in some of the traffic involved and that it has on file certain applications which if granted would enable Piedmont to provide direct service in all of the markets which Allegheny proposes to serve, except the Pittsburgh and Philadelphia markets.

We have decided to handle this matter by show cause procedure; and we tentatively find and conclude that Allegheny's certificate of public convenience and necessity for route 97 should be amended in such a manner as to extend Allegheny's segment 5 from the present terminal point Huntington to the coterminal points Nashville and Memphis via Lexington, subject to a restriction prohibiting turnaround service between Memphis and Nashville. Interested persons will be given 20 days from the date of service of this order to show cause why the tentative findings and conclusions reached herein should not be made final.

We tentatively find that the total traffic to be benefited by Allegheny's proposal will be significant. Thus, Allegheny will provide first single-plane service in nine markets and will convenience approximately 27,000 passengers according to our estimate.[2] In addition, Allegheny will provide competitive service in five markets conveniencing approximately 15,000 passengers.[3] A comparison of Allegheny's proposed schedules with existing schedules in the competitive markets demonstrates that, with the possible exception of the Lexington-Huntington market,[4] Allegheny's proposal will provide a useful public service.[5] Finally, it appears that the proposed route extension will strengthen Allegheny's segment 5 by extending that segment to Memphis, which is a stronger traffic generating point than Huntington.

In comparison to the apparent service benefits which would result from an award to Allegheny, the diversion from the services of the existing carriers in the markets at issue would appear to be insignificant. We tentatively find that Southern's revenues would be subject to diversion of about $23,000[6] and that Piedmont's revenues would be subject to diversion of about $19,000.[7] The figure for Southern includes no diversion in the Memphis-Nashville market, since in our view the effect of the restriction against turnaround service in this market which we will impose (and which Allegheny indicates it will accept) will be to reduce any such diversion to negligible proportions. The revenues of the trunkline carriers concerned would be subject to diversion of approximately $394,000.[8] This latter estimate of course, does not reflect cost savings to the trunkline carriers which will obtain if these carriers handle less traffic in these markets. Viewed in the aggregate for the trunkline carriers concerned the revenue loss does not appear to be a substantial figure.

We tentatively find that Allegheny's proposal will result in an operating profit for that carrier and that it shows future promise of reducing that carrier's subsidy. Attached as Appendix F is our estimate of Allegheny's proposed operation for the first year of service, which shows an operating profit for the carrier of $344,000 and a subsidy requirement, when return on investment and taxes are taken into consideration, of $149,000. Our financial estimate differs from Allegheny's in certain significant respects. Thus, Allegheny's costing method does not reflect the computation of full return and taxes as specified in Subpart K of Part 302 of the Board's Rules of Practice. Moreover, the growth rate employed by the carrier in its traffic estimates includes factors that, in our view, are duplicated by its estimate of stimulation due to improved service. Nonetheless, we tentatively find that Allegheny's proposal would convenience a significant number of passengers; and that the carrier's traffic estimate is attainable during the second year of operations. Under these circumstances, although we forecast a subsidy requirement for the first year of operations, we think that the proposed route has the potential strength to be operated at a subsidy reduction during the second year of operations. We note that Allegheny has offered to accept the new route authority on a subsidy ineligible basis and we would impose such a condition in the carrier's certificate.

The action which we propose to make herein is in harmony with our policy to act affirmatively in situations which hold promise for route strengthening for local service carriers where it appears that the public will benefit substantially.[9]

In granting interested persons the opportunity to show cause why our tentative findings and conclusions should not be adopted, we expect such persons to support their objections with detailed answers, specifically setting forth the tentative findings and conclusions to which objection is taken. Such objections should be accompanied by arguments of fact or law supported by legal precedent or detailed economic analysis.

Accordingly, it is ordered, That:

1. A proceeding be and it hereby is instituted in Docket 17913 pursuant to section 401(g) of the Federal Aviation Act of 1958, as amended, to determine whether the public convenience and necessity require, and the Board should order, the amendment of the certificate of public convenience and necessity held by Allegheny Airlines, Inc., for route 97 so as to:

a. Amend existing segment 5 to read as follows: "Between the terminal point Pittsburgh, Pa., the intermediate points Wheeling, Parkersburg, and Huntington, W. Va., Lexington, Ky., and the coterminal points Nashville and Memphis, Tenn."

b. Add a new condition to read as follows: "Flights which serve both Memphis and Nashville, Tenn., shall originate or terminate at a point north and east of Nashville."

c. Amend existing condition (10)(a) by adding the order number and date of the Board's final order herein to the list of orders, operations conducted solely pursuant to which are ineligible for subsidy.

2. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and issue to Allegheny a certificate of public convenience and necessity amended in the manner set forth in ordering paragraph 1 above;

3. Any interested persons having objection to issuance of an order making final the proposed findings, conclusions and certificate amendments set forth herein shall, within 20 days after service of a copy of this order, file with the Board and serve upon all persons made parties to this proceeding a statement of objections together with a summary of testimony, statistical data and other evidence expected to be relied upon to support the stated objections;

4. If timely and properly supported objections are filed, full consideration will be accorded the matters or issues raised by the objections before further action is taken by the Board;[10]

5. In the event no objections are filed, all further procedural steps will be deemed to have been waived, and the case will be submitted to the Board for final action; and

6. A copy of this order should be served upon the following persons, who are hereby made parties to this proceeding: Allegheny Airlines, Inc.; American Airlines, Inc.; Eastern Air Lines, Inc.; Lake Central Airlines, Inc.; Piedmont Aviation, Inc.; Southern Airways, Inc.; United Air Lines, Inc.; Lexington-Fayette County Airport Board; the city of Philadelphia and the Greater Philadelphia Chamber of Commerce; the county of Allegheny, Pa.; the city of Memphis and the Memphis Area Chamber of Commerce; the city of Parkersburg, the Greater Parkersburg Chamber of Commerce, the city of Marietta, Ohio, and the Marietta Area Chamber of Commerce; the Metropolitan Government of Nashville; and the Tri-State Airport Authority and the Greater Huntington Area Chamber of Commerce.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 67-8068; Filed, July 12, 1967; 8:49 a.m.]

[Docket No. 17727]

W.A.A.C. (NIGERIA) LIMITED

Notice of Postponement of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding now assigned to be held July 17, 1967, is hereby indefinitely postponed.

Dated at Washington, D.C., July 6, 1967.

[SEAL] JOSEPH L. FITZMAURICE,
Hearing Examiner.

[F.R. Doc. 67-8069; Filed, July 12, 1967; 8:49 a.m.]

CIVIL SERVICE COMMISSION

SOCIAL ADMINISTRATION ADVISER

Manpower Shortage

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission has found, effective June 30, 1967, that there is a manpower shortage for the position of Social Administration Adviser (VR) GS-102-13, Vocational Rehabilitation Administration, Department of Health, Education, and Welfare, Washington, D.C. This finding will terminate when the position is filled.

The appointee to this position may be paid for the expense of travel and transportation to the first post of duty.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-8063; Filed, July 12, 1967; 8:48 a.m.]

OPERATIONS RESEARCH SERIES

Notice of Establishment of Prescribed Minimum Educational Requirements

In accordance with section 3308 of title 5, United States Code, the Civil Service Commission has determined that minimum educational requirements should be established for positions in the Operations Research Series, GS-1515. The requirements, the duties of the positions, and the reasons for the Commission's decision that these requirements are necessary are set forth below.

The Operations Research Series, GS-1515 (All Grades).

Minimum educational requirements. Candidates must show successful completion of a full 4-year or longer curriculum in an accredited college or university leading to a bachelor's or higher degree with a course of study that included 24 semester hours of coursework in any combination of the following: operations research; mathematics; statistics; logic; and subject-matter courses which require substantial competence in mathematics or statistics.

Duties. Operations research analysts perform professional and scientific work requiring the design, development, and adaptation of mathematical, statistical, econometric, and other scientific methods to analyze operational problems of decision-makers. Operations research analysts develop and conduct analytic studies to provide advice and evaluations of the probable effects of alternative solutions to these problems.

Reasons for Establishing Requirements. The duties of these positions cannot be performed without a sound basic knowledge of the principles, theories and concepts of mathematical, statistical, econometric, and other rigorous methods and techniques for professional scientific research. The duties of the positions require the application of highly technical scientific information and skills which can only be acquired through the successful completion of a course of study in an accredited college or university which has scientific libraries, well-equipped laboratories and thoroughly trained instructors, gives expert guidance, and evaluates progress completely.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-8064; Filed, July 12, 1967; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 16706-16708; FCC 67M-1115]

ATLANTIC BROADCASTING CO. (WUST) AND BETHESDA-CHEVY CHASE BROADCASTERS, INC.

Order Scheduling Prehearing Conference

In re applications of Atlantic Broadcasting Co. (WUST), Bethesda, Md., Docket No. 16706, File No. BP-14357, for construction permit; Atlantic Broadcasting Co. (WUST), Bethesda, Md., Docket No. 16707, File No. BR-1513, for renewal of license; Bethesda-Chevy Chase Broadcasters, Inc., Bethesda, Md., Docket No. 16708, File No. BP-16319, for construction permit.

The Hearing Examiner having under consideration the Commission's Order (FCC 67-686), released June 20, 1967, denying petitions for review by the applicants in the above-entitled proceeding;

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[1] Allegheny's segment 5 is presently described as follows: "Between the terminal point Pittsburgh, Pa., the intermediate points Wheeling and Parkersburg, W. Va., and the terminal point Huntington, W. Va."

[2] Appendix A, filed as part of original document.

[3] Appendix A.

[4] Appendix B, filed as part of original document.

[5] Appendix C, filed as part of original document.

[6] Appendix D, filed as part of original document.

[7] Appendix E, filed as part of original document.

[8] See Orders E-20207, July 5, 1966 and E-24071, Mar. 20, 1967.

[9] All motions and/or petitions for reconsideration shall be filed within the period allowed for filing objections and no further such motions, requests or petitions for reconsideration of this order will be entertained. Nor shall the filing of any such motions, requests or petitions for reconsideration operate to stay the effectiveness of par. 3.

It appearing, that all interlocutory questions that stood in the way of hearing upon the applications have now been resolved;

It is ordered, That a further prehearing conference, for the purpose, among other things, of scheduling hearing dates, is hereby scheduled and will convene at 9:30 a.m., on Monday, July 31, 1967, at the Commission's offices, Washington, D.C.; and

It is ordered further, That counsel, in addition to being prepared to discuss their hearing commitments, are to be ready to enter into stipulation and to make commitments that will help to advance and expedite the hearing.

Issued: July 5, 1967.

Released: July 7, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-8079; Filed, July 12, 1967; 8:50 a.m.]

[Docket No. 17159; RM-909]

LOW POWER FM BROADCAST TRANSLATOR STATIONS

Order Extending Time for Filing Comments and Reply Comments

In the matter of Amendment of Part 74 of the Commission's rules and regulations to permit the operation of low power FM broadcast translator stations.

1. In a notice of inquiry, released on February 8, 1967, in this proceeding (FCC 67-152), the Commission invited comments from interested parties on a proposal to permit the use of FM Broadcast Translators in a manner similar to the TV translators. The time for filing comments was given as April 5, 1967, and that for reply comments as April 20, 1967. In an order issued on April 13, 1967, these dates were extended until July 5, 1967, and July 20, 1967, respectively.

2. On June 28, 1967, Booth and Lovett, on behalf of various clients, filed a petition of time in this proceeding from July 5, 1967, to November 2, 1967 (120 days). Petitioner submits that they have been informed by their consulting engineers that they will not have sufficient time to complete the detailed engineering studies which are expected to be made, that the Commission desires as many comments as possible, and that no parties will be injured by the requested extension of time. We are of the view that good cause has been shown for an extension. However, we believe that an extension until September 5, 1967, should be sufficient time to prepare the contemplated submissions in view of the time alloted previously. *Accordingly, it is ordered*, That the time for filing comments in this proceeding is extended from July 5, 1967, to September 5, 1967, and that the time for filing reply comments is extended from July 20, 1967, to September 20, 1967.

3. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules.

Adopted: July 5, 1967.

Released: July 7, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-8080; Filed, July 12, 1967; 8:50 a.m.]

[Docket Nos. 17345, 17346; FCC 67M-1120]

LEE BROADCASTING CORP. AND MID AMERICA BROADCASTING, INC.

Order Continuing Hearing

In re applications of Lee Broadcasting Corp., Moline, Ill., Docket No. 17345, File No. BPH-5470; Mid America Broadcasting, Inc., Moline, Ill., Docket No. 17346, File No. BPH-5569, for construction permits.

With the informal consent of all counsel: *It is ordered*, On the Hearing Examiner's own motion, that commencement of hearing on the originally specified issues heretofore scheduled for July 11, 1967, is postponed to July 25, 1967, at 10 a.m., in the offices of the Commission at Washington, D.C.

It is further ordered, Pursuant to arrangements made with the informal consent of counsel for the parties, that the following schedule of procedural dates will govern the future hearing with respect to the two new issues specified by the Review Board in its memorandum opinion and order (FCC 67R-261) released June 26, 1967:

Procedure	Date
(a) Exchange of exhibits	Sept. 8, 1967
(b) Notification re cross-examination of witnesses	Sept. 22, 1967
(c) Further hearing	Oct. 17, 1967

Issued: July 6, 1967.

Released: July 7, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-8081; Filed, July 12, 1967; 8:50 a.m.]

[Docket No. 17560; FCC 67-767]

NORTH SHORE BROADCASTING CORP. (WESX)

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In re application of North Shore Broadcasting Corp. (WESX), Salem, Mass., Docket No. 17560, File No. BP-16938; Has: 1230 kc, 250w, 1 kw-LS, DA-D, U, Class IV; Requests: 1230 kc, 250w, 1 kw-LS, U, Class IV; for construction permit.

1. The Commission has before it for consideration (a) the application of North Shore Broadcasting Corp., licensee of Station WESX, Salem, Mass., filed on September 24, 1965, for a construction permit to change from directional to omnidirectional operation; (b) a Petition to Deny, filed by Ottaway Stations, Inc., licensee of Class IV standard broadcast Station WOCB, West Yarmouth, Mass. (1240 kc, 250w, 1 kw-LS, U), on August 15, 1966; and (c) pleadings in opposition and reply thereto.

2. Presently, WESX causes interference to WOCB in an area situated 100 miles from West Yarmouth. Although the proposal would eliminate the aforementioned interference and result in a net decrease in interference, it would at the same time cause new interference to be received by WOCB approximately 7 or 8 miles from WOCB's transmitter site, an area in which it previously received no interference.

3. The petitioner contends that the creation of new interference constitutes a modification of its license within the purview of section 316 of the Communications Act of 1934, as amended.

4. The applicant argues that the petitioner is without standing as a party in interest since the interference resulting from the proposal is not in contravention of the Commission's rules. It is North Shore's contention that § 73.37(d) of the Commission's rules stands for the proposition that the interference otherwise prohibited by § 73.37 of the rules will be tolerated when it is the result of a Class IV power increase, and stations receiving such interference are without standing to oppose a grant of such a request.

5. The applicant's contentions are without merit. Section 73.37 of the rules establishes acceptability criteria and was not intended to abrogate the substantive rights of interested parties. Contrary to the applicant's argument, § 73.37(d) includes within its body the phrase "if otherwise consistent with the public interest and subject to section 316 of the Communications Act * * *." It is quite evident from the foregoing that the Commission, in adopting the above rule, intends to preserve any rights a party might have under section 316 of the Act. Accordingly, the Commission finds that since a grant of the proposal would effect a modification of the WOCB license, the petitioner must be afforded the opportunity of showing why the modification should not take place. FCC v. National Broadcasting Co. (KOA), 319 U.S. 239 (1943).

6. The petitioner also points out that the majority stockholder of WESX (James D. Asher) is also the majority stockholder in Station WJDA, Quincy, Mass.,[1] and that a grant of the proposal would increase the area of existing 1 mv/m overlap between the two stations in contravention of § 73.35(a). However, Note 3 of § 76.36 specifically exempts applications for increased power for Class IV stations from the applicability of the overlap rule. Although this application is not, strictly speaking, one for increased power, we believe that the policy reason

[1] Actually, the licensees of both stations are controlled by Mr. Asher through a holding company.

for the exception should also apply here, and that § 73.35(a) should be waived in this case.

7. Except as indicated by the issues specified below, the applicant is qualified to construct, own and operate as proposed, however, in view of the foregoing the Commission is unable to find that a grant of the application would serve the public interest, convenience, and necessity and is of the opinion that it must be designated for hearing on the issues set forth below.

Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WESX and the availability of other primary service to such areas and populations.

2. To determine whether the instant proposal would cause objectionable interference to Station WOCB, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience and necessity.

It is further ordered, That § 73.35 of the Commission's rules is hereby waived.

It is further ordered, That the petition to deny by Ottaway Stations, Inc., is granted to the extent indicated above and is denied in all other respects.

It is further ordered, That Ottaway Stations, Inc., licensee of Station WOCB, West Yarmouth, Mass., is made a party to the proceeding.

It is further ordered, That, in the event of a grant of the application, the construction permit shall contain the following condition: Permittee shall accept such interference as may be imposed by other existing 250 watt Class IV stations in the event they are subsequently authorized to increase power to 1000 watts.

It is further ordered, That to avail themselves of the opportunity to be heard, the applicant and party respondent herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall within twenty (20) days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: June 28, 1967.

Released: July 6, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-8082; Filed, July 12, 1967; 8:50 a.m.]

[Docket No. 11661 etc.; FCC 67R-264]

ORANGE NINE, INC., ET AL.

Memorandum Opinion and Order Enlarging Issues

In re applications of Orange Nine, Inc., Orlando, Fla., Docket No. 11661, File No. BPCT-1153; Mid-Florida Television Corp., Orlando, Fla., Docket No. 11663, File No. BPCT-1801; Central Nine Corp., Orlando, Fla., Docket No. 17339, File No. BPCT-3697; Florida Heartland Television, Inc., Orlando, Fla., Docket No. 17341, File No. BPCT-3737; Comint Corp., Orlando, Fla., Docket No. 17342, File No. BPCT-3738; TV 9, Inc., Orlando, Fla., Docket No. 17344, File No. BPCT-3740; for construction permit for new television broadcast station.

1. The above captioned mutually exclusive applications for a television station utilizing Channel 9 at Orlando, Fla., were designated for consolidated hearing by Commission order, FCC 67-416, released April 7, 1967, published in the FEDERAL REGISTER April 12, 1967.[3] The issues set forth in that order include among others a standard comparative issue. However, no provision was made for inquiry into the efforts made by each applicant to ascertain the programing needs and interests of the community nor was a comparative issue concerning proposed programing specified. Mid-Florida Television Corp. is presently operating a station on Channel 9 in Orlando, Fla., pursuant to temporary authority issued by the Commission in its order, FCC 66-1020, released November 19, 1965.[4] The Commission in that order provided an opportunity for the filing of other applications for the facility and spelled out that "this authorization shall be without prejudice to and constitutes no preference in any aspect of the proceeding to be held with respect to Channel 9 in Orlando, Fla." The other applicants in this proceeding filed their applications pursuant to the provisions of that order. On April 27, 1967, Mid-Florida and Central Nine Corp. filed petitions seeking to enlarge the issues to include issues with respect to ascertainment of programing needs and comparative programing.[5] These petitions are in each instance supported by the affidavit of a principal of the applicant who purports to have knowledge of the facts. Since the questions raised by both petitions are essentially the same, they will be treated jointly in this document.

ASCERTAINMENT OF NEED ISSUE

2. Mid-Florida in its petition argues that its 10 years' experience gives it a special knowledge of the needs of the community which it proposes to serve. Moreover, Mid-Florida argues that in 1966 it conducted an extensive survey which consisted of interviews with 150 area residents and civic leaders. It also notes that during the time its station has been on the air, it has had some 1,600 formal contacts with the public concerning the programing of its station. Mid-Florida further notes that it has examined the application files of all the other applicants in this proceeding and observed that, while some of them state that they have made surveys, they have not undertaken to specifically relate the results of the surveys to the proposed programing. Moreover, it notes that Orange Nine, Inc., Florida 9 Broadcasting Co., Howard A. Weiss, and Central Nine Corp. gave no indication in their applications that a survey to ascertain the programing needs of the community was made.[6]

3. Central Nine Corp. in its petition notes the absence of an ascertainment of need issue and points out that it conducted a survey utilizing the service of 22 persons who completed 1,749 telephonic interviews with persons residing in 14 different communities in the proposed service area. Furthermore, personal interviews were had with over 200 leaders of the various communities within the service area by Central Nine stockholders, and 10 luncheons which were attended by community leaders from 33 different communities within the service area were held by Central Nine to secure expressions of opinion concerning television programing for its proposed station. In addition to this, Central Nine monitored the existing stations in Orlando to ascertain the extent to which those stations are meeting

[2] Commissioner Johnson absent.

[3] The applications of Howard A. Weiss and Florida 9 Broadcasting Co. which were included in the original designation order were dismissed by order of the Examiner, FCC 67M-15, released May 17, 1967, and FCC 67M-905, released June 15, 1967.

[4] We need not detail the long history of litigation concerning the use of TV Channel 9 at Orlando, Fla. It is enough to say that this matter has been twice before the Circuit Court of Appeals for D.C. and once before the Supreme Court. The proceeding now before us stems from the most recent decision of the Court, WOKE v. FCC, 345 F. 2d 55 (1965).

[5] There are also before the Board, Comments of the Broadcast Bureau filed May 24, 1967; Oppositions filed by TV 9, Inc., and Comint Corp., May 10, 1967, and May 26, 1967, respectively; a partial opposition to the Mid-Florida petition filed by Central Nine Corp., May 26, 1967; and Replies filed by Mid-Florida and Central Nine Corp., June 6 and June 8, 1967, respectively.

[6] Weiss and Florida 9 Broadcasting have both dismissed their applications. Central Nine Corp. is a petitioner for an ascertainment of needs issue in this proceeding.

the needs of the community. Central Nine then observes that since the Commission has indicated that each applicant is expected to make an investigation of the needs of the community, such investigations must have been made by other applicants in the proceeding. It observes, however, that the extent of these investigations is not within its knowledge and that the extensive investigation which it had conducted is sufficient to warrant consideration in the comparative evaluation of the several applicants.

4. The applicants which opposed the Mid-Florida petition, including Central Nine Corp., all objected to consideration of any knowledge or experience which Mid-Florida might have acquired while operating Station WFTV in Orlando. They argue that its license to operate that station was terminated as a result of the Court's decision in WORZ, Inc. v. FCC, supra, and that because of dubious circumstances under which Mid-Florida acquired its license, no credit should accrue to it from that operation. This argument, we think, is beside the point.[1] Both Mid-Florida and Central Nine have shown that they have made extensive efforts to ascertain the needs of the community which they propose to serve and that there has been no comparable showing on the part of several other applicants. None of the other applicants used their opportunity to oppose the petition to amplify their showing concerning the effort they have made to ascertain community need. Thus, based on the showing before us, there appear to be significant differences among the several applicants as to the effort each has made to ascertain community needs. In view of these circumstances a comparative issue concerning the efforts each applicant has made to ascertain community need is warranted. See Chapman Radio and Television Co., FCC 67-234, released March 6, 1967, 7 FCC 2d 213.

THE COMPARATIVE PROGRAMING ISSUE

5. Mid-Florida has set forth with great care certain public interest programs which it believes meet the needs of Orlando. It has not, however, undertaken to show that those same needs will not be met by the proposals of the other applicants. It has also argued that there is a need for station editorialization. Mid-Florida observes that only it and three other applicants propose to editorialize daily, that one other applicant would editorialize once each week and the remaining three applicants have not proposed to editorialize at all. Two of the applications which did not reflect plans to editorialize have, since the instant petitions were filed, been dismissed. Thus only one of the remaining applications does not propose some editorialization.

[1] Mid-Florida's past broadcast offerings are irrelevant to a determination of whether there are differences between the applicants' program proposals, and we are not relying upon such past broadcast offerings in reaching our determination herein.

6. Central Nine bases its request for a comparative programing issue largely upon differences in the time percentages shown in the applications for the various categories of programing. It argues that it made an extensive survey of the needs of the community and that to meet those needs, it divided its time among the various categories of programing as indicated in its application. It points out particularly that it proposes to utilize 7.33 percent of its broadcast time for educational programing. In contrast it observes that one other applicant proposed as little as 0.8 percent educational programing and another applicant proposes only 1.2 percent educational programing. It notes other disparities in percentages of time to be devoted to the various types of programing.

7. The petitioners have alleged sufficient facts to indicate that there are substantial differences in the programing proposed by the various applicants and that those differences reflect the result of the petitioners' efforts to ascertain the needs of the community. This is particularly so with respect to Mid-Florida's proposal concerning daily editorialization with ample opportunity for presentation of opposing views and Central Nine's educational proposal. The petitions contain showings of sufficient differences to warrant the inclusion of a comparative programing issue. For as the Commission said in the Chapman Radio case, supra:

"* * * This showing need not approach the total evidentiary showing necessary at the hearing itself, nor need it be upon the basis of some absolute community need, but the petitioner should make such a showing as will indicate the relationship between his own ascertainment of community needs and interests and the reflection of those needs and interests in the substantially greater amount of time, effort and resources proposed to be devoted to certain of the categories of programing. In other words, a proponent of the programing issue should be required to make a prima facie showing that there are significant differences in the programing proposed and should relate his claimed substantial superiority in program planning to his ascertainment of community needs."

It is ordered, That the Petitions to Enlarge Issues, filed by Mid-Florida Television Corp. and Central Nine Corp., April 27, 1967, are granted, and the issues in the above-captioned proceeding are enlarged as follows:

(a) To determine on a comparative basis the significant differences among the applicants with respect to the efforts made by each applicant to ascertain the needs and interests of the community and area each proposes to serve; and

(b) To determine on a comparative basis the significant differences among the applicants with respect to their program proposals and the manner in which they propose to meet the needs and interests of the community and area each proposes to serve.

Adopted: July 5, 1967.

Released: July 10, 1967.

FEDERAL COMMUNICATIONS COMMISSION,*

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 67-8083; Filed, July 12, 1967; 8:50 a.m.]

[Docket No. 17561; FCC 67-760]

SANFORD SCHAFITZ

Order Designating Application for Hearing on Stated Issues

In re application of Sanford Schafitz, Farrell, Pa., Docket No. 17561, File No. BPH-5281; Requests: 103.9mc, No. 280; 3 kw; 85 ft.; for construction permit.

1. The Commission has under consideration the above captioned and described application.

2. Following a hearing on the renewal applications for stations WWIZ, Lorain, Ohio, and WFAR, Farrell, Pa., the Commission concluded[1] that Schafitz had permitted an unauthorized transfer of control of Station WWIZ, had submitted false and misleading information, had withheld other information regarding that station and had shown a lack of licensee responsibility, as evidenced by his inattention to the station, and its operation in violation of Commission regulations. Having reached this conclusion regarding Schafitz's qualifications, the Commission revised the Examiner's Initial Decision (28 RR 239; released Mar. 6, 1963) and denied the renewal application for Station WWIZ.

3. Although the Commission simultaneously renewed the license of Station WFAR, such action did not carry the implication that Schafitz would be considered qualified to achieve an additional broadcast station. Rather, in view of the adverse conclusions referred to, supra, serious questions obtain regarding Schafitz's qualifications to construct and operate the proposed FM station. Accordingly, the application will be designated for hearing on appropriate issues.

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the application is designated for hearing at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine in light of the adverse conclusions regarding his lack of candor and licensee qualifications in connection with station WWIZ whether Sanford Schafitz is qualified to construct and operate the proposed FM station.

2. To determine, in the light of the evidence adduced pursuant to the foregoing issue, whether a grant of the application would serve the public interest, convenience, and necessity.

It is further ordered, That to avail itself of the opportunity to be heard, the applicant, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney shall, within twenty (20) days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: June 28, 1967.

Released: July 6, 1967.

FEDERAL COMMUNICATIONS COMMISSION,*

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 67-8084; Filed, July 12, 1967; 8:50 a.m.]

[Docket No. 17554; FCC 67-754]

WESTERN UNION TELEGRAPH CO.

Order Instituting Hearing and Investigation

In the matter of proposed revisions in the rates of The Western Union Telegraph Co. for Tieline domestic interstate telegraph services; Docket No. 17554.

1. The Commission has under consideration Transmittal Letter No. 6062 and revised tariff schedules filed therewith by The Western Union Telegraph Co. (Western Union) to become effective July 1, 1967, designated as follows:

a. 24th Revised Page 39 and 12th Revised Page 40 of Western Union Tariff FCC No. 176, amending certain schedules contained in the tariff applicable to the offering of Tieline facilities and establishing a fixed monthly charge of $7.50 for teleprinter Tielines and $5.00 for other Tielines, on an experimental basis for a period of 1 year expiring with June 31, 1968; and

b. 29th Revised Page 9 and 10th Revised Page 9A of Western Union Tariff FCC No. 232, changing the present Tieline discount plan, which is applied on a per-message basis, to a discount plan which applies as a percentage of the monthly dollar value of intra-U.S. sent paid revenue.

2. The above-cited schedules contain new and increased charges for certain interstate communications services and the Commission is unable to determine from an examination of the above-cited tariff schedules whether the charges contained therein will be lawful under the Communications Act of 1934, as amended. If the above-cited tariff schedules are permitted to become effective on the date specified therein, the rights and interests of the public may be adversely affected thereby.

3. *Accordingly, it is ordered*, That, pursuant to sections 201, 202, 204, 205, and 403 of the Communications Act of 1934, as amended, the Commission shall enter upon a hearing and investigation concerning the lawfulness of the charges set forth in the above-cited tariff schedules and any amendments, cancellations, or successive issues thereof effected during the pendency of the investigation; and

4. *It is further ordered*, That, pursuant to section 204 of the Communications Act of 1934, as amended, the operation of the above-described tariff schedules is hereby suspended, unless otherwise ordered by the Commission, until October 1, 1967, and that during said period of suspension no changes shall be made in said tariff schedules or in the charges sought to be altered thereby, unless authorized by special permission of the Commission; and

5. *It is further ordered*, That, without in any way limiting the scope of the investigation, it shall include consideration of the following matters:

(1) Whether the above-cited tariff schedules will subject any person or class of persons to unjust or unreasonable discrimination or give any undue or unreasonable preference or advantage to any person, class of persons or locality, or subject any person, class of persons or locality to any undue or unreasonable prejudice or disadvantage within the meaning of section 202(a) of the Communications Act of 1934, as amended;

(2) Whether any of the charges, classifications, regulations or practices contained in the above-cited tariff schedules are or will be unjust and unreasonable within the meaning of section 201(b) of the Communications Act of 1934, as amended; and

(3) Whether the Commission should prescribe just and reasonable charges, classifications, regulations, and practices or the maximum or minimum or maximum and minimum charges to be hereafter followed with respect to the services governed by the tariff schedules herein suspended, and, if so, what charges, classifications, regulations, and practices should be prescribed.

6. *It is further ordered*, That, in the event a decision as to the lawfulness of the provisions suspended has not been made during the aforesaid suspension period, and said increased charges, practices, classifications, and regulations go into effect, The Western Union Telegraph Co. and its connecting said concurring carriers shall, until further ordered by the Commission, keep accurate account of all amounts received by reason of such increase specifying by whom and in whose behalf such amounts are paid, and upon completion of the hearing and decision therein the Commission may by further order require the refund thereof, with interest, pursuant to section 205 of the Communications Act of 1934, as amended and the carrier shall file with the Commission a report on or before the 10th day of each calendar month, commencing November 10, 1967, showing the amounts accounted for as aforesaid during the previous calendar month; and

7. *It is further ordered*, That a copy of this order be filed in the offices of the Commission with said tariff schedules herein suspended; that The Western Union Telegraph Co. and all carriers listed in its Tariff FCC No. 211 as concurring carriers with respect to matters contained in said tariff schedules herein suspended are hereby made parties respondent to this proceeding; and that a copy hereof be served upon each such respondent; upon the agency of each State which has regulatory jurisdiction with respect to communications rates and services and the National Association of Railroad and Utilities Commissioners; and

8. *It is further ordered*, That a hearing be held in this proceeding at the Commission's offices in Washington, D.C., at a time to be specified, before a presiding officer to be designated hereafter who shall certify the record to the Commission, without preparation of an initial or recommended decision, and the Chief of the Common Carrier Bureau shall thereafter issue a recommended decision which shall be subject to the submittal of exceptions and requests for oral argument as provided in 47 CFR 1.276 and 1.277, after which the Commission shall issue its decision as provided in 47 CFR 1.283.

Adopted: June 28, 1967.

Released: June 30, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 67-8085; Filed, July 12, 1967; 8:50 a.m.]

[Docket No. 17554; FCC 67M-1114]

WESTERN UNION TELEGRAPH CO.

Order Scheduling Hearing

In the matter of proposed revisions in the rates of the Western Union Telegraph Co. for tieline domestic interstate telegraph services; Docket No. 17554.

It is ordered, That Herbert Sharfman shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on September 25, 1967, at 10 a.m.; and that a prehearing conference shall be held on July 19, 1967, commencing at 10 a.m.: *And, it is further ordered*, That all proceedings shall take place in the Offices of the Commission, Washington, D.C.

[1] Commissioner Johnson absent.

* Board Member Kessler not participating.

[1] WWIZ, Inc. 26 FCC 561, 2 RR 2d 169 (1964); reconsideration denied 27 FCC 685, 3 RR 2d 915 (1964); aff'd sub nom. Lorain Journal Co. v. FCC 122 U.S. App. D.C. 127, 351 F. 2d 824, 8 RR 2d 2111 (1965); cert. denied 383 U.S. 967 (1966); rehearing denied 384 U.S. 947 (1966).

* Commissioner Johnson absent.

Issued: June 30, 1967.

Released: July 6, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-8090; Filed, July 12, 1967; 8:50 a.m.]

FEDERAL MARITIME COMMISSION

CONTAINERSHIP LTD. AND CONTAINER MARINE LINES

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

James N. Jacobi, Esq., Kurrus and Jacobi, 2000 K Street NW., Washington, D.C. 20006.

Agreement 9615-1, between Containerships, Ltd. and Container Marine Lines, a division of American Export Isbrandtsen Lines, Inc., amends the basic agreement by deleting the following provision: "Neither party shall enter into a transshipment agreement with any other party with respect to the transportation of cargo within the scope of this Agreement as defined in Article 2 hereof."

Dated: July 10, 1967.

By Order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-8082; Filed, July 12, 1967; 8:48 a.m.]

MEDITERRANEAN/CANADA & GREAT LAKES SERVICE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Attorneys for the Parties:
Erwin Longcope, Esq., Hill, Betts, Yamaoka, Freehill & Longcope, 26 Broadway, New York, N.Y. 10004.

and

Thomas K. Boobe, Esq., Haight, Gardner, Poor & Havens, 80 Broad Street, New York, N.Y. 10004.

Agreement 9639, between Concordia Line Great Lakes Service and Niagara Line, as one party, Fabre Line, and Montship Lines and Capo Line, as one party, provides for the establishment of a joint service, designated as the "Mediterranean/Canada & Great Lakes Service," to operate in the trades between United States and Canadian Great Lakes ports and ports of Eastern Canada, on the one hand, and Mediterranean ports (including Gibraltar and Black Sea ports) and Atlantic ports of Portugal, Spain and Morocco, on the other hand, under the terms and conditions set forth therein.

Dated: July 10, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-8084; Filed, July 12, 1967; 8:48 a.m.]

NIPPON YUSEN KAISHA AND PUSAN SHIPPING CO., LTD.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. H. Amano, NYK Line, 25 Broadway, New York, N.Y. 10004.

Agreement 9649 between Nippon Yusen Kaisha (NYK) and Pusan Shipping Co., Ltd. (PSC), covers the transportation of cargo on through bills of lading from ports in Korea served by PSC to ports in the United States, including Puerto Rico and Virgin Islands served by NYK with transshipment at Japan ports under terms and conditions as set forth in the agreement.

Dated: July 10, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-8085; Filed, July 12, 1967; 8:45 a.m.]

NORTH PACIFIC COAST—EUROPE PASSENGER CONFERENCE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Lincoln S. Wilson, Secretary, North Pacific Coast—Europe Passenger Conference, 417 Montgomery Street, San Francisco, Calif. 94104.

Agreement 8460-5, between the member lines of the North Pacific Coast—Europe Passenger Conference, modifies the basic agreement to (1) conform to the requirements of General Order 9 and (2) amend Article XI to provide for settlement of any dispute arising under this agreement in accordance with the procedures outlined therein.

Dated: July 7, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-8086; Filed, July 12, 1967; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

INTERAMERICAN INDUSTRIES, LTD.

Order Suspending Trading

JULY 7, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the capital stock of Interamerican Industries, Ltd., Calgary, Alberta, Canada, being traded in the United States otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in the United States in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 8, 1967, through July 17, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-8044; Filed, July 12, 1967; 8:46 a.m.]

[File No. 1-464]

JADE OIL & GAS CO.

Order Suspending Trading

JULY 7, 1967.

The 50 cents par value common stock and the 6½ percent convertible subordinated debentures due January 1, 1979, with or without warrants attached, listed and registered on the Pacific Coast Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Jade Oil & Gas Co., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the Pacific Coast Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 8, 1967, through July 17, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-8045; Filed, July 12, 1967; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 625]

MINNESOTA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of June 1967, because of the effects of certain disasters, damage resulted to residences and business property located in Dakota, Hennepin, Kandiyohi, Ramsey, Stearns, and Wright Counties in the State of Minnesota;

Whereas, the Small Business Administration has investigated and received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property, situated in the aforesaid counties and areas adjacent thereto, suffered damage or destruction resulting from windstorm occurring on or about June 30, 1967.

Office: Small Business Administration Regional Office, 316 Second Avenue South, Minneapolis, Minn. 55402.

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to January 31, 1968.

Dated: July 5, 1967.

BERNARD L. BOUTIN,
Administrator.

[F.R. Doc. 67-8046; Filed, July 12, 1967; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1063]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

JULY 7, 1967.

The following applications are governed by Special Rule 1.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of § 1.247(d)(4) of the special rule, and shall include the certification required therein.

Section 1.247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

[1] Copies of Special Rule 1.247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

No. MC 511 (Sub-No. 229), filed June 26, 1967. Applicant: YOUNGER BROTHERS, INC., Post Office Box 14261, 4904 Griggs Road, Houston, Tex. 77021. Applicant's representative: Wray E. Hughes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pyridine*, in bulk, in tank vehicles, from Indianapolis, Ind., to Freeport, Tex. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Washington, D.C.

No. MC 106 (Sub-No. 263), filed June 29, 1967. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., 1417 Clay Street, Oakland, Calif. 94612. Applicant's representative: David Axelrod, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those requiring armored vehicles or armed guards, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the plantsite and warehouse facilities of Rockwell-Standard Corp. located at or near Winchester, Ky., on the one hand, and, on the other, points in California, Colorado, Connecticut, Idaho, Illinois, Indiana, Iowa, Kansas, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, Nevada, New Jersey, New York, Ohio, Oregon, Pennsylvania, Rhode Island, Utah, Washington, Wyoming, and the District of Columbia. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Columbus, Ohio.

No. MC 2202 (Sub-No. 323), filed June 23, 1967. Applicant: ROADWAY EXPRESS, INC., 1077 George Boulevard, Post Office Box 471, Akron, Ohio 44309. Applicant's representatives: William O. Turney, 2001 Massachusetts Avenue NW., Washington, D.C. 20036, and Douglas Paris, Post Office Box 471, Akron, Ohio 44309. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving the plantsites and warehouses of Rockwell-Standard Corp. located at or near Winchester, Ky., as off-route points in connection with applicant's presently authorized authority between Cincinnati, Ohio, and Chattanooga, Tenn. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Frankfort, Ky., or Washington, D.C.

No. MC 2860 (Sub-No. 9) (Amendment), filed June 5, 1967, published FEDERAL REGISTER Issue of June 22, 1967, amended June 21, 1967, and republished as amended this issue. Applicant: NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, N.J. 08360. Applicant's representative: Alvin Altman, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fibrous glass products and materials, insulating products and materials, building wall and insulating board, calcium silicate and asbestos combined, asphalt and asbestos, asphalt and asbestos products, and materials, plastic products, and materials, and materials, supplies, and equipment* used in connection with the production, distribution, and installation of the above commodities (except commodities in bulk), between Jamesburg, N.J., on the one hand, and, on the other, points in Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., Philadelphia, Pa., or Washington, D.C.

No. MC 2860 (Sub-No. 13), filed June 26, 1967. Applicant: NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, N.J. 08360. Applicant's representative: Alvin Altman, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fibrous glass products and materials, insulating products and materials, building wall and insulating board, asphalt and asbestos, asphalt and asbestos products, and materials, plastic products and materials, and materials, supplies, and equipment* used in connection with the production, distribution, and installation of the above commodities (except commodities in bulk), between Jamesburg, N.J., on the one hand, and, on the other, points in Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: The purpose of this republication is to broaden the application. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Philadelphia, Pa., or Washington, D.C.

No. MC 2860 (Sub-No. 13), filed June 26, 1967. Applicant: NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, N.J. 08360. Applicant's representative: Alvin Altman, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fibrous glass products and materials, insulating products and materials, building wall and insulating board, asphalt and asbestos products, and materials, plastic products and materials, and materials, supplies, and equipment* used in connection with the production, distribution, and installation of the above commodities (except commodities in bulk), between Jamesburg, N.J., on the one hand, and, on the other, points in Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., Philadelphia, Pa., or Washington, D.C.

No. MC 2151 (Sub-No. 17), filed June 23, 1967. Applicant: BENDER & LOUDON MOTOR FREIGHT, INC., West Richfield, Ohio. Applicant's representative: Robert D. Schuler, Suite 1700, 1 Woodward Avenue, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the plantsite of Ford Motor Co., Van Dyke and 18 Mile Road, Sterling Township, Macomb County, Mich., as an off-route point in connection with authorized service at Detroit, Mich. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 2274 (Sub-No. 11), filed June 23, 1967. Applicant: L. C. CORP., doing business as GREY LINES, 1137 Statler Office Building, Boston, Mass. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Parts of Magazines*, (a) Between Boston, Mass., and Old Saybrook, Conn., on the one hand, and, on the other, points in Rhode Island, that part of Connecticut east of Alternate U.S. Highway 5, that part of Massachusetts, on, north, and west of a line beginning at the western boundary line of Plymouth County at Massachusetts Bay, thence along the Plymouth County line to junction Massachusetts Highway 24, thence along Massachusetts Highway 24 to junction Massachusetts Highway 138, and thence along Massachusetts Highway 138 to the Massachusetts-Rhode Island State line, points in New Hampshire on U.S. Highway 202 south of East Jaffrey, N.H., and those in New Hampshire on and within 15 miles of U.S. Highway 3 south of Laconia, N.H. (b) from Boston, Mass., to points in Maine, and points in that part of New Hampshire, on, east and south of a line beginning at the New Hampshire-Massachusetts State line and extending along New Hampshire Highway 136 to Rochester, N.H., thence along U.S. Highway 202 to the New Hampshire-Maine State line, (c) from New York, N.Y., and Jersey City and South Kearney, N.J., to Norwich and Putnam, Conn., and Westerly and Woonsocket, R.I.

(d) Between New York and Long Island City, N.Y., Jersey City and South Kearney, N.J., on the one hand, and, on the other, points in New London and Middlesex Counties, Conn. 2. *Parts of Newspapers*, and *newspaper inserts and supplements*, (a) between Boston, Mass., on the one hand, and, on the other, points in Rhode Island, that part of Connecticut east of Alternate U.S. Highway 5, that part of Massachusetts on and north, and west of a line beginning at the western boundary line of Plymouth County at Massachusetts Bay, thence along the Plymouth County line to junction Massachusetts Highway 24, thence along Massachusetts Highway 24 to junction Massachusetts Highway 138, and thence along Massachusetts Highway 138 to the Massachusetts-Rhode Island State line, points in New Hampshire on U.S. Highway 202 south of East Jaffrey, N.H., and those in New Hampshire on and within 15 miles of U.S. Highway 3 south of Laconia, N.H.; (b) between Boston, Mass., on the one hand, and, on the other, Dirfield and Veasie, Maine, and points in that part of Maine on and south of a line beginning at the Maine-New Hampshire State line and extending along U.S. Highway 202 to Augusta, Maine, thence along Interstate Highway 95 to Bangor, Maine, thence along Alternate U.S. Highway 1, to Ellsworth, Maine, and thence along Maine Highway 3 to the Atlantic Ocean, and points in that part of New Hampshire on and east of a line beginning at the Massachusetts-New Hampshire State line and extending along New Hampshire Highway 136 to Rochester, N.H., and thence along U.S. Highway 202 to the Maine-New Hampshire State line.

(c) From New York, N.Y., and Jersey City and South Kearney, N.J., to Norwich and Putnam, Conn., and Westerly and Woonsocket, R.I. (d) between New York and Long Island City, N.Y., Jersey City and South Kearney, N.J., on the one hand, and, on the other, points in New London and Middlesex Counties, Conn. NOTE: Applicant now holds authority to transport "magazines" and "newspapers, and newspaper inserts, and supplements" from, to and between the points described above. The purpose of this application is to secure authority to transport "parts" of these same commodities from, to and between the same points. Applicant desires to combine together the requested authorities to the same extent that it can combine together its present authorities. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Boston, Mass.

No. MC 8973 (Sub-No. 10), filed June 23, 1967. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fiberboard, wallboard, and accessories and supplies used in the manufacture thereof*, on flat bed equipment, from Deposit, N.Y., to points in Maine, New Hampshire, Vermont, North Carolina, South Carolina, and Tennessee, and (2) *returned or rejected shipments* on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 10761 (Sub-No. 216), filed June 26, 1967. Applicant: TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit, Mich. 48209. Applicant's representative: A. Alvis Layne, Pennsylvania Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles, and equipment, materials and supplies* used in the manufacture of processing of iron and steel articles, between Louisiana, Mo., Clarksville, Ohio, Carlinville, Centralia, Irvington, and Sparta, Ill., on the one hand, and, on the other, points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, Tennessee, South Carolina, South Dakota, Texas, Vermont, Virginia, West Virginia, Wisconsin, and District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis.

No. MC 10761 (Sub-No. 217), filed June 26, 1967. Applicant: TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit, Mich. 48209. Applicant's representative: A. Alvis Layne, Pennsylvania Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving East Bloomfield, N.Y., as an off-route point in connection with applicants present authority (1) between Buffalo, and Rochester, N.Y., and (2) between Buffalo and Syracuse, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at Rochester or Buffalo, N.Y.

No. MC 11207 (Sub-No. 263), filed June 27, 1967. Applicant: DEATON, INC., 3400 10th Avenue North, Birmingham, Ala. 35234. Applicant's representative: A. Alvis Layne, Pennsylvania Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic pipe, plastic or iron connections, fittings and accessories*, from the plantsite and warehouse facilities of the Clow Corp., located at or near Lincoln, Talladega County, Ala., to points in Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia; and (2) *equipment, materials, and supplies* used in the manufacture, processing and distribution of plastic pipe, plastic or iron connections, fittings, and accessories (except in bulk, in tank vehicles), on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Washington, D.C.

No. MC 22285 (Sub-No. 1), filed June 23, 1967. Applicant: OSCAR DUNCAN, Rolla, Mo. 65401. Applicant's representative: Thomas F. Kilroy, Suite 913, Colorado Building, 1341 G Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except articles of unusual value, dangerous explosives, household goods as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), from International Stockyards, Ill., to Vichy, Mo., from International Stockyards, over U.S. Highway 66 to Rolla, Mo., and thence over U.S. Highway 63 to Vichy, serving Rolla, St. James, Knobeview, Fanning, Cuba, and St. Louis, Mo., and East St. Louis, Ill., as intermediate points, and points within 20 miles of Rolla as off-route points. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 25798 (Sub-No. 153), filed June 23, 1967. Applicant: CLAY HYDER TRUCKING LINES, INC., 502 East Bridgers Avenue, Post Office Box 1186, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionary products*, from Dunn, N.C., to points in Florida, Georgia, Illinois, Indiana, Kansas, Michigan, Missouri, North Dakota, Ohio, and Oklahoma. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 25869 (Sub-No. 76), filed June 30, 1967. Applicant: NOLTE BROS. TRUCK LINE, INC., Post Office Box 7184, South Omaha Station, Omaha, Nebr. Applicant's representative: Duane W. Acklie, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, and *articles distributed by meat packinghouses* as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, between Pueblo, Colo., on the one hand, and, on the other, Lincoln and Omaha, Nebr. NOTE: Applicant states it could or would tack at Omaha, Nebr., to serve points in Wisconsin and Illinois. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 28961 (Sub-No. 20), filed June 20, 1967. Applicant: McDUFFEE MOTOR FREIGHT, INC., High School Street, Lebanon, Ky. 40033. Applicant's representative: Louis J. Amato, Central Building, 1033 State Street, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment other than those requiring refrigeration, and those injurious or contaminating to other lading, (1) between a point on U.S. Highway 150, approximately 5 miles southeast of Stanford, Ky., and junction U.S. Highway 25 and the Rockcastle River approximately 4 miles south of Livingston, Ky., from a point on U.S. Highway 150, approximately 5 miles southeast of Stanford, Ky., over U.S. Highway 150 to Mount Vernon, Ky., thence over U.S. Highway 25 to the Rockcastle River, and return over the same route, serving no intermediate points; (2) between Lexington, and Mount Vernon, Ky., over U.S. Highway 25, serving no intermediate points and serving Mount Vernon for purpose of joinder only. NOTE: Applicant states the above authority is sought for purpose of joinder only with applicants present authority and in connection with applicants pending application to transfer the same authority with the right to serve intermediate points to P. H. Bronaugh, doing business as, Bronaugh Motor Express, Lexington, Ky. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Louisville, Ky.

No. MC 29934 (Sub-No. 15) (clarification), filed May 3, 1967, published in the FEDERAL REGISTER Issue of June 2,

1967, and republished as clarified this issue. Applicant: LO BIONDO BROTHERS MOTOR EXPRESS, INC., Post Office Box 18, Bridgeton, N.J. 08302. Applicant's representative: Charles H. Trayford, 127 East 56th Street, New York, N.Y. 10016. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) (1) *Such commodities* as are used in or incidental to the preparation, packing, and shipment of canned, frozen, and processed foods (except commodities in bulk), and (2) *fresh fruits, berries, and vegetables* exempt from economic regulation pursuant to section 203(b)(6) of the Interstate Commerce Act, when moving at the same time and in the same vehicle as the commodities described in (A)(1) above; from points in Connecticut, Delaware, Maryland, Massachusetts, Maine, New Hampshire, New York, Ohio, Pennsylvania, Rhode Island, Vermont, West Virginia, and the District of Columbia, to points in Cumberland, Salem, and Gloucester Counties, N.J.; (B) *food and food products* (except commodities in bulk), on return. NOTE: Applicant states it intends to tack with its present authority in MC 29694 Sub 2 at points in Cumberland, Salem, or Gloucester Counties, N.J., to provide service at Philadelphia, Pa., in the handling of food and food products; and with its Sub 7 at points in Cumberland County, Pa., to provide service at points in Cape May County, N.J., of food and food products. The purpose of this republication is to clarify the authority sought and provide for tacking. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 33278 (Sub-No. 22), filed July 3, 1967. Applicant: LEE AMERICAN FREIGHT SYSTEM, INC., 418 Olive Street, St. Louis, Mo. 63102. Applicant's representative: C. M. Rebman, 314 North Broadway, St. Louis, Mo. 63102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving Collierville, Tenn., as an off-route point in connection with its authorized regular route between St. Louis, Mo., and Memphis, Tenn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., St. Louis, Mo., or Chicago, Ill.

No. MC 34690 (Sub-No. 22), filed June 28, 1967. Applicant: PRUE MOTOR TRANSPORTATION, INC., Mast Road, Dover, N.H. Applicant's representative: Arthur J. Piken, 160-16 Jamaica Avenue, Jamaica, N.Y. 11432. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gasoline, kerosene, diesel fuel, and distillates*, in bulk, from South Portland, Maine, to points in New Hampshire on and south of U.S. Highway 4, and return. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Portland, Maine, or Concord, N.H.

No. MC 41255 (Sub-No. 68), filed June 23, 1967. Applicant: GLOSSON MOTOR LINES, INC., Hargrave Road, Lexington, N.C. Applicant's representative: James E. Wilson, 1735 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture, from* points in North Carolina, on, east and south of U.S. Highway 29 from the Virginia-North Carolina State line to Reidsville, thence along U.S. Highway 158 to Mocksville, thence along U.S. Highway 64 to Statesville, thence along U.S. Highway 21 to Charlotte, thence along U.S. Highway 29 to the North Carolina-South Carolina State line to points in the District of Columbia, Maryland, Virginia, New York, New Jersey, Pennsylvania, Georgia, South Carolina, Connecticut, Maine, Rhode Island, New Hampshire, Vermont, Massachusetts, Delaware, Florida, and Alabama, and *damaged, rejected, or refused shipments* on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Greensboro or Charlotte, N.C.

No. MC 42487 (Sub-No. 674), filed June 26, 1967. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: V. R. Oldenburg, 7101 South Cicero Avenue, Post Office Box 5138, Chicago, Ill. 60680. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those requiring armored vehicles or armed guards, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, (1) between the plantsites and warehouses of Rockwell-Standard Corp. at or near Winchester, Ky., and Louisville, Ky., from Winchester over U.S. Highway 60 to Lexington, thence over U.S. Highway 421 to Frankfort, and thence over U.S. Highway 60 to Louisville, and return over the same route, serving no intermediate points, and (2) between the plantsites and warehouses of Rockwell Standard Corp. at or near Winchester, Ky., and Cincinnati, Ohio, from Winchester over U.S. Highway 227 to Paris, and thence over U.S. Highway 27 to Cincinnati, Ohio, and return over the same route, serving no intermediate points. NOTE: Applicant intends to tack the proposed authority with its presently held authority at Louisville, Ky., and Cincinnati, Ohio. If a hearing is deemed necessary, applicant does not specify location.

No. MC 51146 (Sub-No. 53), filed June 28, 1967. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis. 54306. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs*, from points in Brown County, Wis., to points in Maine, New Hampshire, Tennessee, Vermont, and Ohio, and (2) *returned and rejected shipments of foodstuffs, and equipment, material and supplies used in the manufacture and distribution of foodstuffs*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 58839 (Sub-No. 29), filed June 29, 1967. Applicant: COOPER TRANSFER CO., INC., Post Office Box 426, Brewton, Ala. 36426. Applicant's representative: J. Douglas Harris, 410-412 Bell Building, Montgomery, Ala. 36104. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading, between Camilla, Ga., and Tallahassee, Fla.; from Camilla, thence in an easterly direction over Georgia Highway 37 to Moultrie, Ga.; thence in a southwesterly direction over U.S. Highway 319 to Tallahassee, and return over the same route, serving all intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Tallahassee, Fla., or Albany, Ga.

No. MC 66340 (Sub-No. 6), filed June 26, 1967. Applicant: MILLIS TRANSPORTATION CO., INC., 91 Union Street, Millis, Mass. 02054. Applicant's representative: William P. Sullivan, 1825 Jefferson Place NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Talc*, in bulk, in tank vehicles, from West Windsor, Vt., to Millis, Mass., under continuing contract or contracts with The Ruberoid Co., South Bound Brook, N.J. 08880. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Boston, Mass.

No. MC 74606 (Sub-No. 4), filed June 28, 1967. Applicant: MOORE'S MOVING & STORAGE CO., INC., 221 Route 206, Andover, N.J. 07821. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J., 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in Hunterdon County, N.J., on the one hand, and, on the other, points in Warren County, N.J., and points in Delaware, Maryland, Virginia, and the District of Columbia. NOTE: Applicant states it could tack at Warren County, N.J. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Philadelphia, Pa., or New York, N.Y.

No. MC 89430 (Sub-No. 116), filed June 15, 1967. Applicant: GATEWAY TRANSPORTATION CO., INC., 2130 South Avenue, La Crosse, Wis. 54601. Applicant's representative: Joseph E. Ludden (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the plantsite of the Ford Sterling Van Dyke plant, located at the northwest corner 18-Mile Road and Van Dyke Road, Sterling Township, Macomb County, Mich., as an off-route point in connection with applicant's presently authorized routes to and from Detroit, Mich., as set forth in MC 89430. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Chicago, Ill.

No. MC 52079 (Sub-No. 16), filed June 23, 1967. Applicant: KELLER TRANSFER LINE, INC., 1239 Randolph Avenue SW., Grand Rapids, Mich. 49507. Applicant's representative: J. M. Neath, Jr., 900, 1 Vandenberg Center, Grand Rapids, Mich. 49507. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Potato products*, from Greenville, Mich., to Toledo, Maumee, Cleveland, and Painesville, Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich., or Chicago, Ill.

No. MC 52841 (Sub-No. 33), filed June 30, 1967. Applicant: R-D TRANSFER, INC., 801 Livestock Exchange Building, Omaha, Nebr. 68107. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, plywood, and lumber products*, from points in Colorado to points in Missouri. Restriction: Movements to St. Louis and its commercial zone would be restricted to plywood from Cortez, Colo., and points within 25 miles thereof. NOTE: Applicant states it could tack the proposed authority with its present authority to provide service from points in Utah, Arizona, and Wyoming. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 59723 (Sub-No. 50), filed June 26, 1967. Applicant: MISSOURI PACIFIC TRUCK LINES, INC., 210 North 13th Street, St. Louis, Mo. 63103. Applicant's representative: Robt. S. Davis (same address as applicant). Applicant presently holds authority in No. MC 59723 (Sub-No. 15) to conduct operations as a *common carrier*, by motor vehicle, transporting *general commodities*, over specified regular routes in the States of Missouri, Kansas, Illinois, California, Arkansas, Louisiana, Mississippi, and Nebraska, subject to certain restrictions, among which is the following: "No shipments shall be transported by said carrier as a common carrier by motor vehicle between any of the following points, or through, or to, or from more than one of said points with hyphenated points considered as single key points: St. Louis, Mo.-East St. Louis, Ill., Kansas City, Mo., Kansas City, Kans., Wichita, Kans., Alexandria and Baton Rouge, La., Crane, Mo., except as to shipments to and from Newport, Ark., between Newport, Ark., and Springfield, Mo., and from Newport, Ark., to points intermediate between Crane and Kansas City, Mo.-Kansas City, Kans." By this application, applicant desires the removal of Crane, Mo., as a key point, but subject to all of the remaining key point restrictions and other restrictions in said certificate. NOTE: Applicant is wholly owned subsidiary of the Missouri Pacific Railroad Co. If a hearing is deemed necessary, applicant requests it be held at Kansas City or Jefferson City, Mo.

No. MC 90873 (Sub-No. 27), filed June 28, 1967. Applicant: C & R TRUCKING CO., a corporation, Inman Avenue, Avenel, N.J. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.Y. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in containers, *advertising materials and displays*, from McKees Rocks, Pa., to points in Connecticut, Massachusetts, New Jersey, New York, and Pennsylvania under contract with Witco Chemical Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 92983 (Sub-No. 530), filed June 26, 1967. Applicant: ELDON MILLER, INC., Post Office Box 2508, Kansas City, Mo. 64142. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beverages and spirits*, in bulk, from Atchison, Kans., to points in Idaho, Montana, and Washington. NOTE: Applicant indicates tacking possibilities with its authority in Sub 283, wherein it is authorized to transport wine, in bulk, from Chicago, Ill., to points in the destination States named in the instant application. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 94350 (Sub-No. 180), filed June 29, 1967. Applicant: TRANSIT HOMES, INC., Haywood Road at Transit Drive, Post Office Box 1628, Greenville, S.C. 29602. Applicant's representative: Mitchell King, Jr., Post Office Box 1628, Greenville, S.C. 29602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Grainger County, Tenn., to points in the United States (excluding Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Knoxville or Nashville, Tenn.

No. MC 106603 (Sub-No. 95), filed June 20, 1967. Applicant: DIRECT TRANSIT LINES, INC., 200 Coldin Street SW., Grand Rapids, Mich. 49503. Applicant's representative: Robert A. Sullivan, 1800 Buhl Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products* (except in bulk), (1) from Rittman, Ohio, to points in Illinois, Indiana, and Kentucky, (2) from Chicago, Ill., to points in Michigan and (3) from Manistee, Mich., to St. Louis, Mo., and to points in Wisconsin south of a line beginning at the Minnesota-Wisconsin State line, and extending along U.S. Highway 12 to junction Wisconsin Highway 29, thence along Wisconsin Highway 29 to Green Bay, Wis., thence along U.S. Highway 141 to junction Manitowoc County Highway D, north of Manitowoc, Wis., and thence east in a straight line along Manitowoc County Highway D to Lake Michigan (except Milwaukee, Wis.), and to points in Iowa east of U.S. Highway 65, and points in Allegheny, Beaver, Butler, Cambria, Clarion, Clearfield, Crawford, Elk, Erie, Fayette, Forest, Greene, Indiana, Jefferson, Lawrence, Mercer, Somerset, Venango, Warren, Washington, and Westmoreland Counties, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 107064 (Sub-No. 58), filed June 28, 1967. Applicant: STERRE TANK LINES, INC., 2808 Fairmont Street, Post Office Box 2998, Dallas, Tex. 75201. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cottonseed products and byproducts; soybean products and byproducts; and castor bean products and byproducts*, from points in Texas on and west of U.S. Highway 83 to points in New Mexico, Colorado, Kansas, Nebraska, Oklahoma, Wyoming, North Dakota, and South Dakota. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 108460 (Sub-No. 27), filed June 26, 1967. Applicant: PETROLEUM CARRIERS COMPANY, a corporation, 5104 West 14th Street, Sioux Falls, S. Dak. 57101. Applicant's representative: E. A. Hutchison, 420 Security Bank Building, Sioux City, Iowa 51101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials, acids and chemicals, pertoleum oil* (used in fungicides, herbicides, or pesticides), including but not restricted to, *anhydrous ammonia, fertilizer solutions, insecticides, herbicides, fungicides, aqua ammonia, methanol, urea, and urea products*, in bulk, from The Gulf Oil Corp.'s River Terminal located at or near Blair, Nebr., to points in Wisconsin, Minnesota, Iowa, Missouri, Kansas, Illinois, Indiana, Michigan, Colorado, South Dakota, North Dakota, Wyoming, Montana, and Nebraska. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Des Moines, Iowa.

No. MC 109136 (Sub-No. 24), filed June 23, 1967. Applicant: ORIOLE CHEMICAL CARRIERS, INC., 9722 Pulaski Highway, Baltimore, Md. 21220. Applicant's representative: Maxwell A. Howell, 1511 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sodium silico aluminate slurry*, in bulk, in tank vehicles, from the plantsite of the J. M. Huber Corp. located at or near Havre de Grace, Md., to Spring Grove, Pa., and points within 5 miles thereof, under contract with J. M. Huber Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 110420 (Sub-No. 548), filed June 26, 1967. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. 53105. Applicant's representatives: Allan B. Torhorst, Post Office Box 339, Burlington, Wis. 53105, and Fred H. Figge, 100 South Calumet Street, Burlington, Wis. 53105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dextrines*, in bulk, from Chicago, Ill., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, Tennessee, and Wisconsin, and (2) *inedible animal greases and inedible tallow*, in bulk, in tank vehicles, from Fort Wayne and New Carlisle, Ind., to Battle Creek, Mich. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 110525 (Sub-No. 838), filed June 26, 1967. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representatives: Leonard A. Jaskiewicz, 1155 15th Street NW., Madison Building, Washington, D.C. 20005, and Edwin H. van Deusen (same address as applicant). Authority sought to operate as *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt pavement surface sealer*, in bulk, in tank vehicles, from points in Hamilton County, Ohio, to points in Indiana, Kentucky, Michigan, Pennsylvania, West Virginia, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111095 (Sub-No. 1), filed June 26, 1967. Applicant: B & D TRUCKING CO., INC., 28 Fulton Street, Paterson, N.J. 07509. Applicant's representative: James J. Farrell, 201 Montague Place, South Orange, N.J. 07079. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Furniture*, new, in packages, as defined in appendix II of the Commission's *Report in Description of Motor Carriers Certificate* 61, M.C.C. 209, from Clifton and Newark, N.J., to points in Connecticut and New York, within 125 miles of Clifton and Newark, N.J., under contract with James, Inc., Thayer Coggin, Inc., and Thayer Coggin Institutional, Inc. NOTE: Applicant presently holds authority under MC 111095 to serve from Newark, N.J., to points in Connecticut and New York within 125 miles of Newark, N.J. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 111103 (Sub-No. 24), filed June 22, 1967. Applicant: PROTECTIVE MOTOR SERVICE COMPANY, INC., 725–29 South Broad Street, Philadelphia, Pa. 19147. Applicant's representative: John M. Denicsak, 1035 Land Title Building, Philadelphia, Pa. 19110. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Nonnegotiable checks, check letters, coupons, invoices, instruments, business papers, magnetic tape, and all types of audit and accounting media*, between the Operations Center of the Equitable Trust Co., in Baltimore, Md., on the one hand, and, on the other, points in Adams, Bedford, Cumberland, Dauphin, Franklin, Fulton, Lancaster, and York Counties, Pa., Arlington, Va., and points in Arlington County, Va., Alexandria, Va., and points in Clarke, Fairfax, Frederick, Henrico, King George, Prince William, Stratford, and Spotsylvania, Counties, Va., and points in Berkley, Hampshire, Hardy, Grant, Jefferson, Mineral, Morgan, and Pendleton, Counties, W. Va., under contract with The Equitable Trust Co. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Baltimore, Md., or Washington, D.C.

No. MC 111401 (Sub-No. 226), filed June 22, 1967. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, Okla. 73701. Applicant's representative: Max E. Barton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, in bulk, in dump or hopper type vehicles, from the plant facilities of Occidental Agricultural Chemicals, Corp., Kansas City, Mo., to points in Arkansas, Illinois, Iowa, Kansas, Missouri, Nebraska, and Oklahoma. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Houston, Tex.

No. MC 111594 (Sub-No. 32), filed June 22, 1967. Applicant: C W TRANSPORT, INC., 610 High Street, Wisconsin Rapids, Wis. 54494. Applicant's representative: David Axelrod, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the plantsites and warehouses of Rockwell-Standard Corp. located at or near Winchester, Ky., on the one hand, and, on the other, points in Illinois, Indiana, Wisconsin, and Minneapolis-St. Paul, Minn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Columbus, Ohio.

No. MC 111651 (Sub-No. 10), filed June 26, 1967. Applicant: MIDDLEWEST FREIGHTWAYS, INC., 6810 Prescott Avenue, St. Louis, Mo. 63147. Applicant's representative: Gregory M. Rebman, 314 North Broadway, St. Louis, Mo. 63102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, iron and steel articles, and materials and supplies used in the manufacture of iron and steel and iron and steel articles* (except commodities in bulk, and except commodities which because of size or weight require the use of special equipment), between Alton, East Alton, Ill., and points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone, on the one hand, and, on the other, points in Illinois, Indiana, Kansas, Kentucky, and Missouri. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 112063 (Sub-No. 13), filed June 19, 1967. Applicant: P.I. & I. MOTOR EXPRESS, INC., Broadway Street Extension, Masury, Ohio. Applicant's representative: A. David Millner, 1060 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles, and equipment, material, and supplies used in the manufacturing or processing of iron and steel articles*, between Jeffersonville, Ind., and Louisville, Ky., for the purpose of tacking to applicant's existing operating rights. NOTE: Applicant states that it intends to tack at Jeffersonville, Ind., in its existing authority to serve Louisville, Ky., to and from points otherwise served by applicant. If a hearing is deemed necessary, applicant requests it be held at Youngstown, Ohio, Louisville, Ky., or Washington, D.C.

No. MC 113678 (Sub-No. 265), filed June 16, 1967. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo. 80216. Applicant's representative: Duane W. Acklie, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned goods*, from Chicago, Ill., to Denver, Colo., and (2) *meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, between Denver, Colo., Omaha, Nebr., Des Moines and Ottumwa, Iowa, and Chicago, Ill. NOTE: Applicant states that no duplicating authority is sought. If a hearing is deemed necessary, applicant did not specify location.

No. MC 113828 (Sub-No. 132), filed June 26, 1967. Applicant: O'BOYLE TANK LINES, INCORPORATED, 4848 Cordell Avenue, Washington, D.C. 20014. Applicant's representative: William P. Sullivan, 1625 Jefferson Place NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Salt cake*, in bulk, from Front Royal, Va., to Luke, Md., (2) *Sodium silico aluminate slurry*, in bulk, from Havre de Grace, Md., to Spring Grove, Pa., and (3) *zinc hydrosulphite solution*, in bulk, from West Norfolk Va., to Calhoun, Tenn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114194 (Sub-No. 140), filed July 3, 1967. Applicant: KREIDER TRUCK SERVICE, INC., 3003 Collinsville Road, East St. Louis, Ill. 62201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrup and corn syrup mixtures and blends*, in bulk, in tank vehicles, from Du Quoin, Ill., to points in Missouri, Illinois, Kentucky, Tennessee, Indiana, Ohio, Arkansas, Wisconsin, Iowa, and Minnesota. NOTE: Applicant indicates tacking proposed authority with presently held authority at Granite City, Ill., St. Louis, Mo.; Muscatine, Clinton, Keokuk, and Cedar Rapids, Iowa; Lafayette and Edinburg, Ind. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 114965 (Sub-No. 28), filed June 26, 1967. Applicant: CYRUS TRUCK LINE, INC., Post Office Box 227, Iola, Kans. 66749. Applicant's representative: Charles H. Apt, 104 South Washington, Iola, Kans. 66749. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, in bulk, in dump or hopper type vehicles, from Kansas City, Mo., to points in Arkansas, Illinois, Iowa, Kansas, Missouri, Nebraska, and Oklahoma. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 115331 (Sub-No. 231), filed June 26, 1967. Applicant: BRACEY & MARTIN, INC., 1910 South Walnut Street, Hopkinsville, Ky. 42240. Applicant's representative: James C. Havron, 618 Nashville Bank and Trust Building, Nashville, Tenn. 37201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages* in containers, from Detroit, Mich., to Hopkinsville, Ky., and *empty containers and rejected shipments* on return, under contract with Kentucky Ace Beverage Distributors, Inc. NOTE: Applicant is also authorized to conduct operations as a common carrier in certificate MC 118763 and Sub 1, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Louisville, Ky.

No. MC 115331 (Sub-No. 231), filed June 28, 1967. Applicant: TRUCK TRANSPORT, INCORPORATED, 707 Market Street, St. Louis, Mo. 63101. Applicant's representative: Thomas F. Kilroy, 913 Colorado, 1341 G Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tallow*, in bulk, from St. Louis, Mo., to points in Illinois, Indiana, Kentucky, Missouri, Ohio, and Tennessee. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 115669 (Sub-No. 75), filed June 26, 1967. Applicant: HOWARD N. DAHLSTEN, doing business as DAHLSTEN TRUCK LINE, Post Office Box 95, Clay Center, Nebr. 68933. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products, and commodities* used by packinghouses, as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, between the plantsite of the Mankato Packing Co., Inc., located in or near Mankato, Kans., on the one hand, and, on the other, points in Arizona, Arkansas, California, Colorado, Idaho, Illinois, Iowa, Indiana, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 115669 (Sub-No. 76), filed June 26, 1967. Applicant: HOWARD N. DAHLSTEN, doing business as DAHLSTEN TRUCK LINE, Post Office Box 95, Clay Center, Nebr. 68933. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products, animal and poultry feed, animal and poultry feed ingredients, and pepper* (in packages) when transported with salt and salt products, from Hutchinson, Kanopolis, and Lyons, Kans., to points in Arkansas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 116914 (Sub-No. 31), filed June 19, 1967. Applicant: OLIVER TRUCKING CO., INC., North Bloomfield Road, Winchester, Ky. 40391. Applicant's representative: Robert M. Pearce, Central Building, 1033 State Street, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between the plantsites and warehouses of Rockwell-Standard Corp. at or near Winchester, Ky., on the one hand, and, on the other, points in Illinois, Indiana, Michigan, Missouri, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, and Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 116254 (Sub-No. 73) (Amendment), filed May 22, 1967, published in the FEDERAL REGISTER issue of June 15, 1967, amended June 27, 1967, and republished this issue. Applicant: CHEM-HAULERS, INC., Post Office Drawer M, Sheffield, Ala. 35660. Applicant's representative: Walter Harwood, 815 Nashville Bank & Trust Building, Nashville, Tenn. 37201. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Resin solvents*, in bulk, in tank vehicles, from Decatur, Ala., to Taft, La., and Gonzales, Fla. The purpose of this republication is to add Gonzales, Fla., as a destination point. NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham or Montgomery, Ala.

No. MC 116763 (Sub-No. 115), filed June 28, 1967. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: Carl Subler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal and charcoal briquettes, or pellets*, from Cookeville, Tenn., to points in Alabama and Georgia. NOTE: Applicant states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 116294 (Sub-No. 2), filed June 28, 1967. Applicant: STANDARD FRUIT AND VEGETABLE CO., INC., 2111 Taylor Street, Dallas, Tex. 75201. Applicant's representative: Austin L. Hatchell, 1102 Perry Brooks Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Gulfport, Miss., to Dallas and Tyler, Tex. NOTE: Applicant states it would tack the proposed authority with its present authority at New Orleans to enable service to Dallas or Tyler, Tex. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or New Orleans, La.

No. MC 119500 (Sub-No. 6), filed June 27, 1967. Applicant: SOUTHERN BULK HAULERS, INC., Post Office Box 276, Harleyville, S.C. 29448. Applicant's representative: Frank A. Graham, Jr., 707 Security Federal Building, Columbia, S.C. 29201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick; building*, solid, hollow or perforated, (1) from Cayce, S.C., to points in North Carolina and to points in that part of Georgia, north, east, and south of a line beginning at Savannah Beach, Ga., and extending therefrom along U.S. Highway 80 to Savannah, thence along Interstate Highway 16 to intersection of Interstate Highway 75 near Macon, thence along Interstate Highway 75 to Atlanta, thence along Interstate Highway 85 to the Georgia-South Carolina State line including all points on said highways, and (2) from Conyers, Ga., to points in South Carolina. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C., Charlotte, N.C., or Atlanta, Ga.

No. MC 119726 (Sub-No. 13), filed June 22, 1967. Applicant: N. A. B. TRUCKING CO., INC., 1067 East 27th Street, Indianapolis, Ind. 46205. Applicant's representative: James J. Williams, 6376 31st Place, NW., Washington, D.C. 20015. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glass and plastic containers, corrugated boxes*, knocked down, *caps, covers, and tops*, from Dunkirk, Ind., to points in Georgia, Alabama, Tennessee, Arkansas, and Texas and *damaged and rejected shipments* on return; (2) *glass containers, corrugated boxes*, knocked down, *caps, covers, and tops, and fibrous glass mineral wood products, equipment, materials, and supplies* used in the installation or erection of these products, and *damaged and rejected shipments* on return from Waxahachie, Tex., to points in Louisiana and Mississippi. NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., Biloxi, Miss., or Baton Rouge, La.

No. MC 123393 (Sub-No. 188), filed June 28, 1967. Applicant: HILYEU REFRIGERATED TRANSPORT CORP., 2165 East Dale Street, Springfield, Mo. 65803. Applicant's representative: Harley E. Laughlin, Post Office Box 948, Commercial Station, Springfield, Mo. 65803. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular

routes, transporting: *Meats, meat products, and meat byproducts and articles distributed by meat packinghouses* as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in Jewell County, Kans., to points in Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, New Jersey, Maryland, Delaware, West Virginia, Virginia, North Carolina, Nevada, South Carolina, Arizona, Georgia, Texas, Oklahoma, Colorado, Nebraska, Florida, Alabama, Tennessee, Kentucky, Ohio, Michigan, Indiana, Wisconsin, Illinois, Missouri, Iowa, Minnesota, Arkansas, Mississippi, Louisiana, California, Oregon, Washington, Idaho, and the District of Columbia. NOTE: Applicant states that no duplicating authority is sought. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., Oklahoma City, Okla., or Omaha, Nebr.

No. MC 123963 (Sub-No. 8), filed June 22, 1967. Applicant: RENTAR TRUCKING, INC., 80–80 Union Turnpike, Glendale, N.Y. 01237. Applicant's representative: William D. Traub, 10 East 40th Street, New York, N.Y. 10016. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by retail department stores*, and *materials, supplies, equipment, and fixtures* used in the operation of such stores, between New York, Carle Place, West Islip, Huntington, Nanuet, Lawrence, Scarsdale, and Port Chester, N.Y., North Brunswick, Watchung, Woodbridge, Audubon, Trenton, West Orange, Bayonne, and Paramus, N.J., Hartford and Trumbull, Conn., Camp Hill, Springfield, Philadelphia, and King of Prussia, Pa., Towson, Glen Burnie, Baltimore, and Rockville, Md., and Baileys Crossroads, Va., under a continuing contract or contracts with E. J. Korvette, division of Spartans Industries, Inc., of New York, N.Y. Restriction: The authority sought herein is restricted to shipments moving from, to or between suppliers, wholesale or retail outlets, warehouses, and other facilities of E. J. Korvette, division of Spartans Industries, Inc., of New York. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 123965 (Sub-No. 7), filed June 22, 1967. Applicant: ATLAS TRANSFER & STORAGE CORP., 139 Europe Street, Baton Rouge, La. 70802. Applicant's representative: Ernest J. Landry, Sr. (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C or appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Baton Rouge, La., to points in the Louisiana Parishes (counties) of Evangeline, St. Landry, Acadia, Lafayette, Iberia, Vermilion, Jefferson Davis, and Calcasieu, limited to shipments having an immediate prior interstate movement by rail pool cars or pool trucks under contract with John Morrell and Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Baton Rouge or New Orleans, La.

No. MC 134311 (Sub-No. 108) (Correction), filed June 7, 1967, published in FEDERAL REGISTER issue of June 29, 1967, and republished as corrected this issue. Applicant: HILT TRUCK LINE, INC., 2937 North 27th Street, Post Office Box 824, Lincoln, Nebr. 68501. Applicant's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such commodities* as are intended for use in the advertising of beverages, when moving in the same vehicle and at the same time with beverages, and *beverages*, (a) between points in Nebraska, and (b) from St. Joseph, Mo., to Lincoln and Omaha, Nebr. (2) *empty containers and pallets* (a) between points in Nebraska and (b) from Lincoln and Omaha, Nebr., to St. Joseph, Mo., and (3) *paint materials, plumbing materials and supplies, floor and wall coverings, materials, and supplies*, used by manufacturers of paint materials, plumbing materials and supplies, floor and wall coverings, between points in California, Illinois, Michigan, Nebraska, New Jersey, Ohio, Pennsylvania, and Wisconsin, and points in the United States, except Hawaii. NOTE: Applicant states it would tack the proposed authority with its present authority and subs thereunder. Applicant states that no duplicating authority is being sought. The purpose of this republication is to redescribe the commodity description in (1) above. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 134636 (Sub-No. 3), filed June 26, 1967. Applicant: BRADLEY FREIGHT LINES, INC., Post Office Box 5875, Asheville, N.C. Applicant's representative: Herbert L. Hyde, Post Office Box 7376, 18½ Church Street, Asheville, N.C. 28807. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture and parts and display cases and parts*, cartoned and uncartoned; in mixed shipments, from Forest City, N.C., to points in Macon, Swain, and Cherokee Counties, N.C. NOTE: Applicant states it would tack at points in Swain, Macon, and Cherokee Counties, N.C., and the United States (except Alaska and Hawaii). If a hearing is deemed necessary, applicant requests it be held at Raleigh or Charlotte, N.C.

No. MC 134961 (Sub-No. 21), filed June 29, 1967. Applicant: WATHEN TRANSPORT, INC., Post Office Box 237, Henderson, Ky. 42420. Applicant's representative: Louis J. Amato, Central Building, 1032 State Street, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Manufactured frozen dessert specialties*, and *citrus purees and citrus bases* in concentrate form, used in the manufacture of ice cream and bakery products, in vehicles equipped with mechanical refrigeration (except in bulk and tank vehicles), from Owensboro, Ky., and Evansville, Ind., to points in Ohio, Indiana, Kentucky, Missouri, West Virginia, Illinois, and Tennessee; and (2) *dairy products*, in vehicles equipped with mechanical refrigeration, from Owensboro, Ky., and Evansville, Ind., to points in Ohio, Missouri, and West Virginia. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Louisville, Ky.

No. MC 135294 (Sub-No. 3), filed June 1, 1967. Applicant: HILLDRUP TRANSFER & STORAGE CO., INC., 510 Essex Street, Post Office Box 748, Fredericksburg, Va. 22401. Applicant's representative: Alan P. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household Goods*, as defined by the Commission, (a) between points in the District of Columbia; (b) between points in Virginia within a 100-mile radius of Fredericksburg, Va., including Fredericksburg; (c) between points in Maryland within a 50-mile radius of Lexington Park, Md., including Lexington Park; and (d) between Lexington Park, Md., and the Port of Baltimore, Md., restricted to shipments having a prior or subsequent movement beyond said points in containers, and further restricted to pickup and delivery services incidental to and in connection with packing, crating, and containerization, or unpacking, uncrating and decontainerization of such shipments. NOTE: Common control may be involved. Applicant states that it intends to tack the above proposed authority with its present authority in MC 135294 and Sub-No. 1 only insofar to permit pickup and delivery of traffic between the port of Baltimore, Md., and Washington, D.C., and Fredericksburg, and Quantico, Va. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 136045 (Sub-No. 8), filed June 23, 1967. Applicant: ALTER TRUCKING AND TERMINAL CORPORATION, 2333 Rockingham Road, Davenport, Iowa 52808. Applicant's representative: Eugene Anderson, 135 South La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diammonium phosphate*, from Colfax, Depue, and Riverdale, Ill., and Des Moines, Iowa, to points in Illinois, Iowa, Wisconsin, Missouri, Minnesota, Nebraska, Kansas, South Dakota, North Dakota, Indiana, Ohio, and Michigan. NOTE: Applicant states tacking is not intended, but there is a possibility of tacking with its present authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Des Moines, Iowa.

No. MC 136145 (Sub-No. 10), filed June 26, 1967. Applicant: PHILLIPS TRUCKING, a corporation, 20299 Valley Boulevard, Rialto, Calif. 92376. Applicant's representative: R. Y. Schureman, 1010 Wilshire Boulevard, Los Angeles, Calif. 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aggregates* (except cement and pozzolan) used in the manufacture of cement, concrete, or concrete products, or for roofing or landscaping, between points in Inyo, Mono, Riverside, San Bernardino, San Diego, and Ventura Counties, Calif., on the one hand, and, on the other, points in Clark and Nye Counties, Nev. Restriction: Against the transportation of aggregates in bags or sacks from points in Clark County, Nev., to points in California above described. NOTE: If a hearing is deemed necessary, applicant requests it be held at Carson City, Nev., or Los Angeles, Calif.

No. MC 136372 (Sub-No. 3), filed June 8, 1967. Applicant: SURETIDE TRANSPORTATION COMPANY, a corporation, 3540 East 26th Street, Los Angeles, Calif. 90023. Applicant's representative: Ernest D. Salm, 3846 Evans Street, Los Angeles, Calif. 90027. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Appliances, furniture and furnishings*, uncrated and otherwise unpacked, and in connection therewith *accessories, appurtenances, fittings, and parts incidental thereto* (packed and unpacked), when transported with shipments of furniture or furnishings, or appliances, (a) from points in California to points in Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Texas, Utah, Washington, and Wyoming, (b) from points in Arizona to points in California, Nevada, New Mexico, Oregon, Texas, and Washington, (c) from points in Nevada to points in Arizona and California, (2) *Appliances, furniture and furnishings*, uncrated and otherwise unpacked, which commodities are defective, rejected, returned or traded in, and in connection therewith *accessories, appurtenances, fittings, and parts incidental thereto* (packed and unpacked), when transported with such shipments of furniture, or furnishings, or appliances, (a) from points in Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Texas, Utah, Washington, and Wyoming, to points in California, (b) from points in California, Nevada, New Mexico, Oregon, Texas, and Washington, to points in Arizona, (c) from points in Arizona and California to points in Nevada, (3) *Appliances, equipment, furniture, furnishings and fixtures* for public structures and installations, stores, offices, institutions and other commercial and noncommercial establishments, uncrated and otherwise unpacked, and in connection therewith *accessories, appurtenances, fittings and parts incidental thereto* (packed and unpacked), when transported with shipments of such equipment, furniture, furnishings, and fixtures, and appliances, (a) from points in California, to points in Colorado, Idaho, Montana, New Mexico, Oregon, Texas, Utah, Washington, and Wyoming, (d) from points in Arizona, to points in California, Nevada, New Mexico, and Utah, (c) from points in Nevada, to points in California, (4) *Appliances, equipment, furniture, furnishings, and fixtures* for public structures and installations, stores, offices, institutions, and other commercial and noncommercial establishments, uncrated and otherwise unpacked, which commodities are defective, rejected, returned or traded in, and in connection therewith *accessories, appurtenances, fittings, and parts incidental thereto* (packed and unpacked), when transported with such shipments of equipment, furniture, furnishings, and fixtures, and appliances, (a) from points in California, to points in Colorado, Idaho, Montana, New Mexico, Oregon, Texas, Utah, Washington, and Wyoming, (b) from points in Arizona to points in California, Nevada, New Mexico, and Utah, (c) from points in Nevada to points in California. (5) *Appliances, equipment, furniture, furnishings, and fixtures* for public structures and installations, stores, offices, institutions, and other commercial and noncommercial establishments, uncrated and otherwise unpacked, which commodities are defective, rejected, returned or traded in, and in connection therewith *accessories, appurtenances, fittings, and parts incidental thereto* (packed and unpacked), when transported with such shipments of equipment, furniture, furnishings, and fixtures, and appliances, (a) from points in Colorado, Idaho, Montana, New Mexico, Oregon, Texas, Utah, Washington, and Wyoming, to points in California, (b) from points in California, Nevada, New Mexico, Oregon, Texas, and Utah, to points in Arizona, (c) from points in California, to points in Nevada.

Restriction: The scope of authority being sought is restricted against the transportation of the following commodities: (1) Personal effects and property used or to be used in a dwelling when a part of the equipment or supply of such dwelling, as defined by the Commission, in 17 M.C.C. 467 and 86 M.C.C. 252, (2) furniture, fixtures, equipment, and the property of stores, offices, museums, institutions, hospitals, or other establishments, when a part of the stock, equipment, or supply of such stores, offices, museums, institutions, hospitals, or other establishments, as defined by the Commission, in 17 M.C.C. 467 and 86 M.C.C. 252, (3) displays, (4) exhibits, (5) commodities, which because of their bulk, size, or weight require the use of special motor vehicle equipment, and (6) agricultural, computing, construction, electronic, microfilming, oil well, oil refining, photographing, tabulating, radio transmitting, and television transmitting *equipment*; but *not restricting* appliances and radio and television receiving sets, when transported uncrated or otherwise unpacked. NOTE: Applicant states it will tack at points in Los Angeles and Orange Counties, Calif., and at points in Arizona and Nevada to serve points in its presently held authority wherein it is authorized to conduct operations in the States of California and Nevada. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., and Phoenix, Ariz.

No. MC 136441 (Sub-No. 3), filed June 25, 1967. Applicant: J. T. DAILEY, doing business as J & J COMPANY, Box 78, Cuthbert, Ga. Applicant's representative: Monty Schumacher, Suite 693, 1376 Peachtree Street NE., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* (except plywood and veneer) and *wooden pallets*, from Cuthbert, Ga., to points in Alabama and Florida. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 136697 (Sub-No. 5), filed June 27, 1967. Applicant: CONTRACT TRANSPORTATION, INC., 914 North Cedar Ridge Drive, Box 223, Cedarburg, Wis. 53012. Applicant's representative: William C. Dineen, 710 North Plankinton Avenue, Milwaukee, Wis. 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cheese*, from points in Wisconsin to points in Michigan, Ohio, Pennsylvania, Maryland, Delaware, New Jersey, New York, Rhode Island, Connecticut, Massachusetts, and Maine, and (2) *Supplies used in the manufacture of cheese*, from points in the destination States named above in (1), to the town of Mitchell, Sheboygan County, Wis., all under contract for Pasini Cheese Co., Rural Route No. 2, Plymouth, Sheboygan County, Wis. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 136904 (Sub-No. 7), filed June 26, 1967. Applicant: H. C. FARRISH TRUCK SERVICE, INC., Rural Route No. 2 Freeburg, Ill. Applicant's representative: B. W. LaTourette, Jr., 314 North Broadway, St. Louis, Mo. 63102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diammonium phosphate*, in bulk, from Depue, Riverdale, and Colfax, Ill., and Des Moines, Iowa, to points in Illinois, Indiana, Iowa, Kansas, Michigan, Ohio, Wisconsin, Minnesota, Missouri, Nebraska, North Dakota, And South Dakota. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., Des Moines, Iowa, or Chicago, Ill.

No. MC 137108 (Sub-No. 1), filed June 26, 1967. Applicant: J. HERBERT EWELL, Rural Delivery No. 2, Narvon, Pa. Applicant's representative: John M. Musselman, 400 North Third Street, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay*, from points in Lancaster County, Pa., to points in Connecticut, Illinois, Indiana, Massachusetts, Michigan, Ohio, Rhode Island, Virginia, West Virginia, and the District of Columbia, and Philadelphia, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 137316 (Sub-No. 4), filed June 29, 1967. Applicant: BRUCE ETTER, Rural Route 3, Charlton, Iowa 50049. Applicant's representative: William L. Fairbank, 610 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cattle hides*, in bulk, in tank vehicles, from Mason City, Iowa, to Kansas City, Mo., under contract with Bert Lyon & Co. NOTE: If a hearing is deemed necessary applicant requests it be held at Des Moines, Iowa, or Kansas City, Mo.

No. MC 138343 (Sub.-No. 3), filed June 23, 1967. Applicant: C–LINE, INC., Tourtellot Hill Road, Chepachet, R.I. Applicant's representative: Ronald N. Cobert, 600 Madison Building, 1155 15th Street, NW., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Electrical goods, appliances, equipment, parts, and related accessory items* used in the manufacture and distribution thereof, from Pawtucket and Woonsocket, R.I., and Taunton, Mass., to points in California, Iowa, Louisiana, Minnesota, and Missouri, and (2) *materials, equipment and supplies* used in the manufacture of the

commodities in (1) above, from the destination States in (1) above to Pawtucket and Woonsocket, R.I., and Taunton, Mass., under a continuing contract with Carol Wire & Cable Corp. and its subsidiaries or affiliates. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Providence, R.I.

No. MC 128343 (Sub-No. 4), filed June 28, 1967. Applicant: C-LINE, INC., Tourtellot Hill Road, Chepachet, R.I. Applicant's representative: Ronald N. Cobert, 600 Madison Building, 1156 15th Street NW., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Electrical goods, appliances, equipment, parts, and related accessory items* used in the manufacture and distribution thereof, between Chicago, Ill., on the one hand, and, on the other, Los Angeles, Calif., (2) *materials, equipment, and supplies* used in the manufacture of the commodities in (1) above, between Chicago, Ill., on the one hand, and, on the other, Los Angeles, Calif., (3) *materials, equipment, and supplies* used in the manufacture of electrical goods, appliances, equipment, parts, and related accessory items, from Pawtucket and Woonsocket, R.I., and Taunton, Mass., to Chicago, Ill., and Los Angeles, Calif., and (4) *electrical goods, appliances, equipment, parts, and related accessory items*, used in the manufacture and distribution thereof, from Chicago, Ill., to points in Indiana, Michigan, Ohio, and Pennsylvania under a continuing contract or contracts with Carol Wire & Cable Corp. and its subsidiaries or affiliates. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Providence, R.I.

No. MC 128375 (Sub-No. 10), filed June 29, 1967. Applicant: CRETE CARRIER CORPORATION, Post Office Box 249, Crete, Nebr. Applicant's representative: Duane W. Acklie, Post Office Box 2028, 605 South 14th Street, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal food and ingredients, materials, and supplies used in the manufacture of animal food*, between Cleveland, Ohio, and points in the United States except points in Hawaii and Alaska. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 128814 (Sub-No. 4), filed June 26, 1967. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, Post Office Box 113, Joplin, Mo. 64802. Applicant's representative: Max G. Morgan, 450 American National Building, Oklahoma City, Okla. 73102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Explosives, blasting agents, and supplies*, between Hampton and St. Paul, Minn., on the one hand, and, on the other, points in Minnesota, Iowa, Wisconsin, North Dakota, South Dakota and the northern peninsula of Michigan under contract with Hercules, Inc. NOTE: Applicant holds common carrier authority under MC 109397 and subs thereunder, therefore dual operations may be involved. No duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Minneapolis, Minn.

No. MC 129069 (Sub-No. 1), filed June 26, 1967. Applicant: MAY MOVING OF GOLDSBORO, INC., 507 South Center Street, Goldsboro, N.C. Applicant's representative: Robert J. Gallagher, 111 State Street, Boston, Mass. 02109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in North Carolina, restricted to shipments moving on the through bill of lading of a section 402(b)(2) exempt forwarder, having an immediate, prior or subsequent line haul movement by rail, motor, water, or air. The proposed service is limited to providing a local service for a forwarder of used household goods. NOTE: If a hearing is deemed necessary, applicant requests it be held at Goldsboro, N.C., or Washington, D.C.

No. MC 129193, filed May 8, 1967. Applicant: FRANK M. TEACHOUT, doing business as F & M TRANSPORTATION, Post Office Box 5226, 1801 52d Street, Tampa, Fla. 33605. Applicant's representative: W. B. Dickenson, Jr., 1014 First National Bank Building, Tampa, Fla. 33602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* except restricted to freight moving in Freight Forwarder Service with no transportation for compensation on return; and, except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, from Tampa, Fla., to points in Pasco, Pinellas, Polk, Hillsborough, Manatee, Sarasota, Charlotte, and Lee Counties, Fla. NOTE: If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla.

No. MC 129199, filed June 26, 1967. Applicant: CROWN MOVING & STORAGE OF GOLDSBORO, INC., 901 North James Street Goldsboro, N.C. Applicant's representative: Robert J. Gallagher, 111 State Street, Boston, Mass. 02109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in North Carolina, restricted to shipments moving on the through bill of lading of section 402(b)(2) exempt forwarder, having an immediate, prior or subsequent line-haul movement by rail, motor, water, or air. NOTE: The proposed service is limited to providing a local service for a forwarder of used household goods. If a hearing is deemed necessary, applicant requests it be held at Goldsboro, N.C., or Washington, D.C.

No. MC 129200, filed June 23, 1967. Applicant: WELDON MOVING AND STORAGE CO., INC., 228 South U.S. No. 1, Sharpes, Fla. Applicant's representative: Robert J. Gallagher, 66 Central Street, Wellesley, Mass. 02181. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, restricted to shipments moving on the through bill of lading of a freight forwarder operating under section 402(b)(2) exemption, and having an immediate, prior or subsequent line-haul movement by rail, motor, water, or air, between points in Florida. NOTE: If a hearing is deemed necessary, applicant requests it be held at Miami or Jacksonville, Fla.

No. MC 129201, filed June 23, 1967. Applicant: H & H TRUCKING, INC., Rural Delivery No. 5, Hanover, Pa. 17331. Applicant's representative: John M. Musselman, 400 North Third Street, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick*, from points in Mount Pleasant Township, Adams County, Pa., to points in Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 129203, filed June 26, 1967. Applicant: M & Y FREIGHT SYSTEM, INC., Post Office Box 23, Topeka, Ind. 46571. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Core oil and resins* in bulk, from Mishawaka, Ind., to points in Pennsylvania, New York, Michigan, Illinois, Missouri, Wisconsin, Ohio, Minnesota, Iowa, and Kentucky. NOTE: Applicant holds contract carrier authority under MC 126532, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 129205, filed June 27, 1967. Applicant: COASTAL HAULING, INC., 401 Bay Colony Drive, Virginia Beach, Va. 23451. Applicant's representative: Harry C. Ames, Jr., 529 Transportation Building, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, from Norfolk, Va., to points in North Carolina, located on and East of U.S. Highway 15. NOTE: If a hearing is deemed necessary, applicant requests it be held at Richmond, Va.

No. MC 129206, filed June 28, 1967. Applicant: PHILIP STINGER, INC., Northeast Corner 35th and Moore Streets, Philadelphia, Pa. 19145. Applicant's representative: Raymond A. Thistle, Jr., Suite 1710, 1500 Walnut Street, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiberboard, pallboard, and accessories and supplies* used in the installation thereof on flat-bed equipment, from Deposit, N.Y., to points in Vermont, Maine, New Hampshire, North Carolina, South Carolina, and Tennessee, and *returned or refected shipments*, from points in Vermont, Maine, New Hampshire, North Carolina, South Carolina, and Tennessee, to Deposit, N.Y. NOTE: Applicant holds contract carrier authority under MC 67419, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 129209 (Sub-No. 1), filed June 28, 1967. Applicant: LEWIS THOMPSON DAVIS, JR., Post Office Box 65, Lewiston, N.C. 27849. Applicant's representative: M. B. Gillam, Jr., Post Office Box 547, Windsor, N.C. 27983. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Farm and industrial machinery, and other farm and industrial machinery*, from Lewiston, N.C., to points in South Carolina, Georgia, and Virginia, and on return, under contract with Harrington Manufacturing Co. NOTE: Applicant states no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C.

No. MC 129210, filed June 30, 1967. Applicant: ASTRON FORWARDING COMPANY, a corporation, 75 Market Street, Post Office Box 161, Oakland, Calif. 94604. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Hawaii, restricted to the handling of traffic originating at or destined to out-of-state points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Oakland, Calif.

MOTOR CARRIERS OF PASSENGERS

No. MC 108631 (Sub-No. 12), filed June 26, 1967. Applicant: BLUE BIRD COACH LINES, INC., 502-504 North Barry Street, Olean, N.Y. 14760. Applicant's representative: Ronald W. Malin, Bank of Jamestown Building, Jamestown, N.Y. 14701. Authority sought to operate as *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, in round trip sightseeing and pleasure tours, beginning and ending at points in Niagara and Erie Counties, N.Y., and extending to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that Blue Bird Cab Co. which is affiliated with the applicant holds contract carrier authority under MC 117633 (Sub-No. 1). If a hearing is deemed necessary, applicant requests it be held at Buffalo N.Y.

No. MC 127642 (Sub-No. 1), filed May 29, 1967. Applicant: ANDREW T. JONES, doing business as ANDREW T. JONES BUS SERVICE, 2714 Magnolia Street, Portsmouth, Va. 23704. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special and charter operations, in the same vehicle with passengers, from Portsmouth, Norfolk, Chesapeake, Virginia Beach, Hampton, and Newport News, Va., and points in Nansemond and Isle of Wight Counties, Va., to points in North Carolina, South Carolina, Georgia, Florida, West Virginia, District of Columbia, Maryland, Delaware, New Jersey, Pennsylvania, New York, Maine, Connecticut, New Hampshire, Massachusetts, Illinois, Indiana, Michigan, and Ohio, and return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Norfolk or Richmond, Va.

No. MC 128758 (Sub-No. 4), filed June 19, 1967. Applicant: ASSOCIATED BUS COMPANY OF OAKLAND, a corporation, 821 Bergen Avenue, Jersey City, N.J. 07306. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, between the Bronx, N.Y., and Passaic, N.J. NOTE: Common control may be involved. Applicant is also authorized to conduct operations as a common carrier in certificate 94634; therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 12872 (Sub-No. 1), filed June 13, 1967. Applicant: TRAVEL HOUSE OF BUFFALO, INC., 534 Franklin Street, Buffalo, N.Y. Applicant's representative: Anthony L. Dutton, 1 M & T Plaza, Buffalo, N.Y. 14203. For a license (BMC 2) to engage in operations as a *broker* at Amherst, N.Y., in arranging for transportation in interstate or foreign commerce, by motor vehicle of *passengers, and their baggage*, in groups and as individuals, beginning and ending at points in Erie and Niagara Counties and at Buffalo, N.Y., and extending to points in the United States including Alaska and Hawaii.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAVE BEEN REQUESTED

No. MC 200 (Sub-No. 222), filed July 6, 1967. Applicant: RISS & COMPANY, INC., 903 Grand Avenue, Kansas City, Mo. Applicant's representative: Ivan E. Moody, 1111 Scarritt Building, Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Classes A and B explosives, and military ordnance stores*, moving on government bills of lading, between Joliet, Ill., and Grand Island, Nebr., from Joliet over Interstate Highway I-80 to junction U.S. Highway 281 south of Grand Island, thence over U.S. Highway 281 to Grand Island. (Pending completion of a segment of Interstate Highway I-80 between Avoca, Iowa, and Omaha, Nebr., over U.S. Highways 6 and 59 connecting I-80, as an alternate route for operating convenience only and serving no intermediate points.

No. MC 730 (Sub-No. 283), filed June 26, 1967. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 1417 Clay Street, Post Office Box 958, Oakland, Calif. 94604. Applicant's representative: Charles Frederick Zeebuyth (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquified petroleum gases*, in bulk, in tank vehicles, from Richmond, Calif., to points in Lake County, Oreg.

MOTOR CARRIER OF PASSENGERS

No. MC 29967 (Sub-No. 87) (Amendment), filed April 25, 1967, published FEDERAL REGISTER issue of May 11, 1967, amended July 5, 1967, and republished as amended, this issue. Applicant: CONTINENTAL SOUTHERN LINES, INC., doing business as CONTINENTAL TRAILWAYS, 425 Bolton Avenue, Alexandria, La. 71301. Applicant's representative: D. Paul Stafford, 315 Continental Avenue, Dallas, Tex. 75207. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: (1) Regular routes: *Passengers and their baggage, newspapers and express* in the same vehicle with passengers, between West Point and Shannon, Miss.: From West Point over Mississippi Highway 25 to Aberdeen, Miss., thence over U.S. Highway 45 to Shannon, and return over the same route, serving all intermediate points, and (2) Irregular routes: *Passengers and their baggage*, in the same vehicle with passengers, in one-way and round trip charter operations, beginning at points located on U.S. Highway 45 between Shannon and Aberdeen, Miss., and extending to points in the United States, including Alaska and Hawaii. NOTE: Common control may be involved. The purpose of this republication is to redescribe (2) above.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-7996; Filed, July 12, 1967; 8:45 a.m.]

[Investigation and Suspension Docket No. 8566]

CAR CLEANING PENALTY CHARGE, AT DESTINATIONS IN UNITED STATES

Assignment for Prehearing Conference

Present: Laurence K. Walrath, Commissioner, to whom the matter which is the subject of this order has been referred for action thereon.

Upon consideration of the record in the above-entitled proceeding, and it appearing that this matter is one which should be referred to a hearing examiner for a prehearing conference; and for good cause therefor:

It is ordered, That the above-entitled proceeding be, and it is hereby, referred to Hearing Examiner Rene J. Mittelbronn for prehearing conference on July 20, 1967, at 9:30 a.m. District of Columbia Daylight Saving Time at the offices of the Interstate Commerce Commission, Washington, D.C., and for further appropriate administrative handling.

It is further ordered, That a copy of this order be delivered to the Director, Division of Federal Register, for publica-

tion in the FEDERAL REGISTER as notice to all interested persons.

And it is further ordered, That, to avoid future unnecessary service upon those respondents who, although participating carriers in the tariff schedules which are the subject of investigation hereto, are not actively interested in the outcome of such investigation, subsequent service on respondents herein of notices and orders of the Commission will be limited to those respondents who:

(1) Specifically make written request to the Secretary of the Commission to be included on the service list, or

(2) have appeared at the prehearing conference.

Dated at Washington, D.C., this 6th day of July 1967.

By the Commission, Commissioner Walrath.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-8071; Filed, July 12, 1967; 8:49 a.m.]

MOTOR CARRIER TRANSFER PROCEEDINGS

[Notice 6]

JULY 10, 1967.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-69631. By order of June 30, 1967, the Transfer Board approved the transfer to H. Herschel Omps, doing business as H. H. Omps, Winchester, Va., of certificate No. MC-124567, issued December 13, 1962, to Virgil O. Comer, doing business as Comer Spreader Service, Winchester, Va., authorizing the transportation of: Agricultural lime, limestone, and fertilizer, in bulk, from Alexandria, Va., and points in Clarke, Frederick, Loudoun, and Warren Counties, Va., and Frederick County, Md., to points in Maryland (except Baltimore City and points in Harford County, Md.), points in Adams, Franklin, and Fulton Counties, Pa., points in Clarke, Fairfax, Frederick, Fauquier, Prince William, Loudoun, Shenandoah, and Warren Counties, Va., and points in Grant, Berkeley, Hampshire, Hardy, Jefferson, Mineral, and Morgan Counties, W. Va., S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005, attorney for applicants.

No. MC-FC-69698. By order of June 30, 1967, the Transfer Board approved the transfer to Triboro Trucking, Inc., Carlstadt, N.J., of certificate No. MC-6516, issued April 8, 1964, to John Pietrowicz, doing business as Triboro Trucking Co., Carlstadt, N.J., authorizing the transportation of: Watermelons, from Kearny, N.J., to New York, N.Y., and food products, oil, seed, cocoanuts, arabic and karaya gum, paint, paint material, enamel, lacquer, varnish, stain, varnish remover, and printing paper, between New York, N.Y., on the one hand, and, on the other, points in New Jersey within 20 miles of city hall, New York, N.Y. Robert B. Pepper, 297 Academy Street, Jersey City, N.J., 07306, representative for applicants.

No. MC-FC-69709. By order of June 30, 1967, the Transfer Board approved the transfer to Triboro Trucking, Inc., Carlstadt, N.J., of that portion of certificate No. MC-61007, issued April 29, 1964, to Pacelli Bros. Transportation, Inc., Bridgeport, Conn., authorizing the transportation of: Soap, toilet preparations, and children's playsuits, between points in Essex, Hudson, Bergen, and Passaic Counties, N.J., on the one hand, and, on the other, points in Westchester and Orange Counties, N.Y., and New York, N.Y.; soap and other toilet preparations, from Clifton, N.J., to points in Hudson County and Newark, N.J.; and paperboard, from New York, N.Y., to Clifton, N.J. Robert B. Pepper, 297 Academy Street, Jersey City, N.J. 07306, representative for applicants.

No. MC-FC-69724. By order of June 30, 1967, the Transfer Board approved the transfer to Harry Smulovitz, doing business as Smulovitz Bros., Kingston, Pa., of certificate No. MC-75, issued March 24, 1941, to Anna Smulovitz, doing business as Smulovitz Bros., Wilkes-Barre, Pa., authorizing the transportation of: Coal, from Wilkes-Barre and Avoca, Pa., over regular routes, to New York, N.Y., and groceries and farm produce, from New York, N.Y., over the same routes, to Wilkes-Barre. Eugene Roth, 1000 Blue Cross Building, Wilkes-Barre, Pa., attorney for applicants.

No. MC-FC-69726. By order of June 30, 1967, the Transfer Board approved the transfer to Bruce G. Heady, Redwood Valley, Calif., of certificate of registration No. MC-120635 (Sub-No. 1), issued November 22, 1965, to Roy G. Faulkner, doing business as Covelo Transportation, Covelo, Calif., evidencing a right to engage in transportation in interstate or foreign commerce pursuant to certificate of public convenience and necessity granted in decision No. 61243, dated December 20, 1960, by the Public Utilities Commission of the State of California. E. H. Griffiths, 451 Turk Street, Room 23, San Francisco, Calif. 94102, practitioner for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-8072; Filed, July 12, 1967; 8:49 a.m.]

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JUL 19 1967

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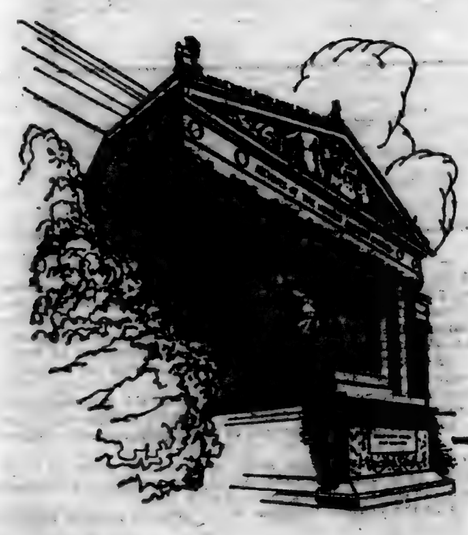
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Lists all prior laws and other Federal instruments which were amended, repealed, or otherwise affected by the provisions of public laws enacted during the years 1956–1965. Includes index of popular name acts affected in Volumes 70–79.

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Proclamation 3792

COPYRIGHT EXTENSION: GERMANY

By the President of the United States of America
A Proclamation

WHEREAS the President is authorized, in accordance with the conditions prescribed in Section 9 of Title 17 of the United States Code, which includes the provisions of the act of Congress approved March 4, 1909, 35 Stat. 1075, as amended by the act of September 25, 1941, 55 Stat. 732, to grant an extension of time for fulfillment of the conditions and formalities prescribed by the copyright laws of the United States of America, with respect to works first produced or published outside the United States of America and subject to copyright or to renewal of copyright under the laws of the United States of America, by nationals of countries which accord substantially equal treatment to citizens of the United States of America; and

WHEREAS satisfactory official assurances have been received that, since April 15, 1892, citizens of the United States have been entitled to obtain copyright in Germany for their works on substantially the same basis as German citizens without the need of complying with any formalities, provided such works secured protection in the United States; and

WHEREAS, pursuant to Article 2 of the Law No. 8, Industrial, Literary and Artistic Property Rights of Foreign Nations and Nationals, promulgated by the Allied High Commission for Germany on October 20, 1949, literary or artistic property rights in Germany owned by United States nationals at the commencement of or during the state of war between Germany and the United States of America which were transferred, seized, requisitioned, revoked or otherwise impaired by war measures, whether legislative, judicial or administrative, were, upon request made prior to October 3, 1950, restored to such United States nationals or their legal successors; and

WHEREAS, pursuant to Article 5 of the aforesaid law, any literary or artistic property right in Germany owned by a United States national at the commencement of or during the state of war between Germany and the United States of America was, upon request made prior to October 3, 1950, extended in term for a period corresponding to the inclusive time from the date of the commencement of the state of war, or such later date on which such right came in existence, to September 30, 1949; and

WHEREAS, by virtue of a proclamation by the President of the United States of America dated May 25, 1922, 42 Stat. 2271, German citizens are and have been entitled to the benefits of the act of Congress approved March 4, 1909, 35 Stat. 1075, as amended, including the benefits of Section 1(e) of the aforementioned Title 17 of the United States Code; and

WHEREAS, a letter of February 6, 1950, from the Chancellor of the Federal Republic of Germany to the Chairman of the Allied High Commission for Germany established the mutual understanding that reciprocal copyright relations continued in effect between the Federal Republic of Germany and the United States of America:

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, by virtue of the authority vested in me by Section 9 of Title 17 of the United States Code, do declare and proclaim:

(1) That, with respect to works first produced or published outside the United States of America: (a) where the work was subject to copyright under the laws of the United States of America on or after September 3, 1939, and on or before May 5, 1956, by an author or other owner who was then a German citizen; or (b) where the work was subject to renewal of copyright under the laws of the United States of America on or after September 3, 1939, and on or before May 5, 1956, by an author or other person specified in Sections 24 and 25 of the aforesaid Title 17 who was then a German citizen, there has existed during several years of the aforementioned period such disruption and suspension of facilities essential to compliance with conditions and formalities prescribed with respect to such works by the copyright law of the United States of America as to bring such works within the terms of Section 9(b) of the aforesaid Title 17; and

(2) That, in view of the reciprocal treatment accorded to citizens of the United States by the Federal Republic of Germany, the time within which persons who are presently German citizens may comply with such conditions and formalities with respect to such works is hereby extended for one year after the date of this proclamation.

It shall be understood that the term of copyright in any case is not and cannot be altered or affected by this proclamation. It shall also be understood that, as provided by Section 9(b) of Title 17, United States Code, no liability shall attach under that title for lawful uses made or acts done prior to the effective date of this proclamation in connection with the above-described works, or with respect to the continuance for one year subsequent to such date of any business undertaking or enterprise lawfully undertaken prior to such date involving expenditure or contractual obligation in connection with the exploitation, production, reproduction, circulation or performance of any such works.

IN WITNESS WHEREOF, I have hereunto set my hand this twelfth day of July in the year of our Lord nineteen hundred and sixty-seven, and of the Independence of the United States of America the one hundred and ninety-second.



[F.R. Doc. 67-8177; Filed, July 12, 1967; 1:26 p.m.]

Proclamation 3793

CAPTIVE NATIONS WEEK, 1967

By the President of the United States of America

A Proclamation

WHEREAS the joint resolution approved July 17, 1959 (73 Stat. 212), authorizes and requests the President of the United States of America to issue a proclamation each year designating the third week in July as "Captive Nations Week" until such time as freedom and independence shall have been achieved for all the captive nations of the world; and

WHEREAS freedom and justice are basic human rights to which all men are entitled; and

WHEREAS the independence of peoples requires their exercise of the elemental right of free choice; and

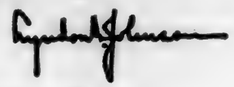
WHEREAS these inalienable rights have been circumscribed or denied in many areas of the world; and

WHEREAS the United States of America, from its founding as a nation has had an abiding commitment to the principles of national independence and human freedom:

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby designate the week beginning July 16, 1967 as Captive Nations Week.

I invite the people of the United States of America to observe this week with appropriate ceremonies and activities, and I urge them to give renewed devotion to the just aspirations of all peoples for national independence and human liberty.

IN WITNESS WHEREOF, I have hereunto set my hand this twelfth day of July in the year of our Lord nineteen hundred and sixty-seven, and of the Independence of the United States of America the one hundred and ninety-second.



[F.R. Doc. 67-8207; Filed, July 13, 1967; 10:07 a.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 817, Amdt. 5]

PART 817—REQUIREMENTS RELATING TO BRINGING OR IMPORTING SUGAR OR LIQUID SUGAR INTO CONTINENTAL UNITED STATES

Limitations on the Importation of Sugar-Containing Products or Mixtures

Basis and purpose and basis and considerations. Pursuant to section 22 of the Agricultural Adjustment Act, as amended (7 U.S.C. 624), the President issued Proclamation 3790 dated June 30, 1967, which among other things established quantity import limitations for 1967 on butterfat containing products. The regulations issued under the Sugar Act of 1948, as amended, limiting the importation of products containing sugar and butterfat are subject to the quantity import limitations on butterfat containing products imposed by Presidential Proclamations issued pursuant to section 22 of the Agricultural Adjustment Act, as amended. The purpose of this amendment is to correlate such regulations with the import limitations on butterfat containing products established by such Presidential Proclamations.

Pursuant to authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, as amended), § 817.10 paragraph (d) is amended by amending the second sentence thereof, preceding the tabulation of countries, to read as follows:

§ 817.10 Sugar-containing products and mixtures.

* * * * *

(d) * * * The total quantity of all such products or mixtures which may be imported during the calendar year 1967 from each of the following countries shall not exceed the amount stated as follows for such country, except that the total quantity of products or mixtures containing butterfat which may be imported from a foreign country is also subject to the quantity import limitations on butterfat containing products imposed by Presidential Proclamations issued pursuant to section 22 of the Agricultural Adjustment Act, as amended (7 U.S.C. 624). * * *

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153; sec. 906; 61 Stat. 927 as amended by P.L. 89-331, 79 Stat. 1277)

Effective date. Since this amendment merely correlates regulations with governing provisions of Presidential Proclamations, it is found and determined that compliance with the notice, public procedure and 30-day effective date requirements in 5 U.S.C. 553 is unnecessary and this amendment shall become effective when filed for public inspection in the Office of the Federal Register.

Signed at Washington, D.C., this 10th day of July 1967.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67-8126; Filed, July 13, 1967; 8:47 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Treasury Department

Section 213.3105 is amended to show that not to exceed 10 positions in the Research and Planning Office in the Office of the Assistant Secretary for International Affairs are excepted under Schedule A when filled by individuals with special qualifications for the particular study being undertaken. The positions are at the equivalent of GS-13 through GS-17 and are established to supplement the permanent staff in the study of complex problems relating to international financial and economic policies and programs of the Government. Employment under this authority is limited to 4 years. Effective on publication in the FEDERAL REGISTER, paragraph (f) is added under § 213.3105 as set out below.

§ 213.3105 Treasury Department.

* * * * *

(f) *Office of the Assistant Secretary for International Affairs.* (1) Not to exceed 10 positions in the Research and Planning Office at the equivalent of GS-13 through GS-17 to supplement the permanent staff in the study of complex problems relating to international financial and economic policies and programs of the Government, when filled by individuals with special qualifications for the particular study being undertaken. Employment under this authority may not exceed 4 years.

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954-1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-8128; Filed, July 13, 1967; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER C—AIRCRAFT

[Docket No. 7886; Amdt. 39-449]

PART 39—AIRWORTHINESS DIRECTIVES

Pilatus Model PC-6 Series Airplanes Serial Numbers to 620

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring inspection and repair, where necessary, of the elevator attachment brackets on the Pilatus Model PC-6 Series airplanes, serial numbers to 620 was published in 32 F.R. 614.

Interested persons have been afforded an opportunity to participate in the making of the amendment. Although no objections were received, the FAA has determined that the requirement that the "repair" referred to in the AD be accomplished by modifying the part in accordance with Pilatus Service Bulletin No. 67 is too restrictive and that other equivalent methods can be used. Therefore, the AD has been revised to provide that a cracked part may be replaced with a new or used uncracked part or may be modified in accordance with the service bulletin, in which event the inspection may be discontinued.

Inasmuch as these changes provide an alternative means of compliance and impose no additional burden on any person, further notice and public procedures are not required.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

PILATUS. Applies to all Models PC-6 airplanes, Serial Numbers to 620.

Compliance required as indicated.

To detect cracks of the elevator attachment bracket, Part No. 6300.11, accomplish the following:

(a) Within the next 50 hours' time in service after the effective date of this AD, unless already accomplished within the last 50 hours' time in service, and thereafter at intervals not to exceed 100 hours' time in service from the last inspection, visually inspect the elevator attachment bracket, P/N 6300.11, for cracks between the welded seams.

(b) If cracks are detected during the inspection required by paragraph (a), before further flight either replace the defective part with a new or used uncracked part of the same part number or modify the part in accordance with Pilatus Service Bulletin No. 67 or later Swiss Federal Air office-approved issue, or an FAA-approved equivalent.

(c) The repetitive inspections required by paragraph (a) of this AD may be discontinued after the elevator attachment bracket is modified in accordance with Piketa Service Bulletin No. 67 or later Swiss Federal Air office-approved issue, or an FAA-approved equivalent.

This amendment becomes effective August 13, 1967.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, and 1423)

Issued in Washington, D.C., on July 6, 1967.

EDWARD C. HODSON,
Acting Director,
Flight Standards Service.

[F.R. Doc. 67-8117; Filed, July 13, 1967; 8:47 a.m.]

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 67-CE-58]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

On page 6846 of the FEDERAL REGISTER dated May 4, 1967, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to alter the control zone at Milwaukee, Wis. (Timmerman Airport).

Interested persons were given 45 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0001 e.s.t., September 14, 1967.

This amendment is made under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Kansas City, Mo., on June 27, 1967.

DANIEL E. BARROW,
Acting Director, Central Region.

Redesignate the Milwaukee, Wis. (Timmerman Airport), control zone as that airspace within a 5-mile radius of Timmerman Airport latitude 43°06'40" N., longitude 88°02'05" W.); within 2 miles each side of the Timmerman VOR 336° radial, extending from the 5-mile radius zone to 7 miles northwest of the VOR; and within 2 miles each side of the Timmerman VOR 214° radial, extending from the 5-mile zone to 6 miles southwest of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

[F.R. Doc. 67-8118, Filed July 13, 1967; 8:47 a.m.]

[Airspace Docket No. 67-WE-36]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On May 25, 1967, F.R. Doc. 67-5814 was published in the FEDERAL REGISTER (32 F.R. 7634), which altered the 1,200 foot portion of the Alamosa, Colo., transition area.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed alteration. No objections were received and the amendment as so proposed is hereby adopted subject to the following changes:

In consideration of the foregoing, the description of the Alamosa, Colo., transition area as contained in F.R. Doc. 67-5814 (32 F.R. 7634) is changed by deleting "* * * T * * *" in the seventh line, "* * * (326° M) * * *" in the eighth line, "* * * T (114° M) * * *" and "* * * T (294° * * *" in the 11th line, and "* * * M) * * *" in the 12th line.

Since this correction is editorial in nature and imposes no additional burden on any person, compliance with section 4 of the Administrative Procedures Act (5 U.S.C. section 553) is unnecessary.

Effective date. This amendment is effective 0001 e.s.t., September 14, 1967.

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Los Angeles, Calif., on June 29, 1967.

A. E. HORNING,
Acting Director, Western Region.

In § 71.181 (32 F.R. 2148) the Alamosa, Colo., transition area is amended by deleting all after "* * *" that airspace extending upward from 1,200 feet above the surface * * *", and substituting therefor, "within 7 miles west and 11 miles east of the Alamosa VORTAC 339° radial, extending from the VORTAC to 33 miles north, within 8 miles northeast and 5 miles southwest of the 127° and 307° radials, extending from 3 miles northwest to 12 miles southeast of the VORTAC."

[F.R. Doc. 67-8120; Filed, July 13, 1967; 8:47 a.m.]

[Airspace Docket No. 67-CE-44]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration and Revocation of Transition Area

On pages 6579 and 6580 of the FEDERAL REGISTER dated April 28, 1967, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at St. Louis, Mo., and revoke the transition area at Richwoods, Mo.

Interested persons were given 45 days to submit written comments, suggestions or objections regarding the proposed amendments.

No objections have been received and the amendments as so proposed are hereby adopted, subject to the following changes:

(1) The Civic Memorial Airport, Alton, Ill., coordinates recited in the St. Louis, Mo., transition area redesignation as "latitude 38°53'28" N., longitude 90°03'02" W." are changed to read "latitude 38°53'30" N., longitude 90°03'00" W."

(2) Those portions of the St. Louis, Mo., transition area redesignation recited in the subject Notice which read "2,500 feet above the surface" and "4,500 feet above the surface" respectively, are changed to read "2,500 feet MSL" and "4,500 feet MSL."

These amendments shall be effective 0001 e.s.t., September 14, 1967.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on June 23, 1967.

DANIEL E. BARROW,
Acting Director, Central Region.

(1) Redesignate the St. Louis, Mo., transition area as that airspace extending upward from 700 feet above the surface within a 10-mile radius of Lambert-St. Louis Municipal Airport (latitude 38°44'50" N., longitude 90°21'55" W.), within 5 miles southeast and 8 miles northwest of the Lambert-St. Louis Municipal Airport Runway 24 ILS localizer northeast course extending from the 10-mile radius area to 12 miles northeast of the Runway 24 OM, within 5 miles southwest and 8 miles northeast of the Lambert-St. Louis Municipal Airport Runway 12R ILS localizer northwest course extending from Runway 12R OM to 12 miles northwest, within a 5-mile radius of Civic Memorial Airport, Alton, Ill. (latitude 38°53'30" N., longitude 90°03'00" W.), within 2 miles each side of the 009° bearing from the Civic Memorial Airport, extending from the 5-mile radius area to 7 miles north of the airport, and within 5 miles south and 8 miles north of the 103° bearing from the Civic Memorial Airport, extending from the airport to 12 miles east of the airport; and that airspace extending upward from 1,200 feet above the surface within a 33-mile radius of Lambert-St. Louis Municipal Airport, within 6 miles southwest and 9 miles northeast of the St. Louis VORTAC 328° radial, extending from the 33-mile radius area to 36 miles northwest of the VORTAC, within 5 miles northwest and 8 miles southeast of the Maryland Heights VORTAC 243° radial extending from the 33-mile radius area to 19 miles southwest of the VORTAC, within an area bounded on the west and northwest by the east and southeast boundary of V-148, on the northeast by the arc of a 33-mile radius circle centered on Lambert-St. Louis Municipal Airport, on the southeast by the northwest boundary of V-72, on the south by the north boundary of V-88, within a 40-mile radius of Scott AFB, Belleville, Ill. (latitude 38°32'30" N., longitude 89°51'05" W.), and within 6 miles west and 8 miles east of the 009° bearing from Civic Memorial Airport extending from the airport to 19 miles north of the airport, within an area bounded on the northwest by the arc of a 40-mile radius circle centered on Scott AFB, on the east by the west boundary of V-313, on the southwest by the northeast boundary of V-335; and that airspace extending upward from 2,500 feet MSL within an area bounded on the north by the arc of a 40-mile radius circle centered on the Scott AFB, on the northeast by the southwest boundary of V-335, on the east by the west boundary of V-313, on the south by the north boundary of V-190, on the west by the east boundary of V-191; and that airspace extending upward from 4,500 feet MSL within an area bounded on the north by the south boundary of V-88, on the northeast by the southwest boundary of V-9W, on the south by the north boundary of V-190, on the west by a line 5 miles west of and parallel to the St. Louis VORTAC 200° radial, on the northwest by the southeast boundary of V-72; within an area bounded on the north by the south boundary of V-12, on the southeast by the northwest boundary of V-14N, on the southwest by the northeast boundary of V-175, on the northwest by a line 5 miles southeast of and parallel to the Jefferson City, Mo. VOR 041° radial; and within an area bounded on the northeast by the southwest boundary of V-52, on the south by the north boundary of V-4N, on the northwest by the southeast boundary of V-63, excluding that airspace which coincides with the Springfield, Vandalia, and Centralia, Ill., transition areas.

(2) Revoke the Richwoods, Mo., transition area in its entirety.

[F.R. Doc. 67-8121; Filed, July 13, 1967; 8:47 a.m.]

[Airspace Docket No. 67-CE-86]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Minneapolis, Minn., transition area.

On July 20, 1967, VOR Federal airway No. 26 will be realigned west of Eau Claire, Wis. This realigned airway segment will completely overlie the 5,000-foot MSL floor transition area east of Minneapolis and will provide the necessary controlled airspace protection presently afforded by the Minneapolis 5,000-foot MSL floor transition area east of Minneapolis. Therefore, alteration of the Minneapolis transition area is necessary to delete this airspace from the transition area designation since it is no longer required.

Since the proposed alteration will reduce the existing designated Minneapolis, Minn., transition area, it will not impose any additional burden on any person. Therefore, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0001 e.s.t., July 20, 1967, as hereinafter set forth:

In § 71.181 (32 F.R. 2148), the Minneapolis, Minn., transition area is amended by deleting the portion which reads: "and that airspace extending upward from 5,000 feet MSL E of Minneapolis bounded on the SE by V-26, on the SW by V-2N, and on the N by V-78."

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on June 26, 1967.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 67-8122; Filed, July 13, 1967; 8:47 a.m.]

[Airspace Docket No. 67-CE-48]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation and Alteration of Transition Area

On Pages 6846 and 6847 of the FEDERAL REGISTER dated May 4, 1967, the Federal Aviation Administration published a notice of proposed rule making which would amend section 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Cloquet, Minn., and alter the transition area at Duluth, Minn.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendments.

No objections have been received and the amendments as so proposed are hereby adopted, subject to the following changes:

(1) The Cloquet Municipal Airport coordinates recited in the Cloquet, Minn., transition area designation as "latitude 46°42'02" N., longitude 92°30'23" W." are changed to read "latitude 46°42'05" N., longitude 92°30'20" W."

(2) The Duluth International Airport coordinates recited in the Duluth, Minn., transition area redesignation as "latitude 46°50'28" N., longitude 92°11'35" W." are changed to read "latitude 46°50'30" N., longitude 92°11'25" W."

These amendments shall be effective 0001 e.s.t., September 14, 1967.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on June 28, 1967.

DANIEL E. BARROW,
Acting Director, Central Region.

(1) Designate the Cloquet, Minn., transition area as that airspace extending upward from 700 feet above the surface within a 5-mile radius of Cloquet Municipal Airport (latitude 46°42'05" N., longitude 92°30'20" W.); and within 2 miles each side of the Duluth, Minn., VOR 244° radial, extending from the 5-mile radius area southwest to 22 miles southwest of the VOR.

(2) Redesignate the Duluth, Minn., transition area as that airspace extending upward from 700 feet above the surface within a 6-mile radius of Duluth International Airport (latitude 46°50'30" N., longitude 92°11'25" W.); within 2 miles each side of the Duluth VOR 023° radial, extending from the 6-mile radius area to 18 miles northeast of the VOR; and within 2 miles each side of the Duluth ILS localizer west course, extending from the 6-mile radius area to 8 miles west of the OM; and that airspace extending upward from 1,200 feet above the surface within a 35-mile radius of Duluth International Airport; within a 34-mile radius of the Duluth VOR; and within 8 miles northwest and 5 miles southeast of the Duluth VOR 051° radial, extending from the 35-mile radius area to 41 miles northeast of the VOR; excluding the portion which overlies the Hibbing, Minn., transition area.

[F.R. Doc. 67-8123; Filed, July 13, 1967; 8:47 a.m.]

[Airspace Docket No. 67-EA-54]

PART 73—SPECIAL USE AIRSPACE

Revocation of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to revoke Restricted Area/Military Climb Corridor R-3902, Limestone, Maine.

The Department of the Air Force has advised the Federal Aviation Administration that satisfactory radar departure procedures have been developed to replace the Loring Air Force Base, Limestone, Maine, Restricted Area/Military Climb Corridor. For this reason, action is taken herein to revoke R-3902.

At the same time, similar action will be taken by the Flight Standards and Regulations Division, Civil Aviation Branch, Department of Transport, Ottawa, Ontario, Canada, to revoke that portion of R-3902 that extends into Canada. The Canadian portion is designated as C7R22.

Since this amendment is less restrictive to the public, notice and public procedure hereon are unnecessary, and the amendment may be made effective on less than 30 days' notice.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective July 15, 1967, as hereinafter set forth.

In § 73.39 (32 F.R. 2313) Restricted Area R-3902 at Limestone, Maine, is revoked.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 6, 1967.

H. B. HELSTROM,
Acting Director,
Air Traffic Service.

[F.R. Doc. 67-8119; Filed, July 13, 1967; 8:47 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 8367; Amdt. 844]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Arvie Int	EOK RBn	Direct	2800	T-dn	300–1	300–1	300–1
Galland Int	EOK RBn	Direct	2800	C-dn	300–1	300–1	300–1¼
				S-dn-13	500–1	500–1	500–1
				A-dn	NA	NA	NA

Procedure turn W side of crs, 306° Outbnd, 126° Inbnd, 2500' within 10 miles.
Minimum altitude over facility on final approach crs, 1171'.
Facility on airport; breakoff point to runway, 125°—0.7 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of EOK NDB, climb to 2200' on crs of 126° within 10 miles and return to EOK NDB.
NOTE: Use Burlington, Iowa, altimeter setting.
MSA within 25 miles of facility: 270°–090°—2200'; 090°–180°—3000'; 180°–270°—1900'.

City, Keokuk; State, Iowa; Airport name, Keokuk Municipal; Elev., 671'; Fac. Class., MHW; Ident., EOK; Procedure No. NDB (ADF) Runway 13, Amdt. 3; Eff. date, 5 Aug. 67; Sup. Amdt. No. ADF 1, Amdt. 2; Dated, 16 May 64

FBI VOR	MHK NDB	Direct	3000	T-dn*	300–1	300–1	300–1
Volland Int	MHK NDB (final)	Direct	3000	C-dn‡&	600–1	600–1	600–1½
Ogden Int	MHK NDB	Direct	3000	C-nS&	600–2	600–2	600–2
				S-dn-31S&	500–1	500–1	500–1
				A-dn‡&	800–2	800–2	800–2

Procedure turn E side of crs, 118° Outbnd, 298° Inbnd, 3000' within 10 miles.
Minimum altitude over facility on final approach crs, 2009'.
Crs and distance, facility to airport, 298°—3.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.5 miles after passing MHK NDB, make right turn, climbing to 3000' on 118° bearing from MHK NDB within 10 miles, make left turn and return to MHK NDB.
NOTES: (1) Use Salaina, Kans., altimeter setting when control zone not effective. (2) Final approach from holding pattern at MHK NDB not authorized. Procedure turn required.
CAUTION: Restricted area, 1.5 miles W of airport.
‡Circling and straight-in ceiling minimums are raised 200' and alternate minimums not authorized when control zone not effective.
&These minimums apply at all times for those air carriers with approved weather reporting service.
*When IFR flight planned to S, SW, and W, make left or right turn as appropriate climbing to cross MHK NDB at or above 1400', proceed to Ogden Int prior to departing on crs.
MSA within 25 miles of facility: 000°–360°—2900'.

City, Manhattan; State, Kans.; Airport name, Manhattan Municipal; Elev., 1066'; Fac. Class., HW (city owned); Ident., MHK; Procedure No. NDB (ADF) Runway 31, Amdt. 4; Eff. date, 5 Aug. 67; Sup. Amdt. No. ADF 1, Amdt. 3; Dated, 27 Aug. 66

Presque Isle VOR	SPR RBn	Direct	2800	T-dn	300–1	300–1	300–1½
				C-dn	600–1	600–1	600–1½
				S-dn-16	600–1	600–1	600–1
				A-dn	NA	NA	NA

Radar available.
Procedure turn E side of crs, 188° Outbnd, 008° Inbnd, 2800' within 10 miles.
Minimum altitude over facility on final approach crs, 1300'.
Crs and distance, facility to airport, 008°—4.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.2 miles after passing SPR RBn, make left-climbing turn to 2800' direct SPR RBn, hold S of SPR RBn, 008° Inbnd, 1-minute right turns.
NOTES: (1) Final approach from a holding pattern not authorized. Procedure turn required. (2) Use Loring altimeter setting.
#Reduction not authorized.
MSA within 25 miles of facility: 000°–090°—2500'; 090°–180°—3100'; 180°–270°—2700'; 270°–360°—2600'.

City, Presque Isle; State, Maine; Airport name, Presque Isle Municipal; Elev., 534'; Fac. Class., MHW; Ident., SPR; Procedure No. NDB (ADF) Runway 1, Amdt. 1; Eff. date, 5 Aug. 67; Sup. Amdt. No. NDB (ADF) Runway 1, Orig.; Dated, 27 Apr. 67

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
BFF FOR	BFF NDB	Direct	6200	T-dn*	300–1	300–1	**300–1½
				C-dn	400–1	400–1	400–1½
				A-dn	800–2	800–2	800–2

Procedure turn E side of crs, 122° Outbnd, 302° Inbnd, 6200' within 10 miles.
Minimum altitude over facility on final approach crs, 5109'.
Crs and distance, facility to airport, 302°—2.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.8 miles after passing BFF NDB, make right turn, climbing to 6200', return to BFF NDB.
NOTE: Final approach from holding pattern at BFF NDB not authorized. Procedure turn required.
*SW (180°–240°) and NW (278–360°) IFR departures climb on 260° heading to 7500' before departing on crs, account 5144' tower, NW and bluffs, SW.
**300–1 required Runway 23.
MSA within 25 miles of facility: 090°–360°—6200'; 090°–180°—6600'; 180°–270°—6300'; 270°–360°—6500'.

City, Scottsbluff; State, Nebr.; Airport name, Scottsbluff Municipal; Elev., 3961'; Fac. Class., MHW; Ident., BFF; Procedure No. NDB(ADF)–1, Amdt. 1; Eff. date, 5 Aug. 67; Sup. Amdt. No. ADF1, Orig.; Dated, 25 Apr. 64

	LOM	Direct	3200	T-dn*	300–1	300–1	300–1½
PSD VOR	LOM	Direct	3200	C-dn	300–1	300–1	300–1½
Bestland Int	LOM	Direct	3200	S-dn-S	500–1	500–1	500–1
Lennox Int	LOM	Direct	3200	A-dn	800–2	800–2	800–2
Russell Int	LOM	Direct	3200				

Procedure turn S side of crs, 206° Outbnd, 026° Inbnd, 3200' within 10 miles.
Minimum altitude over facility on final approach crs, 2900'.
Crs and distance, facility to airport, 026°—5.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.8 miles after passing LOM, climb to 2700' on 026° bearing from LOM within 10 miles.
*300–1 required for takeoff, Runway 15.
**For southeastbound aircraft, when weather is below 2100–2, flight below 3000' beyond 5 miles E and SE of airport is prohibited between R 096° and R 135° of the PSD VOR. Restriction due to 3444' tower, 10 miles SE of airport.
MSA within 25 miles of facility: 000°–090°—4000'; 090°–180°—4500'; 180°–270°—3100'; 270°–360°—4100'.

City, Sioux Falls; State, S. Dak.; Airport name, Joe Foss Field; Elev., 1428'; Fac. Class., LOM; Ident., FS; Procedure No. NDB (ADF) Runway 3, Amdt. 12; Eff. date, 5 Aug. 67; Sup. Amdt. No. NDB (ADF) Runway 3, Amdt. 11; Dated, 28 Jan. 67

Stonewall Int	LOM (final)	Direct	1600	T-dn	300–1	300–1	300–1½
				C-dn	400–1	400–1	400–1½
				S-dn-18	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Radar available.
Procedure turn W side of crs, 126° Outbnd, 006° Inbnd, 1600' within 10 miles.
Procedure turn must be authorized by ATC.
Minimum altitude over facility on final approach crs, 1600'.
Crs and distance, facility to airport, 006°—4.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.6 miles after passing DI LOM, proceed direct to Poolesville RBn, hold N, 056° bearing, 186° Inbnd, 2600' 1-minute right turns.
MSA within 25 miles of facility: 000°–090°—2100'; 090°–180°—1700'; 180°–270°—2600'; 270°–360°—2000'.

City, Washington; State, D.C.; Airport name, Dulles International; Elev., 313'; Fac. Class., LOM; Ident., DI; Procedure No. NDB (ADF) Runway 1 , Amdt. 5; Eff. date, 5 Aug. 67; Sup. Amdt. No. ADF 1, Amdt. 4; Dated, 28 July 66

2. By amending the following very high frequency omniranges (VOR) procedures prescribed in § 97.11(c) to read:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Paradise Int	Lex Int (final)	Direct	3600	T-dn&	400–1	400–1	400–1
				C-dn*	1000–3	1000–3	1000–3
				A-dn**	1000–3	1000–3	1000–3

Procedure turn not authorized. Straight-in from Paradise Int only.
Minimum altitude over facility on final approach crs, 3071'.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished over MUE VOR, climb on MUE, R 284° to cross Jacksons Int at 4000' proceed to Mynah Int and hold SW.
NOTES: (1) Restrictions not authorized (minimums). (2) Procedure not wholly within controlled airspace.
CAUTION: (1) *Rapidly rising terrain to N. Circling to N not authorized. (2) Approach not authorized unless current Kamuela altimeter setting available.
**Alternate minimums authorized only for air carriers with approved weather reporting service.
&Reduction not authorized. Northeastbound departures: Climb on E 086° to cross UPP, R 067° at 9000' (requires 270' /mile climb). Southwestbound departures: Climb 3000–2 for circling departures.
MSA within 25 miles of facility: 000°–090°—11,000'; 090°–180°—15,800'; 180°–270°—11,000'; 270°–360°—7600'.

City, Kamuela; State, Hawaii; Airport name, Kamuela; Elev., 2671'; Fac. Class., H–SVOR; Ident., MUE; Procedure No. VOR–2, Amdt. 1; Eff. date, 5 Aug. 67; Sup. Amdt. No. VOR 2, Orig.; Dated, 31 Dec. 66

VOR STANDARD INSTRUMENT APPROACH PROCEDURES—Continued

Transition From—	To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
UPP VOR	Jacksons Int	174°—13 miles via MUE, 243° lead in radial.	6000	T–dn	400–1	400–1	400–1
				C–dn	800–2	800–2	800–2
				S–dn–4	400–1	400–1	400–1
Mynah Int	Jacksons Int	Direct	6000	A–dn**	800–2	800–2	800–2
Jacksons Int	Psuko Int (final)	Direct	4000				

Procedure turn N side of crs, 294° Outbnd, 084° Inbnd, 4000' within 10 miles of Jacksons Int.
Minimum altitude over facility on final approach crs, Jacksons Int, 4000'; Psuko Int, 4000'; MUE VOR, 3071'.
Facility on airport, breakoff point to runway, 041°—0.7 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished over MUE VOR, climb on MUE, R 066° to cross UPP, R 097° at 6000'. Over UPP, R 097° turn left and intercept UPP, R 082° and proceed to UPP VOR; hold NW on R 336° at 6000' or as assigned by ATC.
NOTES: (1) Reductions not authorized (minimums). (2) Procedure not wholly within controlled airspace.
CAUTION: (1) "Rapidly rising terrain N of airport. Circling to N not authorized. (2) Approach not authorized unless current Kamuela altimeter setting available.
**Alternate minimums authorized only for air carriers with approved weather reporting service.
9800–2 for circling departures. Northeastbound departures: Climb on R 066° to cross UPP, R 097° at 9000' (requires 270'/miles climb). Southwestbound departures: Climb on R 294° to cross Jacksons Int at 6000'.
MSA within 25 miles of facility: 000°–090°—11,000'; 090°–180°—14,800'; 180°–270°—11,000'; 270°–360°—7500'.

City, Kamuela; State, Hawaii; Airport name, Kamuela; Elev., 2671'; Fac. Class., H–BVOR; Ident., MUE; Procedure No. VOR Runway 4, Amdt. 1; Eff. date, 5 Aug. 67; Sup. Amdt. No. VOR 1, Orig.; Dated, 31 Dec. 66

Int Little Rock, R 131° and PBF, R 300° PBF VORTAC, E 276° clockwise.	PBF VORTAC (final) R 300°	Direct	1200	T–dn	800–1	800–1	800–1½
		Via 12-mile DME Arc.	1700	C–dn	800–1	800–1	800–1½
PBF VORTAC, R 060°, counterclockwise	R 300°			S–dn–17°	800–1	800–1	800–1
		Via 12-mile DME Arc.	1700	A–dn	800–2	800–2	800–2
12-mile DME Fix, R 300°	PBF VORTAC (final)	Direct	1200	DME minimums:			
				C–dn	400–1	400–1	400–1½
				S–dn–17°	400–1	400–1	400–1

Procedure turn W side of crs, 300° Outbnd, 120° Inbnd, 1500' within 10 miles.
Minimum altitude over facility on final approach crs, 1200'; over 3-mile DME Fix, R 120°—705'.
Crs and distance, facility to airport, 120°—4.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles after passing the PBF VORTAC, make immediate right turn, climb to 2000' on PBF, R 300° within 30 miles.
*¾-mile visibility authorized with operative REIL, except for 4-engine turbojets.
MSA within 25 miles of facility: 000°–270°—1700'; 270°–300°—3200'.

City, Pine Bluff; State, Ark.; Airport name, Grider Field; Elev., 208'; Fac. Class., L–BVORTAC; Ident., PBF; Procedure No. VOR Runway 17, Amdt. 9; Eff. date, 5 Aug. 67; Sup. Amdt. No. VOR Runway 17, Amdt. 8; Dated, 8 July 67

Pawling VORTAC	Kingston VOR	Direct	3000	T–dn	800–1	800–1	
				C–dn	1000–1½	1000–2	
				S–dn–1	800–1½	800–1½	
				A–dn	NA	NA	

Radar available.
Procedure turn not authorized. Descend to 3000' in Kingston VOR holding pattern, 1-minute right turns, 066° Inbnd.
Minimum altitude over facility on final approach crs, 3000'; over School Int, 1500'.
Crs and distance, facility to airport, 046°—12.5 miles; School Int to airport, 016°—4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 12.5 miles after passing Kingston VOR or 8 miles after passing School Int, make left-climbing turn, proceed direct to Kingston VOR climbing to 3000', hold S, 1-minute right turns, 016° Inbnd.
NOTE: Use Poughkeepsie altimeter setting.
MSA within 25 miles of facility: 090°–180°—3400'; 180°–270°—2800'; 270°–360°—4300'.

City, Red Hook; State, N.Y.; Airport name, Skypark; Elev., 220'; Fac. Class., L–BVOR; Ident., IGN; Procedure No. VOR Runway 1, Amdt. Orig.; Eff. date, 5 Aug. 67

R 305°, BFF VOR clockwise	R 305°, BFF VOR	Via 7-mile DME Arc.	5100	T–dn*	800–1	800–1	**800–1½
R 147°, BFF VOR counterclockwise	R 095°, BFF VOR	Via 7-mile DME Arc.	6100	C–dn	800–1	800–1	800–1½
				S–dn–284	800–1	800–1	800–1
7-mile DME Fix, R 095°, BFF VOR	BFF VOR (final)	Direct	3400	A–dn	800–2	800–2	800–2
				Minimums with DME:			
				S–dn–284	400–1	400–1	400–1

Procedure turn N side of crs, 095° Outbnd, 245° Inbnd, 3600' within 10 miles.
Minimum altitude over facility on final approach crs, 3400'; over 3-mile DME Fix, 4451'.
Crs and distance, facility to airport, 245°—4.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.8 miles after passing BFF VOR, make right turn, climbing to 5000', return to BFF VOR.
**SW (180°–269°) and NW (270°–360°) IFR departures climb on 300° heading to 3300' before departing on crs account 3144' tower, NW and bluffs, SW.
**800–1 required Runway 28.
4 Reduction not authorized for nonstandard REIL.
MSA within 25 miles of facility: 090°–180°—8800'; 180°–270°—6100'; 270°–360°—8800'.

City, Scottsbluff; State, Nebr.; Airport name, Scottsbluff Municipal; Elev., 3951'; Fac. Class., H–BVORTAC; Ident., BFF; Procedure No. VOR Runway 28, Amdt. 8; Eff. date, 5 Aug. 67; Sup. Amdt. No. VOR 1, Amdt. 8; Dated, 21 Sept. 66

VOR STANDARD INSTRUMENT APPROACH PROCEDURES—Continued

Transition From—	To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
FSD RBn	FSD VOR	Direct	2700	T–dn%	800–1	800–1	800–1½
R 260°, FSD VOR clockwise	R 327°, FSD VOR	Via 7-nautical miles DME Arc.	2700	C–dn	800–1	800–1	800–1½
				S–dn–15¢	800–1	800–1	800–1
E 061°, FSD VOR counterclockwise	R 327°, FSD VOR	Via 7-nautical miles DME Arc.	2700	A–dn	800–2	800–2	800–2
7-mile DME Fix, R 327°	FSD VORTAC (final)	Direct	2000				

Procedure turn W side of crs, 327° Outbnd, 147° Inbnd, 2700' within 10 miles.
Minimum altitude over facility on final approach crs, 2000'.
Crs and distance, facility to airport, 147°—4.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 miles, after passing FSD VOR, climb to 3000' on FSD VOR, R 262° within 20 miles.
%300–1 required for takeoff on Runway 15.
¢For southeastbound aircraft when weather is below 2100–2, flight below 3000' beyond 5 miles E and southeast of airport is prohibited between R 066° and R 135° of the FSD VOR. Restriction due to 3464' tower, 10 miles SE of airport.
†Reduction not authorized for nonstandard REIL.
MSA within 25 miles of facility: 000°–090°—3900'; 090°–180°—4600'; 180°–270°—4100'; 270°–360°—3100'.

City, Sioux Falls; State, S. Dak.; Airport name, Joe Foss Field; Elev., 1428'; Fac. Class., H–BVORTAC; Ident., FSD; Procedure No. VOR Runway 15, Amdt. 6; Eff. date, 5 Aug. 67; Sup. Amdt. No. VOR 1, Amdt. 5; Dated, 20 Aug. 66

3. By amending the following very high frequency omnirange—distance measuring equipment (VOR/DME) procedures prescribed in § 97.15 to read:

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots

PROCEDURE CANCELED, EFFECTIVE 5 AUG. 1967.

City, Scottsbluff; State, Nebr.; Airport name, Scottsbluff Municipal; Elev., 3951'; Fac. Class., BVORTAC; Ident., BFF; Procedure No. VOR/DME No. 1, Amdt. 1; Eff. date, 13 June 64; Sup. Amdt. No. Orig.; Dated, 29 Feb. 64

4. By amending the following instrument landing system procedures prescribed in § 97.17 to read:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
10-mile DME Fix, FWA VOR, R 134°	LOM (final)	Via localizer crs	2100	T–dn@	800–1	800–1	800–1½
Whitely Int	LOM	Direct	2200	C–dn	400–1	800–1	800–1½
New Haven Int	LOM	Direct	2200	S–dn–31°¶	800–½	800–½	800–1
Rock Creek Int	LOM	Direct	2200	A–dn	400–2	400–2	400–2
Fort Wayne VOR	LOM	Direct	2100				
R 098°, FWA VOR clockwise	FWA 8E ILS crs	Via 10-mile DME Arc.	2800				
R 233°, FWA VOR counterclockwise	FWA 8E ILS crs	Via 10-mile DME Arc.	2800				

Radar available.
Procedure turn E side of 8E crs, 136° Outbnd, 316° Inbnd, 2100' within 10 miles.
Minimum altitude at glide slope intercepting Inbnd, 2100'.
Altitude of glide slope and distance to approach end of runway at OM, 2049'—3.8 miles; at MM, 1077'—0.7 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2000' on NW crs, ILS and proceed to Whitely Int westbound on R 281°, FWA VOR, or as directed by ATC, climb on NW crs, ILS to 2000' and proceed direct to Wolflake VOR.
NOTE: Glide slope unusable below 1001'.
@RVR 4000' authorized Runway 31.
¶400–½ required when glide slope not utilized, reduction below ½ mile not authorized.
%300' ceiling required, RVR as sole operating minimums not authorized.

City, Fort Wayne; State, Ind.; Airport name, Hair Field; Elev., 801'; Fac. Class., ILS; Ident., I–FWA; Procedure No. ILS Runway 31, Amdt. 14; Eff. date, 5 Aug. 67; Sup. Amdt. No. ILS–31, Amdt. 13; Dated, 17 Dec. 66

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

From—	To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	3-engine or less: 65 knots or less	3-engine or less: More than 65 knots	More than 3-engine, more than 65 knots
R 067°, FSD VOR clockwise	R 067°, FSD VOR	Via 17-mile DME Arc.	3400	T-dn*	300-1	300-1	300-1¼
R 067°, FSD VOR clockwise	R 067°, FSD VOR	Via 17-mile DME Arc.	2300	C-dn	300-1	300-1	300-1¼
R 067°, FSD VOR counterclockwise	R 194°, FSD VOR	Via 17-mile DME Arc.	2300	S-dn-8*	300-1¼	300-1¼	300-1¼
17-mile DME Fix, R 194°, FSD VOR	OM (final)	Via FSD LOC	2300	A-dn	600-2	600-2	600-2
Sioux Falls VOR	LOM	Direct	2700				
Eastland Int	LOM	Direct	2700				
Lennox Int	LOM	Direct	2300				
Russell Int	LOM	Direct	2300				

Procedure turn S side of crs, 202° Outbnd, 022° Inbnd, 2300' within 10 miles.
Minimum altitude at glide slope intercaption, Inbnd, 2000'.
Altitude of glide slope and distance to approach end of runway at OM, 3113'—5.8 miles; at MM, 1627'—0.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.8 miles after passing LOM, climb to 2700' on NE crs of ILS within 10 miles.
For southeastbound aircraft when weather is below 2100-3, flight below 2600' beyond 5 miles E and SE of airport is prohibited between R 095° and R 135° of the FSD VOR. Restriction due to 2044' tower, 10 miles SE of airport.
2,200-1 required for takeoff Runway 18.
RVR 2400' authorized runway 3.
*RVR 2400'. Descent below 1600' not authorized unless approach lights are visible.
2400-¾ required when glide slope not utilized. 300-½ authorized with operative ALS except for 4-engine turbojets. 400' minimums authorized after passing the Marie Int.
MSA within 25 miles of LOM: 000°–090°—4500'; 090°–180°—4300'; 180°–270°—3100'; 270°–360°—4100'.

City, Sioux Falls; State, S. Dak.; Airport name, Joe Foss Field; Elev., 1430'; Fac. Class., ILS; Ident., I-FSD; Procedure No. ILS Runway 3, Amdt. 14; Eff. date, 5 Aug. 67; Sup. Amdt. No. ILS Runway 3, Amdt. 13; Dated, 28 Jan. 67

Stonewall Int	LOM (final)	Direct	3000	T-dn*	200-1	200-1	200-½
		Direct	1820	C-dn	200-1	200-1	200-1¼
				S-dn-18*	200-1¼	200-1¼	200-½
				A-dn	600-2	600-2	600-2

Category II special authorization required: TDZ elevation 313.
Decision heights: S-dn-1R, DH 150, RVR-1600, 493 MSL RA, 140'; S-n-1R, DH 100, RVR-1200, 413 MSL RA, 90'.

Radar available.
Procedure turn W side of crs, 185° Outbnd, 005° Inbnd, 2000' within 10 miles. Procedure turn must be authorized by ATC.
Minimum altitude at glide slope intercaption, Inbnd, 1820'.
Altitude of glide slope and distance to approach end of Runway at OM, 1807'—4.8 miles; at MM, 515'—0.6 mile; at IM, 413'—0.2 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.8 miles after passing LOM, proceed direct to Pooleville RBn. Hold N, 185° bearing, Inbnd, 2800', 1-minute right turns.
*RVR 2000' 4-engine turbojet; RVR 1800' other aircraft. Descent below 515' not authorized unless ALS visible.
†Category II missed approach: Proceed direct to Pooleville RBn. Hold N, 185° bearing, Inbnd, 2000', 1-minute right turns, if contact with visual guidance system not established at DH.
MSA within 25 miles of LOM: 000°–090°—2100'; 090°–180°—1700'; 180°–270°—2400'; 270°–360°—2000'.

City, Washington; State, D.C.; Airport name, Dulles International; Elev., 312'; Fac. Class., ILS; Ident., I-DIA; Procedure No. ILS Runway 1R, Amdt. 5; Eff. date, 5 Aug. 67; Sup. Amdt. No. ILS-1R, Amdt. 4; Dated, 2 July 66

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775))

Issued in Washington, D.C., on June 29, 1967.

R. S. SLIFF,
Acting Director, Flight Standards Service.

[F.R. Doc. 67-7809; Filed, July 13, 1967; 8:46 a.m.]

Title 22—FOREIGN RELATIONS

Chapter V—United States Information Agency

PART 502—WORLD-WIDE FREE FLOW (EXPORT-IMPORT) OF AUDIO-VISUAL MATERIALS

The following material replaces §§ 502.1–502.14 of Title 22 of the Code of Federal Regulations and will constitute Part 502 thereof.

Sec.
502.1 Summary; general.
502.2 Implementing statute and Executive Order.
502.3 Procedures.
502.4 Consultation of experts.
502.5 Review and appeal.
502.6 Substantive criteria.
502.7 History and background.
502.8 Miscellaneous; coordination with U.S. Customs Bureau.

AUTHORITY: The provisions of this Part 502 are issued under R.S. 161, 5 U.S.C. 301; 22 U.S.C. 1431 et seq.; Pub. Law 89-634 of Oct. 8, 1966; E.O. 11311 of Oct. 14, 1966.

§ 502.1 Summary; general.

(a) The "Audio-Visual Agreement" (short title), also known as the "Beirut Agreement of 1948", is a multi-nation treaty with the formal title, "Agreement for Facilitating the International Circulation of Visual and Auditory Materials of an Educational, Scientific, and Cultural Character".[1] United States acceptance of this treaty was proclaimed by President Johnson and deposited with the United Nations on October 14, 1966, and formal operations by the United States under the Agreement commenced January 12, 1967. Initial implementation of the treaty by the United States was effected by Public Law 89-634 of October 8, 1966, and Executive Order 11311 of October 14, 1966, and it is further implemented by these regulations. The U.S. Information Agency has been designated by the President to carry out the Agreement for the United States. Export certification, import certificate authentication, rulings, and information, respecting the Agreement may be obtained from the International Communications Media Staff (IMV/C), U.S. Information Agency, Washington, D.C. 20547.

(b) This treaty facilitates the free flow of educational audio-visual materials between nations, by eliminating import duties, import licenses, special taxes, quantitative restrictions and other restraints and costs, by shipment under an international certificate. Each government may issue such certificates as to materials for which basic ownership is in said country. The material must be primarily educational as to its nature and usefulness (see § 502.6(a)(3)). The term "audio-visual" is defined as embracing the categories exemplified by film prints, motion picture film, filmstrips, videotape, sound recordings, sound/picture recordings, models, charts, posters, maps, globes, slides, and the like.

[1] 17 U.S.T. 1578 (T.I.A.S. 6116).

§ 502.2 Implementing statute and Executive Order.

(a) Public Law 89-634 (10/8/66) amends Schedule 8 of the Tariff Schedules of the United States, as follows:

(1) After the heading to Part 6, insert:

"Part 6 Headnote:

"1. No article shall be exempted from duty under item 870.30 unless a Federal agency or agencies designated by the President determines that such article is visual or auditory material of an educational, scientific, or cultural character within the meaning of the Agreement for Facilitating the International Circulation of Visual and Auditory Materials of an Educational, Scientific, and Cultural Character. Whenever the President determines that there is or may be profit-making exhibition or use of articles described in item 870.30 which interferes significantly (or threatens to interfere significantly) with domestic production of similar articles, he may prescribe regulations imposing restrictions on the entry of such foreign articles to insure that they will be exhibited or used only for nonprofitmaking purposes."

(2) At the end of Part 6, add this new item:

"870.30 Developed photographic film, including motion-picture film on which pictures or sound and pictures have been recorded; photographic slides; transparencies; sound recordings; recorded videotape; models; charts; maps; globes; and posters; all of the foregoing which are determined to be visual or auditory materials in accordance with headnote 1 of this part ------ Rates of Duty (1), Free; Rates of Duty (2), Free."

(b) Executive Order 11311, "Carrying out Provisions of the Beirut Agreement of 1948 Relating to Audio-visual Materials" provides:

"By virtue of the authority vested in me as President of the United States, including the provisions of the Joint Resolution of October 8, 1966, Public Law 89-634, and section 301 of Title 3 of the United States Code, I hereby order and proclaim that—

"Pursuant to the 'Agreement for Facilitating the International Circulation of Visual and Auditory Materials of an Educational, Scientific and Cultural Character', made at Beirut in 1948, the Joint Resolution, and headnote 1 to schedule 8, part 6 of the Tariff Schedules of the United States, the United States Information Agency is hereby designated as the agency to carry out the provisions of the Agreement and related protocol, and to make any determinations and to prescribe any regulations required by headnote 1."

(c) Public Law 89-634 further provides:

"It shall be the duty of the Federal agency or agencies so designated to take appropriate measures for the carrying out of the provisions of the Agreement including the issuance of regulations.

"Sec. 2. Agencies of the Federal Government are authorized to furnish facilities and personnel for the purpose of assisting the agency or agencies designated by the President in carrying out the provisions of the Agreement."

§ 502.3 Procedures.

(a) **Applicant:** An "Applicant" is (1) the U.S. holder of "basic rights" in materials he submits for export certification, (2) the holder of a foreign certificate or his exporter or U.S. importer or the agent of any of them as to materials proposed for import to the United States, or (3) the U.S. consignee of materials proposed for U.S. import under a foreign certificate. Any "Applicant" may request USIA to certify materials for export or to authenticate a foreign certificate for import of materials.

(b) **Imports:** Educational / informational audio-visual materials, as identified in the Substantive Criteria of the regulations in this part, are permitted duty-free entry into the United States upon authentication by the United States Information Agency of the Certificate of the Government of the country wherein basic ownership is held, or of the certificate of the United Nations Educational, Scientific and Cultural Organization (UNESCO), attesting the educational/informational character of such materials within the meaning of the "Agreement", and compliance with applicable Customs entry procedures (see 19 CFR 10.121).

(c) In order to establish qualification for entry into the United States under the provisions of Tariff Item 870.30, the Applicant shall forward the foreign certificate directly to:

International Communications Media Staff (IMV/C), U.S. Information Agency, Washington, D.C. 20547.

(d) Upon affirmative determination by the U.S. Information Agency as to the qualification of the certified articles for such entry, the Applicant will be advised of the determination, and be provided with an authenticating document for presentation with the related Customs documentation at the Port of Entry, for duty-free clearance under Item 870.30.

(e) If for any reason the U.S. Information Agency is unable to accept and authenticate a foreign certificate, the Applicant will be promptly so notified, together with either (1) request for additional information or (2) the reasons why the certificate cannot be accepted. Qualification or non-qualification of material for entry under Tariff Item 870.30 does not affect its eligibility for entry under other laws of the United States.

(f) **Exports:** U.S. educational/informational audio-visual materials, as identified in the Substantive Criteria of these Regulations, may, if eligible as provided herein, be certified by the U.S. Information Agency as being "of international educational character," and thus entitled to special import privileges such as duty-free entry abroad in "Beirut countries" (see § 502.7 on history and background, for a list of the countries where there is formal and informal participation under the Beirut Agreement).

(g) For general information and application forms, Applicants should write to:

International Communications Media Staff (IMV/C), U.S. Information Agency, Washington, D.C. 20547.

Applicants seeking certification of materials, should send to the same office, the following:

(1) A completed Application for each subject or series to be certified.

(2) A notarized document evidencing Applicant's basic ownership or right in the materials.

(3) A description of the content of the material (where appropriate and feasible attachments should be included, such as narrations, captions, advertising leaflets, catalogs, etc.; indicate clearly if these attachments are to be returned to the Applicant).

(4) Copies or examples of the materials, if feasible; same to be transmitted prepaid, and will be returned promptly (the question can be discussed with the Agency preliminarily if transmittal seems infeasible due to bulk, fragility or large quantities, or because excessive cost would be involved; one item may serve as an example of a series, or the Agency may have reviewed the material previously in another context).

(h) It is anticipated that action of the Agency on a certification request will usually take about 2 weeks. If a longer interval is expected, the Agency will send the Applicant an interim acknowledgment indicating the action time estimated.

(i) Upon certification, the Applicant will receive the original Certificate and four signed copies. The Applicant should retain the original, so that he may reproduce it by photocopying, to service his future needs in connection with subsequent shipments of identical copies of the same material. A copy of the Certificate should accompany each shipment abroad, but further instructions may be available from the foreign importer.

(j) If for any reason the Agency is unable to certify the materials, the Applicant will be promptly so notified, together with either (1) a request for additional information or (2) the reasons why the certificate cannot be issued. Qualification or non-qualification of material under the Beirut Agreement does not affect the right of export, nor the right of foreign import under other laws.

§ 502.4 Consultation of experts.

(a) The Chief Attestation Officer of the United States (International Communications Media Staff, U.S.I.A.—IMV/C) and the Attestation Officers under his supervision will routinely and continuously receive Agency policy and legal guidance, and protests of Applicants will be reviewed by the Review Board and by the Agency's Director as provided below. The Chief Attestation Officer and his staff will regularly consult experts throughout the Agency and throughout the Government whenever the examination of materials (for certification or authentication) indicates the desirability of substantive expertise in making a fair evaluation. Whenever appropriate, and whenever requested by an

Applicant, experts who have been consulted will be available for discussions with the Applicant.

(b) In addition to such ad hoc consultation of experts, a regular group of advisors exists as a standing committee to advise this program, both as to broad policy and to evaluate specific materials; this is the Interdepartmental Committee on Visual and Auditory Materials for Distribution Abroad, and its Attestation Subcommittee. The Committee is composed of members representing the Department of State, U.S. Information Agency, Agriculture Department, Atomic Energy Commission, Commerce Department, Defense Department, Department of the Army, Department of the Navy, Department of the Air Force, the Marine Corps, Federal Aviation Agency, General Services Administration, Health, Education and Welfare Department, Education Department, Library of Congress, National Aeronautics and Space Administration, National Gallery of Art, National Science Foundation, Treasury Department, and the Veterans Administration.

§ 502.5 Review and appeal.

(a) A Review Board for import and export rulings under this Program consists (within USIA) of three members, appointed by the Director, USIA.

(b) Any Applicant may ask for formal review of any ruling of a USIA Attestation Officer. The request for review must be made in writing and addressed to the—

Review Board for the International Audio-Visual Program (IMV/C), U.S. Information Agency, Washington, D.C. 20547.

supported by such data and arguments as he wishes to be considered. If the Applicant wishes the Review Board to screen or examine the materials in question, he should so state and, as to exports, arrange to furnish such materials to the Review Board. The Review Board will render the Applicant a written decision, reversing, modifying or affirming the ruling of the Attestation Officer.

(c) The Applicant may make written appeal to the Director, USIA, from any decision furnished him by the Review Board, provided his Appeal is received by the Agency within 30 days after his receipt of the Review Board decision. The Director will personally review the Agency record of the case, or will advise the Applicant that he is appointing a Designee to do so. In either event, the Director will furnish the Applicant his written decision on the appeal, which shall constitute final administrative action on the case.

§ 502.6 Substantive criteria.

(a) For both exports and imports, the Agency applies the criteria set forth in the "Agreement for Facilitating the International Circulation of Visual and Auditory Materials of an Educational, Scientific and Cultural Character" (adopted at the Third Session, General Conference of UNESCO, Beirut, 1948), viz:

(1) Audio-visual materials are those exemplified by the following types and forms: developed and/or printed films, filmstrips and microfilm; sound recordings; slides, models, charts, maps, and posters. They include but are not limited to: Motion pictures, videotapes, transparencies, and combinations of sound/picture and sound/printing.

(2) The country wherein the material originated shall be taken to mean, or shall include, the country of "basic ownership" of the material. The country of basic ownership is not necessarily the country of photography or the country of production, nor does it necessarily mean the country where irrevocable reproduction and distribution rights are held; these factors are considered in determining the country of basic ownership.

(3) Audio-visual materials shall be deemed to be of international educational character:

When their primary purpose or effect is to instruct or inform through the development of a subject or aspect of a subject, or when their content is such as to maintain, increase or diffuse knowledge and augment international understanding and good will;

When the materials are representative, authentic, and accurate; and

When the technical quality is such that it does not interfere with the use made of the material.

(b) Interpretation of criteria: (Though neither purposely selective on the one hand nor comprehensive on the other, the following relate to some of the problem areas most frequently encountered.)

(1) The Agency does not certify or authenticate materials the primary purpose or effect of which is to amuse or entertain.

(2) The Agency does not certify or authenticate materials the primary purpose of which is to inform concerning timely current events (newsreels, newscasts, other forms of "spot news").

(3) The Agency does not certify or authenticate materials which by special pleading attempt to influence opinion, conviction or policy (religious, economic, or political propaganda), to espouse a cause, to inculcate any dogma, to constitute a ritual or denominational service, or conversely, when they seem to attack a particular persuasion. Visual and auditory materials intended for use only in denominational programs of moral and religious education and which otherwise meet the criteria set forth under paragraph (a) of this section, may be determined eligible for certification in the judgment of the Agency.

(4) The Agency does not certify or authenticate materials the purpose or effect of which is to stimulate the use of a special process or products to advertise a particular organization or individual, or to raise funds. The Agency considers that an incidental appeal of this sort does not invalidate the educational character of material, such as when the appeal is for service or help in non-competitive, voluntary cooperative participation in public services and does not involve contributions of money or marketable commodities. Normal credits or mention of a sponsor or product are usually deemed "incidental" in this sense; the degree and purpose of advertising may be considered in this connection. In no event, however, will materials be considered eligible which make categorical claims of exclusivity.

(5) The Agency does not regard as augmenting international understanding or good will and cannot certify or authenticate any material which may lend itself to misinterpretation, or misrepresentation of the United States or other countries, their peoples or institutions, or which appear to have as their purpose or effect to attack or discredit economic, religious, or political views or practices.

(6) The Agency does not certify or authenticate any materials which have not in fact already been produced at the time of application.

(c) Classes of material:

(1) Motion picture films, filmstrips and microfilm in exposed and developed negative form, or in positive form, viz., masters or prints; teletranscriptions; kinescopes; videotape, and prints therefrom.

(2) Electronic sound recordings and sound/picture recordings of all types and forms; pressings and transfers of same.

(3) Photographs, transparencies and slides; models, static and moving; charts, globes, maps and posters.

(4) Recorded music may be considered, the Agency recognizing that certain music recordings have as their primary purpose or effect "to instruct or inform" and do otherwise conform to the above requirements. In considering recorded music for which certification or authentication is requested, the Agency may be guided by evidence in the recordings or in collateral submitted material, such as teaching guides, etc., which support the educational or informational purpose or effect of the recordings.

(d) Application of criteria:

(1) The Agency has, as its general approach to certification and authentication, the desire to facilitate, in so far as appropriate, the international circulation of visual and auditory materials. However, the Agency in appraising materials submitted will consider their purpose or effect in relation to their intended educational level, and will exercise its judgment in determining whether the content of the material is of sufficient substance to maintain, increase or diffuse knowledge of the subject it covers, at the intended educational level.

(2) The Agency will avoid the certification or authentication of classes of materials which it believes participating countries would be unwilling to admit free of duty under the terms of the Agreement.

(e) Assistance without certification: The Agency may, in its discretion, issue a letter or other document to facilitate the shipment to a specific country (or countries) of materials intended for specialised or limited use in an educational, scientific or cultural context, if for any technical reason the material may not be eligible for general certification. The users and nature of the intended use abroad of such material must be clearly established by the Applicant if this assistance "outside the treaty" is to be considered; of course, facilitation of entry comparable to the Beirut standards is not obligatory on the importing nation under this extraordinary procedure.

§ 502.7 History and background.

(a) Educators and producers/distributors of educational/informational materials—particularly those items coming to be known as "audio-visual"—noticed with respect to international commerce in such materials that the tariff and customs laws extant in several countries provided for duty-free, accelerated entry of same if the nature of the materials was satisfactorily established. In order to take advantage of that existing situation, the Geneva Convention of 1933 and the Buenos Aires Convention of 1936 were drafted to provide for a technique of certified shipments as to this international commerce. However, the United States did not join either convention: Geneva, because the procedure was thought to be impractical since it involved the initial shipment of all materials to a commission located in Italy that was to issue all certificates; Buenos Aires, because of the manner of handling propaganda materials.

(b) In 1938, the U.S. Department of State established the policy of this Government to assist in every appropriate way the circulation abroad of American visual and auditory materials, and in 1942 implemented that policy by beginning to certify American audio-visual materials as to their educational/informational nature, to facilitate their shipment and probable duty-free entry abroad. The program was further developed in 1946 by establishment of an interdepartmental committee on attestation, in order to give attestation officers the benefit of government-wide expertise in the reviewing of motion pictures and other audio-visual materials.

(c) Most of the objections to the Geneva and Buenos Aires treaties were overcome in the drafting of the Beirut Agreement of 1948 through the device of certification by an agency of the government of the country of origin of the materials. That treaty has since 1948 been the guide for all U.S.A. export certification. Although delayed in ratification and in the passage of implementing legislation, the U.S.A. has now become a full partner in Beirut, so that (effective January 12, 1967) imports under foreign certificate move in duty-free for the first time.

(d) On August 1, 1953, with the creation of the U.S. Information Agency, this attestation program was transferred to USIA, where it has continued without interruption. As of January 1, 1967, the U.S. Government had issued over 26,000 certificates covering an estimated 175,000 items of visual and auditory materials (a number of the certificates cover a series of items), and over 3,000 different Applicants had submitted materials for export certification. The number of times a certificate is re-used for subsequent shipments of additional copies of the same item is, of course, unknown.

(e) Beirut program countries are as follows:

(1) *Formally participating.*

U.S.A.	Iraq.
Brazil.	Malagasy Republic.
Cambodia.	Norway.
Canada.	Pakistan.
Denmark.	The Philippines.
Ghana.	El Salvador.
Greece.	Syria.
Haiti.	Yugoslavia.
Iran.	Trinidad and Tobago.

(2) *Informally participating.* (USIA has reason to believe—judging from actual practice reported—that USIA certificates have a significantly salutary effect upon the waiver of duties and expediting of imports into these countries.)

Ceylon.	New Zealand.
Costa Rica.	Nicaragua.
Dominican Republic.	Nigeria.
Surinam.	Panama.
Ecuador.	Rhodesia.
Guatemala.	Spain.[1]
India.	Sweden.
Ireland.	Taiwan.
Italy.[1]	Turkey.
Liberia.	Uruguay.

§ 502.8 Miscellaneous; coordination with U.S. Customs Bureau.

(a) Nothing in these regulations shall preclude normal examinations of imported materials under the Customs laws and regulations (Title 19, U.S. Code; Title 19, Code of Federal Regulations), or the application of the laws and regulations governing the importation or prohibition against importation of certain materials including seditious or salacious materials as provided in 19 U.S. Code 1305.

(b) Each USIA action, authenticating a foreign certificate, will be reflected in an Importation Document furnished the Applicant; a copy of each such Importation Document will be simultaneously furnished the U.S. Bureau of Customs (Treasury Department). USIA records and officers are always available to the U.S. Bureau of Customs in connection with all questions within the competence of the Bureau.

(c) Refund of duty: If audio-visual materials, which are claimed to be eligible for duty-free import under these regulations, are sought to be entered under item 870.30 of the Tariff Schedules of the United States prior to the filing of an appropriate importation document as described herein, a deposit of the estimated duties which will be due if the articles do not qualify for free entry under item 870.30 will be required. Liquidation of the entry will be deferred for a period of 90 days during which time the importation document may be filed with the District Director of Customs at the port of entry. If the document is filed within this period, the entry will be liquidated duty free under item 870.30 and the duties deposited will be refunded. If the importer fails to file the required importation document, the entry will be liquidated dutiable under the customs laws. In such case, the importer is allowed a period of 60 days after liquidation in which he may protest an adverse ruling by the District Director of Customs as to the dutiability of the articles. For customs regulations relating to entry of articles conditionally free under item 870.30 see 19 CFR 10.121. U.S. importers and consignees who, due either to inadvertence or lack of knowledge as to these procedures, believe that a recent import shipment of audio-visual materials is eligible for duty-free treatment under the regulations in this part (regardless of whether the U.S. Customs entry of duty has already been liquidated by payment and delivery effected) may contact the USIA office identified in the regulations in this part to obtain advice and information respecting steps necessary to effect a Customs adjustment for duty-free entry.

(d) Although U.S. law and the treaty permit the restriction of use of these materials to "nonprofitmaking purposes", this Government has not imposed such a restriction, so that regular commercial uses are permissable. Also, this treaty does not describe or categorize eligible importers or consignees, so that any commercial enterprise may be the recipient of these international shipments.

(e) Postal clearing fee: Articles delivered by mail, which are eligible for duty-free entry under the regulations in this part, are, additionally, not subject to the standard Postal Clearing Fee normally imposed by the U.S. Post Office Department, provided there has been a timely filing with the appropriate U.S. Customs Office of the documentation required by the regulations in this part.

ROBERT W. AKERS,
Acting Director.

[F.R. Doc. 67-8125; Filed, July 13, 1967; 8:47 a.m.]

[1] Limited participation.

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER A—AID OF CIVIL AUTHORITIES AND PUBLIC RELATIONS

PART 518—AVAILABILITY OF INFORMATION

Effective upon publication in the FEDERAL REGISTER, Part 518 is revised to read as follows:

Sec.

518.1	Purpose.
518.2	General policies.
518.3	Scope.
518.4	Definitions of Army records.
518.5	Requests for Army records.
518.6	Examination and reproduction of records.
518.7	Procedure for release of records to public.
518.8	Releases to Congress.
518.9	Litigation.
518.10	Exemptions.
518.11	Appeals and exceptions.
518.12	Appeals to the Secretary of the Army.
518.13	Unofficial research in Department of the Army files by U.S. citizens.
518.14	Unofficial research in medical records.

Sec.

518.15 Location of and access by individual concerned or designated representative to military personnel records by The Adjutant General and the Administrator of General Services.
518.16 Supply of maps to the general public.
518.17 Information published in the Federal Register or made available for public inspection and copying.
518.18 Officers to whom requests for information may be directed.

AUTHORITY: The provisions of this Part 518 issued under sec. 3012, 70A Stat. 157, apply sec. 1, 81 Stat. 54–56, sec. 3, 80 Stat. 238, secs. 283, 661, 793, 795, 797, 1005, 2507, 62 Stat. 697, as amended, 735, 736, 28 amended, 787, 788, 791, 977, as amended, sec. 506, 64 Stat. 502; 5 U.S.C. 552, 18 U.S.C. 283, 641, 793, 795, 797, 1905, 28 U.S.C. 2507, 44 U.S.C. 396.

§ 518.1 Purpose.

The provisions of Part 518 govern policies and procedures for the release, outside of the Department of the Army, of information contained in Army records.

§ 518.2 General policies.

(a) The policy of the Department of the Army is that maximum information shall be made available from Army records. Requests for information from, or copies of, identifiable Army records will be granted unless the request involves a category of information that is exempted from the requirement of disclosure by 5 U.S.C. 552, and § 518.10.

(b) All requests for information will be acted upon fairly, completely, and expeditiously. Delay will not be permitted even though requests appear to be minor in nature. Information within a category which is normally exempt from public disclosure under § 518.10 should be made available if no legitimate purpose exists for withholding it from the public. Information from Army files will not be withheld from the public because it may reveal or suggest error or inefficiency.

§ 518.3 Scope.

The provisions of this Part 518 apply to requests for Army records received from any source outside the Department of the Army. It is not intended, however, to limit release of information to agencies or individuals in the Federal Government whose official duties entitle them to secure the records concerned. The policies set forth in this Part 518 govern the release of information in all other instances. Requests for Army records will be denied only on the grounds authorized in this Part 518, the Armed Services Procurement Regulation (Subchapter A, Chapter I of this title), and the Federal Personnel Manual. Notwithstanding any limitations contained in the other regulations listed in this section, the following regulations set forth additional procedures for the release of certain records or information therefrom:

(a) News media and other public information channels—AR 360–5.
(b) Litigation—AR 27–5.
(c) Patents and inventions—AR 27–6.
(d) Disciplinary actions—AR 345–60.
(e) General Accounting Office comprehensive audits—AR 36–30.
(f) Confinement of persons presently or formerly confined in the United States disciplinary barracks (paragraph 127, AR 210–170).
(g) Release of information from—
(1) Inspector general reports—AR 20–1.
(2) Aircraft accident investigations—AR 95–30.
(3) Traffic accident investigations—AR 190–15.
(4) Criminal investigation reports—AR 195–10.
(5) Safety reports and records—AR 385–40.
(6) Medical records, and files in Records Centers—AR 345–200.
(7) Claims reports—AR 27–20.
(8) Military personnel records—AR 640–12.
(9) Civilian personnel records—CPR's C1, E2, M1, R1; Federal Personnel Manual, Chapters 293 and 339.
(h) Procurement matters—Armed Services Procurement Regulation (ASPR) (Subchapter A, Chapter I of this title) and the Army Procurement Procedure (APP) (Parts 591 to 612 of this chapter).
(i) Information to the Federal Bureau of Investigation for investigation and prosecution of offenses—AR 22–160.
(j) Defense (classified) information. Information classified pursuant to AR 380–5 (Part 505 of this chapter) may not be released pursuant to this Part 518. However, if it appears that information from, access to, or copies of defense information are of proper and direct concern to a requesting party, and that the granting of the request would be appropriate if the papers were not classified, declassification will be considered for the whole document or portions thereof. See paragraph 15, AR 380–5. Necessary coordination will be made with the command intelligence officer, or the Assistant Chief of Staff for Intelligence, as appropriate. In addition, classified documents may be used for unofficial research purposes under conditions set forth in paragraph 66–AR 345–200.
(k) Release of information to foreign nationals—AR 345–200.
(l) Technical reports—AR 70–31.

§ 518.4 Definition of Army records.

For the purpose of this Part 518, the following definition of "record," taken from 44 U.S.C. 366, applies:

> * * * All books, papers, maps, photographs, or other documentary materials, regardless of physical form or characteristics, made or received by any agency of the United States Government in pursuance of Federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government or because of the informational value of data contained therein.

(a) The term "records" does not include objects or articles such as structures, furniture, paintings, sculpture, three-dimensional models, vehicles, equipment, etc., whatever their historical value or value as evidence.
(b) Records are not limited to permanent or historical documents but include contemporaneous documents as well.

§ 518.5 Requests for Army records.

(a) Subject to the procedural requirements of this regulation and the exemptions contained in § 518.10, copies of, or information from, Army records will be made available upon proper request from any person. A proper request requires:
(1) A description of the record requested with sufficient particularity to enable the Department of the Army to locate the record with a reasonable amount of effort.
(2) A willingness and ability to pay the costs associated with locating and providing copies of the record requested.
(b) There is no obligation to create a record to satisfy a request for information. When the information requested exists in the form of several records at several locations the applicant will be referred to those sources if gathering the information would be so burdensome as to interfere materially with the operations of the Army.
(c) If the requested record originated within another agency, the request will be promptly referred to that agency for disposition. A member of the public who requests a copy of material primarily concerning a member of Congress or a Congressional Committee, or a copy of a transcript of testimony given before a Congressional Committee, will be advised to direct his request to the member or committee concerned.

§ 518.6 Examination and reproduction of records.

(a) Authority to release records includes authority to permit their examination. When authority to examine records is granted, the examination normally will be permitted at the place where the papers are maintained or stored, during regular business hours, and under such circumstances and procedures as are deemed appropriate by the custodian.
(b) Original and record copies of Army records may not be released. Copies should be furnished instead. A charge may be imposed for conducting a search and preparing copies of records in accordance with the provisions of AR 37–30 and Part 288, Chapter I of this title.

§ 518.7 Procedure for release of records to the public.

(a) Upon receipt of a request conforming with the requirements of § 518.5, the commander of a unit, installation, or activity will furnish access to, or copies of, Army records, unless the information contained therein falls within one or more of the exemptions set forth in § 518.10. The appropriate judge advocate or legal officer should be consulted on matters of legal interpretation. If, in the judgment of the commander, the request involves a record containing information falling within the limitations of § 518.10 the applicant should be advised that he may appeal the commander's decision to the appropriate officer designated in § 518.11. Such an appeal will be made in writing and will be submitted to the commander to whom the original request was directed. The commander will transmit the request to the appropriate officer designated in § 518.11, together with a statement of his grounds for refusing the request and his recommendation if any as to permitting the release of exempted information pursuant to § 518.11.
(b) Information releasable by commands subordinate to Headquarters, Department of the Army, may also be released by the agency within Headquarters, Department of the Army, primarily concerned.
(c) The following records, exempt from disclosure to the general public, will none the less be released on request to the individuals specified:
(1) *Medical records.* The following information will be released by commanding officers of medical treatment facilities or records centers:
(i) Information on the condition of sick and injured patients will be released to the relative of such patients, in order to allay their anxiety.
(ii) Information that the patient's condition has reached a critical stage will be released to the nearest known relative or the person designated by the patient to be informed in case of an emergency.
(iii) Information that a diagnosis of psychosis has been made will be released to the nearest known relative or the person designated by the patient.
(iv) Information will be released to local officials with respect to all births, deaths, and cases of communicable diseases where such reports are required by pertinent local laws.
(v) Medical records relating to present or former military personnel, dependents, civilian employees, or patients in a medical treatment facility of the Department of the Army, are the proper and direct concern of the individual to whom they pertain, and will be released to him. In the event he has been adjudged insane or is dead, the records are the proper and direct concern of the next of kin or his legal representative, and will be released to them. If the information might prove injurious to the physical health of the patient, the information will not be released to the individual concerned. In such a case, the information will be released only to his next of kin or legal representative.
(vi) Copies of medical records may be furnished to a Federal or State hospital or penal institution when the individual to whom they pertain is a patient or an inmate therein. If the patient or his legal representative consents, the medical records of the patient will be released to a civilian physician.
(vii) Copies of medical records, or information therefrom, may be furnished to authorized representatives of the National Academy of Sciences, National Research Council, or any other accredited agency, when engaged in cooperative studies undertaken at the specific request of, or with the consent of, The Surgeon General.
(viii) In connection with the collection of claims in favor of the Government, pertinent portions of an injured party's medical records may be furnished to the judge advocate or legal officer of the command for release to the tort-feasor's insurer, if appropriate, even though the injured party does not consent thereto.

Information released to third persons under the provisions of subdivisions (v), (vi), and (vii) of this subparagraph will be accompanied by a statement to the effect that the information is released upon condition that it will not be disclosed to other persons, except in accordance with the accepted limitations which relate to privileged communications between doctor and patient.

(2) Military personnel records will be released by the custodian as follows:
(i) Statement of military service: The Department of the Army is required by statute to provide certain information relating to the service of an individual to that individual or his legal representative. (Sec. 601 of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended; 50 U.S.C. App. 581.)
(ii) Papers relative to applications for, designation of beneficiaries under, and allotments in payment of premiums for National Service Life Insurance are the proper and direct concern of the applicant or insured, and will be released to him. In the event of his death or insanity, the beneficiaries designated in the policies, or the next of kin, are considered to have a direct and proper concern in these records, and the records will be released to them.
(iii) Copies of Army documents recording the death of a member of the military service, a dependent, or a civilian employee will be released to his next of kin, his life insurance carrier, and legal representative.
(iv) Papers relating to the pay and allowances or allotments of a member or former member of the military service will be released to the individual to whom they pertain, his authorized representative or, in the case of deceased personnel, the next of kin or legal representative.
(3) Civilian personnel records: Civilian personnel officers having custody of papers relating to the pay and allowances or allotments of a current or former civilian employee will release them to the individual to whom they pertain, his authorized representative, and, in the case of deceased employees, the next of kin or legal representative. Authority to release civilian personnel records does not include authority to release statements of witnesses, medical records, or other reports or documents, pertaining to compensation for injuries or death of an Army civilian employee. See paragraph 1–4, chapter 330, Federal Personnel Manual. Such information will be released only by the appropriate officials designated in § 518.11.
(4) In cases under subparagraphs (1) through (3) of this paragraph, requests for information by individuals acting in a representative capacity on behalf of another individual will include evidence in writing of the requestor's representative capacity. In cases in which the release of the requested information is limited to the individuals concerned, the records may be released to other individuals or organizations upon presentation of evidence in writing of the consent of the individual concerned.

§ 518.8 Releases to Congress.

(a) *Congressional requests.* Requests by Members of Congress (or staffs of congressional committees) for inspection or copies of official records will be handled as follows:
(1) Defense (classified) records: Applicable provisions of AR 380–5 will be followed.
(2) Civilian personnel records: Members of Congress may examine official personnel folders subject to observance of applicable instructions governing the release of disciplinary action information. See CPR R1. 3–6 and paragraph 7b, AR 345–60.
(3) Information pertaining to disciplinary action: See paragraph 7b, AR 345–60.
(4) Military personnel records: These records will not be released except by Headquarters, Department of the Army. Requests from Members of Congress (or staffs of congressional committees) will be referred direct to the Chief of Legislative Liaison, Department of the Army, Washington, D.C. 20310.
(5) Except for the records set forth in this section and in § 518.19 installation commanders may furnish the requested records.
(b) Reports to Chief of Legislative Liaison.
(1) Upon release of information to Members of Congress or staffs of congressional committees, the Chief of Legislative Liaison, Department of the Army, will be immediately informed of the action taken.
(2) Requests from Members of Congress or staffs of congressional committees for nonreleasable or defense (classified) information will be referred by the most expeditious means to the Chief of Legislative Liaison, Department of the Army, for action. Referrals will include the material requested together with the recommendations of the transmitting agency.

§ 518.9 Litigation.

Whenever information is released under the provisions of this Part 518 for use in litigation involving the United States, the official responsible for investigative reports (paragraph 6b, AR 27–1) will be advised of such release so that he may include a notation in any investigative report that he may be required to submit pursuant to section II, AR 27–1.

§ 518.10 Exemptions.

Except as authorized in §§ 518.7(c), 518.8 and 518.11, information contained

in the following records will not be released:

(a) Those classified in the interests of national defense and foreign policy pursuant to AR 380–5.

(b) Those containing rules, regulations, orders, manuals, directives, and instructions which provide only internal guidance to DoD personnel. Examples include:

(1) Operating rules, guidelines and manuals for investigators, inspectors, auditors, and examiners, and schedules or methods involved.

(2) Negotiating and bargaining techniques, positions, and limitations.

(3) Personnel and other administrative matters, such as examination questions and answers used in training courses or in the determination of the qualifications of candidates for employment, entrance to duty, advancement, or promotion.

(c) Those containing information which statutes authorize or require to be withheld from the public. Examples include:

(1) Trade and financial information provided in confidence by businesses (18 U.S.C. 1905).

(2) Technical data, including technical data regarding munitions (50 U.S.C. 2023 and 22 U.S.C. 1934).

(3) National Security Agency information (50 U.S.C. 402).

(4) Information relating to inventions which are the subject of patent applications on which Patent Secrecy Orders have been issued (35 U.S.C. 181–188).

(d) Documents containing information received from an individual, a foreign nation, an international organization, a state or local government, a corporation, or any other private organization with the understanding that they will be retained on a privileged or confidential basis. Such records include documents containing:

(1) Information customarily considered privileged or confidential under the rules of evidence in the Federal courts, such as information coming within the doctor-patient, lawyer-client, or priest-penitent privileges.

(2) Commercial or financial information received in confidence in connection with loans, bids, or proposals, as well as other information received in confidence and privileged, such as trade secrets, inventions and discoveries, or other proprietary data.

(3) Statistical data and commercial or financial information concerning contract performance, income, profits, losses and expenditures if received in confidence from a contractor or potential contractor.

(4) Commercial information such as formulae, designs, drawings, and other technical data submitted in confidence in connection with research, grants or contracts.

(5) Personal statements given in the course of inspections or investigations, where such statements are received in confidence.

(e) Except as provided in subparagraph (6) of this paragraph, internal communications within and among agencies and components. Examples include:

(1) Staff papers containing staff advice, opinions, and suggestions, preliminary to a decision or action. These include, for example, reports of inspections, audits, investigations or surveys which pertain to safety, security, or the internal management, administration, or operation of the Department of the Army, which contain recommendations or advice to an official authorized to take action on the subject matter concerned.

(2) Advice, suggestions, or reports prepared on behalf of the Department of the Army by boards, committees, councils, groups, panels, conferences, commissions, task forces, or other similar groups that are formed to provide advice and recommendations.

(3) Advance information on such matters as proposed plans to procure, lease, or otherwise hire and dispose of materials, real estate, facilities, or functions when such information would provide undue or unfair competitive advantage to private personal interests.

(4) Records which are exchanged among agency personnel or within and among components or agencies preparing for anticipated legal proceedings before any federal, state or military court, or before any regulatory body. These include papers and advice exchanged internally in preparation for administrative settlement of potential litigation, such as claims against the Government.

(5) Records of evaluations of contractors and their products which could be used improperly to the advantage or to the detriment of private interests.

(6) If any such intra- or inter-agency information requested would routinely be made available through the discovery process in the course of litigation with the agency, then it should not be withheld from the general public. If, however, the information would not routinely be made available through the discovery process except by a decision of the court based on the particular needs of a litigant balanced against the interests of the agency in maintaining its confidentiality, then the record or document is exempt from the requirement of disclosure to the public.

(f) Information in personnel and medical files, as well as information in similar files that, if disclosed to a member of the public, would result in a clearly unwarranted invasion of privacy.

(1) Examples of files similar to medical and personnel files include:

(i) Those compiled to evaluate or adjudicate the suitability of candidates for civilian employment and the eligibility of individuals, civilian, military or industrial, for security clearances;

(ii) Files containing reports, records, and other material pertaining to individual cases in which administrative action may be taken.

(2) In determining whether the release of information would result in a clearly unwarranted invasion of privacy, consideration should be given, in cases involving alleged misconduct, to the relationship of the alleged misconduct to an individual's official duties, the amount of time which has passed since the alleged misconduct, and the degree to which the individual's privacy has already been invaded by any investigation of proceedings which have taken place. For example, after completion of appellate review, unclassified records of court-martial proceedings should always be made available, since they represent a record of proceedings open to the public in which the relevant conduct of the member has been fully explored. (Records of court-martial proceedings may be made available at an earlier stage if to do so in the judgement of The Judge Advocate General would not interfere with their use by counsel and reviewing authorities.)

(3) When the sole and exclusive basis for withholding information is protection of the personal privacy of an individual, the information will not be withheld from him or from his designated legal representative.

(g) Investigatory files compiled for the purpose of enforcing civil, criminal, or military law, including Executive orders or regulations validly adopted pursuant to law.

(1) This exemption includes statements of witnesses and other material based on the information developed during the course of the investigation and all materials prepared in connection with related government litigation and adjudicative proceedings.

(2) Any rights conferred by existing law or regulation upon specified persons or classes of persons to obtain access to investigatory files are not hereby diminished.

(h) Those contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of any agency responsible for the regulation or supervision of financial institutions.

(i) Documents containing geological and geophysical information and data (including maps) concerning wells.

§ 518.11 Appeals and exceptions.

(a) Authority to take action upon appeals from decisions of local commanders under § 518.7 and to release exempted records under paragraph (b) of this section is assigned to the officials indicated below. The named officials will coordinate all matters relating to the release of exempted information which have public relations aspects with the Chief of Information or with the appropriate information officer in accordance with AR 10–5 and AR 360–6. In cases where the exempted information requested is related to actual or potential litigation by or against the United States, its release will be coordinated with the Judge Advocate General. In cases in which the officials designated below determine that the information requested is not exempt under § 518.10 they will release it on their own authority and will inform the Chief of Information or the Judge Advocate General of its release, as appropriate.

(1) The Adjutant General or his designee is authorized to take action upon all requests involving military personnel records, and medical records of retired, separated, or inactive duty military personnel. Requests for medical records of former military personnel, not covered by the provisions of AR 345–300, will be coordinated with The Surgeon General.

(2) The Surgeon General or his designee is authorized to take action upon all requests involving medical records of active duty military personnel, former military personnel, dependents, any person given a physical examination in connection with prospective appointment, induction or enlistment, and other civilians.

(3) The Deputy Chief of Staff for Personnel or his designee is authorized to take action on requests for release of information contained in civilian personnel records.

(4) The Provost Marshal General or his designee is authorized to take action on requests for release of information contained in criminal investigation reports (DA Form 2800).

(5) Commanders designated in paragraph 32, AR 380–5, are authorized to release defense security information under conditions specified in paragraph 32, AR 380–5.

(6) The Heads of Procuring Activities as listed ASPR 1–201.14 (§ 1.201–14 of this title) are authorized to take action on requests for release of information contained in procurement records.

(7) The Judge Advocate General or his designee is authorized to take action on all other requests except those involving IG reports. Authority to act on IG reports is as prescribed in AR 20–1. The Judge Advocate General is also authorized to take action on requests within the purview of subparagraphs (1) through (4) of this paragraph in cases involving litigation in which the United States has an interest.

(b) The officers named in paragraph (a) of this section may in appropriate cases permit the release of exempted records described in § 518.10 (b) and (i) unless nondisclosure is required by statute. Material exempt under § 518.10(a) may not be released under this section, but must be declassified before release in accordance with the provisions of AR 380–6. Requests for exceptions under this paragraph shall include an explanation of the applicant's interest in the exempted record and the use proposed to be made of it.

§ 518.12 Appeals to the Secretary of the Army.

If a request for an Army record is denied by the officer authorized to take action upon such request in § 518.11, or his designee, the applicant will be informed in writing of the basis for the denial (with reference to the appropriate exemption set forth in § 518.10), and of his opportunity to submit a final appeal in writing to the Secretary of the Army. Such appeals will be submitted to the appropriate officer designated in § 518.11, and will be transmitted by that officer, together with all other materials pertaining to the request, to the Office of the Secretary of the Army.

§ 518.13 Unofficial research in Department of the Army files by U.S. citizens.

(a) *General.* (1) The Chief of Information, U.S. Army, will monitor for the Secretary of the Army the program of unofficial research in Department of the Army files.

(2) Department of the Army files in Army records centers and in facilities of the General Services Administration, subject to conditions set forth in this section, are available for use in connection with approved unofficial research. Space and facilities will be furnished by the custodians to authorized researchers. No withdrawal of the files from the premises will be made for the purpose or unofficial research.

(3) All requests for permission to conduct unofficial research in Department of the Army files will be submitted in duplicate on DA Form 2740 (Application To Use Department of the Army Files). Requests for DA Form 2740 should be addressed to The Adjutant General, ATTN: AGAR, Department of the Army, Washington, D.C. 20315.

(b) *Use of unclassified files in the National Archives and in Federal records centers.* Department of the Army files transferred to the General Services Administration are maintained in the divisions of the National Archives and in the Federal records centers. Requests for access to unclassified files should be directed to the appropriate element of the General Services Administration having custody of the files to be used in the unofficial research. The head of each of these elements is responsible for authorizing access to unclassified Department of the Army files in his custody and acts on all inquiries relating to the use of these files for unofficial research purposes. Unclassified files and information therefrom are made available for unofficial research purposes under the conditions and procedures specified by the respective custodians.

(c) *Use of unclassified files in Army records centers.* Requests for access to unclassified files in Department of the Army records centers will contain, as a minimum, the name of the requester, a description of the research project, and the purpose of the research project. Requests should be directed to the head of the records center having custody of the files in which the research is to be conducted. If the location of the files is not known, the requests should be submitted to The Adjutant General, ATTN: AGAR, Department of the Army, Washington, D.C. 20315. The head of the records center is responsible for authorizing access to unclassified files in his custody.

(d) *Use of classified files*—(1) *Authority.* Discretionary authority is vested in the Secretary of the Army by Executive Order 10816 (24 F.R. 3777, May 12, 1959) to permit persons performing unofficial historical research projects to have access to classified Army records when in his judgment or that of his delegated representative such access is clearly consistent with the interests of national defense and the researchers are trustworthy.

(2) *Delegation of authority.* The authority cited in paragraph (a) of this section is further delegated to the Chief of Information, United States Army.

(3) *Responsibility.* Access to classified files in Army records centers and facilities of the General Services Administration will be permitted for use in connection with unofficial historical research only when the Chief of Information, U.S. Army is satisfied after appropriate inquiry that:

(i) Access to the information will be clearly consistent with the interests of national defense and that the persons to be granted access are trustworthy.

(ii) The relationship of the researcher to the research project is established as being bona fide.

(iii) The researcher agrees that prior to publication or dissemination he will submit his manuscript for clearance to the Chief of Public Information, Attn: Office for the Freedom of Information, Office of the Secretary of the Army, Washington, D.C. 20310.

(4) *Applications.* All requests for access to classified files in Army records centers and in facilities of the General Services Administration will be submitted to the custodian. If the location of the files is not known, the request will be submitted to The Adjutant General, Attn: AGAR. All applications for access to classified files will be submitted in duplicate on DA Form 2740 (Application To Use Department of the Army Files), accompanied by:

(i) DD Form 398 (Statement of Personal History), will be prepared in five copies.

(ii) DA Form 1111 (Certificate of Nonaffiliation With Certain Organizations) will be prepared in one copy.

(iii) FD Form 258 (FBI U.S. Department of Justice Fingerprint Card).

(iv) A signed statement by the researcher and his assistants as follows:

STATEMENT

I, the undersigned, fully understand that any classified information which I may receive from Army records affects the national defense of the United States within the meaning of the espionage laws and that its transmission to an unauthorized person is prohibited under penalties of the statutes pertaining thereto (Title 18, U.S.C., Sections 793 and 794).

(5) *Research operations, notes, and manuscripts*—(i) *Security review of classified documents.* In order to facilitate the use of classified records, authorized researchers will be required to select the classified documents which are to be used. After the documents have been selected and before any notes are made from the documents, The Adjutant General will arrange with the custodian of the records for a review of the documents for possible declassification. Any documents which are declassified will be made available to the researcher.

(ii) *Use of classified documents.* An authorized researcher also may be permitted to examine documents which are not declassified pursuant to the review

under subdivision (i) of this subparagraph. This examination will be limited to a review for background purposes, and notes will not be made from the documents. An exception may be granted to permit the making of a limited number of notes when the researcher can restrict the documents to only a few which are vital to his research project. Notes taken from these documents will be handled as provided below.

(iii) *Format of classified notes.* To facilitate the review and clearance of notes made from classified records, as required in subdivision (v) of this subparagraph, researchers will be required to:

(a) Type notes on letter size paper (8" x 10½") using only one side of sheet. Each sheet of notes will pertain to not more than one document.

(b) Indicate at the top of each note made from a classified document the origin of the document used, its date, subject, folder number or identification, file location, and security classification.

(c) Number each sheet of notes consecutively.

(d) Leave the last 3 inches on the bottom of each sheet of notes blank for use by reviewing authorities.

(e) Prepare and maintain classified notes separately from unclassified notes.

(iv) *Safeguarding classified notes.* The Adjutant General will arrange with custodians of classified records to insure that notes made from classified records are not removed by researchers. Such notes will be safeguarded as defense information until declassified.

(v) *Review and clearance of classified research notes.* (a) The Adjutant General will arrange with the custodian for classified notes made from Army records to be forwarded to him. The Adjutant General will refer the notes for a security review to the appropriate Headquarters, Department of the Army offices having primary interest in the subject matter. The offices concerned will return the notes with recommendations on declassification to The Adjutant General, Attention: AGAR–S, for declassification action.

(*b*) When the security review has been completed, notes which have been declassified will be returned to the researcher by The Adjutant General. Notes or portions thereof which cannot be declassified will be retained by The Adjutant General.

(vi) *Review of manuscript.* Researchers who are permitted access to classified records for unofficial research will submit their final manuscripts for clearance to the Chief of Public Information, Attention: Office for the Freedom of Information, Office of the Secretary of the Army, Washington, D.C. 20310. On completion of clearance action, the Chief of Public Information will return the manuscript to the researcher.

(e) *Reproduction of documents.* Reproduction of unclassified documents by photographic means may be undertaken at Army records centers for unofficial research purposes. Cost of copy reproduction will be borne by the individual for whom the documents are reproduced. Charges for copy reproduction will be made in accordance with prevailing fees. Arrangement of files for copy reproduction purposes will be the responsibility of appropriate personnel of the records center.

§ 518.14 Unofficial research in medical records.

(a) *General.* Army medical records in medical treatment facilities, Army records centers, and in facilities of the General Services Administration may be made available to qualified individuals for the purpose of unofficial research and study. Space and facilities will be furnished by the custodians to authorized researchers. Medical records will not be removed from the premises of the custodian for the purpose of unofficial research. Commanders of medical facilities will not borrow retired records for use by unofficial researchers.

(b) *Responsibilities.* (1) The Surgeon General is responsible for approving requests for access to medical records for unofficial research and study, except as indicated in subparagraph (2) of this paragraph.

(2) Commanders of Army medical facilities are responsible for approving requests from personnel under their command jurisdictions for access to medical records in their facilities.

(c) *Applications.* Except as indicated in paragraph (b) (2) of this section, all requests for access to medical records for unofficial research and study will be addressed to The Surgeon General, Department of the Army, Washington 25, D.C., Attn: MEDDD–HO. The application will contain the following information:

(1) Name and address of the researcher, and any assistants.

(2) Professional qualifications of the researcher, and any assistants.

(3) Description of the project or field of study in which the researcher is engaged.

(4) Reason for requesting the use of Army records.

(5) Particular records to which access is requested and their location.

(6) Inclusive dates during which access is desired.

(d) *Conditions.* Prior to being granted access to medical records, each individual named in the application will be required to sign an agreement stating that:

(1) Information obtained from Army medical records will be treated in accordance with the ethical principles of the medical profession.

(2) The identity of individuals referred to in the medical records will not be divulged without permission of the individuals concerned, and that photographs of an individual, or any exterior portion of the body of an individual will not be released without the consent of the individual concerned.

(3) The researcher understands that permission to examine the records does not imply approval of the project or field of study by The Surgeon General.

(4) All identifying entries pertaining to an individual will be deleted from abstracts or reproduced copies of medical records.

(5) Any published material or lectures on the particular project or study will contain a statement as follows: "The use of Army medical records in the preparation of this material is acknowledged, but it is not to be construed as implying official approval of the Department of the Army of the conclusions presented."

(e) *Reproductions of documents.* Reproductions of documents may be obtained under provisions of § 518.13(e).

§ 518.15 Location of and access by individual concerned or designated representative to military personnel records maintained by The Adjutant General and the Administrator of General Services.

(a) *Purpose.* This section sets forth the locations of and the conditions under which members and former members of the Army, in a status shown below, may review their individual official military personnel files maintained by The Adjutant General and the Administrator of General Services.

(1) Personnel on active duty.

(2) Reserve Component personnel not on active duty.

(3) Retired personnel.

(4) Separated personnel.

(b) *Location of records.* (1) Records of the following personnel are located in The Adjutant General's Office, Personnel Records Division, Department of the Army, The Pentagon, Washington, D.C., 20310:

(i) All active duty commissioned, warrant officer, and enlisted personnel (including members of Reserve Components on extended active duty).

(ii) General officers of all components (active, inactive, or retired).

(2) Records of the following personnel are located in the U.S. Army Records Center, TAGO, 9700 Page Boulevard, St. Louis, Mo. 63132:

(i) Officers and warrant officers completely separated on or after October 6, 1945.

(ii) Officers (except general officers), warrant officers, and enlisted members of Reserve Components not on active duty.

(iii) Enlisted personnel, now separated, whose last date of entry was on or after October 6, 1946.

(iv) All retired officers (except general officers), and all retired enlisted personnel.

(v) Field personnel files of officers (including general officers), warrant officers, and enlisted personnel of the Standby and Retired Reserve.

(3) Records of the following personnel are in the Army Branch, Military Personnel Records Center, GSA, 9700 Page Boulevard, St. Louis, Mo. 63132:

(i) Officer and warrant officer personnel who were completely separated during the period July 1, 1917 through October 5, 1945 inclusive, and who did not re-enter the Army after October 5, 1945.

(ii) Enlisted personnel who were completely separated during the period November 1, 1912 through October 5, 1945 inclusive, and who did not re-enter the Army after October 5, 1945.

(c) *Access and review.* (1) Records of personnel will be made available for access and review by the individual concerned or his authorized representative.

(2) Access to records of personnel in a status shown in paragraph (a) of this section is permitted either in TAGO, Personnel Records Division, The Pentagon, Washington, D.C. or the USARCEN, TAGO, 9700 Page Boulevard, St. Louis, Mo.

(d) *Appointments.* Except in unusual circumstances, a person (or his designated representative) desiring access to his records will contact The Adjutant General, Personnel Records Division, Military Personnel File Review Group (Oxford 7–1111) to arrange for review in Washington, D.C., or the Commanding Officer, U.S. Army Records Center, TAGO, to arrange for review in St. Louis, Mo., at least 2 normal working days in advance of the time the appointment is desired. If access necessitates transfer of records between Washington, D.C., and St. Louis, Mo., or vice versa, request for review should be made 4 working days in advance of the desired appointment. Records will be made available only during normal office hours, Monday through Friday.

(e) *Representative.* An individual may designate in writing a representative, including a legal representative, to review his file if he cannot do so himself. Officers assigned to career management activities or to The Adjutant General's Office may not be designated as representatives for the purpose of reviewing records.

(1) At the time the review is to be made, the written authorization (paragraph (g) of this section) will be presented by the representative to an official employee of the agency or activity (paragraph (c) (2) of this section) in which the review is desired to be conducted. The authorization will not be mailed.

(2) Individuals are cautioned as to the possibility of misinterpretations of the facts reflected in their records by representatives who may not be completely familiar with the personnel policies of the Department of the Army.

(f) *Next of kin.* The privilege to review records is not extended to survivors or next of kin of deceased personnel. A power of attorney does not operate to authorize access to records in these instances.

(g) *Sample letter of authorization.*

To: The Adjutant General,
Department of the Army,
Washington, D.C. 20310
or
Commanding Officer,
U.S. Army Records Center, TAGO,
9700 Page Boulevard,
St. Louis, Mo. 63132

I (name (typed or printed)) request that (full name and address), my authorized representative, be allowed to review my personnel records in the same manner as would be permitted if I presented myself for this purpose.

I am (state present status, i.e., whether on active duty, retired, separated, or a member of the Reserve Components not on active duty).

Signature
Grade, branch of service
Service number

§ 518.16 Supply of maps to the general public.

(a) The sale or distribution of unclassified maps and related materials to individuals and commercial firms is incidental to the primary function of the Army. When requests for maps and related material are received, the following criteria for sale or release will apply:

(1) Material supplied will contain no copyright data.

(2) Maps of foreign areas supplied will be at a scale of 1:500,000 and smaller except as provided in subparagraph (3) of this paragraph.

(3) Unclassified maps of foreign areas at a scale larger than 1:500,000 but smaller than 1:75,000 may be supplied when considered in the best interests of the United States subject to third-nation restrictions. Questionable cases will be referred to the Chief of Engineers, Department of the Army, or appropriate overseas command. All materials so released will contain an appropriate note restricting its use to the individual or firm concerned.

(4) Suitable materials are not available through commercial organizations or in civil agencies of the Federal Government.

(5) Sale will not deplete stocks below quantity deemed necessary to fulfill requirements of the military services.

(6) Large-scale maps, aerial photographs and geodetic control of foreign areas may be released on a need-to-know basis as determined by the Chief of Engineers or appropriate overseas command subject to third-nation restrictions or desire of nation concerned. All material so released will contain an appropriate note restricting its use to the individual or firm concerned.

(b) A sales list of maps and related material available to the public can be obtained on request to: Army Map Service, Corps of Engineers, 6500 Brooks Lane, Washington, D.C. 20315.

(c) Loan of maps to foreign elements: Exhibit, loan, or supply of domestic or foreign maps or related products to foreign elements including governments, military organizations, commercial firms, individuals, and foreign military or civil students attending U.S. military schools:

(1) Requests will be forwarded directly to the Assistant Chief of Staff for Intelligence, Department of the Army for decision.

(2) Most maps of foreign areas at scales of 1:250,000 or larger are subject to third party agreements. That is, the country originally providing the maps (first party) to the United States (second party) has required an agreement that the map will not be released to any third party without prior consent of the first party.

(3) Domestic maps on the public sale list may be released without approval of the Assistant Chief of Staff for Intelligence, U.S. Army.

§ 518.17 Information published in the *Federal Register* or made available for public inspection and copying.

(a) *Information published in the* FEDERAL REGISTER. (1) 5 U.S.C. 552 requires that certain information concerning the Army be made available for the use of the general public through publication in the FEDERAL REGISTER. The following information is made available to the public through publication in the FEDERAL REGISTER:

(i) An outline of the central and field organization of the Army, and the established places at which, the officers from whom, and the methods whereby the public may secure information, make submittals or requests, and obtain decisions.

(ii) The procedures, both formal and informal, by which the Army conducts its business with the public.

(iii) Rules of procedure which must be followed, forms to be completed, sources from which these forms may be obtained, and instructions on the scope and content of any papers, reports, or examinations required to be submitted pursuant to such rules of procedure.

(iv) Statements of general policy and substantive rules of general applicability affecting the public.

(2) No member of the general public will be required to resort to, or be adversely affected by, any matter that is required to be published in the FEDERAL REGISTER, and not so published, unless he has actual and timely notice of the information contained therein.

(b) *Information available for public inspection and copying.* (1) Subject to the exemptions set forth in § 518.12, the following categories of information will be made available for public inspection and copying:

(i) Final opinions (including concurring and dissenting opinions) and orders in adjudications that may be used, cited, or relied upon as precedent in future adjudications.

(ii) Statements of policy and interpretations of less than general applicability which affect the public, but are not published in the FEDERAL REGISTER.

(iii) Administrative staff manuals and instructions, or portions thereof, prescribing Army policies that are determinative of the rights of members of the public, unless these documents are published and offered for sale. This provision does not apply to instructions for employees on the tactics and techniques to be used in performing their duties, or to instructions relating only to the internal management of the Army. Examples of manuals and instructions not normally made available are:

(*a*) Those issued for audit and inspection purposes or those which prescribe operational tactics, standards of performance, or criteria for defense, prosecution, or settlement of cases.

(*b*) Operations and maintenance manuals and technical information con-

cerning munitions, equipment and systems.

(iv) Any materials that are published in the FEDERAL REGISTER pursuant to paragraph (a) of this section.

(2) The following are illustrative of the information that will normally be made available for public inspection and copying:

(i) Army regulations, special regulations, general orders, Department of the Army circulars, Department of the Army pamphlets, the Army Procurement Procedure, and the Armed Services Procurement Regulation.

(ii) Final decisions by boards of review created under the Uniform Code of Military Justice, decisions of the Armed Services Board of Contract Appeals, and decisions of the Army Contract Adjustment Board.

(iii) Any final rules, orders, and opinions in the adjudication of cases of general public interest which may be cited as precedents.

(3) Except for the material specified in subparagraph (5) of this paragraph, any material described in this paragraph is available for public inspection and copying in Room 1A518, The Pentagon, Washington, D.C. 20310, which is open from 0830 to 1700 (8:30 a.m. to 5 p.m.) Monday through Friday.

(4) The Army Library maintains an index system by subject matter to the materials available. The following are examples of the type of index that will be maintained for public reference.

(i) An index of administrative publications (DA Pamphlet 310-1). This pamphlet includes a topical index to Department of the Army regulations, special regulations, circulars, pamphlets, and general orders.

(ii) An index to all materials published in the FEDERAL REGISTER in accordance with paragraph (a) of this section.

(iii) An index to Court-Martial Reports.

(iv) An index to the Armed Services Procurement Regulation. This index can also be used for reference to the Army Procurement Procedure, which follows an identical paragraph numbering system.

(v) An index to the decisions of the Armed Services Board of Contract Appeals.

(vi) An index to the decisions of the Army Contract Adjustment Board issued after July 4, 1967.

(vii) The Army Library maintains a master list of all available indexes and will assist members of the general public in their use of these indexes.

(5) Final decisions by boards of review created under the Uniform Code of Military Justice are available for public inspection and copying at The U.S. Army Judiciary, Office of The Judge Advocate General, 5611 Columbia Pike, Washington, D.C. 20315. An index to all final decisions of boards of review issued after July 4, 1967, is also available at this facility.

(6) The cost of copying any documentary materials made available pursuant to this paragraph will be imposed in accordance with AR 37-30.

(7) Identifying details which if revealed would be a clearly unwarranted invasion of privacy may be deleted from a final opinion, order, statement of policy, interpretation, staff manual, or instruction made available for inspection and copying. However, in every case, the justification for deletion must be fully explained in writing.

(8) No material described in subparagraph (1) of this paragraph, issued, promulgated, or adopted after July 4, 1967, which is not indexed and made available for public inspection and copying may be relied upon, used, or cited as precedent against any member of the public unless such person has actual or timely notice of its terms. If the material described in subparagraph (1) of this paragraph was issued, promulgated, or adopted before July 4, 1967, it need not be indexed, but must be made available for inspection and copying in accordance with this paragraph.

§ 518.12 Officers to whom requests for information may be directed.

(a) *Army publications.* Requests for copies of Army publications or indexes—The Adjutant General, ATTN: AGAM-DI, Department of the Army, Washington, D.C. 20315.

(b) *Medical records.* (1) Requests involving medical records of military personnel may be directed as follows:

(i) Army personnel separated on or after January 1, 1960, and reservists not on active duty—Commanding Officer, U.S. Army Administration Center, 9700 Page Boulevard, St. Louis, Mo. 63132.

(ii) Army officer personnel separated between July 1, 1917, through December 31, 1959, and Army enlisted personnel separated between November 1, 1912, and December 31, 1959—Center Manager, National Personnel Records Center, GSA, 9700 Page Boulevard, St. Louis, Mo. 63132.

(iii) Army personnel separated prior to dates specified in (ii) above—Assistant Archivist for Military Archives, Office of Military Archives, NARS, GSA, Washington, D.C. 20408.

(iv) Military personnel on active duty—the medical treatment facility where they are maintained, if known. If the medical facility is not known, the request may be directed to The Adjutant General, ATTN: AGPP, Department of the Army, Washington, D.C. 20310, if involving commissioned or warrant officer personnel, or to Commanding Officer, U.S. Army Personnel Support Center, Fort Benjamin Harrison, Ind. 46249, if involving enlisted personnel.

(2) *Records of civilians.* Requests for the medical records of civilian employees and all dependents may be directed to the medical treatment facility where maintained, if known. If unknown, or if the records have been retired, requests may be addressed to the Center Manager, National Personnel Records Center, GSA, 111 Winnebago Street, St. Louis, Mo. 63118.

(c) *Military personnel records.* Requests for military personnel records or information may be routed to the same addresses as indicated in paragraph (b) of this section.

(d) *Legal records.* (1) Requests involving records of trial by general court-martial—Chief, U.S. Army Judiciary, Office of The Judge Advocate General, Department of the Army, Washington, D.C. 20315. Requests involving records of trial by summary and special court-martial—The Adjutant General, Washington, D.C. 20310.

(2) Requests involving the administrative settlement of claims—Chief, U.S. Army Claims Service, Office of The Judge Advocate General, Fort Holabird, Md. 20219.

(3) Requests involving debarred or suspended contractors—The Assistant Judge Advocate General for Civil Law, Office of The Judge Advocate General, Department of the Army, Washington, D.C. 20310.

(4) All other requests involving legal matters—The Judge Advocate General, Department of the Army, Washington, D.C. 20310.

(e) *Civil Works program.* Requests involving records relating to construction operation, and maintenance for improvement of rivers, harbors, and waterways for navigation, flood control, and related purposes, including shore protection work of the Department of the Army, may be directed to the appropriate division or district office of the Corps of Engineers, if known; otherwise, to the Chief of Engineers, Department of the Army, Washington, D.C. 20315.

(f) *Civilian personnel records.* Requests involving personnel records of civilian employees other than those pertaining to former employees, may be directed to the installation at which the individual is employed. Requests involving personnel records of former civilian employees may be directed to the Center Manager, National Personnel Records Center, GSA, 111 Winnebago Street, St. Louis, Mo. 63118.

(g) *Procurement matters.* Requests for material relating to procurement activities may be forwarded to the contracting officer concerned, or if not feasible, to the appropriate procuring activity. If the contracting officer or procuring activity is not known, requests may be forwarded to the Assistant Secretary of the Army (I&L).

(h) *Other requests.* Requests involving records of the Department of the Army, not otherwise provided for in this section, may be directed to The Adjutant General, Department of the Army, Washington, D.C. 20310.

KENNETH G. WICKHAM,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 67-8062; Filed, July 13, 1967; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 67-813]

PART 0—COMMISSION ORGANIZATION

Order Regarding Delegation of Authority to Chief, Broadcast Bureau

In the matter of revision of § 0.281 of the Commission's rules and regulations concerning Delegations of Authority to the Chief, Broadcast Bureau.

1. The Commission has reconsidered its delegations of authority to the Chief of the Broadcast Bureau contained in § 0.281 of its rules. Upon reappraisal, the Commission has concluded that it would be conducive to the orderly and expeditious handling of its business and would serve the public interest to revise the authority so delegated, as reflected in the attached rules.

2. These amendments relate to internal Commission organization and practice so that the prior notice provisions of section 4 of the Administrative Procedure Act do not apply. Authority for the promulgation of these amendments is contained in sections 4(i), 4(j), 5(b), and 303(r) of the Communications Act of 1934, as amended.

3. *Accordingly, it is ordered,* Effective July 18, 1967, that Part 0 of the rules and regulations is amended as set forth below.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303)

Adopted: July 5, 1967.

Released: July 10, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

1. In Part 0 of Chapter 1 of Title 47 of the Code of Federal Regulations, § 0.281 is amended by adding the following:

§ 0.281 Authority delegated.

* * * * * *

(dd) To accept and grant reinstatement applications beyond the 30-day period in § 1.534(b) of this chapter.

(ee) To grant temporary operation by remote control pending receipt and consideration of a formal application.

(ff) To waive the provisions of the note to §§ 1.571 and 73.37 of this chapter to the extent necessary to accept and grant an application by an existing standard broadcast facility for change of site or antenna efficiency, which would result in new or increased co-channel or first adjacent channel overlap, if it is found that good cause for the change exists, and such overlap is not in excess of 2 miles along the line of maximum penetration.

(gg) To grant, grant in part, or dismiss, as appropriate, informal applications for Presunrise Service Authority (PSA) in accordance with § 73.99 of this chapter, and to suspend, modify, or withdraw such authority under the circumstances outlined therein.

(hh) To grant temporary authority for subchannel operation.

(ii) In conjunction with the Office of Chief Engineer, to rule on objections based on claimed phonetic similarity arising under § 1.550 of this chapter.

(jj) In conjunction with the Office of Chief Engineer, to waive the provisions of § 1.550(d)(1) of this chapter if an examination of the call signs of the broadcast stations notified by applicant clearly indicates that no significant likelihood of public confusion could arise and that no purpose would be served by the waiting period prescribed.

[F.R. Doc. 67-8135; Filed, July 13, 1967; 8:48 a.m.]

[1] Commissioners Lee and Wadsworth absent.

Title 49—TRANSPORTATION

Subtitle A—Office of the Secretary of Transportation

PART 5—RULE-MAKING PROCEDURES

This amendment adds a new Part 5 "Rule-making Procedures" to the regulations of the Office of the Secretary. The purpose of the part is to describe the procedures applicable to that Office in prescribing public rules and provides for appropriate participation by interested persons. It does not apply to rule making by the National Transportation Safety Board, the U.S. Coast Guard, the Federal Aviation Administration, the Federal Highway Administration, the Federal Railroad Administration, or the St. Lawrence Seaway Development Corporation.

The new part provides for general notices of proposed rule making, to be published in the FEDERAL REGISTER, except in cases where the Secretary finds that notice is impractical, unnecessary, or contrary to the public interest, and except for interpretive rules, general statements of policy, and rules relating to Departmental organization, procedure, or practices. The authority to conduct rule-making proceedings and to issue final rules may be delegated to any Assistant Secretary or the General Counsel.

The new Part also provides for the consideration of petitions for rule making, petitions for exemption from adopted rules, and petitions for extension of time to comment on notices of proposed rule making.

Sections 556 and 557 of Title 5, United States Code (formerly sections 7 and 8 of the Administrative Procedure Act) do not apply to rule making under the new Part. Therefore, hearings are not a required part of the rule-making procedure. However, hearings may be held as a supplementary fact-finding procedure, whenever it is considered necessary or desirable. Any hearing held would be nonadversary, with no formal pleadings and no adverse parties, and any resultant rule would not necessarily be based exclusively on the record of the hearing.

All final rules will be published in the FEDERAL REGISTER, unless, in accordance with section 552(a) of Title 5, United States Code, actual and timely notice has been given to all persons subject to it.

Since this amendment relates to Departmental organization, procedures, and practices, notice and public procedure hereon is unnecessary and it may be made effective in less than 30 days after publication in the FEDERAL REGISTER.

This amendment is made under the authority of section 9 of the Department of Transportation Act (P.L. 89-670; 49 U.S.C. 1657).

In consideration of the foregoing, Title 49 of the Code of Federal Regulations is amended by adding the following new Part 5 "Rule-making Procedures", effective July 14, 1967.

Issued in Washington, D.C., on July 7, 1967.

ALAN S. BOYD,
Secretary of Transportation.

Subpart A—General

Sec.
5.1 Applicability.
5.3 Initiation of rule making.
5.5 Participation by interested persons.
5.7 Regulatory docket.

Subpart B—Petitions for Rule Making or Exemptions

5.11 Filing of petitions.
5.13 Processing of petitions.

Subpart C—Procedures

5.21 General.
5.23 Contents of notices.
5.25 Petitions for extension of time to comment.
5.27 Consideration of comments received.
5.29 Additional rule-making proceedings.
5.31 Hearings.
5.33 Adoption of final rules.

AUTHORITY: The provisions of this Part 5 issued under sec. 9, 80 Stat. 944; 49 U.S.C. 1657.

Subpart A—General

§ 5.1 Applicability.

(a) This part prescribes general rule-making procedures that apply to the issue, amendment, and repeal of rules of the Secretary of Transportation. It does not apply to rules issued by the National Transportation Safety Board, U.S. Coast Guard, Federal Aviation Administration, Federal Highway Administration, Federal Railroad Administration, or St. Lawrence Seaway Development Corporation.

(b) For the purposes of this part, "Secretary" means the Secretary of Transportation or the Under Secretary of Transportation, or any of the following to whom the Secretary has delegated authority to conduct rule-making proceedings:

(1) Any Assistant Secretary.

(2) The General Counsel.

Any of these officers may redelegate that authority to the head of any office who reports to him.

(c) Records relating to rule-making proceedings are available for inspection as provided in Part 7 of this subtitle.

§ 5.3 Initiation of rule making.

The Secretary initiates rule making on his own motion. However, in doing so, he may, in his discretion, consider the recommendations of other agencies of the United States and of other interested persons.

§ 5.5 Participation by interested persons.

Any person may participate in rule-making proceedings by submitting written information or views. The Secretary may also allow any person to participate in additional rule-making proceedings, such as informal appearances or hearings, held with respect to any rule.

§ 5.7 Regulatory docket.

(a) Records of the Office of the Secretary of Transportation concerning rule-making actions, including notices of proposed rule making, comments received in response to those notices, petitions for rule making or exemption, petitions for rehearing or reconsideration, grants and denials of exemptions, denials of petitions for rule making, and final rules are maintained in current docket form in the Office of the General Counsel.

(b) Any person may examine any docketed material at that office and may obtain a copy of any docketed material upon payment of the prescribed fee.

Subpart B—Petitions for Rule Making or Exemptions

§ 5.11 Filing of petitions.

(a) Any person may petition the Secretary to issue, amend, or repeal a rule, or for a permanent or temporary exemption from any rule.

(b) Each petition filed under this section must—

(1) Be submitted in duplicate to the Docket Clerk, Office of the General Counsel, Department of Transportation, Washington, D.C. 20590;

(2) Set forth the text or substance of the rule or amendment proposed, or of the rule from which the exemption is sought, or specify the rule that the petitioner seeks to have repealed, as the case may be;

(3) Explain the interest of the petitioner in the action requested including, in the case of a petition for an exemption, the nature and extent of the relief sought and a description of the persons to be covered by the exemption;

(4) Contain any information and arguments available to the petitioner to support the action sought; and

(5) In the case of a petition for exemption, unless good cause is shown in that petition, be submitted at least 60 days before the proposed effective date of the exemption.

§ 5.13 Processing of petitions.

(a) *General.* Each petition received under § 5.11 of this part is referred to the head of the office responsible for the subject matter of that petition. No public hearing, argument, or other proceeding is held directly on a petition before its disposition under this section.

(b) *Grants.* If the Secretary determines that the petition contains adequate justification, he initiates rule-making action under Subpart C of this part or grants the exemption, as the case may be.

(c) *Denials.* If the Secretary determines that the petition does not justify initiating rule-making action or granting the exemption, he denies the petition.

(d) *Notification.* Whenever the Secretary determines that a petition should be granted or denied, the office concerned and the Office of the General Counsel prepare a notice of that grant or denial for issuance to the petitioner, and the Secretary issues it to the petitioner.

Subpart C—Procedures

§ 5.21 General.

(a) Unless the Secretary finds, for good cause, that notice is impractical, unnecessary, or contrary to the public interest, a notice of proposed rule making is issued and interested persons are invited to participate in the rule-making proceedings with respect to each substantive rule.

(b) Unless the Secretary determines that notice and public rule-making proceedings are necessary or desirable, interpretive rules, general statements of policy, and rules relating to organization, procedure, or practice are prescribed as final without notice or other public rule-making proceedings.

(c) In his discretion, the Secretary may invite interested persons to participate in the rule-making proceedings described in § 5.29 of this subpart.

§ 5.23 Contents of notices.

(a) Each notice of proposed rule making is published in the FEDERAL REGISTER, unless all persons subject to it are named and are personally served with a copy of it.

(b) Each notice, whether published in the FEDERAL REGISTER or personally served, includes—

(1) A statement of the time, place, and nature of the proposed rule-making proceeding;

(2) A reference to the authority under which it is issued;

(3) A description of the subjects or issues involved or the substance or terms of the proposed rule;

(4) A statement of the time within which written comments must be submitted and the required number of copies; and

(5) A statement of how and to what extent interested persons may participate in the proceeding.

§ 5.25 Petitions for extension of time to comment.

(a) Any person may petition the Secretary for an extension of time to submit comments in response to a notice of proposed rule making. The petition must be submitted in duplicate not later than 3 days before expiration of the time stated in the notice. The filing of the petition does not automatically extend the time for petitioner's comments.

(b) The Secretary grants the petition only if the petitioner shows a substantive interest in the proposed rule and good cause for the extension, and if the extension is in the public interest. If an extension is granted, it is granted as to all persons and is published in the FEDERAL REGISTER.

§ 5.27 Consideration of comments received.

All timely comments are considered before final action is taken on a rule-making proposal. Late filed comments may be considered so far as possible without incurring additional expense or delay.

§ 5.29 Additional rule-making proceedings.

The Secretary may initiate any further rule-making proceedings that he finds necessary or desirable. For example, he may invite interested persons to present oral arguments, participate in conferences, appear at informal hearings, or participate in any other proceeding.

§ 5.31 Hearings.

(a) Sections 556 and 557 of Title 5, United States Code, do not apply to hearings held under this part. As a fact-finding proceeding, each hearing is nonadversary and there are no formal pleadings or adverse parties. Any rule issued in a case in which a hearing is held is not necessarily based exclusively on the record of the hearing.

(b) The Secretary designates a representative to conduct any hearing held under this part. The General Counsel designates a member of his staff to serve as legal officer at the hearing.

§ 5.33 Adoption of final rules.

Final rules are prepared by representatives of the office concerned and the Office of the General Counsel. The rule is then submitted to the Secretary for his consideration. If the Secretary adopts the rule, it is published in the FEDERAL REGISTER, unless all persons subject to it are named and are personally served with a copy of it.

[F.R. Doc. 67-8124; Filed, July 13, 1967; 8:47 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Rev. 7, Amdt. 4]

PART 121—SMALL BUSINESS SIZE STANDARDS

Definition of Small Business in Engineering and Architectural Services for Purpose of Receiving Financial Assistance

On April 4, 1967, there was published in the FEDERAL REGISTER (32 F.R. 5516) a proposal to amend the Small Business Size Standards Regulation by establishing a new $2.5 million annual receipts financial assistance size standard for concerns primarily engaged in SIC Industry No. 8911, Engineering and architectural services.

Interested persons were given an opportunity to present their comments or suggestions thereon within 30 days after publication of the proposal in the FEDERAL REGISTER.

After consideration of information which SBA has obtained from Government data, and of all other information concerning the proposal, SBA has determined to establish a new $2.5 million annual receipts size standard for financial assistance purposes only for concerns primarily engaged in rendering engineering services.

Accordingly, the amendment set forth below is hereby adopted.

Part 121 of Chapter I of Title 13 of the Code of Federal Regulations is hereby amended by adding new subparagraph (10) to § 121.3-10(d) thereof to read as follows:

§ 121.3-10 Definition of small business for SBA loans.

* * * * *

(d) *Services.* * * *

(10) As small if it is primarily engaged in rendering engineering services and its annual receipts do not exceed $2.5 million.

Effective date: This amendment shall become effective on publication in the FEDERAL REGISTER.

Dated: June 12, 1967.

R. C. MOOT,
Acting Administrator.

[F.R. Doc. 67-8110; Filed, July 13, 1967; 8:46 a.m.]

Chapter III—Economic Development Administration, Department of Commerce

PART 301—ESTABLISHMENT AND ORGANIZATION

Part 301 of Chapter III, Title 13 of the Code of Federal Regulations is amended as follows:

1. The "Authority" statement is revised to read:

AUTHORITY: The provisions of this Part 301 issued under secs. 214, 302, 701, 79 Stat. 17, 19, 570; 40 U.S.C. App. A 214, 302; 42 U.S.C. 3211; Department Order 5-A, as amended, 31 F.R. 16728-16729 Volume 33, Number 135, July 14, 1967, unless otherwise noted.

2. Paragraph (u) of § 301.2 is revised to read as follows:

§ 301.2 Definitions.

* * * * *

(u) *Secretary.* "Secretary" when used in this chapter without further designation means the Secretary of Commerce, the Assistant Secretary for Economic Development when exercising authorities delegated by the Secretary of Commerce in Department Order 5-A, or any person duly authorized to act for the Secretary of Commerce in his name or stead.

* * * * *

3. Section 301.32 is revised to read:

§ 301.32 Assistant Secretary.

(a) The Economic Development Administration is headed by the Assistant Secretary for Economic Development, who directs the programs and is responsible for the conduct of all activities of the Administration subject to the policies and directives prescribed by the Secretary of Commerce.

(b) He will assist the Secretary in the general supervision and coordination of the Federal Cochairmen and in effecting a resolution of policy questions between the Regional Commissions, their Federal Cochairmen, the Federal Development Committees, and other Federal agencies.

§ 301.35 [Amended]

4. The last phrase of the second sentence of § 301.35, which reads: "provides the principal point of liaison with and support to the Federal Cochairmen and regional commissions." is revised to read: "provides a principal point of liaison with and support to the Federal Cochairmen and regional commissions.".

Dated: July 6, 1967.

A. B. TROWBRIDGE,
Secretary of Commerce.

[F.R. Doc. 67-8028; Filed, July 13, 1967; 8:45 a.m.]

PART 307—REGIONAL ACTION PLANNING COMMISSIONS

Part 307 of Chapter III of Title 13 is completely revised to place general supervision of the Federal Cochairmen directly with the Secretary and to make the regulations conform more closely with statutory language. As revised Part 307 reads as follows:

Subpart A—Economic Development Regions

Sec.
307.1 Authority.
307.2 Purpose of designation.
307.3 Criteria for designation.
307.4 Documentation required for designation.

Subpart B—Modification of Regional Boundaries

307.20 Authority and purpose.
307.21 Documentation required for modification.

Subpart C—Regional Commission

307.30 Establishment.
307.31 Membership.
307.32 Voting.
307.33 Initial meeting.
307.34 Program development criteria.
307.35 Reports.
307.36 Powers and duties generally.
307.37 Hearings.
307.38 Records.

Subpart D—Review of Commission Proposals

307.50 Authority and purpose.
307.51 Comprehensive planning.
307.52 Review standards.

Subpart E—Administrative Grants

307.60 Authority and purpose.
307.61 Procedure for obtaining administrative expenses.
307.62 Terms and conditions.

Subpart F—Technical Assistance

307.70 Authority and purpose.
307.71 Type and form of assistance.
307.72 Procedure for obtaining technical assistance.
307.73 Limitations.
307.74 Repayment.
307.75 Additional information.

Subpart G—Coordination of Federal Cochairmen

307.80 Authority and purpose.
307.81 Role of Federal Cochairmen.
307.82 Procedures for coordination.

Subpart H—Advisory Committee

307.90 Purpose.
307.91 Membership.
307.92 Meetings.

AUTHORITY: The provisions of this Part 307 issued under sec. 701, 79 Stat. 570; 42 U.S.C. 3211.

Subpart A—Economic Development Regions

§ 307.1 Authority.

The Secretary is authorized by section 501 of the Act to designate multistate economic development regions, with the concurrence of the States in which such regions will be wholly or partially located, if he finds that the areas within such regions are related geographically, culturally, historically, and economically, and that the region has lagged behind the whole Nation in economic development.

§ 307.2 Purpose of designation.

Economic development regions are designated in order to give participating States, through the establishment of a common economic development program, the advantages of joint and coordinated action on economic problems extending beyond the boundaries of a single State, and of more effective utilization of the various existing State and Federal programs to implement the regional overall economic development program.

§ 307.3 Criteria for designation.

In order to establish an economic development region under the Act, the Secretary of Commerce must find that:

(a) There is a relationship between the areas within such region geographically, culturally, historically, and economically.

(b) With the exception of Alaska and Hawaii, the region is within contiguous States, and

(c) Upon consideration of the following matters, among others, the region has lagged behind the whole Nation in economic development for the following reasons:

(1) The rate of unemployment is substantially above the national rate,

(2) The median level of family income is significantly below the national median,

(3) The level of housing, health, and education facilities is substantially below the national level,

(4) The economy of the area has traditionally been dominated by only one

or two industries which are in a state of long-term decline.

(5) The rate of outmigration of capital or labor or both is substantial.

(6) The area is adversely affected by changing industrial technology.

(7) The area is adversely affected by changes in national defense facilities or production, and

(8) Indices of regional production indicate a growth rate substantially below the national average.

§ 307.4 Documentation required for designation.

As a basis for designation, the Secretary may request, over the signature of the respective Governors, a formal document requesting designation. This document should contain the following elements:

(a) Compilation of data and statistics about the region which demonstrate that the region meets the statutory criteria under section 501 of the Act,

(b) An outline and discussion of the major general and specific regionwide problems, which need to be resolved on a regional basis,

(c) An analysis which demonstrates why a regionwide approach would be more effective in solving these problems than a State-by-State approach, and

(d) A list of regionwide programs that might appropriately be undertaken in an effort to overcome these problems.

Subpart B—Modification of Regional Boundaries

§ 307.20 Authority and purpose.

[illegible] 302(a)(1) of the Act directs [illegible] action planning commissions established pursuant to the Act to "advise and assist the Secretary in the identification of optimum boundaries for multistate economic development regions." The purpose of this subpart is to set forth the principles and procedures by which the Secretary will consider and act upon proposed boundary adjustments recommended by the commissions.

307.21 Documentation required for modification.

The recommendations of a regional commission for modifications in existing regional boundaries should be accompanied by sufficient documentation to justify the proposed changes, including:

(a) A statistical analysis of the expanded territory in terms of the criteria in § 307.3 of the regulations of this part;

(b) Where appropriate, additional statistics and analyses evidencing inadequate or retarded economic development;

(c) A statistic profile of the expanded territory in terms of population, employment and income;

(d) Information concerning the economic, cultural, historic, or geographic relationship with the areas already situated within the designated economic development region;

(e) A description of the specific economic development problems which are common to the designated region and to the proposed additional territory, and for which action by the regional commission is needed;

(f) A comparison of the economic ties of the additional territory to the designated region as opposed to its economic ties to areas outside the designated region;

(g) The written concurrence of the Governor of the State or States whose territory would be affected by the expansion of the region.

Subpart C—Regional Commission

§ 307.30 Establishment.

The Secretary, in accordance with section 502 of the Act, shall invite and encourage the States wholly or partially located in a designated economic development region to establish a multistate regional commission.

§ 307.31 Membership.

(a) Membership on a regional commission consists of one Federal member, hereinafter referred to as the "Federal Cochairman," and one member from each State participating in the region.

(b) The Federal Cochairman is appointed by the President, by and with the advice and consent of the Senate, and may have an alternate who is similarly appointed. The State member may be the Governor, his designee, or such other person as may be provided by the law of the State which he represents. Each State member may have an alternate, appointed by the Governor or as may otherwise be provided by law.

§ 307.32 Voting.

(a) Decisions by a regional commission require the affirmative vote of the Federal Cochairman and of a majority, or at least one if only one of two, of the State members.

(b) An alternate shall vote in the event of the absence, death, disability, removal, or resignation of the State member or Federal Cochairman.

§ 307.33 Initial meeting.

The Federal Cochairman, after appointment by the President and confirmation by the Senate, is authorized to call the initial organizational meeting of the regional commission, at which time, among other things, the State members may elect a State Cochairman, and the commission may declare its establishment, adopt a charter listing its functions, and adopt resolutions governing the internal administration of the commission.

§ 307.34 Program development criteria.

(a) The Secretary, in accordance with the provisions of section 504 of the Act, through the Federal Cochairman, shall encourage each regional commission in its development of recommendations for programs and projects for future regional economic development, and in the establishment of priority ranking for such programs and projects, to follow procedures that will insure consideration of the following factors:

(1) The relationship of the project or class of projects to overall regional development including its location in an area determined by the State to have a significant potential for growth;

(2) The population and area to be served by the project or class of projects including the relative per capita income and unemployment rates in the area;

(3) The relative financial resources available to the State or political subdivision or instrumentalities thereof which seek to undertake the projects;

(4) The importance of the project or class of projects in relation to other projects or classes of projects which may be in competition for the same funds;

(5) The prospects that the project, on a continuing basis, will improve the opportunities for additional employment, raise the average level of income, or otherwise foster the economic and social development of the area served by the projects.

(b) In order to assist the Federal Cochairmen in carrying out their responsibilities under this section, the Secretary may from time to time issue program planning guidelines for their use and convenience.

§ 307.35 Reports.

In accordance with section 509 of the Act, each regional commission makes a comprehensive and detailed annual report each fiscal year to the Congress with respect to the commission's activities and recommendations for programs. Before the Federal Cochairman approves the report he shall consult with the Secretary, who will insure coordination of any proposals made in the report with the proposals of the several other commissions and those of the interested Federal departments and agencies.

§ 307.36 Powers and duties generally.

The regional commission is authorized by section 506 of the Act to:

(a) Adopt, amend, and repeal bylaws, rules, and regulations governing the conduct of its business and the performance of its functions;

(b) Appoint and fix the compensation of an executive director and such other personnel as may be necessary to enable the commission to carry out its functions, except that such compensation shall not exceed the salary of the alternate to the Federal Cochairman on the commission and no member, alternate, officer, or employee of such commission, other than the Federal Cochairman on the commission and his staff and his alternate, and Federal employees detailed to the commission under paragraph (c) of this section, shall be deemed a Federal employee for any purpose;

(c) Request the head of any Federal department or agency (who is so authorized by section 506(3) of the Act) to detail to temporary duty with the commission such personnel within his administrative jurisdiction as the commission may need for carrying out its functions, each such detail to be without loss of seniority, pay, or other employee status;

(d) Arrange for the services of personnel from any State or local government or any subdivision or agency thereof, or any intergovernmental agency;

(e) Make arrangements, including contracts, with any participating State government for inclusion in a suitable retirement and employee benefit system of such of its personnel as may not be eligible for, or continue in, another governmental retirement or employee benefit system, or otherwise provide for such coverage of its personnel, and the Civil Service Commission of the United States is authorized to contract with such commission for continued coverage of commission employees, who at date of commission employment are Federal employees, in the retirement program and other employee benefit programs of the Federal Government;

(f) Accept, use, and dispose of gifts or donations of services or property, real, personal, or mixed, tangible or intangible;

(g) Enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary in carrying out its functions and on such terms as it may deem appropriate, with any department, agency, or instrumentality of the United States or with any State, or any political subdivision, agency, or instrumentality thereof, or with any person, firm, association, or corporation;

(h) Maintain an office in the District of Columbia and establish field offices at such other places as it may deem appropriate; and

(i) Take such other actions and incur such other expenses as may be necessary or appropriate.

§ 307.37 Hearings.

In accordance with section 507 of the Act, each regional commission may:

(a) Hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and print or otherwise reproduce and distribute so much of its proceedings and reports thereon as it may deem advisable; a Cochairman of such commission, or any member designated by the commission for the purpose, is authorized by the Act to administer oaths when it is determined by the commission that testimony shall be taken or evidence received by oath, and

(b) Arrange for the head of any Federal, State or local department or agency who is authorized by the Act, and to the extent not otherwise prohibited by law, to furnish to the commission such information as may be available to or procurable by such department or agency.

§ 307.38 Records.

The Act requires each regional commission to keep complete records of its transactions, which shall be made available for public inspection.

Subpart D—Review of Commission Proposals

§ 307.50 Authority and purpose.

Section 503(b) of the Act requires the Secretary to "present such plans and proposals of the Commissions as may be transmitted and recommended to him (but are not authorized by any other section of the Act) first for review by the Federal agencies primarily interested in such plans and proposals and then, together with the recommendations of such agencies, to the President for such action as he may deem desirable." The Secretary, in cooperation with the Federal Cochairmen, will determine appropriate procedures for obtaining review of commission proposals by interested departments and agencies.

§ 307.51 Comprehensive planning.

Commission plans and proposals normally should be supported by regional programs which have been endorsed by the commissions which, when fully developed, will ordinarily include the following elements:

(a) *Review of prior studies.* The regional plan should include a review of prior studies concerning the region's economy, together with an indication of the relevance of such studies to the region's current problems.

(b) *Framework for analysis.* The regional plan should include an estimate of the gaps in research and data needed to conduct effective development planning.

(c) *Review of the regional economy.* The regional plan should include projections of population and labor force and employment by key industrial sectors, and an inventory of natural resources. It should analyze the present capability of the infrastructure to support economic growth. It should identify the major growth centers within the region which are capable of long-term economic growth.

(d) *Review of conditions inhibiting growth.* The regional plan should include a review of the major factors which have caused the region to lag behind the Nation as a whole in economic development.

(e) *Review of major plans and pending decisions.* The regional plan should include a review of public and available private plans for capital expansion and investment, and should relate these other public and private plans to the commission's regional plan.

(f) *Establishment of regional goals.* The regional plan should include an explicit statement of the region's economic goals, such as reducing unemployment, raising personal income, raising educational levels, and so forth.

(g) *Determination of a development strategy.* The regional plan should set forth an explicit strategy for achieving the region's specified development goals. This strategy should included an analysis of the extent to which public investment should be concentrated or dispersed, and what kinds of public investments are the most critical for achieving a higher rate of economic growth.

(h) *Review of existing program adequacy.* The regional plan should include a review and analysis of the extent to which existing Federal, State, and local programs are adequate to support the commission's goals and strategies. It should identify the major gaps, modifications, or supplements to existing programs which will help carry out the commission's development strategy.

(i) *Criteria for project identification.* The regional plan should include an analysis of the classes of projects which are consistent with the commission's goals and programs and an identification on a regionwide basis of the locations and types of projects necessary to carry out the regional plan for economic development.

§ 307.52 Review standards.

In reviewing the commission's regional plans and proposals prior to making recommendations to the President, the Secretary will consider the following factors:

(a) *Consistency with national economic trends.* The projections of economic activity contained in the plans will be compared with trends in the national economy. Such projections of regional growth should be reasonably consistent with the projections of national growth and other projections of regional growth, particularly when the regional projections depend for their success upon growing regional exports to national markets.

(b) *Interregional consistency.* Regional plans developed by the commissions should be reasonably consistent with each other, taking into account the differing needs and objectives of the various regions.

(c) *Transference of employment.* The regional plans should not provide for nor encourage the pirating of industry into the region from other parts of the Nation.

(d) *National benefits.* The regional plans should attempt to provide reasonable assurance that economic growth within the region can be sustained with a minimum amount of subsidization; and that the identifiable benefits from the proposed regional program bear a reasonable relationship to the estimated Federal investment.

Subpart E—Administrative Grants

§ 307.60 Authority and purpose.

(a) The Secretary is authorized by section 505(b) of the Act to review and approve the administrative expenses of each regional commission, and to pay such expenses as he approves from Federal funds appropriated for such purposes. For the period ending June 30 of the second full fiscal year following the date of establishment of a commission, the entire administrative expenses

of the commission as approved by the Secretary shall be paid by the Federal Government. Thereafter, not to exceed 50 per centum of such expenses may be paid by the Federal Government.

(b) The purpose of this subpart is to outline the procedures by which such administrative expenses will be paid by the Federal Government.

§ 307.61 Procedure for obtaining administrative expenses.

(a) As a condition to receiving administrative expense funds from the Federal Government, each commission shall submit a proposed budget to the Secretary in such form as he may prescribe. The proposed commission budget should itemize each category of expenditure and contain a proposed work statement indicating the work program and schedule of activities for the commission during the period for which funds are requested.

(b) Such administrative expense funds as are approved by the Secretary shall be made available on a quarterly basis. Approved funds will be deposited into a special trust account established by the U.S. Treasury for the exclusive use of the regional commissions. Expenditures from such trust funds shall be made only upon the proper certification of a duly authorized officer of the commission, except that expenditures from funds reserved for payment to the Department of Commerce for the provision of administrative support to the commissions may be certified by the Secretary or his designee.

§ 307.62 Terms and conditions.

(a) Approval of administrative expense grants are normally subject to the following terms and conditions:

(1) Federal grant assistance may be used only in the performance of the activities and work program outlined in the commission's budget request as approved by the Secretary;

(2) The procurement of supplies, materials, equipment, furniture, and services shall be in compliance with the standard procurement procedures established by the commission, except that such procurement should be channeled, to the maximum extent deemed practicable by the commission, through the established procurement channels of the Department of Commerce; the Department may act as agent for the commission pursuant to a properly executed delegation of authority;

(3) The rate of compensation for positions paid from grant funds should be generally comparable to the rate paid by the Federal Government for similar positions, and commission employees who occupy such positions should generally meet the comparable Federal experience and educational requirements for similar positions;

(4) Reimbursement for travel costs, including transportation, food and lodging incurred by personnel in performance of their official duties while away from their regular place of duty, should be generally comparable to that provided by the standard travel regulations of the Federal Government;

(5) The commission should limit both the number of its employees and the funds spent therefor to the number and amounts set forth in its application as approved by the Secretary, except that this limitation does not apply to additional employees not in any way compensated from funds made available under the Federal administrative expense grant;

(6) The commission must agree to comply with the Civil Rights Act of 1964 and, as a condition to the entitlement to any Federal funds, execute a document of assurance as required by regulations of the Department of Commerce (Part 8 of Subtitle A, Title 15, Code of Federal Regulations);

(7) Technical information resulting from the commission's activities should be freely made available to the general public;

(8) The commission must agree to assign any patents resulting from inventions developed through Federal funds to the Federal Government;

(9) The commission must agree to assign any copyrights for material produced through Federal funds to the Federal Government, and to obtain necessary permissions to use materials copyrighted by others;

(10) Such other terms and conditions as may be imposed in the Offer of Grant Assistance.

(b) In appropriate circumstances, and after due notice and adequate opportunity for hearing, the Secretary may suspend the financial assistance approved under this subpart upon a formal finding that the commission is in violation of the terms of the grant offer or the provisions of these regulations.

(c) No part of the Federal grant funds shall be used, either directly or indirectly, to assist, solicit, or encourage the relocating of any establishment from one area to another or to assist, solicit, or encourage the transfer of contract or subcontract work which would result in a transfer of jobs causing unemployment at the location where such work was previously performed, or to pay any part of the compensation or expense of employees who may at any time engage in such activities for which such funds may not be used.

(d) The commission shall keep such records as will fully disclose the amount and disposition of the total budgeted funds, the purpose of undertaking for which such funds were used, the amount and nature of all contributions from other sources, and such other records as may be necessary. Commission records pertaining to the expenditures of Federal funds should be preserved for a period of not less than three (3) years following disbursement of funds.

(e) The Secretary of Commerce and the Comptroller General of the United States or their duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records of the commission pertaining to the expenditure of Federal funds that will facilitate an effective audit.

Subpart F—Technical Assistance

§ 307.70 Authority and purpose.

The Secretary is authorized by section 805(a) of the Act to provide technical assistance which would be useful in aiding the commissions to carry out their functions under the Act and to develop recommendations and programs.

§ 307.71 Type and form of assistance.

(a) Technical assistance may be undertaken by the Secretary either (1) on his own initiative with respect to the regions generally or with respect to an existing or proposed region for which a commission has not yet formed, or (2) upon the request of any regional commission. It may include studies and plans evaluating the needs of, and developing potentialities for, the economic growth of such region, and research on improving the conservation of human and natural resources of the region.

(b) Technical assistance may be provided through:

(1) Members of the staff of the Department of Commerce;

(2) The payment of funds to other departments or agencies of the Federal Government;

(3) The employment of private individuals, partnerships, firms, corporations, or suitable institutions, under contracts entered into for such purposes.

(4) Grants in aid to the commissions.

§ 307.72 Procedure for obtaining technical assistance.

(a) In requesting technical assistance, each commission should submit an overall program for such research and technical assistance for the 12-month period following the first commission request. This overall program should take into account existing studies and sources of information and identify the information needed to further the commission's planning activities.

(b) Each commission proposal for research and for technical assistance should be related to its overall program of research and technical assistance.

(c) Proposals for research and technical assistance may be submitted to the Secretary or his designee who will assist the commissions in determining whether similar research is underway or results otherwise already available. On request the Secretary or his designee will provide technical advice on the scope and objective of the proposed study to the commission.

(d) At the request of the commissions the Secretary will arrange for the procurement of such research and technical assistance.

§ 307.73 Limitations.

Technical assistance funds may not be used to cover the cost of work already performed or of services already provided.

§ 307.74 Repayment.

The Secretary may in his discretion require the repayment of technical assistance and prescribe the terms and conditions of such repayment.

§ 307.75 Additional information.

The Secretary may require such additional information and evidence supplemental to the request for technical assistance as he deems appropriate.

Subpart G—Coordination of Federal Cochairmen

§ 307.80 Authority and purpose.

(a) The Secretary of Commerce is authorized by section 601(a) of the Act to "coordinate the Federal Cochairmen appointed heretofore or subsequent to this Act." The President, by letter dated June 17, 1966, asked the Secretary of Commerce to "assume the general supervision of the Federal Cochairmen, and otherwise take the lead within the Federal Government in providing a means for all Federal agencies concerned to present their views and exchange information as a basis for the development of such policies." The President also has directed each of the Federal Cochairmen to seek the guidance of the Secretary and that of the Department of Commerce with respect to each proposal coming before their respective commissions.

(b) The purpose of this subpart is to outline a procedure for insuring that the requirements of policy coordination set forth in the Act and in the President's letter of June 17, 1966, are effectively carried out.

§ 307.81 Role of Federal Cochairmen.

Federal Cochairmen appointed by the President to regional action planning commissions represent Federal policies and interests on the commission. In carrying out this responsibility, Federal Cochairmen will actively present to the commissions the policies and viewpoints of the executive branch.

§ 307.82 Procedures for coordination.

In carrying out their assigned responsibilities, the Federal Cochairmen shall maintain a close working relationship with the Secretary and, under his guidance, shall maintain continuous liaison with the departments and agencies of the Federal Government.

Pursuant to this responsibility, each Federal Cochairman shall:

(a) Send minutes of all commission meetings to the Secretary;

(b) Provide a written monthly report to the Secretary, setting forth the major policy issues expected to arise in the course of the program and to be considered by the regional commission;

(c) Keep the Secretary advised of matters affecting the Federal interest in an important or novel way;

(d) Ascertain, in consultation with the Secretary, Federal policy regarding major matters to come before the commission.

Subpart H—Advisory Committee

§ 307.90 Purpose.

In accordance with section 602 of the Act, the Secretary shall appoint a National Public Advisory Committee on Regional Economic Development to advise him relative to the carrying out of his duties under the Act.

§ 307.91 Membership.

The Advisory Committee shall consist of 25 members and shall be composed of representatives of labor, management, agriculture, State and local government, and the public in general. From the members appointed to such Committee, the Secretary shall designate a Chairman.

§ 307.92 Meetings.

The Advisory Committee shall hold not less than two meetings during each calendar year and otherwise at the call of the Chairman.

Dated: July 6, 1967.

ALEXANDER B. TROWBRIDGE,
Secretary of Commerce.

[F.R. Doc. 67-8029; Filed, July 13, 1967; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[8 CFR Parts 211, 212, 214, 241, 292]

IMMIGRATION REGULATIONS

Notice of Proposed Rule Making

Pursuant to section 553 of Title 5 of the United States Code (P.L. 89–554, 80 Stat. 383), notice is hereby given of the proposed issuance of the following rules pertaining to miscellaneous amendments to Parts 211, 212, 214, 241, and 292. The amendment to § 211.1(b)(1) confers benefits upon persons affected thereby; the amendment to § 212.8(b)(5) is clarifying in nature; the amendment to § 214.3(b) relieves restrictions; and the amendments to § 241.1 and § 292.5(a) relate to agency procedure. In accordance with section 553, interested persons may submit to the Commissioner of Immigration and Naturalization, Room 757, 119 D Street NE., Washington, D.C. 20536, written data, views, or arguments relative to these proposed rules. Such representations may not be presented orally in any manner. All relevant material received within 20 days following the day of publication of this notice will be considered.

In Part 211—Documentary Requirements: Immigrants; Waivers, the third sentence of subparagraph (1) *Form I–151, Alien Registration receipt card* of paragraph (b) *Aliens returning to an unrelinquished lawful permanent residence* of § 211.1 *Visas* is amended to read as follows: "An alien regularly serving as a crewman in any capacity required for normal operations and services aboard an aircraft or vessel of American registry who is returning to an unrelinquished lawful permanent residence in the United States after a temporary absence abroad not exceeding one year may, in lieu of an immigrant visa, present Form I–151 duly issued to him, notwithstanding travel to, in, or through any of the restricted places named in this subparagraph pursuant to his employment as a crewman."

In Part 212—Documentary Requirements: Nonimmigrants; Waivers; Admission of Certain Inadmissible Aliens; Parole, subparagraph (5) of paragraph (b) *Aliens not required to obtain labor certifications* of § 212.8 *Certification requirement of section 212(a)(14)* is amended to read as follows: "(5) an alien who establishes satisfactorily that he has been accepted by an institution of learning in the United States for a full course of study of at least two full consecutive academic years and that he has sufficient financial resources to support himself and will not seek employment during that period. If it will be necessary for the spouse of such a student to accept employment in the United States, the spouse must obtain a labor certification notwithstanding the provisions of subparagraph (2) of this paragraph."

In Part 214—Nonimmigrant Classes, the sixth sentence of paragraph (b) *Supporting documents* of § 214.3 *Petitions for approval of schools* is amended to read as follows: "Except in connection with a petition submitted by a school or school system owned and operated as a public educational institution or system by the United States or a State or political subdivision thereof, or by a school listed in the current U.S. Office of Education publication, 'Accredited Higher Institutions' or 'Education Directory, Part 3, Higher Education,' or by a secondary school operated by or as part of a school so listed, a school catalogue, if one is issued, shall also be submitted with each petition."

In Part 241—Judicial Recommendations Against Deportation, § 241.1 is amended to read as follows:

§ 241.1 Notice; recommendation.

For the purposes of clause 2 of section 241(b) of the Act, notice to the district director having administrative jurisdiction over the place in which the court imposing sentence is located shall be regarded as notice to the Service. The notice shall be transmitted to the district director by the court, a court official, or by counsel for the prosecution or the defense, at least 5 days prior to the court hearing on whether a recommendation against deportation shall be made. If less than 5 days' notice is received and sufficient time remains to prepare proper representations, due notice shall be regarded as having been made. When less than 5 days' notice is received and sufficient time is not available to prepare proper representations, but the 30-day statutory period will expire before proper representations can be prepared, an objection shall be interposed to the recommendation against deportation on the ground that due notice was not received. If the notice is received after the running of the 30-day statutory period, it shall be regarded as an invalid notice and whatever Service proceedings are warranted shall be instituted irrespective of the recommendation against deportation. The district director, or an official acting for him, in presenting representations to the court, shall advise the court the effect a favorable recommendation would have upon the alien's present and prospective deportability. A recommendation against deportation by the sentencing court made to the district director receiving the notice shall be regarded as made to the Attorney General.

In Part 292—Representation and Appearances, the last sentence of paragraph (a) *Representative capacity* of § 292.5 *Service upon and action by attorney or representative of record* is amended to read as follows: "Except where otherwise specifically provided in this chapter, whenever a notice, decision, or other paper is required to be given or served, it shall be done by personal service or by first class, certified, or registered mail upon the attorney or representative of record or upon the person himself if unrepresented."

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

Dated: July 10, 1967.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 67–8105; Filed, July 13, 1967; 8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 8278]

AIRWORTHINESS DIRECTIVES

Avions Marcel Dassault Fan Jet Falcon Airplanes, Serial Nos. 1 Through 94

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Avions Marcel Dassault Fan Jet Falcon airplanes, Serial Nos. 1 through 94. There have been inflight failures of the pressurization control microswitch installation which have caused jamming of the engine power levers in a low-power range. Since this condition is likely to exist or develop in other airplanes of the same type, the proposed airworthiness directive would require the modification of the type MF 2006 pressurization control microswitch installation by the addition of a support, P/N MY.20.240.3801, and a leaf spring, P/N MY 20.240.3802, in accordance with Avions Marcel Dassault Service Bulletin No. 211 (76–4).

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before August 14, 1967, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

AVIONS MARCEL DASSAULT. Applies to Fan Jet Falcon airplanes, Serial Nos. 1 through 94.

Compliance required within the next 200 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent jamming of the engine power lever, modify the type MF 2006 pressurization control microswitch installation by the addition of a support P/N MY.20.240.3801, and a leaf spring, P/N MY.20.240.3802, in accordance with Avions Marcel Dassault Service Bulletin No. 211 (76–4), revision 1, dated April 4, 1967, or later SGAC-approved revision, or an equivalent approval by the Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East Region.

Issued in Washington, D.C., on July 6, 1967.

EDWARD C. HODGSON,
Acting Director, Flight Standards Service.

[F.R. Doc. 67–8111; Filed, July 13, 1967; 8:46 a.m.]

[14 CFR Part 39]

[Docket No. 8277]

AIRWORTHINESS DIRECTIVES

Avions Marcel Dassault Fan Jet Falcon Airplanes, Serial Nos. 1 Through 89, Except Serial Nos. 73, 78, 82, 85, and 87

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Avions Marcel Dassault Fan Jet Falcon airplanes, Serial Nos. 1 through 89, except Serial Nos. 73, 78, 82, 85, and 87. Field inspections of these airplanes have revealed numerous incidents of wing to fuselage recess and attachment bolt corrosion. Since this condition is likely to exist or develop in other airplanes of the same type, the proposed airworthiness directive would require repetitive inspections of the recesses of the wing fuselage junction and specified attachment bolts for corrosion and the incorporation of Dassault Modifications M1014A, M1014C, and M1057 when corrosion is detected but in any event not later than December 31, 1968.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before August 14, 1967, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

AVIONS MARCEL DASSAULT. Applies to Fan Jet Falcon Airplanes Serial Nos. 1 through 89, except Serial Nos. 73, 78, 82, 85, and 87.

Compliance required as indicated.

To detect and prevent corrosion of the wing to fuselage recesses and the wing to fuselage attachment bolts, accomplish the following, unless already accomplished:

(a) For all airplanes, within the next 200 hours' time in service after the effective date of this AD, and thereafter at intervals not to exceed 200 hours' time in service from the last inspection, visually inspect the recesses of the wing fuselage junction for signs of corrosion, in accordance with Dassault Service Bulletin No. 282 (57–14), dated April 12, 1967, or later SGAC-approved or FAA-approved revision, or in accordance with an FAA-approved equivalent.

(b) For airplanes without Dassault Modifications M1014A and M1014C and with more than 400 hours' time in service on the effective date of this AD, within the next 200 hours' time in service after the effective date of this AD, and thereafter at intervals not to exceed 600 hours' time in service from the last inspection, inspect the wing to fuselage attachment bolts for signs of corrosion, in accordance with Dassault Service Bulletin No. 282 (57–14), dated April 12, 1967, or later SGAC-approved or FAA-approved revision, or in accordance with an FAA-approved equivalent.

(c) For airplanes without Dassault Modifications M1014A and M1014C and with less than 400 hours' time in service on the effective date of this AD, prior to the accumulation of 600 hours' time in service, and thereafter at intervals not to exceed 600 hours' time in service from the last inspection, inspect the wing to fuselage attachment bolts for signs of corrosion in accordance with Dassault Service Bulletin No. 282 (57–14), dated April 12, 1967, or later SGAC-approved or FAA-approved revision, or in accordance with an FAA-approved equivalent.

(d) If corrosion is found when conducting the inspections required by paragraphs (a), (b), or (c), within the next 200 hours' time in service, comply with paragraph (f).

(e) If no corrosion is found during the inspections required by paragraphs (a), (b), or (c), incorporate the modifications specified in paragraph (f) prior to the accumulation of 1,200 hours' time in service from the effective date of this AD, but in any event not later than December 31, 1968.

(f) Incorporate Dassault Modifications M1014A, M1014C, and M1057, in accordance with Dassault Service Bulletins No. 284, revision 1, dated April 12, 1967, and No. 285, dated April 12, 1967, or later SGAC-approved or FAA-approved revisions, or an FAA-approved equivalent.

(g) The repetitive inspections, required by paragraphs (a), (b), and (c), may be discontinued after the incorporation of Dassault Modifications M1014A, M1014C, and M1057.

Issued in Washington, D.C., on July 6, 1967.

EDWARD C. HODGSON,
Acting Director, Flight Standards Service.

[F.R. Doc. 67–8113; Filed, July 13, 1967; 8:46 a.m.]

[14 CFR Part 39]

[Docket No. 7620]

AIRWORTHINESS DIRECTIVES

British Aircraft Corp. Model BAC 1–11, 200 and 400 Series Airplanes

Amendment 39–321 (31 F.R. 16125), AD 67–1–1, established service life limits for flap carriage links P/N AB09 A943 on British Aircraft Corp. Model BAC 1–11, 200 and 400 Series airplanes until such links are replaced with modification PM 2245 links P/N AB09 A3657. However, service experience after the issuance of Amendment 39–321 indicates that it is necessary to establish service life limits for the post modification PM 2245 flap links P/N AB09 A3657. Therefore, the agency is considering superseding Amendment 39–321 with a new AD that establishes service life limits for both flap carriage links P/N AB09 A943 and post modification PM 2245 flap links P/N AB09 A3657.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before August 14, 1967, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

BRITISH AIRCRAFT. Applies to Model BAC 1–11, 200 and 400 Series airplanes.

Compliance required as indicated.

To prevent fatigue failures of the flap carriage links P/N AB09 A943 and post modification PM 2245 flap carriage links P/N AB09 A3657, accomplish the following:

(a) For airplanes equipped with carriage links P/N AB09 A943, within the next 800 landings after January 16, 1967, or before the accumulation of the number of landings specified in Column 2 or Column 3, as applicable, for the respective flap numbers

specified in Column 1, whichever occurs later, and thereafter at intervals not to exceed the number of landings specified for that flap number and series of airplane, replace carriage links P/N AB09 A943 with new links of the same part number; or replace with carriage links P/N AB09 A3657. If carriage links P/N AB09 A3657 are used as replacements, they must be replaced in accordance with the requirements of paragraph (b).

(Column 1) Flap No. (link location)	(Column 2) Number of landings 300 series airplanes	(Column 3) Number of landings 400 series airplanes
1	3,000	2,000
2	12,000	8,000
3	24,000	16,000

(b) For airplanes equipped with carriage links P/N AB09 A3657, within the next 300 landings after the effective date of this AD or before the accumulation of the number of landings specified in column 2 or column 3, as applicable, for the respective flap number specified in column 1, whichever occurs later, and thereafter at intervals not to exceed the number of landings specified for that flap number and series of airplane, replace carriage links P/N AB09 A3657 with new links of the same part number, or replace with carriage links P/N AB09 A943. If carriage links P/N AB09 A943 are used as replacements, they must be replaced in accordance with the requirements of paragraph (a).

(Column 1) Flap No. (link location)	(Column 2) Number of landings 300 series airplanes	(Column 3) Number of landings 400 series airplanes
1	4,000	3,000
2	16,000	12,000
3	32,000	24,000

(c) For the purpose of complying with this AD, subject to acceptance by the assigned FAA maintenance inspector, the number of landings may be determined by dividing each airplane's hours' time in service by the operator's fleet average time from takeoff to landing for the airplane type.

(British Aircraft Corp. (Operating), Ltd. (Weybridge Division), Alert Service Bulletin No. 27-A-PM 2245, Issue 2, pertains to this subject.)

This supersedes Amendment 39-321, AD 67-1-1.

Issued in Washington, D.C., on July 6, 1967.

JAMES F. RUDOLPH,
Acting Director,
Flight Standards Service.

[F.R. Doc. 67-8113; Filed, July 13, 1967; 8:46 a.m.]

[14 CFR Part 39]

[Docket No. 8279]

AIRWORTHINESS DIRECTIVES

Dart Model 542-4 and 542-10 Engines

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Dart Model 542-4 and 542-10 engines. There have been instances of cracking and crazing of fuel and oil pressure indicator hoses due to heat deterioration resulting in fuel and oil leaks. Since this condition is likely to exist or develop in other engines of the same type, the proposed airworthiness directive would require periodic inspection of specified fuel and oil hoses and the replacement of defective hoses. The proposed AD also provides that the inspections of the fuel hoses may be discontinued after the incorporation of Rolls-Royce Modifications 1455 or 1467 and that the inspections of the oil pressure hoses may be discontinued after the incorporation of Rolls-Royce Modification 1453.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before August 14, 1967, will be considered by the Administrator before taking action upon the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

ROLLS-ROYCE. Applies to Dart Model 542-4 and 542-10 engines.

Compliance required as indicated, unless already accomplished. To prevent failure of fuel and oil hoses, accomplish the following:

(a) For fuel hoses, P/N's RU.21448, RK.-38339A, RK.29902, RK.38340A, RU.21447, RK.-29900A, RK.38361, RU.21455A, RK.29901A, and oil pressure indicator hose P/N RU.-21440A, with 700 or more hours total time in service on the effective date of this AD, within the next 100 hours' time in service after the effective date of this AD and at intervals thereafter not to exceed 125 hours' time in service from the last inspection, remove and inspect for cracks and crazing in accordance with Rolls-Royce Alert Service Bulletin DA73-A49 or later ARB-approved issue, or FAA-approved equivalent.

(b) For fuel hoses, P/N's RU.21448, RK.1-38339A, RK.29902, RK.38340A, RU.21447, RK.-29900A, RK.38361, RU.21455A, RK.29901A, and oil pressure indicator hose P/N RU.-21440A, with less than 700 hours' time in service on the effective date of this AD, before the accumulation of 800 hours' time in service and at intervals thereafter not to exceed 125 hours' time in service from the last inspection, remove and inspect for cracks and crazing in accordance with Rolls-Royce Alert Service Bulletin Da 73-A49 or later ARB-approved issue, or FAA-approved equivalent.

(c) If cracking or crazing of the hose is detected during the inspections required by (a) and (b), before further flight, replace with a new assembly.

(d) The repetitive inspections required under (a) or (b) for the fuel hoses may be discontinued following the incorporation of ARB-approved Rolls-Royce Modification 1455 or 1467, or FAA-approved equivalent.

(e) The repetitive inspections required under (a) or (b) for the oil pressure indicator hoses may be discontinued following the incorporation of ARB-approved Rolls-Royce Modification 1453, or FAA-approved equivalent.

Issued in Washington, D.C., on July 7, 1967.

EDWARD C. HODSON,
Acting Director,
Flight Standards Service.

[F.R. Doc. 67-8114; Filed, July 13, 1967; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-SW-48]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations which would alter the Albuquerque, N. Mex., control zone. The northerly extension of the control zone would be increased from 5.5 to 7 miles so as to conform to revised criteria applicable to control zone extensions.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal Docket will also be available for examination at the Office of the Chief, Air Traffic Division.

It is proposed that the Albuquerque, N. Mex., control zone, as described in FAR, Part 71, § 71.171 (32 F.R. 2072) be amended to read:

ALBUQUERQUE, N. MEX.

Within a 5-mile radius of Albuquerque Sunport Airport/Kirtland AFB (latitude 35°02'42" N., longitude 106°36'02" W.); within 2 miles each side of the extended centerline of Runway 35, extending from the 5-mile radius zone to 7 miles N of the N end of Runway 35; within 8 miles each side of the extended centerline of Runway 17, extending from the 5-mile radius zone to 8 miles S of the S end of Runway 17; and within 2 miles each side of the Albuquerque VORTAC 090° radial, extending from the 5-mile radius zone to the VORTAC.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Fort Worth, Tex., on July 6, 1967.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 67-8115; Filed, July 13, 1967; 8:46 a.m.]

[14 CFR Part 77]

[Docket No. 8276; Notice No. 67-29]

OBJECTS AFFECTING NAVIGABLE AIRSPACE

Notice of Proposed Rule Making

The Federal Aviation Administration is considering amendments that would make minor substantive changes and editorial corrections to Part 77 of the Federal Aviation Regulations.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before September 1, 1967, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Currently, subdivisions (i), (ii), and (iii) of § 77.13(a)(2), and paragraph (a)(4) of § 77.13 specify that the notice requirements of paragraph (a) of § 77.13 apply to certain construction or alteration proposals on or near any airport, if that airport is listed in the Airport Directory of the current Airman's Information Manual or is operated by a Federal military agency. Consequently, civil airports in the Alaska and Pacific Regions are excluded because they are listed in the Alaska and Pacific Airman's Guide and Chart Supplement and not in the Airport Directory. Furthermore, airports that are planned, proposed, or under construction are not listed in any of the above-mentioned publications.

This amendment proposes to make the notice requirements of paragraph (a) of § 77.13 applicable to proposals near an airport that is listed in the current Alaska or Pacific Airman's Guide and Chart Supplement, or is a planned or proposed airport or airport under construction, that is the subject of a notice or proposal on file with the FAA. This would be in addition to the present requirement applicable to construction or alteration proposals near an airport that is either listed in the Airport Directory of the current Airman's Information Manual or is operated by a Federal military agency. Additionally, the proposed amendment specifies that the affected airport must be available for public use.

The runway lengths referred to in subdivisions (i) and (ii) of § 77.13(a)(2) are the actual lengths of the runways and should not be confused with corrected runway lengths. The amendment would avoid possible confusion by using the term "actual length" in each instance.

Paragraph (a)(3) of § 77.13 refers to an interstate highway but does not define this term. This proposal would limit this reference to highways designated as part of the National System of Military and Interstate Highways. These highways are designated by a "blue shield," i.e., US No. 95, and are designed with minimum vertical clearance of 17 feet at crossings.

Paragraph (a)(5) of § 77.13 requires a notice of proposed construction or alteration when requested by the FAA. The objective of this Part is to provide notice to the FAA of proposed construction that would be an obstruction to air navigation. If the FAA is aware of the construction already, it obviously has no need of further notice of that construction. Since the FAA has not utilized this provision and it serves no useful purpose, it is proposed to delete this requirement.

Paragraph (c) of § 77.15 presently identifies certain types of objects, the locations and heights of which are fixed by their functional purposes, for which notice is not required. FAA-approved aircraft arresting devices are not named in this paragraph, therefore, a strict interpretation of this paragraph might not include FAA-approved aircraft arresting devices. To avoid this possibility, § 77.15(c) should be amended to include specifically an "aircraft arresting device". Additionally, certain editorial changes are proposed that would eliminate unnecessary repetition.

Section 77.17 lists the Regional offices of the FAA and specifies that the notice of construction required by § 77.13(a) shall be submitted to the applicable Regional office. The FAA has now established area offices and it is proposed that the notice of construction be submitted to the Area Manager of the Federal Aviation Area Office having jurisdiction over the area in which the construction or alteration will be located. A list of the area offices and the areas covered by each office is shown for the convenience of the public.

Section 77.21 states the scope of Subpart C—Obstruction Standards which replaced and revoked similar standards in Technical Standard Order TSO/N18 when Part 77 was revised effective May 1, 1965. The third sentence of § 77.21(a) would be reworded to state more clearly the applicability of the standards to navigation facilities and controlled airspace. Section 77.21(6) would be revised to include a reference to the airports listed in the Alaska and Pacific Airman's Guide, and would require that a civil airport must be available for public use to come within the classes of airports to which this Part is applicable.

Section 77.23 contains the standards for determining obstructions. In that section it is proposed to combine that portion of the standard contained in paragraph (a)(3) with the related information in paragraph (c).

It is proposed to clarify the fact that there are two ends to a primary surface by changing the phrase "the end of the primary surface" to "each end of the primary surface" as it appears in paragraph (b) and (c) of § 77.27.

It is proposed to amend § 77.39 to clarify the fact that a determination to which § 77.39(d) is applicable may be revised or extended under the provisions of § 77.37(b). This is in accordance with the FAA's interpretation of that section, and effects no substantive change therein.

In consideration of the foregoing, it is proposed to amend Part 77 as hereinafter set forth:

1. Paragraph (a)(2), (3), (4) and (5) of § 77.13 would be amended as follows:

§ 77.13 Construction or alteration requiring notice.

(a) * * *

(2) Any construction or alteration of greater height than an imaginary surface extending outward and upward at one of the following slopes:

(i) 100 to 1 for a horizontal distance of 20,000 feet from the nearest point of the nearest runway of each airport specified in subparagraph (5) of this paragraph with at least one runway more than 3,200 feet in actual length, excluding heliports and seaplane bases without specified boundaries.

(ii) 50 to 1 for a horizontal distance of 10,000 feet from the nearest point of the nearest runway of each airport specified in subparagraph (5) of this paragraph with its longest runway no more than 3,200 feet in actual length, excluding heliports and seaplane bases without specified boundaries.

(iii) 25 to 1 for a horizontal distance of 5,000 feet from the nearest point of the nearest landing and takeoff area of each heliport specified in subparagraph (5) of this paragraph.

(3) Any highway, railroad, or other traverse way for mobile objects, of a height which if adjusted upward 17 feet for an Interstate Highway that is part of the National System of Military and Interstate Highways where overcrossings are designed for a minimum of 17 feet vertical distance, 15 feet for other highways, 25 feet for a railroad, and, for any other traverse way, an amount equal to the height of the highest unshielded mobile objects that would normally traverse it, would exceed a standard of subparagraph (1) or (2) of this paragraph.

(4) Any construction or alteration on an airport specified in subparagraph (5) of this paragraph.

* * * * *

(5) Paragraph (a) applies to any of the following airports, and to seaplane bases with specified boundaries.

(i) An airport that is available for public use and is listed in the "Airport Directory" of the current Airman's Information Manual or in either the Alaska or Pacific Airman's Guide and Chart Supplement.

(ii) A planned or proposed airport or an airport under construction, that is the subject of a notice or proposal on file with the Federal Aviation Administration, provided, except for military airports, it is clearly indicated that that airport will be available for public use.

(iii) An airport that is operated by an Armed Force of the United States.

* * * * *

2. Section 77.15(c) would be amended to read as follows:

§ 77.15 Construction or alteration not requiring notice.

* * * * *

(c) Any air navigation facility, airport visual approach or landing aid, aircraft arresting device, or meteorological device, approved by the Administrator, the location and height of which is fixed by its functional purpose.

* * * * *

3. Section 77.17 (a) and (d) would be amended to read as follows:

§ 77.17 Form and time of notice.

(a) Each person who is required to notify the Administrator under § 77.13 (a) shall send two executed copies of FAA Form 117, "Notice of Proposed Construction or Alteration," to the Area Manager, FAA Area Office having jurisdiction over the area within which the construction or alteration will be located. Copies of FAA Form 117 may be obtained from the headquarters of the Federal Aviation Administration, the regional and the area offices.

The Area offices' geographic areas of jurisdiction for each FAA Region are:

1. *Eastern Region, Jamaica, Long Island, N.Y.*

(a) *New York Area Office, John F. Kennedy International Airport, Jamaica, Long Island, N.Y. 11430.* States of New York (counties of Bronx, New York, Kings, Queens, Richmond, Nassau, Suffolk, Westchester, Rockland, Orange, Putnam, Dutchess, Ulster, Sullivan), New Jersey, Delaware, and Pennsylvania (counties of Tioga, Clinton, Centre, Huntington, Franklin, and all counties east thereof).

(b) *Boston Area Office, Burlington, Mass. 01804.* The States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, and New York (except the counties under the jurisdiction of the FAA New York Area Office).

(c) *Cleveland Area Office, Rocky River, Ohio 44116.* The States of Ohio, Kentucky, and Pennsylvania (counties of Potter, Cameron, Clearfield, Blair, Bedford, Fulton, and all counties west thereof).

(d) *Washington Area Office, Falls Church, Va. 22046.* The States of Maryland, Virginia, West Virginia, and the District of Columbia.

2. *Southern Region, Atlanta, Ga.*

(a) *Atlanta Area Office, Atlanta, Ga. 30320.* The States of Georgia, North Carolina, and South Carolina.

(b) *Memphis Area Office, Memphis, Tenn. 38118.* The States of Tennessee, Alabama, and Mississippi.

(c) *Miami Area Office, Miami, Fla. 33159.* The State of Florida.

(d) *San Juan Area Office, San Juan, P.R. 00913.* Puerto Rico and the Virgin Islands.

3. *Southwest Region, Fort Worth, Tex.*

(a) *Albuquerque Area Office, Albuquerque, N. Mex. 87106.* The State of New Mexico and that area of the State of Texas lying west of the 100th meridian.

(b) *Fort Worth Area Office, Fort Worth, Tex. 76101.* The States of Arkansas and Oklahoma and that area of the State of Texas lying east of the 100th meridian and north of latitude 31°30'00" N.

(c) *Houston Area Office, Houston, Tex. 77060.* The State of Louisiana and that area of the State of Texas lying east of the 100th meridian and south of latitude 31°30'30" N.

4. *Central Region, Kansas City, Mo.*

(a) *Kansas City Area Office, Kansas City, Mo. 64110.* The States of Missouri, Kansas, Iowa, and Nebraska.

(b) *Chicago Area Office, Des Plaines, Ill. 60018.* The States of Illinois, Indiana, and Michigan.

(c) *Minneapolis Area Office, Minneapolis, Minn. 55450.* The States of Montana, North Dakota, South Dakota, Minnesota, and Wisconsin.

5. *Western Region, Los Angeles, Calif. 90045.*

(a) *Denver Area Office, Denver, Colo. 80207.* The States of Colorado and Wyoming.

(b) *Los Angeles Area Office, Los Angeles, Calif. 90045.* The State of Arizona and that area of the State of California lying within and south of the counties of Santa Barbara, Kern, and Inyo.

(c) *Salt Lake City Area Office, Salt Lake City, Utah 84116.* The States of Idaho, Nevada, and Utah.

(d) *San Francisco Area Office, Burlingame, Calif. 94010.* That area of the State of California lying within and north of the counties of San Luis Obispo, Kings, Tulare, and Mono.

(e) *Seattle Area Office, Seattle, Wash. 98108.* The States of Washington and Oregon.

6. *Alaskan Region, Anchorage, Alaska, Alaska.*

7. *Pacific Region, Honolulu, Hawaii.* Areas contained within the Honolulu, Wake, and Guam Flight Information regions (excluding the Pacific Trust Territory Island and Christmas Island) and American Samoa.

* * * * *

(d) Each person who is required to notify the Administrator under paragraphs (b) and (c) of § 77.13, or both, shall send an executed copy of FAA Form 117–1, "Notice of Progress of Construction or Alteration" to the FAA Area Office having jurisdiction over the area involved.

4. The third sentence of § 77.21(a) and paragraph (c) would be amended to read as follows:

§ 77.21 Scope.

(a) * * * The standards apply to an existing air navigation facility and to the use of navigable airspace by aircraft, such as an air navigation aid, airport, Federal airway, instrument approach procedure, approved off-airway route, control zone, or transition area. Additionally, they apply to a planned facility or use, or a change in an existing facility or use, if a proposal therefor is on file with the FAA or the Department of Defense on the date the notice required by § 77.13(a) is filed.

* * * * *

(c) The standards in this subpart apply to the effect of construction or alteration proposals upon an airport if, at the time of filing of the notice required by § 77.13(a), that airport is—

(1) Available for public use and is listed in the "Airport Directory" of the current Airman's Information Manual or in either the Alaska or Pacific Airman's Guide and Chart Supplement; or,

(2) A planned or proposed airport or an airport under construction, that is the subject of a notice or proposal on file with the Federal Aviation Administration, provided, except for military airports, it is clearly indicated that that airport will be available for public use; or,

(3) An airport that is operated by an Armed Force of the United States.

* * * * *

5. Section 77.23(a)(8) would be amended to read as follows:

§ 77.23 Standards for determining obstructions.

(a) * * *

(8) The surface of a takeoff and landing area of an airport or any imaginary surface established under § 77.25, 77.27, 77.28, or 77.29. However, no part of the takeoff and landing area itself may be considered an obstruction. Each airport imaginary surface that is established for a civil airport is based on runway lengths corrected in accordance with the current FAA airport design standards to no gradient and standard conditions of temperature and elevation.

6. Section 77.23(c) would be deleted.

7. The first sentence of paragraph (b), paragraph (c), the first sentence in paragraphs (c) (1), (2) (i), (ii), and (iii) of § 77.27 would be amended by striking out the words "at the end of the primary surface" and inserting "at each end of the runway" in place thereof.

8. Section 77.39(b) would be amended to read as follows:

§ 77.39 Effective period of determination of no hazard.

* * * * *

(b) In any case, including determinations to which paragraph (d) of this section applies, where the proposed construction or alteration has not been started during the applicable period by actual structural work, such as the laying of a foundation, but not including excavation, any interested person may, at least 15 days before the date the final determination expires, petition the FAA official who issued the determination to:

(1) Revise the determination based on new facts that change the basis on which it was made; or

(2) Extend its effective period.

* * * * *

This amendment is proposed under the authority of sections 307, 313 and 1101 of the Federal Aviation Act of 1958 (49 U.S.C. 1348, 1354, and 1501).

Issued in Washington, D.C., on July 6, 1967.

WILLIAM E. MORGAN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 67-8116; Filed, July 13, 1967; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 17585; FCC 67-803]

EDUCATIONAL RESERVATIONS AT SAVANNAH, PEMBROKE, COLUMBUS, AND WARM SPRINGS, GA.

Table of Assignments

1. On March 30, 1967, the Georgia State Board of Education (the Board) filed a petition for rule making requesting that the Commission change the assignments of Channel *9— from Savannah, Ga., to Pembroke, Ga., and of Channel *28 from Columbus, Ga., to Warm Springs, Ga. No statements in opposition to the petition have been filed.

2. The Board points out that it is licensee of Station WVAN–TV, which is operating on Channel *9 about 1 mile from Pembroke, and about 30 miles from Savannah. Station WJSP–TV is being operated on Channel *28 within 3 miles of Warms Springs, approximately 30 miles from Columbus. The locations of WVAN–TV and WJSP–TV were selected as part of an overall plan to achieve statewide coverage.

3. The identification of WVAN–TV with Savannah and of WJSP–TV with Columbus is confusing viewers. Complaints have been received from people who have been unable to find listings of the stations in the Savannah and Columbus newspapers and who have had mail addressed to the stations at these localities returned to them by the post office. Therefore, the Board requests that the channels involved be reassigned to the cities requested.

4. Since Stations WVAN–TV and WJSP–TV are operating at locations considerably removed from the communities listed in the Table of Assignments, we are proposing to adjust the pattern of educational television broadcast channels in Georgia by shifting Channel *9— from Savannah to Pembroke and Channel *28 from Columbus to Warm Springs. The above changes will not require any other changes in the Table of Assignments and will have no impact on the unassigned channels available for use in the areas.

5. Accordingly, pursuant to the authority contained in sections 4(i), 303 and 307(b) of the Communications Act of 1934, as amended: it is proposed to amend the Table of Assignments in § 73.606(b) of the Commission rules by changing channel assignments in the State of Georgia, as follows:

City	Channel Nos.	
	Present	Proposed
Savannah, Ga.	3+, *9—, 11, 22	3+, 11, 22, *9—
Pembroke, Ga.		3, 9+, 38, 54, *22, *28
Columbus, Ga.	3, 9+, *28, 38, 54, *22	
Warm Springs, Ga.		

6. Pursuant to applicable procedures set out in section 1.415 of the Commission rules, interested parties may file comments on or before August 14, 1967, and reply comments on or before August 24, 1967. All submissions by parties to this proceeding or by persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

7. In accordance with the provisions of § 1.419 of the rules, and original and 14 copies of all written comments, replies, pleadings, briefs, or other documents shall be furnished the Commission.

Adopted: July 5, 1967.

Released: July 10, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-8138; Filed, July 13, 1967; 8:49 a.m.]

[1] Commissioner Lee not participating; Commissioner Cox abstaining from voting.

[47 CFR Part 89]

[Docket No. 17561; FCC 67-797]

SPECIAL EMERGENCY RADIO SERVICE

Medical Associations Eligible for Authorizations

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Special Emergency Radio Service was established to provide radio communications for certain activities relating to the safety of life and property. Section 89.507 of the rules makes the service available to physicians for communications relating to the safety of life and for urgent messages relating to their medical duties. In many areas of the country physicians rely heavily on their local medical societies for such services as receiving and relaying telephone requests for medical aid from patients, and arranging for available physicians to respond to calls for medical aid during evenings, weekends and holidays. These functions of medical societies also clearly relate to the safety of life and come within the scope of the Special Emergency Radio Service. Therefore, it would appear that medical societies should have access to this service for radio facilities which would aid in discharging these functions more efficiently. This would be consistent with the purpose for which that Service was established and with the types of communications permitted in § 89.507.

3. Individual doctors may, of course, establish joint communications systems on a cooperative nonprofit basis under the provisions of § 89.13 of our rules. Many of these systems operated under § 89.13 have been integrated or are associated closely with the above-mentioned services offered by medical societies, which indicates that these cooperative systems used by physicians can be best operated by or under the auspices of local medical societies.

4. Accordingly, we propose to amend § 89.507 of our rules to make medical associations eligible for radio station authorizations in Special Emergency Radio Service. Under our proposal, eligibility to the Special Emergency Radio Service would be limited to associations and societies which are chartered by a national, state, or regional medical association or society, such as the American Medical Association. However, eligibility would not be confined to the chapters of the AMA, but would be extended to any bona fide medical association or society. Associations formed for the primary purpose of rendering a communications service to their members would not qualify. Physicians who would wish to operate a joint radio system independent from the local medical society would, of course, be able to do so under the provisions of § 89.13.

5. Medical societies would be eligible in Special Emergency to obtain a license to operate a system for the transmission of messages relating to safety of life, and to the medical duties of their member physicians, including, of course, relaying such messages to individual doctors. The association would be permitted to transmit messages only to its members who are eligible to hold licenses in their own names. Service would be rendered on a nonprofit, cost-sharing basis. Records which reflect this cost-sharing, nonprofit basis would be maintained by the association and held available for inspection by Commission representatives.

6. Authority for the proposed amendments is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

7. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before August 14, 1967, and reply comments on or before August 24, 1967. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

8. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, and comments filed should be furnished the Commission.

Adopted: July 5, 1967.

Released: July 10, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

Section 89.507 of the Commission's rules would be amended to read as follows:

§ 89.507 Physicians and veterinarians.

(a) *Eligibility.* The following are eligible for authorizations in the Special

[1] Commissioners Bartley and Cox dissenting, Commissioner Wadsworth absent.

Emergency Radio Service under this category:

(1) An individual physician or a school of medicine;

(2) An association of physicians in a locality (such as county, city, a metropolitan area) which is chartered by a national, state, or regional association of physicians; and

(3) A veterinarian or a school of veterinary medicine.

(b) *Eligibility showing.* The initial application shall be accompanied by a statement in sufficient detail to permit a ready determination of the applicant's eligibility. Any subsequent application may refer to information previously filed if there has been no change in the status of the applicant's eligibility. In the event changes have occurred which affect the original eligibility statements, a new showing must accompany the application.

(c) *Class and number of stations available.* Each physician, veterinarian, school of medicine, or school of veterinary medicine normally may be authorized to operate not more than one base station and two mobile units. Additional base stations or mobile units will be authorized only in exceptional circumstances when the applicant can show a specific need therefor.

(d) *Permissable communications.* Except for test transmissions as permitted by § 89.151, stations authorized under this section may be used as follows:

(1) Stations licensed to physicians, schools of medicine, veterinarians, or to schools of veterinary medicine may be used only for the transmission of messages pertaining to the safety of life or property and urgent messages relating to the medical duties of the licensee.

(2) Stations authorized to associations of physicians may be used only for the transmission of messages pertaining to safety of life and urgent messages relating to the medical duties of those members of the association who would be eligible for authorization under paragraph (a) of this section. Radio Service may be rendered only on a nonprofit, cost-sharing basis.

[F.R. Doc. 67-8139; Filed, July 13, 1967; 8:49 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

CUT JADE STONES, JADE JEWELRY, CARVINGS, OTHER MANUFACTURES

Availability of Certificates of Origin

Notice is hereby given that, effective July 3, 1967, certificates of origin issued by the Department of Commerce and Industry of the Government of Hong Kong under procedures agreed upon between that Government and the Office of Foreign Assets Control in connection with the Foreign Assets Control Regulations are again available with respect to the importation into the United States directly, or on a through bill of lading, from Hong Kong of the following commodity:

Jade, cut stones, jewelry, carvings, other manufactures.

[SEAL] MARGARET W. SCHWARTZ,
Director,
Office of Foreign Assets Control.

[F.R. Doc. 67-8178; Filed, July 13, 1967; 2:38 p.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial Nos. N-209 etc.]

NEVADA

Notice of Proposed Classification

Notice is hereby given of a proposal to classify the lands described below, Serial Nos. N-209, 210, 211, 212, 213, 276, 569, 1033, through exchange under section 8 of the Taylor Grazing Act, 43 U.S.C. 315g, for lands in the Hot Springs Range, Osgood Mountains and Eden Valley within Humboldt County, Nev. This publication is made pursuant to the Act of September 19, 1964, 43 U.S.C. 1412.

The District Advisory Board, local governmental officials, and other interested parties have been notified of this proposal. Information derived from discussions and other sources indicate that these lands meet the criterion of 43 CFR 2410.1-3(c)(4), which authorizes classification of lands for "exchange under appropriate authority where they are found to be chiefly valuable for public purposes because they have special values, arising from the interest of exchange proponents, for exchange for other lands which are needed for the support of a Federal program." Information concerning the lands, including the record of public discussions, is available for inspection and study at the Las Vegas District Office, Bureau of Land Management, 1859 North Decatur Boulevard, Las Vegas, Nev.

The lands affected by this proposal are located in Ash Meadows, Nye County, Nevada, and are described as follows:

MOUNT DIABLO MERIDIAN, NEVADA

T. 17 S., R. 49 E.,
Sec. 25, NE¼NE¼, W½E½, W½;
Sec. 26, Lots 4–8, inclusive, NE¼SW¼, N½SE¼;
Sec. 35, Lots 8–14, inclusive, NE¼, E½NW¼, NE¼SW¼, N½SE¼;
Sec. 36, N½.
T. 18 S., R. 49 E.,
Sec. 1, Lots 10–13, inclusive;
Sec. 2, Lots 1–5, inclusive, S½NE¼, SE¼NW¼.
T. 15 S., R. 50 E.,
Sec. 25, E½NW¼.
T. 17 S., R. 50 E.,
Sec. 9, Lots 7–12, inclusive;
Sec. 10, Lots 5, 6, 9–14, inclusive;
Sec. 11, Lots 11–14, inclusive;
Sec. 14, Lots 3–6, inclusive, 11–14 inclusive;
Sec. 15, Lots 1–4, inclusive;
Sec. 16, NW¼NW¼;
Sec. 17, NE¼, S½SW¼, W½SE¼;
Sec. 20, N½, N½SW¼;
Sec. 21, Lots 1–6, inclusive;
Sec. 22, Lot 1;
Sec. 28, E½NE¼, E½SW¼, SW¼SW¼, SE¼;
Sec. 29, NW¼NE¼, NE¼NW¼, SW¼SW¼, E½SE¼;
Sec. 30, Lots 3–10, inclusive, E½SW¼, W½SE¼;
Sec. 31;
Sec. 32, E½NE¼, SW¼NE¼, W½W½, N½SE¼;
Sec. 33, N½NE¼, SW¼NE¼, W½NW¼;
Sec. 34;
Sec. 35, SE¼NE¼, E½SE¼.
T. 18 S., R. 50 E.,
Sec. 1, Lots 1–4, inclusive;
Sec. 2, Lots 3, 4, S½NW¼, SW¼;
Sec. 3, Lots 1, 2, 3, SE¼;
Sec. 4, Lot 3, S½NW¼, SW¼, W½SE¼;
Sec. 5, Lots 1–4, inclusive, S½N½, SE¼;
Sec. 6, Lots 1, 2, 8–10, inclusive, S½NE¼, SE¼NW¼;
Sec. 9, W½E½, E½NW¼;
Sec. 10, E½, NW¼, NE¼SW¼;
Sec. 11, N½N½, NW¼SW¼, S½SW¼, SW¼SE¼;
Sec. 13, NE¼;
Sec. 14, NE¼;
T. 17 S., R. 51 E.,
Sec. 31, Lot 2, NW¼NE¼, S½NE¼, E½NW¼, SE¼;
Sec. 32, SW¼.
T. 18 S., R. 51 E.,
Sec. 5, Lots 2, 3, 4, S½N½, S½;
Sec. 6, Lots 1, 7, SE¼NE¼, SE¼SW¼;
Sec. 7, Lots 1, 2, SE¼NE¼, E½NW¼;
Sec. 8;
Sec. 17, W½E½, W½;
Sec. 18, SE¼NE¼, SE¼.

The areas described aggregate 13,663.19 acres.

For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the Las Vegas District Manager, Bureau of Land Management, Las Vegas, Nev.

For the State Director.

A. JOHN HILLSAMER,
Acting Land Office Manager.

[F.R. Doc. 67-8103; Filed, July 13, 1967; 8:45 a.m.]

National Park Service

CRATER LAKE NATIONAL PARK

Notice of Intention To Negotiate Concession Contract

Pursuant to the provisions of section 5, Public Law 89-249, public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with Crater Lake Lodge, Inc., authorizing it to continue to provide concession facilities and services for the public at Crater Lake National Park for a period of thirty (30) years.

The foregoing concessioner has performed its obligations under a prior contract to the satisfaction of the National Park Service and, therefore, pursuant to the act cited above, is entitled to be given preference in the negotiation of a new contract. However, pursuant to the act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice.

Interested parties should contact the Chief of Concessions Management, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated: July 7, 1967.

EDWARD HUMMEL,
Assistant Director,
National Park Service.

[F.R. Doc. 67-8104; Filed, July 13, 1967; 8:45 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

DEPARTMENT OF AGRICULTURE ET AL.

Notice of Applications for Duty Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views

with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C.

A copy of each comment filed with the Director of the Office of Scientific and Technical Equipment must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 67-00104-60-77030. Applicant: U.S. Department of Agriculture, Agricultural Research Services, Eastern Utilization Research and Development Division, 600 East Mermaid Lane, Philadelphia, Pa. 19118. Article: Nuclear magnetic resonance spectrometer, JEOL model, JNM-C-60H with cooling water conditioner, model JNM-CW-1. Manufacturer: Japan Electron Optics Laboratory Co., Ltd., Japan. Intended use of article: Applicant states:

A high resolution nuclear magnetic resonance spectrometer is required for determinations of the molecular structure of organic compounds synthesized or isolated or derived from animal fats, for the study of hydrogen bonding in such compounds, and for the determination of the composition of mixtures * * *.

Application received by Commissioner of Customs: June 2, 1967.

Docket No. 67-00139-33-46500. Applicant: University of Louisville, 2301 South Third Street, Louisville, Ky. 40208. Article: Viscometer, "Cone-in-Cone," Gear Box "Zero-Max," Thermo-Couple Pump with accessories and ancillary equipment. Manufacturer: Industrial Supply Co., Australia. Intended use of article: Applicant states:

Instrument will be used to determine the viscosity of whole blood and plasma at varying shear rates.

Application received by Commissioner of Customs: June 26, 1967.

Docket No. 67-00142-65-46040. Applicant: University of California, Lawrence Radiation Laboratory, East End of Hearst Avenue, Berkeley, Calif. 94720. Article: Electron Microscope, Hitachi-Perkin Elmer, model HU-650 and ancillary equipment. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: Applicant states:

To be used by the senior scientific staff and graduate students for research in studying theory of electron diffraction, multiple beam interactions, and crystalline structure of materials using phosomicrographs at magnifications of one hundred thousand times with resolving details separated by less than ten angstroms.

Application received by Commissioner of Customs: June 26, 1967.

Docket No. 67-00143-33-46040. Applicant: The University of New Mexico School of Medicine, 900 Stanford Drive NE., Albuquerque, N. Mex. 87106. Article: Electron Microscope, Hitachi-Perkin Elmer, model HS-7S. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: Applicant states:

Training and instruction in biological fine structure techniques and practice.

Application received by Commissioner of Customs: June 26, 1967.

CHARLEY M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 67-8095; Filed, July 13, 1967; 8:45 a.m.]

SAN FERNANDO VALLEY STATE COLLEGE ET AL.

Notice of Applications for Duty Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C.

A copy of each comment filed with the Director of the Office of Scientific and Technical Equipment must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 67-00145-01-77030. Applicant: San Fernando Valley State College, 18111 Nordhoff Street, Northridge, Calif. 91326. Article: Nuclear Magnetic Resonance Spectrometer, model R-20. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: Applicant states:

The instrument will be used to instruct students in the principles of nuclear magnetic resonance and the use and operation of NMR spectrometers. * * *

In addition to the instructional purposes, the instrument will also be used in a variety of research programs by graduate students and faculty. These experiments will involve essentially all of the above with the further limitation that all such experiments must involve a high degree of accuracy and precision. This would be particularly important in the kinetic and thermodynamic experiments.

Application received by Commissioner of Customs: June 27, 1967.

Docket No. 67-00146-33-46040. Applicant: Duke University Medical Center, Durham, N.C. 27706. Article: Electron Microscope, model EM-300. Manufacturer: N. V. Philips, Holland. Intended use of article: Applicant states:

Highest possible resolution electron microscopic studies of thin sections of nerve tissue, negative stained preparations of cells membrane fractions and macromolecules.

Application received by Commissioner of Customs: June 27, 1967.

Docket No. 67-00147-70-63550. Applicant: University of Michigan, Flint College, 1321 East Court Street, Flint, Mich. 48503. Article: Digital Polarimeter, model 141. Manufacturer: Perkin-Elmer and Co., Germany. Intended use of article: Applicant states:

We wish to measure the optical rotation of liquids and solutions of compounds which absorb light in the visible region, ultraviolet region, or both.

Application received by Commissioner of Customs: June 27, 1967.

Docket No. 67-00148-75-42800. Applicant: Texas A. & M. University, Cyclotron Institute, College Station, Tex. 77843. Article: Analyzing Magnet. Manufacturer: Instrument AB Scanditronix, Sweden. Intended use of article: Applicant states:

To magnetically analyze and direct charge particle beams emitted from the Texas A. & M. University Variable Energy Cyclotron.

Application received by Commissioner of Customs: June 27, 1967.

CHARLEY M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 67-8096; Filed, July 13, 1967; 8:45 a.m.]

MIDWESTERN UNIVERSITY ET AL.

Notice of Applications for Duty Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897).

Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C.

A copy of each comment filed with the Director of the Office of Scientific and Technical Equipment must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No.: 67-00150-01-77030 Applicant: Midwestern University, 3400 Taft Street, Wichita Falls, Tex. Article: Nuclear Magnetic Resonance Spectrometer, model R-20 and accessories. Manufacturer: Hitachi Ltd., Japan. Intended use of article: Applicant states:

The instrument will be used primarily in the training of undergraduate [chemistry] students in NMR technology and for faculty and student research projects.

Application received by Commissioner of Customs: June 27, 1967.

Docket No.: 67-00151-01-77040 Applicant: New Mexico State University, Las Cruces, N. Mex. 88001. Article: Mass Spectrometer, Hitachi Perkin-Elmer RMU-6E. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: Applicant states:

A. Instruct students in mass spectrometry and its applications as outlined in the following studies.
B. Determination of the molecular weight of organic and inorganic compounds with high precision, and variations in molecular weight due to isotopic substitution into the molecule.
C. Identification of unknown compounds.
D. Determination of the fragmentation patterns of gases, liquids, and solids as a means of determining molecular structure.
E. Determination of molecular fragmentation mechanisms due to electron impact.
F. Determination of the abundance and position of isotopic atomic species in product molecules as a means of determining mechanisms of chemical reactions.
G. Analysis of complex mixtures by gas chromatographic partitioning with the eluted gas stream introduced directly into the mass spectrometer.
H. Studies of metastable ion transitions in order to determine whether a suspected daughter ion is a true fragment or a decomposition product.
I. Determination of appearance potentials.
J. Determination of negative ion spectra.
K. Studies of chemical reaction kinetics.
L. Studies of ion-molecule reactions.

Application received by Commissioner of Customs: June 27, 1967.

Docket No. 67-00152-32-46040. Applicant: Children's Hospital Research Foundation, Eland and Bethesda Avenues, Cincinnati, Ohio 45229. Article: Electron Microscope, Norelco, model EM-300. Manufacturer: Philips Electronics and Pharmaceutical Industries Corp., The Netherlands. Intended use of article: This instrument will be used in biological research and teaching. Specific research projects include the following: "1. The nature of the structural lesion in the glycogen storage disease. 2. Studies on the structure of the kidney glomerular basement membrane * * *" 3. Development of methods of tracing albumin in intestinal tissue. 4. Research of negatively stained viral suspensions. Application received by Commissioner of Customs: June 27, 1967.

Docket No.: 67-00153-33-46500 Applicant: The Johns Hopkins University School of Medicine, Department of Anatomy, 725 North Wolfe Street, Baltimore, Md. 21205. Article: Ultramicrotome, model "Om U2." Manufacturer: Reichert, Austria. Intended use of article: The article will be used to cut more than 100 consecutive sections of a single layer of cells grown in tissue culture. Application received by Commissioner of Customs: June 27, 1967.

Docket No.: 67-00154-65-61040 Applicant: University of California, Lawrence Radiation Laboratory, Post Office Box 808, End of East Avenue, Livermore, Calif. 94550. Article: Microhardness Tester, Nikon High Temperature, model EOPY Type No. 1. Manufacturer: Nippon Kogaku K. K., Japan. Intended use of article: The article will be used for measuring and photographically recording the hardness of metallic and nonmetallic solids that are at temperatures to 1600° C. and in a noncorrosive atmosphere. Application received by Commissioner of Customs: June 28, 1967.

CHARLEY M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 67-8097; Filed, July 13, 1967; 8:45 a.m.]

UNIVERSITY OF CALIFORNIA

Notice of Decision on Application for Duty Free Entry of Scientific Article

The following is a decision on an application for duty free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 67-00030-06-46040. Applicant: University of California, Lawrence Radiation Laboratory, End of East Avenue, Livermore, Calif. 94550. Article: Electron Microscope-Hitachi Model HU-125. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: Applicant states:

This instrument will be used for research purpose by the Lawrence Radiation Laboratory under Contract No. W-7405-ENG-48 with the Atomic Energy Commission. Specific use will be in studies of "High Z" materials such as uranium alloys and other materials which, because of their nature, cannot be thinned properly. The behaviour of "High Z" materials is such that an electron microscope of 125 KV is needed to provide adequate penetration.

Comments: Comments were received from one domestic manufacturer, Radio Corporation of America (RCA), which alleged inter alia that "RCA model No. EMU-4 Electron Microscope is of equivalent scientific value to the instrument for which duty-free entry has been requested for the purposes stated in the application for which the instrument is intended to be used." (RCA comment, May 5, 1967, par. (3).) Decision: Application approved. No instrument or apparatus of equivalent scientific value to such article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: Applicant intends to use the foreign article in studies of "High Z" materials such as uranium alloys and other materials which, because of their nature, cannot be thinned properly. (Exhibit II to application.) Since these specimens cannot be made sufficiently thin, the electron microscope must be capable of furnishing an electron beam with adequate penetrating power for the thicker samples. Because penetrating power is a function of accelerating voltage, this characteristic is pertinent to the purpose for which the foreign article is intended to be used. The foreign article offers a maximum of 100 kilovolts. The domestic manufacturer claims that the 100 kilovolt capability of the EMU-4 provides sufficient accelerating voltage for the purposes for which the foreign article is intended to be used and that the additional 11.5 percent penetrating power provided by the foreign article is not a pertinent characteristic. (RCA comment, par. (4).) The applicant notes that the increase in penetrating power is around 15 percent and that a 20-percent increase has been demonstrated experimentally. (Letter from applicant dated May 12, 1967, p. 1.)

However, even a difference of 11.5 percent in penetrating power is significant because of the additional information derived from observation of the thicker samples which are representative of the major portion of materials to be investigated with the use of the foreign article. Therefore, we find that the RCA electron microscope is not of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus which is of equivalent scientific value to the foreign article for the purposes for which the article is intended to be used and which is being manufactured in the United States.

CHARLEY M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 67-8098; Filed, July 13, 1967; 8:45 a.m.]

Office of the Secretary

ORGANIZATION AND DELEGATION OF AUTHORITY

The orders set forth below were issued by the Assistant Secretary of Commerce for Administration and are published in the FEDERAL REGISTER to describe the central and field organization, and the functions and responsibilities of the staff offices and staff officers, of the Department of Commerce which report to him, and otherwise to comply with the requirements of 5 U.S.C. 552(a)(1).

Dated: July 11, 1967.

DAVID R. BALDWIN,
Assistant Secretary for Administration.

[Dept. Order 134-1]

OFFICE OF ADMINISTRATIVE SERVICES

SECTION 1 *Purpose.* The purpose of this order is to delegate authority to the Director, Office of Administrative Services, and prescribe the organization and functions of the Office of Administrative Services.

SEC. 2 *General.* The Office of Administrative Services shall be headed by a Director, who shall report and be responsible to the Assistant Secretary for Administration. The Director shall be assisted by the Deputy Director who shall perform the functions of the Director during the latter's absence.

SEC. 3 *Delegation of authority.* .01 Pursuant to the authority vested in the Assistant Secretary of Commerce for Administration by Department Order 134 and subject to the applicable provisions of law, regulation, and such policies and instructions as the Assistant Secretary for Administration may prescribe, the Director, Office of Administrative Services, is delegated the authority vested in the Assistant Secretary for Administration in the field of administrative and related support services consisting of property and supply management, procurement, space management, safety, motor vehicle management, communications, and other Department-wide functions as assigned.

.02 The Director, Office of Administrative Services, is delegated the authority vested in the Assistant Secretary for Administration by Department Order 9 to settle and pay claims for damage to, or loss of, personal property incident to his service, under the provisions of Public Law 88-558 (31 U.S.C. 240 et seq.), filed by an employee (or his duly authorized representative) of the Office of the Secretary. For purposes of exercising this authority, the Director, Office of Administrative Services, is designated Claims Officer.

.03 The Director, Office of Administrative Services, may redelegate his authority, to the extent permitted by law, to appropriate officials in the Office of Administrative Services and operating units, subject to such conditions in the exercise of such authority as he may prescribe. However, the authority delegated to the Director as Claims Officer may not be redelegated.

SEC. 4 *Organization and functions.* .01 The Office of Administrative Services shall consist of:

Office of the Director.
Program Development Staff.
Departmental Library Division.
Procurement Division.
Services Division.
Property and Records Division.

.02 The Director shall be an adviser to, and serve as the representative of, the Assistant Secretary for Administration on all matters pertaining to administrative and related support services throughout the Department consisting of: Property and supply management, procurement, space management, safety, motor vehicle management, communications; and other Department-wide functions as assigned by the Assistant Secretary for Administration.

.03 The Director shall also be responsible for providing direct services, performed by the Departmental Library Division, the Procurement Division, the Services Division, and the Property and Records Division, for the Office of the Secretary, and for other operating units in the Department of Commerce as may be determined by the Assistant Secretary for Administration.

.04 The Deputy Director shall be the chief operating aide to the Director, shall provide general direction of the operations of the Office and shall perform such other duties and assignments as the Director may prescribe.

.05 The Program Development Staff shall develop Departmental plans, policies, standards and control systems, and provide functional assistance and guidance throughout the Department with respect to the management of functions specified in paragraph .02 of this section.

.06 The Departmental Library Division shall provide direct library services for the Office of the Secretary and such other operating units of the Department as may be located in the Commerce Building and serve as a reference source for libraries of operating units outside the Main Commerce Building.

.07 The Procurement Division shall develop plans, policies and standards, and administer and coordinate a program, for the procurement of property and services for the Office of the Secretary and assigned operating units in the Department.

.08 The Services Division shall provide the following services for organization units of the Department as prescribed in paragraph .02 of this section: Telecommunications, cash receivables, imprest fund, travel services, correspondence routing and control, mail and messenger services, office machine repairs, sales and distribution of Department publications, receiving, shipping, motor vehicle services; and other services as assigned.

.09 The Property and Records Division shall provide the following services for organization units of the Department as prescribed in paragraph .03 of this section: Personal property management, space management, records management, forms management, labor services, building services liaison with General Services Administration, parking facilities; and other services as assigned.

SEC. 5 *Department of Commerce Administrative Services Council.* There shall be a Department of Commerce Administrative Services Council, which shall consist of the Director, Office of Administrative Services, as Chairman, the Deputy Director, and the chief administrative services officers of the primary operating units of the Department. The Council will meet on call from the Chairman for the purpose of advising and assisting in the development of policy and programs for the maximum effectiveness of administrative and facilitative services throughout the Department.

Effective date: June 27, 1967.

[Dept. Order 134-2]

OFFICE OF AUDITS

SECTION 1 *Purpose.* The purpose of this Organization and Function Supplement is to establish the Office of Audits as a staff service office in the Office of the Assistant Secretary of Commerce for Administration, to delegate authority to the Director, and to prescribe the functions of the Office of Audits.

SEC. 2 *General.* .01 The Office of Audits, previously established as the Office of Internal Audit under Department Order No. 175, is hereby established as a staff service office in the Office of the Assistant Secretary of Commerce for Administration.

.02 The Office of Audits shall be headed by a Director who shall be an adviser to, and serve as the representative of, the Assistant Secretary for Administration in matters relating to auditing, and shall serve as adviser to all Departmental officials with respect to audit matters.

SEC. 3 *Delegation of authority.* .01 Pursuant to the authority vested in the Assistant Secretary of Commerce for Administration by Department Order No. 134 (Revised), and subject to the applicable provisions of law, regulation and such policies and directives as the Assistant Secretary for Administration may prescribe, the Director, Office of Audits is delegated the authority vested in the Assistant Secretary for Administration with respect to auditing the operating, administrative, and financial activities of all organization units of the Department.

.02 The Director, Office of Audits, may redelegate his authority to appropriate officials of the Office of Audits and primary organization units of the Department subject to such conditions in the exercise of such authority as he may prescribe.

SEC. 4 *Functions.* The Office of Audits shall:

1 Develop, prescribe, and coordinate the Departmental audit policies and guidelines for audit organizations in the bureaus and offices to implement the programing and execution of comprehensive audits;

2 Perform comprehensive audits of primary organization units that do not have an internal audit staff and prepare related audit reports, including recommendations for the improvements of operations, to the Assistant Secretary for Administration, and direct special audits and examinations, as required, in the Department's offices and bureaus;

3 Provide continuous review of audit programs of bureaus and offices to determine whether the scope, emphasis, priority and utilization of audit manpower are appropriate to the current needs of the Department's offices and bureaus;

4 Formulate, direct, and prescribe programs designed to further the career development of individual members of the audit staffs of the Department's offices and bureaus; to obtain high quality professional staffs of accountants and auditors; and to obtain appropriate recognition of the professional character of the work done by members of the audit staffs;

5 Review, analyze, and evaluate audit reports and accomplishments of audit organizations in the Department's offices and bureaus to determine the significance and effectiveness of the audit work proposed or performed; and to digest and report to the Assistant Secretary for Administration significant findings revealed in these audit reports;

6 Participate in formulating departmental accounting principles, standards, and procedures through recommendations contained in audit reports; and

7 Represent the Assistant Secretary for Administration in conferences and negotiations with officials of other Federal agencies or other groups with respect to audit matters pertaining to the Department's offices and bureaus;

SEC. 5 *Department of Commerce Audit Council.* There shall be a Department of Commerce Audit Council consisting of the Director, as Chairman, and the heads of the various audit organizations of the Department's offices and bureaus as members. The Council will meet on call from the Chairman for the purpose of assisting in the development of departmental audit policies necessary to achieve maximum effectiveness of the audit activity throughout the Department.

Effective date: January 28, 1963.

[Dept. Order 134-6]

OFFICE OF BUDGET AND FINANCE

SECTION 1 *Purpose.* The purpose of this order is to delegate authority to the Director, Office of Budget and Finance, and to prescribe the organization and functions of the Office of Budget and Finance.

SEC. 2 *General.* .01 The Office of Budget and Finance is hereby continued as a staff service office in the Office of the Assistant Secretary of Commerce for Administration.

.02 The Office of Budget and Finance shall be headed by a Director who shall report and be responsible to the Assistant Secretary of Commerce for Administration. The Director shall be assisted by a Deputy Director who shall perform the functions of the Director during the latter's absence.

SEC. 3 *Delegation of authority.* .01 Pursuant to the authority vested in the Assistant Secretary of Commerce for Administration by Department Order 134 and subject to the applicable provisions of law, regulation, and such policies and directives as the Assistant Secretary of Commerce for Administration may prescribe, the Director, Office of Budget and Finance, is delegated the authority vested in the Assistant Secretary for Administration in the fields of budget and finance.

.02 The Director, Office of Budget and Finance, may redelegate his authority to appropriate officials of the Office of Budget and Finance and to operating units of the Department subject to such conditions in the exercise of such authority as he may prescribe.

SEC. 4 *Organization and functions.* .01 The Office of Budget and Finance shall comprise:

a. Office of the Director: Director; Deputy Director.
b. Financial Systems Policy Division.
c. Budget Coordination Division.
d. Budget Review and Analysis Staff.
e. Fiscal Services Division.

.02 The Director shall be the Budget Officer for the Department of Commerce, shall be the adviser to, and serve as the representative of, the Assistant Secretary for Administration in matters relating to budget and finance and shall serve as adviser to other departmental officials with respect to these matters. He shall be responsible for the financial management of the Working Capital Fund. He shall represent the Department on budgetary and financial matters affecting the Department, and shall establish and maintain close working relationships with the Bureau of the Budget, with the Appropriations Committees, and with other Government agencies.

.03 The Deputy Director shall be the chief operating aide to the Director, shall provide general direction of the operations of the office, and shall perform such other duties and assignments as the Director may prescribe.

.04 The Financial Systems Policy Division shall formulate policies, and establish standards and criteria for systems of accounting, for administrative control of funds and other financial resources, and for managerial-financial reporting; review accounting and financial management systems and programs of operating units for conformance with established policies, standards and criteria, and with modern accounting practices, and for effectiveness and efficiency; and provide liaison with the General Accounting Office, Treasury Department and Bureau of the Budget on accounting and financial management matters.

.05 The Budget Coordination Division shall establish standards and criteria for preparation of budget estimates and justifications; provide coordination of budget programs and activities which require consolidated action by the Department; disseminate and interpret Bureau of the Budget directives and circulars on budget matters; prepare instructions for submission of budget estimates and coordinate their preparation and review; maintain information on status and progress of Appropriations Committees activities and appropriations bills; prepare Department budget summaries and analyses; maintain Department's budget history; coordinate administration of interagency budget programs and estimates; provide technical assistance to examining groups and operating units as requested on technical budget matters; and maintain liaison with Bureau of the Budget staff and with staffs of Appropriations Committees on budget matters.

.06 The Budget Review and Analysis Staff shall within their assigned program areas examine all budget proposals for conformance to policies, for adequacy of justifications and appropriation language, for existence of statutory authorization, for feasibility and economy of the proposals, for accuracy and consistency of schedules, and for conformity with instructions governing submission of budget estimates; examine and clear apportionment requests; analyze program and financial plans and proposals for reprograming for conformance to departmental policies and commitments; maintain a continuous review of the status of obligations, expenditures and program progress; provide staff assistance and advice to Secretarial Officers and other officials in the preparation of budgets and related materials, and in the solution of budgeting and financing problems; evaluate budgeting and financial policies and programs and make recommendations to appropriate officials when improvements are needed; and provide continuous liaison and point of contact between officials in assigned program areas and appropriate staff of the Office of the Secretary and Bureau of the Budget on budget and finance matters.

.07 The Fiscal Services Division shall manage the Working Capital Fund and, on a reimbursable basis through the Working Capital Fund, shall provide accounting and financial reporting services to the Office of the Secretary and other operating units; provide payrolling services to the Office of the Secretary and other operating units; render consolidated financial reports for the Department; and provide budget and related

financial services for General Administration, other funds of operating units and miscellaneous accounts.

Sec. 5 *Department of Commerce Budget and Finance Councils.* .01 There shall be a Department of Commerce Budget Council, which shall consist of the Director, as Chairman, the Chief, Budget Coordination Division, and the budget officers of the primary operating units. The Council will meet on call from the Chairman for the purpose of advising and assisting in the development of budget policies and programs necessary to achieve maximum effectiveness of such activities throughout the Department.

.02 There shall be a Department of Commerce Finance Council, which shall consist of the Director, as Chairman, the Chief, Financial Systems Policy Division, and the chief finance or accounting officer of each primary operating unit. The Council will meet on call from the Chairman for the purpose of advising and assisting in the development of finance and accounting policies and programs necessary to achieve maximum effectiveness of such activities throughout the Department.

Effective date: October 18, 1966.

[Dept. Order 134-4]

OFFICE OF EMERGENCY READINESS

Section 1 *Purpose.* The purpose of this order is to delegate authority to the Director, Office of Emergency Readiness, and prescribe the functions of the Office of Emergency Readiness.

Sec. 2 *General.* The Office of Emergency Readiness shall be headed by a Director, who shall report and be responsible to the Assistant Secretary for Administration. The Director shall be assisted by a Deputy Director, who shall perform the functions of the Director during the latter's absence.

Sec. 3 *Delegation of authority.* .01 Pursuant to the authority vested in the Assistant Secretary of Commerce for Administration by Department Order 134, and subject to the applicable provision of law, regulation, and such policies, directives and instructions as the Assistant Secretary for Administration may prescribe, the Director, Office of Emergency Readiness, is delegated the authority vested in the Assistant Secretary for Administration in the fields of national emergency plans and programs of the Department for the continuity of essential functions, civil defense, defense mobilization, disaster assistance, and related activities.

.02 The Director, Office of Emergency Readiness, may redelegate his authority to appropriate officials of the Office of Emergency Readiness, and operating units of the Department subject to such conditions in the exercise of such authority as he may prescribe.

Sec. 4 *Functions.* .01 The Director shall be an adviser to, and serve as the representative of, the Assistant Secretary for Administration on all programs of the Department pertaining to the continuity of essential function, civil defense, and defense mobilization activities, and disaster assistance, and shall serve as adviser to other Departmental officials with respect to these matters.

.02 The Office of Emergency Readiness shall:

a. *Pre-emergency planning.* 1. Direct the development, coordination, testing, evaluation and implementation of emergency preparedness plans and programs for the continuity of essential functions, civil defense, defense mobilization, and assistance in a major disaster.

2. Represent the Department on interagency defense mobilization and civil defense planning committees, boards, working groups, and related activities.

3. Serve as the Department's principal liaison with the Office of Emergency Planning in the Executive Office of the President, the Office of Civil Defense in the Department of Defense and other Federal, State, and local governments, departments and agencies to assure the correlation and compatibility of preparedness plans and programs and the maximum utilization of existing resources and capabilities of the Department.

4. Provide leadership, guidance, and assistance to bureaus and offices in the development of plans which provide for an operational capability to carry out their essential emergency functions.

5. Assure the preparation of emergency readiness plans for the offices in the Office of the Secretary.

6. Develop and administer the Department's policy on:

(a) The acquisition, maintenance and operations of all emergency relocation sites;

(b) The continuity of essential functions, including: line of succession, predelegation of emergency authorities, composition and training of relocation cadres, emergency essential records program, emergency communications, assignment and training of the Communications Corps, civil defense and disaster control organization and training, damage assessment, and tests and exercises;

(c) The National Defense Executive Reserve;

(d) Code of Emergency Federal Regulations; and

(e) Natural and other major disaster assistance.

7. Review and appraise the emergency plans and programs developed by the bureaus and offices of the Department to determine their adequacy, completeness, feasibility, and operational capability to be implemented under the various contingencies, in terms of the assigned emergency functions and The National Plan for Emergency Preparedness.

8. Assure the development of a civil defense and disaster control program for the Department, and the development and maintenance of a capability to provide for the protection and welfare of employees at regular and emergency relocation sites. This includes radiological monitoring and reporting, first aid, rescue, fire fighting, and the supervision control of protective facilities, services, and other related welfare activities.

9. Coordinate the plans and procedures of bureaus and offices to assure that Department resources will be promptly mobilized to provide assistance to States and local governments in major disasters.

10. Provide guidance to State governments, primarily through the Regional Emergency Planning Coordinators, in developing and testing State plans for the emergency management of national resources assigned to the Department, by the Office of Emergency Planning's Comprehensive Program for the Emergency Management of Resources, and The National Plan for Emergency Preparedness.

11. Participate in planning and evaluation of periodic National, Regional and/or Department emergency tests and exercises.

12. Keep the Secretary, Assistant Secretary for Administration, and the other officials of the Department advised as to the current status of readiness and capability to carry out emergency functions of the Department.

b. *Preemergency operations.* 1. Develop and coordinate Department Orders and Administrative Orders pertaining to emergency preparedness planning, procedures, operations and related programs of the Department.

2. Review and evaluate emergency preparedness programs in the budgets of bureaus and offices of the Department and participate in the revision of estimates of appropriations affecting the programs;

3. Control the issuance and revision of approved plans and supporting documents forming the Department's emergency plans for the continuity of essential functions and operations;

4. Establish a Departmental emergency operations center for the Main Commerce Building and a Headquarters relocation site;

5. Establish and maintain a Defense Condition Alerting Schedule for Washington Headquarters of the Department;

6. Coordinate the Department's National Defense Executive Reserve program;

7. Establish and maintain a program for the selection, protection, and reporting of records essential to the emergency functions of the Department;

8. Assign responsibility for the control of radiological material issued to the Department under Atomic Energy Commission license, together with instruments, for training and operations;

9. Develop and exercise functional control over civil defense, disaster control, damage assessment, and related organization, training and operations programs of the Department;

10. Control approval of the obligation of funds for emergency relocation activities charged against the Working Capital fund;

11. Coordinate the plans, announcements, and arrangements for personnel, facilities, supplies and equipment required for the Department's participation in civil defense and defense mobilization tests and exercises; and

12. Coordinate the submission of the Department's reports to the Joint Committee on Defense Production and other Congressional inquiries as well as reports

requested by the Office of Emergency Planning, Office of Civil Defense, General Services Administration and other agencies.

c. *Emergency operations.* 1. Activate and manage a Departmental emergency operations facility in the Main Commerce Building; and

2. Activate and operate an emergency operations facility at the Department's Headquarters relocation site.

d. *Field activities.* 1. Provide support through Regional Emergency Planning Coordinators assigned to the Office of Emergency Planning/Office of Civil Defense Regional offices as follows:

(a) Represent the Department on regional, State, and local government committees, boards and working groups involved in emergency preparedness plans and programs, including continuity of essential functions, emergency management of resources, civil defense, disaster assistance, and related activities;

(b) Provide guidance and assistance to those elements of State governments charged with preparedness planning for the emergency management of resources for which the Department has been assigned responsibilities;

(c) Serve as the Department's principal adviser to the Directors of the respective Office of Emergency Planning/Office of Civil Defense Regions on matters relating to the bureau and office functions of the Department of Commerce;

(d) Serve as liaison between the field installations of the Department and the Office of Emergency Planning/Office of Civil Defense Regional Directors in emergency preparedness matters;

(e) Coordinate the emergency preparedness planning of field installations;

(f) Provide guidance and assistance to field installations in the selection, acquisition and maintenance of relocation sites to be utilized as emergency operating facilities in the event of a national defense emergency;

(g) Establish and maintain an emergency essential records file at the Office of Emergency Planning/Office of Civil Defense emergency operations center, and provide guidance and advice to field installations on provisions for emergency essential records;

(h) Establish and maintain a Regional Defense Condition (DEFCON) Alerting Schedule for field installations;

(i) Participate in planning and evaluation of periodic Regional, State and/or local government emergency preparedness tests and exercise; and

(j) Prepare reports on the status of emergency preparedness plans, programs and operations.

2. Furnish Departmental representation at the Office of Emergency Planning special facility division. The Departmental representative shall:

(a) Serve as liaison officers for the Department with officials of the division regarding national emergency plans and preparedness programs for the continuity of Government;

(b) Provide surveillance over emergency relocation sites established as headquarters facilities for the Department;

(c) Plan, develop and maintain in operational readiness a network of emergency communications for the Department including (1) the development and maintenance of emergency communications; (2) standing operating procedures; (3) recruitment, training, and maintenance of operating proficiency of the Department's Communications Corps; and (4) periodic tests and exercises of communications equipment, systems and facilities; and

(d) Maintain cognizance over Department assistance in major disasters.

Effective date: June 27, 1967.

[Dept. Order 134-5]

OFFICE OF INVESTIGATIONS AND SECURITY

Section 1 *Purpose.* The purpose of this order is to delegate authority to the Director, Office of Investigations and Security, and prescribe the organization and functions of the Office of Investigations and Security.

Sec. 2 *General.* The Office of Investigations and Security shall be headed by a Director who shall report and be responsible to the Assistant Secretary for Administration. The Director shall be assisted by a Deputy Director who shall perform the functions of the Director during the latter's absence.

Sec. 3 *Delegation of authority.* .01 Pursuant to the authority vested in the Assistant Secretary of Commerce for Administration by Department Order 134, and subject to the applicable provisions of law, regulation, and such policies and directives as the Assistant Secretary for Administration may prescribe, the Director, Office of Investigations and Security, is hereby delegated authority vested in the Assistant Secretary for Administration with respect to investigations, personnel security, physical security, and general security.

.02 The Director, Office of Investigations and Security, may redelegate his authority to appropriate officials of the Office of Investigations and Security and to operating units of the Department subject to such conditions in the exercise of such authority as he may prescribe.

Sec. 4 *Organization and functions.* .01 The principal officials of the Office of Investigations and Security and their responsibilities are as follows:

a. The Director, who shall be the Department Security Officer and shall be an adviser to, and serve as the representative of, the Assistant Secretary for Administration on matters relating to investigations, personnel security, physical security, and general security; serve as adviser to all other Departmental officials with respect to these matters; plan, coordinate, and review Departmental policies, programs, and procedures with respect to these matters; and serve as the liaison representative of the Department with other Departments of Government and outside agencies on matters pertaining to security;

b. The Deputy Director, who shall be the chief operating aide of the Director, and in addition shall be responsible for functions related to personnel security; and

c. The Assistant Director for Physical and Documentary Security, who shall be responsible for functions related to physical and documentary security.

.02 The functions of the Office of Investigations and Security shall include the following:

a. *Investigations.* 1. Conduct all liaison with investigative agencies of the Federal Government and with local governments (State, county and municipal) on matters of personnel suitability or security; and

2. Investigate suspected misconduct and impropriety on the part of employees of the Department which are brought to the attention of the Director, Office of Investigations and Security.

b. *Personnel security.* 1. Develop and recommend policies and procedures for the treatment of all security questions pertaining to personnel security within the Department;

2. Develop, initiate, and supervise programs for the training and indoctrination of personnel in internal security and the maintenance of security discipline;

3. Receive and process all requests for security clearance of employees to be assigned to positions that require access to classified information, material, or restricted areas, and review and determine the security status of personnel cases which involve the appraisal of derogatory information in connection with the issuance of certificates of personnel security clearance, the imposition of security restrictions on individual employees, and other decisions affecting personnel security considerations;

4. Initiate, conduct, and control all investigations necessary in the security clearance of individuals for whom certificates of security clearance have been requested as provided in the Departmental security regulations;

5. Issue certificates of security clearance to appropriate offices upon request after determination of employee's eligibility for such clearance within the security regulations of the Department of Commerce;

6. Initiate action, when deemed advisable, to withhold security clearance for classified information and material and, where appropriate, recommend action in accordance with the provisions of Public Law 733, 81st Congress, Executive Order 10450 of April 27, 1953, as amended, and regulations issued pursuant thereto; and

7. Carry out any other functions inherent in the responsibility for the establishment and maintenance of personnel security within the Department or implicit in this order.

c. *Physical security.* 1. Establish appropriate policies and procedures with respect to physical security pertaining to the safeguarding of classified documents, information, material, and the protection of restricted areas;

2. Prescribe minimum security requirements of the Department with respect to all classified documents, publications, and material;

3. Prescribe the necessary protective measures with respect to classified and restricted areas;

4. Prescribe policies and procedures governing the access of visitors to classified areas and information; and

5. Establish and enforce regulations for the control of all visitors (other than casual) to the unclassified areas of the Department.

d. *General security.* 1. Represent the Department on all interdepartmental committees dealing with security;

2. Prepare and present security problems of an interdepartmental character to the appropriate security committees;

3. Serve as a focal point for the receipt, examination and treatment of all security questions presented to or arising within the Department which require Departmental action;

4. Develop and carry out periodic tests of the adequacy of the internal security of the Department; and

5. Receive all reports of investigation of applicants for employment and personnel of the Department; and, depending upon the nature of information developed during the investigation, channel such information to the appropriate organization official for proper handling.

SEC. 5 *Policy support.* The Director, Office of Investigations and Security may on occasion call upon the persons designated as Security Officers of the organizations of the Department and upon the Director of Personnel or his representative for assistance in formulating policies and procedures relating to the functions described in this order, to promote uniform practices, and to provide a means whereby security matters affecting more than one organization may be handled in an orderly and uniform manner.

Effective date: May 29, 1967.

[Dept. Order 134-6]

OFFICE OF PERSONNEL

SECTION 1 *Purpose.* The purpose of this order is to delegate authority to the Director, Office of Personnel, and to prescribe the organization and functions of the Office of Personnel.

SEC. 2 *General.* The Office of Personnel shall be headed by a Director, who shall report and be responsible to the Assistant Secretary for Administration. The Director shall be assisted by a Deputy Director, who shall perform the functions of the Director during the latter's absence and at other times as specified by the Director.

SEC. 3 *Delegation of authority.* .01 Pursuant to the authority vested in the Assistant Secretary for Administration by Department Order 134, and subject to such policies and directives as the Assistant Secretary for Administration may prescribe, the Director, Office of Personnel, is delegated the authority vested in the Assistant Secretary for Administration to take final action on all matters pertaining to personnel programing and management, which covers the direction, administration, and processing of all personnel matters including manpower controls, employee utilization, labor relations and health (with respect to employees of the Department), equal employment opportunity with respect to Federal employment (except as otherwise provided by directives of the Department), and related activities in the Department of Commerce.

.02 The Director, Office of Personnel, may redelegate his authority to appropriate officials of the Office of Personnel and to operating units of the Department subject to such conditions in the exercise of such authority as he may prescribe.

SEC. 4 *Organization and functions.* .01 The Office of Personnel shall comprise:

a. Office of the Director: Director; Deputy Director.
b. Policy Division.
c. Compensation Division.
d. Career Management Division.
e. Employee Development Division.
f. Medical Division.
g. Operations Division.

.02 The Director, Office of Personnel, shall be the Director of Personnel for the Department of Commerce and shall be an adviser to, and serve as the representative of, the Assistant Secretary for Administration in all matters relating to personnel, including manpower control and utilization, labor relations and health (with respect to employees of the Department), equal employment opportunity with respect to Federal employment (except as otherwise provided by directives of the Department), and shall serve as adviser to all other departmental officials with respect to these matters. The functions assigned herein include representation on behalf of the Department on boards and committees and before other branches of the Government concerned with the activities described herein.

The Director shall be assisted in carrying out his duties by a Deputy Director, who shall be the chief operating aide to the Director, serve as authorized alternate for the Director, and perform other duties as assigned.

.03 The Policy Division shall, in conjunction with the appropriate division chiefs, plan and coordinate matters relating to the development of personnel programs within the Department, management aspects of the direction and control of the personnel program, formulation and issuance of personnel policy, personnel systems and procedures (including personnel records and reports), personnel program evaluation, and other matters as assigned.

.04 The Compensation Division shall plan and coordinate Department-wide programs and activities in the broad areas of position classification and pay administration, allowances, hours, and tours of duty, and related matters.

.05 The Career Management Division shall plan and coordinate Department-wide programs and activities in the broad areas of employment, career planning, manpower controls, employee utilization, labor and employee relations, equal employment opportunity, and related matters.

.06 The Employee Development Division shall plan and coordinate Department-wide programs and activities in the broad areas of employee training and development, employee performance evaluation, employee recognition and incentives (including suggestions and awards), communication with employees, employee services and activities, general reports, administrative services for the Office of Personnel, and related matters.

.07 The Medical Division shall plan and coordinate Department-wide policies and programs in employee health services; represent the Director of Personnel in maintaining professional medical liaison with the U.S. Public Health Service, U.S. Civil Service Commission, and other appropriate agencies; provide advice, assistance, and consultative services to operating units in employee health matters as requested; and plan and conduct the employee health service programs of the Department's central health unit.

.08 The Operations Division shall conduct personnel operations for the Office of the Secretary and such other operating units as may be specified by the Director of Personnel.

.09 Any of the functions described above may be performed by any officer, employee, or agency of the Department as specified by the Director of Personnel.

SEC. 5 *Department of Commerce Personnel Council.* There shall be a Department of Commerce Personnel Council, which shall consist of the Director, Office of Personnel, as Chairman, and the personnel officers for all operating units. The Council will meet on call from the Chairman for the purpose of advising and assisting in the development and integration of personnel policies and programs necessary to achieve maximum effectiveness of such activities throughout the Department.

SEC. 6 *Saving provision.* All outstanding delegations, rules, regulations, orders, certificates, and other actions issued by or relating to the Office of Personnel shall remain in effect until amended or revoked by proper authority.

Effective date: December 6, 1966.

[Dept. Order 134-7]

OFFICE OF PUBLICATIONS

SECTION 1 *Purpose.* The purpose of this order is to delegate authority to the Director, Office of Publications, and prescribe the organization and functions of the Office of Publications.

SEC. 2 *General.* The Office of Publications shall be headed by a Director, who shall report and be responsible to the Assistant Secretary for Administration. The Director shall be assisted by a Deputy Director, who shall perform the functions of the Director during the latter's absence.

SEC. 3 *Delegation of authority.* .01 Pursuant to the authority vested in the Assistant Secretary of Commerce for Administration by Department Order 134 and subject to the applicable provisions of law, regulation, and such policies and directives as the Assistant Secretary for Administration may prescribe, the Director, Office of Publications, is delegated the authority vested in the Assistant Secretary for Administration in the fields of publications, printing, and allied activities, including the approval of prices for publications sold to the public.

.02 The Director, Office of Publications, may redelegate his authority to appropriate officials of the Office of Publications and operating units of the Department subject to such conditions in the exercise of such authority as he may prescribe.

SEC. 4 *Organization and functions.* .01 The Office of Publications shall comprise:

Office of the Director.
Financial Management Division.
Publications Policy and Development Division.
Design and Graphics Division.
Printing Planning Division.
Printing Production Division.

.02 The Director, Office of Publications, shall be an adviser to, and serve as the representative of, the Assistant Secretary for Administration in matters relating to publications, printing and allied activities, and serve as adviser to all other Departmental officials with respect to these matters; formulate, direct, and coordinate the development of publications and printing policies and activities; procure or approve for procurement all printing, binding, and allied reproduction and publications distribution equipment; develop standards for essentiality, utility, content, format and style for all publications; direct the activities of the Department's central printing plant and related graphics and photographic activities; manage the Working Capital Fund for printing and related activities; and conduct sole liaison (a) between the Department of Commerce and Joint Committee on Printing and Binding and between the Department of Commerce and the Government Printing Office on printing matters, and (b) between the Department of Commerce and the Superintendent of Documents on publications pricing, sales, distribution, promotion and mailing list activities. He shall represent the Assistant Secretary for Administration on boards and committees and before other branches of the Government concerned with the activities described herein. The Deputy Director who shall be the chief operating aide to the Director, provides general direction of the operations of the Office, serves as the authorized alternate for the Director, and performs other duties as assigned.

.03 The Financial Management Division shall plan and direct the financial control operations related to the Department's printing plants; develop guidelines for cost controls for all printing, binding and related activities; review and evaluate costs of printing, binding and related activities and develop uniform price schedules; and prepare required reports relating to the activities of the Office of Publications.

.04 The Publications Policy and Development Division shall review requests for new Commerce publications against policies and standards of the Department; advise bureaus and offices concerning publication possibilities; analyze the desirability of consolidation or elimination of existing publications; provide specialized guidance to bureaus and offices of the Department on publications projects; provide writing and editing assistance in the preparation of publications; review all publications material for conformance to publications policies and standards; and direct the Department's publications sales promotion programs.

.05 The Design and Graphics Division shall provide central design, illustration, and graphics services and prepare or procure the necessary design, illustration, and art work for all publications.

.06 The Printing Planning Division shall procure or approve for procurement all printing and binding and related services for bureaus and offices of the Department; control and schedule all printing operations; and investigate and analyse new printing methods.

.07 The Printing Production Division shall operate the Department's central printing plant, and provide all composition, microphoto, photographic, printing, and addressing and mailing services.

SEC. 5. *Department of Commerce Publications, Graphics Development, and Printing Council.* There shall be a Department of Commerce Publications, Graphics Development, and Printing Council, which shall consist of the Director, Office of Publications, as Chairman, and representatives from the operating units. The Council will meet on call from the Chairman for the purpose of advising and assisting on publications, graphics and printing policies and procedures and to consult on problems of common interest.

Effective date: June 27, 1967.

[Dept. Order 134-8]

OFFICE OF MANAGEMENT AND ORGANIZATION

SECTION 1 *Purpose.* The purpose of this order is to delegate authority to the Director, Office of Management and Organization, and prescribe the organization and functions of the Office of Management and Organization.

SEC. 2 *General.* The Office of Management and Organization shall be headed by a Director, who shall report and be responsible to the Assistant Secretary for Administration. The Director shall be assisted by a Deputy Director, who shall perform the functions of the Director during the latter's absence.

SEC. 3 *Delegation of authority.* .01 Pursuant to the authority vested in the Assistant Secretary of Commerce for Administration by Department Order 134, and subject to the applicable provisions of law, regulation, and such policies and directives as the Assistant Secretary of Commerce for Administration may prescribe, the Director, Office of Management and Organization, is delegated the authority vested in the Assistant Secretary for Administration with respect to organization planning, the improvement of management systems, techniques, and practices, and the development and conduct of Department-wide management improvement programs.

.02 The Director, Office of Management and Organization, may redelegate his authority to appropriate officials of the Office of Management and Organization and to operating units of the Department subject to such conditions in the exercise of such authority as he may prescribe.

SEC. 4 *Organization and functions.* .01 The Office of Management and Organization shall consist of:

Office of the Director.
ADP Planning Officer.
Management Analysis Staff.
Administrative Controls Division.

.02 The Director shall be an adviser to, and serve as the representative of, the Assistant Secretary for Administration on all matters pertaining to functions of the Office of Management and Organization and shall serve as adviser to other Departmental officials with respect to these matters.

.03 The Office of Management and Organization assists the Assistant Secretary for Administration in the continuing improvement of the organization and management of the Department. Specifically, the Office will:

a. As requested or approved, organize, conduct or collaborate in major management surveys and studies throughout the Department designed to improve organizational structure, introduce new or improved management systems and techniques, or otherwise increase efficiency, effectiveness, and economy of operations; and participate, as appropriate, in implementing accepted recommendations;

b. Advise Departmental and bureau-level officials on questions of organization structure and management systems, techniques, and practices; and provide functional guidance to staff elements throughout the Department specializing in organization and management studies and other general management improvement efforts;

c. Develop Department-wide management improvement programs, collaborating with other staff service offices of the Assistant Secretary for Administration as appropriate; and monitor implementation throughout the Department of such programs;

d. Promote the development and interchange of knowledge throughout the Department about advances in the Science and practice of management; and sponsor, organize or collaborate with others in various efforts designed to bring useful management knowledge to managers and others throughout the Department;

e. Assist bureaus and offices in identifying and exploiting opportunities to increase economy, efficiency and effectiveness of operations through the use of automatic data processing equipment; develop and monitor Department-wide policies and standards on the utilization of ADP equipment; and organize and

sponsor programs and other efforts to capitalize on ADP capabilities and experiences within the Department for the benefit of the Department as a whole;

f. Manage the primary issuance systems of the Department, and coordinate the review and issuance of individual directives thereto; and develop and monitor standards for administrative issuance systems throughout the Department; and

g. Develop policies, standards, and general procedures for the management by bureaus and offices of records, forms, correspondence, and committees; provide specialized guidance to bureaus and offices on these matters; and exercise Departmental appraisal of bureau and office activities in these areas.

SEC. 5 *Department of Commerce Management Improvement Council.* There shall be a Department of Commerce Management Improvement Council, which shall consist of the Director, or his alternate, as Chairman, and such officers of the operating units as are designated by the heads thereof. The Council will meet on call from the Chairman to advise and assist in the development of general management improvement programs, exchange ideas and experiences toward making such programs more effective, and propose or sponsor activities designed to advance the skills and practices of management analysts and related staff specialists throughout the Department.

Effective date: June 27, 1967.

[Dept. Order 194-6]

SPECIAL ASSISTANT FOR EQUAL OPPORTUNITY

SECTION 1 *Purpose.* The purpose of this order is to prescribe the functions of the Special Assistant for Equal Opportunity in the Office of the Assistant Secretary for Administration.

SEC. 2 *General.* The Special Assistant for Equal Opportunity is, except for functions relating to employment in the Department, the principal staff assistant to the Assistant Secretary for Administration with respect to the latter's responsibilities for fulfilling the objectives, and effecting compliance throughout the Department with the requirements, of Title VI of the Civil Rights Act of 1964, Executive Order 11246, Executive Order 11247, and any other statutes, Executive Orders and regulatory provisions relating to equal opportunity.

SEC. 3 *Functions.* .01 The Special Assistant for Equal Opportunity shall, with respect to the subject-matter areas specified in section 2 of this order:

a. Provide advice and assistance to operating units in establishing and maintaining their equal opportunity programs.

b. Review and appraise policies and practices throughout the Department relating to equal opportunity and on the basis of such study, develop and recommend the adoption of new or revised programs and policies to ensure that the Department's activities in this area are consistent with the spirit and requirements of law and Executive Order;

c. Develop orders, policy statements, regulations, and other directives designed to amplify and stress the policy of equal opportunity throughout the Department and follow up with Secretarial Officers and heads of primary operating units to assure their proper implementation;

d. Provide staff assistance to the Assistant Secretary for Administration in his role as the Department's Contracts Compliance Officer;

e. Gather and synthesize materials for reports, review legislation and make recommendations for its implementation in the Department, and undertake other major assignments to carry out his assigned responsibilities;

f. Maintain technical surveillance over, and provide guidance to the operating units in the implementation of the Department's equal opportunity responsibilities, policies and regulations, including, but not limited to, the conduct of compliance reviews, complaint investigations and other matters related to negotiation, conciliation and enforcement;

g. Review and make recommendations with respect to regulations, rules, directives, interpretations and other materials having general applicability prior to their issuance by the Secretarial Officers and heads of primary operating units. This review shall be undertaken in conjunction with the Office of the General Counsel;

h. Serve as Deputy Contracts Compliance Officer for the Office of the Secretary;

i. Represent, as designated, the Department in meetings and conferences with other governmental agencies, and private groups with respect to the equal opportunity policies and programs of the Department and its primary operating units; and

j. Perform such other functions as the Assistant Secretary for Administration may prescribe.

.02 The Special Assistant for Equal Opportunity shall, as requested, furnish technical staff assistance to the Assistant Secretary for Administration with respect to the program of equal employment opportunity for positions in the Department of Commerce, with particular reference to the investigation, adjustment, and adjudication of complaints and the preparation of reports on the status of complaints.

Effective date: November 23, 1966.

[F.R. Doc. 67-8132; Filed, July 13, 1967; 8:48 a.m.]

[Dept. Order 3A; Amdt. 1]

ASSISTANT SECRETARY OF COMMERCE FOR ECONOMIC DEVELOPMENT

Delegation of Authority

The following amendment to the order was issued by the Secretary of Commerce on July 5, 1967. This material amends the material appearing at 31 F.R. 16728-16729 of December 30, 1966.

Department Order 3-A, dated December 22, 1966, is hereby amended as follows:

1.(a) A new subparagraph .01a.3. is added to read:

(b) Subparagraph .01a.3. is amended by deleting the word "and" at the end thereof, and subparagraph .01a.3. is redesignated as .01a.4.

(c) A new paragraph .03 is added to read:

SEC. 4. *Delegation of authority.*

3. Coordination of the Federal Cochairmen as required by section 601(a) of the Act, and."

.03 The Assistant Secretary shall keep the Secretary personally advised of all major proposals or actions taken by or affecting any Regional Commission, and the Secretary may take such personal action with respect to such matters as he may deem appropriate.

2. Paragraph .04 is revised to read:

SEC. 5. *General functions.* .04 Under the direction and on behalf of the Secretary, provide staff assistance to Regional Commissions and Federal Cochairmen and develop and recommend consistent Federal policy regarding Regional Commissions; and provide a staff review of plans and proposals of the Regional Commissions, and assist in the presentation of such programs to other concerned Federal agencies.

Effective date: July 6, 1967.

DAVID R. BALDWIN,
Assistant Secretary for Administration.

[F.R. Doc. 67-8131; Filed, July 13, 1967; 8:48 a.m.]

[Dept. Order 5-B; Amdt. 1]

ECONOMIC DEVELOPMENT ADMINISTRATION

Organization and Functions

This material amends the material appearing in 31 F.R. 16729-16731 of December 30, 1966.

Department Order 5-B, dated December 22, 1966, is hereby amended as follows:

1. Paragraph .01 of Section 3 is revised to read:

SEC. 3 *Functions of the Office of the Assistant Secretary for Economic Development.* .01 The Assistant Secretary directs the programs and is responsible for the conduct of all activities of the Economic Development Administration subject to the policies and directives prescribed by the Secretary of Commerce. He assists the Secretary in the general supervision and coordination of the Federal Cochairmen and in the resolution of policy questions between the Federal Cochairmen, the Federal Development Committees and other Federal agencies.

2. Subparagraphs .01a. and .01l. are revised to read:

SEC. 5 *Functions of the Office of the Deputy Assistant Secretary for Economic Development Planning.* a. Coordinate and direct EDA economic development planning relating to regions, districts (including economic development centers), redevelopment areas, and other areas of substantial need;

l. Provide a principal point of liaison with and support to the Federal Cochairmen and Regional Commissions.

Effective date: July 7, 1967.

DAVID R. BALDWIN,
Assistant Secretary for Administration.

[F.R. Doc. 67-8133; Filed, July 13, 1967; 8:48 a.m.]

[Dept. Order 117-B; Amdt. 2]

MARITIME ADMINISTRATION

Organization and Functions

The following amendment to the order was issued by the Secretary of Commerce on June 28, 1967. This material amends the material appearing at 31 F.R. 8246-8248 of June 11, 1966, and 32 F.R. 7297-7298 of May 16, 1967.

Department Order 117-B, dated May 20, 1966, as amended, is hereby further amended as follows:

1. A new section 5 is added to read:

SEC. 5 *Joint Surface Effect Ship Program Office.*

Pursuant to a Joint Agreement between the Departments of Commerce and Navy dated June 20, 1966, the Joint Surface Effect Ship Program Office was established through the Charter signed February 27, 1967, by the Assistant Secretary of Commerce for Science and Technology and the Assistant Secretary of the Navy for Research and Development. This joint organization of the two Departments carries out, under the two Assistant Secretaries, cooperative research programs in surface effect ships. Under the Charter, the following arrangements for the operation of the Joint Office were established:

.01 The Maritime Administration will provide part of the funds and personnel for the joint Office, with the Department of the Navy providing, on an approximately equal basis, the balance of funds and personnel required.

.02 The Maritime Administration will provide the joint Office with contracting services, budgetary services for funds of the Maritime Administration made available to the program, and other administrative support services as may be requested by the Office.

.03 The Program Manager, as the head of the joint Office, is responsible to a Joint Steering Committee, which acts for the Assistant Secretaries of the two Departments. The Steering Committee is composed of two representatives of each Department. The Deputy Assistant Secretary for Science and Technology and the Chief, Office of Research and Development of the Maritime Administration are Commerce's designated members of the Steering Committee.

2. The present section 5 is renumbered section 6.

Effective date: June 28, 1967.

DAVID R. BALDWIN,
Assistant Secretary for Administration.

[F.R. Doc. 67-8134; Filed, July 13, 1967; 8:48 a.m.]

Maritime Administration

UNION CARBIDE CORP.

Notice of Allocation of Hospital Ship "U.S.S. Haven"

In F.R. Doc. 67-5699 appearing in the FEDERAL REGISTER issue of May 20, 1967 (32 F.R. 7512), notice was given that pursuant to the Ship Exchange Act (sec. 510(1) of the Merchant Marine Act, 1936, as added by Public Law 86-575 and amended by Public Law 89-254, 46 U.S.C. 1160(1)), one C4-S-B2 Hospital Ship, U.S.S. *Haven*, owned by the United States of America, represented by the Secretary of Commerce, acting by and through the Maritime Administrator, was available for trade-out to a nonsubsidized American-flag steamship operator in exchange for its older and less efficient ship in accordance with the terms therein stated.

On the basis of a review of applications received in relation to the criteria for assignment of the ship as stated in the notice, the U.S.S. *Haven* has been assigned by the Acting Maritime Administrator to Union Carbide Corporation subject to the applicant agreeing to:

(1) Convert the U.S.S. *Haven* to a chemical carrier of approximately 27,000 deadweight tons in accordance with conversion plans approved by the Maritime Administration.

(2) Qualify for the ship exchange in accordance with the provisions of the Ship Exchange Act, P.L. 86-575, as amended, and with the requirements of General Order 92 (27 F.R. 2011).

(3) Accept the ship assignment within 10 days and enter in a Ship Exchange Contract within 90 days after the receipt of notice of assignment, unless additional time is granted by the Maritime Administration for good cause. The assignment is contingent upon the execution of a shipyard contract or commitment for the contemplated conversion not later than the time of the execution of the exchange contract. The allocation is contingent upon the applicant meeting all other requirements for the exchanges involved.

(4) In the event the assignment is rejected or the applicant does not comply with the conditions of assignment, the Maritime Administration reserves the right to rescind the assignment and take such action with respect to the ship as it may deem appropriate.

(5) The Maritime Administration, without obligation to the applicant, reserves the right to cancel the assignment prior to the execution of an exchange contract, if it determines for good cause that it would be in the public interest to do so, or that the applicant is not proceeding promptly and in good faith to comply with the conditions of the assignment.

(6) The Ship Exchange Contract will contain provisions requiring that the applicant complete the conversion of the U.S.S. *Haven* substantially in accordance with plans approved by the Maritime Administration within 18 months after execution of the Ship Exchange Contract, unless additional time is granted by the Maritime Administration for good cause. The exchange contract will provide that in the event the applicant fails to complete the conversion within the time stipulated, there shall become due and payable liquidated damages in the sum of $1,000 per day for failure to complete the conversion and should this default continue for a period of more than 60 days, the exchange contract will be subject to termination at the option of the Maritime Administration in which event title and possession of the U.S.S. *Haven* will be returned to the U.S. Government, without obligation to the applicant.

(7) The assignment of the U.S.S. *Haven* is conditioned upon title to the ship being taken by the applicant or a closely related company.

By order of the Acting Maritime Administrator.

Dated: July 10, 1967.

JOHN M. O'CONNELL,
Acting Secretary.

[F.R. Doc. 67-8192; Filed, July 13, 1967; 8:50 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 27-39]

CALIFORNIA NUCLEAR, INC.

Notice of Proposed Issuance of Amendment to Byproduct, Source, and Special Nuclear Material License

Please take notice that the Atomic Energy Commission is considering the issuance of a license amendment, set forth below, to License No. 13-10042-1 held by California Nuclear, Inc., 2323 South Ninth Street, Lafayette, Ind. 47905.

This amendment would authorize burial of radioactive waste material at the California Nuclear, Inc. site located in Bureau County, Ill. California Nuclear, Inc. was issued a license amendment on December 2, 1966, which provided for receipt, possession, processing, repackaging and storage of waste, byproduct, source and special nuclear material at the Bureau County facility.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, any person whose interest may be affected by the proposed issuance of this license amendment may file a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the provisions of the Commission's regulations (10 CFR part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order. Petitions to intervene or requests for public hearing may be filed with the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545. If no request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Director of Regulation will

issue the license amendment fifteen (15) days from the date of publication in the FEDERAL REGISTER.

For further details with respect to this proposed issuance, see (1) the application and amendments thereto and (2) the related memorandum prepared by the Division of Materials Licensing, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545. A copy of Item (2) above may be obtained at the Commission's Public Document Room, or upon request to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Materials Licensing.

Dated at Bethesda, Md., July 12, 1967.

For the Atomic Energy Commission.

JOHN A. MCBRIDE,
Director,
Division of Materials Licensing.

[License No. 13-10043-1; Amdt. No. 9]

PROPOSED AMENDMENT TO BYPRODUCT, SOURCE AND SPECIAL NUCLEAR MATERIAL LICENSE

The Atomic Energy Commission having found that:

A. The applicant's equipment, facilities, and procedures are adequate to protect health and minimize danger to life or property.

B. The applicant is qualified by training and experience to conduct the proposed land burial operation in such manner as to protect health and minimize danger to life or property.

C. The application for license amendment dated August 16, 1966, as amended August 31, 1966, November 18, 1966, February 10, 1967, February 14, 1967, February 27, 1967, and May 10, 1967, complies with the requirements of the Atomic Energy Act of 1954, as amended, and Title 10, Code of Federal Regulations, Chapter 1, and is for a purpose authorized by that act.

D. The issuance of the amendment to the license authorizing the burial of radioactive wastes at the proposed site will not be inimical to the common defense and security or the health and safety of the public.

Byproduct, Source, and Special Nuclear Material License No. 13-10043-1 is amended as follows:

The following conditions are added:

18. Byproduct, source and special nuclear material may be disposed of by burial at a site located in the Southwest Quarter of Section 27, Township 16 North Range 6 East of the Fourth Principal Meridian, Bureau County, Ill., in accordance with procedures and limitations set forth in the application for license amendment dated August 16, 1966, as amended August 31, 1966, November 18, 1966, February 10, 1967, February 14, 1967, February 27, 1967, and May 10, 1967.

19. The licensee shall not excavate any trench for burial of waste materials at its site specified in Condition 18. of this license which would intercept the water table. The seasonal fluctuation of the water table shall be taken into account in determining the highest likely level of the water table.

20. The mounds over the completed burial trenches at the site specified in Condition 18. of this license shall be maintained to minimize erosion.

Date of issuance: July 12, 1967.

For the Atomic Energy Commission.

JOHN A. MCBRIDE,
Director,
Division of Materials Licensing.

[F.R. Doc. 67-8217; Filed, July 13, 1967; 10:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 18562; Order No. E-25395]

BUKER AIRWAYS, INC.

Order To Show Cause

Issued under delegated authority July 10, 1967.

Petition of Buker Airways, Inc., for the establishment of a final service mail rate for the transportation of mail.

Buker Airways, Inc. (Buker), an air taxi operator providing air transportation under the provisions of Part 298 of the Board's Economic Regulations, by petition filed May 16, 1967, has requested the Board to establish a final service mail rate of 78 cents per mile for the transportation of mail by aircraft between Boston, New York, Pittsburgh, and Cincinnati. Buker states that it would use Lear Jet Model 24 aircraft in performing the service, would provide backup aircraft for the operation, and would be responsible for loading and unloading the aircraft at all points served.

Buker states in its petition that the proposed rate will cover the fully allocated costs of the services to be performed. In its answer, the Post Office supports the proposed rate and states it considers it to be fair and reasonable for this service. It further states that the proposed service will eliminate presently existing schedule deficiencies in these markets, and that the schedules to be provided and the terms and conditions set forth in the petition will properly satisfy postal requirements. No objection has been filed to the level of the proposed rate.

By Order E-25395, July 10, 1967, in this Docket, the Board determined to permit Buker to provide the proposed air transportation of mail for the period terminating December 31, 1968. Since no mail rate is presently in effect for this carrier in these markets, it is necessary to fix and determine the fair and reasonable rate of compensation to be paid to Buker by the Postmaster General for the air transportation of mail.

The Board, therefore, finds it in the public interest to fix and determine the fair and reasonable rate of compensation to be paid to Buker by the Postmaster General for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the petition, the Postmaster General's answer thereto, and the matters officially noticed, the Board proposes to issue an order[1] to include the following findings and conclusions:

1. That the fair and reasonable final service mail rate to be paid to Buker Airways, Inc., pursuant to section 406 of the Federal Aviation Act of 1958 for the transportation of mail by aircraft, as authorized by Order E-25395, July 10, 1967, the facilities used and useful therefor, and the services connected therewith, shall be 78 cents per aircraft mile for Lear Jet Model 24 aircraft and other aircraft of similar capacity.

2. The final service mail rate here fixed and determined is to be paid in its entirety by the Postmaster General.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, the regulations promulgated in 14 CFR Part 302, and the authority delegated by the Board in 14 CFR 385.14(f),

It is ordered, That:

1. All interested persons, and particularly Buker Airways, Inc., the Postmaster General, Trans World Airlines, Inc., Allegheny Airlines, Inc., American Airlines, Inc., Mohawk Airlines, Inc., Piedmont Aviation, Inc., and United Air Lines, Inc., are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above as the fair and reasonable rate of compensation to be paid to Buker Airways, Inc., for the transportation of mail by aircraft, the facilities used and useful therefor and the services connected therewith as specified above;

2. Further procedures herein shall be in accordance with 14 CFR Part 302; and, if there is any objection to the rates or to the other findings and conclusions proposed herein, notice thereof shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after the date of service of this order;

3. If notice of objection is not filed within 10 days, or if notice is filed and if answer is not filed within 30 days, after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Buker Airways, Inc., the Postmaster General, Trans World Airlines, Inc., Allegheny Airlines, Inc., American Airlines, Inc., Mohawk Airlines, Inc., Piedmont Aviation, Inc., and United Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 67-8130; Filed, July 13, 1967; 8:48 a.m.]

[1] As this order to show cause does not constitute a final action and merely affords interested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR Part 385). The provisions of that part dealing with petitions for Board review will be applicable to any final action which may be taken by the staff in this matter under authority delegated in § 385.-14(f).

CIVIL SERVICE COMMISSION

HOME ECONOMIC SERIES

Prescribed Minimum Educational Requirements

In accordance with section 3308 of title 5, United States Code, the Civil Service Commission has decided that the previously approved minimum educational requirements for positions in the Home Economics Series, GS-493, should be superseded by revised requirements. Identification of the superseded requirements, the revised requirements, the duties of the positions, and the reasons for the Commission's decision that these requirements are necessary are set forth below.

The Home Economics Series, GS-493.

(All positions GS-5 through GS-15.)

Superseded requirements. The following material supersedes that previously published in the FEDERAL REGISTER, August 22, 1964.

Minimum educational requirements. Candidates for Home Economist positions must have successfully completed one of the following requirements:

A. A course of study in an accredited college or university leading to a bachelor's or higher degree with major study in home economics or a closely related discipline or field of science. This course of study must have included at least 20 semester hours in or directly applicable to one or more of the following fields of home economics: Foods and nutrition, home management and household economics, housing and household equipment, textiles and clothing, or child and family development.

B. A total of at least 20 semester hours in home economics, as described in A above, plus a sufficient amount of additional experience or education to total 4 years of education and experience or 4 years of education. The nature and quality of this additional experience or education must have been such that, when combined with the prescribed 20 semester hours in home economics, it would give the candidate a professional knowledge of home economics comparable to that normally gained by successfully completing the course of study described in A above.

Candidates for positions in research, development, and comparable highly technical and scientific functional areas of home economics work must meet the requirements described in A above.

Duties. Home economists perform professional work concerned with the selection, care, use, and management of foods, clothing, housing, and the equipment and furnishings that are used in the home. Some of the work involves studies and investigations concerning consumer and food economics and changing patterns of family living; diets and nutritional levels and the composition, quality, and nutritional values of different foods, in relation to the physiological requirements of the human body; the needs, adequacy, usability, and arrangements of housing space and equipment; and the properties and use of household fabrics. Other work involves the carrying out of programs designed to advise, inform, and instruct the public, professional and consumer groups, or homemakers about such matters as the management of the home or carrying out programs of a specific nature, e.g., school lunch programs, institutional management, military feeding, community development, etc.

Reasons for requirements. Home Economists apply a sound knowledge of the basic biological, physical, and applied sciences, and a more detailed knowledge of one or more specialized fields of home economics in their work. The duties of research and other highly technical and scientific positions are particularly demanding in this respect and may require a detailed and exacting knowledge of home economics and of the tool sciences applied in the work, e.g., chemistry, physics, microbiology, statistics, etc. Appropriate scientific training of this kind can only be acquired at accredited colleges and universities that have appropriate facilities available and a staff of trained instructors who can evaluate the students progress in the various scientific subjects properly.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-8129; Filed, July 13, 1967; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

STANDARD BROADCAST APPLICATIONS

Availability for Processing

JULY 10, 1967.

Notice is hereby given, by the Chief, Broadcast Bureau, pursuant to § 1.571(c) of the Commission's rules, that on August 18, 1967, the standard broadcast applications listed in the attached Appendix will be considered as ready and available for processing. Pursuant to § 1.227 (b)(1) and § 1.591(b) of the Commission's rules, an application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on August 17, 1967, which involves a conflict necessitating a hearing with an application on this list, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., by whichever date is earlier: (a) The close of business on August 17, 1967, or (b) the earlier effective cutoff date which a listed application or by any other conflicting application may have by virtue of conflicts necessitating a hearing with applications appearing on previous lists.

The attention of any party in interest desiring to file pleadings concerning any pending standard broadcast application pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission's rules for provisions governing the time of filing and other requirements relating to such pleadings.

Adopted: July 5, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

APPENDIX

Applications from the top of the processing line

BML-2173	WFAB, Miami, Fla. United Broadcasting Co. of Florida, Inc. Has: 990 kc, 5 kw, DA-1, U (Miami-South Miami, Fla.). Req: Modification of license to maintain one main studio.
BML-2185	WCWR, Dunedin, Fla. Pinellas Broadcasters. Has: 1470 kc, 5 kw, D (Tarpon Springs, Fla.). Req: Modification of license to change station location.
BP-16967	KTHO, South Lake Tahoe, Calif. Emerald Broadcasting Co. Has: 590 kc, 1 kw, DA, D. Req: 590 kc, 1 kw, D.
BP-17444	New, River Falls, Wis. River Falls Radio, Co. Req: 1550 kc, 1 kw, D.
BP-17483	New, Orleans, Mass. Seashore Broadcasting Co., Inc. Req: 1170 kc, 1 kw, D.
BP-17494	WBBR, Travelers Rest, S.C. Piedmont Broadcasting Co., Inc. Has: 1580 kc, 500 w, D. Req: 1580 kc, 1 kw, D.
BP-17506	New, Wabash, Ind. Wabash Radio Co. Req: 1510 kc, 250 w, DA, D.
BP-17515	KUMU, Honolulu, Hawaii. John Hutton Corp. Has: 1500 kc, 1 kw, U. Req: 1500 kc, 5 kw, U.
BP-17547	New, Ponce, P.R. Radio Antilles, Inc. Req: 1490 kc, 250 w, 1 kw-LS, U.
BP-17549	KACE, Riverside, Calif. K-ACE Radio, Inc. Has: 1570 kc, 1 kw, DA, D. Req: 1570 kc, 5 kw, DA, D.
BP-17550	New, Humble, Tex. Albert L. Crain. Req: 850 kc, 500 w, DA, D.
BP-17551	New, Lebanon, Tenn. Vernon Broadcasting Co. Req: 1170 kc, 500 w, D.
BP-17552	New, Wickenburg, Ariz. Wickenburg Radio Co. Req: 1250 kc, 500 w, D.
BP-17553	New, Charlevoix, Mich. Charlevoix County Broadcasting Co. Req: 1270 kc, 5 kw, D.

BP-17555 KTOH, Lihue, Kauai, Hawaii. Kauai Broadcasting Co. Has: 1490 kc, 250 w, 1 kw-LS, U. Req: 1350 kc, 5 kw, U.

BP-17559 New, Charlton, Iowa. Charlton Radio Co. Req: 1120 kc, 500 w, DA, D.

BP-17560 New, Fayetteville, W. Va. Claude R. Hill, Jr. Req: 1460 kc, 250 w, 1 kw-LS, U.

BP-17561 New, Baldwin, Ga. John M. Masters. Req: 1060 kc, 1 kw, D.

BP-17563 New, Heath, Ohio. Central Ohio Broadcasting Co. Req: 1000 kc, 250 w, DA, D.

BP-17564 New, Centreville, Va. Centreville Broadcasting Co. Req: 1000 kc, 1 kw, DA, D.

BP-17570 New, Fort Lauderdale, Fla. Lauderdale Broadcast, Inc. Req: 1190 kc, 5 kw, DA, D.

BP-17571 New, Mount Pleasant, Iowa. BCST Company of Iowa, Inc. Req: 1130 kc, 250 w, D.

BP-17572 WYNK, Baton Rouge, La. Miss Lou Broadcasting Corp. Has: 1380 kc, 500 w, D. Req: 1380 kc, 5 kw, DA, D.

BP-17573 New, Red Springs, N.C. K & B Broadcasting Corp. Req: 710 kc, 5 kw, DA, D.

BP-17574 New, Warren, Ohio. Howard L. Burris. Req: 1000 kc, 1 kw, DA, D.

BP-17575 New, Anadarko, Okla. Allan Pratt Page. Req: 850 kc, 500 w, DA, D.

BP-17576 New, Burkburnett, Tex. Steve Goss Enterprises, Inc. Req: 850 kc, 1 kw, DA, D.

BP-17577 New, Houston, Tex. Artlite Broadcasting Co. Req: 850 kc, 10 kw, DA, D.

BP-17579 New, Nassau Bay, Tex. Jester Broadcasting Co. Req: 850 kc, 1 kw, DA, D.

BP-17580 New, Blacksburg, Va. Blue Ridge Broadcasting. Req: 710 kc, 5 kw, DA, D.

BP-17594 WLIK, Newport, Tenn. WLIK, Inc. Has: 1270 kc, 5 kw, D. Req: 1270 kc, 500 w, 5 kw-LS, DA-N, U.

BP-17595 New, Green Bay, Wis. Frank M. Cowles. Req: 1060 kc, 5 kw, DA, D.

BP-17596 New, Charlottesville, Va. Dr. Charles William Hurt. Req: 1400 kc, 250 w, 1 kw-LS, U.

BP-17597 New, Jackson, Ala. Radio Jackson, Inc. Req: 1230 kc, 250 w, 1 kw-LS, U.

BP-17600 WTRI, Brunswick, Md. Elektra Broadcasting Corp. Has: 1520 kc, 250 w, D. Req: 1520 kc, 500 w, 250 w (CH), D.

BP-17603 KSEN, Shelby, Mont. Tri-County Radio Corp. Has: 1150 kc, 500 w, 1 kw-LS, DA-N, U. Req: 1150 kc, 500 w, 5 kw-LS, DA-2, U.

BP-17607 WMGA, Moultrie, Ga. Radio Station WMGA. Has: 1400 kc, 250 w, 1 kw-LS, U. Req: 1120 kc, 250 w, 10 kw-LS, 10 kw-DA (CH), DA-N, U.

BP-17609 KTUI, Sullivan, Mo. Meramec Valley Broadcasting Co. Has: 1560 kc, 250 w, D. Req: 1560 kc, 1 kw, D.

WMPT, South Williamsport, Pa. Will-Mont Broadcasting Co. Has: 1450 kc, 250 w, U. Req: 1450 kc, 250 w, 1 kw-LS, U.

BP-17610

BP-17611 KDEO, Iowa Falls, Iowa. FBW Broadcasting Corp. Has: 1510 kc, 500 w, D. Req: 1510 kc, 1 kw, 500 w (CH), D.

BP-17613 New, Cadillac, Mich. Petsar Broadcasting Co. Req: 1370 kc, 1 kw, 5 kw-LS, DA-2, U.

BP-17615 KORT, Orangeville, Idaho. Clearwater Broadcasting Co. Has: 1230 kc, 250 w, U. Req: 1230 kc, 250 w, 1 kw-LS, U.

BP-17620 WULA, Eufaula, Ala. Dixie Radio, Inc. Has: 1240 kc, 250 w, U. Req: 1240 kc, 250 w, 1 kw-LS, U.

BP-17629 KBSN, Crane, Tex. Albert L. Crain. Has: 970 kc, 1 kw, D. Req: 1060 kc, 5 kw, D.

BP-17633 New, Austell, Ga. South Cobb Broadcasting. Req: 1600 kc, 1 kw, D.

BP-17634 New, Watkins Glen, N.Y. Watkins Glen-Mountour Falls Broadcasting Corp. Req: 1500 kc, 250 w, D.

BP-17641 New, Auburn, Ind. C. P. Broadcasters, Inc. Req: 1570 kc, 250 w, D.

BP-17642 New, Waynesville, Mo. Fred Briesacher, Jr. Req: 1270 kc, 500 w, D.

BP-17643 KDEF, Fortuna, Calif. Dale A. Owens. Has: 1260 kc, 1 kw, D. Req: 1260 kc, 5 kw, D.

BP-17644 KYAL, McKinney, Tex. AHB Broadcasting Corp. Has: 1600 kc, 1 kw, D. Req: 1600 kc, 5 kw, DA, D.

BP-17645 WCHL, Chapel Hill, N.C. Village Broadcasting Co., Inc. Has: 1360 kc, 1 kw, D. Req: 1360 kc, 1kw, DA-N, U.

BP-17647 New, El Paso, Tex. Jack R. McVeigh. Req: 1060 kc, 10 kw, D.

BP-17648 New, Circleville, Ohio. George E. Worstell. Req: 1540 kc, 1 kw, DA, D.

BP-17649 New, Sylacauga, Ala. Heart of Dixie Broadcasting Co. Req: 1090 kc, 10 kw, DA, D.

BML-2200 WLOE, Leaksville-Spray, N.C. WLOE, Inc. Has: 1490 kc, 250 w, 1 kw-LS, U (Leaksville, N.C.). Req: Modification of license to change station location.

BP-17650 New, Franklin, Tenn. Harpeth Valley Broadcasting Co. Req: 1380 kc, 1 kw, DA, D.

BP-17667 WALG, Albany, Ga. Radio Albany, Inc. Has: 1590 kc, 1 kw, DA-N, U. Req: 1590 kc, 1 kw, 5 kw-LS, DA-2, U.

BP-17672 New, Starkville, Miss. Charles Kenneth Irby. Req: 980 kc, 1 kw, D.

BP-17676 WSLC, Clermont, Fla. Fidelity Broadcasting Corp. Has: 1340 kc, 250 w, S.H. Req: 1340 kc, 250 w, 1 kw-LS, S.H.

BP-17677 New, Weatherford, Okla. James J. Craddock. Req: 1360 kc, 1 kw, D.

BP-17679 KTXO, Sherman, Tex. O'Connor Broadcasting Corp. Has: 1500 kc, 250 w, D. Req: 1500 kc, 1 kw, DA, D.

BP-17680 New, Mountain City, Tenn. Johnson County Broadcasting Co. Req: 1390 kc, 500 w, D.

BMP-12078 WAHT, Annville-Cleona, Pa. A-C Broadcasters. Has: 1510 kc, 5 kw, DA, Day. Req: Change in DA system.

BP-17681 New, Blacksburg, Va. Lester I. Williams. Req: 1460 kc, 1 kw, D.

BP-17683 WCAB, Rutherfordton, N.C. Clayton Sparks. Has: 1520 kc, 250 w, D. Req: 590 kc, 500 w, D.

BP-17684 WLBH, Mattoon, Ill. Mattoon Broadcasting Co. Has: 1170 kc, 250 w, D. Req: 1170 kc, 5 kw, DA, D.

BP-17686 New, China Grove, N.C. China Grove Broadcasting Co. Req: 1140 kc, 500 w, D.

BP-17687 New, Clanton, Ala. Clanton Broadcasting Corp. Req: 1590 kc, 1 kw, D.

BP-17688 New, Blowing Rock, N.C. Mountain Broadcasting Corp. Req: 580 kc, 500 w, D.

BP-17691 New, Clarkesville, Ga. R-J Co. Req: 1500 kc, 5 kw, 500 w (CH), D.

BP-17694 New, Carson City, Nev. Carson City Broadcasting Corp. Req: 1250 kc, 1 kw, D.

BP-17707 KSEW, Sitka, Alaska. Christian Broadcasters, Inc. Has: 1400 kc, 250 w, U. Req: 1400 kc, 250 w, 1 kw-LS, U.

BP-17720 KVOB, Bastrop, La. Rainey Radio. Has: 1340 kc, 250 w, U. Req: 1340 kc, 250 w, 1 kw-LS, U.

BP-17756 KALG, Alamogordo, N. Mex. Basin Broadcasting Co., Inc. Has: 1230 kc, 250 w, U. Req: 1230 kc, 250 w, 1 kw-LS, U.

Application deleted from Public Notice of March 30, 1967 (Mimeo No. 96350) (32 F.R. 5710)

BP-17432 New, Hurricane, W. Va. Putnam Broadcasting Co., Inc. Req: 1080 kc, 5 kw, DA, D.

(Assigned new File Number BP-17754)

[F.R. Doc. 67-8136; Filed, July 13, 1967; 8:48 a.m.]

[Docket No. 17243; FCC 67R-270]

KITTYHAWK BROADCASTING CORP. ET AL.

Memorandum Opinion and Order Enlarging Issues

In re applications of Kittyhawk Broadcasting Corp., Kettering, Ohio, et al., Docket No. 17243, File No. BP-16603, 17244, 17245, 17246, 17247, 17248, 17249, 17250; for construction permits.

1. This proceeding, involving eight applicants for new or changed standard broadcast facilities, was designated for hearing by Memorandum Opinion and Order, FCC 67-256, 7 FCC 2d 153, released March 16, 1967. Presently before the Board is a petition to enlarge and

delete issues, filed April 7, 1967, by Kittyhawk Broadcasting Corp. (Kittyhawk),[1] seeking: (1) The addition of financial, programing, and overlap issues[2] against the Gem City Broadcasting Co. (Gem City); (2) the addition of technical, transmitter site, and financial issues against Western Ohio Broadcasting Service, Inc. (Western Ohio); and (3) the deletion of an air hazard issue against Kittyhawk.[3]

Gem City's financial qualifications. 2. In support of its request for the addition of financial issues against Gem City, Kittyhawk asserts that Gem City will require approximately $259,133 (including repayment of principal and interest on a proposed bank loan) to construct and operate its proposed station for 1 year and that Gem City has only $186,000 available (a $100,000 bank loan commitment; a $36,000 equipment credit; and $50,000 in stock subscriptions) to meet its total first year costs. Kittyhawk further alleges that part of the funds relied upon may not be available. Specifically, it is argued that, because of unrevealed liabilities, Arthur M. Beerman, Chairman of the Board of Gem City, will not be able to meet his financial commitments, totaling $30,000 (a $25,000 stock subscription and an agreement to loan Thomas Andrews $5,000 to meet his stock subscription) to Gem City. The accuracy and relevance of portions of Beerman's balance sheet are questioned. Kittyhawk also contends that Gem City's estimated revenues, $166,200, cannot be relied upon because they are not adequately supported. Finally, it is suggested that due to the alleged failure of Gem City to supply pertinent updated financial information concerning Arthur M. Beerman, a section 1.65 issue would be warranted against Gem City.

3. In opposition, Gem City first disputes as erroneous Kittyhawk's contention that approximately $259,133 will be required by Gem City to construct and operate its proposed station for the first year. Gem City claims that repayment on the bank loan is not required for the first 3 years, and therefore that it requires only $219,470 to construct and operate its proposed station for the first year.[4] Gem City refers to an amendment to its application (accepted on May 15, 1967, FCC 67M-818), which adds the following financial information to its application: (1) An updated bank commitment letter raising the amount of the loan to Gem City from $100,000 to $150,000; (2) a current balance sheet for Thomas B. Andrews, Executive Vice President of Gem City; (3) a current balance sheet for Arthur M. Beerman; and (4) nine advertising commitment letters totalling $84,700. As to the ability of Arthur M. Beerman to meet his commitments, Gem City asserts that even if Beerman were unable to fulfill his obligations to Gem City, it would still have a surplus of funds; and that Beerman's net worth of $6,062,463.53 and his current liquid assets of $650,114.52 (as opposed to current liabilities of $506,553) render absurd petitioner's contention that he cannot supply $30,000 to Gem City. Finally, Gem City asserts that its estimated revenues for the first year, $166,200, are based on studies of the Dayton market and on knowledge of the area. The Broadcast Bureau, opposing the addition of any financial issues against Gem City,[5] argues that it is unreasonable to assume that Arthur M. Beerman could not raise $30,000 when his total net worth exceeds $5 million. According to the Bureau, while Gem City's showing to justify its estimate of revenues, i.e., a study of the Dayton market and knowledge of the area, was not convincing, Kittyhawk, which also proposes a station in Kettering, Ohio, has made a convincing showing indicating the availability of approximately $130,000 in revenues, and the showing made by Kittyhawk can be used as a basis for making a finding that Gem City can reasonably expect similar revenues.

4. Kittyhawk, in reply, argues that the interest on the $150,000 bank loan must be paid during the first year of operation, and therefore Gem City's estimate of $219,470 must be increased to $228,470; and the validity of the new bank loan is questionable.[6] With respect to Beerman's commitment to Gem City, Kittyhawk reasserts that his net worth is misleading, because (1) his contingent liabilities are unknown and (2) he faces repayment of $927,500 in 90-day notes, while his current assets total $650,144. Kittyhawk alleges that there are no assurances that these notes will be renewed or that they will continue to be paid off at the current rate of $249,350 annually. Thus, petitioner concludes that Beerman faces an impossible financial situation if the notes are not renewed. Finally, Kittyhawk challenges the nine advertising commitment letters submitted with Gem City's amendment alleging that seven of the nine companies which wrote the letters are affiliated with Beerman's enterprises or are controlled by other Gem City stockholders; that the two companies not so controlled would provide only $17,000 in revenues; and that the letter from one company is not a firm advertising commitment.

5. Gem City's amended application reflects that it will require a maximum sum of approximately $228,470 (if, as Kittyhawk contends, interest payments on the proposed bank loan must be paid during the first year) in order to construct and operate the proposed station for 1 year.[7] The Board is of the opinion that Gem City has adequately demonstrated that it can meet this requirement. The $150,000 bank loan commitment, contained in Gem City's amendment, is firm and complete. The facts that the commitment requires the personal guarantees of seven of Gem City's stockholders and that a corporation owned by one of those stockholders is in bankruptcy do not raise sufficient doubt as to the availability of the loan as to require the addition of an issue in this regard. In the absence of some evidence to the contrary, we must assume that stockholders of an applicant are willing to abide by the terms of a loan agreement that applicant submits, particularly where, as here, this question is raised in a reply pleading. Moreover,

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[1] Also before the Board are the following related pleadings: (a) Opposition, filed Apr. 28, 1967, by the Gem City Broadcasting Co.; (b) errata, filed May 1, 1967, by Gem City; (c) opposition, filed Apr. 26, 1967, by Western Ohio Broadcasting Service, Inc.; (d) petition to accept late filing, filed May 1, 1967, by the Broadcast Bureau; (e) comments, filed May 1, 1967, by the Broadcast Bureau; (f) reply to Gem City's opposition, filed May 12, 1967, by Kittyhawk; and (g) reply to Western Ohio's opposition, filed May 12, 1967, by Kittyhawk.

[2] Specifically here, Kittyhawk seeks an issue to determine whether the applications of Gem City and Treaty City Radio, Inc., are mutually exclusive. In a Memorandum Opinion and Order, FCC 67R-225, released June 6, 1967, the Board, in disposing of a motion filed by Gem City, ruled that the two applications are not mutually exclusive. For the reasons set forth in the forementioned document, Kittyhawk's request for an issue inquiring into this matter will therefore be denied.

[3] The petition was filed 2 days after the time required for filing petitions to enlarge issues. Section 1.229(b) of the Commission's rules. The late filing was allegedly caused by a misunderstanding on the part of Kittyhawk's attorney regarding the date the issues in this proceeding were published in the FEDERAL REGISTER. The Board finds that good cause has been shown to permit consideration of the pleading.

[4] Gem City's estimate is as follows:

Cost of operations for the first year	$152,630
Equipment down payment	12,000
RCA equipment installment payment for first year	14,640
Other items	40,200
	219,470

[5] The Bureau's comments regarding Kittyhawk's petition should have been filed on Apr. 28, 1967; however, due to the workload of the Commission's duplicating division, they were filed on May 1, 1967. Since no party has been prejudiced by the late filing and since no party objects to the consideration of the Bureau's comments, the Bureau's petition to accept late filing will be granted.

[6] Kittyhawk argues that the loan is conditioned upon the personal guarantee of Gem City's stockholders; that one of the stockholder's assets consists solely of stock in a grocery chain which recently filed a bankruptcy petition; that the bankruptcy petition destroys the validity of the stockholder's guarantee; and that none of the stockholders named in the bank letter have furnished a guarantee to the bank or have assured the Commission that they will personally guarantee the $150,000 loan.

[7] Except with regard to the repayment of principal and interest on the bank loan, no question is raised concerning Gem City's estimate of construction and initial operation costs.

there is no reference in the commitment letter to the financial condition of any of the seven named guarantors, and the contention that the bank would not meet its commitment because a corporation owned by one of the guarantors was in bankruptcy is mere conjecture. In our view, Kittyhawk has also failed to raise a substantial question regarding the availability of Gem City's $50,000 in stock subscriptions. Beerman's balance sheet reflects over $10 million in total assets and net worth of more than $6 million.[1] Although Beerman has not disclosed the extent of his contingent liabilities, we fail to see how such a disclosure could compel a conclusion that he will be unable to meet his $30,000 commitment. Finally, we agree with the Broadcast Bureau that the remaining $28,470 required by Gem City can be obtained from first year's revenues. Gem City has furnished firm advertising commitments for more than this amount,[2] and the Board has recently credited Kittyhawk with a portion of its $130,000 in estimated revenues for Kettering. See the memorandum opinion and order cited in note 2, supra. The requested financial issues will therefore be denied.

Gem City's programing. 6. To support a request for an issue inquiring into the efforts made by Gem City to ascertain community needs and interests and the manner it prepares to meet those needs and interests, Kittyhawk alleges that Gem City's application contains no reference to program preparation efforts; and, although an amendment to Gem City's application, filed on November 28, 1966,. reflects that some survey was made, Gem City's program proposal contains no mention of Kettering, and nine of 12 community leaders contacted indicated that they had not been contacted by Gem City. In opposition, Gem City contends that prior to filing its application, Gem City made an extensive listener survey of the area proposed to be served, including over 231 telephone interviews in one week; that Gem City made numerous community leader contacts; [3] that Gem City did, in fact, contact many of the persons who told Kittyhawk's employee that they had not been contacted; and that the form submitted by Gem City did not require a description of the applicant's survey processes. The Board agrees with the Broadcast Bureau that the showing made in Gem City's opposition clearly establishes that a Suburban issue is not required.

Western Ohio's technical qualifications. 7. Kittyhawk requests the addition of the following technical issues against Western Ohio:

A. To determine whether the minimum required RMS can be realized by the applicant;

B. To determine whether the antenna, as proposed by the applicant, can be maintained;

C. To determine whether the applicant proposes sufficient and suitable technical equipment to operate its proposed station; and

D. Whether in light of the evidence adduced pursuant to the foregoing issues, whether the applicant is technically qualified to construct and operate its proposed station.

8. In support of its request for Issue A, petitioner relies on an analysis by its consulting engineer of Western Ohio's technical proposal, in which he concludes that the minimum required RMS value will not be achieved by Western Ohio. In his affidavit, petitioner's engineer states that "with a normally assumed base loss resistance of 2 ohms, the RMS value for the proposed antenna is 0.1 mv/m above the minimum value of 87.5 mv/m required by § 73.189(b)(2)(ii) of the rules. * * * The ground radials in the easterly and westerly directions are 140 feet (59°) long. Due to the short radials the base loss is expected to be greater than 2 ohms. * * * The outer towers have a negative operating resistance component * * * The presence of two negative towers will result in an unstable and lossy operation. * * * [Therefore] * * * the minimum required RMS value of 87.5 mv/m will not be achieved." In its opposition, Western Ohio, relying on an affidavit of its consulting engineer, disputes the analysis and findings of Kittyhawk's engineer. Western Ohio's engineer concludes that "losses as high as 2 ohms per tower could occur without RMS dropping below the permitted minimum of 87.5 mv/m for 0.25 kw operation. It is not expected that losses will occur to this extent, but they can be tolerated without violation of the rules * * *."

9. The Broadcast Bureau urges the denial of requested Issue A on the ground that Kittyhawk's allegations are not supported by facts. The Bureau contends that Kittyhawk's assumption that the base loss resistance for each of the towers in Western Ohio's proposed directional antenna system is expected to be greater than 2 ohms is not adequately supported; that the Commission's Rules do not specify a particular value of loss resistance to be used in directional antenna calculations; and that the loss resistance, which can be as low as 0.5 ohms, depends on the quality of the installation. The Bureau further contends that the ground system about each tower will exceed 0.25 wavelength, except for a small sector to the east of the east tower and to the west of the west tower where the radials reach a minimum of 0.16 wavelength; that Kittyhawk's engineer fails to acknowledge the compensating effect of the great mass of Western Ohio's proposed ground system which reaches more than 0.25 wavelength from the several towers; and that he offers no calculations or other evidence that Western Ohio's proposed ground system is inadequate or that it would contribute significantly to ground loss.

10. Considering all of the information submitted, Kittyhawk has failed to allege sufficient facts to support its allegation that Western Ohio's proposed directional antenna system cannot be constructed to achieve the minimum RMS. Although Kittyhawk in its reply to oppositions lists calculated losses (based on measured RMS values) in excess of 2 ohms for certain operating broadcast stations, the listing is insufficient to establish that Western Ohio's array can not attain a loss of 2 ohms or less. For example, the listed stations apparently met Commission requirements with no necessity for improving their performance through lower losses. The request for Issue A will be denied substantially for the reasons advanced by the Broadcast Bureau.

11. Kittyhawk also challenges the ability of Western Ohio to maintain its proposed antenna, basing its allegations on the fact that there is a drive-in theater screen at the proposed 1,000 mv/m contour. Kittyhawk's engineer states in his affidavit attached to the petition that the screen cannot be detuned. He further states that "it must be assumed that an irreducible and residual reflection of at least 1 percent of the impinging field will be present * * * The screen will become an uncontrollable part of the directional array." Thus, concludes petitioners engineer, there will result an "unstable operation" and the proposed 25 uv/m contour will penetrate the WCAR measured 0.5 mv/m contour. Western Ohio's engineer disputes this argument in his affidavit, asserting that an "inadvertent error" had been made in the original engineering report where it was indicated that the towers would be located within 300 feet of the drive-in theater screen.[13] The distance will be approximately 1,000 feet, Western Ohio states, and a corrective amendment is being prepared now. Western Ohio's engineer concludes that "the separation from the drive-in theater screen amounting to approximately 0.2 mile, is sufficient so that the problem of reradiation of the signal is of no significance, and the pattern can be adjusted within the maximum expected operating values specified."

[1] Beerman's purchases and loans created no substantial and significant changes in his financial status; therefore, they were not required to be reported under Rule 1.65. Beerman's short term notes, being paid at a rate of $249,360 annually, can be met from the $393,194 in cash shown on the balance sheet.

[2] We do not agree with Kittyhawk that the letters of commitment cannot be relied upon because several of the potential advertisers are owned or controlled by Gem City stockholders.

[3] Gem City specified 14 community leaders contacted prior to filing its application; and 15 such leaders contacted after its application was filed. The results of Gem City's efforts and the manner in which these results are reflected in Gem City's program policy are also set forth.

[13] In an amendment to its application, Western Ohio noted the presence of the drive-in theater screen. In the opinion of the applicant's engineer, the proximity of the screen was not expected to significantly affect the operation of the proposed directive antenna. Besides, possible effects of reradiation were allegedly taken into account in the specification of MEOV. Furthermore, Western Ohio's engineer stated that, if the screen did affect the antenna, steps would be taken to detune the structure.

12. The Broadcast Bureau opposes the addition of Issue B because the allegations made by Kittyhawk and its engineer are unsupported by facts. In its reply, Kittyhawk reasserts that the screen cannot be detuned. The Board agrees with Western Ohio and the Bureau. There is no supporting data to sustain the contention that the drive-in theater screen cannot be detuned. Moreover, Western Ohio's original engineering report apparently erred in indicating the distance between the towers and the drive-in screen. However, even if the distance is not greater than that originally assumed, Kittyhawk's request for Issue B must be denied for failure to support its request with sufficient data or facts concerning alleged reradiation from the screen—the dimensions of which are considerably less than one-quarter wavelength at Western Ohio's proposed operating frequency.[14]

13. In support of its request for Issue C, Kittyhawk argues that Western Ohio has not specified adequate or sufficient equipment to operate its proposed station. Kittyhawk's engineer lists ten items alleged to be necessary for station operation, but not listed by Western Ohio in its application.[15] Petitioner also claims that spare parts for certain technical equipment proposed by Western Ohio may not be available. In opposition, Western Ohio, through its engineer's affidavit, submits a list of equipment on hand and of required items, including some of the items listed by Kittyhawk's engineer. The applicant asserts that a field strength meter has been purchased since its application was filed. The Bureau supports the addition of Issue C if Western Ohio fails to show that it has available the necessary equipment to operate the proposed station.

14. It appears from the equipment lists submitted by the Kittyhawk engineer that various items of equipment, which Kittyhawk contends will be required, have not been provided for by Western Ohio.[16] The Board is unable to resolve, on the basis of the pleadings, whether Western Ohio has sufficient and adequate equipment to construct its proposed station. An issue under which this question can be resolved will therefore be specified.

Western Ohio's transmitter site. 15. Kittyhawk requests an issue to determine whether Western Ohio's transmitter site is available and whether the ownership thereof is as represented by Western Ohio. In its application, Western Ohio represented that "land and housing facilities have been purchased by Mr. and Mrs. Stanley Coning, majority stockholders of the corporation, and will be rented to the corporation for the AM facilities." Kittyhawk argues that the Conings have not purchased the land and housing being relied upon; that the property in question is presently owned by a Beers family; that the Conings had leased the property from a Robert L. Hudson, Jr., who previously owned the property (a copy of the lease is attached to the petition); that no lease payments have been made to the new owner; and that there are no existing buildings or structures of any kind on the land specified. In opposition, Western Ohio alleges that the proposed station will be housed in a trailer owned by Coning, and regarding its proposed site, that the lease between Stanley Coning and Robert Hudson does not require the lessee (Coning) to make any payments to the property owner unless and until he (the lessee) takes possession of the property. With respect to the charge that the property in question has been sold, Western Ohio contends that it has contacted the County Clerk's Office of Preble County, Ohio, and finds no record of such sale. Finally, Western Ohio states that, according to the agreement between Coning and Hudson (a lease-purchase agreement) the lessee will own the property upon the expiration of the lease. Kittyhawk, in its reply, argues that Western Ohio has not satisfied the question as to the availability of its proposed site. Petitioner contends that while Stanley Coning may have the right to purchase the land in the future, he does not own it now. Furthermore, petitioner asserts that the property is heavily mortgaged and that no steps have been taken to release from the bank's mortgage the land specified by Western Ohio.

16. The Board is of the opinion that Kittyhawk's allegations do not raise a substantial question concerning the availability of Western Ohio's proposed site. The pleadings herein establish that Coning entered into a lease agreement, with an option to purchase, with the then owner of the site; that the owner subsequently entered into a contract to sell the property; and that the contract of sale specifically makes that sale subject to the agreement with Coning.[17] Although the statement contained in Western Ohio's application to the effect that the property has been purchased was not entirely accurate, we do not, in view of the option to purchase arrangement, believe that it raises a question as to Western Ohio's veracity. Finally, Western Ohio's allegation that payments under the lease do not commence until it takes possession of the property is in accord with the terms of the lease, and we fail to see the significance of the fact there is an outstanding mortgage on the property in the absence of some indication that the mortgage payments are not being met or that foreclosure is being contemplated by the mortgagee.

Western Ohio's financial qualifications. 17. In support of its request for issues inquiring into Western Ohio's financial qualifications, Kittyhawk alleges that Western Ohio has estimated a total cost of $22,086 for construction and first year's operation and that such figure is unrealistic.[18] Petitioner contends (1) that the estimated construction costs of $5,936 assume that the land and buildings relied upon by Western Ohio would be rented from Mr. and Mrs. Stanley Coning; and (2) that since it is questionable whether the land is actually owned by the Conings, and that since there are no buildings thereon, construction costs will have to be greater than the figure estimated. Kittyhawk also questions the reliability of Western Ohio's representations that technical equipment would be rented from the Conings, basing its doubts on the alleged discrepancies with respect to the representation regarding the ownership of the land; and reasserts that at least $9,163 in additional equipment will be needed by Western Ohio to effectuate its proposal. It is also alleged that Western Ohio's estimated operating costs of $16,150 are insufficient since such estimate is based on the assumption that no new capital would be necessary to purchase land or equipment or to construct the proposed station. Kittyhawk points out that WCTM–FM, an FM station owned by Western Ohio which will be operated in conjunction with the proposed AM station, suffered losses of $2,830.52 during 1964 and argues that this raises a serious question as to Western Ohio's $39,500 estimate of revenues. Finally, Kittyhawk questions the availability of a $20,000 loan by Mrs. Dorothy Waring to Western Ohio. It is argued that the loan commitment is limited; that Mrs. Waring would not assume alleged financial risks; and that Mrs. Waring is unable to meet her commitment.

18. Western Ohio, in its opposition, states that while there are presently no buildings on its alleged transmitter site, a 47-foot trailer, owned by Stanley Coning, will be at the site and will house the station; and that the seemingly low construction costs are based on the fact that Stanley Coning contemplates doing most of the construction work himself.[19] Coning's expertise and ability, questioned by Kittyhawk, are defended by Western Ohio. It is further contended that Kittyhawk's charges in regard to Western Ohio's estimated operating revenues are speculative. Specifically, Western Ohio alleges that it has submitted to the Commission letters of intent from local merchants who expect to spend a total of $47,850 in advertising during the first year of operation of Western Ohio's proposed AM station. Finally, Western Ohio defends the Waring loan, asserting that the loan is not conditioned upon the discontinuance of the operation of WCTM–FM, Eaton, Ohio; that the loan commitment is "firm and unequivocal"; and that Mrs. Waring

[14] See Denver Area Broadcasters (KDAB), 28 FCC 583, 4 RR 2d 895 (1966).

[15] Kittyhawk's engineer specifies the following equipment deficiencies in Western Ohio's application: (1) Field intensity meter; (2) sampling loops; (3) building; (4) base insulators; (5) tower foundation; (6) base network housing; (7) phasing cabinet; (8) transmitter crystals; (9) radio frequency meters; and (10) base isolation coils.

[16] Three sampling loops; tower foundations; base network housings; four radio frequency meters; and three base isolation coils.

[17] A copy of the sales contract was submitted with Kittyhawk's reply. There is no indication, however, of whether or not the sale was actually consummated.

[18] Western Ohio estimates $5,936 in construction costs, and $16,150 in operating expenses.

[19] Coning allegedly did most of the construction work on WCTM–FM, Western Ohio's FM station at Eaton, Ohio.

is able (her balance sheet shows $25,000 in cash and listed securities) to meet her commitment. In view of Kittyhawk's allegations, the Broadcast Bureau supports the addition of the requested financial issues. In its reply, Kittyhawk challenges Stanley Coning's ability to construct Western Ohio's technical facilities. Petitioner also alleges that a trailer is not a proper structure in which to house radio transmitting equipment; that Western Ohio's FM station in Eaton has had financial difficulty; and that Western Ohio failed in its opposition to answer the many financial questions posed in Kittyhawk's petition.

19. The requested financial issues will be denied. As previously indicated, we disagree with Kittyhawk's contention that Western Ohio has not established reasonable assurance of the availability of its proposed site. (See par. 15, supra.) Nor can we accept Kittyhawk's contentions that Coning would not be able to erect the tower and install the ground system, or that the trailer owned by Coning would be inadequate to house the station in the absence of more specific allegations to support these contentions. Thus, assuming that Western Ohio will require all of the additional equipment as alleged by Kittyhawk, it would require a maximum of $29,078 in order to construct its proposed station and operate for 1 year.[1] To meet this requirement, Western Ohio relies upon a $20,000 loan commitment from one of its stockholders, Dorothy Waring, and revenues. The loan commitment is unconditional, complete and firm on its face; and supported by a balance sheet from the stockholder reflecting $25,000 in liquid assets, $40,000 in total assets, and no liabilities.[2] While not all of the commitment letters from advertisers submitted by Western Ohio are definite and firm, it is clear that Western Ohio should be credited with at least the $9,079 in additional funds needed from these commitments, which total more than the $39,500 which Western Ohio has estimated as first year's revenues. Under these circumstances, further inquiry into Western Ohio's financial qualifications is not warranted.

Air hazard issue. 20. Finally, Kittyhawk requests that the air hazard issue, which is directed against it (Issue 12), be deleted. In support of its request, Kittyhawk submitted a copy of a letter from the Federal Aviation Agency, dated March 17, 1967, which states that the Kittyhawk proposal would not be a hazard to air navigation. This letter was mailed to the Commission one day following the release of the designation order herein. The Broadcast Bureau does not object to the request. In view of the facts that the FAA's notice was sent to the Commission only 1 day after the designation order was released; that the request to the FAA to make the determination was made approximately one month prior to designation; and that none of the parties object, deletion of the air hazard issue would be appropriate. Cf. D. H. Overmeyer Communications Co., FCC 66R-64, 2 FCC 2d 531.

Accordingly, it is ordered, That the petition to enlarge and delete issues, filed April 7, 1967, by Kittyhawk Broadcasting Corp., is granted to the extent indicated below and denied in all other respects; that the petition to accept late filing, filed May 1, 1967, by the Broadcast Bureau, is granted; that the designation order herein, FCC 67-256, released March 16, 1967, is modified by the deletion of Issue 12; and

It is further ordered, That the issues in this proceeding are enlarged by the addition of the following issue:

To determine whether Western Ohio Broadcasting Service, Inc., proposes sufficient and suitable technical equipment to operate its proposed station; and whether in light of the evidence adduced, Western Ohio Broadcasting Service, Inc., is technically qualified to construct and operate its proposed station.

Adopted: June 27, 1967.

Released: July 10, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-8137; Filed, July 13, 1967; 8:48 a.m.]

[1] $22,086, as estimated by Western Ohio; $4,163 in additional equipment; and $2,830 in FM losses. Since Western Ohio does not dispute Kittyhawk's contention that the FM station is operating at a loss, we believe it is appropriate in computing the funds required, to consider whether Western Ohio has sufficient funds to operate both stations. However, Kittyhawk's contention that if Western Ohio received a grant, it would suffer larger FM losses is not supported by adequate factual allegations.

[2] Kittyhawk's allegation that its "investigation" indicates that Mrs. Waring has a net worth of only $12,000 is completely unsupported and must be rejected.

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 1070]

ADELINO J. VAZQUEZ

Rescission of Order

The order of revocation of the ocean freight forwarder license of Adelino J. Vazques, 77 Perry Street, Newark, N.J. 07105, published in the FEDERAL REGISTER, June 23, 1967 (32 F.R. 8990), is hereby rescinded due to the filing of a valid surety bond as required by section 44(c), Shipping Act, 1916 (46 U.S.C. 841(b)).

JAMES E. MASURE,
Director,
Bureau of Domestic Regulation.

[F.R. Doc. 67-8146; Filed, July 13, 1967; 8:49 a.m.]

"CONCORDIA LINE" JOINT SERVICE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. H. J. Griffin, Vice President, Boise-Griffin Steamship Co., Inc., 90 Broad Street, New York, N.Y. 10006.

Agreement 7631-5, between the member lines of the Concordia Joint Service, amends the scope of the basic agreement to (1) exclude ports in Canada, Newfoundland, and the Canadian Maritimes from the range of ports covered, and (2) extend the geographic scope to include service to west, south, and east African ports in both the eastbound and westbound trades pursuant to terms and conditions set forth in the agreement.

Dated: July 10, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-8146; Filed, July 13, 1967; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP67-385]

CITIES OF ROGERSVILLE, MO., ET AL.

Notice of Application

JULY 7, 1967.

Take notice that on June 28, 1967, the Cities of Rogersville, Mo., et al. (Applicants), filed in Docket No. CP67-385 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Cities Service Gas Co. (Respondent) to establish physical connection of its transportation facilities with the facilities proposed to be constructed by Applicant and to sell and deliver to Applicant volumes of natural gas for resale and distribution in the communities of Rogersville, Fordland, Seymour, Mansfield, Ava, Norwood, Mountain Grove, Cabool, Houston, Willow Springs, Mountain View, West Plains, Koshkonong, and Thayer, all in the State of Missouri, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants propose to construct and operate municipal natural gas distribution systems in their respective communities and Applicants also propose that Respondent construct and operate a lateral line or lines of sufficient capacity to enable them to render the service proposed herein. Applicants further propose that the costs for such lateral line facilities be apportioned between Respondent and Applicants in accordance with Respondent's "Construction of Sales Lateral Pipelines to Resale Customers" formula as set forth in section 20 of Respondent's FPC Gas Tariff, Second Revised Volume No. 1. Applicants estimate their total third year peak daily and peak annual natural gas requirements at 16,425 Mcf and 1,776,347 Mcf, respectively, their individual requirements being set forth in the application.

Applicants estimate the total cost of their proposed municipal distribution systems at $4,249,000 and their share of the proposed lateral line facilities at $1,199,328, said $5,348,328 total cost to be financed through the issuance and sale of Gas Revenue Bonds to be issued separately by the individual Applicants.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 7, 1967.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-8099; Filed, July 13, 1967; 8:45 a.m.]

WYOMING

Order Vacating Land Withdrawals in Project Nos. 104 and 1314

JULY 6, 1967.

Application has been filed by the U.S. Forest Service (Applicant) for vacation of the power withdrawals under Section 24 of the Federal Power Act pertaining to the following described lands of the United States:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 52 N., R. 108 W.,
Sec. 21, SE¼NE¼, N½SE¼, SE¼SE¼;
Sec. 22, W½SW¼.
(240 acres.)

The lands are within the Shoshone National Forest and are located at the confluence of Kitty Creek and North Fork of Shoshone River.

The lands are withdrawn variously pursuant to the filing on April 18, 1921, of an application for license for Project No. 104, and the filing on May 8, 1935, of an application for license for Project No. 1314. By Commission letters dated April 23, 1921, and June 12, 1936, respectively, notices of the withdrawals were given to the General Land Office, now Bureau of Land Management.

Project No. 104 consisted of, among other project works, a powerhouse containing generating equipment of 6-kilowatt capacity. A 25-year license was issued for the project, effective as of May 27, 1921. Pursuant to application therefor, the Commission accepted surrender of the license by order of March 20, 1936. Project No. 1314 consisted of, among other project works, a powerhouse with 10 horsepower of installed capacity. A 20-year license was issued, effective as of May 24, 1937. The license expired on May 24, 1957.

By letter filed April 14, 1967, Applicant advises that the National Forest land occupied by both projects have been restored to a condition satisfactory to Applicant. According to available records, the area formerly occupied by the projects is being served by a rural electric cooperative.

The Commission finds: The subject lands no longer have power value, and the withdrawals of the lands serve no use for power purposes.

The Commission orders: The power withdrawals of the subject lands pursuant to applications for Project Nos. 104 and 1314 are hereby vacated.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-8100; Filed, July 13, 1967; 8:45 a.m.]

[Docket No. CP67-383]

NORTHERN NATURAL GAS CO. ET AL.

Notice of Application

JULY 6, 1967.

Northern Natural Gas Co., Peoples Natural Gas Division, Applicant; Natural Gas Pipeline Co. of America, Respondent, Docket No. CP67-383.

Take notice that on June 27, 1967, Northern Natural Gas Co., Peoples Natural Gas Division (Applicant), 2223 Dodge Street, Omaha, Nebr. 68102, filed in Docket No. CP67-383 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Natural Gas Pipeline Co. of America (Respondent) to establish physical connection of its transportation facilities with the facilities proposed to be constructed by Applicant and to sell and deliver to Applicant volumes of natural gas for resale and distribution in the communities of Cumberland and Massena, Cass County, Iowa, and to a pumping station, owned and operated by Hydrocarbon Transportation, Inc. (HTI), near Massena, Cass County, Iowa, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate approximately 8.80 miles of transmission lateral extending northward from a point of connection with Respondent's transmission line to a point of connection with the proposed Massena town border station, then approximately 1.32 miles north to a point where the line will branch approximately 2.77 miles generally northeast to a connection with HTI and approximately 4.43 miles west to the proposed town border station at Cumberland. Applicant proposes that Respondent construct a gas measuring station and any necessary related facilities to render the above proposed natural gas service.

Applicant estimates the third year peak daily and peak annual natural gas requirements for the service proposed above at 1,302 Mcf and 225,280 Mcf, respectively.

Applicant estimates the total cost of the proposed facilities at approximately $339,042, said cost to be financed from cash on hand, reserve accruals and retained earnings.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 31, 1967.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-8101; Filed, July 13, 1967; 8:45 a.m.]

[Docket No. CP66-344]

PANHANDLE EASTERN PIPE LINE CO.

Notice of Petition To Amend

JULY 6, 1967.

Take notice that on June 27, 1967, Panhandle Eastern Pipe Line Co. (Petitioner), 1 Chase Manhattan Plaza, New York, N.Y. 10005, filed in Docket No. CP66-344 a petition to amend the order issued by the Commission June 6, 1966, as amended August 26, 1966, and January 26, 1967, by authorizing Petitioner to increase the summer contract demand of three existing customers for the period July 1, 1967, to October 31, 1967, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the above-mentioned order, as amended, Petitioner was authorized, inter alia, to sell and deliver to Battle Creek Gas Co. (Battle), Missouri Public Service Co. (Missouri) and Central Illinois Public Service Co. (Central) certain contract demands of natural gas. By the instant filing, Petitioner states that Battle, Missouri, and Central have advised it that their current contract demand is not sufficient to meet their current summer requirements. Petitioner, therefore, seeks authorization to increase its sales and deliveries to the above-mentioned customers as follows:

Month	Customer	Proposed Increase (Mcf)
July	Battle	2,000
	Missouri	200
	Central	3,000
August	Battle	2,000
	Missouri	200
	Central	3,000
September	Central	3,000
October	Central	3,000

Petitioner states that it presently has the capacity to provide the relatively small increases proposed herein and proposes no new or additional facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and pro-

cedure (18 CFR 1.8 or 1.10) on or before July 31, 1967.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-8102; Filed, July 13, 1967; 8:45 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN GREECE

Entry and Withdrawal From Warehouse for Consumption

JULY 11, 1967.

On May 23, 1966, the Government of the United States, in furtherance of the objectives of and under the terms of the Long Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, concluded an agreement with the Government of Greece amending the bilateral agreement of July 17, 1964, concerning exports of cotton textiles and cotton textile products from Greece to the United States. As amended, the agreement provides annual limitations on exports of all cotton textiles and cotton textile products from Greece to the United States for the successive 12-month periods beginning September 1, 1965, and extending through August 31, 1970.

Entries into the United States for consumption and withdrawals from warehouse for consumption of cotton textiles and cotton textile products in Categories 1, 2, 3, and 4, produced or manufactured in Greece and exported to the United States on or after September 1, 1966, have exceeded the amount provided for in the agreement. Consultations with the Government of Greece concerning these exports are now in progress. Such consultations will cover the entry of goods affected by the directive published below.

Accordingly, there is published below a letter of July 10, 1967, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs directing that beginning July 15, 1967, and until further notice, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 1, 2, 3, and 4, produced or manufactured in Greece and exported to the United States after August 31, 1966, and before September 1, 1967, be prohibited. The status of goods exported after August 31, 1967, may be provided for by a further directive to the Commissioner of Customs.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

THE SECRETARY OF COMMERCE
PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE
WASHINGTON, D.C. 20230.
July 10, 1967.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

DEAR MR. COMMISSIONER: Under the terms of the Long Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of July 17, 1964, as amended on May 23, 1966, between the United States and Greece, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed, effective July 15, 1967 and until further notice, to prohibit entry into the United States for consumption and withdrawal from warehouse for consumption of any cotton textiles and cotton textile products in Categories 1, 2, 3, and 4, produced or manufactured in Greece and which have been exported to the United States after August 31, 1966, and before September 1, 1967.

The foregoing directive is temporary and is expected to be the subject of a further directive to you at the conclusion of consultations now in progress with the Government of Greece.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on July 7, 1966 (31 F.R. 9310).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the commonwealth of Puerto Rico.

The actions taken with respect to the Government of Greece and with respect to imports of cotton textiles and cotton textile products from Greece have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

A. B. TROWBRIDGE,
Secretary of Commerce, Chairman, President's Cabinet, Textile Advisory Committee.

[F.R. Doc. 67-8127; Filed, July 13, 1967; 8:47 a.m.]

OFFICE OF EMERGENCY PLANNING

OCCIDENTAL PETROLEUM CORP. ET AL.

Additions to Membership in Voluntary Agreement Relating to Foreign Petroleum Supply

Pursuant to section 708 of the Defense Production Act of 1950, as amended, there is published herein five additional companies which have accepted the request to participate in the Voluntary Agreement Relating to Foreign Petroleum Supply, As Amended.

Occidental Petroleum Corp., 10889 Wilshire Boulevard, Los Angeles, Calif. 90024.
Amerada Petroleum Corp., Post Office Box 2040, Tulsa, Okla. 74102.
Murphy Oil Corp., 200 Jefferson Avenue, El Dorado, Ark. 71730.
Sun Oil Co., 1608 Walnut Street, Philadelphia, Pa. 19103.
Hunt Oil Co., 1401 Elm Street, Dallas, Tex. 75201.

(Sec. 708, 64 Stat. 816, as amended; 50 U.S.C. App. Sup. 2158; Executive Order 10480, August 14, 1953, 18 F.R. 4939; Reorganization Plan No. 1 of 1958, 23 F.R. 4991, as amended; Executive Order 11051, September 27, 1962, 27 F.R. 9683)

Dated: July 10, 1967.

FARRIS BRYANT,
Director,
Office of Emergency Planning.

[F.R. Doc. 67-8106; Filed, July 13, 1967; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

NORTHERN INSTRUMENT CORP.

Order Suspending Trading

JULY 10, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Northern Instrument Corp., Babylon, N.Y., and all other securities of Northern Instrument Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange is summarily suspended, this order to be effective for the period July 11, 1967, through July 20, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-8108; Filed, July 13, 1967; 8:46 a.m.]

[File No. 811-1389]

S & P NATIONAL CORP.

Order Suspending Trading

JULY 10, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the Common and Class A stock of S & P National Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 11, 1967, through July 20, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-8109; Filed, July 13, 1967; 8:46 a.m.]

[812-2146]

CHEVRON OVERSEAS FINANCE CO.

Notice of Filing of Application for Order Exempting Company From All Provisions of Act

JULY 11, 1967.

Notice is hereby given that Chevron Overseas Finance Co. ("applicant"), 225 Bush Street, San Francisco, Calif. 94104, a Delaware corporation, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order exempting it from all provisions of the Act and the Rules and Regulations thereunder. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Applicant was organized by Standard Oil Co. of California ("Standard") under the laws of the State of Delaware on June 5, 1967. All of the outstanding securities of applicant consists of 5,000 shares of common stock without par value, of which 100 shares have been purchased for $10,000 and are held by Standard. On or before the issuance of the Notes of applicant described below, Standard will contribute to applicant all of the outstanding stock of one or more of Standard's fully owned subsidiaries having an aggregate book value of approximately $6,600,000. Standard may make further investments in applicant, either in cash, in securities of Standard's foreign subsidiaries, affiliates or other foreign assets, in exchange for additional shares of applicant's common stock or by contribution to applicant's capital. Any additional securities which applicant may issue, other than debt securities, will be issued only to Standard. Standard will continue to retain its present holdings of applicant's stock and any additional securities of applicant which Standard may acquire, and Standard will not dispose of any of applicant's securities except to applicant or to a fully owned subsidiary of Standard (which term as used herein means a corporation all of the outstanding securities of which are owned, directly or indirectly, by Standard); and Standard will cause each fully owned subsidiary not to dispose of applicant's securities except to Standard, applicant or another fully owned subsidiary of Standard.

Standard is engaged directly and through its subsidiaries in the acquisition and development of prospective and proven oil and gas lands and leases, the production, purchase, sale, transportation and refining of crude oil and its derivatives and the transportation and wholesale and retail marketing of petroleum products, petrochemicals and agricultural chemicals.

Applicant has been organized to raise funds abroad for financing the expansion and development of Standard's foreign operations while at the same time providing assistance in improving the balance of payments position of the United States in compliance with the voluntary cooperation program instituted by the President in February 1965.

Applicant intends to issue and sell $25 million principal amount of its guaranteed notes due 1972 ("notes"). Standard will guarantee the principal, interest payments and premium, if any, on said notes. Any additional debt securities of applicant which may be issued to or held by the public will be guaranteed by Standard in a manner substantially similar to the guarantee of the notes.

It is intended that upon completion of the long-term investment of applicant's assets, substantially all of the assets of applicant (exclusive of U.S. Government securities and cash items) will be invested in or loaned to foreign companies which are primarily engaged in a business or businesses other than investing, reinvesting, owning, holding, or trading in securities and which are, or upon the making of such investment will be (1) majority-owned subsidiaries of Standard within the meaning of section 2(a)(23) of the Act, (2) companies under Standard's control within the meaning of section 2(a)(9) of the Act or (3) companies which are engaged in a business related to the business of Standard, in which Standard or applicant owns 10 percent or more of the total combined voting power of the stock. Applicant will proceed as expeditiously as practicable with the long-term investment of its assets in the manner described above. Pending such investment, applicant will invest temporarily in debt obligations (including time deposits) of foreign governments, foreign financial institutions and foreign subsidiaries of Standard, payable in U.S. dollars or other currencies and in each case maturing in 1 year or less from the date of acquisition. Applicant will not acquire the securities representing its investments or loans for the purpose of resale and will not trade in such securities.

The notes are to be sold through a group of Underwriters for offering outside the United States. The notes are to be offered and sold under conditions which are intended to assure that the notes will not be offered or sold in the United States, its territories or possessions or to nationals or citizens or residents of the United States, its territories or possessions. Any additional debt securities of applicant which may be sold to the public in the future will be sold under substantially similar conditions.

Counsel has advised applicant that U.S. persons will be required to report and pay an interest equalization tax with respect to acquisition of the notes, except where a specific statutory exemption is available. Applicant has applied to the Internal Revenue Service for a ruling to this effect prior to the sale of the notes. Thus, by financing its foreign operations through applicant rather than through the sale of its own debt obligations, Standard will utilize an instrumentality, the acquisition of whose debt obligations by U.S. persons would, generally, subject such persons to the interest equalization tax, thereby discouraging them from purchasing such debt obligations.

Applicant submits that it is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policies and provisions of the Act for the Commission to enter an order exempting applicant from each and every provision of the Act for the following reasons: (1) A principal purpose of applicant is to assist in improving the balance of payments program of the United States by serving as a vehicle through which Standard may obtain funds in foreign countries for its foreign operations; (2) the public policy underlying the Act is not applicable to applicant and the security holders of applicant do not require the protection of the Act, because the payment of the notes, which is guaranteed by Standard, does not depend on the operations or investment policy of applicant, for the noteholders may ultimately look to the business enterprise of Standard rather than solely to that of applicant; (3) none of the securities other than debt securities of applicant will be held by any person other than Standard or a fully owned subsidiary of Standard; (4) applicant will not deal or trade in securities; (5) the notes will be offered and sold abroad to foreign nationals under circumstances designed to prevent the sale in the United States, its territories or to nationals or residents thereof; and (6) the burden of the interest equalization tax will tend to discourage purchase of the notes by any U.S. person.

Notice is further given that any interested person may, not later than July 20, 1967, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-8143; Filed, July 19, 1967; 8:49 a.m.]

[812-2134]

PURITAN FUND, INC.

Notice of Filing of Application for Order Exempting Sale by Open-End Company of Securities at Other Than Public Offering Price

JULY 11, 1967.

Notice is hereby given that Puritan Fund, Inc. ("applicant"), 31 Milk Street, Boston, Mass., a Massachusetts corporation registered under the Investment Company Act of 1940 ("Act") as an open-end diversified management investment company, has filed an application pursuant to section 6(c) of the Act requesting an order of the Commission exempting from the provisions of section 22(d) of the Act a transaction in which applicant's redeemable securities will be issued at a price other than the current public offering price described in the prospectus in exchange for substantially all of the assets of Wilbert Securities, Inc. ("Wilbert"). All interested persons are referred to the application on file with the Commission for a statement of applicant's representations which are summarized below.

Wilbert, a New York corporation, is a personal holding company all of whose outstanding stock is owned of record and beneficially by two individuals and is exempt from registration under the Act by reason of the provisions of section 3(c)(1) thereof. Pursuant to an agreement between applicant and Wilbert, assets owned by Wilbert with a value of approximately $1,360,366 as of January 31, 1967, will be transferred to applicant in exchange for shares of its capital stock.

The number of shares of applicant to be issued to Wilbert is to be determined by dividing the aggregate market value (subject to certain adjustments set forth in the application) of the assets of Wilbert to be transferred to applicant by the net asset value per share of applicant, both to be determined as of the valuation time, as defined in the agreement. If the valuation under the agreement had taken place on January 31, 1967, Wilbert would have received 137,854 shares of applicant's stock.

When received by Wilbert, the shares of applicant are to be distributed to the Wilbert stockholders on the liquidation of Wilbert. Applicant has been advised by the management of Wilbert that the stockholders of Wilbert do not have any present intention of redeeming or otherwise transferring the shares of applicant to be received on such liquidation following the sale of assets transaction. Applicant does not have any present intention of selling any securities acquired from Wilbert subsequent to their acquisition.

No affiliation exists between Wilbert or its officers, directors, or stockholders and applicant, its officers or directors, and the agreement was negotiated at arm's length by the two companies. The Board of Directors of applicant approved the agreement as being in the best interests of its shareholders, taking all relevant considerations into account.

Section 22(d) of the Act provides that registered open-end investment companies may sell their shares only at the current public offering price as described in the prospectus. Section 6(c) permits the Commission upon application, to exempt such a transaction if it finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant contends that the proposed offering of its stock will comply with the provisions of the Act, other than section 22(d) and submits that the granting of the application would be in accordance with established practice of the Commission, is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than July 25, 1967, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-8144; Filed, July 19, 1967; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

JULY 11, 1967.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41074—*Returned shipments—beet or cane sugar.* Filed by Western Trunk Line Committee, agent (No. A-2597), for interested rail carriers. Rates on beet or cane sugar, in carloads, on shipments returned from original destinations in southwestern and western trunkline territories, also Montana, to original points of shipments in southwestern, transcontinental and western trunkline territories. Grounds for relief—Carrier competition.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-8140; Filed, July 18, 1967; 8:49 a.m.]

[Notice 415]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 11, 1967.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 730 (Sub-No. 285 TA), filed July 6, 1967. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., 14th and Clay Streets, Post Office Box 958, Oakland, Calif. 94604. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those requiring armored vehicles or armed guards, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the plantsites and warehouse facilities of Rockwell-Standard Corp. at or near Winchester, Ky., on the one hand, and, on the other, points in California, Colorado, Connecticut, Idaho, Illinois, Indiana, Iowa, Kansas, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, Nevada, New Jersey, New York, Ohio, Oregon, Pennsylvania, Rhode Island, Utah, Washington, Wyoming, and the District of Columbia; for 180 days. Supporting shipper: Rockwell-Standard Corp., Winchester, Ky. 40391. Send protests to: William E. Murphy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 34930 (Sub-No. 23 TA), filed July 7, 1967. Applicant: PRUE MOTOR TRANSPORTATION, INC., Mast Road, Dover, N.H. 03820. Applicant's representative: Arthur J. Piken, 160-16 Jamaica Avenue, Jamaica, N.Y. 11432. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gasoline, kerosene, diesel fuel, and distillates*, in bulk, from South Portland, Maine, to Exeter and New Market, N.H.; for 180 days. Supporting shipper: Community Oil Co., Inc., Post Office Box 2328, South Portland, Maine 04106. Send protests to: Ross J. Seymour, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 24 Hanover Street, Lebanon, N.H. 03766.

No. MC 45736 (Sub-No. 30 TA), filed July 6, 1967. Applicant: GUIGNARD FREIGHT LINES, INC., Post Office Box 26067, Highway 21 North, Charlotte, N.C. 28213. Applicant's representative: Francis J. Ortman, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardboard sheets and boards, plywood, faced or not faced with a protective or decorative material, and boards or sheets, wood particle, faced or not faced with a protective or decorative material*, moving separately or in mixed loads, from Catawba, S.C., and points within 5 miles thereof, to points in West Virginia, Virginia, Ohio, Indiana, Michigan, Pennsylvania, New Jersey, Delaware, Tennessee, New York, Kentucky, and points in North Carolina within 225 miles of Concord, N.C., including Concord; for 180 days. Supporting shipper: U.S. Plywood-Champion Papers, Inc., Knightsbridge, Hamilton, Ohio 45011 (N. J. Leiberg, corporate traffic). Send protests to: Jack K. Huff, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 206, 327 North Tryon Street, Charlotte, N.C. 28202.

No. MC 50069 (Sub-No. 381 TA), filed July 6, 1967. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 930 North York Road, Hinsdale, Ill. 60521. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lubricating oil*, from Cleveland, Ohio, to Kansas City, Mo.; for 180 days. Supporting shipper: Mobil Oil Corp., 150 East 42d Street, New York, N.Y. 10017 (H. B. Brown, general traffic manager). Send protests to: William E. Gallagher, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1086, 219 South Dearborn Street, Chicago, Ill. 60604.

No. 55811 (Sub-No. 92 TA), filed July 7, 1967. Applicant: CRAIG TRUCKING, INC., State Road 67, Albany, Ind. 47320. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the plantsites and warehouses of Rockwell-Standard Corp. at or near Winchester, Ky., on the one hand, and, on the other, points in Indiana, Ohio, and Michigan; for 180 days. Supporting shipper: Rockwell-Standard Corp., Transmission and Axle Division, Winchester, Ky. 40391. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 308 Federal Building, Fort Wayne, Ind. 46802.

No. MC 107409 (Sub-No. 32 TA), filed July 6, 1967. Applicant: RATLIFF & RATLIFF, INC., Post Office Box 399, Highway 742, Wadesboro, N.C. 28170. Applicant's representative: Francis J. Ortman, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood, faced or not faced with a protective or decorative material, and boards or sheets, wood particle, faced or not faced with a protective or decorative material*, moving separately or with hardboard sheets and boards, from Catawba, S.C., and points within 5 miles thereof, to points in Connecticut, Illinois (except points in the Chicago, Ill., commercial zone, as defined by the Commission), Kentucky (except points in the Cincinnati, Ohio, commercial zone, as defined by the Commission), Maryland (except points in the Baltimore, Md., commercial zone, as defined by the Commission), and that part of Tennessee on and east of U.S. Highway 27 and on and north of U.S. Highway 70; for 180 days. Supporting shipper: U.S. Plywood-Champion Papers, Inc., Knightsbridge, Hamilton, Ohio, 45011 (N. J. Leiberg, Corporate Traffic). Send protests to: Jack K. Huff, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 206, 327 North Tryon Street, Charlotte, N.C. 28202.

No. MC 107409 (Sub-No. 32 TA), filed July 6, 1967. Applicant: RATLIFF & RATLIFF, INC., Post Office Box 399, Highway 742, Wadesboro, N.C. 28170. Applicant's representative: Francis J. Ortman, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood, faced or not faced with a protective or decorative material, and boards or sheets, wood particle, faced or not faced with a protective or decorative material*, moving separately or with hardboard sheets and boards, from Catawba, S.C., and points within 5 miles thereof, to points in Connecticut, Illinois (except points in the Chicago, Ill., commercial zone, as defined by the Commission), Kentucky (except points in the Cincinnati, Ohio, commercial zone, as defined by the Commission), Maryland (except points in the Baltimore, Md., commercial zone, as defined by the Commission), and that part of Tennessee on and east of U.S. Highway 27 and on and north of U.S. Highway 70; for 180 days. Supporting shipper: U.S. Plywood-Champion Papers Inc., Knightsbridge, Hamilton, Ohio, 45011 (N.J. Leiberg, Corporate Traffic). Send protests to: Jack K. Huff, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 206, 327 North Tryon Street, Charlotte, N.C. 28202.

No. MC 107515 (Sub-No. 579 TA), filed July 7, 1967. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 10799, Station A, 3901 Jonesboro Road SE., Atlanta, Ga. 30310. Applicant's representative: B. L. Gundlach (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs*, from Louisville, Ky., to Atlanta, Ga., and points in its commercial zone; for 180

days. Supporting shipper: Standard Foods Inc., 1101 East Washington Street, Louisville, Ky. 40206. Send protests to: William L. Scroggs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 682 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 116483 (Sub-No. 4 TA), filed July 6, 1967. Applicant: JOHN P. FONTANA, doing business as J & J TRANSPORT, 160 Florida Street, Laurium, Mich. 49913. Applicant's representative: John P. Boeschenstein, Hackley Union National Bank Building, Muskegon, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood products*, from the port of entry on the international boundary line between the United States and Canada, located at Sault Ste. Marie, Mich., to points in Michigan; for 180 days. Supporting shippers: Hayden Lumber Co., city of Sault Ste. Marie, District of Algoma, Province of Ontario, Canada; and L. H. Shay Veneer Co. of Canada, Ltd., city of Sault Ste. Marie, District of Algoma, Province of Ontario, Canada. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 221 Federal Building, Lansing, Mich. 48933.

No. MC 116886 (Sub-No. 32 TA), filed July 7, 1967. Applicant: HOWELL'S MOTOR FREIGHT, INCORPORATED, 2216 Winston Avenue SW., Roanoke, Va. 24014. Applicant's representative: R. Roy Rush, Shenandoah Building, Roanoke, Va. 24011. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses*, as defined by the Commission, in appendix I, sections A, B, and C, to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, between Louisville, Ky., and points within 100 miles of Louisville, Ky.; for 180 days. NOTE: Applicant states that it intends to tack authority sought with that previously held. Supporting shipper: Oscar Mayer & Co., Inc., Madison, Wis. Send protests to: George S. Hales, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 215 Campbell Avenue SW., Roanoke, Va. 24011.

No. MC 117395 (Sub-No. 13 TA), filed July 7, 1967. Applicant: SOUTHERN CEMENT TRANSPORT, INC., Post Office Box 188, Okay, Ark. 71654. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ground barite*, in bulk, from Magnet, Ark., to points in Mississippi, Louisiana, Oklahoma, and Texas; for the account of Baroid Division, National Lead Co.; for 180 days. Supporting shipper: Baroid Division, National Lead Co., Post Office Box 1675, Houston, Tex. 77001. Send protests to: D. R. Partney, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2519 Federal Office Building, Little Rock, Ark. 72201.

No. MC 117427 (Sub-No. 62 TA), filed July 6, 1967. Applicant: G. G. PARSONS TRUCKING CO., Post Office Box 1668, North Williamsburg, N.C. 28560. Applicant's representative: Francis J. Ortman, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood, faced or not faced with a protective or decorative material, and boards or sheets, wood particle, faced or not faced with a protective or decorative material*, moving separately or with hardboard sheets and boards, from Catawba, S.C., and points within 5 miles thereof, to points in Illinois, Indiana, Michigan, Iowa, Wisconsin, Nebraska, Kansas, Missouri, Pennsylvania (except points in the Philadelphia, Pa., commercial zone), Virginia (except points in the Richmond, Va., commercial zone, and points in Culpeper, Madison, and Rappahannock Counties), Fairmont, W. Va., and points in the Cincinnati, Ohio, commercial zone; for 180 days. Supporting shipper: U.S. Plywood-Champion Papers Inc., Knights-Bridge, Hamilton, Ohio 45011 (N. J. Leiberg, Corporate Traffic). Send protests to: Jack K. Huff, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 306, 327 North Tryon Street, Charlotte, N.C. 28202.

No. MC 117896 (Sub-No. 21 TA), filed July 6, 1967. Applicant: WILLIAM EARNHARDT, doing business as EARNHARDT TRANSPORT, Post Office Box 376, 205 East Council Street, Salisbury, N.C. 28144. Applicant's representative: Francis J. Ortman, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood, faced or not faced with a protective or decorative material, and boards and sheets, wood particle, faced or not faced with a protective or decorative material*, moving separately or with hardboard sheets and boards; from Catawba, S.C., and points within 5 miles thereof, to Dover, Del.; Fairmont, W. Va., and points in Arkansas, Kentucky (except points in the Cincinnati, Ohio, commercial zone, as defined by the Commission), Louisiana, Maryland (except points in the Baltimore, Md., commercial zone, as defined by the Commission), Mississippi, Missouri, New Jersey (except points in the Trenton, N.J., Philadelphia, Pa., and New York, N.Y., commercial zones, as defined by the Commission), New York (except points in the New York, N.Y., commercial zone, as defined by the Commission), Pennsylvania (except points in the Philadelphia, Pa., commercial zone, as defined by the Commission), Virginia (except points in the Richmond, Va., commercial zone, as defined by the Commission, and points in Culpeper, Madison, and Rappahannock Counties), and that part of Tennessee on and east of U.S. Highway 27 and on and north of U.S. Highway 70; for 180 days. Supporting shipper: U.S. Plywood-Champion Papers, Inc., Knightsbridge, Hamilton, Ohio 45011 (N. J. Leiberg, corporate traffic). Send protests to: Jack K. Huff, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 306, 327 North Tryon Street, Charlotte, N.C. 28202.

No. MC 123963 (Sub-No. 8 TA), filed July 6, 1967. Applicant: RENTAR TRUCKING, INC., 89-80 Union Turnpike, Glendale, N.Y. 11227. Applicant's representative: Arthur Ratner (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by retail department stores, and materials, supplies, equipment and fixtures* used in the operation of such stores; between New York, Carle Place, West Islip, Huntington, Nanuet, Lawrence, Scarsdale, and Port Chester, N.Y.; Jersey City, North Brunswick, Watchung, Audubon, Trenton, West Orange, and Paramus, N.J.; Hartford and Trumbull, Conn.; Camp Hill, Springfield, Philadelphia, and King of Prussia, Pa.; Towson, Glen Burnie, Baltimore, and Rockville, Md.; and Baileys Cross Roads, Va.; restricted to shipments moving from, to, or between suppliers, wholesale or retail outlets, warehouses, and other facilities of E. J. Korvette, division of Spartans Industries, Inc., of New York, N.Y.; for 150 days. Supporting shipper: E. J. Korvette, Inc., 629 Grove Street, Jersey City, N.J. 07302. Send protests to: Anthony Chiusano, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 346 Broadway, New York, N.Y. 10013.

No. MC 126814 (Sub-No. 6 TA), filed July 6, 1967. Applicant: TRI-STATE MOTOR TRANSIT CO., Lessee H. Messick, Inc., Post Office Box 113, East on Interstate Business Route 44, Joplin, Mo. 64801. Applicant's representative: Max G. Morgan, 450 American National Building, Oklahoma City, Okla. 73102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Explosives, blasting agents, and blasting supplies*, between Ishpeming, Mich., and Virginia, Minn., on the one hand, and, on the other, points in Illinois south of Route 36; for 180 days. Supporting shipper: Hercules, Inc., Suite 500, 120 Oakbrook Center Mall, Oak Brook, Ill. 60521. Send protests to: John V. Barry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 129200 (Sub-No. 1 TA), filed July 7, 1967. Applicant: WELDON MOVING & STORAGE CO., INC., 228 South U.S. Highway 1, Sharpes, Fla. 32959. Applicant's representative: Robert J. Gallagher, Professional Building, 66 Central Street, Wellesley, Mass. 02181. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Florida; restricted to shipments moving on the lading of a forwarder operating under section 402(B)(2) exemption, and having an immediate, prior or subsequent line haul movement by rail, motor, water or air; for 180 days. Supporting shippers: Kingpak, Inc., Post Office Box 18282, Wichita, Kans. 67218; Pyramid Van Lines, Post Office Box 2273, Station B, San Francisco, Calif. 94126; and Vanpac, 4114 MacDonald Avenue, Richmond, Calif. 94802. Send protests to: G. H. Fauss, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box 35008, Federal Office Building, 400 West Bay Street, Jacksonville, Fla. 32202.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-8141; Filed, July 13, 1967; 8:49 a.m.]

[Notice 7]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 11, 1967.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-69727. By order of June 30, 1967, the Transfer Board approved the transfer to Lee Malcom, Inc., doing business as Lee Malcom, 832 Stewart Avenue, Lewiston, Idaho, of certificate No. MC-100875, issued January 15, 1954, to Lee Malcom, 832 Stewart Avenue, Lewiston, Idaho, authorizing the transportation of: Agricultural commodities, stock-salt, processed feeds, seeds, livestock, and wool, between points in Asotin, Garfield, Columbia, Walla Walla, Whitman, and Spokane Counties, Wash., on the one hand, and, on the other, points in Nez Perce and Latah Counties, Idaho; and between the above specified Washington counties on the one hand, and on the other, Portland, Oreg., and points in Wallowa, Union, and Umatilla Counties, Oreg.

No. MC-FC-69733. By order of June 30, 1967, the Transfer Board approved the transfer to Root's Express, Inc., Binghamton, N.Y., of the operating rights in certificate No. MC-4910, issued November 19, 1965, to Alvin J. Lawrence, doing business as Randall's Express, Honeoye Falls, N.Y., authorizing the transportation, over a regular route, of general commodities, with exceptions, between Geneva, N.Y., and Rochester, N.Y., serving all intermediate points and specified off-route points. Herbert M. Canter and Norman M. Pinsky, 345 South Warren Street, Syracuse, N.Y., attorney for applicants.

No. MC-FC-69734. By order of June 30, 1967, the Transfer Board approved the transfer to Dan Gaich Trucking, Inc., Rillton, Pa., of the operating rights in certificate No. MC-85886 (Sub-No. 1), issued November 18, 1966, to Dan Gaich, doing business as Dan Gaich Delivery, Rillton, Pa., and the rights evidenced by the certificate of registration in No. MC-85886 (Sub-No. 2), issued February 2, 1965, to Francis Joseph Toomey, Pittsburgh, Pa., and transferred to Dan Gaich, doing business as Dan Gaich Delivery, Rillton, Pa., March 18, 1966, pursuant to No. MC-FC-69432, authorizing transportation under the said certificate, of glass products, rubber products, toys, iron and steel products, and furniture, between Jeannette, Pa., and Pittsburgh, Pa., serving the off-route point of Grapeville, Pa.; and under the certificate of registration, such commodities as are authorized in the certificate of public convenience granted in docket No. 70527, date January 26, 1948, as modified and amended prior to October 15, 1962, issued by the Pennsylvania Public Utility Commission. Louis H. Artuso, 416 Frick Building, Pittsburgh, Pa., attorney for applicants.

No. MC-FC-69745. By order of June 30, 1967, the Transfer Board approved the transfer to Stevenson's Refrigerated Truck Service, Inc., Muncie, Ind., of the operating rights in certificates Nos. MC-114463, MC-114463 (Sub-No. 1), MC-114463 (Sub-No. 2), and MC-114463 (Sub-No. 3), issued August 24, 1954, October 8, 1956, April 11, 1962, and April 11, 1963, respectively, to J. Frederick Stevenson and Hester L. Stevenson, doing business as Stevenson's Refrigerated Truck Service, Muncie, Ind., authorizing the transportation of: Meats, packinghouse products, and commodities used by packinghouses, meat products and byproducts, and articles distributed by meat packinghouses, and dairy products, between points in Indiana, Ohio, and Illinois. Warren C. Moberly, 1312 Fletcher Trust Building, Indianapolis, Ind. 46204, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-8142; Filed, July 13, 1967; 8:49 a.m.]

[Notice 418]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 10, 1967.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIER OF PROPERTY

No. MC 75406 (Sub-No. 38 TA), filed July 5, 1967. Applicant: SUPERIOR FORWARDING COMPANY, INC., 2600 South Fourth Street, St. Louis, Mo. 63118. Applicant's representative: G. M. Rebman, Suite 1230, Boatmen's Bank Building, St. Louis, Mo. 63102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods, commodities in bulk, and those requiring special equipment), serving the plantsite of International Paper Co., Long Bell Division, Flakeboard Plant, approximately 4 miles north of Malvern, Ark., and 3 miles east of U.S. Highway 67 at or near Gifford, Ark., as an off-route point, in conjunction with applicant's regular route authority as set out in MC 75406 and subs thereunder; for 180 days. NOTE: Applicant states that it intends to tack with authority under MC 75406 and subs thereunder. Supporting shipper: Thomas E. Gates & Sons, Inc., 3640 South Santiam Highway, Lebanon, Oreg. 97355. Send protests to: J. P. Werthmann, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 2248-B, 1520 Market Street, St. Louis, Mo. 63103.

No. MC 107295 (Sub-No. 24 TA), filed July 3, 1967. Applicant: M. PASCALE TRUCKING, INC., 8-10 Rice Street, South Attleboro, Mass. 02703. Applicant's representative: Russell B. Curnett, 36 Circuit Drive, Edgewood Station, Providence, R.I. 02905. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick*, from Somerville, N.J., to Attleboro and Ayer, Mass.; for 180 days. NOTE: Applicant states that it intends to tack authority sought with that previously held. Supporting shippers: P. L. Monroe & Son, Inc., 1 Worthington Road, Cranston, R.I.; and Dolben & Co., 250 Boylston Street, Boston, Mass. Send protests to: Gerald H. Curry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 187 Westminster Street, Providence, R.I. 02903.

No. MC 107496 (Sub-No. 576 TA), filed July 5, 1967. Applicant: RUAN TRANSPORT CORPORATION, Third and Keosauqua Way, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk, in tank vehicles, from Wyandotte Chemicals Corp. plantsite at Port Edwards, Wis., to points in Illinois,

Indiana, Iowa, Michigan, and Minnesota; for 180 days. Supporting shipper: Wyandotte Chemicals Corp., Wyandotte, Mich. 48192. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 227 Federal Office Building, Des Moines, Iowa 50309.

No. MC 107839 (Sub-No. 112 TA), filed July 7, 1967. Applicant: DENVER-ALBUQUERQUE MOTOR TRANSPORT, INC., 4985 York Street, Post Office Box 16021, Denver, Colo. 80202. Applicant's representative: Edward T. Lyons, Jr., 420 Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, articles distributed by meat packinghouses, and dairy products*, as defined in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Albuquerque, N. Mex., to Grants and Gallup, N. Mex.; and Window Rock, Ft. Defiance, St. Michaels, Ganado, Chinle, and Many Farms, Ariz.; for 150 days. NOTE: Applicant proposes to tack authority applied for at Albuquerque, N. Mex., with permanent authority held in MC 107839 (Sub-No. 101) where shipments originated at Denver, Colo. Supporting shipper: Cudahy Packing Co., 4801 Brighton Boulevard, Denver, Colo. Send protests to: Herbert C. Ruoff, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2022 Federal Office Building, Denver, Colo. 80202.

No. MC 109521 (Sub-No. 6 TA), filed July 5, 1967. Applicant: WALTER E. COY, doing business as COY BROS., Post Office Box 416, Canfield, Ohio 44406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay and clay products*, in bulk, in dump vehicles equipped with specialized conveyor unloading equipment, from the Pinny Dock & Storage Co. docks at Ashtabula, Ohio, to points in New York, Ohio, Pennsylvania, West Virginia, New Jersey, Kentucky, Illinois, Indiana, Michigan, and Wisconsin; restricted to traffic moving in foreign commerce with a prior movement by water; for 150 days. Supporting shippers Moore & Munger, 33 Rector Street, New York, N.Y.; and Paper Makers Importing Co., Inc., Easton, Pa. Send protests to: G. J. Baccei, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 435 Federal Building, 215 Superior Avenue, Cleveland, Ohio 44114.

No. MC 109632 (Sub-No. 25 TA), filed July 3, 1967. Applicant: LOPEZ TRUCKING, INC., 131 Linden Street, Waltham, Mass. 02154. Applicant's representative: Kenneth B. Williams, 111 State Street, Boston, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated wooden buildings*, and in connection therewith, *component parts thereof and equipment and material* incidental to the erection and completion of such buildings, on flatbed trailers, from Dedham, Mass., to Brunswick and Sebago Lake, Maine; Wilmington, Montgomery, and Killington, Vt.; Barnstead, Sunapee, Wolfboro, and Gilmanton Iron Works, N.H.; Ponoco Farms, Lake Como, and Naomi, Pa.; Montauk, N.Y.; Rehoboth Beach, Del.; and Burgess, Va.; for 150 days. Supporting shipper: Spacemakers, 750 Washington St., Dedham, Mass. 02026. Send protests to: James F. Martin, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, John F. Kennedy Building, Government Center, Boston, Mass. 02203.

No. MC 111594 (Sub-No. 33 TA), filed July 5, 1967. Applicant: C W TRANSPORT INC., 610 High Street, Wisconsin Rapids, Wis. 54494. Applicant's representative: Edward G. Baselon, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the plantsites and warehouses of Rockwell-Standard Corp. at or near Winchester, Ky., on the one hand, and, on the other, points in Illinois, Indiana, Wisconsin, and Minneapolis-St. Paul, Minn.; for 180 days. Supporting shipper: Rockwell-Standard Corp., Transmission and Axle Division, Winchester, Ky. 40391. Send protests to: C. W. Buckner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 214 North Hamilton Street, Madison, Wis. 53703.

No. MC 127384 (Sub-No. 3 TA), filed July 5, 1967. Applicant: CHARDEL TRANSPORTATION CORP., 573 West Street, New York, N.Y. Applicant's representative: Arthur J. Piken, 160-16 Jamaica Avenue, Jamaica, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in temperature-controlled vehicles, for the account of Charles Holzer, from Spencer and Des Moines, Iowa, Luverne, Minn., Omaha, Nebr., to New York, N.Y.; for 180 days. Supporting shipper: Charles Holzer, 573 West Street, New York, N.Y. Send protests to: Paul W. Assenza, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 346 Broadway, New York, N.Y. 10013.

No. MC 127730 (Sub-No. 2 TA), filed July 3, 1967. Applicant: A.A.A. CARTAGE, INC., 8636 West Harrison Avenue, Milwaukee, Wis. 53227. Applicant's representative: Rolfe E. Hanson, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities requiring special equipment, commodities in bulk, classes A and B explosives, and commodities injurious or contaminating to other lading); restricted to the transportation of shipments having an immediately prior or subsequent movement by air; between O'Hare Air Field, Cook County, Ill., on the one hand, and, on the other, points in Milwaukee, Racine, and Kenosha Counties, Wis., under a continuing contract with North Central Airlines; for 180 days. Supporting shipper: North Central Airlines, Inc., 6201 34th Avenue South, Minneapolis, Minn., 55450 (John S. Minerich, Manager, Cargo Admin.). Send protests to: W. F. Sibbald, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, 135 West Wells Street, Room 807, Milwaukee, Wis., 53203.

No. MC 127737 (Sub-No. 1 TA), filed July 3, 1967. Applicant: JIM EDWARD GODFREY, Route 3, Gaffney, S.C. 29340. Applicant's representative: John L. Brown, 6120 Bridgeport Drive, Charlotte, N.C. 28205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, in bags, from Augusta, Ga., to points in Cherokee and Spartanburg Counties, S.C., and Cleveland and Rutherford Counties, N.C.; for 180 days. Supporting shippers: Agrico Chemical Co., Forest City, N.C.; International Minerals & Chemical Corp., Spartanburg, S.C.; and Southern Fertilizer & Chemical Co., Roebuck, S.C. Send protests to: Arthur B. Abercrombie, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 303A Federal Building, 901 Sumter Street, Columbia, S.C.

No. MC 128862 (Sub-No. 3 TA), filed July 3, 1967. Applicant: B. J. CECIL, doing business as B. J. CECIL TRUCKING, Post Office Box 278, Claypool, Ariz. 85532. Applicant's representatives: Galland, Kharasch, Calkins, and Lippman, 1824 R Street NW., Washington, D.C. 20009. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron ore*, from the CF & I Steel Corp. mine site on the San Carlos Indian Reservation located approximately 50 miles from Snowflake, Ariz., to Snowflake, Ariz.; restricted to traffic having a subsequent out-of-state movement by rail; for 150 days. Supporting shipper: CF & I Steel Corp., Post Office Box 1920, Denver, Colo. 80201. Send protests to: Andrew V. Baylor, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 3427 Federal Building, Phoenix, Ariz. 85025.

No. MC 129165 (Sub-No. 1 TA), filed July 2, 1967. Applicant: BIRD TRUCKING & CARTAGE, INC., 7447 Dix, Detroit, Mich. 48209. Applicant's representative: Robert A. Sullivan, 1800 Buhl Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobile parts, assemblies, and materials* used in the manufacture of automobiles, between points in Wayne County, Mich., and points in the Detroit, Mich., commercial zone, as defined by the Commission, on the one hand, and, on the other, Detroit Metropolitan Airport, Romulus, Mich., and Willow Run Airport, Ypsilanti, Mich., having prior or subsequent movement by air; for 150 days. Supporting shipper: Ford Motor Co., The American Road, Dearborn, Mich. Send protests to: Gerald J. Davis, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1100 Broderick Tower, 10 Witherell, Detroit, Mich. 48226.

No. MC 129210 (Sub-No. 1 TA), filed July 3, 1967. Applicant: ASTRON FORWARDING COMPANY, 75 Market Street, Post Office Box 161, Oakland, Calif. 94604. Applicant's representative: Alan P. Wohlstetter, 1 Farragut Square South, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Hawaii; restricted to the handling of traffic originating at or destined to out-of-state points; for 180 days. Supporting shippers: Raytheon Co., Lexington, Mass. 02173; Independent Printing Co., 209 11th Street, Richmond, Calif.; Federal Sign & Signal Corp., Post Office Box 4035, Oakland, Calif. 94623; Permanente Cement, 300 Lakeside Drive, Oakland, Calif. 94612; and Headquarters, Defense Traffic Management Service, Washington, D.C. 20308. Send protests to: William E. Murphy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 129215 TA, filed July 3, 1967. Applicant: RONALD G. MONTGOMERY, doing business as Ron Montgomery Trucking Co., 17630 Southeast Tibbets, Portland, Oreg. 97236. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Groceries*, from points in California to points in Oregon; for 180 days. Supporting shipper: Condi Sales Co., 2606 Southeast 12th Avenue, Portland, Oreg. 97202. Send protests to: S. F. Martin, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, Portland, Oreg. 97204.

No. MC 129219 TA, filed July 5, 1967. Applicant: CMD TRANSPORTATION, INC., 3750 Southeast Belmont, Portland, Oreg. 97214. Applicant's representative: Oliver Crowther, 6359 Southwest Capitol Highway, Portland, Oreg. 97201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electric storage batteries*, from Portland, Oreg., to points in Washington and Idaho; and *junk batteries, batteries* returned for service or adjustment to shipper, on return; for 180 days. Supporting shipper: Standard Batteries, Inc., 3750 Southeast Belmont, Portland, Oreg. 97214. Send protests to: S. F. Martin, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, Portland, Oreg. 97204.

No. MC 129220 TA, filed July 5, 1967. Applicant: TED M. HOSLER, doing business as HOSLER MOVING & STORAGE, 830 North Price, Junction City, Kans. 66441. Applicant's representative: Paul F. Sullivan, Colorado Building, 1341 G Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Geary, Riley, Dickinson, Saline, Morris, Clay, Pottawatomie, Wabaunsee Counties, Kans.; for 180 days. Supporting shippers: Jet Forwarding, Inc., 2945 Columbia Street, Torrance, Calif. 90503; Burnham World Forwarders, Inc., 1632 Second Avenue, Columbus, Ga. 31901; Delcher Intercontinental Moving Service, a division of Delcher Brothers Storage Co., 262 Riverside Avenue, Jacksonville, Fla.; and Trans Ocean Van Service, Post Office Box 7331, Long Beach, Calif. 90807. Send protests to: I. C. Peterson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 234 Federal Building, Topeka, Kans. 66603.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-8072; Filed, July 12, 1967; 8:49 a.m.]

[Notice 1084]

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

JULY 12, 1967.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act, and certain other proceedings with respect thereto. (49 CFR 1.240.)

MOTOR CARRIERS OF PROPERTY

No. MC-F-9813. Authority sought for control and merger by SAWYER TRANSPORT, INC. (MINNESOTA CORP.), 2424 Minnehaha Avenue, Minneapolis, Minn. 55404, of the operating rights and property of SAWYER TRANSPORT, INC. (ILLINOIS CORP.), 3424 Minnehaha Avenue, Minneapolis, Minn. 55404, and for acquisition by ROBERT W. SAWYER, also of Minneapolis, Minn., of control of such rights and property through the transaction. Applicants' attorneys: Alan Foss, and Van Osdel, 502 First National Bank Building, Fargo, N. Dak. 58102. Operating rights sought to be controlled and merged: *Building materials*, as a *common carrier*, over irregular routes, from L'Anse, Mich., to points in Wisconsin (except points in the Milwaukee, Wis., commercial zone, as defined by the Commission, and points on and east of U.S. Highway 41), Illinois (except points in the Chicago, Ill., commercial zone, as defined by the Commission), Indiana, (except Indianapolis and that part of the Chicago, Ill., commercial zone, as defined by the Commission, in the State of Indiana), Minnesota and Ohio from L'Anse, Mich., to points in North Dakota, South Dakota, Nebraska, Iowa and Missouri, from Freeport, Ill., to points in Wisconsin, between Warren, Ill., on the one hand, and, on the other, points in Indiana, Kansas, Michigan, Minnesota, Nebraska, Ohio, Pennsylvania, and South Dakota; *roofing, roofing materials and supplies, paint, building paper*, and *insulation and insulation materials*, from Minneapolis, Minn., to points in the Upper Peninsula of Michigan; *roofing granules*, in bulk, from Wausau and Kremlin, Wis., to Minneapolis and St. Paul, Minn., Waukegan, Chicago, Chicago Heights, Joliet, and Wilmington, Ill., and South Bend, Ind; *crushed, ground, or pulverized stone, stone dust, and quarry waste*, in bulk, from Kremlin, Wis., to Minneapolis and St. Paul, Minn., Waukegan, Chicago, Chicago Heights, Joliet, and Wilmington, Ill., and South Bend, Ind.; *prefabricated buildings*, complete, knocked down, or in sections, including *all components parts, equipment, and materials* incidental to the erection and completion of such buildings, when shipped therewith, from Litchfield, Minn., to points in Colorado, Illinois, Iowa, Kansas, Michigan, Missouri, Montana, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming; and *animal feeds, poultry feeds, animal feed ingredients* and *poultry feed ingredients*, from Minneapolis, Minn., to points in the Upper Peninsula of Michigan. SAWYER TRANSPORT, INC. (MINNESOTA CORP.), holds no authority from this Commission. However, its sole stockholder, is affiliated with R. C. WILSON, doing business as WILSON TRUCK SERVICE, 2424 Minnehaha Avenue, Minneapolis, Minn. 55404, which is authorized to operate as a *common carrier* in Iowa, Minnesota, Illinois, and Wisconsin. (This carrier's authority is presently pending in MC-F-8909.)

Other proceedings relating to that acquisition are MC-F-9233 and MC-C-4915. Applicant proposed to become the substituted party in all respects to these proceedings. Application has not been filed for temporary authority under section 210a(b). NOTE: Protest must be filed within 15 days from date notice is published in the FEDERAL REGISTER of this section 5 application. The proposed transaction arises from Illinois reciprocity laws.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-8305; Filed, July 13, 1967; 8:50 a.m.]

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FEDERAL REGISTER

VOLUME 32 • NUMBER 135

Friday, July 14, 1967 Washington, D.C.

PART II

Federal Deposit Insurance Corporation

Federal Home Loan Bank Board



Insurance of Accounts and Deposits

No. 135—Pt. II——1

FEDERAL DEPOSIT INSURANCE CORPORATION

Title 12—BANKS AND BANKING

Chapter III—Federal Deposit Insurance Corporation

SUBCHAPTER B—REGULATIONS AND STATEMENTS OF GENERAL POLICY

PART 330—CLARIFICATION AND DEFINITION OF DEPOSIT INSURANCE COVERAGE

On January 27, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 996) stating that the Board of Directors of the Federal Deposit Insurance Corporation was considering the adoption of new rules and regulations regarding insurance coverage of deposit accounts. Interested parties were afforded an opportunity to participate in the rule making through the submission of comments within 60 days from the date of publication in the FEDERAL REGISTER. After consideration of all such relevant matter as was submitted by interested persons, the rules and regulations as so proposed are hereby adopted, with certain changes, as set forth below.

The purpose of the rules and regulations adopted in revised Part 330 is to define and clarify insurance coverage of deposits in insured banks so as to carry out the concept of limited coverage intended by Federal deposit insurance. The Federal Deposit Insurance Act is interpreted to limit the various devices commonly used to increase such coverage beyond that meant to be provided by law.

Specifically, the rules and regulations set forth certain general principles relating to record keeping requirements and valuation of trust interests which provide a basis for determining the amount of insurance available to deposits held by depositors in the same or different rights and capacities.

As to each right and capacity, the rules and regulations state the various ownership interests and the amount of insurance applicable thereto. Single ownership accounts, including those held by an individual or someone acting for him, testamentary accounts, accounts owned and held by executors or administrators, corporations, partnerships and unincorporated associations, public unit accounts, jointly owned accounts and trust accounts are defined and the amount of insurance coverage available to each such category of ownership is specified.

Effective September 1, 1967, Part 330 of the rules and regulations of the Federal Deposit Insurance Corporation (12 CFR Part 330) is revised to read as follows:

REGULATIONS

Sec.
330.1 General principles applicable in determining insurance of deposit accounts.
330.2 Single ownership accounts.
330.3 Testamentary accounts.
330.4 Accounts held by executors or administrators.
330.5 Accounts held by a corporation or partnership.
330.6 Accounts held by an unincorporated association.
330.7 Independent activity.
330.8 Public unit accounts.
330.9 Joint accounts.
330.10 Trust accounts.
330.11 Deposits evidenced by negotiable instruments.
330.12 Deposit obligations for payment of items forwarded for collection by bank acting as agent.
330.13 Continuation of prior coverage.
330.14 Notification.

INTERPRETATION

330.101 Recognition of deposit ownership in custodial accounts.

AUTHORITY: The provisions of this Part 330 issued under sec. 9, 64 Stat. 881; 12 U.S.C. 1819; sec. 3, 80 Stat. 1056; 12 U.S.C. 1813 Interpret or apply secs. 3, 7, 11, 12, 64 Stat. 873; 12 U.S.C. 1813, 1817, 1821, 1822.

REGULATIONS

§ 330.1 General principles applicable in determining insurance of deposit accounts.

(a) *General.* This Part 330 provides for determination by the Corporation of the insured depositors of an insured bank and the amount of their insured deposit accounts. The rules for determining the insurance coverage of deposit accounts maintained by depositors in the same or different rights and capacities in the same insured bank are set forth in the following provisions of this part. Insofar as rules of local law enter into such determinations, the law of the jurisdiction in which the insured bank's principal office is located shall govern.

(b) *Records.* (1) The deposit account records of the insured bank shall be conclusive as to the existence of any relationship pursuant to which the funds in the account are deposited and on which a claim for insurance coverage is founded. Examples would be trustee, agent, custodian or executor. No claim for insurance based on such a relationship will be recognized in the absence of such disclosure.

(2) If the deposit account records of an insured bank disclose the existence of a relationship which may provide a basis for additional insurance, the details of the relationship and the interests of other parties in the account must be ascertainable either from the records of the bank or the records of the depositor maintained in good faith and in the regular course of business.

(3) The deposit account records of an insured bank in connection with a trust account shall disclose the name of both the settlor (grantor) and the trustee of the trust and shall contain an account signature card executed by the trustee.

(4) The interests of the co-owners of a joint deposit account shall be deemed equal, unless otherwise stated on the insured bank's records in the case of a tenancy in common.

(c) *Valuation of trust interests.* (1) Trust interests in the same trust deposited in the same account will be separately insured if the value of the trust interest is capable of determination, without evaluation of contingencies, except for those covered by the present worth tables and rules of calculation for their use set forth in § 20.2031–7 of the Federal Estate Tax Regulations (26 CFR 20.2031–7).

(2) In connection with any trust in which certain trust interests are not capable of evaluation in accordance with the foregoing rule, payment by the Corporation to the trustee with respect to all such trust interests shall not exceed the basic insured amount of $15,000.

(3) Each trust interest in any trust established by two or more settlors shall be deemed to be derived from each settlor pro rata to his contribution to the trust.

(4) The term "trust interest" means the interest of a beneficiary in an irrevocable express trust, whether created by trust instrument or statute, but does not include any interest retained by the settlor.

(5) With respect to trust funds held by an insured bank in a fiduciary capacity pursuant to section 7(i) of the Act, the term "trust interest" shall mean the same as the term "trust funds" as used in section 3(p) of the Act.

§ 330.2 Single ownership accounts.

Funds owned by an individual and deposited in the manner set forth below shall be added together and insured up to $15,000 in the aggregate.

(a) *Individual accounts.* Funds owned by an individual (or by the community between husband and wife of which the individual is a member) and deposited in one or more deposit accounts in his own name shall be insured up to $15,000 in the aggregate.

(b) *Accounts held by agents or nominees.* Funds owned by a principal and deposited in one or more deposit accounts in the name or names of agents or nominees shall be added to any individual deposit accounts of the principal and insured up to $15,000 in the aggregate.

(c) *Accounts held by guardians, custodians, or conservators.* Funds held by a guardian, custodian, or conservator for the benefit of his ward or for the benefit of a minor under a Uniform Gifts to Minors Act and deposited in one or more deposit accounts in the name of the guardian, custodian, or conservator shall be added to any individual deposit accounts of the ward or minor and insured up to $15,000 in the aggregate.

§ 330.3 Testamentary accounts.

(a) Funds owned by an individual and deposited in a revocable trust account, tentative or "Totten" trust account, "payable-on-death" account or similar account evidencing an intention that on his death the funds shall belong to his spouse, child or grandchild shall be insured up to $15,000 in the aggregate as to each such named beneficiary, separately from any other accounts of the owner.

(b) If the named beneficiary of such an account is other than the owner's spouse, child or grandchild, the funds in such account shall be added to any individual accounts of such owner and insured up to $15,000 in the aggregate.

§ 330.4 Accounts held by executors or administrators.

Funds of a decedent held in the name of the decedent or in the name of the executor or administrator of his estate and deposited in one or more deposit accounts shall be insured up to $15,000 in the aggregate, separately from the individual deposit accounts of the beneficiaries of the estate or of the executor or administrator.

§ 330.5 Accounts held by a corporation or partnership.

Deposit accounts of a corporation or partnership engaged in any independent activity shall be insured up to $15,000 in the aggregate. A deposit account of a corporation or partnership not engaged in an independent activity shall be deemed to be owned by the person or persons owning such corporation or comprising such partnership and, for deposit insurance purposes, the interest of each person in such a deposit account shall be added to any other deposit accounts individually owned by such person and insured up to $15,000 in the aggregate.

§ 330.6 Accounts held by an unincorporated association.

Deposit accounts of an unincorporated association engaged in any independent activity shall be insured up to $15,000 in the aggregate. A deposit account of an unincorporated association not engaged in an independent activity shall be deemed to be owned by the persons comprising such association and, for deposit insurance purposes, the interest of each owner in such a deposit account shall be added to any other deposit accounts individually owned by such person and insured up to $15,000 in the aggregate.

§ 330.7 Independent activity.

The term "independent activity" means any activity other than one directed solely at increasing insurance coverage.

§ 330.8 Public unit accounts.

(a) *General.* Where different officers, agents or employees of the same public unit, having by law the official custody of public funds of the unit, deposit the same in an insured bank, each such officer, agent or employee shall be separately insured up to $15,000 in such custodial capacity. An officer, employee, or agent of a public unit shall be deemed to be insured only up to $15,000 with respect to all public funds of the same unit held by him, regardless of how many offices he holds in such unit or the purposes for which such funds are held or designated. If the same person is an officer, employee, or agent of more than one public unit, he shall be separately insured up to $15,000 with respect to the public funds held by him of each such unit.

(b) *Public bond issues.* Where an officer, agent or employee of a public unit has custody of certain funds which by law or under the bond indenture are required to be paid to the holders of bonds issued by the public unit, any deposit of such funds in an insured bank shall be deemed to be a deposit by a trustee of trust funds of which the bondholders are pro rata beneficiaries, and each such beneficial interest shall be separately insured up to $15,000.

§ 330.9 Joint accounts.

(a) *Separate insurance coverage.* Deposits owned jointly, whether as joint tenants with right of survivorship, as tenants by the entireties, as tenants in common, or by husband and wife as community property, shall be insured separately from deposit accounts individually owned by the co-owners.

(b) *Qualifying joint accounts.* A joint deposit account shall be deemed to exist, for purposes of insurance of accounts, only if each co-owner has personally executed a deposit account signature card and possesses withdrawal rights. The restrictions of this subsection shall not apply to holders in due course of a deposit obligation of a bank evidenced by a negotiable instrument which had, in fact, been negotiated prior to the closing of the bank.

(c) *Failure to qualify.* A deposit account owned jointly which does not qualify as a joint account for purposes of insurance of accounts shall be treated as owned by the named persons as individuals and the actual ownership interest of each such person in such account shall be added to any other accounts individually owned by such person and insured up to $15,000 in the aggregate.

(d) *Same combination of individuals.* All joint deposit accounts owned by the same combination of individuals shall first be added together and insured up to $15,000 in the aggregate.

(e) *Interest of each co-owner.* The interests of each co-owner in all joint deposit accounts owned by different combinations of individuals shall then be added together and insured up to $15,000 in the aggregate.

§ 330.10 Trust accounts.

All trust interests for the same beneficiary deposited in deposit accounts established pursuant to valid trust agreements created by the same settlor (grantor) shall be added together and insured up to $15,000 in the aggregate, separately from other deposit accounts of the trustee of such trust funds or the settlor or beneficiary of such trust arrangements.

§ 330.11 Deposits evidenced by negotiable instruments.

If any insured deposit obligation of a bank be evidenced by a negotiable certificate of deposit, negotiable draft, negotiable cashier's or officer's check, negotiable certified check, or negotiable traveler's check or letter of credit, the owner of such deposit obligation will be recognized for all purposes of claim for insured deposits to the same extent as if his name and interest were disclosed on the records of the bank provided the instrument was in fact negotiated to such owner prior to the date of the closing of the bank. Affirmative proof of such negotiation must be offered in all cases to substantiate the claim.

§ 330.12 Deposit obligations for payment of items forwarded for collection by bank acting as agent.

Where a closed bank has become obligated for the payment of items forwarded for collection by a bank acting solely as agent, the owner of such items will be recognized for all purposes of claim for insured deposits to the same extent as if his name and interest were disclosed on the records of the bank when such claim for insured deposits, if otherwise payable, has been established by the execution and delivery of prescribed forms. Such bank forwarding such items for the owners thereof will be recognized as agent for such owners for the purpose of making an assignment of the rights of such owners against the closed insured bank to the Federal Deposit Insurance Corporation and for the purpose of receiving payment on behalf of such owners.

§ 330.13 Continuation of prior coverage.

All deposit accounts insured under the rules and interpretations heretofore in effect shall continue to be insured, anything in this part to the contrary notwithstanding, until April 15, 1968.

§ 330.14 Notification of depositors.

Each insured bank is required to provide notice of these revisions to the Rules and Regulations for Clarification and Definition of Insurance Coverage of Deposit Accounts, Part 330, prior to February 1, 1968, to the depositors of each deposit account which had a balance in excess of $5,000 on any date selected by the bank between September 1, 1967, and February 1, 1968. Such notice shall consist of mailing to such depositors at their last known address as shown on the records of the insured bank, a question and answer brochure on insurance of deposit accounts prepared by the Federal Deposit Insurance Corporation. Such brochure shall also be made available to the public at each teller's station or window where deposits are normally received and at new account stations of an insured bank. Additional explanatory materials may also be sent to depositors at the option of the insured bank.

INTERPRETATIONS

§ 330.101 Recognition of deposit ownership in custodial accounts.

(a) The opinion of the Board of Directors has been requested as to whether a fractional or percentage computation of the interests of owners of commingled funds on deposit in custodial accounts in banks insured by the Federal Deposit Insurance Corporation meets the requirements of § 330.1.

(b) Section 330.1 provides that if the name and interest of an owner of any portion of a specifically designated custodial deposit is disclosed on the records

of the person in whose name the deposit is maintained and such records are maintained in good faith and in the regular course of business, such owner will be recognized for all purposes of claim for insured deposits to the same extent as if his name and interest were disclosed on the records of the bank.

(c) The Board of Directors has concluded that, if the records of the depositor, maintained in good faith and in the regular course of business, reflect, at all times, the name and ascertainable interest of each owner in a specifically designated custodial deposit, such interest may be determined on a fractional or percentage basis. This may be accomplished in any manner which indicates that where the funds of an owner are commingled with other funds held in custody and a portion thereof is placed on deposit in one or more insured banks, his interest in a custodial deposit in any one insured bank would represent at any given time the same fractional share as his share of the total commingled funds.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] E. F. DOWNEY,
Secretary.

[F.R. Doc. 67-8195; Filed, July 13, 1967; 8:50 a.m.]

EXAMPLES OF INSURANCE COVERAGE AFFORDED DEPOSIT ACCOUNTS IN BANKS INSURED BY THE FEDERAL DEPOSIT INSURANCE CORPORATION

The Board of Directors of the Federal Deposit Insurance Corporation has adopted rules and regulations to clarify, define and limit deposit insurance coverage in insured banks, which rules and regulations, revised Part 330 (12 CFR Part 330), have been published in the FEDERAL REGISTER.

The Board of Directors has further determined that it would be in the public interest to publish concurrently its official interpretations of the aforesaid rules in the form of questions and answers setting forth insurance coverage afforded accounts in insured banks. Such interpretations are hereby adopted as set forth below.

EXAMPLES DEMONSTRATING INSURANCE COVERAGE ON DEPOSIT ACCOUNTS IN THE SAME INSURED BANK

The following examples illustrate insurance coverage on deposit accounts maintained in the same insured bank. They are intended to cover various types of ownership interests and combinations of accounts which may occur in connection with deposited funds and which are the subject matter of the insurance coverage rules in Part 330.

The type of account (whether checking, savings, certificate of deposit or other form of deposit) has no bearing on the amount of insurance coverage. All such forms of deposit accounts owned by the same depositor in the same right and capacity will be added together for purposes of computing his maximum insurance claim.

The examples, as well as the rules which they interpret, are predicated upon the assumption that deposited funds are actually owned in the manner indicated on the bank's records. If available evidence shows that ownership is different from that on the bank's records, the Federal Deposit Insurance Corporation may pay claims for insured deposits on the basis of actual rather than ostensible ownership.

Single ownership accounts. All funds owned by an individual (or the community between husband and wife of which the individual is a member) and deposited by him in one or more individual accounts are added together and insured up to the maximum of $15,000. This is true whether the accounts are maintained in the name of the individual owning the funds, in the name of his agent or nominee, or in the name of a guardian, conservator or custodian holding the funds for his benefit.

EXAMPLE 1

Question: A and B, husband and wife, each maintain an individual account containing $15,000. In addition, they hold a joint account containing $15,000. What is the insurance coverage?

Answer: Each account is separately insured to $15,000, for a total coverage of $45,000. The coverage would be the same whether the individual accounts contain funds owned as community property or the individual property of the spouses (§ 330.2(a) and § 330.9(a)).

EXAMPLE 2

Question: H and W, husband and wife, reside in a community property state. H maintains a $15,000 account consisting of his separately owned funds and deposits $15,000 of community funds in another account. Both of the accounts are in his name alone. What is the insurance coverage?

Answer: The two accounts are added together and insured to a total of $15,000. $15,000 is uninsured (§ 330.2(a)).

EXAMPLE 3

Question: A has $12,000 deposited in an individual account, and his agent, B, deposits $5,000 of A's funds in a properly designated agency account. B also holds a $15,000 individual account. What is the insurance coverage?

Answer: A's individual account and the agency account are added together and insured to the $15,000 maximum, leaving $2,000 uninsured. The depositing of funds through an agent does not result in additional insurance coverage for the principal (§ 330.2(b)). B's individual account is insured separately from the agency account. However, if the records of the bank do not show the agency relationship under which the funds in the $5,000 account are held, the $5,000 in B's name could, at the option of the Federal Deposit Insurance Corporation, be added to his individual account and insured to $15,000 in the aggregate, leaving $5,000 uninsured (§ 330.1(b)(1)).

EXAMPLE 4

Question: A holds a $15,000 individual account. B holds two accounts in his own name, the first containing $5,000 and the second containing $12,000. In processing the claims for payment of insurance on these accounts, the Federal Deposit Insurance Corporation discovers that the funds in the $5,000 account actually belong to A and that B had deposited these funds as agent for A, his undisclosed principal. What is the insurance coverage?

Answer: Since the available evidence shows that A is the actual owner of the funds in the $5,000 account, the Federal Deposit Insurance Corporation may, at its option, add these funds to the $15,000 individual account held by A (rather than to B's $12,000 account) and insure the total of $20,000 to the $15,000 maximum, leaving $5,000 uninsured. In that event B's $12,000 individual account would be separately insured (§ 330.2 (a) and (b)).

EXAMPLE 5

Question: C, a minor, maintains an individual account of $150 in connection with a school savings program. C's grandfather makes a gift to him of $10,000 which is deposited in another account by C's father, designated on the bank's records as custodian under a Uniform Gifts to Minors Act. C's father also maintains an individual account of $10,000. What is the insurance coverage?

Answer: C's individual account and the custodianship account held for him by his father are added together and insured to the $15,000 maximum (§ 330.2(c)). The individual account held by C's father is separately insured (§ 330.2(a)).

EXAMPLE 6

Question: G, a court appointed guardian, deposits in a properly designated account $15,000 of funds in his custody which belong to W, his ward. W and G each maintain $5,000 individual accounts. What is the insurance coverage?

Answer: W's individual account and the guardianship account in G's name are added together and insured in the aggregate to $15,000. The fact that a guardian has been judicially appointed does not alter the fact that the guardianship funds legally belong to W, the ward, and are insured as W's individually owned funds (§ 330.2(c)). G's individual account is separately insured (§ 330.2(a)).

Testamentary accounts. The term "testamentary account" refers to a revocable trust account, tentative or "Totten" trust account, "payable-on-death" account or any similar account which evidences an intention that the funds shall pass on the death of the owner of the funds to a named beneficiary. If the beneficiary is a spouse, child, or grandchild of the owner, the funds in all such accounts are insured for the owner up to $15,000 in the aggregate as to each such beneficiary, separately from any other individual accounts of the owner of the funds. If the beneficiary of such an account is other than a spouse, child or grandchild of the owner, the funds in the account are, for insurance purposes, added to any other individual accounts of the owner and insured up to $15,000 in the aggregate. In the case of a revocable trust account, the person who holds the power of revocation is deemed to be the owner of the funds in the account. If a revocable trust account is held in the name of a fiduciary other than the owner of the funds, any other accounts held by the fiduciary are insured separately from such revocable trust account.

EXAMPLE 1

Question: H deposits $35,000 in a revocable trust account with his son, S, and his daughter, D, as named beneficiaries. What is the insurance coverage?

Answer: Since S and D are children of H, the owner of the account, the funds are insured up to $15,000 as to each beneficiary (§ 330.3(a)). Assuming that S and D have equal beneficial interests ($17,500 each), H is fully insured for this account.

EXAMPLE 2

Question: H, as settlor-trustee, creates a revocable trust for the benefit of his son, S. H creates a second revocable trust with T as trustee, for the benefit of his nephew, N. H deposits $15,000 of the funds of the first trust in a revocable trust account. T deposits $10,000 of the funds of the second trust in another account. In addition, H, S, N and T each maintain individual accounts containing $15,000. What is the insurance coverage?

Answer: Since S is a child of H, the account established under the first trust is insured up to $15,000 separately from any other accounts held by H (§ 330.3(a)). Since N is not a spouse, child or grandchild of H, the $10,000 in the account held by T under the second trust is deemed to be owned by H and is added to the $15,000 in H's individual account and insured up to $15,000 in the aggregate, leaving $10,000 uninsured (§ 330.3(b)). The individual accounts of S, N, and T are separately insured to the $15,000 maximum (§ 330.2(a)).

EXAMPLE 3

Question: H deposits $15,000 in each of four "payable-on-death" accounts. Under the terms of each account contract, H has the right to withdraw any or all of the funds in the account at any time. Any funds remaining in the account at the time of H's death are to be paid to a named beneficiary. The respective beneficiaries of the four accounts are H's wife, his mother, his brother and his son. H also holds an individual account containing $15,000. What is the insurance coverage?

Answer: The accounts payable on death to H's wife and son are each separately insured to the $15,000 maximum (§ 330.3(a)). The accounts payable to H's mother and brother are added to H's individual account and insured to $15,000 in the aggregate, leaving $30,000 uninsured (§ 330.3(b)).

Accounts of executors or administrators. All funds belonging to a decedent and deposited in one or more accounts, whether held in the name of the decedent or in the name of his executor or administrator, are added together and insured to the $15,000 maximum. Such funds are insured separately from the individual accounts of any of the beneficiaries of the estate or of the executor or administrator.

EXAMPLE 1

Question: A, administrator of D's estate, sells D's automobile and deposits the proceeds of $2,500 in an account entitled: "A, Administrator of the estate of D." In the same bank there is an account containing $15,000 which D had opened just prior to his death. What is the insurance coverage?

Answer: The two accounts are added together and insured up to the $15,000 maximum, leaving $2,500 uninsured (§ 330.4).

EXAMPLE 2

Question: X is executor of the will of T, under which A, B and C are beneficiaries in equal shares. X deposits $45,000 of T's estate in an account entitled: "X, Executor of the will of T." A and X maintain accounts of $15,000 each in the same bank. What is the insurance coverage?

Answer: The account held by X as executor is insured only to $15,000. Such funds are considered the property of the decedent's estate and are not apportioned among the beneficiaries under the will. Since the title of the estate account discloses its fiduciary nature, X's individual account is insured separately. In addition, A's individual account is separately insured to the $15,000 maximum (§ 330.4).

Accounts held by a corporation, partnership or unincorporated association. All funds deposited in an account or accounts by a corporation, a partnership or an unincorporated association engaged in any independent activity are added together and insured to the $15,000 maximum. The term "independent activity" means any activity other than one directed solely at increasing insurance coverage. If the corporation, partnership or unincorporated association is not engaged in an independent activity, any account held by the entity is insured as if owned by the persons owning or comprising the entity, and the imputed interest of each such person is added for insurance purposes to any individual account which he maintains.

EXAMPLE 1

Question: X Corporation maintains a $15,000 account. The stock of the corporation is owned by A, B, C and D in equal shares. Each of these stockholders also maintains an individual account with the same bank. What is the insurance coverage?

Answer: Each of the accounts would be insured to $15,000 if the corporation is engaged in an independent activity and has not been established merely for the purpose of increasing insurance coverage. The same would be true if the business were operated as a bona fide partnership instead of a corporation (§ 330.5).

EXAMPLE 2

Question: A and B each has a $12,000 account in his own name and X Corporation has a $12,000 account. One third of the stock of X Corporation is owned by A and two-thirds by B. X Corporation was set up solely to obtain additional insurance. What is the insurance coverage?

Answer: Since X Corporation is not engaged in an independent activity, the funds in its account are insured as if owned by A and B in proportion to their interest in the corporation. For insurance purposes, $4,000 of the corporate account is imputed to A and added to his individual account and $8,000 is added to B's individual account. A has an aggregate individual interest of $16,000, of which $15,000 is insured, leaving $1,000 uninsured. Of B's total interest of $20,000, $5,000 is uninsured (§ 330.5).

EXAMPLE 3

Question: C College maintains three separate accounts with the same bank under the titles: "General Operating Fund", "Teachers Salaries", and "Building Fund". What is the insurance coverage?

Answer: Since all of the funds are the property of the college, the three accounts are added together and insured only to the $15,000 maximum (§ 330.5 and § 330.8).

EXAMPLE 4

Question: The men's club of X Church carries on various social activities in addition to holding several fund raising campaigns for the church each year. The club is supported by membership dues. Both the club and X Church maintain accounts in the same bank. What is the insurance coverage?

Answer: The men's club is an unincorporated association engaged in an independent activity. If the club funds are, in fact, legally owned by the club itself and not the church, each account is separately insured to the $15,000 maximum (§ 330.5).

EXAMPLE 5

Question: The PQR Union has three locals in a certain city. Each of the locals maintains a deposit account containing funds belonging to the parent organization. All three accounts are in the same insured bank. What is the insurance coverage?

Answer: The three accounts are added together and insured up to the $15,000 maximum (§ 330.5).

Public unit accounts. For insurance purposes, the official custodian of funds belonging to a public unit, rather than the public unit itself, is insured as the depositor. All funds belonging to a public unit and deposited by the same custodian are added together and insured to the $15,000 maximum, regardless of the number of accounts involved. If there is more than one official custodian for the same public unit, the funds deposited by each custodian are separately insured up to $15,000. If the same person is custodian of funds for more than one public unit, he is separately insured to $15,000 with respect to the funds of each such unit deposited by him in properly designated accounts.

EXAMPLE 1

Question: B, as County Treasurer, deposits $5,000 in each of the following accounts: "General Operating Account", "Road and Bridge Fund", "School Transportation Fund", "Local Maintenance Fund", and "Payroll Fund." What is the insurance coverage?

Answer: Since all of these funds are owned by the same public unit (i.e., the county) and are deposited by the same public official, the five accounts are added together and insured in the aggregate to the $15,000 maximum, leaving $10,000 uninsured (§ 330.5(a)).

EXAMPLE 2

Question: As Comptroller of Y Consolidated School District, A maintains a $20,000 account containing school district funds. He also maintains his own $10,000 savings account. What is the insurance coverage?

Answer: The two accounts will be separately insured, assuming the bank's records indicate that the account containing the school district funds is held by A in a fiduciary capacity. Thus, $15,000 of the school's funds and the entire $10,000 in A's personal account will be insured (§ 330.1(b)(1) and § 330.5(a)).

EXAMPLE 3

Question: A, as City Treasurer, and B, as chief of the city police department, each have $15,000 in city funds deposited in custodial accounts. What is the insurance coverage?

Answer: Assuming that both A and B have official custody of the city funds, each account would be separately insured to the $15,000 maximum (§ 330.5(a)).

EXAMPLE 4

Question: A is Treasurer of X County and collects certain tax assessments, a portion of which must be paid to the State under statutory requirement. A maintains an account for general funds of the county and establishes a separate account for the funds which belong to the State Treasurer. The bank's records indicate that the separate account contains funds held for the State. What is the insurance coverage?

Answer: Since two public units own the funds held by A, the accounts would each be separately insured to the maximum ($ 330.8(a)).

EXAMPLE 6

Question: A City Treasurer deposits $15,000 of city funds in each of the following accounts: "General Operating Account," "School Transportation Fund," "Local Maintenance Fund," and "Payroll Fund." All of the funds in the various accounts have been allocated to the specific use indicated by city ordinance or by statute. What is the insurance coverage?

Answer: All of the accounts would be added together and insured in the aggregate to $15,000. The allocation of the city's funds by ordinance or by statute for a specific purpose would not make such funds to be maintained in separate rights and capacities.

EXAMPLE 8

Question: A City Treasurer deposits $15,000 in a "General Fund" account and $20,000 in a "Meter Deposit" account. The funds in the Meter Deposit account belong to users of gas and are held by the official custodian in a fiduciary capacity as security for damage to gas meters. What is the insurance coverage?

Answer: Each account would be separately insured. However, if the City Treasurer held such funds as agent for the users of gas, their interest in the Meter Deposit account would be added to their individual accounts in computing insurance coverage. On the other hand, if the meter deposits are actually held in trust, pursuant to statute or contract, such funds would be separately insured from any individually owned funds of the gas users.

EXAMPLE 7

Question: In addition to the public fund accounts listed in Example 1, the County Treasurer also maintains a "Bond Payment Account" containing funds required by law to be paid to 3,000 holders of bonds issued by the county. The account contains $200,000. What is the insurance coverage?

Answer: The interest of each bondholder is separately insured to the $15,000 maximum. Where a public official deposits funds in an account which are required by law to be held for the payment of a particular bond issue, the account is deemed to be held in trust for the individual bondholders. The title of such an account, however, must indicate its fiduciary nature ($ 330.8(b)).

Joint accounts. Accounts held under any form of joint ownership valid under State law (whether as joint tenants with right of survivorship, tenants by the entireties, tenants in common or by husband and wife as community property) are insured up to $15,000. This insurance is separate from that afforded individual accounts held by any of the co-owners.

An account is insured as a joint account only if each of the co-owners has personally executed an account signature card and possesses withdrawal rights. An account owned jointly which does not qualify as a joint account for insurance purposes is insured as if owned by the named persons as individuals. In that case, the actual ownership interest in the account of each person is added to any other accounts individually owned by such person and insured up to $15,000 in the aggregate.

Any individual, including a minor, may be a co-owner of a joint account provided, under State law, he may execute a signature card and withdraw funds from the account on the same basis as other co-owners.

All funds deposited in joint accounts owned by the same combination of individuals are first added together and insured to the $15,000 maximum. Where a depositor has an interest in more than one joint account and different joint owners are involved, his interests in all of such joint accounts are then added together and insured to $15,000 in the aggregate.

For insurance purposes, the co-owners of any joint account are deemed to have equal interests in the account, except in the case of a tenancy in common. With a tenancy in common, equal interests are presumed unless otherwise stated on the records of the bank.

EXAMPLE 1

Question: A and B maintain an account as joint tenants with right of survivorship and, in addition, each holds an individual account. Is each account separately insured?

Answer: If both A and B have executed the signature card and possess withdrawal rights with respect to the joint funds, each account is separately insured to the $15,000 maximum ($ 330.9 (a) and (b)).

EXAMPLE 2

Question: H and W, husband and wife, reside in a community property state. Each holds an individual account and, in addition, they hold a qualifying joint account. The funds in all three accounts consist of community property. Is each account separately insured?

Answer: Yes. An account in the individual name of a spouse will be insured up to $15,000, whether the funds consist of community property or separate property of the spouse. A joint account containing community property is also insured up to $15,000. Thus, community property can be used for individual accounts in the name of each spouse and for a joint account in the name of both spouses, each of which accounts is separately insured up to $15,000 ($ 330.2(a) and $ 330.9(a)).

EXAMPLE 3

Question: Two accounts of $15,000 each are held by a husband and his wife under the following names: John Doe and Mary Doe, husband and wife, joint tenants, with right of survivorship. Mrs. John Doe and John Q. Doe (community property). Are the accounts separately insured?

Answer: No. Both accounts are considered joint accounts owned by the same combination of individuals, regardless of the form of joint ownership. Reversal of names or use of different styles does not change the result, as long as the account owners are, in fact, the same in both cases. For insurance purposes, the accounts are added together for a total of $30,000, of which $15,000 is insured ($ 330.9(d)).

EXAMPLE 4

Question: The following accounts are held by A, B, and C, each of whom has personally executed signature cards for the accounts in which he has an interest. Each co-owner of a joint account possesses the necessary withdrawal rights.

No. 1 A, as an individual—$15,000.
No. 2 B, as an individual—$15,000.
No. 3 C, as an individual—$15,000.
No. 4 A and B, as joint tenants with right of survivorship—$15,000.
No. 5 A and C, as joint tenants with right of survivorship—$15,000.
No. 6 B and C, as joint tenants with right of survivorship—$15,000.
No. 7 A, B, and C, as joint tenants with right of survivorship—$15,000.

What is the insurance coverage?

Answer: Accounts numbered 1, 2, and 3 are each separately insured for $15,000 as individual accounts held by A, B, and C, respectively ($ 330.2(a)). With regard to accounts numbered 4, 5, 6, and 7, the respective interests of A, B, and C in such accounts are added together for insurance purposes ($ 330.9(e)). The interests of the co-owners of each joint account are deemed equal for insurance purposes ($ 330.1(b)(4)). Thus, A has an interest of $7,500 in account No. 4, $7,500 in account No. 5, and $5,000 in account No. 7, for a total joint account interest of $20,000, of which $15,000 is insured. The interests of B and C are similarly insured.

EXAMPLE 5

Question: A, B, and C hold accounts as set forth in Example 4. A and B are husband and wife. C, their minor child has failed to execute the signature card for account No. 7. In account No. 5, C cannot make a withdrawal without A's written consent. In account No. 6, the signatures of both B and C are required for withdrawal. A has provided all of the funds for accounts numbered 5 and 7. What is the insurance coverage?

Answer: If any of the co-owners of a joint account have failed to meet any of the joint account requirements, the account is not insured as a joint account. Instead, the account is insured as if it consisted of commingled individual accounts of each of the co-owners in accordance with his actual ownership of the funds, as determined under applicable State law ($ 330.9(c)). Account No. 5 is not insured as a joint account because C does not possess the right to withdraw the funds in accordance with his purported interest in the account. Account No. 6 does qualify as a joint account for insurance purposes, since each co-owner possesses the right to withdraw funds on the same basis ($ 330.9(b)). Account No. 7 is not insured as a joint account since C did not personally execute the signature card. Assuming that, under applicable State law, A has the entire actual ownership interest in accounts 5 and 7, all of the funds in these accounts are treated for insurance purposes as individually owned by A ($ 330.9(c)). Thus, the $30,000 in these accounts is added to the $15,000 in account No. 1, A's individual account, and insured up to $15,000 in the aggregate, leaving $30,000 uninsured. Accounts 4 and 6, the remaining joint accounts, are each insured to the $15,000 limit, since they are owned by different combinations of individuals and no co-owner has an aggregate interest in the two accounts in excess of $15,000 ($ 330.9 (d) and (e)).

EXAMPLE 6

Question: Three qualifying joint accounts are owned by A, B and C, as joint tenants with right of survivorship, as follows:
No. 1 A and B—$15,000.
No. 2 A and B—$5,000.
No. 3 A and C—$10,000.
What is the insurance coverage?

Answer: Since accounts numbered 1 and 3 are owned by the same combination of individuals, they are first added together and insured to $15,000 in the aggregate, leaving $5,000 uninsured ($ 330.9(d)). Since the respective interests of the co-owners of each joint account are deemed equal for insurance purposes, A has an interest of $7,500 in account No. 1, $2,500 in account No. 2, and $5,000 in account No. 3, for a total joint account interest of $15,000. A's interest of $10,000 in accounts numbered 1 and 3 receives a $7,500 proportionate share of the $15,000 insurance coverage on the two accounts, as does B's interest, leaving $2,500 uninsured in each case. A is entitled to $15,000 of insurance on the total of his interests in joint accounts owned by different combinations of individuals ($ 330.9(e)). $7,500 of this $15,000 is allocated to A's interest in accounts numbered 1 and 3, leaving $7,500 of insurance available for his $5,000 interest in account No. 3, which is fully insured. C's $5,000 interest in account No. 3 is also fully insured. Thus, $12,500 of A's total interest of $15,000 is insured; $7,500 of B's $10,000 interest is insured; and all of C's $5,000 interest is insured. Of the $30,000 invested in the three joint accounts, a total of $25,000 is insured.

EXAMPLE 7

Question: A and B own a $15,000 joint account evidenced by a negotiable certificate of deposit. Subsequent to purchase and prior to the closing of the bank, the certificate is negotiated to C and D. C also maintains a $15,000 individual account in the issuing bank. What is the insurance coverage?

Answer: The joint account owned by C and D and C's individual account are separately insured. Since the certificate evidencing the joint account was negotiated prior to the closing of the bank, signature cards as to each subsequent joint owner are not required ($ 330.9(b)).

Trust accounts. A trust interest is the interest of a beneficiary in an irrevocable express trust, whether created by trust instrument or statute, that is valid under State law. Thus, funds deposited in an account by a trustee under an irrevocable express trust are insured on the basis of the beneficial interests under such trust. The interest of each beneficiary in an account (or accounts) established under such a trust arrangement is insured up to $15,000, separately from other accounts held by the trustee, the settlor (grantor) or the beneficiary. However, in cases where a beneficiary has an interest in more than one trust arrangement created by the same settlor, the interests of the beneficiary in all accounts established under such trusts are added together for insurance purposes, and the beneficiary's aggregate interest derived from the same settlor is separately insured to the $15,000 maximum.

A beneficiary's interest in an account established pursuant to an irrevocable express trust arrangement is insured separately from other beneficial interests (trust interests) deposited in the same account if the value of the beneficiary's interest (trust interest) can be determined without evaluation of contingencies except for those covered by the present worth tables and rules of calculation for their use set forth in Sec. 20.2031-7 of the Federal Estate Tax Regulations (26 CFR 20.2031-7). If any trust interests in such an account cannot be so determined, the insurance with respect to all such trust interests together shall not exceed the basic insured amount of $15,000.

In order for insurance coverage of trust accounts to be effective in accordance with the foregoing rules, certain record-keeping requirements must be met. In connection with each trust account, the bank's records must indicate the name of both the settlor and the trustee of the trust and must contain an account signature card indicating the fiduciary capacity of the trustee and executed by him. In addition, the interests of the beneficiaries under the trust must be ascertainable from the records of either the bank or the trustee.

Although each ascertainable trust interest in an irrevocable trust is separately insured, it should be noted that in short-term trusts the insurable interest or interests may be very small, since the interests are computed only for the duration of the trust. Thus, if a trust is made irrevocable for a specified period of time, the beneficial interests will be calculated in terms of the length of time stated. A reversionary interest retained by the settlor is treated in the same manner as an individual account of the settlor.

As stated, the trust must be valid under local law. A trust which does not meet local requirements, such as one imposing no duties on the trustee or conveying no interests to the beneficiary, is of no effect for insurance purposes. An account in which such funds are deposited is considered to be an individual account.

An account established pursuant to a revocable trust arrangement is insured as a form of individual account and is treated under § 330.3, dealing with Testamentary Accounts.

EXAMPLE 1

Question: T is a trustee of an irrevocable trust created by S, settlor, for the benefit of A and B in equal shares. T holds an account containing $30,000 in trust funds. A and B, as well as T and S, each maintain individual accounts in the amount of $15,000 each. What is the insurance coverage?

Answer: The trust interests of A and B deposited in the account are each insured to the $15,000 maximum, assuming that neither A nor B have beneficial interests in any other accounts established pursuant to an irrevocable trust created by the same settlor. Since A and B have equal beneficial interests under the trust, each has a proportionate interest in the trust account of $15,000, and the account is fully insured. The individual accounts of A, B, T, and S are each separately insured to $15,000 ($ 330.10).

EXAMPLE 2

Question: S is the settlor of an irrevocable trust for the sole benefit of his son, B. T, the trustee, maintains an account in Y Bank containing $15,000 in trust funds. S subsequently creates a separate irrevocable trust, also for B's sole benefit, with X Bank as trustee. X Bank deposits $5,000 of the trust funds in another account in Y Bank. What is the insurance coverage?

Answer: B has the sole beneficial interest in two accounts established under trusts created by the same settlor. Both accounts are added together and insured up to $15,000 in the aggregate, leaving $5,000 uninsured. The fact that two different trustees are involved is immaterial ($ 330.10).

EXAMPLE 3

Question: S is the settlor of an irrevocable trust fund for the sole benefit of his son B. T, trustee, deposits $15,000 of the trust funds in a trust account. S establishes a revocable trust account in the amount of $15,000 for the sole benefit of B. S also has an individual account of $15,000. What is the insurance coverage?

Answer: B's trust estate in the account established pursuant to the irrevocable trust arrangement is insured to $15,000 separately from the accounts owned by S ($ 330.10). The revocable trust account is insured to $15,000 as a testamentary account owned by S with his child as beneficiary, separately from S's individual account ($ 330.3(a)). The three accounts are fully insured.

EXAMPLE 4

Question: An account in the amount of $25,000 is held pursuant to an irrevocable trust for the benefit of A and B. Under the terms of the trust instrument, A is to receive the income for life and B is to receive the remainder at A's death. At the time of insolvency, A is 70 years of age. What is the insurance coverage?

Answer: The proportionate value of A's life estate can be determined by the use of the present worth tables found at 26 CFR § 20.2031-7. To ascertain A's beneficial interest in the account, the appropriate multiplier (0.27370) indicated by Table I is multiplied by the amount in the account. A's interest is found to be $6,842.50. The difference of $18,157.50 represents B's beneficial interest in the account. The trustee is entitled to an insurance payment of $21,842.50, representing A's complete interest ($6,842.50) and $15,000 of B's interest ($ 330.10 and $ 330.1(c)(1)).

EXAMPLE 5

Question: The situation is the same as in Example 4, except that A is to receive the income for life or until she marries, with remainder over to B. What is the insurance coverage?

Answer: Both interests in the trust are subject to a contingency (A's marriage) which precludes their evaluation by the use of the present worth tables. The insurance coverage with respect to all trust interests in the account is limited to the $15,000 maximum ($ 330.1(c)(2)). The trustee is entitled to an insurance payment of $15,000.

EXAMPLE 6

Question: S establishes an irrevocable trust fund of $75,000 for the equal benefit of A, B, C, D, and E. The trustee deposits the entire amount in a properly designated trust account. The trust provides that each beneficiary is to receive income in equal shares until the age of 35, at which time the principal is to vest in equal shares, except that if either D or E does not complete college by age 35, his share of the principal is to go to X Church. What is the insurance coverage?

Answer: The proportionate (one-fifth) interests in the account of A, B, and C are each insured up to $15,000 as separate trust estates. The interests of D, E, and X Church are subject to contingencies (completion of college) which cannot be evaluated by use of the present worth tables. Therefore, the insurance coverage on their interests is limited to $15,000 in the aggregate, resulting in a total insurance coverage of $60,000 for the trust account ($ 330.1(c) (1) and (2)).

EXAMPLE 7

Question: G is settlor of a short-term irrevocable trust for the benefit of H University. Under the terms of the trust instrument, the university is to receive all of the income (payable annually) for 2 years. At the end of the 2-year period, the trust is to terminate, and the corpus is to revert to G. The trustee deposits $20,000 in a trust account. At the date of insolvency 1 year of the 2-year term of the trust has expired. What is the insurance coverage?

Answer: Although this arrangement constitutes an express irrevocable trust, G's reversionary interest is treated, for insurance purposes, as an individual account owned by him ($ 330.1(a)). To ascertain the value of H University's remaining 1-year income in-

trust in the trust account, the appropriate multiplier (0.08282) indicated by Table II of the present worth tables is multiplied by the account balance. H University's trust estate in the account is $676.69. G's reversionary interest is worth $19,323.30. Assuming that G has no individual interest in any other account, the trustee is entitled to an insurance payment of $15,676.69, representing H University's entire trust estate in the account ($676.69) and $15,000 of G's reversionary interest ([§ 330.1(c)(1)] and [§ 330.10]).

EXAMPLE 8

Question: H and W create an irrevocable trust for the benefit of their children, S and D, in equal shares. The trust contains $100,000, of which $20,000 was contributed by W. As joint trustees, H and W deposit $60,000 of these funds in a trust account. What is the insurance coverage?

Answer: The trust interests of S and D are deemed to be derived from H and W in proportion to the contribution of each to the trust. W has contributed 20 percent of the funds and H has contributed 80 percent. S and D have equal beneficial interests in the trust account. Of H's beneficial interest of $30,000, $4,000 (20 percent) is deemed to be derived from W and $16,000 (80 percent) is deemed to be derived from H. D's beneficial interest is similarly derived. The trust interest of each beneficiary derived from each settlor is separately insured to the $15,000 maximums. The $4,000 interest derived from W is fully insured, and $15,000 of the interest derived from H is insured, leaving $1,000 uninsured in the case of each beneficiary. The account is insured to a total of $38,000 ([§ 330.1(c)(2)]).

EXAMPLE 9

Question: X Corporation acts as servicing agent for FHA, VA and conventional mortgage loans. Each month X Corporation collects payments from approximately 2,000 mortgagors and commingles these funds in a single account. The account contains $300,000. What is the insurance coverage?

Answer: The amount of insurance coverage depends upon the terms of the contract or instrument under which X Corporation collects the funds. If it acts in the capacity of a trustee for the benefit of the mortgagors, the interest of each mortgagor is separately insured to the $15,000 maximums. If it acts in the capacity of a trustee for the lenders, the interest of each lender is separately insured to the $15,000 maximum. In either case, this insurance is separate from that afforded the individually owned funds of X Corporation invested in the institution or the individual accounts of any of the mortgagors or lenders ([§ 330.10]). If X Corporation is found to act in the capacity of an agent for either the mortgagors or the lenders, the interest of each such principal is separately insured as his individual account (but added to any other individual accounts which the principal holds in the same institution) ([§ 330.2 (b)]). If X Corporation is found to hold the funds as owner, or principal, with only a contractual obligation to pay to its creditors, and not as trustee or agent, the account would be insured only to the $15,000 limit ([§ 330.2]).

EXAMPLE 10

Question: What is the insurance coverage on other fiduciary accounts, such as clients' funds invested in the name of a lawyer, rent security funds invested in the name of the landlord, escrow funds invested in the name of a real estate broker, taxpayers' funds invested in the name of a representative of a court, consignors' funds invested in the name of a market servicing agent, and similar funds invested in other custodial accounts?

Answer: Such funds are insured in the same manner as indicated in Example 9. If the funds are held in irrevocable trust pursuant to statute or trust instrument, they are insured as trust funds. If held on an agent-principal basis, they are insured as the individually owned property of the various principals ([§ 330.2(b)] and [§ 330.10]).

EXAMPLE 11

Question: G, a cemetery, maintains an account consisting of its general funds in the amount of $15,000. It also maintains a properly designated trust account containing perpetual care funds held in trust pursuant to statute or trust instrument for the benefit of the various cemetery lots in the amount of $60,000. No single perpetual care fund in the trust account exceeds $15,000. What is the insurance coverage?

Answer: The general funds account is insured up to $15,000 ([§ 330.5 and 6]). Since each separate trust interest in the trust account is separately insured, the trust account is fully insured to $60,000 ([§ 330.1(c)(4)] and [§ 330.10]).

EXAMPLE 12

Question: G creates a charitable trust under which the principal and income are to be used for the furtherance of legal education, in the discretion of the trustee. The trustee deposits $30,000 of the trust funds in a properly designated account. What is the insurance coverage?

Answer: Since the beneficiaries under the trust are indefinite and cannot be ascertained, there can be insurance only to the basic insured amount ([§ 330.1(c)(2)]). Thus, the account is insured only to $15,000, leaving $10,000 uninsured ([§ 330.10]).

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] E. F. DOWNEY,
Secretary.

[F.R. Doc. 67-8176; Filed, July 13, 1967; 8:50 a.m.]

FEDERAL HOME LOAN BANK BOARD
Title 12—BANKS AND BANKING
Chapter V—Federal Home Loan Bank Board

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[No. 20,723]

PART 561—DEFINITIONS

Amendments Relating to Insurance of Accounts

JULY 7, 1967.

Resolved that, notice and public procedure having been duly afforded (32 F.R. 998) and all relevant material presented or available having been considered by it, the Federal Home Loan Bank Board, upon the basis of such consideration and of determination by it of the advisability of amendment of Part 561 of the Rules and Regulations for Insurance of Accounts (12 CFR Part 561) as hereinafter set forth, and for the purpose of effecting such amendment, hereby amends said Part 561, as follows, effective September 1, 1967:

1. Section 561.2 of the Rules and Regulations for Insurance of Accounts is hereby revised to read as follows:

§ 561.2 Insured member.

The term "insured member" means the holder of an account or accounts in an institution insured by the Corporation. Such holder is a separate insured member in each of the capacities and to the extent provided in Part 564 of this chapter.

2. Section 561.3 of the Rules and Regulations for Insurance of Accounts is hereby revoked.

3. A new section, § 561.3, to read as follows, is hereby added immediately following § 561.2 of the Rules and Regulations for Insurance of Accounts.

§ 561.3 Insured account.

An "insured account" is a withdrawable or repurchasable share, investment certificate, deposit, or savings account held by an insured member in an institution insured by the Corporation. Accounts which by the terms of the contract of the holder with the institution or by provisions of state law cannot be withdrawn or the value thereof paid to the holder until all of the liabilities, including other classes of share liabilities, of the institution have been fully liquidated and paid upon the winding up of the institution are not insurable, and are hereinafter referred to as "nonwithdrawable accounts".

4. Section 561.4 of the Rules and Regulations for Insurance of Accounts is hereby revoked.

5. A new section, § 561.4, to read as follows, is hereby added immediately following § 561.3 of the Rules and Regulations for Insurance of Accounts.

§ 561.4 Trust estate.

The term "trust estate" means the interest of a beneficiary in an irrevocable express trust, whether created by trust instrument or statute, but does not include any interest retained by the settlor.

6. Section 561.5 of the Rules and Regulations for Insurance of Accounts is hereby revoked.

7. Three new sections, §§ 561.5, 561.5a, and 561.5b to read as follows, are hereby added immediately following § 561.4 of the Rules and Regulations for Insurance of Accounts.

§ 561.5 Public unit.

The term "public unit" means the United States, any state of the United States, the District of Columbia, any territory of the United States, Puerto Rico, the Virgin Islands, any county, any municipality or any political subdivision thereof.

§ 561.5a Political subdivision.

The term "political subdivision" means any subdivision of a public unit, as defined in § 561.5, to which some functions of local government have been delegated and, in addition, includes drainage, irrigation, navigation, improvement, levee, sanitary, school or power districts and bridge or port authorities created by state statute or compacts between the states.

§ 561.5b Independent activity.

The term "independent activity" means any activity other than one directed solely at increasing insurance coverage.

(Secs. 402, 403, 405, 48 Stat. 1256, 1257, 1259, as amended; 12 U.S.C. 1725, 1726, 1728. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,
Secretary.

[F.R. Doc. 67-8197; Filed, July 13, 1967; 8:50 a.m.]

[No. 20,724]

PART 564—SETTLEMENT OF INSURANCE

Amendments Relating to Settlement of Insurance

JULY 7, 1967.

Resolved that, notice and public procedure having been duly afforded (32 F.R. 999) and all relevant material presented or available having been considered by it, the Federal Home Loan Bank Board, upon the basis of such consideration and of determination by it of the advisability of amendment of Part 564 of the Rules and Regulations for Insurance of Accounts (12 CFR, Part 564) as hereinafter set forth, and for the purpose of effecting such amendment, hereby amends said Part 564 as follows, effective September 1, 1967:

1. Section 564.1 of the Rules and Regulations for Insurance of Accounts is hereby revised to read as follows:

§ 564.1 Settlement of insurance upon default.

(a) *General.* In the event of a default by an insured institution, the Corporation will promptly determine the insured members thereof and the amount of their insured accounts. The Corporation will give to each insured member of an insured institution in default written notice of the time and place of payment of insurance by mail at the last known address as shown by the books of the insured institution.

(b) *Determination of amount of insured account.* The amount of each insured account will be determined from the savings account contract and from the books and records of the insured institution as of the date of default. The insured amount is the amount which the insured member would have been entitled to withdrawal as of the date of the last dividend paid prior to default, plus payments on, and less repurchases and withdrawals from, such account subsequent to such date and without regard to (1) any earnings attributable to the account since such date and (2) whether the account is subject to any pledge. The insured amount does not include the amount of the dividend preceeding default if unlawfully declared or credited, contrary to instructions from a supervisory authority.

(c) *Multiple accounts.* In the event an insured member holds more than one insured account in the same capacity, and the aggregate amount of such accounts exceeds the amount of insurance afforded thereon, the insurance coverage will be prorated among the member's interests in all accounts held in the same capacity on the basis of their withdrawable value as of the date of default. In the case of individual accounts the insurance proceeds shall be paid to the holder of the account, whether or not the beneficial owner. In the case of accounts which are owned jointly the insurance proceeds shall be paid to the owners jointly. In the case of trust estates the insurance proceeds shall be paid to the indicated trustee unless otherwise provided for in the trust instrument or under State law. In the case of corporations, partnerships and unincorporated associations, whether or not engaged in an independent activity, the insurance proceeds shall be paid to the indicated holder of the account. Where insurance payment is in the form of a transferred account, the same rules shall be applied.

2. Part 564 of the Rules and Regulations for Insurance of Accounts is hereby amended by adding, immediately after § 564.1, as revised, the following new sections:

§ 564.2 General principles applicable in determining insurance of accounts.

(a) *General.* Section 564.1 of this part provides for determination by the Corporation of the insured members of an

insured institution and the amount of their insured accounts. The rules for determining the insurance coverage of accounts in the same insured institution are set forth in the following provisions of this part. Insofar as rules of local law enter into such determinations, the law of the jurisdiction in which the insured institution's principal office is located shall govern.

(b) *Records.* (1) The account records of the insured institution shall be conclusive as to the existence of any relationship pursuant to which the funds in the account are invested and on which a claim for insurance coverage is founded. Examples would be trustee, agent, custodian or executor. No claim for insurance based on such a relationship will be recognized in the absence of its disclosure on such records.

(2) If the account records of an insured institution disclose the existence of a relationship which may provide a basis for additional insurance, the details of the relationship and the interests of other parties in the account must be ascertainable either from the records of the association or the records of the account holder maintained in good faith and in the regular course of business.

(3) The account records of an insured institution in connection with a trust account shall disclose the name of both the settlor (grantor) and the trustee of the trust and shall contain an account signature card executed by the trustee.

(4) The interests of the co-owners of a joint account shall be deemed equal, unless otherwise stated on the insured institution's records in the case of a tenancy in common.

(c) *Valuation of trust interests.* (1) Trust estates in the same trust invested in the same account will be separately insured if the value of the trust estate is capable of determination, as of the date of default, without evaluation of contingencies except for those covered by the present worth tables and rules of calculation for their use set forth in section 20.2031–7 of the Federal Estate Tax Regulations (26 CFR 20.2031–7).

(2) In connection with any trust in which certain trust estates are not capable of evaluation in accordance with the foregoing rule, payment by the Corporation to the trustee with respect to all such estates shall not exceed the basic insured amount of $15,000.

(3) Each trust estate in any trust established by two or more settlors shall be deemed to be derived from each settlor pro rata to his contribution to the trust.

§ 564.3 Single ownership accounts.

Funds owned by an individual and invested in the manner set forth below shall be added together and insured up to $15,000 in the aggregate.

(a) *Individual accounts.* Funds owned by an individual (or by the husband-wife community of which the individual is a member) and invested in one or more accounts in his own name shall be insured up to $15,000 in the aggregate.

(b) *Accounts held by agents or nominees.* Funds owned by a principal and invested in one or more accounts in the name or names of agents or nominees shall be added to any individual accounts of the principal and insured up to $15,000 in the aggregate.

(c) *Accounts held by guardians, custodians or conservators.* Funds held by a guardian, custodian or conservator for the benefit of his ward or for the benefit of a minor under a Uniform Gifts to Minors Act and invested in one or more accounts in the name of the guardian, custodian or conservator shall be added to any individual accounts of the ward or minor and insured up to $15,000 in the aggregate.

§ 564.4 Testamentary accounts.

(a) Funds owned by an individual and invested in a revocable trust account, tentative or "Totten" trust account, payable-on-death account or similar account evidencing an intention that on his death the funds shall belong to his spouse, child or grandchild, shall be insured up to $15,000 in the aggregate as to each such named beneficiary, separately from any other accounts of the owner.

(b) If the named beneficiary of such an account is other than the owner's spouse, child or grandchild, the funds in such account shall be added to any individual accounts of such owner and insured up to $15,000 in the aggregate.

§ 564.5 Accounts held by executors or administrators.

Funds of a decedent held in the name of the decedent or in the name of the executor or administrator of his estate and invested in one or more accounts shall be insured up to $15,000 in the aggregate, separately from the individual accounts of the beneficiaries of the estate or of the executor or administrator.

§ 564.6 Accounts held by a corporation or partnership.

Accounts of a corporation or partnership engaged in any independent activity shall be insured up to $15,000 in the aggregate. An account of a corporation or partnership not engaged in an independent activity shall be deemed to be owned by the person or persons owning such corporation or comprising such partnership and, for insurance purposes, the interest of each person in such account shall be added to any other accounts individually owned by such person and insured up to $15,000 in the aggregate.

§ 564.7 Accounts held by an unincorporated association.

Accounts of an unincorporated association engaged in any independent activity shall be insured up to $15,000 in the aggregate. An account of an unincorporated association not engaged in an independent activity shall be deemed to be owned by the persons comprising such association and, for insurance purposes, the interest of each owner in such account shall be added to any other accounts individually owned by such person and insured up to $15,000 in the aggregate.

§ 564.8 Public unit accounts.

(a) *General.* Where different officers, agents or employees of the same public unit, having by law the official custody of public funds of the unit, invest the same in an insured institution, each such officer, agent, or employee shall be separately insured up to $15,000 in such custodial capacity. An officer, employee, or agent of a public unit shall be deemed to be insured only up to $15,000 with respect to all public funds of the same unit held by him regardless of how many offices he holds in such unit or the purposes for which such funds are held or designated. If the same person is an officer, employee or agent of more than one public unit, he shall be separately insured up to $15,000 with respect to the public funds held by him of each such unit.

(b) *Public bond issues.* Where an officer, agent or employee of a public unit has custody of certain funds which by law or under the bond indenture are required to be paid to the holders of bonds issued by the public unit, any investment of such funds in an insured institution shall be deemed to be an investment by a trustee of trust funds of which the bondholders are pro rata beneficiaries, and each such beneficial interest shall be separately insured up to $15,000.

§ 564.9 Joint accounts.

(a) *Separate insurance coverage.* Accounts owned jointly, whether as joint tenants with right of survivorship, as tenants by the entireties, as tenants in common, or by husband and wife as community property, shall be insured separately from accounts individually owned by the co-owners.

(b) *Qualifying joint accounts.* A joint account shall be deemed to exist, for purposes of insurance of accounts, only if each co-owner has personally executed an account signature card and possesses withdrawal rights.

(c) *Failure to qualify.* An account owned jointly which does not qualify as a joint account for purposes of insurance of accounts shall be treated as owned by the named persons as individuals and the actual ownership interest of each such person in such account shall be added to any other accounts individually owned by such person and insured up to $15,000 in the aggregate.

(d) *Same combination of individuals.* All joint accounts owned by the same combination of individuals shall first be added together and insured up to $15,000 in the aggregate.

(e) *Interest of each co-owner.* The interests of each co-owner in all joint accounts owned by different combinations of individuals shall then be added together and insured up to $15,000 in the aggregate.

§ 564.10 Trust accounts.

All trust estates for the same beneficiary invested in accounts established pursuant to valid trust arrangements created by the same settlor (grantor) shall be added together and insured up to $15,000 in the aggregate, separately from other accounts of the trustee of such trust funds or the settlor or beneficiary of such trust arrangements.

§ 564.11 Continuation of prior coverage.

All accounts insured under the rules and interpretations heretofore in effect shall continue to be insured, anything in this part to the contrary notwithstanding, until April 15, 1968.

§ 564.12 Notification of account holders.

Each insured institution is required to provide notice of these amendments to the Rules and Regulations for Insurance of Accounts, prior to February 1, 1968, to the holders of each account which had a balance in excess of $5,000 at the close of the last dividend period prior to notification. Such notice shall consist of mailing to such holders, at their last known address as shown on the records of the institution, a question and answer brochure on insurance of accounts prepared by the Federal Savings and Loan Insurance Corporation. Such brochure shall also be made available to the public at each office of an insured institution. Additional explanatory materials may also be sent to account holders at the option of the insured institution.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan. No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,
Secretary.

[F.R. Doc. 67–8196; Filed, July 13, 1967; 8:50 a.m.]

[No. 20,725]

EXAMPLES OF INSURANCE COVERAGE AFFORDED ACCOUNTS IN INSTITUTIONS INSURED BY THE FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

JULY 7, 1967.

Whereas, by Federal Home Loan Bank Board Resolutions Nos. 20,723 and 20,724, dated July 7, 1967, this Board has amended pertinent provisions of the Rules and Regulations for Insurance of Accounts (12 CFR, Chapter V, Subchapter D) to define, limit and clarify the insurance coverage afforded investors in withdrawable accounts in institutions insured by the Federal Savings and Loan Insurance Corporation; and

Whereas, this Board has determined that it would be in the public interest to publish concurrently interpretations of the aforesaid rules in the form of questions and answers setting forth insurance coverage afforded accounts in insured institutions:

Now, therefore, it is hereby resolved, That the examples of insurance coverage attached hereto and identified as Exhibit 20,725–A are adopted as official interpretations of the regulations of the Board;

Be it further resolved, That the Secretary to the Board is directed to submit copies of this resolution and these approved examples to the Office of the Federal Register for publication.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,
Secretary.

The following examples illustrate insurance coverage on accounts maintained in the same insured institution. They are intended to cover various types of ownership interests and combinations of accounts which may occur in connection with funds invested in insured institutions. These examples interpret the rules for insurance of accounts contained in 12 CFR Part 564.

The examples, as well as the rules which they interpret, are predicated upon the assumption that invested funds are actually owned in the manner indicated on the institution's records. If available evidence shows that ownership is different from that on the institution's records, the Federal Savings and Loan Insurance Corporation may pay claims for insured accounts on the basis of actual rather than ostensible ownership.

A. *Single ownership accounts.* All funds owned by an individual (or by the husband-wife community of which the individual is a member) and invested by him in one or more individual accounts are added together and insured to the $15,000 maximum. This is true whether the accounts are maintained in the name of the individual owning the funds, in the name of his agent or nominee, or in the name of a guardian, conservator or custodian holding the funds for his benefit.

EXAMPLE 1

Question: A and B, husband and wife, each maintain an individual account containing $15,000. In addition, they hold a joint account containing $15,000. What is the insurance coverage?

Answer: Each account is separately insured to $15,000, for a total coverage of $45,000. The coverage would be the same whether the individual accounts contain funds owned as community property or as individual property of the spouses (§ 564.3(a) and § 564.9(a)).

EXAMPLE 2

Question: H and W, husband and wife, reside in a community property state. H maintains a $15,000 account consisting of his separately owned funds and invests $15,000 of community property funds in another account, both of which are in his name alone. What is the insurance coverage?

Answer: The two accounts are added together and insured to a total of $15,000; $15,000 is uninsured (§ 564.3(a)).

EXAMPLE 3

Question: A has $12,000 invested in an individual account, and his agent, B, invests $5,000 of A's funds in a properly designated agency account. B also holds a $15,000 individual account. What is the insurance coverage?

Answer: A's individual account and the agency account are added together and insured to the $15,000 maximum, leaving $2,000 uninsured. The investment of funds through an agent does not result in additional insurance coverage for the principal (§ 564.3(b)). B's individual account is insured separately from the agency account (§ 564.3(a)). However, if the account records of the institution do not show the agency relationship under which the funds in the $5,000 account are held, the $5,000 in B's name could, at the option of the Insurance Corporation, be added to his individual account and insured to $15,000 in the aggregate, leaving $5,000 uninsured (§ 564.3(b)(1)).

EXAMPLE 4

Question: A holds a $15,000 individual account. B holds two accounts in his own name, the first containing $5,000 and the second containing $12,000. In processing the claims for payment of insurance on these accounts, the Insurance Corporation discovers that the funds in the $5,000 account actually belong to A and that B had invested these funds as agent for A, his undisclosed principal. What is the insurance coverage?

Answer: Since the available evidence shows that A is the actual owner of the funds in the $5,000 account, the Insurance Corporation may, at its option, add these funds to the $15,000 individual account held by A (rather than to B's $12,000 account) and insure the total of $20,000 to the $15,000 maximum, leaving $5,000 uninsured. In that event B's $12,000 individual account would be separately insured (§ 564.3 (a) and (b)).

EXAMPLE 5

Question: C, a minor, maintains an individual account of $150 in connection with a school savings program. C's grandfather makes a gift to him of $10,000, which is invested in another account by C's father, designated on the institution's records as custodian under a Uniform Gifts to Minors Act. C's father also maintains an individual account of $10,000. What is the insurance coverage?

Answer: C's individual account and the custodianship account held for him by his father are added together and would be insured to the $15,000 maximum (§ 564.3(c)). The individual account held by C's father is separately insured (§ 564.3(a)).

EXAMPLE 6

Question: G, a court appointed guardian, invests in a properly designated account $15,000 of funds in his custody which belong to W, his ward. W and G each maintain $5,000 individual accounts. What is the insurance coverage?

Answer: W's individual account and the guardianship account in G's name are added together and insured to $15,000 in the aggregate. The fact that a guardian has been judicially appointed does not alter the fact that the guardianship funds legally belong to W, the ward, and are insured as W's individually owned funds (§ 564.3(c)). G's individual account is separately insured (§ 564.3(a)).

EXAMPLE 7

Question: M Savings and Loan Association declares and pays a dividend on June 30, although ordered by its supervisory authority not to do so because it is insolvent. A receiver is thereupon appointed for the purpose of liquidation, and no further dividends are declared. A holds an account to which the June 30 dividend has been credited. B holds an account on permanent dividend order and has received a check for the June 30 dividend. What is the insurance coverage of the dividend?

Answer: If the last dividend prior to default is unlawfully declared or credited, contrary to instructions from a supervisory authority, an amount equal to the last dividend

may be deducted in determining the insured amount of the account (§ 564.1(b)). Since the association has so declared and paid its last dividend unlawfully, the amount of the dividend will be deducted from the insurance payment on both accounts—on A's account because the dividend was improperly credited and on B's account to reflect the amount improperly paid but already received.

EXAMPLE 6

Question: L Savings and Loan Association has a monthly-payment bonus plan under which a bonus of ¼ percent is payable after regular payments have been made for 36 months and a bonus of ½ percent is payable after 60 months. At the time of default, A has made payments on his bonus account for 36 months and B for 40 months. What is the insurance coverage with regard to the bonus?

Answer: The amount of an insured account includes only the earnings which an insured member would have been entitled to withdraw as of the date of the last dividend paid prior to default (§ 564.1(b)). As of that date A did not have a right to withdraw any portion of the bonus, but B would have been entitled to a bonus of ¼ percent. Thus, the insurance payment to B would include an amount equal to a bonus of ¼ percent, but the payment to A would not include any portion of the bonus.

B. Testamentary accounts. The term "testamentary account" refers to a revocable trust account, tentative or "Totten" trust account, "payable-on-death" account or any similar account which evidences an intention that the funds shall pass on the death of the owner of the funds to a named beneficiary. If the beneficiary is a spouse, child or grandchild of the owner, the funds in all such accounts are insured for the owner up to $15,000 in the aggregate as to each such beneficiary, separately from any other individual accounts of the owner. If the beneficiary of such an account is other than a spouse, child or grandchild of the owner, the funds in the account are, for insurance purposes, added to any other individual accounts of the owner and insured up to $15,000 in the aggregate. In the case of a revocable trust account, the person who holds the power of revocation is deemed to be the owner of the funds in the account. If a revocable trust account is held in the name of a fiduciary other than the owner of the funds, any other accounts held by the fiduciary are insured separately from such revocable trust account.

EXAMPLE 1

Question: H invests $25,000 in a revocable trust account with his son, S, and his daughter, D, as named beneficiaries. What is the insurance coverage?

Answer: Since S and D are children of H, the owner of the account, the funds are insured up to $15,000 as to each beneficiary (§ 564.4(a)). Assuming that S and D have equal beneficial interests ($12,500 each), H is fully insured for this account.

EXAMPLE 2

Question: H, as settlor-trustee, creates a revocable trust for the benefit of his son, S. H creates a second revocable trust, with T as trustee, for the benefit of his nephew N. H invests $15,000 of the funds of the first trust in a revocable trust account. T invests $10,000 of the funds of the second trust in another account. In addition, H, S, N, and T each maintain individual accounts containing $15,000. What is the insurance coverage?

Answer: Since S is a child of H, the account established under the first trust is insured up to $15,000 separately from any other accounts held by H (§ 564.4(a)). Since N is not a spouse, child or grandchild of H, the $10,000 in the account held by T under the second trust is deemed to be owned by N and is added to the $15,000 in H's individual account and insured up to $15,000 in the aggregate, leaving $10,000 uninsured (§ 564.4(b)). The individual accounts of S, N and T are separately insured to the $15,000 maximum (§ 564.2(a)).

EXAMPLE 3

Question: H invests $15,000 in each of four "payable-on-death" accounts. Under the terms of each account contract, H has the right to withdraw any or all of the funds in the account at any time. Any funds remaining in the account at the time of H's death are to be paid to a named beneficiary. The respective beneficiaries of the four accounts are H's wife, his mother, his brother and his son. H also holds an individual account containing $15,000. What is the insurance coverage?

Answer: The accounts payable on death to H's wife and son are each separately insured to the $15,000 maximum (§ 564.4(a)). The accounts payable to H's mother and brother are added to H's individual account and insured to $15,000 in the aggregate, leaving $30,000 uninsured (§ 564.4(b)).

C. Accounts of executors or administrators. All funds belonging to a decedent and invested in one or more accounts, whether held in the name of the decedent or in the name of his executor or administrator, are added together and insured to the $15,000 maximum. Such funds are insured separately from the individual accounts of any of the beneficiaries of the estate or of the executor or administrator.

EXAMPLE 1

Question: A, administrator of D's estate, sells D's automobile and invests the proceeds of $2,500 in an account entitled: "A, Administrator of the estate of D." In the same institution there is an account containing $15,000 which D had opened just prior to his death. What is the insurance coverage?

Answer: The two accounts are added together and insured up to the $15,000 maximum, leaving $2,500 uninsured (§ 564.5).

EXAMPLE 2

Question: X is executor of the will of T, under which A, B and C are beneficiaries in equal shares. X invests $40,000 of T's estate in an account entitled: "X, Executor of the will of T." A and X maintain individual accounts of $15,000 each in the same institution. What is the insurance coverage?

Answer: The account held by X as executor is insured only to $15,000. Such funds are considered the property of the decedent's estate and are not apportioned among the beneficiaries under the will. Since the title of the estate account discloses its fiduciary nature, X's individual account is insured separately. In addition, A's individual account is separately insured to the $15,000 maximum (§ 564.5).

D. Accounts held by a corporation, partnership or unincorporated association. All funds invested in an account or accounts by a corporation, a partnership or an unincorporated association engaged in any independent activity are added together and insured to the $15,000 maximum. The term "independent activity" means any activity other than one directed solely at increasing insurance coverage. If the corporation, partnership or unincorporated association is not engaged in an independent activity, any account held by the entity is insured as if owned by the persons owning or comprising the entity, and the imputed interest of each such person is added for insurance purposes to any individual account which he maintains.

EXAMPLE 1

Question: X Corporation maintains a $15,000 account. The stock of the corporation is owned by A, B, C and D in equal shares. Each of these stockholders also maintains an individual account with the same institution. What is the insurance coverage?

Answer: Each of the accounts would be insured to $15,000 if the corporation is engaged in an independent activity and has not been established merely for the purpose of increasing insurance coverage. The same would be true if the business were operated as a bona fide partnership instead of as a corporation (§ 564.6).

EXAMPLE 2

Question: A and B each has a $12,000 account in his own name and X Corporation has a $12,000 account. One third of the stock of X Corporation is owned by A and two thirds by B. X Corporation was set up solely to obtain additional insurance. What is the insurance coverage?

Answer: Since X Corporation is not engaged in an independent activity, the funds in its account are insured as if owned by A and B in proportion to their interest in the corporation. For insurance purposes, $4,000 of the corporate account is imputed to A and added to his individual account and $8,000 is added to B's individual account. A has an aggregate individual interest of $16,000, of which $15,000 is insured, leaving $1,000 uninsured. Of B's total interest of $20,000, $5,000 is uninsured (§ 564.6).

EXAMPLE 3

Question: C College maintains three separate accounts with the same institution under the titles: "General Operating Fund", "Teachers Salaries", and "Building Fund". What is the insurance coverage?

Answer: Since all of the funds are the property of the college, the three accounts are added together and insured only to the $15,000 maximum (§ 564.6 and § 564.7).

EXAMPLE 4

Question: The men's club of X Church carries on various social activities in addition to holding several fund raising campaigns for the church each year. The club is supported by membership dues. Both the club and X Church maintain accounts in the same institution. What is the insurance coverage?

Answer: The men's club is an unincorporated association engaged in an independent activity. If the club funds are, in fact, legally owned by the club itself and not the church, each account is separately insured to the $15,000 maximum (§ 564.7).

EXAMPLE 5

Question: The PQR Union has three locals in a certain city. Each of the locals maintains a savings account containing funds belonging to the parent organization. All three accounts are in the same insured institution. What is the insurance coverage?

Answer: The three accounts are added together and insured up to the $15,000 maximum (§ 564.7).

E. Public unit accounts. For insurance purposes, the official custodian of funds belonging to a public unit, rather than the public unit itself, is insured as the account holder. All funds belonging to a public unit and invested by the same custodian are added together and insured to the $15,000 maximum, regardless of the number of accounts involved. If there is more than one official custodian for the same public unit, the funds invested by each custodian are separately insured up to $15,000. If the same person is custodian of funds for more than one public unit, he is separately insured to $15,000 with respect to the funds of each such unit held by him in properly designated accounts.

EXAMPLE 1

Question: X, as county treasurer, invests $5,000 in each of the following accounts: "General Operating Account," "Road and Bridge Fund," "School Transportation Fund," "Local Maintenance Fund," and "Payroll Fund." What is the insurance coverage?

Answer: Since all of these funds are owned by the same public unit (the county) and are invested by the same public official, the five accounts are added together and insured in the aggregate to the $15,000 maximum, leaving $10,000 uninsured (§ 564.8(a)).

EXAMPLE 2

Question: As Comptroller of Y Consolidated School District, A maintains a $20,000 account containing school district funds. He also maintains his own $10,000 savings account. What is the insurance coverage?

Answer: The two accounts will be separately insured, assuming the institution's records indicate that the account containing the school district funds is held by A in a fiduciary capacity. Thus, $15,000 of the school's funds and the entire $10,000 in A's personal account will be insured (§ 564.2(b)(1) and § 564.8(a)).

EXAMPLE 3

Question: A, as city treasurer, and B, as chief of the city police department, each have $15,000 in city funds invested in custodial accounts. What is the insurance coverage?

Answer: Assuming that both A and B have official custody of the city funds, each account is separately insured to the $15,000 maximum (§ 564.8(a)).

EXAMPLE 4

Question: A is Treasurer of X County and collects certain tax assessments, a portion of which must be paid to the State under statutory requirement. A maintains an account for general funds of the county and establishes a separate account for the funds which belong to the State Treasurer. The institution's records indicate that the separate account contains funds held for the State. What is the insurance coverage?

Answer: Since two public units own the funds held by A, the accounts would each be separately insured to the $15,000 maximum. (§ 564.8(a)).

EXAMPLE 5

Question: A city treasurer invests $15,000 of city funds in each of the following accounts: "General Operating Account," "School Transportation Fund," "Local Maintenance Fund," and "Payroll Fund." All of the funds in the various accounts have been allocated to the specific use indicated by city ordinance or by statute. What is the insurance coverage?

Answer: All of the accounts are added together and insured in the aggregate to $15,000. The allocation of the city's funds by ordinance or by statute for a specific purpose would not cause such funds to be separately insured (§ 564.8(a)).

EXAMPLE 6

Question: A city treasurer invests $15,000 in a "General Fund" account and $20,000 in a "Meter Deposit" account. The funds in the Meter Deposit account belong to users of gas and are held by the official custodian in a fiduciary capacity as security for damage to gas meters. What is the insurance coverage?

Answer: Each account is separately and fully insured. However, if the city treasurer held such funds as agent for the users of gas, their interests in the Meter Deposit account would be added to their individual accounts in computing insurance coverage (§ 564.2(b)). On the other hand, if the meter deposits are actually held in trust pursuant to statute or contract, such funds would be separately insured from any individually owned funds of the gas users. (§ 564.10).

EXAMPLE 7

Question: In addition to the public fund accounts listed in Example 1, the county treasurer also maintains a "Bond Payment Account" containing funds required by law to be paid to 2,000 holders of bonds issued by the county. The account contains $200,000. What is the insurance coverage?

Answer: The interest of each bondholder is separately insured to the $15,000 maximum. Where a public official invests in an account funds which are required by law to be held for the payment of a particular bond issue, the account is deemed to be held in trust for the individual bondholders. The title of such an account, however, must indicate its fiduciary nature (§ 564.8(b)).

F. Joint accounts. Accounts held under any form of joint ownership valid under State law (whether as joint tenants with right of survivorship, tenants by the entireties, tenants in common or by husband and wife as community property) are insured up to $15,000. This insurance is separate from that afforded individual accounts held by any of the co-owners.

An account is insured as a joint account only if each of the co-owners has personally executed an account signature card and possesses withdrawal rights. An account owned jointly which does not qualify as a joint account for insurance purposes is insured as if owned by the named persons as individuals. In that case, the actual ownership interest in the account of each person is added to any other accounts individually owned by such person and insured up to $15,000 in the aggregate.

Any individual, including a minor, may be a co-owner of a joint account provided that, under State law, he may execute a signature card and withdraw funds from the account on the same basis as the other co-owners.

All funds invested in joint accounts owned by the same combination of individuals are first added together and insured to the $15,000 maximum. Where an investor has an interest in more than one joint account and different joint owners are involved, his interests in all of such joint accounts are then added together and insured to $15,000 in the aggregate.

For insurance purposes, the co-owners of any joint account are deemed to have equal interests in the account, except in this case of a tenancy in common. With a tenancy in common, equal interests are presumed unless otherwise stated on the records of the institution.

EXAMPLE 1

Question: A and B maintain an account as joint tenants with right of survivorship and, in addition, each holds an individual account. Is each account separately insured?

Answer: If both A and B have executed the signature card and possess withdrawal rights with respect to the joint funds, each account is separately insured to the $15,000 maximum (§ 564.9 (a) and (b)).

EXAMPLE 2

Question: H and W, husband and wife, reside in a community property state. Each holds an individual account and, in addition, they hold a qualifying joint account. The funds in all three accounts consist of community property. Is each account separately insured?

Answer: Yes. An account in the individual name of a spouse will be insured up to $15,000, whether the funds consist of community property or separate property of the spouse. A joint account containing community property is also insured up to $15,000. Thus, community property can be used for individual accounts in the name of each spouse and for a joint account in the name of both spouses, each of which accounts is separately insured up to $15,000 (§ 564.2(a) and § 564.9(a)).

EXAMPLE 3

Question: Two accounts of $15,000 each are held by a husband and his wife under the following names:

John Doe and Mary Doe, husband and wife, as joint tenants with right of survivorship.
Mrs. John Doe and John Q. Doe (community property).

Are the accounts separately insured?

Answer: No. Both accounts are considered joint accounts owned by the same combination of individuals, regardless of the form of joint ownership. Reversal of names or use of different styles does not change the result, as long as the account owners are in fact the same in both cases. For insurance purposes, the accounts are added together for a total of $30,000, of which $15,000 is insured (§ 564.9(d)).

EXAMPLE 4

Question: The following accounts are held by A, B, and C, each of whom has personally executed signature cards for the accounts in which he has an interest. Each co-owner of a joint account possesses the necessary withdrawal rights.

No. 1 A, as an individual—$15,000.
No. 2 B, as an individual—$15,000.
No. 3 C, as an individual—$15,000.
No. 4 A and B, as joint tenants w/r/o survivorship—$15,000.
No. 5 A and C, as joint tenants w/r/o survivorship—$15,000.
No. 6 B and C, as joint tenants w/r/o survivorship—$15,000.
No. 7 A, B, and C, as joint tenants w/r/o survivorship—$15,000.

What is the insurance coverage?

Answer: Accounts numbered 1, 2, and 3 are each separately insured for $15,000 as individual accounts held by A, B, and C, respectively (§ 564.3(a)). With regard to accounts numbered 4, 5, 6, and 7, the respective interests of A, B, and C in such accounts are added together for insurance purposes (§ 564.9(e)). The interests of the co-owners of each joint account are deemed equal for insurance purposes (§ 564.2(b)(4)). Thus, A has an interest of $7,500 in account No. 4,

$7,500 in account No. 5, and $4,000 in account No. 7, for a total joint account interest of $30,000, of which $15,000 is insured. The interests of B and C are similarly insured.

EXAMPLE 5

Question: A, B, and C hold accounts as set forth in Example 4. A and B are husband and wife. C, their minor child, has failed to execute the signature card for account No. 7. In account No. 5, C cannot make a withdrawal without A's written consent. In account No. 6, the signatures of both B and C are required for withdrawal. A has provided all of the funds for accounts numbered 6 and 7. What is the insurance coverage?

Answer: If any of the co-owners of a joint account have failed to meet any of the joint account requirements, the account is not insured as a joint account. Instead, the account is insured as if it consisted of commingled individual accounts of each of the co-owners in accordance with his actual ownership of the funds, as determined under applicable state law (§ 564.9(c)). Account No. 5 is not insured as a joint account because C does not possess the right to withdraw the funds in accordance with his purported interest in the account (§ 564.9(b)). However, account No. 6 does qualify as a joint account for insurance purposes since each co-owner possesses the right to withdraw funds on the same basis. Account No. 7 is not insured as a joint account since C did not personally execute the signature card. Assuming that, under applicable state law, A has the entire actual ownership interest in accounts 5 and 7, all of the funds in these accounts are treated for insurance purposes as individually owned by A (§ 564.9(c)). Thus, the $30,000 in these accounts is added to the $15,000 in account No. 1, A's individual account, and insured up to $15,000 in the aggregate, leaving $30,000 uninsured. Accounts 4 and 6, the remaining joint accounts, are each insured to the $15,000 limit, since they are owned by different combinations of individuals and no co-owner has an aggregate interest in the two accounts in excess of $15,000 (§ 564.9 (d) and (e)).

EXAMPLE 6

Question: Three qualifying joint accounts are owned by A, B and C, as joint tenants with right of survivorship, as follows:

No. 1 A and B—$25,000.
No. 2 A and B—5,000.
No. 3 A and C—10,000.

What is the insurance coverage?

Answer: Since accounts numbered 1 and 2 are owned by the same combination of individuals, they are first added together and insured to $15,000 in the aggregate, leaving $5,000 uninsured (§ 564.9(d)). Since the respective interests of the co-owners of each joint account are deemed equal for insurance purposes, A has an interest of $7,500 in account No. 1, $2,500 in account No. 2, and $5,000 in account No. 3, for a total joint account interest of $15,000. B's interest of $10,000 in accounts numbered 1 and 2 receives a $7,500 proportionate share of the $15,000 insurance coverage on the two accounts, as does B's interest, leaving $2,500 uninsured in each case. A is entitled to $15,000 of insurance on the total of his interests in joint accounts owned by different combinations of individuals (§ 564.9(e)). $7,500 of this $15,000 is allocated to A's interest in accounts numbered 1 and 2, leaving $7,500 of insurance available for his $5,000 interest in account No. 3, which is fully insured. C's $5,000 interest in account No. 3 is also fully insured. Thus, $12,500 of A's total interest of $15,000 is insured; $7,500 of B's $10,000 interest is insured; and all of C's $5,000 interest is insured. Of the $30,000 invested in the three joint accounts, a total of $25,000 is insured.

G. Trust accounts. A trust estate is the interest of a beneficiary in an irrevocable express trust, whether created by trust instrument or statute, that is valid under State law. Thus, funds invested in an account by a trustee under an irrevocable express trust are insured on the basis of the beneficial interests under such trust. The interest of each beneficiary in an account (or accounts) established under such a trust arrangement is insured to $15,000, separately from other accounts held by the trustee, the settlor (grantor) or the beneficiary. However, in cases where a beneficiary has an interest in more than one trust arrangement created by the same settlor, the interests of the beneficiary in all accounts established under such trusts are added together for insurance purposes, and the beneficiary's aggregate interest derived from the same settlor is separately insured to the $15,000 maximum.

A beneficiary's interest in an account established pursuant to an irrevocable express trust arrangement is insured separately from other beneficial interests (trust estates) invested in the same account if the value of the beneficiary's interest (trust estate) can be determined (as of the date of default) without evaluation of contingencies except for those covered by the present worth tables and rules of calculation for their use set forth in Sec. 20.2031–7 of the Federal Estate Tax Regulations (26 CFR 20.2031–7). If any trust estates in such an account cannot be so determined, the insurance with respect to all such trust estates together shall not exceed the basic insured amount of $15,000.

In order for insurance coverage of trust accounts to be effective in accordance with the foregoing rules, certain recordkeeping requirements must be met. In connection with each trust account, the institution's records must indicate the name of both the settlor and the trustee of the trust and must contain an account signature card indicating the fiduciary capacity of the trustee and executed by him. In addition, the interests of the beneficiaries under the trust must be ascertainable from the records of either the institution or the trustee.

Although each ascertainable trust estate is separately insured, it should be noted that in short-term trusts the insurable interest or interests may be very small, since the interests are computed only for the duration of the trust. Thus, if a trust is made irrevocable for a specified period of time, the beneficial interest will be calculated in terms of the length of time stated. A reversionary interest retained by the settlor is treated in the same manner as an individual account of the settlor.

As stated, the trust must be valid under local law. A trust which does not meet local requirements, such as one imposing no duties on the trustee or conveying no interest to the beneficiary, is of no effect for insurance purposes. An account in which such funds are invested is considered to be an individual account.

An account established pursuant to a revocable trust arrangement is insured as a form of individual account and is treated under Section E, supra, dealing with Testamentary Accounts.

EXAMPLE 1

Question: T is a trustee of an irrevocable trust created by S, settlor, for the benefit of A and B in equal shares. T holds an account containing $60,000 in trust funds. A and B, as well as T and S, each maintain individual accounts in the amount of $15,000 each. What is the insurance coverage?

Answer: The trust estates of A and B invested in the account are each insured to the $15,000 maximum, assuming that neither A nor B have beneficial interests in any other accounts established pursuant to an irrevocable trust created by the same settlor. Since A and B have equal beneficial interests under the trust, each has a proportionate interest in the trust account of $15,000, and the account is fully insured. The individual accounts of A, B, T and S are each separately insured to $15,000 (§ 564.10).

EXAMPLE 2

Question: S is the settlor of an irrevocable trust for the sole benefit of his son, B. T, the trustee, maintains an account containing $15,000 in trust funds. S subsequently creates a separate irrevocable trust, also for B's sole benefit, with K Bank as trustee. K Bank invests $5,000 of the trust funds in another account. What is the insurance coverage?

Answer: B has the sole beneficial interest in two accounts established under trusts created by the same settlor. Both accounts are added together and insured up to $15,000 in the aggregate, leaving $4,000 uninsured. The fact that two different trustees are involved is immaterial (§ 564.10).

EXAMPLE 3

Question: S is the settlor of an irrevocable trust fund for the sole benefit of his son, B. T, trustee, invests $15,000 of the trust funds in a trust account. S establishes a revocable trust account in the amount of $15,000 for the sole benefit of S. S also has an individual account of $15,000. What is the insurance coverage?

Answer: The trust estate in the account established pursuant to the irrevocable trust arrangement is insured to $15,000 separately from the accounts owned by S (§ 564.10). The revocable trust account is insured to $15,000 as a testamentary account owned by S with his child as beneficiary, separately from S's individual account (§ 564.4(a)). The three accounts are fully insured.

EXAMPLE 4

Question: An account in the amount of $20,000 is held pursuant to an irrevocable trust for the benefit of A and B. Under the terms of the trust instrument, A is to receive the income for life and B is to receive the remainder at A's death. At the time of default, A is 70 years of age. What is the insurance coverage?

Answer: The proportionate value of A's life estate can be determined by the use of the present worth tables found at 26 CFR § 20.2031–7. To ascertain A's beneficial interest in the account, the appropriate multiplier (.27370) indicated by Table I is multiplied by the amount in the account. A's interest is found to be $5,843.80. The difference of $13,156.20 represents B's beneficial interest in the account. The trustee is entitled to an insurance payment of $11,843.80, representing A's complete interest ($5,843.80) and $5,000 of B's interest (§ 564.2(c) (1) and § 564.10).

EXAMPLE 5

Question: The situation is the same as in Example 4, except that A is to receive the income for life or until she marries, with remainder over to B. What is the insurance coverage?

Answer: Both trust estates are subject to a contingency (A's marriage) which precludes their evaluation by the use of the present worth tables. The insurance coverage with respect to all trust estates in the account is limited to the $15,000 maximum (§ 564.2(c)(2)). The trustee is entitled to an insurance payment of $15,000.

EXAMPLE 6

Question: S establishes an irrevocable trust fund of $75,000 for the equal benefit of A, B, C, D, and E. The trustee invests the entire amount in a properly designated trust account. The trust provides that each beneficiary is to receive income in equal shares until the age of 35, at which time the principal is to vest in equal shares, except that if either D or E does not complete college by age 35, his share of the principal is to go to X Church. What is the insurance coverage?

Answer: The proportionate (one-fifth) interests in the account of A, B, and C are each insured up to $15,000 as separate trust estates. The interests of D, E and X Church are subject to contingencies (completion of college) which cannot be evaluated by use of the present worth tables. Therefore, the insurance coverage on their interests is limited to $15,000 in the aggregate, resulting in a total insurance coverage of $60,000 for the trust account (§ 564.2(c) (1) and (2)).

EXAMPLE 7

Question: G is settlor of a short-term irrevocable trust for the benefit of H University. Under the terms of the trust instrument, the university is to receive all of the income (payable annually) for 2 years. At the end of the 2-year period, the trust is to terminate, and the corpus is to revert to G. The trustee invests $20,000 in a trust account. At the date of default, 1 year of the 2-year term of the trust has expired. What is the insurance coverage?

Answer: Although this arrangement constitutes an express irrevocable trust, G's reversionary interest is treated, for insurance purposes, as an individual account owned by him (§ 561.4). To ascertain the value of H University's remaining one-year income interest in the trust account, the appropriate multiplier (0.08883) indicated by Table II of the present worth tables is multiplied by the account balance. H University's trust estate in the account is $676.40. G's reversionary interest is worth $19,323.60. Assuming that G has no individual interest in any other account, the trustee is entitled to an insurance payment of $15,676.40, representing H University's entire trust estate in the account ($676.40) and $15,000 of G's reversionary interest (§ 564.2(c)(1) and § 564.10).

EXAMPLE 8

Question: H and W create an irrevocable trust for the benefit of their children, S and D, in equal shares. The trust contains $100,000, of which $20,000 was contributed by W. As joint trustees, H and W invest $40,000 of these funds in a trust account. What is the insurance coverage?

Answer: The trust estates of S and D are deemed to be derived from H and W in proportion to the contribution of each to the trust. W has contributed 20 percent of the funds and H has contributed 80 percent. S and D have equal beneficial interests in the trust account. Of S's beneficial interest of $20,000, $4,000 (20 percent) is deemed to be derived from W and $16,000 (80 percent) is deemed to be derived form H. D's beneficial interest is similarly derived. The trust estate of each beneficiary derived from each settlor is separately insured to the $15,000 maximum. The $4,000 interest derived from W is fully insured, and $15,000 of the interest derived from H is insured, leaving $1,000 uninsured in the case of each beneficiary. The account is insured to a total of $38,000 (§ 564.2 (c)(3)).

EXAMPLE 9

Question: X Corporation acts as servicing agent for FHA, VA and conventional mortgage loans. Each month X Corporation collects payments from approximately 2,000 mortgagors and commingles these funds in a single account. The account contains $200,000. What is the insurance coverage?

Answer: The amount of insurance coverage depends upon the terms of the contract or instrument under which X Corporation collects the funds. If it acts in the capacity of a trustee for the benefit of the mortgagors, the interest of each mortgagor is separately insured to the $15,000 maximum. If it acts in the capacity of a trustee for the lenders, the interest of each lender is separately insured to the $15,000 maximum. In either case, this insurance is separate from that afforded the individually owned funds of X Corporation invested in the institution or the individual accounts of any of the mortgagors or lenders (§ 564.10). If X Corporation is found to act in the capacity of an agent for either the mortgagors or the lenders, the interest of each such principal is separately insured as his individual account (but added to any other individual accounts which the principal holds in the same institution) (§ 564.2(b)). If X Corporation is found to hold the funds as owner, or principal, with only a contractual obligation to pay to its creditors, and not as trustee or agent, the account would be insured only to the $15,000 limit (§ 564.6).

EXAMPLE 10

Question: What is the insurance coverage on other fiduciary accounts, such as clients' funds invested in the name of a lawyer, rent security funds invested in the name of the landlord, escrow funds invested in the name of a real estate broker, litigants' funds invested in the name of a representative of a court, consignors' funds invested in the name of a market servicing agent, and similar funds invested in other custodial accounts?

Answer: Such funds are insured in the same manner as indicated in Example 9. If the funds are held in irrevocable trust pursuant to statute or trust instrument, they are insured as trust funds. If held on an agent-principal basis, they are insured as the individually owned property of the various principals (§ 564.2(b) and § 564.10).

EXAMPLE 11

Question: A cemetery maintains an account, consisting of its general funds, in the amount of $15,000. It also maintains a properly designated trust account, containing perpetual care funds held in trust pursuant to statute or trust instrument for the benefit of various cemetery lots, in the amount of $50,000. No single perpetual care fund in the trust account exceeds $15,000. What is the insurance coverage?

Answer: The general funds account is separately insured to $15,000. Since each separate trust estate in the trust account is separately insured, the trust account is fully insured in the amount of $50,000 (§ 564.10).

EXAMPLE 12

Question: G creates a charitable trust under which the principal and income are to be used for the furtherance of legal education, in the discretion of the trustee. The trustee invests $25,000 of the trust funds in a properly designated account. What is the insurance coverage?

Answer: Since the beneficiaries under the trust are indefinite and cannot be ascertained, there can be insurance only to the basic insured amount (§ 564.2(c)(2)). Thus, the account is insured only to $15,000, leaving $10,000 uninsured (§ 564.10).

[F.R. Doc. 67–8199; Filed, July 13, 1967; 8:50 a.m.]

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Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 2]

PART 725—FLUE-CURED TOBACCO

Subpart—Flue-Cured Tobacco, 1966–67 and Subsequent Marketing Years

Basis and purpose. This amendment is issued pursuant to and in accordance with the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.), and is made for the purpose of amending the flue-cured tobacco allotment and marketing quota regulations for the 1966–67 and subsequent marketing years. The amendment (1) provides that if the farm operator is erroneously notified prior to the planting of tobacco on the farm of the marketing quota for the farm which is higher than the correct farm marketing quota, the farm marketing quota of which he was notified shall be used in computing penalty, and (2) provides for the issuance of a marketing card to a producer on the farm, other than the farm operator, if, after a hearing before the county committee, it is determined that such producer is or has been deprived of the use of the marketing card issued for the farm, and provides, in such instances, for assessing marketing quota penalty at the full rate against the farm operator or other producer on the farm responsible for marketing tobacco in excess of his proportionate share of the crop. A table of contents embodying the changes set forth is included in the amendment.

Tobacco farmers are currently engaged in the preparation for and production of flue-cured tobacco for 1967 and marketings of the crop will begin soon. Hence, it is essential that this amendment be made effective at the earliest possible date. Accordingly, it is hereby found and determined that compliance with the notice, public procedure, and effective date provisions of 5 U.S.C. 553 is impracticable and contrary to the public interest, and the amendment contained herein shall become effective upon publication in the FEDERAL REGISTER.

1. Section 725.70(e) is amended to read as follows:

§ 725.70 Approval of allotments and marketing quotas, and notices to farm operators.

• • • • • •

(e) *Marketing quota erroneous notice.* If the official notice of acreage allotment and marketing quota issued for a farm erroneously stated a marketing quota larger than the correct effective farm marketing quota, the marketing quota shown on the erroneous notice shall be deemed to be the marketing quota and the basis for marketing quota penalty computation for the farm for the current marketing year only, if the county committee determines (with approval of the State executive director) that (1) the error was not so gross as to place the operator on notice thereof, and (2) that the operator, relying upon such notice and acting in good faith, planted tobacco on the farm and was not notified of the correct farm marketing quota prior to planting the tobacco.

Undermarketings and overmarketings for farms for which the erroneous notice of marketing quota is applied shall be determined based on the correct effective farm marketing quota for the farm.

2. Section 725.87 is amended by changing paragraph (a) to read as follows:

§ 725.87 Issuance of marketing cards.

(a) *General.* (1) A marketing card (MQ–76) shall be issued for the current marketing year for each farm having tobacco available for marketing. Cards shall be issued in the name of the farm operator except that (i) cards issued for tobacco grown for experimental purposes only shall be issued in the name of the experiment station, and (ii) cards issued to a successor-in-interest shall be issued in the name of the successor-in-interest. A marketing card may be issued in the name of a producer who is not the farm operator if the county committee determines pursuant to the procedure in subparagraph (2) of this paragraph that such producer has been or likely will be deprived of the right to use the marketing card issued for the farm to market his proportionate share of the crop.

(2) If the county committee has reason to believe that one or more producers on the farm have been or likely will be deprived of the right to use such marketing card to market his or their proportionate shares of the crop, a hearing shall be scheduled by the county committee and the operator of the farm and the producer or producers involved shall be invited to be present, or to be represented, at which time they shall be given the opportunity to substantiate their claims concerning the use of the farm marketing card to market each such producer's proportionate share of the effective farm marketing quota for such crop. At least two members of the county committee shall be present at the hearing. The hearing shall be held at the time and place named in the notice. A summary of the evidence presented at the hearing shall be prepared for use of the county committee. If the farm operator or other producer(s) on the farm do not attend the hearing, or are not represented, the county committee may take whatever action it deems proper on the basis of information available to it. If the county committee finds that any producer on the farm has been or likely will be deprived of the right to use the marketing card issued for the farm to market his proportionate share of the crop, the marketing card issued for the farm shall be recalled and a separate marketing card, showing 110 percent of the producer's proportionate share of effective farm marketing quota shall be issued to each such producer who it is determined has been or likely will be deprived of the opportunity to market his proportionate share of the crop and another marketing card (or other cards if considered preferable by the county committee) shall be issued showing 110 percent of the balance of the effective farm marketing quota to enable the other producers on the farm to market their proportionate shares. The marketing cards issued pursuant to this subparagraph shall reflect the proportionate pounds, if any, already marketed by each producer.

• • • • • •

3. Section 725.95 is amended by changing the title and adding paragraph (c) to read as follows:

§ 725.95 Producers penalties; false identification; failure to account; cancelled allotments; overmarketing proportionate share.

• • • • • •

(c) *Overmarketing proportionate share of effective farm marketing quota.* If the county committee determines that the farm operator or another producer on the farm has marketed more than 110 percent of his proportionate share of the effective farm marketing quota with intent to deprive some other producer on the farm from marketing his proportionate share of the same crop of tobacco, such operator or other producer shall be liable for marketing penalties at the full rate per pound for each pound marketed above 110 percent of his proportionate share of the effective farm marketing quota: *Provided*, That the sum of such penalties shall not exceed the total penalty due on total marketings above 110 percent of the effective farm marketing quota for the farm on which such tobacco was produced. Before assessment of penalty pursuant to this paragraph (c), a hearing shall be scheduled by the county committee and the operator and affected producers shall be invited to be present, or to be represented, to determine whether the operator or another producer on the farm has marketed more than 110 percent of his proportionate share of the effective farm marketing quota. The notice of the hearing shall request the farm operator and affected producers to bring

to the hearing floor sheets and other relevant supporting documents. At least two members of the county committee shall be present at the hearing. The hearing shall be held at the time and place named in the notice and any action taken to impose penalty shall be taken after the hearing. If the farm operator or other affected producer does not attend the hearing, or is not represented, the county committee may take whatever action it deems necessary to assess penalty against the proper producers. If a hearing under § 725.87(a) is being held, and it is practicable to do so, such hearing and the hearing under this paragraph may be combined.

(Secs. 301, 313, 314, 315, 317, 363, 372–375, 377, 378, 52 Stat. 38, as amended, 45, as amended, 48, as amended, 75 Stat. 469, as amended, 79 Stat. 66, 82 Stat. 69, as amended, 65–66, as amended, sec. 401, 68 Stat. 1054, as amended, secs. 106, 113, 125, 70 Stat. 191, 195, 198, as amended, sec. 16(e), 78 Stat. 906, 80 Stat. 220; 7 U.S.C. 1301, 1313, 1314, 1314b, 1314c, 1363, 1372–1375, 1377, 1379, 1421, 1812, 1834, 1836, 16 U.S.C. 590p(e))

Effective date: Date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on July 11, 1967.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 67-8171; Filed, July 14, 1967; 8:47 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Valencia Orange Reg. 211]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.511 Valencia Orange Regulation 211.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 13, 1967.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period July 16, 1967, through July 22, 1967, are hereby fixed as follows:

(i) District 1: 135,000 cartons;

(ii) District 2: 365,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 13, 1967.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-8283; Filed, July 14, 1967; 11:39 a.m.]

[Peach Reg. 5]

PART 919—PEACHES GROWN IN THE COUNTY OF MESA IN THE STATE OF COLORADO

Grades and Sizes

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 919, as amended (7 CFR Part 919), regulating the handling of peaches grown in the county of Mesa in the State of Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Administrative Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of such peaches, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) in that, as hereinafter set forth, the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 17, 1967. A reasonable determination as to the supply of, and the demand for, such peaches must await the development of the crop and adequate information thereon was not available to the Administrative Committee until July 6, 1967; recommendations as to the need for, and the extent of, regulation of shipments of such peaches were made by said committee on July 6, 1967, after consideration of all information then available relative to the supply and demand conditions for such peaches, at which time the recommendation and supporting information were submitted to the Department on July 10, with supplemental information received on July 12, and made available to growers and handlers; shipments of the current crop of peaches are expected to begin shortly, and this regulation should be applicable, insofar as practicable, to all shipments of such peaches in order to effectuate the declared policy of the act; and compliance with this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

§ 919.306 Peach Regulation 5.

(a) *Order.* (1) During the period July 17, 1967, through September 14, 1967, no handler shall ship:

(i) Any peaches of any variety which do not grade at least U.S. No. 1 grade except as follows: Not to exceed 20 percent, by count, of such peaches in such lot may consist of peaches which do not meet the requirements of such grade, but not more than 10 percent, by count, of the peaches in any such lot may consist of peaches with defects causing serious damage of which not more than 5 percent shall consist of such defects caused by twig borer, or oriental fruit moth, and not more than 1 percent, by count, of the peaches in any such lot may consist of peaches which are not free from decay;

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(ii) Any peaches of any variety which are of a size smaller than 2⅛ inches in diameter: *Provided*, That any lot of peaches shall be deemed to be of a size not smaller than 2⅛ inches in diameter (a) if not more than 10 percent, by count, of such peaches in such lot are smaller than 2⅛ inches in diameter; and (b) if not more than 15 percent, by count, of the peaches contained in any individual container in such lot are smaller than 2⅛ inches in diameter.

(2) *Definitions.* As used herein, "peaches," "handler," "ship," and "varieties" shall have the same meaning as when used in the aforesaid amended marketing agreement and order; "U.S. No. 1," "diameter," "count," and "serious damage" shall have the same meaning as when used in the U.S. Standards for Peaches (7 CFR 51.1210–51.1223).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 14, 1967.

ARTHUR E. BROWNE,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-8283; Filed, July 14, 1967; 11:38 a.m.]

[947.325]

PART 947—IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES, CALIF., AND IN ALL COUNTIES IN OREGON EXCEPT MALHEUR COUNTY

Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 114 and Order No. 947, both as amended (7 CFR Part 947), regulating the handling of Irish potatoes grown in the production area defined therein, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and upon the basis of recommendations and information submitted by the Oregon-California Potato Committee, established pursuant to the said marketing agreement and order, and other available information, it is hereby found that the limitation of shipments hereinafter set forth, will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice or engage in public rule making procedure, and that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553 (1966)) in that (1) shipments of 1967 crop potatoes grown in the production area will begin on or about the effective date specified herein, (2) to maximize benefits to producers, this regulation should apply to as many shipments as possible during the effective period, (3) producers and handlers have operated under the said marketing order program since 1948 so special preparation by handlers is not required, (4) information regarding the committee's recommendation has been made available to producers and handlers in the production area, (5) these regulations establish similar requirements to those made effective at the beginning of last season, and (6) information of the committee recommending these regulations did not become available to the Department until July 6, 1967.

§ 947.325 Limitation of shipments.

During the period July 17, through October 9, 1967, no person shall handle any lot of potatoes unless such potatoes meet the requirements of paragraphs (a) and (b) of this section, or unless such potatoes are handled in accordance with paragraphs (c), (d), (e), (f), and (g) of this section.

(a) *Minimum quality requirements.*

(1) Grade: All varieties—U.S. No. 2, or better grade.

(2) Size: (i) Round varieties—1⅞ inches minimum diameter.

(ii) All other varieties—2 inches minimum diameter or 4 ounces minimum weight.

(iii) All varieties—Size B if U.S. No. 1, or better grade.

(b) *Minimum maturity requirements.*

(1) All varieties:

(i) Through August 31, 1967: "Moderately skinned" which means that not more than 10 percent of the potatoes in any lot may have more than one-half of the skin missing or "feathered."

(ii) Beginning September 1, 1967: "Slightly skinned" which means that not more than 10 percent of the potatoes in any lot may have more than one-fourth of the skin missing or "feathered."

(2) Not to exceed a total of 100 hundredweight of any variety of a lot of potatoes may be handled for any producer any 7 consecutive days without regard to the aforesaid maturity requirements. Prior to each shipment of potatoes exempt from the above maturity requirements, the handler thereof shall report to the committee the name and address of the producer of such potatoes, and each such shipment shall be handled as an identifiable entity.

(c) *Special purpose shipments.* The minimum grade, size, and maturity requirements set forth in paragraphs (a) and (b) of this section shall not be applicable to shipments of potatoes for any of the following purposes:

(1) Certified seed.

(2) Grading and storing, planting, or livestock feed: *Provided*, That potatoes may not be shipped for such purposes outside of the district where grown except that: (i) Potatoes grown in District No. 2 or District No. 4 may be shipped for grading and storing, for planting, or for livestock feed within, or to, such districts for such purposes; (ii) potatoes grown in any one district may be shipped to a receiver in any other district within the production area for grading if such receiver is substantiated and recognized by the committee as a processor of canned, frozen, dehydrated, potato chips, or prepeeled products.

(3) Charity.

(4) Starch.

(5) Canning or freezing.

(6) Dehydration.

(7) Export.

(8) Potato chipping.

(9) Prepeeling.

(d) *Safeguards.* (1) Each handler making shipments of certified seed, except those lots with a maximum size of 2 inches in diameter which are handled for planting within the district where grown or between District No. 2 and District No. 4, pursuant to paragraph (c) of this section shall pay assessments on such shipments and shall furnish the committee with either a copy of the applicable certified seed inspection certificate or shall apply for and obtain a Certificate of Privilege and, upon request of the committee, furnish reports of each shipment made pursuant to each Certificate of Privilege.

(2) Each handler making shipments of potatoes for canning, freezing, dehydration, export, potato chipping, or prepeeling pursuant to subparagraphs 5 through 9 of paragraph (c) of this section and each receiver receiving potatoes pursuant to subparagraph (2), (ii) of paragraph (c) of this section, shall:

(i) First, apply to the committee for and obtain a Certificate of Privilege to make such shipments.

(ii) Prepare, on forms furnished by the committee, a diversion report in quadruplicate on each individual shipment diverted from fresh market channels to the authorized outlets specified in this subparagraph (2).

(iii) Forward one copy of such diversion report to the committee office and forward two copies to the receiver with instructions to the receiver that he sign and return one copy to the committee office. The handler and receiver may each keep one copy for their files. Failure of handler or receiver to report such shipments by promptly signing and returning the applicable diversion report to the committee office shall be cause for cancellation of such handler's Certificate of Privilege and/or the receiver's eligibility to receive further shipments pursuant to any Certificate of Privilege. Upon the cancellation of any such Certificate of Privilege the handler may appeal to the committee for reconsideration. Such appeal shall be in writing.

(e) *Minimum quantity exception.* Each handler may ship up to but not to exceed 5 hundredweight of potatoes any day without regard to the inspection and assessment requirements of this part, but this exception shall not apply to any portion of a shipment that exceeds 5 hundredweight of potatoes.

(f) *Inspection.* For the purpose of operation under this part, unless exempted from inspection by the provisions of this section, or unless handled for potato chipping or prepeeling in accordance with paragraph (c) of this section, each required inspection certificate is hereby determined, pursuant to § 947.60(c), to be valid for a period of not to exceed 14 days following completion of inspec-

tion as shown on the certificate. The validity period of an inspection certificate covering inspected and certified potatoes that are stored in refrigerated storage within 14 days of the inspection shall be the entire period such potatoes remain in such storage.

(g) Any lot of potatoes previously inspected pursuant to § 947.60(a) is not required to have additional inspection under § 947.60(b) after regrading, resorting or repacking such potatoes, if the inspection certificate is valid at the time of handling such regraded, resorted, or repacked potatoes.

(h) *Definitions.* The terms "U.S. No. 1," "U.S. No. 2," "Size B," "moderately skinned," and "slightly skinned" shall have the same meaning as when used in the United States Standards for Potatoes (§§ 51.1540-51.1556 of this title), including the tolerances set forth therein.

The term "prepeeling" means potatoes which are clean, sound, fresh tubers prepared commercially in a prepeeling plant by washing, removal of the outer skin or peel, trimming, and sorting preparatory to sale in one or more of the styles of peeled potatoes described in § 52.2422 (U.S. Standards for Grades of Peeled Potatoes, §§ 52.2421-52.2433 of this title). Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 114, as amended, and this part.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated July 12, 1967, to become effective July 17, 1967.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-8201; Filed, July 14, 1967; 8:48 a.m.]

[948.354; Area 1]

PART 948—IRISH POTATOES GROWN IN COLORADO

Limitation of Shipments

Notice of rule making with respect to a proposed limitation of shipments regulations for Area No. 1 to be made effective under Marketing Agreement No. 97 and Order No. 948, both as amended (7 CFR Part 948), regulating the handling of Irish potatoes grown in the State of Colorado, was published in the June 27, 1967, issue of the FEDERAL REGISTER (32 F.R. 9084). This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

The notice afforded interested persons an opportunity to submit data, views, or arguments pertaining thereto not later than 10 days after publication. None was filed.

After consideration of all relevant matters, including the proposal set forth in the aforesaid notice, it is hereby found that the limitation of shipments regulation, as hereinafter set forth, will tend to effectuate the declared policy of the act.

It is further found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553 (1966)) in that (1) shipments of Irish potatoes grown in the production area are expected to begin on or about the effective date of this section, (2) more orderly marketing in the public interest than would otherwise prevail will be promoted by regulating the handling of potatoes in the manner set forth in this section, (3) compliance with this section will not require any special preparation on the part of handlers which cannot be completed by the effective date, (4) reasonable time is permitted under the circumstances for such preparation, and (5) notice has been given of the proposed limitation of shipments set forth in this section through publicity in the production area and by publication in the FEDERAL REGISTER.

§ 948.354 Limitation of shipments.

During the period July 17, 1967, through June 30, 1968, no person may handle any lot of potatoes grown in Area No. 1 unless such potatoes meet the requirements of paragraphs (a) and (b) of this section, or unless such potatoes are handled in accordance with the provisions of paragraphs (c), (d), and (e) of this section.

(a) *Minimum grade and size requirements*—(1) *Round varieties.* U.S. No. 2, or better grade, 2 inches minimum diameter.

(2) *Long varieties.* U.S. No. 2, or better grade, 2 inches minimum diameter or 4 ounces minimum weight.

(3) *All varieties.* Size B, if U.S. No. 1 or better grade.

(b) [Reserved for maturity requirements to be issued later]

(c) *Special purpose shipments.* (1) The quality and maturity requirements set forth in paragraphs (a) and (b) of this section and the inspection and assessment requirements of this part shall not be applicable to potatoes handled for livestock feed.

(2) Potatoes may be handled for chipping or shoestrings if such potatoes meet the grade and size requirements of paragraph (a) of this section except for scab. The maturity requirements of paragraph (b) shall not apply to such potatoes handled for chipping or shoestrings.

(3) The quality and maturity requirements of paragraphs (a) and (b) of this section shall not be applicable to the handling of potatoes for seed as defined in § 948.6 but any lot of potatoes handled for seed shall be subject to assessments.

(d) *Safeguards.* (1) Each handler of potatoes which do not meet the quality and maturity requirements of paragraphs (a) and (b) of this section and which are handled pursuant to paragraph (c) of this section for any of the special purposes set forth therein shall, prior to handling, apply for and obtain a Certificate of Privilege from the committee, which shall require among other things, the handler to furnish such reports and documents as the committee may require showing that the potatoes so handled were utilized for the purpose specified in the Certificate of Privilege.

(e) *Exception to regulations.* The requirements of this part shall not apply to the handling of potatoes grown in the counties of Dolores, La Plata, and Montezuma during the effective period of this section.

(f) *Definitions.* The terms "U.S. No. 1," "U.S. No. 2," "moderately skinned," "scab" and "Size B" shall have the same meaning as when used in the United States Standards for Potatoes (§§ 51.1540-51.1556 of this title), including the tolerances set forth therein. Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97, as amended, and this part.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated July 12, 1967, to become effective July 17, 1967.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-8202; Filed, July 14, 1967; 8:48 a.m.]

[948.355; Area 3]

PART 948—IRISH POTATOES GROWN IN COLORADO

Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 97, as amended and Order No. 948, as amended (7 CFR Part 948), regulating the handling of Irish potatoes grown in Colorado effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.) and upon the basis of recommendations and information submitted by the Area No. 3 Committee, established pursuant to the said marketing agreement and order, and other available information, it is hereby found that the limitation of shipments regulation as hereinafter established, limiting the grade, size, and quality of such potatoes will tend to effectuate the declared policy of the act and thereby maintain orderly marketing conditions and tend to increase returns to producers of such potatoes.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, and engage in public rule making procedure, and postpone the effective date of this regulation until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553 (1966)) in that (1) shipments of 1967 crop potatoes grown in Area No. 3 are expected to begin on or about the effective date of this section; (2) to maximize benefits to producers, this regulation should be made effective as soon as practicable; (3) producers and handlers have operated under the said marketing order program since 1949 so special preparation on the part of handlers is not required; (4) regulations identical to these requirements have been issued under the State order for intrastate shipments, so producers and handlers are already aware of the regulations to be issued under this Federal program; and (5) details of the Committee's recommendations were not received until July 3, 1967, which date was too late for issuing notice thereon.

§ 948.355 Limitation of shipments.

During the period July 17, 1967, through June 30, 1968, no person may handle any lot of potatoes grown in Area No. 3 unless such potatoes meet the requirements of paragraphs (a), (b), and (c) of this section, or unless such potatoes are handled in accordance with paragraphs (d), (e), and (f) of this section.

(a) *Grade and size requirements*—(1) *Round varieties.* U.S. No. 1, or better grade, 2 inches minimum diameter; or U.S. No. 2, or better grade up to but not including U.S. No. 1 grade and not less than 1⅞ inches minimum diameter.

(2) *Long varieties.* U.S. No. 1, or better grade, 2 inches minimum diameter or 4 ounces minimum weight; or U.S. No. 2, or better grade up to but not including U.S. No. 1 grade and not less than 1⅞ inches minimum diameter or 4 ounces minimum weight.

(3) *All varieties.* Size B, if U.S. No. 1, or better grade.

(b) *Maturity (skinning) requirements—All varieties.* For U.S. No. 2 grade, not more than "moderately skinned," and for all other grades, not more than "slightly skinned."

(c) *Container requirements.* Potatoes may be handled only in containers classified by weight as follows:

(1) 5 pounds;
(2) 10 pounds;
(3) 20 pounds;
(4) 25 pounds;
(5) 50 pounds; or
(6) 100 pounds and larger.

(d) *Special purpose shipments.* (1) Chipping stock: Potatoes may be handled for chipping if they meet the requirements of U.S. No. 2, or better grade, 1½ inches minimum diameter, if such potatoes are handled in accordance with paragraph (e) of this section.

(2) The quality, maturity, and container requirements of paragraphs (a), (b), and (c) of this section and the inspection and assessment requirements of this part shall not be applicable to shipments of potatoes for:

(i) Livestock feed; and
(ii) Charity.

(3) The maturity requirements set forth in paragraph (b) of this section shall not be applicable to shipments of potatoes for:

(i) Chipping; and
(ii) Prepeeling.

(4) The quality, maturity, and container requirements of paragraphs (a), (b), and (c) of this section shall not be applicable to shipments of potatoes for seed (§ 948.6) but such shipments shall be subject to assessments.

(e) *Safeguards.* Each handler making shipments of potatoes for chipping or prepeeling pursuant to paragraph (d) of this section shall:

(1) Prior to shipment, apply for and obtain a Certificate of Privilege from the committee;

(2) Furnish the committee such reports and documents as requested, including certification by the buyer or receiver on the use of such potatoes; and

(3) Bill each shipment directly to the applicable processor or receiver.

(f) *Shipment by motor vehicle.* No handler may transport or cause the transportation by motor vehicle of any shipment of potatoes for which an inspection certificate is required unless each shipment is accompanied by, and made available for examination at any time upon request, a copy of the inspection certificate applicable therto or such other document as the committee may specify.

(g) *Minimum quantity.* For purposes of regulation under this part, each person may handle up to but not to exceed 1,000 pounds of potatoes without regard to the requirements of paragraphs (a) and (b) of this section, but this exception shall not apply to any portion of a shipment of over 1,000 pounds of potatoes.

(h) *Definitions.* The terms "U.S. No. 1," "U.S. No. 2," "Size B," "moderately skinned" and "slightly skinned," shall have the same meaning as when used in the U.S. Standards for Potatoes (§§ 51.1540-51.1556 of this title), including the tolerances set forth therein. The term "prepeeling" means potatoes which are clean, sound, fresh tubers prepared commercially in a prepeeling plant by washing, removal of the outer skin or peel, trimming, and sorting preparatory to sale in one or more of the styles of peeled potatoes described in § 52.2422 of this title (U.S. Standards for Grades of Peeled Potatoes, §§ 52.2421-52.2433 of this title). Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97, as amended and this part.

(i) *Applicability to imports.* Pursuant to section 608e-1 of the act and § 980.1, "Import regulations" (7 CFR 980.1), round white varieties of Irish potatoes, except certified seed potatoes, imported into the United States during the period August 1, 1967, through June 14, 1968, shall meet the grade, size, quality and maturity requirements specified in paragraphs (a) and (b) of this section.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated July 12, 1967, to become effective July 17, 1967.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-8200; Filed, July 14, 1967; 8:48 a.m.]

Chapter XIV—Commodity Credit Corporation

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[Amdt. 14]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—Provisions for Participation of Commercial Banks in Pools of CCC Price Support Loans on Certain Commodities

INCREASE IN INTEREST RATE

The regulations issued by the Commodity Credit Corporation published in 29 F.R. 3614, as amended by 29 F.R. 4991, 8396, 15281, and 18212, 30 F.R. 14310 and 15582, 31 F.R. 474, 10179 and 13641, 32 F.R. 122, 3339, 8462, and 6342 containing the terms and conditions for participation of commercial banks in pools of CCC price support loans on certain commodities, are hereby further amended to change from 4.375 to 4.875 percent per annum, effective July 15, 1967, the rate of interest on certificates evidencing participation in financing price support loans.

Section 1421.3825(a) is amended to read as follows:

§ 1421.3825 Rate of interest and basis of computation of interest earned.

(a) *Rate of interest.* Certificates shall earn interest at the rate of 4.9 percent per annum through and including July 31, 1966, 5.2 percent per annum from August 1, 1966, through and including October 21, 1966, 5.7 percent per annum from October 22, 1966, through and including January 21, 1967, 5.5 percent per annum from January 22, 1967, through and including March 14, 1967, 5.2 percent per annum from March 15, 1967, through and including April 15, 1967, 4.75 percent per annum from April 16, 1967, through and including May 6, 1967, 4.375 percent per annum from May 7, 1967, through and including July 14, 1967, and 4.875 percent per annum thereafter.

* * * * *

(Secs. 4 and 5, 62 Stat. 1070, 1072, as amended; 15 U.S.C. 714 b and c)

Signed at Washington, D.C., on July 12, 1967.

H. D. GODFREY,
Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 67-8147; Filed, July 14, 1967; 8:45 a.m.]

[Amdt. 10]

PART 1427—COTTON

Subpart—Participation of Financial Institutions in Cotton Loan Pools

INCREASE IN INTEREST RATE

The regulation issued by the Commodity Credit Corporation published in 30 F.R. 7814, as amended by 30 F.R. 14310

and 15582, 31 F.R. 474, 10179 and 13641, 32 F.R. 122, 3340, 5462, and 6342, containing the terms and conditions for participation of financial institutions in pools of CCC price support loans on cotton are hereby further amended to change from 4.375 to 4.875 percent per annum, effective July 15, 1967, the rate of interest on certificates evidencing participation in financing price support loans.

Section 1427.2239(a) is amended to read as follows:

§ 1427.2239 Rate of interest and basis of computation of interest earned.

(a) *Rate of interest.* Certificates shall earn interest at the rate of 4.9 percent per annum through and including July 31, 1966, 5.2 percent per annum from August 1, 1966, through and including October 21, 1966, 5.7 percent per annum from October 22, 1966, through and including January 21, 1967, 5.5 percent per annum from January 22, 1967, through and including March 14, 1967, 5.2 percent per annum from March 15, 1967, through and including April 18, 1967, 4.75 percent per annum from April 18, 1967, through and including May 6, 1967, 4.375 percent per annum from May 7, 1967, through and including July 14, 1967, and 4.875 percent per annum thereafter.

* * * * *

(Secs. 4 and 5, 62 Stat. 1070, 1071, as amended; 15 U.S.C. 714 b and c)

Signed at Washington, D.C., on July 12, 1967.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 67-8148; Filed, July 14, 1967; 8:45 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 2—RULES OF PRACTICE

PART 20—STANDARDS FOR PROTECTION AGAINST RADIATION

PART 150—EXEMPTIONS AND CONTINUED REGULATORY AUTHORITY IN AGREEMENT STATES UNDER SECTION 274

Miscellaneous Amendments

Notice is hereby given of the amendment of 10 CFR Parts 2, 20, and 150.

The amendments of Parts 20 and 150 reflect recent changes in the organization and functions of Divisions of the Atomic Energy Commission under the Director of Regulation. The amendments of Part 2 correct a cross reference which appears in §§ 2.103(a) and 2.106(a).

Because these amendments relate solely to correction and minor procedural matters, notice of proposed rule making and public procedure thereon are unnecessary and good cause exists to make the amendments effective upon publication in the FEDERAL REGISTER.

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Administrative Procedure Act of 1946, as amended, the following amendments of 10 CFR Parts 2, 20, and 150 are published as a document subject to codification, to be effective upon publication in the FEDERAL REGISTER.

1. The reference to § 2.104(b) in §§ 2.103(a) and 2.106(a) of 10 CFR Part 2 is amended to read "§ 2.104(c)".

2. Paragraph 20.405(a) of 10 CFR Part 20 is amended by deleting "Director, Division of State and Licensee Relations," and substituting therefor "Director, Division of Compliance,".

3. Subparagraph (1) of § 150.20(b) of 10 CFR Part 150 is revised to read as follows:

§ 150.20 Recognition of State licenses.

* * * * *

(b) * * *

(1) Shall, prior to engaging in any such activity, file Form AEC-241, "Report of Proposed Activities in Non-Agreement States," in quadruplicate with the Director of the Atomic Energy Commission Regional Compliance Office listed in Appendix D of Part 20 of this chapter for the region in which the agreement State that issued the specific license is located;

* * * * *

(Secs. 161 and 274; 68 Stat. 948 and 73 Stat. 688; 42 U.S.C. 2201, 2021)

Dated at Germantown, Md., this 30th day of June 1967.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary.

[F.R. Doc. 67-8149; Filed, July 14, 1967; 8:45 a.m.]

Title 12—BANKS AND BANKING

Chapter I—Bureau of the Comptroller of the Currency, Department of the Treasury

PART 1—INVESTMENT SECURITIES REGULATION

Los Angeles County-West Covina Civic Center Authority, West Covina Administrative and Police Buildings Revenue Bonds

§ 1.189 Los Angeles County-West Covina Civic Center Authority, West Covina Administrative and Police Buildings Revenue Bonds.

(a) *Request.* The Comptroller of the Currency has been requested to rule that the $3 million Los Angeles County-West Covina Civic Center Authority, West Covina Administrative and Police Buildings Revenue Bonds are eligible for purchase, dealing in, underwriting and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The Los Angeles County-West Covina Civic Center Authority is a public entity created under the laws of the State of California by an agreement between the county of Los Angeles and the city of West Covina. Under this agreement, the Authority is empowered to acquire land and construct and lease public buildings and to issue bonds to finance such projects. The Authority is issuing these bonds for the purpose of constructing public buildings which will be leased to the City.

(2) Under the lease-rental agreement the city has unconditionally promised to pay annual rentals to the Authority in an amount sufficient to meet annual interest and principal payments on these bonds as well as other necessary expenses. The city, which possesses general powers of taxation, has thus committed its faith and credit in support of the bonds.

(c) *Ruling.* It is our conclusion, therefore, that the $3 million Los Angeles County-West Covina Civic Center Authority, West Covina Administrative and Police Buildings Revenue Bonds are general obligations of a State or a political subdivision thereof under paragraph Seventh of 12 U.S.C. 24 and, as such, are eligible for purchase, dealing in, underwriting and unlimited holding by national banks.

Dated: July 11, 1967.

[SEAL] WILLIAM B. CAMP,
Comptroller of the Currency.

[F.R. Doc. 67-8179; Filed, July 14, 1967; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 67-CE-57]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

On pages 6845 and 6846 of the FEDERAL REGISTER dated May 4, 1967, the Federal Aviation Administration published a notice of proposed rule making which would amend section 71.171 of Part 71 of the Federal Aviation Regulations so as to alter the control zone at Minneapolis, Minn. (Flying Cloud Airport).

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the amendment as so proposed is hereby adopted, subject to the following change:

The Flying Cloud Airport longitude coordinate recited in the Minneapolis, Minn. (Flying Cloud Airport) control zone redesignation as "93°27'25" W." is changed to read "93°27'45" W."

This amendment shall be effective 0001 e.s.t., September 14, 1967.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on June 29, 1967.

DANIEL E. BARROW,
Acting Director, Central Region.

Redesignate the Minneapolis, Minn. (Flying Cloud Airport), control zone as that airspace within a 5-mile radius of Flying Cloud Airport latitude 44°49'30" N., longitude 93°27'45" W.); and within 2 miles each side of the Flying Cloud VOR 292° radial, extending from the 5-mile radius zone to 7 miles west of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

[F.R. Doc. 67-8161; Filed, July 14, 1967; 8:46 a.m.]

[Airspace Docket No. 67-SO-53]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Extension of VOR Federal Airway

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to extend VOR Federal airway No. 310 from Greensboro, N.C., with a 12 AGL floor to Rocky Mount, N.C., via Raleigh-Durham, N.C. V-310 is presently designated from Louisville, Ky., to Greensboro and from Rocky Mount to Elizabeth City, N.C. The extension of V-310 taken herein between Greensboro and Rocky Mount via the designated alignment of VOR Federal airway segments Nos. 45 and 194 would provide airway continuity and simplify flight planning.

Since this amendment is editorial in nature and does not alter the extent of controlled airspace, notice and public procedure are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., September 14, 1967, as hereinafter set forth.

In § 71.123 (32 F.R. 2009) V-310 is amended by deleting "12 AGL Greensboro. From Rocky Mount, N.C.," and substituting "12 AGL Greensboro; 12 AGL Raleigh-Durham, N.C.; 12 AGL Rocky Mount, N.C.;" therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 7, 1967.

T. MCCORMACK,
Acting Chief, Airspace and
Air Traffic Rules Division.

[F.R. Doc. 67-8162; Filed, July 14, 1967; 8:46 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

FREEDOM OF INFORMATION

Correction

Federal Register Document 67-7650, published at 32 F.R. 9616, is corrected as follows:

1. In the schedule of fees under § 103.7(b), the parenthetical statement following item (d) should read "(Maximum number of copies furnished of any document, 10.)".

2. In § 103.10(b) "subsection (a) above" should read "paragraph (a) of this section".

3. In the 15th line of § 204.2(d)(8) the word "or" should read "on".

4. In § 212.1 paragraphs (h) and (i) should be designated (i) and (j).

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

3-[p-(p-Chlorophenoxy)phenyl]-1,1-dimethylurea

A petition (PP 6F0489) was filed with the Food and Drug Administration by CIBA Corp., Post Office Box 1105, Vero Beach, Fla. 32960, proposing the establishment of tolerances for residues of the herbicide 3-[p-(p-chlorophenoxy)phenyl]-1,1-dimethylurea in or on the raw agricultural commodities soybeans (dry) at 0.1 part per million and soybean hay and strawberries at 0.05 part per million.

Subsequently the petition was amended to increase from 0.05 to 0.1 part per million the proposed tolerance regarding strawberries and the proposed tolerances regarding soybeans (dry) and soybean hay were withdrawn.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which the tolerance is being established.

Based on consideration given the data submitted in the petition, and other relevant material, the Commissioner of Food and Drugs concludes that the tolerance established by this order will protect the public health. Therefore, by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated by him to the Commissioner (21 CFR 2.120), Part 120 is amended by adding to Subpart C a new section, as follows:

§ 120.216 3-[p-(p-Chlorophenoxy)phenyl]-1,1-dimethylurea; tolerances for residues.

A tolerance of 0.1 part per million is established for negligible residues of the herbicide 3-[p-(p-chlorophenoxy)phenyl]-1,1-dimethylurea in or on the raw agricultural commodity strawberries.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: July 6, 1967.

WINTON B. RANKIN,
Deputy Commissioner of
Food and Drugs.

[F.R. Doc. 67-8185; Filed, July 14, 1967; 8:47 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER W—MISCELLANEOUS ACTIVITIES

PART 256—OFF-RESERVATION TREATY FISHING

On Page 8969 of the FEDERAL REGISTER of July 16, 1965, there was published a notice of intent to add a new Part 255 to Chapter I, Title 25, Code of Federal Regulations, and the text of the proposed regulations. The purpose of the new part was to provide a framework within which the exercise of off-reservation fishing rights secured to certain Indian tribes under treaties with the United States might be subjected to Federal regulation and control when required for conservation of the fishery resources for the benefit of the Indians and others having interests therein.

Interested persons were given an opportunity to submit data, views, or suggestions pertaining thereto within 30 days from the date of publication of the notice in the FEDERAL REGISTER. Numerous comments were received from several State Governors, State agencies, tribes, and others. These have all been

considered and it has been determined that the proposed regulations should be issued in a modified form. The principal changes, other than editorial, are as follows:

The regulations have been assigned Part 256 since Part 255 has been assigned to a different subject.

Section 256.1 has been revised to more precisely and succinctly state the purposes of the regulations. The definition section has been omitted as unnecessary in the light of other changes adopted.

The section dealing with issuance of area regulations (§ 256.2) has been revised. Such regulations may be issued by the Secretary for those areas which he believes require them to assure adequate conservation and wise utilization of the fishery resources upon request of an Indian tribe, request of a State Governor, or his own motion. The Secretary may incorporate state laws or approved tribal regulations if he finds these to be consistent with the treaty and with conservation requirements.

Provisions expressly calling for recommendations to the Secretary by the Commissioner of Indian Affairs and the Commissioner of Fish and Wildlife have been deleted because they concerned matters of internal administration not appropriate for treatment by regulations. It is contemplated that, except in emergency situations, interested parties will be afforded an opportunity to submit comments and information in connection with the rule-making process and that any hearings or actions by the Commissioner of Indian Affairs and the Commissioner of Fish and Wildlife will be as agents of the Secretary in preparing a record upon which he can act. Provision has been made for the immediate promulgation of regulations if emergency conditions require. Parties will then be afforded an opportunity to submit views in support of requests for modification of such emergency regulations.

The area regulations may include requirements for reporting catch statistics which are deemed necessary for management purposes by State agencies as well as those needed by the Secretary.

Provisions applicable to identification cards (§ 256.3) have been revised to provide that these will be identification cards rather than fishing permits. They will be issued as prima facie evidence of the holder's entitlement to exercise a treaty-secured fishing right. The Commissioner of Indian Affairs may cause a government card to be issued or he may authorize use of tribally issued cards. The latter must be countersigned by a Bureau of Indian Affairs official. Copies of card forms and lists of issuing or countersigning officers must be furnished to State agencies. The deadline for requiring an approved tribal roll is advanced to January 1, 1970.

The requirement of identification of fishing gear (§ 256.4) is not limited to gear which is not in the Indian's immediate personal possession. The presumption that unmarked gear is not being used in the exercise of a treaty right applies only in the absence of proof to the contrary.

The enforcement provision (§ 256.6) is changed to provide for enforcement by tribal courts, Courts of Indian Offenses established under Part 11 of CFR Title 25 or special Courts of Indian Fishing Offenses to be established in accordance with said Part 11.

Except for § 256.3(g) and § 256.5, Part 256 shall become effective 30 days after its publication in the FEDERAL REGISTER. Section 256.3(g) and § 256.5 shall become effective 60 days after such publication.

STEWART L. UDALL,
Secretary of the Interior.

JULY 10, 1967.

Part 256 is adopted to read as follows:

Sec.
256.1 Purpose.
256.2 Area regulations.
256.3 Identification cards.
256.4 Identification of fishing equipment.
256.5 Use of unauthorized helpers or agents.
256.6 Enforcement and penalties.
256.7 Savings provisions.

AUTHORITY: The provisions of this Part 256 issued under 25 U.S.C. 2 and 9; 5 U.S.C. 301.

§ 256.1 Purpose.

(a) The purposes of these regulations (Part 256) are:

(1) To assist in protecting the off-reservation nonexclusive fishing rights which are secured to certain Indian tribes by their treaties with the United States;

(2) To promote the proper management, conservation and protection of fisheries resources which are subject to such treaties of the United States;

(3) To provide for determination of restrictions on the manner of exercising nonexclusive fishing privileges under rights secured to Indian tribes by such treaties of the United States necessary for conservation of the fisheries resources;

(4) To assist in the orderly administration of Indian Affairs;

(5) To encourage consultation and cooperation between the states and Indian tribes in the management and improvement of fisheries resources affected by such treaties;

(6) To assist the states in enforcing their laws and regulations for the management and conservation of fisheries resources in a manner compatible with the treaties of the United States which are applicable to such resources.

(b) The conservation regulations of this Part 256 are found to be necessary to assure that the nonexclusive rights secured to certain Indian tribes by treaties of the United States to fish at usual and accustomed places outside the boundaries of an Indian reservation shall be protected and preserved for the benefit of present and future members of such tribes in a manner consistent with the nonexclusive character of such rights. Any exercise of an Indian off-reservation treaty fishing right shall be in accordance with this Part 256 and any applicable area regulations issued hereunder.

§ 256.2 Area regulations.

(a) The Secretary of the Interior may upon request of an Indian tribe, request of a State Governor, or upon his own motion, and upon finding that Federal regulation of Indian fishing in any waters in which Indians have a treaty-secured nonexclusive fishing right is necessary to assure the conservation and wise utilization of the fishery resources for the present and future use and enjoyment of the Indians and other persons entitled thereto, promulgate regulations to govern the exercise of such treaty-secured fishing right in such waters for the purpose of preventing, in conjunction with appropriate State conservation laws and regulations governing fishing by persons not fishing under treaty rights, the deterioration of the fishery resources.

(b) In formulating such regulations the Secretary of the Interior may incorporate such State laws or regulations, or such tribal regulations as have been approved by the Commissioner of Indian Affairs, as he finds to be consistent with the Indians' rights under the Treaty and the conservation of the fishery resources.

(c) Before promulgating such regulations the Secretary of the Interior will seek the views of the affected Indian tribes, of the fish or game management agency or agencies of any affected State, and of other interested persons. Except in emergencies where the Secretary finds that the exigencies require the promulgation of regulations to be effective immediately, a notice of proposed rule making will be published in the FEDERAL REGISTER in accordance with 5 U.S.C. 553 to afford an opportunity to submit comments and information, at such times and in such manner as may be specified in the notice. In the event of the emergency promulgation of regulations, interested persons will be afforded, as soon as possible, an opportunity to request amendment or revocation thereof.

(d) Any regulations issued pursuant to this section shall contain provisions for invoking emergency closures or restrictions or the relaxation thereof at the field level when necessary or appropriate to meet conditions not foreseeable at the time the regulations were issued.

(e) Regulations issued pursuant to this § 256.2 may include such requirements for recording and reporting catch statistics as the appropriate state fish and game agencies or the Secretary of the Interior deem necessary for effective fishery management.

§ 256.3 Identification cards.

(a) The Commissioner of Indian Affairs shall arrange for the issuance of an appropriate identification card to any Indian entitled thereto as prima facie evidence that the authorized holder thereof is entitled to exercise the fishing rights secured by the treaty designated thereon. The Commissioner may cause a federal card to be issued for this purpose or may authorize the issuance of cards by proper tribal authorities: *Provided*, That any such tribal cards shall be countersigned by an authorized officer of the Bureau of Indian Affairs certifying that the person named on the card is a member of the tribe issuing such card and that said tribe is recognized by the Bureau of Indian Affairs as having fishing rights under the treaty specified on such card. Copies of the form of any identification card authorized pursuant to this section and a list of the authorized Bureau of Indian Affairs issuing or countersigning officials shall be furnished to the fisheries management and enforcement agencies of any State in which such fishing rights may be exercised.

(b) No such card shall be issued to any Indian who is not on the official membership roll of the tribe which has been approved by the Secretary of the Interior: *Provided*, That until January 1, 1970, a temporary card may be issued to any member of a tribe not having an approved current membership roll who submits evidence of his entitlement thereto satisfactory to the issuing officer and in the case of a tribally issued card, to the countersigning officer. Any Indian claiming to have been wrongfully denied a card may appeal the decision in accordance with Part 2 of this chapter.

(c) No person shall be issued an identification card on the basis of membership in more than one tribe at any one time.

(d) Each card shall state the name, address, tribal affiliation and enrollment number (if any) of the holder, identify the treaty under which the holder is entitled to fishing rights, contain such additional personal identification data as is required on fishing licenses issued under the law of the State or States within which it is used, and be signed by the issuing officer and by the holder.

(e) No charge or fee of any kind shall be imposed by the Commissioner of Indian Affairs for the issuance of an identification card hereunder: *Provided*, That this shall not prevent any Indian tribe from imposing any fee or tax which it may otherwise be authorized to impose upon the exercise of any tribal fishing right.

(f) All cards issued by the Commissioner of Indian Affairs pursuant to this Part 256 shall be and remain the property of the United States and may be retaken by any Federal, State, or tribal enforcement officer from any unauthorized holder. Any card so retaken shall be immediately forwarded to the officer who issued it.

(g) The failure of any person who claims to be entitled to the benefits of a treaty fishing right to have such a card in his immediate personal possession while fishing or engaging in other activity in the claimed exercise of such right to display it upon request to any Federal, State, or tribal enforcement officer shall be prima facie evidence that the person is not entitled to exercise an Indian fishing right under a treaty of the United States.

(h) No person shall allow any use of his identification card by any other person.

§ 256.4 Identification of fishing equipment.

All fishing gear or other equipment used in the exercise of any off-reservation treaty fishing right shall be marked in such manner as shall be prescribed in regulations issued pursuant to § 256.2 hereof to disclose the identity of its owner or user. In the absence of proof to the contrary, any fishing gear which is not so marked or labeled shall be presumed not to be used in the exercise of an off-reservation treaty fishing right and shall be subject to control or seizure under State law.

§ 256.5 Use of unauthorized helpers or agents.

No Indian shall, while exercising off-reservations treaty-secured fishing rights, permit any person 12 years of age or older other than the authorized holder of a currently valid identification card issued pursuant to this Part 256 to fish for him, assist him in fishing, or use any gear or fishing location identified as his gear or location pursuant to this Part 256.

§ 256.6 Enforcement and penalties.

(a) Any Indian tribe with a tribal court may confer jurisdiction upon such court to punish violations by its members of this Part 256 or of the area regulations issued pursuant thereto. Jurisdiction is hereby conferred upon each Court of Indian Offenses established pursuant to Part 11 of this chapter to punish such violations by members of tribes whose reservations are under the jurisdiction of such court. Courts of Indian Fishing Offenses may be created pursuant to Part 11 of this chapter to punish such violations by members of any tribe or group of tribes for which there is otherwise no Court of Indian Offenses or tribal court with jurisdiction to enforce this Part 256. The provisions of Part 11 of this chapter shall apply to any such court with respect to the exercise of its jurisdiction to enforce this Part 256. All jurisdiction conferred by this section shall apply without regard to any territorial limitations otherwise applicable to the jurisdiction of such court.

(b) Acceptance or use of an identification card issued pursuant to this Part 256 or use of any fishing gear marked or identified pursuant thereto shall constitute an acknowledgment that the fishing done under such card or with such gear is in the claimed exercise of a tribal fishing right and is subject to the jurisdiction of the tribal court, Court of Indian Offenses, or Court of Indian Fishing Offenses. Except as may be otherwise provided by tribal regulations approved by or on behalf of the Secretary of the Interior, any person claiming to be exercising such tribal right and fishing in violation of the regulations contained in or issued under this Part 256 may be punished by a fine of not to exceed $500, imprisonment of not to exceed 6 months, or both, and shall have his tribal fishing privileges suspended for not less than 5 days for any violation of this Part 256 or of any area regulation issued pursuant thereto. The court shall impound the fishing rights identification card of any person for the period which the fishing privileges are suspended.

§ 256.7 Savings provisions.

Nothing in this Part 256 shall be deemed to:

(a) Prohibit or restrict any persons from engaging in any fishing activity in any manner which is permitted under state law;

(b) Deprive any Indian tribe, band, or group of any right which may be secured it by any treaty or other law of the United States;

(c) Permit any Indian to exercise any tribal fishing right in any manner prohibited by any ordinance or regulation of his tribe;

(d) Enlarge the right, privilege, or immunity of any person to engage in any fishing activity beyond that granted or reserved by treaty with the United States;

(e) Exempt any person or any fishing gear, equipment, boat, vehicle, fish or fish products, or other property from the requirements of any law or regulation pertaining to safety, obstruction of navigable waters, national defense, security of public property, pollution, health and sanitation, or registration of boats or vehicles;

(f) Abrogate or modify the effect of any agreement affecting fishing practices entered into between any Indian tribe and the United States or any State or agency of either.

[F.R. Doc. 67-8158; Filed, July 14, 1967; 8:45 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices, Department of the Treasury

PART 93—OFFICE OF DOMESTIC GOLD AND SILVER PROCEDURES AND DESCRIPTIONS OF FORMS

Part 93 of Title 31 of the Code of Federal Regulations is amended by revoking §§ 93.14, 95.15, and 93.16 and by amending § 93.17 to read as follows:

§ 93.17 Rules governing availability of information.

The records of the Office of Domestic Gold and Silver Operations required by 5 U.S.C. 552 to be made available to the public shall be made available in accordance with the definitions, procedures, payment of fees, and other provisions of the regulations on the Disclosure of Records of the Office of the Secretary and of other bureaus and offices of the Department issued under 5 U.S.C. 552 and published as Part 1 of Title 31 of the Code of Federal Regulations, 32 F.R. 9562, July 1, 1967.

Effective Date. These regulations shall become effective July 4, 1967.

[SEAL] FREDERICK L. DEMING,
Under Secretary for Monetary Affairs.

JULY 11, 1967.

[F.R. Doc. 67-8180; Filed, July 14, 1967; 8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER M—MISCELLANEOUS

PART 275—TIME AND TIME INTERVAL STANDARDS AND CALIBRATION FACILITIES FOR USE BY DEPARTMENT OF DEFENSE COMPONENTS

The Deputy Secretary of Defense has approved the following policy:

Sec.
275.1 Purpose and applicability.
275.2 Definitions.
275.3 Policy.
275.4 Responsibilities.

AUTHORITY: The provisions of this Part 275 issued under Title 5, U.S.C., sec. 301, and Title 5, U.S.C., sec. 552.

§ 275.1 Purpose and applicability.

This part establishes policy and assigns responsibility to a single Department of Defense Component for establishing, coordinating, and maintaining capabilities for time and time interval (astronomical and atomic) for use by all DoD Components, DoD contractors, and related scientific laboratories.

§ 275.2 Definitions.

For purposes of this part, the following definitions will apply:

(a) "Time" signifies epoch, that is, the designation of an instant on a selected time scale, astronomical or atomic. It is used in the sense of time of day.

(b) "Time Interval" indicates the duration of a segment of time without reference to when the time interval begins and ends. Time interval may be given in seconds of time.

(c) "Standards" signifies the reference values of time and time interval. These standards are determined by astronomical observation and by the operation of atomic clocks. They are disseminated by transport of clocks, radio transmissions, and by other means.

§ 275.3 Policy.

(a) Resources for uniform and standard time and time interval operations and research shall be the responsibility of a single DoD Component.

(b) The maximum practicable interchange of time and time interval information shall be effected throughout the DoD.

(c) Maximum practical utilization of interservice support will be achieved as prescribed in DoD Directive 4000.19,[1] dated March 26, 1960, "Basic Policies and Principles for Interservice Support."

§ 275.4 Responsibilities.

(a) The U.S. Naval Observatory (hereafter referred to as the "Observatory") is assigned the responsibility for insuring:

(1) Uniformity in precise time and time interval operations including measurements.

(2) The establishment of overall DoD requirements for time and time interval.

(3) The accomplishment of objectives requiring precise time and time interval with minimum cost.

(b) In carrying out the above responsibilities, the Observatory shall:

(1) Derive and maintain standards of time and time interval, both astronomical and atomic.

(2) Provide coordination of such standards with recognized national and international standards to insure worldwide continuity of precision.

(3) Monitor conferences concerning time and time interval standards.

(4) Advise and provide guidance to DoD Components, contractors, and scientific laboratories on matters concerning time and time interval, and their measurement.

(c) All DoD Components which require, utilize, or distribute time and time interval information or have a need for a specific time scale shall:

(1) Refer time and time interval to the standards established by the Observatory.

(2) Maintain specific time scales such that relationship to the standard established by the Observatory is known.

(3) Prescribe technical requirements for the coordination of techniques, procedures and periodic calibrations of systems.

(4) Promote economy by prescribing requirements for precise time that are consistent with operational and research needs for accuracy.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[F.R. Doc. 67-8183; Filed, July 14, 1967; 8:47 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 13—DEPARTMENT OF VETERANS BENEFITS, CHIEF ATTORNEYS

Waiver; Loan Guaranty

In § 13.209(a), subparagraph (3) is amended to read as follows:

[1] Filed as part of original document. Copies available at the Publications Counter, OASD (A), Room 3E 200, Ext. 53167.

§ 13.209 Waiver; loan guaranty.

(a) *General.* * * *

(3) Collection of the indebtedness would work a severe hardship upon the veteran, or his family. However, waiver of the indebtedness of the veteran, or his spouse, may be granted where the indebtedness arose by reason of some fault on the part of the Veterans Administration and without fault on the part of the veteran, irrespective of the veteran's ability to pay.

* * * * *

(72 Stat. 1114; 38 U.S.C. 210)

This VA Regulation is effective January 15, 1967.

Approved: July 6, 1967.

By direction of the Administrator.

CYRIL F. BRICKFIELD,
Deputy Administrator.

[F.R. Doc. 67-8160; Filed, July 14, 1967; 8:46 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 132—SECOND CLASS

Publications Prepared in Imitation of Typewriting

A notice of proposed revision in § 132.2 of Title 39, Code of Federal Regulations, was published in the FEDERAL REGISTER of March 14, 1967 (32 F.R. 4027), concerning the acceptance of second-class mailings of publications prepared in imitation of typewriting. Interested persons were given 30 days in which to submit written comments regarding the proposal.

After careful consideration of the comments received, the Department decided to abandon its original proposal, and published a revised proposal in the FEDERAL REGISTER of May 2, 1967 (32 F.R. 6701). The revised proposal omitted the requirement that the left and right margins be even.

After careful consideration of the comments received regarding the second proposal the Department has decided to adopt the revised proposal.

Accordingly, § 132.2(b)(3) is amended as follows and is effective 30 days after publication in the FEDERAL REGISTER.

§ 132.2 Qualifications for second-class privileges.

* * * * * *

(b) *Basic qualifications.* * * *

(3) *Preparation.* Publications must be formed of printed sheets. They may not be reproduced by stencil, mimeograph, or hectograph processes or reproduced in imitation of typewriting. Reproduction by stencil, mimeograph, or hectograph processes is reproduction in imitation of typewriting and is not permissible. Reproduction by any other printing process is permissible. Any style of type may be used.

* * * * * *

NOTE: The corresponding Postal Manual section is 132.223.

(5 U.S.C. 301, 39 U.S.C. 501)

TIMOTHY J. MAY,
General Counsel.

JULY 11, 1967.

[F.R. Doc. 67-8159; Filed, July 14, 1967; 8:46 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4239]

[Nevada 051786]

NEVADA

Withdrawal for Protection of Air Navigation Facility; Partial Revocation of Air Navigation Site Withdrawal

By virtue of the authority contained in section 4 of the Act of May 24, 1928 (45 Stat. 729; 49 U.S.C. 214), it is ordered as follows:

1. Subject to valid existing rights, the following-described lands, which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, and reserved for protection of an air navigation facility:

MOUNT DIABLO MERIDIAN

T. 41 N., R. 35 E.,
Sec. 27, E½SW¼NW¼NE¼, N½NW¼SW¼NE¼, SW¼NW¼SW¼NE¼, NW¼SW¼SW¼NE¼, NE¼SE¼SW¼NW¼, N½S½SE¼NW¼, SE¼SW¼SE¼NW¼, SW¼SE¼SE¼NW¼.

The areas described aggregate 32.5 acres.

2. The Order of the Bureau of Land Management of October 13, 1950, and Public Land Order No. 3456 of September 30, 1964, creating Air Navigation Site Withdrawal No. 265, are hereby revoked so far as they affect the following described lands:

MOUNT DIABLO MERIDIAN

T. 41 N., R. 35 E.,
Sec. 22, SE¼SW¼SW¼, N½SW¼SE¼SW¼, N½SE¼SE¼SW¼, SE¼SE¼SE¼SW¼;
Sec. 27, E½W½NW¼NW¼, NW¼NE¼NW¼NW¼.

The areas described aggregate approximately 35 acres in Humboldt County.

The lands are located in the extreme southern portion of Quinn River Valley, adjacent to Nevada State Highway 8A.

3. The withdrawal made by paragraph 1 of this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws. However, leases, licenses, or permits will be issued only if the Federal Aviation Agency finds that the proposed use of the lands will not interfere with the proper operation of its facilities on the land.

4. At 10 a.m., on August 11, 1967, the lands released from withdrawal by paragraph 2 of this order shall be open to operation of the public land laws generally, including the mining laws, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m., on August 11, 1967, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing. The lands have been open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Reno, Nev.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JULY 6, 1967.

[F.R. Doc. 67-8155; Filed, July 14, 1967; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 14419; FCC 67-767]

PART 73—RADIO BROADCAST SERVICES

In the matter of amendment of the rules with respect to hours of operation of standard broadcast stations.

1. Section 73.87 (formerly § 3.87) of the Commission's rules allows certain classes of standard broadcast stations to commence operation with their authorized daytime facilities as early as 4 a.m., local standard time, subject to summary termination by the Commission. Historically, such terminations have grown out of valid nighttime interference complaints by unlimited time stations assigned to the same channel. Although the privileges conferred by this section (since 1941) have been mainly confined to Class III daytime-only stations authorized to operate on the 41 regional channels, a substantial number of Class II and Class I-B stations operating on frequencies other than foreign I-A Clear Channels have also benefited from its provisions, as have many unlimited time Class III stations licensed to use different facilities day and night.

2. Because of the proliferation of standard broadcast stations (particularly daytime-only) following World War II, serious early morning interference conflicts had, by 1960, begun to develop on many regional and Class I-B channels, resulting in the issuance of increasing numbers of termination notices by the Commission and challenges thereto by stations adversely affected.[1] The problem was further compounded by a decision of the U.S. Court of Appeals (D.C. Circuit) in WBEN, Inc. v. FCC, 290 F. (2d) 743 (1961) which, for the first time, gave standing to unlimited time licensees to prosecute pregrant objections against daytime-only proposals involving possible future interfering operations under § 73.87.

3. In response to the growing number of early morning interference conflicts, which coincided with a petition for rule making filed June 16, 1961, by Storer Broadcasting Co., the Commission initiated this proceeding by notice of proposed rule making released December 8, 1961 (FCC 61-1446). One objective was the updating of the rules by the inclusion of the entire body of "presunrise" case law which had developed up to that time. Another element of the proposal was, however, to require all stations operating under the permissive provisions of § 73.87 to notify their presunrise operating hours to the Commission, thereby assisting unlimited time stations in policing their channels by identifying possible sources of interference. This proposal would also have established a cutoff date beyond which newly authorized Class III stations would be precluded from engaging in any presunrise operation with their daytime facilities.[2] Moreover, it was proposed in the notice and a clarifying order, adopted January 25, 1962 (FCC 62-98), to terminate all permissive presunrise operation by Class II stations.

4. On July 2, 1962, the House of Representatives adopted H.R. 4749 looking toward the use of daytime facilities from 6 a.m. through local sunset and, in addition, providing for certain preexisting operations in the 4–6 a.m. period, the extended hours to be made available for stations in communities unserved by unlimited time stations. This bill was never

[1] Reese Broadcasting Corp., 20 RR 1136 (1960). See also North Shore Broadcasting Co., FCC 66-833 (1966); Central Massachusetts Broadcasting Corp., 1 RR (2d) 518 (1963). In these and other cases, interference complaints by fulltime stations were sustained where it could be established that the complainant was operating with its licensed nighttime facilities during presunrise hours; that the station complained against was using its daytime facilities during the same period; and that interference was indicated by calculations made in accordance with the Commission's rules. In many instances, the interfering skywave contour was found to extend more than 1,000 miles in all directions, thus guaranteeing favorable action on virtually all properly documented complaints. It will be appreciated that the resulting disruption of early morning services, particularly those of many years standing, raised public issues of significance, far transcending in importance the narrow question of objectionable interference and its method of calculation.

[2] Since Jan. 25, 1962 (FCC Order 62-98), Class II and Class III new and major change grants have been routinely conditioned against presunrise operation with their daytime facilities pending outcome of rule making in this proceeding. Approximately 500 outstanding authorizations are so conditioned.

enacted into law. However, during its pendency we stated that we would restudy the entire subject of presunrise operation to see if some easing of existing restrictions could be provided.[4]

5. In addressing ourselves to this restudy, we were again faced with the nighttime propagation conditions under which presunrise transmissions take place, and the necessity for reconciling the objectives of this proceeding with other findings concerning the efficient nighttime utilization of standard broadcast channels. A review of our earlier findings in this area will illuminate our present task.

6. The use of skywave measurements for evaluating individual interference problems was abandoned 13 years ago, and the statistical approach, represented by the use of skywave propagation curves derived from extensive measurement data recorded over many years, was held to be the only satisfactory method of calculating nighttime interference. Docket No. 10492; 10 RR 1562 (1954). This approach was further refined in our decision in the Daytime Skywave Proceeding—Docket No. 8333; 18 RR 1845 (1959)—and calculations by the statistical method continue to be conclusive for determining the extent of skywave service and interference thereto during nighttime hours. Storer Broadcasting Co., 1 FCC (2d) 1594 (1965).

7. This approach was dispositive of our 1959 decision in the so-called 6 a.m. to 6 p.m. proceeding. Docket No. 12729; 18 RR 1689 (1959). After analyzing the comprehensive engineering data submitted in that proceeding, we concluded that if all daytime-only standard broadcast stations were to operate between 6 a.m. and 6 p.m. throughout the year "there would be substantial [overall] losses of existing groundwave services, new white areas would be created in the vicinity of communities * * * now served by unlimited time stations on the same frequencies, and [existing] skywave service would be lost." We had reached the same result the previous year in the "5 a.m. to 7 p.m." proceeding concerning extended hours of operation for daytime-only stations.[5] It should be noted, however, that both proceedings and decisions presupposed operation with full daytime power and on all frequencies other than the six local channels, including channels reserved for clear channel operation, rather than the more limited proposal now before us.

8. In our recent report and order adopting more restrictive AM assignment standards—Docket No. 15084; 2 RR (2d) 1658 (1964)—we called attention to the continuing erosion of existing services by the cumulative effect of new assignments in an already overcrowded band, and concluded that, except for Class IV proposals, no application be accepted for new nighttime facilities (including the addition of-nighttime facilities to an existing daytime-only station) unless it can, among other things, be shown that no interference to other stations will occur and that substantial "white area" coverage will be achieved.[6]

9. Against this background, it is clear that any resolution of the "presunrise" question must, of necessity, rest upon a realistic balance between the provision for needed early morning service, particularly in geographic areas where it would otherwise be lacking, and the interference which such service frequently causes to full-time stations assigned to the same frequency.

10. Our further notice of proposed rule making in this proceeding (FCC 62–1241, released November 30, 1962), which followed the adoption of H. R. 4749 by several months (Par. 4, supra), would have resolved this conflict in the following manner: Sign-on times for Class II daytime-only stations not assigned to foreign I–A Clear Channels would continue to be keyed to local sunrise at the dominant station(s) if located to the east of the Class II station; Class III daytime-only licensees in communities or urbanized areas without local unlimited time stations would, upon proper application, be licensed to sign on at 6 a.m.[7] with a power of 500 watts (nondirectional); other Class III daytime-only licensees would also be eligible to apply, but would face a rebuttable presumption that the desired presunrise service was unwarranted; Class III presunrise proposals in conflict with the standards and priorities of the North American Regional Broadcasting Agreement (NARBA) or the US/Mexican bilateral agreement could be authorized only with the concurrence of the foreign government involved; and interferring signals would, for domestic purposes, be determined by reference to a set of diurnal curves so constructed as to permit evaluation of skywave signal intensity at 15-minute increments throughout the period of transition (from 2 hours before sunrise). The further notice would not have permitted any presunrise use of daytime facilities by unlimited time stations.

11. Appendix A hereto contains an analysis of the comments filed in the proceeding, chiefly those filed in response to the further notice, which were the bulk of the material. We note in passing that the manifest need for early morning service in connection with weather emergencies has already been met, in part, by our adoption of § 73.98 of the rules (Docket No. 14703; 1 RR (2d) 1559 (1963)). In essence this rule permits daytime-only stations to transmit (on a sustaining basis) nighttime traffic dealing with emergency weather conditions, including the announcement of school closings and changes in school bus schedules resulting therefrom. This authority is without regard to interference caused to other stations, but is limited to emergency situations in which unlimited time service in the area is either unavailable or inadequate.

12. After issuance of the further notice and evaluation of responsive comments, it became clear that even with the power limitation proposed therein, a substantial percentage (perhaps a majority) of all potential Class III presunrise proposals would result in cochannel nighttime interference (if judged by existing treaty standards) to unlimited time foreign stations, and that this problem would largely consist of United States-Canadian conflicts where station sites and transmission paths lie in the northern latitudes most affected by seasonal fluctuations in daylight hours. It followed, therefore, that any meaningful relaxation in presunrise restrictions—a policy desired both by Congress and this agency—depended upon reaching agreement with Canada on modifications of existing nighttime protection standards. Accordingly, informal discussions were held with representatives of the Canadian Department of Transport and Board of Broadcast Governors to explore the possibility of a bilateral agreement on this subject pursuant to section A, subsection 6 of Annex 2 of NARBA.

13. On the basis of these discussions, tentative agreement was reached in the form of a memorandum of understanding signed in Ottawa on October 28, 1965.[8] The agreement was formalized, with certain revisions, by an exchange of notes on June 12, 1967. The heart of the agreement is the reciprocal use of a new family of curves for determining acceptable United States-Canadian trans-border radiation, (Figure 12), with provision for downward power adjustments where necessary to reduce radiation to specified limits. As a result, operation by Class II and Class III stations during the transitional hours between 6 a.m. and local sunrise will generally be possible, except that: Class II operations will continue to be keyed to sunrise times at Class I–B station locations to the east (assuming full 0.5 mv/m 50 percent skywave protection to all I–B assignments to the west) and Class II daytime-only operations on foreign I–A Clear Channels will continue to be prohibited during the above transitional hours. Provision will be made for mutual United States/Canadian notification of all presunrise proposals. The protection requirements of the NARBA and the United States/Mexican bilateral agreement will be otherwise observed.

14. The advantages accruing to U.S. Class III licensees from this agreement (without regard to domestic, Mexican or Cuban interference problems) are illustrated by the following study of four regional channels:

610 kc/s: There are 22 stations assigned to this channel in the United States. Of these, all but two can qualify for 500-watt presunrise operation, in conjunction with their authorized daytime antenna systems.[9] These two can be authorized on the same basis but with power reduced to levels between 180 watts and 320 watts.

920 kc/s: There are 45 stations assigned to this channel in the United States, 42 of which can qualify for 500-watt presunrise operation in conjunction with their daytime antenna systems. The remaining three can be authorized on the same basis but with power reduced to levels between 280 and 300 watts.

1250 kc/s: There are 56 stations assigned to this channel in the United States, 54 of which can qualify for 500-watt presunrise operation in conjunction with their daytime antenna systems. The remaining two can be authorized on the same basis but with power reduced to levels between 300 and 400 watts.

1600 kc/s: There are 73 stations assigned to this channel in the United States, 68 of which can qualify for 500-watt presunrise operation in conjunction with their daytime antenna systems. The remaining five can be authorized on the same basis but with power reduced to levels between 150 watts and 300 watts.

Parallel advantages will accrue to Class II stations in the United States vis-a-vis unlimited time Class II assignments in Canada, in that permissible radiation may be determined under the new, more liberal curves. Additionally, interference to Canadian I–B Clear Channel stations (although conventionally determined) may be eliminated by reductions in power to noninterfering levels, thereby providing a modicum of service in situations heretofore beyond reach.

15. The principles agreed to with Canada (Pars. 13 and 14, supra) are reflected in the rules adopted herein except that for domestic purposes, cochannel interference among U.S. Class II and Class III stations will not be taken into account. Class II stations will continue to take advantage (after 6 a.m.) of the time differentials between local sunrise and sunrise at the dominant station(s) to the east—subject to providing conventional nighttime protection to all westerly cochannel Class I assignments.

16. With the exception of Class II stations assigned to U.S. Class I–A Clear Channels, an across-the-board power ceiling of 500 watts (into the daytime antenna system) has been imposed. While this limitation is not a specific requirement of the agreement with Canada, it is dictated by the overall interference considerations discussed elsewhere in this document. Although some existing early-morning interference problems will be moderated as a result of the power ceiling, we recognize that new zones of interference will also be created, even with the 500-watt limitation. Our study of the matter suggests, however, that those areas of the country in which the greatest destruction of existing services will occur are, in general, reached by alternate services including the signals of Clear Channel stations and, to a lesser degree, by FM broadcast services.

17. Our decision not to apply, for the time being, the 500-watt power ceiling to Class II stations operating on U.S. 1–A clear channels stems from considerations set forth in Appendix A, chiefly the fact that the record in this proceeding is inconclusive as to the need for this power ceiling. In this connection, the situation on these channels is different from that on other frequencies, in that there are fewer stations to cause interference, fewer possibilities of additional assignments, and fewer foreign protection problems.[10] By contrast, because of the geographic distribution of Class I–B clear channel stations throughout the North American Region and other considerations discussed elsewhere in this document, the 500-watt power ceiling is clearly indicated with respect to Class II stations assigned to Class I–B clear channels. Therefore, the further rule making being initiated in conjunction with our final decision in this proceeding deals only with the limited question of power levels for Class II stations operating under presunrise service authorizations on U.S. Class I–A clear channels.

18. The Rules adopted herein make no provision for operation by the 34 U.S. Class I–B clear channel stations during presunrise hours with their authorized daytime facilities. Such operation is proscribed by the agreement with Canada. We do not know precisely how many Class I–B stations now operate in this fashion, but the number is believed to be substantial. In addition to achieving better close-in coverage in specific cases, this practice has to some extent been undertaken in "self-defense" against interfering Class II signals, as well as to avoid the otherwise required maintenance of a more complicated directional antenna pattern during the early morning hours. In any event, the described operations are premissive and may be terminated without right to hearing. Music Broadcasting Co. v. FCC, 217 F. 2d 339 (1954). In our view, the requirement that Class I–B stations operate with their licensed patterns during all nighttime (including presunrise) hours, on the basis of unqualified protection to their 0.5 mv/m 50 percent skywave contours, will assure the integrity of the wide-area nighttime coverage which these Clear Channel stations are intended to provide. Storer Broadcasting Co., supra.[11] Moreover, any residual skywave interference (unrecognized under our technical standards) resulting from the practice at many Class II stations of signing on at sunrise at the dominant station to the east will, as a practical matter, be largely eliminated by our decision to apply an across-the-board 500-watt power limit to all Class II presunrise operations (other than those assigned to U.S. I–A clear channels, as noted in par. 17, supra).

19. As previously mentioned, the further notice in this proceeding proposed to limit Class III eligibility to daytime-only stations, giving preferential consideration to such stations in markets without local unlimited time standard broadcast service. Our review of this matter in light of the written comments leads to the conclusion that these limiting aspects of the proposal are neither administratively sound nor in the public interest. They involve too many anomalies to be acceptable as a basis for general presunrise allocation policy. For example, many communities have two daytime-only outlets but no unlimited-time station, raising the question of whether both should be permitted to operate presunrise and, if not, which one should be. Also, where an unlimited time station does exist (notably Class IV service with severely restricted nighttime coverage), it can frequently be demonstrated that substantial areas and populations have come to rely on the presunrise programing of Class III daytime-only stations assigned to the same community. Nighttime service from nearby communities, sometimes from within the same metropolitan area, is another variable which could not properly be assessed outside the hearing process. For the reasons more fully developed in Paragraph 30 of Appendix A, the burden of resolving these variables on a case-by-case basis is one which should not be imposed on this agency or

[4] Excluding, of course, restrictions beyond the scope of this proceeding. These include the present 250-watt ceiling on Class IV nighttime power, as well as existing prohibitions against presunrise operation by Class II daytime-only stations assigned to frequencies on which foreign countries have I–A Clear Channel treaty priorities.

[5] 17 RR 1669 (1958).

[6] In passing on petitions for reconsideration of the report and order in Docket No. 15084, however, we noted that it "may be appropriate to adopt different standards for the limited time period involved in presunrise operation, in view of the different considerations which obtain." memorandum opinion and order, 4 RR (2d) 1589 (1965).

[7] As proposed and adopted herein, "6 a.m." means local standard time, as that term has historically been used—the time prevailing in each of the time zones of the United States in relation to Greenwich Mean Time, not taking into account the 1-hour advancement heretofore called "daylight saving time". We will shortly revise our rules to take into account the new terminology of the Uniform Time Act of 1966. See the public notice of March 17, 1967, FCC 67–331.

[8] In the course of these discussions, Canadian officials expressed an interest in obtaining presunrise operating authority for two daytime-only stations: CJSP, Leamington, Ontario (710 kc/s) and CHIN (formerly CHFI), Toronto, Ontario (1540 kc/s). It was determined that CJSP could, within the framework of the agreement, begin operation with a power of 500 watts at local sunrise. New York City (the location of co-channel Class I–B Station WOR). However, in the case of CHIN, any presunrise operation would involve some degree of interference to co-channel Class I–B Station KXEL, Waterloo, Iowa. Because of the importance of the CHIN proposal to the successful outcome of the negotiations, the licensee of KXEL was approached to obtain its consent to the interfering operation, CHIN to sign on at 6:00 a.m. Toronto time with a power of 500 watts into its authorized directional antenna system and to continue with that mode until local sunrise. KXEL acceded to this proposal on condition that no other exception to the pre-sunrise solution contained in this document will be authorized or agreed to by the Commission. We feel this condition to be reasonable, and in signifying our concurrence we express our appreciation for the role played by KXEL in the successful outcome of these negotiations. The agreement does not, of course, contemplate negotiation of individual exceptions to its terms. Therefore, Station CHIN is provided for as a "special case" within the framework of the agreement.

[9] Use of the antenna system already authorized, whether directional or nondirectional, will obviate the necessity for our specifying a different antenna system for the presunrise mode, thereby eliminating the need for costly and time-consuming measurement data in connection with such proposals.

[10] Dark path protection problems rule out any consideration being given to the possibility of presunrise operation by Class II daytime-only stations located east of the dominant U.S. I–A cochannel assignment.

[11] In this admittedly extreme case, the Commission found that two cochannel I–B clear channel stations (WTOP, Washington, D.C., and KSTP, St. Paul, Minn.), operating presunrise with their daytime facilities, totally destroyed each other's skywave service as well as 90 percent of their respective primary (groundwave) services during the early morning hours.

on the industry. In addition, decisions arrived at on the basis of "situations in being" would be unsettled by the addition or deletion of unlimited time stations, or by arbitrary changes in their operating schedules. Moreover, to deprive unlimited time stations of the presunrise operating benefits enjoyed by daytime-only stations, as contemplated by the further notice, would tend to penalize those licensees who, in good faith, have expended considerable sums of money to directionalize for nighttime operation and who, as unlimited time licensees, are compelled by our rules to render service through 10 p.m. even in markets where much of the nighttime audience has switched to television. We have therefore abandoned these aspects of the further notice and are making equal provision for all Class III and many Class II stations to use their daytime facilities within the limits of the 500-watt/6 a.m. operating formula, thereby giving fulltime stations an optional mode of presunrise operation.

20. We wish to call attention to certain other administrative and legal problems which must be dealt with in putting the new rules into effect. As outlined in the appendices, the new scheme of "presunrise" regulation calls for the submission of informal (letter) applications, thus eliminating the permissive aspect of the present Rule. We estimate that more than 2,000 Class II and Class III licensees and permittees, both daytime-only and unlimited time (including the 500 stations with outstanding conditions against presunrise operation) will be eligible and will apply for presunrise service authority (PSA). In order to allow sufficient leeway for the handling of these requests in time to be of benefit during the coming fall and winter seasons, it is imperative that the new rules be made effective at the earliest possible moment. On the other hand, we are reluctant to disturb existing operations until they can be reestablished on the new footing. Accordingly, notwithstanding the effective date specified below, it is our intention to maintain the status quo with respect to existing permissive operations through October 28, 1967, by which date all timely filed requests will hopefully have been disposed of. Prospective applicants are, however, cautioned that we can offer no assurance that PSA requests submitted after August 31, 1967, will be reached and considered on their merits prior to the October 28 deadline on existing operations.[9]

21. In addition, numerous presunrise interference disputes are currently pending and unresolved, including 30 complaints filed under the existing Rule (§ 73.87) and 26 petitions to deny filed against pending renewal applications under WBEM doctrine, *supra*. We contemplate that most, if not all of these can eventually be dismissed as moot," together with applications on file (but unaccepted) by Radio Stations WLAW, WIFS, and WEAW for specified hours of operation, submitted in response to our March 5, 1964, interim public notice entitled "Adjustment of Pre-sunrise Operating Disputes" (FCC 64-201) and 13 informal requests for deletion of outstanding conditions against presunrise operation.

22. As the record in this proceeding abundantly demonstrates neither this nor any other resolution of the "presunrise" problem can hope to satisfy the essentially irreconcilable objectives of the many respondents both within and outside the broadcast industry. As more fully developed in Appendix A, an argument may be made that section 316 of the Communications Act confers hearing rights on unlimited time licensees adversely affected by the issuances of PSA's growing out of this proceeding. We do not so construe the statute, and therefore are not postponing the effectiveness of the new presunrise arrangements. The 500-watt power ceiling will militate against significant increases in existing interference. In situations where this does not prove to be the case, we urge licensees to refrain from litigation which would only further impede our efforts to realize a final solution and which, in any event, can yield no advantage beyond the terms of licenses now in force. Finally, we emphasize our conviction that the ad hoc approach to "presunrise" regulation, with its countless anomalies arising from Commission action or failure to act on specific complaints of interference, must be abandoned in favor of a more orderly system of regulation based on definitive rules which can be applied without regard to the hearing process.

23. Authority for the adoption of this report and order is contained in sections 4(i), 303(c), 303(e), 303(r), and 307(b) of the Communications Act of 1934, as amended.

24. *It is ordered*, That, for the reasons stated herein and in Appendix A below, the Commission's rules are amended, effective August 15, 1967, as set forth in Appendix B below.

25. *It is further ordered*, That for the reasons set forth in paragraphs 20 and 21 of Appendix A below, the petition for further rule making filed April 19, 1967, by the National Association of FM Broadcasters, is denied.

26. *It is further ordered*, That Class II stations assigned to U.S. I-A clear channels may continue existing modes of operation, without regard to the application procedures set forth in the rules as herein amended, until further notice from the Commission: *Provided*, That such stations may not, after October 28, 1967, sign on earlier than 6 a.m. local standard time or sunrise at the dominant station, whichever is later.

27. *It is further ordered*, That proceedings in Docket No. 14419 are hereby terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: June 26, 1967.

Released: July 13, 1967.

FEDERAL COMMUNICATIONS COMMISSION[11]

(SEAL) BEN F. WAPLE, *Secretary.*

APPENDIX A—ANALYSIS OF COMMENTS IN THE PROCEEDING

1. The further notice produced a vast volume of material, the original of the docket in the proceeding (which contains informally submitted material as well as formal filings) consisting of 60 volumes.[1] Much of the information material consisted of letters from listeners, school officials, local governmental and civic leaders, and others, usually supporting the continued presunrise operation of a particular station (8,800 letters were filed on behalf of one station alone). The great majority of these expressions appear to have been solicited by the stations they support, and for the most part it appears that the writers were not completely informed as to the nature of the problem (for example, the fact that the service they favor causes interference to other stations) and in some cases were actually misinformed as to the effect of the Commission's proposal on the particular station. Therefore, despite its obvious sincerity, much of this material is of relatively little value. However, some of it—particularly letters from school officials concerning need for school-closing and schoolbus information—is of substance, as discussed below.

2. Formal comments were filed on behalf of close to 300 stations, the great majority of them daytime-only or fulltime Class III stations on the regional channels. Two radio networks—American Broadcasting Cos., Inc. (ABC), and Columbia Broadcasting System, Inc. (CBS)—also filed, on behalf of their owned AM stations. Others filing formal comments were Association on Broadcasting Standards, Inc. (ABS, a group of fulltime stations, mostly Class III); Daytime Broadcasters Association (DBA, an association of Class II and Class III daytime-only stations); National Association of FM Broadcasters (NAFMB); Association of Maximum Service Telecasters, Inc. (MST, filing only legal comments on the question of the applicability of section 316); the AFCCE; A. Earl Cullum, Jr. & Associates; and Congressman Thomas L. Ashley of Ohio, urging that full-time stations be protected against undue interference (with particular reference to Station WSPD, Toledo). Reply comments were filed by ABS, DBA, Cullum, a number of stations (some of which had filed initial comments) and Clear Channel Broadcasting Service (CCBS, a group of Class I–A stations). In addition to Congressman Ashley's formal comments, a number of Senators and Congressman filed letters with respect to particular stations or more general situations, usually supporting the cause of presunrise operation by daytime-only stations. There were also informal expressions of views to the same effect by State legislative bodies and leading State agricultural officials. While a number of the commenting parties supported our proposal, the great majority opposed it, for various reasons, as indicated below.

3. In view of the length of the record, it is impossible to set forth all of the various arguments, counterproposals and factual showings submitted. All of the material filed has, however, been carefully considered, whether specifically referred to or not. Stations filing formal or informal comments (the great majority of them formal) are listed in Appendix C.[12]

* * * * *

COMMENTS CONCERNING THE REGIONAL CHANNELS

4. The great bulk of comments filed concerned Class III stations assigned to the 41 regional channels. The same general considerations apply to the Class II stations (other than those on foreign I–A channels, which are beyond the scope of this proceeding); but these are much less numerous and special considerations concerning the different types of situations involved must be taken into account. The Class II situations are dealt with later herein.[2]

5. Besides the ABS and DBA filings, formal or informal comments were filed on behalf of some 260 Class III stations, 143 daytime-only stations (daytimers) and 122 unlimited-time stations (fulltimers). Of the daytimers, 79 would be eligible for presunrise operation under the further notice, with 500 watts power and from 6 a.m. on, because there is no fulltimer in their community or urbanized area.[3] The remaining 64 would not be eligible, in the absence of exceptional circumstances, because there is a fulltimer in their community or urbanized area. Some daytimers (usually, those which would be "eligible" and operate daytime with 500 watts so they would not face a cutback in power), favored our proposal as the most appropriate means of resolving the presunrise problem. A few others would favor it if it were modified to accommodate their particular situations, such as operation with greater power or from 4 a.m. instead of 6 a.m., or making stations "eligible" even though there is a fulltime station in the same urbanized area but not in the same community, or where the full-time station in town is a Class IV with a highly limited presunrise service area. But a substantial majority of the commenting daytimers, and DBA, opposed it, because it would terminate many presunrise operations and reduce a great majority of the rest either in time or power (the great majority of Class III daytimers are authorized daytime power of more than 500 watts).

6. In support of daytimer presunrise operation generally—and in particular in opposition to our proposal insofar as it would terminate some such operations and restrict many others in time and power—the commenting daytimers made three main lines of argument:

(a) the importance of their presunrise service, both "local" service (such as news of school closings and school-bus schedules) and "unique" service where the station is in a city with fulltimers.

(b) the economic importance to the station of presunrise hours, and the serious economic impact of curtailment of such operation.

(c) the absence of any real interference impact from such operation (in spite of what our technical standards might indicate) on the service of fulltimers.

Numerous daytimers made factual showings in support of the value of the presunrise service, often including letters from listeners, school, civic and agricultural officials, and advertisers. In some cases, such as letters from school officials concerning the value of early morning school-closing and school-bus cancellation announcements during wintertime bad weather, these came from a considerable distance (see, for example, comments filed on behalf of Station KXXX, Colby, Kans.) This would appear to indicate that this type of service is rendered, at least in some cases, out to a distance greater than simple calculation of the daytimer's nighttime presunrise interference limit would indicate. Some factual data was advanced in support of the economic point mentioned; in reply comments some daytimers pointed out that although numerous fulltimers complained of the effects of interference from presunrise operations, none really complained of economic impact therefrom. As to the third point, the argument was mostly assertion only.

7. Of the full-time Class III stations commenting, a few did not oppose the further notice, at least if some modifications are made (such as limiting daytimers to 250 watts, like Class IV stations, instead of 500), and full "316 hearing rights" are given affected fulltimers. The great majority, more than 100, opposed the proposal, as did ABS. In general, there were two main opposing lines of argument (sometimes combined): (1) The harmful effect of interference from daytimer presunrise operation on fulltimer service, with area and population losses to full-time stations in most cases (including badly needed rural coverage) significantly greater than the gains to the daytimers and their areas; and (2) the undesirable effects of prohibiting full-timer use of daytime facilities (usually greater than nighttime) before local sunrise.[4] Some of those making the first line of argument urged that—with the high limits they generally have during these hours—daytimers are limited in coverage to their communities and immediately surrounding areas, so that they cannot effectively meet the needs for their service which are claimed, such as school announcements. It was also urged that these needs are rather minimal anyhow—news is news even if presented after sunrise rather than before, and bad weather school announcements can be taken care of by liberalizing the emergency operation rules (they have since been liberalized to cover such situations, though not where full-time emergency service is available to the area involved and only on a noncommercial basis; see § 73.98 of the rules). Conversely, several fulltimers (WREC), Memphis, for example) stressed the

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[9] Inasmuch as separate rule making is being initiated with respect to the need for a 500-watt power ceiling for Class II operations on U.S. I–A channels, Class II stations in this category should not request presunrise service authorizations at this time, and may continue existing modes of operation until further notice. In line with the new Canadian agreement, however, such stations may not, after Oct. 28, 1967, sign on earlier than 6 a.m. or sunrise at the dominant station, whichever is later.

[10] The new 500-watt power limit alone will moot out the technical considerations on which many of these complaints and petitions are based.

[11] Statement of Commissioner Cox, partially concurring and partially dissenting, filed as part of original document; Commissioner Johnson absent.

[1] Relatively few comments were filed in response to the 1961 notice, since the date for comments was postponed indefinitely before it arrived. The majority were by Class II and Class III daytimers, opposing the proposal as tending to restrict or eliminate their presunrise privileges. A few Class III stations supported the proposal, one going further and urging that all permissive presunrise operation, by any class of station, should be abolished.

[12] Filed as part of original document.

[2] Of approximately 4,267 authorized AM stations (licensees and permittees) as of May 24, 1967 there were 2,182 daytimers, or more than 50 percent. Of these, 1,214 are on regional channels and 926 are Class II daytime-only or limited-time stations on Class I clear channels. Of the latter, 509 are on Canadian, Mexican or Bahamian I–A channels, and as such are beyond the scope of this proceeding, leaving 417 Class II daytime or limited-time stations subject to consideration herein.

[3] According to ABS, as of early 1963, 722 out of 1180 regional daytimers would be "eligible", or 61 percent. Our study indicates that this is approximately correct, and that about the same ratio has obtained with respect to grants since. This analysis, however, and the figures in the text, do not take foreign interference considerations into account.

Stations included here as daytimers are those so operating at the time they filed (May and June 1963). A few already had authorizations for full-time operation, and at present about 8 of the commenting stations then operating as daytimers either operate unlimited-time or have authorizations to do so. In determining "eligibility" under the further notice proposal, the presence or absence of full-time facilities in the community or urbanized area was determined as of mid-April 1967. It has not changed substantially since.

[4] Of the 858 fulltimers on regional channels, only 90 operate with the same facilities day and night. DBA and some daytimers supported the cause of fulltimer presunrise use of daytime facilities, apparently on the theory that the preclusion of such use is the main ground for full-time opposition to the general licensing of daytimers for presunrise operation. However, as indicated herein this is not the only basis of fulltimer opposition to daytimer presunrise operation generally, or to the further notice.

value of their own wide coverage, including rural areas.[5]

8. As to the second line of argument, several fulltimers urged that they are better off coverage-wise using daytime facilities presunrise even with a considerably higher interference limit resulting from co-channel presunrise operation (particularly for nondirectional coverage of their particular communities); some asserted that they need these greater facilities for wide-area presunrise coverage. It was urged by several that presunrise "interference" is probably not as serious a problem as engineering standards would indicate, for one reason because (it is asserted) listeners will tolerate a higher interference level where news and informational material is concerned than for, say, symphonic music. It was also urged that it is unfair to accommodate daytimer presunrise operation at the expense of fulltimers in this way.

9. A number of fulltimers favored retention of the traditional § 73.87 status quo (at least pending a complete and thorough study of propagation conditions). It was urged that this has worked well and gives fulltimers a desirable and practical option—of using their greater daytime facilities presunrise, or, if interference conditions on their channels become really serious, reverting to nighttime facilities and filing § 73.87 complaints to "clean up" their channels.

10. Counterproposals and alternatives: Some of the opposing parties presented no alternative or counterproposals. Numerous stations, both daytime and fulltime, supported the § 73.87 status quo, the daytimers apparently relying either on the absence of complaint against their operations up to now or on legal theories as to their rights in the face of complaint, and the fulltimers urging the merit of the option mentioned above. A wide range of other counterproposals was advanced. Some fulltimers urged that § 73.87 be abolished and all presunrise operation (by daytimers or fulltimers with day facilities) be prohibited except in strict accordance with engineering standards. At the other extreme, some daytimers advocated a blanket "6 to 6" rule (daytimers operating with full day facilities) or immediate licensing of all daytimer presunrise operations. Other counterproposals included: Maintaining permissive operation under §73.87 (for both daytimers and fulltimers with day facilities) until complaint, and then giving the station complained against a hearing, continuing the service in the meantime; continuing such permissive operation and using our proposal as a sort of "backstop" for daytimers in the event of complaint; using the proposal as a minimum and giving case-by-case consideration to further presunrise operation by daytimers and fulltimers; permitting daytimers not normally eligible under the proposal to continue operation until complaint, and then to file applications for presunrise authority, with the affected station to show why the application should not be granted (it was urged that thus only really serious interference will be complained of); "grandfathering" all daytimer presunrise operations, even in the face of complaint, if they have existed without complaint for a period such as 3 to 5 years; permit no daytimer presunrise operation which causes interference unless it is shown that the interference involved could not be removed by directionalizing the operation; limit such operation to 250 watts unless 500 watts is shown to cause no interference; permit fulltimer use of day facilities at least until complaint, or in "white areas" or on a showing that it is warranted; permit fulltimers to operate with 500 watts non-directionally; and impose any cutback in daytimer power on a proportional basis (i.e., why should a one-kilowatt and a 5-kilowatt station both be cut back to 500 watts?). ABS and other fulltimers urged the necessity of a case-by-case approach rather than a general rule, taking into account possible daytimer directionalization or lesser power, service from nearby stations where there is no full-time station in the community itself, and other circumstances of each case. A number of parties urged continuance of § 73.87 but more flexible application of it, to permit continuance of the presunrise operation after complaint with lesser power (or less time) than that previously used. This procedure we have since adopted for resolving presunrise controversies, and it has been successful in a number of cases; but many pending complaint situations do not appear to lend themselves to resolution on this basis alone.

11. Some fulltimers—though a smaller number than daytimers—made factual showings as to the value of their presunrise service. The relatively few letters submitted usually, though not always, related to continued use of daytime facilities for wide-area presunrise coverage, rather than interference problems. Many parties made engineering showings concerning interference.[6]

12. The great majority of commenting daytimers appear to be presently operating presunrise during part of the year, and many fulltimers use daytime facilities during these hours. A staff study of three regional channels in mid-1962 revealed that virtually all daytimers operate presunrise during part of the year, and many, likely a majority, of fulltimers make such use of their daytime facilities. In spite of the sharply increased number of complaints in recent years, there probably still is some presunrise operation (in both senses) on every regional channel, and no complaints have been filed with respect to 16 of the channels. Thus, while much of the fulltimer argument regarding interference is put in terms of what would occur, in fact much of this interference already exists. However, as mentioned the number of complaints filed has sharply increased in recent years, now reaching stations on 25 channels, as compared to only 15 channels as recently as 3 years ago.[7]

Because of the prevalence of presunrise operation, often of many years' standing, one of the most frequent and vigorous arguments against our proposal, both by daytimers and by fulltimers seeking to continue use of day facilities, was that the proposal would result in great disruption of existing service on which listeners have come to rely.

13. Comments relating to the regional channels were filed by other parties, usually not directly affected. For example, NAFMB urged the importance of encouraging FM development, and requested that a daytimer not be "eligible" for presunrise operation if there is an FM channel in its community (or one is available there under the "25 mile rule"), and thus full-time aural service is available. We also note a late filing by the Committee for Equal Facilities, a group of daytime stations authorized after January 1962 and thus subject to the overall condition against presunrise operation, urging the importance of presunrise operation to them and their areas, asserting that they should be treated the same as stations authorized earlier, and asking that the Commission either expedite resolution of this proceeding or lift the overall condition as to the new stations. Some parties advanced competitive considerations. For example, two daytimers on foreign I–A channels—not now or proposed to be allowed presunrise operation—opposed regularizing presunrise operation by daytime regional stations in their communities, with which they compete, and it was also urged—by daytimers in communities or urbanized areas having a full-time station—that it is exactly where the daytimer faces such competition that it needs the economic benefit of extra hours.

[5] WREC's showing (based on our rules and the proposed diurnal curves) was that at 6 a.m. in December e.s.t., 4 "eligible" daytimers operating would limit it to its 4.37 mv/m contour instead of its 2.0 mv/m normal nighttime contour, representing a loss of 6,310 square miles and 259,574 persons; of these, 5,460 square miles and 188,881 persons receive no other primary service at that time. This was the only showing giving specific details as to "white area" losses. Presunrise operation by certain "eligible" daytimers would serve some of the "white area" but only after 6 a.m., e.s.t.

[6] In terms of population lost, the largest numerical showing was that of WKY, Oklahoma City, claiming that, at 6 a.m. in December, it would lose 401,028 population as a result of "eligible" daytimers operating, out of 1,087,937 within the 1.94 mv/m contour it would have from nighttime facilities (the daytimers would limit it to 4.75 mv/m). WKY and other stations explored the possibility of daytimer directional operation to protect them. While no population figures were given in its showing, the "loss" would probably be greater in the case of WMCA, New York City, since the "loss" area lies in the populous New York-northern New Jersey region.

[7] These complaints have, by and large, been prosecuted by "pioneer" Class III fulltimers enjoying low nighttime RSS limits. These stations are not evenly distributed among the 41 regional channels, which has accounted for a disproportionate concentration of complaints on certain channels, notably: 600, 930, 950, 1250, 1330, 1360, 1370, and 1590 kc/s.

CLASS II STATIONS

14. In the original notice herein (and clarifying order issued January 29, 1962) we proposed to eliminate entirely presunrise operation by Class II stations. In the 1962 further notice, we proposed to permit it only for daytime-only or limited-time stations located west of all cochannel Class I stations, and only on channels not having foreign Class I assignments. As at present, as so limited it would be tied to sunrise time at the location of the dominant cochannel station. As compared to the present rule, the proposal would eliminate presunrise use of daytime facilities by: (1) Fulltime Class II stations; (2) stations located east of Class I stations but far enough away and having low enough power so that their skywave signal does not cause interference under the rules to the Class I station's skywave service; (3) Class II stations on I–B channels having foreign I–B stations; and (4) operation by agreement with the dominant station. Authorized daytime facilities could be used, and no other limit on time was specified.

15. About 25 comments were filed by Class II stations, generally opposing the proposal and stressing the importance of their presunrise operation and service, similar to the arguments mentioned above in connection with regional stations. Several of these comments were the same as those submitted by regional stations, the parties not directing themselves to the particular facts of their Class II situation. Others opposed the proposal because it would eliminate presunrise operation in their particular case, e.g., stations on channels having foreign clear channel assignments and using day facilities at sunrise at the foreign station (such as KFRE, Fresno, Calif., 940 kc/s), fulltime Class II's (e.g., KLOK, San Jose, Calif., 1170 kc/s), and stations located east of one cochannel Class I–B station and west of another, sufficiently far from the latter that their 250-watt daytime operation does not cause it interference, and wishing to continue to sign on at sunrise at the eastern Class I location (e.g., WTPR, Paris, Tenn., 710 kc/s, I–B stations at New York City and Seattle). Storer Broadcasting Co.'s filing related mostly to the regional channels, but it noted that a large number of Class II stations on U.S. I–A channels benefit from presunrise hours (although we had in the notice indicated that the matter was minimal) and pointed out that several, including its own KGBS, Los Angeles (limited-time) are more than 2,000 miles from the I–A station and under early AM assignment rules would have been permitted to operate full time simultaneously with it. DBA's comments urged that presunrise privileges should be given to Class II stations on the same widespread basis as Class III stations, urging that the House of Representatives so indicated by not making any distinction in enacting H.R. 4748, and that there is no logical reason for any different treatment. CCBS, opposing DBA in reply comments, urged that the Commission not authorize any across-the-board presunrise operation by Class II stations, because of losses to the service of Class I stations.[8] The only comments filed by a Class I licensee which dealt with this subject specifically were those of Metromedia, Inc., filing on behalf of its Class I–B station, WNEW, New York City (1130 kc/s) as well as its regional stations, and urging the general abolition of presunrise operation by any class of station.[9]

DECISION IN THE PROCEEDING

16. As already indicated, the resolution of this proceeding necessarily represents a balance between considerations and objectives which are to some degree in conflict—the provision for needed presunrise service on the one hand, particularly in situations where it has been in existence before and has come to be relied upon by listeners, and on the other hand, protection of the existing service of unlimited-time stations against an inordinate amount of loss through interference, and thus inefficient use of the channels involved. It is also apparent, as it has been for some time, that presunrise use of daytime facilities by U.S. stations must be brought into line with this country's obligations, under pertinent international agreements, to protect the stations of other nations in the North American Region from objectionable interference. With respect to the regional channels, we are persuaded, after careful consideration of the record herein and the above considerations, that the most appropriate balance can be achieved by permitting virtually all Class III stations (daytime and fulltime) to operate presunrise, from 6 a.m. standard time on, with 500 watts power, using their daytime modes of operation (directional or nondirectional), except where lesser power is required to meet international obligations as mentioned above.

17. In reaching this conclusion, we have taken into account the many considerations which have been so vigorously urged by those taking the various opposing positions, and the numerous counterproposals, urged upon us. We recognise that, as many full-time stations urge, permitting presunrise operation by daytimers (and by fulltimers) may cause substantial interference to the licensed service of full-time stations; it may well be true, as Storer and others urge, that the losses will often, perhaps usually, exceed the gains if strict engineering standards are applied. But in our judgment the record herein establishes that the presunrise service rendered by daytime-only stations is, by and large, a valuable one, and one which should be permitted. In our view, as a general proposition the gains outweigh the losses, when all factors, such as the location of the areas of service and interference with respect to the stations gaining and losing, and the extent of other service, are taken into account. We note the contention of Storer and others that rural areas will lose the badly needed service of wide-coverage full-time regional stations. But we also note that, with few exceptions, the fulltimers did not establish the extent to which listeners in such areas (usually at some distance from the station) actually rely on and need their service. Their showing in this respect fell short of daytimers' showings.

18. Moreover, we take into account the other service which remains available to such "loss" areas from the same or nearby places, often including wide-area coverage by I–A and I–B clear channel stations, and wide-coverage FM service.[10] The daytimers assert that the fulltimers are located in large cities, with a plethora of locally originated services, and, while this is by no means always true, there appears, both from the record herein and our experience generally, to be a tendency in this direction. For example,

[8] CCBS' comments do not mention the fact that presunrise operation now takes place on many of the U.S. I–A channels, where the daytime Class II stations are located west of the dominant stations. Its specific example of service losses is 640 kc/s, where there is no presunrise operation under 73.87 because the dominant station is at Los Angeles.

[9] WNEW showed the effect on service on 1130 kc/s if it and the other I–B station on the channel (KWKH, Shreveport), and three pertinent Class II stations (at Detroit, Milwaukee, and Minneapolis) used daytime facilities before sunrise New York. With the five stations' present operation with nighttime facilities, the two I–B stations are protected to their 0.5 mv/m groundwave contours and beyond, and the three Class II stations have limits of 2.2, 3.4, and 4.2 mv/m. If all five used daytime facilities instead, the Class I–B stations would be limited to 12 and 20 mv/m respectively, and the Class II stations would be limited to 44, 50 and 67 mv/m. This showing was made on the basis of the conventional nighttime propagation curves in the Rules. This situation does not in fact exist, since the Class II stations covered are all located east of the I–B station at Shreveport and therefore present 73.87 privileges do not extend to them, and even if it did exist it would not be entirely typical because of the large daytime facilities these Class II stations have (50 kw, directionalized); but it does illustrate the interference which unrestricted use of nighttime facilities by Class II stations creates or would create if permitted.

The effect of full-scale presunrise operation by Class II stations, even after sunrise at the Class I station, is illustrated by the situation of Class I–A station WCBS, New York City (880 kc/s), which in 1965 filed a complaint against presunrise operation by cochannel daytimers at Clinton, N.C. (1 kw) and Columbus-Worthington, Ohio (5 kw). The complaint claimed that immediately after sunrise at New York City in January (7:15 a.m., e.s.t.) and before their own local sunrise, the Clinton station limits WCBS to its 5.12 mv/m contour on the basis of conventional nighttime calculations, or about 1 mv/m if the diurnal factor is used, and the Ohio station imposes limits of more than 12 mv/m or about 2 mv/m, using the same bases of computation. The groundwave service of a Class I–A station is protected against cochannel interference to its 0.1 mv/m contour. As to interference to full-time Class II stations, a few such stations commented on this. We note that of 8 daytime-only Class II stations on I–B channels filing herein, all are the only stations in their communities and only one is in an urbanized area.

[10] On several occasions in recent years—for example in Docket No. 15084 (the overall AM allocation proceeding)—we expressed the view that AM and FM should be viewed as complementary parts of a total aural service.

as far as AM service is concerned, out of some 107 communities having full-time Class III stations who filed formal or informal comments herein, 65 have other Class II or Class III full-time AM service from stations in the same community (28 of these cities have wide-coverage I–A or I–B clear channel stations). Fourteen others have full-time service from a local Class IV station, and 25 have no other local full-time AM service (including 9 in urbanized areas and close to large cities with multiple services).

19. Of the 107 communities mentioned, all but 10 have wide-coverage Class B or C FM channels available (either assigned to the city or available under the "25-mile rule") on which wide-area coverage may be rendered from the city. Of the 10, three have Class A channels (two others are in urbanized areas and close to large cities with multiple AM and FM services). Taking into account both other full-time AM service (besides Class IV) and wide-coverage FM service, only nine of these communities do not have such service available. More than half of the full-time Class III stations—68 out of 122—have associated FM stations in the same community (or, in two cases, a nearby larger city); 65 of these are wide-coverage Class B or C assignments. Another 17 could take advantage of unoccupied channels, either assigned to the city or available under the "25-mile rule" (all but two Class B or C).[1]

20. In remarking on the fact that FM may thus be a means of overcoming the losses full-time stations might incur through interference, we have not overlooked the fact—which NAFMB and others urged—that it may also be of value to daytimers in overcoming their presunrise difficulties, as well as providing evening service. Out of some 135 Class III daytimers listed in Appendix C (excluding the 8 which have now become full-time operations), some 53 are FM licensees or permittees, 19 of them Class A and the rest Class B or C (including two where the FM station is in a nearby city). There are unoccupied channels—usually Class A assignments—which some of the others could use. However, of the 135 communities involved, there are some 22 situations in which no assignment is provided in the FM table for the community, it is not in an urbanized area, and it has no local full-time AM service. There are other situations where no assignment is provided in the table and the community has no full-time local AM service, but it is part of an urbanized area. In some of these cases, channels might be available under the "25 mile rule," or possibly additional assignments might be made through rulemaking; but a substantial number of these situations are in areas where channels are scarce and the making of additional assignments is not always possible however desirable it might be. Thus, it appears that with respect to the communities represented in filings herein, the extent of FM service and potential—particularly for wide-area coverage—is greater for full-time stations and their communities than it is for daytimers. We note also that many stations who particularly urged the value of wide coverage, both daytimers and fulltimers, are wide-coverage FM licensees or could become so (e.g., WMTM, KXXX, WSAU).

21. Thus, viewing the picture of aural service as a whole, we are convinced that permitting presunrise operation by daytimers to the extent provided herein will result in the provision of service where there is more need for it than there is for whatever service may be lost in the areas where such losses occur. Bearing in mind that FM is not always available to daytimers even though it often is, and the present fairly modest development of that service, perhaps particularly in more remote areas, we do not believe that it affords the answer to the "presunrise problem" as claimed by NAFMB. We do not conceive FM, at the present time, to afford the answer to supplying a needed presunrise service which daytimers in outlying areas appear to render and which, we believe, can be accommodated to the limited extent decided on herein without undue interference losses to licensed full-time service. However, it can afford a valuable supplement to service during these hours, in two respects: Giving daytimers, and fulltimers using daytime facilities, coverage comparable to that which they now have on AM using their full daytime facilities presunrise (and which they might not have limited to 500 watts); and giving coverage where AM service is lost through interference."

22. In sum, then, in our view we are making provision for service where it is most needed, in fulfillment of the mandates of section 303(g) and 307(b) of the Communications Act. In evaluating the arguments concerning interference, two other factors should be borne in mind. First, for the most part, the presunrise service under consideration here—both by daytimers and fulltimers—is an existing service, and interference therefrom, while it has increased somewhat in recent years as more stations have been authorized, is not a phenomenon arising now for the first time. As mentioned above, on some regional frequencies there still has been no complaint against stations' presunrise operation, and this was true of a majority of these frequencies as recently as 3 years ago. In other words, these conditions, however bad they may appear from a strict technical standpoint, are for the most part circumstances which the full-time stations have been able to live with. The second point is that—by the 500-watt power ceiling now provided—we are taking action which may well improve present interference conditions on these channels, for example by sharply decreasing the interference from numerous 5 kilowatt daytime operations, by both daytimers and fulltimers.

23. We also note the contention of the fulltimers that the interference loss is being incurred for very little reason, because the daytimers' service areas are so severely limited during these hours. We do not believe that—bearing in mind that these are transitional hours—the service range is as limited as present technical standards might indicate. There may be merit in the argument—advanced by several daytimers and by fulltimers in support of using full daytime-facilities—that listener tolerance of interference in listening to news, weather, etc., is fairly high, higher than our traditional signal ratios contemplate. In any event, the service appears to be one—locally oriented—valuable enough to warrant provision for its rendition.

24. The further notice would have limited daytimer presunrise operation to stations where there is no fulltimer in the community. Upon further consideration, we believe this restriction is unwarranted, even though permitting some additional operation may increase interference beyond what it would be otherwise.[2] Other daytimers may render valuable service, as indicated above, and, perhaps more important, just as much as with the "eligibles," it is often service upon which listeners have come to rely, often for a period of several years, so that termination would be disruptive. We are not persuaded that its termination is warranted. Moreover, as various parties pointed out, the fulltimers in town may not have the same service area as the daytimer—perhaps a substantially smaller one—and the proposal in this respect presented certain anomalies which might make it difficult to administer, such as cases where there are two daytimers in a community with no fulltimer, and cases where a fulltimer later goes into operation.

25. Although avoiding disruption of existing presunrise service is an important factor in our decision, we do not believe it should be the only one. Other stations, for example those granted since early 1962 and conditioned against presunrise operations, are likewise capable of rendering a valuable service during these hours, perhaps especially (though not necessarily entirely) when they are in places without fulltime outlets. The same applies to future authorizations. Therefore, we are not limiting presunrise operation to those stations which have engaged in it before, or to presently authorized stations. In our judgment, with interference conditions improved on the various channels by reduction of presunrise operation to 500 watts, the number of stations thus added will not materially worsen existing interference conditions.

26. If a great many stations are to be permitted presunrise operation, as we have concluded they should be, some restriction on such operation must be imposed if an inordinate degree of interference is to be avoided. It is for this reason that we have decided to limit presunrise operation, by daytimers or by fulltimers with daytime facilities, to no more than 500 watts power (as mentioned above, the authorized mode of operation, nondirectional or directional, will be used, although fulltimers may of course use their nighttime facilities if they prefer). This limitation will improve interference conditions in many cases, and 500 watts power appears sufficient to provide a generally adequate service to the communities involved. To a degree, of course, this reduction may mean loss of existing service, which has come to be relied upon. But if it is true that "distant" stations are not of significance to listeners at a particular place if they are fulltimers (which the daytimers urge with respect to interference), it is likely equally true that listener interest in daytimers generally decreases with distance, so that a 5-kilowatt operation may not be rendering a really significant presunrise service out to the bounds of its normal daytime service area. Moreover, while power greater than 500 watts is not precluded as such by the understanding with Canada, it appears highly unlikely that many operations with power much more than that could comply with the arrangement with Canada and applicable treaties with other countries. In connection with this limitation, as well as with the limitation to 6 a.m. mentioned below, we also note the significance of the FM service, mentioned above. If stations seek greater coverage presunrise than 500 watts would permit, they must rely on the companion aural service.

27. Likewise, we are convinced that presunrise operation must be confined to 6 a.m. l.s.t. and after. We reach this conclusion on the basis of the record herein, which, despite the assertions and showings of some stations to the contrary, does not persuade us that earlier operation has enough public interest to warrant the extensive interference entailed during earlier hours when skywave propagation and interference conditons more closely approach, or equal, full nighttime conditions. In any event, earlier operation is precluded by our understanding with Canada.

28. In reaching these conclusions as to limitations, we have rejected the contentions of some parties that the limits should be more restrictive, such as 250 watts and 7 a.m. The fact that 250 watts is the presunrise power of Class IV stations does not mean that it should be for regional stations, which are designed to serve wider areas. 500 watts appears to be both necessary to provide adequate presunrise service, and sufficiently low to avoid excessive interference. We do not believe that a 7 a.m. sign-on is sufficiently early to meet the need for local informational service which has been demonstrated herein.

29. We have likewise concluded that full-time stations should be allowed to use daytime facilities before sunrise to the same extent. We are impressed by the arguments made (e.g., that of WLOS) that such facilities, even if operated with only 500 watts, may well provide better service to the city and its environs during these important hours. In addition, such operation will afford fulltimers some additional protection against interference from daytimer presunrise operation. The limitation to 500 watts and 6 a.m. is necessary for the same reasons mentioned above for daytimers; again, we call attention to the availability of FM for wider coverage. Many fulltimers commenting on this point (e.g., WSAU) are or can become FM licensees, often on wide-coverage channels, and thus render wide-area service.

30. We must reject the arguments and counterproposals of ABS and other parties, that a case-by-case approach must be used in this matter. Such an approach—taking into account that there are some 1,200 daytimers and 858 full-time Class III stations—is simply out of the question from an administrative standpoint. The number of potential hearings involved staggers the imagination, and they would in all probability become exceedingly complex, since (with skywave interference involved) more than one daytimer usually affects a given fulltimer and, conversely, a given daytimer may affect more than one fulltimer. A given hearing situation might well end up involving a considerable number of the stations on a channel, including a comparative inquiry into which presunrise operation should be permitted and which precluded. Not only would this entail an inconceivable burden, both on the Commission and on standard broadcast stations and their advisers, it would take a great amount of time, a consideration inconsistant with our view that the public interest clearly requires a reasonably prompt resolution of the "presunrise" situation and the widespread uncertainties currently involved in it. We do not conceive that a more particularized approach, either by hearing or otherwise, would throw significantly more light on the appropriate course of action in a given situation, anything like enough to warrant the burden involved.

31. Likewise, we must reject the arguments of those who favor the traditional § 73.87 status quo, with its complaint and ensuing termination procedure. While it might have been a true statement 5 years ago that the rule has worked "reasonably well", it is hardly so today, with the large number of complaints which have been filed in recent years. We believe that the uncertainties involved in presunrise operation, as they have developed recently, must be resolved, so that all parties know where they stand. Moreover, such an approach is inconsistent with this country's international obligations to prevent objectionable interference to duly notified foreign stations.

32. *Legal matters:* It was contended that § 73.87 is a part of a station's license, so that we cannot order termination or reduction in a presunrise operation without complaint. This is without merit. The rule speaks of termination upon notice from the Commission that "undue interference" is caused, and in Music Broadcasting Co. v. FCC, 217 F (2d) 339 (1954), this was held to mean objectionable interference as determined under the usual nighttime interference rules. While we have in the past ordered termination or reduction only after complaint, the rule does not require this, and certainly this agency has the power to take steps to alleviate interference conditions on a channel on its own motion, even in the absence of complaint. To hold otherwise would be to negate our power to act in the public interest to further the more effective use of radio. There are virtually no presunrise operations with full daytime facilities which are free from objectionable interference effects on licensed full-time stations, using our regular nighttime interference rules. Therefore we have the power to terminate or cut back such operations—which are permissive, not licensed—without hearing or other proceedings.

33. In the further notice we posed the question of whether section 316 of the Communications Act—precluding modification of a license without a hearing—applies to the present situation where, after a general rule-making proceeding, certain presunrise operation may be permitted on an authorized basis, resulting in interference to some full-time stations. Many parties urged that it does, and that they will insist on their 316 hearing rights in connection with such

[1] The figures for the number of communities and licensees include CBS' Class III station at Boston, and ABC's Class III stations at Detroit, Los Angeles, and Pittsburgh.

[2] We are not adopting the approach urged in NAFMB's "Petition for Further Rule Making," filed herein on Apr. 19, 1967, wherein we are urged to reappraise the need for "substandard interference producing AM presunrise operation" in light of our 1964 report and order in Docket No. 15084 (2 RR 2d 1669), the JTAC Radio Spectrum Utilisation Report released the same year, and the substantial recent increase in the number of FM sets. As noted in footnote 13 of the Docket No. 15084 report and order, the nighttime allocation principles there considered were concerned with "service through the evening and not * * * service during the hours immediately before sunrise [which is] the subject of a separate rule making in Docket No. 14419 * * *." We will continue to give careful consideration to the development of FM and its proper role in the overall aural service picture; and it may be that in the fairly near future it will be appropriate to propose some action along the line urged. But we do not believe it appropriate to postpone resolution of this longstanding and wide-ranging AM proceeding, and the many uncertainties existing as long as it is unresolved, while such an evaluation of the role of FM is conducted.

[3] The interference from the additional daytimers would not necessarily be great. One engineering firm made showings as to presunrise interference on behalf of nine full-time regional stations (on eight channels), under various conditions, including (1) "eligible" daytimers operating as proposed in the further notice (500 watts from 6 a.m.) and (2) all daytimers operating on that basis (fulltimers using night facilities in both cases). In five of the nine cases the limit to the fulltimer would be the same under both conditions at all times; in the other four, the difference would usually be less than 2 mv/m, and only part of the time.

operation." We conclude that it does not. Of course this Commission cannot finally determine the statutory legal rights of licensees as against its regulatory authority; this is for the courts. But it is our duty to construe the Act to the best of our ability, in light of pertinent court decisions. For present purposes, we view the recent decision in American Airlines, Inc. v. CAB, 359 F. (2d) 624 (C.A.D.C. 1966) as authority for the proposition that we can "modify" existing licenses with respect to interference received by stations—if "modify" is the appropriate term—through a general rule-making proceeding, and that section 316 does not apply. It must be borne in mind that this is a rule-making proceeding of general applicability, affecting many stations on many channels, exactly the type of proceeding the Court considered in that case. In this respect it is clearly distinguishable from FCC v. National Broadcasting Co. (KOA), 319 U.S. 239 (1943), from which the concept of "modification through interference" stems. That was a particular proceeding involving the assignment of one station (WHDH, Boston) to KOA's frequency at night for the first time, resulting in substantial interference to what had been until then a Class I–A station. Therefore we do not view KOA as a reason for postponing the effectiveness of the new rules, and are making them effective as quickly as possible.

34. Class I–B and Class II stations: As mentioned in the report and order (par. 18), and for the reasons stated therein, the rules adopted do not provide for presunrise use of daytime facilities by Class I–B stations. See Storer Broadcasting Co., 1 F.C.C. 2d 1954 (1965).

35. With respect to presunrise operation by Class II stations, as mentioned above the original notice herein would have precluded it completely; the further notice would have precluded it except for daytime-only and limited-time stations on U.S. I–A channels (and I–B channels having no foreign I–B stations), located west of all of the dominant cochannel stations. Upon further consideration and review of the comments filed, we are of the view that these proposals would be unduly restrictive and prevent the rendition of significant service. It is, of course, of great importance to protect the skywave and wide-area groundwave service of Class I stations; but in our judgment this can be achieved, if presunrise is limited in extent as discussed below, without precluding some other categories of stations from presunrise operation. Therefore, the rules adopted herein will permit presunrise operation by: (1) Class II stations (daytime, limited-time, and full time) located west of all cochannel dominant stations, starting at sunrise at the location of the westernmost foreign or domestic dominant station (or 6 a.m. local standard time, whichever is later)[*]; and (2) operation from 6 a.m. local time by daytime and full-time stations on Class I–B channels regardless of location, if they protect the 0.5 mv/m 50 percent skywave contours of domestic and foreign cochannel Class I stations located to the west. Reduced power may be used if necessary to afford such protection. Certain requests by Class II stations in other situations must be rejected as inconsistent with overall allocations efficiency and the public interest."

36. With respect to the limitation to 6 a.m. and after, this of course is required by the terms of the understanding with Canada mentioned in the report and order. We believe it is also appropriate from a domestic standpoint, just as with the regional channels, since operation at an earlier hour, when propagation conditions more nearly approach full nighttime conditions, is the source of more substantial interference (see pars. 14 and 15 and footnote 9 above). Therefore, presunrise operation by Class II stations will be limited to 6 a.m., local standard time, and after, just as that by Class III stations.

37. With respect to the I–B channels, it is also appropriate to impose the same 500-watt restriction adopted for the regional channels. This is necessary to prevent excessive interference from higher-power operations, and afford an adequate degree of protection to Class I–B and unlimited-time Class II stations. This is particularly true since Class I–B stations will not be permitted presunrise use of daytime facilities (see report and order, par. 18).

38. Tentatively, we are of the same view that the same 500-watt restriction should apply to presunrise operation by Class II stations on the U.S. I–A channels (see, for example, the situation described in footnote 9, above). However, since this particular subject has not been explored, and since to some extent different conditions obtain on these frequencies (fewer Class II stations, much smaller foreign protection requirements, and the fact that under present assignment rules there can be no more daytime stations) we are not adopting it at this time. Such a restriction on Class II stations on these channels is proposed in a notice of proposed rule making adopted today.

39. The question of interference to U.S. Class I–B stations located west of the Class II station, to all full-time cochannel stations in North American countries other than Canada, and to Canadian I–B stations, will continue to be determined by conventional nighttime propagation standards. As to permissible radiation toward cochannel Canadian full-time Class II stations, the curves contained in new figure 12 of 73.190 will apply. If necessary to meet any of these requirements, stations may operate with power less than 500 watts and make presunrise requests on the basis of such lower power.

40. Other matters—diurnal curves: The further notice herein proposed a family of diurnal curves, taking into account the fact that the appropriate reducing factor applicable to conventional nighttime interference calculations for any particular point in time during the two hours before sunrise. Use of these curves would show less interference than conventional nighttime computations. However, their validity was attacked, chiefly on the ground that (based on data concerning postsunset conditions) they do not accurately represent presunrise conditions. A substantial question appears to exist as to their accuracy. Moreover, their use is quite complex, and they have no international standing. In our view, an appropriate resolution of this proceeding is possible without them, and therefore they are not adopted herein."

41. Directional or nondirectional presunrise operation: The further notice proposed operation by "eligible" Class III daytimers with 500 watts nondirectionally, even through their authorized facilities might be directional. Some parties attacked this, for one reason because it would produce an artificial service area for a short time during only part of the year, which the directional station would not have at other times, leading to confusion. For this reason, and also because of the added burden involved in specifying an additional mode of operation, we agree with the objecting parties and are providing herein for use of the authorized daytime mode of operation, directional or nondirectional.

APPENDIX B

Part 73 of the Commission's rules is amended as follows:

1. Section 73.87 is amended to read as follows:

§ 73.87 Program transmissions prior to local sunrise.

Except as provided in § 73.98 and § 73.99, no standard broadcast station shall operate at times, or with modes or powers, other than those specified in the basic instrument of authorization.

2. A new § 73.99 is added to read as follows:

§ 73.99 Presunrise service authority.

(a) In order to afford the maximum uniformity in early morning operations compatible with interference considera-

[*] It was argued that Transcontinent Television Corp. v. FCC, 308 F. (2d) 338 (1962)—which affirmed our authority to change a station's channel at the end of its license period without an evidentiary hearing—is not authority for the type of action contemplated here, even at the expiration of an outstanding license, for one reason because that case involved a detailed exploration in rule making of one particular situation. We do not agree with these arguments, particularly in light of the subsequent decision in The Goodwill Stations, Inc. v. FCC, 325 F. (2d) 637 (1963), affirming our clear channel decision. As indicated above, the presunrise rule making is a proceeding of general applicability. As such, we hold its impact on individual applicants, permittees, and licensees confers no adjudicatory hearing rights under sec. 316 of the Communications Act. United States v. Storer Broadcasting Co., 351 U.S. 192 (1956); Airline Pilots Association v. Quesada, 276 F. (2d) 892 (1960); Federal Power Commission v. Texaco, 377 U.S. 33 (1963); California Citizens Band Association v. USA and FCC, 9th Circuit, Case No. 20,080 (1967).

[*] This, of course, does not include daytime-only Class II stations on foreign I–A channels, which are not now permitted to operate presunrise and are not within the scope of this proceeding.

[*] Thus, if Class I–A stations' skywave service is to be protected, as we believe it must be, we cannot permit presunrise operation by a Class II station to the east of a cochannel Class I–A station; and, since we have provided that Class I–B stations must use nighttime facilities until local sunrise, we reject requests from Class II stations based on the fact that the I–B station to the west of them was in fact using its daytime facilities. As far as interference to full-time Class II stations is concerned, we are of the view that in this respect the same considerations apply as on the regional channels, and that presunrise operation serves a valuable purpose and should be permitted to the extent provided herein.

[*] On July 15, 1966, ABS filed further comments containing measurement data intended to show that the diurnal attenuation factors for sunrise and sunset transitional periods are not symmetrical, and, specifically, that morning propagation conditions (referred to sunrise at the path midpoint) are more favorable to undesired 10 percent skywave interfering signals than are evening propagation conditions (referred to sunset at the path midpoint). As stated in the text, we recognize on the basis of the earlier material filed that this factor raises a question as to the proposed curves' validity, and this is one reason for not adopting them as a presunrise tool. We have also pointed out that individual skywave measurements, or series of measurements, are not appropriate as a basis for determining skywave service and interference (Amendment of the Standards of Good Engineering Practice Concerning Standard Broadcast Stations (Skywave Measurements), 10 R.R. 1562 (1954)). Therefore, this extremely late-filed matter, and DBA's motion to strike it, need not be considered. We are of the view that the approaches adopted herein—sign-on time and power limitations, together with the conventional nighttime skywave standards on the clear channels where skywave service is to be protected—are the most appropriate and perhaps the only workable, concepts of presunrise regulation. ABS' suggestion that the proceeding be further delayed while more measurements are taken and analyzed must be rejected, if this longstanding and important proceeding is to be terminated in a reasonable time. The same applies to "Supplemental Comments" filed by ABS on Feb. 28, 1967, containing additional engineering material.

tions, the following classes of standard broadcast permittees and licensees are eligible to request presunrise service authority (PSA):

(1) Class II stations except those operating on Class I–A clear channels not assigned to the United States under the North American Regional Broadcasting Agreement (NARBA) or the United States/Mexican Agreement, and those assigned to U.S. I–A clear channels and located east of the cochannel I–A station.

(2) Class III stations.

(b) When issued, a PSA will permit:

(1) Class II stations to commence operation with their daytime antenna systems either at 6 a.m. local standard time or at sunrise at the westernmost Class I station located east of the Class II station (whichever is later), and to continue such operation until local sunrise: *Provided*, That the permissible power, to be specified in the PSA, shall not exceed 500 watts (or the authorized daytime or critical hours power, if less than 500 watts), or such lesser power as may be determined on the basis of calculations made pursuant to paragraph (c) of this section.

NOTE: Pending decision in Docket 17682, Class II stations on U.S. I–A channels, located west of the cochannel dominant station, may operate with their facilities licensed for use immediately after local sunrise without limitation to 500 watts power. Applications by such stations for PSA's will not be required until that proceeding is resolved, but presunrise operation may not begin prior to 6 a.m. local standard time.

(2) Class III stations to commence operation with their daytime antenna systems at 6 a.m. local standard time, and to continue such operation until local sunrise: *Provided*, That the permissible power, to be specified in the PSA, shall not exceed 500 watts or such lesser power as may be determined on the basis of calculations made pursuant to paragraph (c) of this section.

(c) Notwithstanding the provisions of §§ 1.571 and 1.580 of this chapter, requests for PSA's shall be treated as proposals for minor changes in existing facilities and, as such, are not subject to the procedural requirements or remedies applicable to applications for new facilities and major changes therein. PSA requests shall be submitted by letter, signed in the manner specified in § 1.513 of this chapter, with the following information:

(1) Name, call letters and station location.

(2) For Class II stations, a showing that objectionable interference, as determined by the Standard Broadcast Technical Standards of this subpart or by the engineering standards of the NARBA or the United States/Mexican Agreement (whichever is controlling), will not be caused within the 0.5 mv/m 50 percent skywave contour of any domestic or foreign Class I–B clear channel station located west of the Class II station. In addition, the applicant must show that foreign Class II stations (if any) assigned to the same channel will receive full treaty protection. If the foregoing protections cannot be achieved on the basis of 500-watt operation, calculations may be submitted to establish the level to which power must be reduced to preclude objectionable interference: *Provided*, That with respect to Canadian Class II stations, permissible radiation may be established by the use of figure 12 of § 73.190, in the manner described in paragraph (c)(3) of this section.

(3) For Class III stations, a showing that cochannel stations in foreign countries will receive full treaty protection. If such protection cannot be achieved on the basis of 500-watt operation, calculations may be submitted to establish the level to which power must be reduced to preclude objectionable interference: *Provided*, That with respect to Canadian Class III stations, such power level may be established by a showing that the radiation at the pertinent vertical angle toward cochannel Canadian stations does not exceed that defined in Figure 12 of § 73.190. If the latter showing cannot be made on the basis of 500-watt operation, calculations may be submitted to establish the level to which power must be reduced in order to limit radiation at the pertinent vertical angle to the values specified in Figure 12 of § 73.190.

(4) A description of the method whereby any proposed power reduction will be achieved.

(d) Calculations made under paragraph (c) of this section shall not take outstanding PSA's into account, nor shall the grant of a PSA confer any degree of interference protection on the holder thereof.

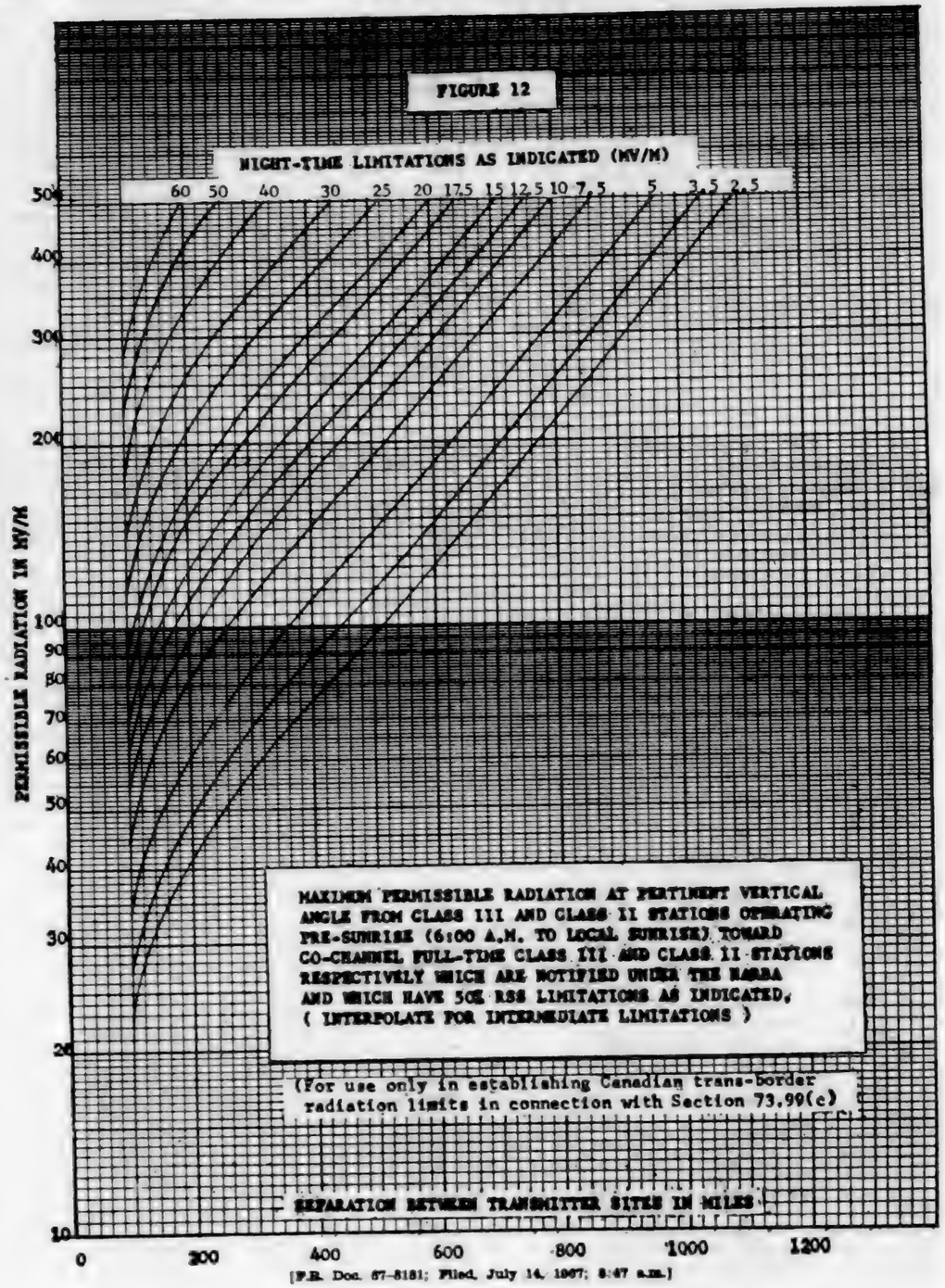
(e) Operation under a PSA is not mandatory, and will not be included in determining compliance with the requirements of § 73.71. To the extent actually undertaken, however, presunrise operation will be considered by the Commission in determining overall compliance with past programing representations and station policy concerning commercial matter.

(f) The PSA is secondary to the basic instrument of authorization and may be suspended, modified, or withdrawn by the Commission without prior notice or right to hearing, if necessary to resolve interference conflicts, to implement agreements with foreign governments, or in other circumstances warranting such action.

(g) The PSA will be issued for a term coinciding with the current basic instrument of authorization and, unless surrendered by the holder or suspended, modified or withdrawn by the Commission, will have continuing or renewed effect under succeeding instruments.

(h) The issuance of a PSA is intended to include the waiver of §§ 73.45, 73.182, and 73.183 in situations where the operation might otherwise be considered as technically substandard. However, such special conditions as the Commission may deem appropriate may be included in the PSA to insure the operation of the transmitter and associated equipment in accordance with all phases of good engineering practice.

FIGURE 12



[F.R. Doc. 67-8181; Filed, July 14, 1967; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 51]

FLORIDA TANGERINES

Standards for Grades

Correction

In F.R. Doc. 67-7520, appearing at page 10097 of the issue for Saturday, July 8, 1967, the following section heading should appear above Table IV on page 10102:

§ 51.1834 Classification of defects.

[7 CFR Part 1005]

[Docket No. AO 177-A30]

MILK IN TRI-STATE MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Daniel Boone Hotel, Washington and Capitol Streets, Charleston, W. Va., beginning at 10 a.m., on August 22, 1967, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Tri-State marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Huntington Interstate Milk Producers Association and Dairymen's Co-Operative Sales Association:

Proposal No. 1. Amend § 1005.51(a)(1) as follows: The Class I price shall be the basic formula price for the preceding month, plus $1.52 for all districts.

Proposal No. 2. Amend § 1005.51(b) as follows:

(b) *Class II price.* The Class II price shall be the basic formula price for the month: *Provided, however,* That milk and skim used for cottage cheese shall be 15 cents above the basic formula price.

Proposal No. 3. Amend § 1005.53(a) as follows:

(a) *Class I milk.* Multiply the 92 score butter price in Chicago times 0.12.

Proposed by Greenbrier Dairy Products Co., division of Beatrice Foods Co.:

Proposal No. 4. Amend the order to provide that the Class I price differential in all portions of the Tri-State marketing area be established at $1.50.

Proposed by Johnson's All Star Dairy:

Proposal No. 5. Amend §§ 1005.51 and 1005.72 to provide that the plants in the Athens District and the Gallipolis-Scioto District will pay the same amount for their milk as the plants in the Charleston-Huntington District are required to pay for their milk.

Proposed by Valley Bell Dairy Co., Inc.:

Proposal No. 6. Amend the order to provide that the Class I price differential for the Charleston-Huntington District, Gallipolis-Scioto District and the Athens District be set at $1.50 per hundredweight.

Proposed by Broughton's Farm Dairy, Inc.:

Proposal No. 7. Amend § 1005.51(b) to read as follows:

(b) *Class II milk price.* The Class II milk price shall be the basic formula price for the month: *Provided,* That such price shall not be more than the sum of subparagraphs (1) and (2) of this paragraph plus 10 cents, rounded to the nearest cent:

(1) From the Chicago butter price for the month, subtract three cents, add 20 percent of the resulting amount and multiply by 3.5; and

(2) From the weighted average of the carlot prices per pound of spray process nonfat dry milk solids for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department of Agriculture, deduct 5.5 cents, multiply by 8.5 and then multiply by 0.965.

Proposed by The United Dairy Co.:

Proposal No. 8. Amend § 1005.51(b) by adding the following proviso: "but in no event shall the Class II price exceed the price per hundredweight computed by adding together the plus amounts computed as follows, plus 10 cents:

"(a) From the average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter for the month as reported by the Department of Agriculture for the Chicago market, subtract three cents, add 20 percent of the resulting amount and then multiply by 3.5; and

"(b) From the weighted average of the carlot prices per pound of spray process nonfat dry milk solids for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department of Agriculture, deduct 5.5 cents, multiply by 8.5 and then multiply by 0.965."

Proposed by The Pickaway Dairy Co-op Association, Inc.:

Proposal No. 9. Amend § 1005.11(b) to read as follows:

(b) A supply plant from which during the months of October and November not less than 50 percent, and during all other months not less than 40 percent, of the Grade A milk physically received at such plant from dairy farmers, reload points and handlers pursuant to § 1005.13(d) or diverted as producer milk from such plant pursuant to § 1005.16 is shipped to and physically received in the form of fluid milk products at pool plants pursuant to paragraph (a) of this section. A plant that was a pool plant pursuant to this paragraph in each of the immediately preceding months of September through December shall be a pool plant for the months of January through August, unless the milk received at the plant does not continue to meet the Grade A milk requirements for use in fluid milk products distributed in the marketing area or a written application is filed by the plant operator with the market administrator on or before the first day of any such month requesting that the plant be designated as a nonpool plant for such month and each subsequent month through August during which it would not otherwise qualify as a pool plant.

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 10. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, Post Office Box 33, 19 Locust Street, Gallipolis, Ohio 45631; or from the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, or may be there inspected.

Signed at Washington, D.C., on July 12, 1967.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 67-8204; Filed, July 14, 1967; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 67-CE-94]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the control zone and the transition area at Sidney, Nebr.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

The Sidney, Nebr. VOR is scheduled for relocation to an airport site and conversion to VORTAC in March 1968. Upon relocation and conversion of this VOR, the present public instrument approach procedure for Sidney Municipal Airport will be canceled and two new public instrument approach procedures will be established. Therefore, it is necessary to alter the Sidney control zone and transition area in order to provide controlled airspace protection for aircraft executing the two new public instrument approach procedures and to delete that controlled airspace which protects aircraft executing the present public instrument approach procedure.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

(1) In § 71.171 (32 F.R. 2071), the following control zone is amended to read:

SIDNEY, NEBR.

Within a 5-mile radius of Sidney Municipal Airport (latitude 41°06'55" N., longitude 102°58'55" W.); within 2 miles each side of the Sidney VORTAC 128° radial, extending from the 5-mile radius zone to 8 miles SE of the VORTAC; and within 2 miles each side of the Sidney VORTAC 321° radial, extending from the 5-mile radius zone to 8 miles NW of the VORTAC.

(2) § 71.181 (32 F.R. 2148), the following transition area is amended to read:

SIDNEY, NEBR.

That airspace extending upward from 700 feet above the surface within a 10-mile radius of Sidney Municipal Airport (latitude 41°06'55" N., longitude 102°58'55" W.); within 5 miles NE and 8 miles SW of the Sidney VORTAC 321° radial, extending from the 10-mile radius area to 13 miles NW of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 5 miles SW and 8 miles NE of the Sidney VORTAC 128° radial, extending from the VORTAC to 13 miles SE of the VORTAC; and that airspace SW of Sidney VORTAC extending upward from 8,500 feet MSL bounded on the N by the S edge of V-134, on the E by the W edge of V-169, on the SE by the NW edge of V-172, on the SW by the NE edge of V-132 and on the NW by the SE edge of V-207, excluding the airspace within Federal airways.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Kansas City, Mo., on June 30, 1967.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 67-8163; Filed, July 14, 1967; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-WA-17]

FEDERAL AIRWAY SEGMENT

Proposed Designation

The Federal Aviation Administration is considering a proposal by the Canadian Department of Transport that would designate the United States portion of a west alternate segment to VOR Federal airway No. 317 from Ethelda Bay, British Columbia, radio beacon to Annette Island, Alaska, VOR via the intersection of the Sandspit, British Columbia, VOR 039° T (013° M) and the Annette Island, Alaska, VOR 167° T (140° M) radials.

This west alternate would provide an additional route for air traffic operating between Ethelda Bay and Annette Island.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Alaskan Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 632 Sixth Avenue, Anchorage 99501. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the Office of the Regional Air Traffic Division Chief.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on July 7, 1967.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-8164; Filed, July 14, 1967; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 298]

[Docket No. 18782; EDR-119]

CLASSIFICATION AND EXEMPTION OF AIR TAXI OPERATORS

Notice of Proposed Rule Making

JULY 11, 1967.

Notice is hereby given that the Civil Aeronautics Board has under consideration a proposed amendment of Part 298 of the Board's Economic Regulations (14 CFR Part 298) which would (1) extend the term of the air taxi operators' existing authority to carry mail; (2) permit air taxi mail service to begin under a temporary mail rate; and (3) authorize individual exemptions for air taxi mail service in certain competitive markets.

The principal features of the proposed amendment are further described in the explanatory statement, and the proposed amendment is set forth in the proposed rule. This regulation is proposed under the authority of sections 204(a), 401, and 416 of the Federal Aviation Act of 1958 (72 Stat. 743, 763 and 771; 49 U.S.C. sections 1324, 1376 and 1386).

Interested persons may participate in the proposed rulemaking through submission of ten (10) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant matter in communications received on or before August 15, 1967, will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 710 Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

Explanatory statement. Effective November 4, 1965, Part 298 of the Board's Economic Regulations was amended so as to authorize air taxi operators to carry mail under certain limitations and conditions. Air taxi operators were authorized to carry mail only in small aircraft and within the 48 contiguous States and Hawaii. Air taxi operators can carry mail only upon a subsidy-free basis, with a final mail rate being in effect before service begins.

The most significant restriction on the air taxi mail authority is with respect to pairs of points served by certificated carriers. Section 298.21(f) precludes air taxi operators from carrying mail in any market where a certificated route carrier is currently authorized to provide service either by certificate or pursuant to exemption authority. As a result, the Post Office Department cannot employ air taxi operators to carry mail in certain markets even if the certificated carrier does not provide convenient service.

The Post Office Department has informally represented that liberalization of Part 298 is essential to meet its urgent needs. The Post Office Department's request comes at a time when air mail traffic is booming. The Department shipped 1.6 billion pieces of domestic airmail during fiscal 1965; it expects to ship 2.5 billion pieces in 1968. Most airmail cannot be sorted and prepared for shipment until after the end of the business day. If the Post Office Department is to make prompt delivery, it requires adequate aircraft departures at late-evening hours. But most air carriers attempt to gear their schedules to peak passenger travel hours, which end before the Post Office's primary needs begin. As a result, the Post Office Department is unable in many cases to achieve its objective of overnight delivery between two points within a single State.

In markets which no certificated carrier is authorized to serve, the Post Office Department has often employed air taxi operators. In most instances, the air taxi operator provides exclusive mail schedules operating from 10:30 to 11 p.m. until about 2 to 4 a.m. On an annual basis, 11 air taxi operators now provide 84,000 ton-miles of airmail transportation, or 0.027 percent of the total airmail ton-miles. Although air taxi operators thus carry only a small fraction of the load, they have proved that they can provide the Post Office Department with needed, reliable service.

In competitive markets which certificated route carriers are authorized to serve, the Post Office Department has its principal problem. Often, the mail volume for which a special late-evening flight is needed is too small for the certificated carrier to transport economically in large aircraft. Yet the load may be sufficient for an air taxi operator to carry in small aircraft. But, under Part 298, the Post Office Department cannot employ an air taxi operator even if the certificated carrier is unable and unwilling to provide the needed transportation.

As a result, the Post Office Department has been forced to rely upon air taxi operators to file applications for individual exemption authority to carry mail in competitive markets. The Board has granted such requests in the past;[1] and we believe that it is time to formalize and expedite the procedure for obtaining such individual exemption authority.

In summary, that procedure would allow the Post Office Department to gain on exemption by filing either a "Regular" or an "Expedited" notice of intent to use air taxi mail service. An "expedited" notice would differ from a "regular" notice in that it would require the Post Office Department to represent that the certificated route carriers had no objection. Unless suspended by the filing of an objection or by Board order, an "expedited" notice would be automatically effective after 5 days; a "regular" notice would be automatically effective after 10 days. If an objection were filed, however, no service could begin until the Board authorized it. In unusual circumstances, the Board could permit the service to be performed temporarily while it considered the objection.

We emphasize that the proposed rule would not confer blanket exemption authority in competitive markets. Only the Post Office Department could file an exemption application. In its application, the Department would be required to explain why the certificated carrier's service is inadequate to meet its needs. The Department has expressly represented that it does not intend to divert airmail from any certificated schedule permitting timely delivery.

Under the proposed rule, the Board would still fix the final mail rate for the air taxi service. To expedite the new procedure, Part 298 would be modified so that the Board would no longer be required to fix that rate before service is instituted. Rather, the parties would be required to file a jointly agreed-upon rate. They could begin service at that rate, subject to refund or additional payment if the Board later fixes a different final rate.

Exemption authorizations effective under the new procedure would terminate on June 30, 1969. The term of the existing blanket exemption would be extended 6 months so as to terminate on the same date, thus enabling the Post Office Department to arrange its planning upon a fiscal-year basis. By the mid-1969 expiration date, the Board intends to review the entire air taxi mail program. Finally, the mail rate procedure for the existing blanket exemption would be amended to conform to the new expedited procedure for individual exemptions.

The Board has previously found that air taxi operators should be exempt from the bulk of the regulatory requirements under the Act and regulations. The extent of the air taxi operators' general operations is limited; the extent of those operators' authority to carry mail will be even more limited. Certification procedures could not be completed in time to meet the exigencies of the postal service, and in any event such proceedings might subject a particular air taxi operator to a financial burden which would be wholly disproportionate to the benefits to be received from the new mail authority. Accordingly, the Board tentatively finds that insofar as the provisions of Title IV of the Federal Aviation Act of 1958, as amended, and the rules and regulations issued thereunder, would prevent air taxi operators from exercising the proposed authority, the enforcement of those provisions would be an undue burden on such air taxi operators by reason of the limited extent of, and unusual circumstances affecting their operations, and would not be in the public interest.

Proposed rule. It is proposed to amend Part 298 of the Economic Regulations (14 CFR Part 298) as follows:

1. By amending § 298.13 so that the section will read as follows:

§ 298.13 Duration of exemption.

The exemption from any provision of Title IV of the Act provided by § 298.11 shall continue in effect only until such time as the Board shall find that enforcement of such provision would be in the public interest or would no longer be a burden on air taxi operators: *Provided,* That upon such a finding as to any air taxi operator or class of air taxi operators, such exemption shall to that extent terminate with respect to such operator or class of operators: *And provided further,* That the authorizations to air taxi operators to engage in the transportation of mail by aircraft within the 48 contiguous States and Hawaii shall terminate on June 30, 1969.

2. By amending § 298.21(f) so that the subsection will read as follows:

§ 298.21 Scope of service authorized.

* * * * *

(f) *Limitations on carriage of mail within the 48 contiguous States and Hawaii.* Within the 48 contiguous States and Hawaii, an air taxi operator shall not be authorized to carry mail between any pair of points (1) when there is no agreed-upon mail rate for such carriage filed pursuant to § 298.24(e); (2) when an air carrier holds a certificate of public convenience and necessity pursuant to section 401(d) (1) or (2) of the Act which authorizes service between such pair of points and such authority has not been suspended; or (3) when an air carrier holding a certificate of public convenience and necessity pursuant to section 401(d) (1) or (2) of the Act has authority to serve between such pair of points by reason of an exemption authorization issued pursuant to section 416 (b)(1) of the Act: *Provided, however,* That with respect to a market which a certificated helicopter carrier is authorized to serve under an area exemption order, an air taxi operator will be prohibited from carrying mail therein only if there is an approved flight pattern with respect to such market under Part 376 of this chapter (Board's special regulations): *Provided further,* That this subsection shall not preclude an air taxi operator from carrying mail between any

[1] E.g., L. S. Cox, Jr., doing business as Owensboro Aviation, Order E-24574, Dec. 29, 1966; Cannon Aviation Co., Inc., Order E-24384, Nov. 9, 1966.

pair of points regarding which there is in effect a notice of intent to use air taxi mail service, as provided in § 298.24. The rules applicable to final mail rate proceedings set forth in Part 302 of this chapter shall govern the procedure for establishing a final mail rate of an air taxi operator for purposes of this part. (See §§ 302.300 through 302.321, excluding § 302.310 of this chapter.)

3. By adding a new § 298.24, reading as follows:

§ 298.24 Authority to carry mail in competitive markets.

(a) *General scope.* An air taxi operator may carry mail between a pair of points named in a notice of intent to use air taxi mail service which is effective pursuant to this section. Such a notice may be filed only by the Post Office Department and shall be conspicuously entitled either regular notice of intent to use air taxi mail service or expedited notice of intent to use air taxi mail service.

(b) *Regular notice of intent to use air taxi mail service.* A notice filed under this subsection shall state the name of the air taxi operator who will engage in the carriage of mail if known; the location of the points between which mail is to be carried; and the reasons why the Post Office Department deems the proposed service required to meet the needs of the Postal System.

(c) *Expedited notice of intent to use air taxi mail service.* In addition to the information required by § 298.24(b), a notice filed under this subsection shall contain a representation that the Post Office Department has ascertained that no interested certificated route carrier objects to air taxi mail service between the subject pair of points. Such notice shall also identify each interested certificated route carrier with which the Post Office has discussed the proposed air taxi mail service. For purposes of this subsection, an interested certificated route carrier is defined as (1) an air carrier holding a certificate of public convenience and necessity pursuant to section 401(d) (1) or (2) of the Act which authorizes service between such pair of points and such authority has not been suspended; or (2) an air carrier holding a certificate of public convenience and necessity pursuant to section 401(d) (1) or (2) of the Act which has authority to serve between such pair of points by reason of an exemption authorization issued pursuant to section 416(b) of the Act.

(d) *Effective date of notice—protests and objections.* Subject to the provisions of § 298.24(e), a regular notice of intent to use air taxi mail service filed under § 298.24(b) shall be effective to authorize the proposed service upon the expiration of 10 days after the filing of such notice, unless within such 10-day period (1) the Board shall issue an order suspending such notice or (2) any person shall file a written protest and objection setting forth grounds why such service would be contrary to the public interest. Subject to the provisions of § 298.24(e), an expedited notice of intent to use air taxi mail service filed under § 298.24(c) shall be effective to authorize the proposed service upon the expiration of 5 days after the filing of such notice, unless within such 5-day period (3) the Board shall issue an order suspending such notice or (4) any person shall file a telegraphic or other written protest stating opposition to the proposed service. Within 10 days after the filing of a notice under § 298.24(c), any person who filed a timely protest thereto shall also file a written objection setting forth grounds why such service would be contrary to the public interest. Within 7 days after an objection has been filed, the Post Office Department may file an answer thereto. Where a protest has been filed, a notice under § 298.24 (b) or (c) shall not be effective unless and until the Board so orders.

(e) *Establishment of mail rate.* No notice filed under § 298.24 (b) or (c) shall be effective until the Post Office Department and the affected air taxi operator have jointly filed with the Board a petition setting forth a mutually agreed-upon rate for the carriage of mail and requesting the Board to fix a final mail rate pursuant to section 406 of the Act. If the Board fails to fix a final mail rate by the date when such notice becomes effective, the mutually agreed-upon rate shall be the basis for temporary payment, subject to upward or downward adjustment upon the determination of a final mail rate which shall be retroactive to the date when service was inaugurated.

(f) *Service of documents.* A copy of each notice or answer filed by the Post Office Department with the Board under § 298.24 (b), (c), or (d) shall be served upon each interested certificated route carrier, as that term is defined in § 298.24 (c). A copy of each protest and objection shall be served upon the Post Office official subscribing the notice and upon any air taxi operator named therein. Service of any document upon any person may be made by personal service, or by registered or certified mail. Each copy of a notice served pursuant to this subsection shall be accompanied by a letter of transmittal stating that such service is being made pursuant to this part.

(g) *Filing of documents.* An executed original and nine copies of each notice, answer or objection and protest shall be filed with the Board. Each such copy shall be accompanied by a statement that service has been made in accordance with the provisions of § 298.24(f).

(h) *Other procedural provisions.* Except as otherwise specifically provided herein, the requirements of Part 302 of the Board's Procedural Regulations shall govern notices and other pleadings filed pursuant to this section.

[F.R. Doc. 67-8194; Filed, July 14, 1967; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 17562; FCC 67-768]

PRESUNRISE OPERATION

Class II Stations on U.S. I–A Clear Channels

In the matter of "Presunrise" operation by Class II stations under presunrise service authorization on U.S. I–A clear channels, Docket No. 17562.

1. The Commission has today adopted a report and order and rules in Docket 14419, the longstanding proceeding concerning "presunrise" operation, i.e., use of authorized daytime facilities before local sunrise. New § 73.99 of the rules is adopted to cover this subject. It provides—for all stations permitted presunrise operation except Class II stations on U.S. I–A channels—that such operation shall be limited to no more than 500 watts power and the period between 6 a.m. and sunrise, local standard time. The 6 a.m. limitation is required by the agreement with Canada on this subject adopted by exchange of notes on June 12, 1967, and is, in our view, also appropriate from the standpoint of domestic considerations. The 500-watt restriction is not contained in the agreement, but was adopted for domestic reasons, to prevent excessive interference from higher-power daytime facilities operated before local sunrise.

2. With respect to Class II stations on U.S. I–A clear channels (daytime, limited-time, and full time), the new rules permit presunrise operation by such stations located west of the dominant Class I–A station, limited to 6 a.m. and after as the Canadian agreement requires. We left open for further consideration the question of whether such presunrise operation should be limited to no more than 500 watts, as the other categories of stations permitted to engage in presunrise operation are limited. It is the purpose of this notice to invite comments on that question, and we propose to amend § 73.99, adopted today, to impose the 500-watt limit on stations in this Class II category.

3. We expressed in the report and order the tentative view that the same 500-watt ceiling should apply to Class II stations on these U.S. I–A channels. The reasons leading to this view are, briefly, that as a general proposition, it is undesirable, from the standpoint of equity and technical parity for competitive purposes, to permit one group of stations to operate presunrise with more power than other groups are allowed to use; and that limitation to no more than 500 watts will prevent excessive interference to Class I–A stations on these channels (see, for example, footnote 9 of Appendix A to the report and order), and to Class II–A stations on some of these channels which are designed to provide wide coverage to "white areas." On the other hand, we recognize that in some respects the situation on these channels is different from that on the regional and I–B frequencies. Fewer stations are sources of interference; under present rules there can be only a very few new assignments (to daytime-only or limited-time stations, and only full-time Class II's specifically provided for in the rules); and there are substantially fewer foreign protection problems. Parties may wish to comment on these various considerations.

4. Accordingly, it is proposed to remove from § 73.99(b) (1), adopted today, the Note which exempts Class II stations on U.S. I–A channels from the 500-watt ceiling on presunrise operation. Authority for this amendment is contained in sections 4(i) and 303 (g) and (r) of the Communications Act of 1934, as amended.

5. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested parties may file comments on or before September 5, 1967, and reply comments on or before October 5, 1967. All submissions by parties to this proceeding or by persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

6. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all written comments, replies, pleadings, briefs, or other documents shall be furnished the Commission.

Adopted: June 28, 1967.

Released: July 13, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-8183; Filed, July 14, 1967; 8:47 a.m.]

[1] Commissioner Johnson absent.

Notices

DEPARTMENT OF STATE

Agency for International Development

[Delegation of Authority No. 72]

DIRECTOR OF REGIONAL USAID FOR AFRICA; GAMBIA AND MALI

Redelegation of Foreign Assistance Program Administration Authorities

1. Pursuant to the authority vested in the Administrator of the Agency for International Development by the Secretary of State's Delegation of Authority No. 104, dated November 3, 1961 (26 F.R. 10608), as amended, I hereby:

a. Amend the Administrator's Delegation of Authority No. 45, dated June 27, 1964 (29 F.R. 9508), by adding The Gambia and Mali to the countries with respect to which the Assistant Administrator for Africa is authorized to redelegate foreign assistance program administration authorities to the Director of the Regional USAID for Africa; and

b. Revoke (i) the Acting Administrator's Delegation of Authority No. 21 dated November 20, 1962 (27 F.R. 11821), as amended; No. 31, dated September 16, 1963 (28 F.R. 11512); and No. 61, dated June 22, 1965 (30 F.R. 8344); and (ii) the Administrator's Delegation of Authority No. 24, dated February 28, 1963 (28 F.R. 2366), as amended.

2. This amendment and revocation shall be effective July 1, 1967.

Dated: July 3, 1967.

RUTHERFORD POATS,
Acting Administrator.

[F.R. Doc. 67-8178; Filed, July 14, 1967; 8:47 a.m.]

[Delegation of Authority No. 73]

PRINCIPAL U.S. DIPLOMATIC OFFICER; GUINEA

Delegation of Authority

1. Pursuant to the authority vested in the Administrator of the Agency for International Development ("A.I.D.") by the Secretary of State's Delegation of Authority No. 104, dated November 3, 1961 (26 F.R. 10608), as amended, I hereby delegate to the principal diplomatic officer of the United States in Guinea, with respect to the administration of the foreign assistance program within Guinea, the authorities delegated to Directors of A.I.D. Missions, subject to the limitations applicable to the exercise of such authorities by such Directors, in:

a. Unpublished Delegation of Authority of January 10, 1956 from the Director of the Foreign Operations Administration;

b. Delegation of Authority of November 26, 1954 (19 F.R. 8049), as amended, from the Director of the Foreign Operations Administration;

c. Paragraphs 4 and 5 of Delegation of Authority of September 28, 1960 (25 F.R. 9927) from the Director of the International Cooperation Administration;

d. A.I.D. manual orders, regulations (published or otherwise), policy directives and determinations, memoranda, and other instructions,

As they may be amended from time to time.

2. This Delegation of Authority shall be effective July 1, 1967.

Dated: July 3, 1967.

RUTHERFORD POATS,
Acting Administrator.

[F.R. Doc. 67-8176; Filed, July 14, 1967; 8:47 a.m.]

DEPARTMENT OF THE TREASURY

Office of the Secretary

RECOMMENDED AMENDMENTS TO THE PROPOSED INTEREST EQUALIZATION TAX EXTENSION ACT OF 1967

Exemption for Prior American Ownership; Due Date of Interest Equalization Tax

On July 14, 1967, the Treasury Department recommended that the Senate act favorably on H.R. 6098, 90th Congress, 1st session (the proposed Interest Equalization Tax Extension Act of 1967) as passed by the House of Representatives but with amendments, effective with respect to acquisitions of stock or debt obligations made after July 14, 1967, which would:

(a) Replace the exemption for prior American ownership with an exemption for "prior American ownership and compliance." The new exemption would apply to the acquisition of stock or a debt obligation of a foreign issuer or obligor if it is established that the person from whom such stock or debt obligation was acquired (the "seller") (i) was a U.S. person throughout the period of his ownership or continuously since July 18, 1963, (ii) had not acquired such stock or debt obligation under an exemption which made him ineligible to sell such stock or debt obligation as a U.S. person, and (iii) had complied with his interest equalization tax obligations with respect to such stock or debt obligation (i.e., the seller acquired such stock or debt obligation in an acquisition which was not subject to the interest equalization tax or the seller paid the tax).

(b) Provide that if stock of a foreign issuer or a debt obligation of a foreign issuer or obligor was acquired by a U.S. person in a transaction subject to the interest equalization tax, the U.S. person is required to file an Interest Equalization Transaction Tax Return accompanied by proper payment prior to any disposition of the stock or debt obligation if the acquisition had not been reported on the appropriate Interest Equalization Quarterly Tax Return accompanied by proper payment.

(c) Specify the manner, described below, under which the exemption for prior American ownership and compliance can be established.

(d) Amend the provisions with respect to "regular market" trading on certain national securities exchanges and "clean comparison" trading in the over-the-counter market set forth in section 4918 of the Internal Revenue Code so that they are applicable only to those members and member organizations of national securities exchanges or national securities associations registered with the Securities and Exchange Commission, which have agreed to comply, and do comply, with the amended statutory provisions and with the documentation, recordkeeping and reporting requirements established by the Secretary or his delegate (referred to in this notice as "Participating Firms"). During the period beginning July 15, 1967, and until a notice or notices to the contrary are published by the Internal Revenue Service, it will be presumed that (i) all members or member organizations of the New York Stock Exchange, (ii) all members and member organizations of the American Stock Exchange, and (iii) those members or member organizations of the National Association of Securities Dealers, Inc., which either reported a net capital (as defined in Rule 15c3-1 under the Securities Exchange Act of 1934) of $750,000 in the latest financial statement filed with the Securities and Exchange Commission on Form X-17A-5 prior to July 13, 1967, or which have effected 300 or more transactions in foreign securities during either the week commencing July 2 or commencing July 9, 1967 (which members or member organizations of the National Association of Securities Dealers, Inc., are listed below), have agreed to comply, and are complying, with such amended statutory provisions and with the documentation, recordkeeping and reporting requirements and shall be Participating Firms.

Participating Firms as of July 15, 1967. The Participating Firms as of July 15, 1967, are as follows:

All members and member organizations of the New York Stock Exchange.

All members and member organizations of the American Stock Exchange.

The following members and member organizations of the National Association of Securities Dealers, Inc., not members or member organizations of the New York Stock Exchange or the American Stock Exchange:

1. A. E. Ames Co., Inc., New York, N.Y.
2. Allen & Co., New York, N.Y.
3. Allison-Williams Co., Minneapolis, Minn.
4. B. C. Ziegler & Co., West Bend, Wis.
5. Bankers Securities Corp., Philadelphia, Pa.
6. Barrow, Leary & Co., Shreveport, La.
7. Calvin, Bullock, Ltd., New York, N.Y.
8. Carl Marks & Co., Inc., New York, N.Y.
9. Cartwright, Valleau & Co., Chicago, Ill.
10. Childress & Co., Jacksonville, Fla.
11. City Securities Corp., Indianapolis, Ind.
12. Collett & Co., Inc., Indianapolis, Ind.
13. Cumberland Securities Corp., Nashville, Tenn.
14. Dayton Bond Corp., Dayton, Ohio.
15. Dempsey & Co., Chicago, Ill.
16. Distributors Group, Inc., New York, N.Y.
17. Donald B. Litchard, Boston, Mass.
18. Dreyfus Corp., New York, N.Y.
19. R. L. Villareal Co., Inc., Little Rock, Ark.
20. E. M. Warburg & Co., Inc., New York, N.Y.
21. Eaton & Howard, Inc., Boston, Mass.
22. Equitable Securities Corp., Nashville, Tenn.
23. Excelsior Option Corp., Boston, Mass.
24. F. Eberstadt & Co., New York, N.Y.
25. F. I. du Pont, A. C. Allyn, Inc., New York, N.Y.
26. First Boston Corp., New York, N.Y.
27. First Investors Corp. of New York, New York, N.Y.
28. First Southwest Co., Dallas, Tex.
29. Glover & MacGregor Inc., Pittsburgh, Pa.
30. Gordon B. Hanlon & Co., Boston, Mass.
31. Gross & Co., Los Angeles, Calif.
32. H. S. Kipnis & Co., Chicago, Ill.
33. Halsey, Stuart & Co., Inc., Chicago, Ill.
34. Hamilton Management Corp., Denver, Colo.
35. Henry Spiegel, New York, N.Y.
36. Hettleman & Co., New York, N.Y.
37. Hickey & Co., Chicago, Ill.
38. Hirsch & Co., Inc., New York, N.Y.
39. IDS Securities Corp., Minneapolis, Minn.
40. Insurance Securities Inc., Corp., Houston, Tex.
41. J. C. Bradford & Co., Inc., Nashville, Tenn.
42. J. S. Strauss & Co., San Francisco, Calif.
43. John Nuveen & Co., Inc., Chicago, Ill.
44. John W. Clarke & Co., Chicago, Ill.
45. Kalman & Co., Inc., St. Paul, Minn.
46. Kenower, MacArthur & Co., Detroit, Mich.
47. Loomis, Sayles & Co., Inc., Boston, Mass.
48. M. A. Schapiro & Co., New York, N.Y.
49. National Securities & Research Corp., New York, N.Y.
50. National Variable Annuity Co., Fla., Jacksonville, Fla.
51. Parsons & Co., Inc., Cleveland, Ohio.
52. Paul Revere Variable Annuity Ins. Co., Worcester, Mass.
53. Pflueger & Baerwald, San Francisco, Calif.
54. R. S. Dickson & Co., Inc., Charlotte, N.C.
55. Richard W. Clark Corp., New York, N.Y.
56. Second District Securities Co., Inc., New York, N.Y.
57. Stephens, Inc., Little Rock, Ark.
58. Stern Brothers & Co., Kansas City, Mo.
59. Stetson Securities Corp., Fairfield, Conn.
60. Stone & Youngberg, San Francisco, Calif.
61. Stryker & Brown, New York, N.Y.
62. The Crosby Corp., Boston, Mass.
63. Thomas, Haab & Botts, New York, N.Y.
64. Thomas McDonald & Co., Chicago, Ill.
65. Troster, Singer & Co., New York, N.Y.
66. Vance, Sanders & Co., Inc., Boston, Mass.
67. Waddell & Reed, Inc., Kansas City, Mo.
68. Weedon & Co., San Francisco, Calif.
69. Wellington Management Co., Philadelphia, Pa.
70. Wheeler, Munger & Co., Los Angeles, Calif.
71. White Weld & Co., New York, N.Y.
72. William C. McDonnell, New York, N.Y.
73. William E. Pollack & Co., Inc., New York, N.Y.
74. Wood Struthers & Co., Inc., New York, N.Y.

Changes in list of Participating Firms. Any other member or member organization of a national securities exchange or a national securities association registered with the Securities and Exchange Commission may become a Participating Firm if it files with the Commissioner of Internal Revenue, Washington, D.C. 20224 (Attention: CP), a letter signed by the member, a partner or an officer (i) requesting designation as a Participating Firm, (ii) agreeing to comply with the documentation, recordkeeping and reporting requirements established by the Internal Revenue Service (whether established prior or subsequent to the date of the letter), (iii) agreeing that its books and records no matter where located may be examined by any employee of the Internal Revenue Service, and (iv) if the letter is filed with the Commissioner of Internal Revenue on or after August 15, 1967, stating that such documentation, recordkeeping and reporting requirement procedures are operational. The Internal Revenue Service will from time to time publish the names of those members or member organizations which have become Participating Firms subsequent to July 15, 1967.

Any member or member organization which became a Participating Firm prior to August 15, 1967, shall cease to be a Participating Firm unless on or before August 15, 1967, it files with the Commissioner of Internal Revenue a letter signed by the member, a partner, or an officer setting forth each of the items (i) to (iv), inclusive, of the preceding paragraph. A Participating Firm may terminate its status as such by filing a request with the Commissioner of Internal Revenue. In addition, if the Commissioner of Internal Revenue has reasonable cause to believe that a Participating Firm is not complying with such statutory provisions, or with the documentation, recordkeeping and reporting requirements, or any part thereof, he may cause the removal of such firm from the list of Participating Firms.

The effective date on which a member or member organization shall become or cease to be a Participating Firm shall be the date specified in a notice issued by the Internal Revenue Service, which date shall not be prior to the date following the date on which the notice was made available to financial publications and wire services.

Establishment of exemption for prior American ownership and compliance. The Treasury recommended that the amendments to H.R. 6098 authorize the following procedures, effective July 15, 1967, for the establishment of the exemption for prior American ownership and compliance:

1. If a U.S. person acquiring stock of a foreign issuer or a debt obligation of a foreign obligor directly from or through a Participating Firm receives in good faith from the Participating Firm an "IET Clean Confirmation" (meeting the requirements described below) applicable to the particular stock or debt obligation acquired, the exemption for prior American ownership and compliance shall be deemed to have been established.

2. If a U.S. person acquiring stock of a foreign issuer or a debt obligation of a foreign obligor receives in good faith copies 1 and 2 of a Validation Certificate issued by the Internal Revenue Service to the seller or to himself applicable to the particular stock or debt obligation acquired and, in the case where the Validation Certificate was issued to the seller, completes and files copy 2 of the certificate with the Internal Revenue Service, the exemption for prior American ownership and compliance shall be deemed to have been established.

3. If a U.S. person acquiring stock of a foreign issuer or a debt obligation of a foreign obligor establishes that there is reasonable cause for an inability to establish prior American ownership and compliance in accordance with one of the foregoing, prior American ownership and compliance may be established by other evidence which satisfies the Internal Revenue Service that the person from whom such acquisition was made was a complying U.S. person not ineligible to sell as a U.S. person.

Sales effected by Participating Firms. The Treasury further recommended that the amendments to H.R. 6098 provide that Participating Firms are required to sell stock of a foreign issuer or a debt obligation of a foreign obligor as stock or a debt obligation not exempt from the interest equalization tax by reason of the exemption for prior American ownership and compliance except in the following cases:

1. The Participating Firm (i) held in its custody at the close of business on July 14, 1967, for the account of the seller the stock or debt obligation being sold, (ii) has in its possession and relies in good faith on a certificate of American ownership with respect to the stock or debt obligation being sold, or a blanket certificate of American ownership with respect to such account, and (iii) included the stock or debt obligation in the Transition Inventory of the Participating Firm duly filed with the Internal Revenue Service as hereinafter provided.

2. The Participating Firm purchased on or after July 15, 1967, for, or sold to, the seller the stock or debt obligation being sold if the exemption for prior American ownership and compliance ap-

plied to the seller's acquisition and if the Participating Firm continuously held in its custody such stock or debt obligation or received from the seller the identical stock certificates or evidence of indebtedness which it had previously delivered to the seller in respect of the purchase.

3. The Participating Firm received the stock or debt obligation being sold from another Participating Firm or from a Participating Custodian with a Transfer of Custody Certificate meeting the requirements described below.

4. The Participating Firm has received from the seller copies 1 and 2 of a Validation Certificate issued by the Internal Revenue Service applicable to the stock or debt obligation being sold and on the date of the sale or the next business day completes and files copy 2 of the certificate with the Internal Revenue Service.

5. The Participating Firm withholds the amount of Interest Equalization Tax which would be imposed had the seller purchased in a taxable acquisition the stock or debt obligation being sold on the day of the sale. Information on withholding procedures will be published shortly.

IET clean confirmation. A Participating Firm is authorized to issue an "IET Clean Confirmation" to a customer with respect to stock or a debt obligation of a foreign issuer or obligor in the following circumstances:

1. In a case where the Participating Firm purchased the stock or debt obligation as broker for the customer from or through another Participating Firm in the regular market (in the case of a purchase on a national securities exchange referred to in section 4918(c) of the Internal Revenue Code) or received a clean comparison from another Participating Firm under the procedures referred to in section 4918(d) of the Internal Revenue Code.

2. It sold the stock or debt obligation as dealer to the customer and it was a complying U.S. person not ineligible to sell as a U.S. person.

Each IET Clean Confirmation shall state the date of acquisition, the number of shares or the face amount of obligations purchased, the description of the stock or debt obligations, the price paid and the name of the broker representing the seller and the market on or through which the purchase was effected. Only an original document may constitute an IET Clean Confirmation and each copy or duplicate shall be marked as such. All other confirmations issued by Participating Firms with respect to stock or debt obligations of foreign issuers or obligors shall be clearly and indelibly marked so as to be distinguishable from IET Clean Confirmations.

Issuance of Validation Certificates. Validation Certificates will be issued by all District Directors of Internal Revenue commencing Monday, July 17, 1967, upon proof that the U.S. person on whose behalf the Validation Certificate is requested has complied with his interest equalization tax obligations with respect to the securities to be covered by the Validation Certificate. The Internal Revenue Service will shortly announce the procedures for obtaining Validation Certificates. Each District Director will reissue Validation Certificates in different denominations upon request.

Transition Inventory. The Transition Inventory shall be filed with the Commissioner of Internal Revenue no later than August 15, 1967. Each Participating Firm and each Participating Custodian filing a Transition Inventory (Participating Custodians are described below) shall list those stocks and debt obligations of foreign issuers and obligors held at the close of business July 14, 1967, and shall indicate those held for the accounts of United States persons and those held for the accounts of other persons.

Participating Custodians. During the period beginning July 15, 1967, and until a notice or notices to the contrary are published by the Internal Revenue Service, the Participating Custodians are the Federal Reserve Member Banks which are classified as reserve city banks.

A bank or trust company insured by the Federal Deposit Insurance Corporation may become a Participating Custodian if it files with the Commissioner of Internal Revenue, Washington, D.C. 20224 (Attention: CP), a letter signed by an officer (i) requesting designation as a Participating Custodian, (ii) agreeing to comply with the documentation, recordkeeping and reporting requirements established by the Internal Revenue Service (whether established prior or subsequent to the date of the letter), (iii) agreeing that its books and records no matter where located may be examined by any employee of the Internal Revenue Service, and (iv) if the letter is filed with the Commissioner of Internal Revenue on or after August 15, 1967, stating that such documentation, recordkeeping and reporting requirement procedures are operational. The Internal Revenue Service will from time to time publish the names of those members or member organizations which have become Participating Custodians subsequent to July 15, 1967.

Any bank or trust company which became a Participating Custodian prior to August 15, 1967, shall cease to be a Participating Custodian unless on or before August 15, 1967, it files with the Commissioner of Internal Revenue a letter signed by an officer setting forth each of the items (i) to (iv), inclusive, of the preceding paragraph. A Participating Custodian may terminate its status as such by filing a request with the Commissioner of Internal Revenue. In addition, if the Commissioner of Internal Revenue has reasonable cause to believe that a Participating Custodian is not complying with the statutory provisions related to the interest equalization tax applicable to it, or with the documentation, recordkeeping and reporting requirements, or any part thereof, he may cause the removal of such firm from the list of Participating Custodians.

The effective date on which a bank or trust company shall become or cease to be a Participating Custodian shall be the date specified in a notice issued by the Internal Revenue Service, which date shall not be prior to the date following the date on which the notice was made available to financial publications and wire services.

Transfer of Custody Certificates. Transfer of Custody Certificates shall be issued only by Participating Firms and Participating Custodians and only in connection with a transfer from the account of a customer of a Participating Firm or Participating Custodian to the account of the same customer with a different Participating Firm or Participating Custodian in the following circumstances:

1. The Participating Firm or Participating Custodian held in its custody on July 14, 1967, for the account of the customer the stock or debt obligation referred to in the Transfer of Custody Certificate and acquired and holds in good faith a certificate of American ownership with respect to such stock or debt obligation or a blanket certificate of American ownership with respect to such account, if it included such stock or debt obligation in the Transition Inventory duly filed by it with the Commissioner of Internal Revenue.

2. The Participating Firm or Participating Custodian received the stock or debt obligation referred to in a Transfer of Custody Certificate from another Participating Firm or Participating Custodian accompanied by a Transfer of Custody Certificate.

3. The Participating Firm purchased for the customer the stock or debt obligation referred to in the Transfer of Custody Certificate and in connection with the purchase either received (i) a Validation Certificate issued by the Internal Revenue Service, or (ii) was authorized to issue an IET Clean Confirmation and in either case continuously held in its custody the stock or debt obligation so purchased or received back from the purchaser the identical securities or evidence of indebtedness previously delivered to the purchaser.

Recordkeeping requirements. The recordkeeping requirements for Participating Firms are, until further notice, identical to the recordkeeping requirements for broker-dealers issued pursuant to the Securities Exchange Act of 1934 with the following required modifications:

1. Records of original entry (in most cases the purchase and sale blotter) shall be prepared and maintained separately for all purchases and sales of stock and debt obligations of foreign issuers and obligors. All entries shall clearly designate those transactions which involved foreign-owned securities. All entries reflecting a purchase of securities, the acquisition of which is exempt from the tax under the exemption for prior American ownership and compliance, shall clearly designate the documentation received establishing such exemption. All entries reflecting a sale of securities regular way on a national securities exchange referred to in section 4918(c) of the Internal Revenue Code or under the clean comparsion procedure established by section 4918(d) of the Code shall clearly designate the documentation authorizing such sale.

2. The securities record or ledger reflecting separately for each stock or debt obligation of a foreign issuer or obligor all "long" or "short" positions (including such securities in safekeeping) carried by such firm or custodian for its account or for the account of customers (commonly known as stock record sheets) shall be prepared and maintained apart from those prepared and maintained for all other securities. All entries in such record or ledger, and in each customer's account, shall clearly designate those of such securities with respect to which the firm or custodian can issue a Transfer of Custody Certificate without obtaining further documentation.

3. The ledger account itemizing separately the accounts of such firm or custodian reflecting all purchases, sales, receipts, and deliveries of stock or debt obligations of a foreign issuer or obligor for the firm's own investment and trading accounts shall be prepared and maintained apart from those prepared and maintained for all other securities. All entries shall clearly designate those transactions which involve securities on which the firm or custodian can issue a Transfer of Custody Certificate. Appropriate files for each of said dealer-owned foreign securities shall be maintained, in readily accessible form, to hold all relevant information and evidence to substantiate tax free nature of the acquisitions pursuant to which such securities were acquired or, if acquired in a taxable transaction, the retained copies of the tax returns filed with respect to such acquisitions.

4. Separate files shall be maintained for all interest equalization tax reports filed with the Internal Revenue Service (both for information and tax paying purposes) including copies of all documents filed with the Internal Revenue Service and summaries and supporting schedules. In addition, such files shall contain substantiation of the Transition Inventory filed with the Commissioner of Internal Revenue.

Certain debt obligations. The foregoing procedures would not apply to those debt obligations of foreign obligors which are neither convertible nor listed or traded in domestic or foreign markets. In such cases, the exemption for prior American ownership and compliance will, until other procedures are announced, be established if the U.S. person acquiring the obligation received in good faith a letter from the seller certifying to the exemption together with a copy thereof and files the copy with the Internal Revenue Service.

[SEAL] STANLEY S. SURREY,
Assistant Secretary.

JULY 14, 1967.

[F.R. Doc. 67-8291; Filed, July 14, 1967; 11:16 a.m.]

POST OFFICE DEPARTMENT

Transfer of Functions

The following is an excerpt from Headquarters Circular No. 67-30, signed by the Postmaster General on July 3, 1967:

I. *Purpose.* A. To establish an Equal Employment Opportunity Division in the Bureau of Personnel.

B. To establish a Contract Compliance Division in the Office of the General Counsel.

C. To establish a Parcel Post Branch in the Customer Relations Division, Bureau of Operations.

D. To abolish the Office of Special Projects, and to retain the Special Assistant for Policy and Projects as a staff function reporting to the Postmaster General/Deputy Postmaster General.

II. *Background.* A. The establishment of a division in the Bureau of Personnel to administer the provisions of Executive Order 11246 is essential to the strengthening of the Equal Employment Program in the postal field service. It permits centralization of all such activities in the Department; the administration of equal employment activities in regional offices and postal data centers, formerly a responsibility of the Office of Regional Administration, is transferred to the new division.

B. The establishment of a Contract Compliance Division in the Office of General Counsel to carry out the responsibilities of the Department under Executive Order 11246, recognizes the need to emphasize the legal aspects of this function. It also provides an opportunity for the program in the field to be supervised by the regional counsels.

C. The Department's efforts to make the parcel post program viable was sufficient justification to establish the function as an activity of the Special Assistant for Policy and Projects at the time that action was taken. Now that the effort is well underway, it is appropriate that the parcel post program become a permanent organization element of the Bureau of Operations.

D. The activities of the Office of Special Projects have been devoted principally to improvement of the parcel post service. Therefore, the Office will cease to function as a separate organizational entity as the parcel post function is permanently established. The function of Special Assistant for Policy and Projects will continue in order to provide high-level staff assistance to the Postmaster General/Deputy Postmaster General on matters concerning policy and program development.

IV. *Effective date.* These changes are effective with the issuance of this Headquarters Circular.

(5 U.S.C. 301, 39 U.S.C. 501)

TIMOTHY J. MAY,
General Counsel.

JULY 11, 1967.

[F.R. Doc. 67-8160; Filed, July 14, 1967; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 18553]

ANCHORAGE-FAIRBANKS SERVICE CASE

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on August 1, 1967, at 10 a.m., e.d.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D.C., July 11, 1967.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 67-8193; Filed, July 14, 1967; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

GEIGY CHEMICAL CORP.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 7B2189) has been filed by Geigy Industrial Chemicals, Division of Geigy Chemical Corp., Ardsley, N.Y. 10502, proposing an amendment to § 121.2566 *Antioxidants and/or stabilizers for polymers* to provide for the safe use of octadecyl 3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate as an antioxidant and/or stabilizer at levels not to exceed 0.25 percent by weight of olefin films intended for use in contact with nonfatty foods.

Dated: July 6, 1967.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 67-8188; Filed, July 14, 1967; 8:48 a.m.]

Office of Education

DIRECTOR, DIVISION OF SCHOOL ASSISTANCE IN FEDERALLY AFFECTED AREAS

Delegation of Authority

Pursuant to the authority vested in the Commissioner of Education by section 18(a) of P.L. 81-815 (20 U.S.C. 643(a)), the authority of the Commissioner of Education under sections 9 and 10(b) of said P.L. 81-815 (20 U.S.C. 639, 640(b)) to execute deeds of conveyance or other documents transferring to local educational agencies all the right, title, and interest of the United States in and to school facilities, without charge but

on such other terms and conditions and at such time as is deemed appropriate, is delegated to the Director of the Division of School Assistance in Federally Affected Areas, Bureau of Elementary and Secondary Education, Office of Education.

Dated: July 7, 1967.

HAROLD HOWE II,
Commissioner of Education.

[F.R. Doc. 67-8186; Filed, July 14, 1967; 8:48 a.m.]

Social Security Administration

STATEMENT OF ORGANIZATION, FUNCTIONS, AND DELEGATIONS OF AUTHORITY

The following statement supersedes all previous material issued in Part 8 (Social Security Administration) of the Statement of Organization and Delegations of Authority for the Department of Health, Education, and Welfare.

8-A *Mission.* The Social Security Administration administers the Federal retirement, survivors, disability, and health insurance for the aged programs and the Federal Credit Union Act. It is responsible for studying the problems of poverty, insecurity, and the health care needs of the aged and the contributions that can be made to their solution by social insurance and related programs, and for making recommendations as to the most effective methods of improving social and economic security through social insurance.

8-B *Organization and functions.* The Social Security Administration is under the supervision and direction of the Commissioner of Social Security, and is composed of the following organizational components:

Office of the Commissioner (OC)—Gives overall executive leadership to the administration of the Federal retirement, survivors, disability, and health insurance for the aged programs and the Federal Credit Union Act. Establishes objectives within the broad and general statutory requirements, and provides program and policy formulation and guidance.

Office of the Assistant Commissioner, Field, OC—Provides day-to-day guidance to the Regional Assistant Commissioners; interprets policies and objectives; indentifies major program and administrative problems affecting the field and takes, initiates or recommends action on them. Assures for the Commissioner that inter- and intraregional problems arising in the field are given prompt attention. Through day-to-day contacts with the Regional Assistant Commissioners, assesses the effectiveness and adequacy of social security program administration in the field and the responsiveness of the field organization to the public and to the policies, directives, and values of the Commissioner; keeps the Commissioner fully informed on these matters. Carries out personal and confidential assignments relating to any aspect of program administration for the Commissioner.

Office of the Regional Assistant Commissioner, OC—Serves as the personal representative of the Commissioner in the social security region (the U.S. is divided into eight such regions, each region headed by a Regional Assistant Commissioner) and is accountable to the Commissioner through the Assistant Commissioner, Field. Coordinates the activities of and provides broad general leadership and direction to the bureaus' regional representatives. Assures timely and coordinated implementation of SSA policies to achieve program objectives, evaluates program accomplishments, identifies problem areas, and initiates or recommends corrective measures. Represents SSA in dealings with the DHEW Regional Directors, and with officials of public and private organizations.

Office of the Actuary—Conducts actuarial and demographic research in social insurance and related programs, and makes actuarial appraisals of existing and proposed programs involving problems of financing, estimating future claims and program costs and workloads (both long-range and short-range), and evaluating operations of the four Trust Funds; develops and analyzes actuarial data for benefit estimates and valuations; provides technical and consultative services to congressional committees, congressmen, public advisory committees, and other Federal agencies; provides expert testimony before congressional committees concerning actuarial estimates when they are considering legislative changes in the social security programs. Performs actuarial valuation work for the Retired Serviceman's Family Protection Plan.

Office of Administration (OA)—As the staff arm of the Commissioner for overall management and direction of SSA, assists the Commissioner and acts for him in the development, promulgation, coordination, direction and evaluation of all policies, procedures, systems, and operations necessary for carrying out the mission of SSA. Represents SSA on matters of overall program administration with the Department, other Federal agencies, and non-Federal organizations. Plans, initiates, coordinates and carries out SSA-wide management programs.

Employee Management Relations and Equal Employment Opportunity Staff, OA—Establishes guidelines to carry out employee - management cooperation (EMC) under Executive Order 10988 and equal employment opportunity (EEO) under Executive Order 11246. Develops and coordinates policy and appraises the effectiveness of both programs, SSA-wide. Insures that the employment policies of medicare insurance intermediaries under contract with SSA meets the requirements of Executive Order 11246. Acts as liaison between SSA and DHEW and other agencies in the areas of EMC, EEO and civil rights. Represents SSA in contact with public and private organizations interested in EEO and EMC.

Management Coordination and Special Projects Staff, OA—As an extension of the Assistant Commissioner for Administration, carries out selected projects of an important, complex, or unusual nature or in which prompt completion is required. This may involve coordinating the work of all or several offices or bureaus if the project cuts across component lines or expediting a project through encouragement, direction or assistance. Carries out or takes the lead in special projects of major SSA-wide significance or importance.

Division of Administrative Appraisal and Planning, OA—Plans, directs and coordinates an extensive management program designed to: Establish major operating goals and measures of effectiveness for program administration; develop systematic approaches to evaluating organizational performance; identify current and emerging problems and policy/procedural issues; develop and implement consistent and progressive administrative policies and philosophy; anticipate and plan for long-range needs of program administration; perform long-range operational, organizational, and administrative planning; and provide leadership to SSA administrative planning for pending legislation. Develops and administers the SSA-wide management information and management appraisal programs and systems.

Division of Audits and Investigations, OA—Plans and directs SSA internal audits and investigations program. Conducts comprehensive audits in headquarters and, independently or in collaboration with DHEW, plans and conducts field audit programs. Appraises existing policies, procedures, and practices for effectiveness and efficiency and for compliance with law and regulations. Reviews DHEW and GAO audit reports; provides liaison with DHEW Office of Audit and GAO site audit team; prepares reports on SSA internal audit and investigative activities. Conducts or directs investigations of alleged program and other criminal violations, of employee misconduct, and other irregularities. Develops and implements policies and procedures for and provides staff consultation on SSA internal audit and investigative activities.

Division of Employee Development, OA—Administers the SSA employee development program. Establishes objectives, policies, standards, and procedures. Works with SSA components in planning and appraising programs designed to meet such needs. Coordinates employee development programs of the components, and plans and conducts training programs on an Administration-wide basis. Negotiates for the use of outside facilities and outside specialists in the conduct of special training. Administers a service program for identification, evaluation and development of improved teaching methods, aids and techniques. Directs and coordinates the SSA Center for Continuing Education. Administers the SSA Career and Educational Guidance Program.

Division of Financial Management, OA—Manages the financial affairs of the Administration. Plans, prepares, explains, and executes the SSA budget; studies and surveys the expenditure of funds. Prepares and justifies budget estimates to finance program and other legislative changes. Maintains administrative accounts, and certain trust fund expenditure and receipt accounts; audits and certifies vouchers for administrative expenses; prepares basic and required financial reports. Stimulates issuance of financial and/or administrative policies and instructions. Coordinates development of financial systems within the Administration and with the Department. Reviews financial systems and methods. Provides financial advice on program matters and initiates cost studies.

Division of Operating Facilities, OA—Directs and appraises Administration-wide management programs in the areas of: Construction and leasing of buildings space utilization, forms and records, printing and graphics, real and personal property, procurement, supply, and mail systems and civil defense. Provides Administration liaison with the General Services Administration on matters related to the maintaining and servicing of central office facilities. Manages the Administration Library and related services. Provides a variety of central office services such as: Centralized secretarial services and training, centralized dictation facilities, parking, travel, and transportation.

Division of Personnel, OA—Directs the Social Security Administration personnel management program. Within the framework of Federal statutes and DHEW regulations, formulates and issues personnel policies, regulations, program guides and standards, and evaluates program implementation. Carries out or coordinates position classification, recruitment, placement and employee relations programs. Participates in administration of programs for employee-management cooperation, equal employment opportunity and employee communications. Provides assistance to components, field installations and component personnel offices in their personnel operations. Provides personnel operations services for headquarters offices.

Division of Systems Coordination and Planning, OA—Plans overall specifications and design of and evaluates SSA systems. Recommends the establishment and maintenance of administrative systems policies. Assures the integration and coordination of systems development throughout SSA. Establishes and maintains controls to assure that systems are changed only with Office of Administration knowledge and approval, and reviews and evaluates proposals for systems or equipment changes and acquisitions.

Employee Health Service, OA—Promotes health, efficiency and productive longevity of SSA employees through administration of a comprehensive employee health program. Treats directly all types of medical emergencies in work situations, or arranges for use of other private and Government services. Administers mass screening programs or offers individual services for detection of various health problems. Makes referrals to appropriate private and community resources. Conducts various physical examination programs. Administers a broad environmental health program establishing and enforcing highest possible standards of health and comfort. Administers an Administration-wide safety program. Pursues a continuing health education program to ensure understanding and cooperation of employees.

SSA Employee Communications Staff, OA—Plans, develops and directs a comprehensive management-employee communications program; publishes a variety of informational materials including a monthly employee magazine, a semimonthly management newsletter and a weekly central office bulletin; writes and edits administrative reports and presentations; guides and appraises regional employee communications; provides advice and consultation on communications matters.

SSA Operations Research Staff, OA—Establishes a high caliber, effective and responsive operations research capability within the Social Security Administration. (Operations research implies a mixed scientific discipline approach to systems analysis and evaluation.) Participates in the development and improvement of programs designed to optimize the operation of the entire system. As necessary, utilizes mathematical analysis, statistical techniques, model-building, and cost/benefit studies for the purpose of quantifying the presented problem areas and providing clear, definitive alternative courses of action to facilitate management decisions.

Office of Information (OI)—Plans and directs a nationwide program of public information to provide public understanding of rights and responsibilities under social security programs. Develops guidelines, techniques and key materials applicable to all informational media. Carries out cooperative activities with other organizations to inform the public and providers of health services. Conducts surveys and studies to identify problems and to determine the effectiveness of informational activities. Provides advisory and consultative services to the Commissioner and to bureaus and offices of SSA, and to the Office of the Secretary on public information and public relations aspects of SSA programs. Provides staff direction to SSA's public correspondence activities.

Division of Operations, OI—Develops, formulates and evaluates nationwide objectives, themes and action messages. Conducts surveys and studies of levels of public understanding. Issues instructions and guidelines on public information materials, activities and techniques. Originates contacts and/or responds to outside requests resulting in comprehensive programs to reach the public through national groups and organizations. Conducts a program of community relations in Baltimore. Provides tour and receptionist services for the Social Security Building. Conducts the SSA Speakers' Service. Operates a Washington inquiries program serving congressional offices, Departmental and other governmental offices and the public.

Division of Production, OI—Plans and produces materials for use by all major media (publications, magazines, radio, television, motion pictures, direct mail, exhibits, posters and speeches). Initiates, develops and implements policy on the nature, style, content and use of informational materials. Directs production of materials by contractors. Provides technical assistance to SSA components in the preparation and production of other issuances having public information aspects; clears such materials for conformance to policy, for suitability of presentation editorially and aesthetically, and for public relations and public understanding. Prepares speech materials and background information for use by Administration, Department and other Federal officials.

Division of Public Inquiries, OI—Formulates, establishes, promulgates and assesses Administration policy governing public correspondence. Conducts studies and surveys to detect and evaluate Administration procedures and practices which may create misunderstanding, adverse public reaction or other public relations problems. Recommends corrective action as necessary. Provides advice and assistance to Administration officials and liaison with the Department on public correspondence matters. Conducts a program to improve Administration correspondence with the public. Receives, analyzes and controls high priority written and telephone inquiries. Replies to many of these inquiries and reviews all written replies to such high priority inquiries prepared elsewhere in the Administration.

Office of Program Evaluation and Planning (OPEP)—Evaluates the effectiveness of the social security program in providing security through retirement, survivors, disability and health insurance. Develops a consistent and equitable program philosophy; formulates, interprets and elucidates program objectives. Develops, evaluates and makes recommendations concerning legislative proposals for changes in the social security program. Analyses and makes recommendations on related income maintenance and health insurance proposals, particularly those which may involve coordination with the social security program, and on other methods of providing economic security through social insurance. Provides technical and advisory services to responsible officials within the executive branch, to congressional committees and individual congressmen and to private organizations interested in social security legislation.

Division of Coverage and Disability Benefits, OPEP—Develops and evaluates legislative proposals for extending social security protection to groups not yet covered and evaluates proposals for program changes in the light of their effect on special coverage groups. Studies and makes recommendations on measures dealing with the provision of income maintenance for the disabled and their dependents through the social security system. Recommends methods for coordinating with the protection afforded under other public retirement or disability programs.

Division of Health Insurance, OPEP—Evaluates the present health insurance program in terms of its effectiveness in providing adequate health insurance protection for the aged and develops and analyzes legislative proposals to fill gaps in the protection provided and proposals to change the health insurance provisions in other respects. Evaluates the need for health insurance on the part of social security beneficiaries under 65 and develops alternative courses of action for meeting these needs through legislation. Makes recommendations on methods and sources of financing the health insurance program. Recommends methods for coordinating the health insurance protection afforded under social security with that afforded under other public retirement programs.

Division of Retirement and Survivors Benefits, OPEP—Develops and elucidates overall program principles and philosophy. Evaluates and prepares proposals for legislative changes in the social security program in the area of retirement and survivors benefits and also in those aspects of the program that are not primarily concerned with coverage, disability, or health insurance. Analyses and makes recommendations on related income maintenance proposals. Conducts studies to aid in defining and resolving various program issues such as the level of social security benefits and the range of dependents who should receive benefits and the establishment of priority among these dependents.

Office of Research and Statistics (ORS)—Plans and conducts broad research and statistical programs, studying the problems of poverty, insecurity and health costs and the contributions that can be made to their solution by social insurance and related programs and makes recommendations as to the most effective methods of improving social and economic security. Provides continuing evaluation of effectiveness of national policies and procedures in meeting program goals, and as basis for management decisions. Compiles, analyzes and publishes data for use of other agencies, universities and research organizations. Conducts and participates in international social security programs, extramural research grant and contract programs, and continuous evaluation and measurement of basic program policies.

Evaluation and Measurement System Staff, ORS—Plans, directs and coordinates the development and operation of a system of continuous statistical evaluations and measurement of basic claims and related policies and procedures.

International Staff, ORS—Develops, coordinates and carries out programs designed to assemble and analyze information about social security programs of all countries; plans and carries out comparative economic studies of selected aspects of foreign programs; coordinates relationships between SSA and international social security organizations, interchanging information on program matters; provides technical guidance and participates as appropriate in development and implementation of U.S. international policy in the social insurance field; plans and directs study and training programs for foreign nationals in social security; advises AID and other agencies and governments on training resources and methods in the United States and assists in training for technical assistance.

Publications Staff, ORS—Plans, stimulates and guides an overall research and statistics publications program; plans, edits and publishes the Social Security Bulletin.

Annual Statistical Supplement, the Research Report series and other reports; provides professional-level writing and editing services to assist in preparing research and statistical documents for publication.

Research Grants Staff, ORS—Develops, coordinates and carries out SSA aspects of the cooperative research grants program; stimulates interest in the program and identifies new or existing areas of knowledge or problems which may be usefully studied under the program; provides guidance to research applicants; reviews applications and preliminary proposals for grant research; reports progress and findings of SSA-related projects.

Division of Economic and Social Surveys, ORS—Plans, develops and directs a continuing national survey program designed to expand our information on the income and security of individuals and families. Surveys of the aged, disabled, families with children and persons in institutions are undertaken to obtain knowledge for program evaluation and planning purposes.

Division of Health Insurance Studies, ORS—Plans, develops and directs the statistical system for the health insurance program; carries out special studies and analyses of the operation of the program, including utilization of services and trends in costs; plans, directs and conducts research on the impact of the program on other public and private programs, on the financial status of hospitals, on total medical expenditures and costs; carries out studies of unmet needs and related questions. Assumes leadership in coordinating the SSA research program in this area with related studies carried out or supported by other agencies, e.g., the Public Health Service, the Bureau of Family Services.

Division of Program and Long-Range Studies, ORS—Plans and directs a program of long-range research in the broad field of economic security, including studies of income distribution and measures of income adequacy, trends in poverty and low income, redistributive effects of the social security system, methods of social security financing and impacts on the total economy. Plans and directs program-related research directed primarily to evaluation of the effects of existing provisions of the Act. Plans, directs and coordinates research concerned with the relationship of social security and other public and private income maintenance programs.

Division of Statistics, ORS—Plans and directs the development and maintenance of a broad statistical program, involving basic OASDI program statistics, the provision of statistical services across SSA lines and technical consultation to users of SSA statistics within and outside the agency.

Bureau of Data Processing and Accounts (BDPA)—Plans and develops systems for, and establishes and maintains, all records and accounts which form the basis for determination of entitlement and computation of benefits payable under the provisions of the Act. Develops reporting requirements for employers and self-employed persons. Certifies earnings data and computation of benefit amounts for use in processing claims. Investigates and resolves all reporting discrepancies and related matters. Furnishes data to the Treasury Department to enable proper crediting to the Trust Funds. Provides basic data for the development of comprehensive statistical studies. Is responsible for SSA EDP systems analysis, programming and operations.

Division of Accounting EDP Systems, BDPA—Designs and implements EDP systems for: Establishing and maintaining employee/employer accounts; processing improperly reported earnings items; establishing and maintaining various management controls. Responsible for health insurance recordkeeping EDP system design including: Establishing and maintaining beneficiary, provider and group premium files; processing queries, replies, bills and payment records; and preparation of identification cards, premium and utilization notices. Provides technical advice and assistance to Administration components, State, Federal, domestic and foreign organizations. Evaluates and acquires latest techniques and equipment pertinent to the Bureau's mission in data processing.

Division of Accounts and Adjustments, BDPA—Identifies and reinstates earnings items, health insurance inquiries, doctor bills and hospital notices reported incorrectly or incompletely as to name or number. Processes notices received from Internal Revenue correcting reported earnings, periods or account numbers. Processes evidence postings based on district office investigations. Adjusts accounts when account holders' identities have been confused. Maintains registers of accounts established, health insurance records, files of suspense and reinstated items, employer wage reports, self-employed income reports and detailed earnings listings. Answers and/or initiates correspondence relating to earnings and health insurance records.

Division of Central EDP Operations, BDPA—Converts earnings data from employer wage reports to magnetic tape and performs a series of EDP operations to update summary records for individual accounts. Electronically analyzes earnings data and prepares computations to derive primary insurance amounts applicable to the certification of original claims cases, disability benefit cases and recomputations; identifies and reinstates earnings items reported incorrectly; maintains and updates benefit-in-force rolls and provides data to payment centers; maintains and updates health insurance benefit rolls and provides data to intermediaries. Provides operational control of the SSA telecommunication network.

Division of Certification, BDPA—Analyzes, makes determinations and certifies to district offices and payment centers all earnings data and primary insurance amounts applicable for adjudicating original claims, recomputations and disability benefits, and in disability benefit cases determines and certifies whether the insured status test is met. Resolves discrepancies involving differences between this Division's records and individuals' statements of earnings and employment. Reviews district office determinations or makes certain determinations on the basis of evidence submitted by district offices as to whether or not alleged employment is employment as defined by the Social Security Act.

Division of Claims and State Coverage Methods, BDPA—Plans, develops and selects operating policies and systems, and issues instructions for: Claims certification, claims-process coordination with other bureaus and agencies, issuing earnings statements, reconciling disagreements to earnings and medicare utilization statements, disclosing with or without charge confidential information from the records, and administering the contractual coverage of State and local government employees, including the collection and accounting of all related payments. Constructs, analyzes and advises regarding related policy positions, legislative proposals and program objectives. Negotiates, coordinates and assists regarding needs of other bureaus and outside agencies and organizations.

Division of Claims EDP Systems, BDPA—Designs and implements EDP systems for: Establishing and maintaining the master beneficiary accounts and all related subsidiary tape files; processing initial and subsequent awards originating with the request for earnings record and computation action, and continuing to the introduction of the account on the beneficiary rolls; producing numerous statistical, study and management data required from the beneficiary roll; furnishing HI–SMI entitlement and billing data to the HI–EDP processes; providing a file reference capability to service requests for master record data; developing and maintaining post-entitlement applications and processes which facilitate the continuing maintenance of the beneficiary records.

Division of Management Coordination, BDPA—Provides overall direction in the analysis, appraisal, evaluation and coordination of the Division's management activities to assure an integrated and well-balanced management program embracing the fields of fiscal management, cost accounting, medical group premium collections, clerk time and production controls, organization planning, management standards, training and staff development, reports management, work planning and reporting, personnel management, incentive awards, communications, conference planning and reporting and related management functions. Provides study programs and informational services to visitors; performs special assignments and administrative duties for the Director.

Division of Registration, BDPA—Controls printing and distribution of prenumbered account cards. Issues duplicate account cards. Establishes and corrects account holder records. Furnishes missing account numbers. Maintains files of the Bureau's correspondence, employee and employer applications. Answers correspondence relative to individual and employer numbers. Initiates BDPA processing of claims, disability and medicare actions. Receives employer wage and self-employment reports of income for audit prior to electronic processing. Receives and medically codes a sampling of medical bills. Establishes and maintains the Bureau's State and local government accounts. Establishes records for Minister Waiver Certificates. Furnishes photographic services. Provides safe storage of key duplicate records as a safeguard against disaster.

Division of Report Processing, BDPA—Processes employer wage and self-employment income reports. Converts earnings data from these reports to punch cards. Performs sorting, listing, blocking and auditing operations; corresponds with the Internal Revenue Service and employers on discrepancies. Performs a series of clerical operations necessary for the auditing and control of the quarterly updating of employee accounts and the reinstating processes for rejected items; audits earnings data and adjusts discrepancies; maintains the eligibility records for the health insurance programs; audits and controls the processing of payment records. Corresponds with intermediaries and providers dealing directly with the Administration.

Division of Reporting and Accounting Methods, BDPA—Initiates, develops and issues new or revised operating policies and procedures for establishing the social security records, processing all earnings data to update these records and for various segments of the health insurance program. Analyzes proposed legislation and policy changes and statistical data demands for procedural and operational implications and for administrative feasibility. Coordinates the Division's operating procedures with other Administration components, other governmental agencies and with the EDP systems divisions to assure desired integration of clerical and manual procedures with EDP operation.

Division of Statistical Services, BDPA—Provides advisory services to other components, other Government agencies and non-Government organizations on availability, timing and adequacy of Bureau data for various projects wherein SSA records or internally created records would be used. Assists these organizations by planning and developing procedures and EDP programs for and processing a large variety of projects covering data on: Health insurance, disability, routine and special management studies, claims, employers and employee earnings or self-employment income, and employee lifetime employment history. Conducts studies jointly with other components on problems of mutual concern. Provides liaison with other components regarding requests for statistical data.

Division of Telecommunications Management, BDPA—Provides management planning, direction and appraisal of record and voice telecommunications systems to support SSA programs. Devises, recommends and executes policies and procedures to assure efficient, economical communications services and facilities. Collaborates on development of fiscal plans and budget. Develops and issues technical operating manuals, directories and training programs. Approves major changes of SSA telephone plant; manages and operates central office telephone systems. Maintains technical liaison with SSA elements, Federal agencies, private concerns, carriers and vendors consistent with policy set by legislation, directives, contracts and tarrifs.

Bureau of Disability Insurance (BDI)—Administers a national disability insurance program. Promulgates policies and procedures for administration of disability operations. Negotiates agreements, advances funds, establishes administrative and fiscal controls and provides direction for management of State agency disability operations. Reviews disability claims adjudicated in district offices and State agencies; processes disability claims for payment; and maintains rolls of disability beneficiaries. Provides technical direction for processing disability claims in district offices. In cooperation with the Vocational Rehabilitation Administration, promulgates policies and procedures for administration of the disability beneficiary rehabilitation program. Appraises the quality and effectiveness of disability program administration. Participates in legislative planning.

Medical Consultant Staff, BDI—Develops broad medical concepts and policies for administration of the disability program. Provides consultation on all medical aspects of disability program planning and administration. Directs and/or provides consultation for research studies to develop improved medical techniques for reevaluating and measuring disability. Develops and conducts orientation and training programs for medical personnel in the Bureau and in State agencies. Develops medical evaluation and development policies and guides. Provides medical consultation and review on certain individual claims determinations. Establishes and maintains liaison with professional medical organizations to promote program goals. Represents the Administration and Bureau with other agencies and organizations.

Division of Benefit Services, BDI—Processes awards for disability benefits. Certifies to the Treasury Department benefit amounts payable on disability claims. Suspends, terminates and adjusts benefits of individuals and their dependents on the disability rolls. Prepares

benefit payment data for introduction into the computer system and maintains accounting controls and records using EDP techniques as well as more conventional methods; coordinates computer operations with the Bureau of Data Processing and Accounts. Recommends disability policy, procedural and legislative changes. Coordinates Division operations with other bureaus of the Social Security Administration, State agencies, the Treasury Department, the General Accounting Office and the Post Office Department.

Division of Disability Policy and Procedures, BDI—Promulgates policies and procedures for processing disability claims through all stages of operations in district offices, State agencies and the Bureau of Disability Insurance. Recommends regulations pertaining to disability. Adapts the Bureau's methods of processing to the Social Security Administration operating procedures for authorization and payment of disability claims. Provides interprogram coordination with public and private organizations concerned with disability; renders technical assistance in the preparation of rulings and program materials; collaborates in legislative planning. Acts as consultant on disability policy matters.

Division of Evaluation and Authorization, BDI—Reviews State agency determinations of disability in initial claims and in cases involving issues of continuing disability. Reviews district office determinations of nondisability factors for entitlement to primary or auxiliary disability insurance benefits and authorizes allowance or disallowance of disability claims. Negotiates issues arising in review of State agency determinations. Adjudicates disability cases excluded from State agency jurisdiction. Recommends disability policy, procedural and legislative program changes. Evaluates and reports on quality of State agency disability determinations and provides guidance to assure conformity in initial determinations. Coordinates with the Railroad Retirement Board on disability determinations involving the two programs.

Division of Management and Appraisal, BDI—Initiates, plans and directs Bureau fiscal, statistical analysis, management improvement and administrative management programs. Provides a program of training and personnel management. Formulates Bureau work plans and work emphases. Provides general administrative management services. Surveys, analyzes and appraises operating and administrative systems, methods, functions and organization to devise, develop and implement management improvements in Bureau operations; appraises the quality of adjudication at all stages of the disability claims process. Directs and coordinates a program of studies and statistical analyses to appraise and improve administrative policies, procedures and operations. Provides a system of statistical data for use within and outside the Bureau.

Division of Reconsideration, BDI—Reviews disability determinations reconsidered by State agencies when claimants disagree with the initial determination. Exercises the Secretary's authority to approve, revise or reverse State agency disability determinations. Negotiates issues arising in review of State agency disability determinations. Reconsiders disability cases excluded from State agency jurisdiction. Also reconsiders all disability claims contested for issues other than existence and duration of disability. Recovers or waives amounts incorrectly paid to beneficiaries. Analyzes decisions of hearing examiners, Appeals Council and the courts for impact upon administration of the disability program. Evaluates claims to recommend Administration position for disability determinations in litigation.

Division of State Disability Operations, BDI—Develops and maintains a continuing program of surveillance and evaluation of disability program operations at regional and State agency levels. Provides guidance and assistance to regional offices in carrying out their responsibilities for program direction in the field. Develops and carries out Bureau activities to stimulate the vocational rehabilitation of disability applicants and beneficiaries. Cooperates with the Vocational Rehabilitation Administration in the formulation of regulations, policies and procedures for Trust Fund payment of disability beneficiary rehabilitation services. Develops and maintains a comprehensive national system of policies, standards, procedures and guides for the administrative and fiscal management of contracting State agencies.

Office of the Regional Representative, Disability Insurance, BDI—Provides direction and leadership for the disability insurance program at the regional level. Reviews and evaluates State agency activities, providing guidance in the substantive program and administrative areas; reviews State agency budgets. Provides technical direction for disability insurance program operations in the district offices. Coordinates with other regional representatives in SSA or DHEW constituents concerned with the disability program. Establishes and maintains relationships with professional organizations, participates in public information activities for the disability program.

Bureau of District Office Operations (BDOO)—Supervises the operations of a national network of social security district and branch offices which are responsible for: developing public understanding of the purposes and provisions of the programs of the Social Security Administration and the public's rights and responsibilities thereunder; assisting the public in filing claims for retirement, survivor and disability benefits and in filing applications to establish health insurance coverage; developing and adjudicating OASDI claims, conducting earnings record, coverage, fraud and related investigations; making referrals for rehabilitation services; issuing social security account numbers; assisting claimants in filing appeals in pursuit of their claims for benefits under the program; and coordinating areas of mutual program or operating interest with governmental and private organizations.

Operations Analysis and Standards Staff, BDOO—As the staff arm of the Bureau Director, is responsible for: Conducting special analyses, studies and investigations as requested by the Director or initiated by the Staff; developing criteria, in concert with Bureau components, for objective measurement of overall Bureau operations; designing and directing a Bureau-wide program of survey; establishing standards for claims processing time and work production rates for field facilities; and receiving and evaluating the various periodic statistical and other management reports in the Bureau to provide the Bureau Director with an organized and orderly picture of operations.

Division of Field Operations and Management, BDOO—Provides leadership to over 20,000 employees located in some 700 installations throughout the country to assure effective and economical fiscal, personnel and other management activities by developing management policies and procedures, by assisting in their installation and by appraising their effectiveness. Contributes to the development, appraisal and modification of SSA management policy and procedure from the viewpoint of administrative feasibility and public and district office reaction and experience. Represents the Bureau in coordinating regional and district office management operations with other SSA components and outside organizations.

Division of Field Organization and Methods, BDOO—Carries out a broad organization and methods program affecting the design and nature of district and branch offices and resident and contact stations throughout the country. Directs long-range studies leading to improved organizational arrangements and a continuing program of systems analysis and planning. Develops criteria and specifications for the Bureau reports system based on analysis of the need for operational data and information. Participates in a continuing nationwide review of field installation operations and management designed to identify problems and contribute to the overall appraisal of SSA policies and procedures.

Division of Operating Policy and Procedure, BDOO—Provides leadership to regional and district offices to assure effective and economical implementation of OASDHI program provisions by developing operating policies and procedures, assisting in the implementation of substantive policy and procedures and giving assistance to regional offices. Contributes to the development, appraisal and modification of substantive policy and procedure and legislative program planning from the viewpoint of administrative feasibility and public and district office reaction and experience. Represents the Bureau in coordinating regional and district office operations with other SSA and outside organizations.

Office of the Regional Representative, District Office Operations, BDOO—Serves as focal point of line authority through which management and operational aspects of district office responsibility and performance are supervised and coordinated. Provides leadership, guidance and direction to from 20 to 80 or more district and branch offices through the principal line officer, the regional representative, and his assistant regional representatives, each of whom is responsible for supervision of a network of 10 to 13 district offices. Ensures consistency of operations with regional and central office policies and procedures.

Bureau of Federal Credit Unions (BFCU)—Administers the Federal Credit Union Act. Plans, organizes and directs a nationwide field organization which is engaged in chartering, examining and supervising Federal credit unions. Prescribes standards, procedures and accounting forms for use by Federal credit unions; promulgates Federal credit union rules and regulations; issues manuals and instructional material, and provides advice and assistance to credit union officials. Compiles and analyzes financial and statistical data on Federal credit union operations; conducts studies of credit union conditions and trends.

Division of Administration, BFCU—Plans and directs the business management functions of the Bureau including: Budget preparation and control; fiscal accounting and auditing for administrative funds, fees and accounts of liquidated Federal credit unions; records management; property accounting; services for travel, procurement, time and leave, printing and supplies. Plans and administers, within the framework of Civil Service laws and regulations and policies of the Department, SSA, and the Bureau, the personnel program of the Bureau including classification, recruitment and placement, appointments, promotion and employee relations. Coordinates the Bureau work planning activities.

Division of Examination and Accounting, BFCU—Plans and develops the Bureau's program for the examination of Federal credit unions; establishes standards and procedures for such examinations; reviews examination reports and participates in field examinations to assure conformity to and appraise the effectiveness of established policies and procedures; and analyzes and reviews all proposed Bureau actions on problem cases, suspensions and special reserve requirements. Establishes standards and requirements for accounting procedures and forms for Federal credit unions. Coordinates preparation and revision of Examiner's Guide, Accounting Manual and Supervisory Committee Manual.

Division of Organization and Standards, BFCU—Plans and directs the development of standards, policies and procedures for: Investigating groups applying for charters to establish Federal credit unions; granting charters; approving bylaws, and charter and bylaw amendments; handling mergers, conversions from State to Federal charters and vice versa, and liquidations. Reviews and analyses applications for charters and bylaw and charter revisions, and recommends approval or disapproval. Reviews proposed mergers and conversions for conformity to legal and regulatory requirements. Gives guidance and service to regional offices in the above areas of responsibility.

Division of Statistical Research and Analysis, BFCU—Plans, develops, and carries out programs of research in the field of cooperative thrift and credit, with special attention to the role of credit unions in the national financial community. Prepares periodic reports on research activities for the use of Bureau and credit union officials and private groups. Prepares interpretive articles and memoranda on credit union operations. Designs, establishes and supervises regular data collection programs involving Federal and State-chartered credit union operations in the consumer saving and credit fields. Analyzes financial and statistical and other call reports from Federal credit unions. Prepares internal management reports. Compiles regional check list and district assignment lists.

Office of the Regional Representative, Federal Credit Unions, BFCU—plans and directs the execution of all phases of the Federal credit union program in the regions including: Recruitment and development of staff; investigations of applications for proposed new credit unions; examinations of the operations of individual credit unions; comprehensive review of examination reports for (1) conformance with policies and procedures, and (2) accuracy, completeness, and effectiveness; control of shortage, problem, retarded, and liquidation cases; approvals or recommendations as to the acceptability of nonstandard accounting systems and forms, and amendments to charters and bylaws; maintenance of effective working relationships with State Credit Union Leagues and State supervisory agencies.

Bureau of Health Insurance (BHI)—Provides direction for the nationwide administration of the hospital and supplementary medical insurance programs. Establishes policies, standards and procedures for these programs and conducts liaison and negotiates with medical and other professional groups. Negotiates and renegotiates agreements and contracts with State agencies and intermediaries for carrying out provisions of the Act. Monitors performance of intermediaries and State agencies. In cooperation with other governmental agencies, develops requirements for participation of providers of service which are necessary in the interest of the health and safety of patients. Develops and issues national principles for reimbursing institutional providers of services and national criteria for determining charges for physicians and related medical services.

Office of the Chief Medical Officer, BHI—Advises the Bureau on professional medical aspects of the overall administration of the Health Insurance For The Aged program. Maintains liaison with leadership of professional organizations representing the medical community in the United States to enhance understanding of program objectives and to improve program cooperation.

Division of Intermediary Operations, BHI—Establishes qualification standards, guidelines and procedures for the selection of intermediaries. Negotiates, renegotiates and recommends termination of agreements with intermediaries. Reviews, evaluates and approves intermediaries' operating budgets and requests for advance of funds; maintains continuing control of amounts expended; establishes intermediary reporting procedures. Reviews and evaluates the effectiveness of intermediaries' performance through analysis of reports, audit reports and comprehensive surveys. Participates in the development of policies and procedures for audits of intermediaries. Serves as the primary center for intermediary-Administration communication; assists intermediaries in resolving program and operating problems; coordinates activities of intermediaries with the Administration.

Division of Management, BHI—Develops, coordinates and implements a total management program for the Bureau including: Providing management analysis services; planning and operating the financial management program; conducting manpower selection and placement, employee development, fair employment, employee-management relations, position control and manpower utilizations; formulating, developing and issuing internal administrative communications; providing project control, problem area reporting, coordination of Bureau work planning/activities, management information (including collection of operating data and preparation of operating statistics), administrative services for advisory groups and a variety of administrative support services.

Division of Policy and Standards, BHI—Develops, issues and appraises policies relating to: The entitlement of individuals to, and their enrollment for, hospital and supplementary medical insurance coverage; coverage of services, benefit amounts, coverage periods and SMI premiums; intermediaries' and providers' participation agreements and transfer agreements. Leads in the development of policies and procedures for determinations, reconsiderations and appeals, and for disclosure of information and detection and handling of fraud under the health insurance program; and for SSA, leads in the developing of conditions of participation for providers and independent laboratories. Prepares specifications for regulations. Furnishes technical services in connection with appeals and to advisory groups.

Division of State Operations, BHI—Establishes and maintains relationships with State agencies for certification of providers and independent laboratories; negotiates agreements with State agencies; conducts training sessions with regional offices, State and local agencies. Participates in developing conditions for participation of providers of services; provides instructions and procedures for certification, recertification and reconsideration; reviews and evaluates the application of the conditions by State

agencies and regional offices. Directs, coordinates and evaluates application of the emergency services provision of the law. Establishes fiscal policy for State agency operations; reviews and approves State agency operating budgets; provides for expenditure reporting; and evaluates State agency and regional office certification activities. Reviews all provider certification reconsideration decisions.

Division of Systems, BHI—Directs the development and issuance of specifications, procedures and other instructional material to implement and maintain operational systems applicable to: Intermediaries, providers and other suppliers of services; the enrollment and eligibility of beneficiaries, their notification as to utilization of services and the collection of premiums; and methods for the direct reimbursement of providers where applicable. Assures effective coordination with all major operational components; evaluates the total system in terms of processing time, accuracy, cost and service. Plans, conducts and evaluates studies aimed at long range improvements in systems, methods and procedures. Coordinates the issuance of all instructions to intermediaries and providers.

Division of Reimbursement, BHI—Develops, issues and appraises accounting principles, policies, procedures and guidelines for determining reasonable cost of services furnished beneficiaries under the hospital insurance program, and for establishment of reasonable charges for services of physicians and others under the supplementary medical insurance program. Establishes and maintains liaison with key representatives of professional organizations in the field of provider and medical insurance reimbursement. Works with DHEW Audit Agency in developing audit programs and guides for provider audits. Provides full intermediary services—consultative, claims authorization and auditing—for direct dealing providers.

Office of the Regional Representative, Health Insurance, BHI—Represents the Bureau on a regional level. Coordinates, reviews and evaluates provider certification and recertification activities of State agencies; approves provider agreements. Serves as focal point for communications with intermediaries; advises intermediaries on claims operations; participates in the evaluation of intermediary activities. Coordinates activities of intermediaries, State agencies, other SSA components, State welfare agencies and other organizations. Negotiates State "buy-in" agreements. Establishes and maintains relationships with professional organizations; participates in public information activities for the health insurance program. Evaluates the operations of the health insurance program in the region and participates in policy development and administrative planning.

Bureau of Hearings and Appeals (BHA)—Conducts impartial and independent hearings and makes decisions involving retirement, survivor, disability or health insurance determinations which have been appealed. Performs a central review of appealed hearing-examiner decisions and renders final decisions. Develops and establishes guidelines and operating instructions to provide basic information to the hearing examiners and to assure equitable hearings. Conducts liaison as necessary with other components of the Department and with other governmental and private organizations.

Appeals Council, BHA—Dismisses, denies, or allows requests for review of hearing examiner decisions; may also review hearing examiner decisions on its own motion. Examines case records, obtains additional evidence, hears testimony, and renders a written decision or order which is the Secretary's final decision on cases accepted for review. Recommends whether to request remand of the Secretary's final decisions appealed to the courts. Obtains additional evidence and prepares supplemental decisions on remanded cases. Recommends whether an appeal should be taken to a higher court on court reversals of Secretary's decisions.

Medical Advisory Staff, BHA—Provides consultative services to the Appeals Council and other bureau components in the evaluation of disability. Plans and conducts continuing medical training of Bureau staff. Negotiates for the services of medical specialists to serve as advisors to hearing examiners and regional hearings representatives. Provides leadership and guidance in stimulating effective utilization of medical advisors through a continuing liaison program with medical advisors, regional hearings representatives and hearing examiners. Participates in the formulation of medical policies used in the evaluation of disability. Maintains liaison with medical groups to promote program understanding and to keep abreast of disability evaluation developments.

Division of Administration, BHA—Plans, directs and coordinates the Bureau's administrative, financial and personnel management programs; provides a variety of management services. Areas of activity include: management studies and analysis, reports and directives management, work planning, work reporting and measurement; budget development and execution; recruitment, appointment, placement, classification and employee-management relations; procurement of supplies and equipment; property and records management and control. Maintains central docket and files; provides mail, stenographic and clerical, duplicating and distribution services to the central office of the Bureau.

Division of Field Operations, BHA—Administers a nationwide organization of hearing examiners engaged in conducting impartial and independent hearings, and in rendering decisions on appeals by claimants from original determinations involving retirement, survivors, disability, or hospital insurance benefits. Provides administrative direction and guidance to the field organization, consisting of regional hearings representatives, hearing examiners and supporting staffs. Plans, develops and executes technical orientation and training for all field personnel. Issues manuals and other directives for field office operations. Conducts field surveys and research and analysis of field hearings activities. Coordinates bureau field activities and conducts liaison with governmental and private agencies.

Division of Program Operations, BHA—Develops, appraises and issues operating instructions for hearing examiners which provide basic information and promote equitable hearings. Provides advice and assistance to the Appeals Council and other bureau officials on complex issues and national policies related to the hearings and appeals process. Provides centralized staff review of hearing examiner decisions to assist the Appeals Council in deciding whether to assume jurisdiction; analyzes cases and recommends Appeals Council action on appealed claims and litigated cases. Identifies problem areas; makes recommendations for improving the hearings and appeals process; develops regulations to implement procedural changes. Participates in the development of rulings and legislative planning.

Office of the Regional Hearings Representative, BHA—Represents the Bureau of Hearings and Appeals in the Region(s). Plans, organizes and administers regional programs for the scheduling and conduct, by hearing examiners, of impartial and independent hearings, and the rendering of decisions on appeals by: Claimants contesting determinations as to retirement, survivor, disability, or hospital insurance benefits; and institutions contesting determinations as to their status with regard to the health insurance program. Provides substantive guidance and administrative direction and leadership to the hearing examiners and their supporting staffs. Coordinates operations and administrative activities with HEW regional office, State agencies and others. Conducts periodic visitations and inspections of the hearings and appeals offices, which serve as centers of operations for hearing examiners.

Bureau of Retirement and Survivors Insurance (BRSI)—Develops, issues and appraises substantive policies, procedures, instructions and interpretive materials to provide program direction for the retirement and survivors insurance claims and benefit processes, and those common to all social security programs. Develops and coordinates such issuances as Social Security Rulings and Regulations, Compilation of Social Security Laws and Social Security Handbook. Directs administration of six payment centers responsible for retirement and survivors insurance claims processes; HI and SMI enrollment; SMI premium collection. Provides technical guidance for district officers. Directs OASDI program abroad, develops and authorizes foreign claims and determines continuing eligibility of beneficiaries. Collaborates in legislative planning.

Division of Administrative Review, BRSI—Conducts a continuing appraisal of the application of and compliance with policies and procedures in all phases of the RSI claims process and the quality of results achieved. Analyzes and reviews data flowing from the appraisal activities performed in the BRSI Regional Offices. Identifies problem areas and deficiences in policies, policy application, methods and procedures and recommends corrective action. Provides advice and assistance to other components of the Bureau and Administration concerning the interpretation and application of appraisal findings and recommendations.

Division of Appraisal Systems, BRSI—Develops criteria and techniques for appraising the application of and compliance with policies and procedures in all phases of the RSI claims process and the quality of results achieved. Develops and installs systems for collecting and recording pertinent data. Identifies critical work stations for which quality and/or processing time data is to be obtained. Furnishes advisory and consultative services to the Regional Representatives, RSI, concerning their appraisal activities, and coordinates systems development with other SSA components engaged in related activities.

Division of Benefit Continuity, BRSI—Develops, establishes and evaluates policies, substantive instructions, interpretive and other material relating to: Retirement provisions applying to eligibility to receive benefit payments; withholding of benefits in domestic and certain foreign cases; recovery, adjustment, or waiver of overpayments; underpayments; confidentiality of information; selection of representative payees; use of benefits by representative payees; problems involving benefit checks; fraud or potential fraud in any aspect of program operations; and recommendations for prosecution. Participates in legislative planning and in negotiation and coordination within the Department and with Federal agencies having responsibility for related areas of work.

Division of Coverage, BRSI—Develops, establishes and evaluates policies, substantive instructions, interpretive and other materials relating to: Coverage of employment including special provisions relating to agricultural labor, nonprofit organizations, etc.; State and local employment (including administration of the substantive program); wages and wage exceptions; self-employment including provisions relating to trade or business, tax computations, etc.; statutes of limitation; and miscellaneous exceptions. Participates in legislative planning and in negotiations and coordination within the Department, with Federal agencies having responsibility for related work areas, and with other interested private or governmental organizations.

Division of Entitlement, BRSI—Develops, establishes and evaluates policies, substantive instructions, interpretive and other materials relating to: Applications for all types of benefits; insured status; computation and recomputation of benefits; effect of periods of disability; coordination and integration of OASDI with military service and with railroad retirement; proofs of factors of entitlement, such as age, relationship and support, fundamental procedural requirements in total claims process including reconsideration and appeals. Participates in legislative planning and in negotiations and coordination within the Department, with Federal agencies having responsibility for related work areas, and with other interested private and governmental organizations.

Division of Foreign Claims, BRSI—Administers the RSI, DI and HI programs in foreign countries. Develops, adjudicates and authorizes claims filed by persons living in foreign countries and determines their continuing eligibility. In assigned areas of responsibility, establishes and appraises program policies, procedures and operations, recommending changes or modifications. Provides Administration liaison and coordination with DHEW, the State Department, other agencies, components of foreign governments and private organizations. Provides centralized translation services for the Administration.

Division of Management, BRSI—Initiates, analyzes and coordinates management plans, programs and policies to assure attainment of bureau and Administration operating and management objectives, and the integration of the bureau's activities relating to such matters as: Personnel management; fiscal management; organization; employee development; performance standards; work planning and reporting; reports, correspondence and records management; conference planning; and space and procurement. Develops and implements management improvement policies and procedures and continually appraises those in use. Collaborates with Administration staff offices furnishing related specialized services to provide a well-balanced management program.

Division of Operations, BRSI—Develops, establishes and evaluates new or revised operating policies and procedures for executing the claims processing, benefit payment, benefit accounting and SMI premium collection programs of the payment centers. Participates in legislative planning and the development of changes or revisions in policy or regulations; examines requests for statistical information for procedural and operational implications and for administrative feasibility. Coordinates the Bureau's operating procedures with other Administration components and with other Federal agencies having responsibility for related work areas. Coordinates with EDP system planners to assure desired integration of internal EDP, clerical and manual procedures with Administration-wide EDP operations.

Division of Technical Services, BRSI—Coordinates the development, clearance and publication of RSI program procedures, substantive instructions and related materials. Develops and appraises instructional media, claims forms and clearance methods. Plans and coordinates the issuance of Social Security Rulings. Plans, develops, appraises and coordinates publication of the Social Security Handbook, Compilation of the Social Security Laws and related issuances. Coordinates the preparation of the Social Security Administration Regulations for approval by the Secretary and for publication in the FEDERAL REGISTER. Maintains files of precedent materials. Participates in legislative planning.

Office of the Regional Representative, Retirement and Survivors Insurance (Payment Center), BRSI—Reviews, authorizes or disallows claims for RSI benefits. Certifies to the Department of the Treasury the initial benefit amounts payable. Determines when payments would be terminated, suspended, continued, increased or reduced in amounts. Reconsiders determinations on initial claims and on continuing eligibility to receive payments. Receives, records and deposits SMI premiums. Maintains accounting controls. Within the SSA region, provides technical direction on the retirement and survivors insurance program to other SSA components and appraises the quality of determinations and the adequacy of RSI program policies. Coordinates activities with other organizations such as the Treasury and Post Office Departments, Veterans Administration and Railroad Retirement Board.

8–C *Delegations of authority*—1. *Order of succession.* During the absence or disability of the Commissioner of Social Security, or in the event of a vacancy in that office, the Deputy Commissioner shall act as Commissioner. During the absence or disability of both the Commissioner and Deputy Commissioner, an official designated by the Commissioner shall act as Commissioner.

2. *Delegations of authority to the Commissioner of Social Security.* Except as provided in paragraph 3 of this section and Part 2 and section 8–D of this Statement, the Commissioner of Social Security shall exercise:

a. The functions vested in the Secretary under Title II of the Social Security Act, as amended (42 U.S.C. 401–428); under Titles VII and XI of the Act, as amended (42 U.S.C. 902–907, 1301–1318), except insofar as the provisions of such Titles pertain to the Mission of the Welfare Administration as described in Part 9 of this Statement; under Title XVIII of the Act, as amended (42 U.S.C. 1395–1395*ll*), with appropriate advice from and consultation with the Public Health Service and Welfare Administration as described in Part 1 of this Statement; section 1110 of the Social Security Act, as amended (42 U.S.C. 1310), insofar as such section pertains to the Mission of the Social Security Administration as described in section 8–A of this Statement; and under sections 1402(h), 3121 (k) and (l) of the Internal Revenue Code of 1954, as amended (26 U.S.C. 1402(h), 3121 (k) and (l)).

b. The functions vested in the Secretary relating to the Mission of the Social Security Administration, as described in section 8–A of this Statement, under the Social Security Act which are not contained in the Act but which are contained in the Acts cited in Exhibit X8–2.

c. The functions vested in the Secretary by section 5(k)(2) of the Railroad Retirement Act, as amended (45 U.S.C. 228e), having to do with the determination and certification for the transfer of funds between the Federal Old-Age and Survivors Insurance Trust Fund, the Federal Disability Insurance Trust Fund, the Federal Hospital Insurance Trust Fund, and the Railroad Retirement Account.

d. Authority vested in the Secretary by letter dated September 1, 1960, to the Secretary of the Treasury from the Director, Bureau of the Budget, authorizing the carrying out of programs under section 104(k) of the Agricultural Trade Development and Assistance Act of 1954, as amended, insofar as this authority pertains to the Mission of the Social Security Administration as described in section 8–A of this Statement: *Provided*, That this authority shall be exercised in accordance with applicable policies and procedures established by appropriate authorities to ensure consistency with basic foreign policy and with related Federal programs.

e. Authority vested in the Secretary by section 4 of Public Law 86–610, approved July 12, 1960 (74 Stat. 364), with respect to responsibilities relating to the Mission of the Social Security Administration as described in section 8–A of this Statement: *Provided*, That this authority shall be exercised in accordance with applicable policies and procedures established by appropriate authorities to ensure consistency with basic foreign policy and with related Federal programs.

3. *Delegations of authority to the Bureau of Hearings and Appeals.* In accordance with applicable rules and regulations, the Appeals Council, its members, and Hearing Examiners in the Bureau of Hearings and Appeals, shall exercise all duties, powers, and functions of the Secretary relating to the holding of hearings, the administration of oaths and affirmations, the issuance of subpoenas, the examination of witnesses, the receipt of evidence, the rendition of decisions, and the review of decisions in connection with administrative appeals:

a. By individuals from determinations made under Title II of the Social Security Act, as amended, and affecting their rights to benefits, lump sum payments, earnings credited to accounts, and disability determinations;

b. By individuals from determinations made under Title XVIII of the Social Security Act and affecting their rights to, and amounts of, benefits;

c. By institutions or agencies from determinations described in section 1869 (c) of the Social Security Act; and

d. By independent laboratories from determinations made pursuant to section 1861(s) of the Social Security Act, as amended, that they do not meet the conditions for coverage of their services.

4. *Delegations of authority to the Bureau of Federal Credit Unions.* The functions, powers, and duties of the Bureau of Federal Credit Unions under the Federal Credit Union Act, as amended (Public Law 86–354; 12 U.S.C. 1751–1772), shall be exercised by the Director of the Bureau of Federal Credit Unions under the general direction and supervision of the Commissioner of Social Security.

8–D *Reservation of authority.* 1. The Secretary shall serve as a member of the Board of Trustees of the (1) Federal Old-Age and Survivors Insurance Trust Fund, (2) Federal Disability Insurance Trust Fund, (3) Federal Hospital Insurance Trust Fund, and (4) Federal Supplementary Medical Insurance Trust Fund. During the absence of the Secretary, the Under Secretary or the Assistant Secretary for Legislation shall serve. During the absence or disability of the Secretary, the Under Secretary, and the Assistant Secretary for Legislation, the Commissioner of Social Security shall represent the Secretary.

2. Authority conferred by sections 218 (j), 706, 1813(b)(2), 1839(b)(2), 1867, and 1868 of the Social Security Act, as amended, shall be exercised only by the Secretary.

3. Authority to terminate agreements with States entered into pursuant to section 1864 of the Social Security Act, as amended, shall be exercised only by the Secretary.

4. Authority contained in subparagraph 8–C2c of this Statement may be redelegated only to the Deputy Commissioner of Social Security.

5. Authority conferred by section 218 (g)(2) of the Social Security Act, as amended, shall be exercised only by the Commissioner and Deputy Commissioner of Social Security. Notwithstanding such limitation, the Commissioner may redelegate the authority to terminate an agreement with respect to one or more coverage groups in any case where a State waives the required notice and hearing provided in section 218(g)(2) of the Act, as amended, and consents to the removal of a group or groups from the agreement because the group(s) is dissolved, or is no longer legally able to function although not legally dissolved.

6. Authority conferred by section 218 (s) of the Social Security Act, as amended, shall be exercised only by the Commissioner of Social Security. Notwithstanding such limitation, the Commissioner may redelegate the authority to grant, upon application by a State and for "good cause" shown, extensions of the time allowed for filing additional information or argument in connection with a request for review filed pursuant to section 218(s).

7. Authority conferred by section 1866 (d) of the Social Security Act, as amended, to withhold payment for inpatient hospital services or for post-hospital extended care services for failure to make timely utilization reviews, shall be exercised only by the Commissioner and Deputy Commissioner of Social Security.

8. Authority conferred by sections 1816 (b) and 1842(b)(2) of the Social Security Act, as amended, where the determination is that an agency, organization, or carrier will be unable to carry out the terms of an agreement (contract), shall be exercised only by the Commissioner of Social Security.

9. Authority conferred by sections 1816(e)(2) and 1842(b)(4) to terminate an agreement (contract) with an agency, organization, or carrier shall be exercised only by the Commissioner of Social Security, *Provided further*, That he shall exercise such authority only after—

a. Such agency, organization, or carrier has been given an opportunity to request (within such time as is provided for by regulations) the Secretary to review the Commissioner's conclusions and findings and, where such request is made

b. The Secretary has declined to review or has concurred in the Commissioner's proposal to terminate such agreement (contract).

10. Agreements and modifications of agreements under sections 218, 221(b), 1816(a), 1842(a), 1843(a), 1864(a), 1866(a), or 1874 of the Social Security Act, as amended, shall be reviewed by the Office of the General Counsel for legal form and substance.

8–E *Redelegation of authority.* Unless otherwise stated, authority delegated in section 8–C of this statement may be redelegated.

EXHIBIT X8-1—SOCIAL SECURITY ADMINISTRATION PERMANENT OFFICES

	Type of office	Address	ZIP Code
Alabama:			
Andalusia	Branch Office	408 South Three-Notch St	36420
Anniston	District Office	700 Quintard Ave., P.O. Box 98	36202
Bessemer	do	118 18th St	35020
Birmingham	do	2121 8th Ave. North	35203
	Hearings and Appeals	908 South 20th St	35205
	Payment Center	3d Ave. and 22d St	35203
Decatur	District Office	Federal Bldg., P.O. Box 499	35602
Dothan	do	100 West Troy St	36301
Florence	do	412 South Court St., P.O. Box 778	35630
Gadsden	do	807 Chestnut St., P.O. Box 980	35902
Huntsville	do	2318 Whitesburg Drive, South, P.O. Box 1408	35807
Mobile	do	218 St. Francis St	36601
	Hearings and Appeals	118 North Royall St	36602
Montgomery	District Office	474 South Court St	36104
Opelika	Branch Office	415 1st Ave	36801
Selma	District Office	905 Alabama Ave	36701
Talladega	Branch Office	128 North Court St	35160
Tuscaloosa	District Office	615 Queen City Ave	35401
Alaska:			
Anchorage	Branch Office	417 G St	99501
Juneau	District Office	709 West 9th St	99801

EXHIBIT X8-1—SOCIAL SECURITY ADMINISTRATION PERMANENT OFFICES

	Type of office	Address	ZIP Code
Colorado:			
Alamosa	Branch Office	1015 4th St	81101
Boulder	do	14th and Walnut Sts	80301
Colorado Springs	District Office	15 South Weber, P.O. Box 1307	80901
Denver	do	1961 Stout St	80202
	Hearings and Appeals	1961 Stout St	80202
Durango	Branch Office	1211 Main Ave	81301
Fort Collins	do	158 South Meldrum St	80521
Grand Junction	District Office	1100 Colorado Ave	81501
Greeley	do	1113 10th Ave., P.O. Box 780	80631
La Junta	Branch Office	200 Santa Fe Ave	81050
Pueblo	District Office	110 West 6th St., P.O. Box 956	81003
Trinidad	do	307 East Main St	81082
Connecticut:			
Bridgeport	do	181 Middle St	06608
Danbury	Branch Office	148 Deer Hill Ave	06810
Hartford	District Office	450 Main St	06103
Meriden	do	71 Cain St	06450
New Britain	do	130 College St	06050
New Haven	do	277 Church St	06510
New London	do	147 Bank St	06320
Stamford	do	40 Water St	06901
Torrington	do	295 Grand St	06790
Waterbury	do	946 Main St	06702
Willimantic	do		
Delaware:			
Dover	do	220 West Loockerman St	19901
Wilmington	do	824 West 10th St	19801
	Central Office Hearings and Appeals	3520 O St	20007
District of Columbia: Washington	Central Office Federal Credit Unions	499 Indiana Ave	20001
	District Office	414 11th St. NW	20004
	Hearings and Appeals	100 Indiana Ave. NW	20001
Florida:			
Clearwater	District Office	111 North Fort Harrison Ave	33517
Daytona Beach	do	1135 North Ridgewood Ave	32018
Deland	Branch Office	1331 Harper City Blvd	32720
Fort Lauderdale	District Office	208 Northeast 1st Ave	33301
Fort Myers	do	2124 Clifford St., P.O. Drawer M	33902
Fort Pierce	Branch Office	411 Southwest Second Ave	33450
Gainesville	District Office	1900 Tyler St	32601
Hollywood	Branch Office	430 West Abbey St	33020
Jacksonville	District Office	1845 Blanding Blvd	32210
	Hearings and Appeals	Simonton and Carolina Sts	32202
Key West	Branch Office	800 South Florida Ave	33040
Lake City	do	1751 Duval St	32055
Lakeland	District Office	800 South Florida Ave	33801
Leesburg	do	609 West Dixie Ave., P.O. Box 337	32748
Miami	do	1 Herald Plaza	33132
Miami Beach	do	91 Southwest 1st Ave	33130
Ocala	Branch Office	1503 Northwest 7th Ave	32670
Orlando	District Office	1015 South Pond St	32804
	Hearings and Appeals	2250 North Orange Ave	32804
Panama City	District Office	1011 East Colonial Dr	32803
Pensacola	do	1135 Harrison Ave	32501
Sarasota	do	81 East Oregory St., P.O. Box 750	32578
St. Petersburg	do	111 South Orange Ave., P.O. Box 3166	33733
Tallahassee	do	2170 Capital Circle, N.E.	32302
Tampa	do	1111 West College Ave., P.O. Box 630	33601
West Palm Beach	do	640 Zack St., P.O. Box 2182	33402
Georgia:		715 South Dixie Highway, P.O. Box 3171	
Albany	do	500 Pine Ave., P.O. Box 1068	31702
Athens	do	Beechwood Shopping Center, P.O. Box 1687	30604
	Hearings and Appeals	275 Pinehurst St., N.E.	30306
Atlanta	do	730 Peachtree St., N.E.	30308
	Hearings and Appeals	Room 220, Federal Bldg.	30303
Augusta	District Office	401 Telfair St.	30902
Columbus	do	Room 220, Federal Bldg.	31901
Dalton	Branch Office	301-05 18th St.	30720
Dublin	do	419 Bellevue Ave., P.O. Box 968	31021
East Point	District Office	2727 Main St., P.O. Box 1068	30344
Gainesville	do	455 Bradford St. NW., P.O. Box 652	30501

EXHIBIT X8-1—SOCIAL SECURITY ADMINISTRATION PERMANENT OFFICES

	Type of office	Address	ZIP Code
Arizona:			
Phoenix	do	1300 North Central Ave., P.O. Box 13119	85002
	Hearings and Appeals	3003 North Central Ave	85012
Prescott	District Office	208 West Willis St., P.O. Box 1551	86301
Tucson	do	110 East Alameda St., P.O. Box 3008	85702
Yuma	Branch Office	212 3d Ave., P.O. Box 99	85364
Arkansas:			
Batesville	do	12th and Main Sts	72501
Blytheville	do	211 North Broadway	72315
El Dorado	do	217 East Main St., P.O. Box 1388	71731
Fayetteville	do	North College Ave., P.O. Box BB	72702
Forrest City	Branch Office	813 South Washington St., P.O. Box 504	72335
Fort Smith	District Office	Phoenix Village	72901
Helena	do	Walnut and Ferry Sts., P.O. Box 370	72342
Hot Springs National Park	do	West Grand Ave. at Barry St., P.O. Box 8	71901
Jonesboro	do	417 East Jackson St., Drawer 1150	72401
Little Rock	do	700 West Capitol, P.O. Box 149	72203
	Hearings and Appeals	700 West Capitol	72201
Pine Bluff	District Office	116 West Harding St	71601
Russellville	Branch Office	1308 South Arkansas, P.O. Box 793	72801
California:			
Bakersfield	District Office	2519 F St	93301
Barstow	do	1980 University Ave	92311
Chico	do	8377 Topanga Canyon Blvd	91304
Chula Vista	do	876 Vallombrosa Ave., P.O. Box 1420	92010
El Centro	Branch Office	1081 West Main St	92243
Eureka	District Office	238 K St., P.O. Box 4480	95501
Fresno	do	650 North Fulton St., P.O. Box 6255	93714
Glendale	Branch Office	1542 South Glendale Ave, P.O. Box 449	91201
Hayward	District Office	1940 North Gower St., P.O. Box 1391	94541
Hollywood	do	2670 East Blauson Ave., P.O. Box 2466	90028
Huntington Park	do	6506 Pacific Blvd	90255
Inglewood	do	606 East Manchester, P.O. Box 70	90306
Lancaster	Branch Office	44950 North 10th St., West	93534
Long Beach	District Office	1255 Pacific Ave	90813
	Hearings and Appeals	115 Pine Avenue Bldg	90802
Los Angeles	District Office	449 South Hill St	90013
	Hearings and Appeals	1016 G St	90001
Marysville	do	550 West 22d St., P.O. Box 2225	95901
Merced	Branch Office	1038 McHenry Ave	95340
Modesto	District Office	118 North Garfield Ave	95350
Monterey Park	do	740 Lighthouse Ave	91754
Monterey	Branch Office	681 East 14th St	93940
Oakland	District Office	1301 Clay St., P.O. Box 1090	94604
Oceanside	do	1001 South Pacific Coast Drive	92054
Palm Springs	do	740 East Tahquitz Canyon Way	92262
Pasadena	do	445 East Holt Ave., P.O. Box 2929	91101
Redding	do	1555 East St., P.O. Box 880	96001
Sacramento	do	1818 J St	95803
	Hearings and Appeals	1722 Jay St	95814
Salinas	District Office	66 San Miguel Ave	93901
San Bernardino	do	1321 West 4th St	92401
San Diego	do	808 Golden Gate Ave	92108
	Hearings and Appeals	100 McAllister St	94102
San Francisco	District Office	1465 Market St	94103
	Payment Center	600 South 1st St	95113
San Jose	do	784 South Ross St., P.O. Box 1360	93702
San Luis Obispo	do	1225 4th St., P.O. Box 150	94401
San Mateo	do	1645 East 1st St., P.O. Box 661	94402
San Rafael	do	2901 Del La Vina St., P.O. Box 3057	93105
Santa Ana	do	1314 Sixth St., P.O. Box 1219	92702
Santa Barbara	do	708 East Main St	93454
Santa Cruz	Branch Office	1543 Pacific Ave	95060
Santa Maria	District Office	700 Caddington Center, P.O. Box 507	93454
Santa Monica	do	1406 Ocean Ave., P.O. Box 2986	90406
Santa Rosa	do	401 Nebraska St., P.O. Box 471	95401
Stockton	do	7136 Van Nuys Blvd	91405
Torrance	do	4374 Telegraph Road, P.O. Box A	90505
Van Nuys	do	701 West Center St	93277
Ventura	do	1219 East 66th St	93003
Visalia	do	12120 East Philadelphia St	90638
Watts	do		
Whittier	do		

EXHIBIT XS-1—SOCIAL SECURITY ADMINISTRATION PERMANENT OFFICES

	Type of office	Address	ZIP Code
Georgia—Continued			
Griffin	Branch Office	426 West Solomon St.	30223
La Grange	District Office	314 North Lewis St.	30240
Macon	do	451 College St., P. O. Box 4128	31208
Rome	do	306 Glen Milner Blvd., P. O. Box 231	30162
Savannah	do	101 East Liberty St., P. O. Box 2407	31403
Thomasville	do	North Broad St., P. O. Box 770	31792
Valdosta	do	122 North Oak St.	31601
Waycross	do	704 Jane St., P. O. Box 756	31501
Hawaii:			
Hilo	do	224 Hafi St.	96720
Honolulu	do	1151 Alakea St.	96813
Lihue, Kauai	Branch Office	4367 Rice St., P. O. Box 109	96766
Wailuku	do	2131 West Main St.	96793
Idaho:			
Boise	District Office	614 Main St., P. O. Box 110	83701
Idaho Falls	Branch Office	510 D St., P. O. Box 2497	83401
Lewiston	District Office	726 21st St., P. O. Box 643	83501
Pocatello	do	428 North Main St., P. O. Box 1657	83201
Twin Falls	do	156 2d Ave., West, P. O. Box 1239	83301
Illinois:			
Alton	do	1423 Washington Ave., P.O. Box 458	62002
Aurora	do	122 West Downer Pl.	60506
Berwyn	do	6311 West Cermak Rd.	60402
Bloomington	do	527 North Center St.	61701
Carbondale	do	1007 West Main St.	62902
Champaign	do	308 West Clark St.	61822
Chicago	do	111 North Wabash Ave.	60602
	do	2306 West Lawrence Ave.	60625
	do	1256 West 69th St.	60636
	do	4635 West Madison St.	60644
	do	4731 South Parkway	60615
	do	2345 West North Ave.	60647
	do	4255 North Milwaukee Ave.	60641
	do	1775 West Ogden Ave.	60612
	do	9825 Stony Island Ave.	60617
	Hearings and Appeals	219 South Dearborn St.	60604
	do	2376 East 71st St.	60649
	Payment Center	166 North Canal St.	60606
Danville	District Office	403 West North St.	61834
Decatur	do	241 North Main St.	62523
East St. Louis	do	650 Missouri Ave.	62201
Elgin	do	733 Dundee Ave., P.O. Box 555	60120
Elmwood Park	do	1820 North Harlem Ave.	60635
Evanston	do	1239 Chicago Ave., P.O. Box 1475	60202
Galesburg	do	250 East Main St., P.O. Box 350	61401
Harrisburg	do	325 East Poplar St., P.O. Box 846	62946
Harvey	do	15325 Page Ave.	60426
Joliet	do	225 North Chicago St., P.O. Box 1401	60434
Kankakee	do	1015 North Fifth Ave., P.O. Box 787	60901
La Salle	do	610 1st St.	61301
Mount Vernon	do	54 Crowview, P.O. Box 567	62864
Peoria	do	610 Abington, P.O. Box 148	61601
Quincy	do	1205 Broadway, P.O. Box 530	62301
Rockford	do	401 South Main St.	61101
Rock Island	do	211 19th St., P.O. Box 277	61202
Springfield	do	528 South 5th St.	62701
Sterling	do	413 East 3d St., P.O. Box B	61081
Waukegan	do	2400 Grand Ave., P.O. Box 490	60085
Indiana:			
Anderson	do	216 East Ninth St.	46016
Bloomington	do	115 West 7th St., P.O. Box 548	47402
Columbus	do	426 East Fifth St.	47201
Elkhart	do	515 South Third St.	46514
Evansville	do	214 Southeast 6th St.	47713
Fort Wayne	do	343 West Wayne St.	46802
Gary	do	610 Connecticut St.	46402
Hammond	do	536 State St.	46320
Indianapolis	do	2000 North Meridian St.	46202
	Hearings and Appeals	15 East Washington St.	46204
	District Office	500 West Superior St.	46601
Kokomo	do	833 Ferry St., P. O. Box 750	47902
Lafayette	do	310 Broadway	47901
Madison	do	119 West 6th St., P. O. Box 569	47250
Marion	do	108 West 4th St.	46952
Michigan City	do	106 West 8th St.	46360

EXHIBIT XS-1—SOCIAL SECURITY ADMINISTRATION PERMANENT OFFICES

	Type of office	Address	ZIP Code
Indiana—Continued			
Muncie	do	421 South Walnut St., P. O. Box 2236	47302
New Albany	do	121 West Spring St., P. O. Box 813	47150
Richmond	do	117 South 7th St.	47374
South Bend	do	128 South Lafayette Blvd.	46601
Terre Haute	do	627 Cherry St., P.O. Box 908	47808
Vincennes	do	310 North 2d St., P.O. Box 288	47591
Iowa			
Burlington	do	300 North Main St., P.O. Box 688	52601
Cedar Rapids	do	122 Second St. SE.	52401
Creston	do	316 West Montgomery St., P.O. Box 478	50801
Davenport	do	131 East 4th St.	52801
Des Moines	do	206 12th St.	50309
	Hearings and Appeals	418 7th St.	50309
Dubuque	District Office	6th and Locust Sts.	52001
Fort Dodge	do	2d Ave. South and 8th St., P.O. Box 907	50501
Mason City	do	124 West State St.	50401
Ottumwa	do	601 West 2d St., P.O. Box 468	52501
Sioux City	do	520 Nebraska St.	51101
Waterloo	do	West 4th and Commercial Sts.	50701
Kansas:			
Dodge City	do	117 East Spruce St., P.O. Box 880	67801
Hays	do	107 West 10th St., P.O. Box 986	67601
Hutchinson	do	105 West 1st, P.O. Box 1059	67501
Independence	do	115 West Laurel St., P.O. Box 907	67301
Kansas City	do	812 North 7th St.	66101
Manhattan	Branch Office	220 Poyntz Ave.	66502
Pittsburg	District Office	705 North Locust St., P.O. Box 74	66762
Salina	do	528 North 9th St., P.O. Box 747	67402
Topeka	do	536 Jefferson St.	66607
Wichita	do	435 South Water St.	67202
Kentucky:			
Ashland	do	1216 Carter Ave.	41101
Bowling Green	do	Main and Center Sts., P.O. Box 620	42101
Campbellsville	do	111 West Main St.	42718
Corbin	do	102-104 2d St.	40701
Covington	do	309 Garrard St.	41011
Elizabethtown	do	408 North Mulberry St.	42701
Frankfort	do	101 Bridge St.	40601
Hazard	do	135 Memorial Dr., P.O. Box 730	41701
Hopkinsville	do	2100 Fort Campbell Blvd., P.O. Box 3	42240
Lexington	do	980 Winchester Rd.	40508
	Hearings and Appeals	Church and Upper Sts.	40507
	District Office	620 South 5th St., P.O. Box 1080	40201
Louisville	Hearings and Appeals	130 South 4th St.	40202
Middlesboro	Branch Office	2317-19 West Cumberland Ave., P.O. Box 780.	40965
Owensboro	District Office	406 West Wesleyan Park Plaza, P.O. Box 1304.	42301
Paducah	do	112 South 10th St.	42001
Pikeville	do	Second and Division Sts.	41501
Louisiana:			
Alexandria	do	1777 Jackson St., P.O. Box 4227	71301
	Hearings and Appeals	1504 MacArthur Dr., P.O. Box 5066	71301
Baton Rouge	District Office	1924 Wooddale Blvd., P.O. Box 1748	70806
Hammond	Branch Office	124 Southwest Railroad Ave., P.O. Box 788	70401
Houma	District Office	322 Lafayette St., P.O. Box 20	70361
Lafayette	do	612 Pinhook Rd., P.O. Box 52085 OCS	70506
Lake Charles	do	3118 Ryan St., P.O. Box 1567	70601
Monroe	do	2003 Tower Dr., Box C	71204
Natchitoches	Branch Office	405 Keyser St., P.O. Box 636	71457
New Orleans	District Office	701 Loyola Ave.	70113
	do	2051 Senate St., P.O. Box 8241	70122
	Hearings and Appeals	701 Loyola Ave.	70113
Opelousas	Branch Office	531 North Lombard	70570
Shreveport	District Office	624 Travis St.	71101
Maine:			
Augusta	do	40 Western Ave.	04330
Bangor	do	51 Broadway	04401
Lewiston	do	536 Lisbon St.	04240
Portland	do	10 Congress Square	04101
Presque Isle	do	866 Main St.	04769
Rockland	Branch Office	408 Main St.	04841

EXHIBIT XS-1—SOCIAL SECURITY ADMINISTRATION PERMANENT OFFICES

	Type of office	Address	ZIP Code
Maryland:			
Baltimore	District Office	536 St. Paul St.	21202
	Central Office	6401 Security Blvd.	21235
Cumberland	District Office	6 Pershing St.	21501
Glen Burnie	do	96 Aquahart Rd.	21061
Hagerstown	do	89 North Cannon Ave.	21740
Marlow Heights	do	3611 Branch Ave., SE.	20023
Salisbury	do	112 East Market St.	21801
Silver Spring	do	8113 Fenton St.	20910
Towson	do	200 East Joppa Rd.	21204
Massachusetts:			
Attleboro	do	7 North Main St.	02703
Boston	do	Room E-129 Government Center	02203
	Hearings and Appeals	1211-C JFK Federal Bldg.	02203
Brockton	District Office	19 East Elm St.	02401
Cambridge	do	625 Mount Auburn St.	02138
Chelsea	do	295-7 Broadway	02150
Fall River	do	142 2d St.	02722
Fitchburg	do	154 Main St.	01420
Framingham	do	49 Park St.	01701
Haverhill	do	91 Merrimack St.	01830
Holyoke	do	330 Appleton St.	01040
Lawrence	do	46 Amesbury St.	01840
Lowell	do	21 Palmer St.	01852
Lynn	do	31 Exchange St.	01901
Malden	do	24 Exchange St.	02148
New Bedford	do	749 Purchase St.	02740
Norwood	do	17 Cottage St.	02062
Pittsfield	do	74 North St.	01202
Quincy	do	1431 Hancock St.	01269
Roxbury	do	90 Warren St.	02119
Salem	do	2 Margin St.	01970
Springfield	do	891 State St.	01109
Waltham	do	24 Crescent St.	02154
Worcester	do	340 Main St.	01608
Michigan:			
Ann Arbor	do	220 East Huron St., P.O. Box 627	48107
Battle Creek	do	74 North Washington Ave.	49017
Bay City	do	1009 North Madison Ave., North Napier Ave. and M-139	48708
Benton Harbor	do	5141 Oakman Blvd., P.O. Box 635	48022
Dearborn	do	1214 Griswold St.	48126
Detroit	do	17781 East Warren	48226
	do	16450 Woodward Ave.	48224
	do	18500 Grand River Ave.	48203
	do	10 Witherell St.	48226
	Hearings and Appeals	110 North 13th St.	48226
Escanaba	District Office	432 North Saginaw St.	49829
Flint	do	50 Ransom Ave. NE.	48502
Grand Rapids	do	536 North Jackson St.	49502
Jackson	do	410 West Michigan Ave.	49201
Kalamazoo	do	216 Townsend St.	49006
Lansing	do	102 East Blaker St.	48914
Marquette	do	316 North Mission	49855
Mount Pleasant	do	175 West Apple Ave., P.O. Box 236	48858
Muskegon	do	11 West Vine St.	49443
Monroe	do	2 Pennsylvania Plaza	48161
Petoskey	Branch Office	21 South Glenwood	49770
Pontiac	District Office	Water Street, P.O. Box 944	48058
Port Huron	do	28739 Gratiot Ave.	48061
Roseville	do	312 South Washington Ave., P.O. Box 1487	48066
Saginaw	do	1111 East Front St.	48605
Traverse City	do		49684
Minnesota:			
Austin	do	110 East Oakland Ave., P.O. Box 278	55912
Bemidji	do	6th and Minnesota, P.O. Box 214	56601
Duluth	do	17 North 4th Ave. West	55802
Fairmont	Branch Office	919 North State St.	56031
Hibbing	District Office	2628 1st Ave., P.O. Box 647	55746
Mankato	do	709 South Front St.	56002
Marshall	do	309 North 2d St., P.O. Box 448	56258
Minneapolis	do	110 South 4th St.	55401
	Hearings and Appeals	401 2d Ave. South	55401
Rochester	District Office	415 3d Ave. SE.	55902
St. Cloud	do	8th and St. Germain St.	56301
St. Paul	do	175 Aurora Ave.	55103
Winona	do	356 East Sarnia St., P.O. Box 646	55987

EXHIBIT XS-1—SOCIAL SECURITY ADMINISTRATION PERMANENT OFFICES

	Type of office	Address	ZIP Code
Mississippi:			
Clarksdale	Branch Office	3d and Sharkey Sts., P.O. Box 879	38614
Columbus	District Office	625 College St., P.O. Box 1021	39701
Greenville	do	Main and Poplar Sts., P.O. Box 1258	38702
Greenwood	do	413 Howard St., P.O. Box 940	38930
Gulfport	do	1022 22d Ave., P.O. Box 4018	39502
Hattiesburg	do	2d Ave. and Corinne St., P.O. Box 421	39402
Jackson	do	302 North St., P.O. Box 2249	39205
	Hearings and Appeals	802 North State St.	39201
Laurel	Branch Office	Room 239, Federal Office Bldg., P.O. Box 1708.	39440
McComb	do	216 22d St., P.O. Drawer B	39648
Meridian	District Office	2500 9th St., P.O. Box 5377	39301
Natchez	Branch Office	227 Market St., P.O. Box 387	39120
Tupelo	District Office	Corner Main and Church Sts., P.O. Box 680.	38801
Vicksburg	do	Corner Crawford and Walnut Sts., P.O. Box 1277.	39180
Missouri:			
Cape Girardeau	do	612 Broadway St., P.O. Box 100	63701
Clayton	do	219 South Central Ave.	63105
Hannibal	do	801 Broadway, P.O. Box 997	63401
Independence	do	301 West Lexington	64050
Jefferson City	do	113 West Miller St.	65101
Joplin	do	308 West 1st St.	64802
Kansas City	do	907 Walnut St.	64106
	Hearings and Appeals	911 Walnut St.	64106
	Payment Center	601 East 12th St.	64106
Kennett	Branch Office	622 1st St.	63857
Moberly	District Office	Johnson and Adams Sts.	65270
Poplar Bluff	do	215 South Broadway	63901
Rolla	Branch Office	113 West 9th St.	65401
St. Joseph	District Office	8th and Edmond Sts.	64501
St. Louis	do	417 North 10th St.	63101
	do	3626 South Grand Blvd.	63118
	Hearings and Appeals	1114 Market St.	63101
Sedalia	District Office	826 Thompson Blvd.	65301
Springfield	do	324 East Pershing St.	65806
West Plains	Branch Office	1314 Webster St.	65775
Montana:			
Billings	District Office	316 North 26th St., P.O. Box 2524	59101
Butte	do	54 East Broadway, P.O. Box 1962	59701
Great Falls	do	819 Central Ave., P.O. Box 2347	59401
Helena	do	616 Helena Ave.	59601
Kalispell	Branch Office	140 1st Ave. East, P.O. Box 10	59901
Miles City	do	713 Pleasant St.	59301
Missoula	District Office	201 South 3d St. West	59801
Nebraska:			
Beatrice	Branch Office	120 South 8th St.	68310
Grand Island	District Office	115 West Charles St., P.O. Box 788	68801
Hastings	do	515 West 3d St.	68901
Lincoln	do	2906 O St.	68510
Norfolk	do	4th and Madison, P.O. Box 884	68701
North Platte	do	3d and Pine Sts., P.O. Box 1127	69101
Omaha	do	215 North 17th St.	68102
	Hearings and Appeals	215 North 17th St.	68102
Scottsbluff	District Office	1716 Avenue A	69361
Nevada:			
Las Vegas	do	601 South 13th St., P.O. Box 2328	89104
Reno	do	811 Ryland St., P.O. Box 7117	89502
New Hampshire:			
Concord	do	18 School St.	03301
Keene	Branch Office	10 Dunbar St.	03431
Littleton	District Office	165 Main St.	03561
Manchester	do	50 Bridge St.	03101
Nashua	do	5 Water St.	03060
Portsmouth	do	40 Pleasant St.	03801
New Jersey:			
Asbury Park	do	611 Heck St.	07712
Atlantic City	do	Pacific and Pennsylvania Aves.	08401
Bloomfield	do	622 Bloomfield Ave.	07003
Bridgeton	do	100 North Pearl St.	08302
Camden	do	415 Federal St.	08101
East Orange	do	19 South Harrison St.	07018
Elizabeth	do	208 North Broad St.	07201

EXHIBIT XS-1—SOCIAL SECURITY ADMINISTRATION PERMANENT OFFICES

	Type of office	Address	ZIP Code
New Jersey—Continued			
Hackensack	do	60 Main St.	07601
Irvington	do	1071 Springfield Ave.	07111
Jersey City	do	900 Bergen Ave.	07306
Morristown	do	136 South St.	07960
Newark	do	1316 Broad St.	07114
	Hearings and Appeals	9 Clinton St.	07102
New Brunswick	District Office	167 New St.	08901
Passaic	do	63 Grove St.	07055
Paterson	do	52 Church St.	07505
Perth Amboy	do	93 Smith St.	08861
Trenton	do	417 East State St.	08608
New Mexico:			
Albuquerque	do	500 Gold Ave. SW., P.O. Box 1947	87103
Clovis	Branch Office	Oiddings and 6th Sts.	88101
Farmington	District Office	501 Airport Dr., P.O. Box 1128	87401
Las Cruces	Branch Office	1680 North Main St.	88001
Roswell	District Office	Richardson Ave., and 4th St., P.O. Box 1378.	88201
Santa Fe	do	Room 1208 Federal Bldg., P.O. Box 1908	87501
New York:			
Albany	do	16 Park St.	12207
	Hearings and Appeals	310 Federal Bldg.	12207
Auburn	District Office	2 Easterly Ave.	13021
Batavia	do	17 Mann Pl.	14020
Binghamton	do	107 Chenango St.	13902
Bronx	do	1980 Westchester Ave.	10462
	do	2180 Jerome Ave.	10468
	do	121 East 151st St.	10451
	Hearings and Appeals	540 East 149th St.	10451
	District Office	1245 Adams St.	12201
Brooklyn	do	790 Broadway	11206
	do	853 Avenue X	11223
	do	260 Moffatt St.	11207
	do	134 East 22d St.	11226
	do	120 West Mohawk St.	14202
Buffalo	Hearings and Appeals	230 Delaware Ave.	14202
Corning	District Office	11 East Pulteney St.	14830
Elmira	do	152 Baldwin St.	14901
Flushing	do	136-59 37th Ave.	11354
Freeport	do	59 North Main St.	11520
Geneva	do	380 Exchange St.	14456
Glens Falls	do	66 Bay St.	12801
Gloversville	do	53 South Main St.	12078
Huntington	do	740 Walt Whitman Rd.	11746
Ithaca	Branch Office	113 South Cayuga St.	14850
Jackson Heights	District Office	77-14 Roosevelt Ave.	11372
	do	144-10 Jamaica Ave.	11435
Jamaica	Hearings and Appeals	90-31 161st St.	11423
Jamestown	District Office	Prendergast Ave and 20 St.	14701
Kenmore	do	3660 Delaware Ave.	14217
Kingston	do	97 Albany Ave.	12401
Manhattan	do	39 Broadway	10006
	do	1547 Broadway	10019
	do	230 West 125th St.	10027
	do	1357 St. Nicholas Ave.	10033
	Hearings and Appeals	80 East 42d St.	10017
	Payment Center	9606 Horace Harding Expressway	11368
Mineola	District Office	1508 Kellum Pl.	11501
New Rochelle	do	70 Church St.	10801
Newburgh	do	473 Broadway	12550
Niagara Falls	do	1429 Pine Ave.	14301
Ogdensburg	do	308 Catherine St., P.O. Box 879	13669
Olean	do	136 North Union St., P.O. Box 406	14760
Oneonta	do	116 Main St.	13820
Oswego	do	Corner Oneida and 1st Sts.	13126
Patchogue	do	73 Oak St.	11772
Plattsburgh	do	19-25 Elm St.	12902
Poughkeepsie	do	23 Academy St.	12602
Rochester	do	107 Clinton Ave. North	14604
Schenectady	do	920 Franklin St.	12308
Spring Valley	do	80 North Madison Ave.	10977
Staten Island	do	696 Forest Ave.	10310
Syracuse	do	340 James St.	13203

EXHIBIT XS-1—SOCIAL SECURITY ADMINISTRATION PERMANENT OFFICES

	Type of office	Address	ZIP Code
New York—Continue			
Troy	do	22 2d St.	12180
Utica	do	267 Genesee St.	13501
Watertown	do	98 Public Square, P.O. Box 440	13601
White Plains	do	300 Mamaroneck Ave.	10601
Yonkers	do	45 South Broadway	10701
North Carolina:			
Asheville	do	50 South French Broad Ave.	28801
Charlotte	do	2028 Independence Blvd. North	28208
	Hearings and Appeals	317 Insurance Lane	28204
Durham	District Office	3022 Guess Rd., P.O. Box 2207	27702
Fayetteville	do	301 Green St., P.O. Box 8	28301
Gastonia	do	1520 East Franklin Ave., P.O. Box 2007	28052
Goldsboro	do	311 East Walnut St., P.O. Box 8	27530
Greensboro	do	1227 Beaman Pl., P.O. Box 2778	27408
Greenville	do	205 Boyd Ave.	27834
Hickory	do	24 1st Ave. NE.	28601
High Point	do	422 North Wrenn St., P.O. Box 231	27261
New Bern	do	303 New St., P.O. Box 1250	28561
Raleigh	do	1122 Hillsboro St., P.O. Box 2888	27602
	Hearings and Appeals	1230 St. Mary's St.	27603
Rocky Mount	District Office	226 Hill St., P.O. Box 1140	27802
Salisbury	do	106 Cartner Ave.	28144
Wilmington	do	14 South 16th St., P.O. Box 2067	28402
Winston-Salem	do	538 North Spring St.	27101
North Dakota:			
Bismarck	do	Federal Bldg., Room 208, P.O. Box 918	58501
Fargo	do	406 Roberts St., P.O. Box 1846	58102
Grand Forks	do	401 Delmore Ave., P.O. Box 130	58201
Minot	do	100 1st St. SW.	58701
Ohio:			
Akron	do	340 South Broadway	44308
Ashtabula	do	4314 Main Ave.	44004
Canton	do	1020 Market Ave.	44702
Chillicothe	do	606 Central Center	45601
Cincinnati	do	550 Main St.	45202
	Hearings and Appeals	550 Main St.	45202
	District Office	1240 East 9th St.	44199
Cleveland	do	10613 Euclid Ave.	44106
	do	2012 West 25th St.	44113
	Hearings and Appeals	1365 Ontario St.	44114
Columbus	District Office	170 North High St.	43215
	Hearings and Appeals	33 North High St.	43215
Dayton	District Office	533 West 1st St.	45402
Defiance	do	5th St. and Clinton Ave.	43512
East Liverpool	do	740 Dresden Ave.	43920
Findlay	do	337 East Lincoln St.	45840
Hamilton	do	211 South Front St.	45011
Lancaster	Branch Office	212 South Broad St.	43130
Lima	District Office	540 West Market St.	45802
Lorain	do	203 8th St.	44052
Mansfield	do	166 West 3d St., P.O. Box 806	44901
Marietta	do	601 6th St., P.O. Box 644	45750
Marion	do	126 south Main St.	43302
New Philadelphia	do	172 West High St.	44663
Newark	do	15 West Locust St.	43055
Piqua	do	219 West Ash St.	45356
Portsmouth	do	923 Findlay St., P.O. Box 1289	45662
Sandusky	do	136 Market St.	44870
Springfield	do	13 East Pleasant St.	45501
Steubenville	do	680 Market St.	43952
Toledo	do	234 Summit St.	43604
Warren	do	556 High St. NE.	44483
Wooster	Branch Office	405 West Liberty St.	44691
Youngstown	District Office	25 Central Square	44503
Zanesville	do	9080 Maple Ave.	43701
Oklahoma:			
Ardmore	do	232 West Main St., P.O. Box 548	73401
Bartlesville	Branch Office	548 Southeast Washington St., P.O. Box 2121	74003
Enid	District Office	2003 Lahoma Rd., P.O. Box 3027	73701
Lawton	do	615 West B Ave., P.O. Box 308	73501
McAlester	do	109 East Washington, P.O. Box 998	74501

EXHIBIT XS-1—SOCIAL SECURITY ADMINISTRATION PERMANENT OFFICES

	Type of office	Address	ZIP Code
Oklahoma—Continued			
Muskogee	do	119 North 3d St., P.O. Box 678	74401
	do	200 Northwest 4th St.	73102
Oklahoma City	Hearings and Appeals	3d and North Robinson	70113
Ponca City	Branch Office	222½ East Grand, P.O. Box 390	74601
Shawnee	do	1500 North Kickapoo	74801
Tulsa	District Office	1212 East 15th St.	74153
Oregon:			
Coos Bay	Branch Office	289 North Broadway, P.O. Box 270	97420
Eugene	District Office	640 High St., P.O. Box 1237	97401
Klamath Falls	do	1020 Pine St., P.O. Box 549	97601
La Grande	do	1802 4th St., P.O. Box 1027	97850
Medford	do	1017 North Riverside, P.O. Box 1017	97501
	do	1221 Southwest 12th St.	97205
Portland	Hearings and Appeals	430 Southwest Morrison St.	97470
Roseburg	Branch Office	808 Southeast Stephens, P.O. Box 236	97470
Salem	District Office	702 Church St. NE., P.O. Box 149	97308
Pennsylvania:			
Allentown	do	129–131 North 13th St.	18102
Altoona	do	1113 17th St.	16603
Ambridge	do	339 Merchant St.	15003
Bristol	do	1502–04 Farragut Ave.	19007
Butler	do	401 South Main St.	16001
Chambersburg	do	14 North Main St.	17201
Chester	do	5th and Market Sts.	19013
Du Bois	do	120 North Brady St.	15801
Easton	do	204 Northampton St.	18042
Erie	do	1001 State St.	16501
Greensburg	do	101 North Main St.	15601
Harrisburg	do	16 North 2nd St.	17101
Hazleton	do	21 East Broad St.	18201
Indiana	do	521 Philadelphia St.	15701
Johnstown	do	Federal Bldg., Locust St.	15901
Lancaster	do	225 West King St.	17603
Lebanon	Branch Office	840 Willow St.	17042
McKeesport	District Office	411 6th Ave.	15132
New Castle	do	25 North Mill St.	16101
New Kensington	do	707 5th Ave.	15068
Norristown	do	55 East Marshall St.	19401
Oil City	do	311 Seneca St.	16501
Philadelphia	do	1319 Filbert St.	19107
	do	5716 Greene St.	19144
	do	4739 Frankford Ave.	19124
	do	5131 Chestnut St.	19139
	do	1015 Chestnut St.	19107
	Hearings and Appeals	401 North Broad St.	19108
	Payment Center	915 Penn Ave.	15222
Pittsburgh	District Office	121 South Highland Ave.	15206
	do	1000 Liberty Ave.	15222
	Hearings and Appeals	201 East Arch St.	17901
Pottsville	District Office	533 Penn St.	19601
Reading	do	North Washington Ave. and Linden St.	18501
Scranton	do	817 East State St.	18509
Sharon	do	346 East College Ave., P.O. Box 13	16147
State College	do	220-A Market St., P.O. Box 266	16801
Sunbury	do	50 West Main St.	17801
Uniontown	do	365 Jefferson Ave.	15401
Washington	do	High and Market Sts.	15301
West Chester	do		19380
	do	19 North Main St.	18701
Wilkes-Barre	Hearings and Appeals		18701
Williamsport	District Office	302 West 4th St.	17701
York	do	229 South George St.	17403
Puerto Rico and Virgin Islands:			
Arecibo	do	521 Rotarios Ave., P.O. Box 675	00613
Caguas	do	Baldoriety St. and Viscarrondo, P.O. Box 1145.	00626
Mayagues	do	98 McKinley St., P.O. Box 1630	00709
Ponce	do	104 Atocha St., P.O. Box 2113	00732
San Juan	do	102 Ponce de Leon Ave., P.O. Box 2408	00910
Santurce	Hearings and Appeals	605 Condado Ave.	00908
St. Thomas	Branch Office	22 Crystal Glade, P.O. Box 118	00801
Rhode Island:			
Pawtucket	District Office	15 High St.	02860
Providence	do	200 Dyer St.	02903
Woonsocket	do	Monument Square	02895

EXHIBIT XS-1—SOCIAL SECURITY ADMINISTRATION PERMANENT OFFICES

	Type of office	Address	ZIP Code
South Carolina:			
Anderson	do	114 West Greenville St., P.O. Box 78	29621
Bennettsville	Branch Office	124 South Liberty St.	29512
Charleston	District Office	334 Meeting St., P.O. Box 2308	29403
	Hearings and Appeals	1813 Main St.	29201
Columbia	Branch Office	1226 Laurel St.	29201
Conway	District Office	905 3d Ave.	29526
Florence	Branch Office	287 South Warley St.	29501
Georgetown	District Office	106 Screven St.	29440
Greenville	Hearings and Appeals	East Washington St., P.O. Drawer 10157	29603
	District Office	410 North Main St.	29601
Greenwood	Branch Office	219 Magnolia Ave., P.O. Box 619	29647
Orangeburg	Branch Office	314 St. John St., P.O. Box 427	29115
Rock Hill	District Office	226 Hampton St., P.O. Box 451	29730
Spartanburg	do	141 Alabama St., P.O. Box 2727	29302
Sumter	Branch Office	101 South Main St., P.O. Box 1248	29151
South Dakota:			
Aberdeen	District Office	Room 218, Post Office Bldg., P.O. Box 1360.	57401
Huron	do	324 3d St. SW., P.O. Box 839	57350
Rapid City	do	916 Main St.	57701
Sioux Falls	do	812 South Dakota Ave.	57102
Tennessee:			
Chattanooga	do	1401 McCallie Ave., P.O. Box 891	37401
	Hearings and Appeals	705 Market St.	37402
Clarksville	Branch Office	301 and Legion Sts.	37040
Columbia	District Office	601 North High St., P.O. Box 999	38402
Cookeville	do	412 Spring St., P.O. Box 899	38502
Dyersburg	do	Church and McGaughy Sts., P.O. Box 368	38024
Greeneville	Branch Office	212–216 East Depot St., P.O. Box 241	37743
Jackson	District Office	Post Office Bldg., P.O. Box 2607	38301
Johnson City	do	326 West Walnut St.	37601
Kingsport	Branch Office	Parkway Plaza Shopping Center	37660
	District Office	1015 North Central Ave., P.O. Drawer 3447	37917
Knoxville	Hearings and Appeals	301 West Cumberland Ave.	37902
	Branch Office	511 East Central St., P.O. Box 1470	37703
LaFollette	District Office	167 North Main St.	38118
Memphis	Branch Office	201 East Main St., P.O. Box 1196	37815
Morristown	Branch Office	103 West Sevier St.	37120
Murfreesboro	do	1600 Hayes St.	37208
Nashville	District Office	1717 West End Ave.	37203
	Hearings and Appeals	West Lincoln St., P.O. Box 817	37202
Tullahoma	Branch Office		
Texas:			
Abilene	District Office	North 3d and Pine Sts.	79604
Amarillo	do	1006 Adams St.	79101
Austin	do	531 Barton Spring Rd.	78704
Beaumont	do	485 North 15th St., P.O. Box 5300	77706
Big Spring	do	1000 Gregg St.	79720
Brownsville	do	910 East Washington St., P.O. Box 1251	78521
Brownwood	Branch Office	315 North Center Ave., P.O. Box 700	76801
Bryan	District Office	307 South Main St., P.O. Box 793	77801
Corpus Christi	do	1802 South Staples St., P.O. Box 3606	78404
Corsicana	Branch Office	415 North 12th St., P.O. Box 1481	75110
Dallas	District Office	3716 Rawlins St., P.O. Box 6566	75219
	Hearings and Appeals	311 South Akard St.	75202
Eagle Pass	Branch Office	338 Monroe St., P.O. Box 1208	78852
El Paso	District Office	3211 Yandell Dr., P.O. Box 8246	79923
Fort Worth	do	819 Taylor St.	76102
	Hearings and Appeals	819 Taylor St.	76102
Galveston	District Office	1419 Tremont St.	77550
Greenville	Branch Office	Corner of Wesley and Lee Sts., P.O. Box 1127	75401
	District Office	515 Rusk Ave.	77002
Houston	Hearings and Appeals	515 Rusk Ave., P.O. Box 61829	77061
	District Office	700 San Augustine Ave., P.O. Box 389	78041
Laredo	do	108 East South St., P.O. Box 871	75603
Longview	do	3423 Avenue H	79404
Lubbock	do	Chestnut Village Shopping Center, P.O. Box 908.	79401
Lufkin	do	504 South 12th, P.O. Box 1180	75901
McAllen	do	700 East Grant St.	78501
Odessa	do	611 East Lacey	79760
Palestine	Branch Office	1416 East Southmore Ave., P.O. Box 3008	75801
Pasadena	District Office	1401 B, West 5th	77502
Plainview	Branch Office	1220 Clarksville St., P.O. Box 511	79072
Paris	District Office	400 West Kingsmill St.	75461
Pampa	Branch Office	234 Fort Worth Ave., P.O. Box 1427	79065
Port Arthur	District Office		77641

RURAL RD-1—SOCIAL SECURITY ADMINISTRATION FIELD SERVICE OFFICES

	Type of office	Address	ZIP Code
Texas—Continued			
San Angelo	do	3626 West Harris Ave.	76901
San Antonio	do	309 Dwyer Ave.	78204
Sherman	do	315 West Mulberry, P.O. Box 948	75091
Tampa	do	210 West Central Ave., P.O. Box 428	76501
Texarkana	do	121 College Dr., P.O. Box 1319	75503
Tyler	do	108 West Front St., P.O. Box 2007	75701
Vernon	Branch Office	1716 Francis St., P.O. Box 1427	76384
Victoria	District Office	312 North Main St., P.O. Box 2258	77902
Waco	do	2236 Franklin Ave., P.O. Box 289	76703
Wichita Falls	do	Lamar and 10th Sts., P.O. Box 1659	76307
Utah:			
Ogden	do	304 24th St.	84401
Provo	do	170 North 3d St., P.O. Box 948	84601
Salt Lake City	do	125 South State St.	84111
Vermont:			
Burlington	do	11 Elmwood Ave.	05402
Montpelier	do	87 State St.	05601
Rutland	do	34 Evelyn St.	05701
Virginia:			
Alexandria	do	926 South Washington St., P.O. Box 118	22313
Bristol	do	2196 Euclid Ave.	24201
Charlottesville	do	2146 Barracks Rd., P.O. Box 5126	22903
Covington	do	423 West Main St., P.O. Box 87	24426
Danville	do	Arnett Blvd.	24540
Lynchburg	do	2800 Memorial Ave., P.O. Box 2267	24501
Newport News	do	9001 Marshall Ave.	23605
Norfolk	do	230 West Brambleton Ave.	23510
Norton	Branch Office	66 7th St.	24273
Petersburg	District Office	200 North Sycamore St., P.O. Box 619	23804
Richmond	do	400 North 8th St.	23240
	Hearings and Appeals	400 North 8th St.	23240
	District Office	900 West Campbell Ave.	24016
Roanoke	Hearings and Appeals	900 South Jefferson St.	24016
Staunton	District Office	119 West Frederick St., P.O. Box 1688	24401
Winchester	do	30 South Cameron St., P.O. Box 428	22601
Wytheville	Branch Office	440 West Franklin St.	24382
Washington:			
Aberdeen	District Office	309 East Market St.	98520
Bellingham	do	Magnolia and Cornwall Sts.	98225
Bremerton	do	901 11th St., P.O. Box 30	98310
Everett	do	3034 Wetmore Ave.	98201
Longview	Branch Office	1448 Broadway, P.O. Box 1017	98632
Olympia	District Office	1007 South Washington St., P.O. Box 608	98501
Pasco	Branch Office	219 West Lewis, P.O. Box 1048	99301
	District Office	200 Fairview Ave. North	98109
Seattle	Hearings and Appeals	1319 2nd Ave.	98101
Spokane	District Office	1429 North Washington St.	99201
Tacoma	do	1656 South L St.	98405
Vancouver	do	900 West 12th St., P.O. Box 249	98660
Walla Walla	do	235 South 2nd St., P.O. Box 947	99362
Wenatchee	do	809 North Chelan St., P.O. Box 630	98801
Yakima	do	101 North 6th St., P.O. Box 2138	98903
West Virginia:			
Beckley	do	110 Howe St., P.O. Box Y	25801
Bluefield	do	Federal St., P.O. Box 4160	24701
Charleston	do	1206 Quarrier St., P.O. Box 1788	25326
	Hearings and Appeals	500 Quarrier St.	25301
Clarksburg	District Office	723 West Pike St.	26301
	do	1410 8th Ave., P.O. Box 2165	25722
Huntington	Hearings and Appeals	1011 6th Ave.	25701
Logan	District Office	417 Main St.	25601
Martinsburg	Branch Office	126 East Martin St., P.O. Box 737	25401
Morgantown	District Office	9 South High St.	26505
Parkersburg	do	953 Market St.	26101
Welch	do	20 McDowell St., P.O. Box 909	24801
Wheeling	do	11th and Chapline Sts.	26003
Wisconsin:			
Appleton	do	401 South Elm St., P.O. Box 898	54911
Eau Claire	do	715 South Barstow St., P.O. Box 620	54701
Fond Du Lac	do	73 East 1st St., P.O. Box 73	54935
Green Bay	do	225 East Walnut St.	54301
Janesville	do	205-15 West Milwaukee St., P.O. Box 720	53545
Kenosha	do	2009 60th St., P.O. Box 349	53140
La Crosse	do	140 South 6th St., P.O. Box 856	54601
Madison	do	2602 University Ave.	53705
	do	342 North Water St.	53202
Milwaukee	do	4231 West Oklahoma Ave.	53219
	Hearings and Appeals	161 West Wisconsin Ave.	53203
	District Office	424 Washington Ave.	54901
Oshkosh	do	402 Main St.	53401
Racine	do	607 North 8th St.	53403
Sheboygan	do	1610 Belmap St., P.O. Box 106	54080
Superior	do	710 North Barstow St.	53186
Wausau	do	119 Scott St., P.O. Box 998	54402
Wisconsin Rapids	do	140 Johnson St., P.O. Box 948	54494
Wyoming:			
Casper	do	806 South David St., P.O. Box 1771	82602
Cheyenne	do	326 Randall Blvd., P.O. Box 948	82001
Rock Springs	do	545 Broadway, P.O. Box 1280	82901

EXHIBIT XS-6—STATUTES, OTHER THAN THE SOCIAL SECURITY ACT, WHICH GIVE THE SECRETARY AUTHORITY RELATING TO THE MISSION OF THE SOCIAL SECURITY ADMINISTRATION

(a) Act of August 11, 1939 (Public Law 400, 76th Cong.), 53 Stat. 1420, sec. 1, 53 Stat. 1420.

(b) Act of August 13, 1940 (Public Law 764, 76th Cong.), 54 Stat. 788, sec. 3, 54 Stat. 787.

(c) Act of May 26, 1948 (Public Law 587, 80th Cong.), 62 Stat. 274, sec. 3(b)(5), 70 Stat. 260.

(d) Act of September 1, 1954 (Public Law 768, 83d Cong.), 68 Stat. 1142, as amended, September 26, 1961, Public Law 87-299, 75 Stat. 640.

(e) Internal Revenue Code of 1954, 68A Stat. 3, sec. 3121(k)(2), 68A Stat. 420, sec. 3121(l)(4), 68 Stat. 1065.

(f) Civil Service Retirement Act, 66 Stat. 699, sec. 2(j), 70 Stat. 743, 75 Stat. 623.

(g) Immigration and Nationality Act, 66 Stat. 204, sec. 290(c), 66 Stat. 284.

(h) International Organizations Immunities Act, 59 Stat. 669, sec. 5(b), 59 Stat. 671.

(i) Railroad Retirement Act of 1937, 50 Stat. 307, sec. 3(e), 50 Stat. 311, as amended, sec. 5(k)(3)(E), 60 Stat. 698, sec. 5(k)(3), 60 Stat. 722, 72 Stat. 1730, sec. 21(c), 70 Stat. 940.

(j) Social Security Act Amendments of 1939 (Public Law 379, 76th Cong.), 53 Stat. 1366, sec. 907, 59 Stat. 1492, 57 Stat. 48, 47, 58 Stat. 182, 68 Stat. 1665.

(k) Social Security Act Amendments of 1950 (Public Law 734, 81st Cong.), 64 Stat. 477, sec. 101(d), 64 Stat. 482, 66 Stat. 775, 74 Stat. 986, sec. 110, 64 Stat. 523.

(l) Social Security Amendments of 1954 (Public Law 761, 83d Cong.), 68 Stat. 1052, sec. 101(k), 68 Stat. 1060, sec. 102(e)(5), 68 Stat. 1065, 74 Stat. 966, sec. 109, 68 Stat. 1084, 74 Stat. 948, sec. 408(a), 68 Stat. 1098, 70 Stat. 858, 72 Stat. 988, 74 Stat. 944, sec. 404, 68 Stat. 1099.

(m) Social Security Amendments of 1956 (Public Law 880, 84th Cong.), 70 Stat. 807, sec. 104(f), 70 Stat. 836, sec. 116, 70 Stat. 833, 74 Stat. 924.

(n) Social Security Amendments of 1958 (Public Law 85-840), 72 Stat. 1018, sec. 314(c)(2), 72 Stat. 1037, sec. 316, 72 Stat. 1040, 74 Stat. 935.

(o) Social Security Amendments of 1960 (Public Law 86-778), 74 Stat. 924, sec. 101(d), 74 Stat. 927, sec. 103(f)(3)(B), 74 Stat. 934, sec. 108(h), 74 Stat. 934, sec. 102(1), 74 Stat. 935, sec. 102(k), 74 Stat. 936, sec. 105(b), 74 Stat. 942, sec. 404(a), 74 Stat. 970.

(p) Social Security Amendments of 1965 (Public Law 89-97), 79 Stat. 286, sec. 102(b), 79 Stat. 332, sec. 108(c), 79 Stat. 334, sec. 109(b), 79 Stat. 340, sec. 316(c), 79 Stat. 386, sec. 319(c), 79 Stat. 392, sec. 321(c), 79 Stat. 402.

(q) Other Social Security Act Amendments, Public Law 85-237 (Aug. 30, 1957), 71 Stat. 513, sec. 2, 71 Stat. 512; Public Law 85-239 (Aug. 30, 1957), 71 Stat. 521, sec. 3, 71 Stat. 523; Public Law 86-284 (Sept. 16, 1959), 73 Stat. 566, sec. 5, 73 Stat. 566; Public Law 87-876 (Oct. 24, 1962), 76 Stat. 1202.

(r) Title 28, U.S. Code (Public Law 85-557), 72 Stat. 1106, sec. 452, 72 Stat. 1132, sec. 3001, 72 Stat. 1223, sec. 3065, 72 Stat. 1226.

(s) Trading With the Enemy Act of 1917, 40 Stat. 411, sec. 38(a), 60 Stat. 926.

Dated: July 7, 1967.

[SEAL] JOHN W. GARDNER,
Secretary.

[F.R. Doc. 67-8915; Filed, July 14, 1967; 8:45 a.m.]

Office of the Secretary

SAINT ELIZABETHS HOSPITAL

Statement of Organization, Functions, and Delegations of Authority

The following statement supersedes all previous material issued in Part 14 (Saint Elizabeths Hospital) of the Statement of Delegations of Authority for the Department of Health, Education, and Welfare.

14-A *Mission.* Saint Elizabeths Hospital is responsible for providing appropriate treatment for the mentally ill, for mental health training programs for professional and other personnel, and for research in mental health.

14-B *Organization and functions.* Saint Elizabeths Hospital is administered by the Superintendent under the direction of the Secretary. It consists of the following major components:

Office of the Superintendent: Manages and directs the activities of Saint Elizabeths Hospital.

Behavioral and Clinical Studies Research Center: Coordinates and directs research activities.

Division of Administration: Performs all nonmedical activities, including business management, construction, management improvement, maintenance, dietary, and industrial.

Division of Medical Services: Provides complete psychiatric care for various categories of mentally ill patients and general medical and surgical treatment for all patients. Provides administrative management and paramedical activities. The paramedical activities include providing complete nursing care of all patients; compiling and issuing biometric data; providing for the spiritual and religious welfare of patients; providing laboratory services; maintaining medical records; providing psychological services including personality, speech and hearing evaluations and treatment; conducting psychodrama, dance therapy, occupational and recreational therapy programs; implementing sanitation measures; providing social service facilities; providing educational and rehabilitation programs; conducting a volunteer worker program; and conducting a training and rehabilitation program for patients under 18 years of age.

Professional Training and Education Division: Formulates training program policies, and directs the psychiatric residency training program. Coordinates other medical and paramedical professional educational programs.

Cruvant Division: Furnishes treatment and care in an intermediate security setting to male and female patients.

Dix Division: Furnishes treatment and care for male and female patients under 70 years of age at the time of admission.

Geriatric Division: Furnishes treatment and care for patients age 70 or older at the time of admission.

John Howard Division: Furnishes treatment and care for male patients in a maximum security setting.

Que Division: Furnishes treatment and care for male and female patients under 70 years of age at the time of admission.

Richardson Division: Furnishes treatment and care for male and female patients under 70 years of age at the time of admission.

West Lodge Division: Furnishes treatment and care for male and female patients under 70 years of age at the time of admission.

West Side Division: Furnishes treatment and care for male patients, including some admitted as a result of criminal proceedings. Intermediate security facilities are utilized for certain patients.

W. A. White Division: Furnishes treatment and care for male and female patients of all ages.

14-C *Delegations of authority.* 1. Order of Succession: During the absence or disability of the Superintendent or in the event of a vacancy in that office, the Assistant Superintendent will act as Superintendent. During the absence or disability of the Superintendent and Assistant Superintendent, or in the event of a simultaneous vacancy in the offices of Superintendent and Assistant Superintendent, the First Assistant Physician will act as Superintendent.

During the absence, disability or vacancy in the office of Superintendent, Assistant Superintendent, and First Assistant Physician, the Clinical Director who is senior according to the date of his appointment as Clinical Director, will act as Superintendent. In the event of equal seniority between Clinical Directors, seniority as to date of appointment to the Hospital will govern.

During the absence or disability of the Superintendent, or in the event of a vacancy in that office, the Acting Superintendent, serving in accordance with the prescribed order of succession, will perform all functions and exercise all authority of the Superintendent.

2. Except as provided in Chapter 2-000 the Superintendent of Saint Elizabeths Hospital will exercise all of the functions transferred to the Department by section 11(a), Reorganization Plan No. IV, and Reorganization Plan No. 1 of 1953.

3. The Superintendent of Saint Elizabeths Hospital, by delegation of the Secretary, will exercise the functions vested in the Secretary by the Act of June 21, 1950 (P.L. 569, 81st Congress), as amended (37 USC 354), relating to the appointment of boards of physicians under the Superintendent's jurisdiction, to determine the mental competency of members of the uniformed services being provided medical treatment at Saint Elizabeths Hospital.

14-D *Redelegation of authority.* Unless otherwise restricted, authority contained in section 14-C may be redelegated by the Superintendent to such officials of Saint Elizabeths Hospital as he may deem appropriate.

14-E *Location.* Saint Elizabeths Hospital is located at 2700 Nichols Avenue SE., Washington, D.C. 20032.

Dated: July 8, 1967.

WILBUR J. COHEN,
Acting Secretary.

[F.R. Doc. 67-8189; Filed, July 14, 1967; 8:46 a.m.]

VOCATIONAL REHABILITATION ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

"The following statement supersedes all previous material issued in Part 12 (Vocational Rehabilitation Administration) of the Statement of Organization and Delegations of Authority for the Department of Health, Education, and Welfare."

12-A *Mission.* 1. The Vocational Rehabilitation Administration is the focal point in the Department of Health, Education, and Welfare for the administration of programs to support and increase the vocational rehabilitation of disabled persons and their greater utilization in suitable employment, and to eliminate or minimize obstacles to this objective.

2. The Vocational Rehabilitation Administration administers programs of grants to States in support of the Federal-State rehabilitation program; intramural and extramural research and demonstration programs to expand knowledge and advance practice in rehabilitation; training grant programs to increase the supply of professionally trained rehabilitation personnel; an international program in rehabilitation research, research training, the interchange of rehabilitation experts, and the training of foreign nationals in rehabilitation techniques; grants for the construction, alteration, expansion, equipment and initial staffing of rehabilitation facilities and workshops; grant programs and supporting service activities for the improvement of workshops for the handicapped; grants for service projects to expand the number of disabled people rehabilitated; grants to assist States in planning activities in rehabilitation; the operation of a data system for furnishing information on rehabilitation programs and activities; and grants in support of the national study of manpower problems in correctional rehabilitation.

3. The Vocational Rehabilitation Administration also administers the Randolph-Sheppard Act under which blind persons are licensed to operate vending stands on Federal and other property.

4. The Vocational Rehabilitation Administration cooperates with the Social Security Administration in making disability determinations under the Social Security Act and in providing vocational rehabilitation services to disabled beneficiaries; with the Bureau of Employees' Compensation, Department of Labor, in providing rehabilitation services for disabled Federal employees; and with the Public Health Service in administering grants for the construction of rehabilitation facilities under the Medical Facilities Survey and Construction Act.

12-B *Organization and functions.* 1. Office of the Commissioner: Responsible to the Secretary of Health, Education, and Welfare for directing the programs of the Vocational Rehabilitation Administration. Determines policy and program objectives. Provides program leadership and maintains relationships with Federal, State, International and Professional agencies and organizations. Directs and coordinates program planning activities.

Deputy Commissioner: Collaborates and shares responsibility for the general direction and supervision of all activities and operations of the Vocational Rehabilitation Administration and acts for the Commissioner in her absence.

Special Assistant for Civil Rights: Develops and administers the Vocational Rehabilitation Administration program

of compliance with Title VI of the Civil Rights Act and the implementing departmental regulation and with EO No. 11246.

2. Assistant Commissioner, Legislation and Public Affairs: Administers the legislative and the public information and reports programs of the Vocational Rehabilitation Record," and prepares other conduct of special staff projects involving broad questions of agency policy.

Publications and Reports Staff: Publishes the agency magazine, "The Rehabilitation Record," and prepares other special publications for increasing public and professional understanding of rehabilitation. Prepares annual and other reports of the programs of the Vocational Rehabilitation Administration. Prepares press releases and other public information announcements covering the vocational rehabilitation program. Assists State Vocational rehabilitation agencies in conducting their information programs. Develops and directs the use of visual aids, exhibits and related materials for general educational purposes and on special phases of rehabilitation. Coordinates and cooperates with the Office of Public Information, Office of the Secretary.

Legislative Staff: Develops the Vocational Rehabilitation Administration's legislative programs. Coordinates legislative proposals effecting vocational rehabilitation, collaborates with Federal and voluntary agencies and congressional committees in developing policy and positions on proposed legislation.

3. Assistant Commissioner for Administration: Advises and assists the Commissioner by providing leadership in the development of administrative policies to carry out program objectives; represents VRA in administration within the Department and with other Federal agencies; provides broad leadership in the statistical analysis of VRA programs; directs and coordinates operations of divisions under jurisdiction; collaborates with the Commissioner and Assistant Commissioners in all program plans and policies, including program objectives.

Division of Budget and Fiscal Operations: Develops, prepares and coordinates budget estimates and plans and participates in presentation of these estimates in departmental hearings, and hearings before the Bureau of the Budget and the Congress; advises the Assistant Commissioner for Administration on the apportionment and allotment of funds; directs the administrative control of funds; develops and maintains fiscal controls and cost data to evaluate programmed activities throughout the year; directs all accounting and audit functions and the preparation of financial reports.

Division of Personnel and Management Services: Participates in the development of departmental policies, standards and procedures in the fields of personnel management and management services; directs personnel management operations (including recruitment and placement, classification, training, security, conduct of CSC professional examinations, performance evaluation, staffing, appointment and employee relation activities); directs organization and methods, management planning and improvement, records, space, procurement, printing and distribution, leave and retirement matters and other office services; conducts management surveys to achieve maximum utilization of personnel and the application of efficient methods of operation; provides technical advisory services in all areas of personnel management and general administration to both central and regional office staff. Provides services as Contract Officer for VRA, for all appropriations, including research and training. Provides leadership and coordinates the Department's program for placement of the physically handicapped within the Department.

Division of Statistics and Studies: Plans, conducts, evaluates, and coordinates the statistical analysis of program operations in the States; develops methods for collecting and analyzing statistical data on State program operations and on the research and training programs, for use in developing long-range program plans; furnishes consultative services to State agencies in developing studies and improving State statistical reporting systems; collects, analyzes and publishes nation-wide data on program services; conducts special studies in health, disabilities, employment and other fields related to rehabilitation and cooperates with other agencies in conducting projects in these areas; provides consultation to VRA staff on statistical research problems. Operates a national rehabilitation data service, using automated data equipment, to collect, store, analyze, retrieve, and disseminate information on all VRA programs, as a service to agencies and individuals.

4. Associate Commissioner, Research and Training: Provides national leadership in the development of the research, research fellowships, demonstrations, training, research and training centers, international research and correctional manpower training programs; plans and conducts direct research in both medical and nonmedical areas of the program. Directs divisions under jurisdiction; collaborates with Commissioner and Assistant Commissioners in all program plans and policies, including program objectives.

Division of Research and Demonstrations: Directs and promotes a nationwide program of research and demonstrations, to solve specific problems in the rehabilitation and adjustment of disabled persons; provides research grants to public and private nonprofit institutions, with the assistance of the National Advisory Council on Vocational Rehabilitation; provides research fellowships to individuals and training of professional staff in research methods and techniques. Develops policies, regulations and procedures covering these operations. Plans, develops and conducts nation-wide research activities in both the medical and nonmedical areas of the program. Directs the evaluation, interpretation and application of direct research findings to the rehabilitation of disabled persons. Maintains relationships with public and private agencies to keep abreast with current developments in related research areas; develops research resources and program priorities to meet urgent program needs.

Division of Research and Training Centers: Carries nation-wide responsibility for the establishment of special centers for research and training in rehabilitation. Coordinates large-scale programs in universities and related settings for research and training identified with the rehabilitation of the chronically ill and disabled. Provides grants for research, training and client services. Formulates policies and procedures covering Research and Training Center operations. Encourages research to meet specific program problems in these centers. Promotes training programs of all types in these centers—professional and technical—for graduate and undergraduate students, working in any of the professions engaged in rehabilitation. Provides funds to support patient and client services for clinical research and/or training in these centers. Maintains relationships with national agencies and professional organizations. Develops research and training priorities to meet specific program goals.

Division of Training: Directs and promotes a nation-wide program of training personnel for rehabilitation services; provides teaching and traineeship grants to public and voluntary nonprofit agencies and educational institutions conducting basic or advanced preparation of personnel in all professional fields related to the rehabilitation of physically or mentally disabled persons; formulates program policies and procedures governing administration of training grants; provides support for continuing education of personnel in all professional fields and staff development programs of State vocational rehabilitation agencies; stimulates the development and exchange of teaching materials; directs the evaluation of the effects of training programs and research into the nature and size of the needs for training; encourages research into methods of improving the preparation of personnel; maintains cooperative relationships with national agencies and professional associations concerned with recruitment, curriculum design, training and continuing education and with public and voluntary agencies for the purpose of keeping abreast of current developments in research and training.

Division of International Rehabilitation Activities: Administers programs for international rehabilitation research and the interchange of research scientists and experts, under authority of the Agricultural Trade Development and Assistance Act of 1954, P.L. 480, section 104(k) and the International Health Research Act of 1960, P.L. 86-610. Works with Department of State and appropriate American Embassies to insure that programs are in agreement with U.S. foreign policy. Develops program policies, standards and procedures covering submission of applications, review and approval of grants to nonprofit institutions in participating foreign countries for research in rehabilitation; provides awards for the interchange between the United States and foreign countries of research scientists and experts; and reviews and evaluates progress reports of project operations. Conducts training programs for nationals of other countries in U.S. methods and techniques for rehabilitating disabled persons. Evaluates policy statements and program proposals of the U.N. Social Commission and related agenices. Collaborates with public and private nonprofit national and international organizations in developing their international rehabilitation activities. Collects and disseminates scientific and technological information in rehabilitation for use abroad.

Division of Grants Management: Formulates fiscal plans, policies and procedures covering grant operations for Research and Demonstrations, Training, Research and Training Centers and International Research, as well as Research Fellowships. Furnishes consultative services to grantees on grants management. Directs the project referral system, which assigns applications to appropriate divisions for review. Directs grant financing activities. Reviews all expenditure reports. Develops audit policies and standards. Maintains liaison with Department in the audit of grants and resolving exceptions. Assists in development of the Annual Federal budget. Furnishes basic operating statistics to appropriate division as needed.

5. Associate Commissioner, Program Services: Provides national leadership in the development of Federal-State programs of vocational rehabilitation; directs divisions under jurisdiction; collaborates with Commissioner and Assistant Commissioners in all program plans and policies, including program objectives.

Division of State Program Administration: Formulates nationwide plans, policies and procedures on the development and improvement of State program services and operations, including statewide planning and rehabilitation of Social Security beneficiaries. Develops policies and standards for the determination of rehabilitation potential. Furnishes consultative services in these areas. Evaluates the effectiveness of State program operations. Directs State agency surveys. Maintains effective relationship with public and private agencies.

Division of Services to the Blind: Administers the Randolph-Sheppard Act Vending Stand Program and the Business Enterprises Program for blind persons; collaborates with Federal agencies and State licensing agencies in the development of additional vending stands and other employment opportunities for the blind; plans and directs advisory and consultative services of professional staff in such areas as guidance, training and placement (industrial, rural, service occupations, and professional); formulates policies, standards and procedures in these areas; initiates short and long-term training programs and directs in-service training programs for State professional personnel in prevocational and adjustment services, and professional occupations; maintains cooperative relationships with national, public, voluntary and professional organizations concerned with the welfare of blind persons; collaborates in the formulation of policies, standards and procedures required in the rehabilitation of the blind in rehabilitation facilities and workshops. Provides consultative services to appropriate State and voluntary organizations.

Division of State Plans, Projects and Grants: Plans, develops and establishes policies and standards covering State Plans for vocational rehabilitation and State grant administration; develops policies, standards and procedures covering the development of expansion and innovation projects and specialized vocational rehabilitation programs in political subdivisions and other related State projects; studies and advises on formulas for allotting funds, State expenditures and the financial management of State programs; allots, controls and certifies grants to State agencies under sections 2 and 3 of the Vocational Rehabilitation Act, as amended, as well as SSA trust funds; directs the administration and fiscal operations of the expansion grant program; directs fiscal operations covering statewide planning, including certification of payments.

Division of Rehabilitation Facilities and Workshops: Directs the administration of the rehabilitation facilities and workshops programs. Develops policies, standards and procedures covering the establishment and operation of rehabilitation facilities, sheltered workshops, half-way houses, special facilities for the deaf, blind, mentally retarded and other disability groups, as provided for in the VR Act as amended, P.L. 83-482, P.L. 88-164, and P.L. 87-395. Provides staff assistance and Secretariat to the National Policy and Performance Council and National Commission on Architectural Barriers. Collaborates with the PHS in the review and approval of projects governing the establishment of rehabilitation facilities. Provides consultative services in above areas. Directs fiscal operations involving certification of grants for construction, workshop improvement, training services and technical assistance of rehabilitation facilities and workshops. Maintains relationships with national, public voluntary and professional organizations concerned with the development and operation of rehabilitation facilities.

Division of Disability Services: Provides national leadership in the development and improvement of vocational rehabilitation services and techniques in such severe disabilities as mental illness, mental retardation, alcoholism, narcotic addiction, heart disease, cancer, stroke, epilepsy, deafness and other communicative disorders, and in selected program areas such as correctional rehabilitation, rehabilitation of the aging disabled and rehabilitation of handicapped youth. Provides technical consultation in these areas. Collaborates in the formulation of nation-wide policies, standards and procedures for program services, identification of training needs in specific disciplines and in the development and implementation of training programs to meet these needs; stimulates project activities designed to provide new knowledge or demonstrate sound rehabilitation practices. Collaborates in the development of policies, standards and services required by the above groups in workshops and rehabilitation facilities. Develops and maintains relationships with professional societies, voluntary groups, and other governmental agencies.

6. Assistant Commissioner, Regional Operations: Represents the regional offices in development and execution of the Vocational Rehabilitation Administration policy and plans, particularly as they affect the field; through regional offices participates in the development of comprehensive evaluation of rehabilitation needs and resources in the States and participates in use of the Vocational Rehabilitation Administration staff to meet resulting defined objectives; coordinates all policy and action requests to the regional offices from all central office units and develops, in collaboration with regional offices, operating plans to carry out assigned agency objectives; supervises regional office operations including evaluation of performance and advises on trends and developments in Federal-State relations.

Regional Assistant Commissioners: Within the framework of the Department of Health, Education, and Welfare regional offices, represent the Vocational Rehabilitation Administration in all areas of program administration; provide leadership in the development of programs of vocational rehabilitation in the States; participate in development of and carry out, within the region, national policies and standards covering program services, innovation grants, expansion grants, statewide planning, rehabilitation facilities and workshops, programs for rehabilitation of Social Security disability beneficiaries and the vending stand program under the Randolph-Sheppard Act; review and evaluate State program operations; review and approve State Plan Amendments; review State budgets; promote establishment of and approve applications for rehabilitation facilities under P.L. 83-482; promote and coordinate training programs within the regions, including those for increasing supply of qualified rehabilitation personnel, State agency in-service training and other identified training needs; promote the development of research and demonstration projects and review and evaluate applications and on-going projects; consult with research and training centers and educational institutions involved in long-term training activities; provide leadership in medical aspects of the vocational rehabilitation program within the region; plan, evaluate and recommend special rehabilitation programs to meet national objectives; maintain working relationships with public and private agencies; keep Regional Director informed of major program developments and problems.

7. Assistant Commissioner, Health and Medical Affairs: Advises the Commissioner on health and medical activities. Identifies needs, and establishes objectives for stimulating action and promoting effective health services and medical care for the disabled. Evaluates and interprets the effectiveness and objective of the medical component of all programs. Maintains liaison with national and international medical groups and with voluntary agencies.

12–C *Delegation of authority.* 1. Order of Succession: In the absence of the Commissioner of Vocational Rehabilitation, the Deputy Commissioner acts for the Commissioner.

2. Except as provided in Part 2 and section 12–D the Commissioner of Vocational Rehabilitation shall exercise the:

Functions vested in the Secretary by the Vocational Rehabilitation Act, as amended (29 U.S.C. ch. 4), hereinafter referred to as the Act.

Functions of the Secretary as Chairman of the National Advisory Council on Vocational Rehabilitation and the National Advisory Council on Correctional Manpower and Training.

Functions of the Secretary under the proviso of P.L. 88–606 under the heading, Vocational Rehabilitation Administration-Research and Training, relating to the recognition of contributed funds from private sources which are earmarked for the establishment of a particular rehabilitation facility or workshop under a State plan for vocational rehabilitation services.

Functions under section 8 of the Federal Employees' Compensation Act, as amended (5 U.S.C. 759), retained in the Federal Security Administrator by Reorganization Plan No. 19 of 1950, and transferred to the Secretary by Reorganization Plan No. 1 of 1953.

Functions transferred by Reorganization Plan No. 2 of 1946 and Reorganization Plan No. 1 of 1953, to the Secretary from the Office of Education and Commissioner of Education under the Act of June 20, 1936, 49 Stat. 1550 (Randolph-Sheppard Act, 20 U.S.C. ch. 6A).

Functions vested in the Secretary by amendments to the foregoing statutes enacted subsequent to Reorganization Plan No. 1 of 1953. Authority vested in the Secretary under section 637 and 654 (a) of the Public Health Service Act, as amended, to approve applications and requests relating to rehabilitation facilities. Authority vested in the Secretary by letter dated September 1, 1960, to the Secretary of the Treasury from the Director, Bureau of the Budget, authorizing the carrying out of a program of international rehabilitation research under section 104(k) of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1704(k)).

Authority vested in the Secretary by section 4 of the International Health Research Act of 1960 (P.L. 86–610, 22 U.S.C. 2102), with respect to international rehabilitation research and research training activities.

Authority vested in the Secretary by Executive Order 11001 to prepare national emergency plans and develop preparedness programs covering rehabilitation of disabled survivors. The Commissioner shall coordinate these activities with the Surgeon General in order that preemergency plans shall be developed in consonance with post-attack organizational plans and structure of the Department for the Emergency Health Service.

Operational responsibilities of the Secretary under the Agreement of Understanding between the Department of Health, Education, and Welfare and the Department of Labor for the Implementation of the Medical Services Provision of the Manpower Development and Training Act of 1962, as amended (section 202(k) of such Act, 42 U.S.C. 2582 (k)).

Authority vested in the Secretary by section 222(d) of the Social Security Act, as amended (42 U.S.C. 422(d)) to make vocational rehabilitation services more readily available to disabled individuals entitled to benefits under sections 223 and 202(d) of such act (subject to ch. I–366 of this Manual).

12–D *Reservation of Authority.* 1. The authority to appoint members to the National Advisory Council on Vocational Rehabilitation, the National Policy and Performance Council, the National Commission on Architectural Barriers to Rehabilitation of the Handicapped, and the National Advisory Council on Correctional Manpower and Training shall be exercised only by the Secretary.

2. Authority to disapprove a State plan or an amendment to a State plan submitted pursuant to the Act shall be exercised only by the Secretary.

3. Authority to disapprove an application for designation as a State licensing agency under the Act of June 30, 1936, as amended (Randolph-Sheppard Act, 20 U.S.C. ch. 6A), or to revoke a designation made pursuant to that Act, shall be exercised only by the Secretary.

4. Except as specifically authorized, only the Secretary shall exercise the authority conferred by section 5(c) of the Act.

12–E *Redelegation of authority.* Authority contained in 12–C above may be redelegated by the Commissioner to such officials of the Vocational Rehabilitation Administration as the Commissioner may deem appropriate.

EXHIBIT X12–1—VOCATIONAL REHABILITATION ADMINISTRATION PERMANENT OFFICES

	Type of office	Address	ZIP Code
Washington, D.C.	Headquarters	330 Independence Ave. SW.	20201

Dated: July 6, 1967.

[SEAL]

WILBUR J. COHEN,
Acting Secretary.

[F.R. Doc. 67–8190; Filed, July 14, 1967; 8:48 a.m.]

OFFICE OF EDUCATION

Statement of Organization, Functions, and Delegations of Authority

The following statement supersedes all previous material issued in Part 6 (Office of Education) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare.

6–A *Mission.* The Office of Education is responsible for providing professional and financial assistance to strengthen education in accordance with Federal laws and regulations.

6–B *Organization and functions.* The Office of Education is under the supervision and direction of the Commissioner of Education and is comprised of the following organizational components:

Office of the Commissioner: Manages and directs the affairs of the Office of Education with the aid of staff advisors and assistants, internal advisory groups, and special staff. Advises on education matters for the U.S. Government.

Office of the Deputy Commissioner: Under the general direction of the Commissioner of Education has broad delegated responsibility to act for the Commissioner on major aspects of operations. Assumes full responsibility for the duties of the Commissioner during his absence.

Office of the Associate Commissioner for Federal-State Relations: Serves as the principle advisor to the Commissioner on Federal-State relations and provides stimulus for and integration of all Office of Education programs aimed toward improving the leadership services of State educational agencies.

Office of the Associate Commissioner for International Education: Formulates overall policy for all international education programs and activities administered by the Office of Education. Coordinates such programs and activities and serves as the focal point for Office of Education relationships within the Department and with government and private agencies. Acts as secretariat with respect to Office participation in education programs of international organizations and is responsible for the recruitment of American educators for international organizations.

Office of the Associate Commissioner for Field Services: Designs, develops, and coordinates a program of support for Office of Education personnel located at the Department of Health, Education, and Welfare Regional Offices. Through the field staff, provides technical advice and assistance to State and local agencies, public and private institutions and associations which serve the national education effort. Conducts evaluation of program accomplishment in field activities, effecting improvements in consonance with the mission and policies of the Office of Education.

Office of Administration: This Office, which includes the Office of the Assistant Commissioner, plans, directs, and coordinates the administrative, financial, and personnel management programs of the Office of Education and provides a broad variety of management services. Areas of activity include management information, organization and procedures, manpower utilization, records management, budget formulation and execution; fiscal services and accounting operations; business negotiation, execution and administration of all Office contracts and project grant agreements; recruitment, placement, classification, and employee development; procurement of space and equipment, property management and control, mail and messenger services, reproduction, and publications distribution.

Office of Information: This Office, which includes the Office of the Assistant Commissioner, plans and coordinates the public information activities of the Office of Education and is the central liaison with news media and the general and educational publics. It assists with informational presentations of Office programs; produces "American Education" as a periodical recognizing the interrelated character of the levels of education and the fact that education is the public's business; provides editorial, format, graphic arts, makeup, and other professional public information services for Office publications; and represents the Commissioner of Education on matters relating to printing and publishing.

Office of Legislation: This Office, which includes the Office of the Assistant Commissioner, plans and prepares new legislation necessary to carry out the functions of and the objectives proposed for the Office of Education; coordinates the preparation of Congressional and other reports on bills relating to education; provides the Office with information regarding the content, status and progress of legislation affecting education, and coordinates suggestions for new legislation received from within the Office. Responsible for handling and conducting Congressional relations functions of the Office.

Office of Program Planning and Evaluation: This Office, which includes the Office of the Assistant Commissioner and the following two divisions, provides planning and programing for the Office of Education mission; provides guidance and coordination for planning and programing of Bureau and Staff Office missions; evaluates Office mission accomplishment; provides guidance and coordination for Bureau and Staff Office evaluations; and makes economic and other special analyses for the Joint Economic Advisors, the Office of Education Plicy Group, etc.

Division of Program Planning: Makes economic and other special analyses to shed light on educational issues necessary for planning of educational policy.

Division of Program Evaluation: Provides planning and programing support for Office missions; administers programing phases of Bureau of Budget Planning, Programing, Budgeting Systems within the Office of Education; assists in developing 5-year projections of financial and program data, and coordinates and advises on evaluation activities of the Bureau and other Staff Offices comprising the Office of Education.

Office of Equal Educational Opportunities: This Office, which includes the Office of the Assistant Commissioner, administers compliance functions in connection with the requirement that all recipients of Office of Education program funds assure the Office that such funds will be used without discrimination on the grounds of race, color, or national origin; administers grants to school districts for inservice desegregation-related training of school personnel or for the employment of desegregation specialists and arranges with institutions of higher education for the operation of institutes designed to help elementary and secondary school personnel deal with desegregation problems.

Office of Programs for the Disadvantaged: This Office, which includes the Office of the Assistant Commissioner, coordinates and provides leadership for and program data on Federal Educational programs for the disadvantaged. Works with the various components of the Office of Education in their development of program policies and procedures. Maintains close liaison among Office of Education, Office of Economic Opportunity, and other Federal agencies involved in related programs.

Office of Construction Service: This Office, which includes the Office of the Assistant Commissioner, and the following two divisions, is responsible for all phases of professional architectural/engineering service required in conjunction with the administration of Office of Education programs for construction including project development in preparation for construction, project monitoring during construction, project completion and contracting for equipment. Provides Office of Education leadership in the planning and analysis for facility development which include campus planning and facility design and equipment.

Division of Construction Support: Responsible for development of engineering policies and procedures applicable to Office of Education supported construction activity; architectural/engineering review of construction proposals; consultative services concerning contracting procedures in the preconstruction phase, inspection and completion approval of construction activity, and for certification of construction progress as a basis for payment.

Division of Facility Development: Responsible for development of educational facilities and related community planning guides; provision of consultative services to local, State, and regional planning groups; establishment of a clearinghouse of educational facilities, literature and workshop activity, and for evaluation of facilities research and initiation of new research in the facilities field.

National Center for Educational Statistics: The Center, which includes the Office of the Assistant Commissioner and the following four divisions, is responsible for developing the statistical program for the Office of Education; coordinating information gathering activities and for providing assistance in application and use of automatic data processing systems and services.

Division of Data Sources and Standards: Maintains communications with sources of educational statistics and provides leadership in development of standard terminology and reporting procedures; aids States, local school districts, and institutions of higher education in development of data processing and reporting systems, provides grants to State departments of education to improve and strengthen their educational information and statistical services.

Division of Data Processing and Data Analysis: Provides technical assistance in survey and other research activities conducted by the Office of Education. Services include questionnaire design, computer programing, provision of data processing assistance and services to internal elements of the office, and other data processing activities, and review of manuscripts for statistical accuracy.

Division of Statistical Analysis: Performs analytical statistical studies and disseminates statistics on education. Devises sampling plans for Office of Education surveys and performs validity and methodological studies to improve techniques for collecting and analysing statistical information. Furnishes reference, estimate, and projection services for all aspects of educational statistical information.

Division of Operations Analysis: Responsible for developing and maintaining a quantitative analytical model of the educational enterprise by integrating statistical information into a comprehensive structure, the principal function of which is to aid in appraising probable outcomes of significant policy or operational changes in American education. Analyzes the role of education in the life of the Nation insofar as this can be done in quantitative terms.

Bureau of Elementary and Secondary Education: Responsible for administration of a program of grants to State educational agencies, as well as other State agencies having education responsibilities, grants to local educational agencies, and institutions of higher education, and the monitoring of concomitant programs. It includes the Office of the Associate Commissioner, and the following six divisions:

Division of Plans and Supplementary Centers: Administers a program of grants to local educational agencies to establish innovative and exemplary supplementary centers and services; provides grants to State agencies pursuant to approved State plans for the acquisition of equipment, for minor remodeling and for improvement of instruction in

science, mathematics, history, civics, geography, economics, industrial arts, modern foreign languages, English or reading and fine arts and humanities; for establishment, maintenance and improvement of guidance, counseling and testing programs; for acquisition of textbooks, school library resources, and other instructional materials. Contracts with State educational agencies or institutions of higher education for projects supporting science clubs.

Division of Compensatory Education: Administers a program providing payments to State agencies for the education of educationally deprived children, and for educational programs and projects to aid handicapped, neglected and delinquent, migrant and Indian children.

Division of Educational Personnel Training: Administers a program providing grants to institutions of higher education to provide training programs to visiting foreign educators and prospective educators from underdeveloped countries; provides grants to institutions of higher education in counseling and guidance, and for improving the qualifications of teachers and supervisors in various disciplines. Arranges for interchange assignments of American and foreign teachers, and recruits American teachers for one-way assignment overseas.

Division of State Agency Cooperation: Makes grants to States pursuant to approved applications setting forth programs designed to strengthen the leadership resources of State education agencies. Also provides for the exchange of State and Federal personnel.

Teacher Corps: Administers a program concerned with strengthening the educational opportunities available to children in areas having concentrations of low-income families and the encouragement of colleges and universities to broaden their programs of teacher preparation by attracting and training qualified teachers who will be made available to local educational agencies for teaching in such areas and attracting and training inexperienced teacher-interns who will be made available for teaching and inservice training to local educational agencies in teams led by an experienced teacher.

Division of School Assistance in Federally Affected Areas: Provides grants to local educational agencies for construction, maintenance and operation of schools in areas affected by Federal activities and by disasters, and for the operation of special educational programs for Cuban refugees.

Bureau of Adult, Vocational, and Library Programs: The Bureau of Adult, Vocational, and Library Programs, which includes the Office of the Associate Commissioner, and the following four divisions, administers programs of grants to States for vocational and technical education, education programs for adults, development of public library services and construction of public library facilities and for acquisition of library resources by institutions of higher education and for training in librarianship. Administers grants for educational television broadcasting facilities and contracts with States for the conduct of adult education programs in civil defense and radiological monitoring.

Division of Vocational and Technical Education: Administers programs of grants to States for vocational and technical education and training, construction of area vocational education school facilities and ancillary services as well as work-study programs. Provides assistance in the administration of the Future Farmers of America and Future Homemakers of America.

Division of Library Services and Educational Facilities: Administers programs of grants to States for the improvement and development of public library services, for construction of public library facilities, for fostering interlibrary cooperation and for library services for State institutions and for the physically handicapped. Administers grant programs for acquisition of library materials by institutions of higher education and for training in librarianship. Also administers a grant program for educational television broadcasting facilities.

Division of Adult Education Programs: Contracts with States for the conduct of adult education programs in Civil Defense and Radiological Monitoring; administers programs of grants to States for Adult Education Programs and to State agencies for community service and continuing education programs.

Division of Manpower Development and Training: Administers program of occupational and basic educational training through State educational agencies; in public or private institutions pursuant to agreements with the States, or provides the training by agreement or contract with public or private training or educational facilities to the unemployed and underemployed who cannot be reasonably expected to secure full-time employment without such training.

Provides supplementary programs of training for unemployed and underemployed persons residing in areas designated under the Area Redevelopment Act and arranges for education and training of persons in correctional institutions who are in need thereof to obtain employment upon release. Cooperates in providing work experience and training programs for needy persons who require work experience or special family and supportive services, as well as training, in order to assist them to secure and hold regular employment in a competitive labor market.

Bureau of Higher Education: The Bureau of Higher Education, which includes the Office of the Associate Commissioner, and the following four divisions, administers a wide variety of support and assistance functions directed toward higher education.

Division of Student Financial Aid: Provides support in the establishment of student loan funds at institutions of higher education for making low interest loans to students and administers programs of insured loans to college and vocational students. Administers programs of grants for the operation of work-study programs for the part-time employment of needy college students and educational opportunity grants for exceptionally needy students.

Division of Graduate Programs: Administers a program of grants to institutions of higher education for construction of academic facilities to improve graduate schools and cooperative graduate centers. Administers a program of grants to institutions for fellowship grants to prospective elementary and secondary school and college teachers and for strengthening teacher education programs.

Division of College Facilities: Administers a program of grants to institutions of higher education primarily for the construction of undergraduate academic facilities; provides loans to institutions of higher education for the construction of undergraduate and graduate academic facilities; makes grants to land-grant colleges and universities; makes grants to colleges and universities for improvement of higher education instruction through the acquisition of instructional equipment, and equipment for closed-circuit television.

Division of College Support: Administers programs to assist in raising the quality of developing institutions, through grants and teaching fellowships, and administers a program of grants and contracts with institutions of higher education for the operation of workshops and institutes to train faculty members in the use of educational media equipment.

Bureau of Research: The Bureau of Research, which includes the Office of the Associate Commissioner, and the following five divisions, promotes the improvement of education through administration of support for systematic educational research and related activities conducted outside the Office.

Division of Adult and Vocational Research: Promotes the improvement of adult, technical, and vocational education by support of a broad spectrum of research and development activities designed to help present and prospective members of the labor force acquire the basic knowledge, skills, and personal characteristics necessary to ensure continuing and satisfying work careers. Included are experimental and pilot programs designed to meet the special vocational needs of the disadvantaged. Supports institutes and seminars to prepare teachers for new and changing occupations and to upgrade competencies of teachers already engaged in adult and vocational programs.

Division of Elementary and Secondary Research: Promotes the improvement of education through support of a variety of projects and programs in all phases of preschool, elementary, and secondary education. Activities include basic and applied research, demonstrations, curriculum improvement projects, and research related to education of particular groups.

Division of Higher Education Research: Promotes educational improvement through support of a variety of research and development activities related to all facets of higher education, from junior college through graduate school. Besides curriculum improvement and a variety of basic and applied research, activities also include comparative studies of education in foreign countries, improvement of instruction in foreign languages, and the development and use of new educational media.

Division of Research Training and Dissemination: Administers programs which provide training in educational research, and supports a variety of dissemination activities such as the Educational Research Information Center and its satellite clearinghouses and dissemination activities related to new educational media.

Division of Laboratories and Research Development: Administers support for research and development centers, generally located at major universities, where specific educational problems receive intensive and continuous attention; and for the network of educational laboratories where regional groups are concerned with systematic educational improvements of immediate or emerging concern. Administers support for construction and equipment of educational research facilities.

Bureau of Education for the Handicapped: The Bureau of Education for the Handicapped, which includes the Office of the Associate Commissioner, and the following three divisions, assists States, colleges and universities, and other institutions and agencies in meeting the educational needs of the Nation's handicapped children and youth who require special services. Administers programs of support for training for teachers and other professional personnel, grants for research, financial aid to help States initiate, expand, and improve their resources in the field of the education of the handicapped, and for operation of the Captioned Films for the Deaf Program.

Division of Research: Responsible for development and expansion of leadership activities and resources to provide improved direction and education for handicapped children. Determines new avenues for exploration in a constant search for better educational approaches for the handicapped.

Division of Training Programs: Responsible for implementing programs concerned primarily with training educational personnel to work with the handicapped. Provides leadership to various education agencies or other groups designed to stimulate the implementation and improvement of relevant training programs.

Division of Educational Services: Coordinates the implementation of Office of Education programs designed to provide direct or indirect services to the handicapped by providing leadership to educational agencies and other groups designed to stimulate the implementation and improvement of educational services to handicapped persons. Operates the Captioned Films for the Deaf Program.

6-C *Delegations of authority.* Except as provided in Part 2 (Office of the Secretary) and Section 6-D of this Manual (Reservation of Authority), the Commissioner of Education shall exercise the functions vested in or delegated to the Secretary, the Department of Health, Education, and Welfare, the Commissioner, or the Office of Education by or under the following:

1. Order of Succession: During the absence or disability of the Commissioner of Education or in the event of a vacancy in that office, the first official listed below who is available shall act as Commissioner.

a. Deputy Commissioner;

b. Associate Commissioner for Federal-State Relations;

c. Other Associate Commissioners in order of the seniority of their appointments as Associate Commissioner or, in the event of concurrent appointments, in order of the seniority of their appointments to the Office of Education;

d. Assistant Commissioner for Administration.

2. Reorganization Plan Number 1, 53 Stat. 1424, July 1, 1939, and Reorganization Plan Number 1, 67 Stat. 631, April 11, 1953; derived from the Acts of March 2, 1867, 14 Stat. 434, and July 20, 1868, 15 Stat. 92 (Establishment of Federal agency) (20 U.S.C. 1).

3. Morrill Acts (establishment of and assistance to land-grant colleges and universities); except that authority to certify funds is reserved to the Secretary (Act of July 2, 1862, 12 Stat. 503, and Act of August 30, 1890, 26 Stat. 417, as amended, 7 U.S.C. 301–329).

4. Joint Resolution No. 8, 52d Cong., approved April 12, 1892 (availability of library facilities) (27 Stat. 395, as amended, 20 U.S.C. 91).

5. Act of May 28, 1896 (publications and international education studies) (29 Stat. 171, 20 U.S.C. 3).

6. Smith-Hughes Act (vocational education) (P.L. 64–347 approved February 23, 1917, 39 Stat. 929, as amended, 20 U.S.C. 11–15, 16–28).

7. Section 8 of the Act of March 2, 1867 (inspection of Howard University) (P.L. 70–634 approved December 13, 1928, 45 Stat. 1021, as amended, 20 U.S.C. 123).

8. Section 4 of Public Law 70–831 approved February 27, 1929 (membership on D.C. Commission on Licensure) (45 Stat. 1327, as amended, 2 D.C. Code 103).

9. Extension of the Smith-Hughes Act to Puerto Rico (vocational education) (P.L. 71–791 approved March 3, 1931, 46 Stat. 1489, 20 U.S.C. 30).

10. George-Barden Act (vocational education); except the function of the Secretary in section 206(b) relating to the fixing of compensation for advisory committee members (P.L. 74–673 approved June 8, 1936, 49 Stat. 1488, as amended, 20 U.S.C. 15i–m, o–q, aa–jj, aaa–ggg).

11. Public Law 74–741 approved June 22, 1936 (studies of and reports on library services) (49 Stat. 1797, as extended).

12. Extension of the George-Barden Act to the Virgin Islands (vocational education) (P.L. 81–462 approved March 18, 1950, 64 Stat. 27, 20 U.S.C. 31–33).

13. Agreement with Housing and Home Finance Agency under Title IV of the Housing Act of 1950 (college housing loans) (P.L. 81–475 approved April 20, 1950, 64 Stat. 79, as amended, 12 U.S.C. 1749a(c)(2)).

14. Section 18 of Public Law 81–740 approved August 30, 1950 (Future Farmers of America) (64 Stat. 567, 36 U.S.C. 286).

15. Public Law 81–815 approved September 23, 1950 (assistance to federally affected areas and disaster relief areas for construction of schools) (64 Stat. 967, as amended, 20 U.S.C. 631–647).

16. Public Law 81–874 approved September 30, 1950 (assistance to federally affected areas and disaster relief areas for operation and maintenance of schools and assistance to local educational agencies for meeting the special educational needs of educationally deprived children); except the functions of the Secretary in section 203(d) relating to determinations with respect to payments under the program of aid to families with dependent children and with respect to the numbers of institutionalized neglected or delinquent children and children being supported in foster homes with public funds, and in section 212(b) relating to assistance to the National Advisory Council on the Education of Disadvantaged Children (64 Stat. 1100, as amended, 20 U.S.C. 236–244).

17. Immigration and Nationality Act (approval of schools for aliens under student visas) (P.L. 82–414 approved June 27, 1952, 66 Stat. 166, as amended, 8 U.S.C. 1101(a)(15)(F)).

18. Veterans Readjustment Assistance Act of 1952 (approval of accrediting agencies and membership on advisory committee to Administrator of Veterans Affairs) (P.L. 82–550 approved July 16, 1952, 66 Stat. 672, as amended, 38 U.S.C. 1644, 1653, 1662–1664, 1667).

19. Executive Order 10521 of March 17, 1954 (consultation with National Science Foundation on study of effects on educational institutions of Federal contracts and grants for scientific research and development).

20. Cooperative Research Act (P.L. 83–531 approved July 26, 1954, 68 Stat. 533, as amended, 20 U.S.C. 331–332(b)).

21. Public Law 83–532 approved July 26, 1954 (membership on National Advisory Committee on Education) (68 Stat. 533, 20 U.S.C. 333–337).

22. Library Services and Construction Act (P.L. 84–597 approved June 19, 1956, 70 Stat. 293, as amended, 20 U.S.C. 351–358).

23. Extension of the George-Barden Act to Guam (vocational education) (P.L. 84–896 approved August 1, 1956, 70 Stat. 909, 20 U.S.C. 34).

24. National Defense Education Act of 1958, including functions of the Secretary under section 1001(d) to study Federal programs in higher education, after initial contact has been made by the Secretary with the heads of departments and agencies concerned; except the functions of the Secretary in section 601 relating to arrangements for

language and area centers and relating to stipend payments; in sections 761 (a) and (d) relating to the approval of members of the Advisory Committee on New Educational Media and the fixing of compensation therefor, and in section 1062(a) relating to the establishment of advisory committee and the fixing of compensation therefor (P.L. 85–864 approved September 2, 1958, 72 Stat. 1581, as amended, 20 U.S.C. 401–593, 601–602).

25. Public Law 85–874 approved September 3, 1958 (membership on Board of Trustees of the John F. Kennedy Center for the Performing Arts) (72 Stat. 1695, as amended).

26. Public Law 85–905 approved September 2, 1958 (science clubs) (72 Stat. 1709, 20 U.S.C. 2 note).

27. Public Law 85–905 approved September 2, 1958 (captioned films for the deaf) 72 Stat. 1742, as amended, 42 U.S.C. 2491–2493).

28. Public Law 88–926 approved September 6, 1958 (handicapped children) (72 Stat. 1777, as amended, 20 U.S.C. 611–618).

29. Executive Order 11001 of February 16, 1962, section 56, and those portions of sections 6, 7, 9, 10, and 12 which pertain to education (preparation of national emergency plans and development of preparedness programs covering education functions and educational institutions).

30. Manpower Development and Training Act of 1962; except the responsibility for overall policy direction of the program and for coordination of program policy with those of related programs within the Department and with other departments and agencies, and authority to submit reports to Congress required by section 233 are reserved to the Secretary (P.L. 87–415 approved March 15, 1962, 76 Stat. 23, as amended, 42 U.S.C. 2571–2620).

31. Part IV of Title III of the Communications Act of 1934 (grants for construction of educational television broadcasting facilities); except that authority to establish policies for administration of the grants program, to give final approval or approval subject to specified conditions to project grants, to effect liaison with other Federal departments and agencies on matters involving policy and program coordination is reserved to the Secretary (P.L. 87–477 approved May 1, 1962, 76 Stat. 64, 47 U.S.C. 390–397).

32. Migration and Refugee Assistance Act of 1962 (Cuban refugee educational assistance); programs so assigned by the Commissioner of Welfare (P.L. 87–510 approved June 29, 1962, 76 Stat. 121, as amended, 22 U.S.C. 2601–2605).

33. Extension to American Samoa of the George-Barden Act (vocational education) and of scientific, technical, and other assistance under any program administered by the Commissioner of Education except financial assistance under a grant-in-aid program (P.L. 87–488 approved September 28, 1962, 76 Stat. 586, 48 U.S.C. 1666–1667).

34. Section 721(b) and 725(a) of the Public Health Service Act, as amended by the Health Professions Educational Assistance Act of 1963 (approval of bodies for accrediting schools of medicine, dentistry, osteopathy, pharmacy, optometry, podiatry, nursing and public health and membership on National Advisory Council on Education for Health Professions) (P.L. 88–129 approved September 24, 1963, 77 Stat. 165, as amended, 42 U.S.C. 293a(b)(1)).

35. Section 302 of the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 (research and demonstration projects in education of handicapped children); except the function of the Secretary in subsection (d) relating to the fixing of compensation for committee or panel members (P.L. 88–164 approved October 31, 1963, 77 Stat. 295, as amended, 20 U.S.C. 618).

36. Higher Education Facilities Act of 1963; except the functions of the Secretary in sections 208 (a) and (c) and section 408(c) relating to the approval of advisory committee members and the fixing of compensation therefor (P.L. 88–204 approved December 16, 1963, 77 Stat. 363, as amended, 20 U.S.C. 701–757).

37. Vocational Education Act of 1963; except the functions of the Secretary in sections 3 (a) and (c) relating to approval of advisory committee members and the fixing of compensation therefor and in section 12 relating to periodic review of vocational education programs and laws (P.L. 88–210 approved December 18, 1963, 77 Stat. 403, 20 U.S.C. 35–35n).

38. Executive Order 11155 of May 23, 1964 (Presidential Scholars).

39. Title IV and, with respect to programs administered by the Commissioner of Education, Title VI of the Civil Rights Act of 1964 (desegregation of public education and nondiscrimination in federally assisted programs) except that no termination of or refusal to grant or to continue Federal financial assistance under section 602 shall be made without the approval of the Secretary (P.L. 88–352 approved July 2, 1964, 78 Stat. 246, 42 U.S.C. 2000c–c9, d–d4).

40. Extension to the Trust Territory of the Pacific Islands of any program or of assistance under any program administered by the Commissioner of Education; except financial assistance under a grant-in-aid program (P.L. 88–487 approved August 22, 1964, 78 Stat. 601, 48 U.S.C. 1681).

41. Sections 841(a) and 843(f) of the Public Health Service Act as added by the Nurse Training Act of 1964 (membership on National Advisory Council on Nurse Training and approval of bodies for accrediting schools of nursing (P.L. 88–581 approved September 4, 1964, 78 Stat. 917 as amended, 42 U.S.C. 296).

42. Executive Order 11183 of October 6, 1964 (membership on and assistance to President's Commission on White House Fellowships).

43. Executive Order 11185 of October 16, 1964 (coordination of Federal education programs) as amended by Executive Order 11260 of December 15, 1965; except the functions of the Secretary thereunder.

44. Part C, Title I of the Economic Opportunity Act of 1964 (P.L. 88–452 approved August 20, 1964, 78 Stat. 513, as amended, 42 U.S.C. 2781).

45. Executive Order 11197 of February 5, 1965 (membership on President's Council on Equal Opportunity); except the functions of the Secretary thereunder.

46. Section 211 and, with respect to programs administered by the Commissioner of Education, section 214 of the Appalachian Regional Development Act of 1965 (vocational education facilities and supplements to certain grant-in-aid programs) (P.L. 89–4 approved March 9, 1965, 79 Stat. 16, 17, 40 App. A, U.S.C. 211, 214).

47. Elementary and Secondary Education Act of 1965, as amended; except the functions of the Secretary in sections 306 (a) and (c) relating to the approval of members of the Advisory Committee on Supplementary Educational Centers and Services and the fixing of compensation therefor, in section 510 relating to periodic review of the program and laws for strengthening State departments of education, and in section 702 relating to the establishment of advisory councils and the fixing of compensation therefor (P.L. 89–10 approved April 11, 1965, 79 Stat. 27; 20 U.S.C. 821–867, 871–880).

48. Sections 3(b) and 6 of the National Technical Institute for the Deaf Act (accrediting agencies and membership on National Advisory Board on Establishment of the National Technical Institute for the Deaf); except the functions of the Secretary thereunder (P.L. 89–36 approved June 8, 1965, 79 Stat. 125, 20 U.S.C. 682(b), 685).

49. Sections 9, 12, and 13 of the National Foundation on the Arts and the Humanities Act of 1965 (membership on the Federal Council on the Arts and the Humanities, and grants and loans for improving instruction in the humanities and the arts) (P.L. 89–209 approved September 29, 1965, 79 Stat. 851, 20 U.S.C. 956, 961, 962).

50. National Vocational Student Loan Insurance Act of 1965 (student loan insurance) except the functions of the Secretary prescribed by section 15 (P.L. 89–287 approved October 22, 1965, 79 Stat. 1037, 20 U.S.C. 981–986).

51. Higher Education Act of 1965 (community service programs, college library assistance and library training and research, strengthening developing institutions, student assistance, teacher programs, financial assistance for the improvement of undergraduate instruction) except the functions of the Secretary prescribed by sections 109, 205, 303, and 433 (P.L. 89–329 approved November 8, 1965, 79 Stat. 1219, 20 U.S.C. 1001–1144).

52. Adult Education Act of 1966 (adult education) (Title III of P.L. 89–750 approved November 3, 1966, 80 Stat. 1216, 20 U.S.C. 1201–1213).

53. The agreements made with the Department of State in connection with educational aspects of international educational exchange and international technical cooperation programs under:

a. Agricultural Trade Development and Assistance Act of 1954 (P.L. 83–480 approved July 10, 1954, 68 Stat. 454, as amended, 7 U.S.C. Ch. 41).

b. Act for International Development of 1961 (P.L. 87–195 approved September 4, 1961, 75 Stat. 424, as amended, 22 U.S.C. Ch. 32).

c. Mutual Educational and Cultural Exchange Act of 1961 (P.L. 87–256 approved September 21, 1961, 75 Stat. 527, as amended, 22 U.S.C. Ch. 33).

6–D *Reservation of authority.* No State grant-in-aid funds shall be withheld nor shall any State plan or amendment thereto submitted pursuant to any statute administered by the Office of Education be finally disapproved without the Commissioner's prior consultation and discussion with the Secretary.

6–E *Redelegations of authority.* Authority contained in section 6–C, except the making of regulations, may, to the extent permitted by law, be delegated or redelegated by the Commissioner of Education to such officials of the Office of Education as he may deem appropriate.

EXHIBIT X3–1—OFFICE OF EDUCATION PERMANENT OFFICES

	Type of office	Address	ZIP Code
Washington, D.C.	Headquarters Office	400 Maryland Ave.	20202

Dated: July 8, 1967.

[SEAL]

WILBUR J. COHEN,
Acting Secretary.

[F.R. Doc. 67–8187; Filed, July 14, 1967; 8:48 a.m.]

DEPARTMENT OF DEFENSE

Office of the Secretary

CARGO UNITIZATION

Use of Methods

The Assistant Secretary of Defense (Installations and Logistics) approved the following:

REFERENCES

(a) DoD Instruction 4100.14, "Uniform Preservation, Packaging, Packing and Marking of Items of Military Supply," Nov. 8, 1963.

(b) DoD Instruction 7510.4, "Uniform Policy for Charging Accessorial and/or Administrative Costs Incident to Issues, Sales, and Transfers of Materials, Supplies and Equipment," April 7, 1967.

I. *Purpose and applicability.* This Instruction provides guidance and establishes policies to be followed by the Military Departments and DoD agencies (hereinafter referred to as "DoD components") on the use of various methods of unitizing military supplies for all modes of shipment worldwide, including supplies destined for foreign government consignees under the Military Assistance Program and other international logistics programs.

II. *Scope.* This Instruction applies to all DoD components world-wide and includes but is not limited to the unitization methods (defined in Section IV below) identified as SEACON, CONEX (other than controlled humidity CONEX), Palletized Unit Loads, and Consolidation Containers.

III. *Objective of cargo unitization.* The fundamental objective of cargo unitization is to increase the speed, security, accuracy, flexibility and economy of packaging, packing, supply, storage and transportation operations by reducing miscellaneous small package shipments to homogeneous unit loads of optimum size for the direct application of mechanical handling equipment.

IV. *Definitions.* A. A Unitized Load is the assembly, into a single load, of more than one package of one or more different line items of supply in such a manner that the load can be moved in an unbroken state from source to distribution point or user as far forward in the supply system as practical. It is concerned with containerization, palletization and transportability of supplies with compatible properties normally handled by materials handling equipment.

B. CONEX (used synonymously with cargo transporter) is a reusable corrugated steel shipping container designed for world-wide surface movement and security of suitable military supplies and equipment. It is identified in the Federal Supply Catalog as FSN 8115–564–2908 for Type I (135 cubic feet bale capacity), and FSN 8115–271–7000 for Type II (295 cubic feet bale capacity).

C. SEACON is a reusable steel container (similar to CONEX) designed for use by the Department of the Navy for the movement and security of suitable military supplies and equipment. SEACON's come in three sizes: Small (150 cubic feet bale capacity), medium (200 cubic feet bale capacity) and large (295 cubic feet bale capacity). Federal Stock Numbers have not been assigned to SEACON's.

D. Palletized Unit Load is a quantity of any item or items, packaged or unpackaged, which are arranged on a pallet and securely strapped or fastened thereto so that the whole is handled as a unit.

E. Consolidation Container is a container designed to be handled with normal materials handling equipment and used to consolidate more than one line item into a single shipping container to one destination.

F. High Cost Cargo is that cargo placed within a CONEX container that has an average value of $1 or more per net pound of weight.

G. Classified Cargo is that cargo which has a security classification of confidential or higher or that cargo for which cover or concealment is mandatory.

V. *Policy.*—A. General: Maximum use will be made of unitized loads where such use will result in an overall economy to the Department of Defense as compared with other methods of shipment. Where practicable and economical the requirement for shipment by palletized and unit loads will be made a part of procurement actions for supplies and services.

B. *SEACON or CONEX:* The use of SEACON and CONEX containers will be limited to:

1. Overseas shipments of high cost cargo and classified cargo of those types of supplies which, when packed in the container, normally occupy at least 80 percent of the bale or cubic capacity of the container.

2. Commodities suitable for shipment in such containers to those geographical areas where DoD components specify the existence of an unacceptably high degree of loss or damage. For those geographical areas, and when packaging and packing level requirements permit, SEACON and CONEX containers will be filled at the overseas port of discharge for further movement to inland destinations when economically advantageous.

3. Surface shipment of military mail by ship to certain geographical areas where experience indicates the existence of an unacceptably high degree of loss, if approved by the Military Service responsible for the ocean transportation charges.

C. When it is impracticable to fill containers in the overseas port as provided for in paragraph V–B–2 above, supplies and material authorized for shipment in SEACON and CONEX will be loaded into the containers at the most economical point in the pipeline system considering all applicable costs involved.

D. Limitations as to use as stated in paragraph V–B above do not apply to:

1. Retrograde cargo movements if approved by the DoD component responsible for the ocean transportation charges.

2. Cargo movements during periods of emergency.

3. Strategic Army Corps (STRAC) requirements.

4. Use of containers by military units for shipment of Tables of Organization and Equipment material and accompanying supplies, including basic loads.

5. Unitized loads of ammunition and explosive materials prescribed for "transfer-at-sea."

6. Troop exercises.

7. Movements incident to special operations or missions.

E. Palletized Unit Loads: 1. Palletized unit loads will be used to the greatest extent possible for shipment of supplies and materials when all of the items are destined for a single CONUS or overseas destination. However, care must be exercised to insure that individual packs have compatible properties (if dangerous material is involved), and are of a size and shape to fit compactly on a pallet.

2. Palletized unit loads containing Level C or Level B packs may be sheathed with a suitable material when the load is to be shipped to an overseas destination. Palletized unit loads containing Level A packs for overseas destinations or palletized unit loads destined for CONUS installations regardless of level of pack will not be sheathed except as may be required for reasons other than packaging protection.

3. Pallets to be used for palletized unit loads in surface shipment will be the standard 40 inches by 48 inches, four-way entry, hard wood, wing type, manufactured in accordance with applicable military specifications. Palletized unit loads, although other than the aforementioned standard 40- by 48-inch pallet, may be utilized for shipments to posts, camps, stations, and bases in CONUS until such time as the DoD depot systems are purged.

4. Pallets to be used in palletized unit loads for air shipment will be the standard 463L Materials Handling Support System pallets, e.g., the 108" by 88" master pallet or the 54" by 88" half-pallet. Palletized unit loads for air shipment on other than 463L pallets will be untiered in multiples not to exceed the dimensions of 104" by 84" width and length, 42" in height and 7,000 pounds gross weight, except for ammunition which will be untiered in multiples not to exceed the dimensions of 104" by 54" width and length, 52" in height and 8,000 pounds gross weight.

F. Consolidation Containers: 1. Consolidation containers will be used for shipment of supplies and material when it is not feasible to utilize a palletized unit load, or to reduce the overall cost of the shipment. All the items, packages and packs in a consolidation container must be for a single CONUS or overseas destination. Shippers will select containers which are designed to provide protection against the type of hazards to be encountered during shipment from origin to destination. Containers utilized will be of minimum tare, cube and cost which will provide this protection.

2. Consolidation containers manufactured from materials that will result in adequate protection of supplies at the lowest overall cost to the Government in accordance with reference (a) shall be used.

VI. *Costs for unitization.* A. The costs incurred for unitization, including the cost of labor, materials, pallets and containers for palletized unit loads and consolidation container shipments, and the cost of labor and materials for SEACON and CONEX shipments, but not including the cost of the SEACON and CONEX containers themselves, will be treated as packing, handling, and crating costs and will be financed as provided in reference (b).

B. The procurement cost of SEACON and CONEX containers will be considered as an equipment cost, and will be financed by the DoD components having the equipment requirement. No Intra-DoD charges will be made for use of these containers.

C. In all cases when requested by a receiving DoD component, unit loads will be shipped by the shipping DoD component unless the shipping DoD component determines that there is no cost advantage to the Department of Defense as a whole. Cost determination will include appropriate factors, among others, for the cost of ocean transportation and stevedoring generated by the tare and cube resulting from containers and palletized unit loads. In those instances where the receiving DoD component does not accept the no cost advantage determination or if military necessity factors are considered of overriding importance, it will so advise the Assistant Secretary of Defense (Installations and Logistics).

VII. *Implementation.* DoD components will implement this Instruction and forward two copies of their implementation to the Assistant Secretary of Defense (Installations and Logistics) for approval prior to publication, within 90 days from the date of this Instruction. Such implementation shall contain the specific geographical areas referred to in paragraph V–B of this Instruction together with a statement of broad commodity categories, other than classified material, to be placed in SEACONs or CONEXs for each geographical area. Following the publication of these implementations, other geographical areas or additional commodity categories may be added by any DoD component provided the ASD (I&L) is advised of such changes within 30 days from the date of the change.

VIII. *Effective date.* This Instruction is effective immediately.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[F.R. Doc. 67–8186; Filed, July 14, 1967; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Oregon 1570]

OREGON

Notice of Proposed Classification of Public Lands

1. Pursuant to the provisions of the act of September 19, 1964 (43 U.S.C. 1413), notice is hereby given of a proposal to classify the following described public lands in Lake County, Oreg., for disposal through exchange under section 8 of the act of June 28, 1934 (48 Stat. 1272), as amended (43 U.S.C. 315g):

WILLAMETTE MERIDIAN

T. 24 S., R. 18 E.,
Sec. 31, lot 3, NE¼SW¼;
Sec. 32, E½NW¼.
T. 25 S., R. 18 E.,
Sec. 11, E½NE¼, NE¼SE¼, and fractional S½SE¼.
T. 27 S., R. 18 E.,
Sec. 13, SW¼ and W½SE¼;
Sec. 22, N½NE¼ and NE¼NW¼.
T. 27 S., R. 19 E.,
Sec. 7, lot 3, E½SW¼;
Sec. 15, NE¼;
Sec. 18, NW¼SE¼;
Sec. 20, NE¼NW¼;
Sec. 28, E½SW¼;
Sec. 29, SE¼NE¼ and SW¼SW¼;
Sec. 30, SW¼NE¼, SE¼NW¼, E½SW¼, S½SE¼, and NW¼SE¼;
Sec. 31, NE¼;
Sec. 32, W½W½, SE¼SW¼, and E½E½;
Sec. 33, W½W½ and SE¼SW¼;
Sec. 34, E½.
T. 28 S., R. 19 E.,
Sec. 13, NW¼SE¼;
Sec. 12, NW¼SW¼ and SW¼SE¼;
Sec. 14, NW¼NE¼ and S½NW¼.
T. 28 S., R. 18 E.,
Sec. 18, E½, lots 1, 2, E½NW¼, and NE¼SE¼;
Sec. 19, N½NE¼ and SE¼NE¼.
T. 28 S., R. 19 E.,
Sec. 3, SE¼SE¼.

The areas described aggregate 3,438.13 acres.

2. Classification of the above-described lands by a classification order will segregate the lands from all forms of disposal under the public land laws, including the mining laws, except as to application under section 8 of the Taylor Grazing Act (43 Stat. 1272), as amended.

3. Publication of this proposed classification order will not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing disposal of their mineral and vegetative resources, other than under the mining laws.

4. For a period of 60 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the District Manager, Bureau of Land Management, Department of the Interior, 357 North L Street, Post Office Box 429, Lakeview, Oreg. 97630.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

After having considered comments received as a result of this publication and hearing if such is deemed necessary to be held, the authorized officer will classify the above-described lands, which classification shall be published in the FEDERAL REGISTER.

For the State Director.

H. MAX RAUCH,
District Manager.

[F.R. Doc. 67–8166; Filed, July 14, 1967; 8:45 a.m.]

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

JULY 6, 1967.

The Bureau of Indian Affairs has filed an application, Anchorage Serial No. 064482, for the withdrawal of the lands described below from all forms of appropriation. The applicant agency desires the land as a site for school buildings and adjunct facilities at Akiktok, Alaska.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, 555 Cordova Street, Anchorage, Alaska 99501.

The Department's regulations, 43 CFR 2311.1–3(c), provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicants, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

VILLAGE OF AKHIOK, KODIAK ISLAND, ALASKA

Beginning at Corner No. 4 of U.S. Survey No. 1118, thence S. 88°50' E. 1.68 chains to the true point of beginning; thence S. 46°26' E. 0.77 chains to a point; thence S. 88°50' E. approximately 1.80 chains to a point; thence N. 36°26' E. approximately 3.76 chains to a point; thence N. 51°37' W. 4.06 chains to a point; thence S. 36°26' W. approximately 3.88 chains to Corner No. 3 of U.S. Survey No. 1118; thence N. 88°16' E. 2.986 chains to Corner No. 2 of U.S. Survey No. 1118; thence S. 20°02' E. 2.24 chains to Corner No. 1 of U.S. Survey No. 1118; thence N. 88°50' W. approximately 2.66 chains to the true point of beginning.

Containing approximately 1.2 acres.

LYLE F. JONES,
Acting State Director.

[F.R. Doc. 67–8167; Filed, July 14, 1967; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

KANSAS AND MINNESOTA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the States of Kansas and Minnesota natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

KANSAS

Atchison.	Meade.
Clark.	Mitchell.
Cloud.	Morton.
Doniphan.	Ness.
Edwards.	Pawnee.
Ellis.	Rawlins.
Finney.	Rooks.
Ford.	Rush.
Gove.	Russell.
Graham.	Scott.
Grant.	Seward.
Gray.	Sheridan.
Greeley.	Stanton.
Hamilton.	Stevens.
Haskell.	Thomas.
Hodgeman.	Trego.
Kearny.	Wallace.
Lane.	Wichita.
Logan.	

MINNESOTA

Sherburne.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1968, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 12th day of July, 1967.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67–8172; Filed, July 14, 1967; 8:47 a.m.]

OKLAHOMA

Designation of Counties Within the Great Plains Area Where Conservation Program Applicable

For the purpose of making contracts based upon an approved plan of farming operations pursuant to the Act of August 7, 1956 (70 Stat. 1115, 16 U.S.C. 590p(b)), as amended, the following counties in the following State are designated as susceptible to serious wind erosion by reason of their soil types, terrain, and climatic and other factors.

OKLAHOMA

Jefferson. Stephens.

Done at Washington, D.C., this 11th day of July, 1967.

JOHN A. BAKER,
Assistant Secretary.

[F.R. Doc. 67–8173; Filed, July 14, 1967; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP67–336]

CENTRAL ILLINOIS PUBLIC SERVICE CO. AND TRUNKLINE GAS CO.

Notice of Application

JULY 7, 1967.

Take notice that on June 30, 1967, Central Illinois Public Service Co. (Applicant), 432 Maine Street, Quincy, Ill. 62301, filed in Docket No. CP67–337 an application pursuant to section 7(c) of the Natural Gas Act for an order of the Commission directing Trunkline Gas Co. (Respondent) to establish physical connection of its transportation facilities with the facilities proposed to be constructed by Applicant and to sell and deliver to Applicant volumes of natural gas for resale and distribution in the unincorporated community of Cook Mills, Coles County, Ill., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate a natural gas distribution system in the unincorporated community of Cook Mills and a lateral line extending 500 feet westward from a point of interconnection with Respondent's transmission line to a point of interconnection with the above-proposed distribution system. Applicant also proposes that Respondent construct and operate a sales metering and regulating station at the proposed point of interconnection. Applicant estimates its third year peak daily and peak annual natural gas requirements at 110 Mcf and 12,163 Mcf, respectively.

Applicant estimates the total cost of the proposed facilities at approximately $35,035, said cost to be financed from internal funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 4, 1967.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67–8160; Filed, July 14, 1967; 8:48 a.m.]

[Docket No. CP67–338]

INDIANA NATURAL GAS CORP. AND TEXAS EASTERN TRANSMISSION CORP.

Notice of Application

JULY 7, 1967.

Take notice that on June 29, 1967, Indiana Natural Gas Corp. (Applicant), Paoli, Ind. 47454, filed in Docket No. CP67–338 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Texas Eastern Transmission Corp. (Respondent) to establish physical connection of its transportation facilities with the facilities proposed to be constructed by Applicant and to sell and deliver to Applicant volumes of natural gas for resale and distribution in the communities of Dubois and Haysville, and adjacent areas, Dubois County, all in the State of Indiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate municipal natural gas distribution systems in the communities of Dubois and Haysville and to construct and operate lateral transmission facilities

from a point of interconnection with Respondent's main transmission line to the respective communities, serving adjacent areas along said laterals. Applicant also proposes that Respondent construct and operate a sales meter station adjacent to its main line to render the service proposed above. Applicant estimates its third year peak daily and peak annual natural gas requirements at 609 Mcf and 52,096 Mcf, respectively.

Applicant estimates the total cost of the facilities proposed herein at approximately $182,304, said cost to be financed with company funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 4, 1967.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-8151; Filed, July 14, 1967; 8:45 a.m.]

CIVIL SERVICE COMMISSION

GRADUATE FELLOWSHIP PROGRAM OF CORPS OF ENGINEERS

Notice of Exclusions From Special Rate Ranges

Under authority of 5 U.S.C. 5303 and Executive Order 11073, the Civil Service Commission has determined, upon request from the Department of the Army, that all positions of participants in the Graduate Fellowship Program of the Corps of Engineers in series and grades for which special rate ranges under 5 U.S.C. 5303 are authorized are to be excluded from coverage of such special salary rates. Salaries for positions of Graduate Fellowship Program participants who are hired as temporary employees under Schedule A, civil service regulation, § 312.3102(p), will be the appropriate statutory rates of the General Schedule.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-8200; Filed, July 14, 1967; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

JULY 11, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors.

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 12, 1967, through July 21, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-8165; Filed, July 14, 1967; 8:46 a.m.]

[File No. 0-692]

PAKCO COMPANIES, INC.

Order Suspending Trading

JULY 11, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Pakco Cos., Inc., and all other securities of Pakco Cos., Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 12, 1967, through July 21, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-8166; Filed, July 14, 1967; 8:46 a.m.]

UNDERWATER STORAGE, INC.

Order Suspending Trading

JULY 11, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Underwater Storage, Inc., otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 12, 1967, through July 21, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-8167; Filed, July 14, 1967; 8:46 a.m.]

[File No. 1-4371]

WESTEC CORP.

Order Suspending Trading

JULY 11, 1967.

The common stock, 10 cents par value, of Westec Corp., being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Westec Corp., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 12, 1967, through July 21, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-8168; Filed, July 14, 1967; 8:46 a.m.]

SMITHSONIAN INSTITUTION

STATEMENT OF ORGANIZATION, FUNCTIONS, AND PROCEDURES

The following statement is effective following publication in the FEDERAL REGISTER.

SECTION 1. *Authority and purpose.*

(a) The Smithsonian Institution is legally an establishment having as its members the President of the United States, the Vice President, the Chief Justice, and members of the President's Cabinet. It is governed by a Board of Regents discussed in section 2 below, and has as its chief executive officer and director of its activities the Secretary of the Smithsonian discussed in section 3 below. The Smithsonian Institution administers a number of programs funded in part by direct Federal appropriations. The Institution itself is a private, nonprofit corporation. It receives and administers contracts and grants and accepts gifts and bequests from both private and public sources. These activities are administered in its capacity as a private organization. The Smithsonian's functions are dual, being both private and governmental.

(b) The Smithsonian Institution in administering programs for which it receives direct Federal appropriations may be considered an "authority of the Government of the United States" and therefore an "agency" for purposes of the Administrative Procedure Act (see 5 U.S.C. section 551(1) (1964 Ed., Supp. II, 1965)). To the extent that the Institution acts as an agency within the meaning of that Act and in compliance with the public information section thereof (5 U.S.C. section 552 (1964 Ed., Supp. II, 1965)) this document provides a statement for the guidance of the public on the organization of the Smithsonian Institution; the established places at which, the employees from whom, and the methods whereby the public may obtain information, make submittals or requests; and the general course and method by which the Institution's functions are channeled and determined. Supplemental information on the organization and functions of the Smithsonian Institution is published annually by the Office of the Federal Register in the U.S. Government Organization Manual.

SEC. 2 *Board of Regents.*

The Smithsonian Institution was established by the Act of August 10, 1846 (9 Stat. 102; 20 U.S.C. section 41 (1964 Ed.)) for the "increase and diffusion of knowledge among men." The Board of Regents is the governing body of the Smithsonian Institution. It consists of the Vice President of the United States, the Chief Justice, three members each of the U.S. Senate and House of Representatives; and six citizens of the U.S. appointed by joint resolution of the Congress, two of whom shall be residents of the District of Columbia, and of the other four no two shall be from the same State. The Regents elect one of their number as chancellor who is presiding officer of the Board and the chancellor of the Institution. The Board also elects three of its members as an executive committee.

SEC. 3. *Office of the Secretary of the Smithsonian Institution.*

(a) *Secretary of the Smithsonian.* The Regents elect a suitable person as Secretary of the Smithsonian Institution, who shall also be the Secretary of the Board of Regents. The Secretary is the principal administrative officer of the Smithsonian Institution (20 U.S.C. section 46 (1964 Ed.)). The Secretary serves, ex officio, as a member of various boards and other organizations:

National Air and Space Museum Advisory Board.
National Armed Forces Museum Advisory Board.
National Gallery of Art Board of Trustees.
John F. Kennedy Center for the Performing Arts Board of Trustees.
Smithsonian Art Commission.
National Portrait Gallery Commission.
Joseph H. Hirshhorn Museum and Sculpture Garden Board of Trustees.
Temporary Commission on Pennsylvania Avenue.
National Visitor and Student Center Study Commission.
Federal Council on the Arts and the Humanities of the National Foundation on the Arts and the Humanities.
American Revolution Bicentennial Commission.

(b) *Assistant Secretary.* The Assistant Secretary acts as Secretary in case of the absence of the Secretary. The Assistant Secretary advises and assists the Secretary in matters involving organization; budget; legislation; fiscal policy and operations; personnel; property; construction; buildings maintenance and protection; management improvement; and participates in major program determinations.

(c) *Assistant Secretary (Science).* The Assistant Secretary (Science) advises the Secretary in planning, coordinating, and reviewing the scientific research, education, exhibition, and public service programs of the Smithsonian in anthropology, astrophysics, biology, earth sciences, ecology, and oceanography.

(d) *Assistant Secretary (History and Art).* This position has been established to advise and assist the Secretary in planning, coordinating and reviewing the research, education, exhibition, and public service programs of the Institution in the fields of history and art.

(e) *Assistants to the Secretary.* Other assistants to the Secretary include an Executive Assistant to the Secretary and two Assistants to the Secretary, for Planning and Development, respectively.

SEC. 4 *Staff, offices, and supporting activities.*

Other offices and divisions assist the Secretary in the planning, management, and executive direction of the Smithsonian's varied activities, which are discussed below:

(a) *Office of the General Counsel.* The General Counsel is the legal officer of the Smithsonian Institution. His office serves as legal staff to the Institution, involving work in legislation; property; the use of public and private funds; insurance; taxes; contracts; settlement of tort and contract claims; copyrights and patents; and all other matters involving legal counsel. The General Counsel also advises the Secretary on major policy matters as requested.

(b) *Office of International Activities.* This office establishes cooperative research programs with institutions of higher learning in other countries and fosters the international exchange of persons and programs in the sciences and humanities. It administers the Smithsonian's museum and related research programs in foreign countries.

(c) *Office of Education and Training.* This office develops and coordinates programs of education and cooperative research, drawing upon the Institution's resources in scientists and scholars, collections, libraries, and laboratories.

(d) *Office of Public Affairs.* This activity promotes public understanding of the Smithsonian's programs; responds to public inquiries; assists representatives of the mass communications media in learning of Smithsonian activities; broadens the impact of the Institution's educational resources through the use of radio and television; assists museum visitors by means of orientation materials; plans, coordinates, and directs special events; and cooperates in other public service and educational programs.

(e) *Division of Performing Arts.* This division plans and presents performances and artistic programs which illuminate the Institution's collections of objects and interpret America's heritage.

(f) *National Armed Forces Museum Advisory Board.* This board advises the Board of Regents by developing plans for commemorating and displaying the contributions which the Armed Forces of the United States have made to American society and culture in time of war and peace.

(g) *Smithsonian Institution Libraries.* The libraries maintain collections of books and other publications supporting the research programs of the Institution and its museum, art gallery, and zoological park activities. Included are works covering geology, botany, zoology, anthropology, aeronautics, astrophysics, industries, American history and technology, art, museology, and related fields.

(h) *Smithsonian Institution Press.* This publishing activity edits, designs, arranges for printing, and distributes the scholarly and popular publications of the Smithsonian Institution.

(i) *Buildings Management Department.* This department maintains, operates, and repairs the buildings, grounds, and facilities of the Smithsonian Institution; assists in the construction of exhibit halls and cases; aids the research and curatorial functions by fabricating special devices; and protects the buildings, collections, and visiting public.

(j) *Administrative and Technical Divisions.* A number of divisions serve and support the substantive bureaus and activities of the Smithsonian Institution. These include Programing and Budget, Personnel, Fiscal, Contracts, Information Systems, Supply, Photographic Services, Organization and Methods, and Travel Services.

SEC. 5. *Bureaus and other activities of the Smithsonian Institution.*

The substantive work of the Smithsonian Institution includes the following major program activities. Except as otherwise noted, each of these organization units is headed by a director and is located in Washington, D.C.

(a) *U.S. National Museum.* This activity assists the Secretary by providing program planning, review and evaluation of the Smithsonian's programs of exhibition and public service, training in museum techniques, advice and assistance to museums and community institutions, and museum research and scholarship. In addition, it provides executive direction to the Office of Exhibits, the Conservation Analytical Laboratory, the Office of the Registrar, and the Traveling Exhibition Service.

(b) *Museum of Natural History.* This museum serves as an international center for the natural sciences, maintaining the largest reference collection of scientific specimens in the nation, as well as comprehensive programs of original research and exhibition on man, plants, animals, rocks and minerals, and fossils. Its resources provide the basis for cooperative studies and educational activities among Federal agencies, universities, and other scientific institutions.

(c) *Smithsonian Astrophysical Observatory.* The Observatory, located in Cambridge, Mass., performs research in eight principal areas: radio astronomy;

gamma-ray astronomy; meteorites and cosmic dust; theoretical astrophysics; optical observatory and observation; flight experiments; planetary and lunar science; and meteors and comets. Inquiries of an astrophysical nature should be directed to the Smithsonian Astrophysical Observatory, 60 Garden Street, Cambridge, Mass.

(d) *Radiation Biology Laboratory.* This Laboratory carries out broad programs involving all aspects of the absorption and utilization of solar radiation by living organisms. It maintains a Carbon-14 Laboratory for the study and dating of archeological specimens.

(e) *National Zoological Park.* The Zoo maintains a collection of over 800 species of mammals, birds, and reptiles for the advancement of science and the instruction and recreation of the people. Investigations are conducted in animal behavior, ecology, nutrition, reproductive physiology, pathology, clinical veterinary medicine, and the conservation of wild populations, especially endangered species.

(f) *Smithsonian Tropical Research Institute.* This research activity, located in the Canal Zone, Panama, conducts research and education programs in tropical biology and ecology, behavior, and other studies in tropical climates, using the research facilities and resources of Barro Colorado Island, Fort Amador, Galeta Island, and elsewhere in tropical America. Mail inquiries should be directed to the Smithsonian Tropical Research Institute, Post Office Box 2072, Balboa, C.Z.

(g) *Museum of History and Technology.* This museum accomplishes research, exhibition, education, and public service programs in all aspects of American civil and military history and the history of science, technology, and arts and manufactures.

(h) *National Collection of Fine Arts.* This art gallery fosters public appreciation of art and encourages creative expression by exhibiting works of past and contemporary origin; conducts an international art program of circulating exhibitions; and conducts a variety of research and educational programs.

(i) *National Air and Space Museum.* This museum, through its programs of research, publication, collection, and exhibition, provides for historical study and public education in the development of aviation and space flight.

(j) *Freer Gallery of Art.* This gallery conducts research, publication, and exhibit programs to contribute to a better understanding and appreciation of the artistic achievements of Near and Far Eastern civilizations.

(k) *National Portrait Gallery.* This gallery administers programs for the exhibition and study of the likenesses of those persons who have made significant contributions to the history, development, and culture of the United States.

(l) *Joseph H. Hirshhorn Museum and Sculpture Garden.* This projected museum and sculpture garden will serve as the permanent home of the art collections of Joseph H. Hirshhorn and the Joseph H. Hirshhorn Foundation donated for the benefit of the people of the United States, for exhibition and study.

(m) *National Gallery of Art.* Under its own Board of Trustees and separately administered by its Director and staff, the gallery assembles and maintains a national collection of paintings, sculpture, and the graphic arts representative of the best in the artistic heritage of America and Europe.

(n) *John F. Kennedy Center for the Performing Arts.* Under its own Board of Trustees and separately administered by its Chairman and staff, this projected Center will present events in the performing arts; develop activities for public participation, education, and recreation; provide facilities for civic activities; and provide a suitable memorial for the late President John F. Kennedy.

(o) *International Exchange Service.* This activity carries out an exchange of governmental and private scientific, cultural and technical publications between the United States and over 100 foreign countries.

(p) *Science Information Exchange.* The Exchange maintains a national registry of current research in the life, social, physical, and engineering sciences.

SEC. 6 *Public information, submittals, and requests.*

(a) *Requests for information.* Except for requests for research reports of the Science Information Exchange discussed at 32 F.R. 9682, requests for information or other matters may be made to the units described above by correspondence addressed to the head of such unit, in care of the Smithsonian Institution, Washington, D.C. 20560. Correspondence to those Smithsonian activities located outside of the Washington, D.C., area should be to the addresses noted in their descriptive sections above. In cases where the public is not informed as to which unit is primarily concerned with a particular matter, correspondence or telephone inquiries may be directed to the Office of Public Affairs, Smithsonian Institution, Washington, D.C. 20560.

(b) *Procedure for obtaining records.* Consistent with the instructions found in the Attorney General's Memorandum on the Public Information Section of the Administrative Procedure Act (Government Printing Office, June 1967), copies of public records may be obtained by requests in writing to the director of the Smithsonian unit primarily concerned with the particular record, or to the Office of Public Affairs, Smithsonian Institution, Washington, D.C. 20560, if the requestor is not informed as to which Smithsonian unit is primarily concerned with the record sought. Library and museum material made or acquired and preserved solely for reference or exhibition purposes, extra copies of documents preserved only for convenience of reference, and stocks of publications and of processed documents are not included within the definition of the words "public records" as used in this section.

Dated: July 11, 1967.

JAMES BRADLEY,
Acting Secretary.

[F.R. Doc. 67-8191; Filed, July 14, 1967; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 8]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 12, 1967.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 279), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 69751. By order of June 30, 1967, the Transfer Board approved the transfer to Don Machinery Movers, Inc., Chicago, Ill., of certificate of registration No. MC-120133 (Sub-No. 1) issued November 6, 1963, evidencing a right to engage in interstate or foreign commerce as a motor carrier within the State of Illinois as originally issued to H. Mandelbaum, doing business as H. Mandelbaum Machinery Movers, Chicago, Ill., Eugene L. Cohn, One North LaSalle St., Chicago Ill. 60602, attorney for applicants.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-8206; Filed, July 14, 1967; 8:48 a.m.]

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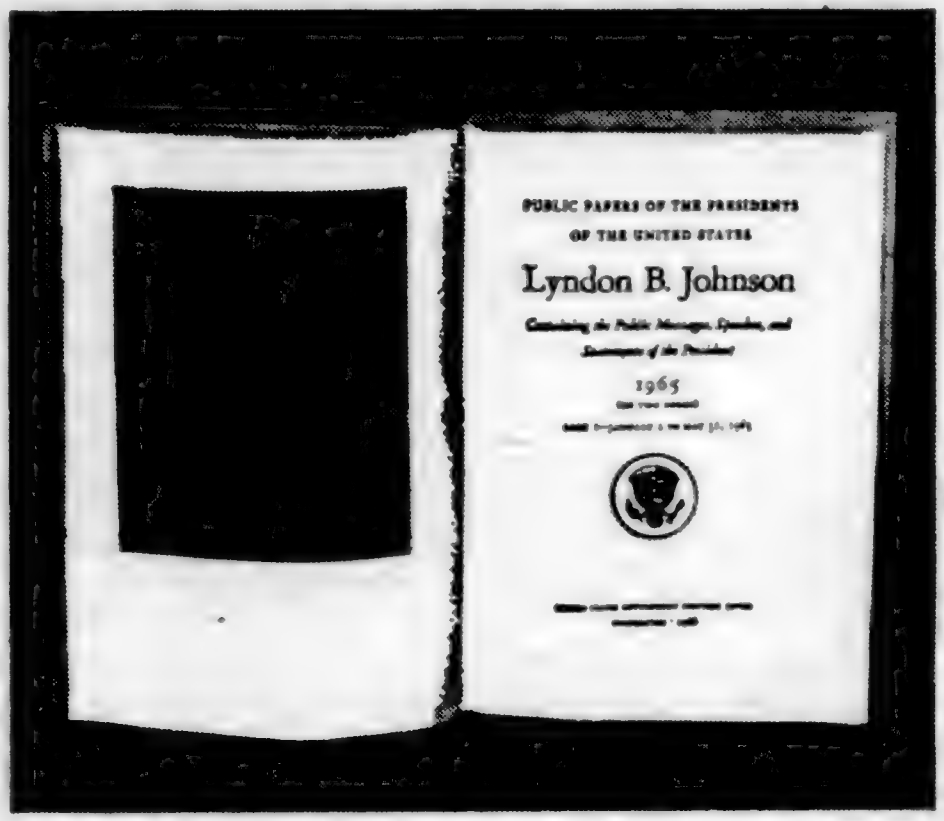
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WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS

The *Weekly Compilation of Presidential Documents* began with the issue dated Monday, August 2, 1965. It contains transcripts of the President's news conferences, messages to Congress, public speeches, remarks and statements, and other Presidential material released by the White House up to 5 p.m. of each Friday. This weekly service includes an Index of Contents preceding the text and a Cumulative Index to Prior Issues at the end. Cumulation of this index terminates at the end of each quarter and begins anew with the following issue. Semiannual and annual indexes are published separately.

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Title 3—THE PRESIDENT

Executive Order 11362

PROVIDING FOR THE USE OF TRANSPORTATION PRIORITIES AND ALLOCATIONS DURING THE CURRENT RAILROAD STRIKE

WHEREAS the current railroad strike has brought to a halt virtually all transportation of persons and things by rail, and the remaining transportation facilities of the nation will be unable to handle all the essential traffic requirements put upon them; and

WHEREAS Section 101(a) of the Defense Production Act of 1950, as amended (50 U.S.C. App. 2071(a)) provides that:

"The President is hereby authorized (1) to require that performance under contracts or orders (other than contracts of employment) which he deems necessary or appropriate to promote the national defense shall take priority over performance under any other contract or order, and, for the purpose of assuring such priority, to require acceptance and performance of such contracts or orders in preference to other contracts or orders by any person he finds to be capable of their performance, and (2) to allocate materials and facilities in such manner, upon such conditions, and to such extent as he shall deem necessary or appropriate to promote the national defense."

and

WHEREAS the foregoing powers of the President have been delegated to certain officers of the Government by and pursuant to Executive Order 10480 of August 14, 1953, as amended:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States and Commander-in-Chief of the armed forces, including the authority conferred upon me by the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061, et seq.), it is hereby ordered as follows:

SECTION 1. This order shall constitute a finding in pursuance of section 101(b) of the Defense Production Act of 1950, as amended, with respect to the exercise, as directed by section 2 of this order, of the powers vested in me by section 101(a) of that Act.

SEC. 2. The officers of the Government in whom are vested (by or pursuant to Executive Order 10480, as amended), the allocation and priorities powers of the Defense Production Act of 1950, as amended, shall exercise those powers to accomplish the transportation and delivery of such persons and things as they deem necessary or proper to promote the national defense, including the accomplishment of military requirements, governmental functions, defense production and measures essential to the public health and safety.

SEC. 3. Notwithstanding any other provision of this order or any other order:

(1) The Secretary of Transportation is directed to determine, with the concurrence of the Director of the Office of Emergency Planning, the proper over-all apportionment and allocation of available transportation capacity.

(2) The Secretary of Transportation, subject to the general policy guidance of the Director of the Office of Emergency Planning, shall exercise centralized direction in the use of transportation priorities to accomplish the purposes of this order.

(3) The Secretary of Transportation shall provide the organization and procedures to carry out the functions under the foregoing provisions of this section.

SEC. 4. This order takes effect at once and shall remain effective until the resumption of rail service makes it unnecessary but in no event more than fifteen days after the termination of the current railroad strike.

THE WHITE HOUSE,
July 16, 1967.

[F.R. Doc. 67-8335; Filed, July 17, 1967; 9:57 a.m.]

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Subpart—U.S. Standards for Grades of Orange Juice From Concentrate

A proposal to issue U.S. Standards for Grades of Orange Juice from Concentrate was published in the FEDERAL REGISTER of December 2, 1966 (31 F.R. 15151). In consideration of the data, views, and arguments submitted by interested persons in connection with the aforementioned proposal, a second and revised proposal for issuing U.S. Standards for Grades of Pasteurized Orange Juice was published in the FEDERAL REGISTER of April 21, 1967 (32 F.R. 6284). Interested persons were given until June 1, 1967, in which to submit written data, views, or arguments in connection with this second and revised proposal.

Statement of considerations leading to the issuance of the standards. Following the second and revised proposal of April 21, 1967, adverse comments, received from only one source, suggested lower Brix-acid ratios than those proposed, and a single Brix level for all grades at a lower level than proposed.

These objections and suggestions have been carefully considered. The Department finds, however, that the suggestions, if adopted, would not provide for appropriate differentiation in Orange Juice qualities and would weaken the usefulness of the standards as a basis for trading.

The standards as proposed on April 21, 1967, are hereby adopted without change and are set forth below.

Effective date. These standards shall became effective on August 31, 1967.

Dated: July 12, 1967.

G. R. GRANGE,
Deputy Administrator, . . .
Marketing Services.

The standards are:

PRODUCT DESCRIPTION, STYLES, AND GRADES

Sec.
52.5681 Product description.
52.5682 Styles.
52.5683 Grades.

FILL OF CONTAINER

52.5684 Recommended fill of container.

FACTORS OF QUALITY

52.5685 Ascertaining the grade of a sample unit.
52.5686 Ascertaining the rating for the factors which are scored.
52.5687 Color.
52.5688 Defects.
52.5689 Flavor.

EXPLANATIONS AND METHODS OF ANALYSIS

52.5690 Definitions of terms and methods of analysis.

LOT COMPLIANCE

52.5691 Ascertaining the grade of a lot.

SCORE SHEET

52.5692 Score sheet for orange juice from concentrate.

AUTHORITY: The provisions of this subpart issued under secs. 202-208, 60 Stat. 1087, as amended; 7 U.S.C. 1621-1627.

PRODUCT DESCRIPTION, STYLES, AND GRADES

§ 52.5681 Product description.

Orange juice from concentrate is the product defined in the standards of identity (21 CFR 27.111) issued pursuant to the Federal Food, Drug, and Cosmetic Act.

§ 52.5682 Styles.

(a) Without sweetener.
(b) With sweetener.

§ 52.5683 Grades.

(a) "U.S. Grade A" (or U.S. Fancy) is the quality of orange juice from concentrate that: (1) Shows no coagulation or no material separation and possesses the appearance of fresh orange juice, (2) has a very good color, (3) is practically free from defects, (4) possesses a very good flavor, and (5) scores not less than 90 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U.S. Grade B" (or U.S. Choice) is the quality of orange juice from concentrate that: (1) Shows no coagulation but may show some separation and possesses the appearance of fresh orange juice, (2) has a good color, (3) is reasonably free from defects, (4) possesses a good flavor, and (5) scores not less than 80 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard" is the quality of orange juice from concentrate that fails to meet the requirements of U.S. Grade B.

FILL OF CONTAINER

§ 52.5684 Recommended fill of container.

The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purpose of these grades. It is recommended that the container be as full of orange juice as practicable.

FACTORS OF QUALITY

§ 52.5685 Ascertaining the grade of a sample unit.

(a) *General.* The grade of a sample unit of orange juice from concentrate is ascertained by considering the degree of any coagulation and separation, and the appearance of the product as compared to fresh juice, which are not scored; the ratings for the factors of color, defects, and flavor which are scored; the total score; and the limiting rules which may be applicable.

(b) *Factors rated by score points.* The relative importance of each scoring factor is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

Factors:	Points
Color	40
Defects	20
Flavor	40
Total score	100

§ 52.5686 Ascertaining the rating for the factors which are scored.

The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "18 to 20 points" means 18, 19, or 20 points).

§ 52.5687 Color.

(a) *Evaluation of color.* (1) The color of orange juice from concentrate, where applicable, is evaluated by comparing the color of the product with the USDA Orange Juice Color Standards so that these color standards become points of reference.

(2) Such comparison is made under an artificial light source of approximately 150 candela intensity and having a spectral quality approximating that of daylight under a moderately overcast sky and a color temperature of 7,500 degrees Kelvin, ±200 degrees.

(3) The USDA Orange Juice Color Standards range from yellow-orange to yellow color, with USDA OJ1 being the most orange color in the series.

(b) *Procedure in evaluating color.* (1) Place the juice in a clear glass test tube of 1-inch diameter.

(2) Arrange color standards in a test tube rack or similar device so that light coming from above strikes the standards at a 45 degree angle. The standards are inclined at a 45 degree angle against a neutral grey background. Observe the standards and product at right angles to the tubes.

(3) Classify the juice by inserting the tube of juice where it best fits in the series of color standards. Orange juice differing in color and brightness from the most nearly matching USDA Orange Juice Color Standard is evaluated by considering the amount of difference and its effect on the total appearance of the juice.

(c) *Availability of color standards.* The USDA Orange Juice Color Standards cited in this section are official color standards which may also be applied to other orange juices. Information regarding these color standards, and their availability, may be obtained from:

Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

(d) *(A) Classification.* Orange juice from concentrate that has a very good color may be given a score of 36 to 40 points. "Very good color" means a very good yellow to yellow-orange color that is bright and typical of fresh orange juice. Orange juice from concentrate that meets this criterion may be assigned score points in accordance with the following schedule:

As compared with USDA Orange Juice Color Standards:	Score (points)
Equal to or better than USDA OJ 2	40
Equal to or better than USDA OJ 3	39
Much better than USDA OJ 4	38
Equal to or slightly better than USDA OJ 4	37
Equal to or better than USDA OJ 5	36

(e) *(B) Classification.* If the juice possesses a good color, a score of 32 to 35 points may be given. Orange juice from concentrate that falls into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Good color" means that the color is the yellow to yellow-orange color typical of fresh orange juice which may be dull but is not off color for any reason. Orange juice from concentrate that meets this criterion may be assigned score points in accordance with the following schedule:

As compared with USDA Orange Juice Color Standards:	Score (points)
Better than USDA OJ 6 but not as good as USDA OJ 5	35
Equal to USDA OJ 6	34
Not as good as USDA OJ 6	33 or 32

(f) *(SStd.) Classification.* If the juice fails to meet the requirements of paragraph (e) of this section a score of 0 to 31 points may be given. Orange juice from concentrate that falls into this classification shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.5688 Defects.

(a) *General.* The factor of defects concerns the degree of freedom from small seeds and portions thereof; from discolored specks, harmless extraneous material, and other similar defects; from recoverable oil; and from juice sacs and particles of membrane, core, and peel in excess of that normally present in orange juice.

(b) *Definitions.* (1) "Small seeds and portions thereof" means seed, whether fully developed or not, and particles of seed that could pass readily through round perforations one-eighth inch (3.2 mm.) in diameter.

(2) "Recoverable oil" means oil recoverable by the method outlined in this subpart.

(c) *(A) Classification.* Orange juice from concentrate that is practically free from defects may be given a score of 18 to 20 points. "Practically free from defects" means that any combination of defects present may no more than slightly detract from the appearance or drinking quality of the juice, and that there may be present not more than 0.030 percent by volume of recoverable oil.

(d) *(B) Classification.* If the juice is reasonably free from defects, a score of 16 or 17 points may be given. Orange juice from concentrate that falls into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that any combination of defects present may not seriously detract from the appearance or drinking quality of the juice, and that there may be present not more than 0.040 percent by volume of recoverable oil.

(e) *(SStd.) Classification.* Orange juice from concentrate that fails to meet the requirements of paragraph (d) of this section may be given a score of 0 to 15 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.5689 Flavor.

(a) *(A) Classification.* Orange juice from concentrate that possesses a very good flavor may be given a score of 36 to 40 points. "Very good flavor" means that the flavor is fine, distinct, and substantially typical of orange juice extracted from fresh, mature sweet oranges; is free from off flavors of any kind; and meets the following requirements:

(1) *Without sweetener style*—(i) *Brix.* Not less than 11.8 degrees.

(ii) *Brix—acid ratio.* Not less than 10.5:1 nor more than 22:1.

(2) *With sweetener style*—(i) *Soluble orange juice solids.* Not less than 11.8 percent, by weight, of the sweetened product.

(ii) *Brix—acid ratio.* Not less than 10.5:1 nor more than 22:1.

(b) *(B) Classification.* If the orange juice from concentrate possesses a good flavor a score of 32 to 35 points may be given. Orange juice from concentrate that falls into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Good flavor" means that the flavor is fairly typical of orange juice extracted from fresh, mature sweet oranges; is free from off flavors of any kind; and meets the following requirements:

(1) *Without sweetener style*—(i) *Brix.* Not less than 11.8 degrees.

(ii) *Brix—acid ratio.* Not less than 10.5:1, nor more than 22:1.

(2) *With sweetener style*—(i) *Soluble orange juice solids.* Not less than 11.8 percent, by weight, of the sweetened product.

(ii) *Brix—acid ratio.* Not less than 10.5:1 nor more than 22:1.

(c) *(SStd.) Classification.* If the orange juice fails to meet the requirements of paragraph (b) of this section a score of 0 to 31 points may be given. Orange juice from concentrate that falls into this classification shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

EXPLANATIONS AND METHODS OF ANALYSIS

§ 52.5690 Definitions of terms and methods of analysis.

(a) *Brix.* "Brix" means the degrees Brix of orange juice from concentrate when tested with a Brix hydrometer calibrated at 20 degrees C. (68 degrees F.) and to which any applicable temperature correction has been made. The degrees Brix may be determined by any other method which gives equivalent results.

(b) *Acid.* "Acid" means the grams of total acidity, calculated as anhydrous citric acid, per 100 ml. of juice. Total acidity is determined by titration with standard sodium hydroxide solution, using phenolphthalein as indicator.

(c) *Brix-acid ratio.* "Brix-acid ratio" means the ratio between the Brix and the acid as defined in this section.

(d) *Recoverable oil.* "Recoverable oil" is determined by the following methods:

(1) *Equipment.* (i) Oil separatory trap similar to either of those illustrated in Figure 1 or Figure 2,[1]

(ii) Gas burner or hot plate;

(iii) Ringstand and clamps;

(iv) Rubber tubing;

(v) Three-liter narrow-neck flask.

(2) *Procedure.* (i) Place exactly 2 liters of juice in a 3-liter flask. Close the stopcock, place distilled water in the graduated tube, run cold water through the condenser from bottom to top, and bring the juice to a boil. Continue boiling for 1 hour at the rate of approximately 50 drops per minute.

(ii) By means of the stopcock, lower the oil into the graduated portion of the separatory trap, remove the trap from the flask, allow it to cool, and record the amount of oil recovered.

(iii) The number of milliliters of oil recovered divided by 20 equals the percent by volume of recoverable oil.

LOT COMPLIANCE

§ 52.5691 Ascertaining the grade of a lot.

The grade of a lot of orange juice from concentrate covered by these standards is determined by the procedures set forth

[1] Figures 1 and 2 filed as part of original document.

in the regulations governing inspection and certification of processed fruits and vegetables, processed products thereof, and certain other processed food products (§§ 52.1 to 52.87).

SCORE SHEET

§ 52.5692 Score sheet for orange juice from concentrate.

Size and kind of container			
Container mark (packages)			
or			
Identification (cases)			
Label (including ingredient statement, if any)			
Liquid measure (fluid ounces)			
Style			
Brix (degrees)			
Acid (grams/100 ml.: calculated as anhydrous citric acid)			
Brix-acid ratio ( )			
Recoverable oil (% by volume)			
Degree of coagulation	( ) None		
	( ) Slight		
	( ) Serious		
Factors		Score points	
Color	40	(A)	36–40
		(B)	[1] 32–35
		(SStd.)	[1] 5–31
Defects	20	(A)	18–20
		(B)	[1] 16–17
		(SStd.)	[1] 0–15
Flavor	40	(A)	36–40
		(B)	[1] 32–35
		(SStd.)	[1] 0–31
Total score	100		
Grade			

[1] Indicates limiting rule.

[F.R. Doc. 67-8282; Filed, July 17, 1967; 8:47 a.m.]

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Subpart—U.S. Standards for Grades of Pasteurized Orange Juice

A proposal to issue U.S. Standards for Grades of Pasteurized Orange Juice was published in the FEDERAL REGISTER of December 2, 1966 (31 F.R. 15149). In consideration of the data, views, and arguments submitted by interested persons in connection with the aforementioned proposal, a second and revised proposal for issuing U.S. Standards for Grades of Pasteurized Orange Juice was published in the FEDERAL REGISTER of April 21, 1967 (32 F.R. 6286). Interested persons were given until June 1, 1967, in which to submit written data, views, or arguments in connection with this second and revised proposal.

Statement of considerations leading to the issuance of the standards. Following the second and revised proposal of April 21, 1967, adverse comments, received from only one source, suggested lower Brix-acid ratios than those proposed, and a single Brix level for all grades.

These objections and suggestions have been carefully considered. The Department finds, however, that the suggestions, if adopted, would not provide for appropriate differentiation in Orange Juice qualities and would weaken the usefulness of the standards as a basis for trading.

The standards as proposed on April 21, 1967, are hereby adopted without change and are set forth below.

Effective date. These standards shall become effective on August 31, 1967.

Dated: July 12, 1967.

G. R. GRANGE,
Deputy Administrator, Marketing Services.

The standards are:

PRODUCT DESCRIPTION, STYLES, AND GRADES

Sec.
52.5641 Product description.
52.5642 Styles.
52.5643 Grades.

FILL OF CONTAINER

52.5644 Recommended fill of container.

FACTORS OF QUALITY

52.5645 Ascertaining the grade of a sample unit.
52.5646 Ascertaining the rating for the factors which are scored.
52.5647 Color.
52.5648 Defects.
52.5649 Flavor.

EXPLANATIONS AND METHODS OF ANALYSIS

52.5650 Definitions of terms and methods of analysis.

LOT COMPLIANCE

52.5651 Ascertaining the grade of a lot.

SCORE SHEET

52.5652 Score sheet for pasteurized orange juice.

AUTHORITY: The provisions of this subpart issued under secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627.

PRODUCT DESCRIPTION, STYLES, AND GRADES

§ 52.5641 Product description.

Pasteurized orange juice is the product defined in the standards of identity (21 CFR 27.107) issued pursuant to the Federal Food, Drug, and Cosmetic Act.

§ 52.5642 Styles.

(a) Without sweetener;

(b) With sweetener.

§ 52.5643 Grades.

(a) "U.S. Grade A" (or U.S. Fancy) is the quality of pasteurized orange juice that: (1) Shows no coagulation or no material separation and has the appearance of fresh orange juice, (2) has a very good color, (3) is practically free from defects, (4) possesses a very good flavor, and (5) scores not less than 90 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U.S. Grade B" (or U.S. Choice) is the quality of pasteurized orange juice that: (1) Shows no coagulation but may show some separation and has the appearance of fresh orange juice, (2) has a good color, (3) is reasonably free from defects, (4) possesses a good flavor, and (5) scores not less than 80 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard" is the quality of pasteurized orange juice that fails to meet the requirements of U.S. Grade B.

FILL OF CONTAINER

§ 52.5644 Recommended fill of container.

The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purpose of these grades. It is recommended that the container be as full of orange juice as practicable.

FACTORS OF QUALITY

§ 52.5645 Ascertaining the grade of a sample unit.

(a) *General.* The grade of a sample unit of pasteurized orange juice is ascertained by considering the degree of any coagulation and separation, and the appearance of the product as compared to fresh juice which are not scored; the ratings for the factors of color, defects, and flavor which are scored; the total score; and the limiting rules which may be applicable.

(b) *Factors rated by score points.* The relative importance of each scoring factor is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

Factor	Points
Color	40
Defects	20
Flavor	40
Total score	150

§ 52.5646 Ascertaining the rating for the factors which are scored.

The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "18 to 20 points" means 18, 19, or 20 points).

§ 52.5647 Color.

(a) *Evaluation of color.* (1) The color of pasteurized orange juice, where applicable, is evaluated by comparing the color of the product with the USDA Orange Juice Color Standards so that these color standards become points of reference.

(2) Such comparison is made under an artificial light source of approximately 150 candela intensity and having a spectral quality approximating that of daylight under a moderately overcast sky and a color temperature of 7,500 degrees Kelvin, ±200 degrees.

(3) The USDA Orange Juice Color Standards range from yellow-orange to yellow color, with USDA OJ 1 being the most orange color in the series.

(b) *Procedure in evaluating color.* (1) Place the juice in a clear glass test tube of 1-inch diameter.

(2) Arrange color standards in a test tube rack or similar device so that light coming from above strikes the standards at a 45 degree angle. The standards are inclined at a 45 degree angle against

a neutral grey background. Observe the standards and product at right angles to the tubes.

(3) Classify the juice by inserting the tube of juice where it best fits in the series of color standards. Orange juice differing in color and brightness from the most nearly matching USDA Orange Juice Color Standard is evaluated by considering the amount of difference and its effect on the total appearance of the juice.

(c) *Availability of color standards.* The USDA Orange Juice Color Standards cited in this section are official color standards which may also be applied to other orange juices. Information regarding these color standards, and their availability, may be obtained from:

Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

(d) *(A) Classification.* Pasteurized orange juice that has a very good color may be given a score of 36 to 40 points. "Very good color" means a very good yellow to yellow-orange color that is bright and typical of fresh orange juice. Pasteurized orange juice that meets this criterion may be assigned score points in accordance with the following schedule:

As compared with USDA Orange Juice Color Standards:	Score (points)
Equal to or better than USDA OJ 2	40
Equal to or better than USDA OJ 3	39
Much better than USDA OJ 4	38
Equal to or slightly better than USDA OJ 4	37
Equal to or better than USDA OJ 5	36

(e) *(B) Classification.* If the juice has a good color, a score of 32 to 35 points may be given. Pasteurized orange juice that falls into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Good color" means that the color is the yellow to yellow-orange color typical of fresh orange juice which may be dull but is not off color for any reason. Pasteurized orange juice that meets this criterion may be assigned score points in accordance with the following schedule:

As compared with USDA Orange Juice Color Standards:	Score (points)
Better than USDA OJ 6 but not as good as USDA OJ 5	35
Equal to USDA OJ 6	34
Not as good as USDA OJ 6	33 or 32

(f) *(SStd.) Classification.* If the pasteurized juice fails to meet the requirements of paragraph (e) of this section a score of 0 to 31 points may be given. Pasteurized orange juice that falls into this classification shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.5648 Defects.

(a) *General.* The factor of defects concerns the degree of freedom from small seeds and portions thereof; from discolored specks, harmless extraneous material, and other similar defects; from recoverable oil; and from juice sacs and particles of membrane, core, and peel in excess of that normally present in orange juice.

(b) *Definitions.* (1) "Small seeds and portions thereof" means seed, whether fully developed or not, and particles of seed that could pass readily through round perforations one-eight inch (3.2 mm.) in diameter.

(2) "Recoverable oil" means oil recoverable by the method outlined in this subpart.

(c) *(A) Classification.* Pasteurized orange juice that is practically free from defects may be given a score of 18 to 20 points. "Practically free from defects" means that any combination of defects present may no more than slightly detract from the appearance or drinking quality of the juice, and that there may be present not more than 0.030 percent by volume of recoverable oil.

(d) *(B) Classification.* If the pasteurized juice is reasonably free from defects, a score of 16 or 17 points may be given. Pasteurized orange juice that falls into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that any combination of defects present may not seriously detract from the appearance or drinking quality of the juice, and that there may be present not more than 0.040 percent by volume of recoverable oil.

(e) *(SStd.) Classification.* Pasteurized orange juice that fails to meet the requirements of paragraph (d) of this section may be given a score of 0 to 15 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.5649 Flavor.

(a) *(A) Classification.* Pasteurized orange juice that possesses a very good flavor may be given a score of 36 to 40 points. "Very good flavor" means that the flavor is fine, distinct, and substantially typical of orange juice extracted from fresh, mature sweet oranges; is free from off flavors of any kind; and meets the following requirements:

(1) *Without sweetener style*—(i) *Brix.* Not less than 11 degrees.

(ii) *Brix—acid ratio.* Not less than 12:1 nor more than 19.5:1 except that when produced solely or predominantly from fruit grown in California or Arizona the Brix-acid ratio may be not less than 11 to 1 nor more than 17 to 1.

(2) *With sweetener style*—(i) *Soluble orange juice solids.* Not less than 11 percent, by weight, of the sweetened product.

(ii) *Brix—acid ratio.* Not less than 12:1 nor more than 19.5:1.

(b) *(B) Classification.* If the pasteurized orange juice possesses a good flavor a score of 32 to 35 points may be given. Pasteurized orange juice that falls into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Good flavor" means that the flavor is fairly typical of orange juice extracted from fresh, mature sweet oranges; is free from off flavors of any kind; and meets the following requirements:

(1) *Without sweetener style*—(i) *Brix.* Not less than 10.5 degrees.

(ii) *Brix—acid ratio.* Not less than 10:1 nor more than 22:1,

(2) *With sweetener style*—(i) *Soluble orange juice solids.* Not less than 10.5 percent, by weight, of the sweetened product.

(ii) *Brix—acid ratio.* Not less than 10:1 nor more than 22:1.

(c) *(SStd.) Classification.* Pasteurized orange juice that fails to meet the requirements of paragraph (b) of this section may be given a score of 0 to 31 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

EXPLANATIONS AND METHODS OF ANALYSIS

§ 52.5650 Definitions of terms and methods of analysis.

(a) *Brix.* "Brix" means the degrees Brix of pasteurized orange juice when tested with a Brix hydrometer calibrated at 20 degrees C. (68 degrees F.) and to which any applicable temperature correction has been made. The degrees Brix of pasteurized orange juice may be determined by any other method which gives equivalent results.

(b) *Acid.* "Acid" means the grams of total acidity, calculated as anhydrous citric acid, per 100 ml. of pasteurized orange juice. Total acidity is determined by titration with standard sodium hydroxide solution, using phenolphthalein as indicator.

(c) *Brix-acid ratio.* "Brix-acid ratio" means the ratio between the Brix and the acid as defined in this section.

(d) *Recoverable oil.* "Recoverable oil" is determined by the following methods:

(1) *Equipment.* (i) Oil separatory trap similar to either of those illustrated in Figure 1 or Figure 2.[1]

(ii) Gas burner or hot plate;

(iii) Ringstand and clamps;

(iv) Rubber tubing;

(v) Three-liter narrow-neck flask.

(2) *Procedure.* (i) Place exactly 2 liters of juice in a 3-liter flask. Close the stopcock, place distilled water in the graduated tube, run cold water through the condenser from bottom to top, and bring the juice to a boil. Continue boiling for 1 hour at the rate of approximately 50 drops per minute.

(ii) By means of the stopcock, lower the oil into the graduated portion of the separatory trap, remove the trap from the flask, allow it to cool, and record the amount of oil recovered.

(iii) The number of milliliters of oil recovered divided by 20 equals the percent by volume of recoverable oil.

LOT COMPLIANCE

§ 52.5651 Ascertaining the grade of a lot.

The grade of a lot of pasteurized orange juice covered by these standards is determined by the procedures set forth in the regulations governing inspection and certification of processed fruits and vegetables, processed products thereof, and certain other processed food products (§§ 52.1 to 52.87).

SCORE SHEET

§ 52.5652 Score sheet for pasteurized orange juice.

Size And kind of container ....
Container mark (packages) .... or
Identification (cases) ....
Label (including ingredient statement, if any) ....
Liquid measure (fluid ounces) ....
Style ....
Brix (degrees) ....
Acid (grams/100 ml.: calculated as anhydrous citric acid) ....
Brix-acid ratio ( ) ....
Recoverable oil (% by volume) ....
Degree of coagulation ( ) None ( ) Slight ( ) Serious ....

Factors	Score points		
Color	40	(A)	36-40
		(B)	32-35
		(SStd.)	0-31
Defects	20	(A)	18-20
		(B)	16-17
		(SStd.)	0-15
Flavor	40	(A)	36-40
		(B)	32-35
		(SStd.)	0-31
Total score	100		

Grade ....

[1] Indicates limiting rule.

[F.R. Doc. 67-8233; Filed, July 17, 1967; 8:47 a.m.]

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

[Amdt. 94]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

SUGAR BEETS

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1967 crop year in the following respects:

1. The portion of the table following paragraph (a) of §401.3 of this chapter under the heading "Sugar Beets" is amended effective beginning with the 1967 crop year by inserting the following immediately above the portion of the table pertaining to "Michigan, Minnesota, Montana, and North Dakota."

(Closing date)	
SUGAR BEETS	
California	Aug. 31

2. In section 4 of the sugar beet endorsement shown in § 401.43 of this chapter, the table at the end thereof is amended effective beginning with the 1967 crop year by inserting the following line immediately above the portion of the table pertaining to "Michigan":

California	July 15

3. The first sentence of section 3(b) of the sugar beet endorsement shown in § 401.43 of this chapter is amended effective beginning with the 1967 crop year to read as follows:

The production guarantees per acre are progressive as follows: (1) First stage—any acreage not thinned, (2) second stage—after acreage is thinned and through July 1 (Dec. 31 in California), (3) third stage—after July 1 (Dec. 31 in California) until harvested, or (4) fourth stage—acreage harvested.

4. Section 8 of the sugar beet endorsement shown in § 401.43 of this chapter is amended effective beginning with the 1967 crop year to read as follows:

8. *Cancellation and termination for indebtedness dates.* For each year of the contract the cancellation date and termination date for indebtedness are the following applicable dates immediately preceding the beginning of the crop year for which the cancellation or termination is to become effective: *Provided, however,* That the portion of item (1) in section 15(a) of the policy which reads "except the premium due on a crop of such agricultural commodity normally harvested in the calendar year in which such earlier date occurs," shall not be applicable with respect to sugar beet crop insurance in any county in California.

State	Cancellation date	Termination date for indebtedness
California	June 30	Aug. 31
Michigan, Minnesota, Montana, and North Dakota	Dec. 31	Apr. 15
Ohio	Dec. 31	Mar. 31
All other States	Dec. 31	Mar. 15

5. Section 7 of the sugar beet endorsement shown in § 401.43 of this chapter is amended effective beginning with the 1967 crop year by adding the following subsection (c) thereto:

(c) "Crop year," notwithstanding section 21(e) of the policy, means the period within which the insured sugar beet crop is normally planted and normally harvested, and shall be designated by reference to the calendar year in which the crop is normally harvested: *Provided, however,* That in all counties in California where sugar beet crop insurance is offered, the crop year shall be designated by reference to the calendar year in which the crop is normally planted.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

Adopted by the Board of Directors on July 12, 1967.

[SEAL] EARLL H. NIEKEL, *Secretary, Federal Crop Insurance Corporation.*

Approved on July 12, 1967.

ORVILLE L. FREEMAN, *Secretary.*

[F.R. Doc. 67-8247; Filed, July 17, 1967; 8:48 a.m.]

Chapter VI—Soil Conservation Service, Department of Agriculture

PART 601—GREAT PLAINS CONSERVATION PROGRAM

Subpart—General Program Provisions

ELIGIBLE CONSERVATION PRACTICES

Correction

In F.R. Doc. 67-7981 appearing in the issue for Tuesday, July 11, 1967, on page 10155, in the third column, the last two lines of § 601.11(b) (1) which read "Administrator, SCS, and the Administrator for approval.", should read "Administrator, ASCS, to the Secretary for approval."

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 815.8, Amdt. 2]

PART 815—ALLOTMENT OF DIRECT-CONSUMPTION PORTION OF MAINLAND SUGAR QUOTA FOR PUERTO RICO

1967

Basis and purpose. This amendment is issued under section 205(a) of the Sugar Act of 1948, as amended (hereinafter called the "Act") for the purpose of amending Sugar Regulation 815.8 (32 F.R. 40,6550), which established allotments of the direct-consumption portion of the 1967 mainland quota for Puerto Rico.

This amendment of S.R. 815.8 is necessary to give effect to the direct-consumption portion of the 1967 mainland quota for Puerto Rico amounting to 162,000 short tons, raw value, as established in Sugar Regulation 811, Amendment 10 (32 F.R. 9949). That quantity is 6,000 tons greater than the 156,000 short tons, raw value, previously allotted.

Findings heretofore made by the Secretary in the course of this proceeding (32 F.R. 40) provide that this order shall be revised without further notice or hearing for the purpose indicated above and such findings set forth the procedure for the revision of allotments.

Accordingly, allotments are herein established on the basis of and consistent with such findings.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205(a) of the Act, and in accordance with paragraph (c) of § 815.8 of this chapter, it is hereby ordered that paragraph (a) of § 815.8 be amended to read as follows:

§ 815.8 Allotment of the direct-consumption portion of mainland sugar quota for Puerto Rico for the calendar year 1967.

(a) *Allotments.* The direct-consumption portion of the 1967 mainland sugar quota for Puerto Rico, amounting to 162,000 short tons, raw value, is hereby allotted as follows:

[1] Figures 1 and 2 filed as part of original document.

Allottee	Direct-consumption allotment (short tons, raw value)
Central Aguirre Sugar Co., a trust	6,793
Central Roig Refining Co	23,306
Central San Francisco	1,378
Puerto Rican American Sugar Refinery, Inc	106,803
Western Sugar Refining Co	25,496
Liquid sugar reserve for persons other than named above	30
Total	162,000

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153, secs. 205, 207, 209; 61 Stat. 926, 927, 928; 7 U.S.C. 1115, 1117, 1119)

Effective date. Allotments established in this order for all allottees are larger than the allotments previously established. To afford adequate opportunity to plan and to market the additional quantities of sugar in an orderly manner, it is imperative that this amendment becomes effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the 30-day effective date requirement in 5 U.S.C. 553 (80 Stat. 378) is impracticable and contrary to the public interest and, consequently, the amendment made herein shall become effective when published in the FEDERAL REGISTER.

Signed at Washington, D.C., this 12th day of July 1967.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 67-8231; Filed, July 17, 1967; 8:47 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lemon Reg. 276]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.576 Lemon Regulation 276.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 10, 1967.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period July 16, 1967, through July 22, 1967, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 232,500 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–9, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 13, 1967.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-8230; Filed, July 17, 1967; 8:47 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1967 Crop Rye Supp.]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1967 Crop Rye Loan and Purchase Program

The General Regulations Governing Price Support for the 1964 and Subsequent Crops (Revision 1) (31 F.R. 5941) and the 1966 and Subsequent Crops Rye Supplement (31 F.R. 6406), which contain regulations of a general nature with respect to price support operations, are further supplemented for the 1967 crop of rye as follows:

Sec.
1421.2856 Purpose.
1421.2857 Availability.
1421.2858 Maturity of loans.
1421.2859 Warehouse charges.
1421.2860 Support rates.

AUTHORITY: The provisions of this subpart issued under sec. 4, 62 Stat. 1070 as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051 as amended; 15 U.S.C. 714c, 7 U.S.C. 1421, 1441.

§ 1421.2856 Purpose.

This supplement contains program provisions which, together with the provisions of the General Regulations Governing Price Support for the 1964 and Subsequent Crops (Revision 1) and the 1966 and Subsequent Crop Rye Supplement, and any revisions of amendments thereof, apply to price support loans and purchases with respect to the 1967 crop of rye.

§ 1421.2857 Availability.

A producer desiring a price support loan must request a loan on his eligible rye on or before March 31, 1968. To obtain price support through a sale to CCC, a producer must give the appropriate ASCS county office notice of his intent to sell his eligible rye to CCC on or before April 30, 1968.

§ 1421.2858 Maturity of loans.

Unless demand is made earlier, all loans on rye will mature on April 30, 1968.

§ 1421.2859 Warehouse charges.

Subject to the provisions of § 1421.2847, the schedules of deductions set forth in this section shall apply to rye stored in an approved warehouse operating under the Uniform Grain Storage Agreement and operated by an Eastern common carrier.

(a) *Warehouses approved under the Uniform Grain Storage Agreement.*

SCHEDULE OF DEDUCTIONS FOR STORAGE CHARGES

Maturity date Apr. 30, 1968	Deduction (cents per bushel)
(1)	----
Prior to May 17, 1967	13
May 17–June 13, 1967	12
June 14–July 11, 1967	11
July 12–Aug. 8, 1967	10
Aug. 9–Sept. 5, 1967	9
Sept. 6–Oct. 3, 1967	8
Oct. 4–Oct. 31, 1967	7
Nov. 1–Nov. 28, 1967	6
Nov. 29–Dec. 26, 1967	5
Dec. 27, 1967–Jan. 23, 1968	4
Jan. 24–Feb. 20, 1968	3
Feb. 21–Mar. 19, 1968	2
Mar. 20–Apr. 30, 1968	1

[1] Dates storage charges start, all dates inclusive.

(b) *Warehouses operated by Eastern common carriers.* (1) Eligible rye stored in the following approved Eastern common carrier warehouses may be placed under loan or offered for sale to CCC:

(i) Canadian National Railway Co., Portland Elevator, Warehouse Code 9–2101, Portland, Maine.

(ii) Pennsylvania Railroad Co., Canton Elevator, Warehouse Code 9–2151, Baltimore, Md.

(2) Schedule of deductions for storage charges.

Maturity date Apr. 30, 1968	Deduction (cents per bushel)
(1)	(2)
Prior to June 26, 1967	16
June 26–July 15, 1967	15
July 16–Aug. 4, 1967	14
Aug. 5–Aug. 24, 1967	13
Aug. 25–Sept. 13, 1967	12
Sept. 14–Oct. 3, 1967	11
Oct. 4–Oct. 23, 1967	10
Oct. 24–Nov. 12, 1967	9
Nov. 13–Dec. 2, 1967	8
Dec. 3–Dec. 22, 1967	7
Dec. 23, 1967–Jan. 11, 1968	6
Jan. 12–Jan. 31, 1968	5
Feb. 1–Feb. 20, 1968	4
Feb. 21–Mar. 11, 1968	3
Mar. 12–Mar. 31, 1968	2
Apr. 1–Apr. 30, 1968	1

[1] Storage commence date, all dates inclusive.

[2] Charges shall be reduced by 2 cents per bushel if producer presents evidence that elevation charges were prepaid.

§ 1421.2860 Support rates.

(a) *Basic terminal rates.* The following rates are to be applied in accordance with § 1421.2849:

Terminal Market	Rate per bushel
Omaha, Nebr.	$1.19
Sioux City, Iowa	1.19
Duluth, Minn.	1.23
Minneapolis, Minn.	1.23
St. Paul, Minn.	1.23
Superior, Wis.	1.23
Atchison, Kans.	1.22
Kansas City, Mo.	1.22
St. Joseph, Mo.	1.22
Chicago, Ill.	1.32
Milwaukee, Wis.	1.32
Memphis, Tenn.	1.33
St. Louis, Mo.	1.33
Galveston, Tex.	1.32
Houston, Tex.	1.32
Port Arthur, Tex.	1.32
Beaumont, Tex.	1.32
Long Beach, Calif.	1.35
Los Angeles, Calif.	1.35
Oakland, Calif.	1.35
San Francisco, Calif.	1.35
Stockton, Calif.	1.35
Wilmington, Calif.	1.35
Astoria, Oreg.	1.33
Kalama, Wash.	1.33
Longview, Wash.	1.33
Portland, Oreg.	1.33
Seattle, Wash.	1.33
Tacoma, Wash.	1.33
Vancouver, Wash.	1.33
Albany, N.Y.	1.46
Baltimore, Md.	1.46
New York, N.Y.	1.46
Norfolk, Va.	1.46
Philadelphia, Pa.	1.46

(b) *County support rates.* Basic county support rates are as follows:

ALABAMA

County	Rate per bushel
All counties	$1.17

ARIZONA

All counties	$1.07

ARKANSAS

All counties	$1.08

CALIFORNIA

Colusa	$1.21	Riverside	$1.18
Contra Costa	1.28	San Joaquin	1.25
Glenn	1.21	Shasta	1.11
Kern	1.20	Sierra	1.06
Lassen	1.06	Siskiyou	1.11
Marin	1.28	Sonoma	1.21
Merced	1.23	Stanislaus	1.24
Modoc	1.10	Yuba	1.21
Plumas	1.12		

COLORADO

Baca	$0.93	Phillips	$0.94
Bent	.93	Prowers	.94
Cheyenne	.94	Sedgwick	.94
Kiowa	.93	Yuma	.94
Kit Carson	.94	All other	
Las Animas	.91	counties	.92

CONNECTICUT

All counties	$1.16

DELAWARE

All counties	$1.16

FLORIDA

All counties	$1.22

GEORGIA

All counties	$1.22

IDAHO

Ada	$1.06	Gem	$1.06
Adams	1.06	Gooding	1.03
Bannock	.98	Idaho	1.09
Bear Lake	.95	Jefferson	.95
Benewah	1.11	Jerome	1.03
Bingham	.95	Kootenai	1.11
Blaine	1.00	Latah	1.11
Boise	1.06	Lemhi	.95
Bonner	1.05	Lewis	1.09
Bonneville	.95	Lincoln	1.02
Boundary	1.04	Madison	.94
Butte	.95	Minidoka	1.02
Camas	1.00	Nez Perce	1.11
Canyon	1.06	Oneida	.95
Caribou	.95	Owyhee	1.06
Cassia	1.01	Payette	1.06
Clark	.94	Power	.98
Clearwater	1.09	Shoshone	1.00
Custer	.96	Teton	.93
Elmore	1.05	Twin Falls	1.01
Franklin	.98	Valley	1.05
Fremont	.93	Washington	1.06

ILLINOIS

Adams	$1.14	Edgar	$1.13
Alexander	1.13	Edwards	1.13
Bond	1.15	Effingham	1.13
Boone	1.19	Fayette	1.13
Brown	1.14	Ford	1.17
Bureau	1.18	Franklin	1.13
Calhoun	1.14	Fulton	1.15
Carroll	1.17	Gallatin	1.06
Cass	1.13	Greene	1.15
Champaign	1.16	Grundy	1.20
Christian	1.13	Hamilton	1.12
Clark	1.12	Hancock	1.13
Clay	1.12	Hardin	1.07
Clinton	1.13	Henderson	1.15
Coles	1.13	Henry	1.16
Cook	1.20	Iroquois	1.19
Crawford	1.12	Jackson	1.13
Cumberland	1.13	Jasper	1.13
De Kalb	1.19	Jefferson	1.20
De Witt	1.14	Jersey	1.15
Douglas	1.14	Jo Daviess	1.15
Du Page	1.20	Johnson	1.07

ILLINOIS—Continued

County	Rate per bushel	County	Rate per bushel
Kane	$1.20	Piatt	$1.14
Kankakee	1.19	Pike	1.14
Kendall	1.19	Pope	1.10
Knox	1.16	Pulaski	1.13
Lake	1.19	Putnam	1.16
La Salle	1.18	Randolph	1.13
Lawrence	1.11	Richland	1.12
Lee	1.19	Rock Island	1.16
Livingston	1.17	Saint Clair	1.16
Logan	1.15	Saline	1.08
McDonough	1.13	Sangamon	1.13
McHenry	1.19	Schuyler	1.14
McLean	1.16	Scott	1.14
Macon	1.14	Shelby	1.13
Macoupin	1.15	Stark	1.16
Madison	1.16	Stephenson	1.18
Marion	1.15	Tazewell	1.14
Marshall	1.17	Union	1.13
Mason	1.13	Vermilion	1.17
Massac	1.12	Wabash	1.14
Menard	1.14	Warren	1.16
Mercer	1.16	Washington	1.13
Monroe	1.15	Wayne	1.15
Montgomery	1.14	White	1.09
Morgan	1.14	Whiteside	1.18
Moultrie	1.14	Will	1.19
Ogle	1.18	Williamson	1.13
Peoria	1.18	Winnebago	1.19
Perry	1.13	Woodford	1.16

INDIANA

Adams	$1.07	Lawrence	$1.08
Allen	1.08	Madison	1.08
Bartholomew	1.06	Marion	1.07
Benton	1.13	Marshall	1.10
Blackford	1.09	Martin	1.07
Boone	1.07	Miami	1.10
Brown	1.05	Monroe	1.11
Carroll	1.11	Montgomery	1.09
Cass	1.11	Morgan	1.06
Clark	1.04	Newton	1.16
Clay	1.10	Noble	1.08
Clinton	1.10	Ohio	1.07
Crawford	1.14	Orange	1.12
Daviess	1.05	Owen	1.06
Dearborn	1.07	Parke	1.08
Decatur	1.06	Perry	1.14
De Kalb	1.08	Pike	1.11
Delaware	1.07	Porter	1.14
Dubois	1.15	Posey	1.10
Elkhart	1.10	Pulaski	1.12
Fayette	1.07	Putnam	1.07
Floyd	1.13	Randolph	1.08
Fountain	1.08	Ripley	1.05
Franklin	1.08	Rush	1.07
Fulton	1.11	Saint Joseph	1.10
Gibson	1.11	Scott	1.04
Grant	1.09	Shelby	1.07
Greene	1.06	Spencer	1.14
Hamilton	1.07	Starke	1.11
Hancock	1.07	Steuben	1.08
Harrison	1.13	Sullivan	1.10
Hendricks	1.07	Switzerland	1.05
Henry	1.08	Tippecanoe	1.10
Howard	1.10	Tipton	1.09
Huntington	1.06	Union	1.07
Jackson	1.04	Vanderburgh	1.16
Jasper	1.14	Vermillion	1.17
Jay	1.08	Vigo	1.15
Jefferson	1.04	Wabash	1.10
Jennings	1.06	Warren	1.13
Johnson	1.06	Warrick	1.16
Knox	1.08	Washington	1.02
Kosciusko	1.10	Wayne	1.08
Lagrange	1.09	Wells	1.07
Lake	1.17	White	1.13
La Porte	1.12	Whitley	1.09

IOWA

Adair	$1.01	Black Hawk	$1.05
Adams	1.02	Boone	1.01
Allamakee	1.05	Bremer	1.04
Appanoose	1.07	Buchanan	1.05
Audubon	1.01	Buena Vista	.99
Benton	1.06	Butler	1.04

Iowa—Continued

County	Rate per bushel	County	Rate per bushel
Calhoun	$1.00	Linn	$1.07
Carroll	1.08	Louisa	1.06
Cass	1.00	Lucas	1.04
Cedar	1.08	Lyon	.96
Cerro Gordo	1.00	Madison	1.03
Cherokee	.98	Mahaska	1.05
Chickasaw	1.04	Marion	1.06
Clarke	1.04	Marshall	1.04
Clay	.99	Mills	1.02
Clayton	1.06	Mitchell	1.01
Clinton	1.09	Monona	1.01
Crawford	1.01	Monroe	1.07
Dallas	1.02	Montgomery	1.03
Davis	1.06	Muscatine	1.10
Decatur	1.04	O'Brien	.98
Delaware	1.06	Osceola	.99
Des Moines	1.09	Page	1.02
Dickinson	.99	Palo Alto	.99
Dubuque	1.07	Plymouth	.99
Emmet	1.01	Pocahontas	.98
Fayette	1.06	Polk	1.03
Floyd	1.00	Pottawattamie	1.02
Franklin	1.03	Poweshiek	1.06
Fremont	1.03	Ringgold	1.02
Greene	1.00	Sac	.99
Grundy	1.04	Scott	1.10
Guthrie	1.00	Shelby	1.02
Hamilton	1.02	Sioux	.98
Hancock	1.00	Story	1.03
Hardin	1.03	Tama	1.03
Harrison	1.02	Taylor	1.03
Henry	1.06	Union	1.04
Howard	1.04	Van Buren	1.06
Humboldt	.99	Wapello	1.06
Ida	.99	Warren	1.04
Iowa	1.06	Washington	1.06
Jackson	1.11	Wayne	1.06
Jasper	1.04	Webster	1.00
Jefferson	1.07	Winnebago	1.01
Johnson	1.08	Winneshiek	1.08
Jones	1.06	Woodbury	1.00
Keokuk	1.06	Worth	1.01
Kossuth	1.00	Wright	1.00
Lee	1.10		

Kansas

County	Rate per bushel	County	Rate per bushel
Allen	$1.06	Harper	$1.02
Anderson	1.05	Harvey	1.03
Atchison	1.06	Haskell	.97
Barber	1.01	Hodgeman	1.00
Barton	1.01	Jackson	1.06
Bourbon	1.05	Jefferson	1.05
Brown	1.05	Jewell	1.03
Butler	1.03	Johnson	1.05
Chase	1.05	Kearny	.96
Chautauqua	1.05	Kingman	1.03
Cherokee	1.05	Kiowa	1.01
Cheyenne	.96	Labette	1.05
Clark	.98	Lane	.98
Clay	1.04	Leavenworth	1.06
Cloud	1.04	Lincoln	1.03
Coffey	1.06	Linn	1.05
Comanche	.99	Logan	.97
Cowley	1.03	Lyon	1.06
Crawford	1.06	McPherson	1.03
Decatur	.99	Marion	1.03
Dickinson	1.03	Marshall	1.06
Doniphan	1.06	Meade	.97
Douglas	1.06	Miami	1.06
Edwards	1.01	Mitchell	1.03
Elk	1.05	Montgomery	1.05
Ellis	1.01	Morris	1.06
Ellsworth	1.02	Morton	.94
Finney	.97	Nemaha	1.06
Ford	1.00	Neosho	1.06
Franklin	1.06	Ness	1.00
Geary	1.05	Norton	1.01
Gove	.96	Osage	1.06
Graham	1.01	Osborne	1.02
Grant	.94	Ottawa	1.03
Gray	.96	Pawnee	1.01
Greeley	.94	Phillips	1.01
Greenwood	1.05	Pottawatomie	1.06
Hamilton	.96	Pratt	1.01

Kansas—Continued

County	Rate per bushel	County	Rate per bushel
Rawlins	$0.97	Smith	$1.03
Reno	1.02	Stafford	1.01
Republic	1.03	Stanton	.95
Rice	1.02	Stevens	.96
Riley	1.05	Sumner	1.03
Rooks	1.01	Thomas	.97
Rush	1.01	Trego	1.00
Russell	1.01	Wabaunsee	1.05
Saline	1.03	Wallace	.96
Scott	.97	Washington	1.04
Sedgwick	1.03	Wichita	.96
Seward	.96	Wilson	1.05
Shawnee	1.05	Woodson	1.05
Sheridan	.96	Wyandotte	1.06
Sherman	.96		

Kentucky

All counties $1.16

Louisiana

All counties $1.07

Maine

All counties $1.16

Maryland

All counties $1.16

Massachusetts

All counties $1.16

Michigan

County	Rate per bushel	County	Rate per bushel
Alcona	$0.98	Lenawee	$1.11
Alger	.99	Livingston	1.08
Allegan	1.07	Luce	.95
Arenac	1.02	Mackinac	.95
Barry	1.08	Macomb	1.09
Bay	1.04	Manistee	1.00
Benzie	.98	Marquette	.99
Berrien	1.10	Mason	1.02
Branch	1.09	Mecosta	1.04
Calhoun	1.10	Menominee	1.03
Cass	1.10	Midland	1.04
Chippewa	.95	Missaukee	1.00
Clare	1.02	Monroe	1.11
Clinton	1.06	Montcalm	1.04
Crawford	.98	Muskegon	1.05
Delta	1.01	Newaygo	1.04
Dickinson	1.02	Oakland	1.08
Eaton	1.08	Oceana	1.04
Genesee	1.07	Ogemaw	1.00
Gladwin	1.03	Ontonagon	.98
Gogebic	.99	Osceola	1.02
Grand Traverse	.98	Oscoda	.98
Gratiot	1.08	Otsego	1.04
Hillsdale	1.10	Ottawa	1.06
Huron	1.07	Roscommon	1.00
Ingham	1.08	Saginaw	1.06
Ionia	1.08	Saint Clair	1.09
Iosco	1.00	Saint Joseph	1.09
Iron	.99	Sanilac	1.07
Isabella	1.04	Schoolcraft	.95
Jackson	1.10	Shiawassee	1.07
Kalamazoo	1.09	Tuscola	1.07
Kalkaska	.98	Van Buren	1.09
Kent	1.06	Washtenaw	1.09
Lake	1.02	Wayne	1.09
Lapeer	1.07	Wexford	1.00
		All Other Counties	.96

Minnesota

County	Rate per bushel	County	Rate per bushel
Aitkin	$1.12	Cottonwood	$1.08
Anoka	1.11	Crow Wing	1.11
Becker	1.06	Dakota	1.11
Beltrami	1.07	Dodge	1.11
Benton	1.11	Douglas	1.09
Big Stone	1.07	Faribault	1.10
Blue Earth	1.11	Fillmore	1.08
Brown	1.10	Freeborn	1.10
Carlton	1.12	Goodhue	1.11
Carver	1.11	Grant	1.08
Cass	1.10	Hennepin	1.11
Chippewa	1.09	Houston	1.06
Chisago	1.11	Hubbard	1.07
Clay	1.04	Isanti	1.11
Clearwater	1.06	Itasca	1.12

Minnesota—Continued

County	Rate per bushel	County	Rate per bushel
Jackson	$1.08	Polk	$1.04
Kanabec	1.11	Pope	1.09
Kandiyohi	1.11	Ramsey	1.11
Kittson	.99	Red Lake	1.04
Koochiching	1.05	Redwood	1.10
Lac Qui Parle	1.08	Renville	1.11
Lake of the Woods	1.03	Rice	1.11
Le Sueur	1.11	Rock	1.02
Lincoln	1.06	Roseau	1.00
Lyon	1.08	Saint Louis	1.06
McLeod	1.11	Scott	1.11
Mahnomen	1.04	Sherburne	1.11
Marshall	1.03	Sibley	1.11
Martin	1.09	Stearns	1.11
Meeker	1.11	Steele	1.11
Mille Lacs	1.11	Stevens	1.08
Morrison	1.10	Swift	1.10
Mower	1.10	Todd	1.10
Murray	1.07	Traverse	1.07
Nicollet	1.11	Wabasha	1.11
Nobles	1.04	Wadena	1.09
Norman	1.03	Waseca	1.11
Olmsted	1.11	Washington	1.11
Otter Tail	1.07	Watonwan	1.10
Pennington	1.08	Wilkin	1.06
Pine	1.11	Winona	1.11
Pipestone	1.04	Wright	1.11
		Yellow Medicine	1.09

Mississippi

All counties $1.16

Missouri

County	Rate per bushel	County	Rate per bushel
Adair	$1.09	Jefferson	$1.21
Andrew	1.04	Johnson	1.05
Atchison	1.02	Knox	1.09
Audrain	1.11	Laclede	1.14
Barry	1.06	Lafayette	1.07
Barton	1.07	Lawrence	1.08
Bates	1.07	Lewis	1.11
Benton	1.07	Lincoln	1.08
Bollinger	1.17	Linn	1.08
Boone	1.11	Livingston	1.05
Buchanan	1.04	McDonald	1.06
Butler	1.14	Macon	1.09
Caldwell	1.04	Madison	1.18
Callaway	1.12	Maries	1.12
Camden	1.14	Marion	1.11
Cape Girardeau	1.18	Mercer	1.04
Carroll	1.07	Miller	1.09
Carter	1.06	Mississippi	1.13
Cass	1.07	Moniteau	1.09
Cedar	1.07	Monroe	1.11
Chariton	1.09	Montgomery	1.13
Christian	1.07	Morgan	1.08
Clark	1.10	New Madrid	1.14
Clay	1.05	Newton	1.06
Clinton	1.04	Nodaway	1.02
Cole	1.10	Oregon	1.06
Cooper	1.09	Osage	1.11
Crawford	1.13	Ozark	1.07
Dade	1.08	Pemiscot	1.13
Dallas	1.11	Perry	1.18
Daviess	1.07	Pettis	1.07
De Kalb	1.04	Phelps	1.17
Dent	1.16	Pike	1.11
Douglas	1.08	Platte	1.05
Dunklin	1.13	Polk	1.09
Franklin	1.16	Pulaski	1.15
Gasconade	1.13	Putnam	1.02
Gentry	1.04	Ralls	1.13
Greene	1.10	Randolph	1.11
Grundy	1.02	Ray	1.08
Harrison	1.04	Reynolds	1.14
Henry	1.09	Ripley	1.14
Hickory	1.09	Saint Charles	1.19
Holt	1.02	Saint Clair	1.09
Howard	1.10	Saint Francois	1.19
Howell	1.06	Saint Genevieve	1.19
Iron	1.18	Saint Louis	1.20
Jackson	1.06	Saline	1.06
Jasper	1.06		

Missouri—Continued

County	Rate per bushel	County	Rate per bushel
Schuyler	$1.06	Texas	$1.06
Scotland	1.10	Vernon	1.07
Scott	1.15	Warren	1.16
Shannon	1.06	Washington	1.19
Shelby	1.19	Wayne	1.15
Stoddard	1.15	Webster	1.12
Stone	1.06	Worth	1.02
Sullivan	1.03	Wright	1.06
Taney	1.06		

Montana

County	Rate per bushel	County	Rate per bushel
Beaverhead	$0.94	Madison	$0.99
Big Horn	.81	Meagher	.94
Blaine	.82	Mineral	1.01
Broadwater	.97	Missoula	1.01
Carbon	.91	Musselshell	.89
Carter	.86	Park	.97
Cascade	.91	Petroleum	.85
Chouteau	.88	Phillips	.79
Custer	.82	Pondera	.90
Daniels	.77	Powder River	.80
Dawson	.83	Powell	.99
Deer Lodge	.99	Prairie	.83
Fallon	.85	Ravalli	.96
Fergus	.89	Richland	.82
Flathead	.98	Roosevelt	.81
Gallatin	.99	Rosebud	.86
Garfield	.81	Sanders	1.01
Glacier	.90	Sheridan	.80
Golden Valley	.91	Silver Bow	.99
Granite	.98	Stillwater	.91
Hill	.85	Sweet Grass	.94
Jefferson	.97	Teton	.90
Judith Basin	.88	Toole	.89
Lake	.98	Treasure	.87
Lewis and Clark	.90	Valley	.76
Liberty	.87	Wheatland	.91
Lincoln	.98	Wibaux	.86
McCone	.81	Yellowstone	.91

Nebraska

County	Rate per bushel	County	Rate per bushel
Adams	$1.02	Harlan	$1.01
Antelope	1.02	Hayes	.95
Arthur	.95	Hitchcock	.96
Banner	.90	Holt	1.01
Blaine	.98	Hooker	.95
Boone	1.02	Howard	1.02
Box Butte	.93	Jefferson	1.05
Boyd	1.02	Johnson	1.05
Brown	.98	Kearney	1.01
Buffalo	1.02	Keith	.95
Burt	1.02	Keya Paha	.98
Butler	1.03	Kimball	.93
Cass	1.05	Knox	1.02
Cedar	1.02	Lancaster	1.05
Chase	.94	Lincoln	.97
Cherry	.95	Logan	.98
Cheyenne	.92	Loup	1.00
Clay	1.03	McPherson	.97
Colfax	1.05	Madison	1.02
Cuming	1.03	Merrick	1.02
Custer	1.00	Morrill	.92
Dakota	1.02	Nance	1.02
Dawes	.90	Nemaha	1.05
Dawson	1.00	Nuckolls	1.03
Deuel	.94	Otoe	1.05
Dixon	1.02	Pawnee	1.05
Dodge	1.05	Perkins	.95
Douglas	1.05	Phelps	1.01
Dundy	.95	Pierce	1.02
Fillmore	1.05	Platte	1.02
Franklin	1.01	Polk	1.02
Frontier	.98	Red Willow	.99
Furnas	1.00	Richardson	1.05
Gage	1.05	Rock	.98
Garden	.93	Saline	1.05
Garfield	1.01	Sarpy	1.04
Gosper	1.00	Saunders	1.04
Grant	.94	Scotts Bluff	.90
Greeley	1.03	Seward	1.04
Hall	1.02	Sheridan	.93
Hamilton	1.02	Sherman	1.02

Nebraska—Continued

County	Rate per bushel	County	Rate per bushel
Sioux	$0.99	Washington	$1.08
Stanton	1.03	Wayne	1.03
Thayer	1.04	Webster	1.02
Thomas	.97	Wheeler	1.02
Thurston	1.02	York	1.03
Valley	1.01		

Nevada

All counties $0.97

New Hampshire

All counties $1.16

New Jersey

All counties $1.16

New Mexico

All counties $0.92

New York

All counties $1.17

North Carolina

All counties $1.20

North Dakota

County	Rate per bushel	County	Rate per bushel
Adams	$0.91	McLean	$0.90
Barnes	1.00	Mercer	.90
Benson	.93	Monton	.92
Billings	.89	Mountrail	.87
Bottineau	.88	Nelson	.97
Bowman	.90	Oliver	.91
Burke	.86	Pembina	.98
Burleigh	.94	Pierce	.91
Cass	1.01	Ramsey	.95
Cavalier	.94	Ransom	1.01
Dickey	1.01	Renville	.87
Divide	.85	Richland	1.04
Dunn	.89	Rolette	.90
Eddy	.95	Sargent	1.03
Emmons	.96	Sheridan	.92
Foster	.97	Sioux	.93
Golden Valley	.87	Slope	.91
Grand Forks	1.00	Stark	.91
Grant	.92	Steele	.99
Griggs	.99	Stutsman	.97
Hettinger	.91	Towner	.91
Kidder	.94	Traill	1.00
La Moure	.98	Walsh	.99
Logan	.96	Ward	.87
McHenry	.90	Wells	.94
McIntosh	.96	Williams	.85
McKenzie	.83		

Ohio

County	Rate per bushel	County	Rate per bushel
Adams	$1.09	Hancock	$1.11
Allen	1.10	Hardin	1.11
Ashland	1.12	Harrison	1.12
Ashtabula	1.15	Henry	1.10
Athens	1.11	Highland	1.09
Auglaize	1.09	Hocking	1.11
Belmont	1.12	Holmes	1.12
Brown	1.09	Huron	1.11
Butler	1.09	Jackson	1.09
Carroll	1.12	Jefferson	1.14
Champaign	1.09	Knox	1.12
Clark	1.09	Lake	1.14
Clermont	1.09	Lawrence	1.09
Clinton	1.09	Licking	1.12
Columbiana	1.13	Logan	1.10
Coshocton	1.12	Lorain	1.12
Crawford	1.11	Lucas	1.11
Cuyahoga	1.12	Madison	1.10
Darke	1.09	Mahoning	1.16
Defiance	1.09	Marion	1.11
Delaware	1.11	Medina	1.12
Erie	1.11	Meigs	1.09
Fairfield	1.11	Mercer	1.09
Fayette	1.09	Miami	1.09
Franklin	1.11	Monroe	1.13
Fulton	1.09	Montgomery	1.09
Gallia	1.09	Morgan	1.12
Geauga	1.15	Morrow	1.11
Greene	1.09	Muskingum	1.12
Guernsey	1.12	Noble	1.12
Hamilton	1.09	Ottawa	1.11

Ohio—Continued

County	Rate per bushel	County	Rate per bushel
Paulding	$1.09	Stark	$1.12
Perry	1.11	Summit	1.12
Pickaway	1.10	Trumbull	1.15
Pike	1.09	Tuscarawas	1.12
Portage	1.12	Union	1.11
Preble	1.09	Van Wert	1.09
Putnam	1.10	Vinton	1.11
Richland	1.12	Warren	1.09
Ross	1.10	Washington	1.12
Sandusky	1.11	Wayne	1.12
Scioto	1.09	Williams	1.09
Seneca	1.11	Wood	1.11
Shelby	1.09	Wyandot	1.11

Oklahoma

County	Rate per bushel	County	Rate per bushel
Adair	$1.01	Le Flore	$0.97
Alfalfa	1.01	Lincoln	1.02
Atoka	1.02	Logan	1.02
Beaver	1.00	Love	1.03
Beckham	1.02	McClain	1.02
Blaine	1.02	McCurtain	.97
Bryan	1.00	McIntosh	1.02
Caddo	1.02	Major	1.00
Canadian	1.02	Marshall	1.02
Carter	1.02	Mayes	1.04
Cherokee	1.02	Murray	1.02
Choctaw	.97	Muckogee	1.02
Cimarron	1.00	Noble	1.01
Cleveland	1.02	Nowata	1.05
Coal	1.02	Okfuskee	1.02
Comanche	1.02	Oklahoma	1.02
Cotton	1.02	Okmulgee	1.02
Craig	1.05	Osage	1.02
Creek	1.02	Ottawa	1.05
Custer	1.01	Pawnee	1.01
Delaware	1.05	Payne	1.02
Dewey	1.00	Pittsburg	1.02
Ellis	1.00	Pontotoc	1.02
Garfield	1.01	Pottawatomie	1.02
Garvin	1.02	Pushmataha	.97
Grady	1.02	Roger Mills	.97
Grant	1.01	Rogers	1.04
Geer	1.02	Harmon	1.02
Harper	.99	Seminole	1.02
Haskell	.98	Sequoyah	1.00
Hughes	1.02	Stephens	1.02
Jackson	1.03	Texas	1.00
Jefferson	1.02	Tillman	1.02
Johnston	1.02	Tulsa	1.03
Kay	1.01	Wagoner	1.03
Kingfisher	1.02	Washington	1.05
Kiowa	1.02	Washita	1.02
Latimer	.97	Woods	1.00
		Woodward	1.00

Oregon

County	Rate per bushel	County	Rate per bushel
Baker	$1.11	Lake	$1.10
Benton	1.18	Lane	1.14
Clackamas	1.19	Lincoln	1.08
Clatsop	1.14	Linn	1.18
Columbia	1.16	Malheur	1.06
Coos	1.05	Marion	1.20
Crook	1.17	Morrow	1.18
Curry	1.07	Multonomah	1.21
Deschutes	1.17	Polk	1.20
Douglas	1.09	Sherman	1.21
Gilliam	1.19	Tillamook	1.22
Grant	1.17	Umatilla	1.17
Harney	1.08	Union	1.12
Hood River	1.22	Wallowa	1.09
Jackson	1.09	Wasco	1.23
Jefferson	1.19	Washington	1.23
Josephine	1.09	Wheeler	1.17
Klamath	1.10	Yamhill	1.21

Pennsylvania

All counties $1.16

Rhode Island

All counties $1.16

South Carolina

All counties $1.22

SOUTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Aurora	$0.98	Jackson	$0.94
Beadle	1.01	Jerauld	.99
Bennett	.93	Jones	.97
Bon Homme	.99	Kingsbury	1.08
Brookings	1.08	Lake	1.02
Brown	1.01	Lawrence	.89
Brule	.99	Lincoln	1.00
Buffalo	.99	Lyman	.98
Butte	.89	McCook	.99
Campbell	.96	McPherson	.98
Charles Mix	.99	Marshall	1.03
Clark	1.03	Meade	.90
Clay	1.00	Mellette	.98
Codington	1.04	Miner	1.01
Corson	.94	Minnehaha	1.01
Custer	.90	Moody	1.03
Davison	.99	Pennington	.92
Day	1.03	Perkins	.92
Deuel	1.01	Potter	.99
Dewey	.93	Roberts	1.06
Douglas	.99	Sanborn	.99
Edmunds	1.00	Shannon	.92
Fall River	.89	Spink	1.02
Faulk	1.00	Stanley	.98
Grant	1.08	Sully	.99
Gregory	1.00	Todd	.98
Haakon	.95	Tripp	.99
Hamlin	1.04	Turner	.98
Hand	1.00	Union	1.00
Hanson	.99	Walworth	.97
Harding	.90	Washabaugh	.94
Hughes	.99	Yankton	.98
Hutchinson	.99	Ziebach	.93
Hyde	.99		

TENNESSEE

All counties $1.17

TEXAS

County	Rate per bushel	County	Rate per bushel
Archer	$1.02	Hardeman	$1.02
Armstrong	1.02	Hartley	1.00
Bailey	1.02	Haskell	1.02
Baylor	1.02	Hemphill	1.00
Bosque	1.11	Hidalgo	1.06
Bowie	1.06	Hockley	1.02
Briscoe	1.02	Hood	1.08
Brown	1.08	Howard	1.02
Callahan	1.04	Hunt	1.08
Carson	1.02	Jack	1.06
Cass	1.07	Johnson	1.10
Castro	1.02	Jones	1.02
Childress	1.02	Karnes	1.14
Clay	1.04	King	1.02
Cochran	1.02	Knox	1.02
Collin	1.09	Lamb	1.02
Collingsworth	1.02	Lampasas	1.11
Comanche	1.08	Limestone	1.15
Concho	1.08	Lipscomb	1.00
Coryell	1.12	Lubbock	1.02
Cottle	1.02	Lynn	1.02
Dallam	1.00	McCulloch	1.08
Dawson	1.02	McLennan	1.14
Deaf Smith	1.02	Mason	1.08
Denton	1.08	Mitchell	1.02
Dickens	1.02	Montague	1.05
Donley	1.02	Moore	1.00
Eastland	1.06	Motley	1.02
Fannin	1.07	Newton	1.17
Fisher	1.02	Nolan	1.03
Floyd	1.02	Ochiltree	1.00
Foard	1.02	Oldham	1.02
Gaines	1.02	Palo Pinto	1.06
Gillespie	1.09	Parker	1.09
Gray	1.02	Parmer	1.01
Grayson	1.07	Potter	1.03
Hale	1.02	Randall	1.03
Hall	1.02	Reeves	.93
Hamilton	1.09	Roberts	1.00
Hansford	1.00	Runnels	1.04
		San Saba	1.08

TEXAS—Continued

County	Rate per bushel	County	Rate per bushel
Scurry	$1.02	Terry	$1.02
Sherman	1.00	Wheeler	1.01
Smith	1.13	Wichita	1.08
Stonewall	1.02	Wilbarger	1.02
Swisher	1.02	Wise	1.08
Tarrant	1.10	Yoakum	1.02
Taylor	1.08	Young	1.06

UTAH

All counties $0.92

VERMONT

All counties $1.16

VIRGINIA

All counties $1.16

WASHINGTON

County	Rate per bushel	County	Rate per bushel
Adams	$1.15	Lewis	$1.14
Asotin	1.11	Lincoln	1.14
Benton	1.18	Mason	1.13
Chelan	1.16	Okanogan	1.14
Clallam	1.06	Pacific	1.13
Clark	1.21	Pend Oreille	1.00
Columbia	1.16	Pierce	1.19
Cowlitz	1.18	San Juan	1.16
Douglas	1.16	Skagit	1.16
Ferry	1.10	Skamania	1.21
Franklin	1.17	Snohomish	1.17
Garfield	1.14	Spokane	1.11
Grant	1.16	Stevens	1.06
Grays Harbor	1.13	Thurston	1.15
Island	1.17	Wahkiakum	1.18
Jefferson	1.06	Walla Walla	1.17
King	1.20	Whatcom	1.15
Kitsap	1.12	Whitman	1.12
Kittitas	1.21	Yakima	1.20
Klickitat	1.21		

WEST VIRGINIA

All counties $1.16

WISCONSIN

County	Rate per bushel	County	Rate per bushel
Adams	$1.13	Marathon	$1.06
Ashland	1.09	Marinette	1.09
Barron	1.06	Marquette	1.13
Bayfield	1.04	Menominee	1.11
Brown	1.13	Milwaukee	1.19
Buffalo	1.04	Monroe	1.10
Burnett	1.11	Oconto	1.11
Calumet	1.14	Oneida	1.06
Chippewa	1.07	Outagamie	1.13
Clark	1.07	Ozaukee	1.17
Columbia	1.18	Pepin	1.04
Crawford	1.07	Pierce	1.06
Dane	1.16	Polk	1.09
Dodge	1.16	Portage	1.10
Door	1.07	Price	1.06
Douglas	1.09	Racine	1.19
Dunn	1.07	Richland	1.13
Eau Claire	1.07	Rock	1.18
Florence	1.02	Rusk	1.08
Fond Du Lac	1.15	Saint Croix	1.07
Forest	1.07	Sauk	1.15
Grant	1.11	Sawyer	1.05
Green	1.17	Shawano	1.11
Green Lake	1.14	Sheboygan	1.16
Iowa	1.14	Taylor	1.06
Iron	1.05	Trempealeau	1.07
Jackson	1.09	Vernon	1.09
Jefferson	1.17	Vilas	1.06
Juneau	1.12	Walworth	1.18
Kenosha	1.19	Washburn	1.04
Kewaunee	1.10	Washington	1.17
La Crosse	1.08	Waukesha	1.18
Lafayette	1.14	Waupaca	1.12
Langlade	1.09	Waushara	1.13
Lincoln	1.07	Winnebago	1.14
Manitowoc	1.14	Wood	1.09

WYOMING

County	Rate per bushel
All counties	$0.92

(c) *Discounts.* The basic support rate shall be adjusted by discounts as follows: Rye containing more than three-tenths of 1 percent ergot (ergoty rye containing in excess of 1 percent is not eligible for warehouse-storage loans):

Ergot content (percent):	Discount (cents per bushel)
0.31–0.40	1
0.41–0.50	2
0.51–0.60	3
0.61–0.70	4
0.71–0.80	5
0.81–0.90	6
0.91–1.00	7

Rye grading No. 4 on the factor of test weight only:

Test weight (pounds):	Discount (cents per bushel)
51.0–51.9	5
50.0–50.9	10
49.0–49.9	15

Rye grading No. 3 on account of being "thin":

"Thin" rye (percent):	Discount (cents per bushel)
15.1–17.0	1
17.1–19.0	2
19.1–21.0	3
21.1–23.0	4
23.1–25.0	5

Rye grading No. 4 on account of being "thin":

The discounts shall be 5 cents per bushel plus 1 cent for each 2 percent of "thin" rye or fraction thereof, in excess of 25 percent.

	Discount (cents per bushel)
Weed control discount (where required by § 1421.74)	10

Other factors: CCC may establish discounts for quality factors not specified above which affect the value of the rye, such as (but not limited to) moisture, weevily, ergoty, stones, musty, sour, and heating. The discounts established will be based upon the market discounts for the factors at the time the rye is delivered to CCC, as determined by CCC. Producers may obtain schedules of such factors and discounts at ASCS county offices approximately 1 month prior to the loan maturity date.

NOTE: The discounts shall be cumulative except that only one grade discount shall apply.

Effective date: upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on July 11, 1967.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 67-8170; Filed, July 17, 1967; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 67-EA-17]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airways

On June 17, 1967, Federal Register Document No. 67-6851 was published in the FEDERAL REGISTER (32 F.R. 8710) amending Part 71 of the Federal Aviation Regulations by realigning V-210 between Carrolltown, Pa., and Harrisburg, Pa., via the INT of Carrolltown 096° and Harrisburg 288° True radials. This action is effective August 17, 1967. These radials were selected for aeronautical chart legibility by providing a common intersection with V-501. Subsequent to publication of the document, it was determined that the Harrisburg 289° True radial would provide the required separation from adjacent airways and therefore would be preferable from an air traffic control standpoint. Accordingly, action is taken herein to substitute the Harrisburg 289° True radial for the 288° True radial in the description of V-210.

Since this action results in an airway shift of one degree within presently controlled airspace, it involves a negligible change that is minor in nature and is of little interest to the general public. Therefore, the Administrator has determined that notice and public procedure thereon are unnecessary and that the action may be made effective without regard to the 30 day statutory requirement preceding effectiveness.

In consideration of the foregoing, Federal Register Document No. 67-6851 (32 F.R. 8710) is amended, effective immediately, as hereinafter set forth.

In the description of V-210 "Harrisburg, Pa., 288° radials;" is deleted and "Harrisburg, Pa., 289° radials;" is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 10, 1967.

T. MCCORMACK,
Acting Chief, Airspace and
Air Traffic Rules Division.

[F.R. Doc. 67-8225; Filed, July 17, 1967; 8:46 a.m.]

[Airspace Docket No. 66-WE-59]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airway Segments

On February 4, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 2452) stating that the Federal Aviation Agency was considering amendments to Part 71 of the Federal Aviation Regulations that would alter VOR Federal airway segments between Hazen, Nev., and Malad City, Idaho.

Interested persons were afforded an opportunity to participate in the proposed rule through the submission of comments. The Air Transport Association of America, and the Aircraft Owners and Pilots Association submitted letters which reflected no objection to the proposed rule making. The other letters of comment received in response to the notice were from persons with an aeronautical interest in the Mount Moses, Nev., area. The general comment contained in these letters was directed toward the nonrulemaking proposal, Airspace case 67-SLC-2-NR, which proposed the decommissioning of the Mount Moses VORTAC. In light of these comments which were directed to the proposal contained in Airspace case 67-SLC-2-NR, the Federal Aviation Administration conducted an informal airspace meeting at Winnemucca, Nev., on April 3, 1967. The attendees at this informal meeting included most of the persons that submitted comments to Airspace Docket No. 66-WE-59. The consensus objection concerned loss of the extensive radio communications provided to VFR off-airway traffic from the Mount Moses mountaintop site, and did not concern the proposed airway alterations contained in the notice of Airspace Docket No. 66-WE-59. From the information and data presented at the informal meeting, the Federal Aviation Administration has determined that it would be in the interest of the aeronautical public to install communications equipment atop Mount Lewis, Nev., which will provide to the off-airway VFR pilots radio communication coverage equal or superior to that supplied by the Mount Moses site. The installation of this communication equipment is expected to be completed by September 1967.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., September 14, 1967, as hereinafter set forth.

Section 71.123 (32 F.R. 2009, 7252) is amended to read as follows:

1. In V-465 "From Malad City, Idaho," is deleted and "From Elko, Nev., 12 AGL Wells, Nev.; 12 AGL Malad City, Idaho;" is substituted therefor.

2. In V-494 all after "Hazen, Nev., 244° radials;" is deleted and "12 AGL Hazen." is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 6, 1967.

T. MCCORMACK,
Acting Chief, Airspace and
Air Traffic Rules Division.

[F.R. Doc. 67-8226; Filed, July 17, 1967; 8:46 a.m.]

[Airspace Docket No. 67-WE-8]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 73—SPECIAL USE AIRSPACE

Designation of Restricted Area and Alteration of Continental Control Area

On May 24, 1967, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (32 F.R. 7599) stating that the Federal Aviation Administration was considering amendments to to Parts 71 and 73 of the Federal Aviation Regulations that would designate a new joint use restricted area near Tonopah, Nev., and include it in the continental control area.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. Due consideration was given to all relevant matter presented.

The Air Transport Association objected to the establishment of this new restricted area on the basis that (1) it overlies portions of Federal airway V-244 and jet route J-80, (2) an effort should be made to relocate the restricted area to the southwest to reduce the overlap of V-244 and J-80, and (3) a termination date should be established for the restricted area.

The Atomic Energy Commission is unable to predict a completion date for the test program; therefore, it is not feasible to establish a termination date for the restricted area. However, the FAA will closely monitor the progress of the test program and upon its completion, the restricted area will be revoked.

The possibility of relocating the impact area 30 miles southward was explored, however, extensive ground installations in R-4808 and associated activity precluded this possibility.

The actual closure periods for this restricted area should be brief and infrequent, and since the exact time of rocket firing is not critical and can readily be adjusted, there should be no significant interruption to air traffic on V-244 and J-80.

In consideration of the foregoing, Parts 71 and 73 of the Federal Aviation Regulations are amended, effective 0001 e.s.t., August 17, 1967, as hereinafter set forth.

1. In § 71.151 (32 F.R. 2061) "R-4814A Tonopah, Nev." and "R-4814B Tonopah, Nev." are added.

2. In § 73.48 (32 F.R. 2317) Restricted Areas R-4814A and R-4814B at Tonopah, Nev., are added as follows:

R-4814A TONOPAH, NEV.

Boundaries: Beginning at latitude 37°53'-00" N., longitude 116°50'15" W.; thence clockwise via the arc of a circle with a 27-statute-mile radius centered—at latitude 37°47'00" N., longitude 116°21'30" W.; to latitude 37°40'30" N., longitude 116°53'00" W.; to latitude 37°42'00" N., longitude 115°-53'00" W.; to latitude 37°42'00" N., longitude 116°11'00" W.; to latitude 37°53'00" N., longitude 116°11'00" W.; to point of beginning.

Designated altitudes: Surface to FL 240.

Time of designation: Monday through Saturday, as published by NOTAM issued at least 48 hours in advance and upon termination of use.

Controlling agency: Federal Aviation Administration, Salt Lake City ARTC Center.

Using agency: Manager, Atomic Energy Commission, Albuquerque, New Mexico.

R-4814B TONOPAH, NEV.

Boundaries: Beginning at latitude 38°10'-30" N., longitude 116°21'30" W.; thence clockwise via the arc of a circle with a 36-statute-mile radius centered—at latitude 37°53'30" N., longitude 115°48'20" W.; to latitude 37°24'00" N., longitude 115°35'00" W.; to latitude 37°38'00" N., longitude 115°-35'00" W.; to latitude 37°28'00" N., longitude 115°48'00" W.; to latitude 37°33'00" N., longitude 115°48'00" W.; to latitude 37°33'-00" N., longitude 115°53'00" W.; to latitude 37°40'30" N., longitude 115°53'00" W.; thence counterclockwise via the arc of a circle with a 27-statute-mile radius centered—at latitude 37°47'00" N., longitude 116°21'30" W.; to point of beginning.

Designated altitudes: Surface to FL 240.

Time of designation: Monday through Saturday, as published by NOTAM issued at least 48 hours in advance and upon termination of use.

Controlling agency: Federal Aviation Administration, Salt Lake City ARTC Center.

Using agency: Manager, Atomic Energy Commission, Albuquerque, N. Mex.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 10, 1967.

WILLIAM E. MORGAN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 67-8227; Filed, July 17, 1967; 8:46 a.m.]

[Airspace Docket No. 66-EA-101]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 6289 of the FEDERAL REGISTER for April 21, 1967, the Federal Aviation Administration published a proposed rule which would designate a transition area for Palmer, Mass.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed rule is adopted effective 0001 e.s.t. August 17, 1967, without any changes.

(Sec. 307(a) of the Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on June 19, 1967.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by adding the following transition area:

PALMER, MASS.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 42°13'26" N., 72°16'45" W., of Metropolitan Airport, Palmer, Mass.; within 2 miles each side of the runway 4 centerline extended from the 5-mile radius area to 9 miles northeast of the end of the runway; within 2 miles each side of the runway 22 centerline extended from the 5-mile radius area to 9 miles southwest of the end of the runway, and within 2 miles each side of the 202° bearing from the Palmer, Mass., RBN, 42°13'26" N., 72°18'47" W., extending from the 5-mile radius area to 8 miles south of the RBN, excluding the portion which coincides with the Chicopee Falls, Mass., transition area.

[F.R. Doc. 67-8228; Filed, July 17, 1967; 8:46 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Chapter V—Office of Foreign Assets Control, Department of the Treasury

PART 500—FOREIGN ASSETS CONTROL REGULATIONS

Importation of Chrysoberyl Cat's-Eye Stones and Manufactures

An authorization is being issued for the importation without a certificate of origin or specific license of chrysoberyl cat's-eye stones and manufactures, provided there has been no interest therein of a designated national.

Subpart B of Part 500, Chapter V of Title 31, § 500.204, Appendix, is amended by adding item (215) as follows:

(215) *Stones, semiprecious and stones, semiprecious, manufactures.* Section 500.204 (a)(3):

Chrysoberyl cat's-eye.

[SEAL] MARGARET W. SCHWARTS,
Director,
Office of Foreign Assets Control.

[F.R. Doc. 67-8242; Filed, July 17, 1967; 8:48 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

GLYCEROL ESTER OF WOOD ROSIN

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 7L2164) filed by Hercules, Inc., Wilmington, Del. 19899, and other relevant information, has concluded that the food additive regulations providing for the safe use of glycerol ester of wood rosin in chewing gum base, in food, and in the manufacture of food-contact articles should be amended to specify the acid number for the additive as 3 to 9 instead of 5 to 9. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), Part 121 is amended as follows:

1. Section 121.1059(a) is amended by replacing the item "Glycerol ester of gum or wood rosin" under "Plasticizing Materials (Softeners)" with two new items, as follows:

§ 121.1059 Chewing gum base.

(a) * * *

MASTICATORY SUBSTANCES	
* * *	* * *
PLASTICIZING MATERIALS (SOFTENERS)	
* * *	* * *
Glycerol ester of gum rosin	Having an acid number of 3–9, a drop-softening point of 88° C.–96° C., and a color of N or paler. The ester is purified by steam stripping.
Glycerol ester of wood rosin	Having an acid number of 3–9, a drop-softening point of 88° C.–96° C., and a color of N or paler. The ester is purified by steam stripping.
* * *	* * *

2. Section 121.1084(a) is revised to read as follows:

§ 121.1084 Glycerol ester of wood rosin.

(a) It has an acid number of 3 to 9, a drop-softening point of 88° C.–96° C.; and a color of N or paler as determined in accordance with Official Naval Stores Standards of the United States. It is purified by countercurrent steam distillation.

* * * * *

§ 121.2592 [Amended]

3. In § 121.2592 *Rosins and rosin derivatives*, paragraph (a)(3)(i) is amended by changing "5 to 9" to read "3 to 9".

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: July 7, 1967.

WINTON B. RANKIN,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 67-8241; Filed, July 17, 1967; 8:48 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

SUBCHAPTER C—PERSONNEL

PART 713—NAVAL RESERVE AND MARINE CORPS RESERVE

PART 730—ADMINISTRATIVE DISCHARGES AND RELATED MATTERS CONCERNING SEPARATIONS FROM THE NAVAL SERVICE

Miscellaneous Amendments

Scope and purpose. Parts 713 and 730 are updated to conform with recent amendments to the Bureau of Naval Personnel Manual, distributed to naval commands by Change No. 13, Addendum 1 to the Manual.

1. Section 713.371 is revised to read as follows:

§ 713.371 General promotion policy.

(a) Title 10, U.S. Code, augmented as necessary by Secretary of the Navy Regulations, governs the administration of the promotion of Naval Reserve officers who are specifically excluded from the lineal list of the Navy. Naval Reserve officers on extended active duty except WAVES are promoted in accordance with the provisions of article C-7101 of the Bureau of Naval Personnel Manual. All other officers of the Naval Reserve, specifically TARs, male and women Naval Reserve officers not on extended active duty, women Naval Reserve officers on active duty, Nurse Corps Naval Reserve Officers not on active duty, Naval Reserve officers on temporary active duty and Naval Reserve warrant and chief warrant officers are promoted in accordance with this section.

(b) Except in cases wherein they may be promoted under other provisions of law, officers of the Naval Reserve in an active status will, insofar as practicable, be advanced in grade and, where applicable, in their respective corps in a manner similar to that prescribed for officers of the Regular Navy, and in such numbers for each grade as may be prescribed from time to time by the Secretary of the Navy.

(c) No officer of the Naval Reserve shall be advanced to a higher grade until he has qualified therefor by such mental, moral, professional and physical examinations as the Secretary of the Navy may prescribe.

(d) The number of officers that may be recommended for promotion in any applicable fiscal year will be the number determined to be necessary to provide an equitable opportunity for promotion among succeeding groups of reserve officers and an adequate continuing strength of Reserve officers in an active status, and shall not cause the number of Reserve officers in an active status permanently commissioned in any grade to exceed the prescribed percentile grade distribution.

2. Section 713.372 is revised to read as follows:

§ 713.372 Lineal precedence for promotions.

(a) For purposes of consideration for promotion, male officers of the Naval Reserve will be arranged in a lineal precedence list in each grade and corps, according to dates of commission therein. Each Reserve officer shall have a running mate of the same grade who shall be the line officer, not restricted by law in the performance of duty, on active duty on the lineal list of the Navy, next junior to him.

(b) For purposes of consideration for promotion, women officers of the Naval Reserve will be arranged in a lineal precedence list in each grade and corps, according to dates of commission therein. Each woman Reserve officer shall have a running mate of the same grade who shall be a woman line officer of the Regular Navy, assigned as in paragraph (a) of this section.

(c) For purposes of consideration for promotion, officers of the Nurse Corps of the Naval Reserve will be arranged in a lineal precedence list in each grade, according to dates of commission therein. Each officer of the Nurse Corps of the Naval Reserve shall have a running mate of the same grade, who shall be an officer of the Nurse Corps of the Regular Navy, assigned as in paragraph (a) of this section.

(d) For purposes of consideration for promotion, warrant officers and chief warrant officers of the Naval Reserve will be arranged in a lineal precedence list in each grade W1, CWO (W2), and CWO (W3) according to the dates of warrant or commission, as appropriate.

3. Section 713.373 is revised to read as follows:

§ 713.373 Promotion by seniority on lineal precedence list.

(a) Officers of the Naval Reserve will be promoted in order of their seniority in accordance with provisions of §§ 713.371–713.379d. Officers recommended for promotion in the approved report of a selection board shall be promoted, upon qualification therefor, at as nearly as possible, the same time as their running mates are promoted.

4. Section 713.374 is amended by revising paragraph (c) and adding paragraphs (d) and (e).

§ 713.374 Eligibility for consideration for promotion.

* * * * *

(c) An officer of the Nurse Corps Reserve of any grade higher than ensign shall be eligible for consideration for promotion when she meets the requirements for eligibility established by the Secretary of the Navy and she is senior to the junior officer of the Nurse Corps in the same grade on active duty on the lineal list who has been selected for promotion.

(d) Warrant officers and chief warrant officers of the Naval Reserve will be eligible for consideration for temporary promotion in the Fiscal Year preceding the Fiscal Year in which the following years of service in present grade will have been completed:

CWO (W1) to CWO (W2)—2 years.
CWO (W2) to CWO (W3)—4 years.
CWO (W3) to CWO (W4)—4 years.

(e) For purposes of eligibility for consideration for promotion all officers of the Naval Reserve must be in an active status, as defined in § 713.365. The records of any officers who have been removed from an active status will be withheld from consideration by the selection board. Officers who are transferred from the Inactive Status List to an active status will not be eligible for consideration for promotion for a period of 1 year from the date of removal from the Inactive Status List even though they may otherwise be eligible for such consideration by a selection board.

5. Section 713.375 is revised to read as follows:

§ 713.375 Promotion selection boards.

(a) Excluding the promotion of ensigns to lieutenant (junior grade), no Reserve officer may be promoted except upon the recommendation of a selection board. This is not intended to preclude officers temporarily promoted from permanent promotion to the grade concerned in accordance with 10 U.S.C. 5911.

(b) Selection boards to recommend Reserve officers for promotion are convened by the Secretary of the Navy. Such boards serve until the proceedings of the board have received Presidential approval.

(c) For the purpose of complying with the provisions of paragraphs (a) and (b) of this section, selection boards will be convened by order of the Secretary of the Navy, from time to time, as may be required. Each such board will be composed of not less than 5 officers who are senior in both temporary and permanent grade to those under consideration.

(d) Any officer eligible for consideration for promotion by a selection board has the right to forward through official channels a written communication in-

viting attention to any matter of record in the armed forces concerning himself which he considers important in his case. The communication may not criticize any officer or reflect upon the character, conduct, or motive of any officer. Communications should be addressed to the president of the appropriate selection board, Bureau of Naval Personnel, Washington, D.C. 20370, via the chain of command and must arrive by the time the board convenes.

6. Section 713.376 is added as a new section to read as follows:

§ 713.376 Information furnished a selection board.

(a) Each selection board convened to recommend Naval Reserve officers for promotion is furnished:

(1) The number of officers that may be recommended for promotion.

(2) The names of all officers who are eligible for consideration.

(3) The records of all officers who are eligible for consideration consisting of the following:

(i) The fitness report jacket;

(ii) The selection board jacket (correspondence jacket in cases where an officer's record has not been converted to separate jackets for selection board and correspondence);

(iii) Record of legal proceedings in cases where eligible officers were involved; and

(iv) Health records of individual eligible officers as requested by the selection board concerned.

(b) Missing fitness reports do not prevent any eligible officer from receiving full consideration by a selection board. If reports are missing to a degree to preclude a complete evaluation of an officer's performance, selection boards will request the missing information.

7. Section 713.377 is added as a new section to read as follows:

§ 713.377 Duties of selection boards.

(a) Every officer who is appointed a member of a selection board takes an oath to perform the duties imposed on him as a member of such board without prejudice or partiality.

(b) From among those officers who are eligible for consideration for promotion, each selection board recommends those officers whom it considers best fitted for promotion except that for those eligible male officers and women officers appointed under Section 5581 of Title 10, United States Code, under consideration for promotion to the grade of lieutenant commander or below in the Medical Corps, the Chaplain Corps, the Dental Corps, or the Medical Service Corps, the board recommends those officers whom it considers fitted for promotion. For those eligible women officers of the Naval Reserve, other than officers in the Nurse Corps and officers appointed under Section 5581 or Title 10, United States Code, under consideration for promotion to the grade of Lieutenant, the board recommends those officers whom it considers qualified for promotion.

(c) Selection boards, considering officers above the grade of ensign, also report the names of officers if any, among those eligible for consideration whose reports and records in its opinion indicate their unsatisfactory performance of duty in their present grade and, in their opinion, indicate that they would not satisfactorily perform the duties of a higher grade.

(d) Warrant officer selection boards report the names of chief warrant officers who are eligible for consideration, whose reports and records, in their opinion, establish their unfitness or unsatisfactory performance of duty in the grade in which serving.

(e) The proceedings of a selection board are conducted in strict confidence and may not be divulged by the members of the board or by the recorder except as authorized by the Secretary of the Navy. No permanent records are maintained of the evaluations by the boards of an individual officer; therefore, it is not possible to advise officers of the reasons for failure of selection.

8. Part 713 is amended by adding §§ 713.378 to 713.379d to read as follows:

§ 713.378 Promotion lists.

(a) Naval Reserve officers who are recommended for promotion in the report of a selection board convened as specified in § 713.375 are considered as selected for promotion upon Presidential approval of the report of the selection board. The names of these officers are placed on the promotion list of officers of their grade in the order of their seniority, junior to all other officers recommended by selection boards convened in earlier fiscal years.

(b) A Naval Reserve officer who is recommended for promotion by a selection board convened under Chapter 549, Title 10, United States Code, who is placed on extended active duty before he is promoted, may be promoted even though he is on active duty at the time of promotion.

(c) A Naval Reserve officer who is recommended for promotion by a selection board convened under the provisions of Chapter 543, Title 10, United States Code, and who is removed from a lineal list (released from active duty or transferred to the TAR (training and administration of the Naval Reserve) program) before he is promoted, may be promoted without reselection under the provisions of Chapter 549, Title 10, United States Code, even though he was on a lineal list when selected for promotion.

(d) Removal from an active status: A Naval Reserve officer recommended for promotion by a selection board who, at the time he otherwise would be promoted, has been removed from an active status may not be promoted. If such officer is returned to an active status his name may not be placed on a promotion list until subsequently recommended for promotion by another selection board and shall be treated as if he had not been considered for promotion by the selection board that last considered him.

§ 713.379 Professional and physical qualifications.

(a) Officers whose names are placed on a promotion list will have been certified professionally and morally qualified by the selection board.

(b) The physical standards for promotion of Reserve officers of the Navy shall be the same as those which are prescribed for retention in the Naval Reserve.

(c) Commands holding the service records of selectees will receive copies of promotion lists and will certify physical qualifications to the Chief of Naval Personnel (Pers-B83).

(d) Reserve officers of the Navy who are selected for promotion by selection boards while their names are on a lineal list but whose release from active duty occurs prior to their being promoted will not require physical qualification certification from service record custodians as the physical examination conducted upon release from active duty will suffice.

§ 713.379a Appointment of selectees.

(a) When their running mates become eligible for promotion, and upon receipt of certification of physical qualifications, selectees will be appointed.

(b) Appointments will be forwarded via the command holding the appointee's service record. All such appointments will be considered accepted upon issuance unless expressly declined; however, the officer must accept or decline the appointment on the form provided.

§ 713.379b Temporary and permanent appointments.

(a) If the promotion of the running mate of a Reserve officer is made by temporary appointment, the promotion of the Reserve officer will be made by temporary appointment. If the running mate's temporary appointment is terminated (for reasons other than disciplinary) and he reverts to a lower grade, the Reserve officer's temporary appointment is terminated and he reverts to the same lower grade in the same manner as his running mate and with corresponding rank. If the running mate is permanently appointed to the grade in which he is serving under a temporary appointment, the Reserve officer shall be permanently appointed to the grade in which he is serving under a temporary appointment.

§ 713.379c Failure of selection and promotion.

(a) A male officer of the Naval Reserve, or a woman officer appointed under the provisions of section 5581, Title 10, United States Code, who is in a promotion zone established under Chapter 549, Title 10, United States Code, whose name is furnished to the appropriate selection board, and who is not selected for promotion, is considered as having failed of selection for promotion.

§ 713.379d Promotion of ensigns to lieutenant (junior grade).

(a) Upon completion of the service in grade computed from date of rank, equal to the service in grade requirement for

their Regular Navy contemporaries, ensigns of the Naval Reserve on inactive duty in an active status will be issued appointments to the grade of lieutenant (junior grade). Service record custodians of ensigns in an active status shall inform the Chief of Naval Personnel (Pers B83) at least 30 days prior to the completion of the required time in grade if any such officer is not professionally, morally, and physically qualified for promotion. Ensigns assigned 19X5 designators are not eligible for promotion.

9. Section 730.8 is amended by revising paragraphs (b) and (h) (2) (ii), (iii) to read as follows:

§ 730.8 Discharge or release to inactive duty for reasons of dependency and hardship.

* * * * *

(b) Enlisted personnel who desire to request discharge or release to inactive duty, as appropriate, for dependency or hardship reasons shall be informed of the proper procedure to follow. It should be clearly explained to each applicant that a request shall be submitted via official channels and that submission of a request is no assurance that discharge or release to inactive duty will be authorized. Each such request received will be carefully and sympathetically considered and a final decision will be based upon its individual merits. It should be further explained to the individual, prior to submission of his request for discharge, or when a request for hardship discharge is included as an alternative in a request for Humanitarian shore duty, that such a request, once approved by the Chief of Naval Personnel is irrevocable, except in the most unusual circumstances. In instances of this nature it will be necessary for the individual to submit a request for cancellation of discharge authority to the Chief of Naval Personnel via official channels, stating how the hardship has been eliminated, and including affidavits attesting to this fact.

* * * * *

(h) * * *

(2) * * *

(ii) Issue an Armed Forces of the United States Report of Transfer or Discharge, Form 214N. Forward service and health records to the Commanding Officer, NRMC. A new service record will not be opened. Distribute copies of page 14 and DD Form 214N in accordance with current instructions.

(iii) Issue orders covering release to inactive duty. Distribution of copies shall be made as shown on sample form in Article C–10404, of the Bureau of Naval Personnel Manual.

* * * * *

10. Section 730.9 is amended by revising paragraph (j) to read as follows:

§ 730.9 Discharge of enlisted personnel by reason of minority.

* * * * *

(j) When an individual is separated by reason of being under the authorized age for enlistment but is considered sufficiently mature for naval service, and is in all other respects qualified, an entry shall be made under "Remarks" on the DD Form 214N to the following effect: "Recommended for reenlistment upon reaching the authorized age for enlistment." Otherwise, this item will be left blank.

11. Section 730.10 is amended by revising paragraph (h) to read as follows:

§ 730.10 Discharge of enlisted personnel by reason of unsuitability.

* * * * *

(h) A letter of transmittal in the following format shall be utilized. Minor modifications will be necessary in individual cases.

From: Commanding Officer, U.S.S. EVERSAIL (DD–00).

To: Chief of Naval Personnel.

Subj: SN John Robert DOE, USN, 123 45 67; Recommendation for discharge by reason of unsuitability.

Encl: (1) Copy of letter of notification. (2) Statement of Seaman Doe. (3) Signed copy of waiver of privileges (if applicable). (4) Psychiatric evaluation. (5) Copy of page 9.

1. Pursuant to Article C–10310 of the Bureau of Naval Personnel (this section), the following information is submitted in the case of Seaman Doe:

a. *Basic record data.*

Date of current enlistment: 11–15–61 for 4 years. EAOS (Expiration of active obligated service): 11–16–65.

Marital status: Single. Dependents: 0. Months on board: 12.

Age: 22. GCT (general classification test): 45. AFQT 38. Years education: 12. Total service: 1 year 2 months (active); 0 (inactive).

b. *Diagnosis.* Emotional instability reaction.

c. *Military offenses.* 2–15–62 NJP (nonjudicial punishment) page 13–(3)—UA (unauthorized absence) 2 days—2 weeks restr. (restriction).

d. *Comments and recommendations of Commanding Officer.* It is recommended that DOE be separated from the naval service by reason of unsuitability. Further retention in the service would not be in the best interest of the U.S. Navy. (The commanding officer's comments should include information with regard to the counselling requirement for cases processed in accordance with subparagraphs (b) (1), (2), (3), and (4) of this section.)

A. B. SMITH.

12. Section 730.12 is amended by revising paragraph (g) to read as follows:

§ 730.12 Discharge of enlisted personnel by reason of unfitness.

* * * * *

(g) A letter of transmittal in the following format will be utilized. Minor modifications will be necessary in individual cases.

From: Commanding Officer, U.S.S. EVERSAIL (DD–00).

To: Chief of Naval Personnel.

Subj: SN John Robert DOE, USN, 123 45 67; Recommendation for discharge by reason of unfitness.

Encl: (1) Copy of letter of notification. (2) Signed statement of awareness and request for privileges. (3) Proceedings of Administrative Discharge Board. (4) Copy of page 9.

1. Pursuant to Article C–10311 of the Bureau of Naval Personnel Manual (this section), the following information is submitted in the case of Seaman DOE:

a. *Primary reason for processing.* Frequent involvement of a discreditable nature with civil or military authorities.

b. *Basic record data.*

Date of current enlistment: 11–15–60 for 4 years EAOS: 2–6–65.

Marital status: Single. Dependents: 0. Months on board: 12.

Age 22. GCT: 45. AFQT 38. Years of education: 12. Total service: 2 years, 2 months (active); 0 (inactive).

c. *Military offenses.*

2–15–61	NJP	Pg 13–(3)	UA 2 days—2 wks. restr.
4–11–61	NJP	Pg 13–(5)	UA 1 day—1 wk. extra duty.
8–5–61	NJP	Pg 13–(7)	Failed to obey lawful order 2 wks. extra duty.
5–1–62	SPCM	Pg 6–(1)	UA 15 days—15 days conf. approved.
10–1–62	SPCM	Pg 6–(3)	UA 20 days—1 month conf. forf. $80.00 a month for 1 month approved.
1–5–63	NJP	Pg 13–(9)	UA 5 hrs.—1 wk. rests.

d. *Other involvements.*

9–12–61—Convicted by civil authorities of drunkenness and fined $5.00.

11–20–60—Contracted VD infection.

4–7–61—Contracted VD infection.

12–5–62—Contracted VD infection.

1–7–63—Contracted VD infection.

e. *Remarks.* Seaman DOE is retained on board to await action by the Chief of Naval Personnel.

f. *Findings.* The Board finds that Seaman DOE has had frequent involvement of a discreditable nature with military authorities.

g. *Recommendation.* Discharge by reason of unfitness.

h. *Type of discharge.* Undesirable.

i. *Comments and recommendations of Commanding Officer.* Concur. It should be noted that this command has separately counselled Seaman DOE regarding his deficiencies.

A. B. SMITH.

13. Section 730.13 is amended by revising paragraph (f) to read as follows:

§ 730.13 Discharge of enlisted personnel by reason of misconduct.

* * * * *

(f) A letter of transmittal in the following format shall be utilized. Minor modifications will be necessary in individual cases.

From: Commanding Officer, U.S.S. EVERSAIL (DD–00).

To: Chief of Naval Personnel.

Subj: SN John Robert DOE, USN, 123 45 67; Recommendation for discharge by reason of misconduct.

Encl: (1) Copy of letter of notification. (2) Signed statement of awareness and request for privileges. (3) Proceedings of Administrative Discharge Board. (4) Copy of page 9. (5) Information concerning arrest, conviction, or disposition (include civil document if available).

1. Pursuant to Article C–10312 of the Bureau of Naval Personnel Manual (this sec-

tion), the following information is submitted in the case of Seaman DOE:

a. *Primary reason for processing.* Civil conviction.

b. *Basic record data.*

Date of current enlistment: 11-15-60 for 4 years. EAOS: Undetermined.

Marital status: Single. Dependants: 0. Months on board: 12.

Age: 22. GCT 48 AFQT 38. Years of education: 12. Total service: 2 years 2 months (active); 0 (inactive).

c. *Circumstances of offense(s) in detail.* While on authorized leave on 1-1-63, arrested by the civil authorities of Colorado Springs, Colo., on the charge of auto theft.

d. *Action of civil authorities.* Tried on 1-5-63 at Colorado Circuit Court, Colorado Springs, Colo., for violation of Title 39, Section 133.24, Colorado Penal Code, for five counts of car theft, and convicted. Received an indeterminate term up to 5 years confinement. Presently serving sentence at the Colorado State Prison, Canon City, Colo. Maximum penalty—Article 121, UCMJ, 5 years.

e. *Summary of military offense(s).* 4-11-61 NJP (nonjudicial punishment) page 13(5) UA (unauthorized absence) 1 day—1 week extra duty.

f. *Remarks.* Records and effects located at this command. Other personnel involved: TN T. H. SMITH, USN, 645 32 21. Commanding Officer, USS NEVERSAIL, has been notified.

g. *Finding.* The board finds that Seaman DOE was convicted by the Colorado Circuit Court, Colorado Springs, Colo., of car theft, five counts.

h. *Recommendation.* Discharge by reason of misconduct.

i. *Type of discharge.* Undesirable.

j. *Comments and recommendations of Commanding Officer.* Concur.

A. B. SEA.

(Secs. 280, 510, 1162, 1163, 5031, ch. 569, 70A Stat. 14, 17, 89, 278, 391–393, as amended, 72 Stat. 1496, 76 Stat. 508, 517, sec. 301, 80 Stat. 379; 5 U.S.C. 301, 10 U.S.C. 133, 280, 510, 1162, 1163, 5031, 5867, ch. 569)

By direction of the Secretary of the Navy.

Dated: July 10, 1967.

[SEAL] WILFRED HEARN,
Rear Admiral, U.S. Navy, Judge Advocate General of the Navy.

[F.R. Doc. 67-8210; Filed, July 17, 1967; 8:45 a.m.]

Chapter VII—Department of the Air Force

SUBCHAPTER S—SECURITY

PART 850—SAFEGUARDING CLASSIFIED INFORMATION

SUBCHAPTER K—MILITARY TRAINING AND SCHOOLS

PART 909—USAF TRAINING FOR AIR FORCE CONTRACTOR EMPLOYEES

Miscellaneous Amendments to Chapter

Chapter VII of Title 32 of the Code of Federal Regulations is amended as follows:

§§ 850.9, 850.11a [Amended]

1. In § 850.9, paragraph (e) is amended by changing the reference in the next to last line from "(AFISL–3)" to "(AFISPP)"; and § 850.11a is amended by deleting paragraphs (a) and (b).

2. A new § 850.10a is added as follows:

§ 850.10a Measures, approval and sponsorship for meetings involving disclosure of classified information.

(a) *Definitions.*—(1) *Meetings.* As used in this section, meetings wherein disclosure of classified information is involved are conferences, seminars, symposia, exhibits, scientific and technical conventions and gatherings conducted by the Air Force and other DoD components, or by associations, societies, institutions, groups, Defense contractors, and other non-Defense activities.

(2) *Communist countries.* As used in this section, Communist countries are Albania, Bulgaria, Chinese Peoples Republic (Communist China) (including Tibet), Cuba, Czechoslovakia, Democratic Peoples Republic of Korea (North Korea), Democratic Republic of Vietnam (North Vietnam), German Democratic Republic (GDR) (East Germany, including the Soviet Sector of Berlin), Hungary, Mongolian Peoples Republic (Outer Mongolia), Poland, Rumania, Union of Soviet Socialist Republics (USSR), (including Estonia, Latvia, Lithuania, and all the other constituent republics), and Yugoslavia.

(b) *Policy.*—(1) *National interest.* Air Force commanders or other officials shall not approve or sponsor any venture which is not in the best interest of national security.

(2) *Advance action.* Air Force commanders or other officials shall not approve or sponsor any meeting involving disclosure of classified information if adequate security measures are not provided for in advance.

(3) *Contractors.* Air Force security responsibilities for sponsoring classified contractor meetings, as authorized in the DoD Industrial Security Regulation and Part 852 of this subchapter, will be in accordance with the provisions of this part.

(4) *Attendance.* Attendance at meetings conducted or sponsored by Air Force commanders or other officials shall be limited strictly to those persons whose presence is considered necessary in the interest of national security and who:

(i) Have been granted an access authorization equal to or higher than that of the information to be discussed; and

(ii) Have official duties requiring such access in the interests of promoting national defense. A person's attendance at a meeting does not necessarily mean that he is or should be authorized access to all classified sessions or presentations. Each person should be scheduled and permitted to attend only those classified portions which involve the subject matter he requires in order to perform his official duties.

(5) *Location of meetings.* (i) Meetings at which Top Secret or Secret defense information is to be disclosed will be held only at U.S. Government installations or at cleared facilities of DoD contractors. However, when necessary for the effective accomplishment of essential functions Air Force commanders and other officials may hold such meetings at another location provided they have been authorized to do so, in writing, by at least an Assistant Secretary of the Air Force. Requests for such authorization shall be sent through channels to the major staff office in Hq USAF having primary responsibility for the subject matter of the meeting. When an exception appears warranted, that office shall coordinate the matter with Hq USAF (AFIGO) before forwarding the proposal for secretarial approval. (As a matter of policy, such requests are disapproved unless there is overwhelming evidence that the need and exception clearly justifies risking possible loss of security.)

(ii) Meetings at which information no higher than Confidential is to be disclosed or discussed may be held at other locations provided an adequate U.S. Government installation or cleared DoD contractor facility is not available and it is specifically approved and authorized in writing at numbered Air Force or comparable or higher level.

(6) *Attendance by foreign nationals.* (i) Foreign nationals of countries other than Communist countries may be approved for attendance at an Air Force sponsored meeting, in which classified information is to be disclosed, provided it is specifically authorized in writing by Hq USAF (AFNIN) in accordance with § 850.9(g)(1).

(ii) Representatives of Communist countries will be excluded from meetings with no unclassified sessions and personnel from these countries will not be invited.

(iii) Representatives of Communist countries will not be authorized to attend any unclassified session or other unclassified portion of meetings comprising a mixture of classified and unclassified sessions even though no classified information is to be presented in that session or portion thereof, unless specifically and individually approved in writing on a name basis by the Secretary of the Air Force (authority not to be redelegated). Send requests for such action to Hq USAF (AFNIN). Approval shall be used as a means of furthering reciprocity for attendance of similar numbers and types of U.S. personnel at similar Communist country meetings to maintain an effective East-West exchange program.

(iv) When the entire meeting is unclassified prior approval by Hq USAF (AFNICBB) must be obtained, in accordance with paragraph (d)(5) of this section, to invite representatives of Communist countries to attend wholly unclassified meetings sponsored or conducted by Air Force commanders or other authorized officials. There are, however, requirements for obtaining State Department approval as prescribed by paragraph (d)(5) of this section.

(c) *Sponsorship.*—(1) *Acceptance of sponsorship.* Sponsorship of meetings referenced in this part will be accepted only if the Department of the Air Force has a significant interest in the subject matter of the meetings, and only after a determination is made that:

(i) The use of conventional channels for dissemination of scientific, technical, and other information would not accomplish the purpose of the meeting.

(ii) The conduct of the meeting is clearly consistent with the interests of national security.

(iii) Adequate security measures have been developed and will be carried out.

(iv) All persons selected and approved to attend the classified portions of these meetings have met the general policy for attendees prescribed by paragraph (b)(4) of this section.

(2) *Announcements and invitations.* Acceptance of sponsorship entails the review of all announcements and invitations for accuracy and to insure that:

(i) They are unclassified.

(ii) All announcements and invitations indicate that the meeting has appropriate Air Force sponsorship to include identification of the sponsoring activity.

(iii) Announcements of and invitations to unclassified sessions of meetings do not contain notices of classified sessions.

(iv) Notices of classified sessions are not sent to Communist country personnel.

(d) *Security responsibilities.* In addition to the security responsibilities inherent in the general policy statements under paragraph (b) of this section, the commander or other official conducting or sponsoring a meeting is charged with full responsibility, including the following security functions.

(1) Determining that the area selected for presentation of classified information is secure against unauthorized access to or illicit acquisition of, the classified information involved.

(2) Insuring that adequate secure storage facilities are available, when required.

(3) Insuring that attendance at meetings at which classified defense information is discussed is limited to those persons whose names appear on the approved access list and then only upon proper identification.

(4) Controlling and safeguarding any classified material furnished attendees and recapturing the materials or obtaining receipts, as appropriate, at the end of each classified session of the meeting.

(5) Providing Hq USAF (AFNICBB) with the names, prior to issuance of actual invitation, of all representatives and nationals of Communist countries whom it is planned to invite to a meeting (including unclassified meetings). In addition to the names, providing the date of attendance, location of the meeting, subject matter to be discussed, and the titles and preliminary or final abstracts of scientific, technical or other papers to be presented.

(6) Notifying each person who presents or discloses information at a meeting of any limitations that must be imposed for reasons of security, level of access authorization, requirements for access to the information, and planned attendance of foreign nationals. The speaker is responsible for seeking such guidance and for keeping his disclosures within prescribed limits.

(7) Providing such other safeguards as may be deemed appropriate.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012)

[AFR 205–1H, June 19, 1967]

A new Part 909 is added as follows:

Sec.
909.1 Purpose.
909.2 When contractor personnel may be trained.
909.3 USAF schools.
909.4 How contractors apply for training.

AUTHORITY: The provisions of this Part 909 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012.

SOURCE: AFR 50–8, April 27, 1960.

§ 909.1 Purpose.

This part tells when and how USAF training may be given to employees of private organizations under contract with the Air Force to provide equipment or services.

§ 909.2 When contractor personnel may be trained.

Employees of private organizations under contract with the Air Force may receive training at USAF schools, or through on-the-job training at a USAF base, when such training is specifically provided for in the basic contract. When training of contractor employees is not specifically provided for in the basic contract, the following criteria must be met:

(a) The training must be of material and direct benefit to the Air Force as determined by Hq USAF.

(b) The training must be considered available by the major command controlling it.

(c) The training must come within quotas established or approved by Hq USAF.

(d) The training must not be reasonably available from any other source.

(e) When the course of training includes presentation of classified defense information, the employee must have a current security clearance commensurate with the category of the classified information. The trainee may have access to classified defense information only when required for performance of the Government's contract with the requesting contractor.

(f) The Air Force shall not be liable for the following direct costs:

(1) Travel to and from the training location.

(2) Per diem.

(3) Subsistence.

(g) When the administrative contracting officer of the basic contract:

(1) Certifies that the USAF is not paying the contractor for the specific training, the training must be conducted without adjustment to the contract cost.

(2) Determines that the USAF is paying the contractor for the specific training, he will make an appropriate adjustment to the contract cost. The amount of adjustment will be determined by the administrative contracting officer of the basic contract.

§ 909.3 USAF schools.

The term USAF schools includes any formal school or course conducted by either the USAF or by a contractor under a contract with the USAF.

§ 909.4 How contractors apply for training.

An Air Force contractor desiring training under this part of his employees must forward a written request to the major command conducting the course, through the major command or designated subcommand supervising the contract for which the training is necessary, at least 30 days before the date training should begin. He must show:

(a) Name, address, and security clearance of each employee.

(b) Sufficient information to provide for determination under § 909.2 (a) and (e).

(c) Certification by the administrative contracting officer whether or not the contractor is being paid by the USAF for the specific training. If the contractor is being paid for the specific training, certification also that the administrative contracting officer has made a reasonable settlement in the contract.

(d) When flight training is requested, a complete history of the flying experience of each employee.

By order of the Secretary of the Air Force.

LUCIAN M. FERGUSON,
Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 67-8209; Filed, July 17, 1967; 8:45 a.m.]

Title 45—PUBLIC WELFARE

Chapter XI—National Foundation on the Arts and the Humanities

PART 1100—STATEMENT FOR THE GUIDANCE OF THE PUBLIC—ORGANIZATION, PROCEDURE AND AVAILABILITY OF INFORMATION

Part 1100 reads as follows:

Sec.
1100.1 Organization.
1100.2 Procedures and transaction of business.
1100.3 Availability of information to the public.

AUTHORITY: The provisions of this Part 1100 issued under 5 U.S.C. 552.

§ 1100.1 Organization.

(a) The National Foundation on the Arts and the Humanities was established by the National Foundation on the Arts and the Humanities Act of 1965 (79 Stat. 845; 20 U.S.C. 951). The Foundation is composed of a National Endowment for the Arts, a National Endowment for the Humanities and a Federal Council on the Arts and the Humanities. Each Endowment is headed by a Chairman and has a National Council composed of 26 Presidential appointees, with the Chairman of

the Endowment also serving as Chairman of the Council. The purpose of the Foundation is to develop and promote a broadly conceived national policy of support for the humanities and the arts in the United States.

(b) The Endowments accomplish their missions primarily by providing financial assistance for projects in the arts and the humanities, including the making of fellowship and other awards to individuals as well as awards to nonprofit organizations. By statute, awards made to organizations by the National Endowment for the Arts may not exceed one-half the cost of the project, except that a percentage of the Arts Endowment's funds may be used for nonmatching grants to organizations which show that they have attempted unsuccessfully to secure funds equal to the amounts applied for.

(c) The organizational arrangement of the Foundation is as follows:

(1) *National Endowment for the Arts*—(i) *Office of the Chairman.* The Endowment is headed by the Chairman, who is also Chairman of the National Council on the Arts and a member of the Federal Council on the Arts and the Humanities. The Chairman, with the advice of the National Council on the Arts and the Federal Council on the Arts and the Humanities, is responsible for establishing Endowment policies and for developing and carrying out programs to provide support for projects and productions in the arts. The Chairman is assisted by a Deputy Chairman, who is appointed by him.

(ii) *Program Activities of the Arts Endowment.* The activities of the Endowment are carried out with the aid of the following program offices:

(a) State and Community Operations.
(b) Architecture, Planning and Design.
(c) Creative Writing.
(d) Education and Public Media.
(e) Music.
(f) Theater and Dance.
(g) Visual Arts.

Each of the above offices assists the Chairman in developing programs to provide support for activities in its area of interest.

(2) *National Endowment for the Humanities*—(i) *Office of the Chairman.* The Endowment is headed by the Chairman, who is also Chairman of the National Council on the Humanities and a member of the Federal Council on the Arts and the Humanities. The Chairman, with the advice of the National Council on the Humanities and the Federal Council on the Arts and the Humanities, is responsible for establishing Endowment policies and for developing and carrying out programs to provide support for research in the humanities, for strengthening the research potential of the United States in the humanities, or providing fellowships for training in the humanities, for fostering the interchange of information in the humanities and for fostering public understanding and appreciation of the humanities. The Chairman is assisted by a Deputy Chairman, who is appointed by him.

(ii) *Program Activities of the Humanities Endowment.* (a) The program activities of the Endowment are carried out through three divisions:

(1) The Division of Research and Publication.

(2) The Division of Fellowships and Stipends.

(3) The Division of Education and Special Projects.

(b) The Division of Research and Publication supports research and programs to strengthen the research potential of the United States, as well as to encourage the preparation of scholarly works in the humanities.

(c) The Division of Fellowships and Stipends supports individual scholarship and training by providing individuals with time uninterrupted by other responsibilities.

(d) The Division of Educational and Special Projects provides support primarily to institutions—schools, colleges, universities, museums, public agencies, and private nonprofit groups—to increase public understanding and appreciation of the humanities.

(3) *Legal, financial and administrative activities.* (i) These services are provided to the two Endowments on a shared basis. The Officers involved are (*a*) the General Counsel and (*b*) the Administrative Officer.

(ii) The General Counsel provides legal advice and counsel to the Chairmen of the National Endowment for the Arts and the National Endowment for the Humanities, to the National Council on the Arts and the National Council on the Humanities, and to the Federal Council on the Arts and the Humanities as well as to the divisions and offices of the Foundation.

(iii) The Administrative Officer is responsible for the administrative and financial procedures of the Foundation, including financial records, accounting and personnel matters.

§ 1100.2 Procedures and transaction of business.

(a) *Inquiries and transaction of business.* All inquiries, submittals or requests should be addressed as follows: (1) Those involving the work of the National Endowment for the Arts should be addressed to the National Endowment for the Arts, Washington, D.C. 20506, or a member of the public may call at the Endowment's offices at 1800 G Street NW., Washington, D.C., during normal business hours which are 9 a.m. to 5:30 p.m., Monday through Friday; (2) requests involving the National Endowment for the Humanities should be addressed to the National Endowment for the Humanities, Washington, D.C. 20506, or a member of the public may call at the Endowment's offices at 1800 G Street NW., Washington, D.C. during normal business hours which are 9 a.m. to 5:30 p.m., Monday through Friday. If a person is uncertain as to which organization an inquiry should be addressed, he should address his inquiry to the National Foundation on the Arts and the Humanities, Washington, D.C. 20506.

(b) *General method of functioning, procedures, forms, descriptions of programs.* In general, the Endowments provide financial support for activities in the arts and humanities on the basis of applications submitted by the person or organization desiring support. In general, such awards are made on a merit basis after a review process involving staff members and outside experts. The Endowments publish various announcements and booklets describing their programs and explaining their procedures. For example, the booklet "National Endowment for the Humanities—Program Information 1968", provides a comprehensive description of the programs, functions and procedures of the National Endowment for the Humanities. Forms or instructions for application to participate in the programs of the Endowments are obtainable on request. All program announcements, publications or application forms may be obtained by applying either to the National Endowment for the Arts or the National Endowment for the Humanities or by calling in person at their Washington offices.

§ 1100.3 Availability of information to the public.

(a) *Statutory requirements.* 5 U.S.C. 552(a)(3) requires each Agency, upon request for identifiable records made in accordance with published rules stating the time, place, fees to the extent authorized by statute, and procedure to be followed, to make such records promptly available to any person. 5 U.S.C. 552(b) exempts specified classes of records from the public access requirements of 5 U.S.C. 552(a)(3) and permits them to be withheld when the public interest so requires.

(b) *Purpose.* This section is designed to provide the rules referred to in 5 U.S.C. 552(a)(3) with respect to public access to records of the National Endowment for the Arts and the National Endowment for the Humanities.

(c) *Time, place, and form.* Requests for access to records of the National Endowment for the Arts and the National Endowment for the Humanities may be filed, in person or by mail, with the Deputy Chairman of the Endowment concerned between 9 a.m. and 5:30 p.m., Monday through Friday, except holidays.

(d) *Procedure.* (1) Upon receipt of a request for a record, the Deputy Chairman of the Endowment concerned, after determining that the record requested is sufficiently identified, shall determine whether the record is subject to exemption from public inspection under the provisions of 5 U.S.C. 552(b). If he determines it is subject to exemption and that the requested record should be withheld in the public interest, the requestor shall be notified that his request has been denied.

(2) If the appropriate Deputy Chairman concludes that an identified record exempt under 5 U.S.C. 522(b) need not be withheld from public inspection, it will be made available to the requestor for inspection at the office of the Endowment or a copy will be provided to him. In the latter case, an appropriate charge may be made, taking into account all relevant costs to the Endowment for providing such service. Such payment is payable in advance of fulfilling the request. In any event, provision of records, whether at the Endowments' offices or through the making of copies available, shall be on a facilities available basis, taking into account normal business activities of the Endowments.

(e) *Appeals.* Any person aggrieved by any determination made, or action taken, pursuant to the foregoing provisions of this part may, within 30 days, request the Chairman of the Endowment concerned to review that determination or action. A letter or other written statement setting forth the pertinent facts shall be sufficient for this purpose. Each Chairman reserves the right to request the person involved to provide additional information in support of his request for review. The Chairman concerned will promptly consider each such request for review and notify the person involved of his decision, which will constitute the final decision of the Endowment.

Effective date. The provisions of this part shall become effective upon publication in the FEDERAL REGISTER.

Dated: July 11, 1967.

ROGER L. STEVENS,
Chairman,
National Endowment for the Arts.

BARNABY C. KEENEY,
Chairman, National Endowment
for the Humanities.

[F.R. Doc. 67-8244; Filed, July 17, 1967; 8:50 a.m.]

Title 46—SHIPPING

Chapter IV—Federal Maritime Commission

SUBCHAPTER A—GENERAL PROVISIONS

[General Order 23; Amdt. 1]

PART 503—PUBLIC INFORMATION

Fees for Services

The Federal Maritime Commission has adopted a rule to be effective July 18, 1967, establishing a uniform method of declaring shipment weights and measurements on automobiles moving in the domestic offshore trades. The Commission has compiled a publication entitled "Automobile Manufacturers' Measurements" which is to be available for use by carriers filing tariffs naming rates for transportation of automobiles.

The Commission hereby establishes its fee for making this publication available to interested parties.

Therefore, pursuant to 5 U.S.C. 552, § 503.43 *Fees for services* of Title 46 of the Code of Federal Regulations is hereby amended by adding a new paragraph (f) at the end thereof.

§ 503.43 Fees for services.

* * * * *

(f) The Commission publication entitled "Automobile Manufacturers' Measurements" is available on a fiscal year subscription basis, including any supplements issued during the fiscal year in which purchased, for a fee of $5.00.

Effective date. The amendment contained herein shall be effective July 18, 1967.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-8296; Filed, July 17, 1967; 8:50 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 990-A]

PART 195—CAR SERVICE

Union Pacific Railroad Co. Authorized To Operate Over Trackage of Denver and Rio Grande Western Railroad Co.

At a session of the Interstate Commerce Commission Railroad Service Board, held in Washington, D.C., on the 12th day of July, A.D., 1967.

Upon further consideration of Service Order No. 990 (32 F.R. 793) and good cause appearing therefor:

It is ordered, That:

Section 195.990 *Service Order No. 990,* be, and it is hereby, vacated and set aside.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2))

It is further ordered, That this order shall become effective at 11:59 p.m., July 12, 1967; that copies of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of the order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-8343; Filed, July 17, 1967; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 945]

IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREG.

Notice of Proposed Expenses and Rate of Assessment

Consideration is being given to the approval of proposed expenses and a proposed rate of assessment as hereinafter set forth, which were recommended by the Idaho-Eastern Oregon Potato Committee, established pursuant to Marketing Agreement No. 98, as amended, and Order No. 945, as amended (7 CFR Part 945), herein referred to collectively as the "order."

This marketing order regulates the handling of Irish potatoes grown in Idaho and Malheur County, Oreg., and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit written data, views, or arguments in connection with these proposals shall file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 15th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27 (b)).

§ 945.220 Expenses and rate of assessment.

(a) *Expenses.* The reasonable expenses that are likely to be incurred during the fiscal period beginning June 1, 1967, and ending May 31, 1968, by the Idaho-Eastern Oregon Potato Committee, for its maintenance and functioning, and for such other purposes as the Secretary determines to be appropriate, will amount to $32,000.

(b) *Rate of assessment.* The rate of assessment to be paid by each handler in accordance with the amended marketing agreement and this part, shall be two tenths of one cent ($0.002) per hundredweight, or equivalent quantity, of potatoes handled by him as the first handler thereof during the fiscal period.

(c) *Reserve.* Unexpended income in excess of expenses for the fiscal period ending May 31, 1968, may be carried over as a reserve.

(d) *Definition of terms.* Terms used in this section have the same meaning as when used in the said amended marketing agreement and this part.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 13, 1967.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-8246; Filed, July 17, 1967; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Parts 71, 75]

[Airspace Docket No. 67-SO-13]

FEDERAL AIRWAYS, JET ROUTES, AND CONTROL AREA

Proposed Alteration and Designation

The Federal Aviation Administration in considering amendments to Parts 71 and 75 of the Federal Aviation Regulations that would alter VOR Federal airway Nos. 7, 22, 35 and 97 and Jet Route No. 2, and designate offshore control area for J–41/43.

The Albany, Ga., VOR and the Tallahassee, Fla., VORTAC will be relocated to sites at approximately latitude 31°-39'19" N., longitude 84°17'33" W., and latitude 30°33'22" N., longitude 84°22'-26" W., respectively. The relocation will be accomplished about October 12, 1967. Concurrently with relocation of the facilities it will be necessary to make the following alterations to the associated airways and jet routes. These actions affect airspace both within and outside the United States.

1. V–7: From Cross City, Fla.; 1,200 feet AGL Greenville, Fla.; 1,200 feet AGL Dothan, Ala., including a 1,200 feet AGL west alternate from Cross City to Dothan via the intersection of Cross City 287° and Marianna, Fla., 141° True radials and Marianna, excluding the airspace between the main and this west alternate.

2. V–22: From Marianna, 1,200 feet AGL; Tallahassee, Fla.; 1,200 feet AGL Greenville. The south alternate from Marianna to Greenville would be revoked.

3. V–35: From Cross City, 1,200 feet AGL Greenville; 1,200 feet AGL Albany, Ga., including a 1,200 feet AGL west alternate via Tallahassee, Fla.; 1,200 feet AGL Macon, Ga., including a 1,200 feet AGL west alternate via the intersection of Albany 013° T (012° Mag.) and Macon, 227° T (226° Mag.) radials.

4. V–97: From La Belle, Fla., 1,200 feet AGL St. Petersburg, Fla.; 1,200 feet AGL Tallahassee, including a 1,200 feet AGL east alternate from the intersection of La Belle 313° T (312° Mag.) and Lakeland, Fla., 175° T (174° Mag.) radials to the intersection of St. Petersburg 331° T (330° Mag.) and Lakeland 307° T (306° Mag.) radials via Lakeland and from the intersection of St. Petersburg 331° T (330° Mag.) and Cross City 201° T (200° Mag.) radials to Tallahassee via Cross City and also a 1,200 feet AGL west alternate from St. Petersburg to the intersection of St. Petersburg 331° T (330° Mag.) and Cross City 201° T (200° Mag.) radials via the intersection of St. Petersburg 316° T (315° Mag.) and Cross City 201° T (200° Mag.) radials; 1,200 feet AGL Albany; 1,200 feet AGL Atlanta, Ga., including a 1,200 feet AGL east alternate via the intersection of Albany 013° T (012° Mag.) and Rex, Ga., 174° T (173° Mag.) radials and the intersection of Rex 174° T (173° Mag.) and Atlanta 147° T (146° Mag.) radials.

5. In V–241 east alternate, the Atlanta 175° T (174° Mag.) radial would be substituted for the Atlanta 174° T (173° Mag.) radial.

6. Jet Route No. 2 would be realigned from Crestview, Fla.; via the intersection of Crestview 091° and Tallahassee 290° True radials, to Tallahassee.

7. V–159 and J–20, J–41, J–43, and J–2 east of Tallahassee associated with the Tallahassee VORTAC would be automatically realigned with the relocated VORTAC.

8. V–97, J–41, and J–43 are designated in part, direct between St. Petersburg and Tallahassee. The portion of this segment of V–97 that extends outside the United States has no upper limit. The portions of these segments of J–41 and J–43 outside the United States are within the control area associated with V–97. To preclude misunderstanding and for records keeping purposes, it is proposed to lower the ceiling of the offshore portion of V–97 to "to but not including 18,000 feet MSL," to conform to the standard vertical extent of Federal airways and to designate control area associated with the offshore portion of J–41 and J–43. This action will not alter the overall assignment of airspace in this area.

As parts of these proposals relate to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices, by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 and Annex 11 to the Convention on International Civil Aviation (ICAO), which pertains to the establishment of air navigation facilities and services necessary to promoting the safe, orderly, and expeditious flow of civil air traffic. Its purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify that airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

These amendments are proposed under the authority of section 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348 and 1510) and Executive Order 10854 (24 F.R. 9565).

Issued in Washington, D.C., on July 14, 1967.

J. F. BIRON,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-8314; Filed, July 17, 1967; 8:50 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Ch. I]

[Ex parte No. 249 (Sub-No. 1)]

INFORMAL PROCEDURE FOR DETERMINING MOTOR CARRIER AND FREIGHT FORWARDER REPARATION

Notice of Proposed Rule Making

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 29th day of June 1967.

It appearing, that on December 14, 1965, the Commission in Ex Parte No. 249, In the Matter of Informal Procedure for Motor Carrier and Freight Forwarder Reparation, approved a procedure by which motor carriers and freight forwarders may be authorized to pay reparations to shippers in uncontested cases and by order dated June 3, 1966, denied petitions for reconsideration;

It further appearing, that on May 15, 1967, the U.S. District Court for the District of Columbia issued its opinion, and on June 5, 1967, entered its judgment in Civil Action No. 1911–66, National Motor Freight Traffic Association et al. v. United States et al., reversing the order of the Commission dated June 3, 1966, in the above-mentioned proceeding, whereupon the Commission discontinued that proceeding;

And it further appearing, that the principal ground for the Court's decision was that the said procedure was established without the prior institution of a rulemaking proceeding.

It is ordered, That a rulemaking proceeding be, and it is hereby, instituted under Part II and Part IV of the Interstate Commerce Act, particularly sections 204a and 406a (49 U.S.C. 304a and 1006a), and section 4 of the Administrative Procedure Act (5 U.S.C. 552) for the purpose of determining whether any, and if so what, procedure should be prescribed by which motor carriers and freight forwarders may be authorized informally to pay reparations to shippers in uncontested cases. The Commission is considering the prescription of the following procedure:

Motor carriers and freight forwarders who believe that the applicable charges on past shipment via their lines delivered on and after September 6, 1965, were unreasonable and are willing voluntarily to adjust those charges to a reasonable basis, may now by informal procedure apply to the Commission for authorization to pay reparation or to waive undercharges.

These requests may be in the form of a letter or petition and should be addressed to the Informal Cases Branch of the Bureau of Traffic. They should contain the following information as to each shipment:

(a) Dates of origin and delivery, and names of consignor and consignee.

(b) Points of origin and destination, routes, and participating carriers.

(c) Weights, commodity shipped, applicable rates and charges, sought rates and charges, with tariff authority by page and/or item number for each rate.

(d) Evidence and reasons why applicable rates and charges are believed to be unreasonable.

The request should name the proper party in interest on whose behalf adjustment is sought, and should bear the concurrences of that party as well as those of all participating carriers. The evidence to be submitted should include a statement as to when and how the alleged unreasonable rate situation was removed, together with an admission by the carriers that the legally applicable rates or rules were, under all the circumstances and conditions at time of movement, excessive and unreasonable.

It is further ordered, That any person desiring to become a party to this proceeding shall notify the Commission of that fact not later than 20 days from the date of publication of this order in the FEDERAL REGISTER. Thereafter, the Secretary of the Commission shall serve a service list upon all parties within 40 days from the date of this publication.

It is further ordered, That this proceeding be handled under modified procedure, the filing and serving of pleadings to be as follows: (a) Statements of facts, views, and arguments by any interested party as to the above described proposal or any other proposal which it is desired to advance on or before 60 days from the date of service of this order; and (b) 30 days thereafter, any reply statements thereto.

And it is further ordered, That a copy of this order be served on the Public Utility Commission or Boards, or similar regulatory bodies of each State having jurisdiction over transportation by motor common carrier and freight forwarder; that a copy be posted in the Office of the Secretary of the Interstate Commerce Commission for public inspection, and that a copy be delivered to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to all interested persons.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-8249; Filed, July 17, 1967; 8:48 a.m.]

Notices

DEPARTMENT OF STATE

Agency for International Development

[Delegation of Authority No. 100]

DIRECTOR OF THE REGIONAL USAID FOR AFRICA

Delegation of Authority With Respect to Cameroon, the Gambia, the Malagasy Republic, Mali, and Niger

1. Pursuant to the authority vested in the Assistant Administrator for Africa, I hereby redelegate to the Director of the Regional USAID for Africa the authority with respect to the administration of the foreign assistance program for Cameroon, the Gambia, the Malagasy Republic, Mali, and Niger which the Administrator's Delegation of Authority No. 45, dated June 27, 1964 (29 F.R. 9503), as amended, authorized the Assistant Administrator for Africa to redelegate to said Director.

2. This redelegation of authority shall be effective July 1, 1967.

Dated: July 3, 1967.

R. PETER STRAUS,
Assistant Administrator for Africa.

[F.R. Doc. 67-8224; Filed, July 17, 1967; 8:46 a.m.]

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

ORGANIZATIONAL STATEMENT

Pursuant to the requirements of section 3a of the Administrative Procedures Act, as amended (5 U.S.C. 552), there follows an organizational statement for the guidance of the public approved by the Assistant Secretary of Defense (Installations and Logistics):

ARMED SERVICES PROCUREMENT REGULATION COMMITTEE

I. *Establishment of Committee and its functions.* The Armed Services Procurement Regulation Committee shall submit recommendations to the Assistant Secretary of Defense (Installations and Logistics), through the Chairman, on the following:

A. New sections and paragraphs of the Armed Services Procurement Regulation.

B. Appropriate revisions to the Armed Services Procurement Regulation.

C. Other matters involving procurement as may be proposed for consideration by the Military Departments or the Defense Supply Agency through their respective members or by the Staff of the Assistant Secretary of Defense (Installations and Logistics) through the Chairman of the Committee.

II. *Membership—Office, Secretary of Defense.* The Assistant Secretary of Defense (Installations and Logistics) shall appoint two members of the Committee—one of whom he shall designate as Chairman of the Committee. In the absence of the Chairman, the other staff member shall act as Chairman.

Military Departments. The Assistant Secretary of each Military Department responsible for procurement shall appoint two members of the Committee, one a procurement policy representative and one a legal representative.

Defense Supply Agency. The Director of the Defense Supply Agency shall appoint two members of the Committee, one a procurement policy representative and one a legal representative.

Security Clearance of Members. Each Military Department and the Defense Supply Agency will certify in its letter appointing members that the appointees have security clearance for TOP SECRET information.

III. *Administration.* A. The Chairman of the Committee will establish the rules of procedure for the Committee and direct its program of work.

B. The Chairman of the Committee will insure that only matters falling within the scope of the functions of the Committee are presented to the Committee for consideration.

C. The Committee may establish subcommittees or working groups to aid the Committee in the performance of its work.

D. The Committee normally shall meet once a week and, when warranted, at more frequent intervals at the call of the Chairman.

E. The Executive Secretary of the Committee shall be designated by the Assistant Secretary of Defense (Installations and Logistics).

IV. *Approval of recommendations of Committee.* The following procedures will be applicable to the processing of the Committee's recommendations:

A. With respect to matters, other than major policy matters, as to which the members are in accord, action of the Committee shall be considered as having the final approval of the Military Departments and the Defense Supply Agency without further review by them, and, upon approval by the Assistant Secretary of Defense (Installations and Logistics), or his authorized representative, regulations or directives developed by the Committee will be published without further coordination.

B. With respect to matters involving major policy or where conflicts among the members cannot be resolved promptly by the Committee, the official Departmental or Agency positions will be presented to the Assistant Secretary of Defense (Installations and Logistics) for resolution in coordination with the Assistant Secretaries responsible for procurement and the Director, Defense Supply Agency. Following approval or resolution by the Assistant Secretary of Defense (Installations and Logistics), the regulation or directive will be published without further coordination.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[F.R. Doc. 67-8236; Filed, July 17, 1967; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ES 2954; Survey Groups 72 and 73]

MICHIGAN

Notice of Filing of Plats of Survey

JULY 12, 1967.

The plats of survey, accepted on May 12, 1967, of islands in two lakes in Michigan, omitted from the original survey, will be officially filed in this Office effective at 10 a.m., on August 14, 1967.

The lands included in these surveys are described as follows:

T. 4 S., R. 2 E., Michigan meridian, Michigan (Group 73—Jackson County),
Sec. 36, lot 7 (an island in Mud Lake).
Containing 1.55 acres.

T. 4 S., R. 6 W., Michigan meridian, Michigan (Group 72—Calhoun County),
Sec. 3, lots 1 and 2 (two islands in Nottawa Lake).
Containing an aggregate of 2.83 acres.

All available evidence indicates that these islands were in existence in 1837 when Michigan was admitted into the Union, and at all times since then. The islands are over 50 percent upland within the meaning of the Swamp Land Act of September 28, 1850.

Subject to valid existing rights, if any, these islands will be opened to petition-applications under the public land laws on the above date. All inquiries relating to these lands should be sent to the Manager, Eastern States Land Office, Bureau of Land Management, 7981 Eastern Avenue, Silver Spring, Md. 20910.

JOSIAH P. HAGAN,
Assistant Manager, Land Office.

[F.R. Doc. 67-8212; Filed, July 17, 1967; 8:45 a.m.]

[A 997]

ARIZONA

Notice of Proposed Withdrawal and Reservation of Lands

The Bureau of Reclamation, Department of the Interior, has filed an application, Serial No. A 997, for the withdrawal of the public lands and any patented lands that may become public in the future, as listed herein, from all forms of location, sale, or entry under the mineral and nonmineral public land laws, subject to valid existing rights. The public lands involved, concurrent with the proposed use of the applicant, will continue to be administered for multiple resource purposes to the best interest of the public.

The Bureau of Reclamation desires these lands to be used for right-of-way, material sites, and side drainage control for the proposed Granite Reef and Salt-Gila Aqueducts, Central Arizona Project.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their view in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 3022 Federal Building, Phoenix, Ariz. 85025.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in this application are:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 5 N., R. 1 E.,
Sec. 23, N½;
Sec. 24, NW¼;
Sec. 29, E½E½.

T. 5 N., R. 2 E.,
Sec. 33, N½ and NW¼SW¼;
Sec. 34, N½NW¼ and SW¼NW¼.

T. 4 N., R. 3 E.,
Sec. 22, W½SW¼NE¼ and W½SW¼NW¼NE¼.

T. 3 N., R. 6 E.,
Sec. 26, lots 7, 8, 11, and 12, NE¼SW¼ and S½SW¼.

T. 1 N., R. 7 E.,
Sec. 8, SW¼NE¼, NE¼NW¼, and NE¼SE¼.

T. 2 N., R. 7 E.,
Sec. 4, lot 10;
Sec. 5, lots 8 and 9.

T. 5 N., R. 1 W.,
Sec. 12, lot 4 and SW¼SE¼;
Sec. 13, lots 1, 2, and 3, W½NE¼, NW¼, N½SW¼, and NW¼SE¼;
Sec. 14, N½, N½S½, and SW¼SW¼;
Sec. 15, NE¼NE¼, S½NE¼, and S½;
Sec. 17, S½S½;
Sec. 19, lots 2, 3, and 4, SE¼NW¼, E½SW¼, and SE¼;
Sec. 20, N½ and N½SW¼;
Sec. 21, N½;
Sec. 22, NE¼NE¼ and SW¼NW¼.

T. 4 N., R. 4 W.,
Sec. 8, SW¼;
Sec. 14, E½NE¼, NE¼SW¼, S½SW¼, and SE¼;
Sec. 17;
Sec. 18, W½E½;
Sec. 19, E½;
Sec. 20;
Sec. 21, NE¼NE¼, S½N½, and S½;
Sec. 22, N½NE¼, SW¼NE¼, and NW¼;
Sec. 24, NW¼NW¼;
Sec. 28, S½NE¼;
Sec. 30, lots 3 and 4, SE¼NW¼, E½SW¼, and E½.

T. 3 N., R. 5 W.,
Sec. 5, SW¼SW¼;
Sec. 6, lots 2, 3, 4, and 5, SW¼NE¼, SE¼NW¼, N½SE¼, and SE¼SE¼;
Sec. 7, NE¼NE¼;
Sec. 8, SW¼NE¼, N½NW¼, SE¼NW¼, NE¼SW¼, and SE¼;
Sec. 9, NW¼SW¼ and S½SW¼;
Sec. 16, W½.

T. 3 N., R. 6 W.,
Sec. 14, SE¼;
Sec. 15, S½N½;
Sec. 15, SE¼SW¼.

T. 3 N., R. 7 W.,
Sec. 23, S½SW¼;
Sec. 24, NE¼NE¼, S½NE¼, and SE¼NW¼;
Sec. 27, N½SE¼ and SW¼SE¼;
Sec. 28, S½NE¼ and SW¼;
Sec. 29, NE¼SE¼ and S½S½;
Sec. 31, lot 2 and NE¼ and E½NW¼.

T. 2 N., R. 8 W.,
Sec. 2, lots 1 and 2 and S½N½ and S½;
Sec. 10, NE¼SW¼ and N½SE¼.

T. 3 N., R. 8 W.,
Sec. 26, S½;
Sec. 31, NE¼;
Sec. 32, NE¼;
Sec. 33, N½NE¼ and NW¼;
Sec. 34, SE¼SW¼, NE¼SE¼, and S½SE¼.

T. 3 N., R. 9 W.,
Sec. 22, S½NW¼;
Sec. 30, NE¼NW¼.

T. 3 N., R. 10 W.,
Sec. 24, S½NE¼ and SE¼.

T. 3 N., R. 12 W.,
Sec. 27, SW¼.

T. 3 N., R. 13 W.,
Sec. 7, lots 3 and 4;
Sec. 8, SE¼SE¼;
Sec. 9, S½SW¼ and SW¼SE¼.

T. 4 N., R. 13 W.,
Sec. 31, N½, unsurveyed.

T. 3 N., R. 14 W.,
Sec. 18, NE¼NW¼.

T. 4 N., R. 14 W.,
Sec. 2, lots 1 and 2, S½NE¼, and S½;
Sec. 8, SW¼NW¼ and SW¼SE¼;
Sec. 18, N½NE¼ and SE¼NE¼;
Sec. 21, NE¼;
Sec. 35, NW¼SW¼, S½SW¼, and SE¼;
Sec. 36, N½.

T. 5 N., R. 14 W.,
Sec. 17, lots 1 and 2, W½NE¼, NW¼, and S½;
Sec. 19, lots 1 and 2, E½W½, and E½;
Sec. 20;
Sec. 30, lots 3 and 4, NE¼, and E½W½;
Sec. 31, lots 1, 2, 3, and 4, and E½W½;
Sec. 33, SW¼SW¼.

T. 6 N., R. 14 W.,
Sec. 18, NW¼, N½SW¼, SE¼SW¼, and W½E½, unsurveyed.

T. 5 N., R. 15 W.,
Sec. 2, lots 3 and 4, S½NW¼, N½SW¼, and SE¼SW¼;
Sec. 10, E½NW¼ and NE¼SW¼;
Sec. 11, SW¼NW¼;
Sec. 15, NE¼SE¼;
Sec. 23, E½NW¼ and E½;
Sec. 25, NW¼NE¼, S½NE¼, NW¼, and S½;
Sec. 26, E½NE¼;
Sec. 35, NE¼, NE¼NW¼, and NE¼SE¼.

T. 6 N., R. 15 W.,
Sec. 8, E½E½;
Sec. 9, W½;
Sec. 13, N½, SW¼, N½SE¼, and SW¼SE¼;
Sec. 14, SE¼;
Sec. 16, W½;
Sec. 17, E½E½;
Sec. 20, NE¼NE¼;
Sec. 21, W½;
Sec. 28, N½NE¼;
Sec. 24, N½NW¼;
Sec. 27, SW¼NW¼;
Sec. 29, N½NW¼, SE¼NW¼, NE¼SW¼, and E½;
Sec. 33, NW¼NE¼ and E½E½;
Sec. 34, W½SE¼.

T. 7 N., R. 15 W.,
Sec. 27, SW¼NW¼ and W½SW¼;
Sec. 28, N½SW¼, SE¼SW¼, and SE¼;
Sec. 29, N½S½ and SW¼SW¼;
Sec. 30, lots 1, 2, and 3, NW¼NE¼, S½NE¼, E½W½, and SE¼.

T. 7 N., R. 16 W.,
Sec. 10, SW¼SE¼;
Sec. 15, N½, NE¼SW¼, N½SE¼, and SE¼SE¼;
Sec. 16, NE¼NE¼;
Sec. 22, NE¼NE¼;
Sec. 23, NW¼ and NE¼SW¼.

T. 8 N., R. 16 W.,
Sec. 6, SW¼SW¼, unsurveyed.

T. 9 N., R. 17 W.,
Sec. 10, SW¼NW¼, unsurveyed.

T. 10 N., R. 17 W.,
Sec. 6, lots 3, 4, 5, 6, and 7, SW¼NE¼, SE¼NW¼, E½SW¼, NW¼SE¼, and S½SE¼;
Sec. 7, lot 1, E½W½, and E½;
Sec. 15, S½;
Sec. 18, E½W½ and E½;
Sec. 21, E½;
Sec. 22;
Sec. 28, E½;
Sec. 30, E½W½ and E½;
Sec. 31, N½NE¼ and SE¼NE¼.

T. 9 N., R. 18 W.,
Sec. 17, W½, unsurveyed.

T. 10 N., R. 18 W.,
Sec. 1, lots 1 and 2, SE¼NE¼ and NE¼SE¼.

T. 11 N., R. 18 W.,
Sec. 23, SE¼;
Sec. 24, SW¼NW¼, NW¼SW¼, and S½SW¼;
Sec. 26, S½.

T. 2 S., R. 8 E.,
Sec. 15, E½NW¼ and E½.

T. 4 S., R. 10 E.,
Sec. 8, SE¼SE¼;
Sec. 9, S½SW¼ and SW¼SE¼;
Sec. 17, W½NE¼ and NW¼;
Sec. 18, lots 2, 3, and 4, NE¼NE¼, S½NE¼, SE¼NW¼, E½SW¼, and NW¼SE¼.

T. 4 S., R. 11 E.,
Sec. 7, lots 1 and 2.

T. 5 S., R. 10 E.,
Sec. 6, lots 1 and 2, and S½NE¼.

T. 6 S., R. 10 E.,
Sec. 30, lots 3 and 4, SE¼SW¼, and SW¼SE¼.

T. 7 S., R. 10 E.,
Sec. 5, lots 1, 2, 3, and 4, S½N½, NE¼SW¼, and SE¼;
Sec. 6, lot 1;
Sec. 8, E½E½.

T. 8 S., R. 10 E.,
Sec. 27, SE¼SW¼, NW¼SE¼, and S½SE¼;
Sec. 34, E½NE¼NW¼.

The areas described aggregate approximately 12,856.45 acres in Maricopa County; 16,826.18 acres in Yuma County; and 2,404.66 acres in Pinal County for a total aggregate of approximately 32,087.29 acres.

Dated: July 11, 1967.

GLENDON E. COLLINS,
Acting State Director.

[F.R. Doc. 67-8213; Filed, July 17, 1967; 8:45 a.m.]

National Park Service

[Order No. 1]

ADMINISTRATIVE ASSISTANT

Delegation of Authority Regarding Purchasing

SECTION 1. *Administrative Assistant.* The Administrative Assistant may issue purchase orders not in excess of $1,500 for supplies and equipment in conformity with applicable regulations and statutory authority and subject to availability of allotted funds.

(National Park Service Order No. 34 (31 F.R. 4255); 39 Stat. 535; 16 U.S.C., Sec. 3. Midwest Region Order No. 4 (31 F.R. 5769))

Dated: June 26, 1967.

ELBERT W. SMITH,
Superintendent,
Fort Larned National Historic Site.

[F.R. Doc. 67-8214; Filed, July 17, 1967; 8:45 a.m.]

[Order No. 4, Amdt. 1]

FORESTRY TECHNICIAN, WESTERN TREE PRESERVATION CREW

Delegation of Authority

Southwest Region Order No. 4 (dated Apr. 18, 1966) is amended by addition of section 7 below to grant authority to the Forestry Technician, Western Tree Preservation Crew, to execute and approve contracts for supplies, equipment or services.

SEC. 7. The Forestry Technician, Western Tree Preservation Crew, may execute and approve contracts not in excess of $200 for supplies, equipment or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations.

Sections previously 7, 8, and 9 are renumbered 8, 9, and 10.

(National Park Service Order No. 34 (31 F.R. 4255); 39 Stat. 535, 16 U.S.C. sec. 3. Southwest Region Order No. 4 (31 F.R. 8134, June 9, 1966))

Dated: June 26, 1967.

DANIEL B. BEARD,
Regional Director,
Southwest Region.

[F.R. Doc. 67-8215; Filed, July 17, 1967; 8:45 a.m.]

[Order No. 2]

ADMINISTRATIVE OFFICER; CASTILLO DE SAN MARCOS ET AL.

Delegation of Authority Regarding Execution of Contracts for Supplies, Equipment, or Services

1. Administrative Officer, Castillo de San Marcos. The Administrative Officer may issue purchase orders not in excess of $2,500 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations.

2. Management Assistant, Fort Caroline National Memorial. The Management Assistant may issue purchase orders not in excess of $500 for supplies, equipment and services in conformity with applicable regulations and statutory authority and subject to availability of allotted funds.

3. Supervisory Historians, Castillo de San Marcos. The Supervisory Historians may issue purchase orders not in excess of $300 for supplies, equipment and services in conformity with applicable regulations and statutory authority and subject to availability of allotted funds.

4. Revocation. This order supersedes Order No. 1 issued September 18, 1964.

(National Park Service Order No. 34 (31 F.R. 4255), as amended; 39 Stat. 535, 16 U.S.C. Sec. 3; Southeast Region Order No. 4 (31 F.R. 3135))

Date: June 5, 1967.

L. T. DAVENPORT,
Superintendent.

[F.R. Doc. 67-8216; Filed, July 17, 1967; 8:45 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ACTING ASSISTANT REGIONAL ADMINISTRATOR FOR RENEWAL ASSISTANCE, REGION IV (CHICAGO)

Designation

The officers appointed to the following listed positions in Region IV (Chicago) are hereby designated to serve as Acting Assistant Regional Administrator for Renewal Assistance, Region IV, during the absence of the Assistant Regional Administrator for Renewal Assistance, with all the powers, functions, and duties redelegated or assigned to the Assistant Regional Administrator for Renewal Assistance, provided that no officer is authorized to serve as Acting Assistant Regional Administrator for Renewal Assistance unless all other officers whose titles precede his in this designation are unable to act by reason of absence:

1. Deputy Assistant Regional Administrator for Renewal Assistance.

2. Director, Field Service Division, Renewal Assistance Office.

3. Chief, Rehabilitation Loan and Grant Branch, Renewal Assistance Office.

The designation effective May 19, 1964 (29 F.R. 6510, May 19, 1964), is hereby revoked.

(Delegation May 4, 1962, 27 F.R. 4319; Dept. Interim Order II, 31 F.R. 815, Jan. 21, 1966)

Effective as of the 14th day of June 1967.

JOHN P. MCCOLLUM,
Regional Administrator, Region IV.

[F.R. Doc. 67-8234; Filed, July 17, 1967; 8:47 a.m.]

ACTING ASSISTANT REGIONAL ADMINISTRATOR FOR HOUSING ASSISTANCE, REGION I (NEW YORK)

Designation

The officers appointed to the following listed positions in Region I (New York) are hereby designated to serve as Acting Assistant Regional Administrator for Housing Assistance, Region I, during the absence of the Assistant Regional Administrator for Housing Assistance, with all the powers, functions, and duties redelegated or assigned to the Assistant Regional Administrator for Housing Assistance, provided that no officer is authorized to serve as Acting Assistant Regional Administrator for Housing Assistance unless all other officers whose titles precede his in this designation are unable to act by reason of absence:

1. Deputy Assistant Regional Administrator for Housing Assistance.

2. Director, Housing Management Division.

3. Director, Housing Development Division.

(Delegation May 4, 1962, 27 F.R. 4319; Dept. Interim Order II, 31 F.R. 815, Jan. 21, 1966)

Effective date. This designation shall be effective as of March 26, 1967.

ANNE M. ROBERTS,
Acting Regional Administrator,
Region I.

[F.R. Doc. 67-8238; Filed, July 17, 1967; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

UNITED STATES LINES, INC.

Notice of Application for Approval of a Cruise

Notice is hereby given that United States Lines, Inc., acting pursuant to Public Law 87-45, has applied to the Maritime Administration for approval of the following cruise by the "SS United States":

Departs New York: December 22, 1967; *arrives New York:* January 2, 1968; *itinerary:* Nassau, Curacao, Curacao, St. Thomas.

Any person, firm or corporation having any interest, within the meaning of Public Law 87-45, in the foregoing who desires to offer data, views, and arguments should submit the same in writing, in triplicate, to the Secretary, Maritime Subsidy Board, Washington, D.C. 20235, by the close of business on July 28, 1967. In the event an opportunity to present oral argument is also desired, specific reason for such request should also be included. The Maritime Subsidy Board will consider these comments and views

and take such action with respect thereto as in its discretion it deems warranted.

Dated: July 13, 1967.

By order of the Maritime Subsidy Board.

JOHN M. O'CONNELL,
Assistant Secretary.

[F.R. Doc. 67-8237; Filed, July 17, 1967; 8:47 a.m.]

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

NOTICE OF DELEGATION OF AUTHORITY AND ALLOCATIONS AND PRIORITIES FOR TRANSPORTATION DURING CURRENT RAIL STRIKE

Notice is hereby given that the Secretary of Transportation, in carrying out the directions of the President in Executive Order 11362 of July 16, 1967, dealing with the transportation emergency created by the current rail strike, has made certain requests of, and delegation of authority to, the Secretary of Commerce, the Chairman of the Interstate Commerce Commission, and the Chairman of the Civil Aeronautics Board. The requests and delegations are set forth below.

This notice is issued under the authority of section 101(a) of the Defense Production Act of 1950, as amended (50 U.S.C. App. 2071(a)); Executive Order 10480; Executive Order 11362; and section 4(a) of the Department of Transportation Act (80 Stat. 933).

Issued in Washington, D.C., July 17, 1967.

ALAN S. BOYD,
Secretary of Transportation.

THE SECRETARY OF TRANSPORTATION
WASHINGTON, D.C. 20590,
July 16, 1967.

Hon. WILLIAM H. TUCKER,
Chairman,
Interstate Commerce Commission,
Washington, D.C. 20423.

DEAR MR. CHAIRMAN: I enclose a copy of Executive Order 11362, signed today by the President to deal with the transportation emergency created by the current rail strike. Pursuant to section 2 of the order, the Commissioner of the Interstate Commerce Commission referred to in section 201(a)(3) of Executive Order 10480 is expected to carry out the functions delegated and to implement the priorities established pursuant to section 3 of Executive Order 11362.

This Department and the Office of Emergency Planning have established a list of categories of materials and passengers to be accorded priority movement on the operating transportation facilities within your jurisdiction. This list has been prepared with the concurrence of the Department of Defense and the other interested Executive Departments. I request that you take the necessary steps to assure the prompt and efficient movement of these priority categories.

Materials and passengers not included in the enclosed list may be moved on a space-available basis after all priority items have been accommodated; however, nonpriority materials and passengers once loaded should not be displaced by priority movements, nor should allowable nonpriority baggage accompanying passengers be displaced by priority cargo.

I have designated A. Scheffer Lang, the Federal Railroad Administrator, to coordinate this Department's efforts during the present emergency. I request that you report to Mr. Lang your activities pursuant to Executive Order 11362, as well as such information as he may require to carry out the functions of this Department pursuant to that order.

I assure you that this Department will support your efforts in this emergency and will work with and assist you to the fullest extent of our abilities.

Sincerely,

ALAN S. BOYD.

TRANSPORTATION PRIORITY LIST

During the first few days of a rail strike there should be only a few essential categories of items designated to receive transportation priority. The necessity for moving defense items is generally recognized, along with perishable foods such as fresh meats, poultry, eggs, milk, fresh fruits and vegetables, and fresh fish. Included in this general category also is the need for moving all items essential to the public health, including medical supplies and chemicals essential to water and sewage processing.

The priority list includes:

1. All material moving on Government bills of lading issued by military transportation officers;
2. Material moving on commercial bills of lading specifically certified as essential by defense contract administrators;
3. Essential Government personnel travel including military passengers traveling on Government travel requests;
4. Essential U.S. mail;
5. Fresh meats and poultry;
6. Fresh eggs and milk;
7. Fresh fruits and vegetables;
8. Fresh fish and shellfish;
9. Pharmaceuticals, biologicals, surgical textiles and instruments;
10. Hospital and sickroom supplies and equipment, including diagnostic devices and essential support utilities;
11. Professional dental supplies and equipment;
12. Medical laboratory supplies and equipment;
13. Water and sewage processing and handling supplies and equipment, including chlorine, alum, lime, sulphate of iron, soda ash, and similar chemicals and equipment essential to the continuity of operation of water and sewage installations.

THE SECRETARY OF TRANSPORTATION
WASHINGTON, D.C. 20590,
July 16, 1967.

Hon. CHARLES S. MURPHY, *Chairman,*
Civil Aeronautics Board,
Washington, D.C. 20428

DEAR MR. CHAIRMAN: In view of the current railroad strike, the President has today issued Executive Order 11362, a copy of which is enclosed. Pursuant to this order and further pursuant to section 201(a)(4) of Executive Order 10480, as modified by the assignment of responsibility to this Department under section 4(a) of the Department of Transportation Act of 1966 and the transfer of functions to this Department pursuant to that Act, the Chairman of the Civil Aeronautics Board is hereby delegated authority for the effective duration of Executive Order 11362 to exercise the allocation and priorities powers of the Defense Production Act of 1950, as amended, vested in the Secretary of transportation with respect to air transport.

This Department and the Office of Emergency Planning have established a list of categories of materials and passengers to be accorded priority movement on the operating transportation facilities within your jurisdiction. This list has been prepared with the concurrence of the Department of Defense and the other interested Executive Departments. Pursuant to section 8 of Executive Order 11362, enclosed, I request that you take the necessary steps to assure the prompt and efficient movement of these priority categories.

Materials and passengers not included in the enclosed list may be moved on a space-available basis after all priority items have been accommodated; however, nonpriority materials and passengers once loaded should not be displaced by priority movements, nor should allowable nonpriority baggage accompanying passengers be displaced by priority cargo.

I have designated A. Scheffer Lang, the Federal Railroad Administrator, to coordinate this Department's efforts during the present emergency. I request that you report to Mr. Lang your activities pursuant to Executive Order 11362, as well as such information as he may require to carry out the functions of this Department pursuant to that order.

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7. Fresh fruits and vegetables;
8. Fresh fish and shellfish;
9. Pharmaceuticals, biologicals, surgical textiles and instruments;
10. Hospital and sickroom supplies and equipment, including diagnostic devices and essential support utilities;
11. Professional dental supplies and equipment;
12. Medical laboratory supplies and equipment;
13. Water and sewage processing and handling supplies and equipment, including chlorine, alum, lime, sulphate of iron, soda ash, and similar chemicals and equipment essential to the continuity of operation of water and sewage installations.

THE SECRETARY OF TRANSPORTATION
WASHINGTON, D.C. 20590,
July 16, 1967.

Hon. ALEXANDER B. TROWBRIDGE,
Secretary of Commerce,
Washington, D.C. 20230.

DEAR MR. SECRETARY: I enclose a copy of Executive Order 11362, signed today by the

President to deal with the transportation emergency created by the current rail strike. Pursuant to section 2 of the order and section 201(a)(4) of Executive Order 10480, the Secretary of Commerce is expected to carry out the functions delegated with respect to maritime transportation and to implement the priorities established pursuant to section 3 of Executive Order 11362.

This Department and the Office of Emergency Planning have established a list of categories of materials and passengers to be accorded priority movement on the operating transportation facilities within your jurisdiction. This list has been prepared with the concurrence of the Department of Defense and the other interested Executive Departments. I request that you take the necessary steps to assure the prompt and efficient movement of these priority categories.

Materials and passengers not included in the enclosed list may be moved on a space-available basis after all priority items have been accommodated; however, nonpriority materials and passengers once loaded should not be displaced by priority movements, nor should allowable nonpriority baggage accompanying passengers be displaced by priority cargo.

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I assure you that this Department will support your efforts in this emergency and will work with and assist you to the fullest extent of our abilities.

Sincerely,

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1. All material moving on Government bills of lading issued by military transportation officers;
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8. Fresh fish and shellfish;
9. Pharmaceuticals, biologicals, surgical textiles and instruments;
10. Hospital and sickroom supplies and equipment, including diagnostic devices and essential support utilities;
11. Professional dental supplies and equipment;
12. Medical laboratory supplies and equipment;
13. Water and sewage processing and handling supplies and equipment, including chlorine, alum, lime, sulphate of iron, soda ash, and similar chemicals and equipment essential to the continuity of operation of water and sewage installations.

[F.R. Doc. 67-8284; Filed, July 17, 1967; 11:58 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 17407, 17408; FCC 67M-1146]

ALJIR BROADCASTING CO., INC., AND SOUTH KANE-KENDALL BROADCASTING CORP.

Order Continuing Hearing

In re applications of Aljir Broadcasting Co., Inc., Aurora, Ill., Docket No. 17407, File No. BPCT-3818; South Kane-Kendall Broadcasting Corp., Aurora, Ill., Docket No. 17408, File No. BPCT-3896; for construction permit for new television broadcast station (Channel 60).

The Hearing Examiner having under consideration a letter dated July 6, 1967, from counsel for Aljir Broadcasting Co., Inc., expressing the mutual agreement of all counsel for a postponement of the hearing date because of schedule conflicts;

It is ordered, That the hearing date of July 11, 1967, is changed to August 10, 1967.

Issued: July 10, 1967.

Released: July 12, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-8283; Filed, July 17, 1967; 8:48 a.m.]

[Docket Nos. 16706-16708; FCC 67M-1150]

ATLANTIC BROADCASTING CO. (WUST) ET AL.

Order Rescheduling Prehearing Conference

In re applications of Atlantic Broadcasting Co. (WUST), Bethesda, Md., Docket No. 16706, File No. BP-14357; for construction permit; Atlantic Broadcasting Co. (WUST), Bethesda, Md., Docket No. 16707, File No. BR-1513; for renewal of license; Bethesda-Chevy Chase Broadcasters, Inc., Bethesda, Md., Docket No. 16708, File No. BP-16319; for construction permit.

It is ordered, That the further prehearing conference in the above-entitled proceeding scheduled for Monday, July 31, is hereby rescheduled and will convene instead at 9:30 a.m., on Friday, July 28, 1967, at the Commission's offices, Washington, D.C.

Issued: July 11, 1967.

Released: July 13, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-8254; Filed, July 17, 1967; 8:49 a.m.]

[Docket Nos. 17302, 17303; FCC 67M-1127]

BELL TELEPHONE COMPANY OF PENNSYLVANIA AND CONESTOGA TELEPHONE AND TELEGRAPH CO.

Order Rescheduling Hearing

In re applications of The Bell Telephone Co. of Pennsylvania, Docket No. 17302, File No. 1688-C2-P-66; for a construction permit to modify the facilities of Station KGA585 in the Domestic Public Land Mobile Radio Service at Philadelphia, Pa.; The Conestoga Telephone and Telegraph Co., Docket No. 17303, File No. 679-C2-P-66; for a construction permit to establish new facilities in the Domestic Public Land Mobile Radio Service near Boyertown, Pa.

The Hearing Examiner is in receipt of a communication from counsel for The Conestoga Telephone and Telegraph Co. requesting that the comparative hearing now scheduled for July 10, 1967, be continued;

It appearing, that the applicants herein are in the process of entering into an agreement which counsel state would eliminate the need for a comparative hearing;

It further appearing, that counsel for The Bell Telephone Co., as well as the Commission's Common Carrier Bureau, have no objection to the instant request;

Accordingly, it is ordered, That the request is granted, and the hearing now scheduled for July 10 be and the same is hereby rescheduled for September 12, 1967, 10 a.m., in the Commission's offices, Washington, D.C.

Issued: July 6, 1967.

Released: July 12, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-8255; Filed, July 17, 1967; 8:49 a.m.]

[Docket No. 17378; FCC 67M-1135]

CABLE VISION, INC.

Order Continuing Hearing

In re petition by Cable Vision, Inc., Lewiston and Auburn, Maine, Docket No. 17378, File No. CATV 100-20; for authority pursuant to § 74.1107 of the rules to operate CATV systems in the Portland-Poland Spring Television Market.

On the Examiner's own motion hearing now scheduled for July 24, 1967, is continued to a date to be determined at a prehearing conference to be held at 9 a.m., July 20, 1967.

So ordered.

Issued: July 10, 1967.

Released: July 12, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-8256; Filed, July 17, 1967; 8:49 a.m.]

[Docket No. 16980; FCC 67M-1110]

MADISON COUNTY BROADCASTING CO., INC. (WRTH)

Order Continuing Further Prehearing Conference

In re application of Madison County Broadcasting Co., Inc. (WRTH), Wood River, Ill., Docket No. 16980, File No. BP-16612; for construction permit.

The Hearing Examiner having under consideration a petition for continuance of prehearing conference filed on July 3, 1967;

It appearing, that no purpose would be served by holding a further conference on July 5 as now scheduled inasmuch as certain pleadings now pending before the Commission have not received final action;

It is ordered, That the aforesaid petition for continuance is granted and the date for further prehearing conference is continued from July 5 to September 6, 1967 at 9:30 a.m.

Issued: July 3, 1967.

Released: July 12, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-8257; Filed, July 17, 1967; 8:49 a.m.]

[Docket Nos. 17521, 17522; FCC 67-702]

MESA MICROWAVE, INC., AND VUMORE CO.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re application of Mesa Microwave, Inc., Docket No. 17521, File No. 1833-C1-R-66; for renewal of license of station KLH82, Muenster, Tex.; Vumore Co., Docket No. 17522, File No. 22628-IB-25X; for construction permit for a new microwave point-to-point radio station to provide service to applicant's CATV system at Ardmore, Okla.

1. Mesa Microwave, Inc., seeks renewal of its license for Station KLH82, Muenster, Tex., in the Domestic Public Point-to-Point Microwave Radio Service providing service to its CATV customer, Vumore Co., in Ardmore, Okla. Vumore is a company affiliated with Mesa Microwave. Vumore has filed an application in the Business Radio Service for a construction permit for a new microwave point-to-point radio station to relay the signal of Station KWTV, Oklahoma City, Okla., to its CATV system at Ardmore. In connection with the above-captioned applications we are faced with the question of whether the Vumore CATV system is obligated to afford carriage and program exclusivity to Station KTEN (ABC, NBC, CBS), Ada, Okla., and program exclusivity to Station KXII (NBC, CBS), Ardmore, Okla. and Sherman-Denison, Tex. Ardmore lies within the predicted Grade B contours of KXII and KTEN. Vumore operates a 5-channel CATV system at Ardmore carrying the signals of Stations KWTV (CBS), Oklahoma City, Okla.; KTVT (Indep.), Fort Worth, Tex.; KFDX-TV (NBC), Wichita Falls, Tex.; WFAA-TV (ABC), Dallas-Fort Worth, Tex.; KXII; and KTEN. Stations KTVT and WFAA-TV are brought in by common carrier microwave relay; the other stations are received off-the-air.

2. The previous renewal of Mesa Microwave's license to provide microwave service to Ardmore was conditioned subject to compliance with the carriage and program exclusivity requirements of the rules with respect to KXII and KTEN (FCC 65-967, released Oct. 29, 1965). By memorandum opinion and order, FCC 65-1090, 1 FCC 2d 1601, the Commission denied a Petition for Reconsideration filed by Mesa Microwave in which it sought to have these conditions removed. The Commission ruled with respect to KTEN that no reliance could be placed on Mesa Microwave's measurement data which purported to show that KTEN does not place a measured (as opposed to predicted) Grade B signal over Ardmore. However, as to KXII the Commission stated that independent information available to the Commission raised a factual question as to the quality and reliability of the KXII signal and deferred action on this portion of the petition pending submission of further factual data by the parties.

3. The supplementary information requested by the Commission relating to the KXII signal has been filed by Mesa Microwave and Texoma Broadcasters, Inc., licensee of KXII. Mesa submitted an engineering survey which purports to show that the picture quality of the KXII signal at Ardmore is inferior. KXII states, as before, that Mesa Microwave's measurement data is unreliable and that its signal is being degraded by the Vumore CATV system. As to KTEN, Mesa Microwave has filed in connection with its present renewal application a "Petition for Declaratory Ruling" which contains new measurement data alleging that KTEN does not provide Grade B service to Ardmore. KTEN opposes Mesa Microwave's engineering showing and contends that no reliance should be placed on this measurement data.

4. We have examined the data submitted by the parties and are unable on the basis of this material to make final determinations regarding either the strength of the KTEN signal in Ardmore or the quality and reliability of the KXII signal. Furthermore, independent information available to the Commission raises factual questions as to the strength and quality of these signals on the Vumore CATV system. We will therefore designate these applications for hearing on appropriate issues to resolve these disputed matters so that we may properly determine whether Vumore is required to comply with the carriage and program exclusivity requirements of §§ 21.712 and 91.559 of the rules as to these stations.

5. Since first licensed to Mesa Microwave on January 22, 1960, Station KLH82 has rendered services to a single affiliated CATV system. We have granted previous renewals of the license for Station KLH82 even though compliance with former § 21.709(a) of our rules had not been demonstrated.[1] In filing the instant renewal application, Mesa requested, if necessary, waiver of § 21.709 which provides for only short term renewal (in order to preserve the opportunity to transfer to the Community Antenna Relay Service) for microwave systems unable to comply with the 50 percent tests specified in § 21.709(a) of the Commission's rules for full term renewal. It appears that such waiver would be necessary for a full term renewal. However, on the basis of the record before us, we are not persuaded that grant of such waiver has been justified. Accordingly, an appropriate issue will be included in this hearing to determine whether grant of such waiver would serve the public interest.

6. We find that except for the issues herein designated, Mesa Microwave, Inc., and Vumore Co., as microwave applicants or licensees, are legally, technically, financially, and otherwise qualified to render the services they have proposed.

Accordingly, it is ordered, Pursuant to section 309 of the Communications Act, §§ 21.712, 74.1103, and 91.559 of the Commission's rules, that the above-captioned applications are designated for hearing in a consolidated proceeding to the extent reflected in the following issues:

(1) To determine whether Station KTEN, Ada, Okla., provides a signal to Ardmore, Okla., or any part thereof, which meets Grade B field strength requirements.

(2) To determine the quality and reliability of the off-the-air signal of Station KXII.

(3) To determine whether the signal of Station KXII is materially degraded and, if so, the source of the degradation.

(4) To determine whether, in view of the findings adduced under issues 1-3, the Vumore CATV system should be required to afford carriage and program exclusivity, as provided by §§ 21.712, 74.1103, and 91.559 of the rules, to Station KTEN and program exclusivity to KXII.

(5) To determine whether the services rendered by Station KLH82 comply with the requirements of § 21.709 (a) of the Commission's rules, and, if not, whether waiver of the requirements of § 21.709 would serve the public interest.

(6) To determine, in the light of the evidence adduced on the foregoing is-

[1] On Oct. 30, 1961, we granted a 2-year renewal because the facilities had only been in operation for a little over 1 year which did not appear to afford sufficient time in which to effect compliance with our rule requiring service to independent subscribers. A second renewal was granted on Oct. 27, 1965, by our order (FCC 65-967) until Feb. 1, 1966, without determining compliance with former § 21.709(a) in order to preserve the opportunity for election under § 21.709, as amended.

sues, whether grant of either or both of the subject applications would serve the public interest, convenience, or necessity. Eastern Oklahoma Television Co., Inc., licensee of Station KTEN, and Texoma Broadcasters, Inc., licensee of Station KXII, are made parties to this proceeding and to participate must comply with the applicable provisions of § 1.221 of the Commission's rules. Mesa Microwave, Inc., will have the burden of proof with respect to issues 1, 3, 4, and 5; Texoma has the burden with respect to issue 2. A time and place for the hearing will be specified in another order.

It is further ordered, That the "Petition for Declaratory Ruling" filed by Mesa Microwave, Inc., on February 28, 1966, is denied.

It is further ordered, That the "Petition to Deny", filed by Eastern Oklahoma Television Co., Inc., licensee of Station KTEN, Ada, Okla., on March 16, 1965, is granted to the extent indicated above, but is otherwise denied.

It is further ordered, That the "Petition to Deny or to Condition Grant", filed by Texoma Broadcasters, Inc., licensee of Station KXII, Ardmore, Okla., on July 7, 1965, is granted to the extent indicated above, but is otherwise denied.

It is further ordered, That the "Petition for Immediate Grant", filed by Vumore Co. on April 15, 1966, is denied.

Adopted: June 14, 1967.

Released: July 12, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-8258; Filed, July 17, 1967; 8:49 a.m.]

[Docket No. 17559; FCC 67M-1126]

NORTH SHORE BROADCASTING CORP. (WESX)

Order Scheduling Hearing

In re application of North Shore Broadcasting Corp., (WESX), Salem, Mass., Docket No. 17559, File No. BP-16938; for construction permit.

It is ordered, That Basil P. Cooper shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on September 13, 1967, at 10 a.m.; and that a prehearing conference shall be held on July 18, 1967, commencing at 9 a.m. *And, it is further ordered*, That all proceedings shall take place in the offices of the Commission, Washington, D.C.

Issued: June 30, 1967.

Released: July 13, 1967.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-8259; Filed, July 17, 1967; 8:49 a.m.]

[1] The statements in which Commissioner Bartley dissents and in which Commissioner Cox concurs in part and dissents in part filed as part of the original document; Commissioner Loevinger concurs in the result; Commissioner Wadsworth absent.

[Docket No. 17569; FCC 67-782]

PEAK AIR CONDITIONER CO.

Order Designating Application for Hearing on Stated Issues

In the matter of Peak Air Conditioner Co., Chicago, Ill., Docket No. 17569; application for authorization in the citizens radio service.

The Commission had under consideration the above-entitled application for a Class D radio station license in the Citizens Radio Service. The applicant is a business partnership composed of Norbert Siegler, Lynn Siegler, and Gerold Siegler.

There are substantial questions as to:

(a) Whether Norbert Siegler or Lynn Siegler operated a radio transmitter, in violation of section 301 of the Communications Act of 1934, as amended;

(b) Whether Norbert Siegler, while operating a radio transmitter on Citizens Radio Services frequencies, engaged in conduct prohibited by the Commission's rules governing that service; and

(c) Whether Norbert Siegler made false statements to Commission personnel inspecting a radio station located on his premises.

In view of these questions, the Commission is unable to find that a grant of the captioned application would serve the public interest, convenience and necessity and must, therefore, designate the application for hearing. Except for the issues specified herein, the applicant is otherwise qualified to hold a Citizens Radio Service license.

Accordingly, it is ordered, Pursuant to section 309(e) of the Communications Act of 1934, as amended, and § 1.973(b) of the Commission's rules, that the captioned application is designated for hearing at a time and place to be specified by subsequent order upon the following issues:

(1) To determine whether Norbert Siegler or Lynn Siegler operated radio apparatus in violation of section 301 of the Communications Act of 1934, as amended.

(2) To determine whether Norbert Siegler, while operating such radio apparatus on Citizens Radio Service frequencies, engaged in conduct which, had he been licensed, would have been prohibited by §§ 95.95(c), 95.83(b), and 95.43 of the Commission's rules.

(3) To determine whether Norbert Siegler made a false representation to Commission personnel inspecting the radio station located on his premises.

(4) To determine whether, since Norbert and Lynn Siegler are principals in the applicant partnership, and in light of the evidence adduced with respect to the foregoing issues, the applicant possesses the requisite qualifications to be a licensee of the Commission.

(5) To determine whether, in light of the evidence adduced with respect to the foregoing issues, a grant of the captioned application would serve the public interest, convenience and necessity.

It is further ordered, That, to avail itself of the opportunity to be heard, the applicant herein, pursuant to § 1.221 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order file with the Commission in triplicate a written appearance stating an intent to appear on the date fixed for hearing and present evidence on the issues specified in this order; and

It is further ordered, That the Chief, Safety and Special Radio Services Bureau, shall, within 10 days after the release of this order, furnish a Bill of Particulars to the applicant herein setting forth the basis for the above issues.

Adopted: July 5, 1967.

Released: July 12, 1967.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-8260; Filed, July 17, 1967; 8:49 a.m.]

[Docket Nos. 17316, 17317; FCC 67R-291]

ROVAN TELEVISION, INC., AND ROMAC MACON CORP.

Memorandum Opinion and Order Enlarging Issues

In re applications of Rovan Television, Inc., Macon, Ga., Docket No. 17316, File No. BPCT-3571; Romac Macon Corp., Macon, Ga., Docket No. 17317, File No. BPCT-3684; for construction permit for new television broadcast station.

1. The above applications for a construction permit for a new UHF television station (Channel 24) were designated for hearing by Commission order FCC 67-362, adopted March 22, 1967, and released March 30, 1967. Now before the Review Board is a motion to enlarge issues, directed against Romac Macon Corp. (Romac), and filed by Rovan Television, Inc. (Rovan) on April 21, 1967.[1] The issues in the hearing were first published in the FEDERAL REGISTER on April 4, 1967 (32 F.R. 5527). Accordingly, the motion is untimely, since, under Rule 1.229(b), it should have been filed no later than 15 days after the above FEDERAL REGISTER publication, i.e., no later than April 19, 1967. Rovan has not attempted to set forth why the motion could not have been timely filed; thus, good cause for the delay in filing cannot be found, and the motion will not be granted. Rule 1.229(b).

2. Consistent with the approach announced by the Board in The Edgefield-Saluda Radio Co., 5 FCC 2d 148, 8 RR 2d 611 (1966), and with a view to ascertaining whether the issues requested by Rovan should be added notwithstanding the lateness of the petition, the Board has examined the pleadings to determine whether (a) serious public interest questions are presented, and (b) the likelihood of proving the respective allegations is so substantial as to outweigh the public interest benefits inherent in the orderly and fair administration of the Commission's business. Based on that examination it is the Board's view that, except as to the matter discussed in the paragraph next below, Romac has satisfactorily refuted or otherwise overcome the Rovan allegations, and that evidentiary inquiry along the lines suggested by Rovan would not be productive.[2] With respect to a requested Suburban programing issue, Romac has demonstrated that it has adequately surveyed Macon's needs, and that its proposed programing is reasonably related to the survey.[3] And with respect to "good faith" allegations and related "real principal in control" allegations, Romac's explanations as to how Hopper came to be a subscriber of a majority of Romac's stock and as to Hopper's role in Romac's future affairs are adequate and credible.[4]

3. In the Romac Baton Rouge case cited in note 4, supra, the Board added qualifications issues to determine whether Romac Baton Rouge failed to disclose material facts in its application and/or failed to keep its application up to date. In Miss Lou Broadcasting Corp., FCC 67-698 (released June 26, 1967), a proceeding in which Romac Baton Rouge is seeking a construction permit for a new FM broadcast station in Baton Rouge, the Commission, noting the Board's action in the Baton Rouge television proceeding, specified the same qualifications issues for the FM proceeding. The Commission further provided that the same Hearing Examiner preside in both Baton Rouge proceedings, and that the "common qualifications issue [be] heard at one time with all the parties participating." The pleadings now before the Board indicate that the same questions under Rule 1.65 are present with respect to the Romac Macon television application, and the Board believes that a procedure patterned on that adopted by the Commission in the Miss Lou case should be followed here. Accordingly, the Board is adding the appropriate issues in the instant case, but is directing that they be heard in the Baton Rouge proceeding, Rovan and Romac to be admitted as parties to that proceeding for the limited purpose of participating with respect to the common qualifications issues. The determinations as to those issues in the latter proceeding will, of course, be dispositive of the issues in the instant proceeding. Cf. KFNF Broadcasting Corp., FCC 63R-99, 24 RR 1170, and Edina Corp., FCC 63R-101, 24 RR 1167.[5]

Accordingly, it is ordered, That the petitions to accept late pleadings, filed by Romac Macon Corp. and Rovan Television, Inc., on May 16, 1967, and May 29, 1967, respectively, are granted; and that the motion to enlarge issues, filed by Rovan Television, Inc., on April 21, 1967, is denied.

It is further ordered, That the issues in this proceeding are enlarged by the addition of the following issues:

To determine whether Romac Macon Corp. and Romac Baton Rouge Corp. submitted complete and accurate information in response to the Commission's application form, FCC 301, and have continued to keep the Commission advised of "substantial and significant changes" as required by § 1.65 of the Commission's rules.

To determine in light of the evidence adduced under the foregoing issue whether Romac Macon Corp. possesses the requisite qualifications to be a broadcast licensee of this Commission.

It is further ordered, That the above issues are consolidated into the proceedings in Docket No. 17005 (Romac Baton Rouge Corp.); and that Rovan Television, Inc., and Romac Macon Corp. be admitted as parties to that proceeding for the limited purpose set forth above.

Adopted: July 10, 1967.

Released: July 12, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[6]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-8261; Filed, July 17, 1967; 8:49 a.m.]

[1] Also before the Board are comments filed by the Broadcast Bureau on May 15, 1967, an opposition filed by Romac on May 16, 1967, and a reply filed by Rovan on May 29, 1967. Each of the last two pleadings was accompanied by a petition for acceptance of late filed pleading setting forth good cause for the untimely filing.

[2] Cf. Washington Broadcasting Co., 5 FCC 2d 387, 8 RR 2d 873 (1966).

[3] The Broadcast Bureau's support for this issue was premised on an assumption that Romac had not made an appropriate survey, an assumption overcome by Romac's opposition.

[4] As the Broadcast Bureau points out, the Rovan allegations here are similar to the "trafficking" allegations lodged in another proceeding against a Baton Rouge television applicant having ownership in common with Romac Macon. For the Board's order denying a request for a trafficking issue in the prior proceeding, see Romac Baton Rouge Corp., 7 FCC 2d 504, 9 RR 2d 1029 (1967).

[5] Board Members Nelson and Pincock absent.

[6] A further prehearing conference in the above-entitled proceeding was held today. As the record shows, the parties, through counsel, have negotiated an agreement which, if approved, looks towards the dismissal of the Romac Macon Corp. application and will render moot the standard comparative issue. The application of Rovan Television, Inc., however, would have to be retained in hearing status in order to resolve financial questions raised in issue 1 of the order designating the applications for hearing. It is contemplated that Rovan Television, Inc., will seek to provide satisfactory answers to these questions in an admendment to its application. The applicants have committed themselves to submit a joint petition for approval of their settlement agreement by no later than the close of business July 17. In the meantime, the hearing is to be postponed from July 24 to Friday, September 8, at 9 a.m.;

Accordingly, it is ordered, That the hearing in the above entitled proceeding is hereby rescheduled and will convene at 9 a.m., on Friday, September 8, 1967, at the Commission's offices, Washington, D.C.

Issued: July 7, 1967.

Released: July 13, 1967.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-8262; Filed, July 17, 1967; 8:49 a.m.]

[Docket Nos. 17316, 17317; FCC 67M-1131]

ROVAN TELEVISION, INC., AND ROMAC MACON CORP.

Order Rescheduling Hearing

In re applications of Rovan Television, Inc., Macon, Ga., Docket No. 17316, File No. BPCT-3571; Romac Macon Corp., Macon, Ga., Docket No. 17317, File No. BPCT-3684; for construction permits.

[1] The Board notes that Hearing Examiner Isadore A. Honig is the presiding officer in the two Baton Rouge proceedings, and that Hearing Examiner David I. Kraushaar is the presiding officer in the instant proceeding. It further notes that by order FCC 67M-1096 (released June 30, 1967) in the Baton Rouge television proceeding, Examiner Honig provided for an exhibit exchange date of July 13, 1967, and a hearing date of Aug. 3, 1967. It may be that extensions of time with respect to those dates will be appropriate should Rovan elect to participate in that proceeding with respect to the 1.65 issues. Whether both Examiners should preside with respect to the common issues, or whether reassignments should be made to the end that one Examiner hear all three cases, are questions left to the discretion of the Chief Hearing Examiner.

[Docket No. 17561; FCC 67M-1125]

SANFORD SCHAFITZ

Order Scheduling Hearing

In re application of Sanford Schafitz, Farrell, Pa., Docket No. 17561, File No. BPH-5281; for construction permit.

It is ordered, That James D. Cunningham shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on September 13, 1967, at 10 a.m.; and that a prehearing conference shall be held on July 18, 1967, commencing at 9 a.m.: *And, it is further ordered*, That all proceedings shall take place in the offices of the Commission, Washington, D.C.

Issued: June 30, 1967.

Released: July 13, 1967.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-8263; Filed, July 17, 1967; 8:49 a.m.]

[Docket No. 15871; FCC 67M-1142]

SOUTHINGTON BROADCASTERS

Memorandum Following Prehearing Conference

In re application of Fitzgerald C. Smith trading as Southington Broadcasters, Southington, Conn., Docket No.

15871, File No. BP-16405; for construction permit.

At a prehearing conference held today, only the applicant and the Broadcast Bureau entered appearance. At the conference, ways and means of proceeding to another hearing were discussed. Future procedural steps and a timetable governing them were worked out and are set forth below. The distant hearing date was occasioned by the condition of the Examiner's own docket.

October 9, 1967—Applicant will exchange its direct presentation.

November 1, 1967—Applicant will be notified of the witnesses the Bureau wants to cross examine.

November 13, 1967—Hearing.

So ordered.

Issued: July 7, 1967.

Released: July 13, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-8264; Filed, July 17, 1967; 8:49 a.m.]

[Docket No. 17560; FCC 67-758]

V.W.B., INC.

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In re application of V.W.B., Inc., Bridgeton, N.C., Docket No. 17560, File No. BP-16766; Requests: 1380 kc, 5 kw, Day, Class III; for construction permit.

1. The Commission has before it for consideration (a) the above application; (b) petitions to deny the application by Jefferay Broadcasting Corp. and New Bern Broadcasting Co., Inc., licensees of Stations WRNB and WHIT, respectively, of New Bern, N.C.; and (c) pleadings in opposition and reply thereto.

2. Each petitioner bases its claim of standing as a party in interest on the allegation that the proposed new station would be located within its service area and compete with it for advertising revenue. The Commission finds that petitioners have standing as parties in interest within the purview of section 309(d)(1) of the Communications Act of 1934, as amended, and § 1.580(i) of the Commission's rules. FCC v. Sanders Bros. Radio Station, 309 U.S. 470 (1940).

3. Petitioners request designation of the application for hearing with a 307(b) suburban issue[1] specified for the purpose of determining whether the applicant is realistically proposing to become a New Bern rather than a Bridgeton[2] mentioned Policy Statement, however, no presumption to that effect arises because New Bern's population is under 50,000. Nevertheless, petitioners claim that the applicant should be required to meet the burden under the 307(b) suburban issue because the proposal covers all of New Bern with a signal of at least 25 mv/m; Bridgeton's children attend New Bern's schools in grades 7 through 12; and Bridgeton has no drugstores, clothing stores, jewelry stores, appliance stores, automobile dealers, banks, physicians, dentists, or lawyers. Thus, petitioners conclude that Bridgeton is economically and otherwise dependent upon New Bern.

4. In opposition, the applicant states that although Bridgeton is a small town, it is incorporated and has a life of its own apart from New Bern. The applicant further states that the residents of New Bern represent less than 30 percent of the total population of Craven County which is 58,773; that in addition to the rural population of Craven County large portions of adjacent Jones, Pamlico, and Beaufort Counties are underserved; and that the proposed station in serving these areas could rely on sources of revenue outside of New Bern.

5. In adopting the aforementioned policy, we determined that applications specifying one community would be presumed, for 307(b) purposes, to be proposing realistically to serve another larger community if the proposed 5 mv/m contour penetrated the city limits of the larger community and the larger community had at least twice the population of the smaller and contained at least 50,000 persons. This 5 mv/m—50,000 population test, however, was not meant to serve as an inflexible standard. In the last paragraph of the policy statement,[4] we acknowledged the right of interested parties to attempt to raise the issue on petition and stated that such attempts would receive favorable consideration if the petitioner could make a threshhold showing that the proposal would realistically serve primarily a community other than the one specified. This is not to say that the burden a petitioner must carry under these circumstances is a light one. We are not going to designate applications for hearing merely because they happen to place a strong signal over a somewhat larger community, because to do so would certainly disrupt our processes and enable existing stations to delay the establishment of competitive broadcast facilities. But where, as here, the proposed power is greatly in excess of that needed to provide adequate coverage of the specified community and its immediate environs, and what is more significant, where there is such a great disparity in the relative size of the towns,[5] we believe a 307(b) suburban issue is warranted. Furthermore, we note that, although the proposed power and the relative size of the communities alone support this conclusion, these factors assume added significance when coupled with the fact that this proposal would not have been accepted for filing, due to prohibited overlap received, if it had specified the larger town.[6]

6. In its petition, Jefferay Broadcasting Corp. (WRNB) requested that an issue be specified to determine whether the applicant is financially qualified to construct and operate the proposed station. We find that the applicant's financial showing is not current and for that reason it will be necessary for the applicant to establish its qualifications in hearing. Since this action is being taken on our motion, there is no need for us to rule on WRNB's specific allegations.

7. Except as indicated by the issues specified below, the applicant is qualified. However, in view of the foregoing, the Commission is unable to find that a grant of the application would serve the public interest, convenience and necessity, and is of the opinion that it must be designated for hearing on the issues set forth below.

Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive service from the proposed operation of the applicant and availability of other primary service to such areas and populations.

2. To determine whether the applicant is financially qualified to construct and operate its proposed station.

3. To determine whether the proposal of V.W.B., Incorporated will realistically provide a local transmission facility for its specific station location or for another larger community, in the light of all the relevant evidence, including, but not necessarily limited to, the showing with respect to:

(a) The extent to which the specified station location has been ascertained by the applicant to have separate and distinct programing needs;

(b) The extent to which needs of the specified station location are being met by existing standard broadcast stations;

(c) The extent to which the applicant's program proposal will meet the specific unsatisfied programing needs of the specified station location; and

(d) The extent to which the projected sources of the applicant's advertising revenues within its specified station location are adequate to support its proposal, as compared with its projected sources from all other areas.

4. To determine, in the event that it is concluded pursuant to the foregoing issue (a) that the proposal of the applicant will not realistically provide a local transmission service for its specified station location, whether such proposal meets all of the technical provisions of the rules for standard broadcast stations assigned to New Bern, N.C.

5. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the application would serve the public interest, convenience and necessity.

It is further ordered, That the aforementioned petitions are granted to the extent indicated above and are denied in all other respects.

It is further ordered, That Jefferay Broadcasting Corp. and New Bern Broadcasting Co., Inc., licensees of standard broadcast stations WRNB and WHIT, respectively, both of New Bern, N.C., are made parties to the proceeding.

It is further ordered, That, in the event of a grant of this application, the construction permit shall contain the following condition:

Pending a final decision in Docket No. 14419 with respect to presunrise operation with daytime facilities, the present provisions of § 73.87 of the Commission's rules are not extended to this authorization, and such operation is precluded.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and parties respondent herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: June 28, 1967.

Released: July 7, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[3]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-8265; Filed, July 17, 1967; 8:50 a.m.]

[Docket No. 17560; FCC 67M-1124]

V.W.B., INC.

Order Scheduling Hearing

In re application of V.W.B., Inc., Bridgeton, N.C., Docket No. 17560, File No. BP-16766; for construction permit.

It is ordered, That Charles J. Frederick shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on September 15, 1967, at 10 a.m.; and that a prehearing conference shall be held on July 20, 1967, commencing at 9 a.m.:

And, it is further ordered. That all proceedings shall take place in the offices of the Commission, Washington, D.C.

Issued: June 30, 1967.

Released: July 13, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-8266; Filed, July 17, 1967; 8:50 a.m.]

transmission service. Under the aforesaid circumstances, we believe that the proposal would realistically serve primarily a community other than the one specified. This is not to say that the burden a petitioner must carry under these circumstances is a light one. We are not going to designate applications for hearing merely because they happen to place a strong signal over a somewhat larger community, because to do so would certainly disrupt our processes and enable existing stations to delay the establishment of competitive broadcast facilities. But where, as here, the proposed power is greatly in excess of that needed to provide adequate coverage of the specified community and its immediate environs, and what is more significant, where there is such a great disparity in the relative size of the towns, we believe a 307(b) suburban issue is warranted. Furthermore, we note that, although the proposed power and the relative size of the communities alone support this conclusion, these factors assume added significance when coupled with the fact that this proposal would not have been accepted for filing, due to prohibited overlap received, if it had specified the larger town.

[1] Policy statement on section 307(b) considerations for standard broadcast facilities involving surburban communities, FCC 65-1153, 6 RR 2d 1901.

[2] According to the 1960 U.S. Census, the populations of New Bern and Bridgeton are 15,717 and 638, respectively.

[3] Note 1, supra, at 1907.

[4] Bridgeton's population is only 4 percent as large as New Bern's.

[5] Since WRNB and WHIT are licensed to New Bern, the first station exception to section 73.37(a) would not have been available to a prospective applicant seeking to serve that community.

[6] Commissioner Johnson absent.

FEDERAL MARITIME COMMISSION

GREAT LAKES TERMINALS ASSOCIATION

Notice of Agreements Filed for Approval

Notice is hereby given that the following Agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Thomas D. Wilcox, Attorney, 1625 K Street NW., Washington, D.C. 20006.

Agreement No. T-2065 provides for the creation of the Great Lakes Terminal Association composed of the following parties:

Seaway Port Authority of Duluth, Duluth, Minn.
Ceres, Inc., Toledo, Ohio.
Pier, Inc., Milwaukee, Wis.
Stearns Milwaukee Marine Terminal, Inc., Milwaukee, Wis.
Morelli Overseas Export Service of Wisconsin, Inc., Kenosha, Wis.
Nicholson Cleveland Terminal Co., Cleveland, Ohio.
Chicago Terminals, Inc., Chicago, Ill.
Leicht Transfer & Storage Co., Green Bay, Wis.
Hansen Seaway Service, Ltd., Milwaukee, Wis.
Calumet Harbor Terminal, Chicago, Ill.
Great Lakes Storage & Contracting Corp., Chicago, Ill.
North Pier Terminal, Chicago, Ill.
Rogers Terminal & Shipping Corp., Chicago, Ill.
Transoceanic Terminal Corp., Chicago, Ill.
West Michigan Dock & Market Corp., Muskegon, Mich.
Bay City Seaway Terminal, Bay City, Mich.
Wickes Marine Terminal, Bay City, Mich.
Detroit Harbor Terminals, Inc., Detroit, Mich.
The Cleveland Stevedore Co., Cleveland, Ohio.
Lederer Terminal Warehouse Co., Cleveland, Ohio.
Toledo Overseas Terminals Co., Toledo, Ohio.
Pinney Dock & Transport Co., Ashtabula, Ohio.

Pursuant to the terms of the agreement the members agree to (1) confer, consult and discuss rates, rules, and regulations pertaining to marine terminal operations on and about the Great Lakes and their tributaries; (2) confirm by affirmative vote of three-fourths of the parties' rates, rules, and regulations; *Provided*, That each member will retain the right of independent action after giving other parties 30 days written notice of intent to do so; (3) publish rates, rules, and regulations, or charges thereto in either individual tariffs or a joint tariff, with at least 30 days advance filing before the effective date thereof unless for good cause it is agreed that a lesser time is necessary; (4) observe and charge, without deviation, rates, rules, and regulations agreed upon pursuant to the agreement, except upon the right of independent action provided for; (5) permit eligible marine terminal operators to become members of the Association; (6) maintain minutes of meetings, records or proposals, and actions taken pursuant to the agreement and to file same with the Federal Maritime Commission; and (7) provide for hearing and considering shippers' requests and complaints.

Dated: July 13, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-8238; Filed, July 17, 1967; 8:47 a.m.]

AMERICAN GREAT LAKES MEDITERRANEAN EASTBOUND FREIGHT CONFERENCE

Notice of Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should

also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Elliott B. Nixon, Burlingham, Underwood, Barron, Wright & White, 26 Broadway, New York, N.Y. 10004.

Agreement 9000-3, between the member lines of the American Great Lakes Mediterranean Eastbound Freight Conference, modifies the basic agreement to provide: (1) For the deletion of Article III and the substitution of the following language in lieu thereof:

3.1 Any member which fails to provide a sailing in the trade for a period of six (6) consecutive months during the same or consecutive Great Lakes shipping seasons shall thereafter become subject to expulsion from the Conference pursuant to the provisions of Article IV hereof. Except as provided in Article 12.2(b), no such inactive Member shall have any right to vote until it has furnished satisfactory evidence of its ability and intention to resume and maintain regular service in the trade.

(2) For the deletion of the present provision of Article 12.2(b) and substitution of the following provision in lieu thereof:

No inactive Member, as described in Art. 3.1, shall be entitled to vote on any matter except upon the amendment of this agreement.

(3) For an increase in the present amount of the admission fee from $1,250 to $5,000, and other changes in conformity therewith.

Dated: July 13, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-8239; Filed, July 17, 1967; 8:47 a.m.]

MEDITERRANEAN-U.S.A. GREAT LAKES WESTBOUND FREIGHT CONFERENCE

Notice of Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Elliott B. Nixon, Esq., Burlington, Underwood, Barron, Wright & White, 26 Broadway, New York, N.Y. 10004.

Agreement 8260-11, between the member lines of the Mediterranean-U.S.A. Great Lakes Westbound Freight Conference, amends Article 8 of the basic agreement by deleting the last three paragraphs and substituting the following provisions in lieu thereof:

Wherever reference is made in this Agreement to voting by, or presence at meetings of, all or a specified proportion of the membership, such reference shall be deemed to mean only those Member Lines entitled to vote.

Any Member which fails to provide a sailing in this trade for a period of six (6) consecutive sailing months (November, December, January, February, and March excepted) during the same or consecutive Great Lakes shipping seasons, shall thereafter become subject to expulsion from the Conference pursuant to the provisions of the second paragraph of Article 11 hereof. No such inactive Member shall have any right to vote, except upon proposed change in this Agreement, until it has furnished satisfactory evidence of its ability and intention to resume and maintain regular service in the trade.

Notice of suspension or restoration of voting rights or of any change in the Conference Membership shall be promptly furnished to the Federal Maritime Commission.

Dated: July 13, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-8240; Filed, July 17, 1967; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CS67-76, etc.]

CRA, INC., ET AL.

Findings and Order

JULY 7, 1967.

Findings and order after statutory hearing issuing small producer certificates, terminating certificates, canceling rate schedules, severing proceedings, terminating proceedings, making rate changes effective, granting relief, and requiring proper refund assurance.

Each Applicant herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a small producer certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce from the Permian Basin area of Texas and New Mexico, all as more fully set forth in the applications.

Each Applicant is presently authorized to sell natural gas from the Permian Basin area. The small producer certificates issued herein shall be effective as of the date of this order.

The certificates heretofore issued to Applicants will be terminated and certain related rate schedules will be canceled.

Each Applicant has certain rate schedules on file with initial rates collected pursuant to permanent or conditioned temporary certificates or with increased rates, effective subject to refund, which exceed the applicable area base rates prescribed in Opinion No. 468. To permit Applicants to continue collecting the existing rates, such related rate schedules and applicable suspension proceedings will not be terminated with the issuance of the small producer certificates.

McAlester Fuel Co., Applicant in Docket No. CS67-77, proposes to have its suspended rate of 18.4138 cents per Mcf in Docket No. RI65-140 made effective subject to refund as of the date of this order. By the order issued in Docket No. RI65-140 on October 9, 1964, action on the proposed rate increase was deferred pending final determination of a complaint filed by Pan American Petroleum Corp. in regards to the New Mexico Emergency School Tax; the rate has never been made effective. The proposed rate will be made effective subject to refund, under McAlester Fuel Co., FPC Gas Rate Schedule No. 2, as of the date of this order, provided an appropriate agreement and undertaking is filed in compliance with section 154.102 of the Commission's regulations within 30 days of issuance of the small producer certificate.

Petroleum Exploration, Inc., of Texas, Applicant in Docket No. CS67-82, has a current effective rate of 17.2295 cents per Mcf being collected under a conditioned temporary certificate. Petroleum Exploration will be advised of its refund obligation, as may be determined by the Commission, for sales of gas made prior to and after September 1, 1965, at rates in excess of the applicable area base rate under the conditioned temporary certificate issued in Docket No. CI63-368.

A. R. Eppenauer, FPC Gas Rate Schedule No. 4 will not be terminated. The current rate under said rate schedule is below the applicable area base rate; however, Eppenauer, Applicant in Docket No. CS67-83, has indicated that he will file for an increased rate due under his contract. Said increased rate will exceed the applicable area base rate.

The suspension proceeding in Docket No. RI64-698 will be severed from the "Order to Show Cause" issued concurrently with Opinion No. 468 and will be terminated. The proposed rate under United States Smelting Refining & Mining Co., FPC Gas Rate Schedule Nos. 14 and 15 will be made effective, without refund obligation, as of September 1, 1965, inasmuch as the suspended rate (not made effective subject to refund) is below the applicable area base rate.

Applicants will be advised that, pending final judicial review of the Permian Basin Opinions, they will be authorized to continue to collect rates in excess of the applicable Permian Basin area base rates, for sales authorized prior to September 1, 1965, and such rates will be subject to rejection as of the date of the order granting the small producer certificates herein, in the event the court stay of the Permian Opinion Nos. 468 and 468-A is dissolved or the moratorium provisions of the opinions are upheld upon judicial review. The collection of such rates will also be subject to the refund provisions of ordering paragraph (D) of Opinion No. 468, as well as refund provision of any applicable suspension proceeding.

The Commission's staff has reviewed each application and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

After due notice no petition to intervene, notice of intervention, or protest to the granting of the applications has been received.

At a hearing held on June 29, 1967, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications and exhibits thereto, submitted in support of the authorizations sought herein, and upon consideration of the record.

The Commission finds:

(1) Each Applicant is engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and each is, therefore, a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission.

(2) The sale of natural gas hereinbefore described, as more fully described in the applications herein and in the Appendix hereto, will be made in interstate commerce subject to the jurisdiction of the Commission, and such sales by Applicants, together with the construction and operation of any facilities will be subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicants are able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(4) Applicants are independent producers of natural gas who are not affiliated with natural gas pipeline companies and whose total jurisdictional sales on a nationwide basis, together with sales of affiliated producers, were not in excess of 10 million Mcf at 14.65 p.s.i.a. during the preceding calendar year.

(5) The sales of natural gas by Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity, and a small producer certificate of public convenience and necessity therefor should be issued as hereinafter ordered and conditioned.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates heretofore issued to Applicants are terminated and certain related rate schedules, as set forth in the Appendix, are canceled.

The Commission orders:

(A) Small producer certificates of public convenience and necessity are issued upon the terms and conditions of this order authorizing the sale for resale and the delivery of natural gas in interstate commerce by Applicants from the Permian Basin area of Texas and New Mexico, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as more fully described in the applications in this proceeding.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission and particularly,

(a) The subject certificate shall be applicable only to all present and future "small producer sales," as defined in § 157.40(a)(3) of the regulations under the Natural Gas Act, from the Permian Basin area;

(b) Except where otherwise authorized in this order, sales made under these small producer certificates shall not be at rates in excess of those set forth in § 157.40(b)(1) of the regulations under the Natural Gas Act; however, for sales authorized prior to September 1, 1965, Applicants may file notices of changes in rate for any contractually authorized rates in excess of the ceiling rates, which increased rates shall be subject to suspension pursuant to section 4(e) of the Natural Gas Act and subsequently may be rejected as of the date of filing, as provided by the order granting relief issued February 6, 1967, in Docket No. CS66-48 et al.;

(c) Applicants shall file annual statements pursuant to § 154.104 of the regulations under the Natural Gas Act.

(C) The certificates granted in paragraph (A) above shall remain in effect for small producer sales until the Commission on its own motion or on application terminates said certificates because Applicants no longer qualify as "small producers" or fail to comply with the requirements of the Natural Gas Act, the regulations thereunder, or the terms of the certificates. Upon such termination Applicants will be required to file separate certificate applications and individual rate schedules for future sales. To the extent compliance with the terms of this order is observed, the small producer certificates will still be effective as to those sales already included thereunder.

(D) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 7 of the Natural Gas Act or Part 157 of the Commission's regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against Applicants. Further our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provision in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the contracts particularly as to the cessation of service upon termination of said contracts as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificates aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales subject to said certificates.

(E) The certificates issued herein shall be effective on the date of this order.

(F) The certificates issued heretofore to Applicants are terminated and certain related rate schedules, as set forth in the Appendix, are canceled.

(G) McAlester, Applicant in Docket No. CS67-77, is authorized to collect 18.4138-cent rate subject to the refund provisions of paragraphs (H) and (I) hereof.

(H) Within 30 days from the issuance of this order McAlester Fuel Co. shall execute, in the form set out below, and shall file with the Secretary of the Commission an acceptable agreement and undertaking in Docket No. RI65-140 to assure the refund of any amounts collected by it, together with interest at the rate of 7 percent per annum, in excess of the amount determined to be just and reasonable in said proceeding. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreement and undertaking shall be deemed to have been accepted for filing.

(I) McAlester Fuel Co. shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreement and undertaking filed by McAlester Fuel Co. in Docket No. RI65-140 shall remain in full force and effect until discharged by the Commission.

(J) The suspension proceeding in Docket No. RI64-698 is severed from the "Order to Show Cause" issued concurrently with Opinion 468 and said proceeding is terminated. The proposed rate under United States Smelting Refining & Mining Co., Applicant in Docket No. CS67-85, FPC Gas Rate Schedule Nos. 14 and 15, is made effective, without refund obligation, as of September 1, 1965, inasmuch as the suspended rate is below the applicable area base rate.

(K) Applicants, pending final judicial review of the Permian Basin Opinion, are authorized to continue to collect rates in excess of the applicable Permian Basin area base rates for sales authorized prior to September 1, 1965, and such rates are subject to rejection as of the date of this order in the event the court stay of the Permian Opinion Nos. 468 and 468-A is dissolved or the moratorium

provisions of the opinions are upheld upon judicial review. The collection of such rates is also subject to the refund provisions of ordering paragraph (D) of Opinion No. 468, as well as the refund provisions of any applicable suspension proceeding.

(L) The issuance and termination of certificates and the cancellation of rate schedules herein shall not relieve Applicants from compliance with any orders which have been or may be issued in Applicants' pending rate proceedings and in the proceeding in Docket No. AR61–1 et al., including refund obligations, and from the submission of refund reports for sales made at rates in excess of the applicable area base rates prior to and after September 1, 1965, and the date of this order; nor shall any action taken herein be construed to relieve Applicants from the obligations of making refunds for sales commenced pursuant to conditioned or unconditioned temporary certificates if the Commission finds that such refunds are required.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

APPENDIX

Docket No. (1)	Applicant (2)	FPC gas rate schedules to be canceled (3)	FPC gas rate schedules not to be canceled (4)	Certificate dockets to be terminated (5)	Suspension dockets to be terminated (6)	Suspension dockets not to be terminated (7)
CS67–76	CRA, Inc	[9]		G–17553		
			10	G–18146		G–20411.[1]
CS67–77	McAlester Fuel Co		2	G–6004		G–19824.[1] RI65–140.[1] [6]
CS67–82	Petroleum Exploration, Inc., of Texas et al		[4] 11	CI61–388 [7]		
CS67–83	A. R. Eppenauer		[4] 12	CI63–413		
			3	G–17368		G–20624.[1]
CS67–84	Rutter & Wilbanks Brothers, Operator et al		[4] 4	G–17389		
			[7] 1	G–8002		RI60–155.[1]
			[7] 2	G–15301		RI60–155.[1]
			[7] 3	G–15302		RI60–155.[1]
			[7] 4	G–17028		RI60–155.[1]
		[7] 5		CI60–407		
			[6] 7	CI63–1144		
			8	CI63–1880		
			[6] 9	CI64–977		
CS67–85	United States Smelting Refining and Mining Co., Operator et al.	5		G–8566		
			11	G–14380		
		13		CI62–815		
		14		CI61–176	RI64–608.[8]	
		15		CI61–274	RI64–608.[8]	
		17		CI63–897.[1]		
CS67–91	B. W. P., Inc		1	CI62–1182		RI60–116.[1] [9]

[1] Consolidated in Opinion No. 468.
[2] Consolidated in the "Order to Show Cause" issued Aug. 3, 1966, in Docket No. AR61–1 et al.
[3] Rate of 18.4136 cents per Mcf suspended until Jan. 23, 1968 (not made effective subject to refund).
[4] Et al.
[5] Conditioned temporary certificate (conditioned initial rate of 17.2295 cents per Mcf to possible refund to a floor of 11.0 cents per Mcf)—Consolidated in the same "Order to Show Cause."
[6] Effective rate under rate schedule is below area base rates; however, Applicant has indicated it will file for increased rate in excess of base rates in the near future.
[7] (Operator) et al.
[8] Conditioned temporary certificate.
[9] Vem Oil, Inc., predecessor to B. W. P., Inc., is a co-respondent to the rate suspension proceeding.

Docket No. _____

Suggested agreement and undertaking:

BEFORE THE FEDERAL POWER COMMISSION

(Name of Respondent _____)

AGREEMENT AND UNDERTAKING OF (NAME OF RESPONDENT) TO COMPLY WITH REFUNDING AND REPORTING PROVISIONS OF SECTION 154.102 OF THE COMMISSION'S REGULATIONS UNDER THE NATURAL GAS ACT

(Name of Respondent) hereby agrees and undertakes to comply with the refunding and reporting provisions of section 154.102 of the Commission's regulations under the Natural Gas Act insofar as they are applicable to the proceeding in Docket No. _____ (and has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its board of directors, a certified copy of which is appended hereto[1]) this _____ day of _____, 196__.

(Name of Respondent)
By _____

Attest:

_____

[F.R. Doc. 67–8152; Filed, July 17, 1967; 8:45 a.m.]

[1] If a corporation.

[Docket Nos. RI67–474, etc.]

PLACID OIL CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

JULY 7, 1967.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before August 23, 1967.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI67–474	Placid Oil Co. (Operator) et al., 2500 First National Bank Bldg., Dallas Tex. 75202, Attn: Paul W. Hicks, Esq.	22	5	Natural Gas Pipeline Co. of America (Fulton Beach Area, Aransas County, Tex.) (RR. District No. 4).	$11,250	6–8–67	[1] 6–8–67	11–8–67	[2] 15.0	[3] [4] 18.0	
RI67–475	Hunt Oil Co., 1401 Elm St., Dallas, Tex. 75202, Attn: Donald K. Young.	58	5	do	16,500	6–19–67	[1] 6–19–67	11–19–67	[2] 15.0	[3] [4] 18.0	
RI67–476	Lamar Hunt, Trust Estate.	9	4	Natural Gas Pipeline Co. of America (Zoller Field, Calhoun County, Tex.) (RR. District No. 2).	7,200	6–20–67	[1] 6–20–67	11–20–67	[2] 15.0	[3] [4] 18.0	
RI67–477	William Herbert Hunt, Trust Estate.	11	5	Natural Gas Pipeline Co. of America (Fulton Beach Area, Aransas County, Tex.) (RR. District No. 4).	13,500	6–20–67	[1] 6–20–67	11–20–67	[2] 15.0	[3] [4] 18.0	

[1] The stated effective date is the date of filing.
[2] "Fractured" rate increase. Seller contractually due a rate of 22.0 cents per Mcf but filing 18.0 cents rate so as not to exceed ceiling established by Opinion No. 412.
[3] Pressure base is 14.65 p.s.i.a.
[4] Permanently certificated initial "in-line" price provided by Opinion No. 412.

[Docket No. RI67–478]

PRENALTA CORP. ET AL.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

JULY 7, 1967.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplement to the rate schedule filed by Respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless Respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before August 23, 1967.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 67–8153; Filed, July 17, 1967; 8:45 a.m.]

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI67–478	Prenalta Corp. (Operator) et al., Post Office Box 2514, Casper, Wyo. 82601, Attn: James A. Masterson, Assistant Secretary.	1	[1] 2	Colorado Interstate Gas Co. (East Desert Springs Area, Sweetwater County, Wyo.)	$3,577	6–7–67	[2] 7–8–67	[3] 7–9–67	[4] 15.0	[5] [6] [7] 17.25	

[1] Includes statement that B.t.u. content will be measured on a wet basis and at a pressure equivalent to 30 inches of mercury at 32° F.
[2] The stated effective date is the first day after expiration of the statutory notice.
[3] The suspension period is limited to 1 day.
[4] The pressure base is 14.65 p.s.i.a.
[5] Increase due to upward B.t.u. adjustment for 1160 B.t.u. gas.
[6] Includes 2.25 cents per Mcf upward B.t.u. adjustment which is maximum allowed under terms of contract, as amended.
[7] Initial rate.

Prenalta Corp. (Operator) et al. (Prenalta) request a retroactive effective date of January 17, 1967, for their proposed rate increase. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Prenalta's rate filing and such request is denied.

Prenalta has submitted a proposed increase involving the application of an upward B.t.u. price adjustment to a jurisdictional sale of gas from the East Desert Spring Area, Sweetwater County, Wyo., to Colorado Interstate Gas Co. (Colorado Interstate). The proposed rate increase is from a permanently certificated rate of 15 cents per Mcf to 17.25 cents per Mcf as a result of a 2.25 cents per Mcf B.t.u. adjustment for 1,160 B.t.u. gas.[1]

Deliveries under Prenalta's contract commenced on January 20, 1967. The gas is presently processed for liquids in Colorado Interstate's main extraction plant in Rawlins, Wyo., and the revenues derived from the sale of such liquids are credited against Colorado Interstate's cost of service in determining jurisdictional rates.

Prenalta's contract was executed on August 31, 1966, subsequent to September 28, 1960, the date of issuance of the Commission's statement of general policy No. 61-1. Although the total rate of 17.25 cents per Mcf exceeds both the increased rate ceiling of 13.7 cents and the initial service ceiling of 15 cents for Wyoming, the rate exceeds the initial ceiling by the 2.25 cents upward B.t.u. adjustment. We conclude in these circumstances that Prenalta's proposed rate increase should be suspended for one day from July 8, 1967, the date of expiration of the statutory notice.

[F.R. Doc. 67-8154; Filed, July 17, 1967; 8:45 a.m.]

GENERAL SERVICES ADMINISTRATION

[Temporary Reg. E-10]

SECRETARY OF COMMERCE

Federal Property Management Regulations; Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Commerce to operate an automatic data processing service center.

2. *Effective date.* This delegation of authority is effective immediately.

3. *Delegation.*

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly section 111 thereof, authority is hereby delegated to the Secretary of Commerce to operate an automatic data processing service center at the National Bureau of Standards.

b. The Secretary of Commerce may redelegate this authority to any officer, official, or employee of the Department of Commerce.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and further, shall be exercised in cooperation with the responsible officers, officials, or employees of the General Services Administration.

Dated: July 11, 1967.

LAWSON B. KNOTT, JR.,
Administrator of General Services.

[F.R. Doc. 67-8211; Filed, July 17, 1967; 8:45 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN PAKISTAN

Entry or Withdrawal From Warehouse for Consumption

JULY 13, 1967.

On November 21, 1966, the U.S. Government in furtherance of the objectives of, and under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, concluded a comprehensive agreement with the Government of Pakistan concerning exports of cotton textiles from Pakistan to the United States over a 4-year period beginning on July 1, 1966. On July 3, 1967, this agreement was amended by an exchange of notes constituting a new 4-year agreement beginning retroactively on July 1, 1966.

The second year of the amended agreement begins on July 1, 1967, and extends through June 30, 1968. Specific limits are provided for Categories 9, 15, 18/19, 22, parts of 26, part of 31, and 41/42.

By a letter to the Commissioner of Customs dated May 29, 1967, the Chairman of the President's Cabinet Textile Advisory Committee amended the directive of December 6, 1966, as amended, which had established levels of restraint for the period July 1, 1966, through June 30, 1967. The letter of May 29, 1967, provided for certain increases in the levels of restraint applicable to Categories 9, 15, 22, part of 26, and 41/42, in order to implement the provisions of paragraph 5 of the agreement of November 21, 1966, and to resolve certain problems that had arisen in the implementation of the first year of the agreement. In announcing this action, it was noted that, "A portion of the entries provided for herein may be charged against the levels applicable under the second year of the agreement, beginning July 1, 1967."

Accordingly, there is published below a letter of June 30, 1967, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs providing new designated adjusted levels of restraint for the indicated categories for the second year of the agreement, the 12-month period beginning July 1, 1967. These levels are subject to further adjustment in accordance with paragraph 5 of the agreement and in connection with the completion of administrative arrangements relating to the implementation of the first year of the agreement of November 21, 1966, as amended.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

THE SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

WASHINGTON, D.C. 20230.
June 30, 1967.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, in accordance with the bilateral cotton textile agreement of November 21, 1966, between the United States and Pakistan, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1966, you are directed, effective as soon as possible and for the 12-month period beginning July 1, 1967, and extending through June 30, 1968, to prohibit entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 9, 15, 18/19, 22, parts of 26, part of 31, and 41/42, produced or manufactured in Pakistan, in excess of the following designated adjusted levels of restraint:

Category	12-month level of restraint	Adjusted 12-month level of restraint [1]
9 ..... square yards	29,958,000	27,615,000
15 ..... do	2,625,000	2,128,000
18/19 & parts of 26 [2] ..... do	10,500,000	10,500,000
22 ..... do	8,570,000	8,970,000
Part of 26 [3] ..... do	3,675,000	3,925,000
Part of 26 (duck) [4] ..... do	7,350,000	7,350,000
Part of 31 (Only T.S.U.S.A. No. 366.2740) ..... pieces	4,095,000	4,095,000
41/42 ..... dozen	340,000	287,000

[1] These levels of restraint reflect an administrative arrangement between the Governments of the United States and Pakistan under paragraph 12 of the agreement of Nov. 21, 1966.

[2] In Category 26, Only T.S.U.S.A. Nos.:

320.34	322.34	327.34	
326.34	326.34	328.34	

[3] Only T.S.U.S.A. Nos.:

320.09	323.09	320.95	323.92	325.92	326.92	328.92	329.92
321.09	326.09	321.09	324.92	326.92	327.92	329.92	330.92
322.09	327.09	320.92	325.92	326.92	328.92	330.92	331.92
323.09	328.09	321.92	326.92	327.92			

[4] Only T.S.U.S.A. Nos.:

320.01 through 04, 08, 09
321.01 through 04, 08, 09
322.01 through 04, 08, 09
326.01 through 04, 08, 09
327.01 through 04, 08, 09
328.03 through 04, 08, 09

The following instructions shall apply in carrying out this directive:

(1) Subject to (3) below, entries of cotton textiles and cotton textile products in Categories 9, 15, 22, part of 26,[2] and 41/42, produced or manufactured in Pakistan, shall to the extent of any unfilled balances, be first charged against the adjusted special 12-month levels of restraint provided therefor in the directive of May 29, 1967, before being charged against the levels established for such goods in this letter.

(2) Entries of cotton textiles and cotton textile products in Categories 18/19, part of 26,[3] part of 26 (duck),[4] part of 31 (only T.S.U.S.A. No. 366.2740), produced or manufactured in Pakistan and which have been exported to the United States prior to July 1, 1967, shall, to the extent of any unfilled balances, be charged against the levels established for such goods for the period July 1, 1966, through June 30, 1967. In the event that the level of restraint established for the period July 1, 1966 through June 30, 1967 has been exhausted by previous entries, such goods shall be subject to the directives set forth in this letter.

(3) Cotton textiles and cotton textile products in Categories 15, parts of 26 (T.S.U.S.A. Nos. 321.....34, 322.....34, 327.....34, and 328.....34 only) and 41/42, produced or manufactured in Pakistan and which have been exported to the United States from Pakistan prior to July 1, 1966, shall not be subject to this directive.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on July 7, 1966 (31 F.R. 9310).

In carrying out the above directive, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The levels of restraint set forth above are subject to adjustment pursuant to the bilateral agreement of November 21, 1966, as amended, between the Governments of the United States and Pakistan which provides in part that within the aggregate and applicable group limits of the agreement, limits on certain categories may be exceeded by not more than 5 percent. Any adjustments provided for in the bilateral agreement will be made in further directives to you, as may be appropriate.

The actions taken with respect to the Government of Pakistan and with respect to imports of cotton textiles and cotton textile products from Pakistan have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

A. B. TROWBRIDGE,
Secretary of Commerce, and Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 67-8206; Filed, July 17, 1967; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[70-4318]

AMERICAN GAS CO. AND AMERICAN GAS COMPANY OF WISCONSIN, INC.

Fourth Supplemental Order Regarding Issue and Sale of Notes to Banks

JULY 12, 1967.

American Gas Co. ("American"), a registered holding company, and its public-utility subsidiary company, American Gas Co. of Wisconsin, Inc. ("Wisconsin"), Omaha, Nebr., have filed with this Commission, pursuant to sections 6(a) and 7 of the Public Utility Holding Company Act of 1935 ("Act"), a fourth post-effective amendment to the amended application-declaration in this matter regarding the following proposed transactions.

Wisconsin has outstanding 6¼ percent promissory notes in the amount of $450,000, maturing on June 30, 1967, all of which are held by Harris Trust & Savings Bank, Chicago, Ill. Such notes were issued, renewed, or extended pursuant to orders of the Commission in this proceeding dated October 26, 1965, February 10, 1966, May 2, 1966, and November 1, 1966 (Holding Company Act Release Nos. 15335, 15398, 15459, and 15591). The company now proposes to renew or extend said notes for an additional period or periods of not to exceed in the aggregate 180 days from June 30, 1967. The notes will bear interest at a rate of not in excess of 1 percent over the prime rate in effect at the time of renewal or extension.

Wisconsin also proposes to issue and sell, from time to time, to a bank or banks additional notes in an aggregate amount not exceeding $100,000 to be outstanding at any one time. These notes, as issued or as renewed or extended, will mature no later than December 31, 1967, and will bear interest at a rate of not in excess of 1 percent over the prime rate in effect at the time of issuance, renewal, or extension. The additional notes are to provide funds required for property additions, operating expenses, and the payment of interest on outstanding debt.

No State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Due notice having been given of the filing of said fourth post-effective amendment to the amended application-declaration in the manner prescribed in Rule 23 promulgated under the Act (Holding Company Act Release No. 15769) and no hearing having been requested of or ordered by the Commission; the Commission finding that the applicable standards of the Act and rules promulgated thereunder are satisfied and that no adverse findings are necessary; and the Commission deeming it appropriate in the public interest and in the interest of investors and consumers that said amended application-declaration, as amended by the fourth post-effective amendment, be granted and permitted to become effective:

It is ordered, Pursuant to the applicable provisions of the Act and rules thereunder, that said amended application-declaration, as amended by the fourth post-effective amendment, be, and hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule 24 promulgated under the Act.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-8218; Filed, July 17, 1967; 8:45 a.m.]

[243FW-1395]

AUTROPONICS, INC.

Order Canceling Hearing and Making Suspension Permanent

JULY 12, 1967.

I. The Commission issued an order on January 23, 1967, temporarily suspending the exemption under section 3(b) of the Securities Act of 1933, as amended, and Regulation A promulgated thereunder, for a proposed offering by Autroponics, Inc., 21 Turtle Creek Square, Dallas, Tex., of 118,300 shares of its $1 par value common stock at a price of $1.875 per share, or an aggregate offering price of $221,812.50. A written request for a hearing in this matter was received on February 23, 1967, and a hearing was ordered by the Commission to be held on June 26, 1967, which was subsequently postponed to July 24, 1967, because of continuing discussions between counsel.

II. The allegations contained in the order dated January 23, 1967, which formed the basis for the entry of the temporary suspension of the Regulation A exemption of Autroponics, Inc., are as follows:

A. The offering circular and notification contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to:

1. The failure to disclose, adequately and accurately, the highly speculative nature of the issuer's proposed business and in particular:

(a) The unsuccessful history of hydroponic grass when used for animal feed and the reasons for this lack of success;

(b) The fact that hydroponic grass has no recognized advantage as an animal feed when supplied to an already balanced ration;

(c) The fact that hydroponic grass' value where added to an inadequate ration must be balanced against the high cost of amortizing the investment in necessary equipment;

(d) The unsuccessful history of Hydroponics, Inc., of Indianapolis, Ind., a company for which the president of the issuer formerly worked and the reasons for this lack of success.

2. The failure to disclose adequately and accurately:

(a) The number of shares issued to management for (1) cash, and for (2) services, including the prices paid in cash for such shares, and the basis for computing the value of the services for which shares were issued;

(b) The dilution that will occur in the equity represented by shares which might be purchased by the public under this notification and the correlative appreciation in the equity represented by the shares held by officers, directors and other present stockholders, at no cost to such persons.

[1] Prenalta's contract previously accepted by the Commission provides for proportional upward and downward B.t.u. adjustments from a base of 1,000 B.t.u.'s, with such adjustment not to exceed a plus or minus 2.25 cents per Mcf.

B. The terms and conditions of Regulation A have not been complied with in that:

1. The aggregate offering price of the proposed offering when computed in accordance with the requirements of Rules 253 and 254 exceeds the $300,000 ceiling permissible under section 3(b) of the Securities Act and Regulation A thereunder.

2. Items 2(c) and 9(b) of Form 1–A inaccurately reflect the holdings of and transactions in the shares of the issuer by persons specified in such items.

3. The financial statements included in the offering circular fail to conform to the requirements of Item 11 of Schedule I.

C. The offering would be made in violation of section 17 of the Securities Act of 1933, as amended.

III. Autroponics, Inc., filed with the Commission on July 3, 1967, a request to withdraw its request for a hearing and the Division of Corporation Finance and the Fort Worth Regional Office have not objected thereto. Therefore,

It is ordered, That the hearing in this matter now scheduled for July 24, 1967, at 10 a.m. at the Fort Worth Regional Office, 503 U.S. Courthouse, 10th and Lamar Streets, Fort Worth, Tex. 76012, be, and it hereby is, canceled.

It is further ordered, Pursuant to the provisions of Rule 261 of Regulation A adopted under section 3(b) of the Securities Act of 1933, as amended, that the temporary order of suspension heretofore entered in these proceedings be, and it hereby is, made permanent.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67–8219; Filed, July 17, 1967; 8:46 a.m.]

[70–4503]

CENTRAL INDIANA GAS CO., INC.

Notice of Proposed Issue and Sale of Short-Term Notes to Bank

JULY 12, 1967.

Notice is hereby given that Central Indiana Gas Co., Inc. ("Central"), 300 East Main Street, Muncie, Ind. 47305, a public-utility subsidiary company of American Natural Gas Co., a registered holding company, has filed a declaration with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6 and 7 thereof as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Central presently has outstanding notes payable to banks in an aggregate principal amount of $4 million of which $1 million matures August 19, 1967, $2 million matures September 24, 1967, and $1 million matures November 21, 1967. Central proposes to issue and sell, during the period from August 15, to November 21, 1967, its unsecured promissory notes to the American Fletcher National Bank & Trust Co. ("American") in an aggregate principal amount of $5 million. Such notes will be issued and sold to pay Central's presently outstanding $4 million of notes and to partially finance its 1967 construction, estimated at $2,400,000.

Each note proposed to be issued by Central will bear interest at the prime rate at American on the date of its issue; will mature on July 31, 1968; and will be prepayable at any time without penalty. The declaration states that the net proceeds from the sale by Central of any permanent debt securities will be applied in total payment of or in reduction of all notes then outstanding and, thereupon, any amount of promissory notes which Central may be authorized by this Commission to issue and sell under this declaration will cease to be effective or will be reduced by the amount of such net proceeds.

The declaration states that when a recently passed law of the State of Indiana becomes effective, the approval of the Public Service Commission of Indiana will be unnecessary for the issue of notes having a maturity of less than 12 months. In anticipation of the effective date of such law and in order to reduce State filing fees, which amount to $2,500 per $1 million of securities authorized, Central has filed an application with the Indiana commission to issue only $1 million of the proposed notes and to use the proceeds derived from the sale thereof to pay its $1 million note maturing August 19, 1967. In this declaration Central initially requests that this Commission's authorization be limited to the issue and sale of notes in an aggregate amount not in excess of $1 million and states that, prior to August 15, 1967, it will file, by amendment to this declaration, an appropriate order of the Indiana commission authorizing the issue of said $1 million of notes or an appropriate statement that no such authorization is necessary. In addition, Central will file by amendment to this declaration supplemental requests for authority to issue and sell the remaining balance of $4 million of proposed notes which notes may be issued and sold only pursuant to appropriate order of this Commission.

The fees and expenses to be incurred in connection with the proposed transactions will be filed by amendment. The declaration states that the Public Service Commission of Indiana may, at this time, be deemed to have jurisdiction over the proposed issue of notes and that a copy of that Commission's order authorizing the issuance will be filed by amendment. The declaration further states that no other State commission, and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than August 14, 1967, request in writing that a hearing be held in respect of such matter, stating the nature of his interest, the reasons for such request and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified should the Commission order a hearing in respect thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service thereof (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67–8220; Filed, July 17, 1967; 8:46 a.m.]

[812–2144]

INVESTORS DIVERSIFIED SERVICE, INC., ET AL.

Notice of Filing of Application for Order of Exemption

JULY 12, 1967.

In the matter of Investors Diversified Services, Inc., 800 Investors Building, Minneapolis, Minn.; Investors Mutual, Inc., Investors Selective Fund, Inc., Investors Stock Fund, Inc., Investors Variable Payment Fund, Inc., 100 Roanoke Building, Minneapolis, Minn.; Alleghany Corp., 350 Park Avenue, New York, N.Y.

Notice is hereby given that Investors Mutual, Inc. ("Mutual"); Investors Selective Fund, Inc. ("Selective"); Investors Stock Fund, Inc. ("Stock"); Investors Variable Payment Fund, Inc. ("Variable"); (collectively "the Funds"), all registered under the Investment Company Act of 1940 ("the Act") as open-end management investment companies, and their investment adviser, Investors Diversified Services, Inc. ("IDS") and Alleghany Corp. ("Alleghany"), a controlling person of IDS, have filed an application pursuant to section 6(c) of the Act for an order of exemption from section 15(a) of the Act to the extent necessary to permit IDS to act as investment adviser of the Funds pursuant to the re-executed advisory contracts between IDS and the Funds, without stockholder approval of the reexecution of such contracts, for the period commencing with the appointment and qualification of Allan P. Kirby, Jr. and Fred M. Kirby as guardians of the property of their father, Allan P. Kirby, Sr., and ending on May 15, 1968. All interested persons are referred to the application filed with the Commission for a statement of the representations stated therein, which are summarized below.

The application states that Allan P. Kirby, Sr., beneficial owner of approximately 60.63 percent of the outstanding common stock of Alleghany, has been incapacitated by illness and on June 8, 1967, his sons, Allan P. Kirby, Jr. and Fred M. Kirby, filed an application for appointment of themselves as guardians of the property of their father. An assignment, as that term is defined in section 2(a)(4) of the Act, of the existing contracts will be occasioned by the transfer from Kirby, Sr., to his sons of 60.63 percent of the outstanding common stock of Alleghany, which, in turn, owns 46.76 percent of the outstanding voting stock of IDS. IDS proposes to act as investment adviser to the Funds pursuant to the reexecuted advisory contracts between IDS and the Funds, in accordance with resolutions of the boards of the Funds adopted on June 15, 1967. The application states that the advisory contracts will be submitted to the stockholders of the Funds at their next annual meetings to be held on May 15, 1968, or in the event that a special meeting of any of the Funds is held prior to that date the advisory contract will be submitted for shareholder approval at such meeting.

In support of the requested exemption, the applicants represent that the shareholders of Mutual, Stock and Variable approved by an overwhelming majority their advisory agreements with IDS at meetings held on May 10, 1967, and that the agreement between IDS and Selective was similarly approved at the annual meeting of shareholders held May 11, 1966, and was continued and renewed by the board of directors effective May 11, 1967. The application also states that the cost of holding special meetings of such Fund stockholders would be approximately $200,000 and under the circumstances no substantial benefit to the shareholders would result from such meetings. The application further represents that the appointment of the Messrs. Allan P. Kirby, Jr., and Fred M. Kirby as guardians is essentially an involuntary act necessitated by their father's illness.

The Messrs. Kirby represent in the application as amended that, as guardians of their father's property, they will use their best efforts to continue the same operating and personnel practices of IDS with relation to the Funds as were agreed to by their father and set forth in the proxy statements of September 25, 1963.

Section 15(a) of the Act requires, among other things, that an investment advisory contract provide for its automatic termination in the event of its assignment by the investment adviser. It also provides, in pertinent part, that it shall be unlawful for any person to act as an investment adviser of a registered investment company, except pursuant to a written contract and unless the terms of such contract or agreement and any renewal thereof have been approved by a vote of a majority of the outstanding voting securities of such registered investment company. However, an investment advisory contract may be renewed by a vote of a majority of the directors of said registered investment company including a majority of the directors who are not parties to such contract or agreement or affiliated persons of any such party.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person or transaction from any provision of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than July 31, 1967, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67–8221; Filed, July 17, 1967; 8:46 a.m.]

[File No. 70–4504]

MONONGAHELA POWER CO.

Notice of Proposed Issue and Sale of Principal Amount of First Mortgage Bonds; and Shares of Preferred Stock at Competitive Bidding and Charter Amendment

JULY 12, 1967.

Notice is hereby given that Monongahela Power Co. ("Monongahela"), 1310 Fairmont Avenue, Fairmont, W. Va. 26554, a registered holding company and an electric utility subsidiary company of Allegheny Power System, Inc., also a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 thereof and Rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Monongahela proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, $15 million principal amount of its first mortgage bonds, ____ percent series due August 1, 1997. The interest rate of the new bonds (which will be a multiple of one-eighth of 1 percent) and the price, exclusive of accrued interest, to be paid to Monongahela (which will be not less than 100 percent nor more than 102¾ percent of the principal amount thereof) will be determined by the competitive bidding. The new bonds will be issued under the indenture dated as of August 1, 1945, between Monongahela and First National City Bank, New York, N.Y., Trustee, as heretofore supplemented and as to be further supplemented by a supplemental indenture to be dated as of August 1, 1967. The new bonds will be issued only as registered bonds without coupons.

Monongahela also proposes to amend its charter to increase the authorized shares of cumulative preferred stock from 190,000 to 240,000 and to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, 50,000 shares of its cumulative preferred stock, Series D, par value $100 per share. The dividend rate of the new preferred shares (which will be a multiple of $0.04) and the price, exclusive of accrued dividends, to be paid Monongahela (which will not be less than $100 nor more than $102.75 per share) will be determined by the competitive bidding. The net proceeds from the sale of the new bonds and preferred stock will be used to finance in part the construction program of Monongahela and its subsidiary company for 1967, estimated at $31 million and to pay $13,500,000 of short-term notes incurred therefor.

It is stated that The Public Utilities Commission of Ohio has jurisdiction over the issue and sale of the new bonds and preferred stock and that no other State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

The fees and expenses to be paid in connection with the proposed transactions are estimated at $38,000 for the bonds and $21,000 for the preferred stock, including accountants' fees of $2,600 and $900, respectively and legal fees of $10,000 and $6,000 respectively. The fees of counsel for the underwriters, to be paid by the successful bidders, are estimated at $8,000 in respect of the bonds and $6,000 in respect of the preferred stock.

Notice is further given that any interested person may, not later than August 1, 1967, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-8222; Filed, July 17, 1967; 8:46 a.m.]

[70-4506]

PASADENA HYDRAULICS, INC., AND PENNZOIL CO.

Notice of Proposed Disposition of Assets in Exchange for Securities

JULY 12, 1967.

Notice is hereby given that Pasadena Hydraulics, Inc. ("Pasadena"), 1433 Lidcombe Avenue, El Monte, Calif. 91733, a nonutility subsidiary of Pennzoil Co. ("Pennzoil"), 900 Southwest Tower, Houston, Tex. 77002, a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 9 and 10 of the Act and Rule 23 thereunder as applicable to the proposed transactions. All interested persons are referred to the application which is summarized below, for a complete statement of the proposed transactions.

Pasadena manufactures and sells hydraulic presses. Approximately 67 percent of its outstanding capital stock is owned by Pennzoil. The proposed transactions involve (1) the sale by Pasadena of its business and properties to the Rucker Co. ("Rucker"), a nonaffiliated California corporation, in exchange for 39,000 shares of common stock, no par value, of Rucker (thereupon representing approximately 3 percent of Rucker's outstanding common stock) and the assumption by Rucker of substantially all of Pasadena's liabilities; and (2) the dissolution of Pasadena under the laws of the State of California and the distribution to Pasadena's stockholders (including Pennzoil) in accordance with their respective interests of all shares of common stock of Rucker received by Pasadena in the proposed sale. The retainability under the Act of the Rucker stock by Pennzoil will depend on the outcome of the pending section 11(b) proceeding with respect to Pennzoil and its subsidiary companies (Holding Company Act Release No. 15475).

Pasadena was incorporated in 1953. Its issued and outstanding capital stock consists of 70 shares of capital stock, $100 par value, of which 47 shares are beneficially owned by Pennzoil and 23 shares are beneficially owned by Mr. and Mrs. William H. Hutchison, California residents. As of March 31, 1967, Pasadena had total assets of $1,337,000 per books, of which $1,078,000 consisted of current assets. Hutchison is President, a director and stockholder of Pasadena, but is not affiliated with Pennzoil, or any of its subsidiary companies, in any other manner. Hutchison has advised Pasadena and Pennzoil that he has no affiliation with Rucker; however, it is contemplated that Hutchison will become an employee of Rucker upon consummation of the proposed sale. The application states that the terms of the proposed sale were determined by arm's-length bargaining and negotiation between Hutchison and the executive officers of Rucker commencing in April, 1967.

Rucker was incorporated in California in 1950. It is engaged, directly and through its subsidiaries, in the design, development, manufacture and sale of electronic, electric, hydraulic and pneumatic control systems and components, safety electrical equipment, and drilling equipment for the petroleum industry, as well as distribution of hydraulic control system components manufactured by others. As of March 31, 1967, Rucker had total assets of $13,787,774 per books, of which $11,172,686 consisted of current assets. Its authorized capital stock consists of 3 million shares of common stock, no par value, of which 1,637,596 shares were issued and outstanding on June 1, 1967. Rucker's common stock is actively traded in the over-the-counter market and in May, 1967 Rucker and certain of its stockholders made a public offering of 256,000 shares of common stock of Rucker at a price of $34 per share. At June 20, 1967, the common stock of Rucker was quoted on the over-the-counter market at 39¼ bid and 39¾ asked.

It is stated that no fees, commissions or expenses are anticipated by Pennzoil in connection with the proposed transactions other than legal fees estimated not to exceed $500. The fees, commissions and expenses anticipated by Pasadena in connection with the proposed transactions are estimated at $19,450 including legal fees of $10,000. It is further stated that no State commission or any Federal commission, other than this Commission, has jurisdiction over the proposed transactions, except that Rucker is obligated to obtain an appropriate permit from the Commissioner of Corporations of the State of California prior to issuance of its common stock to Pasadena.

Notice is further given that any interested person may, not later than July 27, 1967, request in writing that a hearing be held in respect of such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified should the Commission order a hearing in respect thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants at the above-stated addresses, and proof of service thereof (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-8223; Filed, July 17, 1967; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[4th Rev. S.O. 562; ICC Order No. 224-A]

CHICAGO, ROCK ISLAND & PACIFIC RAILROAD CO.

Rerouting or Diversion of Traffic

Upon further consideration of ICC Order No. 224 (the Chicago, Rock Island & Pacific Railroad Co.) and good cause appearing therefor:

It is ordered, That:

(a) ICC Order No. 224 be, and it is hereby vacated and set aside.

(b) Effective date: This order shall become effective at 10 a.m., July 12, 1967.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., July 12, 1967.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[F.R. Doc. 67-8251; Filed, July 17, 1967; 8:48 a.m.]

[Notice 420]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 13, 1967.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 55236 (Sub-No. 151 TA) (Correction), filed July 3, 1967, published in FEDERAL REGISTER, issue of July 7, 1967, corrected, and republished as corrected, this issue. Applicant: OLSON TRANSPORTATION COMPANY, 1970 South Broadway, Post Office Box 1187, Green Bay, Wis. 54306. Applicant's representative: G. R. Richmond (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk, from Port Edwards, Wis., to points in Illinois, Indiana, Iowa, Michigan, and Minnesota; for 180 days. NOTE: The purpose of this republication is to include acids in the commodity description, previously inadvertently omitted. Supporting shipper: Wyandotte Chemicals Corp., Wyandotte, Mich. 48192, William H. Wright, transportation manager, rates. Send protests to: W. F. Sibbald, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 105881 (Sub-No. 39 TA), filed July 10, 1967. Applicant: M.R. & R. TRUCKING COMPANY, 715 North Ferdon Boulevard, Post Office Box 727, Crestview, Fla. 32536. Applicant's representative: Dan R. Schwartz, 1730 American Heritage Life Building, Jacksonville, Fla. 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment); (1) between Tallahassee, Fla., and Albany, Ga.: From Tallahassee, over U.S. Highway 319 to Thomasville, Ga., thence over U.S. Highway 19 to Albany, and return over the same route, serving Moultrie, Ga., and points in Thomas County, Ga., as intermediate or off-route points; (2) between Tampa, Fla., and Thomasville, Ga.: From Tampa over U.S. Highway 41 to Dunnellon, Fla., thence over Florida Highway 336 to Lebanon Station, Fla., thence over U.S. Highway 19 to Thomasville, and return over the same route, serving all points between and including Dunnellon and Monticello as intermediate points; (3) between Dunnellon, Fla., and Jacksonville, Fla.: From Dunnellon over U.S. Highway 41 to Archer, Fla., thence over U.S. Highway 24 to Waldo, Fla., thence over U.S. Highway 301 to Maxville, Fla., thence over Florida Highway 228 to Jacksonville, and return over the same route, serving all points between and including Dunnellon and Gainesville as intermediate points; (4) between Archer, Fla., and Cedar Key, Fla., over Florida Highway 24, and return over the same route, serving all intermediate points; (5) between Chiefland, Fla., and Williston, Fla., over U.S. Highway Alternate 27, and return over the same route, serving all intermediate points; (6) between Greenville, Fla., and Lake City, Fla., over U.S. Highway 90, and return over the same route, serving all points between and including Greenville and Lake City as intermediate points and the plantsite of Occidental Corp. located near White Springs, as an off-route point, in connection with carrier's otherwise authorized route between Jacksonville and Tallahassee; (7) between Perry, Fla., and Lake City, Fla.: From Perry over U.S. Highway 27 to Branford, Fla., thence over Florida Highway 247 to Lake City, and return over the same route, serving Mayo, Fla., as an intermediate point; (8) between Live Oak, Fla., and Mayo, Fla., over Florida Highway 51, and return over the same route, serving no intermediate points; and (9) between Tampa, Fla., and junction Interstate Highway 75 and U.S. Highway 90 near Lake City, Fla., over Interstate Highway 75, and return over the same rpute, serving no intermediate points but serving junction Interstate Highway 75 and Florida Highway 24 near Gainesville, Fla., for the purpose of joinder only. Restriction: Routes (1) through (9) specified herein may not be combined or tacked with other authorized routes of the carrier for the purpose of performing a direct single line service: (A) From, to or through more than one of the points of Atlanta, Ga., Jacksonville, Fla., or Tampa, Fla., including the respective commercial zones of each; or (B) between Atlanta, Ga., including the commercial zone thereof, on the one hand, and, on the other, any other point in Georgia located on routes (1) through (9), including shipments interchanged at Atlanta for movement to or from points beyond; or (C) from Jacksonville, Fla., to any point in Georgia located on routes (1) through (9); or (D) from Albany, Ga., to Jacksonville, Fla., including the commercial zones of each. NOTE: Applicant states that it intends to tack the authority here applied for to authority held by it in MC 105881 and subs thereunder. Applicant also proposes to interline with other carriers at Atlanta, Ga., Dothan, Ala., Jacksonville, Pensacola, and Tampa, Fla. Supporting shippers: There are 74 shippers' supporting statements attached to application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or at the field office named below. Send protests to: G. H. Fauss, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box 35008, Federal Office Building, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 110411 (Sub-No. 4 TA), filed July 10, 1967. Applicant: J. C. BAKER, doing business as NORTHEAST ARKANSAS TRANSPORTATION CO., Drawer D, 408 South Main Street, Leachville, Ark. 72438. Applicant's representative: Joseph B. Hendrix, 1805 South Harrison, Little Rock, Ark. 72204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Packinghouse products*, from St. Louis, Mo., to points in Clay, Jackson, Independence, Lawrence, Randolph, and Sharp Counties, Ark; for 180 days. NOTE: Applicant states that it intends to tack with authority under MC 110411. Supporting shippers: Krey Packing Co., St. Louis, Mo.; and St. Louis Independent Packing Co., St. Louis, Mo. Send protests to: D. R. Partney, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 3519 Federal Office Building, Little Rock, Ark. 72201.

No. MC 110420 (Sub-No. 549 TA), filed July 10, 1967. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Post Office Box 339, Burlington, Wis. 53105. Applicant's representative: Fred H. Figge (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Inedible animal greases and inedible tallow*, in bulk, in tank vehicles, from Fort Wayne and New Carlisle, Ind., to Battle Creek, Mich.; for 150 days. Supporting shipper: Davidson Commission Co., 141 West Jackson Boulevard, Chicago, Ill., George Lewis, vice president. Send protests to: W. F. Sibbald, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 114106 (Sub-No. 56 TA), filed July 10, 1967. Applicant: MAYBELLE TRANSPORT COMPANY, 1820 South Main Street, Post Office Box 573, Lexing-

ton, N.C. 27292. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Muriatic acid*, in bulk, in tank vehicles, from Greer, S.C., to Slater, S.C., on traffic having a prior movement by rail; for 150 days. Supporting shipper: Stauffer Chemical Co., 380 Madison Avenue, New York, N.Y. 10017. Send protests to: Jack K. Huff, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 206, 327 North Tryon Street, Charlotte, N.C. 28202.

No. MC 114822 (Sub-No. 9 TA), filed July 10, 1967. Applicant: RUDOLPH PAFFRATH, WILLIAM PAFFRATH and THOMAS PAFFRATH, doing business as PAFFRATH BROS., 1415 Clinton Street, Linden, N.J. 07036. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal*, in dump trailers, between Jersey City, Newark, and Elizabeth, N.J., on the one hand, and, on the other, Easton, Conshohocken, Philadelphia, and Stroudsburg, Pa.; for 150 days. Supporting shippers: Harris Fiestal & Son, Inc., 650 Palisade Avenue, Englewood Cliffs, N.J. 07632; the Oxman Steel Corp., 1920 Chestnut Street, Philadelphia, Pa. 19103; United States Gear Manufacturing Corp., 2401 Third Avenue, Bronx, N.Y. 10451; and Woodward Scrap Iron & Metal Corp., 125 Woodward Street, Jersey City, N.J. 07304. Send protests to: Walter J. Groasman, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1060 Broad Street, Newark, N.J. 07102.

No. MC 129226 TA, filed July 10, 1967. Applicant: TO-JON TRUCKING, INC., 6 Verly Court, Bethpage, N.Y. 11714. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Stationery*, from the plantsite of Orlando Paper Corp., Oceanside, N.Y., to New York, N.Y., and points in Passaic, Bergen, Hudson, Essex, and Union Counties, N.J.; under contract with Orlando Paper Corp.; for 180 days. Supporting shipper: Orlando Paper Corp., 3415 Hampton Road, Oceanside, N.Y. 11572. Send protests to: E. N. Carignan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 346 Broadway, New York, N.Y. 10013.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-8262; Filed, July 17, 1967; 8:48 a.m.]

[General Emergency Transport Order 1-67]

PREFERENCE AND PRIORITY FOR THE TRANSPORTATION OF PASSENGERS AND FREIGHT NECESSARY TO THE NATIONAL DEFENSE, HEALTH, AND SAFETY

Pursuant to Title 1 of the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061, et seq.), Executive Order 10480, as amended, and Executive Order of July 16, 1967; and it being deemed necessary in the public interest and to promote the national defense, health, and safety by reason of the short supply of domestic transportation equipment, facilities, and service due to the current nationwide cessation of railroad service, to regulate, allocate, and promote the use of motor and inland water carrier equipment, facilities, and service, for the preferential transportation of passengers and property necessary to the national defense, health, and safety, and it being impractical to consult with industry representatives due to the necessity of immediate action: *It is hereby ordered*, That:

SECTION 1. *Transportation of military and other freight necessary to promote the national defense, health, and safety.* Every motor and inland water carrier engaged in the transportation of property shall give preference and priority over all other traffic to the transportation of:

(a) All materials moving on Government bills of lading issued by military transportation officers;

(b) Materials moving on commercial bills of lading specifically certified as essential by the Department of Defense;

(c) Essential U.S. mail;

(d) Fresh meats and poultry;

(e) Fresh eggs and milk;

(f) Fresh fruits and vegetables;

(g) Fresh fish and shellfish;

(h) Pharmaceuticals, biologicals, surgical textiles and instruments;

(i) Hospital and sickroom supplies and equipment, including diagnostic devices and essential support utilities;

(j) Professional dental supplies and equipment;

(k) Medical laboratory supplies and equipment; and

(l) Water and sewage processing and handling supplies and equipment, including chlorine, alum, lime, sulphate of iron, soda ash, and similar chemicals and equipment essential to the continuity of operation of water and sewage installations.

Where necessary to accord such preference and priority, said carriers shall limit or restrict the amount of other freight transported on any motor vehicle or vessel operated by it.

SEC. 2. *Transportation of essential Government personnel.* Every motor carrier engaged in the transportation of passengers shall give preference and priority over all other traffic to the transportation of essential Government personnel, including military passengers, traveling on Government travel requests.

SEC. 3. *Applicability.* The provisions of this order shall apply to all for-hire motor and inland water carriers engaged in intrastate, interstate, and foreign commerce within the United States, including the District of Columbia, but excluding the States of Alaska and Hawaii, and the territories and possessions of the United States.

SEC. 4. *Definitions.* As used in this order:

(a) The term "motor carrier" means any person who engages in the transportation of passengers or property by motor vehicle for compensation;

(b) The term "inland water carrier" means any person who engages in the transportation of property by vessel for compensation;

(c) The term "motor vehicle" means any vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used upon the highways in the transportation of passengers or property, or any combination thereof; and

(d) The term "vessel" means any watercraft or other artificial contrivance of whatever description which is used, or is capable of being, or is intended to be, used as a means of transportation by water.

SEC. 5. *Communications.* Communications concerning this order should refer to "General Emergency Transport Order 1-67" and should be addressed to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

This General Emergency Transport Order 1-67 shall become effective July 16, 1967, and shall remain in full force and effect during the current emergency and until further order.

Issued at Washington, D.C., this 16th day of July 1967.

[SEAL] WILLIAM H. TUCKER, *Chairman, Interstate Commerce Commission.*

[F.R. Doc. 67-8344; Filed, July 17, 1967; 11:01 a.m.]

[Ex Parte No. MC-64]

[General Temporary Order No. 4]

TEMPORARY AUTHORITY TO TRANSPORT PASSENGERS AND PROPERTY BY MOTOR VEHICLE

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D.C., on the 16th day of July 1967.

The Interstate Commerce Commission having under consideration the urgent need for motor carrier services due to the cessation of normal railroad transportation occasioned by work stoppages, the national transportation policy, the public interest, and, among others, sections 202(a), 204(a)(8), and 210a(a) of the Interstate Commerce Act, and

It appearing, that due to a labor dispute, the common carriers by railroad are unable to transport passengers and property tendered to them; and that an emergency exists in all sections of the United States requiring immediate action on the part of the Commission to make provision for adequate transportation service in the interest of the public and the national defense;

It further appearing, that there exists an immediate and urgent need for additional motor carrier service to supplement temporarily the transportation facilities of the Nation for the movement of military and other freight, and passengers;

And it further appearing, that the present transportation emergency and the immediate need for maximum utilization of motor carrier facilities, equipment, and service have made it necessary for the Commission to provide and authorize a more flexible method whereby motor carriers, and other persons, may obtain temporary authorizations to render the required motor service necessary in the public interest and to the national defense;

It is ordered, That pursuant to section 210a(a) of the Interstate Commerce Act (49 U.S.C. 310a(a)) all persons who shall apply to any regional director or district supervisor of the Commission's Bureau of Operations (30 F.R. 10069) are hereby granted temporary authority to transport passengers or property by motor vehicle for a period of not more than 30 days to the extent and scope that such regional director or district supervisor shall certify that due to the existing transportation emergency, there is an immediate and urgent need for the service applied for, and that there is no available carrier service capable of meeting such need;

It is further ordered, That the grant of such temporary authority be, and it is hereby, conditioned upon satisfying the said regional director or district supervisor of full compliance by the grantee with all applicable statutory and Commission requirements concerning tariff publications, evidence of security for the protection of the public, and designation of agents for service of process, and further conditioned upon such tariff publications quoting rates, fares, and charges no lower than those of existing rail, water, or motor carriers in the territory in which the operations are to be authorized;

It is further ordered, That temporary authority granted pursuant to this order shall expire as of the first midnight after rail carrier service shall have been reinstituted, except as to passengers or property, the transportation of which was begun prior to that time;

It is further ordered, That this order shall become effective on the 16th day of July 1967.

And it is further ordered, That notice of this order shall be given to motor carriers, other parties of interest, and to the general public by depositing a copy thereof in the Office of the Secretary of the Commission, Washington, D.C., and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission, Division 1.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-8345; Filed, July 17, 1967; 11:01 a.m.]

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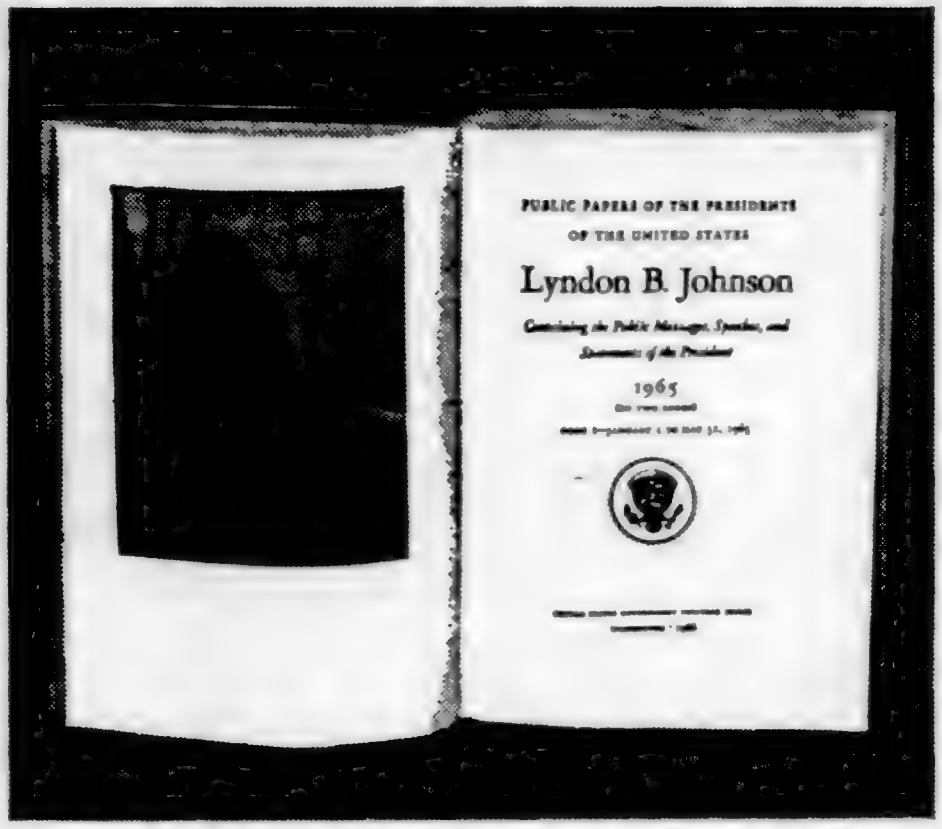
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FEDERAL REGISTER

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Wednesday, July 19, 1967 • Washington, D.C.

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THE UNIVERSITY OF MICHIGAN

JUL 24 1967

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(As of January 1, 1967)

Title 35—Panama Canal
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Title 3—THE PRESIDENT

Proclamation 3794

MODIFYING PROCLAMATION 3279 ADJUSTING IMPORTS OF PETROLEUM AND PETROLEUM PRODUCTS

By the President of the United States of America

A Proclamation

WHEREAS, pursuant to section 2 of the act of July 1, 1954, as amended (72 Stat. 678), and section 232 of the Trade Expansion Act of 1962 (76 Stat. 877), findings and determinations have been made that adjustments in the imports of crude oil, unfinished oils, and finished products were necessary so that such imports would not threaten to impair the national security, such adjustments have been made by Proclamation 3279[1] (24 F.R. 1781) and modified by Proclamation 3290 (24 F.R. 3527), Proclamation 3328 (24 F.R. 10133), Proclamation 3386 (25 F.R. 13945), Proclamation 3389 (26 F.R. 507, 811), Proclamation 3509 (27 F.R. 11985), Proclamation 3531 (28 F.R. 4077), Proclamation 3541 (28 F.R. 5931), Proclamation 3693 (30 F.R. 15459), and Proclamation 3779 (32 F.R. 5919); and

WHEREAS, I find and determine that, in support of Federal, state and local rules and regulations for air pollution control, it is necessary to enhance the ability of the petroleum industry to provide adequate supplies of low sulphur residual fuel oil to be used as fuel; and

WHEREAS, I find that it is necessary to permit the entrance of new importers and to provide for allocations which will assure that adequate supplies of low sulfur residual fuel oil to be used as fuel will be distributed to users of such products; and

WHEREAS, I find and determine that such action will be compatible with the purposes of Proclamation 3279:

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, acting under and by virtue of the authority vested in me by the Constitution and the statutes, including section 232 of the Trade Expansion Act of 1962, do hereby proclaim that:

1. Subparagraph (2) of paragraph (a) of section 2 of Proclamation 3279, as amended, is amended to read as follows:

(2) The maximum level of imports of residual fuel oil to be used as fuel into Districts I, Districts II–IV, and District V for a particular allocation period shall be the level of imports of that product into those districts during the calendar year 1957 as adjusted by the Secretary as he may determine to be consonant with the objectives of this proclamation.

2. Paragraph (d) of section 2 of Proclamation 3279, as amended, is revoked and paragraph (e) of section 2 is redesignated as paragraph (d).

3. Subparagraph (5) of paragraph (b) of section 3 of Proclamation 3279, as amended, is amended to read as follows:

[1] 3 CFR 1959–1963 Comp., p. 11.

(5) With respect to the allocation of imports of residual fuel oil to be used as fuel into Districts II–IV, District V, and Puerto Rico, such regulations shall, to the extent possible, provide for a fair and equitable distribution of imports of residual fuel oil to be used as fuel among persons who were importers of that product into the respective districts or Puerto Rico during the respective base periods specified in section 2 of this Proclamation. In addition, in District V, and Puerto Rico, the Secretary by regulation may, to the extent possible, provide for a fair and equitable distribution of imports of residual fuel oil to be used as fuel, the maximum sulfur content of which is acceptable to the Secretary (i) among persons who are in the business in the respective districts or Puerto Rico of selling residual fuel oil to be used as fuel and who have had inputs of that product to deep-water terminals located in the respective districts or Puerto Rico, and (ii) among persons who are in the business in the respective districts or Puerto Rico of selling residual fuel oil to be used as fuel and have throughput agreements (warehouse agreements) with deep-water terminal operators. With respect to the allocation of imports into District I of residual fuel oil to be used as fuel, such regulations shall, to the extent possible, provide for a fair and equitable distribution of imports of residual fuel oil to be used as fuel (i) among persons who were importers of that product into such district during the calendar year 1957, (ii) among persons who are in the business in District I of selling residual fuel oil to be used as fuel and who have had inputs of that product to deep-water terminals located in District I, and (iii) among persons who are in the business in District I of selling residual fuel oil to be used as fuel and have throughput agreements (warehouse agreements) with deep-water terminal operators. With respect to the allocation of imports of residual fuel oil to be used as fuel into District I, Districts II–IV, District V, and Puerto Rico, such regulations shall also provide, to the extent possible, for the granting and adjustment of allocations of imports of residual fuel oil to be used as fuel in accordance with procedures established pursuant to section 4 of this proclamation.

4. A new paragraph (e), reading as follows, is added to section 3 of Proclamation 3279, as amended:

(e) Notwithstanding the levels established in section 2 of this proclamation and the provisions of paragraph (b) of this section, the Secretary may provide by regulation for additional allocations of imports of crude oil and unfinished oils to persons in Districts I–IV and District V who manufacture in the United States residual fuel oil to be used as fuel, the maximum sulphur content of which is acceptable to the Secretary, in consultation with the Secretary of Health, Education and Welfare. These allocations to each of such persons shall not exceed the amount of such residual fuel oil produced by that person.

5. Subparagraph (7) of paragraph (g) of section 9 of Proclamation 3279, as amended, is amended to read as follows:

(7) Residual fuel oil—topped crude oil or viscous residuum which has a viscosity of not less than 45 seconds Saybolt universal at 100° F. and crude oil which has a viscosity of not less than 45 seconds Saybolt universal at 100° F. minimum viscosity and which is to be used as fuel without further processing other than by blending by mechanical means.

IN WITNESS WHEREOF, I have hereunto set my hand this seventeenth day of July in the year of our Lord nineteen hundred and sixty-seven, and of the Independence of the United States of America the one hundred and ninety-second.

Lyndon B. Johnson

[F.R. Doc. 67-8390; Filed, July 17, 1967; 3:05 p.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 16]

PART 717—HOLDING OF REFERENDA ON MARKETING QUOTAS

Subpart—Regulations Governing the Holding of Referenda on Marketing Quotas

REFERENDUM COMMUNITIES

Basis and purpose. The amendment herein is issued under and in accordance with the provisions of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.).

The purpose of this amendment is to revise the referendum communities for flue-cured tobacco referendums for Mecklenburg County, Va.

Since a referendum for flue-cured tobacco will be held on July 18, 1967, it is important that this amendment be issued and made effective as soon as possible. Accordingly, it is hereby found that compliance with the notice, public procedure, and effective date requirements of 5 U.S.C. 553 is impracticable and contrary to the public interest and this amendment shall become effective as provided herein.

The table of referendum communities in § 717.4(c) is amended to revise the referendum communities for Mecklenburg County, Va., to read as follows:

§ 717.4 **Place for balloting.**

* * * * *

(c) Referendum communities for flue-cured tobacco referendums by States and counties are as follows:

...	...	...
Mecklenburg..	Flue-cured tobacco.	Regular ASCS communities, except that Eppes Fork precinct of Palmer Springs District shall constitute a separate referendum community.
...	...	...

(Secs. 312, 375, 52 Stat. 46, 66, as amended, 7 U.S.C. 1312, 1375)

Effective date: Date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on July 13, 1967.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 67-8384; Filed, July 18, 1967; 8:46 a.m.]

[Amdt. 25]

PART 724—BURLEY, FLUE-CURED, FIRE-CURED, DARK AIR-CURED, VIRGINIA SUN-CURED, CIGAR-BINDER (TYPES 51 AND 52), CIGAR-FILLER AND BINDER (TYPES 42, 43, 44, 53, 54, AND 55), AND MARYLAND TOBACCO

Subpart—Allotment and Marketing Quota Regulations, 1963–64 and Subsequent Marketing Years

MISCELLANEOUS AMENDMENTS

Basis and purpose. (a) The amendments contained herein are issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.), and are made for the purpose of amending the Tobacco Allotment and Marketing Quota Regulations for the 1963–64 and Subsequent Marketing Years. The proposed amendments set forth below in part are designed to comply with Public Law 89–487, 80 Stat. 250, which will become effective on July 4, 1967 requires that statements of policy, interpretations and administrative staff manuals and instructions to staff which affect the public be published in the FEDERAL REGISTER. The amendments herein include the penalty rates for the 1967–68 marketing year for several kinds of tobacco; deletion of the restrictions on lease and transfer of Maryland tobacco acreage allotments, which is required by the enactment of Public Law 90–6; provision for reduction in the current year's allotment, upon the written request of the operator, because of an insufficient acreage of cropland; changes in and additions to definitions of terms for more effective administration; provision for a hearing before the county committee prior to reduction of allotment for failure to account for tobacco or other violations; and several changes of a clarifying or purely administrative nature designed for more effective administration.

(b) Tobacco farmers are currently engaged in the preparation for and production of the kinds of tobacco set forth above. Hence, it is essential that the amendments contained herein which deal with the identification of sales of 1967 crop tobacco and for the keeping of records with respect thereto be made effective at the earliest possible date. Accordingly, it is hereby found and determined that compliance with the notice, public procedure and 30-day effective date requirements of 5 U.S.C. 553 is impracticable and contrary to the public interest, and the amendments contained herein shall become effective upon filing of this document with the Director, Office of the Federal Register.

1. Section 724.51, paragraphs (d), (j), and (l) are revised and paragraph (dd) is added to read as follows:

§ 724.51 **Definitions.**

* * * * *

(d) "Buyers Corrections Account" means the warehouse account of tobacco purchased at auction by the buyer but not delivered to the buyer, or any tobacco returned by the buyer because of rejection by the buyer, lost ticket, or any other valid reason, which is turned back to the warehouseman and supported by an adjustment invoice from the buyer. This account shall include the pounds deducted resulting from returned baskets, short baskets and short weights, and pounds added resulting from long baskets and long weights, which buyers support with adjustment invoices.

* * * * *

(j) "Floor sweepings" for burley, fire-cured, dark air-cured, Virginia sun-cured, and Maryland tobacco for the marketing year beginning October 1, 1967, and subsequent marketing years, means scraps of tobacco or leaves other than bundles of tobacco, which accumulate on the warehouse floor in the regular course of business which is sold in the untied form in which acquired and sales and resales of such tobacco: *Provided*, That floor sweepings exceeding the pounds determined by multiplying the applicable listed percentage times the total first sales of tobacco at auction for the season for the warehouse, shall be deemed to be leaf account tobacco:

Kind of tobacco	*Percentage*
Burley and Maryland.....	0.30 (three-tenths of 1 percent).
Fire-cured, air-cured, and Virginia sun-cured.	0.02 (two-hundredths of 1 percent).

* * * * *

(l) "Leaf account tobacco" means for burley, fire-cured, dark air-cured, Virginia sun-cured, and Maryland tobacco for the marketing year beginning October 1, 1967, and succeeding marketing years, all tobacco purchased or otherwise

acquired by or for the account of the warehouse and shall include, but not be limited to, tobacco from Buyers Corrections Account and sales and resales of such tobacco, scrap tobacco obtained through grading tobacco for farmers or furnishing farmers curing or stripping space, floor sweepings purchased from another warehouseman or dealer, and floor sweepings deemed to be leaf account tobacco under paragraph (j) of this section.

* * * * *

(dd) "Sale" means, with respect to cigar-filler and cigar-binder tobacco, the first marketing of farm tobacco on which the gross amount of the sale price therefor has been or could be readily determined.

2. Section 724.55 is amended to read as follows:

§ 724.55 Determination of preliminary acreage allotments and tobacco history acreage for old farms.

(a) *Determination of preliminary acreage allotments*—(1) *Farms with history acreage in base period.* A preliminary farm acreage allotment shall be determined for each farm which has tobacco history acreage, as defined and explained in paragraph (b) of this section, in the base period, except that no preliminary farm acreage allotment shall be established in the current year under any one of the following conditions: (i) The only tobacco history acreage credited to the farm during the entire base period is history acreage restored because the allotment was reduced for violation of the marketing quota regulations; (ii) a new farm allotment was established in any prior year but was canceled for the preceding year; (iii) an allotment was pooled under Part 719 of this chapter but was canceled; or (iv) an allotment for land which the county committee determines has been retired from agricultural production and which was not or could not have been acquired under right of eminent domain by the acquiring person or agency. This paragraph shall not preclude the determination of a preliminary acreage allotment for an old farm returned to agricultural production if the allotment for the retired land was not allocated to other land contained in the farm of which the retired land was a part, or a farm for which an acreage allotment may be determined under the provisions of § 724.59(a).

(2) *Preliminary farm acreage allotments.* The preliminary farm acreage allotment for the current year for a farm which qualifies for a preliminary farm acreage allotment under subparagraph (1) of this paragraph shall be the same as the allotment (prior to lease and transfer and prior to reduction for violation) for the preceding year: *Provided*, That if the tobacco history acreage for the farm in neither of the two immediately preceding years was as much as 75 percent of the allotment (after any reduction for violation), the preliminary acreage allotment shall be the larger of (not to exceed the allotment for the preceding year): (i) The largest tobacco history acreage in either of the two preceding years, or (ii) the average tobacco history acreage for the base period.

(b) *Determination of tobacco history acreage.* Tobacco history acreage shall be determined for each farm for which a tobacco farm acreage allotment has been established for the current year.

(1) *Farm acreage allotment fully preserved.* The farm acreage allotment is fully preserved as tobacco history acreage for any year if: (i) (*a*) In such year or either of the two immediately preceding years the sum of (*1*) the final tobacco acreage as determined under Part 718 of this chapter, (*2*) acreage leased and transferred from the farm, (*3*) acreage reduced because of insufficient cropland on the farm, and (*4*) acreage regarded as planted under the conservation programs and conservation practices determined pursuant to Part 719 of this chapter, was as much as 75 percent of the allotment after any reduction for violation. If an erroneous notice of allotment was applicable, the smaller of the correct or the erroneous notice shall be used to determine whether 75 percent planting provision has been met; or (*b*) in any year or either of the two immediately preceding years the farm acreage allotment was in the eminent domain pool; or (ii) the farm consists of federally owned land for which a restrictive lease is in effect prohibiting the production of tobacco. (Federally owned land as used in this paragraph means land owned by the Federal Government or any department, bureau, or agency thereof, or by any corporation all of the stock of which is owned by the Federal Government.)

(2) *Computed history acreage.* If the farm acreage allotment is not fully preserved as tobacco history acreage under subparagraph (1) of this paragraph, the tobacco history acreage shall be the sum of the acreage (not to exceed the farm acreage allotment) as follows:

(i) Final tobacco acreage.

(ii) Acreage regarded as planted under the conservation programs and conservation practices determined pursuant to Part 719 of this chapter.

(iii) Acreage leased and transferred from the farm.

(iv) Acreage reduced because of insufficient cropland on the farm.

(v) Acreage reduced for violation of marketing quota regulations.

(3) *Adjustment of tobacco history acreage for abnormal weather or disease.* If the county committee determines (with the approval of a representative of the State committee) that for any year the sum of the final tobacco acreage, any acreage transferred from the farm, the acreage allotment reduced because of insufficient cropland acreage, and the acreage regarded as planted to tobacco under the conservation programs and conservation practices, is less than 75 percent of the allotment (after any reduction for violation) because of abnormal weather or disease, the tobacco history acreage for such year shall be adjusted to become the smaller of (i) the allotment (prior to any reduction for violation), or (ii) the sum of the final tobacco acreage for the farm, the additional acreage which the county committee determines (with the approval of a representative of the State committee) would have been included in the final acreage except for abnormal weather or disease, any acreage leased and transferred from the farm, the acreage reduced because of insufficient cropland acreage, the acreage regarded as planted to tobacco under the conservation programs and conservation practices, and the amount of any reduction for violation. Any adjustment in tobacco history acreages because of abnormal weather or disease shall not be considered as acreage devoted to tobacco in determining whether or not 75 percent of the allotment is planted. No adjustment for abnormal weather or disease shall be made unless the farm operator requests such an adjustment in writing to the county committee no later than October 1 of the crop year involved.

(4) *Zero allotment farms.* Any acreage planted to tobacco on a farm for which is farm acreage allotment of zero was established shall not be credited with any tobacco history acreage.

(5) *Allotments in eminent domain pool.* The farm acreage allotment in the eminent domain pool, as provided in Part 719 of this chapter, shall be considered fully planted during the years in the pool, including any year in which the pooled allotment is released by the displaced owner to the county committee for reapportionment to other farms in the county. The tobacco history acreage shall be the same as the pooled allotment.

(6) *All history acreage is restored history acreage.* A farm shall be considered to have no tobacco history acreage during the base period and shall not be considered an old farm if the only tobacco history acreage computed for the farm during the base period consists of tobacco history acreage restored for reduction of the farm acreage allotment for violation of the tobacco marketing quota regulations.

(7) *Tobacco history acreage for new farms.* The tobacco history acreage for a farm for the year it received an allotment as a new farm shall be the same as the new farm allotment if as much as 75 percent of the allotment is planted in such year. If less than 75 percent of the new farm allotment is planted, the tobacco history acreage shall be the same as the planted acreage. No adjustment for abnormal weather or disease shall be made in the tobacco history acreage for the farm for the year it was a new farm.

3. A new § 724.56a is added after § 724.56 to read as follows:

§ 724.56a Reduction in farm allotment because of cropland limitation.

The allotment determined for any farm under § 724.56 may be reduced for the current year if the sum of the feed grain base, total allotments, and sugar proportionate shares exceeds the cropland for the farm for the current year and the farm operator requests in writing to reduce the tobacco allotment in lieu of the feed grain base: *Provided*, That such reduction shall not exceed the acreage by which the sum of the feed grain base, total allotments, and sugar proportionate shares exceeds the cropland for the farm: *Provided, further*, That such reduction shall be effective for the current year only. For purposes of establishing future State, and farm acreage allotments, the acreage not planted under the farm allotment because of a reduction under this paragraph shall be regarded as planted on the farm.

4. Section 724.57 is amended to read as follows:

§ 724.57 Adjustment of acreage allotments for old farms, correction of errors made in acreage allotments for old farms and allotments for overlooked old farms.

(a) Notwithstanding the limitations contained in § 724.55, the individual current year's farm acreage allotment heretofore established for an old farm may be increased if the county committee justifies such increase to the satisfaction of a representative of the State committee as being necessary to establish an allotment for such farm which is fair and equitable in relation to the allotments for other old farms in the county on the basis of the past acreage of tobacco, making due allowances for drought, flood, hail, other abnormal weather conditions, plant bed, and other diseases; land, labor and equipment available for the production of tobacco, crop rotation practices; and the soil and other physical factors affecting the production of tobacco.

(b) Not to exceed 4 percent of the total acreage for the respective kind of tobacco allotted to all tobacco farms in the State for the preceding year shall be made available in the State by the State committee, with the approval of the Deputy Administrator, for increasing allotments as described above in this section, for correcting errors, and for providing allotments for overlooked farms.

(c) The allotment for a farm under a conservation program contract or agreement shall be given the same consideration under this section as the allotment for similar farms.

(d) The total of all adjustments in old farm allotments under this paragraph shall not exceed the acreage apportioned the State for such purpose. The sum of the adjustments for farms in the county owned, operated or controlled by the State, county and community committeemen and the county office manager, shall not be larger in relation to the sum of the preceding year's allotments for such farms than the sum of the adjustments for other farms in the county in relation to the preceding year's allotments for such farms.

5. Section 724.59 is amended by adding a new paragraph (d) at the end as follows:

§ 724.59 Reallocation and release and reapportionment of allotments determined for farms acquired by an agency having the right of eminent domain, or diverted from production of cigar-binder (types 51 and 52) tobacco and cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco to production of shade-grown cigar-leaf (type 61) wrapper tobacco.

* * * * *

(d) No release and reapportionment of allotment acreage hereunder shall be the result of any private negotiations between individuals. Any acreage released shall be released to the county committee and such acreage shall be reapportioned only by the county committee.

§ 724.67 [Amended]

6. Section 724.67(d) is deleted.

7. Section 724.87 is amended by adding at the end of subparagraph (1) of paragraph (a) the following:

§ 724.87 Debt stamping and replacing marketing cards.

(a) *Stamping to show indebtedness.* (1) * * * As debt collections are made, the amount of the debt shown on the card shall be revised to show the debt balance, and the floor sheet shall show the amount collected. A debt-free marketing card shall be issued when the debt has been entirely paid.

* * * * *

8. Section 724.90 is amended by adding a new paragraph (j) at the end as follows:

§ 724.90 Identification of marketings, excluding cigar tobacco.

* * * * *

(j) *Identification of returned first sale (producer) tobacco.* When resold at auction, tobacco which has been previously sold and returned to a warehouse by the buyer is resale tobacco. When such tobacco is resold by the warehouseman, it shall be identified as leaf account resale tobacco.

9. Section 724.92 is amended by adding two new paragraphs designated (l) and (m) at the end as follows:

§ 724.92 Rate of penalty.

* * * * *

(l) *1966–67 average market price.* The average market price for the kinds of tobacco listed below as determined by the Crop Reporting Board, Statistical Reporting Service, U.S. Department of Agriculture, for the 1966–67 marketing year was:

AVERAGE MARKETING PRICE

Kinds of Tobacco	Cents per pound
Burley	66.8
Fire-cured (type 21)	41.2
Fire-cured (types 22, 23, 24)	42.2
Dark air-cured	37.3
Virginia Sun-cured	43.3
Cigar-filler and binder (types 42, 43, 44, 53, 54, and 55)	31.9
Cigar-binder (types 51 and 52)	50.4

(m) *1967–68 rate of penalty per pound.* The penalty rate per pound for the kinds of tobacco listed below upon marketings of excess tobacco subject to marketing quotas during the 1967–68 marketing year shall be:

RATE OF PENALTY

Kinds of Tobacco	Cents per pound
Burley	50
Fire-cured (type 21)	31
Fire-cured (types 22, 23, and 24)	22
Dark air-cured	28
Virginia Sun-cured	32
Cigar-filler and binder (types 42, 43, 44, 53, 54, and 55)	24
Cigar-binder (types 51 and 52)	38

10. Section 724.94 is amended by adding two new paragraphs designated as (h) and (i) at the end as follows:

§ 724.94 Penalties considered to be due from warehousemen, leaseholders, warehousemen, dealers, buyers, and others excluding the producer.

* * * * *

(h) *Excess resale rule.* Where an analysis of an auction warehouse or dealer account shows excess resales for the season to be less than 100 pounds the State executive director may accept the account as being satisfactory and no penalty due on account of excess resales.

(i) *Failure to obtain an MQ–77, Sale Memo, and failure to record a sale on MQ–76.* Any sale of cigar tobacco for which a dealer (1) if within quota tobacco, fails to record the sale on the marketing card issued for the farm or (2) if the tobacco was produced on a farm for which an excess marketing card was issued, fails to obtain a valid sales memo by the end of the sale date, shall be presumed, subject to rebuttal, to the subject penalty. The penalty thereon shall be paid by the buyer who fails to make the required record.

11. Section 724.95 is amended by adding a new paragraph (c) at the end as follows:

§ 724.95 Producers penalties; false identification; failure to account; cancelled allotments.

* * * * *

(c) *Person to pay penalty when erroneous rate is shown on card.* If an erroneous penalty rate is shown on a marketing card and tobacco is identified by such card, the producer shall remit any additional penalty due for the sale.

12. Section 724.98 is amended by changing paragraph (c) and by adding a new paragraph (m) at the end, to read as follows:

§ 724.98 Producer's records and reports.

* * * * *

(c) *Report of estimate of production.* Form MQ–97, Estimate of Production, shall be executed jointly by a producer on the farm and a representative of the county or State committee. An estimate of production shall be obtained for each farm (1) where the final measured

(planted) acreage is in excess of the allotment, (2) where a producer on the farm has an interest in another tobacco farm for which the final measured acreage is in excess of the allotment, (3) where a nonquota kind of tobacco is being grown on a farm which is also producing a kind under quotas, and the nonquota kind could be commingled and sold as a quota kind, and (4) where the county committee has reason to believe that an estimate of production would be desirable to more adequately determine disposition of the farm's production of tobacco.

* * * * * *

(m) *County administrative hearings in connection with violations.* Except for the failure to return a marketing card to the county office, the allotment for any farm shall not be reduced for a violation under this section until after the operator of the farm has been notified in writing by the county office manager of the time and place of a hearing to determine the nature and extent of the violation. The notice of the hearing shall request the farm operator to bring to the hearing warehouse bills (floor sheets) and other relevant supporting documents. At last two members of the county committee shall be present at the hearing. The hearing shall be held at the time and place named in this notice and any action taken on the violation shall be taken after the hearing. If the farm operator does not attend the hearing, or is not represented, the county committee may take whatever action it deems proper.

13. Section 724.99 is amended by adding new subparagraphs (12) and (13) at the end of paragraph (h), and by adding a new paragraph (k) at the end, to read as follows:

§ 724.99 Warehouseman's records and reports.

* * * * *

(h) Daily report of auction warehouse business: * * *

(12) Where a producer rejects the sale of a basket or a lot of tobacco, the warehouseman shall not change (i) the applicable sale memo, and (ii) the MQ–80 on which is reported the sale, if such tobacco has been billed out and the bills have been presented to the buyer.

(13) In balancing first sales (represented by marketing recorder's total sales memos) with computed first sales (bill-out total minus resales as reported by the warehouseman) the State executive director is authorized to approve reports with variance not to exceed one half of one percent of such pounds.

* * * * *

(k) Producer tobacco (first sale) in the possession of a warehouseman, resulting from long weights and long baskets, which has not previously been identified by a sale shall be recorded and reported in the same manner as a nonwarehouse sale to a warehouseman who does not prepare a warehouse bill (floor sheet) and shall be reported on MQ–79, Dealer's Record.

14. Section 724.102 is amended to read as follows:

§ 724.102 Dealers exempt from regular records and reports, excluding cigar tobacco buyers.

Any dealer or buyer who does not purchase or otherwise acquire tobacco except at a warehouse sale, hogshead warehouse sale, or directly from dealers other than warehousemen or hogshead warehousemen, and who does not resell in the form in which tobacco ordinarily is sold by farmers more than 5 percent of such tobacco so purchased by him, shall not be subject to the provisions of § 724.101: *Provided, however,* That any such dealer or buyer who purchases tobacco at nonwarehouse sale or who purchases or resells tobacco from or to another dealer or a warehouseman, but not at a warehouse sale, a hogshead warehouse sale shall be subject to the provisions of § 724.101 with respect to such purchases and resales.

(Secs. 301, 313, 314, 315, 316, 363, 372–75, 377, 378, 52 Stat. 38, as amended, 47, as amended, 48, as amended, 63, as amended, 66, as amended, 66, as amended, 66 Stat. 597, as amended, 70 Stat. 206, as amended, 72 Stat. 703, 995, as amended, 75 Stat. 469, as amended; secs. 401, 63 Stat. 1054, as amended, secs. 106, 112, 125, 70 Stat. 191, 195, 198, as amended; 7 U.S.C. 1301, 1313, 1314, 1314a, 1314b, 1363, 1372–75, 1377, 1378, 1421, 1813, 1824 and 1836)

Effective date: Date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on July 13, 1967.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 67–8285; Filed, July 18, 1967; 8:46 a.m.]

SUBCHAPTER C—SPECIAL PROGRAMS

[Amdt. 3]

PART 777—PROCESSOR WHEAT MARKETING CERTIFICATE REGULATIONS

Conversion Factor Basis of Reporting

The following amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (see sec. 379a to 379j, 52 Stat. 31, as amended, 7 U.S.C. 1379a to 1379j), to provide miscellaneous changes to the Republication of the Processor Wheat Marketing Certificate Regulations (31 F.R. 13502). There were no suggestions for changing the proposed amendment as a result of a notice given the public pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238, 5 U.S.C. 553). Accordingly, the following conversion factor for whole wheat flakes for cereal is the same as published in the proposed amendment (32 F.R. 7976).

Since these provisions must be acted on immediately, or are needed immediately in the administration of the regulations, it is hereby found and determined that compliance with the 30-day effective date requirements of section 4 of the Administrative Procedure Act (60 Stat. 238, 5 U.S.C. 1003) is impracticable and contrary to the public interest and that this amendment shall be effective on the date provided below.

The Processor Wheat Marketing Certificate Regulations (31 F.R. 13502) are changed to read as follows:

Section 777.14(c) is amended by adding the following conversion factor for the product indicated:

A—Food product	B—Bushels of wheat equivalent per 100 pounds of product (conversion factor).
Whole wheat flakes for cereal, including fines (extraction approximately 89 percent cereal and approximately 7 percent fines)	1.87.

Effective date. This amendment shall be effective with the first processing report period following the date of filing with the Office of the Federal Register and to any prior processing report period for which a processor had been erroneously reporting quantities of wheat processed into the above described food product on a conversion factor basis unless the processor elects for such prior periods to submit amended reports on the weight of wheat basis of reporting.

Signed at Washington, D.C., on July 13, 1967.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 67–8286; Filed, July 18, 1967; 8:46 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 814.5, Amdt. 4]

PART 814—ALLOTMENT OF SUGAR QUOTA, MAINLAND CANE SUGAR AREA

1967

Basis and purpose. This amendment is issued under Section 205(a) of the Sugar Act of 1948, as amended (61 Stat. 926 as amended), hereinafter called the "Act," for the purpose of amending Sugar Regulation 814.5 (32 F.R. 6188, 8365), which established allotments for the Mainland Cane Sugar Area for the calendar year 1967.

This amendment is necessary to give effect to Sugar Regulation 811, Amendment 10, effective July 3, 1967 (32 F.R. 9949), which established the Mainland Cane Sugar Area Quota at 1,169,333 short tons, raw value, a quantity 34,666 tons greater than the quantity previously allotted.

In accordance with paragraphs (5) and (8) of the findings and conclusions set forth in S.R. 814.5, Amdt. 2 (32 F.R. 6188), and pursuant to paragraph (e) of such regulation, paragraph (7) of such findings and conclusions is amended to read as follows:

(7) The calculation of allotment referred to in paragraph (5) above, reflecting the quota for the area of 1,169,333 short tons, raw value, is set forth in the following table:

Processor	Processings of sugar [1]		Average quota marketings [2]		Ability to market					Processors basic allotment [3]		Processor's adjusted allotment [4] short tons, raw value
					Effective inventory Jan. 1, 1967	New-crop quota marketings		Measures used		Percent of total	Short tons, raw value	
	Short tons, raw value	Percent of total	Short tons, raw value	Percent of total		Average 1964–66	"Shares" of difference [3]	Col. (5) plus col. (7)	Percent of total			
					Short tons, raw value							
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
Alberta Sugar Co.	10,484	0.558	10,703	1.017	1,137	9,390	8,057	9,194	0.786	0.573	10,226	10,037
Alma Plantation Ltd.	16,407	.854	10,192	.955	780	10,014	8,567	9,347	.799	.866	10,171	9,994
Ames Sugar Co., Inc.	13,653	1.121	15,113	1.426		14,935	12,807	12,807	1.095	1.179	12,786	12,559
J. Aron & Co., Inc.												
Bilstead Sugar Factory	8,943	.816	10,212	.970	2,080	7,852	6,733	9,413	.805	.945	9,825	9,650
Breaux Bridge Sugar Co-op.	9,627	.774	8,784	.822	2,736	7,137	6,120	8,843	.756	.782	9,130	8,970
Wm. T. Burton Industries, Inc.	6,315	.525	8,933	.845	851	4,963	4,278	4,924	.421	.878	7,222	7,090
Caire & Graugnard	5,668	.464	5,977	.569	479	−4,973	4,266	4,744	.406	.467	5,467	5,369
Cajun Sugar Co-op, Inc.	20,228	1.651	19,462	1.849	20,224	86	33	20,257	1.733	1.718	20,089	20,268
Caldwell Sugars Co-op, Inc.	13,702	1.118	14,826	1.217	609	13,802	10,724	11,333	1.000	1.222	13,113	12,871
Columbia Sugar Co.	9,197	.750	8,152	.774	2,000	7,202	6,202	8,222	.712	.741	8,669	8,510
Cora-Texas Manufacturing Co., Inc.	8,212	.730	7,176	.682	2,222	3,213	2,755	8,977	.768	.745	8,788	8,787
Dugas & LeBlanc, Ltd.	15,477	1.277	24,845	1.382	2,705	13,994	11,940	14,105	1.205	1.280	14,969	14,698
Duke & Bourgeois Sugar Co.	10,904	.900	10,133	.962	1,979	9,221	8,422	9,801	.813	.895	10,461	10,268
Erath Sugar Co., Ltd.	6,635	.548	7,436	.704	847	5,927	4,983	5,730	.490	.558	6,520	6,405
Evan Hall Sugar Co-op, Inc.	23,484	1.942	22,130	2.102	2,309	21,758	18,657	21,026	1.798	1.957	22,871	22,449
Frisco Cane Co., Inc.	2,595	.223	3,946	.376	852	2,652	2,103	2,636	.226	.251	2,934	2,880
Glenwood Co-op, Inc.	15,854	1.305	15,483	1.468	1,673	14,438	13,239	14,912	1.276	1.388	16,178	15,877
Helvetia Sugar Co-op, Inc.	13,331	1.094	11,525	1.096	2,431	11,253	9,650	12,081	1.033	1.096	12,749	12,511
Iberia Sugar Co-op, Inc.	10,466	1.003	12,621	1.206	6,705	13,157	11,523	18,229	1.564	1.546	18,065	17,729
Lafourche Sugar Co.	18,270	1.502	17,855	1.695	3,286	17,017	14,594	17,529	1.499	1.698	19,839	19,465
Harry L. Laws & Co., Inc.	15,763	1.294	15,736	1.502	2,153	13,922	10,627	12,790	1.094	1.309	15,297	15,013
Levert-St. John, Inc.	14,081	1.672	16,736	1.600		13,587	11,608	13,606	.993	1.152	13,139	12,877
Little Texas, Inc.	5,510	.451	4,449	.432	1,128	4,021	3,448	5,576	.477	.454	5,320	5,222
Louisa Sugar Co-op, Inc.	17,189	1.900	11,553	1.097	2,981	9,705	8,222	11,223	.900	1.011	11,816	11,598
Louisiana State Penitentiary	4,065	.334	3,657	.389	3,307	1,957	1,704	5,261	.350	.331	3,903	3,797
Meeker Sugar Co-op, Inc.	10,966	.903	10,409	.988	5,937	5,128	3,661	11,598	.990	.956	11,225	11,016
Milliken & Farwell, Inc.	26,726	2.201	9,737	.924	1,770	9,295	7,995	9,765	.828	.939	10,996	10,796
M. A. Patout & Son, Ltd.	17,198	1.412	15,733	1.494	2,323	14,819	12,708	15,091	1.342	1.414	16,526	16,228
Poplar Grove Planting & Refining Co.	9,200	.758	9,185	.873	2,388	6,915	5,920	8,225	.712	.780	8,957	8,823
Savoie Industries	15,563	1.278	14,307	1.358	3,197	12,709	11,756	13,953	1.198	1.277	14,926	14,649
St. James Sugar Co-op, Inc.	21,760	1.786	17,332	1.646	13,274	9,261	8,027	21,241	1.825	1.705	19,941	19,569
St. Mary Sugar Co-op, Inc.	15,230	1.250	14,376	1.365	3,921	13,782	11,819	13,740	1.178	1.301	14,789	14,498
South Coast Corp.	72,843	5.980	71,445	6.787	65,966	12,988	10,447	66,412	5.695	6.418	73,520	72,151
Southdown, Inc.	28,242	2.140	42,660	4.049	11,513	24,532	21,029	32,542	2.792	3.249	37,971	37,270
Sterling Sugars, Inc.	28,226	2.317	25,939	2.464	4,729	24,047	20,621	25,350	2.169	2.317	27,079	26,576
Sunshine Processing Co., Inc.	2,850	.235	3,369	.319	0	0	0	8	.001	.295	2,298	2,253
J. Supple's Sons Lumber & Shingle Co.	6,626	.493	5,747	.546	1,495	4,144	3,554	5,022	.430	.472	5,516	5,474
Valentine Sugars, Inc.	10,208	.838	12,987	1.234	439	9,769	7,520	7,959	.681	.854	10,331	10,149
Vida Sugars, Inc.	6,157	.505	5,449	.517	852	5,263	4,513	5,334	.456	.500	5,843	5,738
A. Wilbert's Sons Lumber & Shingle Co.	10,813	.888	10,133	.963	1,905	9,230	8,001	9,907	.847	.896	10,466	10,287
Young's Industries, Inc.	7,135	.586	7,459	.708	2,088	5,159	4,398	5,486	.469	.604	7,055	6,929
Louisiana subtotal	570,676	46.849	535,641	50.880	176,816	399,289	342,492	513,111	43.884	47.624	557,209	547,506
Atlantic Sugar Association, Inc.	34,590	2.840	31,981	2.967	95,976	66	80	95,429	8.030	2.899	33,880	34,346
Florida Sugar Corp.	21,822	1.710	13,084	1.365	17,209	4,955	3,808	20,712	1.771	1.666	19,464	18,458
Glades County Sugar Growers Co-op Association	46,489	3.870	33,878	3.218	67,486	0	0	67,486	4.057	3.741	43,722	43,055
Osceola Farms Co.	27,705	4.982	38,983	3.638	23,732	1,980	1,166	24,921	4.997	4.224	49,376	27,191
South Puerto Rico Sugar Co., Inc.	23,977	1.720	25,275	2.362	75,944	9,703	8,225	84,279	7.207	6.752	78,954	77,457
Sugarcane Growers Co-op of Florida	113,400	9.437	94,703	8.913	117,695	3	3	117,898	10.081	9.321	108,987	134,427
Talisman Sugar Corp.	51,720	4.299	37,464	3.497	25,699	139	111	52,760	4.512	2.974	34,447	51,105
United States Sugar Corp.	302,431	12.995	104,207	15.446	389,178	88,144	83,047	342,742	29.701	19.546	231,952	227,671
Florida Subtotal	647,362	53.849	457,164	55.370	589,297	84,957	66,725	856,122	56.116	52.386	612,036	621,724
Total all mainland cane	1,218,041	100.000	1,092,745	100.000	760,945	452,676	339,217	1,169,233	100.000	100.000	1,169,223	1,169,230

[1] The higher of either the production of sugar from the 1965 crop sugarcane or 85 percent of the average production for the 1964 and 1965 crops of sugarcane.

[2] Average annual quota marketing for each processor for years he had such marketing during the period 1956 through 1966.

[3] The difference between 1,169,233 tons (quota for 1967 established by S.R. 811, Amdt. 10, less 100 tons reserve for Louisiana State University) and the total Jan. 1, 1967, effective inventories for all processors amounting to 780,088 tons. This difference of 389,217 tons prorated on the basis of each processor's average 1964–66 new-crop marketings.

[4] Col. (10) was determined by weighting "processings" Col. (2) by 60 percent, "marketings" Col. (4) by 20 percent, and "ability" col. (9) by 20 percent. Col. (11) was determined by multiplying the quota, less 100 tons reserved for Louisiana State University, by col. (10) and revising such resulting allotments by adding 200 tons to the allotment of Wm. T. Burton Industries, Inc., and reducing proportionately by a total of 500 tons the allotments of processors who were recipients of deficit reallocations in 1966 as provided in finding (5)(e). Such reduction can be determined for each individual processor by multiplying the percentage in col. (10) times the quota, less 100 tons reserved for Louisiana State University, and subtracting therefrom the amount shown in col. (11).

[5] Basic allotments in col. (11) which were less than the respective processors' Jan. 1, 1967, effective inventories were increased by a total of 16,000 short tons, raw value, and such basic allotments of other processors (those having Jan. 1, 1967, effective inventories not in excess of their basic allotments) were reduced proportionately as necessary to make total adjusted allotments equal to the quota in short tons, raw value, less 100 tons set aside for Louisiana State University. Upward adjustments in allotments (not to exceed a total of 16,000 tons) were made, first by increasing the allotment of any processor having a Jan. 1, 1967, physical inventory in excess of his basic allotment to the extent of such excess; and second, the remainder of the 16,000 tons was prorated to increase the allotments of other processors having Jan. 1, 1967, effective inventories in excess of their basic allotments in a manner that permitted each affected processor to market the same percentage, but not more than 100 percent, of his Jan. 1, 1967, effective inventory.

Pursuant to provisions of section 205(a) of the Act and in accordance with paragraph (e) of § 814.5 of this chapter, paragraph (a) of such § 814.5 is amended to read as follows:

§ 814.5 Allotment of the 1967 sugar quota for the Mainland Cane Sugar Area.

(a) The 1967 sugar quota for the Mainland Cane Sugar Area of 1,169,333 short tons, raw value, is hereby allotted to the following processors in the quantities which appear opposite their respective names:

Processors	Allotments (short tons, raw value)
Albania Sugar Co.	10,087
Alma Plantation, Ltd.	9,934
J. Aron & Co., Inc.	13,530
Billeaud Sugar Factory	9,693
Breaux Bridge Sugar Co-op	8,970
Wm. T. Burton Industries, Inc.	7,090
Cairo & Graugnard	5,356
Cajun Sugar Co-op, Inc.	20,284
Caldwell Sugars Co-op, Inc.	12,871
Columbia Sugar Co.	8,500
Cora-Texas Manufacturing Co., Inc.	8,547
Dugas & LeBlanc, Ltd.	14,683
Duhe & Bourgeois Sugar Co.	10,268
Heath Sugar Co., Ltd.	6,400
Evan Hall Sugar Co-op, Inc.	22,449
Frisco Cane Co., Inc.	2,880
Glenwood Co-op, Inc.	15,877
Helvetia Sugar Co-op, Inc.	12,481
Iberia Sugar Co-op, Inc.	18,882
Lafourche Sugar Co.	18,216
Harry L. Laws & Co., Inc.	15,015
Levert-St. John, Inc.	12,877
Little Texas, Inc.	5,232
Louisa Sugar Co-op, Inc.	11,598
Louisiana State Penitentiary	3,797
Louisiana State University	100
Meeker Sugar Co-op, Inc.	10,724
Milliken & Farwell, Inc.	10,094
M. A. Patout & Son, Ltd.	18,221
Poplar Grove Planting & Refining Co.	8,831
Savoie Industries	14,549
St. James Sugar Co-op, Inc.	20,260
St. Mary Sugar Co-op, Inc.	14,488
South Coast Corp.	62,151
Southdown, Inc.	97,270
Sterling Sugars, Inc.	26,578
Sunshine Processing Co., Inc.	2,362
J. Supple's Sons Planting Co., Inc.	5,414
Valentine Sugars, Inc.	10,140
Vida Sugars, Inc.	3,735
A. Wilbert's Sons Lumber & Shingle Co.	10,267
Young's Industries, Inc.	6,928
Louisiana subtotal	547,609
Atlantic Sugar Association	34,346
Florida Sugar Corp.	18,459
Glades County Sugar Growers Co-op Association	46,055
Osceola Farms Co.	52,191
South Puerto Rico Sugar Co., Inc.	77,457
Sugarcane Growers Co-op of Florida	114,437
Talisman Sugar Corp.	51,108
United States Sugar Corp.	227,971
Florida subtotal	621,724
Total all mainland cane	1,169,333

* * * * *

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Secs. 205, 209; 61 Stat. 926, as amended, 928, as amended; 7 U.S.C. 1115, 1119)

Effective date. Allotments established in this order for all processors are larger than the allotments established in S.R. 814.5, Amdt. 3 (32 F.R. 6806). To afford adequate opportunity to plan and to market the additional quantities of sugar in an orderly manner, it is imperative that this amendment becomes effective as soon as possible. Accordingly, it is hereby found that compliance with the 30-day effective date requirement of 5 U.S.C. 553 (80 Stat. 378) is impracticable and contrary to the public interest and consequently, this amendment shall be effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., this 13th day of July 1967.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 67-8345; Filed, July 18, 1967; 8:45 a.m.]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 12]

PART 1012—MILK IN TAMPA BAY MARKETING AREA

Order Suspending Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Tampa Bay marketing area (7 CFR Part 1012), it is hereby found and determined that:

(a) Subparagraphs (2), (3), and (4) in § 1012.16(b) of the order will not tend to effectuate the declared policy of the Act for the months of July and August 1967.

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of the effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This action will suspend for the months of July and August 1967 the provisions that limit the quantity of producer milk that may be diverted to nonpool plants by cooperatives and proprietary handlers. Without the suspension, the order would limit the quantity of producer milk that may be diverted by a cooperative association to 25 percent of all milk of its member producers physically received at pool plants during the month. The same percentage limitation on the diversion of its producer receipts would apply to the operator of a pool plant.

Such provisions were suspended for the months of May and June 1967 (32 F.R. 6835). Prior to that action, interested parties were afforded an opportunity to file written data, views, or arguments concerning a proposed termination of the diversion limitations (32 F.R. 6206). Persons filing views indicated that they would not oppose a suspension of the diversion provisions for a limited period.

The Tampa Independent Dairy Farmers' Association requested that these provisions be suspended for the additional months of July and August 1967. The request is supported by Dairy Farmers Mutual, and two other cooperatives have indicated that they do not oppose such a suspension. These four cooperatives represent over 90 percent of the producers in Tampa Bay market.

These diversion limitations would continue to cause an extreme hardship on Tampa Independent Dairy Farmers' Association and disorderly conditions in the market if in effect in July and August 1967. The Association performs the role of balancing the milk supply for the entire market. In doing so, substantial quantities of member milk, which must currently be disposed of to surplus outlets, would have to be kept out of the pool because of the diversion limitations. This would result in lower returns to the Association's members relative to other producers on the market.

Therefore, good cause exists for making this order effective upon publication in the FEDERAL REGISTER.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the period July 1, 1967, through August 31, 1967.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on July 13, 1967.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67-8289; Filed, July 18, 1967; 8:45 a.m.]

[Milk Order 102]

PART 1102—MILK IN FORT SMITH, ARK., MARKETING AREA

Order Amending Order

§ 1102.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Fort Smith, Ark., marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act.

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than August 1, 1967. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator was issued May 22, 1967, and the decision of the Assistant Secretary containing all amendment provisions of this order was issued June 28, 1967. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective August 1, 1967, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER (5 U.S.C. 553(d) (1966)).

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least three-fourths of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Fort Smith, Ark., marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

1. In § 1102.51, the introductory text preceding paragraph (a) is revised to read as follows:

§ 1102.51 Class prices.

Subject to the provisions of §§ 1102.52 and 1102.54, the minimum prices per hundredweight to be paid by each handler for milk received at his plant from producers during the month shall be as follows:

* * * * *

2. Add a new § 1102.54 to read as follows:

§ 1102.54 Location adjustment to handlers.

(a) For milk received from producers at an approved plant located more than 50 miles by the shortest highway distance, as determined by the market administrator, from the county courthouse in Fort Smith, Ark., which is classified as Class I milk or assigned Class I location adjustment credit pursuant to paragraph (b) of this section, the price computed pursuant to § 1102.51(a) shall be reduced at the rate of 1.5 cents for each 10 miles or fraction thereof that such plant is distant from the county courthouse in Fort Smith, Ark.; and

(b) For purposes of calculating such adjustment, transfers of fluid milk products between approved plants shall be assigned to Class I disposition at the transferee plant which is in excess of the sum of receipts at such plant from producers and the pounds assigned as Class I to receipts from other order plants and unregulated supply plants. Such assignment is to be made first to transferor plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply.

3. Section 1102.60 is revised to read as follows:

§ 1102.60 Producer-handlers.

Sections 1102.40 through 1102.46, 1102.50 through 1102.54, 1102.70 through 1102.72, 1102.80 through 1102.86, and 1102.90 through 1102.93 shall not apply to a producer-handler.

4. Section 1102.71 is revised to read as follows:

§ 1102.71 Computation of uniform prices for handlers.

For each of the months of August through February, the market administrator shall compute for each handler a uniform price per hundredweight for milk of 3.5 percent butterfat content received from producers as follows:

(a) Adjust the amount computed pursuant to § 1102.70 for each one-tenth percent that the average butterfat test of milk received from producers by such handler is less or more than 3.5 percent, an amount computed by multiplying such difference by the butterfat differential computed pursuant to § 1102.81 and multiplying the result by the total hundredweight of milk received from producers;

(b) Add the amount represented by any deductions made for eliminating fractions of a cent in computing the uniform price(s) for such handler for the preceding month;

(c) Add an amount equal to the sum of the deductions to be made for location differentials pursuant to § 1102.86; and

(d) Divide the resulting amount by the total hundredweight of milk received from producers by such handler. The result, less any fraction of a cent per hundredweight, shall be known as the uniform price for such handler for milk of 3.5 percent butterfat content.

5. In § 1102.72, paragraph (a) is revised to read as follows:

§ 1102.72 Computation of the uniform prices for base and excess milk for each handler.

* * * * *

(a) Follow the computations and adjustments provided for in § 1102.71 (a), (b), and (c);

* * * * *

6. In § 1102.80, paragraph (a) is revised to read as follows:

§ 1102.80 Time and method of payment.

* * * * *

(a) On or before the 15th day after the end of the month during which the milk was received, to each producer except as provided in paragraph (c) of this section, at not less than the appropriate uniform price(s) adjusted by the producer butterfat differential computed pursuant to § 1102.81, subject to the location adjustment to producers pursuant to § 1102.86, for all milk received from such producer during the preceding month less the amount of payment made pursuant to paragraph (b) of this section.

* * * * *

7. Add a new § 1102.86 to read as follows:

§ 1102.86 Location differentials to producers.

The uniform price for producer milk received at an approved plant shall be reduced according to the location of the approved plant, at the rates set forth in § 1102.54.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Effective date: August 1, 1967.

Signed at Washington, D.C., on July 13, 1967.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67-8288; Filed, July 18, 1967; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 66-EA-97]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

Correction

In F.R. Doc. 67-7918, appearing at page 10193 of the issue for Tuesday, July 11, 1967, in the amendatory language of item 1, the words "by adding the description of the 700-foot floor transition area" should read "by adding in the description of the 700-foot floor transition area".

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Defense

Section 213.3206 is amended to show that certain positions formerly excepted under Schedule B in the Office of the Deputy Assistant Secretary (Programing) now are excepted under Schedule B in the Operations Analysis Group and in the Office of the Deputy Assistant Secretary (Management Systems Development), both in the Office of the Assistant Secretary (Comptroller). Effective on publication in the FEDERAL REGISTER, subparagraph (2) of paragraph (a) of § 213.3206 is amended as set out below.

§ 213.3206 Department of Defense.

(a) *Office of the Secretary.* * * *

(2) Professional positions at GS-11 and above involving systems, costs, and economic analysis functions in the Office of the Assistant Secretary (Systems Analysis); and in the Operations Analysis Group and in the Office of the Deputy Assistant Secretary (Management Systems Development), both in the Office of the Assistant Secretary (Comptroller).

* * * * *

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-8269; Filed, July 18, 1967; 8:45 a.m.]

PART 213—EXCEPTED SERVICE

Executive Office of the President

Section 213.3303 is amended to show that a position of Public Affairs Officer on the staff of the President's Committee on Consumer Interests is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, paragraph (e) is added to § 213.3303 as set out below.

§ 213.3303 Executive Office of the President.

* * * * *

(e) *President's Committee on Consumer Interests.*

(1) One Public Affairs Officer.

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-8270; Filed, July 18, 1967; 8:45 a.m.]

PART 213—EXCEPTED SERVICE

Department of Transportation

Section 213.3394 is amended to show that the position of Confidential Secretary to the General Counsel is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (8) is added to paragraph (a) of § 213.3394 as set out below.

§ 213.3394 Department of Transportation.

(a) *Office of the Secretary.* * * *

(8) One Confidential Secretary to the General Counsel.

* * * * * *

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-8271; Filed, July 18, 1967; 8:45 a.m.]

PART 550—PAY ADMINISTRATION (GENERAL)

Windchill Chart

In F.R. Doc. 67-6905 published June 20, 1967, the lines of demarcation between the columns "Little Danger," "Considerable Danger," and "Very Great Danger" on the Windchill Chart for Appendix A-1 were not clearly identified. The chart should read as set forth below. (P.L. 89-512).

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

WINDCHILL CHART

Wind Speed (MPH)	Local Temperature (°F)										
	32	23	14	5	-4	-13	-22	-31	-40	-49	-58
Calm	32	23	14	5	-4	-13	-22	-31	-40	-49	-58
5	29	20	10	1	-9	-18	-28	-37	-47	-56	-65
10	18	7	-4	-15	-26	-37	-48	-59	-70	-81	-92
15	13	-3	-13	-25	-37	-49	-61	-73	-85	-97	-109
20	7	-6	-20	-32	-44	-57	-70	-83	-96	-109	-121
25	3	-10	-25	-37	-50	-64	-77	-90	-104	-117	-130
30	1	-13	-27	-41	-54	-68	-82	-97	-109	-123	-137
35	-1	-15	-29	-43	-57	-71	-85	-99	-113	-127	-142
40	-3	-17	-31	-45	-59	-74	-87	-102	-116	-131	-145
45	-3	-18	-32	-46	-61	-75	-89	-104	-118	-132	-147
50	-4	-18	-33	-47	-62	-76	-91	-105	-120	-134	-148
	Little Danger		Considerable Danger			Very Great Danger					
For Properly Clothed Person	Danger From Freezing of Exposed Flesh										

[F.R. Doc. 67-8272; Filed, July 18, 1967; 8:45 a.m.]

Title 12—BANKS AND BANKING

Chapter III—Federal Deposit Insurance Corporation

SUBCHAPTER A—PROCEDURE AND RULES OF PRACTICE

PART 303—APPLICATIONS, REQUESTS, AND SUBMITTALS

Effective on the date of publication of this revision in the FEDERAL REGISTER, Part 303 of the rules and regulations of the Federal Deposit Insurance Corporation (12 CFR Part 303) is revised to read as follows:

Sec.
303.1 Application by nonmember bank for deposit insurance.
303.2 Application by insured State nonmember bank to establish a branch.
303.3 Application by insured State nonmember bank to move main office or branch.
303.4 Application by insured State nonmember bank to reduce or retire capital.
303.5 Application for conversion, merger, consolidation, assumption, and sale of asset transactions.
303.6 Application by insured State nonmember bank to extend its corporate or charter powers.
303.7 Application to continue or resume insured status.
303.8 Application for exemption from or exception to advertising requirements.
303.9 Other applications.
303.10 Procedure on applications.
303.11 Notice of disposition of application.

AUTHORITY: The provisions of this Part 303 issued under sec. 9, 64 Stat. 881; 12 U.S.C. 1819. Interpret or apply secs. 5, 6, 8, 18, 19, 64 Stat. 876, 879, 891, 893; 12 U.S.C. 1815, 1816, 1818, 1828, 1829.

§ 303.1 Application by nonmember bank[1] for deposit insurance.

Application for deposit insurance by an existing or proposed State nonmember bank should be filed with the Supervising Examiner of the Federal Deposit Insurance Corporation District in which the bank or proposed bank is or will be located. Any such application by an existing bank must be accompanied by separate applications for the consent of the Corporation to the continued operation of each branch which it proposes to continue to operate. Any such application by a proposed bank must be accompanied by a separate application for the consent of the Corporation to establish and operate each proposed branch. The appropriate forms of application and instructions for completing the same may be obtained upon request from the Supervising Examiner of the District in which the application originates. (See Part 304 of this title for list of forms and instructions.)

§ 303.2 Application by insured State nonmember bank to establish a branch.[2]

Application by an insured State nonmember bank (except a District bank) to establish and operate a new branch should be filed with the Supervising Examiner of the Federal Deposit Insurance Corporation District in which the bank is located. The appropriate form of application and instructions for completing the same may be obtained upon request from the Supervising Examiner of the District in which the application originates. (See Part 304 of this title for list of forms and instructions.)

§ 303.3 Application by insured State nonmember bank to move main office or branch.

Application for the consent of the Corporation to move the main office of

[1] A nonmember bank is a bank which is not a member of the Federal Reserve System.

[2] "The term 'branch' includes any branch bank, branch office, branch agency, additional office, or any branch place of business located in any State of the United States or in any Territory of the United States, Puerto Rico, Guam, or the Virgin Islands at which deposits are received or checks paid or money lent." (Sec. 3(o) of the Federal Deposit Insurance Act, as amended (12 U.S.C. 1813(o)).

branch of an insured State nonmember bank (except a District bank) should be filed with the Supervising Examiner of the Federal Deposit Insurance Corporation District in which the bank is located. The appropriate form of application and instructions for completing the same may be obtained upon request from the Supervising Examiner of the District in which the application originates. (See Part 304 of this title for list of forms and instructions.)

§ 303.4 Application by insured State nonmember bank to reduce or retire capital.

Application for the consent of the Corporation to the reduction in the amount, or retirement of any part, of the common or preferred capital stock, or retirement of any of the capital notes or debentures, of an insured State nonmember bank (except a District bank) should be filed with the Supervising Examiner of the Federal Deposit Insurance Corporation District in which the bank is located. The appropriate form of application and instructions for completing the same may be obtained upon request from the Supervising Examiner of the District in which the application originates. (See Part 304 of this title for list of forms and instructions.)

§ 303.5 Application for conversion, merger, consolidation, assumption and sale of asset transactions.

(a) *With noninsured bank or institution.* Application by an insured bank for the consent of the Corporation to merge or consolidate with a noninsured bank or institution, or to convert into a noninsured institution, or to assume liability to pay any deposits made in, or similar liabilities of, any noninsured bank or institution, or to transfer assets to any noninsured bank or institution in consideration of the assumption of liability for any portion of the deposits made in such insured bank, together with copies of all agreements or proposed agreements relating thereto, should be filed with the Supervising Examiner of the Federal Deposit Insurance Corporation District in which the insured bank is located. The appropriate form of application and instructions for completing the form, as well as instructions concerning notice to depositors, may be obtained upon request from the office of said Supervising Examiner.

(b) *Conversion with diminution of capital or surplus.* Application for the appropriate form of application and into an insured State nonmember bank (except a District bank)—when the conversion will result in the converted bank's having less capital stock or surplus than the converted bank at the time of the shareholders' meeting approving such conversion—together with copies of the charter and/or articles of association of the converted bank, should be filed with the Supervising Examiner of the Federal Deposit Insurance Corporation District in which the insured bank is located. The appropriate form of application and instructions for completing the form may be obtained upon request from the office of said Supervising Examiner.

(c) *Merger, consolidation, asset acquisition or assumption transaction between insured banks.* Application by an insured bank for the consent of the Corporation to merge or consolidate with, acquire the assets of, or assume the liability to pay any deposits made in, another insured bank—when the resulting or assuming bank is to be an insured State nonmember bank (except a District bank)—together with copies of all agreements or proposed agreements relating thereto, including the charter or articles of incorporation of the resulting or assuming bank, should be filed with the Supervising Examiner of the Federal Deposit Insurance Corporation District in which the resulting or assuming bank is located. The appropriate form of application and instructions for completing the same may be obtained upon request from the office of said Supervising Examiner.

§ 303.6 Application by insured State nonmember bank to extend its corporate or charter powers.

Application for the consent of the Corporation to the extension of the corporate or charter powers of an insured State nonmember bank (except a District bank) should be filed with the Supervising Examiner of the Federal Deposit Insurance Corporation District in which the bank is located. The appropriate form of application and instructions for completing the same may be obtained upon request from the Supervising Examiner of the District in which the application originates. (See Part 304 of this title for list of forms and instructions.)

§ 303.7 Application to continue or resume insured status.

Application under § 327.3(c) of this title by a bank whose insured status has been terminated for permission to continue or to resume its status as an insured bank should be filed with the Supervising Examiner of the Federal Deposit Insurance Corporation District in which the bank is located. Such application should (a) be in writing, (b) be signed by the president, or cashier, or other managing officer of the bank, (c) be accompanied by a certified copy of the resolution of its board of directors authorizing the submission of such application, (d) contain a statement that the bank's insured status has been terminated (including the date thereof and the basis therefor), that the insurance of its deposits has not ceased, and that it applies for permission to continue or resume its status as an insured bank, and (e) state the reasons why the continuance or resumption of such status should be permitted by the Corporation.

§ 303.8 Application for exemption from or exception to advertising requirements.

Any application made by an insured bank under any of the provisions of Part 328 of this title should be filed with the

Division of Examination of the Corporation at its principal office. Such application should (a) be in writing, (b) be signed by the president, or cashier, or other managing officer of the bank, and (c) state, in conformity with the particular provision in respect of which the application is made, the reason for the request in detail and the reason why the application should be granted.

§ 303.9 Other applications.

Except as otherwise provided by rule or regulation, all applications, requests, and submittals for which no form of application has been prescribed by the Corporation should (a) be in writing, (b) be signed by the applicant or his duly authorized agent, (c) contain a statement of the applicant's interest therein, a complete and concise statement of the action requested and the reasons and facts relied upon as the basis for such requested action, and (d) be addressed to the Secretary at the principal office of the Corporation. The applicant shall furnish such other pertinent information as may be required by the Corporation. Whenever applicable, the forms specified in Part 304 of this title should be used, the instructions issued with respect thereto should be followed, and submission should be made as therein provided.

§ 303.10 Procedure on applications.

(a) With respect to applications for deposit insurance under § 303.1, the Division of Examination of the Corporation will cause an investigation to be conducted and an examination to be made of the bank or proposed bank. Thereafter, the Board of Directors, in accordance with applicable provisions of law, will act upon such application after considering the report of such investigation and examination, the recommendations thereon of the examiner and Supervising Examiner of the District in which the bank is or will be located, the recommendations of the Division of Examination, the recommendations of the Board of Review with respect to matters referred to it, and the legal opinion of counsel for the Corporation. The applicant bank will be duly advised of the Board's decision upon such application.

(b) With respect to all other applications, requests, or submittals, the Board of Directors will cause such an investigation or examination, or both, to be made by the proper Divisions of the Corporation as the Board shall deem appropriate, and upon the report of such investigation and examination, and the recommendations thereon, will take such action as it shall deem necessary or appropriate in the premises.

(c) The Chief of the Division of Examination and the Supervising Examiner of the District in which the bank is located have been authorized to take final action with respect to the approval of certain applications, such as applications by an insured State nonmember bank to move its main office or branch or to obtain an extension of time limitation imposed in connection with a previous application. This delegated authority is subject to certain limitations set forth in the delegations of authority which are available at the office of each Supervising Examiner. The Chief of the Division of Examination is also authorized to act upon applications by insured State nonmember banks for extensions of time of 90 days or less within which to register securities pursuant to the provisions of section 12(g) of the Securities Exchange Act of 1934, as amended.

(d) For the purpose of assuring the performance and continuity in the management functions and activities of the Corporation, the Board of Directors has delegated, to the extent deemed necessary, authority with respect to the management of the Corporation's affairs to certain designated officers, such authority to be exercised only in the event of an emergency, involving an enemy attack on the continental United States or other warlike occurrence, which renders the Board of Directors unable to perform the management functions and activities normally performed by it.

(e) With respect to any application, the Board of Directors will afford the applicant or other properly interested persons, including Government agencies, an opportunity to present views orally before the Board of Directors or its designated representative or representatives, either at informal conference discussions or at informal presentation of evidence.

§ 303.11 Notice of disposition of application.

Prompt notice will be given of the grant or denial, in whole or in part, of any written application, petition, or other request of any interested person made in connection with any agency proceeding. In the case of a denial, except in affirming a prior denial, or where the same is self-explanatory, such notice will be accompanied by a simple statement of procedural or other grounds.

The amendments revise Part 303 of the Corporation's rules and regulations (12 CFR Part 303) to make editorial changes. The revision of § 303.8 conforms the section to amendments to Part 328 of the Corporation's rules and regulations (12 CFR Part 328) which were previously published in the FEDERAL REGISTER.

Inasmuch as the Board of Directors has found, pursuant to § 302.6 of the Corporation's rules and regulations (12 CFR 302.6), that the amendments to Part 303 are editorial and not substantive in nature and that notice, public participation, and prior publication are unnecessary and would serve no useful purpose, the requirements of section 553 of title 5, United States Code, with respect to notice, public participation, and deferred effective date were not followed in connection with this amendment.

(Sec. 9, 64 Stat. 881; 12 U.S.C. 1819.)

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] E. F. DOWNEY,
Secretary.

[F.R. Doc. 67-8315; Filed, July 18, 1967; 8:48 a.m.]

PART 304—FORMS, INSTRUCTIONS, AND REPORTS

Effective on the date of publication of this revision in the FEDERAL REGISTER, Part 304 of the rules and regulations of the Federal Deposit Insurance Corporation (12 CFR Part 304) is revised to read as follows:

Sec.
304.1 Certified statements.
304.2 Reports of condition, etc.
304.3 Forms and instructions.

AUTHORITY: The provisions of this Part 304 issued under sec. 9, 64 Stat. 881; 12 U.S.C. 1819. Interpret or apply secs. 5–8, 10, 18, 19, 64 Stat. 876, 879, 883, 891, 893; 12 U.S.C. 1815–1818, 1820, 1828, 1829.

§ 304.1 Certified statements.

The certified statements required to be filed by insured banks in accordance with the provisions of section 7 of the Federal Deposit Insurance Act, as amended (12 U.S.C. 1817), shall be filed with the Fiscal Agent of the Corporation upon the forms, and in the manner, prescribed by the Board of Directors. The assessments required to be certified must be paid to the Corporation at the time such statements are required to be filed. The form of certified statement will be furnished to all insured banks by, or may be obtained upon request from, the fiscal agent.

§ 304.2 Reports of condition, etc.

Whenever required, insured State nonmember banks (except District banks) shall file reports of condition, reports of income and dividends, and summaries of deposits with the Division of Research upon the forms, in the manner, and pursuant to the instructions prescribed by the Board of Directors from time to time. The form of such reports and instructions for completing the same will be furnished to all such banks by, or may be obtained upon request from, the Division of Research. Each insured national bank and each insured District bank at the time of making reports of conditon to the Comptroller of the Currency and each insured State member bank at the time of making reports of condition to the Federal Reserve bank, required under the Federal Deposit Insurance Act, shall furnish an executed and attested copy thereof to the Corporation.

§ 304.3 Forms and instructions.

The following forms and instructions have been prepared by the Corporation for the use of banks and may be obtained by any person properly and directly concerned therewith upon request at the office designated in this chapter:

(a) *Form 82: Application of proposed bank (other than mutual savings) for Federal deposit insurance.* The proposed incorporators are required to make statements and representations and to submit information with respect to the several factors enumerated in section 6 of the Federal Deposit Insurance Act (12 U.S.C. 1816). The application on Form 82 must be executed in quadruplicate. Three applications signed by the proposed incorporators must be forwarded to the Supervising Examiner and the other application may be retained by the prospective incorporators. Applications filed on Form 82 must be accompanied by a certified copy of the proposed articles of incorporation or association and the requisite number of properly executed Forms 83. If the proposed bank contemplates the establishment of a branch or branches, its application on Form 82 must be accompanied by a properly executed Form 85 for each branch. After incorporation is duly effected, the bank must submit a properly executed Form 82a.

(b) *Form 82–M: Application of proposed mutual savings bank for Federal deposit insurance.* Form 82–M, which is substantially the same as Form 82, should be used when the proposed bank is to be a mutual savings bank and should be prepared and submitted in the same manner as Form 82. If the proposed bank contemplates the establishment of a branch or branches, its application on Form 82–M must be accompanied by a properly executed Form 85–M for each branch.

(c) *Form 82a and Form 82a–M: Certificate of adoption of resolution.* Form 82a is a copy of the resolution of the board of directors (or trustees) of the bank approving the action of the prospective incorporators in preparing and presenting its application for Federal deposit insurance on Form 82 or 82–M, certified to be a true and correct copy by the president or vice president and cashier or secretary. After incorporation has been duly effected and the bank is chartered to do business by the proper State authority, four properly executed Forms 82a must be transmitted to the Supervising Examiner. If not previously submitted, Form 82a must be accompanied by a copy of the bank's articles of incorporation or association and a copy of the bank's license or authorization to engage in the business of receiving deposits.

(d) *Form 84: Application for Federal deposit insurance by an existing noninsured State bank (other than mutual savings).* The applicant bank is required to submit statements, representations, and information with respect to the several factors enumerated in section 6 of the Federal Deposit Insurance Act (12 U.S.C. 1816) and a copy of the resolution of its board of directors authorizing the bank's president or vice president and cashier or secretary to make the application. The application must be executed in quadruplicate, signed by such officers, and the bank's corporate seal affixed thereto. Three signed applications must be forwarded to the Supervising Examiner and the other application may be retained by the bank. Applications filed on Form 84 must be accompanied by the requisite number of properly executed Forms 83 and a certified copy of the articles of incorporation or association, including any amendments thereto. If the bank has a branch or branches, its application on Form 84 must be accompanied by a properly executed Form 85 for each branch.

(e) *Form 84–M: Application for Federal deposit insurance by an existing noninsured mutual savings bank.* Form 84–M, which is substantially the same as Form 84, should be used by mutual savings banks and should be prepared and submitted in the same manner as Form 84. If the bank has a branch or branches, its application on Form 84–M must be accompanied by a properly executed Form 85–M for each branch.

(f) *Form 83 and Form 83–M: Financial statement.* Form 83 must be executed in triplicate and certified to be true and correct by each individual director (or trustee) and officer of the bank or proposed bank (who is solely responsible for its contents) for the benefit of the Board of Directors of the Corporation in determining, with respect to the applicant bank, the general character of its management in accordance with section 6 of the Federal Deposit Insurance Act (12 U.S.C. 1816). The requisite number of properly executed and signed Forms 83 must accompany each application on Form 82, Form 82–M, Form 84, or Form 84–M.

(g) *Form 85, Form 85a, and Form 85b: Application of insured State nonmember bank (except District bank and mutual savings bank) to establish or move its main office or branch.* (1) Form 85 is an application to establish a branch. The applicant bank is required to submit statements, representations, and information with respect to the several factors enumerated in section 6 of the Federal Deposit Insurance Act (12 U.S.C. 1816) and a copy of the resolution of its president or vice president and cashier or secretary to make the application. The application must be executed in quadruplicate, signed by the president or vice president, have the corporate seal of the bank affixed thereto, and be attested by the cashier or secretary. Three signed applications must be forwarded to the Supervising Examiner and the other application may be retained by the bank. The application must be accompanied by a certified copy of the bank's articles of incorporation or association, including any amendments thereto unless previously submitted to the Corporation and not subsequently amended.

(2) Form 85a is an application to move main office or branch. It is similar to Form 85 and should be prepared and submitted in the same manner as Form 85.

(3) Form 85b is an application to establish a branch pursuant to designation as depositary and financial agent of the U.S. Government. It is similar to Form 85 and should be prepared and submitted in the same manner as Form 85.

(h) *Form 85–M and Form 85a–M: Application by insured nonmember mutual savings bank to establish a branch or move its main office or branch.* (1) Form 85–M is substantially the same as Form 85 and should be prepared and submitted in the same manner as Form 85.

(2) Form 85a–M is substantially the same as Form 85a and should be prepared and submitted in the same manner as Form 85.

(i) *Form 86: Application for merger, consolidation, asset acquisition, or assumption.* The bank applying for prior written consent to merge with, consolidate with, acquire the assets of, or assume liability to pay deposits made in, another bank or institution, pursuant to section 18(c) of the Federal Deposit Insurance Act, as amended (12 U.S.C. 1828(c)), and for the establishment of branches incident thereto pursuant to section 18(d) of the Act is required to submit statements, representations, and information with respect to the several factors enumerated in said section 18(c). Twelve copies of the application and all documents, schedules, and exhibits, including the agreement between the participating banks and the charter or articles of incorporation of the resulting or assuming bank, are to be executed by an authorized officer with the bank's corporate seal affixed and forwarded to the Supervising Examiner. The Corporation will furnish the applicant bank with a form of the notice (Form 116) for publication provided for in said section 18(c).

(j) *Form 100: Application for consent to retirement of common or preferred stock, capital notes, or debentures.* The applicant bank is required to submit statements with respect to the nature of the proposal, source of funds to effect the proposal, and other steps involved in the retirement. The application contains a statement of assets and liabilities and the disposition of certain assets adversely classified in the preceding report of examination made of the bank by examiners of the Corporation. Three applications certified to be true and correct and signed by the president or cashier of the bank must be forwarded to the Supervising Examiner.

(k) *Form 102: Application.* Form 102 should be used by all banks applying for the consent of the Corporation with respect to any application requiring such consent and for which no specific form is prescribed by this section or otherwise. The form contains a copy of the resolution of the bank's board of directors describing the proposal and authorizing the application, a statement of the action taken upon the proposal by the proper State banking authority where such action is required, and must be signed by the president or vice president and attested by the cashier or secretary. The application must be accompanied by a copy of the bank's articles of incorporation or association including any amendments thereto unless previously submitted to the Corporation and not subsequently amended. The application must be executed in quadruplicate. Three signed applications must be submitted to the Supervising Examiner of the District wherein the bank is located and one copy may be retained by the bank.

(l) *Form 64: Report of condition (from banks other than mutual savings).* Form 64 is a report in the form of a

standard statement of the assets and liabilities of the reporting bank together with additional detailed breakdown of selected items and information for assessment purposes. When special circumstances so require, additional detail with respect to specific asset or liability items may be required. Reports of condition must be prepared in accordance with the instructions contained in the booklet entitled "Instructions for the preparation of Report of Condition on Form 64," copies of which are furnished by the Corporation to all insured State nonmember banks (except District banks) and which may be obtained on request from the Division of Research.

(m) *Form 64 (Savings): Report of condition (from mutual savings banks).* Form 64 (Savings) is substantially the same as Form 64 and should be used by mutual savings banks.

(n) *Form 73: Report of income and dividends (from banks other than mutual savings).* Report of income and dividends, Form 73, is a report in the form of a standard profit and loss statement and a reconciliation of changes in total capital accounts during the year. When special circumstances so require, additional detail with respect to specific income or expense items, chargeoffs or recoveries, profits on assets sold, or changes in total capital account may be required. Reports of income and dividends must be prepared in accordance with the instructions contained in the booklet entitled "Instructions for the preparation of Report of Income and Dividends on Form 73," which is furnished by the Corporation to all insured State nonmember banks (except District banks) and which may be obtained on request from the Division of Research.

(o) *Form 73 (Savings): Report of income and dividends (from mutual savings banks).* Form 73 (Savings) is substantially the same as Form 73 and should be used by mutual savings banks.

(p) *Form 89: Summary of Deposits.* Report of summary of deposits is a report of the number of deposit accounts and the amount of deposits in such accounts grouped by size of account and type of deposit. Summary of deposit reports must be prepared in accordance with instructions contained in the pamphlet entitled "Instructions for preparation of Form 89," which is furnished by the Corporation to all insured banks and which may be obtained on request from the Division of Research.

(q) *Form 545: Certified statement (for banks other than mutual savings).* A form 545 must be submitted on or before January 31 and July 31 of each year by every insured bank, except any newly insured banks which must submit their first certified statement on Form 645, and any mutual savings banks which must use Form 545 (Savings). Form 545 shows the deposit liabilities, less authorized deductions, reported in two reports of condition in each semiannual assessment period. The form will show the computation of the assessment base and the amount of the assessment due the Corporation. It must be prepared in duplicate, certified by the president of the bank or any other officer designated by its board of directors, and an original must be forwarded to the fiscal agent. The duplicate copy should be retained in the bank's file.[1] The forms are mailed to all insured banks each six months in ample time to permit compliance with the law, but if not received on or before January 1 or July 1, they should be obtained from the fiscal agent. Any questions in respect to such forms should be directed to the fiscal agent.

(r) *Form 545 (Savings): Certified statement (for mutual savings banks).* This form is substantially the same as Form 545 and should be used by mutual savings banks.

(s) *Form 645: First certified statement (for banks other than mutual savings).* The first certified statement, Form 645, must be submitted on or before July 31 or January 31 following the semiannual period in which the bank began operation as an insured bank. The form shows the deposit liabilities, less authorized deductions, as provided by law, on the last date within such period for which it was required to submit a report of condition or, if such bank became an insured bank after the last date in such period for which a report of condition was required, such bank shall make a report of condition as of the last day of such semiannual period, and shall file with the Corporation a certified statement showing, as its assessment base for such period, its assessment base for the date of such special report. The form will show the computation of the assessment base and the amount of the assessment due the Corporation. It must be prepared in duplicate, certified by the president of the bank or any other officer designated by its board of directors, and the original must be forwarded to the fiscal agent. The duplicate copy should be retained in the bank's file.[1] The forms will be mailed by the fiscal agent to newly insured banks with appropriate instructions for their preparation.

(t) *Form 645 (Savings): First certified statement (for mutual savings banks).* This form is substantially the same as Form 645 and should be used by mutual savings banks.

(u) *Form 845: Final certified statement—for use by an insured bank (except mutual savings banks) whose deposits are assumed by another insured bank.* This statement, Form 845, shows the deposit liabilities, less authorized deductions, of the bank in the report or reports of condition prior to the assumption date. Form 845, accompanied by appropriate letter of explanation and instructions, will be mailed by the fiscal agent to each insured bank whose deposit liabilities are assumed by another insured bank. The form must be prepared in duplicate, certified by the president of the bank or any other officer designated by its board of directors, and the original must be forwarded to the fiscal agent. The duplicate copy should be retained in the bank's files.[1] If the deposits of the liquidating bank are assumed by a newly insured bank, the liquidating bank is not required to file Form 845 or to pay any assessments upon the deposits so assumed after the semiannual period in which the assumption takes effect.

(v) *Form 845 (Savings): Final certified statement (for mutual savings banks).* This form is substantially the same as Form 845 and should be used by mutual savings banks.

(w) *Form 845A: Final certified statement—for use of an insured bank (other than mutual savings banks) whose deposit liabilities are assumed by another insured operating bank.* (To be used when the assuming bank executes the certified statement for the bank whose deposits were assumed.) Form 845A may be substituted for Form 845 described in paragraph (u) of this section if the assuming bank is executing the certified statement for the bank whose deposit liabilities were assumed. Form 845A is prepared in the same manner as Form 845 except the certification is executed by an official of the assuming bank.

(x) *Form 845A (Savings): Final certified statement—for use of an insured mutual savings bank whose deposit liabilities are assumed by another insured operating bank.* (To be used when the assuming bank executes the certified statement for the bank whose deposits were assumed.) Form 845A (Savings) may be substituted for Form 845 (Savings) described in paragraph (v) of this section if the assuming bank is executing the certified statement for the bank whose deposit liabilities were assumed. Form 845A (Savings) is prepared in the same manner as Form 845 (Savings) except the certification is executed by an official of the assuming bank.

(y) *Amended and corrected certified statements.* Forms for use in amending or correcting previously submitted certified statements are identical in number and form with Forms 545, 645, 845, 845A (for other than mutual savings banks), 545 (Savings), 645 (Savings), 845 (Savings), and 845A (Savings) described above, except the title of the forms contains the additional word "Amended" or "Corrected." These forms may be obtained on request from the fiscal agent.

This revision of Part 304 of the Corporation's rules and regulations (12 CFR Part 304) substitutes the word "income" for the word "earnings" in Form 73 and Form 73 (Savings). The revision incorporates numerous other changes of an editorial nature.

[1] Section 7(b)(6) of the Federal Deposit Insurance Act, which relates to assessment base deductions, provides, in part, as follows: "Each insured bank, as a condition to the right to make any such deduction in determining its assessment base, shall maintain such records as will readily permit verification of the correctness of its assessment base. No insured bank shall be required to retain such records for such purpose for a period in excess of five years from the date of the filing of any certified statement, except that when there is a dispute between the insured bank and the Corporation over the amount of any assessment the bank shall retain such records until final determination of the issue."

Inasmuch as the Board of Directors has found, pursuant to § 302.6 of the Corporation's rules and regulations (12 CFR 302.6), that the revision of Part 304 is editorial and not substantive in nature and that notice, public participation, and prior publication are unnecessary and would serve no useful purpose, the requirements of section 553 of title 5, United States Code, with respect to notice, public participation, and deferred effective date were not followed in connection with this amendment. (Sec. 9, 64 Stat. 881; 12 U.S.C. 1819.)

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] E. F. DOWNEY,
Secretary.

[F.R. Doc. 67-8318; Filed, July 18, 1967; 8:49 a.m.]

PART 306—RECEIVERSHIPS AND LIQUIDATIONS

National Bank Receiverships

Effective on the date of publication of this amendment in the FEDERAL REGISTER, the fifth and sixth sentences and footnote 1 of § 306.2 *National bank receiverships* of the rules and regulations of the Federal Deposit Insurance Corporation (12 CFR 306.2) are amended by substituting the figure "$15,000" for the figure "$10,000".

Subsection (a) of section 301 of the Financial Institutions Supervisory Act of 1966 (80 Stat. 1055) amended section 3(m) of the Federal Deposit Insurance Act (12 U.S.C. 1813(m)) by changing "$10,000" to read "$15,000". The amendment to § 306.2 of the Corporation's rules and regulations reflects this statutory change.

Inasmuch as the Board of Directors has found, pursuant to § 302.6 of the Corporation's rules and regulations (12 CFR 302.6), that notice, public participation, and prior publication of this amendment to § 306.2 would serve no useful purpose, the requirements of section 553 of title 5, United States Code, with respect to such notice, public participation, and deferred effective date were not followed in connection with this amendment. (Sec. 9, 64 Stat. 881; 12 U.S.C. 1819.)

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] E. F. DOWNEY,
Secretary.

[F.R. Doc. 67-8319; Filed, July 18, 1967; 8:49 a.m.]

PART 307—VOLUNTARY TERMINATION OF INSURED STATUS

Miscellaneous Amendments

Effective on the date of publication of these amendments in the FEDERAL REGISTER, Part 307 of the rules and regulations of the Federal Deposit Insurance Corporation (12 CFR Part 307) is amended as follows:

1. Footnote 2 is amended by striking out the words "and to the Reconstruction Finance Corporation if it owns or holds as pledgee any preferred stock, capital notes, or debentures of such bank.".

2. Footnote 8 is amended by substituting the words "Section 8(c)" for the words "Section 8(b)".

3. Paragraph (a) of § 307.3 is amended by substituting the words "section 8(q)" for the words "section 8(d)" in the form for notice to depositors.

4. Footnote 9 is amended by substituting the words "Section 8(q)" for the words "Section 8(d)".

The purpose of the above amendments is to reflect the amendment of subsection (a), and the redesignation of subsections (b) and (d) as (c) and (q), of section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818) by the Financial Institutions Supervisory Act of 1966 (80 Stat. 1028).

Inasmuch as the Board of Directors has found, pursuant to § 302.6 of the Corporation's rules and regulations (12 CFR 302.6), that notice, public participation, and prior publication of these amendments to Part 307 would serve no useful purpose, the requirements of section 553 of title 5, United States Code, with respect to such notice, public participation, and deferred effective date were not followed in connection with these amendments. (Sec. 9, 64 Stat. 881; 12 U.S.C. 1819.)

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] E. F. DOWNEY,
Secretary.

[F.R. Doc. 67-8320; Filed, July 18, 1967; 8:49 a.m.]

SUBCHAPTER B—REGULATIONS AND STATEMENTS OF GENERAL POLICY

PART 325—INTRODUCTORY

Scope

Effective on the date of publication of these amendments in the FEDERAL REGISTER, § 325.0 *Scope* of the rules and regulations of the Federal Deposit Insurance Corporation (12 CFR 325.0) is amended by substituting the words "subchapter II of chapter 5 of title 5, United States Code" for the words "the Administrative Procedure Act (60 Stat. 237)" and by substituting the words "section 552(a)(1)(D) of title 5, United States Code" for the words "section 3(a)(3) of the Administrative Procedure Act".

The purpose of these amendments is to correct references in § 325.0 of the Corporation's rules and regulations to "the Administrative Procedure Act (60 Stat. 237)" and to "section 3(a)(3) of the Administrative Procedure Act" which were rendered inaccurate by the revision, codification, and enactment of title 5, United States Code, by the Act of September 6, 1966 (80 Stat. 378).

Inasmuch as the Board of Directors has found, pursuant to § 302.6 of the Corporation's rules and regulations (12 CFR 302.6), that the amendments to § 325.0 are editorial and not substantive in nature and that notice, public participation, and prior publication are unnecessary and would serve no useful purpose, the requirements of section 553 of title 5, United States Code, with respect to notice, public participation, and deferred effective date were not followed in connection with these amendments. (Sec. 9, 64 Stat. 881; 12 U.S.C. 1819.)

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] E. F. DOWNEY,
Secretary.

[F.R. Doc. 67-8321; Filed, July 18, 1967; 8:49 a.m.]

PART 327—ASSESSMENTS

Payment of Assessments by Banks Whose Insured Status Has Terminated

Effective on the date of publication of this amendment in the FEDERAL REGISTER, the first sentence of paragraph (c) of § 327.3 *Payment of assessments by banks whose insured status has terminated* of the rules and regulations of the Federal Deposit Insurance Corporation is amended by substituting the words "section 8 (a) or (c)" for the words "section 8 (a) or (b)".

Section 202 of the Financial Institutions Supervisory Act of 1966 (80 Stat. 1046) redesignated subsection (b) of section 8 of the Federal Deposit Insurance Act as subsection (c) of section 8. The amendment to § 327.3(c) of the Corporation's rules and regulations reflects this redesignation of subsections.

Inasmuch as the Board of Directors has found, pursuant to § 302.6 of the Corporation's rules and regulations (12 CFR 302.6), that the amendment to § 327.3(c) is editorial and not substantive in nature and that notice, public participation, and prior publication are unnecessary and would serve no useful purpose, the requirements of section 553 of title 5, United States Code, with respect to notice, public participation, and deferred effective date were not followed in connection with this amendment. (Sec. 9, 64 Stat. 881; 12 U.S.C. 1819.)

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] E. F. DOWNEY,
Secretary.

[F.R. Doc. 67-8322; Filed, July 18, 1967; 8:49 a.m.]

PART 331—INSURANCE OF TRUST FUNDS

Claim by Fiduciary Bank for Insured Deposits of Trust Estates

Effective on the date of publication of this amendment in the FEDERAL REGISTER, § 331.1(d) of the rules and regulations of the Federal Deposit Insurance Corporation (12 CFR 331.1(d)) is amended to read as follows:

§ 331.1 Claim by fiduciary bank for insured deposits of trust estates.

* * * * *

(d) *Insured deposit of a trust estate.* In arriving at the total insured deposit of a fiduciary bank or trust company with respect to any trust estate, the deposit of such estate as determined in accordance with any paragraph of this section shall be combined with that determined under any other paragraph of this section and the insured deposit shall be the total less any amount thereof in excess of $15,000.

Section 301 of the Financial Institutions Supervisory Act of 1966 (80 Stat. 1055) increased the maximum amount of the insured deposit of any depositor from $10,000 to $15,000. The amendment to § 331.1(d) of the Corporation's rules and regulations reflects the increase in the maximum amount of insurance coverage and makes other changes of an editorial nature.

Inasmuch as the Board of Directors has found, pursuant to § 302.6 of the Corporation's rules and regulations (12 CFR 302.6), that the amendment to § 331.1(d) is editorial and not substantive in nature and that notice, public participation, and prior publication are unnecessary and would serve no useful purpose, the requirements of section 553 of title 5, United States Code, with respect to notice, public participation, and deferred effective date were not followed in connection with this amendment. (Sec. 9, 64 Stat. 881; 12 U.S.C. 1819.)

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] E. F. DOWNEY,
Secretary.

[F.R. Doc. 67-8323; Filed, July 18, 1967; 8:49 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 8684]

PART 13—PROHIBITED TRADE PRACTICES

Henderson Tobacco Market Board of Trade, Inc., et al.

Subpart—Combining or conspiring: § 13.395 *To control marketing practices and conditions;* § 13.470 *To restrain and monopolize trade.* Subpart—Cutting off access to customers or market: § 13.573 *Limiting new warehouse facilities.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Henderson Tobacco Market Board of Trade, Inc., et al., Henderson, N.C., Docket 8684, June 15, 1967]

Order requiring a Henderson, N.C., tobacco warehousing trade association and its members to cease restraining competition in the buying and selling of leaf tobacco through the adoption of by-laws and other rules which favor established warehouses and penalize new entrants.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That the following order be substituted for the order to cease and desist contained in the initial decision:

ORDER

It is ordered, That respondents Henderson Tobacco Market Board of Trade, Inc., a corporation, its successors or assigns, and all of its officers, including its present officers, Charles Brooks Turner, president, W. J. Alston, Jr., vice president, William H. Hoyle, secretary-treasurer, directors and members, agents or instrumentalities; W. J. Alston, Jr., trading under the name and style of Farmer's Warehouse, individually and as a member of said board; A. H. Moore and C. E. Jeffcoat, trading under the name and style of Moore's Big Banner Tobacco Warehouse, individually and as members of said board; M. L. Hight, B. W. Young, and J. S. Royster, copartners trading under the name and style of Carolina Tobacco Warehouse, individually and as members of said board; C. B. Turner, R. E. Tanner, S. P. Flemming, and R. E. Flemming, trading under the name and style of High Price Tobacco Warehouse, individually and as members of said board; George T. Robertson and Samuel E. Southerland, trading under the name and style of Liberty Warehouse and Robertson & Southerland, as members of said board; F. H. Ellington and John Ellington, trading under the name and style of Ellington Warehouse, as members of said board; and all of the above-named persons as representatives of all of the warehouse members of said board and as officers and directors, directly or through any corporate or other device, in connection with procuring, purchasing, offering to purchase or selling or offering for sale, leaf tobacco, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from entering into, participating, continuing, cooperating in, or carrying out, or directing or instigating any planned common course of action, course of dealing, understanding, plan, combination, or conspiracy between or among any two or more of said respondents, or between any one or more of said respondents and another or other parties hereto, to do or perform any of the following acts and practices:

1. Allocate or cause to be allocated selling time to new entrant warehouses on the Henderson market on any basis or in any manner which refuses to give any credit to the size and capacity of a new entrant in excess of the average size and capacity of all the warehouses operating on the market;

2. Allocate or cause to be allocated any selling time pursuant to any system or method of allocating selling time which takes into account or includes as a basis for such allocation, warehouse space which is not only unsuitable and unavailable, but not actually used for the sale of tobacco at auction;

3. Allocate or cause to be allocated any selling time pursuant to any system, plan, method, policy or practice which fails to accord equitable and nondiscriminatory treatment to all warehouse members on the Henderson market whether said members are established operators or new entrants;

4. Allocate or cause to be allocated any selling time to warehouses operating on the Henderson market on the basis of any system, plan, method, policy or practice with the purpose or effect of restricting, hindering, limiting, preventing or foreclosing any person, firm or corporation from engaging in the tobacco business on the Henderson market either as a warehouse owner or operator, buyer, speculator, broker or rehandler of tobacco;

5. Adopting, using, adhering to or maintaining or attempting to adopt, use, adhere to or maintain any plan, system, method, policy or practice that restricts, hinders, limits, prevents or forecloses any person, firm or corporation from engaging in the tobacco business on the Henderson market either as a warehouse owner or operator, buyer, speculator, broker or rehandler of tobacco;

6. Engaging in any act or practice or entering into any arrangement, agreement or understanding with the purpose or effect of restricting, hindering, limiting, preventing, or foreclosing the entrance of any person, firm or corporation from engaging in the tobacco business on the Henderson market or any other person, firm or corporation already doing business on the Henderson market, from competing therein;

7. Engaging in any act or practice or entering into any arrangement, agreement or understanding with any respondent named herein or with any other person, firm or corporation with the purpose or effect of restricting, hindering, limiting, preventing or foreclosing competition between or among the warehouse members engaged in doing business on the Henderson market;

8. Engaging in any act or practice, the purpose or effect of which is to effectuate any understanding, agreement or combination prohibited herein; or

9. Placing in effect or carrying out any act, practice, policy or method, prohibited by any provision or part of this order, through respondent board or any other instrumentality, agent, agency, medium or representative.

It is further ordered, That the complaint be, and it hereby is, dismissed as to George T. Robertson, Samuel E. Southerland, F. H. Ellington, and John Ellington in their individual capacities.

It is further ordered, That the complaint be, and it hereby is, dismissed as to Royster-Hight Corp., a corporation, Fred S. Royster, W. G. Royster, and Gilbert F. Ellington.

It is further ordered, That the initial decision as modified be, and it hereby is, adopted as the decision of the Commission.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, submitting a plan, subject to Commission approval, for allocating selling time in compliance with paragraph 2 of the Commission's order and otherwise setting forth in detail the manner and form in which they have complied with the order to cease and desist contained herein.

Issued: June 15, 1967.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 67-8278; Filed, July 18, 1967; 8:45 a.m.]

[Docket No. C-1227]

PART 13—PROHIBITED TRADE PRACTICES

King Distributing Co. and Richard J. Kennedy

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* 13.15-50 Dealer as charitable institution; § 13.50 *Earnings and profits;* § 13.105 *Individual's special selection or situation.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1608 *Dealer or seller assistance;* § 13.1615 *Earnings and profits.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, King Distributing Co. et al., Minneapolis, Minn., Docket C-1227, June 26, 1967]

Consent order requiring a Minneapolis, Minn., distributor of vending machines to cease misrepresenting that prospective purchasers will be specially selected, that their earnings will be any certain amount, that they will be given sales assistance, that the seller is a charitable institution, that purchasers will have exclusive territories and making other deceptive claims in selling its machines and supplies.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents King Distributing Co., a corporation, and its officers, and Richard J. Kennedy, individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of vending machines, vending machine supplies, or any other product, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that established businesses are being offered for sale by respondents to persons who respond to their advertisements; or misrepresenting, in any manner, the nature of any business opportunity offered by any respondent.

2. Representing, directly or by implication, that purchasers of respondents' products must own an automobile, furnish references, have special qualities or be specially selected to qualify for purchase of respondents' products; or misrepresenting, in any manner, the qualifications or requirements for purchase of respondents' products.

3. Representing, directly or by implication, that selling or soliciting is not required of those investing in any product or business; or misrepresenting, in any manner, the amount of selling or soliciting required in connection with any business.

4. Representing, directly or by implication, that purchasers of respondents' products are granted exclusive territories within which their machines may be placed for operation or that sales will not be made to other persons in such territories; provided, however, that it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that any exclusive territories granted by them are, in fact, in accordance with any represented offer.

5. Representing, directly or by implication, that the price at which respondents offer their vending machines is any amount or percentage less than their fair market value in the vicinity of their anticipated use; or misrepresenting, in any manner, the prices or fair market value of respondents' products in the vicinity of their anticipated use.

6. Representing, directly or by implication, that persons investing in any product or business offered by respondents will have profits or any percentage of profit or will earn any amount of income; provided, however, that it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that any represented percentage of profit or any represented amount of income or profit is the percentage or amount generally realized by previous purchasers of such products or businesses as a result of such purchase.

7. Representing, directly or by implication, that sales routes have been previously established by respondents for purchasers, or that respondents or their sales representatives have obtained or will obtain satisfactory or profitable locations for the purchaser's machines, or that respondents will relocate said machines; or misrepresenting, in any manner, the assistance that will be furnished in obtaining locations for the product or the business purchased.

8. Representing, directly or by implication, that purchasers of respondents' vending machines are given continuing advice and assistance in the operation of the machines; provided, however, that it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that such advice and assistance are actually furnished.

9. Representing, directly or by implication, that previous purchasers of respondents' vending machines are enjoying substantial earnings from the operation of said machines.

10. Representing, directly or by implication, that vending machines sold by respondents are of a specific structural design or type or of a specific capacity: *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that the machines sold are of the structural design or type and have the capacity represented.

11. Representing, directly or by implication, that respondents will repurchase vending machines or supplies from purchasers thereof who are dissatisfied with the vending machine business.

12. Representing, directly or by implication, that respondents are a nut and candy company, or are seeking to establish future markets for said products, or are selling machines to purchasers at or near cost to establish a market for their nuts, candies or other products; or misrepresenting, in any manner, the kind or character of the business of any respondent or any company represented by any respondent.

13. Representing, directly or by implication, that respondents' prices for nuts or candies or any other product are seven percent or any other percentage or stated amount below normal wholesale prices: *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that their prices are, in fact, any represented or stated percentage or amount below normal wholesale prices.

14. Representing, directly or by implication, that the United Crippled Children Fund is similar in organization to other established charities engaged in research activities, or that United Crippled Children Fund is a charitable fund engaged in research activities for the prevention of children's diseases or that United Crippled Children Fund is wholly independent of or unconnected with respondents; or misrepresenting, in any manner, the nature or kind or function of or the past or present relationship with any organization sponsoring, or affiliated with, any respondent.

15. Failing to deliver a copy of this order to cease and desist to all present and future salesmen or other persons engaged in the sale of the respondents' said products to purchasers; and failing to secure from each such person a signed statement acknowledging receipt of said order and agreeing to abide by the requirements of said order and to refrain from engaging in any of the acts or practices prohibited by said order; and for failure to do so, agreeing to dismissal or to the withholding of commissions, salaries and other remunerations or both to dismissal and to withholding of commissions, salaries and other remunerations.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the man-

ner and form in which they have complied with this order.

Issued: June 26, 1967.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 67-8274; Filed, July 18, 1967; 8:45 a.m.]

[Docket No. C-1229]

PART 13—PROHIBITED TRADE PRACTICES

Lee Rogers and S. I. Research Co.

Subpart—Advertising falsely or misleadingly: § 13.170 *Qualities or properties of product or service:* 13.170–22 Corrective, orthopedic, etc.; 13.170–24 Cosmetic or beautifying. Subpart—Using misleading name—Vendor: § 13.2445 *Producer or laboratory status of seller.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Lee Rogers doing business as S. I. Research Co., Los Angeles, Calif., Docket C-1229, June 26, 1967]

Consent order requiring a Los Angeles, Calif., distributor of health pamphlets to cease using deceptive advertising in the sale of his publications.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That the respondent Lee Rogers, an individual, doing business under the name and style of S. I. Research Co., or under any other name or names, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of his pamphlet entitled "Surgical Techniques for Breast Enlargement" or any other pamphlet or publication whether sold under the same name or any other name, do forthwith cease and desist from, either directly or indirectly:

1. Disseminating, or causing to be disseminated by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement:

(a) Which represents directly or by implication: That the techniques set forth or referred to in his pamphlet entitled "Surgical Techniques for Breast Enlargement" or in any other pamphlet or publication containing substantially similar techniques, will cause or contribute to an increase in the size of, or otherwise bring about any reshaping of the female bust unless it is clearly, conspicuously and prominently disclosed that such procedures and/or techniques (1) cannot be utilized by the layman, and (2) can only be administered by a physician or surgeon.

(b) Which represents directly or by implication: That the respondent is engaged in scientific or medical research or that he owns, maintains or operates a scientific or medical research facility.

(c) Which represents directly or by implication: That the respondent has developed a new or revolutionary procedure, technique, product or device which is capable of enlarging or reshaping the female breast; or which misrepresents in any manner the capability or efficacy of any procedure, technique, product or device to enlarge or reshape the female breast.

(d) Which uses the word "Research" or any other word or words of similar import, in his trade or business name or in any other manner.

(e) Which misrepresents in any manner the nature of respondent's business, or the efficacy or capability of any product or device or any of the procedures or techniques used in connection therewith.

2. Disseminating, or causing to be disseminated, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of respondent's pamphlet, publication or product in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which contains any of the representations or misrepresentations prohibited in paragraph 1 hereof.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: June 26, 1967.

By the Commission, Commissioner Elman not concurring in the issuance of complaint.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 67-8275; Filed, July 18, 1967; 8:46 a.m.]

[Docket No. 8619 c]

PART 13—PROHIBITED TRADE PRACTICES

Rodale Press, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.170 *Qualities or properties of product or service:* 13.170–52 Medicinal, therapeutic, healthful, etc.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Rodale Press, Inc., et al., Emmaus, Pa., Docket 8619, June 20, 1967]

In the Matter of Rodale Press, Inc., a corporation, and Rodale Books, Inc., a corporation, and Jerome I. Rodale and Robert Rodale, Individually and as Officers of Said Corporations

Order requiring an Emmaus, Pa., book publisher to discontinue making claims in its advertising that readers of two of its health and diet publications would gain various therapeutic benefits.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That Rodale Press, Inc., and its officers, and Rodale Books, Inc., and its officers, and Jerome I. Rodale and Robert Rodale, individually and as officers of said corporations, and respondents' representatives, agents and employees, directly or through any corporate or other device in connection with the offering for sale, sale or distribution of books or other publications, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Representing in advertising, directly or by implication that:

A. Readers of the book "The Health Finder" and any subsequent editions thereof whether sold under that name or any other name will:

(a) Add years to their lives;
(b) Gain more energy;
(c) Effectuate savings on medical and dental expenditures;
(d) Feel better than ever before;
(e) Prevent the common cold;
(g) Prevent or cure all types of constipation;
(h) Prevent ulcers;
(i) Prevent fatigue;
(j) Prevent goiter;
(k) Prevent high blood pressure;
(l) Prevent cancer;
(m) Prevent, treat or relieve tuberculosis;
(n) Prevent infantile paralysis;
(o) Prevent, relieve or treat all types of heart disease;
(p) Prevent, relieve or treat arthritis;
(q) Prevent mental illness;

B. "The Health Finder" and any subsequent editions thereof whether sold under that name or any other name contains the answer to all health problems;

C. The publication, "How To Eat for a Healthy Heart" and "This Pace Is Not Killing Us," and any subsequent editions whether offered for sale under this name or any other name, will be of benefit in the prevention, treatment or cure of heart disease, unless the specific benefit contained in the book is disclosed in the advertising together with any qualifications and reservations stated in the publication;

D. "The Health Finder," "How To Eat for a Healthy Heart," "This Pace Is not Killing Us," or any subsequent editions thereof, whether sold under said names or any other name or names, will enable the reader to prevent, treat or relieve any stated disease or health problem, without clearly and conspicuously disclosing in the advertising any limitations and/or qualifications of the regimen which is contained in the book.

It is further ordered, That respondents shall file within 60 days after service upon it of this order, with the Commission, a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist set forth herein.

Issued: June 20, 1967.

By the Commission. Commissioner Elman dissented and has filed a dissenting opinion. Commissioner MacIntyre concurred in the result only and has filed a separate statement.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 67-8276; Filed, July 18, 1967; 8:46 a.m.]

[Docket No. C-1228]

PART 13—PROHIBITED TRADE PRACTICES

Sol Tamny Co., Inc., et al.

Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–90 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–90 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; secs. 2–5, 54 Stat. 1128–1130; 15 U.S.C. 45, 68) [Cease and desist order, Sol Tamny Co., Inc., trading as Duffield Clothes, New York, N.Y., Docket C-1228, June 26, 1967]

In the Matter of Sol Tamny Co., Inc., a Corporation, Trading as Duffield Clothes, and Sol Tamny, Individually and as an Officer of Said Corporation

Consent order requiring a New York City clothing manufacturer to cease misbranding its wool products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Sol Tamny, Co., Inc., a corporation, trading as Duffield Clothes, or under any other name or names, and its officers, and Sol Tamny, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment or shipment, in commerce, of wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.

2. Failing to securely affix to or place thereon a stamp, tag, label, or other means of identification correctly showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: June 26, 1967.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 67-8277; Filed, July 18, 1967; 8:46 a.m.]

[Docket Nos. C-1217—C-1226]

PART 13—PROHIBITED TRADE PRACTICES

Standard Toykraft, Inc., et al.

Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1057 *Packaging deceptively:*[1] 13.1057–40 Oversized containers.[1] Subpart—Misrepresenting oneself and goods—Goods: § 13.1698 *Packaging deceptively.*[1]

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Consolidated cease and desist order, Standard Toykraft, Inc., et al., Dockets C-1217 through C-1226, June 22, 1967]

Consent orders requiring ten different toy manufacturers to cease using deceptive oversized containers to package toy products.

The consolidated order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That each of the respondents named in the appendix, a corporation, and its officers, agents.

The Federal Trade Commission having initiated an investigation of certain acts and practices of each of the respondents named in the appendix herein, and each of the respondents having been furnished thereafter with a copy of a draft of complaint which the Bureau of Deceptive Practices proposed to present to the Commission for its consideration and which, if issued by the Commission, would charge each of the respondents with violation of the Federal Trade Commission Act; and

Each of the respondents and counsel for the Commission having thereafter executed an agreement containing a consent order, an admission by each of the respondents of all the jurisdictional facts set forth in the aforesaid draft of complaint, a statement that the signing of said agreement is for settlement purposes only and does not constitute an admission by the respondent that the law has been violated as alleged in such complaint, and waivers and provisions as required by the Commission's rules; and

The Commission, having reason to believe that each of the respondents has violated the Federal Trade Commission Act, and having determined that complaints should issue stating its charges in that respect, hereby issues its complaints, accepts said agreements, makes the following jurisdictional findings, and enters the following orders:

1. Each of the respondents named in the appendix is a corporation organized, existing and doing business under and by virtue of the laws of the State of New York, with its office and principal place of business located as set forth in the appendix.

2. The Federal Trade Commission has jurisdiction of the subject matter of these proceedings and of the respondents, and the proceedings are in the public interest.

[1] Added.

ORDER

It is ordered, That each of the respondents named in the appendix, a corporation, and its officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of the toy products identified by the name specified in the appendix, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Packaging said product in a retail container of a size or capacity in excess of that required solely by the physical dimensions of the merchandise itself; *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for the respondent to establish either:

(a) That retail purchasers, at the time of sale, are as fully aware of the disparity which exists between the size or capacity of the container and the physical dimensions of the merchandise as they would be if the container and the merchandise were displayed side-by-side; or

(b) That the container being employed is not larger in size or capacity than is necessary for the efficient packaging of the merchandise contained therein, and respondent has made all reasonable efforts to prevent any misleading appearance or impression from being created by such container.

2. Providing wholesalers, retailers or other distributors of said product with the means and instrumentalities by and through which they may mislead the purchasing public in the manner described in Paragraph (1) above.

It is further ordered, That each of the respondents herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: June 22, 1967.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

APPENDIX

CONSENTING MANUFACTURERS

(C-1217) Standard Toykraft, Inc., 95 Lorimer Street, Brooklyn, N.Y.—"Petal Craft."

(C-1218) Pressman Toy Corp., 1107 Broadway, New York City—"Loomatic."

(C-1219) Remco Industries, Inc., Cape May Street, Harrison, N.J.—"Chemistry Science Kit."

(C-1220) Avalon Manufacturing Corp., 128 Middleton Street, Brooklyn, N.Y.—"Paint on Color Velvet."

(C-1221) H. Davis Toy Corp., 461 Frelinghuysen Avenue, Newark, N.J.—"Barrettes."

(C-1222) Lisbeth Whiting Co., Inc., 179–80 93d Avenue, Jamaica, N.Y.—"Bingle Bangle Hat."

(C-1223) Hassenfeld Bros., Inc., 1027 Newport Avenue, Pawtucket, R.I.—"Mary Poppins."

(C-1224) E. S. Lowe Co., Inc., 27 West 20th Street, New York City—"Hoodwink."

(C-1225) Ideal Toy Corp., 184–10 Jamaica Avenue, Hollis, N.Y.—"Snoop."

(C-1236) Kohner Bros., Inc., 1 Paul Kohner Place, East Paterson, N.J.—"Doll Craft."

[F.R. Doc. 67-8276; Filed, July 18, 1967; 8:48 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Tripartite Promotional Assistance Plan Featuring Rewards to Customers

§ 15.135 Tripartite promotional assistance plan featuring rewards to customers.

(a) The Commission was requested to render an advisory opinion concerning the legality of a tripartite promotional program featuring the sale by a promoter to grocery retailers of books in which customers can paste labels from suppliers' products and receive a cash reward depending upon the number of labels collected.

(b) Under the plan, manufacturers will be solicited for permission to show reproductions of their labels, box tops, etc., within the pages of the books at no charge. The promoter will then offer the books for sale to all retailers within the boundaries of the initial test area. The retailers can then distribute the books in any manner they choose, either by mail, house-to-house, or at their stores. They may offer them as a bonus for a certain purchase or for purchases of a specified amount.

(c) Consumers will be invited to buy and try the products shown and to paste or otherwise fasten the actual label or other product identification over the designated space in the book. The books are redeemable for cash at the issuing retailer's store and the value depends upon either the total number of product identifications returned in one type of book or whether all product identifications are returned in the other type of book. The retailer advances the cash reward to consumers redeeming books issued by him. The promoter will then reimburse the retailer the full amount advanced and in addition pay him a checking and handling fee, which will vary depending upon whether it is a completely filled or partially filled book. The promoter will then invoice suppliers based on the number of product identifications returned. This invoice will include an amount sufficient to cover the cash reward to the consumer, the fee to be paid the retailer and a payment to the promoter for his costs plus his profit.

(d) Retailers stocking all the items shown on the inside pages, or willing to do so, will be offered a choice of the two types of books. First, is the book offering a cash reward based on the number of product identifications returned. The consumer can fasten one or more of the product identifications in the book and return it to the retailer for a cash reward. Second, is the book offering a flat cash reward for completely filling the book with all identifications shown. Retailers stocking one or more of the items shown, but not all of them, will be offered the book where redemption value is based on the number of identifications returned. The consumer can make purchases anywhere and fill as many spaces as desired, regardless of limit to items stocked by the issuing retailer.

(e) Retailers using either type of book can choose from individualized covers or preprinted stock covers and will have a choice of using a name coined by the promoter or a name of their own choosing. The cost to the retailer will vary according to the type and quantity of books purchased. The promoter has advised that the differences in costs of both the standard and individualized covers is solely attributable to differences in the cost of printing and distributing different quantities and that the books are to be sold to retailers at cost.

(f) The promoter will mail an "Offer to Retailers" to all grocery stores, supermarkets, headquarters of each local, regional and national chain, wholesalers and the area headquarters or warehouses of each cooperative or association within the geographic area, as their names can be found in trade and telephone directories, route lists, etc. Realizing that some stores might be missing from these lists and also that other types of retailers might be offering at least some of the products shown, the promoter will run an advertisement in every daily newspaper within the area outlining the features of the books and offering to furnish a copy of the notice to any interested retailer. In any county where there is no daily newspaper, the notice or advertisement will be run in a weekly newspaper of general circulation.

(g) The Commission advised that while it believed the promoter had done a commendable job of devising a plan which contained alternatives which should prove to be usable in one form or another by every customer of the participating suppliers, there was still lacking the element of proportionally equal treatment of those customers as required by sections 2 (d) and (e) of the Clayton Act, as amended. In brief, these sections require that whenever a seller makes payments and furnishes services for the benefit of one customer, he must make those payments or services available on proportionally equal terms to all competing customers. If a situation such as this, where a number of suppliers will be making payments to the promoter which will inure to the benefit of their customers, the responsibility rests on the promoter and the suppliers to see that the promotional assistance thereby rendered is made available on proportionally equal terms to each competing customer of each participating supplier.

(h) The Commission's concern with this proposal stemmed first from the fact that the retailers will be charged different prices for these books depending upon the quantities ordered. In one sense, this could be viewed simply as a sale from the promoter to the retailers and thus subject to the cost justification defense which the statute makes available to one charged with a discrimination in price. However, the Commission found it conceptually impossible to lift this transaction out of the whole and view it as a separate price discrimination problem. The proposal involves one essentially promotional program in which the parts cannot be separated from the whole. While it is true that the promoter will sell the books to the retailers, he will do so at cost and this would not be possible were it not for the fact that he will derive his profit from payments made by the suppliers. Thus the Commission ruled that the entire plan was keyed to payments which emanate from the suppliers and this being so all parts must be judged according to the standards set forth in sections 2 (d) and (e) of the Act.

(i) This brought the Commission into confrontation with the fact that the defense of cost justification is not available to one charged with a violation of these Sections. It followed, in the Commission's view, that there was no way to escape the conclusion that the smaller dealers were not being afforded proportionally equal treatment when they had to pay more for the books than did their larger competitors. The opinion acknowledged it to be true that these prices are equally available to all in that all will be charged the same price for the same quantities. But it is equally true that all will not be able to buy in the same quantities. Since the retailers' profits from this plan will equal the amount by which their payments for redeeming books exceed their cost of purchasing such books, the Commission could not view the plan as being available on proportionally equal terms so long as there is a disparity in the prices they must pay in order to participate.

(j) In this connection, the Commission made it clear that it was only concerned with the prices charged for the books with standard covers since those were the real base of the plan. The purchase of books with individualized covers appeared to be purely optional with the retailer if he cared to spend more in order to more closely identify the plan with his own store.

(k) A second respect in which this proposal was held to be deficient under the law stemmed from the fact that the large retailers were apparently to be offered both the fully completed and the partially completed book plans, while the smaller retailers were to be offered only the latter. In the Commission's view, both plans must be affirmatively offered to and made available to all retailers before the overall plan could be said to be available to all competing customers on proportionally equal terms.

(l) The opinion singled out two additional factors of the proposal which should be borne in mind if it is to be conducted within the law. The first concerned the fact that grocery retailers will be notified by mail and all other customers of the participating suppliers will be notified by advertisement. While the statute prescribes no particular method by which the availability of allowances or services is to be communicated to a seller's customers, it is clear that the duty rests upon such seller to see that all competing customers are informed. A plan can only be said to be available to a customer if he knows about its existence. If the method of notification chosen actually reaches all competing customers, there could be no objection to the plan on that score. However, the promoter was cautioned to keep in mind that the suppliers could incur liability if it subsequently developed that some did not as a matter of fact receive notice because of the method chosen.

(m) The second factor stemmed from the fact that it was proposed initially to test the program in nine contiguous counties. Even though this is a test area the promoter was advised to be careful here not to discriminate against customers located on the fringes but outside the area selected since they may be actually competing with those who are participating. In such situation, the existence of competition prevails, not geographic or political subdivisions, and the fringe area customers, if any there be, who in fact compete must be afforded an equal opportunity to participate.

(38 Stat. 717, as amended; 15 U.S.C. 41–58; 49 Stat. 1526; 15 U.S.C. 18, as amended)

Issued: July 18, 1967.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 67-8333; Filed, July 18, 1967; 8:50 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Selective Leasing of Shopping Center Space

§ 15.136 Selective leasing of shopping center space.

(a) The Federal Trade Commission was asked its views as to the legality of the following proposed course of conduct: A real estate developer plans to develop a new city composed of some 5,000 families. In connection therewith space is to be made available for business and service facilities. Prospective lessees of this space will be accepted, or rejected, in light of a statistical study purporting to show an optimum occupancy mix.

(b) The Commission advised the requesting party that, in the absence of any purpose or intent to create a monopoly, prospective lessees could be accepted or rejected at will provided the action taken was taken independently and as the result of the lessor's individual judgment.

(c) The Commission noted, however, that it expressed no views as to the propriety, under the trade regulation laws, of any agreement between lessor and lessee as to others to whom space might be leased.

(38 Stat. 717, as amended; 15 U.S.C. 41–58)

Issued: July 18, 1967.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 67-8334; Filed, July 18, 1967; 8:50 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter I—Bureau of Employees' Compensation, Department of Labor

PART 25—COMPENSATION FOR DISABILITY AND DEATH OF NON-CITIZENS OUTSIDE UNITED STATES

Australia

Pursuant to the authority contained in 5 U.S.C. 8137, 8138, 8145, and 8149; Reorganization Plan No. 19 of 1950 (64 Stat. 1271, 3 CFR, 1949–1953 Comp., p. 1010); and General Order No. 46 (Rev.) of the Secretary of Labor (24 F.R. 8472), I hereby amend Subpart C of 20 CFR Part 25 by revising § 25.22 to read as set forth below.

As Subpart C of 20 CFR Part 25 relates only to public benefits, the provisions of 5 U.S.C. 553 concerning notice of proposed rule making, public participation therein, and delayed effectiveness of substantive rules, do not apply. I do not believe that such procedure will serve a useful purpose here. Accordingly, the amendment shall be effective upon publication in the FEDERAL REGISTER.

As revised, § 25.22 reads as follows:

§ 25.22 Australia.

(a) The special schedule of compensation established by Subpart B of this part shall apply, with the modifications or additions specified in paragraph (b) of this section, as of December 8, 1941, in Australia, is all cases of injury (or death from injury) which occurred between December 8, 1941, and December 31, 1941, inclusive, and shall be applied retrospectively in all such cases of injury (or death from injury). Compensation in all such cases pending as of July 15, 1946, shall be readjusted accordingly, with credit taken in the amount of compensation paid prior to such date. Refund of compensation shall not be required if the amount of compensation paid in any such case, otherwise than through fraud, mispresentation, or mistake, and prior to July 15, 1946, exceeds the amount provided for under this paragraph; and such case shall be deemed compromised and paid under 5 U.S.C. 8137.

(b) The total aggregate compensation payable in any case under paragraph (a) of this section, for injury or death or both, shall not exceed the sum of $4,000, exclusive of medical costs. The maximum monthly rate of compensation in any such case shall not exceed the sum of $50.

(c) The benefit amounts payable under the provisions of the Commonwealth Employees' Compensation Act 1930—1964, Australia, shall apply as of January 1, 1962, in Australia, as the exclusive measure of compensation in cases of injury (or death from injury) occurring on and after January 1, 1962, and shall be applied retrospectively in all such cases occurring on and after such date: *Provided*, That the compensation payable under the provisions of this paragraph shall in no event exceed that payable under the Federal Employees' Compensation Act.

(5 U.S.C. 8137, 8138, 8145, 8149; Reorganization Plan No. 19 of 1950 (64 Stat. 1271, 3 CFR, 1949–1953 Comp., p. 1010); and General Order No. 46 (Rev.), 24 F.R. 8472)

Signed at Washington, D.C., this 10th day of July 1967.

THOMAS A. TINSLEY, *Director, Bureau of Employees' Compensation.*

[F.R. Doc. 67-8332; Filed, July 18, 1967; 8:50 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

PACKAGING MATERIALS FOR USE DURING IRRADIATION OF PREPACKAGED FOODS

The Commissioner Food and Drugs, having evaluated the data submitted in a petition (FAP 7M2172) filed by the Department of the Army, U.S. Army Natick Laboratories, Natick, Mass. 01762, and other relevant material, has concluded that § 121.2543 of the food additive regulations should be amended (1) to provide for the safe use of kraft paper as a container incidentally subjected to radiation during the irradiation of flour and (2) to effect editorial clarifications. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), § 121.2543 is amended by revising the section heading, the introduction of the section, paragraph (a), and the introduction of paragraph (b), and by adding a new subparagraph (5) to paragraph (b). The affected portions read as follows:

§ 121.2543 Packaging materials for use during the irradiation of prepackaged foods.

The packaging materials identified in this section may be safely subjected to irradiation incidental to the radiation treatment and processing of prepackaged foods, subject to the provisions of this section and to the requirement that no induced radioactivity is detectable in the packaging material itself:

(a) The radiation of the food itself shall comply with regulations in Subpart G of this Part 121.

(b) The following packaging materials may be subjected to a dose of radiation, not to exceed 1 megarad, unless

otherwise indicated, incidental to the use of gamma radiation in the radiation treatment of prepackaged foods:

* * * * *

(5) Kraft paper prepared from unbleached sulfate pulp to which rosin, complying with § 121.2502, and alum may be added. The kraft paper is used only as a container for flour and is irradiated with a dose not exceeding 50,000 rads.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348 (c)(1))

Dated: July 12, 1967.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 67-8297; Filed, July 18, 1967; 8:47 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter XIX—Office of the Maritime Administrator, Department of Commerce

[General Emergency Transportation Order 1-67]

MA-ET-1—PRIORITY MOVEMENT TO BE ACCORDED TO MATERIALS AND PASSENGERS NECESSARY TO PROMOTE THE NATIONAL DEFENSE

Because of the short supply of domestic transportation equipment, facilities and services due to the current railroad strike which has brought to a halt virtually all transportation of persons and things by rail, and because the remaining transportation facilities of the Nation will be unable to handle all the essential traffic requirements put upon them, it is deemed necessary in the public interest and to promote the national defense to regulate, allocate, and promote the use of water carrier equipment, facilities, and service for preferential transportation of certain passengers, mail, and cargoes, necessary to the national defense; and it being impractical to consult with industry representatives due to the necessity of immediate action.

Now therefore pursuant to Title I of the Defense Production Act of 1950, as amended (50 App. U.S.C. 2061 et seq.), Executive Order 10480, as amended, Executive Order 11362, and the authority delegated to the Maritime Administrator by the Secretary of Commerce pursuant to Department of Commerce Order 117-A (31 F.R. 8087), *It is hereby ordered*, That:

Sec.
1 Transportation of priority cargoes, passengers, and mail.
2 Nonpriority cargoes and passengers.
3 Communications.
4 Applicability.

AUTHORITY: The provisions of this MA-ET-1 issued under sec. 704, 64 Stat. 816; 76 Stat. 112; 50 U.S.C. App. 2154, 2166(a); Executive Order 10480, as amended, Executive Order 11362 (July 16, 1967); and Department of Commerce Order 117-A (31 F.R. 8087).

Section 1 Transportation of priority cargoes, passengers, and mail.

Every water carrier operating vessels in the coastwise and intercoastal trades, excluding the domestic offshore and inland waterways, are hereby directed to accord priority movement over all other traffic to the transportation on vessels operated by them in such trades, as follows:

(a) All material moving on Government bills of lading issued by military transportation officers;

(b) Material moving on commercial bills of lading specifically certified as essential by defense contract administrators;

(c) Essential government personnel travel including military passengers traveling on Government Travel Requests;

(d) Essential U.S. Mail;

(e) Fresh meats and poultry;

(f) Fresh eggs and milk;

(g) Fresh fruits and vegetables;

(h) Fresh fish and shellfish;

(i) Pharmaceuticals, biologicals, surgical textiles and instruments;

(j) Hospital and sick room supplies and equipment, including diagnostic devices and essential support utilities;

(k) Professional dental supplies and equipment;

(l) Medical laboratory supplies and equipment;

(m) Water and sewage processing and handling supplies and equipment, including chlorine, alum, lime, sulphate of iron, soda ash, and similar chemicals and equipment essential to the continuity of operation of water and sewage installations.

Sec. 2 Nonpriority cargoes and passengers.

Material and passengers not included in the list set forth in section 1 of this Order may be moved on a space-available basis after all priority items have been accommodated; however, nonpriority material and passengers once loaded should not be displaced by priority movements, nor should allowable nonpriority baggage accompanying passengers be displaced by priority cargo.

Sec. 3 Communications.

Communications concerning this order should refer to "General Emergency Transportation Order 1-67" and should be addressed to the Secretary, Maritime Administration, Washington, D.C. 20235.

Sec. 4 Applicability.

The provisions of this order shall apply to coastwise and intercoastal shipping, but excluding shipping on the inland waterways and between the continental United States and the States of Alaska and Hawaii, the Commonwealth of Puerto Rico, and the possessions of the United States.

Issued at Washington, D.C., this 17th day of July 1967.

CARL C. DAVIS,
Acting Maritime Administrator.

[F.R. Doc. 67-8417; Filed, July 18, 1967; 8:50 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 67-837]

PART 0—COMMISSION ORGANIZATION

Miscellaneous Amendments

In the matter of amendment of Part 0, rules and regulations, to implement P.L. 89-487.

1. Rules implementing the Public Information Act of 1966 (P.L. 89-487, July 4, 1966) are set forth below. A substantial effort has been made in devising substantive criteria and procedures to achieve full compliance with both the letter and spirit of that law. The question of fees to cover the cost of locating and producing records for inspection is under consideration and will be dealt with at a subsequent time. In administering these provisions, we will take into account that:

This law was initiated by Congress and signed by the President with several key concerns:

That disclosure be the general rule, not the exception;

That all individuals have equal rights of access;

That the burden be on the Government to justify the withholding of a document, not on the person who requests it;

That individuals improperly denied access to documents have a right to seek injunctive relief in the courts;

That there be a change in Government policy and attitude.[1]

2. The Commission will welcome comment on any provision of these rules. The Commission intends to review the operation of the rules during the next

[1] Attorney General's Memorandum on the Public Information Section of the Administrative Procedure Act, June, 1967, at pp. III-IV.

6 months and to make such changes as are shown to be desirable upon the basis of our experience with them and the comments and views of all interested persons.

3. Authority for the amendments adopted herein is contained in sections 4(i), 4(j) and 303(r) of the Communications Act of 1934, as amended, and P.L. 89-487. Because these amendments pertain to matters of procedure and internal organization, and because their issuance is required by P.L. 89-487, compliance with the notice and effective date provisions of section 4 of the Administrative Procedure Act is neither necessary nor desirable in the public interest.

4. In view of the foregoing: *It is ordered*, Effective July 18, 1967, that Part 0 of the rules and regulations is amended as set forth below.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303; and 5 U.S.C. 552)

Adopted: July 13, 1967.

Released: July 18, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

I. In Part 0 of Chapter I of Title 47 of the Code of Federal Regulations, Subpart A is amended as follows:

1. Section 0.1 is revised to read as follows:

§ 0.1 The Commission.

The Federal Communications Commission is composed of 7 members, who are appointed by the President subject to confirmation by the Senate. Normally, one Commissioner is appointed or reappointed each year, for a term of 7 years.

2. Section 0.3 is revised to read as follows:

§ 0.3 The Chairman.

(a) One of the members of the Commission is designated by the President to serve as Chairman, or chief executive officer, of the Commission. As Chairman, he has the following duties and responsibilities:

(1) To preside at all meetings and sessions of the Commission.

(2) To represent the Commission in all matters relating to legislation and legislative reports; however, any other Commissioner may present his own or minority views or supplemental reports.

(3) To represent the Commission in all matters requiring conferences or communications with other governmental officers, departments or agencies.

(4) To coordinate and organize the work of the Commission in such a manner as to promote prompt and efficient disposition of all matters within the jurisdiction of the Commission.

(b) The Commission will, in the case of a vacancy in the Office of the Chairman of the Commission, or in the absence or inability of the Chairman to serve, temporarily designate one of its members to act as Chairman until the cause or circumstance requiring such designation has been eliminated or corrected.

3. Section 0.4 is added to read as follows:

§ 0.4 Standing committees of Commissioners.

There are 3 standing committees of Commissioners; the Telegraph Committee, the Telephone Committee, and the Subscription Television Committee, each composed of 3 Commissioners. These committees are delegated authority to act or study and report on certain telegraph, telephone and subscription television matters from time to time.

4. Section 0.5 is revised to read as follows:

§ 0.5 General description of Commission organization and operations.

(a) *Principal staff units.* The Commission is assisted in the performance of its responsibilities by its staff, which is divided into the following principal units:

(1) Office of Executive Director.
(2) Office of Chief Engineer.
(3) Office of General Counsel.
(4) Broadcast Bureau.
(5) Common Carrier Bureau.
(6) Safety and Special Radio Services Bureau.
(7) Field Engineering Bureau.
(8) Office of Hearing Examiners.
(9) Review Board.
(10) Office of Opinions and Review.
(11) Office of the Secretary.
(12) Office of Reports and Information.
(13) CATV Task Force.

(b) *Staff responsibilities and functions.* The organization and functions of these major staff units are described in detail in §§ 0.11-0.171. The defense and emergency preparedness functions of the Commission are set forth separately, beginning at § 0.181. For a complete description of staff functions, reference should be made to these provisions. (See also the U.S. Government Organization Manual, which contains a chart showing the Commission's organization, the names of the members and principal staff officers of the Commission, and other information concerning the Commission.) So that the public may more readily inform itself concerning the operations of the Commission as a whole, concerning the staff officials who exercise responsibility over matters in which they are interested and concerning the relationship between the several staff units in such matters, however, a brief overall description of staff functions and responsibilities is set forth in this paragraph.

(1) *The Executive Director.* The Executive Director is directly responsible to the Commission, works under the supervision of the Chairman, and assists him in carrying out the Commission's organizational and administrative responsibilities. His principal role is to see that other staff units work together and promptly dispose of the matters for which they are responsible. He is directly responsible for internal administrative matters such as personnel and budget planning, and supervises implementation of the Public Information Act of 1966.

(2) *The Chief Engineer and the General Counsel.* Though primary responsibility in most established areas of regulation is lodged in other staff units, the Chief Engineer and the General Counsel are responsible for advising the Commission concerning any engineering or legal matter involved in the making and implementation of policy or in the decision of cases. For example, while policies relating solely to broadcasting are primarily the responsibility of the Broadcast Bureau, and the preparation of Commission opinions in hearing cases is primarily the responsibility of the Office of Opinions and Review, the Chief Engineer and the General Counsel may be called upon for advice and assistance in either area. The Chief Engineer and the General Counsel, in addition, exercise primary responsibility in areas of regulation which transcend the responsibilities of a single bureau. Thus, for example, the General Counsel is primarily responsible for the Rules of Practice and Procedure, Part 1 of this chapter, and the Chief Engineer is primarily responsible for frequency allocation and for other areas of regulation under Parts 2, 5, and 15. The General Counsel also represents the Commission in litigation in the courts and coordinates the preparation of the Commission's legislative program. Both the Chief Engineer and the General Counsel exercise responsibility in matters pertaining to international communications.

(3) *The operating bureaus.* The principal work load operations of the Commission are conducted by the four operating bureaus.

(i) Three of these bureaus: The Broadcast Bureau, Common Carrier Bureau, and Safety and Special Radio Services Bureau—exercise primary responsibility in the three principal areas of regulation into which the Commission has divided its responsibilities. The Broadcast Bureau, as its name indicates, is responsible for the regulation of broadcast stations (see Part 73 of this chapter) and related facilities (see Part 74). The Common Carrier Bureau is responsible for the regulation of communications common carriers whether carriage involves the use of wire or radio facilities (see Parts 21-66). The Safety and Special Radio Services Bureau is responsible for the regulation of all other radio stations with minor exceptions (e.g., experimental stations licensed under Part 5). These include amateur stations and numerous other categories of stations engaged in communication for safety, commercial or personal purposes (see Parts 81-99). Within its area of responsibility, each of these bureaus is responsible for developing and implementing a regulatory program; for processing applications for radio licenses or other filings; for the consideration of complaints and the conduct of investigations; for participation in Commission hearing proceedings as appropriate; and

[2] Commissioners Bartley, Cox, and Loevinger absent.

for the performance of such other functions as may be related to its area of responsibility.

(ii) The fourth operating bureau: The Field Engineering Bureau—maintains field offices and monitoring stations throughout the United States. It is responsible for detecting violations of regulations pertaining to the use of radio and, in this connection, monitors radio transmissions, periodically inspects stations, and investigates complaints of radio frequency interference. It issues violation notices to the station in question, thereby affording it an opportunity to take corrective measures. If formal enforcement action is appropriate, the proceedings are conducted by the staff unit which exercises primary responsibility over the station in question—usually one of the other operating bureaus. The Field Engineering Bureau, in addition, exercises responsibility over commercial radio operator matters (see Part 13 of this chapter), antenna structures (see Part 17), and the use of radio for purposes other than communication (see Part 18). It also conducts amateur operator examinations.

(4) *Staff units which exercise responsibility for the decision of hearing cases.* The Office of Hearing Examiners, the Review Board, and the Office of Opinions and Review exercise responsibility for the decision of hearing cases. The hearing examiners preside over hearing cases and issue initial decisions. In most cases, initial decisions are subject to review by the Revew Board, which is a permanent body composed of three or more senior Commission employees. Initial decisions may also be reviewed by one or more Commissioners designated by the Commission. In such cases, the Board or designated Commissioner(s) issues a final decision, which is subject to possible review by the Commission. In other cases, the initial decision is reviewed directly by the Commission en banc. The Office of Opinions and Review assists and advises the Commission, and any Commissioner(s) designated to review an initial decision, in the decision of cases which come before them.

(5) *The Secretary.* The secretary signs Commission correspondence and documents. He is custodian of the Commission's seal and records. He maintains minutes and records of Commission actions and the dockets of hearing proceedings, and is responsible for their accuracy, authenticity and completeness. Except as otherwise provided in this chapter (see § 0.401), he is the proper addressee and recipient of papers mailed to or filed with the Commission.

(6) *Office of Reports and Information.* The Office of Reports and Information is responsible for informing the public concerning actions which have been taken by the Commission and is the contact point for the press, the industry and the public in the matter of general information relating to the Commission and its activities.

(7) *The CATV Task Force.* The CATV Task Force is responsible for the development and implementation of a regulatory program for community antenna television systems and community antenna relay stations (see Subparts J and K of Part 74 of this chapter). The licensing of related microwave radio facilities is coordinated with the Task Force by the Common Carrier Bureau and the Safety and Special Radio Services Bureau.

(c) *Delegations of authority to the staff.* Pursuant to section 5(d) of the Communications Act, the Commission has delegated authority to its staff to act on matters which are minor or routine or settled in nature and those in which immediate action may be necessary. See Subpart B of this Part. Actions taken under delegated authority are subject to review by the Commission, on its own motion or on an application for review filed by a person aggrieved by the action. Except for the possibility of review, actions taken under delegated authority have the same force and effect as actions taken by the Commission. The delegation of authority to a staff officer, however, does not mean that he will exercise that authority in all matters subject to the delegation. In non-hearing matters, the staff is at liberty to refer any matter at any stage to the Commission for action, upon concluding that it involves matters warranting the Commission's consideration, and the Commission may instruct the staff to do so. In like manner, in hearing cases, pursuant to § 0.361 (b) and (c), the Commission may direct that matters pending before the Review Board be certified to the Commission for decision, and the Board may itself certify such matters to the Commission, with a request that they be acted upon by the Commission.

(d) *Commission action.* Matters requiring Commission action, or warranting its consideration, are dealt with by the Commission at regular weekly meetings, or at special meetings called to consider a particular matter. Meetings are normally held at the principal offices of the Commission in the District of Columbia, but may be held elsewhere in the United States. In appropriate circumstances, Commission action may be taken between meetings "by circulation", which involves the submission of a document to each of the Commissioners for his approval.

II. In Part 0 of Chapter I of Title 47 of the Code of Federal Regulations, Subpart C is amended as follows:

1. The Title of the Subpart is revised to read as follows: Subpart C—General Information.

2. In § 0.401, the portion of paragraph (a) preceding subparagraph (1) is revised to read as follows:

§ 0.401 Location of Commission offices.

(a) The main offices of the Commission are located in the New Post Office Building, 13th Street and Pennsylvania Avenue NW., Washington, D.C., and in the 521 Building, 521 12th Street NW., Washington, D.C.

* * * * *

3. Sections 0.403–0.431 are revoked and §§ 0.403–0.475 are added in lieu thereof, with appropriate undesignated center headings, to read as follows:

§ 0.403 Office hours.

The Offices of the Commission are open from 8:30 a.m. to 5 p.m., Monday through Friday, excluding legal holidays.

§ 0.405 Statutory provisions.

The following statutory provisions, among others, will be of interest to persons having business with the Commission:

(a) The Federal Communications Commission was created by the Communications Act of 1934, 48 Stat. 1064, June 19, 1934, as amended, 47 U.S.C. 151–609.

(b) The Commission exercises authority under the Submarine Cable Landing Act, 42 Stat. 8, May 27, 1921, 47 U.S.C. 34–39. See section 5 of Executive Order 10530, 19 F.R. 2709, May 10, 1954, as amended, 3 CFR 1965 ed., p. 463.

(c) The Commission exercises authority under the Communications Satellite Act of 1962, 76 Stat. 419, August 31, 1962, 47 U.S.C. 701–744.

(d) The Commission operates under the Administrative Procedure Act, 60 Stat. 237, June 11, 1946, as amended, originally codified as 5 U.S.C. 1001–1011. Pursuant to P.L. 89–554, September 6, 1966, 80 Stat. 378, the provisions of the Administrative Procedure Act now appear as follows in the Code:

Administrative Procedure Act	*5 U.S.C.*
Sec. 2–9	551–558
Sec. 10	701–706
Sec. 11	3105, 7521, 5362, 3344, 1305
Sec. 12	559

§ 0.406 The rules and regulations.

Persons having business with the Commission should familiarize themselves with those portions of its rules and regulations pertinent to such business. All of the rules have been published and are readily available. See §§ 0.411(b), 0.412, and 0.415. For the benefit of those who are not familiar with the rules, there is set forth in this section a brief description of their format and contents.

(a) *Format.* The rules are set forth in the Code of Federal Regulations as Chapter I of Title 47. Chapter I is divided into parts numbered from 0–99. Each part, in turn, is divided into numbered sections. To allow for the addition of new parts and sections in logical sequence, without extensive renumbering, parts and sections are not always numbered consecutively. Thus, for example, Part 2 is followed by Part 5, and § 1.8 is followed by § 1.10; in this case, Parts 3 and 4 and § 1.9 have been reserved for future use. In numbering sections, the number before the period is the part number; and the number after the period locates the section within that part. Thus, for example, § 1.1 is the first section of Part 1 and § 5.1 is the first section in Part 5. Except in the case of accounting regulations (Parts 31–35), the period should not be read as a decimal point; thus, § 1.511 is not located between § 1.51 and § 1.52 but at a much later point in the rules. In citing the Code of Federal Regulations, the citation, 47 CFR 5.1, for example, is to § 5.1 (in Part 5) of Chapter I of Title 47 of the Code, and permits the exact location of that rule. No citation to other rule units (e.g., subpart or chapter) is needed.

(b) *Contents.* Parts 0–19 of the rules have been reserved for provisions of a general nature. Parts 20–69 have been reserved for provisions pertaining to common carriers. Parts 70–79 have been reserved for provisions pertaining to broadcasting. Parts 80–99 have been reserved for provisions pertaining to the Safety and Special Radio Services. In the rules pertaining to common carriers, Parts 21, 23, and 25 pertain to the use of radio; Parts 31–66 pertain primarily to telephone and telegraph companies. In the rules pertaining to broadcasting, Part 74, Experimental, auxiliary and special broadcast services, also contains provisions for regulation of community antenna television (CATV) systems and community antenna relay (CAR) stations. Persons having business with the Commission will find it useful to consult one or more of the following parts containing provisions of a general nature in addition to the rules of the radio or wire communication service in which they are interested:

(1) *Part 0, Commission organization.* Part 0 describes the structure and functions of the Commission, lists delegations of authority to the staff, and sets forth information designed to assist those desiring to obtain information from, or to do business with, the Commission. This Part is designed, among other things, to meet certain of the requirements of the Administrative Procedure Act, as amended.

(2) *Part 1, practice and procedure.* Subpart A of Part 1 contains the general rules of practice and procedure. Except as expressly provided to the contrary, these rules are applicable in all Commission proceedings and should be of interest to all persons having business with the Commission. The subpart also contains certain other miscellaneous provisions. Subpart B contains the procedures applicable in formal hearing proceedings (see § 1.201). Subpart C contains the procedures followed in making or revising the rules and regulations. Subpart D contains rules applicable to applications for licenses in the Broadcast Radio Services, including the forms to be used, the filing requirements, the procedures for processing and acting on such applications, and certain other matters. Subpart E contains general rules and procedures applicable to common carriers. Additional procedures applicable to certain common carriers by radio are set forth in Part 21. Subpart F contains rules applicable to applications for licenses in the Safety and Special Radio Services, including the forms to be used, the filing requirements, the procedures for processing and acting on such applications, and certain other matters. Subpart G contains rules pertaining to application filing fees. Subpart H, concerning ex parte presentations, sets forth standards governing communication with Commission personnel in hearing proceedings and contested application proceedings. Subparts G and H will be of interest to all applicants, and Subpart H will, in addition, be of interest to all persons involved in hearing proceedings.

(3) *Part 2, frequency allocations and radio treaty matters; general rules and regulations.* Part 2 will be of interest to all persons interested in the use of radio. It contains definitions of technical terms used in the rules and regulations; provisions governing the allocation of radio frequencies among the numerous uses made of radio (e.g., broadcasting, land mobile) and radio services (e.g., television, public safety), including the Table of Frequency Allocations (§ 2.106); technical provisions dealing with emissions; provisions dealing with call signs and emergency communications; provisions governing type acceptance and type approval of radio equipment; and a list of treaties and other international agreements pertaining to the use of radio.

(4) *Part 5, experimental radio services (other than broadcast).* Part 5 deals with the temporary use of radio frequencies for research in the radio art, for communication involving other research projects, and for the development of equipment, data, or techniques.

(5) *Part 13, commercial radio operators.* Part 13 describes the procedures to be followed in applying for a commercial operator license, including the forms to be used and the examinations given, and sets forth rules governing licensed operators. It will be of interest to applicants for such licenses, licensed operators, and the licensees of radio stations which may be operated only by persons holding a commercial radio operator license.

(6) *Part 15, radio frequency devices.* Part 15 contains regulations designed to prevent harmful interference to radio communication from radio receivers and other devices which radiate radio frequency energy, and provides for the certification of radio receivers. It also provides for the certification of low power transmitters and for the operation of certificated transmitters without a license.

(7) *Part 17, construction, marking, and lighting of antenna structures.* Part 17 contains criteria for determining whether applications for radio towers require notification of proposed construction to the Federal Aviation Agency, and specifications for obstruction marking and lighting of antenna structures.

(8) *Part 18, industrial, scientific and medical equipment.* Part 18 contains regulations designed to prevent harmful interference to radio communication from ultrasonic equipment, industrial heating equipment, medical diathermy equipment, radio frequency stabilized arc welders, and other equipment which uses radio energy for purposes other than communication.

(9) *Part 19, employee responsibilities and conduct.* Part 19 prescribes standards of conduct for the members and staff of the Commission.

PRINTED PUBLICATIONS

§ 0.411 General reference materials.

The following reference materials are available in many libraries and may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402:

(a) *Statutory materials.* Laws pertaining to communications are contained in Title 47 of the United States Code. Laws enacted since the printing of the last supplement to the Code are printed individually as slip laws, and these are compiled chronologically in the United States Statutes at Large. The Acts of Congress from 1910–62 pertaining to radio have been compiled in a single volume, Radio Laws of the United States (1962 ed.). See §§ 0.405 and 0.414.

(b) *Regulatory materials*—(1) *The Code of Federal Regulations.* The rules and regulations of the Commission are contained in Chapter I of Title 47 of the Code of Federal Regulations. Chapter I is divided into the following 4 subchapters, which may be purchased separately: Subchapter A—General; Subchapter B—Common Carrier Services; Subchapter C—Broadcast Radio Services; and Subchapter D—Safety and Special Radio Services. Most persons will find that they need Subchapter A, containing the general rules, and one of the other volumes, depending upon their area of interest. These four volumes are revised annually to reflect changes in the rules. See §§ 0.406, 0.412, and 0.415. The Code of Federal Regulations is fully indexed and contains numerous finding aids. See 1 CFR Appendix C.

(2) *The Federal Register.* As rules are adopted, amended, or repealed, the changes are published in the FEDERAL REGISTER, which is published daily except on days following legal holidays. Notices of proposed rule making, other rule making documents, statements of general policy, interpretations of general applicability, and other Commission documents having general applicability and legal effect are also published in the FEDERAL REGISTER. The FEDERAL REGISTER is fully indexed and contains numerous finding aids. See 1 CFR Appendix C.

§ 0.412 Nongovernment publications.

(a) *Pike and Fischer Radio Regulation.* This multi-volume service contains the text of statutes, treaties and regulations pertaining to radio; Commission and court decisions; and other materials, including a digest. Information concerning this service may be obtained from Pike and Fischer, Inc., 1726 M Street NW., Washington, D.C. 20036.

(b) *Rules Service Company service.* This service contains Parts 0, 1, 17, 73, 74, and 87 of the rules and regulations and other materials. Information concerning this service may be obtained from the Rules Service Company, 1001 15th Street NW., Washington, D.C. 20005.

NOTE: Other published research materials pertaining to communications will be listed in this section upon request of the publisher.

§ 0.413 The Commission's printed publications.

The Commission's printed publications are described in §§ 0.414–0.420. These publications may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The Commission does not furnish copies of these publications but will furnish a price list (Administration Bulletin No. 1) upon request. Requests for copies of that list should be directed to the Office Services Division, Office of Executive Director, Federal Communications Commission, Washington, D.C. 20554.

§ 0.414 The Communications Act and other statutory materials.

This publication, with packets of revised pages, contains the Communications Act of 1934, with amendments through 1964; the Administrative Procedure Act, with amendments through 1964; the Judicial Review Act; the Communications Satellite Act of 1962; and selected sections of the Criminal Code pertaining to communications. It also contains indexes to the Communications Act and the Administrative Procedure Act. Persons who do not have ready access to the United States Code, or who refer frequently to these materials, may find this volume to be useful.

§ 0.415 The rules and regulations (loose-leaf service).

In this service, the rules and regulations are divided into 10 volumes, each containing several related parts. Each volume may be purchased separately from the Superintendent of Documents. The purchase price for a volume includes a subscription to replacement pages reflecting changes in the rules contained therein until such time as the volume is revised. Each volume is revised periodically, depending primarily on the frequency with which the rules it contains have been amended. When a volume is revised, the revised volume and replacement pages therefor will be furnished to those who renew their subscriptions.

§ 0.416 The Federal Communications Commission Reports.

All documents currently adopted by the Commission having precedential or historical significance are published in the FCC Reports. The FCC Reports are published weekly in pamphlet form. The pamphlets are available on a subscription basis, and are subsequently compiled and published in bound volumes. Earlier volumes contain Commission decisions and reports but are less comprehensive than those currently being published. Supplements (to those earlier volumes) containing additional documents having precedential or historical significance will be issued from time to time. Current bound volumes contain indexes, tables of cases and other finding aids.

§ 0.417 The Annual Reports.

At the end of each fiscal year, the Commission publishes an Annual Report containing general information concerning the Commission and the history of regulation, a summary of developments during the year, and selected industry statistics.

§ 0.420 Other Commission publications.

The following additional Commission publications may be purchased from the Superintendent of Documents:

(a) Statistics of Communications Common Carriers (for the year 1965).

(b) Study Guide and Reference Material for Commercial Radio Operator Examinations (May 1965).

(c) Figure M–3, Estimated AM Ground Conductivity of the United States (set of two maps).

(d) Television Network Program Procurement Report, 3d Interim Report, Part 2, by the Office of Network Study.

FORMS AND DOCUMENTS AVAILABLE UPON REQUEST

§ 0.421 Application forms.

All forms for use in submitting applications for radio authorizations, together with instructions and information as to filing such forms, may be obtained at the Washington offices of the Commission or at any of the engineering field offices listed in § 0.121. For information concerning the forms to be used and filing requirements, see Subparts D, E, F, and G of Part 1 of this chapter and the appropriate substantive rules.

§ 0.422 Current action documents and public notices.

A limited number of copies of the text of documents adopted by the Commission, public notices of Commission actions, and other public releases is made available at the Office of Reports and Information when they are issued. Back issues of public releases are available for inspection in this office.

§ 0.423 Information bulletins.

The bulletins listed in this section have been prepared with the specific purpose of providing information to the public concerning communications and the Federal Communications Commission. Copies of these bulletins are available upon request. Many of the bulletins contain references to additional materials and the manner in which they may be obtained, including some which are available from the Commission without charge upon request.

(a) Copies of the following information bulletins issued by the Commission are available in the Office of Reports and Information and will be furnished upon request.

(1) An A–B–C of the FCC (No. 3–G).

(2) Radio Stations and Other Lists (No. 4–G).

(3) Publications and Services (No. 5–G).

(4) A Short History of Electrical Communication (No. 7–G).

(5) Radio Station Call Signs (No. 13–G).

(6) Regulation of Wire and Radio Communication (No. 14–G).

(7) Frequency Allocation (No. 15–G).

(8) Memo to All Young People Interested in Radio (No. 17–G).

(9) Letter to a Schoolboy (No. 18–G).

(10) Policing the Airwaves and Other FCC Field Services (No. 19–G).

(11) Broadcast Application and Hearing Procedures (No. 1–B).

(12) Broadcast Primer (No. 2–B).

(13) Educational Television (No. 16–B).

(14) Subscription TV and the FCC (No. 20–B).

(15) Educational Radio (No. 21–B).

(16) Common Carrier Primer (No. 12–C).

(17) Safety and Special Radio Services Primer (No. 11–S).

(b) Copies of the following information bulletins issued by the Office of Chief Engineer are available in that office and will be furnished upon request:

(1) Type Approved Miscellaneous Equipment (OCE Bull. No. 5).

(2) Type Approved Medical Diathermy Equipment (OCE Bull. No. 7).

(3) Industrial Radio Frequency Heaters Require Periodic Inspection (OCE Bulletin No. 8).

(4) Attachments to Type Approved Equipment Illegal (OCE Bulletin No. 10).

(5) Does My Transmitter Need a License (OCE Bulletin No. 11).

(6) Operation in the Broadcast Band Without a License (OCE Bulletin No. 12).

(7) Type Approved Wireless Microphones and Telemetering Transmitters (OCE Bulletin No. 13).

(8) Editorial Revision of FCC Rules, Parts 15 and 18 (OCE Bulletin No. 14).

(9) Type Acceptance Program (OCE Bulletin No. 15).

(c) Copies of the following information bulletins issued by the Safety and Special Radio Services Bureau are available from the Office Services Division, Office of Executive Director, upon request:

(1) Citizens Radio Service (SS Bulletin No. 1001).

(2) Use of Citizens Radio by Telephone Answering Services and Similar Organizations (SS Bull. No. 1001d).

(3) Citizens Radio Service—Selecting Class C and Class D Station Equipment (SS Bulletin No. 1001g).

(4) Aircraft Radio Station (SS Bulletin No. 1002).

(5) Aeronautical Advisory Stations (SS Bulletin No. 1002a).

(6) Aeronautical Public Service Stations (SS Bulletin No. 1002c).

(7) Amateur Radio Service (SS Bulletin No. 1003).

(8) Amateur Radio Operation Away from the Licensed Location (SS Bulletin No. 1003b).

(9) International Amateur Radiocommunication (SS Bulletin No. 1103c).

(10) Assignment of Amateur Radio Station Call Signs (SS Bulletin No. 1003d).

(11) Renewal of Amateur Radio Licenses (SS Bulletin No. 1003e).

(12) Reciprocal Amateur Operation (SS Bulletin No. 1003f).

(13) Land Transportation Radio Services (SS Bulletin No. 1004).

(14) Industrial Radio Services (SS Bulletin No. 1005).

(15) Use of the Same Transmitting Equipment by More than One Station Licensee in the Public Safety, Industrial and Land Transportation Services (SS Bulletin No. 1006a).

(16) Ship Radiotelephone and Radio (SS Bulletin No. 1007).

(17) Public Safety Radio Services (SS Bulletin No. 1009).

(18) Study Questions for Amateur Novice Class Examination (SS Bulletin No. 1035).

(19) Mutual Recognition of Certain Mobile and Amateur Radio Licenses Issued by the United States or Canada (SS Bulletin No. 1065).

(20) Notice to Licensees and Operators of Land Mobile Radio Stations (SS Bulletin No. 1097).

LISTS CONTAINING INFORMATION COMPILED BY THE COMMISSION

§ 0.431 The FCC Service Frequency Lists.

Lists of frequency assignments to radio stations authorized by the Commission are recapitulated periodically by means of a machine record system. All stations licensed by the Commission are included, except the following: Aircraft, Amateur, Citizens (except Class A), Civil Air Patrol, and Disaster. The resulting documents, the FCC Service Frequency Lists, consist of several volumes arranged by nature of service, in frequency order, including station locations, call signs and other technical particulars of each assignment. These documents are available for public inspection at each of the Commission's Field Engineering Bureau field offices (see § 0.121) and, in Washington, D.C. at the Commission's Broadcast and Docket Reference Room and in the offices of the Chief Engineer. They may be purchased from Cooper-Trent, Inc., 1130 19th Street NW., Washington, D.C. 20006.

§ 0.432 The NARBA List.

Pursuant to the North American Regional Broadcast Agreement and the United States/Mexican Agreement, appropriate countries are notified of standard broadcast station assignments as they are made. The information thus supplied by notice includes frequency, station location, call letters, power and other technical particulars. Every 6 months, a recapitulative list containing this information for all existing standard broadcast stations, arranged in frequency order, is prepared by the Commission. This is the so-called NARBA List. These lists are available for public examination at each of the Commission's Field Engineering Bureau field offices (see § 0.121) and, in Washington, D.C., at the Commission's Broadcast and Docket Reference Room. They may be purchased from Cooper-Trent, Inc., 1130 19th Street NW., Washington, D.C. 20006.

§ 0.433 The Radio Equipment Lists.

Lists of type approved and type accepted equipment (the Radio Equipment Lists) are prepared periodically by the Commission. These documents are available for public inspection at each of the Commission's Field Engineering Bureau field offices (see § 0.121) and in Washington, D.C., in the offices of the Chief Engineer. They may be purchased from Cooper-Trent, Inc., 1130 19th Street NW., Washington, D.C. 20006.

§ 0.434 Lists of authorized broadcast stations and pending broadcast applications.

Periodically the Commission prepares lists containing information about authorized broadcast stations and pending applications for such stations. These lists, which are prepared by an addressing machine, contain frequency, station locations, and other particulars. They are available for public examination at the Commission's Broadcast and Docket Reference Room, Washington, D.C., and may be purchased from Cooper-Trent, Inc., 1130 19th Street NW., Washington, D.C. 20006.

(a) For standard broadcast stations the lists are arranged as follows:

(1) Authorized stations arranged in frequency order, alphabetically by State and city, and by call letters.

(2) Pending applications for new stations and major changes in existing facilities arranged in frequency order and alphabetically by State and city.

(b) For FM broadcast stations the lists are arranged as follows:

(1) Authorized stations arranged by call letters and alphabetically by State and city.

(2) Pending applications for new stations and major changes in existing facilities arranged alphabetically by State and city.

(c) For television broadcast stations only one list is prepared. This list contains authorized stations and pending applications for new stations and major changes in existing facilities, and is arranged alphabetically by State and city.

(d) For television broadcast translator stations only one list is prepared. This list contains authorized stations and pending applications for new stations and major changes in existing facilities and is arranged alphabetically by State and city.

PUBLIC INFORMATION AND INSPECTION OF RECORDS

§ 0.441 General.

Any person desiring to obtain information may do so by writing or coming in person to any of the Commission's offices. A broader range of information and more comprehensive information facilities are available at the Commission's main office in Washington, D.C., however, and inquiries of a general nature should ordinarily be submitted to that office.

§ 0.443 General information office.

The Office of Reports and Information is located in the New Post Office Building. Here the public may obtain copies of public notices of Commission actions, formal documents adopted by the Commission and other public releases, as they are issued. Back issues of public releases are available for inspection in this Office. Copies of fact sheets which answer recurring questions about the Commission's functions may be obtained from this Office.

§ 0.445 Publication, availability and use of opinions, orders, policy statements, interpretations, administrative manuals, and staff instructions.

(a) All opinions and orders of the Commission (including concurring and dissenting opinions) are mailed to the parties and, as part of the record, are available for inspection in accordance with §§ 0.453 and 0.455.

(b) All final decisions and other documents currently adopted by the Commission having precedential or historical significance are published in the FCC Reports. Older materials of this nature are either published in the FCC Reports or are in the process of being published. In the event that such other materials are not yet published in the FCC Reports, reference should be made to Pike and Fischer Radio Regulations. See §§ 0.412(a) and 0.416.

(c) All rule making documents are published in the FEDERAL REGISTER. See § 0.411(b)(2).

(d) Formal policy statements and interpretations designed to have general applicability and legal effect are published in the FEDERAL REGISTER and the FCC Reports. See §§ 0.411(b)(2) and 0.416. Commission decisions and other Commission documents not entitled formal policy statements or interpretations may contain substantive interpretations and statements regarding policy, and these are published as part of the document in the FCC Reports. General statements regarding policy and interpretations furnished to individuals, in correspondence or otherwise, are not ordinarily published. A series of individual interpretations may be collected and published in the FEDERAL REGISTER and the FCC Reports.

(e) If the documents described in paragraphs (a)–(d) of this section are published in the FEDERAL REGISTER, the FCC Reports, or Pike and Fischer Radio Regulations, they may be relied upon, used or cited as precedent by the Commission or private parties in any matter. If they are not so published, they may not be relied upon, used or cited as precedent, except against persons who have actual notice of the document in question or by such persons against the Commission. No person is expected to comply with any requirement or policy of the Commission unless he has actual notice of that requirement or policy or unless a document stating it has been published as provided in this parargaph. Nothing in this paragraph, however, shall be construed as precluding a reference to the rationale set forth in a recent document which is pending publication if the requirement or policy to which the rationale relates is contained in a published document or if actual notice of that requirement or policy has been given.

(f) The FEDERAL REGISTER, the FCC Reports, and Pike and Fischer Radio Regulations are indexed. If the documents described in paragraphs (a)–(d) of this section are not published, they are neither indexed nor relied upon, except

as provided in paragraph (e) of this section.

(g) There are two Commission staff manuals, the FCC Administrative Manual and the FEB Manual. They have not been published. The FCC Administrative Manual (excepting Part IX, concerning Civil Defense, which contains materials classified under E.O. 10501) is available for inspection in the Office of the Executive Director. Portions of the FEB Manual which pertain to administrative matters are available for inspection in the Field Engineering Bureau. Portions of the FEB Manual which pertain to enforcement matters are not available for inspection. (See, Attorney General's Memorandum on the Public Information Section of the Administrative Procedure Act, June 1967, at pages 16–17.) The manuals are not indexed but are organized by subject, with tables of contents, and the materials contained therein can be located without difficulty.

(h) Subparts A and B of this part describe the functions of the staff and list the matters on which authority has been delegated to the staff. Except as provided in paragraph (g) of this section, all general instructions to the staff and limitations upon its authority are set forth in those subparts. As part of the Commission's rules and regulations, the provisions of these subparts are indexed in the FEDERAL REGISTER and the Code of Federal Regulations. Instructions to the staff in particular matters or cases are privileged and are not published or made available for public inspection.

(i) To the extent required to prevent a clearly unwarranted invasion of personal privacy, the Commission may delete identifying details when it makes available or publishes any document described in this section. The justification for any such deletion will be fully explained in a preamble to the document.

§ 0.451 Inspection of records.

(a) *Records which are routinely available for public inspection.* Sections 0.453 and 0.455 list examples of the Commission's records which are routinely available for public inspection, and the places at which those records may be inspected. Subject to the following limitations, and to the provisions of § 0.466, those records will be made available for inspection to any person upon request:

(1) The person desiring to inspect those records must appear at the location specified during the office hours of the Commission and must inspect the records at that location.

(2) The request must be reasonable in scope, and the records in question must be so identified as to permit their location by staff personnel without undue disruption of their regular duties. The information needed to locate the records will vary, depending upon the records requested. Advice concerning the kind of information needed to locate particular records will be furnished in advance upon request. Members of the public will not be given access to the area in which the records are kept and will not be permitted to search the files.

(3) Current records may be in use by the staff when the request is made. Older records may have been forwarded to another location for storage. In these and similar circumstances, there may be a delay in furnishing the records requested. To avoid inconvenience in such circumstances, arrangements may be made in advance, by telephone or correspondence, to make the records available for inspection on a specified date.

(b) *Records not routinely available for public inspection.* (1) Section 0.457 lists records which are not routinely available for public inspection. In some cases, the Commission is prohibited from permitting the inspection of records. In other cases, the records are the property of another agency, and the Commission has no authority to permit their inspection. In still other cases, the Commission is authorized, for reasons of policy, to withhold records from public inspection, but is not required to do so. The statutory basis for withholding records from public inspection and the underlying policy considerations are outlined briefly in § 0.457, with the intent of assisting those who may wish to file requests for inspection under § 0.461. See subparagraph (3) of this paragraph.

(2) Section 0.459 governs requests from members of the public that materials they submit to the Commission not be made available for public inspection.

(3) Except where the disclosure of records by the Commission is prohibited or where the records are the property of another agency, the Commission will consider requests that records withheld from public inspection be made available for inspection, and reach a judgment whether such requests should be granted in the public interest, taking into account the policies of Public Law 89–487, 5 U.S.C. 552. If the records are the property of another agency, the request will be referred to that agency. Procedures governing requests for inspection are set forth in §§ 0.461 and 0.466. Procedures governing demands by competent authority for inspection of records are set forth in § 0.463.

(4) Except as provided in §§ 0.461 and 0.463, no officer or employee of the Commission shall permit the inspection of records which are not routinely available for inspection under § 0.453 or § 0.455, or disclose information contained therein.

(c) *Records not listed in § 0.453 or § 0.455.* To be as helpful as possible to the public, numerous examples of records which are routinely available for inspection are listed in §§ 0.453 and 0.455. Though the examples cover the bulk of the Commission's records and should cover most requests for inspection, the listing is inevitably not complete. If such example listing proves helpful, it may be supplemented from time to time.

(d) *Copies.* Section 0.465 applies to requests for copies of Commission records which are routinely available for public inspection under §§ 0.453 and 0.455 and those which are made available for inspection under § 0.461. Section 0.467 applies to certified copies of Commission records.

§ 0.453 Public reference rooms.

The Commission maintains the following public reference rooms at its offices in Washington, D.C.:

(a) *The Broadcast and Dockets Reference Room.* The following documents, files and records are available for inspection at this location:

(1) Files containing the record of all docketed cases. A file is maintained for each hearing case and for each docketed rule making proceeding. Cards summarizing the history of such cases are available for inspection in the Dockets Division.

(2) Broadcast applications and related files.

(3) Files containing petitions for rule making and related papers.

(4) Rulings under the fairness doctrine and section 315 of the Communications Act, and related materials.

(b) *The Amateur License Reference Room.* Information concerning amateur radio operators is available for inspection at this location.

(c) *The Library.* Various legal and technical publications, and legislative history compilations, related to communications are available for inspection in the Library.

§ 0.455 Other locations at which records may be inspected.

Except as provided in §§ 0.453, 0.457, and 0.459, records are routinely available for inspection in the offices of the Bureau or Office which exercises responsibility over the matters to which those records pertain (see § 0.5), or will be made available for inspection at those offices upon request. Upon inquiry to the appropriate Bureau or Office, persons desiring to inspect such records will be directed to the specific location at which the particular records may be inspected. A list of Bureaus and Offices and examples of the records available at each is set out below.

(a) *Office of Chief Engineer.* (1) Experimental application and license files.

(2) The Master Frequency Records (Standard Form 128).

(b) *Broadcast Bureau.* (1) Applications for broadcast authorizations and related files are available for public inspection in the Broadcast and Dockets Reference Room. See § 0.453(a)(2). Certain broadcast applications, reports and records are also available for inspection in the community in which the main studio of the station in question is located or proposed to be located. See § 1.526 of this chapter.

(2) Ownership reports filed by licensees of broadcast stations pursuant to § 1.615 of this chapter.

(c) *Common Carrier Bureau.* (1) Annual reports filed by carriers and certain affiliates under § 43.21 of this chapter.

(2) Monthly reports filed by carriers under § 43.31 of this chapter.

(3) Reports on pensions and benefits filed by carriers under § 43.42 of this chapter.

(4) Reports of proposed changes in depreciation rates filed by carriers under § 43.43 of this chapter.

(5) Reports regarding division of international telegraph communication charges filed under § 43.53 of this chapter.

(6) Reports regarding services performed by telegraph carriers filed under § 43.54 of this chapter.

(7) Reports of public coast station operators filed under § 43.71.

(8) Valuation reports filed under section 213 of the Communications Act, including exhibits filed in connection therewith, unless otherwise ordered by the Commission, with reasons therefor, pursuant to section 213(f) of the Communications Act. See § 0.457(c)(2).

(9) A list of other reports filed by common carriers.

(10) Contracts and other arrangements filed under § 43.51 and reports of negotiations regarding foreign communication matters filed under § 43.52 of this chapter, except for those kept confidential by the Commission pursuant to section 412 of the Communications Act. See § 0.457(c)(3).

(11) Tariff schedules for all charges for interstate and foreign wire or radio communications filed pursuant to section 203 of the Communications Act, all documents filed in connection therewith, and all communications related thereto.

(12) All applications for common carrier authorizations, both radio and non-radio, and files relating thereto.

(13) All formal and informal complaints against common carriers filed under §§ 1.711–1.735 of this chapter, all documents filed in connection therewith, and all communications related thereto.

(14) Files relating to submarine cable landing licenses, except for maps showing the exact location of submarine cables, which are withheld from inspection under section 4(j) of the Communications Act. See § 0.457(c)(1)(i).

(d) *Safety and Special Radio Services Bureau.* (1) All applications for authorizations in the Safety and Special Radio Services and files relating thereto. These materials are available at the offices of the Divisions of the Bureau which process the applications in question. See § 1.951 of this chapter. Information concerning amateur radio operators is available for inspection at the Amateur License Reference Room (see § 0.453(b)).

(e) *Field Engineering Bureau.* (1) Commercial radio operator application files. See, however, § 0.457(f)(3).

(2) Files pertaining to the certification of plants or equipment under Part 18 of this chapter.

(f) *Office of the Secretary.* (1) All minutes of Commission actions, containing a record of all final votes, except for minutes of actions on classified matters and internal management matters as provided in § 0.457(b)(1) and (c)(1)(ii). These minutes are available for inspection in the Minute and Rules Division.

(2) Files containing information concerning the history of the Commission's rules. These files are available for inspection in the Minute and Rules Division.

(g) *Office of Reports and Information.* See § 0.443.

(h) *The Commission's offices in Gettysburg, Pennsylvania.* (1) Amateur and Citizens Radio Service application files.

(2) Commercial radio operator application files. See, however, § 0.457(f)(3).

(i) *CATV Task Force.* CATV petitions, requests and related files.

§ 0.456 General correspondence files.

Due to the general nature of the Commission's correspondence files, the contents of those files will be made available for inspection under procedures set forth in § 0.461. Before correspondence is made available for inspection under the provisions of that section, it will be reviewed by the Commission's staff to determine whether it should be withheld from inspection under § 0.457. In view of the burden which could be imposed by requests lacking in specificity, persons desiring to inspect materials contained therein will be required to identify those materials with particularity. Requests of a general nature will not be granted. Details of a personal nature, including the name and address of the correspondent, may be deleted from correspondence which is made available for inspection, if their deletion is warranted under § 0.457(f) or (g).

§ 0.457 Records not routinely available for public inspection.

The records listed in this section are not routinely available for public inspection. The records are listed in this section by category, according to the statutory basis for withholding those records from inspection; and under each category, if appropriate, the underlying policy considerations affecting the withholding and disclosure of records in that category are briefly outlined. Except where the records are not the property of the Commission or where the disclosure of those records is prohibited by law, the Commission will entertain requests from members of the public under § 0.461 for permission to inspect particular records withheld from inspection under the provisions of this section, and will weigh the policy considerations favoring non-disclosure against the reasons cited for permitting inspection in the light of the facts of the particular case. In making such requests, it is important to appreciate that there may be more than one basis for withholding particular records from inspection. The listing of records by category is not intended to imply the contrary but is solely for the information and assistance of persons making such requests.

(a) *Materials that are specifically required by executive order to be kept secret in the interest of the national defense or foreign policy, 5 U.S.C. 552(e)(1).* (1) E.O. 10450, "Security Requirements for Government Employees," 18 F.R. 2489, April 27, 1953, 3 CFR, 1949–1953 Comp., p. 936. Pursuant to the provisions of E.O. 10450, reports and other material and information developed in security investigations are the property of the investigative agency. If they are retained by the Commission, it is required that they be maintained in confidence and that no access be given to them without the consent of the investigative agency. Such materials and information will not be made available for public inspection. See also paragraphs (f) and (g) of this section.

(2) E.O. 10501, "Safeguarding Official Information in the Interests of the Defense of the United States," 18 F.R. 7049, November 10, 1953, as amended, 3 CFR, 1953 ed., p. 460. E.O. 10501, as amended, provides for the classification of official information which requires protection in the interests of national defense, and prohibits the disclosure of classified information except as provided therein. Classified materials and information will not be made available for public inspection. See also, E.O. 10033, February 8, 1949, 14 F.R. 561, 3 CFR, 1949–1953 Comp., p. 226, and 47 U.S.C. 154(j).

(b) *Materials that are related solely to the internal personnel rules and practices of the Commission, 5 U.S.C. 552(e)(2).* (1) Materials related solely to internal management matters, including minutes of Commission actions on such matters. Such materials may be made available for inspection under § 0.461, however, unless their disclosure would interfere with or prejudice the performance of the internal management functions to which they relate, or unless their disclosure would constitute a clearly unwarranted invasion of personal privacy (see paragraph (f) of this section).

(2) Materials relating to the negotiation of contracts.

(c) *Materials that are specifically exempted from disclosure by statute, 5 U.S.C. 552(e)(3).* The Commission is authorized under the following statutory provisions to withhold materials from public inspection:

(1) Section 4(j) of the Communications Act, 47 U.S.C. 154(j), provides, in part, that, "The Commission is authorized to withhold publication of records or proceedings containing secret information affecting the national defense." Pursuant to that provision, it has been determined that the following materials should be withheld from public inspection (see also paragraph (a) of this section):

(i) Maps showing the exact location of submarine cables.

(ii) Minutes of Commission actions on classified matters.

(iii) Maps of nation-wide point-to-point microwave networks.

(2) Under section 213(f) of the Communications Act, 47 U.S.C. 213(f), the Commission is authorized to order, with the reasons therefor, that records and data pertaining to the valuation of the property of common carriers and furnished to the Commission by the carriers pursuant to the provisions of that section, shall not be available for public inspection. If such an order has been issued, the data and records will be withheld from public inspection, except under the provisions of § 0.461. Normally, however, such data and information is available for inspection. See § 0.456(c)(8).

(3) Under section 412 of the Communications Act, 47 U.S.C. 412, the Commission may withhold from public inspection certain contracts, agreements and arrangements between common carriers relating to foreign wire or radio communication. Reports of negotiations regarding such foreign communication matters, filed by carriers under § 43.52 of this chapter, may also be withheld from public inspection under section 412. Any person may file a petition requesting that such materials be withheld from public inspection. To support such action, the petition must show that the contract, agreement or arrangement relates to foreign wire or radio communications; that its publication would place American communication companies at a disadvantage in meeting the competition of foreign communication companies; and that the public interest would be served by keeping its terms confidential. If the Commission orders that such materials be kept confidential, they will be made available for inspection only under the provisions of § 0.461.

(4) Section 605 of the Communications Act, 47 U.S.C. 605, provides, in part, that, "no person not being authorized by the sender shall intercept any communication [by wire or radio] and divulge or publish the existence, contents, substance, purport, effect, or meaning of such intercepted communications to any person." In executing its responsibilities, the Commission regularly monitors radio transmissions (see § 0.116). Except as required for the enforcement of the communications laws, treaties and the provisions of this chapter, or as authorized in section 605, the Commission is prohibited from divulging information obtained in the course of these monitoring activities; and such information, and materials relating thereto, will not be made available for public inspection.

(5) Section 1905 of the Criminal Code, 18 U.S.C. 1905, prohibits the unauthorized disclosure of certain confidential information. See paragraph (d) of this section.

(d) *Trade secrets and commercial or financial information obtained from any person and privileged or confidential, 5 U.S.C. 552(e)(4) and 18 U.S.C. 1905.* Section 552(e)(4) is specifically applicable to trade secrets and commercial or financial information but is not limited to such matters. Under this provision, the Commission is authorized to withhold from public inspection materials which would be privileged as a matter of law if retained by the person who submitted them and materials which would not customarily be released to the public by that person, whether or not such materials are protected from disclosure by a privilege. See, Attorney General's Memorandum on the Public Information Section of the Administrative Procedure Act, June 1967, at pages 32–34.

(1) Materials submitted to the Commission which contain trade secrets, or which contain commercial, financial or technical data which would customarily be guarded from competitors by the person submitting it, will not ordinarily be made available for inspection. A persuasive showing as to the reasons for inspection of such materials, and as to the Commission's authority to make disclosure in view of 18 U.S.C. 1905, will be required in requests for inspection submitted under § 0.461. This category includes the following materials:

(i) Financial reports submitted by licensees of broadcast stations pursuant to § 1.611 of this chapter or by radio and television networks.

(ii) Technical data submitted in connection with type acceptance, type approval or certification of equipment, except as set out in the Radio Equipment Lists. See § 0.433.

(2) Prior to July 4, 1967, the rules and regulations provided that certain materials submitted to the Commission would not be made available for public inspection or provided assurance, in varying degrees, that requests for non-disclosure of certain materials would be honored. See, e.g., 47 CFR (1966 ed.) 2.557, 5.204, 5.255, 15.70, 21.406, 81.506, 83.436, 87.153, 89.215, 91.208, 91.605 and 93.208. Materials submitted under these provisions are not routinely available for public inspection. If a request for inspection is submitted under § 0.461, the Commission will then determine whether it is appropriate to withhold the materials in question from public inspection. To the extent that such materials were accepted on a confidential basis under the then existing rules, no disclosure of such materials will be made, absent a most compelling showing. See § 0.461 for provision for comments on a request for disclosure. The rules referred to above are superseded by the provisions of this subpart.

(3) Requests that materials submitted to the Commission on or after July 4, 1967, be withheld from public inspection are governed by § 0.459.

NOTE: Section 1905 of the Criminal Code, 18 U.S.C. 1905, prohibits the unauthorized disclosure of certain confidential information by employees of the United States. That section reads as follows:

Section 1905. *Disclosure of confidential information generally.*

Whoever, being an officer or employee of the United States or of any department or agency thereof, publishes, divulges, discloses, or makes known in any manner or to any extent not authorized by law any information coming to him in the course of his employment or official duties or by reason of any examination or investigation made by, or return, report or record made to or filed with, such department or agency or officer or employee thereof, which information concerns or relates to the trade secrets, processes, operations, style of work, or apparatus, or to the identity, confidential statistical data, amount or source of any income, profits, losses, or expenditures of any person, firm, partnership, corporation, or association; or permits any income return or copy thereof or any book containing any abstract or particulars thereof to be seen or examined by any person except as provided by law; shall be fined not more than $1,000, or imprisoned not more than one year, or both; and shall be removed from office or employment (June 25, 1948, ch. 645, 62 Stat. 791).

(e) *Interagency and intra-agency memorandums or letters, 5 U.S.C. 552(e)(5).* Interagency and intra-agency memorandums or letters and the work papers of members of the Commission or its staff will not be made available for public inspection, except in accordance with the procedures set forth in § 0.461. Only if it is shown in a request under § 0.461 that such a communication would be routinely available to a private party through the discovery process in litigation with the Commission will the communication be made available for public inspection. Normally such papers are privileged and not available to private parties through the discovery process, since their disclosure would tend to restrain the commitment of ideas to writing, would tend to inhibit communication among Government personnel, and would, in some cases, involve premature disclosure of their contents.

(f) *Personnel, medical and other files whose disclosure would constitute a clearly unwarranted invasion of personal privacy, 5 U.S.C. 552(e)(6).* (1) Under Executive Order 10561, 19 F.R. 5963, September 13, 1954, 3 CFR 1954–58 Comp., page 205, the Commission maintains an Official Personnel Folder for each of its employees. Such folders are under the jurisdiction and control, and are a part of the records, of the U.S. Civil Service Commission. Except as provided in the rules of the Civil Service Commission (5 CFR 294.701–294.703), such folders will not be made available for public inspection by the Commission. In addition, other records of the Commission containing private, personal or financial information concerning particular employees will be withheld from public inspection.

(2) [Reserved]

(3) Information submitted to the Commission by applicants for commercial radio operator licenses concerning the character and mental or physical health of the applicant is available for inspection only under procedures set forth in § 0.461. Except in this respect, or where other aspects of a similar private nature warrant nondisclosure, commercial radio operator application files are available for inspection.

(g) *Investigatory files compiled for law enforcement purposes except to the extent available by law to a private party. 5 U.S.C. 552(e)(7).* Papers relating to the institution or the conduct of an investigation are placed in an investigatory file. Such files are not available for public inspection. Information concerning such files and their contents which might prejudice the conduct of an investigation will not be disclosed until it has been determined that an investigation should not be conducted or until the investigation has been completed.

(1) *Complaints.* Except with respect to complaints filed under Section 208 of the Communications Act (see § 0.455(c)), when a complaint is received by the Commission, an initial determination is made as to whether the matters related in the complaint warrant (or may warrant) an investigation. If it is determined that such matters warrant (or may warrant) an investigation, the complaint is placed in a investigatory file. A complaint which is placed in an investigatory file may be made available for inspection upon request if it appears that its disclosure will not prejudice the conduct of the investigation (e.g., if, information concerning the complaint has otherwise been disclosed). Except as hereinafter provided, the complaint is placed in a public file when it has been determined that no investigation should be conducted or when the investigation has been completed. If the complainant has requested that his identity not be disclosed, or if there is reason to believe that disclosure of complainant's identity could embarrass him or subject him to harrassment, the complaint will not be placed in a public file without his consent. If no investigation is conducted or if the investigation has been completed, however, such complaints will be made available for inspection upon request if, and to the extent that, it is possible to do so without disclosing the complainant's identity.

(2) *Statements and documents.* Statements and documents obtained by Commission investigators in the course of an investigation are handled in the same manner as complaints, under subparagraph (1) of this paragraph.

(3) *Work papers and memoranda.* Personal work papers, memoranda, or reports prepared by Commission personnel relating to the institution, conduct, or outcome of an investigation are placed in an investigatory file and are retained in that file. They are not available for public inspection. Requests for inspection of such materials will be considered under paragraph (e) of this section. Materials of this nature received from other Government agencies are placed and retained in an investigatory file; requests for inspection of such materials will be referred to the agency from which they were received.

§ 0.459 Requests that materials or information submitted to the Commission be withheld from public inspection.

(a) Any person submitting information or materials to the Commission may submit therewith a request that such information not be made available for public inspection. A copy of the request shall be attached to and shall cover all of the materials to which it applies and all copies of those materials. If feasible, the materials to which the request applies shall be physically separated from the materials to which the request does not apply; if this is not feasible, the portion of the materials to which the request applies shall be identified.

(b) Each such request shall contain a statement of the reasons for withholding the materials from public inspection (see § 0.457) and of the facts upon which those reasons are based. If the request is that the materials be withheld from public inspection for a limited period of time, that period shall be specified.

(c) If the materials are submitted voluntarily (i.e., absent any request or direction by the Commission), the person submitting them may request the Commission to return the materials without consideration rather than make them available for public inspection. If the request for confidentiality should be denied, the materials will ordinarily be returned (e.g., an application will be returned if it cannot be treated on a confidential basis); only in the unusual instance where the public interest so requires will the material be made public, and then only after an appropriate period for comment by the person affected and judicial review. If the submission of the materials is requested or required by the Commission, and the request for confidentiality is denied, the materials will be made available for public inspection. (As to maintenance of confidentiality of complainants, see § 0.457(g).)

(d) If no request for confidentiality is filed, the Commission assumes no obligation to consider the need for non-disclosure but, in the unusual instance, may determine, on its own motion, that the materials should be withheld from public inspection under § 0.457.

(e) Upon a determination by the appropriate Bureau or Office Chief that a request for confidentiality is well-founded, the materials will not routinely be made available for public inspection. Such person will, however, prepare a brief memorandum generally identifying the materials and specifically stating the reasons for nondisclosure. This memorandum will be placed in the public file in lieu of the materials withheld from inspection.

(f) If the Bureau or Office Chief is unable to make a determination on a request for confidentiality, the request will be referred to the Executive Director for action.

(g) If a request for confidentiality is denied, the materials will not be returned or made available for public inspection until the person who filed the request has been notified of the action and has been afforded an opportunity to file an application for review by the Commission and to petition for judicial review of the Commission's action.

(h) Any person desiring to inspect materials withheld from public inspection under the provisions of this section may submit a request for inspection under § 0.461.

§ 0.461 Requests for inspection of materials not routinely available for public inspection.

(a) Any person desiring to inspect documents not open to routine inspection under § 0.456, § 0.457, or § 0.459 may file a request for inspection. An original and one copy shall be submitted. Each such request shall identify, with particularity, the materials to be inspected and shall set forth the reasons for permitting inspection and the facts in support thereof.

(b) In the case of materials not open to routine inspection under § 0.457(d) or § 0.459, or if, in the judgment of the Executive Director, the person who submitted the materials should be afforded an opportunity to file a response, the duplicate copy of the request for inspection will be mailed to the person who submitted the materials, and he will be afforded a reasonable period (normally 15 days) in which to comment on the request and to indicate any objections thereto. If a response is submitted, the respondent shall serve a copy on the person who filed the request for inspection. Except as specifically authorized or directed by the Executive Director, additional pleadings may not be filed.

(c) Requests for inspection will be acted upon by the Executive Director as follows:

(1) If the Commission is prohibited from disclosing the materials in question, the request for inspection will be denied with a statement setting forth the specific grounds for denial.

(2) If the materials are the property of another agency, the request will be referred to that agency and the person who submitted that request will be so advised, with the reasons therefor.

(3) If it is determined that the Commission does not have authority to withhold the materials from public inspection, the request will be granted.

(4) If it is determined that the Commission does have authority to withhold the materials from public inspection, the considerations favoring disclosure and nondisclosure will be weighed in the light of the facts presented, and the request will be granted, either conditionally or unconditionally, or denied.

(d) (1) If the request is granted conditionally or denied and disclosure has not been opposed under paragraph (b) of this section, the person who filed the request may file an application for review by the Commission under § 1.115 of this chapter. Responsive pleadings provided for in § 1.115 of this chapter may not be filed.

(2) If disclosure has been opposed under paragraph (b) of this section, the person who submitted the materials or the person who filed the request for inspection may file an application for review by the Commission within 15 days after the order acting on the request for inspection is released. Responsive pleadings may be filed in accordance with § 1.115(d) of this chapter. No order granting the request for inspection shall be implemented until the opportunities for review by the Commission and judicial review have been afforded, unless the Commission finds, for reasons set forth in the order, that the public interest requires earlier inspection. In the latter event, the order will not be implemented until the opportunity to obtain a judicial stay of the Commission's Order has been afforded.

§ 0.463 Demand by competent authority for the production of documents or testimony concerning information contained therein.

(a) In the event that a demand (subpoena, order or other demand) is made by a court or other competent authority outside the Commission, upon any officer or employee of the Commission for the production of records or files or for testimony concerning information contained therein, he shall promptly advise the Executive Director of such demand, the nature of the papers or information sought, and all other relevant facts and circumstances. The Commission will thereupon issue such instructions as it may deem advisable.

(b) Unless specifically authorized to produce such records or files or to testify

with respect thereto, any officer or employee of the Commission who is served with a demand for the production of records or files or his testimony concerning the same, shall appear in response to the demand and respectfully decline to produce such records or files or to testify concerning them, basing his refusal upon this rule.

§ 0.465 Request for copies of materials which are available, or made available, for public inspection.

(a) The Commission annually awards a contract to one or more commercial firms to make copies of Commission records and offer them for sale to the public. The contract is awarded on the basis of the lowest cost to the public. Currently, the contractor is Cooper-Trent, Inc., 1130 19th Street NW., Washington, D.C. 20006. Except as provided in paragraphs (b) and (c) of this section and in § 0.467, requests for copies of the records listed in §§ 0.453 and 0.455, and those made available for inspection under § 0.461, should be directed to the contractor. The contractor maintains master files of the following materials specifically for reproduction and sale to the public:

(1) Horizontal directional antenna patterns filed with the Commission since February 1948.

(2) FCC Form 402 microwave applications filed with the Commission since July 1961.

(3) FCC Form 401 applications for common carrier microwave relay stations serving community antenna television (CATV) systems.

(4) Grade A and Grade B contour maps on television broadcast stations filed with the Commission since July 1966.

(b) The Commission annually awards a contract to a commercial firm to transcribe Commission proceedings in which a verbatim record is kept and to offer copies of the transcript for sale to the public. The contract is awarded on the basis of the lowest cost to the public and to the Commission. Except as authorized by the Commission, the firm is required to retain the capacity to furnish copies of the transcript for a period of 5 years, and may retain that capacity for a longer period, even though another firm is currently transcribing Commission proceedings. Requests for copies of the transcript of current proceedings should be directed to the current contractor, C.S.A. Reporting Corp., 300 Seventh Street SW., Washington, D.C. 20004. Requests for transcripts of older proceedings will be forwarded by the Commission to the firm which made the transcript in question; and the names of contracting firms for past years will be furnished upon request. If a transcript cannot be obtained from the reporting firm, it can be obtained from the general duplicating contractor, as provided in paragraph (a) of this section.

(c) (1) This section has no application to printed publications, which may be purchased from the Superintendent of Documents or private firms (see §§ 0.411–420). Nor does it apply to application forms or information bulletins, which are prepared for the use and information of the public and are available upon request (see §§ 0.421 and 0.423).

(2) Contractual arrangements which have been entered into with commercial firms, as described in this section, do not in any way limit the right of the public to inspect Commission records or to extract therefrom whatever information may be desired. Any person may, in addition, make photocopies of Commission records with his own equipment at locations where those records may be inspected. Coin-operated photocopy machines are available for use by the public in the Broadcast and Dockets Reference Room and the Common Carrier Bureau for the duplication of records available for inspection at those locations.

(3) The Commission has reserved the right to make copies of its records for its own use or for the use of other agencies of the U.S. Government. When it serves the regulatory or financial interests of the U.S. Government, the Commission will make and furnish copies of its records free of charge. In other circumstances, however, if it should be necessary for the Commission to make and furnish copies of its records for the use of others, the fee for this service shall be the same as that charged by the general duplicating contractor for copies of those records under contractual arrangements described in paragraph (a) of this section.

(4) Requests for copies by representatives of foreign governments or persons residing in foreign countries shall be submitted to the Commission and will be reviewed by the Commission under criteria established by the Department of Commerce for controlling the export of technical data.

§ 0.466 Fees.

NOTE: Provisions relating to private charges for furnishing copies of documents are set forth in §§ 0.465(c)(3) and 0.467. Provisions relating to fees for the location and production of records for inspection are under consideration and will be dealt with at a subsequent time.

§ 0.467 Certified copies.

Copies of documents which are available, or made available, for inspection under §§ 0.451–0.465 will be prepared and certified by the Secretary, under seal, on written request specifying the exact documents, the number of copies desired, and the date on which they will be required. The request shall allow a reasonable time for the preparation and certification of copies. The fee for preparing copies shall be the same as that charged by the general duplicating contractor for the same work under contractual arrangements described in § 0.465(a). The fee for certification shall be $1 for each document.

PLACES FOR MAKING SUBMITTALS OR REQUESTS, FOR FILING APPLICATIONS, AND FOR TAKING EXAMINATIONS

§ 0.471 Miscellaneous submittals or requests.

Persons desiring to make submittals or requests of a general nature should communicate with the Office of the Secretary of the Commission.

§ 0.473 Reports of violations.

Reports of violations of the Communications Act or of the Commission's rules and regulations may be submitted to the Commission in Washington or to any field office.

§ 0.475 Applications for employment.

Persons who wish to apply for employment should communicate with the Chief, Personnel Division.

4. Section 0.441 is redesignated § 0.481, and paragraphs (b) and (c) of that section are amended, to read as follows:

§ 0.481 Place of filing of applications for radio authorizations.

Class of station	Method of filing	Number of copies
• • •	• • •	• • •
(b) Amateur	See §§ 0.483 and 0.485.	As specified in form.
(c) Interim ship station license.	See § 0.487	Do.

• • • • • •

§§ 0.483–0.493 [Redesignated]

5. Section 0.443 is redesignated § 0.483.
6. Section 0.445 is redesignated § 0.485.
7. Section 0.447 is redesignated § 0.487.
8. Section 0.449 is redesignated § 0.489.
9. Section 0.451 is redesignated § 0.491.
10. Section 0.453 is redesignated § 0.493.

[F.R. Doc. 67-8302; Filed, July 18, 1967; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 921]

FRESH PEACHES GROWN IN WASHINGTON

Approval of Expenses and Fixing Rate of Assessment for 1967–68 Fiscal Year

Consideration is being given to the following proposals submitted by the Washington Fresh Peach Marketing Committee, established under the marketing agreement and Order No. 921 (7 CFR Part 921) regulating the handling of fresh peaches grown in designated counties in Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(1) That the expenses that are reasonable and likely to be incurred by said committee, during the period April 1, 1967, through March 31, 1968, will amount to $6,854.

(2) That there be fixed, at $0.60 per ton of fresh peaches, the rate of assessment payable by each first handler in accordance with § 921.41 of the aforesaid marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals shall file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: July 14, 1967.

ARTHUR E. BROWNE,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-8329; Filed, July 18, 1967; 8:49 a.m.]

[7 CFR Part 922]

APRICOTS GROWN IN WASHINGTON

Approval of Expenses and Fixing of Rate of Assessment for 1967–68 Fiscal Year

Consideration is being given to the following proposals submitted by the Washington Apricot Marketing Committee, established under the marketing agreement, as amended, and Order No. 922, as amended (7 CFR Part 922), regulating the handling of apricots grown in designated counties in Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(1) That the expenses that are reasonable and likely to be incurred by the Washington Apricot Marketing Committee during the period from April 1, 1967, through March 31, 1968, will amount to $3,646.

(2) That there be fixed, at $0.50 per ton of apricots, the rate of assessment payable by each handler in accordance with § 922.41 of the aforesaid marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated July 14, 1967.

ARTHUR E. BROWNE,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-8328; Filed, July 18, 1967; 8:49 a.m.]

[7 CFR Part 923]

SWEET CHERRIES GROWN IN WASHINGTON

Approval of Expenses and Fixing of Rate of Assessment for 1967–68 Fiscal Year

Consideration is being given to the following proposals submitted by the Washington Cherry Marketing Committee, established under the marketing agreement and Order No. 923 (7 CFR Part 923) regulating the handling of sweet cherries grown in designated counties in Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(1) That expenses that are reasonable and likely to be incurred by said committee, during the period from April 1, 1967, through March 31, 1968, will amount to $12,484.

(2) That there be fixed, at $0.80 per ton of sweet cherries, the rate of assessment payable by each handler in accordance with § 923.41 of the aforesaid marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: July 14, 1967.

ARTHUR E. BROWNE,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-8330; Filed, July 18, 1967; 8:50 a.m.]

[7 CFR Part 993]

[Docket No. AO 201-A6]

DRIED PRUNES PRODUCED IN CALIFORNIA

Notice of Recommended Decision and Opportunity To File Written Exceptions With Respect to Proposed Amendment of Marketing Agreement, as Amended, and Order, as Amended

Pursuant to the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk, U.S. Department of Agriculture, of this recommended decision with respect to the proposed amendment of the marketing agreement, as amended, and Order No. 993, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California (hereinafter collectively referred to as the "order"). The order is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), hereinafter referred to as the "act," and any amendment which may result from this proceeding also will be effective pursuant to the act.

Interested persons may file written exceptions to this recommended decision with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the close of business on the 15th day after publication

of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The public hearing on the record of which the proposed amendment is formulated was held in San Francisco, Calif., April 17 through 19, 1967. Notice of the hearing was published in the FEDERAL REGISTER on April 5, 1967 (32 F.R. 5856). The proposals in the notice of hearing were submitted by the Prune Administrative Committee (hereinafter referred to as the "committee"), the agency established pursuant to the order to administer the terms and provisions thereof.

Material issues. The material issues presented on the record of the hearing involve amendatory action relating to:

(1) The need and authority for allotment of the quantity of prunes which handlers may purchase from, or handle on behalf of, producers;

(2) The defining of the terms "prune plums," "handle," "handler," "salable prunes," "marketable quantity," "base quantity," "annual allotment," and "leaf";

(3) The modification of the committee's voting procedure to require at least 14 affirmative votes for committee decisions on producer allotments and the control or disposition of surplus prunes;

(4) The requiring of statements of the committee's financial operations with respect to surplus prunes;

(5) The authority to use the average size count of a lot as the basis for computing handler obligation to dispose of prunes with certain defects;

(6) The method for allotting the quantity of prunes which handlers may purchase from, or handle on behalf of, producers, and changes in marketing policy requirements;

(7) Provisions relating to surplus prunes and to transfers of producers' base quantities;

(8) The future termination of authority and methods for optional diversion of prune plums by producers; and

(9) The making of such changes in the order as are necessary to bring the entire order, as amended, into conformity with the amendatory action resulting from the hearing.

Findings and conclusions. The findings and conclusions on the aforementioned material issues, all of which are based on the evidence adduced at the hearing and the record thereof, are as follows:

(1) On August 6, 1965, the order was amended (30 F.R. 9797) to authorize volume control, including optional diversion of prune plums through voluntary acts by producers. Evidence adduced at the amendatory hearing, on the basis of which the volume control and optional diversion provisions are effective, was, in part, to the effect that in a particular year the estimated supply of prunes may be in excess of domestic and foreign trade demand and any carryover needs; that the need may then arise to dispose of a portion of the prunes in low-return, noncompetitive outlets such as for animal feed; and that in these circumstances, producers could make a net monetary saving by diverting excess prune plums instead of incurring the costs of harvesting and drying them and delivering the dried product to handlers for subsequent diversion (30 F.R. 6782, 8860). Thus, producers were given the optional opportunity, under certain conditions, to divert prune plums in lieu of delivering excess prunes to handlers.

However, the evidence adduced at the hearing in this 1967 amendatory proceeding is to the effect that means other than or additional to the optional diversion and other order provisions should be available for use in better effectuating the declared policy of the act. Increasing acreage and a gradual shifting of bearing acreage to higher yielding areas mean that California's annual prune production can be expected to average well above the 139,000 ton level of 1959 through 1963. The 1964 crop was almost 180,000 tons and prune production could go as high as 225,000 tons by 1970. The California prune industry does not have reason to believe, based on recent sales, that it can market the larger crops at favorable returns to producers. Hence, in view of the production outlook, the industry should not be required to rely solely on existing order provisions, including voluntary diversion and the possibility of long and short crops, to balance supply with demand. In view of the production potential, the voluntary option to control excessive supplies would be of limited value.

The prune industry should benefit by having authority to use producer allocations pursuant to section 8c(6)(B) of the act (7 U.S.C. 608c(6)(B)), and the industry should have opportunity to adopt such provisions. Pursuant to such authority, handlers would be limited in the quantity of prunes which they may purchase from, or handle on behalf of, producers. As hereinafter discussed, institution of such producer allocations would permit future termination of the voluntary producer diversion provisions (§ 993.62) of the order beginning with the first year in which base quantities are established. Thereafter, producers would be encouraged more directly to remove a potential unmanageable excess from the prune supply at the most economical points—in the orchard or on the ranch—before harvesting and drying costs are incurred in the production of such excess. At the same time, producers would not be precluded, if outlets can be developed, from using excess prune plums in fresh shipping, fresh juice or other outlets not involving dried prunes. Minimizing the potential size of a price-depressing dried prune surplus, providing for the control and disposition of such surplus as may eventuate, eliminating certain costs on surplus (e.g., harvesting, drying, and storing), and the aforesaid possibility of new outlets for prune plums, should tend to improve net returns to producers. Moreover, producer allotments would only need to remain in effect in those years when prune supplies exceed the marketable quantity. In other years, the producer allotments could be suspended for the crop year.

Concern was expressed at the hearing that application of the provisions of section 8c(6)(B) of the act to the California prune industry would short the supply, increase prices in export to such a degree that California prunes could no longer compete in export markets with lower priced foreign prunes, and thereby encourage additional prune production in foreign countries; that this could result in importation of low-priced prunes into the domestic market; that it would reduce competitive factors essential to a healthy and progressive domestic industry; and that research on development of new prune products would thereby be discouraged. However, the amendatory action recommended herein would not permit reduction of supplies below trade demand requirements nor cause, in view of liberal supplies, undue enhancement of price. The basic objective would be to maximize sales and hence farm income while so managing supply that any surplus can be effectively and readily controlled before it becomes a price-depressing factor on the market. Thus, the indicated consequences about which concern was expressed should not materialize as a result of producer allocations under the act.

There was also concern that the quality of prunes tendered by producers to handlers would average lower than otherwise if the proposed amendment were made effective. It was contended that producers would be constrained to deliver "windfalls" and other prunes of low quality during the preallotment period in an effort to build up base quantities. However, minimum standards of quality are established under the order for prunes to be received by handlers from producers and dehydrators. Furthermore, pursuant to the recommendation on Material Issue (6), the weight of foreign material and the weight of prunes with defects of mold, imbedded dirt, insect infestation or decay in excess of tolerances (in any lot received by a handler from a producer or dehydrator during the representative period) would not be credited to the producer's base quantity. Thus, indiscriminate deliveries of prunes, regardless of quality, would not benefit producers and could adversely affect their returns.

Concern was expressed, too, at the hearing that producer allocations would constitute acreage control. However, the basic effect of producer allocations would be to institute poundage allotments and establish producer eligibility for such allotments. Such a plan does not deal with production or acreage controls per se. The act specifically provides for limiting the quantity which handlers may purchase from, or handle on behalf of, producers on the basis of quantities which producers have sold in a representative period. This authorization is the basis of the recommended amendatory action and provision is made to cause prunes in excess of the allotted quantity to be surplus and to be disposed of by the committee or the producer.

Concern was also expressed that allotting the quantity of prunes which handlers may purchase from, or handle on behalf of, producers would cause decreased plantings of prunes and increased plantings of other tree crops, particularly peaches and pears. However, this presumes that a situation wherein a producer needs an allotment to market his prunes as compared with one wherein there are excess prune supplies and depressed prune field prices, will cause a materially different response in the use of additional acreage for prunes. It presumes that allotments will curtail use of additional acreage for prunes but depressed prices will not. The latter would appear to be true only to the extent that real estate speculators plant young trees only for the purpose of land value enhancement and with little or no regard for the salability of the commodity. The agricultural producer would tend to plant in terms of expectations as to prices for the commodity. Hence, it is difficult to conclude that over the long run an allotment program will cause a materially different usage of land than will an unregulated situation which results in excess supplies and low prices. The use of land for tree crops other than prunes can be expected to be in response to their respective prices and demands which often encompass fresh shipment, canning, freezing or drying as compared with California prune plums which basically go to drying, there now being no alternative outlet of significance.

(2) A new section, § 993.4a, should be added to the order to define the term "prune plums" to mean those varieties of plums grown in the area for drying or dehydrating and which are covered by §§ 993.6 and 993.7 (the definitions of Non-French prunes and French prunes). The term "prune plums" identifies the fruit from which prunes are produced, and distinguishes between (a) plums for sun-drying or dehydrating into prunes from plums not suitable for sun-drying or dehydrating into prunes, (b) prune plum trees from other plum trees, (c) producers of prune plums and producers of other plums, and (d) a prune plum producer and a dehydrator, especially where both are not one and the same person. The term is used in connection with provisions hereinafter set forth relative to producer allotments. Although the order regulates the handling of prunes, the dried product of prune plum varieties, base quantities established under the allotment provisions should be assigned, as discussed in Material Issue (6), to the producers of prune plums which became prunes.

Consistent with new § 993.4a defining the term "prune plums," conforming changes should be made in § 993.5, which defines "prunes," § 993.6, which defines "Non-French prunes," § 993.7, which defines "French prunes," § 993.15, which defines "dehydrator," and § 993.16, which defines "producer," by changing "plums" to read "prune plums". The term "prune plums" currently is defined in § 993.62(a) for use in connection with the voluntary producer diversion provisions. In view of new § 994.3a, which provides a new definition of "prune plums" the definition of "prune plums" in § 993.62(a) will no longer be needed and should be deleted.

The definition of "handle" should be revised by inserting a comma after "or in any other way to place prunes" and inserting immediately thereafter the phrase "including surplus prunes", so that performance of any of the acts specified in § 993.13 with respect to any prunes, including surplus prunes, would constitute handling. To enable the committee to administer the allotment control provisions and prevent unauthorized dispositions of surplus prunes, it is necessary that persons, including producers and dehydrators, who dispose of surplus prunes other than pursuant to § 993.46, as hereinafter set forth, and thereby exercise a handling function, should be defined as handlers with respect to such dispositions. Pursuant to paragraph (a) of § 993.46, any producer or dehydrator selling or delivering surplus prunes to other than the committee or its designees or to a producer satisfying a deficiency as provided in that paragraph, is a handler relative to such transaction. Therefore, ", except as provided in § 993.46(a)," should be inserted after "*Provided*, That" in § 993.13. Thus, the proviso, which excludes certain actions by producers and dehydrators from the definition of "handle" would not override acts which are handling pursuant to § 993.46(a).

A further change should be made in § 993.13 by inserting a comma after the phrase "in the current of the commerce within the area", and revising the balance of the definition before the proviso to read "from within the area to any point outside thereof, or from any point outside the area to any other point:". This change should be made so that anyone in the United States who handles prunes produced from prune plums grown in California, regardless of where the prune plums are dried, would be a handler. The present definition limits application of the order regulations to handlers in California. Any person in California, unless he is specifically exempted by the definition, who places prunes produced from prune plums grown in California in the current of commerce, is a handler. Thus, any producer or dehydrator who sells or delivers prunes to anyone other than a producer, dehydrator, or handler within California is a handler subject to all requirements of the order. For example, if a producer or dehydrator sells or delivers prunes to a person outside the area, the producer is a handler because he placed such prunes into the current of commerce. The commodity regulated under the order is "prunes," made from "prune plums." If prune plums are transported from the area by the producer or a buyer of the prune plums, neither person would be a handler. However, if the prune plums are dried or dehydrated into prunes outside the area, the person selling or otherwise handling such prunes should be a handler. This should be to prevent producers and other persons from circumventing the producer allotment provisions whenever annual allotments are in effect by removing prune plums from the area, drying them, and introducing the prunes into the current of commerce without restriction. By making persons outside the area placing the prunes in the current of commerce handlers of such prunes, effective regulation under producer allotment provisions would tend to be assured.

The word "transfers" should be inserted in § 993.13(c) before the phrase "pursuant to § 993.50(f)" to better describe the particular provisions of § 993.50(f) that are involved.

The term "handler," defined in § 993.14, should be revised to mean any person inside or outside of the area who handles prunes. This change would make it clear that persons outside the area, as well as those within the area, would be subject to the regulatory program as handlers.

The term "salable prunes," defined in § 993.21c, should be revised to mean prunes which are free to be handled pursuant to producer allotments and any salable percentage established by the Secretary. The term is currently defined for use in connection with the volume regulation and assessment provisions of the order. The revised term should be sufficiently flexible for application under the producer allotment provisions in situations, such as either of the following four regulatory conditions, that could prevail during a crop year: (a) Producer allotments with a salable percentage and a reserve pool; (b) no producer allotments, a salable percentage, and a reserve pool; (c) no producer allotments, all receipts salable, and no reserve pool; or (d) producer allotments, all receipts salable, and no reserve pool. Hence, prunes purchased by handlers from producers or dehydrators during a crop year would be comprised of "salable prunes" or both "salable prunes" and "reserve prunes," except, of course, for the exclusion of the weight obligation required by § 993.49(c).

This revision would eliminate an inconsistency in the applicability of the assessment provisions of the order. Pursuant to § 993.81 assessments are required of each handler on the basis of all salable prunes handled by him as the first handler thereof. Whenever volume regulations were in effect, "salable prunes" referred to those free to be handled pursuant to any salable percentage established by the Secretary. By operation of § 993.54, any weight obligation incurred pursuant of § 993.49(c) was excluded from the quantity of salable prunes. However, when a reserve percentage of zero was established for a crop year, "salable prunes" comprised all prunes received by a handler from producers and dehydrators during that year, including the weight obligation pursuant to § 993.49(c). As hereinafter set forth, the term "salable prunes" excludes such weight obligation and thus provides for uniform application of the assessment provisions.

A new section, § 993.21e, should be added to the order to define the term "marketable quantity" to mean the

quantity of prunes constituting the total of all producer annual allotments and adequate to meet the estimated total trade demand of a crop year, permit desirable adjustments in carryover, and provide, if deemed desirable, a reserve against a possible short crop in the subsequent crop year. The marketable quantity for a crop year is to be considered by the committee in adopting a marketing policy and in computing the allotment percentage for that crop year pursuant to § 993.44, as hereinafter set forth. The marketable quantity would be the target quantity of prunes of any crop receivable by handlers from producers and dehydrators during a crop year when producer allotments are in effect and, in such crop year, would be the quantity against which salable and reserve percentages would be applied. When producer allotments are in effect, the excess would be surplus prunes.

A new section, § 993.21f, should be added to the order to define the term "base quantity" to mean the number of pounds of prunes, expressed as tons, established by the committee pursuant to § 993.44 for a producer. Another new section, § 993.21g, should be added to the order to define the term "annual allotment" to mean, for a crop year and for each producer, the number of pounds of prunes expressed as tons, determined by multiplying the producer's base quantity by the allotment percentage. These terms are needed for use in connection with producer allotments.

A new section, § 993.21h, should be added to the order to define the term "leaf" to mean the age, in years, of a budded or grafted prune plum variety of tree, with the first leaf (i.e. first year) commencing in the crop year in which the tree is permanently planted and produces leaves. This term should be so defined for use in computing base quantities with respect to immature trees, and in adjusting the annual allotment of a producer with immature trees to reflect reduced productive capacity of those trees.

(3) The proviso in the first sentence of § 993.33 *Voting procedure*, should be revised by inserting "producer allotments," after "pack specifications," and inserting "of surplus prunes," after "control or disposition". The effect of this revision is to require that committee decisions on producer allotments and matters pertaining to control or disposition of surplus prunes be made by at least 14 affirmative votes (two-thirds of the 21-member committee). Without the revision, decisions on these matters, pursuant to § 993.33, would be by a majority of the members present and voting so long as the requisite quorum of 12 is present. However, 14 affirmative votes are now required for committee decisions on other important matters such as marketing policy, grade or size regulations, salable and reserve percentages, and the control or disposition of reserve prunes. This same voting requirement should be applied to committee decisions on allotment controls and the control and disposition of surplus prunes because decisions on these matters could have as significant an economic impact on the prune industry as do the committee decisions on the matters already requiring 14 affirmative votes.

(4) Paragraph (1) of § 993.36 *Duties*, should be revised to require the committee to prepare and submit to the Secretary annually, as soon as practicable after the end of each applicable crop year and at such other times as the committee may deem appropriate or the Secretary may request, a statement of the committee's financial operations with respect to surplus prunes for such crop year, as well as a statement of the committee's financial operations with respect to reserve prunes for such crop year, and to make such statements available at the offices of the committee for inspection by producers, dehydrators, and handlers. Establishment of producer allotments could result in establishment of a surplus pool whenever an allotment percentage and annual allotments are effective for a crop year. In line with sound financial practice, the current duty of the committee with respect to its financial operations on reserve prunes should also apply to statements of the committee's financial operations on surplus prunes. Dispositions of surplus prunes may not occur with regularity and proceeds from such disposition could be received by the committee at various times. Therefore, monthly financial statements would be of little value, especially during the initial months of a crop year before disposition of any surplus prunes has been made. So that monthly financial statements will not be required under the general language of § 993.36(h) of the order, paragraph (h) should be amended by inserting "surplus prunes and" immediately after "exclusive of".

(5) It was proposed that the second sentence of paragraph (c) of § 993.49 *Incoming regulation*, be amended to permit the determination of occurrence of defective prunes by size ranges to be based on the distribution of sizes in the lot as determined by the inspection service. The record shows that there is no significant difference between such a determination based on a size count of the defective prunes and a size count of all prunes in the lot. Therefore, it should not be necessary to continue to require the use of two samples and two analyses as currently provided in the applicable rules and regulations (§ 993.149). It would be practical to accept the size count of the lot for the purposes of § 993.49(c), and this may be permitted by an appropriate revision of such rules and regulations. Therefore, the proposal may be effectuated without revision of the order.

(6) In the light of the recommendations with respect to Material Issue (1), the addition to the order of authority to permit allotment of the quantity of prunes which handlers may purchase from, or handle on behalf of, producers during a crop year, § 993.41 *Marketing policy*, should be revised so as to set forth the estimates and recommendations which need to be made by the committee in its marketing policy deliberations. Therefore, paragraph (a) of the section should be revised so as to provide that on or before the fourth Tuesday of the February preceding the first crop year of allotments, and of subsequent Februarys, the committee shall prepare and submit to the Secretary a report setting forth its recommended marketing policy for the ensuing crop year, except that in the first year it may be later. Allocations among producers of any marketable quantity would not be made before a four-year period, as hereinafter discussed, has elapsed and hence could not begin prior to February 1971. The committee should meet to consider various factors needed in making such allocations, including factors of supply and demand, and to recommend the marketable quantity and allotment percentage for determination and establishment by the Secretary for the ensuing crop year. Submission of the marketing policy report by the fourth Tuesday in February would permit timely issuance of annual allotments to producers so as to allow them to adjust their cultural practices in view of the tons of prunes allotted to them for the ensuing crop year. However, all of the data needed for computation of base quantities may not be available by February preceding the first crop year of allotments. Hence, in the first year the committee should be permitted additional time to submit its report.

The February marketing policy report for the ensuing crop year should include an estimate of the likely carryover of salable prunes as of the beginning (August 1) of such crop year, an estimate of the domestic trade demand by uses of prunes, an estimate of the foreign trade demand by countries or groups of countries, and an estimate of the desirable carryout of salable prunes at the end of the ensuing crop year. These estimates are required in present § 993.41 by July but for allotment purposes they are needed earlier for use in computing the marketable quantity for that crop year. Such quantity should include, when deemed necessary, a quantity of prunes in excess of such crop year's requirements as may be needed to protect against a possible short crop in the subsequent crop year, and hence such an estimate should be included in the report of the committee.

The foregoing estimates comprise the factors needed by the committee in computing, and recommending to the Secretary, the marketable quantity of prunes. However, for any year such quantity may need to be adjusted because the committee, pursuant to § 993.45(b) as hereinafter recommended, is required to reduce annual allotments of producers unable to fill them due to inadequate productive capacity. The adjustment in marketable quantity should also be estimated for use by the committee in recommending the allotment percentage.

The report should contain the recommended allotment percentage for the ensuing crop year, computed by adding the sum of estimated reductions in annual allotments to the marketable quantity and dividing the total by the total of all base quantities. It is visualized that the allotment percentage would be computed as follows: Assume for illustrative purposes only that the marketable quantity is estimated at 200,000 tons and the total of all base quantities is 250,000 tons. Dividing the marketable quantity (200,000 tons) by the total of all base quantities (250,000 tons) would equal 0.80 or 80 percent. If base quantities on the mature orchards total 220,000 tons and the allotment percentage of 80 percent is applied, the total annual allotments with respect to those base quantities would be 176,000 tons. Assume further that annual allotments with respect to the remaining base quantities (30,000 tons) are subject to reduction averaging one-half of the allotment percentage, because of reduced productive capacity, and would release only 12,000 tons. The total annual allotments of 188,000 tons (176,000+12,000) are 12,000 tons less than the marketable quantity. However, this is correctable by the committee estimating the deficit, adding it to the marketable quantity (200,000 tons) and dividing the total (212,000 tons) by the total of all base quantities (250,000 tons) for a result of about 0.85 or 85 percent. Applying this percentage to the total base quantities (220,000 tons) relative to mature orchards would result in total annual allotments with respect to those base quantities of 187,000 tons. Applying one-half of this percentage to the remaining base quantities would result in annual allotments on these totaling 12,750 tons. The total of all annual allotments would be 199,750 tons (188,000 tons+12,750). It is recognized that the minor difference in the amount so computed and allotted, relative to the objective quantity of 200,000 tons, would be corrected by a slight overestimation of the 200,000 tons marketable quantity.

Since the committee would have little or no information at its February meeting as to the size of the forthcoming prune crop, a recommendation as to salable and reserve percentages for the ensuing crop year would be premature. However, if deemed desirable for market stability, the committee could estimate and include in its report, the maximum quantity of prunes that should be made available to handlers as salable prunes from the new crop. This estimate would serve to advise the industry of the quantity of salable prunes to be made available and that any quantity in excess would be subject to being withheld as reserve tonnage.

The report should also include other factors as may have a bearing on the marketing of prunes or the administration of the regulatory program. Some such factors are: Shipments during the crop year up to the time of the February marketing policy meeting, with projections to August 1; the trend and level of consumer demand; information that may influence foreign demand, such as the opening of new markets for prunes; relaxation or tightening of trade barriers, trends in competition, both in foreign countries and in domestic trade outlets; and information concerning the administration of the program.

Conforming changes should be made in paragraph (b) of § 993.41 so as to provide that in July, the committee shall convene for the purpose of recommending, and beginning with the first year of allotments, reviewing and modifying, if necessary, its recommendations as to marketing policy for the ensuing crop year. Paragraph (b) should continue the present requirement that a marketing policy report be submitted to the Secretary before the fourth Tuesday of July. Paragraph (b) would thus serve a twofold purpose. Prior to the first year of allotments, it would provide the basis for the committee's marketing policy deliberations and reports for the ensuing crop year. Beginning with the first year of allotments, paragraph (b) would require the committee to review, and modify if necessary, its February recommendations. For example, the committee would have information on which to estimate the size and quality of the new crop, the need to recommend establishment of salable and reserve percentages, and beginning with the first year of allotments, whether it needs to recommend suspension of the allotment percentage and annual allotments established on the basis of its February marketing policy. Because of this twofold purpose, paragraph (b) should direct the committee to consider and include in its report certain estimates and recommendations, including the four estimates prescribed in paragraph (a) of § 993.41, as hereinafter set forth; namely, the likely carryover of salable prunes as of August 1, the domestic trade demand in the ensuing crop year by uses of prunes, the foreign trade demand in the ensuing crop year by countries or groups of countries, and the desirable carryout of salable prunes at the end of the ensuing crop year. Except as hereinafter provided, items which should be continued in paragraph (b) are currently required to be considered by the committee and included in its marketing policy report. However, for effective administration of the program, certain additional items should be included, and certain modifications should be made.

Beginning in the first year of allotments, the report should include estimates of the production of prunes with allotments and without allotments. Such estimates would provide the committee with a basis for recommending retention or suspension of the annual allotments.

The committee currently is required to consider, and include in its report, an estimate of the probable quality and prune sizes in the crop. This should be changed to require only an estimate of the quality of the prunes in the crop. Previous estimates, at marketing policy meetings, of prune sizes in the pending crop have proven unreliable and of little value.

The committee also is required currently to consider and report the quantity of prunes, dried weight basis, deemed desirable to be diverted pursuant to § 993.62. This should be changed to require the committee to report its estimate of the quantity of prune plums, dried weight basis, likely to be disposed of by diversion or as surplus. This change should be made to provide an estimate of the prune plums, dried weight basis, that may be diverted, pursuant to § 993.62, each year before the first year of allotments. Pursuant to that section, prune plums may be left unharvested or disposed of for non-human consumption. Beginning with the first such allotment year, this estimate should be of the quantity of surplus prunes subject to § 993.46, as hereinafter set forth. This estimate would be helpful to producers and the committee in developing plans for disposition of surplus prunes.

Beginning with the first year of allotments, the committee should include in its July consideration and report any recommendation on suspension of the allotment percentage and annual allotments. Such suspension could be recommended as a result of a modification of the committee's February marketing policy and should be founded basically on information concerning the size of the crop. For example, if the July estimate of the prune crop is significantly less than the total marketable quantity, the allotment percentage and the annual allotments may be suspended by the Secretary to assure maximum availability of prune supplies for handling.

Salable and reserve percentages would be applied in the same manner as now provided in the order except that in years when annual allotments are in effect they should apply to the total of such allotments in lieu of the production delivered to handlers.

A new paragraph (c) should be added to retain the provisions in current § 993.41(a) requiring the committee to modify its marketing policy if it becomes advisable at any time because of changed demand, supply, or other conditions and requiring it to submit a report thereon to the Secretary. Also, notice of the committee's marketing policy, and of any modifications thereof, should continue to be given promptly by reasonable publicity to producers, dehydrators, and handlers. The modification requirement is basically applicable to the July marketing policy as conditions affecting the February marketing policy would have been recognized and considered at the July meeting.

In order to enable the committee to collect data to establish base quantities, and issue annual allotments thereon, a new section, § 993.43 *Preliminary regulation*, should be added to the order. It should provide that beginning with the 1967–68 crop year, or such later year as the committee may recommend and the Secretary establish, and until a representative period has been established, no handler shall handle as the first handler thereof, prunes delivered to him until he has determined the identity of each producer of the prune plums which were dried or dehydrated and so delivered, the county of production, and the quantity of prunes attributable to each such producer. The new section should further require that the handler shall furnish such information to the committee at such times and in such form as the committee

may request. These requirements would provide information needed to identify the persons eligible for base quantities and to determine the respective amounts thereof. The committee must depend upon the handlers to obtain this information, beginning with the first year of the possible representative period, because they have direct contacts with the producers and dehydrators who deliver the prunes. The committee should furnish all handlers with the necessary forms to be used so that the information it needs and obtains will be furnished in a uniform and usable manner.

It is essential for the committee to have the most accurate sales data possible for the establishment and assignment of fair and equitable base quantities to producers (i.e. persons engaged, in a proprietary capacity, in growing prune plums for drying or dehydrating into prunes). Therefore, the section should also provide that all quantities of prunes attributable to each producer shall be based on weights determined by Public Weighmasters, either total graded weight or delivered weight, and shall be the net prune weight exclusive of foreign material and the weight obligation of § 993.49 (c). This recognizes normal receiving operations of handlers. Some handlers determine prune weight after size grading and others before. The program need not require handlers to change these operations. Consistent with the objective of obtaining accurate sales data, foreign material contained in prune deliveries and inedible quality prunes in excess of tolerances for which a handler incurs a weight obligation pursuant to § 993.49(c) should not be credited to a producer's prune weight in computing his base quantity. In the absence of such prohibition, it was testified at the hearing, some producers would, during the preallotment period, in an effort to inflate their base quantities, deliver foreign material and defective prunes that would normally be discarded or not disposed of for human consumption. To the extent necessary to assure accuracy of handler information so furnished to the committee, the committee should audit handlers' records to determine whether their records confirm the documentation submitted to the committee as to the handler's receipts of prunes from producers and dehydrators.

So that producers may qualify for base quantities pursuant to § 993.44, § 993.43 should require the committee to furnish annually, early in each calendar year, to each producer of record a form to be filed with the committee whereon the producer reports the location of his orchard(s), the acreage he intends to harvest for prunes, the maturity of the trees, and such other information the committee needs to establish a base quantity for such producer. This information should be submitted to the committee by producers themselves as the committee will need direct contact with them to have knowledge of their productive capacities for administration of the allotment provisions.

A new section, § 993.44 *Base quantities*, should be added to the order providing that if the Secretary finds that the 1967–68 through 1970–71 crop years, or a period beginning one or more year(s) later than 1967–68, but not less than a 3-year period, constitute a representative period in terms of production of prunes for market and the consequent producer sales, a base quantity shall be established for each producer entitled thereto. That section should also provide that each such base quantity shall be in an amount equal to either (a) the total sales of prunes referable to the producer, credited as net prune weight pursuant to § 993.43, plus the weight shown on diversion certificates pursuant to § 993.62, during the representative period divided by the number of years in the period, or (b) the amount determined pursuant to other applicable provisions of § 993.44 relating to adjustments for immature prune plum trees or rotation (i.e., replacement of old trees with young trees). A 3- or 4-year period provides a means of averaging large and small crops and is deemed sufficiently long to permit each grower to attain a reasonably good average. Each producer should be required to use all years of the period for his base so there would be no transfer of fruit among producers in an effort to obtain bases unrelated to sales of their production. In other words, a producer should not be permitted to have the best years of the representative period, as this would mean that when the producer had a good base, he might transfer a portion of his prunes of the next crop to another producer to improve such producer's base. This would have such adverse effects as inflating the total of all base quantities and causing them to be inconsistent with total productive capacity.

The proposals published in the notice prescribed the 1967–68 through 1970–71 crop years as the 4-year period to which the Secretary should address himself in his finding as to a representative period. At the hearing, concern was expressed about possible damage to the 1967 crop, from inclement weather in the spring, and the possible adverse effect on producer's base quantities. It was, therefore, proposed that the Secretary be authorized to find that a shorter period within those four years would constitute a representative period. However, an unlimited lesser period could be 1, 2, or 3 years and it would be undesirable, in view of the effect of crop fluctuations on base quantities, to use less than a 3-year period. It would endanger the basic objective of a period sufficiently long to assure each producer a reasonably good average base quantity. Hence, there is good reason for a 4-year representative period, but retaining at least a 3-year period. However, should it be impossible to obtain data for the 1967 crop or should a further crop year be unsuitable for inclusion in the representative period, a period beginning later than 1967–68 should be used.

As previously discussed, computation of a producer's base quantity should not include foreign material or the weight obligation pursuant to § 993.49(c). However, net prune weight shown on diversion certificates during the representative period should be regarded the same as sales to handlers and included in the computation of the diverting producer's base quantity. Otherwise, in a year of excessive prune plum production during the representative period, prior to the establishment of allotments, producers would have no alternative but to dry all prune plums and sell and deliver the prunes to handlers in order to establish maximum credit for computation and assignment of their base quantities. This would create unnecessary problems of storage and disposition for handlers and for the committee. Moreover, it would also cause the producers to incur unnecessary harvesting, drying, and delivering costs which present § 993.62 was designed to avoid.

During the representative period, producers with immature prune plum orchards planted by the effective date of the section, or who rotate a bearing orchard to younger trees, would have sales not representative of the sales level of mature trees. Therefore, to enable such producers to have annual allotments reasonably comparable to those of producers with mature trees, § 993.44 should specify how a base quantity is determined for a producer who has immature prune plum trees, in 9th leaf or younger, permanently planted as of the effective date of that section, or is rotating his bearing acreage to younger trees in the same or different locality.

In order to achieve the benefits that may accrue from a producer allotment program and to permit the establishment of a representative period, it is necessary to establish a cutoff point after which any new plantings, other than rotations, should not entitle the person with such plantings to a base quantity thereon. In the circumstances of this program, the cutoff point appropriately should be the effective date of such program so as to avoid the possibility of inflated base quantities, as such would not tend to effectuate the declared policy of the act. Therefore, only producers with permanently planted prune plum trees as of the effective date of the section should be eligible for a base quantity. As hereinafter provided, a producer means any person who is engaged, in a proprietary capacity, in growing prune plums for drying or dehydrating into prunes. For basic eligibility, other than that discussed hereinafter, a person must be so engaged when the section first becomes effective. The base quantity of the producer with eligible immature trees, a block of acreage not containing mature trees, should be established by applying to such acreage the average sales per acre in the representative period of the mature acreage of the producer or that in base quantities for other mature acreage, both in the locality.

If neither is applicable, that of the most representative comparable locality should be used. Applicability thus would

be determined as whichever is more representative of the mature sales level of the immature acreage. Thus, the producer would have an appropriate base without the possibility of undue enhancement of quantity which might result from using current availability or other criteria not subject to limitation. No consideration is to be given, according to the evidence of record, to individual immature trees which have been planted to replace dead, diseased, or missing trees in acreage of mature trees.

The issue of rotation, i.e., the replacement of old trees with young trees on portions or all of a producer's acreage and the adverse effect this has on base quantities, can be satisfied by two approaches: (1) If there is no change of location nor increase of acreage, by applying to the rotated acreage the same determinations as the foregoing on immature trees except that acreage rotated after the effective date of the section should not be a means of obtaining an increase in a producer's base quantity; (2) if there is a change of location, the same principles should apply, i.e., if planted by the effective date of the section the acreage should be treated as immature acreage and if planted thereafter, no increase in the base quantity should be permitted. Only in this way would reasonable equity of allotment be maintained between the small proportion of producers with immature acreage, due to rotation or otherwise, and the large proportion of producer farming mature acreage throughout the representative period. In the event there is expansion of acreage in the course of rotation, the expansion portion should be considered new plantings, not rotation, and should qualify for a base quantity only if permanently planted prior to the effective date of the section. It could, of course, be the productive capacity for a transfer of allotment, as set forth hereinafter. Also, denser planting of trees, without removal of mature trees, should not be considered rotation but interplanting and the hearing evidence does not justify any adjustment of base quantity due to immature trees classified as interplanting.

New § 993.44 should also provide that the committee shall, in accordance with the previous requirements set forth in that section, and based on handler reports, producer's certifications and other information, establish, for use beginning with the first crop year after the representative period, each producer's base quantity and shall, except as hereinafter provided, assign such base quantity to such producer. However, it should be provided that the right of each producer or his legal successor in interest to the base quantity, to receive or retain all or part of such base quantity shall be dependent on his continuing to be a producer and to make a bona fide effort to produce his annual allotment, and failing to do so for three consecutive allotment years, such base quantity shall be reduced by the committee by a percentage equivalent to the unproduced portion of his annual allotment. However, to avoid possible inequities arising from acts of God or other excusable situations, the committee, with the approval of the Secretary, should have authority to waive this requirement for good cause.

A producer who ceases to be a producer prior to establishment of base quantities should not be issued a base quantity. If there is no producer successor in interest in the producing property, e.g., the land was sold for housing or other usage, the base quantity could be held by the committee and the producer given opportunity to resume operations within a reasonable time. Three years should be considered reasonable, according to the evidence of record, as a lesser period would hardly permit acquisition of land, its preparation and planting.

If a producer removes or disposes of bearing acreage, thereby reducing his productive capacity, or fails to harvest prune plums, to the extent that he fails to fill his annual allotments for three consecutive allotments years, his assigned base quantity should be reduced as aforesaid to avoid causing the total of all base quantities to be inconsistent with productive capacity. Again, a period of 3 years would be adequate to permit the producer to transfer the unused base quantity to another producer capable of using it, or to replant.

In the interest of a sound, workable program and one that can meet the needs of future supply and demand situations for prunes, new § 993.44 should also provide that each year after allotments begin the committee shall consider the need for granting, and if appropriate grant, with the approval of the Secretary, additional base quantities, to either a new producer or an existing producer, for such purposes as satisfying the demand for one or more varieties, or adjusting the total of all base quantities to the trade demand. It is expected that the committee's review generally would occur prior to or at its February marketing policy meeting. Additional base quantities could thus be granted to the extent that their need can be demonstrated, keeping in mind the productive capacity of producers at full maturity of their orchards. Additional base quantities should not be granted merely to accommodate a temporary situation of inadequate supply.

The evidence of record is that a review board of committee members may be desirable to resolve issues of additional base quantities as well as original issuance. Such a board is not precluded by the provisions of this regulatory program but specific provision for one is not made as it would be essentially a subcommittee of the committee and within the prerogative of the committee to establish.

A new section, § 993.45 *Marketable quantity, allotment percentage, and annual allotments*, should be added to the order providing that beginning with the calendar year in which base quantities are first established for producers, and annually each calendar year thereafter if the Secretary finds, on the basis of the committee's recommendation or other information, that limiting the quantity of prunes that handlers may purchase from, or handle on behalf of, producers during the ensuing crop year would tend to effectuate the declared policy of the act, he shall determine the marketable quantity and establish an allotment percentage for such crop year. It should provide further that the allotment percentage shall be determined by dividing the marketable quantity plus the estimate described in § 993.41(a)(7) by the total of all producer base quantities determined pursuant to § 993.44, which may be an estimated total for the first crop year of allotments. These provisions are required to provide a satisfactory procedure for allotting the quantity of prunes that handlers may purchase from or handle on behalf of producers—namely, the marketable quantity which would approximate the sum of all annual allotments issued to producers for a given crop year. The total of all producer base quantities used in computing the allotment percentage for the first crop year of allotments may need to be an estimated total due to the possible time lag in the first year of establishing base quantities and the desirability of issuing annual allotments for the ensuing crop year as early as possible to permit producers to plan accordingly.

For effective regulation and to prevent unauthorized handling of prunes in excess of the marketable quantity, the new section should provide that no handler shall purchase or handle on behalf of any producer prunes not within such producer's annual allotment, except as permitted by the regulatory program.

So as to permit the avoidance of regulation when not needed, new § 993.45 should provide that based on a recommendation of the committee pursuant to § 993.41(b) or other information, the Secretary may suspend the allotment percentage applicable to any crop year and producers' annual allotments. Generally, any suspension would be made on the basis of the committee's July marketing policy report, but later suspensions should be permitted if it subsequently developed that all prunes in the crop were needed for orderly marketing. Whenever such suspensions are effective, handlers would be permitted to purchase prunes from all producers, including any to whom no base quantities were assigned.

The section should also provide that upon determination of the marketable quantity and establishment of an allotment percentage by the Secretary for an ensuing crop year, the committee shall issue to each producer an annual allotment for such ensuing crop year computed, except as hereinafter provided, by applying the allotment percentage established pursuant to this section to the producer's base quantity. This would be the basic determination whereby the total quantity of prunes which handlers may purchase from, or handle on behalf of, producers during that year will be apportioned equitably among producers.

So that allotments are issued only to producers currently producing and to recognize their productive capacity, the section should further provide that such issuance shall be conditioned upon the

producer filing with the committee, within a specified time, a form furnished by the committee whereon the producer states at least where he intends to produce his annual allotment, the acreage he intends to harvest, the maturity of the trees, changes of location, if any, and such other information as is necessary to administer the allotment provisions. Where a producer indicates that due to acreage, immature age of trees or other cause, he will be unable to produce his computed annual allotment, the committee should be required to reduce the annual allotment it issues (to that producer) so as to reflect productive capacity. This should be by applying an appropriate portion of the allotment percentage to the producer's base quantity. The committee should be authorized, with the approval of the Secretary, to establish a schedule of reductions for ages of immature trees or other factors of production. The schedule would aid the committee in reducing annual allotment on like bases in like situations.

As discussed previously, a producer failing to produce his annual allotment has a 3-year period of grace before the base quantity is adjusted because of his failure to make a bona fide effort to produce his annual allotment. During those 3 years, the base quantity would remain at the figure at which it was originally established, but the producer's annual allotment, if any, should be reduced to reflect the reduction in his productive capacity. In recommending the allotment percentage each year, the inability of any producers to produce their annual allotments based on their mature base quantities should be taken into consideration by the committee. The yearly application by the producers would provide the committee with information to make the estimation, for use with the method previously discussed, for the adjustment necessary in the allotment percentage in order to achieve the desired marketable quantity.

New § 993.45 should also provide that, except as provided in § 993.47, no handler, producer, or other person shall be the assignee or transferee of an annual allotment, or portion thereof, except that a person other than a handler may deliver prunes in the stead of the producer holding the allotment but no handler shall receive prunes from such other person except to the extent authorized by the committee. Allowing assignments or transfers of annual allotments would encourage speculation and could thwart the objective of orderly marketing, particularly where the assignment or transfer is the deficit portion of an annual allotment and a handler uses it to obtain surplus prunes from another producer at much less than prevailing field prices. However, there should be means to permit the normal and accepted methods of moving prune plums and prunes from harvest through the various steps that traditionally have been taken to enter them in the current of commerce: for example, from producer to dehydrator to handler. Therefore, while not recognizing assignments or transfers of annual allotments, the committee should permit the prune plum producer to have another person deliver in his stead prunes produced from his prune plums. The committee should maintain controls on such an arrangement to be sure that the transaction does not bypass the prohibition and bring unfavorable results. Hence, the handler receipts permitted by the exception should be only those authorized by the committee.

New § 993.45 should also require that when an allotment percentage is in effect the weight of all prunes shall be based on weights determined by Public Weighmasters. A Public Weighmaster's certificate should be issued to cover every lot of prunes delivered to a handler and to be handled by him. Since an annual allotment is a weight of prunes, it is obviously necessary to prescribe a means for determining the prune weight.

The section should require that any weight obligation pursuant to § 993.49 (c) shall not be a part of the producer's annual allotment. Whenever a lot of prunes is inspected pursuant to the quality requirements of the program, a determination is made whether it contains prunes with defects of mold, imbedded dirt, insect infestation and decay in excess of tolerances. Any quantity of prunes with such defects necessary to be removed from the lot so that the balance of the lot would be within the tolerances is determined, and the handler is required to dispose of a like quantity of prunes affected by such defects in nonhuman consumption outlets. Such prunes do not become part of the salable supply and therefore should not be part of the producer's annual allotment.

(7) To enable the industry to control and dispose of prunes in excess of producers' annual allotments and carry out the objectives of the producer allotment provisions, a new section, § 993.46 *Surplus prunes*, should be added to the order. That section should provide that prunes that are in excess of an effective individual producer annual allotment or the total of such annual allotments to members, delivered pursuant to membership contracts, of a cooperative marketing association, shall be surplus prunes. Prior to January 15 of the crop year, producers of such prunes should be permitted to sell or transfer them to producers capable of using them to satisfy a deficiency of production relative to their annual allotments. As a means of preventing surplus prunes from entering unauthorized outlets, § 993.46 should also provide that no handler shall handle surplus prunes except that any handler who is a packer shall be a designee of the committee, under such conditions as it shall specify as to holding and delivery obligations, with the approval of the Secretary, to receive and hold surplus for the account of the committee. As a further means of controlling surplus prunes, that section should also provide that any producer or dehydrator selling or delivering surplus prunes to other than the committee or its designees or to a producer satisfying a deficiency, shall be a handler relative to such transaction. However, since surplus prunes of a producer's own production do not enter trade channels while on his premises, there should be no restriction on a producer's use of surplus prunes in his own farming operation. Therefore, § 993.46 should also provide that any producer may dispose of surplus prunes of his own production within his own livestock feeding operation or other farming operation and, prior to or after January 15, such prunes may be delivered to the committee or its designees for inclusion in the surplus pool.

Any prunes in excess of an individual producer's annual allotment should be surplus prunes. However, a cooperative marketing association should be permitted, in view of its structure, the provisions of its membership contracts, and its operating as a single producer under the program, to concentrate prunes delivered pursuant to such contracts, and any prunes in excess of the total of such annual allotments to members of the association should be surplus prunes.

It is likely that some producers will have production in excess of their annual allotments while others may not be able to produce enough. So that the industry's marketable quantity may be filled as nearly as practicable, producers of surplus prunes should be permitted to sell or transfer them to producers in an amount necessary to fill a deficiency of production relative to an annual allotment. Since surplus prunes delivered to a handler should be held for the account of the committee any transfer of such prunes should be under such conditions as it may specify as part of the obligations of a "designee" of the committee. All transfers should be made before a cutoff date so that the committee can begin disposition. January 15 should be designated as the cutoff date because normally all but a very small percentage of the crop is delivered and inspected by that time each year. The accounting by the handler and the committee should have progressed sufficiently by that date whereby the eligible transfers can be properly documented and reconciled in the accounting. There must be such a cutoff, for the committee must finalize the pool operation at some point early enough in the crop year to engage in the fulfillment of its obligation to dispose of surplus prunes in noncompetitive outlets. Any surplus prunes delivered after January 15, should not be eligible for transfer and should be relegated to the surplus pool for disposition.

So that there may be an orderly disposition of surplus prunes and no conflict with the marketing of salable prunes or reserve prunes, § 993.46 should provide that the committee shall have the power and authority to sell or dispose of any and all surplus prunes delivered to it or held by handlers for its account, but no such disposition shall be in normal outlets except upon a finding of the committee, approved by the Secretary, that it will not interfere with the demand for salable prunes or reserve prunes.

That section should also provide that the committee may sell and ship, or instruct handlers to ship, surplus prunes for nonhuman consumption purposes, and that the committee may arrange to

store surplus prunes at other than a handler's premises. It is expected that the committee would normally arrange with the handler holding the surplus prunes to ship them for the account of the committee according to its instructions. However, provisions should also be made for the committee to make shipments independent of handlers since, in some cases, surplus prunes may be stored at other than a handler's premises. It may be that a handler cannot or does not want to store surplus prunes for the account of the committee. In that case the committee may have to lease warehouse space to store surplus delivered to such handler. The committee may also need to use such a storage facility to receive surplus prunes delivered directly by a producer unable or unwilling to deliver his surplus to a packer designee of the committee. Under these circumstances, the committee would have to physically prepare for receipt and disposition of any such surplus.

It is only proper that any net proceeds realized by the committee from disposition of surplus prunes should be distributed to equity holders, the persons with beneficial interest in the surplus prunes. Therefore, new § 993.46 should provide that the committee shall account for the disposition of surplus prunes to the equity holders thereof, distributing to them any proceeds received in excess of the costs incurred by the committee for the receiving, handling, holding, or disposing of surplus prunes. The monies received as revenues as well as the expenses incurred, including the administrative and distribution costs, should be treated as pool revenue and expenses. In other words, total costs should be deducted from income and only net income distributed.

It was proposed at the hearing that new § 993.46 include provisions defining surplus as to sizes and types of prunes. Since the surplus provision would not be used at least before the 1971–72 crop year and the exact administration can be studied in the meantime, this matter should be left to rules and procedures to be established by the committee with the approval of the Secretary. Adding such provisions to the order would deny the committee the flexibility needed in the event new ideas or concepts are developed. For instance, means of so controlling delivery of allotments may be found as to permit surplus to be the more economical withholding of field-run loads in lieu of the average marketable content of each producer's deliveries, as was discussed at the hearing. This latter, however, implies that the average marketable content of salable and reserve prunes would be included in the determination of the surplus obligation. However, it is evident that a more suitable result may be obtained through rule making.

Producers occasionally change their orchard location, they sell and purchase orchards, they rent for cash or by sharing the crop, they expand or reduce their orchards, and they go out of business as producers by selling their orchards to other producers or for such purposes as housing developments. The provisions relative to producer allotments should be sufficiently flexible to accommodate these changes of location or status but with limitations so that the basic function of the allotment program, of allotting among producers the prunes which handlers may acquire, will be preserved.

Hence, a new section, § 993.47 *Transfers*, should be added to the order to authorize any producer to transfer, subject to limitations, either (a) from the location(s) where he produces his annual allotment to other land which he farms, or (b) all or part of his assigned base quantity from himself to another producer.

It may happen that a producer desiring to make either type of transfer is not the owner of the original orchard land. With respect to the location type transfer, the new section should provide that no such transfer shall be valid and no further annual allotments referable to such orchard shall be granted to such producer unless the owner consents to the transfer. Likewise, with respect to a transfer to another producer, the section should provide that the transfer shall not be recognized nor shall an annual allotment be granted by the committee to the potential transferee unless the orchard owner consents to the transfer. These limitations would tend to assure outlets for the production of the original orchard and so protect the orchard owner's investment. Otherwise, for example, a cash renter (the producer on the original orchard) could transfer to some other producing location or transfer his base quantity to another producer, with the result that the subsequent producer on the original orchard land, whether he is the owner or a new cash or share renter, would be without an allotment and an ability to sell prunes to handlers. In addition, since the allotment provisions are for the purpose of adjusting excess production to demand, there would be no function served by the original orchard land remaining in production and additional production encouraged by such transfer of location or of base quantity.

With respect to either type of transfer, when the original orchard continues in production and the owner will not consent to the transfer, the base quantity should be held in temporary suspension by the committee so its assignment can be resolved. Assignment should be resolved promptly to avoid absence of annual allotments to producers otherwise eligible for such. The base quantity should be permitted to be assigned by the committee as follows: If the owner has taken over the farming of the orchard and becomes the producer, the base quantity should be assigned to him; if the owner arranges for another person to operate the orchard, such person becomes the producer and the base quantity should be assigned to him; if the owner lets the orchard to a person on a share rental basis, both become producers and the base quantity should be assigned to both either jointly or in proportion to their respective shares in accordance with the terms of their contract.

So that the committee will be assured that any transfer of location is appropriate and it will have the information necessary for allotment operations, the new section should require the committee, by such means as are provided in new § 993.45(b), to obtain information as to the location(s) where each producer intends to produce each annual allotment.

Relative to transfers of base quantities between producers, new § 993.47 should provide that no such transfer shall be recognized by the committee except upon the transferor and transferee notifying the committee in writing with regard thereto and the transferee submitting evidence of capability to produce and harvest the annual allotment referable thereto. This is to provide the committee with information needed for allotment operations and to preclude transfer of a base quantity to a person unable to use it and who might want to acquire it for a speculative purpose.

New § 993.47 should also provide that if any producer disposes of acreage and ceases to be a producer thereon prior to the issuance of base quantities pursuant to new § 993.44(a) and, if the purchaser continues the acreage in production of prune plums, such purchase shall be deemed to authorize issuance of the base quantity, applicable to such acreage to the successor producer. Prior to the establishment of base quantities, a producer may find it necessary or desirable to sell his orchard. If the purchaser continues the orchard in prune plum production, the assignment of the base quantity to him would place the referable annual allotment in the hands of the successor in interest and so permit sale of prunes resulting from the orchard. Furthermore, this base quantity should be computed using the sales from the orchard for all years of the representative period so that the purchasing producer is granted a representative base quantity and appropriate annual allotments.

It was proposed that in authorizing transfers, the committee should give priority to existing producers over new producers, with special priority to those producers who can show that the manner in which their base quantities were established has resulted to their detriment in an extraordinary disparity between their base quantities and their productive capacity. This proposal could adversely affect a transferor by forcing him to find a transferee with such qualifications. Furthermore, it could prevent a transferor from making an intended transfer; for example, a father to a son if the son would fall into the category of a "new" producer. There is the further problem of anticipating, at this point, that some base quantities will not be in line with productive capacity and provision is needed within the program to assist such producer to obtain an additional base quantity. It is probable he can obtain it without assistance. In view

of these circumstances, this proposal is not adopted as a provision hereinafter.

As previously discussed, "surplus prunes," in the aggregate, would be those in excess of the annual allotments established for any crop year after computation and establishment of base quantities. Since salable and reserve percentages would be applied only to the allotment receipts, such surplus prunes should be specifically excluded from applicability of the reserve control provisions. Therefore, the second sentence of § 993.54 should be revised to provide that the salable and reserve percentage when applied to the natural condition weight of prunes received during the crop year by a handler from producers and dehydrators, excluding surplus prunes and excluding the weight obligation of § 993.49(c), plus that diverted tonnage (dried weight natural condition prune basis) on diversion certificates issued pursuant to § 993.62 and credited to or held by him, shall determine the weight of each handler's receipts which are salable prunes and reserve prunes. However, transfers of surplus prunes, authorized by the committee to another producer with a deficiency in his annual allotment, would remove such prunes from the surplus category, and these prunes would become a part of the prunes of the producer to whom transferred, within his annual allotment, and therefore subject to reserve controls.

Section 993.55 currently provides for the application of the salable and reserve percentages established for any crop year to prunes received by handlers from producers and dehydrators in the subsequent crop year and before salable and reserve percentages are established for the new crop year. Since salable and reserve percentages established for a crop year would not be applicable to the weight obligation of § 993.49(c) nor to the weight of any surplus prunes, such percentages should be similarly inapplicable when carried over into the succeeding crop year. Therefore, the first sentence of § 993.55 should be revised accordingly.

Since salable and reserve percentages would not be applicable to surplus prunes, handler's reserve obligation should exclude surplus prunes received by them. Therefore, the first sentence of § 993.56 should be revised to prescribe this exclusion.

Section 993.59 currently requires the committee to pay handlers for the necessary services rendered by them in connection with reserve prunes, including, but not limited to, inspection, receiving, storing, grading, and fumigation. The section further requires that such payment shall be in accordance with a schedule of payments and conditions established by the Secretary after recommendation by the committee. The section should be revised so that its provisions apply to surplus prunes as well as to reserve prunes. It is only fair that handlers be paid for services they perform on pool prunes in which producers or other persons have the beneficial interest. Costs of these services on surplus prunes may change from time to time. Hence, appropriate charges should be established by rule making rather than be specified in the revised section. A handler should not be paid for any such services he might perform in connection with surplus prunes transferred after receipt to fill a deficiency in a producer's annual allotment because the prunes then become salable or reserve prunes for treatment as such. Obviously, a handler should not be paid on any surplus prunes for which he is obligated but fails to deliver.

(8) In view of the new definition of "prune plums" in § 993.4a, the definition of that term in § 993.62(a) should be deleted. In lieu thereof a new paragraph (a) *Termination* should be added providing that beginning with the first year in which base quantities are established, the provisions of § 993.62 shall terminate. As previously discussed herein, any prune plums diverted pursuant to § 993.62 prior to drying or dehydrating during such representative period as may be determined by the Secretary would be construed a sale by a producer for purposes of computing his base quantity. However, after establishment of base quantities, there should be no further need for recognizing voluntary diversion of prune plums by producers because operation of producer allotment and related provisions in any year of surplus would serve as the surplus control. By virtue of early advice on allotments producers could attempt to tailor production to their annual allotments.

(9) Some of the amendatory actions herein cause the need to make certain conforming changes, as hereinafter set forth, in the provisions of the order so that the order, as amended, will be in conformity with those actions. Such changes are discussed herein with the issues to which pertinent. All of such changes should be incorporated herein. Other such changes, for better format and applicability of the provisions, should be to redesignate § 993.48 *Regulation*, as § 993.42, *Regulation*, and to insert a new center heading "Allotment of Marketable Quantity" immediately following redesignated § 993.42. That section provides that no handler shall handle prunes except in accordance with the provisions of this part. Such changes are appropriate because new §§ 993.43 through 993.47 on producer allotments follow immediately thereafter, and the prohibition of unauthorized handling set forth in current § 993.48 needs to be applicable to the new provisions including those on producer allotments as well as to other regulatory provisions of the program.

Rules and procedures to be established by the committee, with the approval of the Secretary, will be necessary for effective and efficient administration of the new provisions resulting from the amendatory proceeding and hereinafter set forth. The authority in present § 993.36(n) of the order for establishing rules and procedures for use relative to the present provisions of the order is construed as extending to the new provisions. Hence, it is not necessary to provide, in the new provisions, express authority to establish rules and procedures in connection with such new provisions.

Rulings on proposed findings and conclusions. The Presiding Officer announced at the hearing that interested persons would be allowed to and including May 8, 1967, to file with the Hearing Clerk proposed findings and conclusions, and written arguments or briefs, based on evidence received at the hearing. Briefs were filed by Roger Fleming for the American Farm Bureau Federation; Allan Grant for the California Farm Bureau Federation; R. L. Engell, California Packing Corp.; Charles A. Schmidt, Valley View Packing Co., Inc.; C. J. Olson; John Leonard; and Will W. Lester.

Every point covered in these briefs has been considered carefully in light of the scope of the notice and the evidence in the record, in making the findings and reaching the conclusions herein set forth. To the extent that any suggested findings and conclusions contained in those briefs are inconsistent with the findings and conclusions contained herein, they are denied on the basis of the facts found and stated in connection with this recommended decision.

General findings. (a) The findings hereinafter set forth are supplementary, and in addition, to the previous findings and determinations which were made in connection with the issuance of the marketing agreement and order and each previously issued amendment thereto. Except the finding as to the base period for parity computation, and except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein, all of said prior findings and determinations are hereby ratified and affirmed. (For prior findings and determinations see 14 F.R. 5254; 16 F.R. 8437; 19 F.R. 1301; 22 F.R. 8254; 26 F.R. 475; 30 F.R. 9797);

(b) The marketing agreement and order, as amended and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(c) The marketing agreement and order, as amended and as hereby proposed to be further amended, regulate the handling of dried prunes produced in California in the same manner as, and are applicable only to persons in the respective classes of industrial or commercial activity specified in, the marketing agreement and order upon which hearings have been held;

(d) There are no differences in the production and marketing of dried prunes in the production area covered by the marketing agreement and order, as amended and as hereby proposed to be further amended, which require different terms applicable to different parts of such area;

(e) The marketing agreement and order, as amended and as hereby proposed to be further amended, are limited in application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act; and

(f) All handling of dried prunes produced in California is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce.

Recommended amendment of the order. The following further amendment of the order is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

1. A new § 993.4a reading as follows is added immediately after § 993.4:

§ 993.4a Prune plums.

"Prune plums" means those varieties of plums grown in the area for drying or dehydrating and which are covered by §§ 993.6 and 993.7.

2. Section 993.5 is revised to read:

§ 993.5 Prunes.

"Prunes" means and includes all sundried or artificially dehydrated prune plums, of any type or variety, produced from prune plums grown in the area, except: (a) Sulfur-bleached prunes which are produced from yellow varieties of prune plums and are commonly known as silver prunes; and (b) prune plums which have not been dried or dehydrated to a point where they are capable of being stored prior to packaging, without material deterioration or spoilage unless refrigeration or other artificial means of preservation are used, and so long as they are treated by a process which is in conformity with, or generally similar to, the processes for treatment of prune plums of that type which have been developed or recommended by the Food Technology Division, College of Agriculture, University of California, for the specialty pack known as "high moisture content prunes," but this exception shall not apply if and when such prune plums are dried to the point where they are capable of being stored without material deterioration or spoilage, refrigeration or other artificial means of preservation.

3. Section 993.6 is revised to read:

§ 993.6 Non-French prunes.

"Non-French prunes" means prunes commonly known as Imperial, Sugar, Robe de Sargent, Burton, Standard, Jefferson, Fellenberg, Italian, President, Giant, and Hungarian (Gross), produced from such varieties of prune plums. This definition may be modified by the committee with the approval of the Secretary.

4. Section 993.7 is revised to read:

§ 993.7 French prunes.

"French prunes" means: (a) Prunes produced from the following varieties of prune plums: French (Prune d'Agen, Petite Prune d'Agen), Coates (Cox, Double X, Saratoga); and (b) any other prunes which possess taste, flesh texture, and other characteristics similar to those of the prunes named in this section.

5. Section 993.13 is revised to read:

§ 993.13 Handle.

"Handle" means to receive, package, sell, consign, transport, or ship (except as a carrier of prunes owned by another person), or in any other way to place prunes, including surplus prunes, in the current of the commerce within the area, from within the area to any point outside thereof, or from any point outside the area to any other point: *Provided*, That, except as provided in § 993.46(a), this term shall not include: (a) Sales or deliveries of prunes by a producer or dehydrator to a producer, dehydrator, or handler within the area; (b) the receiving of prunes by a producer or dehydrator from a producer or dehydrator; and (c) receipts, sales, or shipments of prunes already handled by another person other than transfers pursuant to § 993.50(f).

6. Section 993.14 is revised to read:

§ 993.14 Handler.

"Handler" means any person inside or outside of the area who handles prunes.

7. Section 993.15 is revised to read:

§ 993.15 Dehydrator.

"Dehydrator" means any person who produces prunes by drying or dehydrating prune plums by means of sun-drying or artificial heat.

8. Section 993.16 is revised to read:

§ 993.16 Producer.

"Producer" means any person who is engaged, in a proprietary capacity, in growing prune plums for drying or dehydrating into prunes.

9. Section 993.21c is revised to read:

§ 993.21c Salable prunes.

"Salable prunes" means prunes which are free to be handled pursuant to producer allotments and any salable percentage established by the Secretary.

10. A new § 993.21e reading as follows is added immediately after § 993.21d:

§ 993.21e Marketable quantity.

"Marketable quantity" means the quantity of prunes constituting the total of all producer annual allotments and adequate to meet the estimated total trade demand of a crop year, permit desirable adjustments in carryover, and provide, if deemed desirable, a reserve against a possible short crop in the subsequent crop year.

11. A new § 993.21f reading as follows is added immediately after new § 993.21e:

§ 993.21f Base quantity.

"Base quantity" means the number of pounds of prunes, expressed as tons, established by the committee pursuant to § 993.44 for a producer.

12. A new § 993.21g reading as follows is added immediately after new § 993.21f:

§ 993.21g Annual allotment.

"Annual allotment" means, for a crop year and for each producer, the number of pounds of prunes expressed as tons, determined by multiplying the producer's base quantity by the allotment percentage.

13. A new § 993.21h reading as follows is added immediately after new § 993.21g:

§ 993.21h Leaf.

"Leaf" means the age, in years, of a budded or grafted prune plum variety of tree, with the first leaf commencing in the crop year in which the tree is permanently planted and produces leaves.

14. The first sentence of § 993.33 is revised to read:

§ 993.33 Voting procedure.

Decisions of the committee shall be by majority vote of the members present and voting and a quorum must be present: *Provided*, That decisions on marketing policy, grade or size regulations, pack specifications, producer allotments, salable and reserve percentages, and on any matters pertaining to the control or disposition of surplus prunes, of reserve prunes, or to prune plum diversion pursuant to § 993.62, including any delegation of authority for action on such matters and any recommendation of rules and procedures with respect to such matters, including any such decision arrived at by mail or telegram, shall require at least 14 affirmative votes. * * *

Section 993.36 is amended as follows:

15. Paragraph (h) is revised.

16. Paragraph (i) is revised.

Paragraphs (h) and (i) of § 993.36 read as follows:

§ 993.36 Duties.

* * * * * *

(h) To prepare and submit to the Secretary monthly statements of the financial operations of the committee, exclusive of surplus prune and reserve prune operations, and to make such statements, together with the minutes of the meetings of said committee, available for inspection at the offices of the committee by producers, dehydrators, and handlers;

(i) To prepare and submit to the Secretary annually, as soon as practicable after the end of each applicable crop year and at such other times as the committee may deem appropriate or the Secretary may request, a statement of the committee's financial operations with respect to surplus prunes for such crop year, as well as a statement of the committee's financial operations with respect to reserve prunes for such crop year, and to make such statements available at the offices of the committee for inspection by producers, dehydrators, and handlers;

* * * * * *

17. Section 993.41 is revised to read:

§ 993.41 Marketing policy.

(a) On or before the fourth Tuesday of the February preceding the first crop year of allotments, and of subsequent Februarys, the committee shall prepare

and submit to the Secretary a report setting forth its recommended marketing policy for the ensuing crop year: *Provided*, That in the first year the committee may prepare and submit such report at a later date. In formulating such marketing policy the committee shall consider and shall include in its report to the Secretary, the following estimates (natural condition basis) and recommendations:

(1) The likely carryover of salable prunes as of August 1;

(2) The domestic trade demand in the ensuing crop year by uses of prunes;

(3) The foreign trade demand in the ensuing crop year by countries or groups of countries;

(4) The desirable carryout of salable prunes at the end of the ensuing crop year;

(5) The quantity of prunes in excess of the ensuing crop year's requirements as may be needed to protect against a possible short crop in the subsequent crop year;

(6) The marketable quantity of prunes;

(7) The estimated quantity of prunes that may not be delivered by producers due to productive capacity reductions in annual allotments pursuant to § 993.45(b);

(8) The recommended allotment percentage for the ensuing crop year;

(9) If deemed desirable for market stability, the maximum quantity of prunes to be made available to handlers as salable prunes from the new crop; and

(10) Such other factors as may have a bearing on the marketing of prunes or the administration of this part.

(b) In July, the committee shall convene for the purpose of recommending and beginning with the first year of allotments, reviewing and, if necessary, modifying its marketing policy for the ensuing crop year. A report thereof shall be prepared and submitted on or before the fourth Tuesday of July to the Secretary. In such meeting, the committee shall consider and shall include in its report to the Secretary, in addition to subparagraphs (1) through (4) of paragraph (a) of this section, the following estimates (natural condition basis) and recommendations:

(1) The carryover of reserve prunes as of August 1;

(2) The grade and size composition of the salable and reserve carryovers;

(3) Beginning in the first year of allotments, the production of prunes with allotments and without allotments;

(4) The probable quality of prunes in the crop;

(5) The quantity of prunes to be withheld as reserve prunes so as to protect against errors of estimation and permit orderly marketing of the supply;

(6) The recommended salable and reserve percentages for the ensuing crop year;

(7) The quantity of prune plums and prunes, dried weight basis, likely to be disposed of by diversion or as surplus;

(8) Any recommended change in grade, size or pack regulations pursuant to §§ 993.49 to 993.53 inclusive;

(9) The probable assessable tonnage for the purposes of § 993.81;

(10) The current prices for prunes, the trend and level of consumer income, and whether producer prices are likely to exceed parity; and

(11) Beginning in the first year of allotments, any recommended suspension of the allotment percentage and annual allotments.

(c) The committee shall modify its marketing policy if it becomes advisable at any time because of changed demand, supply, or other conditions and shall report thereon to the Secretary. Notice of the committee's marketing policy, and of any modifications thereof, shall be given promptly by reasonable publicity to producers, dehydrators, and handlers.

§ 993.42 [Redesignated]

18. Section 993.48 *Regulation* is redesignated as § 993.42.

19. A new center heading "Allotment of Marketable Quantity" is inserted immediately following redesignated § 993.42, and new sections reading as follows are added immediately after that heading:

ALLOTMENT OF MARKETABLE QUANTITY

§ 993.43 Preliminary regulation.

Beginning with the 1967–68 crop year, or such later year as the committee may recommend and the Secretary establish, and until a representative period has been determined pursuant to § 993.44, no handler shall handle as the first handler thereof, prunes delivered to him until he has determined the identity of each producer of the prune plums which were dried or dehydrated and so delivered, the county of production, and the quantity of prunes attributable to such producer. The handler shall furnish such information to the committee at such times and in such form as the committee may request. All such quantities of prunes shall be based on weights determined by Public Weighmasters, either total graded weight or delivered weight, and shall be net prune weight exclusive of foreign material and the weight obligation of § 993.49(c). So that each producer may qualify for a base quantity pursuant to § 993.44, the committee shall furnish each producer of record, early in each calendar year, a form to be filed with the committee whereon the producer reports the location of his orchard(s), the acreage he intends to harvest for prunes, the maturity of the trees, and such other information as the committee needs to establish a base quantity for such producer.

§ 993.44 Base quantities.

(a) *Computation and establishment.* (1) If the Secretary finds that the 1967–68 through 1970–71 crop year, or a period beginning one or more year(s) later than 1967–68, but not less than a three-year period, constitute a representative period in terms of production of prunes for market and the consequent producer sales, a base quantity shall be established for each producer entitled thereto. Each base quantity shall be in an amount equal to either (i) the total sales credited as net prune weight pursuant to § 993.43, plus the weight shown on diversion certificates, of such producer during the representative period divided by the number of years in the period, or (ii) that determined or adjusted pursuant to the applicable provisions of subparagraphs (2), (3), and (4) of this paragraph.

(2) If a producer has immature prune plum trees, in 9th leaf or younger permanently planted as of the effective date of this section, in blocks of acreage not containing mature trees, his base quantity on such acreage shall be established by applying to the acreage the average sales per acre in the representative period from mature acreage of the producer in the locality or the average sales per acre in base quantities for other mature orchards in the locality (if none, the most representative comparable locality), whichever is more representative of the mature sales level for the immature acreage.

(3) If a producer is engaged in a rotation program of replacing old trees with young trees, by the removal and replanting of all or portions of his acreage, without change of location or increase of acreage, whether begun prior to or during the representative period, but the rotation adversely affects his base quantity, such producer shall have such portions of his base quantity as are referable to the rotated acreage established consistent with the provisions of subparagraph (2) of this paragraph: *Provided*, That any such adjustment of a base quantity due to rotation occurring after the effective date of this section shall not cause the producer's base quantity to exceed his approximate base quantity in the absence of such rotation.

(4) If a producer is engaged in a rotation from existing acreage to a new location, that portion of his base quantity attributable to acreage permanently planted prior to the effective date of this section shall be established consistent with subparagraph (2) of this paragraph. However, the base quantity referable to such acreage planted after the effective date of this section shall not exceed the approximate base quantity for the original acreage.

(5) In accordance with subparagraphs (1) and (2) of this paragraph, and based on reports of handlers, producers' certifications and other information, the committee shall establish for use beginning with the first crop year after the representative period, each producer's base quantity and, except as hereinafter provided, shall assign such base quantity to such producer. The right of each producer, or his legal successor in interest to the base quantity, to receive or retain all or part of such base quantity shall be dependent upon his continuing to be a producer and to make a bona fide effort to produce his annual allotment, and failing to do so for three consecutive allotment years, such base quantity shall be reduced by the committee by a percentage equivalent to the unproduced portion

of his annual allotment: *Provided*, That the committee, with the approval of the Secretary, may waive this requirement for good cause.

(b) *Additional base quantities.* Each year after allotments begin the committee shall consider the need for granting, and if appropriate grant, with the approval of the Secretary, additional base quantities, to either a new producer or an existing producer, for such purposes as satisfying the demand for one or more varieties, or adjusting the total of all base quantities to the trade demand.

§ 993.45 Marketable quantity, allotment percentage, and annual allotments.

(a) *Marketable quantity and allotment percentage.* Beginning with the calendar year in which base quantities are first established for producers, and annually each calendar year thereafter if the Secretary finds, on the basis of the committee's recommendation or other information, that limiting the quantity of prunes that handlers may purchase from, or handle on behalf of, producers during the ensuing crop year would tend to effectuate the declared policy of the act, he shall determine the marketable quantity and establish an allotment percentage for such crop year. The allotment percentage shall be determined by dividing the marketable quantity plus the estimate described in § 993.41(a)(7) by the total of all producer base quantities determined pursuant to § 993.44 which may be an estimated total for the first crop year of allotments. Except as provided in this part, no handler shall purchase or handle on behalf of any producer prunes not within such producer's annual allotment. Based on a recommendation of the committee pursuant to § 993.41(b) or other information, the Secretary may suspend the allotment percentage applicable to any crop year and producers' annual allotments.

(b) *Annual allotments.* Upon determination of the marketable quantity and establishment of an allotment percentage by the Secretary for an ensuing crop year, the committee shall issue to each producer an annual allotment for such ensuing crop year computed except as otherwise provided in this paragraph, by applying the allotment percentage established pursuant to paragraph (a) of this section to the producer's base quantity. Such issuance shall be conditioned upon the producer filing with the committee, within a specified time, a form furnished by the committee whereon the producer states at least where he intends to produce his annual allotment, the acreage he intends to harvest, the maturity of the trees, changes of location, if any, and such other information required by the committee to administer this part. If the committee determines that due to acreage, immature age of trees, or other cause, the producer will be unable to produce his computed annual allotment, the committee shall apply to his base quantity an appropriate portion of the allotment percentage so as to reduce the annual allotment it issues to reflect productive capacity. The committee may, with the approval of the Secretary, establish a schedule of reductions for ages of immature trees or for other factors of production. Except as provided in § 993.47, no handler, producer, or other person shall be the assignee or transferee of an annual allotment, or portion thereof, except that a person other than a handler may deliver prunes in the stead of the producer holding the allotment but no handler shall receive prunes from such other person except to the extent authorized by the committee. When an allotment percentage is in effect, the weight of all prunes shall be based on weights determined by Public Weightmasters, and any weight obligation pursuant to § 993.49(c) shall not be a part of a producer's annual allotment.

§ 993.46 Surplus prunes.

(a) *General.* Prunes that are in excess of an effective individual producer annual allotment or the total of such annual allotments to members, delivered pursuant to membership contracts, of a cooperative marketing association, shall be surplus prunes. Prior to January 15 of the crop year, producers of such prunes may sell or transfer them to producers capable of using them to satisfy a deficiency of production relative to their annual allotment. No handler shall handle surplus prunes except that any handler who is a packer shall be a designee of the committee, under such conditions as it shall specify as to holding and delivery obligations, with the approval of the Secretary, to receive and hold surplus prunes for the account of the committee. Any producer or dehydrator selling or delivering surplus prunes to other than the committee or its designees or to a producer satisfying a deficiency, as provided in this paragraph, shall be a handler relative to such transaction. Any producer may dispose of surplus prunes of his own production within his own livestock feeding or other farming operation and, prior to or after January 15, such prunes may be delivered to the committee or its designees for inclusion in the surplus pool.

(b) *Committee's right of disposition.* The committee shall have the power and authority to sell or dispose of any and all surplus prunes delivered to it or held by handlers for its account, but no such disposition shall be in normal outlets except upon a finding of the committee, approved by the Secretary, that it will not interfere with the demand for salable prunes or reserve prunes. The committee may sell and ship, or instruct handlers to ship, surplus prunes for nonhuman consumption purposes. The committee may arrange to store surplus prunes at other than a handler's premises.

(c) *Distribution of proceeds.* The committee shall account for the disposition of surplus prunes to the equity holders thereof, in distributing to them any proceeds received in excess of the costs incurred by the committee for the receiving, handling, holding, or disposing of surplus prunes. The monies received as revenues as well as the expenses incurred, including the administrative and distribution costs, shall be treated as surplus pool revenue and expenses.

§ 993.47 Transfers.

(a) *Of location.* A producer owning the orchard(s) determining the base quantity may transfer from the location(s) where he produces his annual allotment to other land which he farms. If a producer does not own the original orchard land no such transfer shall be valid and no further annual allotments referable to such orchard shall be granted by the committee to such producer unless the orchard owner consents to the transfer. The committee shall, by such means as are provided in § 993.45(b), obtain information as to the location(s) where such producer intends to produce each annual allotment.

(b) *To another producer.* A producer owning the orchard(s) determining the base quantity may transfer all or part of a base quantity from himself to another producer. If the transferor is not the owner of the orchard land, the transfer shall not be valid nor shall an annual allotment be granted by the committee to the potential transferee unless the orchard owner consents to the transfer. No transfer shall be recognized by the committee except upon the transferor and transferee notifying the committee in writing and the transferee submitting evidence of capability to produce and harvest the annual allotment referable thereto. If any producer disposes of acreage and ceases to be a producer thereon prior to the issuance of base quantities pursuant to § 993.44(a) and, if the purchaser continues the acreage in production of prune plums, such purchase shall be deemed to authorize issuance of the base-quantity, applicable to such acreage to the successor producer.

§ 993.54 [Amended]

20. The second sentence of § 993.54 is revised to read: "The salable and reserve percentages when applied to the natural condition weight of prunes received during the crop year by a handler from producers and dehydrators, excluding surplus prunes and excluding the weight obligation of § 993.49(c), plus that diverted tonnage (dried weight natural condition prune basis) on diversion certificates issued pursuant to § 993.62 and credited to or held by him, shall determine the weight of each handler's receipts which are salable prunes and reserve prunes."

§ 993.55 [Amended]

21. The first sentence of § 993.55 is revised to read: "The salable and reserve percentages established for any crop year shall also apply to prunes received by handlers in the subsequent crop year, excluding surplus prunes and excluding the weight obligation of § 993.49(c), and before salable and reserve percentages are established for that crop year."

§ 993.56 [Amended]

22. The first sentence of § 993.56 is revised to read: "Whenever salable and reserve percentages are in effect for a crop

year, the reserve obligation of a handler shall approximate the average marketable content of the handler's receipts and shall be a weight of natural condition prunes equal to the reserve percentage applied to the natural condition weight of prunes such handler receives during the crop year from producers and dehydrators, excluding surplus prunes and excluding the weight obligation of § 993.49(c), plus that diverted tonnage (dried weight natural condition prune basis) on diversion certificates credited to or held by him which were issued pursuant to § 993.62."

23. Section 993.59 is revised to read:

§ 993.59 Payment to handlers for services.

The committee shall pay handlers for necessary services rendered by them in connection with reserve prunes or surplus prunes including, but not limited to, inspection, receiving, storing, grading, and fumigation, in accordance with the respective reserve or surplus schedules of payments and conditions established by the Secretary after recommendation by the committee.

24. Paragraph (a) *Prune plums* of § 993.62 is deleted and a new paragraph (a) *Termination* added to read:

§ 993.62 Diversion privileges.

(a) *Termination.* Beginning with the first year in which base quantities are established, the provisions of this section shall terminate.

* * * * *

Dated: July 14, 1967.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 67-8293; Filed, July 18, 1967; 8:47 a.m.]

[7 CFR Part 1004]

[Docket No. AO 160-A34]

MILK IN DELAWARE VALLEY MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Philadelphia, Pa., on June 12–13, 1967, pursuant to notice thereof issued on May 29, 1967 (32 F.R. 7976), and a supplemental notice thereto issued June 2, 1967 (32 F.R. 8176).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, on June 30, 1967 (32 F.R. 9836; F.R. Doc. 67-7735), filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision (32 F.R. 9836; F.R. Doc. 67-7735) are hereby approved and adopted and are set forth in full herein.

The material issues on the record of the hearing relate to:

1. Providing a base and excess plan for payment of producers and need for emergency action with respect to this plan.
2. Diversion of milk to other Federal order plants for Class II use.
3. Modification of the point of pricing of diverted milk.
4. Shipping requirements for supply plants to attain pool plant status.

This decision deals only with issue No. 1. All the remaining material issues will be considered in a further decision on the record.

Findings and conclusions. The following findings and conclusions on the material issue are based on evidence presented at the hearing and the record thereof:

Issue No. 1, Base and excess producer payment plan. The order should provide for the payment of producers under a base and excess plan as a means of encouraging a uniform level of production throughout the year.

The base-excess plan proposed by one of the major cooperatives in the market and included herein, is identical with minor exceptions to the plans contained in the Washington, D.C., and Upper Chesapeake Bay markets.

Effective May 1, 1967, the Class I seasonal pricing plan was removed from the Delaware Valley order. The base-excess plan was then proposed in recognition of the problems involved in inducing producers to maintain a desirable pattern of production throughout the year. With the discontinuance of seasonal pricing there is no longer adequate financial incentive for producers to maintain production patterns that meet the seasonal needs of the market.

In the Delaware Valley market production usually reaches its high during the March through June period and its low during the July through December period. On the other hand, Class I sales hold relatively even during the year. When production and sales patterns are considered together the greatest need for production is during the July through December period and the least need for production is during the March through June period.

The base-excess plan herein proposed will provide added incentive for the producers to maintain the needed production pattern. This is accomplished by providing that each producer's base shall be based on his deliveries of milk during the low production months. Hence, each producer's returns during the high production months reflect the degree of conformity of his production during such period with that of the low production months.

Base-excess plans have been operated in various forms in the market by the proponent cooperative since as early as 1920. In recent years the cooperative has operated base plans in conjunction with several handlers for which its members were the sole suppliers. These base plans have apparently been readily accepted by the producers involved. The proponent also indicated that many of its members who had not been under base-excess plans were also interested in a base-excess plan for the market.

Under the plan herein adopted bases will be determined annually. Bases so computed will reflect each individual producer's average daily deliveries during the months of July through December to the extent that deliveries were made on 154 or more days. These bases will be effective for the subsequent months of March through June. Each producer will receive payment at the base price for milk delivered during the March–June period which is not in excess of his established base. Milk delivered in such months in excess of his established base will be paid for at the excess price.

The computation of a daily base for each producer would be made by the market administrator who should be required to notify producers of their established bases on or before the 20th day of February each year.

The market administrator cannot compute the bases earned by individual producers until after the end of the base-forming period on December 31 of each year. On the other hand, a producer needs to know the size of his daily base prior to the March 1 beginning of the base-paying period. Provision for notification of the producer of his daily base by February 20 of each year will allow the market administrator sufficient time to compute the bases and yet give the producers advance notice of the size of their bases so that they may make any needed adjustments in their operations.

The daily base of each producer will be determined by dividing his total deliveries of milk during the base-forming months by the number of days of delivery but by not less than 154 days.

The calendar period from July through December is 184 days. Therefore, a producer delivering during the entire period should have his deliveries divided by 184 in determining his base. Where a producer is on every-other-day delivery and a delivery is made on July 1, the delivery would, in fact, include production from the last day of June. Therefore, in such case the divisor for the entire period of delivery should be 185 which would be the total number of days of production included in his deliveries. When he delivers on less than 184 days his deliveries should also be divided by the number of days of production included in his deliveries except that the divisor should in no case be less than 154.

A base-excess plan is adopted to encourage a uniform production pattern throughout the year. Therefore, a producer should be required to deliver his milk regularly to the market during the months of short production (the base-forming period) in order to earn a full base on which he would be paid a higher price during the flush production months (the base-paying period). However, by providing a minimum divisor of 154, a 30-day allowance is made which will accommodate unusual circumstances which might prevent deliveries of production from each day during the full period.

Definitions of "base milk" and "excess milk" should be provided to implement the base-excess plan as herein proposed. The amount of base milk to which a producer may be entitled during each of the base-paying months of March through June should be computed by multiplying the number of days in such months on which the producer's milk is received by the daily base determined for such producer. In the case of every-other-day delivery the order should provide that the day of nondelivery prior to a day of delivery, although such prior day is in the preceding month, be considered as a day of delivery in determining the amount of base milk to which the producer is entitled during the month.

The amount of a producer's deliveries up to the amount of base milk to which he is entitled during the month will be base milk. Any deliveries by the producer above the amount of base milk to which he is entitled will be excess milk.

Because of the recent change in the Delaware Valley order to a marketwide pooling arrangement and in light of the necessity for instituting this base-excess plan on such short notice the first base-forming period should not begin until August 1, 1967. This will insure greater equity among all producers by allowing time for adjustments to be made to the changed market structure without a reduction in the size of the producer's base.

The first base-forming period should be August through December 1967. The number of calendar days during this period, therefore, would be 153 and in the case of every-other-day delivery beginning on August 1, the total days delivered would be 154. Bases would be computed in the same manner as otherwise provided except that the minimum divisor should be reduced by the previously discussed 30-day contingency period. During this first base-forming period, therefore, the minimum divisor will be 123.

With respect to provisions hereinafter discussed relating to bases for producers transferring from either the Washington, D.C., or Upper Chesapeake Bay markets during the base-forming period and for producers delivering to plants which become pool plants after the beginning of the base-forming period, it is concluded that such bases formed during the initial base-forming period should be computed from deliveries during August through December the same as for the other producers. This will provide each affected producer equal treatment under these provisions.

Bases are applicable only during the months of March through June which are the months of highest production and of least need for additional supplies. Any producer who does not establish a base during the months of July through December has not, in fact, served the market when his milk was needed; therefore, he should not appropriately share in the Class I sales during the four flush production months when his milk would not be needed for Class I use. However, provision should be made to cover a situation in which a producer transfers from the Washington, D.C., or Upper Chesapeake Bay markets to the Delaware Valley market during the base-forming period.

There is a close interrelationship between the three markets, To a large degree they draw upon the same supply area and producers should not be unduly inhibited from shifting between the markets in response to the varying needs of the markets.

Such a provision should allow a producer who has delivered to either of the other two markets during the July through September period and then to the Delaware Valley market during the October through December period to establish a base under the Delaware Valley order computed from total deliveries to all three orders during the entire July through December base-forming period.

Both the Washington, D.C., and Upper Chesapeake Bay orders contain base-excess plans essentially identical to the plan herein proposed for the Delaware Valley order. Therefore, producers delivering to these markets during the base-forming period are in fact operating under a base-excess plan and are producing accordingly for a fluid market. However, providing that they can form a full base under the Delaware Valley order only if they delivered to the Delaware Valley market during the last 3 months of the base-forming period assures that they have been associated with that market when the supplies are most needed.

The Washington, D.C., and Upper Chesapeake Bay orders now have similar provisions for transfer of producers between those two orders. Although, these two orders do not presently provide for similar transfers from the Delaware Valley market, the interrelationship of these markets and the similarity of base plans requires that the Delaware Valley order provide for such transfers.

Producers and producer representatives associated with the New York-New Jersey market proposed that similar treatment be provided for producers who might wish to transfer from the New York-New Jersey market which operates a seasonal incentive (Louisville) plan. Similar treatment in such case would be unjustified since the two types of plans are not compatible for the purposes of transferring base-forming rights. If similar provisions were made, a producer could associate himself with a pay-back market until October 1 and then form a base on the Delaware Valley market which includes deliveries to the other market for which the producer would have shared in part in payments under the seasonal incentive plan. Then in the flush months such producer would benefit by drawing a base price under the Delaware Valley order while his counterparts under the "Louisville" plan were receiving a lower price during the takeout period. Such treatment would allow the producer a decided financial advantage under both orders without commitment to either market. Therefore, this modification is denied.

Provision also should be made for computing bases for dairy farmers delivering to a plant which first achieves pool plant status after the beginning of the base-forming period. For such farmers bases should be computed from records of deliveries to the plant during the applicable base-forming period. Also, provision should be made for a producer who delivered to a pool plant during September through December but was considered as a "dairy farmer for other markets" during the immediately preceding months of July and August to have his base computed from his total deliveries to the pool and nonpool plants of the handler during the entire July through December period. These two provisions will permit such producers to share equitably with all other producers in the returns for milk.

Operation of the base-excess plan for paying producers requires certain rules in connection with the establishment and transfer of bases to provide reasonable administrative workability of the plan.

In general these rules herein adopted are identical to those contained in the Washington, D.C., and Upper Chesapeake Bay orders. Because the three markets to a large extent draw from a common supply area it was considered desirable to provide a base-excess plan for the Delaware Valley order essentially identical to those contained in the other two orders. Since these rules have worked well in the other two orders and because of the interrelationship of the Delaware Valley market's supply with their supply these rules are concluded to be equally appropriate for Delaware Valley.

The order should provide that a base may be transferred in its entirety upon proper application to the market administrator for such transfer signed by the parties involved. Such application is to be made on or before the second day of the month following the month of transfer. It is also necessary for administrative reasons to provide a procedure for assignment of bases in cases of joint ownership where the order provides for the allotment of only one base. In such cases the rules should provide for division of a base among joint holders upon termination of partnership if certain conditions are met. If a copy of the partnership agreement setting forth the percentage of the total interest of the partners in the base is filed with the market administrator before the end of the base-making period then, upon termination of the partnership agreement, each partner would be entitled to his stated share of the base.

When a producer operates more than one farm selling milk eligible for forming a base a separate base should be established for each farm.

During the months of March through June, separate uniform prices will be computed for base milk and excess milk. Base milk of each producer is that quantity of milk delivered by him during the

month up to his average daily base multiplied by the number of days of production delivered by him to handlers during the month. Milk delivered in addition to this quantity by the producer will be excess milk.

The uniform price for excess milk would be computed first and is generally the Class II price. However, if the total Class I sales exceed the total quantity of base milk the excess uniform price is a blend of the Class I and Class II usage of excess milk.

The uniform price for base milk is determined by dividing the total volume of base milk into the remaining value of milk of all producers after subtracting the value of excess milk.

In some cases, due to audit adjustment or inventory classification, the normal procedure for calculation of base and excess prices might result in a base price higher than the Class I price. If this should occur, such additional value over the Class I prices should be assigned first to excess milk until the value of excess milk per hundredweight is brought up to the Class I price and any remaining additional value should be prorated between base and excess milk.

The order presently provides for location differentials to producers at the Class I rate applicable to handlers. Such differentials should continue to apply to all producer milk during July through February and to producer base milk during March through June. However, application of the Class I rate to excess milk during March through June could result in the excess price at certain locations being lower than the Class II use value of the milk at such locations. Therefore, the order should provide that excess milk be subject to the same location differential rate as the handler Class II location differential rate.

Emergency action. The notice of hearing stated that consideration would be given to the economic and emergency marketing conditions relating to this proposed amendment. Producer representatives requested emergency action in order that the plan be made effective as soon as possible. This was to provide as close to a full initial base-forming period as possible so as to properly affect production decisions during the 1967 base-forming period and the 1968 base-paying period.

It is concluded that these ends can be achieved without the omission of the recommended decision. Therefore, the request to eliminate the issuance of the recommended decision and the opportunity to file exceptions thereto is denied.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions, and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or to reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exception. In arriving at the findings and conclusions, and the regulatory provisions of this decision, the exception received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with the exception, such exception is hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Delaware Valley Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Delaware Valley Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Referendum order; Determination of representative period; and designation of referendum agent. It is hereby directed that a referendum in which each individual producer shall have one vote be conducted to determine whether the issuance of the base and excess plan of payment to producers as specified in the attached order, amending the order, as amended, regulating the handling of milk in the Delaware Valley marketing area, is separately approved or favored by the producers, as defined under the terms of the order, as amended and as so proposed to be amended, and who, during the representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

The month of June 1967 is hereby determined to be the representative period for the conduct of such referendum. L. S. Iverson is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders (7 CFR 900.300 et seq.), such referendum to be completed on or before the 30th day from the date this decision is issued.

Signed at Washington, D.C., on July 13, 1967.

ORVILLE L. FREEMAN,
Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Delaware Valley Marketing Area

§ 1004.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Delaware Valley marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Delaware Valley marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, Regulatory Programs, on June 30, 1967, and published in the FEDERAL REGISTER on July 6, 1967 (32 F.R. 9836; F.R. Doc. 67-7735), shall be and are the terms and provisions of this order, and are set forth in full herein.

1. In § 1004.16, the period at the end of paragraph (c) is changed to a semicolon and new paragraphs (d) and (e) are added to read as follows:

§ 1004.16 Milk and milk products.

* * * * *

(d) "Base milk" means milk received from a producer by a pool handler during any of the months of March through June of each year which is not in excess of such producer's daily base computed pursuant to § 1004.63 multiplied by the number of days in such months on which such producer's milk was so received: *Provided*, That with respect to any producer on every-other-day delivery, the day of nondelivery prior to a day of delivery, although such prior day is in the preceding month, shall be considered as a day of delivery for the purpose of this paragraph;

(e) "Excess milk" means milk received from a producer by a pool handler during any of the months of March through June which is in excess of base milk received from such producer during such month.

2. In § 1004.22, subparagraph (2) of paragraph (j) is revised and a new paragraph (o) is added, both to read as follows:

§ 1004.22 Duties.

* * * * *

(j) * * *

(2) The 13th day of each month, the uniform price(s) computed pursuant to §§ 1004.71 and 1004.72 and the butterfat differential to producers computed pursuant to § 1004.81, both for the preceding month;

* * * * *

(o) On or before February 20 of each year notify:

(1) Each cooperative association of the daily base established by each producer member of such association; and

(2) Each nonmember producer of the daily base established by such producer.

3. A new § 1004.63 is added to read as follows:

§ 1004.63 Computation of base for each producer.

For each of the months of March through June each year the market administrator shall compute, subject to the rules set forth in § 1004.64, a base for each producer described in paragraphs (a) through (d) of this section by dividing the applicable quantity of milk receipts specified in such paragraph by 184 (by 185, in the case of a producer on every-other-day delivery schedule who delivered July 1) less the number of days, if any, during the immediately preceding base-forming period of July through December for which it is shown that the day's production of milk of such producer was not received by a pool handler as described in the applicable paragraphs (a), (b), (c), or (d) of this section under which such producer's base is computed: *Provided*, That in no event shall the number of days used to compute a producer's base pursuant to this part be less than 154; except that with respect to this paragraph and paragraphs (a), (b), and (c) of this section the initial base-forming period shall be August through December 1967 and the minimum number of days used to compute the producer's base which will be applicable during the March through June 1968 base-paying period shall be not less than 123:

(a) For any producer, except as provided in paragraphs (b), (c), and (d) of this section, the quantity of milk receipts shall be the total pounds of producer milk received by all pool handlers from such producer during the preceding months of July through December;

(b) For any producer whose milk was received during the preceding months of July through December at a plant which became a pool plant after the beginning of such base-earning period, the quantity of milk receipts shall be the total pounds of milk received from such dairy farmer during such July–December period by pool handlers as producer milk or at the plant as a nonpool plant;

(c) For any producer who, during any of the three base-earning months July through September the preceding year (two base-earning months of August and September 1967 during the initial base-earning period), qualified under Order 3 (Washington, D.C.) or Order No. 16 (Upper Chesapeake Bay) as a producer and was a producer under Order No. 4 during all of each of the three remaining base-earning months of October, November, and December, the quantity of milk receipts shall be the total pounds of milk received from such farmer during all of the months of July through December by pool handlers under each of the orders; or

(d) For any producer not described in paragraphs (b) or (c) of this section but whose milk was received by a handler as producer milk during the months of September, October, November, and December of the preceding year at a pool plant at which receipt of his milk in the immediately preceding months of July and August would have qualified or did qualify him as a "dairy farmer for other markets" pursuant to § 1004.14(b), the quantity of milk receipts shall be the total pounds of milk received from such producer by pool handlers during such months of July through December and verified receipts at the nonpool plant of the handler, affiliate of the handler or any person who controls or is controlled by the handler during such months of July through September.

4. A new § 1004.64 is added to read as follows:

§ 1004.64 Base rules.

The following rules shall apply in connection with the establishment of bases:

(a) A base computed pursuant to § 1004.63 or as designated pursuant to paragraph (c) of this section may be transferred in its entirety to any other person upon written application to the market administrator on or before the second day of the month following the month of transfer. Such application shall be on a form approved by the market administrator and shall be signed by the base holder, or his heirs, or assigns and by the person to whom such base is to be transferred: *Provided*, That if a base is held jointly, the entire base shall be transferable only upon receipt of such application signed by all joint holders or their heirs, or assigns;

(b) If a producer operates more than one farm, and milk is received from each at a pool plant or by a cooperative association in its capacity as a handler pursuant to § 1004.10 (b) or (c), he shall establish a separate base with respect to producer milk delivered from each such farm;

(c) Only one base shall be allotted with respect to milk produced by one or more persons where the dairy farm is jointly owned or operated: *Provided*, That in the case of a base established jointly, if a copy of the partnership agreement setting forth as a percentage of the total the interests of the partners in the base is filed with the market administrator before the end of the base-making period, then upon termination of the partnership agreement each partner will be entitled to his stated share of the base to hold in his own right, or to transfer as provided in paragraph (a) of this section (including transfer to a partnership of which he is a member) such division with respect to any member of the partnership to be effective as of the end of any month during which an application for such division signed by each member is received by the market administrator.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met and for the provisions relating to the base and excess plan, unless and until the requirements of section 608c(5)(B)(ii)(d) of the Agricultural Marketing Agreement Act of 1937, as amended, have been met.

5. In § 1004.71, the introductory paragraph and paragraph (f) are revised to read as follows:

§ 1004.71 Computation of uniform price.

For each month the market administrator shall compute the weighted average price and for each of the months of July through February the uniform price per hundredweight of milk received from producers as follows:

* * * * *

(f) Subtract not less than four cents or more than five cents per hundredweight. The result shall be the single "weighted average price" and also the "uniform price" per hundredweight for milk of 3.5 percent butterfat received from producers in the months of July through February.

6. A new § 1004.72 is added to read as follows:

§ 1004.72 Computation of uniform prices for base milk and excess milk.

For each of the months of March through June the market administrator shall compute the uniform prices per hundredweight for base milk and excess milk received from producers, each of 3.5 percent butterfat content, f.o.b. market, as follows:

(a) Compute the aggregate value of excess milk for all handlers included in the computations pursuant to § 1004.71 (a) as follows:

(1) Multiply the hundredweight quantity of such milk which does not exceed the total quantity of producer milk received by such handlers assigned to Class II milk by the Class II milk price;

(2) Multiply the remaining hundredweight quantity of excess milk by the Class I milk price; and

(3) Add together the resulting amounts;

(b) Divide the total value of excess milk obtained in paragraph (a) of this section by the total hundredweight of such milk and round to the nearest cent. The resulting figure shall be the uniform price for excess milk;

(c) From the amount resulting from the computations of § 1004.71 (a) through (d) subtract an amount computed by multiplying the hundredweight of milk specified in § 1004.71(c)(2) by the weighted average price;

(d) Subtract the total value of excess milk determined by multiplying the uniform price obtained in paragraph (b) of this section by the hundredweight of excess milk, from the amount computed pursuant to paragraph (c) of this section;

(e) Divide the amount calculated pursuant to paragraph (d) of this section by the total hundredweight of base milk for handlers included in these computations: *Provided*, That if the resulting price should exceed the Class I price by more than the amount deducted pursuant to paragraph (f) of this section the aggregate amount in excess thereof shall be included in the computation of the excess price pursuant to paragraph (a) of this section, except that if by such addition the excess price should exceed the base price then the aggregate amount of the excess shall be prorated to the aggregate values of base milk and excess milk on the basis of the respective volumes of base and excess milk; and

(f) Subtract not less than four cents nor more than five cents from the price computed pursuant to paragraph (e) of this section. The resulting figure shall be the uniform price for base milk.

7. In § 1004.80, paragraph (a) and subparagraph (2) of paragraph (d) are revised to read as follows:

§ 1004.80 Time and method of payment.

(a) Except as provided in (b) and (d) of this section, each pool handler shall make payment as specified in subparagraph (1) and (2) of this paragraph to each producer from whom milk is received.

(1) On or before the last day of each month at not less than the Class II price for the preceding month per hundredweight for his deliveries of producer milk during the first 15 days of the months of July through February and for his deliveries of base milk during the first 15 days of the months of March through June; and

(2) On or before the 20th of the following month at not less than the uniform price computed pursuant to § 1004.71 for the month of July through February and at not less than the price for base milk computed pursuant to § 1004.72 (c) through (f) with respect to base milk received from such producer and not less than the excess price determined pursuant to § 1004.72 (a) and (b) for excess milk received from such producers for the months of March through June subject to the following adjustments:

(i) Proper deductions authorized in writing by such producers;

(ii) Partial payments made pursuant to subparagraph (1) of this paragraph;

(iii) The butterfat differential computed pursuant to § 1004.81; and

(iv) Less the location differential received pursuant to § 1004.82: *Provided*, That if by such date such handler has not received full payment from the market administrator pursuant to § 1004.85 for such month he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payment to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after receipt of the balance due from the market administrator;

* * * * *

(d) * * *

(2) A final payment equal to the value of such milk at the uniform price(s) adjusted by the applicable differentials pursuant to §§ 1004.81 and 1004.82, less the amount of partial payment on such milk.

8. Section 1004.82 is revised to read as follows:

§ 1004.82 Location differential to producers.

(a) For milk received from producers and from cooperative association handlers pursuant to § 1004.10(c), subject to the exception contained in § 1004.15(d):

(1) The uniform price computed pursuant to § 1004.71 during any month(s) of July through February and the uniform price for base milk computed pursuant to § 1004.72 for base milk received from producers during any month(s) of March through June at a pool plant located at least 45 miles from the nearest of the city halls, in Philadelphia, Pennsylvania; Atlantic City or Trenton, New Jersey, by the shortest highway distance as determined by the market administrator shall be reduced 25 cents plus one and one-half cent for each additional 10 miles.

(2) The uniform price for excess milk computed pursuant to § 1004.72 for excess milk received from producers during any month(s) of March through June at a pool plant at which a location differential applies shall be reduced by a location differential computed pursuant to § 1004.82(c).

(b) For purposes of computations pursuant to §§ 1004.84 and 1004.85 the weighted average price shall be reduced at the rates set forth in paragraph (a) (1) of this section applicable at the location of the plant(s) at which the milk was received with respect to other source milk for which a value is computed pursuant to § 1004.70(e) (1) and at the location of the nonpool plant(s) from which the milk was received with respect to other source milk for which a value is computed pursuant to § 1004.70(e)(2).

9. In § 1004.84, paragraph (b) is revised to read as follows:

§ 1004.84 Payments to the producer-settlement fund.

* * * * *

(b) The sum of:

(1) The value of milk received by such handler from producers and from cooperative association handlers pursuant to § 1004.10(c) at the applicable uniform price(s) pursuant to § 1004.71 and § 1004.72 adjusted by producer butterfat and location differentials, less in the case of a cooperative association on milk for which it is a handler pursuant to § 1004.10(c), the amount due from other handlers pursuant to § 1004.80(d); and

(2) The value at the weighted average price adjusted by the producer butterfat differential pursuant to § 1004.81 and the location differential on nonpool milk pursuant to § 1004.82(b) (not to be less than the value at the Class II price) with respect to other source milk for which values are computed pursuant to § 1004.70(e).

[F.R. Doc. 67-8287; Filed, July 18, 1967; 8:45 a.m.]

[7 CFR Part 1032]

MILK IN SOUTHERN ILLINOIS MARKETING AREA

Notice of Proposed Suspension of Certain Provision of Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of a certain provision of the order regulating the handling of milk in the Southern Illinois marketing area is being considered for the month of August 1967.

The provision proposed to be suspended is in § 1032.14(b)(2) and reads as follows, "during the months of May and June and in any month for not more than 8 days of production of producer milk by such producer", relating to diversion of producer milk to nonpool plants.

This suspension action was requested by a handler and several cooperative associations. It is contended that without this action it would be necessary during August 1967 for large quantities of producer milk to be received at pool plants before being transferred to nonpool plants for manufacturing. This suspension is requested to enhance the efficient movement of producer milk direct from farms of producers to nonpool manufacturing plants.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 3 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in duplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Signed at Washington, D.C., on July 13, 1967.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 67-8290; Filed, July, 18, 1967; 8:46 a.m.]

[7 CFR Part 1076]

[Docket No. AO 260-A10]

MILK IN EASTERN SOUTH DAKOTA MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreements and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Eastern South Dakota marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the 10th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Sioux Falls, S. Dak., on April 20, 1967, pursuant to notice thereof which was issued April 3, 1967 (32 F.R. 5638).

The material issues on the record of the hearing relate to:

1. The pool status of a stand-by plant operated by a cooperative association;
2. Revising the diversion provisions;
3. Accounting for route returns;
4. Replacing the "base-excess" plan with a "Louisville" plan of seasonal price adjustment; and
5. The administrative assessment.

The notice of hearing contained a proposal to remove Walworth County, S. Dak., from the marketing area. No one appeared at the hearing to support this proposal. Since no evidence was presented with respect to it, it will receive no further consideration in this decision.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof.

1. *The pool plant status of a plant operated by a cooperative association.* A plant, other than a distributing plant operated by a cooperative association should be a pool plant regardless of the volume of milk which moves from such plant to the pool plants of other handlers if more than 50 percent of the total milk supply of producers who are members of such cooperative association is shipped to pool distributing plants of other handlers either directly from the farm or by transfer from the plant of the cooperative association. A distributing plant operated by a cooperative association should continue to be required to meet the same performance standards as all other distributing plants to qualify for pool status.

The major cooperative association in the market operates a plant at Sioux Falls, S. Dak., where the major portion of the reserve supply of the market is manufactured into dairy products, primarily butter and nonfat dry milk. Milk is also received from manufacturing grade producers.

In addition to its manufacturing facilities, this plant has limited storage facilities for the handling of Grade A milk. These have been approved by the appropriate health authorities as a source of Grade A milk for both the local market and for interstate shipment. In the past, this plant has not served as a regular source of supply for pool plants, although occasional deliveries of fluid milk products are made to pool plants to supplement direct farm receipts. Occasionally in the past milk has also been shipped from the cooperative plant to markets to the south for fluid use.

Because of the limited volume of milk which moves through the plant en route to pool plants, this plant is unable to qualify as a pool plant. The producer milk received at such plant retains its pool status only as diverted milk.

At the present time, the market is undergoing a substantial change in the pattern of milk distribution. Several mergers and consolidations of distribution plants have already taken place, with the resultant closing of plants and the concentration of the bottling operation in a few large plants. This trend is expected to continue.

Throughout the marketing area there are several population centers, each of which had its own bottling plants and a local supply of milk. As these bottling plants close, it becomes increasingly necessary to receive the milk of the producers who supplied these plants at a central point where it can readily be moved to the remaining plants for fluid use or manufactured into dairy products when not needed for fluid uses.

The cooperative plant in addition to serving as the principal outlet for the reserve supply of the market, is taking on the function of a balancing plant for the handlers in the market. Even with an increased demand from pool distributing plants for milk from the cooperative plant as a result of the changing market situation, it is unlikely that it will meet the pooling standards in the immediate future. Since it may become necessary to receive the milk of some producers at this plant almost every day, the diversion provisions alone no longer provide a satisfactory means of retaining the milk of such producers in the pool.

The cooperative plant acts as the surplus disposal plant not only for the milk of its own members, but also for the milk of the smaller local bargaining cooperatives in the market, whenever requested to do so. This plant is being called on to handle more and more of the milk of the smaller organizations. As a result of the consolidation of plants described elsewhere in this decision, some of these cooperatives find it difficult to dispose of milk in the immediate vicinity of the producers' farms and the cooperative plant at Sioux Falls becomes the logical outlet for such milk.

The proposal of the cooperative associations was to grant pool plant status to a plant operated by a cooperative association whose members constitute the majority of the producers on the market. While such a provision would accommodate the situation in the market at the present time, it would not be appropriate if conditions were to change to the point that the major cooperative no

longer represented a majority of the producers on the market. Similarly, it would not apply if it became necessary for one of the other cooperative associations to acquire a plant to handle the reserve supplies of the market.

Therefore, the order should provide that a plant operated by a cooperative association whose primary function is supplying milk to pool distributing plants of other handlers should be a pool plant. This will accommodate the efficient and orderly handling of the market's supply at the present time and prevent hardship resulting from further changes in the distribution pattern of the market that could take place in the future.

2. *Revision of the diversion provisions.* The volume of milk permitted to be diverted should be based on a percentage of total deliveries by all producers who are members of a cooperative association or whose milk is received at a pool plant. To be eligible for diversion a producer's milk should be received at a pool plant at least three days during a month.

The order currently provides that during the months of July through March the milk of an individual producer may be diverted to a nonpool plant for as many days during the month as it is received at a pool plant. With the closing of plants noted above, it has become necessary to divert increasing quantities of milk at some localities in the milkshed. Because of the location of certain farms in relation to the manufacturing plants, it is more economical to divert some loads than others.

In order to permit the most economical movement of milk and eliminate the extensive recordkeeping necessary to insure that each individual farmer's milk be received at a pool plant on at least half the days of delivery, the diversions should be based on a percentage of total deliveries of member producer milk. For the months of July through February a cooperative should be permitted to divert milk in an amount equal to 35 percent of its member producer milk received at all pool plants during the month.

Any handler operating a pool plant would likewise be permitted to divert up to 35 percent of the receipts at the plant from producers who were not members of a cooperative association which was diverting member milk in the same month. In both cases, diversions in excess of the amount permitted would not be producer milk. The cooperative association or the plant operator who diverted the milk would be required to designate the dairy farmers whose milk would be ineligible as producer milk. In the event the diverting cooperative association or plant operator failed to designate those producers whose milk was ineligible, all of the milk diverted to a nonpool plant by such cooperative association or plant operator would forfeit its producer milk status for the month.

No percentage limitation should be placed on the percentage of milk which may be diverted during the months of March through June. The present order permits unlimited diversion in April, May and June. However, the production pattern has changed in recent years to the point where the spring flush begins in March and tapers off in June. Thus, it is now necessary to divert substantial quantities of milk in March.

The present order provides no standard for identifying a producer's association with the market during the months of unlimited diversion. In order to insure a producer's association with the market, during these months as well as during the remainder of the year, it is provided that milk must be received at a pool plant from a producer at least three days each month in order for his milk to be eligible to be considered diverted milk if caused to be delivered to a nonpool plant during the remainder of the month.

3. *Accounting for route returns.* One handler proposed that the definition of a Class I product be changed to designate fluid milk products "sold" rather than "disposed of," from the plant as now required.

The purpose of his proposal was to obtain a Class II classification for packaged fluid milk products which were not sold—specifically route returns, leakers, etc. At the present time such items must be returned to the bottling plant so that the market administrator may physically verify the fact that they were dumped or disposed of as livestock feed. It was the contention of the handler that the handling and return to the plant of such items, particularly the leakers, created unsanitary conditions as well as being a nuisance.

While we sympathize with the position of the handler, the opportunity for physical verification of the return to the plant of items which left it as Class I is necessary to establish their subsequent reclassification as Class II.

The order specifically provides that any skim milk and butterfat shall be Class I unless the handler can establish to the satisfaction of the market administrator that such milk should be classified otherwise. The market administrator may reclassify a product once classified only upon verification of the fact that the original classification was incorrect. The only way the market administrator can verify that products which left a plant as packaged Class I items were subsequently utilized in a Class II classification is by a physical check of such items. Since handlers have numerous distribution points scattered over a very wide area, the only practical point for such a check is the plant at which the product originated and was originally classified as Class I.

A notation on the record of a distribution point that so many items were thrown away because of spoilage or leakage does not constitute a verifiable record. Hence, the proposal must be denied.

4. *Elimination of the base plan and the substitution of a "Louisville" plan.* The "base-excess" plan of distributing returns to producers should be replaced with a take-out and pay-back incentive plan. The latter is often referred to as the "Louisville" plan.

Witnesses testified that the base and excess plan recently has become a cause of dissatisfaction to producers, particularly among members of the largest cooperative on the market. In recent months manufacturing plants in the area where these producers are located have been paying for manufacturing grade milk prices which are in excess of the average of the Minnesota-Wisconsin price series. This price series is used under the order for pricing Class II milk. It is also the price which producers receive for milk delivered in excess of base milk.

This price disparity is further aggravated by the fact that the average charge for hauling milk from the more distant farms to plants in Sioux Falls approximates 35 cents per hundredweight while the average charge from the farm to manufacturing plants is only 20 cents per hundredweight.

Producers object to receiving for their Grade A excess milk a lesser price than is being paid for manufacturing milk. Some producers have attempted to ship part of their milk to manufacturing plants and ship only their base milk to market. This practice, if increased, could disrupt the orderly marketing of milk and result in shortages of milk for the fluid market if many producers chose the same day to sell to a manufacturing plant.

Another consideration for terminating the base plan is the dislocation of producers that has occurred in some areas because of the plant consolidation discussed above and the resulting necessity of diverting substantial quantities of milk to nonpool plants. The fear was expressed that some producers might be overdiverted during the base-forming period. Since the overdiverted milk could not be included in establishing a producer's base, such producers would be seriously penalized through no fault of their own.

While all of the cooperative associations on the market favored the termination of the base plan, they felt that some seasonal adjustment of producer prices was necessary to maintain a favorable pattern of production.

The plant adopted herein provides that 15 cents per hundredweight be deducted in the computation of the uniform price in each of the months of March, April, May, and June. One-third of the amount so deducted would be added back in the uniform price computation for each of the months of September, October, and November.

This plan is necessary to provide the seasonal variation in prices to producers that will furnish them the incentive to maintain or improve the present seasonal pattern of production, thus insuring an adequate supply of pure and wholesome milk at all times. During the 4 months of heaviest production the uniform price will be reduced 15 cents per hundredweight. During the three months of shortest production the uniform price will be enhanced approximately 22 cents as a result of the payback's being made in the three months when production is lowest. The difference between spring and fall prices will be further accentuated by the fact that utilization in the short months is somewhat higher than in the spring as well as by the fact that class prices normally reach their peak at that time. It is estimated that the total difference between uniform prices in spring and fall will average approximately 45 cents per hundredweight.

The amount of the take-out and payback is less than that provided in a similar provision of the adjoining Sioux City, Iowa, order. The cooperative associations are confident, however, that the amounts provided herein will provide sufficient seasonal variation in price to maintain the present level production pattern.

5. *The administrative assessment.* No change should be made either in the maximum rate of the administrative assessment or in the manner of its application to partially regulated distributing plants.

It was proposed by a handler representative that the maximum rate of the administrative assessment be reduced from 5 cents to 4 cents, the amount presently being deducted to defray the costs of administering the order.

Although the 4-cent deduction is providing sufficient funds for the operations of the order at the present time, it is not impossible that at some time in the future additional expenses might be incurred which would require an increase in the amount of the assessment. While such an eventuality is not anticipated, in the event it should occur the market administrator should be in a position to secure the necessary funds without the formality of an amendment to the order. Hence, the maximum rate of assessment permissable should be maintained at five cents.

The same handler proposed that the monthly administrative assessment charged to a partially regulated distributing plant should be not less than the actual cost incurred by the market administrator in verifying the records of such plant.

No change should be made in the order in this respect. A uniform program for applying the administrative assessment to partially regulated plants was made effective by amendment to all orders which were in effect on July 1, 1967, following the decision of the Assistant Secretary of June 19, 1964 (29 F.R. 9214). The findings of that decision as they applied to the Eastern South Dakota and Sioux Falls-Mitchell orders, since merged into the present Eastern South Dakota order, are still applicable to the present marketing area. Therefore, official notice is taken of the pertinent portions of the decision of June 19, 1964.

The question was also raised as to application of the administrative assessment when milk is purchased from the cooperative association as a handler. We believe the present order provisions are clear that the receiving handler is responsible for the administrative assessment when he receives milk from producers who are members of a cooperative association which is the handler for their milk. Hence, no amendment of the order in this respect is necessary.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order as amended regulating the handling of milk in the Eastern South Dakota marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

§ 1076.12 [Amended]

1. In the introductory text preceding paragraph (a) of § 1076.12, the phrase "in paragraph (a) or (b)" is changed to read "in paragraph (a), (b), or (c)".

2. Section 1076.12 is revised by adding thereto a new paragraph (c) to read as follows:

(c) A plant, other than a distributing plant, operated by a cooperative association if more than 50 percent of the total milk supply of producer members of such cooperative association is shipped to pool distributing plants of other handlers during the month, either directly from the farm or by transfer from the plant of the cooperative association: *Provided*, That if a portion of such association's plant is physically apart from the Grade A portion of such plant, is operated separately and is not approved by any health authority for the receiving, processing or packaging of any fluid milk product for Grade A disposition, it shall not be considered as part of a pool plant pursuant to this section.

3. In § 1076.14, paragraph (c) is revised to read as follows:

§ 1076.14 Producer milk.

* * * * *

(c) With respect to diversions to nonpool plants pursuant to paragraphs (a) (2) and (b) (1) of this section:

(1) A cooperative handler may divert for its account the milk of any member producer, whose milk is delivered to a distributing pool plant on at least 3 days during the month during the other days of such month. The total quantity of milk so diverted may be without limit during the months of March, April, May, and June, but shall not exceed 35 percent of its member producer milk received at all pool plants during any other month of the year. Diversions in excess of such percentage shall not be considered producer milk, and the diverting cooperative shall specify the dairy farmers whose milk is ineligible as producer milk. If the cooperative association fails to designate such dairy farmers whose milk is ineligible, producer milk status shall be forfeited with respect to all milk diverted to a nonpool plant by such cooperative association; and

(2) A handler in his capacity as the operator of a distributing pool plant may divert for his account the milk of any producer, other than a member of a cooperative association which has diverted milk pursuant to subparagraph (1) of this paragraph, whose milk is received at a pool plant on at least 3 days during the month, without limit during the other days of such month. The total quantity of milk so diverted may be without limit during the months of March, April, May, and June, but during any other month of the year shall not exceed 35 percent of the milk received from producers who are not members of a cooperative association which has diverted milk pursuant to subparagraph (1) of this paragraph. Diversions in excess of such percentage shall not be considered producer milk, and the diverting handler shall specify the dairy farmers whose milk is ineligible as producer milk. If the handler fails to designate such dairy farmers whose milk is ineligible, producer milk status shall be forfeited with respect to all milk diverted to a nonpool plant by such handler; and

(3) For the purpose of location adjustments pursuant to §§ 1076.53 and 1076.75, milk so diverted shall be priced at the location of the plant from which diverted.

§§ 1076.19, 1076.20 [Revoked]

4. Sections 1076.19 and 1076.20 are revoked.

5. In § 1076.27 paragraph (j) (2) is revised and (j) (3) is revoked as follows:

§ 1076.27 Duties.

* * * * * *

(j) * * *

(2) The 12th day of each month the uniform price computed pursuant to § 1076.72 and the producer butterfat differential computed pursuant to § 1076.74;

(3) [Revoked]

* * * * * *

6. In § 1076.30, paragraph (a) (1) (i) is revised to read as follows:

§ 1076.30 Reports of receipts and utilization.

* * * * * *

(a) * * *

(1) * * *

(i) Producer milk,

* * * * * *

7. In § 1076.31, paragraph (b) is revised to read as follows:

§ 1076.31 Payroll reports.

* * * * * *

(b) The pounds of milk received and the average butterfat content thereof;

* * * * * *

8. In § 1076.72 the heading "Computation of weighted average price" is changed to "Computation of uniform price," paragraph (b) is revised, and new paragraphs (c) through (g) are added to read as follows:

§ 1076.72 Computation of uniform price.

* * * * * *

(b) Subtract not less than four cents nor more than five cents from the price computed pursuant to paragraph (a) of this section. The result shall be known as the "weighted average price", and except for the months of March through June and September through October, shall be the uniform price for milk received from producers;

(c) For the months specified in paragraphs (d) and (e) of this section, subtract from the amount resulting from the computations pursuant to § 1076.71 an amount computed by multiplying the hundredweight of milk specified in paragraph (a) (2) of this section by the weighted average price;

(d) Subtract during each of the months of March, April, May and June an amount computed by multiplying the total hundredweight of producer milk for such month by 15 cents;

(e) Add during each of the months of September, October and November one-third of the amount subtracted pursuant to paragraph (d) of this section;

(f) Divide the resulting sum by the total hundredweight of producer milk included in these computations; and

(g) Subtract not less than four cents nor more than five cents per hundredweight. The result shall be the uniform price for milk received from producers.

§ 1076.73 [Revoked]

9. Section 1076.73 is revoked.

10. In § 1076.75, paragraph (a) is revised to read as follows:

§ 1076.75 Location differentials to producers and on nonpool milk.

(a) The uniform price computed pursuant to § 1076.72 for producer milk received at a pool plant shall be reduced according to the location of the pool plant, at the rates set forth in § 1076.53; and

* * * * * *

11. In § 1076.76, paragraph (b) is revised to read as follows:

§ 1076.76 Notification of handlers.

* * * * * *

(b) The uniform price computed pursuant to § 1076.72.

* * * * * *

§ 1076.80 [Amended]

12. In paragraph (a) (2) of § 1076.80, the word "prices" is changed to "price" and the phrase "and 1076.73" is deleted.

§§ 1076.90–1076.92 [Revoked]

13. Sections 1076.90, 1076.91, and 1076.92 and the centerhead applicable thereto are revoked.

Signed at Washington, D.C., on July 13, 1967.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 67-8293; Filed, July 18, 1967; 8:46 a.m.]

[7 CFR Part 1133]

[Docket No. AO275-A17]

MILK IN INLAND EMPIRE MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Ridpath Hotel, West 510 Sprague Avenue, Spokane, Wash., beginning at 9:30 a.m., local time, on July 25, 1967, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Inland Empire marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Spokane Milk Producers Association:

Proposal No. 1. In § 1133.12(c) revise subparagraphs (1) and (2) to read as follows:

§ 1133.12 Producer milk.

* * * * * *

(c) * * *

(1) A cooperative association may divert for its account, pursuant to paragraph (b) (1) of this section, the milk of a member producer eligible for diversion. The total quantity of milk so diverted however may not exceed the amount of milk delivered directly from the farm to pool distributing plants by member producers. Two or more cooperative associations may have their allowable diversions computed on the basis of the combined deliveries of milk by their member producers if each association has filed in writing with the market administrator a request for such computation;

(2) A handler operating a pool distributing plant may divert for his account, pursuant to paragraph (a) (2) of this section, the milk of any producer eligible for diversion other than a member of a cooperative association which diverts milk pursuant to subparagraph (1) of this paragraph. The total quantity of milk so diverted however may not exceed the amount of milk delivered directly to the handler's pool distributing plant by producers who are not members of a cooperative association which diverts milk pursuant to subparagraph (1) of this paragraph;

* * * * * *

Proposal No. 2. In § 1133.41, revise paragraphs (b) and (c) to read as follows:

§ 1133.41 Classes of utilization.

* * * * * *

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat used to produce any product other than a fluid milk product or a Class III product.

(c) *Class III milk.* Class III milk shall be all skim milk and butterfat:

(1) Used to produce butter, whole or skim milk powder and Cheddar cheese.

Proposal No. 3. In § 1133.51, revise paragraph (b), the introductory text of (c), and (c) (3) to read as follows:

§ 1133.51 Class prices.

* * * * * *

(b) *Class II milk.* The price for Class II milk shall be the basic formula price for the month, plus 25 cents; and

(c) *Class III milk.* The price of Class III milk shall be that computed by the market administrator from the formula set forth in subparagraphs (1), (2), and (3) of this paragraph: *Provided,* That this price shall be effective during the period from the effective date of this order through March 31, 1968. Thereafter the price for Class III milk shall be the basic formula price for the month.

* * * * * *

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph, subtract $1, plus five times the butterfat differential computed pursuant to § 1133.53(b), and round to the nearest cent.

* * * * * *

Proposed by Inland Empire Dairy Association:

Proposal No. 4. Revise § 1133.7 to read as follows:

§ 1133.7 Plant.

"Plant" means the land, buildings, facilities and equipment, whether owned or operated by one or more persons, constituting a single operating unit or establishment which is maintained and operated primarily for receiving, processing or packaging of milk and milk products: *Provided,* That a separate establishment used only for the purpose of transferring bulk milk from one tank truck to another shall not be a plant under this definition.

Proposal No. 5. In § 1133.8(a) revise subparagraph (1) to read as follows:

§ 1133.8 Pool plant.

* * * * * *

(a) * * *

(1) Disposition of fluid milk products on routes within the marketing area equals or exceeds the lesser of 100,000 pounds or 10 percent of the total receipts of Grade A milk from dairy farmers, cooperative associations pursuant to § 1133.15(d), and from supply pool plants and other plants forwarding the applicable percentage of receipts specified in paragraph (b) of this section to such plant and other pool distributing plants; and

* * * * * *

Proposal No. 6. In § 1133.8 revise paragraph (b) to read as follows:

§ 1133.8 Pool plant.

* * * * * *

(b) Any plant, hereinafter referred to as a "supply pool plant", from which there is forwarded to a pool distributing plant(s) 50 percent or more each of the skim milk and butterfat in its dairy farm supply of Grade A milk during the current month during the period of September through January, or 20 percent or more during the current month during the period February through August. Any such plant which has forwarded more than 50 percent of such receipts for the entire period September through January shall be a pool plant for the months of February through August immediately following unless the operator of such plant files with the market administrator, prior to the first day of any month(s), a written request to withdraw such plant from pool plant status for such month(s); and

* * * * * *

Proposed by Dairy Division, Consumer and Marketing Service:

Proposal No. 7. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, James A. Burger, North 811 Jefferson, Room 115, Spokane, Wash. 99201, or from the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

Signed at Washington, D.C., on July 13, 1967.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 67-8291; Filed, July 18, 1967; 8:46 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 526]

COTTONSEED PROCESSING INDUSTRY

Handling, Storing, Preparing, and Seasonal Peaks of Perishable Agricultural Commodities

Pursuant to Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), General Order No. 45-A of the Secretary of Labor (15 F.R. 3290), and 29 CFR Part 526 (32 F.R. 5775), I propose to make the determinations and the amendment to 29 CFR 526.11 which will result in application of the partial overtime compensation exemption provided in section 7(d) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(d)) to the cottonseed processing industry.

The procedure for making these determinations (including their effect, and the meaning of the words used to frame the issues) will be governed by 29 CFR Part 526 (32 F.R. 5775). The issues to be considered are:

(a) Is the industry engaged in the handling, storing, preparing or first processing of perishable agricultural commodities in their raw or natural state?

(b) Is the industry characterized by marked annually recurring seasonal peaks of operation at the places of first marketing or first processing of perishable agricultural commodities from farms?

For the purpose of this proposal, the cottonseed industry consists of the following operations only: The receiving, handling, and storing of cottonseed; the processing of cottonseed during the period when the seed is being received, and any operations necessary and incident to the foregoing during this period.

Interested persons are invited to participate in the proceedings through the submission of pertinent written data, views, or argument to the Administrator, Wage and Hour and Public Contracts Divisions, U.S. Department of Labor, 14th Street and Constitution Avenue NW., Washington, D.C. 20210, within 30 days after this document is published in the FEDERAL REGISTER.

Signed at Washington, D.C., this 14th day of July 1967.

CLARENCE T. LUNDQUIST,
Administrator, Wage and Hour and Public Contracts Divisions, U.S. Department of Labor.

[F.R. Doc. 67-8301; Filed, July 18, 1967; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Saint Elizabeths Hospital

[42 CFR Part 306]

FEES AND CHARGES FOR COPYING, CERTIFICATION, SEARCH OF RECORDS, AND RELATED SERVICES

Notice of Proposed Rule Making

Notice is hereby given that it is proposed to amend Chapter III, Title 42, Code of Federal Regulations by adding Part 306 establishing fees to be charged for the furnishing of abstracts of medical records and related services.

The regulation will become effective upon republication.

Interested persons may submit written data, views, or arguments in regard to the proposed regulation to the Superintendent, Saint Elizabeths Hospital, Washington, D.C. 20032. All relevant material received not later than 30 days after publication of this notice will be considered.

Chapter III of Title 42 is amended by adding a new Part 306 reading as follows:

§ 306.1 Fees and charges for copying, certification, search of records, and related services.

A prescribed fee, in accordance with the schedule in paragraph (c) of this section, shall be collected for each of the listed services.

(a) *Application for services.* Any person requesting (1) a copy of a clinical record, clinical abstract, or other document; or (2) a certification of a clinical record or other document; or (3) a search of clinical or other records, shall make written application therefor to the Hospital. Such application shall state specifically the particular record or document requested. The application shall be accompanied by a deposit in an amount equal to the prescribed charge for the service requested. Where it is not known if a clinical record or other document requested is in existence, the application shall be accompanied by a minimum deposit of $2.50.

(b) *Authorization for disclosure.* The furnishing of copies or abstracts of Hospital records must comply with the requirements of Part 300, Title 42, Code of

Federal Regulations, governing authorization for the disclosure of such information.

(c) *Schedule of fees.*

(1) Photocopy reproduction of a clinical record or other document (through use of Hospital equipment):

(a) Processing (searching, preparation, and use of equipment), first page	$3.25
(b) Each additional page	.25
(2) Certification, per document	.25
(3) Unsuccessful searching, per hour or part thereof (minimum charge 1 hour)	2.50
(4) Clinical abstracts, per request	5.00
(5) Arranging commercial duplication of a clinical record or other document, per request	5.50

(The private concern which duplicates records for an applicant will make a separate charge therefor and will bill the applicant directly.)

(6) If the requested material is to be transmitted by certified mail, registered mail, airmail, or special delivery mail, the postal fees therefor shall be added to the other fees provided above, unless the applicant has included proper postage or stamped return envelopes for this purpose.

(d) *Waiver of fee.* The prescribed fee may be waived, at the discretion of the Superintendent, under the following circumstances:

(1) When the service or document is requested by another agency of the Federal Government, by an agency of the District of Columbia or by an agency of a state, county or municipal government, for use in carrying out official business.

(2) When a clinical record, clinical abstract, or other document is requested for the purpose of providing continued medical care to a person currently or previously enrolled as a patient of the Hospital, by a non-Hospital physician, clinic, or hospital, in which case the record will be forwarded only to the physician, clinic, or hospital concerned.

(3) When the service or document is requested by, and furnished to, a Member of Congress for official use.

(4) When the service or document is requested by, and furnished to, a court in lieu of the personal court appearance of an employee of the Hospital.

(5) When the service or document is required to be furnished free in accordance with a Federal statute or an Executive order.

(6) When the furnishing of the service or document requested without charge would be an appropriate courtesy to a foreign country or international organization.

(7) When the request does not fall into any of the foregoing categories, but the furnishing of the service or document without charge is determined by the Superintendent to be in the interest of and contributing to the program of the Hospital.

(5 U.S.C. 22; 5 U.S.C. 140)

Dated: July 3, 1967.

[SEAL] DALE C. CAMERON,
Superintendent,
Saint Elizabeths Hospital.

Approved: July 12, 1967.

WILBUR J. COHEN,
Acting Secretary.

[F.R. Doc. 67-8324; Filed, July 18, 1967; 8:49 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Parts 23, 91]

[Docket No. 8281; Notice No. 67-30]

INSTALLATION AND OPERATING REQUIREMENTS FOR OXYGEN EQUIPMENT AND SUPPLY

Notice of Proposed Rule Making

The Federal Aviation Administration is considering amending Parts 23 and 91 of the Federal Aviation Regulations to include requirements pertaining to the installation and use of oxygen equipment. This amendment would provide appropriate oxygen system standards for airplanes certificated under Part 23 and at the same time set forth regulations for the use of oxygen in all aircraft governed by the general operating and flight rules of Part 91.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before October 16, 1967, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

In a study concerning the physiological requirements for oxygen entitled "Oxygen in General Aviation" dated December 1964, the Office of Aviation Medicine of the FAA reported that, while individual oxygen requirements may be influenced by factors such as fatigue, age, use of drugs and tobacco, night, etc., nevertheless supplemental oxygen, dependent on altitude, is a physiological necessity for all humans. For this reason and because of the increasing number of small airplanes having high altitude capability, there appears to be a need for airplane airworthiness standards and for general operating rules relating to oxygen system requirements.

In the past, type certification of small airplanes with oxygen equipment installed has been handled on a case-by-case basis either by application of special conditions or under the general operating limitations of § 23.1501. This amendment proposes uniform airworthiness standards for oxygen equipment and supply. It also proposes performance standards relating to oxygen mass flow and equipment standards for oxygen dispensing units.

In connection with the standards for minimum mass flow of supplemental oxygen, the proposed § 23.1443 contains requirements for continuous flow but not for demand flow oxygen equipment. The requirements of the more commonly used continuous flow systems are thus covered, while the mass flow of demand systems, where such systems are used, would be approved on a case-by-case basis as before.

Parts 121 and 135 of the Federal Aviation Regulations currently prescribe oxygen requirements for pilots and passengers. For consistency in the interest of safety, all other aircraft operating in the same airspace and environmental conditions should be under comparable standards. The FAA, therefore, considers it appropriate to propose general operating and flight rules governing the use of supplemental oxygen in pressurized and unpressurized cabin aircraft.

FAA studies have indicated that for any person in a pressurized cabin subjected to decompression at the higher altitudes, the short time available to don an oxygen mask before losing consciousness may be critical. In such case, the smaller the cabin volume, the more aggravated the situation becomes. As an added operational consideration, the FAA, therefore, believes it necessary for safety, at flight altitudes above 35,000 feet, that at least one pilot at the controls be required to wear an oxygen mask. The corresponding altitude for Part 121 operations had originally been established at 35,000 feet. However, it was subsequently raised, in steps, to 41,000 feet, on the basis of the extensive operating experience with the large transport-category airplanes. This satisfactory operating experience is attributable, in part, to the stringent Part 121 crew training and maintenance requirements. Such compensating conditions do not presently exist for operations conducted under Part 91 and the proposed cutoff altitude has been accordingly set at 35,000 feet.

A new § 91.32 would be added to the general operating rules of Part 91 to regulate the use of supplemental oxygen throughout the range of cabin altitudes and specify the oxygen supply to be carried, including the oxygen necessary for emergency descent. Supplemental oxygen refers to any oxygen, by whatever means supplied, that is furnished in addition to the oxygen normally present in the air.

In consideration of the foregoing, it is proposed to amend the Parts 23 and 91 of the Federal Aviation Regulations as follows:

1. By amending Part 23 by adding the following new sections to Subpart F:

§ 23.1441 Oxygen equipment and supply.

(a) If certification with supplemental oxygen equipment is requested, the equipment must meet the requirements of this section and §§ 23.1443 through 23.1449.

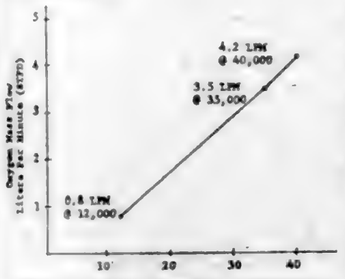
(b) The oxygen system must be free from hazards in itself, in its method of operation, and in its effect upon other components.

(c) There must be a means to allow the crew to readily determine, during flight, the quantity of oxygen available in each source of supply.

(d) Demand flow oxygen equipment and oxygen equipment for use above 40,000 feet must be approved.

§ 23.1443 Minimum mass flow of supplemental oxygen.

If continuous flow oxygen equipment is installed for use by occupants of the airplane, the mass flow of supplemental oxygen required for each user must be at a rate not less than that shown in the following figure:



CABIN PRESSURE ALTITUDE, THOUSANDS OF FEET

§ 23.1447 Equipment standards for oxygen dispensing units.

If oxygen dispensing units are installed, the following apply:

(a) There must be an individual dispensing unit for each occupant for whom supplemental oxygen is to be supplied. Each dispensing unit must:

(1) Provide for effective utilization of the oxygen being delivered to the unit.

(2) Cover the nose and mouth of the user.

(3) Be capable of being readily placed into position on the face of the user.

(4) Be equipped with a suitable means to retain the unit in position on the face.

(b) If the airplane is designed to operate at flight altitudes up to and including 25,000 feet, an oxygen supply terminal and unit of oxygen dispensing equipment must be within reach of each member of the required minimum flight crew to provide for the immediate use of oxygen by that crewmember.

(c) If the airplane is designed to operate at flight altitudes above 25,000 feet, an oxygen dispensing unit connected to an oxygen supply terminal must be immediately available to each occupant, wherever seated.

§ 23.1449 Means for determining use of oxygen.

There must be a means to allow the crew to determine whether oxygen is being delivered to the dispensing equipment.

2. By amending Part 91 by adding the following new section:

§ 91.32 Supplemental oxygen.

(a) *General.* No person may operate a civil aircraft—

(1) At cabin pressure altitudes above 12,000 feet (MSL) up to and including 14,000 feet (MSL) for that part of the flight at those altitudes that is of more than 30 minutes duration, unless the required minimum flight crew is provided with, and uses, supplemental oxygen;

(2) At cabin pressure altitudes above 14,000 feet (MSL), unless the required minimum flight crew is provided with, and uses, supplemental oxygen during the entire flight time at those altitudes; and

(3) At cabin pressure altitudes above 15,000 feet (MSL), unless each occupant of the aircraft is provided with, and uses, supplemental oxygen.

(b) *Pressurized cabin aircraft.* No person may operate a civil aircraft with a pressurized cabin—

(1) At flight altitudes above 25,000 feet (MSL), unless at least a 10-minute supply of supplemental oxygen, in addition to any oxygen required to satisfy paragraph (a) of this section, is available for each occupant of the aircraft for use in the event that a descent is necessitated by loss of cabin pressurization; and

(2) At flight altitudes above 35,000 feet (MSL), unless at least one pilot at the controls is wearing, secured and sealed, an oxygen mask supplying oxygen.

(Sec. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, and 1423)

Issued in Washington, D.C. on July 11, 1967.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[F.R. Doc. 67-8229; Filed, July 18, 1967; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 281]

[No. 32156]

UNIFORM SYSTEM OF ACCOUNTS FOR CLASS I COMMON AND CONTRACT MOTOR CARRIERS OF PASSENGERS

Notice of Proposed Rule Making

JUNE 30, 1967.

Notice is hereby given pursuant to the provisions of section 4(a) of the Administrative Procedure Act that the Commission has under consideration proposed amendments of the Uniform System of Accounts for Class I Common and Contract Motor Carriers of Passengers, to be effective as of January 1, 1967, with regard to the accounting treatment of extraordinary and prior period items in the determination of net income.

The proposed regulations would (a) generally require that items affecting net income be recorded in appropriate profit and loss accounts, rather than by direct entry to earned surplus account, and (b) explain, define and provide accounts and categories for ordinary income, extraordinary items, prior period items and applicable income taxes.

The revised rules herein proposed will have several notable advantages over current regulations which conditionally permit direct entry to earned surplus. Moreover, in asserting more objective criteria with respect to determination of materiality than presently exist, the proposed changes are intended to minimise the need to interpret existing regulations.

The detailed statement of proposed rule set forth below completely states the proposed revisions to the applicable parts of the Uniform System of Accounts for Class I Common and Contract Motor Carriers of Passengers, considered necessary to accomplish the stated objectives.

All carriers affected by the proposed rules and other interested parties who desire to do so should submit written views and comments for consideration, as soon as possible, and not later than August 26, 1967. The Commission will consider all such responses and representations before deciding this matter, after which such order as may be found appropriate will be entered. An original and three copies of any such response should be submitted.

Notice shall be given Class I Common and Contract Motor Carriers of Passengers hereby affected and to the general public by depositing this notice in the office of the Secretary of the Commission at Washington, D.C., and by filing this notice with the Director, Office of the Federal Register.

(49 Stat. 546, as amended; 563, as amended; 564, as amended; 49 U.S.C. 304, 320, 322)

By the Commission, division 2.

[SEAL] H. NEIL GARSON,
Secretary.

DETAILED STATEMENT OF PROPOSED RULE

I. Instructions amended:

Item No. 1. Instruction "7 Delayed items" is revised to read as follows:

§ 281.02-7 Extraordinary and prior period items.

(a) All items of profit and loss recognized during the year are includable in ordinary income except nonrecurring items which in the aggregate for the same class are both material in relation to operating revenues and ordinary income for the year and are clearly not identified with or do not result from the usual business operations of the year. Important items of the kind which occur from time to time and which, when material in amount, are to be excluded from ordinary income are those

resulting from unusual sales of property and investment securities other than temporary cash investments; from wars, earthquakes and similar calamities and catastrophies, which are not a recurrent hazard of the business and which are not usually covered by insurance; from change in application of accounting principles; and from prior period items (other than ordinary adjustments of a recurring nature). Material items are those which unless excluded from ordinary income, would distort the accounts and impair the significance of ordinary income for the year. Items so excludable from ordinary income are to be entered in the income accounts provided for extraordinary and prior period items upon approval or direction of the Commission.

(b) In determining materiality, items of a similar nature should be considered in the aggregate; dissimilar items should be considered individually. As a general standard, an item to qualify for inclusion as an extraordinary or prior period item shall exceed 1 percent of total operating revenues and 10 percent of ordinary income for the year.

(c) Adjustments constituting items of a character typical of customary business activities or corrections or refinements resulting from the natural use of estimates inherent in the accounting process, including those arising from disposal of a unit of property sold or retired in the regular course of business operations, shall not be considered extraordinary or prior period items regardless of amount.

Item No. 2. Instruction "10 Current assets" is amended by revising paragraph (b) as follows:

§ 281.02–10 Current assets.

* * * * *

(b) Adjustments to accomplish the writing down of items of doubtful value not covered by reserves shall be made through account 4680, Uncollectible Revenues, account 7500, Other Deductions, or other appropriate ordinary income account.

Item No. 3. Instruction "12 Discount; expense and premium on capital stock" is amended by revising paragraph (c) as follows:

§ 281.02–12 Discount; expense and premium on capital stock.

* * * * *

(c) General levies or assessments against stockholders shall be credited to the premium account for the particular class and series of capital stock so assessed, except that assessments with respect to nonpar stock without stated value shall be credited to the capital stock account.

* * * * *

Item No. 4. Instruction "13 Discount; expense and premium on long-term obligations" is amended by revising the second sentence of paragraph (e) as follows:

§ 281.02–13 Discount; expense and premium on long-term obligations.

* * * * *

(e) * * * At that time (unless otherwise ordered by the Commission in the case of an exchange of securities) the portion of the balances in these accounts, or subdivision for the particular class of long-term debt reacquired, shall be transferred to account 6500, Other Nonoperating Income, or account 7500, Other Deductions, as appropriate. * * *

* * * * *

Item No. 5. Instruction "14 Company securities owned" is amended by revising the second and last sentences of paragraph (b)(1) and all of paragraph (b)(2) as follows:

§ 281.02–14 Company securities owned.

* * * * *

(b) (1) * * * The difference between the face value and the amounts actually paid for the reacquired obligations shall be included in account 6500, Other Nonoperating Income, or account 7500, Other Deductions, as appropriate. (See § 281.02–7.) Likewise, any unamortized debt discount, expense or premium, applicable to the reacquired obligations, shall be adjusted through account 6500 or account 7500, as appropriate.

(2) When reacquired equipment and other long-term obligations are resold by the carrier, the amount included in account 1920, Reacquired Securities, shall be credited thereto and any difference between the total amount realized from the sale (less related commissions and expenses) and the credit to account 1920 shall be included in account 6500 or account 7500, as appropriate, unless otherwise ordered by the Commission.

Item No. 6. Instruction "15 Book cost of securities owned" is amended by revising the last sentence of paragraph (b) and adding paragraph (e) as follows:

§ 281.02–15 Book cost of securities owned.

* * * * *

(b) * * * A reserve may be provided against declines in the value of securities by charges to account 7500, Other Deductions, or account 9010, Extraordinary Items, as appropriate. (See § 281.02–7.)

* * * * *

(e) Profits and losses resulting from the sale of securities of others shall be included in accounts 6500, Other Nonoperating Income, or 7500, Other Deductions, as appropriate; or, when qualifying as extraordinary pursuant to instruction 7, shall be included in account 9010, Extraordinary Items.

Item No. 7. Instruction "21 Operating property retired" is amended by deleting paragraph (h) and revising paragraphs (d), (f), and the last sentence of paragraph (g) as follows:

§ 281.02–21 Operating property retired.

* * * * *

(d) *Land.* When land is sold, the book cost shall be credited to the land account and any difference between the book cost and the sales price, less commissions and expenses on the sale, shall be adjusted through account 6500, Other Non-operating Income, or account 7500, Other Deductions, as appropriate. However, when the amount constitutes an extraordinary item pursuant to instruction 7, it shall be included in account 9010, Extraordinary Items.

* * * * *

(f) *Intangibles.* The accounting for the retirement of items included in account 1511, Franchises, account 1541, Patents, and intangible elements with limited terms included in account 1201, Land and Land Rights, shall be as provided in the texts of account 2600, Reserve for Amortization—Carrier Operating Property, and account 5100, Amortization of Carrier Operating Property.

(g) *Sale of property.* * * * The difference, if any, between (1) the net amount of such debit and credit items, and (2) the consideration received for the property, shall be included in account 6500, Other Non-operating Income, or account 7500, Other Deductions, as appropriate. (See § 281.02–7.)

* * * * *

(h) [Deleted]

Item No. 8. Instruction "31 Amortization of intangibles" is amended by revising paragraph (a) as follows:

§ 281.02–31 Amortization of intangibles.

(a) When it becomes reasonably evident that the term of existence of an intangible, the cost of which is included in account 1550, Other Intangible Property, has become limited or its value impaired, its cost shall be amortized or entirely written off by charges to account 7500, Other Deductions, depending on the remaining estimated period of usefulness; or the entire cost, when qualifying as extraordinary pursuant to instruction 7, may be written off by debiting account 9010, Extraordinary Items, with concurrent credit to account 2600, Reserve for Amortization—Carrier Operating Property.

* * * * *

II. Texts of balance sheet accounts amended:

Item No. 1. Account 1511 Franchises is amended by revising the first sentence of paragraph (c) as follows:

§ 281.1511 Franchises.

* * * * *

(c) When any franchises, permits, consents or certificates have expired, and are not immediately renewed, are sold or otherwise disposed of, credits to this account shall be made representing the amounts at which such items (including expenses of acquisition) are carried herein. Concurrent charges shall be made to account 2600, Reserve for Amortization—Carrier Operating Property, or to account 5100, Amortization of Carrier Operating Property, as appropriate. * * *

* * * * *

Item No. 2. Account 1541 Patents is amended by revising the second sentence of paragraph (b) as follows:

§ 281.1541 Patents.

* * * * *

(b) * * * Concurrent charge shall be made to account 2600, Reserve for Amortization—Carrier Operating Property, or to account 5100, Amortization of Carrier Operating Property, as appropriate. * * *

Item No. 6. Account 1550 Other intangible property is amended by revising paragraph (b) as follows:

§ 281.1550 Other intangible property.

* * * * *

(b) The carrier may amortize or write off the balance carried in this account by credits hereto and concurrent charges to account 7500, Other Deductions, or the entire amount carried herein for any item may be written off to account 9010, Extraordinary Items, pursuant to instruction 31.

Item No. 4. Account 1890 Other deferred debits is amended by revising the last sentence of paragraph (a) and deleting paragraph (b) as follows:

§ 281.1890 Other deferred debits.

(a) * * * If projects in connection with which such preliminary costs were incurred are abandoned, the expense shall be charged to account 7500, Other Deductions, or account 9010, Extraordinary Items, as appropriate.

(b) [Deleted]

* * * * *

Item No. 5. Account 2000 Notes payable is amended by revising "Note B" as follows:

§ 281.2000 Notes payable.

* * * * *

NOTE B: Unmatured equipment obligations shall be included in account 2190, Equipment Obligations and Other Debt Due Within One Year, or account 2300, Equipment Obligations, as appropriate.

§ 281.2500 [Amended]

Item No. 6. Account 2500 Reserve for depreciation—Carrier operating property is amended by deleting paragraph (a)(2).

Item No. 7. Account 2600 Reserve for amortization—Carrier operating property is amended by deleting the last sentence of paragraph (d) and revising paragraph (a) and the second sentence of paragraph (b) as follows:

§ 281.2600 Reserve for amortization; carrier operating property.

(a) This account shall be credited with amounts charged to account 5100, Amortization of Carrier Operating Property, or other appropriate account, for amortization of the cost of acquiring leaseholds, franchises, consents, privileges, patents, and other intangible property having a fixed term life. This account shall also be credited with amounts charged to account 7500, Other Deductions, or account 9010, Extraordinary Items, as appropriate, for the amortization or writeoff of cost of acquiring perpetual leaseholds and of intangible property which does not have a fixed term life.

(b) * * * The difference between the proceeds realized and the net book cost (see definition 29 and instruction 21) of the property retired shall be included in account 5100, Amortization of Carrier Operating Property.

* * * * *

Item No. 8. Account 2930 Earned surplus is amended by revising the first sentence of paragraph (a) and paragraph (b) as follows:

§ 281.2930 Earned surplus.

(a) This account shall include the balance of the amounts included in accounts 2932 to 2946, inclusive, either debit or credit, of unappropriated surplus arising from earnings. * * *

(b) The balance of all earned surplus accounts (2932 to 2946, inclusive) shall be closed to this account at the end of each calendar year.

III. Texts of earned surplus accounts deleted and amended:

§§ 281.2931, 281.2941 [Deleted]

Item No. 1. The following accounts are deleted:

2931 Surplus credits applicable to prior years.

2941 Surplus debits applicable to prior years.

Item No. 2. Account 2933 Other credits to surplus is amended to read as follows:

§ 281.2933 Other credits to surplus.

(a) This account shall include other credit adjustments, net of assigned income taxes, not provided for elsewhere in this system but only after such inclusion has been authorized by the Commission.

(b) The records supporting entries in this account shall be so maintained that an analysis thereof may be readily made available.

§ 281.2946 [Amended]

Item No. 3. Account 2946 Other debits to surplus is amended as follows:

(a) The "Note" is designated account 2999.

(b) The account is revised to read as follows:

(a) This account shall include (1) charges which reduce or write off discount on capital stock issued by the company, and (2) in pooling of equity interests situations, the excess of the value of the surviving company's capital stock over the aggregate total of the capital stock of the separate companies before such merger or consolidation, but only to the extent that unearned surplus is not available for such purposes. (See §§ 281.02–21(d) and 281.02–20(a)(2)(ii).)

(b) This account shall include other debit adjustments, net of assigned income taxes, not provided for elsewhere in this system but only after such inclusion has been authorized by the Commission.

(c) The records supporting entries in this account shall be so maintained that an analysis thereof may be readily made available.

IV. Form of balance sheet statement amended:

§ 281.2999 [Amended]

Item No. 1. Account 2999 Form of balance sheet statement is amended by deleting the following line items from the Asset Side:

1920, Reacquired Securities:
(a) Pledged.
(b) Unpledged.
1990, Nominally Issued Securities:
(a) Pledged.
(b) Unpledged.

V. Texts of income accounts deleted and amended:

Item No. 1. Account 4652 Employees' welfare expenses is amended by revising the first sentence of paragraph (c) as follows:

§ 281.4652 Employees' welfare expenses.

* * * * *

(c) Upon the adoption of the accrual plan of accounting, pension payments to employees retired before the adoption of such plan shall be charged to an existing pension reserve, this account 4652 or account 9010, Extraordinary Items, as appropriate. * * *

§ 281.5100 [Deleted]

Item No. 2. Account 5100 Amortization chargeable to operations is deleted.

§ 281.5100 [Redesignated]

Item No. 3. Account 5110 Amortization of carrier operating property is redesignated account 5100.

§ 281.5120 [Deleted]

Item No. 4. Account 5120 Property loss chargeable to operations is deleted.

Item No. 5. Account 5200 Operating taxes and licenses is amended by revising paragraph (a) as follows:

§ 281.5200 Operating taxes and licenses.

(a) This account shall include the amount of Federal, State, county, municipal and other taxing district taxes, which relate to motor carrier operations and property used therein (except taxes provided for in account 8000, Income Taxes on Ordinary Income).

* * * * *

Item No. 6 Account 8000 Provision for income taxes is amended by revising the title and paragraph (a) as follows:

§ 281.8000 Account 8000 Income taxes on ordinary income.

(a)(1) Monthly accruals for Federal, State or other income taxes applicable to ordinary income shall be included in this account. See texts of account 9050, Income Taxes on Extraordinary and Prior Period Items, account 2933, Other Credits to Surplus, and account 2946, Other Debits to Surplus, for recording other income tax consequences.

(2) Details pertaining to the tax consequences of other unusual and significant items and also cases where the tax consequences are disproportionate to the related amounts included in income accounts, shall be submitted to the Commission for consideration and decision as to proper accounting.

(3) Income taxes which are refundable or reduced as the result of carry-back or carry-forward of operating loss shall be credited to this account, if a carry-back, in the year in which the loss occurs or, if a carry-forward, in the year in which such loss is applied to reduce taxes. However, when the amount constitutes an extraordinary item pursuant to instruction 7, it shall be included in account 9030, Prior Period Items.

* * * * *

Item No. 7. In the text of the system of accounts, after account 8000, Income taxes on ordinary income, add the following:

* * * * *

EXTRAORDINARY AND PRIOR PERIOD ITEMS

§ 281.9010 Extraordinary items (net).

(a) This account shall include extraordinary items accounted for during the current accounting year in accordance with instruction 7, upon approval of the Commission. Among the items which shall be included in this account are:

Net gain or loss on sale of land used for transportation purposes.

Net gain or loss on sale of securities acquired for long term investment purposes.

Loss on retirement of transportation property because of abandonment or other cause for which depreciation reserve has not been provided.

Change in application of accounting principles.

(b) Income tax consequences of charges and credits to this account shall be included in account 9050, Income Taxes on Extraordinary and Prior Period Items.

(c) This account shall be maintained in a manner sufficient to identify the nature and gross amount of each debit and credit.

§ 281.9030 Prior period items (net).

(a) This account shall include unusual delayed items accounted for during the current accounting year in accordance with the text of instruction 7, upon approval of the Commission. Among the items which shall be included in this account are:

Unusual adjustments, refunds or assessments of income taxes of prior years.

Similar items representing transactions of prior years which are not identifiable with or do not result from business operations of the current year.

(b) Income tax consequences of charges and credits to this account shall be included in account 9050, Income Taxes on Extraordinary and Prior Period Items.

(c) This account shall be maintained in a manner sufficient to identify the nature and gross amount of each debit and credit.

§ 281.9050 Income taxes on extraordinary and prior period items.

This account shall include the estimated income tax consequences (debit or credit) assignable to the aggregate of items of both taxable income and deductions from taxable income which, for accounting purposes, are classified as unusual and extraordinary and are includible in account 9010, Extraordinary Items, or account 9030, Prior Period Items, as appropriate.

§ 281.9999 Form of income statement.

ORDINARY ITEMS

I. CARRIER OPERATING INCOME

Revenues:	
3000. Operating Revenues	
Expenses:	
4000. Operation and Maintenance Expenses	
5000. Depreciation Expense	
5100. Amortization of Carrier Operating Property	
5200. Operating Taxes and Licenses	
5300. Operating Rents—Net	
Total Expenses	
Net Operating Revenue	
5400. Rent for Lease of Carrier Property—Debit	
5500. Income from Lease of Carrier Property—Credit	
Net Carrier Operating Income	

II. OTHER INCOME

6000. Net Income from Noncarrier Operations	
6100. Net Income from Nonoperating Property	
6200. Interest Income	
6300. Dividend Income	
6400. Income from Sinking and Other Funds	
6500. Other Nonoperating Income	
Total Other Income	
Gross Income	

III. INCOME DEDUCTIONS

7000. Interest on Long-Term Obligations	
7100. Other Interest Deductions	
7200. Taxes Assumed on Interest	
7300. Amortization of Debt Discount and Expense	
7400. Amortization of Premium on Debt—Credit	
7500. Other Deductions	
Total Income Deductions	
Ordinary Income Before Income Taxes	
8000. Income Taxes on Ordinary Income	
Ordinary Income	

EXTRAORDINARY AND PRIOR PERIOD ITEMS

9010. Extraordinary Items (Net)	
9030. Prior Period Items (Net)	
9050. Income Taxes on Extraordinary and Prior Period Items	
Total Extraordinary and Prior Period Items	
Net Income (or Loss) Transferred to Earned Surplus	

VI. Miscellaneous amendments:

Item No. 1. The list of instructions and accounts in the Code of Federal Regulations, Part 281, is amended by making the following revisions:

(a) The entry reading 281.02–7 Delayed items, is changed to:

281.02–7 Extraordinary and prior period items.

(b) The following are deleted:

281.2931 Surplus credits applicable to prior years.

281.2941 Surplus debits applicable to prior years.

(c) Directly below "Income Accounts" the following is added:

ORDINARY ITEMS

(d) The entry reading "281.5100 Amortization chargeable to operations" is changed to:

281.5100 Amortization of carrier operating property.

(e) The following are deleted:

281.5110 Amortization of carrier operating property.

281.5120 Property loss chargeable to operations.

(f) The entry reading "281.8000 Provisions for income taxes" is changed to:

281.8000 Income taxes on ordinary income.

(g) The following are added after 281.8000 Income taxes on ordinary income:

EXTRAORDINARY AND PRIOR PERIOD ITEMS

281.9010 Extraordinary items (net).
281.9030 Prior period items (net).
281.9050 Income taxes on extraordinary and prior period items.

Item No. 2. In the text of the system of accounts, after account 2999, Form of balance sheet statement, the following is added directly below Income Accounts:

ORDINARY ITEMS

[F.R. Doc. 67-8250; Filed, July 18, 1967; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[FCC 67-819; Docket No. 11279]

SUBSCRIPTION TELEVISION SERVICE

Notice of Report of Subscription Television Committee

The Commission has before it the report of its Subscription Television Committee, dated July 3, 1967, transmitting a proposed Fourth Report and Order and a Second Further Notice of Proposed Rule Making.[1] The Commission believes that its study and resolution of this important matter would be aided by oral argument, and further that such argument would be most useful, if addressed to the report. Accordingly, it is releasing the report at this time, and will specify by subsequent order a date for oral argument to be held in early fall. Parties may also submit written comments or outlines of their arguments, not to exceed 50 pages, on or before September 15, 1967. An original and 14 copies should be filed. (See § 1.419 of the Commission's rules.)

It is ordered, That, the interested parties may file written comments or outlines or oral arguments, not to exceed 50 pages, on or before September 15, 1967.

Adopted: July 12, 1967

Released: July 14, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[2]

[SEAL] BEN F. WAPLE,
Secretary.

[1] Filed as part of the original document. Copies may be obtained from the Federal Communications Commission, Washington, D.C. The proposed amendment to 47 CFR Part 73 contained therein reads as follows:

Part 73 of the Commission Rules and Regulations is amended by adding the following new sections thereto:

OVER-THE-AIR SUBSCRIPTION TELEVISION OPERATIONS

§ 73.641 *Definitions.*

(a) *Subscription television.* A system whereby subscription television broadcast programs are transmitted and received.

(b) *Subscription television broadcast program.* A television broadcast program intended to be received in intelligible form by members of the public only for a fee or charge.

§ 73.642 *Licensing policies.*

(a) Subscription television service may be provided only upon specific authorization therefore by the Commission. Such authorization will be issued only to:

(1) The licensee of a commercial television broadcast station;

(2) The holder of a construction permit for a new commercial television broadcast station; or

(3) An applicant for a construction permit for a new commercial television broadcast station: *Provided, however,* That such authorization will not be issued prior to issuance of the construction permit for the new station.

Moreover, such an authorization will be issued only for a station the principal community of which is located entirely within the Grade A contours of five or more commercial television broadcast stations (including the station of the applicant), whether the principal community each station is authorized to serve is the same as that of the applicant, or is a nearby community. Only one such authorization will be granted in any community. No such authorization will be granted unless, not counting the station of the applicant, at least four of the stations which include the community of the applicant within their Grade A contours are operating stations.

(b) Application for such authorizations shall be made in the manner and form prescribed by the Commission. If the Commission, upon consideration of such application finds that the public interest, convenience and necessity would be served by the granting thereof, it will grant such application. In the event it is unable to make such a finding, the Commission will then formally designate the application for subscription television authorization for hearing and proceed pursuant to the provisions of section 309(e) of the Communications Act and the Commission's rules and regulations applicable thereto. The Commission may impose such conditions upon the grant as may be appropriate.

[2] Commissioners Bartley, Cox, and Loevinger absent.

NOTE: No applications will be accepted for filing until such time as rules concerning equipment and system performance capability have been adopted in section 73.644. At that time, the manner of filing such applications, the form, and the content thereof with regard to equipment, technical, and all other matters will be announced.

(c) Holders of subscription television authorizations shall complete construction of subscription television transmitting facilities within a period of eight months after issuance of the authorization unless otherwise determined by the Commission upon proper showing in any particular case. During the process of construction of the subscription television facilities, the holder of the authorization, after notifying the Commission and the Engineer in Charge of the radio district in which the station is located, may, without further authority of the Commission, conduct equipment tests for the purpose of such adjustments and measurements as may be necessary to assure compliance with the terms of the authorization, the technical provisions of the application therefor, and the rules and regulations. The Commission may notify the holder of the authorization not to conduct tests if such tests appear to be contrary to the public interest, convenience, and necessity. Upon completion of the construction, the holder of the authorization shall submit a detailed showing that compliance with the terms of the authorization, the technical provisions of the application therefor, and the rules and regulations has been achieved. No subscription television operation shall commence until requirements of this paragraph have been fulfilled and operation has been specifically authorized by the Commission.

(d) A subscription television authorization will not be issued or renewed for a period longer than the regular license period of the applicant's television broadcast authorization. Renewals of such authorizations will usually be considered together with renewals of the regular station authorizations.

(e) No subscription television authorization or renewal thereof shall be granted to a party having any contract, arrangement, or understanding express or implied, which:

(1) Prevents or hinders it from rejecting or refusing any subscription television broadcast program which it reasonably believes to be unsatisfactory or unsuitable or contrary to the public interest; or substituting a subscription or conventional program which in its opinion is of greater local or national importance; or

(2) Delegates to any other person the right to schedule the hours of transmission of subscription programs: *Provided, however,* That this rule shall not prevent a licensee, permittee, or applicant from entering into an agreement or arrangement whereby it agrees to schedule a specific subscription television broadcast program at a specific time or to schedule a specific number of hours of subscription programs during the broadcast day (or segments thereof) or week subject to Commission approval; or

(3) Prevents or hinders it from, or penalizes it for, making a free choice of subscription programs, whatever their source: *Provided, however,* That upon making a satisfactory showing to the Commission that the public interest would be served by permitting the licensee, permittee, or applicant to enter into an agreement or arrangement whereby it agrees to obtain all or a specified portion of its programming from one or more sources, this rule may be waived; or

(4) Deprives it of the right of ultimate decision concerning the maximum amount of any subscription program charge or fee.

(f) No subscription television authorization or renewal thereof shall be granted to a party having any contract, arrangement, or understanding, express or implied, with other parties the provisions of which do not comply with the following policies of the Commission:

(1) Unless a satisfactory signal is unavailable at the location where service is desired, subscription television service shall be provided to all persons desiring it within the Grade A contour of the nonsubscription television service provided by the station broadcasting subscription programs: *Provided, however,* That geographic or other reasonable patterns of installation for new subscription services shall be permitted: *And provided further,* That, for good cause, service may be terminated.

(2) Charges, terms and conditions of service to subscribers shall be applied uniformly: *Provided, however,* That subscribers may be divided into reasonable classifications approved by the Commission, and the imposition of different sets of terms and conditions may be applied to subscribers in different classifications: *And provided further,* That within such classifications deposits to assure payment may, for good cause, be required of some subscribers and not of others; and, also for good cause, if a subscription system generally uses a credit-type decoder cash operated decoders may be installed for some subscribers.

(3) Subscription television decoders shall be leased, and not sold, to subscribers.

(g) All applications for subscription television authorization or renewal shall set forth, in such detail as the Commission may require, the terms of agreements and arrangements the applicant has or intends to have with other parties concerning the supplying of subscription television programs, including specifically any provision that such programs shall be presented at a particular time or during a certain number of hours during the day (or segments thereof) or week, any arrangement or understanding which might hinder or prevent the presentation of programs from different sources, or penalize the applicant for so doing, and, as to any arrangement or understanding with a party other than the producer of the program, any other arrangement or understanding of which the applicant has knowledge, between such other party and third parties, which prevents or hinders such other party from obtaining programs from different sources. The applicant shall use due diligence to ascertain the existence and nature of arrangements to which it is not a party.

§ 73.643 *General operating requirements.*

(a) No commercial advertising announcements shall be carried during subscription television operations except for promotion of subscription television broadcast programs before and after such programs.

(b) Subscription television broadcast programs shall comply with the following requirements:

(1) Feature films shall not be broadcast which have had general release in theaters anywhere in the United States more than 2 years prior to their subscription broadcast:

Provided, however, That during 1 week of each calendar month one feature film the general release of which occurred more than 10 years previously may be broadcast, and more than a single showing of such a film may be made during that week.

NOTE: As used in this subparagraph, "general release" means the first run showing of a feature film in a theater or theaters in an area, on a nonreserved seat basis, with continuous performances. For first run showings of feature films on a nonreserved seat basis which are not considered to be "general release" for purposes of this subparagraph, see note 46 in Fourth Report and Order in Docket No. 11279, 8 F.C.C. 2d ——).

(3) Sports events shall not be broadcast which have been televised live on a nonsubscription, regular basis in the community during the 2 years preceding their proposed subscription broadcast: *Provided, however,* That if the last regular occurrence of a specific event (e.g., summer Olympic games) was more than 2 years before proposed showing on subscription television in a community, and the event was at that time televised on conventional television in that community, it shall not be broadcast on a subscription basis.

NOTE 1: In determining whether a sports event has been televised in a community on a nonsubscription basis, only commercial television broadcast stations which place a Grade A contour over the entire community will be considered. Such stations need not necessarily be licensed to serve that community.

NOTE 2: The manner in which this subparagraph will be administered and in which "sports," "sports events," and "televised live on a nonsubscription regular basis" will be construed is explained in paragraphs 253–270 of the Fourth Report and Order in Docket No. 11279, 8 F.C.C. 2d ——).

(3) No series type of program with interconnected plot or substantially the same cast of principal characters shall be broadcast.

(4) Not more than 90 percent of the total subscription programing hours shall consist of feature films and sports events combined. The percentage calculations may be made on a yearly basis, but, absent a showing of good cause, the percentage of such programing hours may not exceed 95 percent of the total subscription programing hours in any calendar month.

(c) Any television broadcast station licensee or permittee authorized to broadcast subscription programs shall broadcast, in addition to its subscription broadcasts, at least the minimum hours of nonsubscription programing required by section 73.651.

(d) Except as they may be otherwise waived by the Commission in authorizations issued hereunder, the rules and policies applicable to regular television broadcast stations are applicable to subscription television operations.

§ 73.644 *Equipment and system performance requirements.*

(a) No subscription television authorization will be granted unless the system to be used has been type accepted in advance by the Commission pursuant to the type acceptance procedures established by Part 2, Subpart F—Equipment Type Approval and Type Acceptance—of this chapter.

NOTE: Additional rules concerning equipment and system performance capability for subscription television systems will be adopted after a rule making proceeding in Docket No. 11279.

[F.R. Doc. 67-8444; Filed, July 18, 1967; 9:42 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of the Mint

STATEMENT OF ORGANIZATION, FUNCTIONS AND PROCEDURES

In compliance with 5 U.S.C. 552, this notice provides a statement, for the guidance of the public, of the central and field office organization of the Bureau of the Mint; the established places at which, the employees from whom and the methods whereby the public may secure information, make submittals or requests or obtain decisions; and the general course and method by which the Bureau of the Mint's functions are channeled and determined, including the nature and requirements of all formal and informal procedures available. The prior statement of organization, functions and procedures of the Bureau of the Mint, which appears in 18 F.R. 3237 (1953) is revised to read as follows:

Sec.
1. Office of the Director.
2. Budget and Finance Division.
3. Coin Management and Public Information Division.
4. Management Analysis and Production Division.
5. Personnel Division.
6. Technical Division.
7. Special Staffs. (a) Legal Staff. (b) Security Staff. (c) Statistical Staff.
8. Field Organization and Functions.
9. Public Information—Requests for Information and Records.
10. Submittals: Requests: Decisions—Formal and Informal Procedures.

SECTION 1. *Office of the Director.*

(a) The chief officer of the Bureau of the Mint is the Director of the Mint, who is under the general direction of the Secretary of the Treasury. The Director is appointed by the President, by and with the advice and consent of the Senate, and holds office for the term of 5 years.

(b) The Director administers and supervises the activities of the Bureau of the Mint. These activities are the production of coin, both domestic and foreign; the manufacture of medals of a national character; the custody, processing, and movement of bullion; the disbursing of gold and silver for authorized monetary, industrial, professional, and artistic purposes; the distribution of coins from the Mints to the Federal Reserve Banks and Branches; the analysis and compilation of general data of worldwide scope relative to gold, silver, and coins.

(c) The Director's office, divisions, and special staffs are located in the Main Treasury Building, 15th Street and Pennsylvania Avenue NW., Washington, D.C. 20220.

(d) The divisions and special staffs are enumerated in sections 2 through 7 inclusive of this Notice.

SEC. 2. *Budget and Finance Division.* The Budget and Finance Division is responsible for devising, establishing and administering accounting, auditing, budgeting and financial reporting policies and procedures for the Bureau of the Mint. This division also administers the Bureau's procurement and property control activities and exercises financial control over program activities in the execution of the budget.

SEC. 3. *Coin Management and Public Information Division.*

This division is responsible for extensive studies and surveys to develop current and future coinage estimates for the United States, and for translating the results of these studies into estimated coinage requirements for budgetary and financial planning purposes. It is also responsible for the distribution of domestic coin to Federal Reserve Banks, and for functions related to the purchase and sale of gold and silver. Public relations and information service functions of the Mint also fall within the responsibility of this division.

SEC. 4. *Management Analysis and Production Division.*

This division is responsible for management planning, improvement, and analysis; the installation of integrated systems of manpower, space, equipment, and materials; the formulation of long range operational plans for the Mint; and overall planning, coordinating, integrating and controlling of industrial production in the Mint.

SEC. 5. *Personnel Division.*

The Personnel Division is responsible for the coordination of a comprehensive personnel program for the Bureau of the Mint. The personnel program includes recruitment, appointments, training, transfers, promotions, performance ratings, awards, grievances, adverse actions, pay administration, classification, and employee-management cooperation.

SEC. 6. *Technical Division.*

The Technical Division develops and installs new and improved methods for metallurgical and manufacturing operations; conducts metallurgical and chemical investigations; coordinates technical functions and operations; and provides quality assurance on all Mint products.

SEC. 7. *Special Staffs.*

(a) *Legal Staff.* The legal staff is responsible for rendering legal advice, opinions, counseling and services for the Bureau of the Mint.

(b) *Security Staff.* The security staff is responsible for developing and administering the security program for the physical protection of Mint facilities and property, and the safeguarding of monetary assets.

(c) *Statistical Staff.* The statistical staff is responsible for a continuing statistical reporting and research program which includes preparation and publication of the Annual Report of the Director of the Mint, required under provisions of 17 Stat. 424; 31 U.S.C. 253.

SEC. 8. *Field Organization and Functions.*

The Bureau of the Mint has five field facilities. A description of the field supervision and functions of each of the facilities is given in the remainder of this section.

(a) The chief officer of each coinage mint and the New York Assay Office is a superintendent, each appointed by the President, by and with the advice and consent of the Senate. The chief officer of the assay office at San Francisco, and the depository at Fort Knox is the Officer In Charge, each appointed pursuant to normal Civil Service procedures.

(b) The chief officer of each field facility of the Bureau of the Mint administers and supervises the activities of the facility, subject to the direction of the Director of the Mint.

(c) Mint at Philadelphia, Pa.: The Philadelphia Mint performs the following functions: (1) The manufacture of domestic coin and coin for foreign governments; (2) the receipt of gold and silver bullion deposits; (3) the authorized sale of gold; (4) the assay of gold and silver bullion; (5) the redemption of uncurrent and mutilated coin; (6) the production, packaging, and shipping of medals and coin sets; and (7) the safeguarding of all monetary assets in its custody.

(d) Mint at Denver, Colo.: The Denver Mint performs the following functions: (1) The manufacture of domestic coin and coin for foreign governments; (2) the receipt of gold and silver bullion deposits; (3) the authorized sale of gold; (4) the assay of gold and silver bullion and ores; (5) the redemption of uncurrent and mutilated coin; and (6) the safeguarding of all monetary assets in its custody.

(e) Assay Office at New York, N.Y.: The New York Assay Office performs the following functions: (1) The receipt of gold and silver bullion deposits; (2) the authorized sale of gold and silver; (3) the assay of gold and silver bullion; (4) the refining of gold and silver bullion; and (5) the safeguarding of all monetary assets in its custody including those at the Silver Bullion Depository at West Point, whose function is the storage of silver and other monetary assets.

(f) Assay Office at San Francisco, Calif.: The San Francisco Assay Office performs the following functions: (1) The manufacture of domestic coin and coin for foreign governments; (2) the receipt of gold and silver bullion deposits; (3) the authorized sale of gold and silver; (4) the assay of gold and silver bullion; (5) the production, packaging, and shipping of coin sets; and (6) the safeguarding of all monetary assets in its custody.

(g) Bullion Depository at Fort Knox, Ky.: The Fort Knox Bullion Depository is responsible for the storage and safeguarding of gold bullion and other monetary assets in its custody.

SEC. 9. *Public Information—requests for information and records.*

(a) Opinions and orders, statements of policy and interpretations which have been adopted and which have precedential significance, administrative staff manuals and instructions to the staff that affect a member of the public, as well as identifiable records of the Bureau of the Mint will be available to the public for inspection and copying subject to the regulations in 31 CFR Part 92.

(b) Written requests for information or for identifiable records or copies thereof are to be addressed to the Director of the Mint, Main Treasury Building, Washington, D.C. 20220.

(c) Any applicant appearing in person for information or records should go to the public reading room of the Treasury Department, Main Treasury Building, 15th Street and Pennsylvania Avenue NW., Washington, D.C. 20220.

(d) Certain charges will be made in connection with making records or information available to the public as provided in 31 CFR Part 92.

SEC. 10. *Submittals: Requests: Decisions—formal and informal procedures.*

(a) The public may make submittals or requests, or obtain decisions by writing to the Director of the Mint, Main Treasury Building, 15th Street and Pennsylvania Avenue NW., Washington, D.C. 20220.

(b) The public should refer to 31 CFR Part 92 for specific information concerning the procedures followed by the Bureau of the Mint and for other regulations governing submittals, requests, and decisions.

[SEAL] EVA ADAMS,
Director of the Mint.

Approved: July 14, 1967.

ROBERT A. WALLACE,
Assistant Secretary of the Treasury.

[F.R. Doc. 67-8308; Filed, July 18, 1967; 8:48 a.m.]

Office of the Secretary

REVISED RECOMMENDED AMENDMENTS TO THE PROPOSED INTEREST EQUALIZATION TAX EXTENSION ACT OF 1967

Exemption for Prior American Ownership; Due Date of Interest Equalization Tax

On July 14, 1967, the Treasury Department recommended that the Senate act favorably on H.R. 6098, 90th Congress, 1st Session (the proposed Interest Equalization Tax Extension Act of 1967) as passed by the House of Representatives but with amendments, effective with respect to acquisitions of stock or debt obligations made after July 14, 1967. The recommended amendments to the proposed Act, as revised July 17, 1967, would:

(a) Replace the exemption for prior American ownership with an exemption for "prior American ownership and compliance". The new exemption would apply to the acquisition of stock or a debt obligation of a foreign issuer or obligor if it is established that the person from whom such stock or debt obligation was acquired (the "seller") (i) was a U.S. person throughout the period of his ownership or continuously since July 18, 1963, (ii) had not acquired such stock or debt obligation under an exemption which made him ineligible to sell such stock or debt obligation as a U.S. person, and (iii) had complied with his interest equalization tax obligations with respect to such stock or debt obligation (i.e., the seller acquired such stock or debt obligation in an acquisition which was not subject to the interest equalization tax or the seller paid the tax).

(b) Provide that if stock of a foreign issuer or a debt obligation of a foreign issuer or obligor was acquired by a U.S. person in a transaction subject to the interest equalization tax, the U.S. person is required to file an Interest Equalization Transaction Tax Return accompanied by proper payment prior to any disposition of the stock or debt obligation if the acquisition had not been reported on the appropriate Interest Equalization Quarterly Tax Return accompanied by proper payment.

(c) Specify the manner, described below, under which the exemption for prior American ownership and compliance can be established.

(d) Amend the provisions with respect to "regular market" trading on certain national securities exchanges and "clean comparison" trading in the over-the-counter market set forth in section 4918 of the Internal Revenue Code so that they are applicable only to those members and member organizations of national securities exchanges or national securities associations registered with the Securities and Exchange Commission, which have agreed to comply, and do comply, with the amended statutory provisions and with the documentation, recordkeeping, and reporting requirements established by the Secretary or his delegate (referred to in this Notice as "Participating Firms"). During the period beginning July 15, 1967, and until a notice or notices to the contrary are published by the Internal Revenue Service, it will be presumed that (i) all members or member organizations of the New York Stock Exchange, (ii) all members or member organizations of the American Stock Exchange, and (iii) those members or member organizations of the National Association of Securities Dealers, Inc., which either reported a net capital (as defined in Rule 15c3-1 under the Securities Exchange Act of 1934) of $750,000 in the latest financial statement filed with the Securities and Exchange Commission on Form X-17A-5 prior to July 13, 1967, or which have effected 300 or more transactions in foreign securities during either the week commencing July 2 or commencing July 9, 1967 (which members or member organizations of the National Association of Securities Dealers, Inc., are listed below) have agreed to comply, and are complying, with such amended statutory provisions and with the documentation, recordkeeping, and reporting requirements and shall be participating firms.

Participating Firms as of July 18, 1967. The Participating Firms as of July 18, 1967, are as follows:

All members and member organizations of the New York Stock Exchange.

All members and member organizations of the American Stock Exchange.

The following members and member organizations of the National Association of Securities Dealers, Inc., not members or member organizations of the New York Stock Exchange or the American Stock Exchange:

1. A. E. Ames Co., Inc., New York, N.Y.
2. Allen & Co., New York, N.Y.
3. Allison-Williams Co., Minneapolis, Minn.
4. B. C. Ziegler & Co., West Bend, Wis.
5. Baer Securities Corp.
6. Bankers Securities Corp., Philadelphia, Pa.
7. Barrow, Leary & Co., Shreevport, La.
8. Calvin, Bullock Ltd., New York, N.Y.
9. Carl Marks & Co., Inc., New York, N.Y.
10. Cartwright, Valleau & Co., Chicago, Ill.
11. Childress & Co., Jacksonville, Fla.
12. City Securities Corp., Indianapolis, Ind.
13. Collett & Co., Inc., Indianapolis, Ind.
14. Cumberland Securities Corp., Nashville, Tenn.
15. Dayton Bond Corp., Dayton, Ohio.
16. Dempsey & Co., Chicago, Ill.
17. Distributors Group, Inc., New York, N.Y.
18. Donald B. Litchard, Boston, Mass.
19. Dreyfus Corp., New York, N.Y.
20. E. L. Villareal Co., Inc., Little Rock, Ark.
21. E. M. Warburg & Co., Inc., New York, N.Y.
22. Eaton & Howard, Inc., Boston, Mass.
23. Equitable Securities Corp., Nashville, Tenn.
24. Excelsior Option Corp., Boston, Mass.
25. F. I. du Pont, A. C. Allyn, Inc., New York, N.Y.
26. First Boston Corp., New York, N.Y.
27. First Investors Corp. of New York, New York, N.Y.
28. First Southwest Co., Dallas, Tex.
29. Glover & MacGregor Inc., Pittsburgh, Pa.
30. Gordon B. Hanlon & Co., Boston, Mass.
31. Grace Canadian Securities, Inc., New York, N.Y.
32. Gross & Co., Los Angeles, Calif.
33. H. S. Kipnis & Co., Chicago, Ill.
34. Halsey, Stuart & Co., Inc., Chicago, Ill.
35. Hamilton Management Corp., Denver, Colo.
36. Henry Spiegel, New York, N.Y.
37. Hettleman & Co., New York, N.Y.
38. Hickey & Co., Chicago, Ill.
39. IDS Securities Corp., Minneapolis, Minn.
40. Insurance Securities, Inc., Corp., Houston, Tex.
41. J. S. Strauss & Co., San Francisco, Calif.
42. John Nuveen & Co., Inc., Chicago, Ill.
43. John W. Clarke & Co., Chicago, Ill.
44. Kalman & Co., Inc., St. Paul, Minn.
45. Kenower, MacArthur & Co., Detroit, Mich.
46. Loomis, Sayles & Co., Inc., Boston, Mass.
47. M. A. Schapiro & Co., New York, N.Y.
48. National Securities & Research Corp., New York, N.Y.
49. National Variable Annuity Co. Fla., Jacksonville, Fla.
50. Nikko Securities Co. International, Inc., New York, N.Y.
51. Nomura Securities Co., Ltd., New York, N.Y.
52. Parsons & Co., Cleveland, Ohio.

53. Paul Revere Variable Annuity Insurance Co., Worcester, Mass.
54. Pflueger & Baerwald, San Francisco, Calif.
55. R. S. Dickson & Co., Inc., Charlotte, N.C.
56. Richard W. Clark Corp., New York, N.Y.
57. Second District Securities Co., New York, N.Y.
58. Singer and Mackie, Inc., New York, N.Y.
59. Stephens, Inc., Little Rock, Ark.
60. Stern Brothers & Co., Kansas City, Mo.
61. Stetson Securities Corp., Fairfield, Conn.
62. Stone & Youngberg, San Francisco, Calif.
63. Stryker & Brown, New York, N.Y.
64. The Crosby Corp., Boston, Mass.
65. Thomas, Haab & Botts, New York, N.Y.
66. Thomas McDonald & Co., Chicago, Ill.
67. Troster, Singer & Co., New York, N.Y.
68. Vance, Sanders & Co., Inc., Boston, Mass.
69. Waddell & Reed, Inc., Kansas City, Mo.
70. Weedon & Co., San Francisco, Calif.
71. Wellington Management Co., Philadelphia, Pa.
72. Wheeler, Munger & Co., Los Angeles, Calif.
73. William C. McDonnell, New York, N.Y.
74. William E. Pollack & Co., Inc., New York, N.Y.
75. Wood, Gundy & Co., Inc., New York, N.Y.
76. Wood, Struthers & Co., Inc., New York, N.Y.
77. Yamaich Securities Co., of New York, Inc.

Changes In List Of Participating Firms. Any other member or member organization of a national securities exchange or a national securities association registered with the Securities and Exchange Commission may become a Participating Firm if it files with the Commissioner of Internal Revenue, Washington, D.C. 20224 (Attention: CP) a letter signed by the member, a partner or an officer (i) requesting designation as a Participating Firm, (ii) agreeing to comply with the documentation, recordkeeping and reporting requirements established by the Internal Revenue Service (whether established prior or subsequent to the date of the letter), (iii) agreeing that its books and records no matter where located may be examined by any employee of the Internal Revenue Service, and (iv) if the letter is filed with the Commissioner of Internal Revenue on or after August 15, 1967, stating that such documentation, recordkeeping and reporting requirement procedures are operational. The Internal Revenue Service will from time to time publish the names of those members or member organizations which have become Participating Firms subsequent to July 17, 1967.

Any member or member organization which became a Participating Firm prior to August 15, 1967, shall cease to be a Participating Firm unless on or before August 15, 1967, it files with the Commissioner of Internal Revenue a letter signed by the member, a partner, or an officer setting forth each of the items (i) to (iv), inclusive, of the preceding paragraph. A Participating Firm may terminate its status as such by filing a request with the Commissioner of Internal Revenue. In addition, if the Commissioner of Internal Revenue has reasonable cause to believe that a Participating Firm is not complying with such statutory provisions, or with the documentation, recordkeeping and reporting requirements, or any part thereof, he may cause the removal of such firm from the list of Participating Firms.

The effective date on which a member or member organization shall become or cease to be a Participating Firm shall be the date specified in a notice issued by the Internal Revenue Service, which date shall not be prior to the date following the date on which the notice was made available to financial publications and wire services.

Establishment of exemption for prior American ownership and compliance. The Treasury recommended that the amendments to H.R. 6098 authorize the following procedures, effective July 15, 1967, for the establishment of the exemption for prior American ownership and compliance:

1. If a U.S. person acquiring stock of a foreign issuer or a debt obligation of a foreign obligor directly from or through a Participating Firm receives in good faith from the Participating Firm an "IET Clean Confirmation" (meeting the requirements described below) applicable to the particular stock or debt obligation acquired, the exemption for prior American ownership and compliance shall be deemed to have been established.

2. If a U.S. person acquiring stock of a foreign issuer or a debt obligation of a foreign obligor receives in good faith copies 1 and 2 of a Validation Certificate issued by the Internal Revenue Service to the seller or to himself applicable to the particular stock or debt obligation acquired and, in the case where the Validation Certificate was issued to the seller, completes and files copy 2 of the certificate with the Internal Revenue Service, the exemption for prior American ownership and compliance shall be deemed to have been established.

3. If a U.S. person acquiring stock of a foreign issuer or a debt obligation of a foreign obligor establishes that there is reasonable cause for an inability to establish prior American ownership and compliance in accordance with one of the foregoing, prior American ownership and compliance may be established by other evidence which satisfies the Internal Revenue Service that the person from whom such acquisition was made was a complying U.S. person not ineligible to sell as a U.S. person.

Sales effected by Participating Firms. The Treasury further recommended that the amendments to H.R. 6098 provide that Participating Firms are required to sell stock of a foreign issuer or a debt obligation of a foreign obligor as stock or a debt obligation not exempt from the interest equalization tax by reason of the exemption for prior American ownership and compliance except in the following cases:

1. The Participating Firm (i) at the close of business on July 14, 1967 (trade date), carried in its records for the account of the seller the stock or debt obligation being sold, (ii) has in its possession and relies in good faith on a certificate of American ownership with respect to the stock or debt obligation being sold, or a blanket certificate of American ownership with respect to such account, and (iii) included the stock or debt obligation in the Transition Inventory of the Participating Firm duly filed on or before the due date (whether it occurs prior to or subsequent to the sale) with the Internal Revenue Service as hereinafter provided.

2. The Participating Firm purchased on or after July 15, 1967, for, or sold to, the seller the stock or debt obligation being sold if the exemption for prior American ownership and compliance applied to the seller's acquisition and if the Participating Firm continuously carried in its records for the account of the seller such stock or debt obligation.

3. The Participating Firm purchased for, or sold to, the seller the stock or debt obligation being sold if the exemption for prior American ownership or the exemption for prior American ownership and compliance applied to the acquisition and if the Participating Firm on or after July 15, 1967, received from the seller the identical stock certificates or evidence of indebtedness which it had previously delivered to the seller in respect of the purchase.

4. The Participating Firm received the stock or debt obligation being sold from another Participating Firm or from a Participating Custodian with a Transfer of Custody Certificate meeting the requirements described below.

5. The Participating Firm has received from the seller copies 1 and 2 of a Validation Certificate issued by the Internal Revenue Service applicable to the stock or debt obligation being sold and on or before the business day following the delivery of the security by the seller or the day of the sale, whichever is later, completes and files copy 2 of the certificate with the Internal Revenue Service. For this purpose timely mailing is treated as timely filing if in accordance with section 7502 of the Internal Revenue Code.

6. If the sale involves stock, the Participating Firm received from the seller proof that the seller is a U.S. person (until otherwise announced a Certificate of American ownership with respect to the stock being sold is acceptable proof) and the stock certificate is registered in the name of the seller by a United States transfer agent which is a bank or trust company and dated prior to July 19, 1963.

7. The Participating Firm withholds the amount of Interest Equalization Tax which would be imposed had the seller purchased in a taxable acquisition the stock or debt obligation being sold on the day of the sale. Information on withholding procedures will be published shortly.

IET Clean Confirmation. A Participating Firm is authorized to issue an "IET Clean Confirmation" to a customer with respect to stock or a debt obligation of a foreign issuer or obligor in the following circumstances:

1. In a case where the Participating Firm purchased the stock or debt obligation as broker for the customer from or through another Participating Firm in the regular market (in the case of a purchase on a national securities exchange referred to in section 4918(c) of

the Internal Revenue Code) or received a clean comparison or confirmation from another Participating Firm under the procedures referred to in section 4918(d) of the Internal Revenue Code.

2. It sold the stock or debt obligation as dealer to the customer and it was a complying U.S. person not ineligible to sell as a U.S. person.

Each IET Clean Confirmation shall state the date of acquisition, the number of shares or the face amount of obligations purchased, the description of the stock or debt obligations, the price paid, and the market on or through which the purchase was effected. Only an original document may constitute an IET Clean Confirmation and each copy or duplicate shall be marked as such. All other confirmations issued by Participating Firms with respect to stock or debt obligations of foreign issuers or obligors shall be clearly marked in ink, by typewriter or by business machine so as to be distinguishable from IET Clean Confirmations.

Issuance of Validation Certificates. Validation Certificates will be issued by all District Directors of Internal Revenue commencing Monday, July 17, 1967, upon proof that the United States person on whose behalf the Validation Certificate is requested has complied with his interest equalization tax obligations with respect to the securities to be covered by the Validation Certificate. The Internal Revenue Service will shortly announce the procedures for obtaining Validation Certificates. Each District Director will reissue Validation Certificates in different denominations upon request.

Interim procedures. Where the stock of a foreign issuer or a debt obligation of a foreign obligor is sold by a Participating Firm prior to the close of business on July 21, 1967, a Validation Certificate will be deemed to have been issued with respect to such securities if the Participating Firm effecting such sale files a letter, in duplicate, with the District Director, on or before August 2, 1967, certifying that: (i) To the best of its knowledge and belief the seller for whom it sold such foreign securities was a resident of the United States at the time of the sale and the Participating Firm had reason to believe that the seller had been a resident of the United States for the preceding 18 months, (ii) to the best of its knowledge and belief the seller is the beneficial owner of such securities, (iii) that during the calendar week ending July 21, 1967, the Participating Firm had not sold (or by selling such securities did not sell) securities in an amount in excess of $50,000 for the seller which were subject to the interest equalization tax and which could not be sold regular way on a national securities exchange or under the clean confirmation procedures over-the-counter pursuant to section 4918 (c) and (d) of the Internal Revenue Code without a Validation Certificate, and (iv) the seller had had previous brokerage relations as a customer with the Participating Firm. In addition, such letter shall contain, with respect to each stock of a foreign issuer or debt obligation of a foreign obligor sold, the name and address of the seller, the Social Security number of the seller, the number of shares or face amount of the security or the debt obligation, the name of the issuer or obligor, the class of stock or description of the debt obligation, the total amount for which the stock or debt obligation was sold, and the settlement date. The letter must be signed by a partner or officer of the Participating Firm.

During the calendar week ended July 21, 1967, a Participating Firm may accept an order from or deal with another Participating Firm or a U.S. bank or trust company (excluding a U.S. branch or agency of a foreign bank) in any amount without special documentation, except to indicate transfers subject to the interest equalization tax.

Transition Inventory. The Transition Inventory shall be filed with the Commissioner of Internal Revenue no later than August 15, 1967. Each Participating Firm and each Participating Custodian filing a Transition Inventory (Participating Custodians are described below) shall list those stocks and debt obligations of foreign issuers and obligors carried on its records at the close of business July 14, 1967 (trade date), and shall show (i) the aggregate amount of each such security carried for the accounts of U.S. persons, (ii) the aggregate amount of each such security carried for the accounts of other persons, and (iii) the aggregate amount of each such security not in the physical custody of the Participating Firm or Participating Custodian.

Participating Custodians. During the period beginning July 15, 1967, and until a notice or notices to the contrary are published by the Internal Revenue Service, the Participating Custodians are the Federal Reserve Member Banks which are classified as reserve city banks.

A bank or trust company insured by the Federal Deposit Insurance Corporation may become a Participating Custodian if it files with the Commissioner of Internal Revenue, Washington, D.C. 20224 (Attention: CP), a letter signed by an officer (i) requesting designation as a Participating Custodian, (ii) agreeing to comply with the documentation, recordkeeping, and reporting requirements established by the Internal Revenue Service (whether established prior or subsequent to the date of the letter), (iii) agreeing that its books and records no matter where located may be examined by any employee of the Internal Revenue Service, and (iv) if the letter is filed with the Commissioner of Internal Revenue on or after August 15, 1967, stating that such documentation, recordkeeping, and reporting requirement procedures are operational. The Internal Revenue Service will from time to time publish the names of those members or member organizations which have become Participating Custodians subsequent to July 15, 1967.

Any bank or trust company which became a Participating Custodian prior to August 15, 1967, shall cease to be a Participating Custodian unless on or before August 15, 1967, it files with the Commissioner of Internal Revenue a letter signed by an officer setting forth each of the items (i) to (iv), inclusive, of the preceding paragraph. A Participating Custodian may terminate its status as such by filing a request with the Commissioner of Internal Revenue. In addition, if the Commissioner of Internal Revenue has reasonable cause to believe that a Participating Custodian is not complying with the statutory provisions related to the interest equalization tax applicable to it, or with the documentation, recordkeeping, and reporting requirements, or any part thereof, he may cause the removal of such firm from the list of Participating Custodians.

The effective date on which a bank or trust company shall become or cease to be a Participating Custodian shall be the date specified in a notice issued by the Internal Revenue Service, which date shall not be prior to the date following the date on which the notice was made available to financial publications and wire services.

Transfer of Custody Certificates. Transfer of Custody Certificates shall be issued only by Participating Firms and Participating Custodians and only in connection with a transfer from the account of a customer of a Participating Firm or Participating Custodian to the account of the same customer with a different Participating Firm or Participating Custodian in the following circumstances:

1. The Participating Firm or Participating Custodian on July 14, 1967 (trade date), carried in its records for the account of the customer the stock or debt obligation referred to in the Transfer of Custody Certificate and acquired and holds in good faith a certificate of American ownership with respect to such stock or debt obligation or a blanket certificate of American ownership with respect to such account, if it included such stock or debt obligation in the Transition Inventory duly filed on or before the due date (whether it occurs prior to or subsequent to the sale) by it with the Commissioner of Internal Revenue.

2. The Participating Firm or Participating Custodian received a like amount of the stock or debt obligation referred to in a Transfer of Custody Certificate from another Participating Firm or Participating Custodian accompanied by a Transfer of Custody Certificate.

3. The Participating Firm purchased for the transferor the stock or debt obligation referred to in the Transfer of Custody Certificate and in connection with the purchase either received (i) a Validation Certificate issued by the Internal Revenue Service, or (ii) was authorized to issue an IET Clean Confirmation, and in either case continuously carried for the account of the transferor the stock or debt obligation so purchased, or received back from the purchaser the identical securities or evidence of indebtedness previously delivered to the purchaser.

Recordkeeping requirements. The recordkeeping requirements for Participating Firms are, until further notice, identical to the recordkeeping requirements for broker-dealers issued pursuant to the Securities Exchange Act of 1934 with the following required modifications:

1. Records of original entry (in most cases the purchase and sale blotter) shall be prepared and maintained separately for all purchases and sales of stock and debt obligations of foreign issuers and obligors. All entries shall clearly designate those transactions which involved foreign-owned securities. All entries reflecting a purchase of securities, the acquisition of which is exempt from the tax under the exemption for prior American ownership and compliance, shall clearly designate the documentation received establishing such exemption. All entries reflecting a sale of securities regular way on a national securities exchange referred to in section 4918(c) of the Internal Revenue Code or under the clean comparison procedure established by section 4918(d) of the Code shall clearly designate the documentation authorizing such sale.

2. The securities record or ledger reflecting separately for each stock or debt obligation of a foreign issuer or obligor all "long" or "short" positions (including such securities in safekeeping) carried by such firm or custodian for its account or for the account of customers (commonly known as stock record sheets) shall be prepared and maintained apart from those prepared and maintained for all other securities. All entries in such record or ledger, and in each customer's account, shall clearly designate those of such securities with respect to which the firm or custodian can issue a Transfer of Custody Certificate without obtaining further documentation.

3. The ledger account itemizing separately the accounts of such firm or custodian reflecting all purchases, sales, receipts, and deliveries of stock or debt obligations of a foreign issuer or obligor for the firm's own investment and trading accounts shall be prepared and maintained apart from those prepared and maintained for all other securities. All entries shall clearly designate those transactions which involve securities on which the firm or custodian can issue a Transfer of Custody Certificate. Appropriate files for each of said dealer-owned foreign securities shall be maintained, in readily accessible form, to hold all relevant information and evidence to substantiate tax free nature of the acquisitions pursuant to which such securities were acquired or, if acquired in a taxable transaction, the retained copies of the tax returns filed with respect to such acquisitions.

4. Separate files shall be maintained for all interest equalization tax reports filed with the Internal Revenue Service (both for information and tax-paying purposes) including copies of all documents filed with the Internal Revenue Service and summaries and supporting schedules. In addition, such files shall contain substantiation of the Transition Inventory filed with the Commissioner of Internal Revenue.

Certain debt obligations. The foregoing procedures would not apply to those debt obligations of foreign obligors which are neither convertible nor listed or traded in domestic or foreign markets. In such cases, the exemption for prior American ownership and compliance will, until other procedures are announced, be established if the United States person acquiring the obligation receives in good faith a letter from the seller certifying to the exemption together with a copy thereof and files the copy with the Internal Revenue Service.

[SEAL] STANLEY S. SURREY,
Assistant Secretary.

[F.R. Doc. 67-8466; Filed, July 18, 1967; 12:02 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Montana 2641]

MONTANA

Order Providing for Opening of Public Lands

JULY 10, 1967.

1. In an exchange of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1272), as amended June 26, 1936 (49 Stat. 1976; 43 U.S.C. 315g), the following lands have been reconveyed to the United States:

PRINCIPAL MERIDIAN, MONTANA

T. 14 N., R. 47 E.,
Sec. 17, All.

The area described contains 640 acres.

2. The above described lands are located in Prairie County, 25 miles northwest of Terry, Mont. The topography is generally rolling prairie with some areas rather rough. The lands are presently used for grazing livestock. The lands are not suited to cultivation due to topography, soils, and low rainfall.

3. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands are hereby open to application, petition, location and selection. All valid applications received at or prior to 10 a.m., August 11, 1967, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. The mineral rights in the lands were not exchanged. Therefore, the mineral status of the lands are not affected by this order.

5. Inquiries concerning the lands should be addressed to the Land Office Manager, Bureau of Land Management, Billings, Mont. 59101.

EUGENE H. NEWELL,
Land Office Manager.

[F.R. Doc. 67-8279; Filed, July 18, 1967; 8:46 a.m.]

[Utah 0145026]

UTAH

Notice of Offering of Land for Sale

JULY 10, 1967.

Notice is hereby given that, under the provisions of the Act of September 19, 1964 (78 Stat. 988) and pursuant to an application from the city of St. George, Utah, the Secretary of the Interior will offer for sale the SE¼SE¼NE¼SW¼ and SW¼SW¼NW¼SE¼ Section 13, T. 42 S., R. 16 W., SLM, Utah.

The land has been classified as chiefly valuable for the orderly growth and development of the city of St. George, Utah, as a site for recreation and public buildings to be a part of a large recreation complex presently under development. The tract is zoned RP-1, Residence Park Zone, which permits certain specific uses. The land is located on the outskirts of St. George, just northwest of the city.

It is the intention of the Secretary to enter into an agreement with authorized city officials to permit the city of St. George to purchase the land at the appraised market value.

Patent to the land issued under the Act of September 19, 1964, supra, shall contain a reservation to the United States of rights-of-way for ditches and canals under the Act of August 30, 1890 (43 U.S.C. sec. 945), and of all mineral deposits which shall thereupon be withdrawn from appropriation under the public land laws including the mining and mineral leasing laws. The land will be sold subject to all valid existing rights and reservations for rights-of-way.

R. D. NIELSON,
State Director.

[F.R. Doc. 67-8280; Filed, July 18, 1967; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

ECONOMIC RESEARCH SERVICE

Statement of Organization and Delegation

Pursuant to the authority contained in 5 U.S.C. 301 and Reorganization Plan No. 2 of 1953, section 135 of Secretary's order dated November 27, 1964 (29 F.R. 16210), as amended, is further amended to read as follows:

Sec. 135 *Assignment of functions.* The following assignment of functions is made to the Economic Research Service:

a. Farm economics research dealing with the economic problems of agricultural production and resource use, but excluding forest economics research; farm production economics research including analyses of farm production costs and efficiency, use of capital and labor in agriculture profitable adjustments in farming, and financial problems of farmers; natural resource economics research studies on the extent, use and

management of land and water resources and resource institutions, and on watershed and river basin development problems; economic development research including a broad program on economic development of rural areas, opportunities and employment of rural people and factors affecting them, including local governments and their organizations. Title I and Title II of the Act of 1946 (7 U.S.C. 427, 1621–1627), except as otherwise assigned in Secretary's order of November 27, 1964, as amended.

b. Marketing economics research, including economic and cost analyses relating to the marketing of specific agricultural commodities; the organizational structure and practices of commodity markets; costs, measurement of margins, and efficiency involved in the marketing of agricultural products; farmers' bargaining power; the economics of product quality and grade; market potentials, distribution and merchandising of agricultural products; and the economics of transportation of agricultural products. Title II of the Act of 1946 (7 U.S.C. 1621–1627), except as otherwise assigned in Secretary's Order of November 27, 1964, as amended.

c. Domestic and foreign economic research, including economic and statistical analyses of agricultural prices, farm income, commodity outlook and situation, the supply and consumption of farm products, and agricultural history. Foreign economic analyses include economic studies of supply of, demand for, and trade in farm products in foreign countries and their effect on prospects for U.S. exports; analyses of farm export programs, progress in economic development and its relationship to sales of farm products; assembly and analysis of agricultural trade statistics; and analysis of international financial monetary programs and policies, as they affect the competitive position of U.S. farm products, but exclude specific commodity investigations relating to foreign market developments, competition and reporting, as assigned to Foreign Agricultural Service. Section 601 of the Act of August 28, 1954 (7 U.S.C. 1761).

d. Supervision, direction and operation of the Outlook and Situation Board which is responsible for technical review and approval of all economic outlook and situation reports and statements prepared within the Department.

e. Authority to make grants under section 2 of the Act of August 4, 1965 (7 U.S.C. 4501), and the Act of September 6, 1958 (42 U.S.C. 1891–1893).

f. Economic research under P.L. 83–480, Title 1, section 104(a) with funds administered by the Foreign Agricultural Service, and under section 104(k) with funds administered by the Agricultural Research Service.

Signed at Washington, D.C., this 13th day of July 1967.

ORVILLE L. FREEMAN,
Secretary of Agriculture.

[F.R. Doc. 67-8294; Filed, July 18, 1967; 8:47 a.m.]

MISSOURI, NEBRASKA, AND OKLAHOMA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the States of Missouri, Nebraska, and Oklahoma natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

MISSOURI

Adair.	Lafayette.
Andrew.	Lewis.
Atchison.	Linn.
Boone.	Livingston.
Buchanan.	Macon.
Butler.	Mercer.
Caldwell.	Mississippi.
Callaway.	Moniteau.
Carroll.	Montgomery.
Charlton.	New Madrid.
Clark.	Nodaway.
Clay.	Osage.
Clinton.	Pemiscot.
Cole.	Platte.
Cooper.	Putnam.
Daviess.	Randolph.
De Kalb.	Ray.
Dunklin.	Ripley.
Gasconade.	Saline.
Gentry.	Schuyler.
Grundy.	Scotland.
Harrison.	Scott.
Holt.	Shelby.
Howard.	Stoddard.
Jackson.	Sullivan.
Johnson.	Worth.
Knox.	

NEBRASKA

Hamilton.	Platte.
Nance.	York.

OKLAHOMA

Stephens.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1968, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 14th day of July 1967.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67-8326; Filed, July 18, 1967; 8:49 a.m.]

Packers and Stockyards Administration

FLORENCE TRADING POST ET AL.

Proposed Posting of Stockyards

The Chief, Registrations, Bonds and Reports Branch, Packers and Stockyards Administration, U.S. Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the Act.

Florence Trading Post, Florence, Alabama.
Jack Sivils Sale Company, Butler, Missouri.
Holdrege Commission Company, Holdrege, Nebraska.
Aberdeen Livestock Sales Company, Inc., Aberdeen, South Dakota.
Hub City Livestock Sales, Inc., Aberdeen, South Dakota.

Notice is hereby given, therefore, that the said Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the Act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule, may do so by filing them with the Chief, Registrations, Bonds and Reports Branch, Packers and Stockyards Administration, U.S. Department of Agriculture, Washington, D.C. 20250, within 15 days after publication in the FEDERAL REGISTER.

All written submissions made pursuant to this notice shall be made available for public inspection at such times and places in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 13th day of July 1967.

EDWARD L. THOMPSON,
Registrations, Bonds, and Reports Branch, Packers and Stockyards Administration.

[F.R. Doc. 67-8327; Filed, July 18, 1967; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

LYKES BROS. STEAMSHIP CO., INC.

Notice of Application

Notice is hereby given that Lykes Bros. Steamship Co., Inc., has applied for a temporary increase of two sailings per month in the maximum number of subsidized sailings permitted on its Trade Route No. 22—Freight Service (Line D—Orient Line), with such increase to be effective for the duration of disruption of normal commercial relations with certain Arab countries in the area of Lykes' Trade Route No. 13, Freight Service (Line C—Mediterranean Line).

In connection with said application it is noted that U.S.-flag participation in commercial cargo traffic carried by ships in liner service on Trade Route No. 22 (U.S. Gulf/Far East) was less than 30 percent of outbound and 15 percent of inbound in each of the last 3 years, and is decreasing. The following table shows liner carryings of commercial cargo on Trade Route No. 22 during calendar years 1964, 1965, and 1966 and U.S.-flag participation therein:

TRADE ROUTE NO. 22—COMMERCIAL CARGO CARRIED BY SUBSIDY LINER SERVICE

Calendar year	Outbound: Total United States and foreign	Outbound: U.S. flag	Outbound: U.S. percent	Inbound: Total United States and foreign	Inbound: U.S. flag	Inbound: U.S. percent
1964	2,222,196	686,771	28	850,489	73,417	15
1965	2,200,977	525,074	23	879,003	57,732	9
1966	2,113,294	403,916	19	725,727	64,908	9

Source: U.S. Department of Commerce, Bureau of the Census.

Any person, firm or corporation having any interest in such application and desiring a hearing on issues pertinent to section 605(c) of the Merchant Marine Act, 1936, as amended, 46 U.S.C. 1175, should by the close of business on July 31, 1967, notify the Secretary, Maritime Subsidy Board in writing, in triplicate, and file petition for leave to intervene in accordance with the rules of practice and procedure of the Maritime Subsidy Board.

In the event petitions to intervene are received from party or parties having standing to be heard, an expedited hearing on the section 605(c) statutory issues will be held because of the emergency conditions obtaining and the temporary nature of the service being proposed.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

Dated: July 14, 1967.

By order of the Maritime Subsidy Board.

JOHN M. O'CONNELL,
Acting Secretary.

[F.R. Doc. 67-8316; Filed, July 18, 1967; 8:48 a.m.]

UNITED STATES LINES, INC.

Notice of Application for Approval of Certain Cruises

Notice is hereby given that United States Lines, Inc., acting pursuant to Public Law 87-45, has applied to the Maritime Administration for approval of the following cruises by the SS "United States":

Sails New York—February 3, 1968; returns New York—March 2, 1968; itinerary—Curacao, Rio de Janeiro, Dakar, Tenerife, Gibraltar, Lisbon, Funchal.
Sails New York—April 6, 1968; returns New York—April 15, 1968; itinerary—Cristobal, Curacao, St. Thomas.

Any person, firm or corporation having any interest, within the meaning of Public Law 87-45, in the foregoing who desires to offer data, views and arguments should submit the same in writing, in triplicate, to the Secretary, Maritime Subsidy Board, Washington, D.C. 20235, by the close of business on July 31, 1967.

In the event an opportunity to present oral argument is also desired, specific reason for such request should also be included. The Maritime Subsidy Board will consider these comments and views and take such action with respect thereto as in its discretion it deems warranted.

Dated: July 14, 1967.

By order of the Maritime Subsidy Board.

JOHN M. O'CONNELL,
Acting Secretary.

[F.R. Doc. 67-8317; Filed, July 18, 1967; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

UNION CARBIDE CORP.

Notice of Establishment of Temporary Tolerance

Notice is given that at the request of the Union Carbide Corp., Post Office Box 8361, South Charleston, W. Va. 25303, a temporary tolerance of 0.1 part per million is established for total residues of the insecticides 2-*sec*-butyl-4,6-dinitrophenyl isopropyl carbonate and its metabolite 2-*sec*-butyl-4,6-dinitrophenol in or on apples and pears from the application of the insecticide to the growing crops. The Commissioner of Food and Drugs has determined that this temporary tolerance will protect the public health.

A condition under which this temporary tolerance is established is that the insecticide will be used in accord with the temporary permit issued by the U.S. Department of Agriculture.

This temporary tolerance expires July 11, 1968.

This action is taken pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346 a(j)) and delegated by him to the Commissioner (21 CFR 2.120).

Dated: July 11, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-8296; Filed, July 18, 1967; 8:47 a.m.]

MONSANTO CO.

Notice of Filing of Petition Regarding Pesticides

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), notice is given that a petition (PP 7F0617) has been filed by Monsanto Co., 800 North Linbergh Boulevard, St. Louis, Mo. 63166, proposing the establishment of a tolerance of 0.2 part per million for residues of the herbicide α-chloro-*N,N*-diallylacetamide in or on the raw agricultural commodities: Cabbage, castor beans, celery, corn (field, sweet, and popcorn), lima beans, onions, peas, potatoes, snap beans, sorghum (grain and forage), soybeans, sugarcane, sweet potatoes, and tomatoes.

The analytical method proposed for determining residues of the herbicide is based upon hydrolysis by caustic to release diallylamine. This amine is reacted with carbon disulfide and copper sulfate in the presence of alkali to produce copper diallyldithiocarbamate, which is measured spectrophotometrically.

Dated: July 11, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-8299; Filed, July 18, 1967; 8:47 a.m.]

[Docket No. FDC-D-103; NDA No. 12-268 et al.]

PUREX CORP.

Cutitone Acne Cream and All Other Drugs for Human Use Containing Bithionol; Notice of Opportunity for Hearing

Notice is hereby given to the Purex Corp., Wilmington, Calif. 90746, and to any interested person who may be adversely affected, that the Commissioner proposes (21 U.S.C. 355(e)) of the issue an order under the provisions of section 505(e) (21 U.S.C. 355(e)) of the Federal Food, Drug, and Cosmetic Act (1) withdrawing approval of new-drug application No. 12-268 and all amendments and supplements thereto held by the Purex Corp. for the drug Cutitone Acne Cream, which contains bithionol as an active ingredient, and (2) withdrawing approval of all other new-drug applications and all amendments and supplements thereto for drugs for human use containing any bithionol, for which the applicants have waived opportunity for a hearing on this proposal, on the grounds that:

Evaluation of (1) new evidence of clinical experience not contained in such application or not available to the Commissioner until after such application was approved, (2) tests by methods not deemed reasonably applicable when the application was approved, and (3) the evidence available when the application was approved indicates that bithionol,

a component of the drug, is not shown to be safe for use under the conditions of use for which the application was approved. Specifically, such new evidence and photo-patch tests show that the use of bithionol will cause photosensitivity and that in some instances the photosensitization may persist for prolonged periods as severe reactions without further contact with sensitizing articles. Further, there is evidence to indicate that bithionol may produce cross-sensitization with other commonly used chemicals such as certain halogenated salicylanilides and hexachlorophene.

In accordance with the provisions of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner will give the applicant and any interested person who would be adversely affected by an order withdrawing such approval an opportunity for a hearing at which time such persons may produce evidence and arguments to show why approval of new-drug application No. 12-268 should not be withdrawn. Promulgation of the proposed order will cause all drugs for human use containing any bithionol to be new drugs for which no approval is in effect.

Within 30 days from the date of publication of this notice in the FEDERAL REGISTER, such persons are required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Office of the General Counsel, Food and Drug Division, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, a written appearance electing whether:

1. To avail themselves of the opportunity for a hearing; or

2. Not to avail themselves of the opportunity for a hearing.

If such persons elect not to avail themselves of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing the approval of the new-drug application.

Failure of such persons to file such a written appearance of election within 30 days following the date of publication of this notice in the FEDERAL REGISTER will be construed as an election by such persons not to avail themselves of the opportunity for a hearing.

The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process that the Commissioner finds is entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

If such persons elect to avail themselves of the opportunity for a hearing by filing a timely written appearance of election, a hearing examiner will be named by the Commissioner and he shall issue a written notice of the time and place for the hearing.

This notice is issued under the authority contained in the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052, as amended; 21 U.S.C. 355), and delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120).

Dated: July 12, 1967.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 67-8300; Filed, July 18, 1967; 8:47 a.m.]

[Docket No. FDC-D-99; NDA No. 16-579]

TYLER PHARMACAL DISTRIBUTORS, INC.

Pro-Forma; Final Order Refusing Approval of New-Drug Application

In the FEDERAL REGISTER of January 11, 1967 (32 F.R. 286), a notice of opportunity for hearing was published extending to Tyler Pharmacal Distributors, Inc., 36 West Van Buren Street, Chicago, Ill. 60605, referred to herein as the "respondent," an opportunity for a hearing on the proposal of the Commissioner of Food and Drugs to refuse to approve, under section 505(d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(d)), new-drug application No. 16-579 submitted by the respondent November 15, 1966, for marketing the drug Pro-Forma. The grounds for the proposed order were set forth in the notice.

The respondent elected to avail itself of the opportunity for a hearing. Pursuant to notices published in the FEDERAL REGISTER (Mar. 3, 1967, 32 F.R. 3716; Mar. 10, 1967, 32 F.R. 3950), a prehearing conference and a hearing were held before a duly designated hearing examiner.

On April 14, 1967, the hearing examiner issued tentative findings of fact, tentative conclusions of law, and tentative order based on the substantial evidence of record adduced at the hearing.

In accordance with § 130.25 (21 CFR 130.25), the respondent was given the opportunity to file exceptions to the tentative order. No exceptions were filed.

Therefore, by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the provisions of the act (sec. 505(d), 52 Stat. 1052, as amended; 21 U.S.C. 355(d)) and delegated to him by the Secretary (21 CFR 2.120), the Commissioner hereby issues this final order refusing to approve new-drug application No. 16-579 on the grounds that it does not meet the requirements of section 506 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130) necessary for approval.

The tentative findings of fact and conclusions of law, dated April 14, 1967, filed by the hearing examiner in this matter in Docket File No. FDC-D-99, are hereby specifically adopted and incorporated by reference into this final order. Said findings and conclusions were served on the respondent by certified mail and are available for inspection at the Office of the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201.

Dated: July 11, 1967.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 67-8301; Filed, July 18, 1967; 8:47 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ACTING DEPUTY ASSISTANT REGIONAL ADMINISTRATOR FOR METROPOLITAN DEVELOPMENT, REGION IV (CHICAGO)

Designation

Paul R. Kaup, Region IV (Chicago), is hereby designated to serve as Acting Deputy Assistant Regional Administrator for Metropolitan Development, Region IV, during the present vacancy in the position of Deputy Assistant Regional Administrator for Metropolitan Development with all the powers, functions, and duties redelegated or assigned to the Deputy Assistant Regional Administrator for Metropolitan Development, Region IV.

(Secretary's delegation effective November 16, 1966)

Effective as of the 21st day of May 1967.

DWIGHT A. INK,
Assistant Secretary for Administration.

[F.R. Doc. 67-8325; Filed, July 18, 1967; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-298]

BOSTON EDISON CO.

Notice of Receipt of Application for Construction Permit and Facility License

Boston Edison Co., 800 Boylston Street, Boston, Mass. 02199, pursuant to section 104(b) of the Atomic Energy Act of 1954, as amended, has filed an application, dated June 23, 1967, for authorization to construct and operate a single cycle, forced circulation, boiling water nuclear reactor. The proposed reactor, designated by the applicant as the Pilgrim Nuclear Power Station, will be located on the applicant's approximately 517-acre site about 36 miles southeast of Boston, in the town of Plymouth, Plymouth County, Mass. The reactor is designed for initial operation at approximately 1,912 thermal megawatts with a net electrical output of approximately 687 megawatts.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 12th day of July 1967.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 67-8267; Filed, July 18, 1967; 8:45 a.m.]

[Docket No. 50-379]

GEORGIA INSTITUTE OF TECHNOLOGY

Notice of Application for License To Receive, Possess, and Store Nuclear Reactor Components and Fuel

Please take notice that Georgia Institute of Technology, pursuant to section 104c of the Atomic Energy Commission Act of 1954, as amended, has submitted an application dated June 14, 1967, for necessary licenses to receive, possess, and store, but not to assemble, components and fuel of the AGN-201, serial No. 104, nuclear reactor presently located on the University of Akron's campus in Akron, Ohio. The components and fuel are to be stored on the campus of Georgia Institute of Technology in Atlanta, Ga., until applications for authority to assemble and operate are filed with and acted upon by the Commission. A copy of the application is available for public inspection at the AEC Public Document Room, located at 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 12th day of July 1967.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[F.R. Doc. 67-8268; Filed, July 18, 1967; 8:45 a.m.]

[Docket No. 50-290]

UNITED NUCLEAR CORP.

Notice of Proposed Issuance of Construction Permit

The Atomic Energy Commission ("the Commission") is considering the issuance of a construction permit, substantially as set forth below, to United Nuclear Corp. The permit would authorize construction of a zero-power critical experiment facility (designated by the applicant as "Proof Test Facility") to be located at United Nuclear Corp.'s Remote Experimental Station site about 4 miles west of Pawling, N.Y. The Proof Test Facility is to be used to perform physics tests on fuel of the type used in central station nuclear power reactors.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for hearing, and any person whose interest may be affected by the issuance of this construction permit may file a petition for leave to intervene. Requests for hearing and petitions to intervene shall be filed in accordance with the provision of the Commission's rules of practice, 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, a notice of hearing or an appropriate order will be issued.

For further details with respect to this proposed license, see (1) the application dated April 28, 1967, and amendment thereto dated June 9, 1967, and (2) a related Safety Evaluation prepared by the Division of Reactor Licensing, both of which are available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of the safety evaluation may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 14th day of July 1967.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

PROPOSED CONSTRUCTION PERMIT

1. By application dated April 28, 1967, and amendment thereto dated June 9, 1967 (hereinafter referred to as "the application"), United Nuclear Corp. requested a Class 104 license authorizing construction and operation of a critical experiment facility (designated the Proof Test Facility and hereinafter "PTF") at its site near Pawling, N.Y.

2. The Atomic Energy Commission ("the Commission") has found that:

A. The application complies with the requirements of the Atomic Energy Act of 1954, as amended ("the Act"), and the Commission's regulations set forth in Title 10, Chapter 1, CFR;

B. The PTF will be a utilization facility as defined in the Commission's regulations contained in Title 10, Chapter 1, CFR, Part 50, "Licensing of Production and Utilization Facilities";

C. The PTF will be used in the conduct of research and development activities of the types specified in Section 31 of the Act;

D. United Nuclear Corp. is financially qualified to construct the PTF in accordance with the regulations contained in Title 10, Chapter 1, CFR, and to engage in the proposed activities for a reasonable period of time;

E. United Nuclear Corp. is technically qualified to design and construct the PTF;

F. United Nuclear Corp. has submitted sufficient technical information concerning the proposed facility to provide reasonable assurance that the proposed facility can be constructed and operated at the proposed location without endangering the health and safety of the public; and

G. The issuance of the proposed construction permit will not be inimical to the common defense and security or to the health and safety of the public.

3. Pursuant to the Act and Title 10, CFR, Part 50, "Licensing of Production and Utilization Facilities," the Commission hereby issues a construction permit to United Nuclear Corp. to construct the PTF in accordance with the application and this construction permit. This permit shall be deemed to contain and be subject to the conditions specified in sections 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Act and rules, regulations and orders of the Commission now or hereinafter in effect, and is subject to the additional conditions specified below:

A. The earliest completion date of the facility is September 1, 1967. The latest completion date of the facility is November 1, 1967. The term "completion date," as used herein, means the date on which construction of the facility is completed except for the introduction of the fuel material.

B. The PTF shall be constructed on the applicant's Remote Experimental Station site located near Pawling, N.Y., as specified in the application.

4. Upon completion of the construction of the PTF in accordance with the terms and conditions of this permit, upon finding that the facility authorized has been constructed and will operate in conformity with the application and the provisions of the Act and of the rules and regulations of the Commission, upon execution of the indemnity agreement as required by section 170 of the Act, and in the absence of any good cause being shown to the Commission why the granting of a license would not be in accordance with the provisions of the Act, the Commission will issue a Class 104 license to United Nuclear Corp. pursuant to section 104c of the Act, which license shall expire approximately ten (10) years from the date of issuance of this permit, unless sooner terminated.

Date of issuance:

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[F.R. Doc. 67-8402; Filed, July 18, 1967; 8:50 a.m.]

CIVIL AERONAUTICS BOARD

EMERY AIR FREIGHT CORP.

Notice of Application for Tariff-Filing Authority Pickup and Delivery Zone

JULY 14, 1967.

In accordance with Part 222 (14 CFR, Part 222) of the Board's Economic Regulations (effective June 12, 1964), notice is hereby given that the Civil Aeronautics Board has received an application, Docket 18786, from Emery Air Freight Corp., Post Office Box 322, Wilton, Conn., for authority to provide true pickup and delivery service of air freight shipments between the Greater Buffalo International Airport and Batavia, N.Y.

Under the provisions of § 222.3(c) of Part 222, interested persons may file an answer in opposition to or in support of this application within fifteen (15) days after publication of this notice in the FEDERAL REGISTER. An executed original and 19 copies of such answer shall be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. It shall set forth in detail the reasons for the position taken and include such economic data and facts as are relied upon, and shall be served upon the applicant and state the date of such service.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 67-8313; Filed, July 18, 1967; 8:48 a.m.]

[Docket Nos. 18722, etc.; Order No. E-26417]

FRONTIER AIRLINES, INC.

Order of Investigation and Suspension Regarding Military Wives and Mothers Fare

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 13th day of July 1967.

By tariff[1] posted June 15, 1967, and marked to become effective August 1, 1967, Frontier Airlines, Inc. (Frontier), has proposed Military Wives and Mothers fares, applicable over its entire system, at a discount of 40 perbent from its standard fare, subject to a $10 minimum. Eligibility for these reduced fares is limited to the wives and mothers of persons on active duty status with one of the U.S. military agencies. The tariff bears an expiration date of January 31, 1968.

In its letter of justification accompanying the tariff transmittal, Frontier states that the purpose of the discount fare is to enable wives and mothers of service personnel to visit their husbands and sons at a price which they can afford. Frontier further asserts that the proposed fares are intended to stimulate air travel and attract a substantial volume of new traffic to air transportation. In this regard, the carrier estimates that the proposed fares will produce added revenues of $188,000, and additional servicing costs of $91,000, and that as a result, Frontier's subsidy would be reduced by $97,000 annually.

Complaints requesting investigation and suspension of the proposal have been filed by Western Air Lines, Inc. (Western), Northwest Airlines, Inc. (Northwest), and Continental Air Lines, Inc. (Continental).[2] In general, these complaints assert that the instant proposal is unjustly discriminatory in the following respects: (1) The limitation of the fare to women violates the rule of equality that a reduced fare must be reasonably open to all who apply, free of any restrictions based on the passengers' mission, business or status; (2) the proposed service is not sufficiently differentiated from standard service, to warrant a special fare, since there is no space-available, off-peak, or other meaningful restriction upon its availability; (3) nothing in the proposal prevents wives and mothers from visiting anyone at any city on Frontier's system regardless of where their husbands and sons may be stationed; (4) Frontier's proposal is almost completely immune from effective policing since no documentation is available, nor proposed, which would authoritatively evidence the wife's or mother's status with respect to her serviceman husband or son; (5) this lack of positive identification could lead to widespread abuse of the fare; (6) Frontier has failed to justify the discrimination on grounds of either cost savings or competitive considerations; and (7) the proposed tariff would dilute revenues and divert traffic from competing carriers.

In its answer, Frontier compares establishment of these fares with military furlough fares and the reduced fares available to wives to visit their husbands while on rest and recuperation leave in Hawaii. On this basis, they contend that the instant proposal is in the national interest and not unjustly discriminatory.

On the basis of all facts and information before it, the Board concludes that Frontier's proposed fares for Military Wives and Mothers should be investigated. The tariff, in restricting the availability of the reduced fares to wives and mothers of service personnel, is inherently discriminatory in several respects. We have heretofore ordered investigations and suspended the effectiveness of tariffs proposing similar reduced fares for women[3] because of the patent discrimination between the sexes and the absence of any distinction in the transportation of men and women. The instant proposal raises the same basic problem in that it would establish special fares for wives and mothers of service personnel, but not for their husbands and fathers. This proposal goes further, however, and would discriminate between men and women in service in that the reduced fares proposed would be available for the spouses of servicemen but not servicewomen. In addition, while the reduced fares proposed would be available for wives and mothers to visit service personnel they would not be restricted to such travel and these fares would be applicable to transportation unrelated to a son, daughter or husband serving in the armed forces. Thus this proposal also results in a discrimination among women upon the basis of this status and we perceive no justification for the discrimination inherent in singling out this group to receive special fares for any air transportation that may be provided.

With regard to Frontier's contention that the proposed fare is similar to the reduced fares available to wives to visit their husbands while on rest and recuperation leave in Hawaii, we do not agree that a valid basis for this comparison exists. In those tariffs the reduced fares are available only for travel to visit a relatively restricted group of servicemen in Hawaii under unusual circumstances. These factors are not present in the instant proposal and the reduced fares would be made available without restriction for travel unrelated to having family members in the service.

In essence we view the instant proposal as discriminatory upon the basis of sex, as discriminatory between the families of men and women in service, and as discriminatory among women. Neither the promotional advantages alleged by Frontier nor the inherent characteristics of the persons involved appear sufficient to justify these discriminatory aspects of this proposal. In view of the serious nature of the discrimination involved in this proposal, the Board will suspend the tariff pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered, That:

1. An investigation be instituted to determine whether the fares and provisions in Rule 22 on 2d Revised Page 36 of tariff CAB No. 101 issued by Airline Tariff Publishers, Inc., agent, and rules, regulations, and practices affecting such fares and provisions, are or will be unjust or unreasonable, unjustly discriminatory, unruly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares and provisions, and rules, regulations, or practices affecting such fares and provisions;

2. Pending hearing and decision by the Board, the fares and provisions in Rule 22 on 2d Revised Page 36 of tariff CAB No. 101 issued by Airline Tariff Publishers, Inc., agent, are suspended and their use deferred to and including January 31, 1968, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The proceeding ordered herein be assigned for hearing before an Examiner of the Board at a time and place hereafter to be designated;

4. Except to the extent granted herein, the complaints of Western Airlines, Inc., in Docket 18722, Northwest Airlines, Inc., in Docket 18728, and Continental Air Lines, Inc., in Docket 18729 be dismissed; and

5. Copies of this order be filed with the aforesaid tariff and be served upon Western Air Lines, Inc., Northwest Airlines, Inc., and Continental Air Lines, Inc., which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 67-8313; Filed, July 18, 1967; 8:48 a.m.]

[1] Rule 22 of Airline Tariff Publishers, Inc., agent, Local and Joint Passenger Fares Tariff No. PF-7, CAB No. 101.

[2] American Airlines, Inc., submitted a letter dated June 28, 1967, commenting on the subject proposal. The letter will be placed in the correspondence file of the docket.

[3] Orders E-24563 and 25169, dated Dec. 27, 1966, and May 19, 1967, respectively.

FEDERAL MARITIME COMMISSION

STATES MARINE LINES, INC., ET AL.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

States Marine Lines, Inc., Global Bulk Transport, Inc., and Isthmian Lines, Inc.

Notice of agreement filed for approval by:

J. D. Kenny, Counsel, States Marine-Isthmian Agency, Inc., 90 Broad Street, New York, N.Y. 10004.

Agreement 9641, between States Marine Lines Inc., Global Bulk Transport, Inc., and Isthmian Lines, Inc., provides for the establishment of a joint cargo service to and from ports of the United States (including territories and possessions) and ports of Japan, Korea, Taiwan (Formosa), Siberia, Manchuria, Vietnam, Thailand, the Republic of the Philippines as well as ports on the Mediterranean Sea, on the Sea of Marmara, on the Black Sea and on the Atlantic Coast of Morocco under terms and conditions as set forth in the agreement.

Dated: July 14, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI, *Secretary.*

[F.R. Doc. 67-8296; Filed, July 18, 1967; 8:47 a.m.]

ALASKA CRUISE LINES, LTD., ET AL.

Application for Certificate of Financial Responsibility To Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages; Notice of Issuance of Casualty Certificate

Notice is hereby given that pursuant to the provisions of section 2, Public Law 89-777 (80 Stat. 1356, 1357) and Federal Maritime Commission General Order 20 (46 CFR Part 540), that a Certificate of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or other Persons on voyages has been issued to the following (all effective on August 7, 1967):

Alaska Cruise Lines, Ltd., Certificate No. C-1,010.

Canadian Pacific Railway Co. (Canadian Pacific), Certificate No. C-1,011.

Companhia Colonial De Navegacao (C.C.N. The Portuguese Line), Certificate No. C-1,012.

Giacomo Costa Fu Andrea (Costa Line) (Linea "C"), Certificate No. C-1,013.

Oceanic Special Shipping Co., Ltd., Certificate No. C-1,014.

Europa-Canada Linie G.m.b.H., Bremen (Europe-Canada Line) (ECL Shipping Co.), Certificate No. C-1,015.

"Holland-Amerika Lijn", N.V. Nederlandsch-Amerikaansche Stoomvaart-Maatschappij (Netherlands American Steamship Co.) (Holland-America Line), Certificate No. C-1,016.

N.V. Mailschip Rotterdam (Mailship Rotterdam, Inc.) (Holland-America Line), Certificate No. C-1,017.

Zim Israel Navigation Co. Ltd. (Zim Line), Certificate No. C-1,018.

The Cunard Steam-Ship Co., Ltd. (Cunard), Certificate No. C-1,019.

Transatlantic Shipping Corp. (Greek Line), Certificate No. C-0,020.

Transoceanic Navigation Corp. (Greek Line), Certificate No. C-0,021.

Compagnie Generale Transatlantique (French Line), Certificate No. C-1,022.

Victoria Steamship Co., Ltd. (Incres Line), Certificate No. C-1,023.

Rederiaktiebolaget Clipper (Clipper Steamship Company) (Clipper Line), Certificate No. C-1,024.

Norddeutscher Lloyd (North German Lloyd) (NDL, NGL), Certificate No. C-1,025.

Den norske Amerikalinje A/S (Norwegian America Line), Certificate No. C-1,026.

Aktiebolaget Svenska Amerika Linien (Swedish American Line), Certificate No. C-1,027.

"Italia" Societa' per Azioni Di Navigazione ("Italia" Steamship Corp.) (Italian Line), Certificate No. C-1,028.

Mitsui O.S.K. Lines, Ltd., and/or Nippon Sangyo Junko Mihonichi Ky okai (Mitsui O.S.K. Lines), Certificate No. C-1,029.

Mitsui O.S.K. Lines, Ltd., and/or Nihon Injusen K.K. (Mitsui O.S.K. Lines).

Compagnie Francaise De Navigation—Paquet Lines (Paquet Lines) (Compagnie Francaise De Navigation), Certificate No. C-1,030.

Dated: July 14, 1967.

THOMAS LISI, *Secretary.*

[F.R. Doc. 67-8309; Filed, July 18, 1967; 8:48 a.m.]

ATLANTIC FAR EAST LINES, INC.

Financial Responsibility To Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages; Notice of Application for Casualty Certificate

Notice is hereby given that pursuant to the provisions of section 2, Public Law 89-777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, Amendment 2 (46 CFR Part 540) the following persons have applied to the Federal Maritime Commission for a Certificate of Financial Responsibility To Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages:

Atlantic Far East Lines, Inc. (Orient Overseas Line).

Dated: July 14, 1967.

THOMAS LISI, *Secretary.*

[F.R. Doc. 67-8310; Filed, July 18, 1967; 8:48 a.m.]

CITIZENS & SOUTHERN NATIONAL BANK

Indemnification of Passengers for Nonperformance of Transportation; Notice of Issuance of Performance Certificate

Notice is hereby given that pursuant to the provisions of section 3, Public Law 89-777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20 (46 CFR Part 540) that a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation has been issued to the following:

The Citizens & Southern National Bank ("The C & S National Bank"), certificate No. P-56, effective date: July 12, 1967.

Dated: July 14, 1967.

THOMAS LISI, *Secretary.*

[F.R. Doc. 67-8311; Filed, July 18, 1967; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 455]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JULY 14, 1967.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 1824 (Deviation No. 6), PRESTON TRUCKING COMPANY, INC., 151 Easton Boulevard, Preston, Md. 21655, filed July 10, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between junction Interstate Highway 80 and U.S. Highway 15, near Whitedeer, Pa., and junction Interstate Highway 80 and U.S. Highway 611, near

Stroudsburg, Pa., over Interstate Highway 80, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Baltimore, Md., over Interstate Highway 83 to Lemoyne, Pa., thence over U.S. Highway 15 to junction U.S. Highway 20, thence over U.S. Highway 20 to junction New York Highway 130, thence over New York Highway 130 to Buffalo, N.Y., (2) from Lemoyne, Pa., over U.S. Highway 11 to Syracuse, N.Y., and (3) from Jersey City, N.J., over U.S. Highway 22 to junction New Jersey Highway 69, thence over New Jersey Highway 69 to junction U.S. Highway 46, thence over U.S. Highway 46 to junction U.S. Highway 611, thence over U.S. Highway 611 to junction Pennsylvania Highway 307, thence over Pennsylvania Highway 307 to Scranton, Pa., and return over the same routes.

No. MC 1824 (Deviation No. 7), PRESTON TRUCKING COMPANY, INC., 151 Easton Boulevard, Preston, Md. 21655, filed July 10, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Harrisburg, Pa., over U.S. Highway 22 to junction Interstate Highway 78, thence over Interstate Highway 78 to Allentown, Pa., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From junction U.S. Highway 22 and New Jersey Highway 69 over U.S. Highway 22 to junction U.S. Highway 222, thence over U.S. Highway 222 to junction U.S. Highway 30, thence over U.S. Highway 30 to Chambersburg, Pa., and (2) from junction U.S. Highways 222 and 422 over U.S. Highway 422 to junction U.S. Highway 322, thence over U.S. Highway 322 to Harrisburg, Pa., and return over the same routes.

No. MC 1824 (Deviation No. 8), PRESTON TRUCKING COMPANY, INC., 151 Easton Boulevard, Preston, Md. 21655, filed July 10, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 11 and New York Highway 17 over New York Highway 17 to junction New York Highway 14, thence over New York Highway 14 to junction U.S. Highway 20, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Philadelphia, Pa., over U.S. Highway 309 to junction U.S. Highway 11, thence over U.S. Highway 11 to junction U.S. Highway 20, and (2) from junction U.S. Highway 11 and 20 over U.S. Highway 20 to junction U.S. Highway 15, and return over the same routes.

No. MC 17803 (Deviation No. 1), PREMIER TRUCKING SERVICE CO., Post Office Box 156 Downtown Station, Omaha, Nebr. 68101, filed July 5, 1967. Carrier's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities* with certain exceptions, over deviation routes as follows: (1) From Chicago, Ill., over Interstate Highway 55 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction Interstate Highway 80N, thence over Interstate Highway 80N to junction Interstate Highway 29, thence over Interstate Highway 29 to Omaha, Nebr., and (2) from Chicago, Ill., over Interstate Highway 55 to junction Interstate Highway 80, thence over Interstate Highway 80 to Omaha, Nebr., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Omaha, Nebr., over city streets across the Missouri River bridge to junction Iowa Highway 92, thence over Iowa Highway 92 to junction Iowa Highway 48, thence over Iowa Highway 48 to junction U.S. Highway 6, thence over U.S. Highway 6 to junction Interstate Highway 55, thence over Interstate Highway 55 to Chicago, Ill., and (2) from Omaha, Nebr., over U.S. Highway 75 to junction U.S. Highway 30, thence over U.S. Highway 30 to junction Illinois Highway 56, thence over Illinois Highway 56 to junction Alternate U.S. Highway 30, thence over Alternate U.S. Highway 30 to junction Interstate Highway 90, thence over Interstate Highway 90 to Chicago, Ill., and return over the same routes.

No. MC 75651 (Deviation No. 1), R. C. MOTOR LINES, INC., 2500 Laura Street, Post Office Box 2501, Jacksonville, Fla. 32203, filed July 3, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: (1) From Atlanta, Ga., over Interstate Highway 75 to junction Interstate Highway 10, thence over Interstate Highway 10 to Jacksonville, Fla., and (2) from Atlanta, Ga., over Interstate Highway 75 to junction Interstate Highway 475 (bypass around Macon, Ga.), thence over Interstate Highway 475 to junction Interstate Highway 75, thence over Interstate Highway 75 to junction Interstate Highway 10, thence over Interstate Highway 10 to Jacksonville, Fla., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Savannah, Ga., over U.S. Highway 80 to Macon, Ga., thence over Georgia Highway 87 to junction U.S. Highway 23, thence over U.S. Highway 23 to Atlanta, Ga., and (2) from Jacksonville, Fla., over U.S. Highway 17 via Savannah, Ga., to Pocataligo, S.C., and return over the same routes.

No. MC 104004 (Deviation No. 33), ASSOCIATED TRANSPORT, INC., 380 Madison Avenue, New York, N.Y. 10017, filed June 30, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Greenville, S.C., over Interstate Highway 85 to junction Interstate Highway 285 (near Atlanta, Ga.), thence over Interstate Highway 285 to junction Interstate Highway 75, thence over Interstate Highway 75 to Chattanooga, Tenn., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Greenville, S.C., over U.S. Highway 25 to Asheville, N.C., thence over U.S. Highway 70 to Knoxville, Tenn., thence over U.S. Highway 129 to junction U.S. Highway 411, thence over U.S. Highway 411 to Cleveland, Tenn., thence over U.S. Highway 11 to Chattanooga, Tenn., and return over the same route.

MOTOR CARRIER OF PASSENGERS

No. MC 8742 (Deviation No. 2), CONTINENTAL PANHANDLE LINES, INC., 400 Monroe Street, Amarillo, Tex. 79101, filed June 30, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over a deviation route as follows: Between Oklahoma City, Okla., and Sayre, Okla., over Interstate Highway 40, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Oklahoma City, Okla., over U.S. Highway 277 to junction Oklahoma Highway 152 (formerly Oklahoma Highway 41), thence over Oklahoma Highway 152 to Sayre, Okla., and return over the same route.

No. MC 102764 (Deviation No. 2), A.B.C., Inc., 120 Plympton Street, North Providence, R.I. 02904, filed July 3, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, over a deviation route as follows: From junction Interstate Highway 195 and Milliken Boulevard exit in Fall River, Mass., over Interstate Highway 195 to junction with Penniman and Purchase Streets in New Bedford, Mass., thence over Penniman and Purchase Streets to the Almeida Bus Terminal in New Bedford, Mass. (a distance of 13.6 miles), and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Providence, R.I., over U.S. Highway 6 to junction U.S. Highway 44 in East Providence, R.I., thence over Waterman Avenue in East Providence, R.I., and Fall River Avenue in Seekonk, Mass., to U.S. Highway 6, thence over U.S. Highway 6 via Fall River, Mass., to New Bedford, Mass., and return over the same route.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-8303; Filed, July 18, 1967; 8:47 a.m.]

[Notice 1066]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JULY 14, 1967.

The following publications are governed by Special Rule 1.247 of the Commission's Rules of Practice, published in the FEDERAL REGISTER issue of April 20, 1966, which became effective May 20, 1966.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 95540 (Sub-No. 698) (Republication), filed May 10, 1967, published in FEDERAL REGISTER Issue of May 25, 1967, and republished this issue. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, Fla. Applicant's representative: Alan E. Serby, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Candy and confectionery products*, from Dunn, N.C., to points in Michigan, Ohio, Indiana, Illinois, Missouri, Oklahoma, Kansas, Florida, and North Dakota. NOTE: Common control may be involved. This republication is to reflect the hearing information.

HEARING: August 8, 1967, before Examiner Robert L. Irwin, at the offices of the Interstate Commerce Commission, Washington, D.C.

No. MC 105813 (Sub-No. 150) (Republication), filed May 31, 1967, published in FEDERAL REGISTER Issue of June 29, 1967, and republished this issue. Applicant: BELFORD TRUCKING CO., INC., 3500 Northwest 79th Avenue, Post Office Box 1542, M.I.A. Station, Miami, Fla. 33148. Applicant's representative: James T. Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery*, from Dunn, N.C., to points in Alabama, Georgia, Florida, and South Carolina. This republication is to reflect the hearing information.

HEARING: August 8, 1967, before Examiner Robert L. Irwin, at the offices of the Interstate Commerce Commission, Washington, D.C.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-8304; Filed, July 18, 1967; 8:47 a.m.]

[Notice 1066]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JULY 14, 1967.

The following publications are governed by Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER issue of April 20, 1966, which became effective May 20, 1966.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

MOTOR CARRIERS OF PROPERTY

No. MC 16872 (Sub-No. 13) (Republication), filed November 30, 1966, published FEDERAL REGISTER issue of December 22, 1966, and republished this issue. Applicant: WILLIAM MIRRER, doing business as MIRRER'S TRUCKING CO., 38 Alan Avenue, Glen Rock, N.J. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. By application filed November 30, 1966, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of glass bottles and containers, from Washington, Pa., to Paterson, N.J., and New York, N.Y. An order of the Commission, Operating Rights Board No. 1, dated June 29, 1967, and served July 10, 1967, as amended, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of *glass bottles and plastic containers*, from Washington, Pa., to Paterson, N.J., and New York, N.Y., restricted to the transportation of traffic originating at Washington, Pa., and destined to Paterson, N.J., and New York, N.Y., that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 22046 (Sub-No. 14) (Republication), filed January 4, 1967, published FEDERAL REGISTER issue of January 26, 1967, and republished this issue. Applicant: W. M. (BILLY) WALKER, INC., 129 South Grimes Street, Hobbs, N. Mex. 88240. Applicant's representative: W. D. Girand, P.O. Box 1290, Room 221, New Mexico Bank & Trust Co. Building, Hobbs, N. Mex. By application filed January 4, 1967, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of commodities, the transportation of which, because of size or weight, requires the use of special equipment (except retired railroad cars and buildings), and related machinery parts, and related contractors' materials and supplies when their transportation is incidental to the transportation of commodities which, because of size or weight, require the use of special equipment, between points in Lea, Eddy, Chaves, Roosevelt, and Curry Counties, N. Mex., and Loving, Winkler, and Andrews Counties, Tex. An order of the Commission, Operating Rights Board No. 1, dated June 23, 1967, and served July 10, 1967, as amended finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of *commodities* the transportation of which because of size or weight requires the use of special equipment, between points in Lea, Eddy, Chaves, Roosevelt, and Curry Counties, N. Mex., and Loving, Winkler, and Andrews Counties, Tex., subject to the restriction that such authority shall not be tacked or joined with any other authority held by applicant for the purpose of providing a through service from or to points not authorized to be served herein; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 29647 (Sub-No. 40) (Republication), filed February 23, 1967, published FEDERAL REGISTER issue of March 9, 1967, and republished this issue. Applicant: CHARLTON BROS. TRANSPORTATION COMPANY, INC., Post Office Box 2097, 552 Jefferson Street, Hagerstown, Md. 21740. Applicant's representative: Spencer Money, Park Lane Building, 2025 Eye Street NW., Washington, D.C. 20006. By application filed February 23, 1967, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of *sawdust and wood chips*, in bulk, in specially constructed trailers, from Martinsburg, W. Va., to Williamsburg and Tyrone (Blair County), Pa. An Order of the Commission, Operating Rights Board No. 1, dated June 23, 1967, and served July 10, 1967, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce as a common carrier by motor vehicle, over irregular routes, of *sawdust and wood chips*, in bulk, from Martinsburg, W. Va., to Williamsburg and Tyrone (Blair County), Pa.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 30844 (Sub-No. 229) (Republication), filed January 6, 1967, published FEDERAL REGISTER issue of January 26, 1967, and republished this issue. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Post Office Box 5000, Waterloo, Iowa 50704. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, Colo. 80202. By application filed January 6, 1967, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of (1) fresh, cured, and smoked meats, frozen and unfrozen, and (2) buckwheat flour, maple syrup, and cheese when mixed in the same vehicle with commodities specified in (1), from Fort Atkinson, Wis., to points in Connecticut, Delaware, the District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, with traffic to Ohio restricted to shipments moving in the same vehicle and in conjunction with shipment destined to points east of the Ohio-Pennsylvania State lines, and further restricted to traffic originating at the plantsite and facilities utilized by Jones Dairy Farm at or near Fort Atkinson, Wis. An order of the Commission, Operating Rights Board No. 1, dated June 23, 1967, and served July 10, 1967, as amended, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of (1) *meats*, and (2) *buckwheat flour, maple syrup, and cheese* in mixed loads with meats, from Fort Atkinson, Wis., to points in Connecticut, Delaware, Maine, Maryland, Massachusets, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, and restricted to the transportation of traffic originating at the plantsite and facilities utilized by Jones Dairy Farm located at or near Fort Atkinson, Wis.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings of this order a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 107002 (Sub-No. 333) (Republication), filed February 17, 1967, published FEDERAL REGISTER issue of March 9, 1967, and republished this issue. Applicant: HEARIN-MILLER TRANSPORTERS, INC., Post Office Box 1123, U.S. Highway 80 West, Jackson, Miss. 39205. Applicant's representatives: Harry C. Ames, Jr., 529 Transportation Building, Washington, D.C. 20006, and Harold D. Miller, Jr., Post Office Box 1250, Jackson, Miss. 39205. By application filed February 17, 1967, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier, by motor vehicle, over irregular routes, of (1) cement, from Lowndes, Lee, Hinds, and Rankin Counties, Miss., to points in Louisiana, Alabama, Tennessee, and Arkansas, and (2) sulphuric acid, in bulk, in tank vehicles, from Bossier Parish, La., to points in Mississippi. By letter, filed June 1, 1967, applicant seeks to amend part (1) of the application by substituting the origin point of Madison County, Miss., in lieu of Hinds County, Miss. An order of the Commission, Operating Rights Board No. 1, dated June 21, 1967, and served July 10, 1967, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of (1) *cement*, from points in Lowndes, Lee, Madison, and Rankin Counties, Miss., to points in Louisiana, Alabama, Tennessee, and Arkansas, and (2) *Sulphuric acid*, in bulk, in tank vehicles, from points in Bossier Parish, La., to points in Mississippi; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 112582 (Sub-No. 29) (Republication), filed December 19, 1966, published FEDERAL REGISTER issue of January 6, 1967, and republished this issue. Applicant: T. M. ZIMMERMAN COMPANY, a corporation, Post Office Box 380, Chambersburg, Pa. Applicant's representative: John M. Musselman, 400 North Third Street, Harrisburg, Pa. 17108. By application filed December 19, 1966, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of bakery products requiring refrigeration from Cincinnati, Ohio, to the plant site of Pet, Inc., at Allentown and Chambersburg, Pa. An order of the Commission, Operating Rights Board No. 1 dated June 21, 1967, and served July 7, 1967, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of *bakery products*, in vehicles equipped with mechanical refrigeration, from Cincinnati, Ohio, to the plantsites of the Frosen Food Division of Pet, Inc. (of St. Louis, Mo.), at Allentown and Chambersburg, Pa., that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding

will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 113963 (Republication of modification of certificate), Applicant: HEAVY & SPECIALIZED HAULERS, INC., 190 Polk Avenue, Nashville, Tenn. 37211. Applicant's representative: Robert M. Pearce, Central Building, 1033 State Street, Bowling Green, Ky. A certificate was issued to applicant dated December 9, 1963, which authorizes the transportation of "industrial plants, and in connection therewith, machinery, equipment, and bulk stocks." A report of the Commission, division 1, decided May 5, 1967, and served May 15, 1967, finds that on and continuously since June 1, 1935, applicant and its predecessors-in-interest have engaged in bona fide operation, in interstate or foreign commerce, as common carriers by motor vehicle, of *commodities* which because of size or weight require the use of special equipment or handling, between points within 175 miles of Chattanooga, Tenn., including Chattanooga, that unless otherwise ordered, a certificate authorizing a continuance of such operation, in substitution for that heretofore authorized, should be granted to applicant. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a modified certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 114989 (Sub-No. 9) (Republication), filed February 9, 1967, published FEDERAL REGISTER issue of March 2, 1967, and republished this issue. Applicant: BRACEY & MARTIN, INC., 1910 South Walnut Street, Hopkinsville, Ky. 42240. Applicant's representative: James C. Havron, 513 Nashville Bank and Trust Building, Nashville, Tenn. 37201. By application filed February 9, 1967, applicant seeks a permit authorising operations, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of malt beverages, in containers, (1) from South Bend, Ind., to Hopkinsville, Ky., (2) from Cincinnati, Ohio, to points in Christian County, Ky., and empty malt beverage containers and rejected shipments, on return, in (1) and (2) above, under contract with Kentucky Ace Beverage Distributors, Inc., and Cravens Distributing Co. Applicant seeks to amend part (1) of the application by substituting the origin point of Evansville, Ind., in lieu of South Bend, Ind. An Order of the Commission, Operating Rights Board No. 1 dated June 23, 1967, and served July 10, 1967, finds that the operation by applicant, in interstate or foreign commerce, as a contract carrier by motor vehicle over irregular routes, of *malt beverages*, in containers, (1) from Evansville, Ind., to Hopkinsville, Ky., and (2) from Cincinnati, Ohio, to points in Christian County, Ky., under continuing contracts with Kentucky Ace Beverage Distributors, Inc., of Hopkinsville, Ky., and Cravens Distributing Co. of Pembroke, Ky., that the holding by applicant of the permit authorized to be issued in this proceeding and the holding by applicant of certificates heretofore issued in No. MC 115762 and Sub-No. 1 thereunder will be consistent with the public interest and the national transportation policy; and that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 115331 (Sub-No. 191) (Republication), filed April 12, 1966, published FEDERAL REGISTER issue of April 28, 1966, and republished this issue. Applicant: TRUCK TRANSPORT, INCORPORATED, 707 Market Street, St. Louis, Mo. 63101. Applicant's representative: Thomas F. Kilroy, Colorado Building, 1341 G Street NW., Washington, D.C. By application filed April 12, 1966, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of clay, in containers, from points in Pulaski County, Ill., to points in Illinois, Indiana, Kentucky, Iowa, Michigan, Minnesota, Missouri, North Dakota, Ohio, South Dakota, and Wisconsin. The application was referred to Examiner James Anton for hearing and the recommendation of an appropriate order thereon. Hearing was held on January 31, 1967, at Chicago, Ill. A Report and Order of the Commission, division 1, served May 31, 1967, which became effective June 30, 1967, and served July 11, 1967, as amended, finds that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle, in interstate or foreign commerce, over irregular routes, of *clay*, in bulk, from points in Pulaski County, Ill., to points in Illinois, Indiana, Kentucky, Iowa, Michigan, Minnesota, Missouri, North Dakota, Ohio, South Dakota, and Wisconsin; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 117698 (Sub-No. 3) (Republication), filed November 28, 1966, published FEDERAL REGISTER Issues of December 15, 1966, and February 24, 1967, are republished this issue. Applicant: LEO H. SEARLES, doing business as L. H. SEARLES, South Worcester, N.Y. Applicant's representative: Harold C. Vrooman, 140 Main Street, Oneonta, N.Y. 13820. By application filed November 28, 1966, applicant seeks a certificate of public convenience and necessity authorising operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of (1) frozen foods, and processed meats, from and to the points indicated below; (2) cheese and processed cottage cheese products, from St. Albans, Vt., to the points indicated below; (3) silos and wood laminated beams, saddles, arches, decking, and fixtures for construction of buildings having wood laminated arches and beams, from Sidney and Unadilla, N.Y., to the construction job site of the designated consignees at the points indicated below; and (4) ice cream, ice cream products, ice confections and ice mix, such as ice cream, in bulk or in small containers, fudgsicles, popsicles, cones, candied ice cream, and sherbets, in bulk or in small containers or in sticks, from Suffield, Conn., to the points indicated below. An Order of the Commission, Operating Rights Board No. 1, dated June 29, 1967 and served July 12, 1967, as amended, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of (1) (a) *frozen foods and processed meats*, and (b) *fish and frozen seafood products* in mixed shipments with frozen foods and processed meats, from New York, N.Y., to Oneonta, N.Y.; (2) *dairy products*, (a) from St. Albans, Vt., to Auburn, Norwich, Saratoga, Syracuse, Cortland, Ithaca, Elmira, Waverly, Owego, Binghamton, Sidney, and Oneonta, N.Y., and (b) from Suffield, Conn., to Lake George, Ravena, Utica, and Buffalo, N.Y., Pittsburgh, Pa., and Boston, Mass.; and (3) *silos and laminated wood products, and accessories* used in the erection and construction of silos and laminated wood products, from Sidney and Unadilla, N.Y., to points in

Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, Pennsylvania, New Jersey, Maryland, Delaware, Virginia, West Virginia, Indiana, Michigan, and Ohio; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder.

Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

APPLICATION FOR BROKERAGE LICENSE

PASSENGER

No. MC 12483 (Sub-No. 1) (Republication), filed January 9, 1967, published FEDERAL REGISTER issue of January 26, 1967, and republished this issue. Applicant: FARLOW TRAVEL BUREAU, INC., 210 North Jackson Street, Frankfort, Ind. 46041. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. By application filed January 9, 1967, applicant seeks a license authorizing operation as a broker of transportation by motor vehicle of passengers and their baggage in the same vehicle, in interstate or foreign commerce, between points in the United States, including Alaska and Hawaii. An order of the Commission, Operating Rights Board No. 1, dated June 21, 1967, and served July 7, 1967, as amended, finds that operation by applicant, at Frankfort and South Bend, Ind., as a broker in arranging transportation by motor vehicle in interstate or foreign commerce, of *passengers and their baggage* in the same vehicle with passengers, in all-expense round-trip special and charter sightseeing and pleasure tours, beginning and ending at points in Indiana, Cook County, Ill., and Berrien, Cass, Kalamazoo, and St. Joseph Counties, Mich., and extending to points in the United States (except Alaska and Hawaii); will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; that a license authorizing such operations should be granted subject (a) to the coincidental cancellation at applicant's written request of its license in No. MC 12483, issued October 20, 1960; (b) the right of the Commission, which is hereby expressly reserved, to impose, after final determination of the proceeding in ex parte No. MC 29 (Sub-No. 2), such terms and conditions, if any, as may be deemed necessary to issue that the operations of applicant are limited to bona fide operations as a broker of transportation, by motor vehicle of passengers and their baggage in special or charter operations, in round-trip tours. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a license in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 54567 (Sub-No. 5), filed June 26, 1967. Applicant: RELIANCE TRUCK COMPANY, a corporation, 2500 North 24th Avenue, Phoenix, Ariz. 85009. Applicant's representative: Bertram S. Silver, 140 Montgomery Street, San Francisco, Calif., and A. Michael Bernstein, 1237 Guaranty Bank Building, Phoenix, Ariz. 85012. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between points in Los Angeles, Calif., commercial zone, points in the Los Angeles Harbor, Calif., commercial zone, and San Bernardino, Riverside, Colton, and Corona, Calif., (a) from Los Angeles over U.S. Highway 66 to San Bernardino, (b) from Los Angeles over Interstate Highway 10 to Colton, (c) from Los Angeles over U.S. Highway 60 to Riverside, and (d) also between Corona and San Bernardino, over U.S. Highway 91, serving all intermediate points; (2) between Colton, Riverside, and Beaumont, Calif., (a) from Riverside over U.S. Highway 60 to Beaumont, and (b) from Colton over Interstate Highway 10 to Beaumont, serving no intermediate points; (3) between Beaumont and Blythe, Calif., over Interstate Highway 10, serving all intermediate points and the off-route points of Midland and Kaiser Mine, Calif.; (4) between Whitewater and Mecca, Calif., over California Highway 111, serving all intermediate points and the off-route points of Garnet, North Palm Springs, and Desert Hot Springs, Calif.; (5) between Desert Center and Parker Dam, Calif., over unnumbered highway through Freda, Rice, Grommet, Vidal Junction, and Earp to Parker Dam, serving all intermediate points and the off-route point of Vidal, Calif.; (6) between Whitewater and Amboy, Calif., from Whitewater eastward over U.S. Highway 10 approximately four miles to junction unnumbered highway, thence over unnumbered highway through Yucca Valley and Twenty Nine Palms to Amboy, Calif., serving all intermediate points and the off-route point of the Marine Corps Field Artillery and Antiaircraft Training Center, Calif.; (7) between San Bernardino and Yermo, Calif., over Interstate Highway 15, serving all intermediate points; (8) between Barstow and Needles, Calif., from Barstow over Interstate 40 to junction U.S. Highway 66, thence over U.S. Highway 66 to Needles, serving all intermediate points; (9) between San Bernardino and Inyokern, Calif., over U.S. Highway 395, serving all intermediate points and the off-route points of Ridgecrest, Searles, Randsburg, Rademacher, Theresea, China Lake, and West End, Calif.; (10) between Johannesburg and Trona, Calif., over unnumbered highway through Argus to Trona, serving all intermediate points. Restriction: The service proposed herein above shall be subject to the following conditions: (1) Service shall not be rendered between the Los Angeles commercial zone and the Los Angeles Harbor commercial zone, and (2) Service shall not be rendered where both pickup and delivery of shipments is east of Irwindale Avenue and west of U.S. Highway 91. NOTE: This application is a matter directly related to MC-F-9788, published in FEDERAL REGISTER issue of June 28, 1967. The present application seeks to convert the certificate of registration issued to the Millage Trucking, Inc., under docket No. MC-121319, Sub 1, as set forth in Nos. (1) through (10) above, to a common carrier certificate. If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. MC 108158 (Sub-No. 55), filed July 10, 1967. Applicant: MID-CONTINENT FREIGHT LINES, INC., 2711 North Fairview Avenue, St. Paul, Minn. 56113. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *General commodities*, (1) between Chicago, Ill., and points within a 50-mile radius thereof, and (2) between Chicago, Ill., on the one hand, and, on the other points in Illinois, and (B) *household goods, pianos, personal effects, musical instruments, new and used furniture and office furniture, store fixtures, and equipment and commodities general*, between points in Illinois. NOTE: This application is a matter directly related to Docket No. MC-F-9802 published FEDERAL REGISTER issue of July 6, 1967. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-9808. Authority sought for control by ENCINAL TERMINALS, Post Office Drawer A, Alameda, Calif. 94506, of NEEDHAM'S MOTOR SERVICE, INC., Post Office Box 138, Hightstown, N.J. 08520, and for acquisition by DEL MONTE CORPORATION, 215 Fremont Street, San Francisco, Calif. 94119, of control of NEEDHAM'S MOTOR SERVICE, INC., through the acquisition by ENCINAL TERMINALS. Applicants' attorneys: Donald Macleay, 1625 K Street NW., Washington, D.C. 20006, and H. Charles Ephraim, 1411 K Street NW., Washington, D.C. 20005. Operating rights sought to be controlled: *General commodities*, excepting among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Philadelphia, Pa., and Atlantic City, N.J., serving the off-route points of Hammonton, N.J., those in Pennsylvania and New Jersey within 20 miles of city hall, Philadelphia, and those in that part of New Jersey bounded by a line beginning at Townsends Inlet, N.J., and extending west to Clermont, N.J., thence along U.S. Highway 9 to Oceanville, N.J., thence east to Brigantine, N.J., and thence along the shore of the Atlantic Ocean to point of beginning, including points on the indicated portion of the highway specified, between Philadelphia, Pa., and New York, N.Y., serving the off-route points of New Brunswick, N.J., those in New York and New Jersey within 25 miles of city hall, New York, N.Y., those in Pennsylvania and New Jersey within 20 miles of city hall, Philadelphia, between Atlantic City, N.J., and New York, N.Y., serving off-route points in New York and New Jersey within 25 miles of city hall, New York; serving all intermediate points on the above-specified routes; *general commodities*, with exceptions as indicated above, over irregular routes, between Philadelphia, Pa., on the one hand, and, on the other points in that part of New Jersey bounded by a line beginning at Bordentown, N.J., and extending along the Delaware River Shore to Camden, N.J., thence along New Jersey Highway 45 to junction New Jersey Highway 46, thence along New Jersey Highway 46 to Bridgeton, N.J., thence south to the Delaware Bay, thence along New Jersey shores to Delaware Bay, thence along New Jersey shores of Delaware Bay and the Atlantic Ocean to Atlantic City, N.J., thence along U.S. Highway 30 to junction U.S. Highway 206, and thence along U.S. Highway 206 to Bordentown and point of beginning; *ice cream*, in vehicles, equipped with mechanical refrigeration, from Woodbridge, N.J., to Mount Kisco, N.Y.; and *pallets* and *damaged or rejected shipments* of ice cream, from Mount Kisco, N.Y., to Woodbridge, N.J. ENCINAL TERMINALS is authorized to operate as a *common carrier* in California. Application has been filed for temporary authority under section 210a(b).

No. MC-F-9809. Authority sought for control by CANADIAN FREIGHTWAYS, LIMITED, 411 Meredith Road, Calgary, Alberta, Canada, of HANSEN TRANSPORT COMPANY, LIMITED, 401 Woodward Avenue, Hamilton, Ontario, Canada, and for acquisition by CONSOLIDATED FREIGHTWAYS, INC., 235 Montgomery Street, San Francisco, Calif., and, in turn by CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif., of control of HANSON TRANSPORT COMPANY, LIMITED, through the acquisition by CANADIAN FREIGHTWAYS, LIMITED. Applicants' attorney: Eugene T. Liipfert, 1035 Universal Building North, Washington, D.C. 20009. Operating rights sought to be controlled: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and livestock, as a *common carrier*, over irregular routes, between Buffalo, N.Y., on the one hand, and, on the other, points within 20 miles of the city hall of Buffalo. CANADIAN FREIGHTWAYS, LIMITED, is authorized to operate as a *common carrier*, in Alaska and Montana. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9810. Authority sought for purchase by THE SQUAW TRANSIT COMPANY, 5121 South 49th West Avenue, Tulsa Okla. 74107, of a portion of the operating rights of L. C. JONES TRUCKING CO., 4300 Block Southeast 29th Street, Post Office Box 94368, Oklahoma City, Okla., and for acquisition by COMMODORE STONE, and RALEIGH W. BEATTY, also of Tulsa, Okla., of control of such rights through the purchase. Applicants' attorney: Joe G. Fender, 802 Houston First Savings Building, Houston, Tex. 77002. Operating rights sought to be transferred: *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum, and their products and by-products, and *machinery, equipment, materials, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, except the stringing and picking up of pipe in connection with main or truck pipelines, as a *common carrier*, over irregular routes, between points in Colorado, on the one hand, and, on the other, ports of entry at or near the United States-Canada boundary line in Montana and North Dakota. Vendee is authorized to operate as a *common carrier* in Oklahoma, Colorado, Kansas, Nebraska, Arkansas, Illinois, Indiana, Kentucky, Louisiana, Missouri, New Mexico, Ohio, Texas, and Michigan. Application has not been filed for temporary authority under section 210a(b). NOTE: See also MC-F-9785 (MARY ELLEN STIDHAM ET AL.—Purchase (portion)—L. C. JONES TRUCKING CO.), MC-F-9787 (H. J. JEFFRIES TRUCK LINE, INC.—Purchase (portion)—L. C. JONES TRUCKING CO.), and MC-F-9790 (GREAT FALLS TRANSFER & STORAGE CO.—Purchase (portion)—L. C. JONES TRUCKING CO.), all published in the June 28, 1967, issue of the FEDERAL REGISTER, on pages 9189 and 9160.

No. MC-F-9812. Authority sought for purchase by WHEATLEY TRUCKING, INC., Cambridge, Md. 21613, of a portion of the operating rights of ELKTON TRUCKING COMPANY, North Bridge Street, Elkton, Md. 21921, and for acquisition by MARION L. WHEATLEY, also of Cambridge, Md., of control of such rights through the purchase. Applicants' attorney: M. Bruce Morgan, 201 Azar Building, Glen Burnie, Md. 21061. Operating rights sought to be transferred: *Canned goods*, as a *common carrier*, over irregular routes, from points in Adams, York, and Lancaster Counties, Pa., those in Delaware and Maryland on the Del-Mar-Va Peninsula, those in Carroll County, Md., and those in Frederick and Washington Counties, Md., on, north and east of a line beginning at the intersection of U.S. Highway 40 and the Carroll County, Md.-Frederick County, Md., boundary, thence along U.S. Highway 40 to Frederick, Md., thence along U.S. Highway 40 Alternate to Middletown, Md., thence along Maryland Highway 17 to intersection Maryland Highway 153 (formerly Maryland Highway 77), thence along Maryland Highway 153 to Cavetown, Md., and thence along Maryland Highway 64 to the Maryland-Pennsylvania State line, to points in Delaware, Maryland, New York, New Jersey, Pennsylvania, Virginia, and the District of Columbia. Vendee is authorized to operate as a *common carrier*, in Virginia, Maryland, Delaware, Connecticut, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Florida, Georgia, North Carolina, Ohio, Michigan, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9814. Authority sought for purchase by BILYEU REFRIGERATED TRANSPORT CORPORATION, 2105 East Dale, Springfield, Mo. 65803, of a portion of the operating rights of KROBLIN REFRIGERATED XPRESS, INC., Post Office Box 5000, Waterloo, Iowa 50704, and for acquisition by BILYEU MOTOR CORP., and in turn, by BILL BILYEU, both also of Springfield, Mo., of control of such rights through the purchase. Applicants' attorneys: David D. Brunson, Post Office Box 671, Oklahoma City, Okla., and Truman Stockton, Jr., The 1650 Grant Street Building, Denver, Colo. Operating rights sought to be transferred: *Canned goods* and *groceries*, as a *common carrier*, over irregular routes, from Chicago, Ill., to Norfolk, Omaha, and Lincoln, Nebr., Topeka, Manhattan, Pittsburg, and Wichita, Kans., Kansas City and Joplin, Mo., Tulsa, Oklahoma City, and Bristow, Okla., Denver, Colo., and Amarillo, Lubbock, Dallas, San Antonio, Corpus Christi, San Angelo, Arlington, and Brenham, Tex. Vendee is authorized to operate as a *common carrier*, in Kansas, Missouri, Louisiana, Alabama, Iowa, Florida, Georgia, Oklahoma, Minnesota, Arkan-

sas, Nebraska, Massachusetts, Maine, Connecticut, Vermont, New Hampshire, Rhode Island, New York, New Jersey, Delaware, Maryland, Pennsylvania, West Virginia, Virginia, South Carolina, North Carolina, Illinois, Colorado, Indiana, Kentucky, Michigan, Mississippi, Ohio, Wisconsin, North Dakota, South Dakota, Tennessee, Texas, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9815. Authority sought for merger into EASTERN FREIGHT WAYS, INC., Eastern and Moonachie Avenues, Carlstadt, N.J. 07072, of the operating rights and property of VICTOR LYNN LINES, INC., Eastern and Moonachie Avenues, Carlstadt, N.J. 07072, and for acquisition by NANTAM SYSTEM, INC., and, in turn by DANIEL E. SHEVELL and MYRON P. SHEVELL, all also of Carlstadt, N.J., of control of such rights and property through the transaction. Applicants' attorney: Maxwell A. Howell, 1120 Investment Building, 1511 K Street, NW., Washington, D.C. 20005. Operating rights sought to be merged: *General commodities*, except household goods in use, and except loose bulk commodities, livestock, dangerous explosives (except small arms ammunition), currency, bullion, articles of virtu, commodities which are contaminating and injurious to lading, and commodities exceeding ordinary equipment and loading facilities, as a *common carrier*, over regular routes, between New York, N.Y., and Chincoteague Island, Va., between Laurel, Del., and Milford, Del., between Greenwood, Del., and Dover, Del., between Hares Corner, Del., and Trenton, N.J., and New York, N.Y., between Chester, Pa., and New York, N.Y., between Philadelphia, Pa., and Trenton, N.J., and New York, N.Y., between New York, N.Y., and Baltimore, Md., between Philadelphia, Pa., and Baltimore, Md., between Bel Air, Md., and Aberdeen, Md., between Baltimore and Cambridge, Md., and Milford, Del., between Baltimore, Md., and Washington, D.C., serving all intermediate and certain off-route points; between Oak Hill, Va., and Exmore, Va., and all intermediate points; *general commodities*, with exceptions as above specified, over irregular routes, between Baltimore, Md., on the one hand, and, on the other, points in the Washington, D.C., commercial zone, as defined in 3 M.C.C. 243, and those in Maryland within 15 miles of the District of Columbia; *general commodities*, excepting, among others, household goods and commodities in bulk, between Cambridge and Mount Vernon, Md., on the one hand, and, on the other, points in Northampton and Accomac Counties, Va., except Greenbackville, Franklin City, Chincoteague Island, Wattsville, and New Church, Va.; *piece goods*, from Dover, N.J., to Chincoteague Island, Va.; and *shirts*, from Chincoteague Island, Va., to Dover, N.J. EASTERN FREIGHT WAYS, INC., is authorized to operate as a *common carrier* in Vermont, New York, New Jersey, Pennsylvania, Connecticut, and Massachusetts. Application has not been filed for temporary authority under section 210a(b). NOTE: EASTERN FREIGHT WAYS, INC., controls VICTOR LYNN LINES, INC., through ownership of capital stock pursuant to authority granted in Docket No. MC-F-7847, effective April 4, 1962. No. MC-59194 Sub-9, simultaneously filed.

No. MC-F-9816. Authority sought for purchase by TATUM-DALTON TRANSFER COMPANY, 311 East Washington Street, Greensboro, N.C., of a portion of the operating rights and property of DISHER TRANSFER & STORAGE CO., 215 North Liberty Street, Winston-Salem, N.C., and for acquisition by WALTON McNAIRY, also of Greensboro, N.C., of control of such rights and property through the purchase. Applicants' attorney and representative: A. W. Flynn, Jr., Post Office Box 127, Greensboro, N.C., and J. Archie Cannon, Post Office Box 2307, Greensboro, N.C. Operating rights sought to be transferred: *Household goods* as defined by the Commission, as a *common carrier*, over irregular routes, between Winston-Salem, N.C., and points in North Carolina within 50 miles of Winston-Salem, on the one hand, and, on the other, points in New Jersey, South Carolina, Virginia, West Virginia, Maryland, Delaware, Pennsylvania, Tennessee, and the District of Columbia, and points in New York south of New York Highway 23 from the Massachusetts-New York State line to Stamford, N.Y., and New York Highway 10 from Stamford to Deposit, N.Y., and east of New York Highway 17 from Deposit, N.Y., to Hale Eddy, N.Y., near the New York-Pennsylvania State line. Vendee is authorized to operate as a *common carrier*, in North Carolina, South Carolina, Virginia, West Virginia, Maryland, Pennsylvania, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 67-8306; Filed, July 18, 1967; 8:48 a.m.]

[Notice 421]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 14, 1967.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR Part 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 2428 (Sub-No. 22 TA), filed July 13, 1967. Applicant: H. PRANG TRUCKING CO., INC., 112 New Brunswick Avenue (Hopelawn), Perth Amboy, N.J. 08861. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Nonferrous scrap metal*, in dump vehicles, unloaded by dumping, between plantsites of Phelps Dodge Corp. and its subsidiaries at Laurel Hill, N.Y., and South Brunswick, N.J.; for 180 days. Supporting shipper: Phelps Dodge Corp., 300 Park Avenue, New York, N.Y. 10022 (B. Ponessa, general traffic manager). Send protests to: Robert S. H. Vance, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1060 Broad Street, Newark, N.J. 07102.

No. MC 52579 (Sub-No. 77 TA), filed July 11, 1967. Applicant: GILBERT CARRIER CORP., 441 Ninth Avenue, New York, N.Y. 10001. Applicant's representative: Aaron Hoffman (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel and materials and supplies used in the manufacture of wearing apparel*, between Herkimer, N.Y., and points in the New York, N.Y., commercial zone, as defined by the Commission; for 150 days. Supporting shipper: Juniorite, Inc., 1407 Broadway, New York, N.Y. 10018. Send protests to: Paul W. Assenza, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 346 Broadway, New York, N.Y. 10013.

No. MC 115180 (Sub-No. 43 TA), filed July 11, 1967. Applicant: ONLEY REFRIGERATED TRANSPORTATION, INC., 408 West 14th Street, New York, N.Y. 10014. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food products* (except bananas and commodities in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, from East Rutherford, N.J., points in the New York, N.Y., commercial zone and points in Union County, N.J., to points in Illinois (except points in the Chicago, Ill., commercial zone), Indiana (except points in the Chicago, Ill., commercial zone), Michigan, Ohio (except points in the Cleveland, Ohio, commercial zone), and Wisconsin; for 180 days. Supporting shippers: There are seven shippers' supporting statements attached to application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or at the field office named below. Send protests to: Paul W. Assenza, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 346 Broadway, New York, N.Y. 10013.

No. MC 116282 (Sub-No. 17 TA), filed July 12, 1967. Applicant: NEIL'S BAKERY PRODUCTS TRANSPORTATION CO., 246 Broad Street, Auburn, Maine 04210. Applicant's representative: Mary Kelley, 10 Tremont Street, Boston, Mass. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products*, from Middleton, Mass., to Portsmouth, N.H.; and Bangor, Fryeburg, Lewiston, and Portland, Maine; and *returned containers and bakery products* on return; for 150 days. Supporting shipper: Pepperidge Farm, Inc., Norwalk, Conn. 06852. Send protests to: Donald G. Weiler, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 76 Pearl Street, Room 307, Portland, Maine 04112.

No. MC 117815 (Sub-No. 126 TA), filed July 12, 1967. Applicant: PULLEY FREIGHT LINES, INC., 405 Southeast 20th Street, Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 610 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale and retail grocery and food business houses*, and in connection therewith, *equipment, materials, and supplies* used in the conduct of such business houses, from Chicago, Ill., to Burlington and Fairfield, Iowa; for 150 days. Supporting shippers: Maynard Ulm, Mayn's Super Market, Fairfield, Iowa; and Rudy Naifeh, Naifeh's Super Market, Burlington, Iowa. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 227 Federal Office Building, Des Moines, Iowa 50309.

No. MC 129167 (Sub-No. 2 TA), filed July 12, 1967. Applicant: MICHAEL A. TOKARSKY, JR., 624 Shady Lane, Windber, Pa. 15963. Applicant's representative: Arthur J. Diskin, 302 Frick Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, in dump vehicles, from points in Somerset and Cambria Counties, Pa., to the plant of Potomac Edison Power & Light Co., Williamsport, Washington County, Md.; for 150 days. Supporting shippers: B & H Coal Co., 40 Strayer Street, Central City, Pa.; Heshbon Coal Co., Inc., 1309 Midway, Windber, Pa.; and Shuster Coal Co., 400 Eighth Street, Windber, Pa. Send protests to: Frank L. Calvary, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2109 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 129231 TA, filed July 11, 1967. Applicant: ROUTED THRU-PAC, INC., 350 Broadway, New York, N.Y. 10013. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Hawaii; restricted to the handling of traffic originating at or destined to out-of-state points; for 180 days. Supporting shippers: UNIVAC, division of Sperry Rand Corp., Post Office Box 8100, Philadelphia Pa. 19101; Deere & Co., John Deere Road, Moline, Ill. 61265; Stone & Webster Service Corp., 90 Broad Street, New York, N.Y. 10004; and Headquarters, Defense Traffic Management Service, Washington, D.C. Send protests to: Paul W. Assenza, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 346 Broadway, New York, N.Y. 10013.

No. MC 129232 TA, filed July 11, 1967. Applicant: WEST FORDHAM TRANSPORTATION CORP., 439 West 203d Street, New York, N.Y. 10034. Applicant's representative: Samuel B. Zinder, 160-16 Jamaica Avenue, Jamaica, N.Y. 11432. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, between Mount Vernon, N.Y., and Paramus, N.J.; for 150 days. Supporting shipper: Philips Broadcast Equipment Corp., North American Phillips Co., Inc., care of Patrick J. Hannan, 125 Park Avenue, New York, N.Y. 10017. Send protests to: Stephen P. Tomany, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 346 Broadway, New York, N.Y. 10013.

No. MC 129233 TA, filed July 12, 1967. Applicant: AIRFRATE, INC., James M. Cox Municipal Airport, Vandalia, Ohio 45377. Applicant's representatives: Richard A. Bishop, 711 14th Street NW., Washington, D.C. 20005, and Gregory C. Karas, Suite 701, Third National Bank Building, Dayton, Ohio 45402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between the Weir Cook Municipal Airport, Marion County, Ind., on the one hand, and, on the other, points in Wayne County, Ind., and Hamilton and Montgomery Counties, Ohio; (2) between James M. Cox Municipal Airport, Montgomery County, Ohio, near Vandalia, on the one hand, and, on the other, points in Butler, Clinton, Greene, Hamilton, Montgomery, Preble, and Warren Counties, Ohio; (3) between the Greater Cincinnati Airport, Boone County, Ky., on the one hand, and, on the other, points in Butler, Clinton, Greene, Hamilton, Montgomery, Preble, and Warren Counties, Ohio; (4) between the James M. Cox Municipal Airport in Montgomery County, Ohio, near Vandalia, on the one hand, and, on the other, Weir Cook Municipal Airport in Marion County, Ind.; (5) between the Greater Cincinnati Airport, Boone County, Ky., on the one hand, and, on the other, Weir Cook Municipal Airport, Marion County, Ind.; (6) between the James M. Cox Municipal Airport in Montgomery County, Ohio, near Vandalia, on the one hand, and, on the other, the Greater Cincinnati Airport, Boone County, Ky.; and (7) between the Greater Cincinnati Airport, Boone County, Ky., on the one hand, and, on the other, the James M. Cox Municipal Airport in Montgomery County, Ohio, near Vandalia; restricted to the transportation of property having a prior or subsequent movement by air, in (1) through (7) above; for 180 days. Supporting shippers: There are 36 shippers' supporting statements attached to application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or at the field office named below. Send protests to: Emil P. Schwab, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1010 Federal Building, 550 Main Street, Cincinnati, Ohio 45202.

No. MC 129234 TA, filed July 12, 1967. Applicant: EVERETT W. BALLEW AND WALTER H. SHOWN, a partnership, doing business as NEW MOON EXPRESS, 1208 Frederick Road, Ellicott City, Md. 21043. Applicant's representative: Charles McD. Gillan, Jr., 315 Glen Rae Drive, Baltimore, Md. 21228. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metals*, nonferrous, in shipper-owned returnable steel trays on flat-bed equipment, and *empty returned used trays*, between Baltimore, Md., and Bristol, Chambersburg, Columbia, Mechanicsburg, Philadelphia, and York, Pa.; Carteret, Newark, North Arlington, Perth Amboy, and Trenton, N.J.; New York, N.Y.; Wilmington, Del.; and Petersburg, Va.; for 180 days. Supporting shipper: B. Shapiro & Co., Inc., 802-832 South Eutaw Street, Baltimore, Md. 21230. Send protests to: William L. Hughes, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Federal Building, Charles Center, 31 Hopkins Plaza, Baltimore, Md. 21201.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 67-8307; Filed, July 18, 1967; 8:48 a.m.]

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The *Weekly Compilation of Presidential Documents* began with the issue dated Monday, August 2, 1965. It contains transcripts of the President's news conferences, messages to Congress, public speeches, remarks and statements, and other Presidential material released by the White House up to 5 p.m. of each Friday. This weekly service includes an Index of Contents preceding the text and a Cumulative Index to Prior Issues at the end. Cumulation of this index terminates at the end of each quarter and begins anew with the following issue. Semiannual and annual indexes are published separately.

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PART 213—EXCEPTED SERVICE

Entire Executive Civil Service

Section 213.3102 is amended to show that there is no longer a numerical limitation on the number of persons who may be appointed under the special Schedule A authority designed to facilitate the employment of the severely handicapped and that the time limitation on use of the authority has been removed to make it available to agencies on a continuing rather than an experimental basis. Effective on publication in the FEDERAL REGISTER, paragraph (u) of § 213.3102 is amended as set out below.

§ 213.3102 Entire executive civil service.

* * * * *

(u) Subject to prior approval of the Commission, positions when filled by severely handicapped persons who, under temporary appointment, have demonstrated their ability to perform the duties satisfactorily.

* * * * * * *

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-8419; Filed, July 19, 1967; 8:51 a.m.]

PART 213—EXCEPTED SERVICE

Entire Executive Civil Service et al.

Section 213.3102 is amended to show that scientific and professional research associate positions at GS–12 and above are excepted under Schedule A when filled on a temporary basis by persons who have a doctoral degree in an appropriate field of study for research activities of mutual interest to the appointees and their agencies and who are referred by the National Research Council under its postdoctoral research associate program. Appointments are made initially for 1 year. Agencies may extend an appointment for up to one additional year when the program committee at the laboratory concerned determines that extension would benefit both the associate and the laboratory. This authority takes the place of several individual agency authorities, which are now revoked. Effective on publication in the FEDERAL REGISTER, paragraph (aa) is added to § 213.3102 and the following authorities are revoked as set out below: subparagraph (1) of paragraph (i) of § 213.3107; subparagraph (1) of paragraph (e) and subparagraph (1) of paragraph (g) of § 213.3108; subparagraph (1) of paragraph (e) of § 213.3109; subparagraph (3) of paragraph (g) of § 213.3113; subparagraph (1) of paragraph (e) and subparagraph (3) of paragraph (j) of § 213.3114; and subparagraph (1) of paragraph (h) of § 213.3116.

§ 213.3102 Entire executive civil service.

* * * * * * *

(aa) Scientific and professional research associate positions at GS–12 and above when filled on a temporary basis by persons having a doctoral degree in an appropriate field of study for research activities of mutual interest to appointees and their agencies. Appointments are limited to persons referred by the National Research Council under its postdoctoral research associate program and may be made initially for 1 year only. An agency may extend an appointment made under this authority for up to one additional year when the program committee at the laboratory concerned determines that extension will benefit both the associate and the laboratory.

§ 213.3107 Department of the Army.

* * * * * * *

(i) [Revoked]

§ 213.3108 Department of the Navy.

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(e) [Revoked]

* * * * * * *

(g) [Revoked]

§ 213.3109 Department of the Air Force.

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(e) [Revoked]

§ 213.3113 Department of Agriculture.

* * * * * * *

(g) *Agricultural Research Service.* * * *

(3) [Revoked]

* * * * * * *

§ 213.3114 Department of Commerce.

* * * * * * *

(e) [Revoked]

* * * * * * *

(j) *Environmental Science Services Administration.* * * *

(3) [Revoked]

§ 213.3116 Department of Health, Education, and Welfare.

* * * * * * *

(h) [Revoked]

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-8420; Filed, July 19, 1967; 8:51 a.m.]

Title 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

PART 409—ARIZONA-DESERT VALLEY CITRUS CROP INSURANCE

Subpart—Regulations for the 1967 and Succeeding Crop Years

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the Arizona-Desert Valley Citrus Crop Insurance Regulations for the 1965 and Succeeding Crop Years as amended, which shall remain in full force and effect for the 1966 crop year, are hereby superseded for the 1967 and succeeding crop years by the regulations set forth below. With the publication of these regulations, all Arizona-Desert Valley citrus crop insurance contracts in force during the 1966 crop year are hereby cancelled effective beginning with the 1967 crop year. The provisions of this subpart shall apply in counties in Arizona and in the Desert Valley, consisting of Imperial County, Calif., and that portion of Riverside County, Calif., lying east of a line drawn due north and south through the post office in the town of White Water, Calif., until amended or superseded, to all continuous citrus crop insurance contracts as they relate to the 1967 and succeeding crop years: *Provided, however,* That these regulations shall not apply to any insured with a contract of insurance in force in 1966 unless such insured files an application for insurance effective beginning with the 1967 crop year.

Sec.
- 409.20 Availability of Arizona-Desert Valley citrus crop insurance.
- 409.21 Premium rates and amounts of insurance.
- 409.22 Application for insurance.
- 409.23 Public notice of indemnities paid.
- 409.24 Creditors.
- 409.25 The application and the policy.

AUTHORITY: The provisions of this subpart issued under secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516.

§ 409.20 Availability of Arizona-Desert Valley citrus crop insurance.

Citrus crop insurance shall be offered for the 1967 and succeeding crop years under the provisions of §§ 409.20 through 409.25 in counties in Arizona and the Desert Valley within limits prescribed by and in accordance with the provisions of the Federal Crop Insurance Act, as amended. The counties shall be designated by the Manager of the Corporation from a list of counties approved by the Board of Directors of the Corporation for citrus crop insurance. The counties designated by the Manager shall be published by appendix to this section.

§ 409.21 Premium rates and amounts of insurance.

(a) The Manager shall establish premium rates and the amounts of insurance per standard field box which shall be shown on the county actuarial table on file in the office for the county. Such premium rates and amounts of insurance may be changed from year to year.

(b) Any premium reduction earned under the provision of section 7 of the Application and Policy set forth in § 409.25 shall upon death of the insured inure to the benefit of his estate or surviving spouse and, upon approval of the Corporation, shall inure to any person operating the same farm or farms as the deceased insured who the Corporation determines has been actively participating in the farming operations by assisting in the management or by furnishing labor for compensation. If the insured is a partnership (which for the purpose of this section shall be deemed to include any other joint enterprise), the premium reduction earned by such insured shall, upon dissolution of the partnership, inure to the benefit of each member who has a contract of insurance in force in the year immediately following the dissolution covering only a part or all of the land involved in the partnership operation. If the insured is a partnership each of whose members had a contract of insurance in force in the year immediately preceding the formation of the partnership covering a part of the land included in the partnership operation, the smallest premium reduction earned by any member, or none if any member has earned none, shall inure to the benefit of the insured. If the insured is a partnership only one of whose members had a contract of insurance in force in the year immediately preceding the formation of the partnership, the premium reduction earned by such member shall inure to the benefit of the insured only if the insured operates the same farm or farms formerly operated by such member and if the Corporation finds that the other member or members have been actively participating in the farming operations by assisting in the management or by furnishing labor for compensation. If the insured is a corporation operating only a farm or farms previously operated by one or more stockholders, each of whom had a contract of insurance in force in the year immediately preceding the formation of the corporation, the smallest premium reduction earned by any such stockholder, or none if any such stockholder has earned none, shall inure to the benefit of the insured. If the insured was a stockholder of a dissolved corporation, which had a contract of insurance in force in the year immediately preceding its dissolution covering only the same farm or farms being operated by the insured, the premium reduction earned by the corporation shall inure to the benefit of the insured.

§ 409.22 Application for insurance.

Application for insurance may be submitted as provided in § 409.25 at the office for the county for the Corporation. The Corporation reserves the right to discontinue the taking of applications in any county upon its determination that the insurance risk involved is excessive prior to the closing date for the filing of applications. Such closing date shall be the October 31 immediately preceding the beginning of the crop year. The Corporation further reserves the right to reject any application or to exclude any definitely identified acreage for any crop year of the contract if upon inspection it deems the risk on such acreage is excessive. If any such acreage is to be excluded, the insured shall be notified of such exclusion before insurance attaches for the crop year for which the acreage is to be excluded.

§ 409.23 Public notice of indemnities paid.

The Corporation shall provide for posting annually in each county at the county courthouse a listing of the indemnities paid in the county.

§ 409.24 Creditors.

An interest of a person other than the insured in an insured crop existing by virtue of a lien, mortgage, garnishment, levy, execution, bankruptcy, or any involuntary transfer shall not entitle the holder of the interest to any benefit under the contract other than as provided in the Application and Policy set forth in § 409.25.

§ 409.25 The application and the policy.

The provisions of the application and policy for Arizona-Desert Valley Citrus Crop Insurance for the 1967 and Succeeding Crop Year are as follows:

Application and Policy Form FCI–812—Arizona–Desert Valley Citrus

U.S. DEPARTMENT OF AGRICULTURE

FEDERAL CROP INSURANCE CORPORATION

Application and Policy for Arizona-Desert Valley Citrus Crop Insurance

(For 19__ and Succeeding Crop Years)

(Name of insured)

(Policy number)

(Address of insured) (ZIP Code)

(County)

1. The undersigned applicant (herein called the "insured"), subject to the applicable provisions of the regulations of the Federal Crop Insurance Corporation (herein called the "Corporation"), hereby applies to the Corporation for insurance on his interest as a producer in citrus crops of the insurable types elected below (hereinafter called "the insured crop") located in the above-identified county (hereinafter called "the county"). The amounts of insurance per box and the premium rates for each crop year are shown by types on the county actuarial table (hereinafter called "the actuarial table"). The applicant hereby elects to insure the type(s) of citrus encircled below:

Type	Kind(s)
I	Naval Oranges.
II	Orlando Tangelos, Algerian Tangerines, Sweet Oranges, and Tampis Oranges.
III	Valencia Oranges.
IV	Grapefruit.
V	Lemons.
VI	Kinnow Mandarin, Dancy Tangerines, and Minneola Tangelos.

This application, when executed by a person as an individual, shall not cover his interest in a crop produced by a partnership, or other entity.

2. *Cause of loss insured against.* The insurance provided is against unavoidable loss resulting from freeze occurring within the insurance period.

3. *Insured crop.* (a) Application for insurance may be made with respect to all types of citrus or with respect to any one or more types of citrus, as defined in section 20 hereof, produced by the insured on trees that have reached at least the sixth growing season after being set out. The insured acreage each crop year shall be all that acreage in the county of the type(s) of citrus for which the insured has applied for insurance, on which the trees have reached the sixth growing season, which is shown as insurable acreage on the actuarial table and not excluded otherwise because of risk and in which the insured has an interest on the date insurance attaches.

(b) Insurance for each crop year of the contract shall cover only citrus setting from the annual bloom occurring in the calendar year in which the insurance period begins.

4. *Supplements to application showing identification of groves, kinds, types of citrus, acres, age of trees, estimated production in standard field boxes, and interest.* The insured shall file a supplement, on a form prescribed by the Corporation, which shall be a part of this application. The insured shall show on such supplement the location of acreage, kinds, types of citrus, acres, age of trees, estimated production in boxes of citrus, and his interest therein. Such information may be revised by the insured before insurance attaches for any crop year, by giving notice in writing to the Corporation's office for the county: *Provided, however,* That if there is no indemnity payable on a unit, downward revisions of estimated production in boxes for any insurance unit (hereinafter called "unit") after insurance has attached may be allowed for premium adjustment purposes if requested by the insured by the earlier of 30 days after the crop on the unit has been harvested or by May 31 of the crop year involved, but shall be limited to the most accurate determination the Corporation can make of the production in boxes from records and other information acceptable to the Corporation. Any such downward revisions shall be made only after satisfactory evidence is provided for any unit to the Corporation. When the earned annual premium is recomputed for any unit on the basis of a downward revision made at the request of the insured after insurance has attached and there is no indemnity payable on the unit such recomputed premium shall be increased $10.

Any acceptable revision shall be a part of the application, in lieu of any supplement previously filed, and shall be considered as the basis for continuation of insurance from year to year, subject to revision as provided herein. The Corporation reserves the right to determine the production in boxes under the contract, or on any unit and the insured's interest therein. The production in boxes and the interest therein shall be the boxes and interest reported by the insured or as determined by the Corporation.

5. *The contract.* Upon acceptance of this application by the Corporation, the contract shall be in effect for the crop year specified above and shall continue for each succeeding crop year until cancelled or terminated in accordance with the applicable provisions of the contract. This application and policy, and amendments thereto, if any, and the actuarial tables for each crop year shall constitute the contract for citrus insurance. Any changes made in the contract shall not affect the continuity from year to year.

6. *Insurance period.* For each crop year insurance shall attach on November 1, unless the application is accepted after October 31 in which event insurance shall attach on the 10th day after the date of acceptance of the application by the Corporation, and as to any portion of the citrus crop shall cease upon harvest, or on January 31 for types I, II, and V and on March 31 for types III, IV, and VI of the following calendar year, whichever occurs first.

7. *Annual premium and amount of insurance.* (a) The annual premium for any crop year shall be considered as earned on the date insurance attaches and shall be determined by multiplying the amount of insurance for that crop year for the unit as determined pursuant to subsection (c) of this section by the applicable premium rate and where applicable, applying the discount provided in this section or the increase provided in section 4.

(b) The annual premium for all units shall be reduced as follows for consecutive years of insurance, without a loss for which an indemnity was paid on any unit, immediately preceding the crop year for which the reduction is applicable (eliminating any year in which a premium was not earned):

Percent premium reduction	Consecutive years with no loss
5 percent after	1 year.
5 percent after	2 years.
10 percent after	3 years.
10 percent after	4 years.
15 percent after	5 years.
20 percent after	6 years.
25 percent after	7 years or more.

If any insured has a loss on a crop for which an indemnity is paid, the number of such consecutive years of insurance on such crop without a loss for which an indemnity was paid shall be reduced by 3 years, except, that, where the insured has 7 or more such years, a reduction to 4 shall be made and where the insured has 3 or less such years, a reduction to zero shall be made.

(c) The amount of insurance for any crop year for any unit shall be determined by multiplying the production in boxes for the unit for that crop year as reported by the insured or as determined by the Corporation by the applicable amount of insurance per box and multiplying the product thereof by the insured's interest: *Provided, however,* That for any unit the amount of insurance for any crop year shall not exceed the product of the insured acreage thereon, and the maximum amount of insurance per acre shown on the actuarial table for such crop year and the insured's interest.

8. *Premium; note.* In consideration hereof, the insured promises to pay to the order of the Federal Crop Insurance Corporation each crop year of the contract the annual premium and further agrees that any amount due the Corporation by the insured may be deducted from any indemnity payable to the insured and when not prohibited by law, from any loan or payment otherwise due the insured under any program administered by the United States Department of Agriculture.

_____ _____, 19__
(Signature of applicant) (Date)

_____
(Witness to signature)

9. Recommended for acceptance by:

_____ _____, 19__
(Corporation representative) (Date)

_____
(Gross inspector)

10. Accepted for the Corporation by:

_____ _____, 19__
(State director) (Date)

_____
(Address of office for county—phone)

_____
(Location of Headquarters—phone)

11. *Life of contract.* This contract is noncancelable the first crop year and shall continue in effect for each succeeding crop year until either the insured or the Corporation cancels the contract by giving written notice to the other by the August 31 immediately preceding the crop year for which the cancellation is to become effective. If, however, any acreage is excluded from insurance under the contract by the Corporation because of the risk involved after the August 15 immediately preceding the beginning of the crop year for which such exclusion is to become effective, the insured shall have the right to cancel the contract within 15 days after notice thereof is mailed to the insured by the Corporation. The contract shall, however, terminate for non-payment of premium if such premium is not paid by the October 31 of the crop year in which the premium was earned.

12. *Contract changes.* After the first crop year the Corporation reserves the right to amend or change the terms of this contract from year to year. Any such amendment or change shall be mailed to the insured or made available at the office for the county by the August 15 immediately preceding the beginning of the crop year for which such amendment or change is to become effective. Acceptance of such amendment or change will be conclusive in the absence of any notice from the insured to cancel the contract as provided in section 11 hereof.

13. *Notice of damage or loss.* (a) It shall be a condition precedent to payment of any indemnity on any unit hereunder that the insured report each damage to the insured crop from freeze to the office for the county immediately after such damage becomes apparent, giving the date of such damage. If not reported within seven days after such damage becomes apparent the Corporation reserves the right to reject any claim arising out of such damage on the unit if it determines that it has been prejudiced by such failure to report or by failure to give notice as required in subsection (b) of this section. Notwithstanding any other provision of this section to the contrary, no insured damage shall be deemed to have occurred on any acreage damaged by freeze unless a notice of the damage thereon is given to the office for the county within 30 days after the applicable calendar date for the end of the insurance period.

(b) If damage occurs within the seven-day period before the beginning of harvest, or during harvest, and a loss is to be claimed, notice shall be given immediately. The insured shall not harvest any citrus on any acreage damaged by freeze until the Corporation has inspected such damage. If any citrus is harvested prior to such inspection, no damage shall be considered to have occurred unless the Corporation can by representative sampling of the harvested fruit determine the extent of damage.

14. *Amount of loss and proof of loss.* (a) Any claim for loss on any unit shall be submitted to the Corporation on a form prescribed by the Corporation within 30 days after the amount of loss has been determined by the Corporation.

(b) Losses shall be adjusted separately for each unit. The amount of loss with respect to any unit shall be determined by multiplying the amount of insurance for the unit (determined in accordance with subsection 7(c)), by the average percent of damage (determined in accordance with subsection (c) of this section) in excess of 10 percent.

(c) Subject to the provisions of paragraph (d) of this section the average percent of damage to the insured crop on any unit shall be the ratio of the number of boxes of the crop lost from freeze to the total number of boxes which would have been produced (hereinafter called the "potential"). The potential shall include citrus which (1) was picked before the insured damage occurred, (2) remained on the trees after the damage occurred, (3) was lost from freeze, and (4) any other citrus covered by insurance not included in items (1) through (3), including citrus lost from causes not insured against other than normal dropping, "rots," and "splits." Citrus lost from freeze shall be citrus to which damage from freeze is serious as defined in the laws of the State in which the county is geographically located, as determined from grove inspections, marketing agency records, proof furnished by the insured or from any other method as determined by the Corporation: *Provided, however,* That in making field determinations in Arizona, the Corporation may elect to determine the extent to which damage from freeze is serious by an examination of the exposed pulp on a transverse cut made through the center of the fruit. The Corporation reserves the right to make final determination of any loss by field determination or to delay the determination of the extent of damage from freeze and the settlement of any loss until the insured makes available to it complete records of the marketing of the insured crop for the crop year.

(d) If the Corporation finds that any portion of the insured crop is seriously damaged by freeze to the extent that none of the fruit in such portion is or can be packed as fresh fruit, and but for such damage such portion could be packed as fresh fruit, the Corporation shall determine that the damage to such portion is 100 percent. If any portion has been eliminated by the packing house in packing fresh fruit for reasons other than damage freeze, or if the Corporation determines by a field examination that a portion of said crop would be so eliminated, the Corporation shall determine, by examining a representative sample, the amount of such portion that is also seriously damaged by freeze and only such amount shall be considered as lost due to freeze for the purpose of computing an indemnity hereunder. It shall be a condition precedent to payment of any claim that the insured furnish all records of production and such other information as the Corporation requires to determine the manner and extent of damage or loss.

(e) If the Corporation determines that frost protection equipment was not properly

utilized or was improperly reported the indemnity otherwise computed for the unit shall be reduced by the percent of premimum reduction given for frost protection equipment.

(f) In the event that any claim for indemnity under the provisions of the contract is denied by the Corporation, an action on such claim may be brought against the Corporation under the provisions of 7 U.S.C. 1508(c): *Provided*, That the same is brought within one year after the date notice of denial of the claim is mailed to and received by the insured.

15. *Payment of indemnity.* (a) Any indemnity will be paid within 30 days after a claim for loss is approved by the Corporation: *Provided*, That in no event shall the Corporation be liable for interest or damages in connection with any claim for indemnity.

(b) If the insured is an entity other than an individual and is dissolved or is an individual who dies or is judicially declared incompetent before insurance attaches in any crop year, the contract shall terminate as of the date of dissolution, death, or judicial declaration, but if such an event occurs after insurance attaches in any crop year the contract shall terminate at the end of such crop year and any indemnity payable shall be paid to the person(s) the Corporation determines to be beneficially entitled thereto.

(c) For the purposes of subsection (b) hereof, death of a partner in a partnership shall dissolve the partnership unless the partnership agreement provides otherwise. If two or more persons having a joint interest are insured jointly death of one of the parties shall dissolve the joint entity.

16. *Insured interest.* For the purpose of determining the amount of indemnity the interest insured shall not exceed the interest of the insured at the time of damage, as determined by the Corporation.

17. *Abandonment of crop.* There shall be no abandonment of the insured crop or portion thereof to the Corporation.

18. *Misrepresentation and fraud.* The Corporation may void the contract without affecting the insured's liability for premiums or waiving any right or remedy including the right to collect any unpaid premiums if at any time, either before or after any loss, the insured has concealed or misrepresented any material fact or committed any fraud relating to the contract, and such voidance shall be effective as of the beginning of the crop year with respect to the crop on which any such act or omission occurred.

19. *Collateral assignment—Transfer of interest.* The right to an indemnity in any crop year may be assigned by the insured only as security upon prior approval of the Corporation. If the insured transfers his interest in the insured crop in any crop year he may, upon prior approval of the Corporation, transfer his right to an indemnity for such crop year with respect to the transferred interest in the insured crop. Any assignment or transfer shall be made on assignment or transfer forms prescribed by the Corporation and shall be subject to all the terms set forth therein and to the terms hereof.

20. *Subrogation.* The insured (including his assignee or transferee) assigns to the Corporation all rights of recovery against any person for loss or damage to the extent that payment hereunder is made and shall execute all papers required and take appropriate action to secure such rights.

21. *Forms.* Copies of forms referred to in the contract are available at the office for the county.

22. *Meaning of terms.* For purposes of insurance on citrus the terms:

(a) "County actuarial table" means the actuarial forms and related material (including the crop insurance maps where applicable) which are approved by the Corporation which are on file for public inspection in the office for the county and which show the applicable amounts of insurance per box, premium rates, the maximum amount of insurance per acre, and related information with respect to citrus crop insurance for the crop year in the county.

(b) "Office for the county" means the Corporation's office serving the county shown in this application and policy, or such office as may be designated by the Corporation from time to time, and may serve more than one county.

(c) "County" means the area shown on the actuarial table which may include insurable acreage located in a local producing area bordering on the county.

(d) "Crop year" means the period beginning November 1 and extending through October 31 of the following calendar year and shall be designated by reference to the calendar year in which the insurance period begins.

(e) "Harvest" means any severance of citrus fruit from the tree either by pulling or picking, or picking the marketable fruit from the ground.

(f) "Insurance unit" means all insurable acreage in the county of any one of the six citrus types (see (h) below) (1) in which type of citrus the insured has 100 percent interest on the date insurance attaches for the crop year and which is located on contiguous land under the same ownership, or (2) in which type of citrus two or more persons have 100 percent interest on the date insurance attaches for the crop year and which type is located on contiguous land under the same ownership, excluding any other acreage of such type of citrus in which such persons do not have 100 percent interest in such citrus on such date. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee. Contiguous land shall include only land that is touching at any point except that land that is separated only by a public or private way shall be considered contiguous.

(g) "Producer" means a person who has a share, or has the entire interest, in the insured crop at the time insurance attaches.

(h) "Types of citrus" means any one of six types as follows: Type (I) Navel oranges; Type (II) Orlando tangelos, Algerian tangerines, Sweet oranges, and Temple oranges; Type (III) Valencia oranges; Type (IV) Grapefruit; Type (V) Lemons; and Type (VI) Kinnow mandarin, Dancy tangerines, and Minneola tangelos.

(i) "Box" means a standard citrus field picking box as prescribed in the Agricultural Code of California.

NOTE: The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Adopted by the Board of Directors on July 12, 1967.

[SEAL] MORRIS S. HILL,
Acting Secretary,
Federal Crop Insurance Corporation.

Approved: July 14, 1967.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67-8382; Filed, July 19, 1967; 8:48 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER K—GENERAL CONDITIONAL PAYMENTS PROVISIONS

PART 893—PUERTO RICO

Pursuant to the provisions of the Sugar Act of 1948, as amended, the title of Part 893 is amended to read "Part 893—Puerto Rico"; §§ 893.1 through 893.10 are rescinded and new §§ 893.1 through 893.12 are added to read as follows:

Sec.
893.1 Regulations, as effective, and definitions.
893.2 Compliance with child labor provisions of the Act.
893.3 Tenant and sharecropper protection.
893.4 Compliance with other conditions of payment.
893.5 Instructions and forms.
893.6 Filing application for payment.
893.7 Determination of eligibility and basis for payment, review and changes in determinations and appeals for review thereof.
893.8 Obtaining information regarding eligibility for payment.
893.9 Conditions of payment not met where producer prevents obtaining information.
893.10 Preservation of sugar production records.
893.11 Computation of Sugar Act payment.
893.12 List of prescribed forms.

AUTHORITY: The provisions of this Part 893 issued pursuant to sec. 302, Sugar Act of 1948, as amended (sec. 403, 61 Stat. 932; 7 U.S.C. 1153; secs. 301, 302, 61 Stat. 929, 930, as amended; 7 U.S.C. 1131, 1132).

§ 893.1 Regulations, as effective, and definitions.

(a) The regulations in the following §§ 893.1 through 893.12 become effective on the 20th day after the date of publication of such sections in the FEDERAL REGISTER, shall continue in effect until amended, superseded or revoked, and shall apply to actions or proceedings initiated after such effective date. As used in this part, the terms:

(b) "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the U.S. Department of Agriculture to whom authority has been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(c) "Deputy Administrator" or "DASCO" means the Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture.

(d) "Director" means the person employed to be responsible for the day-to-day operations of the Agricultural Stabilization and Conservation Service Caribbean Area Office, or any employee of such office authorized to act on his behalf.

(e) "Area Office" means the Agricultural Stabilization and Conservation Service Caribbean Area Office.

(f) "District Office" means the Agricultural Stabilization and Conservation Service Caribbean District Office.

(g) "Person" means an individual, partnership, corporation or association.

(h) "Producer" means a person who is the legal owner, at the time of harvest or abandonment, of a portion or all of a crop of sugarcane grown on a farm for the extraction of sugar or liquid sugar.

(i) "Processor-producer" means a producer who is determined to be also a processor. A producer shall be deemed to be also a processor:

(1) If such producer is directly engaged in the processing of sugarcane for sugar;

(2) If such producer, whether alone or in conjunction with others, controls a person directly engaged in the processing of sugarcane for sugar, either by stock ownership or otherwise; or

(3) If such producer is controlled, whether through stock ownership or otherwise, by a person directly engaged in the processing of sugarcane for sugar.

(j) "Farm" shall have the meaning set forth in Part 827 of this chapter.

(k) "Crop" means sugarcane which was or will be produced and processed (or abandoned) during the two consecutive calendar years used to designate a crop. The first calendar year represents the year in which the majority of growth of the cane to be harvested occurs and the second calendar year represents the year in which most of this cane is harvested and processed.

(l) "Act" means the Sugar Act of 1948, as amended.

§ 893.2 Compliance with child labor provisions of the Act.

(a) *Applicability.* As a condition for payment under the Act, no child under the age of fourteen years shall have been employed or permitted to work on the farm, whether for gain to such child or any other person, in the production, cultivation, or harvesting of a crop of sugarcane with respect to which application for payment is made, except a member of the immediate family of a person who was the legal owner of not less than 40 per centum of the crop at the time such work was performed; and no child between the ages of 14 and 16 years shall have been employed or permitted to do such work, whether for gain to such child or any other person, for a longer period than 8 hours in any 1 day, except a member of the immediate family of a person who was the legal owner of not less than 40 per centum of the crop at the time such work was performed.

(b) *Deduction for noncompliance.* Payment authorized under the Act may be made notwithstanding a failure to comply with the conditions set forth in paragraph (a) of this section, but the payments made with respect to any crop shall be subject to a deduction of $10 for each child for each day or a portion of a day during which such child was employed or permitted to work contrary to the provision of this section.

(c) *Proof of age.* The producer on a farm upon which a child is found by a representative of the Area or district office to have worked or to be working in the production, cultivation or harvesting of a crop of sugarcane shall be required, upon request of the representative, to furnish proof of age of the child if such child is not a member of the immediate family of a person owning at least 40 percent of the crop of sugarcane at the time such work was performed. Proof of age may be established by,

(1) An age certificate issued pursuant to any child labor program carried out under Commonwealth or Federal supervision,

(2) A birth certificate or transcript thereof,

(3) A baptismal certificate showing the date of birth,

(4) A passport,

(5) An insurance policy, or

(6) A Bible record.

(d) *Proving child member of producer's immediate family.* If it is alleged that the child is a member of the immediate family of a person who owns such 40 percent of a crop, such person or a producer on the farm must establish such relationship to the satisfaction of the representative of the Area or district office. "Member of the immediate family" is deemed to include children who constitute the household of a person when such person is responsible for and provides the support of such children either as parent or in place of the parent.

(e) *Checking compliance with child labor provisions.* In accordance with instructions issued by DASCO, the Director shall determine by random selection the farms on which child labor compliance checks shall be made. The farm operator shall be notified immediately of any violation of these provisions.

§ 893.3 Tenant and sharecropper protection.

In addition to compliance with the conditions for payment prescribed by the Act, eligibility for payment of any producer of sugarcane with respect to any crop shall be subject to the following conditions:

(a) The number of share tenants or sharecroppers engaged in the production of sugarcane of such crop on the farm of such producer shall not be reduced below the number so engaged with respect to the previous crop unless such reduction is approved by the Director. The Director shall approve such reduction when the reduction was the result of voluntary action of the share tenant or sharecropper, or was caused by reasons beyond the control of the producer.

(b) Such producer shall not have entered into any leasing or cropping agreement for the purpose of diverting to himself or any other producer any payments to which share tenants or sharecroppers would be entitled if their leasing or cropping agreements for the previous crop were in effect except with the approval of the Director prior to entering into the leasing or cropping agreement for the current crop. The Director shall approve such change when the leasing or cropping agreement provides for a benefit or compensation to the share tenant or sharecropper comparable to the amount of the payment diverted.

§ 893.4 Compliance with other conditions of payment.

All requirements of the Act and the determinations issued pursuant thereto with respect to wage rates, farm proportionate shares (if in effect) and, in the case of a processor-producer, prices paid for sugarcane shall be met.

§ 893.5 Instructions and forms.

The Deputy Administrator shall cause to be prepared for issuance to the Area office such forms and internal management instructions as are necessary for carrying out the regulations in this part and regulations hereafter issued. These forms, instructions, and data pertaining to the individual farms are available in the Area office. A list of forms prescribed for the conditional payment program in Puerto Rico is set forth in § 893.12.

§ 893.6 Filing application for payment.

(a) *Form to be used.* Application for payment authorized under Title III of the Act with respect to sugarcane planted on a farm for harvest during a crop season shall be made on Form SU–150. The required information shall be entered on the form and the form shall be made available for execution by the producer at such place and time as determined by the Area or district office or it may be mailed to him for his execution. The producer shall be notified by the Area or district office of the place and the time the form is available for execution.

(b) *Person eligible to apply for payment.* The producer on the farm, or his legal representative, must sign and file the form in the Area or district office or with a representative of such Area or district office for the municipality in which the farm headquarters is located or, in the absence of a farm headquarters, for the municipality in which the major portion of land suitable for the production of sugarcane is located.

(c) *Closing date for filing.* Form SU–150 must be filed with respect to a crop of sugarcane no later than June 30 of the second calendar year after the calendar year in which the crop harvest was completed in Puerto Rico.

(d) *Exception to closing date requirement.* An application may be filed after the closing date if the Director determines that the applicant was prevented from filing by such date because of illness or other reason beyond his control.

(e) *Person eligible to receive payment.* Payment shall be made to a producer of the sugarcane in accordance with the provisions of section 304(d) of the Act. In the event of the death, disappearance, or incompetency of the producer, payment shall be made to the beneficiary as designated in the application for payment by the producer, or if no such beneficiary is named, to the producer's legal representative or his heirs as determined by the Director.

(f) *Assignments.* Sugar Act payments may not be assigned.

(g) *Receivers.* A Sugar Act payment may not be made to a receiver.

§ 893.7 Determination of eligibility and basis for payment, review and changes in determinations and appeals for review thereof.

The finality provisions of section 306 of the Act apply to determinations made in conformity with the regulations in this § 893.7. Compliance with the conditions prescribed by the Act and regulations for any payment authorized under Title III of the Act, the facts constituting the basis for any such payment, and the amount thereof, shall be determined by the Director, any such determination to be subject to redetermination initiated by the Director and to review initiated by DASCO and to approval or redetermination by DASCO. Determinations and redeterminations by the Director or DASCO shall be made and decided in accordance with the applicable provisions of the Act and regulations issued by the Secretary thereunder, and on the facts in the individual case. The producers on the farm with respect to which such a determination or redetermination is made shall be promptly notified in writing of the substance and meaning of the determination or redetermination, the amounts of any payments and any reduction in payments which are determined; and that the producer may obtain reconsideration or review of the determination or redetermination and an informal hearing in connection therewith, by filing a written request within 15 days from the date of mailing of such written notification. The written notification also shall state where the request for reconsideration or review should be filed and where further information in regard to appeal procedure and the hearing may be obtained. The provisions apprising producers of their rights to request reconsideration or appeal from determinations affecting their eligibility for or the amount of payments under the Act, and the procedures to follow in such instances including time limitations for filing requests for reconsideration and appeals are contained in Chapter VII, Part 780 of this title. The procedures applicable to claims for unpaid wages are provided for under regulations pertaining thereto as issued by the Secretary, and contained in Part 867 of this chapter.

§ 893.8 Obtaining information regarding eligibility for payment.

Where it is necessary to obtain information to assist the Director in determining compliance with the conditions prescribed by the Act and regulations for any payment authorized under Title III of the Act, the facts constituting the basis for any such payment or the amount thereof, or to assist the Deputy Administrator in reviewing, upon appeal or upon his own initiative any such determination by the Director, any such information with respect to acreage or compliance shall be obtained to the extent possible as provided in the applicable provisions of Part 718 of Chapter VII of this title, as amended. In the absence of a provision in such Part 718 of this title for obtaining any such information, any employee of the district or Area office designated by the Director to be qualified to perform such a duty may obtain such information.

§ 893.9 Conditions of payment not met where producer prevents obtaining information.

If the producer, or his representative, on any farm with respect to which application is made for any payment authorized under Title III of the Act prevents the obtaining of the information necessary to determine compliance with the conditions for any such payment, the facts constituting the basis of any such payment or the amount thereof, the conditions prescribed by the Act and regulations for any such payment shall be deemed not to have been met until such producer (including processor-producers) or his representative permits such information to be obtained.

§ 893.10 Preservation of sugar production records.

For the purpose of providing records to be made and preserved in the Area office for use in establishing proportionate shares, when required:

(a) The subdivisions of any farm which is subdivided shall be credited with the actual sugar production record, if available, of each subdivision for the five crops immediately preceding the crop when such farm is subdivided, or

(b) If actual records are not available, the production record of the farm shall be divided among the subdivisions on a basis agreed upon by all persons concerned in the subdivision subject to the approval of the Director, or

(c) In the absence of actual records and such agreement, the Director shall determine the division of the farm's production record among the subdivisions, on the basis of acreage of sugarcane growing thereon or suitable for growing sugarcane.

(d) The production record for a reconstituted farm shall be the total of the production records for such 5-year period credited to the constituent parts of the farm.

(e) The sugar production record of any parcel of land which is to be utilized for purposes other than the production of sugarcane for sugar shall, upon written application by the owner to the Director, be transferred to any other parcel or parcels of land owned by such applicant in Puerto Rico if the Director finds that the transfer of the production record will encourage a wise use of land resources, foster greater diversification of agricultural production and promote the conservation of soil and water resources in Puerto Rico, and the Director determines that such transfer of production record is in the public interest and will facilitate the sale or rental of the land for other productive purposes.

§ 893.11 Computation of Sugar Act payment.

Payment is made as to each farm, and the amount of payment is scaled down as shown in the following table when the quantity of sugar for which payment may be made as determined from sugarcane planted on the farm exceeds 7,000 hundredweight. The Sugar Act payment for the amount of commercially recoverable sugar determined for a farm shall be computed by the Director in accordance with the following table:

If the cwt. of commercially recoverable sugar determined for a farm is—	Multiply it by—	Then add—
1 to 7,000	$1.85	$0.00
7,001 to 14,000	.75	1,750.00
14,001 to 20,000	.70	1,050.00
20,001 to 30,000	.60	3,050.00
30,001 to 60,000	.55	4,550.00
60,001 to 120,000	.325	6,062.50
120,001 to 240,000	.30	9,050.00
240,001 to 600,000	.475	15,050.00
More than 600,000	.31	120,050.00

For example: If the cwt. of commercially recoverable sugar determined for a farm (item 12 on Form SU-150-1) is 12,000 cwt., multiply it by $0.71. To that result add $350 to give $10,100, the amount of the payment.

§ 893.12 List of prescribed forms.

Forms prescribed for the conditional payment program in Puerto Rico.

Form No. and title	
SU-140	Wage Compliance Check Sheet.
SU-150	Application for Payment.
SU-150-1	Application for Payment Supplement.
SU-150-2	Abandonment and Deficiency Area Worksheet.
SU-151	Manufacturing Report.
SU-154	Crop Marketing Compliance Report.
SU-155	Report of Performance.
SU-159	Request for Transfer of Base Production.
SU-162	Farm Production Record.
SU-162-1	Farm Production Record Worksheet.
SU-165	New Grower Farm.
SU-190	Child Labor Compliance Check Sheet.
SU-191	Claim Against Producer for Unpaid Wages.
SU-193	Worker's Claim for Payment of Unpaid Wages.
SU-195	Sugar Act Payment Deduction.

Statement of bases and considerations. To qualify for Sugar Act payments, sugarcane producers must comply with various general provisions and requirements of the Act, as implemented in determinations issued by the Secretary. In addition, they must file applications for payments, use approved forms, adhere to certain instructions and furnish information regarding eligibility for payment and the basis for payment and in connection with appeals for review thereof. Formerly, some of these provisions were incorporated in the proportionate share regulations. Since proportionate shares are not necessarily required for each year, certain of these provisions were incorporated in Part 893.

This action represents a reissuance of these general provisions, with several additions. Provisions have been added which set forth the long established rule that Sugar Act payments may not be assigned and may not be made to receivers. The determination of eligibility and basis for payment and appeals for review thereof has been updated to be consistent with regulations governing appeals (Chapter VII, Part 780).

The method of computing Sugar Act payments has been incorporated into the regulations. Also, the definition of "processor-producer" as stated in 7 CFR 821.1 has been added.

Provisions of the Act relating to proportionate shares and not included herein will be incorporated in regulations pertaining to proportionate shares when it is determined by the Secretary that such shares are required.

Accordingly, I hereby find and conclude that the foregoing regulation will effectuate the applicable provisions of the Act.

Effective date: The 20th day after date of publication.

Signed at Washington, D.C., on July 12, 1967.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67-8379; Filed July 19, 1967; 8:48 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Avocado Order 9, Amdt. 3]

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 915, as amended (7 CFR Part 915), regulating the handling of avocados grown in south Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of avocados in that it permits shipment of certain varieties of avocados at earlier dates and lighter weights than currently provided.

Order. The provisions of paragraph (a)(2) of § 915.309 (32 F.R. 7218, 8761, 10156) are hereby amended by revising in Table I certain dates and minimum weights and diameters applicable to the Pollock, Simmonds, Nadir, and Katherine varieties of avocados, so that after such revision the portion of Table I relating to said varieties reads as follows:

Variety (1)	Date (2)	Minimum weight or diameter (3)	Date (4)	Minimum weight or diameter (5)	Date (6)	Minimum weight or diameter (7)	Date (8)
Pollock	7-10-67	18 oz. 3 1/16 in.	7-17-67	16 oz. 3 1/16 in.	7-31-67		
Simmonds	7-10-67	18 oz. 3 9/16 in.	7-17-67	14 oz. 3 1/16 in.	7-31-67		
Nadir	7-17-67	16 oz. 3 4/16 in.	7-24-67	8 oz. 2 7/16 in.	8- 7-67		
Katherine	7-17-67	14 oz.	7-31-67				

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated, July 14, 1967, to become effective July 17, 1967.

ARTHUR E. BROWNE,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-8381; Filed, July 19, 1967; 8:48 a.m.]

[Avocado Reg. 15, Amdt. 2]

PART 944—FRUIT; IMPORT REGULATIONS

Avocados

Pursuant to the provisions of section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), the provisions of paragraph (a) of § 944.7 (Avocado Regulation 15; 32 F.R. 7245, 10052) are hereby amended as follows:

§ 944.7 Avocado Regulation 15.

(a) On and after the effective time of this section, the importation into the United States of any avocados is prohibited unless such avocados are inspected and meet the following requirements:

(1) All avocados imported during the period May 20, 1967, through April 30, 1968, shall grade not less than U.S. No. 3.

(2) Avocados of the Pollock variety shall not be imported (i) during the period from July 17 through July 30, 1967, unless the individual avocados in each lot weigh at least 16 ounces or measure at least 3 1/16 inches in diameter.

* * * * *

(5) Avocados of the Nadir variety shall not be imported (i) during the period from July 17 through July 23, 1967, unless the individual avocados in each lot weigh at least 10 ounces or measure at least 2 14/16 inches in diameter, and (ii) during the period from July 24 through August 6, 1967, unless the individual fruit in each lot of such avocados weigh at least 8 ounces or measure at least 2 7/16 inches in diameter. Avocados of any variety other than Pollock, Catalina, Trapp, and Nadir shall not be imported from July 17, 1967, through July 30, 1967, unless the individual avocados in each lot weigh at least 14 ounces; and from July 31, 1967, through September 17, 1967, unless the individual fruit in each lot of such avocados weigh at least 10 ounces: *Provided*, That any lot of such avocados may be imported without regard to the minimum weight requirements of this paragraph if such avocados when mature, normally change color to any shade of red or purple and any portion of the skin of the individual fruit has changed to the color normal for that fruit when mature.

* * * * *

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective time of this regulation beyond that hereinafter specified (5 U.S.C. 553) in that (a) the requirements of this amended import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), which makes such regulation mandatory; (b) such regulation imposes the same grade and comparable maturity requirements on imports of avocados as are being made applicable to the shipment of avocados grown in Florida under Avocado Regulation 9, as amended, which becomes effective July 17, 1967; (c) compliance with this import regulation will not require any special preparation which cannot be completed by the effective time hereof; and (d) this amendment relieves restrictions on imports of Pollock and Nadir varieties of avocados.

Dated, July 14, 1967, to become effective July 17, 1967.

ARTHUR E. BROWNE,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-8380; Filed, July 19, 1967; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 7898; Amdt. 39-450]

PART 39—AIRWORTHINESS DIRECTIVES

Model BAC 1-11 200 and 400 Series Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring inspection and if necessary, replacement or modification of all flap secondary transmission support bearing assemblies

on Model BAC 1-11 200 and 400 Series airplanes was published in 32 F.R. 5939.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BRITISH AIRCRAFT. Applies to Model BAC 1-11 200 and 400 Series airplanes.

Compliance required as indicated.

To detect failures of joints in the secondary flap transmission shafts, accomplish the following:

(a) On BAC 1-11 200 Series airplanes only, within the next 150 hours' time in service after the effective date of this AD, unless already accomplished, inspect all flap secondary transmission support bearing assemblies in accordance with British Aircraft Corporation (B&C) 1-11 Alert Service Bulletin No. 27-A-PM 1938, Issue 3, or later ARB-approved issue, or FAA-approved equivalent. All defective bearing assemblies must be replaced before further flight in accordance with this Service Bulletin, or FAA-approved equivalent. Non-defective bearing assemblies may be continued in service without further inspection.

(b) On BAC 1-11 200 and 400 Series airplanes, within the next 150 hours' time in service after the effective date of this AD, unless already accomplished within the last 450 hours' time in service and thereafter at intervals not to exceed 600 hours' time in service from the last inspection, conduct a functional check of the flap secondary transmission system followed by a visual examination of the transmission shaft joints as detailed in British Aircraft Corporation Alert Service Bulletin No. 27-A-PM 1938, Issue 3, or later ARB-approved issue, or FAA-approved equivalent. Correct defects found before further flight.

(c) The repetitive functional check and inspections required in paragraph (b) may be discontinued if the airplanes are modified in accordance with BAC Service Bulletin 27-PM-1928 paragraphs (a) and (b) and BAC Service Bulletin PM-2720 (a) and (b), or modified in accordance with BAC Service Bulletin PM-2720 (a), (b), (c), and (d), or FAA-approved equivalent.

This amendment becomes effective August 19, 1967.

(Sec. 313(a), 601, and 608 of the Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, and 1428)

Issued in Washington, D.C., on July 13, 1967.

EDWARD C. HODSON,
Acting Director,
Flight Standards Service.

[F.R. Doc. 67-8403; Filed, July 19, 1967; 8:49 a.m.]

[Docket No. 8067; Amdt. 39-447]

PART 39—AIRWORTHINESS DIRECTIVES

BAC 1-11 Model 203/AE, 204/AF, 212/AR, 401/AK, and 410/AQ Series Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring inspection for deterioration and replacement, if necessary, of oxygen face mask pieces installed on BAC 1-11 Model 203/AE, 204/AF, 212/AR, 401/AK and 410/AQ Series airplanes was published in 32 F.R. 5896.

Interested persons have been afforded an opportunity to participate in the making of the amendment. Several comments were received stating that the commentators believed the proposed 600-hour repetitive inspection requirement was too stringent and urged at least 1,200-hour intervals between inspections. The requirement in the proposed AD that the oxygen face mask pieces be reinspected at 600-hour intervals was the result of an oversight in drafting the proposal, and the AD has been revised to require the inspections at 1,200-hour intervals. Since this change is a relaxation of the requirement of the proposed AD and imposes no additional burden on any person, further notice and public procedure thereon are not required.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BRITISH AIRCRAFT. Applies to Model BAC 1-11 203/AE, 204/AF, 212/AR, 401/AK, and 410/AQ series airplanes.

Compliance required as indicated.

To prevent the use of unserviceable drop-out oxygen mask face pieces, accomplish the following:

(a) Within the next 600 hours' time in service after the effective date of this AD, unless already accomplished within the last 600 hours' time in service, and thereafter at intervals not to exceed 1,200 hours' time in service from the last inspection, visually examine all oxygen mask face pieces, Part Nos. WK 28420, WK 28171, and WK 31342, for deterioration in accordance with BAC 1-11 Alert Service Bulletin 35-A-PM 2795, Issue No. 1, dated January 16, 1967, or later ARB-approved issue, or FAA-approved equivalent.

(b) Replace deteriorated oxygen mask face pieces found during the inspections required by paragraph (a) with either serviceable face pieces of the same part number or modified face pieces, Walter Kidde Part Nos. WK 32290, WK 31289, and WK 32300, in accordance with BAC Service Bulletin 35-PM 2795, or later ARB-approved issue, or FAA-approved equivalent, before further flight.

(c) The repetitive inspections required by paragraph (a) may be discontinued when the oxygen face mask pieces are modified in accordance with BAC Service Bulletin 35-PM 2795, or later ARB-approved issue, or FAA-approved equivalent.

This amendment becomes effective August 19, 1967.

(Sec. 313(a), 601, and 608 of the Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, and 1428)

Issued in Washington, D.C., on July 13, 1967.

EDWARD C. HODSON,
Acting Director,
Flight Standards Service.

[F.R. Doc. 67-8404; Filed, July 19, 1967; 8:49 a.m.]

[Docket No. 7797; Amdt. 39-448]

PART 39—AIRWORTHINESS DIRECTIVES

Lycoming Engines Equipped With Bendix RSA-5 Series Fuel Injection Systems

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring the replacement of the Delrin stemmed fuel diaphragm with a steel stemmed diaphragm in the Lycoming engine using the Bendix RSA-5 Series fuel injection systems was published in 31 F.R. 15813.

Interested persons have been afforded an opportunity to participate in the making of the amendment, and all matter submitted has been fully considered. Several comments suggested that although the AD does not and should not apply to diaphragms containing green teflon coated stems which are currently in use, it should not authorize such diaphragms as replacement parts since internal leakage which could affect engine idle has been attributed to the green teflon coated stems and these stems are no longer in production. Although these stems are no longer being manufactured, they may be available as off the shelf replacement parts. Moreover, the FAA has determined that the slight leakage that might occur under idling conditions does not constitute a safety hazard. Similarly, the suggestion that the AD should require the replacement of all the parts suggested in Lycoming Service Bulletin 306B is rejected. While any possibility of internal leakage might be eliminated if the fuel diaphragm assembly with the uncoated steel stem P/N 2523307 and the new center bushing P/N 252631 are installed, and the installation of the center bushing at the same time the AD requirement is met might eliminate the possibility of the added expense of subsequently having to open up the fuel injector if internal leakage is encountered, nevertheless this is a choice which should be left to the aircraft owner in the absence of a showing that the interests of safety require it. One commentator suggested that Bendix Service Bulletin No. 18, Revision 4, should be included as an additional reference. The Lycoming Service Bulletin 306B adequately covers the requirements of the AD and in addition references the Bendix Service Bulletin. Thus, no public purpose would be served by including this redundant reference.

Subsequent to the issuance of the proposed AD, the FAA received reports of additional failures of the Delrin stem. The FAA has determined that it is therefore necessary to reduce the compliance times from 100 hours' time in service to within the next 50 hours' time in service.

Since a situation exists that demands immediate adoption of this regulation, it is found that additional notice and public procedure hereon are impracticable and good cause exists for making this amendment effective on less than 30 days notice.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

LYCOMING. Applies to Model IO-320 Series, IO-360-A1A, -A2A, -B1B, -B1C, -B1D, -C1A, -IV8-360-A1A, HIO-360-A1A, -B1A, -B1B, -C1A, IO-540-C1B5, -C1C5, -C2C, C4B5 and D4A5 engines. Engines equipped with the latest Bendix RSA-5 Series fuel injectors listed below are excepted as follows:

Parts list numbers with suffix numbers after the serial number as shown or higher are excepted. (Where a suffix number does not appear, compliance is required.)

Parts List	*Serial No./Suffix No.*
2524054-2	S.N./33
2524119-2	S.N./15
2524145-2	S.N./24
2524147-2	S.N./14
2524171-2	S.N./10
2524189-2	S.N./10
2524213-2	S.N./7
2524215-2	S.N./12
2524190-2	S.N./15

Compliance required within the next 50 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent possible failures of the Delrin stemmed fuel diaphragm assembly P/N 2520687 or 2523067, accomplish the following:

Remove fuel diaphragm assembly P/N 2520687 or P/N 2523067, and spring holder P/N 2520686 and replace with fuel diaphragm assembly P/N 2523307, either uncoated or green teflon coated, retainer cup P/N 2523478 and nut P/N 178491.

(Lycoming Service Bulletin No. 306B covers this subject.)

This amendment becomes effective August 9, 1967.

(Secs. 313(a), 601, and 608 of the Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, and 1428)

Issued in Washington, D.C., on July 11, 1967.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[F.R. Doc. 67-8405; Filed, July 19, 1967; 8:50 a.m.]

[Docket No. 8080; Amdt. 39-449]

PART 39—AIRWORTHINESS DIRECTIVES

Tost Type Universal 53 Glider Tow Couplings

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring the replacement of the bracket type automatic release of the tow coupling with the ring type automatic release in accordance with Tost Modification No. 2/65 on Tost Type Universal 53 glider tow couplings installed on Schempp-Hirth Models Standard Austria S, SH, and SH-1; Scheibe Flugzeugbau Models L-Spatz 55, Bergfalke II 55, and SF 26A; and Alexander Schleicher Models Ka 6CR, Ka 6 E, K 7, and K 8 B gliders was published in 32 F.R. 5808.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

TOST. Applies to Tost Type Universal 53 glider tow couplings with Serial Numbers 1 through 20000, installed on Schempp-Hirth Models Standard Austria S, SH, and SH-1; Scheibe Flugzeugbau Models L-Spatz 55, Bergfalke II 55, and SF 26A; and Alexander Schleicher Models Ka 6 CR, Ka 6 E, K 7, and K 8 B, gliders.

Compliance required within the next 100 hours' time in service after the effective date of this AD, unless already accomplished.

To reduce the release load on the glider coupling when the tow cable imposes asymmetrical loads, replace, in accordance with Tost Modification No. 2/65, dated November 9, 1965, or FAA-approved equivalent, the bracket type automatic releases of the tow coupling with ring type automatic releases that conform to the Luftfahrt-Bundesamt approved type certificate 60.290/11 or later approved issued, or FAA-approved equivalent.

This amendment becomes effective August 19, 1967.

(Secs. 313(a), 601, and 608 of the Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, and 1428)

Issued in Washington, D.C., on July 13, 1967.

EDWARD C. HODSON,
Acting Director,
Flight Standards Service.

[F.R. Doc. 67-8406; Filed, July 19, 1967; 8:50 a.m.]

[Docket No. 8266; Amdt. 61-33]

PART 61—CERTIFICATION: PILOTS AND FLIGHT INSTRUCTORS

Condition for Issuing Instrument Rating Based on Military Competence

The purpose of this amendment to Part 61 of the Federal Aviation Regulations is to provide that no person may obtain the issuance of an instrument rating on the basis of military competence, under § 61.31(c), unless his military instrument rating or card authorizes him to serve as pilot in command in IFR operations in controlled airspace.

Section 61.31(c) (Instrument rating) provides that a private or commercial pilot who holds a current military instrument rating or card is entitled under Part 61 to an instrument rating (for helicopter or other aircraft, as the case may be). Prior to the recodification of the Civil Air Regulations into the Federal Aviation Regulations, § 20.111(c) provided that the standards under which a military instrument rating was issued must be not less than those prescribed for the issuance of an instrument rating under Part 20. The regulation then included this provision because at one time the Armed Forces of the United States issued instrument cards limiting the instrument privileges of the holders. At the time of the recodification it was ascertained that the Armed Forces of the United States no longer issued instrument cards so limited, and the standards provision therefore was omitted from Part 61.

The FAA has been advised that the U.S. Army now issues a "pink" instrument card, known as a "Tactical Instrument Card," authorizing the holder to conduct instrument flight operations only in "tactical environment, outside control zones and areas." The card is issued to pilots who have not been trained in airway IFR operations or in the use of standard approach procedures. The card does not provide evidence that the holder meets the usual instrument flight training or proficiency standards, and therefore is not considered an appropriate basis for issuing an instrument rating under § 61.31(c). It is desirable to state clearly in the regulations as a qualifying condition that an instrument rating is not issued under § 61.31(c) if the applicant's military instrument rating or card does not authorize the holder to serve as pilot in command in IFR operations in controlled airspace.

Since this amendment is clarifying in nature and imposes no additional burden on any person, notice and public procedure thereon are unnecessary, and good cause exists for making it effective on less than 30 days' notice.

In consideration of the foregoing, § 61.31 of the Federal Aviation Regulations is amended by inserting the following subparagraph after paragraph (c)(2), effective July 20, 1967:

§ 61.31 Military pilots or former military pilots: special rules.

* * * * * * *

(c) * * *

(3) No person may obtain the issuance of an instrument rating under this paragraph unless his military instrument rating or card authorizes him to serve as pilot in command in IFR operations in controlled airspace.

* * * * * * *

(Secs. 313(a) and 601 of the Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421)

Issued in Washington, D.C., on July 14, 1967.

WILLIAM F. MCKEE,
Administrator.

[F.R. Doc. 67-8410; Filed, July 19, 1967; 8:50 a.m.]

[Airspace Docket No. 67-WE-33]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airway

On June 16, 1967, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (32 F.R. 8681) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the floor of V-210 from Tuba City, Ariz., to Farmington, N. Mex.

Interested persons were afforded an opportunity to participate in the rule making procedures through the submis-

sion of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., September 14, 1967, as hereinafter set forth.

Section 71.123 (32 F.R. 2009, 6435, 7251) is amended as follows:

In V–210 all between "12 AGL Tuba City, Ariz.;" and "12 AGL Alamosa, Colo.," is deleted and "10 mi. 90 MSL, 91 mi. 105 MSL, 12 AGL Farmington, N. Mex.;" is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 14, 1967.

J. F. BIRON,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67–8407; Filed, July 19, 1967; 8:50 a.m.]

[Airspace Docket No. 67–WE–12]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Additional Control Area

On May 19, 1967, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (32 F.R. 7463) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate an additional control area at Omak, Wash.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

The location of the Omak RBN was cited in the notice as latitude 48°27'30" N., longitude 119°30'45" W. Subsequent to publication of the notice a mathematical computation has determined that the exact location of the RBN is latitude 48°27'13" N., longitude 119°30'56" W.

Since the change in location of the beacon is minor in nature and will cause no undue burden for any person, the Administrator has determined that notice and public procedure thereon is unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0001 e.s.t. September 14, 1967 as hereinafter set forth.

In § 71.163 (32 F.R. 2063) the following is added:

OMAK, WASH.

That airspace extending upward from 5,500 feet MSL within 5 miles each side of a line extending from the Omak RBN to the Ephrata, Wash., VOR.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 14, 1967.

J. F. BIRON,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67–8408; Filed, July 19, 1967; 8:50 a.m.]

[Airspace Docket No. 67–SW–11]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

Correction

In F.R. Doc. 67–6833 appearing at page 8709 of the issue for Saturday, June 17, 1967, the transition area designation for Jasper, Texas, is corrected to read as follows:

JASPER, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Jasper County Airport (latitude 30°58'45" N., longitude 94°01'30" W.) and within 2 miles each side of the 356° bearing from the Jasper RBN extending from the 5-mile radius area to 8 miles north of the RBN; and that airspace extending upward from 1,200 feet above the surface within an area bounded by a line beginning at latitude 30°37'00" N., longitude 94°11'00" W., to latitude 30°54'20" N., longitude 94°24'45" W., to and counterclockwise along the arc of a 25-mile radius circle centered at the Lufkin VORTAC to latitude 31°07'00" N., to latitude 31°08'00" N., longitude 94°02'00" W., to latitude 30°44'00" N., longitude 93°51'00" W., to point of beginning.

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER D—SECURITY

PART 156—DEPARTMENT OF DEFENSE CIVILIAN APPLICANT AND EMPLOYEE SECURITY PROGRAM

Notice Requirements

The following miscellaneous amendment to Part 156 has been approved:

Section 156.13 is revised to read as follows:

§ 156.13 Notice requirements.

Pursuant to Executive Order 10450, as amended, and in order to assist the Civil Service Commission in discharging its responsibilities under that Order, the Department of Defense Components will notify the Civil Service Commission of the action taken as soon as possible after the receipt of the final investigative report on a civilian officer or employee subject to full field investigation under the provisions of the Order. In the case of a completely favorable investigation, notification shall be made within thirty (30) days. In the case of an unfavorable investigation, notification shall be made within ninety (90) days. In both situations, if special circumstances have precluded accomplishing the reports to the Civil Service Commission within the time limits, continuing reports will be made to the Civil Service Commission every thirty (30) days until accomplished. Such notice shall be in accordance with and conform to the requirements of the Civil Service Commission as stipulated in Chapter 736, Appendix B–1, Federal Personnel Manual, 1963. The Assistant Secretary of Defense (Administration) shall be notified with regard to each suspension or termination under provision of section 7532 of title 5, U.S. Code, and of reinstatement, restoration to duty or reemployment following any suspension or termination. Such notice shall be made no later than 10 days after each such action has occurred and will include the full name, date and place of birth, grade, type of action, and the date the action was taken with respect to such employee.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[F.R. Doc. 67–8342; Filed, July 19, 1967; 8:45 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter II—National Bureau of Standards, Department of Commerce

SUBCHAPTER A—TEST FEE SCHEDULES

PART 201—ELECTRICITY

Pulse Power, Peak Measurement, Coaxial Systems

Under the provisions of 15 U.S.C. 275 (a) and 277, the test fee schedules of the National Bureau of Standards, Department of Commerce, pertaining to electricity are amended as provided herein. The amendment is effective upon publication in the FEDERAL REGISTER. Section 201.822 of Title 15 of the Code of Federal Regulations is amended by adding calibration services as follows:

§ 201.822 Pulse power, peak measurement, coaxial systems.

Item	Description	Fee
• • •	• • •	• • •
201.822c	Calibration of instrument for measuring peak power of pulsed signals in coaxial systems, in the frequency range of 300 to 900 MHz, at a peak power in the range of 1 mW to 2.5 kW; at a pulse width in the range of 2 to 10 μsec, and at a pulse repetition rate in the range of 100 to 1400 pps with a maximum duty factor of 0.3%.	(*)
201.822d	Calibration of instrument for measuring peak power of pulsed signals in coaxial systems at each additional peak power level or a different pulse width or pulse repetition rate, at the same frequency as for 201.822c.	(*)
• • •	• • •	• • •

*As fixed prices have not been established for these services, charges will be made for actual costs incurred. Upon request, estimates will be furnished for specific tasks which should provide a close approximation of actual costs.

Dated: June 29, 1967.

I. C. SCHOONOVER,
Acting Director.

[F.R. Doc. 67–8338; Filed, July 19, 1967; 8:45 a.m.]

PART 205—ANALYTICAL CHEMISTRY

Under the provisions of 15 U.S.C. 275a and 277, the test fee schedule of the National Bureau of Standards, Department of Commerce, pertaining to Part 205, Analytical Chemistry, is revised to increase the fee as provided herein to assure full recovery of the cost of providing calibration services, and to change the main heading of § 205.101 from "Pure Materials" to "Pure Substances". The revision, effective upon publication in the FEDERAL REGISTER, supersedes Part 205, 15 CFR, previously issued.

PURE SUBSTANCES

§ 205.101 Measurement of physical properties of primary reference fuels used for octane number determination.

Item	Description	Fee
205.101a	Measurement of physical properties of primary reference fuels used for octane number determination.	$475.00

(Sec. 9, 31 Stat. 1450, as amended; 15 U.S.C. 277; interprets or applies sec. 7, 70 Stat. 959; 15 U.S.C. 275a)

Dated: June 29, 1967.

I. C. SCHOONOVER,
Acting Director.

[F.R. Doc. 67–8337; Filed, July 19, 1967; 8:45 a.m.]

PART 208—METALLURGY

PART 230—STANDARD REFERENCE MATERIALS

Miscellaneous Amendments

Part 208, Metallurgy, is superseded by § 230.8–21 of Part 230, Title 15, Code of Federal Regulations. Accordingly, Part 208, 15 CFR, is deleted.

The items previously listed in Part 208 relating to standard thickness samples of electroplated coatings no longer come under the test and calibration services program of the Bureau. However, the items are available as standard reference materials as listed in § 230.8–21 of Part 230, Title 15, Code of Federal Regulations. See the FEDERAL REGISTER of February 14, 1967 (32 F.R. 2844).

Effective date. This notice is effective upon publication in the FEDERAL REGISTER.

(Sec. 9, 31 Stat. 1450, as amended; 15 U.S.C. 277. Interprets or applies sec. 7, 70 Stat. 959; 15 U.S.C. 275a)

Dated: June 29, 1967.

I. C. SCHOONOVER,
Acting Director.

[F.R. Doc. 67–8339; Filed, July 19, 1967; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket C–1234]

PART 13—PROHIBITED TRADE PRACTICES

Alan Libman and Brand Stores

Subpart—Advertising falsely or misleadingly: § 13.73 *Formal regulatory and statutory requirements;* § 13.155 *Prices:* 13.155–10 *Bait;* 13.155–100 *Usual* as reduced, special, etc. Subpart—Misrepresenting oneself and goods—Prices: § 13.1779 *Bait;* § 13.1825 *Usual as reduced or to be increased.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Alan Libman, doing business as Brand Stores, Boston, Mass., Docket C–1234, June 30, 1967.]

In the Matter of Alan Libman, an Individual, Doing Business as Brand Stores

Consent order requiring a Boston, Mass., retailer of sewing machines and vacuum cleaners to cease using bait advertisements, deceptive pricing and savings claims, and other deceptive means to sell his merchandise.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Alan Libman, an individual, doing business as Brand Stores, or under any other trade name or names, and respondent's agents, representatives and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of sewing machines, vacuum cleaners or any other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using, in any manner, any advertisement, sales plan, scheme, or device wherein false, misleading, or deceptive statements or representations are made in order to obtain leads or prospects for the sale of other merchandise or services.

2. Making representations purporting to offer merchandise for sale when the purpose of the representation is not to sell the offered merchandise but to obtain leads or prospects for the sale of other merchandise at higher prices.

3. Discouraging the purchase of or disparaging any merchandise or services which are advertised or offered for sale.

4. Representing, directly or by implication, that any merchandise or services are offered for sale when such offer is not a bona fide offer to sell such merchandise or services.

5. Representing, directly or by implication, that advertised products are in stock and available for purchase; provided, however, that it shall be a defense in any enforcement proceeding instituted hereunder for respondent to establish that the advertised products were in stock and were available.

6. Representing, directly or by implication, that any price for respondent's products is a special or reduced price, unless such price constitutes a significant reduction from an established selling price at which such products have been sold in substantial quantities by respondent in the recent regular course of his business, or misrepresenting in any manner the savings available to purchasers.

7. Representing, directly or by implication, that respondent finances his customer's installment contracts or notes or does not negotiate such notes to finance companies.

8. Failing to disclose orally at the time of sale and in writing on any conditional sales contract, promissory note or other instrument executed by the purchaser, with such conspicuousness and clarity as is likely to be read and observed by the purchaser that:

(1) Such conditional sales contract, promissory note or other instrument may, at the option of the seller and without notice to the purchaser, be negotiated or assigned to a finance company or other third party.

(2) If such negotiation or assignment is effected, the purchaser will then owe the amount due under the contract to the finance company or third party and may have to pay this amount in full whether or not he has claims against the seller under the contract for defects in the merchandise, nondelivery or the like.

9. Failing to deliver a copy of this order to cease and desist to all present and future salesmen or other persons engaged in the sale of the respondent's products to purchasers; and failing to secure from each such person a signed statement acknowledging receipt of said order and agreeing to abide by the requirements of said order and to refrain from engaging in any of the acts or practices prohibited by said order; and for failure so to do, agreeing to dismissal or to the withholding of commissions, salaries, and other remunerations or both to dismissal and to withholding of commissions, salaries, and other remunerations.

It is further ordered, That the respondent herein shall, within 60 days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: June 30, 1967.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 67–8356; Filed, July 19, 1967; 8:46 a.m.]

[Docket C-1288]

PART 13—PROHIBITED TRADE PRACTICES

Brookport Classics, Inc., et al.

Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–90 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–90 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply Sec. 5, 38 Stat. 719, as amended; Secs. 2–5, 54 Stat. 1128–1130; 15 U.S.C. 45, 68) [Cease and desist order, Brookport Classics, Inc., et al., New York, N.Y., Docket C–1288, June 30, 1967.]

In the Matter of Brookport Classics, Inc., a Corporation, and Jacques Schweitzer and Mac Savid, individually and as officers of said corporation.

Consent order requiring a New York City clothing manufacturer to cease misbranding its woolen car coats.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That Brookport Classics, Inc., a corporation, and its officers, and Jacques Schweitzer and Mac Savid, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate of other device, in connection with the introduction or manufacture for introduction, into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment or shipment, in commerce, of wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.

2. Failing to securely affix to, or place on, each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

It is further ordered, That the respondents herein shall, within 60 days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: June 30, 1967.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 67-8357; Filed, July 19, 1967; 8:46 a.m.]

[Docket C-1290]

PART 13—PROHIBITED TRADE PRACTICES

Herman Somerstein and Amy-Joy Novelty Co.

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108–45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–30 Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–30 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845–30 Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply Sec. 5, 38 Stat. 719, as amended; Sec. 8, 66 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Herman Somerstein trading as Amy-Joy Novelty Co., New York, N.Y., Docket C–1290, June 26, 1967.]

In the Matter of Herman Somerstein, an Individual trading as Amy-Joy Novelty Company

Consent order requiring a New York City manufacturing furrier to cease misbranding and falsely invoicing his fur products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Herman Somerstein, an individual trading as Amy-Joy Novelty Co., or any other name, and respondent's representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding any fur product by:

1. Failing to affix a label to such fur product showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

2. Failing to disclose on a label that such fur product is composed in whole or in substantial part of paws, tails, bellies, sides, flanks, gills, ears, throats, heads, scrap pieces, or waste fur.

3. Failing to set forth on a label the item number or mark assigned to such fur product.

B. Falsely or deceptively invoicing any fur product by:

1. Failing to furnish an invoice, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Failing to set forth the term "natural" as part of the information required to be disclosed on an invoice under the Fur Products Labeling Act and Rules and Regulations promulgated thereunder to describe such fur product which is not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

3. Failing to disclose on an invoice that such fur product is composed in whole or in substantial part of paws, tails, bellies, sides, flanks, gills, ears, throats, heads, scrap pieces, or waste fur.

4. Failing to set forth on an invoice the item number or mark assigned to such fur product.

It is further ordered, That the respondent herein shall, within 60 days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: June 26, 1967.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 67-8358; Filed, July 19, 1967; 8:46 a.m.]

[Docket C-1232]

PART 13—PROHIBITED TRADE PRACTICES

Horowitz & Birnbach, Inc., et al.

Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–30 Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–30 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply Sec. 5, 38 Stat. 719, as amended; Sec. 8, 66 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Horowitz & Birnbach, Inc., et al., New York, N.Y., Docket C–1232, June 26, 1967.]

In the Matter of Horowitz & Birnbach, Inc., a Corporation, and Nathaniel Birnbach and Harry Birnbach, Individually and as Officers of Said Corporation

Consent order requiring a New York City manufacturing furrier to cease misbranding its fur products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Horowitz & Birnbach, Inc., a corporation, and its officers, and Nathaniel Birnbach and Harry Birnbach, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

Misbranding any fur product by:

(a) Representing, directly or by implication, on a label that the fur contained in such fur product is natural when such fur is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

(b) Failing to affix a label to such fur product showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

(c) Failing to set forth on a label the item number or mark assigned to such fur product.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: June 26, 1967.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 67-8359; Filed, July 19, 1967; 8:46 a.m.]

[Docket C-1233]

PART 13—PROHIBITED TRADE PRACTICES

Meiman Mills, Inc. and Sheldon Meiman

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* 13.1053–90 Wool Products Labeling Act. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108–40 Federal Trade Commission Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–90 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–90 Wool Products Labeling Act; § 13.1325 *Source or origin:* 13.1325–70 Place: 13.1325–70(a) Domestic product as imported. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845–80 Wool Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–80 Wool Products Labeling Act. Subpart—Using misleading name—Goods: § 13.2280 *Composition:* 13.2280–80 Wool Products Labeling Act; § 13.2345 *Source or origin:* 13.2345–65 Place: 13.2345–65(a) Domestic product as imported.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply Sec. 5, 38 Stat. 719, as amended; Secs. 2–5, 54 Stat. 1128–1130; 15 U.S.C. 45, 68) [Cease and desist order, Meiman Mills, Inc., et al., Yantic, Conn., Docket C–1233, June 27, 1967]

In the Matter of Meiman Mills, Inc., a Corporation, and Sheldon Meiman, Individually and as an Officer of Said Corporation

Consent order requiring a Yantic, Conn., manufacturer of woolen yarn to cease misbranding and falsely guaranteeing its wool products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Meiman Mills, Inc., a corporation, and its officers, and Sheldon Meiman, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment or shipment, in commerce, of wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from:

Misbranding such products by:

1. Falsely and deceptively stamping, tagging, labeling, or otherwise identifying such products by use of the word "Shetland" or any simulation thereof, either alone or in connection with other words, to designate, describe, or refer to any product which is not composed entirely of wool from Shetland sheep raised on the Shetland Islands or the contiguous mainland of Scotland.

2. Falsely or deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.

3. Falsely or deceptively stamping, tagging, labeling, or otherwise identifying such products as to the country of origin.

4. Failing to securely affix to, or place on, each such product, a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

5. Failing to set forth the common generic name of fibers in naming such fibers in the required information on stamps, tags, labels, or other means of identification attached to such wool products.

6. Setting forth information required under section 4(a)(2) of the Wool Products Labeling Act of 1939 and the rules and regulations promulgated thereunder, in abbreviated form on stamps, tags, labels, or other means of identification on or affixed to wool products.

7. Using the term "mohair" in lieu of the word "wool" in setting forth the required information on labels affixed to wool products unless the fibers described as "mohair" are entitled to that designation and are present in at least the amount stated.

8. Using the term "virgin" as descriptive of a wool product or part of a wool product, when the part so described is not composed wholly of new or virgin wool which had never been used or reclaimed, reworked, reprocessed or reused from spun, woven, knitted, felted or otherwise manufactured or used products.

It is further ordered, That respondents Meiman Mills, Inc., a corporation, and its officers, and Sheldon Meiman, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of yarns or other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the word "Shetland," or any simulation thereof, either alone or in connection with other words, to designate, describe, or refer to any product which is not composed entirely of wool of Shetland sheep raised on the Shetland Islands or the contiguous mainland of Scotland: *Provided, however*, That in the case of a product composed in part of wool of Shetland sheep and in part of other fibers or materials, such word may be used as descriptive of the Shetland wool content if there are used in immediate connection therewith, with at least equal conspicuousness, words truthfully describing such other constituent fibers or materials.

2. Misrepresenting the character or amount of constituent fibers contained in such yarns or other products on invoices, on shipping memoranda applicable thereto, or in any other manner.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: June 27, 1967.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 67-8360; Filed, July 19, 1967; 8:46 a.m.]

[Docket C-1226]

PART 13—PROHIBITED TRADE PRACTICES

Rock River Woolen Mills et al.

Subpart—Invoicing products falsely: § 13.1168 *Invoicing products falsely:* 13.1168–60 Federal Trade Commission Act. *Subpart—Misbranding or mislabeling:* § 13.1185 *Composition:* 13.1185–60 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–60 Wool Products Labeling Act. *Subpart—Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–60 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; secs. 2–5, 54 Stat. 1128–1130; 15 U.S.C. 45, 68) [Cease and desist order, Rock River Woolen Mills et al., Brownwood, Tex., Docket C-1226, June 30, 1967]

In the Matter of Rock River Woolen Mills, a Corporation, and James B. Tait and Robert J. Tait, Individually and as Officers of Said Corporation

Consent order requiring a Brownwood, Tex., clothing manufacturer to cease misbranding and falsely invoicing its wool products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That Rock River Woolen Mills, a corporation, and its officers, and James B. Tait and Robert J. Tait, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment, or shipment, in commerce, of wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.

2. Failing to securely affix to, or place on, each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

3. Failing to set forth the common generic name of fibers in the required information on stamps, tags, labels, or other means of identification attached to wool products.

It is further ordered, That respondents Rock River Woolen Mills, a corporation, and its officers, and James B. Tait, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment, or shipment, in commerce, of wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.

2. Failing to securely affix to, or place on, each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

It is further ordered, That the respondents herein shall, within 60 days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: June 30, 1967.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 67-8361; Filed, July 19, 1967; 8:46 a.m.]

[Docket C-1227]

PART 13—PROHIBITED TRADE PRACTICES

Sani Distributors, Inc., et al.

Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–60 Wool Products Labeling Act. § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–60 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–60 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; secs. 2–5, 54 Stat. 1128–1130; 15 U.S.C. 45, 68) [Cease and desist order, Sani Distributors, Inc., et al., New York, N.Y., Docket C-1227, June 30, 1967.]

In the Matter of Sani Distributors, Inc., a Corporation, and Sham Sani and Lal C. Sani, Individually and as Officers of Said Corporation

Consent order requiring a New York City importer of wool fabrics to cease misbranding its wool products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Sani Distributors, Inc., a corporation, and its officers, and Sham Sani and Lal C. Sani, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment or shipment, in commerce, of wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.

2. Failing to securely affix to, or place on, each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

It is further ordered, That the respondents herein shall, within 60 days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: June 30, 1967.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 67-8362; Filed, July 19, 1967; 8:46 a.m.]

[Docket C-1231]

PART 13—PROHIBITED TRADE PRACTICES

Sidney Bitterman, Inc., et al.

Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–60 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–60 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–60 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; secs. 2–5, 54 Stat. 1128–1130; 15 U.S.C. 45, 68) [Cease and desist order, Sidney Bitterman, Inc., et al., New York, N.Y., Docket C-1231, June 26, 1967.]

In the Matter of Sidney Bitterman, Inc., a Corporation, and Caroline Bitterman, Leonard Bitterman, and Howard Bitterman, Individually and as Officers of Said Corporation

Consent order requiring a New York City clothing manufacturer to cease misbranding its wool products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Sidney Bitterman, Inc., a corporation, and its officers, and Caroline Bitterman, Leonard Bitterman, and Howard Bitterman, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the manufacture for introduction into commerce, the introduction into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment or shipment, in commerce, of wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding wool products by:

1. Falsely and deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.

2. Failing to securely affix to, or place on, each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: June 30, 1967.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 67-8363; Filed, July 19, 1967; 8:46 a.m.]

[Docket C-1230]

PART 13—PROHIBITED TRADE PRACTICES

Variety Dresses et al.

Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–60 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–60 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–60 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; secs. 2–5, 54 Stat. 1128–1130; 15 U.S.C. 45, 68) [Cease and desist order Variety Dresses trading as Dan-Dee Sportswear, New York, N.Y., Docket C-1230, June 30, 1967]

In the Matter of Variety Dresses, a Partnership, Trading as Dan-Dee Sportswear, and Samuel Rankus, and Moe Weber, Individually and as Copartners Trading as Variety Dresses

Consent order requiring a New York City partnership to cease misbranding its wool products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Variety Dresses, a partnership, trading as Dan-Dee Sportswear, or any other name and Samuel Rankus and Moe Weber, individually and as copartners trading as Variety Dresses, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or offering for sale, sale, transportation, distribution, delivery for shipment or shipment, in commerce, of wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.

2. Failing to securely affix to, or place on, each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: June 28, 1967.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 67-8364; Filed July 19, 1967; 8:46 a.m.]

Title 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 40—FARM LABOR CONTRACTOR REGISTRATION

Insurance Carriers

In the May 9, 1967, issue of the FEDERAL REGISTER (32 F.R. 7025), there was published a proposal to amend 29 CFR 40.4 (d). Interested persons were given 30 days in which to file written statements of data, views, or argument in regard to the proposal. None was received. Accordingly, effective August 20, 1967, I have decided to and do hereby adopt the proposal to read as set forth below.

As amended paragraph (d) of § 40.4 reads as follows:

§ 40.4 Application for Certificate of Registration.

* * * * *

(d) (1) No certificate of insurance filed by an insurance carrier in accordance with this section will be accepted, unless said insurance carrier meets the following requirements:

(i) The insurance carrier possesses and maintains surplus funds (policyholders' surplus) of not less than $500,000, which minimum shall be determined on the basis of the values of assets and liabilities as shown in its financial statements filed with and approved by the insurance department or other insurance regulatory authority of the State of domicile (home State) of such company, except in instances where in the judgment of the Administrator additional evidence with respect to such values is considered necessary; and

(ii) The insurance carrier has a general policyholder's rating of B or better in the current issue of "Best's—Insurance Reports—Fire and Casualty," or a "recommended" rating in the current issue of "Best's—Insurance Reports—Life."

(2) If the insurance carrier is not listed in the current issue of Best's, or, if listed, is not assigned a general policyholder's rating of B or better or "recommended" whichever is applicable, such carrier may request approval for eligibility by submitting to the Administrator its latest financial statement, as filed with the insurance department of its home State, on the Convention form statement, with all exhibits and schedules included, and copies of reports of examination on conditions and affairs, as prepared by State supervisory authorities and such other information as the Administrator may request.

* * * * *

(Sec. 14, 78 Stat. 924; 7 U.S.C. 2088)

Signed at Washington, D.C., this 14th day of July 1967.

ROBERT C. GOODWIN, *Administrator, Bureau of Employment Security.*

[F.R. Doc. 67-8443; Filed, July 19, 1967; 8:53 a.m.]

Chapter V—Wage and Hour Division, Department of Labor

PART 526—INDUSTRIES OF A SEASONAL NATURE AND INDUSTRIES WITH MARKED SEASONAL PEAKS OF OPERATION

Dairy Products Industry

On January 26, 1967, a notice was published in the FEDERAL REGISTER (32 F.R. 674) proposing to find that the dairy products industry, as defined, is characterized by marked annually recurring seasonal peaks of operation at the places of first processing or first marketing of perishable agricultural commodities from farms, within the meaning, and under authority, of section 7(d)(1)(A) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(d)(1)(A)) as amended by the Fair Labor Standards Amendments of 1966 (P.L. 89–601).

Interested persons were given 30 days in which to present written data, views, or argument. After consideration of such relevant matter as was presented and pursuant to section 7(d) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(d)), Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), General Order No. 45–A of the Secretary of Labor (15 F.R. 3290), and the procedure set forth in 29 CFR Part 526 (32 F.R. 5775), such finding is hereby made. Accordingly, 29 CFR 526.11 is amended by adding "Dairy products industry" to the list there provided, with the date of this document shown under the heading of "Date of finding," and the volume and page of the FEDERAL REGISTER in which this document appears under the heading "Citation." As this amendment merely grants an exemption, no delay in its effective date is required by 5 U.S.C. 553(d). Such delay would serve no useful

purpose. This amendment shall, therefore, be effective immediately.

For purpose of this finding, the dairy products industry is defined to include all, but only, the following operations:

(a) Transportation of milk and cream from farms.

(b) Handling and preparing milk or cream at receiving stations, fluid milk plants and processing plants, and transporting the milk or cream from one to the other.

(c) First processing of milk, buttermilk, whey, skimmed milk or cream into dairy products, including: Pasteurized, flavored, condensed, evaporated, concentrated, or dried, whole or skimmed milk; sweet, sour, or dried cream; whey, renovated, process or creamery butter; any variety of cheese including natural or processed; condensed, evaporated, or dried buttermilk; wet or dried casein; malted milk powder; crude milk sugar; ice cream, ice milk, and sherbet (except water ices).

(d) Any operations or services necessary or incident to the foregoing performed by employees employed by an employer in an enterprise which is in the industry, including necessary packaging, storage, and shipping at the plant of the dairy products made by the enterprise, plant maintenance, machinery repair, clerical work necessary or incident to the operations described in paragraphs (a) through (c), handling the nondairy ingredients used in the dairy products, aging, cleaning, paraffining, weighing, slicing, and wrapping cheese made by the enterprise, assembling knock-down boxes, and transferring ingredients and supplies from stock to meet the daily needs of processing operations.

(e) Any other operations normally performed in the Dairy Products Industry which do not occupy more than 20 percent of the time worked in any workweek by an employee for whom the exemption is claimed.

Not included in the industry are operations which do not constitute or are not necessary or incident to the operations of an enterprise engaged in activities described in paragraphs (a) through (c) above, and which exceed the amount provided in (e) above, such as storing, slicing, and packaging cheese and printing, wrapping, and storing butter bought in bulk from cheesemakers and buttermakers, further processing of dry casein, regrinding, rescreening, and repacking dried whey, handling and distributing nondairy products, and assembling and distributing dairy products as a wholesaler or other distributor.

(29 U.S.C. 207(d))

Signed at Washington, D.C., this 17th day of July 1967.

CLARENCE T. LUNDQUIST,
Administrator, Wage and Hour and Public Contracts Divisions, United States Department of Labor.

[F.R. Doc. 67-8442; Filed, July 19, 1967; 8:52 a.m.]

Chapter XIV—Equal Employment Opportunity Commission

PART 1602—RECORDS AND REPORTS

Apprenticeship and Labor Organization Reporting and Recordkeeping Requirements

Pursuant to the authority vested in it by section 709(c) of Title VII of the Civil Rights Act of 1964, 78 Stat. 263, 42 U.S.C.A. section 2000e et seq., and after consideration of the testimony and statements submitted in response to notices of proposed rule making published February 14 (32 F.R. 2852), February 28 (32 F.R. 3364), and May 25, 1967 (32 F.R. 7836), and at public hearings held pursuant thereto on March 21 and June 20, 1967, the Equal Employment Opportunity Commission hereby amends Title 29, Chapter XIV, Part 1602, of the Code of Federal Regulations by adding thereto Subparts D through H, set forth below. In view of the publicity accorded to the proposed rules and the fact that the rules adopted call for compliance between August 1, and September 30, 1967, and between August 1, and November 30, 1967, the Commission finds no useful purpose would be served by delay in the effective date, and accordingly these rules shall become effective on the date of their publication in the FEDERAL REGISTER.

Subpart D—Apprenticeship Information Report

Sec.
1602.15 Requirement for filing and preserving copy of report.
1602.16 Penalty for making of willfully false statements on report.
1602.17 Commission's remedy for failure to file report.
1602.18 Exemption from reporting requirements.
1602.19 Additional reporting requirements.

Subpart E—Apprenticeship Recordkeeping

1602.20 Records to be made or kept.
1602.21 Preservation of records made or kept.

Subpart F—Local Union Equal Employment Opportunity Report

1602.22 Requirements for filing and preserving copy of report.
1602.23 Penalty for making of willfully false statements on reports.
1602.24 Commission's remedy for failure to file report.
1602.25 Exemption from reporting requirements.
1602.26 Additional reporting requirements.

Subpart G—Recordkeeping by Labor Organizations

1602.27 Records to be made or kept.
1602.28 Preservation of records made or kept.

Subpart H—Records and Inquiries as to Race, Color, National Origin, or Sex

1602.29 Applicability of State or local law.

AUTHORITY: The provisions of Subparts D through H issued under secs. 709, 713, 78 Stat. 265, 266; 42 U.S.C. 2000e-8, 2000e-12.

Subpart D—Apprenticeship Information Report

§ 1602.15 Requirement for filing and preserving copy of report.

On or before September 30, 1967, and annually thereafter, certain joint labor-management committees subject to Title VII of the Civil Rights Act of 1964 which control apprenticeship programs shall file with the Commission, or its delegate, executed copies of Apprenticeship Information Report EEO–2 in conformity with the directions set forth in the form and accompanying instructions. The committees covered by this regulation are those which (a) have five or more apprentices enrolled in the program at any time during August and September of the reporting year and (b) represent at least one employer sponsor and at least one labor organization sponsor which are themselves subject to Title VII. Every such committee shall retain at all times among the records maintained in the ordinary course of its affairs a copy of the most recent report filed, and shall make the same available if requested by an officer, agent or employee of the Commission under the authority of section 710(a) of Title VII. It is the responsibility of all such committees to obtain from the Commission or its delegate necessary supplies of the form.

§ 1602.16 Penalty for making of willfully false statements on report.

The making of willfully false statements on Report EEO–2 is a violation of the U.S. Code, Title 18, section 1001, and is punishable by fine or imprisonment as set forth therein.

§ 1602.17 Commission's remedy for failure to file report.

Any person failing or refusing to file Report EEO–2 when required to do so may be compelled to file by order of a U.S. District Court, upon application of the Commission, under authority of section 710(b) of Title VII.

§ 1602.18 Exemption from reporting requirements.

If it is claimed the preparation or filing of Report EEO–2 would create undue hardship, the committee may apply to the Commission for an exemption from the requirements set forth in this part.

§ 1602.19 Additional reporting requirements.

The Commission reserves the right to require reports, other than that designated as Report EEO–2, about apprenticeship procedures of joint labor-management committees, employers, and labor organizations whenever, in its judgment, special or supplemental reports are necessary to accomplish the purpose of Title VII. Any system for the requirement of such reports will be established in accordance with the procedures referred to in section 709(c) of Title VII and as otherwise prescribed by law.

Subpart E—Apprenticeship Recordkeeping

§ 1602.20 Records to be made or kept.

(a) Every person required to file Report EEO–2 shall make or keep such records as are necessary for its completion under the conditions and circumstances set forth in the instructions accompanying the report, which are specifically incorporated herein by reference and have the same force and effect as other sections of this part.

(b) Every employer, labor organization, and joint labor-management committee subject to Title VII which controls an apprenticeship program (regardless of any joint or individual obligation to file a report) shall, beginning August 1, 1967, maintain a list in chronological order containing the names and addresses of all persons who have applied to participate in the apprenticeship program, including the dates on which such applications were received. (See section 709(c), Title VII, Civil Rights Act of 1964). Such list shall contain a notation of the sex of the applicant and of the applicant's identification as "Negro," "Spanish American," "Oriental," "American Indian," or "Other." The methods of making such identification are set forth in the instructions accompanying Report EEO–2, section 7. The words "applied," "applicant" and "application" as used in this section refer to situations involving actual applications only. An applicant is considered to be a person who files a formal application, or in some informal way indicates a specific intention to be considered for admission to the apprenticeship program. A person who casually appears to make an informal inquiry about the program, or about apprenticeship in general, is not considered to be an applicant. The term "apprenticeship program" as used herein refers to programs described in section 8 of the instructions accompanying Report EEO–2.

(c) In lieu of maintaining the chronological list referred to in § 1602.20(b), persons required to compile the list may maintain on file written applications for participation in the apprenticeship program, provided that the application form contains a notation of the date the form was received, the address of the applicant, and a notation of the sex, and the race, color, or national origin of the applicant as decribed above.

§ 1602.21 Preservation of records made or kept.

(a) Notwithstanding the provisions of section 1602.14, every person subject to § 1602.20 (b) or (c) shall preserve the list of applicants or application forms, as the case may be, for a period of 2 years from the date the application was received, except that in those instances where an annual report is required by the Commission calling for statistics as to the sex, and the race, color, or national origin of apprentices, the person required to file the report shall preserve the list and forms for a period of 2 years or the period of a successful applicant's apprenticeship, whichever is longer. Persons required to file Report EEO–2, or other reports calling for information about the operation of an apprenticeship program similar to that required on Report EEO–2, shall preserve any other record made solely for the purpose of completing such reports for a period of 1 year from the due date thereof.

(b) Other records: Except to the extent inconsistent with the law or regulation of any State or local fair employment practices agency, or of any other Federal or State agency involved in the enforcement of an antidiscrimination program in apprenticeship, other records relating to apprenticeship made or kept by a person required to file Report EEO–2, including but not necessarily limited to test papers completed by applicants for apprenticeship and records of interviews with applicants, shall be kept for a period of 2 years from the date of the making of the record. Where a charge of discrimination has been filed, or an action brought by the Attorney General under Title VII, the respondent shall preserve all records relevant to the charge or action until final disposition of the charge or the action. The term "records relevant to the charge," for example, would include applications, forms or test papers completed by an unsuccessful applicant and by all other candidates for the same position as that for which the charging party applied and was rejected. The date of "final disposition of the charge or the action" means the date of expiration of the statutory period within which a charging party may bring an action in a U.S. District Court or, where an action is brought either by a charging party or by the Attorney General, the date on which such litigation is terminated.

Subpart F—Local Union Equal Employment Opportunity Report

§ 1602.22 Requirements for filing and preserving copy of report.

On or before November 30, 1967, and annually thereafter, every labor organization subject to Title VII of the Civil Rights Act of 1964 shall file with the Commission or its delegate an executed copy of Local Union Equal Employment Opportunity Report EEO–3 in conformity with the directions set forth in the form and accompanying instructions, provided that the labor organization has 100 or more members at any time during the 12 months preceding the due date of the report, and is a "local union" (as that term is commonly understood) or an independent or unaffiliated union. Labor organizations required to report are those which perform, in a specific jurisdiction, the functions ordinarily performed by a local union, whether or not they are so designated. Every local union, or a labor organization acting in its behalf, shall retain at all times among the records maintained in the ordinary course of its affairs a copy of the most recent report filed, and shall make the same available if requested by an officer, agent, or employee of the Commission under the authority of section 710(a) of Title VII. It is the responsibility of all persons required to file to obtain from the Commission or its delegate necessary supplies of the form.

§ 1602.23 Penalty for making of willfully false statements on reports.

The making of willfully false statements on Report EEO–3 is a violation of the United States Code, Title 18, section 1001, and is punishable by fine or imprisonment as set forth herein.

§ 1602.24 Commission's remedy for failure to file report.

Any person failing or refusing to file Report EEO–3 when required to do so may be compelled to file by order of a U.S. District Court, upon application of the Commission, under authority of section 710(b) of Title VII.

§ 1602.25 Exemption from reporting requirements.

If it is claimed that the preparation or filing of Report EEO–3 would create undue hardship, the labor organization may apply to the Commission for an exemption from the requirements set forth in this part.

§ 1602.26 Additional reporting requirements.

The Commission reserves the right to require reports, other than that designated as Report EEO–3, about the membership or referral practices or other procedures of labor organizations, whenever, in its judgment, special or supplemental reports are necessary to accomplish the purposes of Title VII. Any system for requirement of such reports will be established in accordance with the procedures referred to in section 709(c), and as otherwise prescribed by law.

Subpart G—Recordkeeping by Labor Organizations

§ 1602.27 Records to be made or kept.

Those portions of Report EEO–3 calling for information about union policies and practices and for the compilation of statistics on the race, color, national origin, and sex of members, persons referred, and apprentices, are deemed to be "records" within the meaning of section 709(c), Title VII, Civil Rights Act of 1964. Every local, independent, or unaffiliated union with 100 or more members (or any agent acting in its behalf, if the agent has responsibility for referral of persons for employment) shall make these records or such other records as are necessary for the completion of Report EEO–3 under the circumstances and conditions set forth in the instructions accompanying it, which are specifically incorporated herein by reference and have the same force and effect as other sections of this part.

§ 1602.28 Preservation of records made or kept.

(a) All records made by a labor organization or its agent solely for the purpose of completing Report EEO–3 shall be preserved for a period of 1 year from the due date of the report for which they were compiled. Unless subject to a State or local fair employment practices law or regulation governing the preservation of records inconsistent with those re-

quirements stated in this part, any labor organization identified as a "referral union" in the instructions accompanying Report EEO–3, or agent thereof, shall preserve other membership or referral records (including applications for same) made or kept by it for a period of 6 months from the date of the making of the record. Where a charge of discrimination has been filed, or an action brought by the Attorney General, against a labor organization under Title VII, the respondent labor organization shall preserve all records relevant to the charge or acting until final disposition of the charge or the action. The date of "final disposition of the charge or the action" means the date of expiration of the statutory period within which a charging party may bring an action in a U.S. District Court, or, where an action is brought against a labor organization either by a charging party or by the Attorney General, the date on which such litigation is terminated.

(b) Nothing herein shall relieve any labor organization covered by Title VII of the obligations set forth in Subpart E, §§ 1602.20 and 1602.21, relating to the establishment and maintenance of a list of applicants wishing to participate in an apprenticeship program controlled by it.

Subpart H—Records and Inquiries as to Race, Color, National Origin, or Sex

§ 1602.29 Applicability of State or local law.

The requirements imposed by the Equal Employment Opportunity Commission in these regulations, Subparts D through G, supersede any provisions of State or local law which may conflict with them. Any State or local laws prohibiting inquiries and recordkeeping with respect to race, color, national origin, or sex do not apply to inquiries required to be made under these regulations and under the instructions accompanying Reports EEO–2 and EEO–3.

LUTHER HOLCOMB,
Acting Chairman.

JULY 17, 1967.

[F.R. Doc. 67–8386; Filed, July 19, 1967; 8:48 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 207—NAVIGATION REGULATIONS

St. Marys Falls Canal and Locks, Mich.

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 207.441 prescribing regulations for the security of St. Marys Falls Canal and Locks, Mich., is hereby amended with respect to paragraph (b), revoking subparagraph (2), effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 207.441 St. Marys Falls Canal and Locks, Mich.; security.

* * * * *

(b) * * *

(2) [Revoked]

* * * * *

[Regs., June 30, 1967, 1507–92 (St. Marys Falls Canal, Mich.)—ENGCW–ON] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

KENNETH G. WICKHAM,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 67–8340; Filed, July 19, 1967; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

SUBCHAPTER C—MINERALS MANAGEMENT (3000)

[Circular No. 2220]

PART 3130—COAL LEASES, PERMITS, AND LICENSES

Miscellaneous Amendments

On page 6834 of the FEDERAL REGISTER of May 7, 1966, there were published a notice and text of proposed amendments to 43 CFR Part 3130. The purpose of the amendments was to incorporate into the regulations the acreage limitations and the provisions for development contracts for coal established by the Act of August 31, 1964 (Public Law 88–526; 78 Stat. 710), and to make certain perfecting amendments. Also, it was proposed to add a new section to the regulations governing the protection of nonmineral resources.

Interested persons were given until March 7, 1967, within which to submit written comments, suggestions, or objections to the proposed amendments. Comments were received concerning the proposed new section governing the protection of nonmineral resources and the cooperative conservation provisions. Perfecting language has been made in the subpart for cooperative conservation provisions to make the language consistent with the statute and to clarify § 3131.5–6 to make certain that "own lands" is not construed to include Federal leases "owned" by a common-carrier railroad and contributed to the cooperative arrangement.

A decision has been made not to include in Part 3130 regulations for protection of nonmineral resources, in favor of general regulations that will apply to all leasable minerals.

The regulations as modified are hereby adopted and as adopted are set forth below.

1. Section 3131.1 is amended in its entirety to read as follows:

§ 3131.1 Acreage limitations.

(a) Except where the rule of approximation applies, a permit may not exceed 5,210 acres. The rule of approximation applies to applications for prospecting permits only where elimination of the smallest legal subdivision involved would result in a deficiency of area under 5,120 acres greater than the excess over 5,120 acres resulting from the inclusion of such subdivision. A permit shall include contiguous tracts, or tracts in reasonably compact form.

(b) There is no statutory limitation on the acreage that may be included in any one leasing tract. However, the authorized officer after consultation with the mining supervisor of Geological Survey, will determine the amount of acreage to be included in each leasing tract, taking into consideration the area required for plant facilities and such other data as may be pertinent. A lease shall include contiguous tracts, except in cases where noncontiguous tracts can be efficiently worked as a single mine or unit.

(c) Except as hereinafter stated, no person, association or corporation may hold at one time coal leases or permits exceeding 46,080 acres in any one State, whether directly through the ownership of such leases and permits, or interest therein, and applications therefor, or indirectly as a member of an association or as a stockholder of a corporation holding such leases and permits, or interest therein, and applications therefor. In computing acreage holdings or control, the accountable acreage of a party owning an undivided interest in a lease or permit shall be such party's proportionate part of the total lease and permit acreage. Likewise, the accountable acreage of a party owning an interest in a corporation or association shall be such party's proportionate part of the corporation's or association's accountable acreage except that no person shall be charged with his pro rata share of any acreage holdings of any association or corporation, unless he is the beneficial owner of more than 10 percent of the stock or other instruments of ownership or control of such association or corporation.

(d) A person, association, or corporation may file with the appropriate land office an application or applications for coal lease or permits for acreage in addition to the 46,080 acres, which application or applications shall be in multiples of 40 acres, not exceeding a total of 5,120 additional acres in any one State, and shall contain a statement showing that the granting of a lease or permit for such additional lands is necessary to carry on business economically and is in the public interest.

(e) Upon the filing of an application for additional lands as specified in paragraph (d) of this section, the coal deposits in the lands covered thereby shall be temporarily set aside and withdrawn from all forms of disposal under the Act.

(f) Notice of all applications filed for additional lands as specified in paragraph (d) of this section shall be posted in the appropriate land office, and the authorized officer shall conduct public hearings thereon. The authorized officer will thereafter determine the amount of additional acreage to be granted under this section taking into consideration the area required for plant facilities and such other data as may be pertinent. Thereafter and to the extent necessary for the applicant to carry on business economically, the authorized officer may issue coal leases or permits to the applicant for additional acreage of not more than 5,120 acres, subject to such terms and conditions as may be prescribed by the Secretary of the Interior. Such terms and conditions may require the payment either of cash bonus per acre or fraction thereof or a rental and royalty rate different from that required by the original leases or permits, or both.

2. Paragraph (b) of § 3131.2 is amended to read as follows:

§ 3131.2 Qualifications of applicants.

* * * * *

(b) Every applicant for coal permit or lease must show that, with the area applied for, his or its interest or interests in such permits, leases and applications therefor, directly or indirectly, do not exceed in the aggregate of 46,080 acres in any one State.

3. A new section is added to Subpart 3131 to read as follows:

§ 3131.5 Cooperative conservation provisions.

§ 3131.5–1 General.

Objectives: To conserve the natural resources of any coal field or prospective coal area, or any part or zone thereof, and to permit an orderly, efficient and economic development of such coal fields, the act authorizes the Secretary of the Interior to approve cooperative agreements among lessees or permittees and their representatives if such agreements or contracts are certified by the Secretary to be necessary or advisable in the public interest. It also permits him to enter into a development contract with a single lessee and to consolidate the leases or permits of one or more lessees or permittees.

§ 3131.5–2 Types of contracts.

In order to carry out the objectives of the act as set forth in § 3131.5–1, the Secretary may:

(a) Approve collective contracts of lessees and permittees and their representatives and others, for prospecting, development, or operation of coal fields or prospective coal areas, or any part or zone thereof.

(b) Enter, for the same purposes, into a development contract with a single lessee or permittee embracing his leases or permits.

(c) Consolidate separate Federal permits or leases of one or more lessees or permittees into a lesser number of permits or leases, or into a single permit or lease.

§ 3131.5–3 Special provisions of contracts.

(a) A contract approved hereunder shall not provide for an apportionment of production or royalties among the separate tracts comprising the contract area, but may provide for the commingling of production with appropriate allocation to the tracts from which produced. In connection with any contract approved or executed or with any consolidation accomplished under this subpart, the authorized officer may, with the consent of the party or parties involved, establish, alter, change, or revoke mining, producing, rental, minimum royalty, and royalty requirements of such leases or permits or contracts.

(b) In the case of any contract between lessees or their representatives, or between them and others for collective development or operation of any coal field or coal area, or any part or zone thereof, such arrangement as the working interest owners may enter into for the sharing or division of production among them shall not be deemed to be an apportionment of production or royalties among the separate tracts comprising the contract area.

§ 3131.5–4 Approval of contracts and exemption from acreage limitations.

Coal leases and permits operated under a contract approved or executed by the Secretary pursuant to the provisions of this subpart may be excepted from acreage limitations or maximum holdings or control imposed by the Act, if it be determined that such exception is required to permit economic development of the coal resources and is otherwise consistent with the public interest.

§ 3131.5–5 Application for approval.

A contract submitted for approval under this subpart should be filed with the appropriate land office, together with enough copies to permit retention of five copies after approval. It must be accompanied by a statement showing all the interests held by the contractor in the area or field and the proposed or agreed plan of operation or development of the field. All the contracts held by the same contractor in the area or filed must be submitted for approval at the same time, and full disclosure of the project made. Complete details must be furnished in order that the Secretary may have facts upon which to make a definite determination in accordance with the provisions of the act, and to prescribe the conditions on which approval of the contracts is made.

§ 3131.5–6 Common-carrier railroads.

Any company or corporation operating a common-carrier railroad which may be a party to a collective contract or development contract with a Federal lessee under this subpart, to develop its own lands, excluding Federal lands leased by the railroad, in connection with or in cooperation with a Federal lessee or lessees shall not be deemed to be given or hold a lease by virtue of any such arrangement between the working interest owners.

4. Paragraph (c) of § 3132.1–1 is amended to read as follows:

§ 3132.1–1 Leasing units.

* * * * *

(c) Leasing units may include, in whole or in part, unsurveyed land. If the lands are unsurveyed, they must be described in accordance with approved protracted surveys or, in the absence of such protracted surveys, by metes and bounds.

5. Paragraphs (a) and (b) of § 3132.1–2 are amended to read as follows:

§ 3132.1–2 Leasing of additional coal deposits.

(a) Under section 3 of the Act (30 U.S.C. 203), a lessee may obtain a modification of his lease to include coal lands or coal deposits contiguous to those embraced in his lease if the authorized officer determines that it will be to the advantage of the lessee and the United States. The lessee shall file his application for modification in duplicate in the proper land office, describing the additional lands desired, the needs and reasons for and the advantage to the lessee of such modification. Upon determination by the authorized officer that the modification is justified and that the interest of the United States is protected, the lease will be modified without competitive bidding to include such part of the land or deposits as he shall prescribe. If however, it is determined that the additional lands or deposits can be developed as part of an independent operation or that there is a competitive interest in them, they will be offered as provided in § 3132.4–2.

(b) Under section 4 of the Act (30 U.S.C. 204) upon satisfactory showing by the lessee that all of the workable deposits of coal within a tract covered by the lease will be exhausted, worked out or removed within 3 years thereafter, an additional tract of land or coal deposit may be leased. Application shall be filed in duplicate in the proper land office and shall contain a description of the lands requested, estimated recoverable reserves, future plan of operation for such reserves and for any lands requested and the proposed method of entry into such lands. If the lands or coal deposits or any part thereof are found to constitute an acceptable leasing unit, they will be offered for leasing as provided in § 3132.4–2. If the applicant be the successful bidder and the additional lands can be practicably operated with the applicant's leasehold as a single mine or unit, the additional lands may be included in a modified lease.

* * * * *

6. Subparagraphs (2), (3), and (5) of § 3132.2(a) are amended to read as follows:

§ 3132.2 Application for lease.

(a) * * *

(2) Statement of citizenship: If applicant is an individual, he must submit a statement as to his citizenship; if an association (including a partnership), it must submit a certified copy of the articles of association and a statement by its

members as to their citizenship and holdings. If the applicant is a corporation, it must submit statements showing (i) the state in which it is incorporated; (ii) that it is authorized to hold leases and permits for coal deposits, (iii) the names of the officers authorized to act in such matters in behalf of the corporation; (iv) the percentage of the corporate voting stock and of all the stock owned by aliens or those having addresses outside of the United States; and (v) the name, address, citizenship, and acreage holdings of any stockholder owning or controlling 10 percent or more of the corporate stock of any class. If more than 10 percent of the stock is owned or controlled by or on behalf of aliens, or persons who have addresses outside of the United States, the corporation must give their names and addresses, the amount and class of stock held by each, and to the extent known to the corporation or which can be reasonably ascertained by it, the facts as to the citizenship of each. A municipality must submit evidence of: (*a*) The manner in which it is organized; (*b*) that it is authorized to hold a permit or lease; and (*c*) that the action proposed has been duly authorized by its governing body. Where such material has previously been filed a reference by serial number to the record in which it has been filed, together with a statement as to any amendments, will be accepted.

(3) A statement of interests, direct or indirect, in other coal leases, permits, or applications thereof on Federal and non-Federal lands in the state in which the lease is desired, and the estimated reserve of coal that applicant has from any source, identifying the Federal leases by serial numbers, and whether such Federal interests, when added to the acreage covered by the application, exceed the aggregate of 46,080 acres in the state. A railroad company or corporation operating a common-carrier must state that its interests, together with the acreage covered by the application, do not exceed in the aggregate 10,240 acres.

* * * * *

(5) The showing specified in § 3131.2 (d).

* * * * *

7. Section 3132.3–1 is amended to read as follows:

§ 3132.3–1 Compliance bond.

A compliance bond on a form approved by the Director in an amount to be determined by the authorized officer but not less than $1,000 will be required prior to the issuance of a lease. The right is reserved at any time before or after issuance of a lease to require an increase in the amount of the bond whether a corporate, personal, or individual surety bond, in any case where the authorized officer of the Bureau of Land Management deems it proper to do so.

8. Paragraph (b) of § 3132.7 is amended to read as follows:

§ 3132.7 Cancellation of lease.

* * * * *

(b) A lease or permit issued pursuant to § 3131.1(f) may be canceled by the authorized officer, if the cancellation is in the public interest or the coal deposits in the lands covered thereby are no longer necessary for the lessee or permittee to carry on business economically or if the lessee or permittee has divested himself of all or any part of the original 46,080 acres or no longer has facilities for the exploitation of the deposits under lease or permit. However, such lessee or permittee will be given notice of the proposed cancellation and afforded an opportunity of submitting evidence showing why the lease or permit should not be canceled.

9. Paragraph (a) of § 3133.4 is amended to read as follows:

§ 3133.4 Permit bond.

(a) The applicant must furnish a corporate surety bond or a personal bond on a form approved by the Director conditioned upon compliance with all the terms of the prospecting permit. The bond shall be in an amount to be determined by the authorized officer, but not less than $1,000.

* * * * *

10. Paragraph (a) of § 3134.1 is amended to read as follows:

§ 3134.1 Transfers, including subleases.

(a) Permits and leases may be transferred, in whole or in part to any person, association, or corporation qualified to hold such leases and permits. The approval of a transfer of only part of the lands described in a permit or lease will create a new permit or lease which will be given a current serial number but a discovery on lands under one permit will not inure to the benefit of the other. The approval of such a transfer will not extend the life of the permit or the readjustment periods of the lease. Transfers of permits and leases, whether by direct assignments, working agreements, transfer of royalty interests, subleases or otherwise, must be filed for approval within 90 days from final execution and must contain evidence of the qualifications of the assignee or transferee, consisting of the same showing required of a lease or permit applicant by § 3132.2. If a bond is necessary it must be furnished. Transfers of record title interest must be filed in triplicate. A single executed copy of all other instruments of transfer is sufficient. A transfer will take effect the first day of the month following its final approval by the authorized officer of the Bureau of Land Management, or if the transferee requests, the first day of the month of the approval.

* * * * *

STEWART L. UDALL,
Secretary of the Interior.

JULY 12, 1967.

[F.R. Doc. 67–8366; Filed, July 19, 1967; 8:47 a.m.]

[Circular No. 2230]

PART 3160—PHOSPHATE LEASES; PROSPECTING PERMITS AND USE PERMITS

Subpart 3161—General Provisions

Subpart 3162—Competitive Leases

MISCELLANEOUS AMENDMENTS

On page 6836 of the FEDERAL REGISTER of May 7, 1966, there were published a notice and text of proposed amendments to 43 CFR Part 3160. The purpose of the amendments was to incorporate into the regulations the acreage limitations established by the Act of August 31, 1964 (Public Law 88–548; 78 Stat. 754), and to make certain perfecting amendments. Also, it was proposed to add a new section to the regulations governing the protection of nonmineral resources.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections to the proposed amendments. Several extensions of time were granted, the last extension being to March 7, 1967. Many comments were received and several meetings held with interested parties. All the comments concerned the proposed new section governing the protection of nonmineral resources. No adverse comments were received regarding the increase in acreage limitations or the perfecting amendments. Because of the extension of time granted for comments on the proposed surface use provisions, action on that part of the proposal is being deferred for the time being.

No objections having been raised concerning the other parts of the proposed amendments, the regulations as proposed, excluding the provisions of § 3161.4, are adopted and as adopted are set forth below.

1. Subparagraph (1) of paragraph (a) of § 3161.1 is amended to read as follows:

§ 3161.1 Area; limitation on holdings; terms.

(a) * * *

(1) No person, association, or corporation, may hold at any one time more than 20,480 acres in the United States, whether directly through the ownership of phosphate leases, permits, and applications therefor or interests in them, or indirectly through association membership or stock ownership. In computing acreage holdings or control, the accountable acreage of a party owning an undivided interest in a lease or permit shall be such party's proportionate part of the total lease and permit acreage. Likewise the accountable acreage of a party owning an interest in a corporation or association shall be his proportionate part of the corporation's or association's accountable acreage except that no person shall be charged with his pro rata share of any acreage holding of any association or corporation unless he is the beneficial owner of more than ten per centum of the stock or other instruments of ownership or control of such association or corporation.

* * * * *

2. Subparagraph (1) of paragraph (b) of § 3161.2 is amended to read as follows:

§ 3161.2 Qualifications of applicant.

* * * * *

(b) * * *

(1) If an individual, a statement as to citizenship.

* * * * *

3. Section 3161.3–4 is amended to read as follows:

§ 3161.3–4 Permit bond.

Prior to the issuance of a permit the applicant must furnish a bond in an amount to be determined by the authorized officer, but not less than $1,000.

4. Section 3162.2 is amended to read as follows:

§ 3162.2 Lease bond.

A compliance bond in an amount to be determined by the authorized officer but not less than $1,000 will be required prior to the issuance of a lease. The right is reserved at any time before or after issuance of the lease to require an increase of the amount of the bond, whether a corporate or personal bond, in any case where the Bureau of Land Management deems it proper to do so.

STEWART L. UDALL,
Secretary of the Interior.

JULY 14, 1967.

[F.R. Doc. 67–8367; Filed, July 19, 1967; 8:47 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

PART 316—OFFERING OF UNITED STATES SAVINGS BONDS, SERIES E

Bonds Bearing Issue Dates From December 1, 1959, Through May 1, 1960

Table 51, showing the investment yields to maturity for Series E Savings Bonds with issue dates from December 1, 1959, through May 1, 1960, which is a part of Department Circular No. 653, Seventh Revision, dated March 18, 1966, as amended (31 CFR Part 316), is hereby supplemented by addition of the redemption values and investment yields for the extended maturity period, as set forth below.

Dated: July 12, 1967.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

TABLE 51—BONDS BEARING ISSUE DATES FROM DEC. 1, 1959, THROUGH MAY 1, 1960

Issue price	$38.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7,500	Approximate investment yield	
Original maturity value	25.00	25.00	100.00	200.00	500.00	1,000.00	10,000		
Period after issue date	(1) Redemption values during each half-year period [1] (values increase on first day of period shown)							(2) On purchase price from issue date to beginning of each half-year period [1]	(3) On current redemption value from beginning of each half-year period [1] to maturity
								Percent	*Percent*
First ½ year	$38.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7,500	0.00	[2] 1.75
½ to 1 year	38.94	37.69	75.38	151.26	378.30	756.60	7,566	1.71	[2] 2.99
1 to 1½ years	39.19	37.94	75.76	152.52	381.60	763.20	7,632	2.28	[2] 2.66
1½ to 2 years	39.51	38.25	76.36	153.78	384.90	769.80	7,698	2.67	[2] 2.51
2 to 2½ years	39.88	38.60	77.00	155.20	388.20	776.40	7,764	3.00	[2] 2.21
2½ to 3 years	40.26	38.98	77.76	156.66	391.50	783.00	7,830	3.16	[2] 2.08
3 to 3½ years	40.66	39.37	78.54	158.12	394.80	789.60	7,896	3.28	[2] 1.95
3½ to 4 years	41.07	39.76	79.32	159.58	398.10	796.20	7,962	3.36	[2] 1.83
4 to 4½ years	41.49	40.17	80.14	161.04	401.40	802.80	8,028	3.45	[2] 1.71
4½ to 5 years	41.92	40.58	80.96	162.50	404.70	809.40	8,094	3.53	[2] 1.59
5 to 5½ years	42.36	41.00	81.80	164.00	408.00	816.00	8,160	3.60	[2] 1.48
5½ to 6 years	42.81	41.43	82.66	165.50	411.30	822.60	8,226	3.67	[2] 1.38
6 to 6½ years	43.27	41.87	83.54	167.00	414.60	829.20	8,292	3.73	[2] 1.28
6½ to 7 years	43.74	42.32	84.42	168.50	417.90	835.80	8,358	3.78	[2] 1.18
7 to 7½ years	44.22	42.78	85.32	170.04	421.20	842.40	8,424	3.83	[2] 1.09
7½ to 8 years	44.71	43.25	86.24	171.58	424.50	849.00	8,490	3.87	[2] 1.00
8 to 8½ years	45.21	43.73	87.18	173.12	427.80	855.60	8,556	3.91	[2] .91
8½ to 9 years	45.72	44.22	88.14	174.66	431.10	862.20	8,622	3.94	[2] .83
9 to 9½ years	46.24	44.72	89.14	176.20	434.40	868.80	8,688	3.97	[2] .75
9½ to 10 years	46.77	45.23	90.16	177.74	437.70	875.40	8,754	4.00	[2] .68
Redemption values and investment yields to maturity on basis of Dec. 1, 1965, revision									
6¼ to 7 years	$43.80	$42.40	$84.80	$169.40	$424.00	$848.00	$8,480	3.70	4.55
7 to 7½ years	44.33	42.88	85.76	171.52	429.30	858.60	8,586	3.76	4.49
7½ years to 7 years and 9 months	44.88	43.43	86.86	173.72	434.80	869.60	8,696	3.81	4.45
Maturity value (7 years and 9 months from issue date)	45.43	43.96	87.92	175.84	440.10	880.20	8,802	3.84	
Period after maturity date	Extended maturity period								(b) to extended maturity
First ½ year	$45.43	$43.96	$87.92	$175.84	$440.10	$880.20	$8,802	3.84	4.15
½ to 1 year	45.98	44.50	88.98	177.96	445.40	890.80	8,908	3.86	4.15
1 to 1½ years	46.54	45.05	90.08	180.16	450.80	901.60	9,016	3.88	4.15
1½ to 2 years	47.11	45.60	91.18	182.36	456.30	912.60	9,126	3.89	4.15
2 to 2½ years	47.69	46.16	92.32	184.64	461.60	923.20	9,232	3.91	4.15
2½ to 3 years	48.28	46.73	93.46	186.92	467.30	934.60	9,346	3.92	4.15
3 to 3½ years	48.88	47.32	94.64	189.28	473.20	946.40	9,464	3.93	4.15
3½ to 4 years	49.49	47.91	95.82	191.64	479.10	958.20	9,582	3.94	4.15
4 to 4½ years	50.11	48.51	97.02	194.04	485.10	970.20	9,702	3.95	4.15
4½ to 5 years	50.74	49.12	98.24	196.48	491.20	982.40	9,824	3.96	4.15
5 to 5½ years	51.38	49.74	99.48	198.96	497.40	994.80	9,948	3.97	4.15
5½ to 6 years	52.03	50.37	100.74	201.48	503.70	1,007.40	10,074	3.98	4.15
6 to 6½ years	52.69	51.01	102.02	204.04	510.10	1,020.20	10,202	3.98	4.15
6½ to 7 years	53.36	51.66	103.32	206.64	516.60	1,033.20	10,332	3.99	4.15
7 to 7½ years	54.04	52.32	104.64	209.28	523.20	1,046.40	10,464	4.00	4.15
7½ to 8 years	54.73	52.99	105.98	211.96	529.90	1,059.80	10,598	4.00	4.15
8 to 8½ years	55.43	53.67	107.34	214.68	536.70	1,073.40	10,734	4.00	4.15
8½ to 9 years	56.14	54.36	108.72	217.44	543.60	1,087.20	10,872	4.00	4.15
9 to 9½ years	56.86	55.06	110.12	220.24	550.60	1,101.20	11,012	4.00	4.15
9½ to 10 years	57.59	55.77	111.54	223.08	557.70	1,115.40	11,154	4.00	4.15
Extended maturity value (10 years from original maturity date) [3]	58.33	56.49	112.98	225.96	564.90	1,129.80	11,298	4.00	

[1] Yield from beginning of each half-year period to maturity at original maturity value prior to the Dec. 1, 1965, revision.

[2] Yield from effective date of the Dec. 1, 1965, revision to maturity date.

[3] 3-month period in the case of the 7½-year to 7-year and 9-month period.

[4] 17 years and 9 months from issue date.

[F.R. Doc. 67–8243; Filed, July 19, 1967; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[43 CFR Part 23]

MINED LAND RECLAMATION

Notice of Proposed Rule Making

Basis and purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior under the Mineral Leasing Act, as amended and supplemented (30 U.S.C., secs. 181–287), the Mineral Leasing Act for Acquired Lands (30 U.S.C., secs. 351–359), and the Materials Act, as amended (30 U.S.C. 601–604), to promulgate rules and regulations governing the issuance of permits, licenses, leases and other contracts for the exploration and extraction of mineral resources underlying lands administered by the Department of the Interior, it is proposed to add a new part to Title 43, Code of Federal Regulations, relating to the protection and reclamation of surface mined lands.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the ruling making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed regulations to the Secretary of the Interior, Washington, D.C., within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

§ 23.1 Purpose.

The purpose of the regulations in this part is to establish general requirements for the protection and reclamation of non-mineral surface resources in connection with the exploration for and development of minerals on Federal or Indian lands administered by the Department of the Interior. The regulations apply to operations under all laws relating to the disposal of minerals except the general mining laws. Specific regulations under various Acts of Congress are to be found in other chapters in the Code of Federal Regulations.

§ 23.2 Policy.

(a) It is the policy of the Department to encourage development of the mineral resources underlying Federal or Indian lands where mining is authorized. In implementing such a policy, consideration must be given to necessary measures to prevent or correct damage to the other resources—such as scenic, recreational and ecological values, including fish and wildlife—on mineral-bearing Federal land and on adjacent lands and waters; and to avoid the creation of hazards to health and safety. To this end, before exploration, development or extraction operations (under permit, license, lease or other contract) may commence on Federal or Indian lands under the jurisdiction of the Department, the holder of a permit, license, lease or contract will be required to obtain from the appropriate Departmental officer permission to operate in accordance with the regulations in this part. In order to obtain permission to operate the holder will be required to submit information showing location and area of land to be involved in the operation, proposed methods of operation, and proposed measures to be taken to prevent or correct on-site and off-site damage to lands, waters and other resources.

(b) The holder will also be required to take prescribed steps to reclaim such land. Permits, licenses, leases, or other contracts will require the holder thereof to conduct his operations in accordance with previously approved plans and applicable Departmental regulations. Permission to operate will not be granted unless the holder is willing to guarantee, by appropriate performance bond, the financial costs of measures required to prevent or correct on-site and off-site damage to the Federal lands and waters for which he is responsible, and to reclaim the site of his operations according to an approved plan.

§ 23.3 Definitions.

As used in the regulations in this part:

(a) "Appropriate Departmental officer" means an officer or representative of any bureau or office of the Department to whom the authority or responsibility for the administration of permits, licenses, leases or other contracts has been assigned or delegated under an applicable Department rule, regulation or delegation of authority;

(b) "Overburden" means all the earth and other materials which lie above a natural deposit of minerals and such earth and other material after removal from their natural state in the process of mining;

(c) "Area of land affected" means the area of land from which overburden is to be or has been removed and upon which the overburden or waste is to be or has been deposited, and includes all lands affected by the construction of new roads or the improvement or use of existing roads to gain access to an operation and for haulage;

(d) "Operation" means all of the premises, facilities, roads and equipment used in the process of determining the location, composition or quality of a mineral deposit, or in developing or extracting a mineral deposit in a designated area;

(e) "Method of operation" means the method or manner by which a cut or open pit is made, the overburden is placed or handled, water is controlled or affected and other acts performed by the operator in the process of exploring or uncovering and removing a mineral deposit;

(f) "Holder" means the person designated as the permittee, licensee, leasee or contractor in a permit, license, lease or contract of leaseable or disposable mineral materials issued by a bureau or agency of the Department of the Interior;

(g) "Reclamation" means measures undertaken to bring about the necessary reconditioning or restoration of an area of land or water that has been affected by exploration or mineral extractive operations, and waste disposal, in ways which will prevent or control on-site and off-site damage to the environment; and

(h) "Person" means any individual, partnership, firm, association, trust or corporation, or any combination thereof.

§ 23.4 Requirements for permission to operate.

(a) Before commencing any exploratory, development or extractive operation under a permit, license, lease or other contract, the holder of that permit, license, lease or other contract must obtain written permission to operate from the appropriate Departmental officer in accordance with the provisions of these regulations.

(b) The holder of a permit, license, or lease seeking permission to operate thereunder shall be required to supply to the appropriate Departmental officer in writing information necessary to implement these regulations. Such information may include, among other things, the following:

(1) A description of the location and area to be affected by the operation;

(2) A statement of the mineral or minerals to be sought or extracted;

(3) The temporary and permanent post office address of the applicant;

(4) Whether the holder, or any person associated with him, holds or has held other mineral permits, licenses, leases or other contracts issued by the Department in the State;

(5) Whether the Department has ever revoked any mineral permit, license, lease or other contract issued to the holder or any person, associated with him for failure—other than nonpayment of rental—to comply with the terms of such permit, license, or lease or any applicable Departmental regulation;

(6) Two copies of a suitable map, or suitable aerial photograph which meets the requirements of the subsections below. The map or aerial photograph shall:

(i) Show the topgraphy of the area;

(ii) Identify the area to be covered by the permit, license or lease;

(iii) Show the names and locations of all major topographic and cultural features;

(iv) Show the drainage plan on and away from the area of land affected, including the directional flow of water, natural waterways to be use for drainage, drainageways to be constructed, and streams or tributaries to receive the discharge; and

(v) Show the date on which the map or photograph was prepared, the north-orientation, the scale, and, if available, the quadrangle name; and

(7) A description of the proposed methods of operating, including but not limited to:

(i) Proposed roads or vehicular trails to the area;

(ii) Size and types of equipment to be utilized for exploration, development or extractive operations;

(iii) Capacity, character, standards of construction, size and location of structures and facilities to be built;

(iv) The method of handling, storing and using explosives and fire, and the safety precautions to be taken during such use;

(v) Measures to be taken to avoid damage to property or improvements, roads, trails and watercourses;

(vi) Measures to be taken to prevent or control fire, soil erosion, water pollution, damage to fish and wildlife, and hazards to public health and safety; and

(vii) Proposed manner and time of performance of work to reclaim areas disturbed by holder's operation.

(c) Unless it is determined by the appropriate Departmental officer that environmental conditons of an area to be mined are such that regrading and backfilling is not reasonable or practicable, the holder shall submit a plan showing the proposed methods of regrading of areas of land affected by an operation.

(d) Unless it is determined by the appropriate Departmental officer that soil conditions, climate and topography of an area are such that revegetation of the area is not reasonable, practicable, and likely to succeed, the holder shall submit a plan for replanting of the area of land affected by an operation. Said plan will show:

(1) Proposed methods of preparation and fertilizing the soil prior to replanting;

(2) Types and mixtures of shrubs, trees or tree seedlings, grasses or legumes to be planted; and

(3) Type and method of planting, including the amounts of grasses or legumes per acre, or number and spacing of trees or tree seedlings, or combinations of grasses and trees.

(e) The holder shall be required to file a suitable performance bond, with satisfactory surety payable to the Secretary of the Interior. Release from such bond shall be conditioned upon faithful compliance with all reclamation requirements, other terms and conditions of the permit, license or lease, and terms of the permission to operate. In determining the amount of the bond consideration shall be given to the character and nature of the overburden, the likelihood of damage to other resource values, the hazards to public health and safety, and the estimated costs of reclamation, including revegetation if such is a requirement of the approved reclamation plan.

§ 23.5 Review of requests for permission to operate; replanting requirements; Performance bond.

(a) The appropriate Departmental officer, after reviewing the information and plans submitted by a holder pursuant to the requirements of this part, shall indicate to the holder any changes, additions or amendments necessary to conform to the objectives of the regulations in this part and in other supplemental Departmental regulations.

(b) Plans for method of operation and reclamation, including revegetation, may be changed by mutual consent at any time to adjust to changed conditions or to correct for previous oversight. After approval, or mutual acceptance, of a revised method of operation or reclamation plan the holder shall not depart therefrom without further approval.

§ 23.6 Basis for denial of permission to operate.

(a) Permission for the holder of a permit, license, lease, or other contract to operate shall not be approved by the appropriate Departmental officer if he determines that plans of operation and reclamation which will achieve the purposes of these regulations, or other supplemental Departmental regulations, have not been formulated.

(b) Whenever the appropriate Departmental officer determines that any part of the area of land described in a request for permission to operate is such that previous experience with operations under similar conditions shows that substantial deposition of sediment in stream beds, landslides, or water pollution cannot feasibly be avoided, the appropriate Departmental officer may exclude said part of such land area from the permission to operate.

(c) No request for permission to operate within one hundred feet of a public road, stream, lake, or other public installation, shall be granted unless adequate protective measures such as diversion, screening or provisions approved by the appropriate Departmental officer, are incorporated into the permission to operate.

(d) Requests for permission to conduct exploratory or extractive operations shall be denied to any holder who has had a mineral permit, license or lease revoked for failure to comply with its terms, applicable Departmental regulations, or orders of a duly authorized Departmental officer.

(e) A holder who has forfeited a required bond shall be ineligible for permission to conduct exploratory, development or extractive operations on Federal lands under the jurisdiction of the Department: *Provided, however,* That said holder may not be refused permission to operate because of the forfeiture of bond if the lands disturbed by his previous operations have subsequently been reclaimed without cost to the Federal Government.

§ 23.7 Responsibilities of holders.

(a) A holder while engaged in exploration or extractive operations on Federal lands shall be required to:

(1) Divert waters, where necessary, to prevent or reduce the flow into and through workings, for the purpose of preventing or alleviating stream pollution;

(2) Impound or control all runoff water so as to reduce soil erosion, sedimentation, or damage to other lands or receiving waters;

(3) Protect from infiltrating water, to the extent directed, all acid-forming or toxic materials exposed by surface mining;

(4) Seal off, to the extent directed, any breakthrough of acid water creating a hazard;

(5) Remove or bury all metal, lumber, and other refuse resulting from the operation;

(6) Dismantle and remove all abandoned or useless structures and equipment; and

(7) Refrain from removing from the site of operations equipment necessary to accomplish reclamation until such time as the work has been done and approved by the appropriate Departmental officer or written permission is given by the appropriate Departmental officer.

(b) If backfilling and grading are required, replanting of mined lands shall not be undertaken without approval of the appropriate Departmental officer.

§ 23.8 Reports.

(a) *Operations report.* If operation under an exploration or extractive permit, license, lease, or other contract, is not completed within one year following permission to operate, the holder shall submit, within 30 days after the end of said year and every succeeding year, an annual report which shall contain the following information:

(1) Name and location of the operation;

(2) Description of the nature of the operations undertaken during the year, including construction of any buildings, roads or trails;

(3) Statement of the area of land affected by such operations; and

(4) Statement of the number of acres disturbed by mining and the number of acres which were reclaimed during the year, a description of the methods of reclamation utilized, and a statement of the reclamation work remaining to be done.

(b) *Grading and backfilling report.* (1) Holders shall be required to report to the appropriate Departmental officer whenever necessary backfilling and grading of disturbed areas have been completed and to request inspection for purposes of approval.

(2) Whenever it is determined by inspection that the holder has carried out grading and backfilling in accordance with previously approved plans and other applicable Departmental regulations, the appropriate Departmental officer may issue a release of the performance bond by an appropriate amount for the area so graded and backfilled. The remaining amount of bond shall be retained until a satisfactory planting, if required, has been carried out.

(c) *Replanting report.* (1) Whenever planting of an area is required under the approved reclamation plan, the holder shall file a report with the appropriate Departmental officer whenever such planting is completed. The report shall contain the following information:

(i) Identification of the operation;

(ii) Type of planting or seeding, including mixtures and amounts;

(iii) Date of planting or seeding;

(iv) Area of land planted; and

(v) Other relevant information as may be required.

(2) All planting reports shall be certified by the holder.

(3) Inspection and evaluation for vegetative cover shall be made by the appropriate Departmental officer as soon as it is possible to determine if a satisfactory growth has been established. In no instance shall this vegetative cover check be made until after the completion of the first growing season.

(4) If a performance bond was required, the remaining portion of the bond held shall be released by the appropriate Departmental officer whenever it is determined that a satisfactory vegetative cover has been established and is likely to continue to grow.

(d) *Report on cessation or abandonment of operations.* (1) Within 30 days prior to taking such action the holder shall report his intention to cease or abandon operations thereunder, together with a statement of the exact number of acres affected by the operation, the extent of reclamation already accomplished, and any other information required.

(2) Upon receipt of the holder's report of intention to cease or abandon operations an inspection shall be made to determine whether operations have been carried out in accordance with previously approved plans or other applicable Departmental regulations. If it is determined that the operation is not in compliance with such plans or applicable rules a notice of noncompliance shall be delivered to the holder in accordance with § 23.9.

§ 23.9 Inspection: Notice of noncompliance: Revocation of permits.

(a) The appropriate Departmental officer shall have the right to enter upon the lands under any permit, license, lease or other contract at all reasonable times for the purpose of inspection to determine whether the provisions of these regulations, terms of the approved land reclamation plan or any other applicable Departmental regulations are or have been complied with.

(b) If it is determined through inspection of the premises that a holder has failed to comply with any provisions of the regulations in this part, the terms of his approved operating plan or any other applicable Departmental regulations a notice of noncompliance shall be served upon the holder. A copy of such notice or order may be delivered to the holder or his agent in person or served by certified mail addressed to the holder at the permanent address shown on his application for permit, license, lease or contract. The notice of noncompliance shall specify in what respect the holder has failed to comply with these regulations, the terms of his approved operating plan or other applicable Departmental regulations or orders of the appropriate Departmental officer, and shall specify the action which must be taken to correct the noncompliance and the time limits within which such action must be taken.

(c) Failure of a holder to take action to correct the noncompliance in accordance with the requirements set forth in a notice of noncompliance within the time limits set therein shall be grounds for the appropriate Departmental officer to institute proceedings for the cancellation of the permit, license, lease, or contract and for forfeiture of the performance bond.

§ 23.10 Appeals.

Any person adversely affected by any official action or decision made under the authority of these regulations may appeal therefrom to the head of the bureau or office involved and from the decision of that officer to the Secretary.

STEWART L. UDALL,
Secretary of the Interior.

JULY 14, 1967.

[F.R. Doc. 67-8373; Filed, July 19, 1967; 8:47 a.m.]

DEPARTMENT OF LABOR

Bureau of Labor Standards

[29 CFR Parts 4, 1516]

SAFETY AND HEALTH STANDARDS FOR FEDERAL SERVICE CONTRACTS

Notice of Proposed Rule Making

Amendment to Chapter XIII, Title 29 of the Code of Federal Regulations by adding a new Part 1516 is proposed to establish safety and health standards for application in the enforcement of the McNamara-O'Hara Service Contract Act of 1965 (79 Stat. 1034, 41 U.S.C. 351, et seq.) and to advise contractors more precisely of their obligations thereunder. The new part would read as set out below. It is based on the authority cited following its table of contents. Amendment of Part 4 of Title 29 of the Code of Federal Regulations is also proposed so that appropriate reference to Part 1516 will be made in the part dealing generally with labor standards for federal service contracts and so that the contracts to which the safety and health standards apply will advise contractors more fully concerning their safety and health obligations.

In order that interested persons may have opportunity to participate in the rule making process, oral data, views or argument will be received by a Hearing Examiner on September 7, 1967, beginning at 10 a.m. in Room 216-A, at Labor Department, 14th and Constitution Avenue NW., Washington, D.C.

Any person desiring to participate orally may file a notice of intention with the Director, Bureau of Labor Standards, United States Department of Labor, Washington, D.C. 20212, not later than 10 days before the date of hearing. The notice of intention shall state the name and address of the person who is to appear, specify his interest, and state the amount of time his presentation will require. Interested persons may also submit written data, views or argument by mailing them in quadruplicate to the Director of the Bureau of Labor Standards, U.S. Department of Labor, Washington, D.C. 20212, not later than 5 days before the above date of hearing.

The oral proceedings shall be reported, and transcripts will be available to any interested person on such terms as the Hearing Examiner may provide. The Hearing Examiner shall regulate the course of the oral presentations, dispose of procedural requests, objections, and comparable matters, and confine the presentation to matters pertinent to the proposal. He shall have discretion to keep the record open for a reasonable stated time to receive written proposals and supporting reasons, or additional data, views or argument from persons who have participated.

Upon completion of the oral proceedings, the transcript thereof, together with the exhibits, written submissions and all posthearing proposals and supporting reasons shall be certified to the Secretary of Labor. After careful consideration is given to all relevant matter presented in these proceedings, and to such other information as may be available, the Secretary will issue such regulations as he deems appropriate and publish them in the FEDERAL REGISTER.

1. The proposed new 29 CFR Part 1516 reads as follows:

PART 1516—SAFETY AND HEALTH STANDARDS FOR FEDERAL SERVICE CONTRACTS

Sec.
1516.1 Scope and application.
1516.2 Safety and health standards.
1516.3 Records.

AUTHORITY: The provisions of this Part 1516 issued under McNamara-O'Hara Service Contract Act of 1965 (79 Stat. 1034, 41 U.S.C. 351, et seq.); 5 U.S.C. 301; Secretary's Order 12-66 (31 F.R. 12630)

§ 1516.1 Scope and application.

(a) The McNamara-O'Hara Service Contract Act of 1965 (79 Stat. 1034, 41 U.S.C. 351, et seq.) requires that every contract entered into by the United States or the District of Columbia in excess of $2,500 (except as provided in section 7 of the Act), the principal purpose of which is to furnish services in the United States through the use of service employees, must contain, among other provisions, a stipulation that "no part of the services covered by this Act will be performed in buildings or surroundings or under working conditions, provided by or under the control or supervision of the contractor or any subcontractor, which are unsanitary or hazardous or dangerous to the health or safety of service employees engaged to furnish the services." This Part 1516 expresses certain minimum safety and health standards which will be applied in the administration and enforcement of the Act to determine whether services covered by the Act are being, or have been, performed in compliance with its safety and health requirements.

(b) Except as provided in paragraph (c) of this section, investigators conducting investigations, and all officers of the Department of Labor evaluating, reviewing and analyzing investigations, as well as all officers of the Department determining whether there are or have been violations of the safety and health requirements of the McNamara-O'Hara Service Contract Act of 1965 or any contract subject thereto and the terms on which there may be a settlement of issues arising from an investigation without resort to administrative or judicial litigation, will assume that failure to comply with, or violation of, the safety and health measures provided in § 1516.2 results in working conditions which are "unsanitary or hazardous or dangerous to the health or safety of service employees" within the meaning of section 2(a)(3) of the Act and the contract stipulation it requires.

(c) In formal enforcement proceedings under the Act, respondents will be permitted to demonstrate, by reliable, substantial, and probative evidence, that their failure to comply with the requirements expressed in this Part 1516 did not result in working conditions unsanitary or hazardous or dangerous to the health or safety of service employees. They may anticipate that evidence will be adduced on behalf of the Department to support the assumption expressed in paragraph (b) of this section. Officers making decisions will do so in accordance with Part 6 of this title.

(d) The standards expressed in this Part 1516 are for application to ordinary employment situations, and do not preclude proof or recognition of the necessity for higher standards in employment situations of extraordinary hazard. Neither do the standards expressed in this Part 1516 purport to cover all of the working conditions which are unsanitary or hazardous or dangerous to the health or safety of service employees. Other working conditions may be found to be unsanitary or hazardous or dangerous to the health or safety of such employees on evidence to that effect, or without such evidence where such unsanitary or hazardous or dangerous condition should be apparent to a rational and prudent person of common experience.

(e) Compliance with the standards expressed in this Part 1516 will not relieve anyone from any obligation to comply with any stricter standard stemming from any other source whatsoever.

§ 1516.2 Safety and health standards.

(a) Every contractor and subcontractor shall protect the safety and health of service employees by complying with the applicable standards, specifications, and codes developed and published by agencies of the United States and nationally recognized professional organizations. Information as to the latest standards, specifications, and codes applicable to a particular contract or invitation for bids is available at the office of the Director of the Bureau of Labor Standards, U.S. Department of Labor, Railway Labor Building, 400 First Street NW., Washington, D.C. 20212, or at any of the regional offices of the Bureau of Labor Standards as follows:

1. North Atlantic Region, 341 Ninth Avenue, Room 920, New York, N.Y. 10001 (Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, Vermont, New Jersey, and Puerto Rico).

2. Delaware River Area Region, 5011 U.S. Post Office and Courthouse Building, Ninth and Market Streets, Philadelphia, Pa. 19106 (Philadelphia, Pa., Delaware (maritime only)).

3. Middle Atlantic Region, 1110-B Federal Building, Charles Center, 31 Hopkins Plaza, Baltimore, Md. 21201 (Delaware, District of Columbia, Maryland, North Carolina, Pennsylvania, Virginia, and West Virginia).

4. South Atlantic Region, 1371 Peachtree Street NE., Suite 723, Atlanta, Ga. 30309 (Alabama, Florida, Georgia, Mississippi, South Carolina, and Tennessee).

5. Great Lake Region, 848 Federal Office Building, 219 South Dearborn Street, Chicago, Ill. 60604 (Illinois, Indiana, Kentucky, Michigan, Minnesota, Ohio, and Wisconsin).

6. Mid-Western Region, 2100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106 (Colorado, Idaho, Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming).

7. Western Gulf Region, 411 North Akard Street, Room 601, Dallas, Tex. 75201 (Arkansas, Louisiana, New Mexico, Oklahoma, and Texas).

8. Pacific Region, 10358 Federal Building, 450 Golden Gate Avenue, Box 36017, San Francisco, Calif. 94102 (Alaska, Arizona, California, Hawaii, Nevada, Oregon, Washington, and Guam).

(b) The following agencies and organizations, without limitation, are examples of those referred to in paragraph (a) of this section:

National Bureau of Standards, U.S. Department of Commerce.
Public Health Service, U.S. Department of Health, Education, and Welfare.
Bureau of Mines, U.S. Department of Interior.
United States of America Standards Institute (American Standards Association).
National Fire Protection Association.
American Society of Mechanical Engineers.
American Society for Testing and Materials.
American Conference of Governmental Industrial Hygienists.

§ 1516.3 Records.

(a) Every contractor or subcontractor shall maintain the following records for each service contract:

(1) Records of all work injuries to service employees, including a brief description of the manner of occurrence and the date and duration of disability.

(2) Records of injury frequency rates, calculated annually on a calendar year basis commencing the first of January of each year. The injury frequency rate shall be the number of disabling injuries to all service employees per 1 million man-hours of exposure, obtained by multiplying the total number of disabling injuries by 1 million and dividing that sum by the total man-hours of exposure. A "disabling injury" is one which causes disability to any service employee extending beyond the day or shift during which the injury occurred, and "total man-hours of exposure," shall be the total man-hours actually worked by all service employees during the year.

(3) Records of injury severity rates, calculated annually on a calendar basis. The injury severity rate shall be the number of days lost or charged per million service employee hours worked, obtained by adding the standard time charges for each case of death and permanent impairment to the total number of days of incapacity resulting from all other cases of disabling injuries to service employees, multiplying that sum by one million, and dividing that product by the total number of service employee hours worked.

(b) The records required by paragraph (a) of this section shall be kept on file at least 3 years from the date of entry, and shall be available for inspection by authorized representatives of the Secretary of Labor.

2. The proposed revised 29 CFR 4.1 reads as follows:

§ 4.1 Purpose and scope.

This part and Part 1516 of this title, which provides safety and health standards, contain the Department of Labor's rules relating to the administration of the Service Contract Act of 1965.

3. The proposed revised clause 5 of 29 CFR 4.6(b) reads as follows:

§ 4.6 Labor standards clauses for Federal service contracts exceeding $2,500.

* * * * * * *

(b) * * *

(5) The contractor shall not permit any part of the services called for by this contract to be performed in buildings or surroundings or under working conditions provided by or under the control or supervision of the contractor which are unsanitary or hazardous or dangerous to the health or safety of service employees engaged to furnish these services. This will require compliance with the applicable standards, specifications, and codes developed and published by agencies of the United States and nationally recognized professional organizations including without limitation, the following:

National Bureau of Standards, U.S. Department of Commerce.
Public Health Service, U.S. Department of Health, Education and Welfare.
Bureau of Mines, U.S. Department of Interior.
United States of America Standards Institute (American Standards Association).
National Fire Protection Association.
American Society of Mechanical Engineers.
American Society for Testing and Materials.
American Conference of Governmental Industrial Hygienists.

Information as to the latest standards, specifications and codes applicable to the contract is available at the office of the Director of the Bureau of Labor Standards, U.S. Department of Labor, Railway Labor Building, 400 First Street NW., Washington, D.C. 20212, or at any of the regional offices of the Bureau of Labor Standards as follows:

1. North Atlantic Region, 841 Ninth Avenue, Room 220, New York, N.Y. 10001 (Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, Vermont, New Jersey, and Puerto Rico).

2. Delaware River Area Region, 5011 U.S. Post Office and Courthouse Building, Ninth and Market Streets, Philadelphia, Pa. 19106 (Philadelphia, Pa., Delaware (maritime only)).

3. Middle Atlantic Region, 1110–B Federal Building, Charles Center, 31 Hopkins Plaza, Baltimore, Md. 21201, Baltimore, Md. 21202 (Delaware, District of Columbia, Maryland, North Carolina, Pennsylvania, Virginia, and West Virginia).

4. South Atlantic Region, 1371 Peachtree Street NE., Suite 723, Atlanta, Ga. 30309 (Alabama, Florida, Georgia, Mississippi, South Carolina, and Tennessee).

5. Great Lake Region, 848 Federal Office Building, 219 South Dearborn Street, Chicago, Ill. 60604 (Illinois, Indiana, Kentucky, Michigan, Minnesota, Ohio, and Wisconsin).

6. Mid-Western Region, 2100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106 (Colorado, Idaho, Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming).

7. Western Gulf Region, 611 N. Akard Street, Room 601, Dallas, Tex. 75201 (Arkansas, Louisiana, New Mexico, Oklahoma, and Texas).

8. Pacific Region, 10353 Federal Building, 450 Golden Gate Avenue, Box 36017, San Francisco, Calif. 94102 (Alaska, Arizona, California, Hawaii, Nevada, Oregon, Washington, and Guam).

* * * * *

Signed at Washington, D.C., this 14th day of July 1967.

NELSON M. BORTZ,
Director,
Bureau of Labor Standards.

[F.R. Doc. 67-8441; Filed, July 19, 1967; 8:52 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 7843]

AIRWORTHINESS DIRECTIVES

Rolls-Royce Spey Models 506–14, 506–14B, and 510–14 Airplane Engines; Withdrawal of Notice

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring inspections of the high pressure air pipes for cracks and the cowling and engine adjacent to these pipes for signs of heat discoloration on the Rolls-Royce Spey Models 506–14, 506–14B, and 510–14 engines, was published in 32 F.R. 56.

Subsequent to the issuance of the notice, the FAA has determined that no further failures or cracks have occurred since the original incident upon which the proposed AD was based and that the condition which prompted the issuance of the proposal does not exist to the extent originally believed. Therefore, the proposed AD is not required and is being withdrawn.

Withdrawal of this notice of proposed rule making constitutes only such action, and does not preclude the FAA from issuing another notice in the future, or commit the FAA to any course of action in the future.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), the proposed airworthiness directive published in the FEDERAL REGISTER on January 5, 1967 (32 F.R. 56), is hereby withdrawn.

This withdrawal is made under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423).

Issued in Washington, D.C., on July 11, 1967.

EDWARD C. HODSON,
Acting Director,
Flight Standards Service.

[F.R. Doc. 67-8411; Filed, July 19, 1967; 8:50 a.m.]

[14 CFR Parts 61, 91]

[Docket No. 8284; Notice 67-31]

INSTRUMENT FLIGHT TESTS, FLIGHT INSTRUCTION, AND SIMULATED INSTRUMENT FLIGHT

Use of Partial Dual Control Aircraft

The Federal Aviation Administration is considering amending Parts 61 and 91 of the Federal Aviation Regulations to permit the use of single yoke and other partial dual control aircraft for flight instruction and simulated instrument flight where the flight instructor or safety pilot has immediate and unobstructed access to all essential controls, including the power, pitch, roll, and heading controls.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket GC–24, 800 Independence Avenue SW., 20590. All communications received on or before September 18, 1967, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

The provisions of § 91.21 provide, in part, that no person may operate a civil aircraft that is being used for flight instruction or in simulated instrument flight unless the aircraft is equipped with fully functioning dual controls. There are at present at least 8,000 airplanes active in the United States that are equipped with "throw-over" wheel, single yoke, or other partial dual control systems. Under the regulations, these aircraft may not be used for instructional purposes or simulated instrument flight.

It has been brought to the attention of the FAA that this complete prohibition against flight instruction or simulated instrument flight without functioning dual controls may be too rigid. Because numerous aircraft with partial dual control systems participate in clinics conducted by the Aircraft Owners and Pilots Association Foundation (AOPAF), and because it has been found impractical to install fully functioning dual controls in those aircraft between flight periods, the AOPAF has applied for and been granted exemptions to use aircraft with partial dual control systems for flight instruction and simulated instrument flight under stipulated conditions. The FAA is advised that at least 500 pilots have received training in these flight clinics during the past 2 years in aircraft equipped with partial dual controls with no incidents resulting during this training.

The experience from the AOPAF clinics demonstrates that, with pilot trainees who are qualified persons at the controls, flight instruction and simulated instrument flight may be safely conducted where the instructor or safety pilot does not have fully functioning controls available to him. Consequently, so long as the instructor or safety pilot has access to the controls and the pilot undergoing the training holds a pilot certificate of a higher grade than student with a category rating appropriate to the aircraft being used, fully functioning dual controls in the aircraft would not appear necessary to safely conduct flight instruction and simulated instrument flight. Therefore, it is proposed to modify the present regulation to permit the general use of aircraft with less than fully functioning dual controls for flight instruction and simulated instrument flight where the instructor or safety pilot has immediate and unobstructed access to the power, pitch, roll, and heading controls and where the pilot trainee has a pilot certificate higher than a student certificate, with a category rating in the aircraft being used.

By removing the requirement that all flight instruction and simulated instrument flight must be conducted with aircraft equipped with functioning dual controls, the provision for required aircraft for flight tests in § 61.25 should also be modified. At present § 61.25(b), which requires that the aircraft furnished for the flight test have functioning dual controls, permits the examiner to determine, after considering all of the factors, that the flight test may be conducted without them. By deleting § 61.25(d)(2), which requires, without the exception, that the aircraft furnished for a flight test for an instrument rating must have functioning dual controls, the examiner will be permitted to make the same determination for the flight test for an instrument rating. The rule for instrument flight tests will then conform to the rule for all flight tests, and the objective of the rule change will be accomplished.

In consideration of the foregoing, it is proposed to amend §§ 61.25 and 91.21 of the Federal Aviation Regulations as follows:

§ 61.25 [Amended]

1. By deleting § 61.25(d)(2).

2. By amending paragraphs (a) and (b) of § 91.21 to read as follows:

§ 91.21 Flight instruction and simulated instrument flight.

(a) Except when the person manipulating the controls holds a pilot certificate of a higher grade than student, with a category rating appropriate to the aircraft being used, and the flight instructor or safety pilot has immediate and unobstructed access to the power, pitch, roll, and heading controls, no person may operate a civil aircraft that is being used for flight instruction or simulated instrument flight unless that aircraft has fully functioning dual controls. However, this paragraph does not apply to lighter-than-air aircraft while engaging in simulated instrument flight.

(b) No person may operate a civil aircraft in simulated instrument flight unless—

(1) An appropriately rated pilot occupies the other control seat as safety pilot; and

(2) The safety pilot has adequate vision forward and to each side of the aircraft, or a competent observer in the aircraft adequately supplements the vision of the safety pilot.

* * * * *

These amendments are proposed under the authority of sections 313(a), 314, 601, and 602 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1355, 1421, and 1422).

Issued in Washington, D.C., on July 14, 1967.

EDWARD C. HODSON,
Acting Director,
Flight Standards Service.

[F.R. Doc. 67-8277; Filed, July 19, 1967; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-EA-47]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration is considering amending § 71.171 of Part 71 of the Federal Aviation Regulations so as to alter the New Bedford, Mass., control zone.

The tower at New Bedford, Mass., is presently operated on a part time basis during a specified period of time. These hours, however, are predicated upon traffic which is characterised by seasonal variation. It is therefore, intended to amend the description of the control zone so as to promulgate changes for specific periods of duration in the Notices to Airmen.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of New Bedford, Mass., proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to alter the description of the New Bedford, Mass., control zone by deleting the period after the word "daily" and adding "or during the specific dates and times established in advance by a Notice to Airmen."

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Jamaica, N.Y., on July 3, 1967.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 67-8459; Filed, July 19, 1967; 8:50 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-EA-48]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration is considering amending § 71.171 of Part 71 of the Federal Aviation Regulations so as to alter the Hyannis, Massachusetts Control Zone.

The tower at Hyannis, Mass., is presently operated on a part-time basis during a specified period of time. These hours, however, are predicated upon traffic which is characterized by seasonal variation. It is therefore, intended to amend the description of the control zone so as to promulgate changes for specific periods of duration in the Notices to Airmen.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Hyannis, Mass., proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to alter the description of the Hyannis, Mass., Control Zone by deleting the period after the word "daily" and adding "or during the specific dates and times established in advance by a Notice to Airmen."

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Jamaica, N.Y., on June 30, 1967.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 67-8412; Filed, July 19, 1967; 8:50 a.m.]

[14 CFR Part 71]

[Airspace Docket 67-EA-51]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Buffalo, N.Y., control zone and transition area of the presently designated terminal airspace for Buffalo, N.Y.

A review disclosed that the Greater Buffalo International Airport control zone extension can be reduced considerably due to pending arrival procedural changes. The basic radius of the 700-foot floor transition areas for each airport will require an increase of 1 mile. However, the 700-foot transition area extensions for Greater Buffalo International and Niagara Falls Municipal Airports will be reduced to some extent.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Buffalo, N.Y., proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to alter the Buffalo, N.Y. control zone by deleting the description therein and inserting in lieu thereof the following:

BUFFALO, N.Y.

Within a 5-mile radius of the center, 42°56'20" N., 78°43'50" W., of Greater Buffalo International Airport, Buffalo, N.Y.; within 2 miles each side of the Greater Buffalo International Airport northeast localizer course extending from the 5-mile radius zone to the OM; within 2 miles each side of the Greater Buffalo International Airport southwest localizer course extending from the 5-mile radius zone to the OM; and within 2 miles each side of the Buffalo VORTAC 096° radial extending from the 5-mile radius zone to 8 miles east of the VORTAC excluding the portion within a 1-mile radius of Buffalo Airpark, 42°51'45" N., 78°43'00" W.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the 700 foot floor Buffalo, N.Y., transition area and insert in lieu thereof the following:

BUFFALO, N.Y.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the center, 42°56'20" N., 78°43'50" W., of Greater Buffalo International Airport; within 2 miles each side of the Buffalo VORTAC 096° radial extending from the 8-mile radius area to 8 miles east of the VORTAC; within 8 miles northwest and 5 miles southeast of the Greater Buffalo International Airport northeast localizer course extending from the OM to 12 miles northeast of the OM; within 2 miles each side of the Greater Buffalo International Airport southwest localizer course extending from the 8-mile radius area to 8 miles southwest of the OM; within the arc of a 12-mile radius circle from 063° to 113° clockwise, centered on a point, 42°56'20" N., 78°44'11" W.; within an 8-mile radius of the center, 43°06'20" N., 78°56'56" W., of Niagara Falls Municipal Airport; within 8 miles north and 5 miles south of the Niagara Falls Municipal Airport localizer east course extending from the OM to 12 miles east of the OM; within 2 miles each side of the Niagara Falls Municipal Airport localizer east course extending from the OM to the intersection of the localizer course and the Buffalo, N.Y., VORTAC 094° radial; and within a 5-mile radius of Buffalo Airpark Airport, 42°51'45" N., 78°43'00" W.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Jamaica, N.Y., on June 30, 1967.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 67-8413; Filed, July 19, 1967; 8:50 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-EA-55]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Martinsburg, Pa., control zone and transition area.

A revision of the VOR-1 instrument approach procedure and a review of the terminal airspace requirements require an alteration of the control zone and transition area.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Martinsburg, Pa., proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to alter the Martinsburg, Pa., control zone by deleting in the description the coordinates, "40°17'50" N., 78°19'10" W." and substitute in lieu thereof the following, "40°17'45" N., 78°19'10" W."; following the phrase, "Blair County Airport, Martinsburg, Pa." add, "within 2 miles each side of the centerline of runway 2 extended from the 5-mile radius zone to 6.5 miles north of the end of the runway; and within 2 miles each side of the centerline of runway 20 extended from the 5-mile radius zone to 9 miles south of the end of the runway."

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Martinsburg, Pa., transition area by deleting in the description the coordinates, "40°17'50" N., 78°19'10" W." and substitute in lieu thereof, "40°17'45" N., 78°19'10" W."; following the phrase, "Blair County Airport, Martinsburg, Pa." add, "within 2 miles each side of the centerline of runway 20 extended from the 7-mile radius area to 9 miles south of the end of the runway; and within 8 miles west and 5 miles east of the Altoona VOR 028° radial extending from the VOR to 12 miles north of the VOR."

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Jamaica, N.Y., on July 3, 1967.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 67-8414; Filed, July 19, 1967; 8:50 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-EA-56]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Cleveland, Ohio (Burke-Lakefront Airport), control zone and Cleveland, Ohio, transition area.

New NDB (ADF) and LOC Rwy 24L and R instrument approach procedures have been authorized for Burke-Lakefront Airport, Cleveland, Ohio, which require alteration of the control zone and transition area.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Cleveland, Ohio, proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to alter the Cleveland, Ohio (Burke-Lakefront Airport), control zone by deleting the description and inserting in lieu thereof the following:

CLEVELAND, OHIO (BURKE-LAKEFRONT AIRPORT)

Within a 4-mile radius of the center, 41°31'00" N., 81°41'00" W., of Burke-Lakefront Airport, Cleveland, Ohio, and within 2 miles each side of the Burke-Lakefront ILS localizer NE course extending from the 4-mile radius zone to the OM. This control zone shall be effective from 0700 to 2300 hours, local time, daily.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Cleveland, Ohio, transition area by deleting in the description of the 700-foot floor transition area "within a 3-mile radius of the Burke-Lakefront Airport, 41°31'00" N., 81°41'00" W.; within 2 miles each side of the Cleveland-Hopkins Runway 23-L-ILS localizer NE course, extending from the 8-mile radius area to the Burke-Lakefront 3-mile radius area" and, "extending from the Burke-Lakefront 3-mile radius area" and substitute in lieu thereof; "within a 6-mile radius of the center, 41°31'00" N., 81°41'00" W., of Burke-Lakefront Airport, Cleveland, Ohio; within 2 miles each side of the Burke-Lakefront localizer NE course extending from the 6-mile radius area to the OM; within 8 miles NW and 5 miles SE of the Burke-Lakefront localizer NE course extending from the OM to 12 miles NE of the OM" and, "extending from the Burke-Lakefront 6-mile radius area", respectively. In the description of the 1200-foot floor transition area, following the phrase, "42°00'00" N., 81°18'00" W., to point of beginning" add, "excluding the portion within the Willoughby, Ohio, transition area."

This amendement is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Jamaica, N.Y., on July 3, 1967.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 67-8415; Filed, July 19, 1967; 8:50 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-SW-30]

FEDERAL AIRWAYS

Proposed Alteration and Extension

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would alter and extend certain VOR Federal airways in the vicinity of Beaumont, Tex.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The Federal Aviation Administration proposes the following airspace actions associated with the relocation of the Beaumont VOR to a site located at latitude 29°56'46" N., longitude 94°00'58" W.

1. Realign VOR Federal airway No. 20 segment from Houston, Tex., with a 12 AGL floor direct Beaumont, Tex., direct Lake Charles, La., with a 12 AGL north alternate from Houston to Beaumont via the intersection of Houston 045° T (037° M) and Beaumont 272° T (265° M) radials, and including a 12 AGL north alternate segment from Beaumont to Lake Charles via the intersection of Beaumont 056° T (049° M) and Lake Charles 272° T (265° M), and also a 12 AGL south alternate segment from Houston to Lake Charles via intersection of Houston 090° T (082° M) and Sabine Pass, Tex., 265° T (258° M) radials and Sabine Pass.

2. Realign VOR Federal airway No. 289 segment from Beaumont with a 12 AGL floor to Lufkin, Tex., via the intersection Beaumont 323° T (316° M) and Lufkin 161° T (153° M) radials, including a 12 AGL standard east alternate.

3. Extend VOR Federal airway No. 306 from Daisetta, Tex., with a 12 AGL floor direct to Lake Charles, including a 12 AGL south alternate segment from Daisetta via Beaumont to Lake Charles.

4. Realign VOR Federal airway No. 222 segment from Industry, Tex., with a 12 AGL floor via the intersection of Industry 087° T (079° M) and Beaumont 272° T (265° M) radials; Beaumont; to Lake Charles, including a 12 AGL north alternate segment from the intersection of the Industry 087° T (079° M) and Beaumont 272° T (265° M) radials via Daisetta to Lake Charles.

These airway realignments and extensions associated with the relocation of the Beaumont VOR will facilitate the movement of IFR air traffic within the Beaumont terminal area.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on July 12, 1967.

J. F. BIRON,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-8416; Filed, July 19, 1967; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 0, 1, 83, 85]

[Docket No. 16297; FCC 67-820]

INTERIM SHIP STATION LICENSING IN MARITIME MOBILE SERVICE

Elimination

In the matter of amendment of Parts 0, 1, 83, and 85 of the Commission's rules to eliminate interim ship station licensing in the maritime mobile service, Docket No. 16297.

1. Further notice of proposed rule making is hereby given in the above-entitled matter.

2. A notice of proposed rule making in the above-captioned matter was released November 18, 1965, and was published in the FEDERAL REGISTER on November 23, 1965 (30 F.R. 14564). The dates for filing comments and replies thereto have passed.

3. Timely comments were filed by Gulf Radiotelephone, Inc.; Texas Shrimp Association; Dubose Marine Radio, Inc.; Cape Cod Marine Service, Inc.; Marine Electric Co.; Raytheon Co.; Equitable Equipment Co., Inc.; Konigsberg Electronics, Inc.; Jackson Electronics Corp.; Marine Radio and Radar Co.; Eminger's Marine Radio; Jones Electronics; Northwest Instrument Co.; Heath Co.; Marine Electronics Dealers Association of Florida; Southland Marine Communications, Inc.; Marine Radio Service; Purse Seine Vessel Owners Association; Electronic Services, Inc.; National Marine Electronics Association; Maritime Radio Service; Central Committee on Communication Facilities of the American Petroleum Institute; Marine Trades Association, Inc.; Marine Electronics Service; Geils and Foerst Marine Electric Co., Inc.; General Communication Laboratory; Kaar Electronics Corp.; North Pacific Marine Radio Council, Inc.; U.S. Coast Guard Auxiliary; Seattle Yacht Club; and, Charles W. Rogers & Son, Inc. No reply comments were filed. After close of the reply comment period, comments were received from Gene Sykes & Co.; Matrix Industries; Frank L. Beier Radio, Inc.; Southern California Marine Radio Council; Rich Electronics, Inc.;

Dodge Electronics; and, Raytheon Co., California Division. Although these comments were filed late, they are considered relevant to the proceeding and have been taken into account.

4. All parties to the proceeding have opposed the rule making. These objections may be categorized as follows:

(a) Commercial vessel operators believe the interim procedure is necessary to avoid delaying the vessel when immediate operating authority is needed to reflect equipment changes in a licensed station; and

(b) Pleasure boat owners have indicated that the interim procedure has fostered the use of marine radio and accordingly, its elimination would seriously affect safety of life and property because many boat owners would not equip with radio if not for such a service. They base their allegations on convenience of service; and

(c) Electronic servicemen have indicated that interim licensing has satisfied their needs for obtaining immediate operating authority for testing and installing shipboard equipment and its elimination would adversely affect their business; and

(d) Electronic equipment and small boat dealers likewise believe elimination of interim licensing would have an adverse affect on their business. They allege that in many instances immediate operating authority as provided under the interim procedure is a factor that may determine the sale of the equipment and/or boat to customers who wish to engage in boating immediately.

5. The Commission initiated the interim licensing procedure in the maritime services because of the application backlog. Automation has reduced this backlog and to some extent, certainly, the requirement for interim licensing. However, based on the comments received in this proceeding, it is evident that interim ship station licensing is widely utilized by the boating public and affects various segments of the maritime community.

6. Interim licensing must be considered as an extra service being provided applicants. This additional service results in a duplication of processing for it requires first special processing of the interim request and then later processing of the application for a regular full-term authorization. Approximately 45 percent of the total number of ship station applications are being processed for both an interim license and a full-term authorization. For fiscal year 1965, the Commission received approximately 40,000 applications for ship station licenses. Out of this total, there were approximately 18,000 interim licenses issued. The Commission is of the opinion that the additional cost for providing this interim license should be borne for the most part by the users. At present a fee of $10 is charged for an application for a ship station license. This is the fee whether interim authority is sought in addition to the application for a full-term authorization or not.

7. In view of the foregoing, it is proposed that § 1.1115 be amended to specify a fee of $13 for a ship station application where interim authority is also sought. The regular application for a ship station, i.e., one not requesting interim authority, would remain at the present $10 fee.

8. The proposed amendment to the rules, and other actions taken herein are pursuant to the authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, Title V of the Independent Offices Appropriation Act of 1952, 65 Stat. 290, and Bureau of the Budget's Circular A–25 of September 23, 1959.

9. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before August 21, 1967, and reply comments on or before September 5, 1967. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this Notice.

10. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs or comments filed shall be furnished the Commission.

Adopted: July 12, 1967.

Released: July 14, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 67-8428; Filed, July 19, 1967; 8:51 a.m.]

[47 CFR Part 73]

[Docket No. 17496]

TABLE OF ASSIGNMENTS

Television Broadcast Stations, Baytown, Tex.; Order Extending Time To File Contents and Reply Comments

In the matter of amendment of § 73.606, Table of assignments, Television Broadcast Stations, (Baytown, Tex.), Docket No. 17496.

1. On June 9, 1967, the Commission issued a notice of proposed rule making (FCC 67-667) inviting comments on a proposal to assign TV Channel 50 to Baytown, Tex. The time for filing comments was specified as July 17, 1967 and for replies as July 27, 1967. On July 3, 1967, George Chandler, H. W. Kilpatrick, III, W. T. Jones, Jr., Richard Park, and Mrs. Hellen Nelson filed a petition for an extension of time for filing comments until September 5, 1967 and for replies until September 15, 1967.

2. Petitioners state that the requested extension is necessary in order to fully reply to the complex economic and engineering questions raised by the Commission in the Notice and that it will enable parties to submit full information which will aid the Commission in passing on the novel questions raised.

3. We are of the view that an extension in this proceeding is warranted and would serve the public interest. However, we believe that an extension of approximately one month should be sufficient time in which petitioners can obtain the needed information. *Accordingly, it is ordered*, That the time for filing comments and replies in this proceeding are extended to August 14, 1967 and August 24, 1967, respectively.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules and regulations.

Adopted: July 7, 1967.

Released: July 12, 1967.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 67-8427; Filed, July 19, 1967; 8:51 a.m.]

[47 CFR Part 74]

[Docket No. 17897; FCC 67-835]

COMMUNITY ANTENNA TELEVISION SYSTEMS

Carriage of Educational Television Signals

In the matter of amendment of § 74.1107 of the Commission's rules and regulations regarding carriage of educational television signals on community antenna television systems, Docket No. 17597.

1. Notice of proposed rule making is hereby given in the above-entitled matter.

2. When the Commission adopted the Second Report and Order, it indicated that it might modify certain of its policies as it gained further experience. We believe that sufficient experience has accumulated to indicate that in most top 100 cases no significant objection is voiced to the carriage of distant educational television signals. Consequently, it is appropriate to consider amendment of the rules to exclude distant educational television signals from the hearing requirement of §74.1107 of the rules. This change, if adopted, would still permit the Commission to consider any case where objections are raised by local educational authorities pursuant to § 74.1109 of the rules. And we believe that the interests of all parties would be best served by elimination of what is frequently an extraneous factor in top 100 questions. Accordingly, the views of interested parties are solicited regarding this proposed rule change, the text of which is contained in the attached appendix.

3. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before August 21, 1967, and reply comments on or before September 5, 1967. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this Notice.

4. Authority for the amendments proposed herein is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended.

5. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission.

Adopted: July 12, 1967.

Released: July 14, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

In § 74.1107, paragraph (a) is revised to read as follows:

§ 74.1107 Requirement for showing in evidentiary hearing and Commission approval in top 100 television markets; other procedures.

(a) No CATV system operating in a community within the predicted Grade A contour of a television broadcast station in the 100 largest television markets shall extend the signal of a television broadcast station beyond the Grade B contour of that station, except upon a showing approved by the Commission that such extension would be consistent with the public interest, and specifically the establishment and healthy maintenance of television broadcast service in the area. Commission approval of a request to extend a signal in the foregoing circumstances will be granted where the Commission, after consideration of the request and all related materials in a full evidentiary hearing, determines that the requisite showing has been made. The market size shall be determined by the rating of the American Research Bureau, on the basis of the net weekly circulation for the most recent year. The requirements of this paragraph do not apply to the signal of an educational television broadcast station.

* * * * * *

[F.R. Doc. 67-8429; Filed, July 19, 1967; 8:51 a.m.]

[47 CFR Part 87]

[Docket No. 17566; FCC 67-818]

AVIATION SERVICES

Operator Requirements

In the matter of amendment of Part 87—Aviation Services to include operator requirements for these services, Docket No. 17566.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The authority granted under the various grades of commercial operator licenses is now set forth in Part 13 of the Commission's rules. Some operator requirements are also set forth in Part 87. Part 13, however, is relied upon to determine most of the operator requirements. Because these requirements have come to differ from service to service, it is believed desirable to place the operator requirements in the service parts. In addition, this will allow a licensee to refer, for the most part, to only one part of the rules to obtain complete information concerning his station and its operation.

3. The proposed amendments, as set forth below, are issued pursuant to the authority contained in sections 303 (l) and (r) and 318 of the Communications Act of 1934, as amended.

4. Pursuant to the applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before August 21, 1967, and reply comments on or before September 5, 1967. All relevant and timely filed comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into consideration other relevant information before it, in addition to the specific comments invited by this notice.

5. In accordance with the provisions set forth in § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs or comments shall be furnished the Commission.

Adopted: July 12, 1967.

Released: July 14, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

1. The table of contents in Part 87 is amended by addition of the following entries in proper numerical sequence and the deletion of §§ 87.187, 87.389 and 87.517 as follows:

Sec.
87.133 General operator requirements.
87.135 Transmitter adjustments and tests by operator.
87.136 Operation of transmitter controls.
87.137 Radio stations using radiotelegraphy.
87.139 Operator licenses not required for certain operations.

2. Section 87.133 is added to read as follows:

§ 87.133 General operator requirements.

Except as provided for in §§ 87.135, 87.136, 87.137 and 87.139 or as limited on the face of the operator license or permit, all stations in the Aviation Services shall be operated by persons holding any class of commercial radio operator license or permit issued by the Commission: *Provided*, That, for aircraft radiotelephone stations operating on frequencies other than those allocated exclusively to the aeronautical mobile service, such station in the Aviation Services may be operated only by a person holding, as a minimum, a third-class operator's permit, either radiotelephone or radiotelegraph. The licensed operator of a land station using telephony may permit other persons to transmit or to communicate over the facilities of the station in accordance with the terms of the station license under his direct supervision and responsibility.

3. Section 87.135 is added to read as follows:

§ 87.135 Transmitter adjustments and tests by operator.

All transmitter adjustments or tests during or coincident with the installation, servicing, or maintenance of a radio station, which may affect the proper operation of such station, shall be made by or under the immediate supervision and responsibility of a person holding a radiotelephone or radiotelegraph first or second-class operator license who shall be responsible for the proper functioning of the station equipment: *Provided, however*, That only a person holding a radiotelegraph first or second-class operator license shall perform such functions at radiotelegraph stations transmitting by any type of the Morse Code.

4. Section 87.136 is added to read as follows:

§ 87.136 Operation of transmitter controls.

(a) Operation of a station by the holder of a radiotelephone or radiotelegraph third-class operator permit or a restricted radiotelephone operator permit shall be subject to the condition that the operation of the transmitter shall require only the use of simple external switching devices, excluding all manual adjustment of frequency determining elements, and the stability of the frequencies shall be maintained by the transmitter itself within the limits of tolerance specified by § 87.65 or the station license. In addition, when using an aircraft radio station on maritime mobile service frequencies the carrier power of the transmitter shall not exceed 250 watts (emission A3) or 1,000 watts (emission A3A, A3H, A3J).

(b) When a station is used for telegraphy, transmitted manually by any type of the Morse Code, the transmitting telegraph key shall be manipulated only by a person who holds a radiotelegraph operator license or permit of the proper class as specified in § 87.137.

5. Section 87.137 is added to read as follows:

§ 87.137 Radio stations using radiotelegraphy.

(a) Except as provided in § 87.135 and paragraph (b) of this section an aircraft radio station when transmitting radiotelegraphy by any type of the Morse Code shall be operated by a person holding a radiotelegraph first or second-class op-

[1] Commissioners Bartley, Cox, and Loevinger absent.

[1] Commissioners Hyde, Chairman; and Lee dissenting; Commissioner Cox dissenting and issuing a statement filed as part of the original document; Commissioner Johnson concurring in the result.

[1] Commissioners Bartley, Cox, and Loevinger absent.

erator license bearing an aircraft radiotelegraph endorsement.

(b) When the aircraft is not in flight said endorsement is not required.

(c) Except as provided in § 87.135 and § 87.139 a station other than an aircraft station, when transmitting by any type of the Morse Code, shall be operated by a person holding any class of radiotelegraph license or permit.

6. Section 87.139 is added to read as follows:

§ 87.139 Operator licenses not required for certain operations.

(a) Operator licenses are not required for the following:

(1) Flight personnel when concerned with the operation of airborne radar sets, radio altimeters, transponders and other airborne automatic radio-navigation aids.

(2) Operation of a survival craft station while it is being used solely for survival purposes.

(3) Operation of any radio station authorized under this part which retransmits by automatic means communications received by radio.

NOTE: Whenever the term "license" is used generally to denote an operator authorization it includes "permit".

7. The following sections are deleted in their entirety from Part 87.

§§ 87.187, 87.259, 87.517 [Deleted]

Section 87.187 *Operator requirements*, is deleted.

Section 87.259 *Operator requirements*, is deleted.

Section 87.517 *Operator requirements*, is deleted.

[F.R. Doc. 67-8426; Filed, July 19, 1967; 8:51 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 423]

[No. 32451]

UNIFORM SYSTEM OF ACCOUNTS FOR MARITIME CARRIERS

Notice of Proposed Rule Making

JULY 11, 1967.

Notice is hereby given pursuant to the provisions of section 4(a) of the Administrative Procedure Act that the Commission has under consideration proposed amendments of the Uniform System of Accounts for Maritime Carriers, to be effective as of January 1, 1967, with regard to the accounting treatment of extraordinary and prior period items in the determination of net income.

The proposed regulations would (a) generally require that items affecting net income be recorded in appropriate profit and loss accounts, rather than by direct entry to earned surplus account, and (b) explain, define and provide accounts and categories for ordinary income, extraordinary items, prior period items and applicable income taxes.

The revised rules herein proposed will have several notable advantages over current regulations which conditionally permit direct entry to earned surplus. Moreover, in asserting more objective criteria with respect to determination of materiality than presently exist, the proposed changes are intended to minimize the need to interpret existing regulations.

The detailed statement of proposed rule set forth below completely states the proposed revisions to the applicable parts of the Uniform System of Accounts for Maritime Carriers, considered necessary to accomplish the stated objectives.

All carriers affected by the proposed rules and other interested parties who desire to do so should submit written views and comments for consideration, as soon as possible, and not later than September 2, 1967. The Commission will consider all such responses and representations before deciding this matter, after which such order as may be found appropriate will be entered. An original and three copies of any such response should be submitted.

Notice shall be given Maritime Carriers hereby affected and to the general public by depositing this Notice in the office of the Secretary of the Commission at Washington, D.C., and by filing this notice with the Director, Office of the Federal Register.

(Sec. 12, 24 Stat. 383 as amended, 54 Stat. 933; 49 U.S.C. 12, 904. Sec. 20, 24 Stat. 386, as amended, 54 Stat. 944, as amended; 49 U.S.C. 20, 913)

By the Commission, Division 2.

[SEAL] H. NEIL GARSON, *Secretary.*

DETAILED STATEMENT OF PROPOSED RULE

I. INSTRUCTION ADDED

After §423.0–10, the following section is added:

§ 423.0–11 Extraordinary and prior period items.

(a) All items of profit and loss recognized during the year are includable in ordinary income except nonrecurring items which in the aggregate for the same class are both material in relation to operating revenues and ordinary income for the year and are clearly not identified with or do not result from the usual business operations of the year. Important items of the kind which occur from time to time and which, when material in amount, are to be excluded from ordinary income are those resulting from unusual sales of property and investment securities other than temporary cash investments; from wars and similar calamities and catastrophes, which are not a recurrent hazard of the business and which are not usually covered by insurance; from change in application of accounting principles; and from prior period items (other than ordinary adjustments of a recurring nature). Material items are those which, unless excluded from ordinary income, would distort the accounts and impair the significance of ordinary income for the year. Items so excludible from ordinary income are to be entered directly in the income accounts provided for extraordinary and prior period items upon approval or direction of the Commission.

Adjustments constituting items of customary business activities or corrections or refinements resulting from the natural use of estimates inherent in the accounting process, including those arising from disposal of a unit of property sold or retired in the regular course of business operations, shall not be considered extraordinary or prior period items regardless of size.

(b) In determining materiality, items of a similar nature shall be considered in the aggregate; dissimilar items should be considered individually. As a general standard, an item to qualify for inclusion as an extraordinary or prior period item, shall exceed one percent of total water line operating revenues and ten percent of ordinary income for the year.

(c) Ordinary delayed items and adjustments arising during the current year which are applicable to or related to transactions of prior years shall be included in the same accounts which would have been charged or credited if the item had been taken up or adjusted in the period to which it pertained. Ordinary delayed items excludes items of the character described in paragraph (a).

II. TEXTS OF BALANCE SHEET ACCOUNTS DELETED AND AMENDED

Item No. 1. Section 423.329 *Reserve for revaluation of investments.* The text of this account, a subdivision of account 315, Investments, is amended by revising paragraph (a) as follows:

§ 423.329 Reserve for revaluation of investments.

(a) This account shall be credited at the close of each accounting period with amounts necessary to reflect the decline in value of securities and other assets held as investments, where there appears to be a permanent impairment in their value, by contra charge to account 979, "Miscellaneous deductions from income," or account 990, "Extraordinary items," as appropriate.

* * * * *

Item No. 2. Section 423.330 *Property and equipment.* The text of this account is amended by revising paragraph (a) as follows:

§ 423.330 Property and equipment.

(a) This account shall include the cost of acquisition or construction, including additions and betterments, of property and equipment owned by the carrier.

* * * * *

Item No. 3. Section 423.332 *Reserve for amortization and depreciation; vessels.* The title and paragraph (a) of this account, a subdivision of account 330, Property and equipment, are revised as follows:

§ 423.332 Reserve for depreciation; vessels.

(a) This account shall be credited with all depreciation on vessels charged to account 981, "Depreciation—Floating equipment—Vessels."

* * * * *

Item No. 4. Section 423.338 *Reserve for amortization and depreciation; other floating equipment.* The title and paragraph (a) of this account, a subdivision of account 330, Property and equipment, are revised as follows:

§ 423.338 Reserve for depreciation; other floating equipment.

(a) This account shall be credited with all depreciation charged to account 984, "Depreciation—Other floating equipment".

* * * * *

Item No. 5. Section 423.343 *Terminal property and equipment;* § 423.349 *Other shipping property and equipment.* Paragraphs (a) and (b) of the text of each of these accounts, subdivisions of account 330, Property and equipment, are revised by deleting the following:

(a) * * *, and any appreciated book value * * *.

(b) * * *, and any appreciation of book value.

Item No. 6. Section 423.344 *Reserve for amortization and depreciation; terminal property and equipment.* The title and paragraph (a) of this account, a subdivision of account 330, Property and equipment, are revised as follows:

§ 423.344 Reserve for depreciation; terminal property and equipment.

(a) This account shall be credited with all depreciation on terminal property and equipment which is charged to account 987, "Depreciation—Terminal property and equipment".

* * * * *

Item No. 7. Section 423.350 *Reserve for amortization and depreciation; other shipping property and equipment.* The title of this account, a subdivision of account 330, Property and equipment, is revised as follows:

§ 423.350 Reserve for depreciation; other shipping property and equipment.

* * * * *

Item No. 8. Section 423.354 *Reserve for amortization and depreciation; nonshipping property and equipment.* The title and paragraph (a) of this account, a subdivision of account 330, Property and equipment, are revised as follows:

§ 423.354 Reserve for depreciation; nonshipping property and equipment.

(a) This account shall be credited with all depreciation on non-shipping property and equipment which is charged to account 986, "Depreciation—non-shipping property and equipment".

* * * * *

Item No. 9. Section 423.384 *Debt discount and expense.* Paragraph (b) of the text of this account, a subdivision of account 375, Deferred charges and prepaid expenses, is revised as follows:

§ 423.384 Debt discount and expense.

* * * * *

(b) When an issue of funded debt, or any part thereof, is refunded and at the date of refunding there is a balance of unamortized discount and expense relating to such issue, such balance, together with any premium paid in retiring such issue, shall be charged to account 979, "Miscellaneous deductions from income," or to account 990, "Extraordinary items," as may be appropriate, in accordance with the text of these accounts.

Item No. 10. Section 423.556 *Premium on funded debt.* Paragraph (b) of the text of this account, a subdivision of account 555, Deferred credits, is revised as follows:

§ 423.556 Premium on funded debt.

* * * * *

(b) When an issue of funded debt or any part thereof is refunded and at the date of refunding there is a balance of unamortized premium relating thereto, the amount of such balance shall be credited to account 690, "Miscellaneous other income," or to account 990, "Extraordinary items," as may be apropriate, in accordance with the text of these accounts.

Item No. 11. Section 423.570 *Reserve for issuance.* The text of this account, a subdivision of account 565, Operating reserves, is amended by revising the last sentence of paragraph (b) as follows:

§ 423.570 Reserve for insurance.

* * * * *

(b) * * * At the end of each accounting year, any balance in this account applicable to voyages terminated during the preceding accounting year, in those instances where the records indicate that all claims have been settled, should be transferred to the appropriate insurance expense account, consistent with § 423.0–11(c).

* * * * *

Item No. 12. Section 423.595 *Appreciation surplus.* The number, title and text of this account are deleted.

Item No. 13. Section 423.599 *Earned surplus; unappropriated.* The text of this account is amended by revising paragraph (a) as follows and adding new paragraphs (c) and (d) after paragraph (b):

§ 423.599 Earned surplus; unappropriated.

(a) All profits and losses shown in account 095, "Profit and loss account", at the end of the accounting year shall be recorded in this account.

* * * * *

(c) This account shall include losses on resale of reacquired capital stock and charges which reduce or write off discount on capital stock issued by the company but only to the extent that such charges exceed credit balances in capital surplus for shares reacquired.

(d) This account shall include other adjustments, net of assigned Federal income taxes, not provided for elsewhere in this system but only after such inclusion has been authorized by the Commission.

III. TEXTS OF INCOME ACCOUNTS DELETED AND AMENDED

Item No. 1. The system of accounts, following the text of account 599, "Earned surplus; unappropriated", is amended by adding the following caption directly below Income Accounts:

ORDINARY ITEMS

Item No. 2. Section 423.600 *Operating revenue; terminated voyages.* The text of this account is amended by revising the last sentence of paragraph (a) as follows:

§ 423.600 Operating revenue; terminated voyages.

(a) * * * Revenue items arising in connection with voyages terminated in prior years shall be accounted for as ordinary delayed items pursuant to § 423.0–11(c).

* * * * *

Item No. 3. Section 423.690 *Miscellaneous other income.* The text of this account is amended by adding the following items to the list of examples provided and a new paragraph below this tabulation as follows:

§ 423.690 Miscellaneous other income.

* * * * *

Profit from sale of securities.
Profit from sale of shipping and nonshipping property.
Profit from company bonds reacquired.

When the profit from sale of property and equipment, or securities, or from reacquisition of the company's own bonds is of an amount sufficiently large to constitute an extraordinary item, pursuant to Sec. 423.0–11, such profit shall be credited to account 990, "Extraordinary items".

Item No. 4. Section 423.700 *Operating expenses; terminated voyages.* The text of this account is amended by revising the last sentence of paragraph (a) as follows:

§ 423.700 Operating expenses; terminated voyages.

(a) * * * Expense items arising in connection with voyages terminated in prior years shall be accounted for as ordinary delayed items pursuant to § 423.0–11(c).

* * * * *

Item No. 5. Section 423.979 *Miscellaneous deductions from income.* The text of this account is amended by adding the following items to the list of examples provided and a new paragraph below this tabulation as follows:

§ 423.979 Miscellaneous deductions from income.

* * * * *

Loss on sale of shipping and nonshipping property and equipment.
Loss on sale of securities and charges to write down the ledger value of securities because of impairment in their value.
Loss on company bonds reacquired.

When the loss from sale of property and equipment, or securities, or from write down of securities because of impairment

in value, or reacquisition of the company's own bonds is of an amount sufficiently large to constitute an extraordinary item, pursuant to § 423.0–11, such loss shall be charged to account 990, "Extraordinary items."

Item No. 6. Section 423.985 *Expense of non-shipping operations.* This account is redesignated § 423.986.

Item No. 7. Section 423.986 *Depreciation; nonshipping property and equipment.* The number, title and text of this account are revised as follows:

§ 423.986 Depreciation; nonshipping property and equipment.

The annual or other periodical accrual of depreciation of property and equipment used in ventures other than shipping and shipping auxiliary operations shall be charged to this account with a corresponding credit to account 354, "Reserve for depreciation—Nonshipping property and equipment."

Item No. 8. Section 423.989 *Provision for Federal income taxes.* The number, title and text of this account are revised as follows:

§ 423.989 Federal income taxes on ordinary income.

This account shall be charged with accrued provision for Federal income taxes applicable to ordinary income of the accounting year. See the text of account 599, "Earned surplus; unappropriated" and account 998, "Federal income taxes on extraordinary and prior period items," for recording other income tax consequences.

Details pertaining to the tax consequences of other unusual and significant items and also cases where the tax consequences are disproportionate to the related amounts included in the income accounts, shall be submitted to the Commission for consideration and decision as to proper accounting.

Income taxes which are refundable or reduced as the result of carry-back or carry-forward of operating loss shall be credited to this account, if a carry-back, in the year in which the loss occurs, or, if a carry-forward, in the year in which such loss is applied to reduce taxes. However, when the amount constitutes an extraordinary item pursuant to § 423.0–11, it shall be included in account 994, "Prior period items."

Item No. 9. The system of accounts, following the text of account 989, "Federal income taxes on ordinary income," is amended by adding the following caption and account numbers, titles and texts:

EXTRAORDINARY AND PRIOR PERIOD ITEMS

§ 423.990 Extraordinary items (net).

(a) This account shall include extraordinary items accounted for during the current accounting year in accordance with the text of § 423.0–11, upon approval of the Commission. Among the items which shall be included in this account are:

Net gain or loss on sale of shipping and nonshipping property and equipment.
Net gain or loss on sale of securities and charges to write down the ledger value of such securities because of impairment of value.
Net gain or loss on reacquisition of company bonds.
Change in application of accounting principles.

(b) This account shall be maintained to show the nature and gross amount of each debit and credit, together with the applicable year, vessel name and voyage number.

(c) Federal income tax consequences of charges and credits to this account shall be recorded in account 998, "Federal income taxes on extraordinary and prior period items."

§ 423.994 Prior period items (net).

(a) This account shall include unusual delayed items accounted for during the current accounting year in accordance with the text of § 423.0–11, upon approval of the Commission. Among the items which shall be included in this account are:

Unusual adjustments, refunds or assessments of Federal income taxes of prior years.
Similar items representing transactions of prior years which are not identifiable with or do not result from business operations of the current year.

(b) This account shall be maintained to show the nature and gross amount of each debit and credit, together with the applicable year, vessel name and voyage number.

(c) Federal income tax consequences of charges and credits to this account shall be recorded in account 998 "Federal income taxes on extraordinary and prior period items."

§ 423.998 Federal income taxes on extraordinary and prior period items.

This account shall include the estimated Federal income tax consequences (debit or credit) assignable to the aggregate of items of both taxable income and deductions from taxable income which, for accounting purposes, are classified as unusual and extraordinary, and are recorded in accounts 990, "Extraordinary items" and 994, "Prior period items."

IV. TEXTS OF CLEARANCE ACCOUNTS DELETED AND AMENDED

Item No. 1. Section 423.000 *Adjustments applicable to prior periods.* The number, title and text of this account are deleted.

Item No. 3. Section 423.095 *Profit and loss account.* The text of this account is amended by changing the first and second sentences as follows: "At the end of the accounting year this account shall be credited or charged, as the case may be, with the balances in all ordinary, extraordinary and prior period revenue and expense accounts, except where otherwise specifically indicated. After all entries have been made, the account shall reflect the net income for the accounting year."

V. BALANCE SHEET STATEMENT REVISED

Item No. 1. The words "amortization and" are deleted from each of the following line items in § 423.0–20.

323 Less: Reserve for amortization and depreciation.
338 Less: Reserve for amortization and depreciation.
344 Less: Reserve for amortization and depreciation.
350 Less: Reserve for amortization and depreciation.
354 Less: Reserve for amortization and depreciation.

Item No. 2. The following line item is deleted from § 423.0–20:

595 Appreciation surplus.

VI. INCOME STATEMENT AMENDED

Item No. 1. The following is added below the Income Statement caption:

ORDINARY ITEMS

Item No. 2. After 695, "Income from non-shipping operations", all line items are deleted and the following are added:

985 Expense of nonshipping operations.
Gross profit (or loss) from nonshipping operations.
985 Overhead expense.
986 Depreciation — Nonshipping property and equipment.
Total expenses.
Net profit (or loss) from nonshipping operations.
Ordinary income (or loss) before Federal income taxes.
989 Federal income taxes on ordinary income.
Ordinary income.

EXTRAORDINARY AND PRIOR PERIOD ITEMS

990 Extraordinary items (net).
994 Prior-period items (net).
998 Federal income taxes on extraordinary and prior period items.
Total extraordinary and prior period items.
Net income (or loss).

VII. MISCELLANEOUS AMENDMENTS

The list of instructions, accounts and financial statements is amended to the following extent:

(a) The following is added to the list of General Instructions:

423.0–11 Extraordinary and prior period items.

(b) The following account titles are changed as indicated:

"423.332 Reserve for amortization and depreciation; vessels" is changed to: "423.332 Reserve for depreciation; vessels."

"423.338 Reserve for amortization and depreciation; other floating equipment" is changed to: "423.338 Reserve for depreciation; other floating equipment."

"423.344 Reserve for amortization and depreciation; terminal property and equipment" is changed to: "423.344 Reserve for depreciation; terminal property and equipment."

"423.350 Reserve for amortization and depreciation; other shipping property and equipment" is changed to: "423.350 Reserve for depreciation; other shipping property and equipment."

"423.354 Reserve for amortization and depreciation; non-shipping property and equipment" is changed to: "423.354 Reserve for depreciation; non-shipping property and equipment."

(c) The following account number and title are deleted:

423.595 Appreciation surplus.

(d) Directly below Income Accounts, the caption Ordinary Items is added.

(e) The following account numbers and titles are changed as indicated:

"423.985 Expense of non-shipping operations" is redesignated 423.985.

"423.986 Depreciation; non-shipping property and equipment" is redesignated 423.986.

"423.989 Provision for Federal income taxes" is changed to:

"423.989 Federal income taxes on ordinary income."

(f) Below the line item 989, "Federal income taxes on ordinary income", the following caption and line items are added:

EXTRAORDINARY AND PRIOR PERIOD ITEMS

423.990 Extraordinary items (net).
423.994 Prior period items (net).
423.998 Federal income taxes on extraordinary and prior period items.

(g) The following line item under Clearance Accounts is deleted:

423.090 Adjustments applicable to prior periods.

[F.R. Doc. 67–8400; Filed, July 19, 1967; 8:49 a.m.]

Notices

DEPARTMENT OF STATE

Agency for International Development

ASSISTANT ADMINISTRATOR FOR PRIVATE RESOURCES

Redelegation of Authority Relating to Investment Surveys and Investment Guaranties

Pursuant to the authority delegated to me by Delegation of Authority No. 33, as amended, from the Administrator of AID, dated February 3, 1964 (29 F.R. 2430), and by Delegation of Authority No. 39, as amended, from the Administrator of AID, dated April 13, 1964 (29 F.R. 5355), I hereby redelegate authority as follows:

(1) To William G. Carter, or in his absence to Leigh M. Miller, to participate in financing surveys of investment opportunities under section 231 of the Foreign Assistance Act of 1961, as amended, and in connection therewith to make the determinations and exercise the functions provided for in the cited section;

(2) To William G. Carter in my absence to act in my place and stead with respect to exercising the authority delegated to me by the above-cited Delegations of Authority Nos. 33 and 39;

(3) To Edward D. Irons, to extend the time, provided in an investment survey, in which a decision to invest may be made;

(4) To Leigh M. Miller, and in his absence to Harry L. Freeman, in addition to the authority contingently delegated in paragraph (1), to authorize and issue investment guaranties under section 221(b)(1) of the Foreign Assistance Act of 1961, as amended, covering investments (a) which take the form of royalties or (b) which, as described in the Special Terms and Conditions of such guaranty contracts, do not exceed $1 million, and in connection therewith to make the related approvals and determinations provided in sections 221(a), 221(b), 221(c), and 222(a) of the said Act;

(5) To Laurence E. Potter, to consent to assignments of any contract of guaranty issued under section 221(b)(1) of the Foreign Assistance Act of 1961, under section 413(b)(4)(B) of the Mutual Security Act of 1954 or section 111(b)(3) of the Economic Cooperation Act of 1948, all as originally enacted and as amended, provided such assignments run to entities eligible to be issued investment guaranties under the legislation in force at the time of the assignment;

(6) To Laurence E. Potter and concurrently to the Chief, International Loan Branch, Accounting Division, to issue written notice of delinquency to any investor who has failed to pay any fee due under any contract of guaranty issued under section 221(b)(1) of the Foreign Assistance Act of 1961, under section 111(b)(3) of the Economic Cooperation Act of 1948, or under section 413(b)(4)(B) of the Mutual Security Act of 1954, all as originally enacted and as amended, and further to cancel any contract of guaranty when the investor covered thereunder has failed to pay the delinquent fee thereon within 30 days following written notice of delinquency.

The authorities herein delegated may not be redelegated. This redelegation of authority is effective as of June 4, 1967, and supersedes from that date prior redelegations of my authority.

Dated: June 30, 1967.

HERBERT SALZMAN,
Assistant Administrator for Private Resources.

[F.R. Doc. 67-8401; Filed, July 19, 1967; 8:49 a.m.]

Office of the Secretary

[Public Notice 272]

LEBANON

Removal of Restriction on Travel to, in or Through

Public Notice 270 is amended to remove the restriction on travel by U.S. citizens to, in, or through Lebanon.

Dated: July 10, 1967.

For the Secretary of State.

IDAR RIMESTAD,
Deputy Under Secretary, for Administration.

[F.R. Doc. 67-8380; Filed, July 19, 1967; 8:48 a.m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

VIRGIN ISLANDS

Reimbursable Services of Customs Officers and Employees; Rates Fixed Under Customs Overtime Laws of United States

JULY 13, 1967.

Notice is hereby given that under the authority vested in the Secretary of the Treasury by section 36 of the Act of June 22, 1936, 49 Stat. 1816 (48 U.S.C. 1406i), to fix the compensation of officers and employees appointed for the administration of the customs laws in the Virgin Islands of the United States, it is proposed to apply to such officers and employees the rates of extra compensation fixed under section 5 of the Act of February 13, 1911, as amended (19 U.S.C. 267), for services for which extra compensation would be payable under the Act or under section 451 of the Tariff Act of 1930, as amended (19 U.S.C. 1451), and the regulations thereunder, if such services were performed in connection with the administration of the customs laws of the United States. Those laws, per se, do not apply to the services of the Virgin Islands customs officers and employees. It is proposed to take administrative action to make them applicable, so that the compensation of those officers and employees will be equal to that of other customs officers and employees.

Such compensation will be required to be reimbursed by the parties in interest for any such services for which compensation is required by the customs laws of the Virgin Islands to be paid by the parties requesting the services. Section 20 of the ordinance concerning customhouse and ship dues, sanctioned by the King of Denmark on August 6, 1914, requires the requester to pay for services in connection with the entry or clearance of vessels or the transaction of other business (examination of luggage excepted) when such services are performed outside of the office hours of the customhouse or on Sundays or holidays. This designates the services for which reimbursement of compensation is required.

Although compensation for services performed exclusively in the examination of luggage is not reimbursable by parties in interest, compensation for other services will be reimbursable notwithstanding that services in the examination of luggage are performed in conjunction therewith.

The application of the rates fixed under 19 U.S.C. 267 to the Virgin Islands, customs officers and employees will be subject to the regulations, decisions, directions for assignment and control of personnel, and the accounting procedures that are applicable to customs officers and employees other than those in the Virgin Islands.

Prior to taking the action proposed in this notice, consideration will be given to any relevant data, views, or arguments which are submitted in writing to the Commissioner of Customs, Bureau of Customs, Washington, D.C. 20226, and received not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

[SEAL] TRUE DAVIS,
Assistant Secretary of the Treasury.

[F.R. Doc. 67-8387; Filed, July 19, 1967; 8:48 a.m.]

DEPARTMENT OF DEFENSE

Department of the Army

INTERAGENCY CIVIL DEFENSE COMMITTEE

Organization and Functions

References: (a) Section 401 of the Federal Civil Defense Act of 1950, as amended, as affected by Reorganization Plan No. 1 of 1958, as amended; (b) Executive Order 10952, "Assigning Civil Defense Responsibilities to the Secretary of Defense and Others," dated July 20, 1961, as amended; (c) Executive Order 10346, "Preparation by Federal Agencies of Civil Defense Emergency Plans," dated April 17, 1952, as amended; (d) Executive Order 10958, "Delegating Functions Respecting Civil Defense Stockpiles of Medical Supplies and Equipment and Food," dated August 14, 1961; (e) Executive Orders 10997–11005, 11088–11095, and 11310, Assigning Emergency Preparedness Functions to various Federal Agencies; (f) BoB Circular A–63, "Management of Interagency Committees," dated March 2, 1964.

1. *Establishment.* There is hereby established, pursuant to references (a) and (b), the Interagency Civil Defense Committee (hereinafter referred to as the Committee) to aid in assuring that civil defense planning and operations, pursuant to references (c), (d), and (e), within the executive branch will be in consonance with the civil defense plans, programs, and operations of the Secretary of Defense.

2. *Composition of the Committee.* a. The Chairman of the Committee shall be the Director of Civil Defense or his named representative.

b. All departments and agencies of the Federal Government having civil defense responsibilities under references (c), (d), and (e) are invited to be represented on the Committee.

c. The Office of Emergency Planning is being invited to participate by designating observers.

3. *Responsibilities and functions*—a. *Responsibilities.* (1) The Committee shall advise the Director of Civil Defense in carrying out his responsibilities (reference (b)) in the field of civil defense and in planning.

(2) The Chairman shall be responsible for the conduct of Committee activities, shall provide secretariat services, and shall coordinate the work of the Committee with the activities of other Government agencies and interagency groups having responsibilities in the field of emergency preparedness.

b. *Functions.* Committee functions include, but are not limited to:

(1) Promoting cooperation among Federal agencies in the prosecution of civil defense objectives.

(2) Reporting on civil defense developments at national, State, and local levels.

(3) Coordinating and correlating civil defense planning and program implementation at the Federal level.

(4) Recommending measures to assure maximum utilization of the capabilities and technical competence of the Federal establishment to provide for a more effective civil defense system at Federal, State, and local levels.

(5) Advising on policy guidance governing implementation of civil defense plans and operational procedures and on such other matters as the Chairman may request.

4. *Committee management and reports*—a. *Management.* (1) The Chairman, or his named representative, shall administer activities of the Committee in accordance with BoB Circular A–63, "Management of Interagency Committees," and applicable DoD directives.

(2) The Management Office, under the Assistant Director of Civil Defense (Management), shall be responsible for maintaining committee management files as prescribed in attachment to BoB Circular A–63.

b. *Reports.* Information on the Committee shall be included in annual reports on interagency committees, as required by BoB Circular A–63 and applicable DoD directives.

5. *Duration of Committee.* The Committee shall continue in existence until June 30, 1968, or whenever the mission is completed, whichever is earlier.

6. *Cancellation.* Notice of establishment of Interagency Civil Defense Committee published September 17, 1964 (29 F.R. 13049), is hereby canceled.

JOSEPH ROMM,
Acting Director of Civil Defense.

[F.R. Doc. 67-8341; Filed, July 19, 1967; 8:45 a.m.]

Office of the Secretary

REQUIRED PURCHASES OF STOCKPILE NATURAL RUBBER

Contracts Regarding Tires

Pending publication in Title 32 Subchapter A, Code of Federal Regulations, the following has been approved by the Assistant Secretary of Defense (Installations and Logistics) by memorandum dated June 29, 1967 to the Assistant Secretaries of the Army, Navy and Air Force and the Director of the Defense Supply Agency effective 1 July 1967:

The Department of Defense shall require Defense contractors to purchase stockpile rubber in amounts equivalent to the amounts of total rubber (natural and synthetic) contained in certain Defense supplies. This requirement necessitates revision of the current clause at 32 CFR 1.323 covering contracts for aircraft tires, tubes, recapping materials and tire recapping (unless the recapping materials are government-furnished), and contracts for aircraft under which the contractor will furnish tires or tubes. It also applies to Army purchases of tires, tubes, recapping materials, and tire recapping (unless the recapping materials are government-furnished), produced to military specifications, for use on military trucks, trailers, and buses, and to Army contracts for such vehicles under which the contractor will furnish tires or tubes produced to military specifications.

The following contract clause is designed to accomplish the revised national stockpile disposal objectives and is authorized for use pending publication of these requirements in the Code of Federal Regulations.

The poundages of crude natural rubber required to be purchased from GSA are to be calculated on the basis of the estimated total quantity of natural rubber and synthetic rubber, if any, contained in the items to be delivered. The requirements for documentation to be supplied the General Services Administration are unchanged.

The revised clause should be included in all affected contracts for which solicitations for bids or proposals are issued after June 30, 1967.

PURCHASE OF NATURAL RUBBER (JULY 1967)

(a) Except as provided in paragraph (b) below, the Contractor shall purchase from the General Services Administration, either directly or through a dealer, or otherwise cause to be purchased, during the life of this contract _____[1] pounds of crude natural rubber. Each order for rubber placed with the General Services Administration pursuant to this clause shall state that it has been placed in accordance with the provisions of this clause, shall identify this contract by number and the name of the issuing activity and shall be sent to:

Manager, Rubber Project, General Services Administration, Room 6042, GSA Building, 18th and F Streets NW., Washington, D.C. 20025.

Rubber purchased pursuant to this clause may be used in any manner the Contractor desires and need not be earmarked in any way after delivery to the Contractor, nor physically incorporated in the items to be delivered, provided the specifications are met.

(b) To the extent the Contractor places subcontracts for tires, tubes, tire recapping, or recapping materials under this contract, he is not required to purchase rubber from the General Services Administration. However, he agrees to incorporate in any such subcontract the same terms and conditions set forth in this clause including this paragraph (b), specifying approximate quantity of rubber (natural and synthetic) contained in the tires, tubes, tire recapping, or recapping materials to be delivered under the subcontract. The Contractor shall forward one copy of each such subcontract, referencing the prime contract number and the issuing activity, to the General Services Administration at the above address.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[F.R. Doc. 67-8365; Filed, July 19, 1967; 8:47 a.m.]

[1] Contracting officer shall insert approximate quantity of rubber (natural and synthetic) contained in the tires, tubes, tire recapping, or recapping materials to be delivered under this contract.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

DEPUTY ASSISTANT SECRETARY FOR MARKETING AND CONSUMER SERVICES

Delegation of Authority

Pursuant to section 10 of the Statement of Organization and Delegations of the Department of Agriculture at 29 F.R. 16210 et seq., as amended, delegating to each Assistant Secretary of Agriculture the authority to exercise all the power and functions of the Secretary in connection with the functions of the agencies assigned to each Assistant Secretary's direction and supervision, and section 111 a. (2) of the Statement of Organization and Delegations, there is hereby delegated to the Deputy Assistant Secretary for Marketing and Consumer Services the authority to issue, amend, terminate, or suspend marketing agreements or orders, or provisions thereof.

This delegation does not preclude the Secretary of Agriculture, the Under Secretary, or the Assistant Secretary for Marketing and Consumer Services from exercising these functions.

Done at Washington, D.C. this 17th day of July 1967.

GEORGE L. MEHREN,
Assistant Secretary of Agriculture, Marketing and Consumer Services.

[F.R. Doc. 67-8383; Filed, July 19, 1967; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-27]

WASHINGTON STATE UNIVERSITY

Notice of Issuance of Amended Facility License

No request for hearing or petition to intervene having been filed following publication of the notice of proposed action in the FEDERAL REGISTER May 13, 1967, 32 F.R. 7225, the Atomic Energy Commission has issued Amendment No. 3 to License No. R-76 to Washington State University. The amended license authorizes the University to operate the Washington State University Reactor, located on the campus at Pullman, Washington, at power levels up to 1000 kilowatts (thermal) with the modified core and control system installed in accordance with Construction Permit No. CPRR-96.

The amended facility license was issued in the form published in the notice of proposed action.

Dated at Bethesda, Md., this 12th day of July 1967.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[F.R. Doc. 67-8336; Filed, July 19, 1967; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. Nevada 067366]

NEVADA

Notice of Public Sale

JUNE 12, 1967.

Under the provisions of the Public Land Sale Act of September 19, 1964 (78 Stat. 988, 43 U.S.C. 1421-1427), 43 CFR Subpart 2243, tracts of land will be offered for sale to the highest bidder, but at not less than the appraised value plus the publication costs, at a public sale to be held at 1:30 p.m., local time, on Wednesday, September 6, 1967, at the Nevada Land Office, Bureau of Land Management, Room 3104, Federal Building, 300 Booth Street, Reno, Nev. The land to be offered for sale is described as follows:

MOUNT DIABLO MERIDIAN, NEVADA

T. 15 N., R. 25 E.,
Parcel 1, Sec. 19, W½SE¼ (80 acres);
Parcel 2, Sec. 19, NE¼, SE¼NW¼ (200 acres).

The area described contains 280 acres. The appraised value of Parcel 1 is $1,200 and Parcel 2 is $5,000. The publication costs to be assessed purchasers of each parcel are $10.

The land will be sold subject to all valid existing rights and reservations for rights-of-way. Reservation will be made to the United States for ditches and canals in accordance with the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945). All mineral rights are to be reserved to the United States and withdrawn from appropriation under the public land laws, including the general mining laws.

Bids may be made by the principal or his agent, either personally at the sale, or by mail. Bids must be for all the lands in the parcel. Bids sent by mail will be considered only if received at the Nevada Land Office, Bureau of Land Management, Room 3008 Federal Building, 300 Booth Street, Reno, Nev. 89502, prior to 1:30 p.m., on Wednesday, September 6, 1967. Bids made prior to the public auction must be submitted in sealed envelopes, accompanied by certified checks, postal money orders, bank drafts, or cashier's checks, made payable to the Bureau of Land Management, for the full amount of the bid, which may not be less than the appraised value plus the publication costs. The envelopes must be marked in the lower left-hand corner "Publication Sale Bid, Parcels No. ———, sale held September 6, 1967."

The authorized officer shall publicly declare the highest qualifying sealed bid received. Oral bids shall then be invited in increments specified by the authorized officer. The person declared to have entered the highest qualifying bid shall be required to make full payment for the tract plus the cost of publication at the close of bidding. The authorized officer shall also afford the successful oral bidder until 3:30 p.m., September 6, 1967, to provide a guaranteed remittance.

If no bids are received for the sale parcels on Wednesday, September 6, 1967, the parcels will be reoffered on the first Wednesday of subsequent months at 2 p.m., beginning October 4, 1967, 2 p.m.

Any adverse claimants to the above-described land should file their claims, or objections, with the undersigned on or before the time designated for sale.

The lands described in this notice have been segregated from all forms of appropriation, including locations under the general mining laws, except for sale under this Act, from the date of the proposed classification decision. Inquiries concerning this sale shall be addressed to the Land Office Manager, Bureau of Land Management, Room 3008, Federal Building, 300 Booth Street, Reno, Nev. 89502.

ROBERT T. WEBB,
Acting Manager, Nevada Land Office.

[F.R. Doc. 67-8368; Filed, July 19, 1967; 8:47 a.m.]

[Serial No. N-896]

NEVADA

Notice of Public Sale

JULY 13, 1967.

Under the provisions of the Public Land Sale Act of September 19, 1964 (78 Stat. 988, 43 U.S.C. 1421-1427), 43 CFR Subpart 2243, a tract of land will be offered for sale to the highest bidder at a sale to be held at 1:30 p.m., local time, on Wednesday, August 30, 1967, at the Nevada Land Office, Bureau of Land Management, Room 3104, Federal Building, 300 Booth Street, Reno, Nev. The land is described as follows:

MOUNT DIABLO MERIDIAN, NEVADA

T. 19 N., R. 21 E.,
Sec. 10, SW¼SW¼SW¼SW¼.

The area described contains 2.5 acres. The appraised value of the tract is $750 and the publication costs to be assessed are $10.

The land will be sold subject to all valid existing rights. Reservations will be made to the United States for ditches and canals in accordance with the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945). All minerals are to be reserved to the United States and withdrawn from appropriation under the public land laws, including the general mining laws.

Bids may be made by the principal or his agent, either at the sale, or by mail. Bids must be for all the lands in the parcel. Bids sent by mail will be considered only if received at the Nevada Land Office, Bureau of Land Management, Room 3008 Federal Building, Reno, Nev. 89502, prior to 1:30 p.m. on Wednesday, August 30, 1967. Bids made prior to the public auction must be in sealed envelopes, accompanied by certified checks, postal money orders, bank drafts, or cashier's checks, made payable to the Bureau of Land Management, for the full amount of the bid, which may not be less than the appraised value, plus publication costs. The envelopes must be marked in the lower left-hand corner "Publication Sale Bid, Parcel No. 1, sale held August 30, 1967."

The authorized officer shall publicly declare the highest qualifying sealed bid received. Oral bids shall then be invited in increments specified by the authorized officer. The person declared to have entered the highest qualifying bid shall be required to make full payment for the tract plus the cost of publication at the close of bidding. The authorized officer shall also afford the successful oral bidder until 3:30 p.m., September 6, 1967, to provide a guaranteed remittance.

If no bids are received for the sale tract on Wednesday, August 30, 1967, the tract will be reoffered on the first Wednesday of subsequent months at 2 p.m., beginning September 6, 1967, 2 p.m.

Any adverse claimants to the above-described lands should file their claims, or objections, with the undersigned before the time designated for sale.

The lands described in this notice have been segregated from all forms of appropriation, including locations under the general mining laws, except for sale under this Act, from the date of the proposed classification decision. Inquiries concerning this sale shall be addressed to the Land Office Manager, Bureau of Land Management, Room 3008, Federal Building, 300 Booth Street, Reno, Nev. 89502.

ROBERT T. WEBB,
Acting Manager, Nevada Land Office.

[F.R. Doc. 67-8369; Filed, July 19, 1967; 8:47 a.m.]

[OR 2017]

OREGON

Notice of Proposed Withdrawal and Reservation of Land

JULY 13, 1967.

The Department of Agriculture, on behalf of the Forest Service, has filed application, OR 2017, for the withdrawal of the land described below, from all forms of appropriation, subject to valid existing rights.

The applicant desires the land as a part of the Forest Development Road System in connection with the administration of the Umatilla National Forest.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 729 NE. Oregon Street (Post Office Box 2965), Portland, Oreg. 97208.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the land for purposes other than the applicant's, to eliminate land needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the land and its resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the land will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The land involved in the application is:

WILLAMETTE MERIDIAN

NORTH FORK JOHN DAY ROAD S-608

T. 6 S., R. 31 E.,
Sec. 36, S½SW¼ and SE¼.

A strip of land 66 feet in width, being 33 feet on each side of the center line of North Fork John Day Road S-608 in and through the above subdivision.

The area described aggregates 9.0 acres.

ERLING A. OLSON,
Chief, Lands Adjudication Section.

[F.R. Doc. 67-8370; Filed, July 19, 1967; 8:47 a.m.]

[OR 2031]

OREGON

Notice of Proposed Withdrawal and Reservation of Land

JULY 14, 1967.

The Department of Agriculture, on behalf of the Forest Service, has filed an application, Serial Number OR 2031, for the withdrawal of the public lands described below, from all forms of appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws.

The applicant desires the land as an administrative and public-service access area to Fairview Mountain Lookout in connection with the administration of the Umpqua National Forest.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 729 NE. Oregon Street (Post Office Box 2965), Portland, Oreg. 97208.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the land for purposes other than the applicant's, to eliminate land needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the land and its resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the land will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The land involved in the application is:

WILLAMETTE MERIDIAN

UMPQUA NATIONAL FOREST

Fairview Mountain Lookout Tract A

T. 23 S., R. 1 E.,
Sec. 14, a parcel within lot 6, described as follows:
A strip of land 50' wide, 20' each side of a center line described as commencing at ¼ corner common to secs. 11 and 14;
thence S. 64°24' W. 967.13' more or less;
thence N. 51°10' E. 89.80';
thence through a 4° curve to right whose total central angle is 5°02' and length is 125.80' an applicable distance of 106.19' to a point on E. line of patented Mining Claim Charles, which point is true point of beginning;
thence continuing along said 4° curve to right for a distance of 19.61';
thence N. 86°12' E. 87.70';
thence through a 2° curve to left whose total central angle is 3°32' and length is 176.70' an applicable distance of 104.46' to a point on S. line of patented Mining Claim German, the sidelines being lengthened or shortened to intersect said E. and S. lines of said claims.

The area described aggregates 0.22 acre.

ERLING A. OLSON,
Chief, Lands Adjudication Section.

[F.R. Doc. 67-8371; Filed, July 19, 1967; 8:47 a.m.]

[OR 2018 (Wash.)]

WASHINGTON

Notice of Proposed Withdrawal and Reservation of Land

JULY 13, 1967.

The Corps of Engineers, U.S. Department of the Army, has filed an application, Serial Number OR 2018 (Washington), for the withdrawal of the public lands described below, from all forms of appropriation under the public land laws, including the mining laws and the mineral leasing laws.

The applicant desires to use the land for project planning and as a wildlife management area in connection with the John Day Lock and Dam Project.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with

the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 729 NE. Oregon Street (Post Office Box 2965), Portland, Oreg. 97208.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the land for purposes other than the applicant's, to eliminate land needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the land and its resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the land will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The land involved in the application is:

WILLAMETTE MERIDIAN

T. 5 N., R. 26 E.,
Sec. 12, NW¼NW¼.

The land described aggregates 40 acres.

ERLING A. OLSON,
Chief, Lands Adjudication Section.

[F.R. Doc. 67-8372; Filed, July 19, 1967; 8:47 a.m.]

Office of the Secretary

CENTRAL AND FIELD ORGANIZATION

This notice is published in accordance with the provisions of subsection (a)(1) of section 552, Title 5, United States Code, as amended by Public Law 90-23 codifying the "Public Information Act." The notice contains a description of the central and field organization of the Department of the Interior and lists places at which the public may obtain information, including information regarding the making of submittals or requests and the functions of the various bureaus and offices of the Department. More specific information with respect to the course and method by which functions are performed, procedures, and substantive provisions are contained in the public regulations of the Department. Section 1 of this notice indicates the location of those which appear in the Code of Federal Regulations.

Internal departmental regulations are published in the Departmental Manual which is available for inspection in the Department's Library, Interior Building, Washington, D.C., and at each of the headquarters or regional offices of bureaus of the Department. The administrative manuals of those bureaus which have issued such documents are available for inspection at the headquarters offices and at the regional offices of the bureaus.

GEORGE E. ROBINSON,
Deputy Assistant Secretary for Administration.

JULY 14, 1967.

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SECTION 1. *Public Regulations.*

Subject	Citation to the Code of Federal Regulations
Procurement	41 CFR Chapter 14.
Office of the Secretary, Dept. General.	43 CFR Subtitle A.
Oil Import Administration.	32A CFR Chapter X.
Oil Import Appeals Board.	32A CFR Chapter XI.
Office of Water Resources Research.	18 CFR Chapter IV.
Bureau of Commercial Fisheries.	50 CFR Chapter II.
Bureau of Sport Fisheries & Wildlife.	50 CFR Chapter I.
National Park Service.	36 CFR Chapter I.
Bureau of Mines.	30 CFR Chapter I. 32 CFR Chapter XIII.
Geological Survey.	30 CFR Chapter II.
Bureau of Indian Affairs.	25 CFR Chapter I.
Bureau of Land Management.	43 CFR Chapter II.
Federal Water Pollution Control Admin.	18 CFR Chapter V.
Bureau of Reclamation.	43 CFR Chapter I.

SEC. 2. *Organization—Office of the Secretary.* The Office of the Secretary performs both line and staff functions in the overall management of the Department. The Secretarial officers and the Solicitor exercise line authority in their respective fields of responsibility. This means that in these fields they have the authority to make final decisions affecting bureaus and offices and to issue directions to them. The Secretarial offices advise and provide staff assistance to these officials.

2.1 *Secretary.* The Secretary of the Interior, as the head of an executive department, reports directly to the President and is responsible for the direction and supervision of all activities of the Department. He also has certain powers or supervisory responsibilities relating to territorial governments.

2.2 *Under Secretary.* The Under Secretary assists the Secretary in the discharge of his duties and in the absence of the latter performs his functions. With the exception of certain matters requiring personal action by the Secretary, the Under Secretary has the full authority of the Secretary on any matter which comes before him.

2.10 *Assistant Secretary for Fish and Wildlife and Parks.* The Assistant Secretary for Fish and Wildlife and Parks discharges the duties of the Secretary with respect to the development, conservation, and utilization of the fish, wildlife, and the national park resources of the Nation. The Assistant Secretary exercises Secretarial direction and supervision over the Commissioner of Fish and Wildlife and the Bureaus of Commercial Fisheries and Sport Fisheries and Wildlife, which comprise the U.S. Fish and Wildlife Service, and over the National Park Service.

2.11 *Assistant Secretary—Mineral Resources.* The Assistant Secretary—Mineral Resources discharges the duties of the Secretary with respect to the development and utilization of minerals and fuels, including defense minerals activities. The Assistant Secretary exercises Secretarial direction and supervision over the Office of Geography, Office of Minerals and Solid Fuels, Office of Oil and Gas, Office of Coal Research, Oil Import Administration, Bureau of Mines, and Geological Survey.

2.12 *Assistant Secretary—Public Land Management.* The Assistant Secretary—Public Land Management discharges the duties of the Secretary with respect to outdoor recreation, land utilization and management, territorial affairs, and Indian affairs. The Assistant Secretary exercises Secretarial direction and supervision over the Bureau of Indian Affairs, Bureau of Land Management, Bureau of Outdoor Recreation, and the Office of Territories.

2.13 *Assistant Secretary—Water and Power Development.* The Assistant Secretary—Water and Power Development discharges the duties of the Secretary with respect to the development of water resources and power. The Assistant Secretary exercises Secretarial direction and supervision over the Bureau of Reclamation, Bonneville Power Administration, Southeastern Power Administration, the Southwestern Power Administration, and the Alaska Power Administration. He is also responsible for carrying out the national defense functions of the Secretary with respect to electric power.

2.14 *Assistant Secretary—Water Pollution Control.* The Assistant Secretary—Water Pollution Control discharges the duties of the Secretary with respect to the control, prevention, and abatement of water pollution. The Assistant Secretary exercises Secretarial direction and supervision over the Federal Water Pollution Control Administration and the Office of Saline Water.

2.15 *Assistant Secretary for Administration.* The Assistant Secretary for Administration discharges the duties of the Secretary with respect to all phases of administrative management including budget, finance, compliance, management research, personnel, procurement, property, audit, management operations, security, emergency preparedness, library services, automatic data processing, and related activities. Secretarial offices and divisions appropriately identified with these functions are under his supervision. The Assistant Secretary for Administration provides central coordination of the Department's emergency preparedness activities and exercises Secretarial direction and supervision over the administrative management aspects of the program.

2.16 *Solicitor.* The Solicitor is the principal legal adviser to the Secretary and the chief law officer of the Department. He is responsible for and has supervision over all legal work of the Department.

2.20 *Office of the Science Adviser.* The Science Adviser to the Secretary serves as staff adviser to the Secretary and assists in carrying out the Secretary's responsibilities for the policy direction, coordination, control, and administration of the scientific research activities and programs within the bureaus and offices of the Department.

2.21 *Office of Ecology.* The Office of Ecology was created in January of 1967 to serve as the Departmental focal point for ecology and environmental quality considerations and to provide for support and direction of ecological surveys and research. The Director of the Office of Ecology serves as the Secretary's Adviser on Environmental Quality and reports to the Secretary through the Office of the Science Adviser.

2.22 *Office of Information.* The Office of Information exercises technical and general functional supervision over all information activities of the Department. The Office of Information, Northwest Regional Office, located in Portland, Oreg., assists and directs the information programs of bureaus which conduct operations in that area.

2.23 *Program Support Staff.* The Program Support Staff is a small professional group providing assistance to the Secretary and Under Secretary on a broad range of problems. The Staff has a continuing concern with the formulation, revision, or discontinuance of departmental policies and with problems of departmental posture on emerging issues. Members of the Staff are available for "troubleshooting" assignments and studies of controversial problems which must be dealt with at the Secretarial level.

The Staff coordinates special programs and certain continuing activities which involve the interests of one or more bureaus of the Department. Members are also designated as the Secretary's representatives on certain interagency committees and task forces.

The Director and Assistant Director exercise general supervision over the Department's Regional Coordinators. The Regional Coordinators chair the Department's field committees and coordinate matters of program and policy in the field where more than one bureau interest is involved. As Department representatives on various interagency river basin committees, and on Federal-State river basin commissions authorized by the Water Resources Planning Act of 1965, the Regional Coordinators devote substantial time to comprehensive river basin planning.

REGIONAL COORDINATORS—PROGRAM SUPPORT STAFF

Region	Headquarters
Alaska	709 W. Ninth St., Juneau, Alaska 99801.
Missouri Basin	P.O. Box 2580, Billings, Mont. 59103.
North Central Ohio River-Appalachian Sub-Area Upper Mississippi - Western Great Lakes Sub-Area.	Federal Office Bldg., Cincinnati, Ohio 45202. 303 Price Place, Madison, Wis. 53705.
Northeast	John F. Kennedy Federal Bldg., Boston Mass. 02203.
Pacific Northwest	1002 NE. Holladay St., Portland, Oreg. 97208.
Pacific Southwest	P.O. Box 36098, San Francisco, Calif. 94102.
Southwest	Federal Bldg., Muskogee, Okla. 74402.
Southeast	c/o Southeastern Power Admin., Elberton, Ga. 30635.

2.24 *Contract Appeals Board.* The Board of Contract Appeals, in the Office of the Secretary, exercises the authority of the Secretary provided in R.S. 161 (5 U.S.C. 22) in deciding appeals from findings of fact or decisions by contracting officers of any bureau or office of the Department.

2.25 *Office of Program Analysis.* The Office or Program Analysis was established in December 1965 to exercise those duties required to meet the Department's responsibility to develop a Planning-Programing-Budgeting System as required by Bureau of the Budget Bulletin No. 66-3, of October 1965.

2.26 *Office for Equal Opportunity.* The Office for Equal Opportunity was created in September 1965 to oversee, coordinate, and obtain compliance with titles VI and VII of the Civil Rights Act of 1964 (78 Stat. 241), related statutes, and applicable Executive orders. The Office establishes the policies required to meet the responsibilities of the Office of the Secretary for the Department of the Interior's programs, develops and administers procedures and regulations to carry out these policies, and oversees the Department's activities to insure compliance with these policies and procedures.

SEC. 3 *Other Departmental Offices.* The phrase "other Departmental offices" is used to identify collectively the following described offices that are neither a part of the Office of the Secretary nor a bureau of the Department.

3.1 *Office of the Solicitor.* The Office of the Solicitor performs all legal work for the entire Department. In addition to the legal work directly concerned with the programs and activities of the Department, the Office of the Solicitor handles matters relating to torts and other claims, inventions by personnel of the Department, and appeals to the Secretary of the Interior in public land proceedings and Indian probate matters. The Solicitor is assisted by a Deputy Solicitor, Legislative Counsel, seven Associate Solicitors (whose respective assignments cover Indian affairs; mineral resources and general legal services; reclamation and power; territories, wildlife and claims; parks and recreation; public lands; and water resources and procurement), and a staff of attorneys in Washington. In the field, eight Regional Solicitors supervise field solicitors, attorneys, and hearing examiners within their respective regions.

REGIONAL OFFICES—OFFICE OF THE SOLICITOR

Office	Address
Anchorage, Alaska 99501.	Federal Bldg.
Denver, Colo. 80225.	Denver Federal Center.
Los Angeles, Calif. 90012.	Federal Bldg.
Philadelphia, Pa. 19106.	Second Bank Bldg.
Portland, Oreg. 97208.	Federal Bldg.
Sacramento, Calif. 95821.	Interior Bldg.
Salt Lake City, Utah 84111.	Federal Bldg.
Tulsa, Okla. 74101.	U.S. Post Office and Federal Bldg.

3.2 *Office of Geography.* The Office of Geography performs those operational responsibilities of the Secretary of the Interior relating to foreign geographic names (names of places not in the United States, its territories, or the Commonwealth of Puerto Rico, or adjacent waters). The Secretary of the Interior, conjointly with the Board on Geographic Names, has the responsibility for standardizing geographic names for use on maps and in other publications of the Federal Government. The Director of the Office of Geography is ex officio Executive Secretary of the Board on Geographic Names for foreign geographic names. (Similar work related to domestic geographic names is performed by the Geological Survey, Topographic Division.)

3.3 *Office of Minerals and Solid Fuels.* The Office is responsible for planning and programing to provide for a supply of metals, minerals, and solid fuels adequate for essential civilian and military requirements under partial and full mobilization. It also assists the States in planning for the emergency management of solid fuels in coordination with efforts at the national level.

Advice and assistance are provided by the Office for the Department in the establishment and review of stockpile policies, including the development of stockpile objectives for individual strategic and critical materials, the organization of programs to dispose of surplus Government inventories of metals and minerals, and the acquisition of metals and minerals under the Agricultural Trade Development and Assistance Act and other authorities.

3.4 *Office of Oil and Gas.* The Office develops, evaluates, and coordinates oil and gas information to provide sound bases for establishment and implementation of Government policies and programs for oil and gas, provides information and service to Government agencies with respect to strategic and economic factors affecting the petroleum and gas industries both in the United States and abroad, recommends programs and policies to improve the position and capabilities of these domestic industries, and provides advice with respect to international policies affecting petroleum and gas.

The Office prepares national emergency plans and develops preparedness programs to provide a state of readiness in petroleum and gas for all conditions of national emergency in collaboration with other Federal agencies, State and local governments, and industry; provides for a standby Emergency Petroleum and Gas Administration (EPGA); and selects and trains executive reservists to staff EPGA. The Office of Oil and Gas would serve as the nucleus of EPGA in an emergency. The Office also participates with other Federal agencies in petroleum activities of international organizations and U.S. alliances in planning and testing programs designed to meet U.S. and allied emergency oil and gas requirements.

3.5 *Office of Saline Water.* The Office of Saline Water provides for research and development of practical means for the economical production, from sea or other saline water, of water suitable for agricultural, industrial, municipal, and other beneficial consumptive uses.

The program is conducted by means of research grants to, and contracts made with, chemists, physicists, engineers, educational institutions, scientific organizations, or industrial or engineering firms, to conduct research and technical development work. The Office performs the following specific functions:

Research: Formulates and maintains currently a productive research and development program, national and international in scope, for the economic conversion of saline water by stimulating and sponsoring private and governmental research; studies the needs of industry and municipalities for saline water conversion, and the quality and quantities of converted water required; plans research and development activities to meet these needs; and conducts economic studies of the comparative cost of natural fresh water with that converted from saline sources.

Coordination: Coordinates and exchanges information on saline water conversion research, private and governmental; prepares publicity and information on the subject; plans and manages meetings and symposia; coordinates and integrates results of its activities with private organizations and with the Department of Defense, National Science Foundation, Atomic Energy Commission, Smithsonian Institution, Office of Emergency Planning, Department of Agriculture, Department of State, and the Department of Commerce.

Contracts and grants: Prepares negotiates, and supervises research and development contracts and grants; and determines which scientific organizations and individuals are equipped to conduct research and development work, which processes should be emphasized or curtailed and the direction that each should take, in connection with (1) investigation of new theories, principles, and phenomena of an exploratory nature embracing any field of science of potential use in applying developments, but without regard to the economics and processes; and (2) applied research and development of practical applications in production of devices, systems, materials, and processes, including pilot plants, cost estimates, designs, and product engineering, with complete regard for all economic factors.

The Office of Saline Water now operates a research and development test station at Wrightsville Beach, N.C., and a west coast test center has been established at San Diego, Calif., for testing of modules and components of large plants. Three demonstration saline water conversion plants are in operation: (1) Long tube vertical multiple effect at Freeport, Tex., 1 million gallons per day; (2) electrodialysis at Webster, S. Dak., 250,000 gallons per day; (3) forced-circulation, vapor-compression at Roswell, N. Mex., 1 million gallons per day.

3.6 *Oil Import Administration.* The Oil Import Administration discharges the responsibilities imposed upon the Secretary of the Interior by Presidential Proclamation 3279 of March 10, 1959, as amended, "Adjusting Imports of Petroleum and Petroleum Products Into the United States." This proclamation, in the interests of national security, imposes restrictions upon the importation of crude oil, unfinished petroleum oils, finished petroleum products, and residual fuel oil to be used as fuel. The Administration allocates imports of these commodities among qualified applicants and issues import licenses on the basis of such allocations. These functions are carried on with respect to three areas: Alaska, Arizona, California, Hawaii, Nevada, Oregon, and Washington (District V); the District of Columbia and all States not listed above (Districts I-IV); and Puerto Rico.

3.7 *Oil Import Appeals Board.* The Oil Import Appeals Board was established by the Secretary of the Interior pursuant to authorization contained in Proclamation 3279 of March 10, 1959, as amended, "Adjusting Imports of Petroleum and Petroleum Products Into the United States." The membership of the Board consists of one representative each from the Interior, Commerce, and Defense Departments, designated by the respective Department heads.

The Board considers petitions by persons affected by the regulations issued by the Secretary of the Interior (Oil Import Regulation 1, as revised and amended), implementing the proclamation.

The Board is authorized, within specified limits, to modify any allocation granted by the Oil Import Administration, on the grounds of exceptional hardship or error; to grant allocations for crude oil, in special circumstances, to persons with importing histories who are ineligible for allocations under the regulations; to grant allocations for finished products, on the ground of exceptional hardship, to persons who do not qualify under the regulations; and to review the revocation or suspension of any allocation or license. Decisions of the Board are final decisions.

3.8 *Office of Coal Research.* The Office of Coal Research performs functions authorized by the act of July 7, 1960 (74 Stat. 336; 30 U.S.C. 661), to develop, through research, new and more efficient methods of mining, preparing, and utilizing coal. This objective is carried out by contracting for, sponsoring, cosponsoring, and promoting the coordination of, research with recognized interested groups, including, but not limited to, coal trade associations, coal research associations, educational institutions, agencies of States, political subdivisions of States, and other agencies of the Federal Government.

The act also authorizes the Secretary to undertake any project that seeks to determine the possibility of commercial utilization of the results of previous research. If a pilot plant or other experimental plant is the appropriate means for attaining the information desired, the Secretary has authority to contract for its construction and operation and to provide a site, by the purchase of land if required.

3.9 *Defense Electric Power Administration.* The Defense Electric Power Administration is responsible for the preparation of national emergency plans and developments of preparedness programs covering the electric power industry as set forth in Executive Order 10997 of February 16, 1962.

The Administration serves as the focal point of contact with the electric power industry for other Government agencies in the preparation of civil defense preparedness plans, State and local government civil defense plans, vulnerability studies and allied activities. It maintains continuing surveillance of the generating and transmission capabilities of the electric power industry.

3.10 *Office of Water Resources Research.* The Office of Water Resources Research administers the program of water resources research and training authorized by act of July 17, 1964 (78 Stat. 329; 42 U.S.C. 1961). The program provides for promotion and support of research programs and training in the study of water supply and of resources which affect water.

3.11 *Office of Job Corps Coordination.* The Office coordinates the activities and operations of the Department's organizational units which participate in the operation of Job Corps Conservation Centers. The Office ensures the adequate planning and scheduling of operations, formulates the budget for the program, establishes objectives, reviews progress, provides guidance and direction in administrative matters, and serves as the Department's liaison to the Office of Economic Opportunity for Job Corps Conservation Centers.

The Office consists of a headquarters organization in Washington, D.C., a field organization including the Conservation Centers and the following sone offices:

Building 53, Denver Federal Center, Denver, Colo. 80225.
2328 Lloyd Center, Portland, Oreg. 97232.

SEC. 4. *Bureaus.*

4.1 *U.S. Fish and Wildlife Service.* Creation and authority: The U.S. Fish and Wildlife Service was created in the Department of the Interior November 6, 1956. As provided by the Fish and Wildlife Act of 1956 (70 Stat. 1119; 16 U.S.C. 742b), which established the Service, it replaced the former Fish and Wildlife Service, established June 30, 1940, by Reorganization Plan III. The Service is composed of the Office of the Commissioner and two bureaus: a Bureau of Commercial Fisheries responsible for commercial fisheries, including whales, seals, and sea lions; and a Bureau of Sport Fisheries and Wildlife responsible for wild birds, mammals (except whales, seals, and sea lions), and sport fisheries.

The functions of the Service are administered under the supervision of the Commissioner of Fish and Wildlife.

4.2 *Bureau of Commercial Fisheries.* Objectives: (1) to increase and maintain for the people of the United States, a fishery resource capable of yielding the maximum annual product; (2) to strengthen and maintain a vigorous fishery industry; and (3) to perform these functions in partnership with the States, and in accordance with our international obligations and relations.

Organization: The Bureau of Commercial Fisheries consists of the following principal segments: the headquarters office at Washington, D.C., six regional offices, an area office, and field laboratories, research stations, and statistics and market news offices.

Activities: Marine Fisheries: The Bureau conducts biological research on commercially important species of fish, shellfish, and mammals off all coasts of the United States, in the high seas, and in waters adjacent to territories and possessions. This includes the collection of information on the size of the resources, rates of decline or increase, and reaction to various intensities of fishing as a basis for management by the States or by international commissions.

Inland Fisheries: Programs for the maintenance of inland fisheries are designed to discover and recommend measures for developing the fisheries of the Great Lakes and other inland waters, and promoting the conservation and management of Commercial fishery resources.

Services for Commercial Fisheries: The following services are provided to aid commercial fisheries:

Information. The conduct of a market news service for the collection and publication of current domestic and foreign market information on fishery commodities; conduct of surveys to collect, analyze, and disseminate statistics on the production, prices, processing, storage, and marketing of fishery products; and collection and dissemination of data on foreign fisheries.

Economic and Technical Research. The exploration of fishing grounds and study of fishing operations to determine the character, extent, and availability of resources and to devise, test, and demonstrate the most effective gear and vessel types; provision of a market development service to encourage the flow of domestic fishery products in commerce; and the undertaking of economic research on costs, employment, labor, and prices in the fishing industry.

Federal Aid to States. A cooperative program with the States in the research and development of the commercial fisheries resources of the Nation. Projects proposed by the States and coordinated with programs of other States and the Federal Government are financed on a matching fund basis. Assistance is rendered to States suffering from commercial fishery failures due to resource disasters arising from natural or undetermined causes.

Product Quality Research. The conduct of investigations to improve and develop methods for handling, processing, preserving, storing, and transporting fishery products and byproducts and otherwise assisting the fishing industry in problems of production and distribution; development of voluntary U.S. quality standards for fishery products and the performance of industry financed inspection services to determine adherence to the standards; and study of the composition, properties, and nutritive value of fishery products and byproducts and the development and improvement of fish cookery methods for Federal and State institutions and the U.S. consumer.

Loans and Grants. The administration of a fisheries loan fund for financing and refinancing the cost of purchasing, constructing, equipping, maintaining, repairing, or operating commercial fishing vessels or gear; administration of a fishing vessel mortgage insurance program which provides for the insurance of loans and mortgages made in connection with the construction, reconstruction, or reconditioning of fishing vessels; and administration of the payment of construction differential subsidies for the construction of commercial fishing vessels.

Cooperatives. The collection of data on the activities of fishery cooperatives to assure their conformity with the provisions of the Fishery Cooperative Marketing Act.

Training. The provision of assistance, in cooperation with the Departments of Labor and Health, Education, and Welfare, in the development of vocational training for the benefit of the fisheries industry.

International Agreements and Fur-Sealing: The Bureau is responsible for the conduct of activities relating to international agreements affecting fishery resources, including the Northwest Atlantic Fisheries Convention, the Shrimp Conservation Convention with Cuba, the Whaling Convention, the Sockeye Salmon Fishery Convention, the Northern Pacific Halibut Convention, the Inter-American Tropical Tuna Convention, the Fur-Seal Convention, and their implementing statutes. The Bureau is also responsible for activities relating to whales, certain other sea mammals, including the fur-sealing operation and activities relating to the administration of the Pribilof Islands and their native population, and the administration and enforcement of laws and regulations relating to international agreements.

Information: Requests for information may be addressed to the Bureau of Commercial Fisheries, Department of the Interior, Washington, D.C. 20240; or any one of the Bureau of Commercial Fisheries Regional or Area Offices.

REGIONAL AND AREA OFFICES—BUREAU OF COMMERCIAL FISHERIES

Region or area	Headquarters
1. Pacific	Arcade Bldg., Seattle, Wash. 98101.
2. Gulf and South Atlantic.	Box 6245, St. Petersburg Beach, Fla. 33736.
3. North Atlantic	Federal Bldg., Gloucester, Mass. 01930.
4. Great Lakes and Central.	5 Research Dr., Ann Arbor, Mich. 48108.
5. Alaska	Federal Bldg., Juneau, Alaska 99801.
6. Pacific Southwest.	101 Seaside Ave., Terminal Island, Calif. 90731.
Hawaii area	2570 Dole St., Honolulu, Hawaii 96812.

4.3 *Bureau of Sport Fisheries and Wildlife.* Objectives: To insure the conservation of the Nation's wild birds, mammals, and sport fish, both for their recreational and economic values, and to prevent their destruction or depletion while still encouraging the maximum possible present use of the Nation's fish and wildlife resources.

Organization: The Bureau of Sport Fisheries and Wildlife consists of a headquarters office at Washington, D.C., five regional offices, and wildlife refuges, fish hatcheries, research laboratories, and other offices located throughout the United States.

Activities: Migratory Birds: The Bureau is responsible for the conservation of migratory bird resources pursuant to the Migratory Bird Treaty Act, other Federal acts, and treaties with the Governments of Canada and Mexico. Research is conducted on the histories, habits, distribution, and diseases of the species, and serves as a basis for management. Annual studies are made of breeding ground conditions, hunter kills, and the relative abundance of birds in cooperation with the States and the Governments of Canada and Mexico. The studies serve as the basis for promulgating Federal hunting regulations which are administered by the Bureau in cooperation with the States. Coordinated flyway management plans are developed in cooperation with State flyway councils, and take into account all factors affecting the resource, including the need for nesting, resting, and wintering sanctuaries.

Sport Fisheries: A system of over 100 fish hatcheries is operated for the propagation and distribution of various species of sport fishes, including trout, salmon, bass, and catfish. The stocking of public waters and farm fish ponds is carried out in cooperation with State fish and game departments.

Research is conducted on the nutritional and disease factors that affect hatchery-raised fish and the factors that affect their survival and growth after they are planted in various waters.

National Wildlife Refuges: Approximately 321 national wildlife refuge areas, encompassing about 28,500,000 acres, are managed throughout the United States and Puerto Rico. These refuges variously provide nesting, resting, and wintering sanctuaries for migratory birds; range for big game, such as the bison, elk, and mountain sheep; and nesting grounds for upland birds and scarce exotic species, such as the whooping crane and the trumpeter swan. Portions of some of the areas are open to public hunting and fishing as biological conditions permit. When not incompatible with their wildlife management functions, the areas provide recreation for large segments of the public and economic benefits from agricultural crops, furs, timber, mineral royalties, and public concession fees.

Wildlife Services: This program provides services for determining, using, and promoting the best methods of managing wildlife in their natural habitat. It also provides supervision of the control of predatory animals destructive to livestock and game in the Western United States. In addition, extension services are rendered in the control of commensal and field rodents harmful to agriculture. Programs are executed in cooperation with States, counties, livestock associations, and other public and private agencies.

Federal Aid to States and Possessions: The Bureau administers the Federal aid in Fish and Wildlife Restoration Acts which authorize grants-in-aid to the States and Puerto Rico, Guam, and the Virgin Islands. Under this program grants-in-aid are authorized up to 75 percent of the cost of projects for investigation, acquisition of land, and development and maintenance of fish and wildlife habitat.

River Basin Studies: This program examines the effects on fish and wildlife resources of water use projects of Federal agencies and public and private agencies under Federal license. It is authorized by the Fish and Wildlife Coordination Act, the Federal Power Act, and the Watershed Protection and Flood Prevention Act. Studies have as their objective the recommending of measures for the protection and improvement of fish and wildlife resources and are conducted in cooperation with State fish and game departments and conservation agencies.

REGIONAL OFFICES—BUREAU OF SPORT FISHERIES AND WILDLIFE

Region	Headquarters
1. Pacific	Federal Bldg., Portland, Oreg. 97208.
2. Southwest	Federal Bldg., Albuquerque, N. Mex. 87103.
3. North Central	1006 West Lake St., Minneapolis, Minn. 55408.
4. Southeast	809 Peachtree-Seventh Bldg., Northeast, Atlanta, Ga. 30323.
5. Northeast	1106 Blake Bldg., Boston, Mass. 02111.

4.4 *National Park Service.* Creation and authority: The National Park Service was established in the Department of the Interior by the act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1). Subsequent acts, Executive orders, and proclamations have added to the National Park System and expanded the activities of the Service.

Objectives: To promote and regulate the use of national parks, monuments, and similar reservations in conformity with the act of August 25, 1916, in order to "conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations." This objective extends to the Service's activities in the preservation of American antiquities, historic and prehistoric sites and buildings, and properties of national historic or archeologic significance as well as the operation of recreation areas of national significance. A further objective of the Service is to provide assistance to the States in the management, operation, and development of public park and recreational-area facilities.

Organization: The National Park Service is composed of a headquarters staff in Washington, D.C.; three planning and service centers; six regional offices; and several hundred field areas, which include national parks, monuments, recreation areas, and numerous categories of historic areas.

Activities: The programs carried on by the National Park Service stem primarily from its responsibility to provide areas for public enjoyment, and to give the fullest possible protection to the natural and historic resources comprising such areas. The protection program consists not only of preventing fires, stream pollution, and injury to natural, historic, or prehistoric features, but also of restricting uses that are incompatible with the basic purposes of the parks. An integral part of the overall program is to provide for the needs of the visiting public. The Service also conducts interpretive, informational, and investigative programs relating to park resources and use.

REGIONAL OFFICES—NATIONAL PARK SERVICE

Region	Headquarters
Northeast	143 S. 3d St., Philadelphia, Pa. 19106.
Southeast	Federal Bldg., Richmond, Va. 23240.
Midwest	1709 Jackson St., Omaha, Nebr. 68102.
Southwest	Box 728, Santa Fe, N. Mex. 87501.
Western	450 Golden Gate Ave., San Francisco, Calif. 94102.
National Capital	1100 Ohio Drive SW., Washington, D.C. 20242.

4.10 *Bureau of Mines.* Creation and Authority. The Bureau of Mines was established July 1, 1910, in the Department of the Interior by act of May 16, 1910, as amended (30 U.S.C. 1, 3, 5–7); was transferred to the Department of Commerce in 1925 and returned to the Department of the Interior in 1934 under the President's reorganization powers. The 1910 act, as amended, has been supplemented by statutes authorizing the production and sale of helium, and helium research (50 U.S.C. 167); inspection of coal mines (30 U.S.C. 461–460, as amended); activities leading to the prevention of major disasters in coal mines (30 U.S.C. 471–483), and responsibilities as set forth in the Federal Metal and Nonmetallic Mine Safety Act (80 Stat. 772; 30 U.S.C. 721 note).

Objectives: The Bureau of Mines conducts programs designed to conserve and develop mineral resources and to promote safety and healthful working conditions in the mineral industries.

Organization: The Bureau is composed of a headquarters in Washington, D.C., and field establishments for mineral resource development; minerals research centers and laboratories; health and safety; helium; and two administrative field offices in Pittsburgh, Pa., and Denver, Colo.

Work Programs and Studies: Minerals Research: The Bureau's scientific and engineering research is related to conservation, development, and utilization of minerals, including fuels. Research and development programs are conducted in mining, beneficiation, and metallurgy to assure adequate supplies of mineral commodities. Particular attention is paid to critical and strategic commodities essential to national security and processes designed to assure effective use of domestic mineral resources; research and development into ways and means for utilizing or economically disposing of solid mineral wastes; the causes and elimination of air pollution; and the Bureau's program in oceanography.

Fuels Research: Programs and activities in fuels research and development are designed to minimize waste; to increase efficiency; and through reducing costs, to promote the use of hitherto uneconomic fuels. The objectives of these programs are to assure adequate sources of energy for economic expansion and national security.

Explosives Research: Studies are made of the explosion hazards of dusts, fumes, and gases; the intent is to promote safety in all places where these hazards are present. Research is also conducted on commercial explosives to determine their effectiveness and permissibility in the promotion of safety and the improvement in mining techniques.

Mineral Resources: Mineral and fuel studies are conducted and engineering evaluations are made of marginal mineral and fuels deposits. Studies are made of mining methods and production techniques, and long-range resource investigations are conducted where conservation of other resources, such as waterpower, is involved. Determinations are made regarding the anticipated requirements of energy and resources for economic growth and development.

Helium: Helium production, conservation, distribution, transportation and research are carried on to insure an adequate low cost supply of this strategic gas for military and other agencies of the Government, and for non-Federal users requiring helium for commercial, medical, and scientific uses.

Health and Safety: Programs are conducted to reduce fatalities and injuries and improve health and safety conditions in the mineral industries. This is accomplished through research to devise acceptable standards for mining operations; training of mine personnel in safe practices and rescue and recovery methods; and, under certain circumstances, closure of unsafe mines.

Economics and Statistics: Economical and statistical studies, made by the Bureau, of domestic and foreign mineral production, distribution, and consumption provide the Government with essential information for policy and program formulation and supply industry with information needed in its operations. A health and safety statistical program is conducted and correlated with the commodity program.

4.11 *The Geological Survey.* Creation and authority: The Geological Survey was established by the act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), which provided for "the classification of the public lands and the examination of the geological structure, mineral resources, and products of the national domain." The act of September 5, 1962 (76 Stat. 427; 43 U.S.C. 31(b)), expanded this authorization to include such examinations outside the national domain. Topographic mapping and chemical and physical research were recognized as an essential part of the investigations and studies authorized by the organic act, and specific provision was made for them by Congress in the act of October 2, 1888 (25 Stat. 505, 526).

Following the early work on classification of lands available for irrigation, provision was made in 1894 for gaging the streams and determining the water supply of the United States (28 Stat. 398). Authorizations for publication, sale, and distribution of the maps, atlases, monographs, bulletins, water supply papers, professional papers, and other documents prepared by the Geological Survey were contained in several statutes (43 U.S.C. 41–45; 44 U.S.C. 260–262).

Objectives: To perform surveys, investigations, and research covering topography, geology, and the mineral and water resources of the United States; classify land as to mineral character and water and power resources; furnish engineering supervision for power permits and Federal Power Commission licenses; enforce departmental regulations applicable to oil, gas, and other mining leases, permits, licenses, development contracts, and gas storage contracts; and publish and disseminate data relative to the foregoing activities.

Organization: The Geological Survey consists of a headquarters organization, most of which is in Washington, D.C., and a field organization made up of separate functional area offices and their subordinate field offices.

Activities: Conservation: Classify Federal land as to water storage, waterpower, and mineral value; supervise mining and oil and gas leases on Federal, Indian, Outer Continental Shelf, and certain Naval Petroleum Reserve lands; promote the safety and welfare of workmen in mineral industries; maintain production accounts and collect royalties; prepare maps and reports for publication; provide the Bureau of Land Management and other Federal agencies geologic and engineering advice and services for the management and disposition of the public domain.

Geology: Make geologic surveys and investigations to determine and appraise the mineral and mineral fuels resources and the geologic structure of the United States and its territories, and provide scientific and technical assistance in appropriate fields, both domestically and abroad, to other Federal agencies, and administer an exploration program for the discovery of domestic mineral reserves by private industry with Federal assistance. Activities designed to accomplish these objectives include: geologic mapping; physical exploration, when necessary; development of new prospecting techniques; research into geologic principles and processes to provide guidance for significant geologic interpretations; specialized research in geochemistry, geophysics, and paleontology in support of the geologic and mineral resource investigations; and collation and synthesis of geologic information on mineral and mineral fuels resources. The results of investigations are published in bulletins, professional papers, circulars, geologic and related map series, reports printed by cooperative agencies, and in trade and technical journals.

Topographic Mapping: Prepare and publish the maps of the National Topographic Map Series, covering the United States and its outlying areas; systematically revise existing maps to maintain their usefulness; conduct research in topographic surveying and mapping, including the component phases of control surveys, aerial photography, photogrammetry and cartography, on both the techniques and the instrumentation of mapping operations; carry out research on domestic geographic names in connection with the Board on Geographic Names to resolve problems of accuracy and propriety of name usage.

Water Resources: Determine the source, quantity, quality, distribution, movement, and availability of both surface and ground waters. This work includes investigations of floods and droughts, their magnitude, frequency, and relation to climatic and physiographic factors; the evaluation of available waters in river basins and groundwater provinces, including water requirements for industrial, domestic, and agricultural purposes; the determination of the chemical and physical quality of water resources and the relation of water quality and suspended sediment load to various parts of the hydrologic cycle; special hydrologic studies of the interrelations between climate, topography, vegetation, soils, and the water supply; research to improve the scientific basis of investigations and techniques; scientific and technical assistance in hydrologic fields to other Federal agencies; and the coordination of national network and special water data acquisition activities of Federal agencies. The results of these investigations are published in the series of Geological Survey publications.

FIELD CENTERS—GEOLOGICAL SURVEY

Field center	Headquarters
Denver, Colo. 80225.	Denver Federal Center.
Menlo Park, Calif. 94025.	345 Middlefield Rd.

4.30 *Bureau of Indian Affairs.* Creation and Authority: The Bureau of Indian Affairs was created in the War Department in 1824 and transferred to the Department of the Interior at the time of its establishment in 1849. The Snyder Act of 1921 (42 Stat. 208; 25 U.S.C. 13) provided substantive law for appropriations covering the conduct of activities by the Bureau of Indian Affairs. The scope

and character of the authorizations contained in this act were broadened by the Indian Reorganization Act of 1934 (48 Stat. 984; 25 U.S.C. 461 et seq.).

Objectives: The main objectives of the Bureau's program are: maximum Indian economic self-sufficiency; full participation of Indians in American life; and equal citizenship privileges and responsibilities for Indians.

Organization: The Bureau of Indian Affairs consists of a central office in Washington, D.C., and area offices and subordinate field installations located throughout the country. The field installations include Indian agencies, boarding schools, and irrigation projects.

Objectives: (1) to work with the Indian people in the development of programs leading toward full-fledged Indian responsibility for the management of their own property and affairs in the same manner as other citizens; (2) to assist in individual and group development by providing an exemplary education program for Indian children of school age and providing adult education (literacy; social, political, and economic organizations; working with non-Indian communities and groups and other governmental agencies); (3) to assist Indian people (both tribally and individually) in providing options for either staying on the reservation or moving to nonreservation communities through furnishing guidance, training, and financial assistance to those Indians who wish to leave reservation areas and enter normal channels of American economic and social life; developing programs, in cooperation with local and State agencies, to attract industries to reservation areas to increase the economic base; and as trustee, assisting the Indians in making the most effective use of their lands and other resources; and (4) to provide public services, such as welfare services and law and order, when these services are not available to Indians through their own or other agencies.

AREA OFFICES—BUREAU OF INDIAN AFFAIRS

Area	Headquarters
Aberdeen, S. Dak. 57401.	820 S. Main St.
Albuquerque, N. Mex. 87108.	5301 Central Ave. NE.
Anadarko, Okla. 73005.	Federal Bldg.
Billings, Mont. 59101.	316 N. 26th St.
Juneau, Alaska 99801.	Box 3-8000.
Minneapolis, Minn. 55408.	1312 W. Lake St.
Muskogee, Okla. 74401.	Federal Bldg.
Window Rock, Ariz. 86515.	Navajo Area Office.
Phoenix, Ariz. 85011.	124 W. Thomas Rd.
Portland, Oreg. 97208.	1425 NE. Irving St.
Sacramento, Calif. 95804.	2550 Fair Oaks Blvd.

INDEPENDENT OFFICES

Cherokee Agency	Cherokee, N.C. 28719.
Miccosukee Agency.	Homestead, Fla. 33030.
Seminole Agency	6073 Stirling Rd., Hollywood, Fla. 33024.

4.21 *Bureau of Land Management.* Creation and Authority: The Bureau of Land Management was established on July 16, 1946, through the consolidation of the General Land Office (created in 1812) and the Grazing Service (formed in 1934) in accordance with the provisions of sections 402 and 403 of the President's Reorganization Plan 3 of 1946 (5 U.S.C. 133y-16).

Objectives: The Bureau of Land Management is partially or totally responsible for the administration of mineral resources on about 770 million acres, approximately one-third of the area of the United States. Of this 770 million acres, the Bureau has exclusive jurisdiction for the management of lands and resources on some 457 million acres. The basic objective of this management program is to obtain for the American people the benefits of skillful coordination through multiple use management and, with respect to renewable resources, production at a sustained yield. The Bureau recognizes the following resource activities on the public lands: domestic livestock grazing, fish and wildlife development, and utilization, industrial development, mineral production, occupancy, outdoor recreation, timber production, watershed protection, wilderness protection, and preservation of other public values.

Organization: The Bureau organization consists of the headquarters in Washington, D.C., and a field organization of State Offices, land offices, district offices, service centers, Job Corps conservation centers, and Outer Continental Shelf offices.

Activities: Lands and Minerals Management: The Bureau studies, classifies, and provides for proper use of public lands. It acts upon applications and claims for the use of or title to public lands, issues leases, licenses, or permits for land use, and grants instruments for patent or other title conveyance in fulfillment of public land laws. Under the mining and mineral leasing laws the Bureau administers a program of development, conservation, and utilization of mineral resources through the leasing of minerals on public lands and on lands in other ownership on which the mineral rights are federally owned, and through the issuance of mineral patents and other instruments relating to mineral resource development. It conducts studies relative to minerals and other resource development and use.

Range and Forest Management: Through the granting of grazing permits and allotments in grazing districts, and the issuance of grazing leases on public lands outside grazing districts, the Bureau administers grazing and range activity to protect the productivity of the lands and to permit the highest use of forage, and carries out programs for the rehabilitation of deteriorated range lands. The Bureau also carries out sustained yield forest management on timber lands under its jurisdiction for the dual purpose of obtaining continuous timber production at the highest possible level, and promoting the economic stability of dependent communities.

Watershed Management: The Bureau carries out a coordinated program for the conservation, development, and utilization of water in order to preserve and protect the soil and water resources. The program is a combination of land treatment and structural practices having a planned pattern in support of multiple use management. It is designed to regulate surface water runoff for control of accelerated erosion, and to stabilize the soil resources implementing resource use.

Recreation and Wildlife: The Bureau has varied program responsibilities for outdoor recreation and wildlife values of the public lands. In some instances this includes the construction of roads and trails to provide public access to the public lands and the construction, operation, and maintenance of recreational facilities. The Bureau sells or leases to State and local governments, for recreational purposes, public domain lands that are best suited for such purposes. It also participates with Federal, State, and local agencies in cooperative programs involving the management of recreation and wildlife resources and develops habitats for wildlife.

Protection: The Bureau carries out programs relating to the protection of lands and resources under its jurisdiction. This includes fire protection through prevention, presuppression, and suppression; trespass protection; and protection from insects, pests, and diseases.

Engineering: The Bureau maintains the statutory engineering service for the survey and resurvey necessary for the identification and description of public lands. The Bureau also surveys and prepares maps necessary for the administration of mineral leasing on the submerged lands of the Outer Continental Shelf. It approves mineral surveys executed by U.S. mineral surveyors. It also develops transportation plans and plans for design and construction of access roads to public lands, and provides engineering standards covering design and construction of soil moisture and range improvement projects, buildings, and facilities.

Records: The Bureau maintains the land records which are basic to the real property structure of the public land States and which are essential to the effective administration of the public lands and their vast resources. Land records are the source of such basic information as (a) the Federal ownership of public domain, (b) the identification or location of public domain which has been conveyed to private ownership, (c) the mineral and other rights retained by the Federal Government in patented lands, (d) vacant public domain withdrawn or reserved for special uses, and (e) leases, licenses, and permits for lands and/or resources granted by the United States.

The Bureau administers five Job Corps conservation centers offering program of basic education and work experience. Work projects consist of conservation projects and recreational development.

STATE AND OUTER CONTINENTAL SHELF OFFICES—BUREAU OF LAND MANAGEMENT

State	Headquarters
Eastern States	7981 Eastern Ave., Silver Spring, Md. 20910.
Alaska	555 Cordova St., Anchorage 99501.
Arizona	Federal Bldg., Phoenix 85025.
California	Federal Bldg., Sacramento 95814.
Colorado	Federal Bldg., Denver 80202.
Idaho	Federal Bldg., Boise 83701.
Montana	Federal Bldg., Billings 59101.
Nevada	Federal Bldg., Reno 89502.
New Mexico	Federal Bldg., Santa Fe 87501.
Oregon	729 Northeast Oregon St., Portland 97208.
Utah	Federal Bldg., Salt Lake City 84111.
Wyoming	Federal Bldg., Cheyenne 82001.
OUTER CONTINENTAL SHELF OFFICES	
Pacific Coast	600 North Los Angeles St., Los Angeles, Calif. 90012.
Gulf Coast	Box 53226, New Orleans, La. 70150.
SERVICE CENTERS	
Denver Area	Federal Center Bldg. 56, Denver, Colo. 80225.
Portland Area	Post Office Box 2961, Portland, Oreg. 97208.

4.22 *Bureau of Outdoor Recreation.* Creation and authority. The Bureau of Outdoor Recreation was created April 2, 1962. Under the act of May 28, 1963 (16 U.S.C. 460*l*), the Bureau is responsible for promoting coordination and development of effective programs relating to outdoor recreation. The Bureau carries out most of the responsibilities delegated to the Secretary under the Land and Water Conservation Fund Act of 1965 (78 Stat. 897; 16 U.S.C. 460*l*-4). Numerous functions are performed under the Federal Water Project Recreation Act (79 Stat. 213; 16 U.S.C. 460*l*-12, note).

Functions. The Bureau is responsible for preparing and maintaining a continuing inventory and evaluation of the outdoor recreation needs and resources of the United States; preparing a system for classification of outdoor recreation resources; formulating and maintaining a comprehensive nationwide outdoor recreation plan; promoting coordination of Federal plans and activities relating to outdoor recreation; cooperating with and providing technical assistance to States, political subdivisions, and private interests; encouraging interstate and regional cooperation; sponsoring, engaging in, and assisting with research relating to outdoor recreation; and cooperating with and providing technical assistance to Federal departments and agencies. Under the Land and Water Conservation Fund Act of 1965, the Bureau also administers a program of financial assistance grants to States for the purpose of facilitating outdoor recreational planning, acquisition, and development activities. Under the provisions of the Federal Water Project Recreation Act, the Bureau participates directly in the planning, coordination, and establishment of uniform policies with respect to recreation and fish and wildlife benefits and costs of Federal multipurpose water resource projects.

Organization: The Bureau is composed of a headquarters staff in Washington, D.C., and six regional offices. The headquarters staff consists of a Director, Associate Director, five Assistant Directors, and the Divisions of Federal Programs Review, and Federal Coordination—Land and Water Conservation Fund, Council Staff Services, Council Studies, Legislative Review, State Planning and Technical Assistance, Grants-in-Aid—Land and Water Conservation Fund, Nationwide Planning and Surveys, Water Resources, Special Area Studies, Research and Education, Personnel Management and Organization, Program Development and Management Operations, Financial Operations, and the Office of Recreation Information.

REGIONAL OFFICES—BUREAU OF OUTDOOR RECREATION

Region	Headquarters
Northeast	128 North Broad St., Philadelphia, Pa. 19107.
Southeast	810 New Walton Bldg., Atlanta, Ga. 30303.
Lake Central	3853 Research Park Dr., Ann Arbor, Mich. 48104.
Mid-Continent	Denver Federal Center, Bldg. 41, Denver, Colo. 80225.
Pacific Northwest	U.S. Courthouse, Seattle, Wash. 98104.
Pacific Southwest	450 Golden Gate Ave., San Francisco, Calif. 94102.

4.23 *Office of Territories.* Creation and authority: The Office of Territories was established by the Secretary of the Interior on July 28, 1950, to assist in carrying out certain of his responsibilities pertaining to noncontiguous areas under the jurisdiction of the Government of the United States. Prior to that time territorial functions were performed by the Division of Territories and Island Possessions, which was established by a 1934 Executive order as a part of the Office of the Secretary.

Objectives: The objective of the Office of Territories with respect to the American territories of Guam, American Samoa, and the Virgin Islands is the promotion of economic, social, and political development leading to a full measure of self-government and the active participation of residents of these territories in the life of the Nation. The objective is similar with respect to the Trust Territory of the Pacific Islands, giving due recognition to its trust status and the need to bring the people of that territory to a point where they can make a determination as to their own political future. The degree to which the Office of Territories conducts activities to further these objectives in a specific territory depends on the status of the territorial government, its relationship to the Secretary of the Interior, and the extent of development already achieved within the territory.

Organization: The Office of Territories is composed of a headquarters organization in Washington, D.C.

Activities: The Office of Territories is assigned the responsibility of performing the following functions:

Staff: Serves as the principal staff office to the Office of the Secretary on all territorial matters. The conduct of staff activities consists of: (a) making the needs of the territories known to other Federal agencies, representing the interests of the territories before other Federal agencies, and serving as the channel of communication with the territorial governments; (b) studying the economic, social, and political problems of the territories and proposing policies, programs, and other actions for their solution; (c) reviewing the functioning of territorial governments and suggesting or recommending improvements; and (d) advising the Office of the Secretary on proposed legislation and other important matters affecting the territories.

Administration: Administers Wake, Canton, Palmyra, and Enderbury Islands and Jarvis, Baker, and Howland Islands, all of which have been placed under the jurisdiction and control of the Secretary for administrative purposes.

Administrative Assistance: Provides budgetary and certain other administrative services to the offices of the governors of the territories and to the Government of the Trust Territory of the Pacific Islands.

4.30 *Federal Water Pollution Control Administration.* Creation and authority. The Federal Water Pollution Control Administration was created by section 2 of the Water Quality Act of 1965 (79 Stat. 903; 33 U.S.C. 466 note), approved October 2, 1965, effective December 31, 1965. The Federal Water Pollution Control Administration became a bureau in the Department of the Interior under Reorganization Plan 2 of February 28, 1966, effective May 10, 1966, to carry out the provisions of the Water Pollution Control Act, as amended (70 Stat. 498; 33 U.S.C. 466), section 702(a) of the Housing and Urban Development Act of 1965 (79 Stat. 490; 42 U.S.C. 3102), section 212 of the Appalachian Regional Development Act of 1965 (79 Stat. 16; 40 U.S.C. App. 212), section 106 of the Public Works and Economic Development Act of 1965 (79 Stat. 554; 42 U.S.C. 3136), section 48(h)(12)(B) of the Internal Revenue Code of 1954, as amended (80 Stat. 1508; 26 U.S.C. 48), Oil Pollution Act, 1924, as amended (80 Stat. 254; 33 U.S.C. 431), Executive Order 11288, and Interdepartmental Agreement Concerning Consultation on Health Aspects of Water Pollution Control, approved September 1, 1966.

Purpose: The Administration administers a national program to enhance the quality and value of the Nation's water resources and to otherwise assure the fulfillment of a national policy for the prevention, control, and abatement of water pollution. The major functions of the Administration are: (1) Development or conduct of comprehensive and

special programs designed to eliminate or reduce the pollution of interstate waters and their tributaries; (2) award of grants to the States and to interagency agencies to assist in the development of comprehensive river basin water control and abatement plans, and, additionally, for the establishment and maintenance of measures for the prevention and control of water pollution; (3) encouragement and cooperative support of State enforcement authorities and exercise of Federal authority as required to abate pollution of interstate or navigable waters and violations of water quality standards established for interstate waters; (4) encouragement of the development and enactment of improved State laws and the development of interstate compacts; (5) conduct, promotion, and support of research investigations, experimentation, and demonstrations including the publication of related results and information; (6) award of grants for the construction of municipal waste treatment works; (7) award of grants, and utilization of contract authority, to assist in demonstrating new or improved methods for controlling pollutional waste discharges from storm sewers or storm and sanitary systems; (8) administration of programs involving fellowship, research, and training grants; (9) support and conduct of technical training; and (10) implementation of provisions of Executive Order 11288 which prescribes policies and procedures for the prevention, control, and abatement of water pollution by Federal activities, including facilities or operations supported by Federal loans, grants, or contracts.

Organization: The Office of the Commissioner and the following principal organizational components comprising the headquarters staff are located in Washington, D.C.: Assistant Commissioners for Administration, Program Plans and Development, Comprehensive Planning and Programs, Facilities Programs, Technical Programs, Research and Development, and Enforcement. The Administration communicates with State and local authorities, with other public and private organizations, including industrial, commercial, educational and other institutions concerned with water pollution abatement activities, through regional offices. In addition, comprehensive, technical assistance, and special study projects are located in various field locations throughout the United States. Water pollution control laboratories are in existence in College, Alaska; Ada, Okla.; Corvallis, Oreg.; Athens, Ga. Laboratories are planned for construction in Boston, Mass.; Ann Arbor, Mich.; the State of Maryland; Columbia, Mo.; Vicksburg-Jackson, Miss.; and Stevens Point, Wis. Water quality standards laboratories are currently being constructed in Narragansett, R.I., and Duluth, Minn. Major research and technical assistance activities are also carried out in the Administration's laboratories located in Cincinnati, Ohio.

REGIONAL OFFICES—FEDERAL WATER POLLUTION CONTROL ADMINISTRATION

Region	Headquarters
Northeast	John F. Kennedy Federal Bldg., Boston, Mass 02203.
Middle Atlantic	300 W. Main St., Charlottesville, Va. 22901.
Southeast	50 Seventh St., NE., Atlanta, Ga. 30323.
Ohio Basin	4676 Columbia Pkwy., Cincinnati, Ohio 45226.
Great Lakes	33 E. Congress Pkwy., Chicago, Ill. 60605.
Missouri Basin	601 E. 12th St., Kansas City, Mo. 64106.
South Central	1114 Commerce St., Dallas, Tex. 75202.
Southwest	100 McAllister St., San Francisco, Calif. 94102.
Northwest	Pittock Block, Portland, Oreg. 97205.

4.40 *Bureau of Reclamation.* Creation and authority: The Reclamation Act of 1902 (32 Stat. 388; 43 U.S.C. 391 et seq.), authorized the Secretary of the Interior to locate, construct, operate, and maintain works for the storage, diversion, and development of waters for the reclamation of arid and semiarid lands in the Western States. To perform these functions, the Secretary in July 1902 approved an organization plan for a Reclamation Service in the Geological Survey. In March 1907 the Reclamation Service was removed from the Survey and established under a Director. In June 1923 the Secretary created the position of Commissioner of Reclamation and changed the name Reclamation Service to Bureau of Reclamation.

Objectives: The objectives of the Bureau of Reclamation, pursued in cooperation with other bureaus of the Department of the Interior, other Federal agencies, States, and local groups, include: the transformation through irrigation of arid and semiarid lands into productive farms; the maintenance of production on lands threatened with retrogression to desert, through the provision of supplemental water for irrigation; the development and administration of sound financial arrangements for reimbursement by water users of expenses incurred by the Government which are allocable to irrigation and subject to repayment; and the transmission and sale or exchange of electric power and energy generated at Bureau projects and at certain reservoir projects under the control of other national and international agencies. It also includes reduction of the hazards and damages of uncontrolled flood runoff; maximum economical production of hydroelectric power and energy consistent with established priorities governing the impoundment and release of water for other purposes; river regulation; improvement of navigation; provision of water for municipal, domestic, and industrial use, on a repayment basis; conservation of fish and wildlife; abatement of sedimentation, salination, and pollution of streams and other water courses; enhancement of natural beauty; and the provision of new or enhanced recreational facilities.

Organization: The Bureau of Reclamation consists of the following principal segments: the Commissioner's Office at Washington, D.C., the Office of Chief Engineer at Denver, Colo., seven regional offices, an Alaska district, and project and other operating offices in the regions and in Alaska.

Activities: Major functions of the Bureau of Reclamation include: investigation and development of plans for potential projects to regulate, conserve, and utilize water and related land resources; design and construction of authorized projects for which funds have been appropriated by the Congress; operation and maintenance of projects and project facilities constructed by the Bureau and of completed hydroelectric power projects constructed by the Department of the Army in Alaska; the inspection of the operation and maintenance of projects and project facilities constructed by the Bureau but operated and maintained by water users; settlement of public or acquired lands on Bureau projects; administration of the Small Reclamation Projects Act of 1956; negotiation, execution, and administration of repayment contracts, water service contracts, water-user operation and maintenance contracts, and contracts required by statutes relating to the irrigation of excess lands.

The Bureau also has responsibility for negotiation, execution, and administration of contracts for the sale, interchange, purchase, or wheeling of electric power and energy generated at: (1) Powerplants constructed and operated by the Bureau of Reclamation, except the marketing of available surplus electric power generated at Grand Coulee Dam, Hungry Horse Dam, the Chandler and Roza Powerplants of the Yakima Project, and all Federal reclamation projects in the Snake River Basin; (2) reservoirs in the Missouri Basin and in Alaska that are under the control of the Department of the Army; and (3) Falcon and Amistad Dams on the Rio Grande. It also administers an atmospheric water resources research program designed to determine the economic feasibility of increasing the water supply available to reclamation projects through the application of weather modification techniques. The Bureau constructs and operates Job Corps conservation centers, as delegated, and renders technical assistance to foreign countries in water resource development and utilization in cooperation with the Agency for International Development of the Department of State, and other agencies engaged in international technical cooperation.

MAJOR FIELD OFFICES—BUREAU OF RECLAMATION

Office	Headquarters
Office of Chief Engineer.	Bldg. 56, Denver Federal Center, Denver, Colo. 80225.
Region 1	Fairgrounds, Box 8006, Boise, Idaho 83707.
Region 2	2800 Fulton Ave., Sacramento, Calif. 95815.
Region 3	Nevada Hwy. and Park St., Boulder City, Nev. 89005.
Region 4	125 S. State, Box 11568, Salt Lake City, Utah 84111.
Region 5	Federal Office Bldg., Box 1609, Amarillo, Tex. 79105.
Region 6	316 N. 26th St., Billings, Mont. 59103
Region 7	Bldg. 20, Denver Federal Center, Denver, Colo. 80236.
Alaska District	236 Seward St., Juneau, Alaska 99801.
Missouri River Basin Planning Office.	Federal Bldg., Omaha, Nebr. 68101.
Columbia - North Pacific Basin Planning Office.	511 NW. Broadway, Box 4377, Portland, Oreg. 97208.

4.41 *Bonneville Power Administration.* Creation and Authority: The Bonneville Power Administration was created pursuant to the act of August 20, 1937 (50 Stat. 731, as amended; 16 U.S.C. 832 et seq.). Through a regionwide interconnecting transmission system it markets electric power and energy from Federal hydroelectric projects in the Pacific Northwest. These generating projects are constructed and operated by the Corps of Engineers or the Bureau of Reclamation.

Objectives: The Bonneville Power Administration is guided by Federal power policies established by various acts of Congress and, consistent therewith, by the President and by the Secretary of the Interior. The Administration conducts a program based on the following fundamental principles of Federal power development: Federal dams shall where feasible include facilities for generating electric energy; power disposal shall be designed to encourage the widest possible use of all electric power and energy that can be generated and marketed, to provide reasonable outlets therefor, and to prevent the monopolization thereof by limited groups; power generation and disposal shall be for the benefit of the general public, particularly for domestic and rural customers; preference in power sales shall be given to public bodies and cooperatives; and electric power and energy shall be made available to the ultimate consumer at the lowest possible rates consistent with sound business principles.

Organization: The Administration consists of the headquarters office at Portland, Oreg.; a Washington, D.C., liaison office; and five area and three district offices located at various points in the Pacific Northwest.

Activities: The Administration conducts power marketing programs to assure maximum and widespread use of low cost power for homes, farms, and industry and to provide the basis for sustained industrial development and economic growth in the region. It negotiates contracts for the wholesale disposition of electric power and energy; prepares wholesale rates and repayment schedules; constructs, operates, and maintains a transmission system to integrate the Federal power projects, transmit their output at uniform rates to load centers throughout the entire marketing area, and interconnect them with non-Federal utility systems throughout the Pacific Northwest region. The Federal transmission system is also utilized, under appropriate contracts, for the wheeling of power from non-Federal generating plants to load centers.

The Administration's program involves planning activities to make possible the timely construction and full development of new projects and facilities; achievement from the Federal power system of maximum practicable amounts of firm power for the ultimate user; and the enlargement of regional cooperative pools of generation and transmission facilities. The Administration also conducts a research and development program to advance the technology of extra high voltage transmission.

The Administrator participates with other Government agencies and non-Federal groups in planning for the continuing development of the region's potential hydroelectric resources to meet long-term power needs, and in the development and implementation of operating agreements designed to achieve the most effective utilization and coordination of available generating and transmission facilities through the integrated operation of the Federal power generating and transmission facilities and those of non-Federal entities.

BPA in cooperation with the Corps of Engineers represents the United States in implementing the provisions of the Columbia River Treaty with Canada for the joint development of the Columbia River. BPA is constructing jointly with the Bureau of Reclamation and public and private utilities the Pacific Northwest-Pacific Southwest Intertie to achieve optimum utilization of power resources between the two regions. It is also engaged in planning the possible interconnection of other areas served by the Department of the Interior marketing agencies with adequate common carrier transmission facilities.

MAJOR FIELD OFFICES—BONNEVILLE POWER ADMINISTRATION

Office	Headquarters
Idaho Falls area	529 Lomax St., Idaho Falls, Idaho 83401.
Portland area	5329 NE. Union Ave., Portland, Oreg. 97208.
Seattle area	514 First Ave., North, Seattle, Wash. 98109.
Spokane area	860 Bon Marche Bldg., Spokane, Wash. 99201.
Walla Walla area	19 E. Poplar St., Walla Walla, Wash. 99362.
Eugene District	834 Pearl St., Eugene, Oreg. 97401.
Kalispell District	1st St. and 1st Ave. W., Kalispell, Mont. 59901.
Wenatchee District.	1630 N. Wenatchee Ave., Wenatchee, Wash. 98801.

4.42 *Southeastern Power Administration.* Creation and Authority. The Southeastern Power Administration was created by the Secretary of the Interior in 1950, to carry out functions assigned to the Secretary by the Flood Control Act of 1944 (58 Stat. 890), which pertains to the transmission and disposition of surplus electric power and energy generated at reservoir projects which are or may be under the control of the Department of the Army in the States of West Virginia, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Tennessee, and Kentucky.

Objectives. The Southeastern Power Administration transmits and disposes of the surplus electric power and energy generated at the Federal reservoir projects in such manner as to encourage the most widespread use. To accomplish this, the Administration sets the lowest possible rates to consumers, consistent with sound business principles, and gives preference in the sale of such power and energy to public bodies and cooperatives.

Organization. The Southeastern Power Administration consists of a headquarters office at Elberton, Ga.; it has no field offices.

Activities. The program of the Administration includes the negotiation, preparation, execution, and administration of contracts for the disposition of electric power; the preparation of wholesale rates and repayment schedules; the provision by construction, by contract, or otherwise, of transmission and related facilities to interconnect reservoir projects and to serve contractual loads; and activities pertaining to the operation of power facilities.

4.43 *Southwestern Power Administration.* Creation and authority: The Southwestern Power Administration was created by the Secretary of the Interior in 1943, to carry out the Secretary's responsibility for the sale and disposition of electric energy generated at certain projects constructed and operated by the Federal Government. The Administration carries out, with respect to specified projects, functions assigned to the Secretary by the Flood Control Act of 1944 (58 Stat. 890; 16 U.S.C. 825s).

Objectives: The Southwestern Power Administration transmits and disposes of the surplus electric power and energy generated at the Federal reservoir projects in such manner as to encourage their most widespread use. To accomplish this, the Administration sets the lowest possible rates to consumers, consistent with sound business principles, and gives preference in the sale of such power and energy to public bodies and cooperatives.

Organization: The Southwestern Power Administration consists of the headquarters office located at Tulsa, Okla.; a Washington, D.C. office; two area maintenance offices at Muskogee, Okla., and Springfield, Mo.; maintenance units located at Muskogee and Ada, Okla., Springfield, Mo., and Jonesboro, Ark.; and a dispatcher's office at Springfield, Mo.

Activities: The Administration is designated as the agency to market available surplus electric power and energy

generated at the following multiple purpose reservoir projects of the Department of the Army: Beaver, Blakely Mountain, Broken Bow, Bull Shoals, Dardanelle, DeGray, Denison, Eufaula, Fort Gibson, Greers Ferry, Kaysinger Bluff, Keystone, Robert S. Kerr, Narrows, Norfolk, Sam Rayburn, Stockton, Table Rock, Tenkiller Ferry, Ozark Lock and Dam, Webber Falls Lock and Dam, and Whitney. In this capacity the Administration is assigned the responsibility of performing the following functions: prepare, negotiate, and administer contracts for the disposition, including sale or interchange, of electric power and energy; prepare wholesale rates and repayment schedules; design and construct transmission lines, substations, and related facilities to interconnect reservoir projects and to serve contractual loads; and operate and maintain such facilities to insure continuity of electric service to customers.

The Administration develops long-range power marketing programs, including research where necessary, in order to effect maximum utilization of power from existing and proposed hydroelectric developments, and conducts or participates in studies for integration of the assigned hydroelectric facilities with non-Federal generating facilities in the Southwest.

The Administration participates with other Federal and non-Federal agencies in the comprehensive planning of water resource development in the Southwest.

4.44 *Alaska Power Administration.* Creation and authority: The Alaska Power Administration was created by the Secretary of the Interior in June 1967 to carry out functions assigned to the Secretary by the Flood Control Act of 1944 (58 Stat. 890–891), The Flood Control Act of 1962 (79 Stat. 1193), the Eklutna Project Act of 1950 (64 Stat. 382), the Water Resources Act of 1955 (69 Stat. 618), the Land and Water Conservation Act of 1965 (78 Stat. 897), the Federal Water Project Recreation Act of 1965 (79 Stat. 213), and Executive Order 11200 (30 F.R. 2645) as they relate to the State of Alaska.

Objectives: The Administration promotes the development and utilization of water, power, and related resources in Alaska; operates and maintains the Eklutna Project and the Crater-Long Lakes division of the Snettisham project, and disposes of Federal power and energy excess to project needs.

Organization: The Alaska Power Administration consists of a headquarters office located in Juneau, Alaska and one field office.

Offices—Alaska Power Administration

Headquarters	Post Office Box 50, Juneau, Alaska 99801.
Eklutna Project Office	Pouch No. 5, Star Route, Eagle River, Alaska 99577.

[F.R. Doc. 67-8378; Filed, July 19, 1967; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 18756]

DEUGRO INTERNATIONAL TRANSPORT, INC.

Notice of Prehearing Conference

Application of Deugro International Transport, Inc., for authority to engage in international air freight forwarder operations.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on July 27, 1967, at 10 a.m., e.d.s.t., in Room 211, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Walter W. Bryan.

Dated at Washington, D.C., July 14, 1967.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F.R. Doc. 67-8423; Filed, July 19, 1967; 8:51 a.m.]

[Docket No. 18306]

NORTHERN CONSOLIDATED-WIEN ALASKA MERGER

Notice of Postponement of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the hearing in the above-entitled proceeding, previously assigned to be held on August 8, 1967, is postponed to August 29, 1967, at 10 a.m., e.d.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

Dated at Washington, D.C., July 14, 1967.

[SEAL] THOMAS L. WRENN, *Associate Chief Examiner.*

[F.R. Doc. 67-8424; Filed, July 19, 1967; 8:51 a.m.]

[Docket No. 18734]

TRANSGLOBE AIRWAYS, LTD.

Notice of Prehearing Conference

Application of Transglobe Airways Limited for amendment of its foreign air carrier permit.

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on August 2, 1967, at 10 a.m., e.d.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Barron Fredricks.

Dated at Washington, D.C., July 14, 1967.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F.R. Doc. 67-8425; Filed, July 19, 1967; 8:51 a.m.]

CIVIL SERVICE COMMISSION

MEDICAL TECHNOLOGISTS, CALIFORNIA AND MILWAUKEE, WIS.

Notice of Adjustment of Minimum Rates and Rate Ranges

Under authority of 5 U.S.C. 5303 and Executive Order 11073, the Civil Service Commission has increased the minimum rates and rate ranges for positions of Medical Technologist, GS-644-5/10 in the State of California. The revised rate ranges are:

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS-5	$6,397	$6,563	$6,730	$6,915	$7,091	$7,267	$7,443	$7,619	$7,795	$7,971
GS-6	7,055	7,253	7,451	7,649	7,847	8,045	8,243	8,441	8,639	8,837
GS-7	7,739	7,942	8,156	8,368	8,581	8,794	9,007	9,220	9,433	9,646
GS-8	8,508	8,743	8,978	9,213	9,448	9,683	9,918	10,153	10,388	10,623
GS-9	9,479	9,740	10,001	10,262	10,523	10,784	11,045	11,306	11,567	11,828
GS-10	10,709	10,997	11,285	11,573	11,861	12,149	12,437	12,725	13,013	13,301

[1] Corresponding statutory rate: GS-5—Seventh; GS-6—Seventh; GS-7—Seventh; GS-8—Fifth; GS-9—Fourth; GS-10—Second.

The Civil Service Commission has also increased the minimum rates and rate ranges for positions of Medical Technologist, GS-644-5/9 in Milwaukee, Wis. The revised rate ranges are:

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS-5	$6,397	$6,563	$6,730	$6,915	$7,091	$7,267	$7,443	$7,619	$7,795	$7,971
GS-6	6,859	6,857	7,055	7,253	7,451	7,649	7,847	8,045	8,243	8,441
GS-7	7,380	7,593	7,806	8,019	8,232	8,445	8,658	8,871	9,084	9,297
GS-8	7,938	8,173	8,408	8,643	8,878	9,113	9,348	9,583	9,818	10,053
GS-9	8,567	8,828	9,089	9,350	9,611	9,872	10,133	10,394	10,655	10,916

[1] Corresponding statutory rate: GS-5—Seventh; GS-6—Fifth; GS-7—Fourth; GS-8—Third; GS-9—Second.

The effective date of the above rate ranges will be the first day of the first pay period beginning on or after July 16, 1967.

All new employees in the specified occupational levels will be hired at the new minimum rates.

As of the effective date, all agencies will process a pay adjustment to increase the pay of employees on the rolls in the affected occupational levels. An employee who immediately prior to the effective date was receiving basic compensation at one of the rates of the statutory rate range shall receive basic compensation at the corresponding numbered rate authorized by this notice on and after such date. The pay adjustment will not be considered an equivalent increase within the meaning of 5 U.S.C. 5335.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY, *Executive Assistant to the Commissioner.*

[F.R. Doc. 67-8421; Filed, July 19, 1967; 8:51 a.m.]

DELAWARE RIVER BASIN COMMISSION

COMPREHENSIVE PLAN

Notice of Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Wednesday, July 26, 1967. The hearing will take place in the third floor meeting room of the New Jersey State Library, 185 West State Street, Trenton, beginning at 2:30 p.m. The subject of the hearing will be proposals to amend the Comprehensive Plan so as to include therein the following projects:

1. *Borough of Downingtown.* A project including modifications and additions to the existing sewage treatment plant in the Borough of Downingtown, Chester County, Pa., with a capacity to serve 14,000 people, so as to increase the degree of treatment from approximately 85 percent to 95 percent removal of BOD and suspended solids. Treated effluent will discharge to the East Branch of Brandywine Creek.

2. *Warminster Township Municipal Authority.* A project to increase the capacity of the existing secondary sewage treatment works in Warminster Township, Bucks County, Pa., from 1.6 to 3.8 million gallons per day. Treated effluent will discharge to the Little Neshaminy Creek.

3. *Borough of Phoenixville.* A project to expand the existing secondary sewage treatment plant in Phoenixville, Chester County, Pa., from a capacity of 2 to 4 million gallons per day. Treated effluent will discharge to the Schuylkill River.

4. *Upper Merion Township Authority.* A project to double the capacity of an existing high-rate trickling filter plant to serve an additional 25,000 persons in Upper Merion Township, Montgomery County, Pa. Treated chlorinated effluent will be discharged to Trout Run via an existing outfall sewer.

5. *Media Municipal Authority.* A project to expand the existing sewage treatment plant now capable of serving 6,000 people in Media, Delaware County, Pa., so as to increase its capacity to serve an additional 9,500 persons. Discharge will be to Ridley Creek.

6. *Township of Washington.* A project to provide the Township of Washington, Warren County, N.J., with an intercepting sewer, pumping station and force main to serve an area of the Township not presently served. Collected sewage will be treated in the existing Borough of Washington sewage treatment works.

7. *Borough of Riegelsville.* A well water supply project to augment public water supplies in the Borough of Riegelsville, Bucks County, Pa. Designated as well No. 3, the new facility is expected to yield approximately 200 gallons per minute.

8. *Delaware State Correctional Institution.* A project to supply water to the new State Correctional Institution at Smyrna, Del. Two new wells, designated No. 1 and No. 2, will be developed to deliver 150 and 500 gallons per minute, respectively.

9. *Evesham Municipal Utilities Authority.* A well water supply project to augment public water supplies in Evesham Township, Burlington County, N.J. To be designated well No. 3, the new facility is expected to yield 0.72 million gallons per day.

10. *Mohrsville Water Association.* A project for the construction of a new public water supply system for the Village of Mohrsville, Berks County, Pa. To be derived from a new drilled well, designated well No. 1, with a capacity of 150 gallons per minute.

11. *Warminster Township Municipal Authority.* A well water supply project to augment present supplies in Warminster Township, Bucks County, Pa. To be designated well No. 15, the facility is expected to yield 350 gallons per minute.

DAWES THOMPSON, *Acting Secretary.*

JULY 14, 1967.

[F.R. Doc. 67-8345; Filed, July 19, 1967; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 17555–17558; FCC 67–756]

AZALEA CORP. ET AL.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Azalea Corp., Mobile, Ala., Docket No. 17555, File No. BP–17340, requests: 960 kc, 1 kw, Day, Class III; W.G.O.K., Inc. (WGOK), Mobile, Ala., Docket No. 17556, File No. BP–17393, has: 900 kc, 1 kw, DA, Day, Class II; requests: 960 kc, 1 kw, Day, Class III; People's Progressive Radio, Inc., Mobile, Ala., Docket No. 17557, File No. BP–17477, requests: 960 kc, 1 kw, Day, Class III; Mobile Broadcast Service, Inc., Mobile, Ala., Docket No. 17558, File No. BP–17478, requests: 960 kc, 1 kw, Day, Class III; for construction permits; and Azalea Corp., Mobile, Ala., requests: 960 kc, 1 kw, Day, Class III; People's Progressive Radio, Inc., Mobile, Ala., requests: 960 kc, 1 kw, Day, Class III; for interim authority to operate on the facilities of former standard broadcast station WMOZ.

1. The Commission has before it for consideration: The above-captioned and described applications; a request by Azalea Corp. ("Azalea") for interim operating authority [14]; and related pleadings, requests,[15] et al. A chronological list of these items is attached hereto as "Appendix A."

2. The Commission's Public Notice of September 17, 1966 (FCC 66–824), inviting applications to replace the facilities of former Station WMOZ, Mobile, Ala., did not provide for the filing of applications for interim authority. Furthermore, since the proposals tendered do not request interim operation on a joint basis, they will be returned. See Lorain Interim Broadcasting Co., FCC 67–682, released June 14, 1967. At the same time, all other motions and requests concerning interim operating authority will be dismissed as moot.

3. Mobile Marine Radio, Inc. ("WLO"), licensee of Public Coast Station WLO, Mobile, Ala., has filed a formal petition to deny the Azalea construction permit application,[3] and submitted informal objections to the applications of WGOK, People's, and Mobile, on the ground that a grant of any one of them would result in harmful and destructive interference to WLO's reception on its International Calling and Distress frequency (500 kc), with adverse effect upon its exercise of its obligation to assist ships and persons in danger at sea. WLO states that, despite its own efforts to eliminate the interference, the interference continued to hamper WLO's operations until WMOZ (the former occupant of the facilities sought herein) went off the air. As soon as WMOZ terminated operations, WLO says, the interference ceased to exist. WLO expresses concern—particularly in view of its sea safety responsibilities—regarding the possible resumption of such interference as a result of the resumed use of WMOZ's former facilities. It asks that a condition be attached to future operations obligating the permittee to assume full responsibility for elimination of such interference prior to issuance of program test authority. Except to the extent that the reception interference suffered by WLO proves, upon investigation, to be the result of deficiencies in WLO's own equipment or operation, we are satisfied that WLO's request is warranted and consistent with previously expressed Commission policy.[4] An appropriate condition, broad enough to cover the various contingencies is included herein.

[14] People's Progressive Radio, Inc. ("People's") also filed for interim authority. However, on Apr. 24, 1967, it requested dismissal of its application.

[15] Appendix A filed as part of original document.

[3] Azalea, in its "Opposition * * *" pleading, contends that WLO lacks standing to file a petition to deny, on the ground, inter alia, that "Azalea is not proposing to operate on the International Distress Frequency * * *." It is unnecessary to rule on this point, since it is clear that the important question raised by WLO regarding all four applicants' proposals may be considered equally well by considering all of its communications to the Commission regarding that question as informal objections.

[4] See Midnight Sun Broadcasting Co., 3 RR 1486 (1947).

4. Springfield Broadcasting Co., Inc. ("WMOO"), licensee of standard broadcast Station WMOO, Mobile, Ala., in a "Petition to Deny" filed October 24, 1966, questions the adequacy of Azalea's financial and program proposals.[1] Regarding Azalea's financial proposal, WMOO contends that—notwithstanding Azalea's claims to the contrary—the Azalea application must be judged in the light of the Ultravision[2] test, i.e., a showing of sufficient funds to meet the proposed station's initial and first-year-operating expenses; and that the Azalea financial proposal fails to meet that test.

5. Azalea claims that the Ultravision test was intended to apply to applications for new stations, whose revenue-earning capacity had not been confirmed by actual experience—whereas the Azalea application, filed even before former 960 kc, Mobile, Ala., Station WMOZ left the air,[3] was designed to continue the service provided by WMOZ to the same, largely Negro, audience, relying on substantially the same staff and advertising revenue sources. Close to a year has gone by, however, since WMOZ went off the air. In the meantime, its audience, advertisers, and staff may well have found new broadcast ties—including, among others, the petitioner itself, WMOO, which, soon after WMOZ's demise, switched from a country-and-western to a Negro-audience format and hired WMOZ's former sales manager. In view of these facts, we find no reasons to exempt Azalea from the Ultravision standard.

6. WMOO points out that the $36,000 in stock-purchase payments which Azalea claims will be available to it fall more than $20,000 below Azalea's own estimate of initial and first-year-operating expenses; and contends in addition that Azalea has both underestimated its expenses and overestimated the funds which will be available to it to meet those expenses.

7. Although Azalea claims that its initial and first-year-operating expense would come to approximately $58,000, its own detailed expense figures add up to $62,217;[4] i.e., $26,217 more than the $36,000 in stock-purchase payments which Azalea claims will be available to it from stock-purchase payments will actually be forthcoming. Harvey Mintz has given Azalea promissory notes totaling $7,350, but his July 12, 1966, balance sheet shows net current liabilities of $10,000. James Jardine has given Azalea a promissory note for $2,800, but the June 30, 1966, balance sheet of James C. and Sue C. Jardine shows net current liabilities of $4,000. Charles Trainor has given Azalea a promissory note for $14,700, but his June 30, 1966, balance sheet shows net current assets of only $3,700. Trainor relies in part upon a $5,000 loan commitment to him from the Merchants National Bank of Mobile, but the bank letter submitted as evidence of that loan commitment specifies a termination date of November 18, 1966.

9. WMOO's objection to Azalea's $48,000 first-year-operating-expense estimate is based in large measure on the mistaken belief that Azalea proposes to rent its physical facilities for $500 a month. That rental figure, however, was intended to apply only to Azalea's interim operation proposal (for use of the physical facilities of former Station WMOZ), not to its regular, construction permit, proposal. WMOO also assumes without warrant that salaries for the Azalea station's eight employees (some of whom may be part-time) will total $32,000. In view of the general experience of stations of the type contemplated, and the absence of substantial countervailing evidence in WMOO's pleadings, we find Azalea's $48,000 estimate reasonable. Nonetheless, for the reasons outlined in previous paragraphs, a financial qualification issue will be required.

10. WMOO objects to the program service part of Azalea's application on the ground that the programing survey conducted by Azalea occurred before WMOO changed from a country-and-western to a Negro-audience format, and that Azalea's survey must therefore be considered obsolete. This does not follow. Where it appears that an applicant has made reasonable efforts to ascertain the programing needs, and interests of the community and area it proposes to serve and has formulated a program format which, in its judgment, would meet those needs and interests as it has determined them to be, a Suburban issue[5] is not warranted in the absence of a compelling showing that the proposal would not fulfill that function.[6] WMOO has made no such showing. According to the 1960 Census, nonwhite persons constitute approximately one-third of the population of both Mobile and the standard metropolitan statistical area of which it is a part. If Azalea's application were to be granted, three of the eight Mobile standard broadcast stations would be primarily aimed at Negro audiences. In view of these facts, there is no substantial reason to believe that a second survey by Azalea would yield results substantially different from those obtained before.

11. Having rejected WMOO's particular objection to Azalea's program proposal, however, we nonetheless conclude—on other grounds—that a Suburban issue is required: Azalea states that "a special survey was conducted of a cross section of members of * * * [the Negro] community" in Mobile and environs, but it provides no indication as to which persons and organizations were approached in the course of the survey or even how many. In view of this, the Commission clearly lacks sufficient information to permit an evaluation of the adequacy of that programing survey. Moreover, there can be no doubt that a survey was required. Although Azalea indicates that its president has broadcast station management experience and has been active in numerous organizations in the Mobile area, nothing in the application reflects any special expertise on his part with respect to the needs and interests of that segment of the population which Azalea proposes particularly to serve. Although one of the members of Azalea's board of directors is described as Mobile chapter chairman of the National Association for the Advancement of Colored People, his participation in the preparation of Azalea's programing would not suffice in the absence of an adequate survey.

12. Likewise, examination of the program portion of Mobile Broadcast's application shows that, although a survey was taken, the persons and organizations consulted were not identified. Thus, a Suburban issue will also be specified with respect to this application.

13. As previously noted, Azalea proposes specialized programing designed to serve the Negro population of Mobile. This is also true of WGOK. Since the other two applicants propose general market programing, substantial and material differences between the applicants' plans may be involved. Therefore, these differences will be considered within the context of the comparative issue. Policy Statement on Comparative Broadcast Hearings, 1 FCC 2d 393, 5 RR 2d 1901, at 1911. In re Ward L. Jones, FCC 67-82, released January 25, 1967.

14. The application for a change in the facilities of its Mobile, Ala., standard broadcast station, WGOK, to the facilities formerly occupied by WMOZ, is challenged by two Azalea petitions,[7] one a "Petition Not To Accept Application for Filing," the other a "Petition To Deny or in the Alternative To Designate for Hearing on the Issue Specified." In the first of these two petitions, Azalea notes that the Commission, in its Public Notice accepting the Azalea application for filing,[8] waived § 73.37 of the rules "insofar as necessary to permit the acceptance for filing of * * * [that] application, and all other applications seeking substantially the same facilities." Azalea contends that, though both it and WGOK, seek to operate a daytime-only, 1 kilowatt, Class III, Mobile, Ala., standard broadcast station operating on 960 kilocycles, the WGOK proposal does not request "substantially the same facilities" as are requested by Azalea. The facilities are not substantially the same, Azalea contends, because its proposal is for a new station which would restore Mobile, Ala.'s status quo ante, i.e., eight local standard broadcast services; whereas WGOK's proposal would merely change the operating specifications of an existing Mobile station. This contention is completely incorrect: Both Azalea and WGOK seek the same city of assignment, frequency, power, and hours of operation, and substantially the same primary service areas. Within the meaning of the quoted Public Notice (and all previous such Public Notices), the "facilities" they seek are therefore "substantially identical." The fact that WGOK is an existing station whereas Azalea's proposal is not, is entirely irrelevant. For these reasons, Azalea's "Petition Not To Accept * * *" will be denied.

15. Azalea's other petition contends that the WGOK application was filed "for the purpose of impeding, obstructing, and delaying determination of * * * [the Azalea] application," and requests that the WGOK application be denied or designated for hearing on that issue. In support of that contention, Azalea states: "[F]or no apparent nor stated reason. WGOK seeks to abandon its present frequency in order to operate on the higher, and, therefore, less attractive frequency of 960kc. It proposes no improvement in power; no increase in operating hours; and on enhancement of its ability to serve the public." In saying this, however, Azalea (i) takes no account of the fact that the WGOK proposal involves a change from a directional antenna system to a nondirectional system which would cost less to operate, and (ii) makes no attempt to refute Exhibit E-11 of the WGOK application, which indicates that the proposed WGOK operation would provide broadcast service to a substantially larger population than is presently served by that station. In view of these facts, Azalea's petition will also be denied.

16. In view of the following facts, however, an issue will be specified, on our own motion, to determine whether WGOK is financially qualified:

(a) WGOK estimates variously that the change in facilities "could be accomplished for less than $5,000" and that the total expenditure for the change would "not be in excess of $1,000." Its balance sheet, dated September 30, 1966, shows net current liabilities of $8,321.81. It reports that its net income after Federal income taxes was, in 1965, $1,973.81, and that in 1964 it suffered a net loss of $398.22.

(b) Despite these figures, WGOK claims that it has sufficient resources of its own to meet the cost of the proposed change in facilities. It concedes, however, that it "does not have sufficient funds for a prolonged, expensive hearing should such a hearing be necessary"; and, in view of that, has submitted statements by its two stockholders affirming their readiness to lend it $50,000 apiece, accompanied by a certified public accountant's letter attesting to their ability to make such loans.

(c) These statements, however, must be considered insufficient in view of their failure to meet the requirements—set forth at section III, page 2, paragraph 4 (c), (d), and (f) of the application form (FCC Form 301)—first, that documentation of the availability of a loan must set forth the terms of repayment, if any, and security, if any; second, that for each of the two proposed lenders, the applicant must submit a detailed balance sheet or financial statement, and such supplementary material as may be necessary, to prove the prospective lender's ability to comply with the terms of his loan commitment; and, third, that for each of the proposed lenders, there must be submitted a statement of net income after Federal income tax received for the previous 2 years.

17. A financial qualifications issues is also necessary, for the following reasons, with respect to the Mobile Broadcast Service, Inc., application:

(a) Mobile estimates that its initial and first-year-operating expenses will total $102,900.

(b) Its balance sheet, dated October 15, 1966, shows net current assets totaling $3,305. In addition it proposes to rely upon "stock subscriptions receivable"[12] totaling $23,000, equipment on hand worth $5,900, and two loans, one for $10,000 by its president, E. Howard Smith, and one for $70,000 from the Commercial Guaranty Bank of Mobile. These figures total $112,205.

(c) However, only one of the subscribers, Julien E. Marx, has submitted a balance sheet evidencing sufficient net current assets to enable him to meet his stock subscription commitment,[13] prospective lender E. Howard Smith has failed to demonstrate his ability to meet a $10,000 loan,[14] and the bank letter submitted as Exhibit 4, page 14, of the People's application in no sense constitutes a commitment that the $70,000 loan relied upon by People's will be forthcoming.[15]

18. John C. Smith, president member of the board of directors, and 16⅔-percent stockholder of People's Progressive Radio, Inc., is described in People's application as the general manager of standard broadcast Station WZAM, Prichard, Ala., a station whose 1 mv/m contour would overlap that of the proposed People's station. To avoid contravention of § 73.35(a) of the Commission's rules, any grant of the People's application shall include a condition requiring that Smith sever all connections with the license of WZAM prior to issuance of program test authority.

19. Charles Trainor, president, board member, and 41.66-percent stockholder of Azalea, and Arthur G. Keeney, an 8.33-percent Azalea stockholder, are described in Azalea's application as, respectively, general manager and news

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[1] Azalea, relying on Beloit Broadcasters, Inc. v. FCC 365 F. 2d 2125, 7 RR 2d 2125 (D.C. Cir., 1966), contends that WMOO lacks standing to file a petition to deny, in that the fact that it had seven local standard broadcast competitors when it accepted its license bars it from claiming standing (by virtue of potential economic injury) to object to the establishment of a new local standard broadcast station utilizing the facilities of a deleted station. This contention both misapplies the Beloit decision and runs counter to the decision of the U.S. Supreme Court in FCC v. Sanders Brothers Radio Station, 309 U.S. 470 9 RR 2008 (1940). It is therefore rejected.

[2] Ultravision Broadcasting Co., 1 FCC 2d 544, 5 RR 2d 548 (1965).

[3] On May 11, 1966, the Commission ordered WMOZ to terminate operations by July 31, 1966. The Azalea applications for a construction permit and for interim operating authority were filed July 20, 1966.

[4] I.e., (a) down payment to Gates, $4,717; (b) remodeling buildings, $3,500; (c) "other items" (fees, furniture and fixtures, miscellaneous, and contingencies), $6,000; (d) first-year operating expenses, $48,000; (e) total, $62,217.

[5] Supra n. 5, at par. 9.

[6] I.e., to determine the applicant's efforts to ascertain the programing needs and interests of the area to be served, and the manner in which the applicant proposes to meet such needs and interests. Patrick Henry et al. v. F.C.C., 112 U.S. App. D.C. 257, 302 F. 2d 191, 23 RR 2016 (1962).

[7] Voice of Middlebury 3 FCC 2d 512, 7 RR 2d 347 (1966).

[8] WGOK objects to the procedural merits of these petitions on the ground that Azalea has failed to set forth specific allegations of fact sufficient to show that it is a party in interest, and has failed to support its specific allegations of fact by affidavit of person(s) having personal knowledge thereof. These arguments must be rejected on the ground that Azalea's standing as a party in interest is plainly evident from the fact that the Azalea and WGOK, Inc., applications are mutually exclusive, and that Azalea makes no specific allegations of fact which are not subject to official notice.

[9] FCC 66-824, adopted Sept. 14, 1966.

[10] I.e., stock subscriptions of $2,500 by E. Howard Smith, $2,500 by Howard L. Smith, $8,500 by Robert A. Schorr, $8,500 by Joseph R. Bancroft, and $1,000 by Julien E. Marx.

[11] (a) E. Howard Smith's financial statement, dated Sept. 8, 1966, lists only $700 ("Cash on hand and in banks") which can be accepted, on the basis of the information submitted, as current assets. Although "Negotiable securities and bonds in excess of $20,000," they are not identified nor is any information supplied as to which exchanges, if any, they are traded on. His liabilities (which are not separated into current and long-term liabilities) total $9,700. (b) Howard L. Smith's financial statement, dated Oct. 5, 1966, does not show net current assets in excess of $1,000. (c) Robert A. Schorr's balance sheet, dated Oct. 1, 1966, shows net liabilities of $3,000. (d) Joseph R. Bancroft's financial statement, dated Oct. 14, 1966, does not demonstrate possession of net current assets in excess of $100. His "total liabilities" (which are not segregated into current and fixed liabilities, and are therefore presumed to be current) are described as "not in excess of $5,000."

[12] Supra n. 14, item (a).

[13] The bank letter submitted by Mobile states that the bank "could be" in a position to lend up to $70,000 provided, inter alia, "That the loan be properly secured, which could include your corporation stock as well as the personal endorsements of the Stockholders," and that "The current financial statements be submitted at the time the extension of credit is required, and that the statements warrant the extension of credit." A letter so replete with qualifications clearly will not suffice as evidence of the availability of a loan.

director of Station WKRG(AM), Mobile, Ala. To avoid contravention of § 73.35(a) of the Commission's rules, any grant of the Azalea application shall include a condition requiring that Trainor and Keeney sever all connections with the licensee of WKRG prior to issuance of program test authority.

20. The Commission finds that, since simultaneous operation of the above proposals would result in mutually destructive interference, they are mutually exclusive and must be designated for hearing in a consolidated proceeding; and that, except as indicated by the issues set forth below, each of the applicants is qualified to construct and operate as proposed.

Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned construction permit applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from Azalea Corp., People's Progressive Radio, Inc., and Mobile Broadcast Service, Inc., proposals, and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which may be expected to gain or lose service from the proposed operation of Station WGOK, Mobile, Ala., and the availability of other primary service to such areas and populations.

3. To determine, with respect to the Azalea Corp. application:

(a) Whether Harvey Mintz has sufficient net liquid assets to enable him to meet his $2,850 commitment.

(b) Whether James C. Jardine has sufficient net liquid assets to enable him to meet his $2,800 commitment.

(c) Whether Charles Trainor has sufficient net liquid assets to enable him to meet his $14,700 commitment, and, if not, whether sufficient funds are available to him from the Merchants National Bank of Mobile to enable him to meet that commitment.

(d) Assuming that all of the funds, set forth in subissues 3–a through 3–c supra, upon which the applicant relies will be available to it, how it will obtain sufficient additional funds to construct and operate the proposed station for one year.

(e) Whether, in the light of the evidence adduced pursuant to subissues 3–a through 3–d supra, the applicant is financially qualified.

4. To determine Azalea's efforts to ascertain the programing needs and interests of the area to be served, and the manner in which it proposes to meet such needs and interests.

5. To determine, with respect to the W.G.O.K., Inc., application:

(a) The expenses involved in the W.G.O.K., Inc., proposal.

(b) Whether WGOK, Inc., possesses sufficient net liquid assets to enable it to meet those expenses.

(c) Whether Jules J. Paglin has sufficient net liquid assets to enable him to meet his $50,000 loan commitment to the applicant.

(d) Whether Stanley W. Ray, Jr., has sufficient net liquid assets to enable him to meet his $50,000 loan commitment to the applicant.

(e) Whether, in the light of the evidence adduced with respect to subissues 5–a through 5–d, the applicant is financially qualified.

6. To determine Mobile Broadcast Service, Inc.'s efforts to ascertain the programing needs and interests of the area to be served, and the manner in which it proposes to meet such needs and interests.

7. To determine, with respect to the Mobile Broadcast Service, Inc., application:

(a) Whether the Mobile Broadcast Service, Inc., possesses sufficient net liquid assets to enable it to meet the expenses involved in its proposal.

(b) Whether E. Howard Smith possesses sufficient net liquid assets to enable him to meet his (1) $2,500 stock subscription, and (2) his $10,000 loan, commitments.

(c) Whether Howard L. Smith possesses sufficient net liquid assets to enable him to meet his $2,500 stock subscription commitment.

(d) Whether Robert A. Schorr possesses sufficient net liquid assets to enable him to meet his $8,500 stock subscription commitment.

(e) Whether Joseph R. Bancroft has sufficient net liquid assets to enable him to meet his $8,500 stock subscription commitment.

(f) The terms and conditions upon which a loan will be available to the applicant from the Commercial Guaranty of Mobile and whether such terms and conditions can be met by the applicant.

(g) Whether, in the light of the evidence adduced with respect to subissues 7–a through 7–f, the applicant is financially qualified.

8. To determine which of the proposals would best serve the public interest.

9. To determine, in the light of the evidence adduced with respect to the foregoing issues, which of the applications should be granted.

It is further ordered, That, in the event of a grant of any of the above-captioned applications, the construction permit shall contain the following conditions:

The permittee shall, before issuance of program test authority, take all steps necessary, at its own expense, to prevent adverse effect upon licensed reception by Public Coast Station WLO, Mobile, Ala.: *Provided*, That, to the extent that such effect are attributable to deficiencies in WLO's equipment or operation, WLO shall be responsible for taking the necessary corrective action. The permittee shall submit, before the issuance of program test authority, sufficient evidence to establish that its operation will have no adverse effect to the operations of Public Coast Station WLO.

Pending a final decision in Docket No. 14419 with respect to presunrise operation with daytime facilities, the present provisions of § 73.87 of the Commission's rules are not extended to this authorization, and such operation is precluded.

It is further ordered, That, in the event of a grant of the Azalea Corp. application, the construction permit also shall contain the following condition: Program tests will not be authorized until the permittee has submitted evidence demonstrating to the Commission's satisfaction that Charles Trainor and Arthur G. Keeney have severed all connections with the licensee of standard broadcast station WKRG, Mobile, Ala.

It is further ordered, That, in the event of a grant of the People's Progressive Radio, Inc., application, the construction permit shall also contain the following condition: Program tests will not be authorized until the permittee has submitted evidence demonstrating to the Commission's satisfaction that John C. Smith has severed all connections with the licensee of standard broadcast station WZAM, Prichard, Ala.

It is further ordered, That the above applications for interim authority are returned; that all pleadings and requests relating thereto are dismissed as moot; and that the pleadings listed in Appendix A[16] are granted to the extent indicated above and are denied in all other respects.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: June 28, 1967.

Released: July 13, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[17]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-8430; Filed, July 19, 1967; 8:52 a.m.]

[Docket Nos. 17565, 17566]

CORINTH BROADCASTING CO., INC., AND RADIO CORINTH

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of The Corinth Broadcasting Co., Inc., Corinth, Miss., Docket No. 17565, File No. BPH-5675, Requests: 95.3 mc, No. 237; 3 kw; 271 feet; Elbert A. White, III and Charles A. Weeks, doing business as Radio Corinth, Corinth, Miss., Docket No. 17566, File No. BPH-5732, Requests: No. 95.3 mc, No. 237; 3 kw; 209 feet; for construction permits.

1. The Commission, by the Chief, Broadcast Bureau, under delegated authority considered the above-captioned and described applications for construction permits.

2. These applications are mutually exclusive in that operation by the applicants as proposed would cause mutually destructive interference.

3. Each of the applicants is qualified to construct and operate as proposed. However, because of their mutual exclusivity the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that they must be designated for hearing in a consolidated proceeding on the issues set forth below.

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine which of the proposals would better serve the public interest.

2. To determine, in the light of the evidence adduced pursuant to the foregoing issue, which of the applications for construction permit should be granted.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: June 30, 1967.

Released: July 17, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-8431; Filed, July 19, 1967; 8:52 a.m.]

[16] Appendix A filed as part of original document.

[17] Commissioner Johnson absent.

[Docket No. 17504; FCC 67M-1166]

ARTHUR H. JONES, JR.

Order Continuing Hearing

In the matter of Arthur H. Jones, Jr., 4017 Cold Spring Lane, Baltimore, Md. 21215, Docket No. 17504; suspension of radiotelephone first class operator license.

A prehearing conference having been convened on July 12, 1967;

It appearing, that all parties consent to a grant of the licensee's motion for consolidation of the above-captioned docket with Docket No. 17509:

It is ordered, That the said motion for consolidation is granted, and that hearing procedures in Docket Nos. 17504 and 17509 are consolidated; and

It is further ordered, That the hearing now scheduled for July 20, 1967, is continued to July 26, 1967, at 10 a.m. in Baltimore, Md., at an address to be hereafter specified.

Issued: July 12, 1967.

Released: July 14, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-8432; Filed, July 19, 1967; 8:52 a.m.]

[Docket No. 17509; FCC 67M-1165]

ARTHUR H. JONES, JR.

Order Continuing Hearing

In the matter of Arthur H. Jones, Jr., Baltimore, Md., Docket No. 17509; suspension of amateur radio operator license (W3IRL).

A prehearing conference having been convened on July 12, 1967;

It appearing, that all parties consent to a grant of the licensee's motion for consolidation of the above-captioned docket with Docket No. 17504:

It is ordered, That the said motion for consolidation is granted, and that hearing procedures in Docket Nos. 17504 and 17509 are consolidated; and

It is further ordered, That the hearing now scheduled for July 21, 1967, at 10 is continued to July 26, 1967, at 10 a.m. in Baltimore, Md., at an address to be hereafter specified.

Issued: July 12, 1967.

Released: July 14, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-8433; Filed, July 19, 1967; 8:52 a.m.]

[Docket Nos. 17521, 17522; FCC 67M-1162]

MESA MICROWAVE, INC., AND VUMORE CO.

Order Scheduling Hearing

In re applications of Mesa Microwave, Inc., Docket No. 17521, File No. 1823-C1-R-66, for renewal of license of Station KLH82, Muenster, Tex.; Vumore Co., Docket No. 17522, File No. 22628-IB-25X, for construction permit for a new microwave point-to-point radio station to provide service to applicant's CATV system at Ardmore, Okla.:

It is ordered, That Millard F. French shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on September 11, 1967, at 10 a.m.; and that a prehearing conference shall be held on July 31, 1967, commencing at 9 a.m.: *And, it is further ordered*, That all proceedings shall take place in the offices of the Commission, Washington, D.C.

Issued: June 20, 1967.

Released: July 14, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-8434; Filed, July 19, 1967; 8:52 a.m.]

[Docket Nos. 17523, 17524; FCC 67M-1164]

VICTOR MUSCAT AND KTOW-TV, INC.

Order Continuing Hearing

In re applications of VICTOR MUSCAT, Tulsa, Okla., Docket No. 17523, File No. BPCT-3843; KTOW-TV, Inc., Tulsa, Okla., Docket No. 17524, File No. BPCT-3867; for construction permit for new television broadcast station (Channel 29).

The Hearing Examiner having under consideration a hand-delivered letter request dated June 28, 1967, from counsel for Victor Muscat in the above proceeding reading in chief part as follows:

I will not be in Washington during the month of July. I have been advised by the Broadcast Bureau that the Hearing Division staff has been requested to schedule its well-earned vacations during the month of August. Accordingly, I respectfully request that the prehearing conference be held at some date selected by you, at your convenience, during the month of September, other than September 5, when I have a commitment for an oral argument before the Commission en banc. Mr. Smith, counsel for KTOW-TV, Inc., and Mr. Fitzpatrick, counsel for Chief, Broadcast Bureau, have no objection to the procedure. May I suggest also that the actual hearing date be postponed until such time as may be set, as a result of the procedures agreed upon at the prehearing conference.

Very truly yours,

BENITO GAGLIARDI.

And, it appearing that the request is somewhat unusual and would ordinarily not be granted but under the circumstances, including the Examiner's other commitments, no significant delay or inconvenience will result from granting the request:

It is ordered, That the request is granted and, accordingly, the prehearing conference now scheduled for July 14, 1967, is rescheduled to commence at 9 a.m., September 7, 1967, and the hearing now scheduled for September 7,

1967, is postponed to a date to be determined at the said prehearing conference.

Issued: July 11, 1967.

Released: July 14, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-8435; Filed, July 19, 1967; 8:52 a.m.]

[Docket Nos. 17577, 17578; FCC 67-702]

WATERMAN BROADCASTING CORP. OF TEXAS AND NATIONAL ENTERPRISES, INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Waterman Broadcasting Corp. of Texas, San Antonio, Tex., Docket No. 17577, File No. BPH-5484, requests: 102.7 mc, No. 274; 25.2 kw; 309 feet; National Enterprises, Inc., Alamo Heights, Tex., Docket No. 17578, File No. BPH-5491, requests: 102.7 mc, No. 274; 29.96 kw; 234 feet; for construction permits.

1. The Commission has under consideration the above captioned and described applications which are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference.

2. Since the respective proposals are for different communities, it will be necessary to determine pursuant to section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient, and equitable distribution of radio service. Since each proposal would provide 3.16 mv/m coverage to both communities, the 307(b) issue may not be determinative. Accordingly, we have specified a contingent comparative issue.

3. National Enterprises proposes an average of 42 percent duplicated programing while Waterman proposes no more than 10 percent duplication. Therefore, evidence regarding program duplication will be admissible under the contingent comparative issue. When duplicated programing is proposed, the showing permitted under the standard comparative issue will be limited to evidence concerning the benefits to be derived from the proposed duplication, and a full comparison of the applicants' program proposal will not be permitted in the absence of a specific programing inquiry—Jones T. Sudbury —— FCC 2d ——, FCC 67-614 (1967).

4. Such full comparison is warranted when one applicant proposes predominantly specialized programing and the other general market programing—Ward L. Jones, FCC 67-82 (1967); Policy Statement on Comparative Broadcast Hearings, 1 FCC 2d 393, footnote 9 at 397 (1965). In this case, National Enterprises proposes predominantly religious programing and Waterman, general market programing. Therefore, the programing proposals of the applicants may be compared under the contingent comparative issue if the 307(b) issue is found not to be determinative.

5. Each of the applicants is qualified to construct and operate as proposed. However, because of their mutual exclusivity, the Commission is unable to make a statutory finding that a grant of the subject applications would serve the public interest, convenience and necessity, and is of the opinion that they must be designated for hearing in a consolidated proceeding on the issues set forth below.

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service.

2. To determine, in the event it is concluded that a choice between applications should not be based solely on considerations relating to section 307(b), which of the proposals would better serve the public interest.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the applications should be granted.

It is further ordered, That to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney shall, within twenty (20) days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: July 5, 1967.

Released: July 17, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-8437; Filed, July 19, 1967; 8:52 a.m.]

[Docket Nos. 17563, 17564]

WESTERN BROADCASTING CO. AND KING BROADCASTING CO.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Ralph Weagant tr/as Western Broadcasting Co., Portland, Oreg., Docket No. 17563, File No. BPH-5659, requests: 101.9 mc, No. 270; 28.5 kw; 210 feet; King Broadcasting Co., Portland, Oreg., Docket No. 17564, File No. BPH-5841, requests: 101.9 mc, No. 270; 100 kw (horizontal) 100 kw (vertical); 1,611 feet; for construction permits.

1. The Commission, by the Chief, Broadcast Bureau, under delegated authority considered the above captioned and described applications for construction permits.

2. These applications are mutually exclusive in that operation by the applicants as proposed would cause mutually destructive interference.

3. The areas and populations to be served are markedly different in size and that for the purposes of comparison, the areas and populations within the respective 1 mv/m contours together with the availability of other FM services of at least 1 mv/m in such area will be considered under the standard comparative issue for the purpose of determining whether a comparative preference should accrue to either of the applicants.

4. Each of the applicants is qualified to construct and operate as proposed. However, because of their mutual exclusivity the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that they must be designated for hearing in a consolidated proceeding on the issues set forth below.

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine which of the proposals would better serve the public interest.

2. To determine, in the light of the evidence adduced pursuant to the foregoing issue, which of the applications for construction permit should be granted.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants pursuant to § 1.221 (c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: June 30, 1967.

Released: July 17, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-8438; Filed, July 19, 1967; 8:52 a.m.]

[Docket No. 17554; FCC 67M-1109]

WESTERN UNION TELEGRAPH CO.

Order Continuing Prehearing Conference

In the matter of proposed revisions in the rates of the Western Union Telegram Co. for tieline domestic interstate telegraph services; Docket No. 17554.

On the unproposed oral request of counsel for Western Union, because of the prospective filing of a tariff revision which may materially affect the issues:

It is ordered, That the prehearing conference is rescheduled from July 19 to August 17, 1967, at 10 a.m.

Issued: July 12, 1967.

Released: July 14, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-8439; Filed, July 19, 1967; 8:52 a.m.]

[Docket No. 15697; FCC 67-803]

STEREOPHONIC SOUND FOR TELEVISION BROADCASTING

Memorandum Opinion and Order Terminating Proceeding

In the matter of stereophonic sound for television broadcasting; Docket No. 15697, RM-96, RM-376.

1. The Commission has under consideration its Notice of Inquiry issued in this proceeding on November 16, 1964, FCC 64-1056 (29 F.R. 15545) inviting comments as to the desirability and methods of providing for stereophonic sound transmission and reception in television broadcasting. The notice of inquiry was issued in response to requests for rule making filed by the Philco Corp. (RM-96) and the General Electric Co. (RM-376), each proposing a specific system designed to be compatible with conventional TV receivers in the hands of the public.

2. The notice stated that we did not wish to limit consideration to the systems proposed but asked for information and data on other methods of achieving stereophonic sound with special consideration to be given to such matters as costs, complexity of equipment, quality of picture and sound, availability of stereo program material and production etc. Our main purpose, however, in issuing the notice was to "determine whether or not the employment of stereophonic sound in television broadcasting will add to the realism or otherwise contribute a worthwhile improvement to the overall portrayal of the programs * *".

Comments. 3. Only thirteen comments[1] were filed in this proceeding, five from manufacturers, five from individuals, two organizations, and one FM station. Four of the manufacturers (Philco, G.E., Westinghouse, and Zenith) described systems or methods of obtaining the stereophonic sound which they had developed and tested. Zenith states that although eventually TV stereo sound could add a worthwhile improvement to the television service, they caution against premature commercial authorization of this technological development before suitable stereo program production techniques and materials become generally available. Secondly, Zenith points out that the disparity between the relatively narrow viewing angle of the TV receiver picture tubes and the wide stereo listening angle largely precludes advantageous use of stereo sound unless possible new off-stage stereo sound programing techniques could be developed or picture size materially increased. Therefore stereo sound is not likely to have significant value for viewers until there are new developments in these areas. The other manufacturers who favor rule making devote almost all of their comments to the presentation of their respective systems, the specifications proposed, and the other related matters concerning impact on existing receivers and the picture signal of the TV broadcast. Emerson submits that present and probable future screen size limitation is inconsistent with the expected benefits of stereo sound for TV. It urges that the popularity of portable sets would make the accompanying stereo both impractical and unnecessary for this major portion of the market.

4. EIA submits that in order to obtain the answers to the technical questions raised by its Broadcast Television System Committee it would take 18 months part time effort of about 100 engineering and scientific personnel and that there is not sufficient interest in the industry to warrant such further study. It urges therefore that the present inquiry be closed without prejudice or deferred to a later date. Among the technical problems which EIA lists for necessary study are compatibility, spectrum utilization, FM carrier deviation, monophonic reception characteristics, stereophonic reception characteristics, system characteristics, receiver and transmitter considerations, transmission effects, and field testing. The NAFMB also raises the question of the narrow viewing angle of the TV picture as against the wide hearing angle desirable for effective stereo. It also points out that the quality of TV stereo will be questionable in view of the bandwidth available for sound on TV, the position of the viewer in terms of distance from the TV receiver, and the shortage of musical productions for use in TV stereo sound. It urges the Commission to evaluate the impact of any stereo proposal on FM broadcasting as well as on TV reception. WLVL, an FM station in Louisville, Ky., opposes TV stereo sound on the grounds that it would injure the FM broadcasting service, that it would add to the complexity and cost of TV receivers, and that the public is already being urged to purchase UHF and color. It submits that TV sound could be greatly improved without the addition of stereo.

5. Of the five individuals filing comments one (Mr. Reesor), outlines several methods for obtaining TV stereo, another opposes the adoption of standards for stereophonic sound for TV and the remaining three favor such standards.

Conclusions. 6. Based upon the character of the responses to our Notice of Inquiry we are convinced that there is no urgent need or demand for adoption of specifications for stereophonic sound for television broadcasting. Not one TV broadcast station or organization of such stations filed any comments. EIA, the representative of most of the TV transmitter and receiver manufacturers, urges us to close the proceeding or defer it to a later date. The Inquiry has, however, served to emphasize the problems that must be solved before material benefits can be derived from the proposed addition of stereo sound. It appears, therefore, that no useful purpose would be served by continuing the present proceeding at this time. In the event that the industry or other interested parties feel that there is sufficient ultimate prospect of TV program improvement through the use of sound stereo, efforts can be directed to the problems referred to above for consideration at a later date.

7. In view of the foregoing: *It is ordered*, That the petitions of Philco Corp. and General Electric Co., RM-96 and 376 are denied and that this proceeding is terminated.

Adopted: July 5, 1967.

Released: July 17, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-8436; Filed, July 19, 1967; 8:52 a.m.]

[1] Comments and data were filed by Philco Corp., General Electric Co., Westinghouse Electric Corp., Zenith Radio Corp., Emerson Radio & Phonograph Corp., Electronic Industries Association (EIA), National Association of FM Broadcasters (NAFMB), WLVL(FM), Louisville, Ky., Thomas W. Reesor, Bob Myers, James F. Palmer, Richard L. Meyers, and Phillip H. Ellis.

FEDERAL MARITIME COMMISSION

MARYLAND PORT AUTHORITY AND BALTIMORE & OHIO RAILROAD

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to

section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Philip G. Kraemer, Director of Transportation, Maryland Port Authority, Pier 2 Pratt Street, Baltimore, Md. 21202.

Agreement No. T-32A-1 between the Maryland Port Authority and the Baltimore & Ohio Railroad modifies the basic agreement which provides that the Port furnish all labor and equipment required for the handling of railroad freight at Locust Point Marine Terminal (Baltimore) Maryland. The purpose of the modification is to eliminate the extra handling now involved in the collection of charges for work performed by stevedoring firms for the Baltimore & Ohio Railroad. The modification will also reflect current charges for loading, unloading and other services.

Dated: July 17, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-8391; Filed, July 19, 1967; 8:48 a.m.]

MARYLAND PORT AUTHORITY AND MOORE-McCORMACK LINES, INC.

Notice of Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreements at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreements filed for approval by:

Philip G. Kraemer, Director of Transportation, Maryland Port Authority, Pier 2 Pratt Street, Baltimore, Md. 21202.

Agreement No. T-2066 between the Maryland Port Authority (MPA) and Moore-McCormack Lines, Inc. (Moore-McCormack), provides for the one year lease to Moore-McCormack of berth 3, Dundalk Marine Terminal, and the area immediately adjacent thereto at a fixed monthly rental plus certain tax payments. The minimum annual payment so computed will be $130,000. Moore-McCormack has the option to renew the lease for an additional period of one year. Moore-McCormack agrees to file its tariffs with the Federal Maritime Commission, and will include a provision therein that no change, supplement or reissue will become effective until 30 days after filing with the Commission unless good cause exists for a change upon shorter notice. If during the term of the lease and any renewal thereof MPA shall construct additional berthing facilities at Dundalk, it agrees to enter into negotiations with Moore-McCormack for the purpose of leasing a berth at such additional facilities.

Agreement No. T-2066-A between MPA and Moore-McCormack is an operating agreement with respect to Moore-McCormack's operations at the premises covered by lease agreement FMC No. T-2066 and will be for an identical period of time. The agreement provides that Moore-McCormack's operations be subject to all rules, charges and conditions of MPA's tariff except that dockage and wharfage shall not be charged vessels berthing at berth 3 while the berth is under lease to Moore-McCormack except as Moore-McCormack shall publish and assess such charges. Free time, demurrage, loading, unloading and handling charges shall not apply in any area leased by Moore-McCormack.

Agreement No. T-2066-B between MPA and Moore-McCormack is an operating agreement covering premises leased to Moore-McCormack under agreement numbers T-2066-C and T-2066-D. The agreement provides that Moore-McCormack operations will be subject to MPA's applicable tariff except that free time and demurrage, loading unloading and handling charges shall not apply in any area leased by Moore-McCormack. MPA agrees to provide berthing for Moore-McCormack's vessels according to a schedule set forth in the agreement, and vessels will pay dockage based on MPA's applicable tariff.

Agreement No. T-2066-C provides for the lease to Moore-McCormack of 25,000 square feet of space in shed No. 6 at Dundalk Marine Terminal at a fixed rental per quarter of each term of the lease. The premises will be used for the receiving, handling, processing, storage and warehousing of water-borne freight.

Agreement No. T-2066-D between MPA and Moore-McCormack covers the lease to Moore-McCormack of three acres of outside paved area at Dundalk at a fixed rental per quarter of each term of the lease. The premises will be used for the receiving, handling and storage of waterborne freight.

Dated: July 14, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-8392; Filed, July 19, 1967; 8:48 a.m.]

HAMBURG-SUDAMERIKANISCHE DAMPFSCHIFFAHRTS-GESELLSCHAFT EGGERT & AMSINCK (COLUMBUS LINE) AND SEATRAIN LINES, INC.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Joseph Hodgson, Jr., General Traffic Manager, Seatrain Lines, Inc., 595 River Road, Edgewater, N.J. 07020.

Agreement 9642, between Hamburg-Sudamerikanische Dampfschiffahrts-Gesellschaft Eggert & Amsinck (Columbus Line) and Seatrain Lines, Inc., establishes a through billing arrangement for the movement of general cargo from Puerto Rico to ports in Australia (including Tasmania) the Dominion of New Zealand, Cook Islands, Fiji Islands, New Caledonia, Australian Mandated New Guinea, New Hebrides, Norfolk Island, British Samoa, Solomon Islands, Tahiti, Thursday Island, Tonga Islands, Gilbert and Ellice Islands, with transshipment at the port of New York, N.Y., in accordance with the terms set forth in the agreement.

Dated: July 17, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-8393; Filed, July 19, 1967; 8:49 a.m.]

MARSEILLES NORTH ATLANTIC U.S.A. FREIGHT CONFERENCE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D. C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Guy L. Retournal, Secretary, Marseilles North Atlantic U.S.A. Freight Conference, 10 Place de la Joliette, Marseilles 2, France.

Agreement 5660-9, between the member lines of the Marseilles North Atlantic U.S.A. Freight Conference, modifies the basic agreement in the following respects:

1. It extends the geographic scope described in the Preamble to include French Mediterranean ports, direct or with transshipment at other French ports, and limits the range of United States Atlantic Coast ports served to those within the Hampton Roads/Portland (Maine) range, Articles 1 and 12 are amended in conformity with the foregoing.

2. It adds the words "unanimous" and "unanimously" to the second and last sentences of Article 2. They were previously deleted therefrom by Agreement 5660-4 approved on November 12, 1957.

3. It amends Articles 3 and 15 to conform the basic agreement to the requirements of the Commission's General Order 9.

Dated: July 17, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-8394; Filed, July 19, 1967; 8:49 a.m.]

NORTH ATLANTIC CONTINENTAL FREIGHT CONFERENCE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Elliott B. Nixon, Burlingham, Underwood, Barron, Wright & White, 25 Broadway, New York, N.Y. 10004.

Agreement 8214-1, between the member lines of the North Atlantic Continental Freight Conference, modifies Article IX of the basic agreement to provide that any Conference member which is a party to Agreement 9498, as amended, may (1) charter to Wallenius Line, on any terms which may be agreed upon between them, space in any vessel operated under authority of such agreement for the carriage only of set-up, packed or unpacked automobiles, trucks, and house trailers, and (2) shall be entitled to represent Wallenius Line solely in respect to the aforesaid commodities and to permit its agents, operators or managers to do so.

Dated: July 17, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-8395; Filed, July 19, 1967; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP68-8]

CITIES SERVICE GAS CO.

Notice of Application

JULY 12, 1967.

Take notice that on July 5, 1967, Cities Service Gas Co. (Applicant), Post Office Box 25128, Oklahoma City, Okla. 73125, filed in Docket No. CP68-8 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas purchase and transportation facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate the following natural gas facilities:

(1) Approximately 184.2 miles of 26-inch pipeline extending from a point of interconnection with Transwestern Pipeline Co.'s (Transwestern) 24-inch pipeline, located in Hemphill County, Tex., generally northeastward to a point of connection with Applicant's Blackwell Compressor Station located in Kay County, Okla.; and

(2) An additional 2,000 horsepower compressor unit at its existing Higgins Compressor Station located in Hemphill County, Tex.

Applicant states that the above-proposed natural gas facilities are required to enable Applicant to receive into its pipeline system the volumes of natural gas that it has contracted with Transwestern to purchase. Applicant states that it has entered into a contract with Transwestern to purchase and receive a volume of 100,000 Mcf per day of natural gas commencing November 1, 1968, and increasing to 150,000 Mcf per day of natural gas November 1, 1969. The volumes of natural gas are to be delivered to Applicant at the point of interconnection described in (1) above. Applicant further states that the gas to be purchased from Transwestern is required to increase the total reserves available to Applicant's pipeline system and to insure its continued ability to meet its system annual and peak day demands.

Applicant estimates the total cost of the proposed facilities at approximately $17,995,200, said cost to be financed from the issuance and sale of First Mortgage Pipeline Bonds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act § 157.10) on or before August 10, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-8346; Filed, July 19, 1967; 8:45 a.m.]

[Docket No. CP66-299]

COLORADO INTERSTATE GAS CO.

Notice of Petition To Amend

JULY 12, 1967.

Take notice that on July 3, 1967, Colorado Interstate Gas Co. (Petitioner), Post Office Box 1087, Colorado Springs, Colo. 80901, filed in Docket No. CP66-299 a petition to amend the order issued by the Commission July 18, 1966, as amended February 28, 1967, by authorizing Petitioner to install additional facilities in its Fort Morgan Storage Field, Colo., all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the above-mentioned order, as amended, Petitioner was authorized to develop the Fort Morgan Field as a natural gas storage reservoir, including the installation of 12 wellhead dehydrators on the storage withdrawal wells. By the instant filing, Petitioner seeks authorization to install and operate a central glycol dehydrator, a central gas chiller for hydrocarbon removal and certain wellhead separators in lieu of individual wellhead dehydrators. Petitioner states that higher than anticipated water production and wellhead gas temperatures make the original method of wellhead dehydration inefficient and impractical and the facilities proposed above, therefore, are necessary to maintain the Fort Morgan Field as a useful and reliable peaking storage service installation.

Petitioner estimates the cost of the facilities proposed above at approximately $468,600, said cost being approximately $282,150 higher than the cost of the facilities originally proposed.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before August 4, 1967.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-8347; Filed, July 19, 1967; 8:45 a.m.]

[Docket No. CP68-6]

LONE STAR GAS CO.

Notice of Application

JULY 13, 1967.

Take notice that on July 5, 1967, Lone Star Gas Co. (Applicant), 301 South Harwood Street, Dallas, Tex. 75201, filed in Docket No. CP68-6 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities and the sale and delivery of natural gas to three new communities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate the following natural gas facilities:

(1) Approximately 10 feet of 2-inch pipeline extending south from a point of connection on Applicant's existing Line C-10-5 to a proposed city gate measuring station to be installed near the Town of North Richland Hills;

(2) Approximately 10 feet of 2-inch pipeline extending east from a point on Applicant's existing Line C-10 to a city gate measuring station to be installed near the Town of Westlake;

(3) Approximately 2.81 miles of 6-inch pipeline to loop and parallel its existing 4-inch Line C-10;

(4) Approximately 0.98 of a mile of 3-inch pipeline to loop and parallel its existing 2-inch Line C-10-1;

(5) A city gate measuring station to serve the remaining portion of the Town of North Richland Hills, Tarrant County, Tex.;

(6) A municipal natural gas distribution system to serve the remaining portion of the Town of North Richland Hills, Tarrant County, Tex.;

(7) A city gate measuring station to serve the Town of Westlake and an unincorporated area adjacent to Westlake, Tarrant County, Tex.; and

(8) Natural gas distribution systems in the Town of Westlake and an unincorporated area adjacent to Westlake, Tarrant County, Tex.

Applicant states that the service proposed above will be initial natural gas service to the three communities mentioned. Applicant further states that it estimates the third year peak daily and peak annual natural gas requirements of the three communities as follows:

Community	Peak daily requirements (Mcf)	Peak annual requirements (Mcf)
North Richland Hills	208	12,570
Westlake	91	5,610
Unincorporated Area Adjacent to Westlake	277	17,000
Total (Mcf)	576	35,200

Applicant estimates the total cost of the proposed facilities at approximately $53,970, said cost to be financed from working capital.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before August 9, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-8348; Filed, July 19, 1967; 8:46 a.m.]

[Docket No. CP68-5]

NORTHERN NATURAL GAS CO.

Notice of Application

JULY 11, 1967.

Take notice that on July 3, 1967, Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha, Nebr. 68102, filed in Docket No. CP68-5 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities and the sale and delivery of additional volumes of natural gas to an existing customer, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate the following natural gas facilities:

(1) Approximately 14.3 miles of 24-inch pipeline loop on its Coyanosa to Kermit Compressor Station line, Texas;

(2) Approximately 10.7 miles of 36-inch pipeline loop on its Macksville Compressor Station to Bushton Compressor Station line, Kansas; and

(3) A 9,300 horsepower turbine compressor unit to be called the Pampa Compressor Station, Pampa, Tex.

Applicant also seeks authorization to sell and deliver to Northern Gas Products Co. (Products) an additional volume of up to 62,400 Mcf per day of natural gas for the use as fuel and shrinkage incident to the extraction of ethane from the stream of natural gas processed at its extraction plant located adjacent to Applicant's Bushton, Kansas Compressor Station. Applicant states that the sale and delivery of the additional volume of natural gas will enable Products to extract ethane and return the same volume of natural gas to the pipeline as under present operations.

Applicant estimates the total cost of the proposed facilities at approximately $4,810,100, said cost to be financed from cash on hand, reserve accruals and retained earnings.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before August 9, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-8349; Filed, July 19, 1967; 8:45 a.m.]

[Docket No. CP68-7]

TRANSWESTERN PIPELINE CO.

Notice of Application

JULY 13, 1967.

Take notice that on July 6, 1967, Transwestern Pipeline Co. (Applicant), First City National Bank Building, Houston, Tex. 77002, filed in Docket No. CP68-7 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities and the sale and delivery of volumes of natural gas to Eastern New Mexico Gas Association (Eastern), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate minor tap, valve and measuring facilities which it proposes to use for the sale of natural gas to Eastern.

Applicant also seeks authorization to sell and deliver to Eastern up to 125,000 Mcf of natural gas per year under Applicant's FPC Gas Rate Schedule SG-1 and up to 125,000 Mcf of natural gas per year under its FPC Gas Rate Schedule RW-1, for a period to end July 31, 1968. Applicant states that Eastern has indicated that it has an immediate need for the volumes of natural gas mentioned above for use in its service area.

Applicant estimates the total cost of the proposed facilities at approximately $11,100, said cost to be financed from funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before August 9, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-8350; Filed, July 19, 1967; 8:46 a.m.]

[Docket No. CP68-1]

UNITED GAS PIPE LINE CO.

Notice of Application

JULY 11, 1967.

Take notice that on July 3, 1967, United Gas Pipe Line Co. (Applicant), Post Office Box 1407, Shreveport, La. 71102, filed in Docket No. CP68-1 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks permission and approval to abandon the following natural gas facilities:

(1) Approximately 2.44 miles of 14-inch pipeline, 0.05 of a mile of 12-inch pipeline and 0.05 of a mile of 2-inch pipeline, together with miscellaneous valves and fittings, beginning at the Sterlington Compressor Station yard and extending easterly to a point of interconnection with the 18-inch Sterlington to Jackson mainline, Quachita Parish, La.;

(2) Approximately 800 feet of 6-inch line at the end of the 6-inch Lathrop Lateral, Upshur County, Tex.; and

(3) Two 300 horsepower compressor units, together with structures and appurtenant facilities, located at the Dallas Junction Compressor Station, Dallas County, Tex.

Applicant states that the facilities described above are no longer needed and the maintenance costs are not justifiable. Applicant further states that no present or future service will be affected by the proposed abandonment.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before August 7, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-8351; Filed, July 19, 1967; 8:46 a.m.]

[Docket No. RI68-1]

HUMBLE OIL & REFINING CO.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund

JULY 13, 1967.

On June 16, 1967, Humble Oil & Refining Co. (Humble)[1] tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are designated as follows:

[1] Address is: Post Office Box 2180, Houston, Tex. 77001.

Docket No.	Respondent	Rate sched. No.	Supplement No.	Purchaser and producing area.	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI68-1	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001.	27	9	Phillips Petroleum Co.[1] (Texas Hugoton Field, Sherman County, Tex.) (R.R. District No. 10).	88	6-16-67	[2] 7-17-67	[3] 7-18-67	[4] 11.0	[5] [6] 11.0939	RI66-68.
	do.	[7] 255	6	Colorado Interstate Gas Co. (Hugoton Field, Stanton and Hamilton Counties, Kans.).	[8] 116	6-16-67 6-16-67	[2] 7-17-67 [2] 7-17-67	[3] 7-18-67 [3] 7-18-67	[9] [10] 12.5 [11] [12] 14.0	[5] [10] 13.5 [11] [12] 15.0	
	do.	162	8	El Paso Natural Gas Co. (North Lundrith (Mesa Verde) Field, Rio Arriba County, N. Mex.) (San Juan Basin Area).	[8]	6-14-67	[2] 7-17-67	[3] 7-18-67	[13] 13.0	[6] [14] 13.2855	

[1] Phillips resells the gas under its FPC Gas Rate Schedule No. 4 to Michigan-Wisconsin Pipe Line Co. at a rate of 15.35372 cents which is in effect subject to refund in Docket No. RI65-526.
[2] The stated effective date is the first day after expiration of the statutory notice.
[3] The suspension period is limited to 1 day.
[4] Tax reimbursement increase.
[5] Pressure base is 14.65 p.s.i.a.
[6] Subject to a deduction of 0.4445 cents for sour gas.
[7] Contract dated after Sept. 28, 1960, the date of issuance of General Policy Statement No. 61-1.
[8] No production below base of Chase Formation.
[9] Periodic rate increase.
[10] Rate applicable for gas above base of Chase Formation.
[11] Subject to a downward B.t.u. adjustment.
[12] Settlement rate pursuant to order issued July 6, 1966, in Docket Nos. G-9288 et al.
[13] Subject to upward and downward B.t.u. adjustment.
[14] Rate applicable for gas below base of Chase Formation.
[15] Pressure base is 14.025 p.s.i.a.
[16] Includes partial reimbursement for full 2.55 percent New Mexico Emergency School Tax.

Humble requests an effective date of June 1, 1967, the date of expiration of filing moratorium for rate increases to levels in excess of area rate ceilings pursuant to terms of company-wide settlement in Docket Nos. G-9237 and G-9288 et al., for its proposed rate increases. Humble also requests that should the Commission suspend its rate filings that the suspension period be a maximum of 1 day, or as short a period as possible. Good cause has not been shown for granting Humble's request for an earlier effective date or for limiting to 1 day the suspension period with respect to such rate filings and Humble's request is denied, except as ordered herein.

The contract related to the increases contained in Supplement No. 4 to Humble's FPC Gas Rate Schedule No. 255 was executed subsequent to September 28, 1960, the date of the issuance of the Commission's Statement of General Policy No. 61-1, as amended, and the proposed increased rates exceed the area increased rate ceiling of 11.0 cents for Kansas but do not exceed the initial service ceiling of 16.0 cents per Mcf established for Kansas. We believe, in this situation, Humble's proposed rate increases should be suspended for 1 day from July 17, 1967, the date of expiration of the statutory notice.

Supplement No. 6 to Humble's FPC Gas Rate Schedule No. 162 reflects partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax which was increased from 2.0 percent to 2.55 percent on April 1, 1963. The buyer, El Paso Natural Gas Co. (El Paso), in accordance with its policy of protesting all tax filings proposing reimbursement for the New Mexico Emergency School Tax in excess of 0.55 percent, is expected to file a protest to this rate increase. El Paso questions the right of the producer under the tax reimbursement clause to file a rate increase reflecting tax reimbursement computed on the basis of an increase in tax rate by the New Mexico Legislature in excess of 0.55 percent. While El Paso concedes that the New Mexico tax legislation effected a higher rate of at least 0.55 percent, it claims there is controversy as to whether or not the new legislation effected an increased tax rate in excess of 0.55 percent. Under the circumstances, we shall provide that the hearing herein provided shall concern itself with the contractual basis as well as the statutory lawfulness of Humble's proposed increased rate and charge. Since the rate increase reflects tax reimbursement only and exceeds the 13.0 cents San Juan Basin Area increased rate ceiling by the amount of the tax reimbursement we conclude that the suspension period may be shortened to 1 day from July 17, 1967, the date of expiration of the statutory notice.

The proposed rate increase contained in Supplement No. 9 to Humble's FPC Gas Rate Schedule No. 20 is for only the contractually due tax reimbursement for a sale to Phillips Petroleum Co. (Phillips) in Texas Railroad District No. 10. Phillips, after gathering and processing resells the gas under its FPC Gas Rate Schedule No. 4 to Michigan Wisconsin Pipe Line Co. at an effective rate of 15.35372 cents which is subject to refund in Docket No. RI65-526. The proposed rate of 11.0939 cents per Mcf exceeds the area increased rate ceiling of 11.0 cents per Mcf (applicable at the tailgate of Phillips' plant) for RR. District No. 10 as announced in the Commission's Statement of General Policy No. 61-1, as amended. Since Phillips' proposed resale rate is in effect subject to refund, we conclude that Humble's rate increase should be suspended for one day from July 17, 1967, the date of expiration of the statutory notice.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in the above-designated supplements.

(B) Pending a hearing and decision thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until July 18, 1967, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by Humble, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order, Humble shall execute and file under Docket No. RI68-1, with the Secretary of the Commission, its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon all purchasers under the rate schedules involved. Unless Humble is advised to the contrary within 15 days from the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before August 30, 1967.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 67-8354; Filed, July 19, 1967; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812-2066]

NORTHERN ENTERPRISES, INC.

Notice of Application for Order of Temporary Exemption

JULY 14, 1967.

Notice is hereby given that Northern Enterprises, Inc. ("Applicant"), 2631 West Superior Street, Duluth, Minn., a Minnesota corporation, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940, 15 U.S.C. Sec. 80a-1 et seq. ("Act"), for an order of the Commission temporarily exempting it from section 7 of the Act. Applicant, in requesting such temporary exemption, has agreed that it and other persons in their transactions and relations with it shall be subject to all other provisions of the Act and the respective Rules and Regulations promulgated under each of such provisions as though Applicant were a registered investment company, other than the following: Section 8, section 10(a), subsections (f), (g), (h), and (i) of section 17, section 18 (except subsection (d) thereof), section 20(a), section 23, section 30 (except subsection (f) thereof); and section 31 of the Act, and the rules and regulations thereunder. All interested persons are referred to the application which is on file with the Commission for a statement of Applicant's representations which are summarized below:

On February 22, 1967, Applicant filed an application pursuant to section 3(b)(2) of the Act for an order of the Commission declaring that it is not an investment company. Section 3(b)(2) provides that the filing of an application thereunder shall exempt an applicant for a period of 60 days from all provisions of the Act applicable to investment companies as such.

The 60-day period of exemption provided in section 3(b)(2) of the Act expired, in Applicant's case, on April 22, 1967. Applicant, which has not registered as an investment company under the Act has asked that it be exempted as requested from April 22, 1967 until the Commission has acted upon the application under section 3(b)(2) of the Act.

Notice is further given that any interested person may, not later than August 2, 1967, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-8374; Filed, July 19, 1967; 8:47 a.m.]

SUBSCRIPTION TELEVISION, INC.

Order Suspending Trading

JULY 14, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $1 par value of Subscription Television, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 15, 1967, through July 24, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-8375; Filed, July 19, 1967; 8:47 a.m.]

[70-4505]

WEST PENN POWER CO.

Notice of Proposed Issue and Sale of Short-Term Notes

JULY 13, 1967.

Notice is hereby given that West Penn Power Co. ("West Penn"), 800 Cabin Hill Drive, Greensburg, Pa. 15601, a public-utility subsidiary company of Allegheny Power System, Inc., a registered holding company, has filed a declaration and an amendment thereto with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6 and 7 thereof as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

West Penn requests authorization to issue and sell, from time to time prior to August 1, 1968, its unsecured promissory notes to banks in an aggregate principal amount not to exceed $13 million. Each note proposed to be issued by West Penn will bear interest at the prime rate in effect at the purchasing bank on the date of issue, will mature not more than twelve months after the date of issue, and will be prepayable at any time without penalty.

The $13 million of West Penn's notes are to be issued to the following banks in the maximum amounts as listed:

First National City Bank, New York, N.Y.	$10,000,000
Mellon National Bank & Trust Co., Pittsburgh, Pa.	2,000,000
Pittsburgh National Bank, Pittsburgh, Pa.	1,000,000
	13,000,000

West Penn proposes to use the net proceeds from the proposed notes for construction and to repay other short-term bank borrowings incurred therefor under the exemption afforded by the first sentence of section 6(b) of the Act. The net proceeds from the sale of any permanent debt securities will be applied in total payment of all notes then outstanding and, thereupon, any authorization which may be granted under this declaration will cease to be effective.

It is stated that no fees and expenses, other than ordinary expenses estimated at $500, will be incurred in connection with the proposed transactions. It is further stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than August 3, 1967, request in writing that a hearing be held in respect of such matter, stating the nature of his interest, the reasons for such request and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified should the Commission order a hearing in respect thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant of the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as

provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-8376; Filed, July 19, 1967; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1067]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

JULY 14, 1967.

The following applications are governed by Special Rule 1.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of § 1.247(d)(4) of the special rule, and shall include the certification required therein.

[1] Copies of Special Rule 1.247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

Section 1.247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 531 (Sub-No. 230), filed July 3, 1967. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Post Office Box 14287, Houston, Tex. 77021. Applicant's representative: Wray E. Hughes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid synthetic resin*, in bulk, in tank vehicles, from Avondale, La., to Pine Bluff, Camden, Crossett, and Morrilton, Ark., and Bastrop, Springhill, and Hodge, La. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 730 (Sub-No. 284), filed July 3, 1967. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 1417 Clay Street, Oakland, Calif. 94604. Applicant's representative: Alfred G. Krebs (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those which require armored vehicles or armed guards, classes A and B explosives, household goods as defined by the Commission, livestock, commodities in bulk, and those requiring special equipment), between Springfield, Ill., and Indianapolis, Ind., from Springfield over U.S. Highway 36 to Indianapolis and return over the same route as an alternate route for operating convenience only, serving no intermediate points, but serving Springfield, Ill., for the purpose of joinder only. NOTE: Applicant states it controls through stock ownership the freight forwarder operations of Pacific & Atlantic Shippers, Inc., and its affiliated companies, permit No. FF-52 and National Carloading Corp. and its affiliated companies, permit Nos. FF-68 and FF-71 and B. C. Forwarding Co., Ltd., permit No. FF-175. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Springfield, Ill.

No. MC 2401 (Sub-No. 38), filed July 3, 1967. Applicant: MOTOR FREIGHT CORPORATION, 2345 South 13th Street, Terre Haute, Ind. 47802. Applicant's representative: Arnold L. Burke, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, serving the Argonne Industrial District located in Will and Du Page Counties, Ill., as an off-route point in connection with applicant's presently authorized regular route service at Chicago, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 2860 (Sub-No. 14), filed July 6, 1967. Applicant: NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, N.J. 08360. Applicant's representative: Alvin Altman, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass and plastic containers, bottles, jars, pack glasses, and jelly tumblers, with and without caps, covers, stoppers and tops, and corrugated paper boxes and paper containers*, knocked down, when moving in mixed shipments with the above described commodities, between Connellsville and South Connellsville, Pa., on the one hand, and, on the other, points in Connecticut, Massachusetts, New Jersey, New York, and Rhode Island. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or New York, N.Y.

No. MC 2860 (Sub-No. 15), filed July 6, 1967. Applicant: NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, N.J. 08360. Applicant's representative: Alvin Altman, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass or plastic containers, bottles, jars, pack glasses, and jelly tumblers, with or without caps, covers, stoppers or tops, and corrugated paper boxes or paper containers*, knocked down, when moving in mixed shipments with the above described commodities, between Orangeburg, N.Y., on the one hand, and, on the other, points in Connecticut, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island. Note: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., Philadelphia, Pa., or Washington, D.C.

No. MC 11207 (Sub-No. 264), filed July 5, 1967. Applicant: DEATON, INC., 3409 10th Avenue North, Birmingham, Ala. 35234, also Post Office Box 1271, Birmingham, Ala. 35234. Applicant's representative: A. Alvis Layne, Pennsylvania Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paper bags, and paper products*, from the plantsite and warehouses of West Virginia Pulp & Paper Co., New Orleans, La., to points in Georgia (except Atlanta, Ga., and its commercial zone). NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Atlanta, Ga.

No. MC 11185 (Sub-No. 123), filed July 7, 1967. Applicant: J-T TRANSPORT COMPANY, INC., 3501 Manchester Trafficway, Kansas City, Mo. 64120. Applicant's representative: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Airplane parts and equipment*, which because of their delicate and fragile nature, require the use of special equipment or special handling, and (2) *commodities* which do not require special equipment or special handling when loaded in the same vehicle with airplane parts and equipment which require the use of special equipment or special handling, from points in King, Pierce, and Snohomish Counties, Wash., to Wichita, Kans., under contract with the Boeing Co. NOTE: Applicant holds common carrier authority in MC 110077, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Wichita, Kans., or Kansas City, Mo.

No. MC 17000 (Sub-No. 7) (Amendment), filed June 5, 1967, published in FEDERAL REGISTER issue of June 29, 1967, amended July 1, 1967, and republished as amended this issue. Applicant: HOHENWALD TRUCK LINES, INC., 107 Mill Street, Hohenwald, Tenn. Applicant's representative: Robert H. Cowan, 500 Court Square Building, Nashville, Tenn. 37201. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) from Lobelville, Tenn., over Tennessee Highway 13 to the junction of Interstate Highway 40, thence over Interstate Highway 40 to Nashville, Tenn., and return over the same route as an alternate route for operating convenience only serving no intermediate points and (2) between Nashville, Tenn., and intersection of Interstate Highway 65 and Tennessee Highway 99 over said Interstate Highway 65 to the extent same is available for use and in the future over such additional sections of said Interstate Highway 65 as same become available for use, with authority to enter, leave, and reenter said Interstate Highway 65 at such interchanges, crossings, and traversing such highways as is necessary to connect with applicant's presently authorized route, to be used for operating convenience only, serving no intermediate points. NOTE: The purpose of this republication is to add (1) above, broadening the scope of the application. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 17226 (Sub-No. 29), filed July 7, 1967. Applicant: FRUIT BELT MOTOR SERVICE, INC., 6036 West 29th Street, Cicero, Ill. 60650. Applicant's representatives: Eugene L. Cohn, 1 North La Salle Street, Chicago, Ill. 60602, and Beverley S. Simms, 1700 Pennsylvania Avenue, NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Machinery and parts, materials, and supplies*, used in the manufacture, shipping, or operation of household laundry machines, stoves and ranges, between Woodstock, Ill., and St. Joseph and Benton Harbor, Mich., under a continuing contract, or contracts with the Whirlpool Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 18535 (Sub-No. 48), filed July 5, 1967. Applicant: O. ALEX HICKLIN, doing business as HICKLIN MOTOR LINE, Post Office Box 377, St. Matthews, S.C. 29135. Applicant's representative: William Addams, Room 406, 1776 Peachtree Street NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aggregates, crushed stone, and gravel*, from Ruby, Ga., to points in South Carolina, (2) *aggregates, crushed stone, gravel and sand*, in bags and in bulk, from Marlboro, S.C., Eldorado, N.C., and Lowry, Va., to points in Alabama, Florida, Indiana, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, Ohio, Georgia, South Carolina, Tennessee, West Virginia, and Virginia; and (3) *sand*, in bags and in bulk, from points Kershaw and Lexington Counties, S.C., to points in Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, West Virginia, and Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C., or Charlotte, N.C.

No. MC 21060 (Sub-No. 8), filed July 3, 1967. Applicant: IOWA PARCEL SERVICE, INC., 214 15th Street, Des Moines, Iowa 50309. Applicant's representative: Homer E. Bradshaw, 11th Floor, Des Moines Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motion picture films, film accessories, and advertising material* used in connection with exhibition of such films, magazines, and periodical publications, between points in Iowa. NOTE: Applicant states it would tack the proposed authority with presently held authority at Omaha, Nebr., and the Omaha commercial zone, Fulton, Moline, East Moline, Rock Island, Ill., and the commercial zones of the Illinois points involved. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Chicago, Ill.

No. MC 22229 (Sub-No. 45), filed July 5, 1967. Applicant: TERMINAL TRANSPORT COMPANY, INC., 248 Chester Avenue SE., Atlanta, Ga. 30316. Applicant's representative: Ralph B. Matthews (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the Argonne Industrial District, Du Page Township, Will County, Ill., as an off-route point in connection with authorized regular route operations to and from Chicago, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 22301 (Sub-No. 8), filed July 3, 1967. Applicant: SIOUX TRANSPORTATION COMPANY, INC., Post Office Box 3088, Sioux City, Iowa 51102. Applicant's representative: Arnold L. Burke, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carrier of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, serving the Argonne Industrial District located in Will and Du Page Counties, Ill., as an off-route point in connection with applicant's presently authorized regular route service at Chicago, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 25798 (Sub-No. 154), filed July 3, 1967. Applicant: CLAY HYDER TRUCKING LINES, INC., 502 East Bridgers Avenue, Post Office Box 1186, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, other than frozen, from points in Sussex County, Del., and Frederica, Del., to points in Georgia and Florida. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 27817 (Sub-No. 72), filed July 10, 1967. Applicant: H. C. GABLER, INC., Rural Delivery No. 3, Chambersburg, Pa. 17201. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, other than frozen, from Chambersburg, Pa., to points in New York, New Jersey, Connecticut, Massachusetts, Rhode Island, Maryland, Virginia, West Virginia, Delaware, District of Columbia, and points in that portion of North Carolina bounded by a line beginning at the North Carolina-Virginia State line and extending south along U.S. Highway 301

to the North Carolina–South Carolina State line, thence west along the North Carolina–South Carolina State line to junction U.S. Highway 321, near Crowders, N.C., thence north along U.S. Highway 321 to Boone, N.C., thence north along North Carolina Highway 194 through Todd, N.C., to junction U.S. Highway 221 thence north along U.S. Highway 221 to the North Carolina–Virginia State line, thence east along the North Carolina–Virginia State line to the point of beginning. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Harrisburg, Pa.

No. MC 29555 (Sub-No. 49), filed July 3, 1967. Applicant: BRIGGS TRANSPORTATION CO., a corporation, 2360 West County Road "C", St. Paul, Minn. 55113. Applicant's representative: Winston W. Hurd (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes transporting: *General commodities* (except those of unusual value, livestock, classes A and B explosives, houshold goods as defined by the Commission, commodities in bulk, commodities requiring special equipment (except those requiring temperature control) and those injurious or contaminating to other lading), serving Argonne Industrial District, Du Page Township, Will County, Ill., as an off-route point in connection with applicant's authorized regular route operations between the commercial zone of Chicago, Ill., and points in Iowa, Nebraska, Minnesota, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., Minneapolis, Minn., or Des Moines, Iowa.

No. MC 31389 (Sub-No. 86), filed July 7, 1967. Applicant: McLEAN TRUCKING COMPANY, a corporation, 617 Waughtown Street, Post Office Box 213, Winston-Salem, N.C. 27102. Applicant's representative: Francis W. McInerny, Suite 502, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving the plantsite of the Ford Motor Co., Van Dyke and 18 Mile Road, Sterling Township, Mich., as an off-route point in connection with applicant's regular route operations to and from Detroit, Mich. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 41432 (Sub-No. 100), filed July 5, 1967. Applicant: EAST TEXAS MOTOR FREIGHT LINES, INC., 623 North Washington Avenue, Post Office Box 26040, Dallas, Tex. 75226. Applicant's representative: Rollo E. Kidwell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Ammunition* (explosive, incendiary, or gas, smoke, or tear producing), *manufactured ingredients and component parts of ammunition*, and *general commodities*, except those of unusual value, explosives (other than ammunition and manufactured ingredients and component parts of ammunition as specified), livestock, rock, gravel, sand, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the Argonne Industrial District located in Will and Du Page Counties, Ill., as an off-route point in connection with applicant's regular route operations from and to Chicago, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 49387 (Sub-No. 34), filed July 5, 1967. Applicant: ORSCHELN BROS. TRUCK LINES, INC., Moberly, Mo. Applicant's representative: Arnold L. Burke, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving the Argonne Industrial District located in Will and Du Page Counties, Ill., as an off-route point in connection with applicant's presently held authorized regular route operations to and from Chicago, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 52579 (Sub-No. 76), filed June 30, 1967. Applicant: GILBERT CARRIER CORP., 441 Ninth Avenue, New York, N.Y. 10001. Applicant's representative: Irving Klein, 280 Broadway, New York, N.Y. 10007. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel and materials and supplies used in the manufacture thereof*, (1) between Newark, N.J., on the one hand, and, on the other, Hialeah, Fla., and Fayette, Ala., (2) between Hartsville, S.C., and West Hollywood, Fla., and (3) between Newport, Vt., on the one hand, and, on the other, points in the New York commercial zone. NOTE: Applicant states it intends to tack at New York, N.Y., to all points to which it now holds authority from New York, N.Y. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 52704 (Sub-No. 58), filed July 7, 1967. Applicant: GLENN McCLENDON TRUCKING COMPANY, INC., Post Office Box 495, Lafayette, Ala. 36862. Applicant's representative: John W. Cooper, 1301 City Federal Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass bottles and containers for food and beverage* from the plantsite of Laurens Glass, Inc., at or near Simsboro, La., to points in Alabama, Arkansas, Arizona, Florida, Georgia, Louisiana, Mississippi, Missouri, Oklahoma, New Mexico, North Carolina, South Carolina, Tennessee, and Texas, and cullett (scrap glass), on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 52709 (Sub-No. 295), filed July 3, 1967. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver, Colo. 80216. Applicant's representative: Eugene Hamilton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving Elk Grove Village, Ill., as an off-route point in connection with applicant's authorized regular route operations. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 59117 (Sub-No. 26), filed July 7, 1967. Applicant: ELLIOTT TRUCK LINE, INC., Post Office Box 1, Vinita, Okla. Applicant's representative: Carll V. Kretsinger, 450 Professional Building, 1103 Grand Avenue, Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials, farm and ranch supplies, and steel articles*, between points in the Kansas City, Mo.-Kans., commercial zone (as defined by the Commission), on the one hand, and, on the other, points in Oklahoma. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Oklahoma City, Okla.

No. MC 60012 (Sub-No. 74), filed July 3, 1967. Applicant: RIO GRANDE MOTOR WAY, INC., 1400 West 52d Avenue, Denver, Colo. 80221. Applicant's representative: Warren D. Braucher, 604 Rio Grande Building, Denver, Colo. 80217. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* in bulk, between the mine and mill site of Molybdenum Corp. of America, at or near Molybdenum, N. Mex., on the one hand, and, on the other Fort Garland and Alamosa, Colo., restricted to traffic having a prior or subsequent movement by rail. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 61877 (Sub-No. 2), filed June 30, 1967. Applicant: S. HOCHHAUSER TRUCKING CORP., 371 West Street, New York, N.Y. 10014. Applicant's representative: George A. Olsen, 69 Tunnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Books*, between the plant and facilities of John Wiley & Sons, Inc., at Somerset, N.J., on the one hand, and, on the other, points in Hudson, Essex, and Bergen Counties, N.J. (restricted to shipments having prior or subsequent movement via other carriers), New York, N.Y., and points in Westchester, Nassau, and Suffolk Counties, N.Y. NOTE:

If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 69833 (Sub-No. 91), filed July 7, 1967. Applicant: ASSOCIATED TRUCK LINES, INC., Vandenberg Center, Grand Rapids, Mich. 49502. Applicant's representative: Harry Pohlad (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading, between Cleveland, Ohio, and Columbus, Ohio, over Interstate Highway 71, as an alternate route for operating convenience only, serving no intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing or Detroit, Mich.

No. MC 70151 (Sub-No. 45) (Correction), filed June 2, 1967, published FEDERAL REGISTER issue of June 22, 1967, and republished as corrected this issue. Applicant: UNITED TRUCKING SERVICE, INCORPORATED, 3047 Lonyo Road, Detroit, Mich. 48209. Applicant's representative: Robert D. Schuler, Suite 1700, 1 Woodward Avenue, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of the Ford Motor Co., located at Van Dyke and 18 Mile Road, Sterling Township, Macomb County, Mich., as an off-route point in connection with authorized regular route authority at Detroit, Mich. NOTE: The purpose of this republication is to show the correct spelling as Van Dyke in lieu of Van Kyke as previously shown. If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 75320 (Sub-No. 135), filed July 5, 1967. Applicant: CAMPBELL SIXTY-SIX EXPRESS, INC., Post Office Box 807, Springfield, Mo. 65801. Applicant's representative: Dick Messersmith (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Hospital, dental and medical supplies and related articles, and materials and supplies* used in the manufacture and packaging thereof, serving the Argonne Industrial District located in Du Page Township, Will County, Ill., as an off-route point in connection with applicant's presently authorized regular route authority between Springfield, Mo., and Chicago, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 80430 (Sub-No. 117), filed July 3, 1967. Applicant: GATEWAY TRANSPORTATION CO., INC., 2130 South Avenue, La Crosse, Wis. 54601. Applicant's representative: Joseph E. Ludden (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of Johnson & Johnson Co. located in the Argonne Industrial District near Lement, Ill., as an off-route point in connection with applicant's presently authorized regular route operations. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 82079 (Sub-No. 16) (Correction), filed June 23, 1967, published FEDERAL REGISTER issue of July 13, 1967, and republished as corrected this issue. Applicant: KELLER TRANSFER LINE, INC., 1239 Randolph Avenue SW., Grand Rapids, Mich. 49507. Applicant's representative: J. M. Neath, Jr., 900 1 Vandenberg Center, Grand Rapids, Mich. 49507. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and potato products*, from Greenville, Mich., to Toledo, Maumee, Cleveland, and Painesville, Ohio. NOTE: The purpose of this republication is to add frozen foods to the commodity description, inadvertently omitted from previous publication. If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich., or Chicago, Ill.

No. MC 82569 (Sub-No. 7), filed June 14, 1967. Applicant: ROY YOUNG, INC., 2901 Charity Street, Post Office Box 712, Abbeville, La. 70510. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fish meal, fish residuum, fish scrap and fish oil*, from Intracoastal City, La., to Abbeville, La., Vermilion Parish. NOTE: If a hearing is deemed necessary, applicant requests it be held at Baton Rouge, La.

No. MC 82841 (Sub-No. 34), filed June 30, 1967. Applicant: R–D TRANSFER, INC., 801 Livestock Exchange Building, Omaha, Nebr. 68107. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cranes unmounted and mounted, wheeled cranes, and parts and attachments for cranes*, from Waverly, Nebr., to points in the United States (except Alaska and Hawaii). NOTE: Applicant indicates tacking possibilities. If a hearing is deemed necessary, applicant requests it be held at Omaha or Lincoln, Nebr.

No. MC 87720 (Sub-No. 67), filed July 7, 1967. Applicant: BASS TRANSPORTATION CO., INC., Old Croton Road, Flemington, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic bottles, containers, and plastic tubes*, from Flemington, N.J., to points in Ohio, Illinois, Indiana, Michigan, Wisconsin, Virginia, North Carolina, South Carolina, Georgia, Florida, Kentucky, and Missouri, and (2) *returned and damaged shipments* in the reverse direction, under contract with Tennepak Department Tenneco Chemicals, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 103993 (Sub-No. 285) (Correction), filed May 22, 1967, published in FEDERAL REGISTER issue of June 8, 1967, under No. MC 103933 (Sub-No. 285), and republished as corrected this issue. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Robert C. Tessar (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers*, designed to be drawn by passengers vehicles, (a) from Shelby County, Tenn., to points in Georgia, Alabama, Mississippi, Kentucky, Louisiana, Indiana, Florida, Illinois, Texas, North Carolina, South Carolina, Missouri, and Arkansas; and (b) from Carter County, Tenn., to points in the United States (except Alaska and Hawaii); (2) *houseboats* designed to be drawn by passenger vehicles, from Davidson County, Tenn., to points in the United States (except Alaska and Hawaii); and (3) *prefabricated buildings*, complete, knocked down, or in sections, and equipment and materials incidental to the erection and completion of such buildings when shipped therewith, from Carter and Washington Counties, Tenn., to points in the United States (except Alaska and Hawaii). NOTE: The purpose of this republication is to show the correct number as MC 103993, Sub 285 in lieu of MC 103933, Sub 285 as previously shown. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 105461 (Sub-No. 78), filed July 7, 1967, Applicant: HERR'S MOTOR EXPRESS, INC., Box 8, Quarryville, Pa. 17566. Applicant's representative: Bernard N. Gingerich, 110 West State Street, Quarryville, Pa. 17566. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition roofing, composition siding, composition roofing and composition siding materials, and articles used in the application of composition roofing and composition siding*, except commodities in bulk, in tank vehicles, from Edge Moor, Del., to points in West Virginia on and north of U.S. Highway 33. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 106644 (Sub-No. 81), filed June 30, 1967. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW., Atlanta, Ga. 30321. Applicant's representative: Otis E. Stovall (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic pipe, plastic or iron connections, fittings and accessories*, from the plantsite and warehouse

facilities of the Clow Corp., located at or near Lincoln, Talladega County, Ala., to points in Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia; and (2) *equipment, materials and supplies*, used in the manufacture, processing and distribution of plastic pipe, plastic or iron connections, fittings, and accessories (except in bulk, in tank vehicles), on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Atlanta, Ga.

No. MC 106943 (Sub-No. 93), filed July 6, 1967. Applicant: EASTERN EXPRESS, INC., 1450 Wabash Avenue, Terre Haute, Ind. Applicant's representative: James E. Lash, 3737 North Meridian Street, Indianapolis, Ind. 46208. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives, livestock, grain, petroleum products, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of Johnson & Johnson in the Argonne Industrial District, Du Page Township, Will County, Ill., as an off-route point in connection with carrier's authorized regular route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107266 (Sub-No. 25), filed July 3, 1967. Applicant: M. PASCALE TRUCKING, INC., 8–10 Rice Street, South Attleboro, Mass. 02774. Applicant's representative: Russell B. Curnett, 36 Circuit Drive, Edgewood Station, Providence, R.I. 02905. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick*, from Somerville, N.J., to Attleboro, Mass. NOTE: If a hearing is deemed necessary, applicant requests it be held at Providence, R.I., or Boston, Mass.

No. MC 107295 (Sub-No. 109), filed July 5, 1967. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representatives: Dale L. Cox, Post Office Box 146, Farmer City, Ill. 61842, and Mack Stephenson, 42 Fox Mill Lane, Springfield, Ill. 62707. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood and plywood panels*, from New Orleans, La., to points in the United States, except Alaska and Hawaii. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 107496 (Sub-No. 574), filed June 30, 1967. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Liquid corn syrup*, and blends thereof, in bulk, from Memphis, Tenn., to points in Mississippi. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, or Springfield, Ill.

No. MC 107496 (Sub-No. 575), filed July 3, 1967. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from points in Marathon County, Wis., to points in the Upper Peninsula of Michigan. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Des Moines, Iowa.

No. MC 107500 (Sub-No. 102), filed June 30, 1967. Applicant: BURLINGTON TRUCK LINES, INC., 796 South Pearl Street, Galesburg, Ill. 61401. Applicant's representative: D. R. Sterling, 547 West Jackson Boulevard, Chicago, Ill. 60607. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving the Argonne Industrial District, located in Will and Du Page Counties, Ill., as an off-route point in connection with applicant's presently held authorized authority to and from Chicago, Ill. NOTE: Applicant states the authority sought herein is restricted against service between the Argonne Industrial District, on the one hand, and, on the other, points in Chicago, Ill., commercial zone, except for purposes of joinder with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 109397 (Sub-No. 154), filed July 7, 1967. Applicant: TRI-STATE MOTOR TRANSIT CO., Post Office Box 113, Joplin, Mo. 64802. Applicant's representative: Max G. Morgan, 450 American National Building, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Carpet*, from Morris, Ill., to Alabama, Arkansas, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and Wyoming and (2) *raw materials* used in the manufacture of carpet, from Georgia, Massachusetts, Michigan, South Carolina, New Jersey, New York, and Pennsylvania to Morris, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 109501 (Sub-No. 8), filed July 5, 1967. Applicant: CALHOUN TRUCKING CORP., 319 Jacot Road, Kearny, N.J. 07032. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Household appliances; furnaces;* and *air cleaners, conditioners, heaters, humidifiers,* and *dehumidifiers*, from the plantsite of Fedders Corp. in Edison Township (Middlesex County), N.J., to points in Connecticut, Rhode Island, Massachusetts, New York, Pennsylvania, Delaware, Maryland, and the District of Columbia, (2) *materials, parts, and supplies* used in the manufacture, production and distribution of the above-described commodities, from points in Connecticut, Rhode Island, Massachusetts, New York, Pennsylvania, Delaware, Maryland, and the District of Columbia, to the plantsite of Fedders Corp. in Edison Township (Middlesex County), N.J., and to Newark, N.J., and (3) *returned shipments of commodities* listed in (1) and (2) above in the opposite direction; under contract with Fedders Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 109914 (Sub-No. 23), filed July 3, 1967. Applicant: DUNDEE TRUCK LINE, INC., 660 Sterling Street, Toledo, Ohio 43609. Applicant's representative: Arthur R. Cline, 420 Security Building, Toledo, Ohio 43604. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the Argonne Industrial District located in Will and Du Page Counties, Ill., as an off-route point in connection with carrier's regular route operations to and from Chicago, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 110525 (Sub-No. 836) (Amendment), filed June 26, 1967, published FEDERAL REGISTER issue of July 13, 1967, amended July 11, 1967, and republished as amended this issue. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representatives: Leonard A. Jaskiewicz, 1155 15th Street NW., Washington, D.C. 20005, and Edwin H. van Deusen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar based sealing compound*, in bulk, in tank vehicles, from points in Hamilton County, Ohio, to points in Indiana, Kentucky, Michigan, Pennsylvania, West Virginia, and Wisconsin. NOTE: The purpose of this republication is to redescribe the commodity description. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111545 (Sub-No. 97), filed July 3, 1967. Applicant: HOME TRANSPORTATION COMPANY, INC., 1425 Franklin Road SE., Marietta, Ga. 30060. Applicant's representative: Robert E. Born (same address as applicant). Authority

sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, complete, knocked down, or in sections, (a) between points in North Carolina on the one hand, and, on the other, points in Tennessee, Kentucky, Illinois, Wisconsin, Michigan, Indiana, Ohio, West Virginia, Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Massachusetts, Rhode Island, Vermont, New Hampshire, Maine, and the District of Columbia, (b) between points in Georgia on the one hand, and, on the other, points in Illinois, Wisconsin, Michigan, Indiana, Ohio, Maryland, New Jersey, New York, Connecticut, Massachusetts, Rhode Island, Vermont, New Hampshire, and Maine, and (c) between points in Barbour County, Ala., on the one hand, and, on the other, points in Illinois, Wisconsin, Michigan, Indiana, Ohio, Maryland, New Jersey, New York, Connecticut, Massachusetts, Rhode Island, Vermont, New Hampshire, and Maine. NOTE: Applicant states with respect to paragraph (a) it would tack across the South Carolina State line serving between all points in North Carolina within 150 miles of Charlotte on the one hand, and, on the other, points in Tennessee, Kentucky, Illinois, Wisconsin, Michigan, Indiana, Ohio, West Virginia, Virginia, Delaware, Pennsylvania, New Jersey, New York, and the District of Columbia on such commodities requiring the use of special equipment, and with respect to paragraphs (b) and (c) by tacking through a radius of 50 miles of either Atlanta, Cartersville, or Marietta, Ga., or Columbia, S.C., or through Charlotte, N.C., serving the States of Illinois, Wisconsin, Michigan, Indiana, Ohio, Pennsylvania, New Jersey, and New York, on such commodities which require the use of special equipment. Applicant states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 111729 (Sub-No. 243) (Correction), filed June 1, 1967, published FEDERAL REGISTER issue of June 29, 1967, corrected and republished as corrected this issue. Applicant: AMERICAN COURIER CORPORATION, 222–17 Northern Boulevard, Bayside, N.Y. 11361. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Commonwealth Building, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records, and audit and accounting media of all kinds* (excluding plant removals), (a) between points in Hartford County, Conn., on the one hand, and, on the other, points in Atlantic, Cumberland, and Camden Counties, N.J.; (b) between points in Middlesex County, Conn., on the one hand, and, on the other, points in Middlesex County, N.J., Onondaga and Erie Counties, N.Y., Middlesex County, Mass., and New York, N.Y.; (c) between Braintree, Mass., on the one hand, and, on the other, Plainfield, Toms River, Wayne, Cedar Grove, and New Brunswick, N.J., and New York, N.Y.; (d) between Jackson, Mich., on the one hand, and, on the other, Van Wert and Youngstown, Ohio; (e) between Cleveland, Ohio, on the one hand, and, on the other, Buffalo and Rochester, N.Y.; (f) between Waterville, Maine, on the one hand, and, on the other, Lowell, Mass.; (g) between Braintree, Mass., on the one hand, and, on the other, South Plainfield, N.J.; (2) *cotton piece goods*, limited to shipments not to exceed 45 pounds per shipment, between points in Hartford County, Conn., on the one hand, and, on the other, points in Atlantic, Cumberland, and Camden Counties, N.J.; (3) *payroll checks*, (a) between points in Middlesex County, Conn., on the one hand, and, on the other, points in Middlesex County, N.J., Onondaga and Erie Counties, N.Y., New York, N.Y., and Middlesex County, Mass.; (b) between Jackson, Mich., on the one hand, and, on the other, Van Wert and Youngstown, Ohio; (c) between Waterville, Maine, on the one hand, and, on the other, Lowell, Mass.; (4) *small parts*, limited to shipments not to exceed 75 pounds per shipment, between Jackson, Mich., on the one hand, and, on the other, Van Wert and Youngstown, Ohio; (5) *exposed and processed microfilm and facsimiles of all kinds*, between Cleveland, Ohio, on the one hand, and, on the other, Buffalo and Rochester, N.Y.; (6) *exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies and advertising literature moving therewith* (excluding motion picture film used primarily for commercial theater and television exhibition) between Cincinnati, Ohio, on the one hand, and, on the other, points in Indiana and Kentucky; (7) *garments and swatches of cloth for testing and research purposes* moving at the same time with business papers, records, and audit and accounting media of all kinds (excluding plant removals), between Waterville, Maine, on the one hand, and, on the other, Lowell, Mass.; (8) *cut flowers and decorative greens*, between points in Illinois, having prior or subsequent movement by air; (9) *ophthalmic goods and commercial papers* (except cash letters and excluding plant removals), between Columbus, Ohio, on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Maryland, Michigan, Pennsylvania, and West Virginia. NOTE: Applicant indicates tacking possibilities with its presently held authority. Applicant also holds contract carrier authority under MC 112520 and subs thereunder, therefore, dual operations may be involved. The purpose of this republication is to show the weight restriotions which were inadvertently omitted from items (2) and (4). If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Cincinnati, Ohio.

No. MC 113545 (Sub-No. 7), filed July 5, 1967. Applicant: CORMETT FORWARDING CO., INC., 260 Hudson Street, Hackensack, N.J. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Radiopharmaceuticals, radioactive drugs and medical isotopes*, from Newark Airport in Newark, N.J., and La Guardia and Kennedy Airports in New York, N.Y., to points in Bergen, Passaic, Sussex, Warren, Morris, Essex, Hudson, Union, Middlesex, Somerset, Hunterdon, Mercer, Monmouth, and Ocean Counties, N.J.; New York, N.Y.; and points in Nassau, Suffolk, Westchester, Rockland, Orange, Ulster, Sullivan, Putnam, and Dutchess Counties, N.Y., and Fairfield County, Conn., restricted to traffic having an immediately prior movement by air and weighing not over 10 pounds per shipment under contract with Abbott Laboratories. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 113843 (Sub-No. 131), filed July 10, 1967. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite of Oscar Mayer & Co., Inc., located at Beardstown, Ill., to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont, restricted to traffic originating at the described plantsite and destined to points in the States named above. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113855 (Sub-No. 164), filed July 3, 1967. Applicant: INTERNATIONAL TRANSPORT, INC., South Highway 52, Rochester, Minn. 55902. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction, roadbuilding, earthmoving, excavating, loading, maintenance, logging, and mining machinery and equipment, tractors* (not including truck-tractors), *pipelayers, scrapers, motor graders, wagons, engines* (except aircraft and missile engines), *generators, engines and generators combined, welders, roadrollers, compactors, lift trucks, agricultural machinery, agricultural implements, and parts, attachments and accessories* of and for the above-named commodities, from points in Weber, Salt Lake, and Davis Counties, Utah, to points in Washington, Oregon, Idaho, Nevada, California, Arizona, and Utah. NOTE: Applicant states the purpose of this application is to provide service from in transit storage points in the origin counties named above on such traffic where applicant holds the authority from initial origin to final destination. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, or San Francisco, Calif.

No. MC 114364 (Sub-No. 140), filed July 5, 1967. Applicant: WRIGHT MOTOR LINES, INC., Post Office Box 1191, 1401 North Little Street, Cushing, Okla. 74023. Applicant's representative: Marion F. Jones, Suite 430, Denver Club Building, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boron compounds and potash*, from points in Lea and Eddy Counties, N. Mex., to points in Arizona, Colorado, Iowa, Minnesota, Nebraska, North Dakota, South Dakota, Utah, Wisconsin, and Wyoming. NOTE: If a hearing is deemed necessary, applicant requests it be held at Tulsa, Okla., or St. Louis, Mo.

No. MC 114669 (Sub-No. 10) (Correction), filed June 26, 1967, published in the FEDERAL REGISTER issue of July 13, 1967, under No. MC 115331 (Sub-No. 231) and republished as corrected this issue. Applicant: BRACEY & MARTIN, INC., 1910 South Walnut Street, Hopkinsville, Ky. 42240. Applicant's representative: James C. Havron, 513 Nashville Bank and Trust Building, Nashville, Tenn. 37201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverage* in containers, from Detroit, Mich., to Hopkinsville, Ky., and *empty containers and rejected shipments* on return, under contract with Kentucky Ace Beverage Distributors, Inc. NOTE: Applicant is also authorized to conduct operations as a common carrier in certificate MC 115762 and Sub 1, therefore, dual operations may be involved. The purpose of this republication is to show the correct docket number assigned thereto. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Louisville, Ky.

No. MC 115491 (Sub-No. 101), filed July 5, 1967. Applicant: COMMERCIAL CARRIER CORPORATION, 502 East Bridgers Avenue, Post Office Box 1186, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay products, including sewer pipe and related articles*, such as but not limited to *clay flue lining, clay stove pipe, and clay wall coping*, from Canton, East Sparta, Mogadore, and Uhrichsville, Ohio, to points in Louisiana. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus or Cleveland, Ohio.

No. MC 115840 (Sub-No. 30), filed July 7, 1967. Applicant: COLONIAL FAST FREIGHT LINES, INC., 1215 Bankhead Highway West, Birmingham, Ala. 35201. Applicant's representative: C. E. Wesley (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle over irregular routes, transporting: (1) *Plastic pipe, plastic or iron connections, fittings, and accessories*, from the plantsite and warehouse facilities of the Clow Corp. located at or near Lincoln, Talladega County, Ala., to points in Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia; and (2) *equipment, materials and supplies* used in the manufacture, processing, and distribution of plastic pipe, plastic or iron connections, fittings and accessories (except in bulk, in tank vehicles), on return. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Atlanta, Ga.

No. MC 116283 (Sub-No. 16), filed July 7, 1967. Applicant: NEIL'S BAKERY PRODUCTS TRANSPORTATION CO., a corporation, 246 Broad Street, Auburn, Maine. Applicant's representative: Mary E. Kelley, 10 Tremont Street, Boston, Mass. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products* from Middleton, Mass., to Portsmouth, N.H.; and Bangor, Fryeburg, Lewiston, and Portland, Maine, and *containers used in transporting bakery products and returned bakery products*, on return, under contract with Pepperidge Farm, Inc., Norwalk, Conn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 117344 (Sub-No. 183), filed July 7, 1967. Applicant: THE MAXWELL CO., a corporation, 10380 Evendale Drive, Cincinnati, Ohio 45215. Applicant's representative: James R. Stiverson, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar based sealing compounds*, from points in Columbia Park (Hamilton County), Ohio, to points in Indiana, Kentucky, Michigan, Pennsylvania, West Virginia, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 119297 (Sub-No. 2), filed June 22, 1967. Applicant: PAUL R. GARNSEY AND PAUL Z. GARNSEY, a partnership, doing business as PAUL GARNSEY & SON, Rural Delivery No. 1, Post Office Box 55, Schuylerville, N.Y. Applicant's representative: John J. Brady, Jr., 75 State Street, Albany, N.Y. 12207. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), (1) between the hamlet of North Creek (Warren County), N.Y., and Glens Falls, N.Y., from North Creek over New York Highway 28 to junction U.S. Highway 9, thence over U.S. Highway 9 to Glens Falls and return over the same route serving the intermediate points of Wevertown and Warrensburg, N.Y., and the off-route points of Riparius, Indian Lake, Chestertown, Johnsburg, Horicon, and Newcomb, N.Y., and (2) between the hamlet of North Creek (Warren County), N.Y., and the hamlet of Newcomb (Essex County), N.Y., over New York Highway 28-N, serving all intermediate points and the off-route points of Olmsteadville and Tahawus, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at Albany, N.Y.

No. MC 119531 (Sub-No. 63), filed June 30, 1967. Applicant: DIECKBRADER EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Suite 1625, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glassware, glass containers and closures therefor, and paper cartons* used in the packaging of glassware and glass containers, from Winchester, Ind., to points in Illinois, Iowa, Kentucky, Michigan, Missouri, Ohio, and Wisconsin, and *damaged or rejected shipments* of the above-specified commodities, on return. NOTE: Applicant states possible tack exists at origin point of Winchester, Ind., with presently held authority permitting service from Bremen, Canal, Winchester, and Lancaster, Ohio, to points in Iowa, Missouri, and Wisconsin. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., Columbus, Ohio, or Washington, D.C.

No. MC 119531 (Sub-No. 64), filed July 6, 1967. Applicant: DIECKBRADER EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Suite 1625, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper products*, from North Chicago, Ill., to points in Indiana, Michigan, and Ohio; and (2) *paper*, from Franklin, Ohio, to points in Indiana, Michigan, and Kentucky. NOTE: Applicant states that tacking is possible at Cleveland, Ohio, in connection with its presently held authority in Sub 7, permitting transportation of paper products to New Jersey, New York, and Pennsylvania. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 119777 (Sub-No. 79), filed July 5, 1967. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Box L, Madisonville, Ky. 42431. Applicant's representative: Louis J. Amato, Central Building, 1033 State Street, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agriculture implements, and agriculture implement parts, attachments and accessories*, from Yazoo City, Miss., to points in the United States (except Alaska and Hawaii) and (2) *steel disks*, from Chicago, Ill., and Midland, Pa., to Yazoo City, Miss. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Nashville, Tenn.

No. MC 119777 (Sub-No. 80), filed July 5, 1967. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Box L, Madisonville, Ky. 42431. Applicant's representative: Louis J. Amato, Central Building, 1033 State Street, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flake board and particle board*, from Gifford, Ark., and points within 10 miles thereof, to points in Alabama, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, and Wisconsin. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 119829 (Sub-No. 25), filed July 6, 1967. Applicant: F. J. EGNER & SON, INC., 3969 Congress Parkway, West Richfield, Ohio 44286. Applicant's representative: Taylor C. Burneson, 88 East Broad Street, Suite 1680, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt pavement surface sealer, coal tar base*, in bulk, in tank vehicles, from Columbia Park (in Miami Township, Hamilton County), Ohio, to points in Indiana, Kentucky, Michigan, Pennsylvania, West Virginia, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 124078 (Sub-No. 285), filed July 5, 1967. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis. 53215. Applicant's representative: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, in bulk, from New Eagle, Pa., to points in Ohio, Virginia, and West Virginia. NOTE: Applicant intends to tack with its Sub 78 at Glasgow, W. Va., to serve points in Kentucky and Virginia. If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio, or Chicago, Ill.

No. MC 124584 (Sub-No. 7), filed May 26, 1967. Applicant: CHEMICAL CARRIERS CORPORATION, 648 West Ocean Drive, Chesapeake, Va. 23702. Applicant's representative: Vaughan S. Winborne, 1108 Capital Club Building, Raleigh, N.C. 27601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products*, between points in the Norfolk, Va., commercial zone and points in North Carolina. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C., or Norfolk, Va.

No. MC 124813 (Sub-No. 40), filed June 28, 1967. Applicant: UMTHUN TRUCKING CO., a corporation, 910 South Jackson Street, Eagle Grove, Iowa 50533. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal and poultry feed ingredients* (other than liquid), from Dubuque, Iowa, and Omaha, Nebr., to points in Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Wisconsin, and Illinois, and (2) *animal and poultry feed and feed ingredients* (other than liquid), between Kansas City, Mo., on the one hand, and, on the other, points in Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Wisconsin, and Illinois. NOTE: Applicant is also authorized to conduct operations as a contract carrier in permit No. MC 118468, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 126463 (Sub-No. 3), filed July 7, 1967. Applicant: GREER BROS. TRUCKING CO., Post Office Box 187, London, Ky. 40741. Applicant's representative: George M. Catlett, 703–706 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities in bulk* (except cement), in dump trucks, between points in Campbell County, Tenn., on the one hand, and, on the other, points in Whitley, Knox, Laurel and Rockcastle Counties, Ky. NOTE: Applicant states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Lexington, Ky., or Knoxville, Tenn.

No. MC 126884 (Sub-No. 2) (Amendment), filed May 26, 1967, published in the FEDERAL REGISTER issue of June 15, 1967, amended July 3, 1967, and republished this issue. Applicant: FROST TRUCKING CO., INC., 677 Washington Street, New York, N.Y. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Books, equipment, materials, and supplies used in the composition, printing and binding of books*, except commodities in bulk in dump or tank vehicles, between points in New York, New Jersey, Connecticut, Brattleboro, Vt., Ludlow, Mass., and Philadelphia, Pa. NOTE: The purpose of this application is to add Ludlow, Mass., to the destination. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 127568 (Sub-No. 8), filed July 3, 1967. Applicant: MID-SOUTH DELIVERY SERVICE CO., a corporation, 3215 Tulane Road, Memphis, Tenn. 38116. Applicant's representative: Dale Woodall, 900 Memphis Bank Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid corn syrup*, in bulk, in tank vehicles, from Memphis, Tenn., to points in Arkansas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 128205 (Sub-No. 6), filed July 3, 1967. Applicant: BULKMATIC TRANSPORT COMPANY, a corporation, 4141 West George Street, Schiller Park, Ill. Applicant's representative: Irving Stillerman, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from Chicago, Ill., to points in Indiana and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 128965 (Sub-No. 1), filed June 16, 1967. Applicant: PAUL HEIDE, 746 South Rutan, Wichita, Kans. 67218. Applicant's representative: Leland M. Spurgeon, 308 Casson Building, 603 Topeka Boulevard, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer compounds, fertilizer material, agricultural chemicals, processed feeds and feed ingredients, including meat scraps and meat meal*, from points in Sedgwick County, Kans., to points in Oklahoma. NOTE: If a hearing is deemed necessary, applicant requests it be held at Wichita, Kans., or Kansas City, Mo.

No. MC 129046 (Sub-No. 1) (Amendment), filed May 12, 1967, published FEDERAL REGISTER, issue of June 2, 1967, under MC 69876 Sub 19, and republished as amended this issue. Applicant: BURKS-PETZ TRANSFER, INC., 1724 West Franklin Street, Evansville, Ind. 47712. Applicant's representative: Robert M. Pearce, Central Building, 1033 State Street, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from Evansville, Ind., to points in Ohio. NOTE: The purpose of this republication is to show that applicant now seeks to conduct operations as a common carrier in lieu of those as a contract carrier as previously published. The application has been reassigned No. MC 129046 Sub No. 1. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Louisville, Ky.

No. MC 129113 (Sub-No. 2), filed June 14, 1967. Applicant: ELMER F. MILLER, doing business as MILLER TRUCKING CO., Rural Route No. 6, Merrill, Wis. 54452. Applicant's representative: Nancy J. Johnson, 111 South Fairchild Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and advertising and promotional materials*, in connection therewith, from St. Paul, Minn., to points in Lincoln, Oneida, and Marathon Counties, Wis., and *empty containers* on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison, Wis., Milwaukee, Wis., or Chicago, Ill.

No. MC 129161 (Sub-No. 1), filed July 3, 1967. Applicant: CHARLES E. HOLSTINE, JESSE HOLSTINE, HUGH HOLSTINE, a partnership, doing business as HOLSTINE AND COMPANY, 2100 South Bellevue, Memphis, Tenn. 38106. Applicant's representative: Dale Woodall, 900 Memphis Bank Building, Memphis, Tenn. 38103. Authority sought

to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Used stoves, refrigerators and appliances* from New York City, N.Y., and its commercial zone thereof to Memphis, Tenn., and points in Mississippi, Louisiana, and Alabama, (2) *quilting* from New York, N.Y., and its commercial zone thereof to Coffeeville, Kans., and points in Mississippi and Tennessee, and (3) *new and used office furniture*, uncrated, from New York, N.Y., and its commercial zone thereof to Memphis, Tenn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or New York, N.Y.

No. MC 129217, filed June 30, 1967. Applicant: PONTIAC CONTRACT CARRIER, INC., Post Office Box 198, Pontiac, Ill. 61764. Applicant's representative: Eugene L. Cohn, 1 North La Salle Street, Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Mowing equipment and accessories, parts, materials, tools, and supplies* used in the manufacture, processing, or sale of mowing equipment, between Pontiac, Ill., on the one hand, and, on the other, points in Alabama, Arizona, Arkansas, California, Colorado, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, Washington, Wisconsin, and the District of Columbia, under a continuing contract with Roof Manufacturing Co., of Pontiac, Ill., and (2) *heel building machinery, heels, bags, leather and rubber products, steel, and scrap*, between Pontiac, Ill., on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Maine, Massachusetts, Minnesota, Missouri, New Hampshire, New York, Ohio, Pennsylvania, Tennessee, Texas, West Virginia, and Wisconsin, under a continuing contract with Brockton Heel Co., Inc., of Pontiac, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 129218, filed July 3, 1967. Applicant: COMMERCIAL TELEVISION, INC., 3501 Sheridan Road, Youngstown, Ohio 44502. Applicant's representative: James R. Stiverson, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities* (except household goods as defined by the Commission, classes A and B explosives, commodities in bulk, and those requiring special equipment), in retail delivery service, from Youngstown, Ohio, to points in Mercer and Lawrence Counties, Pa., and (2) *returned or trade in merchandise*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 129222, filed July 5, 1967. Applicant: MARVIN FORD, doing business as FORD TRUCK LINE, Tipton, Iowa 52772. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, in tank vehicles, from Walcott, Iowa, to points in Illinois. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 129230, filed July 7, 1967. Applicant: P & N TRUCKING CO., INC., 4010 Dell Avenue, North Bergen, N.J. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals and metals*, (1) from piers in New York, N.Y. and Elizabeth, N.J. harbors, to points in Connecticut, Massachusetts, Rhode Island, New Jersey, New York, Pennsylvania, Delaware, and Maryland, (2) from piers in Philadelphia, Pa., to points in Pennsylvania, and (3) from piers in Baltimore, Md., to points in Maryland, under contract with International Selling Corp., New York, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or New York, N.Y.

MOTOR CARRIERS OF PASSENGERS

No. MC 3647 (Sub-No. 196), filed July 3, 1967. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, 180 Boyden Avenue, Maplewood, N.J. 07040. Applicant's representative: Richard Fryling (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in special operations, in round-trip, sightseeing, and pleasure tours, beginning and ending at Irvington, N.J., and extending to Washington, D.C., Arlington, Mount Vernon, and Williamsburg, Va., Kutztown, Lancaster, Gettysburg, Lahaska, Wellsboro, and Doylestown, Pa., Boston, Sturbridge, and Cape Cod, Mass., Corning, Lake George, and Watkins Glen, N.Y., and Lewes and Dover, Del. NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

APPLICATION FOR A BROKERAGE LICENSE

No. MC 130040, filed July 5, 1967. Applicant: AMERICAN RECREATIONAL ACTIVITIES, INC., 846 Farmington Avenue, Post Office Box 359, West Hartford, Conn. 06107. Applicant's representative: Edwin L. Baum, 799 Main Street, Hartford, Conn. 06103. For a license (BMC 5) to engage in operations as a broker at West Hartford, Conn., in arranging for the transportation in interstate or foreign commerce, of *passengers and their baggage*, in the same vehicle with passengers, both as individuals and in groups, in all expense, round-trip, conducted educational, sightseeing, and camping tours, in special and charter operations, beginning and ending at West Hartford, Conn., and extending to points in the United States, including Alaska, but excluding Hawaii.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 67-8506; Filed, July 19, 1967; 8:45 a.m.]

RAYMOND R. MANION

Statement of Changes in Financial Interests

Pursuant to subsection 302(c), Part III, Executive Order 10647 (20 F.R. 8769), "Providing for the Appointment of Certain Persons under the Defense Production Act of 1950, as amended," I hereby furnish for filing with the Division of the Federal Register for publication in the FEDERAL REGISTER the following information showing any changes in my financial interests and business connections as heretofore reported and published (30 F.R. 8809, 31 F.R. 930, 31 F.R. 13405, and 32 F.R. 769) for the 6 months' period ended July 2, 1967.

REVISED LIST OF SECURITIES

AT&T.	I.B.M.
IT&T.	Conrac Corp.
Continental Can.	Mary Carter Paint "B".
Minnesota Mining & Manufacturing.	Pan American Airways.
Monarch Equity Realty Investment.	

R. R. MANION.

JULY 7, 1967.

[F.R. Doc. 67-8396; Filed, July 19, 1967; 8:49 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

JULY 17, 1967.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41075—*Roofing and building materials to Ensley, Ala.* Filed by Southwestern Freight Bureau, agent (No. B-8993), for interested rail carriers. Rates on roofing and building materials, in carloads, from points in Arkansas, Louisiana, Oklahoma and Texas, to Ensley, Ala. Grounds for relief—Market competition. Tariff—Supplement 3 to Southwestern Freight Bureau, agent, tariff ICC 4717.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 67-8507; Filed, July 19, 1967; 8:49 a.m.]

[Notice 432]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 17, 1967.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of ex parte No. MC 67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 107002 (Sub-No. 339 TA), filed July 13, 1967. Applicant: HEARIN-MILLER TRANSPORTERS, INC., Post Office Box 1123, U.S. Highway 80 West, Jackson, Miss. 39205. Applicant's representative: John J. Borth (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry fertilizer*, in bulk, and in bags, from Gulfport, Miss., to points in Alabama, Louisiana, and Mississippi; and (2) *dry fertilizer*, in bags, from Mobile, Ala., to points in Alabama, Louisiana, and Mississippi; for 180 days. Supporting shipper: Olin Mathieson Chemical Corp., Agricultural Division, Post Office Box 991, Little Rock, Ark. Send protests to: Floyd A. Johnson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 312-A U.S. Post Office Building, Jackson, Miss. 39201.

No. MC 111729 (Sub-No. 246 TA), filed July 13, 1967. Applicant: AMERICAN COURIER CORPORATION, 222-17 Northern Boulevard, De Bevoise Building, Bayside, N.Y. 11361. Applicant's representative: J. K. Murphy (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records, audit and accounting media, payroll records and checks, and sales and advertising pamphlets and related material* moving therewith, between Richmond, Va., and Orangeburg, S.C.; and (2) *business papers, records, and audit and accounting media of all kinds* (excluding plant removals), (a) between Westboro, Mass., on the one hand, and, on the other, Arctic, East Greenwich, Warren, Wickford, Westerly, and Wakefield, R.I.; (b) between O'Hare Field, Chicago, Ill., on the one hand, and, on the other, River Grove, Ill., and Cleveland, Ohio, on shipments having prior or subsequent movement by air; and (c) between points in Middlesex County, Mass., on the one hand, and, on the other, points in New Hampshire (except Hillsboro and Rockingham Counties, N.H.), points in Connecticut (except New Haven, Litchfield and Middlesex Counties, Conn.), points in Maine (except Knox, Penobscot, Kennebec, Androscoggin, and Cumberland Counties, Maine), points in Rhode Island (except Providence County, R.I.), points in New York, and points in New Jersey; for 180 days. Supporting shippers: Hygrade Food Products Corp., Post Office Drawer 1235, Richmond, Va. 23209; New England Power Service Co., Turnpike Road, Westboro, Mass. 01581; Giant Stores Corp., 365 Dutton Street, Lowell, Mass; and Zayre Corp., 1 Mercer Road, Natick, Mass. Send protests to: E. N. Carignan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 346 Broadway, New York, N.Y. 10013.

No. MC 116273 (Sub-No. 95 TA), filed July 13, 1967. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, Ill. 60650. Applicant's representative: William R. Lavery (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid corn syrup*, from the Flexi-Flo Terminal of the New York Central Railroad at Hammond, Ind., to Trafalgar, Ind., Detroit, Mich., and Geneva, Ohio; for 150 days. Supporting shipper: Union Starch & Refining Co., Inc., Granite City, Ill. 62040. Send protests to: Raymond E. Mauk, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1086 U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 123067 (Sub-No. 61 TA), filed July 13, 1967. Applicant: M & M TANK LINES, INC., Post Office Box 4174, North Station, Winston-Salem, N.C. 27105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, dry, in bulk, in tank, hopper or dump vehicles, from Charlotte, N.C., to points in North Carolina and South Carolina; for 150 days. Supporting shipper: Morton Salt Co., a division of Morton International, Inc., 110 North Wacker Drive, Chicago, Ill. 60606. Send protests to: Jack K. Huff, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 206, 327 North Tryon Street, Charlotte, N.C. 28202.

No. MC 124964 (Sub-No. 8 TA), filed July 13, 1967. Applicant: JOSEPH M. BOOTH, doing business as J. M. BOOTH TRUCKING, Post Office Box 907, Eustis, Fla. 32726. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) Such *merchandise* as is distributed by a premium stamp redemption center in the redemption of premium stamps, and in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, between South Hackensack, N.J., on the one hand, and, on the other, points in Palm Beach County, Fla.; and (2) *premium stamp books, with stamps attached*, from points in Palm Beach County, Fla., to South Hackensack, N.J.; under contract with the Stop & Save Trading Stamp Corp.; for 150 days. Supporting shipper: Stop & Save Trading Stamp Corp., 125 Phillips Avenue, South Hackensack, N.J. 07606. Send protests to: G. H. Fauss, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Federal Office Building, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 126042 (Sub-No. 3 TA), filed July 13, 1967. Applicant: C. ARTHUR FOSSE, doing business as FOSSE TRANSPORT, Post Office Box 187, Rothsay, Minn. 56579. Applicant's representative: Benny A. Graff, Post Office Box 100, Mandan, N. Dak. 58554. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Truck bodies and truck hoists*, from Galion, Ohio, and Quincy, Ill., to Mandan, Williston, Minot, Rugby, and Dickinson, N. Dak.; for 180 days. Supporting shipper: O K Equipment, Inc., Highway 10 East, Mandan, N. Dak. 58554. Send protests to: Joseph H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1621 South University Drive, Room 213, Fargo, N. Dak. 58102.

No. MC 128279 (Sub-No. 4TA) filed July 13, 1967. Applicant: ARROW FREIGHTWAYS, INC., 3101 Princeton Drive NE., Albuquerque, N. Mex. 87107. Applicant's representative: Olif O. Boyd (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, and materials and supplies* used in the installation and distribution thereof, from Rosario, N. Mex., to points in Arizona, Colorado, Oklahoma, and Texas; for 150 days. Supporting shipper: Kaiser Gypsum Co., Inc., 300 Lakeside Drive, Oakland, Calif. 94604. Send protests to: Jerry R. Murphy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 109 Federal Building, 421 Gold Avenue SW., Albuquerque, N. Mex. 87101.

MOTOR CARRIER OF PASSENGERS

No. MC 115880 (Sub-No. 3 TA), filed July 13, 1967. Applicant: SINGERMAN BUS CORPORATION, 3 Railroad Place, Maspeth, N.Y. 11378. Applicant's representative: Charles H. Trayford, 137 East 36th Street, New York, N.Y. 10016. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, restricted to traffic originating at the point indicated, in charter operations, from New York City, N.Y., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, Delaware, Virginia, West Virginia, Ohio, Indiana, Illinois, Wisconsin, and the District of Columbia, and ports of entry on the international boundary line between the

United States and Canada, located in States named above; to be a seasonal operation between April 15, 1967, and November 1, 1967, which is the duration of the Montreal Expo 67; for 180 days. NOTE: Applicant states that it now holds charter authority which partially duplicates that sought. However, applicant does not seek duplicate authority. Some of the proposed charter operation will involve tour operations through its present States with the proposed States. All States have been set out in this application to avoid any question of tacking existing with proposed authority. Supporting shippers: All State Bus Corp., 2163 Coney Island Avenue, New York, N.Y. 11235; and Air France, 1350 Avenue of the Americas, New York, N.Y. Send protests to: E. N. Carigman, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 346 Broadway, New York, N.Y. 10013.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-8398; Filed, July 19, 1967; 8:49 a.m.]

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Title 7—AGRICULTURE

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER G—DETERMINATION OF PROPORTIONATE SHARES

PART 855—MAINLAND CANE SUGAR AREA

Proportionate Shares for Farms; 1968 Crop

Sec.
855.37 Definitions.
855.38 General provisions.
855.39 State acreage allocations.
855.40 Determination of farm bases for old-producer farms.
855.41 Establishment of shares for old-producer farms.
855.42 Shares for reconstituted farms.
855.43 Redetermination of bases and shares because of use of incorrect data.
855.44 Reallotment of unused acres.
855.45 Establishment of shares for new-producer farms.
855.46 Appeals or corrections.

AUTHORITY: §§ 855.37 to 855.46 issued pursuant to sec. 302, Sugar Act of 1948, as amended (sec. 403, 61 Stat. 932; 7 U.S.C. 1153; secs. 301, 302, 61 Stat. 929, 930, as amended; 7 U.S.C. 1131, 1132).

§ 855.37 Definitions.

For the purpose of this part, the terms:

(a) "Act", "Secretary", "Deputy Administrator", "State committee", "county committee", "producer", "operator", "proportionate share", "share", "accredited acres", "accredited acreage" and designation of a crop of sugarcane by year shall have the meanings set forth in § 892.1 of this chapter.

(b) "Farm" shall have the meaning set forth in Part 822 of this chapter.

(c) "Cane" means sugarcane.

(d) "Old-producer farm" means a farm which includes land that comprised a farm or part of a farm for which a share was established for the 1967 crop pursuant to §§ 855.27, 855.29 and 855.32.

(e) "New-producer farm" means any farm that is not an old-producer farm.

§ 855.38 General provisions.

Regulations pertaining to general conditional payments provisions are set forth in Part 892 of this chapter. Such regulations include provisions in regard to conditions which must be met to be eligible for payment, instructions for filing applications for payment, requirements for harvesting within the farm share and for disposing of acreage in excess of the farm share. Also included are provisions covering sharecropper or share tenant protection, farm accredited acreage records, erroneous notice of the farm share or of excess acreage, acquisition of farmland by the right of eminent domain including the transfer of the share from the land so acquired to other land in the State, and provision for redetermination and review of determinations by county and State committees or the Deputy Administrator. Provisions pertaining to certification of acreage and land use in lieu of farm inspection and measurement are set forth in Part 718 of this title and in § 892.4 of this chapter. Provisions governing requests and appeals by producers for reconsideration or review of determinations by county or State committees or the Deputy Administrator are set forth in Part 780 of this title.

§ 855.39 State acreage allocations.

The acreage allocation for each State shall be the sum of the acreages specified for the State in the following paragraphs:

(a) 188,200 acres for Florida and 301,550 acres for Louisiana.

(b) Any acreage used to establish shares for new-producer farms pursuant to § 855.45 within a set-aside of 150 acres for Florida and 250 acres for Louisiana.

(c) Any acreage used to adjust shares for old-producer farms pursuant to §§ 855.43 and 855.46 within a set-aside of 200 acres for Florida and 320 acres for Louisiana.

§ 855.40 Determination of farm bases for old-producer farms.

The county committee for the county in which the farm headquarters is located shall determine a farm base for each old-producer farm or a portion thereof for the 1968 crop of sugarcane as follows:

(a) For each old-producer farm, as constituted for the 1967 crop at the time the 1968-crop share is established, such base shall be the 1967-crop accredited acreage record of the farm, except that if the county committee determines that the 1967-crop accredited acreage is less than the original 1967-crop share established pursuant to § 855.27, § 855.29 or § 855.32 for the farm because of reasons beyond the control of the operator, or if the 1967-crop accredited acreage record of the farm is less than such share but is at least 90 percent of such share, the farm base will be such 1967 share. If it is known at the time farm bases are to be determined that 1968-crop acreage will not be harvested on a farm for which a base could be established, and the land was not acquired under right of eminent domain, a base will not be established.

(b) For each old-producer farm or for each part of an old-producer farm which was removed from sugarcane production in its entirety by acquisition after the 1964 crop was harvested from such land by a Federal, State, or other agency or entity entitled to exercise the right of eminent domain, and the owner of such land did not have the State committee add the 1967-crop share established for such farm or part pursuant to § 855.27 or § 855.29 to the 1967-crop share established for other land owned by such owner under the provisions of § 855.28, the farm base shall be the 1967-crop share established for the farm or part pursuant to § 855.27 or § 855.29.

§ 855.41 Establishment of shares for old-producer farms.

The county committee shall establish a 1968-crop share for any farm for which a farm base is determined by applying to such farm base an adjustment factor determined by the State committee by dividing the acreage made available to the State in § 855.29(a) by the total of the bases established for all old-producer farms in the State pursuant to § 855.40. The share established by applying the adjustment factor to a farm base determined pursuant to § 855.40(b) shall, as provided in § 892.16 of this chapter, be added to the 1968-crop share, if any, established by applying the adjustment factor to a farm base determined pursuant to § 855.40(a) for other land in the State owned by the owner of the land who lost acreage under the right of eminent domain upon application to the State committee by such owner as provided in § 892.18 of this chapter. Provision is made in § 892.18 of this chapter, for holding a share or part thereof in reserve for the future use of the owner of land acquired by the right of eminent domain.

§ 855.42 Shares for reconstituted farms.

If the county committee determines, after a 1968-crop share is established for the farm, that the 1968-crop farm will not be comprised of the same land as that included in the 1967-crop farm used as the basis for establishing the share, or that the farm was not properly constituted for the 1968 crop pursuant to the definitions of a farm and an operator, the farm or farms involved shall be reconstituted in accordance with such definitions. A share shall be determined as follows for the reconstituted farm.

(a) *Subdivision.* The share for each subdivision of a farm which is subdivided shall be the portion of the 1968-crop share established for the farm pursuant to § 855.41, including any adjustments made in such share pursuant to § 855.44 or § 855.46, determined for each subdivision in accordance with the method used for dividing the accredited acreage record of the farm set forth in § 892.9 of this chapter. However, if the share as so determined for any subdivision is greater than the acreage growing on the subdivision for 1968-crop harvest, the county committee shall reduce the share for such subdivision to the acreage growing thereon, except that such reduction shall not be made if the county committee determines that acreage of sugarcane on the subdivision was plowed down

without the approval of the person acquiring the subdivision in order to obtain larger proportionate shares on the other subdivision or subdivisions. If such reduction is made, the acreage made available shall be used to increase the share of each of the other subdivisions of the parent farm on which the acreage growing for 1968-crop harvest exceeds the share determined for such subdivision, and such distribution of acreage by the county committee shall be prorated on the basis of the acreage growing on each subdivision and shall not result in the sum of the shares of the subdivisions exceeding the parent farm's share before division.

(b) *Combinations.* The share for a reconstituted farm consisting of a combination of old-producer farms, a combination of subdivisions of such farms or combination of such farms and such subdivisions shall be the sum of the 1968-crop shares for such farms and subdivisions of such farms.

(c) *New-producer farm.* The 1968-crop share established for a new-producer farm which is subdivided shall be prorated to the subdivisions by the percentage ratio that the acreage of cane growing on each subdivision is to the total acreage of cane growing on the farm.

(1) *Combined before planting.* If a new-producer farm or subdivision thereof is combined with an old-producer farm or subdivision thereof prior to the planting of sugarcane on the new-producer farm the share established for the new-producer farm or portion of such share determined for the subdivision shall be cancelled and the share established for the old-producer farm or subdivision thereof shall be the share for the reconstituted farm.

(2) *Combined after planting.* If a new-producer farm or subdivision thereof is combined with an old-producer farm or subdivision thereof after sugarcane has been planted on the new-producer farm, the share established for the new-producer farm or portion of such share determined for the subdivision shall be added to the share established for the old-producer farm or subdivision thereof, unless the county committee determines that the operator of the new-producer farm, at the time he made application for a new-producer farm share, had begun negotiations or had arranged to subsequently transfer the new-producer farm to the operator of an old-producer farm. If such determination is made, the share established for the new-producer farm or portion of such share determined for the subdivision shall be cancelled and the share established for the old-producer farm or subdivision thereof shall be the share for the reconstituted farm.

§ 855.43 Redetermination of bases and shares because of use of incorrect data.

Where incorrect data was used in determining a farm base or establishing a share, such share shall be canceled and a new base shall be computed in accordance with § 855.40 using the correct data. A new share shall be established for the farm by applying the factor obtained pursuant to § 855.41 to the new farm base. Any acreage by which the incorrect share exceeds the newly established share shall first be used to increase shares for farms whose shares were incorrectly established at levels lower than that to which they were entitled. Any acreage remaining shall be reallotted under the provisions of § 855.44.

§ 855.44 Reallotment of unused acres.

(a) *Eligibility.* The operator of any old-producer farm may request an increase in the share established for his farm.

(b) *Filing requests for additional acreage.* Requests shall be filed in Florida at the Hendry ASCS County Office not later than June 30, 1968, and in Louisiana requests shall be filed not later than January 12, 1968, in the ASCS county office in which the farm headquarters is located and if a farm is located in more than one county, in the ASCS county office in which the part of the farm on which additional acreage will be utilized is located. However, late requests filed by operators before a distribution of unused acreage may be accepted as timely filed requests if the State committee determines that such operators delayed filing for reasons beyond their control, and late requests may be accepted prior to harvest if there is acreage still available after filling all requests considered as timely filed under this paragraph.

(c) *Increasing shares.* Acreage to be reallotted pursuant to paragraph (d) of this section shall be used to increase the shares of old-producer farms whereón additional acreage may be used and requests have been filed pursuant to paragraph (b) of this section by considering the ability of the farm operator to use additional acreage in light of (1) availability and suitability of land, (2) availability of production and marketing facilities, (3) rotation practices, (4) maintenance of a proper relationship between total cane acreage and suitable cropland, and (5) the need for minimum acreage in a mill area.

(d) *Methods for reallocating unused acreage.* In consideration of the criteria set forth in paragraph (c) of this section, unused old-producer farm proportionate share acreage, not to exceed the total of the acreage of shares reduced pursuant to paragraph (f) of this section excluding any acreage reserved by the State committee pursuant to § 892.16 of this chapter, shall be used to increase shares of farms, the operators of which have timely filed requests pursuant to paragraph (b) of this section, as follows: (1) In Florida, the State committee shall determine and inform the county committees of increases to be made in the share for each farm. (2) In Louisiana, the county committee of each county will determine the unused proportionate share acreage on farms with headquarters in the county. The unused acreage so determined shall be used by such committee to increase the share for each farm or part of a farm located in the county. The increase in the share for a farm with headquarters in the county may be utilized on any part of such farm. However, any increase which is granted to a part of a farm must be planted on the part of the farm located in the county granting the increase. Any unused acreage remaining in any county in Louisiana after all requests have been satisfied shall be released to the State committee. The Louisiana State Committee shall distribute such acreage to other counties in which the total of the additional acreages requested exceeds the unused acreages. Such distribution shall be made on the basis of the percentage relationship between the total of the shares established pursuant to § 855.41 for all farms in each such county and the total of the shares so established for all farms in all such counties: *Provided*, That the acreage distributed to any county shall not exceed the total acreage needed to increase shares to the extent requested for farms in such county.

(e) *Limitations.* The Florida State Committee and the county committees in Louisiana shall not increase a share by an amount in excess of that requested or increase a share to cover acreage which was previously abandoned regardless of the cause of such abandonment.

(f) *Reduction in shares.* If the county committee determines for any old-producer farm that the total of the 1968-crop acreage of cane to be harvested for sugar and seed and the acreage of cane on the farm which has been abandoned to the extent of fulfilling at least the requirements set forth in paragraph (c) (1) (i) and (ii) of § 845.2 of this chapter is less than the farm's 1968-crop share, including any adjustment made pursuant to this section or § 855.48, the share shall be reduced to the level of such total 1968-crop acreage.

§ 855.45 Establishment of shares for new-producer farms.

(a) *Filing requests.* A person desiring a share for a new-producer farm shall file a request (in Florida, at the Hendry ASCS County Office) not later than November 15, 1967, and in Louisiana at the local ASCS county office not later than September 15, 1967. Late requests may be accepted if the State committee determines that the person delayed filing for reasons beyond his control or there is acreage still available after filing all timely filed requests.

(b) *Rating of applicants.* Subject to review and redetermination by the State committee, the county committee shall rate the applicant as "qualified" or "not qualified" to utilize a new-producer farm share by considering (1) the availability and suitability of land, (2) availability of production and marketing facilities, and (3) whether the land on which cane will be grown is under his control through ownership or lease and such land was not included in an old-producer farm:

Provided, That no applicant will be rated as "qualified" unless the county committee determines he will be the operator of the farm as defined in paragraph (i) of § 892.1 of this chapter.

(c) *Size of share.* Each share shall be 50 acres, or a lesser acreage if requested, or such lesser acreage as the State committee determines if either the county or State committee determines that the available cropland will not support a share of 50 acres.

(d) *Establishing shares.* The State committee shall establish a share for the new-producer farm of each "qualified" applicant if the acreage provided in § 855.39(b) is sufficient to establish such shares. If there is insufficient acreage, selection of "qualified" applicants to receive shares shall be by lot. Each drawing shall be supervised by a representative of the State committee. Persons included in a drawing shall be given advance notice and an opportunity to attend. Names (or farm numbers) shall be placed in a container and shall be indistinguishable to the person making the "draws". The person in charge shall announce the method of selection before the drawing.

(e) *Use of set-aside.* All acreage set aside for new producers shall be allotted to qualified new producers, if there are sufficient requests for such acreage.

§ 855.46 Appeals or corrections.

After the county committee has acted on its own initiative or on a request for reconsideration of the establishment of a share for an old-producer farm and has found that such share was in error because of the use of incorrect data or misapplication of the regulations in this part, the State committee, upon its own initiative or upon application of the operator, may within the acreage available under § 855.39(c) increase the share for such farm to a level so as to give effect to the use of correct data or proper application of the regulations in this part.

STATEMENT OF BASES AND CONSIDERATIONS

Sugar Act requirements. The provisions with respect to producer compliance with the conditions for receiving payment, the basis for such payment, considerations required for establishing individual shares, and the protection of interests of new and small producers, tenants and sharecroppers are set forth in sections 301 and 302 of the Act (7 U.S.C. 1131, 1132).

General. The Act requires that shares be established for farms in an area for a given crop when the Secretary determines that production will be greater than the quantity needed to enable the area to meet the quota and provide a normal carryover inventory as estimated by the Secretary for such area for the calendar year during which the larger part of the sugar from such crop normally would be marketed.

Shares were required in the Mainland Can Sugar Area for the 1965, 1966 and 1967 crops. The total acreage allocated to the area for the 1967 crop was about 1,800 acres more than that made available for the preceding crop. This additional acreage was provided for establishing shares for new-producer farms and for increasing shares of old-producer farms to correct errors. Present information indicates that less than half of this acreage was used for these purposes.

Sugar production from the 1966 crop amounted to 1,215,000 tons or 115,000 tons in excess of the area's 1966 quota. The effective inventory of sugar on January 1, 1967, was 780,000 tons. The 1967-crop is progressing extremely well and it appears that production will substantially exceed the area's marketing quota for calendar year 1967. It seems now that the effective inventory of sugar on January 1, 1968, will be larger than a year earlier and larger than the top of the range (60 to 70 percent of the following year's quota) indicated by the Congress as appropriate when the quota for the area was increased in 1965.

In the absence of restrictions, 1968-crop acreage would probably exceed that for the 1967 crop and the production of sugar from such crop would exceed the quantity needed to enable the area to meet its quota and provide a normal carryover inventory. Hence, restriction of the 1968-crop acreage to the extent provided by this regulation appears necessary.

Public hearing. On May 10, 1967, an informal public hearing was held in Miami Beach, Fla., to obtain the views and recommendations of interested persons on all matters relating to establishing 1968-crop shares. In the press release announcing the hearing, the Department proposed as a basis for discussion that the separate State allocations be established at the total of final 1967-crop shares in each State factored to the level of the acreage required to bring sugar supplies into line with quota and carryover requirements. The release suggested that in view of the expected effective inventory of sugar on January 1, 1968, careful consideration must be given to the level of 1968-crop acreages to avoid a further accumulation of sugar in excess of quota and carryover needs. The Department proposed to set aside acreage within each State allocation for establishing shares for new farms and handling appeals. Recommendations were requested as to the level of these set-asides. It was proposed that farm bases for old-producer farms be established in the same manner as for the 1967 crop. Bases would be the larger of (a) the farm's 1967-crop acreage record, or (b) the 1967-crop farm's original share if the farm operator used at least 90 percent of such share or used less than 90 percent for reasons beyond his control. The Department suggested that an appropriate adjustment factor be applied to the farm base to compute each share, except that farms having small bases would not be subject to factoring. Recommendations were requested as to what should be considered as a small base. The release also proposed that provisions would be made to permit each State to utilize its total allocation through distribution of unused acres to other farms which could use additional acreage.

The spokesman for the American Sugarcane League, representing all the sugarcane processors in Louisiana and farmers who produce more than 95 percent of the sugarcane in the State and also the Louisiana Farm Bureau Federation made several recommendations including the following: (1) That the 1968-crop acreage level be 95 percent of the 1967 acreage level; (2) that separate State acreage objectives and allocations be established with a provision to permit each State to reach its objective; (3) that the objective or desirable acreage to produce sugarcane be the sum of (a) the total of final 1967-crop shares factored by 95 percent, (b) acreage needed for eminent domain purposes, (c) 100 acres for Florida and 150 acres for Louisiana for increasing shares granted on appeals, rectifying misapplication of the regulation or errors and for other contingencies, and (d) 125 acres for Florida and 200 acres for Louisiana for new-producer shares of 25 acres each; (4) that the acreage allocation consist of (a) the sum of 1967-crop original shares plus utilized adjustments in such shares factored by 95 percent and (b) the items included in the acreage objective for new-producers, appeals and for purposes of eminent domain; (5) that a compensating adjustment be made in the 1969-crop acreage objective if an error is made in estimating 1968-crop unused acreage causing the State to exceed or fall short of its 1968-crop objective; (6) that for Louisiana the farm base be the 1967-crop share originally established plus any adjustment in such share that was utilized; (7) that the farm share for each farm be 95 percent of its base; (8) that the acreage becoming available for the new-producer set-aside which is not used for that purpose and the acreage covered by shares which is lost to industrial or residential development be used to increase shares of other farms; and (9) that the sugarcane acreage record of a farm which is to be divided be credited to its subdivisions in a manner agreed upon by the interested parties.

The spokesman for Florida Sugar Cane League, representing all the sugarcane processors in Florida and 98 percent of the producers in the State, made several recommendations including the following: (1) That the 1968-crop acreage level for the area be approximately 95 percent of the 1967 acreage level; (2) that State allocations not be established; (3) that the farm base for old-producer farms be established as set forth in the Department's press release; (4) that each share be established at 95 percent of the farm base and that such factor be applied to bases of all farms in the area; (5) that new-producer shares be established at 25 acres from a set-aside of 125 acres for Flordia and 200 acres for Louisiana and that such set-aside be in addition to the State allocation; (6) that 100 acres for Florida and 150 acres for Louisiana be provided for handling appeals which also shall be in addition to the State allocation; (7) that provision not be included to permit the reallocation of unused acres to other farms; and (8) that

the sugarcane acreage record of a farm which is to be divided be credited to its subdivisions in a manner agreed upon by the interested parties.

However, a representative of the Florida Sugar Corp. observed that the present uneconomic level of that corporation's operations would not permit agreement to any decrease in acreage. Also, a representative of the Atlantic Sugar Association outlined the past hardships incurred by its members, objected to the imposition of any cutback in acreage and requested that the Secretary find a basis for granting relief to the Association.

Regulation. This regulation provides separate State allocations of 302,120 acres and 188,550 acres for Louisiana and Florida, respectively, within which shares may be established. For each State, the allocation will represent the sum of (1) 95 percent of the 1967-crop allocation and (2) the small acreage made available for establishing shares for new-producer farms and increasing shares of old-producer farms to correct errors.

A base will be determined for each farm as constituted for the 1967-crop by using the same method as that adopted for the 1967-crop. It will be at the level of the larger of the 1967-crop accredited acreage record of the farm or the 1967-crop original share established for the farm if the farm operator utilized at least 90 percent of such share or was prevented from utilizing such percentage of the share for reasons beyond his control. Thus, unless an operator willingly underplanted by more than 10 percent, the base for each farm will not be less than the original 1967-crop share for the farm. A base will also be determined for any farm for which production was lost or reduced after 1964-crop harvest through the transfer of acreage to an agency having the right of eminent domain. The foregoing method of determining farm bases will make it unnecessary for growers to plant in small fields or cuts to fully utilize their shares merely to maintain acreage history. As for the prior crop, bases will not be determined for farms if it is known that cane will not be growing for 1968-crop harvest. This will make the acreage for any farm going out of production available to other farms at the time shares are initially established.

The adjustment factor is to be applied to all old-producer farm bases, both large and small, as recommended by spokesmen of the Florida and Louisiana groups. It is estimated that about 3,000 acres will be reallocated in Louisiana in 1967. The 1968 farm bases for the farms to which reallocations were made in 1967 will reflect increases. Generally, compensating decreases will not be made in the bases for the farms from which the reallocations were made. Hence, it is likely that the factor to be applied to farm bases in Louisiana may be slightly less than 95 percent. In Florida, there was little unused acreage in 1967. Therefore, the factor should not be lower than 95 percent.

The factor also will be applied to bases determined for farms whose owners lost land because of eminent domain since 1964-crop harvest was completed. In these cases, the share will be limited to that acreage for which the owner applies for use in the 1968 crop. If application is made for only a portion of the acreage which was removed from production, the balance will be held by the State committees for future use of the owner.

As for the past crop, utilization of the total of the shares in each State is made possible through the reallocation of unused acres to other farms whereon additional acreages may be used. In Louisiana, operators of farms located in more than one county shall file a request for additional acreage at the county office where the farm headquarters is located and also at offices where parts of their farm are located. The county committees in Louisiana are authorized to immediately assign unused acreage as soon as underplantings are known. Thus, it will now be possible where a farm comprises land in more than one county to increase the shares of such farms by utilizing available unused acreage in all counties where parts of the farm are located. Requests for increases in shares made by the operators of farms in a county other than the headquarters shall be given the same consideration as requests made by operators whose farms are headquartered in the county. However, the increase in the share made to a part of a farm must be utilized in the county granting the increase. If the total underplantings in a county exceed the demand for additional acreage, the excess will be made available to the State committee for distribution to other counties.

In Florida, where unused acreage is not substantial, provision is made for the State committee to reallot unused acreage within the entire growing area. Guidelines are provided the committees for consideration in reallotting the unused acreages.

Small acreages are provided for establishing new-producer shares and to correct any errors made in establishing shares caused by the use of incorrect data or the improper application of the provisions of the regulations. Shares for new producers will be established at a level of 50 acres or a lesser acreage, if requested. In view of the economic factors involved in beginning a new sugarcane operation, including the purchase of specialized farm equipment, a proportionate share at a 50-acre level is provided rather than the 25-acre level recommended by the spokesmen for the Florida and Louisiana groups. Any of the acreages set aside specifically for establishing new-producer shares or for correcting errors which are not used for these purposes may not be distributed to other farms.

No action is being taken at this time to change the method for crediting sugarcane acreage history of farms involved in reconstitutions, as suggested by industry spokesmen. It is believed that the present rule which provides three alternative ways of assigning the parent farm's acreage record to its subdivisions affords sufficient latitude among the parties involved to agree to an equitable distribution and at the same time provides adequate safeguards to prevent the sale or improper handling of proportionate shares.

The other provisions of this regulation are generally similar to those which were in effect for the 1967 program. Certain provisions which were heretofore incorporated in each proportionate share regulation are now included in the General Conditional Payments Provisions. They cover requirements for harvesting within the farm share, disposition of acreage in excess of the farm share, protection of sharecroppers and share tenants and acquisition of farm land by the right of eminent domain.

The 1968-crop sugarcane acreages resulting from this regulation should provide a quantity of sugarcane which will enable the area to meet its quota under the Act and provide a normal carryover inventory.

The provisions of this regulation provide an equitable basis for establishing shares for farms in the area for the 1968-crop of sugarcane.

Accordingly, I hereby find and conclude that the foregoing regulation will effectuate the applicable provisions of the Act.

Effective date: Date of publication.

Signed at Washington, D.C., on July 18, 1967.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67-8478; Filed, July 20, 1967; 8:47 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs.; Rev. 1, Amdt. 1]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—General Regulations Governing Price Support for 1964 and Subsequent Crops

FORMS

Correction

In F.R. Doc. 67-5982, appearing at page 7843 of the issue for Tuesday, May 30, 1967, item 1 should read as follows:

1. The table of contents is amended to add a new § 1421.79 which reads as follows:

Sec.
1421.79 Forms.

[CCC Grain Price Support Regs.; 1967-Crop Wheat Supplement]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1967 Crop Wheat Loan and Purchase Program

SUPPORT RATES, PREMIUMS, AND DISCOUNTS

Correction

In F.R. Doc. 67-6361, appearing at page 8283 of the issue for Friday, June 9, 1967, in § 1421.2185(b), the rate per bushel entry for Madison County, Va., should read "$1.38" instead of "$1.98".

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Miscellaneous Amendments

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, and the Act of September 6, 1961 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 125), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

1. Section 76.1(f) is amended by changing subparagraph (3) and adding a new subparagraph (4) to read, respectively, as follows:

§ 76.1 Definitions.

* * * * * * *

(f) *Virulent hog cholera virus.* * * *

(3) In living hog cholera virus vaccine commonly known as hog cholera vaccine, live virus modified, porcine origin; or

(4) In any other modified live virus vaccine which has not been approved by the Director of Division pursuant to the provisions of § 76.16(c).

* * * * * * *

2. The heading of § 76.5 and the portion of said section preceding paragraph (a)(1) are amended to read, respectively, as follows:

§ 76.5 Interstate movement of swine treated with nonapproved modified live virus vaccine or other virulent hog cholera virus prohibited except as provided.

Swine treated with a modified live virus vaccine which has not been approved by the Director of Division pursuant to the provisions of § 76.16(c), or with other virulent hog cholera virus, shall not be moved interstate except that:

(a) Swine treated with a nonapproved modified live virus vaccine, not of porcine origin, prior to July 25, 1967, or treated with other virulent hog cholera virus prior to April 1, 1966, and not known to be affected with or otherwise exposed to hog cholera may be moved interstate if:

* * * * * * *

3. Section 76.9(b) is amended by changing the portion of said paragraph preceding subparagraph (1) to read as follows:

§ 76.9 Movements from public stockyards, or approved stockyards or livestock markets.

* * * * * * *

(b) Simultaneous inoculation method: Swine required under this section to be treated shall be given simultaneous inoculation with antihog cholera serum or antibody concentrate and modified live virus vaccine, prepared under license from the Secretary of Agriculture. Such vaccine must also be approved by the Director of Division pursuant to the provisions of § 76.16(c). The dosage of serum or antibody concentrate used with modified live virus vaccine shall be as follows:

* * * * * * *

4. Section 76.10 (a)(1) and (b)(2) are amended to read, respectively, as follows:

§ 76.10 Other movements for feeding, breeding, or exhibition purposes or for sale for such purposes.

* * * * * * *

(a) * * *

(1) Modified live virus hog cholera vaccine prepared under a license issued by the Secretary of Agriculture, approved by the Director of Division pursuant to the provision of § 76.16(c), and administered in accordance with the recommendations on the vaccine label not less than 21 days nor more than one year prior to the date of shipment; or

* * * * * * *

(b) * * *

(2) Such swine have been officially vaccinated within 21 days prior to shipment with the simultaneous inoculation of modified live virus hog cholera vaccine prepared under a license issued by the Secretary of Agriculture, approved by the Director of Division pursuant to the provision of § 76.16(c), and administered in accordance with the dosage recommendations on the vaccine label, and a minimum of 15cc. of antihog cholera serum or a minimum of 7.5cc. of antibody concentrate, also prepared under such a license; or

* * * * * * *

5. The heading of § 76.16 is amended and a new paragraph (c) is added to read as follows:

§ 76.16 Approval of stockyards and livestock markets; approval of modified live virus vaccines.

* * * * * * *

(c) The Director of Division is authorized to approve modified live virus hog cholera vaccines, not of porcine origin, for the purposes of the regulations in this part when he determines that the interstate movement of such vaccines or swine treated therewith, will not constitute a threat to the hog cholera eradication program, and he is authorized to withdraw approval of any such vaccine when he determines that such action is necessary to effectuate the hog cholera eradication program. A list of modified live virus vaccines approved for the purposes of the regulations will be published in the FEDERAL REGISTER and will appear in this part.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791, as amended, 792, as amended, secs. 3, 33 Stat. 1265, as amended, sec. 1, 75 Stat. 481; 21 U.S.C. 111, 112, 113, 114g, 115, 117, 120, 121, 125; 29 F.R. 16210, as amended, 30 F.R. 5799, as amended)

The amendments include certain modified live hog cholera virus vaccines for treatment of swine within the definition in the regulations of virulent hog cholera viruses and restrict the interstate movement of such vaccines and swine inoculated therewith. However they exclude from such restrictions modified live virus vaccines not of porcine origin, which are approved by the Director of Division. Accordingly they authorize the Director of Division to approve modified live virus vaccines for purposes of the regulations in this part and to withdraw such approval in accordance with the requirements of the hog cholera eradication program.

The amendments impose restrictions which are deemed necessary, and should be made effective promptly, to prevent the interstate dissemination of the contagion of hog cholera and effectuate the hog cholera eradication program. Therefore under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and contrary to the public interest, and good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

These amendments shall become effective upon publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 17th day of July 1967.

F. J. MULHERN,
Deputy Administrator,
Agricultural Research Service.

[F.R. Doc. 67-8465; Filed, July 20, 1967; 8:46 a.m.]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Approved Modified Live Virus Vaccines

Pursuant to § 76.16(c) of the regulations in Part 76, as amended, Title 9, Code of Federal Regulations, containing restrictions on the movement of swine and certain products because of hog cholera, under the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of June 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126,

134–134h), a new paragraph (d) is added to § 76.16 of said regulations to read as follows:

§ 76.16 Approval of stockyards and livestock markets; approval of modified live virus vaccines.

* * * * *

(d) Approved modified live virus vaccines: The following modified live virus hog cholera vaccines have been approved by the Director of Division for purposes of the regulations in this part:

License Number	Brand Name or Description
6–A	Swivac.
48	Vetecine.
52	TCC.
52	Alocine.
52	Colra-Stat.
52	Cutter.
52	Coltrecine.
52–A	Alocine.
53	Hog cholera vaccine, homologous tissue culture origin. Produced by Cutter Laboratories, distributed by Armour Pharmaceutical Co.
53	Hog cholera vaccine, homologous tissue culture origin, Haver-Lockhart Laboratories.
82	Hog cholera vaccine, homologous tissue culture origin, produced by Cutter Laboratories, distributed by Charles Pfizer and Co., Inc.
90	Corvine.
108	Bon-Ecine.
108	Pigvac-TC.
110	Amvac.
110	Hog cholera vaccine, modified live virus, rabbit origin, Consolidated Veterinary Laboratories, Inc.
112	Porcel.
112	Hog cholera vaccine, modified live virus, porcine tissue culture origin, Wyeth International Ltd.
115	Denvac.
117–A	Franklin.
124	Phil-Vac TC (Improved).
124	True-Vac TC (Improved).
124	Hog cholera vaccine, modified live virus porcine tissue culture origin, produced by Philips-Roxane, Inc., produced for Bio-Ceutic Laboratories.
138–A	Hog cholera vaccine, modified live virus, homologous tissue culture origin, Charles Pfizer and Company, Inc.
186	Hog cholera vaccine, modified live virus, homologous tissue culture origin, Colorado Serum Co.
186	Hog cholera vaccine, modified live virus, homologous tissue culture origin, Professional Biological Co.
189	Norcine.
195	Hog cholera vaccine, modified live virus homologous tissue culture origin, Fromm Laboratories, Inc.
198	Monocine.
198	Cellucine.
213	Certigen.
213	Hog cholera vaccine, modified live virus, multicell porcine tissue culture origin, manufactured by Amdal, Inc., distributed by Amdal Co.
213	Tissucine.
213	TC-Vac.
213	TCV.
225	Monovet.
246	Vetrocine.
246	Virocel.
251	Lapecine.
251	Lenacine.
254	Delane.

(Secs. 4–7, 28 Stat. 33, as amended, secs. 1, 2, 32 Stat. 791, as amended, 792, as amended, secs. 3, 33 Stat. 1265, as amended, sec. 1, 75 Stat. 481; 21 U.S.C. 111, 112, 113, 114g, 115, 117, 120, 121, 125; 29 F.R. 16210, as amended, 30 F.R. 5799, as amended; 9 CFR 76.16(c))

The foregoing amendment lists certain modified live virus vaccines approved by the Director of Division under the regulations in 9 CFR Part 76.

The amendment relieves restrictions imposed by the recent amendment of 9 CFR Part 76 relating to hog cholera and other communicable swine diseases and must be made effective promptly in order to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary and the amendment may be made effective less than 30 days after publication in the FEDERAL REGISTER.

These amendments shall become effective upon publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 17th day of July 1967.

G. H. WISE,
Acting Director, Animal Health Division, Agricultural Research Service.

[F.R. Doc. 67-8464; Filed, July 20, 1967; 8:46 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter VII—Office of State Technical Services, Department of Commerce

PART 700—GENERAL REGULATIONS GOVERNING OPERATION AND ADMINISTRATION OF STATE TECHNICAL SERVICES ACT OF 1965

Correspondence, Communications, Requests for Information, and Inspection of Records

Effective July 4, 1967, § 700.12 is revised to read as follows:

§ 700.12 Correspondence, communications, requests for information, and inspection of records.

(a) All correspondence, inquiries, and communications concerning the operation and administration of the Act, including the submission of certifications, plans, programs, reports, information, and documents, which the Act and the regulations in this part require to be furnished to the Secretary, shall be addressed to the Director, Office of State Technical Services, Department of Commerce, Washington, D.C. 20230.

(b) The Director will supply to any person, on request, a current index of all materials which are required to be published in the FEDERAL REGISTER or made available for public inspection and copying by the Office of State Technical Services under the provisions of 5 U.S.C. 552 (a) (1) and (a) (2).

(c) All materials which are required to be made available for public inspection and copying by the Office of State Technical Services under the provisions of 5 U.S.C. 552(a) (2) are available for such inspection and copying in the Central Reference and Records Inspection Facility of the Department of Commerce, Room 2122, Main Commerce Building, 14th Street between Pennsylvania Avenue and Constitution Avenue NW., Washington, D.C. 20230.

(d) Instructions for persons desiring, under the provisions of 5 U.S.C. 552(a) (3), to inspect records not available to the public as part of the regular public information services of the Office of State Technical Services, are contained in Part 4 of this title, and are also available from the Central Reference and Records Inspection Facility of the Department of Commerce, at the address shown in paragraph (c) of this section.

(Sec. 12, 79 Stat. 683; 15 U.S.C. 1362, Department of Commerce Order 7–A, 30 F.R. 15042, and Department of Commerce Order 64, 32 F.R. 9734)

Dated: June 19, 1967.

PAUL J. GROGAN,
Director, Office of State Technical Services.

Approved:

J. HERBERT HOLLOMON,
Assistant Secretary for Science and Technology.

[F.R. Doc. 67-8451; Filed, July 20, 1967; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER C—AIRCRAFT

[Airworthiness Docket No. 67-SW-30; Amdt. 39-444]

PART 39—AIRWORTHINESS DIRECTIVES

Mooney Model M20F Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring addition of a drain hole in the rudder of Mooney M20F airplanes was published in 32 F.R. 7979.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

MOONEY. Applies to Model M20F, serial numbers 660008, 660004, and 670001 through 670309.

Compliance required within the next 15 hours' time in service after the effective date of this AD unless already accomplished.

To prevent water retention in the rudder assembly, accomplish the following:

Drill 375 (⅜) inch diameter holes in the rudder as shown by Figure 1 of Mooney Service Bulletin M20–140 or FAA approved equivalent. This may be accomplished without removal of the rudder or any part replacements.

This amendent becomes effective August 21, 1967.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Fort Worth, Tex., on July 10, 1967.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 67-8461; Filed, July 20, 1967; 8:46 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 8271; Amdt. 545]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for an route operation in the particular area or as set forth below.

From—	To—	Course and distance	Minimum altitude (feet)	Condition	Ceiling and visibility minimums: 2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
FAR VOR	LOM	Direct	2300	T-dn	300–1	300–1	300–1½
FAR RBn	LOM	Direct	2300	C-dn	500–1	500–1	500–1½
Rice Int	Leslie Int	Direct	2200	S-dn-35	500–1	500–1	500–1
FAR VOR	Leslie Int	Direct	2200	A-dn	800–2	800–2	800–2
Leslie Int	LOM (final)	Direct	2100				

Procedure turn E side of crs, 171° Outbnd, 351° Inbnd, 2300' within 10 miles.
Minimum altitude over LOM on final approach crs, 2100'.
Crs and distance, facility to airport, 351°—4.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 miles after passing LOM, climb on crs, 351° from LOM to 2500' within 10 miles, or when directed by ATC, make left-climbing turn to intercept FAR VOR, R 285°, climb to 2800' on R 285° within 20 miles of FAR VOR MSA within 25 miles of facility: 000°–090°—2700'; 090°–180°—2900'; 180°–270°—2400'; 270°–360°—3200'.

City, Fargo; State, N. Dak.; Airport name, Hector; Elev., 900'; Fac. Class., LOM; Ident., FA; Procedure No. NDB (ADF) Runway 35, Amdt. 18; Eff. date, 12 Aug. 67; Sup. Amdt. No. ADF 1, Amdt. 17; Dated, 26 Nov. 66

Arcola Int	MTO RBn	Direct	2400	T-dn	800–1	800–1	800–1½
Casey Int	MTO RBn	Direct	2500	C-dn*	800–1	800–1	800–1½
BIB VOR	MTO RBn	Direct	2500	S-dn-6*	800–1	800–1	800–1
				A-dn*	NA	NA	NA
				Minimums with ADF/VOR receivers:			
				C-dn*	400–1	500–1	500–1½
				S-dn-6*	400–1	400–1	400–1

Procedure turn E side of crs, 225° Outbnd, 045° Inbnd, 2000' within 10 miles.
Minimum altitude over Ezra Int on final approach crs, 1321' (1521' when control zone not effective).
Crs and distance, Ezra Int to airport, 045°—3.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of MTO RBn, climb to 2300' on crs of 045°, turn right and return to MTO RBn, hold SW, Inbnd crs, 045°, right turns.
NOTES: (1) Use Vandalia, Ill., altimeter setting when control zone not effective. (2) Circling and straight-in ceiling minimums are raised 200' when control zone not effective.
*These minimums apply at all times for air carriers with approved weather reporting service.
MSA within 25 miles of facility: 000°–180°—2300'; 180°–360°—2100'.

City, Mattoon-Charleston; State, Ill.; Airport name, Coles County Memorial; Elev., 721'; Fac. Class., MHW; Ident., MTO; Procedure No. NDB (ADF) Runway 6, Amdt. 3; Eff. date, 12 Aug. 67; Sup. Amdt. No. ADF 1, Amdt. 2; Dated, 19 June 66

MSO VOR	NDB	Direct	8200	T-dn*	2500–2	2500–2	2500–2
				C-dn	3000–2	3000–2	3000–2
				A-dn	3500–3	3500–3	3500–3

Procedure turn N side of crs, 276° Outbnd, 096° Inbnd, 8200' within 10 miles.
Minimum altitude over facility on final approach crs, 6500'.
Crs and distance, facility to airport, 127°—1.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.4 miles after passing MSO NDB, turn right and climb to 9000' on a crs of 276° from MSO NDB within 10 miles.
NOTE: Final approach from holding pattern at the NDB not authorized. Procedure turn required.
*Takeoff all runways: Aircraft departing via airways climb clear of clouds over the airport to 4700'; continue climb in a right-hand holding pattern within 6 miles of the VOR on R 282° or within 5 miles of the NDB on 280° bearing from the RBn to depart the facility on crs at 7500' or above. All turns S of crs.
MSA within 25 miles of facility: 045°–135°—8600'; 135°–225°—10,600'; 225°–315°—9000'; 315°–045°—11,000'.

City, Missoula; State, Mont.; Airport name, Missoula County; Elev., 3205'; Fac. Class., H-SAB; Ident., MSO; Procedure No. NDB (ADF)-1, Amdt. 5; Eff. date, 12 Aug. 67; Sup. Amdt. No. ADF 1, Amdt. 4; Dated, 11 Dec. 66

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Pebble Int	LOM	Direct	4000	T–dn%*	300–1	300–1	200–½
Salinas VOR	LOM	Direct	3000	C–d**	900–2	900–2	900–2
Salinas VOR	Marina Int	Direct	2000	C–n**	900–2	900–2	900–2
Marina Int	LOM	Direct	2000	A–dn	1000–2	1000–2	1000–2
Santa Cruz Int	LOM	Direct	2000				
Shark Int	LOM	Direct	3000				

Procedure turn S side of crs, 275° Outbnd, 095° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1500′. Final approach crs, 096°, alined to left of Runway 10.
Crs and distance, facility to airport, 096°—4.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 miles after passing LOM (at the LMM), make immediate left-climbing turn, proceed direct to LOM, climbing to 2000′ in a 1-minute holding pattern, 095° Inland, right turns.
AIR CARRIER NOTE: Reductions in visibility by sliding scale or local conditions not authorized, except for takeoff on Runway 28.
CAUTION: High terrain SW through SE of airport. All maneuvering for circling approaches must be accomplished N of Runways 10/28.
**1000–2 day; 1000–3, night, required for 3- and 4-engine aircraft.
*500–1 required for takeoff on Runway 6. *1000–1 required for takeoff on Runway 24.
*700–1 required for takeoff on Runway 10 and left turn must be started within 1 mile of airport.
%Southbound IFR departures must comply with published Monterey SID's.
MSA within 25 miles of facility: 040°–220°—6100′; 220°–310°—1900′; 310°–040°—5100′.

City, Monterey; State, Calif.; Airport name, Monterey Peninsula; Elev., 220′; Fac. Class., LOM; Ident., MR; Procedure No. NDB (ADF) Runway 10, Amdt. 3; Eff. date, 12 Aug. 67; Sup. Amdt. No. ADF 1, Amdt. 2; Dated, 26 Mar. 66

SAT VOR	LOM	Direct	2400	T–dn	300–1	300–1	200–½
Wetmore Int	LOM	Direct	2400	C–dn	400–1	400–1	500–1½
Losoya Int	LOM	Direct	2400	S–dn–8	400–1	400–1	400–1
Ceiling Int	LOM (final)	Direct	2000	A–dn	800–2	800–2	800–2

Radar available.
Procedure turn E side of crs, 217° Outbnd, 037° Inbnd, 2400′ within 10 miles.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 037°—3.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles after passing LOM, turn left to 330°, climb to 3300′, intercept and proceed N on 360° crs from "SA" LOM within 15 miles, or when directed by ATC, climb to 9000′ on crs of 032° within 15 miles of "SA" LOM.
MSA within 25 miles of facility: 000°–360°—3100′.

City, San Antonio; State, Tex.; Airport name, San Antonio International; Elev., 808′; Fac. Class., LOM; Ident., SA; Procedure No. NDB (ADF) Runway 3, Amdt. 24; Eff. date, 12 Aug. 67; Sup. Amdt. No. ADF 1, Amdt. 23; Dated, 23 July 66

2. By amending the following very high frequency omnirange (VOR) procedures prescribed in § 97.11(c) to read:

VOR STANDARD INSTRUMENT APPROACH PROCEDURES

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for an route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T–dn%	1500–2	1500–2	1500–2
				C–dn	1900–2	1900–2	1900–2
				A–dn	2500–4	2500–4	2500–4

Procedure turn S side of crs, 277° Outbnd, 097° Inbnd, 11,000′ within 10 miles.
Descent in holding pattern not authorized. Procedure turn required.
Minimum altitude over facility on final approach crs, 10,000.
Crs and distance, facility to airport, 098°—7.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.3 miles after passing BCE VORTAC, left-climbing turn, return to VORTAC and climb to 11,000′ on R 277° within 10 miles.
%Takeoff all runways: Climb clear of clouds over the airport to 9100′, continue climb direct to BCE VORTAC, thence climb on crs to MEA.
MSA within 25 miles of facility: 000°–090°—12,100′; 090°–180°—10,800′; 180°–270°—12,400′; 270°–360°—12,100′.

City, Bryce Canyon; State, Utah; Airport name, Bryce Canyon; Elev., 7586′; Fac. Class., H–BVORTAC; Ident., BCE; Procedure No. VOR–1, Amdt. 4; Eff. date, 12 Aug. 67; Sup. Amdt. No. VOR–1, Amdt. 4; Dated, 9 Apr. 66

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Hazelton Int	BYI VOR (final)	Direct	5300	T–dn*%	300–1	300–1	NA
				C–dn	800–1	800–1½	NA
				A–dn	800–2	800–2	NA

Procedure turn S side crs, 272° Outbnd, 092° Inbnd, 6000′ within 10 miles.
Minimum altitude over facility on final approach crs, 5300′.
Crs and distance, facility to airport, 108°—4.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles after passing BYI VOR, turn left, climb to 7000′ on R 054° within 20 miles.
NOTE: When authorized by ATC, DME may be used between 7 and 10 miles at 6000′ between R 070° clockwise to R 240° and between 7 and 20 miles at 6000′ between R 241° clockwise to R 069° to position aircraft on the final approach crs with the elimination of procedure turn.
CAUTION: Burley Airport surrounded by high trees and structures.
*500–1 required for takeoff Runways 10, 28, and 24.
%Takeoff all runways: Shuttle climb on the R 272° of the Burley VORTAC within 20 miles to minimum altitude required for direction of flight.

Direction of flight	MCA (feet)
E, V4	5,500
SE, V101	8,000
NW, V4N	5,900

MSA within 25 miles of facility: 000°–090°—8600′; 090°–180°—11,400′; 180°–270°—8600′; 270°–360°—6000′.

City, Burley; State, Idaho; Airport name, Burley Municipal; Elev., 4150′; Fac. Class., L–BVORTAC; Ident., BYI; Procedure No. VOR Runway 10, Amdt. 8; Eff. date, 12 Aug. 67; Sup. Amdt. No. VOR 1, Amdt. 7; Dated, 16 Apr. 66

R 285°, FAR VOR counterclockwise	R 180°, FAR VOR	Via 7-mile DME Arc.	2500	T–dn	300–1	300–1	200–½
				C–d	900–1	900–1	900–1½
R 101°, FAR VOR clockwise	R 180°, FAR VOR	Via 7-mile DME Arc.	2500	C–n	900–2	900–2	900–2
				S–dn–35	900–1	900–1	900–1
7-mile DME Fix, R 180°	FAR VOR (final)	Direct	2500	A–dn	900–2	900–2	900–2
				Minimums with DME:			
				C–dn	500–1	500–1	500–1½
				S–dn–35*	500–1	500–1	500–1

Procedure turn E side of crs, 180° Outbnd, 360° Inbnd, 2500′ within 10 miles.
Minimum altitude over facility on final approach crs, 2500′, over 6-mile DME Fix, 1800′.
Crs and distance, facility to airport, 360°—9.4 miles; 6-mile DME Fix to airport, 360°—3.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 9.4 miles after passing FAR VORTAC, climb to 2500′ on R 360° within 10 miles, or when directed by ATC, make left-climbing turn to intercept, R 285°, climb to 2800′ on R 285°, within 10 miles.
*500–½ authorized with operative AL's except for 4-engine turbojets.
MSA within 25 miles of facility: 000°–180°—2900′; 180°–270°—2800′; 270°–360°—3200′.

City, Fargo; State, N. Dak.; Airport name, Hector; Elev., 900′; Fac. Class., H–BVORTAC; Ident., FAR; Procedure No. VOR Runway 35, Amdt. 3; Eff. date, 12 Aug. 67; Sup. Amdt. No. VOR 1, Amdt. 2; Dated, 10 Dec. 66

				T–dn	300–1	300–1	200–½
				C–d	600–1	600–1	600–1½
				C–n	600–2	600–2	600–2
				S–dn–13	600–1	600–1	600–1
				A–dn	800–2	800–2	800–2
				Minimums with VOR/ADF receivers:			
				C–d	500–1	500–1	500–1½
				C–n	500–2	500–2	500–2
				S–dn–13	400–1	400–1	400–1

Procedure turn W side of crs, 314° Outbnd, 134° Inbnd, 2600′ within 10 miles.
Minimum altitude over Crosier Int on final approach crs, 1780′.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing VOR, climb to 2600′ on R 128° within 10 miles.
CAUTION: Runways 4/22 unlighted.
MSA within 25 miles of facility: 000°–090°—2800′; 090°–180°—2700′; 180°–270°—2500′; 270°–360°—3000′.

City, International Falls; State, Minn.; Airport name, Falls International; Elev., 1180′; Fac. Class., L–BVOR; Ident., INL; Procedure No. VOR Runway 13, Amdt. 3; Eff. date, 12 Aug. 67; Sup. Amdt. No. TerVOR–13, Amdt. 2; Dated, 26 June 65

				T–dn	300–1	300–1	200–½
				C–d	400–1	400–1	500–1½
				C–n	500–2	500–2	500–2
				S–dn–31	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Procedure turn E side of crs, 123° Outbnd, 303° Inbnd, 2600′ within 10 miles.
Minimum altitude over facility on final approach crs, 1580′.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing VOR, climb to 2600′ on R 314° within 10 miles.
CAUTION: Runways 4/22 unlighted.
MSA within 25 miles of facility: 000°–090°—2600′; 090°–180°—2700′; 180°–270°—2600′; 270°–360°—3000′.

City, International Falls; State, Minn.; Airport name, Falls International; Elev., 1180′; Fac. Class., L–BVOR; Ident., INL; Procedure No. VOR Runway 31, Amdt. 3; Eff. date, 12 Aug. 67; Sup. Amdt. No. TerVOR–31, Amdt. 2; Dated, 26 June 65

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
R 127°, MCW VOR clockwise	R 170°, MCW VOR	Via 7-mile DME Arc.	2800	T–dn	300–1	300–1	300–1½
R 230°, MCW VOR counterclockwise	R 170°, MCW VOR	Via 7-mile DME Arc.	2800	C–dn	400–1	500–1	500–1½
7-mile DME Fix, R 170°, MCW VOR	MCW VOR (final)	Direct	2800	S–dn–35°	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Procedure turn E side of crs, 170° Outbnd, 350° Inbnd, 2300′ within 10 miles.
Minimum altitude over facility on final approach crs, 2200′.
Crs and distance, facility to airport, 350°—3.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.4 miles after passing MCW VOR, climb to 2800′ on R 350° within 10 miles.
$400–\frac{1}{2}$ authorized, with operative HIRL or REIL, except for 4-engine turbojets.
MSA within 25 miles of facility: 000°–090°—3800′, 090°–270°—2600′, 270°–360°—2700′.

City, Mason City; State, Iowa; Airport name, Mason City Municipal; Elev., 1216′; Fac. Class., H–BVORTAC; Ident., MCW; Procedure No. VOR Runway 35, Amdt. 9; Eff. date, 12 Aug. 67; Sup. Amdt. No. VOR Runway 35, Amdt. 8; Dated, 10 June 67

Arcola Int	MTO VOR	Direct	2400	T–dn	300–1	300–1	200–½
Casey Int	MTO VOR	Direct	2800	C–dn*	500–1	500–1	500–1½
BIB VOR	MTO VOR	Direct	2800	A–dn*	800–2	800–2	800–2

Procedure turn N side of crs, 057° Outbnd, 237° Inbnd, 2800′ within 10 miles.
Minimum altitude over facility on final approach crs, 2122′ (1421′ when control zone not effective).
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6 mile of VOR, climb to 2800′ southwestbound on R 237° within 10 miles, turn right and return to VOR. Hold NE of VOR on R 057°, 237° Inbnd, right turns.
NOTES: (1) Use Vandalia, Ill., altimeter setting when control zone not effective. (2) Circling ceiling minimums are raised 200′ and alternate minimums not authorized when control zone not effective.
*These minimums apply at all times for those air carriers with approved weather reporting service.
MSA within 25 miles of facility: 000°–180°—2500′; 180°–360°—2100′.

City, Mattoon-Charleston; State, Ill.; Airport name, Coles County Memorial; Elev., 723′; Fac. Class., T–BVOR; Ident., MTO; Procedure No. VOR–1, Amdt. 2; Eff. date, 12 Aug. 67; Sup. Amdt. No. TerVOR R–057, Amdt. 1; Dated, 26 Feb. 66

BIB VOR	MTO VOR	Direct	3500	T–dn	300–1	300–1	200–½
Arcola Int	MTO VOR	Direct	3400	C–dn*	500–1	500–1	500–1½
Casey Int	MTO VOR	Direct	2500	S–dn–6*	500–1	500–1	500–1
				A–dn*	800–2	800–2	800–2
				Minimums with dual VOR receivers:			
				C–dn*	400–1	400–1	500–1½
				S–dn–6*	400–1	400–1	400–1

Procedure turn N side of crs, 226° Outbnd, 046° Inbnd, 3000′ within 10 miles.
Minimum altitude over Etna Int on final approach crs, 2122′ (1421′ when control zone not effective).
Crs and distance, Etna Int to airport, 046°—3.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of VOR, climb to 2800′. Northeastbound on R 046° within 10 miles, turn left and return to VOR. Hold SW of VOR on R 226°, 046° Inbnd, left turns.
NOTES: (1) Use Vandalia, Ill., altimeter setting when control zone not effective. (2) Circling and straight-in ceiling minimums are raised 200′ and alternate minimums not authorized when control zone not effective.
*These minimums apply at all times for those air carriers with approved weather reporting service.
MSA within 25 miles of facility: 000°–180°—2500′; 180°–360°—2100′.

City, Mattoon-Charleston; State, Ill.; Airport name, Coles County Memorial; Elev., 723′; Fac. Class., T–BVOR; Ident., MTO; Procedure No. VOR Runway 8, Amdt. 2; Eff. date, 12 Aug. 67; Sup. Amdt. No. TerVOR–6, Amdt. 1; Dated, 26 Feb. 66

MSO NDB	VOR	Direct	9000	T–dn*	2500–2	2500–2	2500–2
				C–dn	3300–2	3300–2	3300–2
				A–dn	3500–3	3500–3	3500–3
				Minimums with VOR/ADF receivers:			
				C–dn	2400–1	2400–2	2400–2

Procedure turn N side of crs, 278° Outbnd, 098° Inbnd, 8000′ within 10 miles.
Minimum altitude over Primrose Int on final approach crs, 6500′.
Crs and distance, Primrose Int to airport, 098°—8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of VOR, turn right and climb to 9000′ on R 278° MSO VOR, within 10 miles.
NOTE: Final approach from holding pattern at the VOR not authorized. Procedure turn required.
*Takeoff all runways: Aircraft departing via airways climb clear of clouds over the airport to 4700′, continue climb in a right-hand holding pattern within 8 miles of the VOR on R 282° or within 5 miles of the NDB on 280° bearing from the NDB to depart the facility on crs at 7500′ or above. All turns S of crs.
MSA within 25 miles of facility: 045°–135°—8000′; 135°–225°—10,600′, 225°–315°—6000′, 315°–045°—11,000′.

City, Missoula; State, Mont.; Airport name, Missoula County; Elev., 3203′; Fac. Class., L–BVORTAC; Ident., MSO; Procedure No. VOR–1, Amdt. 7; Eff. date, 12 Aug. 67; Sup. Amdt. No. VOR 1, Amdt. 6; Dated, 11 Dec. 65

OSH VOR	Green Int	Direct	2300	T–dn	300–1	300–1	200–½
OXI VOR	Green Int	Direct	2300	C–dn	700–1	700–1½	700–1½
MOI VOR	Green Int	Direct	2300	A–dn	NA	NA	NA
OLK VOR	Canoe Int	Direct	2300				
Green Int	Canoe Int (final)	Direct	2300				

Radar available.
Procedure turn S side of crs, 277° Outbnd, 097° Inbnd, 2300′ within 10 miles of Canoe Int.
Minimum altitude over Canoe Int on final approach crs, 2300′.
Crs and distance, Canoe Int to airport, 097°—5.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.2 miles after passing Canoe Int, make left turn, climb to 2300′, return to Canoe Int.
NOTES: (1) Use FWA altimeter setting. (2) Dual VOR receivers required.
MSA within 25 miles of facility: 090°–180°—2700′; 180°–090°—2300′.

City, Warsaw; State, Ind.; Airport name, Warsaw Municipal; Elev., 840′; Fac. Class., L–BVOR; Ident., OLK; Procedure No. VOR–1, Amdt. 1; Eff. date, 12 Aug. 67; Sup. Amdt. No. VOR 1, Orig.; Dated, 22 May 66

3. By amending the following very high frequency omnirange—distance measuring equipment (VOR/DME) procedures prescribed in § 97.15 to read:

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
20-mile DME Fix, R 103°	15-mile DME Fix, R 103°	Direct	7500	T–dn%*	300–1	300–1	NA
15-mile DME Fix, R 103°	12-mile DME Fix, R 103°	Direct	6600	C–dn	500–1	500–1½	NA
12-mile DME Fix, R 103°	10-mile DME Fix, R 103°	Direct	5200	A–dn	800–2	800–2	NA
10-mile DME Fix, R 103°	5.3-mile DME Fix, R 103°	Direct	4650				

Procedure turn not authorized.
Minimum altitude over 15-mile DME Fix, R 103° on final approach crs, 7500′; over 12-mile DME Fix, R 103°—6600′; over 10-mile DME Fix, R 103°—5200′; over 5.3-mile DME Fix, R 103°—4650′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 5.3-mile DME Fix, R 103°, climb to 6000′ on R 272° within 10 miles.
NOTE: When authorized by ATC, DME may be used between 20 and 30 miles from R 360° clockwise to R 103° at 8400′ and between 20 and 30 miles from R 104° clockwise to R 117° at 10,500′ to position aircraft for final approach.
CAUTION: Burley Airport surrounded by high trees and structures.
*Takeoff all runways: Shuttle climb on the R 272° of the Burley VORTAC within 20 miles to minimum altitude required for direction of flight.

Direction of flight	MCA (feet)
E, V4	8,500
SE, V101	8,000
NW, V4N	8,900

*500–1 required for takeoff Runways 10, 28, and 24.
MSA within 25 miles of facility: 000°–090°—6800′; 090°–180°—11,400′; 180°–270°—8800′; 270°–360°—6000′.

City, Burley; State, Idaho; Airport name, Burley Municipal; Elev., 4150′; Fac. Class., L–BVORTAC; Ident., BYI; Procedure No. VOR/DME Runway 28, Amdt. Orig.; Eff. date, 12 Aug. 67

MSO VOR	6-mile DME Fix, R 282°	Direct	8300	T–dn%	1500–2	1500–2	1500–2
MSO NDB	MSO VOR	Direct	8300	C–dn*	1500–2	1500–2	1500–2
R 334°, MSO VOR counterclockwise	R 282°, MSO VOR	Via 12-mile DME Arc.	8300	A–dn	2000–3	2000–3	2000–3
R 278°, MSO VOR clockwise	R 282°, MSO VOR	Via 12-mile DME Arc.	8300				
12-mile DME Fix, R 282°, MSO VOR	6-mile DME Fix, R 282°, MSO VOR (final).	Direct	6300				

Procedure turn W side of crs, 282° Outbnd, 102° Inbnd, 8300′ between 6- and 16-mile DME Fix, R 282°.
Minimum altitude over 6-mile DME Fix, R 282° on final approach crs, 6300′.
Crs and distance, 6-mile DME Fix, R 282° to airport, 102°—5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 1-mile DME Fix, R 282°, climb to 8300′ in right-hand holding pattern between the 6-mile DME Fix, R 282° and the VOR, all turns S of crs.
NOTE: Final approach from holding pattern at the 6-mile DME Fix, R 282° not authorized. Procedure turn required.
*Takeoff all runways: Aircraft departing via airways climb clear of clouds over the airport to 4700′, continue climb in a right-hand holding pattern within 6 miles of the VOR on R 282° or within 5 miles of the NDB on 280° bearing from the NDB to depart the facility on crs at 7500′ or above. All turns S of crs.
*Circling N of airport not authorized.
MSA within 25 miles of facility: 045°–135°—8000′; 135°–225°—10,600′; 225°–315°—6000′; 315°–045°—11,000′.

City, Missoula; State, Mont.; Airport name, Missoula County; Elev., 3203′; Fac. Class., L–BVORTAC; Ident., MSO; Procedure No. VOR/DME–1, Amdt. 2; Eff. date, 12 Aug. 67; Sup. Amdt. No. VOR/DME No. 1, Amdt. 1; Dated, 11 Dec. 65

4. By amending the following instrument landing system procedures prescribed in § 97.17 to read:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Fargo VOR	LOM	Direct	2300	T–dn%	200–1	200–1	200–½
Fargo RBn	LOM	Direct	2300	C–dn	300–1	300–1	300–1½
Rice Int	Leslie Int	Direct	2300	S–dn–356°	200–½	200–½	200–½
FAR VOR	Leslie Int	Direct	2300	A–dn	600–2	600–2	600–2
Leslie Int	LOM (final)	Direct	2100				

Procedure turn E side of crs, 171° Outbnd, 351° Inbnd, 2300′ within 10 miles.
Minimum altitude at glide slope interception, Inbnd, 2100′.
Altitude of glide slope and distance to approach end of runway at OM, 3092—4.1 miles; at MM, 1105—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 miles after passing LOM, climb on N crs, Fargo ILS to 2500′ within 10 miles, or when directed by ATC, make left-climbing turn to intercept FAR VOR, R 265°, climb to 2800′ within 20 miles of FAR VOR.
*RVR 2400′ authorized Runway 35.
‡400–½ required when glide slope not utilized and 400–½ authorized with operative ALS's except for 4-engine turbojets.
#RVR 2400. Descent below 1100′ not authorized unless approach lights are visible.
MSA within 25 miles of LOM: 000°–090°—2700′; 090°–180°—2900′; 180°–270°—2400′; 270°–360°—3200′.

City, Fargo; State, N. Dak.; Airport name, Hector; Elev., 909′; Fac. Class., ILS; Ident., I–FAR; Procedure No. ILS Runway 35, Amdt. 19; Eff. date, 12 Aug. 67; Sup. Amdt. No. ILS–35, Amdt. 18; Dated, 26 Nov. 66

ILS STANDARD INSTRUMENT APPROACH PROCEDURES—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 55 knots
					55 knots or less	More than 55 knots	
Harrisburg VOR	MD LOM	Direct	2700	T–dn	800–1	800–1	800–1
Steelton Int	MD LOM	Direct	2700	C–dn*	600–1	600–1	600–1
				S–dn–13	800–1	800–1	800–1
				A–dn#	800–2	800–2	800–2
				With glide slope inoperative:			
				S–dn–13	800–1	800–1	800–1

Radar available.
Procedure turn S side of crs, 306° Outbnd, 126° Inbnd, 2700' within 10 miles.
Crs and distance, facility to airport, 126°—6.4 miles.
Minimum altitude at glide slope interception, Inbnd, 2600'.
Altitude of glide slope and distance to approach end of runway at OM, 2628'—6.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6 mile after passing MM, climb on runway heading to 2700' within 10 miles. Left turn direct to MD LOM.
Hold NW, 270°—126°, inbnd, 1-minute right turns.
NOTES: (1) Reduction not authorized. (2) *Circling not authorized S. of Runway 13. (3) #When control zone not in effect, use Harrisburg altimeter setting. Alternate minimums not authorized.
CAUTION: 1680' terrain, 1.3 miles SW of approach end of Runway 13; 943' terrain, 1.7 miles SE of airport on runway centerline extended.
MSA within 25 miles of LOM. 000°–090°—3800'; 090°–180°—3600'; 180°–270°—3000'; 270°–360°—4300'.

City, Middletown; State, Pa.; Airport name, Olmsted; Elev., 305'; Fac. Class., ILS; Ident., I–MDT; Procedure No. ILS Runway 13, Amdt. 1; Eff. date, 13 Aug. 67; Sup. Amdt. No. ILS Runway 13, Orig.; Dated, 1 July 67

Pebble Int	LOM	Direct	4000	T–dn*%	800–1	800–1	800–1
Salinas VOR	LOM	Direct	3000	C–d**	700–2	700–2	700–2
Salinas VOR	Marina Int	Direct	2000	C–n**	700–3	700–3	700–3
Marina Int	LOM	Direct	2000	S–dn–10#	800–½	800–½	800–½
Santa Cruz Int	LOM	Direct	2000				
Shark Int	Seal Int	Direct	4000	A–d**	700–2	700–2	700–2
Seal Int	LOM (final)	Direct	1700	A–n**	700–3	700–3	700–3

Procedure turn S side of crs, 276° Outbnd, 096° Inbnd, 2000' within 10 miles of OM.
Minimum altitude at glide slope interception, Inbnd, 1700'.
Altitude of glide slope and distance to approach end of runway at OM, 1620'—4.2 miles; at MM, 370'—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6 mile after passing MM, make immediate left-climbing turn, proceed direct to LOM climbing to 2000' in a 1-minute holding pattern 096° Inbnd, right turns.
AIR CARRIER NOTE: Reductions in visibility by sliding scale or local conditions not authorized, except for takeoff on Runway 28.
NOTE: ILS unusable for automatic approaches. Localizer and glide slope unusable between MM and approach end of runway.
CAUTION: High terrain SW through SE of airport. All maneuvering for circling approaches must be accomplished N of Runways 10/28.
**1000–2, day, 1000–3, night, required for 3- and 4-engine aircraft.
*500–1 required for takeoff on Runway 6. *1000–1 required for takeoff on Runway 24.
*700–1 required for takeoff on Runway 10 and left turn must be started within 1 mile of airport.
%Southbound IFR departures must comply with published Monterey SID's.
#400–1 required with any component of the ILS inoperative except that 700–1½ required with glide slope inoperative.
MSA within 25 miles of LOM. 040°–220°—6100'; 220°–310°—1900'; 310°–040°—6100'.

City, Monterey; State, Calif.; Airport name, Monterey Peninsula; Elev., 220'; Fac. Class., ILS; Ident., I–MRY; Procedure No. ILS Runway 10, Amdt. 13; Eff. date, 13 Aug. 67; Sup. Amdt. No. ILS–10, Amdt. 14; Dated, 21 Jan. 67

PROCEDURE CANCELED, EFFECTIVE 12 AUG. 1967.

City, Pensacola; State, Fla.; Airport name, Pensacola Municipal (Hagler); Elev., 115'; Fac. Class., ILS; Ident., I–PNS; Procedure No. ILS–18, Amdt. 10; Eff. date, 11 June 66; Sup. Amdt. No. 9; Dated, 26 Dec. 64

PROCEDURE CANCELED, EFFECTIVE 12 AUG. 1967.

City, Pensacola; State, Fla.; Airport name, Pensacola Municipal (Hagler); Elev., 115'; Fac. Class., ILS; Ident., I–PNS; Procedure No. ILS–34 (back crs), Amdt. 10; Eff. date, 13 June 66; Sup. Amdt. No. 9; Dated, 5 Sept. 64

San Antonio VOR	LOM	Direct	2400	T–dn*	800–1	800–1	800–1
Wetmore Int	LOM	Direct	2400	C–dn	400–1	400–1	400–1½
Losoya Int	LOM	Direct	2400	S–dn–34	800–½	800–½	800–½
Collins Int	LOM (final)	Direct	2100	A–dn	600–2	600–2	600–2

Radar available.
Procedure turn E side of SW crs, 212° Outbnd, 032° Inbnd, 2400' within 10 miles.
Minimum altitude at glide slope interception, Inbnd, 2100'.
Altitude of glide slope and distance to approach end of runway at OM, 2060'—3.9 miles; at MM, 1000'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, turn left, climb direct to SAT VOR, continue climbing to 3200' on R 353° within 20 miles of SAT VOR, or when directed by ATC, turn right and climb to 3000' on R 135° within 20 miles of SAT VOR, or climb to 3000' on NE crs of SAT ILS within 20 miles of SA LOM.
#400–½ required when glide slope not utilized.
*RVR 2400' authorized Runway 3.
MSA within 25 miles of LOM. 000°–090°—3100'.

City, San Antonio; State, Tex.; Airport name, San Antonio International; Elev., 809'; Fac. Class., ILS; Ident., I–SAT; Procedure No. ILS Runway 3, Amdt. 1; Eff. date, 13 Aug. 67; Sup. Amdt. No. ILS Runway 3, Orig.; Dated, 26 Apr. 67

5. By amending the following radar procedures prescribed in § 97.19 to read:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURES

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 55 knots
					55 knots or less	More than 55 knots	
		Within:		Surveillance approach			
165°	270°	10 miles	1400	T–dn	800–1	800–1	800–1
090°	360°	20 miles	2000	C–dn	400–1	400–1	400–1½
000°	360°	20–30 miles	2200	S–dn–9/27#	400–1	400–1	400–1
				A–dn	600–2	600–2	600–2

Radar site (MGM RAPCON) located on Maxwell AFB. All bearings and distances are from radar antenna with sector azimuths progressing clockwise. Radar control must provide 3-mile horizontal or 1000' vertical separation from following towers: 1142'—16.8 miles NNE; 1484'—21.7 miles S.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, Runway 9: Turn right, climb to 2000' on R 127°, MGM VOR within 15 miles. Runway 27: Climb to 2000' on W crs, MGM ILS, or when directed by ATC, climb to 2000' on crs of 278° from MGM LOM within 15 miles.
NOTES: Radar control will not descend aircraft below 2000' on final approach to Runway 27 until 7 miles from approach end of runway.
CAUTION NOTE: Night operation Runways 15–33 not authorized due lack of obstruction and runway lights.
#400–½ authorized with operative HIRL, except for 4-engine turbojets.
#400–½ authorized with operative AL's on Runway 9, except for 4-engine turbojets.

City, Montgomery; State, Ala.; Airport name, Donnelly Field; Elev., 221'; Fac. Class., and Ident., Montgomery RAPCON; Procedure No. 1, Amdt. 3; Eff. date, 13 Aug. 67; Sup. Amdt. No. 1, Amdt. 2; Dated, 17 Apr. 65

045°	230°	25 miles	*2200	Surveillance approach			
230°	045°	10 miles	*2200	T–dn#	800–1	800–1	800–1
230°	045°	15 miles	2500	C–dn–12R, 30L, 21, 9	400–1	400–1	400–1½
230°	045°	25 miles	3000	C–dn–3, 12R, 30L, 21, 9	800–1	800–1	800–1½
				S–dn–12R, 30L, 21, 9	400–1	400–1	400–1
				S–dn–3**	800–1	800–1	800–1
				A–dn	800–2	800–2	800–2

Bearings are from radar antenna site with sector azimuths progressing clockwise.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, Runways 12R and 21: Climb to 3000' via SAT, R 158° within 20 miles. Runways 3 and 30L: Climb to 3200' on R 348°, SAT VOR within 20 miles.
*Radar control must provide 1000' vertical or 3-mile horizontal separation from the following obstructions: Towers, 2048'—19 miles SE; 1241'—5 miles SSE; 1190'—10 miles SE; 1107'—3.5 miles SE; 1230'—7.5 miles S; 1236'—6.8 miles WSW; 1482'—6.5 miles S of airport.
**400–½ authorized Runway 12R and 800–½ authorized Runway 3 with operative AL's, except for 4-engine turbojets.
#400–½ authorized for Runways 21 and 30L with operative HIRL, except for 4-engine turbojets.
§RVR 2400' authorized Runways 3 and 12R.
‡Radar control must restrict descent to 1400' until aircraft is SE of 1126' water tower located 2.1 miles W of approach end of Runway 12R, and must restrict descent to 1400' until aircraft is NW of 1107' tower located 3.5 miles SE of approach end of Runway 30L.

City, San Antonio; State, Tex.; Airport name, San Antonio International; Elev., 809'; Fac. Class., and Ident., San Antonio Radar; Procedure No. 1, Amdt. 11; Eff. date, 12 Aug. 67; Sup. Amdt. No. 1, Amdt. 10; Dated, 10 June 67

				Surveillance approach			
				T–dn%**	800–1	800–1	800–1
				C–dn	1400–1	1400–1	1400–1½
				A–dn	1000–2	1000–2	1000–2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, turn left, climb to 4000' direct GEG VOR.
%Takeoffs all runways: Climb visually over airport to 2400', thence direct GEG VOR, cross GEG VOR for direction of flight northeastbound, V2N—3000'; eastbound, V2—4200'; southeastbound, V2S—4700'.
MSA within 25 miles of GEG Radar: 000°–090°—7100'; 090°–180°—6900'; 180°–270°—4100'; 270°–360°—8500'.

City, Spokane; State, Wash.; Airport name, Felts Field; Elev., 1957'; Fac. Class., and Ident., Fairchild RAPCON; Procedure No. 1, Amdt. Orig.; Eff. date, 12 Aug. 67

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601 of the Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on July 6, 1967.

JAMES F. RUDOLPH,
Acting Director, Flight Standards Service.

[F.R. Doc. 67–8052; Filed, July 20, 1967; 8:45 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 270—RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

Definition of Exchange

On May 11, 1967, the Securities and Exchange Commission published notice (Investment Company Act Release No. 4950) in the FEDERAL REGISTER on May 18, 1967 (32 F.R. 7398), that it had under consideration the adoption of Rule 11a–1 under the Investment Company Act of 1940 ("Act") (§ 270.11a–1, Chapter II, Title 17 of the Code of Federal Regulations) and invited all interested persons to submit their views and comments upon the proposal. No comments were received. The Commission, after due consideration, has determined to adopt Rule 11a–1 (§ 270.11a–1) in the form set forth below.

Section 11(a) of the Act provides that it is unlawful for a registered open-end company or its principal underwriter to make an offer to any holder of the company's securities to exchange his security for a security in the same or another such company on any basis other than the relative net asset values of the respective securities to be exchanged, unless the Commission by rules, regulations or approval of a specific transaction permits the exchange to be made on such other basis. Accordingly, Section 11(a) (of the Act) contemplates that the Commission may adopt rules and regulations relating to offers of exchange to be made on a basis other than relative net asset values. Section 38(a) of the Act authorizes the Commission to make rules and regulations "as are necessary or appropriate to the exercise of the powers conferred upon the Commission elsewhere in this title, including rules and regulations defining accounting, technical, and trade terms used in this title."

Certain registered open-end investment companies have, since before the effective date of the Act, been issuing redeemable securities which, by their terms, mature or terminate, or are to be canceled at a specified date or after having been outstanding for a certain period of time. In addition, from time to time, inquiries have been received from other investment companies which have proposed to issue redeemable securities having termination provisions. At such termination date, or shortly thereafter, part or all of the proceeds of such terminated security may be used in payment of a redeemable security in the same company with a new termination date and with the imposition of a new sales load. In some instances, terminable redeemable securities may be repurchased by or on behalf of the issuer prior to their termination date and part or all of the proceeds of such repurchased securities similarly reinvested.

Rule 11a–1 (§ 270.11a–1) removes any previous uncertainty and makes clear that with respect to the proceeds of any terminable redeemable security issued after the effective date of the rule, the issuance of a new security under the circumstances discussed above will be considered an "exchange" within the meaning of that term as used in section 11 of the Act so as to preclude the imposition of a new sales load. The rule does not apply to the reinvestment of proceeds upon the repurchase, termination, retirement, or cancellation of any terminable redeemable security outstanding on the effective date of the rule or issued pursuant to a subscription agreement or other plan of acquisition in effect on such date.

Rule 11a–1 (§ 270.11a–1) defines the term "exchange" as used in section 11 of the Act to include, with certain exceptions, the issuance of any security by a registered investment company in an amount equal to the proceeds, or any portion of the proceeds, paid or payable to a security holder upon the repurchase by the company of an outstanding terminable redeemable security held by him, or upon the termination, retirement or cancellation of such a security in accordance with its terms. Such a security is not deemed to have been repurchased by the issuer, or terminated, retired, or canceled in accordance with its terms, if the issuer redeemed or repurchased the security and paid the redemption or repurchase price (1) upon presentation of the security for redemption or repurchase at the instance of its holder; (2) upon failure by the security holder to make prescribed payments; or (3) upon surrender of the security by the security holder pursuant to prescribed restrictions upon the security's transferability. In addition, an "exchange" is not deemed to have occurred if, following the repurchase of such a security by the issuer, or the termination, retirement, or cancellation of such a security in accordance with its terms, the proceeds are actually paid to the security holder by or on behalf of the issuer 7 days, and no sale and no offer (other than by way of exchange) of any security of the issuer is made by or on behalf of the issuer to the person to whom such proceeds were paid, within 60 days after such payment.

The Commission is today also issuing Investment Company Act Release No. 5023 adopting Rule 11b–1 (§ 270.11b–1) under the Investment Company Act of 1940 which is related hereto.

The text of Rule 11a–1 (§ 270.11a–1), adopted by the Commission pursuant to the authority granted to it in sections 11(a) and 38(a) of the Act, is as follows:

§ 270.11a–1 Definition of "exchange" for purposes of section 11 of the Act.

(a) For the purposes of section 11 of the Act, the term "exchange" as used therein shall include the issuance of any security by a registered investment company in an amount equal to the proceeds, or any portion of the proceeds, paid or payable—

(1) Upon the repurchase, by or at the instance of such issuer, of an outstanding security the terms of which provide for its termination, retirement or cancellation, or

(2) Upon the termination, retirement or cancellation of an outstanding security of such issuer in accordance with the terms thereof.

(b) A security shall not be deemed to have been repurchased by or at the instance of the issuer, or terminated, retired or canceled in accordance with the terms of the security if—

(1) The security was redeemed or repurchased at the instance of the holder; or

(2) A security holder's account was closed for failure to make payments as prescribed in the security or instruments pursuant to which the security was issued, and notice of intention to close the account was mailed to the security holder, and he had a reasonable time in which to meet the deficiency; or

(3) Sale of the security was restricted to a specified, limited group of persons and, in accordance with the terms of the security or the instruments pursuant to which the security was issued, upon its being transferred by the holder to a person not a member of the group eligible to purchase the security, the issuer required the surrender of the security and paid the redemption price thereof.

(c) The provisions of paragraph (a) of this section shall not apply if, following the repurchase of an outstanding security by or at the instance of the issuer or the termination, retirement or cancellation of an outstanding security in accordance with the terms thereof—

(1) The proceeds are actually paid to the security holder by or on behalf of the issuer within 7 days, and

(2) No sale and no offer (other than by way of exchange) of any security of the issuer is made by or on behalf of the issuer to the person to whom such proceeds were paid, within 60 days after such payment.

(d) The provisions of paragraph (a) of this section shall not apply to the repurchase, termination, retirement, or cancellation of a security outstanding on the effective date of this section or issued pursuant to a subscription agreement or other plan of acquisition in effect on such date.

(Secs. 11(a), 38(a), 54 Stat. 808, 841; 15 U.S.C. 80a–11(a), 80a–37)

The foregoing rule is declared effective August 12, 1967.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

JULY 12, 1967.

[F.R. Doc. 67–8454; Filed, July 20, 1967; 8:45 a.m.]

PART 270—RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

Definition of Class or Series of Securities Issued by the Same Company

On May 11, 1967, the Securities and Exchange Commission published notice (Investment Company Act Release No. 4951) in the FEDERAL REGISTER on May 18, 1967 (32 F.R. 7399), that it had under consideration the adoption of Rule 11b–1 under the Investment Company Act of 1940 ("Act") (§ 270.11b–1, Chapter II, Title 17 of the Code of Federal Regulations) and invited all interested persons to submit their views and comments upon the proposal. No comments were received. The Commission, after due consideration, has determined to adopt Rule 11b–1 (§270.11b–1) in the form set forth below.

Section 11(a) of the Act provides that it is unlawful for a registered open-end company or its principal underwriter to make an offer to any holder of the company's securities to exchange his security for a security in the same or another such company on any basis other than the relative net asset values of the respective securities to be exchanged, unless the Commission by rules, regulations or approval of a specific transaction permits the exchange to be made on a different basis.

Section 11(b)(2) of the Act exempts from section 11(a) (of the Act) any offer made pursuant to the right of conversion, at the option of the security holder, from one class or series into another class or series of securities issued by the same company upon terms specified in the charter, certificate of incorporation, articles of association, bylaws, or trust indenture subject to which the securities to be converted were issued or to be issued.

Section 11(a) of the Act, as noted above, contemplates that the Commission may adopt rules and regulations relating to offers of exchange made at other than net asset value. Section 38(a) of the Act authorizes the Commission to make rules and regulations "as are necessary or appropriate to the exercise of the powers conferred upon the Commission elsewhere in this title, including rules and regulations defining accounting, technical, and trade terms used in this title."

The term "class or series of securities issued by the same company" used in section 11(b)(2) (of the Act) is not defined by any section of the Act. Related language is employed in section 18(f)(2) (of the Act). Section 18(f)(1) (of the Act), in relevant part, provides that it is unlawful for any registered open-end company to issue to the public any class of senior security or to sell any senior security of which it is the issuer, and section 18(f)(2) (of the Act) provides that the term "'senior security' shall not, in the case of a registered open-end company include a class or classes or a number of series of preferred or special stock each of which is preferred over all other classes or series in respect of assets specifically allocated to that class or series." Accordingly, under the provisions of section 18(f) (of the Act), a registered open-end company cannot issue any senior convertible security to the public, with the exception of a security of the type described in section 18(f)(2) (of the Act).

The provisions of section 18(f)(2) (of the Act) relate to so-called "series companies," each of which maintains a series of separate differentiated pools of assets, in respect to each of which there is a class or series of securities outstanding which represents the exclusive and entire participation in the particular pool. Thus, section 18(f)(2) (of the Act) provides that each such class or series of securities must have a preference over all other classes or series of securities with respect to the particular pool of assets to which it relates.

The purpose of Rule 11b–1 (§ 270.11b–1) is to specify that the exemption provided by section 11(b)(2) (of the Act) is available only to the type of "series company" described in section 18(f)(2) (of the Act). Accordingly, Rule 11b–1 (§ 270.11b–1) defines the term "class or series of securities issued by the same company" as used in section 11(b)(2) (of the Act) to mean all securities issued by a registered open-end investment company which are preferred over all other classes or series in respect of assets specifically allocated to that class or series.

The Commission has issued today Investment Company Act Release No. 5024 adopting Rule 11a–1 (§ 270.11a–1) under the Investment Company Act of 1940 which is related hereto.

The text of Rule 11b–1 (270.11b–1) adopted by the Commission pursuant to the authority granted to it in sections 11(a) and 38(a) of the Act, is as follows:

§ 270.11b–1 Definition of "class or series of securities issued by the same company" for purposes of section 11(b)(2) of the Act.

For the purposes of subsection 11(b)(2) of the Act, the term "class or series of securities issued by the same company" shall mean any securities issued by a registered open-end investment company which are preferred over all other classes or series in respect of assets specifically allocated to that class or series.

(Secs. 11(a), 38(a), 54 Stat. 808, 841; 15 U.S.C. 80a–11(a), 80a–37)

The foregoing is declared effective August 12, 1967.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

JULY 12, 1967.

[F.R. Doc. 67–8453; Filed, July 20, 1967; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND THE FAIR PACKAGING AND LABELING ACT

Miscellaneous Amendments

In the matter of amending the enforcement regulations (21 CFR Part 1) with respect to the requirements of the Fair Packaging and Labeling Act (Public Law 89–755) to (1) establish an exemption procedure for foods, drugs, and cosmetics, (2) set forth the requirements for label statements for foods, and (3) establish exemptions for foods:

In response to the notice of proposed rulemaking in the above-identified matter published in the FEDERAL REGISTER of March 17, 1967 (32 F.R. 4172), over 300 comments were submitted by Federal and State officials and by representatives of industry, and these comments have been duly considered. Also, the Committee on Laws and Regulations of the National Conference of Weights and Measures and the Executive Committee of the Association of Food and Drug Officials of the United States have been consulted on many provisions of the proposal since under section 12 of the Fair Packaging and Labeling Act the States, which have additional interests in this area of regulation, are precluded from imposing labeling laws that are less stringent than or require information different from the requirements of section 4 of that Act or regulations promulgated thereunder. Discussions of the proposal were also had with other Federal officials. On the basis of the information available to him from these and other sources, the Commissioner of Food and Drugs' decisions on those provisions of the proposal that elicited the largest volume of arguments are as follows:

1. The Commissioner is of the opinion that the exemption from bearing otherwise mandatory label information applicable (under certain circumstances) to outer containers or wrappers by the terms of the Federal Food, Drug, and Cosmetic Act should also be recognized in the regulations implementing the Fair Packaging and Labeling Act. Therefore, transparent wrappers or containers are, under stated conditions, exempt from bearing mandatory label information under the regulations set forth below. The State officials who addressed themselves to this issue are in agreement with this interpretation. Understandably, comments from industry strongly support this interpretation.

2. The Commissioner has accepted the recommendation of State officials that the proposed directions for computing the area of the principal display panel should be defined more explicitly. The statutory requirements for uniformity of type size in net quantity declarations preclude the adoption of suggestions from industry officials that the type size be established in relation to the area of the label.

3. In the matter of requiring particular food forms to be included in the statement of identity, there was no general consensus among State officials, and the Commissioner is not in agreement with the views of industry that this is an unnecessary specification. Neither is he persuaded that the statement of identity and declaration of net quantity belong elsewhere than on the principal display panel.

4. There is general agreement that the statutory requirement that the net

quantity shall be separately stated can be satisfied by a rule requiring a reasonable separation in relation to the type size of the net quantity statement. There is no general consensus on the issue of the uniform location of the net quantity statement, and the Commissioner cannot accept the recommendation found in a great many of the comments that the statement appear at the top or bottom of the label at the option of the manufacturer.

5. The proposed provision to exclude the weight of propellants in net weight declarations is not included in the following order because State and Federal officials commenting thereon were of the opinion that there is not presently available a generally accepted, practical method for determining such weight. It is the intention of the Commissioner to attempt to obtain agreement on an acceptable method among the interested regulatory officials.

6. The type sizes proposed for the net quantity declaration have produced the greatest number of comments. Most of the writers suggested that the sizes proposed be replaced by the type size specifications adopted by the National Conference of Weights and Measures. The type sizes required by the following order are not those of the National Conference, but the Commissioner has good cause to believe that the sizes ordered are reasonable.

7. Proposed § 1.8b(q) is revised and calls for the net quantity statement to express an accurate statement of the quantity of contents of the package. Reasonable variations caused by loss or gain of moisture during the course of good distribution practice or by unavoidable deviations in good manufacturing practice will be recognized. At a later date the Commissioner will propose an amendment to § 1.8b(q) to specify a means whereby industry and State and Federal Government may make a definitive determination whether any variation is reasonable or unreasonable.

8. Proposed § 1.10(d), dealing with quantitative declaration of certain ingredients, has been revised in response to requests for greater specificity.

Therefore, based on consideration of the comments received, the above-mentioned consultations, and other relevant information, the Commissioner concludes that the proposed amendments should be issued, with changes and additions, as set forth below. Accordingly, pursuant to the provisions of the Fair Packaging and Labeling Act (secs. 4, 6, 80 Stat. 1297, 1299, 1300; 15 U.S.C. 1453, 1455) and the authority provided in the Federal Food, Drug, and Cosmetic Act (secs. 403 (e), (f), (i), 502(b), 602(b), 701, 52 Stat. 1047, 1050, 1054, 1055, as amended; 21 U.S.C. 343 (e), (f), (i), 352(b), 362(b), 371), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120): *It is ordered*, That Part 1 be amended:

1. By changing the part heading to read as set forth above.

2. By revising § 1.1 to read as follows:

§ 1.1 General.

(a) The provisions of regulations promulgated under the Federal Food, Drug, and Cosmetic Act with respect to the doing of any act shall be applicable also to the causing of such act to be done.

(b) The definitions and interpretations of terms contained in section 201 of the Federal Food, Drug, and Cosmetic Act shall be applicable also to such terms when used in regulations promulgated under that act.

(c) The definition of "package" in §1.1b and of "principal display panel" in § 1.7; and the substantive requirements pertaining to uniform location, lack of qualification, and separation of the net quantity declaration in § 1.8b(f), to type size requirements for net quantity declaration in § 1.8b(i), to initial statement of ounces in the dual declaration of net quantity in § 1.8b(j) and (m), to prohibition of certain supplemental net quantity statements in §1.8b(o), and to servings representations in § 1.8c are provided for solely by the Fair Packaging and Labeling Act and apply to certain consumer commodities defined in section 10 of that act. The other requirements of this part are provided for by both Fair Packaging and Labeling Act and the Federal Food, Drug, and Cosmetic Act or by the latter act solely, are enforceable under the provisions of section 303 of the Federal Food, Drug, and Cosmetic Act, and are not limited in their application by section 10 of the Fair Packaging and Labeling Act.

3. By adding new §§ 1.1a and 1.1b, and 1.1c, as follows:

§ 1.1a Foods, drugs, devices, and cosmetics; labeling; procedure for requesting variations and exemptions from required label statements.

Section 403(e) of the act (in this Part 1, the term "act" means the Federal Food, Drug, and Cosmetic Act) provides for the establishment by regulation of reasonable variations and exemptions for small packages from the required declaration of net quantity of contents. Section 403(i) of the act provides for the establishment by regulation of exemptions from the required declaration of ingredients where such declaration is impracticable, or results in deception or unfair competition. Section 502(b) of the act provides for the establishment by regulation of reasonable variations and exemptions for small packages from the required declaration of net quantity of contents. Section 602(b) of the act provides for the establishment by regulation of reasonable variations and exemptions for small packages from the required declaration of net quantity of contents. Section 5(b) of the Fair Packaging and Labeling Act provides for the establishment by regulation of exemptions from certain required declarations of net quantity of contents, identity of commodity, identity and location of manufacturer, packer, or distributor, and from declaration of net quantity of servings represented, based on a finding that full compliance with such required declarations is impracticable or not necessary for the adequate protection of consumers, and a further finding that the nature, form, or quantity of the packaged consumer commodity or other good and sufficient reasons justify such exemptions. The Commissioner, on his own initiative or on petition of an interested person, may propose such findings and an exemption. The procedure followed and the criteria used in acting upon exemption requests of interested persons are as follows:

(a) If the petitioner shows that he is an interested person and furnishes reasonable grounds for his proposal, the Commissioner shall publish the proposal in the FEDERAL REGISTER and afford opportunity for interested persons to comment on it. After a study of all the facts available and of the comments received, the Commissioner will act upon the proposal and publish an order, pursuant to section 701(e) of the act, to which objection may be taken by persons who would be adversely affected.

(b) Practical administration of the law requires that there be a substantial showing of merit before any proposal is published. In evaluating proposals submitted by petitioners for initiating actions, it will be the policy of the Food and Drug Administration to consider that reasonable grounds have been furnished when:

(1) The proposal includes or is accompanied by a statement of the facts that the petitioner asserts he can substantiate by evidence in the event the proceedings lead to a public hearing.

(2) The declared facts furnish substantial support of the proposal and warrant a conclusion that the proposal is reasonable.

(3) The proposal if adopted would not unduly impinge upon the consumer's right to information essential to efficient marketing and to the making of value comparisons and would not otherwise promote deception or unfair competition.

(4) Full compliance with the declarations required by law would be impracticable, deceptive, or otherwise unnecessary.

(c) Opportunity will be given to amend petitions regarded as inadequate.

(d) At any time prior to the issuance of an order acting on his proposal under section 701(e)(1) of the act, the petitioner may withdraw his petition without prejudice to a future filing. Notice of withdrawal of the petition and termination of the rulemaking proceeding will be published in the FEDERAL REGISTER.

(e) Established exemptions will be set forth in § 1.1c.

§ 1.1b Packages; definition; presence of mandatory label information.

The term "package" means any container or wrapping in which any food, drug, device, or cosmetic is enclosed for use in the delivery or display of such commodities to retail purchasers, but does not include:

(a) Shipping containers or wrappings used solely for the transportation of any such commodity in bulk or in quantity to manufacturers, packers, processors, or wholesale or retail distributors;

(b) Shipping containers or outer wrappings used by retailers to ship or deliver any such commodity to retail customers if such containers and wrappings bear no printed matter pertaining to any particular commodity; or

(c) Containers subject to the provisions of the Act of August 3, 1912 (37 Stat. 250, as amended; 15 U.S.C. 234–236), the Act of August 31, 1916 (39 Stat. 673, as amended; 15 U.S.C. 251–256), or the Act of May 21, 1928 (45 Stat. 685, as amended; 15 U.S.C. 257–257i).

(d) Containers used for tray pack displays in retail establishments.

(e) Transparent wrappers or containers which do not bear written, printed, or graphic matter obscuring the label information required by this part.

A requirement contained in this part that any word, statement, or other information appear on the label shall not be considered to be complied with unless such word, statement, or information also appears on the outer container or wrapper of the retail package of the article, or, as stated in paragraph (e) of this section, such information is easily legible by virtue of the transparency of the outer wrapper or container. Where a consumer commodity is marketed in a multiunit retail package bearing the mandatory label information as required by this part and the unit containers are not intended to be sold separately, the net weight placement requirement of § 1.8b(f) applicable to such unit containers is waived if the units are in compliance with all the other requirements of this part.

§ 1.1c Exemptions from required label statements.

The following exemptions are granted from label statements required by this part:

(a) *Foods.* (1) While held for sale, a food shall be exempt from the required declaration of net quantity of contents specified in this part if said food is received in bulk containers at a retail establishment and is accurately weighed, measured, or counted either within the view of the purchaser or in compliance with the purchaser's order.

(2) Random food packages, as defined in § 1.8b(j) of this part, bearing labels declaring net weight, price per pound, and total price, shall be exempt from the type size, dual declaration, and placement requirements of § 1.8b, if the accurate statement of net weight is presented conspicuously on the principal display panel of the package.

(3) Individual serving-size packages of foods containing less than ½ ounce or less than ½ fluid ounce for use in restaurants, institutions, and passenger carriers, and not intended for sale at retail, shall be exempt from the required declaration of net quantity of contents specified in this part.

(4) Individually wrapped pieces of "penny candy" shall be exempt from the labeling requirements of this part when the container in which such candy is shipped is in conformance with the labeling requirements of this part. Similarly when individually wrapped pieces of candy of less than ½ ounce net weight per individual piece are sold in bags or boxes, such individual pieces shall be exempt from the required declaration of net quantity of contents specified in this part when the declaration on the bag or box meets the requirements of this part.

4. By revising § 1.2 to read as follows:

§ 1.2 Labeling; label; definitions.

(a) Labeling includes all written, printed, or graphic matter accompanying an article at any time while such article is in interstate commerce or held for sale after shipment or delivery in interstate commerce.

(b) "Label" means any display of written, printed, or graphic matter on the immediate container of any article, or any such matter affixed to any consumer commodity or affixed to or appearing upon a package containing any consumer commodity.

§ 1.5 [Redesignated]

5. By redesignating § 1.7 as § 1.15 and adding a new § 1.7, as follows:

§ 1.7 Food in package form; principal display panel.

The term "principal display panel" as it applies to food in package form and as used in this part, means the part of a label that is most likely to be displayed, presented, shown, or examined under customary conditions of display for retail sale. The principal display panel shall be large enough to accommodate all the mandatory label information required to be placed thereon by this part with clarity and conspicuousness and without obscuring design, vignettes, or crowding. Where packages bear alternate principal display panels, information required to be placed on the principal display panel shall be duplicated on each principal display panel. For the purpose of obtaining uniform type size in declaring the quantity of contents for all packages of substantially the same size, the term "area of the principal display panel" means the area of the side or surface that bears the principal display panel, which area shall be:

(a) In the case of a rectangular package where one entire side properly can be considered to be the principal display panel side, the product of the height times the width of that side;

(b) In the case of a cylindrical or nearly cylindrical container, 40 percent of the product of the height of the container times the circumference;

(c) In the case of any other shaped container, 40 percent of the total surface of the container.

In determining the area of the principal display panel, exclude flanges at tops and bottoms of cans and shoulders and necks of bottles or jars. In the case of cylindrical or nearly cylindrical containers, information required by this part to appear on the principal display panel shall appear within that 40 percent of the circumference which is most likely to be displayed, presented, shown, or examined under customary conditions of display for retail sale.

6. By revising § 1.8 and adding new §§ 1.8a, 1.8b, and 1.8c, as follows:

§ 1.8 Food in package form, labeling; identity.

(a) The principal display panel of a food in package form shall bear as one of its principal features a statement of the identity of the commodity.

(b) Such statement of identity shall be in terms of:

(1) The name now or hereafter specified in or required by any applicable Federal law or regulation; or, in the absence thereof,

(2) The common or usual name of the food; or, in the absence thereof,

(3) An appropriately descriptive term, or when the nature of the food is obvious, a fanciful name commonly used by the public for such food.

(c) Where a food is marketed in various optional forms (whole, slices, diced, etc.), the particular form shall be considered to be a necessary part of the statement of identity and shall be declared in letters of a type size bearing a reasonable relation to the size of the letters forming the other components of the statement of identity; except that if the optional form is visible through the container or is depicted by an appropriate vignette, the particular form need not be included in the statement. This specification does not affect the required declarations of identity under definitions and standards for foods promulgated pursuant to section 401 of the act.

(d) This statement of identity shall be presented in bold type on the principal display panel, shall be in a size reasonably related to the most prominent printed matter on such panel, and shall be in lines generally parallel to the base on which the package rests as it is designed to be displayed.

§ 1.8a Food labeling; name and place of business of manufacturer, packer, or distributor.

(a) The label of a food in packaged form shall specify conspicuously the name and place of business of the manufacturer, packer, or distributor.

(b) The requirement for declaration of the name of the manufacturer, packer, or distributor shall be deemed to be satisfied, in the case of a corporation, only by the actual corporate name, which may be preceded or followed by the name of the particular division of the corporation. In the case of an individual, partnership, or association, the name under which the business is conducted shall be used.

(c) Where the food is not manufactured by the person whose name appears on the label, the name shall be qualified by a phrase that reveals the connection such person has with such food; such as, "Manufactured for and packed by _____," "Distributed by _____," or any other wording that expresses the facts.

(d) The statement of the place of business shall include the street address, city, State, and ZIP Code; however, the street address may be omitted if it is

examined under customary conditions of display for retail sale.

shown in a current city directory or telephone directory.

(e) If a person manufactures, packs, or distributes a food at a place other than his principal place of business, the label may state the principal place of business in lieu of the actual place where such food was manufactured or packed or is to be distributed, unless such statement would be misleading.

§ 1.8b Food labeling; declaration of net quantity of contents; when exempt.

(a) The principal display panel of a food in package form shall bear a declaration of the net quantity of contents. This shall be expressed in the terms of weight, measure, numerical count, or a combination of numerical count and weight or measure. The statement shall be in terms of fluid measure if the food is liquid, or in terms of weight if the food is solid, semisolid, or viscous, or a mixture or solid and liquid; except that such statement may be in terms of dry measure if the food is a fresh fruit, fresh vegetable, or other dry commodity that is customarily sold by dry measure. If there is a firmly established general consumer usage and trade custom of declaring the contents of a liquid by weight, or a solid, semisolid, or viscous product by fluid measure, it may be used. Whenever the Commissioner determines that an existing practice of declaring net quantity of contents by weight, measure, numerical count, or a combination in the case of a specific packaged food does not facilitate value comparisons by consumers and offers opportunity for consumer confusion, he will by regulation designate the appropriate term or terms to be used for such commodity.

(b) (1) Statements of weight shall be in terms of avoirdupois pound and ounce.

(2) Statements of fluid measure shall be in terms of the U.S. gallon of 231 cubic inches and quart, pint, and fluid ounce subdivisions thereof, and shall:

(i) In the case of frozen food that is sold in the frozen state, express the volume at 32° F. (0° C.).

(ii) In the case of refrigerated food that is sold in the refrigerated state, express the volume at 40° F. (4° C.).

(iii) In the case of other foods, express the volume at 68° F. (20° C.).

(3) Statements of dry measure shall be in terms of the U.S. bushel of 2,150.42 cubic inches and peck, dry quart, and dry pint subdivisions thereof.

(c) When the declaration of quantity of contents by numerical count does not give adequate information as to the quantity of food in the package, it shall be combined with such statement of weight, measure, or size of the individual units of the foods as will provide such information.

(d) The declaration may contain common or decimal fractions. A common fraction shall be in terms of halves, quarters, eighths, sixteenths, or thirty-seconds; except that if there exists a firmly established general consumer usage and trade custom of employing different common fractions in the net quantity declaration of a particular commodity, they may be employed. A common fraction shall be reduced to its lowest terms; a decimal fraction shall not be carried out to more than two places. A statement that includes small fractions of an ounce shall be deemed to permit smaller variations than one which does not include such fractions.

(e) The declaration shall be located on the principal display panel of the label, and with respect to packages bearing alternate principal panels it shall be duplicated on each principal display panel.

(f) The declaration shall appear as a distinct item on the principal display panel, shall be separated (by at least a space equal to the height of the lettering used in the declaration) from other printed label information appearing above or below the declaration and (by at least a space equal to twice the width of the letter "N" of the style of type used in the quantity of contents statement) from other printed label information appearing to the left or right of the declaration. It shall not include any term qualifying a unit of weight, measure, or count (such as "jumbo quart" and "full gallon") that tends to exaggerate the amount of the food in the container. It shall be placed on the principal display panel within the bottom 30 percent of the area of the label panel in lines generally parallel to the base on which the package rests as it is designed to be displayed: *Provided*, That on packages having a principal display panel of 5 square inches or less, the requirement for placement within the bottom 30 percent of the area of the label panel shall not apply when the declaration of net quantity of contents meets the other requirements of this part.

(g) The declaration shall accurately reveal the quantity of food in the package exclusive of wrappers and other material packed therewith; provided that in the case of foods packed in containers designed to deliver the food under pressure, the declaration shall state the net quantity of the contents that will be expelled when the instructions for use as shown on the container are followed. The propellant is included in the net quantity declaration.

(h) The declaration shall appear in conspicuous and easily legible boldface print or type in distinct contrast (by typography, layout, color, embossing, or molding) to other matter on the package; except that a delaration of net quantity blown, embossed, or molded on a glass or plastic surface is permissible when all label information is so formed on the surface. Requirements of conspicuousness and legibility shall include the specifications that:

(1) The ratio of height to width (of the letter) shall not exceed a differential of 3 units to 1 unit (no more than 3 times as high as it is wide).

(2) Letter heights pertain to upper case or capital letters. When upper and lower case or all lower case letters are used, it is the lower case letter "o" or its equivalent that shall meet the minimum standards.

(3) When fractions are used, each component numeral shall meet one-half the minimum height standards.

(i) The declaration shall be in letters and numerals in a type size established in relationship to the area of the principal display panel of the package and shall be uniform for all packages of substantially the same size by complying with the following type specifications:

(1) Not less than 1/16 inch in height on packages the principal display panel of which has an area of 5 square inches or less.

(2) Not less than 1/8 inch in height on packages the principal display panel of which has an area of more than 5 but not more than 25 square inches.

(3) Not less than 3/16 inch in height on packages the principal display panel of which has an area of more than 25 but not more than 100 square inches.

(4) Not less than 1/4 inch in height on packages the principal display panel of which has an area of more than 100 square inches, except not less than 1/2 inch in height if the area is more than 400 square inches.

Where the declaration is blown, embossed, or molded on a glass or plastic surface rather than by printing, typing, or coloring, the lettering sizes specified in subparagraphs (1) through (4) of this paragraph shall be increased by 1/16 of an inch.

(j) On packages containing less than 4 pounds or 1 gallon and labeled in terms of weight or fluid measure:

(1) The declaration shall be expressed both in ounces, with identification by weight or by liquid measure and, if applicable (1 pound or 1 pint or more) followed in parentheses by a declaration in pounds for weight units, with any remainder in terms of ounces or common or decimal fractions of the pound (see examples set forth in paragraph (m) (1) and (2) of this section), or in the case of liquid measure, in the largest whole units (quarts, quarts and pints, or pints, as appropriate) with any remainder in terms of fluid ounces or common or decimal fractions of the pint or quart (see examples in paragraph (m) (3) and (4) of this section).

(2) If the net quantity of contents declaration appears on a random package, that is a package which is one of a lot, shipment, or delivery of packages of the same consumer commodity with varying weights and with no fixed weight pattern, it may, when the net weight exceeds 1 pound, be expressed in terms of pounds and decimal fractions of the pound carried out to not more than two decimal places. When the net weight does not exceed 1 pound, the declaration on the random package may be in decimal fractions of the pound in lieu of ounces (see example in paragraph (m) (5) of this section).

(3) The declaration may appear in more than one line. The term "net weight" shall be used when stating the net quantity of contents in terms of weight. Use of the terms "net" or "net contents" in terms of fluid measure or numerical count is optional. It is sufficient to distinguish avoirdupois ounce from fluid ounce through association of terms; for example, "Net wt. 6 oz." and "Net contents 6 fl. oz."

(k) On packages containing 4 pounds or 1 gallon or more and labeled in terms of weight or fluid measure, the declaration shall be expressed in pounds for weight units with any remainder in terms of ounces or common or decimal fraction of the pound, or in the case of fluid measure, it shall be expressed in the largest whole unit (gallons followed by common or decimal fraction of a gallon or by the next smaller whole unit or units (quarts, or quarts and pints)) with any remainder in terms of fluid ounces or common or decimal fractions of the pint or quart (see paragraph (m) (6) of this section).

(l) [Reserved]

(m) Examples:

(1) A declaration of 1½ pounds weight shall be expressed as "Net Wt. 24 oz. (1 lb., 8 oz.)" "Net Wt. 24 oz. (1.5 lb.)".

(2) A declaration of ¾ pound avoirdupois weight shall be expressed as "Net Wt. 12 oz."

(3) A declaration of 1 quart liquid measure shall be expressed as "Net 32 fl. oz. (1 qt.)".

(4) A declaration of 1¾ quarts liquid measure shall be expressed as "Net contents 56 fluid ounces (1 quart 1½ pints)" or as "Net 56 fluid oz. (1 qt. 1 pt. 8 oz.)," but not in terms of quart and ounce such as "Net 56 fluid oz. (1 quart 24 ounces)".

(5) On a random package, declaration of ¾ pound avoirdupois may be expressed as "Net Wt. .75 lb."

(6) A declaration of 2½ gallons liquid measure shall be expressed as "Net contents 2½ gallons," "Net contents 2.5 gallons," or "Net contents 2 gallons 2 quarts" and not as "2 gallons 4 pints".

(n) For quantities, the following abbreviations and none other may be employed (periods and plural forms are optional):

weight wt.	pint pt.
ounce oz.	quart qt.
pound lb.	fluid fl.
gallon gal.	

(o) Nothing in this section shall prohibit supplemental statements at locations other than the principal display panel(s) describing in nondeceptive terms the net quantity of contents: *Provided*, That such supplemental statements of net quantity of contents shall not include any term qualifying a unit of weight, measure, or count that tends to exaggerate the amount of the food contained in the package; for example, "jumbo quart" and "full gallon". Dual or combination declarations of net quantity of contents as provided for in paragraphs (a), (c), and (j) of this section (for example, a combination of net weight plus numerical count, net weight plus dilution directions of a concentrate, etc.) are not regarded as supplemental net quantity statements and shall be located on the principal display panel.

(p) A separate statement of the net quantity of contents in terms of the metric system is not regarded as a supplemental statement and an accurate statement of the net quantity of contents in terms of the metric system of weight or measure may also appear on the principal display panel or on other panels.

(q) The declaration of net quantity of contents shall express an accurate statement of the quantity of contents of the package. Reasonable variations caused by loss or gain of moisture during the course of good distribution practice or by unavoidable deviations in good manufacturing practice will be recognized. Variations from stated quantity of contents shall not be unreasonably large.

§ 1.8c Food labeling; number of servings.

(a) The label of any package of a food which bears a representation as to the number of servings contained in such package shall bear in immediate conjunction with such statement, and in the same size type as is used for such statement, a statement of the net quantity (in terms of weight, measure, or numerical count) of each such serving; however, such statement may be expressed in terms that differ from the terms used in the required statement of net quantity of contents (for example, cupfuls, tablespoonfuls, etc.) when such differing term is common to cookery and describes a constant quantity. Such statement may not be misleading in any particular.

(b) If there exists a voluntary product standard promulgated pursuant to the procedures found in Part 10, Title 15, Code of Federal Regulations, by the Department of Commerce, quantitatively defining the meaning of the term "serving" with respect to a particular food, then any label representation as to the number of servings in such packaged food shall correspond with such quantitative definition. (Copies of published standards are available upon request from the National Bureau of Standards, Department of Commerce, Washington, D.C. 20234.)

7. By revising § 1.10 (d) and (e) and adding a new paragraph (h), as follows:

§ 1.10 Food; labeling; designation of ingredients.

* * * * *

(d) When the proportion of an ingredient or ingredients is material in the light of the representation that such ingredient was used in fabricating the food, the label shall contain a quantitative declaration of such ingredient(s). For example, a label designation of identity as "cottonseed oil and olive oil" for a mixture containing 80 percent or more of cottonseed oil would require a declaration of the percent of olive oil present. Similarly a representation by vignette or statement of identity that a breakfast syrup is made from a mixture of sugar syrup and maple sugar syrup would necessitate a quantitative declaration of the maple sugar syrup unless more than 20 percent maple sugar syrup is present.

(e) In the case of an assortment of different items of food, when variations in the items that make up different packages packed from such assortment normally occur in good packing practice and when such variations result in variations in the ingredients in different packages, such food shall be exempt from compliance with the requirements of clause (2) of section 403(i) of the act with respect to any ingredient that is not common to all packages. Such exemption, however, shall be on the condition that the label shall bear, in conjunction with the names of such ingredients as are common to all packages, a statement (in terms that are as informative as practicable and that are not misleading) indicating that other ingredients may be present.

* * * * *

(h) Ingredients shall be listed by common or usual name in order of decreasing predominance. The declaration shall be presented on any appropriate information panel in adequate type size, without obscuring design, vignettes, or crowding. The entire ingredient statement shall appear on a single panel of the label.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections adversely affected by the order and tions thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in six copies.

Effective date. This order shall become effective (1) December 31, 1967, for all new packages, new label designs, and labels being reordered and (2) July 1, 1968, for all packages introduced into interstate commerce; except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Secs. 4, 6, 80 Stat. 1297, 1299, 1300, 15 U.S.C. 1453, 1455; secs. 408 (e), (f), (l), 502(b), 602 (b), 701, 52 Stat. 1047, 1050, 1054, 1055, as amended, 21 U.S.C. 343 (e), (f), (l), 352(b), 362(b), 371)

Dated: July 17, 1967.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 67-8467; Filed, July 20, 1967; 8:46 a.m.]

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

Utilization of Packages and Labels Not in Compliance With Labeling Requirements of Fair Packaging and Labeling Act

In the FEDERAL REGISTER of March 17, 1967 (32 F.R. 4172), the Food and Drug Administration proposed initial regulations in the implementation of the Fair Packaging and Labeling Act, and notice was given that when the Commissioner of Food and Drugs acted upon the proposal he would issue a statement of policy dealing with the orderly disposition of label stocks in inventory. In this issue of the FEDERAL REGISTER, the Commissioner has published an order acting upon the proposal of March 17, 1967, and accordingly said statement of policy is set forth below.

Therefore, under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a)) and by the Fair Packaging and Labeling Act (secs. 4, 6, 80 Stat. 1297, 1299, 1300; 15 U.S.C. 1453, 1455), and delegated by him to the Commissioner (21 CFR 2.120), Part 3 is amended by adding thereto the following new section:

§ 3.57 Stocks of packages and labels not complying with section 4 of the Fair Packaging and Labeling Act.

(a) Implementation of the Fair Packaging and Labeling Act (Public Law 89–755) will require changes in the labels of many foods, drugs, and cosmetics now on the market. The law does not contemplate a disruption of legitimate business practices nor destruction of all stocks of labels and packages rendered not-in-compliance by the effective date of the regulations promulgated pursuant to that Act. Section 6 of the Fair Packaging and Labeling Act provides that "no regulation adopted under this Act shall preclude the continued use of returnable or reusable glass containers for beverages in inventory or with the trade as of the effective date of this Act, nor shall any regulation under this Act preclude the orderly disposal of packages in inventory or with the trade as of the effective date of such regulation." Section 13 provides that the promulgating authority may by regulation postpone the effective date of the Fair Packaging and Labeling Act for an additional 12-month period for classes or types of consumer commodities.

(b) In the order published in the FEDERAL REGISTER of July 21, 1967, it is stated that the effective date of that initial order covering food labels under the Fair Packaging and Labeling Act shall be December 31, 1967, for all new food packages, new label designs, and labels being reordered, and shall be July 1, 1968, for all food packages and labels being introduced into interstate commerce. Extensions for stocks of packages and labels beyond July 1, 1968, will be considered on an individual case basis and are grantable for good cause shown. Good cause would necessarily include a showing that:

(1) The stocks are in compliance with the present terms of the Federal Food, Drug, and Cosmetic Act and the regulations thereunder;

(2) Due diligence was expended in devising and obtaining labels and packages in compliance with the new regulations insofar as the facilities of the label and package manufacturers permit; and

(3) The stocks did not result from a deliberate attempt to overstock.

(Secs. 4, 6, 80 Stat. 1297, 1299, 1300, 15 U.S.C. 1453, 1455; sec. 701(a), 52 Stat. 1055, 21 U.S.C. 371(a))

Dated: July 17, 1967.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 67–8463; Filed, July 20, 1967; 8:48 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Ammoniates

A petition (PP 6F0488) was filed with the Food and Drug Administration by the FMC Corp., Niagara Chemical Division, 100 Niagara Street, Middleport, N.Y. 14105, proposing the establishment of tolerances for residues of a fungicide that is a mixture of 5.2 parts by weight of ammoniates of [ethylenebis(dithiocarbamato)] zinc with 1 part by weight ethylenebis[dithiocarbamic acid] bimolecular and trimolecular cyclic anhydrosulfides and disulfides in or on the raw agricultural commodities cherries at 20 parts per million and apples, celery, cucumbers, melons, squash, and tomatoes at 7 parts per million.

Subsequently, the proposed tolerances regarding cherries, melons, and squash were withdrawn; the proposed tolerance regarding celery, cucumbers, and tomatoes was decreased to 5 parts per million; and a proposed tolerance of 5 parts per million for residues in or on cantaloups was added. Also, it was specified that the tolerances are to be calculated as zinc ethylenebisdithiocarbamate.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which tolerances are being established.

Based on consideration given the data submitted in the petition, and other relevant material, the Commissioner of Food and Drugs concludes that the tolerances established by this order will protect the public health. Therefore, by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated by him to the Commissioner (21 CFR 2.120), Part 120 is amended as follows:

1. Section 120.3(e)(3) is amended by alphabetically inserting in the list of pesticides a new item, as follows:

§ 120.3 Tolerances for related pesticide chemicals.

(e) • • •

(3) • • •

Pesticide chemical	Limits (parts per million)	Expiration date
A mixture of 5.2 parts by weight of ammoniates of [ethylenebis (dithiocarbamato)] zinc with 1 part by weight ethylenebis [dithiocarbamic acid] bimolecular and trimolecular cyclic anhydrosulfides and disulfides.		
• • • • •		

2. A new section is added to Subpart C as follows:

§ 120.217 Ammoniates of [ethylenebis (dithiocarbamato)] zinc and ethylenebis [dithiocarbamic acid] bimolecular and trimolecular cyclic anhydrosulfides and disulfides; tolerances for residues.

Tolerances for residues of a fungicide that is a mixture of 5.2 parts by weight of ammoniates of [ethylenebis (dithiocarbamato)] zinc with 1 part by weight ethylenebis [dithiocarbamic acid] bimolecular and trimolecular cyclic anhydrosulfides and disulfides, calculated as zinc ethylenebisdithiocarbamate, in or on raw agricultural commodities are established as follows:

7 parts per million in or on apples.

5 parts per million in or on celery, cantaloups, cucumbers, tomatoes.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: July 13, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67–8461; Filed, July 20, 1967; 8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in the Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

FURALTADONE

On the basis of new information, the Commissioner of Food and Drugs concludes that the food additive regulation providing for the safe use of furaltadone in the treatment of bovine mastitis by three instillations (each after a milking) should be amended to permit one to three installations instead since under certain circumstances less than three is adequate. Accordingly, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 409, 701(a), 52 Stat. 1055, 72 Stat. 1785; 21 U.S.C. 348, 371(a)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), § 121.249(a)(2)(ii) is revised to read as follows:

§ 121.249 Food additives for use in milk-producing animals.

• • • • • •

(a) • • •

(2) • • •

(ii) Treat lactating cows with the contents of 15 milliliters in each infected quarter immediately after milking and allow to remain in the quarter until the next milking. Treatment may be repeated after each milking for a total of three instillations.

• • • • • •

This order, which provides for a change in the conditions of safe use for the subject food additive, is nonrestrictive in nature and presents no points of controversy; therefore, notice of proposed rule making is an unnecessary prerequisite to this promulgation.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Secs. 409, 701(a), 52 Stat. 1055, 72 Stat. 1785; 21 U.S.C. 348, 371(a))

Dated: July 13, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67–8462; Filed, July 20, 1967; 8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

ION-EXCHANGE RESINS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 7A2105) filed by Dow Chemical Co., Biochemical Research Laboratory, 1803 Building, Midland, Mich. 48640, and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use of cross-linked epichlorohydrin ammonia resin in the purification of foods, including potable water. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), § 121.1148(a) is amended by adding thereto a new subparagraph, as follows:

§ 121.1148 Ion-exchange resins.

• • • • • •

(a) • • •

(14) Epichlorohydrin cross-linked with ammonia.

• • • • • •

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: July 13, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67–8463; Filed, July 20, 1967; 8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

ODORLESS LIGHT PETROLEUM HYDROCARBONS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 7A2176) filed by American Petroleum Institute, 1271 Avenue of the Americas, New York, N.Y. 10020, and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use of odorless light petroleum hydrocarbons as a protective coating for shell eggs. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), § 121.1182(c) is amended by alphabetically inserting in the table a new item, as follows:

§ 121.1182 Odorless light petroleum hydrocarbons.

• • • • • •

(c) • • •

Use	Limitations
As a coating on shell eggs.	In an amount not to exceed good manufacturing practice.
• • •	• • •

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: July 13, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67–8464; Filed, July 20, 1967; 8:48 a.m.]

Title 45—PUBLIC WELFARE

Chapter VIII—Civil Service Commission

PART 801—VOTING RIGHTS PROGRAM

Appendix A; Mississippi

Appendix A to Part 801 is amended as set out below to show, under the heading "Dates, Times, and Places for Filing," two additional places for filing in Mississippi:

Mississippi		
County	Place for filing	Beginning date
•	•	•
Clay	(1) West Point—Post Office Building	October 1, 1965
	(2) Phebe—rear of Champion Grocery Store	July 21, 1967
De Soto	(1) Walls—U.S. Post Office	November 8, 1965, through January 4, 1966
	(2) Hernando—U.S. Post Office	January 5, 1966
	(3) Olive Branch—second floor above Post Office	July 22, 1967

(Secs. 7 and 9 of the Voting Rights Act of 1965; P.L. 89-110)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-8617; Filed, July 20, 1967; 10:17 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1103]

[Docket No. AO-346-A3]

MILK IN MISSISSIPPI MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Jackson, Miss., on September 13, 1966, pursuant to notice thereof issued on August 18, 1966 (31 F.R. 11153).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Administrator, Regulatory Programs, on May 12, 1967 (32 F.R. 7338; F.R. Doc. 67-5508) filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision (32 F.R. 7338; F.R. Doc. 67-5508) are hereby approved and adopted and are set forth in full herein subject to the following modifications:

1. Under issue No. 2, Diversion provisions, the first and last paragraphs are revised and four new paragraphs are added.

2. Under issue No. 4, Classification of transfers from pool plants to nonpool plants, the first and last paragraphs are revised and a new paragraph is added.

The material issues on the record of the hearing relate to:

1. Qualifying standards for pool plants.
2. Diversion provisions and producer status of new dairy farmers entering the market.
3. Inventory classification.
4. Classification of transfers from pool plants to nonpool plants.
5. An appropriate Class I price level after October 1966.
6. Location differentials.

A decision concerning Issue 5 was issued October 28, 1966 (31 F.R. 14081), and an order effective December 1, 1966, was issued November 10, 1966 (31 F.R. 14586). Findings and conclusions on the remaining issues are included herein.

Findings and conclusions. The following findings and conclusions on the material Issues, 1 through 4, and 6, are based on evidence presented at the hearing and the record thereof:

1. *Qualifying standards for pool plants.* The four proposals made concerning standards for pooling distributing and supply plants are dealt with in the following findings and conclusions designated as (a), (b), and (c) under this issue.

(a) The pool plant definition should be amended to include receipts of Grade A milk from other plants, as well as from dairy farmers, as the basis for determining pool plant qualification of a distributing plant.

This method of defining pool distributing plants will make their regulated status depend on Class I utilization of at least 50 percent of all qualified Grade A receipts rather than Class I utilization of the plant in relation to receipts only from producers' farms. With this modification the pool plant definition will have a more uniform application among distributing plants which have varying proportions of receipts direct from producers and from other plants.

Another effect of the definition change is that it will accord pool status to several distributing plants which handle only milk received from pool plants. The effect on these plants will be minor, if any, since all milk they now handle is presently regulated by virtue of being received as transfers from regulated plants. Occasionally such a plant may have overage which would be assigned a value as part of the handler's obligation if the plant is pooled. Most of the route disposition of each of the plants which would become a pool plant is within the marketing area.

There was no objection on the record to extending full regulation to these plants. The proposal for the amendment was made by a group of cooperative associations including one operating a plant to be regulated. Cooperative associations expressed concern that the plants in question with most of their sales in the marketing area are presently treated as partially regulated distributing plants. As partially regulated distributing plants there would be a possibility that they could use milk from unregulated sources without accounting for its use in sales outside the regulated area.

Plants presently regulated would be unaffected by this change.

(b) No change should be made in the definition of supply plant or cooperative standby plant.

Amendments to the pool supply plant provisions were proposed to allow credit for Class I shipments outside the market as part of the qualification for pool status, and to allow cooperative standby plants to qualify in some months on the basis of prior performance. Under the first proposal a supply plant could qualify if half of the required shipments were to nonpool plants. With a total shipping requirement of 50 percent of the plant's receipts, as now provided in the order, the proposal would allow for shipment of up to 25 percent of receipts as Class I milk to nonpool plants to count toward qualification.

Under the second proposal, a cooperative association could maintain its plant in pool status during February through August if during each of the prior months of September through January 60 percent of the milk of its member producers had been delivered from farms to pool distributing plants.

One of the objectives of the proponents in this connection was to attain greater flexibility so as to take advantage of opportunities to make Class I sales outside the market. Such sales would be to the benefit of members, and of benefit to other producers if the sales were pooled.

Supply plant requirements, whether higher or lower than now in the order, must be related to the particular situation in the market. The essential purpose is to assure an adequate supply of milk for this fluid market. Once this objective is met, there is no restriction as to sales by the plant to other markets. But since sales outside the market are not a supply to the market, they cannot be used as a basis for qualifying a plant for pooling.

The record does not provide a basis to judge whether the percentage shipping requirement of pool supply plants or the monthly delivery requirements for a cooperative operating a standby plant should be modified. Since cooperatives operating standby plants normally have member milk moving to other handlers' pool plants each month, a performance requirement each month is a proper basis for qualifying such plants. Thus, to consider modification of requirements for cooperative standby plants would require evidence as to whether the present percentage requirement is too high or too low, and whether the percentage should vary seasonally.

(c) The pool distributing plant definition should not be amended to qualify distributing plants on the basis of a daily average of 1,000 pounds of route disposition in the marketing area.

A proprietary handler complained that the present pooling standard, 7,000 pounds daily of route disposition in the marketing area, permits partially regulated distributing plants to expand their operations in the regulated territory. He claimed that this represents an undue advantage to unregulated plants, allowing them to expand their sales in the marketing area to the detriment of fully regulated handlers.

There are partially regulated plants at Tupelo, Miss., and Tuscaloosa, Ala., with sales extending into the northern

part of the marketing area. The proponent regulated handler indicated he encountered competition from these two plants in route disposition and in milk procurement. These partially regulated handlers procure their supply outside of order sources. Other partially regulated plants with similar operations have sales areas in the southern part of the State. Total sales in the marketing area by such operators average less than 1 percent compared to Class I sales of regulated handlers.

The order affords certain alternatives to the operators of partially regulated distributing plants. One of these, based on what his obligation would be if fully regulated, requires payment into the producer-settlement fund of any excess of this amount over his payments made to Grade A dairy farmers. The other alternative is to make payments to the producer-settlement fund at the rate of the difference between the Class I price and the weighted average price on the quantity of route disposition in the marketing area less Class I milk the plant receives from pool plants.

These obligations placed upon partially regulated handlers reduce the advantage that they may have compared to regulated handlers. The provisions of the Mississippi order applicable to such handlers are similar to those used in most Federal orders.

Reducing the measure of sales in the marketing area to an average of 1,000 pounds daily would tend to bring about the full regulation of the plants now partially regulated which have their principal business outside the marketing area. The handler with a plant at Tupelo stated that his plant would become regulated on the basis of the 1.5 percent of his total route disposition which is in the marketing area. Data for other handlers similarly situated show that their route disposition in the marketing area is generally less than 2 percent of their total route disposition.

The sales in the marketing area by plants with milk supplies from nonorder sources thus is small relative to total sales of such handlers. Their sales in the area also represent a relatively minor portion of all marketing area sales.

The proposed change in the qualifying provision was opposed by producer associations supplying the market. They claimed that its adoption would result in regulation of plants not sufficiently identified with the market, and dissipate returns to producers by the addition of dairy farmers who do not constitute part of the regular market supply.

It is concluded that under current conditions the presence of some sales of nonorder milk in the market does not constitute sufficient threat to the stability of the market to require adoption of the proposal.

2. *Diversion provisions.* The order should be amended so that the diversion of producer milk to nonpool plants: (1) During the months of September through November will be limited to a quantity of milk not to exceed 30 percent of the producer milk physically received at pool plants; and (2) during the months of December through August will be limited to the milk of dairy farmers who held producer status during each of the 2 immediately preceding months or delivered at least 10 days production during each of the 2 months or a dairy farmer who began delivery in the current December–August period on a farm pickup route on which all other farmers qualified for diversion under the preceding conditions.

The order now allows diversion of a producer's milk on any day during December through August, subject to the proviso that the dairy farmer was a producer under the order for the entire 2 preceding months. During the months of September through November the present limit is 15 percent of producer milk physically received at pool plants. In the case of diversion by a cooperative the limitation applies as a percentage of member milk delivered to pool plants. In the case of diversions by a proprietary handler it applies as a percent of nonmember milk received at the handler's plant. An alternative provision on an individual producer basis allows diversion of 10 days of production.

Cooperative associations in the market proposed that the percentage limitation, as applied to diversions by cooperatives, should be increased to 30 percent. Proponent cooperatives are responsible for the marketing of most of the market's milk supply. This includes handling of reserve milk by diversion as well as directing the day-to-day supply to pool plants. Changes in the buying habits of consumers have resulted in changes of handlers' plant operations on certain days of the week. This has resulted in an increased volume of milk each weekend that must be moved to nonpool plants by handlers and cooperative associations for manufacturing purposes.

The efficient handling of the reserve supplies of milk under current marketing conditions requires greater flexibility than the order now provides. The proposal made by the cooperative associations to increase the amount of milk which may be diverted to 30 percent of producer milk received at pool plants should be adopted. The same percentage should apply in the case of diversion by proprietary handlers.

There is no percentage or quantity limit on diversions in the December through August period. Producers eligible for diversion, however, are only those who were producers for the entire 2 preceding months. Cooperative associations held that because additional flexibility in diversion is needed, the diversion privilege should apply to producers who held producer status 20 days in each of the 2 preceding months. While it is appropriate that a more flexible requirement be adopted, accounting for an individual farmer's producer status in terms of number of days may involve practical difficulties. For this reason the requirement is modified to apply in terms of days of delivery to pool plants. Delivery of 10 days' production in each of the prior 2 months as requested in producer exceptions should be sufficient to assure association with the market. The existing provision of producer status in the entire 2 preceding months is retained as an alternative. The provisions so modified will also tend to accommodate the handling of the milk of any diary farmer qualifying as a producer for the first time.

Exceptors requested that during the months of December through August the diversion privilege be applied only to the milk of dairy farms from which at least 10 days' milk production was delivered in each of the 2 immediately preceding months to pool plants. It was contended that such a requirement would not hamper the handling of the market's reserve supply but would more adequately meet present marketing conditions than the 8 day requirement of the recommended decision. The cooperative associations submitting exceptions handle most of the market's reserve supply. The requirement is reasonable as a method of assuring a producer's regular association with the market and should be adopted. The order provisions herein have been modified accordingly.

For the special case of a dairy farmer who began delivering milk during any of the months of December through August, diversion eligibility is provided. This provisions was specifically requested so that if the farmer was on a farm pickup route with other dairy farmers having diversion eligibility, the milk could be handled economically.

The order now does not provide for diversions to an other order plant. Under most other orders such a diversion by a Mississippi order handler would not be recognized; milk from a dairy farmer received directly at an other order plant would be producer milk under the order regulating the plant. However, as exceptors pointed out, it is far more efficient to divert reserve milk from the farm to a New Orleans pool plant for manufacturing than to accomplish the same end by first receiving the milk at a Mississippi order pool plant for transfer to the second plant. Such diversion provision was suggested on the record specifically as a convenience in handling reserve milk when it could thus be economically moved to an other order plant with manufacturing facilities.

There is no economic reason under the present circumstances to exclude diversion to an other order plant for Class II use. It is accordingly provided herein that diversion may be made to an other order plant for Class II use only. Such diversion privilege would apply whenever the other order permits receipts of such milk without claiming it as producer milk.

3. *Inventory classification.* Fluid milk products on hand in packaged form at the end of the month should be classified as Class I milk. Fluid milk products on hand at the end of the month in bulk form should continue to be classified as Class II.

This change in the handling of packaged product inventory will improve the order, accounting in several respects. Most of the month-end inventory of fluid milk products in packaged form will be used in the following month as Class I disposition. The amendment, therefore, would eliminate reclassification of such inventories of packaged products in the subsequent month. Further, this method will provide a basis for including as inventory all of the packaged fluid milk products held by the handler at the end of the month, whether in his processing plant or at other locations such as distribution points. The amendment will, therefore, provide a method of pricing such fluid milk products in the month in which disposed of by the handler, whether from his plant or from distribution points.

In the long run, the proposed technique will affect neither handlers' costs nor producers' returns. In the first month in which it is effective, it will increase handlers' costs by the difference between the Class I and Class II prices on the volume of packaged fluid milk products previously classified as Class II ending inventory. This amounts merely to establishing a Class I value at an earlier date for such products which would be entirely or very substantially valued at the Class I price in the succeeding month under existing order provisions.

To insure that all handlers pay the current month's Class I price for producer milk disposed of during the month, it is provided that if the Class I milk price increases over the previous month, the handler will be charged the difference between the Class I milk price for the current month and the Class I milk price for the preceding month on the quantity of packaged fluid milk products carried over as inventory. If the Class I milk price decreases, the handler will receive a credit.

The allocation section of the order should be amended to provide that inventory of such packaged fluid milk products on hand at the beginning of the month be subtracted from Class I milk utilization immediately after the allocation of shrinkage and packaged fluid milk products from other orders, and before making the other assignments therein provided. Except in unusual circumstances, this would result in assignment of all packaged inventory to Class I.

In the first month the amendment becomes effective, however, inventories of packaged fluid milk products on hand at the beginning of the month should be allocated to any available Class II utilization of the plant during the month. This is done because such products would be classified as Class II ending inventory in the month prior to the effective date of the amendment.

Ending inventory of bulk fluid milk products should continue to be Class II. Carrying bulk product inventory at a Class II value is merely an accounting procedure, and does not increase or decrease returns to producers over other classification. Generally this method would be expected to result in a minimum of reclassification charges.

4. *Classification of transfers from pool plants to nonpool plants.* The order should be amended to provide that milk transferred from a nonpool plant, which only assembles milk for reshipment, to a second nonpool plant may be classified in the same manner as milk transferred or diverted from a pool plant to a nonpool plant.

A proprietary handler who assembles small loads of milk at a nonpool receiving station for bulk movement to a second nonpool plant for manufacturing requested an amendment which would classify the milk as used in the second nonpool plant. In this case the first nonpool plant has holding tanks and cooling facilities, but does not otherwise process the milk. This type of handling is economical for assembling the milk of a number of producers located near the first plant for movement in large tank loads to the manufacturing plant.

The handler pointed out, however, that the order would classify the milk leaving the first nonpool plant as Class I, based on the form in which it leaves the plant. Thus the milk would be charged as Class I although its ultimate disposition is use for manufacturing in the second nonpool plant.

In this case the milk is not changed in form in the first nonpool plant, but is only assembled, cooled and reshipped. It is appropriate to allow the classification to depend on utilization in the second nonpool plant to which the milk is shipped, providing proper records are available at the second nonpool plant substantiating the class use.

The classification of transfers out of the first nonpool plant should be made in the same manner as under the provisions which now apply to transfers from a pool plant to a nonpool plant. In this case, applying the same provisions, the determination of classification would depend on total utilization at the second nonpool plant.

In exceptions the proponent stated that the order amendment in the recommended decision was too broad in that it would apply to shipments made by any type of nonpool plant. Exceptor indicated that the broader provisions would involve types of plants and milk handling not considered at the hearing.

Accordingly the provision is modified so as to apply only to milk transferred from a nonpool plant which has facilities only for receiving, assembling, or cooling.

6. *Location differentials.* The handler and producer location differentials should be changed to provide a single location adjustment of minus 16 cents per hundredweight in the two areas where minus adjustments of 10 and 26 cents now apply.

Producer cooperative associations requested that Class I and producer prices be at the same level throughout the entire marketing area, except in Harrison County where a 16-cent higher price would apply. Proponents asserted that the present differential pricing scheme is no longer necessary. They contended present location pricing tends to hinder the efficient movement of milk to locations where it is needed for Class I disposition.

The present location adjustment provisions were established at the inception of the Mississippi milk order effective May 1, 1963. The basic Class I price was established at the Gulf Coast locations of Gulfport and Pascagoula, and prices for other locations were established at differentials below such basic price. At locations in central Mississippi, the Class I price is 10 cents under the Gulf Coast locations. Similarly, for the former Delta order area the price is 26 cents per hundredweight under the Gulf Coast locations. This, in effect, continues the same geographic pricing pattern as existed under the prior separate orders.

The farms of producers in the southern half of the present Delta pricing area are so situated as to make it economically possible to deliver milk to either Delta or Central zone plants. Formerly, under the separate orders, a difference in the blend prices of the two orders provided an incentive to deliver milk to plants under the order with the less ample supply. Under the single order for both Central and Delta areas this incentive no longer exists. During 1963, for instance, which was the last full year in which separate orders applied in the Central Mississippi and Delta areas, the Delta order uniform price averaged 11 cents higher than the Central Mississippi order price. This was due to a higher utilization in Class I in the Delta area although the Class I price in Central Mississippi averaged 17 cents per hundredweight higher than the Delta Class I price.[1]

The present order, however, provides a uniform price 16 cents higher for delivery to a plant in the central zone than in the Delta area. For producers situated so as to be able to ship either way, there thus is incentive to ship to central zone plants rather than to Delta area plants. This has occurred without regard to need for milk supplies at the particular point of delivery and to the extent that some milk so delivered is returned to the Delta area.

The populated areas to be served within the marketing area are widely spread throughout the area. Slightly more than 40 percent of the total population of the Central and Delta areas is within the Delta area. Thus, the most economic delivery of milk to this portion of the market population is significant to an efficient marketing system.

Most of the milk for the market is produced within the marketing area. The heaviest concentration of the production is in the central portion of the area. Thus, for the purpose of meeting consumption requirements, there would not ordinarily be need to move considerable quantities of milk out of the Delta area into the Central area.

It is concluded that the present difference in prices between the Central and Delta areas is unnecessary and should be deleted.

The new location differential system, provided herein, is designed to produce the same average returns to producers

[1] Official notice is taken of published data for the Delta and Central Mississippi markets.

as under the existing system. This is accomplished by providing a location differential of minus 16 cents which will apply in the two areas where minus 10- and 26-cent differentials now apply.

One handler with plants at Grenada and Greenville objected to this change in the location pricing. He was concerned about the relationship of the Delta zone Class I price to the Class I price under the Memphis order. The action herein contemplated would increase the price at his plant locations 10 cents per hundredweight.

The nearest Memphis order plant is at Oxford, Miss. The Memphis Class I price adjusted to this location is 12 cents higher than at Memphis. During 1966 the Memphis Class I price at this location averaged $6.08, which is identical with the Mississippi order 1966 Class I price in the Delta area if adjusted as proposed herein.[1]

Also, if plants located at Memphis disposed of milk in Grenada or Greenville, they would incur transportation cost on such a movement. The distance to Grenada is about 97 miles and to Greenville about 136 miles. The cost of moving milk from Memphis to these points, at 1.5 cents per hundredweight per 10 miles would be about 15 and 21 cents, respectively.

Such transportation cost added to the Memphis order Class I price would make a total cost per hundredweight delivered to Grenada or Greenville 3 cents and 9 cents more, respectively, than the Mississippi order price under the proposed amendment.

It is concluded that the location differential provisions recommended herein will not impair the competitive relationship between Memphis and Mississippi handlers located in the northern part of the marketing area.

The proponent cooperative associations further requested that for the purpose of calculating location adjustment credit, transfers between pool plants should be assigned to Class I disposition at the transferee plant which is in excess of the sum of 95 percent of receipts at such plant from producers and receipts from a cooperative association as a bulk tank handler, plus the pounds assigned as Class I to receipts from other order plants and unregulated supply plants. The cooperatives requested that such Class I assignment should be made first to transferor plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply.

Proponents stated that not all of the producer milk at a pool plant is physically available for Class I due to normal plant loss and route returns which receive a Class II utilization.

Under the present application of location differential provisions, direct receipts of producer milk at the transferee plant are assigned to Class I before location adjustment is allowed on milk received as a transfer from other pool plants. The proposal to assign 95 percent rather than all of the direct receipts to Class I before allowing location adjustment on transfers recognizes that even under optimum management not all direct receipts could be used in Class I. In view of such circumstances the order should be amended to allow this increase in the amount of transferred milk on which transportation credit may apply.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Mississippi Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Mississippi Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of April 1967 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Mississippi marketing area, is approved or favored by producers, as defined under the terms of the order, as amended and as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on July 17, 1967.

ORVILLE L. FREEMAN,
Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Mississippi Marketing Area

§ 1103.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Mississippi marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Mississippi marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby further amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Administrator, Regulatory Programs, on May 12, 1967, and published in the FEDERAL REGISTER on May 17, 1967 (32 F.R. 7338; F.R. Doc. 67-5508), shall be and are the terms and provisions of this order, and are set forth in full herein subject to the following revisions:

1. Under § 1103.15 paragraphs (b), (c), (d) and (e) are revised.

2. Under § 1103.44, the introductory text and paragraphs (c) and (d) are revised.

1. Section 1103.11(a) is revised to read as follows:

§ 1103.11 Pool plant.

* * * * * * *

(a) A distributing plant, other than that of a producer-handler or one described in § 1103.61, from which during the month route disposition of fluid milk products is not less than 50 percent of its total receipts of Grade A milk and the volume so disposed of in the marketing area is at least 20 percent of the total route disposition of fluid milk products or a daily average during the month of 7,000 pounds, whichever is less; * * *

* * * * * * *

2. In § 1103.15, paragraphs (b), (c), (d) and (e) are revised to read as follows:

§ 1103.15 Producer.

(b) Diverted to a nonpool plant(s) (except that diversion to an other order plant shall be limited to Class II use) by the operator of a pool plant or by a cooperative association as a handler pursuant to § 1103.13(c) during any of the months of December through August: *Provided*, That this diversion privilege shall be applicable only to the milk of those dairy farmers whose milk was delivered for 10 days of production during each of the 2 immediately preceding months to pool plants, or who held producer status throughout the entire 2 immediately preceding months, or a dairy farmer who does not meet these qualifications but has made a delivery of milk to a pool plant during the current December-August period on a farm pickup route on which all other dairy farmers on such route have diversion eligibility on the basis of the preceding provisions of this paragraph; except that only for the purpose of determining eligibility for diversion during any month of December through August a dairy farmer who was in noncompliance with the Grade A requirements of a duly constituted health authority during any part of the 2 immediately preceding months shall be considered to have maintained producer status during the period of such noncompliance;

(c) Diverted to a nonpool plant(s) (except that diversion to an other order plant shall be limited to Class II use) for not more than 10 days' production during any month of September through November except that this paragraph shall not be applicable if: (1) In the case of a cooperative association all of the diversion of milk of member producers by such cooperative association during the month fall within the limits prescribed in paragraph (d) of this section, or (2) in the case of a pool handler (other than a cooperative association) diverting milk of nonmember producers, all of such diversions from such plant fall within the limits prescribed in paragraph (e) of this section;

(d) Diverted during any month of September through November to a nonpool plant(s) (except that diversion to an other order plant shall be limited to Class II use) as milk of a member of a cooperative association for the account of such association if the amount of milk so diverted does not exceed 30 percent of the volume of Grade A milk from all producer members of such cooperative association received at pool plants during such month; or

(e) Diverted during any month of September through November to a nonpool plant(s) (except that diversion to an other order plant shall be limited to Class II use) of a producer who is not a member of a cooperative association, for the account of a handler in his capacity as the operator of a pool plant from which the quantity of milk of nonmember producers so diverted does not exceed 30 percent of the total Grade A receipts of milk at such plant from nonmember producers.

* * * * * *

3. Section 1103.30(a)(1)(iv) is revised to read as follows:

§ 1103.30 Reports of receipts and utilization.

(a) * * *

(1) * * *

(iv) Inventories of fluid milk products on hand at the beginning and end of the month, separately in bulk and in packaged form;

* * * * * * *

4. In § 1103.41, paragraphs (a) and (b)(4) are revised to read as follows:

§ 1103.41 Classes of utilization.

* * * * * * *

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat.

(1) Disposed of in the form of fluid milk products, except those classified pursuant to paragraph (b) (2) and (3) of this section;

(2) In inventory of fluid milk products in packaged form on hand at the end of the month; and

(3) Not accounted for as Class II milk; and

(b) * * *

(4) Contained in inventories of bulk fluid milk products on hand at the end of the month;

* * * * * * *

5. In § 1103.44(c), the introductory text of subparagraph (3) of this paragraph and provision (a) of subdivision (iv) of subparagraph (3) of this paragraph are revised and a new subparagraph (4) is added as follows:

§ 1103.44 Transfers.

* * * * * *

(c) * * *

(3) The skim milk and butterfat so transferred or diverted shall be classified on the basis of the following assignment of utilization at such nonpool plant in excess of receipts of packaged fluid milk products from all pool plants and other order plants.

* * * * * *

(iv) * * *

(a) Determine the skim milk and butterfat, respectively, in Class II (as defined pursuant to § 1103.41(b)(1)) at such nonpool plant during the month, subject to the conditions of subparagraph (4) of this paragraph.

* * * * * *

(4) Skim milk and butterfat disposed of from a nonpool plant, which has facilities only for receiving, assembling, or cooling milk, to a second nonpool plant (except to a producer-handler plant) located not more than 200 miles by the shortest hard-surfaced highway distance as determined by the market administrator from the nearest of the New State Capitol in Jackson or the County Courthouse in Columbus, Gulfport, or Meridian, Miss., shall be classified in the same manner as a transfer from a pool plant to a nonpool plant. The operator of the second nonpool plant shall maintain books and records which are adequate for verification of the Class II utilization claimed and are made

[1] Official notice is taken of Class I price announcements by the Market Administrator of orders No. 108 and 97 for the months of October 1966 through January 1967.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

available to the market administrator upon request; and

• • • • •

5-a. In § 1103.44(d), the introductory text and subparagraphs (2) and (3) of this paragraph are revised as follows:

§ 1103.44 Transfers.

• • • • •

(d) As follows, if transferred or diverted (pursuant to § 1103.15), to an other order plant in excess of receipts from such plant in the same category as described in subparagraphs (1), (2), or (3) of this paragraph:

• • • • •

(2) If transferred or diverted in bulk form, classification shall be in the classes to which allocated as a fluid milk product under the other order (including allocation under the conditions set forth in subparagraph (3) of this paragraph);

(3) If the operators of both the transferor and the transferee plants so request in the reports of receipts and utilization filed with their respective market administrators, transfers or diversions in bulk form shall be classified as Class II to the extent of the Class II utilization (or comparable utilization under such other order) available for such assignment pursuant to the allocation provisions of the transferee order;

• • • • •

6. In § 1103.46(a), a new subparagraph (2–a) is added immediately following subparagraph (2) and subparagraph (5) is revised, all of which to read as follows:

§ 1103.46 Allocation of skim milk and butterfat classified.

• • • • •

(a) • • •

(2–a) Except for the first month this order amendment is effective, subtract from the remaining pounds of skim milk in Class I milk, the pounds of skim milk in inventory of fluid milk products in packaged form on hand at the beginning of the month;

• • • • •

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of bulk fluid milk products (and for the first month this order amendment is effective, the pounds of fluid milk products in packaged form) on hand at the beginning of the month;

• • • • •

7. Section 1103.53 is revised to read as follows:

§ 1103.53 Location differential to handlers.

(a) For that milk which is received from producers at a pool plant or at such plant from a cooperative association as a handler pursuant to § 1103.13 (d) and classified as Class I milk or assigned Class I location adjustment credit pursuant to paragraph (b) of this section and for other source milk for which a location adjustment is applicable, the price specified in § 1103.51(a) shall be reduced at the following rates (where mileage determinations are applicable these distances shall be determined by the market administrator by applying the shortest hard-surfaced highway distance open to commercial truck traffic):

Location:	Rate per hundredweight (cents)
(1) For milk received at a pool plant located in the Mississippi marketing area except that part in Harrison County	16.0
(2) For milk received at a pool plant located outside the marketing area, and:	
(i) More than 60 but not more than 160 miles from the courthouse in Gulfport, or Pascagoula, Miss., whichever is nearer	10.0
(ii) For each additional 10 miles or fraction thereof, an additional	1.5

(b) For purposes of calculating such adjustment, transfers between pool plants shall be assigned Class I disposition at the transferee plant, in excess of the sum of 95 percent of receipts at such plant from producers and receipts from a cooperative association in its capacity as a handler pursuant to § 1103.13 (d) and the pounds assigned as Class I to receipts from other order plants and unregulated supply plants, such assignment to be made first to transferor plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply.

8. In § 1103.70, a new paragraph (c–1) is added immediately following paragraph (c) to read as follows:

§ 1103.70 Computation of the net pool obligation of each pool handler.

• • • • •

(c–1) Add an amount determined by multiplying the difference between the Class I price for the preceding month, and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1103.46(a) (2–a) and the corresponding step of § 1103.46(b). If the Class I price for the current month is less than the Class I price for the preceding month, the result shall be a minus amount;

• • • • •

[F.R. Doc. 67–8466; Filed, July 20, 1967; 8:46 a.m.]

[7 CFR Part 1125]

[Docket No. AO 226–A18]

MILK IN PUGET SOUND, WASH., MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Banquet Hall, Norway Center (Norselander Restaurant), 300 Third Avenue West, Seattle, Wash. 98119, on July 27, 1967, beginning at 9:30 a.m., local time, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Puget Sound, Wash., marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modification thereof, to the tentative marketing agreement and to the order.

The adoption of this proposal might result in the regulation of plants, heretofore not regulated, which dispose of fluid milk products containing vegetable fats and solids-not-fat derived from milk.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by United Dairymen's Association, Cow Milkers' Association and Elma Milk Producers Association:

Proposal No. 1. In § 1125.15 revise paragraph (a) to read as follows:

§ 1125.15 Fluid milk product.

• • • • •

(a) Milk, skim milk, skim milk drinks, buttermilk, flavored milk, flavored milk drinks, and fluid products containing solids-not-fat derived from milk and vegetable fats (including all such products reconstituted or fortified with additional nonfat milk solids);

• • • • •

Proposed by Dairy Division, Consumer and Marketing Service:

Proposal No. 2. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator Nicholas L. Keyock, 16 West Harrison Street, Seattle, Wash. 98119, or from the Hearing Clerk, Room 112–A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, or may be there inspected.

Signed at Washington, D.C., on July 17, 1967.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 67–8467; Filed, July 20, 1967; 8:47 a.m.]

[7 CFR Part 1125]

[Docket No. AO 226–A14]

MILK IN PUGET SOUND, WASH., MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Seattle, Wash., on August 23–27, 1966, pursuant to notice thereof issued on August 10, 1966 (31 F.R. 10847).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, Consumer and Marketing Service, on April 7, 1967 (32 F.R. 5838; F.R. Doc. 67–3986), filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision (32 F.R. 5838; F.R. Doc. 67–3986) are hereby approved, adopted and are set forth in full herein, subject to the following modifications:

1. Under issue No. 2 "Determination of Class I bases for producers" subtitle "(a) Determination of Class I base" is deleted.

2. Under subissue (1) "For existing producers", changes are made in the first, second, and fifth paragraphs, and four new paragraphs are added following the fifth paragraph.

3. Under subissue (2) "For 'new' producers", a new paragraph is added following the ninth paragraph.

4. Under issue No. 3 "Incorporation of producer-handlers in the Class I base plan", changes are made in the first, 11th and 12th paragraphs, paragraphs 13th through 17th are deleted, and five new paragraphs are substituted therefor.

5. Under issue 4(a) "Transfers", the eighth paragraph is deleted, and a new paragraph substituted therefor.

6. Under issue No. 4(b) "Forfeitures", the first paragraph and the subtitle "Failure to deliver" in the second paragraph are deleted.

7. Under issue No. 5, "Provisions for alleviation of hardship and inequity", changes are made in the seventh, ninth, 10th and 11th paragraphs.

The material issues on the record of the hearing relate to:

1. The adoption of a Class I base plan;
2. Determination of Class I bases for existing producers and new producers;
3. Incorporation of producer-handlers in the Class I Base Plan.
4. Base rules with respect to:
   (a) Transfers,
   (b) Forfeitures,
   (c) Antidumping provisions,
   (d) General rules.
5. Provision for hardship and inequities.
6. Payments on other source milk:
7. Miscellaneous provisions.
   (a) Revision of excess milk location differential at District 1 pool plants; and
   (b) Continuing provisions in event of lack of approval or expiration of authority.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *The adoption of a Class I base plan.* Producers supplying plants regulated by the Puget Sound order should be given opportunity to decide whether returns from the sale of their milk will be apportioned among producers through a Class I base plan.

Returns to Puget Sound producers have since the effective date of the order (1951) been distributed through a "seasonal" base plan. Under this plan each producer establishes a "base" by the average of his deliveries (120 days or more) during the months of August through December of each year. For the following 12 months beginning with February he is paid a base milk price for deliveries not in excess of his base and a lower (excess) price for deliveries in excess of his base. Producers entering the market without a base are paid the base milk price for a specified portion of their current deliveries (varied seasonally from 45 to 70 percent).

The proportion of base milk used in Class I has steadily declined from a high of 86.6 percent in 1952 to 49.1 percent in 1965. While the total volume of Class I use increased 25.7 percent from 1952 to 1965, deliveries of base milk increased 121.4 percent, almost five times as rapidly. An increasing proportion of the base milk delivered by producers has been used for manufactured dairy products and valued at the Class II price. As a consequence the price for base milk has steadily declined relative to the Class I price. In 1952, the base price averaged 23 cents per hundredweight less than the Class I price; in 1965 it averaged 88 cents less.

Producers claim that under the present system, a producer can only maintain his relative share of the higher priced Class I sales of the market by maintaining or increasing his base each year; that as a consequence a "race for base" has developed in which an individual producer must produce increasing quantities of milk for Class II use in order to protect his share of income from Class I milk.

Amendments to the Agricultural Marketing Agreement Act by Public Law 89–321 (Food and Agriculture Act of 1965), effective only through December 1969, are designed to remove the necessity for dairymen to produce surplus milk in order to preserve their individual participation in the markets for milk for fluid consumption. Under these amendments, base forming periods need not be limited to 1 year, marketings during such periods may be adjusted to reflect sales in any use classification or classifications, and producers holding bases so adjusted will not have their history of production and marketing adversely affected for the computation of future bases if they reduce their production. Incorporation of these provisions in an order must be separately approved by producers in a referendum in which each individual producer shall have one vote. Disapproval of such order provisions does not affect other terms of the order.

Producers in the Puget Sound market formed a Class I base plan committee which developed proposed provisions designed to operate under the new authority. The committee was composed of representatives of cooperative associations, general farm organizations and nonmember producers. In developing its proposal it held producer meetings to determine producer sentiment concerning the plan generally and specific provisions to be included in it. Detailed findings concerning the principal elements of this proposal are contained elsewhere in the decision. We are here concerned only with whether or not any such provisions should be adopted for the Puget Sound order if approved by producers in accordance with the terms of the statute. A statutory objective of the authority for use of Class I base plan is that such a plan "seeks to reduce surplus milk production and stabilize the income of dairy farmers in * * * Federal milk order areas by removing the necessity for dairymen to produce surplus milk in order to preserve their individual participation in the markets for milk for fluid consumption" (Conference Report No. 1122, on Food and Agriculture Act of 1965, Oct. 6, 1965).

The substantial quantity of producer milk in excess of the Class I needs of the Puget Sound market appears to be the type of situation which Congress believed could be remedied by effectuation of a Class I Base Plan. Under it each producer is given a more definite basis for making a choice as to whether he will produce milk that he knows will return him the Class II or manufacturing milk price. There was conflicting testimony in the record concerning the need for substantial surplus in the market before use of a Class I base plan could be authorized. The question of authority need not be determined, however, to find that the plan can be expected to have the greatest effect in markets with substantial surplus such as now prevails in the Puget Sound market.

It is concluded that the plan hereinafter set forth should be submitted to Puget Sound producers for their approval.

2. *Determination of Class I bases for producers.* For purposes of this decision "production history base" means a daily quantity of milk delivered by a producer during a representative period which is used as such producer's production history; "Class I base" means a production history base modified in relation to Class I sales in the market so as to represent the producer's daily share of the Class I market plus appropriate reserves. It represents the maximum daily quantity of milk for which the producer may receive the base milk price.

(1) *For existing producers.* Each producer who delivered milk 120 days or more during August–December 1966 will have a production history base computed at the highest of such producer's daily average production in each of the August–December periods of 1964, 1965, or 1966 during which the producer delivered producer milk under the order on 120 days or more.

The production history bases so established for producers delivering milk in May 1967 shall be adjusted uniformly so that their total will equal 120 percent of the average daily Class I disposition of pool milk by regulated handlers during

the calendar year 1966. Deliveries within the Class I bases so computed will be those for which existing producers may receive a base price; deliveries in excess thereof (in daily average per month) will be paid for at the excess milk price.

Neither the production history base nor the Class I base should be subject to adjustment for either changes in production of the producer or for changes in the volume of Class I sales of the market.

The Puget Sound Class I Base Plan Committee proposed in the notice of hearing, and advocated at the hearing, a plan wherein production history bases and Class I bases of existing producers would be determined from the higher of such producers' bases effective February 1, 1965, or February 1, 1966, adjusted to equal 1965 daily average Class I sales for the market. This plan was developed early in 1966 with expectation that order amendment might be possible before new bases were formed in August–December 1966, or 1966 daily average Class I sales were available for use. Under this proposal, production history bases would be frozen at the level first determined; "Class I bases", however, would be adjusted annually to the level of the daily average Class I sales of the preceding year. In making this adjustment it was proposed to include in the computation production history bases for "new" producers based on their deliveries of milk in August–December periods different from those used to establish the production history bases of existing producers.

The August–December periods from which production history bases will be computed are the periods of each year under which producers establish annual bases under present order provisions. They are accepted in the market as the period of year that may be considered representative of a producer's production capacity. Use of the highest average daily delivery of the August–December periods of 1964, 1965, or 1966 will eliminate many claims for hardship based upon events of a single year. Use of the 1966 August–December period will avoid necessity for special provisions for producers of "factory milk" forced to convert to Grade A production without opportunity to make deliveries in either August–December 1964 or 1965. In each of the past 2 years 45 or 46 new producers have entered the market. Since September 1965, the last month in which a new producer could have entered the market and have been issued a base effective February 1966, 27 new producers had entered the market through June 1966. Use of the 1966 August–December period will provide the maximum number of existing producers with opportunity to have production history bases determined at their average daily deliveries in an August–December period. The requirement that a producer shall have delivered 120 days or more in this period of 1966 and be delivering in May 1967 will restrict issuance of Class I bases to producers with recent production history who are currently serving the market.

On the basis of numerous exceptions received from individual producers, as well as those received from the Class I Base Plan Committee, the provisions proposed in the recommended decision have been modified to recognize the position of producers who are now producing milk on farms from which milk was delivered by another person in August–December 1966 and who are delivering their milk under the current seasonal base transferred from the former producer as a base transfer under the present order. As modified, the producer currently supplying the market under these conditions will have the production history base made on the farm in 1966 available for computation of his Class I base and no Class I base will be computed for the former producer.

Another minor variation will recognize that the production history made as a producer-handler by a person who has since become a producer should be used in computation of his Class I base.

The month of May 1967, rather than the month preceding effective date of the plan, is specified as the required period of current delivery to determine the procedures who will have Class I bases computed from their production history. This permits each producer to know his Class I base before any deliveries are made under it.

In practice the daily Class I base is translated into a monthly limit on the amount of a producer's deliveries that may be paid for at the base milk price. In the recommended decision it was proposed that this be done by use of the number of days of production delivered by each producer. It is concluded that this method should apply to only those producers delivering milk for part of a month. For all other producers, base milk should be the quantity delivered that does not exceed his Class I base multiplied by the number of days of the month. The comparison of Class I sales with those of 1966 is made for the number of days of the month. The revised method will greatly simplify the necessary pool computations without affecting a producer's returns over a period of months.

It is concluded elsewhere in this decision that producers without a history of production on the market as of the effective date of the Class I base plan shall participate in the benefits of Class I sales of the market only as there are increased Class I sales. Since the statute authorizing a Class I base plan provides that any increase in Class I sales should first be assigned to such producers (and to the alleviation of hardship and inequity among producers) any such increase must be reserved for this purpose and accordingly is not available for assignment to existing producers as proposed by the committee. Existing producers will, however, benefit through an increase in their base and excess price from any increase in Class I sales greater than that needed to satisfy the prior claims of new producers and hardship cases. While it would be feasible to adjust the Class I bases of existing producers for any decrease in sales, this is not considered necessary for the limited period for which the Class I base plans are authorized.

The principal controversy at the hearing with respect to computations of Class I bases was with reference to the inclusion of a reserve of 20 percent over the daily average Class I sales volume. A number of individual producers wanted Class I bases established without any reserve so that the base price would be the Class I price unless there was a decrease in sales. There are fluctuations in both supplies and sales, so that if bases contained no provision for reserve there inevitably would be days in which excess milk would have to be used for Class I purposes. If Class I base holders are to be given the prior claim provided herein on Class I sales assigned to producer milk, they should be expected to deliver milk in accordance with the daily needs of the market for Class I use. The only way this can be encouraged is by the inclusion of some reasonable reserve in adjusting bases to Class I sales. The 20 precent proposed is a reasonable amount for this purpose. The provisions for prior assignment of actual Class I sales are such as to make allowance for the reserve so included, so that it does not interfere with assignment of any sales increases to new producers and hardship cases.

The "freezing" of the history of production of each existing producer, and the Class I base computed from such history and 1966 average Class I sales of the market provides little opportunity for such producers to further adjust their production to changing needs of the market. Producers proposed that history of production should be frozen at a level determined by deliveries prior to the effective date of a Class I base plan: The elimination of the periodic adjustment to Class I sales is apparently required in providing prior claims to any increased sales for "new" producers who would thus never have an opportunity to develop a history of deliveries in a representative period the same as that used for existing producers and for "hardship cases." In view of the limited period for which the plan may be effective under present legislative authority, it is concluded that rigidities involved in the frozen production history and "Class I" bases will not be so serious as to require the plan to contain opportunity for existing producers to have both production history bases and Class I bases redetermined periodically, subject to the statutory provision that reduction of deliveries would not adversely affect the history of production used for computing such future bases.

In addition to producers supplying plants presently regulated, provision should be made for computing bases for dairymen supplying a plant that hereafter becomes a pool plant fully regulated by the order, if they delivered Grade A milk to such plant in the August–December period in 1966.

If a plant has regularly received Grade A milk from dairy farms without regulation of the Puget Sound order, it has evidently done so to supply Class I outlets outside the marketing area. To achieve pool plant status such a plant must now dispose of specified percentages of its Grade A receipts on routes in the marketing area or to other pool plants. It is to be expected that when such a plant becomes a pool plant, it will add Class I sales to the pool proportionate to its receipts of Grade A milk in prior periods when it operated as a nonpool plant.

It is appropriate therefore that those dairymen who supplied Grade A milk to such plant in the periods which determine the production history bases of existing producers should have production history bases computed from such deliveries if they are supplying the plant when it becomes a pool plant. The production history bases so computed should be adjusted to Class I base by the percentage used in adjusting the production history bases of existing producers.

The proponents proposed that this procedure be applicable only if the plant became a pool plant by amendment of the order. For the reasons stated above it should apply whenever a plant not now regulated becomes a pool plant.

(2) *For "new" producers.* A producer who did not deliver milk for at least 120 days in August–December of 1966, or who begins deliveries of milk after the effective date of the Class I base provisions (a "new" producer) will not establish either a production history base or a Class I base. Instead such a producer will share in Class I sales of the market only if such sales during the month exceed those of the comparable month of 1966. The extent to which any such "new" producer may share with other such producers in any increased Class I sales will be determined by his deliveries during the current month and the amount of increased Class I sales in comparison with total new producer deliveries and adjustment to existing producers to alleviate hardship.

The Puget Sound Class I Base Plan Committee proposed that producers for whom production history bases and Class I bases could not be computed as for existing producers should develop a base history by their deliveries in four successive August–December periods. Until the February following 120 days deliveries in each of two such periods, they proposed that the producer be paid on a portion of his current month's deliveries equal to one-fourth of the percentage used in adjusting daily bases of existing producers. Thereafter, the "new" producer would have a daily base in successive years, equal to 50, 75, and 100 percent of his average daily deliveries in these base-making periods.

The production history bases so established for new producers as of February 1 of each year would have first been adjusted by the percentage applied to such bases of existing producers the preceding year. The total of Class I bases would then have been adjusted to 120 percent of daily average Class I utilization in the preceding year, if such total varied from such utilization by more than 1 percent. By treating the bases (or partial bases) established for new producers equally with old producers, increases in Class I utilization from the preceding year would first be assigned to such bases before any assignment to bases of existing producers; new producers would receive Class I bases determined from their bases or partial bases the same as old producers whether or not any increase in Class I utilization had occurred.

The principal testimony in opposition to the proposals for new producers related to the period of time required for a new producer to establish a "100 percent" base, and the opportunity for a new producer to establish any base higher than the 1,450 pound present average base of existing producers. Some witnesses thought the provisions required to establish 100 percent base too restrictive, and other witnesses believed new producers should be limited to bases no higher than the average of old producers.

It is extremely doubtful, however, if the 1965 amendments to the Act provide for the diverse representative periods for establishing production history presented by the proposals of the Base Plan Committee for existing producers and for new producers to be used at the same time for apportioning the value of milk among producers. The Act apparently provides that, as of any given time, only a single representative period should apply.

The proposal that the only representative period to be used for existing producers be prior to the effective date of the plan means that producers entering the market thereafter can have no history of production in the same period as other producers and thus cannot develop bases. Proponents' testimony at the hearing recognises the desirability of provisions whereby producers entering the market after adoption of the plan should have opportunity to establish bases on the market determined from their demonstrated ability to supply the market, as contained in their proposals. When, however, the question arose that this might possibly be accomplished only through some modification of their proposals with respect to producers presently supplying the market, the proponents insisted that bases of existing producers remain frozen at the preexisting level. They feared that if existing producers had opportunity to increase their production history, a new production race might result even though each such producer could under the statute maintain his prior history without producing milk at the excess price.

It appears that the only provisions that can be made for producers without base history prior to institution of the plan without also changing provisions for existing producer base contrary to the expressed wishes of the proponents is through the prior assignment of increased sales and forfeited bases. The Act provides that "any increase in class one base resulting from enlarged or increased consumption and any class one base forfeited or surrendered shall first be made available to new producers * * *". A reasonable conclusion is that a new producer is one without a history of production in a representative period provided in the order for which deliveries of producers generally are used in computation of bases. If such most recent period is one prior to adoption of the plan, producers entering the market subsequently will remain new producers so long as the plan is in effect. Under such a provision, such producers will not have any bases representing an assigned share of Class I utilization of the market so long as the plan is in operation.

Under this system the average price realized by new producers (and likewise by existing producers for milk for which "hardship adjustments" may apply) will depend each month entirely upon (1) the extent to which Class I sales increase and (2) the volumes of milk delivered by such producers. Unless Class I sales increases are fairly substantial, there will be opportunity for relatively few new producers to have returns equal to those they might expect under the committee proposal; on the other hand, substantial Class I sales increases might provide opportunity for more new producers to receive returns equal to or greater than under the committee proposal. The relative returns to new producers will be influenced to a much greater degree by the volume of deliveries of all new producers as well as by the extent of Class I sales increase, than would have been the case under the committee proposal. It is of course impossible to predict the course of either of these variables.

A comparison of Class I sales each month with those of the corresponding month of 1966 will provide a reliable means of prompt identification of increased Class I sales which may be assigned to new producers and hardship adjustment that month. Daily average sales in the calendar year 1966 are used in computing the Class I bases of existing producers. A month-to-month comparison will, however, reflect more accurately increases in Class I sales without distortion through the normal seasonal pattern of sales.

In view of the fact that Class I bases will not be computed for producer-handlers, the 1966 sales used in this comparison will include only those of producer-handlers for whom a Class I base as a producer has been computed and is in effect. The 1966 Class I sales of any plants which later become pool plants will also be included since Class I bases will be computed for those producers now delivering milk to such plants on the basis of past deliveries to such plants.

The increased sales, if any, determined from this comparison should be converted to a total quantity of milk for which the new producers involved may be paid the same price as other producers are paid for their base milk. This is a price to which location adjustments set forth in the order may be applied. Because 1966 daily average sales were increased by 20 percent in determining Class I bases of existing producers, any amount by which the current month sales exceed those of the same month of 1966 should be increased by the same factor. Forfeiture or surrender of Class I base may be measured on a monthly basis by comparison of the total of Class I bases

converted to a monthly total with the actual deliveries of base milk by producers with Class I bases.

The total of the quantities computed for increased sales and bases forfeited or surrendered represents base milk (monthly quantity) for which new producers (and hardship adjustment) may be paid at the same base price as existing producers are paid. This quantity should be prorated among new producers and producers receiving hardship adjustments on the basis of the monthly deliveries of new producers, and deliveries in excess of base milk which are within the adjustment provided for hardship cases.

Any sales not assignable to new producers under these provisions will serve to increase the base milk price up to, but not to exceed, the Class I price. Any values in addition will accrue to the excess milk price. Such provisions are now in the order under the present base plan and will appropriately distribute the values involved.

3. *Incorporation of producer-handlers in the Class I base plan.* Producer-handlers should not have Class I bases computed for them. No change should be made in the provisions applicable to producer-handlers on the basis of this record, other than to provide means for computation of Class I base in the event a producer-handler subsequently becomes a producer, and forfeiture of Class I base in the event a producer subsequently becomes a producer-handler.

Producer-handlers, who process and distribute in the marketing area milk of their own production, are exempt from payment provisions of the order. As a condition for such exemption, control of production, processing and distribution facilities, and limitation of sources of milk not of own production are required to maintain producer-handler status for those whose disposition exceeds 110 pounds daily average.

It was proposed that the producer-handler exemption be deleted for all such persons with daily average disposition of more than 110 pounds daily, but that persons now holding producer-handler designation be given preferential treatment in the computation of Class I bases. The proposal would result in the Class I base of each producer-handler equaling his 1965 daily average Class I disposition of milk of his own production. As a group, the Class I bases of producer-handlers under this proposal would approximate 85 percent of their history of production as compared with approximately 53 percent for producers.

Counsel for an association of Puget Sound producer-handlers moved to exclude from the hearing any consideration that would relate to a change in the status of producer-handlers under the order. It was contended that section 104 of the Food and Agriculture Act of 1965 (Public Law 89–321) precluded any such change. Section 104 states that "The legal status of producer-handlers of milk under the provisions of the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, shall be the same subsequent to the adoption of the amendments made by this title as it was prior thereto." Section 104 did not purport to change the previous law but merely reaffirmed it. The language is specifically directed to reaffirming legal status under the statute, rather than under the provisions of any order that has been issued under authority of the statute. The Congress rejected an amendment which would have specifically denied authority for regulation of producer-handlers. Thus, producer-handlers who were potentially subject to regulation under the statute prior to the 1965 amendment remain potentially subject to regulation thereafter. The motion to exclude from the hearing consideration of regulation of producer-handlers is therefore denied.

Producer-handlers have each year since 1962 distributed 5 percent or more of the total Class I sales within the Puget Sound marketing area. In 1962 producer-handler disposition was 5 percent of the total; this percentage increased each year through 1965 when it was 7.55 percent. For the first 6 months of 1966 producer-handlers distributed 7.02 percent of all Class I milk disposed of in the marketing area.

The production of producer-handlers has been a substantially smaller percentage of total production than the relationship of their sales to total sales. For 1965 their production was 3.83 percent of the total and for the first 6 months of 1966 it was 3.69. Producer-handlers disposed of about 85 percent of their production as Class I milk in 1965. This percentage has ranged from 83 to 87 percent since 1960. Meanwhile, 43.9 percent of the milk delivered by producers to regulated handlers was classified as Class I in 1965, and this percentage had declined each year since 1960 when it was 50.77.

The number of producer-handlers increased from about 22 in 1959 and 1960 to 43 in 1965, but dropped to 38 in early 1966. In July 1966 there were 39 producer-handlers operating in the market.

Proponents of regulation contended that producer-handler sales were currently a more disruptive factor than in 1965 even though a slightly smaller percentage of total sales in the market than formerly. Most producer-handlers had made no change in resale prices of their milk at a time in which the Class I prices paid by regulated handlers had increased. While the order Class I price increased 83 cents per hundredweight from $4.87 in April 1965 to $5.70 in August 1966, the actual increase to handlers was 50 cents per hundredweight due to elimination of premium pricing (except for a 10-cent service charge) in the market as order prices advanced.

It was also claimed that an increase from 1964 to 1965 in the amount that the order Class I prices exceeded the uniform price for base milk represented an increase in competitive advantage of producer-handler milk over milk priced and pooled under the order. For 1964 this difference was 83 cents, for 1965, 88 cents. For July 1966, however, the difference was only 76 cents. The decrease for July may be attributed to increased Class I sales of pool milk and to change in the Class II price of the order through amendment.

Basically, however, the proponents maintain that incorporation of producer-handlers in the Class I base plan of the order is a necessary complement of such a plan. Producers maintain that if each producer is to have his returns for Class I milk limited to what is essentially his present share of the market, each producer-handler should likewise be limited to the Class I sales that he has made of his own production as his share of the market. They claim that their proposal represents a means whereby producer-handlers may each retain the benefits of their present (1965 average in their proposal) sales, but would not be permitted to increase Class I sales of their own production without recompense to the pool.

It is estimated that the Class I base of existing producers may approximate 53 percent of their 1966 bases under present provisions. These Class I bases will not be subject to adjustment for either future production history or changes in Class I sales of the market. Not all present producers will find their Class I bases equal to their production resources. If present producer-handlers, representing about 2 percent of the total dairymen supplying the market, are free to increase their production and Class I sales, some present producers may seek to become producer-handlers.

In addition, no provision is made for computing Class I bases for new producers. Such producers must either acquire Class I base from existing producers, or depend upon sharing any increase in Class I sales with other new producers and existing producers qualifying for "hardship" adjustment. If new producer-handlers may enter the market without limit beyond the Class I sales they may make of their own production, this avenue may be used by dairymen as a means for entering the Puget Sound market.

In the recommended decision, it was proposed that Class I bases should be issued producer-handlers so that these incentives would not create a situation whereby producer-handler sales would disrupt the operations of the order to the detriment of other dairymen in the Puget Sound market.

It is clear that such potential incentives to increasing producer-handler operations are associated with the other provisions herein provided. However, as cited above, producer-handler numbers and the proportion of the total sales of the market represented by their Class I sales were less in the first 6 months of 1966, the latest period available in the record, than for the same period of 1965. Since the regulation proposed in the recommended decision was based upon the potential disruption to be expected under these incentives, rather than the volume of producer-handler sales shown on the record of hearing, it is concluded that no action should be taken to incorporate producer-handlers into the Class I base plan on the record of this hearing.

However, the position of producer-handlers in this market, both singly and in the aggregate, is especially significant in relation to the total Class I sales of the market. In such circumstances, the orderly marketing of milk in the area is particularly susceptible of being affected by producer-handler activities and any increase in producer-handler sales could substantially disrupt orderly marketing and the operation of the order to the detriment of other producers in the market. If, therefore, for any reason producer-handler activity in the market, singly or in the aggregate, increases, a public hearing should be held to give immediate consideration to the regulation of producer-handlers under the order.

Producer-handlers may become producers subsequent to the effective date of the Class I base plan, either through choices or by cancellations of designation. Class I bases should be computed for such producers on the basis of their production history in the same periods provided for producers, and by application of the same percentage used in computation of Class I bases for producers. This treatment of producer-handlers who become producers as though they had been producers in the representative period conforms to the present practice under the seasonal base plan. Since these producers, especially those for whom producer-handler designations have been canceled, may again become producer-handlers, provision must be made that such producer-handlers do not receive a windfall by having a Class I base so computed for them available for transfer and simultaneously have exemption as producer-handlers. It is therefore provided that bases so computed shall not be transferable in whole or in part for a period of 2 years after the baseholder last held designation as a producer-handler, except as such bases are transferred to a member of the baseholder's immediate family who continues delivery of producer milk from the same farm.

Provision should also be made to prevent similar windfalls for other producers who may later become producer-handlers. A person who has held Class I base within 12 months of the date upon which he becomes a producer-handler should receive designation as such only if he forfeits Class I base in an amount equal to the highest amount held at any time during such 12-month period. This forfeiture should also be required if producer-handler designation is to be issued to any member of such a producer's family, any affiliate of such a producer, or any business unit of which such a producer is a part. This is necessary in order to avoid windfall benefits through subterfuge.

The exemption provided for producer-handlers should not apply to the own-farm production or sales of handlers operating pool plants. One such handler with substantial own-farm production proposed that such production history should receive the same treatment as the production of producer-handlers. Own-farm production of handlers fully regulated, shares the market equally with other producers and should retain this position.

4. *Base rules.* It is necessary that the order specify conditions under which bases may be transferred from one producer to another, under which bases will be forfeited, and other conditions required for administration of the Class I base program.

(a) *Transfers.* Class I bases should be transferable in whole and partially in amounts of not less than 100 pounds under conditions that will insure that such bases will be held at all times by bona fide producers. Such transferability will be in the best interest of the public, existing producers and prospective new producers.

The Base Plan Committee proposed that base be transferable only to persons who were producers or become producers within the month of transfer, in minimum amounts of 100 pounds daily (production history) base (unless transferor's daily base was less than 100 pounds). They proposed that producers who had received base by transfer within 1 year be barred from making a further transfer except as they qualify under specified hardship conditions. Producers acquiring base under hardship provisions and new producers would have been ineligible to transfer base for a period of 2 years after it was acquired; new producers could no longer increase their base through deliveries if they acquired base by transfer. Written notice to the market administrator would be required with data sufficient to determine the bona fide nature of the transfer under the limitations proposed.

Proponents maintain that failure to provide relatively free transfer of base would tend to obstruct and delay changes toward more efficient organization of dairy farms and more economical production of milk. They point out that a phenomenal period of production adjustment is now occurring in which the size of production unit is a basic consideration in adopting new techniques for greater efficiency, and that this situation may be expected to continue. They claim that this situation makes transferability of bases in the interest of the public to provide opportunities for more economical production of milk; in the interest of existing producers because of their immediate concern in adjustment of size of production units, and as a means whereby retirement of marginal producers and expansion of others to more efficient units might be facilitated. The opportunity for new producers to acquire base by transfer instead of by earning it over a period of time as they proposed, was represented as an alternative accommodation to those who may wish to produce only base milk from the start.

The obstructions and delays to economic changes which base transfers might alleviate arise because producer bases are fixed on past history that cannot be changed to accommodate changes needed for more efficient operation. The more difficult it is for existing producers to change production history, or for new producers to establish such history, the greater the difficulty in responding to opportunities for change in size of production units to achieve efficiency.

Transferable bases may become an asset of value, which could be a windfall to existing producers who may wish to decrease production or cease entirely. Likewise the cost of acquiring base by transfer could become a capital cost to producers, either old or new, receiving it, which would tend to offset the economies in production that might result from change in size of production unit.

Despite these considerations, it is concluded that, in association with a Class I base plan such as herein provided, transferability of bases will be in the best interest of the public, existing producers and prospective producers. Under the plan provided existing producer Class I bases are frozen at the levels first computed, and no new producer Class I bases can be computed from future deliveries of milk to the market. There is thus substantial need for another method whereby adjustment of size of production units may be facilitated.

The proposals of the Base Plan Committee with respect to transfers of bases computed for existing producers provide safeguards to insure that bases will be held by bona fide producers. Transfers may be made only to a person who currently is a producer or who becomes a producer within the month of transfer. Producers who have received base by transfer are not eligible to make further transfers within a 12-month period except under circumstances which a Base Committee finds would otherwise result in substantial hardship to such producer. Producers who are issued hardship adjustment because deliveries in the base period were not representative may not transfer base for a 2-year period.

Bases computed for producers from their past deliveries to a nonpool plant which has subsequently become a pool plant should not be transferable in whole or in part for a period of 2 years after issuance except to a member of a base holder's immediate family continuing production on the same farm. This is necessary so that if such plant should lose its pool status the bases provided to accommodate entrance of these producers to the market will not become a windfall to them.

The Base Plan Committee had proposed that both production history base and Class I base be transferred. Under the plan herein provided production history base serves only for computation of the Class I base which is not thereafter recomputed. Transfer of production history base would serve no purpose under these provisions. It is provided that the producer transferring Class I base shall have his production history reduced in an equivalent amount.

(b) *Forfeitures.* It should be provided that a base holder who discontinues delivery of producer milk for a period of 60 consecutive days shall forfeit Class I base. An exception should be

provided with respect to base holders entering the military service, who should be able to retain their bases until 1 year after being released from active duty.

The order presently requires forfeiture of base after 45 consecutive days of nondelivery of producer (Grade A) milk. Under the present plan, producers without a base are paid for substantial proportions (45 to 70 percent depending upon the month) of their current deliveries as base milk, and can reestablish a base in the next August–December period. Producers holding a base should be producers supplying the market currently. A reasonable period of nondelivery should be provided before forfeiture becomes effective to allow for emergency situations such as temporary degrading, quarantines, or loss of barns, etc. In view of the inability to reestablish a base under the Class I base plan proposed, forfeiture should not occur until after 60 consecutive days of nondelivery. Any justifiable reason for nondelivery of Grade A milk beyond this period may be recognized by a Producers' Base Committee through extension of the date of which forfeiture will occur.

Military duty represents a cause for nondelivery for which a producer should not be required to forfeit his base until 1 year after his return from service.

(c) *Antidumping provisions.* Provision should be made for reduction of the quantity of milk for which a producer is paid the base price if milk is sold to another fluid market.

The Act states that "In the case of any producer who during any accounting period delivers a portion of his milk to persons not fully regulated by the order, provision may be made for reducing the allocation of, or payments to be received by, any such producer * * * to compensate for any marketings of milk to such other persons for such period or periods as necessary to insure equitable participation in marketings among all producers".

The evident purpose of this provision is to discourage a producer selling base milk under a Class I base plan and who thus enjoys all the benefits of participation in one market from supplying his excess to another market for fluid use at a blend price or at some other price above the excess price of his own market. The injury would be to producers in the other market whose prices are diluted with or undercut by the producer's excess milk.

It was proposed that under any circumstances in which deliveries were made to plants other than Puget Sound pool plants, a producer should forfeit all base milk for the days on which such deliveries were made and that this forfeiture should permanently affect the Class I base of such producer.

The objective of this provision can be achieved if forfeiture of base occurs only with respect to deliveries to nonpool plants that engage in distribution of fluid milk products to wholesale or retail outlets or in supplying fluid milk products to plants so engaged. Forfeiture equal to the producer's adjusted base for days of delivery to such plants is appropriate as an administratively feasible quantity related to the producer's participation in the Puget Sound market. Such forfeiture, however, should be only for the month in which deliveries are made or in which it is first established that they had been made. Permanent forfeiture is not required to provide protection against dumping.

In order that substantial inequities may not occur under this provision in cases in which producers may not be aware that their milk deliveries are available for fluid use of unregulated plants, provision should be made that upon written application of the producer, the forfeiture may be rescinded or adjusted upon review by a Producer Base Committee.

(d) *General rules.* Certain general base rules should be established for the administration of the Class I base plan.

Provisions comparable to the notification rules concerning bases under the current order are incorporated in the amended order. These provide that the market administrator, will as soon as possible after computation, notify the producer, the handler receiving such producer's milk and the cooperative association of which the producer is a member, of the amount of each producer's production history base and Class I base. Following receipt of such notice, each handler must post, in a conspicuous place in his plant, a list showing the daily base and Class I base of each producer whose milk is received at the plant.

Only one quantity of base milk should apply where the land, buildings and other production resources are owned or operated jointly. Only one base will be recognized with respect to each farm. This will assist in maintaining the integrity of the plan by lessening the means available by which bases might be manipulated.

5. *Provisions for alleviation of hardship and inequity.* Administrative guidelines should be established for review of hardship claims and the alleviation of hardship and inequities to producers under the Class I base plan.

The 1965 amendments to the Act state briefly that "Any increase in class one base resulting from enlarged or increased consumption and any producer class one bases forfeited or surrendered shall first be made available to new producers and to the alleviation of hardship and inequity among producers".

The Class I Base Plan Committee proposed that any hardship among producers be alleviated whether or not additional Class I sales are available. The Committee proposed certain rules for determining hardship, that full publicity be accorded such cases, and that open hearing be held, which with other information would be used in determining the hardship adjustment. The market administrator, as agent of the Secretary, would be the deciding official in such cases.

Certain provisions are included in the order to define those circumstances in which a producer may apply for relief. A producer may apply for adjustment or alleviation of hardship or inequity if he has not received a Class I base; his production history base is not representative of his level of milk production in the base period because of loss of buildings, herd, or other facilities by fire, flood, or storms; official quarantine, or military service; he is subject to loss of base for failure to deliver or for delivery to other markets; or is limited in his opportunity to transfer base.

Hardship should be considered as any circumstance which was out of the control of a producer including military service obligations. However, conditions over which a producer could have exerted control through prudent precaution should not be cause for hardship adjustment of base. These conditions would include, for example, inability to obtain adequate labor, or equipment failure during the representative base period.

There are limitations on the transfer of base for which producers may apply for relief under certain conditions that may involve inequity. Such inequities might result from these limitations in case of death, disability, military service, sale of production unit, retirement, loss of lease, or other calamity affecting production facilities.

The producer must be responsible for filing a request for review of any hardship condition or inequity affecting him. This would be a written request to the market administrator to review a claimed hardship or inequity stating the conditions that caused such alleged hardship or inequity, the extent of relief or adjustment requested, the basis upon which the amount of adjustment requested was determined, the reasons why the relief or adjustment should be granted. Such request should be filed within 45 days of the date on which Class I bases are issued, or of the occurrence to which it is related.

The market administrator shall establish one or more "Producer Base Committees" consisting of five producers each to be appointed by him. Each committee shall review the requests for relief from hardship or inequity referred to it by the market administrator in a meeting in which the recording secretary shall be the market administrator or his designated representative. Recommendations on each request must be endorsed by at least three of such committee members to represent the action of the committee.

The committee shall either reject the request or indicate the nature and extent of relief granted and the date on which it is to be effective with respect to requests involving Class I base not issued to a producer, loss or potential loss of Class I base due to deliveries to a nonpool plant for fluid uses or discontinued deliveries, or inability to transfer base. With respect to requests claiming that production history base is not representative of milk production in the base period because of loss of buildings, herds, or other facilities by fire, flood, or storms, official quarantine, or military service, the committee shall either reject the request or provide a daily quantity of "hardship" adjustment milk. Such daily

hardship adjustment milk, when delivered in excess of the producer's base, shall be included with deliveries of new producers in the computation of base milk to which increase in Class I sales may be assigned. As pointed out earlier, inadequate labor, or equipment failure will not be considered justification for issuance of a quantity of "hardship" adjustment milk.

Producer Base Committee recommendations to deny any request shall be final upon notification of the producer, subject only to appeal by such producer to the Director, Dairy Division within 45 days thereafter. Recommendations of the committee to grant a request, in whole or in part, shall be transmitted to the Director, Dairy Division, and shall become final unless vetoed by the Director within 15 days after transmitted.

The market administrator is authorized to reimburse committee members for their services at $20.00 per day, and for necessary travel and subsistence expenses incurred in carrying out their duties as committee members. Reimbursement to committee members shall be from monies collected under the administrative expense fund for the administration of the order.

6. *Payments on other source milk.* No change should be made in the provisions of the present order which relate to the obligations imposed on (1) unregulated milk distributed in this marketing area or received at a pool plant from a plant not regulated by any Federal order, and (2) milk distributed in this marketing area by a plant under another Federal order or received at a pool plant from a plant regulated under another Federal order.

The present order provisions relating to other source milk are designed to remove any competitive advantage handlers using other source milk in Class I may have over handlers using producer milk for such sales, thereby assuring equity among handlers in the sale of milk in the regulated market. Generally speaking, this objective is considered to be achieved by classified pricing and interorder alignment of Class I prices with respect to milk priced under other Federal orders. With respect to unregulated milk, a combination of allocation sequence, payments at the difference between the Class I and uniform price, and opportunity to demonstrate that dairy farmers have been paid for all their milk at the equivalent of order prices based on class utilization are provided.

The proposals to revise the treatment of other source milk were designed to reserve for Puget Sound producers the returns from all Class I sales in the marketing area (and elsewhere if by Puget Sound pool plants) as long as such sales did not exceed 80 percent of milk from producers. This would be accomplished by requiring a payment on all nonpool milk used in Class I at the difference between the Class I and Class II prices.

The present order provisions relating to other source milk payments were incorporated in the order August 1, 1964. The Supreme Court of the United States on June 4, 1962, issued a decision in the case of Lehigh Valley Cooperative Farms, Inc., et al., versus United States et al., which invalidated certain applications of the "compensatory payment" provisions of the New York-New Jersey milk order. Subsequently, on the basis of hearing in January 1963, revised provisions substantially uniform in all orders were developed to replace former provisions which might have been considered parallel to those invalidated under the New York-New Jersey order.

Other source milk, whether from unregulated plants or from other order plants, has not been a competitive factor in the Puget Sound market. There has been no route distribution of fluid milk products from such plants at least since 1951, the earliest period for which data are in the record. While some nonpool milk eligible for fluid use has been received at pool plants, there is no evidence in the record that any of such milk has been assigned to Class I use. Receipts of such milk have been less in 1963 and subsequent years than in 1961 and 1962. During the period January 1963 through July 1964, no payments were applicable with respect to any other source milk.

The adoption of a Class I base plan as the method of distributing among producers the value of pool milk used by regulated handlers in no way affects the competitive balance between costs of pool milk and nonpool milk. There is no reason to expect that other source milk will enter the market to any greater degree than has previously been the case. It is therefore concluded that no change should be made on the basis of this record in the provisions applicable to such milk.

7. *Miscellaneous provisions*—(a) *Revision of excess milk location differential.* The location adjustment to producers applicable to excess milk at plants in District 1, Kitsap, Mason, or Pierce Counties should be revised.

The order now provides that handlers with plants in District 1 or in these counties using producer milk in such products as ice cream and cottage cheese pay an additional 25 cents per hundredweight for the milk. A corresponding provision increases the excess price on producer milk delivered to such plants by 25 cents more than the price for excess milk received at other plant locations.

When this provision was first incorporated in the order the amounts of producer milk used in such products as ice cream and cottage cheese at District 1 plants was about equal to the amounts of excess milk received at such plants. However, the use of milk in such premium outlets has increased over the years while the receipts of excess milk at these plants have declined. Thus, handlers have paid more monies into the equalization fund on the premium uses than that required to cover the 25 cents per hundredweight location differential on excess milk. The remaining monies have been added to the base milk price paid to all producers.

The proposed Class I base plan will reduce the quantity of base milk assigned to producers. This can easily result in the delivery of a greater quantity of excess milk to handlers' plants in District 1, Kitsap, Mason, or Pierce Counties than the quantity of milk on which such handlers pay the 25 cents differential. This would require that the price for base milk delivered by producers be reduced by an amount necessary to fully cover the plus 25 cents location differential for excess milk at these plants. Reduction of the base milk price of all producers to provide the necessary funds to pay producers of excess milk the 25 cents differential at such plants would tend to destroy the effectiveness of the proposed base plan and would not be in the best interests of all producers on the market.

Handlers operating District 1, Kitsap, Mason, or Pierce County plants will continue to pay into the equalization fund the 25 cents per hundredweight differential on milk used in the higher-valued manufactured product uses. Such monies should be prorated to excess milk delivered to these plants to the extent they are available, but not to exceed the 25 cents per hundredweight maximum. If at any time more monies are available than needed to pay the additional 25 cents for such excess milk, the overage will be added to values used in computing the price for base milk.

(b) *Continuation of present base and excess plan.* The base and excess plan under the present order should continue in the event of producer rejection of the proposed Class I base plan or if the authority for it expires while it is in effect after its incorporation in the present order.

The Class I Base Plan Committee considered whether to retain the present base and excess plan or depend upon a blend pricing system for distributing producer returns for milk in each month if the Class I base plan failed of approval. The Committee proposed retention of the base and excess plan in that event.

The present base and excess plan has reduced the seasonal fluctuation of milk production in relation to fluid needs of the market, although there is some indication that it has contributed to a total increase of producer receipts at plants under the order. However, prior to any revocation of the base and excess plan under this order opportunity should be given for further consideration of such action at a public hearing.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously

issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Exceptions were filed on behalf of more than 150 interested parties. All such exceptions were considered and reviewed in the light of the hearing record. Accordingly, the recommended decision is modified herein in many respects to accommodate the excepting parties wherever a basis for such modification exists in the hearing record and where such modification will effectuate the purposes of the Act.

Producer-handlers filed numerous exceptions to that portion of the recommended decision which proposed elimination of the producer-handler exemptions and which provided for special computation of Class I bases for such handlers. In the light of producer-handler exceptions and as stated elsewhere in this decision the present producer-handler exemptions are continued.

Accordingly, all motions by producer-handlers for a stay of proceedings, for reconsideration, for reopening of the hearing or official notice are denied.

MARKETING AGREEMENT AND ORDER

Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Puget Sound, Wash., Marketing Area" and "Order Amending the Order Regulating the Handling of Milk in the Puget Sound, Wash., Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Referendum order; determination of representative period; and designation of referendum agent. It is hereby directed that a referendum in which each individual producer has one vote be conducted to determine whether the issuance of the Class I base plan of payment to producers as specified in the attached order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Puget Sound, Wash., marketing area, is separately approved or favored by the producers, as defined under the terms of the order, as amended and as so proposed to be amended, and who, during the representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

The month of April 1967 is hereby determined to be the representative period for the conduct of such referendum.

Nicholas L. Keyock is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders (7 CFR 900.300 et seq.), such referendum to be completed on or before the 30th day from the date this decision is issued.

Signed at Washington, D.C., on July 17, 1967.

GEORGE L. MEHREN,
Assistant Secretary.

Order [1] Amending the Order Regulating the Handling of Milk in the Puget Sound, Wash., Marketing Area

§ 1125.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Puget Sound, Wash., marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That, on and after the effective date hereof, the following provisions are substituted for specified order provisions as indicated below, and the handling of milk in the Puget Sound, Wash., marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby further amended, through December 31, 1969, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, Regulatory Programs, on April 7, 1967, and published in the FEDERAL REGISTER on April 12, 1967 (32 F.R. 5838; F.R. Doc. 67-3986), shall be and are the terms and provisions of this order, and are set forth in full herein, subject to the following revisions:

1. The amendments proposed to §§ 1125.8, 1125.9, 1125.10, 1125.11, 1125.13, 1125.14, 1125.30, 1125.33, 1125.44, 1125.46, and 1125.65 in amendments numbered 1, 2, 3, 4, 5, 6, 10, 11, 13, 14, and 15 are deleted.

2. Changes are made in the remaining amendments proposed as follows: In § 1125.110 in amendment renumbered from 7 to 1; in § 1125.111 in amendment renumbered from 8 to 2; in § 1125.120 in amendment renumbered from 17 to 6; in § 1125.121 in amendment renumbered from 18 to 6; in § 1125.122 in amendment renumbered from 19 to 6; in § 1125.123 in amendment renumbered from 20 to 6; and in § 1125.124 in amendment renumbered from 20 to 6.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

3. Amendments are renumbered as follows: Amendment No. 9 is renumbered No. 3; amendment No. 12 is renumbered No. 4; and amendment No. 16 is renumbered No. 5.

Class I base plan provisions

1. Section 1125.110 is substituted for § 1125.17 as follows:

§ 1125.110 Production history base and Class I base.

(a) "Production history base" means a quantity of milk in pounds per day produced by a producer in a past period as computed pursuant to § 1125.120.

(b) "Class I base" means a quantity of milk in pounds per day as computed pursuant to § 1125.121 for which a producer may receive the base milk price.

2. Section 1125.111 is substituted for § 1125.18 as follows:

§ 1125.111 Base milk and excess milk.

(a) "Base milk" means:

(1) Milk received from a producer which is not in excess of his Class I base multiplied by the number of days in the month, except that if milk is received from a producer for only part of a month, base milk shall be milk received from such producer which is not in excess of his Class I base multiplied by the number of days of production of producer milk delivered during the month;

(2) Milk received from a producer to whom no Class I base has been issued, in the amount assigned pursuant to § 1125.122 (b) (1); and

(3) Milk received from a producer to whom a Class I base has been issued, in the amount assigned pursuant to § 1125.122(b) (2).

(b) "Excess milk" means milk received from a producer during the month that is in excess of base milk received from such producer during the month.

3. Section 1125.22(k) (2) is substituted for the present § 1125.22(k) (2), as follows:

§ 1125.22 Duties.

* * * * * * *

(k) * * *

(2) On or before the 13th day of each month, the weighted average and uniform prices computed pursuant to §§ 1125.71 and 1125.72, the location adjustment for excess milk computed pursuant to § 1125.81(a)(2), and the butterfat differential computed pursuant to § 1125.82, each applicable to milk received during the preceding month;

* * * * * * *

4. In § 1125.35(a), subparagraph (7) is added as follows:

§ 1125.35 Handler report to producers.

(a) * * *

(7) The Class I and Class II prices for 3.5 percent milk, and the marketwide percentage of producer milk utilized in each class during the month.

* * * * * * *

5. Section 1125.81(a) (2) is substituted for the present § 1125.81(a) (2) as follows:

§ 1125.81 Location adjustment to producers and on nonpool milk.

(a) * * *

(2) There shall be added to the uniform price for excess milk received from producers at plants located in District 1 or in the counties of Kitsap, Mason, or Pierce, a location adjustment not to exceed 25 cents per hundredweight, rounded to the nearest full cent, computed by dividing the amount computed pursuant to § 1125.54(c) by the total hundredweight of excess milk received at such plants.

* * * * * * *

6. Sections 1125.120, 1125.121, 1125.122, 1125.123, and 1125.124 are substituted for §§ 1125.60 and 1125.61 as follows:

§ 1125.120 Computation of production history bases.

The market administrator shall determine production history bases computed as follows:

(a) For each producer who delivered milk on 120 days or more during the months of August through December 1966, such production history base shall be the highest of:

(1) The total pounds of producer milk delivered by such person to a handler on 120 days or more during the months of August 1966 through December 1966, inclusive, divided by the number of days from the date of his first delivery within such period to the end of such 5-month period;

(2) The amount similarly computed with respect to such person's deliveries, during the months of August 1965 through December 1965, inclusive; or

(3) The amount similarly computed with respect to such person's deliveries during the months of August 1964 through December 1964, inclusive.

(b) For each person who held designation as a producer-handler for 120 days or more in the months of August through December 1966, the production history base shall be the daily average of his own production of milk for 120 days or more in the months of August through December 1964, August through December 1965, and August through December 1966, whichever is highest.

(c) Each person who becomes a producer as a result of a plant to which he delivers milk becoming a pool plant under the order pursuant to § 1125.8 shall have a production history base computed as though his deliveries of Grade A milk to such plant in the prior periods used for determining bases specified in paragraph (a) of this section had been deliveries of producer milk.

(d) With respect to computation of such bases the following rules shall apply:

(1) If a producer operated more than one farm at the same time during any specified August–December period, a separate computation shall be made with respect to producer milk delivered from each such farm for such period except that only one computation shall be made with respect to milk production resources and facilities of a producer-handler specified in § 1125.14(b) (1);

(2) Only one base shall be allotted with respect to milk produced by one or more persons where the land, buildings and equipment used are jointly owned or operated.

(3) Deliveries of milk during the months of August through December 1966 from a farm currently operated by a person who since August 1, 1966, has received a base by transfer pursuant to § 1125.61(a) shall be considered to be deliveries of the current operator for purposes of computation of production history base, and no production history base shall be computed for any other person from deliveries of milk from such farm.

(4) Deliveries of milk from a farm for which the producer has lost a base pursuant to § 1125.61(b) since February 1, 1967, shall not be used to compute a production history base for such producer.

§ 1125.121 Computation of Class I base for producers with production history bases.

(a) Each producer for whom a production history base pursuant to § 1125.120 (a) or (b) may be computed and who delivered milk regularly to a handler in May 1967 shall be issued Class I base as follows:

(1) The total of the Class I bases to be issued to such persons shall be the sum of:

(i) The average daily dispositions pursuant to § 1125.41(a) of producer milk for the year 1966 multiplied by 1.20; and

(ii) The total of the average daily dispositions of milk of their own production for the year 1966 by any such persons then holding designation as producer-handlers, multiplied by 1.20.

(2) The Class I base for each such person shall be determined by multiplying his production history base by a percentage rounded to the third decimal place obtained by dividing the total of Class I bases pursuant to subparagraph (1) of this paragraph by the sum of the production history bases issued to such producers.

(b) The Class I base for each person to whom no Class I base has been issued pursuant to paragraph (a) or (c) of this section who held designation as a producer-handler in May 1967 which is no longer effective, and who has become a producer shall be the production history for such person computed pursuant to § 1125.120 (a) or (b), multiplied by the percentage specified in paragraph (a) (2) of this section. Such Class I base shall not be in effect for such person for any month for which such person holds designation as a producer-handler.

(c) The Class I base of each person for whom a production history base is determined pursuant to § 1125.120(c) shall be his production history base multiplied by the percentage specified in paragraph (a) (2) of this section.

§ 1125.122 Computation of base milk for new producers and hardship cases.

For each month a quantity of base milk shall be computed for each producer who does not hold a production history base pursuant to § 1125.120 and

a quantity of additional base milk shall be computed for each producer to whom a "hardship" adjustment has been issued as follows:

(a) Compute the sum of:

(1) 1.20 times the pounds by which producer milk classified as Class I exceeds the sum of the following in the corresponding month of 1966:

(i) The pounds of producer milk classified as Class I;

(ii) The Class I disposition of producers with Class I bases who then held designation as producer-handlers; and

(iii) The Class I disposition of milk by pool plants described in § 1125.120(c); and

(2) The pounds by which the current monthly total of Class I bases issued to producers exceeds the total of base milk delivered pursuant to § 1125.111(a)(1) in the month.

(b) Assign the resulting pounds, if any, as base milk pro rata to:

(1) The pounds of milk delivered during the month by each producer without a daily base; and

(2) The pounds of milk delivered by a producer to whom a hardship adjustment is issued, that are the lesser of:

(i) The pounds of such adjustment times the number of days in the month; or

(ii) The pounds by which total deliveries of milk in the month by such producer exceed base milk pursuant to § 1125.111(a).

§ 1125.123 Base rules.

The following rules shall be observed in the determination of bases:

(a) A Class I base or a portion of a Class I base may be transferred from one person to another if the conditions listed below are met:

(1) The market administrator is notified in writing by the holder of the Class I base on or before the last day of the month of transfer of the name of the person to whom the Class I base is to be transferred, the effective date of the transfer and the amount of Class I base to be transferred if less than the entire Class I base held by the transferor;

(2) It is established to the satisfaction of the market administrator that the conveyance of such base is bona fide and not for the purpose of evading any provision of this order, and comes within the remaining provisions of this paragraph;

(3) A transfer may be made only to a producer (a person who is currently a producer on the market or who will become a producer under the terms of the order by the last day of the month of transfer);

(4) A transfer of Class I base may not be made in amounts of less than 100 pounds, or the entire base, whichever is smaller;

(5) A transfer of a portion of a Class I base shall be a partial transfer and shall be effective only on the first day of a month. A transfer where the transferee producer will combine the Class I base received with Class I base already held shall be considered a partial transfer;

(6) A transfer of a complete Class I base of a producer to a person who does not already hold a Class I base will be effective on the date of transfer of herd and farm, or on the date specified if no herd and farm is transferred;

(7) A person who has received Class I base by transfer pursuant to subparagraph (5) or (6) of this paragraph within the preceding 12-month period may not further transfer all or a portion of his Class I base except as permitted under the provisions of § 1125.124;

(8) A person who was issued hardship adjustment pursuant to the provisions of § 1125.124 may not transfer all or a portion of his Class I base to another person until 2 years after the hardship adjustment was issued. Such hardship adjustments are not transferable; and

(9) Class I base issued pursuant to § 1125.121(c) may not be transferred in whole or in part for a period of 2 years after it was issued to any person other than a member of the baseholder's immediate family who continues delivery of producer milk from the same farm from which such baseholder delivered producer milk;

(10) Class I base issued pursuant to 1125.121(b) may not be transferred in whole or in part unless such transfer is to a member of the baseholder's immediate family who continues delivery of producer milk from the same farm from which such baseholder delivered producer milk for a period of 2 years from the date upon which the producer to whom it was issued last held designation as a producer-handler.

(b) If a producer delivers milk for fluid use other than as diverted producer milk to a plant not regulated under this Part 1125, which is engaged in distribution of fluid milk products to wholesale or retail outlets or in supplying fluid milk products to a plant so engaged, such producer shall have his base milk reduced by an amount equal to his Class I base for each day's production from which any such deliveries were made to such nonpool plant during the month.

(c) A person who discontinues deliveries of producer milk for a period of 60 consecutive days after a Class I base is issued to him shall forfeit any Class I base held pursuant to the provisions of this order, except that a person entering military service may retain his Class I base until 1 year after being released from active military duty.

(d) As soon as production history bases and Class I bases are computed by the market administrator notice of the amount of each producer's production history base and Class I base shall be given by the market administrator to the producer, to the handler receiving such producer's milk, and to the cooperative association of which the producer is a member. Each handler, following receipt of such notice, shall promptly post in a conspicuous place in his plant a list or lists showing the Class I base of each producer whose milk is received at such plant.

(e) Only one quantity of base milk pursuant to either § 1125.111 (a) (1) or (3) shall be computed with respect to milk produced by one or more persons where the land, buildings and equipment used, are jointly owned or operated.

(f) A producer who transfers Class I base computed pursuant to § 1125.121 shall have his production history base reduced in the same proportion that the Class I base transferred was of the total Class I base held by the transferor producer.

(g) As a condition for designation as a producer-handler pursuant to § 1125.14, of any person who has held Class I base any time during the 12-month period preceding such designation or of any member of the immediate family of such a person, or of any affiliate of such a person, or of any business unit of which such a person is a part, such baseholder shall forfeit Class I base in an amount equal to the highest amount held at any time during such 12-month period.

§ 1125.124 Relief from hardship or inequity.

Requests of producers for relief from hardship or inequity arising under the provisions of § 1125.120 through § 1125.123 will be subject to the following:

(a) A producer may request review of the following circumstances because of alleged hardship or inequity:

(1) He was not issued a Class I base pursuant to § 1125.121;

(2) His production history base pursuant to § 1125.120 is alleged to not be representative of his level of milk production in the base period due to a loss of milk production beyond the control of the producer such as loss of buildings, herds, or other facilities by fire, flood, or storms, official quarantine, or military service of the producer or his son;

(3) Loss or potential loss of Class I base pursuant to § 1125.123 (b) or (c); and

(4) Inability to transfer base due to the provisions of § 1125.123(a) (7), (8), (9) or (10);

(b) The producer shall file with the market administrator a request in writing for review of hardship or inequity not later than 45 days after notice pursuant to § 1125.123(d) with respect to requests pursuant to paragraph (a)(1) or (2) of this section, or not later than 45 days after the occurrence with respect to requests pursuant to paragraph (a)-(3) or (4) of this section.

(1) Conditions that caused the alleged hardship or inequity;

(2) The extent of the relief or adjustment requested;

(3) The basis upon which the amount of adjustment requested was determined; and

(4) Reasons why the relief or adjustment should be granted.

(c) One or more Producer Base Committees shall be established and function as follows:

(1) Each Producer Base Committee shall consist of five producers appointed by the market administrator.

(2) Each committee shall review the requests for relief from hardship or inequity referred to it by the market administrator at a meeting in which the market administrator or his representative serves as recording secretary and at which the applicant may appear in person if he so requests.

(3) Recommendations with respect to each such request shall be endorsed at the meeting by at least three committee members and shall:

(i) With respect to requests pursuant to paragraph (a) (1), (3), or (4) of this section, either reject such request or indicate the nature and extent to which the producer shall be granted exception to the provisions involved and the effective date thereof.

(ii) With respect to requests pursuant to paragraph (a)(2) of this section, either reject the request or provide adjustment in the form of a daily quantity of "hardship" adjustment milk which when delivered in excess of such producer's Class I base, may be included in the computation of base milk pursuant to § 1125.122 and the effective date thereof. In considering such requests the loss of milk production due to the following shall not be considered a basis for hardship adjustment:

(a) Loss of milk due to mechanical failure of farm tank or other farm equipment; and

(b) Inability to obtain adequate labor to maintain milk production, except that hardship adjustment may be granted in the case of a producer or the son of a producer who entered into military service directly from employment in milk production;

(4) Recommendation of the Producer Base Committee shall:

(i) If to deny the request, be final upon notification to the producer, subject only to appeal by the producer to the Director, Dairy Division within 45 days after such notification; or

(ii) If to grant the request in whole or in part, be transmitted to the Director, Dairy Division, and shall become final unless vetoed by such Director within 15 days after transmittal.

(5) Committee members shall be reimbursed by the market administrator from the funds collected under § 1125.88 for their services at $20.00 per day or portion thereof, plus necessary travel and subsistence expenses incurred in the performance of their duties as committee members.

(d) The market administrator shall maintain files of all requests for alleviation of hardship and the disposition of such requests. These files shall be open to the inspection of any interested person during the regular office hours of the market administrator.

[F.R. Doc. 67-8418; Filed, July 20, 1967; 8:45 a.m.]

FEDERAL TRADE COMMISSION

[16 CFR Part 414]

RADIO SETS INCLUDING TRANSCEIVERS OR CO-CALLED WALKIE-TALKIES

Deception as to Transistor Count

Notice is hereby given that the Federal Trade Commission pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C. 41-58, and the provisions of Part 1, Subpart B, of the Commission's procedures and rules of practice, 32 F.R. 8444 (June 13, 1967), has initiated a proceeding for the promulgation of a trade regulation rule regarding deception as to transistor count of radios which hereinafter shall include transceivers or so-called walkie-talkies.

The Commission has initiated this proceeding having reason to believe that: (1) Marketers of radios have engaged in the practice of representing, directly or by implication, that radio sets contain a certain number of count of transistors when in fact one or more of such transistors are either dummy or do not perform the recognized and customary functions of detection, amplification and reception of radio signals; (2) great emphasis is placed on the number of transistors both in advertising and labeling; (3) a substantial portion of the purchasing public does not distinguish between transistors which perform such primary functions and diodes or transistors which perform only auxiliary functions or which are dummy, but believes that the greater the number of transistors in a radio set, the greater will be its power of detecting, amplifying and receiving signals; (4) this practice has the capacity and tendency (a) to mislead and deceive purchasers into believing that radio sets possess capabilities, qualities, and characteristics which they do not in fact possess, a matter of importance to the consumer, and (b) to divert business from competitors who nondeceptively describe the transistor count of their radio sets; and that, therefore, (5) this practice constitutes an unfair method of competition in commerce and an unfair and deceptive act or practice in commerce, in violation of section 5 of the Federal Trade Commission Act.

Accordingly, the Commission proposes the following trade regulation rule:

§ 414.1 The rule.

In connection with the sale of radio sets in commerce, as "commerce" is defined in the Federal Trade Commission Act, it is an unfair method of competition and an unfair and deceptive act or practice to represent, directly or by implication, that any radio set contains a specified number of transistors when one or more of such transistors are either dummy transistors or do not perform the recognized and customary functions of radio set transistors in the detection, amplification and reception of radio signals.

All interested persons, including the consuming public, are hereby notified that they may file written data, views or arguments concerning the proposed rule with the Chief, Division of Trade Regulation Rules, Bureau of Industry Guidance, Federal Trade Commission, Pennsylvania Avenue at Sixth Street NW., Washington, D.C. 20580, not later than November 3, 1967. To the extent practicable, such written data, views or arguments should be filed in duplicate.

All interested parties are also hereby given notice of opportunity to orally present data, views, or arguments with respect to the proposed rule at a hearing to be held at 10 a.m., e.d.t., on October 4, 1967, in Room 532 of the Federal Trade Commission Building, Washington, D.C.

The data, views, or arguments presented orally or in writing relating to the proposed rule will be available for examination by interested parties at the Office of the Federal Trade Commission, Washington, D.C., and will be considered by the Commission in the establishment of a trade regulation rule.

All persons, firms, corporations, or others engaged in the sale or distribution of radio receiving sets in commerce, as "commerce" is defined in the Federal Trade Commission Act, would be subject to the requirements of any trade regulation rule promulgated in the course of this proceeding.

Where a trade regulation rule is relevant to any issue involved in an adjudicative proceeding thereafter instituted, the Commission may rely upon the rule to resolve such issue, provided that the respondent shall have been given a fair hearing on the legality and propriety of applying the rule to the particular case.

Trade regulation rules express the experience and judgment of the Commission based on facts of which it has knowledge derived from studies, reports, investigations, hearings, and other proceedings, or within official notice concerning the substantive requirements of the statutes which it administers.

The labeling, advertising, and sales promotional literature used in connection with the sale of radio sets indicate that the practice which would be prohibited by the proposed rule is widespread, especially with respect to the less expensive sets. This proceeding is designed to inform all industry members of their obligation under the law and assure equitable treatment in complying with the law.

All interested parties, including the consuming public, are urged to express their approval or disapproval of the proposed rule, or to recommend revisions thereof, and to give a full statement of their views in connection therewith.

Issued: July 20, 1967.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 67-8388; Filed, July 20, 1967; 8:45 a.m.]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

SMALL BUSINESS SIZE STANDARDS

Definitions of Small Business Concerns in Certain Service Industries

Notice is hereby given that the Administrator of the Small Business Administration proposes to amend Part 121 of Chapter I of Title 13 of the Code of Federal Regulations by establishing new

definitions of a small business in certain service industries for the purpose of SBA loans and Government procurement.

For the purpose of SBA loans, a concern primarily engaged in the trailer court and parks industry presently is small if, together with its affiliates, its annual receipts do not exceed $100,000 provided that a minimum of fifty percent (50%) of the annual receipts is derived from the rental of space to tourist trailers for periods not in excess of thirty (30) days. In view of the competition which exists between hotels and motels (for which the applicable size standard is annual receipts not exceeding $2 million) and tourist trailer courts and parks, the Small Business Administration proposes to increase the size standard for trailer courts and parks for the purpose of SBA loans to $1 million.

For the purpose of Government procurement, a concern bidding on a contract for the services listed below is small if, together with its affiliates, its average annual sales or receipts for its preceding 3 fiscal years do not exceed the designated standard:

1. Engineering services other than marine engineering services—$5 million.
2. Motion picture production or motion picture services—$5 million.
3. Janitorial and custodial services—$3 million.
4. Base maintenance—$5 million.
5. Marine cargo handling—$5 million.
6. Naval architectural and marine engineering services—$5 million.

The annual receipts size standard applicable to contracts for all other services is $1 million. As a result of a study of the size structure of concerns that can and do bid on Government contracts for services, the Small Business Administration proposes to increase the size standard applicable to contracts for certain services as follows:

1. Laundries, laundry services and cleaning and dyeing plants—$3 million.
2. Computer programing—$3 million.
3. Computer maintenance—$5 million.
4. Flight training—$5 million.
5. Food services—$3 million.
6. Motor car rental and leasing—$5 million.
7. Truck rental and leasing—$5 million.
8. Tire recapping—$5 million.
9. Data processing—$3 million.

Interested persons may file with the Small Business Administration, within fifteen (15) days after publication of this proposal in the FEDERAL REGISTER, written statements of facts, opinions or arguments concerning the proposal.

All correspondence shall be addressed to:

Associate Administrator for Procurement and Management Assistance, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416, Attn: Size Standards Staff.

Dated: July 14, 1967.

BERNARD L. BOUTIN,
Administrator.

[F.R. Doc. 67-8458; Filed, July 20, 1967; 8:46 a.m.]

[13 CFR Part 121]

SMALL BUSINESS SIZE STANDARDS

Definitions of Small Business Mining Concerns

Notice is hereby given that the Administrator of the Small Business Administration proposes to amend Part 121 of Chapter I of Title 13 of the Code of Federal Regulations by establishing definitions of a small business mining concern for the purpose of Government procurement and receiving SBA loans.

Currently, no specific size standards are set forth in the Small Business Size Standards Regulation for the mining industries.

The proposed size standards for the purpose of SBA loans, are set forth in Schedule E, and the proposed size standards for the purpose of Government procurement are set forth in Schedule F. The employment size standard proposed for each industry is based on available information concerning the differing characteristics of the industries and other relevant factors such as the size of companies accounting for the major portion of production and the extent of integration with particular manufacturing facilities. In instances where large manufacturing operations control significant portions of mineral productions, the size structure of the complementary manufacturing industry was considered, and whenever the major mineral producers also are principal factors in the related manufacturing industry, the size standards for the mining industries are proposed at the same employment levels.

Interested persons may file with the Small Business Administration, within 15 days after publication of this proposal in the FEDERAL REGISTER, written statements of facts, opinions, or arguments concerning the proposal.

All correspondence shall be addressed to:

Associate Administrator for Procurement and Management Assistance
Small Business Administration
1441 L Street NW.
Washington, D.C. 20416
Attn.: Size Standards Staff

Dated: July 14, 1967.

BERNARD L. BOUTIN,
Administrator.

MINING INDUSTRIES—PROPOSED EMPLOYMENT SIZE STANDARDS FOR SBA LOANS (SCHEDULE E) AND GOVERNMENT PROCUREMENT (SCHEDULE F)

Census classification code	Industry	Schedule E proposed size standard (number of employees) [1]	Schedule F proposed size standard (number of employees) [1]
	Major Group 11—Anthracite Mining	250	500
	Major Group 12—Bituminous Coal and Lignite Mining:		
1211	Bituminous coal	500	500
1213	Bituminous coal and lignite mining services	250	500
1213	Lignite	500	750
	Major Group 13—Crude Petroleum and Natural Gas:		
1311	Crude petroleum and natural gas	1,000	2,500
1381	Drilling oil and gas wells	1,000	1,000
1321	Natural gas liquids	1,000	2,500
1382	Oil and gas field exploration services	250	500
1389	Oil and gas field services, n.e.c.	250	500
	Major Group 10—Metal Mining:		
1081	Bauxite and other aluminum ores	1,000	1,000
1021	Copper ores	1,000	1,000
1061	Ferroalloy ores, except vanadium, n.e.c.	500	500
1011	Iron ores	1,000	1,000
1031	Lead and zinc ores	1,000	1,000
1042	Lode gold	500	500
1062	Manganese ores	500	500
1072	Mercury ores	500	500
1081	Metal mining services	250	500
1099	Metallic minerals (ores), n.e.c.	500	500
1043	Placer gold	500	500
1044	Silver ores	500	500
1053	Titanium ores	1,000	1,000
1094	Tungsten ores	1,000	1,000
1094	Uranium-radium-vanadium ores	1,000	1,000
	Major Group 14—Mining and Quarrying of Nonmetallic Minerals, Except Fuels	250	500

[1] The "number of employees" means the average employment of any concern and its affiliates based on the number of persons employed during the pay period ending nearest the last day of the third month in each calendar quarter for the preceding four quarters.

[F.R. Doc. 67-8459; Filed, July 20, 1967; 8:46 a.m.]

[13 CFR Part 121]

SMALL BUSINESS SIZE STANDARDS

Definitions of Small Business in Trucking, Warehousing, Packing, and Crating and/or Freight Forwarding and in Aircraft Preventive Maintenance

Notice is hereby given that the Administrator of the Small Business Administration proposes to amend Part 121 of Chapter I of Title 13 of the Code of Federal Regulations by establishing new definitions of a small business in trucking, warehousing, packing, and crating and/or freight forwarding for the purpose of Government procurement and SBA loans and in aircraft preventive maintenance for the purpose of SBA loans.

Trucking, warehousing, packing and crating and/or freight forwarding. For the purpose of both Government procurement and SBA loans the size standard presently applicable to trucking, warehousing, packing, and crating and/or freight forwarding is annual receipts for the concern's preceding fiscal year not exceeding $3 million. A study conducted by the Small Business Administration indicates that between 1959 and 1964 there has been an upward trend in transportation costs and revenues. Further, the number of Interstate Commerce Commission regulated motor carriers of property increased by 6 percent during such period while the number of such carriers with revenues within the $3 million annual receipts size standards remained virtually unchanged.

In view of the above, it is proposed, for the purpose of Government procurement and SBA loans, to increase the annual receipts size standard applicable to trucking, warehousing, packing, and crating and/or freight forwarding to $5 million.

Aircraft preventive maintenance. The size standard presently applicable to Government procurements for aircraft preventive maintenance, as defined in the Federal Aviation Regulations (14 CFR 1.1), is average annual receipts not exceeding $1 million for the concern's preceding 3 fiscal years. For the purpose of SBA loans, the size standard presently applicable to a concern primarily engaged in aircraft preventive maintenance is annual receipts not exceeding $1 million for the concern's preceding fiscal year. The term "preventive maintenance" as defined in the Federal Aviation Regulations (14 CFR 1.1) means "simple or minor preservation operations and the replacement of small standard parts not involving complex assembly operations." For the purpose of Government procurement, preventive maintenance is to be distinguished from "maintenance" which is defined in the Federal Aviation Regulations (14 CFR 1.1) as "inspection, overhaul, repair, preservation, and the replacement of parts, but excluding preventive maintenance." The procurement size standard for aircraft "maintenance," as distinguished from "preventive maintenance" is 1,000 employees.

Information obtained from Government procurement facilities indicates that the presently effective $1 million annual receipts size standard applicable to contracts for preventive maintenance is too low and bars from participation in set-aside procurements concerns that ought to be able to qualify as small business concerns.

In view of the above, it is proposed to increase the size standard applicable to procurements for aircraft preventive maintenance to average annual receipts not exceeding $3 million for the concern's preceding 3 fiscal years.

Interested persons may file with the Small Business Administration, within 15 days after publication of this proposal in the FEDERAL REGISTER, written statements of facts, opinions, or arguments concering the proposal.

All correspondence shall be addressed to:

Associate Administrator for Procurement and Management Assistance
Small Business Administration
1441 L Street NW.
Washington, D.C. 20416
Attn. Size Standards Staff

Dated: July 14, 1967.

BERNARD L. BOUTIN,
Administrator.

[F.R. Doc. 67-8460; Filed, July 20, 1967; 8:46 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Treasury Dept. Order 165-30]

COMMISSIONER OF CUSTOMS ET AL.

Delegation of Authority

By virtue of the authority vested in the Secretary of the Treasury by 5 U.S.C. 302 and delegated to me by Treasury Department Order No. 190 (Revision 4), dated December 15, 1965, there is hereby delegated to the following officials of the Bureau of Customs the authority vested in the Secretary by section 3828 of the Revised Statutes (44 U.S.C. 324) to authorize the publication of advertisements, notices and proposals in commercial newspapers, periodicals and other media for the recruitment of personnel to serve in the Bureau of Customs:

Commissioner of Customs.
Deputy Commissioner of Customs.
Assistant Commissioner of Customs for Administration.
Director, Personnel Management Division.

The administrative duties involved in accomplishing the advertising may be assigned to such subordinate officers as may be required.

Dated: July 17, 1967.

[SEAL] A. E. WEATHERBEE,
Assistant Secretary of the Treasury for Administration.

[F.R. Doc. 67-8469; Filed, July 20, 1967; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

COLORADO AND VIRGINIA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the States of Colorado and Virginia natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

COLORADO

Boulder.	Morgan.
Elbert.	Phillips.
El Paso.	Sedgwick.
Kit Carson.	Washington.
Larimer.	Weld.
Lincoln.	Yuma.
Logan.	

VIRGINIA

Hanover.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1968, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 18th day of July 1967.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67-8479; Filed, July 20, 1967; 8:48 a.m.]

IOWA

Designation and Extension of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Iowa natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

IOWA

Adams.	Monona.
Appanoose.	Monroe.
Audubon.	Montgomery.
Cass.	Muscatine.
Clarke.	Page.
Davis.	Pottawattamie.
Decatur.	Ringgold.
Fremont.	Shelby.
Harrison.	Taylor.
Lee.	Union.
Lucas.	Wayne.
Mills.	Woodbury.

It also has been determined that in the hereinafter-named county in the State of Iowa natural disasters have caused a continuing need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Iowa	*Original designation*
Van Buren	32 F.R. 6990

Pursuant to the authority set forth above, emergency loans will not be made in the above-named county after June 30, 1968, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 18th day of July 1967.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67-8480; Filed, July 20, 1967; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

UNIVERSITY OF CALIFORNIA ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C.

A copy of each comment filed with the Director of the Office of Scientific and Technical Equipment must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket number: 67-00120-00-46040. Applicant: University of California, Purchasing Department, Irvine, Calif. 92664. Article: Shutter for Siemens Electron Microscope, type number 171 460. Manufacturer: Siemens Aktiengesellschaft, West Germany. Intended use of article: Applicant states:

Accurate preset exposure of photoplates in the Siemens Elmiskop.

Application received by Commissioner of Customs: June 13, 1967.

Docket number: 67-00155-33-73610. Applicant: University of Houston, Department of Biology, University of Houston, Houston, Tex. 77004. Article: Burkard recording volumetric spore trap. Manufacturer: Burkard Manufacturing Company, United Kingdom. Intended use of article: The article will be used to collect fungal spores in the atmosphere to determine major groups of spore present in the atmosphere. Application received by Commissioner of Customs: June 28, 1967.

Docket number: 67-00157-33-90000. Applicant: Margaret Sanger Research Bureau, 17 West 16th Street, New York, N.Y. 10011. Article: Beolocator, type SW 64 complete with probe, probe cable and nonmetallic wound retractors. Manufacturer: Simonsen & Weels Eftf., Copenhagen, Denmark. Intended use of article: Applicant states:

Studies of the intrauterine contraceptive device.

Application received by Commissioner of Customs: June 29, 1967.

Docket number: 67-00158-65-46040. Applicant: The Ohio State University Department of Metallurgical Engineering, 190 North Oval Drive, Columbus, Ohio 43210. Article: Philips Electronic, Norelco model EM-300 with ancillary equipment Electron Microscope. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of article: Applicant states:

1. Examination of thin foils of pure metals, alloys and other solids such as crystalline and amorphores (SIC) reaction products, and minerals. • • •
2. Examination of metal foils under special conditions of low and high temperature and dynamic straining as well as under conditions where dynamic solid state reactions are occurring. These dynamic solid state reactions include precipitation, diffusion, and oxidation.
3. Examination of surface replicas of metal surfaces.
4. Determination of crystalline structure of solids with maximum posible accuracy.

Application received by commissioner of Customs: June 29, 1967.

CHARLEY M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 67-8447; Filed, July 20, 1967; 8:45 a.m.]

YALE UNIVERSITY AND U.S. PUBLIC HEALTH SERVICE

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C.

A copy of each comment filed with the Director of the Office of Scientific and Technical Equipment must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket number: 68-00006-33-15900. Applicant: Yale University, Bureau of Purchases, 20 Ashmun Street, New Haven, Conn. 06520. Article: Steady State Distribution Machine, model 110/25F. Manufacturer: Quickfit & Quartz Ltd., England. Intended use of article: Applicant states:

The Quickfit Reeve Angel Steady State Distribution Machine will be used for separating the complex mixture of transfer RNA species from Escherichia coli in order to obtain highly purified fractions of certain individual species.

Application received by Commissioner of Customs: July 6, 1967.

Docket number: 68-00007-33-46040. Applicant: Yale University, Bureau of Purchases, 20 Ashmun Street, New Haven, Conn. 06520. Article: Electron Microscope, Norelco model EM-300 with Anti-Contamination Device and Chiller. Manufacturer: Phillips Electronics N-V.D., The Netherlands. Intended use of article: The article will be used for research on the fine structure of extruded strands of DNA from animal viruses. DNA floated on a thin film of protein will be picked up on the electron microscope grids. In addition, the internal structures of poxviruses and of infectious bronchitis virus will be studied with both sectioned and negatively-stained material. The fine structures of stalked bacteria will be studied. The sites and activity of enzymes within the mother-cell and hyphae of DNA will also be investigated. Application received by Commissioner of customs: July 6, 1967.

Docket number: 68-00008-33-46500. Applicant: U.S. Public Health Service, National Center for Urban & Industrial Health, 5555 Ridge Avenue, Cincinnati, Ohio 45213. Article: Ultramicrotome Reichert, model Sidea ("Om U2"). Manufacturer: C. Reichert Optische Werke A.G., Austria. Intended use of article: Applicant states:

Prepare ultrathin single and serial sections continuously variable from 0 to 10,000 Å by means of thermal advance for electron and light microscopy. Preparations of ultrathin sections of viral and cell culture specimens in virology and cancer research.

Application received by Commissioner of Customs: July 6, 1967.

CHARLEY M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 67-8448; Filed, July 20, 1967; 8:45 a.m.]

STATE UNIVERSITY COLLEGE AT GENESEO AND STANFORD UNIVERSITY

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus or equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C.

A copy of each comment filed with the Director of the Office of Scientific and Technical Equipment must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket number: 67-00159-01-77030. Applicant: State University College at Geneseo, Geneseo, N.Y. 14454. Article: Nuclear Magnetic Resonance Spectrograph, Hitachi Perkin Elmer, model R-20. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: Applicant states:

• • • It will be used in advanced organic lab and qualitative lab in the identification of compounds; it will be used in physical chemistry laboratory to study fast reaction rates, exchange rates, hindered rotation, magnetic susceptability, solvent interaction, hydrogen bonding, complex formation, relaxation times, and molecular structure; it will be used in instrumental anaylsis lab and advanced analytical laboratory. It will also be used for organic and physical chemistry research by undergraduate research participants.

Application received by Commissioner of Customs: June 29, 1967.

Docket number: 68-00002-00-46040. Applicant: Stanford University, Controller's Office, Encina Hall, Stanford, Calif. 94305. Article: Shutter for Siemens Electron Microscope, type number 171460. Manufacturer: Siemens Aktiengesellschaft, West Germany. Intended use of article: Applicant states:

Accurate preset exposure of photoplates in Siemens Elmiskop.

Application received by Commissioner of Customs: July 5, 1967.

Docket number: 68-00003-00-46040. Applicant: Stanford University, Controller's Office, Post Office Box 4409, Stanford, Calif. 94305. Article: Camera for Electron Microscope, model 70mm Rollfilm, type number 171 023. Manufacturer: Siemens Aktiengesellschaft, West Germany. Intended use of article: Applicant states:

Taking of pictures inside the Siemens electron microscope.

Application received by Commissioner of Customs: July 5, 1967.

Docket number: 68-00004-00-46040. Applicant: Stanford University, Controller's Office, Post Office Box 4409, Stanford, Calif. 94305. Article: Shutter for Siemens Electron Microscope, type number 171 460. Manufacturer: Siemens Aktiengesellschaft, West Germany. Intended use of article: Applicant states:

Accurate preset exposure of photoplates in the Siemens Elmiskop.

Application received by Commissioner of Customs: July 5, 1967.

CHARLEY M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 67-8450; Filed, July 20, 1967; 8:45 a.m.]

UNIVERSITY OF LOUISVILLE

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours, of the Department of Commerce, at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket number: 67-00031-33-46040. Applicant: University of Louisville, School of Medicine, 101 West Chestnut Street, Louisville, Ky. 40202. Article: JEM 50 Electron Microscope. Manufacturer: Japan Electron Optics Laboratory Company, Ltd., Japan. Intended use of article: Applicant states:

This instrument is intended for training of medical students and residents or fellows [in the use of an electron microscope] * * * We propose to use the instrument to screen routine biopsy material submitted to the laboratory. The simple operating procedure of this instrument would facilitate such examinations.

Comments. Comments were received from one domestic manufacturer; Radio Corporation of America (RCA), which alleged inter alia that the "RCA model EMU-4 Electron Microscope is of equivalent scientific value to the instrument for which duty-free entry has been requested for the purposes stated in the application for which the instrument is intended to be used." (See RCA comment, May 22, 1967, par. (3).)

Decision. Application approved. No instrument or apparatus of equivalent scientific value to such article, for the purposes for which such article is intended to be used, is being manufactured in the United States.

Reasons. The institution needs a relatively simple electron microscope which is intended to familiarize medical students with principles of electron microscopy, within the short time allocated in the curriculum. (See reply of applicant to comments of RCA, June 1, 1967.) The domestic manufacturer claims that predecessor models of similar complexity to the EMU-4 have been and are being used for training students and residents in electron microscopy. (See comments of RCA, immediately following par. (4)(c), page 2.) However, as stated by the applicant, training on the more complex instrument is feasible only if students are willing to spend from 6 months to a year mastering the techniques of the more complicated models available in this country. (See applicant's reply to comments of RCA.) Of course, training on the more refined domestic instrument would result over such longer period of time in a higher level of competence on the part of those students willing to undertake the longer training. This does not affect the conclusion that a more elementary training of a broader group of students may have clear scientific value in the overall education of medical students.

Simplicity of design and operation would usually be regarded as a convenience rather than a pertinent characteristic, as the latter term is defined in applicable regulations (15 CFR 602.1(b)(7)). However, in certain instances this characteristic is pertinent.

In our judgment, simplicity of operation and design in this instance are characteristics which are necessary for the accomplishment of the purposes for which the applicant intends to use the foreign instrument and thus are pertinent characteristics. As noted by the applicant (applicant's reply to comments of RCA), the foreign instrument would permit the institution to familiarise a large number of students with the principles of electron microscopy in a short period of time, whereas the RCA EMU-4 would permit instruction of significantly fewer students who would be required to spend a significantly greater amount of time in mastering the use of the microscope. Accordingly, we find that the RCA EMU-4 is not of equivalent scientific value to the foreign instrument with respect to simplicity of operation and design.

Therefore, the RCA EMU-4 is not of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used.

We note that our findings in this case are consistent with the discussions of scientific equivalency contained in the House and Senate Committee reports on the Act (See H. Rept. No. 1779, 89th Cong., 2d Sess., p. 18, and S. Rept. No. 1678, 89th Cong., 2d Sess., p. 12) and with the "Analysis of Florence Agreement Implementing Legislation." presented to the House Committee on Ways and Means by the Assistant Secretary of State for Congressional Relations. (See Hearings before the House Committee on Ways and Means on H.R. 8664 and H.R. 15271, 89th Cong., 2d Sess., June 6 and 7, 1966, Comm. print, p. 13.)

The Department of Commerce knows of no other instrument or apparatus which is of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used and which is being manufactured in the United States.

CHARLEY M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 67-8449; Filed, July 20, 1967; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-213]

CONNECTICUT YANKEE ATOMIC POWER CO.

Notice of Issuance of Facility License Amendment

The Atomic Energy Commission ("the Commission") has issued, effective as of the date of issuance, Amendment No. 1, as set forth below, to License No. DPR-14. The amendment restates subparagraph 2.B. of the license in order to allow the Connecticut Yankee Atomic Power Co. to use small quantities of special nuclear material in fission chambers in connection with reactor operations. License No. DPR-14 presently limits the receipt, possession, and use of 6,550 kilograms of contained U^{235} solely as reactor fuel.

The use of the fission chambers for flux detection in the reactor was evaluated in the original application for license for this facility and their use in the reactor does not involve significant hazards considerations not previously evaluated.

Within 15 days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file request for a hearing, and any person whose interest may be affected by the issuance of this license amendment may file a petition for leave to intervene. A request for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice, 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, a notice of hearing or an appropriate order will be issued.

For further details with respect to this issuance, see the application dated July 12, 1967, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 13th day of July, 1967.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[License No. DPR-14; Amdt. 1]

The Atomic Energy Commission having found that:

a. The application for license amendment dated July 12, 1967, complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter 1, CFR;

b. The issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public; and

c. Prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazards considerations different from those previously evaluated.

Facility License No. DPR-14 is hereby amended by restating subparagraph 2.B., in its entirety, to read as follows:

"2.B. To receive, possess, and use at any one time 6,550 kilograms of contained uranium-235 in connection with operation of the facility pursuant to the Act and Title 10 CFR, Part 70, 'Special Nuclear Material'."

This amendment is effective as of the date of issuance.

Date of issuance: July 13, 1967.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 67-8445; Filed, July 20, 1967; 8:45 a.m.]

CENTRAL INTELLIGENCE AGENCY

PUBLIC ACCESS TO RECORDS

Procedures

1. *Purpose.* Pursuant to the requirements of the Public Information Section of the Administrative Procedure Act (5 U.S.C. 552), the following are established as the rules of procedure with respect to public access to the records of the Central Intelligence Agency.

2. *Organization and requests for information.* The headquarters of the Central Intelligence Agency is located in Fairfax County, Va. Requests for information and decisions and other submittals may be addressed to the Assistant to the Director, Central Intelligence Agency, Washington, D.C. 20505.

3. *Procedures for request of records.* (a) Requests for access to records of the Central Intelligence Agency may be filed by mail addressed to the Assistant to the Director, Central Intelligence Agency, Washington, D.C. 20505.

(b) Requests need not be made on any special form but may be by letter or other written statement setting forth the pertinent facts with enough specificity that the requested record can be identified.

(c) If the request does not sufficiently identify the record, the Assistant to the Director shall so inform the requestor who may then resubmit his request together with any additional information which will help to identify it.

(d) When the requested record has been identified the Agency will determine whether it is exempt from public inspection under the provisions of 5 U.S.C. 552(b). If it is exempt, the Assistant to the Director shall deny the request.

(e) If the Agency determines that the requested record is not subject to exemption, the Assistant to the Director will inform the requestor as to the appropriate reproduction fee and upon receipt of this fee, will have the record reproduced and sent to the requestor. Fees paid in accordance with this paragraph will be paid by check or postal money order forwarded to the Assistant to the Director and made payable to the Treasurer of the United States.

4. *Appeals.* Any person aggrieved by any determination made or action taken pursuant to the foregoing provisions of this notice may request the Executive Director of the Agency to review that determination or action. No specific form is prescribed for this purpose and a letter or other written statement setting forth pertinent facts shall be sufficient. The Executive Director reserves the right to require the person involved to present additional information in support of his request for review. The Executive Director will promptly consider each such request and notify the person involved of his decision.

5. *Effective date.* This notice shall become effective upon its publication in the FEDERAL REGISTER.

L. K. WHITE,
Executive Director,
Central Intelligence Agency.

[F.R. Doc. 67-8446; Filed, July 20, 1967; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 17436]

ALLEGHENY AIRLINES ROUTE 97 INVESTIGATION

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on August 15, 1967, at 10 a.m., e.d.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on May 8, 1967, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., July 14, 1967.

[SEAL] MILTON H. SHAPIRO,
Hearing Examiner.

[F.R. Doc. 67-8471; Filed, July 20, 1967; 8:47 a.m.]

[Docket No. 18506]

ALM DUTCH ANTILLEAN AIRLINES

Notice of Postponement of Hearing

Notice is given herewith, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that public hearing in the above-entitled proceeding heretofore assigned to be held on July 26, 1967, is hereby postponed and is now assigned to be held on August 9, 1967, at 10 a.m., e.d.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

Dated at Washington, D.C., July 18, 1967.

[SEAL] RICHARD A. WALSH,
Hearing Examiner.

[F.R. Doc. 67-8472; Filed, July 20, 1967; 8:47 a.m.]

[Docket No. 19655; Order No. E-25428]

EASTERN AIR LINES, INC., ET AL.

Order Regarding Reservations Practices and Procedures in East Coast-Florida Market

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 17th day of July, 1967.

Agreement adopted by Eastern Air Lines, Inc., National Airlines, Inc., and Northeast Airlines, Inc., relating to reservations practices and procedures in the East Coast-Florida Market, Docket 18554, Agreement C.A.B. 19655, as amended.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between Eastern Air Lines, Inc., National Airlines, Inc., and Northeast Airlines, Inc., which establishes ticketing time limits in certain East Coast Markets[1] in an effort to alleviate reservation problems during peak holiday periods.[2]

[1] Between Fort Lauderdale, Fort Myers, Key West, Miami, Sarasota/Bradenton, Tampa/St. Petersburg, and West Palm Beach on the one hand, and, Baltimore, Boston, Hartford/Springfield, New Haven, New York/Newark, Philadelphia, Providence, Washington, D.C., and Wilmington on the other hand.

[2] Southbound from Dec. 15, through Dec. 26, 1967, and northbound from Dec. 30, 1967 through Jan. 7, 1968.

Under the agreement the following limits upon the time for ticketing and payment of the tariff fares would be applied to all reservations for transportation in these markets during peak travel periods.

Reservations accepted before departure date	*Ticketing Time Limit*
2 months or more	30 days from booking date.
1 month but less than 2 months.	18 days from booking date.
15 days but less than 1 month.	72 hours from booking date.
72 hours but less than 15 days.	24 hours from booking date.
Less than 72 hours	No later than 30 minutes before departure.

These ticketing limitations would apply to all bookings made by the three carriers and by travel agents, and would also apply to allocations of seats made to travel agents for peak period transportation in the markets involved.

The carriers have also requested authority to file the tariff revisions necessary to implement the agreement to become effective on less than 10 days notice.

This agreement has been reached after discussions authorized by the Board[1] in an effort to relieve the problems which the public has been experiencing in obtaining reservations for East Coast-Florida travel during peak travel holiday seasons. By establishing ticketing time limits and thereby requiring payment of transportation charges on each booking, the problem of multiple reservations should be alleviated and substantially more seats made available for advanced sale. A similar result should be obtained from the application of these ticketing time limits to seats allocated to travel agents while affording them a reasonable opportunity to promote travel and sell their allocated space.

It appears that the procedures to be adopted under the agreement are reasonably designed to resolve at least a part of the peak period reservation problem in this market. Whether it will succeed in resolving the entire problem can be ascertained only after we have had an opportunity to evaluate it on the basis of experience. Under these circumstances we do not find the agreement to be in violation of the Act or contrary to the public interest and have concluded that it should be approved.

We have also concluded that the carriers should be authorized to file tariff revisions necessary to implement the agreement to be effective on 10 days' notice.

According, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 412, and 414 thereof,

It is ordered, That:

1. Agreement C.A.B. 19655 be and is hereby approved.

2. Eastern Air Lines, Inc., National Airlines, Inc., and Northeast Airlines, Inc., are hereby authorized to file tariff revisions necessary to implement the agreement approved herein to become effective on 10 days' notice.

3. This order shall be served upon Eastern Air Lines, Inc., National Airlines, Inc., and Northeast Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 67-8473; Filed, July 20, 1967; 8:47 a.m.]

[Docket No. 18792]

TORONTO AIRWAYS LTD.

Notice of Prehearing Conference

Application for a foreign air carrier permit, issued pursuant to section 402 of the Federal Aviation Act of 1958, as amended, to perform operations of a casual, occasional or infrequent nature, in common carriage, into the United States.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on July 27, 1967, at 10 a.m., e.d.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D.C., July 17, 1967.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 67-8474; Filed, July 20, 1967; 8:47 a.m.]

[Docket No. 18800; Order No. E-25434]

WEST COAST AIRLINES, INC.

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 17th day of July, 1967.

In the matter of an investigation to determine whether the certificate of public convenience and necessity for Route 77 of West Coast Airlines, Inc., should be amended so as to suspend or delete its authority to serve Port Angeles, Wash., Docket 18800.

Angeles Flying Service (AFS), an air taxi operator based at Port Angeles, Wash., has filed with the Board a letter[1] asking that the Board institute an investigation of the service rendered by West Coast Airlines, Inc. (West Coast), at Port Angeles. AFS requests further that West Coast's authority to serve Port Angeles be suspended. Communications have also been received from the city authorities of Port Angeles and from various persons in the community, all supporting AFS's informal petition.

As the result of a preliminary investigation, the Board has determined to institute an investigation to consider whether or not West Coast's certificate authority at Port Angeles should be suspended or deleted. Furthermore, we have tentatively concluded, for the reasons hereinafter set forth, that West Coast should be deleted at Port Angeles.

Port Angeles is located on the Olympic Peninsula some 68 air miles northwest of Seattle, from which it is separated by the waters of Puget Sound. West Coast was certificated to serve Port Angeles in 1946,[2] and since 1947 has provided the community with various patterns of service to Seattle, its principal community of interest, primarily with DC-3 aircraft. Until about 1960, West Coast provided Port Angeles with a two-daily-round-trip, commuter type of service to Seattle, and between 1949 and 1960 its passenger boardings at Port Angeles averaged around 7,300 a year, or some 20 a day—considerably in excess of the Board's "use it or lose it" standard. Beginning in 1961, however, West Coast made a number of shifts in its schedules, reducing its service from two daily round trips to one between April 1962 and January 1963 and again from April 1964 on. Schedule reliability also seems to have declined. As a result of these changes, West Coast's boardings at Port Angeles fell sharply, reaching a level of only 904 for the twelve months ending June 30, 1966.

Meanwhile, in May 1964, AFS commenced service between Port Angeles and Seattle, providing three daily round trips utilizing two twin-engine Piper Aztecs and a Beechcraft D-18. AFS's passenger boardings rose as West Coast's continued to fall, and soon were several times West Coast's.

This was the situation which prevailed until about a month ago. On May 25, 1967, however, West Coast inaugurated service between Port Angeles and Seattle with eight-passenger Piper Navajos on a three-daily-round-trip schedule, the flight times being almost identical with those of AFS. Like AFS's flights, West Coast's serve both Seattle's Boeing Field and the Seattle-Tacoma International Airport. AFS charges its Port Angeles passengers a fare of $9 to Boeing Field and $11 to Sea-Tac; West Coast's fare to both points is $9. The reaction of the community to this development, as expressed to the Board by its representatives, has been not approval but fear that West Coast's new service will force AFS out of the market.[3]

The Seattle-Port Angeles segment has always been a stub-end on West Coast's system, having very little integration

[1] Order E-25128, May 15, 1967.

[1] Because AFS's letter did not comply with the requirements of the Board's Procedural Regulations with respect to form, number of copies filed, and service of affected parties, it was not assigned a docket number. This informality, however, does not affect the Board's power to undertake an investigation on its own initiative.

[2] West Coast Case, 6 C.A.B. 961 (1946).

[3] A copy of the letter received from the City Manager of Port Angeles, dated June 5, 1967, informing the Board of the unanimous vote of the Port Angeles City Council "to support AFS against West Coast," will be placed in the correspondence section of the docket in the investigation we are instituting herein, as will the letter of complaint from AFS dated Mar. 20, 1967.

with the rest of that system.[4] Not only is the hop a short one (68 miles), even by local service carrier standards, but West Coast's length of haul for Port Angeles passengers has also been exceptionally short, since few of them have utilized West Coast's services to any point beyond Seattle. Thus, in 1959, a typical year during the period when West Coast's Port Angeles traffic was at its height, out of 16,460 O&D passengers exchanged between Port Angeles and all other points, 13,570 (82 percent) were local passengers to Seattle, and a further 1,910 (12 percent) made connections there with other carriers; only 980 local and connecting passengers (6 percent) used West Coast's services to all other points on its system, or slightly over one passenger a day each way. By 1966, when West Coast's Port Angeles O&D traffic had fallen to 2,130, Seattle local and connecting passengers were still 73 percent and 14 percent of the total, respectively, while only 270—13 percent of the total and only a fraction of one passenger per day—moved to other points on West Coast's system.

Based on the foregoing considerations, most of which do not appear to be subject to material dispute, we tentatively find and conclude as follows:

(1) The air transportation needs of Port Angeles consist almost exclusively of a need for well-timed, convenient commuter service to Seattle. There exists no substantial public need for single-plane or single-carrier service to any other point.

(2) Because of Port Angeles' location and the nature of its air travel needs, neither the community nor the carrier serving it derives any material benefit from the fact that such carrier also serves other points in addition to Seattle.

(3) West Coast's service at Port Angeles in recent years, at the level of traffic which has prevailed and in the absence of any traffic support from other points, has been uneconomic.

(4) Since 1964, AFS has rendered a service at Port Angeles which in the opinion of the community's representatives has met the community's travel needs, and has done so without Federal subsidy support.

(5) The competition between AFS and West Coast which has prevailed since May 25, 1967, when West Coast inaugurated its small-plane schedules matching AFS's existing service, appears to be uneconomic and cannot be expected to continue.

(6) It appears that the representatives of the Port Angeles community fully understand the difference between air taxi service, which is permissive, and service by a certificated carrier, which carries with it a statutory duty of continuous and adequate service. Nonetheless, when faced with a choice between keeping AFS's service and losing West Coast's or keeping West Coast's and losing AFS's, the representatives of the community strongly prefer the former alternative.

(7) Deletion of West Coast at Port Angeles would not be detrimental to West Coast or to any other person.

(8) Under all the circumstances, there appears to be no justification for Federal subsidy support for West Coast's Port Angeles operation, and no possibility of continuing that operation without such subsidy support.

Upon consideration of the foregoing, the Board tentatively finds and concludes that the public convenience and necessity require, and the Board should order, the alteration, amendment or modification of West Coast's certificate of public convenience and necessity for Route 77 in such a manner as to delete the authority of West Coast to serve Port Angeles, Wash.

In granting interested persons the opportunity to show why our tentative findings and conclusions should not be adopted, we expect such persons to direct their objections, if any, to specific markets and to support such objections with detailed answers, specifically setting forth the tentative findings and conclusions to which objection is taken. Such objection should be accompanied by arguments of fact or law and should be supported by legal precedent or detailed economic analysis. General, vague and unsupported objections will not be entertained.

Accordingly, it is ordered, That:

1. A proceeding be and it hereby is instituted in Docket 18800 pursuant to section 401(g) of the Federal Aviation Act of 1958, as amended, to determine whether the public convenience and necessity require, and the Board should order, the amendment of the certificate of public convenience and necessity held by West Coast Airlines, Inc., for Route 77 in such a manner as to delete the authority of West Coast to serve Port Angeles, Wash.;

2. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and amend West Coast's certificate of public convenience and necessity in such a manner as to delete the authority of West Coast to serve Port Angeles, Wash.

3. Any interested persons having objection to the issuance of an order making final the proposed findings, conclusions and certificate amendments set forth herein shall, within 20 days after service of a copy of this order, file with the Board and serve upon all persons made parties to this proceeding a statement of objections together with a summary of testimony, statistical data, and other evidence expected to be relied upon to support the stated objections;

4. If timely and properly supported objections are filed, full consideration will be accorded the matters or issues raised by the objections before further action is taken by the Board.[5]

5. In the event no objections are filed, all further procedural steps will be deemed to have been waived, and the case will be submitted to the Board for final action; and

6. A copy of this order shall be served upon: West Coast Airlines, Inc., Angeles Flying Service, and the City of Port Angeles, Wash., who are hereby made parties to this case.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 67-8475; Filed, July 20, 1967; 8:47 a.m.]

[4] For a time West Coast served Port Angeles and Bellingham, Wash., on the same flights—a circuitous service pattern which greatly increased Port Angeles-Seattle flight times—but this pattern terminated when Bellingham was deleted from West Coast's system in the West Coast "Use It or Lose It" and Route Realignment Case, Order E-21162, Aug. 7, 1964. The same order consolidated the Seattle-Port Angeles segment into West Coast's present segment 1, but this contributed nothing material to the carrier's operational flexibility since traffic between Port Angeles and West Coast points other than Seattle has been far too thin to support flights bypassing Seattle. West Coast has in fact not provided single-plane service beyond Seattle.

[5] All motions and/or petitions for reconsideration shall be filed within the period allowed for filing objections and no further such motions, requests or petitions for reconsideration of this order will be entertained.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

AMOCO CHEMICALS CORP.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 7B2188) has been filed by Amoco Chemicals Corp., 130 East Randolph Drive, Chicago, Ill. 60601, proposing an amendment to § 121.2520 *Adhesives* to provide for the safe use of the following polymers as components of food-packaging adhesives: (1) Copolymers of α-methylstyrene and dimethyl-α-methylstyrene; (2) copolymers of α-methylstyrene, styrene, and dimethyl-α-methylstyrene; and (3) polymer of dimethyl-α-methylstyrene.

Dated: July 13, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-8485; Filed, July 20, 1967; 8:48 a.m.]

CIVIL SERVICE COMMISSION

CRIMINAL INVESTIGATOR, INTELLIGENCE DIVISION, INTERNAL REVENUE SERVICE

Notice of Adjustment of Minimum Rates and Rate Ranges

Under authority of 5 U.S.C. 5303 and Executive Order 11073, the Civil Service

Commission has established special minimum salary rates and rate ranges for positions of Criminal Investigator, otherwise identified as Special Agent (Intelligence) in the Internal Revenue Service. These positions are in the GS–1811 series, grades 5 through 9, nationwide. The revised rates for these General Schedule positions are as follows:

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS–5	$6,267	$6,463	$6,730	$6,915	$7,091	$7,267	$7,443	$7,619	$7,795	$7,971
GS–6	6,457	7,066	7,285	7,461	7,649	7,847	8,045	8,243	8,441	8,639
GS–7	7,203	7,419	7,729	7,943	8,155	8,369	8,581	8,794	9,007	9,220
GS–8	7,589	7,773	8,008	8,243	8,478	8,713	8,948	9,183	9,418	9,653
GS–9	8,219	8,479	8,740	9,001	9,262	9,523	9,784	10,045	10,306	10,567

[1] Corresponding statutory rate: GS–5—Seventh; GS–6—Sixth; GS–7—Fifth; GS–8—Third; GS–9—Third.

Geographic coverage: nationwide.

The effective date will be the first day of the first pay period which begins on or after July 16, 1967.

As of the effective date, agencies will process a pay adjustment to increase the pay of employees on the rolls in the affected occupational classes. An employee who is receiving basic compensation immediately prior to the effective date at one of the rates of the statutory rate range shall receive basic compensation at the corresponding numbered rate authorized by this notice on and after such date. The pay adjustment will not be considered an equivalent increase within the meaning of 5 U.S.C. 5335. All new employees in the specific occupational classes will be hired at the new minimum rates, on and after the effective date.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67–8423; Filed, July 20, 1967; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

INTERAMERICAN INDUSTRIES, LTD.

Order Suspending Trading

JULY 17, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the capital stock of Interamerican Industries, Ltd., Calgary, Alberta, Canada, being traded in the United States otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in the United States in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 18, 1967, through July 27, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67–8455; Filed, July 20, 1967; 8:45 a.m.]

[812–2151]

NATIONAL AVIATION CORP.

Notice of Filing of Application for Order of Exemption To Permit Purchase of Securities During Underwriting

JULY 17, 1967.

Notice is hereby given that National Aviation Corp. ("Applicant"), 111 Broadway, New York, N.Y. 10006, a closed-end, nondiversified management investment company registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 10(f) of the Act for an order of the Commission exempting from the provisions of section 10(f) a proposed purchase by the Applicant at the public offering price of up to $2 million principal amount of the Convertible Subordinated Debentures due 1987 ("the debentures") which the Northrop Corp. ("the Issuer") proposes to issue. The proposed purchase is a portion of an offering of $30 million principal amount of the debentures expected to be offered to the public as soon as the registration statement on Form S–1 of the Issuer, filed June 30, 1967, shall be made effective pursuant to section 8(a) of the Securities Act of 1933. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein which are summarized below.

The firm of Hornblower & Weeks-Hemphill, Noyes will probably be one of the principal underwriters for the issue. Howard E. Buhse, a director of Applicant and a member of the executive committee, is a partner of that firm. Section 10(f) of the Act, as here pertinent, provides that no registered investment company shall knowingly purchase or otherwise acquire, during the existence of any underwriting or selling syndicate, any security (except a security of which such company is the issuer) if a director of the registered investment company is an affiliate of the principal underwriter of such security. Since one of the Applicant's directors is an affiliated person of one of the principal underwriters offering the debentures, the purchase thereof by the Applicant is prohibited. The Commission may exempt a transaction from this prohibition if and to the extent that such exemption is consistent with the protection of investors.

The Applicant in support of its application asserts that the proposed purchase of the debentures is consistent with Applicant's investment objectives and policies, and is not proposed for the purpose of stimulating the market in the debentures or for the purpose of relieving the underwriters of securities otherwise unmarketable, that it will not purchase the debentures from Hornblower & Weeks-Hemphill, Noyes, that the terms of the proposed investment, if consummated, are fair and reasonable, that the amount paid will represent 1.7 percent of the Applicant's assets as of June 30, 1967, and that if the proposed investment is consummated, Applicant's interest in all of the securities of the Issuer will then be 3.3 percent of its total assets as of June 30, 1967.

Notice is further given that any interested person may, not later than July 31, 1967, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67–8456; Filed, July 20, 1967; 8:46 a.m.]

DEPARTMENT OF THE INTERIOR

National Park Service

[Order 89]

CHIEF, OFFICE OF ARCHEOLOGY AND HISTORIC PRESERVATION

Delegation of Authority

SECTION 1. *Delegation.* The Chief, Office of Archeology and Historic Preservation, National Park Service, Washington, D.C., is hereby designated as the representative of the Director, National Park Service for the purpose of exercising all of the authority of the Director in his capacity as Executive Director of the Advisory Council on Historic Preservation, said Council having been established in accordance with Title II of the Act of October 15, 1966 (80 Stat. 915).

SEC. 2. *Redelegation.* The authority delegated by this order may not be redelegated.

(Sec. 205(a), Act of October 15, 1966 (80 Stat. 915, 919))

Dated: July 5, 1967.

GEORGE B. HARTZOG, JR.,
Director, National Park Service.

[F.R. Doc. 67–8463; Filed, July 20, 1967; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G–4730, etc.]

R. H. ADKINS ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates[1]

JULY 11, 1967.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 3, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however*, That pursuant to § 2.56, Part 2, Statement of General Policy and Interpretations, Chapter I of Title 18 of the Code of Federal Regulations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after April 15, 1965, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing such certificate application, or within the time fixed herein for the filing of protests or petitions to intervene the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G–4730 D 6–21–67	R. H. Adkins, Hamlin, W. Va. 25523.	Consolidated Gas Supply Corp., Washington District, Kanawha County, W. Va.	(2)	----------
G–5392 C 6–26–67	Weva Oil Corp., 608 Main St., Hingham, Mass. 02043.	Consolidated Gas Supply Corp., Spencer District, Roane County, W. Va.	15.0	15.325
G–13633 D 6–16–67 [3]	Union Producing Co. (Operator) et al., Post Office Box 1407, Shreveport, La. 71102.	United Gas Pipe Line Co., Sligo Field, Bossier Parish, La.	Assigned	----------
G–14156 (G–14441) C 6–15–67 [3]	Union Oil Co. of California, Union Oil Center, Los Angeles, Calif. 90017.	El Paso Natural Gas Co., Aneth Field, San Juan County, Utah.	17.7	15.025
C161–289 E 5–20–67	Occidental Petroleum Corp. (successor to McWood Corp., Operator), 3000 Stockdale Highway, Bakersfield, Calif. 93309.	Tennessee Gas Pipeline Co., a division of Tenneco, Inc., Laguna Madre Field, Kenedy County, Tex.	15.5	14.65
C162–198 D 6–19–67	Oklahoma Natural Gas Co., et al., Post Office Box 871, Tulsa, Okla. 74102.	Transwestern Pipeline Co., Elmwood Field, Beaver County, Okla.	(2)	----------
C162–708 E 6–20–67	Occidental Petroleum Corp. (successor to McWood Corp.).	Tennessee Gas Pipeline Co., a division of Tenneco, Inc., Potrero Lopeno Field, Kenedy County, Tex.	17.34347	14.65
C163–980 (G–12578) C 6–22–67 [3]	Pan American Petroleum Corp., Post Office Box 591, Tulsa, Okla. 74102.	Colorado Interstate Gas Co., Moscow Gas Area, Beaver County, Okla.	[4] 18.08	14.65
C164–946 C 6–26–67	Tenneco Oil Co. (Operator) et al., Post Office Box 2511, Houston, Tex. 77001.	Michigan Wisconsin Pipe Line Co., Lenorn Field, Dewey County, Okla.	[5] 17.0	14.65
C165–617 E 6–20–67	Occidental Petroleum Corp. (successor to McWood Corp. (Operator) et al.).	Texas Eastern Transmission Corp., Spider Field, De Soto Parish, La.	18.5	15.025
C166–109 E 6–19–67	Latham Management Co., Inc. (Operator) et al. (successor to McGoldrick & Watson Drilling Co. (Operator) et al.), Post Office Box 1861, Shreveport, La. 71101.	United Gas Pipe Line Co., Bethany Field, Panola County, Tex.	10.887	14.65
C167–1802 A 6–26–67	Pan American Petroleum Corp....	Northern Natural Gas Co., West Perryton Field, Ochiltree County, Tex.	[4] 19.56	14.65
C167–1803 A 6–26–67	Petroleum, Inc., 300 West Douglas, Wichita, Kans. 67202.	Panhandle Eastern Pipe Line Co., Mocane-Laverne Pool, Beaver County, Okla.	[5] 17.0	14.65
C167–1814 A 6–22–67	Fairman Drilling Co., Box 286, Dubois, Pa. 15801.	Consolidated Gas Supply Corp., Gaskill Township, Jefferson County, Pa.	27.5	15.325
C167–1815 A 6–21–67	Boyd & Skriver, Read Bldg., South Seventh St., Indiana, Pa. 15701.	Consolidated Gas Supply Corp., Canoe Township, Indiana County, Pa.	25.0	15.325
C167–1816 A 6–26–67	The California Co., a division of Chevron Oil Co., 1111 Tulane Ave., New Orleans, La. 70112.	Texas Gas Transmission Corp., Block 8 Field, South Timbalier Area, Offshore Louisiana.	21.25	15.025
C167–1817 A 6–26–67	Jack F. Harney and Joseph A. Johnson, 303 Warwick, 1315 Gravier St., New Orleans, La. 70112.	United Gas Pipe Line Co., Belle Isle Field, St. Mary Parish, La.	20.635	15.025
C167–1818 (C164–1406) F 6–19–67	Texota Oil Co., Operator (successor to Steve Goss (Operator) et al.), 811 San Jacinto Bldg., Houston, Tex. 77002.	Arkansas Louisiana Gas Co., acreage in Haskell County, Okla.	15.0	14.65
C167–1819 (G–18748) F 6–22–67	Pan American Petroleum Corp. (successor to Sinclair Oil & Gas Co.).	El Paso Natural Gas Co., Mocane Gas Area, Beaver County, Okla.	17.0	14.65
C167–1820 (G–12780) F 6–22–67	Pan American Petroleum Corp. (successor to Helmerich & Payne, Inc.).	Colorado Interstate Gas Co., Mocane Gas Area, Beaver County, Okla.	[4] 19.21	14.65
C167–1821 A 6–26–67	Lone Star Producing Co., 301 South Harwood St., Dallas, Tex. 75201.	Panhandle Eastern Pipe Line Co., acreage in Dewey County, Okla.	[5] 17.0	14.65
C167–1822 A 6–27–67	The California Co., a division of Chevron Oil Co.	Texas Gas Transmission Corp., Block 23 Field, Ship Shoal Area, Offshore Louisiana.	21.25	15.025
C167–1823 B 6–28–67	Jas. F. Morse & Co., c/o M. C. Morse, agent and atty-in-fact, 267 Meadows Bldg., Dallas, Tex. 75206.	Texas Gas Pipeline Corp., Oyster Bayou Field, Chambers County, Tex.	Depleted	----------
C167–1824 A 6–28–67	Logue and Patterson et al., 628 Meadows Bldg., Dallas, Tex. 75206.	United Gas Pipe Line Co., acreage in San Patricio County, Tex.	14.25	14.65

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
CI67-1826 A 6-29-67	Alabama Gas Corp., 3171 Mannie Dr., Alexandria, La. 71301.	Texas Eastern Transmission Corp., Trebloc Field, Chickasaw County, Miss.	17.0	15.025
CI67-1830 A 6-26-67	Whitestone Petroleum Corp., 800 Pere Marquette Bldg., New Orleans, La. 70112.	Southern Natural Gas Co., Magnolia Field, Plaquemines Parish, La.	19.5	15.025
CI67-1827 (CI61-1427) F 6-26-67	Kerr-McGee Corp. (successor to Feasel Interests [2]) Kerr-McGee Bldg., Oklahoma City, Okla. 73102.	Texas Gas Transmission Corp., Cartwright Field, Jackson Parish, La.	18.75	15.025
CI67-1828 (G-11745) F 6-26-67	Kerr-McGee Corp. (successor to Feasel Interests [2]).	Texas Gas Transmission Corp., Terryville Field, Lincoln Parish, La.	18.25	15.025
CI67-1829 (G-17406) F 6-26-67	do	Texas Gas Transmission Corp., Bull Creek Field, Claiborne and Union Parishes, La.	18.25	15.025
CI67-1830 (G-2894) F 6-26-67 [4]	do	Texas Eastern Transmission Corp., Hico-Knowles-Dubach Area, Claiborne, Lincoln, and Union Parishes, La.	18.7756	15.025
CI67-1831 (CI61-569) (CI63-1109) F 6-26-67	Kerr-McGee Corp. (Operator) et al. (successor to Feasel Interests [2]).	Texas Gas Transmission Corp., North Grambling Field, Terryville-Ruston Area, Lincoln Parish, La.	18.75	15.025
CI67-1832 (G-2894) F 6-26-67 [4]	Kerr-McGee Corp. (successor to Feasel Interests [2]).	Texas Eastern Transmission Corp., Unionville Field, Lincoln Parish, La.	18.7756	15.025
CI67-1833 (G-2894) F 6-26-67 [7]	do [3]	Mississippi River Transmission Corp., North Ruston Field, Lincoln Parish, La.	14.163	15.025
CI67-1834 (G-16704) F 6-26-67	do [10]	Texas Gas Transmission Corp., Carlton, Calhoun, and Tremont Areas, Jackson, Lincoln, and Ouachita Parishes, La.	18.25	15.025
CI67-1835 (CI66-553) F 6-26-67	do [3]	Texas Gas Transmission Corp., Chenniere Area, Jackson and Ouachita Parishes, La.	18.25	15.025

[1] The gas purchaser has advised Petitioner that the purchaser does not have the facilities or capacity to accommodate the volumes of gas which will be produced from the subject acreage.
[2] Deletes nonproductive acreage assigned to Crystal Oil & Land Co.
[3] Adds acreage acquired from Marathon Oil Co., Docket No. G-14441.
[4] Uneconomical to connect due to small volumes of casinghead gas.
[5] Adds acreage acquired from Marathon Oil Co., Docket No. G-13678.
[6] Includes 2.38 cents upward B.t.u. adjustment. Subject to upward and downward B.t.u. adjustment.
[7] Subject to upward and downward B.t.u. adjustment.
[8] Includes 2.50 cents upward B.t.u. adjustment. Subject to upward and downward B.t.u. adjustment.
[9] Includes 2.21 cents upward B.t.u. adjustment. Subject to upward and downward B.t.u. adjustment.
[10] Covered under certificate issued to Texas Gas Exploration Corp. (Operator) et al., Docket No. CI61-1427.
[11] Covered under certificate issued to Southwest Gas Producing Co., Inc. (Operator) et al., Docket No. G-11745.
[12] Covered under certificate issued to Southwest Gas Producing Co., Inc., et al., Docket No. G-17404.
[13] Covered under certificate issued to Southwest Gas Producing Co., Inc.
[14] Partially succeeds FPC GRS No. 5.
[15] Covered under certificates issued to W. C. Feasel Estate, et al., Docket No. CI61-563 and John Franks (Operator) et al., Docket No. CI63-1109.
[16] Partially succeeds FPC GRS No. 5.
[17] Partially succeeds FPC GRS No. 2.
[18] Covered under certificate issued to Southwest Gas Producing Co., Inc., et al., Docket No. G-16704.
[19] Covered under certificate issued to Southwest Gas Producing Co., Inc., et al., Docket No. CI66-553.

[F.R. Doc. 67-8352; Filed, July 20, 1967; 8:45 a.m.]

[Docket No. G-8294, etc.]

JOHN B. HAWLEY, JR., ET AL.

Findings and Order

JULY 12, 1967.

John B. Hawley, Jr., and G. S. Davidson, Trustees under John B. Hawley, Jr., Trust No. 1 (successor to John B. Hawley, Jr.), and other Applicants listed herein; Docket Nos. G-8294, et al.

Findings and orders after statutory hearing issuing certificates of public convenience and necessity, canceling docket numbers, amending certificates, permitting and approving abandonment of service, terminating certificates, terminating rate proceeding, substituting respondents, making successors co-respondents, redesignating proceedings, accepting agreements and undertakings for filing, requiring filing of surety bonds, and accepting related rate schedules and supplements for filing.

Each of the Applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery or natural gas in interstate commerce, for permission and approval to abandon service, or a petition to amend an existing certificate authorization, all as more fully described in the respective applications and petitions (and any supplements or amendments thereto) which are on file with the Commission.

The Applicants herein have filed related FPC Gas Rate Schedules and propose to initiate or abandon, add or delete natural gas service in interstate commerce as indicated by the tabulation herein. All sales certificated herein are at rates either equal to or below the ceiling prices established by the Commission's Statement of General Policy No. 61-1, as amended, or involve sales for which permanent certificates have been previously issued; except that the sales from the Permian Basin area of New Mexico are authorized to be made at the applicable area base rate and under the conditions prescribed in Opinion Nos. 468 and 468-A.

John B. Hawley, Jr., and G. S. Davidson, Trustees under John B. Hawley, Jr., Trust No. 1, Applicants in Docket Nos. G-9268 and G-9477, and John B. Hawley, Jr., and G. S. Davidson, Trustees under John B. Hawley, Jr., Trust No. 1 (Operator), et al., Applicants in Docket No. G-13570, proposes to continue the sales of natural gas heretofore authorized to be made in said dockets pursuant to John B. Hawley, Jr., FPC Gas Rate Schedule Nos. 2 and 3 and John B. Hawley, Jr. (Operator), et al., FPC Gas Rate Schedule No. 4, respectively. Said rate schedules will be redesignated as those of Applicants. The presently effective rates under said rate schedules are in effect subject to refund in Docket Nos. RI63-368, RI64-595 and RI62-522, respectively. A prior increased rate was collected under the predecessor's FPC Gas Rate Schedule No. 3 subject to refund in Docket No. G-18101. Applicants have filed motions to be substituted as respondents in all of their predecessor's rate proceedings and have submitted agreements and undertakings to assure the refunds of all amounts collected in excess of the amounts determined to be just and reasonable in said proceedings. Therefore, Applicants will be substituted in lieu of their predecessor as respondent in each proceeding, the proceedings will be redesignated accordingly, and the agreements and undertakings will be accepted for filing.

Glenn F. Thomas doing business as Thomas Petroleum (Operator) et al., Applicant in Docket No. G-18513, proposes to continue the sale of natural gas heretofore authorized in said docket to be made pursuant to Glenn F. Thomas, et al., doing business as Thomas & Brewer (Operator) et. al., FPC Gas Rate Schedule No. 1. Said rate schedule will be redesignated as that of Applicant. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI63-43. Concurrently with the subject application Applicant filed a motion to be added as party respondent in the proceeding pending in Docket No. RI63-43 effective as of the date of transfer of the producing properties. In his certificate application Applicant indicates that he intends to be responsible for the total refund from the time that the increased rate was made effective subject to refund. An agreement and undertaking accompanied the application and motion but does not state the extent to which Applicant is assuming the refund obligation. Therefore, Applicant will be made a co-respondent with his predecessor in the proceeding pending in Docket No. RI63-43, the proceeding will be redesignated accordingly, and the agreement and undertaking will be accepted for filing to assure the refund of any amounts collected by Applicant in excess of the amount determined to be just and reasonable in said proceeding. If Applicant intends to assume the refund obligation of his predecessor, he should so advise the Commission.

V. F. Neuhaus, Applicant in Docket Nos. G-11172 and CI61-783, proposes to continue the sales of natural gas heretofore authorized in said dockets to be made pursuant to Shell Oil Company FPC Gas Rate Schedule No. 193 and Shell Oil Co. (Operator) et al., FPC Gas Rate Schedule No. 271, respectively. Said rate schedules will be redesignated as those of Applicant. The presently effective rates under said rate schedules are in effect subject to refund in Docket Nos. RI65-475 and RI63-411, respectively, and Applicant has filed motions to be made corespondent in said proceedings. Therefore, Applicant will be made co-respondent in the proceedings pending in Docket Nos. RI63-411 and RI65-475, said proceedings will be redesignated accordingly, and Applicant will be required to file a surety bond in each proceeding to assure the refunds of any amounts collected by him in excess of the amounts determined to be just and reasonable in said proceedings.

Continental Oil Co., Applicant in Docket No. CI67-1665, proposes to continue in part the sale of natural gas heretofore authorized in Docket No. G-12236 to be made pursuant to J. M. Huber Corp. FPC Gas Rate Schedule No. 26. The contract comprising said rate schedule will also be accepted for filing as a rate schedule of Applicant. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. G-20444, and Applicant has filed a motion to be made corespondent in said proceeding together with an agreement and undertaking to assure the refund of any amounts collected by it in excess of the amount determined to be just and reasonable in said proceeding. Therefore, Applicant will be made corespondent in the proceeding pending in Docket No. G-20444, the proceeding will be redesignated accordingly, and the agreement and undertaking will be accepted for filing.

The Commission's staff has reviewed each application and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

After due notice, no petitions to intervene, notices of intervention, or protests to the granting of any of the respective applications or petitions in this order have been received.

At a hearing held on July 6, 1967, the Commission on its own motion received and made a part of the record in these proceedings all evidence, including the applications, amendments and exhibits thereto, submitted in support of the respective authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will therefore, be a "natural-gas company" within the meaning of said Act upon the commencement of the service under the respective authorizations granted hereinafter.

(2) The sales of natural gas hereinbefore described, as more fully described in the respective applications, amendments and/or supplements herein, will be made in interstate commerce, subject to the jurisdiction of the Commission, and such sales by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) The respective Applicants are able and willing properly to do the acts and to perform the services proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(4) The sales of natural gas by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefore should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Docket Nos. CI67-1450, CI67-1550 and CI67-1655 should be canceled and that the applications filed herein should be processed as petitions to amend the certificates heretofore issued in Docket Nos. G-7408, G-4233 and CI63-730, respectively.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the certificate authorizations heretofore issued by the Commission in Docket Nos. G-4233, G-4727, G-7408, G-8294, G-9143, G-9268, G-9477, G-11172, G-11838, G-12236, G-13103, G-13570, G-18513, CI60-189, CI60-193, CI61-763, CI61-783, CI61-957, CI62-845, CI61-1450, CI63-20, CI63-730, CI64-130, CI64-567, and CI65-603 should be amended as hereinafter ordered and conditioned.

(7) The sales of natural gas proposed to be abandoned by the respective Applicants, as hereinbefore described, all as more fully described in the respective applications and in the tabulation herein, are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act, and such abandonments should be permitted and approved as hereinafter ordered.

(8) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates of public convenience and necessity heretofore issued to the respective Applicants relating to the abandonments hereinafter permitted and approved should be terminated.

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the rate suspension proceeding pending in Docket No. RI65-596 should be terminated.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that John B. Hawley, Jr., and G. S. Davidson, Trustees under John B. Hawley, Jr., Trust No. 1, should be substituted in lieu of John B. Hawley, Jr., as respondents in the proceedings pending in Docket Nos. G-18101, RI62-268 and RI64-596; that John B. Hawley, Jr., and G. S. Davidson, Trustees under John B. Hawley, Jr., Trust No. 1 (Operator) et al., should be substituted in lieu of John B. Hawley, Jr. (Operator) et al., as respondents in the proceeding pending in Docket No. RI62-522; that said proceedings should be redesignated accordingly; and that the agreements and undertakings submitted by the successors in said proceedings should be accepted for filing.

(11) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Glenn F. Thomas doing business as Thomas Petroleum (Operator) et al., should be a corespondent in the proceeding pending in Docket No. RI63-43, that said proceeding should be redesignated accordingly, and that the agreement and undertaking submitted by Glenn F. Thomas doing business as Thomas Petroleum (Operator) et al., should be accepted for filing.

(12) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that V. F. Neuhaus should be corespondent in the proceedings pending in Docket Nos. RI63-411 and RI65-475, that said proceedings should be redesignated accordingly, and that V. F. Neuhaus should be required to file surety bonds in said proceedings.

(13) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Continental Oil Co. should be a corespondent in the proceeding pending in Docket No. G-20444, that said proceeding should be redesignated accordingly, and that the agreement and undertaking submitted by Continental in said proceeding should be accepted for filing.

(14) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the respective related rate schedules and supplements as designated in the tabulation herein should be accepted for filing as hereinafter ordered.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order, authorizing the sales by the respective Applicants herein of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary for such sales, all as hereinbefore described and as more fully described in the respective applications, amendments, supplements, and exhibits in this proceeding.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas

Act or of Part 154 or Part 157 of the Commission's regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against the respective Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the respective contracts particularly as to the cessation of service upon termination of said contracts, as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificates aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The grant of the certificates issued herein on all applications filed after April 15, 1965, is upon the condition that no increase in rate which would exceed the ceiling prescribed for the given area by paragraph (d) of the Commission's Statement of General Policy No. 61–1, as amended, shall be filed prior to the applicable date, as indicated by footnote 4 in the attached tabulation.

(E) The initial rates for sales authorized in Docket Nos. CI65–603 and CI67–1572 shall be the applicable base area rates prescribed in Opinion No. 468, as modified by Opinion No. 468–A, as adjusted for quality, or the contract rates, whichever are lower; and no increases in rate in excess of said initial rates shall be filed before January 1, 1968.

(F) If the quality of the gas delivered by Applicants in Docket Nos. CI65–603 and CI67–1572 deviates at any time from the quality standards set forth in Opinion No. 468, as modified by Opinion No. 468–A, so as to require a downward adjustment of the existing rate, a notice of change in rate shall be filed pursuant to the provisions of section 4 of the Natural Gas Act; provided, however, that adjustments reflecting changes in Btu content of the gas shall be computed by the applicable formula and charged without the filing of notices of changes in rate.

(G) Within 90 days from the date of initial delivery Applicants in Docket Nos. CI65–603 and CI67–1572 shall file rate schedule quality statements in the form prescribed in Opinion No. 468–A.

(H) The initial price for the sale authorized in Docket No. CI67–1223 shall be 15.0 cents per Mcf at 14.65 p.s.i.a.

(I) The acceptance for filing of the rate filing in Docket No. CI67–1660 is contingent upon Applicant's filing three copies of a billing statement as required by the Regulations under the Natural Gas Act.

(J) A certificate is issued herein in Docket No. CI67–782 authorizing Applicant to continue the sale of natural gas which was initiated without prior Commission authorization.

(K) A certificate is issued herein in Docket No. CI67–1676 authorizing Applicant to continue the sale of natural gas being rendered on June 7, 1964, by the predecessor.

(L) Docket Nos. CI67–1450, CI67–1550 and CI67–1655 are canceled.

(M) The certificates heretofore issued in Docket Nos. G–7408, G–11838, and G–13103 are amended by adding thereto or deleting therefrom authorization to sell natural gas to the same purchasers and in the same areas as covered by the original authorizations pursuant to the rate schedule supplements as indicated in the tabulation herein.

(N) The certificate heretofore issued in Docket No. CI65–603 is amended to include the sale of natural gas from the additional acreage and to include the interest of the nonsignatory coowners pursuant to the rate schedule supplements as indicated in the tabulation herein.

(O) The certificates heretofore issued in Docket Nos. G–4727, G–12236 and CI63–20 are amended by deleting therefrom authorization to sell natural gas from acreage assigned to Applicants in Docket Nos. CI67–1582, CI67–1665, and CI67–1596, respectively.

(P) The acceptance for filing of the related rate schedule in Docket No. CI67–1665 is contingent upon Applicant's filing three copies of a billing statement as required by the regulations under the Natural Gas Act.

(Q) The certificates heretofore issued in Docket Nos. G–4233, G–8294, G–9143, G–9268, G–9477, G–11172, G–13570, G–18513, CI60–189, CI60–193, CI61–763, CI61–783, CI61–957, CI62–845, CI62–1450, CI63–730,[1] CI64–130, and CI64–567 are amended by changing the certificate holders to the respective successors in interest as indicated in the tabulation herein.

(R) The acceptance for filing of the rate filings in Docket Nos. G–11172 and CI61–783 is contingent upon Applicant's filing three copies of a billing statement for each rate schedule as required by the regulations under the Natural Gas Act.

(S) The acceptance for filing of the rate schedule filing in Docket No. CI63–730 is contingent upon Applicant's filing three copies of a billing statement as required by the regulations under the Natural Gas Act.

(T) Permission for and approval of the abandonment of service by the respective Applicants, as hereinbefore described, all as more fully described in the respective applications and in the tabulation herein are granted.

(U) Permission for and approval of the abandonment in Docket No. CI67–1671 shall not be construed to relieve Applicant of any refund obligations which may be ordered in the rate suspension proceeding pending in Docket No. RI63–427.

[1] The sale herein is authorized at the initial price of 15.0 cents per Mcf at 14.65 p.s.i.a.

(V) The certificate heretofore issued in Docket No. G–4579 is terminated only insofar as it pertains to Cities Service Oil Co.'s FPC Gas Rate Schedule Nos. 4 and 5.

(W) The certificates heretofore issued in Docket Nos. G–9920, G–12517, G–16871, G–19573, G–19800, CI62–602, and CI62–903 are terminated.

(X) The rate suspension proceeding pending in Docket No. RI65–596 is terminated.

(Y) John B. Hawley, Jr., and G. S. Davidson, Trustees under John B. Hawley, Jr., Trust No. 1, are substituted in lieu of John B. Hawley, Jr., as respondents in the proceedings pending in Docket Nos. G–18101, RI62–268 and RI64–595; John B. Hawley, Jr., and G. S. Davidson, Trustees under John B. Hawley, Jr., Trust No. 1 (Operator) et al., are substituted in lieu of John B. Hawley, Jr. (Operator), et al., as respondents in the proceeding pending in Docket No. RI62–522; said proceedings are redesignated accordingly[2]; and the agreements and undertakings submitted by the new respondents are accepted for filing.

(Z) John B. Hawley, Jr., and G. S. Davidson, Trustees under John B. Hawley, Jr., Trust No. 1, and John B. Hawley, Jr., and G. S. Davidson, Trustees under John B. Hawley, Jr., Trust No. 1 (Operator), et al., shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreements and undertakings filed by them in Docket Nos. G–18101, RI62–268, RI62–522 and RI64–595 shall remain in full force and effect until discharged by the Commission.

(AA) Glenn F. Thomas doing business as Thomas Petroleum (Operator) et al., shall be a corespondent in the proceeding pending in Docket No. RI63–43; said proceeding is redesignated accordingly[3]; and the agreement and undertaking filed by Thomas Petroleum in said proceeding is accepted for filing to assure the refund of any amounts collected by Thomas Petroleum in excess of the amount determined to be just and reasonable in said proceeding.

(BB) Glenn F. Thomas doing business as Thomas Petroleum (Operator) et al., shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreement and undertaking filed by Thomas Petroleum in Docket No. RI63–43 shall remain in full force and effect until discharged by the Commission.

[2] Docket Nos. G–18101, RI62–268, and RI64–595, John B. Hawley, Jr., and G. S. Davidson, Trustees under John B. Hawley, Jr., Trust No. 1; Docket No. RI62–522, John B. Hawley, Jr., and G. S. Davidson, Trustees under John B. Hawley, Jr., Trust No. 1 (Operator), et al.

[3] Glenn F. Thomas, et al., doing business as Thomas & Brewer (Operator) et al., Massey and Smith, and Glenn F. Thomas doing business as Thomas Petroleum (Operator) et al.

(CC) V. F. Neuhaus shall be corespondent in the proceedings pending in Docket Nos. RI63–411 and RI65–475 and said proceedings are redesignated accordingly.[4]

(DD) Within thirty days from the issuance of this order V. F. Neuhaus shall execute, in the form set out below, and shall file with the Secretary of the Commission acceptable surety bonds in Docket Nos. RI63–411 and RI65–475 in the amounts of $9,000 and $4,500 respectively, to assure the refunds of any amounts collected by him, together with interest at the rate of seven percent per annum, in excess of the amounts determined to be just and reasonable in said proceedings. Said bonds shall be accompanied by certificates to the effect that Applicant has assumed no obligation in connection with the bonds in addition to the payment of the bond premiums. Unless notified to the contrary within thirty days from the date of submission, said bonds shall be deemed to have been accepted for filing.

(EE) V. F. Neuhaus shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the surety bonds filed by him in Docket Nos. RI63–411 and RI65–475 shall remain in full force and effect until discharged by the Commission.

(FF) Continental Oil Co. shall be a corespondent in the proceeding pending in Docket No. G–20444, said proceeding is redesignated accordingly,[5] and the agreement and undertaking submitted by Continental in said proceeding is accepted for filing.

(GG) Continental Oil Co. shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreement and undertaking filed by it in Docket No. G–20444 shall remain in full force and effect until discharged by the Commission.

(HH) The respective related rate schedules and supplements as indicated in the tabulation herein are accepted for filing; further, the rate schedules relating to the successions herein are accepted and redesignated, subject to the applicable Commission regulations under the Natural Gas Act to be effective on the dates as indicated in the tabulation herein.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

Docket No. and Date Filed	Applicant	Purchaser, Field and Location	FPC Rate Schedule to be accepted: Description and Date of Document	No.	Supp.
G–8294 G–9143 E 5–8–67	John B. Hawley, Jr., and G. S. Davidson, Trustees under John B. Hawley, Jr., Trust No. 1 (successor to John B. Hawley, Jr.).	Cities Service Gas Co., Kansas Hugoton Gas Field, Haskell and Morton Counties, Kans.	John B. Hawley, Jr., FPC GRS No. 1.	1	-------
			Supplement Nos. 1–10	1	1–10
			Notice of succession (undated).	-------	-------
			Assignment 1–2–64 [1]	1	11
			Assignment 1–2–64 [1]	1	13
			Effective date: 11–26–62	-------	-------
G–9268 E 5–8–67	do	Northern Natural Gas Co., Kansas Hugoton Gas Field, Haskell County, Kans.	John B. Hawley, Jr., FPC GRS No. 2.	2	-------
			Supplement Nos. 1–9	2	1–9
			Notice of succession (undated).	-------	-------
			Assignment 1–2–64 [1]	2	10
			Effective date: 11–26–62	-------	-------
G–9477 E 5–8–67	do	Colorado Interstate Gas Co., Kansas Hugoton Gas Field, Grant County, Kans.	John B. Hawley, Jr., FPC GRS No. 3.	3	-------
			Supplement Nos. 1–4	3	1–4
			Notice of succession (undated).	-------	-------
			Assignment 1–2–64 [1]	3	5
			Effective date: 11–26–62	-------	-------
G–11172 E 5–8–67	V. F. Neuhaus (successor to Shell Oil Co.).	Florida Gas Transmission Co., Oblate Field, Hidalgo County, Tex.	Shell Oil Co., FPC GRS No. 193.	8	-------
			Supplement Nos. 1–6	8	1–6
			Notice of succession (undated).	-------	-------
			Assignments 4–14–67 [3]	8	7
			Assignment 4–14–67 [3]	8	8
			Effective date: 2–1–67	-------	-------
G–11838 C 5–17–67 [4]	Cities Service Oil Co.	Northern Natural Gas Co., Belpre Field, Edwards County, Kans.	Supplemental agreement 4–26–67 [5] [6]	26	6
G–13103 C 5–19–67 [4]	Aztec Oil & Gas Co.	Southern Union Gathering Co., Basin Dakota Pool, San Juan County, N. Mex.	Assignment 4–20–67 [6] [7]	7	23
G–13570 E 5–8–67	John B. Hawley, Jr., and G. S. Davidson, trustees under John B. Hawley, Jr., Trust No. 1 (Operator) et al. (successor to John B. Hawley, Jr. (Operator) et al.).	Northern Natural Gas Co., Kansas Hugoton Gas Field, Finney County, Kans.	John B. Hawley, Jr. (Operator) et al., FPC GRS No. 4.	4	-------
			Supplement Nos. 1–3	4	1–3
			Notice of succession (undated).	-------	-------
			Assignment 1–2–64 [1]	4	4
			Effective date: 11–26–62	-------	-------
G–18513 E 4–28–67	Glenn F. Thomas d.b.a. Thomas Petroleum (Operator) et al. (successor to Glenn F. Thomas et al. d.b.a. Thomas & Brewer (Operator) et al.)	Colorado Interstate Gas Co., Adams Ranch Field, Meade County, Kans.	Glenn F. Thomas et al., d.b.a. Thomas & Brewer (Operator) et al., FPC GRS No. 1.	1	-------
			Supplement Nos. 1–10	1	1–10
			Notice of succession (undated).	-------	-------
			Assignment 3–18–67	1	11
			Effective date: 3–1–67	-------	-------
CI60–189 E 4–28–67	do	Panhandle Eastern Pipe Line Co., Acreage in Meade County, Kans.	Glenn F. Thomas et al., d.b.a. Thomas & Brewer (Operator) et al., FPC GRS No. 4.	3	-------
			Supplement No. 1	3	1
			Notice of succession (undated).	-------	-------
			Assignment 3–18–67	3	2
			Effective date: 3–1–67	-------	-------
CI60–193 E 4–28–67	do	do	Glenn F. Thomas et al., d.b.a. Thomas & Brewer (Operator) et al., FPC GRS No. 3.	2	-------
			Supplement No. 1	2	1
			Notice of succession (undated).	-------	-------
			Assignment 3–18–67	2	2
			Effective date: 3–1–67	-------	-------
		Panhandle Eastern Pipe Line Co., Adams Ranch Field, Meade County, Kans.	Glenn F. Thomas et al., d.b.a. Thomas & Brewer (Operator) et al., FPC GRS No. 8.	5	-------
			Notice of succession (undated).	-------	-------
			Assignment 3–18–67	5	1
			Effective date: 3–1–67	-------	-------
CI61–763 E 5–15–67	Sunray DX Oil Co. (successor to Texaco, Inc.).	Natural Gas Pipeline Co. of America, Northwest Dower Field, Beaver County, Okla.	Texaco Inc., FPC GRS No. 220.	275	-------
			Supplement Nos. 1–3	275	1–3
			Notice of succession 5–10–67.	-------	-------
			Assignment 1–1–67	275	4
			Effective date: 1–1–67	-------	-------

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

[4] Docket No. RI63–411, Shell Oil Co. (Operator) et al., and V. F. Neuhaus; Docket No. RI63–475, Shell Oil Co., Cabot Corp. (SW) (Operator) et al., Herman Geo. Kaiser (Operator) et al., Phillips Petroleum Co. and V. F. Neuhaus.

[5] J. M. Huber Corporation and Continental Oil Co.

Docket No. and Date Filed	Applicant	Purchaser, Field and Location	FPC Rate Schedule to be accepted: Description and Date of Document	No.	Supp.
CI61-149 (G-18800) B 4-17-67	Humble Oil & Refining Co.	United Gas Pipe Line Co., Bayou Chauvin Field, Terrebonne Parish, La.	Notice of cancellation 4-11-67 [13] [14]	158	5
CI67-1440 (G-7424) D 4-17-67 [2]	Edwin L. Cox (Partial abandonment).	Kansas-Nebraska Natural Gas Co., Inc., Hugoton Field, Stanton County, Kans.	Notice of cancellation 4-13-67 [13] [14]	6	6
CI67-1560 (C163-629) E 4-24-67	Mrs. Geraldine H. Woolf.	Arkansas Louisiana Gas Co., South Marlow Field, Stephens County, Okla.	Notice of cancellation (undated)	1	1
			Supplement Nos. 1-13		1-13
			Notice of Succession 6-26-67.		
			Assignment 5-24-56 [15]	1	14
			Effective date: 3-24-56		
			Contract 2-1-67 [1]	400	
CI67-1572, A 4-4-67 [1]	Mobil Oil Corporation [16]	Natural Gas Pipeline Co. of America, Cemetery N. Mer. Field, Eddy County, N. Mex.	Contract 2-20-67 [15]	2	1
			Contract 2-12-51 [15]	3	
			Agreement 5-16-64 [15]	5	2
CI67-1563 (G-4727) B 4-6-67 E 4-25-67 [3]	Wilson Exploration Co., Agent (Operator), et al. (successor to Ohio Oil Co. Production Co., Anson Corp. (Operator) et al. (successor to Humble Oil & Refining Co. (Operator) et al.).	Arkansas Louisiana Gas Co., Carthage Field, Panola County, Tex.	Contract 5-24-62 [15]	1	1
		Arkansas Louisiana Gas Co., Milton McCurtain Field, Haskell County, Okla.	Letter agreement 5-2-63 [15]	11	2
			Amended agreement 5-22-63 [15]	11	3
			Assignment 5-28-56 [15]	11	4
			Effective date: 5-28-56		
CI67-1580 E 4-28-67	Panhandle Eastern Pipe Line Co. (Operator) et al.	Panhandle Eastern Pipe Line Co., South Bishop (Post) Field, Ellis County, Okla.	Contract 4-6-67 [15]	6	1
			Contract 4-6-67 [15]	6	2
			Contract 4-7-67 [15]	6	3
CI64-130 E 4-28-67	Glenn F. Thomas d.b.a. Thomas Petroleum (Operator) et al. (successor to Glenn F. Thomas and George W. Brewer, Jr., d.b.a. Thomas & Brewer (Operator) et al.).	Tennessee Gas Pipeline Co., a division of Tenneco, Inc., Carthage Field, Panola County, Tex.	Notice of cancellation (undated) [13]	5	5
		Northern Natural Gas Co., Harper Ranch Field, Clark County, Kans.			
		Michigan Wisconsin Pipe Line Co., Woodward Area, Dewey County, Okla.	Estate of S. J. Sarkeys, FPC GRS No. 1-5, Supplement Nos. 1-5.	4	1-5
			Notice of succession 5-4-67.	5	6
			Court Order 3-13-67 [17]	6	7
			Assignment 5-22-67 [18]	6	8
			Effective date: 3-1-67		
CI64-507 E 4-28-67	Glenn F. Thomas d.b.a. Thomas Petroleum (Operator) et al. (successor to Glenn F. Thomas and George W. Brewer, Jr., d.b.a. Thomas & Brewer et al.).	Texas Gas Transmission Corp., Carthage Field, Panola County, Tex.	Notice of cancellation 4-6-67. [13] [14]	4	8
		Valley Gas Transmission, Inc., Seeligson East Field, Duval County, Tex.	Contract 5-5-67 [1]	1	
		Consolidated Gas Supply Corp., Lee District, Gilmer County, W. Va.	Contract 5-25-67 [1]	7	
		Consolidated Gas Supply Corp., Parkersburg District, Wood County, Okla.	Contract 1-24-67 [1]	203	
		Cities Service Gas Co., Mocane-Laverne Field, Beaver County, Okla.	Contract 12-6-66 [15]	227	1
		Consolidated Oil Supply Corp., Canfield Dist., Tyler County, W. Va.	Assignment 2-28-67 [15]	227	
			Effective date: 2-1-67		
		Michigan Wisconsin Pipe Line Co., Seiman-Morris Unit, Woodward County, Okla.	Contract 2-3-67 [1]	24	
CI67-1588 (C165-649) B 5-2-67	Shell Oil Co.		Notice of cancellation 4-13-67 [13] [14]	2 [19] 285	4

Docket No. and Date Filed	Applicant	Purchaser, Field and Location	FPC Rate Schedule to be accepted: Description and Date of Document	No.	Supp.
CI61-782 E 5-5-67	V. P. Neuhaus (successor to Shell Oil Co. (Operator) et al.).	Florida Gas Transmission Co., Ysleta Field, Starr County, Tex.	Shell Oil Co. (Operator) et al., FPC GRS No. 271. Supplement Nos. 1-9. Notice of succession Assignment 4-11-67 [1]	9	9
			Assignment 4-11-67 [1]	9	10
			Assignment 4-11-67 [1]	9	11
			Effective date: 3-1-67.		
CI61-967 E 4-26-67	Glenn F. Thomas d.b.a. Thomas Petroleum (successor to Glenn F. Thomas et al., d.b.a. Thomas & Brewer (Operator) et al.).	Panhandle Eastern Pipe Line Co., Acreage in Seward County, Kans.	Glenn F. Thomas & George W. Brewer (Operator), et al., FPC GRS Notice of succession (undated)	4	1
			Assignment 5-18-67.	4	2
			Effective date: 3-1-67.		
CI67-945 E 4-28-67	Glenn F. Thomas d.b.a. Thomas Petroleum (Operator) et al. (successor to Glenn F. Thomas and George W. Brewer, Jr., d.b.a. Thomas & Brewer (Operator) et al.).	Panhandle Eastern Pipe Line Co., Berryman Pool, Morton County, Kans.	Glenn F. Thomas & George W. Brewer, Jr., d.b.a. Thomas & Brewer (Operator) et al., FPC GRS No. 9 Supplement No. 1	6	1
			Notice of succession (undated)	6	2
			Assignment 5-18-67.	6	3
			Effective date: 3-1-67.		
CI67-1562 E 4-28-67	Glenn F. Thomas d.b.a. Thomas Petroleum (Operator) et al. (successor to Glenn F. Thomas and George W. Brewer, Jr., d.b.a. Thomas & Brewer (Operator) et al.).	Kansas-Nebraska Natural Gas Co., Acreage in Beaver County, Okla.	Glenn F. Thomas d.b.a. Thomas & George W. Brewer, Jr., d.b.a. Thomas & Brewer (Operator) et al., FPC GRS No. 10	7	1
			Supplement No. 1	7	2
			Notice of succession (undated)	7	3
			Assignment 5-18-67.	7	4
			Effective date: 3-1-67.		
CI64-130 E 4-28-67	Glenn F. Thomas d.b.a. Thomas Petroleum (Operator) et al. (successor to Glenn F. Thomas and George W. Brewer, Jr., d.b.a. Thomas & Brewer (Operator) et al.).	Northern Natural Gas Co., Harper Ranch Field, Clark County, Kans.	Glenn F. Thomas & George W. Brewer, Jr., d.b.a. Thomas & Brewer (Operator) et al., FPC GRS No. 12.	8	1
			Supplement No. 1	8	2
			Notice of succession (undated)	8	3
			Assignment 5-18-67.	8	4
			Effective date: 3-1-67.		
CI64-507 E 4-28-67	Glenn F. Thomas d.b.a. Thomas Petroleum (Operator) et al. (successor to Glenn F. Thomas and George W. Brewer, Jr., d.b.a. Thomas & Brewer et al.).	Panhandle Eastern Pipe Line Co., Adams Ranch Field, Meade County, Kans.	Glenn F. Thomas and George W. Brewer d.b.a. Thomas & Brewer et al., FPC GRS No. 13	9	
			Notice of succession (undated)	9	1
			Assignment 5-18-67.	9	2
			Effective date: 3-1-67.		
CI66-903 C 5-15-67 [20]	Marathon Oil Co. (Operator) et al. [21]	Natural Gas Pipeline Co. of America, Indian Basin Area, Eddy County, N. Mex.	Letter 10-21-66 [22]	93	1 to 3
			Letter 3-3-67 [22]	93	
CI67-792, A 12-13-66 [23]	J. T. Dunn, agent for R. H. Smith et al., d.b.a. Morris Oil & Gas Co.	Cities Service Gas Co., Hilton Field, Ritchie County, W. Va.	Contract 8-26-58 [1]	11	
CI67-1223 A 3-8-67, 5-5-67 [24]	Sesco Production Co.	Lone Star Gas Co., Henderson South Travis Peak Field, Rusk County, Texas.	Contract 1-11-67.	2	

See footnotes at end of table.

Docket No. and Date Filed	Applicant	Purchaser, Field and Location	FPC Rate Schedule to be accepted: Description and Date of Document	No.	Supp.
CI67-1600 A 5-22-67 [1]	Anadarko Production Co.	Baca Gas Gathering System, Inc., Walsh Field, Baca County, Colo.	Contract 4-24-67 [1]	131	
CI67-1670 (G-4579) B 5-22-67 [27]	Cities Service Oil Co.	Lone Star Gas Co., Cruce Field, Stephens County, Okla.	Notice of cancellation 5-18-67. [13] [14]	4	2
			Notice of cancellation 5-18-67. [13] [14]	5	3
CI67-1671 (G-10871) B 5-22-67	Kerr-McGee Corp.	Panhandle Eastern Pipe Line Co., South Forgan Area, Beaver County, Okla.	Notice of cancellation 5-18-67. [13] [14]	[28] 88	3
CI67-1673 (C162-602) B 5-19-67	W. C. McBride, Inc.	Arkansas Louisiana Gas Co., South Marlow Field, Stephens County, Okla.	Notice of cancellation 5-18-67. [13] [14]	19	3
CI67-1674 (G-19573) B 5-22-67	Shell Oil Co.	United Gas Pipe Line Co., Bayou Chauvin Field, Terrebonne Parish, La.	Notice of cancellation 5-18-67. [13] [14]	219	3
CI67-1676 A 5-23-67 [1]	A. M. van Flick	Equitable Gas Co., Court House District, Lewis County, W. Va.	Contract 4-24-67. [1]	6	
CI67-1676 A 5-24-67 [29]	Dwight L. McKeever	The Manufacturers Light & Heat Co., Loyal Hanna Township, Westmoreland County, Pa.	Contract 4-1-54. [30]	1	
			Letter agreement 5-6-58. [31]	1	1
			Assignment 5-17-67. [32]	1	2
			Letter agreement 5-1-67. [32]	1	3
			Effective date: 5-17-67.		
CI67-1677 A 5-24-67 [1]	Texaco, Inc.	Montana-Dakota Utilities Co., Pavillion Field, Fremont, County, Wyo.	Contract 5-3-67. [1]	397	
CI67-1678 A 5-25-67 [1]	Larco Drilling Co. (Operator) et al.	United Gas Pipe Line Co., Puckett Gas Field, Rankin and Smith Counties, Miss.	Contract 5-8-67	6	
CI67-1680 A 5-25-67	Texaco, Inc.	Northern Natural Gas Co., Carthage Field, Texas County, Okla.	Contract 5-9-67. [1]	400	
CI67-1682 A 5-24-67 [1]	Reynolds Drilling Co., Inc. (Operator) et al.	Texas Eastern Transmission Corp., Logansport Field, De Soto Parish, La.	Contract 5-8-67	1	

[1] Assigns acreage from John B. Hawley, Jr., to Applicant.
[2] From Shell Oil Co. to Roger B. Mize, 5 assignments of even dates.
[3] From Roger B. Mize to V. F. Neuhaus.
[4] Jan. 1, 1968, moratorium pursuant to the Commission's Statement of General Policy No. 61-1, as amended.
[5] Acreage committed to depths shallower than the base of the Mississippian System.
[6] Effective date: Date of initial delivery (Applicant shall advise the Commission as to such date).
[7] Southern Union Gas Co. assigned its purchase rights to Southern Union Gathering Co. Gas previously sold in intrastate commerce.
[8] Adds interest of nonsignatory coowners.
[9] Jan. 1, 1968, moratorium provided by Opinion No. 468.
[10] Applicant has indicated a willingness to accept the conditions imposed by the order issuing certificate in the original application. These conditions were similar to those imposed by Opinion No. 468.
[11] Supplements the rate schedule to cover the interest of nonsignatory coowners (Pioneer Production Corp., Odessa Natural Gasoline Co., Merle C. Keice and Frank W. Podpechan).
[12] From buyer, agreeing to accept the interest of the nonsignatory coowners under the subject contract.
[13] Sale being rendered without prior Commission authorization.
[14] Amended application filed to reflect a rate of 15.0075 cents in lieu of 14.99 cents.
[15] Source of gas depleted.
[16] Effective date: Date of this order.
[17] Application erroneously assigned Docket No. CI67-1450 will be construed as a petition to amend the certificate in Docket No. G-7405 to reflect the partial abandonment and Docket No. CI67-1450 will be canceled.
[18] Application erroneously assigned Docket No. CI67-1550 will be construed as a petition to amend the certificate in Docket No. G-4233 to reflect the complete succession and Docket No. CI67-1550 will be canceled.
[19] Assigns acreage from Mrs. Geraldine H. Woolf to M. L. Kinne.
[20] Applicant has expressed willingness to accept a permanent certificate containing conditions similar to those imposed by Opinion No. 468, as modified by Opinion No. 468-A.
[21] Amendment to the application filed to reflect a price of 10.3812 cents in lieu of 11.30 cents.
[22] Ratifies contract between D. Thomason Production Co., Inc., and buyer (Mar. 12, 1951), as amended (Mar. 15, 1954), to cover acreage acquired by assignment dated Feb. 22, 1967 from D. Thomason Production Co., Inc.
[23] On file as D. Thomason Production Co., Inc., FPC GRS No. 1.
[24] On file as Humble Oil & Refining Co. (Operator), *et al.*, FPC GRS No. 337.
[25] Between Humble and Arkansas Louisiana; serves as notice of intent to compress gas as provided in the contract.
[26] Between Humble and Arkansas Louisiana; amends basic contract to provide for 15-cent rate with periodic increases every 5 years to a maximum of 18 cents.
[27] Assignment of subject acreage from Humble to An-Son Corp.
[28] Between Mack Oil Co., T. H. McCasland and Panhandle Eastern; adopts terms of June 16, 1966 contract.
[29] Between Amerada Petroleum Corp. and Panhandle Eastern Pipe Line Co.
[30] Between Norville Oil Co. and Panhandle Eastern Pipe Line Co. Adopts terms of June 16, 1966 contract.
[31] Application erroneously assigned Docket No. CI67-1655 will be construed as a petition to amend the certificate in Docket No. C163-730 and Docket No. CI67-1655 will be canceled.
[32] Court Order directing the Executors of the Estate of S. J. Sarkeys to turn over to Sarkeys Foundation the property covered by Estate of S. J. Sarkeys FPC GRS No. 1.
[33] From Sarkeys Foundation to Sarkeys, Inc.
[34] Contract on file as J. M. Huber Corp. FPC GRS No. 28.
[35] Assigns acreage from J. M. Huber to Applicant.
[36] Rate in effect subject to refund in Docket No. RI65-598, effective Sept. 23, 1965. Applicant states well ceased to produce before effective date of rate increase and no money was collected subject to refund; therefore, the rate suspension proceeding in Docket No. RI65-598 will be terminated.
[37] Other sales covered under Docket No. G-4579; therefore, the certificate in said docket will be terminated only insofar as it pertains to Cities Service Oil Co.'s FPC GRS Nos. 4 and 5.
[38] Rate in effect subject to refund in Docket No. RI63-427; last firm rate is 16 cents.
[39] Sale being rendered on June 7, 1954, by predecessor (no certificate or rate filings made by predecessor).
[40] Between The Peoples Natural Gas Co. and The Manufacturers Light & Heat Co.
[41] Between Peoples and Manufacturers to cover additional acreage.
[42] From Peoples to Dwight L. McKeever.
[43] Provides for a rate of 25 cents per Mcf at 15.325 p.s.i.a. and 60° F.; however, by letter dated May 25, 1967, Applicant agreed to accept a permanent certificate at 20.6736 cents per Mcf.

[F.R. Doc. 67-8353; Filed, July 20, 1967; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 18, 1967.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41076—*Diammonium Phosphate from Belledune, N.B., Canada.* Filed by O. W. South, Jr., Agent (No. A5045), for interested rail carriers. Rates on diammonium phosphate, suitable only for fertilizer purposes, in carloads, minimum 100,000 pounds, from Belledune, N.B., Canada, to points in southern territory.

Grounds for relief—Modified short-line distance formula and grouping.

Tariff—Supplement 1 to Canadian Freight Association, Agent, tariff ICC 275.

FSA No. 41077—*Clay, Kaolin or Pyrophyllite from Gulfport, Miss.* Filed by O. W. South, Jr., Agent (No. A5044), for interested rail carriers. Rates on clay, kaolin or pyrophyllite, in carloads, as described in the application, from Gulfport, Miss., to Hutchinson, Topeka, and Wichita, Kans., Minneapolis, Minn., Moberly, Mo., Omaha, Nebr., and Green Bay, Wis.

Grounds for relief—Short-line distance formula and grouping.

Tariff—Supplement 265 to Southern Freight Association, Agent, tariff ICC 8-40.

FSA No. 41078—*Soda Ash to Joliet Arsenal (Area 1), Ill.* Filed by Western Trunk Line Committee, Agent (No. A-2509), for interested rail carriers. Rates on soda ash (other than modified soda ash), in bulk or in bulk in bags, barrels, boxes, or pails, in carloads, from Alchem, Stauffer, and Westvaco, Wyo., to Joliet Arsenal (Area 1), Ill.

Grounds for relief—Market competition.

Tariff—Supplement 199 to Western Trunk Line Committee, Agent, tariff ICC A-4411.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-8476; Filed, July 20, 1967; 8:47 a.m.]

[Notice 9]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 18, 1967.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 279), appear below:

As provided in the Commission's special rules of practice any interested

person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-69706. By order of July 14, 1967, the Transfer Board approved the transfer to N.C. Food Express, Inc., Albemarle, N.C., of Certificate of Registration in No. MC-120530 (Sub-No. 2), issued January 3, 1964, to Carolina Food Express, Inc., Charlotte, N.C., and evidencing a right of the holder to engage in transportation in interstate or foreign commerce corresponding in scope to the grant of authority in Certificate No. C-784, dated May 26, 1959, issued by the North Carolina Utilities Commission. Bobby G. Deaver, Receiver of Carolina Food Express, Inc., 109 Green Street, Fayetteville, N.C. 28301, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-8477; Filed, July 20, 1967; 8:47 a.m.]

[Notice 8]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 17, 1967.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 279), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-69664. By order of July 12, 1967, the Transfer Board approved the transfer to Ruth M. Lakin, doing business as Lakin's Express, Post Office Box 127, Ellsworth Falls, Maine, of certificate of registration No. MC-85944 (Sub-No. 1), issued December 20, 1965, to Fred W. Lakin, Ellsworth Falls, Maine, and evidencing a right to engage in transportation in interstate or foreign commerce corresponding in scope to the grant of authority in certificate of public convenience and necessity No. 164, issued prior to October 15, 1962, and renewed currently, by the State of Maine Public Utilities Commission.

No. MC-FC-69737. By order of July 12, 1967, the Transfer Board approved the transfer to Engel Trucking, Inc., Greenville, Pa., of the remaining portion of the operating rights in certificate No. MC-34604, issued January 17, 1941, to H. Justus Apel, Ebensburg, Pa., authorizing the transportation of Machinery between Ebensburg, Pa., and points within 10 miles thereof, on the one hand, and, on the other, points in Ohio, New York, and Maryland, traversing New Jersey for operating convenience only. A. Charles Tell, Suite 1800, 100 East Broad Street, Columbus, Ohio, attorney for applicants.

No. MC-FC-69746. By order of July 13, 1967, the Transfer Board approved the transfer to Kolb, Inc., Shenandoah, Iowa, of certificate No. MC-63823, issued September 12, 1941, to Boyd H. Kolb, Shenandoah, Iowa, and authorizing the transportation, over a specified regular route, of general commodities, with usual exceptions, between Shenandoah, Iowa, and Omaha, Nebr., serving the intermediate and off-route points of South Omaha, Nebr., and those within 12 miles of Shenandoah, except Coin, Yorktown, Essex, Farragut, Northboro, and Riverton, Iowa; over a regular route between Shenandoah, Iowa, and Nebraska City, Nebr., serving all intermediate and off-route points within 12 miles of Shenandoah except, Coin, Yorktown, Essex, Farragut, Northboro, and Riverton, Iowa; and household goods, and emigrant movables, over irregular routes, between Shenandoah, Iowa, and points within 12 miles thereof, on the one hand, and, on the other, points in Nebraska. Einar Viren, 904 City National Bank Building, Omaha, Nebr. 68102, attorney for applicants.

No. MC-FC-69748. By order of July 12, 1967, the Transfer Board approved the transfer to Richard B. Brunzlick, Augusta, Wis., of permit No. MC-124697, issued May 9, 1963, to Gerald Dachel and Alfred Dachel, a partnership, doing business as Dachel Brothers Trucking, Chippewa Falls, Wis., authorizing the transportation of: cheese, cottage cheese, cheese dip, butter, powdered milk and cream, from Chippewa Falls and Deerfield, Wis., to points in Illinois (except points in the Chicago, Ill., commercial zone), Indiana, Missouri, and Iowa; cottage cheese, from Holy Cross and Bettendorf, Iowa, to Chippewa Falls, Wis., and new empty containers, used in retail sales of cottage cheese and cheese dip, from points in Illinois (except points in the Chicago, Ill., commercial zone), Indiana, Missouri, and Iowa, to Chippewa Falls, Wis., restricted to a service conducted under continuing contract with Bowman Dairy Co., of Chicago, Ill., A. R. Fowler, 2288 University Avenue, St. Paul, Minn. 55114, representative for applicants.

No. MC-FC-69766. By order of July 14, 1967, the Transfer Board approved the transfer to Fremont Contract Carriers, Inc., 1023 William, Fremont, Nebr., of the operating rights in permit No. MC-127243 (Sub-No. 2) issued May 19, 1967, to Reeh, Inc., 208 South 10th, Blair, Nebr., authorizing the transportation of: Glass bottles and jars, steel drums and cans, and beer keeping equipment and supplies, between specified points in Illinois, Iowa, Ohio, Georgia, California, Texas, and points in Colorado, Iowa, Kansas, Minnesota, Montana, Nebraska, North Dakota, South Dakota, Wisconsin, Michigan, and Wyoming.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-8399; Filed, July 19, 1967; 8:49 a.m.]

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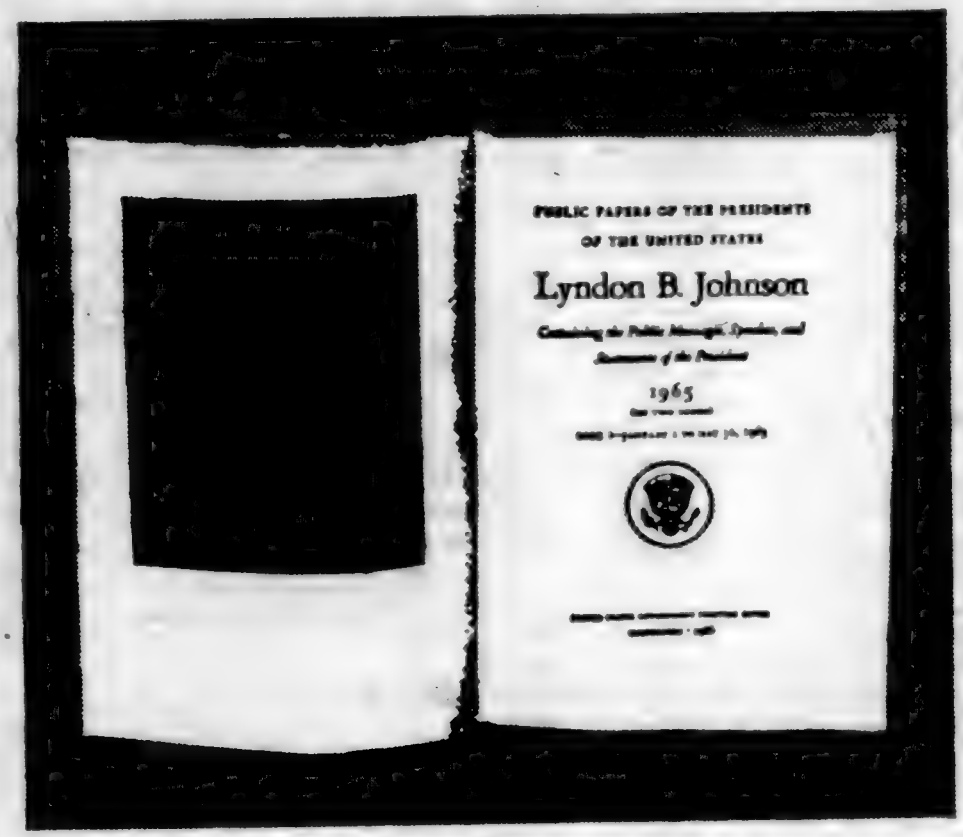
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FEDERAL REGISTER

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MA-ET-1 10791

36 CFR

PROPOSED RULES:
7 10803

42 CFR

51 10792

43 CFR

PROPOSED RULES:
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73 10794

49 CFR

107a 10794

50 CFR

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Presidential Documents

Title 3—THE PRESIDENT

Executive Order 11363

DESIGNATING THE INTERNATIONAL SECRETARIAT FOR VOLUNTEER SERVICE AS A PUBLIC INTERNATIONAL ORGANIZATION ENTITLED TO ENJOY CERTAIN PRIVILEGES, EXEMPTIONS, AND IMMUNITIES

By virtue of the authority vested in me by section 1 of the International Organizations Immunities Act (59 Stat. 669; 22 U.S.C. 288), and having found that the United States participates in the International Secretariat for Volunteer Service under the authority of section 301 of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2221), section 628 of the Act of September 4, 1961 (22 U.S.C. 2388), and section 14 of the Act of September 22, 1961 (22 U.S.C. 2513), I hereby designate the International Secretariat for Volunteer Service as a public international organization entitled to enjoy the privileges, exemptions, and immunities provided by the International Organizations Immunities Act.

Lyndon B. Johnson

THE WHITE HOUSE,
July 20, 1967.

[F.R. Doc. 67-8611; Filed, July 20, 1967; 4:37 p.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of the Interior

Section 213.3312 is amended to show that an additional position of Associate Solicitor in the Office of the Solicitor, Department of the Interior, is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (4) of paragraph (b) of § 213.3312 is amended as set out below.

§ 213.3312 Department of the Interior.

* * * * * * *

(b) *Office of the Solicitor.* * * *

(4) Seven Associate Solicitors.

* * * * * * *

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–58 Comp., 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-8498; Filed, July 21, 1967; 8:46 a.m.]

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Witchweed

REGULATED AREAS

Correction

In F.R. Doc. 67-7516, appearing at page 9499 of the issue for Saturday, July 1, 1967, the following correction is made in the matter for Richmond County, N.C., in § 301.80-2a: In the entry for the James Rush farm, in the third column of page 9502, "State Secondary Road 1480" should read "State Secondary Road 1489".

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR BARLEY CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties are hereby added to the lists of counties published March 18, 1967 (32 F.R. 4276), and June 16, 1967 (32 F.R. 8665), which were designated for barley crop insurance for the 1968 crop year.

MONTANA

Golden Valley.
Musselshell.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 67-8513; Filed, July 21, 1967; 8:48 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX; COUNTY DESIGNATED FOR WHEAT CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following county is hereby added to the lists of counties published March 18, 1967 (32 F.R. 4275), March 31, 1967 (32 F.R. 5416), and June 16, 1967 (32 F.R. 8665), which were designated for wheat crop insurance for the 1968 crop year.

TENNESSEE

Lauderdale.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 67-8514; Filed, July 21, 1967; 8:48 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Valencia Orange Reg. 212]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.512 Valencia Orange Regulation 212.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and this part (Order No. 908, as amended), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 20, 1967.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period July 23, 1967, through July 29, 1967, are hereby fixed as follows:

(i) District 1: 135,000 cartons;

(ii) District 2: 365,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in the section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 21, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-8623; Filed, July 21, 1967; 11:22 a.m.]

[Lemon Reg. 277]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.577 Lemon Regulation 277.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 18, 1967.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period July 23, 1967, through July 29, 1967, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 232,500 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 20, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-8572; Filed, July 21, 1967; 8:48 a.m.]

[Prune Reg. 5]

PART 924—FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN WASHINGTON AND IN UMATILLA COUNTY, OREG.

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement and Order No. 924 (7 CFR Part 924), regulating the handling of fresh prunes grown in designated counties in Washington and in Umatilla County, Oreg., effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the recommendations of the Washington-Oregon Fresh Prune Marketing Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of fresh prunes, in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that, as hereinafter set forth, the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 24, 1967. A reasonable determination as to the supply of, and the demand for, prunes must await the development of the crop and adequate information thereon was not available to the Washington-Oregon Fresh Prune Marketing Committee until July 11, 1967, recommendation as to the need for, and the extent of, regulation of shipments of such prunes was made at the meeting of said committee on July 11, 1967, after consideration of all available information relative to the supply and demand conditions for such prunes, at which time the recommendation and supporting information were submitted to the Department; necessary supplemental information for consideration in connection with the specifications of the provisions were not available until July 14, 1967; shipments of the current crop of such prunes will begin on or about July 24, 1967, and this regulation should be applicable, insofar as practicable, to all shipments of such prunes in order to effectuate the declared policy of the act; and compliance with the provisions of this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

§ 924.306 Prune Regulation 5.

(a) Order: Prune Regulation 4, as amended (31 F.R. 10035, 10665), is hereby terminated on July 24, 1967.

(b) During the period July 24, 1967, through July 31, 1968, no handler shall handle any lot of prunes unless such prunes meet the following applicable requirements, or are handled in accordance with subparagraph (2) of this paragraph:

(1) Minimum grade requirement: Such prunes grade at least U.S. No. 1: *Provided*, That any prunes having not less than two-thirds (⅔) of the surface with purplish color may be shipped if they otherwise grade at least U.S. No. 1.

(2) Notwithstanding any other provision of this section, any individual shipment which, in the aggregate, does not exceed 500 pounds, net weight, of prunes of the Brooks, Stanley, or Merton varieties of prunes, or 150 pounds, net weight, of prunes of any variety other than Brooks, Stanley, or Merton varieties of prunes, which meets each of the following requirements may be handled without regard to the restrictions of this paragraph, of § 924.41 (Assessments), and of § 924.55 (Inspection and Certification):

(i) The shipment consists of prunes sold for home use and not for resale; and

(ii) Each container is stamped or marked with the handler's name and address and with the words "not for resale" in letters at least one-half inch in height.

(3) The term "U.S. No. 1" shall have the same meaning as when used in the U.S. Standards for Fresh Plums and Prunes (§§ 51.1520–51.1537 of this title); the term "purplish color" shall have the same meaning as when used in the Washington State Department of Agriculture Standards for Italian Prunes (May 1954) and in the Oregon State Department of Agriculture Standards for Italian Prunes (July 1965); and, except as otherwise specified, all other terms shall have the same meaning as when used in the marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 19, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-8508; Filed, July 21, 1967; 8:47 a.m.]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 127]

PART 1127—MILK IN SAN ANTONIO, TEX., MARKETING AREA

Order Suspending Certain Provision

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937 as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the San Antonio, Tex., marketing area (7 CFR Part 1127), it is hereby found and determined that:

(a) The following provision of the order no longer tends to effectuate the declared policy of the Act for the period from July 1, 1967, through August 31, 1967: The provision contained in § 1127.11 which reads: "*Provided*, That if the days of production of such person for which milk is diverted exceed one-third of the days of production that milk is delivered to a pool plant during the month, such milk shall cease to be producer milk for the entire period of such diversions".

(b) Thirty days notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This suspension order will continue for another 2 months an earlier suspension of such provision for April through June 1967 and is necessary to provide for the orderly disposal of producer milk excess to fluid milk needs by removing a limitation on diversions of such producer milk to manufactured product uses at nonpool plants. Much of the reserve milk for this market has been handled at pool plants operated by cooperative associations where it was used in the manufacture of semiprocessed cheese which is shipped to distant points for final processing. The outlet for this semiprocessed cheese is not currently available, so that larger quantities of producer milk must be diverted to nonpool plants under the producer milk diversion provisions of the order.

(4) Interested parties were afforded opportunity to file written data, views, or arguments concerning this suspension (32 F.R. 9697). None were filed in opposition to the proposed suspension. A cooperative association of producers filed views requesting continuation of the earlier suspension referred to hereinbefore to assist in disposing of excess milk on the market resulting from loss of some sales outlets and a continued seasonally high production this year.

It is therefore ordered, That the aforesaid provision of the order is hereby suspended for the period of July 1, 1967, through August 31, 1967.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: July 1, 1967.

Signed at Washington, D.C., on July 18, 1967.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 67-8486; Filed, July 21, 1967; 8:45 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1966 and Subsequent Years Tung Oil Warehouse-Stored Supp., Amdt. 1]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—Tung Oil Warehouse-Stored Loan Program

1967 TUNG OIL SUPPORT RATE

The Commodity Credit Corporation will support the price of 1967-crop tung nuts by means of warehouse-stored loans on eligible 1967-crop tung oil under the terms and conditions set forth in the General Regulations Governing Price Support for the 1964 and Subsequent Crops (Rev. 1) (31 F.R. 5941) and any amendments thereto, as supplemented by the Tung Oil Warehouse-Stored Loan Program Regulations, 31 F.R. 11932. In order to provide a price support loan rate for 1967-crop tung oil, § 1421.3695 of the Tung Oil Warehouse-Stored Loan Program Regulations is hereby amended to read as follows:

§ 1421.3695 Support rate.

Loans on eligible tung oil produced from 1966-crop tung nuts shall be made at the rate of 24 cents per pound. Loans on eligible tung oil produced from 1967-crop tung nuts shall be made at the rate of 24 cents per pound.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 201, 401, 63 Stat. 1052, as amended, 1054; 15 U.S.C. 714c, 7 U.S.C. 1446, 1421)

Effective date. This amendment shall become effective upon filing with the Office of the Federal Register for publication.

Signed at Washington, D.C., on July 18, 1967.

H. D. GODFREY,
Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 67-8510; Filed, July 21, 1967; 8:47 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 78—BRUCELLOSIS

Subpart D—Designation of Modified Certified Brucellosis Areas, Public Stockyards, Specifically Approved Stockyards and Slaughtering Establishments

MODIFIED CERTIFIED BRUCELLOSIS AREAS

Pursuant to § 78.16 of the regulations in Part 78, as amended, Title 9, Code of Federal Regulations, containing restrictions on the interstate movement of animals because of brucellosis, under sections 4, 5, and 13 of the Act of May 29, 1884, as amended; sections 1 and 2 of the Act of February 2, 1903, as amended; and section 3 of the Act of March 3, 1905, as amended (21 U.S.C. 111–113, 114a–1, 120, 121, 125), § 78.13 of said regulations designating modified certified brucellosis areas is hereby amended to read as follows:

§ 78.13 Modified certified brucellosis areas.

The following States, or specified portions thereof, are hereby designated as modified certified brucellosis areas:

Alabama. Autauga, Baldwin, Barbour, Bibb, Blount, Bullock, Butler, Calhoun, Chambers, Cherokee, Chilton, Choctaw, Clarke, Clay, Cleburne, Coffee, Colbert, Conecuh, Coosa, Covington, Crenshaw, Cullman, Dale, Dallas, De Kalb, Elmore, Escambia, Etowah, Fayette, Franklin, Geneva, Hale, Henry, Houston, Jackson, Jefferson, Lamar, Lauderdale, Lawrence, Lee, Limestone, Lowndes, Macon, Madison, Marion, Marshall, Mobile, Monroe, Montgomery, Morgan, Perry, Pickens, Pike, Randolph, Russell, St. Clair, Shelby, Sumter, Talladega, Tallapoosa, Tuscaloosa, Walker, Washington, Wilcox, and Winston Counties;

Alaska. The entire State except Kodiak, Sitkalidak, and Chirikof Islands;

Arizona. The entire State;

Arkansas. The entire State;

California. The entire State;

Colorado. Adams, Alamosa, Arapahoe, Archuleta, Baca, Bent, Boulder, Chaffee, Cheyenne, Clear Creek, Conejos, Costilla, Crowley, Custer, Delta, Denver, Dolores, Douglas, Eagle, Elbert, El Paso, Fremont, Garfield, Gilpin, Gunnison, Hinsdale, Huerfano, Jackson, Jefferson, Kiowa, Kit Carson, Lake, La Plata, Larimer, Las Animas, Lincoln, Logan, Mesa, Mineral, Moffat, Montezuma, Montrose, Morgan, Otero, Ouray, Park, Phillips, Pitkin, Prowers, Pueblo, Rio Blanco, Rio Grande, Saguache, San Juan, San Miguel,

Sedgwick, Teller, Washington, Weld, and Yuma Counties; and Southern Ute Indian Reservation and Ute Mountain Ute Indian Reservation;

Connecticut. The entire State;

Delaware. The entire State;

Florida. Baker, Bay, Bradford, Calhoun, Citrus, Clay, Columbia, Dixie, Duval, Escambia, Flagler, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Holmes, Jackson, Jefferson, Lafayette, Leon, Levy, Liberty, Madison, Manatee, Nassau, Okaloosa, Santa Rosa, Sarasota, Suwannee, Taylor, Union, Wakulla, Walton, and Washington Counties;

Georgia. The entire State;

Hawaii. Honolulu, Kauai, and Maui Counties;

Idaho. The entire State;

Illinois. The entire State;

Indiana. The entire State;

Iowa. The entire State;

Kansas. The entire State;

Kentucky. The entire State;

Louisiana. Ascension, Assumption, Bienville, Claiborne, Iberia, Jackson, Jefferson, La Fourche, Lincoln, Livingston, St. Charles, St. Helena, St. James, St. John the Baptist, St. Mary, St. Tammany, Tangipahoa, Tensas, Terrebonne, Union, Vernon, Washington, Webster, West Baton Rouge, and Winn Parishes;

Maine. The entire State;

Maryland. The entire State;

Massachusetts. The entire State;

Michigan. The entire State;

Minnesota. The entire State;

Mississippi. Alcorn, Amite, Attala, Benton, Calhoun, Chickasaw, Choctaw, Clarke, Clay, Coahoma, Copiah, Covington, De Soto, Forrest, Franklin, George, Greene, Grenada, Hancock, Harrison, Itawamba, Jackson, Jasper, Jefferson, Jefferson Davis, Jones, Kemper, Lamar, Lauderdale, Lawrence, Leake, Lee, Lincoln, Lowndes, Marion, Monroe, Montgomery, Neshoba, Newton, Oktibbeha, Pearl River, Perry, Pike, Pontotoc, Prentiss, Simpson, Smith, Stone, Tallahatchie, Tate, Tippah, Tishomingo, Union, Walthall, Wayne, Webster, Winston, and Yalobusha Counties;

Missouri. The entire State;

Montana. The entire State;

Nebraska. Adams, Antelope, Banner, Boone, Buffalo, Burt, Butler, Cass, Cedar, Chase, Cheyenne, Clay, Colfax, Cuming, Custer, Dakota, Dawson, Deuel Dixon, Dodge, Douglas, Dundy, Fillmore, Franklin, Frontier, Furnas, Gage, Gosper, Greeley, Hall, Hamilton, Harlan, Hayes, Hitchcock, Howard, Jefferson, Johnson, Kearney, Kimball, Knox, Lancaster, Madison, Merrick, Nance, Nemaha, Nuckolls, Otoe, Pawnee, Perkins, Phelps, Pierce, Platte, Polk, Red Willow, Richardson, Saline, Sarpy, Saunders, Seward, Sherman, Sioux, Stanton, Thayer, Thurston, Valley, Washington, Wayne, Webster, and York Counties;

Nevada. The entire State;

New Hampshire. The entire State;

New Jersey. The entire State;

New Mexico. The entire State;

New York. The entire State;

North Carolina. The entire State;

North Dakota. The entire State;

Ohio. The entire State;

Oklahoma. Adair, Alfalfa, Atoka, Bryan, Canadian, Cherokee, Choctaw, Cimarron, Coal, Craig, Delaware, Garfield, Grant, Greer, Harmon, Harper, Haskell, Jackson, Johnson, Kay, Kingfisher, Kiowa, Latimer, McCurtain, McIntosh, Major, Mayes, Noble, Nowata, Okfuskee, Oklahoma, Osage, Ottawa, Payne, Pushmataha, Texas, Washington, Washita, and Woods Counties;

Oregon. The entire State;

Pennsylvania. The entire State;

Rhode Island. The entire State;

South Carolina. The entire State;

South Dakota. Beadle, Bennett, Brookings, Brown, Buffalo, Butte, Campbell, Clark, Clay, Codington, Corson, Custer, Day, Deuel, Edmunds, Fall River, Faulk, Grant, Haakon, Hamlin, Hand, Hanson, Harding, Jackson, Jerauld, Kingsbury, Lake, Lawrence, Lincoln, McCook, McPherson, Marshall, Meade, Miner, Minnehaha, Moody, Pennington, Perkins, Roberts, Sanborn, Shannon, Spink, Turner, Union, Walworth, Washabaugh, Yankton, and Ziebach Counties; and Crow Creek Indian Reservation;

Tennessee. The entire State;

Texas. Armstrong, Bailey, Baylor, Bell, Bexar, Blanco, Borden, Bosque, Brewster, Briscoe, Brooks, Brown, Caldwell, Callahan, Cameron, Castro, Childress, Cochran, Coke, Coleman, Collingsworth, Comal, Comanche, Concho, Coryell, Cottle, Crane, Crockett, Crosby, Culberson, Dallam, Dawson, Deaf Smith, Dickens, Donley, Duval, Eastland, Ector, Edwards, El Paso, Erath, Falls, Fisher, Gaines, Garza, Gillespie, Glasscock, Gray, Guadalupe, Hale, Hansford, Hardeman, Hartley, Haskell, Hays, Hidalgo, Hockley, Hood, Howard, Hutchinson, Irion, Jack, Jeff Davis, Jim Hogg, Jim Wells, Jones, Karnes, Kendall, Kent, Kimble, King, Kinney, Knox, Lamb, Lampasas, Lee, Lipscomb, Live Oak, Llano, Lubbock, Martin, Mason, Medina, Menard, Midland, Milam, Mills, Mitchell, Moore, Motley, Nolan, Ochiltree, Oldham, Palo Pinto, Parker, Parmer, Pecos, Potter, Presidio, Randall, Reagan, Roberts, Runnels, San Saba, Schleicher, Scurry, Shackelford, Sherman, Somervell, Stephens, Sterling, Stonewall, Swisher, Taylor, Terrell, Terry, Throckmorton, Tom Green, Travis, Upton, Uvalde, Val Verde, Ward, Wheeler, Williamson, Wilson, Winkler, Yoakum, and Young Counties;

Utah. The entire State;

Vermont. The entire State;

Virginia. The entire State;

Washington. The entire State;

West Virginia. The entire State;

Wisconsin. The entire State;

Wyoming. Albany, Big Horn, Campbell, Carbon, Converse, Crook, Fremont, Goshen, Hot Springs, Johnson, Laramie, Lincoln, Natrona, Niobrara, Park, Platte, Sublette, Sweetwater, Teton, Uinta, Washakie, and Weston Counties;

Puerto Rico. The entire area; and

Virgin Island of the United States. The entire area.

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 2, 65 Stat. 693; 21 U.S.C. 111–113, 114a–1, 120, 121, 125; 29 F.R. 16210, as amended; 9 CFR 78.16)

Effective date. The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

The amendment adds the following areas to the list of areas designated as modified certified brucellosis areas because it has been determined that such areas come within the definition of § 78.1(l): Lowndes County in Alabama; Iberia County in Louisiana; Coahoma, Calhoun, and Copiah Counties in Mississippi; Washita County in Oklahoma; Jim Hogg, Falls, and Milam Counties in Texas.

The following nine Counties in Texas were deleted from the list of modified certified brucellosis areas on the following dates: Bandera and Hudspeth, December 21, 1966; Floyd, Kerr, Lynn, and Sutton, March 17, 1967; Andrews, Real, and Reeves, April 29, 1967. Since said dates, it has been determined that such Counties again come within the definition of § 78.1(l); and therefore, they have been redesignated as modified certified brucellosis areas.

The amendment deletes the following area from the list of areas designated as modified certified brucellosis areas because it has been determined that such area no longer comes within the definition of § 78.1(l): Carson County in Texas.

The amendment imposes certain restrictions necessary to prevent the spread of brucellosis in cattle and relieves certain restrictions presently imposed. It should be made effective promptly in order to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under the administrative procedure provisions of 5 U.S.C., section 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 19th day of July 1967.

E. E. SAULMON,
Director, Animal Health Division, Agricultural Research Service.

[F.R. Doc. 67-8509; Filed, July 21, 1967; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airworthiness Docket No. 67-SW-15; Amdt. 39-446]

PART 39—AIRWORTHINESS DIRECTIVES

Aero Commander Models 500A, 500B, 560F, 680F, 680F (Pressurized), 680FL, and 680FL(P) Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring the modification of the main landing gear upper retaining bearing on Aero Commander Model 500A, 500B, 560F, 680F, 680F (Pressurized), 680FL, and 680FL (P) airplanes was published in 32 F.R. 6099.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

AERO COMMANDER. Applies to Models 500A, 500B, 560F, 680F, 680F (Pressurized), 680FL, and 680FL(P) airplanes, serial numbers 871, 875, and 893 through 1535 except 1496, 1515, 1517, 1519, 1527, 1531, 1532, and 1534.

Compliance required within the next 25 hours time in service after the effective date of this AD, unless the modification has already been accomplished in accordance with Aero Commander Service Bulletin 83A dated June 25, 1965.

To prevent the main landing gear upper retaining bearing from rotating, accomplish the following:

Modify the main landing gear in accordance with Aero Commander Service Bulletin 83A dated June 25, 1965, or an equivalent approved by the Director, Southwest Region, Federal Aviation Administration. Stamp the letter "B" after the design number on each landing gear data plate after the modification is made. Modification in accordance herewith obviates modification in accordance with Amendment 676 (29 F.R. 566), AD 64-2-1.

This amendment becomes effective August 28, 1967.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Fort Worth, Tex., on July 14, 1967.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 67-8500; Filed, July 21, 1967; 8:46 a.m.]

[Airworthiness Docket No. 67-WE-18-AD; Amdt. 39-445]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 727 Series Airplanes

There have been reports of failures of the main gear downlock rod assemblies on Boeing Model 727 Series airplanes which in two cases resulted in out-of-sequence operation of the door sequence valve and also in the gear falling on a closing door thus jamming the door and gear. With the door and gear jammed neither the normal hydraulic system nor the manual extension system can be used to extend the main gear. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require corrective action in the form of:

1. Inspection of the downlock rod and its attach bolts for wear on Boeing Model 727 Series airplanes having 800 or more hours time in service on the effective date of this AD;

2. Removal of the main gear uplock safety trigger cam, rework of the door sequence valve link, and replacement of the uplock switch link on affected airplanes; and

3. Replacement of the downlock rod attach bolts and nuts, installation of a reworked downlock rod with a metal-cal, and rework of the downlock rod or clevis holes on the main gear downlock torque shaft or tube as necessary on affected airplanes.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BOEING. Applies to Model 727 Series airplanes listed in Boeing Service Bulletin No. 32-123 (R-1 dated June 5, 1967).

Compliance required as indicated.

To detect visible wear and deformation of the main gear downlock rod and its attach bolts, to prevent wear and failure of the attach bolts caused by bolt rotation, and to prevent out-of-sequence operation of the door sequence valve following either rod failure or bolt failure, accomplish the following:

(a) For those airplanes having a main gear downlock rod assembly with 800 or more hours' time in service on the effective date of this AD, within the next 50 hours time in service, unless already accomplished within the previous 750 hours time in service, inspect each main gear downlock rod assembly for wear and deformation in accordance with Boeing telegraphic Service Bulletin No. 32-123 dated April 14, 1967, which is also repeated in the section entitled "I. Planning Information • • • C. Description • • • Part I • • •" of Boeing Service Bulletin 32-123 (R-1 dated June 5, 1967).

(b) If wear or deformation is detected during the inspection conducted in accordance with paragraph (a), unless already accomplished in accordance with subparagraph (1) or (2) of this paragraph, replace the affected part(s) before further flight (except that the airplane may be flown with the gear down in accordance with FAR 21.197 to a base where the replacement or modification can be performed) by accomplishing (1) or (2) below:

(1) Replace the affected part(s) with a new part(s) of the same part number and comply with subparagraph (2) of this paragraph within 750 hours time in service after this replacement; or

(2) Except as provided in this subparagraph, modify the main gear downlock rod assembly(ies) incorporating the replacement part(s) in accordance with the section entitled "II. Accomplishment Instructions • • • Part II • • •" of Boeing Service Bulletin No. 32-123 (R-1 dated June 5, 1967) or later FAA-approved revision or by an equivalent method approved by the Chief, Aircraft Engineering Division, FAA Western Region. Replacement of the downlock rod must be accomplished by installing downlock rod P/N 69-33654-2 with metal-cal BAC27DLG14 installed or P/N 69-33654-3 with metal-cal BAC27DLG14 installed. Provisions of the Boeing Service Bulletin referenced herein applicable to modification of the downlock pushrod are not incorporated by reference in this AD and the modification of this assembly need not be accomplished hereunder.

(c) For all airplanes, within the next 800 hours time in service after the effective date of this AD, unless already accomplished, modify each main gear downlock rod assembly in accordance with that section entitled "II. Accomplishment Instructions • • • Part II • • •" of Boeing Service Bulletin No. 32-123 (R-1 dated June 5, 1967) and the main gear uplock assembly in accordance with that section entitled "II. Accomplishment Instructions • • • Part III • • •" of that Service Bulletin or later FAA-approved revision or by an equivalent method approved by the Chief, Aircraft Engineering Division, FAA Western Region. Replacement of the downlock rod must be accomplished by installing downlock rod P/N 69-33654-2 with metal-cal BAC27DLG14 installed, or P/N 69-33654-3 with metal-cal BAC27DLG14 installed. Provisions of the Boeing Service Bulletin referenced herein applicable to a modification of the downlock pushrod are not incorporated by reference in this AD and the modification of this assembly need not be accomplished hereunder.

NOTE: The absence of a requirement in paragraphs (b) and (c) of this AD to modify the downlock pushrod assembly is not intended to discourage operators from incorporating this modification. It merely indicates that the FAA does not deem this modification necessary to correct the unsafe condition described in this AD.

(d) Operators who have not kept records of hours time in service of individual main gear downlock rod assemblies shall substitute hours time in service of the airplane in lieu thereof.

(e) Upon request of the operator, an FAA Maintenance Inspector, subject to prior approval of the Regional Director, FAA Western Region, may adjust the compliance times herein if the request contains substantiating data to justify the increase for that operator.

This amendment becomes effective July 24, 1967.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to The Boeing Co., Commercial Airplane Division, Post Office Box 707, Renton, Wash. 98055. These documents may also be examined at FAA Western Region, 5651 West Manchester Avenue, Los Angeles, Calif. 90045 and FAA Headquarters, 800 Independence Avenue SW., Washington, D.C. A historical file on this AD which includes the incorporated material in full is maintained by the FAA at its headquarters in Washington, D.C., and at FAA Western Region.

Issued in Los Angeles, Calif., on July 12, 1967.

ARVIN O. BASNIGHT,
Regional Director, Western Region.

NOTE: The incorporation of reference provisions in this document were approved by the Director of the Federal Register on July 21, 1967.

[F.R. Doc. 67-8501; Filed, July 21, 1967; 8:46 a.m.]

[Airspace Docket No. 67-WA-12]

PART 75—ESTABLISHMENT OF JET ROUTES

Alteration and Designation of Jet Routes

On April 1, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 5473) stating that the Federal Aviation Administration (FAA) was considering amendments to Part 75 of the Federal Aviation Regulations which would realign and designate several jet routes to facilitate the provision of air traffic control service in the Chicago, Ill., and adjacent air route traffic control center areas.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. Only one comment was received in response to the notice. This

comment, received from the Air Transport Association of America (ATA), concurred with the proposed actions with the exception of the new jet route proposed from Dubuque, Iowa, to Minneapolis, Minn. The ATA objection stated that there was insufficient justification to warrant the designation of this new jet route. The ATA contends Jet Route No. 30 adequately serves scheduled air traffic between Minneapolis and Chicago.

The present procedure when moderate to heavy traffic conditions prevail is to route southwest bound flights from Minneapolis via Jet Route No. 30. Northwest bound aircraft departing from Chicago for Minneapolis are provided radar vectors by Chicago Air Route Traffic Control Center to route them west of J–30 on a course towards Rochester, Minn. The Minneapolis Air Route Traffic Control Center continues the radar vectors west of J–30 towards Farmington, Minn., at which point the aircraft are handed off to Minneapolis Approach Control.

A comprehensive review of the high altitude traffic between Chicago and Minneapolis was conducted by the FAA on April 7, 1967, for a 24-hour period. This review showed a total of 81 aircraft movements between these two points. Of this total, approximately 60 movements are scheduled each day. The review showed a traffic control problem in the vicinity of Nodine, Minn., where opposite direction traffic must climb and descend through each other's altitude. Radar vectoring was required for 96 percent of the flights. We believe that a parallel route which provides navigational guidance for the pilot, in addition to our radar service, would be more efficient and desirable from both the user and ATC point of view.

The designation of the new jet route between Dubuque and Minneapolis will reduce the amount of radar vectoring required and will also provide an alternate high altitude route to be utilized by air traffic control when moderate to heavy traffic conditions prevail between Chicago and Minneapolis.

Several actions proposed in the notice were to designate new jet route segments from Hays Center, Nebr., to Dubuque via Wolbach, Nebr.; from Cimarron, N. Mex., to Garden City, Kans.; and to redesignate Jet Route No. 100 segment from Bryce Canyon, Utah, to Meeker, Colo. These proposals are being adopted herein and are being incorporated into existing or renumbered jet route alignments. These single number assignments will provide more flexibility for high altitude operations between Chicago and west coast terminals and will facilitate flight plan handling.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., September 14, 1967, as hereinafter set forth.

1. Section 75.100 (32 F.R. 2341, 3740, 5988, 7126), is amended as follows:

a. In Jet Route No. 82 all between "Fort Dodge, Iowa;" and "Joliet;" is deleted and "Dubuque, Iowa; INT of Dubuque 095° and Joliet, Ill., 317° radials;" is substituted therefor.

b. In Jet Route No. 84 all after "Des Moines, Iowa;" is deleted and "Dubuque, Iowa; to Northbrook, Ill." is substituted therefor.

c. In Jet Route No. 94 all between "Fort Dodge, Iowa;" and "Northbrook;" is deleted and "Dubuque, Iowa;" is substituted therefor.

d. Jet Route No. 96 is added:

JET ROUTE NO. 96 (LOS ANGELES, CALIF., TO JOLIET, ILL.)

From Los Angeles, Calif., via Ontario, Calif.; INT of Ontario 093° and Parker, Calif., 261° radials; Parker; Prescott, Ariz.; Winslow, Ariz.; Gallup, N. Mex.; Cimarron, N. Mex.; Garden City, Kans.; Salina, Kans.; Kirksville, Mo.; Bradford, Ill.; and to Joliet, Ill.

e. Jet Route No. 100 is amended to read as follows:

JET ROUTE NO. 100 (LOS ANGELES, CALIF., TO NORTHBROOK, ILL.)

From Los Angeles, Calif., via Hector, Calif.; Boulder, Nev.; Bryce Canyon, Utah; Meeker, Colo.; Sidney, Nebr.; Wolbach, Nebr.; Dubuque, Iowa; to Northbrook, Ill.

f. Jet Route No. 113 is added:

JET ROUTE NO. 113 (NORTHBROOK, ILL., TO MINNEAPOLIS, MINN.)

From Northbrook, Ill., via Dubuque Iowa; to Minneapolis, Minn.

g. In Jet Route No. 128 "(Los Angeles, Calif., to Denver, Colo.)" is deleted and "(Los Angeles, Calif., to Northbrook, Ill.)" is substituted therefor and "to Denver, Colo." is deleted and "Denver, Colo.; Hays Center, Nebr.; Wolbach, Nebr.; Dubuque, Iowa; to Northbrook, Ill." is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 18, 1967.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-8516; Filed, July 21, 1967; 8:48 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter I—Bureau of the Census, Department of Commerce

PART 60—PUBLIC INFORMATION

In order to further implement section 552, Title 5, United States Code, as amended by Public Law 90–23, June 5, 1967 (81 Stat. 54), and pursuant to Department Order 64, 32 F.R. 9734 of July 4, 1967, a new Part 60 is hereby added to Chapter I, Subtitle B, Title 15, Code of Federal Regulations. The new part describes the arrangements whereby the materials specified in section 552(a)(2) are made available for public inspection and copying, and the procedures and other conditions whereby identifiable records requested by persons may be made available to them pursuant to section 552(a)(3). The new Part 60 reads as follows:

Sec.
60.1 Scope and purpose.
60.2 Policies.
60.3 Definitions.
60.4 Publication in the FEDERAL REGISTER.
60.5 Availability of materials for inspection and copying.
60.6 Confidentiality of data collected by the Bureau of the Census.
60.7 Requests for identifiable records.
60.8 Agency determinations of availability of records.
60.9 Fees and charges.
60.10 Arrangements for public inspection and copying of available records.
60.11 Requests for reconsideration of nonavailability.
60.12 Subpoena or other compulsory process.

AUTHORITY: The provisions of this Part 60 issued pursuant to 5 U.S.C. 552, 553; 5 U.S.C. 301; Reorganization Plan No. 5 of 1950; other authorities vested by law in the Secretary of Commerce applicable to the dissemination of records and other information of the Department, including charges therefore; Department Order 64, 32 F.R. 9734 of July 4, 1967.

§ 60.1 Scope and purpose.

(a) This part contains the rules whereby the materials specified in 5 U.S.C. 552(a)(2), and the identifiable records requested under 5 U.S.C. 552(a)(3), are to be made publicly available by the Bureau of the Census.

§ 60.2 Policies.

Policies and other factors to be considered in issuing the rules in this part are set forth in Department Order 64.

§ 60.3 Definitions.

To the extent that terms used in this part are defined in 5 U.S.C. 551, they shall have the same definition herein.

§ 60.4 Publication in the *Federal Register*.

(a) Materials required to be published pursuant to the provisions of 5 U.S.C. 552(a)(1) have been and shall continue to be so published, in one of the following ways:

(1) By publication in the FEDERAL REGISTER of the Department Orders of the Department of Commerce, including any supplements and appendices thereto, and of appropriate Secretary of Commerce Circulars and Department Administrative Orders;

(2) By publication in the FEDERAL REGISTER of agency rules and regulations, and by their subsequent inclusion in the Code of Federal Regulations;

(3) By publication in the FEDERAL REGISTER of appropriate general notices; and

(4) By other forms of publication, when incorporated by reference in the FEDERAL REGISTER with the approval of the Director of the Federal Register.

(b) Those materials which are published in the FEDERAL REGISTER pursuant to 5 U.S.C. 552(a)(1) shall, to the extent practicable and to further assist the public, be made available for inspection and copying at the facility identified in § 60.5(c).

§ 60.5 Availability of materials for inspection and copying.

(a) The Director, Bureau of the Census shall, as provided in 5 U.S.C. 552(a)(2) and subject to other provisions of law, establish and maintain a reference facility for the public inspection and copying of:

(1) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

(2) Those statements of policy and interpretations which have been adopted by the Bureau and are not published in the FEDERAL REGISTER;

(3) Administrative staff manuals and instructions to staff that affect a member of the public;

(4) Current indexes providing identifying information for the public as to any matter which is (i) issued, adopted, or promulgated after July 4, 1967, and (ii) required to be made available or published by section 552(a)(2);

(5) Such additional materials as the Bureau of the Census may consider desirable and practicable to make available for the convenience of the public.

(b) The Bureau may, to prevent unwarranted invasion of personal privacy, delete identifying details when it makes available or publishes an opinion, statement of policy, interpretation, or staff manual or instruction, and shall, in each such case, explain in writing the justification for the deletion.

(c) The above materials may be inspected in the Bureau of the Census reference facility located at the Library Branch, Room 2455, f.o.b. No. 3, Bureau of the Census, Washington, D.C. 20233. This facility is open to the public Monday through Friday of each week, except on official Federal holidays, between the hours of 9 a.m. and 4:30 p.m. There are no fees or formal requirements for such inspections. Upon request, however, the facility will arrange to have copies of the above materials made at the cost shown in § 60.9(b)(3).

(d) Correspondence concerning the materials available in the facility should be sent to the above address. The telephone number of the facility is 440–1314, Area Code 301.

§ 60.6 Confidentiality of data collected by the Bureau of the Census.

(a) The Bureau of the Census is required by law to keep certain records confidential. Protection against unauthorized disclosures is provided by Title 13, U.S.C., section 9(a).

§ 60.7 Requests for identifiable records.

(a) The procedures of this section are applicable only to those records not customarily available to the public as part of the regular informational activities of the Bureau. The procedures and fees specifically do not apply to applications for personal census information. Applications for personal census information should be directed to the Bureau's Personal Census Service Branch at Pittsburg, Kansas.

(b) A person who wishes to inspect such a Bureau record should complete Form CD–244, "Application to Inspect Records," and submit this form, in person or by mail, to the facility identified in § 60.5(c). Copies of Form CD–244 are available from the reference facility.

(c) An application form shall be submitted for each record or group of records related to the same general subject matter. Each application form shall be accompanied by the nonrefundable application fee of $2.

(d) Detailed instructions for the completion of Form CD–244 are stated on the back of the form. Employees of the facility will assist the public to a reasonable extent in completing the form; however, the responsibility rests with the applicant for identifying each record sought in sufficient detail so that it can be located by personnel familiar with the filing of agency records. Each application shall clearly itemize, when there are more than one, each record requested so that it may be identified and its availability separately determined.

(e) The staff of the facility will review the application for completeness, and will record receipt of the fee. If the application appears in order, it shall be forwarded to the Bureau official who would appear to have official custody of the requested record to determine whether it is an identifiable and disclosable record. If the application is incomplete in some substantial and material respect, it shall be promptly returned to the applicant to complete.

§ 60.8 Agency determinations of availability of records.

(a) The official having custody of the record shall initially determine:

(1) Whether the requested record can be identified on the basis of the information supplied by the applicant. If he cannot identify the record, the application shall be transmitted to the facility for return to the applicant, specifying why it is not identifiable and what additional clarification, if any, the applicant may make to assist the facility in its identification.

(2) Whether the record, if identifiable, is still in existence or has been destroyed as provided by law, or is not in the possession of the organization. If the record no longer exists, the applicant shall be so notified, with the reason stated, via the facility. If the requested record is in another organization of the Department, or is the exclusive or primary concern of another executive department or agency, the application for such record shall be promptly referred to that other organization or agency for further action under its rules, and the applicant shall be promptly informed of this referral.

(b) If the requested record is identifiable and subject to the Bureau's determination as to its availability, the application shall be reviewed by an official authorized, pursuant to Department Order 64, to initially determine its availability. If he determines, as provided by law, that the record is not to be made available to the requesting person, said party shall receive in writing, the specific reason(s) why the record is not being disclosed, signed by the official making the determination.

(c) If the record is to be made available, and there are no further charges or fees, it shall be furnished to the requesting person. If, in accord with § 60.9, there are additional costs to be recovered from the applicant, they shall be estimated and the applicant notified that upon his payment of such estimated costs, subject to adjustment as provided in § 60.9, the record shall be made available to him.

§ 60.9 Fees and charges.

(a) In accord with Congressional policies that services performed hereunder are to be self-sustaining, as provided by law, appropriate fees and charges are hereby established to cover costs for application handling, record searching, reproduction, certification, and authentication, and for related expenses incurred by the Bureau with respect to records made available upon request under 5 U.S.C. 552(a)(3).

(b) The following fees are hereby established and payable to the Bureau:

(1) Application fee—per application.. $2.00

This fee is nonrefundable, and covers costs of accepting and reviewing the application, and making a determination as to the availability of the requested record. The $2 application fee does not apply to requests for personal census information, which should be directed to the Bureau's Personal Census Service Branch in Pittsburg, Kans. The fee for personal census service is $4 for a search in turn (4 to 6 weeks) and $5 for expedited service (about 2 weeks).

(2) Records search fee—per hour per person $5.00

This fee covers the costs of locating the desired record, transporting it by government messenger service to a point of inspection, supervising the inspection, and returning the record to its regular file. It also includes the costs of any copies of records made at the Bureau's option. The minimum fee charged for records search will be one-half hour ($2.50).

(3) Copies of records, if requested by applicant:
(i) Xerographic or similar process—Up to 9 x 14 inches (each page) $0.25
(ii) Photocopy or similar process—
Up to 12 x 18 inches (each copy) 1.00
Over 12 x 18 inches, but less than 18 x 26 inches (each copy) 2.00
(4) Other forms of reproduction, as may be required by the nature of the original record ..... [1]
(5) Certification fee, if requested (applicable to each certification) ... 1.00
(6) Postage, registration, or other forwarding or packing fees—Applicable only if copies of records are requested to be shipped to a point other than the Bureau's reference facility ..... [2]

[1] Individual fee, sufficient to recover full cost.
[2] Actual cost.

(b) All fees and charges will be collected in advance. The applicant will be

given an estimate of the cost of records search for each application where disclosure availability is authorized. If actual cost exceeds the estimate, the applicant will have the option of either paying any additional costs, or inspecting the requested record to the extent covered by his payment. If the advance estimated payment is $1 or more in excess of both the actual cost and the minimum charge, a refund will be made of the excess above the higher of these two amounts.

(c) The fees set forth above are based upon an initial estimate of the costs to be incurred in providing the indicated services and may be revised as necessary to insure the recovery of full costs by the Bureau.

(d) The above fees are established solely for services provided pursuant to 5 U.S.C. 552(a)(3), and do not affect fees charged for other Bureau services to the public, as may be performed under other authorities.

§ 60.10 Arrangements for public inspection and copying of available records.

(a) Upon receipt of the records search fee, and any fees for additional services requested by the applicant, the requested record which has been determined to be available shall, unless the applicant has otherwise indicated, be transferred to the Bureau's reference facility, where it will be held for inspection by the applicant for 5-work days. The address, and hours of operation, of this facility are stated in § 60.5(c).

(b) During his inspection of the record at the facility, the applicant may copy by hand any portion of the record, may request the facility to make a copy thereof, and may obtain certification of a machine-copied record in accordance with the fee structure in § 60.9(a)(3).

(c) No changes or alterations of any type may be made to the record being inspected, nor may any matter be added to or subtracted therefrom. Papers bound or otherwise assembled in a record file may not be disassembled during inspection. Staff of the facility shall provide assistance if disassembly of a record is necessary for copying purposes, and are authorized to supervise public inspection as necessary to protect the records of the Department. The public is reminded of Title 18, United States Code, section 2701(a), which makes it a crime to conceal, remove, mutilate, obliterate, or destroy any record filed in any public office, or to attempt to do any of the foregoing.

(d) If an applicant does not want to inspect a record by personal visit, he may request that a copy thereof be mailed to him, upon payment of the copying and postage fees set forth in § 60.9. Original copies of records shall not be sent to any location other than the reference facility for public inspection pursuant to 5 U.S.C. 552(a)(3).

(e) Copies of transcripts of hearings may be made available for inspection when not in use. When copies of such transcripts are requested, if the Bureau's contract with a nongovernmental contractor requires that copies be sold only by the contractor, the applicant shall be referred to the contractor.

(f) The Bureau in its discretion, when appropriate in the interests of its program, may make exceptions to established charges.

§ 60.11 Requests for reconsideration of nonavailability.

(a) Any person whose application to inspect a record has been rejected because the record was not to be made available for stated reason(s), may request a reconsideration of the initial denial, as set forth herein.

(b) The request for reconsideration should be made by completing the applicable section of the Form CD-244, and returning it to the reference facility within 30 days of the date of the original denial. (This date is shown on the Form CD-244.) No addition fee is required to obtain reconsideration. In submitting a request for reconsideration, the applicant should include any written arguments he desires to support his belief that the record requested should be made available. No personal appearance, oral argument, or hearing shall be permitted.

(c) The decision upon such review shall be made by the Director, Bureau of the Census, and shall be based upon the original application, the denial, and any written argument submitted by the applicant.

(d) The decision upon review shall be promptly made in writing and communicated to the applicant. If the decision is wholly or partly in favor of the applicant, the requested record to such extent shall be made available for inspection, as described in §§ 60.9 and 60.10. To the extent that the decision is adverse to the request, the reasons for the denial shall be stated.

(e) A decision upon review completed as provided by this section shall constitute the final decision and action of the Bureau as to the availability of a requested record, except as may be required by court proceedings initiated pursuant to 5 U.S.C. 552(a)(3).

(f) Reconsiderations resulting in final decisions as prescribed herein shall be indexed and kept available for public reference in the facility.

§ 60.12 Subpoena or other compulsory process.

Procedures applicable in the event of a subpoena, order, or other compulsory process or demand of a court or other authority are set forth in section 7 of Department Order 84.

Notice and public procedure are not necessary for the promulgation of this part since the rules contained herein are procedural rather than substantive in nature and relate to agency management.

This part shall become effective upon the date of publication in the FEDERAL REGISTER.

Dated: July 7, 1967.

ROBERT F. DRURY,
Acting Director,
Bureau of the Census.

[F.R. Doc. 67-8502; Filed, July 21, 1967; 8:48 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 19—CHEESES, PROCESSED CHEESES, CHEESE FOODS, CHEESE SPREADS, AND RELATED FOODS

Creamed Cottage Cheese; Confirmation of Effective Date

In the matter of amending the standard of identity for creamed cottage cheese (21 CFR 19.530) by listing diacetyl, starter distillate, and other safe and suitable flavoring substances that enhance the characteristic flavor and aroma of the food as optional ingredients of the creaming mixture; and by listing cottage cheese whey and sodium citrate to provide another citrated medium in which to culture flavor- and aroma-producing bacteria for addition to the creaming mixture:

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.120), notice is given that no objections were filed to the order in the above-identified matter published in the FEDERAL REGISTER of May 16, 1967 (32 F.R. 7263). Accordingly, the amendments promulgated by that order became effective July 15, 1967.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: July 17, 1967.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 67-8489; Filed, July 21, 1967; 8:45 a.m.]

SUBCHAPTER C—DRUGS

PART 141—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PART 141a—PENICILLIN AND PENICILLIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

Diluting Fluid for Sterility Tests

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and delegated by him to the Commissioner of Food and Drugs (21 CFR 2.120), Parts 141 and 141a of the antibiotic drug regulations are amended as follows to provide for an additonal diluting fluid for use in certain sterility tests:

1. Section 141.2(c) is amended by adding thereto a new subparagraph, as follows:

§ 141.2 Sterility test methods and procedures.

* * * * * *

(c) * * *

(4) *Diluting fluid D.* To each liter of diluting fluid A add 1 milliliter of octylphenoxypolyethoxethanol. Dispense in flasks and sterilize as described in paragraph (b) of this section. Final pH=7.1±0.1.

* * * * * *

2. Section 141a.26(b) is revised to read as follows:

§ 141a.26 Procaine penicillin.

* * * * * *

(b) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e) (1) or (2) of that section, except if using the method in paragraph (e) (1) of that section, add sufficient penicillinase to diluting fluid A and swirl the flask to completely solubilize the procaine penicillin before filtration. If the product contains lecithin, use diluting fluid D in lieu of A. If using the method described in paragraph (e) (2) of that section, use medium B in lieu of medium A.

* * * * * *

3. Section 141a.29(b) is revised to read as follows:

§ 141a.29 Procaine penicillin for aqueous injection.

* * * * * *

(b) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e) (1) of that section, except add sufficient penicillinase to diluting fluid A and swirl the flask to completely solubilize the procaine penicillin before filtration. If the product contains lecithin, use diluting fluid D in lieu of diluting fluid A. If the preparation contains homogenizers or suspending agents that prevent solubilization, proceed as directed in paragraph (e) (2) of that section, except use medium B in lieu of medium A.

* * * * * *

4. Section 141a.39(b) is revised to read as follows:

§ 141a.39 Penicillin-streptomycin; penicillin-dihydrostreptomycin veterinary.

* * * * * *

(b) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e) (1) of that section, except if the product contains procaine penicillin add sufficient penicillinase to the diluting fluid to solubilize the procaine penicillin. Use diluting fluid A; if the product contains lecithin, use diluting fluid D instead. Swirl the flask to completely solubilize the procaine penicillin before filtration. If the preparation contains 1-ephenamine penicillin, or agents that prevent solubilization, proceed as directed in § 141.2(e) (2) of this chapter, using medium B in lieu of medium A.

* * * * * *

5. Section 141a.40(b) is revised to read as follows:

§ 141a.40 Procaine penicillin in streptomycin sulfate solution; procaine penicillin in dihydrostreptomycin sulfate solution veterinary.

* * * * * *

(b) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e) (1) of that section, except add sufficient penicillinase to the diluting fluid to solubilize the procaine penicillin. Use diluting fluid A; if the product contains lecithin, use diluting fluid D instead. Swirl the flask to completely solubilize the procaine penicillin before filtration. If the preparation contains homogenizers or suspending agents that prevent solubilization, proceed as directed in paragraph (e) (2) of that section, except use medium B in lieu of medium A.

* * * * * *

6. Section 141a.51(b) is revised to read as follows:

§ 141a.51 Diethylaminoethyl ester penicillin G hydriodide.

* * * * * *

(b) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e) (1) of that section, except add sufficient penicillinase either to diluting fluid A or, if the product contains lecithin, to diluting fluid D, and swirl the flask to completely solubilize the preparation.

* * * * * *

7. Section 141a.52(b) is revised to read as follows:

§ 141a.52 Diethylaminoethyl ester penicillin G hydriodide for aqueous injection.

* * * * * *

(b) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e) (1) of that section, except add sufficient penicillinase either to diluting fluid A or, if the product contains lecithin, to diluting fluid D, and swirl the flask to completely solubilize the preparation.

* * * * * *

This order, which merely provides for use of an additional diluting fluid in certain sterility tests, presents no points of controversy and is nonrestrictive in nature; therefore, notice and public procedure are not prerequisites to this promulgation.

Effective date. This order shall become effective 30 days from its date of publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: July 17, 1967.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 67-8490; Filed, July 21, 1967; 8:46 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER B—CLAIMS AND ACCOUNTS

PART 536—CLAIMS AGAINST THE UNITED STATES

Claims Arising From Activities of Military or Civilian Personnel or Incident to Noncombat Activities

Section 536.12 is revised; new § 536.12a is added; §§ 536.13, 536.15, 536.18, 536.19, 536.21, and 536.23 are revised; new § 536.23a is added; and §§ 536.23, 536.24, 536.24a, and 536.24b are revised, as follows:

§ 536.12 Statutory authority.

The statutory authority for §§ 536.12–536.24b is contained in the act of August 10, 1956 (70A Stat. 153, 10 U.S.C. 2733) commonly referred to as the Military Claims Act, and the act of September 8, 1961 (75 Stat. 488, 10 U.S.C. 2736).

§ 536.12a Definitions.

The definitions of terms set forth in § 536.3 are applicable to §§ 536.12–536.24b.

§ 536.13 Scope.

The regulations in §§ 536.12–536.24b are applicable in all places and prescribe the substantive bases and special procedural requirements for the settlement of claims against the United States for death, personal injury, or damage to or loss or destruction of property caused by military personnel of civilian employees of the Department of the Army acting within the scope of their employment, or otherwise incident to the noncombat activities of the Department of the Army.

§ 536.15 Claims not payable.

A claim is not allowable under §§ 536.12–536.24b which—

(a) Results directly or indirectly from action by the enemy, or by U.S. Armed Forces engaged in armed conflict, or in immediate preparation for impending armed conflict;

(b) Results wholly or partly from the negligent or wrongful act of the claimant or his agent. The doctrine of comparative negligence is not applied;

(c) Is for personal injury or death of a member of the Armed Forces of the United States or a civilian employee incurred incident to his service;

(d) Falls under the Federal Employees' Compensation Act (5 U.S.C. 8101–8150), or the Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1424, 33 U.S.C. 901) as made applicable to certain civilian employees of nonappropriated fund instrumentalities of the U.S. Armed Forces (5 U.S.C. 8171–8173).

(e) Arises in a foreign country and was presented by the claimant to the authorities of a foreign country and final action taken thereon under Article VIII of the NATO Status of Forces Agreement, Article XVIII of the Japanese Administrative Agreement, or other similar treaty or agreement;

(f) Is purely contractual in nature;
(g) Arises from private as distinguished from Government transactions;
(h) Is based solely on compassionate grounds;
(i) Is for patent or copyright infringement;
(j) Is for war trophies, and articles intended directly or indirectly for persons other than the claimant or members of his immediate family, such as articles acquired to be disposed of as gifts or by sale or other commercial transaction to another, voluntarily bailed to agencies of the Department of the Army. The preceding sentence is not applicable to claims involving registered or insured mail. No allowance will be made for any item when the evidence indicates that the acquisition, possession, or transportation thereof was in violation of Department of the Army or command directives;
(k) Is for precious jewels and other articles of extraordinary value, voluntarily bailed to agencies of the Department of the Army. This paragraph is not applicable to claims involving registered or insured mail;
(l) Arise from the operations of a nonappropriate fund activity, unless generated by military personnel performing assigned military duties. (See sec. III, AR 27–20 and AR 230–6.)
(m) Is based upon an act or omission of military personnel or a civilian employee, exercising due care, in the execution of a statute or regulation, whether or not such statute or regulation is valid, or in the exercise or performance of, or the failure to exercise or perform, a discretionary function or duty, whether or not the discretion is abused;
(n) Is cognizable under the Suits in Admiralty Act (41 Stat. 525–528, 46 U.S.C. 741–752), or the Public Vessels Act (43 Stat. 1112, 1113, 46 U.S.C. 781–790);
(o) Arises out of assault, battery, false imprisonment, false arrest, malicious prosecution, abuse of process, libel, slander, misrepresentation, deceit, or interference with contract rights;
(p) Is for rent, damage, or other payments involving the acquisition, use, possession, or disposition of real property or interests therein by and for the Department of the Army, except as authorized by § 536.14(c)(1). Real estate claims founded upon contract are processed under the provisions of § 552.16 of this chapter;
(q) Is for taking of private property by trespass as by a taking implied under local law resulting from the flight of aircraft (see § 552.16(b)(3) of this chapter). Actual physical damage is required. Claims for technical trespass, overflight of aircraft, or a taking of a type contemplated by the Fifth Amendment to the U.S. Constitution are not payable under §§ 536.12—536.24b;
(r) Is for damages caused by the fiscal operations of the Department of the Treasury or by the regulation of the monetary system;
(s) Is for damages caused by the imposition or establishment of a quarantine by the United States;
(t) Is not in the best interests of the United States, is contrary to public policy, or otherwise contrary to basic intent of the governing statute (10 U.S.C. 2733); e.g., claims by inhabitants of unfriendly foreign countries or by individuals considered to be unfriendly to the United States. When a claim is considered to be not payable for the reasons stated in this paragraph, it will be forwarded for appropriate action to the Chief, U.S. Army Claims Service together with the recommendations of the settlement authority.
(u) Is for damage caused from or by floods or flood waters. See the act of 15 May 1928 (45 Stat. 535, 33 U.S.C. 702c).

§ 536.18 When claim must be presented.

(a) A claim may be settled under §§ 536.12—536.24b only if presented in writing within 2 years after it accrues, except that if it accrues in time of war or armed conflict, or if war or armed conflict intervenes within 2 years after it accrues, and if good cause is shown, the claim may be presented within 2 years after that cause ceases to exist but not later than 2 years after the war or armed conflict is terminated.
(b) As used in this section, a war or armed conflict is one in which an Armed Force of the United States is engaged. The dates of commencement and termination of an armed conflict shall be as established by concurrent resolution of Congress or by determination of the President.

§ 536.19 Procedures.

So far as not inconsistent with §§ 536.12—536.24b, the procedures set forth in §§ 536.1—536.11c will be followed as to a claim under §§ 536.12—536.24b.

§ 536.21 Law applicable.

(a) As to claims arising in the United States, its Territories, Commonwealths and possessions, the law of the place where the act or omission occured will be applied in determining liability, except as it applies to absolute liability and except as provided in § 536.15(b).
(b) In claims arising in a foreign country, liability normally will be determined in accordance with general principles of American law as stated in standard legal publications, except as it applies to absolute liability and except as provided in § 536.15(b). Where applicable, rules of the road and similar locally prescribed standards of care will be followed in determining fault.
(c) In determining quantum and elements of damages, §§ 536.7 and 536.8 will be applied. Where there is no applicable rule established in §§ 536.1—536.11c, the law of the place where the act or omission occurred normally will be applied, except that in claims arising in foreign countries, the law of the state of legal residence of the person whose injury, property damage or death generated the claim may be applied.

§ 536.22 Claimants excluded.

A national, or a corporation controlled by a national, of a country at war or engaged in armed conflict with the United States, or of any country allied with such enemy country, is excluded as a claimant, unless the settlement authority of the command exercising claims supervisory authority of the area determines that the claimant is and, at the time of the incident, was friendly to the United States. A prisoner of war or an interned enemy alien is not excluded as to a claim for damage to or loss or destruction of personal property in the custody of the Government otherwise payable under §§ 536.12—536.24b.

§ 536.22a Settlement agreement.

If a claim is determined to be meritorious in amount less than claimed, or if a claim involving personal injuries or death is approved in full, a settlement agreement will be obtained prior to payment. A settlement agreement may be required in other instances when, in the opinion of the adjudicating authority, good legal practice so dictates, e.g., where family, or other multiple interests may be involved. Acceptance by a claimant of an award constitutes a release of any claims against the United States and against the military or civilian personnel whose act or omission gave rise to the claim.

§ 536.23 Delegation of authority.

(a) *Settlement Authority.* (1) Subject to appeal to the Secretary of the Army, The Judge Advocate General and The Assistant Judge Advocate General are delegated authority under §§ 536.12—536.24b to pay up to $5,000 in settlement of claims, and to disapprove claims regardless of the amount claimed.
(2) Subject to appeal to the Secretary of the Army and such limitations as may be imposed by The Judge Advocate General, the Chief, U.S. Army Claims Service, and all officers of The Judge Advocate General's Corps assigned to the U.S. Army Claims Service, subject to such limitations as may be imposed by the Chief of that Service, are delegated authority under §§ 536.12—536.24b to pay up to $1,000 in settlement of claims, and to disapprove claims regardless of the amount claimed.
(3) Subject to appeal to the Secretary of the Army and such limitations as may be imposed by The Judge Advocate General, the commander, or the staff judge advocate, of each of the following commands is delegated authority to—
(i) Approve and pay in full or in part, or disapprove, claims presented for $1,000 or less.
(ii) Pay claims regardless of the amount claimed provided an award of $1,000 or less is accepted by claimant in full satisfaction and final settlement of the claim.
(a) Each of the numbered Armies within the continental United States;
(b) Military District of Washington, U.S. Army;
(c) U.S. Army Forces Southern Command;
(d) U.S. Army, Alaska;
(e) U.S. Army, Pacific;
(f) U.S. Army, Europe.
(4) The Judge Advocate General may delegate claims approving or settlement authority to other commands where the need for such authority can be demonstrated. Requests for delegation of authority will be forwarded to The Judge Advocate General, Attention: Chief, U.S. Army Claims Service, Fort Holabird, Md. 21219, through command channels, with justification and recommendations.

(b) *Approving authority.* (1) Each of the following is delegated authority to—
(i) Approve and pay in full claims presented for $1,000 or less.
(ii) Pay claims regardless of the amount claimed provided an award of $1,000 or less is accepted by claimant in full satisfaction and final settlement of the claim.
(c) The commander, or the staff judge advocate, of any command authorized to exercise general courts-martial jurisdiction.
(d) An officer of The Judge Advocate General's Corps assigned to a maneuver claims service or a disaster claims office when designated by the commander of a command listed in § 536.4a, and subject to such limitation as the designating commander may prescribe.
(e) Officers of The Judge Advocate General's Corps assigned to the U.S. Claims Office, France, subject to such limitations as the Commanding Officer, U.S. Claims Office, France, may prescribe.
(f) Officers of The Judge Advocate General's Corps assigned to the U.S. Army Claims Office, Germany, subject to such limitations as the Commanding Officer, U.S. Army Claims Office, Germany, may prescribe.
(g) Officers of The Judge Advocate General's Corps assigned to the U.S. Armed Forces Claims Service, Korea, subject to such limitations as the Chief, U.S. Armed Forces Claims Service, Korea, may prescribe.
(h) The chief of a command claims service established pursuant to § 536.4b.
(i) A district or division engineer, Corps of Engineers, or the Chief of Engineers.
(2) The commanding officer of a command not authorized to exercise general courts-martial jurisdiction, but having a judge advocate assigned to his staff, or his judge advocate, is delegated authority to—
(i) Approve and pay in full claims presented for $500, or less.
(ii) Pay claims regardless of the amount claimed, provided an award of $500, or less, is accepted by claimant in full satisfaction and final settlement of the claim.

§ 536.24 Claims over $5,000.

Claims cognizable under title 10, United States Code, section 2733 and §§ 536.12–536.24b which are meritorious in amounts in excess of $5,000 will be processed for action by the Secretary of the Army. If the Secretary of the Army considers such a claim meritorious, he may, after receipt of a settlement agreement in full satisfaction of the entire claim, pay the claimant $5,000 and report the excess to Congress for its consideration.

§ 536.24a Settlement procedure.

(a) *Action by an approving authority.* If an approving authority determines that a claim is not meritorious, or if a partial approval is rejected by a claimant, the claim and related file will be forwarded with a seven-paragraph memorandum of opinion through claims channels to the settlement authority of the command having claims supervisory responsibility for the area (§ 536.4a).
(b) *Action by a settlement authority.* (1) The disapproval of a claim, in whole or in part, is final unless the claimant appeals in writing to the Secretary of the Army. Upon disapproval of a claim, in whole or in part, the settlement authority will notify the claimant in writing of the action taken and reasons therefor. The letter of notification will inform the claimant that—
(i) He may appeal to the Secretary of the Army through the authority disapproving the claim.
(ii) No form for appeal is prescribed.
(iii) The ground for appeal should be set forth fully.
(iv) The appeal must be submitted within 30 days of receipt by the claimant of notice of action on his claim.

An appeal will be considered timely if postmarked within 30 days after receipt by the claimant of such notification. For good cause shown, the Chief, U.S. Army Claims Service may extend the time for appeal.

(2) *Action on appeal.* Upon receipt, the appeal will be examined by the settlement authority and after any action deemed necessary it will be forwarded with the related file and a seven-paragraph memorandum of opinion to the Chief, U.S. Army Claims Service, Fort Holabird, Maryland 21219. If the evidence in the file, including information submitted by the claimant with the appeal, indicates that the appeal should be sustained, it may be treated as a request for reconsideration under § 536.24b, and the processing of the appeal may be delayed pending the outcome of further efforts by the settlement authority to settle the claim. The Chief, U.S. Army Claims Service may take similar action in appropriate cases.

§ 536.24b Reconsideration.

(a) An approving or settlement authority may reconsider a claim upon request of the claimant or someone acting in his behalf. In the absence of such a request, an approving or settlement authority may on his own initiative reconsider a claim. He may reconsider a claim which he previously disapproved in whole or in part (even though a settlement agreement has been executed) when it appears that his original action was incorrect in law or fact based on the evidence of record at the time of the action or subsequently received. If he determines that his original action was incorrect, he will modify the action and, if appropriate, make a supplemental payment. The basis for a change in action will be stated in a memorandum included in the file.
(b) A successor or supervisory approving or settlement authority may also reconsider the original action on a claim but only on the basis of fraud or collusion, new and material evidence, or manifest error of fact such as errors in calculation or factual misinterpretation of applicable law.
(c) A request for reconsideration should indicate fully the legal or factual basis asserted as grounds for relief. Following completion of any investigation or other action deemed necessary for an informed disposition of the request, the approving or settlement authority will reconsider the claim and attempt to settle it by granting such relief as may appear warranted. When further settlement efforts appear unwarranted, the entire file with a memorandum of opinion will be forwarded through claims channels, as outlined in § 536.10(d). If a claims supervisory authority (§ 536.4a) is unable to grant the relief requested, he will forward the claim with his recommendation to the Chief, U.S. Army Claims Service, Office of The Judge Advocate General, Fort Holabird, Md. 21219, and inform the claimant of such reference.

[AR 27–21, June 26, 1967] (Secs. 2012, 2733, 70A Stat. 157, 153; 10 U.S.C. 2012, 2733)

KENNETH G. WICKHAM,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 67-8488; Filed, July 21, 1967; 8:45 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter XIX—Office of the Maritime Administrator, Department of Commerce

[General Emergency Transportation Order 1–67]

MA–ET–1—PRIORITY MOVEMENT TO BE ACCORDED TO MATERIALS AND PASSENGERS NECESSARY TO PROMOTE THE NATIONAL DEFENSE

Cancellation of Order

Whereas, in F.R. Doc. 67–8417 appearing in the FEDERAL REGISTER issue of July 19, 1967 (32 F.R. 10568), it was ordered that certain priorities be given to transportation by water carriers operating vessels in the coastwise and intercoastal trades, excluding the domestic offshore and inland waterways, in the interest of national defense; and

Whereas, the resumption of rail service makes it unnecessary to continue the provisions of "General Emergency Transportation Order 1–67," issued pursuant to Executive Order 11342 (July 16, 1967) under authorities set forth in the order appearing as aforesaid, it is hereby ordered that MA–ET–1 of this title and chapter of the Code of Federal Regula-

tions be and is hereby terminated effective as of the date hereof.

Dated: July 20, 1967.

CARL C. DAVIS,
Acting Maritime Administrator.

[F.R. Doc. 67-8616; Filed, July 21, 1967; 9:26 a.m.]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER D—GRANTS

PART 51—GRANTS TO STATES FOR COMPREHENSIVE HEALTH PLANNING AND PUBLIC HEALTH SERVICES

Notice of proposed rule making, public rule making procedures, and delay in effective date have been omitted as unnecessary in the issuance of the following revision of this part which relates solely to grants to States for comprehensive health planning. The purpose of this revision is to implement section 314(a) of the Public Health Service Act, as amended by P.L. 89-749 (42 U.S.C. 246(a), 80 Stat. 1180).

Pursuant to section 314(g)(1) of the Act, as amended (42 U.S.C. 246(g)(1); 80 Stat. 1189), this revision is made after consultation with a joint conference of State health planning agencies designated or established as required by the Act.

These revised regulations shall become effective upon publication in the FEDERAL REGISTER.

Part 51 of Chapter I of Title 42 of the Code of Federal Regulations is revised to read as follows:

Subpart A—Grants to States for Comprehensive Health Planning

Sec.
51.1 Applicability.
51.2 Definitions.
51.3 Submission of State programs.
51.4 State program requirements.
51.5 State allotments.
51.6 Payments to States.
51.7 Equipment, supplies or personnel in lieu of cash.
51.8 Nondiscrimination on account of race, color, or national origin.

AUTHORITY: The provisions of this Part 51 issued under secs. 215, 314 of the Public Health Service Act; 58 Stat. 690, 80 Stat. 1180; 42 U.S.C. 216, 246.

Subpart A—Grants to States for Comprehensive Health Planning

§ 51.1 Applicability.

The regulations of this subpart apply to grants to assist the States, including the District of Columbia, Puerto Rico, the Virgin Islands, Guam, and American Samoa, in comprehensive and continuing planning for their current and future health needs in terms of health services, health manpower and health facilities, as authorized pursuant to section 314(a) of the Public Health Service Act, as amended by P.L. 89-749 (42 U.S.C. 246(a)), hereinafter referred to as the "Act."

§ 51.2 Definitions.

(a) "State program" refers to the State plan for comprehensive health planning which contains the information, proposals, and assurances submitted by the State agency pursuant to section 314(a) of the Act and the regulations of this subpart.

(b) "State agency" means the single State agency (which may be an interdepartmental agency) designated in the State program for administering or supervising the administration of the State's health planning functions under the State program.

§ 51.3 Submission of State programs.

In order to receive funds from an allotment under this subpart, a State must submit to and have approved by the Surgeon General a State program which contains the information and meets the requirements specified in the Act and in the regulations of this subpart. Such program shall be submitted by the State agency officially designated and authorized to administer it and carry out the functions prescribed hereunder. The effective date for Federal financial participation in the costs of carrying out such a program from any State shall be that date, after the enactment of the first Federal appropriation act containing grant funds for the purposes authorized hereunder, on which the first State program submitted by the State is approved by the Surgeon General.

§ 51.4 State program requirements.

(a) *Responsibility of State agency.* The State program must provide that the State agency will either administer or supervise the administration of the activities to be carried out under it. In order to assure adequate supervision by the State agency of the administration of activities under the State program carried out by other agencies, institutions, organizations, or individuals, the State program must show with respect to any such activity that the State agency (1) is able to obtain from such other agency, institution, organization, or individual the data needed for formulation and evaluation of, and accountability for, planning activities; (2) has established methods for performing continuing professional and administrative evaluations of such activities; and (3) is in a position to take such steps as may be necessary to assure that such activities meet Federal and State requirements.

(b) *State health planning council.* The State program must provide for the establishment of a State health planning council to advise the State agency in carrying out its functions under the approved State program. Council membership shall include representatives of State agencies (other than the designated State agency) and local agencies and of nongovernmental groups concerned with health services in the State. A majority of the council members must be consumer representatives whose major occupation is neither the administration of health activities nor the performance of health services. The council shall meet as often as necessary and at a minimum twice a year for the purposes of consulting with and advising the State agency with respect to:

(1) Scope of planning activities to be undertaken by the State agency;

(2) The recommendations to be made by the State agency as a result of such activities; and

(3) Necessary review and modifications of the State program.

(c) *Expenditure of grant funds.* The State program must set forth policies and procedures for the expenditure of funds under the program, which shall provide that:

(1) The scope of comprehensive planning will encompass the health services, facilities, and manpower to meet the physical, mental, and environmental health needs of the people of the State, and the financial and organizational resources through which these needs may be met;

(2) Such planning will be concerned with both publicly and privately supported health services and activities;

(3) A method for determining priorities of planning activity will be established to ensure that the most critical planning problems are scheduled for early attention;

(4) Methods will be established for obtaining and utilizing, in the formulation of planning priorities and recommendations, effective and appropriate informational support, including statistical data and, where feasible, social, economic, demographic, and similar base data consistent with those to be utilized for other comprehensive planning activities in the State;

(5) To administer or supervise the administration of the planning functions under the State program and to provide staff assistance to the State health planning council, the State agency will establish positions, including the full time position of comprehensive health planning director, to be filled by persons with appropriate qualifications;

(6) The State agency will cooperate with and assist in the development of needed regional, metropolitan area and other local area health planning agencies and be prepared to act upon, and to make recommendations to the Surgeon General with respect to, grant applications under section 314(b) of the Act.

(d) *Encouraging cooperative efforts.* The State program must provide for encouraging cooperative efforts among governmental and nongovernmental agencies, organizations, and groups concerned with health and related services, facilities, and manpower. As a minimum, it must provide methods for:

(1) Coordinating the State agency's planning activities with specialized health planning and other related planning activities, such as the development of mental retardation plans, construction plans for health and medical facilities, community mental health plans, regional medical programs, and environmental control plans, and with State agencies concerned with physical and economic planning;

(2) Considering the most effective and efficient manner of meeting health needs in the fields of welfare, education and vocational rehabilitation; and

(3) Considering the special needs of high-risk population groups for preventive and health care services.

(e) *Federal funds to supplement State funds otherwise available.* The State program must contain satisfactory assurances that Federal funds will not supplant funds that would otherwise be made available by the State for the purpose of comprehensive health planning and that Federal funds will, to the extent practicable, be used to increase the level of non-Federal funds available for such purpose. Substantial compliance with such assurance will be deemed to have been met if the level of non-Federal funds made available to and spent by the State for comprehensive health planning is at least no lower for any fiscal year than it was in the immediately preceding fiscal year, except that the Surgeon General may also take into consideration the extent to which the level of such funds for any fiscal year may have included funds for an activity of a nonrecurring nature.

(f) *Methods of administration.* In addition to any methods of administration otherwise required by the Act and these regulations, the State program must provide:

(1) For the establishment and maintenance of personnel standards on a merit basis for persons employed by the comprehensive State health planning agency in carrying out the State program. Compliance with the Standards for a Merit System of Personnel Administration, 45 CFR, Part 70, issued by the Secretary of Health, Education, and Welfare, the Secretary of Labor, and the Secretary of Defense, including any subsequent amendments thereto, will be deemed to meet this requirement;

(2) Methods for informing interested public and private agencies and organizations and the general public about the agency's activities and recommendations;

(3) That no more than 50 percent of the funds available to the State agency under the State program shall be used for contracting with other agencies and organizations to conduct planning functions under the State program without specific approval from the Surgeon General;

(4) Methods by which criteria will be developed for reviewing applications for areawide health planning project grants under section 314(b) of the Act.

(g) *Reports and records.* The State program must provide, in addition to any other reports or records required by the regulations of this subpart, or which may reasonably be required by the Surgeon General under the Act, that:

(1) The Surgeon General shall be provided copies of each recommendation, plan or portion of a plan adopted by the State agency;

(2) An annual narrative summary of the planning activities undertaken during the preceding year will be submitted to the Surgeon General;

(3) Cumulative expenditure reports on forms prescribed by the Public Health Service will be submitted within 30 days after the end of the first half of any Federal fiscal year and within 60 days after the close of the Federal fiscal year;

(4) All records required by the Act and the regulations of this subpart shall be maintained for a period of 5 years, or until audits by representatives of the Department of Health, Education, and Welfare have been completed and any questions arising from the audits have been resolved, whichever is sooner; and

(5) The State agency will afford access to the records maintained by it to the Comptroller General of the United States and the Secretary of Health, Education, and Welfare, or their authorized representatives, for purposes of audit and examination.

(h) *Review and modification.* The State program must provide that the State agency will review and evaluate its approved program at least once annually and submit appropriate modifications to the Surgeon General. As a minimum, the State agency shall submit annual modifications of the State program which will (1) reflect budgetary and expenditure requirements for the next fiscal year, (2) set forth priorities established for planning activity to be undertaken in the next fiscal year, and (3) update any assurances or other informational requirements included in the State program.

(i) *Accounting procedures.* The State program shall contain such fiscal control and fund accounting procedures as are necessary to assure the proper disbursement of and accounting for funds paid to the State under this subpart. Such procedures shall provide for an accurate and timely recording of receipts of funds from State and Federal sources, of expenditures made from such funds for comprehensive health planning purposes under the State program, and of any unearned balances of Federal funds paid to the State. Controls shall be established by the State agency to ensure that expenditures charged to comprehensive State health planning funds are for allowable purposes and that documentation is readily available to verify the accuracy of such charges.

§ 51.5 State allotments.

(a) *Determination.* The allotment of funds for any year to each State shall be the product of—

(1) The percentage which the State's weighted population bears to the total of the weighted populations of all States, multiplied by

(2) The amount of appropriated funds available for allotment for the fiscal year; except that the allotment for any State which, as a result of such computation, is less than one percent of the amount available for allotment shall be increased to one percent of such amount and the allotments to other States shall be proportionately reduced as necessary but not below an amount equal to 1 percent.

For the purposes of this section, the term "weighted population" means (1) the population of the State (as determined from the latest available estimate from the Department of Commerce) multiplied by (ii) the per capita income of the United States divided by the per capita income of the State (as determined from the latest available estimates from the Department of Commerce).

(b) *Availability.* The funds allotted to any State for a fiscal year shall remain available to the State for obligation in accordance with its approved State program during the fiscal year for which the allotment was made and the succeeding fiscal year. If the Surgeon General, after consultation with the head of any State agency, or the Governor of the State if such an agency has not been designated, determines that a State will not utilize all of its allotment during the period for which it is available, such balances shall be available for reallotment to other States in accordance with the provisions of subsection 314(a)(3)(B) of the Act. The Surgeon General shall make a determination as to the balances of funds available for reallotment as of the end of each 6-month period during which such allotments are available for expenditures by the States and shall reallot such balances as soon as possible after such a determination is made.

§ 51.6 Payments to States.

Each State for which a State program has been approved shall from time to time be paid from its allotment for the fiscal year amounts which equal the Federal share, as determined pursuant to section 314(a)(4) of the Act, of expenditures incurred during the period for which such allotment is available. For the first 2 fiscal years (1967-68), the "Federal share" for any State shall be all or such part of the expenditures for comprehensive State health planning made by or under the supervision of the State health planning agency as the Surgeon General may determine at the time of approval of the State program. Such payments will be made where practicable through a letter of credit system or, when such a system is not practicable, on the basis of payment requests from the State to meet its current needs. The Surgeon General shall make such adjustments in amounts of payments as may be necessary to correct under or over payments previously made (including expenditures which are disallowed on the basis of audit findings).

§ 51.7 Equipment, supplies or personnel in lieu of cash.

At the request of and for the convenience of the designated State agency, the Surgeon General may, in lieu of cash payments, furnish to the State agency equipment or supplies or detail to the State agency officers or employees of the Public Health Service whom he finds such equipment, supplies, or personnel would be used in carrying out the approved

State program. In such case, the Surgeon General shall reduce the payments to which the State agency would otherwise be entitled from its allotment for the fiscal year by an amount which equals the fair market value of the equipment or supplies furnished, and by the amount of the pay, allowances, traveling expenses, and other costs in connection with such detail of officers or employees. For purposes of determining the amount of the expenditures for any fiscal year made in carrying out the approved State program and the Federal share of such expenditures, the costs incurred by the Surgeon General in furnishing such equipment or supplies and in detailing such personnel to the State agency during the fiscal year shall be considered as expenditures made by and funds paid to the State.

§ 51.8 Nondiscrimination on account of race, color, or national origin.

Attention is called to the requirements of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; P.L. 88-352) which provides that no person in the United States shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance (Sec. 601). A regulation implementing such Title VI has been issued by the Secretary of Health, Education, and Welfare with the approval of the President (45 CFR Part 80). Such regulation is applicable to comprehensive State health planning activities which receive Federal financial assistance and requires receipt and acceptance by the Surgeon General of the applicable documentation set forth therein.

Dated: June 29, 1967.

[SEAL] EUGENE H. GUTHRIE,
Acting Surgeon General.

Approved: July 14, 1967.

WILBUR J. COHEN,
Acting Secretary.

[F.R. Doc. 67-8491; Filed, July 21, 1967; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 14410; FCC 67-767]

PART 73—RADIO BROADCAST SERVICES

Hours of Operation

Correction

In F.R. Doc. 67-8181, appearing at page 10437 of the issue for Saturday, July 15, 1967, the following matter should appear after paragraph (h) of § 73.99, and preceding Figure 12:

(i) In the event of permanent discontinuance of pre-sunrise operation, the PSA shall be forwarded to the Commission's Washington office for cancellation, and the Engineer-in-Charge of the radio district in which the station is located shall be notified accordingly.

3. Section 73.190 is amended by the addition of Figure 12 and by amending the text to read as follows:

§ 73.190 Engineering charts.

This section consists of the following figures: 1, 1a, 2, R3, 5, 6, 6a, 7, 8, 9, 10, 11, and 12.

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission and Department of Transportation

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Ex Parte No. 37]

PART 107a—ADMINISTRATIVE COLLECTION OF ENFORCEMENT CLAIMS

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 17th day of July 1967.

The "Federal Claims Collection Act of 1966" (31 U.S.C. 951 et seq.), and the civil penalty and forfeiture provisions of the Interstate Commerce Act, Elkins Act and amendatory and supplemental legislation related to such acts being under consideration, with a view to (1) delegating administrative collection authority to a designee, and (2) promulgating administrative collection procedures pertaining to enforcement claims for money arising out of activities of this Commission or otherwise referred to this Commission:

Part 107a, which is set out below, shall be the administrative collection procedures pertaining to this Commission's enforcement claims.

It is ordered, That a new Part 107a be added to Chapter I, Subtitle B, of Title 49 of the Code of Federal Regulations to read as follows:

Sec.
107a.1 Standards.
107a.2 Enforcement claims and debtors.
107a.3 Enforcement collection designee.
107a.4 Notice of claim and demand.
107a.5 Agreement and release.
107a.6 Method of claim payment.

AUTHORITY: The provisions of this Part 107a issued under sec. 3, 80 Stat. 309; 31 U.S.C. 952.

§ 107a.1 Standards.

The regulations issued jointly by the Comptroller General of the United States and the Attorney General of the United States under section 3 of the Federal Claims Collection Act of 1966 (31 U.S.C. 951 et seq.) and published in 4 CFR Parts 101 through 105 are hereby adopted by the Interstate Commerce Commission for the administrative collection of enforcement claims.

§ 107a.2 Enforcement claims and debtors.

(a) Enforcement claims are all separate civil penalty or forfeiture claims not exceeding $20,000 which may arise under the provisions of the Interstate Commerce Act or legislation supplementary thereto.

(b) Debtor is any person or corporation subject to civil penalties or forfeitures for violation of the provisions of the Interstate Commerce Act or legislation supplementary thereto.

§ 107a.3 Enforcement collection designee.

The Director, Bureau of Enforcement, Interstate Commerce Commission, is the Commission's designee to take all necessary action administratively to settle by collection, compromise, suspension or termination, enforcement claims within the contemplation of the Federal Claims Collection Act of 1966.

§ 107a.4 Notice of claim and demand.

Initiation of administrative collection of enforcement claims will be commenced by the enforcement collection designee mailing a letter of notice of claim and demand to the debtor. Such letter will state the statutory basis for the claim, a brief resume of the factual basis for the claim, the amount of the claim, and indicate the availability of the designee or his personal agent for discussion of the claim should the debtor so desire.

§ 107a.5 Agreement and release.

Upon the debtor's agreement to settle a claim, an Agreement and Release Form will be provided to the debtor in duplicate. This form, after reciting the statutory basis for the claim, will contain a statement to be signed in duplicate by the debtor evidencing his agreement to settlement of the claim for the amount stated in the agreement. Both copies of the signed agreement shall be returned to the collection designee. Upon final collection of the claim, one copy of the agreement and release shall be returned to the debtor with the release thereon signed by the enforcement collection designee.

§ 107a.6 Method of claim payment.

(a) Debtors: Debtors shall be required to settle claims by:

(1) Payment by bank cashier check or other instrument acceptable to designee.

(2) Installment payments by check after the execution of a promissory note containing an agreement for judgment.

(b) All checks or other instruments will be made out to "Interstate Commerce Commission," and after receipt will be forwarded to U.S. Treasury.

It is further ordered, That this order shall become effective August 1, 1967.

And it is further ordered, That notice to the general public be given by depositing a copy hereof in the Office of the Secretary of the Commission, Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-8505; Filed, July 21, 1967; 8:47 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER B—HUNTING AND POSSESSION OF WILDLIFE

PART 10—MIGRATORY BIRDS

Open Seasons, Bag Limits, and Possession of Certain Migratory Game Birds

Section 3 of the Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755; 16 U.S.C. 703), authorizes and directs the Secretary of the Interior, from time to time, having due regard for the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of flight of migratory game birds to determine when, to what extent, and by what means, such birds or any part, nest, or egg thereof, may be taken, captured, killed, possessed, sold, purchased, shipped, carried, or transported.

By notice of proposed rule making published in the FEDERAL REGISTER of April 6, 1967 (32 F.R. 5628), notification was given that the Secretary of the Interior proposed to amend Part 10, Title 50, Code of Federal Regulations. These amendments would specify open seasons, certain closed seasons, shooting hours, and bag and possession limits for migratory game birds for the 1967-68 hunting seasons.

In this connection all interested persons were invited to submit their views, data, or arguments regarding such matters in writing to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240, within 30 days following the date of publication of the notice.

Subsequently, after due consideration of migratory game bird survey data obtained through investigations conducted by the Bureau of Sport Fisheries and Wildlife and State game departments, and from other sources, the several State game departments were informed concerning the shooting hours, season lengths, and daily bag and possession limits proposed to be prescribed for the 1967-68 seasons on rails, mourning and white-winged doves, band-tailed pigeons, woodcock, and common snipe (Wilson's); on waterfowl, coots, and little brown cranes in Alaska; and on teal ducks in States in the Mississippi and Central Flyways. The State game departments were invited to submit recommendations for hunting seasons to conform to the shooting hours, daily bag and possession limits, and season lengths within frameworks of opening and closing dates, as established by this Department.

Accordingly, each State game department having had an opportunity to participate in selecting the hunting seasons desired for its State on those species of migratory game birds for which open seasons are now to be prescribed, and consideration having been given to all other relevant matters presented, it is determined that certain sections of Part 10 shall be amended as set forth below.

The taking of the designated species of migratory game birds is presently prohibited. These amendments will permit taking of these species within specified periods of time beginning as early as September 1, as has been the case in past years. Since these amendments benefit the public by relieving existing restrictions, they shall become effective upon publication in the FEDERAL REGISTER.

1. Section 10.41 is amended to read as follows:

§ 10.41 Seasons and limits on doves and wild pigeons.

Subject to the applicable provisions of the preceding sections of this part, the areas open to hunting, the respective open seasons (dates inclusive), the shooting hours, and the daily bag and possession limits on the species of doves and wild pigeons designated in this section are prescribed between the dates of September 1, 1967, and January 15, 1968, as follows:

(a) *Mourning doves—Eastern Management Unit.*

Daily bag limit..... 12
Possession limit..... 24
Shooting hours: 12 o'clock noon (standard time) until sunset.
Seasons in:

Alabama [1]	Sept. 23–Nov. 11.
	Dec. 22–Jan. 10.
Connecticut	Closed season.
Delaware	Sept. 15–Oct. 24.
	Dec. 15–Jan. 13.
District of Columbia	Closed season.
Florida [1]	Oct. 7–Nov. 5.
	Nov. 18–Dec. 3.
	Dec. 16–Jan. 8.
Georgia	Sept. 9–Oct. 7.
	Dec. 6–Jan. 15.
Illinois	Sept. 1–Nov. 9.
Indiana	Closed season.
Kentucky	Sept. 1–Oct. 31.
	Dec. 1–Dec. 9.
Louisiana	Sept. 2–Sept. 17.
	Oct. 14–Nov. 23.
	Dec. 19–Dec. 31.
Maine	Closed season.
Maryland	Sept. 8–Oct. 26.
	Dec. 19–Jan. 6.
Massachusetts	Closed season.
Michigan	Do.
Mississippi	Sept. 9–Oct. 1.
	Oct. 28–Nov. 19.
	Dec. 23–Jan. 14.
New Hampshire	Closed season.
New Jersey	Do.
New York	Do.
North Carolina	Sept. 9–Oct. 14.
	Dec. 11–Jan. 13.
Ohio	Closed season.
Pennsylvania	Sept. 1–Nov. 9.
Rhode Island	Sept. 11–Oct. 12.
	Oct. 25–Dec. 1.
South Carolina	Sept. 16–Oct. 14.
	Dec. 4–Jan. 13.
Tennessee	Sept. 1–Sept. 30.
	Oct. 14–Nov. 11.
	Dec. 23–Jan. 2.
Vermont	Closed season.
Virginia	Sept. 16–Nov. 4.
	Dec. 18–Jan. 6.
West Virginia	Sept. 2–Sept. 30.
	Oct. 14–Nov. 23.
Wisconsin	Closed season.

[1] Check State regulations for additional restrictions.

(b) *Mourning doves—Central Management Unit.*

Daily bag limit..... [1] 12
Possession limit..... [1] 24
Shooting hours: One-half hour before sunrise until sunset.[1]
Seasons in:

Arkansas	Sept. 1–Oct. 5.
	Dec. 16–Jan. 11.
Colorado	Sept. 1–Oct. 30.
Iowa	Closed season.
Kansas	Sept. 1–Oct. 30.
Minnesota	Closed season.
Missouri	Sept. 1–Oct. 10.
	Nov. 10–Nov. 29.
Montana	Closed season.
Nebraska	Do.
New Mexico [1]	Sept. 1–Oct. 1.
	Dec. 2–Dec. 30.
North Dakota	Closed season.
Oklahoma	Sept. 1–Oct. 30.
South Dakota	Sept. 1–Sept. 5.
Texas [1] [2]	See footnote 3.
Wyoming	Closed season.

[1] In Texas, shooting hours are from 12 o'clock noon (standard time) until sunset on all days in all counties.

[2] In New Mexico, the daily bag limit is 12 and the possession limit is 24 on mourning and white-winged doves, singly or in the aggregate of both kinds.

[3] Texas: Mourning doves in Val Verde, Kinney, Uvalde, Medina, Bexar, Comal, Hays, Travis, Williamson, Milam, Robertson, Leon, Houston, Cherokee, Nacogdoches, and Shelby Counties and all Counties north and west thereof, Sept. 1–Oct. 30; in the Counties of Cameron, Hidalgo, Starr, Zapata, Webb, Maverick, Dimmit, La Salle, Jim Hogg, Brooks, Kenedy, and Willacy, Sept. 2, 3, 9, and 10 and Sept. 23–Nov. 17; remainder of State, Sept. 23–Nov. 21.

(c) *Mourning doves—Western Management Unit.*

Daily bag limit..... [1] 12
Possession limit..... [1] [2] 24
Shooting hours: One-half hour before sunrise until sunset.
Seasons in:

Arizona [3]	Sept. 1–Sept. 24.
	Dec. 13–Jan. 7.
California [1] [3]	See footnote 2.
Idaho	Sept. 1–Sept. 17.
Nevada [1]	Sept. 1–Oct. 20.
Oregon	Sept. 1–Sept. 30.
	Oct. 21–Nov. 9.
Utah [3]	Sept. 1–Sept. 30.
Washington	Do.

[1] In those counties of California and Nevada having an open season on white-winged doves, the daily bag limit is 12 and possession limit is 24 mourning and white-winged doves, singly or in the aggregate of both kinds.

[2] California: in the Counties of Los Angeles, Orange, San Diego, Imperial, Riverside, San Bernardino and that portion of Ventura County east of State Highway 33 and east of the City of Ventura, Sept. 2–Oct. 11; remainder of State, Sept. 1–Oct. 10.

[3] Check State regulations for additional restrictions.

(d) *White-winged doves.*

Daily bag and possession limits	See footnote 2.
Shooting hours: One-half hour before sunrise until sunset.[1]	
Seasons in:	
Arizona [2]	Sept. 1–Sept. 24.
California: [2] [3]	
Counties of Imperial, Riverside, and San Bernardino	Sept. 2–Oct. 11.[4]
Nevada: [2]	
Clark and Nye Counties	Sept. 1–Oct. 20.
Remainder of State	Closed season.
New Mexico [2]	Sept. 1–Oct. 1.
	Dec. 2–Dec. 30.
Texas: [2] [3]	
Counties of Brewster, Brooks, Cameron, Culberson, Dimmit, El Paso, Hidalgo, Hudspeth, Jeff Davis, Jim Hogg, Kenedy, Kinney, La Salle, Maverick, Presidio, Starr, Terrell, Val Verde, Webb, Willacy, and Zapata	Sept. 2, 3, 9, and 10.
Remainder of State	Closed season.

[1] In Texas, shooting hours are from 12 o'clock noon (standard time) until sunset.

[2] In Arizona, the daily bag and possession limit is 25 white-winged doves. In California, Nevada, and New Mexico the daily bag limit is 12 and the possession limit is 24 white-winged and mourning doves, singly or in the aggregate of both kinds. In Texas, the daily bag limit is 12 and the possession limit is 24 white-winged doves.

[3] Check State regulations for additional restrictions.

(e) *Band-tailed pigeons.*

Daily bag and possession limit	5
Shooting hours: One-half hour before sunrise until sunset.	
Seasons in:	
California:	
Counties of Butte, Del Norte, Glenn, Humboldt, Lassen, Mendocino, Modoc, Plumas, Shasta, Sierra, Siskiyou, Tehama, and Trinity	Sept. 30–Oct. 29.
Remainder of State	Dec. 16–Jan. 14.
Oregon	Sept. 1–Sept. 30.
Washington	Do.

2. Section 10.46 is amended to read as follows:

§ 10.46 Seasons and limits on rails, woodcock, and common snipe (Wilson's).

Subject to the applicable provisions of the preceding sections of this part, the areas open to hunting, the respective open seasons (dates inclusive), the shooting hours, and the daily bag and possession limits on the species designated in this section are prescribed between the dates of September 1, 1967, and January 31, 1968, as follows:

(a) *Atlantic Flyway States.*

	Rails	Woodcock	Common snipe (Wilson's)
Daily bag limit	(1) (2) (3)	5	8
Possession limit	(1) (2) (3)	10	16
Shooting hours	One-half hour before sunrise until sunset on all species.		
Seasons in:			
Connecticut [1] [3]	Sept. 1–Nov. 9	Oct. 21–Dec. 23	Oct. 21–Dec. 9.
Delaware [1] [3]	Sept. 1–Nov. 9	Nov. 17–Jan. 20	Nov. 3–Dec. 22.
District of Columbia	Closed season	Closed season	Closed season.
Florida [2] [3]	Sept. 15–Nov. 24	Nov. 11–Jan. 14	Nov. 11–Dec. 30.
Georgia [2] [3]	Sept. 9–Nov. 10	Nov. 28–Jan. 31	Nov. 27–Jan. 15.
Maine [3]	Sept. 1–Nov. 9	Sept. 25–Nov. 15	Sept. 25–Nov. 11.
Maryland [1] [3]	Sept. 1–Oct. 20	Oct. 16–Dec. 19	Oct. 16–Dec. 4.
Massachusetts [3]	Sept. 9–Nov. 17	Oct. 10–Nov. 30	Sept. 9–Oct. 28.
New Hampshire [3]	Sept. 1–Nov. 9	Oct. 1–Nov. 30	Oct. 1–Nov. 9.
New Jersey [1] [3]	Sept. 9–Nov. 16	Oct. 7–Dec. 9	See footnote 6.
New York [1] [3] [4]	Sept. 1–Nov. 8	Oct. 2–Dec. 5	Oct. 2–Nov. 20.
North Carolina [2] [3]	Sept. 1–Nov. 9	Nov. 18–Jan. 20	Nov. 18–Jan. 6.
Pennsylvania [3]	Sept. 1–Nov. 9	Oct. 14–Dec. 16	Oct. 2–Nov. 20.
Rhode Island [1] [3]	Sept. 11–Nov. 19	Oct. 25–Dec. 16	Oct. 25–Dec. 10.
South Carolina [2] [3]	Sept. 23–Dec. 6	Nov. 28–Jan. 31	Nov. 27–Jan. 15.
Vermont [3]	Sept. 1–Nov. 9	Sept. 30–Nov. 9	Sept. 30–Nov. 16.
Virginia [2] [3]	Sept. 15–Nov. 23	Nov. 20–Jan. 23	Nov. 20–Jan. 8.
West Virginia [3]	Oct. 14–Dec. 22	Oct. 14–Dec. 17	Oct. 14–Dec. 9.

[1] In the States of Rhode Island, Connecticut, New Jersey, Delaware, New York, and Maryland the daily bag limit on king and clapper rails is 7 and the possession limit is 14 singly or in the aggregate.

[2] In the States of Georgia, Florida, South Carolina, North Carolina, and Virginia the daily bag limit on king and clapper rails is 15 and the possession limit is 30 singly or in the aggregate.

[3] In all States in this flyway the daily bag and possession limit on sora, Virginia, and yellow rails is 15 and 30 singly or in the aggregate of these species.

[4] New York: In the Long Island area (Long Island and that part of Westchester County lying south of the Hutchinson River Parkway), the season on rails is Sept. 11–Nov. 9.

[5] Season will open and run concurrently with the open season for ducks in the State: *Provided*, That the open season shall not extend beyond the last day of the duck season or 50 consecutive days, whichever is the shorter period.

[6] Check State regulations for additional restrictions.

(b) *Mississippi Flyway States.*

	Rails	Woodcock	Common snipe (Wilson's)
Daily bag limit	(1) (2)	5	8
Possession limit	(1) (2)	10	16
Shooting hours	One-half hour before sunrise until sunset on all species.		
Seasons in:			
Alabama [1] [3]	Nov. 4–Jan. 12	Dec. 13–Jan. 30	Nov. 25–Jan. 13.
Arkansas [1] [3]	Sept. 1–Nov. 9	Dec. 19–Jan. 30	Nov. 27–Jan. 15.
Illinois	Closed season	Oct. 1–Dec. 4	See footnote 3.
Indiana [3]	Sept. 1–Nov. 9	Sept. 30–Dec. 3	Sept. 30–Nov. 18.
Iowa	Closed season	Closed season	Oct. 7–Nov. 25.
Kentucky [3]	Nov. 16–Jan. 18	Nov. 16–Jan. 19	Nov. 16–Jan. 4.
Louisiana [1] [3]	Nov. 4–Jan. 12	Nov. 25–Jan. 28	Nov. 25–Jan. 13.
Michigan [3] [4]	See footnote 4.		See footnote 3.
Zones 1 and 2		Sept. 15–Nov. 10	
Zone 3		Oct. 20–Nov. 17	
Minnesota [3]	Sept. 2–Nov. 8	Sept. 9–Nov. 5	Sept. 16–Nov. 4.
Mississippi [1] [3]	Oct. 14–Dec. 22	Dec. 1–Jan. 31	Dec. 1–Jan. 15.
Missouri [3]	Sept. 1–Nov. 9	Oct. 1–Dec. 4	Oct. 1–Nov. 19.
Ohio [3]	Sept. 1–Nov. 9	Sept. 29–Nov. 25	Oct. 2–Nov. 20.
Tennessee [3]	See footnote 4.	Nov. 20–Jan. 23	Nov. 20–Jan. 8.
Wisconsin [3]	See footnote 4.	Sept. 16–Nov. 10	See footnote 5.

[1] In the States of Arkansas, Louisiana, Mississippi, and Alabama the daily bag limit on king and clapper rails is 15 and the possession limit is 30 singly or in the aggregate.

[2] In all States in this flyway the daily bag and possession limit on sora, Virginia, and yellow rails is 15 and 30 singly or in the aggregate of these species.

[3] Season will open and run concurrently with the open season for ducks in the State: *Provided*, That the open season shall not extend beyond the last day of the duck season or 50 consecutive days, whichever is the shorter period.

[4] Season will open and run concurrently with the open season for ducks in the State: *Provided*, That the open season shall not extend beyond the last day of the duck season or 70 consecutive days, whichever is the shorter period.

[5] Season will open concurrently with the open season for ducks in the State and will run for 60 consecutive days.

[6] Check State regulations for additional restrictions.

(c) *Central Flyway States.*

	Rails	Woodcock	Common snipe (Wilson's)
Daily bag limit	(1) (2)	5	8
Possession limit	(1) (2)	10	16
Shooting hours	One-half hour before sunrise until sunset on all species.		
Seasons in:			
Colorado [3] [4]	Sept. 1–Nov. 9	Closed season	Sept. 1–Oct. 20.
Kansas [3]	Sept. 1–Nov. 9	Oct. 23–Dec. 24	Oct. 1–Nov. 19.
Montana	Closed season	Closed season	Closed season.
Nebraska [3]	Oct. 1–Dec. 9	do	Oct. 1–Nov. 19.
New Mexico [4]	Sept. 1–Nov. 9	do	Sept. 1–Oct. 20.
North Dakota	Closed season	do	Sept. 29–Nov. 17.
Oklahoma [3]	Sept. 1–Nov. 9	Nov. 10–Jan. 13	Oct. 21–Dec. 9.
South Dakota	Closed season	Closed season	Sept. 1–Oct. 20.
Texas [4] [5]	Sept. 1–Nov. 9	Nov. 25–Jan. 28	Nov. 25–Jan. 13.
Wyoming [4]	Sept. 1–Nov. 9	Sept. 1–Nov. 4	Sept. 1–Oct. 20.

[1] In the State of Texas the daily bag limit on king and clapper rails is 15 and the possession limit is 30 singly or in the aggregate.

[2] In all States in this flyway the daily bag and possession limit on sora, Virginia, and yellow rails is 15 and 30 singly or in the aggregate of these species.

[3] Check State regulations for additional restrictions.

3. Section 10.51 is amended to read as follows:

§ 10.51 Migratory game bird hunting seasons in Alaska.

Subject to the applicable provisions of the preceding sections of this part, the areas open to hunting, the respective open seasons (dates inclusive), the shooting hours, and the daily bag and possession limits on the species designated in this section are prescribed between the dates of September 1, 1967, and January 26, 1968, as follows:

	Ducks	Geese	Coots	Brant	Common snipe (Wilson's)	Little brown cranes
Daily bag limit	[1] 6	[2] 6	15	3	8	2
Possession limit	[1] 12	[2] 12	15	3	16	4
Season dates in:						
Pribilof and Aleutian Islands except Unimak Island.	Oct. 14–Jan. 26				Sept. 1–Oct. 31	Sept. 1–Oct. 15.
Rest of Alaska and Unimak Island.	Sept. 1–Dec. 14				do	Do.
Shooting hours	One-half hour before sunrise until sunset on all species.					

[1] Ducks: In addition to the basic daily bag and possession limits prescribed above for ducks collectively, a daily bag limit of 15 and a possession limit of 30 is permitted, singly or in the aggregate of the following species: scoter, eider, harlequin, old-squaw, and American and red-breasted mergansers.

[2] Geese: The daily bag and possession limits may not include more than 3 daily and 6 in possession, singly or in the aggregate, of white-fronted and Canada geese or their subspecies.

4. Section 10.53 is amended to read as follows:

§ 10.53 Seasons and limits on waterfowl, coots, and Wilson's snipe.

Subject to the applicable provisions of the preceding sections of this part, the areas open to hunting, the respective open seasons (dates inclusive), the shooting hours, and the daily bag and possession limits on the species designated in this section are prescribed between the dates of September 1, 1967, and March 10, 1968, as follows:

(a) An experimental open season for taking teal ducks (blue-winged, green-winged, and cinnamon teal) under authority of a special Federal permit is prescribed as follows:

(1) Every hunter must have been issued and carry on his person while hunting teal a properly validated 1967 Special Teal Hunting Permit issued by the Bureau of Sport Fisheries and Wildlife.

Daily bag limit	4
Possession limit	8
Shooting hours: Sunrise until sunset.	
Mississippi Flyway:	
Alabama	Sept. 23–Sept. 30.
Arkansas	Sept. 16–Sept. 24.
Illinois	Do.
Indiana	Sept. 8–Sept. 16.
Iowa [2]	Sept. 16–Sept. 24.
Kentucky	Sept. 9–Sept. 11.
Louisiana	Sept. 23–Sept. 30.
Michigan [3]	Sept. 15–Sept. 23.
Minnesota	Closed season.
Mississippi	Sept. 23–Sept. 30.
Missouri	Sept. 16–Sept. 24.
Ohio	Do.
Tennessee	Closed season.
Wisconsin	Do.
Central Flyway:	
Colorado [1]	Sept. 9–Sept. 17.
Kansas [2]	Do.
Montana [1]	Sept. 2–Sept. 10.
Nebraska	Sept. 9–Sept. 17.
New Mexico [1]	Sept. 23–Sept. 30.
North Dakota	Sept. 2–Sept. 10.
Oklahoma	Sept. 16–Sept. 24.
South Dakota	Sept. 9–Sept. 13.
Texas	Sept. 23–Sept. 30.
Wyoming [1]	Sept. 9–Sept. 17.

[1] Colorado and Wyoming lying east of the Continental Divide; in Montana, the Counties of Blaine, Fergus, Judith Basin, Wheatland, Sweet Grass, Stillwater, Carbon, and all counties east thereof; and that part of New Mexico lying east of the Continental Divide and outside the boundaries of the Jicarilla Apache Indian Reservation.

[2] The entire State of Kansas except the Marais des cygnes Waterfowl Management Area in Linn County, Kans., and the Neosho Waterfowl Management Area in Neosho County, Kans.

[3] Check State regulations for additional restrictions.

(b) (1) A special open season for taking scoter, eider, and old-squaw ducks is prescribed during the period between September 25 and January 10 in all coastal waters and all waters of rivers and streams lying seaward from the first upstream bridge in the States of Maine, Massachusetts, New Hampshire, Rhode Island, and Connecticut; and in those coastal waters of New York State lying in Long Island and Block Island Sounds and the waters of Gardiner's Bay lying

east of a line from the Long Beach Bay lighthouse to the most easterly point of Ram Head on Shelter Island to the Cedar Point light (but not including any coastal waters of New York lying south of Long Island); and the States of New Jersey, Maryland, and North Carolina in any waters of the Atlantic Ocean and/or in any tidal waters of any bay which are separated by at least one (1) mile of open water from any shore, island and emergent vegetation: *Provided*, That any such areas have been described, delineated, and designated as special sea duck hunting areas under the hunting regulations adopted by the respective States. The daily shooting hours are from one-half hour before sunrise until sunset, and the daily bag limit is seven and the possession limit is 14, singly or in the aggregate of these species. In all other areas of these States and in all other States in the Atlantic Flyway, scoter, eider, and old-squaw ducks may be taken only during the open season for taking other ducks. During the open season on other ducks in all States in the Atlantic Flyway, a daily bag limit of seven and a possession limit of 14 scoter, eider, and old-squaw ducks, singly or in the aggregate of these species, are permitted in addition to the basic daily bag and possession limits prescribed for other ducks.

(2) Notwithstanding the provisions of § 10.3(b)(4), the shooting of crippled waterfowl from a motorboat under power will be permitted on those coastal water areas open to sea duck hunting during the special open season and all waters of rivers and streams lying seaward from the first upstream bridge in the States of Maine, Massachusetts, New Hampshire, Rhode Island, and Connecticut; and in those coastal waters of New York State lying in Long Island and Block Island Sounds and the waters of Gardiner's Bay lying east of a line from the Long Beach Bay lighthouse to the most easterly point of Ram Head on Shelter Island to the Cedar Point light; (but not including any coastal waters of New York State lying south of Long Island); and the States of New Jersey, Maryland, and North Carolina, under the following conditions: Any person who cripples any migratory waterfowl while shooting from a fixed position may, within a 200-yard radius of such fixed position, pursue, shoot, and retrieve such crippled waterfowl from a motorboat under power.

(Sec. 3, 40 Stat. 755, as amended; 16 U.S.C. 703)

RAYMOND E. JOHNSON,
Acting Director, Bureau of Sport Fisheries and Wildlife.

JULY 17, 1967.

[F.R. Doc. 67-8470; Filed, July 21, 1967; 8:45 a.m.]

PART 32—HUNTING

Clear Lake National Wildlife Refuge, Calif.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

CALIFORNIA

CLEAR LAKE NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Clear Lake National Wildlife Refuge, Calif., is permitted only on the area designated by signs as open to hunting, and is delineated on a map available at the refuge headquarters, Tulelake, Calif., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208.

Hunting of big game is permitted during the period August 19 through August 27, 1967, in accordance with all applicable State regulations subject to the following special conditions:

(a) Species permitted to be taken: Antelope.

(b) Other provisions:

1. The provisions of this special regulation supplement regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

2. A Federal permit is not required to enter the public hunting area.

3. The provisions of this special regulation are effective through August 27, 1967.

JOHN D. FINDLAY,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

July 13, 1967.

[F.R. Doc. 67-8499; Filed, July 21, 1967; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Subpart 2244]

EXCHANGES

Establishment of Uniform Procedures for Handling

Basis and purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by Revised Statutes 2478 (1875) (43 U.S.C. 1201) it is proposed to revise 43 CFR, Subpart 2244 as set forth below.

The purpose of this amendment is to establish uniform procedures for the handling of exchanges. Provision has been made for special requirements of specific exchange laws. The regulations provide that for all exchanges there must be preliminary negotiations with the Federal bureau or agency which would administer the offered land if the exchange were completed. This procedure has been used in several types of exchanges and has been found to result in economies of time and money for both the Federal Government and the persons with whom it makes exchanges. Further, because preliminary negotiations will eliminate applications for exchange which cannot be completed, no service or filing fees are required. Previous regulations required fees with certain exchange applications. These regulations also establish that no preliminary negotiations will be conducted and no application will be accepted for lands under jurisdiction of the BLM which have not been classified as proper for disposal in accordance with appropriate procedures.

Detailed procedures for types of exchanges that occur infrequently have not been included in these regulations, but provision has been made for handling any such exchanges under the general regulations.

The procedures for exchanges have been modernized; extraneous information, in some instances unrelated to exchanges, has been omitted in the revision.

The proposed revision relates to matters which are exempt from the rule making requirements of the Administrative Procedure Act (5 U.S.C. 1003). However, it is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested parties may submit written comments, suggestions, or objections with respect to the proposed regulations to the Bureau of Land Management, Washington, D.C. 20240, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

Subpart 2244 is revised in its entirety to read as follows:

Subpart 2244—Exchanges

§ 2244.0–1 Purpose.

The regulations in this subpart provide procedures for processing exchanges of U.S. property for other property.

§ 2244.0–2 Objectives.

The discretionary authority of the Secretary of the Interior to make exchanges will be used to consolidate land holdings of the United States, and to establish land ownership and use patterns which will permit more effective administration of the public lands of the United States, the stability of communities and enterprises dependent on the public lands, and other program objectives described in Subpart 1725 of this chapter.

§ 2244.0–5 Definitions.

(a) As used in this part the term "person" includes any person or entity legally capable of conveying and holding real property under the laws of the States within which the property is located.

§ 2244.1 Provisions applicable to all exchanges.

Except where otherwise noted in the regulations of this Subpart 2244, the regulations in this § 2244.1 are applicable to all exchanges.

§ 2244.1–1 Basis for exchange.

The fair market value of the property conveyed to the United States in any exchange shall not be less than the fair market value of the United States property exchanged therefor.

§ 2244.1–2 Applications.

(a) Preliminary negotiations: Preliminary negotiations for exchanges must be conducted with the Federal bureau or agency which would administer the offered lands if the exchange were completed. Any person who holds an interest in property within the boundaries of the area of responsibility of such Federal bureau or agency and who desires to negotiate an exchange with the United States must file with the appropriate field officer of that bureau or agency an informal proposal, in writing, describing the property which is to be offered to the United States and the property which is desired in exchange. After consultation with the authorized officer of the bureau or agency which has jurisdiction over the property desired by the proponent, the appropriate field officer will notify the proponent in writing whether the proposal appears feasible and, if so, whether any adjustments appear necessary for its consummation.

(b) Formal application:

(1) Any person desiring to effect an exchange hereunder must file with the Bureau of Land Management an application, in duplicate, on a form approved by the Director, Bureau of Land Management, or its equivalent, properly describing the offered and selected property. If the selected property is surveyed, it must be described by legal subdivisions of the public land surveys. The documents must be filed in accordance with the provisions of § 1621.2 of this chapter. The application must be accompanied by the notice required by paragraph (a) of this section, stating that the proposal appears feasible.

(2) The application must also include a corroborated statement relative to springs and water holes on the selected property, in accordance with §§ 2321.1–1(a) to 2321.1–2(d) of this chapter.

(3) The application must state that the value of the selected property does not exceed the value of the offered property. In a case where, by statute, equalization of values is permitted by a cash payment, the amount of cash payment that must be made to equalize values shall be stated in the application.

(c) Classification of land: No preliminary negotiations will be conducted, and no application will be accepted for lands administered by the Bureau of Land Management which have not been classified as proper for disposal by exchange, consistent with the provisions of Part 2400 of this chapter. This does not, however, prevent an interested agency from requesting that the authorized officer of the Bureau of Land Management schedule classification action, in accordance with the provisions of Part 2400 of this chapter, for any lands which the interested agency considers may have value for exchanges.

(d) The applicant must be legally capable, under the laws of the State in which the offered property is located, of consummating the exchange. The application must state that the applicant is the owner of the interest in the property offered in exchange and that such offered interest is not the basis of any other exchange.

(e) Deed to the United States:

(1) Owners of private property will be required to submit a warranty deed of conveyance of the offered property to the United States, properly executed, acknowledged, and recorded in accordance with the laws of the State in which the property is situated. Revenue stamps required by Federal and State law must be affixed to the deed and canceled. A deed executed by an individual grantor must disclose his marital status. If married, the spouse of the grantor must join in the execution of the deed to bar any right of curtesy, dower, community interest, or any other claim to the property conveyed, or it must be fully shown that under the laws of the State in which the conveyed property is situated, the grantor's spouse has no interest, present or prospective, in the property. A deed executed by a corporation must recite that it was executed pursuant to a resolution or order of

its board of directors, or other governing body, and a copy of such resolution or order must accompany the deed. The corporate seal must be affixed to both instruments.

(2) States will be required to submit a deed of conveyance of the offered property to the United States, properly executed, acknowledged, and duly recorded in accordance with the laws of the State making the exchange, together with a certificate of the proper State officer showing that the officer executing the conveyance was authorized to do so under the State law.

(3) Holders of unperfected claims and Indian trust patents will not be required to submit a deed of conveyance. In lieu thereof, they will be required to submit a relinquishment of the claim or trust patent to the United States, witnessed by two persons and acknowledged before a notary public or other official with a seal. The relinquishment must contain a statement that the applicant has not sold, assigned, mortgaged, or contracted to sell, assign, or mortgage the land covered by the unperfected claim or relinquished allotment.

(4) All deeds and relinquishments must state that they are made "for and in consideration of the exchange of certain lands, as authorized by" the appropriate act of the Congress.

(5) Where appropriate, the deed shall recite that the conveyance is made to the United States, "as grantee in trust" for the appropriate Indian tribe or group.

(f) *Taxes and equalizing money:* Where taxes which have been assessed or levied on the offered property constitute liens against the property although such taxes are not due and payable at the time of the recordation of the deed to the United States, the applicant may furnish a bond with a qualified surety for double the amount of taxes paid on the property for the previous year, or, in lieu of a bond, a cash deposit in like amount, to secure the payment of such taxes. When proper evidence of payment in full of such taxes is furnished by the applicant, liability under the bond will be terminated or the cash deposit will be returned to him. Cash deposit or bond for taxes and, where applicable, cash payment of the amount determined to be needed to equalize values, will be payable upon request of the authorized officer of the Bureau of Land Management.

(g) *Evidence of title:*

(1) Owners of private property offered in exchange must submit as evidence of title to the offered lands a policy of title insurance on the form prescribed by the Department of the Interior (Form 4–1202), or on the form approved by the Attorney General (See "Standards for the Preparation of Title Evidence in Land Acquisitions by the United States" issued by the Department of Justice, 1964 ed.); or a certificate of title issued by a title insurance company authorized by law to issue same, or an abstract of title prepared and authenticated by a licensed abstractor or abstract company or by the recorder of deeds or other proper officer of the State under his official seal.

(2) States must submit satisfactory evidence of title to the offered property. (i) If the offered property was ever held in private ownership, certificate of title, or an abstract of title as prescribed in subparagraph (1) of this paragraph must be submitted. (ii) If the offered property was never held in private ownership the State must submit a certificate of the proper State officer showing that the offered property had not been sold or otherwise encumbered by the State, and a certificate by the recorder of deeds or other proper officer under his official seal or by an abstrator or abstract company that no instrument purporting to convey or in any way encumber title to the offered property is of record or on file.

(3) Holders of unperfected claims and Indian trust patents must file a certificate of the recorder of deeds or other proper officer under his official seal or of an abstractor or abstract company that no instrument purporting to convey or in any way encumber title to the offered land is of record or on file.

(h) *Segregation of the land:* The filing of a valid formal application for exchange under the regulations of this subpart will segregate the selected public lands to the extent that they will not be subject to appropriation under the public land laws, including the mining laws, and that any subsequently tendered application, allowance of which is discretionary, will not be accepted, will not be considered as filed, and will be returned to the applicant. The segregative effect of an application on the lands covered by the application will terminate at 10 a.m. on the 30th day from and after the date a notice of the withdrawal or rejection of the application is first posted in the land office having jurisdiction over said lands.

§ 2244.1–3 Publication.

Upon a determination by the authorized officer of the bureau or agency having jurisdiction over the selected property and the authorized officer of the bureau or agency which will administer the offered property, if the exchange is completed, that the exchange is consistent with the law and regulations and is otherwise in the public interest, notice of the proposed exchange will be published by the Bureau of Land Management. The notice of publication will give the name and post office address of the applicant, the serial number and date of the application, a reference to the statute authorizing the exchange, and the description of the offered and selected property. It will also state that all persons asserting a claim to the selected property or having bona fide objections to the exchange may file their protests or other objections in the office designated in the notice, together with evidence that a copy of such protest or objections has been served upon the applicant. The notice will be published once a week for 4 consecutive weeks in a designated newspaper of general circulation in the county or counties in which the offered property is situated, and in the same manner in a newspaper of general circulation in the county or counties in which the selected property is situated. Proof of publication of notice shall consist of a certificate by the publisher or foreman or other authorized employee of the newspaper, specifying the dates of publication, attached to a copy of the notice as published.

§ 2244.1–4 Approval of exchange; right to reject; unperfected claims.

(a) *Approval of exchange.* (1) The criteria in Parts 1720 and 2410 of this chapter and the provisions of appropriate law shall be used in determining whether an application for exchange should be approved.

(2) After examination of the title and other evidence required of the applicant, if all be found regular and in conformity with the law and regulations, and there are no objections, the authorized officer may accept title to the property offered and conveyed to the United States. He will then issue a patent or other instrument of transfer for the property selected in exchange and, where authorized by law, will transmit to the applicant the cash payment, if any, necessary to equalize the values.

(b) *Right to reject.* (1) An application may be rejected at any time prior to the issuance of patent or other instrument of transfer. Exchanges will not be consummated, in the discretion of the authorized officer when, for example, after public notice—

(i) An appropriate public requirement for the selected property is identified, or

(ii) Information is received which establishes that the exchange is not in the public interest.

(2) Changes in values, after publication of the notice required by § 2244.1–3, will ordinarily not be a basis for rejection of an application, all other factors being equal.

(3) Prior to issuance of patent, no action taken shall establish any contractual or other rights against the United States, or create any contractual or other obligation of the United States.

(c) *Unperfected claims.* When the offered lands are embraced in unperfected claims, patents will not issue for the selected lands until the applicant complies with all the requirements of the law and regulations under which the unperfected claims have been held. The applicant will be credited with all acts of compliance whether earned in connection with the offered lands or selected lands or both.

§ 2244.1–5 Removal of improvements; return of title evidence.

(a) When any buildings, fencing, or other movable improvements owned or erected by an applicant on the land relinquished or conveyed are not a part of the offer to relinquish or convey, the applicant may remove such improvements from the land upon receipt of notice that the exchange has been approved, provided that such removal is accomplished within the time period specified in said notice.

(b) If an applicant has submitted deed and title evidence in connection with an exchange and his application is rejected, the evidence of title will be returned to the applicant. If the deed was recorded, a quitclaim deed for the land conveyed to the United States will be issued under section 6 of the Act of April 28, 1930 (46 Stat. 257; 43 U.S.C. sec. 872).

§ 2244.1–6 Costs and fees.

Whenever the law permits, the bureau or agency which will administer the offered lands if the exchange is consummated will be required to do the following:

(a) *Appraisals.* At the request and with the approval of the authorized officer of Bureau of Land Management, arrange, by contract or otherwise, for the services of appraisers, for the purpose of appraising both the offered and selected property.

(b) *Publication and securing title evidence.* Pay for costs of publication of the exchange and of securing title evidence for the offered property, except as provided otherwise in other sections of this subpart.

(c) *Processing.* At the request of authorized officers of Bureau of Land Management, reimburse the Bureau of Land Management and the bureau having jurisdiction over the selected lands, if other than the Bureau of Land Management, for any costs incurred by them in processing an exchange filed pursuant to the regulations in this subpart.

(d) *Service or filing fees.* Where the law permits, no service or filing fees shall be required in connection with an application for exchange.

§ 2244.2 Exchanges with States under the Taylor Grazing Act.

§ 2244.2–1 Authority.

(a) Subsections (c) and (d) of section 8 of the Act of June 28, 1934 (48 Stat. 1272), as amended (43 U.S.C. sec. 315g), authorize exchanges of lands between the United States and a State, upon the application of the State, and provide for the issuance of patent for the selected lands upon acceptance of title to the lands conveyed to the United States in exchange therefor.

(b) Lands offered in exchange by a State may be State-owned lands within or without the boundaries of a grazing district, and the selected lands may be surveyed grazing district lands not otherwise appropriated or reserved, or unappropriated and unreserved surveyed public lands of the United States, within the same State. If, however, the selected lands are within a grazing district, the lands offered by the State must be within the same grazing district and the selected lands must lie in a reasonably compact body which is so located as not to interfere with the administration or value of the remaining lands in the district for grazing purposes.

(c) Unsurveyed school sections within or without the boundary of a grazing district may be offered by the State in an exchange based upon equal areas, but the Secretary of the Interior will consider and determine whether the values of the offered and selected lands are aproximately equal for the purpose of the exchanges. No mineral reservations to the State may be made in such unsurveyed sections, the identification of which will be determined by protraction or otherwise, the State by such selections waiving all rights to the unsurveyed sections.

(d) State-owned lands, as well as school sections surveyed and unsurveyed, the title to which has not yet vested in the State, located within national forests, national parks and monuments, Indian or other reservations or withdrawals, may be offered as a basis for an exchange under said section 8 of the Taylor Grazing Act as amended, where the selected lands are not within a grazing district. Where the selected lands are within a grazing district, lands within the exterior boundaries of the grazing district and also within such reservations or withdrawals may be offered as a basis for an exchange only if the authorized officer, Bureau of Land Management, determines that the exchange would not interfere with the administration or value of the remaining lands in the grazing district for grazing purposes.

(e) Either party to an exchange may make reservations of minerals, easements, or rights of use. The right to enjoy reservations made in lands conveyed to or by the United States shall be subject to such reasonable conditions respecting ingress and egress and the use of the surface of the lands as the authorized officer deems necessary.

(f) Lands conveyed to the United States pursuant to a State exchange under this section, upon acceptance of title thereof, become public lands. If the lands are located within the exterior boundaries of a grazing district, they become a part of that district.

(g) Where a State exchange under this section involves lands embraced in outstanding grazing leases under section 15 of the Taylor Grazing Act (43 U.S.C., sec. 315m) issued prior to the filing of the State exchange application, the Secretary of the Interior, upon the request of the State, may issue patent to the State, subject to such outstanding lease, in accordance with the Act of August 24, 1937 (50 Stat. 748; 43 U.S.C. sec. 315p).

(h) The State is responsible for payment of one-half the cost of publication.

§ 2244.2–2 Program.

The program of the Secretary of the Interior is to cooperate with the States to effect mutually advantageous exchanges and to process State proposals for exchange as rapidly as possible, consistent with the law and the regulations of this subpart.

§ 2244.2–3 Applicable regulations.

All the provisions of § 2244.1 apply to State exchanges except:

(a) States may file applications for exchanges without meeting the requirements for preliminary negotiations.

(b) State exchanges are not subject to the classification requirements of Parts 2410 and 2411 of this chapter.

§ 2244.3 National forest exchanges.

§ 2244.3–1 Authority.

The Act of March 20, 1922 (42 Stat. 465), as amended (16 U.S.C., sec. 485), and other acts authorise the United States to convey Federal lands or timber and in exchange therefor to accept title to non-Federal lands which thereupon become a part of the national forest system administered by the Secretary of Agriculture.

§ 2244.3–2 Applicable regulations.

All proposals for exchange for the consolidation or extension of national forests shall be filed with the appropriate officer of the Forest Service, U.S. Department of Agriculture in compliance with the regulations of the Secretary of Agriculture. In addition, when an application involves the selection of public lands outside of national forests and under the administrative jurisdiction of the Bureau of Land Management, the proponents must comply with the regulations in § 2444.1.

§ 2244.4 Other exchanges.

The following exchanges are subject to the provisions of § 2244.1.

§ 2244.4–1 O&C exchanges.

(a) *Authority.* The Act of July 31, 1939 (53 Stat. 1144), authorizes and empowers the Secretary of the Interior, in his discretion, in the administration of the act approved August 28, 1937 (50 Stat. 874), to exchange any nonmineral land formerly granted to the Oregon and California Railroad Co., title to which was revested in the United States pursuant to the provisions of the Act of June 9, 1916 (39 Stat. 218), and any land granted to the State of Oregon, title to which was reconveyed to the United States by the Southern Oregon Co. pursuant to the provisions of the Act of February 26, 1919 (40 Stat. 1179), for lands of approximately equal aggregate value held in private, or State, or county ownership, either within or contiguous to the former limits of such grants, when by such action the Secretary of the Interior will be enabled to consolidate advantageously the holdings of lands of the United States. The act further provides that all lands and timber secured by the United States pursuant to any such exchange shall be administered in accordance with the same provisions of law as the revested and reconveyed lands exchanged therefor, and that parties to the exchange may make reservations of easements, rights-of-way, and other interests and rights. Both the offered and selected lands in Coos Bay Wagon Road exchanges must be in the same county.

(b) *Program—(1) Forest management.* The Act of August 28, 1937 (50 Stat. 874), provides for the conservation of land, water, forest, and forage on a permanent basis; the prudent utilization of these resources for the purposes to which they are best adapted; and the realization of the highest current values

consistent with undiminished future returns. It seeks, through the application of the policy of sustained-yield management, to provide perpetual forests which will serve as a foundation for continuing industries and permanent communities.

(2) *Exchanges.* (i) Lands and timber to be acquired under authority of the Act of July 31, 1939, will be of a character and so located that the acquisition thereof will promote the conservation principles laid down by the Act of August 28, 1937. Lands and timber which will be disposed of by exchange will be of such a type and so located that the transfer of these resources will not interfere with those principles. Exchanges will not be authorized where the exchange would create a serious disturbance of existing economic conditions; or in cases where the exchange would operate materially to reduce the revenues which should accrue to the counties under authority of the Act of August 28, 1937. Neither can approval be given to the exchange of lands which would prevent the free and ready access of the Government in the development of the resources under its jurisdiction, nor the passing of title to which would in any way interfere with the policy of sustained-yield forest management which governs the administration of the O. and C. lands.

(ii) The primary objectives sought by the Act of July 31, 1939, include the following:

(a) Simplification of administration, improvement, and protection through the consolidation of holdings.

(b) The development of a balanced distribution of age classes of timber with a view to promoting the policy of sustained-yield forest management provided for in the Act of August 28, 1937.

(c) The establishment of sustained-yield management units, with a view to sustaining dependent industry, dependent labor and dependent communities.

(d) The effective administration of forest units.

(e) Aid in establishing economic operating units for combined agricultural and grazing enterprises, where such enterprises appear to provide the most desirable use of the land.

(f) The protection of recreational, open space, and natural beauty values against impairment or destruction.

§ 2244.4–2 Private exchanges under Taylor Grazing Act.

(a) *Authority.* Subsections (b) and (d) of section 8 of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1272), as amended (43 U.S.C., sec. 315g), authorize the Secretary of the Interior, when the public interests will be benefited thereby, to accept on behalf of the United States title to any privately owned land within or without the boundaries of a grazing district and in exchange therefor to issue a patent for not to exceed an equal value of surveyed grazing district land or of unreserved surveyed public land in the same State or within a distance of not more than 50 miles within the adjoining State nearest the privately owned land. Either party to an exchange may make reservations of minerals, easements, or rights of use. The applicant must pay one-half the cost of publication.

§ 2244.4–3 Indian reservation exchanges.

(a) *Executive order reservations.* The Act of April 21, 1904 (33 Stat. 211; 43 U.S.C., sec. 149), authorizes the Secretary of the Interior to exchange any vacant, nonmineral, nontimbered, surveyed public lands located in the same State as the offered lands for any privately owned lands over which an Indian reservation has been extended by Executive order. The offered and selected lands must be approximately equal both in value and area. The applicant must pay all costs of consummating the exchange.

(b) *San Juan, McKinley, and Valencia Counties, N. Mex.* Section 13 of the Act of March 3, 1921 (41 Stat. 1239), authorizes the Secretary of the Interior to exchange any vacant, surveyed public lands, including any lands reconveyed under this act, in San Juan, McKinley, and Valencia Counties, N. Mex., for any privately owned lands, State school lands (except those granted by the act of January 25, 1927, 44 Stat. 1026, as amended (43 U.S.C. 870)), and lands covered by valid unperfected claims, and by Indian allotments and Indian allotment selections in such counties. The exchange must serve to consolidate the holdings of the applicant, who must own land in the same township in which the selected lands are located.

(c) *Apache, Coconino, and Navajo Counties, Ariz.* Section 2 of the Act of June 14, 1934 (48 Stat. 961), as supplemented by the Act of May 9, 1938 (52 Stat. 300), authorizes the Secretary of the Interior to exchange (1) any vacant, nonmineral, surveyed public lands in Apache, Navajo, and Coconino Counties, Ariz., for any privately owned lands in Apache and Coconino Counties and in that portion of Navajo County north of the townships line between Townships 20 North and 21 North, Gila and Salt River Meridian, and (2) any available lands within the reservation described in the above-mentioned act of 1934 for any lands covered by Indian allotments and Indian allotment selections in the three mentioned counties. Applicants may select public lands containing springs or other living waters only if the offered lands contain similar waters. If an applicant reserves oil, gas, and other minerals in the offered lands, a like reservation will be made in the selected lands.

(d) *Reservations established by statute.* Exchanges and lieu selections involving lands within Indian reservations occur infrequently. Regulations covering such transactions are, therefore, not codified. Any such transactions will be handled in a manner consistent with the authorizing laws and with the general regulations of § 2244.1 for exchanges, and of § 2244.2 for State lieu selections.

§ 2244.4–4 National Park System exchanges.

(a) *General.* Exchanges to eliminate private holdings from national parks and national monuments for which no specific provisions are made in this section have generally reached the limits allowed by enabling legislation. Regulations covering such transactions are, therefore, not codified. Any such transactions will be handled in a manner consistent with the authorizing laws and with the regulations in § 2244.1.

(b) *Point Reyes National Seashore, Calif.* The Act of September 13, 1962 (76 Stat. 538; 16 U.S.C., secs. 459c–459c–7), providing for the establishment of the Point Reyes National Seashore in the State of California, authorizes the Secretary of the Interior, when the public interest will be benefited thereby, to acquire land, waters, and other property within the boundaries of the Point Reyes National Seashore by exchange. He may accept title to any non-Federal property located within such area and convey to the grantor of such property any federally owned property under the jurisdiction of the Secretary within Arizona, California, Nevada, and Oregon, notwithstanding any other provision of law. The properties so exchanged shall be approximately equal in fair market value, provided that when such values are not equal the Secretary may accept cash from or pay cash to the grantor in such an exchange in order to equalize the value of the properties exchanged.

(c) *Fire Island National Seashore.* The Act of September 11, 1964 (78 Stat. 928; 16 U.S.C., secs. 459e–459e–9), authorizes the Secretary of the Interior to establish an area to be known as the "Fire Island National Seashore" and to acquire by exchange lands within the boundaries of the seashore as specified in the act. When acquiring land by exchange the Secretary may accept title to any nonfederally owned land located within the boundaries of the national seashore and may convey to the grantor any federally owned land under his jurisdiction. The properties so exchanged shall be approximately equal in fair market value, but the Secretary may accept cash from or pay cash to a grantor in order to equalize the values of the lands exchanged.

(d) *Lake Mead National Recreational Area.* The Act of October 8, 1964 (78 Stat. 1039, 16 U.S.C., secs. 460n–460n–9) authorizes the Secretary of the Interior to revise the boundaries of the Lake Mead National Recreation Area and to procure property within the exterior boundaries of such area in such manner as he shall consider to be in the public interest. In exercising his authority to acquire property by exchange, the Secretary may accept title to any non-Federal property located within the boundaries of the recreation area and convey to the grantor of such property any federally owned property under the jurisdiction of the Secretary. The properties so exchanged shall be approximately equal in fair market value, provided that the Secretary may accept cash from or pay cash to the grantor in an exchange in order to equalize the values of the properties exchanged.

(e) *Whiskeytown–Shasta–Trinity National Recreation Area, Calif.* The Act of November 8, 1965 (79 Stat. 1295) authorizes the Secretary of the Interior to administer the Whiskeytown unit of the Whiskeytown-Shasta-Trinity National Recreation Area. The Secretary is authorized to accept title to any non-Federal property within any part of the recreation area and in exchange therefor to convey to the grantor any federally owned property under his jurisdiction within the State of California which he classifies as suitable for exchange or disposal. The properties so exchanged shall be approximately equal in fair market value, provided that the Secretary may accept cash from or pay cash to the grantor in an exchange in order to equalize the value of the properties exchanged.

§ 2244.4–5 Wildlife refuge exchanges.

(a) Section 303 of the Act of June 15, 1935 (49 Stat. 382; 16 U.S.C., sec. 715d–2), and Reorganization Plan No. II of May 9, 1939 (53 Stat. 813, 1431, 1433; 5 U.S.C., secs. 133s, 133t), authorize the Secretary of the Interior, in his discretion and when the public interest will be benefited thereby, to accept on behalf of the U.S. title to any lands which in his opinion, are chiefly valuable for migratory bird or other wildlife refuges, and in exchange therefor to patent not to exceed an equal value of surveyed or unsurveyed, unappropriated and unreserved nonmineral public lands in the same State, the value in each case to be determined by him. Section 304 of the Act of June 15, 1935 (49 Stat. 382; 16 U.S.C., sec. 715e–1) permits the private owners of lands offered in an exchange to retain such rights of way, easements and reservations in such lands as will not interfere with the use of the areas involved for the purposes of the Act of June 15, 1935.

(b) Section 2(b) of the Act of October 15, 1966 (80 Stat. 926), authorizes the Secretary of the Interior to acquire by purchase, donation, or otherwise, lands or interests therein necessary for the conservation, protection, restoration, and propagation of selected species of native fish that are threatened with extinction.

(c) Section 4(b)(3) of the Act of October 15, 1966 (80 Stat. 926), authorizes the Secretary of the Interior to acquire lands or interests therein by exchange (1) for acquired lands or public lands under his jurisdiction which he finds suitable for disposition, or (2) for the right to remove, in accordance with such terms and conditions as the Secretary may prescribe, products from the acquired or public lands within the National Wildlife Refuge System. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require.

§ 2244.4–6 Miscellaneous State exchanges.

Because of the infrequency of transactions involving State exchanges under the Acts of May 7, 1932 (47 Stat. 150), section 3 of the Act of June 14, 1934 (48 Stat. 962), Act of December 7, 1942 (56 Stat. 1042), and the Act of June 20, 1936 (49 Stat. 2026), regulations covering these transactions are not codified. Any such transaction will be handled in a manner consistent with the authorizing laws and with the regulations in § 2244.1.

§ 2244.5 Reclamation exchanges.

§ 2244.5–1 Applicable regulations.

(a) Regulations for exchange under the Act of August 13, 1953 (67 Stat. 566; 43 U.S.C. 451–451K), are in Part 406 of this title and for exchanges under the Act of May 25, 1926 (44 Stat. 648; 43 U.S.C. 423e), are in §§ 403.6–403.11 of this title.

(b) Applications for new entry under the provisions of the Act of March 4, 1915 (38 Stat. 1215; 43 U.S.C. 447), must be on the form provided for homestead applications, must refer to the serial number, and give the description of the former entry and a statement by the applicant showing the facts upon which he claims to come within the provisions of this act.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JULY 17, 1967.

[F.R. Doc. 67–8402; Filed, July 21, 1967; 8:45 a.m.]

National Park Service

[36 CFR Part 7]

FIRE ISLAND NATIONAL SEASHORE, N.Y.

Proposed Vehicular Use

Notice is hereby given that, pursuant to the authority vested in the Secretary of the Interior by section 3 of the Act of August 25, 1916, as amended (39 Stat. 535, 16 U.S.C. 3), and in order to carry out the purposes of the Act of September 11, 1964 (78 Stat. 928, 16 U.S.C. 459e), authorizing the establishment of the Fire Island National Seashore, it is proposed to amend Part 7, Chapter 1, Title 36, Code of Federal Regulations, as hereinafter set forth.

The unrestricted use of motor vehicles in the Fire Island National Seashore conflicts with the purposes of the Act of September 11, 1964, authorizing the establishment of this Seashore, to conserve and preserve for the use of future generations certain relatively unspoiled and undeveloped beaches, dunes and other natural features within Suffolk County, N.Y., which possess high values to the Nation as examples of unspoiled areas of great natural beauty in close proximity to large concentrations of urban population; conflicts with the administration of the Seashore to be established with the primary aim of conserving the natural resources located there; is inconsistent with statutory limitations on access to that section of the Seashore lying between the easterly boundary of the Brookhaven town park at Davis Park and the westerly boundary of the Smith Point County Park; and is incompatible with the preservation therein of the flora and fauna and the physiographic conditions now prevailing; and conflicts with the preservation of such section and of the Sunken Forest Preserve in as nearly their present state and condition as possible.

The following regulations are proposed in order to protect the Federal lands and interests therein within the Seashore and to protect members of the public using such properties, and to provide for recreational use of Seashore lands by motor vehicles for activities such as sport fishing and hunting in areas and at times which do not conflict with the conservation of the natural resources of the Seashore.

The proposed regulations provide that, with certain exceptions, no motor vehicles shall be operated on lands owned or controlled by the United States except by permit issued by the Superintendent of the Seashore. Motor vehicles, commercial passenger vehicles, official vehicles, public utility vehicles, service vehicles, emergency vehicles, and school buses are defined and vehicular travel during certain periods and in certain areas is restricted. Official vehicles, emergency vehicles, and school buses may be operated without permit at all times. The Superintendent of the Fire Island National Seashore is authorized to establish a system of permits and to designate routes of travel, speed limits and to suspend the regulations during emergencies.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed regulations to the Director, National Park Service, within 15 days after the publication of this notice in the FEDERAL REGISTER.

STEWART L. UDALL,
Secretary of the Interior.

JULY 19, 1967.

Part 7 of Chapter I, Title 36 of the Code of Federal Regulations, is amended by the addition of a new section reading as follows:

§ 7.20 Fire Island National Seashore.

(a) *Operation of motor vehicles.*—(1) *Definitions.* The following terms or phrases, when used in this section, have the meanings hereinafter respectively ascribed to them:

(i) *Seashore lands.* Any lands owned or hereafter acquired by the United States or in which the United States possesses or hereafter acquires a proprietary interest.

(ii) *Motor vehicle.* Any self-propelled land vehicle.

(iii) *Commercial passenger vehicle.* Any motor vehicle carrying passengers for hire.

(iv) *Official vehicle.* Any motor vehicle while used on official business of the U.S. Government, the State of New York, the County of Suffolk and of towns, villages, and communities situated on Fire Island.

(v) *Public utility vehicle.* Any vehicle owned or operated by a public utility or a public service company enfranchised or licensed to supply Fire Island residents with electricity, water, or telephone service.

(vi) *Service vehicle.* Any vehicle owned or operated by or on behalf of an individual, partnership, or corporation engaged in the business of furnishing construction, maintenance, or repair services, including, but not limited to, building, plumbing, installation or repair of household appliances, carpentry, painting, landscaping, garbage collection and delivery service.

(vii) *Emergency vehicle.* Any hearse, fire engine, and any motor vehicle (including commercial passenger vehicles), while engaged in transporting, or bringing medical assistance to sick, injured, aged, or infirm persons.

(viii) *School bus.* Any motor vehicle owned or operated by or on behalf of a school district or other public or private entity maintaining elementary or secondary schools, while in use for transporting elementary or secondary school children to and from school activities.

(ix) *Dune crossing.* An access way over a primary or transverse dune designated and marked as a dune crossing.

(x) *Superintendent.* The Superintendent of the Fire Island National Seashore or his authorized representative.

(2) *Permits.* No motor vehicles, other than official vehicles, emergency vehicles, and school buses, shall be operated across Seashore lands, except under permit issued by the Superintendent.

(i) No permit shall be issued for any motor vehicle having a carrying capacity in excess of 1 ton: *Provided*, That application may be made to the Superintendent for a special trip permit for a vehicle of greater capacity to carry heavier loads for which water transportation is not feasible or available.

(ii) No permit shall be issued for any motor vehicle not equipped, in the judgment of the Superintendent, to travel over sand.

(iii) Permits may be issued for periods of 1 day or longer, depending upon the reasonable requirements of the applicant, but not to extend beyond December 31 of the year of issuance.

(iv) The Superintendent is authorized to establish a system of permits consistent with the requirements of these regulations. Permits shall be displayed at all times in such manner as to be readily visible on any motor vehicle.

(3) *Authorized and prohibited travel.* (i) Travel by official vehicles and emergency vehicles shall be permitted on Seashore lands at all times.

(ii) Travel by public utility vehicles and service vehicles over Seashore lands during the period May 1 to October 1, except in an emergency as determined by the Superintendent, shall be restricted to the hours between 6 p.m. of one day and 10 a.m. of the following day except that such vehicles shall not be permitted to travel over such lands between 10 a.m. on Saturday and 6 p.m. on the following Sunday.

(iii) Except as hereinafter provided, during the period May 1 to October 1, travel by all other motor vehicles on Seashore lands east of Robert Moses State Park to the westerly boundary of Smith Point County Park is prohibited.

(iv) Travel by motor vehicles, except official vehicles, emergency vehicles and school buses, across Seashore lands within that area extending from the easterly boundary of Ocean Ridge and the westerly boundary of Smith Point County Park is prohibited at all times: *Provided*, That owners and occupants of houses situated therein, their guests and business invitees may be issued special access permits by the Superintendent to afford them ingress and egress by motor vehicle via Smith Point County Park.

(v) All motor vehicles having a valid permit may be operated at all times on Seashore lands lying between the westerly boundary of Smith Point County Park and Moriches Inlet.

(4) *Rules of travel.* (i) So far as practicable, vehicles shall be operated in established tracks. When two vehicles approach from opposite directions in the same track, the operator with the water to his left shall yield by turning out of the track.

(ii) No vehicle shall be parked closer than ten (10) feet or farther than twenty (20) feet from the established track or designated route.

(iii) No person shall operate a motor vehicle on Seashore lands at a speed greater than is reasonable and prudent, having regard to the safety and welfare of others, and to the objective of causing minimum damage to beach or other areas in which such vehicle is operated, and not in any event to exceed twenty-five (25) miles per hour.

(iv) No motor vehicle shall be operated on any portions of a dune except at posted dune crossings.

(v) The Superintendent may designate routes of travel across Seashore lands by the posting of appropriate signs. Where routes are so designated, vehicles shall be operated only within the designated routes.

(vi) No motor vehicle shall be operated by other than the holder of a valid operator's license.

(vii) No person who is under the influence of intoxicating liquor shall operate a motor vehicle on Seashore lands.

(viii) In an emergency, the Superintendent may suspend, for such period or periods as he shall deem advisable, any or all of the foregoing restrictions on vehicular travel, and he may announce such suspension by whatever means are available. In the event of high winds and waves, storms, or other adverse weather conditions, the Superintendent shall close all or any portion of the Seashore lands to vehicular travel for such period as he shall deem advisable in the interests of public safety.

(5) *Violations.* The Superintendent may suspend or revoke any permit for violation of any of the foregoing regulations.

[F.R. Doc. 67-8562; Filed, July 21, 1967; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 926]

[Docket No. AO 135-A6]

TOKAY GRAPES GROWN IN SAN JOAQUIN COUNTY, CALIF.

Notice of Recommended Decision and Opportunity To File Written Exceptions With Respect to Proposed Amendment of the Marketing Agreement, as Amended, and Order, as Amended

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendment of the marketing agreement, as amended, and order, as amended (7 CFR Part 926), regulating the handling of Tokay grapes grown in San Joaquin County, Calif., hereinafter referred to collectively as the "order." The order is effective pursuant to provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601-674), hereinafter referred to as the "act."

Interested persons may file written exceptions to this recommended decision with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate. All such communications will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The public hearing on the record of which the recommended amendment of the order was formulated was held in Lodi, Calif., on June 1, 1967, pursuant to a notice thereof which was published in the FEDERAL REGISTER on May 10, 1967 (32 F.R. 7089). The notice contained amendment proposals which had been submitted to the Secretary of Agriculture by the Industry Committee, the administrative agency for the order.

Material issues. The material issues presented on the record of the hearing were concerned with amending the order to:

(1) Authorize the committee, with the approval of the Secretary, to prescribe rules, regulations, and safeguards deemed necessary to assure that grapes marketed as premium quality grapes meet the prescribed requirements for such grapes;

(2) Authorize the committee to borrow money;

(3) Authorize the establishment and maintenance of a reserve in an amount equal to approximately one season's operational expenses;

(4) Revise the provisions of the order with respect to marketing research and development projects to authorize any form of marketing promotion, including paid advertising; and

(5) Make conforming changes.

Findings and conclusions. The following findings and conclusions on the material issues, all of which are based on the evidence adduced at the hearing are as follows:

(1) The order should be amended as hereinafter set forth to authorize the committee, with the approval of the Secretary, to prescribe rules, regulations, and safeguards deemed necessary to assure that grapes designated and marketed as conforming to the requirements prescribed for premium quality grapes shall meet or exceed the requirements established for such grapes. Testimony adduced at the hearing indicates that there is a place in the market for premium packs of Tokay grapes. Such premium quality grapes will, when marketed with grapes of a lower quality, provide consumers with a choice as to which quality grape they will purchase. Confronted with this choice, consumers can reasonably be expected to buy more Tokay grapes than would be purchased when grapes of only one quality are offered. Premium quality grapes can reasonably be expected to sell for a higher price than lower quality grapes and without lowering the price of grapes which are not of premium quality. This price situation should result in an increase in growers' total returns. The order presently contains authority which permits the committee to prescribe the requirements as to grade, size, pack, and container for premium quality grapes. Such authority was for the purpose of identifying premium quality grapes so that such grapes could be exempt from volume regulations. Such authority has not been used, however. There is need to provide additional authority in the order governing the handling of premium quality grapes that are marketed in fresh form. Without such authority, handlers could freely market grapes depicted to be of premium quality when the grapes were actually of a lower quality. Such unfair competitive practice would advantage such handler, at least initially, over all other handlers in that such sales would probably be at higher prices. Because such grapes were of a quality below premium quality, consumers would probably not be satisfied with such grapes and would tend to refuse to buy additional quantities of Tokay grapes or buy grapes of standard quality and at the lowest price. Thus, the elimination or curtailment of this unfair trade practice would benefit the entire industry, would encourage more orderly marketing, increase the total quantity of fresh Tokay grape sales, increase total returns to growers, and be in the public interest.

The first step necessary to accomplish this objective is to provide authority for the Secretary to prescribe the requirements which premium quality grapes marketed in fresh form must meet or exceed. Record evidence clearly shows that the committee can recommend to the Secretary, and the Secretary issue, appropriate requirements which will provide the basis for easy identification of premium quality grapes. Through rules and regulation procedure the Secretary, on recommendation of the committee, should be authorized to establish procedure and methods of handling, including inspection and identification of premium quality grapes, that will permit handlers to market such grapes separately and distinctly from all other packs of grapes. Such authority for implementing regulations also should permit the delineation of what constitutes marketings as premium quality grapes, including, but not limited to, what constitutes a representation that grapes are of premium quality. This may be necessary to prevent evasion of the regulation by the use of descriptive terms other than "premium quality" which, nevertheless, may connote, represent, or imply that the grapes are of premium quality. Such procedure would not preclude, however, the marketing of packages of premium quality grapes with packages of grapes not identified as premium quality.

The prescribing of requirements for premium quality grapes by the Secretary and the issuance of rules and regulations with respect to procedure and method of handling premium quality grapes does not impose restrictions on any handler unless he chooses to pack and market a portion of his grapes in conformance with such requirements. The decision as to whether to pack to and request inspection on the basis of the established requirements for premium quality grapes is made by each handler for each lot of grapes. A portion of each lot of grapes can reasonably be expected to meet the requirements of premium quality grapes if good cultural, harvesting, and packing practices have been followed. The portion of a lot of grapes that may be marketed as premium quality grapes can reasonably be expected to return more money than a quantity of grapes packed to a lower standard. Should a handler pack to the premium quality requirements and upon inspection it was determined that such grapes did not meet the established requirements for premium quality grapes, the handler could, if such grapes met or exceeded the minimum grade requirement of the regulation in effect, market such grapes in the same manner as presently. Thus, the making available of a premium quality grade for use by any handler desiring to market grapes on such basis should increase the sales of Tokay grapes and improve returns to the growers. The order should be so amended.

(2) The provisions of the order relating to assessments should be amended to authorize the committee to borrow money. The season for Tokay grapes begins April 1 of each year and the shipment of grapes usually begins about the first of September. Thus, there is a period of approximately 5 months during which the committee will be incurring expenses prior to the time when assessment income from the current crop is available. During this period the committee will probably be engaged in its greatest activity. It will be surveying the crop to estimate the production and quality, establishing its marketing policy, and determining regulations that should be in effect for the season. Even though there is a proposal to establish and maintain a reserve in an amount not to exceed approximately one fiscal year's operational expenses, it was testified at the hearing that it may be desirable for the committee to borrow money and the order should be amended to authorize the committee to do so. While it is not expected that the committee will likely need to borrow money soon, the order should provide authority so that the committee's activities will be as flexible as possible to administer the provisions of the order. Therefore, the order should be amended to permit the committee to borrow money should it need to do so.

(3) In the operation of the order, the Industry Committee has found that the accumulation and maintenance of a financial reserve from excess assessment funds is a good business practice and contributes to efficient financial management in that it lessens the need for borrowing money and refunding any excess assessment money to handlers. The fund was established through rule making procedures on recommendation of the committee and with the approval of the Secretary. Such reserve should be covered by a specific provision of the order. The evidence of record shows that the reserve should be available to cover any expenses authorized under the order, including (i) expenses incurred during the preharvest period before assessment income is received, (ii) deficits incurred during any season when, as a result of miscalculation or crop failure or partial crop failure, assessment income is insufficient to cover expenses, (iii) a deficit is deliberately incurred so as to reduce the reserve, (iv) any expenses incurred during a period of suspension of any part or all of the order, and (v) costs of liquidation.

The rules and regulations establishing the reserve fund limit the amount that may be in the reserve to $20,000 and permits the transfer of not to exceed 10 percent of the season's annual budget to be placed in the reserve. Presently, the amount in the reserve is well within the prescribed limits.

Source of funds has been from excess assessments, and this should continue to be the source of such funds. However, the restrictions of $20,000 should be changed to an amount equal to approximately one season's operational expenses and the restriction that funds not to exceed 10 percent of one season's annual budget may be placed in the reserve should be eliminated. Record evidence

shows that with the anticipated authority for any form of marketing promotion, including paid advertising, the committee's expenses are likely to be increased substantially. To effectively advertise considerable advanced planning, including obligation of expenses, is necessary. Thus, the amount of $20,000 may not be adequate. It is desirable that the amount in the reserve be maintained approximately at or below the expenses for one season. However, the order should permit the transfer of any excess assessment funds on hand at the end of any season into the reserve if, at that time, the reserve does not exceed approximately 1 year's expenses. It is not possible to estimate with exact precision the committee expenses, the total production of the crop or the quantity of such production that will be subject to assessments. Should one or more of these estimates be incorrect, the committee could have excess assessment funds that would have to be credited to handler accounts or paid to such handlers. With the reserve fund procedure in effect, there is little likelihood of any large excess assessment funds being on hand at the end of any season because the committee could adjust the assessment rate downward whenever the amount in the reserve approaches one season's expenses. For the same reason, the committee will probably never refund or credit excess assessment to handlers, although such provision should be in the order.

The reserve procedure is equitable to all concerned. Those who pay the assessment; namely, the handlers, usually are in a lifetime occupational pursuit and there is not frequent change in the identity of the person involved. Vines cannot be pulled and replaced rapidly as is the case with row crops and vineyards are not frequently sold. Under the reserve procedure, those who might pay slightly more than their proportionate share of the operating cost of the program in any given year are the same people who will benefit in a year of reduced assessments.

Upon termination of the order, reserve funds that are not needed for liquidation should be disposed of by returning them pro rata to those who contributed or by disposition in any other manner determined by the Secretary to be appropriate. Because the sums to be returned may be too small to justify the administrative expense of proration, or because of the time involved since their receipt, it might be impractical to return them to the contributors. Hence, the authorization for appropriate disposition by the Secretary.

(4) The provisions of the order which authorize the committee to establish or provides for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of Tokay grapes should be amended to provide for any form of marketing promotion, including paid advertising. Tokay grapes are marketed in a highly competitive situation. They compete for shelf space and retail attention with a host of fresh and processed fruits, many of which are nationally advertised and promoted. Hence, authority for expanded promotional activities, including paid advertising, is needed in the order so the committee will possess the means to strengthen the position of Tokay grapes and to maintain or expand sales as the situation warrants.

The authority under the order for promotional programs, including paid advertising, for Tokay grapes should be broad and flexible, and available to the extent permitted under the act to facilitate timely development of programs suitable to the circumstance. Campaigns to expand demand and expansion of sales in low consumption areas would necessarily involve techniques designed to obtain such results. Stimulation of demand and expansion of sales in areas where Tokay grapes are already being used in volume, and where the objective would be to obtain a quick response, may need to employ different techniques. Thus, the committee should have the authority to decide, subject to the approval of the Secretary, the particular types of advertising and publicity or promotion projects that should be employed, singly or in combination, to obtain its objective. Such projects should include but not be restricted to such promotional techniques as publicity, education, merchandizing, dealer service work, and newspaper, radio, television, and magazine advertising as may be necessary considering the circumstances existing during the particular season or anticipated in future seasons.

Publicity and education involves suggestions for serving Tokay grapes, product information stories, recipes, and photographs designed to capture the attention of food page editors and stimulate their use in food page copy.

Merchandizing usually involves the development and distribution of attractive point of purchase material, recipe folders, brochures which identify the commodity and give information about it, or bulletins on handling and display methods. It may or may not employ the use of dealer service personnel to work with wholesalers and retailers to encourage them to feature the commodity. Merchandizing may also involve the staging of sales contests, in which wholesale and retail sales personnel are rewarded for outstanding displays or increased sales. Trade paper advertising usually is for the purpose of announcing the availability of the product. Its use may be necessary in gaining the editorial support of such papers which is generally accorded an advertiser.

Spot radio announcements have been found to have considerable value in gaining retailer support. Such announcements may be tied in with advertising financed by the retailer, thus enhancing the overall effect.

Television, network radio, and magazine advertising are relatively expensive. Such should probably be considered for Tokay grapes in a joint venture with one or more partners whose products may be used in recipes, salads, fruit bowls, or otherwise featured in ways that are complimentary to Tokay grapes. Sharing costs will extend the reach of the Tokay advertising program. The attractive color and catchy description—Flame Tokay—should be featured in color advertising media.

Any work in connection with marketing promotion, including paid advertising, should be submitted to the Secretary for his approval in the form of a project. While the committee is considering this matter and making its decision with respect thereto, it should give consideration to the following factors along with other factors which it considers pertinent: (1) The expected supply of Tokay grapes and the market requirements; (2) the supply and quality of competing fruits, and (3) the need for any marketing development activity and any tie-in with USDA's Plentiful Foods Program that may be available.

At the conclusion of each season during which the committee has engaged in a project pursuant to this section, it should make an appraisal of each such project and prepare a summary report of the status and accomplishments to its members and the Secretary. Such report should be of assistance to the committee in making plans for the continuation of such project.

In establishing and refining its objectives, the committee should be authorized to consult not only with those persons who are familiar with the marketing of Tokay grapes but also those who have knowledge and experience in promotional research and in the conduct of promotional and advertising programs so that it may conduct its program in the most advantageous manner possible. The committee should be authorized to conduct promotional and advertising work directly or, if deemed advantageous to it, to contract with or otherwise utilize other agencies or persons for the conduct of such work. The committee should, of course, supervise the performance of any person or agency it may so utilize to assure that the work performed is in accord with the plan of the committee.

The funds to cover the cost of any promotional program, including advertising, should be obtained by levying assessments on shipments of grapes in the same manner that such are levied to finance the administrative and other costs of the committee. Likewise, the anticipated expenses of advertising and promotion should be included in the budget of expenses submitted to the Secretary for his approval. Such expenses should include costs which may be incurred in the planning and development of the promotional programs, including the cost of any consulting services necessary. While the program should be submitted to the Secretary for his approval in the form of a project, it is recognized that considerable study and planning are involved in the determination of such a project, hence the incurring of expenses in connection with such development should be authorized on the basis of budgetary approval prior to the time such project is submitted. To facilitate the greatest degree of flexibility in the planning and conduct of promotional activity, including advertising, the reserve fund should be available to cover the costs of such activity in the manner that such reserve is available for use in covering any other cost under the order.

The inclusion of authority to engage in advertising should not lessen the need for other forms of research projects designed to assist, improve, or promote the marketing, distribution, or consumption of Tokay grapes. Rather, the inclusion of advertising could open up areas where research would be needed. For example, the committee may want to institute a research project to evaluate the effects of advertising, or to ascertain the most desirable approach to the advertising of Tokay grapes and the order should contain such authority.

(5) The amendment heretofore recommended will make it necessary to make certain conforming changes in §§ 926.50 and 926.51. The conforming changes will make clear the responsibility of the committee with respect to its recommendation concerning premium quality grapes and the manner in which the Secretary issues regulations for such grapes. Such will tie-in and clarify rules and regulations of the committee with respect to such grapes.

Rulings on proposed findings and conclusions. June 14, 1967, was set by the Presiding Officer at the hearing as the latest date by which briefs would have to be filed by interested persons with respect to facts presented in evidence at the hearing and the conclusions which should be drawn therefrom. No brief was filed.

General findings. Upon the basis of the evidence adduced at the hearing, and the record thereof, it is found that:

(1) The marketing agreement, as amended and as hereby proposed to be amended, and the order, as amended and as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The marketing agreement, as amended and as hereby proposed to be amended, and the order, as amended and as hereby proposed to be amended, regulate the handling of Tokay grapes grown in the designated production area in the same manner as, and are applicable only to persons in the respective classes of industrial or commercial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) The marketing agreement, as amended and as hereby proposed to be amended, and the order, as amended and as hereby proposed to be amended, are limited in their application to the smallest regional production area that is practicable consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of Tokay grapes grown in the production area which make necessary different terms and provisions applicable to different parts of such area; and

(5) All handling of Tokay grapes grown in the designated production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Recommended amendment of the amended marketing agreement and order. The following amendment of the amended marketing agreement and order is recommended as the detailed means by which the aforesaid conclusions may be carried out:

1. Add to § 926.17 a final sentence to read as follows:

§ 926.17 Premium quality grapes.

* * * The committee, with the approval of the Secretary, shall prescribe rules, regulations, and safeguards as it may deem necessary to assure that grapes marketed as Premium Quality grapes meet the prescribed requirements for such grapes.

2. Add to § 926.46 *Assessments* a final sentence to read as follows:

§ 926.46 Assessments.

* * * In order to provide funds for the administration of the provisions of this part during the first part of a fiscal period before sufficient operating income is available from assessments on the current season's shipments, the Industry Committee may borrow money for such purposes.

3. Amend § 926.47 *Handler accounts* to read as follows:

§ 926.47 Handler accounts.

(a) If at the end of a season, the assessments collected are in excess of expenses incurred, the Industry Committee, with the approval of the Secretary, may carry over such excess into subsequent fiscal periods as a reserve: *Provided*, That funds already in the reserve do not exceed approximately one season's expenses. Such reserve funds may be used (1) to cover any expenses authorized by this part, and (2) to cover necessary expenses of liquidation in the event of termination of this part. If any such excess is not retained in a reserve, each handler entitled to a proportionate refund shall be credited with such refund against the operations of the following season or be paid such refund. Upon such termination, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided*, That to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

(b) The Industry Committee may, subject to the approval of the Secretary, maintain a suit in its own name or in the names of its members for the collection of any handler's pro rata share of expenses.

4. Amend § 926.49 *Research* to read as follows:

§ 926.49 Research.

(a) The committee may, with the approval of the Secretary, establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of Tokay grapes. Such projects may provide for any form of marketing promotion, including paid advertising. The expenses of such projects shall be paid from funds collected pursuant to § 926.46.

(b) In recommending projects pursuant to this section, the committee shall give consideration to the following factors:

(1) The expected supply of grapes in relation to market requirements;

(2) The supply situation among competing areas and commodities; and

(3) The need for marketing research with respect to any marketing development activity and the need for a coordinated effort with USDA's Plentiful Foods Program.

(c) If the committee should conclude that a program of marketing research or development should be undertaken or continued pursuant to this section in any crop year, it shall submit the following for the approval of the Secretary:

(1) Its recommendations as to funds to be obtained pursuant to § 926.46;

(2) Its recommendations as to any marketing research projects; and

(3) Its recommendations as to promotion activity and paid advertising.

5. The provisions of § 926.50 are amended to read as follows:

§ 926.50 Recommendation of Industry Committee.

Whenever the Industry Committee deems it advisable (a) to limit the shipment of grapes to particular grades, sizes, packs, or containers, or any combination thereof, or (b) to prescribe the requirements in terms of grade, size, pack, or container, or any combination thereof, for premium quality grapes, and to require that grapes that are handled and designated as conforming to the requirements prescribed for premium quality grapes shall meet or exceed such requirements, it shall so recommend to the Secretary. At the time of submitting any such recommendation, the said committee shall submit to the Secretary the date and information upon which it acted in making such recommendation, including factors affecting the supply of, and the demand for, grapes by grades and sizes thereof, and such other information as the Secretary may request. The said committee shall promptly give adequate notice to the handlers and growers of any such recommendation submitted to the Secretary.

6. The provisions of § 926.51 are amended to read as follows:

§ 926.51 Establishment of regulations.

(a) Whenever the Secretary finds, from the recommendations and information submitted by the Industry Committee, or from other available information, that (1) to limit the shipment of grapes to particular grades, sizes, packs, or containers, or any combination thereof, or (2) to prescribe requirements in terms of grade, size, pack, or container, or any combination thereof, for premium quality grapes and to require that grapes that are handled and designated as con-

forming to the requirements prescribed for premium quality grapes shall meet or exceed such requirements, would tend to effectuate the declared policy of the act, he shall so limit the shipment as set forth in subparagraph (1) of this paragraph or require grapes to conform to such requirements as may be prescribed in accordance with subparagraph (2) of this paragraph during a specified period.

(b) The Secretary shall immediately notify the Industry Committee of the issuance of any such regulation, and the said committee shall promptly give adequate notice thereof to handlers and to growers.

Dated: July 19, 1967.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 67-8512; Filed, July 21, 1967; 8:48 a.m.]

[7 CFR Part 1043]

[Docket No. AO 247-A12]

MILK IN UPSTATE MICHIGAN MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Park Place Motor Inn, Traverse City, Mich., beginning at 2 p.m., local time, on August 1, 1967, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Upstate Michigan marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Michigan Milk Producers Association:

Proposal No. 1. Change the present Class II and Class III milk price formulas by deleting paragraphs (b) and (c) from § 1043.51 and substituting the following:

§ 1043.51 Class prices.

* * * * *

(b) *Class II milk.* The Class II milk price shall be computed by adding 30 cents to the butter-nonfat dry milk solids formula price as described in present § 1043.51(b)(2).

* * * * *

(b) *Class III milk.* The Class III milk price shall be the butter-nonfat dry milk solids formula price as described in present § 1043.51(b)(2).

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 2 Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, Mr. George Irvine, 3031 Parsons Road, Traverse City, Mich. 49684, or from the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, or may be there inspected.

Signed at Washington, D.C., on July 19, 1967.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 67-8511; Filed, July 21, 1967; 8:47 a.m.]

[7 CFR Parts 1090, 1101]

[Docket Nos. AO-266-A9, AO-195-A16]

MILK IN CHATTANOOGA AND KNOXVILLE, TENN., MARKETING AREAS

Decision on Proposed Amendments to Tentative Marketing Agreements and to Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Knoxville, Tenn., on May 24, 1967, pursuant to notice thereof issued on May 5, 1967 (32 F.R. 7133).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, on June 30, 1967 (32 F.R. 9977; F.R. Doc. 67-7848) filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision (32 F.R. 9977; F.R. Doc. 67-7848) are hereby approved and adopted and are set forth in full herein:

The material issues on the record of the hearing relate to:

1. The Class II price, and
2. Date for announcing class prices.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *The Class II price.* The Class II price under the Chattanooga and Knoxville orders should be established at the level of the basic formula price for the month. For the year ending April 30, 1967, this would have resulted in an average Class II price of $4.06. In the same 12 months, the actual Chattanooga and Knoxville Class II prices averaged $3.59 and $3.54, respectively.

The basic formula price for the Chattanooga and Knoxville orders is the average price per hundredweight paid for manufacturing grade milk in Minnesota and Wisconsin as reported by the U.S. Department of Agriculture, adjusted to a 3.5 percent butterfat test. This price series, which is used as a basis for determining Class I prices in most Federal orders, has also gained wide acceptance in the various orders as a formula for pricing milk used for manufacturing purposes.

The Class II price in the Knoxville order is now the average reported basic paying price at nine Tennessee milk manufacturing plants plus 10 cents in the months of February–August and 25 cents September–January. Such price, however, may not exceed the higher of (1) a formula based on the market prices of butter and nonfat dry milk or (2) a formula based on the market prices for butter and cheddar cheese. The average pay price of the nine Tennessee manufacturing plants adjusted by the fixed differentials has been consistently less than the two alternative prices. At no time in recent years has either of the two alternative prices been the effective Class II price.

The Chattanooga Class II price for February through August is the average reported basic paying prices of four local manufacturing plants. For other months, the Class II price is the higher of either the average paying price at such plants or a formula price based on market prices of butter and nonfat dry milk. The formula price generally has been the applicable Class II price in the September–January periods. For the year ending April 30, 1967, this formula price averaged $3.86; 20 cents less than the average Minnesota-Wisconsin price for the same 12-month period.

Under both the Chattanooga and Knoxville orders, the monthly Class II prices have been consistently below the Class II price that would have been obtained by using the Minnesota-Wisconsin price series as herein proposed.

The basic prices reported by local manufacturing plants are no longer appropriate for determining Class II prices under the two orders. The prices actually paid dairy farmers for milk delivered to these manufacturing plants are significantly more than the basic price quotations for such plants that are used in determining the orders' Class II prices. These basic price quotations do not include premiums for such things as volume, concrete floors, cooling, quality, bulk tank and hauling, some or all of which are paid to their patrons. Also, the formula prices now used in determining the Chattanooga and Knoxville Class II prices do not reflect the value of Class II milk in these markets under current conditions.

The major producer associations in the Knoxville and Chattanooga markets have for some time been disposing of their Class II milk, both to regulated and unregulated plants, at substantially more than the order Class II price. Such sales to local manufacturing plants have been at prices 50 to 70 cents above the Class II prices applicable under these orders. Also, since last September sales to regulated handlers of Class II milk in these markets have been negotiated at the level of the Minnesota-Wisconsin price series. On the other hand, however, the handlers receiving milk from producers unaffiliated with the cooperatives are required to settle with the pool only on the basis of the relatively low Class II prices that are now provided under the two orders.

The Class II price recommended herein is representative of the value of milk used for manufacturing purposes in the Chattanooga and Knoxville markets and will result in more equitable returns to producers for Class II milk. This formula is used for the same purpose in 44 other Federal orders. Utilizing it in the Chattanooga and Knoxville orders will return to producers a value for their milk consistent with the value of milk used in the manufacture of similar products in other markets. There was no opposition to the proposal for basing the Class II price on the Minnesota-Wisconsin price series.

Information on the prices paid at manufacturing plants in Wisconsin is assembled by the State-Federal Crop Reporting Service. A large number of manufacturing plants are included in the monthly sample on which average prices and butterfat content information is based. Plant operators report the total pounds of manufacturing grade milk received from farmers, the total butterfat content, and total dollars paid to dairy farmers for such milk, f.o.b. plant. Similar information is assembled for Minnesota manufacturing plants. These prices are available on a current month basis and are announced on or about the 5th day of the following month.

The Minnesota-Wisconsin price series for manufacturing grade milk reflects price information in each of the two States weighted by the proportionate amount of manufacturing milk produced in each State. The series is based upon a large sample of plants located in the remaining large production area of manufacturing grade milk in the United States. Competition for this milk is strong in both States. Consequently, no firm or group of firms can have a significant influence upon the level of prices.

The present Class II butterfat differential in the Chattanooga and Knoxville orders for adjusting the price for milk containing more or less than 3.5 percent butterfat should be retained. It is arrived at for each one-tenth percent of butterfat by multiplying the monthly average wholesale selling price per pound of 92-score butter at Chicago by 11.5 percent. Producers maintain that this differential has been satisfactory in the past and would be suitable in connection with the adoption of the Class II price herein proposed. Moreover, this differential is the same as that applied to Class II prices under many other Federal orders, including the order for the nearby Nashville market.

Both orders also provide that the Class II butterfat differential shall not exceed the result obtained by dividing by 40 the price on a 4 percent butterfat basis of each of the average reported paying prices or formula prices now used in determining the Class II price. It would be impractical to retain in the order these reported pay prices and formula prices solely for the purpose of computing this proviso, especially since it has never been effective in establishing a Class II butterfat differential in the orders. Moreover, there is no indication that it would have any different effect in the future. Accordingly, the producer proposal that it be removed from the orders should be adopted.

2. *Date for announcing class prices.* The Chattanooga and Knoxville Class I prices and butterfat differentials for the month should be announced by the market administrator not later than the 6th day of the month.

Both orders now provide for announcing the Class I price and butterfat differential by the 10th day of the month. The proposed earlier announcement date would be helpful to the industry by providing it with information concerning what the precise Class I price for the month would be at the earliest practicable date. Also, changing the Class I price announcement date from the 10th to the 6th day of the month will align the announcement dates in these orders with those provided in the great majority of the Federal milk orders and in all the nearby orders.

In determining the supply-demand adjustment applicable to their monthly Class I prices, the Chattanooga and Knoxville orders now use the producer milk deliveries and Class I sales data for the first and second preceding months. Since such data for the first preceding month would not be available by the proposed earlier announcement date (handler reports are not due until the 6th), it is necessary that the supply-sales data used in computing the supply-demand adjustment be those for the second and third preceding months. This requires that each 2-month utilization period and corresponding standard utilization percentages now used in computing the Class I price for a particular month be used instead for determining the following month's price. Thus, a price adjustment determined under the present provisions for a certain month would apply under the proposed change one month later. The level of adjustments on an annual basis, however, would not be affected by this change in the supply-demand provisions.

The Chattanooga order provides that the market administrator announce the Class II price and butterfat differential by the 10th day of the following month. Since the information for computing the Class II price will now be available on or about the 5th day of the month, it is practicable and desirable that it be announced by the 6th, the same date by which most orders, including Knoxville, announce their Class II prices. This change, which was proposed by producers, should be adopted.

Rulings on proposed findings and conclusions. No briefs or proposed findings and conclusions were filed on behalf of interested parties.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreements and the orders, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing areas, and the minimum prices specified in the proposed marketing agreements and the orders, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreements and the orders, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, the marketing agreements upon which a hearing has been held.

Rulings on exceptions. No exceptions to the recommended decision were filed on behalf of interested parties.

Marketing agreements and orders. Annexed hereto and made a part hereof are four documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Chattanooga Marketing Area," "Order Amending the Order Regulating the Handling of Milk in the Chattanooga Marketing Area," "Marketing Agreement Regulating the Handling of Milk in the Knoxville Marketing Area," and "Order Amending the Order Regulating the Handling of Milk in the Knoxville Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreements, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreements are identical with those contained in the orders as hereby proposed to be amended by the attached orders which will be published with this decision.

Determination of representative period. The month of May 1967 is hereby determined to be the representative period for the purpose of ascertaining

whether the issuance of the attached orders, as amended and as hereby proposed to be amended, regulating the handling of milk in the Chattanooga and Knoxville marketing areas, is approved or favored by producers, as defined under the terms of the orders as amended and as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing areas.

Signed at Washington, D.C., on July 18, 1967.

GEORGE L. MEHREN,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Chattanooga Marketing Area

§ 1090.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Chattanooga marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Chattanooga marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, Regulatory Programs, on June 30, 1967, and published in the FEDERAL REGISTER on July 7, 1967 (32 F.R. 9977; F.R. Doc. 67-7848), shall be and are the terms and provisions of this order and are set forth in full herein:

1. In § 1090.27(k), subparagraph (1) is revised to read as follows:

§ 1090.27 Duties.

* * * * * * *

(k) * * *

(1) The 6th day of each month, the Class I price and Class I butterfat differential, both for the current month; and the Class II price and Class II butterfat differential, both for the preceding month, and

* * * * * * *

2. Section 1090.51 is revised to read as follows:

§ 1090.51 Class prices.

Subject to the provisions of §§ 1090.52 and 1090.53, the minimum prices per hundredweight of milk containing 3.5 percent butterfat, to be paid by each handler for milk received at his pool plant from producers during the month, shall be as follows:

(a) *Class I milk price.* The price per hundredweight for Class I milk for the month shall be the basic formula price for the preceding month, subject to the adjustments provided in subparagraphs (1) and (2) of this paragraph:

(1) Add $1.75, and plus 20 cents through April 1968;

(2) Add if the utilization percentage calculated pursuant to subparagraph (3) of this paragraph is less than, or subtract if it is more than, the standard utilization range, an amount determined by multiplying the net utilization percentage calculated pursuant to subparagraph (4) of this paragraph by 2 cents: *Provided,* That any addition or subtraction shall be limited to 50 cents per hundredweight;

(3) Calculate a utilization percentage for each month by dividing the net hundredweight of Class I milk (excluding the skim milk and butterfat in fluid milk products received during the month in the same product and same package from a plant fully regulated pursuant to Order No. 101 (Part 1101 of this chapter) regulating the handling of milk in the Knoxville marketing area) disposed of from all pool plants for the second and third preceding months into the total hundredweight of producer milk for the same months, multiplying by 100, and rounding the resultant figure to the nearest whole number;

(4) Calculate a net utilization percentage by determining the amount by which the utilization percentage calculated pursuant to subparagraph (3) of this paragraph exceeds the higher figure or is less than the lower figure of the standard utilization range in the following table:

Month for which price applies	Months for which utilization is computed	Standard utilization range	
		Minimum	Maximum
January	October–November	114	118
February	November–December	117	121
March	December–January	117	121
April	January–February	117	121
May	February–March	119	123
June	March–April	124	128
July	April–May	134	138
August	May–June	134	138
September	June–July	128	132
October	July–August	115	119
November	August–September	110	114
December	September–October	114	118

(b) *Class II milk price.* The Class II milk price shall be the basic formula price for the month.

3. Section 1090.52(b) is revised to read as follows:

§ 1090.52 Butterfat differentials to handlers.

* * * * * * *

(b) *Class II milk price.* Multiply the Chicago butter price for the month by 0.115.

Order[1] Amending the Order Regulating the Handling of Milk in the Knoxville Marketing Area

§ 1101.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Knoxville marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Knoxville marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, Regulatory Programs, on June 30, 1967, and published in the FEDERAL REGISTER on July 7, 1967 (32 F.R. 9977; F.R. Doc. 67-7848), shall be and are the terms and provisions of this order and are set forth in full herein:

1. In § 1101.22(j), subparagraph (1) is revised to read as follows:

§ 1101.22 Duties.

* * * * * * *

(j) * * *

(1) The 6th day of each month, the Class I price and the Class I butterfat differential, both for the current month;

* * * * * * *

2. Section 1101.51 is revised to read as follows:

§ 1101.51 Class prices.

Subject to the provisions of §§ 1101.52 and 1101.53, each handler shall pay producers, at the time and in the manner set forth in §§ 1101.80 through 1101.86, not less than the prices per hundredweight computed as follows for the respective quantities of Class I milk and Class II milk computed pursuant to § 1101.46:

(a) *Class I milk price.* The price per hundredweight for Class I milk for the month shall be the basic formula price for the preceding month, subject to the adjustments provided in subparagraphs (1) and (2) of this paragraph:

(1) Add $1.50; and plus 20 cents through April 1968;

(2) Add if the utilization percentage calculated pursuant to subparagraph (3) of this paragraph is less than, or subtract if it is more than, the base utilization range, an amount determined by multiplying the net utilization percentage calculated pursuant to subparagraph (4) of this paragraph by 2 cents: *Provided,* That any addition or subtraction shall be limited to 50 cents per hundredweight;

(3) Calculate a utilization percentage for each month by dividing the net hundredweight of Class I milk disposed of from all pool plants for the second and third preceding months into the total hundredweight of producer milk for the same months, multiplying by 100, and rounding the resultant figure to the nearest whole number;

(4) Calculate a "net utilization percentage" by determining the amount by which the utilization percentage calculated pursuant to subparagraph (3) of this paragraph exceeds the higher figure or is less than the lower figure of the base utilization range in the following table:

Pricing month	Second and third preceding months	Base utilization range
January	October–November	114–118
February	November–December	114–118
March	December–January	114–118
April	January–February	114–118
May	February–March	115–119
June	March–April	124–128
July	April–May	131–135
August	May–June	130–134
September	June–July	124–128
October	July–August	116–120
November	August–September	112–116
December	September–October	110–114

(b) *Class II milk price.* The Class II milk price shall be the basic formula price for the month.

3. Section 1101.52(b) is revised to read as follows:

§ 1101.52 Butterfat differentials to handlers.

* * * * * * *

(b) *Class II milk.* Multiply the average price per pound of butter for the month as described in § 1101.50 by 0.115.

[F.R. Doc. 67-8495; Filed, July 21, 1967; 8:46 a.m.]

[7 CFR Part 1050]

MILK IN CENTRAL ILLINOIS MARKETING AREA

Notice of Proposed Suspension of a Certain Provision of the Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of a certain provision of the order regulating the handling of milk in the Central Illinois marketing area is being considered for the months of July and August 1967.

The provision proposed to be suspended is in § 1050.14(b)(2) and reads as follows, "during the months of May and June and in any month for not more than 8 days of production of producer milk by such producer", relating to diversion of producer milk to nonpool plants.

This suspension action was requested by a handler regulated under the order. It is contended that abnormal seasonal increase in production requires removal of the diversion limit for the July and August period this year if many producers regularly associated with the market are to maintain producer status. This suspension is requested to allow the movement of such producers' milk direct from their farms to nonpool manufacturing plants.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 3 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Signed at Washington, D.C., on July 20, 1967.

CLARENCE H. GIRARD,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 67-8573; Filed, July 21, 1967; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Parts 1, 91]

[Docket No. 8166; Notice No. 67-21]

PROVISION OF CONTROLLED VISUAL FLIGHT IN POSITIVE CONTROL AREAS

Extension of Comment Period

On May 13, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 7220) and circulated as notice No. 67-21, stating that the Federal Aviation Administration is considering a proposal to permit the implementation of Controlled Visual Flight (CVF) operations within the positive control areas to be designated in accordance with Airspace Docket No. 67-WA-16.

The Air Transport Association has requested an extension to the comment period, stating that certain important details of the proposal have been brought to their attention that require a recircularization and reexamination by its membership. Since the potential effect this proposal may have on aviation is substantial, good cause exists to extend the comment period to insure that all interested parties have an opportunity to submit their comments in full. Therefore, the time period for the submission of comments on notice No. 67-21 is extended to July 28, 1967.

Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This extension of comment period is issued under the authority of section 307 of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on July 19, 1967.

H. B. HELSTROM,
Acting Director,
Air Traffic Service.

[F.R. Doc. 67-8613; Filed, July 21, 1967; 9:22 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[23 CFR Part 255]

[Docket No. 18; Notice No. 67-4]

INITIAL FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Notice of Proposed Rule Making

The National Highway Safety Bureau is considering amending § 255.21 of Part 255, Initial Federal Motor Vehicle Safety Standards, by adding Standard No. 109, New Pneumatic Tires—Passenger Cars; and Standard No. 110, Tire Selection and Rims—Passenger Cars.

In drafting these proposed standards, the Bureau considered the comments received in response to the Advance Notice of Proposed Rule Making published in the FEDERAL REGISTER on February 3, 1967 (32 F.R. 2417) and consultation with the National Motor Vehicle Safety Advisory Council and with representatives of the Federal Trade Commission, the General Services Administration, the National Bureau of Standards, and tire and auto industry associations, both domestic and foreign.

Proposed Standard No. 109 applies to new tires for use on passenger cars manufactured after 1948, since the Bureau determined it to be impractical and unreasonable to regulate tires for use on cars manufactured before the date that marked the change to tire sizes still being used today as original equipment. The proposed standard does not reflect the current usage of "ply rating," for which there is no accepted definition, nor any similar system, but uses instead maximum permissible inflation pressure, which is related to the test loads. The labeling requirements satisfy the requirements of section 201 of the National Traffic and Motor Vehicle Safety Act of 1966 (80 Stat. 718) and also the Tire Advertising and Labeling Guides of the Federal Trade Commission. The testing procedure reflects the approach used in Society of Automotive Engineers Recommended Practice J918b, "Passenger Car Tire Performance Requirements and Test Procedures", December 1966, with load values compatible to both 1967 Tire and Rim Association and European Tire and Rim Technical Organization values. Specific prohibition against modification of tires, such as changing a blackwall tire into a whitewall tire, was not included, since a modified tire will have to meet all the requirements of the standard.

Proposed Standard No. 110 applies to passenger cars manufactured after the effective date and requires that the tires may not be loaded in excess of those load values actually tested. Requirements, which would have specified the top speed of a fully loaded tire and prohibited the intermixing on original equipment of tires with diagonal performance characteristics, were not included. These will be the subject of future rule making related to the grading of tires.

Interested persons are invited to participate in the making of the standards by submitting such written data, views, or arguments as they may desire. Comments must identify the docket number and the notice number and be submitted in 10 copies to the National Highway Safety Bureau, Attention: Rules Docket, Room 405, Federal Highway Administration, U.S. Department of Transportation, Washington, D.C. 20591. All comments received on or before the close of business August 23, 1967, will be considered by the Secretary before taking action upon the proposed standards. The proposals contained in this notice may be changed if warranted by comments received. All comments will be available in the Rules Docket for examination by interested persons both before and after the closing date for comments.

In consideration of the foregoing, it is proposed to amend section 255.21 of Part 255, Initial Federal Motor Vehicle Safety Standards, by adding the standards set forth below, to become effective January 1, 1968.

This notice is issued under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407) and the delegation of authority of March 31, 1967 (32 F.R. 5606), as amended April 6, 1967 (32 F.R. 6495).

Issued in Washington, D.C. on July 17, 1967.

LOWELL K. BRIDWELL,
Federal Highway Administrator.

MOTOR VEHICLE SAFETY STANDARD No. 109

NEW PNEUMATIC TIRES—PASSENGER CARS

S1. *Purpose and scope.* This standard specifies minimum tire dimensions and laboratory test requirements for bead unseating resistance, strength, endurance, and high-speed performance; defines tire load ratings; and specifies labeling requirements.

S2. *Application.* This standard applies to new pneumatic tires for use on passenger cars manufactured after 1948.

S3. *Definitions.*

"Bead" means that part of the tire made of high-tensile steel wires, wrapped and reinforced by the plies, that is shaped to fit the rim.

"Bead separation" means a breakdown of bond between components in the bead area.

"Bias ply tire" means a pneumatic tire in which the cords in the tire body are laid at alternate angles substantially less than 90° to the centerline of the tread.

"Carcass" means the tire structure, except tread and sidewall rubber.

"Chunking" means the breaking away of pieces of the tread.

"Cord" means the strands forming the plies in the tire.

"Cord separation" means cords parting away from adjacent rubber compounds.

"Groove" means the space between two adjacent tread ribs.

"Load rating" means the maximum load a tire is rated to carry for a given inflation pressure.

"Maximum permissible inflation pressure" means the maximum cold inflation pressure to which a tire may be inflated.

"Maximum load rating" means the load rating at the maximum permissible inflation pressure for that tire.

"Measuring rim" means a rim for a particular tire size designation of the dimensions specified either in the 1967 Tire and Rim Association Year Book, pages PC-10-F or PC-10-H of its Engineering Supplement dated October 28, 1966, or the 1967 Tire and Rim Association Data Book, for the applicable width specified in Table I.

"Ply" means a layer of rubber-coated parallel cords forming tire body.

"Ply separation" means a parting of rubber compound between adjacent plies.

"Pneumatic tire" means a mechanical device made of rubber, chemicals, fabric, and steel or other materials, which, when mounted on an automotive wheel, provides the traction and contains the fluid that sustains the load.

"Radial ply tire" means a pneumatic tire in which the body ply cords which extend to the bead are laid at substantially 90° to the centerline of the tread.

"Rim" means a metal support for a tire or a tire and tube assembly upon which the tire beads are seated.

"Section width" means the linear distance between the exteriors of the sidewalls of an inflated tire, excluding elevations due to labeling, decoration, or protective bands.

"Sidewall" means that portion of a tire between the tread and the bead.

"Size factor" means the sum of the section width (on its measuring rim) and the outer diameter of a tire.

"Tread" means that portion of a tire that comes into contact with the road.

"Tread rib" means a tread section running circumferentially around a tire.

"Tread separation" means pulling away of the tread from the tire carcass.

S4. *Requirements.*

S4.1 *Design and construction.* Each tire shall be designed to fit each rim specified for its size designation in the 1967 Tire and Rim Association Year Book, pages PC-10-F and PC-10-H of its Engineering Supplement dated October 28, 1966, and the 1967 Tire and Rim Association Data Book.

S4.2 *Performance Requirements.*

S4.2.1 *General.* Each tire shall conform to each of the following:

(a) It shall meet the requirements specified in S4.2.2 for its tire size designation, type, and maximum permissible inflation pressure.

(b) Its maximum permissible inflation pressure shall be either 32, 36, or 40 psi.

(c) Its maximum load rating shall not exceed that specified in Table II of Motor Vehicle Safety Standard No. 110 for the applicable maximum permissible inflation pressure for its tire size designation and type.

(d) If manufactured after June 30, 1968, it shall incorporate a tread wear indicator that will provide a visual indication that the tire has worn to a tread depth of 1/16 inch.

S4.2.2 *Test requirements.*

S4.2.2.1 *Test sample.* For each test sample use—

(a) One tire for physical dimensions, resistance to bead unseating, and strength, in sequence;

(b) Another tire for tire endurance; and

(c) A third tire for high-speed performance.

S4.2.2.2 *Physical dimensions.* Each tire, when mounted on its measuring rim, shall conform to the applicable minimum size factor, and maximum section width dimensions specified in Table I. These dimensions shall be determined in accordance with S5.1.

S4.2.2.3 *Tubeless tire resistance to bead unseating.* When tested in accordance with S5.2, the applied force required to unseat the tire bead at the point of contact shall not be less than 2,500 pounds for tire sizes listed in Tables I-A, I-B, and I-C, and not less than 2,000 pounds for tire sizes listed in Table I-D.

S4.2.2.4 *Tire strength.* Each tire shall meet the requirements for minimum breaking energy specified in Table II when tested in accordance with S5.3.

S4.2.2.5 *Tire endurance.* After completion of the laboratory test wheel endurance test specified in S5.4, no tire shall have tread, ply, cord, or bead separation; tread chunking; or broken cords.

S4.2.2.6 *High-speed performance.* After completion of the laboratory high-speed performance test specified in S5.5, no tire shall have tread, ply, cord, or bead separation; tread chunking; or broken cords.

S4.3 *Labeling requirements.* Except as provided in S4.3.1, after January 1, 1968, each tire shall be conspicuously labeled on both sidewalls with each of the following permanently molded into the tire:

(a) Size designation.

(b) Maximum permissible inflation pressure.

(c) Maximum load rating.

(d) Identification of manufacturer by—

(1) Name; or

(2) Brand name and an approved code mark.

(e) Composition of the material used in the ply cord.

(f) Actual number of plies in the sidewall area, and the actual number of plies in the tread area, if different.

(g) The word "tubeless" or "tube-type", as applicable.

(h) The word "radial", if a radial ply tire.

(i) An approved recital or an approved symbol that the tire conforms to applicable Federal Motor Vehicle Safety Standards.

S4.3.1 Until July 1, 1968, the labeling requirements of S4.3 may be met with a permanent label on each sidewall that incorporates all specified information not permanently molded into the tire:

S5. *Test procedures.*

S5.1 *Physical dimensions.* Determine tire physical dimensions under uniform ambient conditions as follows:

(a) Mount the tire on its measuring rim and inflate it to the applicable pressure specified in Table III.

(b) Condition it at ambient room temperature for at least 24 hours.

(c) Readjust pressure to that specified in (a).

(d) Caliper the tire section width at 6 points approximately equally spaced around the tire circumference.

(e) Record as section width the average of the 6 measurements taken in accordance with (d).

(f) Calculate the tire outer diameter by measuring the outer circumference of the tire at the center of the tread and dividing this dimension by *pi*.

S5.2 *Tubeless tire bead unseating resistance.*

S5.2.1 *Preparation of tire-wheel assembly.*

S5.2.1.1 Wash the tire, dry it at the two beads, and mount it without lubrication on a clean, painted measuring rim.

S5.2.1.2 Inflate it to the applicable pressure specified in Table III at ambient room temperature.

S5.2.1.3 Mount the wheel and tire in the fixture shown in Figure 1, and force the standard block shown in Figure 2 against the tire sidewall as required by the geometry of the fixture.

S5.2.2 *Test procedure.*

S5.2.2.1 Apply a load through the block to the tire sidewall at the maximum section width of the tire at a rate of 2 inches per minute, with the load arm parallel to the tire and rim assembly at the time of engagement.

S5.2.2.2 Increase the load until the bead unseats or the applicable value specified in S4.2.2.3 is reached.

S5.2.2.3 Repeat the test at least four places equally spaced around the tire circumference.

S5.3 *Tire strength.*

S5.3.1 *Preparation of tire.*

S5.3.1.1 Mount the tire on its measuring rim and inflate it to the applicable pressure specified in Table III;

S5.3.1.2 Condition it at room temperature for at least 3 hours; and

S5.3.1.3 Readjust its pressure to that specified in S5.3.1.1.

S5.3.2 *Test Procedure.*

S5.3.2.1 Force a ¾-inch-diameter cylindrical steel plunger with a hemispherical end perpendicularly into the tread rib as near to the centerline as possible, avoiding penetration into the tread groove, at the rate of 2 inches per minute.

S5.3.2.2 Record five measurements of force and penetration at five break points equally spaced around the circumference of the tire. If the tire fails to break before the plunger is stopped by reaching the rim, record the force and penetration as the rim is reached.

S5.3.2.3 Compute the breaking energy for each test point by means of the following formula:

$$W = \frac{F \times P}{2}$$

where:
W = Energy at break, inch-pounds;
F = Force at break, pounds;
P = Penetration at break, inches.

S5.3.2.4 Determine the breaking energy value for the tire by computing the average of the five values obtained in accordance with S5.3.2.3.

S5.4 *Tire endurance.*

S5.4.1 *Preparation of tire.*

S5.4.1.1 Mount a new tire on its measuring rim and inflate it to the applicable pressure specified in Table III.

S5.4.1.2 Condition it at 95° F. or more for at least 3 hours.

S5.4.1.3 Readjust tire pressure to that specified in S5.4.1.1 immediately before testing.

S5.4.2 *Test procedure.*

S5.4.2.1 Mount the tire and wheel assembly on a test axle and press it against a flat-faced steel test wheel 67.23 inches in diameter and at least as wide as the section width of the tire to be tested or an approved equivalent test wheel, with the applicable test load specified in Table II of Motor Vehicle Safety Standard No. 110 for the tire's size designation, type, and maximum permissible inflation pressure.

S5.4.2.2 During the test, the air surrounding the test area shall be 95° F. or more.

S5.4.2.3 Conduct the test at 50 miles per hour in accordance with the following schedule without interruption:

Maximum permissible inflation pressure (p.s.i.)	Load (from table II Standard 110)—		
	for 4 hours	for 6 hours	for 24 hours
32	24 p.s.i. column.	28 p.s.i. column.	32 p.s.i. column.
36	28 p.s.i. column.	32 p.s.i. column.	36 p.s.i. column.
40	32 p.s.i. column.	36 p.s.i. column.	40 p.s.i. column.

S5.5 *High-speed performance.*

S5.5.1 After preparing the tire in accordance with S5.4.1, mount the tire and wheel assembly in accordance with S5.4.2.1, and press it against the test wheel with the load specified in Table II of Motor Vehicle Safety Standard No. 110 for the tire's size designation and the applicable pressure specified in Column B of the following table:

A *Maximum permissible inflation pressure (p.s.i.)*	B *Load from Table II Standard 110*
32	24 p.s.i. column.
36	28 p.s.i. column.
40	32 p.s.i. column.

S5.5.2 Break in the tire by running it for 2 hours at 50 m.p.h.

S5.5.3 Allow it to cool to 100° F., and readjust the inflation pressure to the applicable pressure specified in Table III.

S5.5.4 Without readjusting inflation pressure, heat at 75 m.p.h. for 30 minutes, 80 m.p.h. for 30 minutes, and (except deep-tread, winter-type tires) 85 m.p.h. for 30 minutes.

TABLE I—RIMS, MAXIMUM SECTION WIDTHS, AND MEASURING RIM FACTORS

TABLE I-A—FOR CONVENTIONAL AND LOW SECTION HEIGHT TIRES

Tire size designation	Measuring rim, inches	Minimum rim factor, inches	Maximum section width, inches
6.00-13	4	29.37	6.00
6.50-13	4½	32.76	6.50
7.00-13	5	31.26	7.10
6.00-14	4	28.64	6.10
6.50-14	4½	31.76	6.60
7.00-14	5	32.88	7.10
7.50-14	5½	34.19	7.66
8.00-14	6	35.17	8.10
8.50-14	6	35.01	8.35
9.00-14	6½	36.91	8.99
9.50-14	6½	37.74	9.05
6.00-15	4	31.64	6.10
6.50-15	4½	32.76	6.60
7.00-15	5	33.88	7.10
6.70-15	4½	33.50	7.05
7.10-15	5	34.38	7.40
7.60-15	5½	36.05	7.90
8.00-15	6	36.84	8.30
8.20-15	6	37.30	8.50
8.90-15	6½	38.54	9.20
8.45-15	6½	39.32	8.80
9.00-15	7	41.06	9.30
7.35-14	5½	34.12	7.60
7.75-14	5½	34.12	7.75
8.25-14	6	35.11	8.30
8.55-14	6	34.06	8.20
8.85-14	6½	36.23	8.66
6.85-15	5	37.48	8.20
7.35-14	5½	32.88	7.60
7.75-15	5½	34.12	7.65
8.25-15	6	35.10	8.16
8.45-15	6	34.07	8.60
8.85-15	6½	37.20	8.91
9.15-15	6½	37.92	9.05
9.00-15	6	37.48	8.51

TABLE I-B—FOR "70 SERIES" TIRES

D70-14	5½	32.87	7.53
E70-14	5½	33.48	8.08
F70-14	5½	34.25	8.36
G70-14	6	35.14	8.72
H70-14	6	36.19	9.16
J70-14	6½	36.91	9.50
E70-14	6	34.17	8.16
F70-15	6	34.94	8.35
G70-15	6	35.95	8.90
H70-15	6	36.99	8.95
J70-15	6½	37.34	9.35
K70-15	6½	37.97	9.60
L70-15	6½	38.09	9.66

TABLE I-C—FOR TYPE A RADIAL TIRES

155R13	4½	29.18	6.40
175R13	4½	30.30	6.75
185R13	5	31.42	7.25
195R13	5½	32.56	7.70
145R14	4	29.21	6.04
165R14	4½	30.84	6.55
175R14	5	31.98	7.20
185R14	5	32.98	7.30
195R14	5½	33.69	7.95
205R14	6	34.82	8.39
215R14	6	35.79	8.60
225R14	6½	36.44	8.94
165R15	4½	31.18	6.40
175R15	5	32.30	6.95
185R15	5½	33.36	7.45
195R15	5½	34.22	7.55
205R15	6	35.23	8.10
215R15	6	36.40	8.35
225R15	6½	36.94	8.85
235R15	6½	37.75	9.05

TABLE I-D—FOR OTHER TIRES

"Super Balloon" sizes:			
8.20-10	5.00	34.84	8.30
8.20-12	5.50	36.79	8.35
8.40-12	4.00	32.38	8.71
8.20-13	5.50	37.73	8.30
8.40-13	4.00	36.92	8.73
8.90-13	4.00	38.74	8.91

TABLE I-D—FOR OTHER TIRES—Continued

Tire size designation	Measuring rim, inches	Minimum rim factor, inches	Maximum section width, inches
"Super Balloon" sizes—Continued			
8.40-13	4.50	31.26	8.43
6.70-13	4.50	33.14	6.69
8.20-14	5.50	35.09	8.30
5.60-14	4.00	29.94	5.72
5.90-14	4.00	30.79	5.91
8.40-14	4.50	32.26	8.42
5.20-15	3.50	29.75	5.20
5.60-15	4.00	30.87	5.71
5.90-15	4.00	31.77	5.91
"Low Section" sizes:			
5.00-12	3.50	24.62	5.06
5.60-12	4.00	26.05	5.59
6.00-12	4.50	28.53	6.14
6.40-12	3.50	25.84	6.64
5.50-13	4.00	27.96	5.69
7.25-13	4.00	29.11	7.24
7.50-13	5.50	33.22	7.45
5.20-13L	4.00	28.97	5.30
6.00-13L	4.50	31.29	6.14
6.50-13L	4.50	32.98	6.56
7.00-13L	5.00	34.53	7.03
"Super Low Section" sizes:			
145-10/5.95-10	4.00	24.76	5.79
125-12/5.25-12	3.50	24.05	5.00
135-12/5.65-12	4.00	25.53	5.20
145-12/5.95-12	4.00	26.00	5.79
125-13/5.15-12	4.00	27.36	5.18
135-13/5.65-13	4.00	28.33	5.20
145-13/5.95-13	4.50	27.41	5.79
125-13/5.15-13	4.50	28.44	5.13
166-13/6.45-13	4.50	29.52	6.67
175-13/6.95-13	5.00	30.34	7.01
185-13/7.35-13	5.50	31.41	7.40
126-14/5.65-14	4.00	27.56	5.20
145-14/5.95-14	4.00	28.54	5.79
155-14/6.15-14	4.50	29.49	6.15
175-14/6.95-14	5.50	32.62	6.10
135-15/5.65-15	4.50	29.53	5.20
145-15/5.95-15	4.50	30.51	5.79
165-15/6.25-15	4.97	32.54	6.18
185-14/6.75-15	4.50	33.48	6.18
175-14/7.15-15	5.50	32.42	7.04
235-15	6.50	38.26	9.37

TABLE II—MINIMUM BREAKING ENERGY VALUES (INCH-POUNDS)

TABLE II-A—FOR BIAS PLY TIRES

With Size Designation of 6.00 Inches (or 155 Millimeters) and Above and 70 Series Tires

Cord material	Maximum permissible pressure rating (inch-pounds)		
	32 p.s.i.	36 p.s.i.	40 p.s.i.
Rayon	1,650	2,475	3,300
Nylon or polyester	2,600	3,900	5,200

TABLE II-B—FOR BIAS PLY TIRES

With Size Designation Below 6.00 Inches (or 155 Millimeters)

Cord material	Maximum permissible pressure rating (inch-pounds)		
	32 p.s.i.	36 p.s.i.	40 p.s.i.
Rayon	1,250	1,875	2,500
Nylon or polyester	1,800	2,925	3,600

TABLE II-C—FOR RADIAL TIRES

Size designation	Maximum permissible pressure rating (inch-pounds)		
	32 p.s.i.	36 p.s.i.	40 p.s.i.
Below 180	1,800	2,025	2,900
180 or above	2,600	3,900	5,200

TABLE III

INFLATION PRESSURES

Maximum permissible inflation pressure (in p.s.i.)	32	36	40
Pressure (in p.s.i.) to be used in tests for physical dimensions, bead unseating, the strength, and tire endurance	24	28	32
Pressure (in p.s.i.) to be used in test for high-speed performance	30	34	38

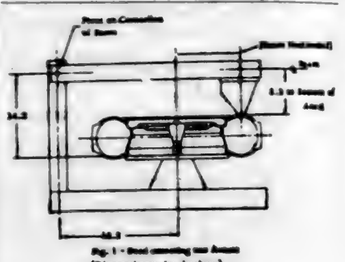


Fig. 1 - Beat unbending test fixture
(Dimensions in inches)





MATERIAL: Cast Aluminum 356
T-6 Condition
Finish - 63 Micro Inch

Fig. 2 - Hub diagram
(Dimensions in inches)

MOTOR VEHICLE SAFETY STANDARD NO. 110

TIRE SELECTION AND RIMS—PASSENGER CARS

S1. *Purpose and scope.* This standard specifies requirements for tire selection to prevent tire overloading when the vehicle is operated at the designed maximum passenger and luggage carrying capacity.

S2. *Application.* This standard applies to passenger cars.

S3. *Definitions.*

"Accessory weight" means the combined weight (in excess of those standard items which may be replaced) of automatic transmission, power steering, power brakes, power windows, power seats, radio, and heater, to the extent these items are available as factory-installed equipment (whether installed or not).

"Bias ply tire" means a pneumatic tire in which the cords in the tire body are laid at alternate angles substantially less than 90° to the centerline of the tread.

"Curb weight" means the weight of a motor vehicle with standard equipment including the maximum capacity of fuel, oil, and coolant, and, if so equipped, air conditioning and additional weight optional engine.

"Designated seating capacity" means the number of designated seating positions provided.

"Designated seating position" means any plan view lateral position intended by the manufacturer to provide seating accommodation for a person at least as large as a 5th percentile adult female, except auxiliary seating accommodations such as temporary or folding jump seats.

"Maximum loaded vehicle weight" means the sum of—

(a) Curb weight;

(b) Accessory weight;

(c) Vehicle capacity weight; and

(d) Production options weight.

"Normal occupant weight" means 150 pounds, times the number of occupants specified in the second column of Table I.

"Occupant distribution" means distribution of occupants in a vehicle as specified in the third column of Table I.

"Production options weight" means the combined weight (in excess of those standard items which may be replaced) of installed regular production options weighing over 5 pounds, not previously considered, including heavy duty brakes, ride levelers, roof rack, heavy duty battery, and special trim.

"Radial ply tire" means a pneumatic tire in which the body ply cords which extend to the bead are laid at substantially 90° to the centerline of the tread.

"Vehicle capacity weight" means the manufacturer's rated cargo and luggage load, plus 150 pounds, times the vehicle's designated seating capacity.

"Vehicle maximum load on the tire" means that load on an individual tire that is determined by distributing to each axle its share of the maximum loaded vehicle weight and dividing by two.

"Vehicle normal load on the tire" means that load on an individual tire that is determined by distributing to each axle its share of the curb weight, accessory weight, and normal occupant weight (distributed in accordance with Table I), and dividing by two.

S4. *Requirements.*

S4.1 *General.* Passenger cars shall be equipped with tires that meet the requirements of Motor Vehicle Safety Standard No. 109, "New Pneumatic Tires—Passenger Cars."

S4.2 *Tire load limits.*

S4.2.1 The vehicle maximum load on the tire shall not be greater than the applicable load rating specified in Table II for the tire's size designation, type, and maximum permissible inflation pressure.

S4.2.2 The vehicle normal load on the tire shall not be greater than the test load used in the high-speed performance test specified in S5.5 of Motor Vehicle Safety Standard No. 109 for that tire.

S4.3 *Placard.* A placard, permanently affixed to the glove compartment door or an equally accessible location, shall display the—

(a) Vehicle capacity weight;

(b) Designated seating capacity (expressed in terms of total number of occupants and in terms of occupants for each seat location);

(c) Vehicle manufacturer's recommended tire inflation pressure for maximum loaded vehicle weight and, subject to the limitations of S4.3.1, for any other manufacturer—specified vehicle loading condition; and

(d) Vehicle manufacturer's recommended tire size designation.

S4.3.1 No inflation pressure other than the maximum permissible inflation pressure may be specified unless—

(a) It is less than the maximum permissible inflation pressure;

(b) The vehicle loading condition for that pressure is specified; and

(c) The tire load rating from Table II for the tire at that pressure is not less than the vehicle load on the tire for that vehicle loading condition.

S4.4 *Rims.* Each rim shall—

(a) Be constructed to the dimensions of one of the rims specified in the 1967 Year Book of the Tire and Rim Association, Inc., 34 N. Hawkins Avenue, Akron, Ohio 44313, or in pages PC–10–F or PC–10–H of the Engineering Supplement dated October 28, 1966 of the 1967 Tire and Rim Association Year Book for the applicable tire's size designation; and

(b) In the event of rapid loss of inflation pressure with the vehicle traveling in a straight line at a speed of 60 miles per hour, retain the deflated tire until the vehicle can be stopped with a controlled braking application.

TABLE I

OCCUPANT LOADING AND DISTRIBUTION FOR VEHICLE NORMAL LOAD FOR VARIOUS DESIGNATED SEATING CAPACITIES

Designated seating capacity, number of occupants	Vehicle normal load, number of occupants	Occupant distribution in a normally loaded vehicle
2 thru 4	2	2 in front.
5 and 6	3	2 in front, 1 in 2d seat.
7 thru 10	3	2 in front, 1 in 2d seat.

TABLE II-A

MAXIMUM TIRE LOAD RATINGS FOR CONVENTIONAL AND LOW SECTION HEIGHT TIRES

Tire size designation	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)										
	20	22	24	26	28	30	32	34	36	38	40
6.00-13	770	820	860	900	920	970	1,010	1,040	1,080	1,110	1,140
6.50-13	800	930	980	1,030	1,070	1,110	1,150	1,190	1,230	1,270	1,300
7.00-13	980	1,030	1,080	1,130	1,180	1,230	1,270	1,310	1,360	1,400	1,440
6.00-14	840	900	930	980	1,030	1,060	1,100	1,130	1,170	1,210	1,240
6.50-14	930	980	1,030	1,080	1,130	1,170	1,210	1,250	1,300	1,330	1,370
7.00-14	1,030	1,100	1,140	1,190	1,240	1,290	1,340	1,380	1,430	1,470	1,510
7.50-14	1,130	1,230	1,290	1,340	1,390	1,440	1,500	1,550	1,600	1,650	1,700
8.00-14	1,240	1,320	1,380	1,440	1,500	1,560	1,620	1,670	1,730	1,780	1,830
8.50-14	1,330	1,420	1,480	1,550	1,610	1,670	1,740	1,790	1,850	1,910	1,960
9.00-14	1,430	1,510	1,580	1,660	1,730	1,790	1,860	1,920	1,990	2,050	2,100
9.50-14	1,540	1,640	1,700	1,780	1,850	1,920	2,000	2,060	2,130	2,200	2,260
6.00-15	890	940	980	1,030	1,070	1,110	1,150	1,190	1,230	1,270	1,300
6.50-15	960	1,040	1,080	1,130	1,180	1,230	1,270	1,320	1,360	1,400	1,440
6.70-15	1,110	1,190	1,230	1,290	1,340	1,400	1,450	1,500	1,550	1,600	1,640
7.10-15	1,190	1,270	1,320	1,380	1,440	1,500	1,550	1,600	1,660	1,710	1,760
7.60-15	1,310	1,400	1,450	1,520	1,580	1,640	1,710	1,760	1,820	1,880	1,930
8.00-15	1,380	1,470	1,530	1,600	1,670	1,730	1,800	1,860	1,920	1,980	2,040
8.20-15	1,470	1,570	1,630	1,710	1,780	1,850	1,920	1,980	2,050	2,110	2,170
8.90-15	1,700	1,810	1,880	1,970	2,050	2,130	2,210	2,290	2,360	2,430	2,500
8.45-15	960	910	960	1,000	1,040	1,080	1,120	1,160	1,200	1,240	1,270
6.95-14	960	1,000	1,040	1,100	1,140	1,190	1,230	1,270	1,310	1,340	1,390
7.35-14	1,040	1,100	1,160	1,210	1,280	1,310	1,360	1,400	1,450	1,490	1,540
7.75-14	1,150	1,210	1,270	1,330	1,390	1,440	1,500	1,550	1,600	1,650	1,690
8.25-14	1,250	1,310	1,380	1,440	1,500	1,560	1,620	1,670	1,730	1,780	1,830
8.55-14	1,360	1,430	1,510	1,580	1,640	1,710	1,770	1,830	1,890	1,950	2,000
8.85-14	1,430	1,510	1,580	1,660	1,730	1,790	1,860	1,920	1,990	2,050	2,100
6.85-15	960	1,000	1,050	1,100	1,140	1,190	1,230	1,270	1,320	1,360	1,390
7.35-15	1,070	1,130	1,180	1,240	1,290	1,340	1,390	1,440	1,490	1,530	1,570
7.75-15	1,180	1,210	1,270	1,330	1,390	1,440	1,490	1,540	1,590	1,640	1,690
8.15-15	1,240	1,300	1,370	1,430	1,490	1,550	1,610	1,660	1,720	1,770	1,820
8.45-15	1,340	1,410	1,480	1,550	1,620	1,680	1,740	1,800	1,860	1,920	1,970
8.85-15	1,430	1,510	1,580	1,650	1,720	1,790	1,860	1,920	1,980	2,040	2,100
9.15-15	1,510	1,600	1,660	1,750	1,830	1,900	1,970	2,030	2,100	2,160	2,220
9.00-15	1,460	1,540	1,620	1,690	1,760	1,830	1,900	1,970	2,030	2,090	2,150

TABLE II-B

MAXIMUM TIRE LOAD RATINGS FOR "70 SERIES" TIRES

D70-14	1,010	1,070	1,120	1,170	1,220	1,270	1,320	1,360	1,410	1,450	1,490
D70-14	1,010	1,070	1,120	1,170	1,220	1,270	1,320	1,360	1,410	1,450	1,490
E70-14	1,070	1,130	1,190	1,240	1,300	1,350	1,400	1,440	1,490	1,540	1,580
F70-14	1,160	1,220	1,280	1,340	1,400	1,450	1,500	1,550	1,610	1,650	1,700
G70-14	1,260	1,310	1,380	1,440	1,500	1,560	1,620	1,680	1,730	1,780	1,830
H70-14	1,360	1,440	1,510	1,580	1,650	1,710	1,770	1,830	1,890	1,950	2,010
J70-14	1,430	1,500	1,580	1,650	1,730	1,790	1,860	1,920	1,980	2,040	2,100
E70-15	1,070	1,130	1,190	1,240	1,300	1,350	1,400	1,440	1,490	1,540	1,580
F70-15	1,160	1,220	1,280	1,340	1,400	1,450	1,500	1,550	1,610	1,650	1,700
G70-15	1,260	1,310	1,380	1,440	1,500	1,560	1,620	1,680	1,730	1,780	1,830
H70-15	1,360	1,440	1,510	1,580	1,650	1,710	1,770	1,830	1,890	1,950	2,010
J70-15	1,430	1,500	1,580	1,650	1,730	1,790	1,860	1,920	1,980	2,040	2,100
K70-15	1,460	1,540	1,620	1,690	1,770	1,830	1,900	1,970	2,030	2,090	2,150
L70-15	1,520	1,600	1,680	1,780	1,830	1,900	1,970	2,040	2,100	2,170	2,230

TABLE II-C

MAXIMUM TIRE LOAD RATINGS FOR TYPE A RADIAL PLY TIRES

Tire Size Designation	Maximum Tire Loads (pounds) at Various Cold Inflation Pressures (psi)						
	30	32	34	36	38	40	42
165 R13	770	820	860	900	940	980	1,020
175 R13	880	930	980	1,030	1,070	1,110	1,150
185 R13	980	1,030	1,080	1,130	1,180	1,220	1,270
165 R14	1,060	1,130	1,190	1,250	1,300	1,350	1,400
175 R14	760	810	850	900	940	980	1,020
185 R14	860	910	960	1,010	1,060	1,100	1,140
195 R14	960	1,020	1,070	1,130	1,180	1,230	1,280
205 R14	1,060	1,130	1,190	1,250	1,300	1,350	1,400
215 R14	1,160	1,230	1,290	1,360	1,410	1,470	1,520
225 R14	1,260	1,340	1,410	1,480	1,540	1,600	1,660
165 R15	970	1,030	1,080	1,140	1,190	1,240	1,290
175 R15	1,070	1,140	1,200	1,260	1,310	1,360	1,410
185 R15	1,180	1,250	1,320	1,390	1,440	1,500	1,550
195 R15	1,290	1,370	1,440	1,510	1,570	1,630	1,690
205 R15	1,400	1,490	1,560	1,640	1,700	1,770	1,830
215 R15	1,510	1,600	1,680	1,760	1,830	1,900	1,970
225 R15	1,620	1,720	1,800	1,890	1,960	2,030	2,110

TABLE II-D

MAXIMUM TIRE LOAD RATINGS FOR OTHER TIRES

(Bias and Radial Ply Tires)

Tire size designation	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)										
	26	28	30	32	34	36	38	40	42	44	46
"Super Ballon" sizes:											
8.20-10	640	685	730	765	805	835	875	910	945	980	1,015
5.20-12	695	745	795	835	885	925	970	1,010	1,050	1,090	1,130
6.40-12	755	810	870	915	960	1,005	1,050	1,095	1,140	1,185	1,225
5.20-13	740	795	850	895	940	985	1,030	1,075	1,120	1,160	1,205
6.40-13	825	885	945	995	1,045	1,095	1,145	1,195	1,245	1,290	1,340
6.90-13	885	950	1,015	1,070	1,125	1,175	1,230	1,285	1,335	1,385	1,440
6.40-14	795	855	915	965	1,015	1,065	1,110	1,160	1,205	1,250	1,295
6.90-14	855	920	985	1,035	1,090	1,140	1,195	1,245	1,295	1,345	1,395
7.35-14	915	985	1,055	1,110	1,165	1,220	1,280	1,335	1,385	1,440	1,495
8.00-14	1,000	1,075	1,150	1,210	1,270	1,330	1,395	1,455	1,510	1,570	1,630
8.40-14	1,080	1,160	1,240	1,305	1,370	1,435	1,505	1,570	1,630	1,695	1,760
8.90-14	1,170	1,255	1,345	1,415	1,485	1,555	1,630	1,700	1,765	1,835	1,905
9.50-14	1,270	1,365	1,460	1,535	1,610	1,690	1,770	1,845	1,915	1,990	2,065
6.90-15	770	825	885	930	980	1,030	1,080	1,125	1,170	1,215	1,260
7.35-15	830	890	955	1,005	1,055	1,110	1,160	1,210	1,260	1,310	1,360
8.00-15	915	980	1,050	1,105	1,160	1,220	1,280	1,330	1,385	1,440	1,495
8.40-15	985	1,055	1,130	1,190	1,250	1,310	1,375	1,430	1,490	1,545	1,605
8.90-15	1,070	1,145	1,230	1,295	1,360	1,425	1,495	1,555	1,620	1,680	1,745
9.50-15	1,165	1,250	1,340	1,410	1,485	1,555	1,630	1,700	1,765	1,835	1,905
"Low Section" sizes:											
8.00-12	640	685	730	765	805	835	875	910	945	980	1,015
8.40-12	695	745	795	835	885	925	970	1,010	1,050	1,090	1,130
6.00-12	755	810	870	915	960	1,005	1,050	1,095	1,140	1,185	1,225
8.00-13	740	795	850	895	940	985	1,030	1,075	1,120	1,160	1,205
8.40-13	825	885	945	995	1,045	1,095	1,145	1,195	1,245	1,290	1,340
7.35-13	795	855	915	965	1,015	1,065	1,110	1,160	1,205	1,250	1,295
7.80-13	855	920	985	1,035	1,090	1,140	1,195	1,245	1,295	1,345	1,395
8.50-13L	915	985	1,055	1,110	1,165	1,220	1,280	1,335	1,385	1,440	1,495
6.00-13L	1,000	1,075	1,150	1,210	1,270	1,330	1,395	1,455	1,510	1,570	1,630
6.40-13L	1,080	1,160	1,240	1,305	1,370	1,435	1,505	1,570	1,630	1,695	1,760
7.50-13L	1,170	1,255	1,345	1,415	1,485	1,555	1,630	1,700	1,765	1,835	1,905
"Super Low Section" sizes:											
165-10/5.90-10	675	715	760	800	835	870	910	945	980	1,015	1,050
7.50-12 X 3.50-12	730	780	825	870	910	950	990	1,030	1,070	1,110	1,150
125-12/5.65-12	795	845	895	940	985	1,030	1,075	1,120	1,160	1,205	1,250
145-12 X 3.95-12	850	905	960	1,010	1,055	1,105	1,150	1,200	1,245	1,290	1,340
165-12/6.15-12	905	965	1,025	1,075	1,125	1,175	1,225	1,275	1,325	1,375	1,425
185-13/5.65-12	960	1,020	1,080	1,135	1,185	1,240	1,295	1,350	1,400	1,455	1,505
145-13/5.90-12	1,020	1,085	1,150	1,205	1,260	1,315	1,375	1,430	1,490	1,545	1,605
165-13/6.15-12	1,080	1,150	1,220	1,280	1,340	1,400	1,460	1,520	1,580	1,640	1,700
155-13/6.45-13	1,150	1,225	1,295	1,360	1,420	1,485	1,550	1,615	1,675	1,740	1,805
175-13/6.95-13	1,225	1,300	1,375	1,440	1,505	1,575	1,640	1,710	1,775	1,845	1,910
195-13/7.35-13	1,295	1,375	1,455	1,525	1,595	1,665	1,735	1,810	1,880	1,950	2,020
135-14/5.65-14	1,370	1,455	1,540	1,615	1,690	1,765	1,840	1,920	1,995	2,070	2,145
145-14/5.90-14	1,445	1,535	1,625	1,705	1,785	1,865	1,945	2,030	2,105	2,185	2,265
155-14/6.15-14	1,525	1,620	1,715	1,800	1,885	1,965	2,055	2,140	2,225	2,305	2,390
125-15/5.15-15	1,610	1,710	1,810	1,900	1,990	2,080	2,170	2,260	2,345	2,435	2,525
135-15/5.65-15	1,700	1,805	1,910	2,005	2,100	2,195	2,290	2,385	2,475	2,570	2,665
145-15/5.90-15	1,795	1,905	2,015	2,115	2,215	2,315	2,415	2,515	2,610	2,710	2,810
155-15/6.15-15	1,890	2,010	2,125	2,230	2,335	2,440	2,545	2,650	2,750	2,855	2,960
235-15	2,135	2,265	2,395	2,515	2,635	2,755	2,870	2,990	3,105	3,225	3,340

[F.R. Doc. 67-8440; Filed, July 21, 1967; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[10 CFR Part 50]

LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

Financial Qualifications

On June 13, 1967, the Atomic Energy Commission published for public comment in the FEDERAL REGISTER (32 F.R. 8433) proposed amendments to its regulation 10 CFR Part 50 pertaining to financial qualifications of applicants for and holders of licenses to construct and operate production and utilization facilities. Paragraph 3 of the amendments, which would have added an Appendix C, A Guide for the Financial Data and Related Information Required to Establish Financial Qualifications for Facility Construction and Operating Licenses, to Part 50 and Appendix C are hereby withdrawn. A revised guide will be published for public comment.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Issued at Washington, D.C., this 18th day of July 1967.

For the Atomic Energy Commission.

P. T. Hosss,
Acting Secretary.

[F.R. Doc. 67-8496; Filed, July 21, 1967; 8:46 a.m.]

Notices

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

ORGANIZATION AND FUNCTIONS

The organization and functions of the Rural Electrification Administration are as follows:

Central Organization. The principal office of the Rural Electrification Administration is at Washington, D.C. The function of the Agency is the carrying out of a program of rural electrification and rural telephony, as provided for by the Rural Electrification Act of 1936, as amended (7 U.S.C. 901–15, 921–924).

The Administrator. The Administrator is appointed by the President, with the advice and consent of the Senate, for a term of 10 years. He functions as the chief administrative official of the Agency under the general supervision and direction of the Assistant Secretary, Rural Development and Conservation. He is aided directly by a Deputy Administrator, a Deputy Administrator for Policy and Program Review and Assistant Administrators for the Electric Program, for the Telephone Program, and for Borrower Development. The work is carried on through the offices and divisions described in succeeding paragraphs.

Office of Legislative and Interagency Consultant. This office counsels and advises the Administrator as to policy, program and procedural implications of Federal and State legislation relating to the REA program. Maintains liaison with agencies of the Department of Agriculture and other Government agencies concerning such legislative matters.

Office of Budget. This office administers the administrative and loan budget program of the agency and participates in program planning and evaluation. Maintains liaison on budgetary matters with Congressional Committees, the staff of the Department of Agriculture, the Bureau of the Budget, and other Government agencies.

Office of Program Analysis. This office analyzes and evaluates economic and statistical data concerning agency programs. Provides advice and assistance to the Office of the Administrator and to divisions and area offices to facilitate sound and effective program planning and appraisal. Conducts special program studies and analyses.

Information Services Division. The division administers the information services program of the agency to provide borrowers and the public with information concerning the operations, status, progress, and accomplishments of the rural electrification, rural telephone, and rural areas development programs.

Personnel Management Division. The division administers the personnel program of the agency involving classification and wage administration; conduct of organization studies and surveys; development of recommendations for organization changes required to administer agency problems; preparation of organization charts; employment and placement functions; employee relations; training; safety; and health activities.

Program and Administrative Services Division. The division administers agency activities concerned with: administrative and loan accounting and centralized statistical activities of the Agency; the determination of the power requirements of rural electrification borrowers; management analysis, cost reduction and improvement; loan review; and the general administrative service functions of the Agency pertaining to procurement, space, records management and communications.

Electric Distribution Area Offices. The rural electrification program for electric distribution borrowers is administered through five area offices designated as: Northeast Area Office administering the program in the States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, Ohio, Michigan, Indiana, West Virginia, Maryland, New Jersey, Virginia, and North Carolina; Southeast Area Office administering the program in the States of Kentucky, Tennessee, Mississippi, Alabama, Georgia, South Carolina, and Florida; North Central Area Office administering the program in the States of North Dakota, South Dakota, Minnesota, Wisconsin, Iowa, and Illinois; Southwest Area Office administering the program in the States of Missouri, Arkansas, Oklahoma, Louisiana, Texas, New Mexico, and Arizona; and Western Area Office administering the program in the States of Kansas, Nebraska, Colorado, Wyoming, Montana, Utah, Idaho, Washington, Oregon, Nevada, and California. Each area office within its assigned geographic area: appraises loan applications and prepares loan recommendations; approves the advance of loan funds to borrowers; reviews the financial and operating performance of borrowers; analyzes engineering plans, specifications, and construction contracts; reviews and approves completed construction; provides advice and assistance to borrowers concerning loans and the design, construction, management, operation, and maintenance of systems.

Electric Operations and Standards Division. The Division administers staff activities pertaining to: The development of proposed policies, standards, and procedures concerning engineering, loans, and retail rate aspects of the rural electric distribution program; the development of standards, criteria, specifications, and technical data relating to rural electric distribution systems; advice and assistance, in the subject matter field to the Electric Distribution Area Offices and, as requested, to borrowers; liaison with Government and non-Government organizations on matters within the functional responsibility of the Division.

Power Supply Division. The rural electrification program for generation and transmission borrowers is administered through the Power Supply Division. The Division appraises loan applications and prepares loan recommendations; reviews the financial and operating performance of borrowers; analyzes engineering plans, specifications and construction contracts; reviews and approves completed construction; approves advances of funds to borrowers; analyzes feasibility and benefits of generation and transmission systems; provides advice and assistance to borrowers concerning loans and the design, construction, management, operation, and maintenance of systems; and conducts studies and negotiations related to procurement of purchased power for all electric borrowers.

Telephone Area Offices. The rural telephone program is administered through five area offices designated as: Northeast Area Office administering the program in the States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, Ohio, Michigan, Indiana, West Virginia, Maryland, New Jersey, Virginia, and North Carolina; Southeast Area Office administering the program in the States of Kentucky, Tennessee, Mississippi, Alabama, Georgia, South Carolina, and Florida; North Central Area Office administering the program in the States of North Dakota, South Dakota, Minnesota, Wisconsin, Iowa, and Illinois; Southwest Area Office administering the program in the States of Missouri, Arkansas, Oklahoma, Louisiana, Texas, New Mexico, and Arizona; and Western Area Office administering the program in the States of Kansas, Nebraska, Colorado, Wyoming, Montana, Utah, Idaho, Washington, Oregon, Nevada, and California. Each area office within its assigned geographic area: appraises loan applications and prepares loan recommendations; reviews the financial and operating performance of borrowers; analyzes engineering plans, specifications, and construction contracts; reviews and approves completed construction; approves advance of funds to borrowers; provides advice and assistance to borrowers concerning loans and the design, construction, management, operation, and maintenance of systems.

Telephone Engineering and Operations Division. The Division administers staff activities pertaining to the development of proposed policies, standards and procedures concerning engineering, loans and technical operations aspects of the rural telephone program. This includes

studies and analyses regarding rates, toll traffic agreements, and valuation and acquisition of facilities; solutions concerning the engineering problems of existing telephone systems; the review of telephone system cost estimates and the engineering requirements of loan applications. Provides advice and assistance to the area offices and, as requested, to borrowers concerning the above activities.

Telephone Standards Division. The Division administers staff engineering activities concerned with the development of standards, criteria, specifications, and technical data relating to rural telephone systems and facilities; provides advice and assistance to agency officials, and, as requested, to borrowers concerning telephone standards; maintains liaison with Government and non-Government organizations on matters concerning the functions of the division.

Borrowers' Financial Management Division. The division administers agency activities concerned with: Borrowers' accounting; borrowers' auditing and examination of borrowers' records; borrowers' insurance; and staff activities concerned with borrowers' management. Provides advice and assistance to agency officials and borrowers concerning these activities.

Rural Areas Development Staff. This staff provides assistance in agency activities and works with other agencies to promote the economic development of rural areas for the purpose of developing the maximum service potential and financial strength of REA borrowers.

Specialist Staff. This staff performs centralized staff activities relative to borrower development including labor relations, architecture, safety, member services, commission regulation and other related functions.

Delegations of authority. Appendix I hereto[1] sets forth the delegations of final authority to officials of the Rural Electrification Administration which have been made by the Administrator.

Submittals, requests, and information. Submittals, requests, and informational inquiries may be made to the Administrator, to any affected officer or organizational subdivision set forth above, or, where applicable, to the officer to whom has been delegated final authority as to the matter involved. The person or organizational subdivision should be addressed at the Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

Issued this 17th day of July 1967.

NORMAN M. CLAPP,
Administrator.

[F.R. Doc. 67-8515; Filed, July 21, 1967; 8:48 a.m.]

[1] Filed as part of original document. A copy of this Appendix may be examined in the office of, or obtained in person or by mail from, the Director, Information Services Division, Room 4038, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 627]

KENTUCKY

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of July 1967, because of the effects of certain disasters, damage resulted to residences and business property located in Elizabethtown, Ky.;

Whereas, the Small Business Administration has investigated and received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property, situated in the aforesaid Elizabethtown and areas adjacent thereto, suffered damage or destruction resulting from floods occurring on July 9, 1967.

OFFICE

Small Business Administration Regional Office, Fourth and Broadway, Louisville, Ky. 40202.

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to January 31, 1968.

Dated: July 13, 1967.

BERNARD L. BOUTIN,
Administrator.

[F.R. Doc. 67-8493; Filed, July 21, 1967; 8:46 a.m.]

[Declaration of Disaster Loan Area 626]

TENNESSEE

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of July 1967, because of the effects of certain disasters, damage resulted to residences and business property located in Oliver Springs, Tenn.;

Whereas, the Small Business Administration has investigated and received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the offices below indicated from persons or firms whose property, situated in the aforesaid Oliver Springs and areas adjacent thereto, suffered damage or destruction resulting from floods occurring on July 11, 1967.

OFFICES

Small Business Administration Regional Office, 500 Union Street, Nashville, Tenn. 37219.

Small Business Administration Branch Office, 301 West Cumberland Building, Knoxville, Tenn. 37902.

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to January 31, 1968.

Dated: July 13, 1967.

BERNARD L. BOUTIN,
Administrator.

[F.R. Doc. 67-8494; Filed, July 21, 1967; 8:45 a.m.]

[Declaration of Disaster Loan Area 628]

WYOMING

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of July 1967, because of the effects of certain disasters, damage resulted to residences and business property located in Natrona County, in the State of Wyoming;

Whereas, the Small Business Administration has investigated and received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Deputy Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property, situated in the aforsaid County and areas adjacent thereto, suffered damage or destruction resulting from floods and accompanying conditions occurring on July 15, 1967.

OFFICE

Small Business Administration Regional Office, 300 North Center Street, Casper, Wyo. 82601.

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to January 31, 1968.

Dated: July 18, 1967.

ROBERT C. MOOT,
Deputy Administrator.

[F.R. Doc. 67-8507; Filed, July 21, 1967; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 423]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 19, 1967.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 2202 (Sub-No. 321 TA) (Amendment), filed June 19, 1967, published in FEDERAL REGISTER, issue of June 27, 1967, amended, and republished as amended, this issue. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard; Post Office Box 471, Akron, Ohio. Applicant's representatives: William O. Turney, 2001 Massachusetts Avenue NW, Washington, D.C. 20036, and Douglas Faris (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Washington, D.C., and Ocean City, Md., over U.S. Highway 50, and return over the same route, serving all intermediate points; (2) between Wilmington, Del., and Emporia, Va.: From Wilmington, over U.S. Highway 40 to junction U.S. Highway 301, thence over U.S. Highway 301 to junction U.S. Highway 13, thence over U.S. Highway 13 to junction U.S. Highway 58, thence over U.S. Highway 58 to junction U.S. Highway 301 at or near Emporia, Va., and return over the same route, serving all intermediate points in Maryland and Delaware; and (3) between junction U.S. Highway 50 and U.S. Highway 301 and junction U.S. Highway 13 and U.S. Highway 113, near Pocomoke City, Md.: From junction U.S. Highway 50 and U.S. Highway 301 over U.S. Highway 301 to junction Maryland Highway 300, thence over Maryland Highway 300 to junction Delaware Highway 300, thence over Delaware Highway 300 to junction Delaware Highway 44, thence over Delaware Highway 44 to junction Delaware Highway 8, thence over Delaware Highway 8 to junction U.S. Highway 113, thence over U.S. Highway 113 to junction U.S. Highway 13, and return over the same route, serving all intermediate points. NOTE: Applicant states that the purpose of this amendment is to restrict the application against service at points in Virginia and to more adequately describe specific routes. Applicant states that it will tack the routes sought at Washington, D.C., Wilmington, Del., and Emporia, Va., with other authority now held by applicant in order to provide service between points sought in this application, on the one hand, and, on the other, points presently served by applicant in the States of Alabama, Arkansas, Connecticut, Georgia, Indiana, Kansas, Louisiana, Kentucky, Maryland, Massachusetts, Virginia, West Virginia, Delaware, Michigan, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, and Wisconsin, and the District of Columbia. Supporting Shippers: There are 28 shippers' supporting statements attached to application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or at the field office named below. Send protests to: G. J Baccel, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 435 Federal Building, 215 Superior Avenue, Cleveland, Ohio 44114.

No. MC 19227 (Sub-No. 120 TA), filed July 12, 1967. Applicant: LEONARD BROS. TRUCKING CO., INC., 2595 Northwest 20th Street, Miami, Fla. 33142. Applicant's representative: Carl Atherton (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electrical equipment, electrical switches, parts, and supplies*, (1) from Hampton, Ga., to points in New York; and (2) from points in Pennsylvania to Hampton, Ga.; for 180 days. Supporting shipper: Southern States, Inc., Hampton, Ga. Send protests to: Joseph B. Teichert, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1621, 51 Southwest First Avenue, Miami, Fla. 33130.

No. MC 50069 (Sub-No. 381 TA) (Correction), filed July 6, 1967, published in FEDERAL REGISTER, issue of July 14, 1967, corrected, and republished as corrected, this issue. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 930 North York Road, Hinsdale, Ill. 60521. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lubricating oil*, from Cleveland, Ohio, to Kansas City, Kans.; for 150 days. Supporting shipper: Mobil Oil Corp., 150 East 42d Street, New York, N.Y. 10017, H. B. Brown, general traffic manager. Send protests to: William E. Gallagher, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1086, 219 South Dearborn Street, Chicago, Ill. 60604. NOTE: The purpose of this republication is set forth the destination point as Kansas City, Kans., rather than Kansas City, Mo., as previously inadvertently stated.

No. MC 83539 (Sub-No. 214 TA), filed July 14, 1967. Applicant: C & H TRANSPORTATION CO., INC., 2010 West Commerce Street, Post Office Box 5976, Dallas, Tex. 75222. Applicant's representative: J. P. Welsh (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particle board* (consisting of compressed sheets of sawdust, ground wood, ground bark and wood shavings with or without added resin content not exceeding 10 percent by weight), from the plantsite of Boise Cascade Corp., near Island City, Oreg., to points in Oklahoma and Texas; for 180 days. Supporting shippers: Boise Cascade Corp., Transportation Department, Post Office Box 1414, Portland, Oreg.; and Formica Corp., 4614 Spring Grove Avenue, Cincinnati, Ohio 45232. Send protests to: E. K. Willis, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

No. MC 106603 (Sub-No. 96 TA), filed July 14, 1967. Applicant: DIRECT TRANSIT LINES, INC., 200 Colrain Street SW., Grand Rapids, Mich. Applicant's representative: Robert E. Gesell and Robert A. Sullivan, 1800 Buhl Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products* (except in bulk), from Rittman, Ohio, to points in Illinois, Indiana, and Kentucky; for 180 days. Supporting shipper: Morton Salt Co., 10335 Flora Street, Detroit, Mich. 48217. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 221 Federal Building, Lansing, Mich. 48933.

No. MC 126104 (Sub-No. 4 TA), filed July 14, 1967. Applicant: WEBER TRUCKING CORPORATION, 2055 West 4800 South Street, Roy, Utah 84067. Applicant's representative: Irene Warr, 419 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Railroad rail and railroad ties, track material, timbers, steel landing mat, and scrap steel*, between points in Washington, Oregon, California, Nevada, Arizona, New Mexico, Utah, Idaho, Montana, Colorado, and Wyoming; for 180 days. Supporting shipper: A & K Railroad Ties, 3438 Helen Street, Oakland, Calif. (yard); and 621 Sandalwood Isle, Alameda, Calif. (office). Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2224 Federal Building, Salt Lake City, Utah 84111.

No. MC 129145 TA (Correction), filed June 6, 1967, published in FEDERAL REGISTER, issue of June 14, 1967, corrected, and republished as corrected, this issue. Applicant: DEWAYNE REES, doing business as REES TRUCKING CO., Prescott Route, Houston, Mo. 65483. Applicant's representative: Herman W. Huber, 101 East High Street, Jefferson City, Mo. 65101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pallets and pallet materials*, from points in Texas, Howell, Shannon, and Wright Counties, Mo., to points in Illinois, Iowa, Indiana, Michigan, Wisconsin, and Ohio; for 150 days. Supporting shipper: Missouri Pallet Co., Cabool, Mo. Send protests to: John V. Barry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106. NOTE: The purpose of this republication is to state that applicant does not wish to tack, as incorrectly stated previously.

No. MC 129155 (Sub-No. 1 TA), filed July 14, 1967. Applicant: DAVE SPANGLE, doing business as SPANGLE TRUCKING CO., Post Office Box 101, Moresville, Ind. 46158. Applicant's representative: Robert M. Pearce, Central Building, 1033 State Street, Bowling Green, Ky. 42101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, parts, attachments, and accessories for machinery*, from the plantsite of the Brane Corp. at Largo, Fla., to points in California, Missouri, Oklahoma, Oregon, Texas, and Washington, and ports of entry on the international boundary line between the United States and Canada located on the St. Lawrence, Niagara, Detroit, and St. Clair Rivers; and *rejected shipments* on return; for 180 days. Supporting shipper: The Brane Corp., 11625 Walsingham Road, Largo, Fla. Send protests to: R. M. Hagarty, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, Ind. 46204.

No. MC 129186 (Sub-No. 1 TA) (Correction), filed June 20, 1967, published in FEDERAL REGISTER, issue of June 28, 1967, corrected, and republished as corrected, this issue. Applicant: TEEL WILLIAMS & ASSOCIATES OF MEMPHIS TRUCKING, INC., doing business as TWA OF MEMPHIS, 615 Falls Building, Memphis, Tenn. 38103. Applicant's representative: Teel Williams (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture* of all types, manufactured of, but not limited to, woods, metals, and upholstery, between points in Virginia, North Carolina, South Carolina, Tennessee, Kentucky, Mississippi, Arkansas, Alabama, Georgia, Indiana, Michigan, Illinois, Wisconsin, Ohio, and Florida, on the one hand, and, on the other, points in Texas, Arizona, New Mexico, Nevada, California, Oregon, and Washington; for 180 days. Supporting shippers: C. B. Atkin Co., Post Office Box 1431, Knoxville, Tenn., 37901; Davis Cabinet Co., Box 5424, Nashville, Tenn. 37206; Drexel Furniture Co. (A Division of Drexel Enterprises, Inc.), Drexel, N.C. 28619; Futorian Manufacturing Corp. of New York, New Albany, Miss. 38652; and Gordon's, Inc., Johnson City, Tenn. 37602. Send protests to: W. W. Garland, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 390 Federal Office Building, 167 North Main, Memphis, Tenn., 38103. NOTE: The purpose of this republication is to correctly set forth the route description.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 67-8506; Filed, July 21, 1967; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-271]

VERMONT YANKEE NUCLEAR POWER CORP.

Order Changing Location of Hearing

On June 27, 1967, the Atomic Energy Commission issued a notice of hearing to consider the issuance of a provisional construction permit in the captioned proceeding to Vermont Yankee Nuclear Power Corp. (Vermont Yankee Nuclear Power Station) at a hearing before this Atomic Safety and Licensing Board to be held at 10 a.m., local time on August 1, 1967, at the County District Courthouse, 230 Main Street, Brattleboro, Vt. This notice was published in 32 F.R. 9334 on June 30, 1967.

At the prehearing conference held in Brattleboro, Vt., July 18, 1967, it was noted that the space available in the room provided might be inadequate to accommodate all of the participants and members of the public who might wish to attend the hearing. In order to provide additional space which would permit greater public attendance: *It is hereby ordered*, That the hearing shall be convened in the Federal Courtroom, 2d Floor, Post Office and Courthouse Building, Brattleboro, Vt., at 10 a.m., local time, on Tuesday, August 1, 1967.

It is further ordered, That this order shall be published in the FEDERAL REGISTER.

Issued: July 20, 1967.

ATOMIC SAFETY AND LICENSING BOARD,
VALENTINE B. DEALE, *Chairman*.

[F.R. Doc. 67-8563; Filed, July 21, 1967; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI68-2, etc.]

HUMBLE OIL & REFINING CO. ET AL.

Order Accepting Contract Amendments, Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

JULY 13, 1967.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are designated as follows:

[1] Does not consolidate for hearing or dispose of the several matters herein.

Docket No.	Respondent	Rate sched. No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI68-2	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001. Attn: Mr. John J. Carter.	89	17	Southern Natural Gas Co. (Sandy Hook Field, Marion County, Miss.).	985, 413	6-16-67	[2] 7-17-67	12-17-67	[3] [4] [5] 15.008	[3] [4] [6] [7] 16.9061	
do		170	5	Transcontinental Gas Pipe Line Corp. (San Miguel Creek and Dilworth Fields, McMullen Counties, Tex.) (R.R. District No. 1).	47, 332	6-16-67	[2] 7-17-67	12-17-67	[3] [10] 14.199	[3] [10] 15.2025	
do		272	2	Trunkline Gas Co. (Heard Ranch and Medio Creek Fields, Bee County, Tex.) (R.R. District No. 2).	6, 501	6-16-67	[2] 7-17-67	12-17-67	[3] [11] 15.25	[3] [11] 16.25	
do		137	3	Natural Gas Pipeline Company of America (Ramirena Southwest Field, Live Oak County, Tex.) (R.R. District No. 2).	5, 205	6-16-67	7-17-67	12-17-67	[3] [4] 14.5	[3] [4] [12] 15.5	
do		154	4	United Gas Pipe Line Co. (Boso Field, Jones and Jasper Counties, Miss.).	5, 731	6-16-67	7-17-67	12-17-67	[3] 14.0	[4] [13] 20.0	
do		273	3	United Gas Pipe Line Co. (Normanna Field, Bee County, Tex.) (R.R. District No. 2).	2, 856	6-16-67	7-17-67	12-17-67	[3] 16.0	[3] [14] 17.5	
do		314	10	United Gas Pipe Line Co. (Duck Lake Field, St. Mary and St. Martin Parishes, La.) (South Louisiana).	495	6-16-67	7-17-67	12-17-67	[3] 18.0	[4] [15] 20.025	
do		38	16	do	795, 909	6-16-67	7-17-67	12-17-67	[3] [16] 18.0	[4] [15] 20.02	
do		129	9	United Gas Pipe Line Co. (Lapeyrouse Field, Terrebonne Parish, La.) (South Louisiana).	13, 613	6-16-67	[2] 7-17-67	12-17-67	[3] 20.25	[4] [17] 20.026	
do		153	4	United Gas Pipe Line Co. (Baxterville Field, Lamar and Marion Counties, Miss.).	4, 584	6-16-67	[2] 7-17-67	12-17-67	[3] 14.0	[4] [15] 20.0	
do		265	3	United Gas Pipe Line Co. (Houma Field, Terrebonne Parish, La.) (South Louisiana).	92, 911	6-16-67	[2] 7-17-67	12-17-67	[3] [4] 15.75	[4] [15] 20.025	
do		86	13	Tennessee Gas Pipeline Co., a Division of Tenneco, Inc. (South Crowley Field, Acadia Parish, La.) (South Louisiana).	4, 041	6-16-67	[2] 7-17-67	12-17-67	[3] [4] 15.75	[4] [15] 20.025	
do		24	17	United Fuel Gas Co. (Cameron Meadows Field, Cameron Parish, La.) (South Louisiana).	125, 230	6-16-67	[2] 7-17-67	12-17-67	[3] [4] 17.5	[4] [15] 20.025	
do		26	17	United Fuel Gas Co. (Avery Island Field, Iberia Parish, La.) (South Louisiana).	74, 040	6-16-67	[2] 7-17-67	12-17-67	[3] [4] 17.5	[4] [15] 20.025	
do		135	11	United Fuel Gas Co. (Florence Field, Vermilion Parish, La.) (South Louisiana).	53, 533	6-16-67	[2] 7-17-67	12-17-67	[3] [4] 18.7	[4] [15] 20.025	
do		140	5	Michigan Wisconsin Pipe Line Co. (Chenière Perdue Field, Cameron Parish, La.) (South Louisiana).	2, 601	6-16-67	[2] 7-17-67	12-17-67	[3] 19.75	[4] [18] 20.025	
do		312	5	Valley Gas Transmission, Inc. (Ramirena, Southwest Field, Live Oak County, Tex.) (R.R. District No. 2).	[18]	6-16-67	[2] 7-17-67	12-17-67	[3] 14.0	[3] [19] 15.0	
do		235	4	United Gas Pipe Line Co. (Weeks Island Field, Iberia and St. Mary Parishes, La.) (South Louisiana).	51, 944	6-16-67	[2] 7-17-67	12-17-67	[3] 17.5	[4] [15] 20.025	
do		122	4	Tennessee Gas Pipeline Co., a Division of Tenneco Inc. (Rock Island Field, Colorado County, Tex.) (R.R. District No. 3).	535	6-26-67	[2] 7-27-67	12-27-67	[3] [20] 14.6	[3] [20] 15.6	
do		125	4	Tennessee Gas Pipeline Co., a Division of Tenneco Inc. (West Rock Island Field, Colorado County, Tex.) (R.R. District No. 3).	302	6-26-67	[2] 7-27-67	12-27-67	[3] [20] 14.6	[3] [20] 15.6	
do		21	14	Mississippi River Transmission Corp. (Woodlawn Field, Harrison County, Tex.) (R.R. District No. 6).	462	6-16-67	[2] 7-17-67	12-17-67	[3] [4] 14.6	[3] [4] [15] 15.1440	
do		111	8	do	837	6-16-67	[2] 7-17-67	12-17-67	[3] [4] 14.6	[3] [4] [15] 15.1440	
do		163	3	Colorado Interstate Gas Co. (West Panhandle Field, Moore County, Tex.) (R.R. District No. 10).	3, 250	6-16-67	[2] 7-17-67	12-17-67	[3] [4] 13.0	[3] [4] [21] 13.0	

See footnotes at end of table.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI68-2	Humble Oil—Continued	192	8	Cities Service Gas Co. (Hardtner Field, Barber County, Kans.).	2,151	6-16-67	[1] 7-17-67	12-17-67	[2] 12.0	[3] [4] 14.0	
	do	193	10	Colorado Interstate Gas Co. (Greenwood Field, Morton and Stanton Counties, Kans., and Baca County Colo.).	5,341	6-16-67	[1] 7-17-67	12-17-67	[5] 15.0	[6] [7] 17.0	
	do	194	3	Kansas Nebraska Natural Gas Co. (Camrick Field, Texas County, Okla.) (Panhandle Area).	734	6-16-67	[1] 7-17-67	12-17-67	[2] 16.0	[3] [8] 17.0	
	do	195	5	Louisiana-Nevada Transit Co. (Red Rock and East Red Rock Fields, Webster Parish, La.) (North Louisiana).	26,398	6-16-67	[1] 7-17-67	12-17-67	14.0	[2] [3] 14.75	
	do	196	5	Panhandle Eastern Pipe Line Co. (South Greenough Field, Beaver County, Okla.) (Panhandle Area).	340	6-16-67	[1] 7-17-67	12-17-67	[2] 12.2577747	[3] [4] 14.0000001	
	do	197	[9] 16	Colorado Interstate Gas Co. (Mocane Field, Beaver County, Okla.) (Panhandle Area).	37,355	6-16-67	[1] 7-17-67	(Accepted)	[5] 15.0	[6] [7] 17.0	
	do	200	10	Natural Gas Pipeline Company of America (Southeast Camrick Field, Beaver County, Okla.) (Panhandle Area).	193	6-16-67	[1] 7-17-67	12-17-67	[2] 16.2	[3] [8] 17.0	
	do	202	16	Panhandle Eastern Pipe Line Co. (Enns Area, Texas County, Okla.) (Panhandle Area).	24,254	6-16-67	[1] 7-17-67	12-17-67	[2] 16.0 [5] 17.0	[6] 17.0	
	do	203	4	Northern Natural Gas Co. (Southeast and Southwest Elmwood Field, Beaver County, Okla.) (Panhandle Area).	559	6-16-67	[1] 7-17-67	12-17-67	[6] 15.0	[6] [7] 17.0	
	do	204	10	Panhandle Eastern Pipe Line Co. (Tuloga Field, Morton County, Kans.).	17,913	6-16-67	[1] 7-17-62	12-17-67	[2] 15.5 [5] 16.0	[3] [4] 17.5	
	do	205	5	Panhandle Eastern Pipe Line Co. (Greenough-Light Field, Beaver County, Okla.) (Panhandle Area).	414	6-16-67	[1] 7-17-67	12-17-67	[2] 12.2577747	[3] [4] 17.0	
	do	206	7	Panhandle Eastern Pipe Line Co. (Light Field, Seward County, Kans.).	409	6-16-67	[1] 7-17-67	12-17-67	[2] 12.2577747	[3] [4] 17.0	
	do	207	[9] 6	Colorado Interstate Gas Co. (Adams Ranch Field, Meade County, Kans.).	7,713	6-16-67	[1] 7-17-67	(Accepted)	[5] 15.0	[6] [7] 17.0	
	do	208	11	Northern Natural Gas Co. (Hugoton Field, Finney County, Kans.).	1,282	6-16-67	[1] 7-17-67	12-17-67	[2] 12.0	[3] [10] 13.5	
	do	209	6	Arkansas Louisiana Gas Co. (Chickasa Field, Grady County, Okla.) (Oklahoma "Other" Area).	[11]	6-16-67	[1] 7-17-67	12-17-67	[2] 12.0	[3] [4] 13.0	
	do	217	4	Northern Natural Gas Co. (E. Embry Field, Edwards County, Kans.).	3,336	6-16-67	[1] 7-17-67	12-17-67	[2] 13.5	[3] [10] 15.5	
	do	220	11	Natural Gas Pipeline Company of America (Southeast Camrick Field, Beaver County, Okla.) (Panhandle Area).	30	6-16-67	[1] 7-17-67	12-17-67	[2] 16.4	[3] [8] 17.0	
	do	221	5	Northern Natural Gas Co. (Dower Field, Beaver County, Okla.) (Panhandle Area).	1,106	6-16-67	[1] 7-17-67	12-17-67	[2] 15.5	[3] [8] 17.0	
	do	227	9	Natural Gas Pipeline Company of America (Southeast Camrick Field, Beaver County, Okla.) (Panhandle Area).	56	6-16-67	[1] 7-17-67	12-17-67	[2] 14.6	[3] [8] 17.0	
	do	223	6	Lone Star Gas Co. (Deep Knox Field, Grady and Stephens Counties, Okla.) (Carter-Knox Area).	[12]	6-16-67	[1] 7-17-67	12-17-67	[2] 16.8	[3] [4] 17.9	
	do	240	4	Colorado Interstate Gas Co. (Hugoton Field, Haskell County, Kans.	198	6-16-67	[1] 7-17-67	12-17-67	[2] 11.0	[3] [4] [10] 13.5	
	do	242	10	Natural Gas Pipeline Company of America (Camrick Field, Beaver County, Okla.) (Panhandle Area).	235	6-16-67	[1] 7-17-67	12-17-67	[2] 16.8	[3] [8] 17.0	

See footnotes at end of table.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI68-2	Humble Oil—Continued	211	15	Panhandle Eastern Pipe Line Co. (Greenough-Leslie Field, Beaver County, Okla. (Panhandle Area) and Mead County, Kans.).	6,488	6-16-67	[1] 7-17-67	12-17-67	[2] 16.0	[3] [4] 17.0	
	do	213	10	Natural Gas Pipeline Company of America (Southeast Camrick Field, Trammel Unit, Beaver County, Okla.) (Panhandle Area).	7	6-16-67	[1] 7-17-67	12-17-67	[3] [4] 16.4	[3] [4] [8] 17.0	
	do	215	9	Natural Gas Pipeline Company of America (Southeast Camrick Field, Beaver County, Okla.) (Panhandle Area).	235	6-16-67	[1] 7-17-67	12-17-67	[3] [4] 16.4	[3] [4] [8] 17.0	
	do	222	8	Panhandle Eastern Pipe Line Co. (Hansford Field, Hansford County, Tex.) (R.R. District No. 10).	355	6-16-67	[1] 7-17-67	12-17-67	[2] 16.5	[3] [4] 17.5	
	do	253	7	Natural Gas Pipeline Company of America (Camrick Field, Beaver County, Okla.) (Panhandle Area).	480	6-16-67	[1] 7-17-67	12-17-67	[3] [4] 16.5	[3] [4] [8] 17.0	
	do	254	6	Panhandle Eastern Pipe Line Co. (Light Heirs Farm and Sleeper Unit, Texas County, Okla.) (Panhandle Area and Seward County, Kans.)	4,375	6-16-67	[1] 7-17-67	12-17-67	[5] [6] 16.0	[3] [4] [8] 17.0	
	do	255	5	Arkansas Louisiana Gas Co. (Beaver Northwest Pool, Grady County, Okla.) (Oklahoma "Other" Area).	561	6-16-67	[1] 7-17-67	12-17-67	[3] [4] 12.0	[3] [4] [10] 13.0	
	do	256	5	Arkansas Louisiana Gas Co. (Richland Pool, Stephens County, Okla.) (Oklahoma "Other" Area).	[13]	6-16-67	[1] 7-17-67	12-17-67	[3] [4] 12.0	[3] [4] [10] 13.0	
	do	258	3	Lone Star Gas Co. (Sho-Vel-Tum Pool, Stephens County, Okla.) (Oklahoma "Other" Area).	1,656	6-16-67	[1] 7-17-67	12-17-67	[2] 15.0	[3] [4] 16.0	
	do	146	5	El Paso Natural Gas Co. (Bisti Field, San Juan County, N. Mex.) (San Juan Basin Area).	318	6-16-67	[1] 7-17-67	12-17-67	[2] 12.0	[3] [4] [10] 14.2730	
	do	210	5	El Paso Natural Gas Co. (East LaBarge Field, Lincoln and Sublette Counties, Wyo.).	12,129	6-16-67	[1] 7-17-67	12-17-67	[2] 16.384	[3] [4] 17.0	
	do	218	3	Mountain Fuel Supply Co. (Dry Piney Unit, Sublette County, Wyo.).	3,422	6-16-67	[1] 7-17-67	12-17-67	[2] 16.0	[3] [4] 16.0	
	do	249	8	El Paso Natural Gas Co. (Green River Bend Unit, Lincoln and Sublette Counties, Wyo.).	2,349	6-16-67	[1] 7-17-67	12-17-67	[2] 16.384	[3] [4] [8] 17.0	
	do	250	8	El Paso Natural Gas Co. (Figure Four Canyon Unit, Sublette County, Wyo.).	1,502	6-16-67	[1] 7-17-67	12-17-67	[2] 16.384	[3] [4] [8] 17.0	
	do	206	3	El Paso Natural Gas Co. (Walker Hallow Field, Uintah County, Utah).	27,472	6-16-67	[1] 7-17-67	12-17-67	15.0	[3] [4] [8] 17.0	
RI68-3	Humble Oil & Refining Co. (Operator) et al.	149	9	United Gas Pipe Line Co. (Northwest Gibson Field, Terrebonne Parish, La.) (South Louisiana).	6,272	6-16-67	[1] 7-17-67	12-17-67	[2] 20.25	[3] [4] [8] [10] 20.625	
	do	156	7	United Fuel Gas Co. (Calcasieu Pass Field, Cameron Parish, La.) (South Louisiana).	8,782	6-16-67	[1] 7-17-67	12-17-67	[3] [4] 19.50	[3] [4] [8] [10] 20.625	
	do	218	2	Natural Gas Pipeline Company of America (South Angleton Field, Brazoria County, Tex.) (R.R. District No. 3).	9,838	6-16-67	[1] 7-17-67	12-17-67	[3] [4] 17.0	[3] [4] [8] [10] 18.0	
	do	121	20	Northern Natural Gas Co. (Hansford Field, Hansford and Hutchinson Counties, Tex.) (R.R. District No. 10).	117,425	6-16-67	[1] 7-17-67	12-17-67	[3] [4] 16.5 [5] [6] 17.0	[3] [4] [8] 17.5	
	do	191	23	Natural Gas Pipeline Company of America (South East Camrick Field, Texas County, Okla.) (Panhandle Area).	19,905	6-16-67	[1] 7-17-67	12-17-67	[3] [4] [8] 16.0 [3] [4] [8] 16.2 [3] [4] [8] 16.4	[3] [4] [8] 17.0	
	do	207	4	Natural Gas Pipeline Company of America (Bryans Mill Field, Cass County, Tex.) (R.R. District No. 6).	1,517	6-16-67	[1] 7-17-67	12-17-67	[3] [4] 16.0	[3] [4] [8] [10] 18.0	

See footnotes at end of table.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI68-4	Humble Oil & Refining Co. (Operator), agent for Henry C. Adams, et al.	343	12	Texas Eastern Transmission Corp. (Big Hill Field, Jefferson County, Tex.) (RR. District No. 3).	14,940	6-16-67	[1] 7-17-67	12-17-67 [2]	[3] 14.6	[4] [5] 15.6	

[1] The stated effective date is the first day after expiration of the statutory notice.
[2] Periodic rate increase.
[3] Pressure base is 15.025 psia.
[4] Rate applies to Mississippi sales only; Louisiana reserves depleted and leases abandoned.
[5] Subject to a downward B.t.u. adjustment.
[6] Inclusive of 1.0 cent gathering charge paid by the buyer plus 0.9681 cent tax reimbursement.
[7] Settlement rate as approved by Commission order issued July 8, 1964, in Docket Nos. G-9287 and G-9288, et al., as amended. Moratorium on filing increased rates expired June 1, 1967.
[8] Pressure base is 14.65 psia.
[9] Certain sour flash vapor gas, covered by amendment dated Jan. 31, 1963 (Supplement No. 1) is currently being sold at a rate of 5.0 cents per Mcf.
[10] Inclusive of 0.25 cent dehydration charge by seller.
[11] "Fractured" rate increase. Humble contractually due a rate of 16.5 cents per Mcf.
[12] "Fractured" rate increase. Humble contractually due a rate of 25.5425 cents per Mcf (24.0 cents base plus 1.5425 cents tax reimbursement).
[13] "Fractured" rate increase. Humble contractually due a rate of 18.62 cents per Mcf (18.0 cents base plus 0.62 cent tax reimbursement).
[14] "Fractured" rate increase. Humble contractually due a rate of 24.15 cents per Mcf (22.4 cents base plus 1.75 cents tax reimbursement).
[15] Inclusive of 0.15 cent gathering charged by Humble.
[16] "Fractured" rate increase. Humble contractually due a rate of 22.75 cents per Mcf (21.0 cents base plus 1.75 cents tax reimbursement).
[17] "Fractured" rate increase. Humble contractually due a rate of 25.5425 cents per Mcf (24.0 cents base plus 1.5425 cents tax reimbursement).
[18] "Fractured" rate increase. Humble contractually due a rate of 27.25 cents per Mcf (25.5 cents base plus 1.75 cents tax reimbursement).
[19] "Fractured" rate increase. Humble contractually due redetermined rate of 23.243 cents per Mcf.
[20] "Fractured" rate increase. Humble contractually due a rate of 21.1 cents per Mcf (19.6 cents base plus 1.5 cents tax reimbursement).
[21] "Fractured" rate increase. Humble contractually due a rate of 21.5 cents per Mcf (20.0 cents base plus 1.5 cents tax reimbursement).
[22] "Fractured" rate increase. Humble contractually due a rate of 22.25 cents per Mcf (20.75 cents base plus 1.50 cents tax reimbursement).
[23] No current deliveries being made.
[24] "Fractured" rate increase. Humble contractually due a rate of 24.55 cents per Mcf (22.5 cents base plus 2.05 cents tax reimbursement).
[25] Footnote 25 not used.
[26] Subject to a 0.21931 cent dehydration deduction by buyer, where applicable.
[27] Renegotiated rate increase.
[28] Subject to an upward and downward B.t.u. adjustment.
[29] Contract Amendment dated May 11, 1967, which provides for 17.0 cents rate from June 1, 1967 to May 31, 1972, and 1.0 cent periodic increases every 5 years thereafter (not applicable to acreage added by Supplement No. 14).
[30] "Fractured" rate increase with respect to acreage added by Supplement No. 14. Humble contractually due rate of 18.0 cents for such acreage pursuant to Amendment dated Oct. 11, 1965.
[31] "Fractured" rate increase. Humble contractually due 18.3 cents due to periodic price increase.
[32] "Fractured" rate increase. Humble contractually due 18.0 cents due to periodic price increase.
[33] Rate applicable to Supplement No. 11 only.
[34] Rate applicable to Supplement Nos. 6 and 7 only.
[35] Contract Amendment dated May 11, 1967, deletes indefinite pricing provisions from the contract, provides for 17.0 cents rate from June 1, 1967 to May 31, 1972 and 1.0 cent periodic increases every 5 years thereafter.
[36] "Fractured" rate increase. Humble contractually due 14.0 cents due to periodic price increase.
[37] No production.
[38] Two-step periodic increase.
[39] "Fractured" rate increase. Humble contractually due periodic increase to 18.3 cents per Mcf.
[40] "Fractured" rate increase. Humble contractually due periodic increase to 17.5 cents per Mcf.
[41] No current deliveries.
[42] Includes partial reimbursement for full 2.85 percent New Mexico Emergency School Tax.
[43] "Fractured" rate increase. Humble contractually due a rate of 18.5 cents per Mcf effective Jan. 1, 1963.
[44] "Fractured" rate increase. Humble contractually due a rate of 19.5 cents per Mcf effective Mar. 20, 1967.
[45] From settlement rate to contractually provided for rate for the first 5-year period from Feb. 28, 1963 to Feb. 28, 1968.
[46] Rate applicable to Supplement No. 17 only for which permanent certificate was issued at 17.0 cents in Docket No. G-12175.
[47] Filing from conditioned certificate rate to contract rate.
[48] Rate applicable to all acreage except acreage added by Supplement Nos. 4, 6, and 7.
[49] Rate applicable to Supplement Nos. 4 and 6 only.
[50] Rate applicable to Supplement No. 7 only.
[51] "Fractured" rate increase. Humble contractually due 19.0 cents due to periodic price increase.

Humble Oil & Refining Co., Humble Oil & Refining Co. (Operator) et al., and Humble Oil & Refining Co., Agent for Henry C. Adams et al. (all referred to herein as Humble) request an effective date of June 1, 1967, the date of expiration of filing moratorium for rate increases to levels in excess of area rate ceilings pursuant to terms of company-wide settlement in Docket Nos. G-9287 and G-9288, et al., for their proposed rate increases, with the exception of Supplement No. 4 to Humble's FPC Gas Rate Schedule Nos. 154, 155 and 217, respectively, and Supplement No. 5 to Humble's FPC Gas Rate Schedule No. 221 for which an effective date of July 1, 1967, is requested. Humble Oil & Refining Co. (Operator) et al., requests an effective date of June 19, 1967, for Supplement No. 4 to Humble's FPC Gas Rate Schedule No. 307. Humble also requests that should the Commission suspend its rate filings that the suspension period be a maximum of 1 day, or as short a period as possible. Good cause has not been shown for granting Humble's request for earlier effective dates or for limiting to one day the suspension period with respect to such rate filings and Humble's request is denied.

Supplement No. 3 to Humble's FPC Gas Rate Schedule No. 296 contains a "fractured" rate increase from 15c to 17c per Mcf for a sale of gas to El Paso Natural Gas Co. in Uintah County, Utah, where no formal guideline prices have been announced by the Commission for this area. Since the proposed rate exceeds the 16.384c per Mcf for other rate increases filed in the area which are now under suspension, we conclude that Humble's proposed rate should be suspended for 5 months from July 17, 1967, the date of expiration of the statutory notice.

Concurrently with the filing of its rate increases, Humble submitted two contract amendments dated May 11, 1967, designated as Supplement Nos. 16 and 6 to Humble's FPC Gas Rate Schedule Nos. 197 and 207, respectively which provide for its proposed rate increases under the rate schedules involved. We believe that it would be in the public interest to accept for filing Humble's proposed contract amendments to become effective on July 17, 1967, the date of expiration of the statutory notice, but not the proposed rates contained therein which are suspended as herein ordered.

All of Humble's proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR 2.56), with the exception of the rate increase filed in Supplement No. 3 to Humble's FPC Gas Rate Schedule No. 296 for which there is no announced formal ceiling rate for the area involved, but is the highest filed rate in the area involved.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause has been shown for accepting for filing Humble's proposed contract amendments dated May 11, 1967, designated as Supplement Nos. 16 and 6 to Humble's FPC Gas Rate Schedule Nos. 197 and 207, respectively, and for permitting such supplements to become effective on July 17, 1967, the date of expiration of the statutory notice.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the proposed changes, and that the above-designated supplements be suspended and the use deferred as hereinafter ordered (except for the supplements set forth in paragraph (1) above).

The Commission orders:

(A) Humble's contract amendments dated May 11, 1967, designated as Supplement Nos. 16 and 6 to Humble's FPC Gas Rate Schedule Nos. 197 and 207, respectively, are accepted for filing and permitted to become effective on July 17, 1967, the date of expiration of the statutory notice.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in the above-designated supplements (except the supplements set forth in paragraph (A) above).

(C) Pending hearings and decisions thereon, the above-designated supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or August 30, 1967.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 67-8355; Filed, July 21, 1967; 8:45 a.m.]

[Docket No. CP67-168]

SOUTHERN NATURAL GAS CO.

Supplemental Notice of Petition To Amend

JULY 20, 1967.

Take notice that on June 8, 1967, Southern Natural Gas Co. (Petitioner), Post Office Box 2563, Birmingham, Ala. 35202, filed in Docket No. CP67-168 a petition to amend the order issued by the Commission April 20, 1967, by authorizing Petitioner to construct the facilities originally authorized, in a different location, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the abovementioned order, Petitioner was authorized to construct and operate 31.84 miles of 24-inch O.D. pipeline loop along its existing White Castle-Franklinton Line, commencing at Mile Post 70.050. In the instant filing, Petitioner requests authorization to construct and operate the same 31.84 miles of 24-inch O.D. pipeline loop on the same White Castle-Franklinton Line but commencing at Mile Post 31.590, on the north side of the Mississippi River, a short distance downstream of White Castle Compressor Station. Petitioner states that additional surveys have indicated that the hereinproposed location will enable Petitioner to construct the pipeline loop in a less densely populated, less congested area which will also result in a lesser cost of construction. Petitioner further states that the location change proposed herein will not alter the system capacity provided by the pipeline loop.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before August 8, 1967.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 67-8575; Filed, July 21, 1967; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

[Dept. Order 106]

APPEALS BOARD

Organization and Functions

The following order was issued by the Secretary of Commerce. This material supersedes the material appearing at 25 F.R. 2603 of March 26, 1960.

SECTION 1. *Purpose.* The purpose of this order is to prescribe the authority and functions of the Appeals Board for the Department of Commerce.

SEC. 2. *General.* The Appeals Board for the Department of Commerce, initially established on August 18, 1953, by Department Order 106 of that date, and which serves as an impartial body to consider certain appeals from the public, is continued within the Office of the Assistant Secretary for Administration. It shall be composed of a chairman and other members as may be designated by the Assistant Secretary for Administration and approved by the Secretary.

SEC. 3. *Authority and functions.* .01 The Appeals Board is authorized to consider and decide appeals by contractors from decisions made by contracting officers under contracts which provide for such an appeal to the Secretary.

.02 The Appeals Board is also authorized to consider and decide appeals by persons affected by:

a. Any order, regulation or administrative action issued pursuant to the authority delegated to the Secretary of Commerce under the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 et seq.), and the authority of the Secretary of Commerce under Section 402 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 512);

b. Any regulation or administrative action of the Bureau of International Commerce in connection with its authority for the administration of export controls under the Export Control Act of 1949, as amended (50 U.S.C. App. 2021 et seq.); and

c. Other administrative actions taken pursuant to law and referred to the Board by appropriate authority.

.03 Decisions by the Appeals Board on appeals arising under paragraphs .01 and .02 of this section shall be final within the Department.

.04 No member may act for the Appeals Board or participate in a decision on appeal if he has otherwise been directly involved in the administration of the contract, regulation, or other subject matter of the appeal.

.05 The Chairman of the Appeals Board is authorized to issue rules governing the handling of appeals.

SEC. 4. *Saving provision.* All outstanding delegations, regulations, orders and other actions issued by or relating to the Appeals Board shall remain in effect until amended or revoked by proper authority.

Effective date: July 7, 1967.

DAVID R. BALDWIN, *Assistant Secretary for Administration.*

[F.R. Doc. 67-8503; Filed, July 21, 1967; 8:46 a.m.]

[Dept. Order 46; Amdt. 4]

MANAGEMENT CONSULTING SERVICES

Procurement of Contracts

The following amendment to the order was issued by the Secretary of Commerce. This material amends the material appearing at 32 F.R. 6063 of April 15, 1967; 31 F.R. 8086 of June 8, 1966; 30 F.R. 6548 of May 12, 1965; and 29 F.R. 13541-13542 of October 1, 1964.

Department Order 46, dated September 16, 1964, is hereby further amended as follows:

1. SEC. 2. *Delegations of authority.* A new subparagraph .01d. is added to read:

"d. All documents in connection with the placing of advertising in any written medium for any purpose."

Paragraph .03 is deleted.

2. SEC. 3. *General provisions.* Paragraph .01 is amended to read:

".01 The Assistant Secretary for Administration is hereby authorized and directed to exercise the procurement authority (including authority to approve and execute contracts, and all documents in connection with the placing of advertising in any written medium for any purpose) delegated to him in Department Order 134, either through the Office of Administrative Services or as he otherwise directs, on behalf of the organizational units listed in Part II of Appendix."

Effective date: July 10, 1967.

DAVID R. BALDWIN, *Assistant Secretary for Administration.*

[F.R. Doc. 67-8504; Filed, July 21, 1967; 8:46 a.m.]

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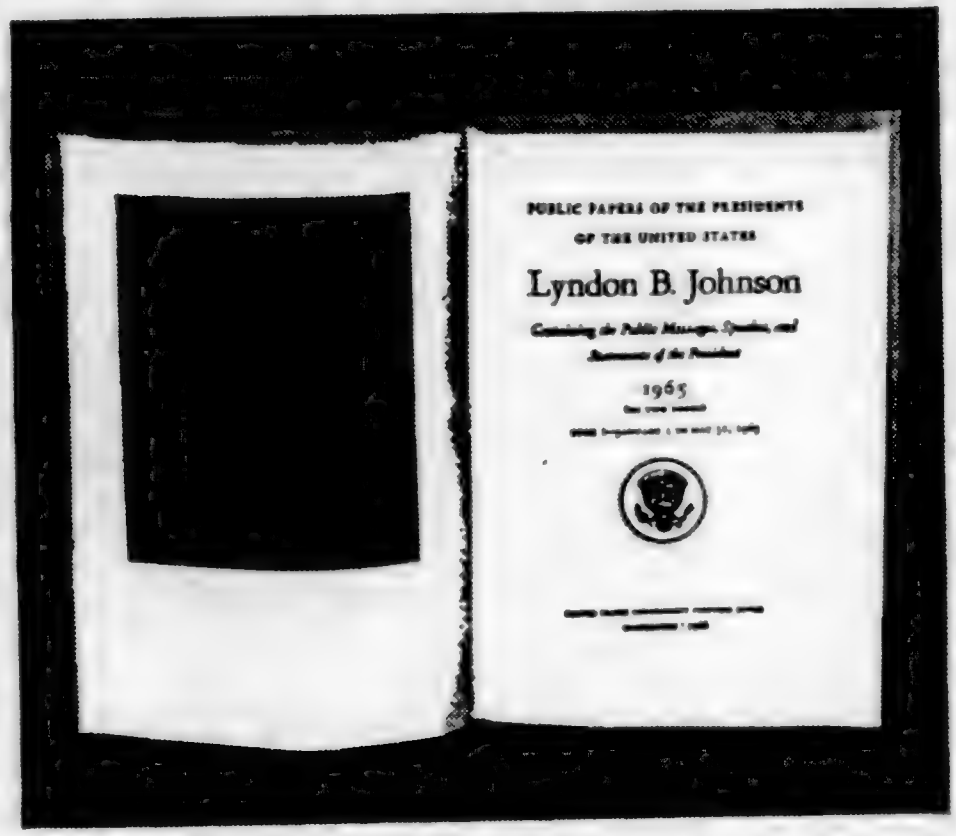
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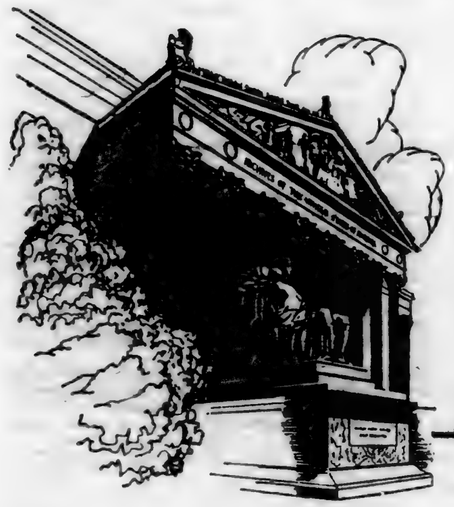
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Subtitle A—Office of the Secretary of Agriculture

[Import Reg. 1, Rev. 3; Amdt. 1]

PART 6—IMPORT QUOTAS AND FEES

Subpart—Section 22 Import Quotas

LICENSES FOR IMPORTATION OF AMERICAN-TYPE CHEESE, OTHER THAN CHEDDAR

Presidential Proclamation 3790, dated June 30, 1967, amended the provisions proclaimed by the President pursuant to section 22 of the Agricultural Adjustment Act by placing a limitation on the quantity of American-type cheese, other than Cheddar, which may be imported in a quota year and by increasing the quantity of Cheddar cheese which may be imported in a quota year. The beginning of the quota year also was changed from July 1 to January 1 and provision was made for the issuance of licenses on a semiannual rather than on a 4-month basis. Inasmuch as licenses to import commodities during the quota period beginning July 1, 1967, have been issued under the provisions of Import Regulation 1, Revision 3, heretofore in effect, the following § 6.32 is added to Import Regulation 1, Revision 3, to provide for the issuance of licenses for the importation of American-type cheese, other than Cheddar, and the increased quantity of Cheddar cheese during the period July 1, 1967, through December 31, 1967:

§ 6.32 Licenses for the importation of American-type cheese, other than Cheddar, and increased quantity of Cheddar cheese during the period July 1, 1967, through December 31, 1967.

(a) Country quotas: (1) American-type cheese, other than Cheddar: The 3,048,300 pound quota for American-type cheese, other than Cheddar, for the period July 1, 1967, through December 31, 1967, is allocated among the countries of origin as follows: New Zealand, 1,680,000 pounds; Australia, 840,000 pounds; Ireland, 280,000 pounds; and Sweden, 62,500 pounds; and specified other countries (Austria, Belgium, Bulgaria, Canada, Denmark, Israel, Italy, Netherlands, Portugal, Switzerland, United Kingdom, and West Germany), 185,800 pounds.

(2) Cheddar cheese: The quantity of 3,016,200 pounds by which the quota for Cheddar cheese subject to license was increased for the period July 1, 1967, through December 31, 1967 is allocated among countries of origin as follows: New Zealand, 1,680,000 pounds; Australia, 840,000 pounds; Ireland, 280,000 pounds; Sweden, 62,500 pounds; and specified other countries (Austria, Belgium, Bulgaria, Denmark, Israel, Italy, Netherlands, Portugal, Switzerland, United Kingdom, West Germany), 153,700 pounds.

(b) New business quota share: (1) American-type cheese, other than Cheddar: For new business quota shares of not to exceed 10,000 pounds per share for the period July 1, 1967, through December 31, 1967, there are set aside 762,075 pounds of the quota for American-type cheese, other than Cheddar, for the period July 1, 1967, through December 31, 1967, provided that not more than 25 percent of any country's quota share shall be used for new business licenses.

(2) Cheddar cheese: For new business quota shares of not to exceed 10,000 pounds per share for the period July 1, 1967, through December 31, 1967, there are set aside 754,050 pounds of the amount by which the Cheddar cheese quota was increased for the period July 1, 1967, through December 31, 1967, which shall be comprised of (i) the 153,700 pounds allocated for the specified other countries, and (ii) 600,350 pounds from New Zealand, Australia, Ireland and Sweden, provided that not more than 25 percent of any country's quota share may be set aside.

(3) In the event the total amount of new business quota shares requested exceeds the amount set aside for new business, the amount shall be pro-rated equally among persons eligible for a new business quota share. In the event licenses for the importation of the entire amount set aside for new business are not applied for by persons eligible therefor, the residual amounts shall revert to the country quotas for allocation among historical importers.

(c) Eligibility for licenses: (1) Historical:

(i) American-type cheese, other than Cheddar: Any person who imported American-type cheese, other than Cheddar, during the base period January 1, 1961, through December 31, 1965, is eligible to receive a license to import a share of the quota quantity for American-type cheese, other than Cheddar, for the period July 1, 1967, through December 31, 1967 (less that set aside for new business), pro-rated among the eligible applicants on the basis of the quantities of such cheese imported by such persons from the country of origin during the base period. The specified "other countries" shall be treated as one for the purposes of this provision.

(ii) Cheddar cheese: Any person who, prior to July 1, 1967, had established his historical eligibility under § 6.25(a) for a quota share of Cheddar cheese is eligible to receive a license to import a share of the amount by which the quota for Cheddar cheese subject to license was increased for the period July 1, 1967, through December 31, 1967 (less that set aside for new business), pro-rated among such historical licensees on the basis of the quantities of such cheese imported by such persons from the country of origin during the base period January 1, 1961, through December 31, 1965. The specified "other countries" shall be treated as one for the purposes of this provision.

(iii) Limitation of historical quota share: The historical quota share of any person as determined under subdivision (i) or (ii) of this subparagraph may not exceed 30 percent of the total quantity of such cheese which may be imported from a particular country of origin. The specified "other countries" shall be treated as one for the purposes of this provision. The quantities of cheese not allocated due to this limitation shall be apportioned among other historical eligible licensees for a quota share of such cheese, based upon their imports of such cheese during the base period.

(2) Non-historical:

(i) American-type cheese, other than Cheddar: Any person who is not historically eligible under subparagraph (1)(i) of this paragraph to receive a license to import a quota share of American-type cheese, other than Cheddar, and was during the period July 1, 1966, through June 30, 1967, actively operating an independent business of importing cheese or cheese products is eligible to receive a license to import a new business quota share of American-type cheese, other than Cheddar.

(ii) Cheddar cheese: Any person who is not historically eligible under subparagraph (1)(ii) of this paragraph to receive a license to import a quota share of Cheddar cheese and was during the period July 1, 1966, through June 30, 1967, actively operating an independent business of importing cheese or cheese products is eligible to receive a license to import a new business quota share of Cheddar cheese.

(d) Application for licenses: (1) Applications for the issuance of licenses pursuant to this § 6.32 must be sent to the Chief, Import Branch, Foreign Agricultural Service, U.S. Department of Agriculture, Washington, D.C. 20250, and postmarked not later than August 4, 1967. Each application must state the type of cheese for which license is desired, the country of origin from which importation is to be made, and the port or ports of entry at which importations are to be made. Except for licenses for Cheddar cheese based on historical eligibility, applications must be accompanied by acceptable documentation, preferably duty paid copies of Customs Entry Form 7501 or Withdrawal from Warehouse Form 7505, establishing the applicant's eligibility for a license under this section, and, in the case of licenses for American-type cheese other than Cheddar based on historical eligibility, the quan-

tities of such cheese imported during the base period January 1, 1961, through December 31, 1965. An applicant for a license to import a new business quota share must certify he is not a part of or affiliated with any other person eligible for an import license and that he is willing and able to import a licensed share in his own name and for his own account.

(e) Definitions: As used herein the following terms have the following meanings:

(1) Cheddar cheese means Cheddar cheese, and cheese and substitutes for cheese containing, or processed from, Cheddar cheese.

(2) American-type cheese means American-type cheese, including Colby, washed curd, and granular cheese (but not including Cheddar) and cheese and substitutes for cheese containing, or processed from, such American-type cheese.

(f) The provisions of §§ 6.20 to 6.31 of this part shall apply with respect to the licenses issued under this section except to the extent that they are inconsistent herewith.

It is hereby determined that the foregoing amendment 1 of Import Regulation 1, Revision 3, is necessary and must be made effective as soon as possible since the quotas established by Presidential Proclamation 3790 have become effective. Therefore, under section 553 of Title 5 of the United States Code it is found upon good cause that notice and other public rule making procedure concerning the amendment are impracticable, unnecessary, and contrary to the public interest and that good cause exists for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Proposals for amendment or modification of this amendment are invited. They may be addressed to the Chief, Import Branch, Foreign Agricultural Service, Washington, D.C. 20250. All proposals should be accompanied by a written statement in explanation and support of such proposal.

Issued at Washington, D.C., this 20th day of July 1967.

RAYMOND A. IOANES,
Administrator,
Foreign Agricultural Service.

[F.R. Doc. 67-8608; Filed, July 24, 1967; 8:53 a.m.]

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX—COUNTY DESIGNATED FOR SUGAR BEET CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following county is hereby added to the list of counties published October 21, 1966 (31 F.R. 13587), and February 1, 1967 (32 F.R. 1123), which were designated for sugar beet crop insurance for the 1967 crop year.

CALIFORNIA

Imperial.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUPP,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 67-8538; Filed, July 24, 1967; 8:46 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER C—SPECIAL PROGRAMS

[Amdt. 4; Republication of Processor Wheat Marketing Certificate Regs.]

PART 777—PROCESSOR WHEAT MARKETING CERTIFICATE REGULATIONS

Definition of Non-Food Product and Deduction for Loss Due to Unsuitable Production

The following amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (see sec. 379a to 379j, 52 Stat. 31, as amended, 7 U.S.C. 1379a to 1379j), to provide a change to the Republication of the Processor Wheat Marketing Certificate Regulations (31 F.R. 13502). Consideration has been given to the views and suggestions resulting from the 15-day notice given the public pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238, 5 U.S.C. 553).

Section 777.3(c)(4) as it now appears in the regulations reads as follows:

(4) Any product, being manufactured as a food product which in the course of processing inadvertently, and not by design or deliberate action on the part of the processor, becomes unsuitable for marketing as the food product originally intended to be produced, provided such product and all other products obtained from the wheat are destroyed, or prior to marketing or removal from the plant (whichever occurs first) are unsuitable for marketing as a food product and are used in or marketed as animal feed or other non-food products specified in this paragraph.

This provision was designed to cover only abnormal losses and not normal manufacturing losses which are expected to occur as part of the processing operations in the production of a food product. Processors have not been applying the provision of this subparagraph with uniformity. This amendment is issued to clarify the nonfood products which may be deducted on future processing reports under this provision of the regulations.

The Processor Wheat Marketing Certificate Regulations (31 F.R. 13502) are changed to read as follows:

The amendment reads as follows:

Section 777.3(c)(4) is amended to read as follows:

§ 777.3 Definitions.

* * * * *

(c) "Nonfood product" means:

* * * * *

(4) Any product being manufactured from wheat as a food product which becomes unsuitable for marketing as the food product originally intended to be produced provided the conditions prescribed in subdivisions (i) and (ii) of this subparagraph are met.

(i) The loss is the result of (a) power failure, (b) strike, (c) fire, (d) Act of God, or (e) any unforseen circumstance which, upon application of the processor, is specifically approved in writing by the Director.

(ii) Such product and all other products obtained from the wheat are destroyed or prior to marketing or removal from the plant (whichever occurs first) are rendered unsuitable for marketing as a food product and are used in or marketed as animal feed or other nonfood products specified in this paragraph.

This subparagraph (4) does not, unless the loss is the result of circumstances described in subdivision (i) of this subparagraph, cover undercooked or overcooked products; screenings or other residue from cleaning the wheat; dust; fines; floor sweepings or spillage collected in the processing plant; or any loss resulting from choke-up, starting up or shutting down processing operations.

* * * * *

Appendix II is amended by adding the following sentence to Item (12):

If a deduction is taken for loss due to unsuitable production, pursuant to § 777.3(c)(4), identify in the "remarks" space on Form CCC-160 the cause of such loss.

Effective date. This amendment shall be effective with the beginning of the first processing report period 30 days following its publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on July 18, 1967.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 67-8534; Filed, July 24, 1967; 8:46 a.m.]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

HANDLING OF MILK IN CERTAIN DESIGNATED MARKETING AREAS

Order Amending Orders

7 CFR Part—	Marketing area
1032	Southern Illinois.
1050	Central Illinois.
1062	St. Louis, Mo.
1067	Ozarks.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of each of the aforesaid orders and the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein. The following findings are hereby made with respect to each of the aforesaid orders.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the above designated marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than August 1, 1967. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator, Regulatory Programs, was issued June 2, 1967, and the decision of the Assistant Secretary containing all amendment provisions of this order was issued July 5, 1967. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective August 1, 1967, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER (5 U.S.C. 553(d)(1966)).

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(8) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof the handling of milk in the respective hereinafter designated marketing areas shall be in conformity to and in compliance with the terms and conditions of the aforesaid orders, as amended and as hereby further amended, as follows:

1. Paragraph (i) of the provision in each of the hereinafter designated orders entitled "Computation of uniform prices" is revised.

PART 1032—MILK IN SOUTHERN ILLINOIS MARKETING AREA

1. Paragraphs (h) and (i) of § 1032.71 are revised to read as follows:

§ 1032.71 Computation of the uniform price.

* * * * *

(h) Subtract in the case of milk delivered during each of the months of March and July an amount equal to 15 cents per hundredweight and during each of the months of April, May, and June an amount equal to 25 cents per hundredweight of producer milk specified in paragraph (e)(1) of this section, except that the rate of deduction for each of the months of April through August 1967 shall be 10 cents;

(i) Add in the case of milk delivered during each of the months of September and December 20 percent and during each of the months of October and November 30 percent of the total amount subtracted pursuant to paragraph (h) of this section, except that in the case of money deducted pursuant to paragraph (h) of this section during 1967 one-fourth of the sum shall be added in each of the months of September, October, November, and December 1967;

* * * * *

PART 1050—MILK IN CENTRAL ILLINOIS MARKETING AREA

1. Paragraphs (h) and (i) of § 1050.71 are revised to read as follows:

§ 1050.71 Computation of the uniform price.

* * * * *

(h) Subtract in the case of milk delivered during each of the months of March and July an amount equal to 15 cents per hundredweight and during each of the months of April, May, and June an amount equal to 25 cents per hundredweight of producer milk specified in paragraph (e)(1) of this section, except that the rate of deduction for each of the months of April through August 1967 shall be 10 cents;

(i) Add in the case of milk delivered during each of the months of September and December 20 percent and during each of the months of October and November 30 percent of the total amount subtracted pursuant to paragraph (h) of this section, except that in the case of money deducted pursuant to paragraph (h) of this section during 1967 one-fourth of the sum shall be added in each of the months of September, October, November, and December 1967;

* * * * *

PART 1062—MILK IN ST. LOUIS, MO., MARKETING AREA

1. Paragraphs (h) and (i) of § 1062.71 are revised to read as follows:

§ 1062.71 Computation of uniform prices.

* * * * *

(h) Subtract in the case of milk delivered during each of the months of March and July an amount equal to 15 cents per hundredweight and during each of the months of April, May, and June an amount equal to 25 cents per hundredweight of producer milk specified in paragraph (e)(1) of this section, except that the rate of deduction for each of the months of April through August 1967 shall be 10 cents;

(i) Add in the case of milk delivered during each of the months of September and December 20 percent and during each of the months of October and November 30 percent of the total amount subtracted pursuant to paragraph (h) of this section, except that in the case of money deducted pursuant to paragraph (h) of this section during 1967 one-fourth of the sum shall be added in each of the months of September, October, November, and December 1967;

* * * * *

PART 1067—MILK IN OZARKS MARKETING AREA

1. Paragraphs (h) and (i) of § 1067.71 are revised to read as follows:

§ 1067.71 Computation of uniform prices.

* * * * *

(h) Subtract in the case of milk delivered during each of the months of March and July an amount equal to 15 cents per hundredweight and during each of the months of April, May, and June an

amount equal to 25 cents per hundredweight of producer milk specified in paragraph (e) (1) of this section, except that the rate of deduction for each of the months of April through August 1967 shall be 10 cents;

(l) Add in the case of milk delivered during each of the months of September and December 20 percent and during each of the months of October and November 30 percent of the total amount subtracted pursuant to paragraph (h) of this section, except that in the case of money deducted pursuant to paragraph (h) of this section during 1967 one-fourth of the sum shall be added in each of the months of September, October, November, and December 1967;

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: August 1, 1967.

Signed at Washington, D.C., on July 20, 1967.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 67–8536; Filed, July 24, 1967; 8:46 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter III—Economic Development Administration, Department of Commerce

PART 301—ESTABLISHMENT AND ORGANIZATION

Disclosure of Information to the Public

In order to further implement section 552, Title 5, U.S.C. as codified by Public Law 90–23, June 5, 1967 (81 Stat. 54), and pursuant to Department of Commerce Order 64, July 4, 1967, Part 301 of Title 13 is amended as follows:

1. The authority citation is changed to read:

AUTHORITY: The provisions of this Part 301 are issued under secs. 214, 302, 79 Stat. 17, 19; 40 U.S.C. App. A. 214, 302. sec. 701, 79 Stat. 570; 42 U.S.C. 3211. 81 Stat. 54; 5 U.S.C. 552, 31 U.S.C. 483a. Department of Commerce Orders 5A and 64, 31 F.R. 16728, 32 F.R. 9734.

2. The authority for Subpart C is deleted.

3. Section 301.63 of Title 13, is revised to read:

§ 301.63 Disclosure of information to the public.

This section describes the arrangements whereby the materials specified in 5 U.S.C. 552(a)(2) are made available for public inspection and copying, and the procedures and other conditions whereby identifiable records requested by persons may be made available to them pursuant to 5 U.S.C. 552(a)(3).

(a) *Publication in the Federal Register.* Those materials which are required to be published in the FEDERAL REGISTER pursuant to the provisions of 5 U.S.C. 552(a)(1) have been and shall continue to be published in the FEDERAL REGISTER and shall, to the extent practicable and to further assist the public, be made available for inspection and copying at the facility identified in paragraph (b)(3) of this section.

(b) *Availability of materials for inspection and copying.* (1) In accordance with 5 U.S.C. 552(a)(2) and other provisions of law, a public information facility is established wherein EDA maintains a reference facility for the public inspection and copying of:

(i) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases.

(ii) Those statements of policy and interpretations which have been adopted by EDA and are not published in the FEDERAL REGISTER.

(iii) Administrative staff manuals and instructions to staff that affect a member of the public.

(iv) A current index providing identifying information for the public as to any matter which is issued, adopted, or promulgated after July 4, 1967, and required to be made available or published by section 552(a)(2).

(v) Such additional materials as the Assistant Secretary of Commerce for Economic Development, in his discretion may consider desirable and practicable to make available for the convenience of the public.

(2) In order to prevent unwarranted invasion of personal privacy, EDA may delete identifying details when it makes available or publishes an opinion, statement of policy, interpretation, or staff manual or instruction, and shall, in each such case, explain in writing the justification for the deletion.

(3) The above materials may be inspected in the Office of Public Affairs, Publications Division, Room 6814 B, Commerce Building, 14th Street between Constitution and E Streets NW., Washington, D.C. 20230. In addition, for the convenience of the public, most of these materials may also be inspected at each of the EDA area offices listed in § 301.31. The Office of Public Affairs, Publications Division, Washington, D.C., and the respective EDA area offices are open to the public Monday through Friday of each week, except on official holidays, between the hours of 9 a.m. and 4:30 p.m. There are no fees or formal requirements for such inspections. Copies of these materials may be obtained at these facilities at cost. In addition, copies of various EDA materials regularly available for sale by EDA may be purchased from the Office of Public Affairs, Publications Division, and EDA area offices.

(4) Correspondence concerning the materials available in the facility should be sent to the Office of Public Affairs, Publications Division at the above address.

(c) *Requests for identifiable records.* (1) A person who wishes to inspect a record which is not customarily available to the public as part of the regular informational activities of EDA should complete Form CD–244, "Application to Inspect Records," and submit this form, in person or by mail, to the Office of Public Affairs, Publications Division, Room 6814 B, Commerce Building, Washington, D.C. 20230. Copies of Form CD–244 are available at the Office of Public Affairs, Publications Division and each of the EDA area offices listed in § 301.31.

(2) An application form shall be submitted for each record or group of records related to the same general subject matter. Each application form shall be accompanied by the nonrefundable application fee of $2.

(3) Detailed instructions for the completion of Form CD–244 are stated on the back of the form. Employees of the Office of Public Affairs, Publications Division and the EDA area offices will be available to answer questions concerning the application form and its filing. The applicant has the sole responsibility to identify each record sought in sufficient detail so that it can be located by personnel familiar with the filing of agency records. Each application shall clearly itemize, when there are more than one, each record requested so that it may be identified and its availability separately determined.

(4) All requests for agency records not customarily made available to the public received by EDA area offices shall promptly be referred, without further action, to the Office of Public Affairs, Publications Division for a determination in accordance with paragraph (d) of this section.

(5) The Office of Public Affairs, Publications Division, will review the application for completeness, and will record receipt of the fee. If the application is incomplete in some substantial and material respect, it shall be promptly returned to the applicant to complete.

(d) *Determinations of availability of records.* (1) Upon receipt of requests for information, the Office of Public Affairs, Publications Division shall initially determine:

(i) Whether the requested record can be identified on the basis of the information supplied by the applicant. If it cannot identify the record, the application shall be returned to the applicant, specifying why it is not identifiable and what additional clarification, if any, the applicant may make to assist EDA in its identification.

(ii) Whether the record, if identifiable, is still in existence or has been destroyed as provided by law, or is not in the possession of EDA. If the record no longer exists, the applicant shall be so notified, with the reason stated. If the record is not in EDA's possession and its existence is not otherwise reasonably ascertainable, the applicant shall be so notified. If the requested record is in another organization of the Department of Commerce, or is the exclusive or primary concern of another executive department or agency, the application for the record shall be promptly referred to such other organization or agency for further action under its rules, and the applicant shall be promptly informed of this referral by the Office of Public Affairs, Publications Division.

(2) If the requested record is identifiable and subject to EDA's determination as to its availability, the application shall be reviewed by an official authorized pursuant to Department Order 64 to initially determine its availability. If it is determined, after consultation with the Office of the Chief Counsel that, as provided by law, the record is not to be made available to the requesting person, said party shall receive in writing the specific reason(s) why the record is not being disclosed, signed by the official making the determination.

(3) If the record is to made available and there are no further charges or fees, it shall be furnished to the requesting person. If, in accord with paragraph (e) of this section, there are additional costs to be recovered from the applicant, they shall be estimated and the applicant notified that upon his payment of such estimated costs subject to adjustment as provided in paragraph (e) of this section, the record shall be made available to him at the Office of Public Affairs, Publications Division, or transmitted to him by it.

(e) *Fees and charges.* (1) In accord with Congressional policies that services performed hereunder are to be self-sustaining, and as provided by law, appropriate fees and charges are hereby established to cover costs for application handling, record searching, reproduction, certification, and authentication, and for related expenses incurred by EDA with respect to records made available upon request under 5 U.S.C. 552(a)(3).

(2) The following fees are hereby established and payable to EDA:

(i) Application fee—per application... $2.00

This fee is nonrefundable, and covers costs of accepting and reviewing the application, and making a determination as to the availability of the requested record, or group of related records.

(ii) Records search fee—per half-hour, or any fraction thereof, per person $2.50

This fee covers the costs of locating the desired record, transporting it by government messenger service to a point of inspection, supervising the inspection, and returning the record to its regular file. It also includes the costs of any copies or records made at EDA's option. The minimum fee charged for records search will be one-half hour ($2.50).

(iii) Copies of records, if requested by applicant:

(a) Xerographic or similar process—	
Up to 9 x 14 inches (each page)	$0.25
(b) Photocopy or similar process—	
Up to 12 x 18 inches (each copy)	1.00
Over 12 x 18 inches but less than 18 x 25 inches (each)	2.00

(iv) Other forms of reproduction as may be required by the nature of the original records: Individual fee, sufficient to recover full cost.....

(v) Certification fee, if requested— Applicable to each certification	1.00
(vi) Postage, registration, or other forwarding or packing fees... Applicable only if copies of records are requested to be shipped to a point other than the Office of Public Affairs, Publications Division.	(1)

[1] Actual cost.

(3) All fees and charges will be collected in advance. The applicant will be given an estimate of the cost of records search for each application where disclosure availability is authorized. If actual cost exceeds the estimate, the applicant will have the option of either paying any additional costs, or inspecting the requested record to the extent covered by his payment. If the advance estimated payment is $1 or more in excess of both the actual cost and the minimum charge, a refund will be made of the excess above the higher of these two amounts.

(4) The fees set forth above are based upon an initial estimate of the costs to be incurred in providing the indicated services and may be revised as necessary to insure the recovery of full costs by EDA.

(5) The above fees are established solely for services provided pursuant to 5 U.S.C. 552(a)(3), and do not affect fees charged for other EDA services to the public, as may be performed under other authorities.

(f) *Arrangements for public inspection and copying of agency records subject to disclosure.* (1) Upon receipt of the records search fee, and any fees for additional services requested by the applicant, the requested record which has been determined to be available shall, unless the applicant has otherwise indicated, be transferred to the Office of Public Affairs, Publications Division where it will be held for inspection by the applicant for 5 working days. The address, and hours of operation, of this facility are stated in paragraph (b)(3) of this section.

(2) During his inspection of the record at the facility, the applicant may copy by hand any portion of the record, may use the coin-operated copying equipment at the facility to make a copy thereof, and may obtain certification of a machine-copied record.

(3) No changes or alterations of any type may be made to the record being inspected, nor may any matter be added to or subtracted therefrom. Papers bound or otherwise assembled in a record file may not be disassembled during inspection. Staff of the facility shall provide assistance if disassembly of a record is necessary for copying purposes, and are authorized to supervise public inspection as necessary to protect the records of EDA.

(4) If an applicant does not want to inspect a record by personal visit to the Office of Public Affairs, Publications Division, he may request that a copy thereof be mailed to him, upon payment of the copying and postage fees set forth in this section.

(5) No person may, without permission, remove any record made available to him for inspection or copying under this part, from the place where it is made available. In addition, no person may steal, alter, mutilate, obliterate, or destroy, in whole or part, such a record. See sections 641 and 2071 of Title 18 of the United States Code.

(g) *Requests for reconsideration.* (1) Any person whose application to inspect a record has been rejected because the record was not to be made available for stated reason(s), may request a reconsideration of the initial denial, as set forth herein.

(2) The request for reconsideration should be made by completing the applicable section of the Form CD–244, and returning it to the Office of Public Affairs, Publications Division, within 30 days of the date of the original denial. (This date is shown on the Form CD–244). No additional fee is required to obtain reconsideration. In submitting a request for reconsideration, the applicant should include any written arguments he desires to support his belief that the record requested should be made available. No personal appearance, oral argument or hearing shall be permitted.

(3) The decision upon such review shall be made by the Assistant Secretary of Commerce for Economic Development and shall be based upon the original application, the denial, and any written argument submitted by the applicant.

(4) The decision upon review shall be promptly made in writing and communicated to the applicant. If the decision is wholly or partly in favor of the applicant, the requested record shall to the extent determined be made available for inspection, as described in paragraph (d)(3) of this section. To the extent that the decision is adverse to the request, the reasons for the denial shall be stated.

(5) A decision upon review completed as provided by this section shall constitute the final decision and action of EDA as to the availability of a requested record, except as may be required by court proceedings initiated pursuant to 5 U.S.C. 552(a)(3).

(6) Reconsiderations resulting in final decisions as prescribed herein shall be indexed and kept available for public reference in the Office of Public Affairs, Publications Division.

(h) *Subpoena or other compulsory process.* Procedures applicable in the event of a subpoena, order, or other compulsory process or demand of a court or other authority are set forth in section 7 of Department Order 64.

Notice and public procedure are not necessary for the promulgation of this part since the rules contained herein are procedural rather than substantive in nature and related to agency management.

Effective date. This section shall become effective July 4, 1967.

Dated: July 11, 1967.

ROSS D. DAVIS,
Assistant Secretary for Economic Development.

[F.R. Doc. 67–8467; Filed, July 24, 1967; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 67-CE-90]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Duluth, Minn., control zone.

Since designation of this control zone, the airport latitude coordinate for the Duluth, Minn., International Airport has been changed from "46°50'28" N." as recited in said designation to "46°50'30" N." Action is taken herein to reflect this change.

Since this amendment is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., September 14, 1967, as hereinafter set forth:

In § 71.171 (32 F.R. 2071), the Duluth, Minn., control zone is amended to read:

DULUTH, MINN.

Within a 5-mile radius of Duluth, Minn., International Airport (latitude 46°50'30" N., longitude 92°11'25" W.); within 2 miles each side of the Duluth ILS west course, extending from the 5-mile radius zone to the OM; within 2 miles each side of the Duluth ILS east course, extending from the 5-mile radius zone to 8 miles east of the intersection of the Duluth ILS east course and the Duluth VORTAC 062° radial; within 2 miles each side of the Duluth VORTAC 197° radial, extending from the 5-mile radius zone to 8 miles south of the VORTAC; and within 2 miles each side of the Duluth VORTAC 033° radial, extending from the 5-mile radius zone to 9 miles northeast of the VORTAC.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on July 10, 1967.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 67-8578; Filed, July 24, 1967; 8:49 a.m.]

[Airspace Docket No. 67-SW-18]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Waco, Tex., control zone.

On May 25, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 7634) stating the Federal Aviation Administration proposed to alter the Waco, Tex., control zone.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., September 14, 1967, as herein set forth.

In § 71.171 (32 F.R. 2143) the Waco, Tex., control zone is redesignated as follows:

WACO, TEX.

That airspace within a 5-mile radius of the Waco Municipal Airport(latitude 31°36'40" N., longitude 97°13'40" W.); within 2 miles each side of the Waco VORTAC 330° radial, extending from the 5-mile radius zone to 8 miles NW of the VORTAC; within 2 miles each side of the Waco ILS localizer N course, extending from the 5-mile radius zone to the OM; within a 5-mile radius of James Connally AFB (latitude 31°38'20" N., longitude 97°04'25" W.); within 2 miles each side of the Waco VORTAC 098° radial extending from the James Connally AFB 5-mile radius zone to the VORTAC; within 2 miles each side of a 360° bearing from the Connally RBN extending from the 5-mile radius zone to the RBN, and within 2 miles each side of the James Connally TACAN 352° radial extending from the TACAN to 7 miles N.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Fort Worth, Tex., on July 12, 1967.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 67-8579; Filed, July 24, 1967; 8:49 a.m.]

[Airspace Docket No. 67-AL-6]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone, Revocation of Control Area Extension, and Designation of Transition Area

On May 15, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 7290) describing the proposed controlled airspace in the Bethel, Alaska, terminal area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. The one comment received from the Department of the Air Force, Alaskan Air Command, stated that the proposed change to the Bethel terminal airspace structure would have no adverse effect on their operations.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001, e.s.t., September 14, 1967, as hereinafter set forth.

1. In § 71.171 (32 F.R. 2077), the Bethel, Alaska, Control Zone is amended as follows:

BETHEL, ALASKA

Within a 5-mile radius of the Bethel Municipal Airport (latitude 60°47'01" N., longitude 161°49'59" W.); within 3 miles each side of the BIA RBN 014° bearing extending from the 5-mile radius zone to 8 miles N of the RBN; within 2 miles each side of the BET RBN 293° bearing extending from the 5-mile radius zone to 8 miles NW of the RBN; and within 2 miles each side of the Bethel VORTAC 213° radial extending from the 5-mile radius zone to 8 miles SW of the VORTAC.

2. In § 71.165 (32 F.R. 2068), the Bethel, Alaska, Control Area Extension is revoked.

3. In § 71.181 (32 F.R. 2148), the following transition area is added:

BETHEL, ALASKA

That airspace extending upward from 1,200 feet above the surface within a 22-mile radius of the Bethel VORTAC.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Anchorage, Alaska, on July 13, 1967.

GEORGE M. GARY,
Director, Alaskan Region.

[F.R. Doc. 67-8580; Filed, July 24, 1967; 8:49 a.m.]

[Airspace Docket No. 67-SO-69]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

The purpose of these amendments to Part 71 of the Federal Aviation Regulations is to alter the Macon, Ga., control zone and transition area.

The Macon control zone is described in § 71.171 (32 F.R. 2071) and the Macon transition area is described in § 71.181 (32 F.R. 2148).

In each of these descriptions, reference is made to the Macon Municipal Airport. Since the name of this airport has been changed to "Lewis B. Wilson Airport," it is necessary to amend the descriptions accordingly.

Since these amendments are editorial in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.171 (32 F.R. 2071), the Macon, Ga., control zone is amended by deleting the name "* * * Macon Municipal Airport * * *" and substituting therefor "* * * Lewis B. Wilson Airport * * *" wherever it appears.

In § 71.181 (32 F.R. 2148), the Macon, Ga., transition area is amended by deleting the name "* * * Macon Municipal Airport * * *" and substituting therefor "* * * Lewis B. Wilson Airport * * *" wherever it appears.

(Sec. 307(a) Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on July 11, 1967.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 67-8581; Filed, July 24, 1967; 8:49 a.m.]

[Airspace Docket No. 67-SO-71]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

The purpose of these amendments to Part 71 of the Federal Aviation Regulations is to alter the Greensboro, N.C., control zone and transition area.

The Greensboro control zone is described in § 71.171 (32 F.R. 2071) and the Greensboro transition area is described in §71.181 (32 F.R. 2148 and 7392).

In each of these descriptions, reference is made to the Greensboro-High Point Airport. Since the name of this airport has been changed to "Greensboro/High Point/Winston-Salem Airport," it is necessary to amend the descriptions accordingly.

Since these amendments are editorial in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.171 (32 F.R. 2071), the Greensboro, N.C., control zone is amended by deleting the name "* * * Greensboro-High Point Airport * * *" and substituting therefor "* * * Greensboro/High Point/Winston-Salem Airport * * *" wherever it appears.

In § 71.181 (32 F.R. 2148), the Greensboro, N.C., transition area (32 F.R. 7392) is amended by deleting the name "* * * Greensboro-High Point Airport * * *" and substituting therefor "* * * Greensboro/High Point/Winston-Salem Airport * * *" wherever it appears.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on July 12, 1967.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 67-8582; Filed, July 24, 1967; 8:49 a.m.]

[Airspace Docket No. 67-WE-31]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airway

On May 11, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 7133) stating that the Federal Aviation Administration was considering an amendment to Part 71.of the Federal Aviation Regulations that would designate a 1,200 feet AGL North alternate to V-4 from the intersection of Yakima, Wash., 129° and Pasco, Wash., 276° true radials, via Pasco, to Pendleton, Oreg., excluding the airspace between the main and north alternate airway, and the airspace within R-6715. The purpose of this action was to simplify flight planning and to reduce the airway mileage between Yakima and Pasco.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

Subsequent to publication of the notice it was determined that the assignment of the number V-4 north to the segment would not facilitate flight planning as a flight from Yakima to Pasco would be required to stipulate flight along both V-4 and V-4 north alternate. The assignment of a single number to the segment between Yakima and Pasco would solve the problem. V-298 is designated from Pendleton eastward. Accordingly, the number V-298 could be assigned to the airway segment under consideration and would result in an extension of the present V-298 westward to Yakima. Such action is taken herein.

Since the renumbering of the airway segment as proposed herein is minor in nature and will impose no undue burden on any person, the Administrator has determined that notice and public procedure hereon is unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective September 14, 1967 as hereinafter set forth.

Section 71.123 (29 F.R. 2009) is amended as follows:

In V-298 "From Pendleton, Oreg.," is deleted and "From Yakima, Wash., 12 AGL INT Yakima 129° and Pasco, Wash.; 276° radials; 12 AGL Pasco; 12 AGL Pendleton, Oreg.," is substituted therefor. "The airspace within R-6715 is excluded." is added at the end of the description.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 14, 1967.

J. F. BIRON,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-8583; Filed, July 24, 1967; 8:49 a.m.]

[Airspace Docket No. 67-CE-52]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On page 7463 of the FEDERAL REGISTER dated May 19, 1967, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Dubuque, Iowa.

Interested persons were given 45 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the amendment as so proposed is hereby adopted, subject to the following change, occasioned by the renumbering of federal airway V-63 to V-216 subsequent to publication of the subject notice:

That portion of the 1,200-foot floor transition area designation for Dubuque, Iowa recited in the subject Notice which reads "V-63" is deleted and "V-216" is substituted therefor.

This amendment shall be effective 0001 e.s.t., September 14, 1967.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on July 10, 1967.

DANIEL E. BARROW,
Acting Director, Central Region.

Redesignate the Dubuque, Iowa, transition area as that airspace extending upward from 700 feet above the surface within a 7-mile radius of the Dubuque Municipal Airport (latitude 42°24'10" N., longitude 90°42'55" W.), within 8 miles SW and 5 miles NE of the Dubuque VORTAC 321° radial, and within 8 miles NE and 5 miles SW of the Dubuque VORTAC 126° radial extending from the VORTAC to 12 miles NW and SE of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within an area bounded by a line beginning at latitude 42°05'00" N., longitude 91°00'00" W., thence W along latitude 42°05'00" N., to and N along longitude 92°15'00" W., to and counterclockwise along the arc of a 29-mile radius circle centered on the Waterloo, Iowa, VORTAC, to and E along the S edge of V-100, to and clockwise along the arc of a 29-mile radius circle centered on the Dubuque VORTAC, to and SE along the SW edge of V-218, to and S along longitude 89°55'00" W., to and SW along the NW edge of V-216, to and W along the N edge of V-172, to and N along longitude 91°00'00" W., to the point of beginning.

[F.R. Doc. 67-8584; Filed, July 24, 1967; 8:50 a.m.]

[Airspace Docket No. 67-SO-80]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On June 2, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 7979) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Salisbury, N.C., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

Subsequent to the publication of the Notice, it was determined that the references to "a 003° bearing" and the direction "NE" should have read "the 003° bearing" and "N" respectively. Additionally, the geographic coordinate (latitude 35°38'30" N., longitude 80°31'10" W.) for the Rowan County Airport was obtained from the Coast and Geodetic Survey. Accordingly, action is taken herein to correct the technical discrepancies and to add the geographic coordinate for the airport in the description

of this transition area. Since these changes are minor in nature and impose no additional burden on any person, they are incorporated in this rule.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.d.s.t., September 14, 1967, as hereinafter set forth.

In § 71.181 (32 F.R. 2148) the Salisbury N.C., transition area is amended to read:

SALISBURY, N.C.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Rowan County Airport (latitude 35° 38'30" N., longitude 80°31'10" W.); within 2 miles each side of the 068° bearing from the Salisbury NDB (latitude 35°40'30" N., longitude 80°31'20" W.), extending from the 6-mile radius area to 8 miles north of the NDB.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on July 13, 1967.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 67-8585; Filed, July 24, 1967; 8:50 a.m.]

[Airspace Docket No. 67-SW-44]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the San Antonio, Tex., transition area.

The San Antonio, Tex., transition area is described in § 71.181 (32 F.R. 2249). A portion of the 700-foot transition area is described as "* * * within 5 miles northeast and 8 miles southwest of the 149° bearing from the Randolph AFB RBN extending from the RBN to 12 miles southeast * * *."

The Randolph AFB RBN is to be decommissioned and the instrument approach procedure based thereon will be canceled. It is necessary to amend the San Antonio, Tex., transition area by deleting airspace based on the RBN.

Since this amendment lessens the burden on the public, notice and public procedures hereon are unnecessary.

In consideration of the foregoing Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., July 20, 1967, as hereinafter set forth.

In § 71.181 (32 F.R. 2249) the San Antonio, Tex., transition area is amended by deleting "* * * within 5 miles northeast and 8 miles southwest of the 149° bearing from the Randolph AFB RBN extending from the RBN to 12 miles southeast * * *."

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Fort Worth, Tex., on July 14, 1967.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 67-8586; Filed, July 24, 1967; 8:50 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 8049 o]*

PART 13—PROHIBITED TRADE PRACTICES

Federated Nationwide Wholesalers Service et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* 13.15–260 Retailer as wholesaler, jobber, factory distributor; § 13.155 *Prices:* 13.155–80 Retail as cost, wholesale, discounted, etc. Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1580 *Retailer as wholesaler, jobber, or factory distributor.* Subpart—Misrepresenting oneself and goods—Prices: § 13.1820 *Retail as cost, etc., or discounted.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Federated Nationwide Wholesalers Service, Garydean Corp., trading under the name Federated Wholesalers Service, etc., Lynbrook, Long Island, N.Y., Docket 8049 o, June 15, 1967]

In the Matter of Federated Nationwide Wholesalers Service, Garydean Corp., a Corporation Trading Under the Names Federated Wholesalers Service, Nationwide Wholesalers Service, and Nationwide-Federated Wholesalers Service, Jay Norris Corp., a Corporation, and Mortimer Williams, Individually and as Officers of Said Corporations

Order requiring a Lynbrook, N.Y., mail order catalog merchandiser selling to consumers to cease misrepresenting itself as a wholesaler which sells at wholesale prices.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That the findings of fact, conclusions of law, and order of the hearing examiner be, and they hereby are, set aside.

It is further ordered, That the findings of fact and conclusions of law of the Commission be, and they hereby are, substituted for those of the examiner.

It is further ordered, That Federated Nationwide Wholesalers Service, Garydean Corp., a corporation, trading under the names Federated Wholesalers Service, Nationwide Wholesalers Service, and Nationwide-Federated Wholesalers Service or under any other name or names, Jay Norris Corp., a corporation, and their officers, and Joel Jacobs and Mortimer Williams, individually and as officers of each of said corporations, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of electric fry pans, electric broilers, clock-radios, electric can openers, jewelry, clothing, dinnerware, or any other articles of merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing directly or by implication in any advertising, including all advertising circulars, lists of wholesalers, or catalogs distributed by Federated Nationwide Wholesalers Service, Garydean Corp., or otherwise representing directly or by implication that an article of merchandise is being offered for sale at the lowest wholesale price unless the article is being offered for sale at the lowest price paid by retailers for such merchandise to any source of supply.

2. Representing, directly or by implication, in any advertising, including all advertising circulars, lists of wholesalers, or catalogs distributed by Federated Nationwide Wholesalers Service, Garydean Corp., or otherwise representing, directly or by implication, that respondents are wholesalers, or that they sell articles of merchandise at wholesale prices or at low wholesale prices: *Provided, however,* That it shall be a defense in any enforcement proceeding under this order for respondents to show:

(a) That they make a substantial and significant number of sales to retailers in the ordinary course of business, and

(b) That the prices represented to be wholesale, or low wholesale, prices do not exceed the prices usually and customarily paid by retailers for such merchandise to any source of supply, when purchased in the quantity offered for sale by respondents.

3. Misrepresenting in any manner the amount of savings available to purchasers of respondents' merchandise.

It is further ordered, That respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist set forth herein.

By the Commission. Commissioner Elman concurred in the order and has filed a separate statement. Commissioner Reilly concurred in the result.

Issued: June 16, 1967.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 67-8542; Filed, July 24, 1967; 8:47 a.m.]

[Docket No. C-1241]

PART 13—PROHIBITED TRADE PRACTICES

David Hoffman and Hoffman & Son

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* 13.1063–80 Textile Fiber Products Identification Act. Subpart—Invoicing products falsely: 13.1108–40 Federal Trade Commission Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–90 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–90 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; secs. 2–5, 54 Stat. 1128–1130, 72 Stat. 1717; 15 U.S.C. 45, 68, 70) [Cease and desist order, David Hoffman trading as Hoffman & Son, Worcester, Mass., Docket C-1241, June 20, 1967]

In the Matter of David Hoffman, an Individual Trading as Hoffman & Son

Consent order requiring a Worcester, Mass., producer of wool fiber stock to cease misrepresenting the fiber content of wool products on invoices, misbranding woolens, and furnishing false guaranties on textile fiber products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent David Hoffman, an individual trading as Hoffman & Son, or under any other trade name, and respondent's representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction, into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment or shipment, in commerce, of wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

1. Falsely and deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.

2. Failing to securely affix to, or place on, each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

It is further ordered, That respondent David Hoffman, an individual trading as Hoffman & Son, or under any other trade name, and respondent's representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of wool products or other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from misrepresenting the character or amount of the constituent fibers contained in such products, on invoices or shipping memoranda applicable thereto or in any other manner.

It is further ordered, That respondent David Hoffman, an individual trading as Hoffman & Son, or under any other trade name, and respondent's representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from furnishing a false guaranty that any textile fiber product is not misbranded or falsely invoiced under the provisions of the Textile Fiber Products Identification Act.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: June 30, 1967.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 67-8543; Filed, July 24, 1967; 8:47 a.m.]

[Docket No. C-1245]

PART 13—PROHIBITED TRADE PRACTICES

Mars Manufacturing Co., Inc., et al.

Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–80 Textile Fiber Products Identification Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–80 Textile Fiber Products Identification Act. Subpart — Misrepresenting oneself and goods — Goods: § 13.1715 *Quality.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845–70 Textile Fiber Products Identification Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–70 Textile Fiber Products Identification Act. Subpart—Using misleading name—Goods: § 13.2280 *Composition:* 13.2280–70 Textile Fiber Products Identification Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply Sec. 5, 38 Stat. 719, as amended; 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, Mars Manufacturing Co., Inc., et al., Asheville, N.C., Docket C-1245, June 30, 1967]

In the Matter of Mars Manufacturing Co., Inc., of Asheville, N.C., a Corporation, and Morry A. Bard, Ronald S. Bard, and Sally G. Bard, Individually and as Officers of Said Corporation

Consent order requiring an Asheville, N.C., distributor of textile products to cease misbranding textile fiber products and misrepresenting imperfect hosiery as first or perfect quality.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Mars Manufacturing Co., Inc., of Asheville, N.C., a corporation, and its officers, and Morry A. Bard, Ronald S. Bard, and Sally G. Bard, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, manufacture for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States, of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of any textile fiber product which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

A. Misbranding textile fiber products by:

1. Failing to affix a stamp, tag, label, or other means of identification to each such product showing in a clear, legible and conspicuous manner each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

2. Failing to set forth all parts of the required information conspicuously and separately on the same side of the label in such a manner as to be clearly legible and readily accessible to the prospective purchaser.

3. Setting forth nonrequired information or representations on the label or elsewhere on the product in such a manner as to minimize, detract from, or conflict with information required by the said Act and the rules and regulations promulgated thereunder.

B. Failing to maintain and preserve for at least 3 years proper records showing the fiber content of textile fiber products manufactured by them, as required by section 6(a) of the Textile Fiber Products Identification Act and Rule 39 of the Regulations promulgated thereunder.

It is further ordered, That respondents Mars Manufacturing Co., Inc., of Asheville, N.C., a corporation, and its officers, and Morry A. Bard, Ronald S. Bard, and Sally G. Bard, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of hosiery, or other related "industry products", which are "irregulars," "seconds," or otherwise imperfect, as such terms are defined in Rule 4(c) of the Amended Trade Practice Rules for the Hosiery Industry (16 CFR 152.4(c)), in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Selling or distributing any such product without clearly and conspicuously marking on each stocking the words "irregulars" or "seconds", as the case may be, in such degree of permanency as to remain thereon until the consummation of the consumer sale and of such conspicuousness as to be easily observed and read by the purchasing public.

B. Using the words "first quality" or words similar import on the package in which such product is sold or in reference to any such product in any advertisement or promotional material.

C. Representing in any other manner, directly or by implication, that such products are first quality or perfect quality.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report

in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: June 30, 1967.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 67-8544; Filed, July 24, 1967; 8:47 a.m.]

[Docket No. C-1244]

PART 13—PROHIBITED TRADE PRACTICES

Gloveshire Coats, Inc., et al.

Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–90 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–90 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; secs. 2–6, 54 Stat. 1128–1130; 15 U.S.C. 45, 68) [Cease and desist order, Gloveshire Coats, Inc., et al., New York, N.Y., Docket C–1244, June 30, 1967]

In the Matter of Gloveshire Coats, Inc., and Toby Juniors, Ltd., Corporations, and Stuart Glovinsky and Jerome Glovin, Individually and as Officers of Said Corporations

Consent order requiring two New York City clothing manufacturers to cease misbranding their wool products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Gloveshire Coats, Inc., and Toby Juniors, Ltd., corporations, and their officers, and Stuart Glovinsky and Jerome Glovin, individually and as officers of said corporations, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment or shipment, in commerce, of wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.

2. Failing to securely affix to, or place on, each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: June 30, 1967.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 67-8545; Filed, July 24, 1967; 8:47 a.m.]

[Docket No. C-1239]

PART 13—PROHIBITED TRADE PRACTICES

Paramount Fibre Corp., Inc., and Sol Rosenblum

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* 13.1053–80 Textile Fiber Products Identification Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–80 Textile Fiber Products Identification Act; 13.1212–90 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–80 Textile Fiber Products Identification Act; 13.1185–90 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845–80 Wool Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–70 Textile Fiber Products Identification Act; 13.1852–80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; secs. 2–6, 54 Stat. 1128–1130, 72 Stat. 1717; 15 U.S.C. 45, 68, 70) [Cease and desist order, Paramount Fibre Corp., Inc., et al., Bronx, N.Y., Docket C–1239, June 30, 1967]

Consent order requiring a Bronx, N.Y., clothing manufacturer to cease misbranding and falsely guaranteeing its textile fiber products and misbranding its wool products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Paramount Fibre Corp., Inc., a corporation, and its officers, and Sol Rosenblum, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment or shipment, in commerce, of wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

1. Falsely and deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.

2. Failing to securely affix to, or place on, each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: June 30, 1967.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 67-8546; Filed, July 24, 1967; 8:47 a.m.]

A. Misbranding textile fiber products by:

1. Falsely or deceptively stamping, tagging, labeling, invoicing, advertising, or otherwise identifying such products as to the name or amount of constituent fibers contained therein.

2. Failing to affix a stamp, tag, label, or other means of identification to each such product showing in a clear, legible and conspicuous manner each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

It is further ordered, That respondents Paramount Fibre Corp., Inc., a corporation, and its officers, and Sol Rosenblum, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from furnishing a false guaranty that any textile fiber product is not misbranded or falsely invoiced under the provisions of the Textile Fiber Products Identification Act.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: June 30, 1967.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 67-8547; Filed, July 24, 1967; 8:47 a.m.]

[Docket No. C-1240]

PART 13—PROHIBITED TRADE PRACTICES

Simon and Mogilner et al.

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* 13.1053–80 Textile Fiber Products Identification Act; 13.1053–90 Wool Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–80 Textile Fiber Products Identification Act; 13.1185–90 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–80 Textile Fiber Products Identification Act; 13.1212–90 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–70 Textile Fiber Products Identification Act; 13.1852–80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; secs. 2–6, 54 Stat. 1128–1130, 72 Stat. 1717; 15 U.S.C. 45, 68, 70) [Cease and desist order, Simon and Mogilner et al. trading as Simon and Mogilner, Birmingham, Ala., Docket C–1240, June 30, 1967]

Consent order requiring a Birmingham, Ala., manufacturer of children's clothing to cease misbranding and falsely guaranteeing its wool and textile fiber products and falsely advertising its textile fiber products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Simon and Mogilner, a partnership, and Isadore E. Simon, Emanuel Mogilner, and Blair Simon, individually and as copartners trading as Simon and Mogilner, or any other name, and Jerrold A. Simon, individually and as Director of Quality, Finishing and Packaging of Simon and Mogilner, and Max Friedman, individually and as Assistant General Manager of Simon and Mogilner, and respondents' representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from furnishing a false guaranty that any wool product is not misbranded under the Wool Products Labeling Act of 1939 and the rules and regulations promulgated thereunder when there is reason to believe that any wool product so guaranteed may be introduced, sold, transported or distributed, in commerce as the term "commerce" is defined in the aforesaid Act.

It is further ordered, That respondents Simon and Mogilner, a partnership, and Isadore E. Simon, Emanuel Mogilner and Blair Simon, individually and as copartners trading as Simon and Mogilner, or any other name, and Jerrold A. Simon, individually and as Director of Quality, Finishing and Packaging of Simon and Mogilner, and Max Friedman, individually and as Assistant General Manager of Simon and Mogilner, and respondents' representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from furnishing a false guaranty that any textile fiber product is not misbranded or falsely invoiced under the provisions of the Textile Fiber Products Identification Act.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: June 30, 1967.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 67-8547; Filed, July 24, 1967; 8:47 a.m.]

[Docket No. C-1242]

PART 13—PROHIBITED TRADE PRACTICES

Smart Modes of Calif., Inc., et al.

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108–45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–30 Fur Products Labeling Act; 13.1185–90 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–30 Fur Products Labeling Act; 13.1212–90 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–35 Fur Products Labeling Act; 13.1852–80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; secs. 2–6, 54 Stat. 1128–1130; sec. 8, 55 Stat. 179; 15 U.S.C. 45, 68, 69f) [Cease and desist order, Smart Modes of Calif., Inc., et al., Los Angeles, Calif., Docket C–1242, June 30, 1967]

In the Matter of Smart Modes of Calif., Inc., a Corporation, and Julius Reinis and Lester Leonard, Individually and as Officers of Said Corporation

Consent order requiring a Los Angeles, Calif., clothing manufacturer to cease

misbranding its fur and wool products and falsely invoicing its furs.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Smart Modes of California, Inc., a corporation, and its officers, and Julius Reinis and Lester Leonard, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding any fur product by:

1. Falsely or deceptively labeling or otherwise identifying such fur product as to the name or designation of the animal or animals that produced the fur contained in the fur product.

2. Failing to affix a label to such fur product showing in words and in figures plainly legible all the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

3. Setting forth on a label attached to such fur product the name or names of any animal or animals other than the name of the animal producing the fur contained in the fur product as specified in the Fur Products Name Guide, and as prescribed by the rules and regulations.

4. Setting forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form on a label affixed to such fur product.

5. Setting forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in handwriting on a label affixed to such fur product.

6. Failing to set forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder on a label in the sequence required by Rule 30 of the aforesaid rules and regulations.

B. Falsely or deceptively invoicing any fur product by:

1. Failing to furnish an invoice, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Failing to set forth the term "natural" as part of the information required to be disclosed on an invoice under the Fur Products Labeling Act and rules and regulations promulgated thereunder to describe such fur product which is not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

3. Failing to set forth on an invoice the item number or mark assigned to such fur product.

It is further ordered, That respondents Smart Modes of California, Inc., a corporation, and its officers, and Julius Reinis and Lester Leonard, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the manufacture for introduction into commerce, the introduction into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment or shipment, in commerce, of wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding wool products by:

1. Falsely and deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.

2. Failing to securely affix to, or place on, each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: June 30, 1967.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 67-8548; Filed, July 24, 1967; 8:47 a.m.]

[Docket No. 8584 c]

PART 13—PROHIBITED TRADE PRACTICES

Surprise Brassiere Co., Inc., et al.

Subpart—Discriminating in price under sec. 2, Clayton Act—Payment for services or facilities for processing or sale under 2(d): § 13.824 *Advertising expenses.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 2, 49 Stat. 1526; 15 U.S.C. 13) [Cease and desist order, Surprise Brassiere Co., Inc., et al., New York, N.Y., Docket 8584, June 15, 1967]

In the Matter of Surprise Brassiere Co., Inc., a Corporation, and Samuel Dosik and Eugene Newman, Individually and as Officers of Said Corporation

Consent order requiring a New York City manufacturer of brassieres, girdles and corselettes to cease discriminating among its customers in the payment of promotional allowances in violation of section 2(d) of the Clayton Act.

The order to cease and desist is as follows:

It is ordered, That respondent Surprise Brassiere Co., Inc., a corporation, and its officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the manufacture, sale, or distribution of women's wearing apparel, such as brassieres, girdles, corselets, and other related products, in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from:

Paying or contracting for the payment of anything of value to, or for the benefit of, any customer of respondent, as compensation for or in consideration for any services or facilities furnished by or through such customer in connection with the handling, offering for sale, sale, or distribution of such products, unless such payment or consideration is available on proportionally equal terms to all other customers competing in the distribution or sale of such products.

It is further ordered, That the complaint be, and it hereby is, dismissed as to Eugene Newman, individually, except to the extent that he is bound by the order against respondent Surprise as an officer, representative, agent, or employee; and, confirming and adopting the order filed January 29, 1964, by Hearing Examiner Loren H. Laughlin.

It is further ordered, That the complaint be, and it hereby is, dismissed as to respondent Samuel Dosik, now deceased.

By "Final Order" further order requiring report of compliance is as follows:

It is further ordered, That respondent Surprise Brassiere Co., Inc., shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: June 15, 1967.

By the Commission, Commissioner Elman dissenting.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 67-8549; Filed, July 24, 1967; 8:47 a.m.]

[Docket No. C-1243]

PART 13—PROHIBITED TRADE PRACTICES

Transamerican Spinning Mills, Inc., and Charles S. Weinstein

Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-90 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-90 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; secs. 2-5, 54 Stat. 1128-1130; 15 U.S.C. 45, 68) [Cease and desist order, Transamerican Spinning Mills, Inc., et al., Fall River, Mass., Docket C-1243, June 30, 1967]

Consent order requiring a Fall River, Mass., manufacturer of woolen goods to cease misbranding its wool products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Transamerican Spinning Mills, Inc., a corporation, and its officers, and Charles S. Weinstein, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment or shipment, in commerce, of wool products, as "commerce" and "wood product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.

2. Failing to securely affix to, or place on, each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: June 30, 1967.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 67-8550; Filed, July 24, 1967; 8:47 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 67-166]

PART 11—PACKING AND STAMPING; MARKING; TRADE-MARKS AND TRADE NAMES; COPYRIGHTS

Country of Origin Marking

There was published in the FEDERAL REGISTER on February 11, 1967 (32 F.R. 2819), a notice of a proposed amendment of § 11.8(a) of the Customs Regulations. The purpose of the amendment is to prescribe a specific requirement for additional marking to avoid the possibility of misleading or deceiving the ultimate purchaser as to the origin of imported articles when the article or its container bears any inscription which could reasonably be construed to imply that the article was manufactured or produced in the United States or in a foreign country other than the country of manufacture or production. Interested persons were given an opportunity to submit relevant data, views, or arguments in writing regarding the proposed amendment. All comments received have been carefully considered. It has been decided that the word "American" on an imported article or container would be misleading unless the country of origin were clearly shown in proximity thereto, and that in some cases words other than "Made in" or "Product of" preceding the name of the country of origin may be acceptable. The proposed amendment, revised to conform with these views, is hereby adopted.

Accordingly, § 11.8 is amended by adding a sentence at the end of paragraph (a) as follows:

§ 11.8 Marking of articles and containers to indicate name of country of origin.

(a) * * * In any case in which the words "United States" or "American," the letters "U.S.A.," any variation of such words or letters, the name of any city or locality in the United States, or the name of any foreign country or locality other than the country or locality in which the article was manufactured or produced, appear on an imported article or its container, there shall appear, legibly and permanently, in proximity to such words, letters or name and in at least a comparable size, the name of the country of origin preceded by "Made in", "Product of", or other words of similar import.

* * * * * *

(Sec. 304, 46 Stat. 687, as amended; 19 U.S.C. 1304)

This amendment shall become effective 30 days after its publication in the FEDERAL REGISTER.

[SEAL] LESTER D. JOHNSON, *Commissioner of Customs.*

Approved: July 13, 1967.

TRUE DAVIS, *Assistant Secretary of the Treasury.*

[F.R. Doc. 67-8566; Filed, July 24, 1967; 8:48 a.m.]

[T.D. 67-166]

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURES

Proration of Overtime Charges at Airports

A notice of proposed rule making was published in the FEDERAL REGISTER on December 9, 1966 (31 F.R. 15544). After consideration of the comments received, a second notice was published on May 17, 1967 (32 F.R. 7337). The proposals were designed to establish a standard formula for prorating among aircraft operators the charges for customs overtime services at airports under the customs overtime laws (19 U.S.C. 267, 1451) when such charges could not be readily attributed to a specific aircraft on a time basis.

After consideration of all comments received, the amendment as proposed in the notice published in the FEDERAL REGISTER on May 17, 1967, is hereby adopted, effective 30 days after publication in the FEDERAL REGISTER.

Accordingly, § 24.16(j) is amended to read:

§ 24.16 Overtime services; overtime compensation; rate of compensation.

* * * * *

(j) *Proration of charges*—(1) *General.* If services are performed for two or more applicants during one continuous tour of overtime duty, the charge for the extra compensation earned shall be prorated equitably according to the time attributed to the services performed for each applicant. For the purpose of this paragraph the Government shall be considered the applicant for nonreimbursable overtime services.

(2) *Aircraft.* When any services performed by customs employees for two or more applicants during the 24-hour period of a Sunday or holiday or during the night hours of 5 p.m. of any day to 8 a.m. of the following day cannot be readily attributed on a time basis to specific aircraft in the judgment of the district director having customs supervision of the airport, the total charge of the overtime compensation for such services during the entire period of the Sunday, holiday, or night hours shall be prorated to the aircraft receiving such services during each such period on the following basis:

(i) Five percent of such total customs overtime charge for the period shall be distributed equally among the operators of the aircraft.

(ii) Ten percent of such total customs overtime charge for the period shall be distributed among the operators of the aircraft proportionally as the number of entrances and clearances made by each aircraft operator requiring customs service bears to the total number of entrances and clearances serviced during the period.

(iii) Eighty-five percent of such total customs overtime charge for the period shall be distributed among the operators of the aircraft proportionally as the number of passengers and/or crew serviced for each aircraft operator bears to the total number of passengers and/or crew serviced during the period.

This proration formula shall apply only to overtime services rendered aircraft carrying cargo and/or passengers for hire and in no case shall the prorated charge to an aircraft operator be more than the charge would have been had the services been rendered as a separate assignment for the aircraft operator.

(Sec. 5, 36 Stat. 901, as amended, secs. 451, 624, 46 Stat. 715, as amended, 759; 19 U.S.C. 267, 1451, 1624)

[SEAL] EDWIN F. RAINS, *Acting Commissioner of Customs.*

Approved: July 13, 1967.

TRUE DAVIS, *Assistant Secretary of the Treasury.*

[F.R. Doc. 67-8568; Filed, July 24, 1967; 8:48 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 2—ADMINISTRATIVE FUNCTIONS, PRACTICES, AND PROCEDURES

Subpart H—Delegations of Authority

APPROVED NEW-DRUG APPLICATIONS AND SUPPLEMENTS

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a)) and delegated by him to the Commissioner of Food and Drugs (21 CFR 2.120), Part 2 is amended to reflect a change in a redelegation of authority by revising § 2.121(j) (32 F.R. 712) to read as follows:

§ 2.121 Redelegations of authority from the Commissioner to other officers of the Administration.

* * * * *

(j) *Delegations regarding approved new-drug applications and approved new-drug application supplements for drugs for veterinary use.* The Director of the Bureau of Veterinary Medicine is authorized to notify applicants, pursuant to §§ 130.9 and 130.10 of this chapter, of approved new-drug applications and approved new-drug application supplements, for drugs for veterinary use.

* * * * *

Effective date. This order shall become effective on the date of signature.

(Sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a))

Dated: July 18, 1967.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 67-8602; Filed, July 24, 1967; 8:51 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Chapter V—Office of Foreign Assets Control, Department of the Treasury

PART 500—FOREIGN ASSETS CONTROL REGULATIONS

Miscellaneous Amendments

Section 500.515 is being amended to conform to present Foreign Assets Control policy to authorize the transfer of securities from any blocked account including a blocked account in a domestic bank to another blocked account in a domestic bank, subject to certain conditions.

Section 500.803 is amended to state for purposes of clarity that the decision of the Office of Foreign Assets Control constitutes final agency action, in lieu of the existing statement that the decision of the Foreign Assets Control is final.

Section 500.809(a) is added to adopt 31 CFR Part 1, "Disclosure of Records," which sets forth regulations governing the availability of records and documents of the adopting office. Section 500.809 (b) states where FAC forms may be obtained.

1. Section 500.515 is hereby amended to read as follows:

§ 500.515 Transfers of securities to blocked accounts in domestic banks.

(a) Transactions ordinarily incident to the transfer of securities from a blocked account in the name of any person to a blocked account in the same name in a domestic bank are hereby authorized provided such securities shall not be transferred from any blocked account if such transfer represents, directly or indirectly, a transfer of the interest of a designated national to any other country or person.

(b) This section does not authorize the transfer of securities held in a blocked account or subaccount thereof to a blocked account or subaccount under any name or designation which differs from the name or designation of the specific blocked account or subaccount in which such securities were held.

2. Section 500.803 is hereby amended to read as follows:

§ 500.803 Decision.

The Office of Foreign Assets Control or the Federal Reserve Bank of New York will advise each applicant of the decision respecting applications filed by him. The decision of the Office of Foreign Assets Control acting on behalf of the Secretary of the Treasury with respect to an application shall constitute final agency action.

3. Section 500.809 is hereby added to the Foreign Assets Control Regulations:

§ 500.809 Rules governing availability of information.

(a) The records of the Office of Foreign Assets Control required by 5 U.S.C. 552 to be made available to the public shall be made available in accordance with the definitions, procedures, payment of fees, and other provisions of the regulations on the Disclosure of Records of the Office of the Secretary and of other bureaus and offices of the Department issued under 5 U.S.C. 552 and published as Part 1 of this Title 31 of the Code of Federal Regulations, 32 F.R. 9562, July 1, 1967.

(b) Form TFAC-1 and any other form used in connection with the Foreign Assets Control Regulations may be obtained in person from or by writing to the Office of Foreign Assets Control, Treasury Department, Washington, D.C. 20220, or the Foreign Assets Control Division, Federal Reserve Bank of New York, 33 Liberty Street, New York, N.Y. 10045.

[SEAL] MARGARET W. SCHWARTZ,
Director,
Office of Foreign Assets Control.

[F.R. Doc. 67-8569; Filed, July 24, 1967; 8:49 a.m.]

PART 515—CUBAN ASSETS CONTROL REGULATIONS

Miscellaneous Amendments

Sections 515.506 and 515.515 are being amended to conform to present Foreign Assets Control policy which authorizes the payment or transfer of credit or securities from any blocked account, including a blocked account in a domestic bank, to another blocked account in a domestic bank, subject to certain conditions.

Section 515.803 is amended to state for purposes of clarity that the decision of the Office of Foreign Assets Control constitutes final agency action, in lieu of the existing statement that the decision of the Foreign Assets Control is final.

Section 515.804 is being amended to set forth in the description of procedures in connection with the regulations the fact that reports are required to be filed in certain instances.

Section 515.809(a) is added to adopt 31 CFR Part 1, "Disclosure of Records," which sets forth regulations governing the availability of records and documents of the adopting office. Section 515.809(b) states where FAC forms may be obtained.

1. Section 515.506 is hereby amended to read as follows:

§ 515.506 Payments to blocked accounts in domestic banks.

(a) Any payment or transfer of credit to a blocked account in a domestic bank in the name of any designated national is hereby authorized providing such payment or transfer shall not be made from any blocked account if such payment or transfer represents, directly or indirectly, a transfer of the interest of a designated national to any other country or person.

(b) This section does not authorize:

(1) Any payment or transfer to any blocked account held in a name other than that of the designated national who is the ultimate beneficiary of such payment or transfer; or

(2) Any foreign exchange transaction including, but not by way of limitation, any transfer of credit, or payment of an obligation, expressed in terms of the currency of any foreign country.

(c) This section does not authorize any payment or transfer of credit comprising an integral part of a transaction which cannot be effected without the subsequent issuance of a further license.

(d) This section does not authorize the crediting of the proceeds of the sale of securities held in a blocked account or a subaccount thereof, or the income derived from such securities to a blocked account or subaccount under any name or designation which differs from the name or designation of the specific blocked account or subaccount in which such securities were held.

(e) This section does not authorize any payment or transfer from a blocked account in a domestic bank to a blocked account held under any name or designation which differs from the name or designation of the blocked account from which the payment or tranafer is made.

2. Section 515.515 is hereby amended to read as follows:

§ 515.515 Transfers of securities to blocked accounts in domestic banks.

(a) Transactions ordinarily incident to the transfer of securities from a blocked account in the name of any person to a blocked account in the same name in a domestic bank are hereby authorized provided such securities shall not be transferred from any blocked account if such transfer represents, directly or indirectly, a transfer of the interest of a designated national to any other country or person.

(b) This section does not authorize the transfer of securities held in a blocked account or subaccount thereof to a blocked account or subaccount under any name or designation which differs from the name or designation of the specific blocked account or subaccount in which such securities were held.

3. Section 515.803 is hereby amended to read as follows:

§ 515.803 Decision.

The Office of Foreign Assets Control of the Federal Reserve Bank of New York will advise each applicant of the decision respecting applications filed by him. The decision of the Office of Foreign Assets Control acting on behalf of the Secretary of the Treasury with respect to an application shall constitute final agency action.

4. Section 515.804 is hereby amended to read as follows:

§ 515.804 Records and reporting.

(a) Records are required to be kept by every person engaging in any transaction subject to the provisions of this chapter, as provided in § 515.601.

(b) Reports may be required from any person with respect to any transaction subject to the provisions of this chapter or relative to any property in which any foreign country or any national thereof has any interest, as provided in § 515.602.

5. Section 515.809 is hereby added to the Cuban Assets Control Regulations:

§ 515.809 Rules governing availability of information.

(a) The records of the Office of Foreign Assets Control required by 5 U.S.C. 552 to to made available to the public shall be made available in accordance with the definitions, procedures, payment of fees, and other provisions of the regulations on the Disclosure of Records of the Office of the Secretary and of other bureaus and offices of the Department issued under 5 U.S.C. 552 and published as Part 1 of this Title 31 of the Code of Federal Regulations, 32 F.R. 9562, July 1, 1967.

(b) Form TFAC-5 and any other form used in connection with the Cuban Assets Control Regulations may be obtained in person from or by writing to the Office of Foreign Assets Control, Treasury Department, Washington, D.C. 20220, or the Foreign Assets Control Division, Federal Reserve Bank of New York, 33 Liberty Street, New York, N.Y. 10045.

[SEAL] MARGARET W. SCHWARTZ,
Director,
Office of Foreign Assets Control.

[F.R. Doc. 67-8568; Filed, July 24, 1967; 8:49 a.m.]

PART 520—FOREIGN FUNDS CONTROL REGULATIONS

Miscellaneous Amendments

Section 520.803 is amended to state for purposes of clarity that the decision of the Office of Foreign Assets Control constitutes final agency action, in lieu of the existing statement that the decision of the Foreign Assets Control is final.

Section 520.804 is being amended to set forth in the description of procedures in connection with the regulations the fact that reports are required to be filed in certain instances.

Section 520.809(a) is added to adopt 31 CFR Part 1, "Disclosure of Records," which sets forth regulations governing the availability of records and documents of the adopting office. Section 520.809(b) states where FAC forms may be obtained.

1. Section 520.803 is hereby amended to read as follows:

§ 520.803 Decision.

The Office of Foreign Assets Control or the Federal Reserve Bank of New York will advise each applicant of the decision respecting applications filed by him. The decision of the Office of Foreign Assets Control acting on behalf of the Secretary of the Treasury with respect to an application shall constitute final agency action.

2. Section 520.804 is hereby amended to read as follows:

§ 520.804 Records and reporting.

(a) Records are required to be kept by every person engaging in any transaction subject to the provisions of this chapter, as provided in § 520.601.

(b) Reports may be required from any person with respect to any transaction subject to the provisions of this chapter or relative to any property in which any foreign country or any national thereof has any interest, as provided in § 520.602.

3. Section 520.809 is hereby added to the Foreign Funds Control Regulations.

§ 520.809 Rules governing availability of information.

(a) The records of the Office of Foreign Assets Control required by 5 U.S.C. 552 to be made available to the public shall be made available in accordance with the definitions, procedures, payment of fees, and other provisions of the regulations on the Disclosure of Records of the Office of the Secretary and of other bureaus and offices of the Department issued under 5 U.S.C. 552 and published as Part 1 of this Title 31 of the Code of Federal Regulations, 32 F.R. 9562, July 1, 1967.

(b) Form TFAC-23 and any other form used in connection with the Foreign Funds Control Regulations may be obtained in person from or by writing to the Office of Foreign Assets Control, Treasury Department, Washington, D.C. 20220, or the Foreign Assets Control Division, Federal Reserve Bank of New York, 33 Liberty Street, New York, N.Y. 10045.

[SEAL] MARGARET W. SCHWARTZ,
Director,
Office of Foreign Assets Control.

[F.R. Doc. 67-8570; Filed, July 24, 1967; 8:49 a.m.]

PART 525—RHODESIAN TRANSACTION REGULATIONS

Miscellaneous Amendments

Section 525.803 is amended to state for purposes of clarity that the decision of the Office of Foreign Assets Control constitutes final agency action, in lieu of the existing statement that the decision of the Foreign Assets Control is final.

Section 525.802 is being revoked and § 525.809(a) is being added to the regulations in order to revoke old office procedures and adopt 31 CFR Part 1, "Disclosure of Records," which sets forth regulations governing the availability of records and documents of the adopting office. Section 525.809(b) states where Foreign Assets Control forms may be obtained.

1. Section 525.803 is hereby amended to read as follows:

§ 525.803 Decision.

The Office of Foreign Assets Control or the Federal Reserve Bank of New York will advise each applicant of the decision respecting applications filed by him. The decision of the Office of Foreign Assets Control acting on behalf of the Secretary of the Treasury with respect to an application shall constitute final agency action.

§ 525.802 [Revoked]

2. Section 525.802 is hereby revoked and § 525.809 is hereby added to the Rhodesian Transactioin Regulations to read as follows:

§ 525.809 Rules governing availability of information.

(a) The records of the Office of Foreign Assets Control required by 5 U.S.C. 552 to be made available to the public shall be made available in accordance with the definitions, procedures, payment of fees, and other provisions of the regulations on the Disclosure of Records of the Office of the Secretary and of other bureaus and offices of the Department issued under 5 U.S.C. 552 and published as Part 1 of this Title 31 of the Code of Federal Regulations, 32 F.R. 9562, July 1, 1967.

(b) Form TFAC-25 and any other form used in connection with the Rhodesian Transaction Regulations may be obtained in person from or by writing to

the Office of Foreign Assets Control, Treasury Department, Washington, D.C. 20220, or the Foreign Assets Control Division, Federal Reserve Bank of New York, 33 Liberty Street, New York, N.Y. 10045.

[SEAL] MARGARET W. SCHWARTZ,
Director,
Office of Foreign Assets Control.

[F.R. Doc. 67-8671; Filed, July 24, 1967; 8:49 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 1—GENERAL PROVISIONS

Release of Information

1. The center title immediately preceding § 1.500 is amended and a preamble is added to read as follows:

RELEASE OF INFORMATION FROM VETERANS ADMINISTRATION CLAIMANT RECORDS

NOTE: Sections 1.500 through 1.527 concern the availability and release of information from files, records, reports, and other papers and documents in Veterans Administration custody pertaining to claims under any of the laws administered by the Veterans Administration. As to the release of information from Veterans Administration records other than claimant records, see §§ 1.550 through 1.558. Sections 1.500 through 1.526 implement the provisions of 38 U.S.C. 3301, 3302.

2. In § 1.500, paragraphs (c) and (d) are added to read as follows:

§ 1.500 General.

* * * * *

(c) Each department, staff office, and field station head will designate an employee(s) who will be responsible for initial action on (granting or denying) requests to inspect or obtain information from or copies of records under their jurisdiction and within the purview of §§ 1.501 through 1.526 unless the regulations in this part currently contain such designations. The request should be made to the office concerned (having jurisdiction of the record desired) or, if not known, to the Manager or Contact Officer in the nearest Veterans Administration Regional Office or to the Veterans Administration Central Office, 810 Vermont Avenue NW., Washington, D.C. 20420. Personal contacts should normally be made during the regular duty hours of the office concerned, which are 8 a.m. to 4:30 p.m. Monday through Friday for Veterans Administration Central Office and most field stations. Any legal question arising in a field station concerning the release of information will be referred to the appropriate Chief Attorney for disposition as contemplated by §13.401 of this chapter. In Central Office such legal questions will be referred to the General Counsel. Any administrative question will be referred through administrative channels to the appropriate department or staff office head.

(d) Upon denial of a request under paragraph (c) of this section, the responsible Veterans Administration official or designated employee will inform the requester in writing of the denial and advise him that he may appeal the denial. The requester will also be furnished the title and address of the Veterans Administration official to whom the appeal should be addressed. (See § 1.527.) In each instance of denial of a request, the denial will be made a matter of record and the record will contain a citation to the specific provision of Veterans Administration regulations upon which the denial is based.

3. Sections 1.501 and 1.502 are revised to read as follows:

§ 1.501 Release of information by the Administrator.

The Administrator of Veterans Affairs or the Deputy Administrator may release information, statistics, or reports to individuals or organizations when in his judgement such release would serve a useful purpose.

§ 1.502 Disclosure of the amount of monetary benefits.

The monthly rate of pension, compensation, dependency and indemnity compensation, retirement pay, subsistence allowance, or educational assistance allowance of any beneficiary shall be made known to any person who applies for such information.

4. Section 1.507 is revised to read as follows:

§ 1.507 Disclosures to Members of Congress.

Members of Congress shall be furnished in their official capacity in any case such information contained in the Veterans Administration files as may be requested for official use. However, in any unusual case, the request will be presented to the Administrator, Deputy Administrator, or staff or department head for personal action. When the requested information is of a type which may not be furnished a claimant, the Member of Congress shall be advised that the information is furnished to him confidentially in his official capacity and should be so treated by him. (See 38 U.S.C 3301.) Information concerning the beneficiary designation of a United States Government Life Insurance or National Service Life Insurance policy is deemed confidential and privileged and during the insured's lifetime shall not be disclosed to anyone other than the insured or his duly appointed fiduciary unless the insured or the fiduciary authorizes the release of such information.

5. In § 1.508, paragraph (b) is amended to read as follows:

§ 1.508 Disclosure in cases where claimants are charged with or convicted of criminal offenses.

* * * * *

(b) When desired by a U.S. district court, the Chief Attorney or the General Counsel may supply information as to whether any person charged with crime served in the military or naval service of the United States and whether the Veterans Administration has a file on such person. If the file is desired either by the court or by the prosecution or defense, it may be produced only in accord with §§ 1.501 through 1.526.

6. Sections 1.509 and 1.510 are revised to read as follows:

§ 1.509 Disclosure to courts in proceedings in the nature of an inquest.

The Chief Benefits Director, Department of Veterans Benefits, Chief Attorneys, and station heads are authorized to make disclosures to courts of competent jurisdiction of such files, records, reports, and other documents as are necessary and proper evidence in proceedings in the nature of an inquest into the mental competency of claimants and other proceedings incident to the appointment and discharge of guardians, curators, or conservators to any court having jurisdiction of such fiduciaries in all matters of appointment, discharge, or accounting in such courts.

§ 1.510 Disclosure to insurance companies cooperating with the Department of Justice in the defense of insurance suits against the United States.

Copies of records from the files of the Veterans Administration will, in the event of litigation involving commercial insurance policies issued by an insurance company cooperating with the Department of Justice in defense of insurance suits against the United States, be furnished to such companies without charge, provided the claimant or his duly authorized representative has authorized the release of the information contained in such records. If the release of information is not authorized in writing by the claimant or his duly authorized representative, information contained in the files may be furnished to such company if to withhold same would tend to permit the accomplishment of a fraud or miscarriage of justice. However, before such information may be released without the consent of the claimant, the request therefor must be accompanied by an affidavit of the representative of the insurance company, setting forth that litigation is pending, the character of the suit, and the purpose for which the information desired is to be used. If such information is to be used adversely to the claimant, the affidavit must set forth facts from which it may be determined by the General Counsel or Chief Attorney whether the furnishing of the information is necessary to prevent the perpetration of a fraud or other injustice. The averments contained in such affidavit should be considered in connection with the facts shown by the claimant's file, and, if such consideration shows the disclosure of the record is necessary and proper to prevent a fraud or other injustice, information as to the contents thereof may be furnished to the insurance company or copies of the records may be furnished to the court, workmen's compensation, or similar board in which the litigation is pending upon receipt of a subpoena duces tecum addressed to the Administrator of Veterans Affairs, or the head of the office in which the records desired are located. In the event the subpoena requires the production of the file, as distinguished from the copies of the records, no expense to the Veterans Administration may be involved in complying therewith, and arrangements must be made with the representative of the insurance company causing the issuance of the subpoena to insure submission of the file to the court without expense to the Veterans Administration.

7. In § 1.511, paragraphs (d) and (e) are amended to read as follows:

§ 1.511 Judicial proceedings generally.

* * * * *

(d) Requests received from attorneys or others for copies of records for use in suits in which the Government is not involved, not accompanied by a subpoena or court order, will be handled by the service or division having jurisdiction over the subject matter. If the request is such as can be complied with under § 1.503 or § 1.504, the records requested will be furnished upon receipt of the required fee. If, however, the records cannot be furnished under such sections, the applicant will be advised of the procedure to obtain copies of records for court use as set forth in paragraph (c) of this section.

(e) In suits by or against the Administrator under 38 U.S.C. 1820, the files pertaining to the loan guaranteed, insured, or made by the Veterans Administration may be made available by the General Counsel or the Chief Attorney subject to the usual rules of evidence, after clearance with the Department of Justice or U.S. Attorney, if appropriate.

8. Section 1.512 is revised to read as follows:

§ 1.512 Disclosure of loan guaranty information.

In general, the facts in loan guaranty files will be made available to any party privy to a loan guaranteed, insured or made by the Veterans Administration if deemed proper by a Loan Guaranty Officer or Chief Attorney. Information in the claims folder, insurance or other file, will be released to lenders or prospective lenders only in accord with §§ 1.501 through 1.526: *Provided*, That the fact of adjudication of incompetency by court or rating board may be made known in appropriate circumstances to a lender or prospective lender.

9. In § 1.513, the headnote and paragraphs (a) and (b) (1) (iv) and (2) are amended to read as follows:

§ 1.513 Disclosure of information contained in Armed Forces service and related medical records in Veterans Administration custody.

(a) *Service records.* Information received by the Veterans Administration from the Departments of the Army, Navy, Air Force, and the Department of Transportation relative to the military or naval service of a claimant is furnished solely for the official use of the Veterans Administration, but such information may be disclosed under the limitations contained in §§ 1.501 through 1.526.

(b) *Medical records.* Information contained in the medical records (including clinical records and social data) may be released under the following conditions:

(1) * * *

(iv) The Department of Transportation (Coast Guard).

* * * * *

(2) In addition to the authorizations in subparagraph (1) of this paragraph, the Department of Justice, the Department of the Treasury, and the Post Office Department may, on request, be given pertinent information from medical records for use in connection with investigations conducted by these departments. Each such request shall be considered on its merits, and the information released should be the minimum necessary in connection with the investigation conducted by these departments.

* * * * *

10. In § 1.514(b), subparagraph (2) is amended and subparagraph (3) is added to read as follows:

§ 1.514 Disclosure to private physicians and hospitals other than Veterans Administration.

* * * * *

(b) Such information may be released without charge and without consent of the patient, his representative, or nearest relative when a request for such information is received from:

* * * * *

(2) Any fee basis physician or institution in connection with authorized treatment of the veteran as a Veterans Administration beneficiary, or

(3) Any physician or medical installation treating the veteran under emergent conditions.

11. Section 1.516 is revised to read as follows:

§ 1.516 Disclosure of information to undertaker concerning burial of a deceased veteran.

When an undertaker requests information believed by him to be necessary in connection with the burial of a deceased veteran, such as the name and address of the beneficiary of the veteran's Government insurance policy, name and address of the next of kin, rank or grade of veteran and organization in which he served, character of the veteran's discharge, or date and place of birth of the veteran, and it appears that the undertaker is holding the body awaiting receipt of the information requested, the undertaker, in such instances, may be considered the duly authorized representative of the deceased veteran for the purpose of obtaining said information. In ordinary cases, however, the undertaker will be advised that information concerning the beneficiary of a Government insurance policy is confidential and cannot be disclosed; the beneficiary will be advised immediately of the inquiry, and the furnishing of the desired information will be discretionary with the beneficiary. In no case will the undertaker be informed of the net amount due under the policy or furnished information not specifically mentioned in this section.

12. In § 1.518, paragraph (c) is amended to read as follows:

§ 1.518 Addresses of claimants.

* * * * *

(c) When an address is requested that may not be furnished under §§ 1.500 through 1.526, the person making the request will be informed that a letter, or in those cases involving judicial actions, the process or notice in judicial proceedings, enclosed in an unsealed envelope showing no return address, with the name of the addressee thereon, and bearing sufficient postage to cover mailing costs will be forwarded by the Veterans Administration. If a request indicates that judicial action is involved in which a process or notice in judicial proceedings is required to be forwarded, the Veterans Administration will inform the person who requests the forwarding of such a document that the envelope must bear sufficient postage to cover costs of mailing and certified or registered mailing fees, including cost of obtaining receipt for the certified or registered mail when transmission by this type special mail is desired. At the time the letter, process, or notice in judicial proceedings is forwarded, the station's return address will be placed on the envelope. When the receipt for certified or registered mail or the undelivered envelope is returned to the Veterans Administration, the original sender will be notified thereof: However, the receipt or the envelope will be retained by the Veterans Administration. This provision will be applicable only when it does not interfere unduly with the functions of the service or division concerned. In no event will letters be forwarded to aid in the collection of debts.

13. Section 1.523 is revoked.

§ 1.523 Veterans Administration installation from which authorized disclosure will be made. [Revoked]

14. Section 1.524 is revised to read as follows:

§ 1.524 Persons authorized to represent claimants.

A duly authorized representative will be (a) any person authorized in writing by the claimant to act for him, or (b) his legally constituted fiduciary, if the claimant is incompetent. Where for proper reasons no legally constituted fiduciary has been or will be appointed, his wife, his children, or, if the claimant is unmarried, either of his parents shall be recognized as the fiduciary of the claimant.

15. In § 1.525, paragraphs (a) (1) and (b) (5) and (6) are amended to read as follows:

§ 1.525 Inspection of records by or disclosure of information to recognized representatives of organizations.

(a) (1) The accredited representatives of any of the organizations recognized

under 38 U.S.C. 3402 holding appropriate power of attorney may, subject to the restrictions imposed by subparagraph (2) of this paragraph, inspect the claims, insurance and allied folders of any claimant upon the condition that only such information contained therein as may be properly disclosed under §§ 1.500 through 1.526 will be disclosed by him to the claimant or, if the claimant is incompetent, to his legally constituted fiduciary. Under the same restrictions, it is permissible to release information from and permit inspection of loan guaranty folders in which a request for a waiver of the debt of a veteran or his spouse has been received, or where there has been a denial of basic eligibility for loan guaranty benefits. All other information in the files shall be treated as confidential and will be used only in determining the status of the cases inspected or in connection with the presentation to officials of the Veterans Administration of the claim of the claimant. The heads of field stations and the directors of the services concerned in Central Office will each designate a responsible officer to whom requests for all files must be made, except that managers of centers with insurance activities will designate two responsible officials, recommended by the division chiefs concerned, one responsible for claims and allied folders and the other for insurance files. The term "claimant" as used in this paragraph includes insureds.

* * * * *

(b) * * *

(5) Under no circumstances shall any paper be removed from a file, except by a Veterans Administration employee, for purpose of having an authorized copy made. Copying of material in a file shall not be permitted except in connection with the performance of authorized functions under the power of attorney.

(6) In any case involving litigation against the Government, whether contemplated or initiated, inspection, subject to the foregoing, shall be within the discretion of the General Counsel or Chief Attorney, except that in insurance suits under 38 U.S.C. 775, 784, inspection shall be within the discretion of the official having jurisdiction of the claim. Files in such cases may be released to the Department of Justice, but close liaison will be maintained to insure their return intact upon termination of the litigation.

* * * * *

16. In § 1.526, paragraphs (b), (e), (g), (i), (j), and (k) are amended to read as follows:

§ 1.526 Copies of records and papers.

* * * * *

(b) The types of services provided by the Veterans Administration for which a schedule of fees is established in paragraph (i) of this section are (1) copying, (2) certification, (3) search and (4) handling of files under court subpoena.

* * * * *

(e) The following are circumstances under which services may be provided free at the discretion of station heads or responsible Central Office officials:

(1) When requested by a court, when the copy will serve as a substitute for personal court appearance of a Government witness.

(2) When furnishing the service free saves costs or yields income equal to the direct costs of the agency providing the service. This includes cases where the fee for the service would be included in a billing against the Government (for example, in cost-type contracts, or in the case of private physicians who are treating Government beneficiaries at Government expense).

(3) To the extent of one copy, to those who require copies of records or information from the records in order to obtain financial or other benefits to which they may be entitled.

(4) When a service is occasional and incidental, not of a type that is requested often, and if it is administratively determined that a fee would be inappropriate in such an occasional case.

* * * * *

(g) In those cases where it is determined that a fee shall be charged, the applicant will be advised to deposit the amount of the lawful charge for the copy desired. The amount of such charge will be determined in accordance with the schedule of fees prescribed in paragraph (i) of this section. The desired copy will not be delivered, except under court subpoena, until the full amount of the lawful charge is deposited. Any excess deposited over the lawful charge will be returned to the applicant. When a deposit is received with an application, such a deposit will be returned to the applicant should the application be denied.

* * * * *

(i) Schedule of fees:

(1) Typewritten pages, each page or fraction thereof	$1.50
(2) Photocopy reproductions from all types of copying processes. Each reproduced page	.25
(3) Certification	.25
Seal, including certification	.50
(4) Searching, per hour (minimum charge one-half hour)	2.50
(5) Abstracts or copies of medical and dental records which are furnished by Veterans Administration hospitals and outpatient clinics to insurance companies. Per request	3.00
(6) Office handling of files under court subpoena.—(i) When the file is in the office served with the subpoena	3.00
(ii) When the file must be shipped from a different geographical area to the office served with the subpoena	10.00

(j) If the copy is to be transmitted by certified or registered mail, airmail, or special delivery mail, the postal fees therefor shall be added to the other fees provided in paragraph (i) of this section (or the order must include postage stamps or stamped return envelopes for the purpose).

(k) Those Veterans Administration installations not having copying equipment are authorized to arrange with the nearest Veterans Administration installation having such equipment to make the necessary authorized copies of records or documents.

* * * * *

17. Section 1.527 is added to read as follows:

§ 1.527 Administrative review.

(a) Any person may, in the event of a denial of his request to inspect or obtain information from or copies of records within the purview of §§ 1.501 through 1.526, appeal such denial. Such appeal, stating the circumstances of the denial, should be addressed, as appropriate, to the field station, department, or staff office head.

(b) A denial action not reversed by a field station, department, or staff office head on appeal, will be referred through normal channels to the Administrator.

(c) The final agency decision in such appeals will be made by the Administrator or the Deputy Administrator.

18. Sections 1.550 through 1.558 are added to read as follows:

RELEASE OF INFORMATION FROM VETERANS ADMINISTRATION RECORDS OTHER THAN CLAIMANT RECORDS

NOTE: Sections 1.550 through 1.558 concern the availability and release of information from files, records, reports, and other papers and documents in Veterans Administration custody other than those pertaining to claims under any of the laws administered by the Veterans Administration. As to the release of information from Veterans Administration claimant records, see §§ 1.500 through 1.527. Section 1.550 series implement the provisions of 5 U.S.C. 552.

§ 1.550 General.

The Veterans Administration's policy is one of disclosure of information from agency records to the extent permitted by law. This includes the release of information which the Veterans Administration is authorized to withhold under 5 U.S.C. 552(b) (see § 1.554) if it is determined (a) by the Administrator of Veterans Affairs or the Deputy Administrator that disclosure of such information will serve a useful purpose or (b) by a department, staff office, or field station head or his designee under § 1.556(a) that disclosure will not adversely affect the proper conduct of official business or constitute an invasion of personal privacy.

§ 1.551 Publication in the Federal Register as constructive notice of information that affects the public.

(a) The Assistant Administrator for Management Engineering and Evaluation, with the approval of the Administrator, will submit to the Director of the Federal Register, for publication for the guidance of the public, descriptions of Veterans Administration organization and functional responsibilities, Central Office and field, and the designations of places at which the public may secure information, obtain forms and applications, make submittals or requests, or obtain decisions. Such descriptions and designations will be maintained current through submission, for publication, of

all amendments, revisions, or repeals of the foregoing.

(b) Department and staff office heads will develop, with the approval of the Administrator, for submission by the Assistant Administrator for Management Engineering and Evaluation to the Director of the Federal Register, for publication for the guidance of the public, Veterans Administration regulations containing:

(1) Statements of the general course and method by which Veterans Administration functions are channeled and determined, including the nature and requirements of all formal and informal procedures available.

(2) Rules of procedure and instructions as to the scope and contents of all papers, reports, or examinations.

(3) Substantive rules of general applicability adopted by the Veterans Administration as authorized by law, and statements of general policy or interpretations of general applicability formulated and adopted by the Veterans Administration.

(4) Every amendment, revision, or repeal of the foregoing.

(c) Except to the extent that a person has actual and timely notice of the terms thereof, no person shall in any manner be required to resort to, or be adversely affected by any matter required by this section to be published in the FEDERAL REGISTER and not so published.

§ 1.552 Public access to information that affects the public when not published in the Federal Register as constructive notice.

(a) All final orders in such actions as entertained by the Board of Contract Appeals, those statements of policy and interpretations adopted by the Veterans Administration but not published in the FEDERAL REGISTER, and administrative manuals and staff instructions that affect any member of the public, unless promptly published and copies offered for sale, will be indexed. Both the index and the materials indexed as required by this paragraph will be made available to the public, for inspection and copying. Public reading facilities for this purpose will be maintained in Veterans Administration Central Office and Veterans Administration field stations, open to the public during the normal duty hours of the office in which located. Orders made in the adjudication of individual claims under laws administered by the Veterans Administration are confidential and privileged by statute (38 U.S.C. 3301) and so are exempt from this requirement.

(b) The voting records of the Board of Contract Appeals will be maintained in a public reading facility in the Office of the Board in Central Office and made available to the public upon request.

(c) When publishing or making available to the public any opinion, order, statement of policy, interpretation, staff manual or instruction to staff, identifying details will be deleted, and the deletion justified in writing, to the extent required to prevent a clearly unwarranted invasion of personal privacy.

(d) No final order, opinion, statement of policy, interpretation, staff manual or instruction which is issued, adopted, or promulgated after July 4, 1967, that affects any member of the public may be relied upon, used, or cited as precedent against any private party unless it has been indexed and either made available or published as provided in this section or unless that private party shall have actual and timely notice of the terms thereof.

§ 1.553 Public access to other identifiable records.

Identifiable records in Veterans Administration custody, or copies thereof, other than records made available to the public under the provisions of §§ 1.551 and 1.552, will be made promptly available, except as provided in § 1.554, to any person upon request. Such request must be in writing, over the signature of the requester and must contain a reasonably specific description of the record desired so that it may be located with relative ease. The request should be made to the office concerned (having jurisdiction of the record desired) or, if not known, to the Manager or Contact Officer in the nearest Veterans Administration Regional Office or to the Veterans Administration Central Office, 810 Vermont Avenue NW., Washington, D.C. 20420. Personal contacts should normally be made during the regular duty hours of the office concerned, which are 8 a.m. to 4:30 p.m. Monday through Friday for Veterans Administration Central Office and most field stations.

§ 1.554 Exemptions from public access to agency records.

(a) The exemptions in subparagraphs (1) through (9) of this paragraph constitute authority to withhold from disclosure certain categories of information in Veterans Administration records.

(1) Specifically required by Executive order to be kept secret in the interest of the national defense or foreign policy.

(2) Related solely to internal Veterans Administration personnel rules and practices.

(3) Specifically exempted from disclosure by statute (see §§ 1.500 through 1.527).

(4) Trade secrets and commercial or financial information obtained from any person and privileged or confidential.

(5) Interagency or intra-agency memorandums or letters which would not be available by law to a private party in litigation with the Veterans Administration.

(6) Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(7) Investigatory files compiled for law enforcement purposes except to the extent available by law to a private party.

(8) Contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of any agency responsible for the regulation or supervision of financial institutions.

(9) Geological and geophysical information and data (including maps) concerning wells.

(b) Information in the categories exempted under paragraph (a) of this section, other than in subparagraph (3) which is applicable to Veterans Administration claimant records, will be released only as authorized in § 1.550. The release of information from Veterans Administration claimant records will be made only in accordance with §§ 1.501 through 1.526.

§ 1.555 Fees.

(a) Charges will not be made for the use of reading facilities for examination of materials which are to be available to the public under § 1.552. Charges will be made, except as provided in paragraphs (c), (d), and (e) of this section, in accordance with the schedule of fees in § 1.526, to recover the costs of duplicating, reproducing, certifying or authenticating copies of such materials in response to requests from the public. The desired copy will not be delivered, except under court subpoena, until the full amount of the lawful charge is deposited. Any excess deposited over the lawful charge will be returned.

(b) Charges will be made, except as provided in paragraphs (c), (d), and (e) of this section, on each request from the public to examine, copy, or to be furnished copies of other identifiable records under § 1.553. Such charges, in accordance with the schedule of fees in § 1.526, will be made to recover direct and indirect costs for searching requested records and, if requested, reproducing copies and certifying or authenticating them. Searches will not be undertaken until the requester has paid, or has provided sufficient assurance that he will pay, whatever fee is determined to be appropriate. Desired copies will not be delivered, except under court subpoena, until the full amount of the lawful charge is deposited. Any excess deposited over the lawful charge will be returned. When a deposit is received with a request, such a deposit will be returned if the request is denied.

(c) Where a contract with a reporting service requires that copies of transcripts be sold only by the service, the copy in Veterans Administration's possession may be made available for inspection. If a copy is requested, the requester will be referred to the reporting service.

(d) No charges will be made when services are rendered to or for other agencies or branches of the Federal Government, or State and local governments. When information, statistics, or reports are approved by the Administrator or the Deputy Administrator for release under § 1.550, the fee charge, if any, will be determined upon the merits of each individual application.

(e) Under the following circumstances services may be provided free at the discretion of station heads or responsible Central Office officials:

(1) When requested by press, radio, television, or other information representatives for dissemination to the general public.

(2) When furnishing the service free is in conformance with generally established business custom, such as furnishing personal reference data to prospective employers of former Government employees.

(3) To the extent of one copy, to those who require copies of records or information from the records in order to obtain financial or other benefits to which they may be entitled (e.g., employees with workmen's compensation claims).

(4) To an individual directly concerned in a hearing or other formal proceeding involving security requirements for Federal employment, one copy of any transcript made of such hearing or other proceeding.

§ 1.556 Requests for other identifiable records.

(a) Each department, staff office, and field station head will designate an employee(s) who will be responsible for initial action on (granting or denying) requests to inspect or obtain information from or copies of records under their jurisdiction and within the purview of § 1.552. Any legal question arising in a field station concerning the release of information will be referred to the appropriate Chief Attorney for disposition as contemplated by § 13.401 of this chapter. In Central Office such legal questions will be referred to the General Counsel. Any administrative question will be referred through administrative channels to the appropriate department or staff office head.

(b) Upon denial of a request, the responsible Veterans Administration official or designated employee will inform the requester in writing of the denial and advise him that he may appeal the denial. The requester will also be furnished the title and address of the Veterans Administration official to whom the appeal should be addressed. (See § 1.557.)

(c) The disposition of each request will be made a matter of record. For each denial of a request, the record will contain a citation to the specific provision of Veterans Administration regulations upon which the denial is based.

§ 1.557 Administrative review.

(a) Any person may, in the event of a denial of his request for information from identifiable agency records subject to release under § 1.552, appeal such denial. Such appeal, stating the circumstances of the denial, should be addressed, as appropriate, to the filed station, department, or staff office head.

(b) A denial action not reversed by field station, department, or staff office head on appeal, will be referred through normal channels to the Administrator.

(c) The final agency decision in such appeals will be made by the Administrator or Deputy Administrator.

§ 1.558 Judicial review.

Any person from whom the Veterans Administration has withheld information or records after proper request as provided in § 1.553 may file a complaint in the appropriate United States district court as provided in 5 U.S.C. 552(a)(3). The district court review is designed to follow final action at the agency head level.

(72 Stat. 1114; 38 U.S.C. 210)

These VA regulations are effective July 4, 1967.

Approved: July 20, 1967.

By direction of the Administrator.

[SEAL] A. H. MONK,
Acting Deputy Administrator.

[F.R. Doc. 67-8614; Filed, July 24, 1967; 8:52 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 1—Federal Procurement Regulations

PART 1-12—LABOR

Subpart 1-12.2—Convict Labor

APPLICABILITY OF CONVICT LABOR CLAUSE

This amendment of the Federal Procurement Regulations revises the provisions of Subpart 1-12.2, Convict Labor, for the purpose of clarifying the applicability of the Convict Labor clause to the employment of Federal prisoners. As revised, the subpart now provides that the clause does not prohibit the employment of Federal prisoners authorized by the Attorney General to work at paid employment during their term of confinement.

The introductory text of § 1-12.202 is amended to read as follows:

§ 1-12.202 Applicability.

The requirement set forth in § 1-12.301 applies, except as stated in this § 1-12.202, to all contracts involving the employment of labor within the United States. The requirement does not prohibit the employment of persons on parole or probation, Federal prisoners authorized by the Attorney General under 18 U.S.C. 4082(c)(2) to work at paid employment during the term of their imprisonment, or persons who have been pardoned or who have served their terms. Furthermore, the requirement does not apply to contracts:

* * * * *

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. These regulations are effective upon publication in the FEDERAL REGISTER.

Dated: July 19, 1967.

LAWSON B. KNOTT, JR.,
Administrator of General Services.

[F.R. Doc. 67-8619; Filed, July 24, 1967; 8:48 a.m.]

Title 45—PUBLIC WELFARE

Subtitle A—Department of Health, Education, and Welfare, General Administration

PART 55—INTERCHANGE OF PERSONNEL WITH STATES

Sec.
55.1 Definitions.
55.2 Purpose and coverage.
55.3 Assignments of personnel.
55.4 Initiation of proposals.
55.5 Duration of assignment.
55.6 Nature and type of assignment.
55.7 Personnel provisions.
55.8 Modification of agreement.
55.9 Termination of agreement.
55.10 Reports and evaluation.

AUTHORITY: The provisions of this Part 55 issued under sec. 314, 58 Stat. 693, as amended by 80 Stat. 1190, 1189, 42 U.S.C. sec. 246(f)(3). Interpret or apply sec. 314(f), 58 Stat. 698, as amended by sec. 8, 80 Stat. 1161, 42 U.S.C. sec. 246(f).

§ 55.1 Definitions.

As used in this part:

(a) "Act" means the Public Health Service Act (amended by the Comprehensive Health Planning and Public Health Services Amendments of 1966; P.L. 89-749, 80 Stat. 1180).

(b) "Secretary" means (except when used in § 55.7(b)(6), (c)(2), and (d)(3)) the Secretary of Health, Education, and Welfare, or his delegatee.

(c) "Department" means the Department of Health, Education, and Welfare.

(d) "State" includes, in addition to the several States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, and the Virgin Islands.

(e) "State agency" means a State or a political subdivision of a State, or any agency of either (including State or local health or health planning agencies), engaged in any activities related to health or designated or established pursuant to section 314(a)(2)(A) of the Act.

(f) "Officers and employees" means officers of the Commissioned Corps of the Public Health Service and all civilian officers and employees of the Department in either the excepted or competitive service.

(g) "Commissioned Officer" means an officer, Regular Corps or Reserve Corps, serving on active duty, in the Commissioned Corps of the Public Health Service (i.e., officers appointed pursuant to section 205 of the Act (42 U.S.C. sec. 204)).

§ 55.2 Purpose and coverage.

(a) *Authority for assignment.* Under section 314(f) of the Act, the Secretary is authorized, through agreements or otherwise, to arrange for assignment of officers and employees of States to the Department and assignment of officers and employees of the Department engaged in work related to health to States, for work which the Secretary determines will aid the Department in more effectively discharging its responsibilities in the field of health as authorized by law, including cooperation with States and the provision of technical or other assistance. Such arrangements will be made by the Secretary in accordance with the provisions of section 314(f) of the Act, the regulations in this part, and any conditions and procedures which the Secretary finds necessary to carry out the purpose of the Act and the regulations in this part.

(b) *Department's responsibilities in the field of health.* "The Department's responsibilities in the field of health" are promotion of normal physical and mental development and well-being, and repair or containment of the effects of injuries and diseases, including rehabilitation of persons affected by disease or injury, development of basic scientific knowledge about the life processes and the nature of disease, augmentation of health resources and improvement of the utilization of these resources, control of environmental hazards and consumable products, and improvement of the quality and availability of health services. Activities in these areas may be focused on individuals, families, groups of people, communities, regions, or the population at large.

(c) *Work related to health.* "Work related to health" means any work which contributes to carrying out the Department's responsibilities in the field of health.

§ 55.3 Assignments of personnel.

Assignments of personnel between the Department and a State agency may include (a) assignments to the State agency of one or more officers or employees of the Department either considered to be on detail to a regular work assignment in the Department or on leave without pay from positions in the Department, (b) assignments to the Department of one or more officers or employees of the State agency either with or without appointment in the Department, or (c) interchanges of personnel involving any combination of paragraphs (a) and (b) of this section.

§ 55.4 Initiation of proposals.

A proposal for an assignment of personnel between the Department and a State agency may be made by either the Secretary or the State agency.

(a) *Department proposals.* When the Secretary desires to effect with a State agency the assignment of personnel under section 314(f) of the Act, he will propose an arrangement for that purpose to the appropriate State agency. Upon acceptance of the proposal by the State agency, the Secretary and the State agency will enter into an agreement which meets the requirements of section 314(f) of the Act and the regulations in this part.

(b) *State proposals.* A State agency desiring the assignment of personnel under section 314(f) of the Act shall submit a proposal for an arrangement for that purpose in such manner as may be prescribed by the Secretary. Information on making such proposals may be obtained from the Department. The Secretary will notify the State agency in writing of his acceptance or rejection of the proposal. If he rejects the proposal submitted by the State agency, but modifications would make the proposal acceptable, he may suggest such modifications. If the proposal is accepted by the Department, the Secretary and the State agency will enter into an agreement which meets the requirements of section 314(f) of the Act and the regulations in this part.

§ 55.5 Duration of assignment.

Each agreement between the Department and a State agency for an assignment of personnel shall indicate the period of assignment of each officer or employee covered by the agreement. Such a period of assignment shall not exceed 2 years but may be extended or renewed for new 2-year periods.

§ 55.6 Nature and type of assignment.

Each agreement between the Department and a State agency for assignment of personnel shall indicate the type and describe the nature of the assignment of each officer or employee covered under the arrangement. Specifically, the agreement shall (a) indicate whether the officer or employee of the Department will be on detail to a regular work assignment in the Department or on leave without pay from his position in the Department, or whether the officer or employee of the State agency will be given an appointment in the Department or assigned to the Department without appointment; (b) describe the duties and responsibilities of the officer or employee while on his assignment; and (c) include the position title of the person responsible for the supervision of the officer or employee while on the assignment.

§ 55.7 Personnel provisions.

(a) *Department personnel on detail to State agency.* Each agreement for assignment to a State agency of an officer or employee of the Department on detail to a regular work assignment in the Department shall contain provisions with respect to compensation and allowances, travel and transportation expenses, and employee benefits which are consistent with his remaining an officer or employee of the Department. Such an agreement may provide that the compensation, travel and transportation expenses, and allowances (or any part thereof) of the officer or employee will be reimbursed by the State, including travel directed by a State.

(b) *Department personnel on leave without pay.* Each agreement for assignment to a State agency of an officer or employee of the Department on leave without pay from his position in the Department shall, in accordance with section 314(f) of the Act, contain provisions with respect to the following matters:

(1) Payment by the State of Compensation (including allowances) of the officer or employee during the period of assignment, which may include provisions for supplementary salary payments from the Department not in excess of the amount by which the Department rate of compensation (including allowances) exceeds the State rate of compensation (including allowances) and the agreement may also contain provisions for reimbursement by the State for such supplementary compensation;

(2) Payment by the Department of the expenses of travel of the officer or employee and transportation of his immediate family, household goods and personal effects to and from his initial place of assignment, which may include provisions for reimbursement by the State for such expenses;

(3) Payment by the State, under State law and implementing regulations and policies, of travel and transportation expenses incurred as a result of travel directed by the State;

(4) Entitlement to annual and sick leave to the extent authorized by Federal law if that officer or employee were not on leave without pay, but only in circumstances considered by the Secretary to justify approval of such leave;

(5) Coverage under Chapter 87 (life insurance), Chapter 89 (health insurance), and Chapter 83 (retirement) of Title 5 of the United States Code, including the collection and deposit into the respective Federal funds of all necessary contributions and the election of either benefits available under those provisions or similar benefits available through employment in the State agency;

(6) Coverage under Chapter 81 (compensation for work injuries) of Title 5 of the United States Code, except that the officer or employee so assigned (or his dependents in case of death) may elect either benefits available under that provision or similar benefits available through employment in the State agency for injury or death (such election shall be made within 1 year after the injury or death, or such further time as the Secretary of Labor may for good cause allow, and when made shall be irrevocable unless otherwise provided by law); and

(7) Crediting of the period of assignment toward eligibility for Periodic Step Increases under the provision of Chapter 53, Subchapter III of Title 5 of the United States Code and for retention and leave accural purposes under the provisions of Chapter 63, Subchapter I of Title 5, United States Code;

(8) The receipt of credit by a Commissioned Officer for his services while so detailed for pay, promotion, retirement, Social Security, and other purposes as an officer of the Uniformed Services of the United States;

(9) Entitlement of Commissioned Officers and/or their dependents and beneficiaries to medical care, commissary and post exchange privileges and other benefits as members of the Uniformed Services of the United States;

(10) The Federal program which will pay (with or without reimbursement by the State) monetary benefits to which the survivors of an officer or employee are entitled upon death (e.g., in the case of a Commissioned Officer, 6 months pay death gratuity, travel of dependents to a home of selection, shipment of household goods, transportation of remains to place of burial, transportation for escort to accompany remains, burial allowance, etc.).

(c) *State personnel without appointment to Department.* Each agreement for the assignment to the Department of an officer or employee of the State agency without appointment shall contain provisions with respect to compensation and allowances, travel and transportation expenses, and employee benefits which are consistent with his remaining an officer or employee of the State agency, except that, in accordance with section 314(f) of the Act, provisions shall be contained in the agreement with respect to the following matters:

(1) Payment by the Department of expenses of travel of the officer or employee (but not expenses of transportation of his immediate family, household goods, and personal effects) to and from the place of assignment or during the period of assignment;

(2) Coverage under the compensation for work injuries provision of Chapter 81 of Title 5, United States Code, except that the officer or employee so assigned (or his dependents in case of death) may elect either the benefits under that provision or benefits available through employment in the State agency for injury or death (such election shall be made within one year after the injury or death, or such further time as the Secretary of Labor may for good cause allow, and when made shall be irrevocable unless otherwise provided by law).

(d) *State personnel with appointment to Department.* Each agreement for appointment to the Department of an officer or employee of the State agency for the period of assignment shall, in accordance with section 314(f) of the Act, contain provisions with respect to the following matters:

(1) Payment by the Department of compensation in accordance with position classification provisions of Chapter 51 of Title 5, United States Code, and allowances as authorized by Federal law;

(2) Payment by the Department of expenses of travel of the officer or employee (but not expenses of transportation of his immediate family, household goods, and personal effects) to and from the place of assignment and during the period of assignment;

(3) Coverage under the compensation for work injuries provision of Chapter 81 of Title 5, United States Code, except that the officer or employee so appointed (or his dependents in case of death) may elect either the benefits under that provision or benefits available through employment in the State agency for injury or death (such election shall be made within one year after the injury or death, or such further time as the Secretary of Labor may for good cause allow, and when made shall be irrevocable unless otherwise provided by law);

(4) Exclusion of the officer or employee from coverage under the retirement provision of Chapter 83 of Title 5, United States Code, and the life insurance provision of Chapter 87 of Title 5, United States Code;

(5) Coverage under the health insurance provision of Chapter 89 of Title 5, United States Code, but only if appointment to the Department results in the loss of coverage in a group health benefits plan whose premium has been paid in whole or in part by a contribution of the State agency.

(e) *General provisions.* (1) Notwithstanding any other provision in this section, sections 203, 205, 207, 208 and 209 of Title 18 of the United States Code, relating to conflicts of interest, shall apply to all officers or employees on assignment pursuant to section 314(f) of the Act;

(2) Each agreement for the assignment of an officer or employee shall provide that the policies of both the Department and the State agency governing the standards of conduct of their personnel shall apply to the officer or employee assigned under the agreement; and, if any such policies conflict, the agreement shall include mutually acceptable provisions indicating which policies in the areas of conflict will prevail;

(3) Each such agreement for the assignment of an officer or employee shall provide that the rules and policies of the Department or State agency receiving the officer or employee on assignment with respect to the internal operation and management of the receiving agency (for example, hours of duty, building rules, and operating procedures) shall govern the employment and conduct of such employee or officer except as otherwise provided in the agreement through mutual consent;

(4) Each agreement for the assignment of an officer or employee may contain any other provisions not in violation of the Act or the regulations in this part which the Department or State agency finds necessary to carry out the assignment provided for therein and which are mutually acceptable.

§ 55.8 Modification of agreement.

Each agreement for an assignment of personnel between the Department and a State agency may be shortened, extended, or otherwise modified upon the mutual agreement of both parties. Such modifications shall be in accordance with section 314(f) of the Act and the regulations in this part.

§ 55.9 Termination of agreement.

Each agreement for an assignment of personnel between the Department and a State agency may be terminated by mutual consent or upon 60 days' notice in writing by either party of its intention to terminate the agreement.

§ 55.10 Reports and evaluation.

The parties to each agreement shall adopt such procedures and make such reports as the Secretary may find necessary for the evaluation of the progress of assignments under the agreement in light of the purpose stated in section 314(f)(2) of the Act and § 55.2. Such procedures and reports shall include, but not be limited to, (a) periodic consultations between the Department and the State agency, (b) exchange of reports, and (c) maintenance of records supporting such reports and mutual access thereto.

Effective date. This part shall become effective immediately.

Dated: July 12, 1967.

[SEAL] WILBUR J. COHEN,
Acting Secretary.

[F.R. Doc. 67-8609; Filed, July 24, 1967; 8:51 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[RM-1134; FCC 67-858]

PART 15—RADIO FREQUENCY DEVICES

Radiation Interference Limits

Order. 1. Section 15.63(c) of Part 15 of the Commission's rules provides, that for television receivers, the level of radio frequency radiation in the band 470–1000 Mc/s is increased from 500 uV/m to 1000 uV/m at 100 feet on a temporary basis until April 30, 1967. The Electronic Industries Association (EIA) has submitted a petition, RM–1134, requesting that this temporary increase be extended for a further period of 2 years until April 30, 1969.[1] Radiation in the band of frequencies 470–1000 Mc/s concerned here is that radiation which is liable to cause harmful interference to radio operations. This petition in no way relates to X-ray radiation or to the levels of radiation of X-rays.

2. EIA urges that before TV receiver manufacturers can reliably assure compliance with the desired specifications of 500 uV/m at 100 feet, a high degree of correlation between measurements must be obtained. In a "round robin" series of measurements on a group of television receivers, the correlation found between measurement sites is regarded by EIA as inadequate. EIA anticipates that adequate correlation may be achieved by use of a new antenna recently developed at the FCC Laboratory.

3. Although the Commission feels there is a need to reduce receiver radiation as part of the over all program to improve the efficiency of spectrum utilization, it recognizes merit in the EIA argument, and is amending Part 15 pursuant to EIA's request.

4. Since the amendment adopted herein relieves an existing restriction, it is found that compliance with the provisions of section 4 of the Administrative Procedure Act as to notice, public procedure, and effective date is not necessary.

5. *It is ordered*, That, pursuant to authority contained in sections 4(i), 301, 303(f), and 303(r) of the Communications Act of 1934, as amended, the EIA petition, RM–1134, is granted and effective, July 28, 1967, § 15.63 of Part 15 is amended as follows:

§ 15.63 Radiation interference limits.

* * * * *

[1] To permit the orderly consideration of the petition, on May 1, 1967, the temporary limit was extended to July 31, 1967.

(c) For television broadcast receivers the limit 500 uV/m is temporarily increased to 1000 uV/m until April 30, 1969.

(Secs. 4, 301, 303, 47 Stat., as amended, 1066, 1081, 1082; 47 U.S.C. 154, 301, 303)

Adopted: July 19, 1967.

Released: July 20, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[2]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-8598; Filed, July 24, 1967; 8:50 a.m.]

[FCC 67-844]

PART 64—MISCELLANEOUS RULES RELATING TO COMMON CARRIERS

Volume of Domestic Telegraph Messages

Order. In the matter of the amendment of § 64.221(a) of Subpart B of Part 64 of the Commission's rules and regulations governing domestic telegraph speed of service studies.

The Commission having under consideration a letter dated May 25, 1967, from The Western Union Telegraph Co. submitting the biennial traffic load study required by § 64.221(c) of the Commission's rules and regulations, which was adopted for the purpose of determining such revision by the Commission, as may be warranted, in the list of 75 cities at which speed of telegraph service studies are required to be made by Part 64 of the Commission's rules;

It appearing, that the cities presently specified in § 64.221(a) of the Commission's rules and regulations were last revised, effective January 1, 1966, and were selected on the basis of the 75 cities in the Western Union system handling the largest volume of terminating messages;

It further appearing, that according to traffic data submitted by Western Union, on the basis of the average weekly received trunk load for the year ending April 29, 1967, Bridgeport, Conn.; Jackson, Miss.; Raleigh, N.C.; and Wilmington, Del., non-FCC reporting cities, currently handle a larger volume of terminating messages than Mobile, Ala.; Palo Alto, Calif.; Shreveport, La.; and Tucson, Ariz., FCC reporting cities;

It further appearing, that revision of the list of cities on the basis of the traffic data submitted by the telegraph company would reflect the 75 cities handling the largest volume of terminating traffic;

It further appearing that Western Union is the only person subject to the amended rule adopted herein; that Western Union has agreed to such amended rule and the effective date thereof; and hence, that compliance with the public notice, procedural and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary:

It is ordered, That pursuant to sections 4(i), 201(b) and 218 of the Communications Act of 1934, as amended, § 64.221(a) of Subpart B of Part 64 is amended, effective September 1, 1967, in the following respects:

Section 64.221(a) is amended by deleting Mobile, Ala.; Palo Alto, Calif.; Shreveport, La.; and Tucson, Ariz.; from the list of cities specified therein and inserting in said list in alphabetical order Bridgeport, Conn.; Jackson, Miss.; Raleigh, N.C.; and Wilmington, Del.

(Secs. 4, 201, 218, 48 Stat., as amended, 1066, 1070, 1077; 47 U.S.C. 154, 201, 218)

Adopted: July 19, 1967.

Released: July 20, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-8592; Filed, July 24, 1967; 8:50 a.m.]

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER C—REGULATIONS AFFECTING SUBSIDIZED VESSELS AND OPERATORS

[General Order 95, Rev., Amdt. 2]

PART 293—INVENTORIES OF VESSELS COVERED BY OPERATING-DIFFERENTIAL SUBSIDY AGREEMENTS

Miscellaneous Amendments

Effective upon date of publication in the FEDERAL REGISTER, §§ 293.8 and 293.9 of this part are revised as follows:

1. Amend § 293.8 by deleting the existing heading and text and substituting therefor a new heading and text reading as follows:

§ 293.8 Waiver of inventory requirements.

The requirements for the taking of inventories as provided in § 293.3 may be waived by the Maritime Administrator whenever in his judgment it shall be determined that the rights of the United States will not be adversely affected thereby and that the taking of such inventories will serve no useful purpose.

2. Amend § 293.9 by changing the heading and text thereof to read as follows:

§ 293.9 Conflict of orders, effective date.

(a) To the extent that provisions of this part are in conflict with provisions of any regulations or instructions now in effect, the provisions of this part shall prevail.

(b) The provisions of this part are effective as of the date of publication in the FEDERAL REGISTER and are applicable to all inventories in process as of such date of publication.

By order of the Acting Maritime Administrator.

Dated: July 20, 1967.

JAMES S. DAWSON, JR.,
Secretary.

[F.R. Doc. 67-8577; Filed, July 24, 1967; 8:49 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

MISCELLANEOUS AMENDMENTS TO CHAPTER

Title 50 of the Code of Federal Regulations is amended as follows:

PART 1—DEFINITIONS

1. Chapter I, Subchapter A, Part 1 is amended by adding a section number to the table of contents to read:

Sec.
1.11 Migratory birds.

2. Part 1 is amended by adding a new § 1.11 which reads as follows:

§ 1.11 Migratory birds.

(a) Migratory game birds are:
(1) Anatidae (wild ducks, geese, brant, and swans);
(2) Charadriidae (plovers, turnstones, killdeer, and surfbirds);
(3) Columbidae (wild doves and pigeons);
(4) Gruidae (little brown, sandhill, and whooping cranes);
(5) Haematopodidae (oystercatchers);
(6) Phalaropodidae (phalaropes);
(7) Rallidae (rails, including sora, coots, and gallinules);
(8) Recurvirostridae avocets and stilts); and
(9) Scolopacidae (sandpipers, curlews, yellowlegs, knots, dowitchers, godwits, willets, woodcock, snipe, and sanderlings).

(b) Migratory nongame birds are:
(1) Alaudidae (horned larks);
(2) Alcidae (auks, auklets, murres, murrelets, puffins, guillemots, and dovekies);
(3) Apodidae (Micropodidae) (swifts);
(4) Ardeidae (herons, bitterns, and egrets);
(5) Bombycillidae (waxwings);
(6) Caprimulgidae (whip-poor-wills, poor-wills, night-hawks, chuck-will's-widows, and pauraques);
(7) Certhiidae (brown creepers);
(8) Cinclus mexicanus (dipper, water ouzel);
(9) Cuculidae (cuckoos, anis, and roadrunners);
(10) Fringillidae (cardinals, grosbeaks, buntings, finches, sparrows, tow-

[2] Commissioners Bartley and Loevinger absent; joint dissenting statement of Commissioners Cox and Johnson filed as part of original document.

[1] Commissioners Bartley and Loevinger absent.

hens, juncos, crossbills, dickcissels, and long-spurs);
(11) Gaviidae (loons);
(12) Hirundinidae (swallows and martins);
(13) Hydrobatidae (petrels);
(14) Icteridae (bobolinks, meadowlarks, orioles, grackles, blackbirds, and cowbirds);
(15) Laniidae (shrikes);
(16) Laridae (gulls, terns, and kittiwakes);
(17) Mimidae (mockingbirds, catbirds, and thrashers);
(18) Motacillidae (pipits and wagtails);
(19) Paridae (titmice, chickadees, bushtits, and verdins);
(20) Parulidae (Compsothlypidae) (warblers, ovenbirds, water thrushes, chats, and redstarts);
(21) Picidae (woodpeckers, flickers, and sapsuckers);
(22) Podicipedidae (grebes);
(23) Procellariidae (shearwaters and fulmars);
(24) Ptilogonatidae (phainopeplas);
(25) Sittidae (nuthatches);
(26) Stercorariidae (skuas and jaegers);
(27) Sulidae (gannets and boobies);
(28) Sylviidae (kinglets and gnatcatchers);
(29) Thraupidae (tanagers);
(30) Trochilidae (hummingbirds);
(31) Troglodytidae (wrens);
(32) Turdidae (robins, thrushes, bluebirds, solitaires, and wheatears);
(33) Tyrannidae (tyrant flycatchers, king birds, pewees, and phoebes); and
(34) Vireonidae (vireos).

PART 13—IMPORTATION OF WILDLIFE OR EGGS THEREOF

§ 13.1 [Amended]

3. Section 13.1(d)(2) of this subchapter is amended to read: "(2) belong to one of the families of birds listed under § 1.11 of Subchapter A of this chapter;".

PART 14—IMPORTATION OF FEATHERS OF WILD BIRDS

PART 15—TRANSPORTATION OF GAME MAMMALS TO AND FROM MEXICO

PART 16—MIGRATORY BIRD PERMITS

4. Parts 13, 14, 15, and 16 of Chapter I of this title are amended by striking the words "Collector of Customs" wherever they appear and inserting in lieu thereof the words "District Director of Customs."

5. Subchapter B, § 16.1(a) is amended to read:

§ 16.1 Meaning of terms.

* * * * *

(a) "Migratory birds" refers to all those species of birds defined as migratory birds under § 1.11 of Subchapter A of this chapter, and includes all birds of these species which, whether raised in captivity or not, cannot be readily and visibly distinguished by general size or coloration from birds of the same species occurring in a wild state.

* * * * *

(5 U.S.C. 22; 62 Stat. 667, 18 U.S.C. 42; 77A Stat. 29, 19 U.S.C. 1308 (Sch. 1, pt. 4E, hdnote 1) 39 Stat. 1702; 50 Stat. 1311; 40 Stat. 755; 16 U.S.C. 703 et seq.)

Since these changes impose no new restrictions and are not substantive changes of regulations, 30 days notice and public procedure have been deemed unnecessary and these amendments will become effective upon publication in the FEDERAL REGISTER.

RAYMOND E. JOHNSON,
Acting Director, Bureau of Sport Fisheries and Wildlife.

JULY 19, 1967.

[F.R. Doc. 67-8661; Filed, July 24, 1967; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Parts 32, 33]

SAN LUIS NATIONAL WILDLIFE REFUGE, CALIF.

Hunting and Fishing

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Migratory Bird Conservation Act of February 18, 1929, as amended (45 Stat. 1222; 16 U.S.C. 715), and the Endangered Species Preservation Act of October 15, 1966 (80 Stat. 926, 16 U.S.C. 668aa), it is proposed to amend 50 CFR 32.11, 32.21, and 33.4 by the addition of San Luis National Wildlife Refuge, Calif., to the list of areas open to the hunting of migratory game birds and upland game, and to the list of areas open to sport fishing.

It has been determined that sport fishing and the regulated hunting of upland game and migratory game birds may be permitted as designated on San Luis National Wildlife Refuge, Calif., without detriment to the objectives for which the area was established.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections, with respect to this proposed amendment, to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

1. Section 32.11 is amended by the addition of the following area as one where hunting of migratory game birds is authorized:

§ 32.11 List of open areas; migratory game birds.

* * * * *

CALIFORNIA

* * * * *

San Luis National Wildlife Refuge.

* * * * *

2. Section 32.21 is amended by the addition of the following area as one where hunting of upland game is authorized.

§ 32.21 List of open areas; upland game.

* * * * *

CALIFORNIA

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San Luis National Wildlife Refuge.

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3. Section 33.4 is amended by the addition of the following area as one where sport fishing is authorized:

§ 33.4 List of open areas; sport fishing.

* * * * *

CALIFORNIA

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San Luis National Wildlife Refuge.

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RAYMOND E. JOHNSON,
Acting Director, Bureau of Sport Fisheries and Wildlife.

JULY 19, 1967.

[F.R. Doc. 67-8553; Filed, July 24, 1967; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1006]

[Docket No. AO 356-A2]

MILK IN UPPER FLORIDA MARKETING AREA

Notice of Extension of Time for Filing Exceptions to Recommended Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Upper Florida marketing area, which was issued June 22, 1967 (32 F.R. 9096), is hereby further extended to August 1, 1967.

Signed at Washington, D.C., on July 20, 1967.

CLARENCE H. GIRARD,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 67-8609; Filed, July 24, 1967; 8:52 a.m.]

[7 CFR Parts 1012, 1013]

[Docket Nos. AO 347-A6, AO 286-A13]

MILK IN TAMPA BAY AND SOUTHEASTERN FLORIDA MARKETING AREAS

Decision on Proposed Amendments to Tentative Marketing Agreements and to Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Tampa and Miami, Fla., on April 28 and May 1, 1967, pursuant to notices thereof issued on March 15, 1967 (32 F.R. 4313), and on March 28, 1967 (32 F.R. 5472).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, on June 22, 1967 (32 F.R. 9097; F.R. Doc. 67-7197), filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision (32 F.R. 9097; F.R. Doc. 67-7197) are hereby approved and adopted and are set forth in full herein subject to the following modifications:

In the discussion on the Class I price:

1. The second paragraph is deleted and two new paragraphs are substituted therefor;

2. The 17th and 18th paragraphs are deleted and three new paragraphs are substituted therefor;

3. The last sentence in the 23d paragraph is changed; and

4. The 26th paragraph is deleted and four new paragraphs are substituted therefor.

The material issues on the record of the hearing relate to:

1. The Class I price;

2. Shrinkage allowance for producer milk;

3. Classification of milk moved to nonpool plants; and

4. Need for emergency action on Issue 3.

This decision deals with Issues 1 and 2. Issues 3 and 4 were dealt with in a separate decision issued May 18, 1967 (32 F.R. 7596) and resulted in amendments to the Southeastern Florida order effective June 1, 1967 (32 F.R. 7742).

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *The Class I price.* The Southeastern Florida and Tampa Bay Class I prices through June 1968 should be computed by adding $3.20 and $3, respectively, to a basic formula price (Minnesota-Wisconsin manufacturing milk price series). Such prices should be subject to a common supply-demand adjustor based on the relationship of producer milk supplies and Class I sales under the Southeastern Florida, Tampa Bay and Upper Florida orders.

At the time of the hearing, the Southeastern Florida and Tampa Bay Class I

price provisions were due to expire June 30, 1967. This was the end of the 18-month period for which the Tampa Bay Class I price was initially provided when the order was promulgated. This expiration date was set also for the Southeastern Florida order when its Class I price provisions were amended in December 1966. It was therefore necessary that Class I prices to be effective after June 1967 be established for the two markets.

The recommended decision proposed pricing provisions for the two orders for the period of July 1967 through June 1968. The time remaining after the issuance of the recommended decision precluded the completion of the amendatory procedures by July 1, however, and the June 30, 1967, expiration date was suspended June 27, 1967 (32 F.R. 9300), to provide interim pricing for July 1967. Therefore, the period of pricing under consideration in this decision is limited to the months of August 1967 through June 1968.

Producers supplying about 75 percent of the milk in each market proposed that Class I price provisions be established for a 1-year period ending June 30, 1968. This date coincides with the end of the 18-month pricing period initially provided under the Upper Florida order. Before that date, as proposed by producers, a single hearing would be held to consider the Class I prices for all three Florida orders to be effective July 1, 1968.

Producers proposed Class I differentials of $3 and $3.20 for the Tampa Bay and Southeastern Florida orders, respectively, to be added to a basic formula price (Minnesota-Wisconsin price series). For computing Class I prices through April 1968, however, they proposed that the basic formula price be not less than $4.05.

Producers proposed also that the Class I price under the Southeastern Florida and Tampa Bay orders be subject to a supply-demand adjustment based on the relationship of the production and Class I sales for these markets and the Upper Florida order market for the most recent 3-month period. Although the same supply-demand formula would be used, a separate adjustment would be computed for each of the two markets by giving a weight of two to the production and sales figures for the market for which the price adjustment is being computed, and a weight of one to the figures for the other markets. The norm for computing the supply-demand adjustment would be a percentage based on the production and sales relationship under the Southeastern Florida order only for the years 1963 through 1966. A monthly adjustment would be made on the basis of any difference between the norm and the ratio of production to sales in the most recent 3-month period. As proposed by producers, the supply-demand adjustment would be made in units of 10 cents and would be limited to a maximum of plus or minus 30 cents.

Producers further proposed that a contraseasonal price provision be used in each order. The Class I price for April, May, and June would not be higher than the average Class I price for the preceding January, February, and March. Similarly, Class I prices for August through November would not be lower than the average Class I price for the preceding May, June, and July.

Handlers objected primarily to the method proposed by producers for computing the supply-demand adjustment. They argued that production-sales data for only the Tampa Bay and Southeastern Florida markets, without the double weighting of individual market data, should be used; and that any supply-demand adjustor adopted should employ production-sales data for a recent 12-month period rather than a 3-month period.

The Tampa Bay order now provides that $3 be added to a basic formula price (Minnesota-Wisconsin price series) to determine the Class I price. However, such price may not be higher than the Southeastern Florida Class I price for the same month. Some changes in the Class I price formula have been made since the inception of the order by the emergency actions of the Department on a national basis. Included in these changes was the establishment of minimum basic formula prices to be used in computing the Class I prices for July 1966 through July 1967. For the most recent 12 months for which data are available, July 1966–June 1967, the Tampa Bay Class I price averaged $7.17.[1]

The Southeastern Florida Class I price for July 1966–June 1967 averaged $7.30. For July through November 1966, the Southeastern Florida Class I price was determined by adding $3.20 to a basic formula price (Minnesota-Wisconsin price series). For these 5 months, a minimum basic formula price was effective as a result of the previously mentioned emergency actions of the Department. For December 1966 through June 1967, the Class I price was fixed at $7.25.

Southeastern Florida order producer receipts in 1966 (44.6 million pounds monthly) approximated those in 1965 (44.2 million pounds). Production in 1967, however, has been higher than a year ago. Average monthly producer deliveries of 49.2 million pounds in January–May 1967 were 5.9 percent more than the 46.5-million pound average in the same months in 1966.

Average monthly Class I sales of producer milk by Southeastern Florida handlers were 1.4 percent higher in 1966 (39.3 million pounds) than in 1965 (38.8 million pounds. In January–May 1967, average monthly Class I sales increased 3.5 percent over a year ago, from 41.2 million pounds to 42.7 million pounds. The Class I utilization of producer milk was 87 percent in January–May 1967 and 89 percent a year earlier.

Monthly producer receipts in the Tampa Bay market averaged 38.3 million pounds in January–May 1967 and 32.3 million pounds a year ago, an increase of 18.3 percent. These are the only months for which a comparison can be made for the newer order. Average monthly Class I sales of producer milk by Tampa Bay handlers in January–May 1967 declined 2.7 percent, from 27.9 to 27.0 million pounds, compared with last year. Of the total producer milk in January–May 1967, 71 percent was Class I, compared with 86 percent for the same months in 1966.

On the basis of the foregoing data, it it apparent that the current Class I prices for the Southeastern Florida and Tampa Bay orders have encouraged an adequate supply of milk for both markets. The relatively large increase in producer deliveries relative to Class I requirements in the Tampa Bay market in recent months (and the lesser increase in the Southeastern Florida market) raises the question of whether excessive supplies are being encouraged. It cannot be concluded at this time, however, that the current supply-demand relationship is indicative of what may be expected in the next 12 months.

Producers contended that the increased production in recent months relative to the needs of the market does not represent a trend. Instead, they stated it is a situation that will be corrected by the producers themselves as the lower Class I utilization continues to be reflected in the blend price returned to producers. As a further incentive, however, producers urged the adoption of the supply-demand adjustor proposed by them as a means of discouraging unneeded production.

Tampa Bay and Southeastern Florida Class I prices through June 1968 determined by adding differentials of $3 and $3.20, respectively, to the basic formula price were supported by both producers and handlers. The differentials, which have recently been applicable in the two markets, should, in conjunction with the supply-demand provisions herein proposed, tend to encourage an adequate but not excessive supply of milk for the two markets.

Although the Upper Florida Class I price is not under consideration in this hearing, recognition must be given to the prices that will prevail under that order through June 1968 in establishing Class I prices for the Tampa Bay and Southeastern Florida orders. The Class I price under the Upper Florida order is the Minnesota-Wisconsin price plus $2.80 in the northern part of the market (Jacksonville and Tallahassee areas) and $2.90 in the southern part (Orlando area). Inclusion in the Southeastern Florida and Tampa Bay orders of the proposed Class I differentials and a basic formula price based on the Minnesota-Wisconsin price series will maintain an appropriate relationship of prices between the Southeastern Florida, Tampa Bay, and Upper Florida markets.

The minimum basic formula price of $4.05 proposed at the hearing by producers for computing Class I prices through April 1968 should not be adopted. The floor price extending into 1968 was incorporated May 1, 1967, in all Federal orders outside Florida that use the Minnesota-Wisconsin price in computing the Class I price. Producers contended that it likewise should be used in the Southeastern Florida and Tampa Bay orders. Handlers objected to the use of the floor price.

Producers did not show any need for utilizing a minimum basic formula price through April 1968. The Upper Florida order market is closely associated with the Southeastern Florida and Tampa Bay markets in both supply and sales. The proposed minimum basic formula price of $4.05 proposed to be applicable through April 1968 is not provided for in the Upper Florida order. To incorporate it in the other two Florida orders at this time could create a misalignment of Class I prices in the Florida order markets. In addition, it could result in diminishing the affect of the supply-demand provisions that are found by this decision to be appropriate for the Tampa Bay and Southeastern Florida orders.

The recommended decision proposed that in view of similar pricing under the Upper Florida order, the $4.05 floor price be used in the Southeastern Florida and Tampa Bay orders for computing the Class I price for July 1967 only. Because the pricing provisions proposed by this decision will not be applicable in July 1967, the amendatory language contained in the recommended decision regarding the basic formula price provisions is not included in the attached orders. Amendments that would remove obsolete language in those provisions are included, however.

As indicated, the Class I price under each order should be subject to a supply-demand adjustment. On the basis of the present marketing conditions, it is anticipated that the proposed fixed differential over a basic formula price will encourage an adequate supply of milk for fluid use in each market. However, changes may occur in the supply-sales relationship which warrant a change in the Class I price level. When milk supplies are more than adequate in relation to Class I sales, the Class I price should be lowered. Conversely, when supplies are less than adequate, the Class I price should be increased. A supply-demand adjustor will make price adjustments promptly and automatically without the need for a public hearing each time a price adjustment is warranted.

Such price adjustments are consistent with the criteria of the Agricultural Marketing Agreement Act which requires that the prices established under the Act be reasonable in view of market supply and demand conditions, assure a sufficient quantity of pure and wholesome milk, and be in the public interest. The supply-demand adjustor set forth in the attached order is designed to carry out the price objectives of the Act through encouragement of supplies at the levels needed for fluid requirements.

The supply-demand adjustor proposed herein:

(1) Bases the "normal" relationship of supplies to Class I sales on the production-sales data for the Southeastern Florida market for 1965 and 1966;

(2) Bases price adjustments on the change in the "current" supply-demand relationship from the "normal" relationship. The current relationship would be determined using producer receipts and Class I sales in the most recent 3-month period for the Southeastern Florida, Tampa Bay, and Upper Florida markets combined;

(3) Limits any monthly changes in the price adjustment to 10 cents and the maximum adjustment to plus or minus 30 cents; and

(4) Applies the same adjustment to the Southeastern Florida and the Tampa Bay Class I prices.

The "normal" supply-demand relationship against which current changes in the three markets are to be measured is based essentially on the 1965–66 producer receipts and Class I sales of producer milk of regulated handlers in the Southeastern Florida market. These data (and similar data for November and December 1964) were used to compute 3-month average ratios of producer receipts to Class I sales. From these ratios, minimum, and maximum "standard utilization percentages" were determined. These percentages are set forth in the following table:

Month for which price is being computed	Standard utilization percentage	
	Minimum	Maximum
January	110	114
February	110	114
March	109	113
April	108	113
May	109	113
June	109	113
July	113	117
August	116	120
September	120	124
October	119	123
November	114	118
December	111	115

While the Tampa Bay order has been in effect since January 1966, production-sales data that may be considered representative of a normal supply-demand relationship in that market are not available for use in constructing standard utilization percentages. The Upper Florida order did not become effective until a year later and sufficient production-sales data thus are not available. The similarity of production and sales factors in all three markets, however, makes the use of Southeastern Florida data alone, as proposed by producers, appropriate for the pricing period under consideration.

The use of the most recent 2-years' data in determining the normal supply-demand relationship will provide an appropriate standard against which supply-demand changes in the three markets may be measured. The annual relationship of production to Class I sales of producer milk was virtually the same for these 2 years. For 1965 and 1966, producer receipts in the Southeastern Florida market averaged 114.7 percent and 114.2 percent, respectively, of the producer milk classified in Class I. Also, the seasonal patterns of supplies relative to sales were similar in both years. The average of the minimum-maximum standard percentages derived from the 1965–66 data is 112.6–116.8, with a midpoint of 114.6. This represents approximately the same supply-demand relationship proposed by producers and by handlers, and is indicative of an adequate but not excessive supply of milk for the Southeastern Florida and Tampa Bay markets relative to their Class I needs.

The proposed adjustor provides that a "current utilization percentage" be determined by dividing the total hundredweight of producer milk under the Southeastern Florida, Tampa Bay, and Upper Florida orders for the 3-month period ending with the second month preceding the pricing month by the total hundredweight of producer milk classified in Class I under the three orders in this period. The deviation of the current utilization percentage from the minimum or maximum standard utilization percentages is the basis for any price adjustments. The adjustment would be 3 cents for each percent of deviation, but could not vary from that for the previous month by more than 10 cents. The maximum adjustment of the Class I price due to the supply-demand adjustor would be limited through June 1968 to plus or minus 30 cents.

The supply-demand adjustment should be based on the quantity of producer milk classified in Class I instead of on handlers' "gross Class I utilization" as proposed by producers. The proposed gross Class I utilization includes the aggregate Class I classification of regulated handlers irrespective of the source of milk thus classified. It includes, for example, as a Class I disposition by a Southeastern Florida handler the transfer of Class I milk to a Tampa Bay or Upper Florida order plant. The same milk would likewise be classified as a Class I disposition from the plant of the Tampa Bay or Upper Florida plant.

Since the receipts and utilization of handlers under all three Florida order markets would be used in computing the supply-demand adjustment, there would be a duplication of Class I classification because of interorder transfers. Using the gross Class I utilization as proposed would thus overstate the total Class I utilization. Neither the record of hearing nor the official releases of the market administrator contain information relative to such interorder transfers.

There is no indication that price adjustments resulting from the supply-demand adjustor proposed herein would differ from price adjustments based on gross Class I utilization proposed by producers. For each of the months of January through May 1967, there was virtually no difference under any Florida order in the ratios of producer deliveries to producer milk in Class I and producer deliveries to regulated handlers' gross Class I utilization. With the rapidly increasing production in Florida relative to Class I needs, it can reasonably be expected that the requirements of milk

[1] Official notice is taken of the "Official Class Price Announcement" and "Market Statistics" issued in May and June 1967 for the Tampa Bay and Southeastern Florida markets.

from nonproducer sources will be of no significance in the immediate future. In the Southeastern Florida market, for example, no milk was received from nonpool sources at pool plants in February 1967. The 2.3 million pounds of such receipts at pool plants in February 1966 was 37 percent of the total receipts of such milk for the year. A similar situation existed in the Tampa Bay market.

As previously stated, Class I prices established under the Act must be such as to encourage a sufficient quantity of pure and wholesome milk for the market. Producers regularly supplying the market are the most dependable source for such milk. The Class I price thus should be set at the level that tends to encourage the necessary production response by these producers relative to the market's need for fluid milk. It necessarily follows that changes in the Class I price level resulting from a supply-demand adjustor should be in response to a change in the demand for milk from the producers regularly supplying the market.

Utilizing the ratio of producer deliveries to producer milk in Class I in a supply-demand adjustor will best assure that changes in the demand for producer milk will result in changes in the Class I price. If, for example, handlers used other source milk for Class I purposes and then chose to rely instead on producer milk, the demand for producer milk for fluid use would increase. A supply-demand adjustor using data reflecting producer milk in Class I would translate this increased demand for producer milk into a higher Class I price. An adjustor utilizing the ratio of producer deliveries to gross Class I sales would not, however, cause a price increase in this situation since the relationship of gross Class I sales and producer deliveries would not have changed. Conversely, the replacement of producer milk with other source milk for fluid use would mean a lesser demand for producer milk. A supply-demand adjustor utilizing the ratio of producer deliveries to producer milk in Class I would translate this lesser demand for producer milk into a lower Class I price.

The use of production-sales data for all three markets in computing the current utilization percentage recognizes the close relationship of these markets. There is a significant overlap of the procurement areas for all three markets. Milk supplies may be shifted easily between these markets, either by handlers or by cooperative associations. Four of the major handlers in the State have distributing plants regulated under all three orders. The distribution of Class I milk likewise can be easily shifted from one market to another.

In computing the current utilization percentage, equal weight should be given to the supply-sales data for each of the three markets and, for the period through June 1968, the same supply-demand adjustment should apply to the Tampa Bay and Southeastern Florida Class I prices. As proposed by producers, double weight would be given to the data for an individual market in calculating price adjustments for that market. Thus, a market having a substantially greater change in the supply-demand relationship relative to the other market could have a greater price adjustment than the other market.

The idea embodied in a supply-demand adjustor that reflects changes in supplies relative to sales both in the local market and in a larger area of which the local market is a part has particular merit where there is a substantial overlap between sales or production areas of several markets in a region and where supplies and sales can be shifted easily among the several markets. Through the use of the "double" adjustor, each market's Class I price would be adjusted in response to changes in the over-all availability of milk supplies in the region relative to the total demand. This would recognize the interrelationship of the several markets in the region. At the same time, each market's Class I price would be adjusted by changes in the supply-sales relationship in the local market to encourage the desired supply-demand balance for the individual market. While the "double" adjustor is not incorporated in the Class I price provisions for the limited period proposed herein (through June 1968), favorable consideration may appropriately be given to such a supply-demand formula when more data for all three Florida markets are available and supply-demand formulas for the three markets are under consideration.

The current supply-demand relationship should be based on the production and sales data for a 3-month period rather than for a 12-month period as advocated by handlers. By using data for the most recent 3-month period, the supply-demand adjustor will be sufficiently responsive to current supply-demand conditions in the markets to indicate promptly the desired changes in production relative to Class I sales. Three months will be an adequate length of time, on the other hand, to minimize price adjustments that might be caused by temporary or erratic changes in supplies relative to sales.

The most current 3-month period should comprise the three months ending with the second month preceding the month for which the Class I price is being computed. The 1-month lag is necessary to allow the supply-demand adjustment to be calculated in time for the Class I price to be announced by the 5th day of the month as the orders now require.

Handlers were particularly concerned that a supply-demand adjustor might cause undue fluctuations in the Class I prices. On the other hand, the adjustor must be constructed so that changes in the supply-sales relationship will be adequately reflected in the Class I price to induce the desired production response. This is especially relevant in view of the relatively large quantity of producer milk in the three Florida markets (126.4 million pounds in May 1967).[3]

[3] Official notice is taken of "Market Statistics" for Upper Florida issued in the months of February through June 1967.

The 5-point range in the monthly minimum-maximum standard utilization percentages incorporated in the proposed adjustor will allow minor changes in the supply-demand relationship without a corresponding change in price. Also, the 10-cent limit on any monthly change in the the price adjustment will remove the possibility of violent changes in the Class I price as a result of the supply-demand adjustor.

Price adjustments of 3 cents for each percent of deviation of the current supply-demand relationship from the normal relationship will achieve the price response desired by producers, who proposed a 10-cent adjustment for each bracket of 2 percent deviation. This arrangement will result in the supply-demand adjustor reflecting more closely the changes in the production-sales relationship than would the producers' proposal. Also, less drastic price changes would result.

A maximum price adjustment of plus or minus 30 cents is necessary to maintain within a reasonable limit the difference between the Southeastern Florida and Tampa Bay Class I prices and the Upper Florida Class I price through June 1968.

Because the Upper Florida order has been fully effective only since January 1967, price adjustments resulting from the proposed supply-demand adjustor can be determined from available data only for May, June, and July 1967. Disregarding the applicable limits proposed herein, the price adjustments that would have been computed for the individual months are −21 cents, −23 cents, and −30 cents, respectively. Under the proposed limits, however, the supply-demand adjustment is limited to 10 cents in the first month the pricing provisions become effective. The maximum 30-cent limit cannot be reached until the third month in which the amended order is effective.

The contraseasonal price provisions proposed by producers should not be adopted in conjunction with the supply-demand formula herein proposed. Such provisions could nullify the effect of the supply-demand adjustor in these markets. If supplies relative to sales are such as to warrant a price adjustment, this should be reflected promptly in the Class I price. Contraseasonal pricing could preclude this from happening.

The Class I price provisions of the Upper Florida order will expire June 30, 1968. It will be necessary, therefore, to establish a Class I price to be effective after that date. To assure proper alignment of prices between all three Florida orders, it is desirable that the Class I price provisions of each order be reviewed at the same time. Thus, the Tampa Bay and Southeastern Florida prices proposed herein should be effective only through June 1968.

2. *Shrinkage allowance for producer milk.* The maximum allowable shrinkage in Class III of producer milk received at a pool plant should be continued at 2 percent of such receipts under both orders. The shrinkage provisions should be modified, however, so that the same classification treatment will be accorded milk received from producer members of a cooperative as is accorded milk received at a pool plant from nonmember producers.

The orders now provide a maximum allowable shrinkage in Class III of 2 percent of producer deliveries on milk received at a pool plant from producer members of a cooperative for which the cooperative is the handler. This 2 percent is allowed, however, only if the pool plant operator is purchasing the milk on the basis of farm weights. Otherwise, the maximum allowable Class III shrinkage to the pool plant operator is 1.5 percent.

With respect to milk received at a pool plant from a producer who is not a member of a cooperative association, a maximum shrinkage allowance in Class III of 2 percent of the producer milk is allowed. No differentiation is made on the basis of whether or not such milk is paid for on the basis of farm weights.

The change herein proposed, and which was requested by producers, would provide for the same treatment with respect to shrinkage allowances on producer deliveries to a pool plant whether such deliveries were from the farm of a cooperative member or a nonmember producer.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreements and the orders, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreements and the orders, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreements and the orders, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, the marketing agreements upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreements and orders. Annexed hereto and made a part hereof are four documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Tampa Bay Marketing Area," "Order Amending the Order Regulating the Handling of Milk in the Tampa Bay Marketing Area," "Marketing Agreement Regulating the Handling of Milk in the Southeastern Florida Marketing Area," and "Order Amending the Order Regulating the Handling of Milk in the Southeastern Florida Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreements, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreements are identical with those contained in the orders as hereby proposed to be amended by the attached orders which will be published with this decision.

Determination of representative period. The month of May 1967 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached orders, as amended and as hereby proposed to be amended, regulating the handling of milk in the Tampa Bay and Southeastern Florida marketing areas, are approved or favored by producers, as defined under the terms of the orders, as amended and as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing areas.

Signed at Washington, D.C., on July 19, 1967.

GEORGE L. MEHREN,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Tampa Bay Marketing Area

§ 1012.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Tampa Bay marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Tampa Bay marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, Regulatory Programs, on June

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

22, 1967, and published in the FEDERAL REGISTER on June 27, 1967 (32 F.R. 9097; F.R. Doc. 67-7197), shall be and are the terms and provisions of this order and are set forth in full herein except that § 1012.50 is changed:

PART 1012—MILK IN THE TAMPA BAY MARKETING AREA

1. In § 1012.41(c), subparagraph (5) is revised to read as follows:

§ 1012.41 Classes of utilization.

* * * * *

(c) * * *

(5) Skim milk and butterfat, respectively, in shrinkage at each pool plant (except in milk diverted to a nonpool plant pursuant to § 1012.16) but not in excess of:

(i) Two percent of producer milk (including that received from a handler pursuant to § 1012.13(d)) if the handler receiving such milk files notice with the market administrator that he is purchasing it on the basis of farm weights. Otherwise, the applicable percentage pursuant to this subdivision shall be 1.5 percent;

(ii) Plus 1.5 percent of bulk fluid milk products received from other pool plants;

(iii) Plus 1.5 percent of bulk fluid milk products received from other order plants exclusive of the quantity for which Class II or Class III utilization was requested by the operators of both plants;

(iv) Plus 1.5 percent of bulk fluid milk products received from unregulated supply plants exclusive of the quantity for which Class II or Class III utilization was requested by the handler; and

(v) Less 1.5 percent of bulk fluid milk products transferred to other plants; and

* * * * *

§ 1012.50 [Amended]

2. In § 1012.50, the last sentence is deleted.

3. In § 1012.51, paragraph (a) is revised to read as follows:

§ 1012.51 Class prices.

* * * * *

(a) *Class I price.* From the effective date of this order through June 1968, the Class I price shall be the basic formula price for the preceding month plus $3, and plus or minus a supply-demand adjustment of not more than 30 cents, computed as follows:

(1) Determine the total hundredweight of producer milk pursuant to this part and Parts 1013 (Southeastern Florida) and 1006 (Upper Florida) of this chapter for the 3-month period ending with the second preceding month;

(2) Determine the total hundredweight of producer milk classified as Class I pursuant to this part and Parts 1013 and 1006 of this chapter for the 3-month period ending with the second preceding month;

(3) Determine the "current utilization percentage" by calculating the percentage, rounded to the nearest full percent, that the amount obtained in subparagraph (1) of this paragraph is of the amount obtained in subparagraph (2) of this paragraph; and

(4) Add or subtract 3 cents for each percent that the current utilization percentage is, respectively, below the minimum or above the maximum standard utilization percentages for the month in the following table: *Provided*, That such adjustment shall not vary from that for the preceding month by more than 10 cents:

Month for which price is being computed	Standard utilization percentage	
	Minimum	Maximum
January	110	114
February	110	114
March	109	113
April	109	113
May	109	113
June	109	113
July	113	117
August	118	122
September	120	124
October	119	123
November	114	118
December	111	115

* * * * *

Order[1] Amending the Order Regulating the Handling of Milk in the Southeastern Florida Marketing Area

§ 1013.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Southeastern Florida marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date thereof, the handling of milk in the Southeastern Florida marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, Regulatory Programs, on June 22, 1967, and published in the FEDERAL REGISTER on June 27, 1967 (32 F.R. 9097; F.R. Doc. 67-7197), shall be and are the terms and provisions of this order and are set forth in full herein except that §§ 1013.50 and 1013.51(a)(2) are changed:

PART 1013—MILK IN THE SOUTHEASTERN FLORIDA MARKETING AREA

1. In § 1013.41(c), subparagraph (5) is revised to read as follows:

§ 1013.41 Classes of utilization.

* * * * *

(c) * * *

(5) Skim milk and butterfat, respectively, in shrinkage at each pool plant (except in milk diverted to a nonpool plant pursuant to § 1013.16) but not in excess of:

(i) Two percent of producer milk (including that received from a handler pursuant to § 1013.13(d)) if the handler receiving such milk files notice with the market administrator that he is purchasing it on the basis of farm weights. Otherwise, the applicable percentage pursuant to this subdivision shall be 1.5 percent;

(ii) Plus 1.5 percent of bulk fluid milk products received from other pool plants;

(iii) Plus 1.5 percent of bulk fluid milk products received from other order plants exclusive of the quantity for which Class II or Class III utilization was requested by the operators of both plants;

(iv) Plus 1.5 percent of bulk fluid milk products received from unregulated supply plants exclusive of the quantity for which Class II or Class III utilization was requested by the handler; and

(v) Less 1.5 percent of bulk fluid milk products transferred to other plants; and

* * * * *

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

§ 1013.50 [Amended]

2. In § 1013.50, the last sentence is deleted.

3. In § 1013.51, paragraph (a) is revised to read as follows:

§ 1013.51 Class prices.

* * * * *

(a) *Class I price.* From the effective date of this order through June 1968, the Class I price shall be the basic formula price for the preceding month plus $3.20, and plus or minus a supply-demand adjustment of not more than 30 cents, computed as follows:

(1) Determine the total hundredweight of producer milk pursuant to this part and Parts 1012 (Tampa Bay) and 1006 (Upper Florida) of this chapter for the 3-month period ending with the second preceding month;

(2) Determine the total hundredweight of producer milk classified as Class I pursuant to this part and Parts 1012 and 1006 of this chapter for the 3-month period ending with the second preceding month;

(3) Determine the "current utilization percentage" by calculating the percentage, rounded to the nearest full percent, that the amount obtained in subparagraph (1) of this paragraph is of the amount obtained in subparagraph (2) of this paragraph; and

(4) Add or subtract 3 cents for each percent that the current utilization percentage is, respectively, below the minimum or above the maximum standard utilization percentages for the month in the following table: *Provided*, That such adjustment shall not vary from that for the preceding month by more than 10 cents:

Month for which price is being computed	Standard utilization percentage	
	Minimum	Maximum
January	110	114
February	110	114
March	109	113
April	109	113
May	109	113
June	109	113
July	113	117
August	118	123
September	120	124
October	119	123
November	114	118
December	111	115

* * * * *

[F.R. Doc. 67-8837; Filed, July 24, 1967; 8:46 a.m.]

[7 CFR Part 1068]

MILK IN MINNEAPOLIS-ST. PAUL, MINN., MARKETING AREA

Notice of Proposed Suspension of Certain Provision of Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of a certain provision of the order regulating the handling of milk in the Minneapolis-St. Paul, Minn., marketing area is being considered for an indefinite period.

The provision proposed to be suspended is "not less than 30 percent of the total" as it appears in the second proviso of § 1068.9(b), relating to standards required to qualify a cooperative supply plant for pool status.

This suspension has been requested by the Twin City Milk Producers Association, representing the majority of producers on the market. The request is supported by seven other cooperatives. Petitioner requests that this provision be suspended for an indefinite period (pending a hearing on the matter) to reflect the changed milk marketing conditions in this market. The suspension will permit them to continue marketing and pooling milk regularly associated with the market on the most efficient and economical basis.

The suspension would permit all the milk of producer members of a cooperative association which is shipped directly from the farm to bottling plants located in the cities of Minneapolis or St. Paul to be assigned to country plants operated by such association for the purpose of meeting the shipping requirements of a pool supply plant during August, September, and October. The order presently provides that at least 30 percent of the member milk must be direct-shipped to plants in Minneapolis or St. Paul before any of it may be assigned to country plants for this purpose.

A continuing trend during recent years in the shift of sales from home delivery to stores has caused a shift also in the day-to-day demand for milk supplies by distributing plants. High volume purchases are now made by milk dealers on only about three days of the week, making it necessary for association plants to carry additional reserves to meet peak demands. Further, a relocation of a receiver of association direct-shipped milk to a location outside the city of St. Paul has eliminated one outlet for association milk so moved. These changes are now making it difficult for the association to meet the 30 percent direct-delivery requirement which they need in order to qualify certain of their supply plants for pool status. The association contends that without the suspension continuing pool status for certain of their supply plants cannot be assured unless they resort to uneconomical back-hauling of a portion of their milk delivered to city plants to country plants for reloading and transporting to other distributors, at a consequent additional cost to their producers.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 3 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Signed at Washington, D.C., on July 21, 1967.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 67-8896; Filed, July 24, 1967; 8:53 a.m.]

[7 CFR Part 1125]

[Docket No. AO 226-A18]

MILK IN PUGET SOUND, WASH., MARKETING AREA

Rescheduled Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice was issued July 17, 1967, giving notice of a public hearing to be held at the Banquet Hall, Norway Center (Norselander Restaurant), 300 Third Avenue West, Seattle, Wash., beginning at 9:30 a.m., local time, on July 27, 1967, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Puget Sound, Wash., marketing area.

Notice is hereby given that the said public hearing is rescheduled to be held on August 15, 1967. The location of the hearing and its scheduled time are not changed.

Signed at Washington, D.C., on July 20, 1967.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 67-8874; Filed, July 24, 1967; 8:52 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Parts 23, 91]

[Docket No. 8387; Notice 67-32]

SPIRAL STABILITY AND STALL DETERRENT DEVICES FOR SMALL AIRPLANES

Advance Notice of Proposed Rule Making

The Federal Aviation Administration is considering rule making to require spiral stability and stall deterrent devices on all small airplanes type certificated under Part 23 of the Federal Aviation Regulations.

This advance notice of proposed rule making is being issued in accordance with the FAA's policy for the early institution of public rule-making proceedings. An advance notice is issued when it would be helpful to invite public participation in the identification and selection of a course or alternate courses of action with respect to a particular rule-making problem.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before November 22, 1967, will be considered by the Administrator before taking action upon the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. If it is determined to be in the public interest to proceed further, after consideration of the available data and comments received in response to this notice, a notice of proposed rule making will be issued.

Spiral stability. The FAA is concerned over the number of accidents with small airplanes in which pilots who are not proficient in instrument flight become disoriented and lose control of the airplane when they encounter IFR weather conditions. It is believed that spiral instability may have been a factor in many of those accidents.

Airplanes are generally spirally unstable. While Part 23 of the Federal Aviation Regulations contains requirements concerning directional and lateral stability, there are no specific requirements covering spiral stability. Spiral divergence usually starts as a gentle spiral which gets progressively tighter and steeper if the motion is not checked. Spiral divergence generally develops so gradually that under VFR conditions, the pilot corrects for it unconsciously and is often completely unware that spiral instability exists. However, under IFR conditions, the gradual development of spiral divergence may go undetected until the airplane is in a steep, high speed spiral. In this situation the speed build-up for an aerodynamically clean airplane, is usually very rapid.

For the foregoing reasons, the FAA has carried out a program in the design, development, and demonstration of a stability augmentation system to achieve positive spiral stability. In this connection, in a report dated November 1966, and entitled "Flight Evaluation of a Stability Augmentation System for Light Airplanes" (FAA–ADS–83), which covered the evaluation of one airplane on which a system had been installed, it is concluded that there is a significant improvement in the ability of noninstrument rated pilots to cope with flight in IFR conditions and in the quality of performance of experienced instrument rated pilots on airplanes having positive spiral stability obtained by a stability augmentation system. (This report may be purchased for $3.00 from Clearinghouse for Federal Scientific and Technical Information, U.S. Department of Commerce, Springfield, Va. 22151.)

Several manufacturers are currently marketing lateral stability augmentation systems which list for from $500 to $2,000. The price may be less for factory installations. The more expensive autopilot systems which incorporate two or three axis control and stabilization are also available. Limited operational experience has been obtained with one type of small airplane in which a stability augmentation system is installed as original equipment.

For the foregoing reason, the FAA believes that rule-making action may be appropriate with respect to spiral stability for small airplanes. However, as indicated herein, the FAA does not at this time have sufficient information to select the appropriate course of action upon which a rule making proceeding might be undertaken. Therefore, the FAA solicits the views of all interested persons as to the need for positive spiral stability in small airplanes and on the availability and practicability of the various stability augmentation systems or of inherent aerodynamic means designed to achieve this stability. In particular, comments are requested in the following areas:

(1) Should the FAA require that all small airplanes have positive spiral stability? If not, what criterion should be used to determine the airplanes that must meet such a requirement? In this connection, consideration should be given to the possibility of differentiating airplanes on the basis of characteristics, such as speed buildup in a spiral or on the basis of the type of operation in which they are intended to be used, such as extended cross-country flight.

(2) What criterion should be used to measure the spiral stability of an airplane?

(3) If positive spiral stability is to be required, what speed range should it encompass?

(4) If a stability augmentation system is employed to achieve positive spiral stability, should a failure warning device be required?

(5) How much lead time would be required for installation of a stability augmentation system on airplanes currently being manufactured and on airplanes in current operation?

If a stability augmentation system is employed to achieve spiral stability, the FAA believes that the airplane should be required to meet all of the present flight characteristics in Part 23 with the system operative and inoperative, that system reliability should comply with the basic equipment requirements of Part 23, and that no hazards should result in the event of failure of the equipment.

Stall deterrent devices. Another area of concern to the FAA is the fact that stall type accidents continue to represent a relatively large percentage of the total accidents involving small airplanes. Up to the present time, means to prevent stall type accidents have presented a formidable challenge to safety experts in both government and industry. The basic effort has been aimed at pilot education and the utilization of stall warning means.

However, the FAA has recently conducted some tests with a device called the "stall barrier." This device is a simplified adaptation of the stick pusher used on some of the modern jet swept-wing airplanes. It consists of a small electric servo unit using a cable from the drum of the servo to the control stick. The magnetic clutch of the servo is wired into the airplane's conventional stall warning system so that, at a high angle of attack, the magnetic clutch is energized at the same time stall warning is triggered. This imposes a push force on the stick which, if unrestricted, will operate the elevators to reduce the angle of attack of the wing. The results of the preliminary testing is given in the Office of Aviation Medicine Report, AM 66–31 titled "The 'Stall Barrier' as a New Preventive on General Aviation Accidents," which may be obtained from the Aeromedical Education Division of the Federal Aviation Administration, AM–300, 800 Independence Avenue SW., Washington, D.C. 20590. The FAA has not fully evaluated this device and plans are under way to carry out a more exhaustive test program. Nevertheless, in the light of the promise held out by this stall deterrent device, the FAA considers that the aviation community should be made aware of it at the earliest moment.

The FAA is aware that there may be other stall deterrent devices under development and that stall deterrence may be possible by utilizing new types of stall warning or by other techniques. The FAA solicits the views of all interested persons on the practicability and availability of the various devices and techniques. In particular, comments are requested from all interested persons in the following areas:

(1) Should the FAA require the installation of a stall deterrent device?

(2) What plans, if any, do the airframe and equipment manufacturers have for developing stall deterrent devices? Would these devices provide failure warnings to the pilot?

(3) What costs would be involved in installing a stall deterrent device of the type described above?

(4) What repeatability tolerance in actuation airspeed should be expected and what effect would such a tolerance have on performance?

(5) What effect would such a device have on present stall warning requirements?

(6) How much lead time would be required for installation of a stall deterrent device on airplanes currently being manufactured and on airplanes in current operation?

As stated above, the FAA is not at this time prepared to require the installation of any particular stall deterrent device. However, if any device should be proposed in future rule making, it should not be permitted to mask poor stall characteristics for any airplane and the airplane on which such a device would be installed should meet the flight characteristics requirements of Part 23 with the device operative and inoperative.

The agency realizes that comments on this Notice could conceivably take the form of a list of "yes" or "no" answers. However, since the purpose of an advance notice is to obtain public participation in the identification and selection of a course or courses of action, it is obvious that comments in such form would be of little value to the FAA. Therefore, it is requested that comments contain supporting statements and data, where available, to justify all recommendations and conclusions.

While the subjects of spiral stability and stall deterrent devices are covered together in this advance notice, they may not be considered concurrently in any future rule-making action.

This advance notice of proposed rule making is issued under the authority of sections 313(a) and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a) and 1421).

Issued in Washington, D.C., on July 19, 1967.

JAMES F. RUDOLPH,
Acting Director,
Flight Standards Service.

[F.R. Doc. 67–8690; Filed, July 24, 1967; 8:50 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67–AL–16]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration proposes an amendment to Part 71 of the Federal Aviation Regulations which would alter the effective hours of the Gustavus, Alaska, Control Zone.

Installation of equipment is now in progress to remotely control the Gustavus Flight Service Station from the Juneau, Alaska, Flight Service Station on a continuous basis. Air-ground communications and operation and monitoring of air navigational aids will continue to be available on a 24-hours basis. Hourly and special weather observations which are a prerequisite to the continued designation of the control zone will be available only from 0600 to 1800 hours, local time daily. Therefore, the control zone hours of designation are proposed to be redescribed to coincide with the weather reporting service .

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Alaskan Region, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, Alaska 99501. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

The public docket will be available for examination by interested persons at the Office of the Regional Counsel, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, Alaska 99501.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Anchorage, Alaska, on July 11, 1967.

GEORGE M. GARY,
Director, Alaskan Region.

[F.R. Doc. 67–8687; Filed, July 24, 1967; 8:50 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67–SW–39]

CONTROL ZONE AND TRANSITION AREAS

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter the Pine Bluff, Ark., control zone and transition area and the Little Rock, Ark., transition area to conform with present criteria and to provide airspace protection for aircraft executing an instrument approach procedure proposed for Grider Field, Pine Bluff, Ark.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal Docket will also be available for examination at the Office of the Chief, Air Traffic Division.

The Pine Bluff, Ark., control zone described in § 71.171 (32 F.R. 2127) would be altered by adding "* * * and within 2 miles each side of the Pine Bluff VORTAC 185° (179° magnetic) radial, extending from the 5-mile radius zone to 10.5 miles S of the VORTAC."

The Pine Bluff, Ark., transition area described in § 71.181 (32 F.R. 2237) would be altered by redescribing it as "that airspace extending upward from 700 feet above the surface within a 7-mile radius of Grider Field (latitude 34°10'35" N., longitude 91°56'55" W.); within 5 miles E and 8 miles W of the Pine Bluff VORTAC 006° (360° magnetic) radial, extending from the VORTAC to 12 miles N; and within 2 miles each side of the Pine Bluff VORTAC 185° (179° magnetic) radial, extending from 10.5 miles S of the VORTAC to 18.5 miles S."

The Little Rock, Ark., transition area 1,200-foot portion described in § 71.181 (32 F.R. 2213) would be altered by substituting "latitude 33°51'00" N., longitude 91°48'00" W." for "latitude 33°-53'00" N., longitude 91°56'00" W." wherever it appears.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Fort Worth, Tex., on July 11, 1967.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 67–8688; Filed, July 24, 1967; 8:50 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67–CE–87]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Missoula, Mont.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief.

Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

The VOR/DME No. 1 public instrument approach procedure for the Missoula, Montana County Airport is being modified by adding a DME arc which is not completely protected with present

controlled airspace designation. Therefore, it is necessary to alter the Missoula transition area to provide controlled airspace protection for aircraft executing this revised approach procedure.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (32 F.R. 2148), the following transition area is amended to read:

MISSOULA, MONT.

That airspace extending upward from 700 feet above the surface within 5 miles northeast and 8 miles southwest of the Missoula VORTAC 122° and 302° radials, extending from 5 miles southeast to 19 miles northwest of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 8 miles southwest and 9 miles northeast of the Missoula VORTAC 118° and 298° radials, extending from 7 miles southeast to 16 miles northwest of the VORTAC; and within a 19-mile radius of the Missoula VORTAC, extending clockwise from the northeast edge of V-2 to the west edge of V-251.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on July 5, 1967.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 67-8691; Filed, July 24, 1967; 8:50 a.m.]

[14 CFR Part 73]

[Airspace Docket No. 67-EA-59]

RESTRICTED AREA

Proposed Designation

The Federal Aviation Administration (FAA) is considering an amendment to Part 73 of the Federal Aviation Regulations which would establish a restricted area north of West Sister Island in Lake Erie, Ohio.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The Department of the Navy, in October of 1966, submitted a request for the designation of restricted airspace over a portion of Lake Erie near Cedar Point, Ohio, to contain bombing and rocket firing exercises utilizing inert ordnance. This request was published as a notice of proposed rule making in the FEDERAL REGISTER dated March 21, 1967 (32 F.R. 4316).

In this NPRM it was explained that these exercises to maintain combat readiness are presently conducted within Restricted Area R-5502, Lacarne, Ohio, by naval aircraft operating out of the United States Naval Air Station, Grosse Ile, Mich. It was further explained that the Army, which is the designated user of R-5502 has indicated that this area may be reduced in size to accommodate ground firing only. However, that reduced area would not be large enough to meet the Navy requirements. Therefore, it was proposed to redesignate R-5502 as a smaller area than is presently designated, but large enough to accommodate the Navy's requirements.

This NPRM met with strong objections from shipping, boating, and conservation elements and, as a result, the NPRM was withdrawn on May 9, 1967. The notice of withdrawal stated that a new proposal was being proposed by the Department of the Navy.

Separate rule-making action is now being taken to divide Restricted Area R-5502, Lacarne, Ohio, into two areas, smaller overall, with a northern portion, R-5502B, being retained around the Navy target. This northern portion, however, is not large enough to contain the associated flight activities and the Navy has submitted another proposal that would adjoin this northern portion and would meet their requirements for operations from Grosse Ile NAS.

This proposal satisfies the minimum Navy requirements while accommodating the conflicting civil interests in Lake Erie. The new area requested would not include West Sister Island within restricted airspace, and would allow access to the Bass Island complex from Maumee Bay. The proposed area together with those portions of R-5502 being retained is smaller than that previously requested, smaller than the present R-5502, and avoids major shipping routes. The Navy has advised they are taking concurrent action through the Army Corps of Engineers to reduce the surface danger area to coincide with the restricted airspace set forth in this proposal. As a result, surface vessels will have free access to West Sister Island and unimpeded passage from Maumee Bay to the Bass Islands.

If this proposal is adopted, R-5502B would be revoked and the following would be added to Part 73 of the Federal Aviation Regulations.

R-5505 LAKE ERIE, OHIO

Boundaries: Beginning at latitude 41°44'-48" N., longitude 83°10'00" W.; thence to latitude 41°47'18" N., longitude 83°10'00" W.; thence to latitude 41°49'00" N., longitude 83°05'50" W.; thence to latitude 41°-46'15" N., longitude 83°00'00" W.; thence to latitude 41°44'48" N., longitude 83°00'-00" W.; thence to the point of beginning.

Designated altitude: Surface to 2,600 feet MSL.

Time of designation: 0800-2300 e.s.t., Wednesday through Saturday; 0800-1700 e.s.t., Sundays.

Controlling agency: Federal Aviation Administration, Toledo Airport Traffic Control Tower.

Using agency: Commanding Officer, U.S. Naval Air Station, Grosse Ile, Mich.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on July 18, 1967.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-8589; Filed, July 24, 1967; 8:50 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 221, 399]

[Docket No. 18366; EDR-112C; PSDR-17C]

TARIFFS OF AIR CARRIERS AND FOREIGN AIR CARRIERS

Passenger Charges for In-Flight Service of Alcoholic Beverages in Interstate and Overseas Air Transportation; Supplemental Notice

JULY 21, 1967.

The Board in 32 F.R. 8921, June 22, 1967, and by circulation of EDR-112A, PSDR-17A, dated June 15, 1967, gave notice that it had under consideration proposed amendments to Part 221 of the Economic Regulations (14 CFR Part 221) and Part 399 of its Statements of General Policy (14 CFR Part 399), to require carrier tariffs to contain data with respect to in-flight service of alcoholic beverages to passengers in any or all classes of service in interstate or overseas air transportation. The Board invited comments on the proposal by July 24, 1967.

By letter received by the Board on July 20, 1967, Continental Air Lines, Inc., has requested an extension of time for filing comments in this proceeding. It asserts that, if an agreement among a wide group of carriers providing for effective control of service of alcoholic beverages on commercial aircraft could be achieved, such a broad industry approach would be preferable to requiring carriers to file tariff rules and charges on the matter. The carrier therefore requests the Board to afford all interested carriers the opportunity of attending such a meeting in the very near future to discuss this matter under the auspices of the Air Transport Association and, accordingly, seeks an extension of the date for filing comments in the rule making proceeding until after the intercarrier meeting and after the results of that meeting can be given to the Board. By telegram received July 20, Trans World Airlines, Inc., supports Continental's request for extension.

There has not been a sufficient showing to grant the extension of time requested; therefore, it is denied. The issue in this rule making proceeding is not, as Continental indicates, the effective control of service of alcoholic beverages on commercial aircraft. Rather, it is the more limited issue as to whether the Board should require carriers to set forth in their tariffs their charges and rules for service of alcoholic beverages and whether the Board should adopt a policy of requiring appropriate separate charges for all alcoholic beverages. No reasons have been set forth as to why this matter should be handled by intercarrier agreement rather than by the Board's rule making and tariff regulatory powers. The Board had occasion recently to consider this very issue in a similar matter relating to passenger charges for visual in-flight entertainment in interstate and overseas air transportation. There, it tentatively concluded[1] that an appropriate passenger charge should be assessed for the provision of visual in-flight entertainment, in what amount the minimum charge should be, and that the implementation of such a charge in interstate and overseas air transportation would more appropriately be accomplished by exercise of the Board's rate and rule making powers under the Act rather than in a section 412 proceeding for approval of an intercarrier agreement. Continental has made no showing that these conclusions are not similarly applicable to in-flight service of alcoholic beverages. Accordingly, there has been an insufficient showing to warrant the grant of the deferral of time requested.[2]

Nevertheless, because of the fact that comments on the proposed rule for passenger charges for in-flight service of alcoholic beverages will be due shortly and because some carriers may have delayed preparation of their comments in reliance on a potential grant of Continental's request for an extension of time, a one-week's extension of time for the filing of comments will be granted.

Accordingly, pursuant to authority delegated in section 385.20(d) of the Board's Organization Regulations, effective June 21, 1967, the undersigned hereby extends the time for submitting comments to July 31, 1967.

(Sec. 204(a), Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324)

By the Civil Aeronautics Board.

[SEAL] ARTHUR H. SIMMS,
Associate General Counsel, Rules and Rates Division.

[F.R. Doc. 67-8633; Filed, July 24, 1967; 8:52 a.m.]

[1] Board Order E-24839 dated Mar. 9, 1967; EDR-112 and PSDR-17, dated Mar. 9, 1967, 32 F.R. 4076, Mar. 15, 1967.

[2] The apparent request of Continental for authority to discuss alcoholic beverage service with other carriers is not properly before the undersigned and the foregoing is, of course, without prejudice to the filing of an appropriate application with the Board for such authority.

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 12]

IMPORTS AND EXPORTS UNDER INTERNATIONAL COFFEE AGREEMENT

Bond for Certificate of Origin or Reexport; Notice of Proposed Rule Making

Notice of proposed Amendment of Customs Regulations prescribed under the International Coffee Agreement Act of 1965:

Pursuant to section 12.70(d) of the Customs Regulations, a bond on customs Form 7551, 7553, or 7595, may be given for the production of a certificate of origin or reexport under the International Coffee Agreement within 3 months of the date of entry if such certificate is not available at the time of entry. The amount of the bond required is $5,000 or the estimated value of the coffee, whichever is lower, unless a larger amount is deemed necessary to insure compliance with the regulations.

The Department of State has expressed concern that since many coffee transactions involve over $100,000, the $5,000 ceiling on bonds in many cases is inadequate to insure compliance with the requirements of the International Coffee Agreement. It has suggested that a bond in an amount which represents a fixed ratio of the value of the coffee involved would more effectively secure such compliance.

The Department of State is also concerned that the provision allowing three months for the production of certificates of origin may tend to break down the International Coffee Agreement's quarterly quota controls, since it makes it possible for certificates of origin bearing coffee stamps issued to producing countries for one quarter to be furnished to customs for shipments of coffee actually made in the previous quarter.

Therefore, under the authority conferred upon the President by section 2, subsection (1) of the International Coffee Agreement Act of 1965 (19 U.S.C. 1356a (1)), which authority was delegated to the Secretary of the Treasury by Executive Order No. 11229, dated June 14, 1965 (30 F.R. 7741), it is proposed to amend § 12.70(d) of the Customs Regulations relating to the amount of the bond to be given for the production of missing certificates of origin or reexport, and the time allowed for the production of such certificates.

It is also proposed to amend § 12.70(b) of the Customs Regulations to incorporate the requirements of the International Coffee Organization for affixing coffee export stamps to certificates of origin and for issuance of certificates of origin on customs Form 4470 for green coffee grown in Hawaii and exported to a foreign country, other than a country listed in Annex B of the International Coffee Agreement.

The terms of the proposed amendments, in tentative form, are as follows:

Section 12.70(b) is amended to read as follows:

(b) *Certificate of origin and reexport.* (1) No coffee imported from a country which is a member of the International Coffee Agreement of 1962 and no coffee grown in a member country and arriving from a nonmember country or area shall be admitted to entry for consumption in the customs territory of the United States unless there is presented for such coffee a valid certificate of origin or certificate of reexport prescribed under the Agreement, or unless a bond for the production of a proper certificate is filed as provided in paragraph (d) of this section. Certificates of origin must bear coffee stamps issued by the International Coffee Organization and affixed thereto in accordance with the requirements of said organization in order to be valid. A certificate of origin on customs Form 4470 bearing the appropriate coffee export stamps and certified by a U.S. customs officer shall be required for green coffee grown in Hawaii and exported either directly or via the mainland United States to a foreign country other than a country listed in Annex B of the Agreement. A certificate of reexport on customs Form 4469 is required to be issued for coffee imported into the United States and subsequently exported to any foreign country. A certificate of origin or reexport shall not be required for shipments of coffee proceeding through the United States on a through bill of lading nor for coffee entered for consumption in or reexported to Puerto Rico.

Section 12.70(d) is amended to read as follows:

(d) *Acceptance of shipment without certificates of origin and reexport; bond.* If a certificate of origin or reexport is not available at the time of entry, the entry shall be accepted only if (1) the district director is satisfied that the failure to produce the required certificate is due to a cause beyond the control of the person for whom the entry is tendered, and (2) such person or his agent gives a bond on customs Form 7551, 7553, or 7595, for the production of the required certificate. The amount of the bond shall be one-fourth the estimated value of the coffee involved or such larger amount as may be considered necessary to insure compliance with the International Coffee Agreement. If a valid certificate is not produced within 15 days of the date of entry, liquidated damages in the full amount of the bond shall be assessed, except that upon written application to the district director the period for producing the missing certificate may be extended for an additional 15 days. Such liquidated damages may be cancelled upon the payment of a lesser amount to be determined by the Bureau if the importer produces satisfactory evidence that the shipment was authorized in accordance with the International Coffee Agreement, and that the failure to produce a certificate was not due to negligence or lack of good faith on the part of any party to the transaction.

Prior to the issuance of the proposed amendments, consideration will be given to any relevant data, views, or arguments which are submitted in writing to the Commissioner of Customs, Bureau of Customs, Washington, D.C. 20226, and received not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER. No hearings will be held.

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved: July 20, 1967.

TRUE DAVIS,
Assistant Secretary of the Treasury.

[F.R. Doc. 67-8704; Filed, July 24, 1967; 11:25 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[Antidumping—ATS 643.3–W]

HIGH SPEED STEEL TWIST DRILLS FROM JAPAN

Antidumping Proceeding Notice

JULY 19, 1967.

On June 8, 1967, information was received in proper form pursuant to the provisions of § 14.6(b) of the Customs Regulations indicating a possibility that high speed steel twist drills and twist drill sets, short length, straight shank, as follows:

Drills:
Type B, class 1, fractional sizes ½" and under.
Type C, wire-gauge sizes 1 through 20.
Type D, letter sizes J-T-X-Y-Z.
Drill sets:
Type B, class 1, 6-piece set, 1/16" to ½" by 16ths.
Type B, class 1, 29-piece set, 1/16" to ½" by 64ths.

manufactured by Sonoike Tool Manufacturing Co., Ltd., 100, Maegawa, Tachibanacho, Ashigara-Shimogun, Kanagawa Prefecture, Japan; and Kobe Steel Limited, Nishioike Kanegasaki, Uosumi Cho Akashi City, Hyogo Prefecture, Japan, are being, or likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

Pursuant to a determination under § 14.6a of the Customs Regulations, the name of the person who raised or presented the question of dumping is withheld.

Ordinarily, merchandise is considered to be sold at less than fair value when the net, f.o.b. factory price for exportation to the United States is less than the net, f.o.b. factory price to purchasers in the home market, or, where appropriate, to purchasers in other counties, after due allowance is made for difference in quantity and circumstances of sale.

Having conducted a summary investigation pursuant to § 14.6(d)(1)(i) of the Customs Regulations and having determined on this basis that there are grounds for so doing, the Bureau of Customs is instituting an inquiry pursuant to the provisions of § 14.6(d)(1)(ii), (2), and (3) of the Customs Regulations to determine the validity of the information.

A summary of information received from all sources is as follows:

The information before the Bureau indicates the possibility that the above-identified twist drills from Japan are being sold to the United States at prices which are substantially below the prices at which comparable merchandise is beng sold in the home market.

This notice is published pursuant to § 14.6(d)(1)(i) of the Customs Regulations (19 CFR 14.6(d)(1)(i)).

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

[F.R. Doc. 67-8667; Filed, July 24, 1967; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

IDAHO

Notice of Proposed Withdrawal and Reservation of Lands

JULY 18, 1967.

The Department of Agriculture has filed an application, Serial No. I–1599, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws but not the mineral leasing laws, subject to valid existing rights.

The applicant desires the land for use as the Stanley Administrative Site by the Challis National Forest.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Post Office Box 2237, Boise, Idaho 83701.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Department of Agriculture.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The lands involved in the application are:

BOISE MERIDIAN
CHALLIS NATIONAL FOREST
Stanley Administrative Site

T. 10 N., R. 13 E.,
Sec. 22, lot 7, E½SE¼SW¼;
Sec. 27, N½NW¼NE¼.

The area described aggregates 66.26 acres.

ORVAL G. HADLEY,
Manager, Land Office.

[F.R. Doc. 67-8554; Filed, July 24, 1967; 8:48 a.m.]

[OR 1499 (Wash.)]

WASHINGTON

Notice of Hearing on Proposed Withdrawal of Public Lands

JULY 19, 1967.

Notice is hereby given that a public hearing will be held at 10 a.m., Tuesday, August 29, 1967, in the auditorium of the Cowlitz Public Utilities District, 960 Commerce Street, Longview, Wash. 98632, pertaining to the request of the Bureau of Sport Fisheries and Wildlife, Department of the Interior (OR 1499), for the withdrawal from all forms of appropriation under the public land laws, including the mining laws, but not the mineral leasing laws, of the public lands described hereafter for use by the Bureau of Sport Fisheries and Wildlife, Department of the Interior, for the management of migratory birds and other wildlife as an extension of the Willapa National Wildlife Refuge as set forth in the notice of proposed withdrawal and reservation of lands published in the FEDERAL REGISTER on April 19, 1967, volume 32, page 6148. The lands are described as follows:

WILLAMETTE MERIDIAN

T. 13 N., R. 11 W.,
Sec. 4, lots 1 to 8, inclusive, and SW¼SE¼;
Sec. 5, lot 1;
Sec. 8, lots 1 to 4, inclusive, E½NE¼, and SE¼;
Sec. 9, lots 1 to 11, inclusive, NW¼NE¼, and NE¼NW¼;
Sec. 10, lot 1;
Sec. 16, lots 3 to 7, inclusive, and NW¼SW¼;
Sec. 17, lots 1 to 6, inclusive, NE¼, N½SE¼, and SW¼SE¼.

The areas described aggregate 1,433.13 acres in Pacific County, Wash.

The hearing will be open to attendance of opponents to the withdrawal who may state their views and to proponents of the withdrawal who may explain its purpose, intent and extent; and to all interested persons who desire to be heard on the subject. Those who desire to be heard in person at the hearing and those who desire to submit written statements should file notice thereof not later than

August 25, 1967, with the State Director, Bureau of Land Management, Post Office Box 2965, Portland, Oreg. 97208.

IRVING W. ANDERSON,
Acting State Director.

[F.R. Doc. 67-8576; Filed, July 24, 1967; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket Nos. 18808 etc.; Order No. E-25435]

FRONTIER AIRLINES, INC.

Order of Investigation and Suspension Regarding Military Wives and Mothers Fare

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 20th day of July 1967.

Military wives and mothers fare, proposal of Frontier Airlines, Inc., Dockets 18806, 18722, 18728, 18729.

By Order E-25417 (July 13, 1967) the Board suspended the subject tariff proposal of Frontier Airlines, Inc., and ordered it investigated. Ordering paragraph 2 of aforesaid order inadvertently established the period of suspension to the expiry date marked in the tariff, instead of the customary 90-day period. This order will amend Order E-25417 to correctly state the suspension period.

Accordingly, it is ordered, That:

1. Order E-25417 dated July 13, 1967, be and it is amended to substitute the date October 29, 1967, for January 31, 1968, in ordering paragraph 2.

2. The investigation instituted by Order E-25417 dated July 13, 1967, as amended herein, be assigned Docket number 18806.

3. Copies of this order be filed with tariff CAB No. 101 issued by Airline Tariff Publishers, Inc., Agent and be served upon Frontier Airlines, Inc., Western Air Lines, Inc., Northwest Airlines, Inc., and Continental Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 67-8612; Filed, July 24, 1967; 8:52 a.m.]

[Docket No. 18808; Order No. E-25438]

SHULMAN, INC.

Order of Investigation and Suspension Regarding Fee for Advancing Charges

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 20th day of July 1967.

By tariff revisions filed on June 20, 1967, marked to become effective July 26, 1967, Shulman, Inc. (Shulman), an air freight forwarder, proposes a rule establishing a fee for advancing charges for services performed by others in connection with air freight service. The rule in question provides as follows:

Upon request, the forwarder will advance charges for transportation and cartage not performed by the forwarder. A handling charge equal to 10 percent of the first $50 advanced, and 1 percent of all amounts over the first $60 * * * of the amount advanced, subject to a minimum charge of 50 cents, will be assessed.

The charges indicated above would be advanced by the forwarder chiefly to cartage agents and truckers, which have performed cartage or transportation services in connection with a shipment.[1] The charges are advanced for shipments on which the forwarder will subsequently collect charges from the consignee. At present, fees are not imposed for advancing charges by most direct and indirect air carriers in domestic service.

Upon consideration of the tariff proposal and of all relevant matters, the Board finds that the fee proposed by Shulman may be unjust, unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, or otherwise unlawful, and should be investigated. It is recognized that the advancing of charges is a service over and above that of providing air transportation and involves bookkeeping and administrative expenses to the forwarder. Such advances—when in cash—require use of forwarder funds pending final collection, usually from the consignee, and may involve some degree of risk to the forwarder from a consignee defaulting on the reimbursement of the advanced charges.

However, Shulman has presented no basis at all for the fee scale proposed. While the fee schedule appears modest for very small advances—for an advance charge of $5 the fee would be 50 cents—if the advances involve larger amounts, the fee is relatively large. Thus, for an advance of $50, the fee would be $5. This is much larger than the fee for a similar advance in the schedule approved in Order E-22954, dated December 1, 1965, involving IATA Resolution 509. This resolution established a fee schedule of 1 percent but not less than $2, provided that the charge need not be made where the amount to be collected is less than $50. Under the IATA Resolution, the fee for an advance of $50 is $2, the minimum charge. A fee of $5, applicable to a Shulman advance of $50, would pay for an advance of $500 under the IATA Resolution.

A number of major forwarders do not impose any fees at all for advancing charges. An exception is Emery Air Freight Corp. (Emery), whose fees are considerably lower than in Shulman's proposal. Emery's fees range from 25 cents for advances not exceeding $100 to 85 cents for advances between $400 and $500; an additional 5 cents is charged for each $100 of advance.

By Order E-25035, dated April 25, 1967, the Board set for investigation and suspended fees for advancing charges proposed by Mohawk Airlines, Inc. (Mohawk) and Ozark Air Lines, Inc. (Ozark), to have become effective April 28, 1967. These fees would have amounted to 5 percent of the amounts advanced, subject to a minimum of $1. Except for the differences in minimum charges, the fees would have been lower than those currently proposed by Shulman for advances up to $112.50. In suspending the proposals of Mohawk and Ozark, the Board noted that the carriers had not adequately justified the fee scale proposed. Subsequent to the Board's action, the foregoing carriers canceled their suspended tariffs and filed a fee schedule of 1 percent, subject to a $2 minimum, of the amount advanced. This filing has been permitted by the Board to become effective June 8, 1967.[2]

In view of the foregoing, the Board has decided to suspend the proposal pending investigation.[3] The Board, however, would consider proposals wherein the fee schedule is shown to be reasonably related to costs for both large and small advancements.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,

It is ordered, That:

1. An investigation be instituted to determine whether the charges and provisions in Rule No. 115 on 6th Revised Page 7 and the charges and provisions on 1st Revised Page 9 of Shulman, Inc.'s tariff CAB No. 38, and rules, regulations, and practices affecting such charges and provisions, are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful charges and provisions, and rules, regulations, or practices affecting such charges and provisions;

2. Pending hearing and decision by the Board, the charges and provisions in Rule No. 115 on 6th Revised Page 7 and the charges and provisions on 1st Revised Page 9 of Shulman, Inc.'s tariff CAB No. 38 are suspended and their use deferred to and including October 23, 1967, unless

[1] The advanced charge service is provided under two circumstances: (1) The forwarder pays cash at the time of acceptance of the traffic for services previously performed by some other party, such as a trucker, with such amount to be reimbursed to forwarder at destination by the consignee; or (2) the same charge would similarly be shown as an amount to be collected at destination from the consignee and then reimbursed to the other party at origin for whom such amounts were advanced. In the first instance, there is an actual cash advancement by the forwarder; in the second instance, the transaction does not involve advancement of funds, and in this respect is analogous to a c.o.d. service.

[2] The tariff provides for advances for transportation, cartage, storage, loading, unloading, packaging, and processing not performed by the carriers, and for government duties and customs fees. In contrast, Shulman's proposal involves only advances for transportation and cartage.

[3] While the proposed schedule would result in smaller fees than those put into effect by Mohawk and Ozark for advances under $50, the Board has considered the fee schedule as a unit for suspension purposes.

otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The proceeding herein be assigned before an examiner of the Board at a time and place hereafter to be designated; and

4. Copies of this order shall be filed with the tariff and served upon Shulman, Inc., which is hereby made a party to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 67-8613; Filed, July 24, 1967; 8:52 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-294]

MICHIGAN STATE UNIVERSITY

Notice of Application for Utilization Facility License

Please take notice that Michigan State University, pursuant to 104c of the Atomic Energy Act of 1954, as amended, has submitted an application for necessary licenses to construct and operate a TRIGA type nuclear reactor for research and training on the University's campus at East Lansing, Mich. A copy of the application, dated July 5, 1967, is available for public inspection in the AEC Public Document Room, located at 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 17th day of July 1967.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[F.R. Doc. 67-8518; Filed, July 24, 1967; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

DIMETHOATE AND ITS OXYGEN ANALOG

Notice of Establishment of Temporary Tolerances

Notice is given that at the request of the American Cyanamid Co., Post Office Box 400, Princeton, N.J. 08540, temporary tolerances have been established for total residues of the insecticide dimethoate (*O,O*-dimethyl *S*-(*N*-methylcarbamoylmethyl) phosphorodithioate) including its oxygen analog (*O,O*-dimethyl *O*-(*N*-methylcarbamoylmethyl) phosphorothioate) at 0.1 part per million in or on wheat and at 0.5 part per million in or on wheat straw. The Commissioner of Food and Drugs has determined that these temporary tolerances will protect the public health.

A condition under which these temporary tolerances are established is that the insecticide will be used in accord with the temporary permit issued by the U.S. Department of Agriculture.

These temporary tolerances expire July 18, 1968.

This action is taken pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a (j)) and delegated by him to the Commissioner (21 CFR 2.120).

Dated: July 18, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-8561; Filed, July 24, 1967; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Packers and Stockyards Administration

CORNING SALES CO. ET AL.

Notice of Changes in Names of Posted Stockyards

It has been ascertained, and notice is hereby given, that the names of the livestock markets referred to herein, which were posted on the respective dates specified below as being subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), have been changed as indicated below.

Original name of stockyard, location, and date of posting	*Current name of stockyard and date of change in name*
ARKANSAS	
Corning Sales Company, Corning, Feb. 20, 1959	Corning Livestock Auction, Inc., Apr. 1, 1967.
COLORADO	
Farmers & Ranchers Commission Company, Fort Collins, Apr. 25, 1957.	Farmer and Rancher Livestock Commission Company, Inc., May 23, 1967.
Sunset Livestock Commission Company, Greeley, May 23, 1967.	Greeley Livestock Commission Co., June 19, 1967.
FLORIDA	
Columbia Livestock Market, Inc., Lake City, Mar. 2, 1960.	Columbia Livestock Market, June 1, 1967.
ILLINOIS	
Winslow Marketing Center, Winslow, Nov. 24, 1959.	Winslow Marketing Center, Inc., Jan. 1, 1967.
MISSOURI	
Alton Sale Co., Alton, Apr. 21, 1960	Alton Sales Company, Jan. 1, 1967.
NORTH CAROLINA	
Breeders Livestock Sale, Inc. of Asheboro, Asheboro, Dec. 1, 1959.	Breeders Livestock Sale, Dec. 5, 1966.
Winfield Stockyards, Inc., Chocowinity, July 9, 1959.	Chocowinity Stockyard, Jan. 4, 1967.
PENNSYLVANIA	
Hickory Auction & Sales, Inc., Hickory, Feb. 1, 1960.	Hickory Auction & Sales, Nov. 7, 1966.
SOUTH DAKOTA	
Belle Fourche Livestock Exchange, Belle Fourche, Apr. 15, 1941.	Belle Fourche Livestock Exchange, Inc., Jan. 1, 1959.
Faith Livestock Commission Company, Faith, Aug. 17, 1950.	Faith Livestock Commission Company, Inc., Jan. 1, 1957.

Done at Washington, D.C., this 18th day of July 1967.

EDWARD L. THOMPSON,
Registrations, Bonds, and Reports Branch, Packers and Stockyards Administration.

[F.R. Doc. 67-8610; Filed, July 24, 1967; 8:52 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Mexican List No. 237]

MEXICAN BROADCAST STATIONS

Changes, Proposed Changes, and Corrections in Assignments

FEBRUARY 2, 1967.

Notifications under the provisions of Part III, section 2 of the North American Regional Broadcasting Agreement; list of changes, proposed changes, and corrections in assignments of Mexican Broadcast Stations modifying the appendix containing assignments of Mexican Broadcast Stations (Mimeograph No. 4721-6) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting.

Call letters	Location	Power kw	Antenna	Schedule	Class	Expected date of commencement of operation
XEHQ (Temporary operation with 500 W, ND, U. Previously notified for operation with 1,000 W, ND, U. The increase to 1,500 W-N is based upon application of the 70 percent rule).	Hermosillo, Sonora	*580 kilocycles* 1,500	ND	U	III	4-30-67.
XEBU (Change in class of daytime operation. Previously IV).	Chihuahua, Chihuahua	*680 kilocycles* 5,000-D/250-N	ND	U	III-D, IV-N	3-3-67.
XECK (In operation on 620 kc/s. Change in Class of daytime operation).	Durango, Durango	*620 kilocycles* 1,000-D/100-N	ND	U	III-D, IV-N	3-11-62.
XEEQ (Assignment deleted. See 760 kc/s).	San Luis Potosí, San Luis Potosí.	*760 kilocycles* 250	ND	D	II	2-3-67.
XEEQ (In operation on 760 kc/s).	San Luis Potosí, San Luis Potosí.	*760 kilocycles* 250	ND	D	II	4-22-64.
XESU (Correction to notification in Change List No. 205).	Mexicali, Baja California.	*760 kilocycles* 500	ND	D	III	
XEFW (Correction of an omission: in operation with 50,000 W, DA-N).	Tampico, Tamaulipas	*810 kilocycles* 50,000	DA-N	U	II	6-30-61.
XETQ (Correction of an omission. Change in class and increase in power. Temporary operation with 10,000 W, DA-2, with directional antenna system previously notified).	Orizaba, Veracruz	*850 kilocycles* 100,000-D/50,000-N.	DA-N	U	I-B	4-30-67.
XENW (Correction of an omission: In operation on 860 kc/s).	Culiacan, Sinaloa	*860 kilocycles* 1,000-D/250-N	ND	U	II	8-3-59.
XEMJ (Correction of an omission. In operation with 1,000 W-D, 250 W-N, ND, U).	Piedras Negras, Coahuila.	*980 kilocycles* 1,000-D/250-N	ND	U	IV	6-30-61.
XEGM (Correction of an omission: In operation with 2,500 W, ND, U. Previously with 2,500 W, DA-N. Withdraw proposal to increase to 3,300 W-D, ND).	Tijuana, Baja California.	*860 kilocycles* 2,500	ND	U	III	3-1-65.
XEK (Correction of an omission: Previously notified with 5,000 W-D, 1,000 W-N, DA-1. In operation with 2,000 W-D, 1,000 W-N, ND).	Nuevo Laredo, Tamaulipas.	*860 kilocycles* 2,000-D/1,000-N.	ND	U	III	4-2-65.
XEKD (In operation with 800 W-D, 200 W-N, ND, U. This confirms the notification for operation with 280 W-N contained in list No. 180. Such operation is feasible applying the 70 percent rule).	Cd. Acuna, Coahuila	*1010 kilocycles* 800-D/280-N	ND	U	II	3-2-67.
XEGY (Correction of an omission: In operation on 1070 kc/s. Previously notified on 1060 kc/s).	Tehuacan, Puebla	*1070 kilocycles* 1,000-D/280-N	ND	U	II	11-16-62.
XEDY (This confirms the notification for the change from 1460 kc/s made by telegram of April 12, 1966. Now in operation on 1060 kc/s).	Cuervos, Baja California.	*1060 kilocycles* 500	ND	D	II	3-3-65.
XEGY (Correction of an omission: Assignment deleted. See 1070 kc/s).	Tehuacan, Puebla	*1080 kilocycles* 1,000-D/500-N	ND	U	II	3-3-67.
XETA (Correction of an ommission: Previously notified with 500 W-D, 180 W-N, ND, U, II-D, IV-N. In operation).	Zitacuaro, Michoacan	*1080 kilocycles* 500-D/100-N	ND	U	II	6-30-61.
XEJP (Now in operation with new directional antenna pattern).	Mexico, D.F.	*1180 kilocycles* 10,000	DA-N	U	III	1-4-64.
XEWG (This confirms the notification made by telegram of September 13, 1966. In operation on 1240 kc/s).	Cd. Juarez, Chihuahua	*1240 kilocycles* 250	ND	U	IV	9-28-66.
XEL (Correction of an ommission: In operation with 10,000 W-D, 1,000 W-N, ND).	Mexico, D.F.	*1060 kilocycles* 10,000-D/1,000-N.	ND	U	III	11-14-60.

Call letters	Location	Power kw	Antenna	Schedule	Class	Expected date of commencement of operation
XEBP (Correction of an ommission: In operation temporarily with 1,000 W-D, 250 W-N, ND).	Torreon, Coahuila	*1510 kilocycles* 10,000-D/250-N	ND	U	III-D, IV-N	9-15-51.
XEAI (Now in operation with 10,000 W-D, 1,000 W-N, ND. Increase in nighttime powar).	Mexico, D.F.	*1590 kilocycles* 10,000-D/5,000-N.	DA-N	U	III	4-30-67.
XECK (Assignment deleted. See 620 kc/s).	Durango, Durango	*1540 kilocycles* 1,000-D/250-N	ND	U	IV	2-2-67.
XEKF (Correction of an omission: In operation with 1,000 W-D, 500 W-N, ND).	Iguala, Guerrero	*1880 kilocycles* 1,000-D/500-N	ND	U	III	6-30-61.
XEY (Correction of an omission: In operation with 1,000 W-D, 175 W-N, ND).	Celaya, Guanajuato	*1890 kilocycles* 1,000-D/175-N	ND	U	IV	6-30-61.
XEHF (Correction of an omission: In operation with 5,000 W, ND, U).	Nogales, Sonora	*1570 kilocycles* 5,000	*ND*	U	III	4-2-62.
XECO (Correction of an omission: In operation with 5,000 W, ND, U).	Mexico, D. F.	*1580 kilocycles* 5,000	ND	U	III	6-30-64.
XEGW (This corrects the notification included in List No. 230. In operation with 1,000 W-D since 11-11-64. Increase hours).	Cd. Victoria, Tamaulipas.	*1580 kilocycles* 1,000-D/150-N	ND	U	III-D, IV-N	3-3-67.
XEKT (Correction of an omission: In operation-notified previously with 250 W-D, 180 W-N).	Tecate, Baja California	*1580 kilocycles* 250-D/100-N	ND	U	IV	6-30-61.
XEGD (Now in operation on 1400 kc/s).	Hidalgo del Parral, Chihuahua.	*1400 kilocycles* 1,000-D/200-N	ND	U	IV	7-5-62.

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-8599; Filed, July 24, 1967; 8:51 a.m.]

[Mexican List No. 236]

MEXICAN BROADCAST STATIONS

Changes, Proposed Changes, and Corrections in Assignments

FEBRUARY 6, 1967.

Notifications under the provisions of Part III, section 2 of the North American Regional Broadcasting Agreement; list of changes, proposed changes, and corrections in assignments of Mexican Broadcast Stations modifying the appendix containing assignments of Mexican Broadcast Stations (Mimeograph No. 4721-6) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

Call letters	Location	Power kw	Antenna	Schedule	Class	Expected date of commencement of operation
XERPO (Assignment deleted).	Oaxaca, Oaxaca	*650 kilocycles* 1,000	ND	D	II	2-6-67.
XEBQ (PO: 1240 kc/s).	Guaymas, Sonora	*710 kilocycles* 1,000-D/250-N	ND	U	II	3-6-67 (Probable).
XEAN (Assignment deleted).	El Salto de Juanacatlan, Jalisco.	*790 kilocycles* 5,000	DA-D	D	III	2-6-67.
XEAN (new)	Ocotlan, Jalisco	*800 kilocycles* 1,000	ND	D	II	3-6-67 (Probable).
XEGO (Assignment of call letters).	Cozumel, Quintana Roo.	*810 kilocycles* 1,000-D/500-N	DA-2	U	II	2-6-67.
XEOE (Completion of notification included in List No. 234. Previously notified on 1340 kc/s. Now in operation on 810 kc/s).	Tapachula, Chiapas	*810 kilocycles* 1,000-D/150-N	ND	U	II	2-21-66.
XEBA (Now in operation on 830 kc/s).	Guadalajara, Jalisco	*830 kilocycles* 1,000	ND	D	II	11-11-61.
XELA (PO: 10,000-D, 5000-N, DA-N).	Mexico, D. F.	*850 kilocycles* 10,000-D/5,000-N.	DA-1	U	II	4-6-67 (Probable).
XEBA (Assignment deleted. See 830 kc/s.).	Guadalajara, Jalisco	*840 kilocycles* 1,000	ND	D	II	2-6-67.
XEGB (Assignment deleted).	Coatzacoalcos, Veracruz.	*840 kilocycles* 250	ND	D	II	2-6-67.
XEMY (Cancel the notification to change call letters included in Change List No. 231. Maintain the notification included in List No. 232. Now in operation).	Cd. Mante, Tamaulipas.	*840 kilocycles* 500	ND	D	II	3-14-66.
XEMIA (Now in operation on 850 kc/s).	Chapala, Jalisco	*850 kilocycles* 1,000	ND	D	II	11-11-61.

Call letters	Location	Power kw	Antenna	Schedule	Class	Expected date of commencement of operation
XEMIA (Assignment deleted. See 850 kc/s).	Chapala, Jalisco	*880 kilocycles* 1,000	ND	D	II	2-6-67.
(New) (Cancel the notification included in List No. 223).	Cd. Juarez, Chihuahua	*880 kilocycles* 1,000-D/250-N	ND	U	III	2-6-67 (Probable).
XERPN (Correction of power for nighttime operation as shown in List No. 233).	Cd. Juarez, Chihuahua	*880 kilocycles* 1,000-D/500-N	DA-N	U	II	8-6-67.
XETAA (Now at Torreon, Coahuila. Temporary operation with 500 W-D, 100 W N, since 10-5-66. Increase in nighttime power. Change in call letters—previous XEMD).	Torreon Coahuila	*980 kilocycles* 1,000-D/200-N	ND	U	IV	3-6-67 (Probable).
XERPH (Correction of notification included in List No. 233. In operation on 950 kc/s with 500 W D, 250 W N).	Chihuahua, Chihuahua	*950 kilocycles* 500-D/250-N	ND	U	III-D, IV-N	6-10-65.
XEU (Assignment deleted).	Veracrus, Veracrus	*960 kilocycles* 500	ND	U	III-B	2-6-67.
XEDX (Assignment deleted).	El Sauzal, Baja California.	*1010 kilocycles* 500-D/250-N	ND	U	II	2-6-67.
XETKR (Correction of an omission: This notifies the basic information relating to a change in frequency from 1490 kc/s to 1190 kc/s. Supplementary information was sent to the OIR on 1-11-65. In operation on 1190 kc/s at Villa de Guadalupe with 1,000 W-D, ND, D since 5-10-66. Change in call letters from XEJET).	Villa de Guadalupe, Nuevo Leon.	*1190 kilocycles* 1,000-D/500-N	DA-N	U	II	
XEBQ (Change to 710 kc/s).	Guaymas, Sonora	*1240 kilocycles* 1,000-D/250-N	ND	U	IV	3-6-67 (Probable).
XEAJ (Correction to notifications included in List No. 231 and 233. Change in call letters, previously XESG. In operation on 1230 kc/s with 500 W-D since 10-13-64. Increase in hours).	Saltillo, Coahuila	*1230 kilocycles* 500-D/100-N	ND	U	III-D, IV-N	4-6-67 (Probable).
XEKS (Assignment deleted).	Saltillo, Coahuila	*1330 kilocycles* 100	ND	U	IV	2-6-67.
XEOE (Assignment deleted. See 810 kc/s).	Tapachula, Chiapas	*1340 kilocycles* 1,000-D/250-N	ND	U	IV	2-6-67.
XEUX (Assignment deleted).	Tuxpan, Nayarit	*1340 kilocycles* 1,000-D/250-N	ND	U	IV	2-6-67.
XEQY (Correction of an omission: Notification of basic information. Supplementary information sent to the OIR on April 20, 1965. In operation since 11-1-65).	Toluca, Mex	*1360 kilocycles* 500	DA-D	D	III	
XERK (Assignment deleted. Changed to 800 kc/s).	Tepic, Nayarit	*1360 kilocycles* 1,000-D/500-N	ND	U	III	2-6-67.
(New)	Tepic, Nayarit	*1360 kilocycles* 1,000-D/500-N	ND	U	III	8-6-67 (Probable).
XEM (Assignment deleted).	Chihuahua, Chihuahua	*1390 kilocycles* 500	ND	U	III-B	2-6-67.
XECC (Assignment deleted).	Cd. Camargo, Chihuahua.	*1440 kilocycles* 5,000-D/1,000-N	ND	U	III-A	2-6-67.
XEDV (Change in call letters from XEHA).	Cd. Camargo, Chihuahua.	*1440 kilocycles* 5,000-D/1,000-N	ND	U	III	2-6-67.
XEJQ (Assignment deleted. See 1500 kc/s).	Parras, Coahuila	*1440 kilocycles* 5,000	ND	D	II	2-6-67.
(New)	Parras, Coahuila	*1440 kilocycles* 5,000	ND	D	II	8-6-67 (Probable).
XERPH (Assignment deleted. See 950 kc/s).	Chihuahua, Chihuahua	*1480 kilocycles* 1,000-D/250-N	ND	U	IV	2-6-67.
XEDG (New)	Chihuahua, Chihuahua	*1480 kilocycles* 1,000-D/250-N	ND	U	IV	8-6-67 (Probable).
XEME (Correction to notification included in List No. 218 Previously notified for operation with 1000 W-D, 250 W-N).	Merida, Yucatan	*1490 kilocycles* 1,000-D/500-N	ND	U	IV	8-6-67 (Probable).
XEOB (Cancel notifications to change call letters to XETAA and XETBB and to reduce day power, included in List No. 227).	Torreon, Coahuila	*1490 kilocycles* 1,000-D/250-N	ND	U	IV	2-6-67.

Call letters	Location	Power kw	Antenna	Schedule	Class	Expected date of commencement of operation
XEJQ (Now in operation on 1500 kc/s. Notification of class of the station).	Parras, Coahuila	*1500 kilocycles* 250	ND	D	II	12-12-66.
XEMS (PO: 1460 kc/s. Correction to class-previously notified III).	Matamoros, Tamaulipas	*1500 kilocycles* 1,000	DA-2	U	II	8-6-67.
XESG (Assignment deleted. See 1330 kc/s).	Saltillo, Coahuila	*1510 kilocycles* 1,000	ND	D	II	2-6-67.

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-8600; Filed, July 24, 1967; 8:51 a.m.]

[Mexican Change List No. 239]

MEXICAN BROADCAST STATIONS

Changes, Proposed Changes, and Corrections in Assignments

APRIL 8, 1967.

Notifications under the provisions of Part III, section 2 of the North American Regional Broadcasting Agreement; list of changes, proposed changes, and corrections in assignments of Mexican Broadcast Stations modifying the appendix containing assignments of Mexican Broadcast Stations (Mimeograph No. 4721-6) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

Call letters	Location	Power kw	Antenna	Schedule	Class	Expected date of commencement of operation
XEPT (Assignment deleted).	Cd. Pemex, Tab	*680 kilocycles* 250-D/100-N	ND	U	IV	4-6-67.
XEVL (This complements the notification included in List 230: Change in call letters, previously XEVG. In operation on 620 kc/s with 1,000W-D/100W-N, since 12-16-65).	Villahermosa, Tab	*680 kilocycles* 1,000-D/100-N	ND	U	III-D, IV-N	12-16-65.
XETN (New)	Moroleon, Gto	*700 kilocycles* 250	ND	D	II	10-6-67 (Probable).
XEBL (Previously notified with 5,000W-D/1,000W-N, DA-N).	Culiacan, Sin	*710 kilocycles* *1,000-D/250-N*	*ND*	U	II	5-6-67 (Probable).
XEBQ (This complements the notification included in List 238. Present operation 1240 kc/s, Empalme, Sonora).	Guaymas, Son	*710 kilocycles* 1,000-D/250-N	ND	U	II	5-6-67 (Probable).
XEKU (Correction of an omission: In operation since 12-11-61).	Acapulco, Gro	*710 kilocycles* 250-D/150-N	ND	U	II	12-11-61.
XEPQ (In operation on 710 kc/s with 500W-D/100W-N, since 7-21-66. Increase in daytime power).	Muzquiz, Coah	*710 kilocycles* 1,000-D/100-N	ND	U	II	10-6-67.
XEDGO (In operation since 7-20-66).	Durango, Dgo	*730 kilocycles* 1,000	ND	D	II	7-20-66.
XEAN (In operation since 2-6-67).	Ocotlan, Jal	*800 kilocycles* 1,000	ND	D	II	2-6-67.
XEORF (New)	El Fuerte, Sin	*860 kilocycles* 1,000D/500N	ND	U	III	9-6-67 (Probable).
XEBR (This corrects the notifications included in Lists 220 and 224: Previously notified on 620 kc/s as XEPT, Cd. Pemex, Tabasco. Change in call letters previously XEACM).	Macuspana, Tab	*1060 kilocycles* 1,000-D/150-N	ND	U	II	9-6-67 (Probable).
XEDY (This notified a change in the official name of the city. Previously Cuervos, B.C.).	*Cd. Morelos, B.C.*	*1060 kilocycles* 500	ND	D	II	
XEZL (Temporary operation with 10,000W, ND, D, since 3-20-67).	Jalapa, Ver	*1150 kilocycles* 10,000	DA-N	U	II	
XERTM	Macuspana, Tab	*1150 kilocycles* 1,000-D/125-N	ND	U	III-D, IV-N	5-6-67 (Probable).
XECT (This cancels the notification included in List 228).	Cd. Juarez, Chih	*1190 kilocycles* 5,000	ND	D	II	4-6-67.
XEPQ (Assignment deleted. See 710 kc/s).	Muzquiz, Coah	*1250 kilocycles* 500	ND	D	III	4-6-67.
XESC (New)	Sabinas, Coah	*1250 kilocycles* 1,000	ND	D	III	10-6-67 (Probable).
XEDH (In operation since 12-15-66).	Cd. Acuna, Coah	*1340 kilocycles* 250	ND	U	IV	12-15-66.

Call letters	Location	Power kw	Antenna	Schedule	Class	Expected date of commencement of operation
XEDS (Assignment deleted. See 1470 kc/s).	Colima, Col.	1340 kilocycles 1,000	ND	D	IV	4-8-67.
XEZD (Assignment of call letters).	Cd. Camargo, Tams.	1350 kilocycles 250	ND	U	IV	5-8-67 (Probable).
XEZC (Assignment deleted).	Concepcion del Oro, Zac.	1360 kilocycles 250	ND	U	IV	4-8-67.
XEPJ (Change in location and call letters. Previously notified XEDG, Guadalajara, Jalisco).	San Pedro Tlaquepaque, Jal.	1570 kilocycles 500	ND	U	III	5-8-67 (Probable).
XERK (This corrects the notification included in List 226: Assignment deleted. Change to 860 kc/s).	Tepic, Nay.	1380 kilocycles 1,000-D/500-N	ND	U	III	2-8-67.
XEZD (Assignment deleted).	Cd. Camargo, Tams.	1400 kilocycles 250-D/100-N	ND	U	IV	4-8-67.
New	Sabinas Hidalgo, N.L.	1400 kilocycles 250	ND	U	IV	10-8-67.
XEF (In operation with 5,000W-D/500W-N, since 1-12-66).	Cd. Juarez, Chih.	1430 kilocycles 5,000-D/500-N	ND	U	III	1-12-68.
XEVG (Assignment deleted. See 620 kc/s).	Villahermosa, Tab.	1440 kilocycles 150	ND	U	IV	4-8-67.
XEZC (Correction of an omission: Assignment of call letters. In operation since 9-21-66).	Rio Grande, Zac.	1450 kilocycles 250	ND	U	IV	9-21-66.
XEDS (Correction of an omission: In operation since 10-21-61).	Colima, Col.	1470 kilocycles 1,000-D/200-N	ND	U	III-D, IV-N	10-21-61.
XEMS (This cancels the notification to change frequency to 1500 kc/s, included in List 228. Continue on 1490 kc/s).	Matamoros, Tams.	1490 kilocycles 250	ND	U	IV	4-8-67.
XEMS (This cancels the notification of a change to 1500 kc/s, notified in List 228. Continue on 1490 kc/s—see 1490 kc/s).	Matamoros, Tams.	1490 kilocycles 1,000	DA-2	U	II	4-8-67.
XEVL (Assignment deleted).	Villahermosa, Tab.	1490 kilocycles 500	ND	D	III	4-8-67.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-8601; Filed, July 24, 1967; 8:51 a.m.]

[Docket Nos. 17555-17558; FCC 67M-1175]

AZALEA CORP. ET AL.

Order Scheduling Hearing

In re applications of Azalea Corp., Mobile, Ala., Docket No. 17555, File No. BP-17340; W.G.O.K., Inc. (WGOK), Mobile, Ala., Docket No. 17556, File No. BP-17398; People's Progressive Radio, Inc., Mobile, Ala., Docket No. 17557, File No. BP-17477; Mobile Broadcast Service, Inc., Mobile, Ala., Docket No. 17558, File No. BP-17478; for construction permits.

It is ordered, That Elizabeth C. Smith shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on September 20, 1967, at 10 a.m.; and that a prehearing conference shall be held on July 25, 1967, commencing at 9 a.m.: *And, it is further ordered*, That all proceedings shall take place in the Offices of the Commission, Washington, D.C.

Issued: June 30, 1967.

Released: July 18, 1967.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-8530; Filed, July 24, 1967; 8:45 a.m.]

[Docket No. 17469; FCC 67M-1191]

BLUEFIELD TELEVISION CABLE

Order Rescheduling Hearing

In re petition of Bluefield Television Cable, Bluefield, W. Va., request for waiver of § 74.1103 of the Commission's rules and cease and desist order to be directed against Bluefield Cable Corp., owner and operator of a CATV system at Bluefield, W. Va.

Pending action on petitions for termination and reconsideration: *It is ordered*, That the hearing is further rescheduled from July 25 to September 11, 1967.

Issued: July 14, 1967.

Released: July 18, 1967.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-8521; Filed, July 24, 1967; 8:45 a.m.]

[Docket No. 16070; FCC 67M-1186]

COMMUNICATIONS SATELLITE CORP.

Order Scheduling Prehearing Conference

In the matter of Communications Satellite Corporation, charges, practices, classifications, rates and regulations for and in connection with the leasing of voice grade and television channels to common carriers authorized by the Federal Communications Commission, between Andover, Maine, and a communications-satellite in connection with the establishment of communication paths between points in the United States and Europe for the transmission and reception of voice, record, data, telephoto, facsimile, television and other signals.

The Hearing Examiner having under consideration an unopposed "Motion to Reschedule Hearing Conference" filed July 5, 1967, by Communications Satellite Corporation (Comsat) in the above matter, and

It appearing that the Hearing Examiner has already orally continued the matter without date but that a formal order establishing a date certain is appropriate,

It is ordered, That the further prehearing conference heretofore continued without date is hereby scheduled to commence at 10 a.m., September 7, 1967, in the Commission's offices in Washington, D.C.

Issued: July 13, 1967.

Released: July 20, 1967.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-8594; Filed, July 24, 1967; 8:50 a.m.]

[Docket Nos. 17256, 17257; FCC 67R-297]

EAST ST. LOUIS BROADCASTING CO., INC., AND METRO-EAST BROADCASTING, INC.

Memorandum Opinion and Order Enlarging Issues

In re applications of East St. Louis Broadcasting Co., Inc., East St. Louis, Ill., Docket No. 17256, File No. BP-16579; Metro-East Broadcasting, Inc., East St. Louis, Ill., Docket No. 17257, File No. BP-16682; for construction permits.

1. This proceeding involves the applications of East St. Louis Broadcasting Co., Inc. (East St. Louis), and Metro-East Broadcasting, Inc. (Metro-East), each requesting authority to construct a new standard broadcast station at East St. Louis, Ill. The applications were designated for hearing by order, FCC 67-284, 7 FCC 2d 66, released March 9, 1967. Presently before the Review Board is a petition to enlarge issues, filed by Metro-East on March 29, 1967, requesting the addition of financial and site availability issues against East St. Louis. In a supplement to its petition, filed on June 8, 1967, Metro-East requests the addition of issues relating to the character qualifications of East St. Louis.[1]

2. In support of its request for financial issues, Metro-East alleges that East St. Louis will require $151,541 in order to construct and operate its station for 1 year ($115,000 in operating expenses plus $55,244 construction costs minus $18,703 already expended); that East St. Louis' application reflects that it has $144,184 available ($47,901 funds on deposit, $80,643 in bond obligations, and $15,640 deferred credit); and that part of the bond obligations will be paid in services rendered by individual stockholders, thereby further reducing the amount of cash available to East St. Louis to $115,933. In addition, Metro-East alleges that East St. Louis' allocation of $7,347 for its antenna system is far too low because its application reflects a guyed tower whereas its request for an FAA clearance reflects a self-supporting tower; the cost of a guyed tower would be $12,453; and the cost of a self-supporting tower would be $28,195.[2] Finally, Metro-East questions the availability of part of the $80,642 in bond obligations, pointing out that $28,250 of the amount will be paid in services to the corporation, and alleging that this amount cannot be relied upon because no showing has been made of the type of services to be performed. Moreover, Metro-East submits, various stockholders whose cash commitment totals $37,190 have not shown the ability to meet their commitments, and other stockholders, with cash commitments of $4,530 are able to meet their commitments only by a substitution of services in lieu of cash. To support its request for a site availability issue, Metro-East contends that the East St. Louis City Council adopted the "PACE Plan" (a comprehensive urban renewal plan) on March 22, 1967; and that the site specified by East St. Louis is located in the area covered by this plan. A statement from the Director of Urban Renewal and Planning was submitted with the petition, in which he states that East St. Louis must obtain a special use authorization for its proposed site, and that the proposed site is not in conformance with the "PACE Plan."

3. East St. Louis, opposing the requested financial issues, submitted updated financial information,[3] reflecting that it will require $159,061.31 in order to construct its proposal (including the cost of a self-supporting tower in lieu of a guyed tower) and operate for 1 year.[4] To meet this requirement, East St. Louis alleges that it has available funds in an amount of $213,225, consisting of $5,340 in stock commitments, $145,885 in bond commitments ($70,573 of the stock and bond commitments have been paid), and $62,000 in first year's operating revenues. The latter figure is supported by 45 letters of commitment from potential advertisers. With regard to the commitments of its stockholders, East St. Louis submitted updated balance sheets for all of the stockholders whose ability to meet their commitments was challenged by Metro-East, and avers that all except two have sufficient current assets in excess of liabilities to meet their commitments, without regard to the services they were to perform; and the remaining two have loan commitments to meet their obligations. Although the nature of the services to be performed by the stockholders was specified in a February 28, 1966, amendment to its application, East St. Louis states, the matter of services is now moot because all of the persons involved have indicated a willingness to pay cash instead of services if determined to be in the best interests of the applicant company. With regard to its proposed site, East St. Louis states that the site was purchased only after conversations with the Director of Urban Renewal and Planning (a stockholder in Metro-East), who stated that the area could be used for a broadcast station. To support its position, East St. Louis submitted two letters from a local attorney, who states in one that it is "inconceivable" that a special use permit will not be granted and that this use is not inconsistent with the PACE Plan; and, in the other, that he discussed the PACE Plan with one of the architects who designed it and was told that this plan was for future development, and was not intended to block present development. An affidavit from the President of East St. Louis was also submitted, in which he states that he and a consulting engineer visited the architect on May 4, 1967; that the architect told him that the station was consistent with existing zoning and, if properly designed, would "fit nicely" into the design of the PACE Plan; that he (the architect) would write a letter to that effect to the Chairman of the local PACE organization; that he returned to the architect's office later that day to pick up the letter, with local counsel, but was told by the architect that "after talking to certain persons," the architect had decided not to send the letter. With a supplement to its opposition, East St. Louis filed a letter from the Director of Urban Renewal and Planning, indicating that the Board of Appeals granted East St. Louis' request for "Special Use" for the purpose of erecting a radio station.

4. In reply, Metro-East concedes that East St. Louis has established reasonable assurance of the availability of its transmitter site, but asserts that the new financial information submitted does not show that East St. Louis is financially qualified. Metro-East computes East St. Louis' cash requirement to be $140,385 (taking into account expenses already paid) and the amount available at $117,472 (taking into account the remaining amount due from commitments and the funds presently on deposit); and challenges East St. Louis' estimate of construction costs; its reliance upon anticipated revenues; and the ability of its stockholders to meet their commitments. Specifically, Metro-East claims that although the East St. Louis application reflects that its studio will be leased for $1,200 per year, its President testified at the zoning hearing that a studio would be constructed, and that a "picturesque" tower would be erected; the architect contacted by East St. Louis' President anticipated that the building proposed would cost between $40,000 and $50,000; and it is doubtful if the tower could be erected for $12,841, as proposed. With regard to the advertising commitments, Metro-East points out that they are almost 2 years old; they are in varying degrees of firmness; and alleges that one of the commitments is from a business no longer in existence, and another was signed by a manager who lacked authority to bind the business. A third commitment is challenged in a letter from the "major owner" of a business, who states that while the commitment letter was signed by a stockholder, that stockholder does not remember either writing or signing the letter. Finally, Metro-East questions various items listed as "current

[1] The following pleadings are before the Review Board: (a) Petition to enlarge issues, filed on Mar. 29, 1967, by Metro-East; (b) Broadcast Bureau's comments, filed on May 8, 1967; (c) opposition, filed on May 8, 1967, by East St. Louis; (d) supplement to (c), filed on June 1, 1967, by East St. Louis; (e) supplement to (a), filed on June 8, 1967, by Metro-East; (f) reply to (b), filed on June 8, 1967, by Metro-East; (g) reply of Metro-East to (c), filed on June 8, 1967; (h) reply to (e), filed on June 30, 1967, by East St. Louis; (i) Broadcast Bureau's comments on (e), filed on June 30, 1967; and (j) reply to (h), filed on July 12, 1967, by Metro-East.

[2] Estimates from the Utility Tower Co. were submitted to support the alleged cost figures.

[3] The updated financial information, including new estimates from the equipment supplier, is contained in an amendment to East St. Louis' application accepted on June 8, 1967 (FCC 67M-951). The change from a guyed to a self-supporting tower (also contained in the amendment) was made, East St. Louis states, in order to conform to the wishes of the zoning authorities.

[4] A detailed breakdown of East St. Louis' operating costs is included in the petition, which reflects the increased tower costs.

assets" in the balance sheets of seven of the stockholders, contending that they have not shown the ability to meet their respective commitments.

5. The allegations contained in Metro-East's reply, together with certain new allegations form the basis of Metro-East's request for issues inquiring into the character qualifications of East St. Louis, contained in the supplement to the subject petition. First, Metro-East relies upon the alleged discrepancy between East St. Louis' application, wherein it is stated that the studio will be leased, and the testimony of East St. Louis' president at the zoning hearing to the effect that a new studio would be constructed. Next, Metro-East contends that in view of the representations made to the zoning authorities regarding the attractiveness of East St. Louis' proposed tower, the cost of constructing that tower has been understated. Reliance is also placed on a letter from the architect of the PACE Plan, who states that he did not inform counsel for East St. Louis that the tower was in conformance with present zoning laws (counsel told him), or that the PACE Plan was merely meant for the future, and was not told that East St. Louis was in a competitive situation. Metro-East alleges that East St. Louis represented in its February 28, 1966, amendment that it had $4,935.88 on deposit at a particular bank, whereas in fact it had only $467.95. Finally, Metro-East relies upon the letter disclaiming the advertising commitment (see par. 4, supra).[4]

6. In response to the allegations, East St. Louis submits that there is no conflict between the representations in its application and those made at the zoning hearing because the new studio will be constructed by one of the East St. Louis stockholders and leased to the applicant for $1,200 per year, as indicated in the application.[5] The proposed tower will be constructed as specified in its amended application, East St. Louis maintains, and the correct specifications were given to the zoning authorities. Various affidavits were submitted by East St. Louis relating to the details of the conversations with the architect. With regard to the bank balance, East St. Louis concedes that it did not correctly reflect a reduction of that balance in one of its amendments, but contends that this was an inadvertent error corrected in a subsequent amendment; and with regard to the challenged advertising commitment, states that it has no knowledge that the commitment was not authentic.

[4] Metro-East alleges that East St. Louis made certain other inconsistent statements, but we do not agree that those statements are inconsistent and therefore they will not be dealt with in detail. For example, East St. Louis stated in an amendment that it was changing the type of tower in order to get zoning approval, and told the zoning authorities that the change was for beautification.

[5] A letter from the stockholder was submitted to confirm these allegations. An amendment accepted July 20, 1967 (FCC 67M-1100), sets forth the details of the arrangements.

7. The Board is of the opinion that the only matter of substance raised in the voluminous pleadings before it relates to East St. Louis' financial qualifications. The request for a site availability issue is based upon alleged zoning difficulties, and, since East St. Louis has now obtained an appropriate use authorization, no question remains. The request for character issues is contained in an unauthorized supplemental pleading which could be dismissed on procedural grounds alone. However, in view of the serious nature of the charges (and countercharges) made by the applicants we have examined the allegations, and find that they are either based upon a combination of strained interpretations of facts and speculations, or have been adequately refuted by responsive pleadings. As to East St. Louis' estimated costs of construction, we do not regard the fact that this applicant attempted to show at a zoning hearing that its proposed tower would be attractive as an adequate basis for disputing the price quoted for the tower by an equipment supplier[6] in the absence of specific factual allegations indicating that representations were made that the tower would be different from that proposed in the application. The apparent inconsistency as to whether the studio would be built or leased is adequately explained by the stockholder construction and lease arrangement. We have carefully examined and compared the architect's version of his conversations with East St. Louis' principals and agents with those submitted by the other participants to these discussions, and we find that, except for certain minor details,[7] there is no conflict as to the substance of these conversations. Thus, all agree that the architect stated that the PACE Plan was to govern future development, that the use of the site as proposed would not be barred by the PACE Plan, that a letter to that effect was to be written by the architect, and that the architect subsequently changed his mind about writing the letter. Finally, we have no reason to suspect that the incorrect bank balance contained in one of the East St. Louis amendments was other than an inadvertent error, as East St. Louis claims, or that there was anything nefarious in the disputed commitment letter.

8. As previously indicated, we find no valid reason for adding an issue inquiring into East St. Louis' estimated costs of construction and operation. However, Metro-East has pointed out deficiencies in some of the showings made by East St. Louis' stockholders to meet their financial commitments. For example, Clifford Haworth has not shown the ability to meet his $1,750 commitment since more than $9,100 of the $10,521 listed on his balance sheet as current assets consists of accounts receivable and merchandise inventory, the liquidity of which has not been established; and Leon Namirr has not shown the ability to meet his $7,020 commitment since his balance sheet reflects only $5,663 in current assets over liabilities, and a $2,000 bank letter of commitment to Namirr is completely devoid of any of the terms and conditions for the loan. All of East St. Louis' bond commitments were made, in part, "in consideration of other subscriptions" and we therefore believe that a failure to meet any of them places them all in doubt. Cf. Lebanon Valley Radio, 1 FCC 2d 940 (1965). Moreover, even assuming that all of the subscribers could meet their commitments, we agree with Metro-East that East St. Louis would have to rely upon approximately $23,000 in anticipated revenues (see par. 4, supra) and that the letters of commitment, standing alone, are insufficient to permit such reliance. The addition of financial issues is therefore required. The burden of proceeding and the burden of proof under the added issues will be on East St. Louis.

Accordingly, it is ordered, That the petition to enlarge issues, filed on March 29, 1967, by Metro-East Broadcasting, Inc., is granted to the extent indicated below, and denied in all other respects; that the supplement to petition to enlarge issues, filed by Metro-East Broadcasting, Inc., on June 8, 1967, is denied; and

It is further ordered, That the issues in this proceeding are enlarged by the addition of the following issues:

(a) To determine whether the stockholders of East St. Louis Broadcasting Co., Inc., are financially able to meet their respective commitments.

(b) To determine the basis of East St. Louis Broadcasting Co., Inc.'s estimated revenues for the first year of operation.

(c) To determine in light of the evidence adduced whether East St. Louis Broadcasting Co., Inc., has demonstrated a reasonable likelihood of construction and continuing operation of its proposed station in the public interest.

Adopted: July 14, 1967.

Released: July 18, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-8522; Filed, July 24, 1967; 8:45 a.m.]

[6] The fact that another equipment supplier quoted a higher price is, in our opinion, meaningless in view of the price quoted by East St. Louis' equipment supplier.

[7] Whether or not the architect volunteered his estimate of the cost of the proposed studio, whether the statement regarding existing zoning was made by the architect or the lawyer, and the exact reference made to "future development" are questions which, however resolved, could not form the basis of significant conclusions regarding the applicants.

[Docket Nos. 17570-17573; FCC 67-789]

ELIM BIBLE INSTITUTE, INC., ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Elim Bible Institute, Inc., Lima, N.Y., requests: 1140 kc, 1 kw, Day, Class II, Docket No. 17570, File No. BP-16869; "What the Bible Says, Inc.," Henrietta, N.Y., requests: 1140 kc, 500 w, Day, Class II, Docket No. 17571, File No. BP-17001; Oxbow Broadcasting Corp., Geneseo, N.Y., requests: 1140 kc, 500 w, Day, Class II, Docket No. 17572, File No. BP-17399; John B. Weeks, Warsaw, N.Y., requests: 1140 kc, 1 kw, DA, Day, Class II, Docket No. 17573, File No. BP-17400; for construction permits.

1. The Commission has before it the above-captioned applications which are mutually exclusive in that simultaneous operation of the stations as proposed would result in mutually destructive interference.

2. An examination of the proposal of "What the Bible Says, Inc.," ("Bible Says") indicates that a total of $45,000 is needed to construct and operate the proposed station for a period of 1 year without revenue. This applicant has submitted an affidavit from a banking institution showing deposits of $10,450, and a letter from a second banking institution showing applicant to be the recipient of a legacy of $1,000. As to the remainder of its resources, applicant relies on a detailed statement of the president of the parent corporation, the Elim Tabernacle Church of Rochester, Inc., which is signed pursuant to a corporate resolution stating that "* * * out of the funds (cash) accruing to the church from the sale of its property to the city of Rochester, the sum of sixty thousand dollars ($60,000) will be made available and donated to "What the Bible Says, Inc.," to build the proposed radio station and to operate it for a period of at least 1 year." However, although applicant's statements indicate that the sale (as part of an urban renewal program currently in progress) will ultimately be consummated and the money forthcoming so as to be available for the applicant's needs herein, there is no indication in the application that the city is presently legally committed to the purchase of the property. Therefore, this potential source of funds cannot be considered as part of its available resources.

3. The Elim proposal is for the town of Lima, N.Y., which has a population of 1,366 and is located approximately 17.5 miles south of Rochester, N.Y., which has a population of 318,611.[1] On the basis of Commission studies there is a penetration of Rochester's City boundary by the applicant's predicted 5 mv/m daytime contour which raises a presumption under the Commission's policy statement on Section 307(b); Considerations for Standard Broadcast Facilities Involving Suburban Communities, 6 RR 2d 190, 2 FCC 2d 1901 (Dec. 22, 1965), that this applicant realistically proposes to serve Rochester rather than Lima. Applicant has not provided data or arguments which would overcome this presumption and an appropriate issue is therefore included.

4. The Bible Says proposal is for the town of Henrietta, N.Y., which has a population of 11,506 and is located 7 miles south of Rochester. In this case the applicant's predicted 5 mv/m contour completely encompasses the city of Rochester. Inasmuch as this applicant has not provided data or arguments which would overcome the presumption that the applicant intends to serve Rochester rather than Henrietta, a 307 (b) suburban community issue is included as to this applicant. Furthermore, this applicant's 25 mv/m groundwave contour may not provide satisfactory service to the business area of Henrietta and therefore a coverage issue is included.

5. Examination of the Elim and Bible Says applications indicates that they propose specialized religious programming. Since the other two applicants propose general programing formats, there appear to be substantial and material differences between the applicants' plans which should be accorded decisional significance. Therefore, these differences will be considered within the context of the comparative issue. Policy Statement on Comparative Broadcasting Hearings, 1 FCC 2d 393, 5 RR 2d 1901, at 1911, In re Ward L. Jones, FCC 67-82, released January 25, 1967.

6. The Commission finds that, except as indicated by the issues specified below, the applicants are qualified to construct, own and operate as proposed, but since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding upon the issues set forth below.

Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the applications and the availability of other primary service to such areas and populations.

2. To determine with respect to the application of "What the Bible Says, Inc.":

(a) Whether the $60,000 in proceeds from the sale of Elim Tabernacle Church is available to the applicant.

(b) Whether, in the light of the evidence adduced pursuant to the above subissue, the applicant is financially qualified.

3. To determine whether the proposal of "What the Bible Says, Inc.," would provide coverage of the city sought to be served, as required by § 73.188(b)(1) of the Commission's rules, and, if not, whether circumstances exist which would warrant a waiver of said Section.

4. To determine whether the proposal of Elim Bible Institute, Inc., will realistically provide a local transmission facility for its specified station location or for another larger community, in light of all the relevant evidence, including, but not necessarily limited to, the showing with respect to:

(a) The extent to which the specified station location has been ascertained by the applicant to have separate and distinct programing needs;

(b) The extent to which the needs of the specified station location are being met by existing standard broadcast stations;

(c) The extent to which the applicant's program proposal will meet the specific unsatisfied programing needs of its specified station location; and

(d) The extent to which the projected sources of the applicant's advertising revenues within its specified station location are adequate to support its proposal, as compared with its projected sources from all other areas.

5. To determine, in the event that it is concluded pursuant to the foregoing issue (4) that the proposal will not realistically provide a local transmission service for its specified station location, whether such proposal meets all of the technical provisions of the rules for standard broadcast stations assigned to the most populous community for which it is determined that the proposal will realistically provide a local transmission service, namely, Rochester, N.Y.

6. To determine whether the proposal of "What the Bible Says, Inc.," will realistically provide a local transmission facility for its specified station location or for another larger community, in light of all the relevant evidence, including, but not necessarily limited to, the showing with respect to:

(a) The extent to which the specified station location has been ascertained by the applicant to have separate and distinct programing needs;

(b) The extent to which the needs of the specified station location are being met by existing standard broadcast stations;

(c) The extent to which the applicant's program proposal will meet the specific unsatisfied programing needs of its specified station location; and

(d) The extent to which the projected sources of the applicant's advertising revenues within its specified station location are adequate to support its proposal, as compared with its projected sources from all other areas.

7. To determine, in the event that it is concluded pursuant to the foregoing issue (6) that the proposal will not realistically provide a local transmission service for its specified station location, whether such proposal meets all of the technical provisions of the rules for standard broadcast stations assigned to the most populous community for which it is determined that the proposal will realistically provide a local transmission service; namely, Rochester, N.Y.

8. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient, and equitable distribution of radio service.

9. To determine, in the event it is concluded that a choice between the applications should not be based solely on considerations relating to section 307(b), which of the operations proposed in the above-captioned applications would best serve the public interest.

[1] According to the 1960 U.S. Census.

10. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if any, of the applications should be granted.

It is further ordered, That, in the event of a grant of any of the applications, the construction permit shall contain the following conditions:

Pending a final decision in Docket No. 14419 with respect to presunrise operation with daytime facilities, the present provisions of § 73.87 of the Commission's rules are not extended to this authorization, and such operation is precluded.

Permittee shall accept any overlap that may result from a grant of the application of Lawrence County Broadcasting Corp., File No. BP-16602, New Castle, Pa.

It is further ordered, That, in the event of a grant of the application of "What the Bible Says, Inc.," the construction permit shall specify the following:

Permittee shall assume responsibility for the elimination of interference due to external cross-modulation and for the installation and adjustment of filter circuits or other equipment in the antenna system of the proposed operation and of Stations WROC and WBBF or any other stations which may be necessary to prevent adverse effects due to internal cross-modulation and reradiation; and, prior to the erection of the antenna towers and subsequent thereto, sufficient field intensity measurements shall be made on these specified stations to establish that the radiation patterns have not been adversely affected due to reradiation. In addition, field observations shall be made to determine whether spurious emissions exist, and any objectionable interference problems resulting therefrom shall be eliminated.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: July 5, 1967.

Released: July 19, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-8523; Filed, July 24, 1967; 8:45 a.m.]

[Docket Nos. 17058-17060; FCC 67M-1177]

FINE MUSIC, INC. (WFMI), ET AL.

Order Continuing Hearing

In re applications of Fine Music, Inc. (WFMI), Montgomery, Ala., Docket No. 17058, File No. BP-16502; Tennessee Valley Broadcasting Co., Inc., Huntsville, Ala., Docket No. 17059, File No. BP-16609; Rocket City Broadcasting Co., Inc., Huntsville, Ala., Docket No. 17060, File No. BP-16721; for standard broadcast construction permits.

Upon oral request of counsel for Rocket City Broadcasting Co., Inc., one of the parties in the above-entitled matter, requesting changes in the scheduled procedural dates, and without objection on the part of any other party: *It is ordered*, That said oral request, be, and the same is, hereby granted, and that the following dates shall supersede those presently established:

Notification of witnesses presently scheduled for July 12 is continued to July 26, 1967; and

Hearing presently scheduled for July 17 is continued to July 31, 1967.

Issued: July 12, 1967.

Released: July 17, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-8524; Filed, July 24, 1967; 8:45 a.m.]

[Docket Nos. 15826, 15827; FCC 67R-294]

KXYZ TELEVISION, INC., AND CREST BROADCASTING CO.

Decision and Remand Enlarging Issues

In re applications KXYZ Television, Inc., Houston, Tex., Docket No. 15826, File No. BPCT-3220; Crest Broadcasting Co., Houston, Tex., Docket No. 15827, File No. BPCT-3302; for construction permit.

Appearances: James A. McKenna, Jr., Robert W. Coll, and David S. Stevens on behalf of KXYZ Television, Inc.; Benedict P. Cottone and W. Ervin James on behalf of Crest Broadcasting Co.; and John F. Reilly on behalf of the Chief, Broadcast Bureau, Federal Communications Commission.

1. Here we are faced again with the threshold and troublesome questions relating to remand of a proceeding in the post-oral argument terminal stage of an already long, complex and extensive hearing.[1] As shown by paragraph 3, infra, KXYZ's successive and alternative requests looking toward remand were filed after the issuance of an initial decision (FCC 66D-31) by Hearing Examiner Chester F. Naumowicz, proposing a grant of the application of Crest, and a denial of the application of KXYZ. The Examiner's denial of the KXYZ application was dictated by his conclusion that KXYZ did not meet the Ultravision financial qualification standard which was placed in issue during the early stage of this proceeding, in that neither KXYZ's estimated cost figures nor its estimated first year revenues, upon which qualification depended, were shown on the record to be reliable.

2. The chief basis for the Examiner's determination that KXYZ failed to establish its financial qualifications was the fact that it relied for a major portion of its cost and revenue estimates upon programs to be supplied, without charge to KXYZ by an unestablished[2] network (Unisphere Broadcasting System, hereinafter UBS), whose projected operation was not only based upon an indefinite contingency, but whose programs were, likewise, based upon such indefinite contingency. While the Examiner held that his conclusion on the financial question was dispositive of the KXYZ application, he also reached conclusions on the comparative issue, and he predicated his grant to Crest on favorable resolution of a basic financial qualification issue directed against Crest, as well as on the comparative issue.

3. The successive and alterative post-initial decision and post-oral argument requests of KXYZ looking toward full remand of this proceeding are shown in the following chronology:

(a) In its exceptions, brief and oral argument, KXYZ requested that if the Review Board agreed with the Examiner that there was a substantial doubt as to the ability of UBS to provide the programs relied upon by it for its revenue estimate, the case be remanded to the Examiner with a special issue as to the legal and financial qualifications of UBS. KXYZ claimed that the Examiner's findings and conclusions relative to the ability of UBS to furnish programs went beyond the proper scope of the issues in this proceeding and deprived KXYZ of any fair or reasonable opportunity to meet and establish the qualifications of its proposed network.

(b) At the conclusion of the oral argument before a panel of the Board on February 9, 1967, counsel for KXYZ stated that a motion to reopen the record on matters not involved in the argument would be filed.

(c) On February 10, 1967, KXYZ filed a motion to reopen the record and remand the case for further hearing on additional issues relative to the financial and character qualifications of Crest on the grounds that Bernard Calkins, a 25-percent stock subscriber of Crest, no longer had a bank loan commitment of $250,000 on which he relied to fulfill his subscription commitment to Crest; and that Crest failed to notify the Commission of changes in Mr. Calkins' financial circumstances and business interests.

(d) On February 24, 1967, KXYZ filed a petition for leave to amend its application to permit consideration of an alternative programing and financial proposal, which amendment, if accepted, would by its very nature, require a remand of KXYZ's application for rehearing on the same basic issue of its financial qualifications under the Ultravision standard, on which the application was previously heard.

4. For the reasons detailed in paras. 40-45, infra, the Board has concluded that KXYZ was aware of or could, with due diligence, have presented the alleged new facts set forth in paragraph 3(c) above, concerning Mr. Calkins of the Crest Co. at an earlier date and in any event, prior to the scheduled oral argument before the Board held on February 9, 1967; nevertheless, it is the Board's view that KXYZ's post-oral argument pleadings relating to Mr. Calkins create substantial questions with respect (a) to possible misrepresentations or concealment of material facts by Mr. Calkins, if not Crest, concerning his personal bank loan; (b) to the knowledge, if any, of Crest's remaining six stockholders of these newly alleged facts concerning the alleged unavailability of Calkins' bank loan; and (c) if so (i) to the failure of Crest to report these changed circumstances in accordance with § 1.65 of the Commission's rules; and (ii) to the resultant effect of these circumstances, upon the applicant's financial, as well as other, qualifications. In view of these substantial questions, the Board believes it must, of necessity, reopen and remand the proceeding for further hearing on the Crest application on new issues specified, infra, relating to the availability of Calkins' bank loan. As our reasons are discussed infra, they need not be repeated here; however, we note in passing that these newly alleged facts concerning Calkins and Crest, make a further evidentiary hearing mandatory because on the basis of this new development, it cannot be determined in accordance with the requirements of section 309 of the Communications Act, whether public interest would or would not be served by a grant of Crest's application.

5. In passing the Board further notes that the present situation with respect to Crest is markedly different than the situation concerning KXYZ. As will be more fully shown in paragraphs 34-39, infra, there are no new developments or changed circumstances as to KXYZ arising after the close of the record or after the initial decision which impair the evidentiary facts adduced at the hearing, foreclosing at this time, as in the case of Crest, the required public interest determination. As will also be shown below, KXYZ had adequate notice under the Ultravision financial qualification issue, of the requirements of the issue, and of its own burden of proof established by law on the applicant in accordance with section 309(e) of the Communications Act,[3] to prove, among other matters, that it, KXYZ would receive from UBS the programs it had represented as being available to it without cost and as being available as its source of revenues.

6. However, apart from introducing the affiliation agreement with UBS (an unestablished network), KXYZ stood apart from this vital aspect of its case as if KXYZ had nothing to do with it. In pursuing this hard position throughout the course of this hearing irrespective of developments during the evidentiary process, KXYZ maintained steadfastly—albeit erroneously—that the status of UBS as an unestablished network is no different than that of a long-time existent network, and that the KXYZ-UBS affiliation agreement, per se, established the availability of its proposed programs. It is true, as urged by KXYZ that, under some circumstances not involved here, the Commission has noticed the commonly recognized fact that longtime existing networks are, in fact, program suppliers based on their established practices, as well as the plethora of information in the Commission's files which establishes that they are, in fact, program suppliers. This is done by the administrative practice known as the official notice doctrine, following the traditional judicial notice concept long familiar in court proceedings. As stated in the Attorney General's Manual on the Administrative Procedure Act, page 79, the purpose of the official notice doctrine is to avoid "laborious proof of what is obvious and notorious," subject to opportunity by opposing parties for rebuttal or explanation. As stated in Jones on Evidence, Volume 1, Chapter IV, paragraph 105, page 188 (a) "The maxim that what is known need not be proved, manifesta (or notoria) * * * may be traced far back in the civil and the canon law; indeed, it is probably coeval with legal procedure itself * * *"; and (b) "the fundamental guide in determining the facts which may be judicially known is notoriety or the common and general knowledge" of well-informed persons.

7. Applying these tests relating to judicial or official notice, it is evident that notice cannot be taken of the ability of an unestablished network to supply programs because the essential element—common recognition—is lacking. Before going any further perhaps it should be emphasized that the Commission, the Hearing Examiner, and the Board are not originating lawmakers with respect to the rules of evidence relating to the doctrine of judicial or official notice, or to the tests set forth above regarding these doctrines. And perhaps it should be emphasized too that at no point during this proceeding did KXYZ ask that official notice be taken of any information in the Commission's files which would establish the availability of its assumed UBS network programs. As indicated above, apart from the common recognition of longtime existing networks as program suppliers, there is a plethora of information in the Commission's files which establishes that longtime existent networks are, in fact, program suppliers. However, except for the existence of its name, the Commission's files are devoid of any information whatsoever concerning UBS. Hence, in the absence of competent evidence establishing the availability of such UBS network programs, it is impossible to make a finding that KXYZ will have these programs available for a substantial portion of its revenues.

8. In short, it is the Board's view as shown by paragraphs 12-32 below, that KXYZ's position in its exceptions, brief, and oral argument, is totally lacking in merit because it stems from KXYZ's own disinclination to sustain its own burden of proof under the Ultravision financial qualification issue and to establish on this record by convincing evidence that it has reasonable assurance of the availability of the bulk of the programs upon which it relied for its cost and revenue estimates. Under this circumstance, the Board finds no justification whatsoever for KXYZ's belatedly filed restorative amendment which by its very nature, if granted, would require a remand of KXYZ's application for rehearing on the identical issue on which it has already been accorded one fair and full hearing. Certainly, if the impasse with respect to Crest's application had not occurred, it cannot be doubted that there would have been no justification for a successive retrial of KXYZ's application, and the doctrine of administrative finality would have required a denial of the KXYZ's application on the basis of the present record. Analagous cases support our conclusion in this regard.[4]

9. Stated another way, it is the Board's view that if a successive retrial of KXYZ's application was permitted solely because of the further hearing required on Crest's application, we would, in effect, be granting extraordinary relief to KXYZ and rewarding it for its own voluntary inactions and delays, and its voluntary nonacceptance of (a) notice of the issue; (b) elementary principles of law governing the doctrine of official notice; and (c) well established hearing principles and procedures. This we cannot do. Although retention of a choice

[1] This proceeding involves two conflicting applications, both seeking a construction permit for a new UHF television facility on Channel 26, at Houston, Tex. The applications were filed in 1964, designated for hearing in 1965, and were heard in a consolidated proceeding commencing May 26, 1965, continued on several days in December 1966, and January and March 1966, when the record was closed on March 26, 1966. On June 22, 1966, Hearing Examiner Chester F. Naumowicz, Jr., released his initial decision (FCC 66D-31). Exceptions to the initial decision were filed on August 5, 1966, by KXYZ and by the Broadcast Bureau; reply of Crest was filed on August 24, 1966, and oral argument was held before a panel of the Board on February 9, 1967. Thereafter, KXYZ filed successive petitions which if granted would result in a full remand of this proceeding both with respect to Crest's, as well as KXYZ's own application. (See, par. 3, infra.) Pleadings concerning these post-oral argument petitions were completed on March 27, 1967.

[2] See, para. 26-30, infra.

[3] See, para. 17-23, and footnote 11, infra.

[4] Cf. WNOW, Inc., 4 RR 2d 857, 860 (1965); WEOK Broadcasting Corp., 4 RR 2d 503 (1965); Central Broadcasting Co., 7 RR 2d 140, aff'd Central Broadcasting Co., v. FCC, —— F. 2d ——, 8 RR 2d 2104 (1966); Louis Adelman, 18 RR 106a (1960), aff'd sub nom Guinan v. FCC, 297 F. 2d 782, 22 RR 2026 (1961); Mid-America Broadcasting Corp., 4 RR 283, 293-4 (1948); Compare also, Colorado Radio Corp. v. FCC, 118 F. 2d 24, 26 (1941); Valley Telecasting Co., v. FCC, 336 F. 2d 914, 917 (1964).

of applicants is undoubtedly a public interest benefit, which we have weighed in reaching our conclusions with respect to KXYZ, we have also weighed the public interest benefits in the fair, orderly and sound administration of the Commission's business which would be frustrated and thwarted effectively if such a reward of rehearing was to be granted to KXYZ, under the circumstances of this case. Thus, while the Board has considered a full remand of this proceeding on the basis of KXYZ's belatedly filed successive and alternative petitions, we have concluded that the principles of fair, orderly and sound administration of the Commission's business compel (a) a conclusion which would preclude KXYZ from entangling captiously its own application in the further hearing with respect to Crest's application; (b) a denial of the KXYZ application on the basis of the present record; and (c) severance of KXYZ's application from this consolidated proceeding.

10. Finally, the Board finds no immediate or acute public need for additional television service in Houston at this time which might outweight any of the aforementioned public interest considerations requiring the denial of such extraordinary relief as a successive retrial to KXYZ. As indicated in paragraph 3 of the Examiner's initial decision, Houston has three operating VHF television stations; two outstanding UHF construction permits for television stations which are not as yet in operation; and numerous AM and FM stations. Another UHF channel is allocated to Rosenberg, Tex., which is located near Houston. A construction permit is outstanding for that channel, and Houston is within the Grade A coverage area of the proposed Rosenberg UHF station. Thus, assuming arguendo that the new issues with respect to Crest cannot be resolved in its favor after the further hearing, the Board believes that in this event public interest would best be served by the reopening of this channel for the filing of new applications, rather than at this time permitting KXYZ to have a successive retrial. In sum, we find no equities in KXYZ's position or any countervailing public interest considerations which support such extraordinary relief.

11. The details of our decision which follow are divided into the following parts:

	Paragraph Nos.
I. The KYXZ application	12–33
II. KXYZ's petition for leave to amend its application	34–39
III. KXYZ's petition to reopen the record as to Crest	40–45

Accordingly, we turn now to considerations relating to that part of the Hearing Examiner's initial decision with respect to a denial of KXYZ's application.

I. The KXYZ Application

12. The Board has considered (a) that part of the Hearing Examiner's initial decision relating to KXYZ set forth at paragraphs 1–28 of his findings of fact and at paragraphs 40–47 of his conclusions; (b) the exceptions thereto; and (c) the oral argument before the Board on February 9, 1967. Except insofar as these findings of fact and conclusions are modified by this decision and our rulings on the exceptions as set forth in the Appendix [*] hereto, they are adopted by the Board. As shown by paragraph 1 of the initial decision the KXYZ application was heard on the following Ultravision financial qualification issue: [1] (a) To determine the basis of each applicant's (1) estimated construction costs, and (a) estimated operating expenses for the first year of operation; (b) in the event that either applicant will depend upon operation revenues during the first year of operation to meet fixed costs and operating expenses, to determine the basis of each applicant's estimated revenues for the first year of operation; and (c) to determine, in the light of the evidence adduced, which of the applicants has demonstrated a reasonable likelihood of construction and continuing operation of its proposed station in the public interest.

13. Briefly stated, the pivotal factors of the KXYZ proposal are as follows: KXYZ estimates that it will require $727,578 to place its station on the air and operate it for a period of 1 year. Through stock subscriptions and bank loans it will have available the sum of $500,000. In order to establish its financial qualifications, it will require $227,578 in revenues. To meet this requirement, KXYZ has assumed the availability of programs (without cost) from an unestablished network—UBS—in estimating both its costs, as well as its predicted revenues, required for operation of the station. On the assumption of the availability of such network programs KXYZ estimated that it will receive $314,055.30 in first year revenue, consisting of $145,470 as its assumed compensation from the unestablished network, and $168,585.30 in local sales. As found and concluded by the Examiner in his Initial Decision, this record establishes that the foundation of KXYZ's cost and revenue estimates rest on the availability of programs from UBS; that UBS is wholly dependent upon a program supplier—the American Diversified Services (ADS)—for the bulk of the UBS programs to be carried by KXYZ; that ADS now owns or has the rights to the bulk of such programs; that UBS does not itself own or have the rights to such programs; and that ADS is not required or obligated to supply any programs to UBS until UBS has enlisted a minimum of 18 affiliates in the top 100 markets; and that UBS is considerably short of 18 affiliates at this time. The Board agrees with the Examiner's findings and conclusions in these respects. As further shown by our analysis of the record as set forth below, the Board also concludes that this record does not establish a reasonable likelihood of UBS meeting this contingency; nor has KXYZ demonstrated a reasonable likelihood of construction and continuing operation of its proposed station on the basis of its estimates of costs and revenues.

14. The Board also agrees with the Hearing Examiner's ultimate determination in these respects, and affirms his ultimate conclusion that KXYZ failed to meet its burden of proof under the Ultravision issue. Accordingly, the Board concludes that KXYZ's failure to establish its financial qualifications requires a denial of its application and severance of KXYZ's application from this consolidated proceeding, without regard to the comparative aspects of the Crest application, and without regard to the further hearing required on the Crest application. In short, our decision here is dispositive of the KXYZ application. However, in affirming that portion of the Hearing Examiner's initial decision relating to KXYZ, the Board believes that, since KXYZ's major challenge of the initial decision rests on its assertions grounded on "lack of notice" of its burden of proof and the standard of proof under Ultravision, it is necessary to amplify the Examiner's initial decision to show what occurred during the prehearing stages and the evidentiary process of this proceeding.

15. These are the background prehearing facts: Although the KXYZ and Crest applications were designated for hearing on February 3, 1965, on standard financial qualifications issues and standard comparative issues, a few months later and during the prehearing stages of the proceeding, the Commission in Ultravision Broadcasting Co., 1 FCC 2d 544, 5 RR 2d 343 (1965) adopted a new standard for determining the financial qualifications of broadcast applicants so as to permit inquiry into the basis of each applicant's estimated construction costs and estimated operating expenses during the first year of operation. The Commission in Ultravision further imposed the requirement that evidentiary proof be submitted to support such estimated costs and expenses, and made clear that an applicant would be required to demonstrate its ability to meet all fixed charges and operating expenses during the first year of operation either by proof that adequate funds are available and committed to the proposed station for this purpose without income, or by "a convincing evidentiary showing that the available and committed funds will be supplemented by sufficient advertising or other revenue to enable the applicant to discharge its financial obligations during the first year" of operation. (See 5 RR 2d 343, 347.)

16. In its Ultravision decision, the Commission further made clear that programing and effectuation of program proposals are integral factors to be considered in determining the financial qualifications of applicants. The Commission stated that "Applicants for broadcast stations are expected to plan carefully their programing and other operations" and that they should submit evidentiary proof concerning the amounts allocated for staffing, programing, fixed charges and other expenses during the first year of operation and "to establish that the funds allocated for programing are reasonably likely to suffice for effectuation of program proposals." [2] The Commission further stated that since the views expressed in Ultravision represent a departure from the policy concerning the standard of financial qualifications applied in the past, applicants should be afforded an opportunity to revise their program proposals as to hours of broadcast or program content.

17. In Ultravision, the Commission also emphasized that where the viability of the proposed facility during the first year is dependent upon income, the accuracy of the estimate becomes a critical factor in determining whether a continuing operation is likely. The Commission expresaly stated that "In those instances where operation during the first year is dependent upon estimated advertising revenues, the applicant will be required to establish the validity of the estimate." (1 FCC 2d 544, 547–8.) Thus, it is clear that under the Ultravision standard the burden is the applicant's and the burden borne by the applicant is not simply one to show what factor such as, an affiliation with an unestablished network) was the basis for the applicant's estimates, but the standard contemplates a "convincing evidentiary showing" of the reliability of the basis as well as the accuracy of the estimates arrived at.

18. In a public notice adopted July 7, 1965 (FCC 65–595, released July 8, 1965, 1 FCC 2d 550, 5 RR 2d 349, 350), the Commission clarified the applicability of the new financial qualifications standard, stating that "the new standard will be applied to all applications, whether now pending or hereafter filed, for new UHF–TV facilities in markets where three or more VHF stations are presently in operation." Since both KXYZ and Crest seek a new UHF–TV station in Houston where there are three VHF stations in operation, the Ultravision standard became applicable to this proceeding.

19. In order to remove any doubt as to the applicability of the Ultravision standard in this case, the parties agreed at a prehearing conference on July 21, 1965, that the Examiner should certify the matter to the Review Board (FCC 65M–956, released July 23, 1965). By order (FCC 65R–331, released Sept. 3, 1965), the Board directed that the standards set forth in the Commission's clarification notice in the Ultravision proceeding were applicable to the determination of the applicants' financial qualifications under the issues designated in this proceeding, without the necessity of enlarging or modifying existing standard financial qualifications issues.

20. At a further prehearing conference held on September 14, 1965, the parties agreed that by October 6, 1965, they would prepare and submit any amendment or additional exhibits which they believed should be considered in connection with the Ultravision standard. The Examiner implemented this agreement by an order (FCC 65M–1193, released Sept. 15, 1965) wherein he directed the parties to submit such amendments and additional supplemental hearing exhibits which "in their judgment they are required or permitted to submit."

21. On October 13, 1965, KXYZ filed a petition for leave to amend its application with respect to its financial and programing proposals for the purpose of meeting the new financial standard enunciated by the Commission in the Ultravision case, and stated that the material submitted as an amendment would also be offered as hearing exhibits. In its amendment material, KXYZ changed its programing proposal from an independent to a network operation, and specified UBS as the network with which it would be affiliated, predicating its financial estimates on programs to be supplied without charge from the network. KXYZ also proposed to rely on operating revenue, in addition to cash, to establish its financial qualifications. In its comments on the KXYZ petition for leave to amend, the Broadcast Bureau stated that "In fairness, the Broadcast Bureau desires to alert KXYZ that, in our opinion, KXYZ by its amendment has not met the Commission's new financial standard." The Bureau pointed out that "Under the Commission's new financial standard, where an applicant relies upon first year operating revenue to establish its financial qualifications, it must furnish convincing evidence with respect to the basis upon which it arrived at its estimate of first year revenue," and that "This * * * KXYZ has not done."

22. In accepting the amendment, the Examiner stated (FCC 65M–1359, released Oct. 20, 1965) that acceptance of the material as an amendment did not constitute a prejudgment as to the admissibility or evidentiary value of the material as a hearing exhibit, and that it would be well for the parties to give serious consideration to the Bureau's comments and to decide upon what, if any, action is appropriate. At the commencement of the hearing on December 10, 1965, counsel for KXYZ stated that he had some additional material which he proposed to introduce and that "the material is basically intended to be responsive to comments made by the Broadcast Bureau in response to our first amendment of October 13, which in turn was responsive [to] the Commission's Ultravision decision", and that such material represented all of the additional exhibits that KXYZ intended to offer.

23. In sum, it is apparent from the foregoing that during the prehearing stages of this proceeding KXYZ was fully apprised of its burden of proof as the applicant to prove by a "convincing showing" under the new Ultravision standard both the reliability of (a) the underlying factor (the availability of network programing hefe) used in developing its cost and revenue estimates, and (b) the accuracy of the estimates, per se. Indeed, as shown by paragraphs 20 and 21, supra, KXYZ was afforded an opportunity prior to the commencement of the evidentiary hearing to amend its application to meet this new standard, and, in fact, did amend its application both with respect to its financial and programing proposals, predicating its amended financial estimates on a network affiliation rather than its original nonnetwork proposal. Thereafter, certain matters considered to be inadequacies in the KXYZ amended proposal were brought to its attention prior to hearing, and the Examiner urged the parties to give serious consideration to the Bureau's comments and to decide what, if any, action was appropriate. At that time, KXYZ stated that it was submitting all the additional material it intended to offer.

24. We turn now to pertinent aspects of the evidentiary hearing. KXYZ's proposed program schedule consists of approximately 64 percent network commercial programing to be supplied, without cost, to KXYZ by the unestablished network; 18 percent recorded programing; and 15 percent live programing. At the hearing, KXYZ elicited no testimony whatsoever as to the likelihood of effectuation of its network proposal, taking the position that despite the unestablished status of UBS, its network affiliation agreement was no different than an affiliation agreement with a longtime established network, such as NBC, CBS, or ABC.[1] In this connection, it is to be noted that no evidence was presented by KXYZ even concerning the identity of UBS, let alone its ability or capacity to supply the programs comprising KXYZ's programing. KXYZ's witness, Vincent Piano, chairman of the board of UBS, was produced as a witness only because he was requested for cross-examination by Crest. Subsequently, Alvin Feltner, another officer of UBS and sole owner of ADS, was produced at the hearing under subpoena by Crest.

25. It is also of significance to note that the evidence of record concerning

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[*] Appendix filed as part of original document.

[1] Although this issue also related to Crest's application, and Crest made its showing on its costs to place the station on the air and operate for a 1-year period, Crest was not dependent on predicted revenues to meet these costs, and thus Crest did not offer any revenue predictions. Since Crest was entitled under the Ultravision doctrine to forego the required testing on the Ultravision standards if it had adequate funds without revenues, the Board, like the Hearing Examiner, accords no weight to the estimate of first year revenues set forth in Crest's application.

[2] The Panel of the Commission, that first considered the new Ultravision financial standard, stated: "With respect to programing, the evidence should establish a reasonable likelihood of effectuation with the funds allocated and available for this purpose." They also emphasized that: "The goal to be achieved is the commencement of service at the earliest possible time, followed by provision of a continuing service in the public interest. Only realistic estimates of anticipated revenues, operating expenses, and construction costs based on practical proposals, in light of the obstacles which will be faced by the new stations, will establish whether an applicant has a reasonable likelihood of a continuing operation in the public interest." 4 RR 2d at 664–65.

[1] See para. 5–7, supra.

the question of the availability of UBS (ADS) network programing is replete with colloquies of counsel relating to the scope of permitted inquiry under the Ultravision issue. It is also replete with the objections of KXYZ's counsel to Crest's efforts to examine Mr. Piano on questions concerning the viability of the yet unestablished network, which were sustained by the Hearing Examiner on the basis of the position urged upon him by KXYZ, viz. that a special issue was required for such broad inquiry into the qualifications of a network, per se. Nevertheless, this record is crystal clear that the Hearing Examiner—again in accordance with the position urged upon him by counsel for KXYZ—permitted full exploration of UBS' ability to deliver the specific programs relied upon by KXYZ in its program schedule. See, for example, (a) pages 359, 404, 429 of the transcript, where counsel for KXYZ stated that "the basic question here is the reliance of the applicant upon the availability of the specific programs it has proposed"; (b) page 359 of the transcript, where counsel for KXYZ also stated that it was appropriate to ask "what the programs are" and "whether they are available"; and (c) page 1086 of the transcript where KXYZ's counsel stated what he considered to be the nature of that applicant's own burden of proof, as follows: "We, of course, have a certain burden before the Commission to establish the availability or the reasonable likelihood of the availability of the programing which we propose." And it is to be also noted that the Examiner ruled, in accordance with the position taken by KXYZ, that it was permissible for Crest to inquire into the specific commitments made by UBS to KXYZ and how UBS proposed to meet those commitments, but that, absent a specific issue, Crest would not be entitled to go into the qualifications of the network organization. (T. 380, 431–32.) Thus, the question of the availability of its proposed programs was recognized by KXYZ throughout the course of the evidentiary hearing, as a legitimate and necessary area of inquiry under the Ultravision standard; nevertheless, KXYZ relied solely upon its network affiliation arrangement as the vital factor underlying its estimates of costs and revenues, and, as its only evidence of the foundation supporting the reliability of those estimates. Obviously, with the network arrangement in the forefront of KXYZ's cost and revenue estimates, those estimates become meaningless unless there is a "convincing showing" that the network proposal to supply program material is reasonably realistic and not fiction. The background, as well as the details of KXYZ's network affiliation arrangement with the unestablished network, as shown by the evidence of record, are detailed below.

26. First, the record discloses that (a) the affiliation agreement, dated October 1, 1965, was transmitted to KXYZ by a letter dated September 29, 1965, on the letterhead of Vic Piano Associates—not UBS, and Vic Piano Associates is an organization engaged in selling national spot advertising and has never engaged in the business of program distribution or syndication; (b) Vic Piano Associates and UBS are under common ownership except with respect to the interest of Alvin Feltner, who has no interest in Vic Piano Associates; (c) Feltner is founder and owner of ADS, UBS's program supplier; (d) UBS was incorporated in August 1965; (e) at that time, KXYZ's application had been designated for hearing on a financial qualification issue, and at that time KXYZ proposed nonnetwork programing; (f) approximately 1 month after the incorporation of UBS and on September 3, 1965, the Board released its order, directing that the Ultravision standard was applicable to the subject proceeding; (g) on October 13, 1965, KXYZ filed its petition to amend its application in light of the Ultravision standard by which it changed its financial and nonnetwork proposal to a financial proposal grounded on an affiliation with the UBS network; (h) all the negotiations leading to the affiliation were conducted between Lester Kamin, KXYZ's president and principal stockholder, and Vic Piano; and (i) all negotiations were conducted "on the phone and by correspondence" and at no time were there, personal, face to face, discussions, Mr. Kamin being impressed with "what Piano had to offer" on the basis of material he received from Mr. Piano's firm "as a mass mailing." (Tr. 667.)

27. Secondly, the record discloses that at the time of the hearing, UBS did have an office in New York, but to the extent that it had any staff, it was in actuality the staff of Vic Piano Associates who were engaged in selling national spot advertising, and not in program distribution.

28. Thirdly, the record discloses that despite the foregoing evidence which establishes that UBS can at best be characterized as an incipient organization looking toward becoming a program supplier, Mr. Piano unqualifiedly testified that UBS could "deliver that schedule [KXYZ's proposed programs] today" (Tr. 408), and that 80–85 percent of KXYZ's network programs were "in the can" and owned by UBS. (Tr. 412.)

29. Finally, the record discloses that in rebuttal, Crest, pursuant to a subpoena, produced Alvin Feltner, who as indicated above is the owner of ADS, and also an officer of UBS. Mr. Feltner testified that UBS is not a network yet, but is "a proposed network, a network in formation"; that while a projection for commencement of operation on August 15, 1966, was made, that projection was based on the assumption that the network would be able by that time to deliver to advertisers a minimum of 18 affiliates in 18 major markets; that ADS has agreed (conditionally) to sell programs to UBS and supply it with a full network schedule of programing; that the programs ADS proposes to supply UBS belong to ADS and to the other suppliers to which ADS has contractual obligations; that UBS does not have title to or ownership of any of the programs; that at the present time, the right of UBS to use the programs is completely dependent on the agreement between ADS and UBS; that the agreement is not now effective, but is contingent upon UBS obtaining affiliation agreements with stations in 18 major markets in the top 100 markets; and that there are not enough stations now committed that are on the air to provide a network.[9]

30. On the basis of Feltner's testimony, there are conditions precedent to the availability of UBS (ADS) programing, and such conditions negate reasonable assurance that UBS has the ability to provide KXYZ with any of its proposed programing. Despite this fact, the record shows that KXYZ did not object to any portion of Feltner's testimony, and that Feltner was not examined by KXYZ; nor did KXYZ offer into evidence the UBS–ADS contract. In this posture of this proceeding after Feltner's testimony, it is evident that the record in this case cannot support conclusions different than those reached by the Examiner that KXYZ had not sustained its burden of proof under the Ultravision standard; and that the totality of the evidence of record does not establish the reasonable likelihood of the availability of the programs relied upon by KXYZ as the foundation of its cost and revenue estimates. In this posture of this case after Feltner's testimony concerning the substance of the contract, the Board further believes that it was incumbent upon KXYZ at the conclusion of Feltner's testimony, to have offered into evidence the UBS–ADS contract if it differed from Feltner's testimony in any material respects. However, this KXYZ did not do. And, in the Board's further view, it is no answer to

[9] Although Piano testified that UBS would supply network programs to KXYZ on a bonus basis, without charge, in the event the network was unable to sell them, the bonus plan, like the so-called network plan, is, of necessity, based upon the supposition of the availability of the programs from ADS. As shown by Feltner's testimony, he, as owner of ADS controls all of these programs; he, as owner of ADS, also controls distribution of the programs from ADS to UBS for redistribution to the station; and he (ADS) is not obligated to make any programs whatsoever available to UBS until the latter has the prescribed number of affiliates. Thus, the Board has attached no significant weight to Piano's testimony concerning the bonus plan or to the decision of the UBS board of directors that they "wanted to supply [ADS] programs [without charge] as long as the network had the financial ability to do so." (Tr. 1781.) Obviously, all of the testimony concerning the bonus plan is entitled to little or no weight under the circumstances here where the record does not establish that KXYZ's supposition on the availability of programs is a reasonably realistic foundation for its estimates. In this connection it is to be noted that the Broadcast Bureau originally gave some weight in its proposed findings of fact to Piano's testimony concerning the bonus plan, but that the Bureau subsequently reconsidered its position in the light of Feltner's testimony, as set forth in par. 29, supra, and stated in its brief that the Broadcast Bureau supports the findings and conclusions made by the Examiner.

KXYZ's disinclination to go forward with its burden of proceeding with the evidence when the record all but cried out for this contract if it differed from Feltner's testimony, to now rely upon an Examiner's ruling[9] prior to Feltner's testimony which foreclosed Crest—not KXYZ which had the burden of proof—from subpoening UBS's contracts with suppliers. Although KXYZ now appears to suggest, inferentially at least, at page 12 of its Brief that it would have placed the UBS–ADS contract in the record had the Examiner ruled in Crest's favor, it is to be noted that (a) Feltner's testimony was presented without objection from KXYZ; (b) KXYZ has in no wise tendered this contract in any of its post-initial decision pleadings; and (c) KXYZ has not offered to show that UBS has any greater ability now to supply its network programs than it did at the time of the hearing.[10]

31. It is apparent from the foregoing that KXYZ knew throughout this proceeding that it had to establish its financial ability; that it had to prove by a "convincing showing" the reliability of its estimates of costs and revenues to support a conclusion of a reasonable likelihood of construction and continuing operation; that it knew that it had to show a reasonable likelihood of the availability of its assumed network programing because its estimates were contingent upon the availability of such programing. But KXYZ chose to rely solely upon a network affiliation arrangement, without offering any evidence of the efficacy of the organization, as the foundation of its cost and revenue estimates, as well as its evidence of the reliability of those estimates. In the Board's view, KXYZ's mere reliance on this affiliation agreement with an unestablished network, particularly in light of the totality of the evidence of record, cannot be deemed as constituting either a realistic foundation for its estimates or a "convincing showing" of the reliability of those estimates. In short, the Board concludes that KXYZ's position relating to its alleged "lack of notice" concerning its burden of proof is completely unsupportable and serves merely to divert attention from the fact that KXYZ was disinclined throughout this proceeding—for reasons best known to itself—to accept the standard of proof of a "convincing showing" required by Ultravision[11] in establishing the reliability of its cost and revenue estimates. Moreover, in standing pat on its network affiliation agreement, unmoved by developments during the evidentiary process, KXYZ has knowingly assumed the risk of nonpersuasion and has completely overlooked the fact that in this, like any other case involving financial qualifications, the Commission is faced with the statutory requirement that it make an affirmative finding of qualification, and in order to do so it must have before it substantial evidence to support such finding. As long ago as 1938 the Commission was faced with a situation where an applicant relied upon its parent network, pursuant to a legally binding contract, for financing essential to the subsidiary's qualification under a standard financial inquiry. The Commission stated:

> • • • [t]he Commission is unable to make a finding that the [parent] Yankee Network is financially capable of fulfilling its legal obligation to the applicant, unless we indulge in broad assumptions and general inferences from the incomplete and confusing evidence submitted by the applicant. That we cannot do. The Commission, in granting an application, is under a duty to make an affirmative finding on the financial qualification of the applicant, and, in doing so, it can only rely on affirmative and satisfactory evidence submitted by the applicant. If the applicant fails in his burden of making such a showing, then the Commission is not able to find him financially qualified. The Colonial Network, Inc., 5 FCC 654, 655 (1938).

32. In reaching these conclusions with respect to KXYZ, the Board has not decided here, nor is it necessary to do so, the questions (a) whether the Examiner erred, based upon the position urged upon him by KXYZ, when he foreclosed Crest—not KXYZ which had the burden of proof[12] from its attempts to explore broader inquiries concerning UBS as a network (par. 25 above) or, indeed (b) whether it was KXYZ's responsibility to do so under the Ultravision standard particularly where, as here, there is such a vital interrelationship of programing to be supplied without cost to the applicant by an unestablished network or program supplier, and estimates of cost, expenses, and revenues. We rest our decision here, as did the Examiner, solely on the fact that KXYZ's showing is grossly deficient on the basis of KXYZ's own counsel's statement that "We, of course, have a certain burden before the Commission to establish the availability of the programming which we propose." (Tr. 1086.)

33. KXYZ has also advanced several arguments challenging the Examiner's initial decision which the Board believes are misinterpretations of what the Examiner actually found and concluded. Thus, for example, KXYZ contends that the Examiner erred in grounding his findings and conclusions on availability of programing because, in essence, this involves the financial qualifications of the network and not the applicant, and is outside the scope of the issues. As shown above in paragraphs 25, 27, and 32, supra, this is inconsistent with KXYZ's own position throughout the course of the evidentiary hearing. KXYZ also argues in this connection that the Examiner, despite his evidentiary rulings, concluded, in effect, in paragraphs 24–25 of his initial decision that UBS has no legal right to furnish its proposed network service, and that it does not have the financial ability to produce and supply programs. An examination of these paragraphs shows that KXYZ's argument is wholly without foundation. The findings in paragraphs 24–25 deal with the availability of programs to KXYZ. In paragraph 24 the Examiner found that "UBS does not itself own or have the rights to any film or tape series"; that "ADS owns or has the right to those film or tape shows proposed by KXYZ which are already in existence"; and that ADS is not required to supply any programs to UBS until UBS has enlisted a minimum of 18 affiliates in the top 100 markets, which it had not done at the time of the hearing. These findings are based on the record testimony of Mr. Feltner, owner of ADS, which, as pointed out above, was received in evidence (a) without objection from KXYZ and (b) without any attempt by KXYZ to proffer the UBS–ADS contract if the contract materially differed from Feltner's testimony. Likewise, in paragraph 25 the Examiner found that UBS owns no facilities; employs no technical personnel, etc. All of these findings are based on evidence of record. It is obvious that the Examiner made no findings or conclusions regarding the financial qualifications of UBS, but found and concluded that KXYZ has not shown that its proposed network programing can reasonably be expected to be available to it to support its cost and revenue estimates.

II. KXYZ's Petition for Leave To Amend Its Application

34. KXYZ on February 24, 1967, filed a petition for leave to amend its application so as to permit consideration of an alternative proposal involving new programing, new revenue estimates and new financing. This amendment was filed eleven months after the record was closed; 8 months after an adverse initial decision; and 2 weeks after oral argument on KXYZ's exceptions to the Examiner's findings and conclusions on its existing proposal which was the subject matter of an extensive hearing. Section 1.522 of the Commission's rules provides that post-designation amendments may be granted only for good cause shown. KXYZ makes no reference to the requirements of this rule, and has failed to allege any good cause for acceptance of

[9] In a written order denying Crest subpoenas duces tecum (FCC 66M–247 released Feb. 17, 1966) for the UBS supplier contracts the Examiner stated that: "The foregoing is not intended to suggest whether any modification of the issue would be appropriate or whether KXYZ has met its burden of proof absent further information about Unisphere. Matters relating to enlargement of issues are not in the hands of the Examiner, and questions as to what has or has not been proven will come on before the Examiner at a later stage of the proceeding."

[10] See KXYZ's petition for leave to amend discussed infra at para. 34–39.

[11] The statutory burden of proof established by law in accordance with sec. 309 of the Communications Act rests on the applicant, and it is the applicant who determines, in light of the issues, what evidence it shall present to meet its burden. As suggested by Crest in its reply (footnote 4) to KXYZ's exceptions "It would be absurd to suppose that if KXYZ had offered such [additional] evidence as part of its direct case, in order to meet its burden of justifying its estimated network revenues, it would have been excluded because of absence of a 'special issue.'" In any event, it is clear that KXYZ did not even attempt to proffer any additional evidence or to secure a ruling from the Examiner on such a proffer; instead, it stood pat on its network agreement, unmoved by developments which occurred at the hearing.

[12] See footnote 11, supra.

the amendment at this stage of the proceeding. The petition is, therefore, subject to summary denial as being in violation of the Commission's rules.

35. In offering its amended programing and financial proposal, KXYZ asserts that the amendment is merely an "alternative" which would be utilized "in the event UBS does not commence operations or in the event the commencement of these operations are delayed substantially." In support of the propriety of this offer, KXYZ contends that the Commission has held that consideration of alternative proposals—one based upon the assumption of network affiliation and one not—is proper and consistent with the processes of the agency, citing WHDH, Inc., 13 RR 507 (1957). The WHDH case is clearly not in point and does not support the offer of an alternative proposal by KXYZ at this stage of the proceeding. In the WHDH case, two of the applicants proposed alternative network and nonnetwork operations at the outset of the hearing and their applications were heard on that basis. A third applicant objected to the receipt in evidence of the alternative proposals. The Commission held that the objection was not well taken and that the Examiner properly made findings based on both schedules. The Commission further stated: "To us, the alternative proposals constitute no more than assurance by the applicants advancing them as to full disclosure of proposed plans and insurance to the applicant should the network situation change during the pendency of the proceeding rendering suspect the ability to effect an affiliation." (WHDH, supra, at p. 565a, footnote 41.) In the instant case, KXYZ did not offer an alternative proposal[14] at the outset of the hearing and did not submit any evidence with respect to such proposal. There were no alternative proposals before the Examiner, as in the WHDH case, on which he could make any findings. Here, KXYZ relied solely on its network proposal throughout the hearing and still continues to rely on that proposal.

36. KXYZ also contends that in WJR, The Goodwill Station, Inc., 16 RR 321 (1958), the Commission held that a change in an applicant's network affiliation, even after a hearing on competing applications for the same television facility, is not significant. KXYZ's reliance on the WJR case is also misplaced. In that case, the Commission held that a permittee could properly modify a network proposal found after hearing to be impractical due to circumstances beyond its control. In this case, KXYZ is not a permittee seeking to modify its network proposal; KXYZ is an applicant seeking to establish its financial qualifications after the close of the hearing record through the introduction of new matter outside the record. KXYZ's further argument that an applicant has no control over the operation of a network with which it may propose affiliation and has no power to compel affiliation with any particular network, is not based on any new development and does not alter the situation in this case at this stage of the proceeding. KXYZ must rest its case for decisional purposes on the basis of the existing record.

37. Adequate opportunities were afforded KXYZ prior to and during the course of the hearing to amend its application and to adduce all available evidence to establish its financial qualifications under the Ultravision standard (see para. 16–21, supra). It is apparent that KXYZ is now attempting by post-oral argument amendment, to correct its total failure to submit affirmative and satisfactory evidence throughout an entire hearing during which specific evidence was actually introduced by its opponent to rebut a finding of qualification. It is well established that "an applicant cannot be permitted to rest on his showing and then, after an adverse decision, rush in and request the Commission to accept an amendment which would correct a weakness in his case, of which he must have been aware from the time the application was filed." James J. B. Scanlon (KCAT), 9 RR 2d 606, 608 (1967).[15]

38. Although KXYZ contends that the programing being tendered is identical to that which it originally proposed prior to its amendment to a network operation, it is clear that the cost estimates based upon this alternative program schedule and the sources of revenue which would be available to meet these cost estimates, as well as the additional bank financing proposed, are new matters, and none of them, including the program proposal, are matters of record. KXYZ admits that its amendment goes "to the basic issue of the qualifications of KXYZ Television under the standard announced in Ultravision." It is obvious that a consideration of these new matters would require a remand of the case for a rehearing on the very issue on which KXYZ has already been afforded a full and fair hearing. The Commission has repeatedly held that a rehearing will not be granted merely to permit an applicant additional opportunity to present material which has been continuously available, in order to make a better case for grant of its application.[16] Moreover, as already stated in paragraphs 5–10, supra, the Board finds no equities in KXYZ's position and no public interest considerations warranting the extraordinary relief of a sucessive retrial on KXYZ's application.

39. Now that the initial decision has gone against it, KXYZ wants to persuade the Board with a supplemental record. As stated by the court in Colorado Radio Corp., supra, "We cannot allow the [applicant] to sit back and hope that a decision will be in its favor, and then, when it isn't, to parry with an offer of more evidence. No judging process in any branch of government could operate efficiently or accurately if such a procedure were allowed." It is well settled that "orderliness, expedition, and finality in the adjudicating process" are appropriate considerations in passing on a petition of this nature at this terminal stage of the proceeding. (Cf. Valley Telecasting Co., Inc., supra.) After a careful review of all the relevant factors in this case, the Board finds that KXYZ's post-oral argument petition for leave to amend comes too late in the proceeding without any justification, and that no grounds for a grant of the petition have been shown. Accordingly, the petition will be denied.

III. KXYZ's Motion to Reopen Record as to Crest

40. At the conclusion of oral argument before the Board on February 9, 1967, counsel for KXYZ stated his intention to file a motion on matters not involved in the argument. The motion, filed February 10, relates to Crest's financial qualification.[17] Crest's financial proposal, which does not require reliance on revenue, was largely financed by stockholder commitments totalling $1 million; the largest single commitments were two in the amount of $250,000. One of these commitments, that of Bernard E. Calkins, was dependent in turn upon a loan to Calkins evidenced by a commitment letter from the Medical Center National Bank of Houston promising a loan in the amount of Calkins' subscription, subject to review and possible pledge of stock.[18] Crest, which projected costs of $1,366,215.22, would have only $1,200,000 without the Calkins subscription; this total is $166,215.22 short of the requisite sum.

41. KXYZ's motion to reopen, supported by an affidavit of Lester Kamin, KXYZ's President, states, on the basis

[14] As shown above at par. 21, KXYZ, after the inclusion of the Ultravision issue, chose to modify its proposal from a nonnetwork to a network proposal despite the fact that it could have submitted at that time merely an alternative network proposal. However, if it had then proceeded on the alternative program basis, it would, of necessity, have had to include its costs of nonnetwork programing in its cost estimates, as contrasted with its own chosen method of proceeding by assuming the availability of the network programs, without any costs whatsoever.

[15] See also: Flower City Television Corp., 8 RR 2d 209 (1966); Associated Television Corp., 8 RR 2d 400 (1966); Rhinelander Television Cable Corp., 3 RR 2d 274 (1964); Simon Geller, 26 RR 171 (1963).

[16] See: Central Broadcasting Co., supra; WNOW, Inc., supra; WECK Broadcasting Corp., supra; Louis Adelman, supra.

[17] In addition to the matters discussed herein, KXYZ's motion requests further inquiry into the availability of Crest's site, which KXYZ challenged unsuccessfully at hearing, although no such issue was designated. KXYZ now relies upon the fact that the property is being advertised for sale or lease. However, Crest's opposition pleading attaches an affidavit from the president of the owner corporation stating that "the foregoing premises are still available to Crest Broadcasting Co. upon the same terms and conditions outlined in my letter of Jan. 10, 1966." The Board finds no justification for further inquiry at this time in view of the foregoing facts.

[18] While KXYZ challenged this original commitment at hearing, the letter was standard in form and analogized by the bank's loan officer, in a deposition, to similar letters relied upon by KXYZ; KXYZ's challenge accordingly failed.

of an alleged January 1967 conversation between Lester Kamin, since July 11, 1966, a stockholder in the bank, and Joe H. Hodges, since June 9, 1966, president of the Medical Center National Bank, that the $250,000 line of credit relied upon by Calkins is no longer available and that Calkins was so informed "several months ago." The motion and affidavit further state that Calkins is no longer a director of the bank, as he was at the time of hearing and is shown on Commission records to be. In connection with Calkins' ability to meet his commitment, KXYZ also notes Crest's failure to inform the Commission pursuant to Rule 1.65 that as of June 30, 1966, Calkins' company relinquished its franchise to operate a bus company in Wichita, Kans., one of the two principal business interests held by Calkins at the time of hearing.[19] On the basis of these alleged occurrences and Crest's failure to report them to the Commission, KXYZ requests that the case be remanded for additional evidence under the existing financial issue "and under such additional issues as the Review Board deems appropriate."

42. The Broadcast Bureau supported the KXYZ motion on the grounds that the Calkins loan is essential to Crest's qualification; and that KXYZ's showing is therefore sufficient to warrant further hearing on the availability of the $250,000 loan; whether facts have been concealed or misrepresented in connection therewith; whether Rule 1.65 has been complied with in connection with both the loan and the loss of franchise; and the effect of all the foregoing evidence on Crest's character qualifications. Crest opposed the motion as untimely; alleged that the time of KXYZ's request "border[s] on abuse of the Commission's processes"; and attached an affidavit by Calkins categorically denying the allegations of KXYZ.[20] As to the availability of the original loan, Calkins' affidavit states that in May 1966, the bank changed hands; that he, Calkins, had lunch with Messrs. Watson and Sellers, the new cochairman of the Board, who specifically stated after "full and complete discussion" that the bank was "fully satisfied with all existing loans and commitments made by the bank [to me] including, specifically, the * * * $250,000 in connection with * * * Crest * * *"; that "there was never any discussion by the Board of Directors or any direction to Mr. Joe Hodges or anyone else to rescind the bank's commitment"; and that affiant has never received any oral or written notice from anyone rescinding said letter.

43. KXYZ's reply, with attached affidavits, places in dispute the allegations of Calkins as to his dealings with the current management of the Medical Center National Bank. An affidavit from cochairman of the Board, Sellers, contradicts Calkins' statement of the bank's willingness to honor the preexisting loan letter, stating that:

> There was no discussion during this luncheon on the financial condition and financial relation of Mr. Calkins with the Medical Center Bank * * * At no time during this luncheon or subsequently [sic] to this date have I ever had any discussion with Mr. Calkins either direct or indirect in regard to a letter of commitment of Medical Center National Bank in regard to his investing in Crest Broadcasting Co. This is the only time that I have ever lunched with Mr. Calkins.

An affidavit from bank president Joe Hodges (cited in Kamin's affidavit as KXYZ's informant on the matter) is also attached to KXYZ's reply. Hodges swears that "late in 1966 I discussed this matter [of the October 5, 1965, letter of commitment] directly with Mr. Calkins in my office"; that the review clause was discussed; and that "I pointed out to Mr. Calkins that the money market was considerably different compared to October of 1965 and that our feeling was that at this time we should be unable to make such a loan." Hodges further averred the bank in fact does "not intend to make a $250,000 loan to Mr. Calkins." In view of the substantial disparity between Calkins' statements and those made by bank officials to whom his affidavit was shown, KXYZ further suggests that a substantial question is raised as to whether Calkins' affidavit filed with Crest's opposition, contained deliberate and willful misrepresentations.

44. Crest's contention that the Board cannot inquire into the foregoing charges because KXYZ's motion is untimely filed must be rejected because such serious charges which may affect the basic qualifications of Crest must be considered by us irrespective of the untimely manner in which they were brought to our attention. In view of these charges of misconduct and the substantial and material questions of fact that have been raised, we are unable, without further hearing, to make the statutory finding required by section 309 of the Act that a grant of the Crest application would serve the public interest. Accordingly, we are ordering an inquiry into the matter. As previously indicated, issues going to Crest's basic qualifications have been requested. All of these issues are based in whole or in part on allegations as to the availability of Calkins' $250,000. The pleadings before the Board contain directly contradictory sworn statements by Calkins, a Crest principal, and by the bank officers with whom he allegedly dealt. The public interest requires hearing resolution of the question raised.

45. In view of all the foregoing, the Crest application must be remanded for further hearing to determine whether the bank loan commitment to Calkins, upon which not only Calkins' subscription to Crest but also Crest's financial qualifications depend, is still in force. In this connection, questions are also raised as to whether Calkins or both Calkins and Crest have concealed facts from the Commission or have misrepresented facts in pleadings filed with the Commission. The burden of proceeding with the introduction of evidence and the burden of proof on the remand issues are placed on Crest as the party with peculiar knowledge of the facts in issue.

Accordingly, it is ordered, That the petition for leave to amend filed by KXYZ Television, Inc., on February 24, 1967, is denied; that the request for acceptance of response and response of KXYZ Television, Inc., filed March 27, 1967, is dismissed as moot; that the statement of Crest Broadcasting Co. regarding post-oral argument pleadings of KXYZ Television, Inc., filed April 3, 1967, is dismissed; and that the motion to reopen record, remand proceeding and for enlargement of issues, filed February 10, 1967, by KXYZ Television, Inc., is granted to the extent hereinafter indicated; and

It is further ordered, That the application of KXYZ Television, Inc. (File No. BPCT–3220), for construction permit for a new television broadcast station on Channel 26 at Houston, Tex., is severed from this consolidated proceeding and is denied; and

It is further ordered, That the record in this proceeding is reopened; and this proceeding is remanded to the Hearing Examiner for adduction of evidence and issuance of a supplementary initial decision on the following issues:

(1) To determine whether Bernard Calkins has a firm commitment from the Medical Center National Bank for a loan in the amount of $250,000; and whether, in light of the evidence adduced, Calkins has the ability to meet his $250,000 commitment to Crest Broadcasting Co.

(2) To determine whether, in connection with the prosecution of its application, Crest Broadcasting Co. and/or any of its stockholders has concealed from or misrepresented to the Commission any facts relevant to the finances of Bernard Calkins.

(3) To determine whether, in light of the evidence adduced pursuant to the foregoing issues, Crest Broadcasting Co. failed to amend or attempt to amend its application within 30 days after substantial changes were made as required by Rule 1.65.

(4) To determine, in light of the evidence adduced pursuant to Issues (1), (2), and (3), whether Crest Broadcasting Co. has the requisite financial and other qualifications to be a licensee of the Commission.

Federal Communications Commission,[21]

[SEAL] Ben F. Waple,
Secretary.

[F.R. Doc. 67–8595; Filed, July 24, 1967; 8:50 a.m.]

[19] Calkins did notify the Commission of the loss of his Houston bus franchise, his other principal business, at about the time the record closed.

[20] Also attached but not referred to in the pleading is an irrevocable letter of credit from the Capital National Bank of Houston to Calkins in the face amount of $250,000. This letter, which KXYZ alleges in an affidavit filed with its reply, was in fact negotiated and paid for by an unnamed third party, is not properly a part of the record and is in any case irrelevant to the matters before the Board.

[21] Statement of Board Member Sloane, dissenting in part, filed as part of original document.

[Docket Nos. 17517, 17518; FCC 67M-1181]

MISS LOU BROADCASTING CORP. AND ROMAC BATON ROUGE CORP.

Order Following Prehearing Conference

In re applications of Miss Lou Broadcasting Corp., Baton Rouge, La., Docket No. 17517, File No. BPH-5616; Romac Baton Rouge Corp., Baton Rouge, La., Docket No. 17518, File No. BPH-5678; for construction permits.

Pursuant to procedural arrangements made at the prehearing conference held on July 12, 1967; *It is ordered*, That the following schedule will govern the future course of proceedings in this matter:

	Procedure	Date
(a)	Exchange of proposed exhibits regarding consolidated issues (Issues 1 and 2.)	July 21, 1967.
(b)	Hearing on Issues 1 and 2.	Sept. 11, 1967.[1]
(c)	Exchange of proposed exhibits regarding present comparative issue matters.	Oct. 6, 1967.
(d)	Notifications regarding witnesses for cross-examination under present comparative issue.	Oct. 17, 1967.
(e)	Hearing on present comparative issue matters.	Oct. 31, 1967.

[1] No change in original date.

Issued: July 13, 1967.

Released: July 20, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-8596; Filed, July 24, 1967; 8:51 a.m.]

[Docket No. 17066; FCC 67M-1185]

MULTIVISION NORTHWEST, INC.

Order Continuing Hearing

In re petition by: Multivision Northwest, Inc., Dalton, Ga., Docket No. 17066, File No. CATV 100-73; for authority pursuant to § 74.1107 to operate CATV system.

The Hearing Examiner having under consideration the informal request for continuance of hearing filed on July 12, 1967, by Multivision Northwest, Inc.;

It appearing, that all parties have consented to immediate consideration and grant of the said request and that action on pleadings now pending before the Commission and on other pleadings to be subsequently filed may substantially affect the evidentiary course of the proceeding;

It is ordered, That the said request for continuance is granted and the hearing herein presently scheduled for July 19, 1967, is continued to October 9, 1967, commencing at 10 a.m. in the offices of the Commission at Washington, D.C.

Issued: July 13, 1967.

Released: July 17, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-8525; Filed, July 24, 1967; 8:45 a.m.]

[Docket No. 17569; FCC 67M-1178]

PEAK AIR CONDITIONER CO.

Order Scheduling Hearing

In the matter of Peak Air Conditioner Co., Chicago, Ill., Docket No. 17569, application for authorization in the citizens radio service.

It is ordered, That James D. Cunningham shall serve as Presiding Officer in the above-entitled proceeding; and that the hearing therein shall be convened in the Offices of the Commission, Washington, D.C., on September 11, 1967, at 10 a.m.

Issued: July 10, 1967.

Released: July 18, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-8526; Filed, July 24, 1967; 8:45 a.m.]

[Docket No. 17574; FCC 67-790]

RADIO SAN JUAN, INC. (WRSJ)

Order Designating Application for Hearing on Stated Issues

In re application of Radio San Juan, Inc. (WRSJ), Bayamon, P.R., has: 1560 kc, 250 w, 5 kw-LS, U, request: 1560 kc, 25 kw, 50 kw-LS, DA-2, U, San Juan, P.R., Docket No. 17574, File No. BP-16770, for construction permit.

1. The Commission has before it for consideration the above-captioned and described application for a construction permit to increase power and change station location from Bayamon to San Juan, P.R., and request for waiver of § 73.24(g) of the Commission's rules.

2. According to the data submitted by the applicant, the proposal violates § 73.24(g) of the Commission's rules which section provides that the population within the 1 v/m contour cannot exceed 1 percent of the population within the 25 mv/m contour. The applicant's data indicates that the population within the proposed daytime 1 v/m contour is 18,861 or 2.62 percent of the population included within the proposed daytime 25 mv/m contour (719,567). Regarding the proposed nighttime operation, the population within the 1 v/m contour is 9,253 or 1.46 percent of that within the proposed nighttime 25 mv/m contour (633,211).

3. In the applicant's request for waiver of the foregoing section of the Commission's rules, no reasons are given to justify such an action. Accordingly, the application must be set for hearing to determine whether circumstances exist which would warrant a waiver of that section of the rules.

4. The applicant proposes to utilize the present antenna site and construct one additional tower to be utilized for the proposed two-tower directional operation. The present site does not appear to be adequate to accommodate the proposed directional antenna system in that the restricted plot of land results in severe curtailment in the length of the ground radials proposed. The ground system around the north tower is essentially restricted to a 30-foot by 30-foot ground screen over a large arc, and the other antenna tower would have the radials restricted to a length of only 73 feet in some directions. Furthermore, there are antenna towers and other structures located within the proposed 1 v/m contour which may adversely affect the proposed operation. Accordingly, an issue is included to determine whether the site is satisfactory for the proposed directional operation.

5. In addition, calculations made by the Commission reveal that minor variations in the operating parameters for the proposed nighttime operation would cause the proposed MEOV's to be exceeded. Accordingly, we must conclude that a substantial question obtains as to whether the antenna system can be adjusted and maintained as proposed, and an appropriate hearing issue is included in this regard.

6. The proposed nighttime radiation parameters do not appear to accurately depict values of radiation in the null areas which would be determined from the proposed directional antenna parameters. Therefore, a hearing issue in this regard is included.

7. A grant of this proposal would bring the tenth local standard broadcast outlet to San Juan while leaving only one station licensed to serve Bayamon, a city with a population of 15,109. This fact we believe, raises a substantial and material question as to whether a grant would result in a fair, efficient, and equitable distribution of facilities within the meaning of section 307(b) of the Communications Act of 1934, as amended. Accordingly, an issue with respect thereto will be included. See WKYR, Inc., 24 RR 1097 (1963).

8. Except as indicated below, the applicant is qualified to construct, own and operate as proposed; however, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the application would serve the public interest, convenience, and necessity and is of the opinion that it must be designated for hearing on the issues set forth below.

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the application is designated for hearing at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WRSJ and the availability of other primary service to such areas and populations.

2. To determine whether the proposal of Radio San Juan is in compliance with § 73.24(g) of the Commission's rules concerning population within the 1000 mv/m contour, and, if not, whether circumstances exist which would warrant a waiver of said section.

3. To determine whether the present site is satisfactory for the proposed directional antenna system.

4. To determine whether the directional antenna system can be adjusted and maintained within the maximum expected operating values of radiation as proposed.

5. To determine whether the proposed nighttime radiation pattern is in agreement with values of radiation which would be determined from the proposed directional antenna parameters.

6. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, whether a grant of the application would provide a fair, efficient, and equitable distribution of radio service.

7. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the application would serve the public interest, convenience, and necessity.

It is further ordered, That in the event of a grant of the application, the construction permit shall contain the following conditions:

1. Submission by the permittee of data made in accordance with §§ 73.48 and 2.579 of the rules for type-acceptance of the proposed transmitter for 25 kilowatts.

2. Pending a final decision in Docket No. 14419 with respect to presunrise operation with daytime facilities, the present provisions of § 73.87 of the Commission rules are not extended to this authorization, and such operation is precluded.

It is further ordered, That to avail itself of the opportunity to be heard, the applicant, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: July 5, 1967.

Released: July 18, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-8527; Filed, July 24, 1967; 8:45 a.m.]

[Docket No. 17574; FCC 67M-1195]

RADIO SAN JUAN, INC. (WRSJ)

Order Scheduling Hearing

In re application of Radio San Juan, Inc. (WRSJ), Bayamon, P.R., Docket No. 17574, File No. BP-16770; for construction permit.

It is ordered, That David I. Kraushaar shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on October 23, 1967, at 10 a.m.; and that a prehearing conference shall be held on September 18, 1967, commencing at 9 a.m.: *And, it is further ordered*, That all proceedings shall take place in the Offices of the Commission, Washington, D.C.

Issued: July 10, 1967.

Released: July 18, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-8528; Filed, July 24, 1967; 8:45 a.m.]

[Docket No. 17005; FCC 67M-1182]

ROMAC BATON ROUGE CORP.

Order Rescheduling Procedural Dates

In re application of Romac Baton Rouge Corp., Baton Rouge, La., Docket No. 17005, File No. BPCT-3725, for construction permit for new television broadcast station.

By previous order of the Examiner (FCC 67M-1096) released June 30, 1967, the hearing on the qualifications issues added by the Review Board was scheduled for August 3 and the exchange of applicant's proposed exhibits re these issues was scheduled for July 13, 1967, subject to revision of such dates if found unacceptable to counsel for the applicant in Docket No. 17517 whose interest in these issues arises from their consolidation for hearing at one time both for the purposes of the instant proceeding and of a separate proceeding involving Docket Nos. 17517 and 17518. However, in a prehearing conference held on July 12, 1967, in the proceeding involving the last-mentioned dockets it became evident that the hearing date of August 3 was no longer suitable under the circumstances of the consolidation. Accordingly, the hearing date on these issues as well as the exchange date were rescheduled to meet the new situation.

Pursuant to the rescheduling arrangements made at the July 12 prehearing conference: *It is ordered*, That the hearing in the above-captioned proceeding is rescheduled from August 3 to September 11, 1967, and the date for exchange of exhibits re the consolidated issues is rescheduled from July 13 to July 21, 1967.

Issued: July 13, 1967.

Released: July 20, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-8597; Filed, July 24, 1967; 8:51 a.m.]

[Docket No. 17209; FCC 67R-288]

SALTER BROADCASTING CO. (WBEL) ET AL.

Memorandum Opinion and Order Enlarging Issues

In re applications of Salter Broadcasting Co. (WBEL) et al., South Beloit, Ill., Docket No. 17209, 17210, 17211, 17212, 17213, 17214, 17215, 17217, 17219, File No. BMP-11646; for construction permits.

1. The Review Board has before it for consideration a motion to enlarge issues, filed March 13, 1967, by Victory Broadcasting Co., Inc. (Victory), seeking addition of two engineering issues and a specialized programing issue.[1] Victory is one of the several applicants in this proceeding which seeks authorization to construct a new standard broadcast station to operate on the frequency 1380 kc/s in St. Louis, Mo. The mutually exclusive application of Salter Broadcasting Co. (Salter) looks toward improvement of its existing Station, WBEL, in South Beloit, Ill. By memorandum opinion and order, FCC 67-225, released February 21, 1967, the competing applications were designated for consolidated hearing.

ENGINEERING ISSUES

2. Victory's request for engineering issues is directed to the seven St. Louis applicants proposing to use the transmitter site presently being utilized by Radio Thirteen-Eighty, Inc. (RTEI), which was granted interim authority to operate the facility made vacant as a result

[1] The following pleadings are also before the Board: Opposition, filed Apr. 12, 1967, by the Broadcast Bureau; joint opposition, filed Apr. 13, 1967, by Archway Broadcasting Corp. (Archway), Home State Broadcasting Corp. (Home State), St. Louis Broadcasting Co. (St. Louis Broadcasting), Six-Eighty-Eight Broadcasting Co. (Six-Eighty-Eight) and Prudential Broadcasting Co. (Prudential); response, filed Apr. 13, 1967, by Archway; reply to Bureau's opposition re programing, filed Apr. 24, 1967, by Victory; and reply to opposition of Bureau and other applicants re engineering, filed Apr. 25, 1967, by Victory.

of the license revocation of former Station KWK.[1] The requested issues would inquire (a) whether the proposal of any of the applicants will create prohibited overlap with any existing station (§ 73.37) and, if so, whether a preference should be given to applicants whose proposals would not create such overlap, and (b) whether there are any structures in the vicinity of RTEI interim site which would cause distortion in the radiation pattern. In designating the captioned applications for hearing the Commission recognized that operating as proposed, certain of the applicants would cause interference to several existing stations. However, since these existing stations would not be required to accept more interference than they had been required to accept from former Station KWK, the Commission declined to "reexamine old interference matters long since decided solely because we revoked the KWK license * * *."

3. In brief, it now appears to be Victory's position that the proof-of-performance measurements for the RTEI operation show that because of the parasitic problem (electrical interaction) between the tower used by RTEI and the old KWK tower array,[2] RTEI's nondirectional daytime pattern has marked directional characteristics, and that since this parasitic problem is beyond the control of the applicants herein, no truly nondirectional operation can be expected at the RTEI site. According to Victory, as a result of this pattern distortion the proposals of those applicants specifying the RTEI site will involve: (a) New prohibited overlap between their respective 2 mv/m contours and the 25 mv/m contour of Station KJCF (1400 kc/s), Festus, Missouri; (b) an increase in the prohibited overlap which existed between the 0.025 mv/m contour of former Station KWK and the existing 0.5 mv/m contours of Stations KCH (1380 kc/s), Washington, Iowa, and WWCM (1380 kc/s), Brasil, Ind.; (c) a change in the prohibited overlap which existed between former Station KWK and the 0.5 mv/m contour of Stations KUDL (1380 kc/s), Fairway, Kans., and WMTA (1380 kc/s), Central City, Ky.; and (d) a continuation of the prohibited overlap which existed between the 0.5 mv/m contour of former Station KWK and the 0.5 mv/m contour of WPRC (1370 kc/s). To the extent applicants would cause new or increased interference (as contrasted to a restoration of interference caused by former Station KWK) Victory contends inquiry should be made into the question of whether waives of Rule 73.37 is warranted. To the extent no new or increased interference is involved, Victory contends a comparative inquiry is required to determine whether its proposal (which allegedly would not cause interference to the same degree as former Station KWK or those applicants specifying the RTEI site) should be preferred as representing a more efficient use of the frequency.

4. Answering Victory's contention that the measurements from RTEI's proof-of-performance taken with the conductivities from the Figure M–3 map establish overlap between the proposed 2 mv/m contours of the applicants specifying the RTEI site and the 25 mv/m contour of Station KJCF, the Broadcast Bureau states that the two RTEI proof-of-performance radials relied upon by Victory extend to distances of only 13 to 17 miles and straddle the 25 mv/m contour of KJCF. Moreover the Bureau contends that Victory failed to analyze more pertinent measurements which were made to ascertain whether the 2 mv/m contour of former Station KWK would overlap the KJCF 25 mv/m contour and which measurements indicate no such overlap occurred. As to the alleged overlap with Stations WPRC, KCII, WWCM, KUDL, and WMTA, the Bureau maintains that, although the RTEI daytime radiation pattern shows departure from circularity, a comparison of the pattern with former Station KWK's proof-of-performance pattern shows that the radiation from RTEI's single tower is less than that of old KWK in all directions except two—to the south and southwest, and that the five stations referred to by Victory lie within an arc from west-northwest clockwise to south-east where RTEI's radiation is less than that of former Station KWK. Thus, it is the Bureau's position that, at the very least, any preexisting overlap would be reduced, if not eliminated entirely.

5. In their joint opposition, Archway, Home State, St. Louis Broadcasting, Six-Eighty-Eight and Prudential argue that the Commission has already determined not to reexamine the old interference problems involved in the operation of former Station KWK; that the reexamination sought by Victory in the guise of a comparative inquiry would be contrary to the Commission's determination; and that in any event, Victory has failed to allege specific factual allegations to support its motion. According to the engineering statement submitted in support of the joint opposition, RTEI's Director of Engineering was employed to repeat the radial measurements made along the azimuths of 187° T and 210° T shown in RTEI's application and to extend these radials toward KJCF to determine the location of RTEI's 2 mv/m contour. According to the statement, these measurements show a decrease in the inverse distance field along the 187° T radial from 710 mv/m at one mile to 536 mv/m at one mile, but that for the first 13 miles the soil conductivity is identical to that measured during RTEI's proof-of-performance. Assuming the initial radiation were to exist, it is claimed that RTEI's 2 mv/m contour would be extended two miles toward KJCF but that it would not overlap the latter station's 25 mv/m contour at any point. The joint opposition concedes that the parasitic problem caused by the old KWK array does cause some distortion of RTEI's daytime pattern but argues that in the event KWK Broadcasting Corp. (the only applicant specifying the old KWK site) does not receive the contested construction permit, its related company (owner of the site) will sell the property in which case it is reasonable to assume the towers will be removed and sold for salvage.[3]

6. Victory's reply pleading attacks the reliability of the measurement data submitted with the joint opposition and notes that although the inverse distance field on 187° T radial decreased in value, the inverse distance field on the 210° T radial is purported to be the same as shown in the RTEI proof-of-performance. According to Victory this factor casts doubt upon the reliability of the measurements taken along the 210° T radial.

7. The requested issues will not be added. As pointed out by the Bureau, RTEI's daytime radiation pattern is less than that of former Station KWK in the direction of the five stations located west-northwest clockwise to the southeast of St. Louis, so that the prohibited overlap of contours with these stations will not be increased from that which previously existed during the operation of former Station KWK. As noted earlier, Victory's allegation of 2–25 mv/m overlap with Station KJCF is based on its analysis of the measurements made by other parties on RTEI's interim operation. However, the Board questions the validity of Victory's analysis of the measurements made along the 187° T radial. As a means of locating RTEI's 2 mv/m contour, Victory indicated by a "dashed line" its determinations of the average of the measurements made between 21 and 48 miles. In this determination there are three measurements located above the average lines and eight measurements below the line. Further, in locating its average line, Victory ignored other measurements taken closer to the transmitter site which should be considered in the averaging process and which would indicate that the location of the 2 mv/m contour would not extend as far as claimed. Victory also ignored the measurements taken on the 210° radial of the interim operation but which did not enhance its position. The Board finds that the allegations relied upon by Victory are insufficient to support its contention that a proposed station operating from the RTEI interim site would involve overlap of prohibited contours with Station KJCF. The foregoing is dispositive of Victory's claim that the proposals of those applicants specifying the RTEI site will cause new, increased or changed interference. However, there remains the question of a comparative evaluation between those seven applicants which would allegedly restore the interference previously caused by former Station KWK, and Victory, which by specifying a different site would allegedly cause less interference. The Commission in its Policy Statement on Comparative Broadcasting Hearings, 1 FCC 2d 393, 5 RR 2d 1901 (1965), stated that in comparative cases where one or two or more of the competing applicants proposes an operation which for one or more engineering reasons would be more efficient, this fact can and should be considered in determining which of the applicants should be preferred. Accordingly, to the extent such alleged differences exist between Victory's proposal and those of the other seven St. Louis applicants, they may be explored under the designated contingent standard comparative issue (Issue 16).

PROGRAMING ISSUE

8. Victory's request for a programing issue is, in reality, a request for an issue to permit comparison between the need for its program proposal, which is allegedly designed to "consciously cater to the needs and interests of the Negro population of St. Louis," and the need for the alleged general broadcast format proposed by the remaining St. Louis applicants. In support of its request, Victory alleges that the bulk of its principals are Negroes;[4] that it conducted a survey of public needs which included contacts with civic leaders, leaders of the Negro community of St. Louis, and "people in all walks of life"; that the other St. Louis applicants appear to be proposing a "'general' music and news format * * * of which there are a plethora of similar services in St. Louis already"; and that it will be the only Negro-owned station in St. Louis and will cater to the needs and interests of the 30 percent nonwhite population of that city.

9. Primary opposition to Victory's request for a programing issue comes from the Broadcast Bureau, which contends that Victory made no attempt to show that substantial differences exist between the St. Louis proposals, and that it likewise made no attempt to "tie its proposed programing to its survey." In short, the Bureau argues that Victory has failed to meet the test necessary for addition of a comparative programing issue as announced by the Commission in Chapman Radio & Television Co., 7 FCC 2d 213, 9 RR 2d 635 (1967).

10. Replying to the Bureau's objections Victory contends (a) that the fact it intends to cater to the needs of the Negro community is in and of itself a significant difference between the competing proposals; (b) that its ascertainment of community needs established a lack of adequate programs aimed at the real interests of the Negro community in such areas as community affairs, Negro culture and history, current events, and the problems of civil rights; and (c) that its program proposal is designed to meet these unfulfilled needs. In support of this latter contention Victory invites examination of its program schedule and points to such representative programs as "Community Forum," a one-half hour discussion program broadcast on Sunday, in which community leaders—especially from the Negro community—will discuss problems of common interest; "Citizenship Panel," a one-half hour program in which representatives of the police department will join members of the community in discussing the rights and responsibilities of good citizenship; a quarter-hour program devoted to news and commentary on NAACP affairs; "Church Bulletin Board," listing services and activities of churches in the Negro community; "School Report," a program related to activities in schools located in the Negro community; and a one-half hour weekly discussion program centering on Negro history.

11. Victory's allegation that the remaining St. Louis applicants do not propose programing specifically directed toward the substantial nonwhite population has not been contradicted or challenged by any party in this proceeding. The fact that Victory does propose such a format constitutes an apparent substantial difference between the applicants. See SRC, Inc., FCC 67–739, released June 28, 1967; Ward L. Jones, FCC 67–82, released January 25, 1967. This difference, which reflects Victory's ascertainment of community needs and interests, together with its showing as to the manner in which it would meet such needs warrant the addition of an issue to determine, on a comparative basis, whether a greater need exists in St. Louis for Victory's specialized-service or for a general-service station. See Policy Statement on Comparative Broadcasting Hearings, supra. It should be noted that the issue being added herein does not contemplate the adduction of evidence relating to a comparison of the specific programing proposals of the remaining seven St. Louis applicants, but only such evidence as may be necessary to compare the needs of St. Louis for Victory's service as against a service which would not be specifically directed toward any particular group or segment of the population. Compare Jones T. Sudbury, FCC 67–614, released May 31, 1967.

Accordingly, it is ordered, That the motion to enlarge issues, filed March 13, 1967, by Victory Broadcasting Co., Inc., is granted to the extent indicated below and is denied in all other respects; and

It is further ordered, That the issues in this proceeding are enlarged to including the following:

To determine, on a comparative basis, whether a greater need exists in St. Louis, Mo., for the specialized program service proposed by Victory Broadcasting Co., Inc., or for a general-service broadcast station.

Adopted: July 10, 1967.

Released: July 17, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67–8529; Filed, July 24, 1967; 8:46 a.m.]

[Docket No. 17561; FCC 67M–1194]

SANFORD SCHAFITZ

Order Continuing Prehearing Conference

In re application of Sanford Schafitz, Farrell, Pa., Docket No. 17561, File No. BPH–5281; for construction permit.

It is ordered, That the prehearing conference in the above-entitled proceeding is hereby continued from July 18 to July 26, 1967, and will be held in the Offices of the Commission, Washington, D.C., commencing at 9 a.m., on the date indicated.

Issued: July 17, 1967.

Released: July 18, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67–8530; Filed, July 24, 1967; 8:46 a.m.]

[Docket No. 14368, etc.; FCC 67M–1200]

SYRACUSE TELEVISION, INC., ET AL.

Order Continuing Hearing

In re applications of: Syracuse Television, Inc., Syracuse, N.Y., Docket No. 14368, File No. BPCT–2924; W. R. G. Baker Radio & Television Corp., Syracuse, N.Y., Docket No. 14369, File No. BPCT–2930; Onondaga, Broadcasting, Inc., Syracuse, N.Y., Docket No. 14370, File No. BPCT–2931; Wage, Inc., Syracuse, N.Y., Docket No. 14371, File No. BPCT–2932; Syracuse Civic Television Association, Inc., Syracuse, N.Y., Docket No. 14372, File No. BPCT–2933; Six Nations Television Corp., Syracuse, N.Y., Docket No. 14444, File No. BPCT–2957; Salt City Broadcasting Corp., Syracuse, N.Y., Docket No. 14445, File No. BPCT–2958; George P. Hollingbery, Syracuse, N.Y., Docket No. 14445, File No. BPCT–2968; for construction permits for new television broadcast stations.

The Hearing Examiner has for consideration a motion, filed July 14, 1967, on behalf of all the parties to the above-entitled proceeding, including the Commission's Broadcast Bureau, which motion was incorrectly addressed to the Chief Hearing Examiner. The motion asks for "continuance and suspension of all proceedings until August 3, 1967 for the purpose of, within that time, filing an application for approval of a proposed merger agreement to which all parties will be parties signatory." In support thereof, the parties represent that as of

[1] Originally only five of the eight surviving St. Louis applicants (Archway, Home State, St. Louis Broadcasting, Six-Eighty-Eight, and Prudential) specified the site now being used by RTEI; subsequently, Great River Broadcasting, Inc., and Missouri Broadcasting, Inc., amended their proposals to specify the interim site. Since each of the seven proposes to use power of 5 kw during its daytime operation, there would be no significant difference in the proposed daytime coverage of these applicants.

[2] The site of the RTEI interim operation is located approximately 0.2 mile east of the old KWK site.

[3] Subsequent to the filing of Victory's motion, the application of KWK Broadcasting Corp. was dismissed by the Hearing Examiner. FCC 67M–654, released Apr. 20, 1967.

[4] According to Victory, its President, Mr. Clifton Gates, is the president and founder of the first Negro bank in St. Louis, and its vice president is Negro broadcaster, Dr. Haley Bell.

July 13 their authorized representatives "have notified Bruce G. Sundlun, Esq., of their agreement to the terms of the merger and it is expected that a written agreement can be drafted, signed and submitted" by August 3. In granting the relief requested herein the Hearing Examiner hereby advises the parties that, in the event the agreement and supporting petition are not filed with the Commission by the close of business, Thursday, August 3, he will, on his own motion, reschedule the hearing to convene at an early date, by which all parties are to be prepared to go forward.

Accordingly, it is ordered, That the "Motion for Continuance within which to file Application for Approval of Merger Agreement," filed July 14, 1967, on behalf of all the parties to the above-entitled proceeding, is hereby granted, and the hearing, presently scheduled to convene on July 19 is hereby continued without date.

Issued: July 17, 1967.

Released: July 20, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-8598; Filed, July 24, 1967; 8:51 a.m.]

[Docket Nos. 17577, 17578; FCC 67M-1197]

WATERMAN BROADCASTING CORPORATION OF TEXAS AND NATIONAL ENTERPRISES, INC.

Order Scheduling Hearing

In re applications of Waterman Broadcasting Corp. of Texas, San Antonio, Tex., Docket No. 17577, File No. BPH-5484; National Enterprises, Inc., Alamo Heights, Tex., Docket No. 17578, File No. BPH-5491; for construction permits.

It is ordered, That Basil P. Cooper shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on October 13, 1967, at 10 a.m.; and that a prehearing conference shall be held on September 15, 1967, commencing at 9 a.m.: *And it is further ordered*, That all proceedings shall take place in the offices of the Commission, Washington, D.C.

Issued: July 11, 1967.

Released: July 18, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-8531; Filed, July 24, 1967; 8:46 a.m.]

[Docket Nos. 17579, 17580; FCC 67-798]

WRBN, INC., AND TRI-COUNTY BROADCASTING CO., INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of WRBN, Inc., Warner Robins, Ga., requests: 101.7 mc, No. 269; 3 kw (horizontal) 3 kw (vertical); 207 feet, Docket No. 17579, File No. BPH-5703; Tri-County Broadcasting Co., Inc., Hawkinsville, Ga., requests: 101.7 mc, No. 269; 3 kw; 344 feet, Docket No. 17580, File No. BPH-5737; for construction permits.

1. The Commission has under consideration the above captioned and described applications which are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference.

2. The respective proposals, which are for different communities, would serve substantially different areas and populations. Consequently, it will be necessary to determine pursuant to section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service.

3. Data submitted by the applicants indicate that there would be a significant difference in the size of the areas and populations which would receive service from the proposals. Consequently, for the purposes of comparison, the areas and populations within the 1 mv/m contour together with the availability of other FM services of 1 mv/m or greater intensity in such areas will be considered under the 307(b) issue for the purpose of determining whether a comparative preference should accrue to either of the applicants.

4. According to its application, WRBN, Inc., would require $29,880 to construct and operate for 1 year without revenue. To meet this requirement, WRBN, Inc., is relying on cash of $3,236 and a bank loan of $25,800, for a total of $28,236. Accordingly, we will specify an issue to determine whether the additional $1,654 required for construction and initial operation is available.

5. Except as indicated below, the applicants are qualified to construct and operate as proposed. However, because of their mutual exclusivity, the Commission is unable to make the statutory finding that a grant of the applications would serve the public interest, convenience and necessity, as is of the opinion that the applications must be designated for hearing on the issues set forth below.

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether WRBN, Inc., has available to it the additional $1,654 required to construct and operate for 1 year without revenue and thus demonstrate its financial qualifications.

2. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the applications should be granted.

It is further ordered, That to avail themselves of the opportunity to be be heard, the applicants, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney shall, within twenty (20) days of the mailing of this order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: July 5, 1967.

Released: July 18, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-8532; Filed, July 24, 1967; 8:46 a.m.]

[Docket Nos. 17579, 17580; FCC 67M-1196]

WRBN, INC., AND TRI-COUNTY BROADCASTING CO., INC.

Order Scheduling Hearing

In re applications of WRBN, Inc., Warner Robins, Ga., Docket No. 17579, File No. BPH-5703; Tri-County Broadcasting Co., Inc., Hawkinsville, Ga., Docket No. 17580, File No. BPH-5737; for construction permits.

It is ordered, That Elizabeth C. Smith shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on October 11, 1967, at 10 a.m.; and that a prehearing conference shall be held on September 19, 1967, commencing at 9 a.m.: *And it is further ordered*, That all proceedings shall take place in the offices of the Commission, Washington, D.C.

Issued: July 11, 1967.

Released: July 18, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-8533; Filed, July 24, 1967; 8:46 a.m.]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 609]

BRIDGETTS & CO., INC.

Order To Show Cause

On June 27, 1967, the Federal Insurance Co. notified the Commission that the surety bond filed pursuant to section 44(c), Shipping Act, 1916 (46 U.S.C. 841(b)) by Bridgetts & Co., Inc., 27 Pearl Street, New York, N.Y. 10004, would be canceled effective July 28, 1967.

Section 44(c) of the Shipping Act, 1916 (46 U.S.C. 841(b)) and § 510.5(f) of General Order 4 (46 CFR part 510) provide that no license shall remain in force unless such forwarder shall have furnished a bond.

Section 44(d) of the Shipping Act, 1916 (46 U.S.C. 841(b)) provides that licenses may, after notice and hearing, be suspended or revoked for willful failure to comply with any provision of the Act, or with any lawful rule of the Commission promulgated thereunder.

Now, therefore, by virtue of authority vested in me by the Federal Maritime Commission, as set forth in Manual of Orders, Commission Order 201.1 (revised) section 6.03.

It is ordered, That Bridgetts & Co., Inc., on or before July 24, 1967, either (1) submit a valid bond effective on or before July 28, 1967, or (2) show cause in writing or request a hearing to be held at 10 a.m. on July 25, 1967, in room 505 Federal Maritime Commission, 1321 H Street NW., Washington, D.C. 20573, to show cause why its license should not be suspended or revoked pursuant to section 44(d), Shipping Act, 1916.

It is further ordered, That License No. 609 be forthwith revoked if the licensee fails to comply with this order.

It is further ordered, That a copy of this order to show cause and all subsequent orders in this matter be served upon the licensee and be published in the FEDERAL REGISTER.

JAMES E. MAZURE,
Director,
Bureau of Domestic Regulation.

[F.R. Doc. 67-8539; Filed, July 24, 1967; 8:46 a.m.]

[Independent Ocean Freight Forwarder License No. 1047]

CARLO INTERNATIONAL & CO.

Order To Show Cause

On June 28, 1967, the New Hampshire Insurance Co. notified the Commission that the surety bond filed pursuant to section 44(c), Shipping Act, 1916 (46 U.S.C. 841(b)) by George Carlo, doing business as Carlo International & Co., Port Everglades Station, Fort Lauderdale, Fla. 33316, would be canceled effective July 29, 1967.

Section 44(c) of the Shipping Act, 1916 (46 U.S.C. 841(b)) and § 510.5(f) of General Order 4 (46 CFR Part 510) provide that no license shall remain in force unless such forwarder shall have furnished a bond.

Section 44(d) of the Shipping Act, 1916 (46 U.S.C. 841(b)) provides that licenses may, after notice and hearing, be suspended or revoked for willful failure to comply with any provision of the Act, or with any lawful rule of the Commission promulgated thereunder.

Now, therefore, by virtue of authority vested in me by the Federal Maritime Commission, as set forth in Manual of Orders, Commission Order 201.1 (revised) section 6.03.

It is ordered, That George Carlo, doing business as Carlo International & Co. on or before July 24, 1967, either (1) submit a valid bond effective on or before July 29, 1967, or (2) show cause in writing or request a hearing to be held at 10 a.m. on July 27, 1967, in Room 505, Federal Maritime Commission, 1321 H Street NW., Washington, D.C. 20573, to show cause why its license should not be suspended or revoked pursuant to section 44(d), Shipping Act, 1916.

It is further ordered, That License No. 1047 be forthwith revoked if the licensee fails to comply with this order.

It is further ordered, That a copy of this order to show cause and all subsequent orders in this matter be served upon the licensee and be published in the FEDERAL REGISTER.

JAMES E. MAZURE,
Director,
Bureau of Domestic Regulation.

[F.R. Doc. 67-8540; Filed, July 24, 1967; 8:46 a.m.]

FEDERAL RESERVE SYSTEM

SOUTHEAST BANCORPORATION, INC.

Notice of Application for Approval of Acquisition of Shares of Banks

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)), by Southeast Bancorporation, Inc., Miami, Fla., for prior approval of the Board of action whereby Applicant would become a bank holding company through the acquisition of all of the voting shares (less directors' qualifying shares) of the First National Bank of Miami, Miami, Fla., and Coral Way National Bank, Miami, Fla., and 80 percent or more of the voting shares of Curtiss National Bank of Miami Springs, Miami Springs, Fla.

Section 3(c) of the Act, as amended, provides that the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than fifteen (15) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

Dated at Washington, D.C., this 18th day of July 1967.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 67-8541; Filed, July 24, 1967; 8:46 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ACTING DEPUTY ASSISTANT REGIONAL ADMINISTRATOR FOR RENEWAL ASSISTANCE; ACTING DIRECTOR, FIELD SERVICE DIVISION; ACTING CHIEF, REHABILITATION LOAN AND GRANT BRANCH; REGION IV (CHICAGO)

Designation

During the present vacancies in the positions of Acting Deputy Assistant Regional Administrator for Renewal Assistance; Director, Field Service Division; and Chief, Rehabilitation Loan and Grant Branch, Region IV (Chicago), the following individuals are designated to serve as acting in the positions as indicated below, with all the powers, functions, and duties redelegated or assigned to those positions:

1. Thomas S. Kilbride, Acting Deputy Assistant Regional Administrator for Renewal Assistance.
2. Richard A. Kaiser, Acting Director, Field Service Division, Renewal Assistance Office.
3. Martin Segal, Acting Chief, Rehabilitation Loan and Grant Branch, Renewal Assistance Office.

(Secretary's delegation effective Nov. 16, 1966)

Effective as of the 14th day of June 1967.

LEWIS E. WILLIAMS,
Deputy Assistant Secretary for Administration.

[F.R. Doc. 67-8564; Filed, July 24, 1967; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812-2143]

AMERICAN HYDROCARBON CORP.

Notice of Filing of Application for Order Extending Period of Exemption From Provisions of the Act

JULY 18, 1967.

Notice is hereby given that American Hydrocarbon Corp. ("Applicant") 111 Braniff Building, Dallas, Tex. 75235, a Delaware corporation, has filed an application pursuant to section 3(b)(2) of the Investment Company Act of 1940 ("Act") for an order of the Commission extending the period during which Applicant is exempt from all provisions of the Act applicable to investment companies for an additional 60 days beginning June 27, 1967, or such additional period of time as the Commission deems applicable or appropriate in the circumstances. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

On April 27, 1967, Applicant filed an application pursuant to section 3(b)(2) of the Act for an order of the Commission declaring it to be primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding or trading in securities through a controlled company or companies.

Section 3(b)(2) of the Act provides that the filing of an application by an issuer other than a registered investment company shall exempt an applicant for a period of sixty days from all provisions of the Act applicable to investment companies as such. It also provides that for cause shown, the Commission by order may extend the period of exemption for an additional period or periods.

Applicant now requests a temporary order pursuant to section 3(b)(2) of the Act exempting it from all provisions of the Act for an additional period of sixty days beginning June 27, 1967, or such additional period of time as the Commission deems applicable or appropriate in the circumstances, in order to file additional material relevant to the application filed by Applicant under section 3(b)(2).

Notice is further given that any interested person may, not later than August 8, 1967, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the Company at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-8555; Filed, July 24, 1967; 8:48 a.m.]

[811-418]

CALIFORNIA PACIFIC TRADING CORP.

Notice of Filing of Application for Order Declaring Company Has Ceased To Be an Investment Company

JULY 18, 1967.

Notice is hereby given that California Pacific Trading Corp. ("applicant"), c/o Fleischmann & Farber, 593 Market Street, Suite 1020, San Francisco, Calif. 94105, a Delaware corporation and a closed-end nondiversified management investment company registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 8(f) of the Act for an order declaring that applicant has ceased to be an investment company as defined in the Act. The Superior Court of the State of California, in and for the city and county of San Francisco has found, among other things, that all the known debts and liabilities of applicant have been paid of adequately provided for; that the known assets of applicant have been distributed to applicant's preferred shareholders or in the case of unlocated preferred shareholders, to have been deposited with the Treasurer of the State of California; and has issued an order declaring applicant has been duly wound up and dissolved. All interested persons are referred to the application on file with the Commission for a statement of applicant's representations.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and that upon the effectiveness of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than August 9, 1967, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address set forth above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the matter may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon this matter shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-8556; Filed, July 24, 1967; 8:48 a.m.]

[70-4507]

GEORGIA POWER CO.

Notice of Proposed Issue and Sale of First Mortgage Bonds and Preferred Stock at Competitive Bidding

JULY 19, 1967.

Notice is hereby given that Georgia Power Co. ("Georgia"), 270 Peachtree Street, Atlanta, Ga. 30303, an exempt holding company and an electric utility subsidiary company of the Southern Co., a registered holding company, has filed an application with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

Georgia proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, $80 million principal amount of first mortgage bonds, ____ percent series due 1997. The interest rate of the bonds (which will be a multiple of one-eighth of 1 percent) and the price, exclusive of accrued interest, to be paid to Georgia (which will be not less than 99 percent nor more than 102¾ percent of the principal amount thereof) will be determined by the competitive bidding. The bonds will be issued under an indenture dated as of March 1, 1941, between Georgia and Chemical Bank New York Trust Co., successor trustee, as heretofore supplemented and as to be further supplemented by a supplemental indenture to be dated as of September 1, 1967.

Georgia also proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, 120,000 shares of its cumulative preferred stock, without par value. The dividend rate of the preferred stock (which will be a multiple of 4 cents) and the price to be paid to Georgia (which will be not less than $100 nor more than $102.75 per share) will be determined by the competitive bidding. Georgia's charter will be amended to allow for and to establish the terms of the preferred stock.

The proceeds from the issuance and sale of the bonds and preferred stock will be applied by Georgia, together with funds available from other sources, to finance its 1967 construction program (presently estimated at $123,190,000, to reimburse its treasury for the retirement of previously outstanding bonds, and to pay short-term bank loans.

The issuance and sale of the bonds and the preferred stock have been expressly authorized by the Georgia Public Service Commission, the State commission of the State in which Georgia is organized and doing business. The application states that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. Estimates of fees and expenses to be incurred in connection with the proposed transactions are to be filed by amendment.

Notice is further given that any interested person may, not later than August 14, 1967, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-8557; Filed, July 24, 1967; 8:48 a.m.]

[No. 1-464]

JADE OIL & GAS CO.

Order Suspending Trading

JULY 18, 1967.

The 50 cents par value common stock and the 6½ percent convertible subordinated debentures due January 1, 1979, with or without warrants attached, listed and registered on the Pacific Coast Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Jade Oil & Gas Co., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the Pacific Coast Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 19, 1967, through July 28, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-8558; Filed, July 24, 1967; 8:48 a.m.]

[70-4509]

WEST PENN POWER CO.

Notice of Proposed Charter Amendments

JULY 19, 1967.

Notice is hereby given that West Penn Power Co. ("West Penn"), 800 Cabin Hill Drive, Greensburg, Pa. 15601, an exempt holding company and an electric utility subsidiary company of Allegheny Power System, Inc. ("Allegheny"), a registered holding company, has filed a declaration with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6, 7, and 12(e) of the Act and Rules 62 and 65 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

West Penn proposes to amend its charter to reclassify 24,923 shares of its authorized but unissued 4½ percent preferred stock, $100 par value per share, to 24,923 shares of preferred stock of like par value, without designation as to series. It is also proposed to amend the charter in order to comply in all respects with the requirements of this Commission's statement of policy regarding preferred stock issued by companies subject to the Act, as prescribed in Holding Company Act Release No. 13106. These proposed amendments relate, among other things, to (1) a change in the amounts payable to the preferred stockholders upon voluntary liquidation; (2) restrictions on the payment of dividends on common stock and the acquisition of preferred stock; (3) rights of preferred stockholders with respect to election of directors; (4) the rights of preferred stockholders in the event of a merger, or sale of assets; and (5) restrictions on the issuance of additional unsecured debt and preferred stock.

West Penn has outstanding 397,077 shares of preferred stock, $100 par value, held by the public, and 3,774,086 shares of common stock, held by Allegheny. Each share of common and preferred stock entitles its holder to one vote with respect to the proposed charter amendments. The declaration states that under the provisions of the Pennsylvania business corporation law and West Penn's charter, the affirmative vote of the holders of at least a majority of all outstanding shares of common and preferred stocks, voting together as one class, will be required to adopt the proposed amendment with respect to the reclassification of the 4½ percent preferred stock. The affirmative vote of the holders of at least two-thirds of all outstanding shares of preferred stock, voting separately as a class, will be required to adopt the other proposed amendments. The declaration further states that Allegheny will vote in favor of the proposed amendments and that dissenters have no appraisal or similar rights.

West Penn intends to submit the proposed amendments to its stockholders for approval at a special stockholders meeting to be held on September 18, 1967. In connection with the amendments, other than that relating to the reclassification, West Penn proposes to solicit proxies from the holders of its outstanding preferred stock through the use of solicitation material, which sets forth the proposed amendments in detail.

It is stated that registration by the Pennsylvania Public Utility Commission of a securities certificate is required to effect the proposed amendments, and that an appropriate order of that commission will be filed by amendment. It is further stated that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. Fees, commission, and expenses in connection with the proposed transactions are estimated at $11,500, including the cost of proxy solicitation and legal fees of $5,500 and $3,000, respectively.

Notice is further given that any interested person may, not later than August 4, 1967, request in writing that a hearing be held with respect to the proposed amendments of the charter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he

desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-8559; Filed, July 24, 1967; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[General Emergency Transport Order 1-67]

PREFERENCE AND PRIORITY FOR THE TRANSPORTATION OF PASSENGERS AND FREIGHT NECESSARY TO THE NATIONAL DEFENSE, HEALTH, AND SAFETY

Vacation of Order

Present: William H. Tucker, Chairman, to whom the matter which is the subject of this order has been assigned for action.

Upon consideration of the record, and of the resumption of normal rail transportation:

It is ordered, That General Emergency Transport Order 1-67 issued July 16, 1967, be, and it is hereby, vacated and set aside.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission, Washington, D.C., and by filing a copy thereof with the Director, Office of the Federal Register.

Dated at Washington, D.C., this 19th day of July 1967.

By the Commission, Chairman Tucker.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-8604; Filed, July 24, 1967; 8:51 a.m.]

[Notice 10]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 20, 1967.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 279), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-69643. By order of July 18, 1967, the Transfer Board approved the transfer to Allen Storage Warehouse Co., a corporation, Portland, Maine, of certificate No. MC-111652, issued May 3, 1956, to M. G. Morisette & Sons, Inc., Waterville, Maine, and authorizing the transportation of: Household goods, between Waterville, Maine, and points in Maine within 40 miles thereof, on the one hand, and, on the other, points in New Hampshire, Massachusetts, Vermont, Rhode Island, Connecticut, New Jersey, New York, and Pennsylvania, and used household goods, used office furniture and fixtures, and used museum and hospital equipment, between points in Maine, New Hampshire, Massachusetts, Rhode Island, and Connecticut. Jerome G. Daviau, 50 Main Street, Waterville, Maine 04901, attorney for applicants.

No. MC-FC-69764. By order of July 18, 1967, the Transfer Board approved the transfer to G. E. Groger Truck Line, Inc., Walton, Ky., of the operating rights in certificate No. MC-48573, issued August 27, 1959, to the Vogt Warehouse Corp., a corporation, Cincinnati, Ohio, authorizing the transportation of: General commodities, with the usual exceptions, between Cincinnati, Ohio, on the one hand, and, on the other, specified points in Indiana, Ohio, and Kentucky. Robert H. Kinker, 711 McClure Building, Frankfort, Ky. 40601, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-8606; Filed, July 24, 1967; 8:51 a.m.]

[Section 5a Application No. 64; Amdt. 3]

STEEL CARRIERS' TARIFF ASSOCIATION, INC.

Application for Approval of Amendment to Agreement

JULY 21, 1967.

The Commission is in receipt of a section 5a application in the above-entitled proceeding for approval of an amendment to the agreement therein approved.

Filed May 22, 1967 by James R. Stiverson, Herbert Baker, 50 West Broad Street, Columbus, Ohio 43215.

The amendment involves: Change in the agreement so as to (1) revise quorum requirements for annual and special membership meetings; (2) expand by 30 States the territorial scope of activities; (3) provide public notice to interested persons or docket proposals on a subscription basis in lieu of publication in "Transport Topic"; and (4) revise member voting procedures governing emergency proposals.

The application may be inspected at the office of the Commission in Washington, D.C.

Any interested person desiring to protest and participate in this proceeding shall notify the Commission in writing within 20 days from the date of this notice. As provided by the general rules of practice of the Commission, persons other than applicants should fully disclose their interest, and the position they intend to take with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved without public hearing.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-8607; Filed, July 24, 1967; 8:51 a.m.]

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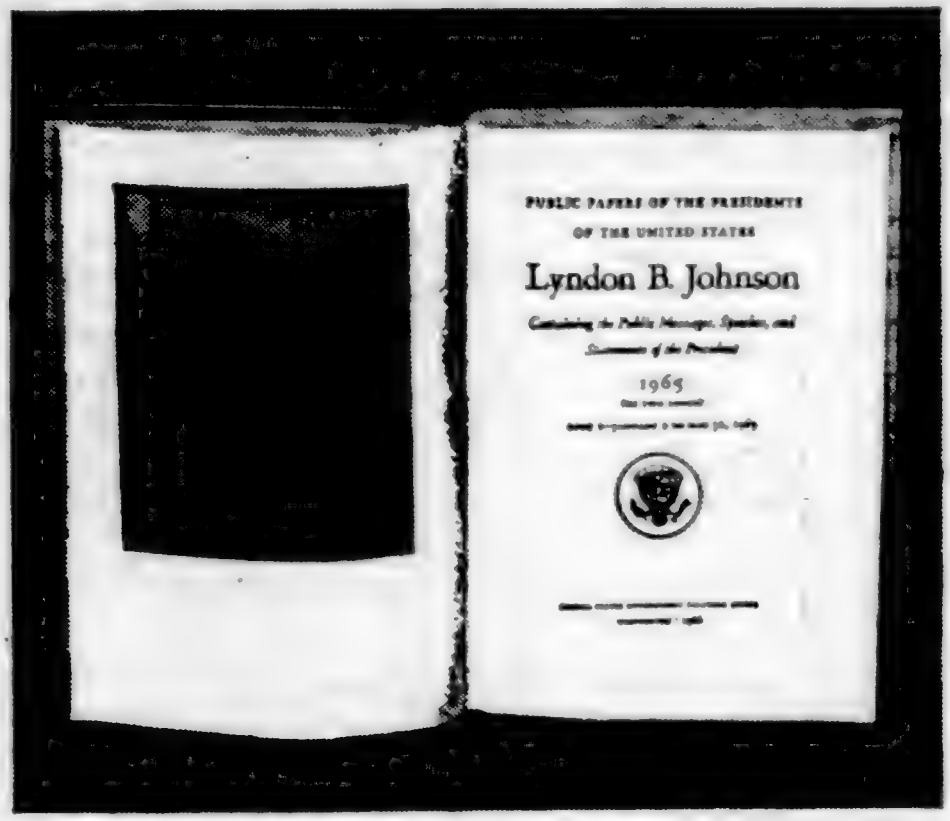
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THE UNIVERSITY OF MICHIGAN

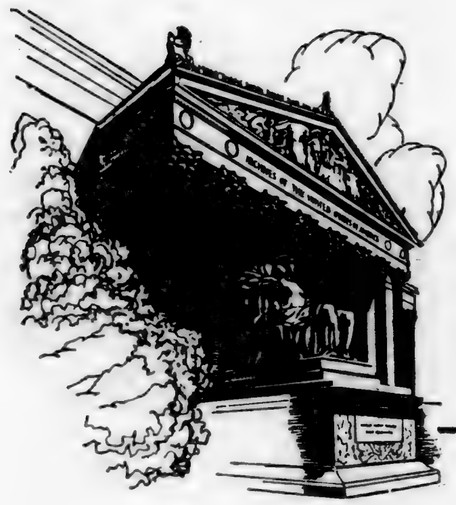
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Title 3—THE PRESIDENT

Proclamation 3795

LAW AND ORDER IN THE STATE OF MICHIGAN

By the President of the United States of America

A Proclamation

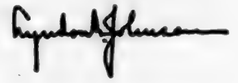
WHEREAS the Governor of the State of Michigan has informed me that conditions of domestic violence and disorder exist in the City of Detroit in that State, obstructing the execution and enforcement of the laws, and that the law enforcement resources available to the City and State, including the National Guard, have been unable to suppress such acts of violence and to restore law and order; and

WHEREAS the Governor has requested me to use such of the armed forces of the United States as may be necessary for those purposes; and

WHEREAS such domestic violence and disorder are also obstructing the execution of the laws of the United States, including the protection of federal property in the City of Detroit:

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, including Chapter 15 of Title 10 of the United States Code, do command all persons engaged in such acts of violence to cease and desist therefrom and to disperse and retire peaceably forthwith.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fourth day of July, in the year of our Lord nineteen hundred and sixty-seven, and the Independence of the United States of America the one hundred and ninety-second.



THE WHITE HOUSE,
July 24, 1967.

[F.R. Doc. 67-8747; Filed, July 25, 1967; 10:14 a.m.]

Executive Order 11364

PROVIDING FOR THE RESTORATION OF LAW AND ORDER IN THE STATE OF MICHIGAN

WHEREAS on July 24, 1967, I issued Proclamation No. 3795,[1] pursuant in part to the provisions of Chapter 15 of Title 10 of the United States Code; and

WHEREAS the conditions of domestic violence and disorder described therein continue, and the persons engaging in such acts of violence have not dispersed;

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States and Commander in Chief of the Armed Forces by the Constitution and laws of the United States, including Chapter 15 of Title 10 of the United States Code, and Section 301 of Title 3 of the United States Code, it is hereby ordered as follows:

SECTION 1. The Secretary of Defense is authorized and directed to take all appropriate steps to disperse all persons engaged in the acts of violence described in the proclamation and to restore law and order.

SEC. 2. In carrying out the provisions of Section 1, the Secretary of Defense is authorized to use such of the Armed Forces of the United States as he may deem necessary.

SEC. 3. The Secretary of Defense is hereby authorized and directed to call into the active military service of the United States, as he may deem appropriate to carry out the purposes of this order, any or all of the units of the Army National Guard and of the Air National Guard of the State of Michigan to serve in the active military service of the United States for an indefinite period and until relieved by appropriate orders. Units, or members thereof, may be relieved subject to recall at the discretion of the Secretary of Defense. In carrying out the provisions of Section 1, the Secretary of Defense is authorized to use units, and members thereof, called or recalled into the active military service of the United States pursuant to this section.

SEC. 4. The Secretary of Defense is authorized to delegate to the Secretary of the Army or the Secretary of the Air Force, or both, any of the authority conferred upon him by this order.

Lyndon B. Johnson

THE WHITE HOUSE,
July 24, 1967.

[F.R. Doc. 67-8748; Filed, July 25, 1967; 10:25 a.m.]

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[1] F.R. Doc. 67-8747, *supra*.

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 752—ADVERSE ACTIONS BY AGENCIES

Miscellaneous Amendments

Part 752 is amended as follows: § 752.102 is expanded by the addition of a definition showing that an appeal to the agency is an appeal under Part 771 of Title 5; § 752.202(f) is shortened by the deletion of the redundant reference to Part 771 of Title 5, as set out below.

§ 752.102 Definitions.

In this part:

(a) Days means calendar days and not workdays.

(b) Appeal to the agency means an appeal under Part 771 of this chapter.

§ 752.202 Procedures.

* * * * *

(f) *Notice of adverse decision.* The employee is entitled to notice of the agency's decision at the earliest practicable date. The agency shall deliver the notice of decision to the employee at or before the time the action will be made effective. The notice shall be in writing, be dated, inform the employee of the reasons for the action, inform the employee of his right of appeal to the appropriate office of the Commission, and inform him of the time limit within which an appeal may be submitted as provided in § 752.203(b). The agency also shall inform the employee of any right of appeal to the agency.

(5 U.S.C. 1302, 3301, 3302, 7301, 7701, E.O. 10577, 19 F.R. 7521, 3 CFR 1954–58 Comp., p. 218, E.O. 10988, 27 F.R. 551, 3 CFR 1959–63 Comp., p. 521)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-8637; Filed, July 25, 1967; 8:46 a.m.]

PART 771—EMPLOYEE GRIEVANCES AND ADMINISTRATIVE APPEALS

Witnesses and Arbitration Requirements

Part 771 is amended as follows: § 771.216 is expanded by the addition of a new provision that both parties to an appeal are entitled to produce witnesses; § 771.228 is expanded by the addition of a new provision that both parties at a hearing conducted by an arbitrator are entitled to produce witnesses, and also by a new provision recognizing that some agencies hold the hearing before the original decision on adverse action is reached, as set out below.

§ 771.216 Witnesses.

(a) Both parties are entitled to produce witnesses.

(b) The agency shall make its employees available as witnesses before a hearing committee when (1) requested by the committee after consideration of a request by the employee or the agency and (2) it is administratively practicable to comply with the request of the committee. If the agency determines that it is not administratively practicable to comply with the request of the committee, it shall submit for inclusion in the employee appeal file its written reasons for the declination.

(c) Employees of the agency are in a duty status during the time they are made available as witnesses.

(d) The agency shall assure witnesses freedom from restraint, interference, coercion, discrimination, or reprisal in presenting their testimony.

§ 771.228 Arbitration requirements.

(a) An agency may provide for advisory arbitration in its appeals system only through a negotiated agreement between the agency and an employee organization to which exclusive recognition has been granted.

(b) An employee may use advisory arbitration only if:

(1) He is employed in a unit represented by an employee organization which has negotiated an agreement for advisory arbitration with the employing agency;

(2) He specifically requests it; and

(3) The employee organization concurs in the use of advisory arbitration and agrees to pay one-half the cost of arbitration.

(c) Advisory arbitration may not relate to the content of agency policy, but is restricted to the propriety of an adverse action in a particular case.

(d) When advisory arbitration is provided for in a one-level appeals system or in the first level of a two-level system, (1) advisory arbitration serves as an alternate to the agency hearing committees; (2) the employee cannot use both advisory arbitration and the agency hearing committee, but must choose one or the other; and (3) if the employee uses advisory arbitration, he is entitled to a hearing before the arbitrator.

(e) When advisory arbitration is provided for in the second level of a two-level appeals system, (1) the employee is entitled to use both the agency hearing committee in the first level and advisory arbitration in the second level; and (2) the employee is not entitled to a hearing before the arbitrator as a matter of right, but the arbitrator may, in his discretion, hold a hearing of such scope as he considers necessary within the provisions of paragraph (f) of this section.

(f) When an arbitrator holds a hearing, he shall conduct and record it, and make a report of findings and recommendations, under the principles set forth in §§ 771.215, 771.217, and 771.218.

(g) Both parties at a hearing held by an arbitrator are entitled to produce witnesses.

(h) An agency shall make its employees available as witnesses at a hearing held in advisory arbitration under the principles set forth in § 771.216.

(i) An agency shall furnish copies of the hearing record and the arbitrator's report under the principles set forth in § 771.218.

(j) The award of an arbitrator is advisory only and may be either accepted or rejected by the agency official authorized to make the appellate decision, or the original decision when the hearing is held before the original decision is placed into effect.

(5 U.S.C. 1302, 3301, 3302, 7301, 7701, E.O. 10577, 19 F.R. 7521, 3 CFR 1954–58 Comp., p. 218, E.O. 10988, 27 F.R. 551, 3 CFR 1959–63 Comp., p. 521)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-8638; Filed, July 25, 1967; 8:46 a.m.]

Title 7—AGRICULTURE

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 62]

PART 1062—MILK IN ST. LOUIS, MO., MARKETING AREA

Order Suspending Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the St. Louis, Missouri, marketing area (7 CFR Part 1062), it is hereby found and determined that:

(a) The following provisions of the order do not tend to effectuate the de-

clared policy of the Act for the month of August 1967:

(1) In § 1062.51(a) the following words of the introductory text preceding subparagraph (1): "And plus or minus the amounts provided in subparagraphs (1) and (2) of this paragraph:"

(2) Subparagraph (1) of § 1062.51(a).

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of the effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparations prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This suspension order will continue for the month of August 1967, the effect of the prior suspension order issued June 1, 1967, which eliminated price adjustments due to the supply-demand adjustor for the period of June 3–30 and July 1967. Such prior suspension order was issued at the request of cooperative associations whose members comprise a large majority of producers serving the St. Louis market and other markets affected by this supply-demand adjustor. The prior suspension action was taken pending revision of the supply-demand adjustor based on the hearing held in St. Louis, Mo., February 28 through March 3, 1967 (32 F.R. 1042), at which a proposal to revise the supply-demand adjustor was considered. The present suspension action is being taken to prevent supply-demand adjustments for this additional period while consideration is being given to revision of the supply-demand adjustor based upon the hearings which have been held.

(4) The previous suspension action was taken so that a decrease in the Class I price would not unduly reduce returns to producers in the St. Louis, Mo., Ozarks, Southern Illinois, and Paducah markets. Since the same conditions that prompted the previous suspension order continue to prevail this suspension order effective for the month of August 1967 is warranted.

Therefore, good cause exists for making this order effective August 1, 1967.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the month of August 1967.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: August 1, 1967.

Signed at Washington, D.C., on July 21, 1967.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 67-8683; Filed, July 25, 1967; 8:50 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[C.C.C. Grain Price Support Regs.; Rev. 1, Amdt. 2]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—General Regulations Governing Price Support for the 1964 and Subsequent Crops

WAREHOUSE RECEIPTS; CORRECTION

F.R. Doc. 67-7457, published at page 9301 in the issue dated Friday, June 30, 1967, is corrected by changing the parenthetical reference "(Form CCC 698)" in the amended § 1421.58(a) to read "(Form CCC 678)".

Signed at Washington, D.C., on July 20, 1967.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 67-8682; Filed, July 25, 1967; 8:50 a.m.]

PART 1446—PEANUTS

Subpart—1967-Crop Peanut Warehouse Storage Loans and Sheller Purchases

This annual crop supplement, together with the General Regulations Governing 1967 and Subsequent Crop Peanut Warehouse Storage Loans and Sheller Purchases (32 F.R. page 9950) and any amendments thereto (hereinafter called the General Regulations), contain the terms and conditions under which CCC will make warehouse storage loans on and sheller purchases of 1967-crop peanuts.

WAREHOUSE STORAGE LOANS

Sec.
1446.40 Associations through which producers may obtain price support.
1446.41 Applicability.
1446.42 National average price.
1446.43 Average support prices by type.
1446.44 Calculation of support prices.

SHELLER PURCHASES

1446.50 Eligible sheller—filing time.
1446.51 Period of offering.
1446.52 CCC purchases of eligible peanuts and prices.

AUTHORITY: The provisions of this subpart issued under secs. 4 and 5, 62 Stat. 1070, as amended; 15 U.S.C. 714 b and c. Interpret or apply secs. 101, 401, 63 Stat. 1051, as amended; 7 U.S.C. 1441, 1421.

WAREHOUSE STORAGE LOANS

§ 1446.40 Associations through which producers may obtain price support.

Eligible producers may obtain price support by means of warehouse storage loans on eligible 1967-crop farmers stock peanuts through, in the Southeastern area, GPA Peanut Association, Camilla, Ga.; Southwestern area, Southwestern Peanut Growers Association, Gorman, Tex.; and Virginia-Carolina area, Peanut Growers Cooperative Marketing Association, Franklin, Va.

§ 1446.41 Applicability.

The support prices specified in this section apply to 1967-crop farmers stock peanuts in bulk or in bags, net weight basis, eligible for price support advances under the general regulations. The support prices in this subpart will not be reduced but will be increased if a combination of the supply percentage as of August 1, 1967, and the parity price as of that date requires a higher price.

§ 1446.42 National average price.

The national average support price for 1967-crop peanuts is $227 per ton.

§ 1446.43 Average support prices by type.

The support prices by type per average grade ton of 1967-crop peanuts are:

Type	Dollars per ton
Virginia	239.86
Runner	214.24
Southeast Spanish	231.98
Southwest Spanish	222.70
Valencia, suitable for cleaning and roasting	239.86

§ 1446.44 Calculation of support prices.

The support price per ton for peanuts of a particular type and quality shall be calculated on the basis of the following rates, premiums, and discounts (with no value being assigned to damaged kernels), except that the minimum support value for any lot of eligible peanuts of any type shall be 4 cents per pound of kernels in the lot:

(a) *Kernel value per net ton excluding loose shelled kernels.* (1) Price for each percent of sound mature and sound split kernels shall be:

Type	Dollars per ton
Virginia	3.278
Runner	3.145
Southeast Spanish	3.244
Southwest Spanish	3.169
Valencia:	
Southwestern area—suitable for cleaning and roasting	3.664
Southwestern area—not suitable for cleaning and roasting	3.169
Areas other than Southwestern	3.244

(2) Price for each percent of other kernels:

All types	$1.40

(3) Premium for each 1 percent extra large kernels in Virginia type peanuts shall be 45 cents, except that no premium shall be applicable to any lot of such peanuts containing more than 7 percent damaged kernels.

(b) *Value of loose shelled kernels per pound.*

All types	$0.07

(c) *Damaged kernel discount.* For all types of peanuts, the discount per ton for damaged kernels shall be as follows:

Peanuts containing damaged kernels of—	Discount
1 percent	None
2 percent	$3.40
3 percent	7.00
4 percent	11.00
5 percent	25.00
6 percent	40.00
7 percent	60.00
8–9 percent	80.00
10 percent and over	100.00

(d) *Sound split kernel discount.* For all types of peanuts, the discount for sound split kernels shall be as follows:

Peanuts containing sound split kernels of—	Discount per ton
1 or 2 percent	None
3 percent	$0.60
4 percent and above	[1] 1.20

[1] Plus $1 for each percent of sound split kernels in excess of 4 percent.

(e) *Foreign material discount.* The discount for each full 1 percent foreign material in excess of 4 percent and not over 10 percent shall be $1 per ton.

(f) *Price adjustment for peanuts in Virginia-Carolina area sampled with other than a pneumatic sampler.* The support price for Virginia type peanuts in the Virginia-Carolina area sampled with other than a pneumatic sampler shall be reduced by one-tenth cent per pound net weight including loose shelled kernels.

(g) *Mixed types discount.* Individual lots of farmers stock peanuts containing mixtures of two or more types in which there is less than 90 percent of any one type will be supported at a rate which is $10 per ton less than the support price applicable to the type in the mixture having the lowest support price.

(h) *Location adjustments to support prices.* Farmers stock peanuts delivered to the association for price support advances in the States specified, where peanuts are not customarily shelled or crushed, shall be discounted as follows:

(1) Arizona, $25 per ton.
(2) Arkansas, $10 per ton.
(3) California, $33 per ton.
(4) Louisiana, $7 per ton.
(5) Mississippi, $20 per ton.
(6) Missouri, $10 per ton.
(7) Tennessee, $25 per ton.

(i) *Virginia type peanuts.* Virginia type peanuts, to receive peanut price support as Virginia type, must contain 40 percent or more "fancy" size peanuts, as determined by a presizer with the rollers set at a $^{33}/_{64}$ inch space. Virginia type peanuts so determined to contain less than 40 percent "fancy" size peanuts will be supported (but not classed) as though they were Runner type.

SHELLER PURCHASES

§ 1446.50 Eligible sheller—filing time.

To be eligible to sell 1967-crop peanuts to CCC under this subpart, the sheller shall file with the association not later than February 28, 1968, or such later date as may be approved by CCC, the notice of participation required under § 1446.11(a).

§ 1446.51 Period of offering.

Unless a later date is approved in writing by CCC, written offers to sell 1967 crop shelled peanuts to CCC, on the form prescribed by CCC, may be filed with the association from time of harvest through:

(a) July 31, 1968, for shelled peanuts not U.S. grade described in § 1446.52(c).

(b) October 31, 1968, for U.S. grade shelled peanuts described in § 1446.52(b).

§ 1446.52 CCC purchases of eligible peanuts and prices.

(a) *Basis of purchase.* Except as otherwise provided in § 1446.13 of the General Regulations, CCC will purchase from eligible shellers 1967-crop peanuts which meet the specifications contained in this section. The peanuts will be purchased on the basis of the net weight determined at the time of delivery and the prices specified in paragraphs (b) and (c) of this section. CCC will also pay a carrying charge for U.S. grade shelled peanuts only which are delivered to CCC after November 1967 in the Southeastern area, and December 1967 in the Southwestern and Virginia-Carolina areas. The carrying charge will commence on December 1, 1967, in the Southeastern area, and January 1, 1968, in the Southwestern and Virginia-Carolina areas, and will accrue at the rate of $1.40 per ton net weight per calendar month or fraction thereof, but shall not exceed a total of $7 per ton net weight.

(b) *U.S. grade shelled peanuts.*

(1) U.S. No. 1 (all types)—17.25 cents per pound.

(2) U.S. Extra Large Virginia—20.50 cents per pound.

(3) U.S. Medium Virginia—18.50 cents per pound.

(4) U.S. Splits (all types)—16.75 cents per pound.

U.S. grade shelled peanuts shall meet the U.S. Standards for such peanuts, except that they shall not contain more than 1.25 percent damaged or unshelled kernels other than minor defects and not more than 2 percent total damaged or unshelled and minor defects.

(c) *Shelled peanuts—not U.S. grade.* (1) No. 1 size i.e., ride U.S. No. 1 screens)—17 cents per pound.

(2) Large whole kernels which will not pass through screens with the following size openings—16.25 cents per pound:

Virginia	$^{13}/_{64}$ x 1" slot.
Runner	$^{13}/_{64}$ x $^{3}/_{4}$" slot.
Spanish	$^{13}/_{64}$ x $^{3}/_{4}$" slot.

(3) Large split kernels (i.e., separated halves) which will not pass through screens with the following size openings—16.75 cents per pound:

Virginia	$^{13}/_{64}$" round.
Runner	$^{13}/_{64}$" round.
Spanish	$^{13}/_{64}$" round.

(4) Small whole kernels which will not pass through screens with the following size openings—12 cents per pound:

Virginia	$^{13}/_{64}$ x 1" slot.
Runner	$^{13}/_{64}$ x $^{3}/_{4}$" slot.
Spanish	$^{13}/_{64}$ x $^{3}/_{4}$" slot.

(5) In addition to the other prices specified in this paragraph (c), CCC shall pay the sheller for fall through not exceeding 3 percent at the rate of 6 cents per pound. Fall through means all kernels or portions thereof which will pass through screens with the following size openings:

	Whole kernels	Splits and portions
Virginia	$^{13}/_{64}$ x 1" slot	$^{17}/_{64}$" round.
Runner	$^{13}/_{64}$ x $^{3}/_{4}$" slot	$^{17}/_{64}$" round.
Spanish and Valencia	$^{13}/_{64}$ x $^{3}/_{4}$" slot	$^{16}/_{64}$" round.

(6) Quality conditions: Any lot of shelled peanuts of the sizes described in subparagraphs (1) through (4) of this paragraph (c) shall not contain more than (i) 4 percent damaged or unshelled kernels other than minor defects, (ii) 8 percent total damaged or unshelled and minor defects, (iii) 9 percent moisture in the Southeastern and Southwestern areas, or 10 percent moisture in the Virginia-Carolina area, (iv) 6 percent fall through, as defined in subparagraph (5) of this paragraph (c) (but CCC will not pay for any fall through in excess of 3 percent), and (v) 2 percent foreign material. The peanuts in any bag(s) in any lot of such peanuts shall also meet the quality conditions set forth above in this subparagraph (6). If a sheller offers to CCC any lot of such peanuts which contains peanuts of different sizes (i.e., No. 1 size, large whole, small whole, or large split kernels) bagged separately, the sheller (i) shall mark or tag each bag in the lot to show the size of the peanuts therein, and (ii) shall stack the bags of each size of peanuts separately to make them readily available for sampling.

(7) The prices specified for shelled peanuts described in this paragraph (c) shall be discounted (i) for damaged and unshelled kernels and minor defects at the rates prescribed in the table appearing at the end of this subpart, and (ii) for foreign material at the rate of $^{1}/_{10}$ of 1 cent per pound for each full $^{1}/_{10}$ of 1 percent by which the foreign material is in excess of 1 percent.

DISCOUNT SCHEDULE FOR 1967-CROP SHELLED PEANUTS

(Cents per pound deduction)

Percent damage or unshelled	Percent minor defects											
	0-1.0	1.0-1.5	1.5-2.0	2.0-2.5	2.5-3.0	3.0-3.5	3.5-4.0	4.0-4.5	4.5-5.0	5.0-5.5	5.5-6.0	6.0-6.5	6.5-7.0
0-1.0		0.06	0.11	0.17	0.23	0.29	0.35	0.40	0.51	0.60	0.69	1.00	
1.1	0.04	.09	.16	.21	.27	.33	.40	.47	.56	.64	.73	1.04	
1.2	.08	.13	.19	.26	.31	.37	.44	.51	.60	.68	.77	1.08	
1.3	.12	.17	.23	.30	.35	.41	.48	.56	.65	.73	.81	1.12	
1.4	.16	.21	.27	.33	.39	.45	.52	.60	.67	.76	.85	1.16	
1.5	.20	.24	.31	.37	.43	.49	.56	.63	.71	.80	.89	1.20	
1.6	.24	.28	.35	.41	.47	.53	.60	.67	.75	.84	.93		
1.7	.28	.32	.39	.45	.51	.57	.64	.71	.79	.88	.97		
1.8	.32	.37	.43	.49	.55	.61	.68	.75	.83	.92	1.01		
1.9	.36	.41	.47	.53	.59	.65	.72	.79	.87	.96	1.05		
2.0	.40	.45	.52	.57	.63	.69	.76	.83	.91	1.00	1.09		
2.1	.44	.51	.57	.65	.69	.73	.80	.87	.95	1.04			
2.2	.48	.56	.64	.70	.76	.82	.89	.96	1.04	1.13			
2.3	.51	.60	.72	.78	.84	.90	.97	1.04	1.13	1.21			
2.4	.70	.72	.83	.87	.93	.98	1.05	1.13	1.21	1.30			
2.5	.80	.85	.93	.97	1.03	1.08	1.14	1.22	1.31	1.40			
2.6	.90	.98	1.05	1.07	1.13	1.18	1.24	1.31	1.41				
2.7	1.00	1.08	1.13	1.17	1.23	1.28	1.34	1.40	1.51				
2.8	1.10	1.18	1.23	1.27	1.33	1.38	1.44	1.52	1.62				
2.9	1.20	1.26	1.33	1.37	1.43	1.48	1.54	1.62	1.73				
3.0	1.30	1.35	1.43	1.47	1.53	1.58	1.64	1.73	1.83				
3.1	1.40	1.44	1.53	1.57	1.63	1.68	1.74	1.83					
3.2	1.50	1.54	1.63	1.67	1.73	1.78	1.85	1.93					
3.3	1.60	1.64	1.73	1.77	1.83	1.88	1.95	2.03					
3.4	1.70	1.75	1.83	1.87	1.93	1.98	2.05	2.13					
3.5	1.80	1.86	1.93	1.97	2.03	2.08	2.15	2.23					
3.6	1.90	1.95	2.03	2.07	2.13	2.19	2.26						
3.7	2.00	2.05	2.13	2.17	2.23	2.28	2.36						
3.8	2.10	2.14	2.23	2.27	2.33	2.38	2.46						
3.9	2.20	2.25	2.33	2.37	2.43	2.48	2.56						
4.0	2.30	2.35	2.43	2.47	2.53	2.58	2.66						

Effective date. This subpart shall be effective on the date of its publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on July 19, 1967.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 67-8535; Filed, July 25, 1967; 8:46 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

PART 207—COLLECTION OF NONCASH ITEMS

PART 210—COLLECTION OF CHECKS AND OTHERS ITEMS BY FEDERAL RESERVE BANKS

On April 20, 1967, notice of proposed rule making relating to the revocation of Part 207 (Reg. C) and the revision of Part 210 (Reg. J) was published in the FEDERAL REGISTER (32 F.R. 6210). After consideration of all relevant matter that was presented by interested persons, the Board of Governors takes the following actions:

a. Part 207 is hereby revoked.

b. Part 210 is hereby adopted as proposed.

Effective date. These actions are effective September 1, 1967.

Dated at Washington, D.C., the 20th day of July 1967.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

Sec.

210.1 Authority and scope.
210.2 Definitions.
210.3 General provisions.
210.4 Sending of items to Federal Reserve banks.
210.5 Sender's agreement.
210.6 Status and warranties of Federal Reserve bank.
210.7 Presentment for payment.
210.8 Presentment of noncash items for acceptance.
210.9 Remittance and payment.
210.10 Time schedule and availability of credits with respect to cash items.
210.11 Availability of proceeds of noncash items.
210.12 Return of cash items.
210.13 Chargeback of unpaid cash items and noncash items.
210.14 Timeliness of action.
210.15 Effect of direct presentment of certain warrants.
210.16 Operating letters.

AUTHORITY: The provisions of this Part 210 issued under 12 U.S.C. 248, 342, 360.

§ 210.1 Authority and scope.

(a) Pursuant to the provisions of section 13 of the Federal Reserve Act, as amended (12 U.S.C. sec. 342), section 16 of the Federal Reserve Act (12 U.S.C. sec. 248(o); 12 U.S.C. sec. 360), section 11(i) of the Federal Reserve Act (12 U.S.C. sec. 248(i)), and other provisions of law, the Board of Governors of the Federal Reserve System has promulgated this part governing the collection of checks and other cash items and the collection of noncash items by the Federal Reserve banks.

(b) The Federal Reserve banks, as depositaries and fiscal agents of the United States, handle certain items as cash items or noncash items. To the extent contemplated by regulations issued by, and arrangements made with, the U.S. Treasury Department and other Government Departments, the handling of such items by the Federal Reserve banks is governed by the provisions of this part. The operating letters of the Federal Reserve banks shall include such information regarding the currently effective provisions of those regulations and arrangements (as well as any similar regulations and arrangements hereafter issued or made) as they shall deem necessary and appropriate for the guidance of banks concerned with the collection or payment of such items.

§ 210.2 Definitions.

As used in this part, unless the context otherwise requires:

(a) The term "item" means any instrument for the payment of money, whether negotiable or not, which is payable in a Federal Reserve district,[1] is sent by a sender or a nonbank depositor to a Federal Reserve bank for handling under this part, and is collectible in funds acceptable to the Federal Reserve bank of the district in which the instrument is payable; except that the term does not include any check which cannot be collected at par.[2]

(b) The term "check" means any draft drawn on a bank and payable on demand.

(c) The term "draft" means any item which is either a "draft" as defined in the Uniform Commercial Code or a "bill of exchange" as defined in the Uniform Negotiable Instruments Law.

(d) The term "bank draft" means any check drawn by one bank on another bank.

(e) The term "sender" in respect of an item, means a member bank, a nonmember clearing bank, a Federal Reserve bank, an international organization, or a foreign correspondent.

(f) The term "nonmember clearing bank" means a bank, not a member of the Federal Reserve System, which maintains with a Federal Reserve bank the balance referred to in the first paragraph of section 13 of the Federal Reserve Act, and any corporation which maintains an account with a Federal Reserve bank in conformity with the requirements of § 211.7 of Part 211 of this chapter (Reg. K).

(g) The term "international organization" means any international organization for which the Federal Reserve banks are empowered to act as depositaries or fiscal agents subject to regulation by the Board of Governors of the Federal Reserve System and for which a Federal Reserve bank has opened and is maintaining an account.

(h) The term "foreign correspondent" means any of the following for which a Federal Reserve bank has opened and is maintaining an account: A foreign bank or banker, or foreign state as defined in section 25(b) of the Federal Reserve Act (12 U.S.C. sec. 632), or a foreign correspondent or agency referred to in section 14(e) of that Act (12 U.S.C. sec. 358).

(i) The term "cash item" means:

(1) Any check other than a check classified as a noncash item in accordance with paragraph (j) of this section; or

(2) Any other item payable on demand and collectible at par which the Federal Reserve bank of the district in which the item is payable may be willing to accept as a cash item.

(j) The term "noncash item" means any item which the receiving Federal Reserve bank, in its operating letters, shall have classified as an item requiring special handling and any item normally received by the Federal Reserve bank as a cash item if such bank decides that special conditions require that it be handled as a noncash item.

(k) The term "paying bank" means:

(1) The bank by which an item is payable and to which it is presented, unless the item is payable or collectible through another bank and is sent to such other bank for payment or collection; or

(2) The bank through which an item is payable or collectible and to which it is sent for payment or collection.

(l) The term "nonbank payor" means any payor of an item, other than a bank.

(m) The term "nonbank depositor" means any department, agency, instrumentality, independent establishment, or officer of the United States, or any corporation other than a sender, which maintains or uses an account with a Federal Reserve bank. Except as may otherwise be provided by any applicable statutes of the United States or regulations issued or arrangements made thereunder, the provisions of this part and of the operating letters of the Federal Reserve banks applicable to a sender are applicable to a nonbank depositor.

(n) The term "State" means any State of the United States, the District of Columbia, or Puerto Rico, or any territory, possession, or dependency of the United States.

(o) The term "banking day" means any day during which a bank is open to the public for carrying on substantially all its banking functions.

§ 210.3 General provisions.

In order to afford both to the public and to the banks of the country a direct, expeditious, and economical system for the collection of items and the settlement of balances, each Federal Reserve bank shall receive and handle cash items and noncash items in accordance with the terms and conditions set forth in this part; and the provisions of this part and the operating letters of the Federal Reserve banks shall be binding upon the sender of a cash item or a noncash item and shall be binding upon each collecting bank, paying bank, and nonbank payor to which the Federal Reserve bank, or any subsequent collecting bank, presents, sends, or forwards a cash item or a noncash item received by the Federal Reserve bank.

§ 210.4 Sending of items to Federal Reserve banks.

(a) Subject to the provisions of this part and of the operating letters of the Federal Reserve banks, any sender (other than a Federal Reserve bank) may send to the Federal Reserve bank with which it maintains or uses an account any cash item or noncash item payable in any Federal Reserve district; but, as permitted or required by such Federal Reserve bank, such sender may send direct to any other Federal Reserve bank any cash item or noncash item payable within the district of such other Federal Reserve bank.

(b) With respect to any cash item or noncash item, sent direct by a sender (other than a Federal Reserve bank) in one district to a Federal Reserve bank in another district, in accordance with paragraph (a) of this section, the relationships and the rights and liabilities existing between the sender, the Federal Reserve bank of its district and the Federal Reserve bank to which the item is sent will be the same, and the provisions of this part will apply, as though the sender had sent such item to the Federal Reserve bank of its district and such Federal Reserve bank had forwarded the item to the other Federal Reserve bank.

(c) The Federal Reserve banks shall receive cash items at par.

§ 210.5 Sender's agreement.

(a) By its action in sending any cash item or noncash item to a Federal Reserve bank, the sender shall be deemed to authorize the receiving Federal Reserve bank and any other Federal Reserve bank or other collecting bank to which such item may be forwarded, to handle such item subject to the provisions of this part and of the operating letters of the Federal Reserve banks; to warrant its own authority to give such authority; and to agree that such provisions shall, insofar as they are made applicable thereto, govern the relationships between such sender and the Federal Reserve banks with respect to the handling of such item and its proceeds.

(b) The sender shall be deemed to warrant to each Federal Reserve bank handling such item (1) that it has good title to the item or is authorized to obtain payment on behalf of one who has good title, whether or not such warranty is evidenced by its express guaranty of prior endorsements on such item, and (2) such other matters and things as the Federal Reserve bank shall warrant in respect of such item consistently with paragraph (b) of § 210.6; but the provisions of this paragraph shall not be deemed to constitute a limitation upon the scope or effect of any warranty by a sender arising under the law of any State applicable to it; and such sender shall be deemed to agree to indemnify each Federal Reserve bank for any loss or expense sustained (including but not limited to attorneys' fees and expenses of litigation) resulting from the failure of such sender to have the authority to make the warranty and the agreement referred to in paragraph (a) of this section, resulting from any action taken by the Federal Reserve bank within the scope of its authority in handling such item, or resulting from any warranty or agreement with respect thereto made by the Federal Reserve bank consistently with paragraph (b) of § 210.6.

§ 210.6 Status and warranties of Federal Reserve bank.

(a) A Federal Reserve bank will act only as the agent of the sender in respect of each cash item or noncash item received by it from the sender, but such agency shall terminate not later than the time when the Federal Reserve bank shall have received payment for the item in actually and finally collected funds and shall have made the proceeds available for withdrawal or other use by the sender. A Federal Reserve bank will not act as the agent or the subagent of any owner or holder of any such item other than the sender. A Federal Reserve bank shall not have, nor will it assume, any liability to the sender in respect of any such item and its proceeds except for its own lack of good faith or failure to exercise ordinary care.[3]

(b) By its action in presenting, or sending for presentment and payment, or forwarding any cash item or any noncash item, a Federal Reserve bank shall be deemed to warrant to a subsequent collecting bank and to the paying bank and any other payor (1) that it has a good title to the item or is authorized to obtain payment on behalf of one who either has a good title or is authorized to obtain payment on behalf of one who has such title, whether or not such warranty is evidenced by its express guaranty of prior endorsements on such item, and (2) to the extent prescribed by the law of any State applicable either to the Federal Reserve bank as a collecting bank or to the subsequent collecting bank, that the item has not been materially altered; but otherwise the Federal Reserve bank shall not have, and shall not be deemed to assume, any liability (except for its own lack of good faith or failure to exercise ordinary care) to such paying bank or other payor.

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[1] For the purposes of this part, the Virgin Islands and Puerto Rico shall be deemed to be in or of the 2d Federal Reserve District; and Guam shall be deemed to be in or of the 12th Federal Reserve District.

[2] The Board of Governors publishes from time to time a "Federal Reserve Par List", which indicates the banks upon which checks are collectible at par through the Federal Reserve banks, and publishes a supplement thereto each month to show changes subsequent to the last complete list.

[3] No Federal Reserve bank shall be responsible to the sender of any cash item, or any other owner or holder thereof, for any delay resulting from the action taken by the Federal Reserve bank in presenting, sending, or forwarding the item on the basis of (a) any A.B.A. transit number or routing symbol appearing thereon at the time of its receipt by the Federal Reserve bank, whether inscribed by magnetic ink or by any other means, and whether or not such transit number or routing symbol is consistent with each other form of designation of a paying bank (or nonbank payor) then appearing thereon, or (b) any other form of designation of a paying bank (or nonbank payor) then appearing thereon, whether or not consistent with any A.B.A. transit number or routing symbol then appearing thereon.

§ 210.7 Presentment for payment.

(a) Any cash item or any noncash item may be presented for payment by a Federal Reserve bank or a subsequent collecting bank, or may be sent by a Federal Reserve bank or a subsequent collecting bank for presentment and payment, or may be forwarded by a Federal Reserve bank to a subsequent collecting bank with authority to present it for payment or to send it for presentment and payment, as provided under applicable rules of State law or otherwise as permitted by this section.

(b) Presentment may be made at a place where the bank by which the item is payable has requested that presentment be made. Presentment of an item payable by a nonbank payor, other than through a paying bank, may be made at a place where the nonbank payor has requested that presentment be made. Presentment may also be made pursuant to any special collection agreement not inconsistent with the terms of this part, or may be made through a clearinghouse subject to the rules and practices thereof.

(c) Any cash item or noncash item, payable in the district of the receiving Federal Reserve bank, may be presented or sent direct to the paying bank, if any; may be sent direct to any place where the bank through which the item is payable has requested that the item be sent; and, when payable by a nonbank payor other than through a paying bank, may be presented direct to the nonbank payor, but documents, securities or other papers accompanying a noncash item may not be delivered to the nonbank payor thereof before payment of the item, unless the sender has specifically authorized such delivery.

(d) Any cash item or noncash item, payable in a Federal Reserve district other than the district of the receiving Federal Reserve bank, will ordinarily be forwarded to the Federal Reserve bank of the district in which the item is payable: *Provided, however*, That with the concurrence of the Federal Reserve bank of the district in which the item is payable, the receiving Federal Reserve bank may present, send, or forward the item as if it were payable in its own district.

§ 210.8 Presentment of noncash items for acceptance.

Whenever a noncash item provides that it must be presented for acceptance or is payable elsewhere than at the residence or place of business of the drawee, or whenever the date of payment of a noncash item depends upon presentment for acceptance, a Federal Reserve bank or a subsequent collecting bank to which it has been sent by a Federal Reserve bank may, if so instructed by the sender, present the item for acceptance in any manner authorized by law; but no Federal Reserve bank or subsequent collecting bank shall, upon the acceptance of any such item, deliver to the drawee thereof any accompanying documents unless specifically instructed by the sender to do so. Each Federal Reserve bank shall include in its operating letters a statement of the circumstances under which a sender may send such noncash items to the Federal Reserve bank for presentment for acceptance, and of the terms and conditions (which shall not be inconsistent with the provisions of this part) upon which such presentment may be made. Except as herein provided, no Federal Reserve bank shall have or assume any obligation to present any noncash item for acceptance or to send it for presentment for acceptance.

§ 210.9 Remittance and payment.

(a) A Federal Reserve bank may require the paying bank or collecting bank to which it has presented, sent, or forwarded any cash item or noncash item pursuant to § 210.7 to pay or remit for such item in cash, but is authorized, in its discretion, to permit such paying bank or collecting bank to authorize or cause payment or remittance therefor to be made by a debit to an account on the books of such Federal Reserve bank or to pay or remit therefor in any of the following which is in a form acceptable to such Federal Reserve bank: Bank draft, transfer of funds or bank credit, or any other form of payment or remittance authorized by applicable State law. A Federal Reserve bank may require the nonbank payor to which it has presented any cash item or noncash item pursuant to § 210.7 to pay therefor in cash, but is authorized, in its discretion, to permit such nonbank payor to pay therefor in any of the following which is in a form acceptable to such Federal Reserve bank: Cashier's check, certified check, or other bank draft or obligation.

(b) A Federal Reserve bank shall not be liable for the failure of a collecting bank or paying bank or nonbank payor to pay or remit for any such cash item or noncash item, nor for any loss resulting from the acceptance of any form of payment or remittance other than cash authorized in paragraph (a) of this section; nor shall any Federal Reserve bank which acts in good faith and exercises ordinary care be liable for the nonpayment of, or failure to realize upon, any bank draft or other form of payment or remittance which it may accept in accordance with paragraph (a) of this section.

(c) Any bank draft or other form of payment or remittance received by a Federal Reserve bank in payment of, or in remittance for, any cash item may likewise be handled as a cash item subject to all the applicable terms and conditions of this part; and any bank draft or other form of remittance or payment received by a Federal Reserve bank in payment of, or in remittance for, any noncash item may, at the option of the Federal Reserve bank, be handled either as a cash item or as a noncash item, subject to all the applicable terms and conditions of this part.

§ 210.10 Time schedule and availability of credits with respect to cash items.

(a) Each Federal Reserve bank shall include in its operating letters a time schedule for each of its offices indicating when the amount of any cash item received by it from any sender or sent by any sender to another Federal Reserve office for the account of such Federal Reserve bank will be counted as reserve for the purposes of Part 204 of this chapter (Reg. D) and become available for withdrawal or other use by the sender. The sender (other than a foreign correspondent) will be given either immediate credit or deferred credit for such amount in accordance with such time schedule. A foreign correspondent will ordinarily be given credit for such amount only when the Federal Reserve bank has received payment for the item in actually and finally collected funds: *Provided, however*, That the Federal Reserve bank may in its discretion give immediate or deferred credit for such amount in accordance with such time schedule.

(b) Notwithstanding the provisions of its time schedule, a Federal Reserve bank may in its discretion refuse at any time to permit the withdrawal or other use of credit given for any cash item for which the Federal Reserve bank has not yet received payment in actually and finally collected funds.

§ 210.11 Availability of proceeds of noncash items.

(a) Credit will be given for the proceeds of a noncash item when the receiving Federal Reserve bank has received payment for such item in actually and finally collected funds or advice from another Federal Reserve bank of such payment to it, and the amount of such item shall not be counted as reserve for the purposes of Part 204 of this chapter (Reg. D) or become available for withdrawal or other use by the sender prior to the receipt of such payment or advice, except to the extent provided in paragraph (c) of this section.

(b) A Federal Reserve bank shall be deemed to have received payment for a noncash item in actually and finally collected funds as soon as it has received payment therefor in cash or has received any other form of payment or remittance therefor which is, or has become, final and irrevocable.

(c) A Federal Reserve bank may, prior to the time provided in paragraph (a) of this section, give credit for the proceeds of a noncash item received by it from a sender, subject to payment in actually and finally collected funds, in accordance with a time schedule included in its operating letters, indicating when the proceeds of such noncash items will be counted as reserve for the purposes of Part 204 of this chapter (Reg. D) and become available for withdrawal or other use by the sender.

(d) Notwithstanding paragraph (c) of this section, a Federal Reserve bank may, in its discretion, refuse at any time to permit the withdrawal or other use of credit given for any noncash item for which the Federal Reserve bank has not yet received payment in actually and finally collected funds.

(e) Where a Federal Reserve bank receives, in payment or remittance for a noncash item, a bank draft or other form of remittance or payment which, in accordance with paragraph (c) of § 210.9, it elects to handle as a noncash item, the proceeds of the noncash item for which the payment or remittance was made shall neither be counted as reserve for the purposes of Part 204 of this chapter (Reg. D) nor become available for withdrawal or other use until such time as the Federal Reserve bank receives payment in actually and finally collected funds for such bank draft or other form of remittance or payment, in accordance with the provisions of this section.

§ 210.12 Return of cash items.

(a) A paying bank which receives a cash item from or through a Federal Reserve bank, otherwise than for immediate payment over the counter, shall, unless it returns such item unpaid before midnight of the banking day of receipt,[1] either pay or remit therefor on the banking day of receipt, or, if acceptable to the Federal Reserve bank concerned, authorize or cause payment or remittance therefor to be made by debit to an account on the books of the Federal Reserve bank not later than the banking day for such Federal Reserve bank on which any other acceptable form of timely payment or remittance would have been received by the Federal Reserve bank in the ordinary course: *Provided*, That such paying bank shall have the right to recover any payment or remittance so made if, before it has finally paid the item, it returns the item before midnight of its banking day next following the banking day of receipt or takes such other action to recover such payment or remittance within such time and by such means as may be provided by applicable State law: *And further provided*, That the foregoing provisions shall not extend, nor shall the time herein provided for return be extended by, the time for return of unpaid items fixed by the rules and practices of any clearing house through which the item was presented or fixed by the provisions of any special collection agreement pursuant to which it was presented.

(b) Any paying bank which takes or receives a credit or obtains a refund for the amount of any payment or remittance made by it in respect of a cash item received by it from or through a Federal Reserve bank shall be deemed (1) to warrant to such Federal Reserve bank, to a subsequent collecting bank, and to the sender and all prior parties that it took all action necessary to entitle it to recover such payment or remittance within the time or times limited therefor by the provisions of this part, by the applicable rules and practices of any clearinghouse through which the item was presented, by the applicable provisions of any special collection agreement pursuant to which it was presented, and, except as a longer time may be afforded by the provisions of this part, by applicable State law; and (2) to agree to indemnify such Federal Reserve bank for any loss or expense sustained (including but not limited to attorneys' fees and expenses of litigation) resulting from its action in giving such credit or making such refund, or in making any charge to, or obtaining any refund from, the sender. No Federal Reserve bank shall have any responsibility to such paying bank or any subsequent collecting bank or to the sender of the item or any other prior party thereon for determining whether the action hereinabove referred to was timely.

§ 210.13 Chargeback of unpaid cash items and noncash items.

If a Federal Reserve bank does not receive payment in actually and finally collected funds for any cash item or noncash item for which it gave credit subject to payment in actually and finally collected funds, the amount of such item shall be charged back to the sender, regardless of whether or not the item itself can be returned. In such event, neither the owner or holder of any such item nor the sender shall have the right of recourse upon, interest in, or right of payment from, any reserve balance, clearing account, deposit account, or other funds of the paying bank or of any collecting bank, in the possession of the Federal Reserve bank. No draft, authorization to charge, or other order, upon any reserve balance, clearing account, deposit account, or other funds in the possession of a Federal Reserve bank, issued for the purpose of paying or remitting for any cash items or noncash items handled under the terms of this part, will be paid, acted upon, or honored after receipt by such Federal Reserve bank of notice of suspension or closing of the bank making the payment or remittance for its own or another's account.

§ 210.14 Timeliness of action.

If, because of interruption of communication facilities, suspension of payments by another bank, war, emergency conditions or other circumstances beyond its control, any bank (including a Federal Reserve bank) shall be delayed beyond the time limits provided in this part or the operating letters of the Federal Reserve banks, or prescribed by the applicable law of any State in taking any action with respect to a cash item or a noncash item, including forwarding such item, presenting it or sending it for presentment and payment, paying or remitting for it, returning it or sending notice of dishonor or nonpayment, or making or providing for any necessary protest, the time of such bank, as limited by this part or the operating letters of the Federal Reserve banks, or by the applicable law of any State, for taking or completing the action thereby delayed shall be extended for such time after the cause of the delay ceases to operate as shall be necessary to take or complete the action, provided the bank exercises such diligence as the circumstances require.

§ 210.15 Effect of direct presentment of certain warrants.

Whenever a Federal Reserve bank exercises its option to present direct to the payor any bill, note or warrant issued and payable by any State or any county, district, political subdivision or municipality of any State, such bill, note or warrant being a cash item not payable or collectible through a bank, the provisions of §§ 210.9, 210.12, and 210.13 and the operating letters of the Federal Reserve banks shall be applicable to the payor as if it were a paying bank, the provisions of § 210.14 shall be applicable to it as if it were a bank, and each day on which the payor shall be open for the regular conduct of its affairs or the accommodation of the public shall be treated as if it were a banking day for it, within the meaning and for the purposes of § 210.12.

§ 210.16 Operating letters.

Each Federal Reserve bank shall issue operating letters (sometimes referred to as operating circulars or bulletins), not inconsistent with this part, governing the details of its operations in the handling of cash items and noncash items, and containing such other matters as are required by the provisions of this part. Such letters may, among other things, classify cash items and noncash items, require separate sorts and letters, and provide different closing times for the receipt of different classes or types of cash items and noncash items.

[F.R. Doc. 67-8619; Filed, July 25, 1967; 8:45 a.m.]

[1] A cash item received by a paying bank either:
(1) On a day other than a banking day for it, or
(2) On a banking day for it, but—
(a) After its regular banking hours, or
(b) After a "cut-off hour" established by it in accordance with applicable State law, or
(c) During afternoon or evening periods when it is open for limited functions only,
shall be deemed to have been received by the bank on its next banking day.

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER I—PUBLIC INFORMATION

PART 165—AVAILABILITY OF INFORMATION

§ 165.1 Availability of information.

The Agricultural Research Service regulations relating to availability of information to the public and disclosure of records under 5 U.S.C. 552, which are set forth in 7 CFR Part 370, are incorporated into this subchapter.

(5 U.S.C. 552, 559)

Done at Washington, D.C., this 20th day of July 1967.

F. R. MANGHAM,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 67-8624; Filed, July 25, 1967; 8:46 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

DOMESTIC AIR TRANSPORTATION

Under Subchapter E of Title 39, Code of Federal Regulations, Parts 531, 532, 533, and 534 are revised to update instructions concerning Domestic Air Transportation and are effective upon publication in the FEDERAL REGISTER.

PART 531—AIR CARRIERS

Sec.
531.1 Applicability.
531.2 Definitions.
531.3 Air carriers' responsibilities.
531.4 Flight operations.
531.5 Handling of mail.
531.6 Reports.
531.7 Submission of claims.
531.8 Irregularities, deductions, and fines.
531.9 Correspondence concerning air service.

AUTHORITY: The provisions of this Part 531 issued under 5 U.S.C. 301, 39 U.S.C. 501.

§ 531.1 Applicability.

The rules and regulations in this part apply to air carriers engaged in transporting airmail and air parcel post in interstate air transportation.

§ 531.2 Definitions.

(a) *Air carrier.* A citizen or company of the United States authorized by the Civil Aeronautics Board to engage in interstate air transportation.

(b) *Interstate air transportation.* The carriage of mail by aircraft between a place in any State of the United States, or the District of Columbia, and a place in any other State of the United States, or District of Columbia; or between places in the same State of the United States; or between places in the same territory or possession of the United States, or District of Columbia; or between places in any State of the United States, or District of Columbia, and a place in Puerto Rico or U.S. Virgin Islands or terminal points in Canada; or between or within Puerto Rico and the U.S. Virgin Islands.

(c) *Mail.* United States or foreign transit airmail.

§ 531.3 Air carriers' responsibilities.

(a) *For transporting mail.* Air carriers are required to transport and transfer mail as ordered on dispatch documents and related coding on pouch labels.

(b) *For giving mail priority.* Air carriers are required to give the following priority to mail:

(1) From each point served, the normal mail load for each trip must be given priority of transportation over all other traffic on each trip designated for transportation of mail.

(2) The normal mail load for each trip is determined, at the option of the air carrier, for each day of the week on (i) basis of the mail tendered to that trip on the same day of the week for the 5 previous weeks or (ii) basis of the weight of mail tendered to the trip on Tuesday, Wednesday, Thursday, and Friday of the preceding week. When a holiday occurs on one of those days, substitute the same day of the second previous week. In either method of computing the average, exclude mail tendered under abnormal conditions. When an air carrier elects to use one of the two methods it must continue to use the selected method on Form 2760, Air Carrier's Reply—Refusal/Removal of Airmail.

(3) No part of the mail load, either local boarding or through mail, will be displaced when a trip requires additional fuel.

(4) Mail in excess of normal mail load must be given priority over all other traffic except confirmed revenue passengers and their baggage. Mail aboard a plane must not be removed to accommodate local boarding passengers or extra fuel.

(5) Intra-Alaska air carriers must provide the same priority for normal mail flow as any certificated air carrier. When it is not possible for an air carrier to move all available mail above normal out of gateway cities because of unusual heavy local mailings or peak volumes of mail received by boat or truck, the priority of movement is further defined in this order—airmail, first-class, newspapers, perishable parcels, and then bulk mail. Subsequent trips of a carrier will continue this priority of movement until the peak volume is transported.

(6) In loading, unloading, transferring mail to connecting planes, and delivering mail to the designated postal representative, mail must be given preference over all other cargo.

(c) *For protecting mail.* (1) Air carriers are held strictly responsible and accountable for mail in their custody. Mail must not be left exposed on trucks or otherwise subjected to depredation or weather. In transporting mail between point of exchange with the post office and aircraft ramp positions, carriers must provide adequate and suitable vehicles that will (i) prevent mail from being lost or dropped en route and (ii) protect mail from depredation and weather. Take every precaution to protect mail from fire. Mail handlers must be identified by badges or distinguishing caps or clothing or must be prepared to exhibit their airline identification cards on request of postal employees concerned.

(2) When an air carrier discovers a pouch damaged so that loss or depredation could result, the air carrier will turn in the pouch to the first possible postal unit for repouching and redispatch. Form 2734, Airmail Exception Record, must accompany the damaged pouch to the postal unit.

(d) *For cooperating with postal inspectors.* Postal inspectors are special representatives of the Postmaster General. All employees of air carriers engaged in transportation of mail are required to cooperate with and assist inspectors in performing their duties which may include opening pouches and sacks and examining mail therein.

(e) *For providing quarters.* (1) *At air stops.* When requested to do so by the Department, air carriers must furnish adequate and suitable quarters at air stops as necessary for the receipt, dispatch, distribution, and transfer of mail, unless and until otherwise provided by the Department.

(2) *Location of quarters.* Quarters must be located to provide expeditious handling of mail to and from planes and conveniently accessible to mail-carrying vehicles.

(3) *Requests for changes in quarters.* Request by air carriers or officials of the postal service for changes in existing quarters or establishment of new quarters must be made through the transportation division involved.

(f) *For obtaining routing from postal unit*—(1) *Interrupted transportation.* Any carrier in possession of mail on which he does not have proper routing knowledge will immediately request the necessary information from the local postal unit.

(2) *Overload situations.* When all available mail cannot be transported on an intended flight, the air carrier with the overload situation must promptly inform postal personnel at the airport mail facility or air stop post office and obtain instructions concerning priority to be given in loading mail that can be accommodated. Anticipate potential overload situations as much in advance of flight time as possible. Off-loading of mail already on board in order to carry mail for destinations of greater postal advantage will not be required if this would entail unreasonable delay in departure of the flight.

(g) *For preparing and submitting schedules*—(1) *Preparation.* Air carriers shall prepare schedules as follows:

(i) Arrange schedules north to south and east to west, with flights listed in chronological order left to right.

(ii) Show on related schedules for each route all restrictions on the transportation of mail.

(2) *Submission.* (i) Air carriers shall submit with proposed new schedules a brief explanatory letter or cover sheet detailing proposed changes.

(ii) Copies of changes to existing schedules must be filed with the Post Office Department, Air Transportation Branch, Bureau of Transportation and International Services, Washington, D.C. 20260, not less than 10 days prior to effective date. In the case of major schedule changes, carriers are requested to give not less than 20 days notice in order that the Department may have sufficient time to process these schedule changes. The date of filing will be the date of receipt by the Air Transportation Branch.

(iii) Air carriers shall distribute copies of proposed new schedules or changes to existing schedules as follows:

(a) Two copies to Air Transportation Branch.

(b) One copy to transportation division in each region concerned.

(c) States-Alaska and Intra-Alaska air carriers must send one copy to the Director, Transportation Division, Post Office Department, Post Office Box 9000, Seattle, Wash. 98109.

(3) *Designation of service.* The transportation division will advise the Air Transportation Branch of all flights that are not needed for the transportation of mail. The Air Transportation Branch will notify the air carriers of flights designated for transportation of the mail.

(h) *For answering correspondence.* Air carriers must answer promptly all correspondence from officials of the postal service. Correspondence concerning operation of the Alaskan airmail service must be channeled through the Regional Director, Post Office Department, Seattle, Wash. 98124.

§ 531.4 Flight operations.

(a) *Scheduled operations*—(1) *Maintaining schedules.* Air carriers will operate designated flights as shown in filed schedules except where prevented from doing so by weather or other causes beyond their control.

(2) *Off schedule operations.* In the event of an operation other than as shown by published schedules, the carrier will be responsible for notifying all on-line postal units as soon as possible, except that advice need not be given of delays of less than 30 minutes.

(b) *Originating sections, resumed flights, and delayed operations.* Delayed scheduled trips may operate with available mail from the initial terminal or intermediate points. When a scheduled trip has been canceled at the initial terminal or at some intermediate point, a section may be originated at any intermediate point on the route.

(c) *Omissions of service.* If a scheduled stop will not be made by a trip, the air carrier must immediately notify the local postal representative. If service is to be suspended for 1 week or more, the air carrier must immediately notify the Air Transportation Branch, Bureau of Transportation and International Services, Washington, D.C. 20260; the directors, transportation divisions, in the regions concerned; and the postal units concerned. The same offices must be notified when service is to be resumed.

(d) *Emergency trips and extra sections.* Emergency trips and extra sections operated by the air carrier may be used for transportation of mail. It may be placed on the plane at an unscheduled stop when offered for dispatch by the local postal representative, except that mail will not be accepted if the air carrier is not authorized to serve that city.

(e) *Holding orders.* In unusual situations, the Domestic Transportation Division, Bureau of Transportation and International Services, may require the holding of planes at junction points for the connection of mail. If any air carrier desires to take exception to a holding order, a complete statement giving the particulars will be submitted by the air carrier promptly to the Domestic Transportation Division.

§ 531.5 Handling of mail.

(a) *Delivery to air carriers*—(1) *Authorized location.* Mail for outgoing trips shall be delivered to the air carrier at the time and place authorized by the director, transportation division.

(2) *Dispatch lists required.* (i) The postal unit delivering mail to air carriers shall prepare Form 2729, Airmail Dispatch and Billing Record, showing weight of mail for each destination and list mail for off-line points of transfer.

(ii) On receipt of mail from the local postal unit, air carrier will be responsible for verifying (a) the piece count of mail with those related entries on the dispatch list and (b) that all of the mail is destined for points on his system, or is coded for transfer at a point served by his company.

(iii) Mail received from mail messengers or vehicle service at airports without a mail facility must correspond with mail listed on Form 2729; or air carriers must make corrections. If pouches are listed but not received, cross out individual listing, destination total, related trip destination total, originating load total, interline total when interline routings are involved, and document pound total. Insert correct adjacent totals. If mail is received, but not listed, insert weight of each pouch in proper destination column and amend totals as instructed. In either event, note facts prominently on Form 2729 in any blank space. Advise messenger of any discrepancy.

(iv) In the Intra-Alaskan Service, Form 2713–A, Alaskan Airmail Dispatch Record, is used instead of Form 2729. At non-post-office points on Alaskan routes where it has not been possible to arrange for preparation of Form 2713–A, the air carrier shall prepare Form 2713–A and make claim for service in the usual manner.

(b) *Direct transfer between planes*—(1) *Carrier responsibility.* Carriers must make transfers according to service ordered on Form 2729 by the dispatching postal unit and as shown on pouch labels. To facilitate transfers, carriers are responsible for concluding mutually agreeable local arrangements regarding point of exchange between carriers. These local arrangements are subject to approval by the transportation division to assure that they are adequate for postal needs. In addition, carriers shall comply with the following:

(i) *Arriving (delivering) carriers.* (a) All transfers are based on normal operations and under normal conditions, should be made as authorized.

(b) When late, the arriving carrier shall ascertain whether the intended connection can be made. If the connection cannot be made, the arriving carrier will obtain new routing instructions from local postal personnel; prepare Form 2734, Airmail Exception Record; verify mail with related entries on Form 2734, and deliver the mail to an alternate carrier, or to a postal representative, as instructed.

(ii) *Departing (receiving) carriers.* (a) A departing carrier, due to receive transfer mail from an incoming carrier, shall inform his ramp personnel of any delays in scheduled departure so that scheduled transfers may be maintained when the minimum transfer time is available regardless of arrival time of the incoming trip.

(b) The receiving carrier must accept mail tendered by transfer up to the actual departure time of the intended flight, for loading when possible, or for further disposition, unless the mail is not properly coded on pouch label or is not routed for delivery or transfer at a point on its routes. When an irregularity occurs and Form 2734 is presented with the mail by the delivering carrier, the receiving carrier must verify mail with related Form 2734.

(c) After acceptance of transferred mail, if the trip of the receiving carrier to which the mail was routed (1) is delayed more than 1 hour, (2) is canceled, or (3) for any other reason cannot provide the ordered service, the receiving carrier shall obtain new routing instructions from local postal personnel for transferring the mail as required with Form 2734.

(2) *Failures to transfer.* Postal personnel shall prepare Form 2759, Report of Irregular Handling of Airmail, to report failures to transfer mail to intended connections. All pertinent facts relating to actual arrival and departure times of trips involved must be shown. If the prescribed connection time was available and responsibility for failure to connect the mail cannot be conclusively established, fines may be assessed against both carriers for failure to cooperate in providing proper service.

(c) *Delivery to postal representative.* Upon arrival of the plane at the stop point, air carrier representatives must immediately unload the mail and deliver it to the authorized postal representative at such point as may be designated. Maximum unloading time may be specified by the transportation division.

(d) *Disposition of mail—Canceled or irregular flights.* (1) When a trip is to be canceled at the initial terminal or any point en route, the air carrier must promptly notify the local postal officials concerned. (Dispatch forms covering mail not enplaned must be voided if no mail is dispatched.)

(2) Disposition of mail will be in accordance with instructions of the local postal unit. If unable to obtain instructions, the air carrier will reroute the mail on the basis of the best available information. The air carrier must observe current procedures in preparing necessary forms to accomplish any rerouting and to provide for the accounting adjustments required.

(3) When necessary to transport mail to the local post office or railroad station, available regular scheduled trips of the mail messenger or vehicle service may be used. Air carriers will not be required to transport to the post office local destination mail received from trips operating off schedule. However, air carriers are responsible for transporting to the post office or railroad station, as directed, local origin mail being returned or through mail received from canceled trips, mail dispatched to the airport for a trip that overflies the local air stop, and mail dispatched to the airport for a trip that is to overfly a schedule downline air stop.

(4) When irregular operations occur, dispatch airmail to best advantage. If two carrier routing has advantage over holding for single carrier, use the two carrier dispatch.

(e) *Refusals and removals of mail.* Refusals and removals of mail by air carrier (except as provided in 531.32) may

result in diversion of the mail to another air carrier and in fines.

(f) *Form 2714, Air Mail Exception Record.* See § 533.2 of this chapter.

(g) *Postal representatives.* Postal representatives must see that (1) incoming mail is delivered within prescribed time and (2) scheduled transfers are made from and to schemed trips.

§ 531.6 Reports.

(a) *Refusal or removal report.* When an air carrier cannot accommodate all mail offered for a trip or when mail already on board is removed, the carrier must submit, within 5 days, "Form 2760, Air Carrier's Reply—Refusal/Removal of Airmail", in duplicate, to the transportation division involved. The report must give reason for the refusal or removal. Form 2760 must be completed in detail by the air carrier.

(b) *Irregularly handled mail report.* Form 2734 properly completed and endorsed by the air carrier, must be used to record any mail not handled by the air carriers concerned in accordance with the routing as originally planned. An irregular handling is termed as an offloading short of or beyond the scheduled destination, and the mail is forwarded via another air carrier or turned in to the post office for redispatch, removals en route, refusals after mail is accepted by the air carrier, and transfers to an air carrier other than as ordered in dispatch forms.

(c) *Accident report.* Air carriers must make an immediate telegraph or telephone report of any accident resulting in possible damage to or loss of mail. The report must be made to the transportation division, in the region concerned. Mail should not be disturbed, except to prevent further damage. It must be guarded until the arrival of a postal official.

(d) *Bomb aboard situations.* Postal units must immediately report bomb situations to the local postal inspector or Inspector in Charge and to the local director, transportation division; make delayed mail report, and complete Forms 2734 when necessary.

§ 531.7 Submission of claims.

(a) *Domestic*—(1) *Forms used.* Air carriers operating over domestic routes shall use the following forms, as required by the Bureau of Transportation and International Services: Form 2703, Carrier's Claim for Airmail Transportation; Form 2729, Airmail Dispatch and Billing Record; Form 2734, Airmail Exception Record; Form 2732, Monthly Summary of Airmail Carried; and Form 2747, Air Carrier Statement of Settlement of Air Transportation Charges. Samples of these forms may be obtained from the Air Transportation Branch, Bureau of Transportation and International Services.

(2) *Preparation of bills.* Separate Forms 2703 or bills shall be prepared for each postal accounting period, or for such lesser period as may be agreed to by an air carrier and the Air Transportation Branch, and must include all airmail transported during that period. Trunkline, local service, helicopter, Intra- and States-Alaska, Intra- and States-Hawaii, States-Puerto Rico and Intra- Puerto Rico-Virgin Islands air carriers must prepare and support air transportation bills according to the minimum requirements established by the Bureau of Transportation and International Services.

(b) *Designated postal data centers.* (1) Domestic air carriers, other than as provided in subparagraphs (2) and (3) of this paragraph will be paid for the carriage of domestic airmail by the postal data centers as shown in this section. The region number, regions served, and mailing addresses of the postal data centers are:

POSTAL DATA CENTERS, TRANSPORTATION CLAIMS SECTION, AND POST OFFICE DEPARTMENT

Region No.	Region	Address
1	Boston	Main Post Office Building, New York, N.Y. 10036.
2	New York	
3	Philadelphia	Federal Annex Building, Atlanta, Ga. 30336.
5	Washington	
6	Atlanta	
4	Cincinnati	Box 1487, Main Post Office Building, Dallas, Tex. 75200.
7	Chicago	
8	St. Louis	
9	Minneapolis	
10	Wichita	
11	Dallas	
13	Memphis	
14	Denver	Post Office Box 3700, San Francisco, Calif. 94119.
12	San Francisco	
15	Seattle	

(2) Helicopter carrier bills will be settled by the following postal data centers:

Paying postal data center	Carrier
Dallas	Chicago Helicopter Airways.
San Francisco	Los Angeles Airways.
San Francisco	San Francisco Helicopter Airlines.
New York	New York Airways.

(3) Alaska, Hawaii, Puerto Rico, and Virgin Islands air carriers will submit Form 2703 and necessary supporting documents for this service to the following designated division or postal data center:

Division or Center	Route No.	Carrier
New York Postal Data Center.	80	Caribbean Atlantic.
San Francisco Postal Data Center.	33	Hawaiian.
	99	Mohn.
Seattle Transportation Division (for administrative examination and forwarding to the San Francisco Postal Data Center for issuing settlement check).	128	Alaska (Intra-Alaska).
	136	Alaska (States-Alaska).
	122	Alaska Coastal (Intra-Alaska).
	124	Cordova (Intra-Alaska).
	125	Ellis (Intra-Alaska).
	141	Kodiak.
	129	Northern Consolidated (Intra-Alaska).
	142	Pacific Northern (Intra-Alaska).
	126	Pacific Northern (States-Alaska).
	130	Pan American (States-Alaska).
	127	Reeve Aleutian (Intra-Alaska).
	143	Western Alaska (Intra-Alaska).
	123	Wien (Intra-Alaska).

§ 531.8 Irregularities, deductions, and fines.

(a) *Irregularities.* Irregular handling of mail by airline carrier personnel shall be promptly reported on Form 2759, Report of Irregular Handling of Airmail, by the postal employee who observes the irregularity or who is informed of irregular performance through receipt at a postal unit of the post office accounting copies of Form 2734, by the air carrier. See § 533.7 of this chapter for types of irregularities that will be reported and for instructions on preparation of the form.

(b) *Deductions.* Form 2734 provides for the adjustment of compensation for service ordered and paid for but not performed.

(c) *Fines.* Air carriers transporting mail must observe all applicable postal laws and all applicable regulations issued by the Post Office Department. Air carriers may be subject to fines and deductions for failure to comply therewith.

§ 531.9 Correspondence concerning air service.

(a) *Local.* Correspondence on local operations of mutual concern shall be handled direct between the local carrier and local air stop postal unit heads or field service representatives. Matters coming within the scope of § 531.92 shall be referred to the transportation division.

(b) *Regional.* Correspondence to and from air carriers relating to policy, schedules, operations, fining, quarters, mileages and rates; irregularities and changes in dispatch billing procedures and forms; omissions and failures of carriers to perform; division of mail; service requirements, actions involving CAB orders and rulings, first-class mail by air; and other matters of regional nature, shall be conducted by the transportation division within the scope of regional delegations. Questions of interregional impact or of departmental concern, as specified elsewhere in the regulations, will be forwarded to the Department for decision.

PART 532—AIR STAR ROUTE SERVICE

Sec.
532.1 Description, authority, and general.
532.2 Contracts.
532.3 Protection of mail.
532.4 Reports and records.

AUTHORITY: The provisions of this Part 532 issued under 5 U.S.C. 301, 39 U.S.C. 501.

§ 532.1 Description, authority, and general.

(a) *Description.* Air star route service is established and operated under contracts awarded by the Postmaster General for air transportation in areas where such service is in the public interest, and the nature of the terrain is such that surface transportation is impractical or inadequate. This service may include any or all classes of mail.

(b) *Authority.* The Air Star Route Law (49 U.S. Code, sec. 6303) authorizes the Postmaster General to contract for this service after receiving proper certificate from the Civil Aeronautics Board.

(c) *General.* (1) Upon receipt of a request from the Department for the certification, the CAB is required to promptly publish in the FEDERAL REGISTER, and to send to such persons as the Board may by regulation determine, a notice describing the proposed air star route. The CAB shall afford interested persons a reasonable opportunity to submit written data, views, or arguments, with or without opportunity to present the same orally or in any manner.

(2) Contractors for service awarded under an air star route contract will be required to provide fully adequate and suitable aircraft for the carriage of the mail and to transport the whole of said mail, whatever may be its size, weight, or increase during the terms of the contract, with celerity, certainty, and security on each and every trip as required by the advertisement. Contractors may be required to convey without extra charge (i) all post office blanks, mail bags, locks and keys and other postal supplies that may be offered to them, and (ii) postal inspectors and other agents and officials of the Department, on regular scheduled trips on which mail is handled and between the points specified in the official statement of the route, when the space or weight limits of the plane permits.

(3) The acceptance of a bid and the execution of a contract for the performance of air star route service does not authorize the contractor or carrier to engage in the transportation of persons or property, for compensation, between the points or over the route described in the contract without compliance with applicable Federal and State statutes and with applicable rules and regulations of the FAA and of the CAB.

(4) Bidders for proposed air star routes and their sureties will acquaint themselves with Federal laws relating to contracts for carrying the mail.

(5) All accepted bidders under an advertisement for air star routes will be required to execute contracts with sureties acceptable to the Department. A list of acceptable surety companies is shown in § 521.3(c)(2) of this chapter.

(6) Contracts must be executed and filed in the Department within 60 days from the date of acceptance of the bid, otherwise the accepted bidder may be considered as having failed. The Department reserves the right to (i) suspend the award of contract on any route for a period not exceeding 60 days from the date of the expiration of the advertisement and allow a corresponding extension of time for the execution of the contract, and (ii) to rescind the acceptance of a proposal at any time before the signing of the formal contract on behalf of the United States without allowing indemnity.

(7) Where there is rail service or good highway facilities, or a combination of both, generally an air star route could not be justified. However, prospective applicants for air star routes should communicate with the Regional Director, Post Office Department, of the postal region in which the proposed route is located. When the official approves the application and forwards an appropriate recommendation to the Bureau of Transportation and International Services, necessary certification by the CAB will be requested if approved by that Bureau.

(8) Air star route contractors, except in Alaska, will be required to comply with such economic regulations as may be prescribed from time to time by the CAB.

(9) Contracts will comply with all provisions of Executive Order No. 10925 of March 5, 1961, and of the rules, regulations, and relevant orders of the President's Committee on Equal Employment Opportunity.

§ 532.2 Contracts.

(a) *Obtaining bids*—(1) *Advertisements.* After obtaining a certification from the CAB that the proposed route does not conflict with the development of air transportation, an advertisement is issued by the Department inviting proposals for air transportation of mail between the points and on the terms stated. Copies of the advertisement are furnished to postmasters for posting at terminal offices.

(2) *Requirements of bidders.* Bidders must meet the following requirements:

(i) *Eligibility.* (a) No proposal for a contract for air star route service shall be considered unless the bidder is a resident of, or is qualified to do business as a common carrier by air, in a State within which one or more points to be served under the proposed contract are located. The term "State" as used here includes the several States, and the District of Columbia.

(b) Only bidders holding an appropriate operating certificate issued by the FAA will be considered for award of a contract for air star route service.

(c) For further eligibility requirements, see § 521.3(c)(2)(i) of this chapter.

(ii) *Bonds.* See § 521.3(c)(b)(iii) of this chapter.

(3) *Obtaining proposal forms.* See § 521.3(c)(5) of this chapter.

(4) *Submitting bids.* See § 521.3(c)(6) of this chapter.

(b) *Award of contract.* See § 521.3(d) of this chapter.

(c) *Application of contract regulations.* If there is no conflict, all laws and regulations governing surface star routes in general apply to contracts made under the air star route law.

(d) *Payments.* See § 521.3(h) of this chapter.

(e) *Cancellation of air star route contract.* A contract shall be canceled by the Post Office Department upon the issuance by the CAB of an authorization to any air carrier to engage in the transportation of mail by aircraft between any of the points named in the air star route contract.

(f) *Revocation of FAA certificate.* If a contractor for an air star route should have his operating certificate revoked, the air star route contract shall become null and void effective with the date of loss of such certificate, without payment of any indemnity.

§ 532.3 Protection of mail.

The contractor is required to take all necessary steps to protect the mail in accordance with the terms of the advertisement.

§ 532.4 Reports and records.

Postmasters at terminal points must maintain such records and submit such reports as may be directed by the transportation division director.

PART 533—FORMS AND PROCEDURES FOR DISPATCHING AIRMAIL

Sec.
533.1 Form 2729, Airmail Dispatch and Billing Record.
533.2 Form 2734, Airmail Exception Record.
533.3 Form 2713-A, Alaskan Airmail Dispatch Record.
533.4 Form 2713-B, Alaskan Airmail Transfer and Exception Record.
533.5 [Reserved]
533.6 Form 2758-a, Mail Delivery Receipt.
533.7 Form 2759, Report of Irregular Handling of Airmail.
533.8 Applicability of forms and procedures.
533.9 Airmail and first-class mail forms, titles and sources of supply.

AUTHORITY: The provisions of this Part 533 issued under 5 U.S.C. 301, 39 U.S.C. 501.

§ 533.1 Form 2729, Airmail Dispatch and Billing Record.

(a) *Description.* Form 2729 covers airmail dispatched to all domestic air carriers operating within and between the 50 United States, Puerto Rico, and the Virgin Islands, and to Canada. See § 533.3(a) for exception. It is the basic document from which payments to the original and interline air carriers are computed. See § 533.9 for supply.

(b) *Preparation.* (See Exhibit in this paragraph)

(1) *Who prepares.* The form is prepared in four-part sets by the designated clerk at the airport mail facility or, at nonairport mail facility points, by the dispatching clerk at the post office.

(2) *Heading form*—(i) *Origin code.* Enter the official airline code of the airport from which the mail is due to be dispatched. When more than one postal unit prepares Form 2729 for dispatch through the same airport, refer to Official Airmail Index for airport codes to be used by each office.

(ii) *Route number.* Enter the route number of the air carrier to which the mail is dispatched.

(iii) *Trip number.* Enter the trip number of actual dispatch.

(iv) *Scheduled trip date.* Enter the scheduled date of origin of the trip.

(v) *Today's date.* Enter the date on which the trip of dispatch is scheduled to depart from the airport.

(vi) *Scheduled departure time.* Using 24-hour clock, enter time the trip of dispatch is scheduled to depart your airport.

(3) *Recording dispatches*—(i) *Under destination.* (a) Using the States dispatch scheme and other applicable pouching instructions, enter in code the final airline destination of the dispatches.

(b) Show each destination in station order of removal from the original trip of dispatch. Listing from left to right, use a separate block for each destination. When volume justifies, bulk list mail to common destinations.

(c) Enter, under the proper destination, mail labeled to that point, mail scheduled to continue from that point by

surface transportation, and mail for another air carrier when the transfer is to be effected through the airport mail facility. Use individual actual weights indicated on the labels of pouches, sacks, and outside parcels unless permission has been granted to bulk weigh mail on platform scales direct to the air carrier, or where bulk entries are to be listed (for example, the recording on the form of a consolidated entry of an accumulation of pieces listed on preliminary work sheets). Where bulk weighing has been approved or where bulk entries are listed, it is necessary only that the "total" pieces and weight be entered in the space provided at the bottom of the respective destination column. Do not identify pouches, sacks, outside parcels, or register as such on this form.

(ii) *On-line.* Use only sections 1 and 3 of the form when making the following dispatches:

(a) Stations served by trip of dispatch. Enter only the destination.

(b) Stations served by the air carrier of dispatch but not by the trip of dispatch. Enter the destination and the first transfer point.

(iii) *Interline and interchange.* Interline dispatches will be entered in sections 1 and 3 of the form for the following dispatches:

(a) *In Section 1.* (1) Routing involving connection to a trip of another air carrier. Enter the destination and the interline transfer point, plus the route and trip numbers of the second air carrier. This applies also to interchange trips.

(2) Routing via two trips of initial air carrier, plus trip of another air carrier. Enter the destination, the first interline tranafer point, and the interline transfer point, plus the route and trip numbers of the second air carrier.

(3) Routing involving two interline transfers after air carrier of initial dispatch. Enter the destination and the interline transfer point, plus the route and trip number of the second air carrier.

(b) *In Section 2*—(1) *Routing.* Enter the route and flight number of the air carrier to which the mail is to be transferred.

(2) *Tr. pt.* Enter the code of the airport at which the interline connection is to be made.

(3) *Carrier dest.* Enter off-loading point, either for delivery to post office or for transfer to another carrier.

(4) *I.* Enter X to identify mail moving over an authorized interchange trip.

(5) *Pieces and weight.* Enter the mail by totals (obtained from sec. 1 of Form 2729) for each of the destinations involved.

(6) *Interline total.* Total pieces and weight columns.

(c) *Completing the form.* (i) Total the pieces and weights for each destination column.

(ii) Total the subtotals for all columns, and enter in the "total mail" space.

(iii) Recap all columns under the actual destinations served by the trip of dispatch. Enter each airport served, with the appropriate total, in section 3.

(iv) Total the "originating load" column, and verify against the previously entered "total mail." If more than one form has been used, the "originating load and total mail" entries must appear on the final form.

(v) At nonairport mail facility points, the post office employees preparing Form 2729 will not total the "dest.", "originating load," and "total mail" columns if the mail messenger or motor vehicle service driver picks up additional mail at the railroad station or other postal unit en route to the airport. On arrival at the airport, the mail must be weighed and proper entry must be made on Form 2729 by the messenger.

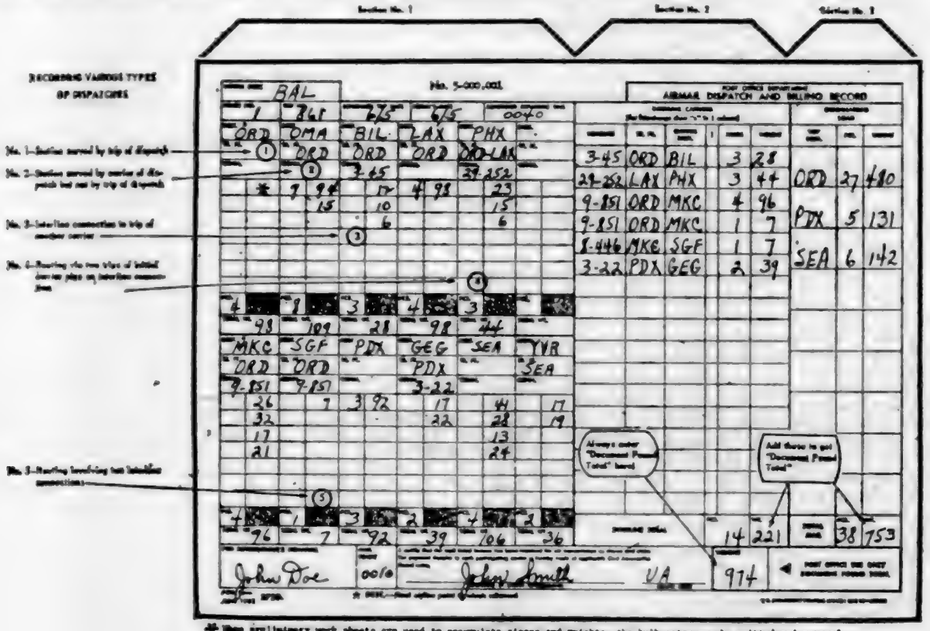
(vi) In the "mail ready" space, enter the time at which the mail and forms are ready for delivery to the air carrier at the airport. At nonairport mail facility points, this time must be entered by the mail messenger or vehicle service driver. The messenger or driver must obtain the signature of the receiving air carrier representative at the time the mail is delivered.

(vii) If the volume of mail is too large to be listed on one Form 2729, use a new numbered form, line through but do not obliterate the printed number, and write in the serial number of the first form. Number the sets consecutively, identifying the last by adding X after the number.

(viii) Add the weights of "total mail" to "interline total" and enter "document pound" total in space provided. This total must be correct as it is used as a control total for processing punch cards for pay purposes.

(ix) Sign Form 2729 in space provided for POD representative's signature.

(5) *Corrections to Form 2729.* Make corrections to Form 2729 before separating and distributing the four parts of the form. Postal or air carrier personnel shall not make corrections on any part of Form 2729 after it has been separated and distributed.



* When preliminary work sheets are used to accumulate pieces and weights, the bulk entry may be omitted and entered only in the total boxes at the bottom of the respective destination column.

(c) *Distribution of copies.* After obtaining the air carrier representative's signature on Form 2729, separate copies and distribute as follows:

(1) *P.O. Accounting Copy 1.* Arrange forms in ascending serial number order (smallest number on top) and send to designated postal data center daily. Include second and third copies of all forms that have been voided, mutilated, etc. Since these forms are serially numbered, they must be accounted for. At nonairport mail facility points, the first three copies of Form 2729 must accompany the mail. After obtaining carrier's signature, the mail messenger or vehicle service driver must return copy 1 to the post office.

(2) *Carrier Billing Copy 2 and Carrier Station Copy 3.* To local air carrier representative.

(3) *P.O. Station Copy 4.* To dispatching postal unit file.

(d) *Departure time.* Postal units shall spot check actual departure time against "Mail Ready" time on Form 2729 to assure that unreported delays are not occurring.

(e) *Interchange trips.* (1) Mail moving over more than one airmail route on one aircraft must be properly identified in section 2 of Form 2729. No terminal charge is due at the interchange point, as mail remains on board the aircraft. To enable post office accounting personnel to properly identify this mail, dispatching postal clerks must insert an X in the I column of section 2, Form 2729, for the air carrier who is not due to receive a terminal charge.

(2) Identify interchange trips on the States dispatch schemes with an "INT" shown between the transfer point and the interchange route number.

(f) *Equalizations authorized.* (1) CAB Order No. E–21514, November 19, 1964, authorizes carriers engaging in interstate transportation and carriers performing foreign transportation to equalize rates for mail between an international exchange office and any foreign point to which such exchange office is authorized to dispatch mail. Mail transported under an equalization agreement shall be recorded on Form 2942, AV–7 Delivery List, for both the interstate and foreign segments of the carriage. It will not be considered in the division of mail for interstate carriers. Settlement of air transportation charges will be made to the carrier performing the foreign segment of the haul. That carrier will then pay the interstate carrier. When irregularities occur involving dispatches exchanged with other countries, give special attention to the preparation of Form 2759. Since the mail from a domestic carrier's trip may consist of (i) domestic destination airmail, (ii) airmail for foreign points not subject to equalization agreements or (iii) airmail for foreign points moving via equalized agreements, show separate entries on Form 2759 for (i) domestic mail, and (ii) foreign mail. Show "complete" routing of "all" foreign mail. This will enable the transportation division, by making a copy of Form 2759, to make a report of domestic mail to Air Transportation Branch and of foreign mail to International Services Division, Bureau of Transportation and International Services.

(2) American Airlines, Inc., and Pan American World Airways, Inc., have agreed to equalize rates to lowest charges in effect for airmail transported between Honolulu, on the one hand, and Boston, Chicago, Cleveland, Detroit, Hartford/Springfield, New York/Newark, on the other. Apply the following procedures for airmail dispatched via this equalization agreement:

(i) Enter complete interline routing on the pouch label or POD Label 53.

(ii) Record pouches or outsides on Form 2729 as an on-line dispatch. Show no interline routing in section No. 2, Form 2729.

(iii) Report irregularities on Form 2759 against the air carrier in possession of the mail when irregularity occurred.

(iv) The appropriate postal data center will pay entire transportation charges, from origin to ultimate destination, to the originating carrier. The originating carrier will pay connecting carrier for the interline service.

(g) *Labeling pouches, sacks, and outsides.* Pouches, sacks, and outside parcels listed on Form 2729 must be identified so that airline and postal personnel handling the mail en route can provide the transportation ordered by the dispatching office. Before delivering the mail to the air carrier, prepare the labels of pouches and sacks to indicate final airline destination and the route over which it is to travel. Attach Label 53, Airmail Parcel Routing Sticker, for each air parcel dispatched outside. The information on pouch and sack labels and Label 53 for outside parcels must coincide with the corresponding entries on Form 2729 as follows:

(1) For mail billed to the final destination over the routes of two or more air carriers, enter on pouch or sack label in airline code the interline transfer points and the route and trip numbers of the connecting air carrier at these points. Show this information in the left center of the label between the destination and from lines. Enter the same information in the "Transfer point" and "connection" blocks on Label 53 for outside parcels. Example: Mail from Toledo to AMF Houston Tex via AM 88 for transfer to AM 1 at Detroit and AM 5 at Atlanta will be labeled as follows:

Pouch or sack label

AMF HOUSTON TEX. DTW 1–883 ATL 5–345, Fr Toledo, Ohio.	30

Outside Parcel (Label 55)

Tr Pt	Connection	Billed to—	Wt.
DTW..... ATL.....	1–883 5–345	(HOU).....	15

(Figure on the right of label represents weight of pouch (or sack).)

(2) For mail billed to the final destination over the routes of a single air carrier, no transfer point codes or route numbers will be used on the pouch and sack labels or on Label 53 for outside parcels. Example: Mail from Zanesville, O., to AMF Cincinnati, O., via 88–816:

Pouch or sack label

AMF CINCINNATI, O. Fr Zanesville, O.	30

Outside Parcel (Label 55)

Tr Pt	Connection	Billed to—	Wt.
		(CVG).....	15

(3) For mail billed to an air stop point other than the actual destination of the pouch and sack labels or on Label 53 for outside parcels, enter in code the point to which billed on Form 2729, in parentheses, on the same line after the address on the pouch and sack label. Enter in the "billed to" block on Label 53 the code for the point to which billed on Form 2729. Use the same procedure as that for pouch and sack labels for entry of transfer point and route number, if required. Example: Mail from Cincinnati, O., to Jamestown, N.D. via AM 8–422 transfer at ORD to 3–411, billed to AMF Minneapolis.

Pouch or Sack Label

JAMESTOWN, N.D. (MSP) ORD 3–411 Fr Cincinnati, O.	10

Outside Parcel (Label 55)

Tr Pt	Connection	Billed to—	Wt.
ORD.....	3–411	(MSP).....	8

(4) For outside air parcels due surface transportation, employees at final air stop offices, shall, when instructed by the director, transportation division, show proper surface routing. A line shall be drawn through the air coding on Label 53. Below the deleted information enter the name and number of the surface dispatch. Example: An outside air parcel from Chicago, Ill., to Portland, Maine, due interline transfer at AMF Kennedy, billed to AMF Boston via 5–302 and due surface dispatch on Bangor & Boston Star Route Trip 55.

Tr Pt	Connection	Billed to—	Wt.
JFK.....	~~5 302~~ Via Ban & Bos SR Tr 55	~~(BOS)~~.....	~~15~~

(5) Weigh each pouch, sack, and outside parcel. Record the weight on the pouch and sack label (see example in subparagraph (1) of this paragraph), on the Label 53 for outside parcels, and on the Form 2729 in even pounds. When weighing, ignore fractions of a pound of 8 ounces or less. Add 1 pound for fractions over 8 ounces.

Example	
Actual weight	*Weight shown on label*
From 1 oz. to and including 1 lb. 8 oz.	1 lb.
Over 1 lb. 8 oz. to and including 2 lb. 8 oz.	2 lb.

§ 533.2 Form 2734, Airmail Exception Record.

(a) *Description.* Form 2734 provides a source of information on actual movement of airmail that does not move via the original schemed routing. It also provides a means of making accounting adjustments since it serves (i) as the basis for deduction of payment for scheduled services not performed and (ii) as the basis for payment for new services ordered. Form 2734 is a five-part set. See § 533.9 for supply.

(b) *Preparation*—(1) *Who prepare.* The delivering air carrier must prepare Form 2734 to cover irregularities outlined in paragraph (d) of this section, except for a missed scheduled interline connection, in which case the receiving air carrier will prepare the Form 2734. The form will be prepared in a few instances at airport mail facilities, or post offices, when the air carrier fails in his responsibility.

(2) *Completion of form.* Form 2734 must clearly describe transportation originally designated by the dispatching postal unit but which was not performed. Form 2734 is always prepared at the city where the first deviation in routing of the mail is known. General instructions for completion are printed on reverse of fifth copy of the form. In addition, the following instructions must be followed:

(i) *Route numbers, city code, and form serial number.* The first line directly under the printed name of the airline indicates three things:

(*a*) Numerical airmail route number assigned to the air carrier by the U.S. Government. This number will be preprinted on the form.

(*b*) The three-letter alphabetical city code of the city at which the irregularity occurs and where the form is prepared. This city code designator must be inserted by the airline preparing the form.

(*c*) The serial number of the form. This number will be preprinted on the form and is provided to permit checking differences between postal service and air carrier records. The maximum number of digits is five.

(ii) *Route trip, and date.* On the second line are blocks for the airmail route number and trip number of the air carrier from whose flight the mail covered by the form was received. If mail was not boarded, this is the route and trip to which the mail was billed for dispatch. The date on which the flight, from which mail was received, was scheduled to originate will be indicated in the "scheduled origin date block."

(iii) *Routing shown on pouch label—(a) Transfer point and route number.* There may be two or more transfer points and two or more route numbers shown on a pouch label or an outside piece label. Form 2734 is provided for the purpose of showing only that portion of the original scheduled routing which was not completed. If a transfer point shown on the pouch label is overflown, the overflown transfer point and the remaining transfer points, if any, must be shown.

(*b*) *Destination.* Enter alphabetical code of actual destination. If the destination is followed by a bracketed "billed" destination, then this should be entered instead. Pouch labels with the same destination and incompleted routing may be grouped in one entry.

(iv) *Amount of mail.* The amount of mail, pieces, and weight for a common destination may be combined when they have the same incompleted routing as shown on the labels.

(v) *New routing.* The air carrier destination is the city (alphabetical code) to which the air carrier shown in this section is to carry the mail. Likewise, the "route and trip number" to be inserted in this section are the airmail numerical route number of the air carrier which is to transport the mail and that air carrier's trip number.

(vi) *Reason for preparation.* Specific boxes have been provided for nine of the most common reasons for preparing Form 2734. Whenever the form is prepared because of one of these nine basic reasons, the box opposite the reason for preparation must be checked. Explain other reasons not listed.

(vii) *Signature.* The representative receiving the mail, air carrier or postal, must sign the form, enter his code and time received in space provided.

(c) *Distribution of Form 2734.* Normal distribution of the five copies is printed on each copy of the form. Copies 3 and 4, in all cases, must be given to the postal unit for transmitting, with daily shipment of Forms 2729, to the designated postal data center. The only deviations from this normal distribution are:

(1) When the receiving and delivering air carrier are the same. Staple the receiving and delivering air carriers' billing copies together.

(2) When mail is delivered to the postal service covered by Form 2734. Retain the second copy, and turn in all other copies to the postal unit.

(d) *Irregularities requiring preparation of Form 2734.* See § 533.7(c).

(1) The following irregularities must be reported on Form 2734 when mail involved is delivered to the Postal Service at other than destination, or delivered to an air carrier not specified in the original billing:

(i) Part of mail not boarded.

(ii) Carry by and/or overfly.

(iii) Removed short of air carrier destination in error.

(iv) Missed a scheduled interline connection.

(v) Missed a scheduled intraline connection.

(vi) Mail boarded in error.

(vii) Incomplete or incorrect labels.

(2) Additional irregularities requiring Form 2734 preparation are:

(i) Cancellation of flight—

(*a*) where only part of mail is delivered to the postal service.

(*b*) where part of mail is given to another air carrier for transportation to destination.

(ii) Overfly of transfer point to next air carrier destination.

(iii) Truck haul by air carrier—only when mail is trucked to a point more distant from the ultimate destination than the point from which trucked.

(iv) Mail received on Form 2942, AV-7 Delivery List, and requiring domestic billing.

(e) *Irregularities that do not require preparation of Form 2734.* (1) Part of mail not boarded—forwarded to destination by the air carrier which received and failed to board the mail.

(2) None of mail received from the postal service boarded—returned to postal unit with all copies of the Form 2729. The postal unit will void all copies of Form 2729.

(3) Carry by and/or overfly—returned to destination by the air carrier which carried the mail by or overflew the destination.

(4) Removed short of air carrier destination—forwarded to destination by the air carrier which removed the mail short.

(5) Missed a scheduled interline connection—rerouted to the same destination via a different trip number of the same connecting air carrier as shown on the pouch label.

(6) Missed a scheduled intraline connection—rerouted to the same destination via a different trip but on the same air carrier.

(7) Boarded in error—returned or forwarded to destination by the air carrier which boarded the mail in error.

(8) Cancellation of flight—all local boarding mail returned to the postal service with the Form 2729.

(9) Mail does not agree with Form 2729. At nonairport mail facility stations, the air carrier must make correction to all copies of Form 2729 as specified in § 531.5(a)(2) of this chapter.

(f) *Form 2734 for incomplete or incorrect labels.* When no transfer information is shown on a pouch label and the carrier in possession of the mail does not serve the destination, or when the pouch label is incorrect or incomplete, the air carrier will prepare Form 2734 and deliver it with the mail to the local postal unit. The receiving postal unit will (1) verify that Form 2734 is noted "Incomplete" or "Incorrect" label (2) remove label(s) and staple to all copies of Form 2734 and (3) promptly send Form 2734 with label(s) attached to local transportation division for corrective action and accounting adjustments.

(g) *Review of Forms 2734.* (1) Postal units shall carefully review all Forms 2734 and, in questionable cases, shall make prompt inquiry to determine that information on the form is complete and that instructions are being followed by air carriers.

(2) When reviewing Forms 2734 postal units shall note recurring irregularities, such as missed connections, and report repetitive irregularities to their transportation division. When reporting missed connections, postal units shall show origin of the mail, route and trip numbers of delivering trip, and route and trip number of the schemed connection.

§ 533.3 Form 2713–A, Alaskan Airmail Dispatch Record.

(a) *Description.* Form 2713–A is used at most postal units served by intra-Alaska air carriers for recording the dispatch of mail. (See § 531.7(b)(3) of this chapter. See also § 533.9 for supply.)

(b) *Preparation.* Postal clerks at air stop post offices shall prepare Form 2713–A in three-part sets, as follows:

(1) *Route number.* Enter the route number of the air carrier to which the mail is to be dispatched.[1]

(2) *Trip number.* Enter the number of the carrier's trip or flight as shown in the schedule designated for airmail transportation.

(3) *Carrier.* Use the letter code of the airline.[1]

(4) *From post office at.* Use the alphabetical code of the airport serving your office. (For proper three-letter code, see Airmail Scheme.)

(5) *Month, day, year.* Enter the date mail is given to air carrier.

(6) *Time.* Enter time when mail was delivered to carrier representative.

(7) *Mail for unloading at.* Enter the codes of air stops which are served by the trip to which mail is dispatched. Enter only those points designated for service.[1]

(8) *Pieces.* Enter the total number of pouches, sacks, and outside parcels for each destination.

(9) *Weight.* Enter the total weight of pouches, sacks, and outside parcels for each destination.

(10) *Totals.* Add number of pieces and enter total under pieces column; add weights and enter total in the weight column. Verify total pieces with mail count.

(11) *Postmaster.* The postmaster shall sign form in space provided, or when postmaster is not available, the postal clerk shall sign the postmaster's name, and initial.

(c) *Delivering mail and Form 2713–A to air carrier.* The dispatching clerk shall deliver mail and all three copies of Form 2713–A, with carbon paper in place, to the messenger for delivery to the airport.

(d) *Verification and correction by air carrier representative.* (1) The air carrier representative will count pieces of mail received from the messenger, compare with total shown on Form 2713–A, and, if in agreement, sign form in the space provided and add his airline's code. He will retain parts 1 and 2 and return part 3 to the messenger.

(2) When not in agreement, the carrier will process as follows:

(i) If pouches are listed but not received, cross out the individual listing and grand total. Insert correct adjacent totals.

(ii) If mail is received but not listed, insert weight of each pouch on the proper destination line and amend totals.

(iii) In either event, note facts prominently on Form 2713–A in any blank space. Advise messenger of any discrepancy.

(iv) Make all corrections to Form 2713–A before the carbon paper has been removed.

(v) After corrections have been made, sign and dispose of form as indicated in this paragraph.

(e) *Postal unit file copies.* When the messenger returns copy 3 to the postal unit, that office shall file the copy by date order for future reference.

(f) *Canceled flights.* When a flight is canceled after mail and related Form 2713–A have been delivered to the air carrier, the mail and all three copies of Form 2713–A will be returned to the post office. The post office shall then destroy copies 1 and 2 of Form 2713–A, note copy 3 to show flight canceled, and file.

§ 533.4 Form 2713–B, Alaska Airmail Transfer and Exception Record.

(a) *Description.* Form 2713–B is used for a transfer and exception record in the Alaska air service. It is an accounting document and is printed in four parts with carbon paper interleaved. See § 533.9 for supply.

(b) *Preparation*—(1) *Who prepares.* The delivering air carrier must prepare Form 2713–B for all transfers, both intraline and interline, and for all irregularities. The form will be prepared at transfer or irregularity point. In limited instances, the form will be prepared by postal personnel when the air carrier fails to do so.

(2) *Irregularities requiring Form 2713–B.* (i) Carry by and/or overfly and mail delivered to postal unit other than billed destination.

(ii) Removed in error short of destination and turned over to postal unit.

(iii) For any mail not boarded as dispatched on Form 2713–A.

(iv) For all mail boarded from possible stockpile of carrier.

(v) For all mail boarded at non-post-office air stop unaccompanied by Form 2713–A.

(3) *Distribution.* Distribute copies of Form 2713–B as indicated on each copy. When mail is delivered to a postal unit, other than destination of the mail, Copy 1, 3, and 4 will be retained by the postal unit for forwarding, daily or on next flight to Director, Transportation Division, Post Office Department, Federal Office Building, Post Office Box 9000, Seattle, Wash. 98109.

§ 533.5 [Reserved]

§ 533.6 Form 2753–A, Mail Delivery Record.

(a) *Description.* Form 2753–A is a record of mail delivered to airport mail facilities. Form 2753–A is not used for mail that is delivered with Form 2734. (See § 533.2. See also § 533.9 for supply.)

(b) *Preparation.* (1) Airport mail facility personnel will complete heading in set of Form 2753–A, original and two copies, for each air carrier to record the delivery of mail. If an exceptionally large number of trips are involved for any one air carrier, separate forms may be prepared for each tour of duty.

(2) When delivering airmail or first-class mail to airport mail facilities, air carrier personnel will enter appropriate information in each column of Form 2753–A and initial.

(3) Receiving unit postal personnel must examine labels to be sure that the mail delivered by the air carrier is addressed or coded for delivery to the receiving unit.

(c) *Review.* The receiving clerk on each tour shall review the time shown under Form 2753–A headings "Arrival Time of Trip" and "Mail to AMF" to assure that air carriers are observing the local delivery time limit and prepare Form 2759 when required.

(d) *Distribution.* (1) Deliver original of Form 2753–A to air carrier.

(2) Send first copy to your local transportation division.

(3) File second copy.

§ 533.7 Form 2759, Report of Irregular Handling of Airmail.

(a) *Description.* Form 2759 is used as a basis for brief against an air carrier for irregular handling. It is a four part set. See § 533.9 for supply.

(b) *Preparation.* Postal employees must prepare Form 2759, immediately to report any air carrier irregularities in handling mail or mail equipment, including weather damage due to negligence on the part of the carrier, or other irregularity requiring remedial action. When mail is damaged by inclement weather, report only those bags and outside pieces actually wet or otherwise damaged. Do not prepare forms to cover irregular receipt due to weather conditions. Furnish all data required. If accuracy or completeness of the facts are uncertain, get additional information from the local representative of the carrier involved. Specific information required on Form 2759 for certain irregularities is included with the description of that irregularity in paragraph (c) of this section.

(c) *Airmail irregularities.* Following is a classification and description of air mail irregularities:

(1) *Carry-by.* When a pouch is transported past its destination on a trip, classify as a carry-by. This includes mail transported past an intraline or interline connection or ultimate point to which schemed. An overcarry on interchange trip for mail destined for the interchange point, or connection mail due off at the interchange point, will be charged to arriving air carrier.

(2) *Failed to load.* Generally refers to airmail received from the local postal unit and involves only a few pouches. Failures to load mail are (i) failure of an air carrier to pick up all mail from the postal unit or (ii) inadvertently failing to board all mail picked up from the postal unit on the trip of dispatch.

(3) *Failure to unload.* This is rare instance of air carrier failing to remove airmail from aircraft which is laying over, or is being sent to hangar for service or repairs.

[1] Note: See Official Airmail Index.

(4) *Loaded in error.* When an air carrier receives and boards airmail dispatched to another carrier or receives airmail for two or more trips at one time and boards some of it on a trip other than trip of dispatch. When preparing Form 2759 for loaded in error, the postal employee will, before distributing copies of the form, request verification of the classification from a representative of the airline responsible for handling mail. The coding shown on the related pouch label should be reproduced on Form 2759.

(5) *Removed in error.* When airmail is off-loaded short of destination.

(6) *Failure to transfer.* Involves mail not transferred between flights of the same air carrier or between flights of two air carriers. When a receiving carrier fails to complete a transfer by not boarding an intraline or interline pouch, this should be charged as a failure to transfer not as a failure to load. The actual arrival time of the trip and actual departure time of the connecting flight must be shown on Form 2759.

(7) *Delayed delivery.* Instances when an air carrier exceeds time allowed for delivery of incoming airmail. Arrival time of the flight and time that mail is delivered to the postal unit must be shown on Form 2759.

(i) The time of delivery by an air carrier representative is the time he appears at the postal unit ready to deliver the mail. If congestion or multiple operation prevent the air carrier representative from delivering the mail, no brief will be made.

(ii) When a carrier must make several trips between the aircraft and the postal unit because of volume, delivery time will be arrival of the first trip, except when there is extended delay between the first and final delivery.

(8) *Failure to notify.* Whenever an air carrier fails to notify the postal unit of off-schedule operations in excess of 30 minutes, cancellations, emergency changes in schedules, and failure to follow instructions from postal unit regarding disposition of mail, classify it as failure to notify.

(9) *Refusal/removal.* When an air carrier refuses to board airmail tendered or offered, charge as a refusal. This includes transfer mail not boarded due to space or weight problems. When an air carrier deliberately unloads airmail short of destination because of weight or space limitations, a removal brief must be prepared.

(10) *Damage to mail or equipment.* Any damage to airmail or equipment, either by physical force or by weather, should be charged as damage. If damage was due to improper packing, prepare Form 3823.

(11) *Other.* Will include failure to protect, lost on roadway, lost on ramp, failure to cooperate, and airmail left unattended.

(d) *Review.* Following preparation of Form 2759, the unit supervisor must review promptly to see that all pertinent information relating to the mishandling is shown, the irregularity is classified according to § 531.7(c) of this chapter, and the carrier is responsible for the irregularity. This review will eliminate Forms 2759 which are not chargeable to a carrier, such as infrequent delays in the delivery of mail to the postal unit, overcarry due to weather, mechanical failure, or mishandling caused by improper routings or labels.

(e) *Distribution.*—(1) *Reports covering incidents chargeable to carrier.* Distribute copies of Forms 2759, if possible, at the close of each tour and in no case less frequently than once each 24 hours. Send original and first copy to the transportation division having jurisdiction over the reporting unit, send second copy to the local station manager of the carrier concerned, and retain third copy in files.

(2) *Reports covering incidents not chargeable to carrier.* Note on form "not chargeable to air carrier," staple original, first and second copies together and forward them to the local transportation division. Retain third copy in files.

§ 533.8 Applicability of forms and procedures.

(a) *Airmail.* Forms and procedures described in this part are applicable to all domestic air carriers on all their routes within and between the fifty United States, Puerto Rico, and the Virgin Islands (but not for mail originating at or intended for destinations beyond).

(b) *Emergency first-class mail by air.* In the dispatch of first-class mail by air under emergency conditions, use Form 2729 endorsed "First-Class Mail." Forward daily copies of Form 2729 to regular postal data center for serial number check and subsequent transmittal to Dallas Postal Data Center for settlement.

§ 533.9 Airmail and first-class mail by air forms, titles, and sources of supply.

Form	Title	Prepared by	Supplied by	Stocked at
2708	Carrier's Claim for Air Mail Transportation.	Air carrier accounting	Air carrier	Air carrier accounting offices.
2713	Dispatch Record of First-Class Mail by Air.	Initially by postal unit and completed by carrier.	POD	Dallas Postal Data Center.
2713-A	Alaskan Airmail Dispatch Record	Postal unit	do	Seattle Post Office.
2713-B	Alaskan Airmail Transfer and Exception Record.	Air carrier	Air carrier	Air carrier.
2713-S	Dispatch Record of First-Class Mail by Air (Sample).	Postal unit for master sheets.	POD	POD supply centers.
2718	First-Class Mail by Air Exception Record.	Air carrier	Air carrier	All stations served.
2718-S	First-Class Mail by Air Exception Record (Sample).	Postal unit for training.	POD	POD supply centers.
2729	Airmail Dispatch and Billing Record.	Postal unit	do	Postal Data Centers.[1]
2729-S	Airmail Dispatch and Billing Record (Sample).	Postal unit for master sheets.	do	POD supply centers.
2734	Airmail Exception Record	Air carrier	Air carrier	All stations served.
2747	Air Carrier Statement of Settlement of Air Transportation Charges.	Air carrier accounting	do	Air carrier accounting.
2753-A	Mail Delivery Record	Air carrier	POD	POD supply center.
2759	Report of Irregular Handling of Airmail.	Postal unit	do	POD supply centers.
2760	Air Carrier's Reply-Refusal/Removal of Airmail.	Air carrier	Air carrier	Air carrier stations.

[1] Postal units should order replenishment supply in adequate time to receive them by surface transportation. Postal Data Center should see that Forms 2729 are transported via the most economical means, conferring with Transportation Divisions for advice when necessary.

PART 534—FIRST-CLASS MAIL (FCM) BY AIR

Sec.
534.1 Definition.
534.2 Authority, rates, and service.
534.3 Responsibility for FCM Program.
534.4 Forms and procedures for dispatching and receiving FCM.
534.5 Settlement of air transportation charges for FCM.
534.6 Reporting and processing FCM irregularities.

AUTHORITY: The provisions of this Part 534 issued under 5 U.S.C. 301, 39 U.S.C. 501.

§ 534.1 Definition.

The term "first-class mail by air" (FCM) is used to describe first-class mail, other than airmail and air parcel post, which is authorized for transportation by aircraft between designated points on a space-available, nonpriority basis. The mail to be included is:

(a) All mail paid at first-class rate, including business reply mail, APO[1] and FPO[1] mail.

(b) All official U.S. Government mail endorse "first class," including APO[1] and FPO[1] mail.

(c) All other sealed official U.S. Government letter-size mail except volume shipments on which it is known, or can be determined, the mailer does not expect air service.

(d) Inbound military official mail and FCM (personal) from APO[1] and FPO[1] units may be properly included in airlift dispatches over all authorized segments.

§ 534.2 Authority, rates, and service.

(a) *Civil Aeronautics Board.* The CAB establishes the rates to be paid air carriers for the transportation of FCM.

(b) *Post Office Department.*—(1) *Authorizations.* Authorizations for dispatch of FCM are made by the Bureau of Transportation and International Services.

(2) *Interline transfers.*—(i) *Trunkline and cargo air carriers.* (a) FCM will not be tendered by any postal unit if an intermediate transfer to another air carrier would be required to provide transportation to the intended destination unless such interline transfers have been mutually agreed to by the carriers involved and the Department.

(b) Single carrier service between any authorized points is believed inadequate, and an interline transfer of value is available, the transportation division in the dispatching region will request the Air Transportation Branch to consider the possibility of arranging with the carriers involved for establishment of such a mutually agreeable interline transfer.

(c) Full particulars will be furnished to all concerned by the Air Transportation Branch whenever interline transfers are agreed upon.

(d) Through interchange flights, operated by two or more carriers, shall not be considered as interline transfers.

(e) See § 534.3(a)(4)(ii) for instructions concerning transfers to another air carrier which may be directed when mail has been irregularly handled.

(ii) *Local service air carriers.* No interline transfers in ordinary circumstances are authorized between local service air carriers or between trunkline and local service air carriers. See § 534.3(a)(4)(ii) (b) and (c) concerning permissible interline transfers between any domestic air carriers when service has been interrupted.

(c) *Division of FCM.*—(1) *When to make.* When two or more authorized carriers operate between the same pair of points, and the criteria shown in subparagraph (2) of this paragraph exists, the FCM shall be divided on an equitable basis by the dispatching unit with due consideration to the availability of space and the needs of the postal service.

(2) *Criteria for division.*—(i) *Volume.* (a) The total volume of FCM for each separate destination point, arriving at the airport of dispatch via each vehicle service (VS) or mail messenger (MM) truck, will be considered in the division.

(b) No division will be warranted unless 200 or more pounds are available for dispatch. However, the local postal unit will endeavor to assign the shipments alternately to the available carriers having space to prevent one carrier consistently receiving less than division lots.

(ii) *Air carrier schedules.* (a) Carriers eligible to participate in a division of FCM arriving at an airport by each VS or MM are those which have any scheduled service to the destination city within a 4-hour period thereafter, regardless of arrival time.

(b) Generally, at major points, this 4-hour period will commence no later than 60 minutes after arrival at the airport of the VS or MM trip. At smaller stations, the time period may commence immediately on arrival of the surface connection at the airport. The director, transportation division, of the region having jurisdiction of the dispatching postal unit will establish the appropriate time period which will apply at that point and notify all concerned.

(c) Whenever FCM is available for dispatch, and no flights are scheduled to a destination during the next 4-hour period, the usual division of FCM will not apply. In these circumstances, the FCM will be divided among those carriers having service scheduled to depart within 90 minutes following the period of no service.

(d) The regular Origin and Destination Schedules will be used to determine the availability of scheduled service. In the event an air carrier desires to have other schedules included (e.g., trips involving an intraline transfer or multiple stops), this information must be submitted to the director, transportation division, having jurisdiction, with copies to the competitive carriers. Schedules of this type will be included with those in the Origin and Destination Schedules by the director, transportation division, in determining the proper allocations of FCM. Although it will not be necessary for these schedules to be published in the Origin and Destination Schedules, they may, if desired, be included by preceding the listing with an ampersand (&).

(e) An air carrier can participate in a division of FCM on only those days when there is scheduled service by that carrier within the specified 4-hour period.

(f) When one air carrier has service arriving in time for connection to a letter carrier delivery trip not provided by competing carriers, the division shall be accomplished by dispatch of the city pouches to that carrier. Usually, the dispatch of city pouches by one carrier and the dispatch of AMF or Dis pouches by another carrier, or carriers, will accomplish an equitable division. When the routing of city mail by one carrier, or to one airport in multiple airport situations, is advantageous to the postal service, no division will be made of the city mail even though this results in an unequal tender to one carrier.

(g) An air carrier participating in a division of FCM having knowledge that he will be unable to transport such mail within the specified 4-hour period is required to notify the local postal unit before the division is made. Observance of this requirement will permit equitable division between carriers without loss of space availability.

(h) Adjustments in each separate division will be made when there are air carrier schedule changes involving establishment, revision, or elimination of particular flights which warrant such action.

(iii) *Multiple airport cities.*—(a) *At origin point.* The division will be determined separately at each airport involved.

(b) *At destination point.* (1) FCM for a destination point which is a multiple airport city will be considered as a single total and those carriers with any service scheduled during the specified 4-hour period from the origin point to any one of the destination airports shall participate in the division. In the event the receiving region desires routing to a particular airport, as described in subdivision (ii) of this section, an equal division will be made only to the extent possible while still providing service to the airport specified.

(2) All FCM cannot be handled interchangeably at different airports to equal advantage. The director, transportation division, of the receiving region will determine what arrangements may be necessary to assure receipt at the most advantageous airport. (Example: the dispatch of pouches of New Jersey FCM labeled to "Newark, N.J., Dis" may not be desired to Kennedy or La Guardia airports when following service is available to the Newark airport.)

(iv) *Stockpiling FCM.* Postal units will make local arrangements with air carriers for stockpiling FCM when it is mutually advantageous and agreeable. Air carriers shall not be required to accept FCM for protection and storage pending shipment, but may elect to do so if tendered by the postal service.

§ 534.3 Responsibility for FCM Program.

(a) *Air carriers.*—(1) *Transportation on space-available basis.* Air carriers will transport FCM on a voluntary, space-available basis to the destination shown on the dispatch record and pouch label. The CAB order prescribes that no air carrier shall transport FCM if such transportation impedes the carriage of priority airmail, passengers, passenger baggage, air parcel post, air express, or regular air freight, except that FCM which has been loaded in the aircraft need not be removed to permit carriage of regular air freight received thereafter or received at an intermediate point. The movement of FCM by air shall have priority over the movement of deferred air freight.

(2) *Notification to postal units.* The local postal unit must be promptly informed of any delay or inability to transport mail which has been tendered in order that consideration may be given to utilization of any alternate routings which may be available to move the mail. An air carrier which has carried FCM beyond, or off-loaded short of, the billed destination must also promptly notify the postal unit at the point where FCM is on hand and receive instructions as to the best disposition to be made of the mail.

(3) *Dispatch within 4 hours—trunkline and cargo air carriers.* In the event any or all of the FCM has not been dispatched by a trunkline or cargo air carrier within 4 hours after receipt at the initial point (or 4 hours after anticipated dispatch in the event of early receipt for preloading on a flight where available space is anticipated), the carrier shall notify the postal unit. On instructions from the postal unit, the FCM shall be (i) returned by the carrier to the custody of the postal service at the place where the initial delivery was made, (ii) delivered at the holding carrier's facilities at the airport of dispatch to another designated carrier which has space available and which will pick up the mail within a reasonable time, or (iii) held for an additional period if acceptable to the carrier.

(4) *Requirements for transfer of FCM.* (i) Carriers will make any necessary intraline transfers to other trips of the

[1] Authorized airlift of "SAM" letters and cards have been established over designated domestic segments. See § 127.1(e)(1) of this chapter for overseas handling.

same carrier in order to provide transportation to the destination listed on the original dispatch record. Interline transfers of FCM to another air carrier are not authorized in ordinary circumstances. See subdivisions (ii) (b) and (c) of this subparagraph concerning permissible interline transfers when service has been interrupted.

(ii) Trunkline and cargo air carriers will not be required to transfer FCM to other carriers except:

(a) When mutually agreeable transfers have been agreed upon. See § 534.2 (b) (2) (i) (b);

(b) When FCM is inadvertently transported to a destination other than that to which due and the carrier does not have service within 2 hours on which space is available to the intended destination and another carrier can provide the needed space with earlier arrival at destination;

(c) When a carrier must unload FCM at an intermediate point and has no service or space within 4 hours and another carrier can provide the needed space with earlier arrival at destination.

(5) *Delivery requirements.* Priority in delivery, equivalent to airmail, to the destination postal unit cannot be required. Delivery of FCM shall be made as soon as practicable and without unwarranted delay.

(6) *Protection of mail.* FCM must be protected from the weather and possible depredation and accorded the same care and safeguards as is given regular airmail.

(7) *Applicability of Postal Manual sections.* The provisions of §§ 531.3(c) and 531.5(a) (1) of this chapter (except with respect to time), and §§ 533.5 and 533.6 of this chapter (except with reference to airmail forms), apply to the handling of FCM by air carriers.

(b) *Postal units.* Airport mail facilities and air stop point post offices are responsible for:

(1) Excluding from FCM dispatches any nonmailable articles coming to their attention which are not acceptable for transportation by air. See Parts 124 and 125 of this chapter for responsibility of mailers and accepting clerks.

(2) Utilizing such equipment and locking devices as may be designated from time to time for FCM dispatches.

(3) Preparing regular surface labels to identify FCM dispatches, underscoring the destination postal unit with a red line and showing proper air stop point coding to the destination airport. See § 534.4(a).

(4) Assuring that mail messenger or vehicle service, as necessary, is provided for delivery and receipt of FCM.

(5) Reporting irregularities in service to their director, transportation division, on Form 2759, Report of Irregular Handling of Airmail, appropriately checked to indicate FCM, for necessary action.

(6) Attempting to have FCM which is off-loaded short of, or carried beyond, the intended destination continued onward by air by means of transfer on Form 2718 to an air carrier having available service. See § 534.4(c).

(7) Redispatching by air to the intended destination any FCM which is irregularly off-loaded and turned in to the postal unit: *Provided*, That onward air dispatch is superior to available surface transportation.

(c) *Transportation division.* The transportation division is responsible for:

(1) Notifying postal unit concerning authorized dispatches, air carriers involved, and dates or other particulars of service.

(2) Issuing appropriate instructions concerning the labeling of pouches, mail due dispatch, time of advantageous tie-outs, and other local arrangements or requirements.

(3) Assuring that no improper diversions of mail are made to FCM dispatches which have been authorized.

(4) Evaluating promptly any FCM irregularities reported by dispatching or receiving postal units on Form 2759.

(5) Reporting to Air Transportation Branch any failure by air carriers to promptly correct unsatisfactory conditions so that remedial action may be taken.

§ 534.4 Forms and procedures for dispatching and receiving FCM.

(a) *Labeling and marketing*—(1) *FCM pouches.* The dispatching postal employee shall label FCM pouches with regular surface labels and underscore destination with a red line to identify as FCM dispatches. When dispatch is to a postal unit that is not an air stop point, enter on the label official code letters for the final air stop off-loading point. Bracket code letters. Show contents of pouch on descriptive line of label, e.g. "Illinois." Enter weight on the label in the same manner as for airmail except that weight need not be shown on the individual labels where bulk weighing has been authorized. Do not serial number pouch labels.

(2) *First-class outsides.* When it is not possible to enclose a first-class piece in a pouch or sack, use crayon or indelible pencil to enter weight and FCM endorsement in large figures near address. When the outside is billed to an airport not located at city shown in address, also prominently show the airport destination code in brackets.

(b) *Form 2713, Dispatch Record of First-Class Mail by Air*—(1) *Description.* Form 2713 is a four-part serially numbered snapout form for documenting the dispatch of first-class mail (FCM) to domestic air carriers authorized to transport first-class mail. It is also a bill for air transportation charges and must be accurate and complete.

(2) *Initial preparation.* The dispatching postal unit will show the following on Form 2713:

(i) *Heading form.* Enter origin code, date, route number, and mail ready time. Show trip number in "Available For Trip No." box only when dispatches are made to local service carriers.

(ii) *Destinations.* List first-class mail pouches on one form for destinations served by a local service trip. List first-class mail pouches on one form for points served by a trunkline carrier's trips departing within a limited time bracket which can be picked up at the same time.

(iii) *Transfer point.* Enter only intraline transfer point for dispatches due to be transferred to another trip of the carrier of dispatch.

(iv) *Pieces and pounds.* Enter pouches and pounds under appropriate destination. Use one column only for each destination. If pouches cannot be individually listed under one destination column, accumulate pieces and weights on a scratch sheet and bulk list total pieces and weights under appropriate destination.

(v) *Grand totals of pieces and pounds.* Cross-add destination totals for pieces and pounds and enter in "Grand Total" box.

(vi) *Postal signature.* The dispatch clerk will sign his name on the form. The minimum requirement for signature is first initial and last name.

(3) *Delivering first-class mail and Form 2713.* In delivering FCM and related Form 2713 to air carrier, observe the following:

(i) *Airport mail facilities.* Air carrier representative picking up the mail will:

(a) Verify FCM with entries on Form 2713.

(b) Sign the form in space provided on left side of form and enter pickup time.

(c) Remove Part 4 and leave at airport mail facility. Retain Parts 1, 2, and 3, with carbon paper interleaved, for completing when FCM is boarded on a trip.

(ii) *Air stop post offices.* The dispatching clerk will retain Part 4 and give the FCM and Parts 1, 2, and 3 of related Form 2713, intact, to the mail messenger or vehicle service driver for delivery to air carrier representative at the airport for securing verification of piece count and completed forms.

(4) *Completion of form.* The air carrier will complete Form 2713 as follows:

(i) *Airport mail facilities.* When FCM is boarded on one or more trips, air carrier will complete Form 2713 by entering only the trip number or numbers boarding mail in space provided under each destination. If the FCM is not boarded within 4-hour holding period, beginning at pickup time, air carrier must notify postal unit and secure instructions for disposition of FCM. Air carrier representative will complete the certificate by entering date, two letter airline code, and signing. The certificate must be signed. The minimum requirement is first initial and last name. When the form is completed, the air carrier will separate Parts 1, 2, and 3, retain Parts 2 and 3 and return Part 1 to the postal unit as promptly as local conditions will permit. In no case will the transmittal be less frequent than once each 24 hours. In these cases, air carrier must notify postal unit by telephone of trips boarding FCM during each 4-hour holding period.

(ii) *Air stop post offices.* As most FCM dispatches made by air stop post offices are accommodated on trips connected by mail messenger (MM) or vehicle service (VS) driver, air carrier representative will complete Form 2713 by (a) entering

the boarding trip number or numbers in the space provided under each destination, (b) dating certification, (c) entering two letter airline code, (d) signing the form, (e) separating Parts 1, 2, and 3 and (f) returning completed Part 1 to the MM or VS driver for delivery to dispatching post office. When it is not possible to handle Forms 2713 in this manner, arrangements similar to those in subdivision (i) of this subparagraph will be made.

(5) *Review of form.* The dispatching postal unit will review Form 2713 as follows:

(i) *Part 4, Form 2713.* Part 4 will always be retained in the dispatching airport mail facility or air stop post office. It will be used to (a) monitor the 4-hour holding rule, see § 534.3(a) (c) and (b) see that completed Part 1 of the form is returned.

(ii) *Part 1, Form 2713.* When the air carrier returns Part 1, the dispatching postal unit will review the form to assure that (a) it is fully completed, (b) no nonessential data, such as route numbers and dates, are shown in "Boarded on Trip Nos." block and (c) necessary signatures are in proper order.

(iii) *Completion of Part 4, Form 2713.* The dispatching postal unit will, following review of Part 1, enter trip number or numbers boarding the FCM on Part 4 as a local record of FCM transported.

(6) *Voiding Form 2713.* When none of the FCM tendered is transported and the postal unit instructs the air carrier to return the mail to the postal unit, the receiving postal representative will void all four parts, send Parts 1, 2, and 3 to Dallas Postal Data Center, with weekly transmittal of forms, and file Part 4.

(7) *Distribution.* Distribute Parts 1, 2, 3, and 4 as follows:

(i) *Part 1.* Dispatching postal units will enclose completed and voided forms in P-87-A envelope and forward each Friday following last dispatch of FCM to:

Postal Data Center, Post Office Department, Box 1557, Main Post Office Building, Dallas, Tex. 75299.

(ii) *Part 2.* Air Carrier Accounting Office.

(iii) *Part 3.* Air Carrier Station Record.

(iv) *Part 4.* Dispatching Postal Unit File.

(c) *Form 2718, First-Class Mail by Air exception Record*—(1) *Description.* Form 2718 is a four part snapout form with basic instruction regarding its use on the face of the form. It serves as a report of irregular transfers of FCM between air carriers at point of origin as well as at intermediate points short of destination. It also serves as a report of FCM turned into a postal unit short of destination. Form 2718 is an accounting document for adjusting air transportation charges which were ordered but not performed.

(2) *Preparation.* The delivering air carrier (carrier in possession of FCM) will, after receiving instructions from the local postal unit, prepare Form 2718 reporting the following situations:

(i) Part of FCM returned to postal unit at origin of FCM.

(ii) FCM turned into a postal unit at an intermediate point.

(iii) All of FCM transferred to another carrier at origin point of FCM.

(iv) Part of FCM transferred to another carrier at origin point of FCM.

(v) FCM transferred to another carrier at an intermediate point short of destination.

(3) *Transferring or delivering FCM.* When transferring or delivering FCM to air carrier or postal unit observe the following:

(i) When FCM is being transferred to another air carrier or delivered to the local postal unit, the delivering carrier will prepare and present all four parts of Form 2718 to air carrier or postal unit with related FCM and obtain signature to acknowledge receipt.

(ii) Distribution of parts of Form 2718 by receiving carrier or postal unit, will be as follows:

(a) When FCM is transferred to another air carrier, send:

(1) Parts 1 and 2 to local postal unit for forwarding with Forms 2713 to Dallas Postal Data Center.

(2) Part 3 to delivering carrier as a receipt and for forwarding to carrier's accounting office.

(3) Part 4 to receiving air carrier for forwarding to carrier accounting office.

(b) When FCM is delivered to Postal Unit, send:

(1) Parts 1 and 2 to local postal unit for forwarding to Dallas Postal Data Center.

(2) Part 3 to delivering air carrier for transmitting to air carrier accounting office.

(3) Part 4 retain in local postal unit.

(d) *Form 2753-A, Mail Delivery Record.* See § 533.6 of this chapter for handling Form 2753-A.

§ 534.5 Settlement of air transportation charges for FCM.

The Dallas Postal Data Center will settle all domestic air carriers charges for transporting first class mail by air.

§ 534.6 Reporting and processing FCM irregularities.

(a) *Form 2759, Report of Irregular Handling of Airmail*—(1) *Use.* Form 2759 is used by postal employees to report air carrier irregularities in the handling of FCM. It must also be used by postal units to advise local transportation division of irregular transfer and off-loading of FCM at intermediate points short of destination. Since this form is also used to report airmail irregularities, check box "1st Class by Air" to assure proper evaluation of the report.

(2) *Who prepares.* Postal clerk who first handles FCM which obviously has been mishandled by an air carrier or who is informed of irregular transfers or off-loadings by receipt in the postal unit of Parts 1 and 2 of Form 2718, is required to prepare Form 2759 report.

(3) *FCM irregularities requiring close attention.* (i) Refusals/removals of FCM are not subject to the preparation of briefs and the imposition of fines under the space available provisions. However, remedial action may be required. Submit memorandum report with full particulars to enable the director, transportation division, to take such corrective action as may be necessary in situations of repetitive occurrences involving refusals and removals that impair the service accorded FCM. See subparagraph (2) of this paragraph.

(ii) Delayed delivery of FCM will be reported when more than 1 hour from time of arrival of trip elapses before delivery to AMF, MM, or VS driver. At non-AMF points, the post office clerk receiving the delayed FCM from the MM or VS driver is responsible for preparing Form 2759 under such circumstances.

(iii) Damage to FCM and equipment is a finable irregularity since air carriers are responsible for according FCM the same care and safeguards as is given regular airmail. See § 534.73(a) (6). Furnish full particulars as to pieces damaged, and extent, and pieces actually wet because of exposure to the elements.

(b) *Instances where fines can be levied*—(1) *Authorization for fining.* The CAB rate order prescribes that "no air carrier shall be subject to penalties (fines) with respect to the carriage of such mail except to cover serious cases of failure to protect mail from damage and depredation or repetitive instances of neglect resulting in substantial delay. Inability to accommodate such mail on a specific flight or flights shall not be construed as neglect."

(2) *Processing of finable FCM cases.* Send Form 2759 for (i) damage to mail or equipment, including repetitive instances occurring at the same airport, (ii) failure to protect FCM from depredation, and (iii) neglect resulting in substantial delay, to local transportation division for evaluation and processing with those covering airmail.

(c) *Distribution.* Postal units will distribute copies of Form 2759 according to the instructions printed on each page of the form.

TIMOTHY J. MAY,
General Counsel.

JULY 20, 1967.

[F.R. Doc. 67-8822; Filed, July 25, 1967; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 8035; Amdt. 39-451]

PART 39—AIRWORTHINESS DIRECTIVES

Rolls-Royce Spey Model 506-14 Engines

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring inspections of the input drive assembly of the C.A.S.C. 105 Lucas fuel flow control on Rolls-Royce Spey Model 506-14 engines, and if an inspection discloses wear, the incorporation of Rolls-Royce Modification 3258, was published in 32 F.R. 4314.

Interested persons have been afforded an opportunity to participate in the making of the amendment. One commentator stated that Modification 3258 kits have not always been readily available and suggested that the proposed AD be revised to permit either replacement with a serviceable input drive assembly or incorporation of the modification. Another commentator believed the AD should permit the replacement of worn parts with new parts and the use of the fuel flow control unit for an additional 800 hours. The FAA has been advised by the British Air Registration Board that Modification 3258 kits are now available in sufficient quantities to meet all demands. The FAA has also determined that if wear is found it is necessary to incorporate the modification rather than to replace the worn parts with serviceable parts. The design of the old parts precludes a satisfactory assembly as the retention and locking means are susceptible to loosening even with reasonable care upon assembly. The FAA has also been advised that the C.A.S.C. 125 Lucas fuel flow controls are modified C.A.S.C. 105 controls and that the modifications resulting in the redesignation are not pertinent to this AD. Therefore, the applicability statement has been revised to include Type 125 controls. Since this revision is not substantive, but is merely clarifying in nature, further notice and public procedure hereon are unnecessary and the AD may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

ROLL-ROYCE. Applies to Spey Model 506-14 engines.

Compliance required as indicated, unless already accomplished.

To prevent failure of the C.A.S.C. 105 and 125 Lucas fuel flow controls installed on Spey Model 506-14 engines due to wear of the splines on the input drive assembly, accomplish the following:

(a) For fuel flow controls with 700 or more hours' total time in service on the effective date of this AD and that have not been overhauled, comply with paragraph (c) within the next 100 hours' time in service after the effective date of this AD, and thereafter at intervals not to exceed 800 hours' time in service from the last inspection.

(b) For fuel flow controls with less than 700 hours' total time in service on the effective date of this AD and that have not been overhauled, comply with paragraph (c) before the accumulation of 800 hours' total time in service, and thereafter at intervals not to exceed 800 hours' time in service from the last inspection.

(c) For fuel flow controls that have been overhauled and that on the effective date of this AD, have 700 or more hours' time in service since overhaul, comply with paragraph (e) within the next 100 hours' time in service after the effective date of this AD, and thereafter at intervals not to exceed 800 hours' time in service from the last inspection.

(d) For fuel flow controls that have been overhauled and that on the effective date of this AD have less than 700 hours' time in service since overhaul, comply with paragraph (e) before the accumulation of 800 hours' time in service since overhaul, and thereafter at intervals not to exceed 800 hours' time in service from the last inspection.

(e) Inspect the input drive assembly, in accordance with Rolls-Royce Service Bulletin No. SP 73-A109 dated February 2, 1967, or later ARB-approved issue, or FAA-approved equivalent. If wear is found, incorporate Rolls-Royce Modification 3258, or an FAA-approved equivalent, before further flight.

(f) The repetitive inspection required by paragraphs (a) through (d) may be discontinued upon incorporation of Modification 3258, or an FAA-approved equivalent.

This amendment becomes effective August 25, 1967.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on July 18, 1967.

EDWARD C. HODSON,
Acting Director,
Flight Standards Service.

[F.R. Doc. 67-8671; Filed, July 25, 1967; 8:49 a.m.]

[Airspace Docket No. 67-WE-38]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On page 8302 of the FEDERAL REGISTER dated June 9, 1967, there was published a notice of proposed rule making to amend Part 71 that would designate additional controlled airspace in the Boise, Idaho, area. Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed alteration.

No objections have been received, and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0001 e.s.t., October 12, 1967.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, 72 Stat. 749; 49 U.S.C. 1348)

Issued in Los Angeles, Calif., on July 18, 1967.

A. E. HORNING,
Acting Director, Western Region.

In § 71.171 (32 F.R. 2160) the Boise, Idaho, transition area is amended by deleting all after "* * * 55 miles northwest of the VORTAC;" and substituting therefor, "and that airspace northwest of Boise bounded on the northwest by the McCall, Idaho VORTAC 221° radial, on the east by the west edge of V-253 and on the southwest by a line 8 miles northwest of and parallel to the Boise VORTAC 319° radial; that airspace southeast of Boise extending upward from 9,000 feet MSL bounded on the north by the south edge of V-138, on the east by the west edge of V-293 and on the southwest by the northeast edge of V-4; and that airspace extending upward from 10,500 feet MSL southeast of V-507, within 5 miles each side of the Rome, Oreg., VORTAC 056° radial extending from 46 miles northeast of the VORTAC to the Boise 40-mile radius area".

[F.R. Doc. 67-8676; Filed, July 25, 1967; 8:49 a.m.]

[Airspace Docket No. 67-WE-34]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Control Zone

On June 9, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 8302), regarding an amendment to Part 71 that would designate a control zone for Felts Field, Spokane, Wash. After consideration of all relevant matter presented by interested persons, the amendment as so proposed is hereby adopted, subject to the following change:

F.R. Doc. 67-8444 (32 F.R. 8302), Spokane, Wash. (Felts Field), is changed by striking out "* * * latitude 47°41'11" N., * * *" in the second line, and inserting in place thereof "* * * latitude 47°41'00" N., * * *".

Since this change is minor in nature, notice and public procedure hereon are unnecessary.

Effective date. This amendment is effective October 12, 1967.

Issued in Los Angeles, Calif., on July 18, 1967.

A. E. HORNING,
Acting Director, Western Region.

SPOKANE, WASH. (FELTS FIELD)

That airspace within a 5-mile radius of Felts Field (latitude 47°41'00" N., longitude 117°19'20" W.).

[F.R. Doc. 67-8677; Filed, July 25, 1967; 8:49 a.m.]

[Airspace Docket No. 67-CE-50]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Federal Airway

On April 22, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 6371) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a VOR Federal airway from Pawnee City, Nebr., with a 3,500 MSL floor via the intersection of Pawnee City 193° T (184° M) and Emporia, Kans., 336° T (328° M) radials; thence with a 1,200 AGL floor via Emporia; to Chanute, Kans.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comment. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., September 14, 1967, as herein after set forth.

Section 71.123 (32 F.R. 2009) is amended by adding:

V-307 From Chanute, Kans., 12 AGL Emporia, Kans., 12 AGL INT of Emporia 336° and Pawnee City, Nebr., 193° radials; 35 MSL Pawnee City.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 19, 1967.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-8678; Filed, July 25, 1967; 8:49 a.m.]

[Airspace Docket No. 66-EA-63]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of these amendments to Parts 71 and 73 of the Federal Aviation Regulations is to reduce the size and to change the using agency of Lacarne, Ohio, Restricted Area R-5502.

The Department of the Army has requested the Federal Aviation Administration to modify R-5502, Lacarne, Ohio, by reducing its size and redesignating the using agency to reflect its continued usage by the Ohio National Guard. The Department of the Navy is also a user of R-5502 and has requested that a portion of the existing area, separate from the area the Army is retaining, be retained for use and redesignated R-5502B. However, R-5502B will not fully accommodate the Navy's requirement and, therefore, the Navy has submitted a proposal for additional restricted airspace adjoining R-5502B to the east. The total area of R-5502A, and R-5502B retained herein, plus the additional airspace that is the subject of the Navy's proposal is less than the present R-5502. Moreover, these areas are now removed from, and will have less adverse effect on all existing recreation, conservation, and commercial activities in this vicinity.

Since these amendments are less restrictive upon the public, notice and public procedure hereon are unnecessary and for that reason they may be made effective on less than 30 days notice.

In consideration of the foregoing, Part 71 and Part 73 of the Federal Aviation Regulations are amended, effective upon publication in the FEDERAL REGISTER, as hereinafter set forth.

(a) In § 71.123 (32 F.R. 2009) the description of Domestic VOR Federal Airway V 133 is amended by deleting the words "within R-5502 and" so that the sentence reads "The airspace within Canada is excluded."

(b) In § 73.55 (32 F.R. 2327) R-5502, Lacarne, Ohio, is revoked and the following is substituted therefor:

R-5502A LACARNE, OHIO

Boundaries: Beginning at latitude 41°-41'15" N., longitude 83°07'45" W.; to latitude 41°41'17" N., longitude 83°00'00" W.; to latitude 41°35'30" N., longitude 82°54'48" W.; to latitude 41°32'02" N., longitude 83°-01'05" W., to latitude 41°36'54" N., longitude 83°07'45" W.; to the point of beginning.

Designated altitudes: April 1 to May 31 surface to and including 5,000 feet MSL; June 1 to July 31 surface to and including 23,000 feet MSL; and August 1 to November 30 surface to and including 5,000 feet MSL.

Time of designation: 0800 to 1600 local Saturday and Sunday April 1 through May 31; 0800 to 1600 local daily June 1 through July 31; 0800 to 1600 local Saturday and Sunday August 1 through November 30; other dates, times and altitudes (not to exceed 23,000 feet MSL) by NOTAM, published at least 48 hours in advance.

Controlling agency: Federal Aviation Administration, Cleveland ARTC Center.

Using agency: The Adjutant General, State of Ohio.

R-5502B LACARNE, OHIO

Boundaries: Beginning at latitude 41°44'-48" N., longitude 83°10'00" W.; to latitude 41°47'18" N., longitude 83°10'00" W.; to latitude 41°48'35" N., longitude 83°06'45" W.; to latitude 41°44'48" N., longitude 83°-09'05" W.; to the point of beginning.

Designated altitude: Surface to 2,600 feet MSL.

Time of designation: 0800–2300 e.s.t., Wednesday through Saturday; 0800–1700 e.s.t., on Sundays.

Controlling agency: Federal Aviation Administration, Toledo Airport Traffic Control Tower.

Using agency: Commanding Officer, U.S. Naval Air Station, Grosse Ile, Mich.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 17, 1967.

WILLIAM E. MORGAN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 67-8672; Filed, July 25, 1967; 8:49 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-499, Amdt. 1; Docket No. 18641]

PART 288—EXEMPTION OF AIR CARRIERS FOR MILITARY CHARTERS AND SUBSTITUTE SERVICE

Minimum Rates for Turboprops and Stretched Jets

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 21st day of July 1967.

On May 25, 1967, the Board adopted ER-494 (Docket 18273, 32 F.R. 7901), which, among other things, set minimum rates for the performance of military charters with turboprop aircraft and with stretched DC-8 aircraft. On June 6, 1967, Saturn Airways, Inc., filed a "Petition for Reconsideration" of the stretched-jet minimum rates in Docket 18273, and Alaska Airlines, Inc., filed an "Application for Amendment" of the turboprop minimum rates (Docket 18641). Since the Board's rules of practice do not provide for petitions for reconsideration of final rules, unless specifically provided for when the rule is issued, we will treat both these documents as petitions for rule-making with the docket number 18641.

The Saturn petition points out that in estimating Saturn's DC-8F-61 military charter costs, we allowed tax expense based upon debt financing of $10 million at an interest rate of 6¼ percent, rather than on information supplied by Saturn on April 7, 1967, which indicated financing of $7 million at 5 percent. Saturn states that on May 25, 1967 (the date on which ER-494 was adopted), it placed on the market a $7 million issue of subordinated convertible debentures carrying an annual interest rate of 4 percent.

The information supplied by Saturn on April 7 was inadvertently overlooked, and Saturn's estimated interest and tax expense will be corrected. However, since Saturn has now furnished the actual interest expense, the May 25 data will be used. Making this correction and averaging Saturn's costs with those of the other two stretched-jet carriers raises the minimum roundtrip passenger and cargo rates for these aircraft from 1.66 and 6.68 cents to 1.67 cents per passenger-mile and 6.77 cents per cargo ton-mile, respectively. The one-way, convertible, and mixed minimum rates have been correspondingly altered and are set forth in the attached revised rule.

Alaska Airlines objects to the Board's establishment of uniform minimum rates for all turboprop aircraft, including the CL-44 and the L-382. Alaska maintains that the uniform rate is unfair to Alaska, which is the only L-382 carrier, since the greater CL-44 aircraft load (29.35 tons vs. 20.7 tons for the L-382) results in greater revenue per plane-mile and lower cost per ton-mile for the CL-44. Alaska also contends that the Board should recognize higher crew

costs and that, in establishing the one-way minimum rate for the L–382, a revenue backhaul factor of 4.6 percent should be used, based on Alaska's experience. Alaska claims that it would operate at a loss at the uniform turboprop minimum rates established in ER–494.

There is a serious question whether we should entertain Alaska's petition. Alaska had notice of the Board's proposal to establish uniform minimum rates for all turboprop aircraft at the same time as all other carriers, when the Board issued notice of proposed rule making EDR–113 on March 15, 1967. Alaska filed no comments and raised no objection to that proposal in the rule-making proceeding. By neglecting to file its objections at the proper time, Alaska not only unnecessarily burdens the Board and its staff, but also causes inconvenience to the Department of Defense and possibly to other interested carriers. Notwithstanding the foregoing, we have determined to consider the petition on its merits. It is evident that the uniform turboprop minimum rates are below Alaska's costs and could well result in a drain on the resources of this subsidized carrier. Accordingly, we will grant Alaska's petition and set separate minimum rates for the L–382 aircraft.

Alaska's contention with respect to increased crew costs will not be adopted. The same policies were applied to Alaska's cost submissions as to those of other carriers, and we adhere to those policies. Alaska's L–382 cargo cost was found to be 10.05 cents per ton-mile, and we will adopt that cost as the minimum roundtrip cargo rate. In setting the one-way minimum rate, we will apply Alaska's revenue backhaul experience to the roundtrip minimum rate in the same manner as we have calculated other one-way minimum rates. The resulting minimum one-way cargo rate is 19.64 cents per ton-mile.

We will make no change in the related CL–44 turboprop minimum rates at this time, since those rates are the subject of another petition for rule making and will be considered separately.

The purpose of the amendment herein is to bring minimum rates into line with carrier costs pursuant to the petitions of Saturn and Alaska which have been served on all interested persons, who have had an opportunity to respond. We therefore find that notice and public procedure thereon are unnecessary and the rule may be made effective on less than 30-days' notice. Pursuant to § 302.38(d) of the rules of practice, express provision is hereby made for the filing of petitions for reconsideration of the rules adopted herein. Petitions for reconsideration and answers thereto shall be governed by the provisions of § 302.37 and shall be served on the Department of Defense and other interested carriers. Petitions must be filed on or before August 7, 1967, and answers thereto before August 14, 1967.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 288 of the Economic Regulations (14 CFR Part 288), effective August 1, 1967, by amending the table in § 288.7(a)(1) to read as follows:

§ 288.7 Reasonable level of compensation.

* * * * *

(a) * * *

(1) Performed with turbine-powered aircraft:

Aircraft type	Passengers, per passenger-mile		Cargo, per ton-mile		Convertible		Mixed passenger-cargo, per revenue plane-mile			
							Round trip		One way	
	Round trip	One way	Round trip	One way	Passenger leg, per passenger-mile	Cargo leg, per ton-mile	Variable	Fixed	Variable	Fixed
Turboprops:										
CL–44	2.008	2.508	8.256	77.194	2.154	10.676				
L–382			10.056	19.644						
Regular turbojets	1.906	2.408	7.446	14.516	2.014	8.780				
Passenger-pallets:										
165 and 0							$3.23	$3.07	$5.96	$5.66
117 and 3							3.21	2.97	5.80	5.52
106 and 4							3.18	3.04	5.78	5.54
93 and 5							3.16	3.02	5.76	5.52
81 and 6							3.13	2.99	5.75	5.51
68 and 7							3.10	2.96	5.73	5.48
51 and 8							3.07	2.88	5.71	5.47
0 and 12							3.04	2.73	5.64	5.41
DC–8F–61, –62	1.674	2.094	6.776	13.466	1.804	7.536				
Passenger-pallets:										
219 and 0							$3.04	$2.86	$5.66	$5.38
159 and 5							2.77	2.62	5.79	5.51
65 and 12							2.51	2.38	5.32	5.24
47 and 13							2.46	2.18	5.47	5.19
0 and 18							2.23	2.06	5.24	5.06
B–727/CV–880	2.556	4.056	12.306	24.556	2.796	15.156				
Passenger-pallets:										
106 and 0							$2.93	$2.95	$5.15	$4.86
61 and 7							2.73	2.59	4.97	4.72
30 and 8							2.76	2.45	4.93	4.67
46 and 4							2.63	2.44	4.91	4.66
0 and 7							2.50	2.25	4.72	4.47

* * * * *

(Secs. 204, 403, 416, Federal Aviation Act of 1958, as amended; 72 Stat. 743, 758, 771, as amended; 49 U.S.C. 1324, 1373, 1386)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 67–8636; Filed, July 25, 1967; 8:46 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter II—National Bureau of Standards, Department of Commerce

SUBCHAPTER B—STANDARD REFERENCE MATERIALS

PART 230—STANDARD REFERENCE MATERIALS

Subpart D—Standards of Certified Properties and Purity

VISCOMETER CALIBRATING LIQUIDS; DISCONTINUANCE

The FEDERAL REGISTER of Friday, February 3, 1967 (32 F.R. 2388), gave notice that effective July 1, 1967, the National Bureau of Standards would discontinue supplying viscometer calibrating liquids. Accordingly, § 230.8–8, Viscometer Calibrating Liquids, of Title 15 of the Code of Federal Regulations, is revoked in its entirety.

The viscometer calibrating liquids, identified as Oils D, H, I, J, K, L, M, N, OB, P, SB, and SF, are now available from the Cannon Instrument Co., Post Office Box 16, State College, Pa. 16801, sponsored and supervised by Research Division VII, Section A of American Society for Testing and Materials Committee D–2. After July 1, 1967, orders for delivery of these liquids should be sent to the Cannon Instrument Co. at the above mentioned address.

Effective date: July 1, 1967.

(Sec. 9, Stat. 1480, as amended; 15 U.S.C. 277. Interprets or applies Sec. 7, 70 Stat. 959, 15 U.S.C. 278a)

Dated: June 29, 1967.

I. C. SCHOONOVER, *Acting Director.*

[F.R. Doc. 67–8648; Filed, July 25, 1967; 8:47 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 8—COLOR ADDITIVES

Subpart—Provisional Regulations

POSTPONEMENT OF CLOSING DATES OF PROVISIONAL LISTING; CANCELLATION OF CERTIFICATES

The color additive amendments of 1960 (Public Law 86–618; 74 Stat. 404; 21 U.S.C. 376, note) authorize the Secretary of Health, Education, and Welfare to postpone the closing date of a provisional listing of a color additive on his own initiative or upon application of an interested person. Requests have been received to postpone the closing dates of provisional listings of a number of color additives because scientific investigations necessary for listing these color additives under section 706 of the Federal Food, Drug, and Cosmetic Act have not been completed.

The Commissioner of Food and Drugs finds that postponement of the closing dates of the provisionally listed color additives included in this order is consistent with the protection of the public health. These extensions are granted on condition that, where applicable, progress reports be supplied on or before January 1, 1968.

The closing dates of the provisional listing of D&C Brown No. 1, Ext. D&C Yellow No. 3, Ext. D&C Red No. 8, Ext. D&C Violet No. 2, and Ext. D&C Orange No. 3 as color additives for use in externally applied drugs and cosmetics are not postponed and the provisional listings are therefore terminated as of July 1, 1967. These color additives had been provisionally listed on the basis that scientific investigations were under way preparatory to submission of petitions for permanent listings. The sponsor of these investigations has concluded that he no longer has a commercial interest in these color additives and the Food and Drug Administration knows of no other investigations under way. To allow for an orderly change in drug and cosmetic formulations containing the color additives being delisted, their certificates are canceled effective July 1, 1968.

The closing dates of the provisional listing of carminic acid and cochineal as color additives for use in foods and drugs are not postponed and, accordingly, the provisional listings are terminated. These color additives had been provisionally listed only until action on a petition to list carmine (the aluminum or calcium-aluminum lake of carminic acid on an aluminum hydroxide substrate) had been completed.

Therefore, pursuant to the authority of the Federal Food, Drug, and Cosmetic Act (sec. 203(a)(2), Public Law 86–618; 74 Stat. 404; 21 U.S.C. 376, note), delegated by the Secretary to the Commissioner (21 CFR 2.120), the provisional regulations are amended in the following respects:

1. Section 8.501, except for paragraph (g) which is unchanged, is revised to read as follows:

§ 8.501 Provisional lists of color additives.

The Commissioner of Food and Drugs finds that the following lists of color additives are provisionally listed under section 203(b) of the Color Additives Amendments of 1960 (sec. 203(b), 74 Stat. 406; 21 U.S.C. 376, note). Except for color additives for which petitions have been filed, progress reports are required by January 1, 1968, and at 6-month intervals thereafter. Specifications for color additives listed in paragraphs (a), (b), and (c) of this section appear in Part 9 of this chapter.

(a) *Color additives previously and presently subject to certification and provisionally listed for food, drug, and cosmetic use.*

	Closing date		Restrictions
	Food use	Drug and cosmetic use	
FD&C Green No. 3 (§ 9.23 of this chapter)	Mar. 31, 1968	June 30, 1968	
FD&C Yellow No. 5 (§ 9.40 of this chapter)	do	June 30, 1969	
FD&C Yellow No. 6 (§ 9.41 of this chapter)	do	June 30, 1968	
FD&C Red No. 2 (§ 9.61 of this chapter)	do	do	
FD&C Red No. 3 (§ 9.62 of this chapter)	do	June 30, 1969	
FD&C Red No. 4 (§ 9.63 of this chapter)	do	June 30, 1968	§ 8.503.
FD&C Blue No. 1 (§ 9.80 of this chapter)	do	June 30, 1969	
FD&C Blue No. 2 (§ 9.81 of this chapter)	do	June 30, 1968	
FD&C Violet No. 1 (§ 9.90 of this chapter)	do	do	

(b) *Color additives previously and presently subject to certification and provisionally listed for drug and cosmetic use.*

	Closing date	Restrictions
D&C Green No. 5 (§ 9.103 of this chapter)	Dec. 31, 1967	
D&C Green No. 6 (§ 9.104 of this chapter)	do	
D&C Green No. 8 (§ 9.105 of this chapter)	do	
D&C Yellow No. 7 (§ 9.130 of this chapter)	June 30, 1968	§ 8.503.
D&C Yellow No. 8 (§ 9.131 of this chapter)	do	Do.
D&C Yellow No. 10 (§ 9.133 of this chapter)	Dec. 31, 1967	
D&C Yellow No. 11 (§ 9.134 of this chapter)	do	
D&C Red No. 6 (§ 9.151 of this chapter)	June 30, 1969	
D&C Red No. 7 (§ 9.152 of this chapter)	do	
D&C Red No. 8 (§ 9.153 of this chapter)	do	§ 8.503.
D&C Red No. 9 (§ 9.154 of this chapter)	do	Do.
D&C Red No. 10 (§ 9.155 of this chapter)	do	Do.
D&C Red No. 11 (§ 9.156 of this chapter)	do	Do.
D&C Red No. 12 (§ 9.157 of this chapter)	do	Do.
D&C Red No. 13 (§ 9.158 of this chapter)	do	Do.
D&C Red No. 17 (§ 9.169 of this chapter)	June 30, 1968	
D&C Red No. 19 (§ 9.164 of this chapter)	June 30, 1969	§ 8.503.
D&C Red No. 21 (§ 9.166 of this chapter)	do	
D&C Red No. 22 (§ 9.167 of this chapter)	do	
D&C Red No. 27 (§ 9.172 of this chapter)	do	
D&C Red No. 28 (§ 9.173 of this chapter)	do	
D&C Red No. 30 (§ 9.175 of this chapter)	Dec. 31, 1967	
D&C Red No. 33 (§ 9.176 of this chapter)	June 30, 1969	
D&C Red No. 34 (§ 9.179 of this chapter)	Dec. 31, 1967	§ 8.503.
D&C Red No. 36 (§ 9.181 of this chapter)	June 30, 1968	
D&C Red No. 37 (§ 9.182 of this chapter)	do	§ 8.503.
D&C Orange No. 4 (§ 9.201 of this chapter)	June 30, 1968	Do.
D&C Orange No. 5 (§ 9.202 of this chapter)	June 30, 1969	Do.
D&C Orange No. 10 (§ 9.207 of this chapter)	do	
D&C Orange No. 11 (§ 9.208 of this chapter)	do	§ 8.503.
D&C Orange No. 17 (§ 9.214 of this chapter)	do	
D&C Blue No. 4 (§ 9.240 of this chapter)	do	
D&C Blue No. 6 (§ 9.242 of this chapter)	Dec. 31, 1967	
D&C Blue No. 9 (§ 9.245 of this chapter)	June 30, 1968	Surgical suture use only.
D&C Violet No. 2 (§ 9.270 of this chapter)	do	

(c) *Color additives previously and presently subject to certification and provisionally listed for use in externally applied drugs and cosmetics.*

	Closing date	Restrictions
Ext. D&C Yellow No. 1 (§ 9.301 of this chapter)	Dec. 31, 1967	
Ext. D&C Yellow No. 7 (§ 9.307 of this chapter)	June 30, 1968	
Ext. D&C Green No. 1 (§ 9.400 of this chapter)	Dec. 31, 1967	

(d) [Reserved]

(e) *Color additives provisionally listed for food use on the basis of prior commercial sale but which have not been nor are now subject to certification.*

	Closing date	Restrictions
Carbon black (prepared by the "impingement" or "channel" process)	Dec. 31, 1967	For dog, cat, and mink foods only.
Carrot oil	do	
Iron oxide	do	
Riboflavin	do	
Xanthophyll	do	

(f) *Color additives provisionally listed for drug use on the basis of prior commercial sale but which have not been nor are now subject to certification.* The color additives listed in this paragraph are listed only for the uses and purposes commercially employed prior to July 12, 1960. Thus, a color additive used only in drugs for external application is not provisionally listed for internal drug use.

	Closing date	Restrictions
Carbon black ("impingement" or "channel" process)	Dec. 31, 1967	
Chromium-cobalt-aluminum oxide	June 30, 1958	Polyethylene surgical suture use only.
Ferric ammonium citrate	do	As a component of iron pyrogallol color additive for surgical suture use only.
Fustic	do	Surgical suture use only.
Logwood	do	Do.
Pyrogallol	do	Do.

* * * * *

2. Section 8.510 is amended by adding thereto the following new paragraph:

§ 8.510 Cancellation of certificates.

* * * * *

(e) Certificates issued for the following color additives and all mixtures containing these color additives are canceled and have no effect after July 1, 1968, and use of such color additives in the manufacture of drugs or cosmetics after that date will result in adulteration:

D&C Brown No. 1 (§ 9.230 of this chapter).
Ext. D&C Yellow No. 3 (§ 9.303 of this chapter).
Ext. D&C Red No. 8 (§ 9.347 of this chapter).
Ext. D&C Violet No. 2 (§ 9.411 of this chapter).
Ext. D&C Orange No. 3 (§ 9.432 of this chapter).

In order to allow orderly withdrawal from the market of carminic acid, cochineal, and carmine (magnesium-aluminum lake of carminic acid) and in the absence of information that the continued use of these color additives will adversely affect the public health the Food and Drug Administration will not institute regulatory action against the color additives or the articles in which they have been permitted to be used solely for the reason that they are not provisionally or permanently listed as color additives for the period ending December 31, 1967.

Notice and public procedure and delayed effective date are unnecessary prerequisites to the promulgation of this order, and I so find, since section 203(a)(2) of Public Law 86-618 provides for this issuance.

Effective date. This order is effective as of July 1, 1967.

(Sec. 203(a)(2), Public Law 86-618; 74 Stat. 404; 21 U.S.C. 376, note)

Dated: July 17, 1967.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 67-8560; Filed, July 25, 1967; 8:45 a.m.]

Title 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 60—IMMIGRATION; AVAILABILITY OF, AND ADVERSE EFFECT UPON, AMERICAN WORKERS

Miscellaneous Amendments

Pursuant to section 212(a)(14) of the Immigration and Nationality Act of 1952, as amended by Public Law 89-236, I hereby amend 29 CFR Part 60 as set forth below.

As these changes involve only procedure and general statements of policy, notice of proposed rule making, public participation, and delay in effective date are not required by section 4 of the Administrative Procedure Act (5 U.S.C. 553). I do not believe such participation and delay will serve a useful purpose here. Accordingly, these amendments shall become effective immediately.

1. Paragraph (b) of § 60.3 is amended to read as follows:

§ 60.3 Request for certification not covered by § 60.2.

* * * * *

(b) Any alien seeking admission to the United States otherwise subject to the provisions of paragraph (a) of this section whose category of employment is described in Schedule C shall request a 212(a)(14) certification by filing a Form ES-575-A describing his qualifications and shall omit filing a Form ES-575-B describing his prospective employment in the United States. Instructions for filing in these circumstances are available from U.S. Consular offices abroad and Embassies and Immigration and Naturalization Service offices. Such instructions will where appropriate require aliens to indicate where they will reside. When the Consular offices abroad or the Immigration and Naturalization Service send the ES-575-A's to the Department of Labor, all sources of labor available for the area of intended residence will be reviewed and certification will be issued depending on the circumstances at that time. If the review shows workers are available, or that wages or working conditions of workers similarly employed will be adversely affected, the certification will not be issued. Applications should not be sent directly to the U.S. Department of Labor by the alien.

* * * * *

2. A new § 60.5 is added to read as follows:

§ 60.5 Validity.

Certifications issued pursuant to this part are invalid if the representations upon which they are based are incorrect. They are applicable only to the positions as described in the Form ES-575-B or as defined in the applicable schedule.

3. A new § 60.6 is added to read as follows:

§ 60.6 Matters to be considered.

In determining whether prospective employment offered in accordance with § 60.3(a) will adversely affect "wages" or "working conditions" of American workers within the meaning of section 212(a)(14) of the Act, the following standards will be among the matters considered:

(a) That such employment will be for wage rates no less than those prevailing for U.S. workers similarly employed in the area of employment; *Provided, however*, That such wages are not lower than any applicable wage rates prescribed by the Secretary of Labor pursuant to law as the minimum rates which will not adversely affect the wages of American workers similarly employed (20 CFR 602.10b). Where available, such prevailing wages shall generally be the rates determined to be prevailing for the occupations and in localities involved pursuant to the provisions of the Davis-Bacon and related Acts (40 U.S.C. 276a; § 1.1 of this subtitle), the McNamara-O'Hara Service Contract Act (41 U.S.C. 351), or the National Foundation on the Arts and Humanities Act of 1965 (20 U.S.C. 954(j); § 505.3 of this title), or set forth on Wage Board rate schedules applicable to Federal installations in the area (5 U.S.C. 5341). Where a current determination under one of these laws is not applicable, the prevailing wage rate will be determined in accordance with the criteria established pursuant to the Davis-Bacon Act (§ 1.2(a) of this subtitle) which is as follows:

(1) The rate of wages paid in the area in which the work is to be performed, to the majority of those employed in that classification * * *; (2) in the event that there is not a majority paid at the same rate, then the rate paid to the greater number: *Provided*, Such greater number constitutes 30 percent of those employed; or (3) in the event that less than 30 percent of those so employed receive the same rate, then the average rate.

(b) That such employment will include the furnishing of fringe benefits that prevail for U.S. workers similarly employed in the area of employment;

(c) That such employment will involve adherence to prevailing working conditions including customs in the area of employment regarding the furnishing of board, lodging and other facilities;

(d) That such employment will not involve positions (1) that are vacant because the former occupants are on strike or are being locked out in the course of a labor dispute or (2) the filling of which is at issue in a labor dispute;

(e) That such employment will not involve any discrimination with regard to race, creed, color or national origin; and

(f) That such employment or any term or condition thereof is not contrary to any provisions of Federal, State, or local law.

4. The provision in Schedule A of Part 60 entitled "Nursing" is revised to read as follows:

NURSING

The application of the art and science of nursing which reflects comprehension of principles derived from the physical, biological, and behavioral sciences. Nursing generally includes the making of clinical judgments concerning the observation, care, and counsel of persons requiring nursing care; the administering of medicines and treatments prescribed by the physician or dentist; the participation in activities for the promotion of health and the prevention of illness in others.

Preparation for nursing practice is generally obtained through an organized program of study approved by a governmental or other competent authority in the alien's country. High school graduation or its equivalent is usually a prerequisite. A program of study generally includes theory and practice in clinical areas such as: obstetrics, surgery, pediatrics, psychiatry, medicine.

(79 Stat. 911)

Signed at Washington, D.C., this 19th day of July 1967.

W. WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 67-8621; Filed, July 25, 1967; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4252]

[Idaho 04836]

IDAHO

Withdrawal for Wildlife Management Area; Partial Revocation of Public Land Order No. 4153

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights and the provisions of existing withdrawals the following described land, which is under the jurisdiction of the Secretary of the Interior, is hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, and reserved for management by the Department of the Interior in a manner to facilitate the management and utilization of the C. J. Strike Wildlife Management Area:

BOISE MERIDIAN

T. 5 S., R. 7 E.,
Sec. 35, SW¼SE¼.

The area described contains 40 acres.

2. Public Land Order No. 4153 of February 9, 1967, withdrawing lands for the C. J. Strike Wildlife Management Area, is hereby revoked so far as it affects the following described land:

BOISE MERIDIAN

T. 5 S., R. 7 E.,
Sec. 35, NE¼SE¼.

The area described contains 40 acres.

3. Until 10 a.m. on January 17, 1968, the State of Idaho shall have a preferred right of application to select the land described in paragraph 2 above, as provided by R.S. 2276, as amended (43 U.S.C. 852). After that time, the land shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on January 17, 1968, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. The land released from withdrawal by paragraph 2 of this order will be open to location under the U.S. mining laws at 10 a.m. on January 17, 1968. It has been open to applications and offers under the mineral leasing laws.

Inquiries concerning the land should be addressed to the Manager, Land Office, Bureau of Land Management, Boise, Idaho.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JULY 18, 1967.

[F.R. Doc. 67-8662; Filed, July 25, 1967; 8:48 a.m.]

[Public Land Order 4253]

[Colorado 0124866]

COLORADO

Withdrawal for Reclamation Project

By virtue of the authority contained in section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), as amended and supplemented, it is ordered as follows:

Subject to valid existing rights, the following described nonpublic lands are hereby withdrawn from appropriation under the U.S. mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, for reclamation purposes in connection with the Curecanti Unit, Colorado River Storage Project:

NEW MEXICO PRINCIPAL MERIDIAN

T. 49 N., R. 2 W.,
Sec. 26, N½NE¼NE¼, N½SW¼NE¼NE¼, SE¼SW¼NE¼NE¼, SE¼NE¼NE¼, N½NW¼NE¼, NW¼SW¼NW¼NE¼, N½SE¼NW¼NE¼, NE¼NW¼, NE¼NW¼NW¼, N½NW¼NW¼NW¼, SE¼NW¼NW¼NW¼, N½SE¼NW¼NW¼.

The areas described aggregate 127.5 acres in Gunnison County.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JULY 18, 1967.

[F.R. Doc. 67-8663; Filed, July 25, 1967; 8:48 a.m.]

[Public Land Order 4254]

[Fairbanks 024161]

ALASKA

Withdrawal for Federal Aviation Agency Facilities

By virtue of the authority contained in section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U.S.C., 214), as amended, it is ordered as follows:

1. Subject to valid existing rights, the following described lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, for the maintenance of a Federal Aviation Agency air navigation facility:

FAIRBANKS MERIDIAN

T. 1 S., R. 2 W.,
Sec. 30, NE¼SE¼.

Containing 40 acres.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws. However, leases, licenses or permits will be issued only if the Federal Aviation Agency finds that the proposed use of the lands will not interfere with the proper operation of its facilities on the lands.

HARRY R. ANDERSON
Assistant Secretary of the Interior.

JULY 18, 1967.

[F.R. Doc. 67-8664; Filed, July 25, 1967; 8:48 a.m.]

[Public Land Order 4255]

[Arizona 019007]

ARIZONA

Partial Revocation of Public Land Order No. 1767

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Public Land Order No. 1767 of December 15, 1958, with drawing lands for use by the Bureau of Prisons as a prison

campsite, is hereby revoked so far as it affects the following described lands:

GILA AND SALT RIVER MERIDIAN

T. 3 S., R. 26 E.,
Sec. 19, tracts A, B, C, D, E, F, and G.

The areas described aggregate 1,324 acres of public lands. The lands are southwest of Safford, Ariz., in Graham County.

2. The lands are hereby classified for sale under section 2455 of the Revised Statutes (43 U.S.C. 1171).

The State of Arizona has waived its preferance right of application granted by R.S. 2276 as amended (43 U.S.C. 852).

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JULY 18, 1967.

[F.R. Doc. 67-8666; Filed, July 25, 1967; 8:48 a.m.]

[Public Land Order 4256]

[Sacramento 38]

CALIFORNIA

Withdrawal for National Forest Recreation Site

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

SIX RIVERS NATIONAL FOREST

HUMBOLDT MERIDIAN

Sanger Lake Campground

T. 17 N., R. 5 E.,
Sec. 4, W½W½ of lot 4;
Sec. 5, S½ and S½N½ of lot 1.

The areas described aggregate approximately 40 acres in Del Norte County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of national forest land under lease, license, or permit, or governing the disposal of the mineral or vegetative resources other than under the mining laws.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JULY 18, 1967.

[F.R. Doc. 67-8666; Filed, July 25, 1967; 8:49 a.m.]

[Public Land Order 4257]

[I-766]

IDAHO

Withdrawal for National Forest Recreation Area

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture.

BOISE MERIDIAN

BOISE NATIONAL FOREST

South Fork Bridge Recreation Area

T. 15 N., R. 6 E.,
Sec. 11, W½SW¼NE¼NW¼, N½SW¼NW¼, N½S½SW¼NW¼, and W½NW¼SE¼NW¼.

The area described aggregates 40 acres in Valley County, Idaho.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JULY 18, 1967.

[F.R. Doc. 67-8667; Filed, July 25, 1967; 8:49 a.m.]

[Public Land Order 4258]

[Arizona 543]

ARIZONA

Modification of Stock Driveway Withdrawal To Permit Grant of Right-of-Way

By virtue of the authority vested in the Secretary of the Interior by section 10 of the act of December 29, 1916 (39 Stat. 865; 43 U.S.C. 300), as amended, it is ordered as follows:

The departmental order of February 4, 1919, creating Stock Driveway Withdrawal No. 56, Arizona No. 2, as modified and defined by departmental order of February 10, 1942, is hereby further modified to the extent necessary to permit the grant of a highway right-of-way under section 2477, U.S. Revised Statutes (43 U.S.C. 932), to the County of Yavapai, Ariz., over the following described land, as delineated on maps on file with the Bureau of Land Management in A-543 entitled "Road for Black Canyon City Dump."

GILA AND SALT RIVER MERIDIAN

T. 8 N., R. 2 E.,
Sec. 10, N½NW¼.

Containing 80 acres.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JULY 18, 1967.

[F.R. Doc. 67-8668; Filed, July 25, 1967; 8:49 a.m.]

[Public Land Order 4259]

[Montana 060285]

NORTH DAKOTA

Amendment of Public Land Order No. 3036

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

Public Land Order No. 3036 of April 18, 1963, which withdrew lands for use by the Department of the Army in connection with the Oahe Dam and Reservoir Project, is hereby amended by deleting the last paragraph thereof, reading as follows:

The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral and vegetative resources other than under the mining laws, and the mineral leasing laws except for oil and gas.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JULY 18, 1967.

[F.R. Doc. 67-8669; Filed, July 25, 1967; 8:49 a.m.]

[Public Land Order 4260]

[Arizona 319]

ARIZONA

Withdrawal for Administrative Site

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights the following described public lands which are under the jurisdiction of the Secretary of the Interior are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, and reserved as an administrative site for the maintenance of a facility of the Department of the Air Force:

GILA AND SALT RIVER MERIDIAN

T. 12 S., R. 9 E.,
Sec. 19, E½E½SW¼;
Sec. 20, SW¼SW¼;
Sec. 29, NW¼NW¼NW¼NW¼;
Sec. 30, N½N½NE¼.

The areas described aggregate approximately 127.59 acres.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws. However, leases, licenses or permits will be issued only if the Department of the Air Force finds that the proposed use of the lands will not interfere with the proper operation of its facilities on the lands.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JULY 19, 1967.

[F.R. Doc. 67-8670; Filed, July 25, 1967; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 52]

CANNED CLINGSTONE AND FREESTONE PEACHES

Standards for Grades [1]

Notice is hereby given that the U.S. Department of Agriculture is considering an amendment to the U.S. Standards for Grades of Canned Clingstone Peaches (7 CFR 52.2561–52.2577) and to the U.S. Standards for Grades of Canned Freestone Peaches (7 CFR 52.2601–52.2616) pursuant to the authority contained in the Agricultural Marketing Act of 1946 (Secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendment should file the same in duplicate, not later than January 1, 1968, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250. All written submissions made pursuant to this notice will be available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Statement of considerations leading to the proposed amendments. The current U.S. Standards for Grades of Canned Clingstone Peaches have been in effect since July 23, 1961, as amended July 28, 1962. Those for Canned Freestone Peaches have been in effect since July 22, 1957.

In the case of both standards under the factor of color the minimum requirements for Grades A and B are the same with respect to yellow-orange color. The basic distinction between Grade A and Grade B color is the uniformity, or lack thereof, in color among the peach units. Sample units that are scored into the Grade B range for color may still be classified as Grade A provided the total score is not less than 90 points.

Since the grade standards for these products were last revised packing and marketing practices indicate a need for separate requirements to provide for a deeper orange color in Grade A than in Grade B. Results of a comprehensive color study performed by the Department during the peach canning season in 1966 support this concept.

Based on results of the aforementioned study the proposed amendment would provide for three separate grade levels for the factor of color. The minimum color requirements for Grade A and Grade C in the case of both clingstone and freestone peaches would be made slightly more restrictive while the minimum color requirement for Grade B for both products would be somewhat more lenient. The proposals also would require sample units scoring into the Grade B range for color be restricted to Grade B.

Color guides currently in use would be made obsolete by the proposed amendments. The Department is in the process of developing new guides to illustrate minimum color limits for the different grade classifications.

No other changes are proposed at this time.

Subpart—U.S. Standards for Grades of Canned Clingstone Peaches

The proposed amendments are as follows:

1. Change § 52.2563(a) to read as follows—

§ 52.2563 Grades of canned clingstone peaches.

(a) "U.S. Grade A" or "U.S. Fancy" is the quality of halves, quarters, slices, diced, or whole canned clingstone peaches that possess similar varietal characteristics, that possess a normal flavor and odor, that possess a good color, that are practically uniform in size and symmetry, that are practically free from defects, that possess a good character, and that for those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 90 points: *Provided*, That the styles of halves, quarters, slices, diced, or whole may be reasonably uniform in size and symmetry, and may possess a reasonably good character, if the total score is not less than 90 points.

* * * * *

2. Change § 52.2572 in its entirety and substitute the following—

§ 52.2572 Color.

(a) *General.* (1) The color of canned clingstone peaches other than canned "spiced" peaches refers to the predominating and characteristic color on the backs of halved units, on the surface of whole units, and the exterior surface of other units, excluding such portions which were obviously near or part of the pit cavity. (2) The factor of color for canned "spiced" peaches is not based on any detailed requirement and is not scored but the color shall be normal for canned "spiced" peaches; the other three factors (uniformity of size and symmetry, absence of defects, and character as applicable) are scored and the total is multiplied by 100 and divided by 80, dropping any fractions to determine the total score.

(b) (*A*) *Classification.* Canned clingstone peaches that possess a good color may be given a score of 18 to 20 points. Mixed pieces of irregular sizes and shapes that score 18 to 20 points shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a partial limiting rule). "Good color" means that the peaches possess a bright color ranging from yellowish orange to orange yellow; and that there may be present units which possess "reasonably good color" as follows:

(1) In the style of halves, quarters, slices, or whole, not more than 10 percent, by count, of the units may possess "reasonably good color"; or one unit in a container is permitted to possess "reasonably good color"; *Provided*, That in all containers comprising the sample such units do not exceed an average of 10 percent of the total number of units; and

(2) In the styles of diced or mixed pieces of irregular sizes and shapes, not more than 10 percent, by weight, of the drained peaches may possess "reasonably good color."

(c) (*B*) *Classification.* Canned clingstone peaches that possess a reasonably good color may be given a score of 16 or 17 points. Canned peaches that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means that the canned clingstone peaches possess a reasonably bright color that may fail to meet minimum color requirements for Grade A but is equal to or better than light orangish-yellow, that the units are practically free from any slight brown color due to oxidation which color may no more than slightly affect the appearance or edibility, or both, of the product; and that there may be present units which possess "fairly good color" as follows:

(1) In the style of halves, quarters, slices, or whole, not more than 10 percent, by count, of the units may possess "fairly good color"; or one unit in a container is permitted to possess "fairly good color": *Provided*, That in all containers comprising the sample such units do not exceed an average of 10 percent of the total number of units; and

(2) In the style of diced or mixed pieces of irregular sizes and shapes, not more than 10 percent, by weight, of the drained peaches may possess "fairly good color."

(d) (*C*), (*D*), *and* (*C–SP*) *Classification.* Canned clingstone peaches and canned solid-pack clingstone peaches that possess a fairly good color may be given a score of 14 or 15 points. Canned clingstone peaches or canned "solid-pack" clingstone peaches that fall into this classification shall not be graded above U.S. Grade C or U.S. Grade C

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable state laws and regulations.

Solid-Pack, whichever is applicable, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means that the peaches possess a color that may fail to meet minimum color requirements for Grade B but is equal to or better than greenish-yellow; that the units may possess slight brown color due to oxidation provided such color does not materially affect the appearance or edibility, or both, of the product; and that the units may possess other color as follows:

(1) In the style of halves, quarters, slices, or whole, not more than 5 percent, by count, of the units may fail to meet the minimum color for Grade C or may be off-color; or one unit in a container is permitted to possess such color: *Provided*, That in all containers comprising the sample such units do not exceed an average of 5 percent of the total number of units.

(2) In the style of diced or mixed pieces of irregular sizes and shapes, not more than 5 percent, by weight, of the drained peaches may consist of units that fail to meet the minimum color for Grade C or may be off-color: *Provided*, That such units do not materially affect the appearance of the product.

(e) *(SStd) and (SStd-SP) Classification.* Canned clingstone peaches and canned "solid-pack" clingstone peaches that fail to meet the requirements of paragraph (d) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard or Substandard Solid-Pack, whichever is applicable, regardless of the total score for the product (this is a limiting rule).

§ 52.2577 [Amended]

3. Change § 52.2577 as follows: Change the footnote designation preceding 16–17 score points opposite (B) for the factor of color from "2" to "1."

Subpart—U.S. Standards for Grades of Canned Freestone Peaches

The proposed amendments are as follows:

1. Change § 52.2603(a) to read as follows—

§ 52.2603 Grades of canned freestone peaches.

(a) "U.S. Grade A" or "U.S. Fancy" is the quality of halves, quarters, slices, diced, or whole canned freestone peaches that possess similar varietal characteristics; that possess a normal flavor and odor, that possess a good color, that are practically free from defects, that possess a good character, and that for those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 90 points: *Provided*, That halves, quarters, slices, diced, or whole canned freestone peaches may be reasonably uniform in size and symmetry, and may possess a reasonably good character, if the total score is not less than 90 points.

* * * * *

2. Change § 52.2610 in its entirety and substitute the following—

§ 52.2610 Color.

(a) *General.* (1) The color of canned freestone peaches other than canned "spiced" peaches refers to the predominating and characteristic color on the backs of halved units, on the surface of whole units, and the exterior surface of other units, excluding such portions which were obviously near or part of the pit cavity. (2) The factor of color for canned "spiced" peaches is not based on any detailed requirement and is not scored but the color shall be normal for canned "spiced" peaches; the other three factors (uniformity of size and symmetry, absence of defects, and character as applicable) are scored and the total is multiplied by 100 and divided by 80, dropping any fractions to determine the total score.

(b) *(A) Classification.* Canned freestone peaches that possess a good color may be given a score of 18 to 20 points. Mixed pieces of irregular sizes and shapes that score 18 to 20 points shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a partial limiting rule). "Good color" means that the peaches possess a bright color ranging from pale yellowish-orange to orange yellow; and that there may be present units which possess "reasonably good color" as follows:

(1) In the style of halves, quarters, slices, or whole, not more than 10 percent, by count, of the units may possess "reasonably good color"; or one unit in a container is permitted to possess "fairly good color": *Provided*, That in all containers comprising the sample such units do not exceed an average of 10 percent of the total number of units; and

(2) In the style of diced or mixed pieces of irregular sizes and shapes, not more than 10 percent, by weight, of the drained peaches may consist of units that fail to meet the minimum color requirements for Grade C or may be off-color: *Provided*, That such units do not materially affect the appearance of the product.

(c) *(B) Classification.* Canned freestone peaches that possess a reasonably good color may be given a score of 16 or 17 points. Canned peaches that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means that the canned freestone peaches possess a reasonably bright color that may fail to meet minimum color requirements for Grade A but is equal to or better than pale yellow; that the units are practically free from any slight brown color due to oxidation which color may no more than slightly affect the appearance or edibility, or both, of the product; and that there may be present units which possess "fairly good color" as follows:

(1) In the styles of halves, quarters, slices, or whole, not more than 10 percent, by count, of the units may possess "fairly good color"; or one unit in a container is permitted to possess "fairly good color": *Provided*, That in all the containers comprising the sample such units do not exceed an average of 10 percent of the total number of units; and

(2) In the style of diced or mixed pieces of irregular sizes and shapes, 10 percent, by weight, of the drained peaches may possess "fairly good color."

(d) *(C), (D), and (C–SP) Classification.* Canned freestone peaches that possess a fairly good color and canned "solid-pack" freestone peaches that possess a fairly good color or better color may be given a score of 14 or 15 points. Canned freestone peaches or canned "solid-pack" freestone peaches that fall into this classification shall not be graded above U.S. Grade C or U.S. Grade C Solid-Pack, whichever is applicable, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means that the peaches possess a color that may fail to meet minimum color requirements for Grade B but is equal to or better than a dull greenish yellow; that the units may possess slight brown color due to oxidation provided such color does not materially affect the appearance or edibility, or both, of the product; and that the units may possess other color as follows:

(1) In the style of halves, quarters, slices, or whole, not more than 5 percent, by count of the units may fail to meet the minimum color for Grade C or may be off-color or one unit in a container is permitted to possess such color: *Provided*, That in all the containers comprising the sample such units do not exceed an average of 5 percent of the total number of units; and

(2) In the style of diced or mixed pieces of irregular sizes and shapes, not more than 5 percent, by weight, of the drained peaches may consist of units that fail to meet the minimum color requirements for Grade C or may be off-color: *Provided*, That such units do not materially affect the appearance of the product.

(e) *(SStd) and (SStd–SP) Classification.* Canned freestone peaches and canned "solid-pack" freestone peaches that fail to meet the requirements of paragraph (d) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard or Substandard Solid-Pack, whichever is applicable, regardless of the total score for the product (this is a limiting rule).

§ 52.2616 [Amended]

3. Change § 52.2616 as follows: Change the footnote designation preceding 16–17 score points opposite (B) for the factor of color from "2" to "1."

Dated: July 21, 1967.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 67-8684; Filed, July 25, 1967; 8:50 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 67-CE-88]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at O'Neill, Nebr.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

A public instrument approach procedure has been developed to serve the O'Neill, Nebr., Municipal Airport. The present transition area designation in this terminal area does not provide adequate controlled airspace protection for aircraft executing the newly developed public instrument approach procedure. In order to provide this protection it is necessary to alter the O'Neill transition area.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (32 F.R. 2148), the following transition area is amended to read:

O'NEILL, NEBR.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of O'Neill Municipal Airport (latitude 42°28'00" N., longitude 98°42'00" W.); and within 2 miles each side of the O'Neill VORTAC 315° radial, extending from the 5-mile radius area to 12 miles northwest of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 17-mile radius of O'Neill VORTAC extending clockwise from the north edge of V-100 to the northwest edge of V-148; and within 7 miles north and 10 miles south of the O'Neill VORTAC 278° and 093° radials, extending from 20 miles west to 9 miles east of the VORTAC.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348).

Issued at Kansas City, Mo., on July 10, 1967.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 67-8673; Filed July 25, 1967; 8:49 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-SO-70]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Asheboro, N.C., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Area Manager, Atlanta Area Office, Attention: Chief, Air Traffic Branch, Federal Aviation Administration, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The Asheboro transition area would be designated as:

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Asheboro Municipal Airport (latitude 35°39'15" N., longitude 79°58'41" W.).

The proposed transition area is required for the protection of IFR operations at the Asheboro Municipal Airport. A prescribed instrument approach procedure to this airport utilizing the Greensboro VORTAC is proposed in conjunction with the designation of this transition area.

The official docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Administration, Room 724, 3400 Whipple Street, East Point, Ga.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)).

Issued in East Point, Ga., on July 17, 1967.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 67-8679; Filed, July 25, 1967; 8:50 a.m.]

FEDERAL TRADE COMMISSION

[16 CFR Part 500]

REGULATIONS UNDER FAIR PACKAGING AND LABELING ACT

Extension of Time for Comments

The Federal Trade Commission's proposed mandatory regulations on the Fair Packaging and Labeling Act was published in the FEDERAL REGISTER of June 27, 1967 (32 F.R. 9109). The closing date for submission of written comments under that notice was 30 days from the date of its publication.

Notice is hereby given that the Commission has extended the closing date for submission of written views concerning the proposed mandatory regulations on the Fair Packaging and Labeling Act until August 28, 1967.

Issued: July 20, 1967.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 67-8627; Filed, July 25, 1967; 8:45 a.m.]

Notices

DEPARTMENT OF AGRICULTURE

Office of the Secretary

COLORADO, MICHIGAN, MISSOURI, NEBRASKA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the States of Colorado, Michigan, Missouri, and Nebraska natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

COLORADO

Adams.

MICHIGAN

Antrim.
Charlevoix.
Huron.
Mason.
Oceana.
Sanilac.
Van Buren.

MISSOURI

Franklin.
Monroe.
Pettis.
Warren.

NEBRASKA

Cedar.
Dixon.
Douglas.
Lincoln.
Logan.
McPherson.
Pawnee.
Sarpy.
Saunders.
Washington.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1968, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 20th day of July 1967.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67-8625; Filed, July 25, 1967; 8:45 a.m.]

GENERAL COUNSEL

Delegation of Authority

The delegation of authority at 30 F.R. 8722 (July 9, 1965), relating to the settlement of claims under the provisions of the Military Personnel and Civilian Employees' Claims Act of 1964, as amended, 31 U.S.C. 240-243, is amended by adding the following sentence: "The General Counsel may redelegate, in whole or in part, to other attorneys in the Office of the General Counsel authority to determine, settle, and pay such claims."

Done at Washington, D.C., this 20th day of July 1967.

ORVILLE L. FREEMAN,
Secretary of Agriculture.

[F.R. Doc. 67-8626; Filed, July 25, 1967; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC-D-103; NDA No. 12-268 et al.]

PUREX CORP.

Cutitone Acne Cream and All Other Drugs for Human Use Containing Bithionol; Notice of Opportunity for Hearing

Correction

In F.R. Doc. 67-8300, appearing at page 10615 of the issue for Wednesday, July 19, 1967, the matter of the first paragraph which precedes item (1) should read as follows:

Notice is hereby given to the Purex Corp., Wilmington, Calif. 90746, and to any interested person who may be adversely affected, that the Commissioner of Food and Drugs proposes to issue an order under the provisions of section 505(e) (21 U.S.C. 355(e)) of the Federal Food, Drug, and Cosmetic Act * * *.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ES-0929; Survey Group 142]

FLORIDA

Notice of Filing of Plats of Survey

JULY 20, 1967.

The plats of dependent resurvey and extension survey, including lands erroneously omitted from the original survey and the survey of islands in secs. 19, 24, 25, 30, 31, and 36, T. 24 S., Rs. 36 and 37 E., Tallahassee meridian, Florida, were accepted on June 26, 1967. The two plats will be officially filed in this Office effective at 10 a.m., on August 28, 1967. The plat of the same area, accepted on January 26, 1966, was canceled on June 26, 1967.

The character of the lands omitted from the original surveys and included in these surveys is similar in every respect to the lands included in the surveys of 1859. They were above ordinary high-water elevation in 1845, when Florida was admitted into the Union, and therefore have the status of public lands.

All subdivisions of sections surveyed herein are classified as being over 50 percent swamp land within the meaning of the Swamp and Overflowed Lands Act of September 28, 1850. Title to the lands inured to the State of Florida as of that date, and the lands are therefore open only to application by the State of Florida under the 1850 Act. They will not be open to any other applications for use or disposition under the public land laws, including the mining and mineral leasing laws.

The lands are described as follows:

T. 24 S., R. 36 E., Tallahassee meridian, Florida,
Sec. 24, S½SE¼, lots 6, 7, 8, and 9;
Sec. 25, N½NE¼, lots 6, 7, 8, 9, and 10;
Sec. 36, lot 5.
T. 24 S., R. 37 E., Tallahassee meridian, Florida,
Sec. 19, lot 8;
Sec. 30, lots 9 and 10;
Sec. 31, lot 8.

Containing an aggregate of 461.67 acres.

All inquiries relating to these lands should be sent to the Manager, Eastern States Land Office, Bureau of Land Management, Silver Spring, Md. 20910.

JOSEPH P. HAGAN,
Acting Manager, Land Office.

[F.R. Doc. 67-8620; Filed, July 25, 1967; 8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

DELEGATION OF AUTHORITY AND ALLOCATIONS AND PRIORITIES FOR TRANSPORTATION DURING RAIL STRIKE

Notice of Termination

Notice is hereby given that the Secretary of Transportation hereby terminates the requests of, and delegation of authority to, the Secretary of Commerce, the Chairman of the Interstate Commerce Commission, and the Chairman of the Civil Aeronautics Board, made under the authority of Executive Order 11362, and published in the FEDERAL REGISTER on July 18, 1967 (32 F.R. 10521).

(Sec. 101(a), Defense Production Act of 1950, as amended (50 U.S.C. App. 207(a)); Executive Order 10480; Executive Order 11362; sec. 4(a), Department of Transportation Act (80 Stat. 933))

Issued in Washington, D.C., on July 19, 1967.

ALAN S. BOYD,
Secretary of Transportation.

[F.R. Doc. 67-8681; Filed, July 25, 1967; 8:51 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 18694]

AEROLINEAS ARGENTINAS

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding is assigned to be held on August 4, 1967, at 2:30 p.m., e.d.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned examiner.

Dated at Washington, D.C., July 19, 1967.

[SEAL] JOSEPH L. FITZMAURICE,
Hearing Examiner.

[F.R. Doc. 67-8635; Filed, July 25, 1967; 8:46 a.m.]

[Docket No. 18792]

TORONTO AIRWAYS, LTD.

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding is assigned to be held on July 27, 1967, at 10 a.m., e.d.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned examiner.

Dated at Washington, D.C., July 19, 1967.

[SEAL] JOSEPH L. FITZMAURICE,
Hearing Examiner.

[F.R. Doc. 67-8634; Filed, July 25, 1967; 8:46 a.m.]

[Docket No. 18361]

BERMUDA SERVICE INVESTIGATION

Amended Order of Consolidation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 12th day of July 1967.

By Order E-25254, dated June 6, 1967, the Board, inter alia, amended its original order of investigation, Order E-24935, to include Philadelphia as a coterminal point. Applicants were given until June 20, 1967, to amend their applications to serve Philadelphia.

Amendments to designate Philadelphia as a coterminal point and motions to consolidate were filed by Allegheny, Amendment No. 1 to Docket 18458; Braniff, Amendment No. 1 to Docket 18452; Delta, Amendment No. 2 to Docket 18435; Eastern, Amendment No. 4 to Docket 16093; National, Amendment No. 1 to Docket 18451; Northeast, Amendment No. 1 to Docket 18449; Northwest, Amendment No. 2 to Docket 18453; and Trans Caribbean, Amendment No. 3 to Docket 15974.

Accordingly, it is ordered:

1. That ordering paragraph 1 of Order E-24935 be and it hereby is amended to read:

1. That an investigation to be known as the Bermuda Service Investigation be, and it hereby is, instituted in Docket 18361, pursuant to sections 204(a) and 401(g) of the Federal Aviation Act of 1958, as amended, to determine whether the public convenience and necessity require the alteration, amendment or modification of carrier authorizations so as to certificate one or more air carriers to provide foreign air transportation between the coterminal points Chicago, Detroit, Boston, New York/Newark, Philadelphia, Washington, Baltimore, and Washington-Baltimore, on the one hand, and the terminal point Bermuda, on the other hand;

2. That ordering paragraph 4 of Order E-24935 be and it hereby is amended to read:

4. That the following applications or parts thereof, to the extent they conform to the scope of this proceeding, be and they hereby are consolidated with Docket 18361: Allegheny, Amendment No. 1 to Docket 18458; Braniff, Amendment No. 1 to Docket 18452; Delta, Amendment No. 2 to Docket 18435; Eastern, Amendment No. 4 to Docket 16093; National, Amendment No. 1 to Docket 18451; Northeast, Amendment No. 1 to Docket 18449; Northwest, Amendment No. 2 to Docket 18453; Pan American, Docket 15819; and Trans Caribbean, Amendment No. 3 to Docket 15974.

3. That this order be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 67-8737; Filed, July 25, 1967; 8:51 a.m.]

FEDERAL RESERVE SYSTEM

BARNETT NATIONAL SECURITIES CORP.

Notice of Applications for Approval of Acquisition of Shares of Banks

Notice is hereby given that applications have been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by Barnett National Securities Corp., which is a bank holding company located in Jacksonville, Fla., for the prior approval of the Board of the acquisitions by Applicant of 80 percent or more of the voting shares of each of the American National Bank & Trust Co. in Winter Haven, Winter Haven, Fla., and the American National Bank in Cypress Gardens, Cypress Gardens, Fla.

Section 3(c) of the Act provides that the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that in every case, the Board shall take into consideration, the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisitions may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

Dated at Washington, D.C., this 18th day of July 1967.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 67-8618; Filed, July 25, 1967; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-266]

WISCONSIN MICHIGAN POWER CO.

Notice of Issuance of Provisional Construction Permit

Notice is hereby given that, pursuant to the initial decision of the Atomic Safety and Licensing Board, dated July 18, 1967, the Director of the Division of Reactor Licensing has issued Provisional Construction Permit No. CPPR-32 to Wisconsin Michigan Power Co. for the construction of a pressurized water nuclear reactor on the applicant's site which is located in the town of Two Creeks, Manitowoc County, Wis. The reactor, known as the Point Beach Unit No. 1, is designed for initial operation at approximately 1,396 thermal megawatts.

A copy of the initial decision is on file in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 19th day of July 1967.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 67-8617; Filed, July 25, 1967; 8:45 a.m.]

CIVIL SERVICE COMMISSION

ELECTRICIANS ET AL.

Notice of Manpower Shortage

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission has found that there is a manpower shortage for the following positions:

Series, code and grade	Position	Location	Effective date
Wage board positions	Electrician, Electronics Mechanic, Fire Control Mechanic, Sheet Metal Worker, Joiner, Boilermaker, Pipefitter, Toolmaker, Instrument Mechanic (Electrical).	City of Philadelphia, Pa.	Oct. 7, 1967
WB-11	Electronics Mechanic (Ordnance)	Naval facilities in Keyport, Bangor, Bremerton, Wash.	Oct. 26, 1966
WB-12	Electronics Mechanic		
Wage board positions	Machinist (Marine)	Naval facilities in Keyport, Bremerton, Wash.	Nov. 14, 1966
	Machinist (Maintenance)		
W-6407-10 [1]	Power Plant Controlman	Adak, Alaska	Jan. 26, 1967
Journeyman	Toolmaker	Puget Sound Naval Shipyard, Bremerton, Wash.	Mar. 20, 1967
Wage board positions	Pipefitter, Machinist (Marine), Electrician, Radio Mechanic.	Portsmouth Naval Shipyard, Portsmouth, N.H.	Apr. 28, 1967
GS-1020-7 [1]	Medical Illustrator	William Beaumont General Hospital, El Paso, Tex.	Nov. 4, 1966
GS-110-14 [1]	Regional Economist	Department of the Army, Lower Mississippi Valley Division, Corps of Engineers, Vicksburg, Miss.	Dec. 5, 1966
GS-110-13 [1]	Economist	Department of the Army, Lower Mississippi Valley Division, Corps of Engineers, Vicksburg, Miss.	Jan. 13, 1967
GS-334-9/12	Digital Computer, Programer, Digital Computer, Systems Analyst.	Internal Revenue Service, U.S. Treasury Department, Detroit, Mich.	Feb. 9, 1967
GS-1670-11 [1]	Equipment Specialist (Electronics)	Columbus Air Force Base, Columbus, Miss.	Feb. 10, 1967
GS-188-5/9	Recreation Specialist (all options)	Fort Leonard Wood, Mo.	Feb. 24, 1967
GS-662-11 [1]	Optometrist	U.S. Naval Air Station, Alameda, Calif.	Mar. 30, 1967
GS-018-11 [1]	Safety Officer	Adak, Alaska	Apr. 13, 1967
GS-2181-11 [1]	Test Pilot/Specialist	John F. Kennedy International Airport, Jamaica, N.Y.	Apr. 20, 1967
GS-630-5/11	Blind Rehabilitation Specialist (all options)	Veterans Administration Hospital, Palo Alto and Menlo Park, Calif.	May 1, 1967
GS-665-10 [1]	Speech Pathologist	Veterans Administration Hospital, St. Louis, Mo.	May 25, 1967

[1] This finding will terminate when the position is filled.

Appointees to these positions may be paid for the expenses of travel and transportation to their first duty station.

[SEAL] UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-8630; Filed, July 25, 1967; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 17378; FCC 67M-1207]

CABLE VISION, INC.

Order Scheduling Hearing

In re petition by Cable Vision, Inc., Lewiston and Auburn, Maine, Docket No. 17378, File No. CATV 100-20; for authority pursuant to § 74.1107 of the rules to operate CATV systems in the Portland-Poland Spring television market.

At a conference held today the Examiner explained to the parties that his order vacating the then scheduled hearing date (FCC 67M-1135) was necessitated by conflict in his own calendar. Under the circumstances, all parties agreed that hearing in this matter would be scheduled for September 6, 1967.

So ordered.

Issued: July 20, 1967.
Released: July 21, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-8640; Filed, July 25, 1967; 8:46 a.m.]

[Docket Nos. 11227, 17688; FCC 67-825]

CITY OF NEW YORK MUNICIPAL BROADCASTING SYSTEM (WNYC) AND MIDWEST RADIO-TELEVISION, INC. (WCCO)

Memorandum Opinion and Order Designating Application for Hearing and Modifying Issues

In re application of City of New York Municipal Broadcasting System (WNYC), New York, N.Y., Docket No. 11227, File No. BSSA-226; for special service authorization to operate additional hours from 6 a.m., e.s.t., to sunrise New York, N.Y., and from sunset Minneapolis, Minn., to 10 p.m., e.s.t.

In re applications of City of New York Municipal Broadcasting System (WNYC), New York, N.Y., Docket No. 17688, File No. BP-16146; has: (a) 830 kc, 1 kw, DA, L-WWCO, Class II; and (b) special service authorization to operate additional hours from 6 a.m., e.s.t., to sunrise New York, N.Y., and from sunset Minneapolis, Minn., to 10 p.m., e.s.t.; requests: 830 kc, 50 kw, DA-2, Specified hours (6 a.m., e.s.t., to 10 p.m., e.s.t.), Class II; and Midwest Radio-Television, Inc. (WCCO), Minneapolis, Minn.; has: 830 kc, 50 kw, U, Class I-A; requests: 830 kc, 750 kw, DA-N, U, Class I-A; for construction permits.

1. The Commission has before it for consideration: (a) The above-captioned and described applications;[1] (b) a petition for reconsideration, filed by Midwest Radio-Television, Inc. ("WCCO"), objecting to the Commission's memorandum opinion and order in Docket No. 11227, adopted November 17, 1965 (1 FCC 2d 1370, 6 RR 2d 455), accepting the City of New York Municipal Broadcasting System ("WNYC") construction permit application for filing; (c) a petition by WCCO for waiver of the rules to permit acceptance of its construction permit application; (d) a WNYC pleading entitled, "Motion To Strike WCCO's Petition for Waiver of the Rules, To Return the Accompanying Application, and for Other Relief"; (e) a petition, filed by Hubbard Broadcasting, Inc. (licensee of standard broadcast Station KSTP, St. Paul, Minn.), for denial of WCCO's construction permit application; (f) informal objections to the proposed WCCO 750 kw operation by the Buckley-Jaeger Broadcasting Corp. of Minnesota (licensee of standard broadcast Station WWTC, Minneapolis, Minn.), and the North Dakota Broadcasters' Association; and (g) related pleadings, affidavits et al.

2. At the outset of its petition for reconsideration, WCCO asserts that it presents arguments therein which for the first time go to the merits of WNYC's construction permit application and accompanying request for waiver, rather than merely to their alleged procedural deficiencies. WCCO acknowledges that its substantive arguments were not previously presented only because WCCO chose to go forward initially on procedural grounds alone, in hopes that, at its request, we would divide our threshold determination, as to the acceptability of the WNYC application for filing, into two stages: first a decision regarding procedural deficiencies, and then, if necessary, after submission of further pleadings, a decision on the substantive

[1] The Midwest Radio-Television, Inc., construction permit application was tendered in the form of an amendment to a previously tendered developmental station application for authority to operate WCCO(AM), Minneapolis, Minn., with 750 kw.

merits. This explanation does not constitute sufficient warrant for the presentation of new arguments at this time. Nonetheless we will consider them, treating WCCO's petition for reconsideration, to the extent that it raises new substantive arguments, as if it were a petition to deny.

3. Apart from its particular opposition to WNYC's 50 kw proposal, WCCO's petition for reconsideration expresses the petitioner's long-standing opposition to any pre-sunrise or nighttime broadcast service by WNYC, whether regularly licensed or pursuant to a year-to-year special authorization; whether conducted with WNYC's present facilities, equipment, and site, or those now proposed. The petition's arguments regarding that may be viewed as a summary presentation of WCCO's position on the basic question of whether the public interest would be better served by (i) a continuation of WNYC broadcast service from 6 a.m., e.s.t., to sunrise New York City and from sunset Minneapolis to 10 p.m., e.s.t., or (ii) a removal of the interference that such WNYC broadcast service has, for the past 23 years, caused to a portion of WCCO's 0.5 mv/m-50 percent skywave secondary service area. WNYC holds one view; WCCO holds another. Our intention is to refrain from judgment on the matter until we have had an opportunity to fully consider the detailed evidence and arguments contained in the final record of the proceeding in Docket 11227.

4. In addition to the foregoing, WCCO objects to our acceptance of WNYC's 50 kw proposal on two general grounds: First, that the proposal is so inconsistent with established Commission allocation policies as not even to warrant acceptance for filing, and, second, that the manner of acceptance of WNYC's proposal was unfair, violative of due process, and discriminatory.

5. In support of the first of these grounds, WCCO contends that WNYC's proposed 50 kw operation would constitute an inefficient use of the channel; that it would cause "substantially the same destruction of WCCO's service" as does the present operation (petition, par. 12) or increase interference to WCCO (id., par. 13(iv)); and that WNYC has failed to demonstrate that it needs, either for daytime or nighttime operation, the increase to 50 kw which it seeks.

6. With respect to all three of these subsidiary arguments, it should be noted, first of all, that the WNYC presunrise and nighttime proposal—assuming that it provides at least as much protection to WCCO as does WNYC's present operation—is clearly within the scope of the Commission's invitation. On October 24, 1963, the Commission adopted a memorandum opinion and order in Docket No. 11227 which called upon WNYC to submit a construction permit application for regularly licensed operation from 6 a.m. to 10 p.m., e.s.t., and which stated, regarding that: "[T]here is a possibility that should WNYC operate nighttime in a manner somewhat different than at present, it conceivably could utilize higher power and still afford WCCO as much or even greater protection than at present. The parties should consider this possibility in connection with the regular application to be filed by WNYC." This suggestion to WNYC by the Commission was quite obviously made in recognition of the size of New York City with its seven and a half million residents, and the possibility that service could be improved. The phrase, "The parties should consider this possibility," was hardly intended to give WCCO any veto power, but rather reflected the hope that consultation between WNYC and WCCO might result in a mutually satisfactory proposal.

7. Regarding WCCO's contention that WNYC's proposed 50 kw operation would constitute an inefficient use of the channel, WCCO will be given every opportunity in hearing to develop its case. For that purpose, an issue will be specified to determine whether, because of the interference received, the proposed nighttime operation of Station WNYC would be inconsistent with the requirements of the note to § 73.24(b) of the Commission's rules and, if so, whether circumstances exist which would warrant a waiver of that section.

8. Regarding WCCO's second subpoint, WNYC has submitted an engineering study in support of its contention that interference with WCCO's nighttime secondary service would be substantially reduced, and that daytime radiation toward WCCO would be reduced as well, by the substitution of its proposed 50 kw operation; WCCO has thus far challenged that study only with a general statement[2] which it attributes to the Commission but for which it supplies neither adequate citation (other than a docket number) nor a clear explanation of its specific application to the matter at hand.

9. It is conceivable that the WNYC 50 kw proposal would cause more damage to existing cochannel or other broadcast operations, and potential adjacent-channel operations, than appears on the basis of the evidence submitted thus far. That, however, remains to be shown; and WCCO will be given every opportunity, as a party to the proceeding, to bring evidence and arguments to the Commission's attention to persuade it that that is so. Appropriate hearing issues will be specified for that purpose. These will include, inter alia, issues to determine the extent to which the WNYC proposal would cause interference to WCCO or other existing standard broadcast stations, whether the proposal would seriously prejudice future consideration of the 820 and 840 kilocycle Class I-A channels, and, in addition, issues to determine whether the site is satisfactory, and whether the array can be adjusted and maintained as proposed.

10. As for WCCO's contention that WNYC has failed to demonstrate the superiority of the proposed site, and 50 kw daytime and nighttime operations thereon, as compared with other alternatives which it should have explored—we find, first, that WCCO has failed to submit specific evidence sufficient to raise a substantial question as to whether WNYC misused the Commission's above-cited invitation by refraining from consideration of alternative transmitter-antenna sites from which it could, with lower power, adequately serve New York area residents and, at the same time, provide sufficient protection to WCCO et al.; and, second, that unless WNYC's proposed daytime operation at the Staten Island site would adversely affect existing broadcast operations or seriously prejudice future consideration of the 820 and 840 kilocycle Class I-A channels, there would seem to be no particular advantage in obligating WNYC to maintain separate transmitter-antenna systems at two different sites. For these reasons, this objection will not be further entertained.

11. In addition to the foregoing, an issue will be specified concerning the nature and character of the program services respectively proposed to be rendered by WNYC and WCCO. This issue is intended to encourage the submission of evidence designed to facilitate an evaluation of the importance of WNYC's daytime and nighttime programing to residents of its primary service area, in the light of competing available services; and, similarly, an evaluation of the importance of WCCO's programing, during the hours of interference, to residents of that part of its 0.5 mv/m-50 percent skywave secondary service area in which it would suffer interference from WNYC.

12. WCCO also alleges that the procedures adopted by the Commission in connection with its acceptance of the WNYC 50 kw application "unfairly discriminate in favor of WNYC and violate due process." In support of that allegation WCCO attacks the Commission's rectitude in (i) accepting WNYC's daytime proposal; (ii) deciding, in its October 24, 1963, remand memorandum opinion and order, to consolidate consideration of the then-anticipated WNYC construction permit application with its then-pending SSA application in the proceeding in Docket No. 11227; (iii) allowing a cutoff period of "only" 40 days after acceptance of the WNYC construction permit application; (iv) indicating in the cutoff public notice that applications for "substantially the same facilities" as those sought by WNYC would be accepted during the cutoff period; and (v) not calling up WNYC's regularly licensed operation for renewal.

13. The Commission's reason for accepting the WNYC daytime proposal for filing is explained in paragraph 10 supra. The issues to be specified in this order have been designed to give WCCO full opportunity to submit evidence, in hearing, as to the alleged undesirability of a grant of the WNYC daytime proposal.

14. WCCO's objection to that portion of our October 24, 1963, memorandum opinion and order which provides for consolidated consideration of the WNYC special service authorization and construction permit applications is both untimely and unwarranted. Consolidated

[2] I.e., that a reasonably accurate prediction of actual radiation requires adding 10 percent of the RMS or R88 field strength to the theoretical field in any direction.

consideration of matters involving common questions of law or fact is a commonplace occurrence in both administrative and judicial procedure. It had no adverse effect on WCCO whatsoever. As for the possible effect on potential rivals for the facilities to be sought by WNYC, it should suffice to point out that WNYC's application was tendered on March 16, 1964, and was not accepted for filing until November 17, 1965, just a year and a half later. Potential competitors thus had ample time, prior to acceptance of the WNYC application, to prepare rival applications for submission.[1] This fact should also fully dispose of WCCO's contention that our allowance of a 40-day cutoff period was insufficient.

15. WCCO objects to the words, "substantially the same facilities," in the "cutoff" public notice on the ground that its plain intendment was to bar acceptance to all applicants except those interested in an assignment on 830 kc in New York City. This objection is singularly inappropriate. The Commission made it perfectly clear in its Clear Channel rule-making decision (report and order in Docket 6741 (1961), 31 FCC 565, at paragraphs 75–76, and, adopted therein, Note 2 to § 73.25 of the rules) that, with respect to the 830 kc frequency, immediate provision was being made only for consideration of a construction permit application for a Class II station operating on 830 kc at New York, N.Y., during specified nighttime hours.

16. Exceptional treatment was given to the question of 830 kc utilization because of the fact that WNYC, New York, a nonrevenue, municipal-government operated broadcast station with program service objectives different from those of a commercial station, had been operating during certain presunrise and postsunset hours since 1943 pursuant to a year-to-year special service authorization—a makeshift arrangement which was unsatisfactory to all concerned. In adopting Note 2 to § 73.25 (then § 3.25), the Commission sought to provide for an ultimate regularization, one way or another, of WNYC's operating schedule. Nothing in either the governing statutes or the Commission's own rules and practices obligated the Commisdon, under these circumstances, to especially encourage applications competitive to WNYC's by also requiring that WNYC concurrently file, for consolidation with its above-captioned applications, an application for renewal of the broadcast license then in its possession. Needless to say, any potential applicants seeking to supplant WNYC entirely, with a new station of their own, could still file a competing application at WNYC's regular license-renewal time.

17. WCCO's construction permit application for 750 kw operation[4] is accompanied by a petition for waiver of the Commission's rules barring acceptance of the application.[5] In support of its request for waiver, WCCO asserts that 750 kw operation by Station WCCO would provide improved and expanded skywave and groundwave broadcast service to wide areas which now receive insufficient service, and notes the fact that the Commission has designated 830 kc as one of the 12 frequencies on which it may, at some future time, authorize broadcast service with power in excess of 50 kw. It points out that in 1963, WCCO (like other stations on those 12 frequencies) filed a petition for institution of rule-making looking towards 750 kw operation, that in 1964 it filed a 750 kw developmental station application, and that the Commission has not yet acted on either of these submissions. However, WCCO continues, in 1965 the Commission, did (over WCCO's objections) accept for filing the above-captioned WNYC application which would cause objectionable interference to a large part of WCCO's present nighttime secondary service area, and to an even larger part of WCCO's proposed service area. WCCO's proposed 750 kw operation, it adds, would impose a high limitation upon WNYC's proposed 50 kw nighttime operation. Thus, WCCO argues, the WNYC and WCCO power-increase proposals are mutually exclusive; and, therefore, since the Commission waived its rules to permit acceptance of the WNYC application, failure to do the same for WCCO would be discriminatory and, in addition, would negate the Commission's previous decision to refrain generally from actions prejudicial to the possibility of future utilization of the 830 kc frequency by broadcast stations with more than 50 kw of power.

18. WCCO's petition for waiver, and for acceptance of its 750 kw construction permit application, will be denied.[6] We have no doubt that a grant of authority to WCCO to operate with 15 times as much power as any other Commission-licensed standard broadcast station in the United States would enable WCCO to improve the quality and enlarge the range of its broadcast signal. The Commission has made it abundantly clear, however, that the matter of 750 kw clear channel licensing will not be settled on a piecemeal, case-by-case basis. The issues involved, affecting as they do the entire fabric of standard broadcast service in the United States, are too broad and far-reaching for such a haphazard approach to be permissible. Though the Commission has not formally acted thus far on requests for the institution of rule-making proceedings, this does not mean that the question of "superpower" has been lying fallow. The matter is definitely under study at this time, and if the pace of our preliminary exploration seems too slow for WCCO, we can only urge it to reflect upon the complexity of the issues involved. Regarding WCCO's contention that failure to consider its 750 kw proposal in the WNYC proceeding would be prejudicial to the future prospects of that proposal, note should be taken of the fact that the intent of the Clear Channel decision with respect to the "specific problem" concerning utilization of the 830 kc frequency—as demonstrated by the discussion in it of that frequency, and Note 2 to § 73.25(a) of the rules[7]—was to give priority treatment to the question of regular New York City 830 kc broadcast operations, in isolation from the question of possible impact upon potential higher-power operations by WCCO; and then, at some later date, to consider the question of superpower on 830 kc in the light of, among other things, the conclusions reached in the WNYC proceeding.

19. In view of the foregoing, the Commission is unable to make the statutory finding that a grant of the WNYC construction permit application would serve the public interest, convenience, and necessity, and is of the opinion that the application must be designated for hearing in the proceeding in Docket No. 11227 on the issues set forth below.

Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the City of New York Municipal Broadcasting System application is designated for hearing in the present proceeding in Docket No. 11227 together with the above-captioned amended application for extension of a special service authorization.

[1] WCCO criticizes the Commission's decision to consolidate consideration of WNYC's special service authorization and construction permit applications on the ground that it prevented potential rivals of WNYC from knowing, prior to acceptance of the WNYC application for filing, whether the Commission would accept any applications for the facilities sought by WNYC. In this argument, WCCO would seem to be accusing the Commission of unfairness, discrimination, et al. because the Commission adopted a procedure which had the incidental effect of placing potential rivals for the facilities sought by WNYC in the same uncertain position, prior to our acceptance of the WNYC application, that WNYC was in when it undertook to prepare its construction permit application.

[4] Tendered in the form of an amendment to a previously tendered developmental station application for authority to operate WCCO with 750 kw.

[5] Cited in particular by WCCO are §§ 73.35(a), 73.21(a)(1), 73.41, and 73.182(a)(1) of the Commission's rules.

[6] As indicated in note 1 supra, WCCO's construction permit "application" was tendered in the form of an amendment to a previously tendered WCCO 750 kw development station application. Our decision to deny WCCO's request for waiver and to return its amendment will of course in no way change the status of WCCO's previously tendered developmental station application.

[7] Clear Channel decision, pars. 75 and 76, and ordering clause 6. In particular, note the explicit statement, in the first sentence of par. 76, that the clear channel decision is not intended to have a prejudicial effect upon the ultimate decisions in the WNYC adjudicatory proceeding.

It is further ordered, That the issues in the aforementioned proceeding are modified to read as follows:[1]

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed (a) daytime, and (b) presunrise and postsunset, operations of WNYC and the availability of other primary service to such areas and populations.

2. To determine whether the proposals of the City of New York Municipal Broadcasting System would cause objectionable interference to Station WCCO, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary and secondary service to such areas and populations.

3. To determine whether, in light of the interference that it would receive, the proposed 50 kw nighttime operation of Station WNYC would be consistent with the requirements of the note to § 73.24(b) of the Commission's rules and, if not, whether circumstances exist which would warrant a waiver of that section.

4. To determine whether the 50 kw proposal of the City of New York Municipal Broadcasting System would seriously prejudice future consideration of the 820 and 840 kilocycle Class I–A channels.

5. To determine whether the 50 kw transmitter site proposed by the City of New York Municipal Broadcasting System is satisfactory with particular regard to any conditions that may exist in the vicinity of the antenna system which would distort the proposed antenna radiation pattern.

6. To determine whether the City of New York Municipal Broadcasting System will be able to adjust and maintain the 50 kw directional antenna system as proposed in the instant application.

7. To determine the type and character of the program services respectively proposed to be rendered by Stations WNYC and WCCO; whether and to what extent WNYC daytime and nighttime proposed programing would serve special needs and requirements of the population and areas proposed to be served; and whether and to what extent WCCO's programing, during the hours of interference to it from WNYC, would meet special needs and interests of residents of those areas in which such interference would occur.

8. To determine whether or not there is any unusual and temporary need for the requested special service authorization, and if there is, the nature and extent thereof.

9. To determine whether or not a grant of either proposal would tend towards a fair, efficient, and equitable distribution of radio service among the several States and communities, as contemplated by section 307(b) of the Communications Act of 1934, as amended.

10. To determine which of the proposals would best serve the public interest.

11. To determine, in the light of the evidence adduced with respect to the foregoing issues, which, if either, of the applications should be granted.

It is further ordered, That the Midwest Radio-Television, Inc., "Petition for Reconsideration" of our November 17, 1965, memorandum opinion and order accepting for filing the City of New York Municipal Broadcasting System application for a construction permit and amendment to an application for extension of a special service authorization, is denied.

It is further ordered, That Midwest Radio-Television, Inc.'s "Petition for Waiver" of the rules concerning acceptance of its application for a construction permit for 750 kw operation of standard broadcast Station WCCO, Minneapolis, Minn., is denied, and that the amendment tendered December 29, 1965, to its 750 kw experimental application shall be returned as unacceptable for filing.

It is further ordered, That Midwest Radio-Television, Inc., is made a party with respect to the above-captioned City of New York Municipal Broadcasting System construction permit application.

It is further ordered, That the requests, petitions, et al. filed in this matter are granted to the extent indicated above, and are denied in all other respects.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and party respondent herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: July 12, 1967.

Released: July 21, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[2]
BEN F. WAPLE,
Secretary.

[SEAL]

[F.R. Doc. 67-8641; Filed, July 25, 1967; 8:46 a.m.]

[1] Former issue 7 (i.e., "To determine whether or not the proposed operation conforms to and complies with the Rules and Regulations of the Commission, including the Standards of Good Engineering Practice Concerning Standard Broadcast Stations"), adopted Sept. 21, 1955, pursuant to a petition to enlarge issues, has been deleted, on our own motion, in accordance with the Commission's present policy favoring greater specificity of issues. In doing so, we note that WCCO may at this time file a new motion to enlarge, change, or delete issues, pursuant to § 1.229 of the rules. Particular note is taken of paragraph (c) of that section, which provides that "Such motions * * * shall contain specific allegations of fact sufficient to support the action requested * * * [and that] Such allegations of fact, except for those of which official notice may be taken, shall be supported by affidavits of a person or persons having personal knowledge thereof."

[2] Commissioners Bartley, Cox, and Loevinger absent.

[Docket Nos. 17200–17208; FCC 67M–1208]

FETZER CABLE VISION ET AL.

Order Scheduling Further Hearing Conference

In re petitions by Fetzer Cable Vision, Kalamazoo, Mich., Docket No. 17200, File No. CATV 100–12; Booth American Co., North Muskegon, Muskegon, Muskegon Township, Muskegon Heights, Norton Township, and Roosevelt Park, Mich., Docket No. 17201, File No. CATV 100–45; Allegan Tele-Ception, Inc., Allegan, Mich., Docket No. 17202, File No. CATV 100–116; for authority pursuant to § 74.1107 of the rules to operate CATV systems in the Grand Rapids-Kalamazoo Market (ARB–36); et al., Docket Nos. 17203, 17204, 17205, 17206, 17207, 17208.

The Hearing Examiner is in receipt of a communication dated July 18, 1967, from counsel for Allegan Tele-Ception, Inc., requesting a hearing conference in this proceeding;

It appearing, that good cause exists why said request should be granted:

Accordingly, it is ordered, That there will be a further hearing conference in this matter on August 1, 1967, 10 a.m., in the Commission's offices, Washington, D.C.

Issued: July 19, 1967.

Released: July 21, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE,
Secretary.

[SEAL]

[F.R. Doc. 67-8642; Filed, July 25, 1967; 8:47 a.m.]

[Docket No. 10834, etc.; FCC 67-798]

FLORIDA-GEORGIA TELEVISION CO., INC., ET AL.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Florida-Georgia Television Co., Inc., Jacksonville, Fla., Docket No. 10834, File No. BPCT–1624; Community First Corp., Jacksonville, Fla., Docket No. 17582, File No. BPCT–3681; The New Horizons Telecasting Co., Inc., Jacksonville, Fla., Docket No. 17583, File No. BPCT–3731; Florida Gateway

Television Co., Jacksonville, Fla., Docket No. 17584, File No. BPCT-3732; for construction permit for new television broadcast station.

1. The Commission has before it for consideration the above-captioned applications, each requesting a construction permit for a new television broadcast station to operate on Channel 12, Jacksonville, Fla. The applications are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference.

2. The Commission also has before it a Petition for Hearing and Audit, filed by Harold S. Cohn, Sr., a director and 19 percent stockholder of Florida-Georgia. No certification of service was filed with the petition. If we treat the petition as a Petition to Deny, it was not timely filed in accordance with the requirements of § 1.580(i) of the Commission's rules. The petition asks the Commission to order an audit of the books of Florida-Georgia when designating the application. The petition also asks that issues be raised in the hearing order on whether the majority of stockholders have improperly diverted funds and mismanaged the business affairs of the corporation. No factual allegations of fraud have been made by Mr. Cohn. The relief he seeks can be applied for in the appropriate state court. The petition will therefore be dismissed.

3. Ordinarily, the Commission requires applicants for a new broadcast station to show the availability of sufficient funds to construct and operate the proposed station for 1 year. Where an applicant relies, in whole or in part, on advertising revenues to meet its costs of operation in the first year, the Commission requires that the applicant demonstrate the validity of its estimate of revenues by a comprehensive showing.[1] In the present case, however, each of the applicants (except Florida-Georgia), seeks to replace a station which has an established record of advertising revenues stretching over a prolonged period of time; the availability of revenues is beyond dispute. For this reason, we do not believe that it is necessary to require the applicants to meet the requirements of the Ultravision decision. We will, therefore, apply our former standard which required an applicant to show that it had sufficient funds to construct and operate the proposed station for three months without revenues.[2]

a. In connection with the application of Community First Corp.:

(1) Based on information contained in the application, cash of approximately $995,000 will be required for the construction and operation of the proposed station.[3] To meet these requirements, the applicant relies upon existing capital of $33,100, stock subscriptions of $100,000, a bank loan of $2,000,000, for a total of $2,133,100.

(2) It appears that the applicant has $33,100 available to it in existing capital and not more than $10,000 available in funds from financially qualified subscribers. Except for Mr. Ernest A. Allsopp, none of the other subscribers has submitted a balance sheet or financial statement as required by section III, paragraph 4(d), FCC Form 301.[4] The letter from the Florida National Bank of Jacksonville, dated February 25, 1966, upon which the applicant relies to support the availability of a loan of $2 million does not set forth the terms or conditions upon which the loan is to be made, but states that financing will be arranged "under appropriate and legal conditions." In addition, the letter fails to mention the security to be required, if any.

b. In connection with the application of Florida Gateway Television Co.:

(1) Based on information contained in the application, cash of approximately $863,000 will be required for the construction and operation of the proposed station.[5] The exact amount of cash required cannot be determined because the bank letter fails to set forth the terms and conditions under which the loan is to be made. To meet these requirements, the applicant relies upon existing capital of $44,469 and a bank loan of $2 million for a total of $2,044,469.

(2) It appears that the applicant has $44,469 available to it in existing capital. The letter from the Florida National Bank of Jacksonville, dated February 25, 1966, upon which the applicant relies to support the availability of a loan of $2 million does not set forth the terms or conditions upon which the loan is to be made or the security to be required, if any.

c. In connection with the application of New Horizons Telecasting Co.:

(1) Based on information contained in the application, cash of approximately $1,891,800 will be required for the construction and operation of the proposed station.[6] The exact amount of cash required cannot be determined because the bank letter fails to set forth the terms and conditions under which the loan is to be made. To meet these requirements, the applicant relies upon existing capital of $17,171, a bank loan of $2 million, and stock subscriptions of $107,892 for a total of $2,125,063.

(2) It appears that the applicant has available to it, $17,171, in existing capital. None of the proposed stockholders has filed a balance sheet or financial statement to show current and liquid assets (as defined in paragraph 4(d), section III, FCC Form 301) in excess of current liabilities in sufficient amount to meet his commitments to the applicant. Of the thirteen subscribers only Mr. Bernard E. Karlen has submitted a balance sheet, but it does not indicate current and liquid assets in excess of current liabilities sufficient to meet his commitment to the applicant. The letter from the Florida National Bank of Jacksonville, dated April 19, 1966, upon which the applicant relies to support the availability of a loan of $2 million does not set forth the terms and conditions upon which the loan is to be made, or the security required, if any.

4. Since Federal Aviation Administration approval has not been obtained for New Horizons Telecasting Co.'s proposed tower height and location, an air menace issue will be specified, and the Federal Aviation Administration will be made a party thereto.

5. In connection with the statement concerning commercial practices made in the application of New Horizons Telecasting Co., an issue has been specified to determine under what circumstances the applicant may depart from its general commercial practices and the limitations which will be applicable in those circumstances.

6. Except as indicated by the issues specified below, the Commission finds that the applicants are qualified to construct, own and operate the proposed television broadcast station. The applications are, however, mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference. The Commission is, therefore, unable to make the statutory finding that grant of the applications would serve the public interest, convenience and necessity and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below.

Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order, upon the following issues:

1. In connection with the application of Community First Corp. to determine:

(a) Whether the subscribers, other than Mr. Ernest S. Allsopp, have current and liquid assets (as defined in section III, paragraph 4(d), FCC Form 301), in excess of current liabilities in sufficient amount to meet their commitments to the applicant.

(b) The terms, conditions and security, if any, required in connection with the proposed loan from Florida National Bank of Jacksonville.

(c) Whether, in the light of the evidence adduced pursuant to the foregoing, the applicant is financially qualified.

2. In connection with the application of Florida Gateway Television Co., to determine:

(a) The terms, conditions and security, if any, required in connection with the proposed loan from Florida National Bank of Jacksonville.

(b) Whether, in the light of the evidence adduced pursuant to the foregoing, the applicant is financially qualified.

3. In connection with the application of New Horizon Telecasting Co., to determine:

(a) Whether the subscribers have current and liquid assets (as defined in section III, paragraph 4(d), FCC Form 301) in excess of current liabilities in sufficient amount to meet their commitments to the applicant.

(b) The terms, conditions and security, if any, required in connection with the proposed loan from Florida National Bank of Jacksonville.

(c) Whether, in light of the evidence adduced pursuant to the foregoing, the applicant is financially qualified.

(d) Under what circumstances the applicant may depart from its general commercial practices and the limitations which will be applicable in those circumstances.

(e) Whether there is a reasonable possibility that the tower height and location proposed would constitute a menace to air navigation.

4. To determine which of the proposals would best serve the public interest.

5. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

It is further ordered, That the Federal Aviation Administration is made a party to this proceeding with respect to the application of New Horizons Telecasting Co.

It is further ordered, That the Petition Harold S. Cohen, Sr., is dismissed.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and the party respondent herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall within twenty (20) days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: July 5, 1967.

Released: July 21, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[7]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 67-8643; Filed, July 25, 1967; 8:47 a.m.]

[1] Ultravision Broadcasting Co., FCC 65-581, 5 RR 2d 348.

[2] Orange Nine, Inc., FCC 67-416, Released Apr. 7, 1967.

[3] Consisting of down payment for equipment, interest and curtails ($444,366), land, down payment and interest ($20,000), miscellaneous expenses, less equipment ($207,000), cost of operation ($315,025). Total: $995,391. It has been assumed that in accordance with the terms of the bank letter, repayment will not begin until 1 year after the loan is made and therefore we have not included in the amount of cash needed figures for loan repayment.

[4] Persons who will furnish funds are required to submit balance sheets or financial statements although they may show the availability of bank loans in sufficient amount to meet their commitments to the applicant. Kansas State Network, Inc., FCC 66-977, 5 FCC 2d 572.

[5] Consisting of down payment on equipment ($315,499), equipment payments ($59,156), equipment interest ($1,916), other items ($50,000), assumed bank loan interest, 5 years at 6 percent ($30,000), assumed bank loan curtails ($100,000), operating expenses ($306,250). Total $862,821.

[6] Consisting of down payment on equipment ($320,907), equipment, interest and curtails ($62,877), land ($45,000), buildings ($450,000), other items ($548,598), assumed bank loan interest, 5 years at 6 percent ($30,000), assumed bank loan curtails ($100,000), operating expenses ($334,687). Total $1,891,769.

[7] Concurring and dissenting statement of Commissioner Bartley filed as part of original document; Commissioner Lee not participating; Commissioner Wadsworth absent.

[Docket No. 17365; FCC 67M-1205]

GREAT SOUTHERN BROADCASTING CO.

Order Regarding Procedural Dates

In re application of William O. Barry, trading as Great Southern Broadcasting Co., Donelson, Tenn., Docket No. 17365, File No. BP-16707; for construction permit.

The Hearing Examiner having under consideration the "Consent Motion for Change of Procedural Dates" filed by the Broadcast Bureau on July 18, 1967, requesting modification of the presently scheduled procedural dates for further proceedings in the above-entitled case;

It appearing, that the applicant, Great Southern Broadcasting Co., has consented to the requested modification and to immediate consideration of such request; and

It further appearing, that good cause has been shown for a grant thereof:

It is ordered, That the above "Consent Motion for Change of Procedural Dates," be, and the same is, hereby granted, and that the presently scheduled procedural dates are changed as follows:

Preliminary exchange of exhibits presently scheduled for August 14, 1967, is continued to September 6, 1967;

Final exchange of exhibits presently scheduled for August 24, 1967, is continued to September 15, 1967;

Notification of witnesses presently scheduled for August 28, 1967, is continued to September 20, 1967; and

Hearing presently scheduled for September 6, 1967, is continued to October 3, 1967.

Issued: July 19, 1967.

Released: July 20, 1967.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 67-8644; Filed, July 25, 1967; 8:47 a.m.]

[Docket No. 17559; FCC 67M-1208]

NORTH SHORE BROADCASTING CORP. (WESX)

Order Continuing Hearing

In re application of North Shore Broadcasting Corp. (WESX), Salem, Mass., Docket No. 17559, File No. BP-16938; for construction permit.

Pursuant to agreements reached at the prehearing conference held on July 18, 1967: *It is ordered*, That the evidentiary hearing in the above-entitled proceeding now scheduled for September 13, 1967, is continued to September 14, 1967, beginning at 10 a.m. in the offices of the Commission, Washington, D.C.

Issued: July 18, 1967.

Released: July 20, 1967.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 67-8645; Filed, July 25, 1967; 8:47 a.m.]

[Docket Nos. 17575, 17576; FCC 67-791]

TRI-CITIES BROADCASTING CORP. AND PALMER-DYKES BROADCASTING CO.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Tri-Cities Broadcasting Corp., Gate City, Va., Docket No. 17575, File No. BPH-5654, requests: 104.9 mc, No. 285; 1.175 kw; 449 feet; Paul Dykes and Basil J. Palmer, doing business as Palmer-Dykes Broadcasting Co., Kingsport, Tenn., Docket No. 17576, File No. BPH-5701, requests: 104.9 mc, No. 285; 3 kw (horizontal) 2.58 kw (vertical); 298 feet; for construction permits.

1. The Commission has under consideration the above captioned and described applications which are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference.

2. The respective proposals are for different communities. Consequently, it will be necessary to determine pursuant to section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service.

3. Consideration of the programming proposals under the contingent comparative issue is required because of the substantial and material difference between the proposals in the amount of AM programming to be duplicated. Tri-Cities proposes substantial duplication (initially 60.31 percent while Palmer-Dykes proposes independent operation. Therefore, evidence regarding program duplication will be admissible under the standard comparative issue. The showing permitted under the standard comparative issue when duplicated programming is proposed will be limited to evidence concerning the benefits to be derived from the proposed duplication, and

a full comparison of the applicants' program proposals will not be permitted in the absence of a specific programming inquiry—Jones T. Sudbury —— FCC 2d ——, FCC 67–814, (1967). Nevertheless, the parties are free to seek enlargement of the issues to include a special programming issue—see Chapman Radio & Television Co., 7 FCC 2d 213, FCC 67–234 (1967) and Jones T. Sudbury, supra.

4. According to its application, Palmer-Dykes will require $60,453 to construct and operate the proposed station for one year without revenue. To meet this requirement, Palmer-Dykes is relying on a $1,000 bank deposit, a $30,000 line of credit and contributions from the two partners of $11,000 (which their balance sheet show they have available in cash and life insurance surrender value). Thus, a total of only $42,000 is shown to be available. Therefore, we will specify an issue to determine whether the additional $18,453 is available.

5. Except as indicated below, the applicants are qualified to construct and operate as proposed. However, because of their mutual exclusivity, the Commission is unable to make the statutory finding that a grant of the applications would serve the public interest, convenience and necessity, as is of the opinion that the applications must be designated for hearing on the issues set forth below.

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether Palmer-Dykes Broadcasting Co. has available to it the additional $18,453 necessary to construct and operate for one year without revenue and thus demonstrate that it is financially qualified.

2. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service.

3. To determine, in the event it is concluded that a choice between applications should not be based solely on considerations relating to section 307(b), which of the proposals would better serve the public interest.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the applications should be granted.

It is further ordered, That to avail themselves of the opportunity to be heard, the applicant(s), pursuant to § 1.221(c) of the Commission's rules, in person or by attorney shall, within twenty (20) days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: July 5, 1967.

Released: July 18, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67–8646; Filed, July 25, 1967; 8:47 a.m.]

[Docket Nos. 17575, 17576; FCC 67M–1218]

TRI-CITIES BROADCASTING CORP. AND PALMER-DYKES BROADCASTING CO.

Order Scheduling Hearing

In re applications of Tri-Cities Broadcasting Corp., Gate City, Va., Docket No. 17575, File No. BPH–5654; Paul Dykes and Basil J. Palmer, doing business as Palmer-Dykes Broadcasting Co., Kingsport, Tenn., Docket No. 17576, File No. BPH–5701; for construction permits:

It is ordered, That Jay A. Kyle shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on October 11, 1967, at 10 a.m.; and that a prehearing conference shall be held on September 21, 1967, commencing at 9 a.m.: *And it is further ordered*, That all proceedings shall take place in the offices of the Commission, Washington, D.C.

Issued: July 11, 1967.

Released: July 21, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67–8647; Filed, July 25, 1967; 8:47 a.m.]

FEDERAL MARITIME COMMISSION

[No. 65–5]

OVERCHARGE CLAIMS

Time Limit on the Filing; Notice of Hearing

JULY 21, 1967.

On June 28, 1966, the Federal Maritime Commission issued a report and order in the subject proceeding in which it declined to promulgate a proposed rule which would have prohibited the limitation of time within which claims for adjustment of freight charges may be presented to carriers to less than 2 years after date of shipment. By order served March 1, 1967 (FEDERAL REGISTER of Mar. 7, 1967, p. 3792), the Commission reopened and assigned this proceeding for public hearing. A prehearing conference was held July 6, 1967. The hearing will be held before the undersigned beginning at 10 a.m., September 25, 1967, in Room 705, 45 Broadway, New York, N.Y.

An initial decision will be issued.

JOHN MARSHALL,
Presiding Examiner.

[F.R. Doc. 67–8685; Filed, July 25, 1967; 8:50 a.m.]

CALIFORNIA ASSOCIATION OF PORT AUTHORITIES

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. C. R. Nickerson, Executive Secretary, California Association of Port Authorities, 9 First Street, San Francisco, Calif. 94105.

Agreement No. 7345–12 between the members of the California Association of Port Authorities modifies the basic agreement which provides for establishment and maintenance of just and reasonable terminal rates, rules and regulations at members' terminals at ports in the State of California. The modification makes certain changes in the administrative structure of the Association.

Dated: July 20, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67–8686; Filed, July 25, 1967; 8:50 a.m.]

COLUMBUS LINE/PACIFIC AUSTRALIA DIRECT LINE

Notice of Proposed Cancellation of Agreement

Notice is hereby given that a request for cancellation of the following agreement, pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814) has been filed with the Commission.

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of intent to cancel Agreement 9539 filed by:

James McFall, Vice President, Columbus Line, Inc., 26 Broadway, New York, N.Y. 10004.

Agreement 9539, approved on May 11, 1966, between Columbus Line and Pacific Australia Direct Line established a cooperative working arrangement between the parties for the chartering of one vessel for one voyage from Australia to Pacific Coast ports of the United States. The parties have notified the Commission of the completion of performance under Agreement 9539 and have requested the cancellation of the subject agreement.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

JULY 21, 1967.

[F.R. Doc. 67–8687; Filed, July 25, 1967; 8:50 a.m.]

EVANS PRODUCTS CO. AND RETIA STEAMSHIP CO.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Amy Scupi, Attorney, 1824 R Street NW., Washington, D.C. 20009.

Agreement No. T–2069 between Evans Products Co. (Evans) and Retia Steamship (Retia) is a service agreement covering premises in Long Beach, Calif., leased by Evans from the city of Long Beach under Federal Maritime Commission Agreement No. T–1985. Retia will act as operating manager of the terminal assuming responsibility for the operation, but subject to supervision and direction by Evans. Retia will collect wharfage, dockage, wharf storage, and other charges in accordance with published tariffs and pay such revenues to Evans. As compensation, Retia will receive a portion of the revenues in accordance with a schedule set forth in the agreement. The agreement will continue for the duration of Agreement No. T–1985 subject to termination by either party upon 30 days' notice.

Dated: July 20, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67–8688; Filed, July 25, 1967; 8:50 a.m.]

ITALY, SOUTH FRANCE/U.S. GULF CONFERENCE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. G. Ravera, Secretary, Italy, South France/U.S. Gulf Conference, Vico San Luca No. 4, Genoa, Italy.

Agreement 9522–6, between the member lines of the Italy, South France/U.S. Gulf Conference, amends Article 9 of the basic agreement to provide that shippers' requests and complaints of an urgent nature shall be dealt with by telephone polls conducted by the Secretary when Italian rates are involved, and by telephone, telex, or circular telex poll conducted by the Chairman of the Marseilles Rate Committee when French rates are involved

Dated: July 21, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67–8689; Filed, July 25, 1967; 8:50 a.m.]

MANCHESTER LINERS, LTD., AND IRISH SHIPPING, LTD.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Burton H. White, Burlingham, Underwood, Barron, Wright & White, 25 Broadway, New York, N.Y. 10004.

Agreement 9643, between Manchester Liners, Ltd., and Irish Shipping, Ltd., provides for their operation of vessels between ports in the United Kingdom and Eire on the one hand, and U.S. Atlantic Coast ports on the other. The parties will mutually agree upon the scheduling, loading, discharging and solicitation of freight, advertising and the appointing of ships' agents in accordance with the terms and conditions set forth in the agreement.

Dated: July 21, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67–8690; Filed, July 25, 1967; 8:50 a.m.]

PORT OF SEATTLE AND KIMBRELL-LAWRENCE TRANSPORTATION, INC.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Wade Thompson, Port of Seattle, Post Office Box 1209, Seattle, Wash. 98111.

Agreement No. T-2068 between the Port of Seattle (Port) and Kimbrell-Lawrence Transportation, Inc. (Kimbrell), covers the lease of a portion of Pier 66 and adjacent office and warehouse space, at a fixed monthly rental. The premises will be used by Kimbrell for the operation of a general steamship business and related terminal operations. Port reserves secondary berthing rights provided that such use shall not unreasonably interfere with the activities of Kimbrell.

Dated: July 21, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-8691; Filed, July 25, 1967; 8:50 a.m.]

[Docket No. 67-43]

SEA-LAND SERVICE, INC.

Cancellation of FMC Port-to-Port Rates—West Coast/Alaska Trade; Order of Suspension and Investigation

Sea-Land Service, Inc. (Sea-Land), has filed with the Federal Maritime Commission a publication designated Supplement No. 9 to Freight Tariff No. 116, FMC-F No. 5, to become effective July 30, 1967.

Supplement No. 9 contains a cancellation notice stating:

The local All Water rates published in this tariff subject to the jurisdiction of and filed with the Federal Maritime Commission are hereby canceled. For local all water rates see Sea-Land Tariff No. 127, FMC-F No. 14.

Joint motor water, water motor or motor water motor rates subject to the jurisdiction of and filed with the Interstate Commerce Commission remain in effect.

Sea-Land publishes a tariff which the aforementioned supplement would amend, jointly filed with the Interstate Commerce Commission (ICC) and the Federal Maritime Commission (FMC) which contains local, joint and proportional, class and commodity rates, between Oregon and Washington, on the one hand, and Alaska on the other. The tariff bears joint numbers; i.e., ICC No. 23, FMC-F No. 5, and provides therein (Item No. 101):

The rates between points in Oregon and Washington making reference to this Item and points in Alaska taking Rate Group A are port-to-port rates subject to the jurisdiction of the Federal Maritime Commission.

Rate Group A provides for rates between Seattle, Washington and Anchorage, Alaska.[1] These port-to-port rates include incidental motor pickup and delivery service within the port cities of Anchorage and/or Seattle, Wash.

Effective July 30, 1967, Sea-Land would withdraw the majority of these rates from FMC's jurisdiction.[2] Specifically, Sea-Land has chosen to file with the ICC a tariff which provides for a "joint" arrangement,[3] between Sea-Land and its incidental port service motor carrier rather than maintain its "local" port-to-port services which have embodied, up to now, these identical terminal services. Local "port-to-port" tariffs are filed with and are under the control of the FMC while joint rates between FMC water carriers and ICC motor carriers are filed with the ICC. There are no apparent physical changes in Sea-Land's operation, the change merely representing a change in the tariff mechanics of publication. The tariff is now called a "joint" tariff rather than a "local and joint" tariff. This "joint" tariff has not been filed with this Commission and the FMC number designation (No. 5) has been deleted.

The FMC has jurisdiction over port-to-port rates between the State of Alaska and the contiguous states, and has long accepted port-to-port rates (as opposed to pier-to-pier) which provide for incidental pickup and delivery services within the port area.[4]

The FMC is of the belief that Congress did not intend that port-to-port services which embody incidental port services be subject to change in regulatory forum.[5] The FMC is of the belief that the rates proposed to be removed from FMC jurisdiction are port-to-port rates fully subject to its jurisdiction regardless of the publishing device seeking to escape that jurisdiction.

Moreover, the cancellation of this tariff from FMC jurisdiction would severely limit the FMC's pending general investigation of Sea-Land, instituted with good cause against its practices and rates in the Alaska trade.[6] That order (see footnote 6) provides that all "changed matter in Sea-Land's tariffs applicable from, to and between Alaska be included in the investigation." Many of the rates which are presently under investigation by the FMC could be changed in a manner which would remove them from the pending investigation, contrary to the Commission's order in that proceeding if a change in regulatory forum by Sea-Land is successful.[7]

Upon consideration of said Supplement No. 9 and the cancellation matter shown thereon, there is reason to believe that the new tariff practice to be accomplished by the proposed supplement, if permitted to become effective, would result in Sea-Land engaging in transportation subject to the jurisdiction of this Commission without the filing of tariffs required by section 18(a) of the Shipping Act, 1916 and section 2 of the Intercoastal Shipping Act, 1933.

The issues raised herein do not present any disputed issues of fact which necessitate an evidentiary hearing and require a prompt determination by the Commission. Should any of the parties to this proceeding consider that there are disputed issues of fact which are relevant

[1] Rate Group A also includes Anchorage International Airport, Elmendorf Air Force Base, Fort Richardson, Mountain View, Spenard, Alaska, Bellevue, Wash., Kirkland, Wash., Renton, Wash., Tukwila, Wash., Tacoma, Wash., and Portland, Oreg. (via direct water service of Sea-Land only).

[2] The only rates that Sea-Land would be filing with the FMC are those applicable to operations which do not include pickup and delivery services and which represent a minor portion of its port-to-port services, namely, airplanes, airplane parts, camper bodies, boats, empty return carriers, household goods, vehicles, and salt.

[3] Public Law 87-595, enacted Aug. 24, 1962, permits common carriers by water, including water common carriers subject to the Shipping Acts, and motor carriers subject to the Interstate Commerce Act, to enter into through routes and joint rates. The joint rates so established are subject to the applicable provisions of the Interstate Commerce Act.

[4] Matson Navigation Co./Container Freight Tariff, 7 FMC 480 (January 1963).

[5] Alaska Statehood Act (enacted July 7, 1958) (72 Stat. 339 (351)) provides in pertinent part:

(b) Nothing contained in this or any other Act should be construed as depriving the Federal Maritime Board of the exclusive jurisdiction heretofore conferred on it over common carriers engaged in transportation by water between any port in the State of Alaska and other ports in the United States, its territories or possessions or as conferring upon the Interstate Commerce Commission jurisdiction over transportation by water between any such ports.

[6] In Sea-Land Service, Inc., General Investigation West Coast/Alaska Trade, First Supplemental Order, Docket No. 67-7 (served April 27, 1967), FMC instituted an investigation into the lawfulness of all of Sea-Land's rates and practices in the Seattle/Alaska trade.

[7] For example, Sea-Land, effective July 30, 1967, proposes to amend its tariff FMC-F No. 5 by increasing class rates which, among other places, applies between Seattle and Anchorage, Alaska. In the event the cancellation notice becomes effective, these rates, too, would be automatically transferred to the jurisdiction of the ICC.

to this proceeding, such facts shall be specified with particularity by means of affidavits setting forth such facts, together with a statement of their relevance to the issues in question. Should any other parties dispute these facts by a similar affidavit, the disputed issues of fact, if relevant, will be set down for an evidentiary hearing, if such hearing is requested.

Therefore, it is ordered, That pursuant to the authority of section 22 of the Shipping Act, 1916 and section 3 of the Intercoastal Shipping Act, 1933, an investigation is hereby instituted into (1) the lawfulness of the removal of port-to-port rates from Federal Maritime Commission jurisdiction where such rates embody incidental pickup and delivery services performed by or on behalf of a common carrier by water within the port area in which it holds itself out to perform such incidental pickup and delivery services in connection with its line-haul water carrier operation, according to its applicable tariffs, and (2) the lawfulness of Sea-Land's practices with respect to its application of its proposed tariff device which would permit a change in regulatory forum by redesignating a "local" port-to-port service as a "joint" port-to-port service.

It is further ordered, That pursuant to section 3, Intercoastal Shipping Act, 1933, the operation of the said Supplement No. 9 to FMC-F No. 5 is suspended and the use thereof be deferred to and including November 29, 1967, unless otherwise ordered by this Commission.

It is further ordered, That there shall be filed immediately with the Commission by Sea-Land, a consecutively numbered supplement to the aforesaid schedule which supplement shall bear no effective date, shall reproduce the portion of this order wherein the suspension matter is described and shall state that the aforesaid matter is suspended and may not be used until November 30, 1967, unless otherwise authorized by the Commission; and the rates, charges, and provisions which were to be removed from FMC jurisdiction by the suspended matter shall remain under FMC jurisdiction during the period of suspension, and the matter suspended may not be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by this Commission;

It is further ordered, That copies of this order shall be filed with the said tariff schedule in the Bureau of Domestic Regulation of the Federal Maritime Commission;

It is further ordered, That the Sea-Land Service, Inc. be named as respondent in this proceeding.

It is further ordered, That this proceeding shall be conducted by submission of affidavits and memoranda and oral argument. The affidavits of fact and memoranda of law shall be filed by respondent and any interveners supporting respondent, no later than close of business August 7, 1967, replies thereto shall be filed by Hearing Counsel and interveners, if any, opposing respondent, no later than close of business August 21, 1967. An original and fifteen (15) copies of affidavits of fact, memoranda of law, and replies are to be filed with the Secretary, Federal Maritime Commission, Washington, D.C. 20573. Copies of any papers filed with the Secretary should also be served upon all parties hereto. Oral argument before the Commission will be heard at 9:30 a.m., September 6, 1967, in Room 114, 1321 H Street NW., Washington, D.C.

It is further ordered, That this order be published in the FEDERAL REGISTER and a copy of such order be served upon respondent.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(1) [46 CFR 502.72].

By the Commission, July 20, 1967.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 67-8692; Filed, July 25, 1967; 8:50 a.m.]

CANADIAN NATIONAL RAILWAY CO.

Financial Responsibility To Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages; Notice of Application for Certificate [Casualty]

Notice is hereby given that pursuant to the provisions of section 2, Public Law 89-777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, Amendment 2 (46 CFR Part 540) the following persons have applied to the Federal Maritime Commission for a certificate of financial responsibility to meet liability incurred for death or injury to passengers or other persons on voyages:

Canadian National Railway Co. (Canadian National Railway).

Dated: July 21, 1967.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-8693; Filed, July 25, 1967; 8:51 a.m.]

KLOSTERS REDERI A/S ET AL.

Application for Certificate of Financial Responsibility To Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages; Notice of Issuance of Certificate [Casualty]

Notice is hereby given that pursuant to the provisions of section 2, Public Law 89-777 (80 Stat. 1356, 1357) and Federal Maritime Commission General Order 20 (46 CFR Part 540) that a certificate of financial responsibility to meet liability incurred for death or injury to passengers or other persons on voyages has been issued to the following (all effective on August 7, 1967):

Klosters Rederi A/S, Certificate No. C 1,031.
Home Lines, Inc. (Home Lines), Certificate No. C 1,032.
Det Bergenske Dampskibsselskab (Bergen Steamship Co., Inc.) (Bergen Line), Certificate No. C 1,033.

Dated: July 21, 1967.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-8694; Filed, July 25, 1967; 8:51 a.m.]

PRINCESS CRUISES CORP., INC.

Indemnification of Passengers for Nonperformance of Transportation; Notice of Issuance of Certificate [Performance]

Notice is hereby given that pursuant to the provisions of section 3, Public Law 89-777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20 (46 CFR Part 540) that a certificate of financial responsibility for indemnification of passengers for nonperformance of transportation has been issued to the following:

Princess Cruises Corp., Inc. (Princess Cruises), Certificate No. P-57, Effective date: July 14, 1967.

Dated: July 21, 1967.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-8695; Filed, July 25, 1967; 8:51 a.m.]

OFFICE OF EMERGENCY PLANNING

NEBRASKA

Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, and Executive Order 11051 of September 27, 1962 (18 F.R. 407, 22 F.R. 8799, 27 F.R. 9683); Reorganization Plan No. 1 of 1958, Public Law 85-763, and Public Law 87-296; by virtue of the Act of September 30, 1950, entitled "An Act to Authorize Federal Assistance to States and Local Governments in Major Disasters, and for Other Purposes" (42 U.S.C. 1855-1855g), as amended; notice is hereby given of a declaration of "major disaster" by the President in his letter dated July 18, 1967, reading in part as follows:

I have determined that the damage in various areas of the State of Nebraska, adversely affected by severe storms and flooding beginning on or about June 5, 1967, is of sufficient severity and magnitude to warrant assistance by the Federal Government to supplement State and local efforts.

I do hereby determine the following areas in the State of Nebraska to have

been adversely affected by the catastrophe declared a major disaster by the President in his declaration of July 18, 1967:

The counties of:

Adams.	Hamilton.
Antelope.	Harlan.
Arthur.	Hayes.
Boone.	Howard.
Boyd.	Jefferson.
Brown.	Kearney.
Buffalo.	Keya Paha.
Burt.	Knox.
Butler.	Lancaster.
Cass.	Madison.
Cedar.	Merrick.
Cherry.	Nance.
Clay.	Pawnee.
Colfax.	Phelps.
Cuming.	Platte.
Dakota.	Polk.
Dixon.	Richardson.
Dodge.	Saline.
Douglas.	Sarpy.
Fillmore.	Saunders.
Franklin.	Seward.
Frontier.	Sherman.
Furnas.	Stanton.
Gage.	Thayer.
Gosper.	Thurston.
Greeley.	Wayne.
Hall.	York.

Dated: July 20, 1967.

FARRIS BRYANT,
Director,
Office of Emergency Planning.

[F.R. Doc. 67-8675; Filed, July 25, 1967; 8:49 a.m.]

KANSAS

Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, and Executive Order 11051 of September 27, 1962 (18 F.R. 407, 22 F.R. 8799, 27 F.R. 9683); Reorganization Plan No. 1 of 1958, Public Law 85-763, and Public Law 87-296; by virtue of the Act of September 30, 1950, entitled "An Act To Authorize Federal Assistance to States and Local Governments in Major Disasters, and for Other Purposes" (42 U.S.C. 1855-1855g), as amended; notice is hereby given of a declaration of "major disaster" by the President in his letter dated July 18, 1967, reading in part as follows:

I have determined that the damage in various areas of the State of Kansas, adversely affected by tornadoes, severe storms and flooding beginning on or about May 31, 1967, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 81-875.

I do hereby determine the following areas in the State of Kansas to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of July 18, 1967:

The counties of:

Anderson.	Leavenworth.
Atchison.	Linn.
Chase.	Lyon.
Cloud.	Marion.
Coffey.	Miami.
Crawford.	Mitchell.
Doniphan.	Ness.
Douglas.	Osage.
Finney.	Pottawatomie.
Franklin.	Republic.
Jackson.	Shawnee.
Jefferson.	Wabaunsee.
Kingman.	Washington.

Dated: July 20, 1967.

FARRIS BRYANT,
Director,
Office of Emergency Planning.

[F.R. Doc. 67-8674; Filed, July 25, 1967; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI68-5]

HUMBLE OIL & REFINING CO.

Order Providing for Hearing on and Suspension of Proposed Change in Rate

JULY 14, 1967.

Humble Oil & Refining Co. (Humble)[1] tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated June 13, 1967.

Purchaser and producing area: Gas Gathering Corp.[2]

Rate schedule designation: Supplement No. 9 to Humble's FPC Gas Rate Schedule No. 120.

Effective date: July 17, 1967.[3]
Amount of annual increase: $48,534.
Effective rate: 15.75 cents per Mcf.[4] [5]
Proposed rate: 20.625 cents per Mcf.[4]
Pressure base: 15.025 p.s.i.a.

[1] Address is Post Office Box 2180, Houston, Tex. 77001, Attention: Mr. John J. Carter.

[2] Gas Gathering Corp. resells subject gas to Transcontinental Gas Pipe Line Corp. under its FPC Gas Rate Schedule No. 2 at a composite rate of 21.25 cents per Mcf which is effective subject to refund in Docket No. RI66-262.

[3] The stated effective date is the first day after expiration of the statutory notice.

[4] Settlement rate as approved by Commission order issued July 8, 1964, in Docket Nos. G-9287 and G-9288 et al., as amended. Moratorium for filing increased rates expired June 1, 1967.

[5] Subject to a downward B.t.u. adjustment.

Humble requests an effective date of June 1, 1967, the date of expiration of the filing moratorium for rate increases to levels in excess of the area rate ceiling pursuant to terms of company-wide settlement in Docket Nos. G-9287 and G-9288 et al., for its proposed rate increase. Humble also requests that should the Commission suspend its rate filing that the suspension period be for a maximum of 1 day, or as short a period as possible. Good cause has not been shown for granting Humble's request for an earlier effective date, or for limiting to 1 day the suspension period with respect to such rate filing and Humble's request is denied.

Humble has submitted a notice of change in rate proposing a rate increase, from 15.75 cents rate approved by the Commission in Humble's company-wide settlement, to 20.625 cents for gas sold to Gas Gathering Corp. (Gas Gathering) from the Bayou Des Glaise Field, Iberville Parish, South Louisiana Area. Humble's proposed rate exceeds the area increased rate ceiling of 14.0 cents per Mcf for the South Louisiana Area as announced in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR 2.56).

Gas Gathering resells the subject gas, together with gas it purchases from other producers in the area, to Transcontinental Gas Pipe Line Corp. (Transco) pursuant to Gas Gathering's Rate Schedule No. 2 at a composite rate of 21.25 cents, effective subject to refund in Docket No. RI66-262. Gas Gathering's composite rate is based on the effective rate of each of its producer-suppliers plus its service charge for gathering, metering, dehydrating and delivering such gas to Transco.

Gas Gathering's composite 21.25 cents rate is based in part on the current 15.75 cents effective rate Humble is receiving for its share of gas. Humble's proposed rate will thus require a change in such composite rate (estimated to be approximately 22.0 cents) if Gas Gathering is to maintain the existing spread for the services it performs between its purchased gas costs and the composite rate it collects from Transco. Under these circumstances, we conclude that Humble's proposed rate increase should be suspended for 5 months from July 17, 1967, the date of expiration of the statutory notice.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change, and that Supplement No. 9 to Humble's FPC Gas Rate Schedule No. 120 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 9 to Humble's FPC Gas Rate Schedule No. 120.

(B) Pending such hearing and decision thereon, Supplement No. 9 to Humble's FPC Gas Rate Schedule No. 120 is hereby suspended and the use thereof deferred until December 17, 1967, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before August 29, 1967.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-8649; Filed, July 25, 1967; 8:47 a.m.]

[Docket Nos. RI68-6 etc.]

SIGNAL OIL & GAS CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates[1]

JULY 18, 1967.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the Regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before September 1, 1967.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI68-6	Signal Oil & Gas Co. (Operator) et al., 9454 Wilshire Blvd., Los Angeles, Calif. 90017, Attn: Michael P. Kelly, Esq.	7	6	El Paso Natural Gas Co. (University Lease, Andrews County, Tex.) (R.R. District No. 8) (Permian Basin Area).	$90	6-19-67	[1] 7-20-67	12-20-67	13.5	[2] [4] 14.5	RI60-305.
RI68-7	A. A. Cameron d.b.a. Cameron Oil Co. (Operator) et al. 1100 Kermac Bldg., Oklahoma City, Okla. 73102.	2 2	[3] 5 [3] 6	Cities Service Gas Co. (South Sterling Area, Comanche County, Okla.) (Oklahoma "Other" Area).	3,955 1,380	6-19-67 6-21-67	[1] 7-20-67 [1] 7-22-67	12-20-67 12-22-67	[7] 15.0 [7] 15.0	[4] [6] 16.0 [4] [7] 16.0	

[1] The stated effective date is the first day after expiration of the statutory notice.

[2] "Fractured" rate increase. Respondent contractually due 15.0 cents per Mcf on Aug. 1, 1964.

[3] Pressure base is 14.65 p.s.i.a.

[4] Periodic rate increase.

[5] Subject to a downward B.t.u. adjustment.

[6] Applicable to Sallie No. 1 and Amy No. 1 Units.

[7] Applicable to State "S" Unit.

Signal Oil & Gas Co. (Operator) et al., (Signal) request that their proposed rate increase be permitted to become effective on July 1, 1967. A. A. Cameron doing business as Cameron Oil Co. (Operator) et al. (Cameron), request waiver of the statutory notice to permit retroactive effective dates of October 1, 1966, and December 23, 1966, for their proposed rate increases. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for Signal and Cameron's rate filings and such requests are denied.

Signal and Cameron's proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR 2.56).

[F.R. Doc. 67-8650; Filed, July 25, 1967; 8:47 a.m.]

[Docket No. CP68-9]

CONSOLIDATED GAS SUPPLY CORP.

Notice of Application

JULY 18, 1967.

Take notice that on July 10, 1967, Consolidated Gas Supply Corp. (Applicant), 445 West Main Street, Clarksburg, W. Va. 26301, filed in Docket No. CP68-9 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the replacement, construction, and operation of certain interstate pipeline facilities located in Nicholas County, W. Va., for the transportation and sale of natural gas in interstate commerce, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to replace 6.4 miles of 6-inch and 8-inch pipeline with 13.6 miles of 6-inch and 8-inch pipeline. The pipelines to be replaced are (1) the northernmost 5.4 miles of the 6-inch Line H-183 between its junctions with Lines H-19457 and H-144, and (2) the southernmost 1.0 mile of the 8-inch Line H-144 between its junction with Line H-183 and the former site of a compressor station referred to as Meek Station. The pipelines to be replaced will be retired in place and not salvaged.

The replacement pipeline to be constructed and operated will consist of (1) 9.1 miles of 8-inch pipeline extending

from a connection to be made with Line H–144 near the site known as Meek Station to a connection to be made with Line H–20036 at State Route 41 near Summersville, and (2) 4.5 miles of 6-inch pipeline extending from the junction of pipelines H–20036 and H–19457 near Persinger to a connection to be made with Line H–183 near Beaver.

The total estimated cost of the proposed facilities is $490,735, which cost is to be financed from funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before August 14, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67–8653; Filed, July 25, 1967; 8:47 a.m.]

[Docket No. CP68–12]

EL PASO NATURAL GAS CO.

Notice of Application

JULY 18, 1967.

Take notice that on July 10, 1967, El Paso Natural Gas Co. (Applicant), Post Office Box 1492, El Paso, Tex. 79999, filed in Docket No. CP68–12 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce to The Washington Water Power Co. (Water Power) for transportation to and resale and general distribution in the community of Asotin, Wash., and environs, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant requests authorization to sell and deliver natural gas to Water Power at the outlet of Applicant's existing Lewiston-Clarkston Meter Station.

Applicant states that Water Power will transport the natural gas to points of resale and distribution in the community of Asotin, Wash., through the facilities to be constructed by Water Power at a cost of $201,985. Applicant further states that no additional facilities need be constructed by itself.

The total third year peak day and annual requirements of the proposed new service are 154 Mcf and 12,757 Mcf, respectively.

The proposed sale and delivery by Applicant to Water Power will be initiated by Applicant in accordance with and at rates contained in its Rate Schedule DL–1 of Applicant's FPC Gas Tariff, Original Volume No. 3.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before August 14, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67–8655; Filed, July 25, 1967; 8:48 a.m.]

[Docket No. CP68–4]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

JULY 12, 1967.

Take notice that on July 3, 1967, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Ill. 60603, filed in Docket No. CP68–4 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of additional volumes of natural gas in interstate commerce to existing customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to sell and deliver up to 50,000 Mcf per day of natural gas under a new WS Rate Schedule for the period December 1, 1967 through April 30, 1968, to be apportioned among four existing customers as follows:

	Peak day	Annual
White Pine Copper Co.	1,800 Mcf (firm)..	1,557,000 Mcf (firm and interruptible).
Village of White Pine.	259 Mcf (firm)....	30,991 Mcf (firm).

The total estimated cost of Applicant's distribution system to the industrial, commercial, and residential customers is $120,420.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 14, 1967.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67–8654; Filed, July 25, 1967; 8:48 a.m.]

[Docket No. CP68–11]

MICHIGAN GAS AND ELECTRIC CO. AND NORTHERN NATURAL GAS CO.

Notice of Application

JULY 18, 1967.

Take notice that on July 10, 1967, Michigan Gas and Electric Co. (Applicant), 100 South Main Street, Three Rivers, Mich. 49093, filed in Docket No. CP68–11 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Northern Natural Gas Co. (Respondent) to construct and operate natural gas transmission facilities and to sell and deliver natural gas in interstate commerce for resale and distribution in Ontonagon County, Mich., all as more fully set forth in the application which is on file with the Commission.

Specifically, Applicant requests that Respondent be ordered to extend its transportation facilities to the facilities to be constructed by Applicant and to sell and deliver volumes of natural gas for resale and distribution by Applicant to the White Pine Copper Co. and to the Village of White Pine in Carp Lake Township, Ontonagon County, Mich. For this service three points of delivery are requested by Applicant in the application and the exhibits thereto.

The total estimated third year peak day and annual requirements of Applicant's proposed service are as follows:

Customer	*Daily winter service quantity (Mcf)*
Iowa-Illinois Gas & Electric Co.....	6,711
Iowa Power & Light Co.....	386
Northern Indiana Public Service Co..	13,763
The Peoples Gas Light & Coke Co....	31,140
Total	[1] 52,000

[1] "Equivalent to 50,000 Mcf on an as metered basis."

Applicant states that no additional facilities are required to render the service proposed above.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before August 9, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67–8656; Filed, July 25, 1967; 8:48 a.m.]

[Docket No. CP68–3]

NATURAL GAS SERVICE, INC.

Notice of Application

JULY 14, 1967.

Take notice that on July 3, 1967, Natural Gas Service, Inc. (Applicant), 1630 North Meridian Street, Indianapolis, Ind. 46202, filed in Docket No. CP68–3 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon certain natural gas facilities or, as an alternative, pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks permission and approval to abandon by sale or transfer the following natural gas facilities:

(1) Approximately 8.35 miles of 6-inch pipeline extending from a point of connection with Texas Gas Transmission Corp. (Texas) approximately 8 miles east of the Madison-Milton Bridge to a point of connection with Applicant's distribution system in the city of Madison, Ind., by sale to Ohio River Pipeline Corp. (Pipeline);

(2) Approximately 0.46 of a mile of 5-inch pipeline looping the 6-inch pipeline described in (1) above, by sale to Pipeline;

(3) A regulator and metering station near the sales metering station of Texas at the interconnection described in (1) above, by sale to Pipeline;

(4) A metering station near the connection with Applicant's distribution system in the city of Madison, Ind., as described in (1) above, by sale to Pipeline;

(5) Line connections between the 5-inch and 6-inch pipelines described in (1) above, by sale to Pipeline;

(6) Approximately 7.60 miles of 5-inch transmission pipeline extending from the point of interconnection with Texas described in (1) above to a point just north of the city of Milton, Ky., by sale to Ohio River Gas Co., Inc. (Ohio); and

(7) Approximately 0.32 of a mile of 5-inch pipeline extending from a point of connection with the city of Madison distribution system to a point at the Indiana end of the Madison-Milton Bridge, by transfer to Indiana Gas & Water Co., Inc. (Indiana).

Applicant states that the natural gas facilities proposed to be sold to Pipeline are now used exclusively to serve Applicant's Indiana and Kentucky local distribution systems and after the proposed sale will continue to be used by Pipeline exclusively for such service. Applicant further states that the facilities proposed to be sold to Ohio are now used as a part of Applicant's Kentucky local distribution system and will continue to be used as such after the proposed sale. Applicant further states that the facilities proposed to be transferred to Indiana are now a part of Applicant's Indiana local distribution system and will continue to be used as such after the proposed transfer. Applicant also states that the proposed abandonments are a part of a program to simplify Applicant's operations and enable it to establish lower retail distribution rates.

Applicant states that it has agreed to sell and Pipeline and Ohio have agreed to purchase the respective natural gas facilities at the net book cost thereof. Applicant further states that it has agreed to transfer its remaining properties and assets, including the natural gas facilities described in (7) above, to Indiana, its parent company, under a plan of reorganization in exchange for the surrender of all its outstanding capital stock owned by Indiana, after which it is proposed that Applicant will be dissolved.

In the event that permission and approval for Applicant's proposed abandonments is denied, Applicant seeks authorization to operate the above-set-forth natural gas facilities, previously constructed, to serve its local distribution systems in Indiana and Kentucky.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before August 9, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate or permission and approval for the proposed abandonment is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67–8657; Filed, July 25, 1967; 8:48 a.m.]

[Docket Nos. CP67–194, CP66–98]

NORTHERN NATURAL GAS CO.

Notice of Petition To Amend

JULY 17, 1967.

Take notice that on July 10, 1967, Northern Natural Gas Co. (Petitioner), 2223 Dodge Street, Omaha, Nebr. 68102, filed in Docket Nos. CP67–194 and CP66–98 a petition to amend the orders of the Commission issued May 19, 1967, and December 13, 1965, respectively, by authorizing Petitioner to relocate certain natural gas facilities, change distributors for initial natural gas service to nine communities and relocate a measuring station, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the above-mentioned order in Docket No. CP67–194, petitioner was authorized, inter alia, to construct and operate approximately 1.6 miles of 2-inch pipeline and a town border station to serve the community of New Providence (Providence), Hardin County, Iowa. Petitoner was further authorized, inter alia, by the above-mentioned order in Docket No. CP66–98, to construct and operate a measuring station on its 20-inch pipeline to Waterloo, Iowa, which is used for the sale of natural gas to Iowa Electric Light & Power Co. (Iowa) for resale to Lawn Hill Elevator (Hill). By the instant filing, Petitioner seeks authorization to relocate the proposed pipeline to serve Providence by purchasing and utilizing the 4,000 foot pipeline presently owned and operated by Iowa and used to serve Hill, said pipeline extending from Petitioner's measuring station to Hill which is 1 mile from Providence. Petitioner also proposes to construct an additional mile of 2-inch pipeline branch from Hill to Providence and relocate its measuring station at the site of Hill.

Petitioner also seeks authorization to transfer distributors for nine of the communities, all located in Minnesota, certificated for initial natural gas service in Docket No. CP67–194 as follows:

Community	Certificated distributor	Proposed distributor
Appleton	Great Plains Natural Gas Co. (Great Plains).	Peoples Division of Northern Natural Gas Co. (Peoples).
Cottonwood	Great Plains	Peoples.
Hancock	Great Plains	Peoples.
Lamberton	Great Plains	Peoples.
Madison	Great Plains	Peoples.
Sanborn	Great Plains	Peoples.
Cyrus	Peoples	Minnesota Natural Gas Co. (Minnesota).
Lowry	Peoples	Minnesota.
Morris	Minnesota Western Gas Co.	Minnesota.

Petitioner states that the above proposed changes will not result in any change in contract demand as previously authorized nor will there be any change in service rendered.

Petitioner estimates the total cost of the facilities proposed to serve the community of Providence at approximately $17,920, which includes $13,520 for the proposed 1 mile of pipeline and $4,400 for the purchase of the pipeline from Iowa, said cost being $980 less than the cost of the facilities originally proposed in Docket No. CP67–194 for said natural gas service.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before August 14, 1967.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67–8658; Filed, July 25, 1967; 8:48 a.m.]

[Docket No. CP68–10]

NORTHERN NATURAL GAS CO.

Notice of Application

JULY 18, 1967.

Take notice that on July 10, 1967, Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha, Nebr. 68102, filed in Docket No. CP68–10 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce to the Northern Helex Co. (Helex), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to sell and deliver to Helex up to 7,500 Mcf per day at a price of $900 per annum plus 28 cents per Mcf for gas delivered. The natural gas is to be delivered on a standby basis for use in Helex's helium extraction plant near Bushton, Kans.

The standby gas is to be used for plant fuel during the periods of interruption or curtailment of Helex's intrastate source of gas.

Applicant states that the service will be provided through existing facilities with no additional facilities needed.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before August 14, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67–8659; Filed, July 25, 1967; 8:48 a.m.]

[Docket No. CP68–3]

OHIO RIVER PIPELINE CORP.

Notice of Application

JULY 14, 1967.

Take notice that on July 3, 1967, Ohio River Pipeline Corp. (Applicant), 1630 North Meridian Street, Indianapolis, Ind. 46202, filed in Docket No. CP68–3 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the acquisition and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to acquire and operate the following natural gas facilities presently owned by Natural Gas Service, Inc. (Natural):

(1) Approximately 8.35 miles of 6-inch pipeline extending from a point of interconnection with Texas Gas Transmission Corp. (Texas) approximately 8 miles east of the Madison-Milton Bridge, to a point of connection with Natural in the city of Madison, Ind.;

(2) Approximately 0.46 of a mile of 5-inch pipeline looping the line described in (1) above;

(3) A regulator and metering station near the sales metering station of Texas at the interconnection set forth in (1) above;

(4) A metering station near the interconnection with the city of Madison distribution system; and

(5) Line connections between the 5-inch and 6-inch pipelines set forth in (1) and (2) above.

Applicant states that the natural gas facilities described above are now used exclusively to serve the Indiana and Kentucky local distribution systems of Natural and Applicant further states that after acquisition and purchase, said facilities will continue to be used for the exclusive service of such systems. Applicant also states that the proposed acquisition is part of a program to simplify the operations of Natural and enable Natural to lower their retail distribution rates.

Applicant states that it has agreed to purchase and Natural has agreed to sell said natural gas facilities at the net book cost thereof.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before August 7, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67–8660; Filed, July 25, 1967; 8:48 a.m.]

[Docket No. CP66–43]

TEXAS EASTERN TRANSMISSION CORP.

Notice of Petition to Amend

JULY 18, 1967.

Take notice that on July 7, 1967, Texas Eastern Transmission Corp. (Petitioner), Post Office Box 2521, Houston, Tex. 77001, filed in Docket No. CP66–43 a petition to amend the order issued by the Commission April 29, 1966, by authorizing Petitioner to provide additional storage service to an existing storage customer and to provide storage service to three new storage customers, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the abovementioned order, Petitioner was authorized to provide storage service to certain customers and to construct and operate certain natural gas facilities necessary to provide such storage service. By the instant filing, Petitioner seeks authorization to provide natural gas storage service to three new storage customers and additional natural gas storage service to an existing storage customer as follows:

Customer	Maximum daily quantity (Mcf)	Maximum annual quantity (Mcf)
Huntingdon Gas Co.	242	16,922
Lewistown Gas Co. (Joint Buyers)	778	54,460
Philadelphia Electric Co.	10,200	714,019
New Jersey Natural Gas Co.[1]	24,481	1,713,646
Total	35,701	2,499,067

[1] These volumes are in addition to those previously authorized in this docket.

Petitioner proposes to initiate the service proposed above November 1, 1967. Petitioner states that the storage facilities originally authorized in this docket will permit it to render natural gas storage service in an aggregate amount of a maximum daily quantity of 158,000 Mcf and a maximum annual storage volume of 10,700 MMcf. By the order issued by the Commission in this docket April 29, 1966, Petitioner was authorized to provide natural gas storage service to its customers totaling 116,658 Mcf of maximum daily quantity and 8,095,600 Mcf of maximum annual storage volume. Petitioner states that it therefore has the uncommitted storage capacity to render the natural gas storage service proposed above. Petitioner further states that no new or additional facilities are proposed to render the service proposed above.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before August 14, 1967.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67–8661; Filed, July 25, 1967; 8:48 a.m.]

[Docket No. E–6957]

DEPARTMENT OF THE INTERIOR SOUTHEASTERN POWER ADMINISTRATION, JIM WOODRUFF PROJECT

Notice of Request for Approval of Rate Schedules; Correction

JUNE 29, 1967.

In the notice of request for approval of rate schedules, issued June 12, 1967 and published in the FEDERAL REGISTER June 17, 1967 (F.R. Doc. 67–6825, 32 F.R. 8738), correct the second sentence of the second paragraph of the text to read as follows after deleting "five of" "The entire output of the Project is now being sold by SEPA to six preference customers and to Florida Power Corporation (Florida Power), which delivers the energy sold to the preference customers over its facilities for the account of SEPA."

Also correct the seventh sentence of paragraph two to read: "In addition, SEPA pays for support service furnished by Florida Power at a rate of $2.55 per kw, plus 6.4 mills per kwh before adjustment for fuel. Interior * * *."

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67–8651; Filed, July 25, 1967; 8:47 a.m.]

[Docket Nos. Ar64–1 etc.]

AREA RATE PROCEEDING (HUGOTON-ANADARKO AREA) ET AL.

Order Permitting Withdrawal of Increased Rate Filing, Severing and Terminating Proceeding; Correction

JUNE 29, 1967.

Area Rate Proceeding et al. (Hugoton-Anadarko Area), Docket Nos. Ar64–1, etc.; Jewel Osborn, Betty Osborn Biedenharn, Osborn-Barrett Petroleum, Inc., and W. B. Osborn, Jr. (Operator), et al., Docket No. RI64–153.

In the order permitting withdrawal of increased rate filing, severing and terminating proceeding, issued June 8, 1967, and published in the FEDERAL REGISTER June 16, 1967 (F.R. Doc. 67–6755, 32 F.R. 8685), make the following corrections: Change "Area Rate Proceeding, et al. (Other Southwest Area), Docket Nos. AR67–1 et al., to read "Area Rate Proceeding et al. (Hugoton-Anadarko Area), Docket Nos. AR64–1 et al."

Correct footnote 1 to read:

[1] The proceeding in Docket No. RI64–153 was consolidated with Area Rate Proceeding et al. (Hugoton-Anadarko Area), Docket Nos. AR64–1 et al., by the Commission's order issued July 17, 1964.

Change ordering paragraph (B) in its entirety to read as follows:

(B) The proceeding in Docket No. RI64–153 is severed from Appendix "C" (Supplement), Docket Nos. AR64–1 et al., Area Rate Proceeding et al. (Hugoton-Anadarko Area), and is terminated.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67–8652; Filed, July 25, 1967; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

DESCRIPTION OF CENTRAL AND FIELD ORGANIZATION

JULY 13, 1967.

The current description of the central and field organization of the Interstate Commerce Commission published on page 8690 of the June 16, 1967, issue of the FEDERAL REGISTER, is amended as follows:

1. In Item 2, entitled "Public Information," paragraph (d) is revised to read as follows:

2. *Availability of Information.*

* * * * *

(d) *Inspection of Records.* The following specific files and records in the custody of the Secretary are available to the public (secs. 16, 204, 316, and 417, of the Act, 49 U.S.C. 16, 304, 916, and 1017), and may be inspected at the Commission's office in Washington upon reasonable request:

(1) Copies of tariffs, rate schedules, Section 22 quotations or tenders, classifications, powers of attorney, concurrences and contracts filed with the Commission pursuant to sections 6, 22, 217, 218, 306, 405, and 409 of the Act (49 U.S.C. 6, 22, 317, 318, 906, 1005, and 1009).

(2) Annual and other periodic reports filed with the Commission pursuant to sections 20, 220, 313, and 412 of the Act (49 U.S.C. 20, 320, 913, and 1012).

(3) Annual reports, maps, profiles, and other data filed with the Commission pursuant to section 19a.

(4) All docket files, including pleadings, depositions, exhibits, transcripts of testimony, recommended and proposed reports, exceptions, briefs, and reports and orders of the Commission in any proceedings.

(5) File of instruments or documents recorded pursuant to section 20c and index thereto.

(6) Other files and records, depending on their nature may be available for public inspection where the disclosure would be consistent with the public interest and duties of the Commission. Request to inspect such records when such request is not made during a formal proceeding, shall be addressed to the Secretary. If the Secretary rules that such records cannot be made available because they are exempt under the provisions of P.L. 90–23 (sec. 1, 81 Stat. 54; 5 U.S.C. 552), appeal from such ruling may be addressed to the Chairman whose decision shall be administratively final.

(7) Requests to inspect public records should be made at the Secretary's Office or at one of the public reference rooms, in the Commission's Washington Office. Copies of certain rate schedules, tariffs, reports and operating authorities filed by and applicable to motor carriers are available for inspection at field offices where personnel of the Bureau of Operations are located.

(8) Copies of and extracts from public records will be certified by the Secretary, under the seal of the Commission. Persons requesting the Commission to prepare such copies should clearly state the material to be copied, and whether it shall be certified. A charge will be made for certificate and for the preparation of copies.

2. In Item 3, entitled "Bureau and Office Organization," the functional statements of the Office of Proceedings, appearing as paragraph (f) and the Bureau of Accounts, appearing as paragraph (g) are revised to read as follows:

3. *Bureau and Office Organization.*

* * * * * *

(f) *Office of Proceedings.* This Office performs duties in connection with the quasi-judicial administrative proceedings which come before the Commission pursuant to the various provisions of the

Interstate Commerce Act and other related Acts. Such proceedings generally involve rail carriers, motor carriers, water carriers, freight forwarders, brokers, and pipelines subject to the Commission's jurisdiction and relate to: authority to construct, acquire, or abandon lines of a railroad or the operation thereof; proposed discontinuance or changes in the operation by railroads of trains or ferries; contracts and agreements for the pooling or division of traffic and earnings; authority to consolidate, merge, transfer ownership, or acquire control of carriers; authority for a railroad to acquire trackage rights over, or joint ownership or use of, railroad lines and terminals and the use by one railroad of terminal facilities of another, authority to issue securities or to assume obligations and liabilities with respect to securities of others; authority to sell securities without competitive bidding; authority to alter or modify outstanding securities and obligations; transfers of broker's licenses and of certificates and permits of motor carriers and water carriers, and permits of freight forwarders; authority to hold position of officer or director of more than one railroad; the guaranty of loans to railroads in financing additions or betterments or other capital expenditures, or for the financing of expenditures for maintenance of property; under provisions of the Uniform Bankruptcy Act, the approval of plans of reorganization, the submission thereof to creditors and stockholders for acceptance or rejection, the recommendation of formulas for the segregation of earnings, the ratification of trustees, the fixing of maximum limits of allowances to trustees and other parties in interest, and the authorization of persons, including protective committees, to solicit and act under proxies, authorizations, or deposit agreements in connection with railroad reorganization or receivership proceedings; applications for certificates, permits, and licenses to perform services as motor common and contract carriers, brokers of motor carrier transportation, water carriers, and freight forwarders; requests for exemptions under the various sections of the Act relative to operating authority matters; the suspension, change, or revocation of certificates, permits, and licenses; applications for Certificates of Registration under section 206(a) (6) and (7) of the Act; requests for authority under the deviation rules; proceedings relative to rates, fares, charges, and practices; applications for relief from anti-trust laws relative to collective ratemaking agreements; proceedings arising under a number of miscellaneous provisions of the Act and other acts such as the Railway Mail Service Pay Act, Railroad Retirement Act, etc., which require Commission findings and determinations; investigations looking to the prescription of rules and regulations governing operations of carriers; and formal complaints and investigations concerning failure of carriers to comply with the Act or any requirements established thereunder.

The Director's Office is responsible for overall effective management of the Office of Proceedings, including direction of the operating sections and employee boards; maintaining case processing and other statistical records; providing case status information; performing special studies and projects; handling Joint Board appointments; performing necessary administrative support functions for the Office; examining applications for operating rights; and preparing certificates, permits, and licenses specifying permanent grants of authorities approved by the Commission and related orders reissuing, vacating, or amending such authorities after action by the Commission.

(1) *Policy Review Committee.* This Committee provides the Commission with top-level staff analyses and review of major transportation policy issues; provides advice and assistance both in connection with those policy issues which are embodied in specific formal cases and those which transcend individual cases or anticipate potential future developments in the transportation industry; reviews and recommends disposition of appeals filed with the Commission seeking substantive review of Commission decisions.

(2) *Section of Hearings.* This Section schedules hearings in all proceedings processed by the Office which require an oral hearing; handles procedural questions arising in connection therewith at all processing steps up to and including service of a report and recommended order; conducts hearings; prepares initial reports; and releases for service all initial reports and recommended orders.

(3) *Section of Opinions.* This section performs all processing steps other than oral hearing and preparation of reports and recommended orders in cases handled by the Office of Proceedings including initial receipt and handling of cases processed under the modified procedure; the preparation of draft final reports and orders for consideration by the Commission, a division or an Employee Board in cases handled under modified procedure and cases submitted on exceptions to, or orders staying, reports and recommended orders of hearing officers or joint boards; preparation of memoranda of recommendations on petitions filed with the Commission; and handling of requests for extensions of dates for filing pleadings and other procedural matters involving any of the processing steps for which this Section is responsible.

After analysis of the record and consideration of briefs, exceptions, other pleadings, and oral argument, if any, report writers assigned to this section prepare draft final reports and orders under the direction and supervision of the Commissioner or Board Member to whose personal docket the case has been assigned or, in cases which have not been assigned to individual Commissioners or Board Members, independently prepare draft reports and orders for circulation to the Commission, a division, or an Employee Board for consideration and adoption. Report writers assigned to this section also independently prepare and review memoranda recommending the action the Commission, a division, or an individual Commissioner should take on petitions for rehearing, reargument, or reconsideration, and petitions for other relief.

(4) *Review Board No. 1.* See Item 7.12 of the Organization Minutes as amended for functions and duties.

(5) *Review Board No. 2.* See Item 7.12 of the Organization Minutes as amended for functions and duties.

(6) *Review Board No. 3.* See Item 7.12 of the Organization Minutes as amended for functions and duties.

(7) *Review Board No. 4.* See Item 7.12 of the Organization Minutes as amended for functions and duties.

(8) *Review Board No. 5.* See Item 7.12 of the Organization Minutes as amended for functions and duties.

(9) *Finance Board.* See Item 7.6 of the Organization Minutes as amended for functions and duties.

(10) *Operating Rights Board.* See Item 7.11 of the Organization Minutes as amended for functions and duties.

(11) *Temporary Authorities Board.* See Item 7.4 of the Organization Minutes as amended for functions and duties.

(12) *Transfer Board.* See Item 7.5 of the Organization Minutes as amended for functions and duties.

(g) *Bureau of Accounts.* Performs the accounting, cost finding, valuation and reporting functions necessary in the regulatory work of the Commission to bring about accurate, uniform and comprehensive disclosure of financial data by carriers in the public interest. This includes the development of uniform systems of accounts, valuation regulations, regulations governing the destruction of carrier records, statistical and accounting reporting requirements of annual and periodic reports, and other related regulations for all transportation companies subject to the Act; examining the accounts, records, reports, and financial statements filed by such companies to ascertain compliance with Commission accounting and related regulations; compilation and publication of transportation statistics; development of equitable and reasonable depreciation rates for carrier property; preparing studies and analyses of the costs and revenues of transportation service of carriers subject to the Act; maintaining inventories of railroad and pipeline properties, and developing property valuation data; preparing accounting, cost and valuation data for use in proceedings before the Commission; and analyzing cost evidence presented by other parties in rate proceedings. Rendering assistance in accounting matters in finance proceedings; preparation of financial analyses in connection with Commission's proceedings involving authority to construct, acquire, or abandon lines of railroads, approval for regulated industry to enter into contracts for the pooling or division of traffic in earnings; to consolidate, merge, transfer ownership or acquire control of carriers. Also responsible for the administration of the loarr guaranty program provided for by the Transportation Act of 1958.

(1) *Section of Accounting.* Prepares uniform systems of accounts and general accounting rules applicable to carriers in the several modes of transportation subject to Commission regulation; prepares modifications and revisions of such systems and rules; furnishes interpretations of accounting and related rules as required; renders assistance in proceedings before the Commission, the courts and Congressional Committees involving the application of accounting rules and principles; prepares regulations governing the destruction of carrier records, and forms and recording of passes; and prepares correspondence relating theseto. Reviews and evaluates all reports and related working papers pertaining to general accounting and valuation examinations made by the Bureau's field staff. Reviews and disposes of accounting entries submitted by carriers pursuant to Commission orders in finance proceedings. Reviews for approval by the Commission agreements between common carriers with persons furnishing protective services.

(2) *Section of Cost Finding.* Prepares cost formulas and studies to reflect the cost of transportation by railroads; motor carriers; inland, coastal and intercoastal water carriers. Furnishes cost data for use in considering rate proposals. Analyzes cost evidence submitted by carriers in petitions for vacation of suspension orders and in rate proceedings, and evaluates the adequacy of the studies in relation to the issues. Prepares cost exhibits and supplies witnesses in a variety of cases when directed by the Commission.

(3) *Section of Financial Analysis.* Prepares accounting and financial analyses for use by Commissioners and their immediate staffs, members of employee boards, hearing examiners, attorney advisors, adjudicators and other officials of the Commission in connection with pending applications involving railroads, motor carriers and other carriers subject to the Commission's jurisdiction for authority to purchase, lease, merger, consolidate or acquire stock control; to issue securities or assume obligation and liability in respect thereof; for modification of capital structures; for reorganizations; for abandonment of a line of railroad; and for discontinuance of a passenger train. Also administers the Commission's Part V loan program involving the receipt and analysis of reports showing the financial and operating condition of the debtor raifroads, and the analysis of and recommendation of action to be taken by the Commission on petitions for modification of the outstanding loans such as extension of maturities and release or substitution of collateral.

(4) *Section of Reports.* In cooperation with other bureaus and offices prepares the statistical and accounting reporting requirements of carriers subject to the IC Act, and Clayton antitrust Act; sets forth policies and practices to be followed in filing the annual and periodic reports, examines and certifies carrier reports to determine accuracy, completeness and compliance with reporting requirements and conducts correspondence with carriers regarding same; performs accounting review of annual reports for adequacy and compliance with accounting provisions, rules and regulations; initiates action leading to institution of appropriate proceedings against carriers failing to observe reporting requirements; compiles and prepares for publication, transportation statistics based on reports submitted by the carriers covering such matters as finances and operations; prepares special tabulations based on reports for the Commission, Congress, and other governmental agencies; and advises industry, Government agencies, and others regarding the scope and content of the reports and related matters.

(5) *Section of Valuation and Depreciation.* Performs work necessary to ascertain the value of railroad and pipeline properties and to determine equitable and reasonable depreciation rates for carrier property as required by the Interstate Commerce Act. This includes maintaining current inventories of carrier property; ascertaining the original and current reproduction cost of carrier property; ascertaining the present value of land and the development of other pertinent information for finding final property values.

(6) *Field Staff.* Examines accounts and records of carriers to ascertain compliance with accounting, valuation and related regulations prescribed by the Commission. Ascertains that the payments made by railroads or express companies are just and reasonable and in accordance with agreements with persons furnishing protective services. Provides expert testimony in courts of law and proceedings before the Commission with respect to matters developed in field examinations and investigations.

(7) *Accounting and Valuation Board.* See Item No. 7.13 of the Organization Minutes as amended for functions and duties.

* * * * *

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-8628; Filed, July 25, 1967; 8:46 a.m.]

[Notice 456]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JULY 21, 1967.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 2263 (Deviation No. 1) LAUREL TRANSPORT CORPORATION, 1036 North Shore Road, Route 9, Post Office Box 438, Rio Grande, N.J. 08242, filed July 12, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction New Jersey Highway 49 and the New Jersey Turnpike over the New Jersey Turnpike to junction Interstate Highway 295, thence over Interstate Highway 295 across the Delaware Memorial Bridge to the Delaware Turnpike (Interstate Highway 95), thence over the Delaware Turnpike to junction with the Maryland Turnpike (Interstate Highway 95), thence over the Maryland Turnpike to junction with the Northeastern Expressway (at a point approximately 8 miles northeast of Baltimore, Md.), thence over the Northeastern Expressway to Baltimore, Md., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Rio Grande, N.J., over U.S. Highway 9 to Clermont, N.J., thence over New Jersey Highway 83 to South Dennis, N.J., thence over New Jersey Highway 47 to Millville, N.J., thence over New Jersey Highway 49 to junction U.S. Highway 40, thence over U.S. Highway 40 to Baltimore, Md., and return over the same route.

No. MC 20994 (Deviation No. 1), INTER-CITY AUTO FREIGHT, INC., 3441 Second Avenue South, Seattle, Wash. 98134, filed May 22, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Tacoma, Wash., over Interstate Highway 5 to Seattle, Wash., (2) from Seattle, Wash., over Interstate Highway 5 to Burlington, Wash., thence over Washington Highway 20 to Sedro Woolley, Wash., thence over Washington Highway 20 to Newhalem, Wash., (3) from Everett, Wash., over Interstate Highway 5 to Seattle, Wash., and (4) from Seattle, Wash., over Interstate Highway 5 to Burlington, Wash., thence over Washington Highway 20 to Sedro Woolley, Wash., thence over Washington Highway 20 to Marblemount, Wash., thence over Washington Highway 20 to Newhalem, Wash., thence over Washington Highway 20 to Diablo Dam, Wash., and

return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Tacoma, Wash., over U.S. Highway 99 to Seattle, Wash., (2) from Seattle, Wash., over U.S. Highway 99 to Burlington, Wash., thence over Washington Highway 1F to Sedro Woolley, Wash., thence over Washington Highway 17A to Marblemount, Wash., thence over Washington Highway 17 to Newhalem, Wash., (3) from Everett, Wash., over U.S. Highway 99 to Seattle, Wash., and (4) from Seattle, Wash., over the route specified in (2) above to Marblemount, Wash., thence over unnumbered highway to Diablo Dam, Wash., and return over the same routes.

No. MC 65660 (Deviation No. 4), WARNER & SMITH MOTOR FREIGHT, INC., 66 Third Street, Post Office Box 96, Masury, Ohio 44438, filed July 12, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 19 and Interstate Highway 79, south of the Borough of Zelienople, Pa., over Interstate Highway 79 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction U.S. Highway 19, south of Mercer, Pa., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: Between Pittsburgh, Pa., and Erie, Pa., over U.S. Highway 19.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 392) (Cancels Deviation No. 347), GREYHOUND LINES, INC. (Southern Division), 219 East Short Street, Lexington, Ky. 40507, filed July 10, 1967. Carrier proposes to operate as a common carrier, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From junction U.S. Highway 51 and Interstate Highway 55 at Brooks Road in Memphis, Tenn., over Interstate Highway 55 to junction Mississippi Highway 7, thence over Mississippi Highway 7 (an access road) to junction U.S. Highway 51, approximately seven miles north of Grenada, Miss., (2) from Canton, Miss., over Mississippi Highway 22 (an access road) to junction Interstate Highway 55, thence over Interstate Highway 55 to Jackson, Miss., (3) from Jackson, Miss., over Interstate Highway 55 to junction Mississippi Highway 472 (an access road), thence over Mississippi Highway 472 to junction U.S. Highway 51, one mile north of Hazlehurst, Miss. (also over Mississippi Highway 27 (an access road) from junction Interstate Highway 55, one mile west of Crystal Springs, Miss., to Crystal Springs, Miss.), and (4) from junction U.S. Highway 51 and U.S. Highway 98 near Summitt, Miss., over U.S. Highway 98 (an access road) to junction Interstate Highway 55, thence over Interstate Highway 55 to junction Louisiana Highway 16 (an access road), thence over Louisiana Highway 16 to junction U.S. Highway 51 at Amite, La., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From St. Louis, Mo., over U.S. Highway 67 to Mehlville, Mo., thence over U.S. Highway 61 to junction old U.S. Highway 61 at a point approximately one mile northeast of Turrell, Ark., thence over old U.S. Highway 61 to Turrell, Ark., thence over U.S. Highway 61 via Clarksdale, Miss., to Vicksburg, Miss., (2) from Clarksdale, Miss., over U.S. Highway 49 to Tutwiler, Miss., thence over U.S. Highway 49E to a point approximately 1.3 miles north of Yazoo City, Miss., thence over old U.S. Highway 49E to Yazoo City, Miss., thence over U.S. Highway 49 to Jackson, Miss., and (3) from Jackson, Miss., over U.S. Highway 51 to Laplace, La., and return over the same routes.

No. MC 1515 (Deviation No. 393) (Cancels Deviation No. 275), GREYHOUND LINES, INC. (EASTERN GREYHOUND LINES DIVISION), 1400 West Third Street, Cleveland, Ohio 44113, filed July 13, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage* and *express* and *newspapers*, in the same vehicle with passengers, over deviation routes as follow: (1) From Newport News, Va., Patrick Henry Interchange, Interstate Highway 64 (junction Interstate Highway 64 and Virginia Highways 143 and 168), over Interstate Highway 64 to junction Virginia Highway 168, Camp Peary Interchange, Interstate Highway 64 (northwest of Williamsburg, Va.); (2) from junction Interstate Highway 64 and Virginia Highway 105 (Newport News, Va.), over Virginia Highway 105 to junction U.S. Highway 60 (Newport News, Va.); (3) from junction Interstate Highway 64 and Virginia Highway 105 (Newport News, Va.), over Virginia Highway 105 to junction Virginia Highway 168 (Newport News, Va.); (4) from Williamsburg, Va., eastbound over Virginia Highway 168 to junction access road to Interstate Highway 64 near the western city limits of Newport News, Va., thence over access road to Interstate Highway 64; (5) from junction Interstate Highway 64 and access road to Virginia Highway 168 west of York-James City county line, over access road to Virginia Highway 168, thence over Virginia Highway 168 to Williamsburg, Va.; (6) from Williamsburg, Va., over Virginia Highway 168 to junction Interstate Highway 64 at Camp Peary Interchange, Interstate Highway 64; (7) from Bottoms Bridge, Va. (junction U.S. Highway 60 and Virginia Highway 33), over Virginia Highway 33 to junction Interstate Highway 64, thence over Interstate Highway 64 to junction U.S. Highway 360 (also known as Mechanicsville Turnpike) in Richmond, Va.; (8) from junction Virginia Highway 672 (Laburnum Avenue) and Interstate Highway 64 over Virginia Highway 672 to Richmond; (9) from Interchange Interstate Highway 64 and 60 Connector Access Highway, over 60 Connector Access Highway to junction U.S. Highway 60 west of Sandston, Va.; and (10) from Interstate Highway 64, Camp Peary Interchange via the Camp Peary Interchange and Security Road, to Camp Peary; and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over pertinent service routes as follow: (1) From Morrison, Va., over U.S. Highway 60 to Lee Hall, Va., thence over Virginia Highway 168 to junction Virginia Highway 238, thence over Virginia Highway 238 to Yorktown, Va.; (2) from Fortress Monroe, Va., over U.S. Highway 60 via Newport News, Va., to junction U.S. Highway 17; (3) from Lee Hall, Va., over U.S. Highway 60 to junction Virginia Highway 174, thence over Virginia Highway 174 to junction Virginia Highway 238, thence return over Virginia Highway 174 to junction U.S. Highway 60, thence over U.S. Highway 60 to Richmond, Va.; (4) from Williamsburg, Va., over Virginia Highway 5 (formerly shown as portion of Virginia Highway 168), to junction Virginia Highway 168, thence over Virginia Highway 168 to Newport News, Va.; (5) from Williamsburg, Va., over the Colonial Highway (formerly National Highway) to Yorktown, Va., thence over U.S. Highway 17 to junction Virginia Highway 168; (6) from Norfolk, Va., over Hampton Roads Bridge-Tunnel route to junction Virginia Highway 168; (7) from junction Virginia Highways 168 and 162 over Virginia Highway 168 via junction Virginia Highway 31 to junction Virginia Highway 168Y, thence over Virginia Highway 168Y to junction U.S. Highway 60; and (8) from Williamsburg, Va., over Virginia Highway 31 to junction Virginia Highway 168; and return over the same routes.

No. MC 2835 (Deviation No. 2) (Cancels Deviation No. 1), ADIRONDACK TRANSIT LINES, INC., 495 Broadway, Kingston, N.Y. 12401, filed July 10, 1967. Carrier's representative: Martin J. Kelly, Jr., 70 Pine Street, New York, N.Y. 10005. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over a deviation route as follows: From Albany, N.Y., over Interstate Highway 87 to Plattsburgh, N.Y., with the following access routes: (1) In the town of Colonie, Albany County, N.Y., over New York Highway 7 between Interstate Highway 87 and U.S. Highway 9, (2) in the town of Clifton Park, Saratoga County, N.Y., over New York Highway 146 between Interstate Highway 87 and U.S. Highway 9 (also Ushers Road), (3) in the town of Malta, Saratoga County, N.Y., over Round Lake Road between Interstate Highway 87 and U.S. Highway 9 (also New York Highway 67), (4) in the city of Saratoga Springs, Saratoga County, N.Y., over Route 9P (Union Avenue) between Interstate Highway 87 and the grandstand entrance to the racetrack (also New York Highway 50 (Excelsior Avenue) between Interstate Highway 87 and Maple Avenue), (5) in the town of Queensbury, Warren County, N.Y., over Corinth Road between Interstate Highway 87 and Richardson Street (also on Aviation Road between Interstate Highway 87 and U.S. Highway 9), (6) in the town of Caldwell, Warren County, N.Y., over New York Highway 9N between Interstate Highway 87 and U.S. Highway 9 (also over Diamond Point Road), (7) in the town of Chester, Warren County, N.Y., over New York Highway 8 between Interstate Highway 87 and U.S. Highway 9, (8) in the town of Chesterfield, Essex County, N.Y., over New York Highway 9N between Interstate Highway 87 and New York Highway 22, and (9) within the city of Albany, Albany County, N.Y., over Interstate Highway 787 between junction of Fourth Street and Green Street and Interstate Highway 787 and Interchange No. 23 of the New York State Thruway, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From Saranac Lake, N.Y., over New York Highway 86 to Lake Placid, N.Y., thence over New York Highway 86A to Keene, N.Y., thence over New York Highway 9N to Elizabeth-Town, N.Y., thence over U.S. Highway 9 to Albany, N.Y., (2) from Lake George, N.Y., over U.S. Highway 9 to junction New York Highway 47, thence over New York Highway 47 to Hague, N.Y., thence over New York Highway 8 to Ticonderoga, N.Y., (3) from Saranac Lake, N.Y., over New York Highway 86 to junction New York Highway 365, thence over New York Highway 365 to junction New York Highway 192, thence over New York Highway 192 to junction New York Highway 10, thence over New York Highway 10 to Malone, N.Y., thence over New York Highway 37 to Massena, N.Y., (4) from Ticonderoga, N.Y., over New York Highway 22 to Port Henry, N.Y., thence over unnumbered highways via Moriah, Moriah Center, Wetherbee, and Mineville, N.Y., to Fisher Hill, N.Y. (also from Port Henry over unnumbered highways via Mineville to Wetherbee, N.Y.), (5) from Saranac Lake, N.Y., over New York Highway 3 to Bloomingdale, N.Y., thence over New York Highway 396 to junction New York Highway 192, thence over New York Highway 192 to Gabriels, N.Y., (6) from Warrensburg, N.Y., over New York Highway 28 to Blue Mountain Lake, N.Y., thence over New York Highway 10 to Long Lake, N.Y., (7) from Port Henry, N.Y., over New York Highway 22 to Plattsburgh, N.Y., and (8) from Malone, N.Y., over U.S. Highway 11 to Chateaugay, N.Y., thence over New York Highway 374 to junction New York Highway 3 near Cadyville, N.Y., thence over New York Highway 3 to Plattsburgh, N.Y., and return over the same routes.

No. MC 98443 (Deviation No. 2), NATIONWIDE TOURS, INC., 1344 Albany Street, Schenectady, N.Y. 12304, filed July 12, 1967. Carrier's representative: Louis H. Sheredf, 292 Madison Avenue, New York, N.Y. 10017. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over a deviation route as follows: From Interchange No. 28 in Fultonville, N.Y., to Interchange No. 25 in Schenectady, N.Y., over the New York State Thruway, with the following access roads: (1) New York Highway 30A from Fultonville, N.Y., to Interchange No. 26, (2) New York Highway 30 from New York Highway 5 to Interchange No. 27, and (3) New York Highway 5S from New York Highway 5 to Interchange No. 26, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: from Fultonville, N.Y., over New York Highway 30A to Fonda, N.Y., thence over New York Highway 5 to Schenectady, N.Y., and return over the same route.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-8629; Filed, July 25, 1967; 8:46 a.m.]

[Notice 1068]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JULY 21, 1967.

The following publications are governed by Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER issue of April 20, 1966, which became effective May 20, 1966.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 25798 (Sub-No. 153) (Republication), filed June 23, 1967, published in FEDERAL REGISTER issue of July 13, 1967, and republished this issue. Applicant: CLAY HYDER TRUCKING LINES, INC., 502 East Bridgers Avenue, Post Office Box 1186, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery products*, from Dunn, N.C., to points in Florida, Georgia, Illinois, Indiana, Kansas, Michigan, Missouri, North Dakota, Ohio, and Oklahoma. NOTE: Common control may be involved. This republication is to reflect the hearing information.

HEARING: August 8, 1967, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Robert L. Irwin.

No. MC 35107 (Sub-No. 2) (Republication), filed February 23, 1967, published FEDERAL REGISTER issue of March 9, 1967, and republished this issue. Applicant: GLEN FLOYD, Beattie, Kans. 66406. Applicant's representative: Arthur L. Claussen, 303 New England Building, Topeka, Kans. 66603. By application filed February 23, 1967, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over regular routes, of the commodities specified below (except in tank vehicles), between Home, Kans., and St. Joseph, Mo., and Home, Kans., and Kansas City, Mo., serving all intermediate points and points in Nebraska and Kansas within 15 miles of Home, Kans. An order of the Commission, Operating Rights Board No. 1, dated June 30, 1967, and served July 13, 1967, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over *irregular routes*, of *processed mill feeds, soybean meal, bran, shorts, alfalfa meal, and alfalfa pellets*, in bulk, from Kansas City and St. Joseph, Mo., to points in Marshall County, Kans.; that applicant is fit, willing and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 66562 (Sub-No. 31) (Republication), filed March 9, 1967, published FEDERAL REGISTER issue of March 23, 1967, and republished this issue. Applicant: ORANGE & BLACK BUS LINES, INC., 419 Anderson Avenue, Fairview, N.J. Applicant's representative: Edward F. Bowes, 1060 Broad Street, Newark, N.J. 07102. By application filed March 9, 1967, applicant seeks a certificate of public convenience and necessity authorizing operation in interstate or foreign commerce, as a common carrier by motor vehicle, over regular routes, of passengers and their baggage, in the same vehicle as passengers, between points in Fort Lee, N.J., as follows, from junction Marginal Highway and Fletcher Avenue, in Fort Lee, N.J., over Fletcher Avenue, to junction Main Street, thence over

Main Street, to junction Anderson Avenue, in Fort Lee, N.J., and on return from junction of Center Avenue, and Main Street in Fort Lee, N.J., over Main Street, to junction Fletcher Avenue, thence over Fletcher Avenue, to junction Cross Street, serving all intermediate points in Fort Lee, N.J. An order of the Commission, Operating Rights Board No. 1, dated June 29, 1967, and served July 13, 1967, as amended, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over regular routes, of *passengers and their baggage* in the same vehicle with passengers, between points in Fort Lee, N.J., as follows: (1) From junction Cross Street and Linwood Avenue over Linwood Avenue to junction Main Street, thence over Main Street to junction Anderson Avenue, thence over Anderson Avenue to junction Center Avenue, and return over the same route serving all intermediate points, (2) from junction Center Avenue and Tremont Avenue, over Tremont Avenue to junction Anderson Avenue and return over the same route, serving all intermediate points; and (3) from junction Main Street and Anderson Avenue over Main Street to junction Center Avenue, and return over the same route, serving all intermediate points; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 101010 (Sub-No. 19) (Republication), filed February 16, 1967, published FEDERAL REGISTER issue of March 9, 1967, and republished this issue. Applicant: ERIE-LACKAWANNA RAILROAD COMPANY, a corporation, 101 Prospect Avenue NW., Cleveland, Ohio 44115. Applicant's representative: J. R. Clark, 1336 Midland Building, Cleveland, Ohio 44115. By application filed February 16, 1967, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over regular routes, of the commodities, between the points, and in the manner substantially as indicated below, except that applicant seeks to operate between Buffalo and Alexander, N.Y., over U.S. Highway 5. An order of the Commission, Operating Rights Board No. 1, dated June 29, 1967, and served July 13, 1967, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over regular routes, of *general commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Buffalo, N.Y., and Rochester, N.Y.; from Buffalo over New York Highway 130 to junction U.S. Highway 20, thence over U.S. Highway 20 to Alexander, N.Y., thence over New York Highway 98 to Batavia, N.Y., thence over New York Highway 5 to East Avon, N.Y., thence over U.S. Highway 15 to Rochester, and return over the same route, serving the intermediate points of East Buffalo, Cheektowaga, Depew, Lancaster, Town Line, Alden, Darien Center, Alexander, Batavia, Stafford, Le Roy, Caledonia, Avon, Industry, West Henrietta, and Mortimer, N.Y., and the off-route points of Fargo and Ray, N.Y., subject to the following conditions: (1) The service to be performed by carrier shall be limited to service which is auxiliary to, or supplemental of, its rail service, (2) the carrier shall not serve, or interchange, traffic at any point not a station on its rail lines, (3) the shipments transported by carrier by motor vehicle shall be limited to those which it receives from, or delivers to, its rail lines under a through bill of lading covering, in addition to a motor carrier movement by carrier, an immediately prior or immediately subsequent movement by rail; and (4) such further conditions as the Commission, in the future, may find it necessary to impose in order to restrict the carrier's operation to service which is auxiliary to, or supplemental of, rail service; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 111729 (Sub-No. 188) (Republication), filed January 30, 1967, published FEDERAL REGISTER issue of February 16, 1967, and republished this issue. Applicant: AMERICAN COURIER CORPORATION, 222–17 Northern Boulevard, Bayside, N.Y. 11361. Applicant's representative: Claude J. Jasper, 111 South Fairchild Street, Madison, Wis. By applications filed January 30, 1967, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of (1) cameras, projectors, tape recorders, electronic flash units, light meters, electronic components, and parts related to photographic equipment, limited to shipments not to exceed 75 pounds in weight per shipment between Cleveland, Ohio, on the one hand, and, on the other, points in Illinois, and Philadelphia, Pa., (2) ophthalmic goods and commercial papers (excluding plant removals), limited to shipments not to exceed 75 pounds in weight per shipment between Mansfield, Ohio, and Fort Wayne, Ind., (3) proofs, cuts, copy, photoengraving, art boards, type, supplies, and related commodities used by typesetting, between Indianapolis, Ind., on the one hand, and, on the other, Chicago, Ill., Cincinnati, Ohio, and Louisville, Ky., (4) drugs, narcotics, pharmaceuticals, and drug products, between Cleveland, Ohio, on the one hand, and, on the other, points in Kentucky, and West Virginia, and Marietta, Ohio, (5) business papers, records, and audit and accounting media of all kinds (excluding plant removals) (a) between Detroit, Mich., and Erie, Pa., (b) between Evansville, Ind., and Louisville, Ky., (c) between Columbus, Ohio, on the one hand, and, on the other, points in Marion County, Ind., (d) between Detroit, Mich., on the one hand, and, on the other, Rochester, N.Y., and Covington and Louisville, Ky., (6) small operative appliance parts, between Evansville, Ind., and Louisville, Ky., (7) business papers, records and audit and accounting media of all kinds (excluding plant removals) advertising material and samples moving therewith, between Milwaukee, Wis., and Elmhurst, Ind. An order of the Commission, Operating Rights Board No. 1, dated June 30, 1967, and served July 13, 1967, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of (1) *cameras, projectors, tape recorders, electronic flash units, light meters, electronic components, and parts* related to photographic equipment, restricted against the transportation of packages or articles weighing in the aggregate more than 75 pounds from one consignor to one consignee on any one day, between Cleveland, Ohio, on the one hand, and, on the other, points in Illinois, and Philadelphia, Pa., (2) *ophthalmic goods and commercial papers* (except cash letters), restricted against the transportation of packages or articles weighing in the aggregate more than 75 pounds from one consignor to one consignee on any one day, between Mansfield, Ohio and Fort Wayne, Ind., (3) *proofs, cuts, copy, photoengraving, art boards, type, supplies, and related commodities* used by typesetting, between Indianapolis, Ind., on the one hand, and, on the other, Chicago, Ill., Cincinnati, Ohio, and Louisville, Ky., (4) *pharmaceuticals*, between Cleveland, Ohio, on the one hand, and, on the other, points in Kentucky and West Virginia and

Marietta, Ohio, (5) *business papers, records, and audit and accounting media* (except cash letters), (a) between Detroit, Mich., and Erie, Pa., (b) between Evansville, Ind., and Louisville, Ky., (c) between Columbus, Ohio, on the one hand, and, on the other, points in Marion County, Ind., (d) between Detroit, Mich., on the one hand, and, on the other, Rochester, N.Y., and Covington, and Louisville, Ky., and (6) *business papers, records, and audit and accounting media* (except cash letters), *advertising material* and samples moving therewith, between Milwaukee, Wis., and Elmhurst, Ind.; that the holding by applicant of the certificate authorized to be issued in this proceeding and of the permits in No. MC 112750 and subs thereunder, will be consistent with the public interest and the national transportation policy; and that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 116273 (Sub-No. 86) (Republication), filed January 30, 1967, published FEDERAL REGISTER issue of February 16, 1967, and republished this issue. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, Ill. 60650. Applicant's representative: Robert G. Paluch (same address as applicant). By application filed January 30, 1967, applicant seeks a certificate of public convenience and necessity authorizing operations, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of flour, in pneumatic tank vehicles, from Chicago, Ill., to points in Michigan, Indiana, Wisconsin, and Ohio. An order of the Commission, Operating Rights Board No. 1, dated June 29, 1967, and served July 13, 1967, as amended, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of *flour*, in tank vehicles, from Chicago, Ill., to points in Michigan, Indiana, and Ohio; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 118127 (Sub-No. 6) (Republication), filed February 24, 1967, published FEDERAL REGISTER issue of March 9, 1967, and republished this issue. Applicant: HALE DISTRIBUTING COMPANY, INC., 1315 East Seventh Street, Los Angeles, Calif. 90021. Applicant's representative: William J. Augello, Jr., 2 West 45th Street, New York, N.Y. 10036. By application filed February 24, 1967, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of frozen poultry products, when moving at the same time and in the same vehicle with commodities which are otherwise partially exempt from economic regulation under section 203(b)(6) of the Interstate Commerce Act, from Moorefield, W. Va., to Flagstaff, Phoenix, and Tucson, Ariz., Denver, Colo., Las Vegas and Reno, Nev., Albuquerque, N. Mex., Portland, Oreg., Salt Lake City, Utah, Seattle, Wash., and points in California. An order of the Commission, Operating Rights Board No. 1, dated June 30, 1967 and served July 13, 1967, as amended, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of (1) *Frozen poultry products*, when moving in the same vehicle and at the same time with commodities, the transportation of which is otherwise exempt from economic regulation under section 203(b)(6) of the Interstate Commerce Act, as amended, and (2) *commodities*, the transportation of which is otherwise exempt from economic regulation under section 203(b)(6) of the act when moving in the same vehicle and at the same time with the commodities authorized in (1) above, from Moorefield, W. Va., to Flagstaff, Phoenix, and Tucson, Ariz., Denver, Colo., Las Vegas and Reno, Nev., Albuquerque, N. Mex., Portland, Oreg., Salt Lake City, Utah, Seattle, Wash., and points in California, with the authority in (1) above, restricted to the transportation of traffic originating at Moorefield, W. Va., that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 120157 (Sub-No. 1) (Republication), filed December 22, 1966, published FEDERAL REGISTER issue of January 26, 1967, and republished this issue. Applicant: PURDIE EXPRESS LINES, INC., Stanley, N.Y. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. By application filed December 22, 1966, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over regular routes, of foodstuffs, in containers: A. (1) From Holley, N.Y., to Rochester, N.Y., over New York Highway 31; (2) from Holley, N.Y., to Niagara Falls, N.Y., over New York Highway 31; (3) from Hamlin, N.Y., to Rochester, N.Y., over New York Highway 18; (4) from Hamlin, N.Y., to Niagara Falls, N.Y., over New York Highway 18; (5) from Williamson, N.Y., to Rochester, N.Y., over U.S. Highway 104; (6) from Williamson, N.Y., to Oswego, N.Y., over U.S. Highway 104; B. thence via Rochester, Niagara Falls, and Oswego, N.Y., over the following routes: (1) From Niagara Falls, N.Y., to Binghamton, N.Y., from Niagara Falls over New York Highway 384 to Buffalo, N.Y., thence over New York Highway 5 to junction U.S. Highway 20, thence over U.S. Highway 20 to Westfield, N.Y., thence over New York Highways 17, 17C and 17E to Binghamton; (2) from Buffalo, N.Y., to junction New York Highways 17 and 62 over New York Highway 62 to junction New York Highways 17 and 62; (3) from Rochester, N.Y., to Buffalo, N.Y., from Rochester over New York Highway 33 to Batavia, N.Y., thence over New York Highway 5 to Buffalo; (4) from Buffalo, N.Y., to Albany, N.Y., from Buffalo over U.S. Highway 20 and New York Highway 5 to Auburn, N.Y., thence over U.S. Highway 20 and New York Highway 5 to Albany; (5) from Batavia, N.Y., to Andover, N.Y., from Batavia over New York Highway 63 to Dansville, N.Y., thence over New York Highway 36 to Hornell, N.Y., thence over New York Highway 21 to Andover; (6) from Pine Tavern, N.Y., to East Aurora, N.Y., over U.S. Highway 20A; (7) from Avon, N.Y., to Wellsville, N.Y., from Avon over New York Highway 39 to Fillmore, N.Y., thence over New York Highway 19 to Wellsville, N.Y.; (8) from Rochester, N.Y., to Painted Post, N.Y., from Rochester over U.S. Highway 15 and 15A to Springwater, N.Y., thence over U.S. Highway 15 to Painted Post; (9) from Geneva, N.Y., to Wayland, N.Y., from Geneva over New York Highway 245 to Wayland; (10) from Rochester, N.Y., to Waterloo, N.Y., over New York Highway 96; (11) from Rochester, N.Y., to junction New York Highways 31B and 5, from Rochester over New York Highway 31 to Weedsport, N.Y., thence over New York Highway 31B to

junction New York Highway 5; (12) from Geneva, N.Y., to Bath, N.Y., from Geneva over New York Highway 14A to Penn Yan, N.Y., thence over New York Highway 54A to Bath; (13) from Penn Yan, N.Y., to Elmira, N.Y., from Penn Yan over New York Highway 14A to Watkins Glen, N.Y., thence over New York Highway 14 to Elmira; (14) from Geneva, N.Y., to Watkins Glen, N.Y., from Geneva over New York Highway 96A to Ovid, N.Y., thence over New York Highway 414 to Watkins Glen; (15) from Ovid, N.Y., to Oswego, N.Y. A corrected order of the Commission, Operating Rights Board No. 1, dated May 31, 1967, and served July 14, 1967, finds that the president and owner of 99 percent of the outstanding capital stock of applicant also controls Howard's Express, Inc., which holds certificates Nos. MC 97006 (Sub-Nos. 1, 4, and 5), said common control or management not having been subject to prior Commission approval; that a grant of irregular-route authority here rather than the regular-route authority sought would be more appropriate in view (a) of the fact that only a single specified commodity is proposed to be transported, (b) of the limited number of origins, and (c) of the prolixity and complexity of the proposed regular-route. Cf. *Motor Common Carriers of Property—Routes and Service*, 88 M.C.C. 415, at 430; that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of *foodstuffs*, in containers, from Hamlin, Holley, and Williamson, N.Y., to those points in that part of New York on and west of U.S. Highway 9, on and south of New York Highway 49 and on and north of New York Highway 17; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; and that a certificate authorizing such operations should be granted, subject to the condition that the person or persons who control or manage the operations both of applicant and any other carrier operating in interstate or foreign commerce shall first obtain approval of such control or management under the provisions of section 5(2) of the Act. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 123920 (Sub-No. 1) (Republication), filed January 30, 1967, published FEDERAL REGISTER issue of February 24, 1967, and republished this issue. Applicant: ELDON H. RIESCK, Bay City, Wis. Applicant's representative: Clinton R. Bently, Goodhue County National Bank Building, Red Wing, Minn. 55066. By application filed January 30, 1967, applicant seeks a permit authorizing operations, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of sand, machinery, machinery parts, consisting of screens used in processing and mining of sand, empty cloth bags used in packing and shipping of sand, and oil for lubricating machinery, from points in Pierce County, Wis., to points in Minnesota and Wisconsin, under contract with Malden Rock Silica Sand Co., Malden Rock, Wis. An order of the Commission, Operating Rights Board No. 1, dated June 30, 1967, and served July 13, 1967, finds that operation by applicant, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of (1) *sand*, from points in Pierce County, Wis., to points in Dakota, Goodhue, Hennepin, Ramsey, Wabasha, and Washington Counties, Minn., and points in Wisconsin, and (2) *machinery, machinery parts, tools and supplies* used in the mining and treating of sand, from points in Dakota, Goodhue, Hennepin, Ramsey, Wabasha, and Washington Counties, Minn., to points in Pierce County, Wis., under a continuing contract with Malden Rock Silica Sand Co., of Malden Rock, Wis., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who may have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 128468 (Republication), filed July 20, 1966, published FEDERAL REGISTER issue of August 18, 1966, and republished this issue. Applicant: HERBERT C. WHITE, doing business as WHITE'S TRUCKING CO., 1308 Starhaven Street, Duarte, Calif. 91010. By application filed July 20, 1966, applicant seeks a certificate of public convenience and necessity authorizing operations, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of steel corrugated culvert pipe, and rejected pipe, (1) between Irwindale, Calif., and construction sites in Arizona, and (2) between Irwindale, Calif., and construction sites in Nevada. An order of the Commission, Operating Rights Board No. 1, dated June 30, 1967, and served July 13, 1967, as amended, finds that operation by applicant, in interstate or foreign commerce, as a *contract carrier*, by motor vehicle, *over* irregular routes, of *steel corrugated culvert pipe*, from Irwindale, Calif., to points in Arizona and Nevada, under a continuing contract with Pacific Corrugated Culvert Co., of Irwindale, Calif., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 128927 (Republication), filed March 6, 1967, published FEDERAL REGISTER issue of March 23, 1967, and republished this issue. Applicant: ALLAN L. MARTIN AND NORMAN V. MARTIN, doing business as VERN A. MARTIN & SONS, Wilton, Wis. 54670. Applicant's representative: Edward Solie, Executive Building, Suite 100, 4513 Vernon Boulevard, Madison, Wis. 53705. By application filed March 6, 1967, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of wood pallets, moving on flat bed semitrailers, from Kendall, Wis., to points in Michigan, Illinois, Iowa, and Minnesota. An order of the Commission, Operating Rights Board No. 1, dated June 29, 1967, and served July 13, 1967, as amended, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of *wood pallets*, from Kendall, Wis., to points in Michigan, Illinois, and Iowa (except Council Bluffs), and Minnesota, that applicants are fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period

of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

APPLICATION FOR BROKERAGE LICENSE

MOTOR CARRIER OF PASSENGERS

No. MC 130033 (Republication), filed February 20, 1967, published FEDERAL REGISTER issue of March 16, 1967, and republished this issue. Applicant: SCANDINAVIAN SKI SHOP TOURS & RENTALS, INC., 45 East 59th Street, New York, N.Y. Applicant's representative: Morris Honig, 150 Broadway, New York, N.Y. By application filed February 20, 1967, applicant seeks a license to engage in operations as a broker at White Plains, N.Y., in arranging for transportation, in interstate or foreign commerce, of passengers and their baggage and ski equipment, in round-trip, all expense tours from October 1 to June 1 of each year, beginning and ending at points in Westchester County, N.Y., and extending to points in New York, New Hampshire, Vermont, Massachusetts, and Connecticut. An order of the Commission, Operating Rights Board No. 1, dated June 29, 1967, and served July 13, 1967, finds that operation by applicant at White Plains, N.Y., as a *broker* in arranging for transportation by motor vehicle, in interstate or foreign commerce, of *passengers, their baggage, and their, ski equipment*, in round-trip tours, in special and charter operations from October 1 to June 1, both inclusive of each year, beginning and ending at points in Westchester County, N.Y., and extending to points in New York, New Hampshire, Vermont, Massachusetts, and Connecticut will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; and that a license authorizing such operations should be issued, subject to the right of the Commission, which is hereby expressly reserved, to impose, after final determination of the proceeding in Ex Parte No. MC–29 (Sub-No. 2), such terms and conditions, if any, as may be deemed necessary to insure that the operations of applicant are limited to bona fide operations, as a broker of transportation by motor vehicle of passengers, their baggage, and their ski equipment in special and charter operations, in round-trip tours. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a license in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 106051 (Sub-No. 38) (Correction), filed June 19, 1967, published FEDERAL REGISTER issue of July 6, 1967, corrected July 12, 1967, and republished as corrected this issue. Applicant: OLD COLONY TRANSPORTATION CO., INC., 676 Dartmouth Street, South Dartmouth, Mass. Applicant's representative: Francis E. Barrett, Jr., 536 Granite Street, Braintree, Mass. 02184. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Household goods*, (1) between points in Albany County, N.Y., (2) from points in Albany County N.Y., to points in Broome, Chemung, Clinton, Columbia, Delaware, Nassau, Niagara, Oneida, Onondaga, Orange, Dutchess, Erie, Essex, Franklin, Fulton, Otsego, Rensselaer, St. Lawrence, Saratoga, Schenectady, Greene, Herkimer, Jefferson, Monroe, Montgomery, Schoharie, Ulster, Warren, Washington, and Westchester Counties, N.Y., and New York, N.Y.; (3) from points in Clinton, Columbia, Erie, Fulton, Greene, Montgomery, Monroe, Otsego, Rensselaer, Schenectady, Schoharie, Ulster, Warren, Washington Counties and New York, N.Y.; to points in Albany County, N.Y., (4) from points in Rensselaer County, N.Y., to points in Chautauqua, Dutchess, Genesee, Greene, Fulton, Ontario, Otsego, Seneca, Suffolk and Tompkins Counties, N.Y.; (5) from points in Jefferson County, N.Y., to points in Rensselaer County, N.Y.; (6) from points in Schenectady County, N.Y., to points in Columbia and Washington Counties, N.Y.; (B) *General commodities*, (1) between points in Albany County, N.Y.; (2) from points in Albany County, N.Y. to points in Columbia, Dutchess, Fulton, Greene Herkimer, Montgomery, Otsego, Rensselaer, Saratoga, Schenectady, Schoharie, Ulster, Warren, Washington and Westchester Counties, N.Y.; (3) from points in Columbia, Dutchess, Fulton, Greene, Herkimer, Montgomery, Rensselaer, Saratoga, Schenectady, Schoharie, Ulster, Warren, Washington, and Westchester Counties, N.Y., to points in Albany County, N.Y. NOTE: The purpose of this republication is to show the destination point of "Albany County, N.Y." in paragraph (A) subparagraph (3) and paragraph (B) subparagraph (3), which was erroneously omitted in previous publication. Applicant states that the principal tacking point would be Albany, N.Y., and other points in the Albany, N.Y., area. This application is a matter directly related to Docket No. MC–F–9789, published FEDERAL REGISTER issue of June 28, 1967. If a hearing is deemed necessary, applicant requests it be held at Albany, N.Y.

No. MC 107558 (Sub-No. 8), filed July 3, 1967. Applicant: ARROW TRANSPORTATION CO., INC., 288 Kinsley Avenue, Providence, R.I. 02903. Applicant's representative: Francis E. Barrett, Jr., Investors Building, 536 Granite Street, Braintree, Mass. 02184. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in Massachusetts. NOTE: Applicant states it could tack at Boston or Worcester, Mass., to its presently held authority wherein it is authorized to conduct operations in the States of New York, Massachusetts, Connecticut, Rhode Island, and New Jersey. This application is directly related to MC–F 9804 published FEDERAL REGISTER July 12, 1967. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–9523 (Amendment) (THE CAPITOL CORPORATION—Control—SERVICE MOTOR FREIGHT, INC., and CRAIG TRUCKING, INC.; AND CRAIG TRUCKING, INC.—Control and merger—BEVERAGE TRANSPORTATION, INC., ET AL.), published in the September 14, 1966, issue of the FEDERAL REGISTER, on page 12036. Application approved and authorized by order of the Commission, Finance Board No. 1, decided December 6, 1966. By petition filed July 14, 1967, applicants seek approval of a substitute plan of reorganization for (1) acquisition by THE CAPITOL CORPORATION of control of SERVICE MOTOR FREIGHT, INC., and B&L MOTOR FREIGHT, INC., through an exchange of capital stock, and, in turn, by H. E. LE FEVRE, (2) acquisition by B&L MOTOR FREIGHT, INC., of control of ATLAS FREIGHT LINES, INC., also through an exchange of capital stock, and (3) merger of the operating rights and property of BEVERAGE TRANSPORTATION, INC., KATTELMAN TRUCKING SERVICE, INC., and ATLAS FREIGHT LINES, INC., into B&L MOTOR FREIGHT LINES, INC., for ownership, management and operation, and the acquisition, in turn, by THE CAPITOL CORPORATION of control of the operating rights and property through the transaction. CRAIG TRUCKING, INC., will remain a subsidiary of B&L MOTOR FREIGHT, INC.

No. MC–F–9817. Authority sought for purchase by APPLE LINES, INC., Madison, S. Dak., of a portion of the operating rights of MIDLANDS TRANSPORTATION COMPANY, Lincoln, Nebr., and

for acquisition by OMER E. APPELWICK, 225 South Van Epps, Madison, S. Dak., of control of such rights through the purchase. Applicants' attorney: Einar Viren, 904 City National Bank Building, Omaha, Nebr. 68103. Operating rights sought to be transferred: *Malt beverages*, as a *common carrier*, over irregular routes, between Kansas City, Kans., and points in the Kansas City, Mo., commercial zone as defined by the Commission, with restriction, from New Athens, Ill., St. Louis, Mo., and Omaha, Nebr., to Colby, Kans., and points in that part of Kansas east of U.S. Highway 83, not including points in Cherokee, Crawford, Labette, and Montgomery Counties, Kans., from Council Bluffs, Iowa, to Colby, Kans., and points in that part of Kansas east of U.S. Highway 83, not including points in Cherokee, Crawford, Labette, and Montgomery Counties, Kans., Long Pine, Nebr., and points in that part of Nebraska east and south of a line beginning at the Nebraska-South Dakota State line and extending south along U.S. Highway 183 to Ansley, Nebr., thence along Nebraska Highway 2 to Hazard, Nebr., thence south along Nebraska Highway 10 (portion formerly unnumbered highway) to Kearney, Nebr., thence west along U.S. Highway 30 to North Platte, Nebr., and thence south along U.S. Highway 83 to the Nebraska-Kansas State line, from Omaha, Nebr., to points in Oklahoma, Minnesota, South Dakota, and Kansas, and from St. Paul and Minneapolis, Minn., to points in Kansas. Vendee is authorized to operate, as a *common carrier*, in Kansas, Oklahoma, South Dakota, Wyoming, Nebraska, Iowa, Minnesota, North Dakota, and Wisconsin. Application has been filed for temporary authority under section 210a(b).

No. MC-F-9818. Authority sought for control and merger by HILT TRUCK LINE, INC., 3751 Sumner, Lincoln, Nebr., of the operating rights and property of BAUMANN BROS. TRANSPORTATION, INC., 1801 Yolande, Lincoln, Nebr., and for acquisition by LEROY HILT, also of Lincoln, Nebr., of control of such rights and property through the transaction. Applicants' attorney: Donald E. Leonard, Box 2028, 605 South 14th, Lincoln, Nebr. 68501. Operating rights sought to be controlled and merged: *agricultural implements and parts, twine, cocoa, wallpaper, paint*, and *paint material*, as a *common carrier*, over regular routes, from Chicago, Ill., to Lincoln and Geneva, Nebr., serving the intermediate points of Canton and Joliet, Ill., and Milford, Fried, and Exeter, Nebr., and the off-route points of Coal City, Ill., and Tobias, Western, Daykin, Fairbury, and Seward, Nebr.; *paint, paint material, groceries*, and *grocery store supplies*, serving points in Washington County, Nebr., as intermediate and off-route points; *groceries* and *grocery store supplies*, from Chicago, Ill., to Lincoln and Fairbury, Nebr., serving the intermediate and off-route points of Rochelle, Ill., and those in the Chicago, Ill., commercial zone as defined by the Commission in 1 M.C.C. 673, restricted to pickup only, and the intermediate point of Fremont, Nebr., restricted to delivery only; *eggs*, from Lincoln, Nebr., to Chicago, Ill., serving no intermediate points; *malt beverages*, from Dubuque and Davenport, Iowa, to Lincoln, Nebr., serving no intermediate points; *empty malt beverage containers*, from Lincoln, Nebr., to Dubuque and Davenport, Iowa, serving no intermediate points; *syrup*, from Cedar Rapids and Tama, Iowa, to Lincoln, Nebr., serving no intermediate points; *egg case fillers*, from Tama, Iowa, to Lincoln, Nebr., serving no intermediate points; *flour*, from Geneva, Nebr., to Ottumwa and Chelsea, Iowa, serving the intermediate point of Albia, Iowa; *canned goods*, from Brighton, Tipton, and Vinton, Iowa, to Lincoln, Nebr., serving no intermediate points but serving the off-route point of Fremont, Nebr.; *meats, meat products, and meat byproducts*, as described in section A of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk), over irregular routes, from Glenwood, Iowa, to points in Wisconsin; and *paint, paint materials, groceries*, and *grocery store supplies* (except in bulk), between Smith Center, Kans., and points in Nebraska, with restriction, HILT TRUCK LINE, INC., is authorized to operate, as a *common carrier*, in Nebraska, Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Montana, North Dakota, Oklahoma, South Dakota, Tennessee, Texas, Wisconsin, Colorado, Wyoming, Pennsylvania, Ohio, New Mexico, and Utah. Application has been filed for temporary authority under section 210a(b).

No. MC-F-9819. Authority sought for control by BOSS-LINCO LINES, INC., 450 Genesee Building, 1 West Genesee Street, Buffalo, N.Y. 14240, of ATLANTIC COAST FREIGHT LINES, INC., 3200 James Street, Baltimore, Md., and for purchase by BOSS-LINCO LINES, INC. of the operating rights of ATLANTIC COAST FREIGHT LINES, INC., and for acquisition by VICTOR J. PALISANO and CHARLES J. PALISANO, both also of Buffalo, N.Y., SAMUEL J. PALISANO, 155 Great Arrow Avenue, Buffalo, N.Y., and JOSEPH S. PALISANO, 510 Smith Street, Buffalo, N.Y., of control of such rights through the transaction. Applicants' attorney: Harold G. Hernly, 711 14th Street, NW., Washington, D.C. 20005. Operating rights sought to be controlled and transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between New York, N.Y., and Richmond, Va., serving the intermediate and off-route points in the Philadelphia, Pa., and Washington, D.C., commercial zones, as defined by the Commission, Baltimore, Md., and points within 10 miles of Baltimore, Trenton, N.J., Bristol and Chester, Pa., Elkton, Md., Fredericksburg, and Quantico, Va., points in New Jersey within 10 miles of New York N.Y., and points within 5 miles of Richmond, between Baltimore, Md., and Buffalo, N.Y., and the intermediate point of Rochester, N.Y., and the intermediate and off-route points in New York within 30 miles of Buffalo, between Baltimore, Md., and junction U.S. Highways 15 and 111 near Harrisburg, Pa., and the intermediate point of Hampstead, Md., with service at Hampstead restricted to traffic originating at, destined to, or interchanged at Rochester and Buffalo, N.Y., or points within 30 miles of Buffalo, and with service at junction U.S. Highways 15 and 111 for joinder only; *cork rods*, in bulk, over irregular routes, from Baltimore, Md., to Buffalo, N.Y.; and *silver bullion*, from Baltimore, Md., to Rochester, N.Y. BOSS-LINCO LINES, INC., is authorized to operate, as a common carrier, in New York, Pennsylvania, and New Jersey. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9820. Authority sought for purchase by ASSOCIATED TRANSPORT, INC., 380 Madison Avenue, New York, N.Y., of a portion of the operating rights and certain property of DUNDEE TRUCK LINE, INC., 660 Sterling Street, Toledo, Ohio. Applicants' attorneys: Jack R. Turney, Jr., 2001 Massachusetts Avenue NW., Washington, D.C. 20036 and Mortimer A. Sullivan, 530 Walbridge Building, Buffalo, N.Y. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Chicago, Ill., and Toledo, Ohio, serving all intermediate points, and the off-route point of Rossford, Ohio, and four alternate routes for operating convenience only, serving no intermediate points, and serving Angola, Ind., and off-route points within ten miles of Angola via U.S. Highway 20. Vendee is authorized to operate, as a *common carrier*, in Massachusetts, Connecticut, New Jersey, Rhode Island, North Carolina, Tennessee, Virginia, Georgia, Ohio, Pennsylvania, Maryland, South Carolina, Delaware, West Virginia, Kentucky, Michigan, Indiana, Missouri, New York, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9821. Authority sought for control by THE COLONY COMPANY, 100 Constitution Plaza, Hartford, Conn., of THE ADLEY CORPORATION, 900 Chapel Street, New Haven, Conn., and for acquisition by E. CLAYTON GENGRAS, 1000 Asylum Avenue, Hartford, Conn., of control of THE ADLEY CORPORATION through the acquisition by THE COLONY COMPANY. Applicants' attorneys and representative: Thomas W. Murrett, 410 Asylum Street, Hartford, Conn., Louis Evans, 109 Church Street, New Haven, Conn., Howard T. Gillis, 900 Chapel Street, New Haven, Conn., Herbert Burstein, 160 Broadway, New York, N.Y., and Arthur Sachs, 207 Orange Street, New Haven, Conn. Operating rights sought to be controlled: *General commodities*, with numerous exceptions, as a *common carrier*, over regular and irregular routes, from, to, and between certain specified points in the States of Massachusetts, Pennsylvania, Connecticut, New York, New Jersey, Virginia, Maryland, Delaware, North Carolina, Vermont, New Hampshire, Maine, and the District of Columbia serving numerous intermediate and off-route points, with restrictions, and numerous other specified commodities over regular and irregular routes, from, to and between certain specified points in the States of New Jersey, Virginia, Georgia, West Virginia, Pennsylvania, Maryland, North Carolina, Delaware, New York, South Carolina, Ohio, New Hampshire, Maine, Massachusetts, and the District of Columbia, serving certain off-route points, with numerous restrictions, as more specifically described in Docket No. MC-2542 and subnumbers thereunder. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating, in full, the entirety, thereof. THE COLONY COMPANY holds no authority with this Commission, however, its subsidiary motor carrier, THE CONNECTICUT COMPANY, 53 Vernon Street, Hartford, Conn., is authorized to operate, as a *common carrier*, in Connecticut, New York, New Jersey, Pennsylvania, Massachusetts, Rhode Island, Vermont, New Hampshire, Maine, Delaware, Maryland, Virginia, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-9822. Authority sought (1) for purchase by T.I.M.E. FREIGHT, INC., 2598 74th Street, Mail: Post Office Box 1120, Lubbock, Tex. 79408, of a portion of the operating rights of TEXAS-ARIZONA MOTOR FREIGHT, INC., Post Office Box 985, Oklahoma City, Okla. 73101, and for acquisition by LOYD LANOTTE, also of Lubbock, Tex., of control of such rights through the purchase; and (2) for control and merger by LEE WAY MOTOR FREIGHT, INC., 3000 West Reno, Oklahoma City, Okla. 73108, of the remaining portion of the operating rights and properties of TEXAS-ARIZONA MOTOR FREIGHT, INC., and for acquisition by R. E. LEE and M. S. LEE, both also of Oklahoma City, Okla., of control of such rights and property through the transaction. Applicant's attorneys: W. D. Benson, Jr., Citizens Tower, Lubbock, Tex. 79401, Richard H. Champlin, Post Office Box 82488, Oklahoma City, Okla. 73108, and Roland Rice, 618 Perpetual Building, 1111 E Street NW., Washington, D.C. 20004. Operating rights sought (1) to be transferred, and (2) to be controlled and merged: (1). *General commodities*, except those of unusual value, classes A and B explosives and ammunition and component parts of ammunition, however classified, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between certain specified points in Oklahoma, on the one hand, and, on the other, certain specified points in Texas, serving no intermediate or terminal points; and one alternate route for operating convenience only; and (2) between certain specified points in Oklahoma, on the one hand, and, on the other, points in Missouri, Indiana, Illinois, and Kansas, serving no intermediate or terminal points. (1) Vendee is authorized to operate, as a *common carrier*, in Texas, Oklahoma, New Mexico, Arizona, California, Tennessee, Arkansas, Kentucky, Ohio, Georgia, Missouri, Illinois, Indiana, Kansas, Alabama, Maryland, Pennsylvania, New York, New Jersey, Virginia, West Virginia, Massachusetts, Rhode Island, and Connecticut; (2) LEE WAY MOTOR FREIGHT, INC., is authorized to operate, as a *common carrier*, in Texas, Kansas, Oklahoma, Missouri, Illinois, Indiana, Ohio, Pennsylvania, West Virginia, New York, Arkansas, Arizona, New Mexico, California, and Colorado. Applications have been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 67-8630; Filed, July 25, 1967; 8:46 a.m.]

[Notice 11]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 21, 1967.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 279), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-69374. By order of July 20, 1967, the Transfer Board approved the transfer to Fleming Van Lines, Inc., Tacoma, Wash., of that portion of certificate No. MC-9115, issued March 20, 1957, to Oregon-Nevada-California Fast Freight, Inc., Palo Alto, Calif., authorizing the transportation of household goods, between points in Jackson County, Oreg., on the one hand, and, on the other, points in California. George R. LaBissoniere, 920 Logan Building, Seattle, Wash. 98101, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 67-8631; Filed, July 25, 1967; 8:46 a.m.]

[Notice 424]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 20, 1967.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication is published in the FEDERAL REGISTER. tion, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 72442 (Sub-No. 20 TA), filed July 17, 1967. Applicant: AKERS MOTOR LINES, INCORPORATED, Post Office Drawer 579, Gastonia, N.C. 28052. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: General commodities (except those of unusual value, classes A and B explosives, tobacco, liquor, commodities in bulk, commodities requiring special equipment, and household goods as defined by the Commission), (1) between junction Georgia Highway 82 and unnumbered highway and the site of Akers Motor Lines, Inc., terminal at or near Dry Pond, Ga. (located on Georgia Highway 82 approximately 8 miles west of Commerce and 6 miles north of Jefferson, Ga.), over approximately 400 feet of unnumbered highway, and return over the same route, serving junction point for purpose of joinder only; (2) between Jefferson, Ga., and Dry Pond, Ga., over Georgia Highway 82, and return over the same route, serving Jefferson and Dry Pond for purpose of joinder only; (3) between Talmo, Ga., and Dry Pond, Ga.: From Talmo over Georgia Highway 346 to junction Georgia Highway 82, thence over Georgia Highway 82 to Dry Pond, and return over the same route, serving Talmo and Dry Pond for purpose of joinder only; (4) between Maysville, Ga., and Dry Pond, Ga., over Georgia Highway Spur 82, and return over the same route, serving Maysville and Dry Pond for purpose of joinder only; (5) between Maysville, Ga., and junction U.S. Highway 23 and Georgia Highway 52, over Georgia Highway 52, and return over the same route, serving Maysville and junction U.S. Highway 23 and Georgia Highway 52 for purpose of joinder only; (6) between Commerce, Ga., and Maysville, Ga., over Georgia Highway 98, and return over the same route, serving Commerce and Maysville for purpose of joinder only; (7) between Commerce, Ga., and Athens, Ga., over U.S. Highway 441, and return over the same route, serving Commerce

and Athens for the purpose of joinder only; (8) between Commerce, Ga., and Danielsville, Ga., over Georgia Highway 98, and return over the same route, serving Commerce and Danielsville for purpose of joinder only; (9) between Danielsville, Ga., and Comer, Ga., over Georgia Highway 98, and return over the same route, serving Danielsville and Comer for purpose of joinder only; (10) between Baldwin, Ga., and Commerce, Ga., over U.S. Highway 441 via Homer, Ga., and return over the same route, serving Baldwin, Homer and Commerce for purpose of joinder only; (11) between Lula, Ga., and Homer, Ga., over Georgia Highway 51, and return over the same route, serving Lula and Homer for purpose of joinder only; (12) between Homer, Ga., and junction Georgia Highways 51 and 59, over Georgia Highway 51, and return over the same route, serving Homer and junction Georgia Highways 51 and 59 for purpose of joinder only; (13) between junction Georgia Highways 51 and 59 and Franklin Springs, Ga., over Georgia Highway 51, and return over the same route, serving junction Georgia Highways 51 and 59 and Franklin Springs for purpose of joinder only; (14) between Homer, Ga., and Maysville, Ga., over Georgia Highway 98, and return over the same route, serving Homer and Maysville for purpose of joinder only; (15) between Boydville, Ga., and junction Georgia Highways 184 and 51, over Georgia Highway 184, and return over the same route, serving Boydville and junction Georgia Highways 184 and 51 for purpose of joinder only; (16) between Gainesville, Ga., and Jefferson, Ga., over U.S. Highway 129, via Talmo, Ga., and return over the same route, serving Gainesville, Talmo, and Jefferson for purpose of joinder only; (17) between Jefferson, Ga., and Athens, Ga., over U.S. Highway 129 via Arcade, Ga., and return over the same route, serving Jefferson, Arcade and Athens for purpose of joinder only; (18) between Arcade, Ga., and Statham, Ga.; From Arcade over Georgia Highway 82 to junction Georgia Highway 211, thence over Georgia Highway 211 to Statham, and return over the same route, serving Arcade and Statham for purpose of joinder only; (19) between Oakwood, Ga., and Winder, Ga., over Georgia Highway 53, and return over the same route, serving Oakwood and Winder for purpose of joinder only; (20) between Russell, Ga., and junction Georgia Highway 53 and U.S. Highway 78, over Georgia Highway 53, and return over the same route, serving Russell and junction Georgia Highway 53 and U.S. Highway 78 for purpose of joinder only; (21) between Watkinsville, Ga., and junction Georgia Highway 53 and U.S. Highway 78, over Georgia Highway 53, and return over the same route, serving Watkinsville and junction Georgia Highway 53 and U.S. Highway 78 for purpose of joinder only; (22) between Toccoa, Ga., and Lavonia, Ga., over Georgia Highway 17 to Lavonia, and return over the same route, serving Toccoa and Lavonia for purpose of joinder only; (23) between Lavonia, Ga., and Hartwell, Ga., over Georgia Highway 77 to Hartwell, and return over the same route, serving Lavonia and Hartwell for purpose of joinder only; (24) between Lavonia, Ga., and Royston, Ga., over Georgia Highway 17, and return over the same route, serving Lavonia and Royston for purpose of joinder only; and (25) between Royston, Ga., and Elberton, Ga., over Georgia Highway 17, and return over the same route, serving Royston and Elberton for purpose of joinder only; for 150 days. Supporting shippers: There are seven shippers' supporting statements attached to application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or at the field office named below. Send protests to: Jack K. Huff, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 206, 327 North Tryon Street, Charlotte, N.C. 28202. NOTE: Applicant states that it intends to tack with authority in MC 72442 and subs thereunder.

No. MC 92500 (Sub-No. 5 TA), filed July 17, 1967. Applicant: SEABOARD TRANSPORTATION CO., Post Office Box 98, Antioch, Calif. 94509. Applicant's representative: William B. Adams, 520 Southwest Yamhill Street, Portland, Oreg. 97204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, in bulk, from Camptonville, Calif., to West Sacramento, Calif.; for 150 days. Supporting Shipper: Cal-Ida Lumber Co., a division of J. R. Simplot Co., Post Office Box 752, Auburn, Calif. Send protests to: William E. Murphy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box 36004, 450 Golden Gate Avenue, San Francisco, Calif. 94102.

No. MC 111201 (Sub-No. 7 TA), filed July 17, 1967. Applicant: J. N. ZELLNER & SON TRANSFER COMPANY, Post Office Box 818, East Point, Ga. 30044. Applicant's representative: Monty Schumacher, Suite 693, 1375 Peachtree Street, NE., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glass containers and closures for such containers* and (2) *corrugated boxes or paper containers*, in mixed loads with glass containers and closures for such containers, on flatbed trailers, from Jacksonville, Fla., to points in Alabama, Georgia, North Carolina, South Carolina, and Tennessee; for 180 days. Supporting shipper: Anchor Hocking Glass Corp., Lancaster, Ohio 43130. Send protests to: William L. Scroggs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 300, 680 West Peachtree Street NW., Atlanta, Ga. 30308.

No. MC 111375 (Sub-No. 25 TA), filed July 18, 1967. Applicant: PIRKLE REFRIGERATED FREIGHT LINES, INC., 3567 Barnard Avenue, Cudahy, Wis. 53110. Applicant's representative: William C. Dineen, 412 Empire Building, 710 North Plankinton Avenue, Milwaukee, Wis. 53202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Yeast and allied bakery products*, from Milwaukee, Wis., to Billings, Butte, and Missoula, Mont.; for 150 days. Supporting shipper: Universal Foods Corp., 433 East Michigan Street, Milwaukee, Wis. 53201. Send protests to: W. F. Sibbald, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 113624 (Sub-No. 37 TA), filed July 17, 1967. Applicant: WARD TRANSPORT, INC., Post Office Box 133, Pueblo, Colo. 81002. Applicant's representative: D. S. Smith (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ammonium nitric solution*, in bulk, in tank vehicles, from the plantsite of Ytirium Co. in Douglas County, Colo., 8 miles south of Littleton, Colo., on U.S. Highway 85, to the plantsite of Wycon Chemical Co. 4 miles west of Cheyenne, Wyo.; for 150 days. Supporting shipper: Wycon Chemical Co., Post Office Box 1067, Colorado Springs, Colo. 80901. Send protests to: Herbert C. Ruoff, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2022 Federal Building, Denver, Colo. 80202.

No. MC 114165 (Sub-No. 5 TA), filed July 17, 1967. Applicant: PELICAN TRUCKING COMPANY, INC., Post Office Box 7127, 1600 Wells Island Road, Shreveport, La. 71107. Applicant's representative: Hargrove, Guyton, Van Hook & Ramey, Texas Eastern Building, Post Office Box 1547, Shreveport, La. 71102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy and/or cumbersome commodities*, which because of size or weight, require special equipment for the handling thereof, from, to and between all points within Louisiana, Mississippi, Texas, Oklahoma, New Mexico, Illinois, Indiana, Kentucky, Florida, Alabama, Arkansas, Tennessee, and Georgia; for 180 days. NOTE: No duplicate authority is sought or intended. Supporting shipper: There are six shippers' supporting statements attached to application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or at the field office named below. Send protests to: W. R. Atkins, District Supervisor, Bureau of Operations, Interstate Commerce Commission, T-4009 Federal Office Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 118101 (Sub-No. 6 TA), filed July 17, 1967. Applicant: RAY GILBERT, JR., Route No. 1, Box 305, Muskogee, Okla. 74401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Gulfport, Miss., to Smith Center, Kans.; for 150 days. Supporting shippers: Standard Fruit & Steamship Co., International Trade Mart Building, No. 2 Canal Street, Post Office Box 50830, New Orleans, La. 70150; and Mini-Max Provision, Inc., division of Boogaart Supply Co., Smith Center, Kans. Send protests to: C. L. Phillips, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 350, American General Building, 210 Northwest Sixth, Oklahoma City, Okla. 73102.

No. MC 119934 (Sub-No. 141 TA), filed July 18, 1967. Applicant: ECOFF TRUCKING, INC., 625 East Broadway, Fortville, Ind. 46040. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hydrofluosilicic acid*, from Indianapolis, Ind., to St. Louis and Hine, Mo.; for 180 days. Supporting shipper: International Minerals & Chemical Corp., Indianapolis Stockyards, Indianapolis, Ind. Send protests to: R. M. Hagarty, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, Ind. 46204.

No. MC 125506 (Sub-No. 8 TA), filed July 17, 1967. Applicant: JOSEPH ELETTO TRANSFER, INC., 31 West St. Marks Place, Valley Stream, N.Y. 11580. Applicant's representative: Morris Honig, 150 Broadway, New York, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by retail department stores, displays and advertising materials*, between shipper's stores and warehouses located at New York, Manhasset, Garden City, Eastchester, and White Plains, N.Y., Stamford, Conn., and Watchung, East Orange, and Paramus, N.J.; for 180 days. Supporting shipper: Best & Co., Fifth Avenue at 51st Street, New York, N.Y. Send protests to: E. N. Carignan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 346 Broadway, New York, N.Y. 10013.

No. MC 127227 (Sub-No. 3 TA), filed July 18, 1967. Applicant: BIRDSALL CONSTRUCTION COMPANY, 230 Royal Palm Way, Palm Beach, Fla. 33480. Applicant's representative: Richard J. Brooks, Post Office Box 1531, Title Building, Tallahassee, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, commodities requiring special equipment, commodities in bulk, and commodities of unusual value), between Palm Beach, Fla., on the one hand, and, on the other, points in Palm Beach, Broward, and Dade Counties, Fla.; restricted to traffic having a prior or subsequent movement by water and originating at or destined to points on the island of New Providence, Bahamas; for 150 days. Supporting shippers: There are seven shippers' supporting statements attached to application, which may be examined at the Interstate Commerce Commission, or at the field office named below. Send protests to: Joseph B. Teichert, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1621, 51st Southwest First Avenue, Miami, Fla. 33130.

No. MC 127664 (Sub-No. 1 TA), filed July 17, 1967. Applicant: CAPITOL DELIVERY OF OMAHA, INC., 1824 California Street, Omaha, Nebr. 68102. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those injurious or contaminating to other lading), between points in that part of Nebraska, Iowa, Missouri, and Kansas on, bounded by and within 5 miles of a line beginning at Grand Island, Nebr., and extending along U.S. Highway 30 to junction U.S. Highway 81, thence over U.S. Highway 81 to junction U.S. Highway 20, thence over U.S. Highway 20 to junction U.S. Highway 71, thence over U.S. Highway 71 to junction U.S. Highway 136, thence over U.S. Highway 136 to the Missouri-Nebraska State line, thence southeasterly along the Missouri-Nebraska State line to its junction with the Missouri-Kansas State line, thence along the Missouri-Kansas State line to junction U.S. Highway 36, thence west over U.S. Highway 36 to junction U.S. Highway 281, thence over U.S. Highway 281 to Grand Island, Nebr., the point of beginning; for 180 days. Restrictions: (1) No service shall be rendered in the transportation of any package or article weighing more than 100 pounds and no service shall be provided in the transportation of any shipment weighing more than 100 pounds from any one consignor to any one consignee on any one day. (2) No service shall be provided to or from the premises of any shipper or consignee who or which have entered into contracts with Capitol Delivery Service, Inc., and are served by the company pursuant to permits issued by the Interstate Commerce Commission. NOTE: Applicant proposes to interline shipments at all points it is authorized to serve. Supporting shippers: There are 101 shippers' supporting statements attached to application, which may be examined at the Interstate Commerce Commission, in Washington, D.C., or at the field office named below. Send Protests to: Keith P. Kohrs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 129240 TA, filed July 17, 1967. Applicant: ROY E. BARKER PRODUCE, INC., 121 Magnolia, North Little Rock, Ark. 72114. Applicant's representative: Glenn W. Jones, Jr., Donaghey Building, Little Rock, Ark. 72201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fruit and vegetable shipping containers*, from Little Rock, Ark., to points in Denver, Boulder, Weld, Adams, Arapahoe, Larimer, Jefferson, Douglas, Gilpin, Clear Creek, Park, Costilla, Conejos, and Alamosa Counties, Colo.; for 180 days. Supporting shipper: Little Rock Crate & Basket Co., 1623 East 14th Street, Little Rock, Ark. 72202. Send protests to: D. R. Partney, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2519 Federal Office Building, 700 West Capitol Little Rock, Ark. 72201.

No. MC 129242 TA, filed July 18, 1967. Applicant: WILBUR D. NEUMANN, 204 Rosemary Lane, Creve Coeur, Ill. 61610. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products, including butter, cream, milk, cheese, cottage cheese, oleo, fruit drinks, fruit juice, powdered milk, powdered buttermilk, and dairy plant equipment, materials, and supplies*, between Pana and Peoria, Ill., on the one hand, and, on the other, points in Indiana, Iowa, and Missouri, and points in Kentucky on and west of U.S. Highway 65; for 150 days. Supporting shippers: Sugar Creek Foods Division, National Dairy Products Corp., 222 West Adams Street, Chicago, Ill. 60606; and Sealtest Foods Division, National Dairy Products Corp., 736 Southwest Washington, Peoria, Ill. 61602. Send protests to: Raymond E. Mauk, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1086 U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 172 (Sub-No. 5 TA) (correction), filed July 3, 1967, published in FEDERAL REGISTER, issue of July 12, 1967, corrected, and republished as corrected, this issue. Applicant: ARNOLD E. WADE, 1312 Helderberg Avenue, Schenectady, N.Y. 12306. Applicant's representative: James H. Glavin III, 69 Second Street, Waterford, N.Y. 12188. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special and charter operations, from points in that part of New York bounded by a line beginning at Windham, N.Y., and extending through Gilboa to Cooperstown, thence through Sharon Springs to Amsterdam, thence through Hoffmans to Schenectady, and thence through South Berne to point of beginning, to ports of entry on the international boundary line between the United States and Canada, located in New York; for 150 days. Supporting shipper: The 11 supporting statements attached to application may be examined at the Interstate Commerce Commission in Washington, D.C., or at the field office named below. Send protests to: Jack G. Takakjian, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Albany, N.Y. 12207. NOTE: The purpose of this republication is to show that both special and charter operations are proposed by carrier.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 67-8605; Filed, July 24, 1967; 8:51 a.m.]

CUMULATIVE LIST OF PARTS AFFECTED—JULY

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during July.

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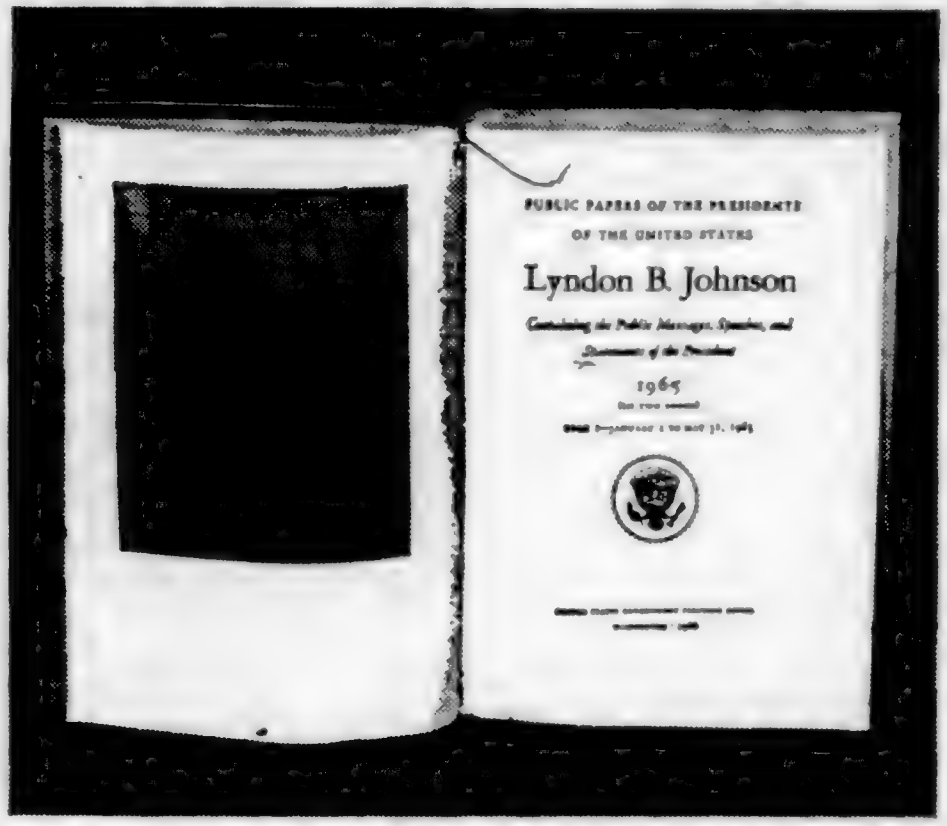
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Rules and Regulations

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C–1250]

PART 13—PROHIBITED TRADE PRACTICES

Angora Corporation of America and Sam Flomenhaft

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* 13.1053–90 Wool Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–90 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–90 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–90 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; secs. 2–5, 54 Stat. 1128–1130; 15 U.S.C. 45, 68) [Cease and desist order, Angora Corp. of America et al., New York, N.Y., Docket C–1250, June 30, 1967]

Consent order requiring a New York City importer and processor of fabrics to cease misbranding and falsely guaranteeing its wool products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Angora Corp. of America, a corporation, and its officers, and Sam Flomenhaft, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment or shipment in commerce, of wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from:

A. Misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of constituent fibers included therein.

2. Failing to securely affix to, or place on, each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

3. Affixing thereto labels whereon the term "Mohair" is used in lieu of the word "Wool," in setting forth the required information, unless the percentage of fibers designated as "Mohair" are entitled to that designation and are present in at least the amount stated.

B. Furnishing a false guaranty that their wool products are not misbranded under the provisions of the Wool Products Labeling Act, where there is reason to believe that the wool products so guaranteed may be introduced, sold, transported, or distributed in commerce.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: June 30, 1967.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 67–8696; Filed, July 26, 1967; 8:46 a.m.]

[Docket No. C–1251]

PART 13—PROHIBITED TRADE PRACTICES

General Electric Co.

Subpart—Combining or Conspiring: § 13.450 *To limit distribution or dealing to regular, established or acceptable channels or classes.* Subpart—Cutting off access to customers or market: § 13.535 *Contracts restricting customers' handling of competing products.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, General Electric Co., Schenectady, N.Y., Docket C–1251, June 30, 1967]

Consent order requiring a major manufacture of electrical equipment with headquarters in Schenectady, N.Y., to cease conditioning its promotional payments to builders and contractors upon restrictive purchase agreements.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent, General Electric Co., its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of radiant electric heating equipment and major household appliances, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from conditioning the granting of any promotional allowance or discount in lieu thereof to any home or apartment builder or contractor purchasing any such product from respondent by requiring that said home or apartment builder or contractor, in order to qualify for and/or receive such promotional allowance or discount in lieu thereof, must purchase at the same time two or more separate and dissimilar General Electric products: *Provided, however*, That the above "It is ordered" paragraph shall not apply to any such allowance or discount in lieu thereof made by General Electric Co., its officers, representatives, agents and employees within the period terminating 2 years from the effective date of this order, if, and only if, such allowance or discount in lieu thereof is pursuant to the provisions of an agreement, arrangement or understanding which was entered into prior to the entry of this order.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: June 30, 1967.

By the Commission.[1]

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 67–8699; Filed, July 26, 1967; 8:45 a.m.]

[Docket No. C–1246]

PART 13—PROHIBITED TRADE PRACTICES

Herman Miller, Inc.

Subpart—Combining or conspiring: § 13.450 *To limit distribution or dealing to regular, established or acceptable channels or classes.* Subpart—Discriminating in price under section 2, Clayton Act—Price discrimination under 2(a): § 13.700 *Arbitrary or improper functional discounts.* Subpart—Discriminating in price under section 5, Federal Trade Commission Act: § 13.885 *Functional classification.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 2, 38 Stat. 731, as amended; 15 U.S.C. 45, 13) [Cease and desist order, Herman Miller, Inc., Zeeland 2, Mich., Docket C–1246, June 30, 1967]

Consent order requiring a Zeeland, Mich., furniture manufacturer to cease discriminating in price between competing customers and using any anti-competitive merchandising plan.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Herman Miller, Inc., a corporation, and its officers, representatives, agents and employees, directly or through any corporate or other device, in, or in connection with, the offering for sale, sale, or

[1] Commissioners Elman and Reilly did not concur in the issuance of the complaint.

distribution of furniture and furniture products in commerce, as "commerce" is defined in the Clayton Act, as amended, do on and after December 1, 1967, cease and desist from: Discriminating, directly or indirectly, in the price of such products of like grade and quality by selling such products to any purchaser at net prices higher than the net prices charged any other purchaser who in fact competes in the resale or distribution of such products with the purchaser paying the higher price.

It is further ordered, That respondent Herman Miller, Inc., a corporation, and its officers, representatives, agents, and employees, directly or through any corporate or other device, in, or in connection with, the offering for sale, sale, or distribution of furniture and furniture products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Putting into effect, maintaining or enforcing any merchandising or distribution plan or policy under which contracts, agreements, or understandings are entered into with its customers which have the purpose or effect of requiring or inducing, directly or indirectly, any of its customers to refrain from bidding or otherwise quoting prices which are effectively designed to secure for such customers the sale of respondent's products.

2. Entering into, continuing, or enforcing, or attempting to enforce, any contract, agreement or understanding with any of its customers for the purpose or with the effect of establishing or maintaining any merchandising or distribution plan or policy prohibited by paragraph 1 of this order.

3. Engaging, either as part of any contracts, agreements, or understanding with any of its customers, or individually or unilaterally, in the practice of:

(a) Notifying, or otherwise communicating to, its customers, directly or indirectly, that one or more of its customers will be favored, in terms of price or otherwise, with respect to bargaining with, or submitting bids or otherwise quoting prices to, particular consumers or users of such products.

(b) Requiring or inducing, directly or indirectly, its customers to confirm with it the prices it will charge such customers for such products in the event that such customers make sales to particular consumers or users of such products.

It is further ordered, That respondent shall, within sixty (60) days after service of this order upon respondent, serve by mail on all maximum discount dealers of its products a copy of this order.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: June 30, 1967.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 67-8700; Filed, July 26, 1967; 8:45 a.m.]

[Docket No. C-1246]

PART 13—PROHIBITED TRADE PRACTICES

Midwestern Chinchilla Corp. et al.

Subpart—Advertising falsely or misleadingly: § 13.60 *Earnings and profits;* § 13.70 *Fictitious or misleading guarantees;* § 13.175 *Quality of product or service;* § 13.190 *Results;* § 13.225 *Services.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1608 *Dealer or seller assistance;* § 13.1615 *Earnings and profits;* § 13.1647 *Guarantees;* § 13.1715 *Quality;* § 13.1730 *Results.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Midwestern Chinchilla Corp. et al., Harlan, Iowa, Docket C-1246, June 30, 1967]

In the Matter of Midwestern Chinchilla Corp., a Corporation, and Grant D. Rice, Lowell G. Schmidt, John F. Sawin, and Ronald R. Davis, Individually and as Officers of Said Corporation, and Richard W. Pauley, Donald E. Morgan, and Fred Wollschlager, Individually and as Directors of Said Corporation.

Consent order requiring a Harlan, Iowa, seller of chinchilla breeding stock to cease making exaggerated profit claims, exaggerating the number of live offsprings, deceptively guaranteeing its stock, and falsely stating the extent of seller service to purchasers in selling its chinchilla animals.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Midwestern Chinchilla Corp., a corporation, its officers and directors and Grant D. Rice, Lowell G. Schmidt, John F. Sawin, and Ronald R. Davis, individually and as officers of said corporation, and Richard W. Pauley, Donald E. Morgan, and Fred Wollschlager, individually and as directors of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of chinchilla breeding stock or any other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Representing, directly or by implication, that:

1. It is practicable to raise chinchillas in the home or that large profits can be made in this manner.

2. Breeding chinchillas for profit can be achieved without previous knowledge or experience in the feeding, care, and breeding of such animals.

3. The initial chinchilla breeding stock of six females and one male chinchilla purchased from respondents will produce live offspring of 18 the first year, 33 the second year, 69 the third year, 144 the fourth year, 303 the fifth year, or 778 the sixth year.

4. Chinchillas will produce live offspring in any number: *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that the represented number of offspring are usually and customarily produced by the chinchillas sold by respondents or by the offspring of said chinchillas.

5. All of the offspring of chinchilla breeding stock purchased from respondents will produce pelts selling for the average price of $25 each.

6. Purchasers of respondents' breeding stock will receive for chinchilla pelts any price or prices: *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that the represented price or prices per pelt are usually received for pelts produced by chinchillas purchased from respondents, or by the offspring of said chinchillas.

7. Each female chinchilla purchased from respondents and each female offspring produce at least three live young per year.

8. The number of live offspring produced per female chinchilla is any number: *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that the represented number of offspring are usually and customarily produced by female chinchillas purchased from respondents or the offspring of said chinchillas.

9. Pelts from the offspring of respondents' breeding stock generally sell for $21.60 to $60 each.

10. Chinchilla pelts produced from respondents' breeding stock will sell for any price or range of prices per pelt: *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that the represented price or range of prices are usually received for pelts produced by chinchillas purchased from respondents or by the offspring of said chinchillas.

11. A purchaser starting with six females and one male will have, from the sale of pelts, an annual income, earnings or profits $16,814.80 in the sixth year after purchase.

12. Purchasers of respondents' breeding stock will realize earnings, profits or income in any amount or range of amounts: *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that the represented amount or range of amounts of earnings, profits or income are usually realized by purchasers of respondents' breeding stock.

13. Breeding stock purchased from respondents is warranted or guaranteed without clearly and conspicuously disclosing the nature and extent of the guarantee, the manner in which the guarantor will perform and the identity of the guarantor.

14. Purchasers of respondents' chinchilla breeding stock are given guidance in the care and breeding of chinchillas or are furnished advice by respondents as to the breeding of chinchillas.

15. Purchasers of respondents' chinchilla breeding stock will receive service calls from respondents' service personnel every 90 to 120 days or at any other interval or frequency: *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that the represented service calls are actually furnished.

16. Purchasers of respondents' chinchilla breeding stock will receive select or choice or any other grade or quality, of chinchillas: *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that purchasers do actually receive chinchillas of the represented grade or quality.

B. 1. Misrepresenting in any manner, the assistance, training, services or advice supplied by respondents to purchasers of their chinchilla breeding stock.

2. Misrepresenting, in any manner, the earnings or profits of purchasers of respondents' chinchilla breeding stock.

C. Failing to deliver a copy of this order to cease and desist to all present and future salesmen or other persons engaged in the sale of the respondents' products to purchasers; and failing to secure from each such person a signed statement acknowledging receipt of said order and agreeing to abide by the requirements of said order and to refrain from engaging in any of the acts or practices prohibited by said order; and for failing so to do, agreeing to dismissal or to the withholding of commissions, salaries and other remunerations or both to dismissal and to withholding of commissions, salaries and other remunerations.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: June 30, 1967.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 67-8701; Filed, July 26, 1967; 8:45 a.m.]

[Docket No. C-1369]

PART 13—PROHIBITED TRADE PRACTICES

National Mattress Co. et al.

Subpart—Advertising falsely or misleadingly: § 13.110 *Indorsements, approval, and testimonials:* § 13.170 *Qualities or properties of product or service:* 13.170–22 Corrective, orthopedic, etc.; 13.170–52 Medicinal, therapeutic, healthful, etc.; § 13.245 *Specifications or standards conformance.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1665 *Indorsements:* § 13.1710 *Qualities or properties.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, National Mattress Co. et al., Huntington, W. Va., Docket C-1369, June 30, 1967]

In the Matter of National Mattress Co., a Corporation, Jasper National Mattress Co., a Corporation, Cincinnati National Mattress Co., a Corporation, Huntington National Mattress Co., a Corporation, Saginaw National Mattress Co., a Corporation, Tyler National Mattress Co., a Corporation, Charlotte National Mattress Co., a Corporation, Youngstown National Mattress Co., a Corporation, and James F. Edwards, Carter W. Wild, and Ernest C. Ghrist, Individually and as Officers and Directors of Said Corporations

Consent order requiring a Huntington, W. Va., mattress and bedding manufacturer and its seven wholly owned subsidiaries, to cease misrepresenting that its products have any health or therapeutic benefits, that they are built to specifications promulgated by any health organization or are approved by any such organization.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents National Mattress Co., Jasper National Mattress Co., Cincinnati National Mattress Co., Huntington National Mattress Co., Saginaw National Mattress Co., Tyler National Mattress Co., Charlotte National Mattress Co., and Youngstown National Mattress Co., corporations, and their officers, and James F. Edwards, Carter W. Wild, and Ernest C. Ghrist, individually and as officers and directors of said corporations, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the manufacturing, advertising, offering for sale, sale or distribution of mattresses, box springs, bedding products or any other article of merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that any stock mattress or box spring has been specially designed or constructed so as to, or will in fact, prevent, correct or afford relief with respect to a body deformity or deformities.

2. Misrepresenting, in any manner, the therapeutic properties or health benefits of any of respondents' said products.

3. Representing, directly or by implication, that any of respondents' mattresses or box springs are designed or constructed in accordance with specifications or standards established by any organization unless the organization so referred to has prescribed the number of coils, composition and gauge of wire, tensile strength, flexibility and other similarly specific engineering characteristics for said mattresses or box springs and respondents' mattresses and box springs so described have in fact been designed and constructed in accordance therewith.

4. Representing, directly or by implication, that any association of practitioners of the healing arts has established mattress or box spring design or construction standards or specifications known to or readily available to those competitors of respondents whose mattresses and box springs are sold in the area of said association's existence.

5. Representing, directly or by implication, that any nonexistent standards or specifications, or any standards or specifications which do not describe and establish with detail and particularity the design, construction, quality and performance of mattresses and box springs are a measure of quality for mattresses or box springs.

6. Representing, directly or by implication that respondents' mattresses or box springs have been designed or constructed in accordance with any nonexistent standards or specifications, or in accordance with any standards or specifications which do not prescribe and establish with detail and particularity the design, construction, quality and performance of mattresses and box springs, or that the products of others do not meet said standards or specifications.

7. Representing, directly or by implication, that any of respondents' products have been approved or endorsed by any member, members or association of members of the healing arts, without clearly and conspicuously revealing the fact of any remuneration or other consideration given, directly or indirectly, by respondents to said member, members or association for said approval or endorsement.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: June 30, 1967.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 67-8702; Filed, July 26, 1967; 8:45 a.m.]

[Docket No. C-1247]

PART 13—PROHIBITED TRADE PRACTICES

Sol Rattner, Inc., et al.

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108–45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–30 Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–30 Fur Products Labeling Act; § 13.1325 *Source or origin:* 13.1325–70 Place: 13.1325–70(g) Imported product

or parts as domestic. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845–30 Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Sol Rattner, Inc., et al., New York, N.Y., Docket C–1247, June 30, 1967]

In the Matter of Sol Rattner, Inc., a Corporation, and Sol Rattner Also Known as Sol Ratner, Individually and as an Officer of Said Corporation

Consent order requiring a New York City manufacturing furrier to cease misbrandings and falsely invoicing its fur products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Sol Rattner, Inc., a corporation, and its officers, and Sol Rattner also known as Sol Ratner, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding any fur product by:

1. Falsely or deceptively labeling or otherwise falsely or deceptively identifying any such fur product as to the country of origin of furs contained in such fur product.

2. Falsely or receptively labeling or otherwise falsely or receptively identifying any such fur product as to the name or designation of the animal or animals that produced the fur contained in such fur product.

3. Failing to affix a label to such fur product showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

4. Failing to set forth the term "Dyed Broadtail-processed Lamb" on a label in the manner required where an election is made to use that term in lieu of the term "Dyed Lamb."

5. Failing to set forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder on a label in the sequence required by Rule 30 of the aforesaid rules and regulations.

6. Failing to set forth on a label the item number or mark assigned to such fur product.

B. Falsely or deceptively invoicing any fur product by:

1. Failing to furnish an invoice, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Setting forth on an invoice pertaining to such fur product any false or deceptive information with respect to the name or designation of the animal or animals that produced the fur contained in such fur product.

3. Failing to set forth the term "Persian Lamb" in the manner required where an election is made to use that term instead of the word "Lamb."

4. Failing to set forth the term "Dyed Broadtail-processed Lamb" in the manner required where an election is made to use that term instead of the words "Dyed Lamb."

5. Failing to set forth the term "natural" as part of the information required to be disclosed on an invoice under the Fur Products Labeling Act and rules and regulations promulgated thereunder to describe such fur product which is not pointed, bleached, dyed, tip-dyed, or otherwise artifically colored.

6. Failing to set forth on an invoice the item number or mark assigned to such fur product.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: June 30, 1967.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 67–8703; Filed, July 26, 1967; 8:45 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER W—AIR FORCE PROCUREMENT INSTRUCTION

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

Subchapter W of Chapter VII of Title 32 of the Code of Federal Regulations is amended as follows:

PART 1003—PROCUREMENT BY NEGOTIATION

Subpart F—Small Purchases

1. Section 1003.608–6 is amended by revising paragraphs (b) and (d)(5)(ii); and § 1003.608–7 is revised to read as follows:

§ 1003.608–6 Use of DD Form 1155 as a delivery order.

• • • • •

(b) The responsibility for scheduling deliveries under indefinite delivery contracts rests with the procurement office. However, the nature of certain supplies and services makes it advisable to permit requiring activities to schedule such deliveries. These supplies are usually items that do not lend themselves to normal warehouse storage and requisitioning procedures. These services are those that are not susceptible to planned scheduling because the frequency of need for the service varies from day to day. To provide for expeditious ordering of such supplies and services under indefinite delivery contracts, the contracting officer may issue a delivery order that delegates the scheduling of deliveries to a member of the requiring activity, if authorized by paragraph (d)(1) of this section. Such delivery orders may be referred to as Blanket Delivery Orders (BDO). Blanket delivery orders against indefinite delivery contracts may be issued for periods equal to fund availability, e.g., month, fiscal quarter, annual. Succeeding orders, if appropriate, may be placed by change order (containing the information required by paragraph (d)(5)(i) of this section) against the initial blanket delivery order.

• • • • •

(d) • • •

(5) • • •

(ii) The activity scheduling deliveries will maintain records to insure that designated monetary limitations are not exceeded. AFPI Form 3F will be used for this purpose. Orders will be placed in numerical sequence and recorded. The sequence of recording scheduled deliveries will run for the duration of the delivery order.

• • • • •

§ 1003.608–7 Shipment shortages.

A final shipment may be accepted and the order completed without issuance of a modifying document when variation in quantity is not authorized if the shortage is negligible and the action will not impair the operation of the base (see paragraph 20704, AFM 177–102 (Commercial Transactions at Base Level)).

PART 1007—CONTRACT CLAUSES

Subpart NN—Special Clauses

§ 1007.4064 [Deleted]

2. Section 1007.4064 *Financial management report* is deleted.

3. Present Subpart PP is deleted and the following substituted therefor:

Subpart PP—Clauses for Contracts Issued by Foreign Procurement Activities

§ 1007.4200 General.

The clauses and instructions set forth in Subchapter A, Chapter I of this title and this subchapter for supplies, services, and construction contracts should be used where applicable in contracts issued by foreign procurement activities. In addition, in order to cope with any special procurement problems peculiar to their geographical area, overseas activities are authorized to issue their own necessary implementing instructions and clauses for their respective procurement programs.

(Sec. 8012, 70A Stat. 488, secs. 2201–2314, 70A Stat. 127–133; 10 U.S.C. 8012, 2201–2314)

PART 1016—PROCUREMENT FORMS

Subpart B—Forms for Negotiated Procurement

§ 1016.202 [Deleted]

4. Section 1016.202 *Negotiated contract forms (DD Form 1261 and DD ASPR Form 1270)* is deleted.

5. Section 1016.207–50 is amended by revising the introductory paragraph to read as follows:

§ 1016.207–50 Price Redetermination Forms (AFPI Forms 4A and 4B).

The following AFPI forms will be used as applicable:

• • • • •

Subpart H—Miscellaneous Forms

§ 1016.815–2 [Deleted]

6. Section 1016.815–2 *Supplemental agreement (DD Form 1320)* is deleted.

PART 1054—CONTRACT ADMINISTRATION

Subpart H—Contract Technical Services Contracts

§ 1054.804 [Deleted]

7. Section 1054.804 *Responsibilities of AFSC contracting officers* is deleted.

Subpart DD—Administration of Base Procurement Contracts

8. In § 1054.3004, paragraph (a) is amended by revising the introduction and subparagraphs (2) (i) and (iv) and (3)(ii); a new § 1054.3005 is added; and § 1054.3006 is revised. These sections now read as follows:

§ 1054.3004 Contract administration procedures.

(a) *Purchase and delivery orders (AFPI Form 93), requests against blanket purchase agreements, and all definite quantity contracts other than construction, service orders for commercial warehousing, utility service contracts, and credit card purchases.* Following is the procedure to be followed in connection with proper administration of the documents referenced in this paragraph.

• • • • • •

(2) Review and follow-up action: (i) Files should be suspended for the sixth calendar day following the: (a) Scheduled date indicated on the AFPI Form 93 (see § 1.305 of this title and § 1001.305 of this subchapter); (b) the scheduled delivery date indicated on the calls placed against Blanket Purchase Agreements; or (c) the specific date(s) established for delivery based upon date of receipt and acceptance of the document by the contractor, as evidenced by AFPI Form 20 or certified mail procedure.

• • • • • •

(iv) On bona fide contracts (other than request against Blanket Purchase Agreements or Purchase Orders on AFPI Form 93 where acceptance has not been received), if the contractor fails to make delivery or take action to cure the delinquency as a result of this initial notification and has not adequately justified such delay (for example: Delinquent delivery being wholly due to contractor's fault or negligence), then the contracting officer will immediately take the action required to either: (*a*) Terminate for default when the default clause is included in the contract (see Part 8, Subpart F of this title and Part 1008, Subpart F of this subchapter); or (*b*) terminate for Breach of Contract when a default clause is not included in the contract.

(3) Action against habitual delinquent contractors:

• • • • • •

(ii) Purchase orders issued on AFPI Form 93: Individual and complete action will be taken on each delinquent contract according to subparagraph (2) (iv) of this paragraph. In addition, periodic reports of current delinquent purchase orders should be reviewed to establish trends of possible habitual delinquents. After a trend is established from these reports, all purchase orders (completed and delinquent) placed with this contractor over a period of no less than 2 months should be reviewed and analyzed. If this review substantiates habitual delinquency: (*a*) All buyers within the procurement office will be notified that future purchase orders on the AFPI Form 93 with said delinquent contractor will contain the following statement: "Payment will not be made on partial deliveries accepted by the Government under this contract. Only one payment will be made upon completion of the contract pursuant to General Provision 4 entitled 'Payments'"; (*b*) vendors written acceptance will be obtained on AFPI Form 93B in view of the change in the payment provision; and (*c*) contractor will be notified of the detailed findings of the review and of action being taken on future procurements on AFPI Form 93.

• • • • • •

§ 1054.3005 Contract modifications.

(a) and (b) No implementation.

(c) *Modification to contracts.* (1) Any change required which is outside the scope of the provisions of the contract and may affect the price, terms, quantity, or other conditions of the contract will be effected by supplemental agreement. The contractor has no authority to proceed with performance of work contemplated by the change nor does the Government have authority to direct the contractor to proceed with the performance of work contemplated by the change until the Supplemental Agreement is fully executed and all necessary approvals obtained.

(2) Any change required which is within the scope of the provisions of the contract and where an agreement is reached on the adjustment of price or delivery schedule prior to issuing written direction to the contractor will be effected by supplemental agreement.

(3) Any change required which is within the scope of the provisions of the contract but time is of the essence not permitting negotiations of an adjustment in price or delivery will be directed by change order. At the earliest possible time after issuing the change order, negotiations will be conducted to establish an adjustment in price or delivery schedule for the direct change. Such mutual agreement will be accomplished on a supplemental agreement. Where mutual agreement proves impossible, the contracting officer will prepare and process a findings and decision under the disputes clause according to § 1.314 of this title and § 1001.314 of this subchapter.

§ 1054.3006 Extension of delivery schedules.

(a) Contractor's fault or negligence: Extension of delivery, service, or construction schedules where the delinquency concerned was wholly due to the contractor's fault or negligence, represents the Government giving to the contractor certain rights and benefits that he was not otherwise entitled to under the original contract. To do so, without receiving consideration therefor, has been declared by the Comptroller General to be beyond the authority of any officer or agent of the Government. The amount of consideration obtained from the contractor in any particular case depends upon the facts involved, e.g., the contract price of the unfinished work or items, the length of extension desired, the availability of other contractors in the area in the event of a default termination, whether it is practical for the Air Force to default the contract at the present stage of the work, etc. A reasonable starting point for establishing "legal consideration" is to seek consideration sufficient to recompense the Government for the administrative expense and inconvenience involved in granting the extension. A nominal consideration may suffice when an extension of the delivery schedule is in the best interests of the Government, but normally the amount of consideration received should represent the fair value of the benefit being received by the contractor. Prior to issuing a contractual modification amending the delivery schedule, the contracting officer will effect coordination with his staff judge advocate to determine whether or not legal consideration exists. The staff judge advocate's determination will be final concerning the existence of legal consideration. The contracting officer is responsible for determining the adequacy or amount of consideration. The foregoing will not be used in lieu of cure and/or show cause notices, default investigations and, when necessary, default or breach of contract

terminations. Contractors should not be permitted to buy a new or revised delivery schedule for some very nominal amount related solely to the administrative expenses incurred by the Government for processing a contractual modification. Should the contractor become either potentially delinquent or delinquent, cure or show cause notices will be used to keep the contractor on schedule, rectify the delinquency, and protect the Government from waiver situations. Extension of schedules in return for legal consideration should normally be used only when there is not sufficient time remaining in the schedule to cure the delinquency.

PART 1057—REPORTS

Subpart KK—Financial Management Reports

§§ 1057.3700–1057.3703 [Deleted]

9. Subpart KK, Financial Management Reports, is deleted.

(Sec. 8012, 70A Stat. 488; secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 8012, 2301–2314)
[AFPI Rev. No. 78, May 31, 1967; AF Procurement Circular No. 11, May 31, 1967]

By order of the Secretary of the Air Force.

LUCIAN M. FERGUSON,
Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 67-8853; Filed, July 26, 1967; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND THE FAIR PACKAGING AND LABELING ACT

Miscellaneous Amendments

Correction

In F.R. Doc. 67-8457 appearing at page 10729 in the issue for Friday, July 21, 1967, the following corrections are made:

1. On page 10729, in the 17th line of the first paragraph in the third column, the word "additional" should read "traditional".

2. On page 10733 § 1.8b(m)(1) should read:

(1) A declaration of 1½ pounds weight shall be expressed as "Net Wt. 24 oz. (1 lb. 8 oz.)," "Net Wt. 24 oz. (1½ lb.)," or "Net Wt. 24 oz. (1.5 lb.)".

3. On page 10733 in the third column in the paragraph following paragraph (h), the ninth line which reads "tions adversely affected by the order and" should be deleted.

PART 8—COLOR ADDITIVES

Subpart D—Listing of Color Additives for Food Use Exempt From Certification

CARROT OIL

In the matter of listing and exempting from certification the color additive carrot oil for general use in foods in amounts consistent with good manufacturing practice:

No comments were received in response to the notice of proposed rulemaking in the above-identified matter published in the FEDERAL REGISTER of June 6, 1967 (32 F.R. 8094), and it is concluded that the amendment should be adopted as proposed. Accordingly, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706 (b), (c) (2), (d), 74 Stat. 399-403; 21 U.S.C. 376 (b), (c) (2), (d)), and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.120): *It is ordered*, That Part 8 be amended as set forth below.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in six copies.

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Sec. 706 (b), (c) (2), (d), 74 Stat. 399-403; 21 U.S.C. 376 (b), (c) (2), (d))

Dated: July 20, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

Part 8 is amended by adding to Subpart D the following new section:

§ 8.324 Carrot oil.

(a) *Identity.* (1) The color additive carrot oil is the liquid or the solid portion of the mixture or the mixture itself obtained by the hexane extraction of edible carrots (*Daucus carota* L.) with subsequent removal of the hexane by vacuum distillation. The resultant mixture of solid and liquid extractives consists chiefly of oils, fats, waxes, and carotenoids naturally occurring in carrots. The definition of carrot oil in this paragraph is for the purpose of identity as a color additive only and shall not be construed as setting forth an official standard for carrot oil or carrot oleoresin under section 401 of the act.

(2) Color additive mixtures for food use made with carrot oil may contain only those diluents listed in this Subpart D as safe and suitable in color additive mixtures for coloring foods.

(b) *Specifications.* Carrot oil shall contain no more than 25 parts per million of hexane.

(c) *Uses and restrictions.* Carrot oil may be safely used for coloring foods generally, in amounts consistent with good manufacturing practice, except that it may not be used to color foods for which standards of identity have been promulgated under section 401 of the act unless the use of added color is authorized by such standards.

(d) *Labeling requirements.* The label of the color additive and any mixtures prepared therefrom intended solely or in part for coloring purposes shall conform to the requirements of § 8.32.

(e) *Exemption from certification.* Certification of this color additive is not necessary for the protection of the public health, and therefore batches thereof are exempt from the certification requirements of section 706(c) of the act.

[F.R. Doc. 67-8742; Filed, July 26, 1967; 8:49 a.m.]

PART 8—COLOR ADDITIVES

Subpart D—Listing of Color Additives for Food Use Exempt From Certification

Subpart F—Listing of Color Additives for Drug Use Exempt From Certification

Carmine; Confirmation of Effective Date

In the matter of establishing regulations listing and exempting from certification the color additive carmine for use in foods and drugs:

1. Three objections were received in response to the order in the above-identified matter published in the FEDERAL REGISTER of April 19, 1967 (32 F.R. 6131). The Meer Corp., 318 West 46th Street, New York, N.Y. 10036, proposes that the regulations promulgated by that order include cochineal and an aqueous extract of cochineal. The Vick Division of Richardson-Merrell, Inc., 1 Bradford Road, Mount Vernon, N.Y. 10553, makes a similar proposal. The Leeben Color & Chemical Co., Inc., 103 Lafayette Street, New York, N.Y. 10013, proposes that the regulations include a magnesium aluminum lake of carminic acid and that the limit for lead and arsenic be changed. The Commissioner of Food and Drugs has concluded that reasonable grounds for objection have not been presented.

The subject regulation was issued pursuant to a petition and accurately describes the product that was the subject of that petition. No representations have been made otherwise. No data have been submitted indicating that the level of lead and arsenic set forth in the specifications are unreasonable and cannot be met. Procedures are available to the objectors for securing listings of the color additives they are interested in on presentation of adequate data to support such listings.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706(b), (c)(2), (d), 74 Stat. 399, 402; 21 U.S.C. 376(b), (c)(2), (d)), and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.120), notice is given that the regulations promulgated by the subject order became effective June 18, 1967.

2. In paragraph (b) of § 8.317 *Carmine*, published in the subject order, the beginning portion of the second sentence inadvertently set forth as "Carminic acid shall be pasteurized" is changed to read "Carmine shall be pasteurized", effective June 18, 1967.

3. Effective June 18, 1967, § 8.501 *Provisional lists of color additives* is amended by deleting from paragraph (e) the item "Carmine".

(Sec. 706(b), (c)(2), (d), 74 Stat. 399, 402; 21 U.S.C. 376(b), (c)(2), (d))

Dated: July 19, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-8741; Filed, July 26, 1967; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 13]

IMPORTATION OF WILDLIFE OR EGGS THEREOF

Notice of Proposed Rule Making

Notice is hereby given that pursuant to the authority contained in section 42, Title 18, United States Code (62 Stat. 687), as amended, it is proposed to revise Part 13, Title 50, Code of Federal Regulations, as set forth below. The purpose of this revision is to prescribe regulations which will govern the importation into the United States of live or dead specimens of those species of wild mammals, wild birds, fish, mollusks, crustaceans, amphibians, and reptiles, and the eggs thereof, which have been determined to be injurious or potentially injurious to human beings, to the interests of agriculture, forestry, horticulture, or to the native wildlife or wildlife habitat of the United States.

Part 13, Title 50, Code of Federal Regulations, is amended as follows:

PART 13—IMPORTATION OF WILDLIFE OR EGGS THEREOF

1. Section 13.7 in the table of contents is amended to read:

Sec.
13.7 Importation of live or dead fish, mollusks, and crustaceans, or their eggs.

2. The authority citation for Part 13 is amended to read:

AUTHORITY: The provisions of this Part 13 issued under sec. 42, 62 Stat. 687, as amended, 18 U.S.C. 42; 77A Stat. 29, 19 U.S.C. 1202 (Sch. 1, pt. 3, hdnote 1–4, pt. 48, hdnote 1).

3. Section 13.6(a) is amended to read:

§ 13.6 Importation of live wild birds or their eggs.

(a) The importation, transportation, or acquisition is prohibited of any live specimen or egg of (1) the species of so-called "pink starling" or "rosy pastor" Sturnus roseus; (2) the species of dioch (including the subspecies black-fronted, red-billed, or Sudan dioch) Quelea quelea; (3) any species of Java sparrow, Padda oryzivora; (4) the species of red-whiskered bul-bul, Pycnonctus jocosus: *Provided*, That the Director shall issue permits authorizing the importation, transportation, and possession of such live birds under the terms and conditions set forth in §§ 13.10 through 13.11.

* * * * *

4. Section 13.7 is amended to read:

§ 13.7 Importation of live or dead fish, mollusks, and crustaceans, or their eggs.

(a) Upon the filing of a written declaration with the District Director of Customs at the port of entry as required under § 13.13, all species of live or dead fish or parts thereof except live or dead fish or parts thereof or eggs of salmonids of the fish family Salmonidae; mollusks and crustaceans, or their eggs may be imported, transported, and possessed in captivity, without a permit, for scientific, medical, educational exhibition, or propagating purposes, but no such live fish, mollusks, and crustaceans, or any progeny or eggs thereof may be released into the wild except by the State wildlife conservation agency having jurisdiction over the area of release or by persons having prior written permission for release from such agency.

(b) Notwithstanding authority granted Federal agencies in § 13.4, all live or dead fish or eggs of salmonids of the family Salmonidae are prohibited entry into the United States for any purpose unless such importations are by direct shipment, accompanied by a certification signed in the country of origin by a Government official approved by the Chairman of the Disease Committee of the American Fisheries Society as being qualified in fish pathology, or in the United States, by a qualified federally approved fish pathologist designated for this purpose by the Director, Bureau of Sport Fisheries and Wildlife, that the importation is free of viral and bacterial diseases and parasitic infections.

(c) Nothing in this part shall restrict the importation and transportation of dead fish or dead eggs of salmonids of the fish family Salmonidae when such fish or eggs have been processed by canning, pickling, smoking, or otherwise prepared in a manner whereby all spores of the protozoan Myxosoma cerebralis or so-called "whirling disease," and the virus causing viral hemorrhagic septicemia or so-called "Egtved disease" have been killed.

It is the policy of the Department of the Interior whenever practicable to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240, within 60 days of the date of publication of this notice in the FEDERAL REGISTER.

RAYMOND E. JOHNSON,
Acting Director, Bureau of Sport Fisheries and Wildlife.

JULY 24, 1967.

[F.R. Doc. 67-8726; Filed, July 26, 1967; 8:47 a.m.]

[50 CFR Part 32]

PEE DEE NATIONAL WILDLIFE REFUGE, N.C.

Hunting of Migratory Birds in Pee Dee River; Proposed Designation of Closed Area

Notice is hereby given that it is proposed to designate an area closed to the hunting of migratory birds, as set forth below. The purpose of this designation is to aid administration of the Pee Dee National Wildlife Refuge and to improve the effectiveness of the refuge for the purposes for which it was established by the United States.

It is the policy of the Department of the Interior whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposal to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

The text of the proposed designation is as follows:

This action is taken by virtue of and pursuant to section 3 of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755, as amended; 16 U.S.C. 704), and by virtue of the Reorganization Plan II (53 Stat. 1431) and in accordance with section 4(a) of the Administrative Procedure Act of June 11, 1946 (60 Stat. 238, 5 U.S.C. 1003).

Having due regard to the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of migratory flight of migratory birds included in the terms of the Convention between the United States and Great Britain for the protection of migratory birds, concluded August 16, 1916, and the Convention between the United States and the United Mexican States for the protection of migratory birds and game mammals, concluded February 7, 1936, I hereby designate as a closed area in or on which pursuing, hunting, taking, capturing, or killing of migratory birds, or attempting to take, capture, or kill migratory birds is not permitted, that land and water area in Richmond and Anson Counties, North Carolina, within the Pee Dee National Wildlife Refuge more particularly described as follows:

All the area of the bed of the Pee Dee River, bank to bank, submerged or exposed, including the water thereof, from the confluence of Pressley Creek and the Pee Dee River to approximately 5 miles downstream to the confluence of Brown Creek and the Pee Dee River. Included also are the waters surrounding Buzzard Island and that part of the Pee Dee River on the northeast side of Leak Island beginning approximately one-fourth mile downstream from the head of Leak Island (at the head of a small unnamed island), and continuing downstream to the main channel of the Pee Dee River and containing, in all, a total of 230 acres.

* * * * *

NORTH CAROLINA

PEE DEE NATIONAL WILDLIFE REFUGE

STEWART L. UDALL,
Secretary of the Interior.

JULY 20, 1967.

[F.R. Doc. 67-8760; Filed, July 26, 1967; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Parts 1001, 1015]

[Docket Nos. AO-14-A38, AO-305-A12]

MILK IN MASSACHUSETTS-RHODE ISLAND AND CONNECTICUT MARKETING AREAS

Notice of Extension of Time for Filing Exceptions to Recommended Decision on Proposed Amendments to Tentative Marketing Agreements and to Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the Massachusetts-Rhode Island and Connecticut marketing areas, which was issued June 27, 1967 (32 F.R. 9902), is hereby extended to August 11, 1967.

Signed at Washington, D.C., on July 24, 1967.

CLARENCE H. GIRARD,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 67-8740; Filed, July 26, 1967; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 8]

COLOR ADDITIVES

Logwood, D&C Blue No. 9, D&C Red No. 30, D&C Green No. 5; Order Denying Proposed Color Additive Regulations

In the matter of color additive petitions (CAP 10, 11, 30, 31) submitted by Ethicon, Inc., Somerville, N.J. 08876, proposing issuance of regulations to provide for the safe use of: Logwood (CAP 10) for coloring silk and nylon sutures including ophthalmic sutures (petition filed March 3, 1966, and amended January 4, 1966; respective notices published in the FEDERAL REGISTER of March 20, 1966 (30 F.R. 3724), and February 3, 1966 (31 F.R. 1265)); D&C Blue No. 9 (CAP 11) for coloring cotton sutures (filed July 1, 1965; notice published August 3, 1965 (30 F.R. 9622)); D&C Red No. 30 (CAP 30) for coloring cotton surgical sutures (filed June 17, 1965; notice published July 17, 1965 (30 F.R. 9019)); and D&C Green No. 5 (CAP 31) for coloring nylon surgical sutures (filed November 9, 1965; notice published November 20, 1965 (30 F.R. 14536)):

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706(b), 74 Stat. 399–403; 376(b)) and under the authority delegated to him by the Secretary of Health, Education, and Welfare (21 CFR 2.120), the Commissioner of Food and Drugs hereby issues his findings, conclusions, and order in the above-identified matter:

Findings. 1. In each of the above-identified color additive petitions, the petitioner submitted certain toxicological data as evidence of the safety of the proposed uses. The data have been reviewed and found to be inadequate to support the requested listings.

2. No new data of any significance have been received.

Conclusion. Sufficient data are not available to support the promulgation of color additive regulations in this matter pursuant to section 706(b) of the act. In view of the long history of use of the subject colors in dyed sutures without hazard to the public health, the provisional listings of these colors in § 8.501 of the provisional color additive regulations (21 CFR 8.501) should be continued pending completion of data to support permanent listings.

Order. Based on the aforesaid findings and conclusion, the proposals of the petitioner to establish regulations pursuant to section 706(b) of the act to permit the use of logwood to color silk and nylon sutures, D&C Blue No. 9 and D&C Red No. 30 to color cotton sutures, and D&C Green No. 5 to color nylon sutures are denied without affecting the provisional listings of these colors in § 8.501 (21 CFR 8.501); and *It is so ordered.*

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Dated: July 19, 1967.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 67-8743; Filed, July 26, 1967; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 240, 249]

[Release No. 34-8126]

REGISTRATION AS BROKER-DEALER

Application

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal under the Securities Exchange Act of 1934 (the Act) to amend Form BD (17 CFR 249.501), the form of application for registration as a broker-dealer under section 15(b) of the Act and for amending such application, and a proposal to amend Rule 15b3–1 (17 CFR 240.15b3–1) to require each registered broker and dealer, by way of amendment to his application for registration presently on file, to file the new Form BD (17 CFR 249.501) furnishing all the information required therein.

The principal reasons for the proposed revision are (1) to provide additional information to assist the Commission in carrying out its regulatory functions, (2) to achieve substantial uniformity between the Commission forms and comparable forms in use by State regulatory authorities, and (3) to modernize procedures to conform with technological advances in the maintenance and retrieval of records.

The form would contain additional information to facilitate the Commission's functions and, at the same time, be of benefit to persons interested in inspecting the filing. Specifically, more detailed information would be furnished respecting the proprietary interests in the applicant or registrant of each officer, director, partner (general, special, or limited), and all persons with similar status or functions, as well as all persons owning a 10 percent or greater interest in the applicant or registrant. Disclosure would be required of certain types of disciplinary action by any State or foreign authority, national securities exchange, or the National Association of Securities Dealers, Inc., against persons associated with the applicant or registrant if such action resulted in the denial, barring, suspension, or revocation of a State or foreign license or registration, or in the denial, barring, suspension, or expulsion from membership in any such exchange or such association. The proposed form would also elicit (1) whether the applicant or registrant directly or indirectly controls any partnership, corporation, or other organization which is engaged in

the securities or investment advisory business, (2) whether persons other than the named principals of the applicant or registrant will or do finance the business directly or indirectly, and (3) the nature of any other business conducted or to be conducted by the registrant or applicant, together with pertinent details if such activities account for 10 percent or more of the applicant's or registrant's gross income.

A further reason for the proposal to adopt the revised form is the desire to achieve substantial uniformity as between the Commission's forms and those of other regulatory bodies in such a manner as to render the filing of applications and amendments more convenient for applicants and registrants than at present. Over an extended period of time, the North American Securities Administrators have been working on the preparation of a single form for the filing of applications and amendments which may be acceptable to the various State regulatory bodies. The Commission has been informed that 32 State regulatory bodies have already agreed to adopt or are considering the adoption of a form designated as Form U–3, under which the State could accept Form BD (17 CFR 249.501) and amendments thereto as meeting the State's registration or amendment filing requirements, supplemented only by such additional information as is required by state law or regulation. It is envisioned that this will measurably ease the filing burden of applicants and registrants.

The proposed revision would also effect a change in format in order to make fuller use of available electronic data processing facilities. Procedures for amendment of the application would be changed to require that, in addition to the amended item, all items on the same page must be filled in and the complete page filed under cover of a new, completed first page bearing the execution of the document by an appropriate official of registrant. It is contemplated that the new amended page as well as the new first page which includes the execution would be inserted in the current public file in place of the pages they have superseded. The superseded pages would then be placed in a separate noncurrent section of the public file. In addition, this proposed revised format is so arranged that the data concerning the applicant or registrant would be furnished in the body of the form under the applicable numbered items, whereas the data concerning individuals connected with the applicant or registrant would be given in separate schedules appended to the body of the form but keyed to the numbered items calling for such data. This change would facilitate review and public inspection of information concerning such individuals through the facilities of the Commission's automatic retrieval system and would provide ample space on the form for applicants and registrants to set forth the required information.

The principal reason for amending Rule 15b3–1 (17 CFR 240.15b3–1) is to require every broker and dealer whose registration is effective, or who has an application for registration pending on the date the new rule becomes effective, to file a complete new Form BD (17 CFR 249.501) as an amendment, the first time an amendment otherwise is required, and in no event later than _____.

The proposed amendments would be adopted pursuant to the provisions of sections 15(b), 17(a), and 23(a) of the Act.

A copy of Form BD (17 CFR 249.501) as proposed to be amended is attached hereto.[1] The text of new Rule 15b3–1 (17 CFR 240.15b3–1) as it is proposed to be adopted is as follows:

§ 240.15b3–1 Amendments to applications.

(a) Every broker or dealer whose registration is effective, or whose application for registration is pending, on (the effective date of this rule) shall file as an amendment to the application a complete Form BD (17 CFR 240.501) as revised as of (the effective date). This shall be filed the first time an amendment is required to be filed under paragraph (b) of this section, but in no event later than _____.

(b) If the information contained in any application for registration as a broker or dealer, or in any amendment thereto, becomes inaccurate for any reason, the broker or dealer shall promptly file an amendment on Form BD (17 CFR 240.501) correcting such information.

(c) Every amendment filed pursuant to this rule shall constitute a "report" within the meaning of sections 15(b), 17(a), and 32(a) of the Act.

(Secs. 15(b), 17(a), 23(a), 48 Stat. 895, 897, 901, as amended, secs. 3, 4, 8, 49 Stat. 1377, 1379, secs. 2, 4, 52 Stat. 1075, 1076, sec. 6, 78 Stat. 570, 15 USC 78o(b), 78q, 78w)

All interested persons are invited to submit their views and comments on the proposal in writing to the Securities and Exchange Commission, Washington, D.C. 20549 on or before September 1, 1967. All such communications will be available for public inspection.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

JULY 18, 1967.

[F.R. Doc. 67–8718; Filed, July 26, 1967; 8:47 a.m.]

[1] Form BD filed as part of the original document.

[17 CFR Parts 275, 279]

[Release No. IA–810]

REGISTRATION AS INVESTMENT ADVISER

Application

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal under the Investment Advisers Act of 1940 (the Act) to amend Form ADV (17 CFR 279.1), the form of application for registration as an investment adviser under section 203 of the Act, and for amending such application as well as a proposal to amend Rule 204–1 (17 CFR 275.204–1) to require each registered investment adviser, by way of amendment to his application for registration presently on file, to file the new Form ADV (17 CFR 279.1) furnishing all the information required therein.

The principal reasons for the proposed revision are (1) to provide additional information to assist the Commission in carrying out its regulatory functions, (2) to achieve substantial uniformity between the Commission forms and forms in use by state regulatory authorities, and (3) to moderize procedures to conform with technological advances in the maintenance and retrieval of records.

The form would contain additional information to facilitate the continuous regulatory needs of the Commission's functions and, at the same time, be of benefit to persons interested in inspecting the filing. Specifically, more detailed information would be furnished respecting the proprietary interests in the applicant or registrant of each officer, director, partner (general, special or limited), and all persons with similar status or functions, as well as all persons owning a 10 percent or greater interest in the applicant or registrant. Disclosure would be required of certain types of disciplinary action by any state or foreign authority, national securities exchange, or the National Association of Securities Dealers, Inc., against persons associated with the applicant or registrant if such action resulted in the denial, barring, suspension, or revocation of a State or foreign license or registration, or in the denial, barring, suspension, or expulsion from membership in any such exchange or such association. The proposed form would also elicit whether the applicant or registrant directly or indirectly controls any partnership, corporation, or other organization which is engaged in the securities or investment or advisory business.

A further reason for the proposal to adopt the revised form is the desire to achieve substantial uniformity as between the Commission's forms and those of other regulatory bodies in such a manner as to render the filing of applications and amendments more convenient for applicants and registrants than at present. Over an extended period of time, the North American Securities Administrators have been working on the preparation of a single form for the filing of applications and amendments acceptable to the various State regulatory bodies. The Commission has been informed that 32 State regulatory bodies have already agreed to adopt or are considering the adoption of a form, designated as Form U–3, under which the State could accept Form ADV (17 CFR 279.1) and amendments thereto as meeting the State's registration or amendment filing requirements, supplemented only by such additional information as is required by State law or regulation. It is envisioned that this will measurably ease the filing burden of applicants and registrants.

The proposed revision also would effect a change in format in order to make fuller use of available electronic data processing facilities. Procedures for amendment of the application would be changed to require that, in addition to the amended item, all items on the same page must be filled in and the complete page filed under cover of a new, completed first page bearing the execution of the document by an appropriate official or registrant. It is contemplated that the new amended page as well as the new first page which includes the execution would be inserted in the current public file in place of the pages they have superseded. The superseded pages would then be placed in a separate noncurrent section of the public file. In addition, this proposed revised format is so arranged that the data concerning the applicant or registrant would be furnished in the body of the form under the applicable numbered items, whereas the data concerning individuals connected with the applicant or registrant would be given in separate schedules appended to the body of the form but keyed to the numbered items calling for such data. This change would facilitate review and public inspection of information concerning such individuals and would provide ample space on the form for applicants and registrants to set forth the required information.

As amended, Rule 204–1 (17 CFR 275.204–1) is to require every investment adviser whose registration is effective or who has an application for registration pending on the date the new rule becomes effective to file complete new Form ADV (17 CFR 279.1) as an amendment the first time an amendment is otherwise required and in any event not later than _____.

The proposed amendment would be adopted pursuant to the provisions of sections 203, 204, and 211(a), of the Investment Advisers Act of 1940.

A copy of Form ADV (17 CFR 279.1) as proposed to be amended is attached hereto.[1]

The text of the new Rule 204–1 (17 CFR 275.204–1) as it is proposed to be amended is as follows:

§ 275.204–1 Amendments to applications.

(a) Every investment adviser whose registration is effective, or whose application for registration is pending, on (the effective date of this rule) shall file as an amendment to the application a complete Form ADV (17 CFR 279.1) as revised as of (the effective date). This shall be filed the first time an amendment is required to be filed under paragraph (b) of this section, but in no event later than _____.

(b) If the information contained in any application for registration as an investment adviser, or in any amendment thereto, becomes inaccurate for any reason, the broker or dealer shall promptly file an amendment on Form ADV (17 CFR 279.1) correcting such information.

(c) Every amendment filed pursuant to this section shall constitute a "report" within the meaning of sections 204 and 207 of the Act.

(Secs. 203, 204, 211(a), 54 Stat. 850, 852, 855, secs. 2–5, 6, 14, 74 Stat. 885, 886, 888, 15 U.S.C. 80b–3, 80b–4, 80b–11(a))

All interested persons are invited to submit their views and comments on the proposal in writing to the Securities and Exchange Commission, Washington, D.C. 20549, on or before September 1, 1967. All such communications will be available for public inspection.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

JULY 18, 1967.

[F.R. Doc. 67–8719; Filed, July 26, 1967; 8:47 a.m.]

[1] Form ADV filed as part of the original document.

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[A 1099]

ARIZONA

Notice of Proposed Classification of Public Lands for Multiple Use Management

1. Pursuant to the Act of September 19, 1964 (43 U.S.C., 1411–18), and to the regulations in 43 CFR, Parts 2410 and 2411, it is proposed to classify for multiple use management the public lands within the area described below, together with any lands therein that may become public lands within Harcuvar Planning Unit 04 in the future. Publication of this notice has the effect of segregating the public land in the described area from appropriation under the agricultural land laws (43 U.S.C., Parts 7 and 9, and 25 U.S.C., 334); from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171); and State exchange (43 U.S.C. 315g(c)). The lands shall remain open to all other forms of appropriation, including the mining and mineral leasing laws. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the District Manager, Bureau of Land Management, 3041 Federal Building, Phoenix, Ariz. 85025.

3. The public lands proposed for classification are located within the following described area and are shown on maps on file in the Phoenix District Office, Bureau of Land Management, 3041 Federal Building, Phoenix, Ariz. 85025.

4. The lands involved are described as follows:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 1 N., R. 13 W.,
Secs. 1 to 24, inclusive.
T. 1 N., R. 14 W.,
Secs. 1 to 3, inclusive;
Secs. 10 to 15, inclusive.
T. 1 N., R. 19 W.,
Secs. 1 to 5, inclusive;
Secs. 8 to 17, inclusive;
Secs. 20 to 29, inclusive;
Secs. 33 to 36, inclusive.
T. 1 N., R. 23 W.,
Sec. 1;
Sec. 11, E½;
Secs. 13 to 14, inclusive;
Sec. 23, E½;
Secs. 23 to 27, inclusive;
Sec. 33, E½;
Secs. 34 to 36, inclusive.
T. 2 N., R. 13 W.,
Secs. 19 and 30;
Secs. 29 to 32, inclusive.
T. 2 N., R. 18 W.,
Secs. 2 to 11, inclusive;
Secs. 14 to 36, inclusive.
T. 2 N., R. 14 W.,
Secs. 1 to 36, inclusive.
T. 2 N., R. 19 W.,
Secs. 1 to 5, inclusive;
Secs. 8 to 17, inclusive;
Secs. 20 to 29, inclusive;
Secs. 32 to 36, inclusive.
T. 2 N., R. 22 W.,
Secs. 1 and 2;
Sec. 3, S½ and NE¼;
Secs. 10 to 16, inclusive;
Sec. 17, SE¼;
Secs. 20 to 29, inclusive;
Sec. 30, E½;
Secs. 31 to 36, inclusive.
T. 2 N., R. 23 W.,
Sec. 36, E½.
T. 3 N., R. 12 W.,
Secs. 1 and 2;
Secs. 11 and 12;
Sec. 13, E½;
Sec. 14;
Sec. 23, N½.
T. 3 N., R. 13 W.,
Secs. 1 to 36, inclusive.
T. 3 N., R. 14 W.,
Secs. 1 to 3, inclusive;
Sec. 4, N½;
Sec. 5, NE¼;
Sec. 6, S½;
Sec. 7, W½;
Sec. 8, S½;
Secs. 10 to 36, inclusive.
T. 3 N., R. 15 W.,
Sec. 1, S½;
Sec. 2, NW¼, N½SW¼, and SW¼SW¼;
Secs. 3 to 36, inclusive.
T. 3 N., R. 18 W.,
Secs. 3 to 10, inclusive;
Secs. 17 to 20, inclusive;
Secs. 29 to 32, inclusive.
T. 3 N., R. 19 W.,
Secs. 1 to 36, inclusive.
T. 3 N., R. 20 W.,
Secs. 1 to 36, inclusive.
T. 3 N., R. 21 W.,
Sec. 1;
Sec. 2, that portion east of temporary Colorado River survey withdrawal;
Sec. 11, that portion east of temporary Colorado River survey withdrawal;
Secs. 12 and 13;
Sec. 14, that portion east of temporary Colorado River survey withdrawal;
Secs. 19 to 21, inclusive;
Sec. 23, that portion east of temporary Colorado River survey withdrawal;
Secs. 23 to 26, inclusive;
Sec. 27, that portion east of temporary Colorado River survey withdrawal;
Secs. 28 to 33, inclusive;
Sec. 34, that portion east of temporary Colorado River survey withdrawal;
Secs. 35 and 36.
T. 3 N., R. 22 W.,
Secs. 23 to 26, inclusive;
Secs. 35 and 36.
T. 4 N., R. 12 W.,
Sec. 5, SW¼, W½SE¼, and S½NW¼;
Secs. 6 to 8, inclusive;
Secs. 16 to 22, inclusive;
Sec. 23, W½;
Sec. 26, W½, SE¼, and E½NE¼;
Secs. 27 to 36, inclusive.
T. 4 N., R. 13 W.,
Secs. 1 to 36, inclusive.
T. 4 N., R. 14 W.,
Secs. 1 to 18, inclusive;
Sec. 19, E½ and SW¼;
Secs. 20 to 29, inclusive;
Sec. 30, N½ and SE¼;
Secs. 33 to 36, inclusive.
T. 4 N., R. 15 W.,
Sec. 12;
Sec. 24, S½;
Sec. 25;
Sec. 26, S½;
Sec. 29;
Sec. 30, SW¼;
Secs. 31 to 34, inclusive;
Sec. 35, W½;
Sec. 36, W½.
T. 4 N., R. 16 W.,
Sec. 1, W½;
Secs. 2 to 10, inclusive;
Sec. 11, W½;
Secs. 14 to 23, inclusive;
Sec. 24, E½;
Secs. 25 to 36, inclusive.
T. 4 N., R. 17 W.,
Secs. 1 and 2;
Secs. 11 to 14, inclusive.
T. 4 N., R. 18 W.,
Secs. 3 to 10, inclusive;
Secs. 15 to 22, inclusive;
Secs. 27 to 34, inclusive.
T. 4 N., R. 19 W.,
Secs. 1 to 36, inclusive.
T. 4 N., R. 20 W.,
Secs. 1 to 5, inclusive;
Sec. 6, that portion east of the Colorado River Indian Reservation;
Sec. 7, that portion east of the Colorado River Indian Reservation;
Secs. 8 to 17, inclusive;
Sec. 18, that part east of the Colorado River Indian Reservation;
Secs. 19 to 36, inclusive.
T. 4 N., R. 21 W.,
Secs. 19 to 36, inclusive.
T. 5 N., R. 12 W.,
Sec. 31, S½.
T. 5 N., R. 13 W.,
Sec. 7, lots 1, 2, 3, and 4;
Sec. 28, S½;
Secs. 29 to 34, inclusive;
Sec. 35, S½;
Sec. 36, S½.
T. 5 N., R. 14 W.,
Secs. 1 to 26, inclusive;
Sec. 29, N½ and SE¼;
Sec. 30, N½ and SW¼;
Sec. 31, W½;
Secs. 32 to 36, inclusive.
T. 5 N., R. 15 W.,
Secs. 1 to 3, inclusive;
Sec. 8, N½;
Sec. 9, N½;
Secs. 10 to 17, inclusive;
Sec. 18, N½;
Sec. 20, N½;
Secs. 21 to 28, inclusive;
Sec. 34, E½;
Sec. 36.

T. 5 N., R. 16 W.,
Sec. 4, S½ and NE¼;
Sec. 5, NW¼ and S½;
Secs. 6 and 7;
Sec. 8, N½ and SW¼;
Sec. 9, NE¼;
Sec. 10, NW¼;
Secs. 16 to 19, inclusive;
Sec. 20, W½;
Sec. 28, S½ and NE¼;
Secs. 29 to 34, inclusive.
T. 5 N., R. 17 W.,
Secs. 1, 12, 13, 24, 25, and 36.
T. 5 N., R. 18 W.,
Secs. 4 to 9, inclusive;
Secs. 16 to 21, inclusive;
Secs. 28 to 33, inclusive.
T. 5 N., R. 19 W.,
Secs. 1 to 36, inclusive.
T. 5 N., R. 20 W.,
Secs. 1 to 3, inclusive;
Secs. 4, 8, and 9, that portion east of the Colorado River Indian Reservation boundary;
Secs. 10 to 16, inclusive;
Secs. 17 and 20, that portion east of the Colorado River Indian Reservation boundary;
Secs. 21 to 28, inclusive;
Secs. 29 and 32, that portion east of the Colorado River Indian Reservation boundary;
Secs. 33 to 36, inclusive.
T. 6 N., R. 11 W.,
Sec. 5, NW¼;
Sec. 6;
Sec. 7, NW¼.
T. 6 N., R. 12 W.,
Secs. 1 to 6, inclusive;
Sec. 9, NW¼ and W½NE¼;
Sec. 10, NE¼;
Sec. 11, N½ and SE¼;
Sec. 12;
Sec. 18, N½, N½S½, SE¼SE¼, and SW¼SW¼.
T. 6 N., R. 13 W.,
Secs. 1 to 23, inclusive;
Sec. 27, N½ and SE¼.
T. 6 N., R. 14 W.,
Secs. 1 to 36, inclusive.
T. 6 N., R. 15 W.,
Secs. 1 to 5, inclusive;
Secs. 9 to 16, inclusive;
Secs. 21 to 29, inclusive;
Sec. 33, N½ and SE¼;
Secs. 34 to 36, inclusive.
T. 6 N., R. 16 W.,
Secs. 1 to 6, inclusive;
Sec. 7, N½ and N½S½;
Sec. 8, N½ and N½SW¼;
Sec. 18, S½SW¼;
Sec. 19, W½;
Sec. 29, W½;
Sec. 30, W½;
Sec. 31;
Sec. 32, W½.
T. 6 N., R. 17 W.,
Secs. 3 to 10, inclusive;
Secs. 13 to 36, inclusive.
T. 6 N., R. 18 W.,
Secs. 3 to 10, inclusive;
Secs. 15 to 22, inclusive;
Secs. 27 to 34, inclusive.
T. 6 N., R. 19 W.,
Secs. 1 to 36, inclusive.
T. 6 N., R. 20 W.,
Secs. 1, 2, and 11, that portion east of the Colorado River Indian Reservation boundary;
Secs. 12 and 13;
Secs. 14, 22, and 23, that portion east of the Colorado River Indian Reservation boundary;
Secs. 24 to 26, inclusive;
Secs. 27 and 34, that portion east of the Colorado River Indian Reservation boundary;
Secs. 35 and 36.
T. 7 N., R. 10 W.,
Sec. 6, W½;
Sec. 7, W½.
T. 7 N., R. 11 W.,
Secs. 1 to 12, inclusive;
Secs. 15 to 22, inclusive;
Secs. 27 to 34, inclusive.
T. 7 N., R. 12 W.,
Secs. 1 to 36, inclusive.
T. 7 N., R. 13 W.,
Secs. 1 to 36, inclusive.
T. 7 N., R. 14 W.,
Secs. 1 to 36, inclusive.
T. 7 N., R. 15 W.,
Secs. 1 to 36, inclusive.
T. 7 N., R. 16 W.,
Secs. 1 to 36, inclusive.
T. 7 N., R. 17 W.,
Secs. 1 to 7, inclusive;
Sec. 8, W½, S½SE¼, NW¼SE¼, and SW¼NE¼;
Sec. 11, SW¼ and E½;
Secs. 12 to 14, inclusive;
Secs. 17 to 21, inclusive;
Sec. 22, SW¼, S½NW¼, and NW¼NW¼;
Sec. 23, E½;
Secs. 24 and 25;
Sec. 26, N½NE¼;
Sec. 27, W½, SW¼NE¼, W½SE¼, and SE¼SE¼;
Secs. 28, 29, 32, and 33;
Sec. 34, W½, SE¼, N½NE¼, and SW¼NE¼;
Sec. 35, NW¼NW¼;
Sec. 36.
T. 7 N., R. 18 W.,
Secs. 1 to 24, inclusive;
Secs. 27 to 34, inclusive.
T. 7 N., R. 19 W.,
Secs. 1 to 5, inclusive;
Secs. 6 and 7, that portion east of the Colorado River Indian Reservation boundary;
Secs. 8 to 17, inclusive;
Secs. 18 and 19, that portion east of the Colorado River Indian Reservation boundary;
Secs. 20 to 36, inclusive.
T. 7 N., R. 20 W.,
Secs. 34, 35, and 36, that portion east of the Colorado River Indian Reservation boundary.
T. 8 N., R. 8 W.,
Secs. 5, 7, and 8;
Secs. 17 to 20, inclusive;
Secs. 29 and 30.
T. 8 N., R. 9 W.,
Secs. 3 to 15, inclusive;
Secs. 17 to 20, inclusive;
Secs. 22 to 25, inclusive;
Secs. 29 and 30.
T. 8 N., R. 10 W.,
Secs. 1 to 31, inclusive.
T. 8 N., R. 11 W.,
Secs. 1 to 36, inclusive.
T. 8 N., R. 12 W.,
Secs. 1 to 36, inclusive.
T. 8 N., R. 13 W.,
Secs. 1 to 36, inclusive.
T. 8 N., R. 14 W.,
Secs. 1 to 36, inclusive.
T. 8 N., R. 15 W.,
Secs. 1 to 36, inclusive.
T. 8 N., R. 16 W.,
Secs. 1 to 36, inclusive.
T. 8 N., R. 17 W.,
Secs. 1 to 36, inclusive.
T. 8 N., R. 18 W.,
Secs. 1 to 36, inclusive.
T. 8 N., R. 19 W.,
Secs. 1 to 3, inclusive;
Secs. 4 and 9, that portion east of the Colorado River Indian Reservation boundary;
Secs. 10 to 15, inclusive;
Secs. 16, 20, and 21, that portion east of the Colorado River Indian Reservation boundary;
Secs. 22 to 28, inclusive;
Secs. 29 and 32, that portion east of the Colorado River Indian Reservation boundary;
Secs. 33 to 36, inclusive.
T. 9 N., R. 9 W.,
Secs. 1 to 25, inclusive.
T. 9 N., R. 10 W.,
Secs. 1 to 36, inclusive.
T. 9 N., R. 11 W.,
Secs. 1 to 36, inclusive.
T. 9 N., R. 12 W.,
Secs. 1 to 36, inclusive.
T. 9 N., R. 13 W.,
Secs. 1 to 36, inclusive.
T. 9 N., R. 14 W.,
Secs. 1 to 36, inclusive.
T. 9 N., R. 15 W.,
Secs. 1 to 36, inclusive.
T. 9 N., R. 16 W.,
Secs. 1 to 36, inclusive.
T. 9 N., R. 17 W.,
Secs. 1 to 36, inclusive.
T. 9 N., R. 18 W.,
Secs. 1 to 36, inclusive.
T. 10 N., R. 7 W.,
Sec. 4, lot 2 and SW¼;
Secs. 5 to 8, inclusive;
Sec. 9, W½;
Secs. 15 to 22, inclusive;
Secs. 27 to 30, inclusive;
Sec. 34.
T. 10 N., R. 8 W.,
Sec. 1;
Secs. 12 to 36, inclusive.
T. 10 N., R. 9 W.,
Secs. 3 to 10, inclusive;
Secs. 13 to 36, inclusive.
T. 10 N., R. 10 W.,
Secs. 1 to 36, inclusive.
T. 10 N., R. 11 W.,
Secs. 1 to 36, inclusive.
T. 10 N., R. 12 W.,
Secs. 1 to 36, inclusive.
T. 10 N., R. 13 W.,
Secs. 19 to 36, inclusive.
T. 10 N., R. 14 W.,
Secs. 19 to 21, inclusive;
Sec. 22, W½, SE¼, and S½NE¼;
Sec. 23, S½;
Secs. 24 to 36, inclusive.
T. 10 N., R. 15 W.,
Secs. 16 to 36, inclusive.
T. 10 N., R. 16 W.,
Secs. 13 to 36, inclusive.
T. 10 N., R. 17 W.,
Secs. 13 to 36, inclusive.
T. 10 N., R. 18 W.,
Sec. 13;
Secs. 19 to 36, inclusive.
T. 11 N., R. 7 W.,
Sec. 21, S½;
Secs. 28 to 33, inclusive.
T. 11 N., R. 8 W.,
Sec. 25;
Sec. 36, E½.
T. 11 N., R. 9 W.,
Secs. 3 to 10, inclusive;
Secs. 15 to 22, inclusive;
Secs. 27 to 34, inclusive.
T. 11 N., R. 10 W.,
Secs. 1 to 36, inclusive.
T. 11 N., R. 11 W.,
Secs. 1 to 4, inclusive;
Secs. 9 to 16, inclusive;
Secs. 21 to 28, inclusive;
Secs. 33 to 36, inclusive.

T. 11 N., R. 13 W.,
Secs. 3 to 10, inclusive;
Secs. 17 to 20, inclusive;
Secs. 29 to 32, inclusive.
T. 11 N., R. 14 W.,
Secs. 1 to 36, inclusive.
T. 11 N., R. 15 W.,
Secs. 1 to 27, inclusive;
Secs. 34 to 36, inclusive.
T. 11 N., R. 16 W.,
Secs. 1 to 24, inclusive.
T. 11 N., R. 17 W.,
Secs. 1 to 17, inclusive;
Sec. 18, portion north of Havasu Lake National Wildlife Refuge;
Sec. 20, N½, SE¼, N½SW¼, and SE¼SW¼;
Secs. 21 to 24, inclusive;
Sec. 27, N½ and NE¼SE¼;
Sec. 28, N½.
T. 11 N., R. 18 W.,
Secs. 1 to 3, inclusive.
T. 12 N., R. 10 W.,
Sec. 19;
Sec. 29, SW¼;
Secs. 30 to 32, inclusive;
Sec. 33, SW¼.
T. 12 N., R. 11 W.,
Secs. 19 to 36, inclusive.
T. 12 N., R. 12 W.,
Sec. 31, W½, S½SE¼, NE¼SE¼, and SW¼NE¼;
Sec. 36.
T. 12 N., R. 13 W.,
Secs. 19 to 36, inclusive.
T. 12 N., R. 15 W.,
Secs. 6 to 8, inclusive;
Secs. 13 to 36, inclusive.
T. 13 N., R. 16 W.,
Secs. 1 to 36, inclusive.
T. 13 N., R. 17 W.,
Secs. 1 to 29, inclusive;
Secs. 33 to 36, inclusive.
T. 13 N., R. 18 W.,
Secs. 1 and 12.
T. 13 N., R. 16 W.,
Sec. 14, W½;
Secs. 15 to 22, inclusive;
Sec. 23, W½;
Sec. 26, W½;
Secs. 27 to 36, inclusive.
T. 13 N., R. 17 W.,
Secs. 1 to 5, inclusive;
Secs. 7 to 36, inclusive.
T. 13 N., R. 18 W.,
Secs. 11 to 14, inclusive;
Secs. 23 to 25, inclusive;
Sec. 36.
T. 1 S., R. 19 W.,
Secs. 1 to 36, inclusive.
T. 1 S., R. 23 W.,
Secs. 1 to 5, inclusive;
Secs. 8 to 17, inclusive;
Secs. 20 to 28, inclusive;
Sec. 29, E½;
Secs. 33 to 36, inclusive.
T. 2 S., R. 19 W.,
Secs. 4 to 9, inclusive;
Secs. 16 to 21, inclusive;
Secs. 29 to 31, inclusive.
T. 2 S., R. 23 W.,
Secs. 1 to 4, inclusive;
Sec. 8, E½;
Secs. 9 to 16, inclusive;
Sec. 17, E½;
Sec. 20, E½;
Secs. 21 to 29, inclusive;
Secs. 33 to 36, inclusive.
T. 3 S., R. 19 W.,
Secs. 6, 7, 18, and 19;
Secs. 29 to 32, inclusive.
T. 3 S., R. 23 W.,
Secs. 1 to 5, inclusive;
Secs. 8 to 17, inclusive;
Secs. 20 to 29, inclusive;
Secs. 31 to 36, inclusive.
T. 4 S., R. 19 W.,
Secs. 5 to 8, inclusive;
Secs. 17 to 20, inclusive;
Secs. 29 to 32, inclusive.
T. 4 S., R. 23 W.,
Secs. 1 to 17, inclusive;
Secs. 23 to 25, inclusive.

The area described includes approximately 1,767,151 acres of public lands.

5. Public hearings on the proposed classification will be held at 10 a.m., on August 22, 1967 at the Goettl Brothers Auditorium, 2005 East Indian School Road, Phoenix, Ariz., and at 8 p.m., on August 23, 1967, at the Yuma City-County Library Auditorium, 360 South Third Avenue, Yuma, Ariz.

FRED J. WEILER,
State Director.

JULY 21, 1967.

[F.R. Doc. 67-8707; Filed, July 26, 1967; 8:45 a.m.]

[A 1100]

ARIZONA

Notice of Proposed Classification of Public Lands for Multiple Use Management

1. Pursuant to the Act of September 19, 1964 (43 U.S.C., 1411–18) and to the regulations in 43 CFR, Parts 2410 and 2411, it is proposed to classify for multiple use management the public lands within the area described below, together with any lands therein that may become public lands within the Vulture Planning Unit 07 in the future. Publication of this notice has the effect of segregating the public land in the described area from appropriation under the agricultural land laws (43 U.S.C., Parts 7 and 9, and 25 U.S.C., 334); from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171); and State exchange (43 U.S.C. 315g(c)). The lands shall remain open to all other forms of appropriation, including the mining and mineral leasing laws. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the District Manager, Bureau of Land Management, 3041 Federal Building, Phoenix, Ariz. 85025.

3. The public lands proposed for classification are located within the following described area and are shown on maps on file in the Phoenix District Office, Bureau of Land Management, 3041 Federal Building, Phoenix, Ariz. 85025.

4. The lands involved are described as follows:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 1 N., R. 4 W.,
Sec. 1, N½.
T. 1 N., R. 5 W.,
Sec. 18, S½SW¼ and SW¼SE¼;
Sec. 19, W½W½;
Sec. 30, W½W½;
Sec. 31, W½W½.
T. 1 N., R. 7 W.,
Sec. 1, W½SW¼;
Sec. 3, W½, SE¼, and W½NE¼;
Sec. 3, W½, SE¼, and S½NE¼;
Sec. 4, S½;
Sec. 5, W½;
Secs. 6 to 11, inclusive;
Sec. 12, SW¼, W½NW¼, NE¼NW¼, S½SE¼, and NW¼NE¼;
Secs. 13 to 35, inclusive;
Sec. 36, N½ and SE¼.
T. 1 N., R. 8 W.,
Secs. 1 to 3, inclusive;
Sec. 4, E½;
Sec. 9, E½;
Secs. 10 to 15, inclusive;
Sec. 16, S½, NE¼, and E½NW¼;
Sec. 17, E½;
Secs. 20 to 28, inclusive;
Sec. 29, E½;
Sec. 32, NE¼ and N½SE¼;
Secs. 33 to 36, inclusive.
T. 2 N., R. 3 W.,
Secs. 4 to 9, inclusive;
Secs. 13 to 36, inclusive.
T. 2 N., R. 4 W.,
Secs. 1 to 7, inclusive;
Sec. 8, E½;
Secs. 9 to 16, inclusive;
Secs. 18, 24, 25, and 36.
T. 2 N., R. 5 W.,
Secs. 1 to 16, inclusive;
Sec. 17, E½;
Sec. 18, N½;
Secs. 21 to 23, inclusive;
Sec. 26, N½ and SW¼;
Secs. 27 and 28;
Sec. 33, N½, SW¼, and N½SE¼;
Sec. 34.
T. 2 N., R. 6 W.,
Secs. 1 and 2;
Sec. 7, W½;
Secs. 10 to 12, inclusive;
Sec. 13, N½;
Sec. 14, NW¼;
Sec. 15;
Sec. 16, N½ and SE¼;
Sec. 22, NE½.
T. 2 N., R. 7 W.,
Sec. 1, W½;
Sec. 2;
Sec. 3, E½;
Secs. 5 to 8, inclusive;
Sec. 9, W½;
Sec. 11, E½;
Sec. 12, N½;
Sec. 15, NW¼ and S½NE¼;
Secs. 16 to 19, inclusive;
Sec. 20, E½;
Sec. 21, NW¼ and E½;
Sec. 32.
T. 2 N., R. 8 W.,
Secs. 1 to 7, inclusive;
Sec. 8, N½;
Secs. 9 to 12, inclusive;
Sec. 13, N½ and SE¼;
Sec. 14, N½ and SW¼;
Secs. 15 and 23;
Sec. 24, E½;
Sec. 26, E½;
Sec. 34.
T. 2 N., R. 9 W.,
Sec. 1.
T. 3 N., R. 4 W.,
Secs. 1 to 36, inclusive;

T. 3 N., R. 5 W.,
Sec. 12, E½;
Sec. 13;
Sec. 14, NE¼ and E½SE¼;
Secs. 17 to 23, inclusive;
Sec. 23, S½;
Secs. 24 to 36, inclusive.
T. 3 N., R. 6 W.,
Sec. 3, W½;
Secs. 4 to 10, inclusive;
Sec. 11, W½;
Secs. 13 to 29, inclusive;
Sec. 30, W½NW¼ and SW¼;
Secs. 32 to 36, inclusive.
T. 3 N., R. 7 W.,
Secs. 1 to 36, inclusive.
T. 3 N., R. 8 W.,
Secs. 1 to 36, inclusive.
T. 3 N., R. 9 W.,
Secs. 1 to 29, inclusive;
Sec. 30, N½, SE¼, and E½SW¼;
Sec. 33, W½ and NE¼;
Secs. 34 to 36, inclusive.
T. 3 N., R. 10 W.,
Secs. 1 to 4, inclusive;
Secs. 10 to 14, inclusive;
Sec. 24, E½;
Sec. 25, N½.
T. 4 N., R. 4 W.,
Secs. 9 to 17, inclusive;
Sec. 18, E½;
Sec. 19, E½;
Secs. 20 to 29, inclusive;
Sec. 30, S½, NE¼, and SE¼NW¼;
Secs. 31 to 36, inclusive.
T. 4 N., R. 6 W.,
Secs. 1 to 24, inclusive;
Sec. 27, W½;
Secs. 28 to 33, inclusive;
Sec. 34, W½.
T. 4 N., R. 7 W.,
Secs. 1 to 36, inclusive.
T. 4 N., R. 8 W.,
Secs. 1 to 36, inclusive.
T. 4 N., R. 9 W.,
Secs. 1 to 36, inclusive.
T. 4 N., R. 10 W.,
Secs. 1 to 36, inclusive.
T. 4 N., R. 11 W.,
Secs. 1 to 16, inclusive;
Sec. 21;
Sec. 22, W½ and NE¼;
Sec. 23, N½, SE¼, and E½SW¼;
Secs. 24, 25, and 36.
T. 4 N., R. 12 W.,
Secs. 1 to 3, inclusive;
Sec. 10, N½, N½S½, and S½SE¼;
Secs. 11 and 12;
Sec. 13, E½, N½NW¼, and SE¼SW¼.
T. 5 N., R. 5 W.,
Sec. 6;
Secs. 16 to 20, inclusive;
Sec. 21, W½;
Sec. 28, W½;
Secs. 29 to 32, inclusive;
Sec. 33, W½.
T. 5 N., R. 6 W.,
Secs. 1 to 36, inclusive.
T. 5 N., R. 7 W.,
Secs. 1 to 36, inclusive.
T. 5 N., R. 8 W.,
Secs. 1 to 36, inclusive.
T. 5 N., R. 9 W.,
Secs. 1 to 36, inclusive.
T. 5 N., R. 10 W.,
Secs. 1 to 36, inclusive.
T. 5 N., R. 11 W.,
Secs. 1 to 36, inclusive.
T. 5 N., R. 12 W.,
Secs. 1 to 5, inclusive;
Sec. 7, S½ and S½N½;
Secs. 8 to 29, inclusive;
Sec. 30, NE¼, N½SE¼, E½NW¼, NW¼NW¼;
Secs. 34 to 36, inclusive.
T. 5 N., R. 13 W.,
Sec. 12, SE¼ and E½NE¼.
T. 6 N., R. 4 W.,
Secs. 1 to 30, inclusive.
T. 6 N., R. 5 W.,
Secs. 1 to 36, inclusive.
T. 6 N., R. 6 W.,
Secs. 1 to 36, inclusive.
T. 6 N., R. 7 W.,
Sec. 1;
Secs. 6 to 36, inclusive.
T. 6 N., R. 8 W.,
Sec. 1;
Secs. 3 to 36, inclusive.
T. 6 N., R. 9 W.,
Secs. 1 to 4, inclusive;
Secs. 9 to 36, inclusive.
T. 6 N., R. 10 W.,
Secs. 1 to 4, inclusive;
Sec. 5, S½;
Secs. 7 to 36, inclusive.
T. 6 N., R. 11 W.,
Secs. 13 to 15, inclusive;
Sec. 19, S½, S½NE¼, and SE¼NW¼;
Secs. 20 to 36, inclusive.
T. 6 N., R. 12 W.,
Sec. 24, E½SE¼, SW¼SE¼, and SE¼SW¼.
Secs. 25 and 26;
Sec. 27, SE¼, E½NE¼, and E½SW¼;
Sec. 28, SE¼, E½SW¼, and SW¼SW¼;
Sec. 29, SE¼SE¼;
Secs. 33 to 36, inclusive.
T. 7 N., R. 3 W.,
Secs. 4 to 9, inclusive;
Secs. 17 to 20, inclusive;
Secs. 29 to 31, inclusive.
T. 7 N., R. 4 W.,
Secs. 1 to 36, inclusive.
T. 8 N., R. 4 W.,
Secs. 19 to 22, inclusive;
Secs. 26 to 36, inclusive.
T. 8 N., R. 5 W.,
Sec. 24, E½ and E½W½.
T. 1 S., R. 7 W.,
Secs. 3 to 10, inclusive;
Sec. 11, NE¼, N½SE¼, and SW¼;
Sec. 12, N½;
Secs. 16 and 17;
Sec. 18, N½ and N½S½;
Sec. 20, NE¼NE¼;
Sec. 21, N½NW¼.
T. 1 S., R. 8 W.,
Secs. 1 to 3, inclusive;
Sec. 4, E½E½, NW¼NE¼, and NE¼NW¼;
Sec. 9, N½NE¼;
Sec. 10, NW¼ and N½NE¼;
Sec. 11, N½N½;
Sec. 12, N½ and SE¼;
Sec. 13, NE¼.

The area described includes approximately 706,580 acres of public lands.

5. Public hearings on the proposed classification will be held at 10 a.m., on August 22, 1967, at the Goettl Brothers Auditorium, 2005 East Indian School Road, Phoenix, Ariz., and at 8 p.m., on August 23, 1967, at the Yuma City-County Library Auditorium, 360 South Third Avenue, Yuma, Ariz.

FRED J. WEILER,
State Director.

JULY 21, 1967.

[F.R. Doc. 67-8708; Filed, July 26, 1967; 8:46 a.m.]

[A 1101]

ARIZONA

Notice of Proposed Classification of Public Lands for Multiple Use Management

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411–18), and to the regulations in 43 CFR, Parts 2410 and 2411, it is proposed to classify for multiple use management the public lands within the area described below, together with any lands therein that may become public lands within Little Horn Unit 08 in the future. Publication of this notice has the effect of segregating the public land in the described area from appropriation under the agricultural land laws (43 U.S.C., Parts 7 and 9, and 25 U.S.C., 334); from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171); and State exchange (43 U.S.C. 315g(c)). The lands shall remain open to all other forms of appropriation, including the mining and mineral leasing laws. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the District Manager, Bureau of Land Management, 3041 Federal Building, Phoenix, Ariz. 85025.

3. The public lands proposed for classification are located within the following described area and are shown on maps on file in the Phoenix District Office, Bureau of Land Management, 3041 Federal Building, Phoenix, Ariz. 85025.

4. The lands involved are described as follows:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 1 N., R. 10 W.,
Secs. 4 to 11, inclusive;
Sec. 13, SW¼ and N½SE¼;
Secs. 14 to 23, inclusive;
Sec. 25, W½;
Secs. 26 to 36, inclusive.
T. 1 N., R. 11 W.,
Secs. 1 to 3, inclusive;
Secs. 10 to 15, inclusive;
Secs. 22 to 27, inclusive;
Secs. 34 to 36, inclusive.
T. 1 N., R. 13 W.,
Secs. 19 to 36, inclusive.
T. 1 N., R. 14 W.,
Secs. 4 to 9, inclusive;
Secs. 16 to 36, inclusive.
T. 2 N., R. 10 W.,
Secs. 21 and 22.
T. 2 N., R. 11 W.,
Sec. 1, N½ and SE¼;
Sec. 3;
Sec. 4, NW¼ and S½;
Secs. 5 to 31, inclusive;
Sec. 32, NE¼SE¼ and S½SE¼;
Secs. 33 to 36, inclusive.
T. 2 N., R. 12 W.,
Sec. 1;
Sec. 2, SE¼ and SE¼SW¼;
Secs. 3 to 18, inclusive;
Secs. 21 to 28, inclusive;
Secs. 33 to 36, inclusive.
T. 2 N., R. 13 W.,
Secs. 1, 13 and 13.
T. 3 N., R. 12 W.,
Secs. 23 and 26.
T. 3 N., R. 16 W.,
Secs. 1 to 36, inclusive.
T. 3 N., R. 17 W.,
Secs. 1 to 36, inclusive.

T. 3 N., R. 18 W.,
Secs. 1, 2, 11 and 12;
Secs. 13 to 28, inclusive;
Secs. 33 to 36, inclusive.
T. 4 N., R. 17 W.,
Secs. 3 to 10, inclusive;
Secs. 15 to 36, inclusive.
T. 4 N., R. 18 W.,
Secs. 1 and 2;
Secs. 11 to 14, inclusive;
Secs. 23 to 26, inclusive;
Secs. 35 and 36.
T. 5 N., R. 17 W.,
Secs. 3 to 11, inclusive;
Secs. 14 to 23, inclusive;
Secs. 26 to 35, inclusive.
T. 5 N., R. 18 W.,
Secs. 1 to 3, inclusive;
Secs. 10 to 15, inclusive;
Secs. 22 to 27, inclusive;
Secs. 34 to 36, inclusive.
T. 6 N., R. 17 W.,
Secs. 6, 7, 18, 19, 30 and 31.
T. 6 N., R. 18 W.,
Secs. 1 and 2;
Secs. 11 to 14, inclusive;
Secs. 23 to 26, inclusive;
Secs. 35 and 36.
T. 7 N., R. 17 W.,
Secs. 30 and 31.
T. 7 N., R. 18 W.,
Secs. 25, 26, 35 and 36.
T. 1 S., R. 13 W.,
Secs. 1 to 36, inclusive.
T. 1 S., R. 14 W.,
Secs. 1 to 36, inclusive.

The area described includes approximately 276,798 acres of public lands.

5. Public hearings on the proposed classification will be held at 10 a.m. on August 22, 1967, at the Goettl Brothers Auditorium, 2005 East Indian School Road, Phoenix, Ariz., and at 8 p.m. on August 23, 1967, at the Yuma City-County Library Auditorium, 360 South Third Avenue, Yuma, Ariz.

FRED J. WEILER,
State Director.

JULY 21, 1967.

[F.R. Doc. 67-8709; Filed, July 26, 1967; 8:46 a.m.]

[A 1102]

ARIZONA

Notice of Proposed Classification of Public Lands for Multiple Use Management

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18), and to the regulations in 43 CFR, Parts 2410 and 2411, it is proposed to classify for multiple use management the public lands within the area described below, together with any lands therein that may become public lands within the Oatman-Ajo Planning Unit 09 in the future. Publication of this notice has the effect of segregating the public land in the described area from appropriation under the agricultural land laws (43 U.S.C., Parts 7 and 9 and 25 U.S.C. 334); from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171); and State exchange (43 U.S.C. 315g(c)). The lands shall remain open to all other forms of appropriation, including the mining and mineral leasing laws. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the District Manager, Bureau of Land Management, 3041 Federal Building, Phoenix, Ariz. 85025.

3. The public lands proposed for classification are located within the following described area and are shown on maps on file in the Phoenix District Office, Bureau of Land Management, 3041 Federal Building, Phoenix, Ariz. 85025.

4. The lands involved are described as follows:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 1 N., R. 11 W.,
Secs. 4 to 9, inclusive;
Secs. 16 to 21, inclusive;
Secs. 28 to 33, inclusive.
T. 1 N., R. 12 W.,
Secs. 1 to 36, inclusive.
T. 1 S., R. 2 W.,
Secs 1 and 2;
Sec. 3, SW¼NE¼, NW¼, N½SW¼, E½SE¼ and NW¼SE¼;
Sec. 4, N½N½, N½S½ and SE¼SW¼;
Sec. 5, N½S½, N½ and S½SW¼;
Secs. 6 and 7;
Sec. 8, SE¼, NW¼, S½SW¼ and NW¼NE¼;
Secs. 12 and 13;
Secs. 16 to 36, inclusive.
T. 1 S., R. 3 W.,
Sec. 20, S½;
Sec. 21, S½;
Sec. 22, S½;
Sec. 23, S½ and E½NE¼;
Sec. 24, W½ and E½E½;
Secs. 25 to 35, inclusive.
T. 1 S., R. 4 W.,
Sec. 25, S½;
Sec. 31, S½;
Sec. 33, S½;
Sec. 35, S½;
Secs. 34 to 36, inclusive.
T. 1 S., R. 5 W.,
Sec. 35, S½;
Sec. 36, S½.
T. 1 S., R. 6 W.,
Sec. 31, W½.
T. 1 S., R. 7 W.,
Sec 36, S½;
Sec. 27;
Sec. 28, E½SE¼;
Sec. 31, W½SW¼;
Sec. 33, E½NE¼, SW¼NE¼ and N½S½;
Sec. 34, N½ and SE¼;
Sec. 35.
T. 1 S., R. 8 W.,
Sec. 17, W½;
Secs. 18 and 19;
Sec. 20, W½W½E½, NE¼NE¼ and SE¼SE¼;
Sec. 21, SW¼ and S½SE¼;
Sec. 25, W½, SE¼, S½NE¼ and NW¼NE¼;
Sec. 26, W½ and SE¼;
Secs. 29 to 31, inclusive;
Sec. 33, S½, NW¼ and SW¼NE¼;
Secs. 35 and 36.
T. 1 S., R. 9 W.,
Sec. 13;
Secs. 19 to 21, inclusive;
Sec. 29, S½ and NE¼;
Sec. 33, S½;
Secs. 24 to 36, inclusive.
T. 1 S., R. 10 W.,
Secs. 1 to 36, inclusive.
T. 1 S., R. 11 W.,
Secs. 1 to 36, inclusive.
T. 1 S., R. 12 W.,
Secs. 1 to 36, inclusive.
T. 2 S., R. 1 W.,
Secs. 1 to 36, inclusive.
T. 2 S., R. 2 W.,
Secs. 1 to 36, inclusive.
T. 2 S., R. 3 W.,
Secs. 1 to 36, inclusive.
T. 2 S., R. 4 W.,
Secs. 1 to 24, inclusive;
Sec. 25, E½, NW¼ and E½SW¼;
Sec. 26, N½NE¼;
Sec. 27, N½, SW¼, N½SE¼ and SW¼SE¼;
Sec. 28, N½;
Sec. 29, N½, N½S½ and SW¼SW¼;
Secs. 30, 35 and 36.
T. 2 S., R. 5 W.,
Sec. 1;
Sec. 10, SE¼, E½SW¼, S½NE¼ and NE¼NE¼;
Secs. 11 to 14, inclusive;
Sec. 15, E½E½, SW¼SE¼, NW¼NE¼ and NE¼NW¼;
Sec. 19;
Sec. 20, W½W½, E½SW¼ and W½SE¼;
Sec. 22, S½, NE¼ and SW¼NW¼;
Secs. 23 to 25, inclusive;
Sec. 26, NE¼, E½SE¼, E½NW¼ and NW¼NW¼;
Sec. 27, N½N½ and SW¼NW¼;
Sec. 28, W½SW¼;
Secs. 29 to 32, inclusive;
Sec. 33, W½W½.
T. 2 S., R. 6 W.,
Secs. 1 to 36, inclusive.
T. 2 S., R. 7 W.,
Secs. 1 to 36, inclusive.
T. 2 S., R. 8 W.,
Secs. 1 to 36, inclusive.
T. 2 S., R. 9 W.,
Secs. 1 to 36, inclusive.
T. 2 S., R. 10 W.,
Secs. 1 to 36, inclusive.
T. 2 S., R. 11 W.,
Secs. 1 to 36, inclusive.
T. 2 S., R. 12 W.,
Secs. 1 to 36, inclusive.
T. 2 S., R. 13 W.,
Secs. 1 to 36, inclusive.
T. 3 S., R. 1 W.,
Secs. 1 to 36, inclusive.
T. 3 S., R. 2 W.,
Secs. 1 to 36, inclusive.
T. 3 S., R. 3 W.,
Secs. 1 to 36, inclusive.
T. 3 S., R. 4 W.,
Secs. 1 and 2;
Sec. 11, NE¼ and S½;
Secs. 12 to 14, inclusive;
Secs. 23 to 26, inclusive;
Secs. 35 and 36.
T. 3 S., R. 5 W.,
Sec. 3, SW¼, SW¼NW¼ and SW¼SE¼;
Secs. 4 to 10, inclusive;
Sec. 11, S½SW¼, SW¼SE¼, NW¼SW¼ and SW¼NW¼;
Sec. 13, SW¼SW¼;
Secs. 14 to 23, inclusive;
Sec. 24, W½W½;
Sec. 25, W½ and W½SE¼;
Secs. 26 to 36, inclusive.
T. 3 S., R. 6 W.,
Secs. 1 to 36, inclusive.
T. 3 S., R. 7 W.,
Secs. 1 to 36, inclusive.
T. 3 S., R. 8 W.,
Secs. 1 to 36, inclusive.
T. 3 S., R. 9 W.,
Secs. 1 to 36, inclusive.
T. 3 S., R. 10 W.,
Secs. 1 to 18, inclusive;
Secs. 23 to 27, inclusive;
Secs. 34 to 36, inclusive.

T. 3 S., R. 11 W.,
Secs. 1 to 23, inclusive;
Sec. 23, W½;
Secs. 27 to 34, inclusive
T. 3 S., R. 12 W.,
Secs. 1 to 36, inclusive.
T. 3 S., R. 13 W.,
Secs. 1 to 36, inclusive.
T. 4 S., R. 1 W.,
Secs. 1 to 36, inclusive.
T. 4 S., R. 2 W.,
Secs. 1 to 36, inclusive.
T. 4 S., R. 3 W.,
Secs. 1 to 36, inclusive.
T. 4 S., R. 4 W.,
Secs. 1 and 2;
Sec. 7, W½;
Secs. 11 to 14, inclusive;
Sec. 18, W½ and W½SE¼;
Sec. 19;
Secs. 23 to 26, inclusive;
Sec. 30, W½, NE¼, N½SE¼ and SW¼SE¼;
Sec. 31, W½;
Secs. 35 and 36.
T. 4 S., R. 5 W.,
Secs. 1 to 29, inclusive;
Sec. 30, NE¼, NE¼SE¼, N½NW¼ and SE¼NW¼;
Sec. 32, NE¼ and NE¼SE¼;
Sec. 33, N½, N½S½, S½SE¼ and SE¼SW¼;
Secs. 34 to 36, inclusive.
T. 4 S., R. 6 W.,
Secs. 1 to 14, inclusive;
Sec. 15, N½, N½SE¼ and SE¼SE¼;
Sec. 16, N½, W½SW¼ and E½SE¼;
Sec. 17, N½NE¼, N½NW¼ and SE¼NW¼;
Sec. 18, NW¼, N½NE¼, N½SW¼ and SW¼NE¼;
Sec. 22, E½NE¼;
Sec. 23, N½, NE¼SW¼ and NW¼SE¼;
Sec. 24, N½, N½SE¼ and SE¼SE¼;
Sec. 26, S½S½;
Sec. 35, lot 4, N½NE¼, NE¼NW¼ and S½SW¼;
Sec. 36.
T. 4 S., R. 7 W.,
Secs. 1 to 6, inclusive;
Sec. 7, E½;
Secs. 8 to 12, inclusive;
Sec. 13, N½ and N½S½;
Sec. 14, E½, N½SE¼ and NE¼SW¼;
Sec. 15, N½ and SW¼;
Sec. 16, N½, SE¼ and E½SW¼;
Sec. 17, NE¼ and N½NW¼;
Sec. 23, SW¼SE¼;
Sec. 27, NE¼NE¼;
Sec. 30, SW¼ and W½NW¼;
Sec. 31;
Sec. 32, SE¼ and W½SW¼;
Sec. 33, NE¼, NE¼NW¼ and NW¼SE¼.
T. 4 S., R. 8 W.,
Secs. 1 to 9, inclusive;
Sec. 10, N½, SW¼, N½SE¼ and SW¼SE¼;
Sec. 11, W½NW¼, NW¼NE¼ and NE¼NW¼;
Sec. 13, SW¼, S½SE¼ and NW¼SE¼;
Sec. 14, NW¼ and W½SW¼;
Sec. 15, NE¼, N½SE¼, N½SW¼, N½NW¼ and SW¼NW¼;
Secs. 16 to 20, inclusive;
Sec. 21, W½W½, NE¼NW¼ and E½NE¼;
Sec. 23, E½;
Secs. 24 to 26, inclusive;
Sec. 27, S½;
Sec. 29, N½ and W½SW¼;
Sec. 30;
Sec. 31, W½, W½NE¼, NE¼NE¼ and NW¼SE¼;
Secs. 32 to 36, inclusive.
T. 4 S., R. 9 W.,
Secs. 1 to 36, inclusive.
T. 4 S., R. 10 W.,
Sec. 1;
Sec. 2, S½;
Sec. 12, SE¼ and E½SW¼;
Sec. 13.
T. 4 S., R. 11 W.,
Sec. 6, SW¼;
Sec. 7;
Secs. 16 to 20, inclusive;
Sec. 29, N½ and SW¼;
Secs. 30 and 31.
T. 4 S., R. 12 W.,
Secs. 1 to 36, inclusive.
T. 4 S., R. 13 W.,
Secs. 1 to 36, inclusive.
T. 5 S., R. 1 W.,
Secs. 1 to 36, inclusive.
T. 5 S., R. 2 W.,
Secs. 1 to 36, inclusive.
T. 5 S., R. 3 W.,
Secs. 1 to 36, inclusive.
T. 5 S., R. 4 W.,
Secs. 1 and 2;
Sec. 6, W½ and W½SE¼;
Secs. 11 to 14, inclusive;
Secs. 22 to 27, inclusive;
Secs. 34 to 36, inclusive.
T. 5 S., R. 7 W.,
Sec. 5, E½ and W½W½;
Secs. 6 to 8, inclusive;
Secs. 17 to 20, inclusive;
Secs. 30 and 31.
T. 5 S., R. 8 W.,
Secs. 1 to 4, inclusive;
Sec. 5, lot 1, NE¼SE¼, S½SW¼ and S½SE¼;
Sec. 6, lots 3 and 4;
Secs. 7 to 36, inclusive.
T. 5 S., R. 9 W.,
Sec. 1, N½;
Sec. 2, N½, SE¼ and W½SW¼;
Sec. 3;
Sec. 4, N½, SE¼ and N½SW¼;
Sec. 5, N½ and N½S½;
Sec. 6, N½, N½S½, SW¼SW¼ and SE¼SE¼;
Sec. 7, NW¼ and W½SW¼;
Sec. 8, SE¼;
Sec. 9, S½, S½NW¼ and SW¼NE¼;
Sec. 10, SW¼SW¼, SE¼NW¼, NW¼NE¼ and N½NW¼;
Sec. 11, N½SE¼, S½SW¼ and NW¼SW¼;
Sec. 12, S½N½, N½S½, SE¼SW¼ and SE¼SE¼;
Sec. 13, SE¼, S½NE¼, NE¼NE¼ and S½SW¼;
Sec. 14, S½, NW¼, W½NE¼ and SE¼NE¼;
Sec. 15, S½, NW¼ and S½NE¼;
Sec. 16;
Sec. 17, S½, NE¼, SW¼NW¼ and E½NW¼;
Sec. 18, lots 2, 3, 4, SE¼, S½NE¼, E½SW¼ and SE¼NW¼;
Secs. 19 to 36, inclusive.
T. 5 S., R. 10 W.,
Sec. 25, S½, NE¼, E½NW¼ and SW¼SW¼;
Sec. 26, S½ and S½N½;
Sec. 27, SE¼;
Sec. 33, SE¼ and E½SW¼;
Secs. 34 to 36, inclusive.
T. 5 S., R. 11 W.,
Sec. 5, W½;
Secs. 6 and 7;
Sec. 18, N½ and W½SW¼;
Secs. 19 and 30.
T. 5 S., R. 12 W.,
Secs. 1 to 3, inclusive;
Sec. 4, E½, N½NW¼, SE¼NW¼ and NE¼SW¼;
Sec. 5, S½, S½NW¼ and E½NE¼;
Sec. 6, lots 8 and 9, inclusive;
Sec. 7, lots 5 to 8, inclusive;
Sec. 9, E½NE¼ and NE¼SE¼;
Secs. 10 to 14, inclusive;
Sec. 15, E½, N½NW¼ and SE¼NW¼;
Secs. 17 and 18;
Sec. 19, N½ and N½SE¼;
Sec. 20;
Sec. 22, E½E½;
Secs. 23 to 25, inclusive;
Sec. 26, W½, NE¼ and W½SE¼;
Sec. 28, W½ and W½E½;
Secs. 29 and 33;
Sec. 35, W½NE¼.
T. 5 S., R. 13 W.,
Secs. 1 to 23, inclusive;
Sec. 24, N½;
Secs. 26 and 27;
Sec. 28, N½;
Sec. 29, N½;
Sec. 30, N½.
T. 6 S., R. 1 W.,
Secs. 1 to 36, inclusive.
T. 6 S., R. 2 W.,
Secs. 1 to 36, inclusive.
T. 6 S., R. 3 W.,
Secs. 1 to 36, inclusive.
T. 6 S., R. 4 W.,
Secs. 1 and 2;
Sec. 3, N½, SE¼ and E½SW¼;
Secs. 10 to 15, inclusive;
Secs. 22 to 28, inclusive;
Sec. 29, E½;
Secs. 32 to 36, inclusive.
T. 6 S., R. 7 W.,
Sec. 5, W½;
Secs. 6 and 7;
Sec. 8, W½;
Sec. 17, W½ and S½SE¼;
Secs. 18 to 22, inclusive;
Secs. 25 to 31, inclusive.
T. 6 S., R. 8 W.,
Secs. 1 to 36, inclusive.
T. 6 S., R. 9 W.,
Secs. 1 to 36, inclusive.
T. 6 S., R. 10 W.,
Secs. 1 to 4, inclusive;
Sec. 5, S½, NE¼ and E½NW¼;
Sec. 6, S½;
Sec. 7, N½, N½S½ and SW¼SW¼;
Sec. 8, N½, SE¼, N½SW¼ and SE¼SW¼;
Secs. 9 to 16, inclusive;
Sec. 18, W½NW¼;
Secs. 21 to 28, inclusive;
Sec. 33, N½N½ and SE¼NE¼;
Sec. 34, N½, SE¼ and N½SW¼;
Secs. 35 and 36.
T. 7 S., R. 1 W.,
Secs. 1 to 12, inclusive.
T. 7 S., R. 2 W.,
Secs. 1 to 12, inclusive.
T. 7 S., R. 3 W.,
Secs. 1 to 12, inclusive.
T. 7 S., R. 4 W.,
Secs. 1 to 12, inclusive.
T. 7 S., R. 7 W.,
Secs. 6 and 7.
T. 7 S., R. 8 W.,
Secs. 1 to 12, inclusive.
T. 7 S., R. 9 W.,
Secs. 1 to 12, inclusive.
T. 7 S., R. 10 W.,
Secs. 1 and 2;
Sec. 3, S½ and E½NE¼;
Sec. 4, S½S½;
Sec. 5, S½S½;
Sec. 6, SW¼;
Sec. 7, W½ and S½SE¼;
Sec. 8, E½, E½W½ and NW¼NW¼;
Secs. 9 to 16, inclusive;
Sec. 17, S½, NE¼, S½NW¼ and NE¼NW¼;
Secs. 18 to 36, inclusive.
T. 11 S., R. 2 W.,
Secs. 4 to 9, inclusive;
Secs. 16 to 21, inclusive;
Secs. 28 to 33, inclusive.
T. 11 S., R. 4 W.,
Secs. 1 to 36, inclusive.
T. 11 S., R. 5 W.,
Secs. 1 to 36, inclusive.
T. 11 S., R. 6 W.,
Secs. 1 and 2;
Sec. 3, E½ and E½W½;
Sec. 10, E½ and E½NW¼;
Secs. 11 and 12;
Sec. 24, E½ and E½W½;
Sec. 25, E½, E½W½ and W½SW¼;
Secs. 31 to 36, inclusive.
T. 12 S., R. 4 W.,
Secs. 4 to 9, inclusive;
Secs. 16 to 21, inclusive;
Secs. 28 to 33, inclusive.

T. 12 S., R. 5 W.,
Secs. 1 to 36, inclusive.
T. 12 S., R. 6 W.,
Secs. 1 to 36, inclusive.
T. 13 S., R. 5 W.,
Secs. 1 to 36, inclusive.
T. 13 S., R. 6 W.,
Secs. 1 to 36, inclusive.
T. 14 S., R. 5 W.,
Secs. 1 to 18, inclusive.
T. 14 S., R. 6 W.,
Secs. 1 to 18, inclusive.
T. 2 S., R. 1 E.,
Secs. 19 to 36, inclusive.
T. 3 S., R. 1 E.,
Secs. 1 to 36, inclusive.
T. 4 S., R. 1 E.,
Secs. 1 to 36, inclusive.
T. 4 S., R. 2 E.,
Secs. 14 to 23, inclusive;
Secs. 26 to 35, inclusive.
T. 5 S., R. 1 E.,
Secs. 1 to 36, inclusive.
T. 5 S., R. 2 E.,
Secs. 3 to 11, inclusive;
Secs. 13 to 36, inclusive.
T. 5 S., R. 3 E.,
Secs. 16 to 21, inclusive;
Sec. 27, S½;
Secs. 28 to 34, inclusive.
T. 6 S., R. 1 E.,
Secs. 1 to 36, inclusive.
T. 6 S., R. 2 E.,
Secs. 1 to 36, inclusive.
T. 6 S., R. 3 E.,
Secs. 3 to 10, inclusive;
Secs. 15 to 22, inclusive;
Secs. 27 to 34, inclusive.
T. 7 S., R. 1 E.,
Secs. 1 to 36, inclusive.
T. 7 S., R. 2 E.,
Secs. 1 to 36, inclusive.
T. 7 S., R. 3 E.,
Secs. 1 to 36, inclusive.
T. 8 S., R. 1 E.,
Secs. 1 to 36, inclusive.
T. 8 S., R. 2 E.,
Secs. 1 to 21, inclusive;
Secs. 28 to 33, inclusive.
T. 8 S., R. 3 E.,
Secs. 4 to 9, inclusive;
Secs. 16 to 18, inclusive.
T. 9 S., R. 1 E.,
Secs. 1 to 18, inclusive.

The area described includes approximately 1,593,500 acres of public lands.

5. Public hearings on the proposed classification will be held at 10 a.m. on August 22, 1967, at the Goettl Brothers Auditorium, 2005 East Indian School Road, Phoenix, Ariz., and at 8 p.m. on August 23, 1967, at the Yuma City-County Library Auditorium, 360 South Third Avenue, Yuma, Ariz.

FRED J. WEILER,
State Director.

JULY 21, 1967.

[F.R. Doc. 67-8710; Filed, July 26, 1967; 8:46 a.m.]

[A 1062]

ARIZONA

Notice of Proposed Classification of Public Lands for Multiple Use Management

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18), and to the regulations in 43 CFR Parts 2410 and 2411, it is proposed to classify for multiple use management all of the public lands in the township described in paragraph 5, together with any lands therein that may become public lands in the future. Publication of this notice has the effect of segregating all the public land in the described area from appropriation under the agricultural land laws (43 U.S.C. Parts 7 and 9, and 25 U.S.C. 334); from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171); from private exchange (43 U.S.C. 315g(b)); from State exchange (43 U.S.C. 315g(c)); and from State selection (43 U.S.C. 851, 852). The lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws. As used in this order, the term "public lands" means any lands (1) withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or (2) within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. The lands are located approximately 35 road miles southeast of Phoenix, Ariz., and comprise a scenic desert mountain range between 1,500 to 2,450 feet above sea level.

3. Principal public values attributable to the lands are outstanding botanical features in the saguaro forest growth, outdoor recreation provided to urban Phoenix as well as winter visitors to the area, wildlife habitat, watershed, domestic livestock grazing, and mineral potential.

4. This proposed classification has been discussed with local and State government planning and recreation authorities, and they concur with this proposal.

5. The lands lie in Pinal County and are within T. 3 S., R. 7 E., GSR, Mer., Arizona. The area described aggregates approximately 10,020.37 acres of public land.

6. For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the District Manager, Bureau of Land Management, 3041 Federal Building, Phoenix, Ariz. 85025.

FRED J. WEILER,
State Director.

JULY 18, 1967.

[F.R. Doc. 67-8713; Filed, July 26, 1967; 8:46 a.m.]

[C 2350]

COLORADO

Proposed Classification of Public Lands for Multiple Use Management

JULY 20, 1967.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18), and to the regulations in 43 CFR, Parts 2410 and 2411, it is proposed to classify for multiple-use management the public lands within the areas described below, together with any lands therein that may become public lands in the future. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose. Publication of this notice has the effect of segregating all lands described in this notice from appropriation only under the agricultural land laws (43 U.S.C. Parts 7 and 9, 25 U.S.C. 334) and from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171) and the lands shall remain open to all other applicable forms of appropriation including the mining and mineral leasing laws.

2. Public lands proposed for classification are located within the following described areas and are shown on maps on file in the Montrose District Office, Bureau of Land Management, Highway 550 South, Montrose, Colo. 81401; Durango Resource Area Headquarters, Bureau of Land Management, 1211 Main Avenue, Durango, Colo. 81301; and Land Office, Bureau of Land Management, Room 15019, Federal Building, Denver, Colo. 80202.

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

MONTEZUMA, DOLORES AND SAN MIGUEL COUNTIES

T. 35 N., R. 17 W.,
Secs. 1 and 12.
T. 35 N., R. 19 W.,
Secs. 3 to 10, inclusive;
Secs. 15 to 22, inclusive;
Secs. 28 to 32, inclusive.
T. 35 N., R. 20 W.,
Secs. 1, 2, and 3;
Secs. 10 to 15, inclusive;
Secs. 22 and 23;
Secs. 25 to 27, inclusive;
Secs. 34 and 35.
T. 36 N., R. 16 W.,
Secs. 18, 19, 29, 30, 31 and 32.
T. 36 N., R. 17 W.,
Secs. 4, 9, 13 and 14;
Secs. 16 to 30, inclusive.
T. 36 N., R. 18 W.,
Secs. 1 to 21, inclusive;
Sec. 22, NE¼, W½, SW¼SE¼, E½SE¼;
Sec. 23 to 32, inclusive;
Sec. 34, NE¼, E½NW¼, NW¼NW¼, S½;
Secs. 35 and 36.
T. 36 N., R. 19 W.,
Secs. 1 to 24, inclusive;
Secs. 26, 27, and 28;
Sec. 29, N½, E½SW¼, SE¼;
Secs. 30 and 31;
Secs. 33 and 36.
T. 36 N., R. 20 W.,
Secs. 1, 2 and 3;
Secs. 10 to 15, inclusive;
Sec. 22, N½;
Secs. 23 to 26, inclusive;
Sec. 27, NE¼, S½;
Secs. 34, 35, and 36.
T. 37 N., R. 17 W.,
Secs. 3, 4, 8, 9 and 10;
Secs. 16 to 20, inclusive;
Secs. 30 and 31.
T. 37 N., R. 18 W.,
Secs. 1 to 36, inclusive.
T. 37 N., R. 19 W.,
Secs. 1 to 24, inclusive;
Sec. 25, N½, N½SW¼, SE¼;
Secs. 26 to 35, inclusive;
Sec. 36, Lot 3, NE¼, E½NW¼, S½.

T. 37 N., R. 20 W.,
Secs. 1, 2, 3 and 10;
Sec. 11, N½NE¼, SW¼NE¼, W½, NW¼SE¼, S½SE¼;
Secs. 12 to 15, inclusive;
Secs. 22 to 27, inclusive;
Secs. 34, 35, and 36.
T. 38 N., R. 17 W.,
Secs. 33 and 34.
T. 38 N., R. 18 W.,
Secs. 13, 14, and 15;
Secs. 17 to 23, inclusive;
Secs. 30 to 35, inclusive.
T. 38 N., R. 19 W.,
Sec. 2, NE¼, E½NW¼, S½;
Secs. 3 to 14, inclusive;
Secs. 16 to 36, inclusive.
T. 38 N., R. 20 W.,
Secs. 1, 2, and 3;
Secs. 10 to 15, inclusive;
Secs. 22 to 27, inclusive;
Secs. 34, 35, and 36.
T. 39 N., R. 18 W.,
Secs. 6 and 7;
Secs. 17 to 20, inclusive;
Secs. 29 and 30.
T. 39 N., R. 19 W.,
Secs. 2, 3, 5, 7, and 8;
Secs. 10 to 15, inclusive;
Secs. 21 to 28, inclusive;
Secs. 32, 33, and 34.
T. 39 N., R. 20 W.,
Secs. 13 and 14;
Secs. 23 to 27, inclusive;
Secs. 34, 35, and 36.
T. 40 N., R. 18 W.,
Secs. 1, 2, and 12.
T. 41 N., R. 18 W.,
Secs. 9 to 24, inclusive;
Secs. 26 to 29, inclusive;
Secs. 33 and 36.
T. 42 N., R. 17 W.,
Sec. 6, west of Dolores River.
T. 42 N., R. 18 W.,
Secs. 1 and 2, south and west of Dolores River;
Secs. 3 to 8, inclusive;
Secs. 11 to 14, inclusive, west of Dolores River;
Secs. 16 to 19, inclusive;
Secs. 21, 28, 33, and 38.
T. 42 N., R. 19 W.,
Secs. 1, 4, 5, 9, and 12.
T. 42 N., R. 20 W.,
Secs. 2 and 11.
T. 43 N., R. 18 W.,
Secs. 3 and 4, south and west of Dolores River;
Secs. 5 to 9, inclusive;
Secs. 10 and 15, west of Dolores River;
Secs. 16 to 21, inclusive;
Secs. 22, 23, 26, and 27, south and west of Dolores River;
Secs. 28 to 33, inclusive;
Secs. 34 and 35, west of Dolores River.
T. 43 N., R. 19 W.,
Secs. 1 to 24, inclusive;
Sec. 36.
T. 43 N., R. 20 W.,
Secs. 1, 11, and 14;
Secs. 23 to 26, inclusive;
Sec. 35.
T. 44 N., R. 18 W.,
Secs. 30 to 34, inclusive, south and west of Dolores River.
T. 44 N., R. 19 W.,
Secs. 7 to 11, inclusive, south of McIntyre Canyon;
Secs. 13 and 14, south and west of McIntyre Canyon;
Secs. 15 to 23, inclusive;
Secs. 24 and 25, west of Dolores River;
Secs. 26 to 35, inclusive;
Sec. 36 west of Dolores River.
T. 44 N., R. 20 W.,
Secs. 11 and 12, south of McIntyre Canyon;
Secs. 13 and 14;
Secs. 23 to 26, inclusive;
Secs. 35 and 36.

The total area described aggregates approximately 251,100 acres of public land.

3. For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the District Manager, Bureau of Land Management, Highway 550 South, Post Office Box 1269, Montrose, Colo. 81401.

4. A public hearing on the proposed classification will be held at 10 a.m., August 9, 1967, in the County Court House at Cortez, Colo.

E. I. ROWLAND,
State Director.

[F.R. Doc. 67-8714; Filed, July 26, 1967; 8:46 a.m.]

[C 2367]

COLORADO

Proposed Classification of Public Lands for Multiple Use Management

JULY 21, 1967.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18), and to the regulations in 43 CFR, Parts 2410 and 2411, it is proposed to classify for multiple-use management the public lands within the areas described below, together with any lands therein that may become public lands in the future. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose. Publication of this notice has the effect of segregating (a) all lands described in this notice from appropriation only under the agricultural land laws (43 U.S.C. Parts 7 and 9, 25 U.S.C. 334) and from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171), and (b) of further segregating the public land described in paragraph 3 of this notice from the operation of the general mining laws (30 U.S.C. 20). Except as provided in (a) and (b) above, the lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws.

2. Public lands proposed for classification are located within the following described areas and are shown on maps on file in the Montrose District Office, Bureau of Land Management, Highway 550 South, Montrose, Colo. 81401, and the Land Office, Bureau of Land Management, Room 15019, Federal Building, 1961 Stout Street, Denver, Colo. 80202.

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

HINSDALE COUNTY

T. 42 N., R. 4 W.,
Secs. 4 to 7, inclusive.
T. 43 N., R. 5 W.,
Secs. 1 to 22, inclusive.
T. 42 N., R. 6 W.,
Secs. 1 to 4, inclusive;
Secs. 9 to 16, inclusive;
Secs. 21 to 24, inclusive.
T. 43 N., R. 4 W.,
Secs. 1 to 36, inclusive.
T. 43 N., R. 5 W.,
Secs. 1 to 36, inclusive.
T. 43 N., R. 6 W.,
Secs. 1 to 36, inclusive.
T. 43 N., R. 7 W.,
Secs. 12, 13, and 24.
T. 44 N., R. 4 W.,
Secs. 22 to 26, inclusive;
Sec. 27, NW¼NW¼;
Secs. 28, 31, 32, and 33;
Sec. 34, E½NE¼, E½SE¼;
Sec. 35;
Sec. 36.
T. 44 N., R. 5 W.,
Secs. 31 to 36, inclusive.
T. 44 N., R. 6 W.,
Sec. 36.

The area described aggregates approximately 95,000 acres of public land.

3. As provided in paragraph 1(b) above, the following lands are further segregated from appropriation under the mining laws:

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

HINSDALE COUNTY

Mill Creek Site

T. 42 N., R. 5 W. (protracted),
Sec. 11, SW¼SE¼;
Sec. 14, N½NW¼NE¼.

Lake Shore Day Use Site

T. 42 N., R. 4 W.,
Sec. 15, Lot 24;
Sec. 22, Lots 5, 8, and 17.

The area described aggregates approximately 130.1 acres of public land.

4. For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the District Manager, Bureau of Land Management, Highway 550 South, Post Office Box 1269, Montrose, Colo. 81401.

5. A public hearing on the proposed classification will be held on August 16, 1967, at 10 a.m. in the courtroom in the County Courthouse at Lake City, Colo.

E. I. ROWLAND,
State Director.

[F.R. Doc. 67-8715; Filed, July 26, 1967; 8:46 a.m.]

[Montana 1361]

MONTANA

Notice of Classification of Lands for Multiple Use Management; Correction

JULY 20, 1967.

1. Notice of classification, Serial No. M 1361, was published in F.R. Doc. 67-6734, appearing at page 8625 of the issue for Thursday, June 15, 1967.

2. The second sentence, paragraph 1, column 1, should be changed to read as follows: "Publication of this notice has the effect of segregating the

described lands from (a) appropriation only under the agricultural land laws (43 U.S.C. Pts. 7 and 9; 25 U.S.C. sec. 334); from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171); and (b) of further segregating the lands described in paragraph 5 of this notice from operation of the general mining laws (30 U.S.C. 21). Except as provided in (a) and (b) above, the lands shall remain open to all other applicable forms of appropriation including the mining and mineral leasing laws."

EUGENE H. NEWELL,
Acting State Director.

[F.R. Doc. 67-8712; Filed, July 26, 1967; 8:46 a.m.]

[New Mexico 1014]

NEW MEXICO

Notice of Proposed Classification

JULY 20, 1967.

Pursuant to section 2 of the Act of September 19, 1964 (43 U.S.C. 1412), notice is hereby given of a proposal to classify the lands described below for disposal through exchange, under the Act of June 28, 1934 (48 Stat. 1269; 43 U.S.C. 315g), as amended, for lands within Valencia County, N. Mex.

The District Advisory Board, local governmental officials and other interested parties have been notified of this application. Information derived from discussions and other sources indicate that these lands meet the criterion of 43 CFR 2410.1-3(c)(4), which authorizes classification of lands "for exchanges under appropriate authority where they are found to be chiefly valuable for public purposes because they have special values, arising from the interest of exchange proponents, for exchange for other lands which we need for the support of a Federal program." Information concerning the lands, including the record of public discussions, is available for inspection and study in the Land Office, Bureau of Land Management, U.S. Post Office and Federal Building, Santa Fe, N. Mex. 87501; Socorro District Office, 200 Neel Avenue, Socorro, N. Mex. 87801 and Albuquerque District Office, 1304 Fourth Street NW., Albuquerque, N. Mex. 87107.

For a period of 60 days from the date of this publication, interested parties may submit comments to the District Manager of the Socorro or Albuquerque District Office.

The lands affected by this proposal are located in McKinley and San Juan Counties, N. Mex., and are described as follows:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 21 N., R. 10 W.,
Secs. 4 and 30;
Sec. 34, S½.
T. 17 N., R. 11 W.,
Sec. 2, SE¼;
Sec. 10, N½ S½;
Secs. 12 and 14;
Sec. 18, lots 2, 3, 4, and E½ SW¼;
Sec. 28, S½;
Sec. 34;
Sec. 22, E½.
T. 21 N., R. 11 W.,
Sec. 6, lots 1, 2, 3, 4, 5, S½ NE¼ and SE¼ NW¼;
Sec. 18.
T. 22 N., R. 11 W.,
Sec. 18, lots 1, 2, 3, 4, and E½ W½;
Sec. 28, W½;
Sec. 30.
T. 18 N., R. 12 W.,
Sec. 4, SE¼;
Sec. 30, SE¼;
Sec. 32, SW¼, W½ SE¼ and SE¼ SE¼.
T. 21 N., R. 12 W.,
Sec. 4;
Sec. 10, N½;
Sec. 22, NW¼;
Sec. 26, SW¼;
Sec. 34.
T. 22 N., R. 12 W.,
Sec. 8, S½;
Secs. 12 and 14;
Sec. 18, SE¼;
Secs. 22, 24 and 26;
Sec. 28, N½;
Sec. 30, lots 3, 4, E½ SW¼ and SE¼;
Sec. 34.
T. 17 N., R. 12 W.,
Sec. 4, SE¼;
Sec. 6, lots 1, 2, 3, 4, 5, S½ NE¼ and SE¼ NW¼;
Sec. 8, NE¼ and S½;
Sec. 24, NE¼.
T. 15 N., R. 15 W.,
Sec. 10, NW¼ and S½;
Sec. 12.
T. 13 N., R. 17 W.,
Sec. 20, N½ NE¼.
T. 15 N., R. 17 W.,
Sec. 22, lots 1, 2, 3, and 4.
T. 14 N., R. 18 W.,
Sec. 6, lots 3, 4, 5, and SE¼ NW¼.
T. 14 N., R. 19 W.,
Sec. 12, E½.

The areas described aggregate 17,262.37 acres.

W. J. ANDERSON,
State Director.

[F.R. Doc. 67-8711; Filed, July 26, 1967; 8:46 a.m.]

[Oregon 018616]

OREGON

Notice of Proposed Classification of Public Lands for Multiple Use Management

JULY 21, 1967.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18), and to the regulations in 43 CFR Parts 2410 and 2411, it is proposed to classify for multiple-use management the public lands within the area described below, together with any lands therein that may become public lands in the future. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. Publication of this notice has the effect of segregating the described lands from appropriation only under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. Sec. 334), and from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171) and the lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws.

3. The public lands proposed for classification are located within the following described area and are shown on map designated "Oregon 018616, 2411.2: 36-08: June 1967", on file in the Salem District Office, Bureau of Land Management, 3550 Liberty Road, S., Salem, Oreg. and the Land Office, Bureau of Land Management, 729 Northeast Oregon Street, Portland, Oreg. The description of the area is as follows:

WILLAMETTE MERIDIAN, OREGON

BENTON COUNTY

T. 10 S., R. 7 W.,
Sec. 18.
T. 11 S., R. 6 W.,
Sec. 28.
T. 12 S., R. 7 W.,
Secs. 20, 28, and 30.
T. 13 S., R. 7 W.,
Secs. 6 and 18.
T. 13 S., R. 8 W.,
Secs. 20, 24, 26, 30, 32, and 34.
T. 14 S., R. 6 W.,
Sec. 6.
T. 14 S., R. 7 W.,
Secs. 10, 12, 14, 20, 26, 30, and 32.
T. 14 S., R. 8 W.,
Secs. 18, 28, 32, and 34.
T. 14 S., R. 9 W.,
Secs. 12 and 13.
T. 15 S., R. 7 W.,
Secs. 4, 6, and 8.
T. 15 S., R. 8 W.,
Secs. 2, 4, and 6.

CLACKAMAS COUNTY

T. 2 S., R. 7 E.,
Sec. 33.
T. 2½ S., R. 6 E.,
Secs. 32 and 34.
T. 3 S., R. 5 E.,
Secs. 26 and 28.
T. 5 S., R. 4 E.,
Secs. 2 and 34.
T. 6 S., R. 3 E.,
Secs. 18, 32, and 34.
T. 6 S., R. 4 E.,
Secs. 2, 4, 10, 12, and 34.
T. 7 S., R. 3 E.,
Secs. 2, 6, 8, 10, 12, 14, 22, 24, 26, and 28.
T. 7 S., R. 4 E.,
Secs. 4, 6, 8, 10, secs. 13 to 15, inclusive, sec. 18, secs. 20 to 23, inclusive, secs. 27 and 28.
T. 8 S., R. 4 E.,
Sec. 9.

CLATSOP COUNTY

T. 5 N., R. 7 W.,
Sec. 10.

LANE COUNTY

T. 15 S., R. 8 W.,
Secs. 8 and 14.
T. 15 S., R. 9 W.,
Sec. 12.

LINCOLN COUNTY

T. 6 S., R. 9 W.,
Secs. 32 to 34, inclusive.
T. 6 S., R. 10 W.,
Secs. 20, 26, and 35.
T. 8 S., R. 11 W.,
Secs. 24 to 27, inclusive.
T. 7 S., R. 9 W.,
Secs. 2 to 5, inclusive, secs. 7 to 10, inclusive, secs. 16 to 21, inclusive, sec. 23, and secs. 27 to 31, inclusive.
T. 7 S., R. 10 W.,
Secs. 20, 30, and 36.
T. 8 S., R. 9 W.,
Secs. 5, 7, 18, and 19.
T. 8 S., R. 10 W.,
Secs. 20 and 27.
T. 9 S., R. 9 W.,
Secs. 13 to 15, inclusive, secs. 19 to 27, inclusive, secs. 31 and 32, and secs. 34 to 36, inclusive.

T. 9 S., R. 10 W.,
Secs. 26 and 36.
T. 9 S., R. 11 W.,
Secs. 1, 4, and 11.
T. 10 S., R. 8 W.,
Secs. 18, 20, 22, and 30.
T. 10 S., R. 9 W.,
Secs. 2, 3, 4, 6, 8, 9, 13, secs. 15 to 18, inclusive, secs. 20 to 23, inclusive, and secs. 24 to 26, inclusive.
T. 10 S., R. 10 W.,
Sec. 2, secs. 13 to 15, inclusive, and sec. 20.
T. 11 S., R. 8 W.,
Sec. 6.
T. 11 S., R. 9 W.,
Sec. 31.
T. 11 S., R. 10 W.,
Sec. 12, secs. 23 to 25, inclusive, and sec. 35.
T. 12 S., R. 8 W.,
Secs. 6, 7, 18, 26, and 30.
T. 12 S., R. 9 W.,
Secs. 29, 32, 34, and 35.
T. 12 S., R. 10 W.,
Secs. 6, 14, 26, and 35.
T. 12 S., R. 11 W.,
Secs. 9, 10, and 17.
T. 13 S., R. 8 W.,
Secs. 2, 4, 6, 8, 12, and 14.
T. 13 S., R. 9 W.,
Secs. 5, 10, 18, 20, and 24.
T. 13 S., R. 11 W.,
Secs. 3, 22, 23, 26, and 33.
T. 14 S., R. 11 W.,
Secs. 3 to 6, inclusive, secs. 10 and 15.
T. 14 S., R. 12 W.,
Sec. 35.

LINN COUNTY

T. 10 S., R. 1 E.,
Sec. 12.
T. 10 S., R. 2 E.,
Secs. 8, 10, 30, and 34.
T. 10 S., R. 4 E.,
Secs. 9, 17, 20, and 21.
T. 11 S., R. 1 E.,
Sec. 24.
T. 11 S., R. 2 E.,
Sec. 35.
T. 11 S., R. 4 E.,
Secs. 28 to 30, inclusive.
T. 12 S., R. 1 E.,
Sec. 10.
T. 12 S., R. 2 E.,
Sec. 12.
T. 12 S., R. 3 E.,
Secs. 18, 20, 23, 27, 28, and 30.
T. 12 S., R. 4 E.,
Secs. 19, 30, and 31.
T. 12 S., R. 1 W.,
Sec. 34.
T. 13 S., R. 2 E.,
Sec. 24.
T. 13 S., R. 3 E.,
Sec. 20.

MARION COUNTY

T. 6 S., R. 2 E.,
Sec. 30.
T. 8 S., R. 3 E.,
Sec. 13.
T. 9 S., R. 3 E.,
Sec. 5.

MULTNOMAH COUNTY

T. 1 N., R. 4 E.,
Secs. 29 and 30.
T. 1 N., R. 5 E.,
Secs. 13, 14, 21, 22, secs. 27 to 29, inclusive, and sec. 32.

POLK COUNTY

T. 9 S., R. 7 W.,
Sec. 4.
T. 8 S., R. 7 W.,
Sec. 8.
T. 8 S., R. 8 W.,
Secs. 9, 10, and 15.
T. 9 S., R. 4 W.,
Sec. 14.
T. 9 S., R. 7 W.,
Sec. 30.

TILLAMOOK COUNTY

T. 1 N., R. 8 W.,
Sec. 31.
T. 1 N., R. 9 W.,
Secs. 25, 26, 34, and 35.
T. 1 S., R. 6 W.,
Sec. 30.
T. 1 S., R. 7 W.,
Sec. 26.
T. 1 S., R. 8 W.,
Secs. 4 to 8, inclusive, secs. 17 to 23, inclusive, and secs. 27 to 31, inclusive.
T. 1 S., R. 9 W.,
Secs. 1 to 5, inclusive, secs. 9 to 15, inclusive, and sec. 23.
T. 2 S., R. 8 W.,
Secs. 5, 28, 29, 31, 32, and 34.
T. 2 S., R. 9 W.,
Secs. 34 and 35.
T. 3 S., R. 6 W.,
Secs. 18 and 30.
T. 3 S., R. 7 W.,
Secs. 8, 10, 12, 14, 18, 20, 22, 24, 26, 28, 30, 32, and 34.
T. 3 S., R. 8 W.,
Sec. 2, secs. 4 to 8, inclusive, secs. 10, 14, 18, 19, 22, 24, 26, 31, 32, and 34.
T. 3 S., R. 9 W.,
Sec. 13, secs. 19 to 21, inclusive, secs. 24, 28, 31, and 33.
T. 3 S., R. 11 W.,
Sec. 1.
T. 4 S., R. 6 W.,
Sec. 6.
T. 4 S., R. 7 W.,
Secs. 2, 4, 6, 8, 10, 12, 17, and 18.
T. 4 S., R. 10 W.,
Sec. 19.
T. 5 S., R. 10 W.,
Secs. 20 and 34.
T. 6 S., R. 10 W.,
Sec. 1.
T. 6 S., R. 11 W.,
Secs. 14 and 15.

WASHINGTON COUNTY

T. 1 S., R. 5 W.,
Sec. 8.
T. 1 S., R. 6 W.,
Secs. 28 and 34.

YAMHILL COUNTY

T. 2 S., R. 6 W.,
Secs. 20, 28, and 34.
T. 3 S., R. 5 W.,
Sec. 34.
T. 3 S., R. 6 W.,
Secs. 8, 20, and 24.
T. 4 S., R. 7 W.,
Secs. 19, 24, 26, and 30.

The public lands in the area described aggregate approximately 62,500 acres.

4. For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the Salem District Manager, Bureau of Land Management, Post Office Box 3227, Salem, Oreg. 97302.

5. A public hearing on the proposed classification will be held on September 12, 1967 at 10:30 a.m. in the Bureau of Land Management District Office, 3550 Liberty Road, S., Salem, Oreg.

IRVING W. ANDERSON,
Acting State Director.

[F.R. Doc. 67-8716; Filed, July 26, 1967; 8:46 a.m.]

[Serial No. U 3067]

UTAH

Notice of Proposed Classification of Public Lands for Multiple Use Management

1. Pursuant to the Act of September 19, 1964 (78 Stat. 986; 43 U.S.C. 1411-18), and to the regulations in Title 43 CFR, Parts 2410 and 2411, it is proposed to classify for multiple use management the public lands within the area described below, together with any lands therein that may become public lands in the future. Publication of this notice has the effect of segregating the public lands described from appropriation only under the agricultural land laws (43 U.S.C., Parts 7 and 9; 25 U.S.C. 334), and from sale under section 2455 of Revised Statutes (43 U.S.C. 1171), and the lands shall remain open to all other applicable forms of appropriation including the mining and mineral leasing laws. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. The lands proposed to be classified are those lands administered by the Bureau of Land Management within the following described area which lies in the extreme northeast corner of the State of Utah:

Beginning at the Three Corners Monument where the Wyoming, Colo., and Utah State lines intersect; thence south along the Utah-Colorado State line to a point on the watershed crest which divides the Pot Creek drainage and the Green River Drainage near the east quarter corner of Sec. 25, T. 1 S., R. 25 E., SLM; thence north and west along the crest of this watershed divide to where it intersects the Ashley National Forest Boundary near the southwest corner of the SE¼ NW¼ NE¼ Sec. 18, T. 1 N., R. 23 E., SLM; thence north and west along the National Forest Boundary to the south quarter corner of Sec. 29, T. 2 N., R. 22 E., SLM; thence north one-half mile; thence west about one-half mile to the west quarter corner of Sec. 29, T. 2 N., R. 22 E., SLM; thence north about 2 miles to the Wyoming-Utah State line; thence east along the Wyoming-Utah State line to the point of beginning. The area described aggregates approximately 114,427 acres of public land.

3. For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions or objections in connection with this proposed classification may present their views in writing to the Vernal District Manager, Bureau of Land Management, Post Office Box F, Vernal, Utah 84078, or to the State Director, Bureau of Land Management, Post Office Box 11505, Salt Lake City, Utah 84111.

4. Maps depicting these lands are on file and may be reviewed at the Bureau of Land Management's District Office at Vernal and the State Office, Federal Building, Salt Lake City, Utah.

5. A public hearing on this proposed classification will be held at 1:30 p.m. on September 7, 1967, in the Daggett County Courthouse, Manila, Utah.

R. D. NIELSON,
State Director.

[F.R. Doc. 67-8717; Filed, July 26, 1967; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ROHM & HAAS CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 7B2187) has been filed by Rohm & Haas Co., Independence Mall West, Philadelphia, Pa. 19105, proposing an amendment to § 121.2597 *Acrylic polymer modifiers in semirigid and rigid polyvinyl chloride plastics* to provide for the safe use in finished plastic food-contact articles of polyvinyl chloride modifiers produced by combining styrene-butadiene copolymers with acrylic polymers either during or after polymerization of the acrylic polymers. The styrene-butadiene content of the finished article is to be limited to 15 weight percent.

Dated: July 20, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-8744; Filed, July 26, 1967; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-295]

COMMONWEALTH EDISON CO.

Notice of Receipt of Application for Construction Permit and Facility License

Commonwealth Edison Co., 72 West Adams Street, Chicago, Ill. 60690, pursuant to section 104(b) of the Atomic Energy Act of 1954, as amended, has filed an application, dated July 12, 1967, for authorization to construct and operate a pressurized water nuclear reactor on the applicant's approximately 250-acre Zion Station site located on the west shore of Lake Michigan about 40 miles north of Chicago in Lake County, Ill. The proposed reactor, designated by the applicant as Zion Unit 1, is designed for initial operation at approximately 3,250 thermal megawatts with a net electrical output of approximately 1,050 megawatts.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 20th day of July 1967.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 67-8697; Filed, July 26, 1967; 8:45 a.m.]

[Docket Nos. 50-269 etc.]

DUKE POWER CO.

Notice of Hearing on Application for Provisional Construction Permit

In the matter of Duke Power Co., (Oconee Nuclear Station, Units 1, 2, and 3), Docket Nos. 50-269, 50-270, 50-287.

Pursuant to the Atomic Energy Act of 1954, as amended, and the regulations in Title 10, Code of Federal Regulations, Part 50, Licensing of Production and Utilization Facilities, and Part 2, rules of practice, notice is hereby given that a hearing will be held at 10 a.m., local time, on August 29, 1967, at the Oconee County Courthouse, Main Street, Walhalla, S.C., to consider the application filed under section 104b. of the Act by Duke Power Co. for provisional construction permits for three pressurized water reactors, each designed to initially operate at 2,452 megawatts (thermal), to be located at its site in Oconee County, S.C., approximately 8 miles northeast of Seneca, S.C.

The hearing will be conducted by the Atomic Safety and Licensing Board designated by the Atomic Energy Commission consisting of Dr. John Henry Buck, Phoenixville, Pa., Dr. Hugh Paxton, Los Alamos, N. Mex., and Samuel W. Jensch, Esq., Chairman, Washington, D.C. Dr. Clarke Williams, Upton, Long Island, N.Y., has been designated as a technically qualified alternate.

A prehearing conference will be held by the Board at 10 a.m., local time, on August 15, 1967, at the Oconee County Courthouse, Main Street, Walhalla, S.C., to consider the matters provided for consideration by § 2.752 of 10 CFR, Part 2 and section II of Appendix "A" to 10 CFR, Part 2.

The Director of Regulation proposes to make affirmative findings on Item Numbers 1–3 and a negative finding on Item 4 specified below as the basis for the issuance of provisional construction permits to the applicant substantially in the form proposed in Appendices "A", "B", and "C" hereto.

1. Whether in accordance with the provisions of 10 CFR 50.35(a)

(a) The applicant has described the proposed design of the facilities, including, but not limited to, the principal architectural and engineering criteria for the design and has identified the major features or components incorporated therein for the protection of the health and safety of the public;

(b) Such further technical or design information as may be required to complete the safety analysis and which can reasonably be left for later consideration, will be supplied in the final safety analysis reports;

(c) Safety features or components, if any, which require research and development have been described by the applicant and the applicant has identified, and there will be conducted, a research and development program reasonably designed to resolve any safety questions associated with such features or components; and

(d) On the basis of the foregoing, there is reasonable assurance that (i) such safety questions will be satisfactorily resolved at or before the latest dates stated in the application for completion of construction of the proposed facilities and (ii) taking into consideration the site criteria contained in 10 CFR Part 100, the proposed facilities can be constructed and operated at the proposed location without undue risk to the health and safety of the public;

2. Whether the applicant is technically qualified to design and construct the proposed facilities;

3. Whether the applicant is financially qualified to design and construct the proposed facilities; and

4. Whether the issuance of permits for the construction of the facilities will be inimical to the common defense and security or to the health and safety of the public.

In the event that this proceeding is not a contested proceeding, as defined by § 2.4 of the Commission's rules of practice, 10 CFR Part 2, the Board will, without conducting a de novo evaluation of the application, consider the issues of whether the application and the record of the proceeding contain sufficient information, and the review by the Commission's regulatory staff has been adequate, to support the findings proposed to be made and the provisional construction permits proposed to be issued by the Director of Regulation.

In the event that this proceeding becomes a contested proceeding, the Board will consider and initially decide, as the issues in this proceeding, Item Numbers 1 through 4 above as the basis for determining whether the provisional construction permits should be issued to the applicant. As they become available, the application, the report of the Commission's Advisory Committee on Reactor Safeguards (ACRS), and the Safety Evaluation by the Commission's regulatory staff will be placed in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., where they will be available for inspection by members of the public. Copies of the ACRS report and the regulatory staff's Safety Evalution may be obtained by request to the Director of the Division of Reactor Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Petitions for leave to intervene, pursuant to the provisions of § 2.714 of the Commission's rules of practice, must be received in the Office of the Secretary, U.S. Atomic Energy Commission, Germantown, Md., or the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., not later than August 11, 1967, or in the event of a postponement of the specific hearing date, at such time as the Board may specify.

Any person who wishes to make an oral or written statement setting forth his position on the issues specified, but who does not wish to file a petition to intervene, may request permission to make a limited appearance pursuant to the provisions of § 2.715 of the Commission's rules of practice. Limited appearances will be permitted at that time of the hearing in the discretion of the Board, within such limits and on such conditions as may be fixed by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, by August 11, 1967.

Answers to this notice, pursuant to the provisions of § 2.705 of the Commission's rules of practice must be filed by the applicant on or before August 11, 1967.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, or may be filed by delivery to the Office of the Secretary, U.S. Atomic Energy Commission, Germantown, Md., or the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Pending further order of the Board, parties are required to file, pursuant to the provisions of § 2.708 of the Commission's rules of practice, and original and twenty conformed copies of each such paper with the Commission.

Dated at Washington, D.C., this 24th day of July 1967.

UNITED STATES ATOMIC ENERGY COMMISSION,
F. T. HOBBS,
Acting Secretary.

APPENDIX A

DUKE POWER COMPANY (OCONEE NUCLEAR STATION, UNIT 1)

DOCKET NO. 50-269

PROVISIONAL CONSTRUCTION PERMIT

Construction Permit No. -------

1. Pursuant to section 104b. of the Atomic Energy Act of 1954, as amended (the Act) and Title 10, Chapter 1, Code of Federal Regulations, Part 50, Licensing of Production and Utilization Facilities, and pursuant to the order of the Atomic Safety and Licensing Board, the Atomic Energy Commission (the Commission) hereby issues a provisional construction permit to Duke Power Co. (the applicant) for a utilization facility (the facility), designed to operate at 2452 megawatts (thermal), described in the application and amendments thereto filed in this matter by the applicant and as more fully described in the evidence received at the public hearing upon that application. The facility, known as Oconee Nuclear Station, Unit 1 will be located at the applicant's site in Oconee County, S.C., approximately 8 miles northeast of Seneca, S.C.

2. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Act, and rules, regulations, and orders of the Commission now or hereafter in effect; and is subject to the conditions specified or incorporated below:

A. The earliest date for the completion of the facility is October 1, 1970, and the latest date for completion of the facility is February 28, 1971.

B. The facility shall be constructed and located at the site as described in the application, as amended, in Oconee County, about 8 miles northeast of Seneca, S.C.

C. This construction permit authorizes the applicant to construct the facility described in the application and the hearing record in accordance with the principal architectural and engineering criteria set forth therein.

3. This permit is provisional to the extent that a license authorizing operation of the facility will not be issued by the Commission unless (a) the applicant submits to the Commission, by amendment to the application, the complete final safety analysis report, portions of which may be submitted and evaluated from time to time; (b) the Commission finds that the final design provides reasonable assurance that the health and safety of the public will not be endangered by the operation of the facility in accordance with the procedures approved by it in connection with the issuance of said license; and (c) the applicant submits proof of financial protection and the execution of an indemnity agreement as required by section 170 of the Act.

For the Atomic Energy Commission.

APPENDIX B

DUKE POWER CO. (OCONEE NUCLEAR STATION, UNIT 2)

DOCKET NO. 50-270

PROVISIONAL CONSTRUCTION PERMIT

Construction Permit No. -------

1. Pursuant to section 104b. of the Atomic Energy Act of 1954, as amended (the Act), and Title 10, Chapter 1, Code of Federal Regulations, Part 50, Licensing of Production and Utilization Facilities, and pursuant to the order of the Atomic Safety and Licensing Board, the Atomic Energy Commission (the Commission) hereby issues a provisional construction permit to Duke Power Co. (the applicant) for a utilization facility (the facility), designed to operate at 2,452 megawatts (thermal), described in the application and amendments thereto filed in this matter by the applicant and as more fully described in the evidence received at the public hearing upon that application. The facility, known as Oconee Nuclear Station, Unit 2 will be located at the applicant's site in Oconee County, S.C., approximately 8 miles northeast of Seneca, S.C.

2. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Act, and rules, regulations, and orders of the Commission now or hereafter in effect; and is subject to the conditions specified or incorporated below:

A. The earliest date for the completion of the facility is October 1, 1971, and the latest date for completion of the facility is February 28, 1972.

B. The facility shall be constructed and located at the site as described in the application, as amended, in Oconee County, about 8 miles northeast of Seneca, S.C.

C. This construction permit authorizes the applicant to construct the facility described in the application and the hearing record in accordance with the principal architectural and engineering criteria set forth therein.

3. This permit is provisional to the extent that a license authorizing operation of the facility will not be issued by the Commission unless (a) the applicant submits to the Commission, by amendment to the application, the complete final safety analysis report, portions of which may be submitted and evaluated from time to time; (b) the Commission finds that the final design provides reasonable assurance that the health and safety of the public will not be endangered by the operation of the facility in accordance with procedures approved by it in connection with the issuance of said license; (c) the applicant submits proof of financial protection and the execution of an indemnity agreement as required by section 170 of the Act.

For the Atomic Energy Commission.

APPENDIX C

DUKE POWER CO. (OCONEE NUCLEAR STATION, UNIT 3)

DOCKET NO. 50-287

PROVISIONAL CONSTRUCTION PERMIT

Construction Permit No. -------

1. Pursuant to section 104b. of the Atomic Energy Act of 1954, as amended, (the Act) and Title 10, Chapter 1, Code of Federal Regulations, Part 50, Licensing of Production and Utilization Facilities, and pursuant to the order of the Atomic Safety and Licensing Board, the Atomic Energy Commission (the Commission) hereby issues a provisional construction permit to Duke Power Co. (the applicant) for a utilization facility (the facility), designed to operate at 2,452 megawatts (thermal), described in the application and amendments thereto filed in this matter by the applicant and as more fully described in the evidence received at the public hearing upon that application. The facility, known as Oconee Nuclear Station, Unit 3 will be located at the applicant's site in Oconee County, S.C., approximately 8 miles northeast of Seneca, S.C.

2. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Act, and rules, regulations, and orders of the Commission now or hereafter in effect; and is subject to the conditions specified or incorporated below:

A. The earliest date for the completion of the facility is November 1, 1972, and the latest date for completion of the facility is August 1, 1973.

B. The facility shall be constructed and located at the site as described in the application, as amended, in Oconee County, about 8 miles northeast of Seneca, S.C.

C. This construction permit authorizes the applicant to construct the facility described in the application and the hearing record in accordance with the principal architectural and engineering criteria set forth therein.

3. This permit is provisional to the extent that a license authorizing operation of the facility will not be issued by the Commission unless (a) the applicant submits to the Commission, by amendment to the application, the complete final safety analysis report, portions of which may be submitted and evaluated from time to time; (b) the Commission finds that the final design provides reasonable assurance that the health and safety of the public will not be endangered by the operation of the facility in accordance with procedures approved by it in connection with the issuance of said license; and (c) the applicant submits proof of financial protection and the execution of an

indemnity agreement as required by section 170 of the Act.

For the Atomic Energy Commission.

[F.R. Doc. 67-8765; Filed, July 26, 1967; 8:49 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILES PRODUCED OR MANUFACTURED IN MALAYSIA

Limitation on Entry or Withdrawal From Warehouse

JULY 24, 1967.

On May 24, 1967, after discussions with the Government of Malaysia, the U.S. Government requested the Government of Malaysia to restrain for the 12-month period, beginning May 24, 1967, its exports to the United States of cotton textiles in Category 22 produced or manufactured in Malaysia. In furtherance of objectives of, and under the terms of the Long Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6(c) relating to nonparticipants, the U.S. Government is establishing restraints in accordance with that request. These restraints do not apply to cotton textiles produced or manufactured in Malaysia and exported to the United States prior to the beginning of the applicable 12-month period designated above.

There is published below a letter of July 21, 1967, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that the amount of cotton textiles in Category 22 produced or manufactured in Malaysia which may be entered or withdrawn from warehouse for consumption in the United States for the 12-month period beginning May 24, 1967, be limited to the designated level.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

THE SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

WASHINGTON, D.C. 20230,
July 21, 1967.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6(c) thereof relating to nonparticipants, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective as soon as possible after July 23, 1967, and for the 12-month period beginning May 24, 1967, and extending through May 23, 1968, entry into the United States for consumption and withdrawal from warehouse for consumption, of cotton textiles in Category 22, produced or manufactured in Malaysia, in excess of a level of restraint for the period of 220,000 square yards.

In carrying out this directive, entries of cotton textiles in Category 22 produced or manufactured in Malaysia and which have been exported to the United States prior to May 24, 1967, shall not be subject to this directive.

A detailed description of Category 22 in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on July 7, 1966 (31 F.R. 9310).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Malaysia and with respect to imports of cotton textiles and cotton textile products from Malaysia have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

A. B. TROWBRIDGE,
Secretary of Commerce, Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 67-8724; Filed, July 26, 1967; 8:47 a.m.]

CIVIL SERVICE COMMISSION

NURSES, BALTIMORE, MD.

Notice of Adjustment of Minimum Rates and Rate Ranges

Under authority of 5 U.S.C. 5303 and Executive Order 11073, the Civil Service Commission has increased the minimum rates and rate ranges for positions of Nurse, GS-610-5 through 10, and Public Health Nurse, GS-615-5 through 10. The revised rate ranges, including GS-4 rates previously established are:

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS-4	$5,736	$5,896	$6,056	$6,216	$6,376	$6,536	$6,696	$6,856	$7,016	$7,176
GS-5	6,287	6,563	6,739	6,915	7,091	7,267	7,443	7,619	7,795	7,971
GS-6	6,857	7,055	7,253	7,451	7,649	7,847	8,045	8,243	8,441	8,639
GS-7	7,308	7,516	7,729	7,942	8,155	8,368	8,581	8,794	9,007	9,220
GS-8	7,773	8,008	8,243	8,478	8,713	8,948	9,183	9,418	9,653	9,888
GS-9	8,218	8,479	8,740	9,001	9,262	9,523	9,784	10,045	10,306	10,567
GS-10	8,709	8,997	9,285	9,573	9,861	10,149	10,437	10,725	11,013	11,301

[1] Corresponding statutory rates: GS-4—Seventh; GS-5—Seventh; GS-6—Sixth; GS-7—Fifth; GS-8—Fourth; GS-9—Third; GS-10—Second.

The revised rate ranges for positions of Nurse, PFS-610-5 and 6 are:

PER ANNUM RATES

Level	1[1]	2	3	4	5	6	7	8	9	10	11	12
PFS-5	$6,843	$7,034	$7,225	$7,416	$7,607	$7,798	$7,989	$8,180	$8,371	$8,562	$8,753	$8,944
PFS-6	7,128	7,331	7,534	7,737	7,940	8,143	8,346	8,549	8,752	8,955	9,158	9,361

[1] Corresponding statutory rates: PFS-5—Seventh; PFS-6—Sixth.

Geographic coverage is the Baltimore, Md., Standard Metropolitan Statistical Area which includes Anne Arundel, Baltimore, Carroll, Harford, and Howard Counties, and Baltimore City, Md.

The effective date will be the first day of the first pay period beginning on or after July 15, 1967.

All new employees in the specified occupational levels will be hired at the new minimum rate.

As of the effective date, all agencies will process a pay adjustment to increase the pay of employees on the rolls in the affected occupational levels. An employee who immediately prior to the effective date was receiving basic compensation at one of the rates of the statutory rate range shall receive basic compensation at the corresponding numbered rate authorized by this notice on and after such date. The pay adjustment will not be considered an equivalent increase within the meaning of 5 U.S.C. 5335 or 39 U.S.C. 3552.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-8732; Filed, July 26, 1967; 8:48 a.m.]

SPEECH PATHOLOGISTS AND AUDIOLOGISTS

Notice of Adjustment of Minimum Rates and Rate Ranges

Under authority of 5 U.S.C. 5303 and Executive Order 11073, the Civil Service Commission has increased the minimum rates and rate ranges for positions of Speech Pathologist and Audiologist, GS-665-11, 12, and 13. The revised rate ranges are:

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS-11	$11,111	$11,436	$11,761	$12,086	$12,411	$12,736	$13,061	$13,386	$13,711	$13,946
GS-12	12,084	12,443	12,802	13,161	13,520	13,879	14,238	14,717	15,096	15,475
GS-13	13,221	13,709	14,197	14,685	15,173	15,661	16,149	16,637	16,906	17,353

[1] Corresponding statutory rates: GS-11—Seventh; GS-13—Fourth; GS-13—Second.

Coverage is worldwide.

The effective date will be the first day of the first pay period beginning on or after July 16, 1967.

All new employees in the specified occupational levels will be hired at the new minimum rate.

As of the effective date, all agencies will process a pay adjustment to increase the pay of employees on the rolls in the affected occupational levels. An employee who immediately prior to the effective date was receiving basic compensation at one of the rates of the statutory rate range shall receive basic compensation at the corresponding numbered rate authorized by this notice on and after such date. The pay adjustment will not be considered an equivalent increase within the meaning of 5 U.S.C. 5335.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-8733; Filed, July 26, 1967; 8:48 a.m.]

CRIMINAL INVESTIGATORS, INTERNAL REVENUE SERVICE

Notice of Manpower Shortage

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission has found, effective July 16, 1967, that there is a manpower shortage for the positions of Criminal Investigator, GS-1811-5/9, otherwise identified as Special Agent (Intelligence) in the Internal Revenue Service, nationwide.

The appointees to these positions may be paid for the expense of travel and transportation to the first post of duty.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-8734; Filed, July 26, 1967; 8:48 a.m.]

DEPUTY ASSISTANT SECRETARY, HOUSING ASSISTANCE ADMINISTRATION, HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Notice of Manpower Shortage

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission has found, effective July 21, 1967, that there is a manpower shortage for the single position of Deputy Assistant Secretary, Housing Assistance Administration, Level V, Department of Housing and Urban Development, Washington, D.C.

The appointee may be paid for the expenses of travel and transportation to his first post of duty.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-8735; Filed, July 26, 1967; 8:48 a.m.]

SOCIAL SCIENCE ANALYST, COMMISSION ON CIVIL RIGHTS

Notice of Manpower Shortage

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission has found, effective July 20, 1967, that there is a manpower shortage for the position of Social Science Analyst, GS-101-9, United States Commission on Civil Rights, Washington, D.C. This finding will terminate when the position is filled.

The appointee to this position may be paid for the expense of travel and transportation to the first post of duty.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-8736; Filed, July 26, 1967; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[70-4514]

AMERICAN ELECTRIC POWER CO., INC., AND OHIO POWER CO.

Notice of Proposed Issue and Sale of Notes to Banks and Capital Contributions by Parent

JULY 21, 1967.

In the matter of American Electric Power Co., Inc., 2 Broadway, New York, N.Y. 10004, and Ohio Power Co., 301 Cleveland Avenue SW., Canton, Ohio 44702.

Notice is hereby given that American Electric Power Co., Inc. ("AEP"), a registered holding company, and one of its electric utility subsidiary companies, Ohio Power Co. ("Ohio"), have filed a joint declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6, 7, and 12 thereof and Rules 42, 45, and 50(a)(3) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

By order dated October 6, 1966, the Commission authorized Ohio (Holding Company Act Release No. 15595) to issue and sell from time to time prior to December 31, 1966, its promissory notes to ten banks in an aggregate principal amount not to exceed $58,600,000 outstanding at any one time. Such promissory notes were issued and sold by Ohio to such banks on December 27, 1966.

By another order dated March 30, 1967, the Commission authorized Ohio (Holding Company Act Release No. 15697) to issue and sell, within 60 days, at competitive bidding $50 million principal amount of its first Mortgage bonds, ____ percent series due 1997 ("Bonds") and $20 million principal amount of its ____ percent sinking fund debentures due 1997 ("Debentures"). By supplemental order dated May 18, 1967 (Holding Company Act Release No. 15739), the Commission extended to August 1, 1967, the time within which those transactions might be consummated. Ohio subsequently filed a post-effective amendment No. 2 to its Form U-1 to extend the time within which such transactions may be consummated to December 15, 1967.

The declaration states that the $58,600,000 promissory notes which Ohio issued mature by their terms on September 25, 1967, and that market conditions have been and may continue to be such that it would not be propitious for Ohio to proceed with the sale of its Bonds and Debentures at competitive bidding on August 16, 1967, the date on which it is currently contemplated that proposals will be submitted for such Bonds and Debentures. To afford Ohio necessary flexibility in arranging its financing program, it is proposed that if the sale of such Bonds and Debentures at competitive bidding is not consummated by September 15, 1967, Ohio will issue and sell on or before September 25, 1967, its promissory notes in the aggregate principal amount not to exceed $61,100,000 to the following banks in proportion to the respective amounts shown:

Irving Trust Co., New York, N.Y.	$9,275,000
The First National City Bank of New York, N.Y.	9,275,000
Manufacturers Hanover Trust Co., New York, N.Y.	7,300,000
Continental Illinois National Bank & Trust Co., Chicago, Ill.	7,300,000
Morgan Guaranty Trust Co., of New York, N.Y.	6,775,000
Mellon National Bank & Trust Co., Pittsburgh, Pa.	6,050,000
The Chase Manhattan Bank (N.A.), New York, N.Y.	6,050,000
Bankers Trust Co., New York, N.Y.	3,025,000
Chemical Bank New York Trust Co., New York, N.Y.	3,025,000
The Northern Trust Co., Chicago, Ill.	3,025,000
Total	61,100,000

Each note will be dated as of the date of issue, will bear interest at the then current prime rate (currently 5½ percent per annum), will mature December 15, 1967, and will be prepayable at any time, in whole or in part, without penalty or premium. Ohio proposes to use the proceeds from the sale of the proposed notes, to the extent necessary, to pay, or prepay, all of the then outstanding promissory notes issued pursuant to the order of the Commission dated October 6, 1966.

AEP proposes, in the event that Ohio does not consummate the sale of its Bonds and Debentures at competitive bidding on or before August 24, 1967, to make one or more cash capital contributions to Ohio prior to December 31, 1967, in an amount not exceeding $10 million. Any cash capital contributions so received by Ohio would, together with any balance of the proceeds realized from the issuance of its promissory notes remaining after the payment or prepayment of promissory notes, be used by Ohio to pay a part of the cost of its current construction program. It had been anticipated that, pursuant to the Commission's order dated June 30, 1967 (Holding Company

Act Release No. 15779), Ohio would sell, on or about July 6, 1967, to Buckeye Power, Inc., a 615,000 kilowatt steam electric generating unit, located at its Cardinal Station, and associated properties, for an aggregate consideration in excess of $65 million. The declaration states that in related proceedings before the Federal Power Commission (Docket No. E-37555) hearings have been requested but the Federal Power Commission has not yet acted in that proceeding and that it is uncertain, in view of the foregoing, whether or when Ohio will consummate the proposed transaction with Buckeye Power, Inc. It is anticipated, however, that if Ohio does not consummate the sale of its Bonds and Debentures as proposed but, in lieu thereof, Ohio consummates the transactions herein proposed and receives from American a cash capital contribution or contributions aggregating $10 million additional financing will not be required by Ohio prior to January 1, 1968.

The declaration further states that there will be no fees, commissions, or expenses incident to the proposed transactions and that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than August 9, 1967, request in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for such request and the issues of fact or law which he desires to controvert; or he may request that he be notified should the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective in the manner provided by Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof, or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-8727; Filed, July 26, 1967; 8:47 a.m.]

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

JULY 21, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 22, 1967, through July 31, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-8726; Filed, July 26, 1967; 8:47 a.m.]

NORTH AMERICAN RESEARCH & DEVELOPMENT CORP.

Order Suspending Trading

JULY 20, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of North American Research & Development Corp., 1935 South Main Street, Salt Lake City, Utah, and all other securities of North American Research & Development Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 20, 1967, through July 29, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-8720; Filed, July 26, 1967; 8:47 a.m.]

NORTHERN INSTRUMENT CORP.

Order Suspending Trading

JULY 20, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Northern Instrument Corp., Babylon, N.Y., and all other securities of Northern Instrument Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange is summarily suspended, this order to be effective for the period July 21, 1967, through July 26, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-8721; Filed, July 26, 1967; 8:47 a.m.]

[File No. 0-592]

PAKCO COMPANIES, INC.

Order Suspending Trading

JULY 21, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Pakco Companies, Inc., and all other securities of Pakco Companies, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 22, 1967, through July 31, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-8729; Filed, July 26, 1967; 8:48 a.m.]

S & P NATIONAL CORP.

Order Suspending Trading

JULY 20, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common and class A stock of S & P National Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 21, 1967, through July 30, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-8723; Filed, July 26, 1967; 8:47 a.m.]

STEEL CREST HOMES, INC.

Order Suspending Trading

JULY 20, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Steel Crest Homes, Inc., King of Prussia, Pa., and all other securities of Steel Crest Homes, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 21, 1967, through July 30, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-8723; Filed, July 26, 1967; 8:47 a.m.]

UNDERWATER STORAGE, INC.

Order Suspending Trading

JULY 21, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Underwater Storage, Inc., otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 22, 1967, through July 31, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-8730; Filed, July 26, 1967; 8:48 a.m.]

[File No. 1-4271]

WESTEC CORP.

Order Suspending Trading

JULY 21, 1967.

The common stock, 10 cents par value, of Westec Corp., being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Westec Corp., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 22, 1967, through July 31, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-8731; Filed, July 26, 1967; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice No. 1089]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

JULY 21, 1967.

The following applications are governed by Special Rule 1.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of § 1.247(d)(4) of the special rule, and shall include the certification required therein.

[1] Copies of Special Rule 1.247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

Section 1.247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 1375 (Sub-No. 13) (Amendment), filed April 26, 1967, published in FEDERAL REGISTER issue of May 18, 1967, amended July 5, 1967, and republished as amended this issue. Applicant: BELL LINES, INC., Box 4108, Charleston, W. Va. 25304, also 6114 McCorkle Avenue SE., Charleston, W. Va. Applicant's representative: Francis W. McInerny, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment (1) between Greenville, Tenn., and Roanoke, Va., from Greenville over U.S. Highway 11E to Bristol, Tenn.-Va., thence over U.S. Highway 11 to Roanoke, and return over the same route, (2) between Kingsport, Tenn., and Bluefield, W. Va.-Va., from Kingsport, Tenn., over U.S. Highway 11W to Bristol, Tenn.-Va., thence over U.S. Highway 11 to Abingdon, Va., thence over U.S. Highway 19 to Bluefield, and return over the same route, (3) between Bristol, Tenn.-Va., and Harlan, Ky., from Bristol, over U.S. Highway 58 to Dot, Va., thence over U.S. Highway 421 to Harlan, and return over the same route, and (4) between Abingdon, Va., and Pikeville, Ky., from Abingdon over Alternate U.S. Highway 58 to Norton, Va., thence over U.S. Highway 23 to Pikeville, and return over the same route. Serving all intermediate points on all of the foregoing routes in (1), (2), (3), and (4) above, and off-route points in Tennessee, Kentucky, and Virginia, located within 125 miles of Bluefield, Va.-W. Va. Restriction: The service sought herein is restricted to traffic moving to, through or from Tennessee.

NOTE: Applicant indicates tacking possibilities with its presently held authority to enable service to Indiana, North Carolina, South Carolina, Ohio, and Pennsylvania. The purpose of this republication is to change the authority sought from irregular to regular routes. If a hearing is deemed necessary, applicant requests it be held at Bristol, Tenn.

No. MC 2153 (Sub-No. 39) (Correction), filed June 5, 1967, published FEDERAL REGISTER issue of June 29, 1967, corrected July 10, 1967, and republished as corrected this issue. Applicant: MIDWEST MOTOR EXPRESS, INC., 1205 Front Avenue, Bismarck, N. Dak. Applicant's representative: James F. Greenstein, 112 East Sixth Street, St. Paul, Minn. 55101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty cheese drums and cheese packaging supplies, cheese in metal drums or other packages*, between Hutchinson and New Ulm, Minn., on the one hand, and, on the other, points in North Dakota. NOTE: The purpose of this republication is to correct the description of the authority being sought. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Madison, Wis.

No. MC 2202 (Sub-No. 324), filed July 10, 1967. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, Ohio 44309. Applicant's representative: William O. Turney, 2001 Massachusetts Avenue NW., Post Office Box 471, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Columbus and Macon, Ga., over U.S. Highway 80, serving no intermediate points, as an alternate route for operating convenience only. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 2202 (Sub-No. 325), filed July 10, 1967. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, Ohio 44309. Applicant's representatives: William O. Turney, 2001 Massachusetts Avenue NW., Washington, D.C. 20036, and Douglas Faris (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Albany and Savannah, Ga.; from Albany over Georgia Highway 257 to junction U.S. Highway 280, thence over U.S. Highway 280 to junction U.S. Highway 80, thence over U.S. Highway 80 to Savannah, and return over the same route serving no intermediate points, as an alternate route for operating convenience only. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Atlanta, Ga.

No. MC 2428 (Sub-No. 71), filed July 10, 1967. Applicant: H. PRANG TRUCKING CO., INC., 112 New Brunswick Avenue, Hopelawn (Perth Amboy) N.J. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Nonferrous scrap metal, in dump vehicles*, unloaded by dumping, between the plantsites of Phelps Dodge Corp. and its subsidiaries at Laurel Hill, N.Y., and South Brunswick, N.J., under contract with Phelps Dodge Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 13134 (Sub-No. 17), filed July 10, 1967. Applicant: GRANT TRUCKING, INC., Oak Hill, Ohio. Applicant's representative: Paul F. Beery, 100 East Broad Street, Room 1800, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feather meal and poultry meal*, from Wellston, Ohio, to points in Illinois, Indiana, Kentucky, Michigan, New York, Pennsylvania, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 14552 (Sub-No. 26), filed July 10, 1967. Applicant: J. V. McNICHOLAS TRANSFER COMPANY, a corporation, 556 West Federal, Youngstown, Ohio. Applicant's representative: Paul F. Beery, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pipe, tubing, mine roof bolts, and bar stock*, from the plantsites of Youngstown Sheet & Tube Co. located at or near Youngstown and Struthers, Ohio, to points in Wisconsin, Iowa, Missouri, Illinois, Kentucky, Indiana, Ohio, Michigan, West Virginia, Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Nebraska, Kansas, Minnesota, and the District of Columbia, and (2) *steel mill equipment, materials and supplies*, from points in Wisconsin, Iowa, Missouri, Illinois, Kentucky, Indiana, Ohio, Michigan, Virginia, West Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Nebraska, Kansas, Minnesota, and the District of Columbia, to the plantsite of Youngstown Sheet & Tube Co. located at or near Youngstown and Struthers, Ohio. NOTE: Applicant is authorized to operate as a contract carrier in Docket No. MC 123991 and Sub 4, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 19105 (Sub-No. 23), filed July 14, 1967. Applicant: FORBES TRANSFER COMPANY, INC., Post Office Box 346, 301A, Wilson, N.C. 27894. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products, and commodities used by packinghouses*, as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in vehicles equipped with mechanical refrigeration, between Kinston, N.C., on the one hand, and, on the other, points in Connecticut, Maryland, New Jersey, New York, and Pennsylvania. NOTE: If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C.

No. MC 21170 (Sub-No. 161) (Amendment), filed February 1, 1966, published FEDERAL REGISTER issue of February 17, 1966, amended July 10, 1967, and republished as amended this issue. Applicant: BOS LINES, INC., 405 South 12th Avenue, Marshalltown, Iowa 50158. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruit juices* from Mid-Continent Underground Storage, near Loring, Kans., to points in Wisconsin. Restricted to traffic originating at Mid-Continent Underground Storage, near Loring, Kans., and destined to points in Wisconsin. NOTE: The purpose of this republication is to more clearly define the commodity description, also the origin and destination points. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 25798 (Sub-No. 155), filed July 10, 1967. Applicant: CLAY HYDER TRUCKING LINES, INC., 502 East Bridgers Avenue, Post Office Box 1186, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers, with and without closures*, between Atlanta, Ga., on the one hand, and, on the other, Auburndale and Lakeland, Fla., restricted to traffic originating at or destined to the plantsite or warehouse facilities utilized by Owens-Illinois, Inc. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Tampa, Fla.

No. MC 27578 (Sub-No. 2), filed July 11, 1967. Applicant: BALDWIN TRANSPORTATION CORPORATION, 554 West 38th Street, New York, N.Y. 10018. Applicant's representative: Herbert Burstein, 160 Broadway, New York, N.Y. 10018. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, between New York, N.Y., and points in its commercial zone, on the one hand, and, on the other, points in Nassau, Suffolk, and Westchester Counties, N.Y., restricted to shipments having a prior movement by rail. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 29566 (Sub-No. 128), filed July 14, 1967. Applicant: SOUTHWEST FREIGHT LINES, INC., 1400 Kansas Avenue, Kansas City, Kans. 66106. Applicant's representative: Vernon M. Masters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Products* used in the agricultural, water treatment, food processing, wholesale grocery and institutional supply industries when shipped in mixed truckloads with salt and salt products, from the plantsite of the Morton Salt Co., located at Hutchinson, Kans., to points in Iowa and Missouri. NOTE: Applicant states it could tack with its presently held authority in MC 29566 (Sub 9) to serve points in Illinois. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 29886 (Sub-No. 234), filed July 10, 1967. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. 46621. Applicant's representative: Charles Pieroni (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum pipe and culvert*, (1) from Schenectady, N.Y., to points in Delaware, Maryland, New Jersey, and Pennsylvania, and (2) from Halethorpe, Md., to points in Delaware, New Jersey, New York, and Pennsylvania. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 29934 (Sub-No. 15), (Clarification), filed May 2, 1967, published in the FEDERAL REGISTER issues of June 2, 1967, and July 13, 1967, and republished as clarified this issue. Applicant: LO BIONDO BROTHERS MOTOR EXPRESS, INC., Post Office Box 18, Bridgeton, N.J. 08302. Applicant's representative: Charles H. Trayford, 137 East 36th Street, New York, N.Y. 10016. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) (1) *Such commodities* as are used in or incidental to the preparation, packing, and shipment of canned, frozen and processed foods (except commodities in bulk), and (2) *fresh fruits, berries, and vegetables* exempt from economic regulation pursuant to section 203(b)(6) of the Interstate Commerce Act, when moving at the same time and in the same vehicle, as the commodities subject to regulation, from points in Connecticut, Delaware, Maryland, Massachusetts, Maine, New Hampshire, New York, Ohio, Pennsylvania, Rhode Island, Vermont, West Virginia, and the District of Columbia, to points in Cumberland, Salem and Gloucester Counties, N.J.; (B) *food and food products* (except commodities in bulk), from points in Cumberland, Salem, and Gloucester Counties, N.J., to points in Connecticut, Delaware, Maryland, Massachusetts, Maine, New Hampshire, New York, Ohio, Pennsylvania, Rhode Island, Vermont, West Virginia, and the District of Columbia. NOTE: Applicant states it intends to tack with its present authority in MC 29934, Sub 3 at points in Cumberland, Salem, or Gloucester Counties, N.J., to provide service at Philadelphia, Pa., in the handling of food and food products, and with its Sub 7 at points in Cumberland County, Pa., to provide service at points in Cape May County, N.J., of food and food products. The purpose of this republication is to clarify the authority sought. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 29988 (Sub-No. 108), filed July 10, 1967. Applicant: DC INTERNATIONAL, INC., 45th Avenue at Jackson Street, Denver, Colo. 80216. Applicant's representative: Arnold L. Burke, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except dangerous explosives), serving the Argonne Industrial District, Du Page Township, Will County, Ill., as an off-route point in connection with applicant's authorized regular route service at Chicago, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 35320 (Sub-No. 97), filed July 3, 1967. Applicant: T.I.M.E. FREIGHT, INC., 2598 74th Street, Post Office Box 1120, Lubbock, Tex. 79408. Applicant's representatives: Earl H. Carroll, 363 North First Avenue, Phoenix, Ariz. 85003, also David Wm. West, 363 North First Avenue, Phoenix, Ariz. 85003. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between points within a 25-mile radius of Phoenix, Ariz. (limited to linehaul to or from area over carrier's own line). NOTE: Applicant states that it will tack authority sought with its present authority in MC 35320 and subs thereunder, wherein it is authorized to operate in Alabama, Arizona, Arkansas, California, District of Columbia, Georgia, Illinois, Indiana, Kansas, Kentucky, Maryland, Massachusetts, Mississippi, Missouri, New Jersey, New Mexico, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, Tennessee, Texas, Virginia, and West Virginia. If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. MC 52657 (Sub-No. 654), filed July 10, 1967. Applicant: ARCO AUTO CARRIERS, INC., 2140 West 79th Street, Chicago, Ill. 60620. Applicant's representative: A. J. Bieberstein, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers and trailer chasis* (except those designed to be drawn by passenger automobiles), in initial movements in truckaway and driveaway service; (2) *truck and trailer bodies, trailer pallets, mobilizer units, containers* (except those containers having a capacity of 5 gallons or less, or those having a capacity of 9 cubic feet or less), *shelters* (except mobile homes), equipped or unequipped; (3) *materials, supplies, and parts* used in the manufacture, assembly, and servicing of the commodities described in paragraphs (1) and (2) above when moving in mixed loads with any of such commodities; from Berkeley Springs, Morgan County, W. Va., and points within 5 miles thereof, to points in the United States, except Hawaii, restricted to all of the commodities named in paragraphs (1), (2), and (3) above, and *rejected, refused, returned, or damaged commodities*, on return, and (4) *tractors*, in secondary movements in driveaway service, only when drawing trailers moving in initial driveaway service, from Berkeley Springs, Morgan County, W. Va., and points within 5 miles thereof to points in Alabama, Alaska, Arizona, Arkansas, California, Colorado, Georgia, Idaho, Kansas, Louisiana, Maine, Mississippi, Montana, Nevada, New Hampshire, New Mexico, North Dakota, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Utah, Vermont, Washington, Wyoming, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 55236 (Sub-No. 152), filed July 14, 1967. Applicant: OLSON TRANSPORTATION COMPANY, a corporation, 1970 South Broadway, Green Bay, Wis. 54306. Applicant's representative: K. L. Laird (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Muskegon, Mich., to points within 5 miles thereof, to points in Iowa, Missouri, Kansas, Nebraska, and Minnesota (except St. Paul, Minn.). NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing or Detroit, Mich.

No. MC 58923 (Sub-No. 36), filed June 5, 1967. Applicant: GEORGIA HIGHWAY EXPRESS, INC., 2090 Jonesboro Road SE., Atlanta, Ga. 30315. Applicant's representative: Robert C. Dryden, (same address as applicant). Authority sought (A) to operate as a *common carrier*, by motor vehicle, over regular routes in addition to those presently authorized in MC 58923 (Sub-No. 31), and (B) to amend existing gateway restrictions as to regular and irregular routes in MC 58923 (Sub-No. 31), as follows: (a) Over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Atlanta, Ga., and Heflin, Ala., over U.S. Highway 78, serving all intermediate points, (2) between Atlanta, Ga., and Gadsden, Ala., over U.S. Highway 278, serving all intermediate points. Restriction: The authority sought under the regular routes in (A) (1) and (2) above is restricted to the transportation of traffic moving from, to, or through Atlanta, Ga., or La Grange, Ga. (B) Over regular routes and irregular routes: (1) Amend presently existing gateway. Restriction in MC 58923 (Sub-No. 31) as to *regular routes* contained therein to read as follows: All services authorized herein above are restricted to the transportation of traffic moving from, to, or through Atlanta, Ga., or La Grange, Ga. (2) Amend presently existing gateway restriction in MC 58923 (Sub-No. 31) as to *irregular routes* contained therein to read as follows: *General commodities* (except those of unusual value, classes A and B explosives, household goods as

defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Atlanta, Ga., or La Grange, Ga., on the one hand, and, on the other, points in Alabama; (2) between Atlanta, Ga., or La Grange, Ga., on the one hand, and, on the other, points in Georgia. Restriction: Carrier shall not, pursuant to the irregular route authority sought to be amended herein, transport shipments moving between any points authorized to be served by it in the *regular route* authority sought in (A) herein, or as sought to be amended in (B) herein. NOTE: Applicant states that by the instant application it seeks to add Atlanta, Ga., as an alternate gateway to the existing La Grange, Ga., gateway, as to both the regular routes and irregular routes contained in MC 58923 (Sub-No. 31) with the further restriction that carrier shall not, pursuant to the irregular route authority sought to be amended, transport shipments moving between any points authorized therein to be served by it in the regular routes authority contained therein, or sought herein. Applicant further states that the grant of this authority would not enable tacking at any new points not now able to be tacked except at Heflin, Ala., and Gadsden, Ala., and except as to the added gateway point. This authority would be tacked to present and pending authority so as to permit through service to areas sought and through interchange to points beyond. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 59117 (Sub-No. 29), filed July 12, 1967. Applicant: ELLIOTT TRUCK LINE, INC., Post Office Box No. 1, Vinita, Okla. Applicant's representative: Carll V. Kretsinger, 450 Professional Building, 1103 Grand Avenue, Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer materials, and fertilizer solutions and ingredients*, (1) from points in Jasper County, Mo., to points in Kansas, Oklahoma, Nebraska, Texas, and Iowa; (2) from points in Kansas to points in Oklahoma and Missouri; and (3) from points in the Kansas City, Mo.-Kans., commercial zone (as defined by the Commission), to points in Oklahoma. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Oklahoma City, Okla.

No. MC 59158 (Sub-No. 34), filed July 12, 1967. Applicant: PLOOF TRANSFER COMPANY, INC., 1901 Hill Street, Jacksonville, Fla. 32202. Applicant's representative: Martin Sack, Jr., 710 Atlantic Bank Building, 121 West Forsyth Street, Jacksonville, Fla. 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic conduit and plastic pipe, cement conduit and cement pipe containing asbestos fiber, and couplings, rings and accessories for installation thereof*, from Green Cove Springs, Fla., to Dania and Port Everglades, Fla. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla., or Washington, D.C.

No. MC 59194 (Sub-No. 9), filed July 10, 1967. Applicant: EASTERN FREIGHT WAYS, INC., Eastern and Moonachie Avenues, Carlstadt, N.J. 07072. Applicant's representative: Maxwell A. Howell, 1511 K Street NW., Suite 1120, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment (except those requiring refrigerated service), and commodities which are injurious or contaminating to other lading, (1) between Elmira, N.Y., and Baltimore, Md., from Elmira, N.Y., over New York Highway 14 to the New York-Pennsylvania State line, thence over Pennsylvania Highway 14 to Williamsport, Pa., thence over U.S. Highway 15 to Harrisburg, Pa., thence over U.S. Interstate Highway 83 to Baltimore, Md., for operating convenience only, with service to no intermediate points not otherwise authorized, and (2) between Scranton, Pa., and Baltimore, Md., from Scranton, Pa., over U.S. Highway 11 to Harrisburg, Pa., thence over U.S. Interstate Highway 83 to Baltimore, Md., for operating convenience only, with service to no intermediate points not otherwise authorized. NOTE: It is the intention of applicant to tack the foregoing authority at Elmira, N.Y., Scranton, Pa., and Baltimore, Md., with its existing authority and that of its subsidiary Victor Lynn Lines, Inc., following its merger into applicant. Applicant requests hearing together with MC-F-9615. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 59856 (Sub-No. 26), filed July 5, 1967. Applicant: SALT CREEK FREIGHTWAYS, 400 Industrial Avenue, Post Office Box 1411, Casper, Wyo. 82601. Applicant's representative: Ward A. White, Post Office Box 568, Cheyenne, Wyo. 82001. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, household goods as defined by the Commission, livestock, commodities in bulk, and those requiring special equipment, between Casper and Medicine Bow, Wyo., from Casper over Wyoming Highway 220 to junction with Wyoming Highway 487, thence over Wyoming Highway 487 to Medicine Bow, and return over the same route, serving no intermediate points, but serving the mill-sites of Petrotomics Co. and Utah Construction & Mining Co., as off-route points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Cheyenne or Casper, Wyo.

No. MC 61403 (Sub-No. 171), filed July 11, 1967. Applicant: THE MASON AND DIXON TANK LINES, INC., Eastman Road, Kingsport, Tenn. 37662. Applicant's representative: W. C. Mitchell, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Perlite and vermiculite*, in bulk, between points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Minnesota, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 61592 (Sub-No. 83), filed July 11, 1967. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, Iowa 52722. Applicant's representative: Donald W. Smith, 511 Fidelity Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural machinery, agricultural implements, forestry machinery, grain bins and parts for the commodities named, when moving in mixed loads with the commodities named above*, from Tarboro, N.C., to points in the United States (except Arkansas, Illinois, Iowa, Kansas, Louisiana, Michigan, Minnesota, Missouri, Nebraska, Oklahoma, South Dakota, Texas, Wisconsin, Hawaii, and the District of Columbia, and (2) *materials and supplies used in the manufacture of agricultural machinery, agricultural implements, forestry machinery, and grain bins*, from points in the United States (except Arkansas, Illinois, Iowa, Kansas, Louisiana, Michigan, Minnesota, Missouri, Nebraska, Oklahoma, South Dakota, Texas, Wisconsin, Hawaii, and the District of Columbia) to Tarboro, N.C. NOTE: If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C.

No. MC 61592 (Sub-No. 84), filed July 11, 1967. Applicant: JENKINS TRUCK LINES, INC., 3708 Elm Street, Bettendorf, Iowa 52722. Applicant's representative: R. Connor Wiggins, Jr., 909, 100 North Main Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Incinerators*, knocked down, and *accessories*, therefor, including *blow pipe*, from Memphis, Tenn., to points in its commercial zone and points in Arkansas, Louisiana, Kentucky, Texas, Florida, South Carolina, Virginia, Mississippi, Missouri, Oklahoma, Georgia, North Carolina, and Alabama. NOTE: Applicant states it would tack the proposed authority with any appropriate authority held, however none is known at this time. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 61592 (Sub-No. 85), filed July 5, 1967. Applicant: JENKINS TRUCK LINES, INC., 3708 Elm Street, Bettendorf, Iowa 52722. Applicant's representative: Donald W. Smith, 511 Fidelity Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Material, equipment and supplies, used in the installation of tires, tires, display and show equipment, advertising literature, and incidental paraphernalia* moving at the same time and in the same vehicles with

tires, from Findlay, Ohio, to points in Iowa and Illinois. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Chicago, Ill.

No. MC 69633 (Sub-No. 92), filed July 12, 1967. Applicant: ASSOCIATED TRUCK LINES, INC., Vandenberg Center, Grand Rapids, Mich. 49502. Applicant's representative: Arnold L. Burke, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Hospital medical and dental supplies and related articles, and materials and supplies* used in the manufacture and packaging thereof, serving Argonne Industrial District located in Du Page Township, Will County, Ill., as an off-route point in connection with applicant's presently authorized regular route authority. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 72420 (Sub-No. 8), filed July 17, 1967. Applicant: THE ACE MOTOR TRANSPORT COMPANY, a corporation, 3103 Tiffin Avenue, Sandusky, Ohio 44870. Applicant's representative: Robert D. Schuler, Suite 1700 1 Woodward Avenue, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the plantsite, Ford Motor Co., Van Dyke and 18 Mile Road, Sterling Township, Macomb County, Mich., as an off-route point in connection with authorized service at Detroit, Mich. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 73165 (Sub-No. 236), filed July 11, 1967. Applicant: EAGLE MOTOR LINES, INC., Post Office Box 1348, Birmingham, Ala. 35201. Applicant's representative: Robert M. Pearce, Central Building, 1033 State Street, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic fittings, plastic connections, iron connections, and pipe*, from points in Talledega County, Ala., to points in Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia, and (2) *equipment, materials and supplies* used in the manufacture, processing and distribution of plastic fittings, plastic connections, iron connections and pipe, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Atlanta, Ga.

No. MC 76025 (Sub-No. 4), filed July 3, 1967. Applicant: OVERLAND EXPRESS, INC., 498 First NW., New Brighton, Minn. 55112. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail and chain grocery and food business houses, and, in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, between points within the territory bounded by a line beginning at Sidney, Iowa, and extending in a southwesterly direction to Nebraska City, Nebr., thence in a northwesterly direction through Fremont, Nebr., to Yankton, S. Dak., thence north through Watertown, S. Dak., and Fargo, N. Dak., to Grand Forks, N. Dak., thence in a southeasterly direction through Bemidji, Minn., Duluth, Minn., thence south along the Minnesota-Wisconsin and Iowa-Wisconsin State lines to Dubuque, Iowa, thence in a southeasterly direction to Fulton, Ill., thence south through Galesburg to Macomb, Ill., thence west to Keokuk, Iowa, thence along the Iowa-Missouri State line to junction U.S. Highway 275, thence north along U.S. Highway 275 to point of beginning, on the one hand, and, on the other, Champaign, Ill., and Crete, Nebr., under contract with Super Valu Stores, Inc., Land O'Lakes Creameries, Inc., and May Bros. Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Chicago, Ill.

No. MC 76032 (Sub-No. 213), filed July 13, 1967. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, Colo. 80223. Applicant's representative: O. Russell Jones, 215 Lincoln Avenue, Post Office Box 2228, Santa Fe, N. Mex. 87501. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Compressed or liquefied gas*, other than liquefied petroleum gas, in shipper owned tank vehicles, and *general commodities*, except classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment, (1) between Richmond and San Jose, Calif., from Richmond over U.S. Highway 40 to Oakland, Calif., thence over California Highway 17 to San Jose (also from Oakland over U.S. Highway 50 to junction California Highway 9, thence over California Highway 9 to junction California Highway 17, and thence over California Highway 17 to San Jose), and return over the same routes serving all intermediate points, (2) between San Francisco, Calif., and San Jose, Calif., from San Francisco over U.S. Highway 101 (also over U.S. Highway 101 Bypass) to San Jose, and return over the same routes serving all intermediate points. NOTE: Applicant states that the San Francisco Bay Bridge, San Mateo Bridge, Dumbarton Bridge, and appropriate access roads will be used for operating convenience only in connection with the above-specified routes. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 89523 (Sub-No. 12), filed July 12, 1967. Applicant: MID-STATES TRUCKING CO., a corporation, 2517 North Grand Street, Enid, Okla. Applicant's representative: Donald E. Leonard, Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Household, laundry and cleaning supplies*, from Dallas, Tex., to points in Oklahoma under continuing contract with the Purex Corp., Ltd. NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., or Dallas, Tex.

No. MC 96498 (Sub-No. 27), filed July 14, 1967. Applicant: BONIFIELD BROS. TRUCK LINES, INC., Post Office Box 40, West Frankfort, Ill. 62896. Applicant's representative: R. W. Burgess, 8514 Midland Boulevard, St. Louis, Mo. 63114. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Hospital, medical and dental supplies and related articles, and materials and supplies* used in the manufacture and packaging thereof, serving the manufacturing and distribution facilities of Johnson & Johnson, located in the Argonne Industrial District, Du Page Township, Will County, Ill., as an off-route point in connection with applicant's presently held authorized regular route authority. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago or Springfield, Ill.

No. MC 102567 (Sub-No. 121), filed July 10, 1967. Applicant: EARL GIBBON TRANSPORT, INC., 235 Benton Road, Post Office Box Drawer 5357, Bossier City, La. 71010. Applicant's representative: Jo E. Shaw, 816 Houston First Savings Building, Houston, Tex. 77002. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid synthetic resin*, in bulk, in tank vehicles, from Avondale, La., to Pine Bluff, Camden, Crossett, and Morrilton, Ark., and Bastrop, Springhill, and Hodge, La. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New Orleans, La.

No. MC 102616 (Sub-No. 820), filed July 12, 1967. Applicant: COASTAL TANK LINES, INC., 501 Grantley Road, York, Pa. 17405. Applicant's representative: Samuel E. Smith (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid detergents and liquid detergent intermediates*, in bulk, in tank vehicles, from Cincinnati, Ohio, to St. Louis, Mo., and Detroit, Mich. NOTE: If a hearing is deemed necessary, applicant requests it be held at Cincinnati or Columbus, Ohio.

No. MC 103880 (Sub-No. 388), filed July 11, 1967. Applicant: PRODUCERS TRANSPORT, INC., 215 East Waterloo Road, Akron, Ohio 44306. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals* (having had a prior movement by rail), in bulk, in tank vehicles, from Toledo, Ohio, to points in Illinois, Michigan, Ohio, and West Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 105813 (Sub-No. 153), filed July 17, 1967. Applicant: BELFORD TRUCKING CO., INC., 3500 Northwest

79th Avenue, Miami, Fla. 33148. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Food products*, and (2) *food products* in mixed shipments with commodities, the transportation of which is partially exempt under the provisions of section 203(b)(6) of the Interstate Commerce Act if transported in vehicles not used in carrying any other property, when moving in the same vehicle at the same time with the commodities in (2) above, from Wellston, Ohio, to points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 107064 (Sub-No. 59), filed July 10, 1967. Applicant: STEERE TANK LINES, INC., 2606 Fairmount Street, Post Office Box 2906, Dallas, Tex. 75201. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Potash, potash products and potash byproducts*, from points in New Mexico to points in Oklahoma, Kansas, Nebraska, South Dakota, Illinois, Iowa, Arkansas, Missouri, Mississippi, California, Colorado, Arizona, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 107469 (Sub-No. 21), filed July 14, 1967. Applicant: WILLIAM Z. GEITZ, INC., 2454 Harrisburg Pike, Lancaster, Pa. 17601. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Metal roofing and accessories thereof and fabricated metal products*, from the plantsite of Fabral Corp., in East Hempfield Township, Lancaster County, Pa., to points in Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin, and (2) *aluminum coils and sheets, plain and coated*, from points in Ohio, New York, and West Virginia to the plantsite of Fabral Corp., in East Hempfield Township, Lancaster County, Pa., under a continuing contract or contracts with Fabral Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Harrisburg, Pa.

No. MC 111302 (Sub-No. 39), filed July 10, 1967. Applicant: HIGHWAY TRANSPORT, INC., Post Office Box 79, Powell, Tenn. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chocolate syrup*, in bulk in tank vehicles, from the facilities of the Van Leer Chocolate Corp., at Jersey City, N.J., to points in Georgia, North Carolina, South Carolina, Florida, and Tennessee. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 111397 (Sub-No. 8), filed July 10, 1967. Applicant: THE OVERLAND EXPRESS, LIMITED, Box 267, Woodstock, Ontario, Canada. Applicant's representative: Robert D. Schuler, Suite 1706, 1 Woodward Avenue, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving Willow Run Airport, Ypsilanti, Mich., as an off-route point in connection with authorized service at Detroit, Mich., restricted to traffic originating at or destined to points in Canada, having an immediately prior or subsequent movement by air. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 111383 (Sub-No. 20), filed July 10, 1967. Applicant: BRASWELL MOTOR FREIGHT LINES, INC., 3025 Singleton Boulevard, Dallas, Tex. 75208. Applicant's representative: M. Ward Bailey, 2412 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Waco and San Antonio, Tex., over U.S. Highway 81 (also Interstate Highway 35), serving all intermediate points, and (2) between Fort Worth, Tex., and junction U.S. Highway 81 (also Interstate Highway 35W) and U.S. Highway 77 at or near Hillsboro, Tex., over U.S. Highway 81, serving no intermediate points, as an alternate route for operating convenience only. NOTE: If a hearing is deemed necessary, applicant requests it be held at San Antonio or Dallas, Tex.

No. MC 111383 (Sub-No. 21), filed July 10, 1967. Applicant: BRASWELL MOTOR FREIGHT LINES, INC., 3025 Singleton Boulevard, Dallas, Tex. 75208, also Post Office Box 3089, Dallas, Tex. Applicant's representative: M. Ward Bailey, 2412 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Memphis, Tenn., and Chicago, Ill., (a) from Memphis, Tenn., over U.S. Highway 61 (also over Interstate Highway 55) to St. Louis, Mo., thence over U.S. Highway 66 (also over Interstate Highway 55) to Chicago, Ill., and return over the same route, serving all intermediate points and the off-route point of Joliet, Ill., located on U.S. Highway 66 Alternate and (b) from Memphis, Tenn., over U.S. Highway 51 to the access to Interstate Highway 57 north of Ullin, Ill., thence over said access to Interstate Highway 57, thence over Interstate Highway 57 to Bonnie, Ill., thence over Illinois Highway 37 (also over Interstate Highway 57) to Watson, Ill., thence over Interstate Highway 57 to the intersection of U.S. Highway 45 near Mattoon, Ill., thence over U.S. Highway 45 (also over Interstate Highway 57), to Kankakee, Ill., thence over U.S. Highway 54 (also over Interstate Highway 57), to the intersection of Interstate Highway 294, thence over Interstate Highway 294 to the intersection of Interstate Highway 55, thence over Interstate Highway 55 to Chicago, Ill., and return over the same route, serving all intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., St. Louis, Mo., and Chicago, Ill.

No. MC 111401 (Sub-No. 227), filed June 30, 1967. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, Okla. 73701. Applicant's representative: Alvin L. Hamilton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boron compounds and potash*, in bulk and in bags, from points in Lea and Eddy Counties, N. Mex., to points in Arkansas, Colorado, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Wisconsin, and Wyoming. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Tulsa, Okla.

No. MC 111862 (Sub-No. 19), filed July 11, 1967. Applicant: HENNIES TRUCKING CO., a corporation, 338 South 17th Street, Milwaukee, Wis. 53233. Applicant's representative: Jack B. Joselson, 700 Atlas Bank Building, Cincinnati, Ohio 45202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, from Columbus, Ohio, to points in Illinois, Indiana, and Michigan, under continuing contracts with Borden Chemical Co., Smith-Douglas Division. NOTE: Applicant states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 112049 (Sub-No. 16) (Amendment), filed September 22, 1966, published in the FEDERAL REGISTER issue of October 13, 1966, amended and republished as amended this issue. Applicant: McBRIDES EXPRESS, INC., 1907 Wabash Avenue, Mattoon, Ill. 61938. Applicant's representative: David C. Venable, 1735 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, (1) between Indianapolis, Ind., and

Springfield, Ill., over U.S. Highway 36; and (2) between Indianapolis, Ind., and Greenville, Ill., over U.S. Highway 40; serving all intermediate points on the above routes in Illinois and as off-route points those points in that part of Illinois south of U.S. Highway 36 and on and north of U.S. Highway 50 (except Alton, East Alton, Wood River, Roxana, and Hartford). Restriction: The operations authorized above are restricted against providing service between Indianapolis, Ind., on the one hand, and, on the other, St. Louis, Mo., including points in their respective commercial zones. NOTE: The purpose of this republication is to change the scope of the application. If a hearing is deemed necessary, applicant requests it be held at Springfield, Ill., or St. Louis, Mo.

No. MC 112254 (Sub-No. 6), filed July 6, 1967. Applicant: B&B TRANSPORT, INC., 408½ South Roan Street, Johnson City, Tenn. 37601. Applicant's representative: Clifford E. Sanders, 321 East Center Street, Kingsport, Tenn. 37660. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cinder blocks, clay and clay products, shale and shale products, concrete and concrete products*, and *mortar mixes*, between Kingsport, Tenn., on the one hand, and, on the other, points in Alexander, Alleghany, Ashe, Avery, Buncombe, Burke, Cabarrus, Caldwell, Catawba, Cherokee, Clay, Cleveland, Davidson, Davie, Forsyth, Gaston, Guilford, Haywood, Henderson, Iredell, Jackson, Lincoln, McDowell, Macon, Madison, Mecklenburg, Mitchell, Polk, Randolph, Rockingham, Rowan, Rutherford, Stokes, Surry, Transylvania, Watauga, Wilkes, Yadkin, and Yancey Counties, N.C., under contract with General Shale Products Corp., Johnson City, Tenn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Nashville, Tenn.

No. MC 112595 (Sub-No. 33), filed July 11, 1967. Applicant: FORD BROTHERS, INC., Post Office Box 419, Ironton, Ohio. Applicant's representative: James R. Stiverson, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar based sealing compounds*, from Columbia Park (Hamilton County), Ohio, to points in Indiana, Kentucky, Michigan, Pennsylvania, West Virginia, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 112750 (Sub-No. 245) (Correction), filed June 15, 1967, published in FEDERAL REGISTER issue of July 7, 1967, at page 10033, portion republished this issue. Applicant: AMERICAN COURIER CORPORATION, 222–17 Northern Boulevard, Bayside, N.Y. 11361, also De Bevoise Building, Bayside, N.Y. 11361. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Commonwealth Building, Washington, D.C. 20006. This partial republication is to correct the spelling of "Hartford County, N.C.," shown in part (2) therein to "Hertford County, N.C.". The rest of application remains the same.

No. MC 112832 (Sub-No. 73), filed July 10, 1967. Applicant: EARL BRAY, INC., Post Office Box 1191, 1401 North Little Street, Cushing, Okla. 74023. Applicant's representative: Marion F. Jones, Suite 420, Denver Club Building, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boron compounds and potash*, from points in Lea and Eddy Counties, N. Mex., to points in Kansas, Missouri, Oklahoma, and Arkansas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Tulsa, Okla., or St. Louis, Mo.

No. MC 113267 (Sub-No. 177), filed July 7, 1967. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. 62232. Applicant's representative: Lawrence A. Fischer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses* as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from South St. Paul, Minn., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee. NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 113678 (Sub-No. 286), filed July 12, 1967. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo. 80216. Applicant's representative: Duane W. Acklie, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: 1 (a) *Salad dressing, frozen foods and bakery products*; and, (b) *fish and agricultural commodities* (not including manufactured products thereof), the transportation of which is partially exempt under the provisions of section 203(b)(6) of the Interstate Commerce Act if transported in vehicles not used in carrying any other property, when moving in the same vehicle at the same time with commodities in (a) above, from Denver, Colorado Springs, and Greeley, Colo., to points in Minnesota, North Dakota, South Dakota, Montana, Arkansas, Oklahoma, Kansas, Missouri, Illinois, Iowa, Nebraska; and (2) *meats, meat products and meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Denver, Greeley, and Colorado Springs, Colo., to points in Minnesota, North Dakota, Arkansas, Oklahoma, Indiana, and Montana. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 114019 (Sub-No. 176), filed July 17, 1967. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Food products*, and (2) *food products*, in mixed shipments with *commodities*, the transportation of which is partially exempt under the provisions of section 203(b)(6) of the Interstate Commerce Act if transported in vehicles not used in carrying any other property, when moving in the same vehicle at the same time with the commodities in (2) above, from Wellston, Ohio, to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Pennsylvania, South Dakota, Vermont, Virginia, West Virginia, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 114087 (Sub-No. 9) (Amendment), filed June 20, 1967, published FEDERAL REGISTER issue of July 7, 1967, amended July 14, 1967, and republished as amended this issue. Applicant: DECATUR PETROLEUM HAULERS, INC., 159 First Avenue NE., Decatur, Ala. Applicant's representative: D. H. Markstein, Jr., 818 Massey Building, Birmingham, Ala. 35203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Resin solvents*, in bulk, in tank vehicles, from Decatur, Ala., to Taft, La., and Gonsales, Fla., under contract with Monsanto Co., Textile Division. NOTE: The purpose of this republication is to add the destination point of Gonsales, Fla. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Atlanta, Ga.

No. MC 114364 (Sub-No. 141), filed July 17, 1967. Applicant: WRIGHT MOTOR LINES, INC., Post Office Box 1191, Cushing, Okla. 74023. Applicant's representative: Marion F. Jones, Suite 420, Denver Club Building, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Orchard heating units, component parts, and refill units*, from Houston, Tex., and points in Hidalgo County, Tex., to points in the United States (except Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114533 (Sub-No. 155), filed July 10, 1967. Applicant: B.D.C. CORPORATION, 4970 South Archer Avenue, Chicago, Ill. 60632. Applicant's representative: Warren W. Wallin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Proofs, cuts, copy, prints, photo engravings, and other graphic arts material*, between Parsons, Kans., on the one hand, and, on the other, St. Louis, Joplin, Clinton, St. Joseph, Jefferson City, Columbia, Sedalia, Carthage, Chillicothe,

Conception Junction, Marysville, Mo., and (2) *papers used in the processing of data by computing machines, punchcards, magnetic encoded documents, magnetic tape, punch paper tape, printed reports, documents, office records*, between Salina, Kans., and Springfield, Mo. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City or Wichita, Kans.

No. MC 114552 (Sub-No. 33), filed July 10, 1967. Applicant: SENN TRUCKING COMPANY, a corporation, Post Office Box 333, Newberry, S.C. 29108. Applicant's representative: Frank A. Graham, Jr., 707 Security Federal Building, Columbia, S.C. 29201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood and veneer*, from points in Franklin County, N.Y., to points in Alabama, Arkansas, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C., Charlotte, N.C., or Tupper Lake, N.Y.

No. MC 114569 (Sub-No. 82), filed July 11, 1967. Applicant: SHAFFER TRUCKING, INC., Post Office Box 418, New Kingstown, Pa. 18072. Applicant's representative: James W. Hagar, Post Office Box 432, 100 Pine Street, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery, candy, cocoa, coatings, compounds, beverage preparations, cough drops, and advertising materials and displays, dispensing equipment and premiums when moving in connection with confectionery, candy, cocoa, coatings, compounds, beverage preparations, and cough drops*, (1) from Reading, Pa., to points in Arizona, Arkansas, California, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Washington, and Wisconsin, and (2) from Lititz, Pa., to points in California, Colorado, Illinois, Indiana, Kansas, Louisiana, Michigan, Minnesota, Missouri, Tennessee, Texas, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114958 (Sub-No. 4) (Amendment), filed May 18, 1967, published FEDERAL REGISTER issue of June 2, 1967, amended July 10, 1967, and republished as amended this issue. Applicant: GEORGE H. BROWN, doing business as OCEANWAY TRANSPORT, Post Office Box 747, Florence, Oreg. Applicant's representative: Earle V. White, 2400 Southwest Fourth Avenue, Portland, Oreg. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, (1) between points in Benton, Lincoln, Lane, Linn, and Douglas Counties, Oreg., (2) from points in Lincoln, Lane, and Douglas Counties, Oreg., to Portland, Oreg., Vancouver, and Ridgefield, Wash., and (3) from points in Linn County, Oreg., and those portions of Lincoln, Lane, and Douglas Counties, Oreg., located east of an imaginary line running north and south through the post office site at Greenleaf, Oreg., to points on Coos Bay, Oreg. NOTE: The purpose of this republication is to broaden the scope of the application. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 115582 (Sub-No. 3) (Amendment), filed June 5, 1967, published FEDERAL REGISTER issue of June 22, 1967, amended July 18, 1967, and republished as amended this issue. Applicant: KUBACH TRUCKING COMPANY, a corporation, 17801 Dix Avenue, Melvindale, Mich. Applicant's representative: Robert D. Schuler, Suite 1700, 1 Woodward Avenue, Detroit, Mich. 48226. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Parts, assemblies, and materials*, used in the manufacture of motor vehicles, between the plantsite of Ford Motor Co., located at Van Dyke and 18 Mile Road, Sterling Township, Macomb County, Mich., and Detroit, Mich., under contract with the Ford Motor Co. NOTE: The purpose of this republication is to change the scope of the application to a between movement. If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 116647 (Sub-No. 2), filed July 10, 1967. Applicant: CARL B. LIEBENOW, INC., Old Route 9, Cummington, Mass. 01026. Applicant's representative: Arthur A. Wentzell, Post Office Box 270, Worcester, Mass. 01601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime and limestone*, in bulk, from Lee and West Stockbridge, Mass., to points in Grafton and Sullivan Counties, N.H., and points in Vermont (except those in Bennington and Windham Counties). NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Pittsfield, Mass., Albany, N.Y., or Hartford, Conn.

No. MC 116763 (Sub-No. 116), filed July 10, 1967. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from points in Wisconsin, to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Texas, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Chicago, Ill.

No. MC 117574 (Sub-No. 164), filed July 13, 1967. Applicant: DAILY EXPRESS, INC., Post Office Box 39, Mounted Route 3, Carlisle, Pa. 17013. Applicant's representative: D. E. Lutz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, from Middletown, Ohio, to points in Iowa. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 118159 (Sub-No. 40), filed July 14, 1967. Applicant: EVERETT LOWRANCE, Post Office Box 10210, 2916 Jefferson Highway, New Orleans, La. 70115. Applicant's representative: Clyde N. Christey, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass or plastic containers, glassware, plasticware, caps, covers, tops, corrugated paper boxes or containers*, (1) from Muskogee, Okla., to points in Alabama, New Mexico, Texas, and Wyoming; and (2) from Ada, Okla., to points in Alabama, Arkansas, Arizona, Colorado, Kansas, Mississippi, New Mexico, Texas, and Wyoming. NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 119531 (Sub-No. 65), filed July 10, 1967. Applicant: DIECKBRADER EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Suite 1625, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glassware, glass containers and closures* therefor, and *paper cartons*, from Terre Haute, Ind., to points in Illinois, Iowa, Missouri, and Wisconsin, and (2) *damaged or rejected* shipments, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 119726 (Sub-No. 13) (Correction), filed June 22, 1967, published FEDERAL REGISTER issue of July 13, 1967, and republished as corrected this issue. Applicant: N.A.B. TRUCKING CO., INC., 1007 East 27th Street, Indianapolis, Ind. 46205. Applicant's representative: James J. Williams, 6376 31st Place NW., Washington, D.C. 20015. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glass and plastic containers, corrugated boxes*, knocked down, *caps, covers and tops*, from Dunkirk, Ind., to points in Georgia, Alabama, Tennessee, Arkansas, and Texas and *damaged and rejected shipments* on return, and (2) *glass containers, corrugated boxes*, knocked down, *caps, covers and tops and fibrous glass materials, fibrous glass products, fibrous glass mineral wool products, equipment, materials and supplies* used in the installation or erection of these products, and *damaged and rejected shipments* on return from Waxahachie, Tex., to points in Louisiana and Mississippi. NOTE: The purpose of this republication is to (1) show the commodity in paragraph (2) above as being mineral wool products, in lieu of mineral wood products, and (2) to include *fibrous glass materials and fibrous glass products* under the commodity description in paragraph (2) above. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., Biloxi, Miss., or Baton Rouge, La.

No. MC 119777 (Sub-No. 78), filed July 5, 1967. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Box L, Madisonville, Ky. 42431. Applicant's representative: Louis J. Amato, Central Building, 1023 State Street, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Truck bodies, and truck body parts*, between Paris, Ill., on the one hand, and, on the other, points in California, Oregon, and Washington. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Louisville, Ky.

No. MC 123067 (Sub-No. 62), filed July 14, 1967. Applicant: M&M TANK LINES, INC., Post Office Box 4174, North Station, Winston-Salem, N.C. Applicant's representatives: Frank C. Philips, Post Office Box 612, Winston-Salem, N.C., and James E. Wilson, 1735 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, in bulk, in tank vehicles, from points in Scotland County, N.C., to points in that part of South Carolina on and east of U.S. Highway 21 from the North Carolina-South Carolina State line to Columbia, S.C., thence on and north of Interstate Highway 26 to Charleston, S.C. NOTE: If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C., or Columbia, S.C.

No MC 123067 (Sub-No. 63), filed July 17, 1967. Applicant: M&M TANK LINES, INC., Post Office Box 4174, North Station, Winston-Salem, N.C. Applicant's representatives: Frank C. Philips, Post Office Box 612, Winston-Salem, N.C. 27102, and James E. Wilson, 1735 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt, dry*, in bulk, in tank hopper and dump vehicles, restricted to shipments having prior movement by rail, (1) from Charlotte, N.C., to points in North Carolina and South Carolina and (2) from Winston-Salem, N.C., to points in North Carolina, those in Virginia on and west of U.S. Highway 301 and points in Mercer, McDowell, and Monroe Counties, W. Va. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 123282 (Sub-No. 6), filed July 10, 1967. Applicant: McKINLEY TRANSPORT, LIMITED, a corporation, 1185 Dundas Street, Cooksville, Ontario, Canada. Applicant's representative: Robert D. Schuler, Suite 1700, 1 Woodward Avenue, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value), classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving Willow Run Airport, located at Ypsilanti, Mich., as an off-route point in connection with authorized service at Detroit, Mich. Restricted to traffic originating at or destined to points in Canada, having an immediately prior or subsequent movement by air. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 123283 (Sub-No. 3), filed July 17, 1967. Applicant: FORD BASEL, doing business as CITY BEVERAGES, 725 West Saar Street, Kent, Wash. Applicant's representative: George R. LaBissoniere, 920 Logan Building, Seattle, Wash. 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in parts A and C of appendix I to the report in *Descriptions in Motor Carrier Certificate, 61 M.C.C. 209* and *766*, from Seattle, Tacoma, Toppenish, and Sunnyside, Wash., to points in California, under contract with Schaake Packing Co., Western Packing Co., Inc., and Empire Packing Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 123393 (Sub-No. 186) (clarification), filed May 22, 1967, published FEDERAL REGISTER issue of June 15, 1967, clarified July 12, 1967, and republished as clarified this issue. Applicant: BILYEU REFRIGERATED TRANSPORT CORPORATION, 2105 East Dale Street, Springfield, Mo. 65803. Applicant's representative: David D. Brunson, Post Office Box 671, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Blood plasma*, human, frozen, (2) *articles made of wood, and/or plastic, and wood veneer, and* (3) *agricultural commodities* the transportation of which is partially exempt under the provisions of section 203(b)(6) of the Interstate Commerce Act if transported in vehicles not used in carrying any other property, when moving in the same vehicle at the same time with the commodities in (1) and (2) above, (a) from Philadelphia, Pa., and Phoenix and Florence, Ariz., to points in San Francisco and Alameda Counties, Calif., (b) from Milford, Del., to points in Arizona, Arkansas, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin, and Wyoming, and (c) from Philadelphia, Pa., Phoenix and Florence, Ariz., and points in Delaware, to points in Arizona, Arkansas, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin, and Wyoming. NOTE: The purpose of this republication is to clarify the application. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124083 (Sub-No. 36), filed July 14, 1967. Applicant: SKINNER MOTOR EXPRESS, INC., 1035 South Keystone Avenue, Indianapolis, Ind. 46203. Applicant's representative: Lee M. LeMay, 45 North Pennsylvania Street, Suite 312, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lead litharge*, from Indianapolis, Ind., to points in Michigan, Ohio, and Danville, Ky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124111 (Sub-No. 15), filed July 3, 1967. Applicant: OHIO EASTERN EXPRESS, INC., Post Office Box 2297, 300 West Perkins Avenue, Sandusky, Ohio 44870. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products and meat by-products* as described in section A of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Greenfield, Ohio, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia; and (2) *lard*, in tank vehicles, from Greenfield, Ohio, to Buffalo, N.Y., Chicago, Ill., Detroit, Mich., and Fair Lawn, N.J. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus or Cleveland, Ohio.

No. MC 124211 (Sub-No. 109), filed July 10, 1967. Applicant: HILT TRUCK LINE, INC., 2937 North 27th Street, Post Office Box 834, Lincoln, Nebr. 68501. Applicant's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: (I) Over regular routes: (A) *Advertising matter and advertising paraphernalia*, utilized by the beverage industry, when intended for such use and when moving in the same vehicles at the same time with beverages, and *bottle openers and can openers, and beverages*, and *empty containers and pallets* on return, serving South Bend, Ind., and Ottumwa, Iowa, as off-route points in connection with carrier's presently authorized regular route operations from Chicago, Ill., to Lincoln, Nebr., and, (B) *fresh meats and packinghouse products*, serving Lemont, Ill., and Oakland, Iowa, as intermediate and off-route points in connection with carrier's presently authorized regular route operations from Omaha, Nebr., to Chicago, Ill., and (C) *macaroni, noodles, grain products, food products, pancake and cake flour, spaghetti, and vermicelli*, serving points in Lancaster County, Nebr., as intermediate and off-route points in connection with carrier's presently authorized regular route operations between Lincoln, Nebr., and Chicago, Ill., Clinton and Waterloo, Iowa, Minneapolis and St. Paul, Minn., and La Crosse and Milwaukee, Wis.

(II) over irregular routes: (A) *Advertising matter and advertising paraphernalia*, utilized by the beverage industry, when intended for such use and when moving in the same vehicles at the same time with beverages, and, *bottle openers and can openers, and beverages*,

(1) from Denver and Pueblo, Colo., and points in Nebraska to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin; and, (2) from Belleville, Chicago, Peoria, and Quincy, Ill., Bardstown, Frankfort, and Louisville, Ky., Detroit, Mich., Minneapolis and St. Paul, Minn., Kansas City, St. Joseph, and St. Louis, Mo., points in Nebraska on and east of U.S. Highway 77, Muskogee, Okla., and La Crosse, Milwaukee, and Waukesha, Wis., to points in Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming; and, (3) from points in New Jersey to David City, Fairbury, Fremont, Lincoln, McCook, Norfolk, Omaha, and Scottsbluff, Nebr., and *empty containers and pallets* on return in (II)A (1), (2), and (3) above, (B) *meats, meat products and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I, to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in Saunders County, Nebr., to points in Illinois, Indiana, Michigan, and Ohio. NOTE: Applicant states that it can presently perform proposed service in (I) (A) and (B) and (II) (A) (1), (2), and (3) above through existing interline connections and gateways at Chicago, Ill., Omaha, Nebr., and Muskogee, Okla. No duplicating authority is sought herein. If a hearing is deemed necessary, applicant requests that it be held at Lincoln or Omaha, Nebr.

No. MC 124408 (Sub-No. 7), filed June 27, 1967. Applicant: THOMPSON BROS., INC., Post Office Box 451, Toronto, S. Dak. 57268. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul, Minn. 55114. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Fertilizer and fertilizer materials*, having an immediately prior rail movement, between points in South Dakota. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Sioux Falls, S. Dak.

No. MC 124411 (Sub-No. 8), filed July 10, 1967. Applicant: SULLY TRANSPORT, INC., Sully, Iowa 50251. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk in tank vehicles, from Cordova Industrial Park, near Cordova, Ill., to points in Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Chicago, Ill.

No. MC 124428 (Sub-No. 2), filed July 10, 1967. Applicant: MARGUERITE D. KEEFE, doing business as KEEFE'S EXPRESS, 41 Newington Road, Greenland, N.H. 03840. Applicant's representative: Lawrence W. Guptill, Jr., 4 Market Street, Portsmouth, N.H. 03801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives) in packages or parcels not exceeding 75 pounds each, in retail-delivery service from Portsmouth, N.H., and Kittery, Maine, to Berwick, South Berwick, North Berwick, Sanford, Springvale, Biddeford, and Saco, Maine. NOTE: If a hearing is deemed necessary, applicant requests it be held at Portsmouth, N.H.

No. MC 124514 (Sub-No. 2), filed July 5, 1967. Applicant: CLIFFORD T. ROUNDTREE, doing business as RELIABLE TRANSFER, Main Street, Box 473, Petersburg, Alaska 99833. Applicant's representative: James B. Bradley, Post Office Box 1211, 200 National Bank of Alaska Building, Juneau, Alaska 99801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points on Mitkof Island on the one hand, and, on the other, points on the highway between Mitkof Island and the Alaska-British Columbia Canada boundary along the Stikine River. NOTE: If a hearing is deemed necessary, applicant requests it be held at Petersburg, Alaska.

No. MC 124579 (Sub-No. 1), filed July 10, 1967. Applicant: G. EDWARD WIKEL, doing business as WIKEL MILK CARTAGE, Route 1, Huron, Ohio. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wine*, in bulk, in tank vehicles, from Sandusky, Ohio, to Allenpark, Mich., and (2) *vinegar*, in bulk, in tank vehicles, from Medina, Ohio, to points in Indiana, Illinois, Kentucky, Michigan, Missouri, New York, Pennsylvania, and West Virginia. NOTE: Applicant holds contract carrier authority in MC 114377 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 125506 (Sub-No. 7), filed July 13, 1967. Applicant: JOSEPH ELETTO TRANSFER, INC., 31 West St. Marks place, Valley Stream, N.Y. Applicant's representative: Morris Honig, 150 Broadway, New York, N.Y. 10038. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by retail department stores, *displays and advertising materials*, between shipper's stores and warehouses located in the city of New York, Manhasset, and Garden City, N.Y., Eastchester, and White Plains (Westchester County), N.Y., Stamford, Conn., and Watchung, East Orange, and Paramus, N.J., under contract with Best & Co., division of McCrory Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 125610 (Sub-No. 3), filed July 11, 1967. Applicant: W. PAUL HENRY, 300 Robinwood Drive, Hagerstown, Md. 21740. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Hagerstown and Frederick, Md., Chambersburg, Greencastle, and Waynesboro, Pa., and points in Berkeley and Jefferson Counties, W. Va., on the one hand, and, on the other, Friendship International Airport, Anne Arundel County, Md., restricted to the transportation of shipments having a prior or subsequent movement by air. NOTE: Applicant states it presently holds authority between the same points and Dulles, and Washington National Airports. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 125694 (Sub-No. 6) (Amendment), filed June 14, 1967, published in the FEDERAL REGISTER issue of June 29, 1967, amended and republished as amended this issue. Applicant: OTTO FELDT, INC., Route 22, Brewster, N.Y. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pulverized talc*, in bags, from Hailesboro, N.Y., to Brooklyn, N.Y., and South Plainfield, N.J.; and (2) *floor tiles* and *related articles, materials equipment and supplies* used or useful in the manufacture of floor tiles, in dump vehicles, between South Plainfield, N.J., and Brooklyn, N.Y.; on the one hand, and, on the other, points in Middlesex, Norfolk, Plymouth, Suffolk, and Worcester Counties, Mass., and points in New Haven and Hartford Counties, Conn., under contract with Kentile Floors, Inc. NOTE: The purpose of this republication is to add points in New Haven and Hartford Counties, Conn., as destination points. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 125962 (Sub-No. 4), filed July 10, 1967. Applicant: AAA TRUCKING, INC., Route 6, Box 28-A, Brookhaven, Miss. Applicant's representative: Donald B. Morrison, 829 Deposit Guaranty National Bank Building, Post Office Box 961, Jackson, Miss. 39205. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Bentonia, Canton, Cary, Payette, Jackson, Natchez, Vicksburg, and Yazoo City, Miss., to New Orleans, La., under a continuing contract with R. N. Templeman, Inc., New Orleans, La. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss., or New Orleans, La.

No. MC 126402 (Sub-No. 6), filed July 10, 1967. Applicant: JACK WALKER TRUCKING SERVICE, INC., 844 Louden Avenue, Lexington, Ky. 40508. Applicant's representative: George M. Catlett, 703-706 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, (1) from Bellville, Ill., and Detroit, Mich., to points in Fayette County, Ky., and (2) from Fort Wayne and South Bend, Ind., St. Louis, Mo., and Bellville, Ill., to points in Jefferson County, Ky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lexington or Louisville, Ky.

No. MC 127042 (Sub-No. 19), filed July 10, 1967. Applicant: HAGEN, INC., 4120 Floyd Avenue, Sioux City, Iowa. Applicant's representative: J. Max Harding, Third Floor, NSEA Building, 14th and J Streets, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C, appendix I to the report in *Descriptions and Motor Carrier Certificates*, 61 M.C.C. 209 and 276 (except hides and commodities in bulk, in tank vehicles), from Huron, S. Dak., to Peoria, Ill. NOTE: Applicant presently holds contract carrier authority in MC 115915, therefore dual operations may be involved, but applicant has a conversion application pending before the Commission under MC 127042, Sub 8. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 127568 (Sub-No. 6) (Correction), filed June 9, 1967, published FEDERAL REGISTER issues of June 29, 1967, and July 7, 1967, republished as corrected, this issue. Applicant: MID SOUTH DELIVERY SERVICE CO., a corporation, 3215 Tulane Road, Memphis, Tenn. Applicant's representative: Dale Woodall, 900 Memphis Bank Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Prefabricated metal buildings* knocked down, *prefabricated metal building sections* knocked down, *component parts thereof, equipment, materials, and supplies* used in the installation, construction, and erection thereof (except metal buildings which are designed to be drawn by passenger vehicles, and commodities which because of their size or weight require special equipment and handling), from Evansville, Wis., to points in Iowa, Illinois, Nebraska, Kansas, Missouri, Oklahoma, New Mexico, Arizona, Texas, Louisiana, Arkansas, Mississippi, Tennessee, Indiana, Kentucky, Alabama, Florida, Georgia, South Carolina, North Carolina, Virginia, West Virginia, Ohio, California, and Michigan, and (2) *materials, equipment* and supplies used or useful in the manufacture of the commodities described in (1) above, on return. NOTE: The purpose of this republication is to add "manufacture of the" to (2) above, which was inadvertently omitted from previous correction. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 127765 (Sub-No. 1), filed July 9, 1967. Applicant: CUSTOM CARTAGE, 660 West 16th Street, Chicago, Ill., also 4538 Fillmore Street, Chicago, Ill. Applicant's representative: James P. Flanagan, 111 West Washington Street, Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bakery goods* (except uncooked and frozen), from Des Plaines, Ill., to points in Maine, New Hampshire, Vermont, Rhode Island, Massachusetts, Kentucky, Tennessee, and Arkansas under continuing contracts with Bake Line Products, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 127834 (Sub-No. 13), filed July 14, 1967. Applicant: CHEROKEE HAULING & RIGGING, INC., 540-42 Merritt Avenue, Nashville, Tenn. 37203. Applicant's representative: Robert M. Pearce, Central Building, 1033 State Street, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete products, prestressed, precast, and accessories*, from Knoxville, Tenn., to points in Alabama, Georgia, Illinois, Indiana, Kentucky, Missouri, North Carolina, Ohio, South Carolina, Virginia, and West Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Knoxville or Nashville, Tenn.

No. MC 128017 (Sub-No. 1), filed July 14, 1967. Applicant: ERVIN L. CRIDER, JR., Bergton, Va. Applicant's representative: Eston H. Alt, Post Office Box 81, Winchester, Va. 22601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed*, from Harrisonburg, Va., to points in Grant, Hardy, Mineral, and Hampshire Counties, W. Va. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 128375 (Sub-No. 11), filed July 10, 1967. Applicant: CRETE CARRIER CORPORATION, Post Office Box 249, 15th and Main, Crete, Nebr. 68333. Applicant's representative: Kenneth R. Norton (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned pet food, supplies, ingredients, and materials* used in the production of pet food, between Crete, Nebr., and points in Illinois and Iowa, under contract with Allen Products Co., of Nebraska, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln or Omaha, Nebr.

No. MC 128814 (Sub-No. 4) (Correction), filed June 26, 1967, published FEDERAL REGISTER issue of July 13, 1967, and republished as corrected, this issue. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, Post Office Box 113, Joplin, Mo. 64802. Applicant's representative: Max G. Morgan, 450 American National Building, Oklahoma City, Okla. 73102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Explosives, blasting agents and supplies*, between Hampton and St. Paul, Minn., and points within 5 miles thereof, on the one hand, and, on the other, points in Minnesota, Iowa, Wisconsin, North Dakota, South Dakota, and the northern peninsula of Michigan under contract with Hercules, Inc. NOTE: Applicant holds common carrier authority under MC 109397 and subs thereunder, therefore dual operations may be involved. No duplicating authority is being sought. The purpose of this republication is to include "and points within 5 miles thereof", under the authority being sought, which was erroneously omitted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Minneapolis, Minn.

No. MC 128917 (Sub-No. 1), filed July 10, 1967. Applicant: HANDY TRUCK LINE, INC., Heyburn, Idaho 83336. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk or in containers, from points in Bannock, Bingham, Bonneville, Cassia, Power, Minidoka, Twin Falls, Jerome, and Gooding Counties, Idaho, to points in Montana, Wyoming, and Nevada. NOTE: If a hearing is deemed necessary, applicant requests it be held at Boise or Pocatello, Idaho.

No. MC 128923 (Sub-No. 1), filed July 10, 1967. Applicant: BRUMMETT MOVING & STORAGE, INC., 180 Sheppard Road, Jackson, Miss. 39206. Applicant's representative: Pat H. Scanlon, 930 Deposit Guaranty National Bank Building, Jackson, Miss. 39201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, including the packing and unpacking thereof, between Jackson, Miss., on the one hand, and, on the other, points in Mississippi, restricted to traffic moving on through bills of lading of exempt forwarders, and having a prior or subsequent out-of-State movement. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 128942 (Sub-No. 1), filed July 11, 1967. Applicant: TUCKER VAN & STORAGE, INC., 1676 Contra Costa, Sand City, Calif. Applicant's representative: Frank Loughran, 100 Bush Street, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Monterey and Santa Cruz Counties, Calif., restricted to shipments both (1) moving on the through bill of lading of a freight forwarder and (2) having a prior or subsequent out-of-State line-haul movement by rail, motor, water, or air. NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 129012 (Sub-No. 1), filed July 11, 1967. Applicant: FLEMING TRANSFER & STORAGE CO., INC., 301 Walker

Street, Post Office Box 372, Clarksville, Tenn. 37040. Applicant's representative: Harold Seligman, Suite 1304, 1906 West End Building, Nashville, Tenn. 37203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, having a prior or subsequent movement in interstate commerce, between Clarksville, Tenn., and points in Obion, Dyer, Gibson, Crockett, Carroll, Madison, Henderson, Decatur, Weakley, Chester, Hardin, Wayne, Lawrence, Lewis, Perry, Hickman, Humphreys, Benton, Henry, Houston, Stewart, Montgomery, Dickson, Davidson, Williamson, Maury, Marshall, Lincoln, Giles, Bedford, Coffee, Warren, Cannon, Wilson, Cheatham, Sumner, Macon, Putnam, Smith, Jackson, Clay, White, De Kalb, Rutherford, Trousdale, Roberston, Moore, and Lake Counties, Tenn., Warrick, Spencer, Vanderburgh Counties (including Evansville) Ind., and Fulton, Hickman, Carlisle, Graves, Calloway, McCracken, Ballard, Marshall, Lyon, Livingston, Caldwell, Trigg, Logan, Hopkins, Christian, Todd, Muhlenberg, McLean, Webster, Henderson, Daviess, Union, Hancock, Breckenridge, Meade, Hardin, Hart, Edmonson, Warren, Barren, Allen, Simpson, Grayson, Ohio, Butler, Monroe, Crittenden, La Rue, Green, and Metcalf Counties, Ky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 129016 (Sub-No. 1), filed July 10, 1967. Applicant: JOH-LAR TRANSPORTATION, INC., 3632 Fritcher Drive, Port Wayne, Ind. 46803. Applicant's representative: Mr. LaVern Martens, 222 West Adams Street, Room 1300, Chicago, Ill. 60606. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products and materials and supplies used in the production and distribution of dairy products*, between Indianapolis, Ind., on the one hand, and, on the other, points in Michigan and Ohio, points in Kentucky on and west of U.S. Highway 65, points in Pennsylvania on and west of U.S. Highway 15, points in West Virginia on and north of U.S. Highway 50 and points in Illinois on and east of Interstate Highway 57 and south of Interstate Highway 74, under contract with Sugar Creek Foods Division, National Dairy Products Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., Louisville, Ky., or Columbus, Ohio.

No. MC 129068 (Sub-No. 1), filed July 11, 1967. Applicant: FAST WAYS, INC., 1407 East Willow, Enid, Okla. 73701. Applicant's representative: David D. Brunson, Post Office Box 671, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boron compounds, and potash*, in bulk and in bags, from points in Lea and Eddy Counties, N. Mex., to points in Iowa, Kansas, Missouri, Nebraska, and Oklahoma. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., Tulsa or Oklahoma City, Okla.

No. MC 129066 (Sub-No. 2), filed July 11, 1967. Applicant: SPENCER TRUCKING CORPORATION, Route 1, Box 223, Keyser, W. Va. Applicant's representative: Charles E. Creager, Post Office Box 81, Winchester, Va. 22601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plant waste materials*, from Beryl, W. Va., to points in Mineral County, W. Va. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 129096 (Sub-No. 2), filed July 12, 1967. Applicant: DUANE STOVER AND EUGENE STOVER, a partnership, doing business as STOVER BROS. TRUCKING COMPANY, Post Office Box 232, Elburn, Ill. 60119. Applicant's representative: Paul J. Maguire, 111 West Washington Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salted and unsalted green animal hides*, from Elburn, Hebron, and North Aurora, Ill., to Cudahy, Wis. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 129197 (Sub-No. 1), filed June 26, 1967. Applicant: ASHLEY TRANSFER AND STORAGE COMPANY, a corporation, 1142 Morrison Drive, Charleston, S.C. 29405. Applicant's representative: Robert J. Gallagher, 111 State Street, Boston, Mass. 02109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in South Carolina, restricted to shipments moving on the through bill of lading of a section 402(b)(2) exempt forwarder, having an immediate, prior or subsequent line haul movement by rail, motor, water, or air. NOTE: Applicant states the proposed service is limited to providing a local service for a forwarder of used household goods. If a hearing is deemed necessary, applicant requests it be held at Charleston, S.C., or Washington, D.C.

No. MC 129226 (Sub-No. 1), filed July 7, 1967. Applicant: TO-JON TRUCKING, INC., 6 Verly Court, Bethpage, N.Y. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Stationery*, from the plantsite of Orlando Paper Corp. in the hamlet of Oceanside, N.Y., to New York, N.Y., and points in Passaic, Bergen, Hudson, Essex, and Union Counties, N.J., and *returned shipments*, on return, under contract with Orlando Paper Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 129227, filed July 7, 1967. Applicant: CROWN TRUCKING, CORP., North Main Street, Orrville, Ohio. Applicant's representative: James R. Stiverson, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Truck, tractor, and motor vehicle cabs* (except automobile bodies), finished and semifinished, and *component parts thereof*, between Orrville, Wooster, and Vermilion, Ohio, on the one hand, and, on the other, points in Fort Wayne, Ind.; Detroit, Battle Creek, Benton Harbor, Lansing, Pontiac, and Warren, Mich.; Drew, Miss.; Batavia and the international gateway at Buffalo, N.Y.; and Exton, Pa., under a continuing contract, or contracts with Crown Steel Products Co., and its subsidiary companies. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 129228, filed July 7, 1967. Applicant: McCABE'S EXPRESS & TRUCKING CO., LTD., 134 Garfield Avenue, Jersey City, N.J. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lamps, lighting fixtures, equipment, materials, and supplies*, used or sold by lighting fixture manufacturers, between Jersey City, N.J., on the one hand, and, on the other, points in Nassau, Suffolk, Westchester, Rockland, and Orange Counties, N.Y., Fairfield County, Conn., and Philadelphia, Pa., under contract with Lightolier, Inc., Jersey City, N.J. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 129230, filed July 10, 1967. Applicant: WALTER E. RIPKO, Box 354, Republic, Pa. 15475. Applicant's representative: Arthur J. Diskin, 302 Frick Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sugar*, in bags, bales, and boxes, from Cincinnati, Ohio, to points in Allegheny, Westmoreland, Fayette, Washington, Greene, Beaver, and Butler Counties, Pa., under contract with Colonial Sugars Co., of Gramercy, La. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 129235, filed July 10, 1967. Applicant: PAUL R. LEZINA, JR., doing business as LEZINA'S WRECKER, 525 Labarre Road, New Orleans, La. 70121. Applicant's representative: Harold R. Ainsworth, 2307 American Bank Building, New Orleans, La. 70131. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled, surrendered, and repossessed motor vehicles, tractors and trailers*, by use of wrecker equipment, between points in Louisiana, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Oklahoma, Tennessee, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 129238, filed July 11, 1967. Applicant: CARL E. GROENEWOLD, doing business as GROENEWOLD TRUCKING, Route 1, Hastings, Nebr. 68901. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Truck bodies and beds, dump bodies and beds, hoists* (truck or dump), *trailers* (hopper or dump), and the *component parts and attachments thereof*, from Cleveland, and Gallion, Ohio, and Milwaukee, Wis., to points in Nebraska, and (2) *farm implements and agricultural machinery*, from Bucyrus, Ohio, to points in Nebraska, under a continuing contract with Friend's Motor Supply, Inc., Hastings, Nebr. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha or Lincoln, Nebr.

No. MC 129239, filed July 13, 1967. Applicant: GEORGE APPEL, Trucksville, Pa. Applicant's representative: Kenneth R. Davis, 1106 Dartmouth Street, Scranton, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fireworks, common*, from Dunbar, Pa., Elkton, Md., and Vineland, N.J., to points in Washington, Oregon, Idaho, Montana, Texas, Georgia, South Carolina, and North Carolina, under contract with Keystone Fireworks Co., and New Jersey Fireworks Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

MOTOR CARRIER OF PASSENGERS

No. MC 22589 (Sub-No. 14) (Clarification), filed June 9, 1967, published FEDERAL REGISTER issue of June 29, 1967, clarified June 23, 1967, and republished as clarified, this issue. Applicant: CAMPUS TRAVEL, INC., doing business as CAMPUS COACH LINES, 545 Fifth Avenue, New York, N.Y. 10017. Applicant's representative: Robert E. Goldstein, 8 West 40th Street, New York, N.Y. 10018. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter operations and in special operations, both in one way and round-trip service; from points in Westchester County, N.Y., to points in the United States, and return, except to the extent of applicant's present authority in MC-22589 to wit: In charter operations, from points in Westchester County, N.Y., to points in New York, New Jersey, Pennsylvania, Massachusetts, Connecticut, Rhode Island, Delaware, Maryland, Virginia, West Virginia, and the District of Columbia, and return. NOTE: The purpose of this republication is to clarify the description of the authority sought. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

APPLICATION OF FREIGHT FORWARDER

No. FF-340 DMR FREIGHTWAYS, LIMITED (Freight forwarder application), filed June 8, 1967. Applicant: DMR FREIGHTWAYS, LIMITED, 159 Bay Street, Suite 216, Toronto, Ontario, Canada. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought under Part IV of the Interstate Commerce Act as a freight forwarder in Interstate or foreign commerce, in the transportation of *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment and those injurious or contaminating to other lading), (1) between points in Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, and the District of Columbia, on the one hand, and, on the other, Toronto, Hamilton, Province of Ontario; and (2) between points in Illinois, Minnesota, Indiana, Iowa, Missouri, Wisconsin, and Ohio, on the one hand, and, on the other, Toronto and Hamilton, Canada.

APPLICATION IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 109533 (Sub-No. 33), filed July 10, 1967. Applicant: OVERNITE TRANSPORTATION COMPANY, a corporation, 1100 Commerce Road, Richmond, Va. 23224. Applicant's representative: C. H. Swanson, Post Office Box 1216, Richmond, Va. 23209. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Danville and Martinsville, Va., over U.S. Highway 58, as an alternate route for operating convenience only, serving no intermediate points. Restriction: No freight will be accepted at Danville for delivery at Martinsville nor accepted at Martinsville for delivery at Danville. NOTE: Common control may be involved.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-8632; Filed, July 26, 1967; 8:45 a.m.]

[Notice No. 425]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 24, 1967.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 531 (Sub-No. 231 TA), filed July 19, 1967. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Post Office Box 14287, Houston, Tex. 77021. Applicant's representative: Wray E. Hughes (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Orange juice*, in bulk, in tank vehicles, from Ontario, Calif., to Glen Roy, Pa.; for 180 days. Supporting shipper: Sunkist Growers, Orange Products Division, 616 East Sunkist Street, Ontario, Calif. 91764 (Charles D. Van Treese, Traffic Manager). Send protests to: John C. Redus, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Post Office Box 61212, Houston, Tex. 77061.

No. MC 531 (Sub-No. 232 TA), filed July 19, 1967. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Post Office Box 14287, Houston, Tex. 77021. Applicant's representative: Wray E. Hughes (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lubricating oil additive (petroleum oil, NOIBN)*, in bulk, in tank vehicles, from Anaheim and Los Angeles, Calif., to Oak Point, La.; for 180 days. Supporting shipper: Chevron Chemical Co., 200 Bush Street, San Francisco, Calif. 94120 (F. C. Lombardi, Traffic Representative). Send protests to: John C. Redus, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Post Office Box 61212, Houston, Tex. 77061.

No. MC 5470 (Sub-No. 26 TA), filed July 19, 1967. Applicant: ERSKINE & SONS, INC., Rural Delivery No. 5, Post Office Box 146, Mercer, Pa. 16137. Applicant's representative: Richard W. Sanguigni (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Graphite scrap*, in bulk, in dump vehicles, from Niagara Falls, N.Y., to Schneider, Ind.; for 180 days. Supporting shipper: Carb-Rite, Benedum-Trees Building, Fourth Avenue, Pittsburgh, Pa. 15222. Send protests to: Ralph P. Long, Acting District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2109 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 27578 (Sub-No. 3 TA), filed July 19, 1967. Applicant: BALDWIN TRANSPORTATION CORPORATION, 554 West 38th Street, New York, N.Y. 10018. Applicant's representatives: Zelby and Burstein, 160 Broadway, New York, N.Y. 10038. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, between points in the New York, N.Y., commercial zone, on the one hand, and, on the other, points in Nassau, Suffolk, and Westchester Counties, N.Y.; restricted to shipments having a prior movement by rail; for 150 days. Supporting shippers: Oxford Paper Co., 277 Park Avenue, New

York, N.Y. 10017; and S. D. Warren Co., Westbrook, Maine. Send protests to: Paul W. Assensa, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 346 Broadway, New York, N.Y. 10013.

No. MC 66562 (Sub-No. 2246 TA), filed July 19, 1967. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York, N.Y. 10017. Applicant's representative: Joseph A. Papa, 30th and Walnut Streets, Philadelphia, Pa. 19104. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service, between Parkersburg, W. Va., and Harrisville, W. Va., as follows: From Parkersburg, over U.S. Highway 50 to junction West Virginia Highway 31, thence over West Virginia Highway 31 to Harrisville, and return over the same route, serving the intermediate point of Cairo, W. Va.; for 150 days. NOTE: Applicant states that it intends to tack with authority in MC 66562 and subs thereunder. Supporting shipper: Marlene Industries Corp., 1370 Broadway, New York, N.Y. 10018. Send protests to: Stephen P. Tomany, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 346 Broadway, New York, N.Y. 10013.

No. MC 103880 (Sub-No. 389 TA), filed July 20, 1967. Applicant: PRODUCERS TRANSPORT INC., 215 East Waterloo Road, Post Office Box 7311, Akron, Ohio 44306. Applicant's representative: T. J. Bird (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Toledo, Ohio, to points in Illinois, Michigan, Ohio, and West Virginia; for 180 days. Supporting shipper: Witco Chemical, 277 Park Avenue, New York, N.Y. 10017. Send protests to: G. J. Baccei, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 435 Federal Building, 215 Superior Avenue, Cleveland, Ohio 44114.

No. MC 106497 (Sub-No. 38 TA), filed July 18, 1967. Applicant: PARKHILL TRUCK COMPANY, a corporation, 4219 South Memorial Drive, Post Office Box 3807, Tulsa, Okla. 74152. Applicant's representative: Tom B. Kretsinger, 450 Professional Building, Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals, plastic materials or similar products, empty packages, containers and/or pallets*, between Plaquemine, Port Allen, and Baton Rouge, La., and the port of Baton Rouge; for 180 days. Supporting shipper: The Dow Chemical Co., Louisiana Division, Plaquemine, La. 70764. Send protests to: C. L. Phillips, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 350, American General Building, 210 Northwest Sixth, Oklahoma City, Okla. 73102.

No. MC 106644 (Sub-No. 82 TA), filed July 20, 1967. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW., Post Office Box 17050, Chattahoochee Station, Atlanta, Ga. 30321. Applicant's representative: Otis E. Stovall (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood, faced or not faced with a protective or decorative material, and boards or sheets, wood particle, faced or not faced with a protective or decorative material*, from the plantsite of U.S. Plywood-Champion Papers, Inc., Catawba, S.C., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Iowa, Kansas, Louisiana, Maine, Maryland, Massachusetts, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, Vermont, and Wisconsin; for 150 days. Supporting shipper: U.S. Plywood-Champion Papers, Inc., 777 Third Avenue, New York, N.Y. 10017. Send protests to: William L. Scroggs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 300, 680 West Peachtree Street NW., Atlanta, Ga. 30308.

No. MC 107496 (Sub-No. 578 TA), filed July 19, 1967. Applicant: RUAN TRANSPORT CORPORATION, Third and Keosauqua, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dichlorovinyl dimethyl phosphate*, in bulk, in tank vehicles, from Ladora, Colo., to points in Lawrence Township, N.J.; for 180 days. Supporting shipper: Shell Chemical Co., 50 West 50th Street, New York, N.Y. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 227 Federal Office Building, Des Moines, Iowa 50309.

No. MC 107515 (Sub-No. 580 TA), filed July 19, 1967. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 10799, Station A, 3901 Jonesboro Road SE., Atlanta, Ga. 30310. Applicant's representative: B. L. Gundlach (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Fredonia, N.Y., to points in Michigan, Ohio, Indiana, Illinois, Georgia, Alabama, Florida, North Carolina, and South Carolina; for 180 days. Supporting shipper: Fredonia Food Specialties, Inc. (Applan Way Pizza), 182 East Main Street, Fredonia, N.Y. Send protests to: William L. Scroggs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 300, 680 West Peachtree Street NW., Atlanta, Ga. 30308.

No. MC 107515 (Sub-No. 581 TA), filed July 19, 1967. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 10799, Station A, 3901 Jonesboro Road SE., Atlanta, Ga. 30310. Applicant's representative: B. L. Gundlach (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Resin impregnated broadgoods and rovings*, from Mobile, Ala., to Tulsa, Okla.; Dallas, Fort Worth, and San Antonio, Tex.; Wichita, Kans.; Cedar Rapids, Iowa; Lincoln, Nebr.; Akron, Cincinnati, and Middletown, Ohio; Mishawaka, Ind.; Detroit and Traverse City, Mich.; Baltimore and Cumberland, Md.; Alexandria, Brunswick, and Marion, Va.; Oak Ridge, Tenn.; Marietta, Ga.; and Miami and Orlando, Fla.; for 180 days. Supporting shipper: Perro Corporation, Cordo Division, 1754 Telegraph Road, Post Office Box 72, Mobile, Ala. Send protests to: William L. Scroggs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 300, 680 West Peachtree Street NW., Atlanta, Ga. 30308.

No. MC 134373 (Sub-No. 5 TA), filed July 19, 1967. Applicant: NELMAR TRUCKING CO., 720 State Street, Perth Amboy, N.J. 08861. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Carbonated beverages* (except in bulk), *advertising materials and displays*, from Union, N.J., to points in New Hampshire; for 150 days. Supporting shipper: Custom Canners of Baltimore, Inc., Post Office Box 1440, Columbus, Ga. 31902. Send protests to: Robert S. H. Vance, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1060 Broad Street, Newark, N.J. 07102.

No. MC 125820 (Sub-No. 4 TA), filed July 18, 1967. Applicant: ELK VALLEY FREIGHT LINE, INC., 404 Arlington Avenue, Nashville, Tenn. 37210. Applicant's representative: James C. Havron, 513 Nashville Bank & Trust Building, Nashville, Tenn. 37201. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Ardmore, Tenn., and Birmingham, Ala., over U.S. Highway 31, and return over the same route, serving no intermediate points, and (2) between Nashville, Tenn., and Birmingham, Ala., over Interstate Highway 65, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only; for 180 days. NOTE: Applicant states that it intends to tack with its certificate MC 125820 (Sub-No. 1), at Ardmore, Tenn., and Nashville, Tenn., so as to provide through service between Birmingham, Ala., Nashville, Tenn., and Lexington, Ky., and intermediate points as presently authorized. Applicant proposes to interline with other carriers at Birmingham, Ala., Nashville, Tenn., and Lexington, Ky. Supporting shippers: There are 55 shippers' supporting statements attached to application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or at the field office named below. Send protests to: J. E. Gamble, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 706 U.S. Courthouse, Nashville, Tenn. 37203.

No. MC 128630 (Sub-No. 7 TA), filed July 19, 1967. Applicant: COMMODITY CARRIERS, INC., 700 Denargo Market, Denver, Colo. 80216. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods and meat products*, from Phoenix, Ariz., to points in Texas, New Mexico, California, Utah, Idaho, Oregon, and Washington; and *materials, supplies, and equipment* used in the manufacture of foodstuff, from the aforesaid destination States to the plant of Shurtenda Steaks, Inc., at Phoenix, Ariz.; and (2) *frozen foods, meat products, and materials and supplies* used in the manufacture of foodstuffs, between Denver, Colo., and Phoenix, Ariz.; for 180 days. Supporting shipper: Shurtenda Steaks, Inc., 2468 West Second Avenue, Denver, Colo. 80223. Send protests to: Herbert C. Ruoff, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2022 Federal Building, Denver, Colo. 80202.

No. MC 128639 (Sub-No. 1 TA), filed July 19, 1967. Applicant: REGINALD H. CURRIER, 103 Lancaster Road, Gorham, N.H. 03581. Applicant's representative: Frank J. Weiner, Investors Building, 536 Granite Street, Braintree, Mass. 02184. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, in bulk, from Ashland, Woodsville, Campton, and Warren, N.H., to Westbrook, Maine, and Lawrence, Mass.; for 150 days. Supporting shippers: Lakes Region Chipping Corp., Ashland, N.H. 03217; and Connecticut Valley Chipping Co., Inc., Ashland, N.H. 03217. Send protests to: Ross J. Seymour, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 24 Hanover Street, Lebanon, N.H. 03766.

No. MC 128746 (Sub-No. 5 TA), filed July 19, 1967. Applicant: D'AGATA NATIONAL TRUCKING CO., 3240 South 61st Street, Philadelphia, Pa. 19153. Applicant's representative: G. Donald Bullock, Post Office Box 146, Wyncote, Pa. 19095. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from Newark, N.J., to Carlisle, Lewistown, and Newport, Pa.; for 150 days. Supporting shipper: P. Ballantine & Sons, 57 Freeman Street, Newark, N.J. 07101. Send protests to: Peter R. Guman, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 900 U.S. Customhouse, Second and Chestnut Street, Philadelphia, Pa. 19106.

No. MC 129244 TA, filed July 19, 1967. Applicant: WILLIAM BRAY, Rural Delivery 7, Factoryville, Pa. 18419. Applicant's representative: Kenneth R. Davis, 1106 Dartmouth Street, Scranton, Pa. 18504. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Earth drilling machinery and contractors equipment and supplies*, on flat bed semitrailers, (1) from St. Francis, Maine, to the plantsite of Sprague & Henwood, Inc., Scranton, Pa.; and (2) from the plantsite of Sprague & Henwood, Inc., Scranton, Pa., to Charleston, Pennsboro, and Shaw, W. Va.; for 180 days. Supporting shipper: Sprague & Henwood, Inc., 221 West Olive Street, Scranton, Pa. 18508. Send protests to: Paul J. Kenworthy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 309 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 129245 TA, filed July 19, 1967. Applicant: R. L. BERTOLINO LIVESTOCK TRUCKING, INC., 801 Hilltop Road, Billings, Mont. 59102. Applicant's representative: J. F. Meglen, 207 Behner Building, 2822 Third Avenue North, Billings, Mont. 59101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal feeds*, from points in Woodbury County, Iowa, to points in Montana and Wyoming; for 180 days. Supporting shippers: Western Produce & Storage Co., Post Office Box 285, Gering, Nebr.; Custom Products, Inc., 2240 Hawkeye Drive, Box 3083, Sioux City, Iowa, 51105; and Don Burrill Brokerage, 1734 Custer, Casper, Wyo. 82601. Send protests to: Paul J. Lebane, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 251 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 129246 TA, filed July 19, 1967. Applicant: JOE CASH, doing business as CASH TRANSPORTATION COMPANY, 8819 South Sorenson, Santa Fe Springs, Calif. 90670. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiberglas and fiberglas products; duct work, tanks, or mechanical equipment lined with fiberglas; and movable highway equipment on its own wheels such as: Caterpillars, dirt loaders, and graders*; between points in the Los Angeles basin area, as described by the California P.U.C., and points in Arizona and Nevada; for 180 days. Supporting shippers: L. W. Lefort Co., Inc., 14820 Snell Street, La Mirada, Calif.; Lihap Industries, Post Office Box 2788, Santa Fe Springs, Calif. 90670; Johnson-Flaherty, Inc., 12450 Los Nietos Road, Santa Fe Springs, Calif.; Paramount Plastic Fabricators, 13215 Laureldale Avenue, Downey, Calif.; and Soc-Co Plastic Coating Co., 13216 Laureldale Avenue, Post Office Box 445, Paramount, Calif. Send protests to: John E. Nance, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 129247 TA, filed July 19, 1967. Applicant: CLARK'S FROZEN EXPRESS, INC., 2535 Airport Way South, Seattle, Wash. 98134. Applicant's representative: George L. LaBissoniere, 920 Logan Building, Seattle, Wash. 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal food derived from meats, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Sioux Falls, S. Dak., to points in Montana, Idaho, Washington, and Oregon; under contract with Northwest Fur Breeders Cooperative; for 180 days. Supporting shipper: Northwest Fur Breeders Cooperative, Post Office Box 399, Edmonds, Wash. Send protests to: E. J. Casey, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 129248 TA, filed July 19, 1967. Applicant: HUGH J. LEMMA, 200 Chestnut Avenue, Kirkwood, N.J. 08043. Applicant's representative: Raymond A. Thistle, Jr., Suite 1710, 1500 Walnut Street, Philadelphia, Pa. 19102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meat*, from Plainwell, Mich., and South Bend, Ind., to Philadelphia, Pa.; under a continuing contract with Clover Beef Co., Philadelphia, Pa.; for 180 days. Supporting shipper: Clover Beef Co., Ninth and Girard Avenues, Philadelphia, Pa. 19123. Send protests to: Raymond T. Jones, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 410 Post Office Building, 402 East State Street, Trenton, N.J. 08608.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 67-8738; Filed, July 26, 1967; 8:48 a.m.]

[Notice No. 12]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 24, 1967.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 279), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-69767. By order of July 19, 1967, the Transfer Board approved the transfer to Lynn D. Fleishauer, Arkansaw, Wis., of the operating rights in certificate No. MC-66053, issued January 19, 1967, to Roger F. Brunner, Arkansaw, Wis., authorizing the transportation of: General commodities, with the usual exceptions, between points in Wisconsin and Minnesota. A. R. Fowler, 2288 Uni-

versity Avenue, St. Paul, Minn. 55114, representative for applicants.

No. MC-FC-69168. By order of July 19, 1967, the Transfer Board approved the transfer to Jesse's Truck Stop, Inc., Joplin, Mo., of certificate No. MC-119161, issued February 16, 1960, to William L. Branham, Joplin, Mo., authorizing the transportation of: Wrecked or disabled motor vehicles, by use of wrecker equipment only, and replacement vehicles for wrecked or disabled motor vehicles, in secondary movements, between points in Kansas, Missouri, Oklahoma, and Arkansas. George C. Baldridge, 313 First National Bank Building, Joplin, Mo. 64801, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-8739; Filed, July 26, 1967; 8:48 a.m.]

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Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 27—CANNED FRUITS AND FRUIT JUICES

Frozen Concentrate for Artificially Sweetened Lemonade, Identity Standard; Confirmation of Effective Date of Order re Additional Permitted Artificial Sweeteners

In the matter of amending the standard of identity for frozen concentrate for artificially sweetened lemonade (21 CFR 27.103) to provide for the use in that food of the artificial sweeteners (including calcium saccharin) listed in and complying with the food additive regulations (21 CFR Part 121):

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.120), notice is given that no objections were filed to the order in the above-identified matter published in the FEDERAL REGISTER of May 27, 1967 (32 F.R. 7769). Accordingly, the amendments promulgated by that order will become effective on July 26, 1967.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: July 20, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-8765; Filed, July 27, 1967; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

SUBCHAPTER D—TRADE REGULATION RULES

PART 413—FAILURE TO DISCLOSE THAT SKIN IRRITATION MAY RESULT FROM WASHING OR HANDLING GLASS FIBER CURTAINS AND DRAPERIES AND GLASS FIBER CURTAIN AND DRAPERY FABRICS

The Federal Trade Commission, pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C. 41, et seq., and the provisions of Subpart F, Part 1 of the Commission's procedures and rules of practice, 16 CFR 1.61, et seq. (amended June 13, 1967, as Subpart B, Part 1, 32 F.R. 8444), has conducted a proceeding for the promulgation of a Trade Regulation Rule regarding the failure to disclose that skin irritation may result from washing or handling glass fiber curtains and draperies and glass fiber curtain and drapery fabrics. Notice of this proceeding, including a proposed rule, was published in the FEDERAL REGISTER on November 15, 1966 (31 F.R. 14599). Interested parties were thereafter afforded opportunity to participate in the proceeding through the submission of written data, views and arguments and to appear and orally express their views as to the proposed rule and to suggest amendments, revisions and additions thereto.

The Commission has now considered all matters of fact, law, policy and discretion, including the data, views and arguments presented by interested parties in response to the Notice and has determined that the adoption of the Trade Regulation Rule and statement of its basis and purpose set forth herein is in the public interest.

STATEMENT OF BASIS AND PURPOSE

Sec.
413.1 Basis of the proceeding.
413.2 The practice involved.
413.3 Deceptive character of the practice.
413.4 Data, views and arguments concerning the rule.
413.5 Purpose of the rule.

THE RULE

413.6 The rule.

AUTHORITY: The provisions of this Part 413 issued under 38 Stat. 717, as amended; 15 U.S.C. 41-58.

STATEMENT OF BASIS AND PURPOSE

§ 413.1 Basis of the proceeding.

This proceeding was initiated by the Commission after consideration of statements by members of the consuming public that they had experienced skin irritation after washing or handling glass fiber curtains and draperies and glass fiber curtain and drapery fabrics.

§ 413.2 The practice involved.

Marketers of glass fiber curtains and draperies and glass fiber curtain and drapery fabrics usually furnish washing instructions for such products in the form of package inserts, labels, or tags. Normally these instructions, among other things, advise the purchaser to hand wash the products separately and rinse the container thoroughly after each washing. Purchasers are not cautioned, however, that skin irritation may result when the products are handled without protective covering, as by washing, sewing or hanging, or that such irritation may also occur when the skin is exposed to articles, such as clothing or bed sheets, which have been washed with glass fiber products, or in a container previously used for washing glass fiber products unless such container has been thoroughly cleansed of glass particles which may remain in the container.

§ 413.3 Deceptive character of the practice.

(a) Most glass fibers currently used in weaving fabrics for producing curtains and draperies become increasingly brittle with enlargement of the denier of such fibers. When such fabrics are handled, as by washing, sewing, or hanging, minute glass particles may break off and become lodged in the exposed skin of persons handling them. Likewise when certain articles, such as garments or bed sheets, are washed with glass fiber curtain or drapery fabrics, or washed in a container previously used for washing such fabrics, minute glass particles may become embedded in such articles and transmitted to the exposed skin of the user or wearer thereof. In either event, skin irritation may result.

(b) Although some washing instructions advise purchasers to hand wash glass fiber fabrics separately and rinse the container thoroughly after each washing, such purchasers are not warned as to the consequences of the failure to observe this advice. Such washing instructions may serve as warnings for the care of the fabric but do not serve as warnings that skin irritation may result.

(c) The Commission concludes therefore that the failure to disclose that skin irritation may result from body contact with glass fiber drapery and curtain fabrics, and clothing or other articles which have been washed with such glass fiber products or in containers previously used for washing such products when that container has not been cleansed of glass particles, has the capacity and tendency to mislead and deceive purchasers and prospective purchasers and to divert business from competitors whose products may be washed or handled without the resulting irritation. The Commission further concludes that such practice is violative of section 5 of the Federal Trade Commission Act, and that the public interest in preventing this practice is specific and substantial.

§ 413.4 Data, views and arguments concerning the rule.

(a) Some interested parties claimed that the record in this proceeding has not established that severe skin irritation results from the handling of glass fiber curtains, draperies, and fabrics and argued that no rule in the matter is justified. Although the factual information does not show that the handling of, or exposure to the products involved will generally result in immediate severe skin irritation, nevertheless such information is to the effect that exposure to the products involved may cause varying degrees of skin irritation. For example, some industry members and other affected parties, and doctors who presented statements on their behalf, concede that some skin reaction or discomfort may occur when the products in question are washed

or handled. Further, the record is replete with consumer statements relating their experiences with varying degrees of irritation resulting from the exposure of their skin to particles from glass fiber curtains, draperies, and fabrics. The Commission was urged to disregard such consumer statements on the basis that such statements are medically unconfirmed self-diagnoses and hearsay, and thus of little probative value. However, the Commission is of the opinion that these statements, particularly when coupled with the concession of industry members and affected parties that the products involved may cause skin reaction or discomfort, should be given consideration. Such weight as the Commission has given to expressions of consumer experiences in this proceeding is not counter to or mitigated by medical statements in the record since the consumer statements related the varying degrees of irritation experienced by the writers, while the medical statements were primarily directed to showing that the glass particles did not cause severe skin irritation.

(b) It is concluded, therefore, that skin irritation may result from the handling, as by washing, sewing or hanging, of glass fiber draperies, curtains and yard goods and from body contact with clothing or other articles which have been washed with such glass fiber products or in a container previously used for washing such products when that container has not been cleansed of glass particles.

§ 413.5 Purpose of the rule.

The purpose of this rule is to inform all members of the industry and other interested or affected parties of the Commission's position with respect to the problem at hand and, in the public interest, to eliminate the unlawful deception and unfair competition resulting from the failure to make the disclosure required by the rule.

THE RULE

§ 413.6 The rule.

The Commission hereby promulgates, as a Trade Regulation Rule, its conclusions and determination that in connection with the sale or offering for sale of glass fiber curtains and draperies and glass fiber curtain and drapery fabrics in commerce, as "commerce" is defined in the Federal Trade Commission Act, it is an unfair method of competition and an unfair and deceptive act or practice to fail to disclose, clearly and conspicuously, by tag or label affixed to the products with such permanence as to remain thereon until sale to purchasers, and on containers in which the products are delivered to purchasers, that skin irritation may result:

(a) To the exposed skin of persons handling such glass fiber products; and

(b) From body contact with clothing or other articles, such as bed sheets, which have been washed (1) with such glass fiber products, or (2) in a container previously used for washing such glass fiber products unless the glass particles have been removed from such container by cleaning.

Effective date of the rule. This rule becomes effective on January 2, 1968.

Adopted: July 14, 1967.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 67-8725; Filed, July 27, 1967; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 67-CE-13]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area; Correction

On May 24, 1967, a final rule was published in the FEDERAL REGISTER (32 F.R. 7590), F.R. Doc. 67-5750, which included redesignation of the Oshkosh, Wis., transition area. In this redesignation, the term "V-255" was erroneously used; "V-177" should have been used. Action is taken herein to make this correction.

Since this amendment is editorial in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, the redesignation of the Oshkosh, Wis., transition area, as set forth in F.R. Doc. 67-5750, is amended effective 0001 e.s.t., July 20, 1967, as follows: "V-255" is deleted and "V-177" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on July 10, 1967.

DANIEL E. BARROW, *Acting Director, Central Region.*

[F.R. Doc. 67-8796; Filed, July 27, 1967; 8:49 a.m.]

[Airspace Docket No. 67-SO-21]

PART 73—SPECIAL USE AIRSPACE

Alteration and Designation of Restricted Area

On May 11, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 7134) stating that the Federal Aviation Administration proposed to modify Restricted Area R-2914, Valparaiso, Fla., and designate a new Restricted Area R-2917, De Funiak Springs, Fla.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. The only comment received, from the Air Transport Association, interposed no objection.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective September 14, 1967, as hereinafter set forth.

1. Section 73.29 (32 F.R. 2303, 5769) R-2914 Valparaiso, Fla., is amended as follows: In the designation of boundaries, delete "to point of beginning" and substitute therefore "to point of beginning, excluding that airspace 5,000 feet MSL and below within a circle with a 1¼-mile radius centered at latitude 30°34'19" N., longitude 86°12'56" W."

2. Section 73.29 (32 F.R. 2303) is amended by adding:

R-2917 DE FUNIAK SPRINGS, FLA.

Boundaries: A circle with a 1¼-mile radius centered at latitude 30°34'19" N., longitude 86°12'56" W.

Designated altitude: Surface to 5,000 feet MSL.

Time of designation: Continuous.

Using agency: Commander, Air Proving Ground, Eglin AFB, Fla.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 24, 1967.

WILLIAM E. MORGAN, *Acting Director, Air Traffic Service.*

[F.R. Doc. 67-8793; Filed, July 27, 1967; 8:48 a.m.]

[Airspace Docket No. 67-SW-32]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Areas

The purpose of these amendments to Part 73 of the Federal Aviation Regulations is to alter the time of designation of Restricted Areas R-5111A and B, Elephant Butte, N. Mex., and R-5112, Magdalena, N. Mex.

The Department of the Air Force (AF) has requested that the time of designation of Restricted Areas R-5111A, R-5111B, and R-5112, be changed from "Continuous" to "Continuous, following issuance of NOTAM by using agency at least 12 hours in advance."

Since issuance of a NOTAM indicating release of a restricted area by the using agency authorizes pilots to use the area without obtaining permission from the controlling agency, these amendments are considered less restrictive to the public and notice and public procedure are not necessary.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective upon publication in the FEDERAL REGISTER, as hereinafter set forth.

In § 73.51 (32 F.R. 2320, 5769) Restricted Areas R-5111A, R-5111B, and R-5112 are amended by deleting from the text, "Time of designation: Continuous." and substituting therefor "Time of designation: Continuous, following issuance of NOTAM by using agency at least 12 hours in advance."

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 24, 1967.

WILLIAM E. MORGAN, *Acting Director, Air Traffic Service.*

[F.R. Doc. 67-8794; Filed, July 27, 1967; 8:48 a.m.]

[Airspace Docket No. 67-EA-62]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to modify Restricted Area R-6606, Pendleton, Va.

Review of utilization reports indicated that the maximum altitude used in R-6606 was 51,000 feet above mean sea level. The present altitude designation of this area is "Unlimited." The Department of the Navy has agreed to change this unlimited designation to 51,000 feet MSL.

Since this amendment will restore airspace to the public use, notice and public procedure are unnecessary and this amendment may be made effective on less than 30 days notice.

In consideration of the foregoing, § 73.66 (32 F.R. 2334) Restricted Area R-6606 Pendleton, Va., is amended, effective upon publication in the FEDERAL REGISTER, as follows: "Designated altitudes: Unlimited." is deleted and "Designated altitudes: Surface to 51,000 feet MSL." is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., July 24, 1967.

WILLIAM E. MORGAN, *Acting Director, Air Traffic Service.*

[F.R. Doc. 67-8795; Filed, July 27, 1967; 8:49 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 8286; Amdt. 546]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Sherwood Int	ATW NDB	Direct	2800	T-dn	300-1	300-1	200-½
Little Chute Int	ATW NDB	Direct	2800	C-dn°	500-1	500-1	500-1½
Oshkosh VOR	ATW NDB	Direct	2900	8-dn-11°	500-1	500-1	500-1
Bear Creek Int	ATW NDB	Direct	2900	A-dn°	800-2	800-2	800-2
				Minimums with ADF/VOR receivers:			
				C-dn°	400-1	500-1	500-1½
				8-dn-11°	400-1	400-1	400-1

Procedure turn S side of crs, 284° Outbnd, 104° Inbnd, 2600' within 10 miles.
Minimum altitude over Medina Int on final approach crs, 1418'6 (1518' when using Green Bay altimeter setting).
Facility on airport, ers and distance, Medina Int to RBn 104°—3.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of NDB, climb to 2600' on 134° magnetic bearing within 10 miles.
NOTE: When Appleton altimeter setting is not available, use Green Bay altimeter setting. Circling and straight-in minimums are raised 100' and alternate minimums not authorized when using Green Bay altimeter setting.
*These minimums apply at all times for air carriers with approved weather reporting service.
MSA within 25 miles of facility: 000°-090°—3100'; 090°-180°—2700'; 180°-270°—2300'; 270°-360°—2200'.
City, Appleton; State, Wis.; Airport name, Outagamie County; Elev., 918'; Fac. Class., MHW; Ident., ATW; Procedure No. NDB (ADF) Runway 11, Amdt. 1; Eff. date, 17 Aug. 67; Sup. Amdt. No. ADF 2, Orig.; Dated, 18 June 66

Sherwood Int	ATW NDB	Direct	2600	T-dn	300-1	300-1	200-½
Little Chute Int	ATW NDB	Direct	2600	C-dn°	500-1	500-1	500-1½
Oshkosh VOR	ATW NDB	Direct	2600	8-dn-20°	500-1	500-1	500-1
Bear Creek Int	ATW NDB	Direct	2900	A-dn°	800-2	800-2	800-2
				Minimums with ADF/VOR receivers:			
				C-dn°	400-1	500-1	500-1½
				8-dn-20°	400-1	400-1	400-1

Procedure turn S side of crs, 134° Outbnd, 314° Inbnd, 2600' within 10 miles.
Minimum altitude over Menasha Int on final approach crs, 1418'6 (1518' when using Green Bay altimeter setting).
Facility on airport, ers and distance, Menasha Int to RBn, 314°—3.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of NDB, make left-climbing turn to 2600' on 134° bearing within 10 miles.
NOTE: When Appleton altimeter setting is not available, use Green Bay altimeter setting. Circling and straight-in minimums are raised 100' and alternate minimums not authorized when using Green Bay altimeter setting.
*These minimums apply at all times for air carriers with approved weather reporting service.
MSA within 25 miles of facility: 000°-090°—3100'; 090°-180°—2700'; 180°-270°—2300'; 270°-360°—2200'.
City, Appleton; State, Wis.; Airport name, Outagamie County; Elev., 918'; Fac. Class., MHW; Ident., ATW; Procedure No. NDB (ADF) Runway 29, Amdt. 2; Eff. date, 17 Aug. 67; Sup. Amdts. No. ADF 1, Amdt. 1; Dated, 18 June 66

PROCEDURE CANCELED, EFFECTIVE 17 AUG. 1967.
City, Corpus Christi; State, Tex.; Airport name, Corpus Christi International; Elev., 62'; Fac. Class., SBH; Ident., CRP; Procedure No. NDB (ADF)-1, Amdt. 5; Eff. date, 20 May 67; Sup. Amdt. No. ADF 2, Amdt. 4; Dated, 14 May 66

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
CRP VOR	LOM	Direct	2000	T-dn	800-1	800-1	800-1½
Mathis Int	Edroy Int	Direct	1700	C-dn	700-1	700-1	700-1½
Edroy Int	LOM (final)	Direct	1400	S-dn-13	700-1	700-1	700-1
				A-dn	800-2	800-2	800-2
				If Tank Fix received, minimums become:			
				C-dn	600-1	600-1	600-1½
				S-dn-13	600-1	600-1	600-1

Radar available.
Procedure turn W side of crs, 307° Outbnd, 127° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1400′.
Crs and distance, facility to airport, 127°—4.8 miles; Tank Fix to airport, 127°—3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.8 miles after passing LOM, proceed to Pogo VHF Int via 127° bearing from CRP LOM and CRP VOR, R 172° climbing to 2000′, or when directed by ATC, turn left, proceed direct to CRP VOR climbing to 2000′.
MSA within 25 miles of facility: 000°–090°—1400′; 090°–180°—2000′; 180°–270°—2100′; 270°–360°—1600′.

City, Corpus Christi; State, Tex.; Airport name, Corpus Christi International; Elev., 43′; Fac. Class., LOM; Ident., CR; Procedure No. NDB (ADF), Runway 13, Amdt. 14; Eff. date, 17 Aug. 67; Sup. Amdt. No. NDB (ADF) Runway 13, Amdt. 13; Dated 25 Mar. 67

Freeport Int	PW LOM	Direct	2100	T-dn	800-1	800-1	800-1½
Kennebunk VOR	Buxton Int	Direct	2100	C-dn	600-1	600-1	600-1½
Buxton Int	PW LOM (final)	Direct	1800	S-dn-11**	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 292° Outbnd, 112° Inbnd, 2100′ within 10 miles of LOM.
Minimum altitude over facility on final approach crs, 1800′.
Crs and distance, facility to airport, 112°—5.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.4 miles after passing FW LOM, make right-climbing turn to 2100′ direct PW LOM. Hold W of PW LOM, 112° Inbnd, 1-minute right turns.
** Reduction not authorized.
MSA within 25 miles of facility: 000°–090°—3100′; 090°–180°—1500′; 180°–270°—2200′; 270°–360°—3000′.

City, Portland; State, Maine; Airport name, Portland Municipal; Elev., 66′; Fac. Class., LOM; Ident., PW; Procedure No. NDB (ADF), Runway 11, Amdt. 6; Eff. date, 19 Aug 67; Sup Amdt. No. ADF 1, Amdt. 3; Dated 9 Apr 66

2. By amending the following very high frequency omnirange (VOR) procedures prescribed in § 97.11(c) to read:

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
PMM VORTAC	Big Lake Int	Direct	2900	T-dn	800-1	800-1	800-1½
Orangeville Int	Big Lake Int (final)	Via heading, 300° PMM, R 073°.	2400	C-dn	600-1	600-1	600-1
				S-dn-27	600-1	600-1	600-1
				A-dn	NA	NA	NA

Procedure turn N side of crs, 073° Outbnd, 253° Inbnd, 2900′ within 10 miles of Big Lake Int.
Minimum altitude over Big Lake Int on final approach crs 2400′.
Crs and distance, Big Lake Int to airport, 253°—5.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.6 miles of Big Lake Int, climb to 3000′, proceed direct to PMM VORTAC.
NOTES: (1) Use Grand Rapids, Mich., altimeter setting. (2) Dual VOR receivers or DME required.
MSA within 25 miles of facility: 000°–090°—2900′; 090°–180°—2400′; 180°–360°—2100′.

City, Allegan; State, Mich.; Airport name, Padgham; Elev., 726′; Fac. Class., H-BVORTAC; Ident., PMM; Procedure No. VOR Runway 27, Amdt. Orig.; Eff. date, 17 Aug. 67

				T-dn	800-1	800-1	
				C-dn	500-1	500-1	
				A-dn	NA	NA	

Procedure turn E side of crs, 303° Outbnd, 033° Inbnd, 1500′ within 10 miles.
Minimum altitude over facility on final approach crs, 1000′.
Crs and distance, facility to airport, 033°—1.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.6 miles after passing SSI VOR, make climbing right turn to 1500′ and return to SSI VOR.
NOTES: (1) Use Brunswick, Ga., altimeter setting. (2) IFR flight plan must be closed with Brunswick FSS when reaching VFR conditions or immediately after landing.
MSA within 25 miles of facility: 000°–360°—1500′.

City, Brunswick; State, Ga.; Airport name, Jekyll Island; Elev., 12′; Fac. Class., L-BVOR; Ident., SSI; Procedure No. VOR-1, Amdt. Orig.; Eff. date, 17 Aug. 67

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
CY LOM	CYS VOR	Direct	8000	T-dn	800-1	800-1	800-1½
				C-dn	500-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 016° Outbnd, 196° Inbnd, 7500′ within 10 miles.
Minimum altitude over facility on final approach crs, 7200′.
Crs and distance, facility to airport, 196°—3.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 miles after passing CYS VOR, climb to 8000′ on R 166° within 10 miles of CYS VOR.
MSA within 25 miles of facility: 000°–090°—7400′; 090°–180°—7400′; 180°–270°—10,100′; 270°–360°—8000′.

City, Cheyenne; State, Wyo.; Airport name, Cheyenne Municipal; Elev., 6156′; Fac. Class., H-BVORTAC; Ident., CYS; Procedure No. VOR-1, Amdt. 6; Eff. date, 17 Aug. 67; Sup. Amdt. No. VOR 1, Amdt. 5; Dated, 26 Jun 66

				T-dn*	1000-3	1000-3	1000-3
				C-dn	1500-3	1500-3	1500-3
				A-dn*	2000-3	2000-3	2000-3

Procedure turn E side of crs, 006° Outbnd, 186° Inbnd, 8000′ within 10 miles.
Minimum altitude over facility on final approach crs, 6000′.
Crs and distance, facility to airport, 186°—8.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.6 miles of VOR, make a climbing left turn to 8000′, return to Cody VOR.
NOTE: Contact Worland, Wyo., FSS for altimeter setting.
*For air carriers having acceptable weather reporting.
**Climb clear of clouds over airport to 6600′, then climb direct to cross Cody VOR at 8000′.
MSA within 25 miles of facility: 000°–180°—6400′; 180°–270°—14,300′; 270°–360°—12,800′.

City, Cody; State, Wyo.; Airport name, Cody Municipal; Elev., 5089′; Fac. Class., L-BVOR; Ident., COD; Procedure No. VOR-1, Amdt. Orig.; Eff. date, 17 Aug 67 or upon commissioning of facility

Taft Int	CRP VOR (final)	Direct	1600	T-dn	800-1	800-1	800-1½
				C-dn	700-1	700-1	700-1½
				S-dn-17*	700-1	700-1	700-1
				A-dn	800-2	800-2	800-2

Radar available.
Procedure turn W side of crs, 011° Outbnd, 191° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1600′.
Crs and distance, facility to airport, 191°—7.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.9 miles after passing CRP VOR, turn left, intercept CRP VOR, R 172° and proceed to Pogo Int, climbing to 2000′.
*Reduction of landing visibility not authorized.
MSA within 25 miles of facility: 000°–090°—1400′; 090°–180°—1400′; 180°–270°—2100′; 270°–360°—1500′.

City, Corpus Christi; State, Tex.; Airport name, Corpus Christi International; Elev., 43′; Fac. Class., H-BVORTAC; Ident., CRP; Procedure No. VOR, Runway 17, Amdt. 13; Eff. date, 17 Aug 67; Sup. Amdt. No. VOR, Runway 17; Dated, 20 May 67

				T-dn	800-1	800-1	NA
				C-d	900-1	900-1	NA
				C-n	900-2	900-2	NA
				A-dn	NA	NA	NA
				If Middlebury Int or 8-mile DME FIX, R 289° received, the following minimums apply:*			
				C-d	500-1	500-1	NA
				C-n	500-2	500-2	NA

Radar available.
Procedure turn N side of crs, 109° Outbnd, 289° Inbnd, 2800 within 10 miles.
Minimum altitude over facility on final approach crs, 2600; over Middlebury Int or 8-mile DME Fix, R 289°, 2100′.
Crs and distance, facility to airport, 289°—10 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 10 miles after passing ACO VOR, make right-climbing turn to 3000′, return to ACO VOR. Hold E, 1-minute right turns, 276° Inbnd.
NOTE: Use Akron, Ohio, altimeter setting.
*DME or ADF equipment required.
MSA within 25 miles of facility: 350°–080°—2700′; 080°–170°—3200′; 170°280°—2700′; 260°–350°—3000′.

City, Kent; State, Ohio; Airport name, Andrew W. Paton of Kent State University; Elev., 1150′; Fac. Class., L-BVORTAC; Ident., ACO; Procedure No. VOR-1, Amdt. 2; Eff. date, 19 Aug 67; Sup. Amdt. No. VOR-1, Amdt. 1; Dated, 18 Feb 67

Concord Int	Albion Int (final)	Direct	2600	T-dn	800-1	800-1	NA
Jackson VORTAC	Concord Int	Direct	2700	C-dn	500-1	500-1	NA
Litchfield VORTAC	Concord Int	Direct	2700	S-dn-28	500-1	500-1	NA
Battle Creek VORTAC	Albion Int	Direct	2700	A-dn	NA	NA	NA
Marshall Int	Albion Int	Via JXN, R 267°; BTL R 106°.	2700				

Procedure turn S side of crs, 106° Outbnd, 286° Inbnd, 2700′ within 10 miles of Albion Int.
Minimum altitude over Albion Int on final approach crs, 2500′.
Crs and distance, Albion Int to airport, 286°—5.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.6 miles after passing Albion Int, make left turn climb to 3000′, proceed direct to Litchfield VOR.
NOTES: (1) Use Battle Creek altimeter setting. (2) Dual VOR receivers or DME required.
MSA within 25 miles of facility: 000°–180°—2600′; 180°–270°—2200′; 270°–360°—2900′.

City, Marshall; State, Mich.; Airport name, Brooks Field; Elev., 940′; Fac. Class., T-BVORTAC; Ident., BTL; Procedure No. VOR, Runway 28, Amdt. Orig.; Eff. date, 17 Aug 67

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURES—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Boston VOR	Lawrence VOR (final)	Direct	3000	T–dn	800–1	800–1	800–1
Manchester VOR	Lawrence VOR (final)	Direct	2200	C–dn	800–1	800–1	800–1
Bedford RBn	Lawrence VOR (final)	Direct	3000	A–dn	NA	800–1½	800–1½
Nashua RBn	Lawrence VOR (final)	Direct	2100			NA	
Kennebunk VOR	Lawrence VOR	Direct	2200				

Radar available.
Lawrence VOR holding Fix, 237° Outbnd, 057° Inbnd, 2000' right turns.
Minimum altitude over facility on final approach crs, 2000'; over Plum Int, R 069°—2000'.
Crs and distance, facility to airport, 069°—11.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 11.7 miles after passing LWM VOR, or within 7 miles after passing Plum Int, make left-climbing turn to 2000' direct LWM VOR, hold SW of LWM VOR, 1-minute right turns, 057° Inbnd.
NOTES: (1) Use Boston altimeter setting. (2) Monitor Boston approach control until landing assured.
MSA within 25 miles of facility: 015°–105°—1600'; 105°–195°—1900'; 195°–285°—2400'; 285°–015°—2800'.

City, Newburyport; State, Mass.; Airport name, Plum Island; Elev., 11'; Fac. Class., T–BVOR; Ident., LWM; Procedure No. VOR, Runway 10, Amdt. Orig.; Eff. date, 19 Aug. 67

3. By amending the following very high frequency omnirange—distance measuring equipment (VOR/DME) procedures prescribed in § 97.15 to read:

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURES

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots

PROCEDURE CANCELED, EFFECTIVE 17 AUG. 1967.

City, The Dalles; State, Orig.; Airport name, The Dalles Municipal; Elev., 242'; Fac. Class., B–VORTAC; Ident., DLS; Procedure No. VOR/DME No. 1, Amdt. 4; Eff. date, 25 Dec. 65; Sup. Amdt. No. 3; Dated, 16 Oct. 65

DLS VOR	15-mile DME Fix, R 166°	Direct	8200	T–dn%	1000–1	1000–1	1000–1
15-mile DME Fix, R 080° clockwise	15-mile DME Fix, R 185°	15-mile DME Arc	2800	C–dn	1500–1	1500–1	1500–1½
				A–dn	1500–2	1500–2	1500–2

Procedure turn not authorized.
Minimum altitude over 15-mile DME Fix, R 185° on final approach crs, 2800'; over 10-mile DME Fix, R 185°—2200'; over 6.8-mile DME Fix, R 185°—1742'.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 6.8-mile DME Fix, R 185°, turn right, intercept and climb southbound on DLS VOR, R 166° to 5000' within 15 miles.
CAUTION: High terrain W through N.
%The Dalles departure: Climb visually over the airport to 1200', climb on heading of 060° to intercept the Dalles VOR, R 166°, then climb southbound on R 166° within 15 miles to sufficient altitude to cross DLS VOR at or above 4400'.
MSA within 25 miles of facility: 000°–090°—6600'; 090°–180°—5400'; 180°–270°—7000'; 270°–360°—6600'.

City, The Dalles; State, Oreg.; Airport name, The Dalles Municipal; Elev., 242'; Fac. Class., H–BVORTAC; Ident., DLS; Procedure No. VOR/DME, Runway 2, Amdt. Orig.; Eff. date, 17 Aug. 67 or upon commissioning of relocated VORTAC

4. By amending the following instrument landing system procedures prescribed in § 97.17 to read:

ILS STANDARD INSTRUMENT APPROACH PROCEDURES

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Pogo Int	LOM	Direct	3000	T–dn*	200–1	200–1	200–½
CRP VOR	LOM	Direct	2000	C–dn	400–1	400–1	400–1½
Sinton Int	LOM	Direct	2000	S–dn–126°**	200–½	200–½	200–½
Mathis Int	Edroy Int	Direct	1700	A–dn	600–2	600–2	600–2
Edroy	LOM (final)	Direct	1400				

Radar available.
Procedure turn W side of crs, 307° Outbnd, 127° Inbnd, 2000' within 10 miles.
Minimum altitude at glide slope interception, Inbnd, 1400'.
Altitude of glide slope and distance to approach end of runway at LOM, 1870'—4.8 miles; at LMM, 244'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.8 miles after passing LOM, proceed to Pogo Int via ILS SE crs and CRP VOR, R 172° climbing to 2000', or when directed by ATC, turn left, proceed direct to CRP VOR climbing to 2000'.
*RVR 2400' authorized Runway 13.
#400–¼ required if glide slope not utilized. 400–½ authorized with operative AL's, except for 4-engine turbojets.
**RVR 2400'. Descent below 342' not authorized unless approach lights visible.
MSA within 25 miles of LOM: 000°–090°—1400'; 090°–180°—2000'; 180°–270°—2100'; 270°–360°—1500'.

City, Corpus Christi; State, Tex.; Airport name, Corpus Christi International; Elev., 43'; Fac. Class., ILS; Ident., I–CRP; Procedure No. ILS, Runway 13, Amdt. 13; Eff. date, 17 Aug 67; Sup. Amdt. No. ILS, Runway 13, Amdt. 12; Dated, 25 Mar 67

LOM	Bluff Int	Direct	1800	T–dn	200–1	200–1	200–½
CRP VOR	Bluff Int	Direct	1800	C–dn#	400–1	400–1	400–1½
				S–dn–81°#	400–1	400–1	400–½
				A–dn	800–2	800–2	800–2

Radar available. Radar Fixes may be used in lieu of VHF Fixes.
Procedure turn W side of crs, 127° Outbnd, 307° Inbnd, 1800' within 10 miles.
Minimum altitude over Bluff Int on final approach crs, 1200'; over Elmer Int, 600'.
Crs and distance, Bluff Int to airport, 307°—4 miles; Elmer Int to airport, 307°—1.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4 miles after passing Bluff Int, climb to 1800' on NW crs, CRP ILS within 20 miles.
#If Elmer Int or Radar Fix not received, descent below 600' not authorized.
*400–¼ authorized with operative HIRL, except for 4-engine turbojets.

City, Corpus Christi; State, Tex.; Airport name, Corpus Christi International; Elev., 43'; Fac Class., ILS; Ident., I–CRP; Procedure No. LOC (BC), Runway 31, Amdt. 1; Eff. date, 17 Aug 67; Sup. Amdt. No. ILS–31 (BC), Orig.; Dated, 27 Feb. 65

Florence Int	LOM	Direct	1900	T–dn#	800–1	800–1	200–½
Branch Int	LOM	Direct	1900	C–dn	400–1	800–1	800–1½
Byram Int	LOM	Direct	2800	S–dn–15L*%	200–½	200–½	200–½
Trace Int	LOM	Direct	1900	A–dn	600–2	600–2	600–2
Rankin Int	LOM	Direct	1900				
JAN VORTAC	LOM (final)	Direct	1900				

Radar available.
Procedure turn W side of crs, 328° Outbnd, 153° Inbnd, 1900' within 10 miles.
Minimum altitude at glide slope interception, Inbnd, 1800'.
Altitude of glide slope and distance to approach end of runway at OM, 1778'—5.5 miles; at MM, 489'—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.5 miles after passing LOM, turn right, climb to 2000' on JAN VORTAC, R 164° within 15 miles.
*400–¼ (RVR 4000') required when glide slope not utilized. 400–½ (RVR 2400') authorized with operative AL's, except for 4-engine turbojets.
#RVR 2400' authorized Runway 15L.
%RVR 2400'. Descent below 545' not authorized unless AL's are visible.
MSA within 25 miles of LOM: 000°–090°—1700'; 090°–180°—1800'; 180°–270°—3500'; 270°–360°—1700'.

City, Jackson; State, Miss.; Airport name, Allen C. Thompson Field; Elev., 345'; Fac. Class., ILS; Ident., I–JAN; Procedure No. ILS, Runway 15L, Amdt. 5; Eff. date, 19 Aug. 67; Sup. Amdt. No. ILS, Runway 15L, Amdt. 4; Dated, 28 Jan. 67

Macon VOR	LOM	Direct	1600	T–dn##	800–1	800–1	200–½
Powersville Int	LOM (final)	Direct	1600	C–dn	800–1	800–1	800–1½
				S–dn–5°#	200–½	200–½	200–½
				A–dn	600–2	600–2	600–2

Radar available.
Procedure turn S side of crs, 227° Outbnd, 047° Inbnd, 1600' within 10 miles.
Minimum altitude at glide slope interception, Inbnd, 1600'.
Altitude of glide slope and distance to approach end of runway at OM, 1460'—3.8 miles; at MM, 540'—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing LOM, made climbing left turn to 2200'. Intercept 360° track of MC LOM within 15 miles, or when directed by ATC, climb to 2200' on crs, 047° within 15 miles of LOM.
NOTES: (1) Back crs unusable. (2) RVR minimums do not apply during hours tower not in operation.
CAUTION: 1209' tower, 5.5 miles NE of airport on missed approach crs.
*500–¼ (RVR 4000') required when glide slope not utilized. Reduction not authorized.
#RVR 2400'. Descent below 554' not authorized unless approach lights are visible.
##RVR 2400' authorized Runway 5.
MSA within 25 miles of LOM: 000°–090°—2200'; 090°–180°—2500'; 180°–270°—1900'; 270°–360°—2100'.

City, Macon; State, Ga.; Airport name, Macon Municipal; Elev., 356'; Fac. Class., ILS; Ident., I–MCN; Procedure No. ILS, Runway 5, Amdt. 13; Eff. date, 19 Aug 67; Sup. Amdt. No. ILS–5, Amdt. 12; Dated, 13 Aug 66

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T–dn	300–1	300–1	200–½
				C–dn	400–1	500–1	500–1½
				S–dn–22	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Radar vectoring to 5-mile Radar Fix on back crs of ILS.
Radar required.
Procedure turn not authorized. Localizer back crs inbnd, 225°.
Minimum altitude over 5-mile Radar Fix on final approach crs, 1600'.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5 miles after passing the 5-mile Radar Fix, climb to 2400' on ORF VOR, R 228° direct to Deep Creek Int, hold SW, 1-minute left turns, 068° inbnd.

City, Norfolk; State, Va.; Airport name, Norfolk Municipal; Elev., 27'; Fac. Class., ILS; Ident., I–ORF; Procedure No. LOC (BC), Runway 23, Amdt. Orig.; Eff. date, 19 Aug. 67

Freeport Int	PW LOM	Direct	2100	T–dn	500–1	500–1	200–½
Kennebunk VOR	Buxton Int	Direct	2100	C–dn	600–1	600–1	600–1½
Buxton Int	PW LOM (final)	Direct	1800	S–dn–11**	800–1¼	800–1¼	800–1¼
				A–dn	800–2	800–2	800–2
				With glide slope inoperative:			
				S–dn–11**	600–1	600–1	600–1

Procedure turn S side of crs, 293° Outbnd, 113° Inbnd, 2100' within 10 miles.
Minimum altitude at glide slope intercept, Inbnd, 1800'.
Altitude of glide slope and distances to approach end of runway at OM, 1741'—5.4 miles; at MM, 279'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.4 miles after passing PW LOM, make right-climbing turn to 2100' direct PW LOM. Hold W of PW LOM, 1-minute right turns, 113° Inbnd.
NOTE: Back crs unusable.
**Reduction not authorized.
MSA within 25 miles of PW LOM: 000°–090°—3100'; 090°–180°—1600'; 180°–270°—2200'; 270°–360°—3000'.

City, Portland; State, Maine; Airport name, Portland Municipal; Elev., 66'; Fac. Class., ILS; Ident., I–PWM; Procedure No. ILS–11, Amdt. 7; Eff. date, 19 Aug. 67; Sup. Amdt. No. ILS, Amdt. 6; Dated, 17 Dec. 66

5. By amending the following radar procedures prescribed in § 97.19 to read:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
		Within:		Surveillance approach			
045°	285°	30 miles	2800	T–dn	300–1	300–1	200–½
285°	330°	20 miles	2200	C–dn	500–1	500–1	500–1½
330°	045°	20 miles	3400	S–dn*	500–1	500–1	500–1
285°	330°	10 miles	1800	A–dn	800–2	800–2	800–2
330°	285°	10 miles	1300				

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2000' and proceed direct to Woodstown VOR, hold SW, R 211°, 031° Inbnd, 1-minute left turns.
*Runways 9, 17, 27, 35.
**Runway 27 only descent below 700' not authorized until passing 5-mile Radar Fix.

City, Philadelphia; State, Pa.; Airport name, Philadelphia International; Elev., 14'; Fac. Class. and Ident., Philadelphia; Radar Procedure No. 1, Amdt. 11; Eff. date, 19 Aug. 67; Sup. Amdt. No. 1, Amdt. 10; Dated, 29 Oct. 66

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775))

Issued in Washington, D.C., on July 12, 1967.

EDWARD C. HODSON,
Acting Director, Flight Standards Service.

[F.R. Doc. 67-8463; Filed, July 27, 1967; 8:45 a.m.]

Title 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

[Amdt. 19]

PART 5—DETERMINATION OF PARITY PRICES

Prunes and Plums; Sour Cherries

Beginning in May 1967, production and disposition estimates for prunes and plums were changed to (1) discontinue publication of Michigan plum estimates, (2) discontinue publication of Idaho, Washington, and Oregon prune estimates, and (3) combine Michigan, Idaho, Washington, and Oregon estimates in a new category called "prunes and plums". This change was made in order to provide comparable statistics for commodities which are more nearly alike in utilization. Parity prices should be computed on the same commodities. Accordingly, the regulations of the Secretary of Agriculture with respect to the determination of parity prices (21 F.R. 761, as amended; 7 CFR 5.1–5.6) are amended as hereinafter specified, effective July 31, 1967, in order to make these changes in the list of commodities for which parity prices shall be calculated. Since it is not practicable to determine the average prices received by farmers for these commodities on a calendar year basis for purposes of computing the adjusted base prices of these commodities for use in making parity calculations, marketing season average prices will be used for these purposes. The term "tart cherries" is also substituted for "sour cherries".

1. In § 5.2, the paragraph under the centerhead "Deciduous and other Fruit" is amended to read as follows:

§ 5.2 Marketing season average price data.

* * * * *

DECIDUOUS AND OTHER FRUIT

Apples for processing; apricots for fresh consumption; apricots for processing (except dried); dried apricots; avocados; blackberries; boysenberries; gooseberries; loganberries; black raspberries; red raspberries; youngberries; tart cherries; sweet cherries; cranberries; dates; figs for fresh consumption; figs for processing (except dried); dried figs; grapes, raisins, dried; all grapes excluding raisins, dried; nectarines for fresh consumption; nectarines for processing; olives for processing (except crushed for oil); olives, crushed for oil; olives for canning; peaches for fresh consumption; clingstone peaches for processing (except dried); freestone peaches for processing (except dried); dried peaches; pears for fresh consumption; pears for processing (except dried); dried pears; persimmons; plums (California), for fresh consumption; plums (California), for processing; pomegranates; dried prunes (California); prunes and plums (excluding California), for fresh consumption; prunes and plums (excluding California), for processing (except dried); strawberries for fresh consumption; and strawberries for processing.

* * * * *

2. In § 5.4, the paragraph under the centerhead "Deciduous and Other Fruit" is amended to read as follows:

§ 5.4 Commodities for which parity prices shall be calculated.

* * * * *

DECIDUOUS AND OTHER FRUIT

Apples (primarily for fresh use); apples for processing; apricots for fresh consumption; apricots for processing (except dried); dried apricots; avocados; blackberries; boysenberries; gooseberries; loganberries; black raspberries; red raspberries; youngberries; tart cherries; sweet cherries; cranberries; dates; figs for fresh consumption; figs for processing (except dried); dried figs; grapes, raisins, dried; all grapes excluding raisins, dried; nectarines for fresh consumption; nectarines for processing; olives for processing (except crushed for oil); olives, crushed for oil; olives for canning; peaches for fresh consumption; clingstone peaches for processing (except dried); freestone peaches for processing (except dried); dried peaches; pears for fresh consumption; pears for processing (except dried); dried pears; persimmons; plums (California), for fresh consumption; plums (California), for processing; pomegranates; dried prunes (California); prunes and plums (excluding California) for fresh consumption; prunes and plums (excluding California) for processing (except dried); strawberries for fresh consumption; and strawberries for processing.

* * * * *

(Sec. 801, 52 Stat. 38, as amended; 7 U.S.C. 1301)

Done at Washington, D.C., this 25th day of July 1967.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67-8764; Filed, July 27, 1967; 8:46 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER C—SPECIAL PROGRAMS

PART 751—LAND USE ADJUSTMENT PROGRAM

Subpart—1967 Cropland Conversion Program

Sec.
751.150 Purposes and objectives.
751.151 Applicability of the program.
751.152 Terms and conditions of the program.

AUTHORITY: The provisions of this subpart issued under sec. 16(e), 76 Stat. 606; 16 U.S.C. 590p(e).

§ 751.150 Purposes and objectives.

The general purposes and objectives of the 1967 cropland conversion program are to improve family farm income by promoting better economic use and conservation of farmland through agreements with farmers providing for (a) conversion of land regularly used in the production of crops to other economic uses, (b) changes in cropping systems, and (c) practices or measures needed to conserve and develop soil, water, forest, wildlife, and recreation resources.

§ 751.151 Applicability of the program.

Agreements may be entered into only with producers who filed a request for a 1967 cropland adjustment program agreement and were entitled to priority under such program but who were not awarded agreements because of the limitation of funds. The program will be further limited to counties for which the State committee establishes an allocation of funds. A list of such counties may be obtained from the State committee.

§ 751.152 Terms and conditions of the program.

(a) Except as provided in this section, the terms and conditions of the 1967 cropland conversion program shall be the same as those prescribed in the regulations which are applicable to the 1967 cropland adjustment program, §§ 751.101–751.141, as amended, and such regulations shall be applicable to the 1967 cropland conversion program.

(b) The acreage ceilings prescribed in § 751.110 shall not be applicable.

(c) The rates of annual adjustment payment determined in accordance with § 751.115 shall be reduced by an amount equal to one-half the nonallotment rate established for the farm.

(d) The tame hay base for the farm shall not be designated as diverted where the producer requests authority to harvest hay from the designated acreage.

(e) The provisions of § 751.113 (a) and (d) relating to length of agreement period and extending agreements shall not be applicable. Agreements approved under the subpart shall be for a period of 3 years.

(f) The authority in § 751.115(b) to increase the annual adjustment payment rate for permitting access to the general public for hunting, trapping, fishing, and hiking, shall not be applicable.

(g) The provisions of § 751.115(c), relating to the 40 per centum limitation on the annual adjustment payment rate shall not be applicable.

(h) Section 751.118(b)(2)(xiii) shall not be applicable. Land with respect to which the ownership has changed during the 3-year period preceding the first year of the agreement period shall not be eligible for designation unless the new ownership was acquired by will or succession as a result of the death of the previous owner. This provision shall not prohibit the continuation of an agreement by a new owner after an agreement has once been entered into under this subpart.

(i) The designated acreage may be grazed and, except where the tame hay base is designated as diverted, hay may be harvested from such acreage.

(j) In addition to the eligible conservation practices eligible to be carried out under § 751.118(e), the Director may approve other practices if they are determined to be needed to accomplish the objectives of the program.

(k) A farm currently under a cropland conversion program agreement or a cropland adjustment program agreement shall not be eligible for this program.

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on July 25, 1967.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 67-8808; Filed, July 27, 1967; 8:50 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Area No. 3]

PART 948—IRISH POTATOES GROWN IN COLORADO

Expenses and Rate of Assessment

Notice of rule making regarding the proposed expenses and rate of assessment for Area No. 3 (Northern Colorado), to be effective under Marketing Agreement No. 97 and Order No. 948, both as amended (7 CFR Part 948), was published in the June 27, 1967, FEDERAL REGISTER (32 F.R. 9084). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons an opportunity to file written data, views, or arguments pertaining thereto not later than the 15th day after publication in the FEDERAL REGISTER. None was filed, however, the Committee reported that its expenses for the fiscal period ended May 31, 1967, totaled $2,848.66 which total is in excess of the $2,500 approved for last year's expenses.

After consideration of all relevant matters, including the proposals set forth in the aforesaid notice which were recommended by the Area Committee for Area No. 3, established pursuant to the said marketing agreement and order, it is hereby found and determined that § 948.251, expenses for the fiscal period ended May 31, 1967, be increased to $2,848.66, and that the rate of assessment and expenses for the fiscal period ending May 31, 1968, shall be as set forth in the aforesaid notice, as follows:

§ 948.251 Expenses and rate of assessment, Area No. 3.

(a) The reasonable expenses incurred by the Area Committee for Area No. 3 to perform its functions during the fiscal period ended May 31, 1967, amounted to $2,848.66. The budget for such fiscal period is hereby amended, pursuant to § 948.77(c) and the recommendation of the Committee, to approve such expenses for a total of $2,848.66. No change in the rate of assessment is necessary.

* * * * *

§ 948.254 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the Area Committee for Area No. 3, established pursuant to Marketing Agreement No. 97 and Order No. 948, both as amended, to enable such committee to perform its functions pursuant to the provisions of the aforesaid amended agreement and order during the fiscal period ending May 31, 1968, will amount to $2,750.

(b) The rate of assessment to be paid by each handler in Area No. 3 pursuant to Marketing Agreement No. 97 and Order No. 948, both as amended, shall be $0.00125 per hundredweight of potatoes handled by him as the first handler thereof during said fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period ending May 31, 1968, may be carried over as a reserve.

(d) Terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97, as amended, and this part.

It is hereby found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553 (1966)) in that: (1) The relevant provisions of this part require that the rate of assessment for a particular fiscal period shall be applicable to all assessable potatoes from the beginning of such period, and (2) the current fiscal period began on June 1, 1967, and the rate of assessment herein will apply to all assessable potatoes beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 24, 1967.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-8809; Filed, July 27, 1967; 8:50 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 20,704]

PART 544—CHARTER AND BYLAWS

Age Limitation on Directors

JUNE 29, 1967.

Resolved that the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of amending § 544.6 of the rules and regulations for the Federal Savings and Loan System (12 CFR 544.6), to permit Federal savings and loan associations to provide an age limitation applicable to the directors of such associations, and for the purpose of effecting such amendment hereby amends said § 544.6 by adding, immediately after paragraph (g), a new paragraph, paragraph (h), to read as follows, effective August 28, 1967:

§ 544.6 Amendment to bylaws.

* * * * *

(h) *Age limitation on directors.* Except as provided herein, no person shall be eligible for election, reelection, appointment or reappointment to the board of directors of the association who is more than (fill in any age from 65 to 70) years of age. Unless otherwise provided by the board of directors by resolution, the provisions of this paragraph shall not be applicable to any person who has served continuously as a director of the association from and after (date of adoption) until that person has been reelected to another full or partial term as a director of the association.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

Resolved further that, since the foregoing amendment is designed merely to provide a uniform format for an optional bylaw provision establishing an age limitation for directors, the Board finds that notice and public procedure on said amendment are unnecessary under the provisions of § 508.12 of the general regulations of the Federal Home Loan Bank Board (12 CFR 508.12) and 5 U.S.C. 553.3(b), and for the same reason, the Board hereby finds that deferral of the effective date of the said amendment pursuant to the provisions of § 508.14 of the general regulations of the Federal Home Loan Bank Board (12 CFR 508.14) and 5 U.S.C. 553(d) is not required, and the Board provides that the said amendment shall be effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,
Secretary.

[F.R. Doc. 67-8804; Filed, July 27, 1967; 8:49 a.m.]

[No. 20,758]

PART 544—CHARTER AND BYLAWS

Age Limitation on Officers

JULY 20, 1967.

Resolved that the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of amending § 544.6 of the rules and regulations for the Federal Savings and Loan System (12 CFR 544.6), to permit Federal savings and loan associations to provide an age limitation applicable to the officers of such associations, and for the purpose of effecting such amendment hereby amends said § 544.6 by adding, immediately after paragraph (h), a new paragraph, paragraph (i), to read as follows, effective August 28, 1967:

§ 544.6 Amendment to bylaws.

* * * * *

(i) *Age limitation on officers.* Except as provided herein, no person shall be eligible for election, reelection, appointment or reappointment to the board of directors of the association who is more than (fill in any age from 65 to 70) years of age. Unless otherwise provided by the board of directors by resolution, the provisions of this paragraph shall not be applicable to any person who has served continuously as an officer of the association from and after (date of adoption) until that person has been reelected to another full or partial term as an officer of the association.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

Resolved further that, since the foregoing amendment is designed merely to provide a uniform format for an optional bylaw provision establishing an age limitation for officers, the Board finds that notice and public procedure on said amendment are unnecessary under the provisions of § 508.12 of the general regulations of the Federal Home Loan Bank Board (12 CFR 508.12) and 5 U.S.C. 553.3(b), and for the same reason, the Board hereby finds that deferral of the effective date of the said amendment pursuant to the provisions of § 508.14 of the general regulations of the Federal Home Loan Bank Board (12 CFR 508.14) and 5 U.S.C. 553(d) is not required, and the Board provides that the said amendment shall be effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,
Secretary.

[F.R. Doc. 67-8805; Filed, July 27, 1967; 8:50 a.m.]

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[No. 20,757]

PART 561—DEFINITIONS

Scheduled Items

JULY 20, 1967.

Resolved that, notice and public procedure having been duly afforded (32 F.R. 7026) and all relevant material presented or available having been considered by it, the Federal Home Loan Bank Board hereby amends § 561.15 of the rules and regulations for Insurance of Accounts (12 CFR § 561.15), by revising paragraph (c) of said section to read as follows, effective August 28, 1967.

§ 561.15 Scheduled items.

* * * * *

(c) The total amount invested in real estate owned as a result of foreclosure, or acquired by deed in lieu of foreclosure, other than real estate owned pending transfer to an insuring or guaranteeing agency of the U.S. Government.

* * * * *

(Sec. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726, Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,
Secretary.

[F.R. Doc. 67-8806; Filed, July 27, 1967; 8:50 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 67-174]

PART 16—LIQUIDATION OF DUTIES

Countervailing Duties; Sugar Content of Certain Articles From Australia

The following information is published pursuant to T.D. 54582 dated April 29, 1958 (23 F.R. 3034).

The Treasury Department is in receipt of official information that the rates of bounties or grants paid or bestowed by the Australian Government within the meaning of section 303, Tariff Act of 1930 (19 U.S.C. 1303), on the exportation during the first 6 months of 1967 of approved fruit products and other approved products containing sugar are the amounts set forth in the following table:

MERCHANDISE—APPROVED FRUIT PRODUCTS AND OTHER APPROVED PRODUCTS

1967	*Net amount of bounty per 2,240 lbs. of sugar content*
	Aus.
January	$102.80
February	109.20
March	92.20
April	96.80
May	81.70
June	75.90

The net amounts of bounties or grants on the above-described commodities which are manufactured or produced in Australia are hereby ascertained, determined, and declared to be the amounts set forth in the above table. Additional duties on the above-described commodities, except those commodities covered by T.D. 55716 (27 F.R. 9595), whether imported directly or indirectly from that country, equal to the appropriate net amount of the bounty shown in the above table shall be assessed and collected.

The table in § 16.24(f) of the Customs Regulations is amended by inserting after the last line under "Australia—Sugar content of certain articles" the number of this Treasury decision in the column headed "Treasury Decision" and the words "New rates" in the column headed "Action." Since it has been determined that the retention of references to Treasury decisions publishing countervailing duty orders for a longer period than 1 year serves no real need (T.D. 56258, 29 F.R. 12961), the table is further amended by deleting therefrom under "Australia—Sugar content of certain articles" the number 66–257 in the column headed "Treasury Decision" and the words "New rates" appearing opposite such number in the column headed "Action."

(R.S. 251, secs. 303, 624, 46 Stat. 687, 759; 19 U.S.C. 66, 1303, 1624)

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved: July 20, 1967.

TRUE DAVIS,
Assistant Secretary of the Treasury.

[F.R. Doc. 67-8790; Filed, July 27, 1967; 8:48 a.m.]

Title 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 2—GENERAL REGULATIONS

PART 70—EXAMINATION AND COPYING OF LABOR DEPARTMENT DOCUMENTS

Pursuant to authority in 5 U.S.C. 301, 552, 559, 65 Stat. 290, and in Reorganization Plan No. 6 of 1950 (3 CFR, 1949–53 Comp., p. 1004), 29 CFR Part 2 is revised and 29 CFR Part 70 is established to read as set out below. As the changes made by this document relate solely to interpretative rules, general statements of policy, and to rules of agency procedure and practice, neither notice of proposed rule making nor public participation therein is required by 5 U.S.C. 553. Since the changes made by this document either relieve restriction or they are interpretative rules, no delay in effective date is required by 5 U.S.C. 553(d). I do not believe such participation or such delay would serve a useful purpose here. These rules shall, therefore, be effective immediately.

1. The new 29 CFR Part 70 reads as follows:

Sec.
70.1 Scope and purpose.
70.2 Labor Department documents which may be inspected and copied.
70.3 Documents exempt from disclosure.
70.4 Procedure for disclosure.
70.5 Indices.
70.6 Copies.
70.7 Withdrawal of originals.
70.8 Availability of documents containing statistical information or information concerning labor-management relations.
70.9 Officers authorized to sign and issue certificates of authentication.

AUTHORITY: The provisions of this Part 70 issued under 5 U.S.C. 301, 552, 559; 65 Stat. 290; Reorganization Plan No. 6 of 1950 (3 CFR, 1949–53 Comp., p. 1004), unless otherwise noted.

§ 70.1 Scope and purpose.

This Part 70 provides the regulations implementing section 3 of the Administrative Procedure Act as revised by the Act of July 4, 1966 (P.L. 89–487, 80 Stat. 250), requiring disclosure of certain information. It also implements the policy of the Department of Labor to disclose all other information on request so far as is compatible with the discharge of its responsibilities.

§ 70.2 Labor Department documents which may be inspected and copied.

(a) Except as to documents exempted from disclosure pursuant to § 70.3, any person may inspect and copy any document in the possession and custody of the U.S. Department of Labor in accordance with the procedure provided in § 70.4.

(b) To the extent required to prevent a clearly unwarranted invasion of personal privacy, the custodian may delete identifying details when he makes available or publishes an opinion, statement of policy, interpretation, or staff manual or instruction, provided that in every case the justification for the deletion is fully explained in writing.

§ 70.3 Documents exempt from disclosure.

The officer authorized to disclose a document as provided in § 70.4(b) may decline to disclose matters that are: (a) specifically required by Executive order to be kept secret in the interest of national defense or foreign policy; (b) related solely to the internal personnel rules and practices of any administration, bureau, or office of the Department of Labor; (c) specifically exempted from disclosure by statute; (d) trade secrets and commercial or financial information obtained from any person and privileged or confidential; (e) interagency or intra-agency memoranda or letters; (f) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and (g) investigatory files compiled for law enforcement purposes. Such officer may, nonetheless, make any such document, other than those referred to in paragraph a of this section or specifically required by statute to be kept secret, available for inspection and copying, if he determines that such availability furthers the public interest and does not impede the discharge of any of the functions of the Labor Department.

§ 70.4 Procedure for disclosure.

(a) *Request.* Any person who desires to exercise the right to inspect or copy any document as provided in § 70.2(a) shall make a written request to the administration, bureau, or office of the Department of Labor which has custody of the document he desires to inspect or copy. The request shall be directed to the chief of the administration, bureau, or office unless the document is in the custody of one of its field offices. If the document is in the custody of a field office, the request shall be directed to the chief of the regional office (or, if there are no regional offices, the chief of the highest field office) which has custody of the document or supervisory authority over the field office which has such custody. The administrations, bureaus, and offices referred to are: Office of the Secretary of Labor; Office of the Solicitor; Office of Information, Publications and Reports; Office of Federal Contract Compliance (EEO); Office of the Plans for Progress; Employees' Compensation Appeals Board; Labor-Management Services Administration; Manpower Administration; Wage and Labor Standards Administration; Bureau of International Labor Affairs; Bureau of Labor Statistics. For this purpose only, the Chief of the Office of the Secretary shall be considered to be the Assistant Secretary for Administration; and the Chief of the Office of the Solicitor shall be considered to be the Deputy Solicitor. The organization of the Department of Labor, its principal officers, and addresses of its regional and other field offices are found in the "U.S. Government Organization Manual," published annually by the Office of the Federal Register, and available for purchase from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. The request shall identify the document with the symbols provided for it in the index referred to in § 70.5, unless the request is by mail or the document is not referred to in such index, in which case the request shall identify the document as fully as is possible by reference to subject matter, dated, author, addressee, and otherwise so as to permit its convenient selection from among the many documents likely also to be in the possession and custody of the officer to whom the request is directed.

(b) *Action on request.* Except with respect to matters specifically required by Executive order to be kept secret in the interest of national defense or foreign policy and with respect to matters specifically required by statute to be kept secret, the officer to whom the request is made has authority to grant it to the extent that he is able to find the document described in his possession or custody. Such action shall not be subject to review. He may deny the request to the extent such denial is authorized by § 70.3. In any event, he must either grant or deny the request promptly after he is able to ascertain whether the document is in his possession or custody. Should he deny the request, the person making the request may present the matter to the Solicitor of Labor if he feels that he has a right to inspect or copy the document under the terms of this Part 70 or section 3 of the Administrative Procedure Act. Such presentation may contain such data, views, and argument as the person presenting it considers pertinent and helpful. The officer denying the request shall, either at the request of the person making the initial request or at the request of the Solicitor of Labor, transmit the original request to the Solicitor of Labor. The Solicitor shall review the matter and submit a recommendation for disposition of the request to the Under Secretary of Labor. The decision of the Under Secretary shall be the final one for the Department of Labor.

§ 70.5 Indices.

Each officer identified in § 70.4(a) shall maintain and make available for public inspection and copying a current index providing identifying information for the public as to any material in his possession and custody which is issued, adopted, or promulgated by him after July 4, 1967, which is a final opinion (including concurring and dissenting opinions) or an order made in the adjudication of a case, a statement of policy or interpretation which has been adopted by him and not published in the FEDERAL REGISTER, or administrative staff manual or instruction that affects any member of the public. Each such officer shall forward a copy of each page of his index (including information as to pages which have become obsolete) to the Assistant Secretary of Labor for Administration in the Main Labor Building, 14th Street and Constitution Avenue NW., Washington, D.C., who will serve as central repository for, and make available for public inspection, all such indices compiled by such officers.

§ 70.6 Copies.

(a) *Made by the requesting party.* Persons whose requests for permission to examine documents are approved under § 70.4 will, on request, be provided facilities for making manual copies of such documents.

(b) *Made by the Department of Labor.* Any document which has been released for inspection pursuant to § 70.4 will be copied by the Department of Labor on the request and at the expense of the requesting party. Except for copies duplicated for distribution for no fee and except as otherwise provided in § 70.8(b), the fee of 25 cents will be charged for each facsimile page reproduction in a maximum size of 10½" x 15½". Where such copying by the Department of Labor at the expense of the requesting person is requested, the request filed pursuant to § 70.4 may be by mail. In such case, such postal fees in excess of domestic first-class postal rates as are necessary for the type of transmittal of copies requested will be added to the per-page fee specified, unless appropriate stamps or stamped envelopes are furnished with the request.

§ 70.7 Withdrawal of originals.

No document or other paper in the possession and custody of the Department of Labor, or of any administration, bureau, office, or officer thereof, shall on any occasion be taken or withdrawn by any agent, attorney, or other person not officially connected with the Department; no exception will be made without the written consent of the Secretary or the Solicitor of Labor.

§ 70.8 Availability of documents containing statistical information or information concerning labor-management relations.

(a) The documents described in subparagraphs (1) and (2) of this paragraph are in the possession and custody of the offices indicated below. The right of inspection and copying provided in this Part 70 may be exercised at such offices.

(1) *Bureau of Labor Statistics.* Collective bargaining agreements and other available agreements and actions thereunder settling or adjusting labor disputes, maintained by the Department of Labor pursuant to section 211(a) of the Labor-Management Relations Act of 1947 (61 Stat. 156; 29 U.S.C. 181); other available statistical information, tables, studies, and reports, collected, collated, and published or reported by the Bureau of Labor Statistics pursuant to the provisions of Title 29, Chapter I of the United States Code. As required by the governing statute and as provided in § 70.3, requests to inspect or copy any such document shall be denied with respect to any specific information submitted to the Department in confidence.

ADDRESS

U.S. Department of Labor, Bureau of Labor Statistics, General Accounting Office, 441 G Street NW., Washington, D.C. 20212.

(2) *Office of Labor-Management and Welfare-Pension Reports.* (i) Copies of the descriptions of welfare or pension benefit plans, amendments or modifications thereto, and entire or individual pages of annual financial reports thereon, filed pursuant to section 8(b) of the Welfare and Pension Plans Disclosure Act (72 Stat. 1002, 29 U.S.C. 307).

(ii) Data and information contained in any report or other document filed pursuant to sections 201, 202, 203, 211, and 301 of the Labor-Management Reporting and Disclosure Act of 1959 (73 Stat. 524–528, 530, 79 Stat. 888; 29 U.S.C. 431–433, 441, 461).

(iii) The contents of reports and documents filed pursuant to subsections 9 (f) and (g) of the National Labor Relations Act, as amended (61 Stat. 143; 29 U.S.C. 159; 73 Stat. 575) prior to the repeal of those subsections.

ADDRESS

U.S. Department of Labor, Office of Labor-Management and Welfare-Pension Reports, Public Documents Room, 6701 Georgia Avenue, Silver Spring, Md. 20910.

(b) Upon request of the Governor of a State for copies of any reports or documents available under paragraph (a)(2) of this section or for information and data contained therein, which have been filed by any person whose principal place of business or headquarters is in such State, the Office of Labor-Management and Welfare-Pension Reports shall:

(1) Make available without payment of a charge to the State agency designated by law or by such Governor, such requested copies or information and data, or;

(2) Require the person who filed such reports or documents, to furnish such copies or information and data directly to the State agency thus designated.

(61 Stat. 156, 72 Stat. 1002, 73 Stat. 520, 530; 29 U.S.C. 181, 307, 438, 461)

§ 70.9 Officers authorized to sign and issue certificates of authentication.

Authority is hereby given to any officer or officers of the Department of Labor designated as Authentication Officer or officers of said Department to sign and issue certificates of authentication under the seal of the Department of Labor. The form of authentication shall be as follows:

I hereby certify, that _____ who signed the foregoing attestation, is now and was at the time of signing (title) _____ and has legal custody of the official documents of the U.S. Department of Labor therein attested and that full faith and credit should be given to his act as such.

In witness whereof, I _____ duly designated by the Secretary of Labor as Authentication Officer of the Department of Labor, have hereunto subscribed my name and caused the seal of the Department of Labor to be affixed this _____ day of _____ 19__.

_____
(Authentication Officer, Department of Labor)

2. The revised 29 CFR Part 2 reads as follows:

Sec.
2.1 Employees attached to regional offices.
2.2 Employees attached to Washington office.
2.3 Consent of the Secretary.
2.4 Bureau of Labor Statistics.
2.5 Claims under the Federal Tort Claims Act for loss of or damage to property or for personal injury or death.

AUTHORITY: The provisions of this Part 2 issued under 5 U.S.C. 301, unless otherwise noted.

§ 2.1 Employees attached to regional offices.

No person who has been an employee of the Department and attached to a Regional office of any bureau, board, division, or other agency thereof, shall be permitted to practice, appear, or act as attorney, agent, or representative before the Department or any branch or agent thereof in connection with any case or administrative proceeding which was pending before such Regional office during the time of his employment with the Department, unless he shall first obtain the written consent thereto of the Secretary of Labor or his duly authorized representative.

§ 2.2 Employees attached to Washington office.

No person who has been an employee of the Department and attached to the Washington office of any bureau, board, division, or other agency thereof, shall be permitted to practice, appear, or act as attorney, agent, or representative before the Department or any branch or agent thereof, in connection with any case or administrative proceeding pending before such bureau, board, division, or other agency during the time of his employment with the Department, unless he shall first obtain the written consent thereto of the Secretary of Labor or his duly authorized representative.

§ 2.3 Consent of the Secretary.

The consent of the Secretary or his duly authorized representative may be obtained as follows:

The applicant shall file an application in the form of an affidavit. Such application, directed to the Secretary should:

(a) State the former connection of the applicant with the Department;

(b) Identify the matter in which the applicant desires to appear, and

(c) Contain a statement to the effect that the applicant gave no personal consideration to such matter while he was an employee of the Department.

The application will be denied if the statements contained therein are disproved by an examination of the files, records, and circumstances pertaining to the matter, or if, in the opinion of the Secretary or his duly authorized representative, the public interest so requires. If the Secretary or his duly authorized representative is satisfied that the applicant gave no personal consideration to the matter in question while employed by the Department, and if he is satisfied that it is lawful and consistent with the public interest to do so, he may grant his consent, in writing, to the request of the applicant, subject to such conditions, if any, as he deems necessary and desirable. Any function of the Secretary under this section may be performed by the Under Secretary of Labor.

§ 2.4 Bureau of Labor Statistics.

(a) No investigator, statistician, economist, or other officer or employee of the Bureau of Labor Statistics shall testify on behalf of any party at any cause pending in any court or before any board, commission, or other administrative agency of the United States or of any State, Territory or the District of Columbia, with respect to any information, facts or other matter entrusted to him in confidence in such a manner as to reveal the identity of the person, firm, or corporation to whom the information, facts or other matters pertain, whether in answer to a subpoena or otherwise.

(b) Whenever any subpoena shall have been served upon any such investigator, statistician, economist, or other officer or employee of the Bureau of Labor Statistics, he will, unless otherwise expressly directed, appear in court in answer thereto and respectfully decline to give the testimony called for, on the ground of being prohibited therefrom by the regulations of the Labor Department.

(c) No exceptions will be made without the written consent of the Secretary.

§ 2.5 Claims under the Federal Tort Claims Act for loss of or damage to property or for personal injury or death.

Pursuant to 28 U.S.C. 2672, any claim under the Federal Tort Claims Act for loss of or damage to property or on account of personal injury or death, in an amount of $25,000 or less, caused by the negligent or wrongful act or omission of any employee of the Department of Labor while acting within the scope of his office or employment under circumstances where the United States, if a private person, would be liable to the claimant for such damage, loss, injury, or death in accordance with the law of the place where the act or omission occurred may be presented in writing to the Solicitor of Labor, U.S. Department of Labor, Washington 25, D.C., or to any regional or branch office of the Solicitor, by the claimant in his own right or through an attorney at any time within 2 years after such claim has accrued. If the claim is presented through an attorney, such presentation should be accompanied by duly authenticated powers of attorney.

Each claim presented should include a sworn detailed statement of the facts and such affidavits, vouchers, bills, and other documents as the claimant deems appropriate for the proper determination of his claim. If, after investigation, the Solicitor determines on the basis of all the evidence that compensation is due the claimant under the Federal Tort Claims Act, the amount so found, together with such reasonable attorney's fees as may be allowed, will be paid by the Secretary of Labor.

(Interpret or apply 28 U.S.C. 2672)

Signed at Washington, D.C., this 24th day of July 1967.

W. WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 67-8786; Filed, July 27, 1967; 8:48 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Waubay National Wildlife Refuge, S. Dak.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

SOUTH DAKOTA

WAUBAY NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Waubay National Wildlife Refuge, S. Dak., is permitted only on the area designated by signs as open to hunting. This area, comprising 4,591 acres, is delineated on a map available at refuge headquarters, Waubay, S. Dak., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following conditions:

(1) Firearms season—November 25, 1967 through December 3, 1967, both dates inclusive.

(2) Hunting with bows and arrows is not permitted.

(3) Hunters will not be allowed to drive on refuge-maintained trails but may park their vehicles and hunt on foot.

(4) All deer taken on the refuge must be checked in at a designated checking station.

The provisons of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 3, 1967.

ROBERT R. JOHNSON,
Refuge Manager, Waubay National Wildlife Refuge, Waubay, S. Dak.

JULY 21, 1967.

[F.R. Doc. 67-8750; Filed, July 27, 1967; 8:45 a.m.]

PART 33—SPORT FISHING

Waubay National Wildlife Refuge, S. Dak.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

SOUTH DAKOTA

WAUBAY NATIONAL WILDLIFE REFUGE

Sport fishing on the Waubay National Wildlife Refuge, S. Dak., is permitted only on the areas designated by signs as open to fishing. This open area, comprising 320 acres or 16 percent of the total water areas of the refuge, is delineated on a map available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Northern pike, perch, bullheads, and other minor species permitted by State regulations.

(b) Open season: Daylight hours from December 1, 1967, through February 28, 1968.

(c) Daily creel limits: Northern pike—8; perch—50; bullheads—50; creel limits for other minor species are as prescribed by State regulations.

(d) Methods of fishing:

1. Tackle—anglers may use a maximum of two lines, and a maximum of three hooks on each line. Artificial lures constitute one hook, regardless of the number of gang hooks attached.

(e) Other provisions:

1. The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

2. A Federal permit is not required to enter the public fishing area.

3. The provisions of this special regulation are effective through February 28, 1968.

ROBERT R. JOHNSON,
Refuge Manager, Waubay National Wildlife Refuge, Waubay, S. Dak.

JULY 21, 1967.

[F.R. Doc. 67-8751; Filed, July 27, 1967; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[8 CFR Part 204]

PETITION TO CLASSIFY ALIEN AS IMMEDIATE RELATIVE OF U.S. CITIZEN OR AS PREFERENCE IMMIGRANT

Preadoption Requirements in Orphan Cases; Withdrawal of Proposed Rule Making

Reference is made to the notice of proposed rule making which was published in the FEDERAL REGISTER on May 2, 1967 (32 F.R. 6781), pertaining to the proposed amendment to § 204.3(e)(2) relating to the preadoption requirements in orphan cases. On July 4, 1967, there was published in the FEDERAL REGISTER (32 F.R. 9616) a statement to the effect that that proposed amendment was still under consideration. Several representations received regarding that proposed amendment were considered. It has been determined that that amendment will not be adopted.

Dated: July 24, 1967.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 67-8753; Filed, July 27, 1967; 8:45 a.m.]

POST OFFICE DEPARTMENT

[39 CFR Part 154]

CONDITIONS OF DELIVERY

Delivery to Mail Receiving Agency

Notice is hereby given of proposed rule making consisting of a revision to paragraph (a)(2) in § 154.2 of Title 39, Code of Federal Regulations. The proposed revision to paragraph (a)(2) would clarify conditions under which mail is to be delivered to a mail receiving agency.

Although the procedures in 39 CFR Part 154 relate to a proprietary function of the Government, it is the desire of the Postmaster General voluntarily to observe the rule making requirements of the Administrative Procedure Act (5 U.S.C. 553) in order that patrons of the Postal Service may have an opportunity to submit written data, views, and arguments concerning the proposed revisions. Such written comments may be submitted to the Director, Classification and Special Services Division, Bureau of Operations, Post Office Department, Washington, D.C. 20260 at any time prior to the 30th day following the date of publication of this notice in the FEDERAL REGISTER.

Accordingly, it is proposed that paragraph (a)(2) of § 154.2 read as follows:

§ 154.2 Delivery of addressee's mail to another.

(a) *Delivery to addressee's agent.* • • •

(2) When mail is to be delivered to a commercial mail receiving agency, Form 1583, "Application for Delivery of Mail Through Agent," must be signed by both the commercial agent and the addressee. The original of the completed Form 1583 must be filed with the postmaster and a duplicate copy of the completed Form 1583 must be kept on file by the commercial agency. In consideration of delivery of the mail to the commercial agent, the addressee and the agent are deemed to agree that:

(i) No change of address order will be filed with the post office when the agency relationship is terminated;

(ii) The forwarding of mail intended for the addressee is the responsibility of the agent; and,

(iii) When remailed by the commercial agent, the mail is subject to payment of new postage since delivery is deemed to have been made when the mail was delivered to the commercial agent.

• • • • •

NOTE: The corresponding Postal Manual section is 154.212.

(5 U.S.C. 301, 39 U.S.C. 501)

TIMOTHY J. MAY,
General Counsel.

JULY 24, 1967.

[F.R. Doc. 67-8754; Filed, July 27, 1967; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 953]

IRISH POTATOES GROWN IN SOUTHEASTERN STATES

Expenses and Rate of Assessment

Consideration is being given to the approval of the expenses and rate of assessment, hereinafter set forth, which were recommended by the Southeastern Potato Committee established pursuant to Marketing Agreement No. 104 and Order No. 953 (7 CFR Part 953). This marketing order regulates the handling of Irish potatoes grown in certain designated counties of Virginia and North Carolina effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

All persons who desire to submit written data, views, or arguments in connection with these proposals shall file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 15th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

§ 953.204 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the Southeastern Potato Committee, established pursuant to Marketing Agreement No. 104 and Order No. 953 to enable such committee to perform its functions pursuant to the provisions of the aforesaid agreement and order during the fiscal period ending October 31, 1967, will amount to $3,900.

(b) There shall be no assessments charged during said fiscal period.

(c) Terms used in this section shall have the same meaning as when used in Marketing Agreement No. 104 and this part.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 24, 1967.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-8810; Filed, July 27, 1967; 8:50 a.m.]

[7 CFR Part 967]

CELERY GROWN IN FLORIDA

Marketable Quantity for 1967–68 Season; Uniform Percentage; and Limitation on Handling

Notice is hereby given that the Secretary of Agriculture is considering the approval of a limitation of shipments regulation, hereinafter set forth, which was recommended by the Florida Celery Committee, established pursuant to Marketing Agreement No. 149 and Order No. 967 (7 CFR Part 967) regulating the handling of celery grown in Florida. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit written data, views, or arguments in connection with this proposal should file the same, in quadruplicate, with the Hearing Clerk, Room 112-A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than the 15th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office

of the Hearing Clerk during regular business hours (7 CFR 1.27(b)). The proposal is as follows:

§ 967.303 Marketable quantity for 1967–68 season; uniform percentage; and limitation on handling.

(a) The Marketable Quantity for the 1967–68 season is established, pursuant to § 967.36(a), as 7,837,375 crates.

(b) As provided in § 967.38(a), the Uniform Percentage for the 1967–68 season is determined as 84.231 percent.

(c) During the season August 1, 1967, through July 31, 1968, no handler may handle, as provided in § 967.36(b)(1), any harvested celery unless it is within the Marketable Allotment for the producer of such celery.

(d) It is determined that pursuant to § 967.37(d), no reserve for Base Quantities for the 1967–68 season is established.

(e) Terms used herein shall have the same meaning as when used in the marketing agreement and order.

Dated: July 25, 1967.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-8811; Filed, July 27, 1967; 8:50 a.m.]

[7 CFR Part 967]

DOMESTIC DATES PRODUCED OR PACKED IN CALIFORNIA

Expenses of Date Administrative Committee and Rate of Assessment for 1967–68 Crop Year

Notice is hereby given of a proposal regarding expenses of the Date Administrative Committee for the 1967–68 crop year and rate of assessment for that crop year, pursuant to §§ 987.71 and 987.72 of the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987), regulating the handling of domestic dates produced or packed in a designated area of California. The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The Date Administrative Committee has unanimously recommended for the 1967–68 crop year beginning August 1, 1967, a budget of expenses in the total amount of $36,970 and an assessment rate of 8 cents per hundred pounds of assessable dates. Expenses in that amount and the assessment rate are specified in the proposal hereinafter set forth. The assessable poundage is estimated by the Committee at 33.712 million pounds.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the eighth day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is as follows:

§ 987.312 Expenses of the Date Administrative Committee and rate of assessment for the 1967–68 crop year.

(a) *Expenses.* Expenses in the amount of $26,970 are reasonable and likely to be incurred by the Date Administrative Committee during the crop year beginning August 1, 1967, for its maintenance and functioning and for such other purposes as the Secretary may, pursuant to the applicable provisions of this part, determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment for that crop year which each handler is required, pursuant to § 987.72, to pay to the Date Administrative Committee as his pro rata share of the expenses is fixed at 8 cents per hundredweight on all dates he has certified during the crop year as meeting the requirements for marketable dates, including the eligible portion of any field-run dates certified and set aside or disposed of pursuant to § 987.45(f).

Dated: July 24, 1967.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-8812; Filed, July 27, 1967; 8:50 a.m.]

[7 CFR Part 987]

DOMESTIC DATES PRODUCED OR PACKED IN CALIFORNIA

Free and Restricted Percentages and Withholding Factors for 1967–68 Crop Year

Notice is hereby given of a proposal to establish, for the 1967–68 crop year beginning August 1, 1967, free and restricted percentages and withholding factors applicable to marketable dates of the Deglet Noor, Zahidi, Halawy, and Khadrawy varieties. The proposed percentages and withholding factors would be established in accordance with the provisions of the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987), regulating the handling of domestic dates produced or packed in a designated area of California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposal was recommended by the Date Administrative Committee.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the eighth day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Estimates pertinent to the establishment of such proposed percentages and withholding factors are as follows:

Factors	Deglet Noor	Zahidi	Halawy	Khadrawy
		1,000 pounds		
1. Unacertified handler carry-over (July 31, 1967)	13,400	363	55	51
2. Production of marketable dates (1967–68 crop year)	31,026	1,517	231	336
3. Total available supply of marketable dates subject to regulation	47,026	2,080	286	386
4. Trade demand [1]	21,250	1,200	111	426
5. Plus: Allowance for handler carry-over (July 31, 1968)	13,300	220	10	50
6. Less: Certified handler carry-over (July 31, 1967)	4,017	22	26	86
7. Requirements for free dates	30,533	1,398	295	390
8. Marketable dates in excess of requirements for free dates (item 3 minus 7)	16,502	575	(2)	(1)

[1] The Date Administrative Committee included no countries other than the United States and Canada in its determination of trade demand.

On the basis of the foregoing estimates, free and restricted percentages and a withholding factor for Deglet Noor dates of 65 percent, 35 percent, and 53.8 percent, respectively, and for Zahidi dates of 72 percent, 28 percent, and 38.9 percent, respectively, appear to be appropriate for the 1967–68 crop year.

For the Halawy variety and also the Khadrawy variety, the estimated total available supply of marketable dates subject to regulation approximates the estimated requirements for free dates. A free percentage of 100 percent, therefore, is proposed for each variety.

The proposal is as follows:

§ 987.215 Free and restricted percentages, and withholding factors.

The various free percentages, restricted percentages, and withholding factors applicable to marketable dates of each variety shall be, for the crop year beginning August 1, 1967, and ending July 31, 1968, as follows: (a) Deglet Noor variety dates: Free percentage, 65 percent; restricted percentage, 35 percent; and withholding factor, 53.8 percent; (b) Zahidi variety dates: Free percentage, 72 percent; restricted percentage, 28 percent; and withholding factor, 38.9 percent; (c) Halawy variety dates: Free percentage, 100 percent; restricted percentage, 0 percent; and withholding factor, 0 percent; and (d) Khadrawy variety dates: Free percentage, 100 percent; restricted percentage, 0 percent; and withholding factor, 0 percent.

Dated: July 24, 1967.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-8813; Filed, July 27, 1967; 8:50 a.m.]

[7 CFR Part 1004]

[Docket No. AO 160-A84]

MILK IN DELAWARE VALLEY MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Delaware Valley marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the 3d day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Philadelphia, Pa., on June 12–13, 1967, pursuant to notice thereof which was issued on May 29, 1967 (32 F.R. 7976), and supplemental notice issued on June 2, 1967 (32 F.R. 8176).

The material issues on the record of the hearing relate to:

1. Providing a base and excess plan for payment of producers and need for emergency action with respect to this plan.

2. Diversions of milk to other Federal order plants for Class II use.

3. Modification of the point of pricing of diverted milk.

4. Shipping requirements for supply plants to attain pool plant status.

A recommended decision (32 F.R. 9836) has been issued dealing with Issue No. 1. This recommended decision deals with each of the remaining issues.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

Issue No. 2. Diversion of milk to other Federal order plants for Class II use. The order should be amended to permit producer milk to be diverted to an other Federal order plant for Class II use by agreement if such milk would not acquire producer status under the other order in view of its status under this order.

Under the individual-handler pooling arrangement which was effective prior to June 1 diversions were not restricted since each handler was in a position to add or release producers to accommodate his particular operation. If the handler's blend price became unfavorable compared to that of other handlers with whom he competed in procurement, he would likely lose his better producers to other handlers. Therefore, there was little likelihood that any handler would increase his producer receipts solely for the purpose of obtaining a supply of milk for manufacturing uses.

With the recent change to marketwide pooling certain diversion privileges were provided to permit the efficient handling of the market's necessary reserve. It was concluded, however, that milk moved directly from the farm to an other Federal order plant appropriately should not acquire producer milk status under this order, since under Federal orders generally milk received directly from the farm at a pool plant is accorded producer milk status in the receiving market. Therefore, no provision was made in the Delaware Valley order for diversions to plants regulated under other Federal orders.

Prior to the June 1 effective date of the amended order Inter-State Milk Producers' Cooperative, Inc., requested a hearing to consider modification of the diversion provisions in light of changes in the market structure and also requested that suspension action be taken to permit diversions to other order plants pending consideration of their proposals to modify the provisions. The requested suspension was taken effective June 1, 1967 (32 F.R. 8063).

A primary outlet for reserve milk normally received at city bottling plants and not needed for fluid use is the Laurel, Md., plant of the Maryland and Virginia Milk Producers Association, a Washington, D.C., order pool plant. Under that order, milk delivered to the Laurel plant for the account of a cooperative with no producer-members delivering to other Washington order pool plants is designated as "dairy farmer for other markets" (other source) milk. Such milk may not acquire producer milk status under the Washington order. Thus, unless the Delaware Valley order permits diversion of producer milk to such a plant, milk so moved would be denied pooling status under either order. However, the more likely result would be that Delaware Valley cooperatives would find it impractical to use the Laurel plant as an outlet for reserve milk supplies.

To better accommodate the handling of reserve milk, Inter-State Milk Producers' Cooperative, Inc., proposed that the order be amended to permit the diversion of producer milk to an other Federal order plant for manufacturing uses under an agreed Class II classification.

The suspension previously referred to permits milk diverted to other order plants to be pooled under the Delaware Valley order. However, it leaves unresolved the status of milk diverted from Delaware Valley pool plants to other Federal order pool plants when both orders would treat the diverted milk as producer milk. The orderly and efficient handling of the reserve milk in the market may at times require the direct movement of milk of individual producers to nonpool plants. The direct movement from the farm to the plant of ultimate disposition avoids the expense and handling which would otherwise result if the milk were first delivered to the pool plant where normally received and then transferred to the nonpool plant. When such movements are to unregulated plants or for manufacturing uses to other Federal order plants, they should be treated as diversions if so requested by the responsible handler.

When milk is diverted to unregulated plants or for Class II use to an other Federal order plant and is not mandatorily producer milk under the terms of the other order it can reasonably be presumed to be a part of the diverting market's reserve milk supply. Such diverted milk from Delaware-Valley pool plants should appropriately be pooled as producer milk under the Delaware Valley order.

By requiring a Class II agreement between the diverting and receiving handlers when milk is diverted to other order plants the possibility of any portion of the milk being assigned to Class I will be minimized. However, in the event that the receiving handler does not have sufficient Class II utilization to cover the requested Class II assignment, a portion of the milk so moved would necessarily be assigned to Class I. In such a situation, it can no longer be reasonably presumed that the diverted milk is in fact a part of the Delaware Valley reserve supply. When part or all of the milk so moved is used for fluid purposes in the receiving plant, the milk obviously is needed for fluid use in the receiving market and appropriately should be considered a part of that market's fluid supply.

In addition to the above conclusions it is appropriate in this decision to remove the obvious misunderstanding evidenced in the first month of operation under the amended order with respect to the Assistant Secretary's conclusion relative to the application of the producer definition when milk is received from Order 2 pool bulk tank units.

In his decision of April 7, 1967, the Assistant Secretary stated: "Under the New York-New Jersey order a dairy farmer may have status as a producer by virtue of being included as a part of a designated pool bulk tank unit. In such event the fact that the milk of such dairy farmer was moved directly from the farm to a Delaware Valley pool plant would not change its status as producer milk under the New York-New Jersey order." He concluded: "It is necessary therefore to exclude from the producer definition a dairy farmer whose milk is received directly at a pool plant and who notwithstanding his status under this order would nevertheless be a producer under another Federal order with respect to such milk."

After the initial month of operation under the amended order it is apparent that some handlers have misinterpreted these conclusions as intended to permit continuing pool milk status under Order 2 of pool bulk tank unit milk which is received directly at a Delaware Valley pool plant. In this regard official notice is taken of §§ 1002.17(d), 1002.25(c)(2), and 1002.25(d) of the New York-New Jersey order which clearly provide that pool unit milk which is received at an other order plant and which meets the producer milk definition under such other order will not be included as pool milk under the New York-New Jersey order. Accordingly, such milk clearly does not come within the exception noted by the Assistant Secretary in his decision since its producer status under this order would be recognized by the New York-New Jersey market administrator in administration of his order.

Issue No. 3 Modification of the point of pricing of diverted milk. Milk diverted from a Delaware Valley pool plant located within 45 miles of any one of the basing points specified in § 1004.52 to a nonpool plant or an other order plant located within 125 miles from the nearest of the basing points should be priced at the location of the diverting plant. Milk diverted from a plant within 45 miles of a basing point to a plant in excess of 125 miles distance from such point or from a pool plant located in excess of 45 miles of the nearest basing point to a plant at which a greater location adjustment credit is applicable should be priced at the latter location.

In his decision of April 7, 1967 (32 F.R. 5876) the Assistant Secretary concluded that diverted milk should be priced at the plant of physical receipt if a greater location adjustment credit was applicable at such plant location than at the location of the diverting plant. He found that "Unless this procedure is followed there is a strong incentive for any handler operating an unregulated manufacturing plant in the country to associate an excessive quantity of milk with city distributing plants and then regularly receive the milk at his manufacturing plant as diverted milk up to the limits allowed. Without appropriate safeguards distant producers then could receive the city blended price when, in fact, their milk was moving on an almost regular basis to a nearby manufacturing plant. Pricing diverted milk at the plant of physical receipt will tend to deter the association of milk intended solely for manufacturing uses and will insure that the pool will not subsidize transportation costs which, in fact, are not incurred."

Prior to the June 1 effective date of the amended order the principal cooperative representing producers on the market, also requested a hearing to consider a proposed modification of this provision which they contended was necessary to accommodate particular circumstances in the market. At the same time they requested suspension action to permit continued pricing of diverted milk at the location of the diverting plant pending full consideration of the matter at a hearing. This suspension was taken effective June 1, 1967 (32 F.R. 8063).

At the hearing the spokesman for the cooperative requested modification of the pricing provisions with regard to diverted milk in the manner herein adopted. In support of his position he pointed out that much of the producer milk on the market is directly associated with city bottling plants and regularly moves directly from the farm to city plants. By and large, milk associated with city plants has historically been closely correlated to the fluid needs of the market. For this reason the facilities for handling reserve milk at the city are very limited with the result that little if any transportation savings can be realized when producer milk must be diverted to available manufacturing facilities. In recognition of this fact suspension action was taken on June 1, 1967, with the result that diverted milk is currently being priced at the location of the diverting plant in all circumstances.

The Laurel, Md., plant previously referred to, as well as several other nonpool manufacturing plants in eastern and central Pennsylvania, all within 125 miles of Philadelphia, are the most potential outlets for the market's reserve milk supply associated with city bottling plant. The location of these manufacturing plants is such that no significant transportation savings result when milk is moved directly to such plants rather than to the city. Each of these plants is located beyond the 45-mile zone and a location differential would be applicable on any milk priced at their locations. Handlers' costs for Class II milk would be reduced 6 cents a hundredweight in most instances, whereas producers, whose milk was diverted, would receive from 23 to as much as 35 cents less per hundredweight for such milk than would otherwise be the case if the milk were priced at the location of the diverting plant.

The manufacturing facilities referred to above are not operated by fully regulated handlers. There is little likelihood that additional milk supplies would be associated with city plants for the purpose of providing additional supplies for manufacture at such plants. Since no significant transportation savings accrue when producer milk is diverted to such plants, there is no apparent reason why individual producers should be required to take a lesser price for their milk so diverted than they would otherwise receive when their milk is received at city plants. In fact, such a result would force on such individual producers the primary burden of carrying the necessary market reserve which burden appropriately should be equitably shared by all producers.

In order to avoid this burden individual producers would be impelled to seek outlets where their milk would not be diverted. The resulting changes in outlets would bring about uneconomical movements of this reserve milk and could create an unstable supply situation. Such a situation would interfere with maintaining the reserves necessary to assure that the Class I market will be adequately supplied at all times. Therefore, pricing such diverted milk at the location of the diverting plant is essential to assure continued orderly marketing of the Class I and necessary reserve milk which must be associated with plants located within the 45-mile area (the major Class I consumption area).

By pricing milk diverted from within 45 miles of a basing point to a plant beyond 125 miles, or from a pool plant beyond 45 miles to a more distant plant, at the plant of physical receipt, operators of distant manufacturing plants, several of whom are pool handlers, will be deterred from associating milk of distant producers with their city distributing plants and then regularly diverting it, up to allowable limits, to such manufacturing plants. In such situations substantial transportation savings are probable and such saving which would accrue to handlers, individual producers, or haulers, dependent on the marketing arrangement, should not be permitted at the expense of producers generally.

The operator of a nonpool manufacturing plant located at York, Pa., which is within 125 miles of Philadelphia contended that the pricing of milk herein adopted would result in his having to pay 6 cents per hundredweight more for any diverted milk that he might acquire from Delaware Valley pool than would have been the case under the order adopted by the Assistant Secretary in his decision of April 7, 1967. He further contended that the surplus pricing under the Delaware Valley order was not in appropriate alignment with the Upper Chesapeake Bay and Washington, D.C., orders.

The modifications herein adopted, in fact, reflect no change in the order prices from those which would have been applicable under Order 4 on milk which such plant operator might have acquired prior to June 1, 1967, or under the order, as suspended, since June 1. The basic level of Class II price was not an issue noticed for this hearing and if there is any problem with respect to interorder price alignment it appropriately should be considered at a hearing called for such purpose. In this regard official notice is taken of the fact that supplemental notice issued June 15, 1967 (32 F.R. 8720) makes this matter an issue for consideration at the joint hearing which opened in New York City on June 19, 1967, and which was later recessed until July 31, 1967.

Issue No. 4. Shipping requirements for supply plants. The pool supply plant definition should be amended to count as qualifying shipments, shipments to other order plants which meet prescribed performance standards (including route disposition in the marketing area) and to provide pool status for any plant meeting the prescribed shipping requirements if the qualifying shipments made to pool plants under this order exceed those made to pool plants under any other order. In addition provision should be made to insure pool plant status through October 1967 for any supply plant which has continuously been a fully regulated plant under the Delaware Valley order in the months of January 1967 to the effective date of this order, but which failed to meet the prescribed shipping requirements solely because greater qualifying shipments are made to other order plants.

On request of a cooperative association which has operated a fully regulated supply plant in the Delaware Valley market over an extended period of time, which plant could not meet applicable shipping requirements, the restrictions on shipments to other order plants were suspended for the months of June and July 1967. A proposal to modify the supply plant pooling requirements to accommodate the current operations of this supply plant was considered at the hearing.

Proponent contended that in view of the previous association of its plant with the Delaware Valley market it should not be denied pooling status under the amended order as long as the qualifying shipments of the plant were made to plants which had sufficient Class I distribution in the market to substantially offset such shipments even though the preponderance of such shipments were to Order 2 pool plants. Both at the hearing and in its brief the cooperative suggested various modifications of the pool plant provisions which would insure the pooling of its plant under this order.

In support of its position the cooperative pointed out that the plant in question had historically shipped the preponderance of its receipts to an Order 4 distributing plant. However, in the month of May 1967, the route business of that handler was sold to an Order 2 handler who now operates these routes out of his Order 2 plant. The supply plant in question continues to supply the milk for such sales but the milk is now shipped to the Order 2 plant. In addition the cooperative has an account with at least one Order 4 handler and a signficant, but minor, volume of the plant's output regularly moves to that handler's plant.

The problem at hand is complicated by differences in pooling requirements between adjacent orders. Under specified circumstances, permanent pool plants under the New York-New Jersey order hold status without specific performance. Plants which are not permanent pool plants even though shipping their entire supply to fully regulated plants under that order can avoid pooling at the option of the handler if the shipments are not assigned to Class I sales in the marketing area. These differences in pooling requirements are basic to the present problem.

It is not appropriate to pool milk under the Delaware Valley order simply because a handler elects options under the New York-New Jersey order which avoid pooling of his plant under that order even though the preponderance of the plant's milk is delivered to regulated plants under that order. Nevertheless, a plant should not be denied pooling status under the Delaware Valley order simply because some of its qualifying shipments are made to an Order 2 plant.

The problem under the Delaware Valley order can best be resolved by permitting as qualifying shipments for pooling status, shipment to other order plants but denying pooling status in the event that such shipments to any other single order exceed shipments to qualified plants regulated under this order.

While this procedure could result in a plant shipping to both New York-New Jersey and Delaware Valley pool plants not being pooled under either order, it is clear that such a result would be at the choice of the handler. Some operational changes might be necessary to accommodate pooling under Order 2, but this cannot be controlling in any determination of the milk to be pooled under the Delaware Valley order.

It is recognized further that the particular circumstances prompting the suspension action and the proposals here under consideration roughly coincided with the change in pooling arrangement effective June 1. Because of the historical association of the plant in question with the Delaware Valley market under the individual-handler pooling arrangement reasonable time should be allowed to permit the plant operator to adjust his business to permit pooling under this order, if he so desires.

The forthcoming months through October are the shortest months of production and hence the period when milk is most needed in the market. It is concluded therefore that continuing pooling status through October 1967 should be provided for any plant which has been a fully regulated plant under this order in each of the months from January 1967 to the effective date of this order but which fails to meet the prescribed shipping requirements solely because greater qualifying shipments are made to other order plants. This should present reasonable time for orderly adjustment of the plant's operations to comport with the regular pooling standards for supply plants. If sufficient sales cannot be developed in this market by that time the plant appropriately should not continue to have pooling privileges under the Delaware Valley order.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order as amended regulating the handling of milk in the Delaware Valley marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

1. In § 1004.8 paragraph (b) is revised to read as follows:

§ 1004.8 Pool plant.

* * * * *

(b) Subject to the provisions of paragraphs (c) and (d) of this section, a supply plant from which during any of the months of September through February not less than 50 percent, and during any of the months of March through August not less than 40 percent, of the milk received from dairy farmers (including milk diverted as producer milk pursuant to § 1004.15 by either the plant operator or by a cooperative association), or from a cooperative association in its capacity as a handler pursuant to § 1004.10(c) is moved during the month to a distributing plant from which a volume of fluid milk products which is not less than 50 percent during any month of September through February, or 45 percent during any month of March through August, of its receipts of milk from dairy farmers, cooperative associations, and from other plants is disposed of as route disposition

during the month, and the volume disposed of as route disposition in the marketing area during the month is not less than 10 percent of such receipts. However, a supply plant shall not be qualified pursuant to this paragraph in any month in which a greater proportion of its qualifying shipments are made to a plant(s) regulated under another Federal order than to plants regulated under this order: *Provided*, That for the months through October 1967, this condition shall not be applicable to any plant which has continuously been a fully regulated plant under the Delaware Valley order for the months of January 1967 to the effective date of this amending order.

2. In § 1004.15 the preamble and paragraph (d) are revised to read as follows:

§ 1004.15 Producer.

"Producer" means any person, except a producer-handler as defined in any order (including this part) issued pursuant to the Act, a "dairy farmer for other markets", or any other person with respect to milk produced by him which is subject to the pricing and payment provisions of another order issued pursuant to the Act, who produces milk which is received at a pool plant or by a cooperative association in its capacity as a handler pursuant to § 1004.10(c), or is diverted to an other order plant under an agreed upon Class II disposition by both the diverting and receiving handlers and for which equivalent Class II use is available in the receiving plant to permit such assignment under the terms of the other order, or which is otherwise diverted to any other nonpool plant other than a producer-handler plant during any month(s) of March through August, or in accordance with the provisions of paragraphs (a), (b), or (c) of this section, during any month of September through February. If a handler diverting milk pursuant to paragraph (a) of this section diverts milk of any dairy farmer in excess of the limits prescribed, such dairy farmer shall be a producer only with respect to that milk physically received at a pool plant. If a handler diverting milk pursuant to paragraphs (b) or (c) of this section diverts in excess of the limits prescribed, all diversions by such handler during the month shall be pursuant to paragraph (a) of this section.

• • • • •

(d) Milk which is diverted pursuant to paragraphs (a), (b), or (c) of this section shall be deemed to have been received by the handler, for whose account it is diverted, at a pool plant at the location of the plant from which it was diverted, except that, for the purpose of applying location adjustments pursuant to §§ 1004.52 and 1004.82, milk which is diverted from a pool plant within 45 miles of the nearest of the basing points in § 1004.52 to a plant in excess of 125 miles from the nearest of such basing points or from a pool plant located in excess of 45 miles of the nearest of the basing points to a plant at which a greater location adjustment credit is applicable shall be priced at the latter location.

Signed at Washington, D.C., on July 25, 1967.

CLARENCE H. GIRARD,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 67-8817; Filed, July 27, 1967; 8:51 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 21]

[Docket No. 8286; Notice No. 67-33]

CERTAIN NORMAL, UTILITY, ACROBATIC, AND TRANSPORT CATEGORY AIRCRAFT

Issue of Airworthiness Certificates

The Federal Aviation Administration is considering amending § 21.183 of the Federal Aviation Regulations with respect to the issue of airworthiness certificates for normal, utility, acrobatic, and transport category aircraft other than aircraft manufactured under a production certificate or a type certificate only or an import aircraft.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before September 27, 1967, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

In order to be certificated under the provisions of paragraph (d) of § 21.183, aircraft must be inspected and found airworthy by certain specified persons before being submitted to the Administrator for inspection. In the past, there has been some confusion concerning the exact nature of this interim inspection and this has been responsible, in part, for the fact that foreign repair stations have not been authorized to make the airworthiness inspection and finding. However, because of the increasing number of requests for authority to use foreign repair stations in making the required inspections, the FAA has undertaken a complete review of the certification procedures provided under § 21.183(d). In this connection, the FAA has made an analysis of the inspections currently being performed by the domestic repair stations under § 21.183(d)(2). Based upon this analysis and taking into account the fact that the inspection and finding required under § 21.183(d)(2) are designed to assist the FAA in making its required inspection and finding, the FAA now believes that an inspection of the scope of a 100-hour inspection as outlined in Part 43 of the Federal Aviation Regulations would provide the necessary information. It is, therefore, proposed to make the 100-hour inspection the standard for the inspection required by § 21.183(d)(2).

Since it is now proposed that the airworthiness inspections required under § 21.183(d)(2) be performed in accordance with the performance rules applicable to a 100-hour inspection, the FAA considers that all persons currently authorized to perform the 100-hour inspection should be permited to make the inspections and findings required under § 21.183(d)(2). Moreover, the FAA now has sufficient personnel at Frankfurt, Beirut, Tokyo, and Manila to provide the necessary surveillance for such persons. Therefore, it is proposed to amend § 21.183(d)(2) to permit the holder of a mechanic certificate with both airframe and powerplant rating and the holder of a foreign repair station certificate under Part 145 to conduct the required inspections. This proposal could result in substantial savings in time and cost of certificating airplanes under § 21.183(d) by making it unnecessary, in every case, to ferry aircraft purchased in a foreign country back to the United States for the interim inspection when there are qualified persons available abroad.

In addition, the reference to certificated air carriers in § 21.183(d)(2) has been changed to make it clear that the air carriers authorized to make the specified inspections and findings are those holding certificates issued under Part 121 or 127 of the Federal Aviation Regulations. Furthermore, since the holder of a commercial operator certificate issued under Part 121 is presently authorized to approve aircraft for return to service as provided in that part, it is proposed to amend § 21.183(d)(2) to permit such operators to make the specified inspections and findings.

In consideration of the foregoing, it is proposed to amend § 21.183(d) of Part 21 of the Federal Aviation Regulations by amending subparagraph (2) to read as follows:

§ 21.183 Issue of airworthiness certificates for normal, utility, acrobatic, and transport category aircraft.

• • • • •

(d) *Other aircraft.* • • •

(2) The aircraft (except an experimentally certificated aircraft that previously had been issued a different airworthiness certificate under this section) has been inspected in accordance with the performance rules for 100-hour inspections set forth in § 43.15 of this chapter and found airworthy by—

(i) The manufacturer;

(ii) The holder of a repair station certificate as provided in Part 145 of this chapter;

(iii) The holder of a mechanic certificate with both airframe and powerplant ratings as provided in Part 65 of this chapter; or

(iv) The holder of a certificate issued under Part 121 or 127 of this chapter, and having a maintenance and inspection organization appropriate to the aircraft type; and

• • • • •

These amendments are proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1421, and 1423).

Issued in Washington, D.C., on July 24, 1967.

R. S. SLIFF,
Acting Director, Flight Standards Service.

[F.R. Doc. 67-8797; Filed, July 27, 1967; 8:49 a.m.]

[14 CFR Part 73]

[Airspace Docket No. 66-SO-25]

RESTRICTED AREA

Proposed Designation; Withdrawal of Proposed Rule Making

In a notice of proposed rule making published in the FEDERAL REGISTER on March 25, 1967 (32 F.R. 4543) it was stated that the Department of the Air Force had submitted a request for the designation of temporary restricted airspace in eastern North Carolina to contain a large scale U.S. Strike Command field exercise, Kitty Hawk.

The Air Force recently advised that the Kitty Hawk exercise is canceled. In consideration of the foregoing, notice is hereby given that the proposal contained in Airspace Docket No. 66-SO-25 is withdrawn.

This notice of withdrawal is made under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on July 20, 1967.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-8798; Filed, July 27, 1967; 8:49 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 526]

SEASONAL EXEMPTION FOR COTTON STORING INDUSTRY

Compressing of Cotton

Pursuant to section 7(c) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(c)); Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and General Order No. 45A of the Secretary of Labor (14 F.R. 3290), I propose to amend the seasonal industry determination for the storing of cotton (32 F.R. 5775 incorporating by reference 5 F.R. 3772) to include the compressing of cotton in cotton storing establishments. Part 526 of Title 29 of the Code of Federal Regulations will govern the procedure for making this determination.

The amended determination would redefine the industry to include the storing and compressing of cotton in cotton warehouses and compress warehouse facilities, and any operations necessary and incidental thereto.

The issue presented is whether the industry thus redefined is of a seasonal nature within the meaning of 29 CFR 526.2(a). (See § 526.4(a).)

Any person interested in this proposal may present pertinent written data, views, or argument to the Administrator, Wage and Hour and Public Contracts Divisions, U.S. Department of Labor, 14th Street and Constitution Avenue NW., Washington, D.C. 20210, within 30 days after this document appears in the FEDERAL REGISTER.

Signed at Washington, D.C., this 25th day of July 1967.

CLARENCE T. LUNDQUIST,
Administrator, Wage and Hour and Public Contracts Divisions, U.S. Department of Labor.

[F.R. Doc. 67-8787; Filed, July 27, 1967; 8:48 a.m.]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 563]

[No. 20,756]

FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

Operations; Reporting Requirements

JULY 20, 1967.

Resolved that, for the purpose of implementing subsection (1) of section 407 of the National Housing Act (12 U.S.C. sec. 1730(1)) as enacted by the Financial Institutions Supervisory Act of 1966, containing requirements for reports to the Federal Savings and Loan Insurance Corporation with respect to control of institutions whose accounts are insured by such Corporation, and pursuant to Part 508 of the general regulations of the Federal Home Loan Bank Board (12 CFR Part 508) and § 567.1 of the rules and regulations for Insurance of Accounts (12 CFR 567.1), it is hereby proposed that Part 563 of the rules and regulations for Insurance of Accounts (12 CFR Part 563) be amended by adding immediately after § 563.18, a new section, § 563.18–1, to read as follows:

§ 563.18–1 Reports of change in control; other reports; form and filing of such reports.

(a) *Report of change in control.* It shall be the duty of the president or other chief executive officer of an insured institution to report promptly to the Corporation whenever he is informed or has reason to believe that a change has occurred in the outstanding voting stock of any insured institution resulting in control or a change in the control of the institution. If there is any doubt concerning whether a change in ownership or other change in the outstanding voting stock of an insured institution is sufficient to result in control or a change in the control thereof, such doubt shall be resolved in favor of reporting the facts to the Corporation.

(b) *Loans secured by voting stock of another insured institution.* Whenever an insured institution makes a loan or loans secured (or to be secured) by 25 percent or more of the voting stock of another insured institution, the president or other chief executive officer of the lending institution shall promptly report such fact to the Corporation. No such report need be made in those cases where the borrower has been the owner of record of the stock for a period of 1 year or more, or the stock is of a newly organized insured institution prior to its opening.

(c) *Contents of reports of change in voting stock or loans secured by such stock.* The reports required under paragraphs (a) and (b) of this section shall contain the following information to the extent that it is known to the person making the report: (1) The number of shares involved, (2) the names of the sellers (or transferors), (3) the names of the purchasers (or transferees), (4) the names of the beneficial owners if the shares are of record in another name or other names, (5) the purchase price, (6) the total number of shares owned by the sellers (or transferors), the purchasers (or transferees) and the beneficial owners both immediately before and after the transaction, (7) in the event control or a change in the control of an insured institution results from the substitution, designation, or appointment of a holder of any proxies, consents, or authorizations in respect to the voting stock of the institution, the name of the holder and the number of shares subject to such proxies, consents, or authorizations, and the number of shares owned of record or beneficially by such holder, and (8) in the case of a loan, (i) the name of the borrower, (ii) the amount of the loan, and (iii) the name of the institution issuing the stock securing the loan and the number of shares securing the loan. In addition to the foregoing, such reports shall contain such other information as may be available to inform the Corporation of the effect of the transaction upon control of the institution whose stock is involved.

(d) *Change in chief executive officer or director.* Whenever a change such as is described in paragraph (a) of this section occurs, the insured institution involved shall report promptly to the Corporation any change or changes, or replacement or replacements, of its chief executive officer or of any director occurring concurrently with or within 60 days prior to or within the 12-month period next succeeding such change in control. Such report shall include a statement of the past and current business and professional affiliations of the new chief executive officer or director.

(e) *Other reports.* The Corporation may also require insured institutions and individuals or other persons who have or have had any connection with the management of an insured institution to provide such periodic or other reports or disclosures as the Corporation may determine to be necessary or appropriate for the protection of investors or the Corporation.

(f) *Form and filing of reports.* Unless otherwise specified by the Corporation, the reports provided for in this section shall be in letter form, and copies thereof shall be filed as follows: One copy shall be forwarded to the Federal home loan bank of the district in which the insured institution is located and two copies to the Federal Savings and Loan Insurance Corporation, Washington, D.C. 20552.

(g) *Penalty for failure to report.* For the willful failure of any institution or person to submit, within the time prescribed by the Corporation, any report or disclosure required under this section, such institution or person shall be subject to a civil penalty of not to exceed $1,000 (which penalty shall be cummulative as to any other remedies) for each and every day of the continuance of such failure, which the Corporation may recover by suit or otherwise for its own use. The Corporation may, at any time before collection of any such penalty, whether before or after the bringing of an action or other legal proceedings, the obtaining of any judgment or other recovery, or the issuance or levy of any execution or other legal process therefor, and with or without consideration, compromise or remit in whole or in part any such penalty or any such recovery.

(h) *Definitions.* As used in this section—

(1) The term "stock" means any capital stock or similar security or any share or capital account in any insured institution, whether such institution is a stock company or a mutual institution, and any rights, interests, or powers with respect thereto.

(2) The term "control" means the power to directly or indirectly direct or cause the direction of the management or policies of the insured institution, and includes but is not limited to any change in the direct or indirect ownership of more than 10 percent of the voting stock of an insured institution, or in the holding of any proxies, consents, or authorizations in respect to voting rights to more than 10 percent of such stock.

(3) The term "individuals or other persons who have or have had any connection with the management of an insured institution" is hereby defined to include, for the purposes of paragraphs (a) through (d) of this section, any individual required by said paragraphs to provide any report or disclosure.

(4) The term "promptly" means within a period of not to exceed 15 days.

(Secs. 402, 407, 48 Stat. 1256, 1260, as amended; 12 U.S.C. 1725, 1730. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071)

Resolved further that all interested persons are hereby given the opportunity to submit written data, views, or arguments on the following subjects and issues: (1) Whether said proposed amendment should be adopted as proposed; (2) whether said proposed amendment should be modified and adopted as modified; (3) whether said proposed amendment should be rejected. All such written data, views, or arguments must be received through the mail or otherwise at the Office of the Secretary, Federal Home Loan Bank Board, Federal Home Loan Bank Board Building, 101 Indiana Avenue NW., Washington, D.C. 20552, not later than August 28, 1967, to be entitled to be considered, but any received later may be considered in the discretion of the Federal Home Loan Bank Board.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN, *Secretary.*

[F.R. Doc. 67-8807; Filed, July 27, 1967; 8:50 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 250]

[Release No. 35-15798]

COMPANIES DEEMED NOT TO BE ELECTRIC OR GAS UTILITY COMPANIES

Notice of Proposed Rule Making

Notice is hereby given that the Securities and Exchange Commission has under consideration an amendment to Rule 7 (17 CFR 250.7) under the Public Utility Holding Company Act of 1935 ("Act") (15 U.S.C. 79a et seq.) to provide for an additional exclusion from the statutory definition of a utility company.

Section 2(a)(3) of the Act sets forth the definition of an electric utility company essentially as "any company which owns or operates facilities used for the generation, transmission, or distribution of electric energy for sale * * *". Section 2(a)(4) of the Act sets forth the definition of a gas utility company essentially as "any company which owns or operates facilities used for the distribution at retail * * * of natural or manufactured gas for heat, light, or power." The Commission is empowered by both sections to adopt rules and regulations excluding specific classes of companies from the definitions of a public-utility company.

Rule 7 (17 CFR 250.7) under the Act, which has been adopted under sections 2(a)(3) and 2(a)(4) of the Act, specifies two classes of companies deemed not to be electric or gas utility companies. Rule 7(a) (17 CFR 250.7(a)) provides that:

> Any company which is primarily engaged in one or more businesses other than the business of any electric or gas utility company, shall not be deemed an electric or gas utility company within the meaning of section 2(a)(3) or section 2(a)(4) of the Act if the gross sales of electric energy, or of natural or manufactured gas distributed at retail by means of the facilities owned or operated by such company, did not exceed $100,000 during the previous calendar year.

The amendment to Rule 7 (17 CFR 250.7) would add a new paragraph (c) which would provide an additional exclusion from the definitions in sections 2(a)(3) and 2(a)(4) of the Act, to a company which (1) owns no utility assets located within any State of the United States, (2) has no subsidiary company owning such assets within the United States, and (3) is engaged solely in businesses outside the United States, if its gross sales of electric energy or of natural or manufactured gas distributed at retail by means of facilities owned or operated by such company, did not exceed 1 percent of its gross revenues during the previous calendar year.

Essentially, the proposed amendment would apply to companies incorporated within the United States but operating solely outside the United States. Such a company would be one who produced electric energy or gas primarily for its own consumption or consumption by affiliate companies, but which would have surplus available for resale and where such sales would produce gross revenues in excess of $100,000. The purpose of amending Rule 7 (17 CFR 250.7) is to obviate the need for a holding company to apply periodically for an exemption under section 3(a)(5) (of the Act) as such new foreign subsidiary companies are acquired or organized and are primarily engaged in nonutility businesses.

The text of the proposed amendment to Rule 7 reads as follows:

§ 250.7 Companies deemed not to be electric or gas utility companies.

* * * * *

(c) Any company, which (1) owns no utility assets located within any State of the United States, (2) has no subsidiary company owning any such assets so located, and (3) is engaged solely in business outside the United States, shall not be deemed to be an electric or gas utility company within the meaning of section 2(a)(3) or section 2(a)(4) of the Act, if its gross sales of electric energy or of natural or manufactured gas distributed at retail, by means of facilities owned or operated by such company, did not exceed 1 percent of its gross revenues during the previous calendar year.

(Secs. 2(a)(3), 2(a)(4), 20(a), 49 Stat. 804, 833, 15 U.S.C. 79b(a)(3), 79b(a)(4), 79t(a))

All interested persons are invited to submit views and comments on the amendment to Rule 7. Written statements of views and comments in respect of the proposed rule should be submitted to the Securities and Exchange Commission, Washington, D.C. 20549, on or before August 30, 1967. All such communications will be available for public inspection.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

JULY 25, 1967.

[F.R. Doc. 67-8756; Filed, July 27, 1967; 8:45 a.m.]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 107]

INVESTMENT COMPANIES

Examinations and Records and Reports

Notice is hereby given that pursuant to authority contained in section 308 of the Small Business Investment Act of 1958, Public Law 85-699, 72 Stat. 694, as amended, it is proposed to amend, as set forth below, Part 107 of Subchapter B, Chapter I, of Title 13 of the Code of Federal Regulations, as revised in 29 F.R. 16946–16961, and amended in 30 F.R. 534, 1187, 2652, 2653, 2654, 3635, 3854, 7597, 7651, 8775, 8900, 11960, 13005, 14095, 14850, 14851, 31 F.R. 2815, 4954, 4954–4955, 9720, 10114, 13532, and 32 F.R. 2769, 6620, and 7743, by amending §§ 107.801 and 107.802. Prior to final adoption of such amendment, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in triplicate, to the Office of the Associate Administrator for Investment, Small Business Administration, Washington, D.C. 20416, within a period of thirty (30) days of the date of this notice in the FEDERAL REGISTER.

Information. The proposed amendment would modify the language of §§ 107.801(e) and 107.802(c)(1) in such manner as to bring it into conformance with the model language recommended by the Comptroller General of the United States for identifying eligible public accountants who may conduct audits of federally chartered organizations, other organizations tinged with the public interest, or activities wholly or partially supported by Federal funds. Upon adoption of this amendment, only public accountants certified or licensed by a regulatory authority of a State or other political subdivision of the United States (and thus subject to the regulations, disciplinary measures, and a code of ethics provided under State laws) would be eligible to conduct the annual audits of Licensees.

The title of § 107.802 would be changed to include a reference to records, as well as reports, since the provisions of this section relate to both subjects.

Paragraph (c) of § 107.802 would be amended to provide for financial reporting to SBA by Licensees on a regular basis only once annually (at the end of the fiscal year for SBA purposes), rather than both annually and semiannually as at present. In addition, the fiscal year to which such annual report would relate would be administratively determined by SBA for each Licensee. The purpose would be to inaugurate and maintain a system of staggered reporting on a quarterly basis whereby the workflow in SBA respecting Licensee reports would be evened out, and the periodic examination of Licensees by SBA examiners at times not conflicting with dates of annual independent audits would be facilitated.

Upon adoption of this amendment SBA would assign to each Licensee an annual reporting period ending as of the close of a particular quarter of the calendar year. Consideration would be given to present fiscal years of Licensees for their own corporate purposes, and to other factors, in making these assignments, and Licensees would have an opportunity to request a different reporting period, when justified, before the assignments became final.

Proposed changes in paragraph (d) of § 107.802 would include the prescribing of a revised form of the Financial Report, SBA Form 468, and a requirement that money amounts in financial reports of Licensees be shown in whole dollars to simplify the preparation of financial and statistical summaries of small business investment company data.

Other proposed changes in § 107.802 would accomplish, primarily, the correction of references to the address of SBA to take account of the agency's move to its new location and the conformance of instructions on report verification to the conditions which would exist upon adoption of the revised SBA Form 468.

It is proposed to amend the Regulations Governing Small Business Investment Companies as follows:

1. By amending paragraph (e) of § 107.801 to read as follows:

§ 107.801 Examinations.

* * * * *

(e) *Audits by independent public accountants.* As such examinations, SBA may accept an audit, conducted in accordance with generally accepted auditing standards and in accordance with the Audit and Examination Guide for Small Business Investment Companies prescribed by SBA, by an independent certified public accountant or an independent licensed public accountant, certified or licensed by a regulatory authority of a State or other political subdivision of the United States, selected or approved by SBA, and a report of such audit containing the accountant's certificate required by § 107.802 with such additional information as may be requested by SBA.

* * * * *

2. By amending the title of § 107.802, paragraph (b) of § 107.802, and the introductory text and subparagraph (1) of paragraph (c); deleting paragraphs (d) and (e) of § 107.802 in their entirety and substituting in lieu thereof new paragraphs (d) and (e); and amending paragraphs (g) and (j) of § 107.802. As amended, the title, paragraph (b), the introductory text and subparagraph (1) of paragraph (c), and paragraphs (d), (e), (g), and (j) of § 107.802 read as follows:

§ 107.802 Records and reports.

* * * * *

(b) *Reports to stockholders.* At the time any financial report (including any prospectus, letter, or other publication with respect to the financial affairs or operations of the Licensee or any of its portfolio small business concerns) is furnished to investors and shareholders of a Licensee, such Licensee shall file with the Investment Division, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416, three (3) copies of such report.

(c) *Reports to SBA.* Each Licensee shall file with SBA at the end of each fiscal year a report containing financial statements for the fiscal year, and, when requested by SBA, interim financial reports. The fiscal year to which such reports shall relate shall be for SBA purposes such 12-month period as shall be administratively determined by SBA.

(1) The report as of the end of each fiscal year shall contain, or be accompanied by, an independent public accountant's opinion on the financial statements for the fiscal year included therein, unless a different 12-month period to be covered by the annual audit is expressly given prior approval in writing by SBA. Such opinion shall be based on an audit of the accounts of the Licensee conducted in accordance with generally accepted auditing standards, and in accordance with the Audit and Examination Guide for Small Business Investment Companies prescribed by SBA, by an independent certified public accountant or an independent licensed public accountant, certified or licensed by a regulatory authority of a State or other political subdivision of the United States, selected or approved by SBA.

* * * * *

(d) *Forms for financial reports.* The financial reports required by this section to be filed with SBA by Licensees shall be on the prescribed form constituting the Financial Report, SBA Form 468 (9–67).[1] This report requires a statement of financial condition, statement of surplus reconciliations, statement of income and expense, statement of realized gain or loss on investments, and supporting schedules 1 through 14.

(1) The Financial Report, SBA Form 468, shall be filed in triplicate with the Investment Division, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416, on or before the last day of the month immediately following the close of the period covered by the report (in the case of an unaudited report), and on or before the last day of the third month following the close of the period covered by the report (in the case of an audited report).

(2) Licensees which are 1940 Act companies, as defined in § 107.12, should refer to the rules promulgated by the Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, for the requirements as to financial reports to be filed with SEC and the time allowed for filing.

(3) When the Licensee has one or more branch offices, the data contained in the basic financial statements and all supporting schedules shall comprise a combination of the figures for the principal office and all branches. All money amounts required to be shown in the financial statements and schedules shall be expressed in whole dollars. Appropriate adjustments of individual amounts

[1] Filed as part of the original document.

shall be made for the fractional part of a dollar so that the items will add to the totals shown. The Financial Report prepared by each Licensee shall present fairly the financial position of the Licensee as of the close of the period covered by the report and the results of the Licensee's operations for such period, and shall be prepared in accordance with the detailed instructions accompanying SBA Form 468.

(e) *Verification of reports.* The verification of the Financial Report, SBA Form 468, provided on the last page of such report, shall bear the signature of the chief financial officer of the Licensee, or other officer authorized by the board of directors to sign in the event the chief financial officer is unavailable. A secretarial officer of the Licensee shall attest by signature to the fact that the minutes of a meeting of the Licensee's board of directors show that the Financial Report, SBA Form 468, has been reviewed and approved by the board of directors. The date on which each signature is affixed shall be shown. All three copies of the Financial Report, SBA Form 468, to be furnished to SBA shall bear the original signatures of the verifying officers in ink.

* * * * *

(g) *Obtaining forms for report.* The Financial Report, SBA Form 468, as amended, and the Instructions for Preparation of the Financial Report (SBA Form 468), as amended, are filed with the Office of the Federal Register as part of the original document. Copies of the Financial Report, SBA Form 468, as amended, together with copies of the amended instructions for preparation of such report, are available from the Investment Division, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

* * * * *

(j) *Other reports.* In addition to the reports required elsewhere in this section, each Licensee shall, upon request by SBA, file with the Investment Division, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416, such other reports at such times and in such forms as SBA shall require.

Dated: July 21, 1967.

ROBERT C. MOOT,
Acting Administrator.

[F.R. Doc. 67-8763; Filed, July 27, 1967; 8:46 a.m.]

[13 CFR Part 121]

SMALL BUSINESS SIZE STANDARDS

Definition of Small Business for Purpose of Bidding on Government Contracts for Refined Petroleum Products; Extension of Time for Filing Comments

On July 7, 1967, there was published in the FEDERAL REGISTER (32 F.R. 9980) a notice that the Small Business Administration proposed, among other things, to amend Part 121 of Chapter I of Title 13 of the Code of Federal Regulations to increase the size standard for Standard Industrial Classification Industry No. 2911, petroleum refining, from 1,000 employees and 30,000 barrels-per-day capacity from owned and leased facilities to 2,500 employees and 50,000 barrels-per-day capacity from owned and leased facilities. Interested persons were given until July 22, 1967, to file written statements of facts, opinions, or arguments concerning the proposal.

Notice is hereby given that the time to file written statements of facts, opinions, or arguments concerning the proposed revision of the procurement size standard for the petroleum refining industry is extended to the close of business on August 7, 1967.

All correspondence shall be addressed to:

Associate Administrator for Procurement and Management Assistance, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416. Attention: Size Standards Staff.

Dated: July 21, 1967.

ROBERT C. MOOT,
Acting Administrator.

[F.R. Doc. 67-8761; Filed, July 27, 1967; 8:46 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 67-173]

IMPORTED PARTS USED IN ASSEMBLING FISHING RODS AND REELS

Country of Origin Marking

JULY 24, 1967.

The Bureau of Customs has recently reviewed the application of the country of origin marking requirements of section 1304, title 19, United States Code, to imported parts used in assembling fishing rods and reels in the United States.

In some instances fishing rods, complete except for handles, are imported and permanently attached to handles made in the United States. The Bureau is of the opinion that a manufacturer who produces fishing rods in such manner may be considered the ultimate purchaser of the imported rod parts, within the contemplation of 19 U.S.C. 1304(a) and § 11.8(e) of the Customs Regulations (19 CFR 11.8(e)). Therefore, a country of origin marking on the end of the rod part to be attached to the handle will be acceptable since such marking will remain visible until the imported part reaches the ultimate purchaser (manufacturer). The imported parts may be excepted from individual marking pursuant to 19 U.S.C. 1304(a)(3)(D) and § 11.10(a) of the Customs Regulations (19 CFR 11.10(a)) if they are imported in containers legibly and conspicuously marked to indicate the country of origin, and the customs officers at the port of entry are satisfied that such containers will reach the ultimate purchaser unopened and that the contents will be used by such ultimate purchaser only in producing complete fishing rods. An exception under 19 U.S.C. 1304(a)(3)(H) may also be in order if the components are ordered directly by the ultimate purchaser under terms which will insure that the order will be filled only with articles manufactured in a named country.

In some instances fishing reels are imported in an unassembled or partially assembled condition, and assembled in the United States. Some minor parts made in the United States may be used in assembling the reels. The Bureau is of the opinion that the assembly of such reels, where all or substantially all of the components are imported, cannot be considered to result in the manufacture of a new and different article in the United States. When fishing reels are imported in an unassembled condition, one of the parts, such as the main reel housing, should be marked to indicate the country of origin so that the marking will be legible and conspicuous after the reels are assembled.

This ruling shall be effective as to merchandise entered, or withdrawn from warehouse, for consumption on and after September 1, 1967.

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

[F.R. Doc. 67-8791; Filed, July 27, 1967; 8:48 a.m.]

Office of the Secretary

[Antidumping—ATS 643.3-m]

DARTBOARDS AND DARTGAMES FROM ENGLAND

Notice of Tentative Determination

JULY 20, 1967.

Information was received on June 30, 1966, that dartboards and dartgames imported from England were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.). This information was the subject of an "Antidumping Proceeding Notice" which was published pursuant to section 14.6(d), Customs Regulations, in the FEDERAL REGISTER of August 25, 1966, on page 11277 thereof.

On January 17, 1967, the Commissioner of Customs issued a withholding of appraisement notice with respect to such merchandise, which was published in the FEDERAL REGISTER dated January 21, 1967.

I hereby make a tentative determination that dartboards and dartgames imported from England are not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

STATEMENT OF REASONS ON WHICH THIS TENTATIVE DETERMINATION IS BASED

Sales to the United States were made both to purchasers related to the manufacturer within the meaning of section 207 of the Antidumping Act, 1921, as amended (19 U.S.C. 166), and to purchasers buying outright in transactions not involving such relationship. Sufficient quantities of the merchandise were sold in the home market to afford a proper basis of comparison. Purchase price or exporter's sales price, as applicable, were compared with adjusted home market price for fair value purposes.

Purchase price was calculated by adding to the ex-factory price for exportation to the United States, as provided for in section 203 of the Antidumping Act, 1921, as amended (19 U.S.C. 162), a 2½ percent rebate of taxes granted by the British Government on exportation of the merchandise.

Exporter's sales price was based on the resale price of the merchandise in the United States by the United States subsidiary of one manufacturer. From this price were deducted commission, ocean freight and insurance, United States duty, and inland freight incurred both in the United States and England. To the result was added as provided for in section 204 of the Antidumping Act (19 U.S.C. 166), the 2½ percent rebate paid by the British Government on exportation of the merchandise.

Adjusted home market price was calculated by deducting from the gross price to United Kingdom purchasers, a trade discount, a cash discount, and as appropriate, a quantity discount, a commission and an additional trade discount.

Comparison of purchase price and exporter's sales price, as applicable, with adjusted home market price revealed that adjusted home market price was not higher than purchase price or exporter's sales price except in a few instances. The amounts involved in these few sales were minimal. The exporter upon being advised of these sales at less than adjusted home market price provided assurances that it would make no future sales at less than home market price regardless of the disposition of the investigation.

Such written submissions as interested parties may care to make with respect to the contemplated action will be given appropriate consideration by the Secretary of the Treasury.

If any person believes that any information obtained by the Bureau of Customs in the course of this antidumping proceeding is inaccurate or that for any other reason the tentative determination is in error, he may request in writing that the Secretary of the Treasury afford him an opportunity to present his views in this regard.

Any such written submissions or requests should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, D.C. 20226, in time to be received by his office not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

This tentative determination and the statement of reasons therefor are published pursuant to § 14.8(a) of the Customs Regulations (19 CFR 14.8(a)).

[SEAL] TRUE DAVIS,
Assistant Secretary of the Treasury.

[F.R. Doc. 67-8788; Filed, July 27, 1967; 8:48 a.m.]

[Antidumping—ATS 643.3-W]

TUBELESS TIRE VALVES FROM WEST GERMANY

Determination of Sales at Less Than Fair Value

JULY 21, 1967.

On May 16, 1967, there was published in the FEDERAL REGISTER a "Notice of Discontinuance of Investigation and Determination Regarding Fair Value," with regard to tubeless tire valves from West Germany.

The statement of reasons was published in the above-mentioned notice, and interested parties were afforded until June 15, 1967, to make written submissions or requests for an opportunity to present views in connection with the determination.

No persuasive written submissions and no requests having been received, I hereby determine for the reasons stated in the above-mentioned notice that finished tubeless tire valves imported from West Germany, with the exceptions noted below, are being, or are likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

I further determine for the reasons stated in the above-mentioned notice that finished tubeless tire valves (1) TR 413 and 415 produced by EHA Ventilfabrik, Muhlheim Am Main, West Germany, but only if purchased in quantities of over 33,000 units per month over a significant period of time; (2) TR 413 and 415 produced by Alligator Ventilfabrik, Wurttemberg, Germany; and (3) TR 414, 416, 420, 423, and 425 produced by EHA Ventilfabrik, Muhlheim Am Main, West Germany, are not being, nor likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

These determinations are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] TRUE DAVIS,
Assistant Secretary of the Treasury.

[F.R. Doc. 67-8789; Filed, July 27, 1967; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

Notice of Partial Termination of Proposed Withdrawal and Reservation of Lands

JULY 21, 1967.

Notice of a Forest Service, U.S. Department of Agriculture application, Sacramento 079492, for withdrawal and reservation of lands for the East Fork Campground, was published as FEDERAL REGISTER Document No. 65-5758 on pages 7320, 7321, and 7322 of the issue for June 3, 1965. The applicant agency has canceled its application insofar as it affects the following described lands:

SIX RIVERS NATIONAL FOREST
HUMBOLDT MERIDIAN
East Fork Campground

T. 6 N., R. 4 E.,
Sec. 15, W½NE¼.

Therefore, pursuant to the regulations contained in 43 CFR, Part 2311, such lands at 10 a.m. on August 30, 1967, will be relieved of the segregative effect of the above-mentioned application.

R. J. LEITER,
Chief, Lands Adjudication Section.

[F.R. Doc. 67-8793; Filed, July 27, 1967; 8:45 a.m.]

Office of the Secretary

WATCHES AND WATCH MOVEMENTS

Prohibition of Transfers of Duty-Free Quotas

CROSS REFERENCE: For document regarding clarification and implementation of policy prohibiting transfers of duty-free quotas issued to producers of watches and watch movements located in Virgin Islands, Guam, and American Samoa, see F.R. Doc. 67-8866, Department of the Interior, Office of the Secretary, in the notices section of this issue.

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[File No. 23 (65)-59]

CLAUS HUTH

Order Terminating Indefinite Denial Order

In the matter of Claus Huth, Georgsplatz 1a, 2 Hamburg 1, Federal Republic of Germany, respondent; File No. 23(65)-59.

On April 24, 1967, effective on April 29, 1967 (32 F.R. 6735) an order was entered against the above respondent denying him, for an indefinite period, all privileges of participating in exportations from the United States because, without showing good cause, he failed to answer interrogatories duly served in accordance with § 382.15 of the Export Regulations and failed to furnish certain relevant documents therein requested. The respondent has now furnished complete and responsive answers to the interrogatories and has also furnished the documents requested.

Accordingly, it is hereby ordered that the above mentioned order dated April 24, 1967 be and the same hereby is terminated.

Dated: July 21, 1967.

RAUER H. MEYER,
Director, Office of Export Control.

[F.R. Doc. 67-8716; Filed, July 27, 1967; 8:46 a.m.]

Office of the Secretary

WATCHES AND WATCH MOVEMENTS

Clarification and Implementation of Policy Prohibiting Transfers of Duty-Free Quotas Issued to Producers Located in the Virgin Islands, Guam, and American Samoa

Public Law 89-805, approved November 10, 1966, establishes a limitation on the number of watches and watch movements containing foreign components which may be imported duty-free from the United States insular possessions. Under General Headnote 3(a) of the Tariff Schedules of the United States, duty-free treatment is allowed an article produced in the insular possessions if not more than fifty percent of the total value of such article is of foreign origin. The purpose of this duty-free treatment is to stimulate the development of light industry in the insular possessions, thereby contributing to their economies. Congress has made it clear that this purpose continues to be the primary consideration in the allocation of duty-free watch quotas under Public Law 89-805.

On March 15, 1967, under the authority of Public Law 89-805, the Departments of the Interior and Commerce issued jointly an interim allocation of quotas among producers of watches and watch movements containing foreign components which may be entered duty-free into the customs territory of the United States from the U.S. insular possessions. This allocation expressly provides that: "The sale or transfer of quotas by one firm to another is not authorized. Unused quotas are subject to reallocation by the Departments." (32 F.R. 4176; March 17, 1967). The purpose of this notice is to interpret and to implement the above quoted provision for the 1967 quota year.

The rule making requirements of section 4 of the Administrative Procedure Act are not applicable to the interpretative portions of this notice. To the extent that such requirements may be applicable to the implementing portions of this notice, the Departments have determined that notice and public procedure thereon are impracticable and contrary to the public interest. The only firms affected by this notice are those to which allocations have been made who wish to make a sale or transfer of their business during the present calendar year. Thus time is of the essence in announcing to such firms the rules under which sales or transfers of businesses to which quotas have been allocated will be permitted by the Departments during the 1967 quota year. The following rules, therefore, are final upon publication of this notice:

SECTION 1. The sale or transfer of a quota from one firm to another is not permitted. A quota thus sold or transferred will be canceled.

SEC. 2. The sale or transfer of a business together with its quota, as defined in section 4 hereof, is considered a sale or transfer of a quota by one firm to another within the meaning of the prohibition contained in the March 15, 1967, notice of interim quota allocations.

SEC. 3. The sale or transfer of a business together with a quota may be permitted after the effective date of this notice if the prior approval of the Secretaries or the delegates is secured: *Provided, however,* That the firm sold or transferred remains in the business as a separate and distinct entity.

SEC. 4. Sale or transfer of a business means the sale or transfer of control, whether temporary or permanent, over a firm to which a quota has been allocated, to any other firm, corporation, partnership, person or other legal entity by any means whatsoever, including

but not limited to, by merger, transfer of stocks or assets or voting trusts.

SEC. 5. The sale or transfer of a business, as defined in section 4 above, without the prior approval of the Secretaries or their delegates will result in the cancellation of the quota allocated to the firm whose business has been sold or transferred.

SEC. 6. If a proposed sale or transfer of a business to which a quota has been allocated is approved by the Secretaries or their delegates, the unused portion of the quota allocated to the firm whose business has been transferred or sold or that portion thereof not in excess of the number of units assembled by it which were entered duty-free into the customs territory of the United States during the calendar year 1966, whichever is less, will be allocated to the transferee.

SEC. 7. The prior approval of the Secretaries or their delegates to the sale or transfer of a business may be sought by submitting a written request to the Secretaries, setting forth all facts regarding such sale or transfer addressed to:

Business and Defense Services Administration
U.S. Department of Commerce
Washington, D.C. 20230
Attention: Scientific, Photographic and Business Equipment Division

SEC. 8. Every firm to which a quota has been granted is required, on August 15, 1967, and on January 15, 1968, to provide the Departments via registered mail on Form BDSAF 779, which will be forwarded to each firm at its territorial address of record not later than August 1, 1967, and will also be available during office hours at the address listed in section 7 above, with information regarding any sales or transfers of all or part of their respective businesses by any means whatsoever which occurred during the period January 1 through July 31, 1967 and August 1 through December 31, 1967. Such information will include the names and addresses of parties owning or holding any legal or equitable interest in such firm as of January 1, 1967, with any changes thereto which may have occurred during the reporting period and the effective date on which such changes occurred, and any agreements entered into by the firm or any of its officers or stockholders which would have the effect of transferring control over management and operation of the firm.

In any event, the firm must report any sales or transfers to the Departments other than those approved by the Secretaries or their delegates, via registered mail, within fifteen days following the date upon which these are effected.

SEC. 9. Any firm initially determined by the Secretaries or their delegates to have made a sale or transfer in violation of the provisions of this notice shall, upon receipt of written notice of such initial determination mailed, registered or certified mail return receipt requested, to the territorial address of record of the firm, be entitled to a full hearing on the question of cancellation pursuant to rules and regulations hereafter to be promulgated. Failure of the firm to make written request for such hearing within fifteen days from the date of receipt of an initial determination shall constitute a waiver of its right to the hearing and shall result in the automatic cancellation of its quota as herein specified. Requests for a hearing must be mailed to the address specified in section 7 hereof. The computation of time to determine whether the fifteen day period has run shall be made in accordance with the Federal Rules of Civil Procedure.

SEC. 10. The firm whose quota has been canceled pursuant to this notice may be declared ineligible for quota allocations in future years.

SEC. 11. The unused portions of any quotas canceled pursuant to this notice shall be reallocated among quota holders not affected by cancellations and which are not transferees or purchasers in violation of this notice.

LAWRENCE C. MCQUADE,
Acting Assistant Secretary for Domestic and International Business, Department of Commerce.

HARRY R. ANDERSON,
Assistant Secretary for Public Land Management, Department of the Interior.

JULY 26, 1967.

[F.R. Doc. 67-8866; Filed, July 27, 1967; 10:30 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-234]

GENERAL DYNAMICS CORP.

Notice of Issuance of Amended Facility License

The Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 1, set forth below, to Facility License No. CX-23. The Amendment authorizes the General Dynamics Corp. to partially dismantle the Tungsten Nuclear Rocket Critical Facility, which has been redesignated as the Experimental Critical Facility, and to posses, but not to operate, the dismantled facility.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's "Rules of Practice" (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment see (1) the related Safety Evaluation prepared by the Division of Reactor Licensing, and (2) the licensee's application for license amendment dated May 16, 1967, and supplement dated June 20, 1967, which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of the Safety Evaluation may be obtained at the Commission's Public Document Room, or upon request, addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 19th day of July 1967.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[License No. CX-23, Amdt. No. 1]

AMENDED FACILITY LICENSE

The Commission having found that:

a. The application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter 1, CFR;

b. There is reasonable assurance that the reactor can be possessed at the designated location without endangering the health and safety of the public;

c. The licensee is technically and financially qualified to engage in the activities authorized by this license, as amended, in accordance with the rules and regulations of the Commission;

d. The licensee has furnished proof of financial protection to satisfy the requirements of 10 CFR Part 140;

e. The issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public; and

f. Prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazards considerations different from those previously evaluated;

License No. CX-23 is amended in its entirety to read as follows:

1. This license applies to the Experimental Critical Facility, formerly designated Tungsten Nuclear Rocket Critical Facility (hereinafter "the facility") which is owned by General Dynamics Corp. (hereinafter "the licensee"), located at the licensee's site at Torrey Pines Mesa in San Diego, Calif., and described in the application dated December 8, 1964, and supplements thereto (hereinafter "the application").

2. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses General Dynamics Corp.:

A. Pursuant to section 104 c of the Atomic Energy Act of 1954, as amended (hereinafter "the Act"), and Title 10, CFR, Chapter 1, Part 50, "Licensing of Production and Utilization facilities", to possess, but not to operate the facility.

B. Pursuant to the Act and Title 10, CFR, Chapter 1, Part 70, "Special Nuclear Material", to possess and store up to 250 kilograms of contained uranium-235 formerly used in connection with operation of the facility; and

C. Pursuant to the Act and Title 10, CFR, Chapter 1, Part 40, "General Rules of Applicability to Licensing of Byproduct Material", to possess, but not to separate, such byproduct material as may have been produced by operation of the facility.

3. This license shall be deemed to contain and be subject to the conditions specified in Part 20, sections 50.54 and 50.59, section 70.32

of Part 70, and section 30.34 of Part 30 of the Commission's regulations, and to be subject to all applicable provisions of the Act and rules, regulations, and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified below:

A. The licensee may partially dismantle the facility as described in application for amendment dated May 18, 1967, and supplement thereto dated June 20, 1967.

B. The licensee shall not reassemble the facility without prior approval of the Commission.

C. In addition to those required by applicable AEC regulations, including section 20.401 of 10 CFR Part 20, the licensee shall keep the following records:

1. Records showing radioactivity released or discharged into the air or water beyond the effective control of the licensee as measured at the point of such release or discharge.

2. Records of surveys of radioactivity levels of the dismantled facility.

D. In addition to reports otherwise required by applicable AEC regulations, the licensee shall submit a report of any indication or occurrence of a possible unsafe condition relating to the facility or to the public. For each occurrence, the licensee shall promptly notify by telephone or telegraph the Director of the appropriate AEC Regional Compliance Office listed in Appendix D of 10 CFR Part 20 and shall submit within 10 days a report in writing to the Director, Division of Reactor Licensing, with a copy to the Regional Compliance Office.

4. This license is effective as of the date of issuance and shall expire at midnight, May 26, 1970.

Date of issuance:

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[F.R. Doc. 67-8749; Filed, July 27, 1967; 8:45 a.m.]

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

FLIGHT CABIN ATTENDANTS

Sex as Occupational Qualification; Notice of Postponement of Hearing

Questions of whether sex is a bona fide occupational qualification for the position of flight cabin attendant and whether discrimination based on sex with respect to the conditions of employment for this position is unlawful:

On July 11, 1967, F.R. Doc. 67-992 was published announcing a hearing on flight cabin attendants on August 8, 1967. Notice is hereby given that the hearing is postponed until September 12, 1967. The September 12th hearing will be held at 10 a.m., d.s.t., in the Departmental Auditorium, Conference Room B (first floor), Constitution Avenue, between 12th and 14th Streets NW., Washington, D.C. Interested persons are invited to participate in, and to present evidence, views, and arguments with respect to the above questions at the hearing on Tuesday, September 12, 1967. Requests for time to testify may be submitted to the General Counsel, Equal Employment Opportunity Commission, Washington, D.C. 20506, at any time prior to 5:30 p.m., d.s.t., Wednesday, September 6, 1967. Written statements submitted for consideration by the Commission subsequent to the hearing should be filed in triplicate with the General Counsel not later than 5:30 p.m., d.s.t., Monday, October 16, 1967. All written submissions pursuant to this notice will be available for public inspection at the Office of the General Counsel, Equal Employment Opportunity Commission, Washington, D.C. 20506.

Signed at Washington, D.C., this 24th day of July 1967.

LUTHER HOLCOMB,
Acting Chairman.

[F.R. Doc. 67-8767; Filed, July 27, 1967; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 17565, 17566; FCC 67M-1217]

CORINTH BROADCASTING CO., INC., AND RADIO CORINTH

Order Scheduling Hearing

In re applications of The Corinth Broadcasting Co., Inc., Corinth, Miss., Docket No. 17565, File No. BPH-5675; Elbert A. White III and Charles A. Weeks doing business as Radio Corinth, Corinth, Miss., Docket No. 17566, File No. BPH-5732; for construction permits:

It is ordered, That H. Gifford Irion shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on October 24, 1967, at 10 a.m.; and that a prehearing conference shall be held on September 15, 1967, commencing at 9 a.m.: *And, it is further ordered*, That all proceedings shall take place in the offices of the Commission, Washington, D.C.

Issued: July 18, 1967.

Released: July 21, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-8799; Filed, July 27, 1967; 8:49 a.m.]

[Docket Nos. 17538-17540; FCC 67-747]

LAUREL CABLEVISION CO. ET AL.

Memorandum Opinion and Order Instituting Consolidated Hearing

In re petitions by Laurel Cablevision Co., Somerset, Pa., Docket No. 17538, File No. CATV 100-24; and Punxsutawney TV Cable Co., Inc., Punxsutawney, Pa., Docket No. 17539, File No. CATV 100-155; for authority pursuant to § 74.1107 of the rules to operate CATV systems in the Johnstown-Altoona television market; and in re application of New York-Penn Microwave Corp., Brockport, Pa., Docket No. 17540, File No. 7793-C1-P-66, for construction permit for new point-to-point microwave radio stations.

1. The Commission has before it two petitions for waiver of the evidentiary hearing requirements of § 74.1107 of the rules, involving the Johnstown-Altoona market, the 38th market: (a) Laurel Cablevision (CATV 100-24) proposes to carry the three network-affiliated stations from Johnstown-Altoona and the three network-affiliated and one educational station from Pittsburgh, and to import the distant signals of three network-affiliated stations (two from the Wheeling-Steubenville market and one from the Clarksburg market), and an educational station located at Clearfield, Pa., in the Johnstown-Altoona market; (b) Punxsutawney TV Cable Co., Inc., is operating in Punxsutawney and carries two of the three Johnstown-Altoona stations (Channels 6 and 10), the three network-affiliated and one educational stations from Pittsburgh, and another educational station from Clearfield. In addition, it proposes to import the distant independent signal of WPIX from New York City.

2. The Johnstown-Altoona market has a total net weekly circulation of 450,700. The central cities have Channels 6, 10, 19,[1] *28, 31, 48, and *57 assigned to them; also assigned within the market are State College—*35, Clearfield—*3, and Greensburg—40. Stations are operating on Channels 6 (NBC), 10 (ABC, CBS), 56 (CBS),[2] and *3 (Educational); none of the other assigned channels has been applied for. The populations and distances from Johnstown and Altoona for the communities of the systems are as follows:

	Population	Johnstown	Altoona
Somerset, Somerset County	6,347	27	51
Punxsutawney, Jefferson County	8,805	42	42

3. The community of Somerset is within the predicted Grade B contour of the Altoona station and on the fringe of the predicted Grade A contours of the Johnstown stations. It is a distinct and separate community, located outside the Urbanized Area but within the Standard Metropolitan Statistical Area. WJAC, Inc., licensee of WJAC-TV, Johnstown, opposes the proposal. Triangle Publications, Inc., licensee of WFBG-TV, Altoona, has filed a letter commenting on the proposal.

4. The second proposal is for Punxsutawney, a community of 8,805, located within the Grade A contours of stations in the Johnstown-Altoona market. Neither of the two stations placing a predicted Grade A contour over Punxsutawney has filed an objection to the proposal. The New York-Penn Microwave application would supply to Punxsutawney the distant signal of independent television Station WPIX, New York City.

5. Westinghouse Broadcasting Co., Inc., licensee of Station KDKA-TV, Pittsburgh, has filed a petition to deny the microwave applications and has also filed an opposition to the system's proposal. Westinghouse shows that Punxsutawney is located within its predicted Grade B contour and that the station is credited with circulation in the county in which Punxsutawney is located. It is also alleged that WPIX does not now have any viewers in the county. Westinghouse asserts that it has standing because importation of the distant signal would inevitably result in some economic injury to its operation. It also urges that potential UHF development is threatened by importing the distant signals, and that no reason has been shown for the importation of the New York signal into the community of the system. The Hearst Corporation, licensee of Station WTAE-TV, Pittsburgh, also opposes the proposal. It urges that a hearing be held because of possible injury to potential UHF stations, the system's failure to state that it will carry any new UHF stations which may go on the air, and failure to carry the Johnstown UHF which does not place a predicted Grade B contour over the city of the system.

6. On the facts presented in these petitions and the opposing pleadings, we are unable to make the determination, without hearing, that importation of the requested distant signals would be consistent with the establishment and healthy maintenance of UHF development in the area. *Accordingly, it is ordered*, That the requests for waiver are denied.

It is further ordered, That with respect to the requests of Laurel Cablevision Co. and Punxsutawney TV Cable Co., Inc., and the application of New York-Penn Microwave Corp. (File No. 7793-C1-P-66) (insofar as it proposes to serve Punxsutawney TV Cable Co., Inc., in Punxsutawney) and pursuant to sections 4(1), 303, 307(b), and 309 of the Communications Act and § 74.1107 of the Commission's rules consolidated hearing is ordered as to said matters on the following issues:

1. To determine the present and proposed penetration and extent of CATV service in the Johnstown-Altoona market.

2. To determine the effects of current and proposed CATV service in the Johnstown-Altoona market upon existing, proposed, and potential television broadcast stations in the market.

3. To determine (1) the present policy and proposed future plans of petitioners with respect to the furnishing of any service other than the relay of the signals of broadcast stations; (2) the potential for such services; and (3) the impact of such services upon television broadcast stations in the market.

4. To determine in light of the above whether the application and proposals are consistent with the public interest.

It is further ordered, That Laurel Cablevision Co.; Punxsutawney TV Cable Co., Inc.; WJAC, Inc., licensee of Station WJAC-TV, Johnstown; Triangle Publications, Inc., licensee of Station WFBG-TV, Altoona; Rivoli Realty Co., grantee of Station WARD-TV, Johnstown; Westinghouse Broadcasting Co., Inc., licensee of Station KDKA-TV, Pittsburgh; and The Hearst Corp., licensee of Station WTAE-TV, Pittsburgh; are made parties to this proceeding and, to participate, must comply with the applicable provisions of § 1.221 of the Commission's rules.

It is further ordered, That the petitions of Westinghouse Broadcasting Co., Inc. and The Hearst Corp. are granted to the extent indicated by the designation of issues and otherwise denied.

The burden of proof with respect to issues 1, 2, and 3 is upon petitioning CATV systems and with respect to issue 4 is upon the petitioning CATV systems and the applicant. A time and place for the hearing will be specified in another order.

Adopted: June 21, 1967.

Released: July 24, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[3]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-8800; Filed, July 27, 1967; 8:49 a.m.]

[Docket No. 14952; FCC 67M-1214]

NORRISTOWN BROADCASTING CO., INC. (WNAR)

Order Continuing Hearing

In re application of Norristown Broadcasting Co., Inc. (WNAR), Norristown, Pa., Docket No. 14952, File No. BP-12902; for construction permit.

The Hearing Examiner having under consideration a motion filed June 30, 1967, on behalf of the above-entitled applicant requesting an extension of certain procedural dates; and

It appearing that the request for extension of procedural dates is due to the involvement of the applicant in a complicated television case; and

It further appearing that the Broadcast Bureau, the only other party to this proceeding, has consented to the requested continuance, and good cause for granting said motion having been shown:

It is ordered, That the motion filed June 30, 1967, for extension of procedural dates in the above-entitled proceeding is granted, and the date for exchange of nonengineering exhibits is extended to July 28, 1967, the date for notification of witnesses for cross-examination is extended to August 4, 1967, and the date for commencement of hearing is extended from July 26, 1967, to September 11, 1967.

Issued: July 17, 1967.

Released: July 21, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-8801; Filed, July 27, 1967; 8:49 a.m.]

[Docket No. 11081, etc.; FCC 67M-1221]

ORANGE NINE, INC., ET AL.

Statement and Order After Further Prehearing Conference

In re applications of Orange Nine, Inc., Orlando, Fla., Docket No. 11081, File No. BPCT-1153; Mid-Florida Television Corp., Orlando, Fla., Docket No. 11083, File No. BPCT-1801; Central Nine Corp., Orlando, Fla., Docket No. 17339, File No. BPCT-3697; Florida Heartland Television, Inc., Orlando, Fla., Docket No. 17341, File No. BPCT-3737; Comint Corp., Orlando, Fla., Docket No. 17342, File No. BPCT-3738; TV 9, Inc., Orlando, Fla., Docket No. 17344, File No. BPCT-3740; for construction permit for new television broadcast station.

At yesterday's conference, the following schedule was set up to take into account pending pleadings:

Further prehearing conference: September 29, 1967, at 2 p.m.

Hearing: January 8, 1968 (rescheduled from Sept. 18, 1967).

So ordered.

Issued: July 18, 1967.

Released: July 24, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-8802; Filed, July 27, 1967; 8:49 a.m.]

[Docket Nos. 17563, 17564; FCC 67M-1216]

WESTERN BROADCASTING CO. AND KING BROADCASTING CO.

Order Scheduling Hearing

In re applications of Ralph Weagant tr/as Western Broadcasting Co., Portland, Oreg., Docket No. 17563, File No. BPH-5659; King Broadcasting Co., Portland, Oreg., Docket No. 17564, File No. BPH-5841; for construction permits:

It is ordered, That Elizabeth C. Smith shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on October 26, 1967, at 10 a.m.; and that a prehearing conference shall be held on September 13, 1967, commencing at 9 a.m.: *And, it is further ordered*, That all

[1] While Channel 56 is now operating, that channel is no longer assigned to Johnstown. WARD-TV has a construction permit for Channel 19, which is assigned to Johnstown at present.

[2] Ibid.

[3] Dissenting statement of Commissioner Bartley filed as part of original document; Commissioner Cox absent; Commissioner Loevinger dissenting.

proceedings shall take place in the offices of the Commission, Washington, D.C.

Issued: July 18, 1967.

Released: July 24, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-8803; Filed, July 27, 1967; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

INTERNATIONAL CONTAINER CONFERENCE AGREEMENT

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Gerald H. Ullman, Counselor at Law, 120 Broadway, New York, N.Y. 10005.

Agreement 9645, between nine (9) licensed ocean freight forwarders located in the Port of New York area, provides for the formation of an International Container Conference to carry on the business of unitizing and consolidating shipments and breaking bulk for the movement of less than full container loads of their customers to and from worldwide destinations on a regular schedule.

The signatories will form a corporation, or other business entity, which will act as a "nonvessel operating common carrier" and receive its revenue in such capacity, or it will be compensated on a fee or allowance basis by the underlying carrier for services rendered.

The outbound and inbound containerization operation will be carried on within the Port of New York area. Membership in the Conference is restricted to licensed ocean freight forwarders who maintain offices within a radius of 50 miles of Columbus Circle in New York City.

Agreement No. FFA-1 noticed in the FEDERAL REGISTER of May 13, 1967 has been withdrawn by the parties.

Dated: July 25, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-8814; Filed, July 27, 1967; 8:50 a.m.]

FORWARDERS INTERMODAL CONTAINER CONFERENCE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Gerald H. Ullman, Counselor at Law, 120 Broadway, New York, N.Y. 10005.

Agreement 9646, between thirty-nine (39) licensed ocean freight forwarders located in the Port of New York area, provides for the formation of a Forwarders Intermodal Container Conference to carry on the business of breaking bulk, consolidating and unitizing cargo and arranging for the movement of such cargo in the foreign and domestic offshore commerce of the United States to and from worldwide destinations on a regular schedule.

The signatories will form a corporation, or other legal entity, which may acquire land and construct appropriate facilities, lease suitable properties or engage an established company to perform the operations. The Conference will operate either as a "nonvessel operating common carrier" and receive its revenue in such capacity or it will be compensated on a fee or allowance basis.

The consolidation of exports and imports will take place at the Port of New York. Membership in the Conference is restricted to licensed ocean freight forwarders who maintain offices within a radius of 50 miles of Columbus Circle in New York City.

Agreement No. FFA-3 noticed in the FEDERAL REGISTER of May 26, 1967 has been withdrawn by the parties.

Dated: July 25, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-8815; Filed, July 27, 1967; 8:51 a.m.]

[2d Supp. Order; Docket No. 67-7]

SEA-LAND SERVICE, INC.

General Investigation, West Coast/Alaska Trade; Order of Suspension

There have been filed with the Federal Maritime Commission by Sea-Land Service, Inc., respondent in this proceeding, amendments to its West Coast/Alaska Tariff FMC-F No. 5, setting forth amended rates and charges and/or new rules, regulations, and practices affecting such rates and charges, to become effective July 30, 1967, designated as follows:

11th Revised Page 8 (Item 72).
16th Revised Page 10 (Item 150).
17th Revised Page 10 (Item 150).
18th Revised Page 10 (Item 150).
3rd Revised Page 21.
2d Revised Page 21-A.
Original Page 21-B.
7th Revised Page 40 (Rate Group A).
8th Revised Page 40 (Rate Group A).
2d Revised Page 40-A (Rate Basis No. 1).
Original Page 40-C (Rate Basis No. 1).

The said changes are already under investigation in this proceeding by reason of First Supplemental Order served April 27, 1967.

Upon consideration of the said tariff matter there is reason to believe that the proposed rates and charges if permitted to become effective, may be unjust, unreasonable, or otherwise unlawful in violation of section 18(a) of the Shipping Act, 1916, and/or sections 3 and 4 of the Intercoastal Shipping Act, 1933.

It is ordered, That pursuant to the authority of section 3 of the Intercoastal Shipping Act, 1933, the investigation in this proceeding is hereby expanded to include a specific hearing and an investigation concerning the lawfulness of the said rates and charges contained in the aforementioned tariff filings, including the rules and regulations affecting such rates and charges, with a view to making such findings and orders in the premises as the facts and circumstances warrant.

It is further ordered, That pursuant to section 3, Intercoastal Shipping Act, 1933, the operation of the aforementioned tariff matter which is subject to regulation by the Federal Maritime Commission under Item 101 of Tariff FMC-F No. 5 and section 2 of the Intercoastal Shipping Act, 1933, be suspended and the use thereof be deferred to and including November 29, 1967, unless otherwise ordered by this Commission;

It is further ordered, That the investigation in this proceeding shall not be confined to the matters and issues here and before stated as a reason for instituting this investigation, but shall include all matters and issues with respect to the lawfulness of the said schedules under the Shipping Act, 1916, or the Intercoastal Shipping Act, 1933.

It is further ordered, That there shall be filed immediately with the Commission by Sea-Land Service, Inc., a consecutively numbered supplement to its aforesaid tariff which supplement shall bear no effective date, shall reproduce the portion of this order wherein the suspended matter is described and shall state that the aforesaid matter is suspended and may not be used until November 30, 1967, unless otherwise authorized by the Commission; and the rates and charges heretofore in effect, and which were to be changed by the suspended matter shall remain in effect during the period of suspension, and neither the matter suspended, nor the matter which is continued in effect as a result of such suspension, may be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission;

It is further ordered, That copies of this order shall be filed with the said tariff schedules in the Bureau of Domestic Regulation of the Federal Maritime Commission;

It is further ordered, That (I) a copy of this order shall forthwith be served on the respondent herein; (II) the said respondent, be duly notified of the time and place of the hearing; and (III) this order be published in the FEDERAL REGISTER and notice of said hearing be served upon all parties to this proceeding.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(1) (46 CFR 502.72) with a copy to all parties to this proceeding.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 67-8816; Filed, July 27, 1967; 8:51 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP67-218]

ALABAMA-TENNESSEE NATURAL GAS CO.

Notice of Petition To Amend

JULY 21, 1967.

Take notice that on July 17, 1967, Alabama-Tennessee Natural Gas Co. (Petitioner), Post Office Box 918, Florence, Ala. 35630, filed in Docket No. CP67-218 a petition to amend the order issued by the Commission June 29, 1967, by authorizing Petitioner to sell and deliver additional quantities of natural gas to an existing customer, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the above-mentioned order, Petitioner was authorized, inter alia, to construct and operate additional natural gas facilities which increased its system daily delivery capacity by 4,650 Mcf of natural gas and also provided for the sale and delivery of a total firm daily volume of 960 Mcf of natural gas to Amoco Chemicals Corp. (Amoco), one of its existing customers. By the instant filing, Petitioner seeks authorization to increase the sale and delivery to Amoco by 140 Mcf per day of firm natural gas making its total firm daily delivery to Amoco 1,100 Mcf of natural gas. Petitioner states that Amoco has indicated that it will need the additional quantity and Petitioner and Amoco have executed an amendatory agreement, dated May 17, 1967, to this effect. Petitioner states further that the construction originally authorized herein will provide an unallocated daily system delivery capacity of 2,440 Mcf of natural gas and it will therefore have the additional volumes of natural gas available for the service proposed above. Petitioner also states that rendition of the service proposed above will not require the construction or operation of any additional natural gas facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before August 18, 1967.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-8774; Filed, July 27, 1967; 8:47 a.m.]

[Docket No. CP68-17]

ALABAMA-TENNESSEE NATURAL GAS CO.

Notice of Application

JULY 21, 1967.

Take notice that on July 17, 1967, Alabama-Tennessee Natural Gas Co. (Applicant), Post Office Box 918, Florence, Ala. 35630, filed in Docket No. CP68-17 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval of the Commission to abandon by sale certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks permission and approval to abandon by sale to Muscle Shoals Natural Gas Corp. (Shoals), Muscle Shoals, Ala., approximately 0.6 of a mile of 4½ inch O.D. pipeline, approximately 1.5 miles of 3½ inch O.D. pipeline and two meter stations, originally built to serve the U.S. Army Chemical Corps and presently being used to serve Muscle Shoals City, Ala., and approximately 3.3 miles of 6⅝ inch O.D. pipeline in Muscle Shoals City which was originally part of Applicant's Florence-Sheffield Lateral. Applicant states that the section of its Florence-Sheffield Lateral described above is no longer needed as the communities are now being served by an 8⅝ inch O.D. lateral line. Applicant further states that all the facilities described above are located within the city limits of Muscle Shoals City and Shoals proposes to include them in its distribution system to serve the potential market that has grown since original installation of the facilities. Applicant also states that the proposed abandonment by sale of the natural gas facilities described above will not result in any change in the natural gas service now being rendered by Applicant in any of its markets.

Applicant has agreed to sell and Shoals has agreed to purchase the natural gas facilities described above for the depreciated book value as of the date of approval of the sale, said price estimated to be $38,775.60 as of December 31, 1967.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before August 18, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-8775; Filed, July 27, 1967; 8:47 a.m.]

[Docket No. CP65-209]

ARKANSAS LOUISIANA GAS CO.

Notice of Petition To Amend

JULY 20, 1967.

Take notice that on July 12, 1967, Arkansas Louisiana Gas Co. (Petitioner), Post Office Box 1126, Shreveport, La. 71102, filed in Docket No. CP65-209 a petition to amend the order issued by the Commission March 15, 1965, by authorizing Petitioner to increase its sale and delivery of natural gas to an existing customer, change the delivery point of such natural gas and relocate a sales meter, all as more fully set forth in the

petition to amend which is on file with the Commission and open to public inspection.

By the above-mentioned order, Petitioner was authorized to sell and deliver to Mississippi River Transmission Corp. (River) a volume of up to 20,000 Mcf per day of natural gas at a delivery point in North Louisiana. By the instant filing, Petitioner seeks authorization to increase the volume of natural gas sold and delivered to River up to a daily maximum of 25,000 Mcf of natural gas, pursuant to a letter agreement between Petitioner and River dated June 30, 1967, and attached to said petition to amend. Petitioner also seeks authorization to transfer the point of delivery of such natural gas from the present location in North Louisiana to a point where the Petitioner's and River's pipeline systems interconnect in Jefferson County, Ark. Petitioner states that the new delivery point is necessitated by the shifting sources of its supplies and would also deliver said natural gas at a point closer to River's general marketing area. Petitioner further seeks authorization to relocate the sales meter from the present point of delivery to the proposed delivery point.

Petitioner estimates the total cost of relocating said sales meter at approximately $4,000.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before August 16, 1967.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-8776; Filed, July 27, 1967; 8:47 a.m.]

[Docket Nos. CS67-54, CS67-66]

B H AND D CO. AND REDFERN OIL CO.

Findings and Order

JULY 20, 1967.

Findings and order after statutory hearing issuing small producer certificates, terminating certificate, accepting rate schedule, making successor co-respondent, granting relief, and requiring refund assurance.

On March 14, 1967, B H and D Co. and on March 31, 1967, Redfern Oil Co. filed in Docket Nos. CS67-54 and CS67-66, respectively, applications pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for small producer certificates of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce from the Permian Basin area of Texas and New Mexico, all as more fully set forth in the applications.

Applicant in Docket No. CS67-54 is not presently authorized to make sales from the Permian Basin area, but is partial successor to the interest of Rodman & Late in sales under their FPC Gas Rate Schedule No. 1, Docket No. G-14752 (subsequently redesignated Rodman Petroleum Corp. & Late FPC Gas Rate Schedule No. 4 and covered by the small producer certificate in Docket No. CS65-40). Applicant's rate schedule is to be accepted for filing effective December 1, 1966. The certificate will be effective as of the date of this order.

Applicant in Docket No. CS67-66 is presently authorized to make sales from the Permian Basin area and its small producer certificate shall be effective as of the date of this order.

The certificate heretofore issued in Docket No. G-15447 to Applicant in Docket No. CS67-66 shall be terminated.

Applicants have requested that they be allowed to continue to collect rates in excess of the applicable area base rate ceiling prescribed in Opinion No. 468 consistent with the Commission's order issued February 6, 1967, in Rodman and Late, et al., Docket No. CS66-48, et al. For the reasons set forth in that order Applicant in Docket No. CS67-54 will be allowed to continue the collection of the 17.2295-cent rate (B H and D Co. FPC Gas Rate Schedule No. 1) now in effect under the rate schedule of Applicant's predecessor in interest. Applicant in Docket No. CS67-66 will be allowed to continue the collection of the 17.0816-cent rate (Redfern Oil Co. FPC Gas Rate Schedule No. 1) now in effect under Applicant's rate schedule.

It will be necessary to make Applicant in Docket No. CS67-54 a corespondent in Docket No. G-19952. In this connection Applicant will be required to file appropriate refund assurance as hereinafter ordered.

Applicant in Docket No. CS67-66 will continue to be liable for the refund obligations in Docket No. RI62-290.

The above rates will be subject to rejection as of the date of this order in the case of Docket No. CS67-66 and as of December 1, 1966, in the case of Docket No. CS67-54 in the event the Permian court stay is dissolved or the moratorium provisions in Opinion Nos. 468 and 468-A are upheld ultimately upon the judicial review. The collection of such rates is also subject to the refund provisions of paragraph (D) of Opinion No. 468, as well as the refund provisions of Docket Nos. G-19952 and RI62-290.

The Commission staff has reviewed each application and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

After due notice no petition to intervene, notice of intervention, or protest to the granting of the applications has been received.

At a hearing held on July 13, 1967, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications and exhibits thereto, submitted in support of the authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Applicants are engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and each is, therefore, a "natural-gas company" within the meaning of the Natural Gas Act.

(2) The sales of natural gas hereinbefore described, as more fully described in the applications herein will be made in interstate commerce subject to the jurisdiction of the Commission, and such sales by Applicants, together with the construction and operation of any facilities necessary therefor will be subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicants are able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(4) Each Applicant is an independent producer of natural gas who is not affiliated with natural gas pipeline companies and whose total jurisdictional sales on a nationwide basis, together with sales of affiliated producers, were not in excess of 10,000,000 Mcf of natural gas at 14.65 p.s.i.a. during the preceding calendar year.

(5) The sales of natural gas by Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity, and small producer certificates of public convenience and necessity therefor should be issued as hereinafter ordered and conditioned.

(6) The certificate heretofore issued in Docket No. G-15447 should be terminated.

The Commission orders:

(A) Small producer certificates of public convenience and necessity are issued upon the terms and conditions of this order authorizing the sale for resale and the delivery of natural gas in interstate commerce by Applicants from the Permian Basin area of Texas and New Mexico, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as more fully described in the applications in this proceeding.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission and particularly;

(a) The subject certificates shall be applicable only to all present and future "small producer sales," as defined in § 157.40(a)(3) of the regulations under the Natural Gas Act, from the Permian Basin area;

(b) Except where otherwise ordered herein, sales shall not be at rates in excess of those set forth in § 157.40 (b)(1) of the regulations under the Natural Gas Act; however, for sales authorized under permanent or temporary certificates prior to September 1, 1965, Applicants shall collect the rates set forth in paragraphs (H) and (I) and may file notices of change in rate for any contractually authorized rates in excess of the ceiling rates, which increased rates shall be subject to suspension pursuant to section 4(e) of the Natural Gas Act and subsequently may be rejected as of the date of filing as provided by the Order granting relief issued February 6, 1967, in Docket No. CS66-48, et al.

(c) Applicants shall file annual statements pursuant to § 154.104 of the regulations under the Natural Gas Act.

(C) The certificates granted in paragraph (A) above shall remain in effect for small producer sales until the Commission on its own motion or on application terminates said certificates because Applicant no longer qualify as small producers or fail to comply with the requirements of the Natural Gas Act, the regulations thereunder, or the terms of the certificates. Upon such termination Applicants will be required to file separate certificate applications and individual rate schedules for future sales. To the extent compliance with the terms of this order is observed, the small producer certificates will still be effective as to those sales already included thereunder.

(D) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 7 of the Natural Gas Act or Part 157 of the Commission's regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customer involved imply approval of all of the terms of the contracts, particularly as to the cessation of service upon termination of said contracts as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificates aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales subject to said certificates.

(E) The certificates issued in paragraph (A) are effective as of the date of this order.

(F) The certificate heretofore issued in Docket No. G-15447 is terminated.

(G) B H and D Co. FPC Gas Rate Schedule No. 1, together with Supplement Nos. 1 through 4, is accepted for filing effective December 1, 1966, subject to the provisions of paragraphs (H) and (J).

(H) Applicant in Docket No. CS67-54 is made a co-respondent in Docket No. G-19952 and may charge and collect, subject to refund, the 17.2295-cent rate involved in Docket No. G-19952 for sales under its FPC Gas Rate Schedule No. 1 effective as of December 1, 1966, if within 30 days from the issuance of this order Applicant files with the Secretary of the Commission in Docket No. G-19952 an acceptable agreement and undertaking in the form attached to assure the refund of any amounts collected by it, together with the interest at the rate of 7 percent per annum, in excess of the amount determined to be just and reasonable in said proceeding. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of filing, the refund assurance filed herein shall be deemed to be satisfactory and to have been accepted for filing. The refund assurance filed herein shall remain in full force and effect until discharged by the Commission. Said Applicant shall also comply with the refunding and reporting procedures required by the Natural Gas Act and section 154.102 of the regulations thereunder.

(I) Applicant in Docket No. CS67-66 may continue to charge and collect the 17.0816-cent rate under its FPC Gas Rate Schedule No. 1, subject to refund in Docket No. RI62-290.

(J) The rates set forth in paragraphs (H) and (I) above are subject to rejection as of December 1, 1966, and the date of the issuance of this order, respectively, in the event the Permian court stay is dissolved or the moratorium provision Opinion Nos. 468 and 468-A are upheld ultimately upon judicial review. The collection of such rates is also subject to the refund provisions of paragraph (D) of Opinion No. 468 as well as the refund provisions of Docket Nos. G-19952 and RI62-290.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

Suggested agreement and undertaking:

BEFORE THE FEDERAL POWER COMMISSION

(Name of Respondent)

Docket No. ------

AGREEMENT AND UNDERTAKING OF (NAME OF RESPONDENT) TO COMPLY WITH REFUNDING AND REPORTING PROVISIONS OF SECTION 154.102 OF THE COMMISSION'S REGULATIONS UNDER THE NATURAL GAS ACT

(Name of Respondent) hereby agrees and undertakes to comply with the refunding and reporting provisions of section 154.102 of the Commission's regulations under the Natural Gas Act insofar as they are applicable to the proceeding in Docket No. ------ (and has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its board of directors, a certified copy of which is appended hereto[1]) this ------ day of ----------, 196--

(Name of Respondent)

By ----------

Attest:

[F.R. Doc. 67-8777; Filed, July 27, 1967; 8:47 a.m.]

---

[1] If a corporation.

[Docket No. E-7120]

CRISP COUNTY POWER COMMISSION AND GEORGIA POWER CO.

Notice Extending Time for Filing Evidence, Postponing Prehearing Conference and Providing for Filing of Outline of Testimony

JULY 21, 1967.

By telegram filed on July 18, 1967, Counsel for the members of the Southern System, Vis., intervenors, Alabama Power Co., Gulf Power Co., Mississippi Power Co., and respondent Georgia Power Co., hereafter referred to collectively as Southern System, requested an extension of 30 days within which to file their proposed direct evidence with the Federal Power Commission (FPC) as required by paragraph (D) of the order issued June 23, 1967, in the above designated proceeding. By telegram filed July 20, 1967, Counsel for Crisp County Power Commission (Crisp County) stated that Crisp County had no objections to the requested extension of time.

Upon consideration of the foregoing, the time within which Southern System shall file with FPC their proposed direct evidence in writing in compliance with paragraph (D) of the order issued June 23, 1967, is hereby extended to and including August 23, 1967, and the prehearing conference now scheduled for July 27, 1967, is hereby postponed to 10 a.m., August 11, 1967. Further, Southern System shall file with FPC no later than the time of commencement of the August 11, 1967, Prehearing Conference, an outline of its proposed testimony including the names of each witness and in general what each will testify for discussion at that Prehearing Conference.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-8778; Filed, July 27, 1967; 8:47 a.m.]

[Docket Nos. CI65-941, G-20538]

JOSEPH S. GRUSS ET AL.

Order Clarifying Order Issuing Certificate of Public Convenience and Necessity, Making Successor Co-respondent, Redesignating Proceeding, and Requiring Filing of Agreement and Undertaking

JULY 24, 1967.

Joseph S. Gruss (Operator), Agent, Docket No. CI65-941; Estate of Kay Kimbell, et al., Chase Petroleum Co. (Operator), Agent for John M. Clark, et al., and Joseph S. Gruss (Operator), Agent, Docket No. G-20538.

By order issued May 24, 1967, Joseph S. Gruss (Operator), Agent (Petitioner), was authorized in Docket No. CI65-941 to continue the sale of natural gas under his FPC Gas Rate Schedule No. 17 (formerly Chase Petroleum Co., et al. FPC Gas Rate Schedule No. 4) theretofore authorized in said docket. By notice issued April 18, 1967, in Docket No. G-4713 and published in 30 F.R. 5398 on April 15,

1965, the rate for such sale was stated to be 10 cents per Mcf at 14.65 p.s.i.a. A review of the Commission's records reveals that the current rate under Chase's rate schedule was 17 cents per Mcf subject to refund in Docket No. G-20638. Therefore, Petitioner will be made corespondent in Docket No. G-20538, said proceeding will be redesignated accordingly, and Petitioner will be required to file an agreement and undertaking to assure the refund of any amounts collected by him in excess of the amount determined to be just and reasonable in said proceeding.

The Commission finds: It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Joseph S. Gruss (Operator), Agent, be made a corespondent in the proceeding pending in Docket No. G-20538, that said proceeding should be redesignated accordingly, and that Joseph S. Gruss should be required to file an agreement and undertaking.

The Commission orders:

(A) Joseph S. Gruss (Operator), Agent, shall collect a total initial rate of 17 cents per Mcf at 14.65 p.s.i.a. subject to refund in Docket No. G-20538 pursuant to his FPC Gas Rate Schedule No. 17.

(B) Joseph S. Gruss (Operator), Agent, is made a corespondent in the proceeding pending in Docket No. G-20538 and the proceeding is redesignated accordingly.

(C) Within 30 days from the issuance of this order Joseph S. Gruss (Operator), Agent, shall execute, in the form set out below, and shall file with the Secretary of the Commission an acceptable agreement and undertaking in Docket No. G-20638 to assure the refund of any amounts collected by it, together with interest at the rate of seven percent per annum, in excess of the amount determined to be just and reasonable in said proceeding. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreement and undertaking shall be deemed to have been accepted for filing.

(D) Joseph S. Gruss (Operator), Agent, shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreement and undertaking filed by Joseph S. Gruss in Docket No. G-20538 shall remain in full force and effect until discharged by the Commission.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 67-8770; Filed, July 27, 1967; 8:46 a.m.]

[Docket No. CP68-16]

HUMBLE GAS TRANSMISSION CO.

Notice of Application

JULY 21, 1967.

Take notice that on July 14, 1967, Humble Gas Transmission Co. (Applicant), 1700 Commerce Building, New Orleans 70112, filed in Docket No. CP68-17 an application pursuant to section 7 (c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the continued maintenance of certain service and sales by Applicant together with operation of the facilities necessary therefor, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization for the continued maintenance of certain service and sales together with the operation of the facilities necessary therefor, all as now and heretofore conducted by Applicant on that part of its Fowler-Baton Rouge System lying north of the Mississippi River in northeast Louisiana, including lateral lines owned by Applicant which are connected to such system.

The foregoing sales include the following sales for resale: Clayton, La.; Jonesville, La.; Long Gas Co.; Louisiana Gas Service Co.; Lucknow Gas Co.; Peck Gas Co.; Sicily Island Gas Co., Inc.; Simmons Gas Co.; and Vidalia, La.

Also included are the direct industrial sales to L. D. Ritter, Inc. and Rogers Brothers Kiln & Milling Co., Inc. and a sale to Union Producing Co. for operation of irrigation pumps.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before August 18, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 67-8779; Filed, July 27, 1967; 8:47 a.m.]

[Docket No. RI68-8, etc.]

HUMBLE OIL & REFINING CO. ET AL.

Order Accepting Contract Amendments, Providing for Hearings on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

JULY 20, 1967.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are designated as follows:

[1] Does not consolidate for hearing or dispose of the several matters herein.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI68-8	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001, attn: Mr. John J. Carter.	403	[3] 2	Colorado Interstate Gas Co. (Desert Springs Field, Sweetwater County, Wyo.).	$1,998	6-20-67	[4] 7-21-67	(Accepted)			
		403	3			6-20-67	[4] 7-21-67	[4] 7-22-67	[5] 15.0	[6] [7] 17.22	
RI68-9	U.S. Natural Gas Corp., 9601 Wilshire Blvd., Suite 220, Beverly Hills, Calif. 90211, attn: J. O. Young, Vice President.	[8] 4	[9] 2	do.	17,550	6-27-67	[4] 7-28-67	(Accepted)			
		4	3			6-27-67	[4] 7-28-67	[4] 7-29-67	[5] 15.0	[6] [10] 17.25	

[3] Contract Amendment dated June 8, 1967, which provides for measurement of B.t.u. content on a wet basis and at a pressure equivalent to 30 inches of mercury at 32° F.

[4] The stated effective date is the effective date requested by Respondent.

[5] The suspension period is limited to 1 day.

[6] Increase due to upward B.t.u. adjustment for 1146 B.t.u. gas.

[7] Pressure base is 14.65 p.s.i.a.

[8] Initial rate.

[9] The stated effective date is the first day after expiration of the statutory notice.

[10] Increase due to upward B.t.u. adjustment for 1160 B.t.u. gas.

[11] Includes 2.25 cents per Mcf upward B.t.u. adjustment which is maximum allowed under terms of contract, as amended.

[12] Includes 2.22 cents per Mcf upward B.t.u. adjustment. Maximum adjustment allowed under terms of contract, as amended, is 2.25 cents per Mcf.

[13] Contract Amendment dated May 26, 1967, which provides for measurement of B.t.u. content on a wet basis and at a pressure equivalent to 30 inches of mercury at 32° F.

U.S. Natural Gas Corp. (U.S. Natural) requests an effective date of June 27, 1967, for its proposed contract amendment and rate increase filing. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of tthe Natural Gas Act to permit an earlier effective date for U.S. Natural's rate filings and such request is denied.

Humble Oil & Refining Co. (Humble) and U.S. Natural have filed rate increases involving the application of upward B.t.u. price adjustments to their jurisdictional sales of gas from the Desert Spring Field, Sweetwater County, Wyo., to Colorado Interstate Gas Co. The proposed rate increases are from a permanently certificated rate of 15 cents per Mcf. Humble proposes a rate of 17.22 cents per Mcf as a result of a 2.22 cents per Mcf upward B.t.u. adjustment for 1148 B.t.u. gas. U.S. Natural proposes a rate of 17.25 cents per Mcf resulting from a 2.25 cents per Mcf maximum upward B.t.u. adjustment provided by the contract.

Humble and U.S. Natural have filed the above rate changes to put into effect B.t.u. price adjustment provisions contained in contract amendments previously accepted by the Commission. The contract amendments provide for proportional upward and downward B.t.u. adjustments from a base of 1000 B.t.u.'s, with such adjustment not to exceed plus or minus 2.25 cents per Mcf.

Concurrently with the filing of their rate increases, Humble and U.S. Natural submitted contract amendments dated June 8, 1967,[14] and May 24, 1967,[15] respectively, which provide for measurement of B.t.u. content on a wet basis and at a pressure equivalent to 30 inches of mercury at 32° F. We believe that it would be in the public interest to accept for filing Humble and U.S. Natural's aforementioned contract amendments to become effective on July 21, 1967 (Humble), the proposed effective date, and July 28, 1967 (U.S. Natural), the date of expiration of the statutory notice, but not the proposed rates contained therein, which are suspended as hereinafter ordered.

Humble and U.S. Natural's proposed increased rates and charges exceed the applicable initial rate ceiling of 15 cents per Mcf for Wyoming as announced in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR 2.56). Since the proposed increases relate only to B.t.u. adjustment and exceed the area initial rate ceiling by only the contractual B.t.u. adjustment, we conclude that they should be suspended for 1 day from July 21, 1967 (Humble), and July 28, 1967 (U.S. Natural).

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause has been shown for accepting for filing Humble and U.S. Natural's proposed contract amendments dated June 8, 1967, and May 24, 1967, respectively, designated as Supplement No. 2 to Humble's FPC Gas Rate Schedule No. 403, and Supplement No. 2 to U.S. Natural's FPC Gas Rate Schedule No. 4, and for permitting such supplements to become effective on July 21, 1967 (Humble) and July 28, 1967 (U.S. Natural).

(2) Except for the supplements set forth in paragraph (1) above, it is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Supplement No. 2 to Humble's FPC Gas Rate Schedule No. 403, and Supplement No. 2 to U.S. Natural's FPC Gas Rate Schedule No. 4, are accepted for filing and permitted to become effective on July 21, 1967 (Humble) and July 28, 1967 (U.S. Natural).

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Chapter I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in the above-designated supplements (except the supplements set forth in paragraph (A) above).

(C) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until the date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by Respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondent shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser, Colorado Interstate Gas Co. Unless Humble and U.S. Natural are advised to the contrary within 15 days after the filing of their respective agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(D) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before September 6, 1967.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 67-8780; Filed, July 27, 1967; 8:47 a.m.]

[14] Designated as supplement No. 2 to Humble's FPC Gas Rate Schedule No. 403.

[15] Designated as Supplement No. 2 to U.S. Natural's FPC Gas Rate Schedule No. 4.

[Docket No. CP68-19]

PANHANDLE EASTERN PIPE LINE CO.

Notice of Application

JULY 24, 1967.

Take notice that on July 17, 1967, Panhandle Eastern Pipe Line Co. (Applicant), One Chase Manhattan Plaza, New York, N.Y. 10005, filed in Docket No. CP68-19 an application pursuant to subsections (b) and (c) of section 7 of the Natural Gas Act for permission and approval of the Commission to abandon by sale certain natural gas facilities and for a certificate of public convenience and necessity authorizing the construction and operation of certain other natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks permission and approval to abandon by sale to Illinois Power Co. (Illinois) the following natural gas facilities:

(1) Approximately 21,738 feet of 10-inch pipeline together with all appurtenant facilities; and

(2) A meter and regulator station, Station No. 235+08, together with all appurtenant facilities except instruments.

Applicant also seeks authorization to construct and operate a new meter and regulator station, to be called the Decatur Meter and Regulator Station, at the site of its Chaining station 17+70 to provide a revised point of delivery to Illinois.

Applicant states that the above-proposed abandonment and construction of facilities will enable it to alleviate the burden of maintaining and operating that portion of the Decatur Lateral within an urban area and also allow Illinois to more readily develop its market within this urban area.

Applicant estimates the total cost of the proposed construction at approximately $83,000, said cost to be financed from general funds available to Applicant. Applicant has also agreed to sell and Illinois has agreed to purchase the facilities proposed to be abandoned by Applicant for the sum of $35,474, said cost representing the depreciated book value as of April 30, 1967.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before August 21, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-8771; Filed, July 27, 1967; 8:46 a.m.]

[Docket No. CP67-166]

SOUTHERN NATURAL GAS CO.

Supplemental Notice of Petition To Amend

JULY 20, 1967.

Take notice that on June 8, 1967, Southern Natural Gas Co. (Petitioner), Post Office Box 2563, Birmingham, Ala. 35202, filed in Docket No. CP67-168 a petition to amend the order issued by the Commission April 20, 1967, by authorizing Petitioner to construct the facilities originally authorized, in a different location, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the above-mentioned order, Petitioner was authorized to construct and operate 31.84 miles of 24-inch O.D. pipeline loop along its existing White Castle-Franklinton Line, commencing at Mile Post 70.050. In the instant filing, Petitioner requests authorization to construct and operate the same 31.84 miles of 24-inch O.D. pipeline loop on the same White Castle-Franklinton Line but commencing at Mile Post 31.590, on the north side of the Mississippi River, a short distance downstream of White Castle Compressor Station. Petitioner states that additional surveys have indicated that the hereinproposed location will enable Petitioner to construct the pipeline loop in a less densely populated, less congested area which will also result in a lesser cost of construction. Petitioner further states that the location change proposed herein will not alter the system capacity provided by the pipeline loop.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before August 8, 1967.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-8781; Filed, July 27, 1967; 8:47 a.m.]

[Docket No. CP68-15]

TEXAS GAS TRANSMISSION CORP.

Notice of Application

JULY 20, 1967.

Take notice that on July 14, 1967, Texas Gas Transmission Corp. (Applicant), Post Office Box 1160, Owensboro, Ky. 42301, filed in Docket No. CP68-15 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities for the taking from a new source of natural gas such natural gas into Applicant's interstate pipeline system, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate 10.2 miles of 8-inch pipeline and one meter station.

The proposed pipeline will extend from the terminus of Applicant's Bay Junop-Bay Round 8-inch pipeline to a delivery point in Block 8 Field, South Timbalier Area, Offshore Louisiana. The new pipeline will connect a new gas supply to the Applicant's system which supply Applicant gas acquired under a gas purchase contract entered into with The California Company, a Division of Chevron Oil Co. The gas will be delivered to Applicant at a central point in the South Timbalier Area, Offshore Louisiana.

The total estimated cost of the proposed facilities is $608,962, which cost will be financed through the issuance of short term debt.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before August 17, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-8782; Filed, July 27, 1967; 8:47 a.m.]

[Docket No. CP68-16]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application

JULY 21, 1967.

Take notice that on July 17, 1967, Transcontinental Gas Pipe Line Corp. (Applicant), Post Office Box 1396, Houston, Tex. 77001, filed in Docket No. CP68-16 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate the following natural gas facilities:

(1) Approximately 9.97 miles of 30-inch O.D. pipeline to loop its existing 30-inch line east of Compressor Station No. 30;

(2) Approximately 11.99 miles of 30-inch O.D. pipeline to loop its existing 30-inch line east of Compressor Station No. 35;

(3) Approximately 20.23 miles of 30-inch O.D. pipeline to loop its existing 30-inch line east of Compressor Station No. 40;

(4) An additional 2,000 horsepower compressor unit to be installed in its Compressor Station No. 05;

(5) An additional 2,000 horsepower compressor unit to be installed in its Compressor Station No. 52;

(6) A new 6,000 horsepower compressor station to be called Compressor Station No. 10 to be located at M.P. 52.61 on the line between Compressor Station No. 05 and Compressor Station No. 30; and

(7) A new purchase meter and regulator station to be located near Normanna, Tex., west and south of Compressor Station No. 05.

Applicant states that the facilities are necessary to enable it to take into its pipeline system the additional volumes of natural gas proposed to be purchased from South Texas Natural Gas Gathering Co. (South) which volumes will enable Applicant to improve its system reserves and deliverability and enhance the flexibility of its system natural gas supply. Applicant further states that the volumes of natural gas proposed to be purchased from South are required to enable Applicant to replenish and augment supplies of natural gas being used to serve existing and growing market requirements.

Applicant estimates the total cost of the proposed facilities at approximately $10,810,000, said cost to be financed initially from temporary bank loans and

company funds and later to be made a part of a major financing program.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before August 17, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-8783; Filed, July 27, 1967; 8:47 a.m.]

[Docket No. CP67-292]

TRANSWESTERN PIPELINE CO.

Notice of Petition To Amend

JULY 20, 1967.

Take notice that on July 13, 1967, Transwestern Pipeline Co. (Petitioner), Post Office Box 1502, Houston, Tex. 77001, filed in Docket No. CP67-292 a petition to amend the order issued by the Commission June 23, 1967, by authorizing Petitioner to enlarge its service area and increase its sales of natural gas to an existing customer, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the above-mentioned order, Petitioner was authorized to sell and deliver to Southern Union Gas Co. (Southern) up to 25,000 Mcf of natural gas per year in Loving, Winkler, Ward, Reeves, and Crane Counties, Tex. By the instant filing, Petitioner seeks authorization to enlarge the service area to include Pecos County, Tex. and to increase the Maximum Annual Quantity of natural gas sold to Southern to 100,000 Mcf. Petitioner states that it has executed a new Service Agreement with Southern, dated June 29, 1967, to include Pecos County, Tex., and Petitioner further states that Southern has indicated its need for the additional volumes of natural gas to serve its irrigation customers during the present growing season. Petitioner also states that it will be necessary to install minor tap facilities to render the service proposed above. Petitioner states that the cost of the tap facilities will be reimbursed by Southern with no resultant cost to Petitioner.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before August 16, 1967.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-8784; Filed, July 27, 1967; 8:48 a.m.]

[Docket No. CP68-14]

UNITED GAS PIPE LINE CO.

Notice of Application

JULY 20, 1967.

Take notice that on July 14, 1967, United Gas Pipe Line Co. (Applicant), Post Office Box 1407, Shreveport, La. 71102, filed in Docket No. CP68-14 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities for the transportation and sale of additional volumes of natural gas for resale in interstate commerce to Texas Gas Transmission Corp. (Texas Gas), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The facilities Applicant proposes to construct over a 3-year period are as follows:

1968 construction. 1. Construction of 6 miles of 20-inch loop on the 16-inch Belle Isle Field Line beginning at the Burns Plant Site at M.P. 18.2 on the 26-inch Offshore to Koscfusko Line extending in a generally southeasterly direction paralleling the Belle Isle 16-inch line to a point in Section 22, Township 17 South, Range 10 East, all in St. Mary Parish, La., together with a 12-inch dual purchase meter station in Belle Isle Field.

2. At the Olla Compressor Station Site M.P. 166.3 on the 30-inch South to North Louisiana Line in La Salle Parish, La.

a. The uprating of the existing 6,700 horsepower unit to 7,500 horsepower.

b. The installation of an additional 7,500 horsepower gas turbine driven centrifugal compressor unit.

3. The construction of 5.9 miles of 30-inch loop beginning at West Monroe Junction at M. P. 130.75 on the 24-inch Carthage-Sterlington Line, and at M. P. 434.0 on the 30-inch Agua Dulce-Sterlington Line extending in a generally northeasterly direction paralleling both lines to end at the tie-in at the Ouachita River at M. P. 136.6 on the 24-inch Carthage-Sterlington Line and at M. P. 439.75 on the 30-inch Agua Dulce-Sterlington Line, all in Ouachita Parish, La.

4. The construction of a 30-inch check meter station at West Monroe Junction in Ouachita Parish, La.

5. The construction of a sales meter station for Texas Gas, connecting to the 24-inch Charthage-Sterlington Line at M. P. 138.2 and also connecting to the 30-inch Agua Dulce-Sterlington Line at M. P. 441.25 in Ouachita Parish, La.

1969 construction. The construction of a 6,000 horsepower gas engine driven reciprocating compressor unit at the existing Bistineau Storage Compressor Site, together with the enlargement of the dehydration plant facilities. The 6,000 horsepower compressor unit replaces a 2,000 horsepower unit authorized in Docket No. CP66-136.

1970 construction. 1. The drilling of 5 injection-withdrawal wells and the installation of additional measuring and gathering line facilities at the Bistineau Gas Storage Field.

2. The construction of 11.9 miles of 30-inch loop beginning at the Arnaudville Compressor Station at M.P. 60 on the 30-inch South to North Louisiana line in St. Landry Parish, La., and extending in a generally southerly direction to end at the tie-in to the 30-inch South to North Louisiana line at M.P. 48.1 in St. Martin Parish, La.

3. The construction of 23.7 miles of 30-inch loop beginning at the Arnaudville Compressor Station at M.P. 60 on the 30-inch South to North Louisiana line and extending in a generally northerly direction to end at the tie-in to the 30-inch South to North Louisiana line at M.P. 83.7, all in St. Landry Parish, La.

4. The construction of 12.7 miles of 30-inch loop beginning at the Marksville Compressor Station at M.P. 116.5 on the 30-inch South to North Louisiana line in Avoyelles Parish, La., and extending in a generally northerly direction to end at the tie-in to the 30-inch South to North Louisiana line at M.P. 219.2 in Rapides Parish, La.

5. The construction of 3.8 miles of 30-inch loop on the 30-inch South to North Louisiana line, beginning at M.P. 166.3 and extending in a generally northerly direction to end at the tie-in to the 30-inch South to North Louisiana line at M.P. 170.1, all in La Salle Parish, La.

Applicant states that the increased pipeline capacity will be used to deliver increased volumes of natural gas to Texas Gas, to deliver to Southern Natural Gas Co. additional volumes authorized in Docket No. CP67-9, and to deliver gas needed to supplement declining supplies locally available to Applicant's Northern Area.

The total estimated cost of the proposed facilities is $16,582,200, which cost will be financed by the sales of securities to Applicant's parent, United Gas Corp. and from retained earnings and depreciation and amortization accruals.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before August 17, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be

unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-8735; Filed, July 27, 1967; 8:46 a.m.]

OFFICE OF SCIENCE AND TECHNOLOGY

Organization and Information

Pursuant to and in conformity with section 552 of title 5, United States Code, the following notice is published:

Sec.
1 General.
2 Authority and functions.
3 Organization.
4 Procedures.
5 Availability of information.
6 Exceptions.

SECTION 1. *General.* This information is furnished for the guidance of the public, in compliance with the requirements of section 552 of title 5, United States Code, as amended, and in the interest of making available to the public all of the information in the possession of the Office of Science and Technology which may be divulged without jeopardizing the welfare of the Government or the rights of individuals.

SEC. 2. *Authority and functions.* (a) The Office of Science and Technology was established in the Executive Office of the President by Reorganization Plan No. 2 of 1962, effective June 8, 1962.

(b) The Director of the Office of Science and Technology provides advice and assistance to the President with respect to developing policies and evaluating and coordinating programs to assure that science and technology are used most effectively in the interests of national security and the general welfare.

Functions of the office include:

(1) Evaluation of major policies, plans, and programs of science and technology of the various agencies of the Federal Government, giving appropriate emphasis to the relationship of science and technology to national security and foreign policy, and measures for furthering science and technology in the Nation;

(2) Assessment of selected scientific and technical developments and programs in relation to their impact on national policies;

(3) Review, integration, and coordination of major Federal activities as non-Federal resources and institutions;

(4) Assuring that good and close relations exist with the Nation's scientific and engineering communities so as to further in every appropriate way their participation in strengthening science and technology in the United States and the free world; and

(5) Such other matters consonant with law as may be assigned by the President to the Office.

SEC. 3. *Organization.* (a) The Office of Science and Technology is headed by a Director and a Deputy Director. The Office provides the Secretariat for the President's Science Advisory Committee and for the Federal Council for Science and Technology.

(b) The Office of Science and Technology has no field organization.

(c) The public may obtain information, make submittals or requests, or obtain decisions at—

(1) Office of Science and Technology, Executive Office of the President, Washington, D.C. 20506. Telephone: Area Code 202, 395-3000.

(2) The Office of Science and Technology is presently located in the Executive Office Building, 17th Street and Pennsylvania Avenue, Washington, D.C. 20506. Regular office hours are from 9 a.m. to 5:30 p.m., Monday through Friday.

(3) The Executive Office Building is under the security control of the U.S. Secret Service, and admission to the building is by appointment. Persons desiring to visit the Office of Science and Technology officers or employees will usually find it easier to do so if they write or telephone in advance for an appointment.

(d) No formal methods are prescribed for handling Office of Science and Technology functions which may concern a private party. Requests, using the address or telephone number listed above, may be made to the Director or Deputy Director of the Office of Science and Technology concerning any function or activity of the Office, or to the Special Assistant to the Director on: Inquiries from information media, examination of records, matters relating to employment or internal administration, or matters relating to contracts for supplies or services to be furnished to the Office.

SEC. 4. *Procedures.* (a) Information as to the procedure to be followed by a private party with respect to any substantive function of the Office of Science and Technology may be obtained from the officials and at the address or telephone number listed in section 3.

(b) No particular forms are prescribed for use by a private party in connection with substantive functions of the Office of Science and Technology. Forms prescribed for Government-wide use in connection with administrative matters may be obtained from the Special Assistant to the Director at the address shown in paragraph (c) of section 3.

(c) The Office of Science and Technology has not adopted or formulated any substantive rules or statements of general policy or interpretations of general applicability regarding substantive functions of the Office of Science and Technology which may directly affect a private party. Matters coming before the Office of Science and Technology which are of concern to particular members or groups of the public are handled informally in the manner best suited to the particular situation.

SEC. 5. *Availability of information.* (a) The Office of Science and Technology is not directly involved in the adjudication of cases involving private parties and does not render final opinions or orders in such matters. The Office has not adopted statements of policy or interpretation which are relied upon in the handling of substantive functions of the Office which may indirectly affect the public. The Office does not conduct agency proceedings which are settled by vote and has no records of that nature.

(b) The Office of Science and Technology and the two committees for which it has administrative responsibility—the President's Science Advisory Committee and the Federal Council for Science and Technology—from time to time issue public reports and documents of a substantive nature. These in general are available either from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20202, or from the Clearinghouse for Federal Scientific and Technical Information, 5285 Port Royal Road, Springfield, Va. 22151.

(c) Except with respect to records made available under prior sections of this notice, copies of identifiable records of the Office of Science and Technology will be furnished upon written application to the Special Assistant to the Director at the address shown in paragraph (c) of section 3, subject to the following:

(1) The request must describe the desired record with sufficient particularity to permit identification.

(2) A charge of 25 cents per page will be made for each copy furnished; the minimum charge will be $1. A charge of $5 per person per hour will be made for time spent in searching for records, regardless of whether the search is successful; the minimum charge will be $2. Where the estimated total cost for searching and copying is less than $5, the records will be furnished with appropriate billing instructions; where the estimated total cost is $5 or more, the person requesting the record will be informed of the estimated cost and will be required to make payment of not less than 75 percent of the estimated cost in advance of receiving the materials.

(3) Notwithstanding the foregoing, materials may be furnished without charge to foreign governments, other governmental agencies or units, nonprofit educational organizations, or other applicants whenever the Special Assistant to the Director determines that such action would further the performance of the functions of the Office of Science and Technology.

SEC. 6. *Exceptions.* Except to the extent that the Director in his sole discretion, upon request for review initiated in writing by an applicant, determines that a record which falls within one of the following categories may be made available, this notice shall not apply to matters that are—

(a) Specifically required by Executive order to be kept secret in the interest of the national defense or foreign policy;

(b) Related solely to the internal personnel rules and practices of the Office of Science and Technology;

(c) Specifically exempted from disclosure by statute;

(d) Trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(e) Interagency or intra-agency memoranda or letters which would not be available by law to a party other than an agency in litigation with the Office of Science and Technology;

(f) Personnel and medical files and similar files, the disclosure of which, would constitute a clearly unwarranted invasion of personal privacy;

(g) Investigatory files compiled for law enforcement purposes except to the extent available by law to a party other than an agency;

(h) Contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or

(i) Geological and geophysical information and data, including maps, concerning wells.

Effective date. The provision of this notice shall be effective July 18, 1967.

DONALD F. HORNIG,
Director, Office of Science and Technology.

[F.R. Doc. 67-8755; Filed, July 27, 1967; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812-2152]

KEYSTONE CUSTODIAN FUNDS, INC., AND KEYSTONE CO. OF BOSTON

Notice of Filing of Application for Order Exempting Certain Underwriting Contracts

JULY 24, 1967.

Notice is hereby given that Keystone Custodian Funds, Inc. ("Keystone"), a Delaware corporation, as Trustee of each of the following nine trusts, namely, Keystone Custodian Funds Series S-1, S-2, S-3, S-4, B-1, B-2, B-4, K-1 and K-2 ("Funds"), each registered under the Investment Company Act of 1940, 15 U.S.C. Sec. 80a-1, et seq. ("Act") as a management open-end diversified investment company, and The Keystone Co. of Boston ("Keystone-Boston") 50 Congress Street, Boston 9, Mass., a Delaware corporation, have filed an application for an order pursuant to section 6(c) of the Act exempting Keystone-Boston from the provisions of section 15(b)(1). All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

The nine Funds are unincorporated common law trusts, each existing under a separate but substantially identical trust agreement between Keystone as Trustee and the investors in the Funds. Shares of each of the Funds are registered under the Securities Act of 1933 and such shares are offered for sale to the public in accordance with the terms of a principal underwriting contract dated August 28, 1964 ("contract") between Keystone, as Trustee for the Funds, and Keystone-Boston, a wholly-owned subsidiary of Keystone.

Section 15(b)(1) of the Act makes it unlawful for any principal underwriter for a registered open-end investment company to offer securities of such company except pursuant to a written contract, which contract shall continue in effect for a period of more than 2 years from the date of its execution only so long as such continuance is specifically approved at least annually by the Board of Directors or by vote of a majority of the outstanding voting securities of such registered investment company. Section 6(c) of the Act states that the Commission may exempt any person from the provisions of the Act if the exemption is necessary, or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

By order dated September 24, 1965, the Commission granted an application exempting Keystone-Boston from section 15(b)(1) of the Act on the condition that the contract continue in effect with respect to any of the Funds only so long as the continuance is specifically approved at least every 3 years by either written approval by holders of a majority of the outstanding shares of each of the Funds or the vote of a majority of such outstanding shares cast in person or by proxy at a meeting called for that purpose. By reason of such order the contract may continue in effect after August 28, 1967, only if its continuance is approved by shareholders of the Funds in the manner provided by the Commission's order.

Keystone is now preparing the proxy material necessary for submission to shareholders of the Funds of the proposal to continue the contract. The application states that Keystone has intended to submit a number of other matters to the shareholders of the Funds as part of the same solicitation of proxies; that for more than 1 year it has been engaged in a project to revise the trust agreements of each of the Funds for the purpose of modernizing and improving them; and that while the project is substantially completed, because of the importance of the project to shareholders of the Funds, Keystone believes it should have a small amount of additional time to assure itself that shareholders will receive maximum benefits from the project.

The application further states that a 6-month delay in the operation of the commitment to submit the contract to shareholders in this one instance will not materially or significantly detract from any shareholder protection or be adverse to their interests. Keystone believes that the 6-month exemption to enable it to formulate and finalize certain proposals relating to the governing instruments of the Funds will benefit shareholders. While it would be possible to submit these proposals to shareholders in separate special meetings of the Funds, Keystone believes that if shareholders were to receive two proxy statements within a short period of time, it would tend to be unnecessarily disruptive of orderly shareholder relations, and if separate proxy statements were submitted to shareholders of nine funds, it would require considerable additional and unnecessary effort and expense to Keystone well in excess of $65,000.

Notice is further given that any interested person may, not later than August 14, 1967, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicants at the address set forth above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in the application, unless an order for hearing upon the application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-8757; Filed, July 27, 1967; 8:45 a.m.]

[812-2154]

NATIONAL AVIATION CORP.

Notice of Filing of Application for Order of Exemption To Permit Purchase of Securities During an Underwriting

JULY 24, 1967.

Notice is hereby given that National Aviation Corp. ("Applicant") 111 Broadway, New York, N.Y. 10006, a closed-end, nondiversified management investment company registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 10(f) of the Act for an order of the Commission exempting from the provisions of section 10(f) a proposed purchase by the Applicant at the public offering price of up to $2 million principal amount convertible subordinated debentures due 1992 ("the debentures") which The Cessna Aircraft Co. ("the Issuer") proposes to issue. The proposed purchase is a portion of an offering of $20 million

principal amount of the debentures expected to be offered to the public as soon as the registration statement on Form S–1 of the Issuer, filed July 7, 1967, shall be made effective pursuant to section 8(a) of the Securities Act of 1933. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein which are summarized below.

The firm of Hornblower & Weeks-Hemphill, Noyes will probably be one of the principal underwriters for the issue. Howard E. Buhse, a director of Applicant and a member of the executive committee, is a partner of that firm. Section 10(f) of the Act, as here pertinent, provides that no registered investment company shall knowingly purchase or otherwise acquire, during the existence of any underwriting or selling syndicate, any security (except a security of which such company is the issuer) if a director of the registered investment company is an affiliate of a principal underwriter of such security. Since one of the Applicant's directors is an affiliated person of one of the principal underwriters offering the debentures, the purchase thereof by the Applicant is prohibited. The Commission may exempt a transaction from this prohibition if and to the extent that such exemption is consistent with the protection of investors.

The Applicant in support of its application asserts that the proposed purchase of the debentures is consistent with Applicant's investment objectives and policies and is not proposed for the purpose of stimulating the market in the debentures or for the purpose of relieving the underwriters of securities otherwise unmarketable, that it will not purchase the debentures from Hornblower & Weeks-Hemphill, Noyes, that the terms of the proposed investment, if consummated, are fair and reasonable, that the amount paid will represent 1.7 percent of the Applicant's assets as of July 7, 1967.

Notice is further given that any interested person may, not later than August 7, 1967 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in the matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67–8758; Filed, July 27, 1967; 8:45 a.m.]

[70–4506]

PUBLIC SERVICE COMPANY OF OKLAHOMA

Notice of Proposed Indenture Amendment

JULY 20, 1967.

Notice is hereby given that Public Service Company of Oklahoma ("Public Service") 600 South Main Street, Tulsa, Okla. 74102, an electric utility subsidiary company of Central and South West Corp. ("Central"), a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") proposing the amendment of its indenture of mortgage. Public Service has designated sections 6(a) and 7 of the Act as applicable to the proposal. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed amendment.

Public Service proposes to amend its indenture of mortgage dated July 1, 1945, as amended ("Indenture"), to the First National Bank and Trust Company of Tulsa, as trustee, so as to increase from $125 million to $225 million the principal amount of bonds of all series that may be outstanding at any one time. The aggregate principal amount of all the bonds of Public Service now outstanding under the Indenture is $124 million.

Under Oklahoma law the proposed amendment requires the favorable vote of the greater amount in value of the outstanding stock of Public Service, which consists of 197,900 shares of preferred stock, par value $100 per share and 6,650,000 shares of common stock, par value $10 per share. Public Service does not intend to solicit proxies and Central, which owns all of the outstanding common stock of Public Service, intends to vote such stock in favor of the proposed amendment. Central states that the value of the common stock of Public Service owned by Central is sufficient for the purpose of adopting the proposed amendment.

The fees and expenses incurred and to be incurred in connection with the proposed transaction are estimated at $500. The portion of Public Service's annual counsel retainer fee which may be allocable to the proposed transaction is estimated at not to exceed $1,000. The declaration states that Public Service is of the opinion that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than August 9, 1967, request in writing that a hearing be held with respect to the proposed amendment of the indenture, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67–8759; Filed, July 27, 1967; 8:46 a.m.]

SUBSCRIPTION TELEVISION, INC.

Order Suspending Trading

JULY 24, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $1 par value of Subscription Television, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 25, 1967, through August 3, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67–8760; Filed, July 27, 1967; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice No. 12–A]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 24, 1967.

Application filed for temporary authority under section 210(a)(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 279:

No. MC–FC–69838. By application filed July 17, 1967, GRAYS HARBOR LINES, INC., 719 L Street, Hoquiam, Wash. 98550, seeks temporary authority to lease the operating rights of HARBOR LINES, INC., 719 L Street, Hoquiam, Wash. 98550, under section 210a(b). The transfer to GRAYS HARBOR LINES, INC., of the operating rights of HARBOR LINES, INC., is presently pending.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67–8740; Filed, July 26, 1967; 8:48 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 25, 1967.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41079—*Soda ash to points in southern territory.* Filed by Western Trunk Line Committee, agent (No. A–2508), for interested rail carriers. Rates on soda ash (other than modified soda ash), in carloads, from Alchem, Stauffer, and Westvaco, Wyo., to specified points in southern territory.

Grounds for relief—Market competition.

Tariff—Supplement 55 to Western Trunk Line Committee, agent, tariff ICC A–4620.

FSA No. 41080—*Sand from points in southwestern territory to points in SFA territory.* Filed by Southwestern Freight Bureau, agent (No. B–8992), for interested rail carriers. Rates on sand, industrial, in carloads, as described in the application, from specified points in Missouri, Oklahoma, and Texas, also Van Buren, Ark., to points in southern territory.

Grounds for relief—Market competition.

Tariff—Supplement 156 to Southwestern Freight Bureau, agent, tariff ICC 4565.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67–8644; Filed, July 27, 1967; 8:51 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 629]

MICHIGAN

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of July 1967, because of the effects of certain disasters, damage resulted to residences and business property located in Oakland and Macomb Counties, in the State of Michigan;

Whereas, the Small Business Administration has investigated and received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Deputy Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the Office below indicated from persons or firms whose property, situated in the aforesaid counties and areas adjacent thereto, suffered damage or destruction resulting from floods occurring on or about July 19, 1967.

OFFICE

Small Business Administration Regional Office, 1249 Washington Boulevard, Detroit, Mich. 48226.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to January 31, 1968.

Dated: July 21, 1967.

ROBERT C. MOOT, *Deputy Administrator.*

[F.R. Doc. 67–8762; Filed, July 27, 1967; 8:46 a.m.]

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NATIONAL DAY OF PRAYER FOR RECONCILIATION

By the President of the United States of America

A Proclamation

From its earliest day, our nation has been dedicated to justice, to equality—and to order.

We are a people committed to the rule of law, believing that it holds the greatest hope for human progress and well-being. We must never abandon that commitment.

Today our people reaffirm their faith in law; their faith in progress; their faith in human brotherhood.

It is right to pray that strife will not bring down what we have built, nor threaten all the things we hope to build.

NOW THEREFORE I, LYNDON B. JOHNSON, President of the United States of America, do hereby set aside Sunday, July 30, 1967, as a National Day of Prayer for Peace and Reconciliation.

I call on every Governor, every Mayor, every family in the land to join in this observance. I call on all our citizens to go into their churches on this Sunday, and to pray for peace in the land we love.

We deplore the few who rely upon words and works of terror.

We mourn the many who have suffered from violence in the cities.

We dedicate ourselves once more to the rule of law, in whose absence anarchy is loosed and tragedy is born.

We pray to Almighty God, the Author of our liberty, for hearts free from hate, so that our Nation can be free from bitterness.

We pray for strength to build together so that disorder may cease, progress steadily continue, and justice prosper.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-seventh day of July, in the year of our Lord nineteen hundred and sixty-seven, and of the Independence of the United States of America the one hundred and ninety-second.

THE WHITE HOUSE,
July 27, 1967.

[F.R. Doc. 67-8945; Filed, July 28, 1967; 9:55 a.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter II—Consumer and Marketing Service (Consumer Food Programs), Department of Agriculture

PART 220—SCHOOL BREAKFAST AND NONFOOD ASSISTANCE PROGRAMS

Appendix—Second Apportionment of the School Breakfast Program Funds Pursuant to Child Nutrition Act of 1966, Fiscal Year 1967

REAPPORTIONMENT FOR TENNESSEE AND COLORADO

A second apportionment pursuant to section 4 of the Child Nutrition Act of 1966, Public Law 89-642, 80 Stat. 886, food assistance funds available for the fiscal year ending June 30, 1967, was published in the FEDERAL REGISTER on May 20, 1967 (32 F.R. 7491). The second apportionment is amended for the States of Tennessee and Colorado as follows:

State	Total apportionment	State agency	Withheld for private schools
Colorado	$7,611	$5,662	1,949
Tennessee	11,500	11,500	
Total	1,042,329	988,737	53,592

(Secs. 2, 4, 6, and 8 through 16, 80 Stat. 885-890; 42 U.S.C. 1771, 1773, 1775, 1777-1785)

Dated: July 26, 1967.

ROY W. LENNARTSON,
Associate Administrator.

[F.R. Doc. 67-8849; Filed, July 28, 1967; 8:47 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Valencia Orange Reg. 213]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.513 Valencia Orange Regulation 213.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 27, 1967.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period July 30, 1967, through August 5, 1967, are hereby fixed as follows:

(i) District 1: 150,000 cartons;

(ii) District 2: 475,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: July 28, 1967.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-8967; Filed, July 28, 1967; 1:02 p.m.]

[Lemon Reg. 278]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.578 Lemon Regulation 278.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and this part (Order No. 910, as amended), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are

identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 25, 1967.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period July 30, 1967, through August 5, 1967, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 232,500 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 27, 1967.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67–8896; Filed, July 28, 1967; 10:56 a.m.]

Title 12—BANKS AND BANKING

Chapter I—Bureau of the Comptroller of the Currency, Department of the Treasury

PART 7—INTERPRETATIONS

Corporate Savings Accounts

Part 7, Chapter I, Title 12 is hereby amended by rescinding § 7.8.

Dated: July 25, 1967.

[SEAL] WILLIAM B. CAMP,
Comptroller of the Currency.

[F.R. Doc. 67–8843; Filed, July 28, 1967; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airworthiness Docket No. 67–SW–32; Amdt. 39–452]

PART 39—AIRWORTHINESS DIRECTIVES

Bell Model 206A Helicopters

Investigation of a fuel tank explosion on a Bell Model 206A helicopter during ground maintenance activities revealed that the positive and negative wires of a fuel boost pump had been reversed. It is believed that this reversal was a contributing factor to the explosion.

If a similar explosion should occur in flight, a catastrophic failure of aircraft structure could result with possible serious injury or loss of life. Since the wires to the fuel boost pumps may be reversed in other helicopters of the same type design, an airworthiness directive is being issued to require inspection and modification of the fuel pump wiring on certain Model 206A helicopters.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than thirty (30) days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697) § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BELL. Applies to Model 206A helicopters, serial numbers 4 through 20, 22 through 48, 50 through 56, 59, 61, and 65.

Compliance required as indicated below after the effective date of this airworthiness directive, unless already accomplished.

To assure proper grounding of both fuel boost pumps and prevent a potentially explosive condition in the fuel tank due to improperly wired electric fuel boost pumps, accomplish the following inspection and modification:

1. Before further flight, determine by either of the following methods that the white wire from each fuel boost pump is connected to the aircraft system ground wire:

(a) If the wire identification is legible, by reference to the Master Electrical Wiring Diagram in the Model 206A Maintenance and Overhaul Manual, confirm that helicopter system wires numbered Q2A18N (to the Forward Boost Pump), and Q4A18N (to the Aft Boost Pump) are connected to the white wire from the corresponding boost pump.

(b) If the wire identification is not legible, turn all switches off and disconnect each fuel boost pump white wire from the aircraft system wire. Check each aircraft system wire thus exposed for proper grounding using an ohmmeter or continuity checking device.

If the grounding is confirmed by either of the above methods, disconnected wires may be reconnected and the helicopter returned to service for not more than 25 hours before the modification required by subparagraph 2 below is accomplished.

If grounding is not confirmed by either of the above methods, the fuel pump leads may have been reversed. Use the Master Electrical Diagram in the Maintenance and Overhaul Manual to determine correct connections, and connect the pumps to the aircraft system accordingly. The helicopter may then be returned to service for not more than 25 hours operation before the modification required by subparagraph 2 below is accomplished.

2. Within the next 25 hours time in service, modify the fuel boost pump wiring in accordance with Part B, Bell Helicopter Co. Service Letter, Model 206A—No. 21, Revision A, dated July 18, 1967, or an equivalent method approved by the Director, Southwest Region, Federal Aviation Administration.

This amendment becomes effective on July 29, 1967.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, and 1423)

Issued in Fort Worth, Tex., on July 21, 1967.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 67–8792; Filed, July 28, 1967; 8:45 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Subtitle A—Office of the Secretary of Commerce

PART 12—FAIR PACKAGING AND LABELING

Notice of proposed rulemaking regarding the Department of Commerce proposal to issue procedures for the discharge of the Secretary's responsibilities under sections 5(d) and 5(e) of the Fair Packaging and Labeling Act (Public Law 89–755, 80 Stat. 1299) was published in the FEDERAL REGISTER of May 23, 1967 (32 F.R. 7532). Interested parties were afforded an opportunity to file written comment on the proposed procedures with the Office of the General Counsel of the Department of Commerce.

On the basis of the comments which were received, several changes in the proposed procedures have been effected.

The final procedures are set forth below in the form of a new Part 12 that is hereby added to Title 15, Subtitle A, Code of Federal Regulations.

Sec.
12.1 Introduction.
12.2 Undue proliferation.
12.3 Development of voluntary standards.
12.4 Report to the Congress.

AUTHORITY: The provisions of this Part 12 issued under the authority vested in the Secretary of Commerce by secs. 5(d) and 5(e), Public Law 89–755, 80 Stat. 1299, and delegated to the Assistant Secretary of Commerce for Science and Technology by sec. 3, Department Order 177 (31 F.R. 6746), as amended (32 F.R. 9110).

§ 12.1 Introduction.

(a) These procedures apply to the discharge of the responsibility given to the Secretary of Commerce by sections 5(d) and 5(e) of the Fair Packaging and Labeling Act (Public Law 89–755, 80 Stat. 1299), hereinafter called the "Act". The word "Secretary", as used hereinafter, shall refer to the Secretary of Commerce or his authorized delegate.

(b) The Secretary does not have the responsibility or the authority under the Act to issue any regulations governing the packaging or labeling practices of private industry.

(c) The Secretary does have the responsibility and authority to:

(1) Determine whether the reasonable ability of consumers to make value comparisons with respect to any consumer commodity or reasonably comparable consumer commodities is impaired by

undue proliferation of the weights, measures, or quantities in which such commodity or commodities are being distributed in packages for sale at retail.

(2) Request manufacturers, packers, and distributors, where a determination of undue proliferation has been made, to participate in the development of a voluntary product standard under the procedures governing the Department's voluntary standards program.

(3) Report to Congress with a recommendation as to whether legislation providing regulatory authority should be enacted, when after 1 year following the date private industry has been requested to participate in the development of a voluntary product standard it is determined that such a standard will not be published, or when following the publication of such a standard it is determined that the standard has not been observed.

(d) The Act does not furnish a detailed, definitive explanation of "undue proliferation". It does, however, point out that the condition of "undue proliferation" must be one which "impairs the reasonable ability of consumers to make value comparisons" with respect to consumer commodities. Generally, therefore, the Department will determine "undue proliferation" on a case-by-case basis, and, accordingly, is establishing by these procedures an orderly process for such determinations.

(e) As used hereinafter the term "undue proliferation" shall refer to such undue proliferation—of the weights, measures or quantities in which any consumer commodity or reasonably comparable consumer commodities are being distributed for sale at retail—as impairs the reasonable ability of consumers to make value comparisons with respect to such consumer commodity or commodities, as set out in section 5(d) of the Act.

§ 12.2 Undue proliferation.

(a) *Information as to possible undue proliferation.* Any person or group, including a State or local governmental entity, is invited to communicate information to the Secretary concerning the possible existence of undue proliferation. Such communications should be in writing and include supporting information and explanations.

(b) *Initiation of inquiry as to undue proliferation.* Upon receipt of information regarding the possible existence of undue proliferation, the Secretary will determine whether there has been a showing of good cause warranting an inquiry. If the Secretary determines that good cause exists, he shall initiate an inquiry for the purpose of finding facts concerning the existence of undue proliferation.

(c) *Procedures for Inquiry*—(1) *Cooperation with State and local officials.* Any inquiry initiated under paragraph (b) of this section may be conducted in cooperation with State and local weights and measures officials.

(2) *Participation by interested persons.* The Secretary may, during the course of the inquiry, afford interested persons or groups an opportunity to submit in writing comments, data, arguments, views, or other information relevant to the inquiry.

(d) *Proposed determination as to existence of undue proliferation.* (1) If, after consideration of all relevant information, the Secretary concludes that undue proliferation appears to exist, he shall publish a proposed determination to this effect. The proposed determination shall identify the particular consumer commodity or commodities involved and shall be accompanied by a concise statement of the facts upon which it is based.

(2) Within 60 days after publication of the proposed determination, any interested party may submit in writing comments, data, arguments, views, or other information relevant to the proposed determination. All written submissions shall be made a part of the public record.

(3) Within 30 days after the proposed determination has been published, any interested party may request in writing an oral hearing to present his views. The granting of such a hearing shall be at the discretion of the Secretary. Any such hearing shall be public and notice thereof shall be published at least 15 days in advance. A transcript of the hearing shall be made part of the public record.

(e) *Final determination as to undue proliferation.* As soon as practicable following the conclusion of the proceedings described in paragraph (d) of this section, the Secretary shall either publish a final determination of undue proliferation, or he shall publish a notice withdrawing his proposed determination of undue proliferation. In no event shall the withdrawal of a proposed determination operate to preclude the initiation of another inquiry regarding the same or similar subject matter under paragraph (b) of this section.

§ 12.3 Development of voluntary product standards.

(a) *Invitation to participate in the development of a voluntary product standard.* Whenever the Secretary publishes a final determination of undue proliferation under § 12.2(e), he shall invite manufacturers, packers, and distributors of the commodity or commodities involved to participate in the development of a voluntary product standard in accordance with the terms of the Act and the Department's published procedures for voluntary product standards. The term "Voluntary Product Standard" as used in this section means a standard for weights, measures or quantities in which the commodity or commodities are being distributed in packages for sale at retail.

(b) *Determination that voluntary product standard will not be published.* (1) If a voluntary product standard has not been developed within one year from the date on which participation was invited, the Secretary may conclude that a voluntary product standard will not likely be published. Upon reaching such a conclusion, the Secretary will publish a proposed determination that a voluntary product standard will not be published.

(2) Within 60 days after publication of the proposed determination, any interested party may submit in writing comments, data, arguments, views, or other information relevant to the proposed determination. All written submissions shall be made a part of the public record.

(3) Within 30 days after the proposed determination has been published, any interested party may request in writing an oral hearing to present his views. The granting of such a hearing shall be at the discretion of the Secretary. Any such hearing shall be public and notice thereof shall be published at least 15 days in advance. A transcript of the hearing shall be made part of the public record.

(4) As soon as practicable following the conclusion of the proceedings described in subparagraphs (2) and (3) of this paragraph, the Secretary shall either publish a final determination that a voluntary product standard will not be published, or he shall publish a notice withdrawing his proposed determination under subparagraph (1) of this paragraph. In no event shall the withdrawal of a proposed determination operate to preclude the publication of another proposed determination under subparagraph (1) of this paragraph with respect to the same or similar subject matter.

(c) *Determination that a published voluntary product standard has not been observed.* (1) Whenever the Secretary has reason to believe that a voluntary product standard published under these procedures is not being observed he shall initiate an inquiry to determine such fact.

(2) If, on the basis of the information developed during the inquiry, the Secretary concludes that the voluntary product standard is not being observed, he shall publish a proposed determination to this effect. The proposed determination shall identify the particular standard involved and shall be accompanied by a concise statement of the facts upon which it is based.

(3) Within 60 days after publication of the proposed determination, any interested party may submit in writing comments, data, arguments, views, or other information relevant to the proposed determination. All written submissions shall be made a part of the public record.

(4) Within 30 days after the proposed determination has been published, any interested party may request in writing an oral hearing to present his views. The granting of such a hearing shall be at the discretion of the Secretary. Any such hearing shall be public and notice thereof shall be published at least 15 days in advance. A transcript of the hearing shall be made part of the public record.

(5) As soon as practicable following the conclusion of the proceedings described in subparagraphs (3) and (4) of this paragraph, and upon consideration of all relevant information, the Secretary shall either publish a final determination that the voluntary product standard is not being observed, or he shall publish a notice withdrawing his proposed determination under subparagraph (2)

of this paragraph. In no event shall the withdrawal of a proposed determination operate to preclude the initiation of another inquiry regarding the same standard under subparagraph (1) of this paragraph.

§ 12.4 Report to the Congress.

Whenever the Secretary publishes a final determination under § 12.3(b)(4) or 12.3(c)(5), he shall promptly report such determination to the Congress with a statement of the efforts that have been made under the voluntary standards program and his recommendation as to whether Congress should enact legislation providing regulatory authority to deal with the situation in question.

Effective date. This part shall become effective upon publication in the FEDERAL REGISTER.

J. HERBERT HOLLOMON,
Assistant Secretary of Commerce for Science and Technology.

JULY 27, 1967.

[F.R. Doc. 67-8930; Filed, July 28, 1967; 8:49 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter III—Social Security Administration, Department of Health, Education, and Welfare

[Reg. 4]

PART 404—FEDERAL OLD-AGE, SURVIVORS AND DISABILITY INSURANCE (1950_____)

Subpart K—Employment—Wages—Self-Employment—Self-Employment Income

WAGES AND EXCLUSION FROM WAGES

Regulations No. 4, as amended, of the Social Security Administration (20 CFR 404.1 et seq.) are further amended as follows:

1. Sections 404.1026 and 404.1027 are amended to read as follows:

§ 404.1026 Wages.

(a) *General.* (1) Whether remuneration paid after 1950 for employment performed after 1936 constitutes wages is determined under section 209 of the Act. This section and § 404.1027 (relating to the statutory exclusions from wages) apply with respect only to remuneration paid after 1950 for employment performed after 1936. Whether remuneration paid after 1936 and prior to 1940 for employment performed after 1936 constitutes wages shall be determined in accordance with the applicable provisions of law and Regulations No. 2 (20 CFR, 1938 ed., Part 402). Whether remuneration paid after 1939 and prior to 1951 for employment performed after 1936 constitutes wages shall be determined in accordance with the applicable provisions of law and Part 403 of this chapter (Regulations No. 3).

(2) The term "wages" means all remuneration for employment unless specifically excepted under section 209 of the Act (see § 404.1027).

(3) The name by which the remuneration for employment is designated is immaterial. Thus, salaries, fees, bonuses, and commissions on sales or on insurance premiums are wages within the meaning of the Act if paid as compensation for employment.

(4) Generally, the basis upon which the remuneration is paid is immaterial in determining whether the remuneration constitutes wages. Thus, it may be paid on the basis of piecework or a percentage of profits; and it may be paid hourly, daily, weekly, monthly, or annually. See, however, § 404.1027(m)(3) relating to the treatment of cash remuneration computed on a time basis for agricultural labor.

(5) Generally, the medium in which the remuneration is paid is also immaterial. It may be paid in cash or in something other than cash, as for example, goods, lodging, food, or clothing. Remuneration paid in items other than cash is computed on the basis of the fair value of such items at the time of payment. See, however, § 404.1027(l) relating to the treatment of remuneration paid in any medium other than cash for services not in the course of the employer's trade or business, for domestic service in a private home of the employer, or for agricultural labor, § 404.1027(o) for services described in section 209(j) of the Act (relating to home workers), and § 404.1027(p) relating to tips paid in a medium other than cash.

(6) Ordinarily, facilities or privileges (such as entertainment, medical services, or so-called "courtesy" discounts on purchases), furnished or offered by an employer to his employees generally are not considered as remuneration for employment if such facilities or privileges are of relatively small value and are offered or furnished by the employer merely as a means of promoting the health, good will, contentment, or efficiency of his employees. The term "facilities or privileges," however, does not ordinarily include the value of meals or lodging furnished to employees. The value of these items is wages where:

(i) It is agreed as part of the contract of employment that the employer is to furnish to the employee daily meals or regular lodging or both; or

(ii) The value of such items forms an appreciable part of the total remuneration. For example, the value of meals or lodging furnished to hospital, restaurant, or hotel employees or to seamen or other employees aboard vessels, would generally be wages because either one or both of these conditions are met.

(7) Amounts of so-called "vacation allowances" paid to an employee constitute wages. Thus, the salary of an employee on vacation, paid notwithstanding his absence from work, constitutes wages.

(8) Amounts paid specifically—either as advances or reimbursements—for traveling or other bona fide ordinary and necessary expenses incurred or reasonably expected to be incurred in the business of the employer are not wages. Traveling and other reimbursed expenses must be identified either by making a separate payment or by specifically indicating the separate amounts where both wages and expense allowances are combined in a single payment.

(9) Remuneration for employment, unless such remuneration is specifically excepted under section 209 of the Act, constitutes wages even though at the time paid the relationship of employer and employee no longer exists between the person in whose employ the services were performed and the individual who performed them.

Example: A is employed by B during January 1966, in employment and is entitled to receive remuneration of $100 for the services performed for B during the month. A leaves the employ of B on January 31, 1966. On February 15, 1966 (when A is no longer an employee of B), B pays A the remuneration of $100 which was earned for the services performed in January. The $100 is wages within the meaning of the Act.

(b) *When paid and received.* (1) In general, wages are received by an employee at the time they are paid by the employer to the employee. Wages are paid by an employer at the time that they are actually or constructively paid unless under subparagraph (3) of this section they are deemed to be subsequently paid. For provisions relating to the time when tips received by an employee are deemed paid to the employee, see paragraph (d) of this section.

(2) Wages are constructively paid when they are credited to the account of or set apart for an employee so that they may be drawn upon by him at any time although not then actually reduced to possession. To constitute payment in such a case (i) the wages must be credited to or set apart for the employee without any substantial limitation or restriction as to the time or manner of payment or condition upon which payment is to be made, and must be made available to him so that they may be drawn upon at any time, and their payment brought within his own control and disposition, or (ii) there is an intention by the employer to pay or to set apart or credit, and ability to pay wages when due, and failure of the employer to credit or set apart the wages is due to clerical error or inadvertence in the mechanics of payment, and because of such clerical error or inadvertence the wages are not actually available at that time. However, where the employee has authority to withhold wages from himself in the interest of the employer, his failure to reduce any of his wages to his possession shall be deemed to be in the interest of his employer and to establish the employer's intent not to pay such wages, unless there is a clear showing that such withholding was exclusively in the employee's interest. As to the time tips are deemed paid, see § 404.1026(d). For provisions relating to the treatment of deductions from remuneration as payments of remuneration, see paragraph (c) of this section.

(3) (i) The first $50 of cash remuneration paid, either actually or constructively, by an employer to an employee in a calendar quarter for:

(*a*) Service not in the course of the employer's trade or business and domestic service in a private home of the employer; or

(*b*) Service performed by certain home workers;

is deemed paid by the employer to the employee at the first moment of time in such calendar quarter that the sum of such cash payments made within such quarter is at least $50.

(ii) (*a*) The first $100 of cash remuneration paid, either actually or constructively, by an employer to an employee in the calendar year 1965 or 1966 for agricultural labor to which § 404.1027(m) is applicable is deemed paid by the employer to the employee at the first moment of time in such calendar year that the sum of such cash payments made within such year is at least $100.

(*b*) Cash remuneration paid, either actually or constructively, by an employer to an employee in a calendar year after 1966 for agricultural labor to which § 404.1027(m) is applicable, and before either of the events described in (1) or (2) of this subdivision has occurred, is deemed paid upon the occurrence of the earlier of such events, as follows:

(*1*) The first moment of time in such calendar year that the sum of the payments of such remuneration is at least $150; or

(*2*) The twentieth day in such calendar year on which the employee has performed such agricultural labor for the employer for cash remuneration computed on a time basis.

(c) *Deductions by an employer from wages of an employee.* The amount of any tax which is required by section 1400 of the Internal Revenue Code of 1939 or section 3101 of the Internal Revenue Code of 1954 to be deducted by the employer from the wages of an employee is considered to be a part of the employee's wages, and is deemed to be paid to the employee as wages at the time that the deduction is made. Other amounts deducted from wages of an employee by an employer also constitute wages paid to the employee at the time of the deduction. It is immaterial that any act of Congress, or the law of any State requires or permits such deductions and the payment thereof to the United States, a State, or any political subdivision thereof.

(d) *Tips.*—(1) In general: Except as otherwise provided in § 404.1027(p), tips received after 1965 by an employee in the course of his employment are remuneration for employment. (For definition of the term "employer" see § 404.1064.) Tips reported by an employee to his employer in a written statement furnished to the employer pursuant to section 6053(a) of the Internal Revenue Code of 1954 are deemed to be paid to the employer at the time the written statement is furnished to the employer. Tips received by an employee which are not reported to his employer in a written statement furnished pursuant to such section 6053(a) are deemed to be paid to the employer at the time the tips are actually received by the employee.

(2) Tips received by employee in course of his employment: Tips are considered to be received by an employee in the course of his employment for an employer regardless of whether the tips are received by the employee from a person other than his employer or are paid to the employee by the employer. However, only those tips which are received by an employee on his own behalf (as distinguished from tips received on behalf of another employee) are considered as remuneration paid to the employee. Thus, where employees practice tip splitting (for example, where waiters pay a portion of the tips received by them to the busboys), each employee who receives a portion of a tip left by a customer of the employer is considered to have received tips in the course of his employment.

(3) See § 404.1027(l)(3) for discussion of tips or gratuities received before 1966.

§ 404.1027 Exclusions from wages.

(a) *Annual wage limitation.* (1) The term "wages" does not include that part of the remuneration paid to an employee within any calendar year:

(i) After 1950 and prior to 1955 which exceeds the first $3,600 of remuneration;

(ii) After 1954 and prior to 1959 which exceeds the first $4,200 of remuneration; or

(iii) After 1958 and prior to 1966 which exceeds the first $4,800 of remuneration; or

(iv) After 1965 which exceeds the first $6,600 of remuneration; (exclusive of remuneration excepted from wages in accordance with paragraphs (b) through (l) of this section) paid within such calendar year to such employee for employment performed for him at any time after 1936.

(2) The annual wage limitation applies only if the remuneration received during any one calendar year by an employee for employment performed after 1936 exceeds such limitation. The limitation in such case relates to the amount of remuneration received during any one calendar year for employment after 1936 and not to the amount of remuneration for employment performed in any one calendar year.

Example: Employer A, in 1965, receives $6,600 from employer B on account of $6,400 due him for employment performed in 1965. In 1966 A receives from employer B the balance of $800 due him for employment performed in 1965, and thereafter in 1966 also receives $6,600 for employment performed in 1966 for employer B. The first $4,600 of the $6,600 received during 1965 is wages in 1965. The $800 received in 1966 for employment during 1965 is wages in 1966, as is also the first $5,800 paid of the $6,600 for employment during 1966 (the $800 for 1965 employment added to the first $5,800 paid for 1966 employment constitutes the maximum remuneration which could be creditable as wages to A in 1966). The final $1,000 received by A from B in 1966 is not included as wages.

(b) *Payments under employers' plans providing for payments on account of retirement, sickness, or accident disability, medical or hospitalization expenses, or death.* (1) The term "wages" does not include the amount of any payment (including any amount paid by an employer for insurance or annuities, or into a fund, to provide for any such payment) made to, or on behalf of, an employee or any of his dependents under a plan or system established by an employer which makes provision for his employees generally (or for his employees generally and their dependents) or for a class or classes of his employees (or for a class or classes of his employees and their dependents), on account of:

(i) An employee's retirement;

(ii) Sickness or accident disability of an employee or any of his dependents;

(iii) Medical or hospitalization expenses in connection with sickness or accident disability of an employee or any of his dependents; or

(iv) Death of an employee or any of his dependents.

(2) The plan or system established by an employer need not provide for payments on account of all of the specified items, but such plan or system may provide for any one or more of such items. Payments for any one or more of such items under a plan or system established by an employer solely for the dependents of his employees are not within this exclusion from wages.

(3) Dependents of an employee include the employee's husband or wife, children, and any other members of the employee's immediate family.

(4) It is immaterial for purposes of this exclusion whether the amount or possibility of such benefit payments is taken into consideration in fixing the amount of an employee's remuneration or whether such payments are required, expressly, or impliedly, by the contract of service.

(c) *Retirement payments.* The term "wages" does not include any payment made by an employer to an employee (including any amount paid by an employer for insurance or annuities, or into a fund, to provide for any such payment) on account of the employee's retirement. Thus, payments made to an employee on account of his retirement are excluded from wages under this exception even though not made under a plan or system.

(d) *Payments on account of sickness or accident disability, or medical or hospitalization expenses.* The term "wages" does not include any payment made by an employer to, or on behalf of, an employee on account of the employee's sickness or accident disability or the medical or hospitalization expenses in connection with the employee's sickness or disability, if such payment is made after the expiration of 6 or more calendar months following the last calendar month in which such employee worked for such employer. Such payments are excluded from wages under this exception even though not made under a plan or system. If the employee does not actually perform services for

the employer during the requisite period, the existence of the employer-employee relationship during that period is immaterial.

(e) *Payments from or to certain tax-exempt trusts.* The term "wages" does not include any payment made:

(1) By an employer, on behalf of an employee or his beneficiary, into a trust; or

(2) To, or on behalf of, an employee or his beneficiary, from a trust;

If at the time of such payment the trust is exempt from tax under section 165(a) of the Internal Revenue Code of 1939 with respect to payments made prior to 1955, or with respect to payments made after 1954, under section 501(a) of the Internal Revenue Code of 1954 as an organization described in section 401(a) of such Code. A payment made to an employee of such a trust for services rendered as an employee of the trust and not as a beneficiary thereof is not within this exclusion from wages.

(f) *Payments under or to certain annuity plans.* The term "wages" does not include any payment made:

(1) By an employer, on behalf of an employee or his beneficiary, into an annuity plan; or

(2) To, or on behalf of, an employee or his beneficiary, under an annuity plan;

If at the time of such payment:

(3) With respect to payments made prior to 1955, the annuity plan meets the requirements of section 165(a) (3), (4), (5), and (6) of the Internal Revenue Code of 1939;

(4) With respect to payments made after 1954 and prior to 1963, the annuity plan meets the requirements of section 401(a) (3), (4), (5), and (6) of the Internal Revenue Code of 1954;

(5) With respect to payments made after 1962, the annuity plan is a plan described in section 403(a) of the Internal Revenue Code of 1954.

(g) *Payments under or to certain bond purchase plans.* The term "wages" does not include any payment made after December 31, 1962:

(1) By an employer, on behalf of an employee or his beneficiary, into a bond purchase plan; or

(2) To, or on behalf of, an employee or his beneficiary under a bond purchase plan;

If at the time of such payment the plan is a qualified bond purchase plan described in section 405(a) of the Internal Revenue Code of 1954.

(h) *Payments by an employer of employees' tax or employees' contributions under a State law.* The term "wages" does not include any payment by an employer (without deduction from the remuneration of, or other reimbursement from, the employee) of either:

(1) The employee tax imposed by section 1400 of the Internal Revenue Code of 1939 or section 3101 of the Internal Revenue Code of 1954; or

(2) Any payment required from an employee under a State unemployment compensation law.

(i) *Payments other than in cash for certain types of services.* (1) The term "wages" does not include remuneration paid in any medium other than cash:

(i) For services not in the course of the employer's trade or business;

(ii) For domestic service in a private home of the employer; or

(iii) For agricultural labor.

For provisions relating to tips paid in a medium other than cash, see paragraph (p) of this section. Cash remuneration includes checks and other monetary media of exchange. Remuneration paid in any medium other than cash, such as lodging, food, clothing, car tokens, transportation passes, farm products, or other goods or commodities, for services of the prescribed character does not constitute wages. Remuneration paid in any medium other than cash for services other than those mentioned in subdivisions (i), (ii), and (iii) of this subparagraph does not come within this exclusion from wages.

(2) For provisions relating to the circumstances under which prior to 1955 services not in the course of the employer's trade or business or agricultural labor does not constitute employment, see §§ 404.1010 and 404.1008, respectively. For provisions relating to the circumstances under which cash remuneration for domestic service in a private home of the employer or for industrial home work does not constitute wages, see paragraphs (k), (l), and (o) of this section, respectively.

(j) *Domestic service defined.* Services of a household nature performed by an employee in or about a private home of the person by whom he is employed constitute domestic service in a private home of the employer. A private home is a fixed place of abode of an individual or family. A separate and distinct dwelling unit maintained by an individual in an apartment house, hotel, or other similar establishment may constitute a private home. If a dwelling house is utilized primarily as a boarding or lodging house for the purpose of supplying board or lodging to the public as a business enterprise, it is not a private home. In general, services of a household nature in or about a private home include services performed by cooks, waiters, butlers, housekeepers, governesses, maids, valets, baby sitters, janitors, laundresses, furnacemen, caretakers, handymen, gardeners, footmen, grooms, and chauffeurs of automobiles for family use. Remuneration for the services above enumerated is not within this exclusion from wages unless performed in or about a private home of the employer. Remuneration for services not of a household nature, such as services performed as a private secretary, tutor, or librarian, even though performed in the employer's home, is not within this exclusion from wages.

(k) *Cash payments prior to 1955 for domestic services.* (1) The term "wages" does not include cash remuneration paid in any calendar quarter prior to 1955 by an employer to an employee for domestic service in a private home of the employer unless both of the following tests are met:

(i) The cash remuneration paid by the employer to the employee in the calendar quarter for such service is $50 or more; and

(ii) Such employee is regularly employed by such employer in the calendar quarter in which the payment is made.

(2) The test relating to cash remuneration of $50 or more is based on remuneration paid in a calendar quarter rather than on remuneration earned during a calendar quarter. Furthermore, in determining whether $50 or more has been paid for domestic service in a private home of the employer, only cash remuneration for such service shall be taken into account. For meaning of the term "cash remuneration," see paragraph (i) of this section.

(3) For purposes of this exclusion, an individual is deemed to be regularly employed by an employer during a calendar quarter only if:

(i) Such individual performs domestic service in a private home of such employer for some portion of the day on at least 24 days (whether or not consecutive) during such calendar quarter; or

(ii) Such individual was regularly employed (as determined under subdivision (i) of this subparagraph) in the performance of domestic service in a private home of such employer during the preceding calendar quarter (including the last calendar quarter of 1950).

(4) In determining whether an employee has performed domestic service in a private home of the employer on at least 24 days during a calendar quarter, there shall be counted as 1 day:

(i) Any day or portion thereof on which the employee actually performs such service; and

(ii) Any day or portion thereof on which the employee does not perform domestic service in a private home of the employer but with respect to which cash remuneration is paid or payable to the employee for such service, such as a day on which the employee is sick or on vacation.

An employee who on a particular day reports for work and, at the direction of his employer, holds himself in readiness to perform domestic service in a private home of the employer shall be considered to be engaged in the actual performance of such service on that day. For purposes of this exclusion a day is a period of 24 hours commencing at midnight and ending at midnight.

(5) (i) Domestic service in a private home of the employer performed on a farm operated for profit and services not in the course of the employer's trade or business are not within this exclusion from wages. For provisions relating to domestic service in a private home of the employer performed on a farm operated for profit and services performed prior to 1955, not in the course of the employer's trade or business, see §§ 404.1008 and 404.1010, respectively.

(ii) For provisions relating to the exclusion from wages after 1954 of cash remuneration for services not in the course of the employer's trade or business, see paragraph (1) of this section.

(iii) For provisions relating to the exclusion from wages of remuneration paid in any medium other than cash for domestic service in a private home of the employer, see paragraph (i) of this section.

(l) *Cash payments after 1954 for domestic service and service not in the course of the employer's trade or business.*

(1) The term "wages" does not include cash remuneration paid by an employer in any calendar quarter after 1954 to an employee for:

(i) Domestic service in a private home of the employer; or

(ii) Service not in the course of the employer's trade or business, unless the cash remuneration paid in such quarter by the employer to the employee for such service is $50 or more.

(2) The test relating to cash remuneration of $50 or more is based on the remuneration paid in a calendar quarter rather than on the remuneration earned during a calendar quarter. It is immaterial whether the remuneration was earned before 1955 or after 1954.

In determining whether $50 or more has been paid either for domestic service in a private home of the employer or for service not in the course of the employer's trade or business, only cash remuneration for such service shall be taken into account. For meaning of the term "cash remuneration," see paragraph (i) of this section. If an employee receives cash remuneration from an employer in a calendar quarter for both types of services the $50 cash-remuneration test is to be applied separately to each type of service. If an employee receives cash remuneration from more than one employer in a calendar quarter for domestic service in a private home of the employer or for service not in the course of the employer's trade or business the $50 cash-remuneration test is to be applied separately to the remuneration received from each employer.

(3) An employer may, for purposes of the Act, elect to compute to the nearest dollar any payment of cash remuneration for domestic service in a private home of the employer which is more or less than a whole-dollar amount. (This also applies with respect to remuneration before 1955.) For the purpose of the computation to the nearest dollar, the payment of a fractional part of a dollar shall be disregarded unless it amounts to one-half dollar or more, in which case it shall be increased to $1. For example, any amount actually paid between $4.50 and $5.49, inclusive, may be treated as $5 for purposes of the Act. If an employer elects this method of computation with respect to any payment of cash remuneration made in a calendar quarter for domestic service in his private house, he must use the same method in computing each payment of cash remuneration of more or less than whole-dollar amount made to each of his employees in such calendar quarter for domestic service in his private house. Moreover, if an employer elects this method of computation with respect to payments of the prescribed character made in any calendar quarter, the amount of each payment of cash remuneration so computed to the nearest dollar shall, in lieu of the amount actually paid, be deemed to constitute the amount of cash remuneration for purposes of the regulations in this Part 404. Thus, the amount of cash payments so computed to the nearest dollar shall be used for purposes of determining whether such payment constitute wages, for purposes of applying the employee and employer tax rates to the wage payments, for purposes of any required record keeping, and for purposes of reporting and paying the employee tax and employer tax with respect to such wage payments.

(m) *Payments for agricultural labor.*—(1) *Scope of this section.* For purposes of the regulations in this section, the term "agricultural labor" means only such agricultural labor (see § 404.1007) as constitutes employment or is deemed to constitute employment by reason of the rules relating to included and excluded services contained in section 2104(b) of the Act (see § 404.1007).

(2) *Payments other than in cash.* The term "wages" does not include remuneration paid in any medium other than cash for agricultural labor. For meaning of the term "cash remuneration," see paragraph (i) of this section.

(3) *Cash payments.* (i) The term "wages" does not include cash remuneration paid by an employer in the calendar year 1955 or 1956 to an employee for agricultural labor unless the cash remuneration paid in such year by the employer to the employee for such labor is $100 or more.

(ii) The term "wages" does not include cash remuneration paid by an employer in any calendar year after 1956 to an employee for agricultural labor unless the cash remuneration paid in such year by the employer to the employee for such labor is $150 or more, or unless the employee performs agricultural labor for the employer on 20 days or more during such year for cash remuneration computed on a time basis.

Example: On 12 days in 1957 A performs agricultural labor for X for cash remuneration of $8 per day, and X pays A $144 in such year. A performs no further service for X. Neither the $150-cash-remuneration test nor the 20-day test is met. Accordingly, the remuneration paid by X to A is not wages. If in 1957 A had performed agricultural labor for X on 20 days for cash remuneration of $7.20 per day, the $144 paid by X to A would have been wages because the 20-day test would have been met. Or if A had performed the 12 days of agricultural labor for cash remuneration of $8.50 per day and had been paid in full therefor in 1957, his cash remuneration of $153 would have been wages because the $150-cash-remuneration test would have been met.

(4) *Application of cash-remuneration test.* (i) If an employee receives cash remuneration from an employer both for services which constitute agricultural labor and for services which do not constitute agricultural labor, only the amount of such remuneration which is attributable to agricultural labor shall be included in determining whether cash remuneration of $150 or more ($100 or more in 1955 or 1956) has been paid in the calendar year by the employer to the employee for agricultural labor.

Example: Employer X operates a store and also is engaged in farming operations. Employee A, who regularly performs services for X in connection with the operation of the store, works on X's farm when additional help is required for the farm activities. In the calendar year 1957, X pays A $149 in cash, computed on a time basis for agricultural labor performed on 19 different days in such year, and $3,263 for services performed in connection with the operation of the store. Since the cash remuneration paid by X to A in the calendar year 1957 for agricultural labor is less than $150, the cash-remuneration test is not met. Since A performed agricultural labor for X on less than 20 days in 1957, the 20-day test set forth in section 209(h)(2) of the Act is not met. The $149 paid by X to A in 1957 for agricultural labor does not constitute wages.

(ii) The test relating to cash remuneration of $150 or more ($100 or more in 1955 or 1956) is based on the cash remuneration paid in a calendar year rather than on the remuneration earned during a calendar year. It is immaterial if such cash remuneration is paid in a calendar year other than the year in which the agricultural labor is performed.

(iii) In determining whether $150 or more ($100 or more in 1955 or 1956) has been paid to an employee for agricultural labor, only cash remuneration for such labor shall be taken into account. If an employee receives cash remuneration in any one calendar year from more than one employer for agricultural labor, the cash-remuneration test is to be applied with respect to the remuneration received by the employee from each employer in such calendar year for such labor.

(5) *Application of 20-day test.* (i) Only agricultural labor for which cash remuneration is computed on a time basis is taken into account in determining whether an employee performs such labor for such remuneration on 20 days or more during a calendar year after 1956. For purposes of the 20-day test, the amount of such remuneration is immaterial, and it is immaterial if, in addition to cash remuneration computed on a time basis, the remuneration for such labor also includes remuneration other than cash or remuneration which is not computed on a time basis. If cash remuneration paid to an employee after 1956 for agricultural labor is computed on a time basis, such cash remuneration does not constitute "wages" unless it is paid in a calendar year in which either the 20-day test or the $150-cash-remuneration test is met.

Example: Employer X employs A to construct fences on a farm owned by X. The work constitutes agricultural labor and is performed on 50 days in November and December 1957. A is not employed by X at any other time. A's remuneration consists of meals and lodging, $5 cash per day, and additional cash measured by the amount of fence constructed. X pays A $140 cash in December 1957 and $160 cash in January 1958, in full payment for the work. Inasmuch as A has performed agricultural labor for X on 50 days in 1957, for remuneration computed on a time basis, the 20-day test is met

for 1957 and the $140 cash paid in 1957 is wages. It is immaterial that the $150-cash-remuneration test is not met for 1957. Inasmuch as X has paid A $160 cash remuneration in 1958 for agricultural labor, the $150-cash-remuneration test is met for 1958 and the $160 cash paid in 1958 is wages. It is immaterial that the 20-day test is not met for 1958. If the remuneration paid by X to A in January 1958 had been in an amount less than $150, neither the $150-cash-remuneration test nor the 20-day test would have been met for the calendar year 1958, and the remuneration paid by X to A in such year would not have been wages.

(ii) For the purpose of determining whether an employee performs agricultural labor for an employer on 20 days or more during any calendar year after 1956, for cash remuneration computed on a time basis, there shall be counted as 1 day:

(a) Any day or portion thereof on which the employee actually performs such labor for cash remuneration computed on a time basis; and

(b) Any day or portion thereof on which the employee does not perform agricultural labor but with respect to which cash remuneration is paid or payable to the employee for such labor, such as a day on which the employee is sick or on vacation.

An employee who on a particular day reports for work and, at the direction of his employer, holds himself in readiness to perform agricultural labor shall be considered to be engaged in the actual performance of such labor on that day. For purposes of the regulations in this section a day is a period of 24 hours commencing at midnight and ending at midnight.

Example: During the period of 20 days beginning April 11, 1957, and ending April 30, 1957, employee A was employed by employer X to perform agricultural labor on X's farm. The agreement provided that A would be furnished room and board at the farm and would be paid cash remuneration of $150 per month. On 1 day during the 20-day period A was sick and unable to work, and on another day X directed A to refrain from work because of weather conditions. At the termination of A's employment X paid A cash remuneration of $100 for the full 20-day period. The 20-day test had been met and the $100 cash remuneration is wages.

(iii) If in any 1 calendar year an employee performs agricultural labor for more than one employer, the 20-day test is to be applied with respect to the agricultural labor performed by the employee in such year for each employer.

(n) *Payments to employees for non-work periods.* (1) The term "wages" does not include any payment (other than vacation or sick pay) made by an employer to an employee for a period throughout which the employment relationship exists between the employer and the employee, but in which the employee does no work (other than being subject to call for the performance of work) for the employer, if such payment is made after the calendar month in which:

(i) The employee attains age 65, if the employee is a man, or if the employee is a woman to whom the payment is made before November 1956; or

(ii) The employee attains age 62, if the employee is a woman to whom the payment is made after October 1956.

(2) Vacation or sick pay is not within this exclusion from wages. (The term "sick pay" as used in this paragraph, includes "sick leave" payments made after Aug. 27, 1958, by a State, a political subdivision thereof, or an interstate instrumentality, to an employee for a period during which he was absent from work because of illness.) If the employee does any work for the employer in the period for which the payment is made, no remuneration paid by such employer to such employee with respect to such period is within this exclusion from wages.

Example: Mrs. A, an employee of X, attained the age of 62 on September 15, 1956, and discontinued the performance of regular work for X on September 30, 1956. Their employment relationship continued for several years until Mrs. A's death, and X paid Mrs. A $50 per month as consideration for Mrs. A's agreement to work when asked by X. The payment for each month was made on the first day of each succeeding month. After September 30, 1956, the only work performed by Mrs. A for X was performed on one day in October 1956. The payment made by X to Mrs. A on November 1 (for October 1956) is not excluded from wages under this exception, but the payments made thereafter are excluded from wages. The payment on November 1 was not excluded because Mrs. A worked for X on 1 day in October 1956. (Inasmuch as Mrs. A had attained age 62 in September 1956, the November 1 payment would have been excluded if Mrs. A had not performed any work for X in October 1956.)

(o) *Payments to certain home workers.* (1) The term "wages" does not include remuneration paid by an employer in any calendar quarter to an employee for services performed as a home worker who is an employee by application of the provisions in § 404.1003(d)(1)(iii), unless the cash remuneration paid in such quarter by the employer to the employee for such services is $50 or more.

(2) The test relating to cash remuneration of $50 or more is based on remuneration for employment paid in a calendar quarter rather than on remuneration earned during a calendar quarter. If $50 or more of cash remuneration for employment is paid in a particular calendar quarter, it is immaterial whether the $50 is in payment for services performed during the quarter of payment or during any other quarter.

Example 1: A, a home worker, performs services for X, a manufacturer, in 1954 and 1956. In the performance of the homework A is an employee both in 1954 and in 1956. In March 1955, A returns to X articles made by A at home from materials received by A from X in 1954. X pays A cash remuneration of $50 for such work when the finished articles are delivered. The $50 includes $10 which represents remuneration for homework performed by A in 1954. The entire $50 is wages.

Example 2: Assume that the same transactions occur, but that A is not subject in 1954 to licensing requirements under the laws of the State in which the homework is performed. A, therefore, does not perform homework in 1954 as an employee of X by reason of section 210(k)(3)(C) of the Act in effect prior to 1956, and the $10 paid in 1955 for such work is not remuneration for employment. The remaining $40 for the homework performed in 1955 is remuneration for employment, but is excluded from wages by application of the $50 cash remuneration test.

(3) In the event an employee receives remuneration in any one calendar quarter from more than one employer for services performed as a home worker of the character described in subparagraph (1) of this paragraph, the regulations in this paragraph are to be applied with respect to the remuneration received by the employee from each employer in such calendar quarter for such services.

(4) This exclusion from wages has no application to remuneration paid for service performed as a home worker who is an employee under section 210(j)(2) of the Act (see § 404.1003(c)), relating to common-law employees.

(5) If the cash remuneration paid in any calendar quarter by an employer to an employee for services performed as a home worker of the character described in subparagraph (1) of this paragraph is $50 or more, then no remuneration, whether in cash or in any medium other than cash, paid by the employer to the employee in such calendar quarter for such services is excluded from wages under this exception. For meaning of the term "cash remuneration," see paragraph (i) of this section.

(6) For provisions relating to whether a home worker is an employee under section 210(k)(3)(C) of the Act in effect prior to 1955, see § 404.1003(d)(1)(iii).

(p) *Tips.* The term "wages" does not include remuneration received by an employee after December 1965 in the form of tips if:

(1) The tips are paid in any medium other than cash; or

(2) The cash tips received by an employee in any calendar month in the course of his employment by an employer are less than $20. The cash tips to which this section applies include checks and other monetary media of exchange. Tips received by an employee in any medium other than cash, such as passes, tickets, or other goods or commodities do not constitute wages. If an employee in any calendar month performs services for two or more employers and receives tips in the course of his employment by each employer, the $20 test is to be applied separately with respect to the cash tips received by the employee in respect of his services for each employer and not to the total cash tips received by the employee during the month. As to the time tips are deemed paid, see § 404.1026(d). For provisions relating to the treatment of tips received by an employee prior to 1966, see § 404.1027(b)(3).

(q) *Payments to members of the uniformed services.* The term "wages" as applied to remuneration for services by a member of the uniformed services of the United States does not include any remuneration for such services other than his basic pay as described in section 102(10) of the Servicemen's and Veterans' Survivor Benefits Act (P.L. 881, 84th Cong., 32 U.S.C. 401(1), 403; 72 Stat. 1126).

(r) *Payments to "volunteers and volunteer leaders" in the Peace Corps.* The term "wages" as applied to remuneration for services as a "volunteer" or "volunteer leader" enrolled under the provisions of the Peace Corps Act (P.L. 87-293, 75 Stat. 612), does not include any amount paid for such service in excess of or in addition to the amounts certified as payable pursuant to section 5(c) or 6(1) of the Peace Corps Act. Amounts certified pursuant to such sections are deemed to have been paid to such individual at the time the service, with respect to which it is paid, is performed. See § 404.1013(h) relating to coverage of such services.

(s) *Moving expenses.* The term "wages" does not include amounts paid to or on behalf of an employee if (and to the extent that) at the time of the payment it is reasonable to believe that a corresponding deduction is allowable under section 217 of the Internal Revenue Code of 1954 (dealing with allowances or reimbursement for moving expenses paid or incurred by the employee).

(t) *Miscellaneous.* In addition to the exclusions specified in paragraphs (a) through (s) of this section, the following types of payments are excluded from wages:

(1) Remuneration for services which do not constitute employment under section 210(a) of the Act;

(2) Remuneration for services which are deemed not to be employment under section 210(b) of the Act;

(3) Tips or gratuities paid, prior to January 1, 1966, directly to an employee by a customer of an employer, and not accounted for by the employee to the employer. For provisions relating to the treatment of tips received by an employee after December 31, 1965, as wages, see §§ 404.1028(d) and 404.1027(p).

(Secs. 205 and 1102, 53 Stat. 1368, as amended, 49 Stat. 647, as amended; sec. 9 of Reorganization Plan No. 1 of 1953, 67 Stat. 18, 631; 42 U.S.C. 405, 1302; sec. 210, 60 Stat. 979, as amended, 42 U.S.C. 410; sec. 207, 68 Stat. 695, as amended, 42 U.S.C. 407)

2. *Effective date.* The foregoing amendments shall become effective upon publication in the FEDERAL REGISTER.

Dated: July 14, 1967.

[SEAL] ROBERT M. BALL,
Commissioner of Social Security.

Approved: July 26, 1967.

WILBUR J. COHEN,
Acting Secretary of Health, Education, and Welfare.

[F.R. Doc. 67-8362; Filed, July 28, 1967; 8:47 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Naled

A petition (PP 7F0632) was filed with the Food and Drug Administration by Chevron Chemical Co., Ortho Division, 940 Hensley Street, Richmond, Calif. 94801, proposing the establishment of tolerances for residues of the insecticide naled (1,2-dibromo-2,2-dichloroethyl dimethyl phosphate) in or on raw agricultural commodities as follows: 3 parts per million in or on chard, grapefruit, lemons, oranges, spinach, tangerines, and turnip tops; 1 part per million in or on broccoli, brussel sprouts, cabbage, cauliflower, lettuce, and strawberries; and 0.5 part per million in or on beans (succulent and dry forms), cucumbers, eggplants, melons (including cantaloups, honeydew melons, muskmelons, watermelons, and others), peas (succulent and dry forms), peppers, pumpkins, rice, soybeans (succulent and dry forms), summer squash, tomatoes, and winter squash.

Subsequently, the petitioner withdrew the request for tolerances in or on beans, peas, and soybeans. He also modified his request to include the total cholinesterase-inhibitting residue of naled and its conversion product 2,2-dichlorovinyl dimethyl phosphate, expressed as naled.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which the tolerances are being established.

Based on consideration given the data submitted in the petition, and other relevant material, the Commissioner of Food and Drugs concludes that the tolerances established by this order will protect the public health. Therefore, by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated by him to the Commissioner (21 CFR 2.120), Part 120 is amended as follows:

1. Section 120.3(e)(5) is amended by alphabetically inserting in the list of pesticides two new items, as follows:

§ 120.3 Tolerances for related pesticide chemicals.

* * * * *

(e) * * *

(5) * * *

2,2-Dichlorovinyl dimethyl phosphate; Naled (1,2-dibromo-2,2-dichloroethyl dimethyl phosphate).

* * * * *

2. The following new section is added to Subpart C:

§ 120.215 Naled; tolerances for residues.

Tolerances for residues of the insecticide naled (1,2-dibromo-2,2-dichloroethyl dimethyl phosphate) and its conversion product 2,2-dichlorovinyl dimethyl phosphate, expressed as naled, in or on raw agricultural commodities are established as follows:

3 parts per million in or on grapefruit, lemons, oranges, spinach, Swiss chard, tangerines, turnip tops.

1 part per million in or on broccoli, brussel sprouts, cabbage, cauliflower, lettuce, strawberries.

0.5 part per million in or on cucumbers, eggplants, melons, peppers, pumpkins, rice, summer squash, tomatoes, winter squash.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: July 21, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-8369; Filed, July 28, 1967; 8:48 a.m.]

SUBCHAPTER C—DRUGS

PART 148w—CEPHALOSPORIN

Sodium Cephalothin

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463; as amended; 21 U.S.C. 357) and delegated by him to the Commissioner of Food and Drugs (21 CFR 2.120), the antibiotic drug regulation providing for certification of sodium cephalothin is amended to effect improvement in the test procedure by revising § 148w.1(b)(1)(i), (d), (g), and (k) to read as follows:

§ 148w.1 Sodium cephalothin.

* * * * *

(b) * * *

(1) * * *

(i) * * *

(d) *Preparation of sample.* Dissolve an accurately weighed sample in sufficient

1 percent potassium phosphate buffer, pH 6.0, to give a stock solution of convenient concentration; and, if it is packaged for dispensing, reconstitute as directed in the labeling, remove an accurately measured representative portion with a suitable syringe fitted with a 22-gauge needle, and appropriately dilute in 1 percent potassium phosphate buffer, pH 6.0 to give a stock solution of convenient concentration. Further dilute the stock solutions with sufficient 1 percent potassium phosphate buffer, pH 6.0, to give a reference concentration of 1.0 microgram of cephalothin per milliliter (estimated).

* * * * *

(g) *Standard curve.* Prepare the daily standard curve by further diluting the 1,000 micrograms per milliliter stock solution in 1 percent potassium phosphate buffer, pH 6.0, to obtain concentrations of 0.64, 0.80, 1.00, 1.25, and 1.56 micrograms of cephalothin per milliliter. Use three plates for the determination of each point on the curve, except the 1.0 microgram per milliliter concentration, a total of 12 plates. On each of three plates, fill three cylinders with the 1.0 microgram per milliliter standard and the other three cylinders with the concentration under test. Thus, there will be 36 1.0-microgram determinations and nine determinations for each of the other points on the curve. After incubation, read the diameters of the circles of inhibition in the plates. Average the readings of the 1.0 microgram per milliliter concentration and the readings of the point tested for each set of three plates and average also all 36 readings of the 1.0 microgram per milliliter concentration. The average of the 36 readings of the 1.0 microgram per milliliter concentration is the correction point for the curve. Correct the average value obtained for each point to the figure it would be if the 1.0 microgram per milliliter reading for that set of three plates were the same as the correction point. Thus, if in correcting the 0.8 microgram concentration, the average of the 36 readings of the 1.0-microgram concentration were 20 millimeters, and the average of the 1.0-microgram concentration of this set of three plates were 19.8 millimeters, the correction would be +0.2 millimeter. If the average reading of the 0.8-microgram concentration of these same three plates were 19.0 millimeters, the corrected value would be 19.2 millimeters. Plot these corrected values, including the average of the 1.0 microgram per milliliter concentration, on 2-cycle semilog paper, using the concentration in micrograms per milliliter as the ordinate (the logarithmic scale) and the diameter of the zone of inhibition as the abscissa. Draw the standard curve through these points, either by inspection or by means of the following equations:

$$L = \frac{3a + 2b + c - d}{5},$$

$$H = \frac{3d + 2c + b - a}{5},$$

where:

L = calculated zone diameter for the lowest concentration of the standard curve;

H = calculated zone diameter for the highest concentration of the standard curve;

c = average zone diameter of 36 readings of the 1.0 microgram per milliliter standard.

a, b, d, e = corrected average values for 0.64, 0.8, 1.25, and 1.56 micrograms per milliliter standard solutions, respectively.

Plot the values obtained for L and H and connect with a straight line.

(h) *Assay.* Use three plates for each sample. Fill three cylinders on each plate with the standard 1.0 microgram per milliliter solution and three cylinders with the 1.0 microgram per milliliter (estimated) sample, alternating standard and sample. Incubate all plates, including those containing the standard curve at 32° C.–35° C. overnight, and measure the diameter of each circle of inhibition. To estimate the potency of the sample, average the zone readings of the standard and the zone readings of the sample on the three plates used. If the sample gives a larger zone size than the average of the standard, add the difference between them to the 1.0 microgram per milliliter zone on the standard curve. If the average sample value is lower than the standard value, subtract the difference between them from the 1.0 microgram per milliliter value on the curve, and read the potencies corresponding to these corrected values of zone sizes.

* * * * *

This order, which effects certain technical changes in the subject regulation, is nonrestrictive and presents no points of controversy; therefore, notice and public procedure and delayed effective date are not prerequisites to this promulgation.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 468, as amended; 21 U.S.C. 357)

Dated: July 21, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-8838; Filed, July 28, 1967; 8:46 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 519—EMPLOYMENT OF FULL-TIME STUDENTS AT SPECIAL MINIMUM WAGES

As announced in the document making the present revision of 29 CFR Part 519 (32 F.R. 1088), this action was taken prior to full consideration of the comments received in response to the proposal (32 F.R. 148) so that there would be a valid basis for issuing certificates after February 1, 1967, the effective date of the Fair Labor Standards Amendments of 1966. It was stated at that time that the "comments received responsive to the proposal will be given the further consideration they deserve with a view to prompt action in making any needed amendment to 29 CFR Part 519 as fully as though there had been opportunity to give this measure of consideration prior to adopting the proposal." Such further consideration has indicated a need to, and I do hereby, further revise 29 CFR Part 519, effective immediately to read as follows:

Sec.

519.1 Applicability of the regulations in this part.
519.2 Definitions.
519.3 Application for a full-time student certificate.
519.4 Procedure for action upon an application.
519.5 Conditions governing issuance of full-time student certificates.
519.6 Terms and conditions of employment under full-time student certificates.
519.7 Records to be kept.
519.8 Amendment or replacement of a full-time student certificate.
519.9 Reconsideration and review.
519.10 Amendment or revocation of the regulations in this part.

AUTHORITY: The provisions of this Part 519 issued under secs. 11 and 14, 52 Stat. 1068; sec. 11, 75 Stat. 74; secs. 501 and 602, 80 Stat. 848, 844.

§ 519.1 Applicability of the regulations in this part.

(a) *Statutory provisions.* Under section 14 of the Fair Labor Standards Act of 1938, as amended, and the authority and responsibility delegated to him by the Secretary of Labor (15 F.R. 3290), the Administrator of the Wage and Hour and Public Contracts Divisions is authorized and directed, to the extent necessary in order to prevent curtailment of opportunities for employment, to provide by regulation or order for the employment of full-time students regardless of age but in compliance with applicable child labor laws on a part-time basis in retail or service establishments and in agriculture (not to exceed 20 hours in any workweek) or on a part-time or a full-time basis during school vacations, under special certificates issued pursuant to regulations promulgated by him at a wage rate not less than 85 per centum of the minimum wage applicable under section 6 of the Act, except that the proportion of student hours of employment to total hours of employment of all employees in any retail or service establishment may not exceed the proportion established in a detailed formula provided in section 14. Before a certificate of this type is issued, either for employment in a retail or service establishment or for employment in agriculture, the Administrator must find that such employment will not create a substantial probability of reducing the full-time employment opportunities of persons other than those employed under such certificates.

(b) *Source of limitations.* Some of the limitations expressed in this part are necessary to confine the certificates to those authorized by the formula referred to in paragraph (a) of this section. Special minimum wages on a broader basis than that expressed in §§ 519.4 (e), (f), and (g), and 519.5 (a), (c), (d), (e), and (f) are found to be not necessary to prevent curtailment of opportunities for employment. I cannot find that special minimum wages for employment proscribed by the limitations expressed in §§ 519.4 (e), (f), and (g), and 519.5 (b), (c), (d), and (e) will not create a substantial probability of reducing the full-time employment opportunities of persons other than those employed pursuant to certificates issued under this part.

§ 519.2 Definitions.

(a) *Full-time students.* A "full-time student" for the purpose of this part is defined as a student who receives primarily daytime instruction at the physical location of a bona fide educational institution, in accordance with the institution's accepted definition of a full-time student, and who is at least 14 years of age. A full-time student retains that status during Christmas, summer, and other vacations. An individual who was such a student immediately prior to vacation will be presumed not to have discontinued such status during vacation if local law requires his attendance at the end of the vacation. In the absence of such requirement, his status during vacation will be governed by his intention as last communicated to his employer. The term "full-time student" does not include a student learner covered by a certificate issued under Part 520 of this chapter.

(b) *Bona fide educational institution.* A "bona fide educational institution" is ordinarily an accredited institution. However, a school which is not accredited may be considered a "bona fide educational institution" in exceptional circumstances, such as when the school is too recently established to have received accreditation.

(c) *Outside of their school hours.* "Outside of their school hours" refers to periods outside the scheduled hours of instruction of the individual student.

(d) *Retail or service establishment.* "Retail or service establishment" means a retail or service establishment as defined in section 13(a)(2) of the Fair Labor Standards Act. The statutory definition is interpreted in Part 779 of this chapter.

(e) *Agriculture.* "Agriculture" means agriculture as defined in section 3(f) of the Fair Labor Standards Act of 1938. The statutory definition is interpreted in Part 780 of this chapter.

(f) *Base year.* The phrase "base year" shall mean:

(1) Except as provided in subparagraph (2) of this paragraph the base year for a retail or service establishment shall be the 12-month period preceding May 1, 1961.

(2) In the case of a farm or a retail or service establishment whose employees (other than employees engaged in commerce or in the production of goods for commerce) are covered by the Fair Labor Standards Act of 1938 as amended, for the first time on or after February 1, 1967, the base year shall be the 12-month period immediately prior to February 1, 1967.

(3) In the case of a farm coming into existence after February 1, 1966, or a retail or service establishment coming into existence after May 1, 1960, in cases to which subparagraph (1) of this paragraph applies; or February 1, 1966, in cases to which subparagraph (2) of this paragraph applies, or a farm or a retail or service establishment for which records of student hours worked are not available, the base year shall be the 12-month period provided in subparagraph (1) or (2) of this paragraph, whichever is applicable, in (i) similar retail or service establishments of the same employer in the same general metropolitan area in which the establishment is located, (ii) similar retail or service establishments of the same employer in the same or nearby counties if the establishment is not in a metropolitan area, or (iii) other farms or retail or service establishments, as the case may be, of the same general character operating in the community or the nearest comparable community.

(g) *Base period.* (1) The base period shall be the calendar or fiscal month of the base year which corresponds to the month of full-time student certificated employment for which a base period comparison is required. For farms, the month of full-time student certificated employment may vary somewhat from the fiscal or calendar month in the base year, depending on seasonal factors.

§ 519.3 Application for a full-time student certificate.

(a) Whenever the employment of full-time students working outside of school hours in agriculture or in any retail or service establishment at wages lower than the minimum wage applicable under section 6 of the Fair Labor Standards Act of 1938 is believed to be necessary to prevent curtailment of opportunities for employment and employment of them will not create a substantial probability of reducing the full-time employment opportunities of the other workers, an application for a certificate authorizing such employment may be filed by their employer with the appropriate Regional or District Office of the Wage and Hour and Public Contracts Divisions. Such application shall be signed by an authorized representative of the employer.

(b) The application must be filed in duplicate on official forms or exact copies thereof. The forms are available at the offices mentioned in paragraph (a) of this section. The application must contain the information as to the type of products sold or services rendered by the establishment, base year data on occupations, hours of employment, and other information for which request is made on the form.

(c) Separate application must be made for each farm or establishment in which authority to employ full-time students at special minimum wage rates is sought.

(d) Application for renewal of a certificate shall be made on the same type of form as is used for a new application. No certificate in effect shall expire until action on such an application shall have been finally determined, provided that such application has been properly executed, and is received by the office specified in paragraph (a) of this section not less than 15 nor more than 30 days prior to the expiration date. A final determinations means either the initial grant, denial, or withdrawal of such application. A properly executed application is one which fully and accurately contains the information required on the form, and the required certification by an authorized representative of the employer.

§ 519.4 Procedure for action upon an application.

(a) Upon receipt of an application for a certificate, the officer authorized to act upon such application shall issue a certificate if the terms and conditions specified in this part are satisfied. To the extent he deems appropriate, the authorized officer may provide an opportunity to other interested persons to present data, views, or argument on the application prior to granting or denying a certificate.

(b) If a certificate is issued, there shall be published in the FEDERAL REGISTER a general statement of the terms of such certificate together with a notice that, pursuant to § 519.9, for thirty (30) days following such publication any interested person may file a written request for reconsideration or review.

(c) If a certificate is denied, notice of such denial shall be sent to the employer, stating the reason or reasons for the denial. Such denial shall be without prejudice to the filing of any subsequent application.

(d) Neither oppressive child labor as defined in section 3(l) of the Act and regulations issued under the Act nor any other employment in violation of a Federal, State, or local child labor law or ordinance shall come within the terms of any certificate issued under this part.

(e) Full-time students shall not be permitted to work at special minimum wages for more than 8 hours a day, nor for more than 40 hours a week when school is not in session, nor more than 20 hours a week when school is in session, except that when a full-day school holiday occurs on a day when the establishment is open for business, the weekly limitation on the maximum number of hours which may be worked shall be increased by 8 hours for each such holiday but in no event shall the 40-hour limitation be exceeded. Whenever a full-time student is employed for more than 20 hours in any workweek in conformance with this paragraph, the employer shall note in his payroll records that school was not in session during all or part of that workweek.

(f) Full-time students shall be employed at special minimum wages only in occupations of the same general classes as those in which the establishment (or the establishment(s) relied on in accordance with § 519.2(f)(3)) employed full-time student (as defined in

§ 519.2(a)) at wages below $1 per hour in the base year, except as provided in § 519.6(e).

(g) No full-time student shall be hired under a full-time student certificate while abnormal labor conditions, such as a strike or lockout, exist at the establishment or farm.

(h) No provision of any full-time student certificate shall excuse noncompliance with higher standards applicable to full-time students which may be established under the Walsh-Healey Public Contracts Act or any other Federal law, State law, local ordinance, or union or other agreement. Thus, certificates issued under this law have no application to employments governed by the McNamara-O'Hara Service Contract Act.

§ 519.5 Conditions governing issuance of full-time student certificates.

Certificates authorizing the employment of full-time students at special minimum wage rates shall not be issued unless the following conditions are met:

(a) Full-time students are available for employment at special minimum rates; the granting of a certificate is necessary in order to prevent curtailment of opportunities for employment.

(b) The employment of full-time students will not create a substantial probability of reducing the full-time employment opportunities for persons other than those employed under such certificates.

(c) Abnormal labor conditions such as a strike or a lockout do not exist at the farm or establishment for which a full-time certificate is requested.

(d) The base year data given on the application are accurate and based on available records.

(e) The farms or establishments on whose base-year experience the applicant relies meet the requirements of § 519.2(f).

(f) There are no serious outstanding violations of the provisions of a full-time student certificate previously issued to the employer, nor have there been any serious violations of the Fair Labor Standards Act (including Child-Labor Regulation No. 3 and the Hazardous Occupations Orders published in Part 1500 of this title) which provide reasonable grounds to conclude that the terms of a certificate may not be complied with, if issued.

§ 519.6 Terms and conditions of employment under full-time student certificates.

(a) A full-time student certificate will not be issued for a period longer than 1 year, nor will it be issued retroactively. It shall specify its effective and expiration dates. A copy of the certificate shall be posted during its effective period in a conspicuous place or places in the establishment or at the farm readily visible to all employees, for example, adjacent to the time clock or on the bulletin board used for notices to the employees.

(b) Full-time students may not be employed under a certificate at less than 85 percent of the minimum wage applicable under section 6 of the Act. No such certificate shall have effect to any employee to whom a certificate issued under section 14 (a) or (d) of the Act has application.

(c)(1) During any month in which full-time students are to be employed at special minimum wages the percentage derived by the total number of hours worked by full-time students at special minimum wages divided by the total number of hours worked by all employees shall not exceed the same percentage computed for the base period, comparing total hours worked by full-time students at less than $1 per hour with total hours for all employees.

(2) For example, in retail Establishment A, with a base year as defined in § 519.2(f)(1), full-time students employed at less than $1 worked 900 hours in July 1960, and the total hours of employment of all employees in the establishment in that month were 10,000. The percentage of full-time student hours at less than $1 an hour to all hours of employment is therefore 9 percent. In July 1968, if the hours of employment of Establishment A are 12,000, then not more than 9 percent or 1,080 of these hours may be compensated at special minimum wages for full-time students.

(d) An overestimate of total hours of employment of all employees in the establishment for a current month resulting in the employment of the full-time students in excess of the hours authorized in paragraph (c) of this section may be corrected by compensating them for the difference between the special minimum wages actually paid and the applicable minimum under section 6 of the Act for the excess hours. This additional compensation shall be paid on the regular payday next after the end of the period.

(e) Where unusual conditions are demonstrated, a farm or retail or service establishment may be authorized by certificate to exceed the limitations contained in § 519.4(f).

(f) Full-time students shall be employed only outside of their school hours.

§ 519.7 Records to be kept.

(a) The employer shall designate each worker employed as a full-time student under a full-time student certificate at special minimum wages, as provided under Part 516 of this chapter.

(b)(1) In addition to the records required under Part 516 of this chapter and this part, the employer shall keep the records specified in subparagraph (2) and (3) of this paragraph specifically relating to full-time students employed at special minimum wages.

(2) The employer shall obtain at the time of hiring and keep in his records information from the school attended that the employee receives primarily daytime instruction at the physical location of the school in accordance with the school's accepted definition of a full-time student. During a period between attendance at different schools not longer than the usual summer vacation, a certificate from the school next to be attended that the student has been accepted as a full-time student for its next term will satisfy the requirements of this subparagraph.

(3) The employer operating any farm or retail or service establishment shall maintain records of the monthly hours of employment of full-time students at special minimum wages and of the total hours of employment during the month of all employees in the establishment, who, in cases of employment in agriculture, do not come within one of the other exemptions from the minimum wage provisions of the Act. The records shall show the total hours worked in the establishment by all full-time students of the type defined in § 519.2(a) at less than the minimum wage otherwise applicable under the Act, and the total hours of employment of all employees in the establishment, to whom, in cases of employment in agriculture, the minimum wage provision of the Act applies. They shall be based on payroll or other available records such as those used for social security and withholding income taxes.

(c) The records required in this section, including a copy of any full-time student certificate issued, shall be kept for a period of 3 years at the place and made available for inspection, both as provided in Part 516 of this chapter.

§ 519.8 Amendment or replacement of a full-time student certificate.

In the absence of an objection by the employer (which may be resolved in the manner provided in Part 528 of this chapter) the authorized officer upon his own motion may amend the provisions of a certificate when it is necessary by reason of the amendment of these regulations, or may withdraw a certificate and issue a replacement certificate when necessary to correct omissions or apparent defects in the original certificates.

§ 519.9 Reconsideration and review.

(a) Within 15 days after being informed of a denial of an application for a full-time student certificate or within 30 days after Federal Register publication of a statement of the terms of the certificate granted, any person aggrieved by the action of an authorized officer in denying or granting a certificate may: (1) File a written request for reconsideration thereof by the authorized officer who made the decision in the first instance, or (2) file with the Administrator a written request for review.

(b) A request for reconsideration shall be accompanied by a statement of the additional evidence which the applicant believes may materially affect the decision and a showing that there were reasonable grounds for failure to present such evidence in the original proceedings.

(c) Any person aggrieved by the reconsideration determination of an authorized officer may, within 15 days after such determination, file with the Administrator a written request for review.

(d) A request for review shall be granted where reasonable grounds for the review are set forth in the request.

(e) If a request for reconsideration or review is granted, the authorized officer or the Administrator may, to the extent he deems it appropriate, afford other interested persons an opportunity to present data, views, or argument.

§ 519.10 Amendment or revocation of the regulations in this part.

The Administrator may at any time upon his own motion or upon written request of any interested person or persons setting forth reasonable grounds therefor, and after opportunity has been given to interested persons to present data, views, or argument, amend or revoke any of the regulations of this part.

Signed at Washington, D.C., this 25th day of July 1967.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 67-8828; Filed, July 28, 1967; 8:45 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Ouray National Wildlife Refuge, Utah

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

UTAH

OURAY NATIONAL WILDLIFE REFUGE

Public hunting of deer and antelope in accordance with State regulations is permitted on the Ouray National Wildlife Refuge, Utah, for the 1967 archery and rifle seasons except in those areas designated by signs as closed to hunting. This open area, comprising 9,500 acres, is delineated on maps available at refuge headquarters, Vernal, Utah, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Archery deer season is August 26 through September 10, 1967, inclusive. Rifle deer season is October 21 through October 31, 1967, inclusive. Rifle season for antelope is August 19, 20, 21, and 26, 27, 28, 1967.

Hunting shall be in accordance with all applicable State regulations covering the hunting of deer and antelope subject to the following special conditions:

(1) Hunting on Indian lands east of Green River, as posted, requires the possession of a Ute Tribal Permit.

(2) Every deer or antelope killed must be checked out at refuge sub-headquarters before hunters leave the area.

The provisions of this special regulation supplements the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 31, 1967.

H. J. JOHNSON,
Refuge Manager, Ouray National Wildlife Refuge, Vernal, Utah.

JULY 20, 1967.

[F.R. Doc. 67-8822; Filed, July 28, 1967; 8:45 a.m.]

Title 45—PUBLIC WELFARE

Chapter VII—Commission on Civil Rights

PART 704—INFORMATION DISCLOSURE AND COMMUNICATIONS

Effective Date of Material Available; Correction

Section 704.1(h) is corrected to read as follows:

§ 704.1 Material available pursuant to 5 U.S.C. 552.

* * * * *

(h) *Effective date.* The regulations of this § 704.1 are effective July 4, 1967.

Dated: July 24, 1967.

JOHN A. HANNAH,
Chairman,
U.S. Commission on Civil Rights.

[F.R. Doc. 67-8818; Filed, July 28, 1967; 8:45 a.m.]

Chapter VIII—Civil Service Commission

PART 801—VOTING RIGHTS PROGRAM

Appendix A; Mississippi

Appendix A to Part 801 is amended as set out below to show, under the heading "Dates, Times, and Places for Filing," five additional places for filing in Mississippi:

MISSISSIPPI

County; Place for filing; Beginning date.
* * * * *
Amite; (1) Liberty—Walsh Building, Main Street, second floor; April 3, 1967; (2) Gloster—Ivey Building, First Street; July 29, 1967.
Holmes; (1) Lexington—U.S. Post Office; November 8, 1965; (2) Cruger—U.S. Post Office; July 29, 1967.
Newton; (1) Newton—Post Office Building; January 4, 1966; (2) Decatur—building on Fourth Avenue across street from U.S. Post Office; July 29, 1967.
Noxubee; (1) Macon—Post Office Building, Basement, Room 4; April 16, 1966; (2) Brooksville—Jourdan Building, Front Street; July 29, 1967.
Rankin; (1) Brandon—Rankin Building, intersection of U.S. Highway 80 and State Highway 18; April 16, 1966, through August 4, 1966; (2) Brandon—Nettles Drug Store Building, East Government Street; August 5, 1966; (3) Pelahatchie—trailer on lot at Church Service Station, Highway 80 West; July 29, 1967.

(Secs. 7 and 9 of the Voting Rights Act of 1965; P.L. 89-110)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-8866; Filed, July 28, 1967; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1133]

[Docket No. AO 375-A18]

MILK IN INLAND EMPIRE MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Ridpath Hotel, West 510 Sprague Avenue, Spokane, Wash., beginning at 9:30 a.m., local time, on August 17, 1967, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Inland Empire marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The adoption of this proposal might result in the regulation of plants, heretofore not regulated, which dispose of fluid milk products containing vegetable fats and solids-not-fat derived from milk.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Inland Empire Dairy Association and Spokane Milk Producers Association:

Proposal No. 1. Revise § 1133.17 to include a definition of imitation or filled milk products containing solids-not-fat derived from milk and vegetable fat, including all such products reconstituted or fortified with additional nonfat milk solids.

Proposed by Dairy Division, Consumer and Marketing Service:

Proposal No. 2. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, James A. Burger, North 811 Jefferson, Room 115, Spokane, Wash. 99201, or from the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, or may be there inspected.

Signed at Washington, D.C., on July 25, 1967.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 67-8839; Filed, July 28, 1967; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 16222]

STANDARD METHOD FOR CALCULATING RADIATION TO EVALUATE INTERFERENCE, COVERAGE AND OVERLAP OF CONTOURS

Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of Part 73 of the Commission rules to specify, in lieu of the existing MEOV concept, a standard method for calculating radiation for use in evaluating interference, coverage and overlap of mutually prohibited contours in the Standard Broadcast Service, Docket No. 16222.

1. The Commission on October 6, 1965 issued a notice of proposed rule making in the above-entitled matter inviting comments on a proposed revision of § 73.150 by January 14, 1966. In subsequent orders the time for filing comments was extended to July 14, 1967, and for replies to August 14, 1967.

2. On July 12, 1967, the Association of Federal Communications Consulting Engineers (Association) filed a petition for extension of time for filing comments in this proceeding for a further period of 6 months from July 15, 1967. The Association was one of the parties which previously requested the extensions granted by the Commission. It now urges the further extension on the grounds that additional time is needed to explore the effect on the allocations situation based upon a study of a new method for calculating radiation values for direction antenna systems on one or more channels.

3. We are of the view that an extension of time in this case is warranted and would serve the public interest. However, in view of the previous lengthy extensions we do not believe that 6-month extension is necessary or justified. It appears that an extension of 2 months should be sufficient to complete the indicated studies. *Accordingly, it is ordered,* That the time for filing comments in this proceeding is extended from July 14, 1967, to September 14, 1967, and the time for filing reply comments is extended from August 14, 1967, to October 16, 1967.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules.

Adopted: July 17, 1967.

Released: July 25, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-8865; Filed, July 28, 1967; 8:49 a.m.]

Notices

DEPARTMENT OF JUSTICE

[Tax Division Directive No. 10]

CHIEF OF GENERAL LITIGATION SECTION ET AL.

Redelegation of Authority To Compromise, Settle, and Close Claims

By virtue of the authority vested in me by Part 0 of Title 28 of the Code of Federal Regulations, particularly §§ 0.70, 0.160, 0.162, 0.164, 0.166, and 0.171, it is ordered as follows:

SECTION 1. The chiefs of the General Litigation Section, the Appellate Section, the Court of Claims Section, and the Refund Trial Sections shall have authority to reject offers in compromise, regardless of amount, without reference to the Review Section: *Provided,* That such action is unopposed by the agency or agencies involved.

SEC. 2. Subject to the limitations and conditions set forth in section 4 hereof, the Chief of the Review Section shall have authority to—

(A) Accept offers in compromise of claims in behalf of the United States in all cases in which the gross amount of the original claim does not exceed $100,000 and of claims against the United States in all cases in which the amount of the refund does not exceed $50,000;

(B) Approve administrative settlements not exceeding $50,000;

(C) Close (other than by compromise or by entry of judgment) civil claims asserted by the Government in all cases in which the gross amount of the original claim does not exceed $50,000; and

(D) Reject offers in compromise, regardless of amount:

Provided, That the proposed action is unopposed by the agency or agencies involved, or by the chief of the section to which the case is assigned.

SEC. 3. Subject to the limitations and conditions set forth in section 4 hereof, the First Assistant, the Second Assistant and the Assistant for Civil Trials each shall have authority to—

(A) Accept offers in compromise of claims in behalf of the United States in all cases in which the gross amount of the original claim does not exceed $250,000, and of claims against the United States in all cases in which the amount of the refund does not exceed $250,000;

(B) Approve administrative settlements not exceeding $250,000;

(C) Close (other than by compromise or by entry of judgment) civil claims asserted by the Government in all cases in which the gross amount of the original claim does not exceed $250,000; and

(D) Reject offers in compromise, or disapprove administrative settlements or closings, regardless of amount:

Provided, That the limiting amount in (A), (B), and (C) shall be $100,000 if the proposed disposition of the claim is opposed by the agency or agencies involved or if the case is subject to reference to the Joint Committee on Internal Revenue Taxation.

SEC. 4. The authority redelegated herein shall be subject to the following limitations and conditions:

(A) When, for any reason, the compromise or administrative settlement or closing of a particular claim, as a practical matter, will control or adversely influence the disposition of other claims totaling more than the respective amounts designated in sections 2 and 3, the case shall be forwarded for review at the appropriate level.

(B) When the person otherwise authorized herein to take final action is of the opinion that, because of the importance of a question of law or policy presented, the position taken by the agency or agencies or by the U.S. attorney involved or any other considerations, the proposed disposition should be reviewed at a higher level, the case shall be forwarded for such review.

(C) Nothing in this directive shall be construed as altering any provision of Subpart W of Part 0 of Title 28 of the Code of Federal Regulations requiring the submission of certain cases to the Attorney General or the Solicitor General.

(D) Authority to approve recommendations that the Government confess error, or make administrative settlements, in cases on appeal is excepted from the foregoing redelegations.

SEC. 5. Tax Division Directive No. 7 of June 15, 1965, is hereby superseded.

SEC. 6. This directive shall be effective on the date of its publication in the FEDERAL REGISTER.

MITCHELL ROGOVIN,
Assistant Attorney General.

Approved: July 25, 1967.

RAMSEY CLARK,
Attorney General.

[F.R. Doc. 67-8830; Filed, July 28, 1967; 8:48 a.m.]

[Tax Division Directive No. 11]

CRIMINAL TAX CASES

Designation of Functions

The functions and procedures set forth below with respect to criminal tax cases within the cognizance of the Tax Division shall become effective immediately:

1. When the recommendations within the Criminal Section unanimously favor the institution of criminal proceedings as outlined in the Internal Revenue Service's letters of reference, or do not vary substantially therefrom in character or scope, the Chief of that Section is authorized to approve the institution of such proceedings: *Provided,* That the substitution of a misdemeanor count for a felony count, or the elimination of one or more of several principal defendants, or the allowance of a major count to be barred by limitations, or matters of comparable importance, shall be referred to the Assistant Attorney General through the Second Assistant: *Provided further,* That if in the opinion of the Chief of Section a case should receive a higher level of review before criminal proceedings are commenced, the case shall be referred to the Second Assistant.

2. The Second Assistant is authorized to—

(a) Approve recommendations of the Chief of the Criminal Section which favor prosecutions as outlined in the Service's letters of reference, or not varying substantially therefrom in character or scope.

(b) Approve recommendations of the Chief of the Criminal Section that prosecutions which have been authorized in accordance with this directive shall continue notwithstanding recommendations by the respective U.S. attorneys that such prosecutions be declined or dismissed.

(c) Approve memoranda to the Solicitor General relating to appeals of criminal cases when the recommendations of the U.S. attorney, the Service, and the Chiefs of the Appellate and Criminal Sections are not unanimous.

3. The following cases and matters shall be referred to the Assistant Attorney General for decision:

(a) Cases in which either the Second Assistant or the Chief of the Criminal Section, or both, recommend:

(1) That the prosecutions proposed by the Service be declined or varied substantially in character or scope; or

(2) That sealed indictments, informations, or complaints be returned; or

(3) That indictments, informations, or complaints be dismissed.

(b) Cases in which the Service withdraws its recommendations for prosecution.

(c) Cases involving any charge or evidence of improper or irregular conduct on the part of any Government official.

(d) Any case or matter not included in (a) through (e), which, in the opinion of the Second Assistant, should receive the personal attention of the Assistant Attorney General.

4. On referral by the Assistant Attorney General, the First Assistant and the Second Assistant are authorized to take action in their own names on any matters otherwise requiring action by the Assistant Attorney General.

MITCHELL ROGOVIN,
Assistant Attorney General.

Approved: July 25, 1967.

RAMSEY CLARK,
Attorney General.

[F.R. Doc. 67-8831; Filed, July 28, 1967; 8:46 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Mines

FRANK G. PEPPER ET AL.

Minerals Research; Amendment of Redelegation of Authority Regarding Execution of Contracts; Tiburon

Section 205.11.4 of Bureau of Mines Manual issued June 8, 1967 (32 F.R. 8255), is revised to read as follows:

Section 205.11.4 *Negotiated Contracts.* The authority to enter into negotiated contracts under section 302(c)(3) of the Federal Property Administrative Services Act of 1949, as amended (purchases not in excess of $2,500), is redelegated by the Research Director, Marine Minerals Technology Center to the following named persons. This authority to approve Field Purchase Orders in amounts of $2,500 or less for open market items is to be exercised only when the named employees are on a cruise away from the home port of Tiburon.

Frank G. Pepper, First Officer, MMTC.
Leo J. Leoni, Master, MMTC.
Ralph W. Dale, Jr., Master, MMTC.
Harry L. Troutman, Jr., Chief Engineer, MMTC.

HARRY C. ALLEN, JR.,
Assistant Director,
Minerals Research.

[F.R. Doc. 67-8823; Filed, July 28, 1967; 8:45 a.m.]

Fish and Wildlife Service

[Docket No. A-434]

CARROL C. McHENRY

Notice of Loan Application

Carrol C. McHenry, Box 57, Haines, Alaska 99827, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 32-foot fiberglass vessel to engage in the fishery for salmon, halibut, and crab.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised August 11, 1965) that the above entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

J. L. McHUGH,
Acting Director,
Bureau of Commercial Fisheries.

JULY 25, 1967.

[F.R. Doc. 67-8821; Filed, July 28, 1967; 8:45 a.m.]

Office of the Secretary

PROPERTY OF SMITH RIVER RANCHERIA IN CALIFORNIA AND INDIVIDUAL MEMBERS THEREOF

Notice of Termination of Federal Supervision

Notice is hereby given that the Indians named below and the dependent members of their immediate families named below who are not members of any other tribe or band of Indians are no longer entitled to any of the services performed by the United States for Indians because of their status as Indians; that all statutes of the United States which affect Indians because of their status as Indians shall be inapplicable to them, and the laws of the several States shall apply to them in the same manner as they apply to other citizens within their jurisdiction. Title to the land on the Smith River Rancheria has passed from the United States Government under distribution plan dated November 25, 1960, for the above-named rancheria.

SMITH RIVER RANCHERIA

Located in Del Norte County, Calif., and more particularly described as the N½NW¼NE¼, the NE¼NE¼, and fractional W½ of sec. 17, T. 18 N., R. 1 W., H.B.M., originally contained 178.21 acres. This acreage was decreased to 163.96 acres by rights-of-way for county roads and U.S. Highway 101.

Name	Birthdate	Address
Edward Lopes, Jr.	7-27-1933	Post Office Box 1, Smith River, Calif.
Rosalind Gardner Lopes.	8- 3-1939	Do.
Modesta Alean Lopes.	6-27-1958	Do.
Denise Annette Lopes.	8-13-1960	Do.
Albert Lopes	6-11-1934	Do.
Debra Kay Lopes	6-29-1957	Do.
Russell William Lopes.	4-13-1960	Do.
Walter Richards, Jr.	8-18-1939	Post Office Box 99, Smith River, Calif.
Ethel Lopes		715 Enden Street, Crescent City, Calif.
Barbara Ann Lopes	10-19-1948	Smith River, Calif.
Mary June Lopes	8-19-1949	Do.
Robert Lopes, Jr.	8-30-1950	Do.
John Douglas Lopes	8-15-1951	Do.
Loetta Marie Lopes	4-15-1953	Do.
Lynne Rae Lopes	12- 5-1955	Do.
Peter Edward Lopes.	3-23-1957	Do.
Barbara J. Fullam	8-23-1925	1434 Naranca Street, El Cajon, Calif.
Denyce Annette Fullam.	11- 8-1948	Do.
Linda Gayle Fullam.	8-16-1955	Do.
Ernest Scott	12-24-1911	2619 Maker Avenue, Crescent City, Calif.
Ethel Scott (Divorced).	9-14-1912	Smith River, Calif.
Frank Hostler	8-31-1936	Box 45, Fort Dick, Calif.
Elmer Hostler	6-23-1934	Smith River, Calif.
Walter Richards	8-29-1913	Box 99, Smith River, Calif.
Mattie Richards	6-14-1922	Do.
Barbara Richards	6-26-1942	Do.
Mary Bartow	2-23-1928	Box 40, Smith River, Calif.
Freddie Bartow, Jr.	2-22-1959	Do.
Ben Allen Bartow	4-28-1960	Do.
Paul Winton	5-23-1918	578 Norgard Lane, Ukiah, Calif.
Clifford Winton	3-14-1906	717 Grand Boulevard, Olympia, Wash.
Sylvia Green	9-11-1926	Box 184, Smith River, Calif.
Catherine Hostler	12-21-1919	330 West 14th Street, Eureka, Calif.
LaRoy Elmer Gardner.	8-29-1942	Do.
Marilyn Gardner	8-14-1944	Do.
Rose Marie Gardner.	4-16-1945	Do.
Bertha Stewart	3-19-1900	Route 2, Box 1271-A, Smith River, Calif.
Betty Willburn Myers.	3- 5-1929	1166-B Gilmore Drive, South Key West, Fla.
Jack St. Clare Willburn, Jr.	11-17-1946	Do.
Stewart Willburn	3-18-1948	Do.
Candace Yvonne Willburn.	5-27-1949	Do.
Mark Wayne Willburn.	3-12-1951	Do.
Betty Ann Willburn.	2- 8-1956	Do.
Joseph La Fountain	6-26-1906	Post Office Box 194, Smith River, Calif.
Ellen La Fountain	4-28-1906	Do.
Leonard James	9-15-1926	Post Office Box 40, Smith River, Calif.
Kenneth Lee James	7-26-1946	Do.
Leonard James, Jr.	8- 3-1950	Do.
Ronald Leon James	1-17-1952	Do.
Wilma Linda James	5-17-1955	Do.
Carl James	1-31-1957	Do.
Raymond Critcser	10-25-1927	Post Office Box 112, Smith River, Calif.
Phyllis Critcser	3-17-1933	Do.
David Martin Critcser.	10- 1-1951	Do.
Rayona Faye Critcser.	10-14-1954	Do.
Dawn Alane Critcser.	8- 5-1956	Do.
Janelle Sue Critcser.	6-27-1958	Do.
Jasper James	12-22-1918	Post Office Box 174, Smith River, Calif.
Amelia Brown	7- 4-1871	Route 2, Box 1271-B, Smith River, Calif.
Harriet Smith	6- 3-1916	Post Office Box 784, Smith River, Calif.
Fred Moorehead	2-18-1911	Post Office Box 679, Smith River, Calif.
Lila Moorehead	7- 9-1923	Do.
Murry Richards	1- 9-1938	Post Office Box 82, Smith River, Calif.
Norene Melton Richards.	11-26-1941	Do.
Edward Richards, III.	6- 1-1927	Do.
Joan Richards	6-30-1928	Do.
Edward Richards, Jr.	8- 6-1900	Do.
Florence Richards	7-27-1943	Do.
Marian Lopes	3- 9-1929	Post Office Box 53, Smith River, Calif.
Deanna Lopes	11-13-1949	Do.
Richard Laird Lopes.	11- 9-1950	Do.
Kerry Lizette Lopes.	10-26-1954	Do.
Laurel Marie Lopes.	5- 8-1956	Do.
Theodore Moorehead.	5-13-1908	Blue Lake, Calif.
Isabel Moorehead	8-17-1909	Do.
Ramona Weatherford.	4-18-1930	Route 1, Box 490, Bayside, Calif.
Rita Ann Weatherford.	7-21-1949	Do.
Gloria Jean Weatherford.	7-24-1950	Do.
Cornelius Moorehead.	7-10-1922	Post Office Box 38, Smith River, Calif.
Elaine Marie Moorehead.	2- 8-1947	Do.
Darrell Larry Moorehead.	1-11-1951	Do.

Name	Birthdate	Address
Bonita Fay Moorehead.	1-11-1962	Post Office Box 38, Smith River, Calif.
Frank Moorehead	2-18-1911	Route 2, Box 1251, Smith River, Calif.
Carmen Klibbe Moorehead (Separated).	11-29-1926	1822 L Street, Sacramento, Calif.
Stella Moorehead	2-29-1944	Post Office Box 679, Smith River, Calif.
Jimmy Moorehead	1- 3-1962	Do.
Samuel M. Stanshaw.	11-11-1935	C/o Joan Richards, Post Office Box 82, Smith River, Calif.
Ernest Richards	4- 8-1918	Route 2, Box 1259, Smith River, Calif.
Lauretta Martin	9-19-1924	Box 719, Smith River, Calif.
Eugene Harvey Martin.	9-18-1945	Do.
John Earl Martin	12-10-1956	Do.
Ray Moorehead	9-20-1927	Post Office Box 38, Smith River, Calif.
Andrew Whipple	12-23-1915	Box 38, Smith River, Calif.
Louise Whipple	4-29-1920	Do.
Andrew Whipple, Jr.	11- 5-1942	Do.
Diane Sue Whipple	4-19-1944	Do.
Allen Richards	4- 9-1934	Post Office Box 749, Fort Dick, Calif.
Darlene Richards	5-19-1931	Do.
Cherry Ann Richards.	5- 1-1954	Do.
Allen Richards, Jr.	10- 4-1955	Do.
Marvin Lyle Richards.	1-23-1957	Do.
Ronald David Richards.	1-27-1959	Do.
Frank Richards	9-21-1925	Box 53, Smith River, Calif.
Leslie Norris Richards.	8-19-1931	Do.
Michael Gary Richards.	2-20-1951	Do.
Denise Lorraine Richards.	4- 3-1957	Do.
William Roberts	8-14-1912	Smith River, Calif.
Charles Whipple	3- 1-1927	Box 61, Smith River, Calif.
Thelma Richards Whipple.	1-31-1926	Do.
Valerie Whipple	2-21-1953	Do.
Gaylene Alice Whipple.	9-24-1954	Do.
Toni Charlene Whipple.	5-13-1956	Do.
Sunnae Marie Whipple.	5-14-1957	Do.
Calvin Whipple	5-17-1948	Do.
Katheiene Whipple	11- 9-1959	Do.

This notice is issued pursuant to the act of August 18, 1958 (72 Stat. 619), amended August 11, 1964 (78 Stat. 390), including the provisions in the 1964 act that this notice affects only Indians who received any part of the assets of the rancheria and the dependent members of their immediate families who are not members of any other tribe or band of Indians; and that all restrictions and tax exemptions applicable to trust or restricted lands or interests therein owned by the Indians who are affected by this notice are terminated.

This notice becomes effective as of the date of publication in the FEDERAL REGISTER.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JULY 25, 1967.

[F.R. Doc. 67-8826; Filed, July 28, 1967; 8:45 a.m.]

[Order No. 2508, Amdt. No. 73]

COMMISSIONER OF INDIAN AFFAIRS

Indian Health Matters; Amendment of Delegation of Authority

The Secretary of the Interior's Order 2508, as amended, and appearing at 14 F.R. 258 is further amended as follows:

1. The heading of section 10, "Health and Welfare Matters" is amended to read: "Social Services Matters" and subsections 10 (a), (b), (c), and (d) thereof are deleted. The authority for the issuance of these subsections was terminated by Public Law 568, 83d Congress (68 Stat. 674).

2. Section 26, Repeal, is deleted from the order.

STEWART L. UDALL,
Secretary of the Interior.

JULY 20, 1967.

[F.R. Doc. 67-8824; Filed, July 28, 1967; 8:45 a.m.]

FORT BELKNAP INDIAN RESERVATION, MONT.

Ordinance Legalizing the Sale of Intoxicants

Pursuant to the Act of August 15, 1953 (Public Law 277, 83d Cong., 1st sess.; 67 Stat. 586), I hereby certify that on May 4, 1967, the following ordinance No. 3-67 relating to the application of the Federal Indian liquor laws on the Fort Belknap Indian Reservation was duly enacted by the Fort Belknap Indian Community Council which has jurisdiction over the area of Indian country included in the ordinance:

Whereas, Public Law 277, 83d Congress, approved August 15, 1953, provides that sections 1154, 1156, 3113, 3488, and 3618 of Title 18, United States Code, commonly referred to as the Federal Indian Liquor Law, shall not apply to any act or transaction within any area of Indian country provided such act or transaction occurs within an ordinance duly adopted by the Tribe having jurisdiction over such area of Indian country, certified by the Secretary of the Indian Interior and published in the FEDERAL REGISTER, and,

Whereas, Ordinance No. 65 of the Fort Belknap Indian Community Council relating to the application of the Federal Indian Liquor laws on the Fort Belknap Reservation permitted the introduction and possession of intoxicating liquor on the Reservation but did not permit the sale of the same, and,

Whereas, Ordinance No. 3-61 enacted September 8, 1961, rescinded Ordinance No. 65 and established certain rules and regulations regarding the sale of packaged beer within the Indian Country under the jurisdiction of the Fort Belknap Indian Community, and

Whereas, it is now felt that these rules and regulations should be modified to permit the sale of intoxicating liquor and packaged beer

Now therefore be it ordained, that this Ordinance shall supersede Ordinance No. 3-61, and,

Be it further ordained, that:

1. Packaged beer may be sold by grocery stores, owned and operated by members of the Fort Belknap Indian Community, or the Community itself, subject to licensing requirements set forth herein.

2. Intoxicating liquor, including but not limited to beer, whiskey, wine, etc., may be sold by outlets owned and operated by members of the Fort Belknap Indian Community, or the Community itself, subject to licensing requirements set forth herein.

3. Any person or outlet shall possess a license issued by the Fort Belknap Indian Community prior to consummating any sale of intoxicating liquor or packaged beer. An annual fee of $25 shall be charged for each license issued.

4. Any person or outlet shall possess a license issued by the State of Montana prior to consummating any sale of intoxicating liquor or packaged beer. All sales shall be made in accordance with the laws of the State of Montana.

5. No more than one Tribal license shall be issued under this ordinance for each of the three districts (Milk River, Hays, and Lodge Pole) of the Fort Belknap Reservation.

Be it further ordained, that this Ordinance shall become effective upon certification of this ordinance by the Secretary of the Interior and its publication in the FEDERAL REGISTER.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JULY 24, 1967.

[F.R. Doc. 67-8825; Filed, July 28, 1967; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 18752]

BRANIFF AIRWAYS, INC.

Notice of Proposed Approval

Application of Braniff Airways, Inc., for approval of contingent agreement to purchase an aircraft, Docket 18752.

Notice is hereby given, pursuant to the statutory requirements of section 408(b), that the undersigned intends to issue the attached order under delegated authority. Interested parties are hereby afforded a period of 15 days from the date of service within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., July 26, 1967.

[SEAL] A. M. ANDREWS,
Director,
Bureau of Operating Rights.

[Docket 18752]

ORDER APPROVING PURCHASE AGREEMENT

Application of Braniff Airways, Inc. for approval, pursuant to the third proviso of section 408(b) of the Federal Aviation Act of 1958, as amended, of a contingent agreement to purchase an aircraft.

By application filed June 30, 1967, Braniff Airways, Inc. (Braniff), requested approval pursuant to the third proviso of section 408(b) of the Federal Aviation Act of 1958, as amended (the Act), of an agreement whereby under certain circumstances Braniff undertakes to purchase from Compania de Aviacion "Faucett" S.A. (Faucett) one Boeing 727-63 jet aircraft, together with re-

lated spare parts. Faucett is a Peruvian foreign air carrier.[1]

The purchase agreement involves an aircraft and spares which Faucett has ordered from the Boeing Co. for a comprehensive price of about $6,500,000. Faucett's cost of such purchase is to be financed by a loan of $1,400,000 from Chase Manhattan Bank (N.A.), and further arrangements between the Export-Import Bank and Faucett for financing the remainder of the cost of the aircraft and parts are contemplated. Under the instant Braniff-Faucett agreement, should Faucett default in any of its obligations to Boeing or the financing institutions Braniff would, upon request of the financing institutions, purchase the aircraft and spares subject to Faucett's delivery of a bill of sale vesting in Braniff good title to the aircraft, the equipment installed therein and the related spares, in each case free and clear of any and all encumbrances thereon. Braniff will be obliged to pay a purchase price computed on the basis of Faucett's cost of the aircraft and spares, less deductions for depreciation over a 12-year useful life with a 10 percent residual value, and reserves for overhaul of engines and airframe at stipulated rates. It is represented that the aircraft is being manufactured in accordance with specifications which would make it compatible with the 24 B-727 aircraft now in operation or on order by Braniff.

Faucett is the principal carrier offering domestic services within Peru. Braniff believes that the availability of jet service by Faucett to interior points will be an important inducement for tourist travel to and from Peru. Braniff has a vital interest in the development of this traffic by reason of its authority to operate between points in the United States and Lima, Peru, and Braniff's present and contemplated plans to construct hotel and other facilities in Lima and other points in Peru served by Faucett.

Braniff contends that the transaction is the result of arm's length bargaining and is in the public interest.

No adverse comments or requests for a hearing have been received.

Notice of intent to dispose of the application without a hearing has been published in the FEDERAL REGISTER, and a copy of such notice has been furnished by the Board to the Attorney General not later than the day following the date of such publication, both in accordance with the requirements of section 408(b) of the Act.

Upon consideration of the foregoing, we conclude that the purchase transaction is subject to section 408 of the Act in that it may involve the acquisition by an air carrier of a substantial part of the properties of a person engaged in a phase of aeronautics, namely, Faucett. However, it is concluded that the acquisition, should it occur, would not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, would not result in creating a monopoly, and would not tend to restrain competition.[2] Furthermore, no person disclosing a substantial interest is currently requesting a hearing and we conclude that no hearing is required. It appears that approval of the instant agreement would not be inconsistent with the public interest. The agreement may assist Faucett in acquiring jet equipment and thereby improving its services.

Pursuant to authority duly delegated by the Board, in the Board's regulations, 14 CFR 385.13, it is found that the above-described transaction should be approved under section 408(b) of the Act without a hearing.

Accordingly, it is ordered:

1. That the agreement of purchase described above between Braniff and Faucett be and it hereby is approved under section 408 of the Act, and

2. That this action shall not be deemed an approval for rate-making purposes of the financial provisions of the transaction.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 10 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review is filed, or the Board gives notice that it will review this order on its own motion.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 67-8833; Filed, July 28, 1967; 8:46 a.m.]

[Docket Nos. 17750, 18828; Order No. E-25457]

CITY AND COUNTY OF DENVER, COLO. ET AL.

Order Instituting Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 25th day of July 1967.

Petition of City and County of Denver, Colo. and the Denver Chamber of Commerce, Docket 17750; for new, improved, and additional air service; Denver-Twin Cities Service Investigation, Docket 18828.

On September 26, 1966, the city and county of Denver and the Denver Chamber of Commerce (hereinafter referred to collectively as Denver) filed a petition with the Board requesting an investigation into the need for authorization of "unrestricted direct single-carrier competitive authority" between Denver and Minneapolis/St. Paul, Omaha, Phoenix, and Las Vegas. On April 12, 1967, Denver filed a motion for an expedited hearing on its application with respect to new, improved, and additional service in the Minneapolis/St. Paul, Omaha and Phoenix markets,[3] contending that the traffic generation in these markets in fiscal 1966 increased 23 percent over the previous year and 126 percent since 1959, that unrestricted competitive authority in these markets has never been adjudicated by the Board, and that the volume of traffic warrants consideration of first competitive nonstop authority. In fiscal year 1966, Denver-Minneapolis/St. Paul generated a total of 210 passengers, Denver-Omaha 173 passengers, and Denver-Phoenix 219 passengers a day.

Frontier and North Central have filed answers to Denver's motion for an expedited hearing. Frontier and North Central support the motion insofar as the Denver-Minneapolis/St. Paul market is concerned. According to North Central, this market will generate over 140,000 passengers by 1968 and will be one of the largest markets in the country without the benefit of competitive air service. North Central also contends that an award of nonstop authority in this market would result in an "appreciable subsidy reduction." Frontier points out that improved service in the Denver-Omaha market is in issue in the Service to Omaha case, Docket 18401[4] and that the public interest would not be served by considering nonstop competitive issues at this time in the Denver-Phoenix market because it now provides one- and two-stop servicese with 727 aircraft in this market and there is pending an application for a change of service pattern which, if granted, would authorize Frontier to operate nonstop between Denver and Phoenix.

Upon consideration of the foregoing, the Board has decided to grant Denver's motion for an expedited hearing to the extent that it requests consideration of first competitive nonstop service issues in the Denver-Minneapolis/St. Paul market and institute herein an investigation to be designated as the Denver-Twin Cities Service Investigation. The remainder of the motion will be denied.

Although traffic generation in the Denver-Minneapolis/St. Paul market is large and has grown rapidly, Western is the only carrier authorized to provide nonstop service and the only carrier which provides any single-plane service in the market.[5] For the year ended September 30, 1966, the market generated a total of 78,000 passengers or 214 passengers a day in both directions. Since Western's service is essentially long-haul, it is quite possible that substantial traffic flow, not reflected in the Board's traffic surveys, is moving over the Denver-Minneapolis/St. Paul segment. Because Western's nonstop flights are part of a long-haul service, we deem it important to consider in this investigation whether the local traffic demands in the market are being served adequately and whether additional capacity and competitive authority is required for the convenience and continued development of local traffic.[6]

In evaluating Denver's motion and deciding to grant that portion which requests expedited consideration of air service requirements in the Denver-Minneapolis/St. Paul market, we also take note of North Central's contention that competitive nonstop service in the market can be provided economically with a possibility for significant subsidy reduction and the fact that service requirements in this market have not been examined for a considerable period of time.

We have decided not to hear the Denver-Phoenix market at this time. Although the Denver-Phoenix and Denver-Minneapolis/St. Paul markets are comparable in size, the Denver-Minneapolis/St. Paul market is a monopoly market while Denver-Phoenix is not. In addition to Western's Denver-Phoenix nonstop services, Frontier provides one and two-stop services in the market with 727 aircraft and multistop services with CV-580 aircraft and has attained a 15 percent participation in the market.[7] Under these circumstances the question of improved service in the Denver-Phoenix market is not of such urgent proportions as to warrant an immediate hearing.[8]

In order to assure that the scope of this investigation is limited to the consideration of first competitive nonstop service in the Denver-Minneapolis/St. Paul market, we will impose a pretrial restriction that any new certificate authority awarded herein shall be in the form of a new segment rather than an addition to an existing segment and that any new certificate authority awarded shall be without subsidy eligibility.

The Board will not search its dockets to sever out and consolidate with this investigation those applications or portions of applications which are within the scope of this proceeding. However, favorable consideration will be given to timely-filed motions which seek to consolidate herein applications or portions of applications which are within the clearly defined scope of this case.

Accordingly, it is ordered, That:

1. An investigation designated as the Denver-Twin Cities Service Investigation be and it hereby is instituted in Docket 18828 pursuant to sections 204(a) and 401(g) of the Federal Aviation Act of 1958, as amended, to determine whether the public convenience and necessity require the alteration; amendment or modification of any carrier authorizations so as to authorize competitive nonstop service between Denver and Minneapolis/St. Paul;

2. The motion of Denver to the extent that it seeks expedited consideration of that portion of its application in Docket 17750 related to additional service between Denver and Minneapolis-St. Paul is granted and in all other respects the motion is denied;

3. In the event that any carrier is awarded certificate authority in this proceeding, such new authority will be granted in the form of a separate segment in the carrier's existing certificate and will be without subsidy eligibility;

4. Motions to consolidate, applications, and motions or petitions seeking modification or reconsideration of this order shall be filed no later than 20 days after the service date of this order and answers to such pleadings shall be filed no later than 20 days thereafter;

5. This proceeding shall be set down for hearing before an Examiner of the Board at a time and place hereafter designated; and

6. A copy of this order be served upon the city and county of Denver, Colo.; the Denver Chamber of Commerce; the cities of Minneapolis, St. Paul, Minn.; Omaha, Nebr.; and Phoenix, Ariz.; the Aeronautical Departments and/or Commissions of the States of Colorado, Minnesota, Nebraska, and Arizona; Braniff Airways, Inc., Central Airlines, Inc., Continental Air Lines, Inc., Frontier Airlines, Inc., Northwest Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., and Western Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 67-8834; Filed, July 28, 1967; 8:46 a.m.]

[Docket No. 18229]

LLOYD INTERNATIONAL AIRWAYS, LTD.

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on August 14, 1967, at 10 a.m., e.d.s.t., in Room 911, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned Hearing Examiner.

For further information concerning the issues involved and other matters in this proceeding, interested persons are referred to the Report of Prehearing Conference, served May 4, 1967, and other documents on file in the above docket in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., July 25, 1967.

[SEAL] LESLIE G. DONAHUE,
Hearing Examiner.

[F.R. Doc. 67-8835; Filed, July 28, 1967; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

HUMBLE OIL & REFINING CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 7B2192) has been filed by Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001, proposing an amendment to § 121.2589 *Mineral oil* to provide for the safe use of an additional grade of mineral oil in lubricants with incidental contact as provided under § 221.2553 *Lubricants with incidental food contact.*

Dated: July 21, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-8840; Filed, July 28, 1967; 8:47 a.m.]

TRIFLURALIN

Notice of Establishment of Temporary Tolerance

Notice is given that at the request of the Elanco Products Co., a division of Eli Lilly and Co., Indianapolis, Ind. 46206, a temporary tolerance of 0.05 part per million is established for residues of the herbicide trifluralin (α,α,α-trifluoro-2,6-dinitro-*N,N*,-dipropyl-*p*-toluidine) in or on sugarcane. The Commissioner of Food and Drugs has determined that this temporary tolerance will protect the public health.

A condition under which this temporary tolerance is established is that the herbicide will be used in accord with the temporary permit issued by the U.S. Department of Agriculture. Distribution will be under the Elanco Products Co. name.

This temporary tolerance expires July 21, 1968.

[1] Faucett has held a temporary foreign air carrier permit since 1961 to operate between Miami, Fla., and Lima, Peru, via Panama City, Panama. Its permit was extended for a further 5-year period by Order E-24787 Feb. 23, 1967. Faucett, however, has not yet inaugurated service over the route.

[2] Braniff, as a successor in interest to Panagra, owns 17.77 percent of Faucett's outstanding stock. In Docket 16187 the Examiner found that Faucett was substantially owned and effectively controlled by citizens of Peru, and in opinion and Order E-24787, Feb. 23, 1967, the Board adopted the Examiner's findings and conclusions. Braniff indicated that it may contract with Faucett to provide, for a limited period of time, purchasing and shipping services in connection with the subject aircraft. It may be that in view of the existing and contemplated transactions that new section 408 relationships may arise in the future. Of course, if such relationships should develop, Braniff would be required to seek appropriate relief. Further, Braniff alleged that it entered into the agreement without reliance on any representation by Faucett that it either will or will not use the aircraft on its route to the United States.

[3] Denver did not include the Las Vegas market because improved Denver-Las Vegas service is at issue in the Denver-Grand Junction-Las Vegas Investigation, Docket 17914.

[4] Order E-24977, Apr. 13, 1967.

[5] Western now offers three nonstop roundtrips in the Denver-Minneapolis/St. Paul market which are throughplane services to the west coast. Western also provides two one-stop roundtrips and one three-stop roundtrip in the market. Eastbound, two of these multistop flights originate in Denver and one originates in Los Angeles; westbound, two of the multistop flights operate beyond Denver to west coast points.

[6] Except for westbound flight 701, we note that Western's nonstop flights arrive at and depart from Denver at midday or later. OAG, June 1967.

[7] Based on 1966 O&D traffic.

[8] Since improved service in the Denver-Omaha market is now in issue in the Service to Omaha Case, Order E-24977, Apr. 13, 1967, questions of improved operating authority in this market will not be heard in this investigation.

This action is taken pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a (j)) and delegated by him to the Commissioner (21 CFR 2.120).

Dated: July 21, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-8841; Filed, July 26, 1967; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Packers and Stockyards Administration

RAYNOR I. CROSMAN ET AL.

Posted Stockyards

Pursuant to the authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), on the respective dates specified below, it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the Act, as amended (7 U.S.C. 202), and notice was given to the owners and to the public by posting notice at the stockyards as required by said section 302.

Name, location of stockyard, and date of posting

MAINE

Raynor I. Crosman, Corinna, May 23, 1967.

MISSISSIPPI

Columbus Stock Yards, Inc., Columbus, June 23, 1967.

NORTH CAROLINA

Carolina Stockyards Co., Fayetteville, June 23, 1967.

TENNESSEE

Wilson Livestock Market, Newport, June 16, 1967.

TEXAS

Palestine Commission Company, Palestine, June 5, 1967.

Done at Washington, D.C., this 25th day of July 1967.

CHARLES G. CLEVELAND,
Registrations, Bonds, and Reports Branch, Packers and Stockyards Administration.

[F.R. Doc. 67-8840; Filed, July 26, 1967; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 17598]

RONNIE J. CAMP

Order Designating Matter for Hearing

In the matter of Ronnie J. Camp, Temple City, Calif., Docket No. 17598, suspension of Amateur Radio Operator License (K6EVR).

The Commission, having under consideration its order, released June 19, 1967, which suspended the General Class Amateur Radio Operator license of Ronnie J. Camp, 9861 East Estrella Avenue, Temple City, Calif., for 6 months and licensee's request for a hearing in the above-entitled matter;

It appearing, that Ronnie J. Camp, in accordance with section 303(m)(2) of the Communications Act of 1934, as amended, filed with the Commission within the time specified therefor an application requesting a hearing on the Commission's above-mentioned suspension order; and

It further appearing, that, under the provisions of section 303(m)(2) of the Communications Act of 1934, as amended, upon the filing of a timely written application for hearing, the Commission's suspension order is held in abeyance until the conclusion of proceedings thereon;

It is ordered, Under authority contained in section 303(m)(2) of the Communications Act, as amended, and § 0.332(f) of the Commission's rules, that the matter of the suspension of the General Class Amateur Radio Operator license of Ronnie J. Camp, is designated for hearing before a Hearing Examiner and at a time and place to be specified by subsequent order, upon the following issues:

1. To determine whether the licensee committed the violation of the Commission's rules as set forth in the Commission's order of suspension;

2. If the licensee committed such violation, to determine whether the facts or circumstances in connection therewith would warrant any change in the Commission's order of suspension; and

It is further ordered, That the Secretary shall send a copy of this order by airmail to Mr. Ronnie J. Camp, 9861 East Estrella Avenue, Temple City, Calif. 91780.

Adopted: July 13, 1967.

Released: July 18, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-8851; Filed, July 28, 1967; 8:48 a.m.]

[Docket No. 17598; FCC 67M-1223]

RONNIE J. CAMP

Order Scheduling Hearing

In the matter of Ronnie J. Camp, Temple City, Calif., suspension of Amateur Radio Operator License (K6EVR).

It is ordered, That Jay A. Kyle shall serve as Presiding Officer in the above-entitled proceeding; and that the hearing therein shall be convened in the offices of the Commission, Washington, D.C., on October 9, 1967, at 10 a.m.

Issued: July 20, 1967.

Released: July 24, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-8852; Filed, July 26, 1967; 8:48 a.m.]

[Docket Nos. 17570-17573; FCC 67M-1212]

ELIM BIBLE INSTITUTE, INC., ET AL.

Order Scheduling Hearing

In re applications of Elim Bible Institute, Inc., Lima, N.Y., Docket No. 17570, File No. BP-18369; "What The Bible Says, Inc.", Henrietta, N.Y., Docket No. 17571, File No. BP-17001; Oxbow Broadcasting Corp., Geneseo, N.Y., Docket No. 17572, File No. BP-17399; John B. Weeks, Warsaw, N.Y., Docket No. 17573, File No. BP-17400; for construction permits.

It is ordered, That Isadore A. Honig shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on October 30, 1967, at 10 a.m.; and that a prehearing conference shall be held on September 18, 1967, commencing at 9 a.m.: *And, it is further ordered*, That all proceedings shall take place in the offices of the Commission, Washington, D.C.

Issued: July 10 1967.

Released: July 24, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-8853; Filed, July 28, 1967; 8:48 a.m.]

[Docket No. 16834 etc.; FCC 67M-1220]

FLORIDA-GEORGIA TELEVISION CO., INC., ET AL.

Order Scheduling Hearing

In re applications of: Florida-Georgia Television Co., Inc., Jacksonville, Fla., Docket No. 16834, File No. BPCT-1624; Community First Corp., Jacksonville, Fla., Docket No. 17562, File No. BPCT-3681; The New Horizons Telecasting Co., Inc., Jacksonville, Fla., Docket No. 17563, File No. BPCT-3731; Florida Gateway Television Co., Jacksonville, Fla., Docket No. 17564, File No. BPCT-3732; for construction permit for New Television Broadcast Station (Channel 12).

It is ordered, That Forest L. McClenning shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on October 23, 1967, at 10 a.m.; and that a prehearing conference shall be held on September 8, 1967, commencing at 9 a.m.: *And, it is further ordered*, That all proceedings shall take place in the offices of the Commission, Washington, D.C.

Issued: July 10, 1967.

Released: July 25, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-8854; Filed, July 26, 1967; 8:48 a.m.]

[Docket Nos. 17594, 17595; FCC 67-828]

GOSPEL BROADCASTING COMPANY OF FORT WAYNE, INC., AND FORT WAYNE BROADCASTING CO.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re application of The Gospel Broadcasting Company of Fort Wayne, Inc., Fort Wayne, Ind. Requests: 101.7 mc, No. 269; 3 kw (horizontal) 2 kw (vertical); 300 feet, Docket No. 17594, File No. BPH-5561; Clarence C. Moore trading as Fort Wayne Broadcasting Co., Fort Wayne, Ind. Requests: 101.7 mc, No. 269; 3 kw; 299 feet, Docket No. 17595, File No. BPH-5672; for construction permits.

1. The Commission has under consideration the above captioned and described applications which are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference.

2. According to its application, Fort Wayne Broadcasting Co. will require $40,000 to construct and operate for 1 year without revenue. To meet this need, Fort Wayne Broadcasting Co. has a $1,000 bank deposit, with the balance to be provided by the applicant directly or from a bank loan. No balance sheet or bank letter of commitment, however, has been submitted. Accordingly, we will specify an issue to determine whether the additional $39,000 is available.

3. The Gospel Broadcasting Company of Fort Wayne, Inc., will not be able to provide a 3.16 mv/m signal to the entire city of Fort Wayne, Ind., as required by § 73.315(a) of the Commission's rules, and it has requested waiver of this provision. Accordingly, we will specify an issue to determine whether under the circumstances described by Gospel waiver of this provision is warranted.

4. Full comparison of the programing proposals is warranted when one applicant proposes predominantly specialized programing and the other general market programing—Ward L. Jones, FCC 67-62 (1967); Policy Statement on Comparative Broadcast Hearings, 1 FCC 2d 393, footnote 9 at 397 (1965). In this case, the Gospel Broadcasting Company of Fort Wayne, Inc., proposes predominantly religious programing and Fort Wayne Broadcasting Co., general market programing. Therefore, the programing proposals of the applicants may be compared under the standard comparative issue.

5. Except as indicated below, the applicants are qualified to construct and operate as proposed. However, because of their mutual exclusivity, the Commission is unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity, as is of the opinion that the applications must be designated for hearing on the issues set forth below.

6. *It is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether Fort Wayne Broadcasting Co. has available to it the additional $39,000 required to construct and operate for 1 year without revenue and thus demonstrate its financial qualifications.

2. To determine whether circumstances exist which would warrant waiver of § 73.315(a) of the Commission's rules.

3. To determine which of the proposals would better serve the public interest.

4. To determine in the light of the evidence adduced pursuant to the foregoing issues, which if either of the applications for construction permit should be granted.

7. *It is further ordered*, That to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this order file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

8. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: July 12, 1967.

Released: July 25, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-8855; Filed, July 28, 1967; 8:48 a.m.]

[Docket Nos. 17538-17540; FCC 67M-1241]

LAUREL CABLEVISION CO. ET AL.

Order Scheduling Hearing

In re petitions by Laurel Cablevision Co., Somerset, Pa., Docket No. 17538, File No. CATV 100-24; Punxsutawney TV Cable Co., Inc., Punxsutawney, Pa., Docket No. 17539, File No. CATV 100-155; for authority pursuant to § 74.1107 of the rules to operate CATV systems in the Johnstown-Altoona Television Market, and in re application of New York-Penn Microwave Corp., Brockport, Pa., Docket No. 17540, File No. 7793-C1-P-66; for construction permit for new point-to-point microwave radio station.

It is ordered, That Isadore A. Honig shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on September 14, 1967, at 10 a.m.; and that a prehearing conference shall be held on August 2, 1967, commencing at 9 a.m.: *And, it is further ordered*, That all proceedings shall take place in the offices of the Commission, Washington, D.C.

Issued: July 20, 1967.

Released: July 25, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-8856; Filed, July 28, 1967; 8:48 a.m.]

[Docket Nos. 17589, 17590; FCC 67-826]

PIEDMONT BROADCASTING CORP. AND BARON BROADCASTING CORP.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Piedmont Broadcasting Corp., Danville, Va., Requests: 103.3 mc, No. 277; 100 kw; 655 feet, Docket No. 17589, File No. BPH-5741; Baron Broadcasting Corp., Danville, Va., Requests: 103.3 mc, No. 277; 100 kw, 578 feet, Docket No. 17590, File No. BPH-5827; for construction permits.

1. The Commission has under consideration the above-captioned and described applications which are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference.

2. According to the information in its application, Baron Broadcasting Corp. will require approximately $66,561 to construct and operate for 1 year without revenue. Since Baron Broadcasting Corp. has only shown the availability of $50,000 (from a bank loan) an issue will be specified to determine whether the additional $16,561 it requires is available.

3. Consideration of the programing proposals is required because of the substantial and material difference between the proposals in the amount of AM programing to be duplicated. Piedmont Broadcasting Corp. proposes 37 percent duplication of AM programing while Baron Broadcasting Corp. proposes independent programing. Therefore, evidence regarding program duplication will be admissible under the standard comparative issue. The showing permitted under the standard comparative issue when duplicated programing is proposed will be limited to evidence concerning the benefits to be derived from the proposed

[1] Commissioners Bartley, Cox, and Loevinger absent.

duplication, and a full comparison of the applicants' program proposals will not be permitted in the absence of a specific programing inquiry—Jones T. Sudbury ——— FCC 2d ———, FCC 67–614 (1967).

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether Baron Broadcasting Corp. has available to it the additional $16,561 required to construct and operate for 1 year without revenue and thus demonstrate its financial qualifications.

2. To determine, if issue number one is resolved in Baron Broadcasting Corp.'s favor, which of the proposals would better serve the public interest.

3. To determine in the light of the evidence adduced pursuant to the foregoing issue, which of the applications for construction permit should be granted.

It is further ordered, That to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.221 (c) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: July 12, 1967.

Released: July 25, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary*.

[F.R. Doc. 67-8857; Filed, July 28, 1967; 8:48 a.m.]

[Docket Nos. 17589, 17590; FCC 67M-1265]

PIEDMONT BROADCASTING CORP. AND BARON BROADCASTING CORP.

Order Scheduling Hearing

In re applications of Piedmont Broadcasting Corp., Danville, Va., Docket No. 17589, File No. BPH-5141; Baron Broadcasting Corp., Danville, Va., Docket No. 17590, File No. BPH-5827; for construction permits.

It is ordered, That Thomas H. Donahue shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on November 16, 1967, at 10 a.m.; and that a prehearing conference shall be held on September 15, 1967, commencing at 9 a.m.: *And, it is further ordered*, That all proceedings shall take place in the offices of the Commission, Washington, D.C.

Issued: July 20, 1967.

Released: July 26, 1967.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, *Secretary*.

[F.R. Doc. 67-8858; Filed, July 28, 1967; 8:48 a.m.]

[Docket Nos. 17591-17593; FCC 67-827]

QUEST FOR LIFE, INC., ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Quest For Life, Inc., Rockford, Ill., Requests: 104.9 mc, No. 285; 3 kw; 300 feet, Docket No. 17591, File No. BPH-5601; Greater Rockford Sound, Inc., Rockford, Ill., Requests: 104.9 mc, No. 285; 3 kw; 149 feet, Docket No. 17592, File No. BPH-5647; Belvidere Broadcasting Co., Inc., Belvidere, Ill., Requests: 104.9 mc, No. 285; 3 kw (horizontal) 2.01 kw (vertical); 300 feet, Docket No. 17593, File No. BPH-5755; for construction permits.

1. The Commission has under consideration the above captioned and described applications which are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference.

2. The respective proposals are for two different communities. Consequently, it will be necessary to determine pursuant to section 307(b) of the Communications Act of 1934, as amended, whether the proposals for Rockford or the proposal for Belvidere would better provide a fair, efficient, and equitable distribution of radio service.

3. Data submitted by the applicants indicate that there would be a significant difference in the size of the areas and populations which would receive service from the proposals. Consequently the areas and populations within the 1 mv/m contour together with the availability of other FM services of 1 mv/m or greater intensity in such areas will be considered under the 307(b) issue, and if necessary, under the contingent comparative issue, for the purpose of determining whether a comparative preference should accrue to any of the applicants.

4. Full comparison of the applicants' programing proposals is warranted when one applicant proposes predominantly specialized programing and the others, general market programing—Ward L. Jones, FCC 67–62 (1967); Policy Statement on Comparative Broadcast Hearings, 1 FCC 2d 393, footnote 9 at 397 (1965). In this case, Quest for Life, Inc., proposes extensive amounts of religious programing and Greater Rockford Sound, Inc., and Belvidere Broadcasting Co., Inc., both propose general market programing. Therefore, the specialized Quest for Life programing proposal may be compared under the contingent comparative issue with the general format proposals of the other applicants.

5. Since no determination has yet been reached on whether the antenna proposed by Belvidere Broadcasting Co., Inc., would constitute a menace to air navigation, an issue regarding this matter is required.

6. Quest for Life, Inc., has requested waiver of § 73.210(a)(2) of the Commission's rules to permit the main studio to be located outside the city limits of Rockford, Ill., at a point other than the transmitter site. The proposed main studio location in North Park, a nearby Rockford suburb, which would be on a major artery, would be convenient to Rockford residents. Under these circumstances, we believe that adequate justification has been provided for waiver if these applications are granted.

7. Except as indicated below, the applicants are qualified to construct and operate as proposed. However, because of their mutual exclusivity, the Commission is unable to make the statutory finding that a grant of the applications would serve the public interest, convenience and necessity, as is of the opinion that the applications must be designated for hearing on the issues set forth below.

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether there is a reasonable possibility that the tower height and location proposed by Belvidere Broadcasting Co., Inc., would constitute a menace to air navigation.

2. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient, and equitable distribution of radio service.

3. To determine, in the event it is concluded that a choice between applications should not be based solely on considerations relating to section 307(b), which of the proposals would best serve the public interest.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if any, of the applications should be granted.

It is further ordered, That the Federal Aviation Administration is made a party to the proceeding.

It is further ordered, That if the Quest for Life, Inc., application is granted, the permit shall contain the following condition:

Section 73.210(a)(2) of the Commission's rules is waived to permit the establishment of the main studio outside the city limits of Rockford, Ill., at 6200 North Second Street, North Park, Ill.

It is further ordered, That to avail themselves of the opportunity to be heard, the applicants (and party respondent herein), pursuant to § 1.221(c) of the Commission's rules, in person or by attorney shall, within twenty (20) days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.494(g) of the rules.

Adopted: July 12, 1967.

Released: July 25, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary*.

[F.R. Doc. 67-8859; Filed, July 28, 1967; 8:48 a.m.]

[Docket Nos. 17591-17593; FCC 67M-1256]

QUEST FOR LIFE, INC., ET AL.

Order Scheduling Hearing

In re applications of Quest for Life, Inc., Rockford, Ill., Docket No. 17591, File No. BPH-5601; Greater Rockford Sound, Inc., Rockford, Ill., Docket No. 17592, File No. BPH-5647; Belvidere Broadcasting Co., Inc., Belvidere, Ill., Docket No. 17593, File No. BPH-5755; for construction permits.

It is ordered, That Herbert Sharfman shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on October 24, 1967, at 10 a.m.; and that a prehearing conference shall be held on September 5, 1967, commencing at 9 a.m.: *And it is further ordered*, That all proceedings shall take place in the Office of the Commission, Washington, D.C.

Issued: July 20, 1967.

Released: July 26, 1967.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, *Secretary*.

[F.R. Doc. 67-8860; Filed, July 28, 1967; 8:48 a.m.]

[Docket No. 17587; FCC 67-824]

E. O. SMITH (KRDS)

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In re application of E. O. Smith (KRDS), Tolleson, Ariz., Has: 1190 kc, 250 w, DA-1, U, Requests: 1190 kc, 250 w, 10 kw-LS, DA-2, U, Class II, Docket No. 17587, File No. BP-17053; for construction permit.

1. The Commission has before it for consideration (a) the above application; (b) a petition to deny by Golden West Broadcasters, Inc., licensee of Station KEX, Portland, Oreg.; (c) a petition to deny, as supplemented, by Radio K–HAT, Inc., licensee of Station KHAT, Phoenix, Ariz.; and (d) pleadings in opposition and reply thereto.

2. KEX alleges that KRDS cannot avoid emitting excessive daytime skywave radiation in the direction of KEX's 0.1 mv/m contour, in contravention of § 73.187 of the Commission's rules. In opposition, KRDS denies that its proposal exceeds the maximum permissible radiation. Subsequently, on March 23, 1967, the two parties entered into an agreement pursuant to which KEX would dismiss its petition in return for KRDS agreeing to accept a condition limiting its radiation on an azimuth of 326° to a maximum inverse field of 800 mv/m.

3. The solution contemplated by KEX and KRDS appears to be reasonable under the circumstances. Accordingly, the condition agreed upon by the parties will be imposed if the application is granted and the KEX petition will be dismissed.

4. KHAT bases its claim of standing on the grounds that, since KRDS competes with it within the Phoenix, Ariz. market for listening audience and revenue, a grant of the above application would result in economic injury to its operation. The Commission finds that KHAT has standing as a "party in interest" within the meaning of section 309(d)(1) of the Communications Act of 1934, as amended, and § 1.580(i) of the Commission's rules. FCC v. Sanders Bros. Radio Station, 309 U.S. 470, 9 RR 2008 (1940).

5. In its petition, KHAT urges denial of the above application and alleges that the KRDS proposal comes within the purview of the Commission's 307(b) suburban communities policy [1] and should thus be considered as proposing realistically to serve Phoenix.

6. In opposition, E. O. Smith filed an amendment to his application, wherein he stated, in substance, that the application was filed for the purpose of increasing the service available to Tolleson; that Tolleson was a separate and distinct community with its own political and business activities; and that the programing of KRDS met the needs of Tolleson. In support of the last allegation, the applicant included letters from a number of organizations praising KRDS for its public service efforts.

7. The Commission finds that the application must be designated for hearing with 307(b) suburban communities issues specified. Tolleson has a population, according to the 1960 Census, of 3,886 and is located approximately 5 miles west of Phoenix, population 439,170. The existing 5 mv/m contour of KRDS penetrates approximately one-half of Phoenix. The proposed operation would result in the 5 mv/m contour encompassing virtually the entire city limits of Phoenix, thus raising a presumption under the Policy Statement that the applicant is realistically proposing to serve that city rather than Tolleson. We have examined the materials submitted by E. O. Smith and find that he has failed to overcome this presumption. In the main, his statement consists of unsupported, self-serving, and conclusional statements which do not directly tend to rebut the presumption. For instance, no attempt was made to show that the applicant, in designing the proposal, sought to avoid increasing the 5 mv/m coverage of Phoenix. Nor was any attempt made to show that ten kilowatts of power is necessary to provide adequate service to Tolleson and its immediate environs.

8. Except as indicated by the issues specified below, the applicant is qualified to construct and operate as proposed. However, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject application would serve the public interest convenience, and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below.

Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station KRDS and the availability of other primary service to such areas and populations.

2. To determine whether the proposal of KRDS will realistically provide a local transmission facility for its specified station location or for another larger community, in light of all the relevant evidence, including, but not necessarily limited to, the showing with respect to:

(a) The extent to which the specified station location has been ascertained by the applicant to have separate and distinct programing needs;

(b) The extent to which the needs of the specified station location are being met by existing standard broadcast stations;

(c) The extent to which the applicant's program proposal will meet the specific unsatisfied programing needs of its specified station location; and

(d) The extent to which the projected sources of the applicant's advertising revenues within its specified station location are adequate to support its proposal, as compared with its projected sources from all other areas.

3. To determine, in the event that it is concluded pursuant to the foregoing issue (2) that the proposal will not realistically provide a local transmission service for its specified station location, whether such proposal meets all of the technical provisions of the rules for standard

[1] Commissioners Bartley, Cox, and Loevinger absent.

[1] Policy Statement on section 307(b) Considerations for Standard Broadcast Facilities Involving Suburban Communities, 2 FCC 2d 190, 6 RR 2d 1901.

broadcast stations assigned to the most populous community for which it is determined that the proposal will realistically provide a local transmission service, namely, Phoenix, Ariz.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the application would serve the public interest, convenience, and necessity.

It is further ordered, That, Radio K–HAT, Inc., licensee of Station KHAT, Phoenix, Ariz., is made a party to the proceeding.

It is further ordered, That the petition to deny by Radio K–HAT, Inc., is granted to the extent indicated above and is denied in all other respects.

It is further ordered, That the petition to deny by Golden West Broadcasting, Inc., licensee of Station KEX, Portland, Oreg., is dismissed.

It is further ordered, That in the event of a grant of the above application, the construction permit shall contain the following conditions:

Pending a final decision in Docket No. 14419 with respect to presunrise operation with daytime facilities, the present provisions of § 73.87 of the Commission's rules are not extended to this authorization, and such operation is precluded.

Before program tests are authorized, permittee shall submit field intensity measurement data made in accordance with § 73.186 of the rules to establish that the inverse distance field at 1 mile does not exceed 800 mv/m along an azimuth of 326° true.

Permittee shall submit new common point impedance measurements and sufficient field intensity measurement data to clearly show that adjustment of the daytime array has not adversely affected the nighttime directional radiation pattern.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant, and party respondent herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: July 12, 1967.

Released: July 20, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67–8861; Filed, July 28, 1967; 8:49 a.m.]

[1] Commissioners Bartley, Cox, and Loevinger absent.

[Docket No. 17587; FCC 67M–1234]

E. O. SMITH (KRDS)

Order Scheduling Hearing

In re application of E. O. Smith (KRDS), Tolleson, Ariz., Docket No. 17587, File No. BP–17053; for construction permit.

It is ordered, That Chester F. Naumowicz, Jr., shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on October 26, 1967, at 10 a.m.; and that a prehearing conference shall be held on September 1, 1967, commencing at 9 a.m.: *And, it is further ordered*, That all proceedings shall take place in the offices of the Commission, Washington, D.C.

Issued: July 20, 1967.

Released: July 24, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67–8862; Filed, July 28, 1967; 8:49 a.m.]

[Docket No. 17560; FCC 67M–1260]

V.W.B., INC.

Order Continuing Hearing

In re application of V.W.B., Inc., Bridgeton, N.C., Docket No. 17560, File No. BP–16766, for Construction Permit.

As a result of agreements reached on the record of a prehearing conference held in the above matter on July 20, 1967:

It is ordered, That a further prehearing conference will be held commencing at 9:30 a.m., September 15, 1967, in the Commission's offices in Washington, D.C., and

It is further ordered, That the hearing now set for September 15, 1967, is continued to a date to be determined at the said prehearing conference.

Issued: July 24, 1967.

Released: July 26, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67–8863; Filed, July 28, 1967; 8:49 a.m.]

[Docket No. 17604; FCC 67M–1253]

WILLMAR VIDEO, INC.

Order Scheduling Hearing

In re Cease and Desist Order to be directed against the following CATV operator: Willmar Video, Inc., Operator of a Community Antenna Television System at Willmar, Minn., Docket No. 17604.

It is ordered, That David I. Kraushaar shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on August 29, 1967, at 10 a.m.; and that a prehearing conference shall be held on August 7, 1967, commencing at 9 a.m.: *And, it is further ordered*, That all proceedings shall take place in the offices of the Commission, Washington, D.C.[1]

Issued: July 26, 1967.

Released: July 26, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MURRAY J. BELMAN,
Deputy Legal Adviser.

[F.R. Doc. 67–8864; Filed, July 28, 1967; 8:49 a.m.]

DEPARTMENT OF STATE

[Public Notice 278]

PORTAL PIPELINE CO.

Notice of Application for Presidential Permit

The Department of State has received an application dated July 7, 1967, from the Portal Pipeline Co., a Delaware corporation having its main office in St. Paul, Minn., to construct, connect, operate, and maintain a pipeline system for crude oil and other hydrocarbons from Burke County, N. Dak., to the international boundary line between the United States and Canada, and to connect such facilities with like facilities in the Province of Saskatchewan, Canada.

Notice is hereby given that copies of this application are available to the public and that written comments thereon will be received by the Department of State for 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Dated: July 21, 1967.

For the Secretary of State.

[SEAL] MURRAY J. BELMAN,
Deputy Legal Adviser.

[F.R. Doc. 67–8832; Filed, July 28, 1967; 8:46 a.m.]

FEDERAL POWER COMMISSION

LICENSES ISSUED PURSUANT TO THE FEDERAL POWER ACT

Notice of Expiration

JULY 25, 1967.

So that the Congress may have an adequate opportunity to decide whether upon the expiration of the licenses for the following-designated projects, the United States will recapture the projects under section 14 of the Federal Power Act and that the licensees for the projects and others may have adequate notice and opportunity to file timely applications for new licenses, public notice is hereby given pursuant to § 2.6 of the Commission's rules (18 CFR 2.6) that the licenses issued for the designated and described projects on the list below will expire on the dates specified.

GORDON M. GRANT,
Secretary.

[1] All concerned are reminded of the Commission's directive that this proceeding shall be expedited.

LICENSES FOR PROJECTS WHICH WILL EXPIRE BETWEEN JULY 1, 1967, AND JUNE 30, 1972, WHICH ARE SUBJECT TO RECAPTURE[1]

License expiration date	Licensee	Project No.	State	County or town	Stream	Installation (kilowatts)	Facilities under license	Period of license (years)
Sept. 29, 1967	Mrs. O. B. Day	1946	Alaska	Valdez	Allison Creek	200	Diversion dam, penstock, powerhouse, transmission line.	20
May 17, 1968	Edible Herring Products, Inc.	1936	do	On Baranof Is.	Big Port Walter Falls Creek.	330	Diversion dam, wood stave pipe, powerhouse.	20
Aug. 31, 1968	The Empire District Electric Co.	2221	Missouri	Taney	White River	16,000	Dam and integral powerhouse.	10
Sept. 30, 1968	Calvert Corp.	[2] 1890	Alaska		Hanley Creek	260	Diversion dam, flume, penstock, powerhouse, transmission line.	35
Dec. 31, 1968	Pacific Gas & Electric Co.	619	California	Plumas	Bucks Creek	66,000	4 reservoirs, pipeline, tunnels, penstock, powerhouse.	44½
Do	Utah Power & Light Co.	1740	Wyoming	Lincoln	Pine Creek	960	Diversion dam, conduit, powerhouse, transmission line.	25
Do	Jardine Mining Co.	1876	Montana	Park	Bear Creek	280	Diversion dam, ditch, pipeline, powerhouse, transmission line.	25
Dec. 31, 1969	Margaret P. Dawson	1800	California	Mono	Milner Creek	200	Diversion dam, pipeline, powerhouse, transmission line.	25
Do	Intercoastal Packing Co.	2026	Alaska	On Kodiak Is.	Crater and Ash Creeks.	280	2 diversion dams, ditch, flumes, pipeline, powerhouse.	25
Do	The Montana Power Co.	2301	Montana	Stillwater	West Rosebud Creek.	10,000	Storage dam, tunnel, pipeline, penstock, powerhouse, transmission line.	7½
Apr. 12, 1970	The Western Colorado Power Co.	355	Colorado	Ouray	Uncompahgre River.	462	Storage dam, conduit, penstock, powerhouse.	10
June 15, 1970	Southern California Edison Co.	372	California	Tulare	Tule River	2,000	2 diversion dams, conduits, regulating reservoir, penstock, powerhouse, transmission line.	25½
June 30, 1970	The Western Colorado Power Co.	420	Colorado	La Plata, San Juan, San Miguel, Ouray.	Animas and South Fork, San Miguel Rivers.	11,600	4 dams, 3 reservoirs, 3 conduits, 2 powerhouses, 5 transmission lines.	25
Do	Utah Power & Light Co.	472	Idaho	Franklin	Bear River	30,000	Storage dam, steel pipe, penstocks, powerhouse, transmission line.	43½
Do	do	486	Utah	Cache	Logan River	2,000	Diversion dam, wooden flumes, 2 penstocks, powerhouse, transmission line.	43½
Do	Idaho Power Co.	503	Idaho	Ada and Owyhee	Snake River	10,300	Storage dam and powerhouses.	42½
Do	Utah Power & Light Co.	507	Utah	Salt Lake	Big Cottonwood Creek.	1,000	Diversion dam, channel, steel pipe, powerhouse, transmission line.	43½
Do	do	655	do	Utah	Santaquin or Summit Creek.	880	Diversion dam, conduit, steel pipe, powerhouse, transmission line.	43½
Do	do	656	do	do	American Fork Creek.	960	Diversion dam, conduit, penstock, powerhouse, transmission line.	43½
Do	do	703	Idaho	Bear Lake	Paris Creek	650	Diversion dam, canal, forebay, penstock, powerhouse, transmission line.	43½
Do	do	713	Utah	Salt Lake	Mill Creek	200	Diversion dam, conduit, penstock, powerhouse, transmission line.	43½
Do	do	1744	do	Davis, Morgan, Weber.	Weber River	2,000	Dam, conduit, powerhouse, 2 transmission lines.	22½
Do	Wisconsin Michigan Power Co.	1758	Wisconsin	Iron	Michigamme and Menominee Rivers.	22,200	3 dams, 3 reservoirs, tunnel, conduits, 2 powerhouses, 2 transmission lines.	32½
Do	New England Power Co.	1855	Vermont, New Hampshire.	Windham, Windsor, Vt.; Cheshire, Sullivan, N.H.	Connecticut River	50,000	Dam, canal, powerhouse, 4 transmission lines.	32½
Do	Pennsylvania Power & Light Co.	1881	Pennsylvania	York and Lancaster	Susquehanna River	109,000	Dam and integral powerhouse.	32½
Do	Metropolitan Edison Co.	1888	do	Dauphin, Lancaster, York.	do	18,000	2 dams, headrace, powerhouse.	32½
Do	Western Massachusetts Electric Co.	1889	Vermont, Massachusetts, New Hampshire.	Windham, Vt.; Franklin, Mass.; Cheshire, N.H.	Connecticut River	58,000	2 dams, canals, 2 powerhouses, transmission line.	32½
Do	New England Power Co.	1892	Vermont, New Hampshire.	Orange, Windsor, Vt.; Cheshire, Grafton, Sullivan, N.H.	do	32,400	Dam, integral powerhouse, 4 transmission lines.	32½
Do	Public Service Co. of New Hampshire.	1922	New Hampshire	Hillsboro, Merrimack.	Merrimack River	16,000	Dam, powerhouse, transmission line.	32½
Do	South Carolina Electric & Gas Co.	1894	South Carolina	Fairfield	Broad River	14,000	Dam and integral powerhouse.	32½
Do	do	1906	do	Richland	do	10,600	Dam, canal, powerhouse	32½
Do	Pennsylvania Electric Co.	1889	Pennsylvania	Susquehanna	North Branch Susquehanna.	600	Dam and integral powerhouse.	32½
Do	New England Power Co.	1904	Massachusetts, Vermont, New Hampshire.	Franklin, Worcester, Mass.; Windham, Vt.; Cheshire, N.H.	Connecticut River	24,400	Dam, integral powerhouse, 2 transmission lines.	32½
Do	Public Service Co. of New Hampshire.	1913	New Hampshire	Merrimack	Merrimack River	1,600	Dam and powerhouse	32½
Do	Wisconsin Public Service Corp.	1957	Wisconsin	Vilas	Wisconsin River	720	Dam and integral powerhouse.	32½
Do	Whiting Plover Paper Co.	[3] 1967	do	Portage	do	600	2 dams and part of factory building.	32½

See footnotes at end of table.

LICENSES FOR PROJECTS WHICH WILL EXPIRE BETWEEN JULY 1, 1967, AND JUNE 30, 1973, WHICH ARE SUBJECT TO RECAPTURE[1]—Continued

License expiration date	Licensee	Project No.	State	County or town	Stream	Installation (kilowatts)	Facilities under license	Period of license (years)
June 30, 1970	Wisconsin Public Service Corp.	1906	Wisconsin	Oneida	Wisconsin River	1,440	Dam and 2 integral powerhouses.	32½
Do	do	1989	do	Lincoln	do	840	Dam, headrace, powerhouse.	32½
Do	do	1990	do	Marathon	do	5,400	Dam, integral powerhouse, guard locks, 2 transmission lines.	32½
Do	International Paper Co.	2086	Pennsylvania	York	Susquehanna River	2,500	Headrace, powerhouse, parts of 2 factory buildings.	32½
Do	Consolidated Water Power Co.	2110	Wisconsin	Portage	Wisconsin River	5,800	Dam, integral powerhouse, transmission line.	32½
Do	St. Regis Paper Co.	2161	do	Oneida	do	3,120	Dam, canal, powerhouse.	32½
Do	Consolidated Water Power Co.	[2] 2192	do	Wood and Portage	do	3,300	Dam, integral powerhouse, integral grinder building.	32½
Mar. 2, 1971	Henry Ford & Son, Inc.	13	New York	Albany, Saratoga, Rensselaer.	Hudson River	3,380	Powerhouse	50
Do	Southern California Edison Co.	67	California	Fresno	Tributaries of San Joaquin River.	138,500	2 storage reservoirs, diversion dams, conduits, 2 powerhouses, transmission lines.	50
Mar. 3, 1971	do	120	do	Fresno, Kern, Madera, Los Angeles, Tulare.	San Joaquin River	110,000	Diversion dam, tunnel, penstock, powerhouse, transmission lines.	48½
June 26, 1971	Alabama Power Co.	82	Alabama	Coosa and Chilton	Coosa River	72,500	Dam, reservoir, powerhouse.	50
Aug. 5, 1971	Northern States Power Co.	108	Wisconsin	Sawyer	Chippewa River		Dam and reservoir	50
Sept. 16, 1971	Georgia Power Co.	1213	Georgia	Dougherty and Lee	Flint River	5,400	3 dams, 2 reservoirs, powerhouse.	38½
Dec. 31, 1971	Leonard Lundgren	1067	Oregon	Jefferson	Jack Creek	90	Diversion dam, canal, penstock, powerhouse, transmission line.	20
Feb. 22, 1972	Pacific Gas & Electric Co.	184	California	Alpine, Amador, and Eldorado.	South Fork, American River.	23,000	4 storage reservoirs, conduit, powerhouse, transmission line.	50
Apr. 14, 1972	do	77	do	Mendocino	Eel and Russian Rivers.	5,800	Storage reservoir, diversion dam, forebay, pressure conduit, 2 powerhouses, discharge canal.	50
July 27, 1972	do	175	do	Fresno	North Fork, Kings River.	128,200	Diversion dam, afterbay dam, conduit, powerhouse transmission line.	50
Sept. 26, 1972	Portland General Electric Co.	135	Oregon	Clackamas	Clackamas River and Oak Grove River.	51,000	Storage reservoir, diversion dam, forebay reservoir, conduit powerhouse and transmission line.	50
Oct. 12, 1972	Pennsylvania Electric Co.	309	Pennsylvania	Clarion	Clarion River	28,800	Dam and powerhouse	50
Dec. 1, 1972	Pacific Gas & Electric Co.	96	California	Madera and Fresno	San Joaquin River	94,100	Dam, conduit, powerhouse, transmission lines.	50
Feb. 6, 1973	Arkansas Power & Light Co.	271	Arkansas	Montgomery, Garland, Hot Springs.	Ouachita River	65,300	2 dams, 2 reservoirs, 2 powerhouse.	50
Feb. 11, 1973	Pacific Gas & Electric Co.	[3] 90	California	Humboldt and Trinity.	Canyon Creek	2,700	Diversion dam, conduit, penstocks, powerhouse, transmission line.	50
Apr. 22, 1973	do	187	do	Yuba	North Fork Yuba River.	6,500	Dam, reservoir, penstock, powerhouse, transmission line.	50
Apr. 26, 1973	Southern California Edison Co.	344	do	Riverside and San Bernardino.	San Gorgonio River.	2,300	2 diversion dams, 2 canals, 2 forebay tanks, 3 penstocks, 3 powerhouse, and transmission line.	50
June 6, 1973	Ford Motor Co.	362	Minnesota	Hennepin and Ramsey.	Mississippi River	14,400	Powerhouse	50
June 8, 1973	Alabama Power Co.	349	Alabama	Elmore, Tallapoosa, and Coosa.	Tallapoosa River	154,200	Dam, reservoir, powerhouse.	50
June 30, 1973	Owens-Illinois Glass Co.	2,180	Wisconsin	Lincoln	Wisconsin River	3,000	Dam, integral powerhouse, transmission line.	38½

[1] Sec. 14 of the Federal Power Act (16 U.S.C. 807) reserves the right to the United States to recapture the project works upon expiration of each license listed in this table at a price to be determined under that section.

[2] Application for surrender of license filed.

[3] This project produces both mechanical and electrical power. The mechanical power is represented in this figure by an equivalent number of kilowatts of electric power.

[F.R. Doc. 67-8768; Filed, July 28, 1967; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

FIRST WISCONSIN BANKSHARES CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by First Wisconsin Bankshares Corp., which is a bank holding company located in Milwaukee, Wis., for the prior approval of the Board of the acquisition by Applicant of 80 percent or more of the voting shares of First Northwestern National Bank of Milwaukee, Milwaukee, Wis., a proposed new bank.

Section 3(c) of the Act provides that the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that in every case, the Board shall take into consideration, the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

Dated at Washington, D.C., this 24th day of July 1967.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN, *Secretary.*

[F.R. Doc. 67-8819; Filed, July 28, 1967; 8:46 a.m.]

FEDERAL MARITIME COMMISSION

CORPORACION PERUANA DE VAPORES ET AL.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Corporacion Peruana de Vapores, Grace Line, Inc., and Gulf & South American Steamship Co.

Notice of agreement filed for approval by:

Mr. E. Russell Lutz, Vice President, Grace Line, Inc., 1511 K Street NW., Washington, D.C. 20005.

Agreement 9644, among Corporacion Peruana de Vapores, Grace Line, Inc., and Gulf & South American Steamship Co., proposes to establish a cooperative working arrangement for the movement of cargoes controlled, purchased, routed, or financed by the Governments of Peru and the United States. Each party agrees to schedule a minimum number of voyages properly spaced to meet the service requirements of shippers and receivers in the trade between U.S. Atlantic and Gulf ports and Peruvian ports in accordance with the terms set forth in the agreement.

Dated: July 26, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI, *Secretary.*

[F.R. Doc. 67-8836; Filed, July 28, 1967; 8:46 a.m.]

[Independent Ocean Freight Forwarder License 1047]

CARLO INTERNATIONAL & CO.

Order To Show Cause

Notice is hereby given that George Carlo doing business as Carlo International & Co., Port Everglades Station, Fort Lauderdale, Fla. 33316, has complied with the Commission's Order to Show Cause dated July 18, 1967, and published in the FEDERAL REGISTER (32 F.R. 10393), by filing an effective surety bond with the Commission.

JAMES E. MAZURE, *Director, Bureau of Domestic Regulation.*

[F.R. Doc. 67-8837; Filed, July 28, 1967; 8:46 a.m.]

TARIFF COMMISSION

[TEA-I-11]

BARBERS' CHAIRS

Notice of Investigation and Hearing

Investigation instituted. Following receipt on July 21, 1967, of a petition filed by certain domestic firms and labor unions, the U.S. Tariff Commission, on the 26th day of July 1967, instituted an investigation under section 301(b)(1) of the Trade Expansion Act of 1962 to determine whether barbers' chairs with mechanical elevating, rotating, or reclining movements and parts thereof, provided for in item 727.02 of the Tariff Schedules of the United States are, as a result in major part of concessions granted thereon under trade agreements, being imported into the United States in such increased quantities as to cause, or threaten to cause, serious injury to the domestic industry or industries producing like or directly competitive products.

Public hearing ordered. A public hearing in connection with this investigation will be held beginning at 10 a.m., e.d.s.t., on October 31, 1967, in the Hearing Room, Tariff Commission Building, 8th and E Streets NW., Washington, D.C. Appearances at the hearing should be entered in accordance with § 201.13 of the Tariff Commission's rules of practice and procedure.

Inspection of petition. The petition filed in this case is available for inspection by persons concerned at the office of the Secretary, U.S. Tariff Commission, 8th and E Streets NW., Washington, D.C., and at the New York office of the Tariff Commission located in Room 437 of the Customhouse.

Issued: July 26, 1967.

By order of the Commission.

[SEAL] DON N. BENT, *Secretary.*

[F.R. Doc. 67-8845; Filed, July 28, 1967; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. MC-64; General Temporary Order 4]

MOTOR CARRIER SERVICES DUE TO CESSATION OF NORMAL RAIL TRANSPORTATION OCCASIONED BY WORK STOPPAGES

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D.C., on the 20th day of July, 1967; Section 210a(a).

Upon consideration of the record, and of the resumption of normal rail transportation:

It is ordered, That General Temporary Order No. 4, entered herein on July 16, 1967 (32 F.R. 10538), be, and it is hereby, vacated and set aside.

And it is further ordered, That notice of this order shall be given to motor carriers, other parties of interest, and to the general public by depositing a copy thereof in the Office of the Secretary of the Commission, Washington, D.C., and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission, Division 1.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-8845; Filed, July 28, 1967; 8:47 a.m.]

[Notice 436]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 26, 1967.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR Part 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 117898 (Sub-No. 22 TA), filed July 20, 1967. Applicant: WILLIAM EARNHARDT, doing business as EARNHARDT TRANSPORT, Post Office Box 376, 205 East Council Street, Salisbury, N.C. 28144. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Structural steel, fabricated steel, steel joist, and metal deck*, from Wilmington, N.C., to points in North Carolina, South Carolina, Virginia, Tennessee, Georgia, Alabama, Mississippi, Florida, and Louisiana; and *rejected shipments* on return; for 180 days. Supporting shipper: Plowden & Roberts, Inc., Post Office Box 633, Columbia, S.C. 29205 (R. L. Plowden, Sr., President). Send protests to: Jack K. Huff, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 206, 327 North Tryon Street, Charlotte, N.C. 28202.

No. MC 125694 (Sub-No. 7 TA), filed July 20, 1967. Applicant: OTTO FELDT, INC., Route 22, Brewster, N.Y. 10509. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pulverized talc*, in bags, from Hailesboro, N.Y., to Brooklyn, N.Y., and South Plainfield, N.J.; and (2) *floor tiles and related articles, and materials, equipment, and supplies used or useful in the manufacture of floor tiles*, in dump vehicles, (a) between South Plainfield, N.J., and Brooklyn, N.Y., and (b) between South Plainfield, N.J., and Brooklyn, N.Y., on the one hand, and, on the other, points in Middlesex, Norfolk, Plymouth, Suffolk, and Worcester Counties, Mass., and New Haven and Hartford Counties, Conn.; for 180 days. Supporting shipper: Kentile Floors, Inc., Brooklyn, N.Y. 11215. Send protests to: Jack G. Takakjian, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Albany, N.Y. 12207.

No. MC 128470 (Sub-No. 2 TA), filed July 21, 1967. Applicant: HARRIS O. SMESTAD, doing business as H. O. SMESTAD, Post Office Box 299, Great Falls, Mont. 59401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, articles distributed by meat packinghouses, and commodities used by meat packers*, as described in sections A, B, C, and D of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, between points in Cascade County, Mont., on the one hand, and, on the other, points in Washington, Oregon, California, Minnesota, and Wisconsin; for 180 days. Supporting shipper: Needham Packing Corp. of Montana, Post Office Box 2381, Great Falls, Mont. 59401. Send protests to: Paul J. Lebane, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 251 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 128961 (Sub-No. 2 TA), filed July 20, 1967. Applicant: ROBERT DITTRICH, doing business as BOB DITTRICH TRUCKING, 312 North Garden Street, New Ulm, Minn. 56073. Applicant's representative: Gislason, Reim, Alsop, and Doeland, State and Center Streets, New Ulm, Minn. 56073. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refrigerator gaskets containing magnetic strip inserts*, from New Ulm, Minn., to Amana, Iowa; for 180 days. Supporting shipper: The B. F. Goodrich Co., 500 South Main Street, Akron, Ohio 44318. Send protests to: C. H. Bergquist, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 129036 (Sub-No. 1 TA), filed July 21, 1967. Applicant: BLEVANS MOTOR TRANSPORT, INC., doing business as MADDEN MOTOR TRANSPORT, 15441 Lemay Street, Van Nuys, Calif. 91406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aircraft engines or aircraft propellers*, uncrated, between points in the Los Angeles Commercial Zone, Calif., and Miami, Fla.; for 180 days. Supporting shippers: Saturn Airways, Inc., Post Office Box 2426, Oakland International Airport, Oakland, Calif. 94614; and The Flying Tiger Line, Inc., 7401 World Way West, Los Angeles International Airport, Los Angeles, Calif. 90009. Send protests to: W. J. Huetig, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 129253 TA, filed July 20, 1967. Applicant: P & H TRUCKING COMPANY, 184 West 33d South Street, Salt Lake City, Utah 84115. Applicant's representative: Irene Warr, 419 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plumbing, heating, and waterworks supplies and equipment*, between points in California, Utah, Arizona, Idaho, Wyoming, Nebraska, Colorado, New Mexico, Texas, and Nevada; under a continuing contract with Mountain States Supply Co.; for 180 days. Supporting shipper: Mountain States Supply, Inc., 184 West 3300 South Street, Post Office Box 15099, Salt Lake City, Utah 84115. Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2224 Federal Building, Salt Lake City, Utah 84111.

No. MC 129256 TA, filed July 21, 1967. Applicant: DAVID OSBORN, Route No. 2, Ramer, Tenn. 38367. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, pallets, and platforms*, from Corinth, Miss., to points in Tennessee, Kentucky, Illinois, Indiana, and Ohio; for 180 days. Supporting shipper: East Side Planing Mill Co., South Noel Street, Corinth, Miss. 38834 (M. E. Hood, Owner). Send protests to: William W. Garland, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 390 Federal Office Building, 167 North Main Street, Memphis, Tenn. 38103.

No. MC 129257 TA, filed July 21, 1967. Applicant: M. I. BRUEGGEMAN, INC., doing business as CAL-MO-TEX TRUCKING, Post Office Box 4305, Affton, Mo. 63123. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* dealt in by General Grocer Co. of St. Louis, Mo., (1) to, from, or between points in Missouri, Iowa, Illinois, Indiana, and Arkansas serviced by General Grocer Co. as a wholesale grocery company; and (2) from points in Florida, Georgia, Alabama, Louisiana, Tennessee, Kentucky, Illinois, Missouri, Texas, Colorado, Oklahoma, Kansas, Nebraska, Minnesota, Iowa, Wisconsin, Michigan, Ohio, Pennsylvania, California, Arizona, New Mexico, Nevada, and Utah, to points in Missouri; for 180 days. Supporting shipper: General Grocer Co., Box 7049, Main Post Office, St. Louis, Mo. 63177. Send protests to: J. P. Werthmann, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 3248-B, 1520 Market Street, St. Louis, Mo. 63103.

No. MC 129258 TA, filed July 21, 1967. Applicant: JAMES VANDERWEELE AND KENNETH J. VANDERWEELE, doing business as SEATTLE ALASKA FAST EXPRESS (S.A.F.E.), 2222 Tongass Avenue, Ketchikan, Alaska 99901. Applicant's representative: Boyd Hartman, Suite 1010, Dexter Horton Building, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between Seattle and Tacoma, Wash., and Ketchikan, Petersburg, and Juneau, Alaska; for 180 days. Supporting shippers: There are eight shippers' supporting statements attached to application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or at the field office named below. Send protests to: Hugh H. Chaffee, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Post Office Box 1532, Anchorage, Alaska 99501.

No. MC 29854 (Sub-No. 31 TA), filed July 20, 1967. Applicant: THE HUDSON BUS TRANSPORTATION CO., INC., 437 Tonnele Avenue, Jersey City, N.J. 07306. Applicant's representative: Virden A. Rittgers, c/o Rockland Coaches, Inc., 126 North Washington Avenue, Bergenfield, N.J. 07621. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, (1) between junction Palisade Avenue and Paterson Plank Road, located on the Jersey City-Union City, N.J., boundary line, and the Lincoln Industrial Park area in Secaucus, N.J.; From junction Palisade Avenue and Paterson Plank Road, over Paterson Plank Road to junction Secaucus Road, thence over Secaucus Road to Secaucus, thence over Secaucus Road to Frozen Food Plaza, thence over Frozen Food Plaza to the northerly terminus thereof, and return over the same route, serving intermediate points in Secaucus; and (2) between junction Pleasant Avenue ramp and Interstate Highway 495 (elevated highway to Lincoln Tunnel) in Weehawken, N.J., and junction County Avenue and Secaucus Road in Secaucus, N.J., a point on route (1) above: From junction Pleasant Avenue ramp and Interstate Highway 495, over Interstate Highway 495 to junction New Jersey Highway 3, thence over New Jersey Highway 3 to junction Paterson Plank Road in Secaucus, thence over Paterson Plank Road to junction County Avenue, thence over County Avenue to junction Secaucus Road, and return over the same route, serving intermediate points in Secaucus south of junction County Avenue and Peterson Lane; for 150 days. NOTE: Applicant proposes to tack the authority here sought with its existing authority in MC 29854 and Subs thereto and to tack routes (1) and (2). Applicant states that no duplication of authority is here sought. Supporting shipper: Gilbert Systems, Inc., 441 Ninth Avenue, New York, N.Y. 10001. Send protests to: Walter J. Grossmann, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1060 Broad Street, Newark, N.J. 07102.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 67-8846; Filed, July 28, 1967; 8:47 a.m.]

[Notice 13]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 26, 1967.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 279), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-69770. By order of July 24, 1967, the Transfer Board approved the transfer to Conlon Moving & Storage, Inc., Pawtucket, R.I., of certificate No. MC-38317, issued August 3, 1956, to Edgar P. Harrison, doing business as Conlon Warehouse, Pawtucket, R.I., authorizing the transportation of household goods, as defined by the Commission, between points in Rhode Island, on the one hand, and, on the other, points in New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland, and the District of Columbia. Russell B. Curnett, 36 Circuit Drive, Providence, R.I., attorney for applicants.

No. MC-FC-69712. By order of July 19, 1967, the Transfer Board approved the transfer to Mardel Trucking Co., Inc., North East, Md., of permit in No. MC-119675 (Sub-No. 1), issued July 12, 1962, to Carlson's Garage, Inc., North East, Md., authorizing the transportation of: Stone, crushed stone, and crushed stone screenings, in bulk, in dump trucks, from the plantsite of Maryland Materials, Inc., near North East, Md., to points in Delaware. Charles McD. Gillan, Jr., 315 Glen Rae Drive, Baltimore, Md. 21228, attorney for applicants.

No. MC-FC-69772. By order of July 24, 1967, the Transfer Board approved the transfer to John J. Herrsche, doing business as Midvale Movers, Lake Hiawatha, N.J., of the operating rights in certificate Nos. MC-43161 and MC-43161 (Sub-No. 1), issued April 13, 1955, and February 4, 1964, respectively, to Carton Moving & Storage Co., a corporation, Chatham, N.J., authorizing the transportation of: Household goods, between points in specified counties in New Jersey, on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, and the District of Columbia. Ralph J. Pocara, Esq., 777 Springfield Avenue, Summit, N.J. 07901, attorney for applicants.

No. MC-FC-69773. By order of July 24, 1967, the Transfer Board approved the transfer to Rapid Film Service, Inc., Grand Island, Nebr., of certificate of registration No. MC-21337 (Sub-No. 2), evidencing a right to engage in interstate or foreign commerce issued November 18, 1963, to Richard R. Lysinger and Herbert E. Lysinger, doing business as Rapid Film Service, Grand Island, Nebr., authorizing service between points in Nebraska. James E. Ryan, 214 Sharp Building, Lincoln, Nebr., attorney for applicants.

No. MC-FC-69774. By order of July 24, 1967, the Transfer Board approved the transfer to North Loop Transportation Co., Inc., Houston, Tex., of certificate of registration No. MC-121057 (Sub-No. 1), issued April 1, 1964, to M. C. Rhodes Trucking Co., Inc., Abilene, Tex., evidencing a right to engage in interstate or foreign commerce between points in Texas. M. S. Williams, Post Office Box 162000, Houston, Tex. 77022, attorney for applicants.

No. MC-FC-69789. By order of July 24, 1967, the Transfer Board approved the transfer to R & P Trucking Co., Inc., Brooklyn, N.Y., of the operating rights in certificate No. MC-1579 issued March 22, 1962, to Leroy Essig, doing business as De Luxe Trucking Service, Maspeth, N.Y., authorizing the transportation of: Radiator enclosures, new furniture, oil heaters and parts, between points in New York and Connecticut. A. David Millner, 1060 Broad Street, Newark, N.J. 07102, attorney for applicants.

No. MC-FC-69790. By order of July 24, 1967, the Transfer Board approved the transfer to Mitchell J. Van Der Aa, John J. Van Der Aa, and John G. Van Der Aa, doing business as Van Der Aa Bros. School Bus Service, South Holland, Ill., the operating rights in certificate No. MC-114886, issued April 16, 1963, to Mitchell J. Van Der Aa and John J. Van Der Aa, a partnership, doing business as Van Der Aa Bros. School Bus Service, South Holland, Ill., authorizing the transportation of, passengers and their baggage, in charter operations, beginning and ending at specified points in Illinois and extending to points in specified counties in Indiana. Donald E. Arnell, 1010 Dixie Highway, Chicago Heights, Ill., attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 67-8847; Filed, July 28, 1967; 8:47 a.m.]

GENERAL SERVICES ADMINISTRATION

[Federal Procurement; Temporary Reg. No. 12]

FAIR LABOR STANDARDS AMENDMENTS OF 1966

Extension of Temporary Regulations

To Heads of Federal Agencies:

1. *Purpose.* This regulation continues in effect the provisions of paragraphs Nos. 1, 2, 3, and 5 of FPR Temporary Regulation No. 10, February 11, 1967 (32 F.R. 3029, February 17, 1967).

2. *Effective date.* This regulation is effective August 1, 1967.

3. *Expiration date.* This regulation will remain in effect until canceled. It is expected that the appropriate provisions of FPR Temporary Regulation No. 10 will be codified in the FPR together with the changes in rules and regulations concerning labor standards for Federal service contracts which are currently being considered by the Department of Labor (see 31 F.R. 12646, Sept. 27, 1966) and that this regulation and the provisions of FPR Temporary Regulation No. 10, continued in effect hereunder in paragraph No. 5, will be canceled at that time.

4. *Background.* FPR Temporary Regulation No. 10 provided interim procedures for the implementation of the Fair Labor Standards Amendments of 1966 (Public Law 89-601; 80 Stat. 830), which amended the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201 et seq.), insofar as the new legislation affects contracts for the furnishing of services to the Federal Government. Codification of these procedures in the Federal Procurement Regulations will be accomplished subsequent to the issuance of changes in rules and regulations by the Department of Labor concerning labor standards for service contracts generally. However, since the new regulations will not be issued by the Department prior to the expiration of FPR

Temporary Regulation No. 10, it is necessary to continue in effect the provisions of that regulation with the exception of paragraph No. 4. Paragraph No. 4 is no longer regarded as necessary since further implementation of its provisions will serve no useful purpose.

5. *Agency implementation.* Federal agencies shall be guided by and shall comply with, as appropriate, the provisions of paragraphs Nos. 1, 2, 3, and 5 of FPR Temporary Regulation No. 10 pending a formal revision of the Federal Procurement Regulations and/or cancellation of this regulation.

Dated: July 27, 1967.

LAWSON B. KNOTT, JR.,
Administrator of General Services.

[F.R. Doc. 67-8966; Filed, July 28, 1967; 12:54 p.m.]

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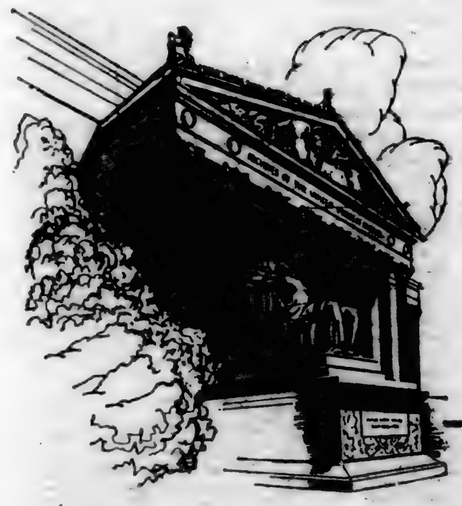
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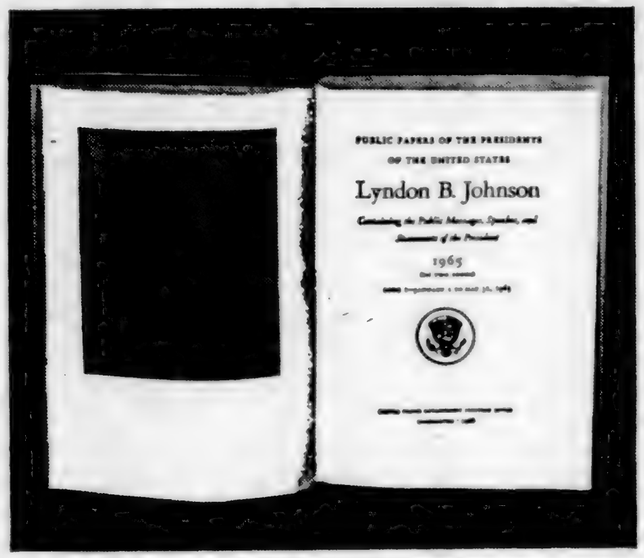


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The Subject Index to the daily *Federal Register* is published separately, covering the contents of the *Federal Register* as follows: Monthly for the months of January, February, April, May, July, August, October, November, and December; quarterly for the quarters ending in March, June, and September; and annually for the calendar year.

Entries in this index are carried primarily under the names of the issuing agencies, with the most significant subjects additionally carried in appropriate alphabetical position.

This Subject Index should be distinguished from the numerical codification guide (List of CFR Sections Affected) which is also published separately. The numerical guide is designed for quick checking in the Code of *Federal Regulations* numbering system of provisions whose numbers are already known or have been learned through use of the Subject Index.

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A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1967, and specifies how they are affected.

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Title 3—THE PRESIDENT

Executive Order 11365

ESTABLISHING A NATIONAL ADVISORY COMMISSION ON CIVIL DISORDERS

By virtue of the authority vested in me as President of the United States, it is ordered as follows:

SECTION 1. *Establishment of the Commission.* (a) There is hereby established a National Advisory Commission on Civil Disorders (hereinafter referred to as the "Commission").

(b) The Commission shall be composed of

The Honorable Otto Kerner, *Chairman*
The Honorable John V. Lindsay, *Vice Chairman*
Senator Fred R. Harris
Senator Edward W. Brooke
Congressman James C. Corman
Congressman William M. McCulloch
I. W. Abel
Charles B. Thornton
Roy Wilkins
The Honorable Katherine Graham Peden
Herbert Jenkins

The President from time to time may appoint additional members to the Commission.

SEC. 2. *Functions of the Commission.* (a) The Commission shall investigate and make recommendations with respect to:

(1) The origins of the recent major civil disorders in our cities, including the basic causes and factors leading to such disorders and the influence, if any, of organizations or individuals dedicated to the incitement or encouragement of violence.

(2) The development of methods and techniques for averting or controlling such disorders, including the improvement of communications between local authorities and community groups, the training of state and local law enforcement and National Guard personnel in dealing with potential or actual riot situations, and the coordination of efforts of the various law enforcement and governmental units which may become involved in such situations;

(3) The appropriate role of the local, state and Federal authorities in dealing with civil disorders; and

(4) Such other matters as the President may place before the Commission.

SEC. 3. *Cooperation by Executive Departments and Agencies.* The Commission is authorized to request, at the direction of the Chairman, from any executive department or agency any information and assistance deemed necessary to carry out its functions under this order. Each department or agency is authorized, to the extent permitted by law and within the limits of available funds, to furnish information and assistance to the Commission. The Federal Bureau of Investigation, in particular, shall provide investigative information and assistance.

SEC. 4. *Compensation, Personnel, and Finance.* (a) Members of the Commission who are Members of Congress shall receive no additional compensation by virtue of membership on the Commission, but, as permitted by law, may be reimbursed for travel, subsistence and other necessary expenses incurred by them in the performance of the duties vested in the Commission. Other members of the Commission shall receive $100 per day when engaged in the performance of duties pursuant to this order, and shall be allowed travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons intermittently employed.

(b) The Commission shall have an Executive Director who shall be designated by the President and shall receive such compensation as may hereafter be specified. The Commission is authorized to appoint and fix the compensation of such other personnel as may be necessary to enable it to carry out its functions, and is authorized to obtain services in accordance with the provisions of 5 U.S.C. 3109.

(c) All necessary expenses incurred in connection with the work of the Commission shall be paid from the "Emergency Fund for the President" or such other appropriated funds as may be available for the purposes of the Commission.

SEC. 5. *Administrative Services.* The General Services Administration shall provide administrative services for the Commission on a reimbursable basis.

SEC. 6. *Reports and Termination.* The Commission shall make an interim report as to its findings of fact not later than March 1, 1968, and shall present its final report and recommendations not later than one year from the date of this order. It shall terminate upon presenting its final report and recommendations.

Lyndon B. Johnson

THE WHITE HOUSE,
Cabinet Room, 12:20 p.m.,
July 29, 1967.

[F.R. Doc. 67-9036; Filed, July 31, 1967; 10:40 a.m.]

Rules and Regulations

Title 1—GENERAL PROVISIONS

Chapter I—Administrative Committee of the Federal Register

CFR CECKLIST

1967 Issuances

This checklist, prepared by the Office of the Federal Register, is published in the first issue of each month. It is arranged in the order of CFR titles, and shows the issuance date and price of revised volumes and supplements of the Code of Federal Regulations issued to date during 1967. New units issued during the month are announced on the inside cover of the daily FEDERAL REGISTER as they become available.

Order from Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

CFR Unit (as of Jan. 1, 1967):	Price
3 1966 Compilation	$1.00
4 (Rev.)	.40
5 (Supp.)	1.00
6 [Vacated; Reserved]	
7 Parts:	
0–45 (Rev.)	1.75
46–51 (Rev.)	1.00
52 (Rev.)	2.00
53–209 (Rev.)	2.00
210–699 (Rev.)	1.50
700–749 (Rev.)	1.75
750–899 (Rev.)	1.50
900–944 (Rev.)	1.00
945–980 (Rev.)	.65
981–999 (Rev.)	.65
1000–1029 (Rev.)	1.00
1030–1059 (Rev.)	1.00
1060–1089 (Rev.)	.75
1090–1119 (Rev.)	.70
1120–1199 (Rev.)	1.00
1200–1499 (Rev.)	2.00
1500–end (Rev.)	1.00
8 (Rev.)	.60
9 (Rev.)	1.25
10 (Rev.)	1.00
11 [Reserved]	
12 Parts:	
1–399 (Rev.)	1.50
400–end (Rev.)	1.00
13 (Rev.)	.65
14 Parts:	
1–59 (Rev.)	1.75
60–199 (Rev.)	1.50
200–end (Rev.)	1.75
15 (Rev.)	1.25
16 Parts:	
0–149 (Rev.)	1.75
150–end (Rev.)	1.25
17 (Rev.)	2.00
18 (Rev.)	2.50
19 (Rev.)	2.00
20 (Rev.)	2.00
21 Parts:	
1–119 (Rev.)	1.00
120–129 (Rev.)	1.00
130–146e (Rev.)	1.75
147–end (Rev.)	1.00
22 (Rev.)	$1.00
23 (Rev.)	.25
24 (Rev.)	1.00
25 (Rev.)	1.25
26 Parts:	
1 (§§ 1.0–1–1.300) (Rev.)	2.00
1 (§§ 1.301–1.400) (Rev.)	.65
1 (§§ 1.401–1.500) (Rev.)	1.00
1 (§§ 1.501–1.640) (Rev.)	.70
1 (§§ 1.641–1.850) (Rev.)	1.00
1 (§§ 1.851–1.1200) (Rev.)	1.25
1 (§§ 1.1201–1.6000) (Rev.)	1.50
1 (§§ 1.6001–end) to Part 19 (Rev.)	.70
20–29	(*)
30–39 (Rev.)	.75
40–169 (Rev.)	1.75
170–299 (Rev.)	2.25
300–499 (Supp.)	.50
500–599 (Supp.)	.35
600–end (Supp.)	.45
27 (Supp.)	.30
28 (Rev.)	.65
29 Parts:	
0–499 (Rev.)	.70
500–899 (Rev.)	2.00
900–end (Rev.)	.75
30 (Rev.)	1.00
31 (Rev.)	1.75
32 Parts:	
1–39 (Rev.)	2.75
40–399 (Rev.)	1.25
400–589 (Rev.)	1.50
590–699 (Supp.)	.50
700–799 (Rev.)	2.00
800–999 (Rev.)	1.25
1000–1199 (Rev.)	1.25
1200–1599 (Rev.)	1.25
1600–end (Rev.)	.55
32A (Rev.)	1.00
33 Parts:	
1–199 (Rev.)	1.00
200–end (Rev.)	1.75
34 [Reserved]	
35 (Rev.)	5.25
36 (Rev.)	.75
37 (Rev.)	4.00
38 (Rev.)	2.25
39 (Rev.)	2.00
40 [Reserved]	
41 Chapters:	
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2–4 (Rev.)	1.00
5–5D (Rev.)	.60
6–17 (Rev.)	2.00
18 (Rev.)	2.00
19–100 (Rev.)	.60
101–end (Rev.)	1.25
42 (Supp.)	1.00
43 (Rev.)	2.75
44 (Rev.)	.40
45 (Rev.)	1.75
46 Parts:	
1–145 (Rev.)	3.00
146–149 (Rev.)	2.50
146–149 (Supp. July 1, 1967)	.40
150–199 (Rev.)	1.25
200–end (Rev.)	2.00
47 Parts:	
0–19 (Rev.)	$1.00
20–69 (Rev.)	1.50
70–79 (Rev.)	1.00
80–end (Rev.)	1.50
48 (Rev.)	.60
49 Parts:	
0–70 (Rev.)	1.25
71–90 (Rev.)	2.25
91–164 (Rev.)	1.50
165–end (Supp.)	.65
50 (Rev.)	.75
General Index (Rev.)	.70

*NOTE: No amendments to this volume were promulgated during 1966. The cumulative pocket supplement issued as of Jan. 1, 1966, should be retained.

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

SUBCHAPTER C—REGULATIONS GOVERNING EMPLOYEES OF THE CIVIL SERVICE COMMISSION

PART 1001—EMPLOYEE RESPONSIBILITIES AND CONDUCT

Effective August 9, 1967, Part 1001[1] is revised and amended to read as follows:

Subpart A—General

Sec.	
1001.735–101	Purpose.
1001.735–102	Definitions.
1001.735–103	Remedial action.

Subpart B—Conduct and Responsibilities of Employees

1001.735–201	Prescribed actions.
1001.735–202	Gifts, entertainment, and favors.
1001.735–203	Outside employment and activity.
1001.735–204	Financial interests.
1001.735–205	Misuse of information.
1001.735–206	Support of Commission programs.
1001.735–207	Disagreements between Government officials.
1001.735–208	Use of Government property.
1001.735–209	Indebtedness.
1001.735–210	Gambling, betting, and lotteries.
1001.735–211	Coercion.
1001.735–212	General conduct prejudicial to the Government.
1001.735–213	Miscellaneous statutory provisions.

Subpart C—Conduct and Responsibilities of Special Government Employees

1001.735–301	Use of Government employment.
1001.735–302	Use of inside information.
1001.735–303	Gifts, entertainment, and favors.
1001.735–304	Applicability of other provisions.

[1] Supplements Part 735 of this chapter.

Subpart D—Statements of Employment and Financial Interests

Sec.
1001.735–401 Employees required to submit statements.
1001.735–402 Employee's complaint on filing requirement.
1001.735–403 Form of statements.
1001.735–404 Time for submission of statements.
1001.735–405 Supplementary statements.
1001.735–406 Interests of employees' relatives.
1001.735–407 Information not known by employees.
1001.735–408 Information prohibited.
1001.735–409 Review of statements.
1001.735–410 Confidentiality of statements.
1001.735–411 Effect of statements on other requirements.
1001.735–412 Submission of statements by special Government employees.

AUTHORITY: The provisions of this Part 1001 issued under Executive Order 11222, 30 F.R. 6469, 3 CFR 1965 Supp., 5 CFR 735.101 et seq.

Subpart A—General

§ 1001.735–101 Purpose.

The maintenance of unusually high standards of honesty, integrity, impartiality, and conduct by employees and special Government employees is essential to assure the proper performance of the Commission's business and the maintenance of confidence by citizens in their Government. The avoidance of misconduct and conflicts of interest on the part of employees and special Government employees through informed judgment is indispensable to the maintenance of these standards. To accord with these concepts, this part sets forth the Commission's regulations prescribing standards of conduct and responsibilities and governing statements of employment and financial interests for employees and special Government employees.

§ 1001.735–102 Definitions.

In this part:

(a) "Employee" means an employee of the Civil Service Commission, but does not include a special Government employee.

(b) "Person" means an individual, a corporation, a company, an association, a firm, a partnership, a society, a joint stock company, or any other organization or institution.

(c) "Special Government employee" means a "special Government employee" as defined in section 202 of title 18 of the United States Code who is employed by the Commission.

§ 1001.735–103 Remedial action.

(a) A violation of this part by an employee or special Government employee may be cause for remedial action. Remedial action may include, but is not limited to:

(1) Changes in assigned duties;

(2) Divestment by the employee or special Government employee of his conflicting interest;

(3) Disciplinary action which may be in addition to any penalty prescribed by law; or

(4) Disqualification for a particular assignment.

(b) **Remedial action, whether disciplinary or otherwise, shall be effected in accordance with any applicable laws, Executive orders, and regulations.**

Subpart B—Conduct and Responsibilities of Employees

§ 1001.735–201 Proscribed actions.

An employee shall avoid any action which might result in, or create the appearance of:

(a) Using public office for private gain;

(b) Giving preferential treatment to any person;

(c) Impeding Government efficiency or economy;

(d) Losing complete independence or impartiality;

(e) Making a Government decision outside official channels; or

(f) Affecting adversely the confidence of the public in the integrity of the Government.

§ 1001.735–202 Gifts, entertainment, and favors.

(a) Except as provided in paragraphs (b) and (e) of this section, an employee shall not solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan, or any other thing of monetary value, from a person who:

(1) Has, or is seeking to obtain, contractual or other business or financial relations with the Commission;

(2) Conducts operations or activities that are regulated by the Commission; or

(3) Has interests that may be substantially affected by the performance or nonperformance of his official duty.

(b) The restrictions set forth in paragraph (a) of this section do not apply to:

(1) Obvious family or personal relationships, such as those between the employee and his parents, children, or spouse, when the circumstances make it clear that those relationships rather than the business of the persons concerned are the motivating factors;

(2) The acceptance of food and refreshments of nominal value on infrequent occasions in the ordinary course of a luncheon or dinner meeting or an inspection tour where an employee may be properly in attendance;

(3) The acceptance of loans from banks or other financial institutions on customary terms to finance proper and usual activities of employees, such as home mortgage loans; and

(4) The acceptance of unsolicited advertising or promotional material, such as pens, pencils, note pads, calendars, and other items of nominal intrinsic value.

(c) An employee shall not solicit a contribution from another employee for a gift to an official superior, make a donation as a gift to an official superior, or accept a gift from an employee receiving less pay than himself (5 U.S.C. 7351). However, this paragraph does not prohibit a voluntary gift of nominal value or donation in a nominal amount made on a special occasion such as marriage, illness, or retirement.

(d) An employee shall not accept a gift, present, decoration, or other thing from a foreign government unless authorized by Congress as provided by the Constitution and in Public Law 89–673, 80 Stat. 952.

(e) Neither this section nor § 1001.735–203 precludes an employee from receipt of bona fide reimbursement, unless prohibited by law, for expenses of travel and such other necessary subsistence as is compatible with this part for which no Government payment or reimbursement is made. However, this paragraph does not allow an employee to be reimbursed, or payment to be made on his behalf, for excessive personal living expenses, gifts, entertainment, or other personal benefits, nor does it allow an employee to be reimbursed by a person for travel on official business under Commission orders when reimbursement is prescribed by Decision B–128517 of the Comptroller General dated March 7, 1967.

§ 1001.735–203 Outside employment and activity.

(a) An employee shall not engage in outside employment or other outside activity not compatible with the full and proper discharge of the duties and responsibilities of his Government employment. Incompatible activities include, but are not limited to:

(1) Acceptance of a fee, compensation, gift, payment of expense, or any other thing of monetary value in circumstances wherein acceptance may result in, or create the appearance of, a conflict of interest;

(2) Outside employment or activity which tends to impair his mental or physical capacity to perform the duties and responsibilities of his position in an acceptable manner;

(3) Outside employment or activity which may bring criticism of, or cause embarrassment to, the Commission; or

(4) Outside employment or activity which is in violation of a statute, Executive order, or regulation, including applicable State and local statutes and ordinances.

(b) Employees are encouraged to engage in teaching, lecturing, and writing that is not prohibited by law, Executive Order 11222, Part 735 of this chapter, or this part. However, an employee shall not, either for or without compensation, engage in teaching, lecturing, or writing that is dependent on information obtained as a result of his Government employment, except when that information has been made available to the general public or will be made available on request, or when the Chairman gives written authorization for the use of nonpublic information on the basis that such use is in the public interest.

(c) Employees are encouraged to serve as members of committees or boards which plan or advise on training courses or programs offered by non-Government organizations, especially when the courses or programs are designed for, or are of particular interest to, Federal employees. However, before an employee may accept membership on such a committee or board, he shall request in writing and secure the approval of the Commission official authorized to grant the request. Bureau directors, regional directors, and heads of staff offices are authorized to grant requests made by their employees. The Commissioners and the Executive Director are the approving authorities for employees who report directly to them. The authorizing official shall transmit a copy of each approved request for inclusion in the employee's Official Personnel Folder.

(d) Employees are encouraged to accept appointments as faculty members for after-hours teaching. However, before an employee may accept such an appointment, he shall request and secure approval, and the approved request shall be included in his Official Personnel Folder, as provided in paragraph (c) of this section.

(e) An employee shall not recieve any salary or anything of monetary value from a private source as compensation for his services to the Government.

(f) An employee shall not engage in outside employment under a State or local government except in accordance with Part 734 of this chapter.

(g) An employee who engages in any kind of outside paid employment on a substantially regular basis shall submit to his immediate supervisor a memorandum describing the employment and stating approximately how many hours per week he is so employed. The immediate supervisor shall forward the memorandum through his bureau director, regional director, or staff office head for inclusion in the employee's Official Personnel Folder.

(h) This section does not preclude an employee from:

(1) Participation in the activities of National or State political parties not proscribed by law;

(2) Participation in the local self-government activities in the community in which he resides to the extent permitted by law. However, an employee may not hold elective office in his local community government without the approval of the Executive Director; or

(3) Participation in the affairs of, or acceptance of an award for meritorious public contribution or achievement given by, a charitable, religious, professional, social, fraternal, nonprofit educational and recreational, public service, or civic organization.

§ 1001.735–204 Financial interests.

(a) An employee shall not:

(1) Have a direct or indirect financial interest that conflicts substantially, or appears to conflict substantially, with his Government duties and responsibilities; or

(2) Engage in, directly or indirectly, a financial transaction as a result of, or primarily relying on, information obtained through his Government employment.

(b) This section does not preclude an employee from having a financial interest or engaging in financial transactions to the same extent as a private citizen not employed by the Government so long as it is not prohibited by law, Executive Order 11222, Part 735 of this chapter, or this part.

§ 1001.735–205 Misuse of information.

For the purpose of furthering a private interest, an employee shall not, except as provided in § 1001.735–203(b), directly or indirectly use, or allow the use of, official information obtained through or in connection with his Government employment which has not been made available to the general public.

§ 1001.735–206 Support of Commission programs.

(a) When a Commission program is based on law or Executive order, every employee has a positive obligation to make it function as efficiently and economically as possible and to support it as long as it is a part of recognized public policy. An employee may, therefore, properly make an address explaining and interpreting such a program, citing its achievements, defending it against uninformed or unjust criticism, pointing out the need for possible improvements, or soliciting views for improving it.

(b) An employee shall not, either directly or indirectly, use appropriated funds to influence a Member of Congress to favor or oppose legislation in violation of 18 U.S.C. 1913. However, an employee is not prohibited from:

(1) Testifying as a representative of the Commission on pending legislation proposals before Congressional committees on request; or

(2) Assisting Congressional committees in drafting bills or reports on request, when it is clear that the employee is serving solely as a technical expert under the direction of committee leadership.

§ 1001.735–207 Disagreements between Government officials.

An employee shall not make public any disagreements with, or criticism of, officials, policies, or practices of the Commission or of other Federal agencies in areas relating to the Commission's functions. Such matters may be brought to the Executive Director's attention for appropriate action.

§ 1001.735–208 Use of Government property.

An employee shall not directly or indirectly use, or allow the use of, Government property of any kind, including property leased to the Government, for other than officially approved activities. An employee has a positive duty to protect and conserve Government property including equipment, supplies, and other property entrusted or issued to him.

§ 1001.735–209 Indebtedness.

(a) An employee shall pay each just financial obligation in a proper and timely manner, especially one imposed by law, such as Federal, State, or local taxes. For the purpose of this section, a "just financial obligation" means one acknowledged by the employee or reduced to judgment by a court.

(b) When an employee has a levy placed against his salary for failure to pay an indebtedness for Federal income taxes, he shall be issued a written reprimand stating that failure to make satisfactory arrangements regarding future tax liabilities will be grounds for removal.

(c) When an employee is the subject of a letter of complaint stating that he has not paid his State or local taxes and has failed to make satisfactory arrangements regarding the debt, he shall be interviewed by the Director of Personnel in the central office or by the regional director in a regional office. In this interview he shall be instructed to make satisfactory arrangements for the payment of his debt immediately and informed that failure to do so will be grounds for removal.

(d) When an employee is the subject of a letter of complaint regarding any other kind of indebtedness to a unit of government, Federal, State, or local, the procedure prescribed in paragraph (c) of this section shall be observed.

(e) When a creditor who holds a legal judgment against an employee requests that the Commission assist in collecting the debt, the employee shall be interviewed by the Director of Personnel or the regional director, as appropriate. In this interview he shall be instructed to pay the debt in full within 90 days, or within whatever longer period is specified by the Director of Personnel or regional director if he determines that a 90-day time limit would impose undue hardship on the employee, and informed that failure to do so will be grounds for removal.

(f) When an employee is the subject of a letter of complaint from a creditor who does not hold a legal judgment against the employee, the Director of Personnel or regional director shall forward a copy of the letter to the employee together with a memorandum calling the employee's attention to the provisions of this section.

§ 1001.735–210 Gambling, betting, and lotteries.

An employee shall not participate, while on Government-owned or leased property or while on duty for the Government, in any gambling activity, including the operation of a gambling device; in conducting a lottery or pool; in a game for money or property; or in selling or purchasing a numbers slip or ticket.

§ 1001.735–211 Coercion.

An employee shall not use his Government employment to coerce, or give the appearance of coercing, a person to provide financial benefit to himself or another person, particularly one with whom he has family, business, or financial ties.

§ 1001.735–212 General conduct prejudicial to the Government.

An employee shall not engage in criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, or other conduct prejudicial to the Government.

67 472 A A 30

§ 1001.735–213 Miscellaneous statutory provisions.

The attention of each employee is directed to the following statutory provisions:

(a) House Concurrent Resolution 175, 85th Congress, 2d Session, 72 Stat. B12, the "Code of Ethics for Government Service."

(b) Chapter 11 of title 18, United States Code, relating to bribery, graft, and conflicts of interest.

(c) The prohibition against lobbying with appropriated funds (18 U.S.C. 1913).

(d) The prohibitions against disloyalty and striking (5 U.S.C. 7311, 18 U.S.C. 1918).

(e) The prohibition against the employment of a member of a Communist organization (50 U.S.C. 784).

(f) The prohibitions against:

(1) The disclosure of classified information (18 U.S.C. 798, 50 U.S.C. 783); and

(2) The disclosure of confidential information (18 U.S.C. 1905).

(g) The provision relating to the habitual use of intoxicants to excess (5 U.S.C. 7352).

(h) The prohibition against the misuse of a Government vehicle (31 U.S.C. 638a(c)).

(i) The prohibition against the misuse of the franking privilege (18 U.S.C. 1719).

(j) The prohibition against the use of deceit in an examination or personnel action in connection with Government employment (18 U.S.C. 1917).

(k) The prohibition against fraud or false statements in a Government matter (18 U.S.C. 1001).

(l) The prohibition against mutilating or destroying a public record (18 U.S.C. 2071).

(m) The prohibition against counterfeiting and forging transportation requests (18 U.S.C. 508).

(n) The prohibitions against:

(1) Embezzlement of Government money or property (18 U.S.C. 641);

(2) Failing to account for public money (18 U.S.C. 643); and

(3) Embezzlement of the money or property of another person in the possession of an employee by reason of his employment (18 U.S.C. 654).

(o) The prohibition against unauthorized use of documents relating to claims from or by the Government (18 U.S.C. 285).

(p) The prohibitions against political activities in subchapter III of chapter 73 of title 5, United States Code and 18 U.S.C. 602, 603, 607, and 608.

(q) The provision relating to the denial of the right to petition Congress (5 U.S.C. 7102).

(r) The prohibition against an employee acting as the agent of a foreign principal registered under the Foreign Agents Registration Act (18 U.S.C. 219).

Subpart C—Conduct and Responsibilities of Special Government Employees

§ 1001.735–301 Use of Government employment.

A special Government employee shall not use his Government employment for a purpose that is, or gives the appearance of being, motivated by the desire for private gain for himself or another person, particularly one with whom he has family, business, or financial ties.

§ 1001.735–302 Use of inside information.

(a) A special Government employee shall not use inside information obtained as a result of his Government employment for private gain for himself or another person either by direct action on his part or by counsel, recommendation, or suggestion to another person, particularly one with whom he has family, business, or financial ties. For the purpose of this section, "inside information" means information obtained under Government authority which has not become part of the body of public information.

(b) A special Government employee may engage in teaching, lecturing, and writing to the same extent, and subject to the same restrictions, as provided in § 1001.735–203(b) for employees.

§ 1001.735–303 Gifts, entertainment, and favors.

(a) Except as provided in paragraph (b) of this section, a special Government employee, while so employed or in connection with his employment, shall not receive or solicit from a person having business with the Commission anything of value as a gift, gratuity, loan, entertainment, or favor for himself or another person, particularly one with whom he has family, business, or financial ties.

(b) The restrictions set forth in paragraph (a) of this section do not apply to:

(1) Obvious family or personal relationships, such as those between the special Government employee and his parents, children, or spouse, when the circumstances make it clear that those relationships rather than the business of the persons concerned are the motivating factors;

(2) The acceptance of food and refreshments of nominal value on infrequent occasions in the ordinary course of a luncheon or dinner meeting or other meeting or on an inspection tour where an employee may properly be in attendance.

(3) The acceptance of loans from banks or other financial institutions on customary terms to finance proper and usual activities of special Government employees, such as home mortgage loans; and

(4) The acceptance of unsolicited advertising or promotional material, such as pens, pencils, note pads, calendars, and other items of nominal intrinsic value.

§ 1001.735–304 Applicability of other provisions.

The provisions of §§ 1001.735–206 through 1001.735–213 apply to special Government employees in the same manner as to employees.

Subpart D—Statements of Employment and Financial Interests

§ 1001.735–401 Employees required to submit statements.

The following employees shall submit statements of employment and financial interests in accordance with §§ 1001.735–402 through 1001.735–411:

(a) The Executive Director.

(b) The Deputy Executive Director.

(c) The Assistant to the Chairman and Director, Office of Labor-Management Relations.

(d) The General Counsel.

(e) The Deputy General Counsel.

(f) The Chairman, Board of Appeals and Review.

(g) The Director, Office of Hearing Examiners, and all employees in Hearing Examiner positions.

(h) The Director, Bureau of Management Services.

(i) The Deputy Director, Bureau of Management Services.

(j) The Director of Personnel.

(k) The Chief, Office Services Division, Bureau of Management Services.

(l) The Assistant Chief, Office Services Division, Bureau of Management Services.

(m) The Chief, Budget and Finance Division, Bureau of Management Services.

(n) The Assistant Chief, Budget and Finance Division, Bureau of Management Services.

(o) The Director, Bureau of Retirement and Insurance.

(p) The Deputy Director, Bureau of Retirement and Insurance.

(q) The Assistant to the Director, Bureau of Retirement and Insurance.

(r) The Chief, Contracts and Instructions Division, Bureau of Retirement and Insurance.

(s) The Chief Actuary, Office of the Actuary, Bureau of Retirement and Insurance.

(t) Contracts and Instructions Specialists (Assistants to the Chief, GS–14 and GS–15, Contracts and Instructions Division, Bureau of Retirement and Insurance.

(u) Supervisory Accountant, GS–15, Systems and Audits, Bureau of Retirement and Insurance.

(v) Systems Accountant, GS–14, Systems and Audits, Bureau of Retirement and Insurance.

(w) Auditors (Financial Activities), GS–13, Systems and Audits, Bureau of Retirement and Insurance.

(x) The Director, Bureau of Training.

(y) The Director, Bureau of Inspections.

(z) The Deputy Director, Bureau of Inspections.

(aa) Each Regional Director.

§ 1001.735–402 Employee's complaint on filing requirement.

An employee who feels that his position has been improperly included in the list in § 1001.735–401 as one requiring the submission of a statement of employment and financial interests may obtain a review of his complaint under the Commission's internal grievance procedure.

§ 1001.735–403 Form of statements.

An employee required to submit a statement of employment and financial interests shall submit that statement in the format prescribed by the Personnel Division.

§ 1001.735–404 Time for submission of statements.

An employee required to submit a statement of employment and financial interests shall submit that statement no later than:

(a) September 30, 1967, if employed before September 1, 1967; or

(b) Thirty days after he becomes subject to the reporting requirements by occupying a position covered by § 1001.735–401, if he occupies the position after August 31, 1967.

§ 1001.735–405 Supplementary statements.

Changes in, or additions to, the information contained in an employee's statement of employment and financial interests shall be reported in a supplementary statement, in the format prescribed by the Personnel Division, as of June 30 each year. If no changes or additions occur, a negative report is required. Notwithstanding the filing of the annual report required by this section, each employee shall at all times avoid acquiring a financial interest that could result, or taking an action that would result, in a violation of the conflicts-of-interest provisions of section 208 of title 18, United States Code, or Subpart B of this part.

§ 1001.735–406 Interests of employees' relatives.

The interests of a spouse, minor child, or other member of an employee's immediate household are considered to be interests of the employee. For the purpose of this section, "member of an employee's immediate household" means those blood relations who are residents of the employee's household.

§ 1001.735–407 Information not known by employees.

If any information required to be included on a statement of employment and financial interests or on a supplementary statement, including holdings placed in trust, is not known to the employee but is known to another person, the employee shall request that other person to submit the information in his behalf.

§ 1001.735–408 Information prohibited.

An employee is not required to submit on a statement of employment and financial interests, or on a supplementary statement, any information relating to the employee's connection with, or interest in, a professional society or a charitable, religious, social, fraternal, recreational, public service, civic, or political organization or a similar organization not conducted as a business enterprise. For the purpose of this section educational and other institutions doing research and development or related work involving grants of money from or contracts with the Government are deemed "business enterprises" and are required to be included in an employee's statement of employment and financial interests.

§ 1001.735–409 Review of statements.

(a) The Executive Director, the Deputy Executive Director, the Assistant to the Chairman, the General Counsel, the Deputy General Counsel, and the Chairman of the Board of Appeals and Review shall submit their statements of employment and financial interests, and their supplementary statements, directly to the Chairman of the Commission for review.

(b) Bureau directors, regional directors, and the heads of staff offices who report to the Executive Director shall submit their statements of employment and financial interests, and their supplementary statements, directly to the Executive Director for review.

(c) All other employees covered under § 1001.735–401 shall submit their statements of employment and financial interests, and their supplementary statements, directly to the Director, Bureau of Management Services, for review.

(d) When a statement submitted under paragraph (b) or (c) of this section indicates a conflict between the interests of an employee and the performance of his services for the Government, and when the conflict or appearnce of conflict cannot be resolved by the reviewing official, he shall report the information concerning the conflict or appearance of conflict to the Chairman through the counselor for the Commission. The employee concerned shall be given an opportunity to explain the conflict or appearance of conflict before remedial action is initiated.

§ 1001.735–410 Confidentiality of statements.

Each statement of employment and financial interests, and each supplementary statement, shall be held in confidence and retained in limited access files of the reviewing official. The use of information on the statements shall be limited to that necessary to carry out the purposes of this part. Information from a statement or a supplementary statement shall not be disclosed except by decision of the Chairman of the Commission.

§ 1001.735–411 Effect of statements on other requirements.

The statements of employment and financial interests and supplementary statements required of employees are in addition to, and not in substitution for or in derogation of any similar requirement imposed by law, order, or regulation. The submission of a statement or supplementary statement by an employee does not permit him or any other person to participate in a matter in which he or the other person's participation is prohibited by law, order, or regulation.

§ 1001.735–412 Submission of statements by special Government employees.

(a) Each special Government employee shall submit a statement of employment and financial interests not later than the time of his employment. Each special Government employee shall keep his statement current throughout his period of employment by the submission of supplementary statements.

(b) A special Government employee shall submit his statement of employment and financial interests in the format prescribed by the Personnel Division. The statement is filed with the Director, Bureau of Management Services, and is accorded the confidentiality prescribed in § 1001.735–410.

(c) The provisions of §§ 1001.735–406 through 1001.735–411 apply to special Government employees in the same manner as to employees.

(d) The Chairman of the Commission may waive the requirement in paragraph (a) of this section for the submission of a statement of employment and financial interests in the case of a special Government employee who is not a consultant or an expert when he finds that the duties of the position held by that special Government employee are of a nature and at such a level of responsibility that the submission of the statement by the incumbent is not necessary to protect the integrity of the Government. For the purposes of this paragraph, "consultant" and "expert" have the meanings given those terms by Chapter 304 of the Federal Personnel Manual.

This part was approved by the Civil Service Commission on July 19, 1967.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67–8497; Filed, July 31, 1967; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER A—AGRICULTURAL CONSERVATION PROGRAMS

PART 701—NATIONAL AGRICULTURAL CONSERVATION

Subpart—1968 and Subsequent Years

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AUTHORITY: Secs. 701.1 to 701.99 issued under sec. 4, 49 Stat. 164, secs. 7–17, 49 Stat. 1148, as amended, 71 Stat. 176, 71 Stat. 426, 72 Stat. 864, 75 Stat. 225; 16 U.S.C. 590d, 590g–590q.

INTRODUCTION AND GENERAL PROGRAM PRINCIPLES

§ 701.1 Introduction and general program principles.

(a) *Introduction.* (1) Through the agricultural conservation program for 1968 and subsequent years (referred to in this subpart as the "program") administered by the Department of Agriculture, the Federal Government will share with farmers and ranchers in the United States, Puerto Rico, and the Virgin Islands the cost of carrying out approved soil-building and soil and water conservation practices, including related wildlife conservation practices, in accordance with the provisions of this bulletin and such modifications thereof as may hereafter be made.

(2) Information with respect to the several practices for which costs will be shared when carried out on a particular farm or ranch, and the exact specifications and rates of cost-sharing for such practices, may be obtained from the county committee for the county in which the farm or ranch is located or from the State committee.

(b) *General program principles.* The national agricultural conservation program has been developed and is to be carried out on the basis of the following general principles:

(1) The national program contains broad authorities to help meet the varied conservation problems of the nation. County and State committees and participating agencies should develop within these authorities programs which will effectively meet conservation needs of the agricultural land, water, woodland, and wildlife resources of the county and State. They should annually establish goals, objectives, and priorities to help them direct the program toward the accomplishment of the broad resource use plans for the county or State in a manner consistent with National needs now and for the future.

(2) State and county programs should be so administered as to give particular encouragement to family-operated farms to undertake a comprehensive effort of conservation practices which provide the most enduring conservation benefits practicably attainable in the current program year on the lands where they are applied and to the community of which those lands are a part.

(3) The program should be used to reduce significantly the loss of agricultural soil, water, woodland, or wildlife resources and to improve the prospect of their efficient multipurpose use in providing an adequate supply of food, fiber, water, and wildlife for the future and for the general improvement of man's total environment.

(4) Assistance for conservation measures should be used to encourage better land use and a well-balanced effort to deal with all conservation problems of the farm or ranch.

(5) If the farmer or rancher is to bear the primary responsibility for maintaining our agricultural land, water, woodland, or wildlife resources in a manner which assures their availability for productive use for the benefit of future generations the public in fairness should assume responsibility for a part of the cost of the conservation measures needed to preserve those resources for the future while they are being used to meet our current needs.

DISTRIBUTION OF FUNDS

§ 701.2 State funds.

(a) Funds available for conservation practices for a program year will be distributed among States on the basis of conservation needs, but the proportion allocated for use in any State shall not be reduced more than 15 percent from its proportionate distribution for the preceding program year. The allocation of funds among the States for each program year shall be as provided by amendments to this section.

(b) The distribution made under this section will not include the amount set aside for administrative expenses, the amount required for increases in small Federal cost-shares in § 701.28, and the amount set aside for the naval stores conservation program.

§ 701.3 County funds.

The State committee will allocate the funds available for conservation practices among the counties within the State consistent with the needs for enduring conservation in the counties within the State and will give particular consideration to the furtherance of watershed conservation programs sponsored by local people and organizations.

STATE AND COUNTY AGRICULTURAL CONSERVATION PROGRAMS

§ 701.4 Agencies to participate in development of State programs.

(a) A State agricultural conservation program (referred to in this subpart as "State program") shall be developed in each State in accordance with the provisions contained in this subpart and such modifications thereof as may hereafter be made. The program shall be developed by the State ACP development group, which shall consist of the State committee (including the State director of extension), the State conservationist of the Soil Conservation Service, and the Forest Service official having jurisdiction of farm forestry in the State, and, in States in the Appalachian region in which a program is developed under section 203 of Public Law 89–4 with the assistance of the State ACP development group upon request of the Governor of the State, a representative recommended by the Governor and designated by the Secretary. The president of the land-grant college and the State director of the Farmers Home Administration shall be invited to designate representatives to counsel with the group in the formulation of the State program. The chairman of the State committee shall invite representatives of the State soil conservation committee (board or commission), the State agricultural extension service, the State agency having responsibility for wildlife conservation, and other State and Federal agricultural agencies, and may invite others with conservation interests, to participate in the deliberations on the State program.

(b) The program for the State shall be that recommended by the State ACP development group and approved by the Director, Farmer Programs Division, ASCS, after obtaining the recommendations of the Soil Conservation Service and the Forest Service.

§ 701.5 Agencies to participate in development of county programs.

(a) A county agricultural conservation program (referred to in this subpart as

"county program") shall be developed in each county in accordance with the provisions of the State program and such modifications thereof as may be made. The county program shall be developed by the county ACP development group, which shall consist of the county committee, the designated representative of the Soil Conservation Service in the county, and the Federal Forest Service representative having jurisdiction of farm forestry in the county. The county ACP development group, working with the community committeemen, the governing body of the soil conservation district, the farm forestry representatives of the State, the county agricultural extension agent for the county (if he is not included in the foregoing group as ex officio member of the county committee), the county supervisor of the Farmers Home Administration, and others with conservation interests, shall develop recommendations for the county program.

(b) The program for the county then shall be formulated by the county ACP development group in consultation with the governing body of the soil conservation district on the overall conservation problems in the county and, especially, on the work plans of the soil conservation district and of the Federal agencies involved to assure the most effective use of the available technical assistance and funds for cost-sharing. The program as formulated shall be recommended to the State committee for approval by the State ACP development group. The program for the county shall be that recommended by the county ACP development group and approved by the State ACP development group. The program recommendation shall be signed by the chairman of the county committee, the Soil Conservation Service technician, and the Forest Service representative where present in the county, and shall state that the program was developed in consultation with the governing body of the soil conservation district, if any, or shall state that the governing body was invited to participate in developing the program but did not accept.

§ 701.6 Selection of practices.

Practices to be included in the State program or in the county program shall be only those practices for which cost-sharing is essential to permit accomplishment of needed conservation work which would not otherwise be carried out.

§ 701.7 Adaptation of practices.

(a) The practices included in the State program must meet all conditions and requirements of the national program. Additional conditions and requirements may be included where necessary for effective use in meeting the conservation problems in the State.

(b) The practices included in the county program must meet all conditions and requirements of the State program. Additional conditions and requirements may be included where necessary for effective use in meeting the conservation problems in the county.

§ 701.8 Practice specifications.

(a) Minimum specifications which practices must meet to be eligible for Federal cost-sharing shall be set forth in the State handbook or in the county program, or be incorporated therein by specific reference to a standard publication or other written document containing such specifications.

(b) For practices involving the establishment or improvement of vegetative cover, the specifications shall include, where appropriate, liming, fertilization, and seeding rates, eligible seeds and mixtures, seeding dates, requirements for cultural operations and inoculation, and other steps essential to the successful establishment or improvement of the vegetative cover. Eligible seeds and mixtures shall include a legume or legumes where recommended for inclusion by the State experiment station or the State extension service. For mechanical or construction type practices, the specifications shall include, where appropriate, the types and sizes of material, installation or construction requirements, and other steps essential to the proper functioning of the structure. For other practices, the specifications shall include those steps essential to the successful performance of the practice.

(c) Practice specifications shall provide minimum performance requirements which will qualify the practice for cost-sharing and, where applicable, may also provide maximum limits of performance which will be eligible for cost-sharing. The minimum performance requirements established for a practice shall represent those levels of performance which are necessary to assure a satisfactory practice. The maximum limits of performance for cost-sharing established for a practice shall represent those levels of performance which are needed in order for the practice to be most effective in meeting the conservation problem and which are not in excess of levels for which cost-sharing can be justified.

(d) Specifications for wildlife conservation practices shall be developed in consultation with the State agency having responsibility for wildlife conservation.

§ 701.9 Use of liming materials and commercial fertilizers for vegetative cover.

(a) For practices which authorize Federal cost-sharing for applications of liming materials and commercial fertilizers, the minimum application, and maximum application where applicable, on which cost-sharing is authorized shall, in each case, be determined on the basis of a current soil test: *Provided, however*, That if the State ACP development group determines that available facilities are not adequate to permit the desired use of these practices under the program, it shall authorize, to the extent necessary, an alternative basis for determination by the county committee of such applications. Such alternative basis shall be such as to insure beneficial use of Federal cost-sharing approved and shall be formulated by the State ACP development group in full consultation with the representatives of the State and Federal agencies participating in the development of the State program.

(b) The application of liming materials contained in commercial fertilizers, in rock phosphate, or in basic slag will not qualify for Federal cost-sharing. The application of manure will not qualify for Federal cost-sharing; however, manure may be used, where applicable, to meet all or a part of the fertilizer requirement for a practice. Liming material or fertilizer must be applied at such time and in such a manner that a conserving cover will be the primary beneficiary of the application.

§ 701.10 Responsibility for technical phases of practices.

(a) The Soil Conservation Service is responsible for the technical phases of practices A–3, B–7, C–4, C–5, C–6, C–7, C–8, C–9, C–10, C–11, C–12, C–13, C–15, C–16, G–2, and G–3 (§§ 701.53, 701.60, 701.69, to 701.78, 701.80, 701.81, 701.96 and 701.97). This responsibility shall include (1) a finding that the practice is needed and practicable on the farm, and with respect to drainage practices, a finding as to whether any land proposed for drainage is Wetland Type 3, 4, or 5, as described in U.S. Department of the Interior, Fish and Wildlife Service, Circular 39, "Wetlands of the United States," published in 1956, (2) necessary site selection, other preliminary work, and layout work of the practice, (3) necessary supervision of the installation, and (4) certification of performance for all requirements of the practice except those for which a certification by the farmer or rancher is to be accepted in accordance with instructions issued by the Deputy Administrator. For practice C–1 (§ 701.66), the Soil Conservation Service is responsible (i) for determining that the practice is needed and practicable on the farm, and (ii) for necessary site selection, other preliminary work, and layout work of the practice. For practices B–6, B–8, and C–3 (§§ 701.59, 701.61 and 701.68), the Soil Conservation Service is responsible for determining that the practice is needed and practicable on the farm. In addition, upon agreement of the State committee and the State conservationist of the Soil Conservation Service, responsibility for all or part of the unassigned technical phases of these or other practices may be assigned to the Soil Conservation Service for all counties in the State or for specified counties. The State conservationist of the Soil Conservation Service may utilize assistance from private, State, or Federal agencies in carrying out these assigned responsibilities. These assigned responsibilities will not apply in counties with respect to which the Deputy Administrator and the Administrator, SCS, agree that it would not be administratively practicable for the Soil Conservation Service to discharge these responsibilities. In such counties, these responsibilities shall be assumed by the county committees. The Soil Conservation Service will utilize to the full extent available resources of the State forestry agencies in carrying out its assigned responsibilities for practice A–8 (§ 701.53).

(b) The Forest Service is responsible for the technical phases of practices A–7 and B–10 (§§ 701.52 and 701.63). This responsibility shall include (1) providing necessary specialized technical assistance, (2) development of specifications for forestry practices, and (3) working through State and county committees, determining performance in meeting these specifications. The Forest Service may utilize assistance from private, State, or Federal agencies in carrying out these assigned responsibilities, but services of State forestry agencies will be utilized to the full extent such services are available.

§ 701.11 Rates of cost-sharing.

(a) The maximum Federal cost-share for each practice shall be the percentage of the average cost of performing the practice considered necessary to obtain the needed performance of the practice, but which will be such that the farmer or rancher will make a substantial contribution to the cost of performing the practice. Rates of cost-sharing shall not be in excess of 50 percent of the average cost of performing the practices, except that higher rates of cost-sharing may be approved by the Director, Farmer Programs Division, ASCS:

(1) For practices which have long lasting conservation benefits and from which the returns to farmer or rancher are remote;

(2) In situations where higher rates of cost-sharing are essential to bring about the use of a practice or to increase the use of a practice on a substantial number of farms or ranches; or

(3) In situations where the income prospects for the farmer or rancher are such that he reasonably could not be expected to bear as much as 50 percent of the cost of the practice. (A higher rate may be approved under this subparagraph (3) only where it is determined that the farmer or rancher is largely dependent on the farm or ranch for his livelihood, the estimated annual family income does not exceed $3,000, and an increased rate of cost-sharing is essential to permit the farmer or rancher to carry out needed practices.)

(b) For the purpose of establishing rates of cost-sharing, the average cost of performing a practice may be the average cost for a State, a county, a part of a county, or a farm or ranch, as determined by the State committee.

(c) The rates of cost-sharing for practices included in the county program may be lower than the rates approved for general use in the State.

§ 701.12 Items of cost on which rates of cost-sharing may be based.

Except as otherwise provided by the wording of the practices contained in this subpart or elsewhere in the program, the cost of any direct and significant factor in the performance of a practice may be considered in establishing the rate of cost-sharing for the practice.

§ 701.13 State handbooks, bulletins, instructions, and forms.

The Deputy Administrator is authorized to prepare and issue State handbooks, bulletins, instructions, and forms required in administering the program. Copies of State handbooks, bulletins, instructions, and forms containing detailed information with respect to the program as it applies to specific States, counties, areas, and farms and ranches will be available in the office of the State committee and the office of the county committee. Persons wishing to participate in the program should obtain from the State committee or county committee all information needed in order to comply with all provisions of the program.

APPROVAL OF CONSERVATION PRACTICES ON INDIVIDUAL FARMS OR RANCHES

§ 701.14 Opportunity for requesting cost-sharing.

Each farmer or rancher, regardless of his race, creed, color, or national origin, shall be given an opportunity to request that the Federal Government share in the cost of those practices on which he considers he needs such assistance in order to permit their performance on his farm or ranch. The county committee, taking into consideration the farmer's or rancher's request and any conservation plan developed by the farmer or rancher with the assistance of any State or Federal agency, and without regard to the race, creed, color, or national origin of the farmer or rancher, shall direct the available funds for cost-sharing to those farms and ranches and to those practices where cost-sharing is considered most essential to the accomplishment of the basic conservation objective of the Department—the use of each acre of agricultural land within its capabilities and the treatment of each acre in accordance with its needs for protection and improvement.

§ 701.15 Prior request for cost-sharing.

Costs will be shared only for those practices, or components of practices, for which cost-sharing is requested by the farmer or rancher before performance thereof is started, except that the Director, Farmer Programs Division, ASCS, may authorize the acceptance of requests for cost-sharing filed within a reasonable period after performance is started for (a) practices E–3, F–3, and F–4 (§§ 701.89, 701.93 and 701.94), and (b) other practices where the farmer or rancher establishes that he intended to file a prior request for cost-sharing but was prevented from doing so for reasons beyond his control. For practices for which (1) approval was given under the preceding year's program, (2) performance was started but not completed during that program year, and (3) the county committee believes the extension of the approval to the current year's program is justified under the current year's program regulations and provisions, the filing of the request for cost-sharing under the preceding year's program may be regarded as meeting the requirement of the current year's program that a request for cost-sharing be filed before performance of the practice is started.

§ 701.16 Method and extent of approval.

The county committee, in accordance with a method approved by the State committee, will determine the extent to which Federal funds will be made available to share the cost of each approved practice on each farm or ranch, taking into consideration the county allocation, the conservation problems in the county and of the individual farm or ranch, and the conservation work for which requested Federal cost-sharing is considered by the county committee as most needed in the current program year. The method approved shall provide for the issuance of notices of approval showing for each approved practice the number of units of the practice for which the Federal Government will share in the cost and the amount of the Federal cost-share for the performance of that number of units of the practice. To the extent practicable, notices of approved practices shall be issued before performance of the practices is started. No practice may be approved for cost-sharing except as authorized by the national, State, or county program, or in accordance with procedures incorporated therein. Available funds for cost-sharing shall not be allocated on a farm or acreage-quota basis, but shall be directed to the accomplishment of the most enduring conservation benefits attainable.

§ 701.17 Establishment or installation of practices.

Federal cost-sharing may be authorized under the program only for the establishment or installation of the practices contained in this subpart. The establishment or installation of a practice, for the purposes of the program, shall be deemed to include the replacement, enlargement, or restoration of practices for which cost-sharing has been allowed if the practice has served for its normal lifespan, or if all of the following conditions exist:

(a) Replacement, enlargement, or restoration of the practice is needed to meet the conservation problem.

(b) The failure of the original practice was not due to the lack of proper maintenance by the current operator.

(c) The county committee believes that the replacement, enlargement, or restoration of the practice merits consideration under the program to an equal extent with other practices for which cost-sharing has not been allowed under a previous program.

§ 701.18 Repair, upkeep, and maintenance of practices.

Federal cost-sharing is not authorized for repairs or for normal upkeep or maintenance of any practice.

§ 701.19 Pooling agreements.

Farmers or ranchers in any local area may agree in writing, with the approval of the county committee, to perform

designated amounts of practices which, by conserving or improving the agricultural resources of the community, will solve a mutual conservation problem on the farms or ranches of the participants. For purposes of eligibility for cost-sharing, practices carried out under such an approved written agreement will be regarded as having been carried out on the farms or ranches of the persons who performed the practices.

PRACTICE COMPLETION REQUIREMENTS

§ 701.20 Completion of practices.

Federal cost-sharing for the practices contained in this subpart is conditioned upon the performance of the practices in accordance with all applicable specifications and program provisions. Except as provided in §§ 701.21 to 701.23, practices must be completed during the program year in order to be eligible for cost-sharing.

§ 701.21 Practices substantially completed during program year.

Approved practices may be deemed, for purposes of payment of cost-shares, to have been carried out during a program year, if the county committee determines that they are substantially completed by the end of that program year. However, no cost-shares for such practices shall be paid until they have been completed in accordance with all applicable specifications and program provisions, except as provided in § 701.22.

§ 701.22 Practices requiring more than one program year for completion.

Cost-shares approved under a program will not be considered as earned until all components of the approved practices are completed in accordance with all applicable specifications and program provisions. Cost-shares for completed components may be paid only after the practice is substantially completed, and only on the condition that the farmer or rancher will complete the remaining components of the practice within the time prescribed by the county committee which will afford the farmer or rancher a fair and reasonable opportunity to complete them, unless prevented from doing so for reasons beyond his control and regardless of whether cost-sharing therefor is offered, or refund the cost-shares paid to him.

§ 701.23 Practices involving the establishment or improvement of vegetative cover.

Costs for practices involving the establishment or improvement of vegetative cover, including trees, may be shared even though a good stand is not established, if the county committee determines, in accordance with standards approved by the State committee, that the practice was carried out in a manner which would normally result in the establishment of a good stand, and that failure to establish a good stand was due to weather or other conditions beyond the control of the farm or ranch operator. The county committee may require as a condition of cost-sharing in such cases that the area be reseeded or replanted or that other needed protective measures be carried out. Cost-sharing in such cases may be approved also for repeat applications of measures previously carried out or for additional eligible measures. Cost-sharing for such measures shall be approved to the extent such measures are needed to assure a good stand even though less than that required by the applicable practice wording for initial approvals.

§ 701.24 Failure to meet minimum requirements.

Notwithstanding other provisions of the program, costs may be shared for performance actually rendered even though the minimum requirements for a practice are not met, if the farmer or rancher establishes to the satisfaction of the county committee and the county representative of any other agency having responsibility for technical phases of the practice (a) that he made a reasonable effort to meet the minimum requirements, and (b) that the practice as performed adequately meets the conservation problem.

FEDERAL COST-SHARES

§ 701.25 Conservation materials and services.

(a) *Availability.* Part or all of the Federal cost-share for an approved practice may be in the form of conservation materials or services furnished through the program for use in carrying out the practice. Materials or services may not be furnished to persons who are indebted to the Federal Government, as indicated by the debt record maintained in the office of the county committee, except in those cases where the agency to which the debt is owed waives its rights to setoff in order to permit the furnishing of materials and services.

(b) *Cost to farmer or rancher.* The farmer or rancher will be responsible for paying that part of the cost of the material or service which is in excess of the amount to be advanced toward the purchase of the material or service. The maximum amount which may be advanced toward the purchase of the material or service is the Federal cost-share attributable to the use of the material or service, or, upon request by the farmer or rancher and approval by the county committee, the Federal cost-share for all components of the practice which likely will be completed during the program year, plus any applicable small cost-share increase, but not in excess of the cost of the material or service.

(c) *Responsibility for materials and services.* (1) If the material or service is properly used in carrying out the practice with respect to which it was furnished, recovery of the amount advanced toward the purchase of the material or service will be made from the persons who share in the cost-share payment for the practice, in the proportion in which they share in the cost-share payment. If the material or service is not used for the purpose for which it was furnished, the person to whom it was furnished shall be indebted to the Federal Government for the amount advanced toward the cost of the material or service.

(2) Any person to whom materials are furnished shall be responsible to the Federal Government for any damage to the materials, unless he shows that the damage was caused by circumstances beyond his control. If materials are abandoned or not used during the program year, they may, in accordance with instructions issued by the Deputy Administrator, be transferred to another person or otherwise disposed of at the expense of the person who abandoned or failed to use the material, or be retained by the person for use in a subsequent program year.

(d) *Eligibility to furnish conservation materials and services.* To be eligible to furnish conservation materials or services on the basis of purchase orders issued by the county committee, a vendor must agree that he will fill purchase orders without regard to the race, creed, color, or national origin of the farmer or rancher to whom the purchase order is issued.

§ 701.26 Practices carried out with aid from ineligible persons.

The entire Federal cost-share for a practice carried out with aid from an ineligible person, including a State or Federal agency, shall be credited to the eligible persons who contributed to the cost of carrying out the practice: *Provided*, That the cost-share credited to an eligible person shall not exceed his contribution to the cost of carrying out the practice.

§ 701.27 Division of Federal cost-shares.

(a) *Federal cost-shares.* The Federal cost-share for a practice shall be credited to the person who carried out the practice. If more than one person contributed to the carrying out of a practice, the Federal cost-share for the practice shall be divided among such persons in the proportion that the county committee determines they contributed to the carrying out of the practice. In making this determination, the county committee shall take into consideration the value of the labor, equipment, or material contributed by each person toward the carrying out of the practice, and shall assume that each contributed equally unless it is established to the satisfaction of the county committee that their respective contributions thereto were not in equal proportion. Advances toward the cost of materials or services under § 701.25, the furnishing of land, and the furnishing of the right to use water will not be considered as a contribution to the carrying out of any practice.

(b) *Death, incompetency, or disappearance.* In case of death, incompetency, or disappearance of any person, any Federal share of the cost due him shall be paid to his successor, determined in accordance with the provisions of the regulations in Part 707 of this chapter.

§ 701.28 Increase in small Federal cost-shares.

For practices other than practice F-4 (§ 701.94), the sum of the Federal cost-shares computed for any person with respect to any farm or ranch under the agricultural conservation program and the naval stores conservation program shall be increased as follows:

(a) Any Federal cost-share amounting to $0.71 or less shall be increased to $1.

(b) Any Federal cost-share amounting to more than $0.71, but less than $1, shall be increased by 40 percent.

(c) Any Federal cost-share amounting to $1 or more shall be increased in accordance with the following schedule:

Amount of cost-share computed	*Increase in cost-share*
$1 to $1.99	$0.40
$2 to $2.99	.80
$3 to $3.99	1.20
$4 to $4.99	1.60
$5 to $5.99	2.00
$6 to $6.99	2.40
$7 to $7.99	2.80
$8 to $8.99	3.20
$9 to $9.99	3.60
$10 to $10.99	4.00
$11 to $11.99	4.40
$12 to $12.99	4.80
$13 to $13.99	5.20
$14 to $14.99	5.60
$15 to $15.99	6.00
$16 to $16.99	6.40
$17 to $17.99	6.80
$18 to $18.99	7.20
$19 to $19.99	7.60
$20 to $20.99	8.00
$21 to $21.99	8.20
$22 to $22.99	8.40
$23 to $23.99	8.60
$24 to $24.99	8.80
$25 to $25.99	9.00
$26 to $26.99	9.20
$27 to $27.99	9.40
$28 to $28.99	9.60
$29 to $29.99	9.80
$30 to $30.99	10.00
$31 to $31.99	10.20
$32 to $32.99	10.40
$33 to $33.99	10.60
$34 to $34.99	10.80
$35 to $35.99	11.00
$36 to $36.99	11.20
$37 to $37.99	11.40
$38 to $38.99	11.60
$39 to $39.99	11.80
$40 to $40.99	12.00
$41 to $41.99	12.10
$42 to $42.99	12.20
$43 to $43.99	12.30
$44 to $44.99	12.40
$45 to $45.99	12.50
$46 to $46.99	12.60
$47 to $47.99	12.70
$48 to $48.99	12.80
$49 to $49.99	12.90
$50 to $50.99	13.00
$51 to $51.99	13.10
$52 to $52.99	13.20
$53 to $53.99	13.30
$54 to $54.99	13.40
$55 to $55.99	13.50
$56 to $56.99	13.60
$57 to $57.99	13.70
$58 to $58.99	13.80
$59 to $59.99	13.90
$60 to $185.99	14.00
$186 to $199.99	(1)
$200 and over	(2)

[1] Increase to $200.
[2] No increase.

§ 701.29 Maximum Federal cost-share limitation.

(a) For each program year, for practices other than practice F-4 (§ 701.94), the total of all Federal cost-shares to any person with respect to farms, ranching units, and turpentine places in the United States, Puerto Rico, and the Virgin Islands for approved practices which are not carried out under pooling agreements shall not exceed the sum of $2,500, and for all approved practices, including those carried out under pooling agreements, shall not exceed the sum of $10,000. Lower cost-share limitations may be included in State and county programs where needed to provide more effective use of available funds in meeting the conservation problems in the State or county.

(b) All or any part of any Federal cost-share which otherwise would be due any person for a program year may be withheld, or required to be refunded, if, with respect to that program year, he has adopted, or participated in adopting, any scheme or device, including the dissolution, reorganization, revival, formation or use of any corporation, partnership, estate, trust, or any other means, designed to evade the provisions of this section.

(c) For the purpose of applying the maximum Federal cost-share limitation, the rules in subparagraphs (1) through (9) of this paragraph shall apply in determining whether certain individuals who may have an interest in the ownership or operation of a farm or ranch are to be considered as one person or as separate persons. In cases where more than one rule would appear to be applicable, the rule which is most restrictive as to the number of persons shall apply.

(1) *Husband and wife.* Husband and wife shall be considered as one person for all farms in which either has an interest except that a husband or wife shall be considered a separate person with respect to any farm as to which all of the conditions set forth in subparagraph (9) of this paragraph are met.

(2) *Family groups.* Members of the same family shall be considered as one person for all farms in which any member has an interest except that any member shall be considered a separate person with respect to any farm as to which all the conditions set forth in subparagraph (9) of this paragraph are met.

(3) *Partnerships.* A partnership and its members shall be considered as one person for all farms in which the partnership or any member thereof has an interest except that the partnership or any member thereof shall be considered a separate person with respect to any farm as to which all the conditions set forth in subparagraph (9) of this paragraph are met: *Provided*, That in no event shall cost-sharing be approved for both the partnership and the individual members thereof on the same farm.

(4) *Corporations.* A corporation (including a grazing association) and its shareholders or members shall be considered as one person for all farms in which the corporation or any shareholder or member has an interest except that the corporation or any shareholder or member thereof shall be considered a separate person with respect to any farm as to which all the conditions set forth in subparagraph (9) of this paragraph are met: *Provided*, That in no event shall cost-sharing be approved for both the corporation and the individual shareholders or members thereof on the same farm.

(5) *Trusts.* The trustee of a trust and the beneficiaries of the trust shall be considered as one person on all farms in which the trustee or any beneficiary of the trust has an interest except that the trustee or any beneficiary of the trust shall be considered a separate person with respect to any farm as to which all the conditions of subparagraph (9) of this paragraph are met: *Provided*, That in no event shall cost-sharing be approved for both the trustee and the beneficiaries of the trust on the same farm.

(6) *Estates.* The administrator or executor of an estate and the heirs thereof shall be considered as one person on all farms in which the administrator or executor or any heir thereof has an interest except that the administrator or executor or any heir of the estate shall be considered a separate person with respect to any farm as to which all the conditions of subparagraph (9) of this paragraph are met: *Provided*, That in no event shall cost-sharing be approved for both the administrator or executor and the heirs of the estate on the same farm.

(7) *Tenants in common and joint tenants.* All tenants in common and joint tenants on a farm shall be considered as one person with respect to such farm.

(8) *Joint undertakings.* Two or more individuals acting as a group under an arrangement which, although lacking the legal elements of a corporation or partnership, is in the nature of a joint undertaking shall be considered as one person with respect to any farm to which the joint undertaking applies. If any of the individuals has a separate interest in a farm with which the group is not involved, the payment limitation shall apply to the total of the payment earned by such individual and his share of the payment to the joint undertaking.

(9) *Exception.* The conditions which must be met in order for any individual or other entity referred to in subparagraph (1), (2), (3), (4), (5), or (6) of this paragraph to be considered a separate person are as follows:

(i) The interests of such individual or other entity in the farm and income therefrom must be separate and distinct from the interests therein of the other individuals or entity referred to in the applicable subparagraph.

(ii) Such individual or other entity must exercise, separate from the other individuals or entity referred to in the applicable subparagraph, responsibility for management of such separate interests.

(iii) The contribution of such individual or other entity to the cost of performing practices must be made from a fund or account separate from that of any other individual or entity referred to in the applicable subparagraph.

(d) For the purpose of applying the Federal cost-share limitation, a corpora-

tion or partnership shall be considered as a separate person from any other corporation or partnership which may participate in the program, even though there are common stockholders or members, with respect to any farm as to which all the following conditions are met: (1) The interests of such corporation or partnership in the farm and the income therefrom must be separate and distinct from the interests therein of the other corporation or partnership; (2) such corporation or partnership must exercise, separate from the other corporation or partnership, responsibility for management of such separate interests; and (3) the contribution of such corporation or partnership to the cost of performing practices must be made from a fund or account separate from that of the other corporation or partnership; *Provided*, That in no event shall cost-sharing be approved on the same farm for more than one corporation or partnership having common stockholders or members.

§ 701.30 Persons eligible to file application for payment of Federal cost-shares.

Any person who as owner, landlord, tenant, or sharecropper on a farm or ranch, bore a part of the cost of an approved conservation practice is eligible to file an application for payment of the Federal cost-share due him.

§ 701.31 Time and manner of filing application and required information.

(a) It shall be the responsibility of persons participating in the program to submit to the county office forms and information needed to establish the extent of the performance of approved conservation practices and compliance with applicable program provisions. Time limits with regard to the submission of such forms and information shall be established where necessary for efficient administration of the program. Such time limits shall afford a full and fair opportunity to those eligible to file the forms or information within the period prescribed. At least 2 weeks notice to the public shall be given of any general time limit prescribed. Such notice shall be given by mailing notice to the office of each county committee and making copies available to the press. Other means of notification, including radio announcements and individual notices to persons affected, shall be used to the extent practicable. Notice of time limits which are applicable to individual persons, such as time limits for reporting performance of approved practices, shall be issued in writing to the persons affected. Exceptions to time limits may be made in cases where failure to submit required forms and information within the applicable time limits is due to reasons beyond the control of the farmer or rancher.

(b) Payment of Federal cost-shares will be made only upon application submitted on the prescribed form to the county office by December 31, of the year following the current program year or such earlier date as is prescribed by the Deputy Administrator. Any application for payment may be rejected if any form or information required of the applicant is not submitted to the county office within the applicable time limit.

§ 701.32 Appeals.

Any person may obtain reconsideration and review of determinations affecting his participation in the program, in accordance with Part 780 of this chapter.

§ 701.33 Performance based upon advice or action of county or State committee.

Cases involving performance rendered in good faith in reliance upon action or advice of an authorized representative of a county committee or State committee shall be handled in accordance with Part 790 of this chapter.

GENERAL PROVISIONS RELATING TO FEDERAL COST-SHARING

§ 701.34 Compliance with regulatory measures.

Persons who carry out conservation practices under the program shall be responsible for obtaining the authorities, rights, easements, or other approvals necessary to the performance and maintenance of the practices in keeping with applicable laws and regulations. The person with whom the cost of the practice is shared shall be responsible to the Federal Government for any losses it may sustain because he infringes on the rights of others or fails to comply with applicable laws or regulations.

§ 701.35 Maintenance and use of practices.

(a) The sharing of costs, by the Federal Government, for the performance of approved conservation practices on any farm or ranch under the program will be subject to the condition that the person with whom the costs are shared will maintain and use such practices for the conservation purposes for which cost-sharing was authorized throughout their normal lifespans as determined by the county committee, as long as the land on which they are carried out is under his control, unless the State or county committee determines that good farming practice does not require such maintenance and use or that the failure to so maintain and use the practices was due to conditions beyond his control. If the State or county committee finds that there has not been compliance with this provision, with respect to any practice, the person with whom costs for the practice were shared shall be required to refund all of the Federal cost-share for the practice, or such part thereof as the State or county committee may determine.

§ 701.36 Practices defeating purposes of program.

If the county committee finds with the concurrence of the State committee, or if the State committee finds, that any person has adopted or participated in any practice which tends to defeat the purposes of the program, including, but not limited to, failure to maintain, in accordance with good farming practices, practices carried out during a previous program year, it may withhold, or require to be refunded, all or any part of the Federal cost-share which otherwise would be due him for the program year in which he adopted or participated in the practice which tends to defeat the purposes of the program.

§ 701.37 Depriving others of Federal cost-share.

If the State committee finds that any person has employed any scheme or device (including coercion, fraud, or misrepresentation), the effect of which would be or has been to deprive any other person of the Federal cost-share due that person under the program, it may withhold, in whole or in part, from the person participating in or employing such a scheme or device, or require him to refund in whole or in part, the Federal cost-share which otherwise would be due him for the program year in which the scheme or device was employed.

§ 701.38 Filing of false claims.

If the State committee finds that any person has knowingly supplied false information, or has knowingly filed a false claim, including a claim for payment of the Federal cost-share under the program for practices not carried out or for practices carried out in such a manner that they do not meet the required specifications therefor, such person shall not be eligible for any Federal cost-share under the program year with respect to which the false information or false claim was filed, and shall refund all amounts that may have been paid to him under that program year. The withholding or refunding of Federal cost-shares will be in addition to and not in substitution of any other penalty or liability which might otherwise be imposed.

§ 701.39 Misuse of purchase orders.

If the State committee finds that any person has knowingly used a purchase order issued to him for conservation materials or services for a purpose other than that for which it was issued and that such misuse of the purchase order tends to defeat the purpose for which it was issued, such person shall not be eligible for any Federal cost-share for the program year with respect to which the purchase order was issued, and shall refund all amounts that may have been paid to him under that program year. The withholding or refunding of Federal cost-shares will be in addition to and not in substitution of any other penalty or liability which might otherwise be imposed.

§ 701.40 Federal cost-shares not subject to claims.

Any Federal cost-share, or portion thereof, due any person shall be determined and allowed without regard to questions of title under State law; without deductions of claims for advances (except as provided in the following subsection, and except for indebtedness to the United States subject to setoff under orders issued by the Secretary); and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

§ 701.41 Assignments.

Any person who may be entitled to any Federal cost-share under the program may assign his right thereto, in whole or in part, in accordance with the regulations governing the assignment of payments, Part 709 of this chapter.

DEFINITIONS

§ 701.42 Definitions.

For the purposes of the program:

(a) The terms "Secretary," "Deputy Administrator," "State committee," "county," "county committee," and "cropland," shall have the meaning assigned to them in the regulations governing reconstitution of farms, allotments, and bases, Part 719 of this chapter.

(b) "State" means any one of the United States, Puerto Rico, and the Virgin Islands.

(c) "Person" means an individual, partnership, association, corporation, estate, or trust, or other business enterprise, or other legal entity (and wherever applicable, a State, a political subdivision of a State, or any agency thereof) that, as owner, landlord, tenant, or sharecropper, participates in the operation of a farm or ranch. The term "tenant" shall include a person who, as a member of a grazing association, participates in the operation of the grazing lands owned or leased by the association.

(d) "Farm" or "ranch" means that area of land considered as a farm under the regulations governing reconstitution of farms, allotments, and bases, Part 719 of this chapter, except that, for Hawaii, Puerto Rico, and the Virgin Islands, farm or ranch means that area of land considered as a farm under the regulations governing determination of farms, Parts 826, 827, and 828, respectively, of Chapter VIII of this title.

(e) "Program year" means the period, designated in the State program during which conservation practices, or components thereof, must be carried out to be eligible for cost-sharing.

AVAILABILITY OF FUNDS, APPLICABILITY, AND DELEGATION OF AUTHORITY

§ 701.43 Availability of funds.

(a) The provisions of the program are necessarily subject to such legislation as the Congress of the United States may hereafter enact; the paying of the Federal cost-shares provided herein is contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such Federal cost-shares will necessarily be within the limits finally determined by such appropriation.

(b) The funds provided for a particular program year will not be available for paying Federal cost-shares for which applications are filed in the county office after December 31, of the year following that program year.

§ 701.44 Applicability.

(a) The provisions of the program contained herein are not applicable to (1) any department or bureau of the U.S. Government or any corporation wholly owned by the United States; (2) noncropland owned by the United States which was acquired or reserved for conservation purposes, or which is to be retained permanently under Government ownership, including, but not limited to, grazing lands administered by the Forest Service of the U.S. Department of Agriculture, or by the Bureau of Land Management (including lands administered under the Taylor Grazing Act) or the Fish and Wildlife Service of the U.S. Department of the Interior, except as indicated in paragraph (b)(7) of this section; and (3) nonprivate persons for performance on any land owned by the United States or a corporation wholly owned by it.

(b) The program is applicable to (1) privately owned lands; (2) lands owned by a State or political subdivision or agency thereof; (3) lands owned by corporations which are partly owned by the United States, such as production credit associations; (4) lands temporarily owned by the United States or a corporation wholly owned by it, which were not acquired or reserved for conservation purposes, including lands administered by the Farmers Home Administration, the U.S. Department of Defense, or by any other Government agency designated by the Deputy Administrator; (5) any cropland farmed by private persons which is owned by the United States or a corporation wholly owned by it; (6) Indian lands, except that where grazing operations are carried out on Indian lands administered by the Department of the Interior, such lands are within the scope of the program only if covered by a written agreement approved by the Department of the Interior giving the operator an interest in the grazing and forage growing on the land and a right to occupy the land in order to carry out the grazing operations; and (7) noncropland owned by the United States for performance by private persons of conservation practices which directly conserve or benefit nearby or adjoining privately owned lands of such persons who maintain and use such federally owned noncropland under agreement with the Federal agency having jurisdiction thereof.

§ 701.45 Delegation of authority.

No delegation contained in this program to a State or county committee shall preclude the Deputy Administrator, or his designee, from determining any question arising under the program or from reversing or modifying any determination made by a State or county committee.

CONSERVATION PRACTICES WITH ENDURING BENEFITS WHERE PROPERLY APPLIED AND MAINTAINED

PRACTICES PRIMARILY FOR ESTABLISHMENT OF PERMANENT PROTECTIVE COVER

§ 701.46 Practice A–1: Establishment of a permanent vegetative cover in orchards and vineyards for control of erosion.

§ 701.47 Practice A–2: Establishment of a permanent vegetative cover for soil protection or as a needed land-use adjustment.

This practice is applicable only to land which should be established in permanent vegetative cover for protection against wind or water erosion, and to cropland which as part of a needed land-use adjustment, is being shifted to permanent protective vegetative cover other than as a part of a regular crop rotation. No Federal cost-sharing will be allowed under this practice for clearing land occupied by a merchantable stand of timber or pulpwood, or for clearing land which, if cleared, would be suitable for continued production of cultivated crops. Federal cost-sharing for fences shall be limited to permanent fences needed to protect the seeded area from grazing, excluding boundary and road fences.

§ 701.48 Practice A–3: Establishment of additional acreages of vegetative cover in crop rotation to retard erosion and to improve soil structure, permeability, or water-holding capacity.

This practice is applicable only to land which needs such cover to retard erosion or to improve soil structure, permeability, or water-holding capacity. Federal cost-sharing will be limited to that acreage which the county committee determines represents a desirable increase over what would be the normal plantings of eligible crops on the farm. In making this determination, consideration should be given to the need for this practice on cropland which the farmer or rancher intends to divert from the production of crop for which allotments are established for the farm.

§ 701.49 Practice A–4: Treatment of farmland to permit the use of legumes and grasses for soil improvement and protection.

This practice is applicable only to farmland devoted to legumes (other than vegetable or truck crops, soybeans, mungbeans, and peanuts) or perennial grasses, and to farmland which the county committee determines will be devoted to such eligible uses not later than the date specified in the State program. Federal cost-sharing will be limited to the application of liming materials, rock phosphate, and gypsum or other sulphur-bearing materials. Other forms of phosphate materials are eligible for cost-sharing under other practices involving the establishment or improvement of vegetative cover. Cost-shares paid or ad-

vanced for materials applied under this practice will not be considered as earned unless the land is devoted to eligible grasses and legumes at the time the materials are applied or is seeded to eligible grasses and legumes by the time specified in the State program, unless the farmer is prevented from seeding the eligible grasses and legumes within such period because of conditions beyond his control. The preceding sentence shall not be applicable if the land is needed to permit the planting of increased permitted acreage resulting from an increased crop acreage allotment or base.

§ 701.50 Practice A–5: Establishment of contour stripcropping to protect soil from wind or water erosion.

All cultural operations must be performed as nearly as practicable on the contour. The crop stubble or crop residue must be left standing over winter, or a winter cover crop established, or necessary protective tillage operations carried out, on acreage devoted to row crops. Federal cost-sharing may be authorized for removing stone walls or hedgerows where such removal is necessary to the establishment of an effective contour stripcropping system.

§ 701.51 Practice A–6: Establishment of field stripcropping to protect soil from wind or water erosion.

The crop stubble or crop residue must be left standing over winter, or a winter cover crop established, or necessary protective tillage operations carried out, on acreage devoted to row crops. Federal cost-sharing may be authorized for removing stone walls or hedgerows where such removal is necessary to the establishment of an effective field stripcropping system.

§ 701.52 Practice A–7: Establishment of a stand of trees or shrubs on farmland for purposes other than the prevention of wind or water erosion.

No Federal cost-sharing will be allowed for planting orchard trees, or for plantings for ornamental purposes. If shrubs are used, those that benefit wildlife should be given preference wherever practicable. Plantings must be protected from destructive fire and destructive grazing. Federal cost-sharing may be authorized for clearing land occupied largely by scrubby brush of no economic value to permit planting desirable tree species. Technical assistance must be utilized to determine the suitability of the land for clearing and the measures necessary to prevent erosion. Federal cost-sharing for fencing shall be limited to permanent fences needed to protect the planted area from grazing, excluding boundary and road fences.

§ 701.53 Practice A–8: Establishment of a stand of trees or shrubs on farmland to prevent wind or water erosion.

Prevention of wind or water erosion on farmland is defined as the use of (a) windbreaks, (b) shelterbelts, (c) gully stabilization, and (d) stabilization of streambanks. The use of this practice should include considerations of enhancement to wildlife habitat. No Federal cost-sharing will be allowed for planting orchard trees, or for plantings for ornamental purposes. Plantings must be protected from fire and grazing. Federal cost-sharing for fencing shall be limited to permanent fences needed to protect the planted area from grazing, excluding boundary and road fenses.

PRACTICES PRIMARILY FOR IMPROVEMENT AND PROTECTION OF ESTABLISHED VEGETATIVE COVER

§ 701.54 Practice B–1: Improvement of an established vegetative cover for soil or watershed protection.

This practice is applicable only to land in permanent vegetative cover which needs more than normal maintenance measures in order to provide adequate soil or watershed protection. The improvement measures approved for cost-sharing shall be those which will extend materially the life of the vegetative cover. Federal cost-sharing may not be approved for normal maintenance measures such as annual top dressings with fertilizer or other mineral elements. This practice is not applicable to land on which the needed improvement measures will constitute complete reestablishment of the vegetative cover.

§ 701.55 Practice B–2: Improvement or protection of vegetative cover on rangeland by artificial reseeding, deferred grazing or other measures to promote stand improvement or firebreaks.

No Federal cost-sharing will be allowed if it is determined that any area seeded is grazed before the stand is well established or that any rangeland in the unit is overgrazed.

§ 701.56 Practice B–3: Controlling competitive shrubs to permit growth of adequate desirable vegetative cover for soil protection on range or pasture land.

On areas where it is determined that the control of competitive shrubs will reduce the vegetative cover to such an extent as to induce erosion, the practice will not be approved unless followed by seeding or other approved erosion control measures.

§ 701.57 Practice B–4: Furrowing, chiseling, ripping, scarifying, pitting, or listing noncrop grazing land to prevent soil loss, retard runoff, and improve water penetration.

The operation must be performed as nearly as practicable on the contour.

§ 701.58 Practice B–5: Constructing wells for livestock water as a means of protecting vegetative cover or to make practicable the utilization of the land for vegetative cover.

The wells must be at locations which will bring about the desired protection of vegetative cover through proper distribution of grazing or better grassland management or make practicable the utilization of the land for vegetative cover. Adequate storage facilities must be provided. Pumping equipment must be installed, except for artesian wells. No Federal cost-sharing will be allowed for wells constructed primarily for the use of headquarters, or for costs other than for constructing or deepening wells and for water storage facilities.

§ 701.59 Practice B–6: Developing springs or seeps for livestock water as a means of protecting vegetative cover or to make practicable the utilization of the land for vegetative cover.

The springs or seeps must be at locations which will bring about the desired protection of vegetative cover through proper distribution of grazing or better grassland management or make practicable the utilization of the land for vegetative cover.

§ 701.60 Practice B–7: Constructing or sealing dams, pits or ponds to provide water for agricultural uses.

Structures providing multiple benefits will be encouraged. However, those to be used solely for recreation are not eligible. No Federal cost-sharing will be allowed for structures, the primary purpose of which is to bring additional land into agricultural production through irrigation.

§ 701.61 Practice B–8: Installing pipelines, supplemental water storage, cisterns, and artificial watersheds for livestock water as a means of protecting vegetative cover or to make practicable the utilization of the land for vegetative cover.

The installations must provide water at locations which will bring about the desired protection of vegetative cover through proper distribution of grazing or make practicable the utilization of the land for vegetative cover.

§ 701.62 Practice B–9: Constructing permanent fences as a means of protecting vegetative cover.

This practice may be approved only where fencing will contribute to better distribution of livestock and seasonal use of the forage. Fences between pasture and other land will not qualify for cost-sharing.

§ 701.63 Practice B–10: Improvement of a stand of forest trees on farmland.

Federal cost-sharing may be allowed for any of the following measures: (a) Thinning, (b) pruning crop trees, (c) release of desirable seedlings and young trees by removing or killing competing and undesirable vegetation, (d) site preparation for natural reseeding, (e) fencing, (f) erosion control measures on logging roads and trails, (g) firebreaks for woodland protection, and (h) ponds for woodland protection. The area must be protected from destructive fire. Where seedlings are present, or needed, the area must be protected from destructive grazing. Federal cost-sharing for site preparation will be limited to areas which have a sufficient number of desirable seed trees for natural reseeding, which will not restock unless brush, dense litter, and other material on the forest soil is broken up or removed so that soil is exposed, and on which the seed trees will be left until the area is restocked. Technical assistance shall be utilized, if available; otherwise the practice must be carried out in accordance with approved technical forestry standards. Federal cost-sharing for fencing shall be limited to permanent fences needed to protect the area from grazing, excluding boundary and road fences.

§ 701.64 Practice B–11: Constructing stock trails through brush, rock, or other natural barriers as a means of protecting established vegetative cover.

This practice may be approved only where stock trails will contribute to the protection of vegetative cover through proper distribution of grazing or better grassland management. No Federal cost-sharing will be allowed if the grazing land made accessible to livestock by the stock trails is overgrazed.

§ 701.65 Practice B–12: Controlling noxious weeds in order to protect soil or water resources.

This practice is limited to situations where control of weeds is necessary to the protection of the soil or water resource. Cost-sharing will be limited to control of perennial weeds (and also biennial weeds in permanent vegetative cover) designated as noxious by the State ACP development group with the approval of the Director, Farmer Programs Division, ASCS. The practice is applicable only in areas where weed control measures will be carried out on an organized basis which will minimize reinfestation.

PRACTICES PRIMARILY FOR THE CONSERVATION AND DISPOSAL OF WATER

§ 701.66 Practice C–1: Establishment of permanent sod waterways to dispose of excess water without causing erosion.

§ 701.67 Practice C–2: Establishment of permanent vegetation as protection against erosion.

Federal cost-sharing will be limited to the establishment of permanent vegetation on gullies, dams, dikes, levees, ditchbanks, farm roadsides, filter strips, field borders, and similar problem areas. Consideration should be given to choice of plants favorable to wildlife.

§ 701.68 Practice C–3: Establishment of orchards, vineyards, bush fruits, strawberries, or perennial vegetables on the contour to prevent erosion.

All cultural operations must be performed as nearly as practicable on the contour.

§ 701.69 Practice C–4: Constructing terraces to detain or control the flow of water and check soil erosion.

Necessary protective outlets or waterways must be provided. Federal cost-sharing may be authorized for removing stone walls or hedgerows where such removal is necessary to the establishment of an effective terrace system. Costs of construction may include necessary leveling and filling to permit installation of an effective system.

§ 701.70 Practice C–5: Constructing diversion terraces, ditches, or dikes to intercept runoff and divert excess water to protected outlets.

Necessary protective outlets or waterways must be provided. Federal cost-sharing may be authorized for removing stone walls or hedgerows where such removal is necessary to the establishment of an effective terrace system. Costs of contruction may include necessary leveling and filling to permit installation of an effective system.

§ 701.71 Practice C–6: Constructing erosion control, detention, or sediment retention dams, pits or ponds to prevent or heal gullying or to retard or reduce runoff of water.

§ 701.72 Practice C–7: Constructing channel lining, chutes, drop spillways, pipe drops, drop inlets, or similar structures for the protection of outlets and water channels that dispose of excess water.

§ 701.73 Practice C–8: Streambank or shore protection, channel clearance, enlargement or realinement, or construction of floodways, levees, or dikes, to prevent erosion or flood damage to farmland.

This practice shall not be approved in cases where there is any likelihood that it will create an erosion or flood hazard to other adjacent land, or where its primary purpose is to bring new land into agricultural production.

§ 701.74 Practice C–9: Constructing permanent open drainage systems to dispose of excess water.

Federal cost-sharing may be authorized for clearing the necessary minimum width right-of-way. Federal cost-sharing may be authorized for the spreading of spoil banks where this is necessary for the effective utilization of the drainage system. No Federal cost-sharing will be allowed for ditches, the primary purpose of which is to bring new land into agricultural production. This practice is not applicable to land other than that devoted to the production of cultivated crops or crops normally seeded for hay or pasture in the area during at least 2 of the last 5 years. No Federal cost-sharing will be allowed for cleaning a ditch or for installing structures primarily for the convenience of the farm operator. In the installation of drainage systems, due consideration shall be given to the maintenance of wildlife habitat. Cost-sharing or technical assistance shall not be authorized for draining land described as Wetland Type 3, 4, or 5 in the U.S. Department of the Interior, Fish and Wildlife Service Circular 39, "Wetlands of the United States," published in 1956. This practice is also subject to the provisions of Public Law 87–732.

§ 701.75 Practice C–10: Installing underground drainage systems to dispose of excess water.

No Federal cost-sharing will be allowed for systems, the primary purpose of which is to bring new land into agricultural production. This practice is not applicable to land other than that devoted to the production of cultivated crops or crops normally seeded for hay or pasture in the area during at least 2 of the last 5 years. In the installation of drainage systems, due consideration shall be given to the maintenance of wildlife habitat. Cost-sharing or technical assistance shall not be authorized for draining land described as Wetland Type 3, 4, or 5 in the U.S. Department of the Interior, Fish and Wildlife Service Circular 39, "Wetlands of the United States," published in 1956. This practice is also subject to the provisions of Public Law 87–732.

§ 701.76 Practice C–11: Shaping or land grading to permit effective surface drainage.

No Federal cost-sharing will be allowed for any shaping or grading which is performed through farming operations in connection with land preparation for planting or cultivation of crops. No Federal cost-sharing will be allowed for shaping or land grading on land which was not devoted to the production of cultivated crops or crops normally seeded for hay or pasture in the area during at least 2 of the last 5 years. Cost-sharing or technical assistance shall not be authorized for draining land described as Wetland Type 3, 4, or 5 in the U.S. Department of the Interior, Fish and Wildlife Service Circular 39, "Wetlands of the United States," published in 1956. This practice is also subject to the provisions of Public Law 87–732.

§ 701.77 Practice C–12: Installing or reorganizing irrigation systems in a manner which conserves water and prevents erosion.

The practice must be carried out in accordance with a plan approved by the responsible technician. No Federal cost-sharing will be allowed for cleaning a ditch or for installing structures primarily for the convenience of the farm operator or for portable pipe. No Federal cost-sharing will be allowed for installing or reorganizing an irrigation system if the primary purpose is to bring additional land into agricultural production.

§ 701.78 Practice C–13: Leveling land for more efficient use of irrigation water and to prevent erosion.

No Federal cost-sharing will be allowed for floating or restoration of grade; however, the leveling operation may be completed over a period of more than 1 program year on a component basis where the size of cuts and fills is such that a heavy leveling operation will be needed following settlement of the original fills. No Federal cost-sharing will be allowed for leveling land if the primary purpose of the leveling is to bring additional land into agricultural production. The leveling must be carried out in accordance with a plan approved by the responsible technician.

§ 701.79 Practice C–14: Constructing or lining dams, pits, or ponds for irrigation water.

Dams, pits, or ponds for irrigation water are included in practice B–7 (§ 701.60).

§ 701.80 Practice C–15: Lining irrigation ditches to prevent erosion and loss of water by seepage.

No Federal cost-sharing will be allowed for lining irrigation ditches if the primary purpose is to bring additional land into agricultural production.

§ 701.81 Practice C–16: Constructing spreader ditches or dikes to divert and spread water to prevent erosion, to permit beneficial use of runoff, or to replenish ground water supply.

§ 701.82 Practice C–17: Subsoiling to improve water penetration and retard runoff to control erosion.

CONSERVATION PRACTICES WITH BENEFITS OF LIMITED DURATION GENERALLY REQUIRING PERIODIC REPETITION

PRACTICES PRIMARILY FOR ESTABLISHING TEMPORARY PROTECTIVE VEGETATIVE COVER

§ 701.83 Practice D–1: Establishment of vegetative cover for winter protection from erosion.

A good stand and good growth must be obtained in sufficient time to protect the area in the fall and winter and must be maintained on the land to a date specified in the county program. Pasturing consistent with good management may be permitted, but none of the growth may be harvested for hay or seed, except that the State committee may authorize the harvesting of the growth for hay or silage in areas where it determines that a serious shortage of hay or silage exists due to adverse weather conditions and the growth harvested is needed for use on farms in the area. Volunteer stands will not qualify for cost-sharing.

§ 701.84 Practice D–2: Establishment of vegetative cover for summer protection from erosion.

A good stand and good growth must be obtained and left on the land or turned under. Pasturing consistent with good management may be permitted, but none of the growth may be harvested for hay or seed, except that the State committee may authorize the harvesting of the growth for hay or silage in areas where it determines that a serious shortage of hay or silage exists due to adverse weather conditions and the growth harvested is needed for use on farms in the area. Volunteer stands will not qualify for cost-sharing.

§ 701.85 Practice D–3: Establishment of vegetative cover for green manure and for protection from erosion.

Federal cost-sharing will be limited to acreages of biennial or perennial legumes or perennial grasses, or mixtures of such legumes with adapted grasses, seeded during the program year. A good stand and good growth must be obtained. Pasturing consistent with good management may be permitted, but none of the growth may be harvested for hay or seed, except that the State committee may authorize the harvesting of the growth for hay or silage in areas where it determines that a serious shortage of hay or silage exists due to adverse weather conditions and the growth harvested is needed for use on farms in the area. Volunteer stands will not qualify for cost-sharing.

§ 701.86 Practice D–4: Establishment of vegetative cover to protect cropland throughout the crop year.

This practice is applicable only to cropland which is being shifted for the entire crop year from crop production to green manure or cover crops. Eligible seedings may consist of single seedings or successive seedings of grasses, legumes, small grains, or other crops which will provide adequate soil protection for the required period. Where annuals alone are used, at least two successive seedings must be made. Pasturing consistent with good management may be permitted. No crop may be harvested for seed in the current program year. No annual crop seeded in the fall of the current program year may be harvested for seed in the succeeding year if such seeding is one of the two required seedings of such annual crops. No crop may be harvested for hay or silage in the current program year and no annual crop seeded in the fall of the current program year may be harvested for hay or silage in the succeeding year if such seeding is one of the two required seedings of such annual crops, except that the State committee may authorize the harvesting of the growth for hay or silage in areas where it determines that a serious shortage of hay or silage exists due to adverse weather conditions and the growth harvested is needed for use on farms in the area. One of the two required seedings of annuals may be a volunteer seeding which provides adequate soil protection, but no Federal cost-sharing may be allowed for the volunteer seeding.

PRACTICES PRIMARILY FOR THE TEMPORARY PROTECTION OF SOIL FROM WIND AND WATER EROSION

§ 701.87 Practice E–1: Stubble mulching to improve soil permeability and to protect soil from wind and water erosion.

Tillage operations must be such as to leave sufficient crop or weed residue on the surface or mixed in the upper part of the soil to provide protection against wind and water erosion.

§ 701.88 Practice E–2: Establishment of contour farming operations on nonterraced land to protect soil from wind or water erosion.

All cultural operations must be performed as nearly as practicable on the contour. The crop stubble or crop residue must be left standing over winter, or a winter cover crop established, or necessary protective tillage operations carried out, on acreage devoted to row crops. This practice is not applicable on any acreage for which Federal cost-sharing is approved under practice A–5 (§ 701.50). Federal cost-sharing may be authorized for removing stone walls or hedgerows where such removal is necessary to the establishment of an effective contour farming system.

§ 701.89 Practice E–3: Wind erosion control operations.

Eligible operations shall be confined to those having the most enduring benefits practicably attainable under existing conditions.

§ 701.90 Practice E–4: Mulching to control wind and water erosion and to improve soil structure and permeability.

Federal cost-sharing shall be limited to mulching material hauled onto the land. Mulching material containing manure will not qualify for cost-sharing.

CONSERVATION PRACTICES WITH LIMITED AREA APPLICABILITY

PRACTICES TO MEET SPECIAL COUNTY CONSERVATION NEEDS

§ 701.91 Practice F–1: Special conservation practices.

Consistent with the principles set forth in paragraph (b) of § 701.1, the county committee and designated representatives of the Soil Conservation Service and the Forest Service at the county level may recommend, and the State committee and designated representatives of the Soil Conservation Service and the Forest Service at the State level may approve, for use in a county, practices included in this subpart for which there is need locally on a substantial number of farms but which are not selected for use in the State. Such approval shall be subject to revit w by the Director, Farmer Programs Division, ASCS, as to compliance with the provisions contained in this subpart.

§ 701.92 Practice F–2: County conservation practices.

Consistent with the principles set forth in paragraph (b) of § 701.1, the Director, Farmer Programs Division, ASCS, may approve for use in a county, practices which are not included in this subpart which are needed to meet particular conservation problems in the county. Such approval may be given only upon the recommendation of the State and county committees and designated representatives of the Soil Conservation Service and the Forest Service at both the county and State levels, and upon their finding (a) that the conservation problem exists on a substantial number of farms in the county, (b) that the practices contained in the National Bulletin will not provide adequate treatment of the problem, (c) that the proposed practice will adequately meet the problem, (d) that the proposed practice would not be performed without Federal cost-sharing, (e) that the proposed practice will provide the most enduring solution to the problem practicably attainable under existing circumstances, (f) that the proposed practice is one on which the offering of financial assistance is fully justified as being in the public interest, and (g) that the proposed practice meets the standards and requirements of comparable practices contained in this subpart.

§ 701.93 Practice F–3: Practices to meet new conservation problems.

Consistent with the principles set forth in paragraph (b) of § 701.1, the Director, Farmer Programs Division, ASCS, may approve for use in a county, practices for the treatment of critical conservation problems, primarily those which have arisen subsequent to the initiation of the program in the county. Such approval may be given only upon the recommendation of the State and county committees and designated representatives of the Soil Conservation Service and the Forest Service at both the county and State levels, and upon their findings (a) that the conservation problem exists on a substantial number of farms in the county, (b) that the practices contained in the National Bulletin will not provide adequate treatment of the problem, (c) that the proposed practice will adequately meet the problem, (d) that the proposed practice would not be performed without Federal cost-sharing, (e) that the offering of Federal cost-sharing for the proposed practice is justified as within the scope of national conservation objectives, (f) that adequate facilities, including technical services, will be available to permit the practice to be carried out effectively, and (g) that treatment of the problem cannot be safely delayed until a subsequent program.

§ 701.94 Practice F–4: Emergency conservation measures to restore to productive use land damaged by natural disasters.

(a) This practice is applicable only in counties designated by the Secretary as counties in which wind erosion, floods, hurricanes, or other natural disasters have created new conservation problems which (1) if not treated will impair or endanger the land, (2) materially affect the productive capacity of the land, (3) represent damage which is unusual in character and, except for wind erosion, is not of the type which would recur frequently in the same area, and (4) will be so costly to rehabilitate that Federal assistance is required to return the land to productive agricultural use.

(b) Emergency conservation practices may be approved by the Director, Farmer Programs Division, ASCS, upon recommendation by the State and county committees and designated representatives of the Soil Conservation Service and Forest Service at both the State and county levels. Eligible measures shall be specified in the wording of the practice as approved for use in the county. Cost-sharing may be offered under this practice only for replacing a practice or restoring the land to its normal productive capacity and may not be offered for the solution of conservation problems existing prior to the disaster involved.

(c) The cost-share computed for any person for this practice shall not be increased in accordance with § 701.28, and shall not be included with the cost-shares computed for such person for other practices in applying the maximum Federal cost-share limitation in § 701.29. The total of all Federal cost-shares for this practice to any person with respect to farms and ranches in any one county shall not exceed the sum of $2,500, except that, with the written prior approval of the State committee, a higher maximum not to exceed $10,000 may be approved in individual cases upon justification by the farmer or rancher on the basis of exceptional need and his inability to otherwise carry out the work.

(d) Costs of this practice will be shared only for eligible measures carried out during the program year with respect to which the practice approval was issued, and only if cost-sharing is requested by the farm or ranch operator within 30 days after the practice is approved for use in the county or before the date on which performance of the eligible measures is started, whichever is the later. With the approval of the county committee, costs of performing this practice may be shared with farmers or ranchers who carry out eligible measures on their lands or, with the permission of the owners or operators of adjacent or nearby lands, on such adjacent or nearby lands.

CONSERVATION PRACTICES WITH BENEFITS PRIMARILY TO WILDLIFE

WILDLIFE CONSERVATION PRACTICES WITH SOIL AND WATER CONSERVATION BENEFITS

§ 701.95 Practice G–1: Establishment of vegetative cover providing wildlife food plots and habitat.

This practice is applicable only to farmland which is to be established in trees, shrubs, grasses, legumes, or other vegetative cover to provide food or habitat for wildlife. Federal cost-sharing for fencing shall be limited to permanent fences needed to protect the planted area from grazing by domestic livestock, excluding boundary and road fences.

§ 701.96 Practice G–2: Development or restoration of shallow water areas for wildlife.

This practice is applicable only to farmland which is suitably located and adapted to the development or restoration of shallow water areas for wildlife. Federal cost-sharing for plantings under this practice shall be limited to plantings within the floodable area and plantings on any embankments constructed. Federal cost-sharing for fencing shall be limited to permanent fences needed to protect the shallow water area from grazing by domestic livestock, excluding boundary and road fences.

§ 701.97 Practice G–3: Constructing ponds or dams for wildlife.

This practice is applicable only to permanent ponds or dams for wildlife constructed on farmland. No Federal cost-sharing will be allowed for ponds or dams which will impound water on areas which will be drained periodically for the production of crops, or for dams or ponds which are primarily for the commercial production of fish or other wildlife for food.

§ 701.98 Practice G–4: Other wildlife conservation practices with soil and water conservation benefits.

Consistent with the principles set forth in § 701.1, the Director, Farmer Programs Division, ASCS, may approve other wildlife conservation practices for inclusion in the State program upon recommendation of the State committee and designated representatives of the Soil Conservation Service and the Forest Service at the State level, or for inclusion in county programs upon the recommendation of the State and county committees and designated representatives of the Soil Conservation Service and the Forest Service at both the county and State levels. Such other wildlife conservation practices shall be subject to the same conditions as other practices in the program, shall meet the standards and requirements of comparable practices in the program, and shall specify the eligible measures on which Federal cost-sharing may be approved.

CONSERVATION PRACTICES WITH SUBSTANTIAL BEAUTIFICATION BENEFITS

§ 701.99 Practice H: Beautification-conservation practices.

Consistent with the principles set forth in § 701.1, the Director, Farmer Programs Division, ASCS, may approve beautification-conservation practices for inclusion in the State program upon recommendation of the State committee and designated representatives of the Soil Conservation Service and the Forest Service at the State level, or for inclusion in county programs upon the recommendation of the State and county committees and designated representatives of the Soil Conservation Service and the Forest Service at both the county and State levels. Such practices may include the establishment of protective vegetative cover of grasses, legumes, trees, or shrubs (including ornamental shrubs and perennial flowers); the construction of terraces, dikes, water impoundments, or other structures to control surface runoff, to prevent erosion, or to heal gullies; the establishment of vegetative cover to provide habitat, food, or shelter for wildlife; and other practices which provide substantial soil and water conservation benefits and which enhance the appearance of the area. The practices shall be subject to the same conditions as other practices in the program, shall meet the standards and the requirements of comparable practices in the program, and shall specify the eligible measures on which Federal cost-sharing may be approved. Additional measures on which Federal cost-sharing is not to be approved, which will increase the effectiveness or appearance of the practice, may be installed.

Signed at Washington, D.C., on July 27, 1967.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 67–8932; Filed, July 31, 1967; 8:50 a.m.]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 73]

PART 1073—MILK IN WICHITA, KANS., MARKETING AREA

Order Suspending Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Wichita, Kans., marketing area (7 CFR Part 1073), it is hereby found and determined that:

(a) The following provisions of the order no longer tend to effectuate the declared policy of the Act for the month of August 1967:

In § 1073.51(a) that portion of the first sentence reading as follows: ", subject to a supply-demand adjustment computed pursuant to subparagraphs (1) through (3) of this paragraph"; and subparagraphs (1), (2), and (3) relating to the supply demand adjustment to the Class I price.

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of the effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This suspension will eliminate certain erratic movements of the supply-demand adjustor for August 1967 and improve Class I price alignment in this market. A Class I sales account to an outside market is no longer available and approximately 1.6 million pounds of milk is now being pooled locally thereby causing abnormal fluctuation in the supply-demand adjustor in this order.

(4) This suspension action was requested by producers at a public hearing held June 15, 1967, at Wichita, Kans. At the hearing a witness testified that emergency action in the form of a suspension order is necessary to obtain orderly marketing conditions in the area pending the time when an amended order can be issued. There was no opposition to the request. Upon this basis suspension of these provisions for the month of July 1967 was issued June 28, 1967. It is now evident amendment on the basis of the hearing cannot be effective for August 1967.

Therefore, good cause exists for making this order effective August 1, 1967.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the period August 1, 1967, through August 31, 1967.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: August 1, 1967.

Signed at Washington, D.C., on July 27, 1967.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 67-8933; Filed, July 31, 1967; 8:50 a.m.]

[Milk Order 90]

PART 1090—MILK IN CHATTANOOGA, TENN., MARKETING AREA

Order Amending Order

§ 1090.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Chattanooga marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than August 1, 1967. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator, Regulatory Programs, was issued June 30, 1967, and the decision of the Assistant Secretary containing all amendment provisions of this order, was issued July 18, 1967. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective August 1, 1967, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 553(d), Administrative Procedure Act, 5 U.S.C. 551–559.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in sec. 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Chattanooga marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

1. In § 1090.27(k), subparagraph (1) is revised to read as follows:

§ 1090.27 Duties.

* * * * * *

(k) * * *

(1) The 6th day of each month, the Class I price and Class I butterfat differential, both for the current month; and the Class II price and Class II butterfat differential, both for the preceding month, and

* * * * * *

2. Section 1090.51 is revised to read as follows:

§ 1090.51 Class prices.

Subject to the provisions of §§ 1090.52 and 1090.53, the minimum prices per hundredweight of milk containing 3.5 percent butterfat, to be paid by each handler for milk received at his pool plant from producers during the month, shall be as follows:

(a) *Class I milk price.* The price per hundredweight for Class I milk for the month shall be the basic formula price for the preceding month, subject to the adjustments provided in subparagraphs (1) and (2) of this paragraph:

(1) Add $1.75, and plus 20 cents through April 1968;

(2) Add if the utilization percentage calculated pursuant to subparagraph (3) of this paragraph is less than, or subtract if it is more than, the standard utilization range, an amount determined by multiplying the net utilization percentage calculated pursuant to subparagraph (4) of this paragraph by 2 cents: *Provided*, That any addition or subtraction shall be limited to 50 cents per hundredweight;

(3) Calculate a utilization percentage for each month by dividing the net hundredweight of Class I milk (excluding the skim milk and butterfat in fluid milk products received during the month in the same product and same package from a plant fully regulated pursuant to Order No. 101 (Part 1101 of this chapter) regulating the handling of milk in the Knoxville marketing area) disposed of from all pool plants for the second and third preceding months into the total hundredweight of producer milk for the same months, multiplying by 100, and rounding the resultant figure to the nearest whole number;

(4) Calculate a net utilization percentage by determining the amount by which the utilization percentage calculated pursuant to subparagraph (3) of this paragraph exceeds the higher figure or is less than the lower figure of the standard utilization range in the following table:

Month for which price applies	Months for which utilization is computed	Standard utilization range	
		Minimum	Maximum
January	October–November	114	118
February	November–December	117	121
March	December–January	117	121
April	January–February	117	121
May	February–March	119	123
June	March–April	124	128
July	April–May	134	138
August	May–June	134	138
September	June–July	128	132
October	July–August	115	119
November	August–September	110	114
December	September–October	114	118

(b) *Class II milk price.* The Class II milk price shall be the basic formula price for the month.

3. Section 1090.52(b) is revised to read as follows:

§ 1090.52 Butterfat differentials to handlers.

* * * * * *

(b) *Class II milk price.* Multiply the Chicago butter price for the month by 0.115.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: August 1, 1967.

Signed at Washington, D.C., on July 27, 1967.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 67-8937; Filed, July 31, 1967; 8:50 a.m.]

[Milk Order 101]

PART 1101—MILK IN KNOXVILLE, TENN., MARKETING AREA

Order Amending Order

§ 1101.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Knoxville marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than August 1, 1967. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator, Regulatory Programs, was issued June 30, 1967, and the decision of the Assistant Secretary containing all amendment provisions of this order, was issued July 18, 1967. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective August 1, 1967, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 553(d), Administrative Procedure Act, 5 U.S.C. 551–559.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in sec. 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Knoxville marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

1. In § 1101.22(j), subparagraph (1) is revised to read as follows:

§ 1101.22 Duties.

* * * * * *

(j) * * *

(1) The 6th day of each month, the Class I price and the Class I butterfat differential, both for the current month;

* * * * * *

2. Section 1101.51 is revised to read as follows:

§ 1101.51 Class prices.

Subject to the provisions of §§ 1101.52 and 1101.53, each handler shall pay producers, at the time and in the manner set forth in §§ 1101.80 through 1101.86, not less than the prices per hundredweight computed as follows for the respective quantities of Class I milk and Class II milk computed pursuant to § 1101.46:

(a) *Class I milk price.* The price per hundredweight for Class I milk for the month shall be the basic formula price for the preceding month, subject to the

adjustments provided in subparagraphs (1) and (2) of this paragraph:

(1) Add $1.50, and plus 20 cents through April 1968;

(2) Add if the utilization percentage calculated pursuant to subparagraph (3) of this paragraph is less than, or subtract if it is more than, the base utilization range, an amount determined by multiplying the net utilization percentage calculated pursuant to subparagraph (4) of this paragraph by 2 cents: *Provided*, That any addition or subtraction shall be limited to 50 cents per hundredweight;

(3) Calculate a utilization percentage for each month by dividing the net hundredweight of Class I milk disposed of from all pool plants for the second and third preceding months into the total hundredweight of producer milk for the same months, multiplying by 100, and rounding the resultant figure to the nearest whole number;

(4) Calculate a "net utilization percentage" by determining the amount by which the utilization percentage calculated pursuant to subparagraph (3) of this paragraph exceeds the higher figure or is less than the lower figure of the base utilization range in the following table:

Pricing month	Second and third preceding months	Base utilization range
January	October–November	114–118
February	November–December	114–118
March	December–January	114–118
April	January–February	114–118
May	February–March	115–119
June	March–April	124–128
July	April–May	131–135
August	May–June	130–134
September	June–July	124–128
October	July–August	118–122
November	August–September	112–116
December	September–October	110–114

(b) *Class II milk price.* The Class II milk price shall be the basic formula price for the month.

3. Section 1101.52(b) is revised to read as follows:

§ 1101.52 Butterfat differentials to handlers.

* * * * *

(b) *Class II milk.* Multiply the average price per pound of butter for the month as described in § 1101.50 by 0.115.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: August 1, 1967.

Signed at Washington, D.C., on July 27, 1967.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 67-8988; Filed, July 31, 1967; 8:50 a.m.]

[Milk Order 103]

PART 1103—MILK IN MISSISSIPPI MARKETING AREA

Order Amending Order

§ 1103.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Mississippi marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than August 1, 1967. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Administrator, was issued May 12, 1967, and the decision of the Secretary containing all amendment provisions of this order was issued July 17, 1967. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective August 1, 1967, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (5 U.S.C. 553(d) (1966))

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in sec. 8(c)(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Mississippi marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby further amended, as follows:

1. Under § 1103.15 paragraphs, (b), (c), (d) and (e) are revised.

2. Under § 1103.44, the introductory text and paragraphs (c) and (d) are revised.

1. Section 1103.11(a) is revised to read as follows:

§ 1103.11 Pool plant.

* * * * *

(a) A distributing plant, other than that of a producer-handler or one described in § 1103.61, from which during the month route disposition of fluid milk products is not less than 50 percent of its total receipts of Grade A milk and the volume so disposed of in the marketing area is at least 20 percent of the total route disposition of fluid milk products or a daily average during the month of 7,000 pounds, whichever is less;

* * * * *

2. In § 1103.15, paragraphs (b), (c), (d) and (e) are revised to read as follows:

§ 1103.15 Producer.

* * * * *

(b) Diverted to a nonpool plant(s) (except that diversion to an other order plant shall be limited to Class II use) by the operator of a pool plant or by a cooperative association as a handler pursuant to § 1103.13(c) during any of the months of December through August: *Provided*, That this diversion privilege shall be applicable only to the milk of those dairy farmers whose milk was delivered for 10 days of production during each of the 2 immediately preceding months to pool plants, or who held producer status throughout the entire 2 immediately preceding months, or a dairy farmer who does not meet these qualifications but has made a delivery of milk to a pool plant during the current December-August period on a farm pickup route on which all other dairy farmers on such route have diversion eligibility on the basis of the preceding provisions of this paragraph; except that only for the purpose of determining eligibility for diversion during any month of December through August a dairy farmer who was in noncompliance with the Grade A requirements of a duly constituted health authority during any part of the 2 immediately preceding months shall be considered to have maintained producer status during the period of such noncompliance;

(c) Diverted to a nonpool plant(s) (except that diversion to an other order plant shall be limited to Class II use) for not more than 10 days' production during any month of September through November except that this paragraph shall not be applicable if: (1) In the case of a cooperative association all of the diversion of milk of member producers by such cooperative association during the month fall within the limits prescribed in paragraph (d) of this section, or (2) in the case of a pool handler (other than a cooperative association) diverting milk of nonmember producers, all of such diversions from such plant fall within the limits prescribed in paragraph (e) of this section;

(d) Diverted during any month of September through November to a nonpool plant(s) (except that diversion to an other order plant shall be limited to Class II use) as milk of a member of a cooperative association for the account of such association if the amount of milk so diverted does not exceed 30 percent of the volume of Grade A milk from all producer members of such cooperative association received at pool plants during such month; or

(e) Diverted during any month of September through November to a nonpool plant(s) (except that diversion to an other order plant shall be limited to Class II use) of a producer who is not a member of a cooperative association, for the account of a handler in his capacity as the operator of a pool plant from which the quantity of milk of nonmember producers so diverted does not exceed 30 percent of the total Grade A receipts of milk at such plant from nonmember producers.

* * * * *

3. Section 1103.30(a)(1)(iv) is revised to read as follows:

§ 1103.30 Reports of receipts and utilization.

(a) * * *

(1) * * *

(iv) Inventories of fluid milk products on hand at the beginning and end of the month, separately in bulk and in packaged form;

* * * * *

4. In § 1103.41, paragraphs (a) and (b)(4) are revised to read as follows:

§ 1103.41 Classes of utilization.

* * * * *

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat.

(1) Disposed of in the form of fluid milk products, except those classified pursuant to paragraph (b) (2) and (3) of this section;

(2) In inventory of fluid milk products in packaged form on hand at the end of the month; and

(3) Not accounted for as Class II milk; and

(b) * * *

(4) Contained in inventories of bulk fluid milk products on hand at the end of the month;

* * * * *

5. In § 1103.44(c), the introductory text of subparagraph (3) of this paragraph and provision (*a*) of subdivision (iv) of subparagraph (3) of this paragraph are revised and a new subparagraph (4) is added as follows:

§ 1103.44 Transfers.

* * * * *

(c) * * *

(3) The skim milk and butterfat so transferred or diverted shall be classified on the basis of the following assignment of utilization at such nonpool plant in excess of receipts of packaged fluid milk products from all pool plants and other order plants.

* * * * *

(iv) * * *

(*a*) Determine the skim milk and butterfat, respectively, in Class II (as defined pursuant to § 1103.41(b)(1)) at such nonpool plant during the month, subject to the conditions of subparagraph (4) of this paragraph.

* * * * *

(4) Skim milk and butterfat disposed of from a nonpool plant, which has facilities only for receiving, assembling, or cooling milk, to a second nonpool plant (except to a producer-handler plant) located not more than 200 miles by the shortest hard-surfaced highway distance as determined by the market administrator from the nearest of the New State Capitol in Jackson or the County Courthouse in Columbus, Gulfport, or Meridian, Miss., shall be classified in the same manner as a transfer from a pool plant to a nonpool plant. The operator of the second nonpool plant shall maintain books and records which are adequate for verification of the Class II utilization claimed and are made available to the market administrator upon request; and

* * * * *

5-a. In § 1103.44(d), the introductory text and subparagraphs (2) and (3) of this paragraph are revised as follows:

§ 1103.44 Transfers.

* * * * *

(d) As follows, if transferred or diverted (pursuant to § 1103.15), to an other order plant in excess of receipts from such plant in the same category as described in subparagraphs (1), (2), or (3) of this paragraph:

* * * * *

(2) If transferred or diverted in bulk form, classification shall be in the classes to which allocated as a fluid milk product under the other order (including allocation under the conditions set forth in subparagraph (3) of this paragraph);

(3) If the operators of both the transferor and the transferee plants so request in the reports of receipts and utilization filed with their respective market administrators, transfers or diversions in bulk form shall be classified as Class II to the extent of the Class II utilization (or comparable utilization under such other order) available for such assignment pursuant to the allocation provisions of the transferee order;

* * * * *

6. In § 1103.46(a), a new subparagraph (2–a) is added immediately following subparagraph (2) and subparagraph (5) is revised, all of which to read as follows:

§ 1103.46 Allocation of skim milk and butterfat classified.

* * * * *

(a) * * *

(2–a) Except for the first month this order amendment is effective, subtract from the remaining pounds of skim milk in Class I milk, the pounds of skim milk in inventory of fluid milk products in packaged form on hand at the beginning of the month;

* * * * *

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of bulk fluid milk products (and for the first month this order amendment is effective, the pounds of fluid milk products in packaged form) on hand at the beginning of the month;

* * * * *

7. Section 1103.53 is revised to read as follows:

§ 1103.53 Location differential to handlers.

(a) For that milk which is received from producers at a pool plant or at such plant from a cooperative association as a handler pursuant to § 1103.13 (d) and classified as Class I milk or assigned Class I location adjustment credit pursuant to paragraph (b) of this section and for other source milk for which a location adjustment is applicable, the price specified in § 1103.51(a) shall be reduced at the following rates (where mileage determinations are applicable these distances shall be determined by the market administrator by applying the shortest hard-surfaced highway distance open to commercial truck traffic):

Location:	*Rate per hundredweight (cents)*
(1) For milk received at a pool plant located in the Mississippi marketing area except that part in Harrison County	16.0
(2) For milk received at a pool plant located outside the marketing area, and:	
(i) More than 60 but not more than 160 miles from the courthouse in Gulfport, or Pascagoula, Miss., whichever is nearer	10.0
(ii) For each additional 10 miles or fraction thereof, an additional	1.5

(b) For purposes of calculating such adjustment, transfers between pool plants shall be assigned Class I disposition at the transferee plant, in excess of the sum of 95 percent of receipts at such plant from producers and receipts from a cooperative association in its capacity as a handler pursuant to § 1103.13 (d) and the pounds assigned as Class I to receipts from other order plants and unregulated supply plants, such assignment to be made first to transferor plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply.

8. In § 1103.70, a new paragraph (c–1) is added immediately following paragraph (c) to read as follows:

§ 1103.70 Computation of the net pool obligation of each pool handler.

* * * * *

(c–1) Add an amount determined by multiplying the difference between the Class I price for the preceding month, and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1103.46(a) (2–a) and the corresponding step of § 1103.46(b). If the Class I price for the current month is less than the Class I price for the preceding month, the result shall be a minus amount;

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: August 1, 1967.

Signed at Washington, D.C., on July 27, 1967.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 67–8934; Filed, July 31, 1967; 8:50 a.m.]

[Milk Orders 106, 126]

PART 1106—MILK IN OKLAHOMA METROPOLITAN MARKETING AREA

PART 1126—MILK IN NORTH TEXAS MARKETING AREA

Order Suspending Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the orders regulating the handling of milk in the Oklahoma Metropolitan and North Texas marketing areas (7 CFR Parts 1106 and 1126), it is hereby found and determined that:

(a) The following provisions of the orders no longer tend to effectuate the declared policy of the Act for the month of August 1967:

(1) In § 1106.51(a) of the order regulating the handling of milk in the Oklahoma Metropolitan marketing area, the last sentence of the introductory text reading as follows: "To this price add or subtract a 'supply-demand adjustment' of not more than 50 cents, computed as follows:" and subparagraphs (1), (2), and (3).

(2) In § 1126.51(a) of the order regulating the handling of milk in the North Texas marketing area, that portion of the last sentence of the introductory text reading as follows: "and subject to a supply-demand adjustment of not more than 50 cents computed as follows:" and subparagraphs (1), (2), (3), (4), (5), and (6).

(b) Notice of proposed rule making, public procedure thereon, and 30 days' notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This suspension will continue for the month of August 1967 the elimination of the effect of supply-demand adjustors in the Oklahoma Metropolitan and North Texas orders that was provided for June and July 1967 by suspension order issued May 25, 1967.

(4) This suspension action was requested by both producers and handlers at a public hearing held May 15, 1967, at Oklahoma City, Okla. At the hearing, witnesses testified that emergency action in the form of a suspension order is necessary to maintain orderly marketing conditions pending the time when an amended order can be issued. No testimony was offered in opposition to this request. It is now evident that amendatory action based upon this hearing will not be completed so that an amended order could be effective for August 1967.

Therefore, in view of the foregoing reasons, good cause exists for making this order effective August 1, 1967.

It is therefore ordered, That the aforesaid provisions of the orders are hereby suspended for the period August 1, 1967, through August 31, 1967.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: August 1, 1967.

Signed at Washington, D.C., on July 27, 1967.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 67–8935; Filed, July 31, 1967; 8:50 a.m.]

[Milk Order 128]

PART 1128—MILK IN CENTRAL WEST TEXAS MARKETING AREA

Order Amending Order

§ 1128.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Central West Texas marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than August 1, 1967. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator, Regulatory Programs, issued March 27, 1967, and the decision of the Assistant Secretary containing all amendment provisions of this order was issued July 5, 1967. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective August 1, 1967, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (5 U.S.C. 553(d) (1966))

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in sec. 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof the handling of milk in the Central West Texas marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

§ 1128.53 [Amended]

1. Section 1128.53(a) is revoked and paragraphs (b), (c), and (d) are redesignated (a), (b), and (c), respectively.

2. Section 1128.91 (a) is revised to read as follows:

§ 1128.91 Location adjustments to producers.

(a) In making payments to producers pursuant to § 1128.90, the uniform price for all milk computed pursuant to § 1128.72 for milk received from producers at an approved plant shall be adjusted at the rates set forth in § 1128.53, applicable at the location of such plant.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: August 1, 1967.

Signed at Washington, D.C., on July 27, 1967.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 67–8939; Filed, July 31, 1967; 8:50 a.m.]

[Milk Order 113S]

PART 1138—MILK IN RIO GRANDE VALLEY MARKETING AREA

Order Suspending Certain Provision

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Rio Grande Valley marketing area (7 CFR Part 1138), it is hereby found and determined that:

(a) The proviso in § 1138.10(a) of the order will not tend to effectuate the declared policy of the Act for the months of July and August 1967. The proviso reads as follows: ": *Provided*, That the total quantity of Class I milk disposed from such plant during the month is not less than 50 percent of such plant's receipts of Grade A milk, which receipts shall include all milk diverted from such pool plant to a nonpool plant by the handler operating such pool plant".

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of the effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) The suspension action would remove for the months of July and August 1967 the requirement that a distributing plant must dispose of 50 percent of the receipts of Grade A milk as Class I milk each month in order to be a pool plant. A distributing plant which has met this requirement each month currently has use for additional milk for manufacturing use in quantities which would cause loss of pool status unless this suspension is effective. This milk is available in the area and if not used for manufacturing locally will need be transported to distant manufacturing plants at additional cost to local producer associations.

(4) Request for this suspension was made on behalf of cooperative associations representing a large percentage of all producers currently supplying the market and major handlers regulated by the order.

Therefore, good cause exists for making this order effective July 1, 1967.

It is therefore ordered, That the aforesaid provision of the order is hereby suspended for the period July 1, 1967, through August 31, 1967.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: July 1, 1967.

Signed at Washington, D.C., on July 27, 1967.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 67–8936; Filed, July 31, 1967; 8:50 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter III—Consumer and Marketing Service (Meat Inspection), Department of Agriculture

SUBCHAPTER A—MEAT INSPECTION REGULATIONS

PART 310—POST-MORTEM INSPECTION

Contamination of Head Meat of Animals Stunned by Bullets

Pursuant to the authority conferred by the Meat Inspection Act, as amended and extended (21 U.S.C. 71–96) and section 306 of the Tariff Act of 1930, as amended (19 U.S.C. 1306), § 310.19 of the Meat Inspection Regulations (9 CFR 310.19) is hereby amended by adding an "(a)" before the text of present § 310.19 and by adding a new paragraph (b) reading as follows:

§ 310.19 Contamination of carcasses, organs or parts.

* * * * *

(b) Brains, cheek meat and head trimmings from animals stunned by lead, sponge iron, or frangible bullets shall not be saved for use as human food but shall be handled as described in § 314.1 or § 314.4 of Part 314 of this subchapter.

(Sec. 306, 46 Stat. 689, as amended; 34 Stat. 1264, 41 Stat. 241; 19 U.S.C. 1306; 21 U.S.C. 89, 96; 29 F.R. 16210, as amended; 31 F.R. 13249, as amended)

Statement of considerations. Stunning of animals by lead or sponge iron bullets, or frangible type bullets (i.e., those constructed of molded, powdered metal and plastic) has been a rather common practice in federally inspected slaughtering establishments. Some time ago, because of consumer complaints concerning foreign material identified as fragments of bullets in processed sausage containing cheek meat, the Livestock Slaughter Inspection Division carried out a nationwide survey to determine the incidence of such contamination in the edible portions of animals stunned by bullets of various types.

In conducting the survey, the leading manufacturers of bullets used for stunning, and meatpackers and their national organization representatives, were freely consulted. Advice given by bullet manufacturers intended to lessen contamination of product was carefully followed in controlled tests supervised by Meat Inspection Program personnel in many inspected plants. Attempts were made to have collateral tests initiated by some of the large packer organizations and some work along these lines was actually done.

The results of this survey show convincingly that regardless of the type of bullet or the method of shooting used, approximately 10 percent of all cheek meat and head trimmings from animals stunned by shooting contain whole or fragmented bullets. The percentage of brains contaminated approaches 100 percent. Such contaminants range from almost microscopic size particles to complete bullets. Because the contamination frequently occurs deep in the musculature or other tissue of the head with little or no apparent hemorrhage or other external evidence of such contamination, its detection by usual or feasible inspection techniques is impossible.

Contamination of meat by metal is highly objectionable to consumers and is considered a health hazard. In view of the significant percentage of contaminated head tissues detected during the survey and the impracticability of eliminating such contaminated product by any feasible inspection technique, the Consumer and Marketing Service believes that steps must be taken to prevent the use for human food of such potentially contaminated product.

The restrictions against the use of head meat from bullet-stunned animals should not seriously affect the eco-

nomics of the meat packing industry. Other alternative methods of stunning that do not produce contamination of edible product are approved for use by the Meat Inspection Program and are officially designated methods of humane slaughter. These methods are set forth in Part 380, Subchapter D, Chapter III of Title 9 of the Code of Federal Regulations.

The foregoing amendment is intended to prevent the use in interstate or foreign commerce of meat and meat food products which are contaminated with bullets or fragments of bullets and therefore are unfit for use as human food. In order to accomplish this purpose and because of the nature of the problem and the urgency of the need for providing consumer protection at the earliest practical time, the amendment should be made effective as soon as possible. Therefore, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure concerning the amendment are impracticable and contrary to the public interest and good cause is found for making it effective less than 30 days after publication hereof in the FEDERAL REGISTER.

Effective date. The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER: *Provided, however,* That any federally inspected slaughterer who heretofore stunned particular kinds of animals only by gunshot at any official establishment, upon request to the Officer in Charge of the Meat Inspection Program for the area in which such slaughterer is located, may be allowed to continue to use such stunning method for such animals for such reasonable period of time (not to exceed 30 days) as is necessary for him to obtain other stunning equipment, if during such period a careful and thorough piece-by-piece inspection of cheeks and head trimmings from bullet-stunned animals is made by a competent employee of such slaughterer under supervision of an inspector.

Done at Washington, D.C., this 27th day of July 1967.

R. K. SOMERS,
Deputy Administrator, Consumer Protection, Consumer and Marketing Service.

[F.R. Doc. 67-8940; Filed, July 31, 1967; 8:51 a.m.]

Title 12—BANKS AND BANKING

Chapter I—Bureau of the Comptroller of the Currency, Department of the Treasury

PART 19—RULES OF PRACTICE AND PROCEDURES APPLICABLE TO PROCEEDINGS RELATING TO CEASE AND DESIST ORDERS

On pages 6687 through 6691, inclusive, of the FEDERAL REGISTER of May 2, 1967, there was published a notice of proposed rule making to issue regulations governing the rules of practice and procedures applicable to proceedings relating to cease and desist orders. Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed regulations.

No objections have been received and the proposed regulations are hereby adopted without change and are set forth below.

Effective date. These regulations shall be effective as of August 1, 1967.

[SEAL] WILLIAM B. CAMP,
Comptroller of the Currency.

JULY 21, 1967.

Chapter I, Title 12 of the Code of Federal Regulations is amended by addition of a new Part 19 as follows:

Sec.
19.1 Scope.
19.2 Grounds for cease-and-desist orders.
19.3 Notice of charges and hearing.
19.4 Issuance of order.
19.5 Effective date.
19.6 Temporary cease-and-desist orders.
19.7 Effective date of temporary order.
19.8 Representation and suspension.
19.9 Notice of hearing.
19.10 Answer.
19.11 Conduct of hearings.
19.12 Subpenas.
19.13 Rules of evidence.
19.14 Motions.
19.15 Proposed findings and conclusions and recommended decision.
19.16 Exceptions.
19.17 Briefs.
19.18 Oral argument before the Comptroller.
19.19 Notice of submission to the Comptroller.
19.20 Decision of Comptroller.
19.21 Filing papers.
19.22 Service.
19.23 Copies.
19.24 Computing time.
19.25 Documents in proceedings confidential.
19.26 Formal requirements as to papers filed.

AUTHORITY: The provisions of this Part 19 issued under 12 U.S.C. 1818, 80 Stat. 1061; 5 U.S.C. 553, 80 Stat. 383.

§ 19.1 Scope.

The rules and procedures set forth in this part are applicable to proceedings by the Comptroller of the Currency to determine whether to order a national bank or a District bank to cease and desist from practices and violations described in section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818), as amended, and enumerated in § 19.2. The procedures for issuing such orders prescribed in section 8 of such Act will be followed and hearings required thereunder will be conducted in accordance with the rules and procedures set forth in this part.

§ 19.2 Grounds for cease-and-desist orders.

If, in the opinion of the Comptroller of the Currency, any national bank or District bank is engaging in or has engaged, or the Comptroller of the Currency has reasonable cause to believe that the bank is about to engage, in an unsafe or unsound practice in conducting the business of such bank, or is violating or has violated, or the Comptroller has reasonable cause to believe that the bank is about to violate, a law, rule, or regulation, or any condition imposed in writing by the Comptroller in connection with the granting of an application or other request by the bank, or any written agreement entered into with the Comptroller, the Comptroller may issue and serve upon the bank a notice of charges in respect thereof.

§ 19.3 Notice of charges and hearing.

The notice referred to in § 19.2 shall contain a statement of the facts constituting the alleged violation or violations or the unsafe or unsound practice or practices, and shall fix a time and place at which a hearing will be held to determine whether an order to cease and desist therefrom should issue against the bank. Such hearing shall be set for a date not earlier than 30 days nor later than 60 days after service of such notice unless an earlier or a later date is set by the Comptroller at the request of the bank. Unless the bank appears at the hearing by a duly authorized representative, it shall be deemed to have consented to the issuance of the cease-and-desist order.

§ 19.4 Issuance of order.

In the event of the consent described in § 19.3, or if upon the record made at any such hearing, the Comptroller finds that any violation or unsafe or unsound practice specified in the notice of charges has been established, the Comptroller may issue and serve upon the bank an order to cease and desist from any such violation or practice. Such order may by provisions which may be mandatory or otherwise, require the bank and its directors, officers, employees, and agents to cease and desist from the same and to take affirmative action to correct the conditions resulting from any such violation or practice.

§ 19.5 Effective date.

A cease-and-desist order shall become effective at the expiration of 30 days after the service of such order upon the bank (except in the case of a cease-and-desist order issued upon consent, which shall become effective at the time specified therein), and shall remain effective and enforceable as provided therein, except to such extent as it is stayed, modified, terminated, or set aside by action of the Comptroller or a reviewing court.

§ 19.6 Temporary cease-and-desist orders.

Whenever the Comptroller determines that the violation or threatened violation or the unsafe or unsound practice or practices, specified in the notice of charges served upon the bank and referred to in § 19.3, or the continuation thereof, is likely to cause insolvency or substantial dissipation of assets or earnings of the bank, or is likely to otherwise seriously prejudice the interests of its depositors, the Comptroller may issue a temporary order requiring the bank to cease and desist from any such violation or practice.

§ 19.7 Effective date of temporary order.

Such order referred to in § 19.6 shall become effective upon service upon the bank and, unless set aside, limited, or suspended by a court in proceedings authorized under section 8 of the Federal Deposit Insurance Act, as amended, shall remain effective and enforceable pending the completion of the administrative proceedings held pursuant to such notice and until such time as the Comptroller shall dismiss the charges specified in such notice, or if a cease-and-desist order is issued against the bank pursuant to § 19.4, until the effective date of any such order.

§ 19.8 Representation and suspension.

(a) *Appearance before a hearing examiner.* Any person who is a member in good standing of the bar of the highest court of any State, possession, territory, Commonwealth, or the District of Columbia, may represent others with respect to a cease-and-desist proceeding upon filing with the Administrative Assistant to the Comptroller a written declaration that he is currently qualified as provided by this paragraph and is authorized to represent the particular party on whose behalf he acts. Any other person desiring to represent others before a hearing examiner may be required to file with the Administrative Assistant a power of attorney showing his authority to act in such capacity, and he may be required to show to the satisfaction of such examiner that he has the requisite qualifications. Attorneys or other representatives of parties to any proceeding provided for in this part shall file a written notice of appearance with the Administrative Assistant.

(b) *Summary suspension.* Contemptuous conduct at any hearing before the Comptroller or a hearing examiner shall be grounds for exclusion from any such hearing and suspension for the duration thereof.

§ 19.9 Notice of hearing.

Whenever a hearing is ordered by the Comptroller pursuant to section 8 of the Federal Deposit Insurance Act, a notice of hearing shall be given by the designated officer acting for the Comptroller to the party afforded the hearing. Such notice shall state the time, place, and nature of the hearing, the hearing examiner, and the legal authority and jurisdiction under which the hearing is to be held, and shall contain a statement of the matters of fact or law constituting the grounds for the hearing, and shall be delivered by personal service or by registered mail to the last known address, or other appropriate means, sufficiently in advance of the date set for hearing to comply with the provisions of the Federal Deposit Insurance Act, as amended, and § 19.3.

§ 19.10 Answer.

(a) *When required.* In any notice of hearing issued by the Comptroller, the Comptroller may direct the party afforded the hearing to file an answer to the allegations contained in the notice, and any party to any proceeding may file an answer. Except where a different period of not less than 10 days after service of a notice of hearing is specified by the Comptroller, a party directed to file an answer, or a party who elects to file an answer, shall file the same with the Administrative Assistant within 20 days after service upon him of the notice of hearing.

(b) *Requirements of answer; effect of failure to deny.* An answer filed under this section shall specifically admit, deny, or state that the party does not have and is unable to obtain sufficient information to admit or deny each allegation in the notice of hearing. A statement of lack of information shall have the effect of a denial. Any allegation not denied shall be deemed to be admitted. When a party intends in good faith to deny only a part or a qualification of an allegation, he shall specify so much of it as is true and shall deny only the remainder.

(c) *Admitted allegations.* If a party filing an answer under this section elects not to contest the allegations of fact set forth in the notice of hearing, his answer shall consist of a statement that he admits all of the allegations to be true. Such an answer shall constitute a waiver of hearing as to the facts alleged in the notice, and together with the notice will provide a record basis on which the hearing examiner shall file with the Administrative Assistant his recommended decision and his findings of fact and conclusions of law. Any such party may, however, reserve the right to file with the Administrative Assistant exceptions to such recommended decision, findings, and conclusions as provided in § 19.16.

(d) *Effect of failure to answer.* Failure of a party to file an answer required by this section within the time provided shall be deemed to constitute a waiver of his right to appear and contest the allegations of the notice of hearing and to authorize the hearing examiner, without further notice to the party, to find the facts to be as alleged in the notice and to file with the Administrative Assistant a recommended decision containing such findings and appropriate conclusions. The Comptroller or the hearing examiner may, for cause shown, permit the filing of a delayed answer after the time for filing the answer has expired.

(e) *Opportunity for informal settlement.* Any interested party may at any time submit to the Administrative Assistant, for consideration by the Comptroller, written offers or proposals for settlement of a proceeding, without prejudice to the rights of the parties. No such offer or proposal, or counteroffer or proposal, shall be admissible in evidence over the objection of any party in any hearing in connection with such proceeding. The foregoing provisions of this section shall not preclude settlement of any proceeding through the regular adjudicatory process by the filing of an answer as provided in this section, or by submission of the case to the trial examiner on a stipulation of facts and an agreed order.

§ 19.11 Conduct of hearings.

(a) *Authority of hearing examiner.* All hearings governed by this part shall be conducted in accordance with the provisions of chapter 5 of title 5 of the United States Code. The hearing examiner designated by the Comptroller to preside at any such hearing shall have complete charge of the hearing, and he shall have the duty to conduct it in a fair and impartial manner and to take all necessary action to avoid delay in the disposition of proceedings. Such examiner shall have all powers necessary to that end, including the following:

(1) To administer oaths and affirmations:

(2) To issue subpenas and subpenas duces tecum, as authorized by law, and to revoke, quash, or modify any such subpena:

(3) To receive relevant evidence and to rule upon the admission of evidence and offers of proof:

(4) To take or cause depositions to be taken:

(5) To regulate the course of the hearing and the conduct of the parties and their counsel:

(6) To hold conferences for the settlement or simplification of issues or for any other proper purpose; and

(7) To consider and rule upon, as justice may require, all procedural and other motions appropriate in an adversary proceeding, except that a hearing examiner shall not have power to decide any motion to dismiss the proceedings or other motion which results in final determination of the merits of the proceedings.

Without limitation on the foregoing provisions of this paragraph, the hearing examiner, shall subject to the provisions of this part, have all the authority of section 556(c) of title 5 of the United States Code.

(b) *Prehearing conference.* The hearing examiner may, on his own initiative or at the request of any party, direct counsel for all parties to meet with him at a specified time and place prior to the hearing, or to submit suggestions to him in writing, for the purpose of considering any or all of the following:

(1) Simplification and clarification of the issues:

(2) Stipulations, admissions of fact and of the contents and authenticity of documents:

(3) Matters of which official notice will be taken: and

(4) Such other matters as may aid in the orderly disposition of the proceeding, including disclosure of the names of witnesses and of documents or other physical exhibits which will be introduced in evidence in the course of the proceeding.

Such conferences, in the discretion of the hearing examiner, need not be recorded, but the hearing examiner shall enter in the record an order which recites the results of the conference. Such order shall include the examiner's rulings upon matters considered at the conference, together with appropriate directions to the parties, if any; and such order shall control the subsequent course of the proceedings, unless modified at

the hearing to prevent manifest injustice. Except as authorized by law, the hearing examiner shall not consult any person or party on any fact in issue unless upon notice and opportunity for all parties to participate, nor be responsible to or subject to the supervision or direction of any officer, employee, or agent engaged in the performance of investigative or prosecuting functions. No officer, employee, or agent engaged in the performance of investigative or prosecuting functions in any case shall, in that case or a factually related case, participate or advise in the decision of the hearing examiner except as a witness or counsel in the proceedings.

(c) *Attendance at hearings.* A hearing shall be private and shall be attended only by the parties, their representatives or counsel, witnesses while testifying, and other persons having an official interest in the proceedings: *Provided, however,* That where the Comptroller in his discretion, after fully considering the views of the party afforded the hearing, determines that a public hearing is necessary to protect the public interest, he may order the hearing be public.

(d) *Transcript of testimony.* Hearings shall be recorded and transcripts will be made available to any party upon payment of the cost thereof and, in the event the hearing is public, shall be furnished on similar payment to other interested persons. A copy of the transcript of the testimony taken at any hearing, duly certified by the reporter, together with all exhibits, all papers and requests filed in the proceeding, and any briefs or memoranda of law theretofore filed in the proceeding, shall be filed with the Administrative Assistant to the Comptroller, who shall transmit the same to the hearing examiner. The Administrative Assistant shall promptly serve notice upon each of the parties of such filing and transmittal. The hearing examiner shall have authority to rule upon motions to correct the record.

(e) *Order of procedure.* The counsel for the Comptroller shall open and close.

(f) *Continuances and changes or extensions of time and changes of place of hearing.* Except as otherwise expressly provided by law, the Comptroller may by the notice of hearing or subsequent order provide time limits different from those specified in this part, and the Comptroller may, on his own initiative or for good cause shown, change or extend any time limit prescribed by these rules or the notice of hearing, or change the time and place for beginning any hearing hereunder. The hearing examiner may continue or adjourn a hearing from time to time and, as permitted by law or agreed to by the parties, from place to place. Extensions of time for making any filing or performing any act required or allowed to be done within a specified time in the course of a proceeding may be granted by the hearing examiner for good cause shown.

(g) *Call for further evidence, oral argument, briefs, reopening of hearing.* The hearing examiner may call for the production of further evidence upon any issue, may permit oral argument and submission of briefs at the hearing and, upon appropriate notice, may reopen any hearing at any time prior to the certification of his recommended decision to the Administrative Assistant. The Comptroller may order the reopening of any hearing at any time prior to the entry of his order disposing of the matter.

§ 19.12 Subpenas.

(a) *Issuance.* The hearing examiner or, in the event he is unavailable, the Comptroller, shall issue subpenas at the request of any party, requiring the attendance of witnesses or the production of documentary evidence at any designated place of hearing; except that where it appears to the hearing examiner or the Comptroller that the subpena may be unreasonable, oppressive, excessive in scope, or unduly burdensome, the party seeking the subpena may be required, as a condition precedent to the issuance of the subpena, to show the general relevance and reasonable scope of the testimony or other evidence sought. In the event the hearing examiner or the Comptroller, after consideration of all the circumstances, determines that the subpena or any of its terms are unreasonable, oppressive, excessive in scope, or unduly burdensome, he or it may refuse to issue the subpena, or issue it only upon such conditions as fairness requires.

(b) *Motion to quash.* Any person to whom a subpena is directed may, prior to the time specified therein for compliance but in no event more than five days after the date of service of such subpena, with notice to the party requesting the subpena, apply to the hearing examiner, or, if he is unavailable, to the Comptroller, to revoke, quash, or modify such subpena, accompanying such application with a statement of the reasons therefor.

(c) *Service of subpena.* Service of a subpena upon a person named therein shall be made by delivering a copy of the subpena to such person and by tendering the fees for one day's attendance and the mileage as specified in paragraph (d) of this section, except that when a subpena is issued at the request of the Comptroller of the Currency's counsel fees and mileage need not be tendered at the time of service of the subpena. If service is made by a United States marshal, or his deputy, or an employee of the Office of the Comptroller, such service shall be evidenced by his return thereon. If made by any other person, such person shall make affidavit thereto, describing the manner in which service is made, and return such affidavit on or with the original subpena. In case of failure to make service, reasons for the failure shall be stated on the original subpena. The original subpena, bearing or accompanied by the required return, affidavit, or statement, shall be returned without delay to the hearing examiner.

(d) *Attendance of witnesses.* The attendance of witnesses and the production of documents pursuant to a subpena, issued in connection with a hearing, may be required from any place in any State or in any territory at any designated place where the hearing is being conducted. Witnesses subpenaed in any proceeding under this part shall be paid the same fees and mileage that are paid witnesses in the district courts of the United States.

(e) *Depositions.* The Comptroller or hearing examiner, by subpena or subpena duces tecum, may order evidence to be taken by deposition in any proceeding at any stage thereof. Such depositions may be taken by the hearing examiner or before any person designated by the Comptroller or hearing examiner and having power to administer oaths. Unless notice is waived, no deposition shall be taken except after at least five days' notice to the parties to the proceeding.

(f) *Application and order to take oral deposition.* Any party desiring to take the oral deposition of a witness, in connection with any hearing provided for in this part, shall make application in writing to the hearing examiner or, in the event he is unavailable, to the Comptroller setting forth the reasons why such deposition should be taken, the name and post office address of the witness, the matters concerning which the witness is expected to testify, its relevance, and the time when, the place where, and the name and post office address of the person before whom it is desired the deposition be taken. A copy of such application shall be served upon every other party to the proceeding by the party making such application. Upon a showing that (1) the proposed witness will be unable to attend or may be prevented from attending the hearing because of age, sickness or infirmity, or will otherwise be unavailable at the hearing, (2) his testimony will be material, and (3) the taking of the deposition will not result in any undue burden to any other party or in undue delay of the proceeding, the hearing examiner or the Comptroller may, in his discretion, by such subpena or subpena duces tecum, order the oral deposition to be taken. Such subpena will name the witness whose deposition is to be taken and specify the time when, the place where, and the person before whom the witness is to testify, but such time and place, and the person before whom the deposition is ordered to be taken, may or may not be the same as those named in the application. Notice of the issuance of such subpena shall be served upon each of the parties a reasonable time, and in no event less than five days, in advance of the time fixed for the taking of the deposition.

(g) *Procedure on deposition; objections.* Each witness testifying upon oral deposition shall be duly sworn, and the adverse party shall have the right to cross-examine. Objections to questions or documents shall be in short form, stating the grounds of objection relied upon; but the person taking the deposition shall not have power to rule upon questions of competency or materiality or relevance of evidence. Failure to object to questions or evidence shall not be deemed a waiver unless the ground of the objection is one which might have been obviated or removed if presented at that time. The questions propounded and the answers thereto, together with all objections made (but not including argument or debate) shall be recorded by the person taking the deposition, or under his direction. The deposition shall be subscribed by the witness, unless the parties by stipulation waived the signing or the witness is ill or cannot be found or refused to sign, and certified as a true and complete transcript thereof by the person taking the deposition. If the deposition is not subscribed to by the witness, such person shall state on the record this fact and the reason therefor. Such person shall promptly send the original and two copies of such deposition, together with the original and two copies of all exhibits, by registered mail to the Administrative Assistant to the Comptroller unless otherwise directed in the order authorizing the taking of the deposition. Interested parties shall make their own arrangements with the person taking the deposition for copies of the testimony and the exhibits.

(h) *Introduction as evidence.* Subject to appropriate rulings by the hearing examiner on such objections and answers as were noted at the time the deposition was taken or as would be valid were the witness personally present and testifying, the deposition or any part thereof may be read in evidence by any party to the proceeding. Only such part or the whole of a deposition as is received in evidence at a hearing shall constitute a part of the record in such proceeding upon which a decision may be based.

(i) *Payment of fees.* Witnesses whose oral depositions are taken shall be entitled to the same fees as are paid for like services in the courts of the United States. Fees of persons taking such depositions and the fees of the reporter shall be paid by the person upon whose application the deposition was taken.

§ 19.13 Rules of evidence.

(a) *Evidence.* Every party shall have the right to present his case or defense by oral and documentary evidence, to submit rebuttal evidence and to conduct such cross-examination as may be required for a full and true disclosure of the facts. Irrelevant, immaterial, or unduly repetitious evidence shall be excluded.

(b) *Objections.* Objections to the admission or exclusion of evidence shall be in short form, stating the grounds of objections relied upon, and the transcript shall not include argument thereon except as ordered by the hearing examiner. Rulings on such objections and on any other matters shall be a part of the transcript. Failure to object to admission or exclusion of evidence or to any ruling shall be considered a waiver of such objection.

(c) *Official notice.* All matters officially noticed by the hearing examiner shall appear on the record.

§ 19.14 Motions.

(a) *In writing.* An application or request for an order or ruling not otherwise specifically provided for in this part shall be made by motion. After a hearing examiner has been designated to preside at a hearing and before the filing with the Administrative Assistant of his recommended decision, pursuant to § 19.28, such applications or requests shall be addressed to and filed with him. At all other times motions shall be addressed to the Comptroller and filed with the Administrative Assistant. Motions shall be in writing, except that a motion made at a session of a hearing may be made orally upon the record unless the hearing examiner directs that it be reduced to writing. All written motions shall state with particularity the order or relief sought and the grounds therefor.

(b) *Objections.* Within 5 days after service of any written motion, or within such other period of time as may be fixed by the hearing examiner or the Comptroller, any party may file a written answer or objection to such motion. The moving party shall have no right to reply, except as permitted by the hearing examiner or the Comptroller. As a matter of discretion, the hearing examiner or the Comptroller may waive the requirements of this section as to motions for extensions of time, and may rule upon such motions ex parte.

(c) *Oral argument.* No oral argument will be heard on motions except as otherwise directed by the hearing examiner or the Comptroller. Written memoranda or briefs may be filed with motions or answers or objections thereto, stating the points and authorities relied upon in support of the position taken.

(d) *Rulings on motions.* Except as otherwise provided in this part, the hearing examiner shall rule upon all motions properly addressed to him and upon such other motions as the Comptroller may direct, except that if the hearing examiner finds that a prompt decision by the Comptroller on a motion is essential to the proper conduct of the proceeding, he may refer such motion to the Comptroller for decision. The Comptroller shall rule upon all motions properly submitted to him for decision.

(e) *Appeal from rulings on motions.* All motions and answers or objections thereto and rulings thereon shall become part of the record. Rulings of a hearing examiner on any motion may not be appealed to the Comptroller prior to its consideration of the hearing examiner's recommended decision, findings and conclusions except by special permission of the Comptroller; but they shall be considered by the Comptroller in reviewing the record. Requests to the Comptroller for special permission to appeal from such rulings of the hearing examiner shall be filed promptly, in writing, and shall briefly state the grounds relied on. The moving party shall immediately serve a copy thereof on every other party to the proceeding.

(f) *Continuation of hearing.* Unless otherwise ordered by the hearing examiner or the Comptroller, the hearing shall continue pending the determination of any motion by the Comptroller.

§ 19.15 Proposed findings and conclusions and recommended decision.

(a) *Proposed findings and conclusions and supporting briefs.* Within 15 days after the filing of the transcript with the Administrative Assistant (or within 15 days after the party's receipt of a copy of such transcript, if ordered before the conclusion of the hearing) a party may file with the Administrative Assistant for submission to the hearing examiner proposed findings and conclusions of law, which may be accompanied by a brief in support thereof. A copy of such proposals and brief in support thereof shall be delivered by the Administrative Assistant to the hearing examiner and a copy shall be served upon the other parties to the proceedings. All such proposals, briefs, and memoranda shall become part of the record.

(b) *Recommended decision and filing of record.* The hearing examiner shall, within 30 days after the expiration of the time allowed for the filing of proposed findings and conclusions, or within such further time as the Comptroller for good cause shall determine, file with the Administrative Assistant and certify to the Comptroller for decision the entire record of the hearing, which shall include his recommended decision and findings of fact and conclusions of law, the transcript, exhibits (including on request of any of the parties any exhibits excluded from evidence or tenders of proof), exceptions, rulings, and all briefs and memoranda filed in connection with the hearing. Promptly upon such filing the Administrative Assistant shall serve upon each party to the proceeding a copy of the hearing examiner's recommended decision, and findings and conclusions.

§ 19.16 Exceptions.

(a) *Filing.* Within 15 days after receipt of a copy of the recommended decision of the hearing examiner, any party may file with the Administrative Assistant exceptions to the recommended decision of the hearing examiner or any portion thereof or to his failure to adopt a proposed finding or conclusion, or to the admission or exclusion of evidence or to any other ruling, which exceptions may be accompanied by a supporting brief. A copy of such exceptions and brief shall be forthwith delivered by the Administrative Assistant to the hearing examiner and a copy shall also be served on the other parties to the proceedings.

(b) *Waiver.* Failure to file exceptions to the recommended decision of the hearing examiner or any portion thereof, or to his failure to adopt a proposed finding or conclusion, or to the admission or exclusion of evidence or to any ruling, within the time so required, shall be deemed to be a waiver of the objections thereto.

§ 19.17 Briefs.

(a) *Contents.* All briefs shall be confined to the particular matters in issue. Each exception or proposed finding or conclusion which is briefed shall be supported by a concise argument or by citation of such statutes, decisions or other authorities and by page reference to such portions of the record or recommended decision of the hearing examiner as may be relevant. If the exception relates to the admission or exclusion of evidence, the substance of the evidence admitted

or excluded shall be set forth in the brief with appropriate references to the transcript.

(b) *Reply briefs.* Reply briefs may be filed within 10 days after service of briefs and shall be confined to matters in original briefs of opposing parties. Further briefs may be filed only with the permission of the Comptroller.

(c) *Delays.* Briefs not filed on or before the time fixed in this subpart will be received only upon special permission of the Comptroller.

§ 19.18 Oral argument before the Comptroller.

Upon his own initiative, or upon the written request of any party made within the time prescribed for the filing of exceptions, a brief in support thereof, or a reply brief, if any, for oral argument on the findings, conclusions and recommended decision of the hearing examiner, the Comptroller, if it considers justice will best be served, may order the matter to be set down for oral argument before the Comptroller. Oral argument before the Comptroller shall be recorded unless otherwise ordered by the Comptroller.

§ 19.19 Notice of submission to the Comptroller.

Upon the filing of the record with the Administrative Assistant and upon the expiration of the time for the filing of exceptions and all briefs permitted by the Comptroller and upon the hearing of oral argument by the Comptroller, if ordered by the Comptroller, the Administrative Assistant shall notify the parties that the case has been submitted to the Comptroller for final decision.

§ 19.20 Decision of Comptroller.

Appropriate members of the staff, who are not engaged in the performance of investigative or prosecuting functions in the case, or in a factually related case, may advise and assist the Comptroller in the consideration of the case. Copies of the decision and order of the Comptroller shall be furnished by the Administrative Assistant to the parties to the proceedings and to the bank involved.

§ 19.21 Filing papers.

Recommended decisions, exceptions, briefs and other papers required to be filed with the Comptroller or his Administrative Assistant in any proceedings shall be filed with the Administrative Assistant to the Comptroller of the Currency, Washington, D.C. 20220. Any such papers may be sent to the Administrative Assistant by mail or express but must be received in the office of the Comptroller in Washington, D.C., or postmarked by a post office, within the time limit for such filing.

§ 19.22 Service.

(a) *By the Comptroller.* All documents or papers required to be served by the Comptroller upon any party afforded a hearing shall be served by the Administrative Assistant unless some other person shall be designated for such purpose by the Comptroller. Such service, except for service on counsel for the Comptroller, shall be made by personal service or by registered mail, addressed to the last known address as shown on the records of the Comptroller, on the attorney or representative of record of such party, provided that if there is no attorney or representative of record, such service shall be made upon such party at the last known address as shown on the records of the Comptroller. Such service may also be made in such other manner reasonably calculated to give actual notice as the Comptroller may by regulation or otherwise provide.

(b) *By the parties.* Except as otherwise expressly provided in this part, all documents or papers filed in a proceeding under this part shall be served by the party filing the same upon the attorneys or representatives of record of all other parties to the proceeding, or, if any party is not so represented, then upon such party. Such service may be made by personal service or by registered, certified, or regular first-class mail addressed to the last known address of such parties, or their attorneys or representatives of record. All such documents or papers shall, when tendered to the Comptroller or the hearing examiner for filing, show that such service has been made.

§ 19.23 Copies.

Unless otherwise specifically provided in the notice of hearing, an original and seven copies of all documents and papers required or permitted to be filed or served upon the Administrative Assistant under this part, except the transcript of testimony and exhibits, shall be furnished to the Administrative Assistant.

§ 19.24 Computing time.

(a) *General rule.* In computing any period of time prescribed or allowed by this part, the date of the act, event or default from which the designated period of time begins to run is not to be included. The last day so computed is to be included, unless it is a Saturday, Sunday or legal holiday in the District of Columbia, in which event the period shall run until the end of the next day which is neither a Saturday, Sunday nor legal holiday. Intermediate Saturdays, Sundays and legal holidays shall be included in the computation unless the time within which the act is to be performed is 10 days or less in which event Saturdays, Sundays and legal holidays shall not be included.

(b) *Service by mail.* Whenever any party has the right or is required to do some act or take some proceeding, within a period of time prescribed in this part, after the service upon him of any document or other paper of any kind, and such service is made by mail, three days shall be added to the prescribed period from the date when the matter served is deposited in the United States mail.

§ 19.25 Documents in proceedings confidential.

Unless and until otherwise ordered by the Comptroller, the notice of hearing, the transcript, the recommended decision of the hearing examiner, exceptions thereto, proposed findings and conclusions of the Comptroller and other papers which are filed in connection with any hearing shall not be made public, and shall be for the confidential use only of the Comptroller, the hearing examiner, and the parties.

§ 19.26 Formal requirements as to papers filed.

(a) *Form.* All papers filed under this subpart shall be printed, typewritten, or otherwise reproduced. All copies shall be clear and legible.

(b) *Signature.* The original of all papers filed by a bank shall be signed by an officer thereof, and if filed by another party shall be signed by said party, or by the duly authorized agent or attorney of the bank or other party, and in all such cases shall show the signer's address. Counsel for the Comptroller shall sign the original of all papers filed by him.

(c) *Caption.* All papers filed must include at the head thereof, or on a title page, the name of the Comptroller, the name of the party, and the subject of the particular paper.

[F.R. Doc. 67-8705; Filed, July 31, 1967; 8:45 a.m.]

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

PART 263—RULES OF PRACTICE FOR FORMAL HEARINGS

1. Effective August 1, 1967, Part 263 is revised to read as follows:

Subpart A—Rules of Practice Applicable to All Formal Hearings

Sec.
263.1 Scope.
263.2 Definitions.
263.3 Appearance and practice before the Board.
263.4 Notice of hearing.
263.5 Answer.
263.6 Conduct of hearings.
263.7 Subpenas.
263.8 Depositions.
263.9 Rules of evidence.
263.10 Motions.
263.11 Proposed findings and conclusions and recommended decision.
263.12 Exceptions.
263.13 Briefs.
263.14 Oral argument before the Board.
263.15 Decision of Board.
263.16 Filing papers.
263.17 Service.
263.18 Copies.
263.19 Computing time.
263.20 Documents in proceedings confidential.
263.21 Formal requirements as to papers filed.

Subpart B—Rules and Procedures Applicable to Proceedings Relating to Cease-and-Desist Orders

263.22 Scope.
263.23 Grounds for cease-and-desist orders.
263.24 Notice of charges and hearing.
263.25 Issuance of order.
263.26 Effective date.
263.27 Temporary cease-and-desist orders.
263.28 Effective date of temporary order.

Subpart C—Rules and Procedures Applicable to Proceedings Relating to Removal and Suspension Orders

Sec.
263.29 Scope.
263.30 Grounds for removal order.
263.31 Grounds for suspension order.
263.32 Effective date of suspension order.
263.33 Notice of intention to remove and hearing.
263.34 Issuance of removal order and effective date.
263.35 Suspensions and removal where felony charged.

Subpart A—Rules of Practice Applicable to All Formal Hearings

AUTHORITY: The provisions of this Subpart A issued under sec. 11(i), 38 Stat. 262, sec. 202(n), 80 Stat. 1052, sec. 2[18], 64 Stat. 873, as amended, sec. 5, 70 Stat. 137, sec. 8, 38 Stat. 732 as amended; 12 U.S.C. 248(i), 1818(n), 1828(c), 1844; 15 U.S.C. 19.

§ 263.1 Scope.

This subpart prescribes rules of practice and procedure followed by the Board with respect to adjudications as to which a hearing is required by law or is for other reason ordered by the Board. Among such adjudications are those relating to: Suspension of a member bank from the use of credit facilities of the Federal Reserve System under section 4 of the Federal Reserve Act (12 U.S.C. 301); termination of a bank's membership in the System pursuant to section 9 of the Federal Reserve Act (12 U.S.C. 327); issuance of a cease-and-desist order under section 11 of the Clayton Act (15 U.S.C. 21); issuance of a cease-and-desist order or a removal or suspension order under section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818); applications pursuant to sections 3 and 4 of the Bank Holding Company Act of 1956 (12 U.S.C. 1842, 1843) as to which a hearing is required by the Act, or for other reason is ordered by the Board; and such proceedings as may be ordered by the Board with respect to bank merger applications under section 18(c) of the Federal Deposit Insurance Act (12 U.S.C. 1828(c)).

§ 263.2 Definitions.

As used in this part—

(a) The term "Secretary" means the Secretary to the Board;

(b) The term "presiding officer" means the Board, one or more members thereof, or a duly designated hearing examiner or other duly designated hearing officer, and as used in this part the term shall be construed to refer to whichever of these shall preside at a hearing hereunder, except as otherwise specified in the text;

(c) The term "party" means a person or agency named or admitted as a party, or any person or agency who has filed a written request and is entitled as of right to be admitted as a party; but a person or agency may be admitted for a limited purpose.

§ 263.3 Appearance and practice before the Board.

(a) *Power of attorney and notice of appearance.* Any person who is a member in good standing of the bar of the highest court of any State or of the District of Columbia, or of any possession, territory, or Commonwealth of the United States, may represent others before the Board upon filing with the Secretary a written declaration that he is currently qualified as provided in this paragraph, and is authorized to represent the particular party on whose behalf he acts. Any other person desiring to appear before or transact business with the Board in a representative capacity may be required to file with the Secretary a power of attorney showing his authority to act in such capacity, and he may be required to show to the satisfaction of the Board that he has the requisite qualifications. Attorneys and other representatives of parties to proceedings shall file a written notice of appearance with the Secretary or with the presiding officer.

(b) *Summary suspension.* Contemptuous conduct at any hearings to which these Rules are applicable, by any person, shall be ground for exclusion from any such hearing and for such further period as the Board may prescribe.

§ 263.4 Notice of hearing.

Whenever a hearing is ordered by the Board, notice of such hearing (together with a copy of any document incorporated therein by reference) shall be given by the Secretary or other designated officer acting for the Board to the party or parties to the proceeding and to the appropriate financial institution supervisory authority where required by law. The Board may give whatever additional notice is deemed appropriate in any given hearing. Such notice shall state the time, place, and nature of the hearing, the legal authority and jurisdiction under which the hearing is to be held, and the name and address of the presiding officer, if one has been designated, and shall also contain, or incorporate by appropriate reference, a statement of the matters of fact or law constituting the grounds for the hearing. Unless otherwise provided by law or ordered by the Board, notice of any hearing shall be given not less than 20 days prior to the date set for hearing and shall be given general circulation by publication in the FEDERAL REGISTER and, where practical, by release to the press. The Board may amend a notice of hearing in any manner and to the extent consistent with provisions of applicable law.

§ 263.5 Answer.

(a) *When required.* In any notice of hearing issued by the Board, the Board may direct the party or parties afforded the hearing to file an answer to the allegations contained in the notice or referenced documents, and any party to any proceeding may file an answer. Except where a different period is provided by law or specified by the Board, a party directed to file an answer, or a party who elects to file an answer, shall file the same with the Secretary within 20 days after service upon him of the notice of hearing.

(b) *Requirements of answer; effect of failure to deny.* An answer filed under this section shall specifically admit, deny, or state that the party does not have sufficient information to admit or deny each allegation in the notice of hearing. A statement of lack of information shall have the effect of a denial. Any allegation not denied shall be deemed to be admitted. When a party intends to deny only a part or a qualification of an allegation, he shall admit so much of it as is true and shall deny only the remainder.

(c) *Admitted allegations.* If a party filing an answer under this section elects not to contest the allegations of fact set forth in the notice of hearing or referenced documents, his answer shall consist of a statement that he admits all of the allegations to be true. Such an answer shall constitute a waiver of hearing as to the facts alleged, and together with the notice and any referenced documents will provide a record basis on which the presiding officer shall file with the Secretary his recommended decision and his findings of fact and conclusions of law. Such admission shall not constitute a waiver of the right of such party to file with the Secretary exceptions to such recommended decision, findings and conclusions.

(d) *Effect of failure to answer.* Failure of a party to file an answer required by this section within the time provided shall constitute a waiver of his right to appear and contest the allegations of the notice of hearing and shall constitute authorization for the presiding officer, without further notice to the party, to find the facts to be as alleged in the notice and to file with the Secretary a recommended decision containing such findings and appropriate conclusions. The Board or the presiding officer may, for cause shown, permit the filing of an answer after the prescribed time.

(e) *Opportunity for informal settlement.* Any interested party may at any time submit to the Secretary, for consideration by the Board, written offers or proposals for settlement of a proceeding, without prejudice to the rights of the parties. No offer or proposal shall be admissible in evidence over the objection of any party in any hearing in connection with such proceeding. The foregoing provisions of this paragraph shall not preclude settlement of any proceeding through the regular adjudicatory process by the filing of an answer as provided in paragraph (c) of this section, or by the submission of the case to the presiding officer on a stipulation of facts and an agreed order.

§ 263.6 Conduct of hearings.

(a) *Designation of presiding officer.* When evidence is to be taken in a hearing, either the Board or, when duly designated for that purpose, one or more of its members, a hearing examiner, or other lawfully appointed hearing officer may preside at the hearing. All such hearings, unless otherwise provided in the notice of hearing, shall be conducted as hereinafter provided. Except as authorized by law, the presiding officer shall not consult any person or party on any fact in issue unless upon notice and opportunity for all parties to participate,

nor shall he be responsible to or subject to the supervision or direction of any officer, employee, or agent of the Board engaged in the performance of investigative or prosecutive functions. A designated presiding officer may at any time withdraw if he deems himself disqualified; and, upon filing of a timely and sufficient affidavit of personal bias or disqualification of such presiding officer, the Board will determine the matter as a part of the record and decision in the case.

(b) *Authority of presiding officer.* All hearings governed by this part shall be conducted in accordance with the provisions of chapter 5 of title 5 of the United States Code. The presiding officer shall have complete charge of the hearing, and he shall have the duty to conduct it in a fair and impartial manner and to take all necessary action to avoid delay in the disposition of proceedings. Such officer shall have all powers necessary to that end, including but not limited to the following:

(1) To administer oaths and affirmations;

(2) To issue subpenas and subpenas duces tecum, as authorized by law, and to revoke, quash, or modify any such subpena;

(3) To receive relevant evidence and to rule upon the admission of evidence and offers of proof;

(4) To take or cause depositions to be taken;

(5) To regulate the course of the hearing and the conduct of the parties and their counsel;

(6) To hold conferences for the settlement or simplification of issues or for any other proper purpose; and

(7) To consider and rule upon, as justice may require, all procedural and other motions appropriate in an adversary proceeding, except that a presiding officer other than the Board shall not have power to decide any motion to dismiss the proceedings or other motion which would result in final determination of the merits of the proceedings.

Without limitation on the foregoing, the presiding officer shall, subject to the provisions of this part, have all the authority set forth in section 556(c) of title 5 of the United States Code.

(c) *Prehearing conference.* The presiding officer may, on his own initiative or at the request of Board counsel or of any party, direct all parties or counsel to meet with him at a specified time and place prior to the hearing, or to submit suggestions to him in writing, for the purpose of considering any or all of the following:

(1) Simplification and clarification of the issues;

(2) Stipulations and admissions of fact and of the contents and authenticity of documents;

(3) Matters of which official notice will be taken; and

(4) Such other matters as may aid in the orderly disposition of the proceeding, including disclosure of the names of witnesses and of documents or other physical exhibits which will be introduced in evidence in the course of the proceeding. Such conferences, in the discretion of the presiding officer, need not be recorded, but the presiding officer shall enter in the record an order which recites the results of the conference. Such order, a copy of which shall be served on each party and Board counsel, shall include the officer's rulings upon matters considered at the conference, together with appropriate directions, if any, to the parties and Board counsel; and such order shall control the subsequent course of the proceedings, unless modified at the hearing, for good cause found, by appropriate order of the presiding officer.

(d) *Attendance at hearings; representation of the Board.* Unless otherwise specifically provided by statute or by rule of the Board, a hearing shall ordinarily be private and shall be attended only by the parties, their representatives or counsel, representatives of the Board, witnesses while testifying, and other persons having an official interest in the proceedings: *Provided, however,* That on written request by a party or a representative of the Board, or on the Board's own motion, the Board, in its discretion and to the extent permitted by law, may permit other persons to attend or may order the hearing to be public. In connection with any such hearing or proceeding related thereto, the Board may designate as board counsel an attorney from its staff or other attorney who shall represent the Board. For the purposes of these Rules, any attorney so designated is referred to as "Board counsel." In case of adjudication other than initial licensing proceedings, neither Board counsel nor any officer or employee of the Board who has engaged in the performance of any investigative or prosecutive function in the case, or a factually related case, may participate in or advise as to the presiding officer's recommended decision or the Board's decision, except as witness or counsel in such hearing or related proceeding. Proceedings with respect to applications for initial licenses shall include, but not be limited to, applications for Board approval under section 3 of the Bank Holding Company Act of 1956 (12 U.S.C. 1842) and such proceedings as may be ordered by the Board with respect to applications under section 18(c) of the Federal Deposit Insurance Act (12 U.S.C. 1828(c)). In such initial licensing proceedings, Board counsel shall represent the Board in an nonadversary capacity for the purpose of developing for the record information relevant to the issues to be determined by the presiding officer and the Board.

(e) *Transcript of testimony.* Hearings shall be recorded and transcripts will be made available at prescribed rates to any party and, in the event the hearing is public, to any other interested persons. The presiding officer shall have authority to order the record corrected, either upon motion to correct, upon stipulation of the parties, or, following notice to the parties, upon the presiding officer's initiative. The transcript of testimony taken at any hearing, duly certified by the reporter, together with all exhibits, papers, and requests, briefs or memoranda of law filed in connection with the hearing shall be filed in duplicate with the Secretary by the presiding officer. The Secretary shall promptly serve notice upon each of the parties of such filing and transmittal. Following the service of notice of filing of the record, the record shall be returned to the presiding officer.

(f) *Continuances and changes or extensions of time and changes of place of hearing.* Except as otherwise expressly provided by law, the Board may by the notice of hearing or subsequent order provide time limits different from those specified in this part, and may, on its own initiative or for good cause shown, change or extend any time limit prescribed by these rules or the notice of hearing, or change the time or place for beginning any hearing hereunder. The presiding officer may, for good cause shown, and as permitted by law, change the time or place for beginning such hearing and may continue or adjourn a hearing from time to time or from place to place. Extensions of time for making any filing or performing any act required or allowed to be done within a specified time in the course of a hearing may be granted by the presiding officer for good cause shown.

(g) *Call for further evidence, oral argument, briefs, reopening of hearing.* The presiding officer may call for the production of further evidence upon any issue, may permit oral argument, the submission of briefs at the hearing and, upon appropriate notice, may reopen any hearing at any time prior to the certification of his recommended decision to the Secretary. The Board may reopen the record at any time permitted by law.

§ 263.7 Subpenas.

(a) *Issuance.* Where authorized by law, subpenas for the attendance of witnesses or for the production of documentary evidence, unless directed by the Board upon its own motion, will issue only upon application in writing to the presiding officer or, in the event he is unavailable, to the Board, except that during sessions of a hearing, such application may be made orally on the record before the presiding officer. The person seeking the subpena may be required, as a condition precedent to the issuance of the subpena, to show the general relevance and reasonable scope of the testimony or other evidence sought. In the event the presiding officer or the Board, after consideration of all the circumstances, determines that the requested subpena or any of its terms is unreasonable, oppressive, excessive in scope, unduly burdensome, or otherwise improper, he or it may refuse to issue the subpena, or issue it only upon such conditions as fairness requires.

(b) *Motion to quash.* Any person to whom a subpena is directed may, prior to the time specified therein for compliance, but in no event more than 5 days after the date of service of such subpena, with notice to the party requesting the subpena, apply to the presiding officer or, if he is unavailable, to the Board, to revoke, quash, or modify such subpena, accompanying such application with a statement of the reasons therefor.

(c) *Service of subpena.* In making service of a subpena, a copy thereof shall be exhibited to and left with the person named therein. If service is made by a U.S. marshal or his deputy, such service shall be evidenced by his return thereon. If made by any other person, such person shall make affidavit thereto, describing the manner in which service was made, and return such affidavit on or with the original subpena. In case of failure to make service, the reasons for the failure shall be stated on the original subpena. The original subpena, bearing or accompanied by the required return, affidavit or statement, shall be returned without delay to the Secretary or, if so directed on the subpena, to the presiding officer before whom the person named in the subpena is required to appear.

(d) *Attendance of witnesses.* The attendance of witnesses and the production of documents pursuant to a subpena, issued in connection with a hearing provided for in Subparts B and C of this part, may be required from any place in any State or in any territory at any designated place where the hearing is being conducted. Witnesses subpenaed in any proceeding under this part shall be paid the same fees and mileage that are paid witnesses in the district courts of the United States, except that when a subpena is issued upon the Board's own motion or at the request of Board counsel, fees and mileage need not be tendered at the time of service of the subpena. Fees required by this paragraph shall be paid by the person upon whose application the subpena is issued.

§ 263.8 Depositions.

(a) *When permissible.* The Board or presiding officer, upon its or his own motion or upon appropriate application by a party to the proceeding or Board counsel, may, by subpena or subpena duces tecum, order evidence to be taken by deposition at any stage of any proceeding in which such depositions are authorized. Depositions may be taken before the presiding officer or before any person designated in the subpena and having the power to administer oaths.

(b) *Notice and application.* Unless notice is waived, no deposition shall be taken except after at least 5 days' written notice to Board counsel and the parties to the proceeding or their attorneys of record and to the Board. In such notice and application to take evidence by deposition, the party desiring to take the deposition shall state the name and post office address of the witness, the subject matter concerning which the witness is expected to testify, its relevance, the time, place, and the name and post office address of the person before whom it is desired the deposition be taken, and the reason why such deposition should be taken. Thereupon, the presiding officer or the Board may, in his or its discretion, by subpena or subpena duces tecum, order the oral deposition to be taken. Such subpena will name the witness whose deposition is to be taken and specify the time when, the place where, and the person before whom the witness is to testify, but such time and place, and the person before whom the deposition is ordered to be taken, may or may not be the same as those named in the notice and application. Notice of the issuance of such subpena shall be served upon each of the parties a reasonable time in advance of the time fixed for the taking of the deposition, but in no event less than 5 days in advance of such time.

(c) *Procedure on deposition; objections.* Each witness testifying upon oral deposition shall be duly sworn, and Board counsel and any adverse party shall have the right to cross-examine. Objections to questions or documents shall be in short form, stating the grounds of objection relied upon; but the person recording the deposition shall not have power to rule upon questions of competency or materiality or relevancy of evidence. Failure to object to questions or evidence shall not be deemed a waiver unless the ground of the objection is one which might have been obviated or removed if presented at that time. The questions propounded and the answers thereto, together with all objections made (but not including argument or debate), shall be recorded by the officer before whom the deposition is to be taken, or under his direction. The deposition shall be subscribed by the witness, unless the parties by stipulation waive the signing or the witness is ill, cannot be found, or refuses to sign, and certified as a true and complete transcript thereof by the person recording the testimony. If the deposition is not subscribed to by the witness, the person recording the testimony shall state on the record this fact and the reason therefor. The officer before whom the deposition is taken shall promptly send the original and two copies of such deposition, together with the original and two copies of all exhibits, by registered mail to the Secretary unless otherwise directed in the order authorizing the taking of the deposition or in the notice of the issuance thereof. Interested parties shall make their own arrangements with the person recording the testimony for copies of the testimony and the exhibits.

(d) *Introduction as evidence.* Subject to appropriate rulings by the presiding officer on such objections and answers as were noted at the time the deposition was taken or as would be valid were the witness personally present and testifying, the deposition or any part thereof may be received in evidence by the presiding officer. Only such part of a deposition as is received in evidence at a hearing shall constitute a part of the record in such proceeding upon which a decision may be based.

(e) *Payment of fees.* Deponents whose oral depositions are taken and the reporter taking the same shall be entitled to the same fees as are paid for like services in the courts of the United States, which fees shall be paid by the person upon whose application the deposition is taken.

§ 263.9 Rules of evidence.

(a) *Evidence.* Every party shall have the right to present his case or defense by oral and documentary evidence, to submit rebuttal evidence and to conduct such cross-examination as may be required for a full and true disclosure of the facts. Irrelevant, immaterial, or unduly repetitious evidence shall be excluded.

(b) *Objections.* Objections to the admission or exclusion of evidence shall be in short form, stating the grounds of objections relied upon, and the transcript shall not include argument except as ordered by the presiding officer. Rulings on such objections and on any other matters shall be a part of the transcript. Failure to object to admission or exclusion of evidence or to any ruling shall be considered a waiver of such objection, but no exception to a ruling on an objection need be noted before the presiding officer in order to urge the same in the consideration of the matter by the Board.

(c) *Stipulations.* Independently of the orders or rulings issued as provided by § 263.6(c), the parties and Board counsel may stipulate as to any relevant matters of fact or the authenticity of any relevant documents. Such stipulations may be received in evidence at a hearing, and when so received shall be binding on the parties and Board counsel with respect to the matters therein stipulated.

(d) *Official notice.* All matters officially noticed by the presiding officer shall appear on the record.

§ 263.10 Motions.

(a) *In writing.* An application or request for an order or ruling not otherwise specifically provided for in this part shall be made by motion. After a presiding officer has been designated and before the filing with the Secretary of his recommended decision, pursuant to § 263.11, such applications or requests shall be addressed to and filed with him. At all other times motions shall be addressed to the Board and filed with the Secretary. Motions shall be in writing, except that a motion made at a session of a hearing may be made orally upon the record unless the presiding officer directs that it be reduced to writing. All written motions shall state with particularity the order or relief sought and the grounds therefor. When a motion is addressed to the presiding officer, an original and two copies of such motion shall be filed.

(b) *Objections.* Within 5 days after service of any written motion, or within such other period as may be fixed by the presiding officer or the Board, any party may file a written answer or objection to such motion, together with two copies thereof. The moving party shall have no right to reply, except as permitted by the presiding officer or the Board. The presiding officer or the Board, in his or its discretion, may waive the requirements of this section as to motions for extensions of time, and may rule upon such motions ex parte.

(c) *Oral argument; briefs.* No oral argument will be heard on motions except as otherwise directed by the presid-

ing officer or the Board. Written memoranda or briefs may be filed with motions or answers or objections, stating the points and authorities relied upon in support of the position taken.

(d) *Rulings on motions.* Except as otherwise provided in this part, the presiding officer shall rule upon all motions properly addressed to him and upon such other motions as the Board may direct, except that if the presiding officer finds that a prompt decision by the Board on a motion is essential to the proper conduct of the proceeding, he may refer such motion to the Board for decision. The Board shall rule upon all motions properly submitted to it for decision.

(e) *Appeal from rulings on motions.* All motions and answers or objections and rulings thereon shall become part of the record. The rulings of a presiding officer on any motion may not be appealed to the Board prior to its consideration of the presiding officer's recommended decision, findings, and conclusions except by special permission of the Board, but shall be considered by the Board in reviewing the record. Requests to the Board for special permission to appeal from such rulings of the presiding officer shall be filed promptly, in writing, and shall briefly state the grounds relied on.

(f) *Continuation of hearing.* Unless otherwise ordered by the presiding officer or the Board, the hearing shall continue pending the determination of any motion by the Board.

(g) *Closing of hearing.* The record of the hearing shall be closed by announcement to that effect by the presiding officer when the taking of evidence has been concluded. In the discretion of the presiding officer, the record may be closed as of a future date in order to permit the admission into the record, under circumstances determined by the presiding officer, of exhibits to be prepared.

§ 263.11 Proposed findings and conclusions and recommended decision.

(a) *Proposed findings and conclusions and supporting briefs.* Board counsel or any party who may wish to file with the presiding officer proposed findings and conclusions of law shall file the same, with two copies thereof, within 15 days after the receipt of written notice from the Secretary advising that the transcript has been filed with the Secretary. Proposed findings and conclusions shall be supported by citation to any relevant authorities and by page references to any relevant portions of the record and, in addition, may be accompanied by a brief in support thereof. In initial licensing proceedings, in lieu of proposed findings and conclusions of law, and within such time as the presiding officer may allow, Board counsel may submit comments with respect to the evidence of record and/or proposed findings and conclusions of law submitted by any party. All such proposed findings and conclusions of law, briefs, and other submissions shall become part of the record.

(b) *Recommended decision and filing of record.* In a proceeding in which the Board or one or more of its members has not presided at the reception of evidence, the presiding officer shall, within 45 days after the expiration of the time allowed for the filing of proposed findings and conclusions, or within such other time as the Board for good cause shall prescribe, file with the Secretary and certify to the Board for decision the entire record of the hearing, which shall include his recommended decision and findings of fact and conclusions of law, the transcript, exhibits (including on request of any of the parties any exhibits excluded from evidence or tenders of proof), exceptions, rulings, and all briefs and memoranda filed in connection with the hearing. Promptly upon such filing the Secretary shall serve upon each party to the proceeding a copy of the presiding officer's recommended decision, and findings and conclusions.

(c) *Board as presiding officer.* In proceedings in which the Board or one or more of its members has presided at the reception of evidence, the presiding officer's recommended decision, findings of fact, and conclusions of law will be omitted. In such proceedings the proposed findings and conclusions of law, briefs, and other submissions permitted under paragraph (a) of this section shall be filed with the Secretary for consideration by the Board.

§ 263.12 Exceptions.

(a) *Filing.* Within 15 days after service of the recommended decision and findings and conclusions of the presiding officer, or such further time as the Board for good cause shall determine, any party or Board counsel may file with the Secretary exceptions thereto or to any part thereof, or to the failure of the presiding officer to make any recommendation, finding, or conclusion, or to the admission or exclusion of evidence, or other ruling of the presiding officer, supported by such brief as may appear advisable. In any proceeding where the Board or one or more of its members is the presiding officer, the provisions of this section will not be applicable.

(b) *Waiver.* Failure to file exceptions to the recommended decision of the presiding officer or any portion thereof, or to his failure to adopt a proposed finding or conclusion, or the admission or exclusion of evidence or other ruling of the presiding officer, within the time prescribed in paragraph (a) of this section, shall be deemed to be a waiver of objection.

§ 263.13 Briefs.

(a) *Contents.* All briefs shall be confined to the particular matters in issue. Each proposed finding, conclusion, or exception which is briefed shall be supported by a concise supporting statement or by citation of relevant statutes, regulations, decisions, or other authorities and by page reference of relevant portions of the record or recommended decision of the presiding officer. If the exception relates to the admission or exclusion of evidence, the substance of the evidence admitted or excluded shall be set forth in the brief with appropriate page references to the transcript.

(b) *Answering briefs.* Answering briefs may be filed within 10 days after service of briefs and shall be confined to matters in the original briefs of opposing parties. Further briefs may be filed with the presiding officer only with his permission or that of the Board, and may be filed with the Board only with its permission.

§ 263.14 Oral argument before the Board.

Upon its own initiative, or upon written request by any party or Board counsel, the Board, in its discretion, may order the matter to be set down for oral argument before the Board or one or more members thereof. Any request for oral argument by a party filing exceptions shall be made within the time prescribed for filing such exceptions, or by any other party, within the time prescribed for the filing of an answering brief. Oral argument before the Board shall be recorded unless otherwise ordered by the Board.

§ 263.15 Decision of Board.

Appropriate members of the Board's staff who are not engaged in the performance of investigative or prosecuting functions in the case, or in a factually related case, may advise and assist the Board in the consideration of the case and in the preparation of appropriate documents for its disposition. Copies of the decision and order of the Board shall be served by the Secretary upon the parties to the proceedings and furnished to such other persons as the Board may direct or the law may require.

§ 263.16 Filing papers.

Recommended decisions, exceptions, briefs and other papers required to be filed with the Board or Secretary in any proceedings shall be filed with the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. Any such papers may be sent to the Secretary by mail or express but must be received in the office of the Board in Washington, D.C., within the time limit for such filing.

§ 263.17 Service.

(a) *By the Board.* All documents or papers required to be served by the Board shall be served by the Secretary unless some other person shall be designated for such purpose by the Board. Such service, except for service on Board counsel, shall be made by personal service or by registered mail on the attorney or representative of record of the party, addressed to the last known address as shown on the records of the Board, provided that if there is no attorney or representative of record, such service shall be made upon such party at the last known address as shown on the records of the Board. Such service may also be made in such other manner reasonably calculated to give actual notice as the Board may by regulation or otherwise provide.

(b) *By the parties.* All documents or papers filed in a proceeding under this part shall be served by the party filing the same upon Board counsel and the attorneys or representatives of record of all other parties, or, if any party is not so represented, then upon such party. Such service may be made by personal service or by registered, certified, or regular first-class mail addressed to the last known address of such parties, or their attorneys or representatives of record. All such documents or papers, when tendered to the Board or the presiding officer for filing, shall contain a certificate of service.

§ 263.18 Copies.

Unless otherwise specifically provided in the notice of hearing, an original and seven copies of all documents and papers required or permitted to be filed or served upon the Secretary under this part shall be furnished to the Secretary, except that an original and only one copy of the transcript of testimony and exhibits shall be filed with the Secretary by the presiding officer. All documents and papers filed with the presiding officer shall be filed in duplicate.

§ 263.19 Computing time.

(a) *General rule.* In computing any period of time prescribed or allowed by this part, the date of the act, event or default from which the designated period of time begins to run is not to be included. The last day so computed is to be included, unless it is a Saturday, Sunday, or legal holiday in the District of Columbia, in which event the period shall run until the end of the next day which is neither a Saturday, Sunday, nor legal holiday. Intermediate Saturdays, Sundays, and legal holidays shall be included in the computation unless the time within which the act is to be performed is 10 days or less, in which event Saturdays, Sundays, and legal holidays shall not be included. Half holidays shall not be considered as holidays.

(b) *Service by mail.* Whenever any party has the right or is required to do some act within a period of time prescribed in this part, after the service upon him of any document or other paper of any kind, and such service is made by mail, 3 days shall be added to the prescribed period from the date when the matter served is deposited in the U.S. mail.

§ 263.20 Documents in proceedings confidential.

Unless and until otherwise ordered by the Board or unless otherwise provided by statute or by Board regulation, the notice of hearing, the transcript, the proposed findings and conclusions, the recommended decision of the presiding officer, exceptions thereto, the findings and conclusions of the Board and other papers which are filed in connection with any hearing shall not be made public, and shall be for the confidential use only of the Board and its staff, the presiding officer, the parties and, where appropriate, other supervising authorities.

§ 263.21 Formal requirements as to papers filed.

(a) *Form.* All papers filed under this subpart shall be printed, typewritten, or otherwise reproduced. All copies shall be clear and legible.

(b) *Signature.* All papers shall be dated and signed by the party filing the same, or his duly authorized agent or attorney, or Board counsel, and, except in the case of Board counsel, shall indicate the address of the signer.

(c) *Caption.* All papers filed must include at the head thereof, or on a title page, the name of the Board and of the filing party, the title of the proceeding, and the subject of the particular paper.

Subpart B—Rules and Procedures Applicable to Proceedings Relating to Cease-and-Desist Orders

AUTHORITY: The provisions of this Subpart B issued under sec. 202(n), 80 Stat. 1052; 12 U.S.C. 1818(n).

§ 263.22 Scope.

The rules and procedures set forth in this subpart are applicable to proceedings by the Board with a view to ordering a State member bank (other than a District bank) to cease and desist from practices and violations described in section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818) and enumerated in § 263.23. The procedures for issuing such orders prescribed in section 8 of said Act will be followed and hearings required thereunder will be conducted in accordance with the rules and procedures set forth in this subpart and Subpart A of this part. In connection with any proceeding under this subpart, the Board will provide the appropriate State supervisory authority with timely notice of intent to institute such a proceeding and the grounds therefor. Unless within such time as the Board deems appropriate in the circumstances of the case (which time will be specified in the notice) satisfactory corrective action is affectuated by action of the State supervisory authority, the Board will proceed as provided herein. Copies of any notice or order served upon any State bank in connection with such proceedings will also be sent to the appropriate State supervisory authority.

§ 263.23 Grounds for cease-and-desist orders.

If, in the opinion of the Board, any State member bank (other than a District bank) is engaging or has engaged or the Board has reasonable cause to believe that the bank is about to engage, in an unsafe or unsound practice in conducting the business of such bank, or is violating or has violated, or the Board has reasonable cause to believe that the bank is about to violate, a law, rule, or regulation, or any condition imposed in writing by the Board in connection with the granting of an application or other request by the bank, or any written agreement entered into with the Board, the Board may issue and serve upon the bank a notice of charges in respect thereof.

§ 263.24 Notice of charges and hearing.

The notice referred to in § 263.23 will contain a statement of the facts constituting the alleged violation or violations or the unsafe or unsound practice or practices, and fix a time and place at which a hearing will be held to determine whether an order to cease and desist therefrom should issue against the bank. The hearing will be fixed for a date not earlier than 30 days nor later than 60 days after service of such notice unless an earlier or a later date is set by the Board at the request of the bank, and shall be held in the Federal judicial district or in the territory in which the home office of the bank is located, unless the bank consents to another place. Unless the bank appears at the hearing by a duly authorized representative, it will be deemed to have consented to the issuance of the cease-and-desist order.

§ 263.25 Issuance of order.

In the event of such consent, or if upon the record made at any such hearing, the Board finds that any violation or unsafe or unsound practice specified in the notice of charges has been established, the Board may issue and serve upon the bank an order to cease and desist from any such violation or practice. Such order may, by provisions which may be mandatory or otherwise, require the bank and its directors, officers, employees, and agents to cease and desist from the same and, further, to take affirmative action to correct the conditions resulting from any such violation or practice.

§ 263.26 Effective date.

A cease-and-desist order will become effective at the expiration of 30 days after the service of such order upon the bank concerned (except in the case of a cease-and-desist order issued upon consent, which will become effective at the time specified therein), and will remain effective and enforceable as provided therein, except to such extent as it is stayed, modified, terminated, or set aside by action of the Board or a reviewing court.

§ 263.27 Temporary cease-and-desist orders.

Whenever the Board determines that the violation or threatened violation or the unsafe or unsound practice or practices, specified in the notice of charges referred to in § 263.23, or the continuation thereof, is likely to cause insolvency or substantial dissipation of assets or of earnings of the bank, or is likely to otherwise seriously prejudice the interests of its depositors, the Board may issue a temporary order requiring the bank to cease and desist from any such violation or practice.

§ 263.28 Effective date of temporary order.

Such order will become effective upon service upon the bank, and, unless set aside, limited, or suspended by a court in proceedings authorized under section 8(h)(2) of the Federal Deposit Insurance Act, will remain effective and enforceable pending the completion of the administrative proceedings held pursuant to such notice and until such time as the Board dismisses the charges specified in such notice, or if a cease-and-desist

order is issued against the bank pursuant to § 263.25, until the effective date of any such order.

Subpart C—Rules and Procedures Applicable to Proceedings Relating to Removal and Suspension Orders

AUTHORITY: The provisions of this Subpart C issued under sec. 202(n), 80 Stat. 1052; 12 U.S.C. 1818(n).

§ 263.29 Scope.

The rules and procedures set forth in this subpart are applicable to proceedings by the Board to remove or suspend a director, officer, or any other person participating in the conduct of the affairs of a State member bank (other than a District bank) or of a national banking association or a District bank where the facts are certified to the Board pursuant to 12 U.S.C. 1818(e)(2), 12 U.S.C. 1818(e)(4), or 12 U.S.C. 1818(e)(6), and/or prohibit such director, officer, or other person from further participation in the conduct of the affairs of such a bank, upon the grounds set forth in section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818) and enumerated in this subpart. The procedures for issuing such orders prescribed in section 8 of said Act will be followed and hearings required thereunder will be conducted in accordance with the rules and procedures set forth in this subpart and Subpart A of this part. In connection with any proceeding under this subpart relating to a director, officer, or other person participating in the affairs of a State member bank (other than a District bank), the Board will provide the appropriate State supervisory authority with timely notice of intent to institute such a proceeding and the grounds therefor. Unless within such time as the Board deems appropriate in the circumstances of the case (which time will be specified in the notice) satisfactory corrective action is effectuated by action of the State supervisory authority, the Board will proceed as provided herein. Copies of any notice or order served upon any State bank in connection with such proceedings will also be sent to the appropriate State supervisory authority. In connection with any proceeding under this subpart relating to a director, officer, or other person participating in the affairs of a national banking association or a District bank where the facts are certified to the Board pursuant to 12 U.S.C. 1818(e)(2), 12 U.S.C. 1818(e)(4), or 12 U.S.C. 1818(e)(6), the Comptroller of the Currency shall be entitled to sit as a member of the Board and to participate in its deliberations on any such case and to vote thereon in all respects as a member of the Board.

§ 263.30 Grounds for removal order.

(a) Whenever, in the opinion of the Board, any director or officer of a State member bank (other than a District bank) or of a national banking association or a District bank where the facts are certified to the Board pursuant to 12 U.S.C. 1818(e)(2) has committed any violation of law, rule, or regulation, or of a cease-and-desist order which has become final, or has engaged or participated in any unsafe or unsound practice in connection with the bank, or has committed or engaged in any act, omission, or practice which constitutes a breach of his fiduciary duty as such director or officer, and the Board determines that the bank has suffered or will probably suffer substantial financial loss or other damage or that the interests of its depositors could be seriously prejudiced by reason of such violation or practice or breach of fiduciary duty, and that such violation or practice or breach of fiduciary duty is one involving personal dishonesty on the part of such director or officer, the Board may serve upon such director or officer a written notice of its intention to remove him from office.

(b) Whenever, in the opinion of the Board, any director or officer of a State member bank (other than a District bank) or of a national banking association or a District bank where the facts are certified to the Board pursuant to 12 U.S.C. 1818(e)(4), by conduct or practice with respect to another insured bank or other business institution which resulted in substantial financial loss or other damage, has evidenced his personal dishonesty and unfitness to continue as a director or officer, and whenever, in the opinion of the Board, any other person participating in the conduct of the affairs of such bank, by conduct or practice with respect to such bank or other insured bank or other business institution which resulted in substantial financial loss or other damage, has evidenced his personal dishonesty and unfitness to participate in the conduct of the affairs of such bank, the Board may serve upon such director, officer, or other person a written notice of its intention to remove him from office and/or to prohibit his further praticipation in any manner in the conduct of the affairs of the bank.

§ 263.31 Grounds for suspension order.

In respect to any director or officer of a State member bank (other than a District bank) or any other person referred to in § 263.30 (a) and (b) and in respect to any such director or officer of, or other person participating in the conduct of the affairs of, a national banking association or a District bank where the facts are certified to the Board pursuant to 12 U.S.C. 1818(e)(6), the Board may, if it deems it necessary for the protection of the bank or the interests of its depositors, by written notice to such effect served upon such director, officer, or other person, suspend him from office and/or prohibit him from further participation in any manner in the conduct of the affairs of the bank.

§ 263.32 Effective date of suspension order.

Any suspension and/or prohibition which is subject to the notice prescribed in § 263.31 shall become effective upon service of such notice and, unless stayed by a court in proceedings authorized by section 8(f) of the Federal Deposit Insurance Act, shall remain in effect pending the completion of the administrative proceedings held pursuant to the notice served under § 263.30 (a) and (b) and until such time as the Board shall dismiss the charges specified in such notice, or, if an order of removal and/or prohibition is issued against the director or officer or other person, until the effective date of any such order. Copies of any such notice will also be served upon the bank of which he is a director or officer or in the conduct of whose affairs he has participated.

§ 263.33 Notice of intention to remove and hearing.

A notice of intention to remove a director, officer, or other person from office and/or to prohibit his participation in the conduct of the affairs of an insured bank will contain a statement of the facts constituting grounds therefor and will fix a time and place at which a hearing will be held thereon. Such hearing will be fixed for a date not earlier than 30 days nor later than 60 days after the date of service of such notice, unless an earlier or a later date is set by the Board at the request of (a) such director or officer or other person, and for good cause shown, or (b) the Attorney General of the United States. Such hearing shall be held in the Federal judicial district or in the territory in which the home office of the bank involved is located, unless the person afforded the hearing consents to another place. Unless such director, officer, or other person appears at the hearing in person or by a duly authorized representative, he shall be deemed to have consented to the issuance of an order of such removal and/or prohibition.

§ 263.34 Issuance of removal order and effective date.

In the event of such consent, or if upon the record made at any such hearing the Board finds that any of the grounds specified in such notice has been established, the Board may issue such orders of suspension or removal from office, and/or prohibition from participation in the conduct of the affairs of the bank, as it may deem appropriate. Any such order shall become effective at the expiration of 30 days after service upon such bank and the director, officer, or other person concerned (except in the case of an order issued upon consent, which shall become effective at the time specified therein). Such order shall remain effective and enforceable except to such extent as it is stayed, modified, terminated, or set aside by action of the Board or a reviewing court.

§ 263.35 Suspension and removal where felony charged.

(a) Whenever any director or officer of an insured State member bank (other than a District bank), or other person participating in the conduct of the affairs of such bank, is charged in any information, indictment, or complaint authorized by a U.S. attorney, with the commission of or participation in a felony involving dishonesty or breach of trust, the Board may, by written notice served upon such director, officer, or other person, suspend him from office and/or prohibit him from further participation in any manner in the conduct of the affairs of the bank. A copy of such notice will also be served upon the bank. Such suspension and/or prohibition shall remain in effect until such information, indictment, or complaint is finally disposed of or until such suspension and/or prohibition is terminated by the Board.

(b) In the event that a judgment of conviction with respect to such offense is entered against such director, officer, or other person, at such time as such judgment is not subject to further appellate review, the Board may issue and serve upon such director, officer, or other person an order removing him from office and/or prohibiting him from further participation in any manner in the conduct of the affairs of the bank except with the consent of the Board. A copy of such order will also be served upon such bank, whereupon such director or officer shall cease to be a director or officer of such bank. A finding of not guilty or other disposition of the charge will not preclude the Board from thereafter instituting proceedings to remove such director, officer, or other person from office and/or to prohibit further participation in bank affairs, pursuant to other provisions of this subpart.

2. The provision of section 553 of title 5, United States Code, relating to deferred effective date, is not followed in connection with the adoption of this action because the rules involved are procedural in nature and accordingly do not constitute substantive rules subject to the requirements of such section.

Dated at Washington, D.C. the 14th day of July 1967.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN, *Secretary.*

[F.R. Doc. 67-8830; Filed, July 31, 1967; 8:45 a.m.]

Chapter III—Federal Deposit Insurance Corporation

SUBCHAPTER A—PROCEDURE AND RULES OF PRACTICE

PART 308—RULES OF PRACTICE AND PROCEDURES

On May 2, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 6716) stating that the Board of Directors of the Federal Deposit Insurance Corp. was considering the adoption of a revised Part 308 of its rules and regulations (12 CFR Part 301 et seq.). Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. After the consideration of all such relevant matter as was submitted the revision as so proposed is hereby adopted, with certain changes, as set forth below.

Part 308 is revised to read as follows:

Subpart A—Rules of Practice Applicable to All Hearings

Sec.
308.1 Scope.
308.2 Appearance and practice before the Corporation.
308.3 Notice of hearing.
308.4 Answer.
308.5 Conduct of hearings.
308.6 Subpenas.
308.7 Rules of evidence.
308.8 Motions.
308.9 Proposed findings and conclusions and recommended decision.
308.10 Exceptions.
308.11 Briefs.
308.12 Oral argument before the Board of Directors.
308.13 Notice of submission to the Board of Directors.
308.14 Decision of Board of Directors.
308.15 Filing papers.
308.16 Service.
308.17 Copies.
308.18 Computing time.
308.19 Documents in proceedings confidential.
308.20 Formal requirements as to papers filed.

Subpart B—Rules and Procedures Applicable to Proceedings for the Involuntary Termination of Insured Status

308.21 Scope.
308.22 Grounds for termination of insurance.
308.23 Notice of intention to terminate insured status.
308.24 Order terminating insured status.
308.25 Consent to termination of insured status.
308.26 Notice of termination of insured status.
308.27 Termination of insured status of banking institution not engaged in the business of receiving deposits other than trust funds.

Subpart C—Rules and Procedures Applicable to Proceedings Relating to Cease-and-Desist Orders

308.28 Scope.
308.29 Grounds for cease-and-desist orders.
308.30 Notice of charges and hearing.
308.31 Issuance of order.
308.32 Effective date.
308.33 Temporary cease-and-desist orders.
308.34 Effective date of temporary order.

Subpart D—Rules and Procedures Applicable to Proceedings Relating to Removal and Suspension Orders

308.35 Scope.
308.36 Grounds for removal order.
308.37 Grounds for suspension order.
308.38 Effective date of suspension order.
308.39 Notice of intention to remove and hearing.
308.40 Issuance of removal order and effective date.
308.41 Suspension and removal where felony charged.

AUTHORITY: The provisions of this Part 308 issued under sec. 9, 64 Stat. 881; 12 U.S.C. 1819. Interpret or apply secs. 8, 10, 64 Stat. 879, 882; 80 Stat. 1028; 12 U.S.C. 1818, 1820.

Subpart A—Rules of Practice Applicable to All Hearings

§ 308.1 Scope.

(a) This subpart prescribes rules of practice and procedure followed by the Federal Deposit Insurance Corporation in hearings held pursuant to the provisions of section 8 of the Federal Deposit Insurance Act pertaining to (1) involuntary termination of the insured status of any bank, (2) the issuance of cease-and-desist orders against any insured State nonmember bank, and (3) the issuance of orders removing or suspending from office and/or prohibiting from further participation in the conduct of the bank's affairs, any director or officer of an insured State nonmember bank or any other person participating in the conduct of the affairs of such a bank.

(b) In connection with any proceeding under Subpart C or D of this part, the Corporation will provide the appropriate State supervisory authority with timely notice of its intent to institute such a proceeding and the grounds therefor. Unless within such time as the Corporation deems appropriate in the light of the circumstances of the case (which time will be specified in the notice) satisfactory corrective action is effectuated by action of the State supervisory authority, the Corporation will proceed as provided in Subparts C and D of this part.

§ 308.2 Appearance and practice before the Corporation.

(a) *Power of attorney and notice of appearance.* Any person who is a member in good standing of the bar of the highest court of any State, possession, territory, Commonwealth, or the District of Columbia, may represent others before the Corporation upon filing with the Secretary a written declaration that he is currently qualified as provided by this paragraph, and is authorized to represent the particular party on whose behalf he acts. Any other person desiring to appear before or transact business with the Corporation in a representative capacity may be required to file with the Secretary of the Corporation a power of attorney showing his authority to act in such capacity, and he may be required to show to the satisfaction of the Board of Directors that he has the requisite qualifications. Attorneys and representatives of parties to proceedings shall file a written notice of appearance with the Secretary or with the trial examiner.

(b) *Summary suspension.* Contemptuous conduct at an argument before the Board of Directors or at a hearing before a trial examiner shall be ground for exclusion therefrom and suspension for the duration of the argument or hearing.

§ 308.3 Notice of hearing.

Whenever a hearing is ordered by the Board of Directors in any proceeding pursuant to section 8 of the Federal Deposit Insurance Act, a notice of hearing shall be given by the Secretary or other designated officer acting for the Board of Directors to the party afforded the hearing and to the appropriate supervisory authority. Such notice shall state the time, place, and nature of the hearing, the trial examiner, and the legal authority and jurisdiction under which the hearing is to be held, and shall contain a statement of the matters of fact or law constituting the grounds for the hearing, and shall be delivered by personal serv-

ice, by registered or certified mail to the last known address, or other appropriate means, sufficiently in advance of the date set for hearing to comply with the provisions of the Federal Deposit Insurance Act. The term "party" means a person or agency named or admitted as a party, or any person or agency who has filed a written request and is entitled as of right to be admitted as a party; but a person or agency may be admitted for a limited purpose.

§ 308.4 Answer.

(a) *When required.* In any notice of hearing issued by the Board of Directors, the Board of Directors may direct the party or parties afforded the hearing to file an answer to the allegations contained in the notice, and any party to any proceeding may file an answer. Except where a different period of not less than 10 days after service of a notice of hearing is specified by the Board of Directors, a party directed to file an answer, or a party who elects to file an answer, shall file the same with the Secretary within 20 days after service upon him of the notice of hearing.

(b) *Requirements of answer; effect of failure to deny.* An answer filed under this section shall specifically admit, deny, or state that the party does not have sufficient information to admit or deny each allegation in the notice of hearing. A statement of lack of information shall have the effect of a denial. Any allegation not denied shall be deemed to be admitted. When a party intends to deny only a part or a qualification of an allegation, he shall specify so much of it as is true and shall deny only the remainder.

(c) *Admitted allegations.* If a party filing an answer under this section elects not to contest any of the allegations of fact set forth in the notice of hearing, his answer shall consist of a statement that he admits all of the allegations to be true. Such an answer shall constitute a waiver of hearing as to the facts alleged in the notice, and together with the notice will provide a record basis on which the trial examiner shall file with the Secretary his recommended decision containing his findings of fact, conclusions of law and proposed order. Any such party may, however, upon service of the recommended decision, findings, conclusions and proposed order of the trial examiner, file exceptions thereto within the time provided in § 308.10(a).

(d) *Effect of failure to answer.* Failure of a party to file an answer required by this section within the time provided shall be deemed to constitute a waiver of his right to appear and contest the allegations of the notice of hearing and to authorize the trial examiner, without further notice to the party, to find the facts to be as alleged in the notice and to file with the Secretary a recommended decision containing such findings and appropriate conclusions. The Board of Directors or the trial examiner may, for cause shown, permit the filing of a delayed answer after the time for filing the answer has expired.

(e) *Opportunity for informal settlement.* Any interested party may at any time submit to the Secretary, for consideration by the Board of Directors, written offers or proposals for settlement of a proceeding, without prejudice to the rights of the parties. No such offer or proposal, or counteroffer or proposal, shall be admissible in evidence over the objection of any party in any hearing in connection with such proceeding. The foregoing provisions of this section shall not preclude settlement of any proceeding through the regular adjudicatory process by the filing of an answer as provided in this section, or by submission of the case to the trial examiner on a stipulation of facts and an agreed order.

§ 308.5 Conduct of hearings.

(a) *Selection of trial examiner.* Any hearing shall be held before a trial examiner selected by the Civil Service Commission and designated by the Board of Directors and, unless otherwise provided in the notice of hearing, shall be conducted as hereinafter provided.

(b) *Authority of trial examiner.* All hearings governed by this part shall be conducted in accordance with the provisions of chapter 5 of title 5 of the United States Code. The trial examiner designated by the Board of Directors to preside at any such hearing shall have complete charge of the hearing, and he shall have the duty to conduct it in a fair and impartial manner and to take all necessary action to avoid delay in the disposition of proceedings. Such examiner shall have all powers necessary to that end, including the following:

(1) To administer oaths and affirmations;

(2) To issue subpenas and subpenas duces tecum, as authorized by law, and to revoke, quash, or modify any such subpena;

(3) To receive relevant evidence and to rule upon the admission of evidence and offers of proof;

(4) To take or cause depositions to be taken;

(5) To regulate the course of the hearing and the conduct of the parties and their counsel;

(6) To hold conferences for the settlement or simplification of issues or for any other proper purpose; and

(7) To consider and rule upon, as justice may require, all procedural and other motions appropriate in an adversary proceeding, except that a trial examiner shall not have power to decide any motion to dismiss the proceedings or other motion which results in final determination of the merits of the proceedings.

Without limitation on the foregoing provisions of this paragraph, the trial examiner shall, subject to the provisions of this part, have all the authority of section 556(c) of title 5 of the United States Code.

(c) *Prehearing conference.* The trial examiner may, on his own initiative or at the request of any party, direct counsel for all parties to meet with him at a specified time and place prior to the hearing, or to submit suggestions to him in writing, for the purpose of considering any or all of the following:

(1) Simplification and clarification of the issues;

(2) Stipulations, admissions of fact and of the contents and authenticity of documents;

(3) Matters of which official notice will be taken; and

(4) Such other matters as may aid in the orderly disposition of the proceeding, including disclosure of the names of witnesses and of documents or other physical exhibits which will be introduced in evidence in the course of the proceeding.

Such conferences shall, at the request of any party, be recorded and at the conclusion thereof the trial examiner shall enter in the record an order which recites the results of the conference. Such order shall include the examiner's rulings upon matters considered at the conference, together with appropriate directions to the parties, if any; and such order shall control the subsequent course of the proceedings, unless modified at the hearing to prevent manifest injustice. Except as authorized by law, the trial examiner shall not consult any person or party on any fact in issue unless upon notice and opportunity for all parties to participate, nor be responsible to or subject to the supervision or direction of any officer, employee, or agent engaged in the performance of investigative or prosecuting functions. No officer, employee, or agent engaged in the performance of investigative or prosecuting functions in any case shall, in that case or a factually related case, participate or advise in the decision of the trial examiner except as a witness or counsel in the proceedings.

(d) *Attendance at hearings.* A hearing shall ordinarily be private and shall be attended only by the parties, their representatives or counsel, witnesses while testifying, and other persons having an official interest in the proceedings: *Provided, however,* That on written request by a party or representatives of the Board of Directors, or on the Board's own motion, the Board, in its discretion and to the extent permitted by law, may permit other persons to attend or may order the hearing to be public.

(e) *Transcript of testimony.* Hearings shall be recorded and transcripts will be made available to any party upon payment of the cost thereof and, in the event the hearing is public, shall be furnished on similar payment to other interested persons. A copy of the transcript of the testimony taken at any hearing, duly certified by the reporter, together with all exhibits, all papers and requests filed in the proceeding, and any briefs or memoranda of law theretofore filed in the proceeding, shall be filed with the Secretary of the Corporation, who shall transmit the same to the trial examiner. The Secretary shall promptly serve notice upon each of the parties of such filing and transmittal. The trial examiner shall have authority to rule upon motions to correct the record.

(f) *Order of procedure.* The counsel for the Corporation shall open and close.

(g) *Continuances and changes or extensions of time and changes of place of hearing.* Except as otherwise expressly provided by law, the Board of Directors may by the notice of hearing or subsequent order provide time limits different from those specified in this part, and the Board of Directors may, on its own initiative or for good cause shown, change or extend any time limit prescribed by these rules or the notice of hearing, or change the time and place for beginning any hearing hereunder. The trial examiner may continue or adjourn a hearing from time to time and, as permitted by law or agreed to by the parties, from place to place. Extensions of time for making any filing or performing any act required or allowed to be done within a specified time in the course of a proceeding may be granted by the trial examiner for good cause shown.

(h) *Call for further evidence, oral argument, briefs, reopening of hearing.* The trial examiner may call for the production of further evidence upon any issue, may permit oral argument and submission of briefs at the hearing and, upon appropriate notice, may reopen any hearing at any time prior to the certification of his recommended decision to the Secretary. The Board of Directors shall render its decision within 90 days after the Secretary has notified the parties, pursuant to § 308.13, that the case has been submitted to the Board of Directors for final decision, unless within such 90-day period the Board of Directors shall order that such notice be set aside and the case reopened for further proceedings.

§ 308.6 Subpenas.

(a) *Issuance.* The trial examiner, or in the event he is unavailable, the Board of Directors, shall issue subpenas at the request of any party, requiring the attendance of witnesses or the production of documentary evidence at any designated place of hearing; except that where it appears to the trial examiner or the Board of Directors that the subpena may be unreasonable, oppressive, excessive in scope, or unduly burdensome, the party seeking the subpena may be required, as a condition precedent to the issuance of the subpena, to show the general relevance and reasonable scope of the testimony or other evidence sought. In the event the trial examiner or the Board of Directors, after consideration of all the circumstances, determines that the subpena or any of its terms are unreasonable, oppressive, excessive in scope, or unduly burdensome, he or it may refuse to issue the subpena, or issue it only upon such conditions as fairness requires.

(b) *Motion to quash.* Any person to whom a subpena is directed may, prior to the time specified therein for compliance but in no event more than five days after the date of service of such subpena, with notice to the party requesting the subpena, apply to the trial examiner, or, if he is unavailable, to the Board of Directors, to revoke, quash, or modify such subpena, accompanying such application with a statement of the reasons therefor.

(c) *Service of subpena.* Service of a subpena upon a person named therein shall be made by delivering a copy of the subpena to such person and by tendering the fees for 1 day's attendance and the mileage as specified in paragraph (d) of this section, except that when a subpena is issued at the instance of the Board of Directors fees and mileage need not be tendered at the time of service of the subpena. If service is made by a U.S. marshal, or his deputy, or an employee of the Corporation, such service shall be evidenced by his return thereon. If made by any other person, such person shall make affidavit thereto, describing the manner in which service is made, and return such affidavit on or with the original subpena. In case of failure to make service, reasons for the failure shall be stated on the original subpena. The original subpena, bearing or accompanied by the required return, affidavit or statement, shall be returned without delay to the trial examiner.

(d) *Attendance of witnesses.* The attendance of witnesses and the production of documents pursuant to a subpena, issued in connection with a hearing provided for in Subpart B, C, or D of this part, may be required from any place in any State or in any territory at any designated place where the hearing is being conducted. Witnesses subpenaed in any proceeding under this part shall be paid the same fees and mileage that are paid witnesses in the district courts of the United States.

(e) *Depositions.* The Board of Directors or trial examiner, by subpena or subpena duces tecum, may order evidence to be taken by deposition in any proceeding at any stage thereof. Such depositions may be taken by the trial examiner or before any person designated by the Board of Directors or trial examiner and having power to administer oaths. Unless notice is waived, no deposition shall be taken except after at least 5 days' notice to the parties to the proceeding.

(f) *Application and order to take oral deposition.* Any party desiring to take the oral deposition of a witness, in connection with any hearing provided for in this part, shall make application in writing to the trial examiner or, in the event he is unavailable, to the Board of Directors, setting forth the reasons why such deposition should be taken, the name and post office address of the witness, the matters concerning which the witness is expected to testify, its relevance, and the time when, the place where, and the name and post office address of the person before whom it is desired the deposition be taken. A copy of such application shall be served upon every other party to the proceeding by the party making such application. Upon a showing that (1) the proposed witness will be unable to attend or may be prevented from attending the hearing because of age, sickness or infirmity, or will otherwise be unavailable at the hearing, (2) his testimony will be material, and (3) the taking of the deposition will not result in any undue burden to any other party or in undue delay of the proceeding, the trial examiner or the Board of Directors may, in his or its discretion, by such subpena or subpena duces tecum, order the oral deposition to be taken. Such subpena will name the witness whose deposition is to be taken and specify the time when, the place where, and the person before whom the witness is to testify, but such time and place, and the person before whom the deposition is ordered to be taken, may or may not be the same as those named in the application. Notice of the issuance of such subpena shall be served upon each of the parties a reasonable time, and in no event less than five days, in advance of the time fixed for the taking of the deposition.

(g) *Procedure on deposition; objections.* Each witness testifying upon oral deposition shall be duly sworn, and the adverse party shall have the right to cross-examine. Objections to questions or evidence shall be in short form, stating the grounds of objection relied upon; but the person taking the deposition shall not have power to rule upon questions of competency or materiality or relevance of evidence. Failure to object to questions or evidence shall not be deemed a waiver except where the ground of the objection is one which might have been obviated or removed if presented at that time. The questions propounded and the answers thereto, together with all objections made (but not including argument or debate) shall be recorded by the person taking the deposition, or under his direction. The deposition shall be subscribed by the witness, unless the parties by stipulation waived the signing or the witness is ill or cannot be found or refused to sign, and certified as a true and complete transcript thereof by the person taking the deposition. If the deposition is not subscribed to by the witness, such person shall state on the record this fact and the reason therefor. Such person shall promptly send the original and two copies of such deposition, together with the original and two copies of all exhibits, by registered mail to the Secretary of the Corporation unless otherwise directed in the order authorizing the taking of the deposition. Interested parties shall make their own arrangements with the person taking the deposition for copies of the testimony and the exhibits.

(h) *Introduction as evidence.* Subject to appropriate rulings on such objections to questions of evidence as were noted at the time the deposition was taken or as would be valid were the witness personally present and testifying (except objections waived under the third sentence of paragraph (g) of this section), the deposition or any part thereof may be read in evidence by any party to the proceeding. Only such part or the whole of a deposition as is received in evidence at a hearing shall constitute a part of the record in such proceeding upon which a decision may be based.

(i) *Payment of fees.* Witnesses whose oral depositions are taken shall be entitled to the same fees as are paid for like

services in the courts of the United States. Fees of persons taking such depositions and the fees of the reporter shall be paid by the person upon whose application the deposition was taken.

§ 308.7 Rules of evidence.

(a) *Evidence.* Every party shall have the right to present his case or defense by oral and documentary evidence, to submit rebuttal evidence and to conduct such cross-examination as may be required for a full and true disclosure of the facts. Irrelevant, immaterial, or unduly repetitious evidence shall be excluded.

(b) *Objections.* Objections to the admission or exclusion of evidence shall be in short form, stating the grounds of objections relied upon, and the transcript shall not include argument thereon except as ordered, allowed, or requested by the trial examiner. Rulings on such objections and on any other matters shall be a part of the transcript. Failure to object to admission or exclusion of evidence or to any ruling shall be considered a waiver of such objection.

(c) *Official notice.* All matters officially noticed by the trial examiner shall appear on the record.

§ 308.8 Motions.

(a) *In writing.* An application or request for an order or ruling not otherwise specifically provided for in this part shall be made by motion. After a trial examiner has been designated to preside at a hearing and before the filing with the Secretary of his recommended decision, pursuant to § 308.9, such applications or requests shall be addressed to and filed with him. At all other times motions shall be addressed to the Board of Directors and filed with the Secretary. Motions shall be in writing, except that a motion made at a session of a hearing may be made orally upon the record unless the trial examiner directs that it be reduced to writing. All written motions shall state with particularity the order or relief sought and the grounds therefor.

(b) *Objections.* Within 5 days after service of any written motion, or within such other period of time as may be fixed by the trial examiner or the Board of Directors, any party may file a written answer or objection to such motion. The moving party shall have no right to reply, except as permitted by the trial examiner or the Board of Directors. As a matter of discretion, the trial examiner or the Board of Directors may waive the requirements of this section as to motions for extensions of time, and may rule upon such motions ex parte.

(c) *Oral argument.* No oral argument will be heard on motions except as otherwise directed by the trial examiner or the Board of Directors. Written memoranda or briefs may be filed with motions or answers or objections thereto, stating the points and authorities relied upon in support of the position taken.

(d) *Rulings on motions.* Except as otherwise provided in this part, the trial examiner shall rule upon all motions properly addressed to him and upon such other motions as the Board of Directors may direct, except that if the trial examiner finds that a prompt decision by the Board of Directors on a motion is essential to the proper conduct of the proceeding, he may refer such motion to the Board of Directors for decision. The Board of Directors shall rule upon all motions properly submitted to it for decision.

(e) *Appeal from rulings on motions.* All motions and answers or objections thereto and rulings thereon shall become part of the record. Rulings of a trial examiner on any motion may not be appealed to the Board of Directors prior to its consideration of the trial examiner's recommended decision, findings and conclusions except by special permission of the Board of Directors; but they shall be considered by the Board of Directors in reviewing the record. Requests to the Board of Directors for special permission to appeal from such rulings of the trial examiner shall be filed promptly, in writing, and shall briefly state the grounds relied on. The moving party shall immediately serve a copy thereof on every other party to the proceeding.

(f) *Continuation of hearing.* Unless otherwise ordered by the trial examiner or the Board of Directors, the hearing shall continue pending the determination of any motion by the Board of Directors.

§ 308.9 Proposed findings and conclusions and recommended decision.

(a) *Proposed findings and conclusions by parties.* Each party to a hearing shall have a period of 15 days after service of the Secretary's notice of the filing and transmittal of the record, as provided in paragraph (e) of § 308.5, or such further time as the trial examiner for good cause shall determine, to file with the trial examiner proposed findings of fact, conclusions of law and order, which may be accompanied by a brief or memorandum in support thereof. Such proposals shall be supported by citation of such statutes, decisions and other authorities, and by page references to such portions of the record, as may be relevant. All such proposals, briefs and memoranda shall become a part of the record.

(b) *Recommended decision and filing of record.* The trial examiner shall, within 30 days after the expiration of the time allowed for the filing of proposed findings, conclusions, and order, or within such further time as the Board of Directors for good cause shall determine, file with the Secretary and certify to the Board of Directors for decision the entire record of the hearing, which shall include his recommended decision, findings of fact, conclusions of law, and proposed order, the transcript, exhibits (including on request of any of the parties any exhibits excluded from evidence or tenders of proof), exceptions, rulings, and all briefs and memoranda filed in connection with the hearing. Promptly upon such filing the Secretary shall serve upon each party to the proceeding a copy of the trial examiner's recommended decision, findings, conclusions, and proposed order. The provisions of this paragraph and § 308.10 shall not apply, however, in any case where the hearing was held before the Board of Directors.

§ 308.10 Exceptions.

(a) *Filing.* Within 15 days after service of the recommended decision, findings, conclusions, and proposed order of the trial examiner, or such further time as the Board of Directors for good cause shall determine, any party (other than a party who has not filed an answer in accordance with paragraphs (a) and (d) of § 308.4, unless no answer was required of such party by the Board of Directors) may file with the Secretary exceptions thereto or any part thereof, or to the failure of the trial examiner to make any recommendation, finding, or conclusion, or to the admission or exclusion of evidence, or other ruling of the trial examiner, supported by such brief as may appear advisable.

(b) *Waiver.* Failure of a party to file exceptions to the recommended decision, findings, conclusions, and proposed order of the trial examiner or any portion thereof, or to his failure to adopt a proposed finding or conclusion, or to the admission or exclusion of evidence or other ruling of the trial examiner, within the time prescribed in paragraph (a) of this section, shall be deemed to be a waiver of objection thereto.

§ 308.11 Briefs.

(a) *Contents.* All briefs shall be confined to the particular matters in issue. Each exception or proposed finding or conclusion which is briefed shall be supported by a concise argument or by citation of such statutes, decisions or other authorities and by page reference to such portions of the record or recommended decision of the trial examiner as may be relevant. If the exception relates to the admission or exclusion of evidence, the substance of the evidence admitted or excluded shall be set forth in the brief with appropriate references to the transcript.

(b) *Reply briefs.* Reply briefs may be filed with the Secretary of the Corporation within 10 days after service of briefs and shall be confined to matters in original briefs of opposing parties. Further briefs may be filed only with the permission of the Board of Directors.

(c) *Delays.* Briefs not filed on or before the time fixed in this subpart will be received only upon special permission of the Board of Directors.

§ 308.12 Oral argument before the Board of Directors.

Upon its own initiative, or upon the written request of any party made within the time prescribed for the filing of exceptions, a brief in support thereof, or a reply brief, if any, for oral argument on the findings, conclusions, and recommended decision of the trial examiner, the Board of Directors, if it considers justice will best be served, may order the matter to be set down for oral argument before the Board of Directors or one or more members thereof. Oral argument before the Board of Directors shall be recorded unless otherwise ordered by the Board of Directors.

§ 308.13 Notice of submission to the Board of Directors.

Upon the filing of the record with the Secretary of the Corporation, and upon the expiration of the time for the filing of exceptions and all briefs, including reply briefs or any further briefs permitted by the Board of Directors and upon the hearing of oral argument by the Board of Directors, if ordered by the Board of Directors, the Secretary shall notify the parties that the case has been submitted to the Board of Directors for final decision.

§ 308.14 Decision of Board of Directors.

Appropriate members of the staff, who are not engaged in the performance of investigative or prosecuting functions in the case, or in a factually related case, may advise and assist the Board of Directors in the consideration of the case and in the preparation of appropriate documents for its disposition. Copies of the decision and order of the Board of Directors shall be furnished by the Secretary of the Corporation to the parties to the proceedings, the bank involved and to the appropriate State supervisory authority, in the case of a State bank. Where the proceedings involve the involuntary termination of the insured status of a bank, copies of the decision and order shall also be furnished to the Board of Governors of the Federal Reserve System in the case of a State member bank, or to the Comptroller of the Currency in the case of a national bank or a District bank.

§ 308.15 Filing papers.

Recommended decisions, exceptions, briefs and other papers required to be filed with the Board of Directors or Secretary in any proceedings shall be filed with the Secretary, Federal Deposit Insurance Corporation, Washington, D.C. 20429. Any such papers may be sent to the Secretary by mail or express but must be received in the office of the Corporation in Washington, D.C., or postmarked by a post office, within the time limit for such filing.

§ 308.16 Service.

(a) *By the Board of Directors.* All documents or papers required to be served by the Board of Directors upon any party afforded a hearing shall be served by the Secretary of the Corporation unless some other person shall be designated for such purpose by the Board of Directors. Such service, except for service on counsel for the Board of Directors, shall be made by personal service or by registered mail, addressed to the last known address as shown on the records of the Board of Directors, on the attorney or representative of record of such party, provided that if there is no attorney or representative of record, such service shall be made upon such party at the last known address as shown on the records of the Board of Directors. Such service may also be made in such other manner reasonably calculated to give actual notice as the Board of Directors may by regulation or otherwise provide.

(b) *By the parties.* Except as otherwise expressly provided in this part, all documents or papers filed in a proceeding under this part shall be served by the party filing the same upon the attorneys or representatives of record of all other parties to the proceeding, or, if any party is not so represented, then upon such party. Such service may be made by personal service or by registered, certified, or regular first-class mail addressed to the last known address of such parties, or their attorneys or representatives of record. All such documents or papers shall, when tendered to the Board of Directors or the trial examiner for filing, show that such service has been made.

§ 308.17 Copies.

Unless otherwise specifically provided in the notice of hearing, an original and seven copies of all documents and papers required or permitted to be filed or served upon the Secretary of the Corporation under this part, except the transcript of testimony and exhibits, shall be furnished to the Secretary of the Corporation.

§ 308.18 Computing time.

(a) *General rule.* In computing any period of time prescribed or allowed by this part, the date of the act, event or default from which the designated period of time begins to run is not to be included. The last day so computed shall be included, unless it is a Saturday, Sunday, or legal holiday in the District of Columbia, in which event the period shall run until the end of the next day which is neither a Saturday, Sunday, nor such legal holiday. Intermediate Saturdays, Sundays, and legal holidays shall be included in the computation unless the time within which the act is to be performed is 10 days or less in which event Saturdays, Sundays, and legal holidays shall not be included.

(b) *Service by mail.* Whenever any party has the right or is required to do some act or take some proceeding, within a period of time prescribed in this part, after the service upon him of any document or other paper of any kind, and such service is made by mail, 3 days shall be added to the prescribed period from the date when the matter served is deposited in the United States mail.

§ 308.19 Documents in proceedings confidential.

Unless and until otherwise ordered by the Board of Directors, the notice of hearing, the transcript, the recommended decision of the trial examiner, exceptions thereto, proposed findings or conclusions, the findings and conclusions of the Board of Directors and other papers which are filed in connection with any hearing shall not be made public, and shall be for the confidential use only of the Board of Directors, the trial examiner, the parties and appropriate supervising authorities.

§ 308.20 Formal requirements as to papers filed.

(a) *Form.* All papers filed under this subpart shall be printed, typewritten, or otherwise reproduced. All copies shall be clear and legible.

(b) *Signature.* The original of all papers filed by a bank shall be signed by an officer thereof, and if filed by another party shall be signed by said party, or by the duly authorized agent or attorney of the bank or other party, and in all such cases shall show the signer's address. Counsel for the Corporation shall sign the original of all papers filed by him.

(c) *Caption.* All papers filed must include at the head thereof, or on a title page, the name of the Corporation, the name of the party, and the subject of the particular paper.

Subpart B—Rules and Procedures Applicable to Proceedings for the Involuntary Termination of Insured Status

§ 308.21 Scope.

Under the authority of section 8 of the Federal Deposit Insurance Act, the Board of Directors of the Corporation may terminate the insured status of an insured bank upon the grounds set forth therein and enumerated in §§ 308.22 and 308.27. The procedure for terminating the insured status of a bank as therein prescribed will be followed and hearings required thereunder will be conducted in accordance with the rules and procedures set forth in this subpart and Subpart A of this part.

§ 308.22 Grounds for termination of insurance.

Whenever the Board of Directors finds that an insured bank or its directors or trustees have engaged or are engaging in unsafe or unsound practices in conducting the business of such bank, or that such bank is in an unsafe or unsound condition to continue operations as an insured bank, or that such bank or its directors or trustees have violated an applicable law, rule, regulation or order, or any condition imposed in writing by the Corporation in connection with the granting of any application or other request by the bank, or any written agreement entered into with the Corporation, the Board of Directors will first give to the Comptroller of the Currency in the case of a national bank or a District bank, to the authority having supervision of the bank in the case of a State bank, and to the Board of Governors of the Federal Reserve System in the case of a State member bank, a statement with respect to such practices or violations for the purpose of securing the correction thereof and will forward a copy thereof to the bank.

§ 308.23 Notice of intention to terminate insured status.

Unless correction of the practices, condition or violations set forth in the statement prescribed in § 308.22 is made within 120 days, or such shorter period not less than 30 days fixed by the Corporation in any case where the Board of Directors in its discretion has determined that the insurance risk of the Corporation is unduly jeopardized, or fixed by

the Comptroller of the Currency in the case of a national bank, or the State authority in the case of a State bank, or Board of Governors of the Federal Reserve System in the case of a State member bank, as the case may be, the Board of Directors, if it determines to proceed further, will give to the bank not less than 30 days' written notice of its intention to terminate the status of the bank as an insured bank, and will fix a time and place for a hearing before the Board of Directors or before a person designated by it to conduct such hearing, at which evidence may be produced, and upon such evidence the Board of Directors will make written findings which shall be conclusive.

§ 308.24 Order terminating insured status.

If the Board of Directors finds that any unsafe or unsound practice or condition or violation specified in such statement has been established and has not been corrected within the time prescribed under § 308.23, in which to make such corrections, the Board of Directors may order that the insured status of the bank be terminated on a date subsequent to such finding and to the expiration of the time specified in the notice of intention issued under § 308.23.

§ 308.25 Consent to termination of insured status.

Unless the bank appears at the hearing designated in the notice of hearing by a duly authorized representative, it shall be deemed to have consented to the termination of its status as an insured bank. In the event the bank fails to appear at such hearing, the trial examiner shall forthwith report the matter to the Board of Directors and the Board may thereupon issue an order terminating the bank's insured status.

§ 308.26 Notice of termination of insured status.

Prior to the effective date of the termination of the insured status of a bank under section 8(a) of the Federal Deposit Insurance Act and at such time as the Board of Directors shall specify, the bank shall mail to each depositor at his last address of record on the books of the bank and publish in not less than two issues of a local newspaper of general circulation and shall furnish the Corporation with proof of publication of notice of such termination of insured status. The notice shall be as follows:

NOTICE

_____
(Date)

1. The status of the _____, as an insured bank under the provisions of the Federal Deposit Insurance Act, will terminate as of the close of business on the ... day of _____, 19...;

2. Any deposits made by you after that date, either new deposits or additions to existing deposits, will not be insured by the Federal Deposit Insurance Corporation;

3. Deposits in the bank on the ... day of _____, 19..., up to a maximum of $15,000 for each depositor, will continue to be insured, as provided by the Federal Deposit Insurance Act, for 2 years after the close of business on the ... day of _____, 19...: *Provided, however,* That any withdrawals after the close of business on the ... day of _____, 19..., will reduce the insurance coverage by the amounts of such withdrawals.

_____
(Name of banking institution)

_____
(Address)

There may be included in such notice any additional information or advice the banking institution may deem desirable.

§ 308.27 Termination of insured status of banking institution not engaged in the business of receiving deposits other than trust funds.

Whenever the Board of Directors shall have evidence indicating that an insured banking institution is not engaged in the business of receiving deposits, other than trust funds, it will give notice in writing to the banking institution of such fact, and will direct the banking institution to show cause why the insured status of the banking institution should not be terminated under the provisions of section 8(p) of the Federal Deposit Insurance Act. The banking institution shall have 30 days, or such greater period of time as the Board of Directors shall prescribe, after receipt of such notice to submit affidavits or other written proof that it is engaged in the business of receiving deposits, other than trust funds. The Board of Directors may, in its discretion, upon written request of the banking institution, authorize a hearing before it or any person designated by it. If upon consideration of the evidence, the Board of Directors finds that the banking institution is not engaged in the business of receiving deposits, other than trust funds, such finding shall be conclusive and the Corporation will notify the banking institution that its insured status will terminate at the expiration of the first full semiannual assessment period following such notice. Prior to the date of the termination of the insured status of a banking institution under section 8(c) of the Federal Deposit Insurance Act, and within the time specified by the Board of Directors, the banking institution shall mail to each depositor at his last address of record on its books and publish in not less than two issues of a local newspaper of general circulation, a notice of such termination in form substantially as follows:

NOTICE

_____
(Date)

The status of the _____
(Name of banking institution)

_____ _____
(City or town) (State)

as an insured bank under the Federal Deposit Insurance Act, will terminate on the ... day of _____, 19..., and its deposits will thereupon cease to be insured.

_____
(Name of banking institution)

_____
(Address)

There may be included in such notice any additional information or advice the banking institution may deem desirable.

Subpart C—Rules and Procedures Applicable to Proceedings Relating to Cease-and-Desist Orders

§ 308.28 Scope.

The rules and procedures set forth in this subpart are applicable to proceedings by the Board of Directors with a view to ordering an insured State nonmember bank (other than a District bank) to cease and desist from practices and violations described in section 8 of the Federal Deposit Insurance Act and enumerated in § 308.29. The procedures for issuing such orders prescribed in section 8 of said Act will be followed and hearings required thereunder will be conducted in accordance with the rules and procedures set forth in this subpart and Subpart A of this part.

§ 308.29 Grounds for cease-and-desist orders.

If, in the opinion of the Board of Directors, any insured State nonmember bank (other than a District bank) or bank which has insured deposits is engaging or has engaged, or the Board of Directors has reasonable cause to believe that the bank is about to engage, in an unsafe or unsound practice in conducting the business of such bank, or is violating or has violated, or the Board of Directors has reasonable cause to believe that the bank is about to violate, a law, rule, or regulation, or any condition imposed in writing by the Board of Directors in connection with the granting of an application or other request by the bank, or any written agreement entered into with the Corporation, the Board of Directors may issue and serve upon the bank a notice of charges in respect thereof.

§ 308.30 Notice of charges and hearing.

The notice referred to in § 308.29 will contain a statement of the facts constituting the alleged violation or violations or the unsafe or unsound practice or practices, and fix a time and place at which a hearing will be held to determine whether an order to cease and desist therefrom should issue against the bank. The hearing will be fixed for a date not earlier than 30 days nor later than 60 days after service of such notice unless an earlier or a later date is set by the Board of Directors at the request of the bank. Unless the bank appears at the hearing by a duly authorized representative, it will be deemed to have consented to the issuance of the cease-and-desist order.

§ 308.31 Issuance of order.

In the event of such consent, or if upon the record made at any such hearing, the Board of Directors finds that any violation or unsafe or unsound practice specified in the notice of charges has been established, the Board of Directors may issue and serve upon the bank an order to cease and desist from any such violation or practice. Such order may, by provisions which may be mandatory or otherwise, require the bank and its directors, officers, employees, and agents to cease and desist from the same and, further, to take affirmative action to correct the conditions resulting from any such violation or practice.

§ 308.32 Effective date.

A cease-and-desist order will become effective at the expiration of 30 days after the service of such order upon the bank concerned (except in the case of a cease-and-desist order issued upon consent, which will become effective at the time specified therein), and will remain effective and enforceable as provided therein, except to such extent as it is stayed, modified, terminated, or set aside by action of the Board of Directors or a reviewing court.

§ 308.33 Temporary cease-and-desist orders.

Whenever the Board of Directors determines that the violation or threatened violation or the unsafe or unsound practice or practices, specified in the notice of charges referred to in § 308.28, or the continuation thereof, is likely to cause insolvency or substantial dissipation of assets or earnings of the bank, or is likely to otherwise seriously prejudice the interests of its depositors, the Board of Directors may issue a temporary order requiring the bank to cease and desist from any such violation or practice.

§ 308.34 Effective date of temporary order.

Such order will become effective upon service upon the bank and, unless set aside, limited, or suspended by a court in proceedings authorized under the Federal Deposit Insurance Act will remain effective and enforceable pending the completion of the administrative proceedings held pursuant to such notice and until such time as the Board of Directors dismisses the charges specified in such notice, or if a cease-and-desist order is issued against the bank pursuant to § 308.29, until the effective date of any such order.

Subpart D—Rules and Procedures Applicable to Proceedings Relating to Removal and Suspension Orders

§ 308.35 Scope.

The rules and procedures set forth in this subpart are applicable to proceedings by the Board of Directors to remove or suspend directors or officers of an insured State nonmember bank (other than a District bank) or any other person participating in the conduct of the affairs of such a bank, and/or prohibit such director, officer or other person from further participation in the conduct of the affairs of such a bank, upon the grounds set forth in section 8 of the Federal Deposit Insurance Act and enumerated in this subpart. The procedures for issuing such orders prescribed in section 8 of said Act will be followed and hearings required thereunder will be conducted in accordance with the rules and procedures set forth in this subpart and Subpart A of this part.

§ 308.36 Grounds for removal order.

(a) Whenever, in the opinion of the Board of Directors, any director or officer of an insured State nonmember bank (other than a District bank) has committed any violation of law, rule, or regulation, or of a cease-and-desist order which has become final, or has engaged or participated in any unsafe or unsound practice in connection with the bank, or has committed or engaged in any act, omission, or practice which constitutes a breach of his fiduciary duty as such director or officer, and the Board of Directors determines that the bank has suffered or will probably suffer substantial financial loss or other damage or that the interests of its depositors could be seriously prejudiced by reason of such violation or practice or breach of fiduciary duty, and that such violation or practice or breach of fiduciary duty is one involving personal dishonesty on the part of such director or officer, the Board of Directors may serve upon such director or officer a written notice of its intention to remove him from office.

(b) Whenever, in the opinion of the Board of Directors, any director or officer of an insured State nonmember bank (other than a District bank), by conduct or practice with respect to another insured bank or other business institution which resulted in substantial financial loss or other damage, has evidenced his personal dishonesty and unfitness to continue as a director or officer and, whenever, in the opinion of the Board of Directors, any other person participating in the conduct of the affairs of an insured State nonmember bank (other than a District bank), by conduct or practice with respect to such bank or other insured bank or other business institution which resulted in substantial financial loss or other damage, has evidenced his personal dishonesty and unfitness to participate in the conduct of the affairs of such insured bank, the Board of Directors may serve upon such director, officer, or other person a written notice of its intention to remove him from office and/or to prohibit his further participation in any manner in the conduct of the affairs of the bank.

§ 308.37 Grounds for suspension order.

In respect to any director or officer of an insured State nonmember bank (other than a District bank) or any other person referred to in paragraph (a) or (b) of § 308.36 the Board of Directors may, if it deems it necessary for the protection of the bank or the interests of its depositors, by written notice to such effect served upon such director, officer, or other person, suspend him from office and/or prohibit him from further participation in any manner in the conduct of the affairs of the bank.

§ 308.38 Effective date of suspension order.

Any suspension and/or prohibition which is subject to the notice prescribed in § 308.37, shall become effective upon service of such notice and, unless stayed by a court in proceedings authorized by the Federal Deposit Insurance Act, shall remain in effect pending the completion of the administrative proceedings held pursuant to the notice served under paragraph (a) or (b) of § 308.36 and until such time as the Board of Directors shall dismiss the charges specified in such notice, or, if an order of removal and/or prohibition is issued against the director or officer or other person, until the effective date of any such order. Copies of any such notice will also be served upon the bank of which he is a director or officer or in the conduct of whose affairs he has participated.

§ 308.39 Notice of intention to remove and hearing.

A notice of intention to remove a director, officer, or other person from office and/or to prohibit his participation in the conduct of the affairs of an insured bank, will contain a statement of the facts constituting grounds therefor and will fix a time and place at which a hearing will be held thereon. Such hearing will be fixed for a date not earlier than 30 days nor later than 60 days after the date of service of such notice, unless an earlier or a later date is set by the Board of Directors at the request of (a) such director or officer or other person, and for good cause shown, or (b) the Attorney General of the United States. Unless such director, officer, or other person appears at the hearing in person or by a duly authorized representative, he shall be deemed to have consented to the issuance of an order of such removal and/or prohibition.

§ 308.40 Issuance of removal order and effective date.

In the event of such consent, or if upon the record made at any such hearing the Board of Directors finds that any of the grounds specified in such notice has been established, the Board of Directors may issue such orders of suspension or removal from office, and/or prohibition from participation in the conduct of the affairs of the bank, as it may deem appropriate. Any such order shall become effective at the expiration of 30 days after service upon such bank and the director, officer, or other person concerned (except in the case of an order issued upon consent, which shall become effective at the time specified therein). Such order shall remain effective and enforceable except to such extent as it is stayed, modified, terminated, or set aside by action of the Board of Directors or a reviewing court.

§ 308.41 Suspension and removal where felony charged.

(a) Whenever any director or officer of an insured State nonmember bank (other than a District bank), or other person participating in the conduct of the affairs of such bank, is charged in any information, indictment, or complaint authorized by a U.S. attorney, with the commission of or participation in a felony involving dishonesty or breach of trust, the Board of Directors may, by written notice served upon such director, officer, or other person suspend him from office and/or prohibit him from further participation in any manner in the con-

duct of the affairs of the bank. A copy of such notice will also be served upon the bank. Such suspension and/or prohibition shall remain in effect until such information, indictment, or complaint is finally disposed of or until terminated by the Board of Directors.

(b) In the event that a judgment of conviction with respect to such offense is entered against such director, officer, or other person, and at such time as such judgment is not subject to further appellate review, the Board of Directors may issue and serve upon such director, officer, or other person an order removing him from office and/or prohibiting him from further participation in any manner in the conduct of the affairs of the bank except with the consent of the Board of Directors. A copy of such order will also be served upon such bank, whereupon such director or officer shall cease to be a director or officer of such bank. A finding of not guilty or other disposition of the charge will not preclude the Board of Directors from thereafter instituting proceedings to remove such director, officer, or other person from office and/or to prohibit further participation in bank affairs, pursuant to the provisions of this subpart.

Effective date. This revision shall become effective on the date of its publication in the FEDERAL REGISTER.

Dated this 14th day of July 1967.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] E. F. DOWNEY,
Secretary.

[F.R. Doc. 67-8385; Filed, July 31, 1967; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 8172; Amdt. 39-454]

PART 39—AIRWORTHINESS DIRECTIVES

Graviner Automatic Fire Extinguishers

Amendment 39-422 (32 F.R. 7443), AD 67-17-4, requires repetitive inspections and replacement of defective Graviner Automatic Single Headed Fire Extinguisher Containers P/N's 147A and 1147A. Subsequent to the issuance of Amendment 39-422, the FAA has been advised that stress corrosion has been found in other models of Graviner fire extinguisher containers. Based on further investigation, the FAA has determined that all Graviner fire extinguishers must be inspected and replaced as necessary. The FAA has also determined that after the initial inspections, fire extinguisher containers with a stamp date later than October 1965 must be reinspected between 1,400 and 1,500 hours' time in service after the initial inspection. Therefore, this AD is being superseded by a new AD that requires all Graviner fire extinguisher containers to be inspected in accordance with Graviner Alert Service Bulletin No. 26-A30, Issue No. 2, dated April 21, 1967, and the replacement of defective containers before further flight.

In view of the possible seriousness of the failure of the fire extinguisher containers, a situation exists that requires immediate adoption of this regulation, and it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective on less than 30 days' notice.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations is amended as follows:

GRAVINER. Applies to automatic fire extinguishers installed on, but not necessarily limited to, the airplanes listed: P/N's 112A, 147A, and 1147A installed on BAC 1-11 200 and 400 Series airplanes; P/N 132A installed on Short Bros. Skyvan SC-7, Series 2 Variant 200; and P/N 142A installed on Hawker Siddeley DH-125 Series airplanes.

Compliance required as indicated.

To prevent failure of Graviner fire extinguisher containers, accomplish the following:

(a) Within the next 26 hours' time in service after the effective date of this AD, unless already accomplished within the last 100 hours' time in service, visually inspect Graviner automatic fire extinguisher containers for cracks or leaks and weight in accordance with Graviner Alert Service Bulletin No. 26-A30, Issue No. 2, dated April 21, 1967, or later ARB-approved issue, or FAA-approved equivalent.

(b) Repeat the inspection specified in paragraph (a) at intervals not to exceed 500 hours' time in service from the last inspection for fire extinguisher containers with a stamp date October 1965 or before. For fire extinguisher containers with a stamp date later than October 1965, reinspect in accordance with paragraph (a) once between 1,400 and 1,500 hours' time in service after the initial inspection.

(c) Replace all defective fire extinguisher containers with fire extinguisher containers of the same part number with a stamp date later than October 1965 before further flight.

This supersedes Amendment 39-422 (32 F.R. 7443), AD 67-17-4.

This amendment becomes effective August 1, 1967.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on July 25, 1967.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[F.R. Doc. 67-8887; Filed, July 31, 1967; 8:46 a.m.]

[Docket 7997; Amdt. 39-453]

PART 39—AIRWORTHINESS DIRECTIVES

Rolls Royce Model Spey Mark Engines

Amendment 39-363 (32 F.R. 3690), AD 67-8-6 requires inspections at intervals of not more than 25 hours' time in service of certain Avica fuel tube clamps on Rolls Royce Model Spey Mark 506-14, 510-14, and 511-14 engines until the incorporation of specified Rolls Royce modifications, at which point the repetitive inspection interval is extended to 100 hours' time in service or discontinued depending on the modification accomplished. Based on service experience and tests conducted subsequent to the issuance of the AD, the FAA has determined that the repetitive inspections may be discontinued when either of the specified modifications is accomplished. Therefore, the AD is being amended to require inspection of the Avica fuel tube clamps until Part 1 or Part 2 of Rolls Royce Modification 2939 and 2512PP, or later ARB-approved equivalent has been incorporated.

Since this amendment relieves a restriction and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-363 (32 F.R. 3690), AD 67-8-6, is amended by deleting present paragraph (b), by redesignating paragraph (c) as paragraph (b), and by amending the new paragraph (b) by inserting the words "or Part 2" immediately after the words "Part 1".

This amendment becomes effective August 1, 1967.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on July 24, 1967.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[F.R. Doc. 67-8888; Filed, July 31, 1967; 8:46 a.m.]

[Airspace Docket No. 66-SW-54]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airways

On March 4, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 3750) stating that the Federal Aviation Agency was considering amendments to Part 71 of the Federal Aviation Regulations that would realign V-68 from Corpus Christi, Tex., 12 AGL INT Corpus Christi 178° and McAllen, Tex., 039° radials; 12 AGL McAllen including a 12 AGL south alternate from INT Corpus Christi 178° and McAllen 039° radials to McAllen via Harlingen, Tex. The airspace above 14,000 feet MSL to be excluded on the segment of the main airway from the intersection of Corpus Christi 178° and McAllen 039° radials to McAllen. V-163 would be realigned from Brownsville, Tex., 12 AGL direct to Corpus Christi, including a 12 AGL west alternate from Brownsville to the INT of Harlingen 023° and Corpus Christi 178° radials via Harlingen.

Subsequent to publication of the notice, it was determined that there was a requirement for a holding pattern at Corpus Christi. To provide adequate separation from operations at NAS Corpus Christi, it is necessary to establish this holding pattern on the Corpus Christi 181° True radial. To provide compatability between the holding pattern radial and V-68/163, the agency is altering the alignments of V-68/163, as proposed in the notice, as follows:

1. V-68 From Corpus Christi 12 AGL INT Corpus Christi 181° T (172° Mag.) and McAllen 039° T (030° Mag.) radials; 12 AGL McAllen, including a 12 AGL South alternate from INT Corpus Christi 181° T (172° Mag.) and McAllen 039° T (030° Mag.) radials to McAllen via Harlingen. The main airway would exclude the airspace above 14,000 feet MSL from 49 miles northeast of McAllen to McAllen.

2. V-163 From Brownsville 12 AGL INT Brownsville 356° T (347° Mag.) and Corpus Christi 181° T (172° Mag.) radials, 12 AGL Corpus Christi, including a 12 AGL West alternate from Brownsville to INT Brownsville 356° T (347° Mag.) and Corpus Christi 181° radials via Harlingen, Tex.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. The amended proposal was discussed with representatives of the Department of the Navy and the Air Transport Association of America. All comments received were given due consideration.

The Department of the Air Force objected to the revised proposal as it might require adjustment of the Air Force training area. This objection was later withdrawn.

The Air Transport Association of America objected to the reduced ceiling on V-68 as it would restrict climb and descent capability of DC-9 aircraft in and out of Harlingen. They stated a requirement for a direct airway between Harlingen and Corpus Christi. However, to accommodate military training requirements, they would not object to the proposed airway alignments until such time as provision could be made to incorporate military training missions into the common system and provide a more efficient airway structure in this area.

The airway alignments considered in the notice were a compromise structure designed to fulfill civil requirements and also provide additional airspace for military training missions. The ceiling on V-68 was proposed to provide minimum civil requirements to McAllen and at the same time release airspace above 14,000 feet MSL for the military training. The altered airway alignments considered herein will satisfy civil requirements by providing for holding pattern airspace south of Corpus Christi that will not interfere with operations at NAS Corpus Christi and that will not derogate DC-9 aircraft climb and descent capabilities at McAllen. The action taken herein is not considered as unduly restricting the military training operations.

Since the airway alignments considered herein are minor in nature and in the interest of safety, the Administrator has determined that notice and public procedure thereon is impractical.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective October 12, 1967, as hereinafter set forth.

Section 71.123 (32 F.R. 2009) is amended as follows:

1. In V-68 all after "12 AGL Corpus Christi;" is deleted and "12 AGL INT Corpus Christi 181° and McAllen, Tex., 039° radials; 12 AGL McAllen, including a 12 AGL south alternate from INT Corpus Christi 181° and McAllen 039° radials to McAllen via Harlingen, Tex. The airspace on the main airway above 14,000 feet MSL from 49 miles northeast of McAllen to McAllen and the airspace within Mexico is excluded." is substituted therefor.

2. In V-163 all before "12 AGL INT Corpus Christi 313°" is deleted and "From Brownsville, Tex., 12 AGL INT Brownsville 356° and Corpus Christi 181° radials; 12 AGL Corpus Christi, including a 12 AGL west alternate from Brownsville to INT Brownsville 356° and Corpus Christi 181° radials via Harlingen, Tex.;" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 24, 1967.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-8889; Filed, July 31, 1967; 8:46 a.m.]

[Airspace Docket No. 67-EA-60]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Reporting Point

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate the Tuna DME high altitude reporting point.

Since this amendment is minor in nature and involves a subject in which the public is not particularly interested, notice and public procedure are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., October 12, 1967, as hereinafter set forth.

Section 71.207 (32 F.R. 2282) is amended by adding:

Tuna DME INT: Kennedy, N.Y., VORTAC 143° radial, 128 nautical miles from Kennedy VORTAC.

(Secs. 307(a), 1110 Federal Aviation Act of 1958; 49 U.S.C. 1348, 1510 Executive Order 10854 (24 F.R. 9565))

Issued in Washington, D.C., on July 25, 1967.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-8890; Filed, July 31, 1967; 8:46 a.m.]

[Airspace Docket No. 67-SO-61]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On June 13, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 8422) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Greenwood, Miss., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

Subsequent to the publication of the notice, it was determined that the direction "N" used in describing an extension predicated on the Greenwood VOR 063° radial should have read "NE." Additionally, the geographic coordinate (latitude 33°29'20" N., longitude 90°05'00" W.) for the Greenwood-Le Flore Airport was obtained from Coast and Geodetic Survey. Accordingly, action is taken herein to correct the technical discrepancy and to add the geographic coordinate for the airport in the description of this transition area.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.d.s.t., October 12, 1967, as hereinafter set forth.

In § 71.181 (32 F.R. 2148) the Greenwood, Miss., transition area is amended to read:

GREENWOOD, MISS.

That airspace extending upward from 700 feet above the surface within a 10-mile radius of the Greenwood-Le Flore Airport (latitude 33°29'20" N., longitude 90°05'00" W.); within 2 miles each side of the Greenwood VOR 243° and 063° radials, extending from the Greenwood control zone to 8 miles southwest of the VOR; and that airspace extending upward from 1,200 feet above the surface within 8 miles southeast and 5 miles northwest of the Greenwood VOR 243° and 063° radials, extending from 5 miles northeast of the VOR to 14 miles southwest, and within 5 miles each side of the Greenwood VOR 063° radial, extending from 5 miles northeast of the VOR to 18 miles northeast.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on July 24, 1967.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 67-8918; Filed, July 31, 1967; 8:49 a.m.]

[Airspace Docket No. 67-WE-51]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation of Control Area Extension

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to revoke a control area extension that is no longer required as designated controlled airspace.

Since this action imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, effective 0001 e.s.t., October 12, 1967, Part 71 of the Federal Aviation Regulations is amended as hereinafter set forth:

In § 71.165 (32 F.R. 2068), the following control area extension is revoked: Battle Mountain, Nev.

Issued in Los Angeles, Calif., on July 24, 1967.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 67-8919; Filed, July 31, 1967; 8:49 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-500; Amdt. 7]

PART 208—TERMS, CONDITIONS, AND LIMITATIONS OF CERTIFICATES TO ENGAGE IN SUPPLEMENTAL AIR TRANSPORTATION

Carrier Solicitation of Members of Chartering Organization After Charter Contract Has Been Signed

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 26th day of July 1967.

By notice of proposed rule making issued June 2, 1967, EDR-117, Docket 18285, and published at 32 F.R. 8248, the Board advised of its intention to amend Part 208 of the Economic Regulations to permit supplemental air carriers to solicit individual members of a chartering organization to form a charter group after the charter contract has been signed.

Interested persons were afforded an opportunity to participate in the making of this rule, but no comments were received. Therefore, the Board will now make final the rule as proposed.

Accordingly, the Civil Aeronautics Board hereby amends Part 208 of its Economic Regulations (14 CFR Part 208) effective August 31, 1967, as follows:

Amend § 208.200a to read as follows:

§ 208.200a Solicitation and formation of a chartering group.

(a) A carrier shall not engage, directly or indirectly, in any solicitation of individuals (through personal contact, advertising, or otherwise) as distinguished from the solicitation of an organization for a charter trip, except after a charter contract has been signed.

(b) A carrier shall not employ, directly or indirectly, any person for the purpose of organizing and assembling members of any organization, club, or other entity into a group to make the charter flight, except after a charter contract has been signed.

(Sec. 204(a), 72 Stat. 743, 49 U.S.C. 1324. Interpret or apply secs. 401 and 417 of the Act, 72 Stat. 754, as amended by 76 Stat. 143, 49 U.S.C. 1371; 76 Stat. 145, 49 U.S.C. 1387; sec. 7 of Public Law 87-528, 76 Stat. 146; 49 U.S.C. 1371)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 67-8904; Filed, July 31, 1967; 8:47 a.m.]

[Reg. ER-501; Amdt. 6]

PART 214—TERMS, CONDITIONS, AND LIMITATIONS OF FOREIGN AIR CARRIER PERMITS AUTHORIZING CHARTER TRANSPORTATION ONLY

Carrier Solicitation of Members of Chartering Organization After Charter Contract Has Been Signed

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 26th day of July 1967.

By notice of proposed rule making issued June 2, 1967, EDR-117, Docket 18285, and published at 32 F.R. 8248, the Board advised of its intention to amend Part 214 of the Economic Regulations so that foreign air carriers whose permits authorize charter transportation only, could solicit individual members of a chartering organization to form a charter group after the charter contract has been signed.

Interested persons were afforded an opportunity to participate in the making of this rule, but no comments were received. Therefore, the Board will now make final the rule as proposed.

Accordingly, the Civil Aeronautics Board hereby amends Part 214 of its Economic Regulations (14 CFR Part 214) effective August 31, 1967, as follows:

Amend § 214.11 to read as follows:

§ 214.11 Solicitation and formation of a chartering group.

(a) A carrier shall not engage, directly or indirectly, in any solicitation of individuals (through personal contact, advertising, or otherwise) as distinguished from the solicitation of an organization for a charter trip, except after a charter contract has been signed.

(b) A carrier shall not employ, directly or indirectly, any person for the purpose of organizing and assembling members of any organization, club, or other entity into a group to make the charter flight, except after a charter contract has been signed.

(Sec. 204(a), 72 Stat. 743, 49 U.S.C. 1324. Interpret or apply sec. 402, 72 Stat. 757, 49 U.S.C. 1372)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 67-8905; Filed, July 31, 1967; 8:48 a.m.]

[Reg. ER-502; Amdt. 11]

PART 295—TRANSATLANTIC SUPPLEMENTAL AIR TRANSPORTATION

Carrier Solicitation of Members of Chartering Organization After Charter Contract Has Been Signed

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 26th day of July 1967.

By notice of proposed rule making issued June 2, 1967, EDR-117, Docket 18285, and published at 32 F.R. 8248, the Board advised of its intention to amend Part 295 of the Economic Regulations to permit supplemental air carriers engaged in transatlantic supplemental air transportation to solicit individual members of a chartering organization to form a charter group after the charter contract has been signed.

Interested persons were afforded an opportunity to participate in the making of this rule, but no comments were received. Therefore, the Board will now make final the rule as proposed.

Accordingly, the Civil Aeronautics Board hereby amends Part 295 of its Economic Regulations (14 CFR Part 295) effective August 31, 1967, as follows:

Amend § 295.11 to read as follows:

§ 295.11 Solicitation and formation of a chartering group.

(a) A carrier shall not engage, directly or indirectly, in any solicitation of individuals (through personal contact, advertising, or otherwise) as distinguished from the solicitation of an organization for a charter trip, except after a charter contract has been signed.

(b) A carrier shall not employ, directly or indirectly, any person for the purpose of organizing and assembling members of any organization, club, or other entity into a group to make the charter flight, except after a charter contract has been signed.

(Sec. 204(a), 72 Stat. 743, 49 U.S.C. 1324. Interpret or apply secs. 401 and 417 of the Act, 72 Stat. 754, as amended by 76 Stat. 143, 49 U.S.C. 1371; 76 Stat. 145, 49 U.S.C. 1387; sec. 7 of Public Law 87-528, 76 Stat. 146, 49 U.S.C. 1371.)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 67-8906; Filed, July 31, 1967; 8:48 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

PART 121—FOOD ADDITIVES

DDT; Establishment of Pesticide and Food Additive Tolerances

No comments were received in response to the notice published in the FEDERAL REGISTER of June 10, 1967 (32 F.R. 8379), proposing the establishment of tolerances for residues of the insecticide DDT in or on fresh hops and dried hops, resulting from application of DDT to growing hops. No requests were received to refer the proposal to an advisory committee. Accordingly, the Commissioner of Food and Drugs concludes that the amendments should be adopted as proposed.

Therefore, by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 408(e), 409(d), 68 Stat. 514, 72 Stat. 1787; 21 U.S.C. 346a(e), 348(d)) and delegated by him to the Commissioner (21 CFR 2.120), Parts 120 and 121 are amended as follows:

1. Section 120.147 is amended by adding a new tolerance following "50 parts per million * * *," as follows:

§ 120.147 DDT; tolerances for residues.

* * * * * *

20 parts per million in or on fresh hops. Any byproducts or refuse from such hops are not to be used for feeding livestock.

* * * * * *

2. Section 121.1093 is amended by adding a new tolerance following "100 parts per million * * *," as follows:

§ 121.1093 DDT.

* * * * * *

80 parts per million in or on dried hops.

* * * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Secs. 408(e), 409(d), 68 Stat. 514, 72 Stat. 1787; 21 U.S.C. 346a(e), 348(d))

Dated: July 20, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-8931; Filed, July 31, 1967; 8:50 a.m.]

Title 22—FOREIGN RELATIONS

Chapter V—United States Information Agency

PART 502—WORLDWIDE FREE FLOW (EXPORT-IMPORT) OF AUDIOVISUAL MATERIALS

Miscellaneous; Coordination With U.S. Customs Bureau

The following material replaces § 502.8 (c) of Title 22 of the Code of Federal Regulations.

§ 502.8 Miscellaneous; coordination with U.S. Customs Bureau.

* * * * * *

(c) For customs regulations relating to entry of articles conditionally free under item 870.30 see 19 CFR 10.121. U.S. importers and consignees who, due either to inadvertence or lack of knowledge as to customs procedures, believe that a recent import shipment of audiovisual material is eligible for duty-free treatment under the regulations in this part may contact the U.S. Information Agency Office identified in the regulations in this part to obtain advice and information respecting steps necessary to explore their claim with appropriate customs officers.

* * * * * *

LEONARD H. MARKS,
Director,
U.S. Information Agency.

JULY 24, 1967.

[F.R. Doc. 67-8924; Filed, July 31, 1967; 8:49 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Subtitle A—Office of the Secretary, Department of Housing and Urban Development

PART 7—EQUAL EMPLOYMENT OPPORTUNITY; POLICY AND PROCEDURES

In Subtitle A a new Part 7 is added as follows:

Subpart A—Equal Employment Opportunity Without Regard to Race, Creed, Color, or National Origin

GENERAL PROVISIONS

Sec.
7.1 Policy.
7.2 Definitions.

COMPLAINTS

7.11 General.
7.12 Time limit for filing.
7.13 Presentation of complaint.
7.14 Acceptability.
7.15 Processing of complaint.
7.16 Investigation.
7.17 Informal adjustment of complaint.
7.18 Hearing.
7.19 Final decision.
7.20 Avoidance of delay.
7.21 Complaint file.

APPEAL TO THE CIVIL SERVICE COMMISSION

7.31 Entitlement.
7.32 Time limit.

Subpart B—Equal Opportunity Without Regard to Politics, Marital Status, or Physical Handicap

7.41 Policy.

Subpart C—Equal Opportunity Without Regard to Sex

7.51 Policy.
7.52 Specific prohibitions.
7.53 Appeal to the Civil Service Commission.

AUTHORITY: The provisions of this Part 7 issued under sec. 7(d), 79 Stat. 670; 42 U.S.C. 3535(d); E.O. 11246 of Sept. 24, 1965, 30 F.R. 12319, 3 CFR 1965 Supp.; 42 U.S.C. 2000e note.

Subpart A—Equal Employment Opportunity Without Regard to Race, Creed, Color, or National Origin

GENERAL PROVISIONS

§ 7.1 Policy.

In conformity with the policy expressed in Executive Order No. 11246, and with implementing regulations of the Civil Service Commission issued pursuant thereto, it is the policy and intent of the Department of Housing and Urban Development to provide equality of opportunity in employment for all qualified persons; to prohibit discrimination because of race, creed, color, or national origin in all aspects of its personnel policies, programs, practices, and operations and in all its working conditions and relationships with employees and applicants for employment; and to promote the full realization of equal opportunity in employment through continuing programs of affirmative action at every management level within the Department.

§ 7.2 Definitions.

(a) For the purpose of this subpart, "organizational unit" means the jurisdictional area of each Assistant Secretary, the President of FNMA, each office head reporting directly to the Secretary, each Regional Administrator, each Director of an FHA Insuring Office, and each Manager of a FNMA Agency Office.

(b) For the purposes of this subpart, "field office" means each Regional Office, each FHA Insuring Office, and each FNMA Agency Office.

COMPLAINTS

§ 7.11 General.

(a) Any aggrieved employee or qualified applicant for employment who believes that he has been discriminated against because of race, creed, color, or national origin may file a complaint of alleged discrimination. Such complaint must be in writing and may be filed by either the aggrieved individual or his authorized representative. A complaint may also be filed by an organization for the aggrieved employee or applicant and with his consent.

(b) The Department will also entertain from an individual or an organization complaints or allegations of a general pattern or practice of discrimination which may be unrelated to any specific complaint involving a particular individual.

(c) In order to expedite the processing of complaints of discrimination, the complainant should be urged to include in his complaint the following information:

(1) Whether the alleged discrimination is based upon race, creed, color, or national origin.

(2) The specific action or personnel matter about which the complaint is made.

(3) Facts and other pertinent information to support the allegation of discrimination.

However, in no event shall the lack of complete information at the time of filing constitute grounds for refusing to process a complaint.

(d) A complaint under this subpart shall be filed with the Deputy Equal Employment Opportunity Office for the organizational unit concerned or with the Equal Employment Opportunity Officer for the Department. Any other employee of the Department to whom a complaint under this subpart is tendered shall decline to accept it and shall refer the complainant or his representative to the Deputy Equal Employment Opportunity Officer for the organizational unit concerned or the Equal Employment Opportunity Officer for the Department. The Deputy Equal Employment Opportunity Officer receiving the complaint shall promptly forward it to the Equal Employment Opportunity Officer, who shall make a determination as to acceptability (see § 7.14). The initial recipient of the complaint shall furnish a copy of the complaint to the head of the field office or other organizational unit concerned. The Equal Employment Opportunity Officer shall promptly transmit an accepted complaint to the appropriate Deputy Equal Employment Opportunity Officer for processing in accordance with this subpart.

§ 7.12 Time limit for filing.

(a) A complaint must be filed within 30 calendar days of the date of the action giving rise to the complaint or, if an official personnel action is involved, within 30 calendar days of its effective date, except that a complaint related to an official adverse action must be filed within 10 calendar days after the effective date of the action.

(b) The Equal Employment Opportunity Officer may extend the prescribed time limit for good cause shown by the complainant.

(c) A complaint concerned with a continuing discriminatory practice having a material bearing on employment may be filed at any time.

§ 7.13 Presentation of complaint.

(a) In presenting his complaint, the complainant shall be free from restraint, interference, coercion, discrimination, or reprisal and shall have the right to be accompanied, represented, and advised by a representative of his choosing. A reasonable amount of official time shall be allowed for an employee to present his complaint if he is otherwise in an active duty status.

(b) If an employee is designated to represent a complainant, the representative shall be free from restraint, interference, coercion, discrimination, or reprisal and shall have a reasonable amount of official time to present the complaint if he is otherwise in an active duty status.

§ 7.14 Acceptability.

(a) The Equal Employment Opportunity Officer shall determine whether the complaint comes within the purview of this subpart and shall advise the complainant in writing of the acceptance or rejection of his complaint.

(b) If the Equal Employment Opportunity Officer determines that the complaint is to be rejected, he shall also notify the complainant in writing of the reasons for the rejection and of his right to appeal the rejection to the Civil Service Commission.

§ 7.15 Processing of complaint.

The Deputy Equal Employment Opportunity Officer for each organizational unit shall serve as processing officer for complaints involving the organizational unit for which he is responsible. The Equal Employment Opportunity Officer may, as he deems necessary, assume jurisdiction of any case. This may include the designation as processing officer of a Deputy Equal Employment Opportunity Officer other than the Deputy Equal Employment Opportunity Officer for the organizational unit concerned. In the latter case, the Equal Employment Opportunity Officer shall so notify all interested parties.

§ 7.16 Investigation.

(a) Subject to the concurrence of the Equal Employment Opportunity Officer, the processing officer shall be responsible for promptly investigating the complaint. The Equal Employment Opportunity Officer may, as he deems necessary, assume jurisdiction in the conduct of the investigation; this may include requesting that the investigation be conducted by the Inspection Division.

(b) In conducting the investigation, the processing officer in his discretion may waive or terminate the investigation if at any point the complaint is resolved in accordance with § 7.17.

(c) The investigation shall include a thorough review of the circumstances under which the alleged discrimination occurred, the treatment of members of the complainant's group identified by his complaint as compared with the treatment of other employees in the organizational segment in which the alleged discrimination occurred, and any policies and practices related to the work situation which may constitute, or appear to constitute, discrimination even though they have not been expressly cited by the complainant.

(d) The processing officer shall furnish the complainant and his representative a written summary which contains all the information in the investigation that is material to the resolution of the complaint.

§ 7.17 Informal adjustment of complaint.

After the complainant or his representative has been furnished the written summary of the investigation, the officer processing the complaint shall endeavor to adjust the complaint on an informal basis. This subpart does not prohibit a processing officer, at any stage during the processing of a complaint, from discussing the matter with the complainant with a view to resolving the matter on an informal basis. If such informal negotiation results in a resolution satisfactory to the complainant, the case may be closed if the complainant voluntarily submits a written request for the withdrawal of his complaint and upon approval of the Equal Employment Opportunity Officer.

§ 7.18 Hearing.

(a) *Offer of hearing.* In any case which is not disposed of informally, the processing officer shall advise the complainant in writing of the tentative findings of the processing officer, of the complainant's right to a hearing, and of the importance on his part to indicate within 10 days, and preferably on a form to be provided, whether or not he desires a hearing. If the complainant indicates that he does not desire a hearing, or if after 10 days from the date of delivery of the tentative findings to the complainant the processing officer has received no indication as to whether or not the complainant desires a hearing, he shall then transmit his findings with the complete case file to the Equal Employment Opportunity Officer, simultaneously furnishing a copy of the findings to the appropriate Assistant Secretary, the General Counsel, the President of FNMA, Regional Administrator, or other head of office reporting directly to the Secretary.

(b) *Hearing officer.* A hearing officer shall be selected by the processing officer with the approval of the Equal Employment Opportunity Officer and shall be an employee specially selected and trained to conduct hearings. The hearing officer shall not be a person who either investigated the complaint or took or reviewed an action or decision giving rise to the complaint.

(c) *Prehearing conference.* In arranging for the hearing, the hearing officer shall set up a prehearing conference at which he shall seek to clarify the issues, accept stipulations on facts to which both parties agree, establish schedule for the proceedings, and explain his role in the proceedings.

(d) *Conduct of hearing.* The hearing officer shall conduct the hearing so as to bring out pertinent facts, including the production of pertinent documents. Rules of evidence shall not be applied strictly, but the hearing officer shall exclude irrelevant or unduly repetitious evidence. Information having a bearing on the complaint or an employment policy or practice relevant to the complaint shall be received in evidence. The complainant, his representative, and the representatives of the Department at the hearing shall be given the opportunity to cross-examine witnesses who appear and testify. Testimony shall be under oath or affirmation.

(e) *Witnesses.* (1) Department employees shall be made available as witnesses upon a showing satisfactory to the hearing officer of the reasonable necessity therefor, when the complainant makes such a request and when it is administratively practicable to comply with the request. Requests for the attendance of witnesses shall be made in writing to the hearing officer at least 10 calendar days prior to the date of the hearing.

(2) Employees shall be in a duty status during the time they are made available as witnesses; all witnesses shall be free from restraint, interference, coercion, discrimination, or reprisal in presenting testimony.

(3) Reasons for a denial of a request for the appearance of an employee as a witness shall be documented in the record of the complaint.

(f) *Right to counsel at hearing.* A complainant in proceedings under this subpart shall have the right, in connection with the hearing, to be accompanied, represented, and advised by counsel, or by any other representative of his choosing.

(g) *Record of hearing.* (1) The hearing officer shall record the hearing on a verbatim basis or prepare a written summary of the hearing. When the hearing is recorded by a voice-recording machine and the Department does not furnish the complainant a transcript, the Department shall give the complainant and his representative an opportunity to listen to the recording, together with a copy of the summary of the hearing. When the hearing is summarized, the summary of the hearing shall, as a minimum, identify each witness and summarize his testimony. The Department shall include with the verbatim transcript or written summary of the hearing all documents submitted to and accepted by the hearing officer. The Department shall give the complainant a copy of the transcript when the hearing is transcribed on a verbatim basis or a copy of the summary of the hearing. If a summary of a hearing is made, the parties shall be entitled to submit written exceptions to the summary and any exceptions so submitted shall be made part of the record of the hearing.

(2) The hearing officer shall transmit the record of hearing, together with appropriate findings thereon, to the Equal Employment Opportunity Officer, simultaneously furnishing a copy of the record of the hearing, together with a copy of the findings, through the Deputy Equal Employment Opportunity Officer to the appropriate Assistant Secretary, the President of FNMA, Regional Administrator, or other head of office reporting directly to the Secretary.

§ 7.19 Final decision.

(a) The Equal Employment Opportunity Officer shall make the final decision on a complaint processed under this subpart, except with respect to an employee in his jurisdiction, in which case the matter will be referred to the Secretary or Under Secretary. The decision shall be in writing and shall resolve the issue of discrimination raised by the complainant. Any required remedial action determined to be necessary or desirable to resolve the issue shall be incorporated in the notice of final decision. Copies of the decision shall be sent to the complainant and his representative, to the processing officer, and to the appropriate Assistant Secretary, the President of FNMA, Regional Administrator, or other head of office reporting directly to the Secretary.

(b) The written notice of decision shall advise the complainant of his right to appeal to the Civil Service Commission if he is not satisfied with the resolution of the complaint. The notice shall also advise him of the time limit within which an appeal may be filed.

(c) A decision by the Equal Employment Opportunity Officer may be reopened and reconsidered by the Secretary, who may affirm, modify, or reverse the decision, request further investigation, or grant a new hearing.

§ 7.20 Avoidance of delay.

(a) Complaints shall be processed expeditiously and within 60 calendar days from the date of receipt when no hearing is held, or within 90 calendar days if a hearing is held. The processing officer shall keep the Equal Employment Opportunity Officer advised of the progress being made with regard to each complaint and shall inform him immediately of any unforeseen or undue delay. When a complaint has not been processed within the prescribed time limits, the complainant may appeal to the Civil Service Commission for a review of the reasons for the processing delay.

(b) The Equal Employment Opportunity Officer may cancel a complaint if the complainant fails to pursue a complaint without undue delay. The complainant must be notified in writing of any such cancellation and of his right to appeal such cancellation to the Civil Service Commission. In lieu of cancellation, the complaint may be adjudicated if sufficient information is available for that purpose.

§ 7.21 Complaint file.

A file for each complaint shall be established in the Office of the Equal Employment Opportunity Officer, and as a minimum shall include copies of:

(a) The complaint;

(b) A written summary of the investigation;

(c) A record of the hearing (if a hearing was held);

(d) The decision; and

(e) If the complaint is reopened by the Secretary, the decision of the Secretary showing the reconsideration given the complaint. The complaint file shall not contain any document that has not been made available to the complainant.

APPEAL TO THE CIVIL SERVICE COMMISSION

§ 7.31 Entitlement.

(a) A complainant may appeal to the Civil Service Commission a final decision made under this subpart that:

(1) Rejects his complaint because it was not filed within the prescribed time limits, or determined not to meet the requirements of this subpart; or

(2) Cancels his complaint because of the complainant's failure to prosecute the complaint, or because of the complainant's voluntary separation for reasons not related to the complaint; or

(3) Does not resolve the complaint to his satisfaction.

(b) An appeal under paragraph (a) of this section must be presented in writing and filed with the Board of Appeals and Review, U.S. Civil Service Commission, Washington, D.C. 20415.

(c) A complainant may not appeal to the Civil Service Commission under paragraph (a) of this section when the issue of discrimination giving rise to the complaint is being considered, or has been considered, in connection with any other appeal by the complainant to the Commission.

§ 7.32 Time limit.

(a) An appeal to the Commission may be filed at any time after the receipt of notice of final decision, but no later than 10 calendar days after receipt of that notice.

(b) The Commission may extend the prescribed time limits upon a showing by the complainant that he was not advised of the time limit or that he was otherwise unaware of it or that circumstances beyond his control prevented him from filing within the prescribed time limit.

Subpart B—Equal Opportunity Without Regard to Politics, Marital Status, or Physical Handicap

§ 7.41 Policy.

(a) In determining the merit and fitness of a person for competitive appointment or appointment by noncompetitive action to a position in the competitive service within the Department, appointing officers, selecting officials, and other employees who participate in the selection process shall not discriminate on the basis of the person's political affiliations (except when required by statute) or

marital status, nor shall they discriminate on the basis of a physical handicap with respect to any position the duties of which may be performed efficiently by a person with the physical handicap.

(b) No officer or employee of the Department shall take an adverse action against an employee covered by the Civil Service Commission regulations, nor shall action be taken to terminate a probationer under the Commission's regulations, (1) for political reasons, except when required by statute; (2) that is based on discrimination because of marital status; or (3) because of a physical handicap with respect to any position the duties of which may be performed efficiently by a person with the physical handicap.

Subpart C—Equal Opportunity Without Regard to Sex

§ 7.51 Policy.

It is the policy of the Department to pursue and maintain a positive program to assure equal opportunity in employment and advancement without regard to sex.

§ 7.52 Specific prohibitions.

(a) In determining the merit and fitness of a person for competitive appointment, for appointment by noncompetitive action to a position in the competitive service within the Department, or for any other position change in the competitive service, appointing officers, selecting officials, or other employees who participate in the selection process shall not discriminate on the basis of the person's sex.

(b) An appointing officer, selecting official, or other employee who participates in the selection process shall not restrict his consideration of eligibles or employees for competitive appointment or appointment by noncompetitive action to positions in the competitive service within the Department to one sex, except in unusual circumstances when the Civil Service Commission finds the action justified. Any request for Commission approval to so restrict the consideration of eligibles must be based upon objective nondiscriminatory standards.

(c) At the direction of the Director of Personnel of the Department, designated personnel officers shall establish such procedures as may be necessary to assure that there shall be no discrimination because of sex in the selection of employees for training under the Civil Service Commission regulations and that a supervisor may not restrict his consideration of employees for selection for training to one sex, except in unusual circumstances when the Commission finds the action justified.

(d) Sex may not be used as a basis for assigning a position to a competitive level under the Civil Service Commission reduction-in-force regulations, except for a position for which restriction of certification of eligibles by sex is found justified by the Commission. The sex of an employee may not be considered as a factor in determining the employee's qualifications for a position under the Civil Service Commission reduction-in-force regulations, except where the position is one for which restriction of certification of eligibles by sex is found justified by the Commission.

(e) An adverse action shall not be taken against an employee covered by the Civil Service Commission adverse action regulations, nor may action be taken to terminate a probationer, because of the sex of the employee or of the probationer.

§ 7.53 Appeal to the Civil Service Commission.

(a) When a complaint of discrimination because of sex is not resolved under appropriate administrative appeal procedures to the satisfaction of the complainant, the complainant may, within a reasonable time, file an appeal with the Civil Service Commission.

(b) When the basis of the complaint of discrimination because of sex of the complainant involves an action that is otherwise appealable to the Civil Service Commission, the case will be processed under the regulations appropriate to that appeal when the complainant makes a timely appeal in accordance with the regulations in this part.

Effective date. The regulations in this part shall be effective as of May 1, 1967.

ROBERT C. WEAVER,
Secretary of Housing and Urban Development.

[F.R. Doc. 67-8898; Filed, July 31, 1967; 9:21 a.m.]

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Order No. 382-67]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Subpart V—Authorizations With Respect to Personnel and Certain Administrative Matters

CERTIFICATION OF OBLIGATIONS BY BUREAU OF PRISONS

By virtue of the authority vested in me by sections 509 and 510 of Title 28 and section 301 of Title 5 of the United States Code, and section 1311(c) of the Supplemental Appropriation Act, 1955 (68 Stat. 831; 31 U.S.C. 200(c)), § 0.147 of Subpart V of Part 0 of Chapter I of Title 28 of the Code of Federal Regulations is amended by changing the phrase immediately following the second semicolon to read as follows: "for the Bureau of Prisons, the Deputy Assistant Director, Administrative Services;".

Dated: July 24, 1967.

RAMSEY CLARK,
Attorney General.

[F.R. Doc. 67-8871; Filed, July 31, 1967; 8:45 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER O—MILITARY POSTAL SERVICE

PART 280—USE OF MILITARY POSTAL SERVICE

The following revision to Part 280 was approved by the Deputy Secretary of Defense on July 10, 1967:

Sec.
280.1 Purpose and applicability.
280.2 Scope and definitions.
280.3 Policy and principles.
280.4 Responsibilities.

AUTHORITY: The provisions of this Part 280 issued under 5 U.S.C. 301.

§ 280.1 Purpose and applicability.

This part reissues DoD Directive 4605.1, "Use of Military Postal Service," dated January 8, 1955, designates the organizations, agencies, and personnel entitled to use the facilities of the military postal service, and prescribes policies and procedures governing the furnishing of uniform postal support by the Military Departments.

§ 280.2 Scope and definitions.

The military postal service includes the postal facilities of the Army, Navy, and the Air Force established under DoD Directive 5030.11,[1] "Postal Agreement Between the Post Office Department and the Department of Defense," dated March 5, 1959.

(a) These facilities are maintained and operated for the purpose of providing complete postal services for the U.S. Armed Forces in areas where the U.S. Civil Postal Service does not operate and in any other place where the military situation requires.

(b) This service is an extension of the U.S. domestic postal system and operates in conformity with the U.S. Postal Manual, published under Title 39, "Postal Service," Code of Federal Regulations; other Post Office Department instructions, and military directives.

§ 280.3 Policy and principles.

(a) As outlined in DoD Directive 5030.11,[1] "Postal Agreement Between the Post Office Department and the Department of Defense," dated March 5, 1959 (Enclosure 1, sec. 1, par. 4) the establishment, operation, and use of the U.S. Military Postal Service in sovereign foreign countries "in peace-time" is contingent upon agreement with the host government, since it is customary among nations to preserve a monopoly of postal service, including postage revenue and control of customs.

(1) International agreements permitting establishment of military postal facilities usually limit the use of such facilities to the Armed Forces and certain civilian agencies and organizations serving with or related to the Armed Forces.

(2) The cost of operating military postal facilities overseas is borne by the Military Departments. Currently, that cost includes the transportation of Army and Air Post Office/Fleet Post Office (APO/FPO) mail, inter- and intra-command, between the United States and overseas areas, exclusive of territories and possessions, both by air and surface transport, commercial as well as military.

(b) The Secretaries of the Military Departments are authorized to (1) furnish postal support to the eligible individuals and agencies listed in this part in accordance with the principles specified herein, and (2) make determinations as to the eligibility of other agencies or individuals to receive postal support under such policies and principles.

(c) Postal support will be furnished only when all of the following conditions are met:

(1) Agencies and individuals requesting postal support are providing services to the U.S. Armed Forces which are essential or of substantial assistance to the accomplishment of the U.S. Government mission. Commercial activities requesting postal support must serve the U.S. Forces exclusively.

(2) The furnishing of postal support to agencies and individuals:

(i) Will not interfere with the accomplishment of the U.S. military mission.

(ii) Is consistent with the terms of any agreements which the United States has entered into with the government of the nation concerned.

(iii) Will not place the privileges and immunities of the U.S. Forces in jeopardy.

(d) Postal support furnished in accordance with this part will be periodically reviewed by commanders with the purpose of adjusting such support to conform with current missions.

(e) Where more than one Military Department has postal facilities within an area, postal support policies shall be coordinated to attain uniformity of application.

(f) The following personnel and organizations are entitled to use the military postal facilities:

(1) Members and units of the U.S. Armed Forces on active duty, including the U.S. Coast Guard.

(2) U.S. citizen employees of the Department of Defense, who are serving with U.S. military activities in a foreign country, or any area, territory, or possession of the United States where no U.S. civil post office is available.

(3) U.S. citizen representatives of the American Red Cross who are attached to and accompanying U.S. Armed Forces.

(4) U.S. contractors and their U.S. citizen employees engaged in work under contract with the U.S. Government. (When postal support is not provided for in the contract, it will be furnished in accordance with the policy and principles of this part.)

(5) American dependent schools and their U.S. citizen employees, when such schools are operated from appropriated U.S. Government funds.

(6) Civilian religious representatives or religious groups visiting overseas commands in the interest of and to assist the U.S. forces, provided such persons have obtained an official invitation to travel as specified in DoD Instruction 1330.1 "Visits of Civilian Religious Leaders to Military Installations in Overseas Areas," dated August 11, 1966.

(7) Celebrities and entertainers; athletic clinic instructors; representatives of educational institutions or other social agencies, whose purpose is to provide a service to the United States (such individuals shall have been officially invited to travel to overseas under provisions of DoD Instruction 1330.13,[1] "Armed Forces Professional Entertainment Program Overseas," dated August 20, 1959.

(8) United Service Organizations, Inc. (USO), and their U.S. citizen employees when established in overseas areas, under provisions of DoD Directive 1330.12,[1] "United Service Organizations, Inc.," dated December 6, 1960.

(9) Foreign military nationals on duty or training with a U.S. military organization or unit.

(i) Such individuals may utilize the military postal facilities for purchase of stamps, and receipt and dispatch of mail to and from their home country only.

(ii) In correspondence with persons in their home country, mail will be addressed in the same manner as it would be if they were in their home country. The use of a U.S. military postal address in home country is not authorized.

(10) U.S. military banking facilities designated by the Secretary of the Treasury as a Depository and Financial Agent of the U.S. Government in overseas areas.

(i) Postal support is limited to transactions emanating from official operations for the benefit of the military activities and their personnel.

(ii) U.S. citizen employees of such banking facilities are authorized use of the Military Postal Service.

(11) Nonappropriated fund activities and their U.S. citizen employees, when such activities have been defined as instrumentalities of the U.S. Government.

(12) U.S. universities and colleges (and their U.S. citizen employees) operating in oversea areas by authority of the Secretaries of the Military Departments to provide education to members of the military service and their authorized dependents.

(13) Dependents of the personnel in Item 12, above, when accompanying the principal (postal privileges will be withdrawn ninety (90) days subsequent to the departure of the sponsor when the dependent remains overseas or when sponsorship is terminated for any other reason).

(14) U.S. citizen correspondent and public information agencies who have been accredited by The Assistant Secretary of Defense (Public Affairs) under DoD Directive 5122.5,[1] "Assistant Secretary of Defense (Public Affairs," dated July 10, 1961 (26 F.R. 7111)), and subject to approval of the oversea unified commander.

(15) Masters and civilian crews of Military Sea Transportation Service nucleus fleet ships, and merchant ships operating for the account of the Military Sea Transportation Service, including contract operated, time chartered, consecutive voyage chartered and General Agency Agreement vessels, under conditions prescribed by the Military Departments.

(16) International Military Commands and agencies of the North Atlantic Treaty Organization (NATO) (as specified in DoD Instruction 2010.1,[1] "Support of International Military Activities," dated Mar. 1, 1961), for official mail only.

(g) The following personnel and organizations are entitled to use U.S. military postal facilities located in foreign countries to the extent that military postal facilities of the command permit; or, in areas where the military Commander-in-Chief deems the local civil postal service to be inadequate:

(1) Members of the Armed Forces of Allies or contingents thereof assigned or attached to the U.S. Armed Forces corresponding to and from their home country only.

(2) U.S. Government departments and independent agencies, U.S. citizen employees thereof, and their dependents, when accompanying the principal.

(3) Retired personnel of the U.S. Armed Forces and their dependents when accompanying the principal.

(4) U.S. nonprofit, service, social, civic, and fraternal type organizations providing all individual members are authorized privileges in their own right.

(5) U.S. Federal employee organizations at overseas bases for the conduct of labor union business.

(h) Upon request of the foreign government concerned, foreign military units serving with the U.S. Armed Forces may be authorized to transmit closed mails through U.S. military postal channels when adequate international postal facilities are not available.

(i) Vessels under U.S. Navy operational control being transferred to foreign governments under military assistance programs may be authorized to use the Military Postal Service while enroute to their home country.

(j) Other allied warships participating in U.S. naval maneuvers or operating in U.S. waters may be authorized to use the facilities of the Navy Postal Service for receiving closed mail on request, provided that the mail is transported at the requesting country's expense to the appropriate Fleet Post Office.

(k) Request for authority for persons and organizations not enumerated in paragraphs (a) through (j) of this section to use military postal facilities in time of peace, or request for exceptions to the above, may be submitted to appropriate departmental headquarters which, through mutual coordination and agreement with the other military departments, will approve or disapprove each request.

[1] Filed as part of original document; copies available at the Publications Counter, OASD(A), Pentagon, Room 3B200, or OX 52167.

[1] Filed as part of original document; copies available at the Publications Counter, OASD(A), Pentagon, Room 3B200, or OX 52167.

(1) In the event of national emergency, hostilities, or occupation, U.S. citizen personnel, not otherwise authorized use of the military postal service under any other provisions of this part, may be authorized use of the facilities for letter class mail including postal cards and post cards, and voice recordings.

(i) Such individuals must be in overseas areas where international postal service is not available or adequate.

(2) If adequate international postal service becomes available subsequent to the authorization, use of the Military Postal Service will be withdrawn.

§ 280.4 Responsibilities.

In carrying out the provisions of this part the Secretaries of the Military Departments will assure that:

(a) The provisions of the U.S. Post Office Department Manual (Title 39, "Postal Service," Code of Federal Regulations) and local restrictions are enforced to prevent military post offices from accepting prohibited items of mail.

(b) Existing postal agreements with foreign sovereign governments are enforced.

(c) Persons and organizations entitled to use the military postal facilities do not use it to act as intermediaries for persons or organizations not authorized to use the service.

(d) Persons and organizations using the military postal facilities comply with local customs requirements.

(e) Postal privileges are withdrawn from retired military personnel and civilians when there is evidence of abuse of the privilege.

(f) The Military Postal Service is not used by individuals or agencies for commercial or business purposes or to transmit items intended for resale in the course of conducting a business or enterprise. This prohibition does not extend to news copy, film, recording tape, or similar material transmitted through the postal service by accredited news media representatives when use of these facilities have been authorized under § 280.3 (h) (14).

(g) Organizations, agencies, and individuals no longer eligible to use the postal service discontinue such use not later than ninety (90) days subsequent to the date they are notified of ineligibility.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[F.R. Doc. 67-8867; Filed, July 31, 1967; 8:46 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 14—LEGAL SERVICES, GENERAL COUNSEL

Disposition of Claims and Collection Action

1. In § 14.607, paragraph (c) is amended to read as follows:

§ 14.607 Disposition of claims.

* * * * *

(c) In cases of a claim for not more than $2,500 wherein the Chief Attorney determines liability on the part of the United States under the act, he will determine a fair and reasonable amount for reimbursement. After ascertaining from the General Counsel the availability of funds to pay the claim, the Chief Attorney will notify the claimant or his attorney, if any, of the allowance of his claim and forward him an appropriate voucher for his signature. Upon return of the voucher properly signed by the claimant, the Chief Attorney will, if he approves the claim, indicate his approval by signing the voucher in the space thereon as the Administrator's authorized designee. (See § 2.6(e)(2) of this chapter.) He will then forward the voucher to the General Counsel for necessary action to effect payment.

* * * * *

2. Section 14.608 is revised to read as follows:

§ 14.608 Collection action; damage to or loss of Government property.

(a) In a case where the Chief Attorney determines that damage to or loss of Government property under the jurisdiction of the Veterans Administration resulted from the negligence or other legal wrong of a person other than an employee of the United States, and such damages do not exceed $20,000, he will request payment of the amount of damage from the person liable therefor or his insurer.

(b) The Chief Attorney may collect, compromise, suspend, or terminated collection action on any such claim not exceeding $2,500 in conformity with the standards in § 1.900 series of this chapter. Any such claim not exceeding $2,500 which is not compromised or on which collection action is not suspended or terminated, will be referred by the Chief Attorney direct to the appropriate U.S. attorney along with the information required by §§ 1.951 through 1.953 of this chapter. Any claim in excess of $2,500 on which voluntary payment in full has not been made, will be transmitted along with the report required by § 14.605, a report on credit data (§ 1.952 of this chapter), and any other pertinent information, to the General Counsel for appropriate action.

(c) The General Counsel or those designated in § 2.6(d)(3) of this chapter will take action to collect, compromise, suspend, or terminate collection action on such claims not exceeding $20,000 in conformity with § 1.900 series of this chapter. Any such claims not compromised, or on which collection action is not suspended or terminated in accordance with § 1.900 series of this chapter, will be referred promptly to the Department of Justice for appropriate action.

(d) The provisions of paragraphs (a) through (c) of this section are not applicable to the collection of claims involving damage to General Services Administration Motor Pool System vehicles issued for Veterans Administration use. Whenever there is any indication that a party other than the operator of a motor pool system vehicle is at fault in an accident, all documents and data pertaining to the accident and its investigation will be submitted to the General Services Administration Regional Counsel of the region that issued the vehicle who has jurisdiction over such matters. Whenever a motor pool system vehicle is involved in an accident, resulting in damage to the property of, or injury to the person of, a third party, and the third party asserts a claim against the Veterans Administration based upon the alleged negligence of the vehicle operator, the claim will be considered under § 14.600 et seq.

(72 Stat. 1114; 38 U.S.C. 210)

These VA regulations are effective date of approval.

Approved: July 25, 1967.

By direction of the Administrator.

[SEAL] CYRIL F. BRICKFIELD,
Deputy Administrator.

[F.R. Doc. 67-8912; Filed, July 31, 1967; 8:48 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 101—Federal Property Management Regulations

SUBCHAPTER E—SUPPLY AND PROCUREMENT

PART 101-26—PROCUREMENT SOURCES AND PROGRAMS

Discrepancies in GSA Shipments; Cancellation of Orders for GSA Stocked Items

New Standard Form 361, Discrepancy in Shipment Report, is prescribed for use in reporting discrepancies in GSA shipments. In addition, agencies are cautioned to use discretion in requesting cancellation of orders of low dollar value.

The table of contents for Part 101-26 is amended to provide a revised heading for Subpart 101-26.3 and to show § 101-26.4902-1052 deleted, as follows:

Subpart 101-26.3—Procurement From GSA Supply Depots

Sec.
101-26.4902-1052 [Deleted]

Subpart 101-26.3—Procurement From GSA Supply Depots

Section 101-26.307-1 is amended and §§ 101-26.307-2 and 101-26.309 are revised to read as follows:

§ 101-26.307-1 Reporting requirements.

(a) When overages, shortages, or damages are incurred in shipments of stock items on which GSA pays the transportation charge, agencies shall document such discrepancies with sufficient information to enable initiation and processing of claims against carriers for shortages and damages and the disposition of any overages in shipment.

Discrepancies which are incurred in shipments on which GSA does not pay the transportation charge will be processed in accordance with instructions contained in § 101-47.702 of this chapter.

(b) Standard Form 361, Discrepancy in Shipment Report (illustrated at § 101-40.4906-3 of this chapter), shall be used to report discrepancies in accordance with instructions contained in this § 101-26.307 and the GSA Handbook, Over, Short, or Damaged Shipments from GSA Supply Depots, promulgated by the Commissioner, Federal Supply Service.

* * * * *

§ 101-26.307-2 Adjustments.

GSA will adjust any damage or other discrepancy resulting from over or under deliveries or from over or under charges. When the difference involved represents an amount of $5 or less on any one invoice, no adjustment in billing or payment is required. (GAO Manual, Title 7, par. 4220.30.) However, agencies are not relieved from the requirement to report discrepancies on Standard Form 361 when the value involved is less than $5.

§ 101-26.309 Cancellation of orders for GSA stock items.

When an agency determines that material ordered from GSA is not required, GSA will accept requests for cancellation as long as the items ordered have not been shipped. However, since processing cancellations is costly and interferes with normal order processing, agencies are cautioned to use discretion in requesting cancellation of low dollar value orders. Cancellation of orders may be accomplished by agencies through written, telegraphic, or telephonic communication with the GSA regional office to which the order was sent. However, telephonic communication should be used whenever feasible to forestall shipment of material and subsequent billing by GSA. If material has been shipped, GSA will advise that cancellation cannot be effected and agency requests for return for credit will be processed under the provisions of §§ 101-26.310 and 101-26.311.

Subpart 101-26.49—Illustrations of Forms

§ 101-26.4902-1052 [Deleted]

Section 101-26.4902-1052, which illustrates GSA form 1052, Over, Short, and/or Damage Report, is deleted.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This revision is effective upon publication in the FEDERAL REGISTER.

Dated: July 26, 1967.

J. E. MOODY,
Acting Administrator of General Services.

[F.R. Doc. 67-8925; Filed, July 31, 1967; 8:49 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER B—HUNTING AND POSSESSION OF WILDLIFE

PART 10—MIGRATORY BIRDS

Open Seasons, Bag Limits, and Possession of Certain Migratory Game Birds; Correction

F.R. Doc. 67-8470, published on page 10797 in the issue dated Saturday, July 22, 1967, is corrected by changing the dates under § 10.53(a)(1) Ohio to read "September 15–September 23."

JOHN S. GOTTSCHALK,
Director, Bureau of Sport Fisheries and Wildlife.

JULY 28, 1967.

[F.R. Doc. 67-8961; Filed, July 31, 1967; 8:51 a.m.]

SUBCHAPTER C—THE NATIONAL WILDLIFE REFUGE SYSTEM

PART 32—HUNTING

Yazoo National Wildlife Refuge, Miss.

On page 8765 of the FEDERAL REGISTER of June 20, 1967, there was published a notice of a proposed amendment to § 32.31 of Title 50, Code of Federal Regulations. The purpose of this amendment is to provide public hunting of big game on the Yazoo National Wildlife Refuge, Miss., as legislatively permitted.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections with respect to the proposed amendment. No comments, suggestions, or objections have been received. The proposed amendment is hereby adopted without change.

Since this amendment benefits the public by relieving existing restrictions on hunting, it shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 10, 45 Stat. 1224; 16 U.S.C. 715i; sec. 4, 80 Stat. 926; 16 U.S.C. 668aa)

Section 32.31 is amended by the addition of the following area as one where hunting of big game is authorized:

§ 32.31 List of open areas; big game.

* * * * *

MISSISSIPPI

YAZOO National Wildlife Refuge.

* * * * *

JOHN S. GOTTSCHALK,
Director, Bureau of Sport Fisheries and Wildlife.

JULY 26, 1967.

[F.R. Doc. 67-8860; Filed, July 31, 1967; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 987]

[Docket No. AO 269-A4]

DOMESTIC DATES PRODUCED OR PACKED IN DESIGNATED AREA OF CALIFORNIA

Decision and Referendum Order With Respect to Proposed Amendment of Marketing Agreement and Order, as Amended

Pursuant to the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held in Indio, Calif., on April 12, 1967, after notice thereof published in the FEDERAL REGISTER (32 F.R. 4417) on proposals to amend the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987), regulating the handling of domestic dates produced or packed in a designated area of California. The amended marketing agreement and the amended order are effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

On the basis of the evidence adduced at the hearing, and the record thereof, the recommended decision in this proceeding was filed on June 1, 1967, with the Hearing Clerk, U.S. Department of Agriculture, and notice thereof, affording opportunity to file written exceptions thereto, was published June 7, 1967, in the FEDERAL REGISTER (F.R. Doc. 67–6309; 32 F.R. 8171).

The material issues, findings and conclusions, and general findings of the recommended decision set forth in the FEDERAL REGISTER (F.R. Doc. 67–6309; 32 F.R. 8171) are hereby approved and adopted as the material issues, findings and conclusions, and general findings of this decision as if set forth in full herein, except as they are modified by the ruling on the exception as hereinafter set forth.

Ruling on exception. An exception to the recommended decision was filed, within the prescribed time, by Billy J. Peightal, for California Date Growers Association, Indio, Calif. This exception has been considered carefully and fully, in conjunction with the evidence in the record and the proposed findings and conclusions of the recommended decision, in arriving at the findings and conclusions set forth herein.

The exception, and the ruling thereon, is as follows:

Exception was taken to the recommended decision because it did not conclude that § 987.51 should be revised to require dates certified for handling, which are transferred to, and repacked by, a handler who also packs field-run dates, to be recertified following the repacking. While this requirement is evident from the several provisions of the order, it would be helpful to specifically state it. Therefore, the exception is granted. At the end of the discussion (32 F.R. 8172) on material issue (1) in the recommended decision, a paragraph reading as follows is added: "However, if dates certified for handling are transferred to, and repacked by, a handler who also packs and handles dates received as field-run dates, the certified dates received and repacked should be recertified prior to handling. Such has been the practice under the program based on an interpretation of the present provisions on inspection and transfer, and this should be clarified within the provisions of the marketing agreement and order. These transfers occur among regular handlers within the area of production. Recertification is the necessary means of assuring that any commingling of certified dates with uncertified dates, in operations involving repacking, will not result in packed dates failing to meet grade requirements. Accordingly, § 987.51 should be amended by adding thereto the following: 'Except for packed dates inspected and certified for handling prior to transfer and which are not repacked, any receiving handler (other than a repacker not otherwise a handler, who shall comply with § 987.53) shall comply with the requirements of § 987.41 on all dates, but this shall apply to repacked dates previously inspected and certified for handling only if the handler also packs dates received as field-run dates'". Section 987.51 is amended to effect this conclusion.

Amendment of the amended marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement, as Amended, Regulating the Handling of Domestic Dates Produced or Packed in a Designated Area of California" and "Order Amending the Order, as Amended, Regulating the Handling of Domestic Dates Produced or Packed in a Designated Area of California" which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Referendum order. Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), it is hereby directed that a referendum be conducted among producers who, during the period August 1, 1966, through May 31, 1967 (which period is hereby determined to be a representative period for the purpose of such referendum), have been engaged in the production of the Deglet Noor, Zahidi, Halawy, or Khadrawy variety of domestic dates produced or packed in the area of production (i.e., the Counties of Riverside, Orange, and Los Angeles, and that portion of San Bernardino County lying west of 116° W. longitude, located within the State of California) to ascertain whether such producers favor the issuance of the said annexed order amending the order, as amended, regulating the handling of domestic dates produced or packed in a designated area of California.

Warren C. Noland, Edmund J. Blaine, and Joseph C. Genske, of the Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, are hereby designated referendum agents of the Secretary of Agriculture to conduct said referendum severally or jointly.

The procedure applicable to the referendum shall be the "Procedure for the Conduct of Referenda in Connection with Marketing Orders for Fruits, Vegetables, and Tree Nuts Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (30 F.R. 15414).

The ballots used in the referendum shall contain a summary describing the terms and conditions of the proposed amendatory order.

Any producer entitled to vote in the referendum who does not receive a copy of the aforesaid annexed order, voting instructions, or a ballot or other necessary information will be able to obtain the same from Warren C. Noland, Los Angeles Marketing Field Office, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, 1031 South Broadway, Los Angeles, Calif. 90015.

It is hereby ordered, That all of this decision and referendum order, except the annexed marketing agreement, as amended, be published in the FEDERAL REGISTER. The regulatory provisions of the said marketing agreement, as amended, are identical with those contained in the said order, as amended, and as further amended by the annexed order which will be published with this decision.

Dated: July 27, 1967.

GEORGE L. MEHREN,
Assistant Secretary.

Order[1] Amending the Order, as Amended, Regulating the Handling of Domestic Dates Produced or Packed in a Designated Area of California

§ 987.0 **Findings and determinations.**

(a) *Previous findings and determinations.* The findings and determinations hereinafter set forth are supplementary, and in addition, to the findings and determinations made in connection with the issuance of the order and previously issued amendments thereto; and all of said prior findings and determinations are hereby ratified and affirmed except insofar as such prior findings and determinations may be in conflict with the findings and determinations set forth herein. (For prior findings and determinations see 20 F.R. 5056; 23 F.R. 6904; 27 F.R. 6817; 29 F.R. 9706.)

(b) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held in Indio, Calif., on April 12, 1967, on a proposed amendment of the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987), regulating the handling of domestic dates produced or packed in a designated area of California. On the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order, as amended and as hereby further amended, regulates the handling of domestic dates produced or packed in a designated area of California in the same manner as, and is applicable only to persons in the respective classes of commercial or industrial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) The said order, as amended and as hereby further amended, is limited in application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the area of production would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of domestic dates in the area of production covered by the order, as amended and as hereby further amended, which would require different terms applicable to different parts of such area; and

(5) All handling of domestic dates produced or packed in the area of production is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

It is therefore, ordered, That, on and after the effective date hereof, all handling of domestic dates produced or packed in the area of production shall be in conformity to, and in compliance with, the terms and conditions of the said order, as amended, and as hereby further amended as follows:

DEFINITIONS

1. Revise § 987.8 to read:

§ 987.8 **Handler.**

"Handler" means any person handling dates which have not been inspected and certified for handling in the hands of a previous holder and any repacker: *Provided,* That for the purposes of §§ 987.22 and 987.24 a person shall qualify as a handler only if he has acquired the dates directly from producers.

2. Add a new section, § 987.8a, as follows:

§ 987.8a **Repacker.**

"Repacker" means any wholesaler or jobber who receives packed dates certified for handling pursuant to § 987.41(a), repackages them in containers other than those in which received, and handles such repackaged dates.

DATE ADMINISTRATIVE COMMITTEE

3. Revise §§ 987.21 and 987.22 to read:

§ 987.21 **Establishment of Date Administrative Committee.**

A Date Administrative Committee composed of seven members is hereby established to administer the terms and conditions of this part: *Provided,* That the number of members may be changed pursuant to § 987.22 (b) and (c). For each member there shall be an alternate member, and the provisions of this part applicable to the number, nomination, and selection of members shall also apply to the number, nomination, and selection of alternate members.

§ 987.22 **Membership representation.**

(a) Members shall be selected by the Secretary from the following groups:

(1) The group comprised of (i) handlers each of whom produced during the then current crop year through February at least 51 percent of all the dates handled by him during such period, and (ii) producers each of whom delivered to such handlers during such period at least 50 percent of his deliveries to all handlers during the period.

(2) The group comprised of cooperative marketing associations.

(3) The group comprised of all other handlers and producers.

(b) Each such group shall have, for each term of office, one member for each quantity of dates handled in the group that represents 14.28 percent of the tonnage handled by all groups: *Provided,* That each group shall have at least one member. For each term of office, the tonnages handled shall be those handled through February of the crop year in which the selection occurs. In computing the number of members for a group, the group may have, in addition to one member for each full 14.28 percent, one member for any remaining fractional part more than one-half of the basic 14.28 percent. To provide a member for any such fractional part and at least one member for each group, the Secretary may increase the total number of members of the Committee beyond seven. When a group specified in paragraph (a) (1) or (3) of this section is entitled to an even number of members, one-half of the members shall be handler members and one-half shall be producer members; and when such a group is entitled to an odd number of members other than one, there shall be one more handler member than producer members. At least one of the members for the group specified in paragraph (a)(2) of this section shall be an employee of a cooperative marketing association in such group and serve as a handler member, and the remainder of the members for the group shall be producer members of such associations.

(c) The members of the Committee serving on the effective date of this amended subpart shall, subject to the limitations in § 987.25, continue to serve during the remainder of the term of office ending May 14, 1968, and as provided in § 987.23. The number of members as provided in § 987.122 prior to such effective date for each of the various groups (i.e., one member for the group specified in paragraph (a)(1) of this section, five members for the group specified in paragraph (a)(2) of this section, and one member for the group specified in paragraph (a)(3) of this section) shall continue applicable so long as the number of members for each group meets the requirements prescribed in paragraph (b) of this section. Whenever it is determined pursuant to paragraph (b) of this section that a change of representation is required for the ensuing term of office, the Secretary shall, on the basis of information submitted by the Committee and other available information, revise the representation consistent with the provisions of said paragraph (b) of this section.

4. Revise § 987.24 to read:

§ 987.24 **Nomination and selection.**

(a) Each group specified in § 987.22 (a) may nominate, at a nomination meeting or meetings held during each crop year on or before April 15, nominees for members to represent the group during the ensuing term of office. For any group specified in § 987.22(a) (1) or (3) entitled to more than one member, separate meetings of producers and of handlers shall be held. For any such group which is not entitled to more than one member, joint meetings of producers and handlers shall be held. Except as otherwise set forth in this section, in any of such meetings each producer and each handler shall be entitled to one vote for each position to be filled, and the individual receiving the highest number of votes for the position shall be the nominee. Whenever there is more than one cooperative marketing association in the group specified in § 987.22(a)(2), the

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and orders have been met.

associations shall jointly select their nominees. In case of lack of agreement among the associations, and in the voting by handlers separately from producers of the group specified in § 987.22 (a) (3), the vote for each position shall be weighted by the tonnage of dates each association or handler acquired from producers and had certified for handling or for further processing during the then current crop year through February.

(b) Immediately after the completion of the meetings covered by this section, the Committee shall report to the Secretary the nominees for each position together with a certificate of all necessary tonnage data and other information deemed by the Committee to be pertinent or which is required by the Secretary. The Secretary shall select, in his discretion, members from such nominees or from other qualified persons; but any such selection shall be from the groups, and on the basis, prescribed in § 987.22. However, the Secretary shall allow a reasonable time for nominations to be received before proceeding with any selection without regard to nominations.

MARKET DEVELOPMENT

5. Revise § 987.33 to read:

§ 987.33 Research and promotion.

(a) The Committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects, including marketing promotion and paid advertising, designed to assist, improve, or promote the marketing, distribution, and consumption of dates. The expenses of such projects shall be paid from funds collected pursuant to § 987.72. However, no program of paid advertising nor major program of marketing promotion shall be adopted unless favored by at least six Committee members when the total membership is seven, or seven members when the total is eight. Upon conclusion of each program, but at least annually, the Committee shall summarize and report on the program status and accomplishments, to its members and the Secretary. A similar report to the Committee shall be required of any contracting party on any paid advertising or major program. Also, for each advertising or major program the contracting party shall be required to maintain records of money received and expenditures and such shall be available to the Committee and the Secretary. The Committee shall, with the approval of the Secretary, establish criteria which will determine such major program.

§ 987.39 [Amended]

6. At the end of the first sentence of § 987.39 insert before the period "for any variety of dates."

§ 987.51 [Amended]

7. At the end of § 987.51 add: "Except for packed dates inspected and certified for handling prior to transfer and which are not repacked, any receiving handler (other than a repacker not otherwise a handler, who shall comply with § 987.53) shall comply with the requirements of § 987.41 on all dates, but this shall apply to repacked dates previously inspected and certified for handling only if the handler also packs dates received as field-run dates."

8. Add a new section, § 987.53, as follows:

§ 987.53 Application of regulations to repackers.

Repackers shall be exempt from those requirements of this part, including reporting requirements, with respect to packed dates which had been certified for handling, pursuant to § 987.41(a), prior to receipt, except that: (a) A repacker who processes such dates by machine pitting shall comply with the grade, size, inspection, certification, and identification requirements, and (b) a repacker who repackages such dates in containers other than those in which received, shall comply with the then effective container regulations established pursuant to § 987.48.

[F.R. Doc. 67-8943; Filed, July 31, 1967; 8:51 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 8300]

AIRWORTHINESS DIRECTIVES

BAC 1-11 Model 212AR, 401AK, and 410AQ Airplanes

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to British Aircraft Corp., BAC 1-11 Model 212AR, 401AK, and 410AQ airplanes which have a center fuel tank fitted with Thompson Ramo fuel pumps P/N 248800/4 or pumps manufactured under license by Plessey which include additional part numbers 570/1/21221/004. It has been determined that failure or disengagement of a fuel pump retaining screw in the center fuel tank installation would permit movement of the pump unit. The movement of this unit would allow fuel leakage due to the displacement of the peripheral seals and might also break the electrical power supply connection to the pump. In view of the seriousness of such a failure and to ensure that failsafe design requirements are maintained, the proposed AD would require inspection of the center fuel tank installation within the next 200 hours' time in service after the effective date of this AD and its modification in accordance with BAC Service Bulletin No. 28-PM 2701 within the next 1,000 hours' time in service after the effective date of this AD.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before August 31, 1967, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

BRITISH AIRCRAFT. Applies to BAC 1-11 airplanes Model/Type 212AR, 401AK, 410AQ, which have a center fuel tank fitted with Thompson Ramo fuel pumps P/N 248800/4 or pumps manufactured under license by Plessey which include additional part numbers 570/1/21221/004.

Compliance required as indicated.

To prevent fuel pump movement and consequent fuel leakage, accomplish the following:

(a) Within the next 200 hours' time in service after the effective date of this AD, unless already accomplished, inspect the center tank fuel pump installation in accordance with BAC 1-11 Alert Service Bulletin 28-A-PM 2701, Issue 1, or later ARB-approved issue, or FAA-approved equivalent.

(b) If leaks are found when conducting the inspection required by paragraph (a), before further flight stop the leaks by repositioning the fuel booster pump and, if necessary, replacing the seals between the pump and cannister.

(c) Within the next 1,000 hours' time in service after the effective date of this AD, modify the center tank fuel booster pumps in accordance with British Aircraft Corp. Service Bulletin No. 28-PM 2701 or later ARB-approved issue, or an equivalent approved by the Chief, Aircraft Certification Staff, European Region.

Issued in Washington, D.C., on July 24, 1967.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[F.R. Doc. 67-8892; Filed, July 31, 1967; 8:47 a.m.]

[14 CFR Part 39]

[Docket No. 67-SO-72]

AIRWORTHINESS DIRECTIVES

Piper PA-28 and PA-32 Series Airplanes

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Piper PA-28 and PA-32 series airplanes. There have been reports of problems in the fuel system which have caused fuel interruptions and inadvertent fuel spillage. Since this condition is likely to exist or develop in other airplanes of the same type design, the proposed airworthiness directive would require modifications to be made to the fuel selector quadrant, quick drain valve operating lever and installation of new fuel lines from the outboard tip tanks.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the Regional Counsel, Attention: Rules Docket, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423). In consideration of the foregoing, it is proposed to amend § 39.13 of the Federal Aviation Regulations by adding the following airworthiness directive:

PIPER. Applies to Piper PA-28 and PA-32 series airplanes. Serial numbers affected are noted below:

Compliance is required within the next 100 hours' time in service after the effective date of this AD unless already accomplished.

To prevent—

(a) Possible sticking of the quick drain in the fuel selector valve;

(b) Improper positioning of the fuel selector valve between detents;

(c) Rotation of the fuel selector lever knob; and

(d) Excessive time delay in reestablishing fuel flow from a tip tank after all of the usable fuel from that tank has been used, accomplish the following:

(a) On Model PA 28-235 airplanes, Serial Nos. 28-10001 through 28-10651; Model PA-32-260 airplanes, Serial Nos. 32-04, 32-1 through 32-14, 32-16 through 32-853; Models PA-32-300 and PA-32S-300 airplanes, Serial Nos. 32-15, 32-40000 through 32-40163:

(1) Install a new manual-return quick-drain valve operating lever, P/N 65289-00;

(2) Install pin in the fuel selector knob;

(3) Install indicators on the fuel selector quadrant to indicate the exact position of the selector valve.

Installation instructions and all necessary parts are contained in Piper Kit No. 757139V and Service Bulletin No. 249.

(b) On Model PA-28-235 airplanes, Serial Nos. 28-10001 through 28-10719: Install new fuel lines at the wing tip tanks in accordance with Piper Service Bulletin 253 and Piper Kit No. 757151V. All necessary parts and installation instructions are contained in this kit.

(c) On Model PA-28-235 airplanes, Serial Nos. 28-10720 through 28-10851; Model PA-32-260 airplanes, Serial Nos. 32-04, 32-1 through 32-14, 32-16 through 32-853; Model PA-32-300, PA-32S-300 airplanes, Serial Nos. 32-15, 32-40000 through 32-40163:

Install new fuel lines at the wing tip tanks in accordance with Piper Service Bulletin 253 and Piper Kit No. 757152V. All necessary parts and installation instructions are contained in this kit.

Other means of compliance with the requirements of this directive may be utilized, if approved by the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Southern Region.

Compliance time may be adjusted up to a maxium of 20 hours to coincide with aircraft annual or 100-hour scheduled inspections.

(Piper Service Bulletins No. 249 dated May 16, 1967, and No. 253 dated July 7, 1967, cover this same subject.)

Issued in East Point, Ga., on July 21, 1967.

GORDON A. WILLIAMS, JR.,
Acting Director, Southern Region.

[F.R. Doc. 67-8893; Filed, July 31, 1967; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-CE-64]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the control zone and the transition area at Alpena, Mich.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

Since designation of the Alpena, Mich., control zone and transition area the airport coordinates for the Phelps-Collins Airport have been changed. In addition, the Federal Aviation Administration has determined that it is necessary to establish two holding patterns for turbojet aircraft operating in the Alpena terminal area. Therefore, it is necessary to alter the Alpena control zone and transition area to reflect the changes in coordinates and to further alter the 1,200-foot floor transition area to protect turbojet aircraft in the holding patterns.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

(1) In § 71.171 (32 F.R. 2071), the following control zone is amended to read:

ALPENA, MICH.

That airspace within a 5-mile radius of Phelps-Collins Airport, Alpena, Mich. (latitude 45°05'00" N., longitude 83°33'00" W.); within 2 miles each side of the Alpena VORTAC 346° radial, extending from the 5-mile radius zone to 8 miles north of the VORTAC; within 2 miles each side of the Alpena VORTAC 166° radial, extending from the 5-mile radius zone to 8 miles south of the VORTAC; within 2 miles each side of the Alpena VORTAC 306° radial extending from the 5-mile radius zone to 8 miles northwest of the VORTAC; and within 2 miles each side of the 180° bearing from the Alpena RBN, extending from the 5-mile radius zone to the RBN. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

(2) In § 71.181 (32 F.R. 2148) the following transition area is amended to read:

ALPENA, MICH.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Phelps-Collins Airport, Alpena, Mich. (latitude 45°05'00" N., longitude 83°33'00" W.); within 5 miles east and 8 miles west of the 180° and 360° bearings from the Alpena RBN, extending from 2 miles south to 12 miles north of the RBN, within 5 miles west and 8 miles east of the Alpena VORTAC 186° radial, extending from the VORTAC to 12 miles south of the VORTAC, within 5 miles east and 8 miles west of the Alpena VORTAC 346° radial, extending from the VORTAC to 22 miles north of the VORTAC, and within 5 miles northeast and 8 miles southwest of the Alpena VORTAC 306° radial, extending from the VORTAC to 12 miles northwest of the VORTAC, and that airspace extending upward from 1,200 feet above the surface within a 21-mile radius of Phelps-Collins Airport, within the arc of a 29-mile radius circle centered on the Alpena RBN, extending from a line 5 miles west of and parallel to the 360° bearing from the RBN clockwise to a line 5 miles east of and parallel to the 021° bearing from the RBN, within 6 miles southeast and 9 miles northwest of the Alpena VORTAC 232° radial extending from the 21-mile radius area to 48 miles southwest of the VORTAC, and within 6 miles northeast and 9 miles southwest of the Alpena VORTAC 305° radial extending from the 21-mile radius area to 48 miles northwest of the VORTAC, excluding the portion which coincides with the Oscoda, Mich., transition area.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on July 13, 1967.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 67-8920; Filed, July 31, 1967; 8:49 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-WE-42]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations which would alter the controlled airspace in the Hoquiam, Wash., terminal area.

Interested persons may participate in the proposed rule-making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

A new VOR/DME approach procedure has been developed for Runway 24 at Bowerman Field, Hoquiam, Wash. The new approach is predicated on 18-mile DME arc transitions from the Hoquiam VORTAC 046° M (V-27W) and 066° M (V-394) radials to the 058° M final approach radial. The proposed approach will require additional 700-foot transition area to provide controlled airspace for those portions of the transition routings conducted below 1,500 feet above the surface. In addition, a 5-mile control zone extension will be required east of the current Hoquiam control zone to provide protection for that portion of the approach conducted below 1,000 feet above the surface.

In view of the foregoing, the FAA proposes the following airspace actions:

In § 71.171 (32 F.R. 2101) the Hoquiam, Wash., control zone is amended to read as follows:

HOQUIAM, WASH.

Within a 5-mile radius of Bowerman Field, Hoquiam, Wash. (latitude 46°58'15" N., longitude 123°56'05" W.), within 2 miles each side of the Hoquiam VORTAC 081° radial, extending from the 5-mile radius zone to the VORTAC, and within 2 miles each side of the Hoquiam VORTAC 060° radial, extending from the 5-mile radius zone to 20.5 miles east of the VORTAC.

In § 71.181 (32 F.R. 2199) the Hoquiam, Wash., transition area is amended to read as follows:

That airspace extending upward from 700 feet above the surface east of Bowerman Field, bounded on the north by a line 2 miles north of and parallel to the Hoquiam VORTAC 068° radial, on the south by a line 2 miles south of and parallel to the Hoquiam 060° radial, extending eastward between the arcs of 8- and 13-mile radius circles centered on Bowerman Field (latitude 46°58'15" N., longitude 123°56'05" W.); that airspace extending upward from 1,200 feet above the surface, within 8 miles north and 8 miles south of the Hoquiam VORTAC 060° and 249° radials, extending from 13 miles west to 15 miles east of the VORTAC.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348).

Issued in Los Angeles, Calif., on July 24, 1967.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 67-8921; Filed, July 31, 1967; 8:49 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-CE-91]

TRANSITION AREA

Proposed Alteration and Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Independence, Kans., and designate a transition area at Coffeyville, Kans.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

As the result of the development of a public instrument approach procedure to serve McGuigin Municipal Airport, Coffeyville, Kans., utilizing the city-owned nondirectional beacon as a navigational aid, it is necessary to designate a 700-foot floor transition area at Coffeyville to protect aircraft executing this approach procedure. In addition, the public instrument approach procedure for Independence, Kans., Municipal Airport is being realigned. Therefore, it is necessary to alter the Independence transition area to protect aircraft executing this revised approach procedure.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (32 F.R. 2148), the following transition area is amended to read:

INDEPENDENCE, KANS.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Independence Municipal Airport (latitude 37°09'30" N., longitude 96°46'30" W.); and that airspace extending upward from 1,200 feet above the surface within 8 miles west and 8 miles east of the 193° bearing from Independence Municipal Airport, extending from the airport to 12 miles south of the airport.

In § 71.181 (32 F.R. 2148), the following transition area is added:

COFFEYVILLE, KANS.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of McGuigin Municipal Airport (latitude 37°06'48" N., longitude 95°34'27" W.), excluding the portion which overlies the Independence, Kansas transition area.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Kansas City, Mo., on July 13, 1967.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 67-8922; Filed, July 31, 1967; 8:49 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-SW-50]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate a transition area at Uvalde, Tex.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal Docket will also be available for examination at the Office of the Chief, Air Traffic Division.

It is proposed to designate the Uvalde, Tex., transition area as that airspace extending upward from 700 feet above the surface within a 5-mile radius of Garner Field (latitude 29°12'54" N., longitude 99°44'30" W.) and within 2 miles each side of the 171° bearing (161° magnetic) from the Uvalde RBN (latitude 29°13'06" N., longitude 99°44'29" W.) extending from the 5-mile radius area to 8 miles south of the RBN; that airspace extending upward from 1,200 feet above the surface within a 23-mile radius of Garner Field; and that airspace extending upward from 4,500 feet MSL bounded by a line beginning at latitude 29°19'50" N., longitude 99°09'30" W., to latitude 28°54'00" N., longitude 99°05'00" W., to latitude 28°52'00" N., longitude 99°25'-00" W., to latitude 28°20'00" N. at the United States-Mexico border, thence northwest along the United States-Mexico border to and counterclockwise along the arc of a 60-mile radius circle centered at latitude 29°21'35" N., longitude 100°-46'35" W. to latitude 30°10'00" N., thence east along latitude 30°10'00" N., to and counterclockwise along the arc of a 75-mile radius circle centered at latitude 29°38'37.7" N., longitude 98°27'39.7" W. to latitude 29°24'00" N., thence to point of beginning.

The proposed transition area will provide airspace protection for aircraft executing instrument approach/departure procedures at Garner Field and for en route operations in the Uvalde area.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Fort Worth, Tex., on July 21, 1967.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 67-8923; Filed, July 31, 1967; 8:49 a.m.]

[14 CFR Part 121]

[Docket No. 7804; Notice 67-34]

IFR LANDINGS

Pilot in Command Experience Requirements

The Federal Aviation Administration is considering amending Part 121 of the Federal Aviation Regulations to provide that the 100 hours of pilot in command experience required by §§ 121.651(e) and 121.653(d) may be reduced (not to exceed 50 percent) by substituting one landing in Part 121 operations for one required hour of pilot in command experience.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket GC-24, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before October 2, 1967, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

When the 100 hour pilot in command experience requirement was adopted in 1961, the FAA stated: "The safe execution of an instrument approach to the lowest minimums requires the highest degree of pilot familiarity with the airplane, its controls, instruments, and performance characteristics. One hundred hours of experience in a new type of airplane as pilot in command in air carrier or commercial operations is necessary in order to achieve this degree of familiarity so essential to safe operations at the lowest landing minimums."

For domestic and flag air carriers, § 121.651(e) now provides that, if a pilot in command of an airplane has not served 100 hours as pilot in command in air carrier or commercial operations in the type of airplane he is operating, the ceiling and visibility landing minimums in the air carrier operations specifications for each regular, provisional, or refueling airport are increased by 100 feet and one-half mile, respectively. Section 121.653(d) contains a similar requirement for supplemental air carriers and commercial operators.

The Air Transport Association (ATA), on behalf of its member airlines, has requested an amendment to § 121.651(e) providing "for a reduction of the 100 hour requirement, to not less than 50 hours, by giving 1-hour credit for each landing accomplished." In its request, ATA states that it was the airlines' opinion that the 100 hour requirement was inequitable because: "Pilots serving on aircraft operating over a short-haul route structure acquire experience in the pertinent phases of flight at a much faster rate than do those operating over longer route segments." The FAA is issuing this notice in response to the ATA request.

The FAA still believes that the highest degree of pilot familiarity with the type of aircraft is necessary to safe operations at the lowest landing minimums. While the FAA believes that the deletion of the 100 hour requirement is not justified at this time, it also believes that the basic purpose of the 100 hour requirement would not be compromised by authorizing the substitution that ATA requests. Pilot familiarity with new types of aircraft is increasing, in part because of the improved quality of training programs since the adoption of Amdt. 121-7. Also, the FAA has had favorable experience with similar substitutions authorized in the programed hours of initial flight assignment under § 121.414(c)(3). Therefore, the FAA, proposes to grant the ATA request, and to extend the authority to make the substitution to all Part 121 certificate holders by deleting §§ 121.651(e) and 121.653(d) and adding a new § 121.652 applicable to all Part 121 certificate holders.

Present § 121.651(e) requires 100 hours of experience as pilot in command in "air carrier or commercial operations", while present § 121.653(d) requires that experience in "operations under this part". Both paragraphs are intended to require the 100 hours experience in actual Part 121 operations (not including training or ferry flights), and proposed new § 121.652 uses the phrase "in operations under this part" to resolve any apparent difference on this point. Also, § 121.652(b) would continue to prohibit use of the sliding scale (if authorized) until the pilot meets the requirements of § 121.652(a).

In consideration of the foregoing, it is proposed to amend Part 121 as follows:

§ 121.651 [Amended]

1. By deleting paragraph (e) of § 121.651.

2. By adding the following new § 121.652:

§ 121.652 Landing weather minimums: IFR: all certificate holders.

(a) If the pilot in command of an aircraft has not served 100 hours as pilot in command in operations under this part in the type of aircraft he is operating, the ceiling and visibility landing minimums in the certificate holder's operations specifications for regular, provisional, or refueling airports are increased by 100 feet and one-half mile, respectively. The ceiling and visibility minimums need not be increased above those applicable to the airport when used as an alternate airport. The 100 hours of pilot in command experience required by this paragraph may be reduced (not to exceed 50 percent) by substituting one landing in operations under this part in the type of airplane for one required hour of pilot in command experience.

(b) The sliding scale when authorized in the certificate holder's operations specifications does not apply until the pilot in command meets the requirements of paragraph (a) of this section in the type of airplane he is operating.

§ 121.653 [Amended]

3. By deleting paragraph (d) of § 121.653.

This proposal is made under the authority of sections 313(a) and 601 of

the Federal Aviation Act of 1958 (49 U.S.C. 1354(a) and 1421).

Issued in Washington, D.C., on July 24, 1967.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[F.R. Doc. 67-8894; Filed, July 31, 1967; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 202, 203]

[Docket No. 18830; EDR-120]

CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY; INTERSTATE, OVERSEAS, AND FOREIGN AIR TRANSPORTATION

Service of Airport Notices Upon FAA

JULY 26, 1967.

Notice is hereby given that the Civil Aeronautics Board has under consideration proposed amendments of Parts 202 and 203 of the Board's Economic Regulations (14 CFR Parts 202 and 203) so as to provide for service of airport notices upon the Federal Aviation Administration.

The features of the proposed amendments are described in the explanatory statement set forth below and the proposed amendments are set forth in the proposed rule set forth below. The regulation is proposed under the authority of sections 204(a) and 401 of the Federal Aviation Act of 1958 (72 Stat. 743, 754; 49 U.S.C. 1324, 1371).

Interested persons may participate in the proposed rulemaking through submission of ten (10) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant matter in communications received on or before August 31, 1967, will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 710 Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

Explanatory statement. Section 302.3 of the Economic Regulations requires that each airport notice or application for permission to use an airport be served upon the Postmaster General, certain air carriers, and the chief executives of the city and State in which the airport is located. The Federal Aviation Administration has requested that Part 202 be revised so as to require service of airport notices upon it. In view of the Federal Aviation Administration's statutory responsibilities in the field of airport development and safety, the Board proposes to grant the request. To conform Part 203 with Part 202, a similar amendment is proposed as to the former.

Proposed rule. It is proposed to amend Parts 202 and 203 of the Economic Regulations (14 CFR Parts 202 and 203) as follows:

1. Add a new subparagraph (4) to § 202.3(c) to read as follows:

§ 202.3 Airport authorization.

* * * * *

(c) *Persons to be served.* * * *

(4) The Federal Aviation Administration, marked for attention of the Director of Airport Services.

2. Amend § 203.7(d) to read as follows:

§ 203.7 Persons upon whom notice must be served.

* * * * *

(d) In the case of an Airport Notice—Foreign Air Transportation, each scheduled air carrier which regularly renders service to or from the point intended to be served through the proposed airport; and also the Federal Aviation Administration, marked for attention of the Director of Airport Services.

* * * * *

[F.R. Doc. 67-8908; Filed, July 31, 1967; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 276]

[Ex Parte No. MC-19 (Sub-No. 4)]

MOTOR CARRIERS OF HOUSEHOLD GOODS

Accessorial or Terminal Services; Tariffs Providing Therefor; Packaging and Uncrating Charges

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 13th day of July 1967.

It appearing that the Commission in Common Carriers of Household Goods, 17 M.C.C. 467, 505-506 (1939), promulgated a set of rules governing the practices of motor common carriers of household goods, including rule 4, § 276.4[1] of the Code of Federal Regulations, 49 CFR 276.4 (Accessorial or terminal services; tariffs providing therefor; packing and uncrating charges), as hereinafter described;

It further appearing, that freight forwarders that are exempt from regulation under section 402(b)(2) of the Interstate Commerce Act and motor common carriers acting in that capacity, have made extensive use of containerization in transporting used household goods;

It further appearing, that numerous certificated motor common carriers have been rendering accessorial or terminal services in connection with containerized shipments of used household goods for or on behalf of exempt freight forwarders under tariffs that fail to conform with rule 4 of Ex Parte No. MC-19;

And it further appearing, that the use of containerization was not in vogue at the time of the Commission's investigation in Ex Parte No. MC-19, and it is desirable that the Commission determine whether the rendition of said accessorial or terminal services in connection with containerization shipments of used household goods for or on behalf of exempt freight forwarders or motor common carriers acting in that capacity, should be excepted from the application of rule 4:

It is ordered, That a proceeding be, and it is hereby, instituted under authority of part II of the Interstate Commerce Act (section 217) and section 4 of the Administrative Procedure Act for the purpose of determining whether § 276.4 should be amended. As here pertinent said section reads as follows:

(a) Such common carriers shall establish in the manner prescribed in section 217 of part II of the Interstate Commerce Act, and the rules and regulations issued pursuant thereto, the charges to be made for each accessorial or terminal service rendered in connection with the transportation of household goods by motor vehicle. The tariffs establishing such charges shall separately state each service to be rendered and the charge therefor * * *. This section shall apply only where the line-haul transportation is performed by a motor carrier. * * *

It is proposed that the period following "carrier" be stricken and the following language, preceded by a comma, added: "except that local transportation services by certificated motor common carriers, within or without terminal areas, for or on behalf of freight forwarders exempt from regulation under section 402(b)(2) of the Interstate Commerce Act, in connection with through movements of used household goods in interstate or foreign commerce, shall not constitute line-haul transportation within the purview of this rule."

It is further ordered, That any person desiring to become a party to this proceeding shall notify the Commission of that fact and whether he is for or against the proposed amendment not later than 15 days from the date of publication of this order in the FEDERAL REGISTER. Thereafter, the Secretary of the Commission shall serve a service list upon all parties to this proceeding within 30 days from the date of this publication.

It is further ordered, That this proceeding be handled under modified procedure, the filing and serving of pleadings to be as follows: (a) Opening statement of facts and argument by any parties in support of the proposed amendment on or before 60 days from the date of service of this order; (b) 30 days thereafter, statement of facts and argument by any party in opposition; and (c) 10 days thereafter, replies by any supporting parties.

And it is further ordered, That a copy of this order be served on the Public Utility Commissions or Boards, or similar regulatory bodies, of each State having jurisdiction over transportation by motor common carrier; that a copy be posted in the Office of the Secretary of the Interstate Commerce Commission for public inspection, and that a copy be delivered to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to all interested parties.

Date of service, July 27, 1967.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-8911; Filed, July 31, 1967; 8:48 a.m.]

[1] Formerly numbered 49 CFR 176.4.

Notices

DEPARTMENT OF STATE

Agency for International Development

AID FOR INTERNATIONAL MEDICINE, INC.

Registration as Voluntary Foreign Aid Agency

In accordance with the regulations of the Agency for International Development concerning Registration of Agencies for Voluntary Foreign Aid (AID Regulation 3) 22 CFR Part 203, promulgated pursuant to section 621 of the Foreign Assistance Act of 1961, as amended, notice is hereby given that a certificate of registration as a voluntary foreign aid agency has been issued by the Advisory Committee on Voluntary Foreign Aid of the Agency for International Development to the following agency:

Aid for International Medicine, Inc., 1411 North Van Buren Street, Wilmington, Del. 19806.

Dated: June 30, 1967.

HERBERT J. WATERS,
Assistant Administrator for War on Hunger.

[F.R. Doc. 67-8879; Filed, July 31, 1967; 8:45 a.m.]

ANDEAN FOUNDATION, INC.

Registration as Voluntary Foreign Aid Agency

In accordance with the regulations of the Agency for International Development concerning Registration of Agencies for Voluntary Foreign Aid (AID Regulation 3) 22 CFR Part 203, promulgated pursuant to section 621 of the Foreign Assistance Act of 1961, as amended, notice is hereby given that a certificate of registration as a voluntary foreign aid agency has been issued by the Advisory Committee on Voluntary Foreign Aid of the Agency for International Development to the following agency:

Andean Foundation, Inc., Clifton, Va. 22024.

Dated: June 30, 1967.

HERBERT J. WATERS,
Assistant Administrator for War on Hunger.

[F.R. Doc. 67-8880; Filed, July 31, 1967; 8:46 a.m.]

DIRECT RELIEF FOUNDATION

Registration as Voluntary Foreign Aid Agency

In accordance with the regulations of the Agency for International Development concerning Registration of Agencies for Voluntary Foreign Aid (AID Regulation 3) 22 CFR Part 203, promulgated pursuant to section 621 of the Foreign Assistance Act of 1961, as amended, notice is hereby given that a certificate of registration as a voluntary foreign aid agency has been issued by the Advisory Committee on Voluntary Foreign Aid of the Agency for International Development to the following agency:

Direct Relief Foundation, 27 East Canon Perdido Street, Santa Barbara, Calif. 93101.

Dated: June 30, 1967.

HERBERT J. WATERS,
Assistant Administrator for War on Hunger.

[F.R. Doc. 67-8881; Filed, July 31, 1967; 8:46 a.m.]

FRIENDS OF SOOCHOW

Registration as Voluntary Foreign Aid Agency

In accordance with the regulations of the Agency for International Development concerning Registration of Agencies for Voluntary Foreign Aid (AID Regulation 3) 22 CFR Part 203, promulgated pursuant to section 621 of the Foreign Assistance Act of 1961, as amended, notice is hereby given that a certificate of registration as a voluntary foreign aid agency has been issued by the Advisory Committee on Voluntary Foreign Aid of the Agency for International Development to the following agency:

Friends of Soochow, Box 133, Westwood Plaza, Los Angeles, Calif. 90024.

Dated: June 30, 1967.

HERBERT J. WATERS,
Assistant Administrator for War on Hunger.

[F.R. Doc. 67-8882; Filed, July 31, 1967; 8:46 a.m.]

KOINONIA FOUNDATION

Registration as Voluntary Foreign Aid Agency

In accordance with the regulations of the Agency for International Development concerning Registration of Agencies for Voluntary Foreign Aid (AID Regulation 3) 22 CFR Part 203, promulgated pursuant to section 621 of the Foreign Assistance Act of 1961, as amended, notice is hereby given that a certificate of registration as a voluntary foreign aid agency has been issued by the Advisory Committee on Voluntary Foreign Aid of the Agency for International Development to the following agency:

Koinonia Foundation, Pikesville Box 8744, Baltimore, Md. 21208.

Dated: June 30, 1967.

HERBERT J. WATERS,
Assistant Administrator for War on Hunger.

[F.R. Doc. 67-8883; Filed, July 31, 1967; 8:46 a.m.]

NATIONAL ASSOCIATION OF THE PARTNERS OF THE ALLIANCE, INC.

Registration as Voluntary Foreign Aid Agency

In accordance with the regulations of the Agency for International Development concerning Registration of Agencies for Voluntary Foreign Aid (AID Regulation 3) 22 CFR Part 203, promulgated pursuant to section 621 of the Foreign Assistance Act of 1961, as amended, notice is hereby given that a certificate of registration as a voluntary foreign aid agency has been issued by the Advisory Committee on Voluntary Foreign Aid of the Agency for International Development to the following agency.

National Association of the Partners of the Alliance, Inc., 1518 K Street NW., Washington, D.C. 20006.

Dated: June 30, 1967.

HERBERT J. WATERS,
Assistant Administrator for War on Hunger.

[F.R. Doc. 67-8884; Filed, July 31, 1967; 8:46 a.m.]

UNITED ISRAEL APPEAL, INC.

Registration as Voluntary Foreign Aid Agency

In accordance with the regulations of the Agency for International Development concerning Registration of Agencies for Voluntary Foreign Aid (AID Regulation 3) 22 CFR Part 203, promulgated pursuant to section 621 of the Foreign Assistance Act of 1961, as amended, notice is hereby given that a certificate of registration as a voluntary foreign aid agency has been issued by the Advisory Committee on Voluntary Foreign Aid of the Agency for International Development to the following agency:

United Israel Appeal, Inc., 515 Park Avenue, New York, N.Y. 10022

Dated: June 30, 1967.

HERBERT J. WATERS,
Assistant Administrator for War on Hunger.

[F.R. Doc. 67-8885; Filed, July 31, 1967; 8:46 a.m.]

DEPARTMENT OF THE INTERIOR

National Park Service

[Order No. 40]

LAND LIAISON OFFICERS

Delegation of Authority

Land Liaison Officers in the Midwest, Southeast, Southwest, and Western Regions of the National Park Service are authorized to:

1. Approve and accept options and offers to sell or exchange with the United States lands, or interests in lands, within areas under the jurisdiction and control of the National Park Service, and execute all necessary agreements and conveyances incident thereto when the amount involved does not exceed $100,000.

2. Accept deeds conveying to the United States lands, or interests in lands, within areas under the jurisdiction or control of the National Park Service.

3. Execute, approve, and administer contracts not in excess of $50,000 for appraisals, surveys, and other services related to and required in the performance of their official functions, in conformity with statutory authority and applicable regulations, and subject to the availability of funds.

(245 DM 1, 27 F.R. 6395; 5 U.S.C., sec. 22; sec. 2, Reorganization Plan No. 3 of 1950; National Park Service Order No. 29, 28 F.R. 10306, dated Sept. 20, 1963)

Dated: July 18, 1967.

PHILIP O. STEWART,
Chief, Division of Land and Water Rights.

[F.R. Doc. 67-8870; Filed, July 31, 1967; 8:45 a.m.]

STATUE OF LIBERTY NATIONAL MONUMENT

Notice of Intention To Negotiate Concession Contract

Pursuant to the provisions of section 5, Public Law 89-249, public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with Evelyn Hill, Inc., authorizing it to continue to provide concession facilities and services for the public at the Statue of Liberty National Monument, for a period of five (5) years.

The foregoing concessioner has performed its obligations under a prior contract to the satisfaction of the National Park Service and, therefore, pursuant to the act cited above, is entitled to be given preference in the negotiation of a new contract. However, pursuant to the act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Interested parties should contact the Chief, Division of Concessions Management, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated: July 27, 1967.

LESLIE P. ARNBERGER,
Acting Assistant Director, National Park Service.

[F.R. Doc. 67-8956; Filed, July 31, 1967; 8:51 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

NORTH DAKOTA AND TEXAS

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the States of North Dakota and Texas natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

NORTH DAKOTA

La Moure.

TEXAS

Aransas.	Kleberg.
Brooks.	Nueces.
Cameron.	San Patricio.
Duval.	Starr.
Hidalgo.	Willacy.
Jim Hogg.	Zapata.
Jim Wells.	

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1968, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., the 26th day of July 1967.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67-8896; Filed, July 31, 1967; 8:47 a.m.]

TEXAS

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Texas natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

TEXAS

FHA DISTRICT ONE

Armstrong.	Hutchinson.
Briscoe.	Lipscomb.
Carson.	Moore.
Childress.	Ochiltree.
Collingsworth.	Oldham.
Dallam.	Parmer.
Deaf Smith.	Potter.
Donley.	Randall.
Gray.	Roberts.
Hall.	Sherman.
Hansford.	Swisher.
Hartley.	Wheeler.
Hemphill.	

FHA DISTRICT TWO

Bailey.	Hockley.
Castro.	Lamb.
Cochran.	Lubbock.
Crosby.	Lynn.
Garza.	Terry.
Hale.	Yoakum.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1968, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 26th day of July 1967.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67-8897; Filed, July 31, 1967; 8:47 a.m.]

Rural Community Development Service

ORGANIZATION AND FUNCTIONS

Notice is hereby given for the guidance of the public as to the organization and functions of the Rural Community Development Service, pursuant to 5 U.S.C. 552, 559.

Organization and functions. The Rural Community Development Service (RCDS) is located in Washington, D.C. It is an agency of the U.S. Department of Agriculture (USDA) established on February 24, 1965, by Secretary's Memorandum No. 1570. It is under the general direction and supervision of the Assistant Secretary for Rural Development and Conservation. It does not have a field organization.

The RCDS provides staff assistance to the Secretary of Agriculture and the Assistant Secretary for Rural Development and Conservation at the Washington level in the implementation and coordination of rural development programs. It cooperates with USDA agencies and other Federal departments on all phases of rural development. One of its chief functions is to assist in implementing the "outreach" activities of USDA. It does this by (1) identifying Federal programs outside USDA that are still not effectively reaching rural areas because of difficulties of communicating with a dispersed rural population; and (2) working with Federal departments and agencies having such programs to develop effective means for overcoming these difficulties by appropriate adjustments in the programs and by devising appropriate methods of utilizing the services of the Farmers Home Administration and other USDA agencies to facilitate rural development programs which supplement the regular programs of these agencies in rural areas.

Material and records maintained by the RCDS are available to the public in accordance with regulations published in 32 F.R. 9723.

Done in Washington, D.C., this 26th day of July 1967.

KENNETH M. BIRKHEAD,
Administrator of the Rural Community Development Service.

[F.R. Doc. 67-8942; Filed, July 31, 1967; 8:51 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

FORSYTH DENTAL CENTER ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C.

A copy of each comment filed with the Director of the Office of Scientific and Technical Equipment must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 67-00126-33-46500. Applicant: Forsyth Dental Center, 140 The Fenway, Boston, Mass. 02115. Article: Diamond Knife for ultrathin sectioning, Microtome model, Polyester III. Manufacturer: Walter Rawyler, Switzerland. Intended use of article: Applicant states:

For preparing ultrathin sections of calcified tissues for study with the electron microscope.

Application received by Commissioner of Customs: June 15, 1967.

Docket No. 67-00129-33-46040. Applicant: Veterans Administration Hospital, 1201 Northwest 16th Street, Miami, Fla. 33125. Article: Electron Microscope, 1 Norelco Model EM-300 and associated equipment. Manufacturer: Phillips Electronic Instruments, Holland, Europe. Intended use of article: Applicant states:

Medical Research: A major part of the electron microscopy work deals with the structure of ribosomes and strands of deoxyribonucleic acid (DNA). A second important aspect is the detection of viruses in various forms of human kidney diseases.

Application received by Commissioner of Customs: June 20, 1967.

Docket No. 67-00134-65-77040. Applicant: Midwest Research Institute, 425 Volker Boulevard, Kansas City, Mo. 64110. Article: Mass Spectrometer Atlas Model CH 4B with associated equipment. Manufacturer: Fried. Krupp Mess- und Analysentechnik, Bremen, West Germany. Intended use of article: The intended use of this article will be to continue a program in the syntheses of complex organic molecules, as potential chemotherapeutic agents to aid in the treatment and cure of diseases. Elucidation of the structure of organic molecules which are relatively nonvolatile and subject to thermal decomposition will be investigated in a program for the syntheses of pest control agents. Complex organic molecules of carbohydrate derivatives will be investigated. The article will also be used for elucidation of structures of new potential propellents, fuels and oxidizers which are subject to violent decomposition. Fundamental processes occurring during nucleation of water will be studied. Mechanisms of thermal decomposition of polymeric materials to complement other techniques such as differential thermal analysis and thermogravimetric analysis will be investigated. Other uses will be research in the analysis of pesticides, analysis of the constituents of the flavors of a variety of foods, and analysis of air pollution problems. Application received by Commissioner of Customs: June 22, 1967.

CHARLEY M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 67-8913; Filed, July 31, 1967; 8:48 a.m.]

JEFFERSON MEDICAL COLLEGE ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C.

A copy of each comment filed with the Director of the Office of Scientific and Technical Equipment must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 68-00015-33-46040. Applicant: Jefferson Medical College, 1025 Walnut Street, Philadelphia, Pa. 19107. Article: Electron microscope Hitachi Perkin-Elmer model HU-11C and associated equipment. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: Applicant states:

The Hitachi Model HU-11C-1 electron microscope will be used in a research project dealing with electron microscopy of cancer of the cervix and purified preparations of bacteriophages. A major part of this project will be concerned with bacteria-bacriophage interactions and the DNA content of phages.

Application received by Commissioner of Customs: July 10, 1967.

Docket No. 68-00023-33-46040. Applicant: The Presbyterian Hospital, Black Research Building, Room 1014, Columbia University, 630 West 168th Street, New York, N.Y. 10032. Article: Electron microscope Hitachi Perkin Elmer model HU-11C. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used to study cancer of the prostate and the effects of various forms of treatment and its ability to destroy these cancer cells. Cell fractions will be obtained from the surgical specimens and these also will be studied from an electron microscopy point of view with negative staining. Application received by Commissioner of Customs: July 12, 1967.

Docket No. 68-00024-33-46040. Applicant: The Presbyterian Hospital, Black Research Building, Room 1014, Columbia University, 630 West 168th Street, New York, N.Y. 10032. Article: Electron Microscope Hitachi Perkin-Elmer model HS/7S. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used to study the ultrastructure of cancer of the prostate both in its active and inactive forms, as well as the effect of various forms of treatment and its ability to destroy these cancer cells. The biopsies that are obtained periodically from patients who had therapy will be studied for ultrastructural changes. There will also be cell fractions that will be obtained from the surgical specimens and these also will be studied from an electron microscopy point of view with negative staining. Application received by Commissioner of Customs: July 12, 1967.

Docket No. 68-00025-33-46040. Applicant: Baylor University Medical Center, 3500 Gaston Avenue, Dallas, Tex. 75246. Article: Electron microscope Philips model EM 75-C with sensitimer. Manufacturer: Philips Electronics Corp., The Netherlands. Intended use of article: Applicant states:

Teaching and research in the area of Electron Microscopy in Surgical Pathology and especially in kidney and muscle biopsy and tumor diagnosis.

Application received by Commissioner of Customs: July 12, 1967.

Docket No. 68-00026-33-46040. Applicant: Mayo Foundation, 200 First Street Southwest, Rochester, Minn. 55901. Article: Electron microscope Norelco model EM-300, equipped with two 35 mm. and 70 mm. film cameras, desiccator and anticontamination device. Manufacturer: Philips Electronic and Pharmaceutical Corp., The Netherlands. Intended use of article: Applicant states:

Electron microscopy of biologic specimens (muscle and nerve) and of isolated negatively stained subcellular particles, for medical research.

Application received by Commissioner of Customs: July 13, 1967.

CHARLEY M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 67-8915; Filed, July 31, 1967; 8:48 a.m.]

INSTITUTE OF MARINE SCIENCE, UNIVERSITY OF MIAMI

Notice of Decision on Application for Duty-Free Entry of Scientific Articles

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 67-00033-55-83500. Applicant: Institute of Marine Science, University of Miami, 1 Rickenbacker Causeway, Virginia Key, Miami, Fla. 33149. Article: Deep Sea Reversing Thermometers, Type I—Protected, Type II—Unprotected. Manufacturer: Watanabe Keiki Manufacturing Co., Ltd., Tokyo, Japan. Intended use of article: Research studies to determine the properties of the environmental features of the ocean will be conducted with this article.

Comments: No comments have been received with respect to this application.

Decision: Application denied. An instrument of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: Applicant acknowledges that there are two domestic manufacturers of deep sea reversing thermometers—Walter H. Kessler Co., Inc. and Kahl Scientific Instrument Co. (See attachment number 6 to application.) The sole basis for the applicant's belief that no instruments of equivalent scientific value are being manufactured in the United States is that the foreign article is more reliable than the domestic instruments. The claim for superior reliability of the foreign article is based on the relative rate of rejects experienced with the domestic and foreign deep sea reversing thermometers. (See attachment number 7 to application.)

However, there are differences of opinion as to the merits of thermometers of various manufacturers in regard to the question of reliability. In order to establish the superiority of either instrument over the other in this respect, it is necessary to have performance data obtained under carefully controlled conditions which are validly representative of the conditions of the intended use and are derived from statistically valid samples certified by the manufacturers to be representative of their production. We find that neither the data submitted by the applicant nor other available data is sufficient to support a scientifically valid finding of the superior reliability of thermometers of one manufacturer over those manufactured by other firms.

A comparison between the other pertinent characteristics and pertinent specifications of the instruments offered by the aforementioned domestic manufacturers and the similar pertinent characteristics and pertinent specifications of the foreign article, warrants the conclusion that the domestic instruments are scientifically equivalent to the foreign article for the purposes for which such article is intended to be used.

We have also ascertained that at least one domestic manufacturer—Walter H. Kessler Co., Inc.—can deliver the required deep sea reversing thermometers within a reasonable time following the placement of a firm order with the company.

CHARLEY M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 67-8914; Filed, July 31, 1967; 8:48 a.m.]

UNIVERSITY OF SOUTH FLORIDA

Notice of Decision on Application for Duty-Free Entry of Scientific Articles

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 67-00044-55-83500. Applicant: University of South Florida, 4202 Fowler Avenue, Tampa, Fla. 33620. Article: Deep Sea Reversing Thermometers. Manufacturer: Watanabe Keiki Manufacturing Co., Ltd., Japan. Intended use of article: Applicant states:

Deep sea water temperature oceanography research program. Measurement of thermometric depth during hydrocasts, i.e., accurate measurement of effects of pressure (depth) on thermometer readings.

Comments: No comments were received with respect to this application.

Decision: Application denied. An instrument of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: Although the applicant states that to its knowledge no deep sea reversing thermometers are being made in the United States (See answer to question 13 on application), there are two known U.S. manufacturers of such instruments: (1) Kahl Scientific Instrument Corp., and (2) Walter H. Kessler Co., Inc. The domestic instruments, when compared with the foreign article with respect to the characteristics and specifications that are pertinent to the purposes for which such article is intended to be used, are considered to be scientifically equivalent to the foreign article. We have also ascertained that Walter H. Kessler Co., Inc., can supply up to 20 of the deep sea reversing thermometers within 3 months, which is considered to be reasonably normal industry delivery time for these instruments.

CHARLEY M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 67-8916; Filed, July 31, 1967; 8:49 a.m.]

Maritime Administration

AMERICAN MAIL LINE, LTD.

Application for Increase in Sailings

Notice is hereby given that American Mail Line, Ltd. has applied for an increase in the maximum number of subsidized sailings on its freight ship service on Trade Route No. 29 U.S. Pacific/Far East (as Extended) from 42 sailings to 60 sailings per annum, and an increase in the number of subsidized ships from 9 ships to 10 ships. The requested maximum of 60 sailings per annum includes the increase of 4 sailings per annum requested in American Mail Line's previous application, notice of which application was published in the FEDERAL REGISTER of July 11, 1967 (32 F.R. 10220).

Any person, firm, or corporation having any interest in such application and desiring a hearing on issues pertinent to section 605(c) of the Merchant Marine Act, 1936, as amended, 46 U.S.C. 1175,

should by the close of business on August 14, 1967, notify the Secretary, Maritime Subsidy Board in writing, in triplicate, and file petition for leave to intervene in accordance with the rules of practice and procedure of the Maritime Subsidy Board.

In the event a hearing is ordered to be held on the application under section 605(c), the purpose thereof will be to receive evidence relevant to (1) whether the application is one with respect to a vessel to be operated on a service, route or line served by citizens of the United States which would be in addition to the existing service, or services, and if so, whether the service already provided by vessels of U.S. registry in such service, route or line is inadequate, and (2) whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated thereon.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

Dated: July 27, 1967.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 67-8946; Filed, July 31, 1967; 8:51 a.m.]

LYKES BROS. STEAMSHIP CO., INC.

Notice of Application

Notice is hereby given that Lykes Bros. Steamship Co., Inc., has applied for permission for its ships operating on the Trade Route No. 22—Freight Service (Line D—Orient Line) to call at ports in Sarawak and Sabah (North Borneo), Malaysia.

Any person, firm, or corporation having any interest in such application and desiring a hearing on issues pertinent to section 605(c) of the Merchant Marine Act, 1936, as amended, 46 U.S.C. 1175, should by the close of business on August 14, 1967, notify the Secretary, Maritime Subsidy Board in writing, in triplicate, and file petition for leave to intervene in accordance with the rules of practice and procedure of the Maritime Subsidy Board/Maritime Administration.

In the event a section 605(c) hearing is ordered to be held, the purpose thereof will be to receive evidence relevant to (1) whether the application is one with respect to a vessel to be operated on a service, route or line served by citizens of the United States which would be in addition to the existing service, or services, and if so, whether the service already provided by vessels of U.S. registry in such service, route or line is inadequate, and (2) whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated thereon.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

Dated: July 28, 1967.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 67-8980; Filed, July 31, 1967; 8:51 a.m.]

LYKES BROS. STEAMSHIP CO., INC.

Notice of Application

Notice is hereby given that Lykes Bros. Steamship Co., Inc., has applied for a maximum of 18 subsidized sailings outbound from U.S. Pacific ports in the range from San Francisco to the Mexican border to ports in the United Kingdom, Republic of Ireland, Continental Europe (Germany to the Northern border of Portugal), and the Baltic-Scandinavian area. These sailings are to be operated as an extension to the Company's existing service on Trade Route No. 21 (U.S. Gulf/United Kingdom and Continental Europe).

Any person, firm or corporation having any interest in such application and desiring a hearing on issues pertinent to section 605(c) of the Merchant Marine Act, 1936, as amended, 46 U.S.C. 1175, should by the close of business on August 14, 1967, notify the Secretary, Maritime Subsidy Board in writing in triplicate, and file petition for leave to intervene in accordance with the rules of practice and procedure of the Maritime Subsidy Board.

In the event a section 605(c) hearing is ordered to be held, the purpose thereof will be to receive evidence relevant to (1) whether the application is one with respect to a vessel to be operated on a service, route or line served by citizens of the United States which would be in addition to the existing service, or services, and if so, whether the service already provided by vessels of U.S. registry in such service, route or line is inadequate, and (2) whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated thereon.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

Dated: July 28, 1967.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 67-8981; Filed, July 31, 1967; 8:51 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[OE Docket No. 66-CE-8]

TELEVISION ANTENNA STRUCTURES NEAR ST. PAUL, MINN.

Grant of Petition for Discretionary Review, Opinion and Order

On February 3, 1967, the Federal Aviation Administration (FAA) issued a Notice of Grant of Petition for Discretionary Review, Opinion and Order relative to a proposal by WTCN-TV, Inc., United TV Inc., and Midwest Radio TV, Inc., to construct two guyed television towers in an area near Shoreview, Minn., that is considered to be an antenna farm.

By letter dated June 9, 1967, United Television, Inc. (KMSP-TV) advised that because of zoning problems it was necessary to locate the tower proposed for site No. 2 approximately 700 feet southwest of its original location. It is proposed that site No. 2 be changed from latitude 45°03'34", longitude 93°07'20", to latitude 45°03'29'5", longitude 93°-07'27".

At the new location the structure will remain within the area the FAA considers to be an antenna farm with a height not to exceed 2,375 feet above mean sea level. Therefore, the new site is also acceptable from an aviation standpoint.

Order. The Grant of Petition for Discretionary Review, Opinion and Order issued in Washington, D.C., on February 3, 1967, is hereby revised to conform to the above decision.

Issued in Washington, D.C., on July 24, 1967.

C. W. WALKER,
Acting Associate Administrator for Programs.

[F.R. Doc. 67-8891; Filed, July 31, 1967; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 18552]

ANCHORAGE-FAIRBANKS SERVICE CASE

Notice of Postponement of Prehearing Conference

Notice is hereby given that the prehearing conference to be held in the above-entitled matter on August 1, 1967, is postponed to August 28, 1967, at 10 a.m., e.d.s.t., in Room 726, Universal Building, Connecticut and Florida Avenue NW., Washington, D.C., before the undersigned examiner.

Dated at Washington, D.C., July 26, 1967.

[SEAL] JOSEPH L. FITZMAURICE,
Hearing Examiner.

[F.R. Doc. 67-8907; Filed, July 31, 1967; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Supp. 8]

VHF TELEVISION BROADCAST STATIONS

Allocation Under Canadian-U.S.A. Agreement

JULY 25, 1967.

Amendment of Table A of the 1961 working arrangement for allocation of VHF Television Broadcast Stations under the Canadian-U.S.A. Television Agreement of 1952.

Pursuant to an exchange of correspondence between the Department of Transport of Canada and the Federal Communications Commission, Table A, Annex 1 of the Television Working Arrangement under the Canadian-U.S.A. Television Agreement has been amended as follows:

City	Channel No.	
	Delete	Add
Haliburton, Ontario	----	[1] 4L

[1] Limitation to protect CBOT, Ottawa, Ontario and a cochannel allocation at Sudbury, Ontario, and WBEN-TV, Buffalo, N.Y. To be located no less than 170 miles from WBEN-TV, Buffalo, N.Y.

Further amendments to Table A will be issued as public notices in the form of numbered supplements.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-8926; Filed, July 31, 1967; 8:49 a.m.]

[Docket Nos. 17470, 17471; FCC 67M-1947]

COMMUNITY BROADCASTERS, INC., AND WEST-STATE BROADCASTING CO.

Order Regarding Procedural Dates

In re applications of Community Broadcasters, Inc., Grand Haven, Mich., Docket No. 17470, File No. BPH-5650; West-State Broadcasting Co., Grand Haven, Mich., Docket No. 17471, File No. BPH-5697; for construction permits.

Under consideration is a consent motion for extension of procedural dates filed on July 14 jointly by the applicants; and

It appearing, that applicants have reached agreement whereby West-State would dismiss its application and hearing would, accordingly, become unnecessary and that the Broadcast Bureau, the only other party to the proceeding, has no objection to grant of the motion nor to its early consideration:

Accordingly, it is ordered, That the consent motion for extension of procedural dates filed by Community Broadcasters, Inc. and West-State Broadcasting Co. on July 14, 1967 is granted and the dates governing future procedural steps are extended as follows:

Preliminary exchange of engineering data extended from July 31 to August 4, 1967;

Final exchange of engineering data extended from August 15 to August 29, 1967;

Further prehearing conference continued from August 21 to September 5, 1967 at 9 a.m. at which conference a hearing would be scheduled.

Issued: July 21, 1967.

Released: July 26, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-8927; Filed, July 31, 1967; 8:49 a.m.]

[Docket Nos. 16965, 16966; FCC 67R-314]

DU PAGE COUNTY BROADCASTING, INC., AND CENTRAL DU PAGE COUNTY BROADCASTING CO.

Memorandum Opinion and Order Enlarging Issues

In re applications of Du Page County Broadcasting, Inc., Elmhurst, Ill., Docket No. 16965, File No. BP-16292; Howard L. Enstrom and Stanley G. Enstrom, doing business as Central Du Page County Broadcasting Co., Wheaton, Ill., Docket No. 16966, File No. BP-16465; for construction permits.

1. This proceeding involves the application of Du Page County Broadcasting, Inc. (Du Page County) for a new standard broadcast station at Elmhurst, Ill.; and the mutually exclusive application of Central Du Page County Broadcasting Co. (Central Du Page) for a new standard broadcast station at Wheaton, Ill. The applications were designated for hearing by Memorandum Opinion and Order (FCC 66-958), 31 F.R. 14465, published on November 10, 1966. Presently before the Review Board is a petition to enlarge issues by Du Page County on May 23, 1967, requesting the addition of eight issues against Central Du Page relating to character qualifications, transmitter site, compliance with § 73.30 of the rules, and financial qualifications.[1]

2. The subject petition was filed approximately 6 months after the expiration of the time for filing specified in § 1.229 of the rules. To show good cause for this tardiness, Du Page County merely states that "the facts presented have only recently come to the attention of the petitioner." The Board does not regard this statement as adequate to establish good cause for the delay; therefore, under the test set forth by the Board in The Edgefield-Saluda Radio Co.,[2] the Board has examined the pleadings to determine whether (a) serious public interest questions are presented, and (b) the likelihood of proving the respective allegations is so substantial as to outweigh the public interest benefits inherent in the orderly and fair administration of the Commission's business. Based upon this examination, we find that, except for the matter discussed in the paragraph next below, Du Page County's allegations do not meet these standards. The requested character issues are based primarily on allegations that Howard Enstrom, one of Central Du Page's principals, attempted to jeopardize the availability of Du Page County's proposed transmitter site by offering to purchase that site; and that Central Du Page's representations to the Commission concerning the location of its proposed studio conflict with representations made to local zoning authorities. Central Du Page has adequately explained the alleged inconsistent statements regarding the location of its proposed studio; and, although there is some conflict between the affidavit from the owner of Du Page County's proposed site and the affidavit submitted by Enstrom, we do not believe that an attempt to resolve this conflict at a hearing would be productive of evidence of decisional value, particularly in light of the fact that in a second affidavit submitted with the reply pleading, the owner of the site equivocates from the position taken in the original affidavit.[3] The requested § 73.30 issue is overcome by material submitted with the opposition, and the requested financial issue, as pointed out by the Broadcast Bureau, is premature until such time as it appears that Central Du Page must acquire additional land for its transmitter site and that this acquisition will affect its financial qualifications.

3. The requested issues pertaining to Central Du Page's proposed transmitter site are supported by the allegation that Central Du Page's amended application reflects that its proposed tower would be constructed on land it now owns and land on property adjacent to that which it owns; and an affidavit, executed on May 4, 1967, of Mrs. Katharine Cline, president of the organization which owns the adjacent property, stating that she has not given permission to utilize this property for the construction of a radio

[1] The following related pleadings are also before the Board: (a) Opposition, filed on June 16, 1967, by Central Du Page; (b) Broadcast Bureau's comments, filed on June 16, 1967; and (c) reply to (a), filed on July 10, 1967, by Du Page County.

[2] 5 FCC 2d 148, 4 RR 2d 611 (1966). Also see Bovan Television, Inc., FCC 67R-291, released July 12, 1967.

[3] In her original affidavit, the owner of the site stated that Enstrom "had a definite desire to obtain that property," and "offered us a premium price over and above that which was contained in our agreement with (Du Page County)." In reply to the opposition (in which Enstrom stated, among other things, that he did not know the price agreed upon) the owner in another affidavit states that Enstrom "said he was interested in building on the property" and "gave me to understand that he could pay more for the property than our existing contract."

tower, and that at present she "has no plans" to permit such a use. In opposition, Central Du Page submits an affidavit from Enstrom, who states that he had several conversations with Mrs. Cline (and her husband) concerning an exchange of property which would have permitted the utilization of the adjacent land as proposed, and that these discussions led him to believe that the land would be available. Regardless of what Mrs. Cline appeared to have been willing to do regarding the disputed property in the past, it is clear from her May 4 affidavit that she does not now intend to permit Central Du Page to use the property. We are therefore constrained to add an issue to determine whether Central Du Page has sufficient land available to build its tower as proposed.[4]

Accordingly, it is ordered, That the petition to enlarge issues, filed on May 23, 1967, by Du Page County Broadcasting, Inc., is granted to the extent indicated herein, and denied in all other respects; and

It is further ordered, That the issues in this proceeding are enlarged by the addition of the following issue: To determine what land is available to Central Du Page County Broadcasting, Inc., for a transmitter site, and whether the land available is sufficient to effectuate its proposal.

Adopted: July 24, 1967.

Released: July 26, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[5]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-8928; Filed, July 31, 1967; 8:50 a.m.]

[Docket Nos. 17316, 17317; FCC 67M-1251]

ROVAN TELEVISION, INC., AND ROMAC MACON CORP.

Order Scheduling Hearing

In re applications of Rovan Television, Inc., Macon, Ga., Docket No. 17316, File No. BPCT-3571; Romac Macon Corp., Macon, Ga., Docket No. 17317, File No. BPCT-3684; for construction permit for new television broadcast station.

The Hearing Examiner having under consideration the "Statement of Rovan Television, Inc.," filed July 17, 1967, in the above-captioned proceeding, stating that this applicant elects to participate in the consolidated proceedings (Dockets Nos. 17005, 17517, and 17518) with respect to the § 1.65 issues applicable to the Romac Baton Rouge Corp. applications therein and the Romac Macon Corp. application herein, and that Rovan is agreeable to the heretofore scheduled dates, in the Baton Rouge hearings, of July 21, 1967, for exchange of exhibits re Issues 1 and 2 herein and September 11, 1967, for the hearing on these issues:

Accordingly, it is ordered, That the proposed exhibits of Romac Macon Corp. on Issues 1 and 2 herein shall be exchanged by July 21, 1967, and that the hearing on said issues will commence on September 11, 1967.

Issued: July 24, 1967.

Released: July 26, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-8929; Filed, July 31, 1967; 8:50 a.m.]

[4] Du Page County also requests an issue to determine whether Central Du Page will be able to adjust and maintain its directional antenna system, but this request is not supported by factual allegations sufficient to permit the addition of the issue at this time and will be denied.

[5] Board members Berkemeyer and Slone absent.

FEDERAL MARITIME COMMISSION

STOCKARD SHIPPING & TERMINAL CORP. AND ATLANTIC & GULF STEVEDORES, INC.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Francis A. Scanlan, Kelly, Deasey, and Scanlan, 926 Four Penn Center Plaza, Philadelphia, Pa. 19103.

Agreement No. T-2055 between Stockard Shipping & Terminal Corp. (Stockard) and Atlantic & Gulf Stevedores, Inc. (Atlantic & Gulf), is an agreement covering the operation of Pier 8, Locust Point Marine Terminal (Baltimore, Md.). Under the terms of the Agreement, Stockard will perform clerking, checking, and billing for certain services and Atlantic & Gulf will perform all the stevedoring controlled by Stockyard for vessels berthing at Pier 8. The parties agree to jointly provide certain equipment and to share equally the profits and losses for terminal and stevedoring operations.

Dated: July 27, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-8944; Filed, July 31, 1967; 8:51 a.m.]

FEDERAL TRADE COMMISSION

CIGARETTES

Testing for Tar and Nicotine Content

The Federal Trade Commission, having been advised by the staff that the cigarette testing laboratory has satisfactorily completed its trial tests, hereby issues directions to its staff to commence the first formal test, under the following conditons:

1. Smoke cigarettes to a 23 mm. butt length, or to the length of the filter and overwrap plus 3 mm. if in excess of 23 mm.,

2. Base results on a test of 100 cigarettes per brand, or type,

3. Cigarettes to be tested will be selected on a random basis, as opposed to "weight selection",

4. Determine particulate matter on a "dry" basis employing the gas chromatography method published by C. H. Sloan and B. J. Sublett in Tobacco Science 9, page 70, 1965, as modified by F. J. Schultz' and A. W. Spears' report published in Tobacco Vol. 162, No. 24, page 32, dated June 17, 1966, to determine the moisture content,

5. Determine and report the "tar" content after subtracting moisture and alkaloids as nicotine) from particulate matter,

6. Report tar content to the nearest whole milligram and nicotine content to the nearest 1/10 milligrams.

The Commission directs that the test cover approximately 50 of the major brands and types (many brands are sold as regular, and king size, or filter, etc.) and all brands for which any tar or nicotine statement appears on the label or in the advertising. With respect to the latter, one purpose of the test will be to determine the accuracy of such statement. Cigarettes for testing will be purchased on the open market in 50 localities throughout the United States.[1]

Issued: July 31, 1967.

By the Commission.

JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 67-8978; Filed, July 31, 1967; 8:51 a.m.]

[1] A statement of considerations (Commissioner MacIntyre not participating) and the separate statement of Chairman Dixon filed as part of the original document. Copies of these statements may be obtained from the Federal Trade Commission, Washington, D.C. 20580.

FEDERAL POWER COMMISSION

[Docket No. G-11161, etc.]

GAS GATHERING CORP. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

JULY 21, 1967.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 10, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however*, That pursuant to § 2.56, Part 2, Statement of General Policy and Interpretations, Chapter I of Title 18 of the Code of Federal Regulations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after April 15, 1965, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing such certificate application, or within the time fixed herein for the filing of protests or petitions to intervene the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G-11161 C 7-3-67	Gas Gathering Corp., Post Office Box 519, Hammond, La. 70401.	Transcontinental Gas Pipe Line Corp., Lake La Rose Area, Pointe Coupee Parish, La.	21.25	15.025
G-16218 D 6-29-67	Gulf Oil Corp. (Operator) et al., Post Office Box 1589, Tulsa, Okla. 74102.	Transwestern Pipeline Co., acreage in Beaver County, Okla.	Uneconomical	----------
G-18545 H 7-5-67	C. J. Pinner (Operator) et al. (successor to Harry L. Martin (Operator) et al.), 1517 Bank of the Southwest Bldg., Houston, Tex. 77002.	South Texas Natural Gas Gathering Co., Jay Simmons Field, Starr County, Tex.	14.0	14.65
CI60-629 E 6-21-67	Robert L. Wharton (successor to Queen Gas Co.) Route No. 2, Boyertstown, Pa. 19512.	Consolidated Gas Supply Corp., Collins Settlement District, Lewis County, W. Va.	25.0	15.325
CI61-285 C 7-3-67	Exxon Oil Co., Post Office Box 16786, Shartel Station, Oklahoma City, Okla. 73116.	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	[3] 17.0	14.65
CI61-653 E 6-21-67	Robert L. Wharton (successor to Queen Gas Co.).	Consolidated Gas Supply Corp., Collins Settlement District, Lewis County, W. Va.	25.0	15.325
CI61-1102 C 7-5-67	Sun Oil Co. (Mid-Continent Division), 1608 Walnut St., Philadelphia, Pa. 19103.	Michigan Wisconsin Pipe Line Co., Woodward Area, Major, Dewey, and Woodward Counties, Okla.	[3] 17.61	14.65
CI61-1281 C 6-15-67	Mobil Oil Corp. (Operator) et al.,[4] Post Office Box 2444, Houston, Tex. 77001.	Michigan Wisconsin Pipe Line Co., Northwest Putnam Field, Dewey County, Okla.	15.0	14.65
CI62-445 E 6-22-67	Jack E. and Dorothea Webber (successor to James F. Scott et al.), Route No. 1, Morgantown, W. Va. 26505.	Consolidated Gas Supply Corp., Sardis District, Harrison County, W. Va.	20.0	15.325
CI64-33 D 7-3-67	Sunray DX Oil Co., Post Office Box 2039, Tulsa, Okla. 74102.	Arkansas Louisiana Gas Co., Lacy Field, Kingfisher County, Okla.	Uneconomical	----------
CI66-20 C 7-3-67	Crimer Processing, Operator, c/o Gene P. Morrell, attorney, Lincoln Center, Ardmore, Okla. 73401.	Lone Star Gas Co., Southwest Ardmore Field, Carter and Love Counties, Okla.	15.0	14.65
CI66-250 E 6-22-67	M & H Oil & Gas Co. (successor to Joseph H. Cutlip, agent for C & C Wells, Ltd.), c/o Ed H. Smith, agent, Box 1078, Parkersburg, W. Va. 26101.	Consolidated Gas Supply Corp., Central District, Doddridge County, W. Va.	25.0	15.325
CI66-470 C 7-3-67	Sunray DX Oil Co.	Arkansas-Louisiana Gas Co., Arkoma Area, Le Flore, Latimer, and Pittsburg Counties, Okla.	15.0	14.65
CI66-502 C 6-28-67	Jack H. Choate, 116 South Main, Hennessey, Okla. 73742.	Cities Service Gas Co., Bishop Area, Roger Mills County, Okla.	15.0	14.65
CI66-941 E 6-5-67	W. C. Perryman (successor to W. R. Hughey Operating Co. (Operator) et al.), Post Office Box 667, Athens, Tex. 75751.	Texas Gas Transmission Corp., acreage in Webster Parish, La.	16.5	15.025
CI66-1228 C 6-30-67	Sunray DX Oil Co.	Panhandle Eastern Pipe Line Co., Tangier Area, Ellis and Woodward Counties, Okla.	17.0	14.65
CI67-66 C 7-10-67	Amerada Petroleum Corp., Post Office Box 2040, Tulsa, Okla. 74102.	Panhandle Eastern Pipe Line Co., South Peek Field, Ellis County, Okla.	[3] 17.0	14.65
CI67-191 C 7-5-67	An-Son Corp. et al., 3614 North Santa Fe, Oklahoma City, Okla. 73118.	Arkansas Louisiana Gas Co., Carterville-Kinta Field, Le Flore County, Okla.	[3] 14.25	14.65
CI67-470 C 6-29-67	William M. Wiseman and Alfred T. White (Operator) et al., 503 San Jacinto Bldg., Houston, Tex. 77002.	Lone Star Gathering Co., Southeast Nursery Field, Victoria County, Tex.	15.0	14.65
CI67-1036 (G-10277) F 6-26-67	May Petroleum, Inc. (successor to Union Oil Co. of California), 1625 Republic National Bank Bldg., Dallas, Tex. 75201.	Colorado Interstate Gas Co., Moxane Field, Beaver County, Okla.	[5] 17.0	14.65
CI67-1037 A 6-26-67	Alex N. Campbell, 407 South Hobart Blvd., Los Angeles, Calif. 90004.	El Paso Natural Gas Co., Basin Dakota Field, San Juan County, N. Mex.	13.0	15.025
CI67-1038 (G-11612) F 6-26-67	Clinton Oil Co. (successor to Continental Oil Co.), Donald C. Tinker, Jr., attorney, Gamelson, Riebsch, Robbins & Tinker, 532 Union Center, Bldg., Wichita, Kans. 67202.	Cities Service Gas Co., Rhodes Field, Barber County, Kans.	13.0	14.65
CI67-1039 A 6-30-67	A. T. Skaar, 926 Patterson Bldg., 525, 17th St., Denver, Colo. 80202.	Kansas-Nebraska Natural Gas Co., Inc., North Minto Field, Logan County, Colo.	[7] 10.0	16.4
CI67-1041 A 6-30-67	T. Harry Kaplyn, d.b.a. Kayco Petroleum Co., 711 Pere Marquette Bldg., New Orleans, La. 70112.	United Gas Pipe Line Co., acreage in Calcasieu Parish, La.	15.0	15.025[6]
CI67-1042 A 6-30-67	A. T. Skaar.	Kansas-Nebraska Natural Gas Co., Inc., North Minto Field, Logan County, Colo.	[7] 10.0	16.4
CI67-1043 A 6-28-67	C. D. Jacobs, 1100 South Lakeside Dr., Lake Worth, Fla. 33460.	United Fuel Gas Co., acreage in Pike County, Ky.	16.0	15.325
CI67-1044 A 6-28-67	B. L. Burge et al., Post Office Box 1874, Parkersburg, W. Va. 26102.	Consolidated Gas Supply Corp., Washington District, Calhoun County, W. Va.	20.0	15.325
CI67-1045 A 6-28-67	J. E. Welch et al., d.b.a. Devil Hole Oil & Gas Co., 326 West High St., Harrisville, W. Va. 26362.	Pennzoil Co., Grant District, Ritchie County, W. Va.	12.0	15.325

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
C167-1546 (C166-10) A 6-27-67	Cabot Corp. (SW) (successor to Calvert Mid-America, Inc.), Post Office Box 1101, Pampa, Tex. 79065.	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	[1] 17.0	14.65
C167-1547 A 6-28-67	Kansas-Nebraska Natural Gas Co., Inc., acreage in Logan County, Colo.	Kansas-Nebraska Natural Gas Co., Inc., acreage in Logan County, Colo.	14.0	15.4
C167-1548 A 7-10-67	J. M. Huber & Pete Couch, 555 Petroleum Bldg., Abilene, Tex. 79605.	Colorado Interstate Gas Co., Keyes Field, Cimarron County, Okla.	[1] 17.0	14.65
C167-1549 A 6-26-67	Hall-Jones Oil Corp., 1704 Liberty Bank Bldg., Oklahoma City, Okla. 73102.	Equitable Gas Co., Troy District, Gilmer County, W. Va.	26.0	15.325
C167-1550 A 6-26-67	Kewanee Oil Co., Post Office Box 2259, Tulsa, Okla. 74101.	Arkansas Louisiana Gas Co., Area Major County, Okla.	[2]	
C167-1551 A 6-30-67	Lone Star Producing Co., 301 Harwood St., Dallas, Tex. 75201.	Humble Oil & Refining Co. (Morrow Unit) Mocane-Laverne Field, Beaver County, Okla.	Depleted	
C167-1552 A 6-30-67	Texas Oil & Gas Corp., 2200 Fidelity Union Tower, Dallas, Tex. 75201.	Coastal States Gas Producing Co., Appling Field, Calhoun County, Tex.	Depleted	
C167-1554 A 6-30-67	Larry E. Kerr, 712 Northwest 39th St., Oklahoma City, Okla. 73118.	El Paso Natural Gas Co., acreage in Pecos County, Tex.	[3]	
C167-1555 A 6-30-67	Champlin Petroleum Co., Post Office Box 9365, Fort Worth, Tex. 76107.	Lone Star Gathering Co., Spivey Field Area, Karnes County, Tex.	[3]	
C167-1556 A 6-30-67	H. D. Bruns (Operator) et al., 1122 Jefferson Bldg., Houston, Tex. 77002.	Northern Natural Gas Co., Wide Awake Field, Seward County, Kans.	[3]	
C167-1557 A 6-30-67	W. J. Gallagher (Operator) et al., 1207 Union National Bldg., Wichita, Kans. 67202.	Northern Natural Gas Co., acreage in Roberts County, Tex.	[3]	
C167-1558 A 6-30-67	Roy Furr (Operator) et al., Post Office Box 1530, Lubbock, Tex. 77008.	Northern Natural Gas Co. Acreage in Hutchinson County, Tex.	[3]	
C167-1559 A 6-30-67	do	Mississippi River Transmission Corp. North Elston Field, Lincoln Parish, La.	14.0	14.65
C167-1560 (G-11130) A 7-3-67	Investors Royalty Co., Inc. (successor to J. G. Catlett Co.), 1309 Thompson Bldg., Tulsa, Okla. 74103.	Texas Eastern Transmission Corp., Taft Area, San Patricio County, Tex.	16.0	14.65
C167-1561 A 6-30-67	A. N. Spaan, c/o Erich F. Klein, Jr., 14th Floor, Adolphus Tower, Dallas, Tex. 75202.	El Paso Natural Gas Co., Basin Dakota Field, San Juan County, N. Mex.	13.0	15.025
C167-1562 A 7-5-67	Independent Gas & Oil producers, 1000 Kemp Blvd., Enid, Okla. 73701.	Mountain Fuel Supply Co., Powder Wash Field, Moffat County, Colo.	Depleted	
C167-1563 A 7-5-67	Kewanee Oil Co. (Operator) et al., Post Office Box 2259, Tulsa, Okla. 74101.	National Fuels Corp. and Oklahoma Natural Gas Gathering Corp., Ringwood Field, Major County, Okla.	12.0	14.65
C167-1564 A 7-5-67	James R. Colpitt, 624 Kennedy Bldg., Tulsa, Okla. 74103.	United Gas Pipe Line Co., Cypress Island Field, St. Martin Parish, La.	21.25	15.025
C167-1565 B 7-5-67	Rader Oil Co., 1000 Kemp Blvd., Enid, Okla. 73701.	Cities Service Gas Co., North Schlegel Field, Payne County, Okla.	[4]	
C167-1566 (G-11130) A 7-5-67	Champlin Petroleum Co., Post Office Box 13755, Shartel Station, Oklahoma City, Okla. 73118.	Cities Service Gas Co., Cedardale-Laverne Field, Harper County, Okla.	[5] 17.0	14.65
C167-1567 B 7-5-67	Gulf Oil Corp.	United Fuel Gas Co., Valentine Field, Lafourche Parish, La.	Depleted	
C168-6 B 7-5-67	Flournoy Production Co. (Operator) et al., Post Office Box 1348, Alice, Tex. 78332.	United Gas Pipe Line Co., Blanconia Field, Bee County, Tex.	[1]	
C168-7 B 7-5-67	Jones O'Brien, Inc., Post Office Box 6182, Shreveport, La. 71105.	Arkansas Louisiana Gas Co., Ivan Field, Bossier Parish, La.	Depleted	
C168-8 A 7-6-67	Tidewater Oil Co., Post Office Box 1404, Houston, Tex. 77001.	Arkansas Louisiana Gas Co., Okarco Field, Blaine County, Okla.	15.0	14.65
C168-9 A 7-6-67	Amerada Production Co., Amerada Bldg., P.O. Box 2040, Fort Worth, Tex. 76101.	Michigan Wisconsin Pipe Line Co., Middle Bayou Field, Cameron Parish, La.	[6] 20.623	15.025
C168-10 A 7-6-67	Roy M. Huffington, Inc., 2210 Tennessee Bldg., Houston, Tex. 77002.	do	[6] 20.623	15.025
C168-11 A 7-7-67	Texaco, Inc., Post Office Box 52332, Houston, Tex. 77052.	Trunkline Gas Co., Rotherwood (Wilcox) Field, Harris County, Tex.	[7] 16.0	14.65

See footnotes at end of table.

[1] An increase in rate to 15.0 cents per Mcf was concurrently filed with application.
[2] Subject to upward and downward B.t.u. adjustment.
[3] Subject to upward B.t.u. adjustment.
[4] Applicant states its willingness to accept authorization at 15.0 cents per Mcf, plus B.t.u. adjustment.
[5] Base price of 15.0 cents per Mcf less 0.7¢ cent compression charge.
[6] Rate in effect subject to refund in Docket No. RI66-316.
[7] Subject to retention by Purchaser of 7.0 cents per Mcf until recovery of total investment in facilities constructed by it.
[8] Applicant states its willingness to accept permanent certificate on the same terms specified by the Commission's order of Mar. 28, 1967, in Docket No. G-19417, et al.
[9] Includes 1.625 cents per Mcf tax reimbursement.
[10] Well is no longer capable of producing gas in commercial quantities.
[11] Wells on leased covered by subject contract have been plugged, and the lease surrendered and restored to landowners.
[12] Includes 0.36 cent dehydration charge.
[13] Gas will no longer be sold or transported in interstate commerce.

[F.R. Doc. 67-8769; Filed, July 31, 1967; 8:45 a.m.]

[Docket No. RI68-11, etc.]

GULF OIL CORP. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

JULY 21, 1967.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before September 15, 1967.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary*.

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI68-11	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla. 74102.	49	5	Northern Natural Gas Co. (North Hansford Field, Hansford County, Tex.) (R.R. District No. 10).	20,000	6-26-67	[2] 8-1-67	1-1-68	[3] 15.5	[4] 17.5	
	do	123	5		2,600	6-26-67	[2] 8-1-67	1-1-68	[3] 15.5	[4] 17.5	
	do	133	5	Northern Natural Gas Co. (South Glenwood Field, Beaver County, Okla.) (Panhandle Area).	585	6-26-67	[2] 8-1-67	1-1-68	[5] 16.94	[6] 19.19	
	do	141	7	Northern Natural Gas Co. (Northwest Dower Field, Beaver County, Okla.) (Panhandle Area).	8,300	6-26-67	[2] 8-1-67	1-1-68	[3] 15.5	[4] 17.5	
	do	142	2	Northern Natural Gas Co. (North Hutchinson Field, Hansford County, Tex.) (R.R. District No. 10).	900	6-26-67	[2] 8-1-67	1-1-68	[3] 16.5	[4] 17.5	
RI68-12	A. A. Cameron, d.b.a. Cameron Oil Co. (Operator) et al., c/o Smith, Learning, and Swan, 907 City National Bldg., Oklahoma City, Okla. 73102.	2	[7] 7	Cities Service Gas Co. (Kirk No. 3 Well, Stephens County, Okla.) (Oklahoma "Other" Area).	7,200	6-28-67	[8] 7-29-67	12-29-67	[9] 15.0	[4] [10] 16.0	
RI68-13	Sinclair Oil & Gas Co. (Operator) et al., Post Office Box 871, Tulsa, Okla. 74102, Attn: Mr. P. T. Davis.	201	4	Florida Gas Transmission Co. (Palacios Field, Matagorda County, Tex.) (R.R. District No. 3).	4,221	6-29-67	[8] 7-29-67	12-29-67	[9] 16.0	[4] [11] 19.5	

[2] The stated effective date is the effective date requested by Respondent.
[3] Two-step periodic rate increase.
[4] Pressure base is 14.65 p.s.i.a.
[5] Subject to a downward B.t.u. adjustment.
[6] Initial certificated rate and settlement rate in Gulf's company-wide settlement. Settlement order issued Apr. 25, 1963, in Docket Nos. G-9230 et al. Moratorium period expired Apr. 1, 1965.
[7] Includes base rate of 15.0 cents plus upward B.t.u. adjustment before increase and base rate of 17.0 cents plus upward B.t.u. adjustment after increase. Base rates subject to upward and downward B.t.u. adjustment.
[8] Periodic rate increase.
[9] The stated effective date is the first day after expiration of the statutory notice.
[10] Applicable to Kirk No. 3 Well.
[11] From settlement rate to contractually provided for periodic rate.
[12] Settlement rate as approved by Commission order issued July 1, 1963, in Docket Nos. G-9291 et al., as amended. Moratorium on filing rate increases expired Sept. 1, 1965.

A. A. Cameron doing business as Cameron Oil Co. (Operator), et al. (Cameron), request waiver of the statutory notice to permit a retroactive effective date of January 10, 1967, the date of first production from the Kirk No. 3 Well. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Cameron's rate filing and such request is denied.

All of the producers' proposed rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR 2.56).

[F.R. Doc. 67-8772; Filed, July 31, 1967; 8:45 a.m.]

[Docket No. CP68-21]

LONE STAR GAS CO.

Notice of Application

JULY 25, 1967.

Take notice that on July 19, 1967, Lone Star Gas Co. (Applicant), 301 South Harwood Street, Dallas, Tex. 75201, filed in Docket No. CP68-21 an application pursuant to subsection (b) of section 7 of the Natural Gas Act for permission and approval of the Commission to abandon certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks permission and approval to abandon the operation of its 1,020 horsepower Fox Compressor Station No. 1 located in Carter County, Okla., consisting of six 170 horsepower compressor units together with dehydrator, buildings, piping, valves, headers, fittings, and other appurtenances.

Applicant states that said compressor facilities, installed in 1921 and 1922, have not been in operation for approximately 3 years and are no longer needed because of diminished natural gas supplies and operational changes in this area. Applicant further states that the proposed abandonment would not affect the serv-

ice now being rendered to any customer in any way as its Fox Compressor Station No. 2 will continue in operation and has sufficient capacity to handle the volumes of natural gas in that portion of its pipeline system.

Applicant estimates the total cost of removal of the facilities proposed to be abandoned at approximately $11,500. Applicant further estimates the salvage value of said facilities at approximately $18,000.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before August 21, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-8873; Filed, July 31, 1967; 8:45 a.m.]

[Docket No. RI68-10]

TAMARACK PETROLEUM CO., INC.

Order Accepting Contract and Agreements, Providing for Hearing on and Suspension of Proposed Change in Rate

JULY 21, 1967.

On June 26, 1967, Tamarack Petroleum Co., Inc. (Tamarack) [1] tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Comission. The proposed change, which constitutes an increased rate and charge, is designated as follows:

[1] Address is: 413 First Savings and Loan Building, Midland, Tex. 79704.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI68-10....	Tamarack Petroleum Co., Inc., 413 First Savings and Loan Bldg., Midland, Tex. 79704.	13	[2] 4	Northern Natural Gas Co. (Buckhorn (Ellenburger) Field, Crockett County, Tex.) (R.R. District No. 7-C) (Permian Basin Area).	----------	6-25-67	[3] 7-25-67	(Accepted)	----------	----------	RI64-606.
		13	[4] 5		----------	6-26-67	[3] 7-25-67	(Accepted)	----------	----------	
		16	[5] 6		----------	6-26-67	[3] 7-25-67	(Accepted)	----------	----------	
		16	[6] 7		$660	6-26-67	[3] 7-25-67	12-25-67	11.0	[7] [8] 16.5	

[2] Supplemental Agreement dated May 23, 1967, which releases all dedicated acreage from basic contract dated Sept. 15, 1958, except acreage in section 15, Block AB which was the only proven productive acreage.
[3] The stated effective date is the effective date proposed by Respondent.
[4] Contract dated May 24, 1967. Renegotiated contract which covers acreage released from Sept. 15, 1958, contract, plus additional acreage. Rate under renegotiated contract is 16.0 cents per Mcf.
[5] Interim Agreement date May 25, 1967, provides for lower rate-of-take from Smith 1-15 Unit until completion of Northern's facilities, and a deduction of ¾ cent per Mcf for treating gas from such unit.
[6] Applies only to acreage released from Sept. 15, 1958, contract.
[7] Renegotiated rate increase.
[8] Pressure base is 14.65 p.s.i.a.
[9] Rate provided for in renegotiated contract dated May 24, 1967 (Supplement No. 5).

Tamarack Petroleum Co., Inc. (Tamarack) proposes a renegotiated rate increase from 11.0 cents to 16.5 cents per Mcf, amounting to $660 annually, for a sale of gas to Northern Natural Gas Co. (Northern Natural) from the Buckhorn (Ellenburger) Field, Crockett County, Tex. (Railroad District No. 7-C) (Permian Basin Area). The proposed increased rate exceeds the applicable area base rate of 14.5 cents per Mcf prescribed by Opinion Nos. 468 and 468-A. Tamarack has not submitted a quality statement establishing the applicable area ceiling rate for the subject sale. Under the circumstances, we believe that Tamarack's proposed rate increase to 16.5 cents per Mcf should be suspended for 5 months from July 25, 1967, the proposed effective date, as herein ordered.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

Concurrently with the filing of its notice of change in rate, Tamarack submitted a supplemental agreement dated May 23, 1967, which releases all dedicated acreage, except that in Section 16,[10] from a previous contract with Northern Natural dated September 15, 1958,[11] and a renegotiated contract dated May 24, 1967, which covers the acreage released from the 1958 contract and provides for the proposed rate increase from 11.0 cents to 16.5 cents per Mcf.[12] Tamarack also filed an interim agreement dated May 25, 1967, covering the Smith 1-15 Unit. The interim agreement provides for a lower rate-of-take from this unit until completion of Northern Natural's related facilities, and a deduction of 0.75 cent per Mcf for treating gas from such unit.[13] We believe that it would be in the public interest to accept for filing Tamarack's aforementioned contract and agreements to become effective on July 25, 1967, the proposed effective date, but not the proposed rate contained therein which will be suspended as indicated below.

Except for the stay of the moratorium in Opinion No. 468, Tamarack's proposed rate increase would be rejectable because it is in excess of the applicable area ceiling determined in Opinion No. 468. If the moratorium is ultimately upheld upon judicial review, Tamarack rate increase will be rejected ab initio.

The Commission finds:

(1) Good cause has been shown for accepting for filing Tamarack's proposed contract and agreements, designated as Supplement Nos. 4, 5, and 6 to Tamarack's FPC Gas Rate Schedule No. 13, and for permitting such supplements to become effective on July 25, 1967, the proposed effective date.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change, and that Supplement No. 7 to Tamarack's FPC Gas Rate Schedule No. 13 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Tamarack's proposed contract and agreements, designated as Supplement Nos. 4, 5, and 6 to Tamarack's FPC Gas Rate Schedule No. 13 are accepted for filing and permitted to become effective on July 25, 1967.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 7 to Tamarack's FPC Gas Rate Schedule No. 13.

(C) Pending a hearing and decision thereon, the above-designated rate supplement is hereby suspended and the use thereof deferred until December 25, 1967, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(E) Tamarack shall file with the Commission as a condition of this order within 45 days of the date of issuance of this order a statement setting forth either that the old gas-well gas sold under the subject rate schedule accords with all pipeline quality standards established in Opinion No. 468 and 468-A, or in which respects the old gas-well gas deviates from such standards; the agreed cost to the purchaser to bring it to the pipeline quality standards established there with respect to each quality deviation; any upward and downward B.t.u. adjustment; and the resulting applicable area rate for the gas. Such statement shall be signed by both the seller and the purchaser. If the seller and the purchaser are unable to agree upon any or all of the particulars entering into the computation of the applicable area rate, the seller shall file the statement herein required which shall indicate the absence of agreement and supply the information required to compute the applicable area rate as well as the contentions of the parties with respect to the quality and amount of the adjustment for any item in dispute. The purchaser may file a separate statement setting forth its views within the period herein provided.

(F) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37 (f)) on or before September 6, 1967.

By the Commision.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-8773; Filed, July 31, 1967; 8:45 a.m.]

[10] This acreage will remain dedicated to the September 15, 1958, contract at the 11.0 cents per Mcf rate.
[11] Designated as Supplement No. 4 to Tamarack's FPC Gas Rate Schedule No. 13.
[12] Designated as Supplement No. 5 to Tamarack's FPC Gas Rate Schedule No. 13.
[13] Designated as Supplement No. 6 to Tamarack's FPC Gas Rate Schedule No. 13.

[Docket No. E-7363]

NORTHWESTERN PUBLIC SERVICE CO.

Notice of Application

JULY 25, 1967.

Take notice that on July 13, 1967, Northwestern Public Service Co. (Applicant) filed an application seeking an order pursuant to section 204 of the Federal Power Act authorizing the issuance of $2 million in short term promissory notes.

Applicant is incorporated under the laws of the State of Delaware with its principal business office at Huron, S. Dak., and is engaged in the electric utility business in the States of North Dakota and South Dakota.

The notes will be issued on or before December 31, 1967, and the maturity dates thereof will not be later than 360 days from their date of issuance. The notes will be issued to a commercial bank or banks and the interest rate is expected to be the prime commercial rate of the Chase Manhattan Bank as in effect from time to time when the notes are outstanding.

The proceeds will be used to finance in part Applicant's 1967 construction program which is expected to cost approximately $5.5 million. This program includes $1.1 million for some 85 miles of transmission line and $1 million for three substations.

Any person desiring to be heard or to make any protest with reference to the application should, on or before August 17, 1967, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and is available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-8874; Filed, July 31, 1967; 8:45 a.m.]

[Project No. 2640]

KANSAS CITY STAR CO.

Notice of Application for License for Constructed Project

JULY 24, 1967.

Public notice is hereby given that application for license has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by The Kansas City Star Co., Flambeau Paper Division (correspondence to: Norman C. Hoefferle, General Manager, The Kansas City Star Co., Flambeau Paper Division, Park Falls, Wis. 54552) for constructed Project No. 2640, known as Upper Hydro-Electric Project, located on North Fork of Flambeau River in the City of Park Falls in Price County, Wis.

The existing project consists of: (1) A reinforced concrete gravity dam approximately 100 feet long and 15 feet high; (2) four steel tainter gates, each 20.5 feet long; (3) a needle (log) dam approximately 44 feet long; (4) a reservoir with a maximum operating head of 19.2 feet at elevation 1487.4 feet (U.S.G.S.); (5) a 1,300-foot long power canal; (6) three short open reinforced concrete flumes with steel headgates; (7) a powerhouse containing three 650 horsepower turbines and two 450 kw generators (one turbine not in use); and (8) appurtenant facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is September 6, 1967. The application is on file with the Commission for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-8872; Filed, July 31, 1967; 8:45 a.m.]

FEDERAL RADIATION COUNCIL

RADIATION PROTECTION GUIDANCE FOR FEDERAL AGENCIES

Memorandum for the President

JULY 21, 1967.

Pursuant to Executive Order 10831 and Public Law 86-373 the Federal Radiation Council transmits to you its findings and recommendations for the guidance of Federal agencies in the conduct of their radiation protection activities as they apply to the underground mining of uranium ore.

In prior memorandums and reports the Council has expressed the philosophy that guidance for radiation protection involves achieving a balance between the risk of radiation-induced injury and the benefits derived from the practice causing the exposure to radiation. An implicit part of such a balance is a necessity for considering the relation between the difficulties involved in reducing radiation exposures by a given amount and the risk that might be associated with that amount of exposure.

Assessment of radiation hazards in underground uranium mines. The Council has reviewed available information on the radiological factors involved in the underground mining of uranium ore. The findings of immediate interest for establishing radiation protection guidance for this activity are:

1. It has been observed that underground uranium miners have a higher incidence of lung cancer than is found in the male population in the same geographic area. Continued exposure to the radioactive decay products of the naturally occurring gas radon 222 has been implicated as an important cause of this increased incidence. The decay products of radon 222 (radon daughters) of interest are: Polonium 218, lead 214, bismuth 214, and polonium 214. For purposes of this memorandum, the radiation dose from radon itself is not considered.

2. The principal radiation hazard is associated with the inhalation of mine air containing radionuclides that irradiate lung tissue nonuniformly. The most serious result is the development of lung cancer, which generally does not appear for 10 to 20 years after the individual started uranium mining.

3. In most domestic underground uranium mines the measurement of radon daughter concentration is obtained by using a specific field method. The results are then compared to the "Working Level" (WL), a unit which is defined as any combination of radon daughters in one liter of air that will result in the ultimate emission of 1.3×10^5 MeV of potential alpha energy. The concentration of radon daughters in the air of unventilated underground uranium mines ranges from a fraction of a WL to several hundred WL. Exposure to radon daughters over a period of time may be expressed in terms of cumulative "Working Level Months" (WLM). Inhalation of air containing a radon

daughter concentration of 1 WL for 170 working hours results in an exposure of 1 WLM.

4. Observations on U.S. uranium miners who started underground mining before 1955 clearly demonstrate that an association exists between exposure to radon daughters and a higher than expected incidence of lung cancer when the cumulative exposures are more than about 1,000 WLM. The degree of risk at lower levels of cumulative exposure cannot be determined from currently available epidemiological data. It is prudent to assume that some degree of risk exists at any level of exposure, even though possible effects may not now be evident at the lower levels of cumulative exposure.

5. The highest incidence of lung cancer is occurring now in the group of miners: (1) Who worked in mines in which the average concentration of radon daughters was usually higher than 10 WL; (2) whose total cumulative exposures were estimated to range upward from about a thousand WLM; (3) who started mining uranium ore more than 10 years ago; and (4) who were moderate to heavy cigarette smokers. These observations suggest that additional cases of lung cancer can be expected to develop, even in individuals who may have already left underground mining.

Factors related to the evaluation of benefit or control capability. The Council has also reviewed available information on the benefits to be derived from the mining of uranium ores; on the difficulties that have been encountered in reducing radon daughter concentrations from previous levels to current levels, and the additional difficulties that can be anticipated if further reductions are required. The findings of immediate interest to the derivation of guidance for radiation protection in uranium mining are as follows:

1. Uranium is currently the basic fuel needed for the development of nuclear energy, and all projections point to an increasingly important role for nuclear energy in meeting national electric power requirements.

2. Uranium mining is an important economic asset to the states in which the ore is mined. In addition to the value of the ore, mining provides important opportunities for employment. It is estimated that the work-force will vary between 2,000–5,000 men in the next decade.

3. A significant reduction in the concentrations of radon daughters in the air of underground mines has been achieved by the industry since 1960. Estimates of probable exposures of 2,177 miners in a five-state area during the third quarter of 1966 indicate that about 31 percent of the miners were exposed to levels of 1 WL or less; 55 percent were being exposed to the range of 1–3 WL; and about 14 percent were exposed to levels higher than 3 WL.

4. Ventilation with fresh air is presently considered the most feasible technique for controlling the concentrations of radon daughters in mine air. The highest concentrations are usually found in the stope areas where some work must be done before ventilation can be brought directly to the miner's working area. This suggests that there are practical limits to the degree by which radon daughter concentrations in mine air can be controlled by ventilation alone. Information made available to the Council indicates that it will probably be physically impossible to maintain the radon daughter concentration in all parts of the mines to as low as 1 WL at all times.

5. Research studies have been made on possible procedures that might be used to block the diffusion of radon from the rock into mine air. The use of positive pressure ventilation can be useful if the rock is porous enough to permit air to flow into it. Coating the rock surface might be useful if it is capable of blocking the diffusion of radon.

6. The effectiveness, feasibility, and safety of various types of auxiliary respiratory protection equipment, as they might be used in underground uranium mining, deserve the most thorough study.

7. It is common practice to limit the highest radon daughter concentrations in which normal mining operations are allowed without determining the radiation exposure at lower concentrations. This procedure makes it possible to estimate the maximum exposure rate, but does not provide the information necessary for estimating the true average exposure, and hence radiation risk for any one individual or group.

Guidance for radiation protection in underground mines. On the basis of the preceding findings, the Federal Radiation Council has concluded that radon and its radioactive daughter products occur in sufficient concentrations in underground uranium mines to require actions to control the potential radiation exposure associated with working in such environments. Although primary emphasis has been placed on underground uranium mining, the guidance contained in this memorandum may be applied, as necessary, to any type of mine where similar concentrations of radon daughter products may be found.

In reaching its recommendations the Council has considered: (1) The apparent relationship between cumulative exposure to radon daughters and the risk of subsequent development of lung cancer as shown by presently available epidemiological data; (2) the range of annual exposures received by various categories of miners now engaged in uranium mining; (3) the technological problems involved in achieving control to various levels of annual exposure, and the ability of present technology as practiced by the industry to reduce radon concentrations to different levels; (4) improvements that might be introduced by the application of a more advanced technology, and the length of time such improvements might take; and (5) the magnitude of the radiation risk in the light of the other risks that are faced in underground mining, and the impact the Council's recommendations might have on efforts to reduce these risks simultaneously. In balancing these considerations, it is recommended that:

1. Occupational exposure to radon daughters in underground uranium mines be controlled so that no individual miner will receive an exposure of more than six WLM in any consecutive 3-month period and no more than 12 WLM in any consecutive 12-month period. Actual exposures should be kept as far below these values as practicable.

2. Areas in underground uranium mines, whether normally or occasionally occupied, be monitored for the concentration of radon daughters in mine air. The location and frequency of taking samples should be determined in relation to compliance with recommendation number 1.

3. Appropriate records of the exposure from radon daughters in the mine air received by individuals working in uranium mines be established and maintained.

The Federal Radiation Council recognizes that current mining conditions are much better than those prevailing 10 years ago. However, it also considers that more improvement is needed to provide proper control of exposure to radon daughters. Steps to make improvements should be initiated immediately and made operational as soon as possible.

The practical determination of what is needed to implement the recommendations should take cognizance of the following reasons for making the necessary measurements and the compilation of appropriate records: (1) Data needed to indicate compliance with recommendation number 1, (2) the evidentiary record needed to support or deny claims for occupational disability, (3) permit future evaluation of possible causal relationships between exposure to radon daughters and respiratory cancer at the lower cumulative exposure levels, and (4) to develop a basis for estimating the cumulative occupational exposure that the average miner might receive in the future under this guidance.

The control of an airborne hazardous agent, such as radon and its radioactive daughters, can be achieved either by controlling the environment by appropriate ventilation or by providing auxiliary procedures and equipment to offset exposure from the environment. Examples of such procedures are limiting the time individuals are allowed to work in the environment, or the use of respiratory protection devices capable of removing most of the radon daughters present in the mine air.

These procedures should also be accompanied by an educational program under the direction of mine management so that the miner may be advised on the necessity for taking these precautionary measures and to emphasize the miner's responsibility in reducing his exposure to radioactive materials.

The Council urges the appropriate Federal agencies to cooperate fully with the states and the uranium mining industry in providing realistic and coordinated programs in the following areas:

1. The development of technology directed to the control and more reliable estimates of individual exposures to radon daughters.

2. The registration and compilation of individual exposure records.

3. Research on causal relationships involving varying exposure to radon daughters and the subsequent development of disability.

4. Research and development directed toward better mining practices.

5. Development of adequate compensation procedures.

6. Educational opportunities and training programs wherever needed.

In approximately 1 year the Federal Radiation Council intends to review its guidance for radiation protection in uranium mining. At that time, if it is indicated, the recommendations in this memorandum will be changed accordingly.

If the foregoing recommendations are approved by you for the guidance of Federal agencies in the conduct of their radiation protection activities, it is further recommended that this memorandum be published in the FEDERAL REGISTER.

JOHN W. GARDNER,
Chairman.

Recommendations 1, 2, and 3 in the preceding memorandum are approved for the guidance of Federal agencies, and the memorandum shall be published in the FEDERAL REGISTER.

LYNDON B. JOHNSON.

JULY 27, 1967.

[F.R. Doc. 67-8087; Filed, July 31, 1967; 10:40 a.m.]

FEDERAL RESERVE SYSTEM

COMMERCIAL ASSOCIATES, INC.

Notice of Applications for Approval of Acquisition of Shares of Banks

Notice is hereby given that applications have been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by Commercial Associates, Inc., which is a bank holding company located in Pensacola, Fla., for the prior approval of the Board of the acquisitions by Applicant of 80 percent or more of the voting shares of First National Bank in Milton, Milton, Fla., and 90 percent or more of the voting shares of The State Bank of Jacksonville, Jacksonville, Fla.

Section 3(c) of the Act provides that the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that in every case, the Board shall take into consideration, the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisitions may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

Dated at Washington, D.C., this 25th day of July 1967.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 67-8075; Filed, July 31, 1967; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812-2113]

CAL-WESTERN SEPARATE ACCOUNT A AND CALIFORNIA-WESTERN STATES LIFE INSURANCE CO.

Notice of Application for Exemptions

JULY 25, 1967.

Notice is hereby given that California-Western States Life Insurance Co. ("Insurance Company") 2020 L Street, Sacramento, Calif. 95814, and Cal-Western Separate Account A ("Separate Account") (herein collectively called "Applicants") have filed an application pursuant to section 6(c) of the Investment Company Act of 1940, 15 U.S.C. sec. 80a-1, et seq., ("Act") for an order exempting Applicant from the provisions of sections 14(a), 15(a), 16(a), 17(f), 22(d), 22(e), 27(a)(4), 27(c)(1), 27(c)(2), and 32(a) of the Act. Separate Account is an open-end diversified management investment company registered under the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations which are summarized below.

Insurance Company established Separate Account in order to offer contracts designed for annuity purchase plans adopted by public school systems and certain tax-exempt organizations. The contracts qualify as tax-deferred annuities under section 403(b) of the Internal Revenue Code of 1954, as amended ("Code").

Section 14(a)(1) provides, in pertinent part, that no registered investment company shall make a public offering of a security of which such company is the issuer, unless such company has a net worth of at least $100,000.

Applicants state that the only contracts which will be offered initially are tax-sheltered variable annuity contracts which initially meet the requirements of section 403(b) of the Code. Applicants declare that since Separate Account will only hold assets of tax sheltered contracts, it is not feasible to raise the minimum capital requirement through a non-public offering because the limitations under the Code on tax deferred contributions on behalf of a single participant make it unlikely that $100,000 could be raised from fewer than 75 persons which would involve several hundred offers.

Applicants further state, among other things, that it is not feasible to raise the minimum capital requirement through the sale of nontax sheltered contracts since to combine in a single separate account assets pertaining to tax sheltered contracts and assets pertaining to nontax sheltered contracts could result in the imposition of tax liabilities which might not otherwise be incurred or in the misallocation of tax benefits.

Finally, Applicants state that under California insurance law Separate Account is an integral part of Insurance Company (which has over $347 million of admitted assets and has capital stock and surplus of over $48 million) and the contractual obligations of Insurance Company under the variable annuity contracts cannot be abandoned by it until such obligations are discharged.

Sections 15(a), 16(a), and 32(a), in substance, require shareholder approval of the investment advisory agreement, the election of directors by shareholders, and shareholder ratification of the selection of an independent public accountant, respectively. Applicants state that since there will be no contract owners, hence no holders of voting securities, until after the registration statement under the Securities Act of 1933 becomes effective, the requirements of the aforesaid sections cannot be complied with. Applicants represent, however, that the first meeting of contract owners will take place on the fourth Tuesday of March of 1968. Applicants state that by that time it is expected that some variable annuity contracts will have been sold so that the participants therein can then vote on such matters. The Applicants request a temporary exemption from the requirements of sections 15(a), 16(a), and 32(a) to allow Separate Account to operate until the first annual meeting of contract owners, at which time the requirements of those sections can be met.

Section 17(f)(3) provides, in pertinent part, that a registered management investment company may maintain its securities and investments in its own custody in accordance with such rules, regulations, and orders as may be adopted by the Commission in the interests of investors. Rule 17f-2 under the Act requires, among other things, that such assets be placed in a bank subject to the other requirements of the rule. One of such other requirements limits the persons who shall have access to such assets to only certain specified individuals.

Applicants request an exemption from the provisions of section 17(f)(3) and rule 17f-2 to the extent necessary to permit not more than five officers or responsible employees of Insurance Company as well as duly authorized representatives of the Insurance Commissioner of California to have access to the assets of Separate Account. Such assets will be deposited by Insurance Company with Wells Fargo Bank, Sacramento, Calif. Insurance Company is subject to supervision and inspection by the Insurance Commission of California. Further, all officers and employees having access to the securities will be covered by a bond in the face amount of $250,000.

Section 22(d) provides, in pertinent part, that no registered investment company shall sell any redeemable security of which it is the issuer except at a current public offering price described in the prospectus. The contracts which will be issued by Applicants provide for a combined 5.25 percent charge for sales and administrative services. The combined charge is appropriate because of the impossibility of determining in advance of the sale of the contract the proportions of such combined charge which will be incurred by the Insurance Company for each type of expense. Such proportions will vary from case to case depending on the amount of assistance provided by the employer-purchaser of the contract in connection with the sale and administration of such contract. Since on the basis of actual experience the proportions of sales charges and accordingly the current public offering price will vary from contract to contract for the reasons referred to above, Applicants request an exemption from the requirements of section 22(d).

Applicants request a further exemption to permit the allocation of an experience rating provision for the tax sheltered contracts initially meeting the requirements of section 403(b) of the Code. The combined sales and administrative expenses applicable to each contract will be determined annually. If the actual expenses exceed the amount previously deducted for such expenses, no additional deduction will be made. On the other hand, if the actual expenses are less than the amount deducted, Insurance Company, in its discretion, may allocate all, a portion, or none of such excess as an experience rating credit to the participants in the Separate Account. Any excess so allocated will be applied in one of two ways: (a) By a reduction in the amount deducted from subsequent contributions for sales and administrative services; or (b) by the crediting to participants under the group policy of a number of additional accumulation units or annuity units, as applicable, without deduction of any amount for sales or administrative expenses.

Sections 22(e) and 27(c)(1) provide, in pertinent part, that (1) a registered investment company may not suspend the right of redemption or postpone the date of payment upon redemption of any redeemable security in accordance with its terms for more than seven days after the tender of such security for redemption and (2) a registered investment company issuing periodic payment plan certificates may not sell such certificates unless such certificates are redeemable securities. Applicants represent that prior to their maturity dates the contracts are redeemable and satisfy the redemption provisions of the Act. However, on their respective maturity dates, the then value of the contracts is determined and applied to provide for lifetime annuity payments of either fixed or variable amounts. Applicants state that because the amount of annuity payments under the variable option are calculated actuarially, based upon the life expectancies of the purchasers of the contracts, if a purchaser were permitted to redeem his contract after the maturity date, it would upset the actuarial computations made with respect to the remaining purchasers. Applicants request exemption from sections 22(e) and 27(c)(1) to the extent that once a purchaser begins to receive annuity payments he cannot redeem the value credited to his contract. Such prohibitions shall only apply after annuity payments to the purchaser commence.

Section 27(a)(4) provides, in pertinent part, that the first payment on a periodic payment plan certificate be not less than $20. In order to minimize the administrative and accounting burdens involved for employers in making payroll deductions, Applicants request an exemption to permit the first payment to be in an amount of not less than $10 in the case of its group variable annuity contracts meeting the requirements of section 403(b) of the Code.

Section 27(c)(2) prohibits a registered investment company or a depositor or underwriter for such company from selling periodic payment plan certificates unless the proceeds of all payments, other than the sales load, are deposited with a bank as trustee or custodian and held under an indenture or agreement containing, in substance, the provisions required by sections 26(a)(2) and (3) for a unit investment trust. Section 26(a)(2) requires that the trustee or custodian segregate and hold in trust all securities and cash of the trust and places certain restrictions on charges which may be made against the trust income and corpus and excludes from expenses which the trustee or custodian may charge against the trust any payments to the depositor or principal underwriter, other than a fee not exceeding such reasonable amount as the Commission may prescribe, for performing bookkeeping and other administrative services delegated to them by the trustee or custodian. Section 26(a)(3) governs the circumstances under which the trustee or custodian may resign.

Applicants state that Insurance Company functions as a regulated insurance company and is subject to extensive and detailed supervision and inspection by the Insurance Commissioner of California in all of its dealings with the contract purchasers. Insurance Company states that such control provides ample assurance against misfeasance and adequately protects the interest of the contract purchasers. Accordingly, Applicants state that such authority and jurisdiction affords the essential protection which the trusteeship or custodianship under section 26(a)(2) is designed to provide. Moreover, in addition to the supervision and inspection by the Insurance Commissioner, Insurance Company states that it will undertake binding commitments to contract owners which it may not legally abrogate. Such supervision, inspection and undertakings will effectively prevent orphanage of separate Account by Insurance Company which the trusteeship under section 27(c)(2) is designed to protect against.

Applicants have consented to the requested exemptions being subject to the condition that the charges under the contracts for administrative services shall not exceed such reasonable amounts as the Commission shall prescribe, and that the Commission shall reserve jurisdiction for such purpose.

Section 6(c) authorizes the Commission to exempt any person, security or transaction, or any class or classes or persons, securities, or transactions, from the provisions of the Act and Rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than August 11, 1967, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-8900; Filed, July 31, 1967; 8:47 a.m.]

[70-4512]

LOUISIANA POWER & LIGHT CO.

Notice of Proposed Issue and Sale of Bonds and Increase in Authorized Shares of Preferred Stock

JULY 25, 1967.

Notice is hereby given that Louisiana Power & Light Co. ("Louisiana"), 142 Delaronde Street, New Orleans, La. 70114, a registered holding company and an electric utility subsidiary company of Middle South Utilities, Inc., also a registered holding company, has filed a declaration, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 of the Act and rule 50 thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Louisiana proposes to issue and sell, subject to the competitive bidding requirements of rule 50 under the Act, $18 million principal amount of First Mortgage Bonds, ____ percent Series due 1997 ("new bonds"). The interest rate of the new bonds (which will be a multiple of ⅛ of 1 percent) and the price, exclusive of accrued interested to be paid to Louisiana (which will be not less than 100 percent nor more than 102¾ percent of the principal amount thereof) will be determined by competitive bidding. The new bonds will be issued under Louisiana's Mortgage and Deed of Trust dated as of April 1, 1944, to The Chase Manhattan Bank ("National Association"), successor to The Chase National Bank of the City of New York and Milton J. Redlich, successor to Carl E. Buckley, as Trustees, as heretofore supplemented by various indentures and as to be further supplemented by a Tenth Supplemental Indenture to be dated September 1, 1967.

Louisiana also proposes to amend its charter so as to authorize 80,000 shares of a new series of cumulative preferred stock, $100 par value ("new preferred stock"), and to issue and sell such shares subject to the competitive bidding requirements of Rule 50 under the Act. The dividend rate of the new preferred stock (which will be a multiple of ⅛ of 1 percent) and the price to be paid to Louisiana (which will be not less than $100 nor more than $102.75 per share) will be determined by competitive bidding.

Louisiana will apply the net proceeds derived from the issue and sale of the new bonds and new perferred stock to the payment of short-term bank loans outstanding prior to the issue and sale of such bonds and preferred stock and to its 1967 construction program. Louisiana expects to provide for the balance needed for such 1967 construction by using funds on hand and to be generated internally.

It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. Fees and expenses to be incurred by Louisiana in connection with the new bonds are estimated at $70,000, including legal fees of $19,000 and auditor's fees of $2,500. Fees and expenses in connection with the new preferred stock are estimated at $30,000, including legal fees of $15,000 and auditor's fees of $1,000. The fees of counsel for the underwriters, to be paid by the successful bidders, are estimated at $6,000 in connection with the new bonds and at $5,000 in connection with the new preferred stock.

Notice is further given that any interested person may, not later than August 25, 1967, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-8901; Filed, July 31, 1967; 8:47 a.m.]

[File No. 1-4078]

TEL-A-SIGN, INC.

Order Suspending Trading

JULY 26, 1967.

The common stock of Tel-A-Sign, Inc., being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such security on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 26, 1967, through August 4, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-8877; Filed, July 31, 1967; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

JULY 27, 1967.

Protest to the granting of an application must be prepared in accordance with rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41081—*Ferro Alloys from Calvert, Ky.* Filed by O. W. South, Jr., agent (No. A5048), for interested rail carriers. Rates on ferro-manganese, ferro-silicon, silico-managnese, ferro-chrome, ferro-chrome-silicon or ferro-aluminum-manganese-silicon, in carloads, minimum 120,000 pounds, from Calvert, Ky., to Graham, Weirton, W. Va., Marietta, Mingo Jct., and Steubenville, Ohio.

Grounds for relief—Rate relationship.

Tariff—Supplement 102 to Southern Freight Association, agent, tariff ICC S-308.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-8906; Filed, July 31, 1967; 8:48 a.m.]

[Notice 427]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 27, 1967.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67, 49 CFR Part 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 52579 (Sub-No. 78 TA), filed July 24, 1967. Applicant: GILBERT CARRIER CORP., 441 Ninth Avenue, New York, N.Y. 10001. Applicant's representative: Aaron Hoffman (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel and materials and supplies used in the manufacture thereof*, between Little Falls and Oneonta, N.Y., on the one hand, and, on the other, Garfield, N.J.; for 150 days. Supporting shipper: Wendy-Carr, Inc., 100 Outwater Lane, Garfield, N.J. Send protests to: Paul W. Assenza, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 346 Broadway, New York, N.Y.

No. MC 103654 (Sub-No. 128 TA), filed July 24, 1967. Applicant: SCHIRMER TRANSPORTATION COMPANY, INCORPORATED, 1145 Homer Street, St. Paul, Minn. 55116. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lecithin*, in bulk, in tank vehicles, from Mankato, Minn., to Cincinnati, Ohio; for 150 days. Supporting shipper: Honeymead Products Co., Mankato, Minn., 56001. Send protests to: A. E. Rathert, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 109435 (Sub-No. 48 TA), filed July 24, 1967. Applicant: ELLSWORTH BROS. TRUCK LINE, INC., 116 North Allied Road, Post Office Drawer J, Stroud, Okla. 74079. Applicant's representative: LeVoy C. Ellsworth (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry cement*, in bulk, in hopper type vehicles, from rail heads near Scott and North Little Rock, Ark., to Lock Dam No. 6 on the Arkansas River, on traffic having a prior out-of-State movement by rail; for 150 days. Supporting shipper: Oklahoma Cement Co., First National Building, Tulsa, Okla. 74103. Send protests to: C. L. Phillips, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 350, American General Building, 210 Northwest Sixth, Oklahoma City, Okla. 73102.

No. MC 111302 (Sub-No. 40 TA), filed July 24, 1967. Applicant: HIGHWAY TRANSPORT, INC., Post Office Box 79, Powell, Tenn. 37849. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chocolate syrup*, in bulk, in tank vehicles, from the facilities of the Van Leer Chocolate Corp. at Jersey City, N.J., to Hamlet, N.C.; for 150 days. Supporting shipper: Van Leer Chocolate Corp., 110 Hoboken Avenue, Jersey City, N.J. 07302. Send protests to: J. E. Gamble, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 706 U.S. Courthouse, Nashville, Tenn. 37203.

No. MC 112547 (Sub-No. 5 TA), filed July 24, 1967. Applicant: J. T. GERKEN TRUCKING, INC., Eighth and Harmon Streets, Portsmouth, Ohio 45662. Applicant's representative: Lawrence Gerken (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Proprietary antifreeze or engine coolant preparations or proprietary deicing preparations*, from New Kensington, Pa., to Akron, Bethel, Canton, Christiansburg, Cincinnati, Columbus, Dayton, Dupont, East Liverpool, Elyria, Fremont, Fraseysburg, Marietta, Ney, Niles, and Zanesville, Ohio; and (2) *such equipment, materials, and supplies as are usually dealt in by garages and gasoline and oil service stations* (except liquid commodities, in bulk), and *empty shipper-owned trailers*, between Lima, Ohio, on the one hand, and, on the other, points in Delaware, Maryland, New Jersey, Pennsylvania, Virginia, and West Virginia; limited to a transportation service to be performed under a continuing contract, or contracts, with The Standard Oil Co. (Ohio) and its wholly owned subsidiaries, restricted to shipments transported in trailers owned by The Standard Oil Co. (Ohio) and its wholly owned subsidiaries; for 180 days. Supporting shipper: The Standard Oil Co., Midland Building, Cleveland, Ohio 44115. Send protests to: Emil P. Schwab, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1010 Federal Building, 550 Main Street, Cincinnati, Ohio 45202.

No. MC 112750 (Sub-No. 247 TA), filed July 25, 1967. Applicant: AMERICAN COURIER CORPORATION, 222–17 Northern Boulevard, DeBevoise Building, Bayside, N.Y. 11361. Applicant's representative: J. K. Murphy (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents, written instruments, and business records* (except coin, currency and negotiable securities), as are used in the business of banks and banking institutions, between Jacksonville, Fla., on the one hand, and, on the other, Atlanta, Ga., and points in Georgia lying on a line west and south beginning in Savannah, Ga., and going over U.S. Highway 80 to Biltchton, thence west and south on a line over U.S. Highway 280 to junction Interstate Highway 75, thence south and east on a line over Interstate Highway 75 to the Florida State line; for 180 days. Supporting shippers: There are 9 shippers' supporting statements attached to application, which may be examined at the Interstate Commerce Commission, in Washington, D.C., or at the field office named below. Send protests to: Anthony Chiusano, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 346 Broadway, New York, N.Y. 10013.

No. MC 115676 (Sub-No. 14 TA), filed July 24, 1967. Applicant: ERWIN HURNER, 2605 South River Shore Drive, Moorhead, Minn. 56560. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and articles dealt in by wholesale beverage distributors*, from La Crosse, Wis., to Moorhead, Minn., and Fargo, N. Dak.; for 150 days. Supporting shipper: Persellin Distributing Co., 1821 Second Avenue North, Moorhead, Minn. 56561. Send protests to: Joseph H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1621 South University Drive, Room 213, Fargo, N. Dak. 58102.

No. MC 116763 (Sub-No. 117 TA), filed July 24, 1967. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: Carl Subler (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, not frozen, from Paris, Tex., to points in Alabama, Florida, and Georgia; for 180 days. Supporting shipper: Campbell Soup Co., 375 Memorial Avenue, Camden, N.J. 08101. Send protests to: Emil P. Schwab, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1010 Federal Building, 550 Main Street, Cincinnati, Ohio 45202.

No. MC 117439 (Sub-No. 30 TA), filed July 25, 1967. Applicant: BULK TRANSPORT, INC., Post Office Box 80, Port Allen, La. 70767. Applicant's representative: John Schwab, 617 North Boulevard, Baton Rouge, La. 70802. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, in bulk, from New Orleans, La., to points in Bowie, Chambers, Harris, Jefferson, Liberty, and Orange Counties, Tex.; for 180 days. Supporting shipper: United States Gypsum Co., 3098 Piedmont Road Northeast, Atlanta, Ga. 30305 (H. Lee Huffman, Traffic Manager—Southern Division). Send protests to: W. R. Atkins, District Supervisor, Bureau of Operations, Interstate Commerce Commission, T–4009 Federal Office Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 119182 (Sub-No. 3 TA), filed July 25, 1967. Applicant: McGUIRE LUMBER AND SUPPLY, INC., Wyliesburg, Va. 23976. Applicant's representative: John C. Goddin, 10 South 10th Street, Insurance Building, Richmond, Va. 23219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wooden pallets and skids*, from points in Amelia County, Va., to points in North Carolina, West Virginia, Maryland, Delaware, Pennsylvania, Ohio, New Jersey, and New York, and the District of Columbia; for 150 days. Supporting shipper: Scott Pallets, Inc., Amelia, Va. 23002. Send protests to: George S. Hales, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 215 Campbell Avenue Southwest, Roanoke, Va. 24011.

No. MC 123407 (Sub-No. 33 TA), filed July 25, 1967. Applicant: SAWYER TRANSPORT, INC., 2424 Minnehaha Avenue, Minneapolis, Minn. 55404. Applicant's representative: Michael E. Miller, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition building board (including ceiling tile) and supplies and accessories* used in the installation thereof, from International Falls, Minn., to points in Indiana, Michigan, and Ohio; for 180 days. Supporting shipper: Boise Cascade Corp., 800 Northstar Center, Minneapolis, Minn. 55402. Send protests to: C. H. Bergquist, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 123415 (Sub-No. 11 TA), filed July 24, 1967. Applicant: JAMES STUFFO, INC., Post Office Box 1061, Merchantville, N.J. 08109. Applicant's representative: Raymond A. Thistle, Jr., Suite 1710, 1500 Walnut Street, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper boxes*, set up and knocked down, from the plantsite of George H. Snyder, Warrington Township, Bucks County, Pa., to Philadelphia, Pa.; (2) *drugs, medicinal and toilet preparations*, in paper-kit boxes, from the plantsite of George H. Snyder, Warrington Township, Bucks County, Pa., to New Brunswick, N.J.; and (3) *drugs, medicinal and toilet preparations*, from New Brunswick, N.J., to the plantsite of George H. Snyder, Warrington Township, Bucks County, Pa.; for 180 days. NOTE: Applicant states that it intends to tack authority sought with that under MC 123415, in which it is authorized to operate in the States of Pennsylvania, New York, New Jersey, Delaware, and Maryland. Supporting shipper: George H. Snyder, Inc., 3631–47 North Smedley Street, Philadelphia, Pa. 19140. Send protests to: Raymond T. Jones, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 410 Post Office Building, 402 East State Street, Trenton, N.J. 08608.

No. MC 124078 (Sub-No. 286 TA), filed July 24, 1967. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, Wis., 53215. Applicant's representative: Richard H. Prevette (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk and in bags, from Castle Hayne, N.C., to points in South Carolina; for 150 days. Supporting shipper: Ideal Cement Co., 821 17th Street, Denver, Colo. 80202 (Paul S. Barnett, General Traffic Manager and Registered Practitioner). Send protests to: William F. Sibbald, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 126266 (Sub-No. 4 TA), filed July 24, 1967. Applicant: MAX L. DUDLEY, doing business as DUDLEY BOAT & TRAILER TRANSPORT, 2945 17th Street Southeast, Auburn, Wash. 98002. Applicant's representative: Joseph O. Earp, 411 Lyon Building, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boats*, from Bellingham, Wash., to Seattle, Wash.; for 180 days. Supporting shipper: United Boatbuilders, Inc., Post Office Box 1095, Bellingham, Wash. 98225. Send protests to: E. J. Casey, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 127557 (Sub-No. 6 TA), filed July 24, 1967. Applicant: COMMERCIAL TRANSPORTATION, INC., 833 Warner Street SW., Atlanta, Ga. 30310. Applicant's representative: Virgil H. Smith, Suite 431, Title Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Peoria, Ill., and Milwaukee, Wis., to Atlanta, Ga.; for 150 days. Supporting shipper: General Wholesale Beer Co., Atlanta, Ga. Send protests to: William L. Scroggs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 300, 680 West Peachtree Street NW., Atlanta, Ga. 30308.

No. MC 128521 (Sub-No. 1 TA), filed July 24, 1967. Applicant: BIRMINGHAM-NASHVILLE EXPRESS, INC., 515 Nashville Bank & Trust Building, Nashville, Tenn. 37201. Applicant's representative: Walter Harwood (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods, classes A and B explosives, commodities in bulk, and articles requiring special equipment), between Nashville, Tenn., and Birmingham, Ala., over U.S. Highway 31 and Interstate Highway 65, serving all intermediate points in Alabama, using any and all segments of said routes in conjunction with each other, and serving the plantsite of the Tennessee Valley Authority, known as Brown Ferry Project, located at or near Brown's Ferry, near Athens, Ala., as an off-route point; for 180 days. Supporting shippers: There are 46 shippers' supporting statements attached to application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or at the field office named below. Send protests to: J. E. Gamble, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 706 U.S. Courthouse, Nashville, Tenn. 37203.

No. MC 129260 (Sub-No. 1 TA), filed July 24, 1967. Applicant: DATA TRANSPORTATION CO., INC., 1544 North Knowles Avenue, Los Angeles, Calif. 90063. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Los Angeles, Orange, Sacramento, Yolo, San Francisco, Solano, San Mateo, Santa Clara, Alameda, and Contra Costa Counties, Calif. restricted to shipments having a prior or subsequent line-haul movement beyond said counties by rail, motor, air, or water; for 180 days. Supporting shippers: International Business Machines Corp., 1000 Westchester Avenue, White Plains, N.Y. 10604; Burnham World Forwarders, Inc., 1632 Second Avenue, Columbus, Ga. 31901; Radio Corporation of America, 3900 Monet Road, Palm Beach Gardens, West Palm Beach, Fla. 33403; and Varian Associates, 611 Hansen Way, Palo Alto, Calif. Send protests to: John E. Nance, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 7708 Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 129266 (Sub-No. 1 TA), filed July 24, 1967. Applicant: BALLANTYNE TRUCKING COMPANY, 3030 East Fourth Street, Pueblo, Colo. 81001. Applicant's representative: John Ballantyne (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat and packinghouse products*, between plants of the American Stores Packing Co., division of Acme Markets, located at Pueblo, Colo., and Lincoln and McCook, Nebr.; under a continuing contract with American Stores Packing Co.; for 180 days. Supporting shipper: Acme Markets, Inc., 124 North 15th Street, Philadelphia, Pa. 19102. Send protests to: Herbert C. Ruoff, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2022 Federal Building, Denver, Colo. 80202.

No. MC 129267 TA, filed July 24, 1967. Applicant: H & S TRANSFER COMPANY, INC., 1001 Fenwick Street, Augusta, Ga. 30901. Applicant's representative: Paul F. Sullivan, Colorado Building, 1341 G Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Burke, Emanuel, Jefferson, Lincoln, Richmond, Taliaferro, Wilkes, Columbia, Glascock, Jenkins, McDuffie, Screven, and Warren Counties, Ga.; and Aiken, Barnwell, Hampton, Allendale, Edgefield, and McCormick Counties, S.C.; restricted to shipments moving in containers, and having an immediately prior or subsequent movement by rail, motor, water, or air and moving on through bills of lading of forwarders operating under the section 402(b)(2) exemption; for 180 days. Supporting shippers: Sunpak International, Sunpak Movers, Inc., 1621 Queen Anne Avenue North, Seattle, Wash. 98109; Garrett Freightlines, Inc., Post Office Box 4048, Pocatello, Idaho 83201; Burnham World Forwarders, Inc., 1632 Second Avenue, Columbus, Ga. 31901; and Interstate System, General Offices, 134 Grandville Avenue SW., Grand Rapids, Mich. Send protests to: William L. Scroggs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 300, 680 West Peachtree Street NW., Atlanta, Ga. 30308.

MOTOR CARRIER OF PASSENGERS

No. MC 1800 (Sub-No. 30 TA), filed July 25, 1967. Applicant: ALEXANDRIA, BARCROFT & WASHINGTON TRANSIT COMPANY, doing business as A. B. & W. TRANSIT CO., 600 North Royal Street, Alexandria, Va. 22314. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, in special operations, in round-trip movements beginning and ending at the U.S. Marine Base, Quantico, Va., and extending to the District of Columbia; for 150 days. Restriction: The service authorized herein shall be conducted on Saturdays and Sundays only, at such times as may be designated by the U.S. Marine Base, Quantico, Va. Supporting shippers: W. F. Fry, Chief Staff, Marine Corps Schools, Quantico, Va. 22134; and Eastern Greyhound Lines, 1400 West Third St., Cleveland, Ohio 44113. Send protests to: Robert D. Caldwell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1220, 12th and Constitution Avenue NW., Washington, D.C. 20423.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-8909; Filed, July 31, 1967; 8:48 a.m.]

[Notice 14]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 27, 1967.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 279), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-69750. By order of July 26, 1967, the Transfer Board approved the transfer to Edwin Robinson, Foster, Nebr., of certificate No. MC-10790, issued May 15, 1941, to John Petsche, Osmond, Nebr., authorizing the transportation of household goods, livestock, farm machinery, agricultural commodities, and feed, over a regular route between Osmond, Nebr., and Sioux City, Iowa, serving intermediate and off-route points within 20 miles of Osmond, and grain, over irregular routes, from points in Iowa to Osmond, Nebr., and points within 20 miles of Osmond.

No. MC-FC-69756. By order of July 26, 1967, the Transfer Board approved the transfer to Seaway Coach Lines, Inc., Erie, Pa. 16507, of the operating rights of M. I. Loker and Pauline Loker, a partnership, doing business as Seaway Coach Lines, Erie, Pa. 16507 in certificates Nos. MC-125066, MC-125066 (Sub-No. 2), MC-125066 (Sub-No. 4), and MC-125066 (Sub-No. 5), issued May 8, 1964, June 3, 1965, October 12, and September 13, 1966, respectively, authorizing the transportation, over regular routes, of passengers and their baggage, and express and newspapers in the same vehicle with passengers, between Erie, Pa.; and Scranton, Pa.; and between U.S. Highway 6 and Pennsylvania Highway 59, approximately 3 miles southeast of Warren, Pa., and junction U.S. Highway 6 and Pennsylvania Highway 46 one-half mile east of Smethport, Pa.; between Meadville, Pa., and Pittsfield, Pa.; between North East, Pa., and West Springfield, Pa.; and between Union City, Pa., and West Springfield, Pa.; and between junction Pennsylvania Highway 5 and U.S. Highway 20, and junction U.S. Highway 20 and Interstate Highway 90; between junction Pennsylvania Highway 5 and U.S. Highway 20; between junction U.S. Highway 20 and 6N, and junction Pennsylvania Highway 18 and U.S. Highway 20; and over irregular routes of passengers and their baggage, in charter operations, originating and terminating at all points in Erie County, Pa. (except Corry, Pa.) and extending to points in Cattaraugus, Chautauqua, Erie and Niagara Counties, N.Y., and nine specified counties in Ohio, and the District of Columbia; and of the operating rights of E. G. Pifer and David Pifer, a Partnership, doing business as LeBoeuf Bus Lines, Mill Village, Erie County, Pa. 16427, in certificate No. MC-113039, issued December 5, 1952, authorizing the transportation, over irregular routes, of passengers and their baggage, in round-trip charter operations, beginning and ending at points in Erie County, Pa., and those points in Cambridge Township, Crawford County, Pa., and extending to points in Ohio on and north of U.S. Highway 40 and those in New York on and west of U.S. Highway 15. William W. Knox, 23 West 10th Street, Erie, Pa. 16501, attorney for applicants.

No. MC-FC-69785. By order of July 24, 1967, the Transfer Board approved the transfer to V. C. Trucking Services, Inc., Brooklyn, N.Y. of the operating rights in certificate No. MC-17536 issued March 21, 1960, to Albert P. Reale, doing, business as P. Reale Trucking, Irvington, N.Y., authorizing the transportation of: Heating and air conditioning equipment, and parts for such commodities, and plumbing equipment and supplies, between specified points in New York, New Jersey, and Connecticut. William D. Traub, 10 East 40th Street, New York, N.Y. 10016, representative for applicants.

No. MC-FC-69792. By order of July 26, 1967, the Transfer Board approved the transfer to Lloyd Wilson Porsborg, doing business as Porsborg Truck Line, 1405 Sixth Avenue NW, Great Falls, Mont., of the operating rights in certificate No. MC-126432 issued October 21, 1965, to Paul E. Haigh, doing business as Paul Haigh Trucking, 261 Ash Street SW., Lewistown, Mont. 59457 authorizing the transportation of: Malt beverages, from St. Paul, Minn., to Glendive, Mont.

No. MC-FC-69803. By order of July 26, 1967, the Transfer Board approved the transfer to D. M. Davis, Inc., Kansas City, Mo., of certificate No. MC-3790 (Sub-No. 5), issued October 18, 1956, to Williams Transfer, Inc., North Kansas City, Mo., authorizing the transportation of livestock, from Arley, Mo., over specified routes, to Kansas City, Kans., serving the intermediate point of Kansas City, Mo., restricted to delivery only, and intermediate and off-route points within 10 miles of Arley, Mo., restricted to pickup only, and general commodities, with usual exceptions from Kansas City, Kans., to Arley, Mo., over specified regular routes, serving the intermediate point of Kansas City, Mo., restricted to pickup only, and intermediate and off-route points within 10 miles of Arley, Mo., restricted to delivery only. Charles A. Darby, 1215 Commerce Building, Kansas City, Mo. 64106, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-8910; Filed, July 31, 1967; 8:48 a.m.]

EUGENE S. ROOT

Statement of Changes in Financial Interests

Pursuant to subsection 302(c), Part III, Executive Order 10647 (20 F.R. 8769) "Providing for the appointment of certain persons under the Defense Production Act of 1950, as amended," I hereby furnish for filing with the Office of the Federal Register for publication in the FEDERAL REGISTER the following information showing any changes in my financial interests and business connections as heretofore reported and published (20 F.R. 10066; 21 F.R. 3475, 21 F.R. 9198, 22 F.R. 3777, 22 F.R. 9450, 23 F.R. 3798, 23 F.R. 9661, 24 F.R. 4187, 24 F.R. 9563, 25 F.R. 102, 26 F.R. 1693, 26 F.R. 6405, 27 F.R. 643, 27 F.R. 6409, 28 F.R. 197, 28 F.R. 7060, 29 F.R. 1675, 29 F.R. 981, 30 F.R. 1073, 30 F.R. 9342, 31 F.R. 592, 31 F.R. 9432, and 32 F.R. 2404, for the period from January 1, 1967, through June 30, 1967.

No change.

E. S. ROOT.

JULY 20, 1967.

[F.R. Doc. 67-8902; Filed, July 31, 1967; 8:47 a.m.]

FEDERAL REGISTER

VOLUME 32 • NUMBER 147

Tuesday, August 1, 1967 • Washington, D.C.

PART II

Department of the Interior

Bureau of Land Management

Grazing Regulations for Public Lands

Notice of Proposed Rule Making



DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 4120]

GRAZING REGULATIONS FOR PUBLIC LANDS

Notice of Proposed Rule Making

Basis and purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Act of June 28, 1934 (48 Stat. 1270; 43 U.S.C. 315a), as amended and supplemented, it is proposed to amend and revise the regulations as set forth below governing Grazing Administration (Outside Grazing Districts and Exclusive of Alaska). The purpose of this revision is to incorporate and combine existing regulations 43 CFR 4121—Grazing Leases (O&C and CBWR) and 43 CFR 4122—Grazing Leases (sec. 15 Taylor Grazing Act). The combination of the existing regulations into one regulation will greatly facilitate administration and provide for the proper and orderly management of the resources of these lands.

It is the policy of the Department, whenever practicable, to afford the public an opportunity to participate in the rule-making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed regulations to the Bureau of Land Management, Washington, D.C. 20240, within 120 days of publication of this notice in the FEDERAL REGISTER.

Part 4120 is amended to read as follows:

Subpart 4120—Grazing Administration (Outside Grazing Districts and Exclusive of Alaska); General

Sec.
4120.1 Authority.
4120.2 Definitions.

Subpart 4121—Awards of Grazing Leases

4121.1 Qualifications of applicants.
4121.1–1 Minimum qualification requirements.
4121.2 Adjudication of applications for grazing leases.
4121.3–1 Minimum requirements; rating and classification of lease land.
4121.3–2 Leases of withdrawn or reserved lands; preference right leases for lands restored from withdrawal.
4121.3 Adjustments of grazing use.
4121.3–1 Increases.
4121.3–2 Decreases.

Subpart 4122—Management Practices

4122.1 Management considerations.
4122.1–1 Multiple use.
4122.1–2 Allotment management plans.
4122.2 Designation of grazing areas for exclusive use by specified classes of animals.
4122.3 General rules of the range.

Subpart 4123—Supervision and Inspection

4123.1 Procedures for enforcement of rules and regulations.

Subpart 4124—Local Associations

4124.1 Local associations of stockmen.

Subpart 4125—Records and Administrative Procedures

Sec.
4125.1 Procedures.
4125.1–1 Leasing procedures; requirements and conditions.
4125.1–2 Assignment and relinquishment of grazing lease.
4125.1–3 Appeals.
4125.1–4 Range improvements and contributions.
4125.1–5 Pledge of leases as security for loans.

AUTHORITY: The provisions of this Part 4120 issued under sec. 2, 48 Stat. 1270, 43 U.S.C. 351a, R.S. 2478, 43 U.S.C. 1201.

Subpart 4120—Grazing Administration (Outside Grazing Districts and Exclusive of Alaska); General

§ 4120.1 Authority.

(a) Section 15 of the Act of June 28, 1934 (48 Stat. 1275) 43 U.S.C. 315m, as amended, hereafter referred to as the Taylor Act authorizes the Secretary of the Interior in his discretion to lease for grazing purposes vacant, unappropriated, and unreserved public lands outside of established grazing districts in the continental United States, exclusive of Alaska.

(b) Section 4 of the Act of August 28, 1937 (50 Stat. 875) 43 U.S.C. 1181a–1181f hereafter referred as the O&C Act, authorizes the Secretary of the Interior in his discretion to lease for grazing purposes any revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands in the State of Oregon, hereafter referred to as O&C lands, which may be so used without interfering with the production of timber or other purposes specified in section 1 of the Act, and to formulate rules and regulations for the use, protection, improvement, and rehabilitation of such grazing lands.

(c) Section 1 of the Classification and Multiple Use Act of September 19, 1964, (78 Stat 986; 43 U.S.C. 1411) hereafter referred to as the Multiple Use Act, directs the Secretary of the Interior to determine which of the lands exclusively administered by him through the Bureau of Land Management are suitable for transfer and which for retention and interim management. Section 3 of the Act directs that lands proper for retention be managed under the principles of multiple use and sustained yield. Section 5 of the Act defines multiple use and sustained yield.

§ 4120.2 Definitions.

(a) "Secretary" means Secretary of the Interior or his authorized agent.

(b) "Director" means Director, Bureau of Land Management of his authorized agent.

(c) "State Director" means the supervisory Bureau of Land Management official for the State in which the particular range lies, or his authorized agent.

(d) "Authorized Officer" means an employee of the Bureau of Land Management, to whom has been delegated the authority to take action.

(e) "District Office" means the office of the Bureau of Land Management having direct management responsibility and administrative jurisdiction over the specific public lands involved.

(f) "Animal-unit month" means the amount of forage necessary for the sustenance of one cow, or its equivalent for a period of one month.

(g) "Grazing capacity" means the total animal-unit months of forage available from a tract or tracts of forage land during a given period without inducing damage to vegetation or related resources.

(h) "Lease land" or "public land" means the land administered by the Bureau of Land Management for grazing purposes under the regulations in this Part 4120 including the vacant, unappropriated, and unreserved public land of the United States; withdrawn public lands wherein the administration by the BLM of grazing use is not precluded by the terms of the withdrawal order; State, county, and privately owned lands leased for such administration; and lands so administered pursuant to a cooperative agreement with the Federal department or agency having jurisdiction over such land; and the O&C lands. Not included are public lands in Alaska (see Part 4130) and lands within established grazing districts (see Part 4110).

(i) "Management area" means a designated tract or geographic area of land capable of being properly managed as a unit for multiple use by one or more lessees to ensure a sustained yield of forage without jeopardy to other resources or uses of the land.

(j) "Preference lands" means the privately-owned or controlled lands upon which a preference to the issuance of a grazing lease is based.

(k) "Contiguous lands" means non-Federal lands that border upon or touch upon public lands.

(l) "Cornering lands" means non-Federal lands having a common survey corner with public lands but not common boundary.

Subpart 4121—Awards of Grazing Leases

§ 4121.1 Qualifications of applicants.

§ 4121.1–1 Minimum qualification requirements.

An applicant for a grazing lease is qualified if:

(a) He is a person engaged in the livestock business, has a continuing need for the grazing use of the land, and is a citizen of the United States or has on file before a court of competent jurisdiction a valid declaration of intention to become a citizen or a valid petition for naturalization, or;

(b) It is a group or association authorized to conduct business under the laws of the State in which the grazing privileges sought are to be exercised, all members of which are qualified under paragraph (a) of this section, provided that the agreement or articles of association under which the association has been formed are approved by the State Director, or;

(c) It is a corporation, the controlling interest in which is vested in persons

qualified under paragraph (a) of this section and which is authorized to do business under the laws of the State in which grazing privileges sought are to be exercised: *Provided*, That the articles of incorporation have been approved by the Authorized Officer.

§ 4121.2 Adjudication of application for grazing leases.

§ 4121.2–1 Minimum requirements, rating and classification of lease land.

(a) *Land resource consideration.* The Authorized Officer will determine the availability of public land for grazing leases and the amount of forage available for use by livestock after considering reservations for watershed protection, wildlife, and other multiple use demands.

(b) *Grazing capacity, seasons of use, and maximum annual period of use.* The Authorized Officer will establish the grazing capacity, determine the kind and class of livestock use to be proper for each management area and classify each area for the proper seasons of use and for the maximum period of time for which the lessee will be allowed to use the lease land therein during any one year, except that where the lease land consists chiefly of isolated or fragmented tracts of land which are not proposed for long-term retention and management, Authorized Officer may establish the grazing capacity only.

(c) *Applicants.* Grazing leases may be issued to qualified applicants to the extent that public land is available in the following order and amounts:

(1) To applicants who are the owners, lessees, or other lawful occupants of contiguous lands to the extent necessary to permit proper use of such contiguous lands. When the public lands consists of isolated or disconnected tracts embracing 760 acres or less, owners, lessees, or other lawful occupants of lands contiguous thereto or cornering thereon shall have a preference-right to lease the whole of such tract, upon terms and conditions prescribed by the Secretary: *Provided*, The preference-right is asserted during a period of 90 days after such tract is initially offered for lease.[1]

(2) To applicants owning, leasing, or lawfully occupying noncontiguous lands to the extent necessary to permit the proper livestock use of such noncontiguous lands.

(d) *Conflicting applications.* When more than one qualified applicant applies for the same public land and:

(1) It appears that a division of the area may be made and will not result in improper land use, the Authorized Officer will allow the applicants an opportunity, within a specified time limit which he shall set, to agree to a division of the lands. A division of the lands may be made either by agreement between the conflicting applicants which is acceptable to the Authorized Officer, or by determination of the Authorized Officer where no acceptable agreement is submitted; or

(2) It appears that a division of the land would result in improper land use or where proper land use management will be advanced thereby, the Authorized Officer may require that joint use be made of a management area.

(3) The Authorized Officer will allocate the use of the public land on the basis of any or all of the following factors: (i) historical use, (ii) proper range management, (iii) proper use of the preference lands, (iv) general needs of the applicants, (v) topography, (vi) public ingress and egress across preference lands to public lands, and (vii) other land use requirements.

§ 4121.2–2 Leases of withdrawn or reserved lands; preference right leases for lands restored from withdrawal.

(a) The Authorized Officer may issue grazing leases for public lands withdrawn for resurvey, or withdrawn and reserved in aid of legislation, or for power sites, classification or other public purposes,[2] if the use of the land for grazing is consistent with the purposes of the withdrawal. Lands included in stock driveway and public water reserve withdrawals may be leased in accordance with § 2321.–3–2(c) of this chapter. Any lease issued covering withdrawn lands must contain the stipulations which have been prescribed for the protection and use of the land for the purpose for which it was withdrawn or reserved.

(b) Where public lands are restored from a withdrawal and the Authorized Officer determines that a grazing lease for the lands may be issued, the party using such lands or part thereof for grazing purposes under authority of the agency which had jurisdiction over the land immediately prior to their restoration, shall have a superior preference right to lease the restored public lands previously used by him. The preference right must be asserted by an application for a grazing lease on a form approved by the Director (see § 4125.1–1(a)(1)), and must be filed within 90 days after the date of signing of the order of revocation of the withdrawal, or within 90 days after the end of the current lease year under which the land is being used, whichever is the later. The application must be accompanied by a copy of the prior grazing lease, license, permit or other authority upon which the superior preference claim is based.

§ 4121.3 Adjustments of grazing use.

§ 4121.3–1 Increases.

Increases in grazing capacity, when determined by the Authorized Officer will be apportioned in a manner that will assist in the stabilization of the livestock operations after consideration of other land uses.

§ 4121.3–2 Decreases.

(a) Downward adjustments in authorized grazing use may be imposed during the term of a grazing lease when the lease has been improperly issued, or to the extent to which it authorizes use in excess of the grazing capacity of the lease land, or if so required to facilitate other proper multiple uses on the area.

(b) Adjustments to balance authorized use with the proper stocking rate of the management area will be apportioned equitably or as agreed to among the lessees and the Authorized Officer. Such adjustments may be made either by authorizing fewer livestock or a shorter grazing season or by both methods as determined by the Authorized Officer.

(c) The Authorized Officer will notify each affected lessee by certified mail of his decision to make an adjustment in authorized use to reach the proper stocking rate of any lease area and of the manner in which the adjustment is to be made, and will allow 30 days from receipt thereof in which the lessee may file an appeal in accordance with § 4125.1–3. If no appeal is filed within the 30-day period, the adjustment will be made in accordance with the decision and no further appeal will be allowed. If a timely appeal is filed, the adjustment for the leased land in the entire management area under consideration will be deferred pending a final decision on such appeal. Any adjustment provided by the final decision will be applied to its full extent for the next grazing season immediately following the effective date of the decision.

(d) Public lands under a grazing lease are subject to classification, withdrawal, or other disposal under the Taylor Act, the O&C Act, or other public land laws. Reasonable notice of a pending or proposed classification, withdrawal, or other disposal which might result in a diminution of the available public land will be given to the lessee, consistent with Subpart 2411 of this chapter and subject to the right of protest or appeal to the Director and to the Secretary of the Interior as may be provided in such notice and the rules of practice, Part 1840 of this chapter.

Subpart 4122—Management Practices

§ 4122.1 Management considerations.

§ 4122.1–1 Multiple use.

All use and management practices, including grazing and the issuance of

[1] The Taylor Grazing Act of June 28, 1934, afforded a special preference for the leasing of tracts embracing 760 acres or less for a period of 90 days after such tracts were offered for lease. By Departmental notice of July 31, 1937, all vacant, unreserved and unappropriated public lands, exclusive of Alaska, not included in an established grazing district, were as of that date offered for lease under section 15; all lands not then subject to lease under section 15 because of their appropriation or reservation, were offered for lease as of the date any such lands first became subject to lease.

[2] Certain lands withdrawn for reclamation purposes are, pursuant to the cooperative agreement of February 26, 1945, between the Bureau of Reclamation and the Bureau of Land Management, leased in accordance with principles of section 15 leases, under authority of subsection (I) of section 4, Act of Dec. 5, 1924 (43 Stat. 703, 43 U.S.C. Sec. 501). Those lands withdrawn for reclamation purposes which are not subject to the cooperative agreement of Feb. 26, 1945, will upon restoration from the reclamation withdrawal, become subject to the provisions of paragraph (b) of this section.

grazing leases shall be in conformance with the concepts of multiple use and sustained yield.

§ 4122.1–2 Allotment management plans.

The Authorized Officer before or after the grazing lease is issued may, pursuant to these regulations or where leases provide for the issuance of management plans, establish a grazing management plan as a condition of the lease, to provide for the proper use, conservation, and protection of the public lands. The Authorized Officer will consult the lease applicant or lessee during the development of the management plan.

§ 4122.2 Designations of grazing areas for exclusive use by specified classes of animals.

Prior to issuance of a lease or a renewal thereof, the Authorized Officer may designate certain areas for use exclusively by a certain kind or class of livestock, for wildlife or both when necessary for the proper use or orderly administration of the lease area.

§ 4122.3 General rules of the range.

The acts prohibited and rules of fair range practice as detailed in §§ 4112.3–1 and 4112.3–2 of this chapter shall apply to all leases issued under the regulations in Part 4120.

Subpart 4123—Supervision and Inspection

§ 4123.1 Procedures for enforcement of rules and regulations.

A grazing lease may be suspended, reduced, or revoked, or renewal thereof denied for a clearly established violation of the terms or conditions of the grazing lease, or for a violation of the Taylor Act as amended, or of the O&C Act as amended, or of any of the provisions of this part. (See §§ 9239.3–1, 9239.3–2(e), (f) and (h) of this chapter for detailed trespass regulations.) The lease of public lands for livestock grazing under these regulations in no way limits the Bureau's trespass authority for both leased and unleased lands.

Subpart 4124—Local Associations

§ 4124.1 Local Associations of stockmen.

Grazing associations formed by lessees will be recognized in accordance with regulations detailed in § 4114.4.

Subpart 4125—Records and Administrative Procedures

§ 4125.1 Procedures.

§ 4125.1–1 Leasing procedures; requirements and conditions.

(a) *Filing and action on lease applications.* (1) An application for a grazing lease shall be executed on a form approved by the Director and filed in the district office of the Bureau of Land Management having management responsibility over the public lands applied for in the application.[1] Proof of ownership or control of contiguous or cornering lands may be required by the Authorized Officer.

(2) A service fee of $10 will be charged for each application to lease public lands including initial applications and those pursuant to assignments and consolidations with the exception that no fee will be charged for consolidations requested by the Authorized Officer.

(3) An application to lease lands included in an existing grazing lease, including lease renewals, must be filed not less than 30 days nor more than 90 days prior to the expiration of the current lease. An application not filed within this period may be rejected by the Authorized Officer as not timely filed. Applications for land not under lease may be filed at any time.

(4) A timely filed application for renewal of an existing grazing lease does not confer on the lessee any preference right to a renewal but will authorize the continued grazing use of the lands by the lessee in accordance with the provisions of the existing lease, pending final action on the application for renewal. The fee for such extended use shall be consistent with the then current fee schedule.

(5) An application for a grazing lease must describe the proposed lease land by legal subdivision or where unsurveyed by a natural or artificial grazing boundary, or by a clear and concise metes and bounds description.

(6) An application for a grazing lease may include O&C lands or public lands or combinations thereof.

(b) *No right is conferred by application prior to lease.* Since the issuance of a grazing lease is discretionary, the filing of an application for lands not then under lease will not create any right in the applicant to use the lands applied for pending the issuance of a grazing lease. Any such unauthorized use constitutes a trespass.

(c) *Action on defective and nonallowable applications.* (1) The Authorized Officer may require any defects in an application be corrected or additional information be furnished. The Authorized Officer may reject any application if the applicant fails to correct defects in the application or fails to provide the additional information within the time allowed, which period shall be not less than fifteen (15) days from the date of receipt by the applicant of notice of such defects or required information.

(2) The Authorized Officer shall reject the application if the land applied for is in an allowed entry, is otherwise appropriated or reserved and not subject to lease under the Taylor Act or the O&C Act, is not public land, or is under existing grazing lease, or the Authorized Officer has determined that livestock grazing would be detrimental to the resources or other uses of the land.

(d) *Consolidations.* A consolidation of leases held by the lessee may be requested by the lessee on a renewal application or may be initiated by the Authorized Officer. The term of the consolidated lease shall not exceed the date of the earliest expiration date of the leases involved.

(e) *Protests and appeals.*—(1) *Protests.* Protests against the approval of an application for a lease should be filed in the same office where the application for a grazing lease is filed; it should describe the lands involved in such protests; contain a complete disclosure of all facts upon which the protest is based; and be accompanied by evidence of service of a copy of the protests on the applicant. The Authorized Officer will consider the protest, and will serve a copy of his decision on the affected parties in person or by certified mail, and in accordance with § 4126.2–3 will advise the protestant or other parties of their privilege to appeal to the Director.

(2) *Appeal by Applicant.* The lease will be executed by the Authorized Officer and transmitted to the lessee only after final action is taken on any protest or timely appeals which may have been filed. The applicant's signature to the application shall also constitute his signature to, and his acceptance of the lease when executed by the Authorized Officer, without prejudice, however, to the applicant's right to appeal any adverse action taken against his application.

(f) *Additional requirements and stipulations.* In addition to the provisions set forth in the standard Grazing lease form, the lease will provide for the multiple use requirements of the area, the number of livestock to be grazed, proper grazing seasons, reservation for authorized trailing, and any other conditions or requirements which the Authorized Officer may deem necessary and proper, except as provided under 4121.2–1(b).

(g) *Sublease.* No part of the lease land may be subleased by the lessee. The grazing on the lease area of livestock not owned or controlled by the lessee with or without the lessee's consent is prohibited.

(h) *Cancellation or reduction of leases; show cause, appeal to Director.* Leases are subject to cancellation or reduction for failure to comply with the terms of the lease or any provision or regulation of this part or to the extent that they have been improperly issued or to the extent that their continued effectiveness is adversely affected pursuant to any of the provisions of § 4121.1, § 4122.1–2, § 4125.1–1(f), § 4125.1–1m, or § 4125.1–4(a) (2), (5), (6), and (7). In any such case or in any case that a lease confers grazing use in excess of that properly allowable, the Authorized Officer will notify the lessee that the lease is thereby held for cancellation or reduction in whole or in part, and will allow the lessee fifteen (15) days from receipt of the notice within which to show cause why such action should not be made final. Such notice will set forth fully the reasons for the proposed action, specifically referring to the pertinent provisions of this part, and will be served on the lessee by certified mail or in person. The Authorized Officer will consider any cause shown and, if not satisfied as to its sufficiency, or if no cause is shown, he will notify the lessee in person or by certified mail that the cancellation or reduction will become final. Such decision is subject to appeal to the Director in accordance with § 4125.1–3.

(i) *Terms and conditions.* The issuance and continued effectiveness of all grazing leases will be subject to the following terms and conditions.

(1) A grazing lease will authorize grazing use not in excess of the grazing capacity available for use by livestock as determined by the Authorized Officer in accordance with § 4121.2–1(a).

(2) Grazing leases will provide for the grazing of livestock on the lease land only during that part or parts of the year for which the area has been classified as proper for use, except as provided under § 4121.2–1(b).

(3) Upon the diminution of the public land used under any grazing lease, due to withdrawal, appropriation, selection, or otherwise, the lease will be adjusted proportionately to the reduction of the grazing capacity caused by the loss of such lease land and the grazing fee will be adjusted accordingly commencing with the ensuing lease year.

(4) The grazing lease will be terminated in whole or in part because of loss of control by the lessee of non-Federal lands that have been recognized as the basis for a grazing lease.

(5) The lease land may be reduced if it is determined that such area is required for the protection of forest plantations or sources of water supply to communities, or for recreation facilities, wildlife habitat, stock driveways, roads, trails, town sites, or for other public purposes. When it is determined by the Authorized Officer that the lease land is excessive to the lessee's need or that the lessee is not making substantial use of the lease land, the Authorized Officer may cancel the grazing lease in whole or in part in accordance with the provision of § 4125.1–1(h). In the case of any such reduction or adjustment, a proportionate fee adjustment will be made commencing with the ensuing lease year. If the entire grazing lease is canceled, the Director, as provided for under § 4125.1–1(m)(4), may refund any portion of the lease year grazing fees paid for any lease year commencing subsequent to the cancellation.

(6) The Authorized Officer may establish the size and boundaries of a grazing lease area to facilitate the proper and effective management of the resources. He may determine that two or more applicants shall be authorized to use the public land within a management area. He will give consideration to seasons of use, topography, and establishment of systems of grazing and any other pertinent factors.

(7) The Authorized Officer may make adjustments in grazing leases at any time when necessary to comply with these regulations for the public lands.

(8) If necessary to rehabilitate the vegetative resources on the public land, the Authorized Officer may temporarily close the lease land to grazing or reduce livestock use whenever vegetal cover is depleted due to drought, epidemic, fire, or any other cause, or for rehabilitation of the area. Such action will not exclude the closed area from the grazing lease.

(9) Authorized grazing use of the lease land may be adjusted by the Authorized Officer after a grazing lease has been issued to conform to needed refinements in the management plan as a result of more accurate determinations of grazing capacity, season and area of use, class of livestock, etc. Proportionate adjustment will be made in the annual grazing fee for the subsequent grazing season.

(10) The issuance of a grazing lease does not alter or restrict the authorized public use of the lease land including, but not limited to, hunting, fishing, camping, or hiking on such lands in accordance with the laws of the United States or of the State in which the lands are located, nor may the lessee interfere in any manner with the proper exercise of such rights. Neither shall the lessee maintain locked gates, signs, or other devices on the public lands which prevent or interfere with public use of the lease land. Nor shall such grazing lease restrict or limit prospecting, locating, developing, mining, or patenting the mineral resources in the public lands; miners, prospectors, and mineral lessees of the United States and all other authorized persons shall be entitled to enter the lease land for all lawful purposes.

(11) The Authorized Officer may require the lessee, as a condition to the granting and continued effectiveness of grazing leases, to fence or to contribute an equitable share to the cost of fencing the allotted areas and of maintenance of such fences.

(j) *Change in grazing seasons.* Any lessee who desires to use the lease area for a period or periods other than as authorized by his existing grazing lease may, upon written approval of the Authorized Officer and prior to his annual billing notice, be allowed to use the amount of his authorized grazing use during any period of time for which the lease area is classified as proper for use: *Provided:*

(1) Adjustments in season time or numbers does not result in an increase in the number of animal unit months utilized;

(2) Such use will not be detrimental to the resources of the lease area; and

(3) Such use will not adversely affect other leases.

(k) *Interest of members of Congress prohibited.* No member of or delegate to Congress shall be admitted to any share or part of any grazing lease issued or to derive any benefit to arise therefrom (41 U.S.C. sec. 22; 18 U.S.C. sec. 431–433).

(l) *Exchange of use agreements.* The Authorized Officer may enter into an exchange-of-use agreement with any applicant having ownership or control of non-Federal land interspersed and normally grazed in conjunction with the surrounding public land. The grazing use authorized, without payment of fees, will not exceed the grazing capacity of such non-Federal land. During the term of the agreement, the Bureau shall have the management and control of such non-Federal land for grazing purposes.

(m) *Fees for grazing leases and crossing permits.*—(1) *Lease rates.*[2] Each holder of a grazing lease will be charged annually grazing fees for the animal-unit months (AUM's) authorized by the grazing lease, at a rate per animal-unit month (AUM). All grazing fee billings shall be issued in accordance with the rates prescribed in subdivision (ii) of this subparagraph. All livestock six (6) months of age or over allowed on the lease area will be considered as a part of the total number for which a lease has been issued. No fees will be charged for livestock under 6 months of age.

(i) A minimum annual charge of $10 will be made on all leases.

(ii) The rate or rates per AUM for the fee year, beginning March 1 and ending the last day of February, will be established by the Director, and notice thereof shall be published in the FEDERAL REGISTER. The grazing fee or fees will become effective upon publication and applied to all billing notices issued during the fee year.

(2) *Crossing permits.* Upon application filed with the Authorized Officer by any person showing the necessity for crossing the public lands with livestock for proper and lawful purposes, a crossing permit may be issued to him at a charge, payable in advance, of 1 cent per head per day for cattle, 2 cents per head per day for horses, and one-fifth cent per head per day for sheep and goats. A minimum charge of $10 will be made for each crossing permit.

(3) *Payment of rental fees and effect of failure to pay.* No grazing lease shall be issued or renewed until payment of all fees due the United States under the Regulations in this part has been made. The first grazing rental fee payment shall be made within 15 days of receipt of the billing form; if not paid within that time, the lease shall not be issued by the Authorized Officer and all rights of the proposed lessee thereunder or under the application upon which it is based shall be considered as terminated. Upon timely payment of the grazing rental fee, the lessee will be executed and forwarded to the lessee. Subsequent annual grazing rental fee payments are due the United States upon issuance of the billing notice and are payable in advance of the first grazing period and for the full amount as indicated on the fee notice. No lease shall be effective to authorize grazing use thereunder until such advance payment has been made. A lease may be cancelled pursuant to § 4125.1–1(h) for failure to pay the grazing fee in accordance with the fee notice.

(4) *Refunds.* No refund of grazing fees properly paid in accordance with the

[1] 18 U.S.C. 1001 makes it a crime for any person knowingly and willfully to make any department or agency of the United States any false, fictitious or fraudulent statements or representations as to any matter within its jurisdiction.

[2] This section will be effective March 1, following approval of these Regulations.

regulations in this part and the terms of the grazing lease will be made because of a failure to make grazing use, either in whole or in part, authorized by the lease, except that during periods of range depletion due to severe drought or other natural causes or in case of a general epidemic of livestock disease during the life of the grazing lease, the Director on proper application may remit, refund, reduce in whole or in part, or postpone the payment of grazing fees for such period of depletion or general epidemic as he may determine. No part of the grazing fee paid will be refunded because of cancellation, relinquishment, or assignment, except as provided in § 4125.1–1 (1) (3), (5), (8), and (9), § 4125.1–4(a) (8) (ii).

(n) *Period of lease.* A grazing lease or lease renewal may be issued for any period, not to exceed 10 years and may be limited by the Authorized Officer to the term of a lease or control of lands that have been recognized as the basis for the grazing lease.

§ 4125.1–2 Assignment and relinquishment of grazing lease.

(a) *Assignment of grazing lease.* The lessee may assign a grazing lease only with the consent of the Authorized Officer, providing the assignee has control of the preference lands upon which the grazing lease is based. The Authorized Officer will require the assignee to furnish proof of ownership or control of the lands. The proposed assignment will be made on a form approved by the Director and must be filed with the Authorized Officer within 90 days from date of its execution. It shall contain all terms and conditions agreed upon between the parties. The assignment properly executed and signed by the assignor and the new application signed by the assignee, will constitute the assignee's acceptance of the terms of the grazing lease. No assignment will be recognized or confer on the assignee any privilege to use the leased area until approved by the Authorized Officer. Advance grazing fees paid by the assignor may be credited to the assignee. All cooperative agreements and permits to construct or maintain range improvements on the lease land must be assigned at the time of the grazing lease assignment.

(b) *Relinquishment of grazing lease.* Upon written request, the Authorized Officer may accept a grazing lease relinquishment in whole or in part: *Provided*, All fees and charges then due have been paid.

§ 4125.1–3 Appeals.

Any applicant or lessee whose interest is adversely affected by a final decision of the Authorized Officer may appeal to the Director, and from the Director to the Secretary, in accordance with the procedure for appeals and contests (Part 1840 of this chapter). The original appeal shall be filed with the Authorized Officer who rendered the decision.

§ 4125.1–4 Range improvements and contributions.

(a) *Construction and maintenance of improvements on the lease lands*—(1) *Qualifications of applicant for range improvement permit.* An applicant for a permit to construct or maintain range improvement or to use and maintain range improvements constructed and owned by a prior occupant, of the lease land, must be qualified under § 4121.1–1 and hold a valid lease.

(2) *Applications.* Applications for permits shall be approved, prior to construction. Applications for permits shall be filed with the Authorized Officer on a form approved by the Director. Construction of range improvements without an approved permit may result in cancellation of the grazing lease as provided in § 4125.1–1(h).

(3) *Appeals.* The Authorized Officer will act on the application and such action shall be final unless the applicant or any interested party appeals in accordance with § 4125.1–3.

(4) *Assignments.* Assignment of range improvement permits shall be filed with the Authorized Officer on a form approved by the Director and shall not be effective until approved by the Authorized Officer.

(5) *Permit standards.* The Authorized Officer will specify the minimum Bureau of Land Management standards and design for all range improvements. Failure to comply with the standards and design may result in cancellation of the range improvement permit and the grazing lease as provided in § 4125.1–1(h).

(6) *Cooperative agreements.* A lessee may enter into a cooperative agreement with the Authorized Officer to construct and maintain range improvements upon the lease land. Failure to comply with the terms of such an agreement within a reasonable time, as allowed by the Authorized Officer, may result in the cancellation of the agreement and the grazing lease as provided in § 4125.1–1(h). A cooperative agreement for range improvements shall be made on a form approved by the Director.

(7) *Removal of improvements; compensation for loss of improvements.* (i) When a grazing lease expires or is terminated, the Authorized Officer may require a proposed subsequent lessee to compensate the prior lessee for the current value of his share of the cost authorized permanent improvements placed on the lease land. The following conditions are required: (*a*) The lessee shall file a written application for compensation within 30 days after date of termination or expiration or date of final decision; (*b*) The improvements shall have been properly authorized; (*c*) Amount of compensation shall be determined in accordance with § 4125.1–4(a) (8) (i). The failure of the new lessee to pay the prior lessee in accordance with such agreement shall be just cause for cancellation of the new grazing lease.

(ii) The lessee will be allowed ninety (90) days from the date of expiration or termination of the grazing lease within which to remove such improvements not disposed of in the manner set forth in (i) above; if not removed or otherwise disposed of within the said period or any extension thereof granted by the Authorized Officer, such improvements shall become the property of the United States. No improvements may be removed if the lessee is in default with respect to the grazing lease.

(8) *Lease land subject to disposition; compensation for loss of improvements.* (i) Lands embraced in a grazing lease are subject to disposition under the provisions of the Act of June 28, 1934 (48 Stat. 1272, 1274), as amended, or other public land laws. Before an application for such disposition is allowed, evidence must be furnished that the applicant has agreed to compensate the lessee, other cooperators and the United States for any range improvements placed on the lands under the authority of the lease, permit, or cooperative agreement. If the parties are unable to agree to the amount, manner, and time for compensation for such improvements, they shall be fixed by the Authorized Officer. The failure of the applicant to comply with the agreement or the conditions fixed by the Authorized Officer shall be cause for cancellation of any right or interest in the lands acquired by the applicant by reason of the allowance of the application. If improvements have been constructed in whole or in part with Federal funds, are administered by the Bureau of Land Management, and the application for disposal is in satisfaction of any lieu or indemnity selection right of any State under R.S. 2275, as amended (43 U.S.C. 851), the application may be allowed in the discretion of the Authorized Officer without compensation to the United States for its share of the value of the improvements. In such cases, the Authorized Officer shall determine whether the grazing improvements are needed by the United States and whether the probable salvage value is sufficient to warrant removal of the salvageable materials.

(ii) Where part of the lease land is disposed of, the subsequent annual grazing use and rental fee will be reduced proportionately to reflect the loss of the grazing capacity of the lease land.

(b) *Contributions for administration, protection, and improvement of public lands.* The Authorized Officer may accept contributions, made under section 9 of the Taylor Act, of labor, materials, equipment, or money, toward any of the Bureau's functions in administering, protecting, and improving public lands under its jurisdiction.

(1) Any individual, association, corporation, State, or local body or private group, may enter into an agreement with the Authorized Officer with respect to such contribution.

§ 4125.1–5 Pledge of leases as security for loans.

(a) A grazing lease may be pledged as security for a loan from a lending agency

if the loan is for a substantial amount for the purpose of furthering the lessee's livestock operations. Before a loan is made, the lending agency may obtain from the Authorized Officer a written statement concerning the status of the grazing lease and related information. A service charge of $10 will be made for searching the records, except that Federal and State lending agencies shall be exempt from such charge.

(b) A borrower-lessee desiring an extension of the grazing lease term may file a request therefor, in writing, with the Authorized Officer, setting forth the name of the lending agency, purpose and amount of the loan, and the need for an extension of the grazing lease. If the Authorized Officer determines that an extension will not conflict with applicable laws and is not contrary to the public interest, he may issue a new grazing lease for a period up to 10 years from the date of the loan, but not to exceed the period of the loan. The new lease will be subject to such terms and conditions as are then provided by the regulations in this part, and by the Authorized Officer.

(c) If the preference land of the lessee is acquired by the lending agency through foreclosure, or otherwise, the agency or its authorized occupants of the property or a purchaser of the property from the agency, if qualified, may file a grazing lease application for the issuance of a new lease to be recognized as the new lessee. If, in selling the property, the lending agency takes back the mortgage on the property, the agency will receive the same consideration as in the case of an original loan.

(d) Where a lending agency files notice with the Authorized Officer that it has made a loan and has accepted a grazing lease as security, in conformity with the provisions of this section, such agency will be advised of any adverse action taken affecting the lease. The failure to give timely notice of such adverse action shall impose no legal liability or obligation on the Bureau or any of its employees.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JULY 24, 1967.

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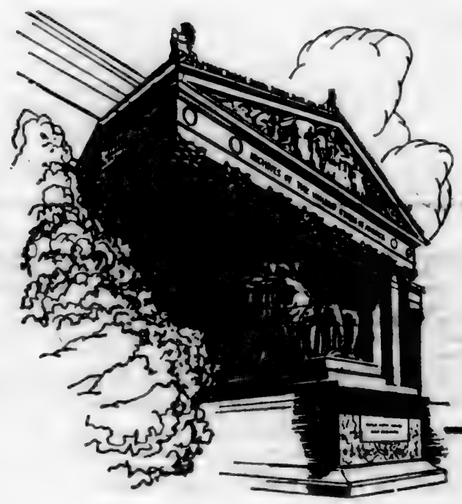
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The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1967, and specifies how they are affected.

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PROPOSED RULES:

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Rules and Regulations

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 25]

PART 724—BURLEY, FLUE-CURED, FIRE-CURED, DARK AIR-CURED, VIRGINIA SUN-CURED, CIGAR-BINDER (TYPES 51 AND 52), CIGAR-FILLER AND BINDER (TYPES 42, 43, 44, 53, 54, AND 55), AND MARYLAND TOBACCO

Subpart—Allotment and Marketing Quota Regulations, 1963–64 and Subsequent Marketing Years

DEFINITIONS

Correction

In F.R. Doc. 67-8285, appearing at page 10549 of the issue for Wednesday, July 19, 1967, the words following the last comma in § 724.51(d) should read "which buyers debit or credit to the warehouseman and support with adjustment invoices.".

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Valencia Orange Reg. 212, Amdt. 1]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b)(1) (i) and (ii) of § 908.512 (Valencia Orange Regulation 212, 32 F.R. 10781) are hereby amended to read as follows:

§ 908.512 Valencia Orange Regulation 212.

* * * * * *

(b) *Order.* (1) * * *

(i) District 1: 155,250 cartons;

(ii) District 2: 419,750 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 28, 1967.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-8987; Filed, Aug. 1, 1967; 8:48 a.m.]

PART 958—ONIONS GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO, AND MALHEUR COUNTY, OREGON

Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 130 and Order No. 958 (7 CFR Part 958), regulating the handling of onions grown in the production area defined therein, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and upon the basis of recommendations and information submitted by the Idaho-Eastern Oregon Onion Committee, established pursuant to the said marketing agreement and order, and other available information, it is hereby found that the limitation of shipments hereinafter established, limiting the grade, size, and quality of such onions will tend to effectuate the declared policy of the act and will maintain orderly marketing conditions and increase returns to producers of such onions.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, and engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of 1967 crop onions grown in the production area will begin on or about the effective date specified herein (2) to maximize benefits to producers, this regulation should apply to all such shipments, (3) the time intervening between the date of the Committee's recommendation and the date when this section must become effective in order to effectuate the policy of the act is insufficient, (4) compliance with this section will not require any special preparation by handlers which cannot be completed by the effective date, and (5) information regarding the Committee's recommendation of these regulations has been made available to producers and handlers in the production area.

§ 958.312 Limitation of shipments.

During the period from August 7, 1967, through June 15, 1968, no person may handle any lot of yellow or white varieties of onions unless such onions are at least "moderately cured" as defined in paragrph (e) of this section or unless such onions are handled in accordance with paragraphs (b) and (c), or paragraph (d), of this section, and beginning August 21, 1967, no person may handle any lot of such onions unless they meet the requirements of paragraph (a) of this section, or unless such onions are handled in accordance with paragraphs (b) and (c), or paragraph (d), of this section.

(a) *Minimum grade and size requirements*—(1) *yellow varieties*—(i) *Grade.* U.S. No. 1; or U.S. No. 2 if not more than 30 percent of the lot is comprised of onions of U.S. No. 1 quality.

(ii) *Size.* 2 inches in diameter.

(2) *White varieties*—(i) *Grade.* (a) U.S. No. 1; or U.S. No. 2 if not more than 30 percent of the lot is comprised of onions of U.S. No. 1 quality.

(b) U.S. No. 2, or better, grade if the minimum and maximum diameters of the onions in the lot are not less than 1 inch nor more than 2 inches.

(ii) *Size.* Except as otherwise provided in subdivision (i)(b) of this subparagraph, 1½ inches minimum diameter.

(b) *Special purpose shipments.* The minimum grade, size and quality requirements of this section shall not be applicable to shipments of onions for any of the following purposes:

(1) Planting;
(2) Livestock feed;
(3) Charity;
(4) Dehydration;
(5) Canning; and
(6) Freezing.

(c) *Safeguards.* Each handler making shipments of onions for dehydration, canning, or freezing pursuant to paragraph (b) of this section shall:

(1) First apply to the committee for and obtain a Certificate of Privilege to make such shipments;

(2) Prepare, on forms furnished by the committee, a report in quadruplicate on each individual shipment to such outlets authorized in paragraph (b) of this section;

(3) Bill or consign each shipment directly to the applicable processor; and

(4) Forward one copy of such report to the committee office, and two copies to the processor for signing and returning one copy to the committee office. Failure of the handler or processor to report such shipments by promptly signing and returning the applicable report to the committee office shall be cause for cancellation of such handler's Certificate of Privilege and/or the processor's eligibility to receive further shipments pursuant to such Certificate of Privilege. Upon cancellation of any such Certificate of Privilege the handler may appeal to the committee for reconsideration.

(d) *Minimum quantity exception.* Each handler may ship up to, but not to exceed, 1 ton of onions each day without regard to the inspection and assessment requirements of this part, if such onions meet minimum grade, size, and quality requirements of this section. This exception shall not apply to any portion of a shipment that exceeds 1 ton of onions.

(e) *Definitions.* The terms "U.S. No. 1" and "U.S. No. 2" shall have the same meaning as when used in the United States Standards for Grades of Onions (§§ 51.2830–51.2853 of this title). The term "moderately cured" means the onions are mature and are definitely fairly well cured but they need not be completely dry. Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 130 and this part.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 28, 1967, to become effective August 7, 1967.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-8986; Filed, Aug. 1, 1967; 8:47 a.m.]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 4]

PART 1004—MILK IN DELAWARE VALLEY MARKETING AREA

Order Amending Order

§ 1004.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Delaware Valley marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than August 1, 1967. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator, Regulatory Programs was issued June 30, 1967, and the decision of the Secretary containing all amendment provisions of this order was issued July 13, 1967. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective August 1, 1967, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER (sec. 553(d), Administrative Procedure Act, 5 U.S.C. 551–559).

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c (9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who participated in a referendum in which each individual producer had one vote, and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Delaware Valley marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

1. In § 1004.16, the period at the end of paragraph (c) is changed to a semicolon and new paragraphs (d) and (e) are added to read as follows:

§ 1004.16 Milk and milk products.

* * * * *

(d) "Base milk" means milk received from a producer by a pool handler during any of the months of March through June of each year which is not in excess of such producer's daily base computed pursuant to § 1004.63 multiplied by the number of days in such months on which such producer's milk was so received: *Provided*, That with respect to any producer on every-other-day delivery, the day of nondelivery prior to a day of delivery, although such prior day is in the preceding month, shall be considered as a day of delivery for the purpose of this paragraph;

(e) "Excess milk" means milk received from a producer by a pool handler during any of the months of March through June which is in excess of base milk received from such producer during such month.

2. In § 1004.22, subparagraph (2) of paragraph (j) is revised and a new paragraph (o) is added, both to read as follows:

§ 1004.22 Duties.

* * * * * *

(j) * * *

(2) The 13th day of each month, the uniform price(s) computed pursuant to §§ 1004.71 and 1004.72 and the butterfat differential to producers computed pursuant to § 1004.81, both for the preceding month;

* * * * * *

(o) On or before February 20 of each year notify:

(1) Each cooperative association of the daily base established by each producer member of such association; and

(2) Each nonmember producer of the daily base established by such producer.

3. A new § 1004.63 is added to read as follows:

§ 1004.63 Computation of base for each producer.

For each of the months of March through June each year the market administrator shall compute, subject to the rules set forth in § 1004.64, a base for each producer described in paragraphs (a) through (d) of this section by dividing the applicable quantity of milk receipts specified in such paragraph by 184 (by 185, in the case of a producer on every-other-day delivery schedule who delivered July 1) less the number of days, if any, during the immediately preceding base-forming period of July through December for which it is shown that the day's production of milk of such producer was not received by a pool handler as described in the applicable paragraphs (a), (b), (c), or (d) of this section under which such producer's base is computed: *Provided*, That in no event shall the number of days used to compute a producer's base pursuant to this part be less than 154; except that with respect to this paragraph and paragraphs (a), (b), and (c) of this section the initial base-forming period shall be August through December 1967 and the minimum number of days used to compute the producer's base which will be applicable during the March through June 1968 base-paying period shall be not less than 123:

(a) For any producer, except as provided in paragraphs (b), (c), and (d) of this section, the quantity of milk receipts shall be the total pounds of producer milk received by all pool handlers from such producer during the preceding months of July through December;

(b) For any producer whose milk was received during the preceding months of July through December at a plant which became a pool plant after the beginning of such base-earning period, the quantity of milk receipts shall be the total pounds of milk received from such dairy farmer during such July–December period by pool handlers as producer milk or at the plant as a nonpool plant;

(c) For any producer who, during any of the three base-earning months July through September the preceding year (two base-earning months of August and September 1967 during the initial base-earning period), qualified under Order 3 (Washington, D.C.) or Order No. 16 (Upper Chesapeake Bay) as a producer and was a producer under Order No. 4 during all of each of the three remaining base-earning months of October, November, and December, the quantity of milk receipts shall be the total pounds of milk received from such farmer during all of the months of July through December by pool handlers under each of the orders; or

(d) For any producer not described in paragraph (b) or (c) of this section but whose milk was received by a handler as producer milk during the months of September, October, November, and December of the preceding year at a pool plant at which receipt of his milk in the immediately preceding months of July and August would have qualified or did qualify him as a "dairy farmer for other markets" pursuant to § 1004.14(b), the quantity of milk receipts shall be the total pounds of milk received from such producer by pool handlers during such months of July through December and verified receipts at the nonpool plant of the handler, affiliate of the handler or any person who controls or is controlled by the handler during such months of July through September.

4. A new § 1004.64 is added to read as follows:

§ 1004.64 Base rules.

The following rules shall apply in connection with the establishment of bases:

(a) A base computed pursuant to § 1004.63 or as designated pursuant to paragraph (c) of this section may be transferred in its entirety to any other person upon written application to the market administrator on or before the second day of the month following the month of transfer. Such application shall be on a form approved by the market administrator and shall be signed by the base holder, or his heirs, or assigns and by the person to whom such base is to be transferred: *Provided*, That if a base is held jointly, the entire base shall be transferable only upon receipt of such application signed by all joint holders or their heirs, or assigns;

(b) If a producer operates more than one farm, and milk is received from each at a pool plant or by a cooperative association in its capacity as a handler pursuant to § 1004.10 (b) or (c), he shall establish a separate base with respect to producer milk delivered from each such farm;

(c) Only one base shall be allotted with respect to milk produced by one or more persons where the dairy farm is jointly owned or operated: *Provided*, That in the case of a base established jointly, if a copy of the partnership agreement setting forth as a percentage of the total the interests of the partners in the base is filed with the market administrator before the end of the base-making period, then upon termination of the partnership agreement each partner will be entitled to his stated share of the base to hold in his own right, or to transfer as provided in paragraph (a) of this section (including transfer to a partnership of which he is a member) such division with respect to any member of the partnership to be effective as of the end of any month during which an application for such division signed by each member is received by the market administrator.

5. In § 1004.71, the introductory paragraph and paragraph (f) are revised to read as follows:

§ 1004.71 Computation of uniform price.

For each month the market administrator shall compute the weighted average price and for each of the months of July through February the uniform price per hundredweight of milk received from producers as follows:

* * * * * *

(f) Subtract not less than four cents or more than five cents per hundredweight. The result shall be the single "weighted average price" and also the "uniform price" per hundredweight for milk of 3.5 percent butterfat received from producers in the months of July through February.

6. A new § 1004.72 is added to read as follows:

§ 1004.72 Computation of uniform prices for base milk and excess milk.

For each of the months of March through June the market administrator shall compute the uniform prices per hundredweight for base milk and excess milk received from producers, each of 3.5 percent butterfat content, f.o.b. market, as follows:

(a) Compute the aggregate value of excess milk for all handlers included in the computations pursuant to § 1004.71 (a) as follows:

(1) Multiply the hundredweight quantity of such milk which does not exceed the total quantity of producer milk received by such handlers assigned to Class II milk by the Class II milk price;

(2) Multiply the remaining hundredweight quantity of excess milk by the Class I milk price; and

(3) Add together the resulting amounts;

(b) Divide the total value of excess milk obtained in paragraph (a) of this section by the total hundredweight of such milk and round to the nearest cent. The resulting figure shall be the uniform price for excess milk;

(c) From the amount resulting from the computations of § 1004.71 (a) through (d) subtract an amount computed by multiplying the hundredweight of milk specified in § 1004.71(e)(2) by the weighted average price;

(d) Subtract the total value of excess milk determined by multiplying the uniform price obtained in paragraph (b) of this section by the hundredweight of excess milk, from the amount computed pursuant to paragraph (c) of this section;

(e) Divide the amount calculated pursuant to paragraph (d) of this section by the total hundredweight of base milk for handlers included in these computations: *Provided*, That if the resulting price should exceed the Class I price by more than the amount deducted pursuant to paragraph (f) of this section the aggregate amount in excess thereof shall be included in the computation of the excess price pursuant to paragraph (a) of this section, except that if by such addition the excess price should exceed the base price then the aggregate amount of the excess shall be prorated to the aggregate values of base milk and excess milk on the basis of the respective volumes of base and excess milk; and

(f) Subtract not less than four cents nor more than five cents from the price computed pursuant to paragraph (e) of this section. The resulting figure shall be the uniform price for base milk.

7. In § 1004.80, paragraph (a) and subparagraph (2) of paragraph (d) are revised to read as follows:

§ 1004.80 Time and method of payment.

(a) Except as provided in (b) and (d) of this section, each pool handler shall make payment as specified in subparagraph (1) and (2) of this paragraph to each producer from whom milk is received.

(1) On or before the last day of each month at not less than the Class II price for the preceding month per hundredweight for his deliveries of producer milk during the first 15 days of the months of July through February and for his deliveries of base milk during the first 15 days of the months of March through June; and

(2) On or before the 20th of the following month at not less than the uniform price computed pursuant to § 1004.71 for the month of July through February and at not less than the price for base milk computed pursuant to § 1004.72 (c) through (f) with respect to base milk received from such producer and not less than the excess price determined pursuant to § 1004.72 (a) and (b) for excess milk received from such producers for the months of March through June subject to the following adjustments:

(i) Proper deductions authorized in writing by such producers;

(ii) Partial payments made pursuant to subparagraph (1) of this paragraph;

(iii) The butterfat differential computed pursuant to § 1004.81; and

(iv) Less the location differential received pursuant to § 1004.82: *Provided*, That if by such date such handler has not received full payment from the market administrator pursuant to § 1004.85 for such month he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payment to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after receipt of the balance due from the market administrator;

* * * * *

(d) * * *

(2) A final payment equal to the value of such milk at the uniform price(s) adjusted by the applicable differentials pursuant to §§ 1004.81 and 1004.82, less the amount of partial payment on such milk.

8. Section 1004.82 is revised to read as follows:

§ 1004.82 Location differential to producers.

(a) For milk received from producers and from cooperative association handlers pursuant to § 1004.10(c), subject to the exception contained in § 1004.15(d):

(1) The uniform price computed pursuant to § 1004.71 during any month(s) of July through February and the uniform price for base milk computed pursuant to § 1004.72 for base milk received from producers during any month(s) of March through June at a pool plant located at least 45 miles from the nearest of the city halls, in Philadelphia, Pennsylvania; Atlantic City or Trenton, New Jersey, by the shortest highway distance as determined by the market administrator shall be reduced 23 cents plus one and one-half cent for each additional 10 miles.

(2) The uniform price for excess milk computed pursuant to § 1004.72 for excess milk received from producers during any month(s) of March through June at a pool plant at which a location differential applies shall be reduced by a location differential computed pursuant to § 1004.52(c).

(b) For purposes of computations pursuant to §§ 1004.84 and 1004.85 the weighted average price shall be reduced at the rates set forth in paragraph (a) (1) of this section applicable at the location of the plant(s) at which the milk was received with respect to other source milk for which a value is computed pursuant to § 1004.70(e)(1) and at the location of the nonpool plant(s) from which the milk was received with respect to other source milk for which a value is computed pursuant to § 1004.70(e)(2).

9. In § 1004.84, paragraph (b) is revised to read as follows:

§ 1004.84 Payments to the producer-settlement fund.

* * * * *

(b) The sum of:

(1) The value of milk received by such handler from producers and from cooperative association handlers pursuant to § 1004.10(c) at the applicable uniform price(s) pursuant to § 1004.71 and § 1004.72 adjusted by producer butterfat and location differentials, less in the case of a cooperative association on milk for which it is a handler pursuant to § 1004.10(c), the amount due from other handlers pursuant to § 1004.80(d); and

(2) The value at the weighted average price adjusted by the producer butterfat differential pursuant to § 1004.81 and the location differential on nonpool milk pursuant to § 1004.82(b) (not to be less than the value at the Class II price) with respect to other source milk for which values are computed pursuant to § 1004.70(e).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: August 1, 1967.

Signed at Washington, D.C., on July 28, 1967.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 67-8990; Filed, Aug. 1, 1967; 8:49 a.m.]

[Milk Order 12]

PART 1012—MILK IN TAMPA BAY MARKETING AREA

Order Amending Order

§ 1012.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Tampa Bay marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than August 1, 1967. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator, Regulatory Programs, was issued June 22, 1967, and the decision of the Assistant Secretary containing all amendment provisions of this order, was issued July 19, 1967. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective August 1, 1967, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 553(d), Administrative Procedure Act, 5 U.S.C. 551–559).

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Tampa Bay marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

1. In § 1012.41(c), subparagraph (5) is revised to read as follows:

§ 1012.41 Classes of utilization.

* * * * *

(c) * * *

(5) Skim milk and butterfat, respectively, in shrinkage at each pool plant (except in milk diverted to a nonpool plant pursuant to § 1012.16) but not in excess of:

(i) Two percent of producer milk (including that received from a handler pursuant to § 1012.13(d)) if the handler receiving such milk files notice with the market administrator that he is purchasing it on the basis of farm weights. Otherwise, the applicable percentage pursuant to this subdivision shall be 1.5 percent;

(ii) Plus 1.5 percent of bulk fluid milk products received from other pool plants;

(iii) Plus 1.5 percent of bulk fluid milk products received from other order plants exclusive of the quantity for which Class II or Class III utilization was requested by the operators of both plants;

(iv) Plus 1.5 percent of bulk fluid milk products received from unregulated supply plants exclusive of the quantity for which Class II or Class III utilization was requested by the handler; and

(v) Less 1.5 percent of bulk fluid milk products transferred to other plants; and

* * * * *

§ 1012.50 [Amended]

2. In § 1012.50, the last sentence is deleted.

3. In § 1012.51, paragraph (a) is revised to read as follows:

§ 1012.51 Class prices.

* * * * *

(a) *Class I price.* From the effective date of this order through June 1968, the Class I price shall be the basic formula price for the preceding month plus $3, and plus or minus a supply-demand adjustment of not more than 30 cents, computed as follows:

(1) Determine the total hundredweight of producer milk pursuant to this part and Parts 1013 (Southeastern Florida) and 1006 (Upper Florida) of this chapter for the 3-month period ending with the second preceding month;

(2) Determine the total hundredweight of producer milk classified as Class I pursuant to this part and Parts 1013 and 1006 of this chapter for the 3-month period ending with the second preceding month;

(3) Determine the "current utilization percentage" by calculating the percentage, rounded to the nearest full percent, that the amount obtained in subparagraph (1) of this paragraph is of the amount obtained in subparagraph (2) of this paragraph; and

(4) Add or subtract 3 cents for each percent that the current utilization percentage is, respectively, below the minimum or above the maximum standard utilization percentages for the month in the following table: *Provided*, That such adjustment shall not vary from that for the preceding month by more than 10 cents:

Month for which price is being computed	Standard utilization percentage	
	Minimum	Maximum
January	110	114
February	110	114
March	109	113
April	109	113
May	109	113
June	109	113
July	113	117
August	118	122
September	120	124
October	119	123
November	114	118
December	111	115

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: August 1, 1967.

Signed at Washington, D.C., on July 27, 1967.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 67-8989; Filed, Aug. 1, 1967; 8:48 a.m.]

[Milk Order 50]

PART 1050—MILK IN CENTRAL ILLINOIS MARKETING AREA

Order Suspending Certain Provision

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Central Illinois marketing area (7 CFR Part 1050), it is hereby found and determined that:

(a) The following provision of the order does not tend to effectuate the declared policy of the Act for the month of July 1967: In § 1050.14(b)(2) the words "on any day during the months of May and June and in any other month for not more than 8 days of production of producer milk by such producer."

(b) Thirty days' notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) A public notice was issued July 20, 1967, and published in the FEDERAL REGISTER on July 22, 1967 (32 F.R. 10811), stating that the Department was giving consideration to a proposed suspension of the aforementioned provision for the months of July and August 1967. Interested parties were provided 3 days after publication in the FEDERAL REGISTER to submit written data, views, or arguments in connection with the proposed suspension. In response to the notice of the proposed suspension, two cooperative associations which supply a large part of the producer milk for the Central Illinois market, and two handlers who handle a very high proportion of the milk processed in the market, supported this suspension as proposed.

Based upon materials submitted by interested parties and market information available, the suspension of the aforesaid provision is necessary for the month of July 1967. The abnormal seasonal increase in production during the month of July requires removal of the diversion limit so that many producers regularly associated with this market may maintain producer status. This suspension will allow for the movement of such producers' milk direct from their farms to nonpool manufacturing plants.

Data submitted by interested parties did not establish the need for suspension of this provision during the month of August 1967. From information available, the prospective volume of milk likely to be delivered to the market during the month of August 1967 would not exceed that which could be handled under the existing diversion provisions in the order as applicable to the month of August.

Therefore, good cause exists for making this order effective July 1, 1967.

It is therefore ordered, That the aforesaid provision of the order is hereby suspended for the month of July 1967.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: July 1, 1967.

Signed at Washington, D.C., on July 28, 1967.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 67-8988; Filed, Aug. 1, 1967; 8:48 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. H]

PART 208—MEMBERSHIP OF STATE BANKING INSTITUTIONS IN THE FEDERAL RESERVE SYSTEM

Investments in Bank Premises

§ 208.121 Investment in bank premises by holding company banks.

(a) The Board of Governors has been asked whether, in determining under section 24A of the Federal Reserve Act (12 U.S.C. 371d) how much may be invested in bank premises without prior Board approval, a State member bank, which is owned by a registered bank holding company, is required to include indebtedness of a corporation, wholly owned by the holding company, that is engaged in holding premises of banks in the holding company system.

(b) Section 24A provides, in part, as follows:

Hereafter * * * no State member bank, without the approval of the Board of Governors of the Federal Reserve System, shall (1) invest in bank premises, or in the stock, bonds, debentures, or other such obligations of any corporation holding the premises of such bank or (2) make loans to or upon the security of the stock of any such corporation, if the aggregate of all such investments and loans, together with the amount of any indebtedness incurred by any such corporation which is an affiliate of the bank, as defined in section 2 of the Banking Act of 1933, as amended [12 U.S.C. 221a], will exceed the amount of the capital stock of such banks.

(c) A corporation that is owned by a holding company is an "affiliate of each of the holding company's majority-owned banks as that term is defined in said section 2. Therefore, under the explicit provisions of section 24A, each State member bank, any part of whose premises is owned by such an affiliate, must include the affiliate's total indebtedness in determining whether a proposed premises investment by the bank would cause the aggregate figure to exceed the amount of the bank's capital stock, so that the Board's prior approval would be required. Where the affiliate holds the premises of a number of the holding company's banks, the amount of the affiliate's indebtedness may be so large that Board approval is required for every proposed investment in bank premises by each majority-owned State member bank, to which the entire indebtedness of the affiliate is required to be attributed. The Board believes that, in these circumstances, individual approvals are not essential to effectuate the purpose of section 24A, which is to safeguard the soundness and liquidity of member banks, and that the protection sought by Congress can be achieved by a suitably circumscribed general approval.

(d) Accordingly, the Board hereby grants general approval for any investment or loan (as described in section 24A) by any State member bank, the majority of the stock of which is owned by a registered bank holding company, if the proposed investment or loan will not cause either (1) all such investments and loans by the member bank (together with the indebtedness of any bank premises subsidiary thereof) to exceed 100 percent of the bank's capital stock, or (2) the aggregate of such investments and loans by all of the holding company's subsidiary banks (together with the indebtedness of any bank premises affiliates thereof) to exceed 100 percent of the aggregate capital stock of said banks.

(12 U.S.C. 248(i). Interprets and applies 12 U.S.C. 221a and 371d)

Dated at Washington, D.C., the 26th day of July 1967.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN, *Secretary.*

[F.R. Doc. 67-8860; Filed, Aug. 1, 1967; 8:45 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Rev. 7, Amdt. 5]

PART 121—SMALL BUSINESS SIZE STANDARDS

Definition of Small Business Retailer and of Small Wholesaler in Certain Retail and Wholesale Industries and Subindustries for Purpose of Receiving Financial Assistance

On June 30, 1967, there was published in the FEDERAL REGISTER (32 F.R. 9322 and 9323) notices that the Administrator of the Small Business Administration had proposed to amend the Small Business Size Standards Regulation by establishing new definitions of a small retailer and of a small wholesaler in certain retail and wholesale industries and subindustries for the purpose of receiving financial assistance.

Under the proposed amendment, the size standard for certain retail industries and subindustries would be increased from $1 million annual receipts to $1.5 million, $2 million, $3 million, or $5 million, and the size standard for certain wholesale industries and subindustries would be increased from $5 million annual receipts to $10 million or $15 million.

Interested persons were given 15 days in which to file with the Small Business Administration, written statements of facts, opinions, or arguments concerning the proposals. After consideration of all relevant matters regarding the proposal, the amendment set forth below is hereby adopted. The wholesale industry or subindustry codes in the notice of proposal were in accordance with the 1957 Edition of the Standard Industrial Classification Manual. The wholesale codes in the amendment below reflect changes made in the 1967 Edition of the Manual. The changes in the codes in no way change the definitions as proposed.

The new definitions established by this amendment are the same as proposed, with the exception that no action is being taken at this time on the proposal to increase the size standard for retailers of men's and boy's clothing and furnishings (SIC 5611, Men's and Boy's Clothing and Furnishings) from $1 million to $1.5 million annual sales. Further study will be given to this proposal.

Part 121 of Chapter I of Title 13 of the Code of Federal Regulations is hereby amended by:

1. Revising § 121.3-10 (c) and (g) thereof to read as follows:

§ 121.3-10 Definition of small business for SBA loans.

* * * * *

(c) *Retail.* (1) Any retailing concern is classified:

(i) As small if it is primarily engaged in an industry or subindustry set forth in Schedule D of this part and its annual sales do not exceed the size standard established therein for that industry or subindustry.

(ii) As small if it is primarily engaged in an industry or subindustry not set forth in Schedule D of this part and its annual sales do not exceed $1 million.

* * * * *

(g) *Wholesale.* (1) Any wholesaling concern is classified:

(i) As small if it is primarily engaged in an industry or subindustry set forth in Schedule C of this part and its annual sales do not exceed the size standard established therein for that industry or subindustry.

(ii) As small if it is primarily engaged in an industry or subindustry not set forth in Schedule C of this part and its annual sales do not exceed $5 million.

(2) Any wholesaling concern also engaged in manufacturing is not a "small business concern" unless it qualifies under both the manufacturing and wholesaling standards.

2. Adding Schedule C to Part 121 to read as follows:

SCHEDULE C—ANNUAL SALES SIZE STANDARDS FOR CONCERNS PRIMARILY ENGAGED IN WHOLESALING

(The following size standards are to be used when determining the size status of wholesaling concerns for the purpose of SBA business loans, displaced business loans, economic opportunity loans, and as alternate standards for sections 501 and 502 loans and SBIC assistance.) Where code is followed by letter, size standard applies only to class of product designated.

Industry or subindustry code	Industry, subindustry, or class of products	Annual sales size standard (maximum) (in millions)
5082a	Amusement, sporting goods	$10
5091a	Coal	10
5082b	Construction materials (excluding lumber and millwork)	10

Industry or subindustry code	Industry, subindustry, or class of products	Annual sales size standard (maximum) (in millions)
5082	Construction and mining machinery and equipment	10
5043	Dairy products	10
5022	Drugs, drug proprietaries, druggists' sundries	10
5064	Electrical appliances, television, and radio sets	10
5039	Footwear	10
5053	Grain	10
5049	Groceries and related products, not elsewhere classified	10
5097b	Home furnishings, floor coverings	10
5084	Industrial machinery and equipment	10
5085	Industrial supplies	10
5054	Livestock (except horses and mules)	10
5047	Meats and meat products	10
5091b	Metal service centers	10
5034	Notions and other dry goods	10
5033	Piece goods (woven fabrics)	10
5096a	Printing and writing paper	10
5094	Tobacco and its products	10
5012	Automobiles and other motor vehicles	15
5029	Chemicals and allied products, not elsewhere classified	15
5081	Commercial machines and equipment	15
5052	Cotton	15
5063	Electrical apparatus and equipment, wiring supplies and construction materials	15
5083	Farm machinery and equipment	15
5042	Frozen foods	15
5041	Groceries, general line	15
5096b	Industrial and personal service paper only	15
5091c	Metal sales offices	15
5028	Paints and varnishes	15
5092	Petroleum and petroleum products	15
5014	Tires and tubes	15
5096b	Wines and distilled alcoholic spirits	15

3. Adding Schedule D to Part 121 to read as follows:

SCHEDULE D—ANNUAL SALES SIZE STANDARDS FOR CONCERNS PRIMARILY ENGAGED IN RETAILING

(The following size standards are to be used when determining the size status of retailing concerns for the purpose of SBA loans, displaced business loans, economic opportunities loans, and as alternate standards for sections 505 and 502 loans and SBIC assistance.) Where code is followed by letter, size standard applies only to class of product designated.

Industry or subindustry code	Industry, subindustry, or class of products	Annual sales size standard (maximum)
	Major Group 56—Apparel and Accessory Stores:	
5651	Family clothing stores	1.5
5661	Shoe stores	1.5
5621	Women's ready-to-wear stores	1.5
	Major Group 55—Automotive Dealers and Gasoline Service Stations:	
5599a	Aircraft (a part of aircraft and automotive dealers, not elsewhere classified)	3.0
5511	Motor vehicle dealers (new and used cars)	1.5
5521	Motor vehicle dealers (used cars only)	3.0
	Major Group 54—Food Stores:	
5411	Grocery stores	5.0
5421a	Meat Markets (a part of meat and fish (seafood) markets)	5.0
	Major Group 57—Furniture, Home Furnishings and Equipment Stores:	
5722	Household appliance stores	1.5
5732	Radio and television stores	1.5
	Major Group 53—General Merchandise:	
5311	Department stores	5.0
5321	Mail order houses	5.0
5331	Variety stores	3.0

Effective date. This amendment shall become effective on publication in the FEDERAL REGISTER.

Dated: July 25, 1967.

BERNARD L. BOUTIN, *Administrator.*

[F.R. Doc. 67-8878; Filed, Aug. 1, 1967; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 67-SO-50; Amdt. 39-456]

PART 39—AIRWORTHINESS DIRECTIVES

Piper PA-28 and PA-32 Series Airplanes

Amendment 39-438 F.R. Doc. 67-7362, AD 67-20-4, requires inspection of the main landing gear torque links and replacement as necessary on Piper PA-28 and PA-32 series airplanes. After issuing Amendment 39-438, the Agency determined that more airplanes are affected than originally considered and the manufacturer will be unable to supply a sufficient number of replacement parts by the effective date of the AD. Therefore, the AD is being amended to change the effective date from July 29, 1967, to September 27, 1967.

Since this amendment provides additional time for compliance and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of the Federal Aviation Regulations, Amendment 39-438 F.R. Doc. 67-7362, AD 67-20-4 is amended by changing the effective date from July 29, 1967, to September 27, 1967.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in East Point, Ga., on July 26, 1967.

GORDON A. WILLIAMS, JR., *Acting Director, Southern Region.*

[F.R. Doc. 67-8960; Filed, Aug. 1, 1967; 8:46 a.m.]

Chapter V—National Aeronautics and Space Administration

PART 1209—BOARDS AND COMMITTEES

Subpart 4—Inventions and Contributions Board

New Subpart 4 is added:

Sec.
1209.400 Scope.
1209.401 Authority.
1209.402 Establishment of Board.
1209.403 Responsibilities and functions.
1209.404 Organizational location.
1209.405 Supporting services.

AUTHORITY: The provisions of this Subpart 4 issued under 42 U.S.C. 2457(f) and 2458.

§ 1209.400 Scope.

This subpart sets forth the functions, authority, and membership of the NASA Inventions and Contributions Board, originally established on December 4, 1958.

§ 1209.401 Authority.

National Aeronautics and Space Act of 1958 (42 U.S.C. 2457(f), 2458).

§ 1209.402 Establishment of Board.

(a) Pursuant to the authority of 42 U.S.C. 2457(f) and 2458, the Inventions and Contributions Board (hereafter referred to as the "Board") is established within the National Aeronautics and Space Administration with offices located at NASA Headquarters.

(b) The Board will consist of a full-time chairman appointed by the Administrator, and no less than six members appointed by the Administrator, from within NASA. One of the members will be designated as vice chairman.

(c) Board members will be designated for 1-year terms and may be reappointed at the discretion of the Administrator. Duties performed in such capacity will be in addition to regular work assignments of the individuals concerned.

(d) The Chairman of the Board is authorized to establish such panels as he may consider necessary in the conduct of the responsibilities and functions of the Board.

§ 1209.403 Responsibilities and functions.

(a) Under the authority of 42 U.S.C. 2457(f), the Board will receive petitions for waiver of rights of the United States to inventions, accord to each interested party an opportunity for hearing, and transmit to the Administrator its findings of fact as to such petitions and its recommendations for action to be taken with respect thereto.

(b) Under the authority of 42 U.S.C. 2458, the Board will receive and evaluate each application for award for any scientific or technical contribution to the Administration which has significant value in the conduct of aeronautical and space activities, accord each applicant an opportunity for a hearing upon such application, and transmit to the Administrator its recommendations as to the terms of the award (if any) to be made to such applicant for such contribution. In addition, the Board will act upon other contributions as set forth in Subpart 2 of Part 1240. The Chairman of the Board is authorized to issue implementing rules and procedures, and to take such other action as is necessary to carry out this function.

(c) If the contribution is made by a Government employee and does not qualify for award under 42 U.S.C. 2458, the Board will consider such contribution for award under the Incentive Awards Program and make award (if any), on its own cognizance, up to the amount of $5,000 in accordance with CSC Federal Personnel Manual, Chapter 451, covering this subject. Awards for larger amounts may be recommended to the Administrator for his action.

§ 1209.404 Organizational location.

The Board is established within the Office of Industry Affairs, NASA Headquarters.

§ 1209.405 Supporting services.

(a) The Staff of the Inventions and Contributions Board is established to assist the Board in discharging its functions and responsibilities. The Staff will:

(1) Prepare analyses of petitions for waiver of rights to inventions for the consideration of the Board,

(2) Prepare evaluations of proposed awards,

(3) Document Board actions, and

(4) Perform such other functions as may be required.

(b) A full-time Director of the Staff will serve as a nonvoting secretary of the Inventions and Contributions Board and will direct the activities of the Staff to the Inventions and Contributions Board.

(c) The Director of the Staff of the Inventions and Contributions Board will report to the Chairman of the Board.

Effective date. The provisions of this Subpart 4 are effective upon publication in the FEDERAL REGISTER.

JAMES E. WEBB,
Administrator.

[F.R. Doc. 67-8962; Filed, Aug. 1, 1967; 8:46 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER E—ALCOHOL, TOBACCO, AND OTHER EXCISE TAXES

[T.D. 6925]

PART 211—DISTRIBUTION AND USE OF DENATURED ALCOHOL AND RUM

Marks and Brands on Packages

In order to recognize the provisions of the Fair Packaging and Labeling Act (Public Law 89-755) and any applicable regulations in 16 CFR Part 500 and 21 CFR Part 1, the regulations in 26 CFR Part 211 are amended as follows:

§ 211.33 [Amended]

PARAGRAPH 1. The undesignated center heading immediately preceding § 211.33 is amended to read "Marks and Brands; Packaging and Labeling".

PAR. 2. Section 211.33a is amended by revising the section heading, by revising paragraph (a), and by adding a new paragraph (c). As amended, § 211.33a reads as follows:

§ 211.33a Labeling.

(a) *General.* In addition to the marks and brands required by this part, other governmental agencies may impose labeling requirements on denatured spirits, and articles made therefrom. It is the responsibility of the person filling containers with articles manufactured under the provisions of this part to assure that the labels or marks on such containers satisfy all pertinent State and Federal requirements.

(b) *Federal Hazardous Substances Labeling Act.* Whenever this part requires the container of any substance to be marked or labeled so as to convey information with respect to hazardous properties of the substance, and such substance is also subject to substantially similar requirements under the Federal Hazardous Substances Labeling Act (72 Stat. 372) and regulations in 21 CFR Part 191, information on the container of such substance shall be deemed to comply with the requirements of this part, insofar as they relate to the hazardous properties of the substance, if such information complies with the labeling requirements of such Act and of regulations in 21 CFR Part 191.

(c) *Fair Packaging and Labeling Act.* Packages containing denatured spirits or articles may also be subject to the provisions of the Fair Packaging and Labeling Act (80 Stat. 1296) and to any applicable regulations promulgated by the Federal Trade Commission in 16 CFR Part 500 and by the Department of Health, Education, and Welfare in 21 CFR Part 1. Compliance with the provisions of this part does not afford any relief from the necessity of also complying with the requirements of that Act and regulations.

Because this Treasury decision is merely conforming in nature and should be effected without delay, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 553(b) of Title 5 of the United States Code or subject to the effective-date limitation of section 553(d) thereof. Accordingly, this Treasury decision shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 7805, Internal Revenue Code; 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] SHELDON S. COHEN,
Commissioner of Internal Revenue.

Approved: July 28, 1967.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

[F.R. Doc. 67-8968; Filed, Aug. 1, 1967; 8:46 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C—DRUGS

PART 141—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PART 141a—PENICILLIN AND PENICILLIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

DILUTING FLUID FOR STERILITY TEST

Correction

In F.R. Doc. 67-8490, appearing at page 10788 of the issue for Saturday, July 22, 1967, the following corrections are made:

1. In § 141.2(c)(4):

a. The last word in the first sentence should read "octylphenoxypolyethoxyethanol".

b. A minus sign should be inserted beneath the plus sign in the formula.

2. In § 141a.39(b), "1-ephenamine" should read "*l*-ephenamine".

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

[CGFR 67-13]

SUBCHAPTER A—PROVISIONS

PART 1—GENERAL PROVISIONS

Fees and Charges or Sales of Matters Requested by the Public

The changes to the regulations contained in this document revise the schedules of fees and charges to be imposed by the Coast Guard for furnishing the public copies or excerpts of information or records and for issuing certain duplicate documents, certificates, or licenses. The special Coast Guard fees and charges are designated 33 CFR Subpart 1.25. The regulations of the Department of Transportation in 49 CFR Part 7 regarding "Public Availability of Information" set forth the basic regulations and policy governing the Coast Guard and fees and charges for obtaining copies of records. These regulations were published in the FEDERAL REGISTER dated June 29, 1967 (32 F.R. 9284-9292), and effective July 4, 1967. For convenience, applicable fees and charges are repeated in 33 CFR Subpart 1.25.

New regulations are added as 33 CFR Subpart 1.26 regarding the sales of certain items or services under emergencies or other circumstances to permit repayment of costs involved by the public as permitted by various provisions of law.

The fees and charges in 33 CFR 1.25-40 are issued pursuant to Title V of the Independent Offices Appropriation Act of 1952 (Sec. 501, 65 Stat. 290), and are charges considered to be commensurate with the costs to comply with the request.

By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by Title 5, U.S. Code, section 552, Title 14, U.S. Code, sections 632 and 633, and subsection 6(b)(1) of the Department of Transportation Act, as well as the delegation of authority in Department of Transportation Order 1100.1, dated March 31, 1967 (49 CFR 1.4(a)(2), 32 F.R. 5606), the following amendments or new regulations are prescribed, effective on and after July 4, 1967:

1. The title and entire text of Subpart 1.25, containing §§ 1.25-1 to 1.25-80, inclusive, is amended to read as follows:

Subpart 1.25—Fees and Charges for Certain Records and for Duplicate Documents, Certificates, or Licenses

Sec.
1.25-1 Purpose.
1.25-30 Exceptions.
1.25-40 Schedule of fees and charges.
1.25-80 Payment of fees, charges or sales.

AUTHORITY: The provisions of this Subpart 1.25 issued under sec. 3, 80 Stat. 238, as amended, secs. 632, 633, 63 Stat. 545, sec. 501, 65 Stat. 290; 5 U.S.C. 552, 14 U.S.C. 632, 633; Department of Transportation Order 1100.1, March 31, 1967; 49 CFR 1.4(a)(2); unless otherwise noted.

§ 1.25-1 Purpose.

(a) The regulations in this subpart established fees and charges which shall be imposed by the Coast Guard for making copies or excerpts of information or records, and for issuing certain duplicate documents, certificates, or licenses.

(b) These fees and charges are imposed as required by Title V of the Independent Offices Appropriation Act of 1952 (Sec. 501, 65 Stat. 290, 31 U.S.C. 483a). This act states that it is the sense of Congress that fees and charges shall be charged for services rendered the public by Federal agencies in order that such services may be performed on a self-sustaining basis to the fullest extent possible.

§ 1.25-30 Exceptions.

(a) The general policies and instructions of the Bureau of the Budget specify when certain services as specifically described in this subpart will be furnished without charge.

(b) The fees and charges prescribed in this subpart are not applicable when requested by, or furnished to, the following persons, or under the following circumstances:

(1) Any Federal or State court and any agency, corporation or branch of the Federal Government.

(2) The press, radio, television, or news reel representatives for dissemination to the general public.

(3) A donor when it applies to the original of his gift.

(4) Any person having an official, voluntary or cooperative relationship to the Coast Guard in rendering services promoting safety of life and property.

(5) Any agency of a State, county, or municipal government which is carrying out a function related to the function of the Coast Guard.

(6) An individual directly concerned in a Coast Guard hearing or other formal proceedings, not to exceed one copy.

(7) Any person who has been required to furnish personal documents for retention by the Coast Guard.

(8) Any member of Congress when for official use.

(9) When furnishing the service free saves or yields income equal to the direct costs of the Coast Guard.

(10) When furnishing the service free is in conformance with general established business customs.

(11) When furnishing records or information to a military member or civilian member in order to permit such person to obtain financial benefits.

(12) When furnishing a medal to any member or former member who did not receive the medal or service award, or who has not lost said medal through his own carelessness.

§ 1.25-40 Schedule of fees and charges.

(a) The applicable fees and charges prescribed by the Department of Transportation are in 49 CFR Part 7 for services, duplicates, excerpts, or copies when requested by the public and shall be followed. These fees and charges are described in Table 1.25-40(a) and will be imposed and collected, but in event of difference those in 49 CFR Part 7 apply since such fees and charges repeated herein are only given as a matter of convenience.

TABLE 1.25-40(a)—FEE SCHEDULE

Identification	Item	Cost
(a)	Search for an identifiable record, including making it available for inspection	$3.00
(b)	Copies of documents by photocopy or similar method:	
	(1) Each page not larger than 12 by 18 inches	.50
	(2) Minimum charge	1.00
(c)	Typed pages, each	2.50
(d)	Certified copies of documents:	
	(1) With Department of Transportation seal	2.05
	(2) True copy, without seal	1.00
(e)	Photographs: black and white glossy print, 8 inches by 10 inches or smaller, each	1.00
(f)	Duplicate data tapes—each reel of tape or fraction thereof	40.00
(g)	Microfilm copies, each 100 foot roll or less	8.00
(h)	Data processed records, each 1,000 lines or fraction thereof	8.00
(i)	Preprinted materials, shelf stock, one color, standard sizes:	
	(1) Each page (excluding blanks)	.05
	(2) Minimum charge	1.00
(j)	Other records: The fee for a copy of a record not described in items (b) through (f) will be supplied upon request. The amount of that fee will be the cost of producing and handling.	

(b) The fees and charges for certain services and duplicate documents, certificates or licenses are prescribed in accordance with authority in 49 CFR 7.85(j). These fees and charges, which are additional and applicable only to the Coast Guard, are in Table 1.25-40(b). When the item includes a search charge, the fee or charge prescribed includes this cost.

TABLE 1.25-40(b)—COAST GUARD FEE SCHEDULE

Item	Fee
(1) Certificate of Seaman's Service (Form CG-723) (compilation) when requested by seaman:	
(i) First page	$5.50
(ii) Each additional page	2.50
(2) Transcript of service record of merchant seaman (compilation) in letter form other than to named seaman:	
(i) First page	5.50
(ii) Each additional page	2.50
(3) Duplicate continuous discharge book	2.50
(4) Duplicate merchant mariners' document	2.50
(5) Duplicate certificate of registry as staff officer	2.50

(R.S. 4551, as amended; 46 U.S.C. 643(h); 49 CFR 7.85(j))

§ 1.25-80 Payment of fees, charges or sales.

(a) The payment of fees and charges must be made by postal money order or check payable to the "Treasurer of the United States" or "U.S. Coast Guard," and sent to the office of the Coast Guard performing the service or furnishing or delivering the record, document, or certificate. If copy is to be transmitted by registered, air, or special delivery mail, postal fees therefor will be added to fees provided in this subpart (or the order must include postage stamps or stamped return envelopes).

(b) The fee is payable in advance.

2. Part 1 is amended by inserting after § 1.25-80 a new Subpart 1.26, consisting of §§ 1.26-1 to 1.26-25, inclusive, reading as follows:

Subpart 1.26—Charges for Duplicate Medals, and Sales of Personal Property, Equipment or Services and Rentals

Sec.
1.26-1 Purpose.
1.26-5 Sales of replacement medals.
1.26-10 Sales to Coast Guard Auxiliary.
1.26-15 Sales of non-excess personal property and services.
1.26-20 Sales to eligible foreign Governments.
1.26-25 Payment of fees.

AUTHORITY: The provisions of this Subpart 1.26 issued under secs. 632, 633, 63 Stat. 545, as amended; 14 U.S.C. 632, 633; Department of Transportation Order 1100.1, March 31, 1967; 49 CFR 1.4(a)(2); unless otherwise noted.

§ 1.26-1 Purpose.

(a) The regulations in this subpart establish charges which shall be imposed by the Coast Guard when the Coast Guard sells supplies, equipment, apparatus, temporary shelter, and services under certain specified conditions as authorized by law.

(b) These sales are intended to permit repayment of costs involved in those instances which are ordinarily outside the scope of those distress services with which the Coast Guard is primarily concerned (14 U.S.C. 88), or the equipment and apparatus are not readily procurable in the open market.

§ 1.26-5 Sales of replacement medals.

(a) The provisions of Title 14, U.S. Code, section 501, authorizes the Coast Guard to be reimbursed for the cost of replacement of medals.

(b) The charges described in Table 1.26-5(b) shall be imposed and collected when replacement of medals, etc., are requested by the public except when the person to whom it was awarded shows that it was lost, destroyed or rendered unfit for use without fault or neglect on his part.

TABLE 1.26-5(b)—CHARGE FOR DUPLICATE MEDALS

Identification	Item	Charge
(a)	(1) Coast Guard Distinguished Service Medal with miniature	$16.50
	(2) Hinged-lid case	2.50
(b)	Legion of Merit (Degree of Legionnaire)	6.00
(c)	Distinguished Flying Cross	5.00
(d)	(1) Coast Guard Medal (for heroism)	7.75
	(2) Coast Guard Medal miniature (for heroism)	6.00
	(3) Hinged-lid case	2.50
(e)	Air Medal	4.50

TABLE 1.26-5(b)—CHARGE FOR DUPLICATE MEDALS—Continued

Identification	Item	Charge
(f)	(1) Coast Guard Commendation Medal	$ 3.50
	(2) Coast Guard Commendation Medal miniature	1.75
	(3) Hinged-lid case	1.50
(g)	(1) Gold Life-saving Medal	100.00
	(2) Gold Life-saving Medal miniature	45.00
	(3) Hinged-lid case (red lining)	7.50
(h)	(1) Silver Life-saving Medal	31.50
	(2) Silver Life-saving Medal miniature	11.50
	(3) Hinged-lid case (blue lining)	7.50
(i)	Secretary of the Treasury Commendation for Achievement Award ribbon	2.50
(j)	Coast Guard Unit Commendation Ribbon	2.50
(k)	(1) Coast Guard Good Conduct Medal (old)	1.00
	(2) Coast Guard Good Conduct Medal (new)	1.50
(l)	(1) World War I Victory Medal	1.60
	(2) Clasps	None
(m)	American Campaign Medal	1.50
(n)	European-African-Middle E Campaign Medal	1.50
(o)	Asiatic-Pacific Campaign Medal	1.50
(p)	American Defense Service Medal Fleet, Sea, and Base Clasps	1.50
(q)	World War II Victory Medal	1.50
(r)	(1) Navy Occupation Service Medal	1.50
	(2) Europe and Asia Clasps	None
(s)	China Service Medal (1945-1957)	1.50
(t)	National Defense Service Medal	1.50
(u)	Korean Service Medal	2.50
(v)	Antarctic Service Medal	1.00
(w)	Armed forces Expeditionary Medal (when available)	2.60
(x)	Coast Guard Armed Forces Reserve Medal	2.50
(y)	Coast Guard Expert Rifleman or Expert Pistol Shot Medal	4.50
(z)	Coast Guard Distinguished Marksman	
	(1) Medal, Gold	34.75
	(2) Case	5.00
	(3) Ribbon attachment	1.00
(aa)	Coast Guard Distinguished Pistol Shot:	
	(1) Medal, Gold	44.25
	(2) Case	5.00
	(3) Ribbon attachment	1.00
(bb)	Coast Guard Excellence-in-Competition Badge:	
	(1) Rifle or Pistol, Silver	15.00
	(2) Rifle or Pistol, Bronze	12.25
	(3) Ribbon attachment, Silver or Bronze	1.00
(cc)	R.H. Waesche Rifle Team Trophy or F.C. Billard Pistol Team Trophy, Bronze Medallion	6.50
(dd)	United Nations Service Medal	1.50

(Sec. 501, 63 Stat. 537; 14 U.S.C. 501)

§ 1.26-10 Sales to Coast Guard Auxiliary.

(a) The provisions of Title 14, U.S. Code, section 891, authorizes the Coast Guard to furnish the Coast Guard Auxiliary such items as flags, pennants, uniforms, and insignia at actual cost.

(b) Sales of the following items (when available) are permitted to members of the Auxiliary:

(1) Auxiliary flags and pennants.
(2) Uniforms.
(3) Auxiliary insignia.

(Sec. 891, 63 Stat. 557; 14 U.S.C. 891)

§ 1.26-15 Sales of nonexcess personal property and services.

(a) *Authority.* The provisions of Title 14, U.S. Code, section 641(b), authorizes the Coast Guard to sell apparatus or equipment manufactured by or in use in the Coast Guard, which is not readily procurable in the open market. The provisions of Title 14, U.S. Code, section 654 (Public Law 86-159 approved Aug. 14, 1959), authorize the Coast Guard to sell supplies and furnish services to public and commercial vessels, and other watercraft. The provisions of Title 49, U.S. Code, section 1507 (Act of May 20, 1936, as amended), authorize the Coast Guard to sell to any aircraft, fuel, oil, equipment, and other supplies, and to furnish mechanical service, temporary shelter, and other assistance.

(b) *Charges established by District Commander.* The charges for supplies and services which may be normally expected to be furnished to persons, corporations, companies, vessels, and other watercraft, and non-Federal aircraft will vary between various geographical regions depending on local circumstances. The District Commander is hereby delegated authority to prescribe and he shall establish, in advance wherever practicable, the charges to be imposed and collected in various areas under his jurisdiction, which will be in accordance with the applicable general minimum terms and conditions in the laws and this section. In those cases where the charges have not been established in advance, the matter shall be priced on an individual basis, taking into consideration the facts and circumstances regarding the situation. The list(s) of charges established by the District Commander shall be available for reading and copying at the office of the issuing District Commander, which list(s) will be up-dated and reissued when necessary.

(c) *Sales to vessels and other watercraft.* (1) The charges imposed for services are intended to permit repayment of costs involved in those instances where supplies and services are furnished to meet the necessities of the circumstances, and such vessels or watercraft are not within the scope of those distress services performed by the Coast Guard.

(2) Charges for sales of supplies and/or furnishing of services are considered appropriate when the furnishing of food, fuel, general stores, or repairs to the vessel or its equipage are primarily for the convenience of the owner, master, or crew, and furnished at his or their request. It is not intended and the Coast Guard does not procure and stock equipment and supplies except as provided for in current instructions issued by competent authority.

(3) Supplies provided and services performed will be of a limited nature consistent with the situation and within the capabilities of the Coast Guard unit concerned; provided this will not be in competition with commercial enterprise when such facilities are available and deemed adequate. It is not intended to permit the operators of vessels or watercraft to take advantage of the Government by demanding free supplies or services. Determination as to whether charges will be made is dependent upon the circumstances involved in each instance. The responsibility to make this determination rests with the District Commander who may delegate it to his subordinates.

(4) The minimum charge for any supplies or services furnished to a vessel or other watercraft shall be $10. The prices for fuels and materials which may be sold will be at Coast Guard cost plus 20 percent or, if readily determinable, at the commercial price in the immediate operating area, whichever is higher. The charges for services furnished a vessel or watercraft will be an average cost equal to the full price, plus taxes, that a boat owner would pay a local commercial concern for such services.

(5) The sales of supplies and services will be documented and will set forth the name, type, and identifying number of the vessel or watercraft receiving supplies or services; name and address of vessel's owner; and conditions under which it was determined to make a sale to the vessel or watercraft. Wherever possible, payment shall be obtained at the time supplies and services are furnished.

(d) *Sales of equipment not readily procurable on the open market.* Charges imposed for sales of apparatus and equipment manufactured by or in use in the Coast Guard which, in the opinion of the Commandant (FS), is not readily procurable in the open market, are subject to the following conditions:

(1) The apparatus or equipment has not been reported as excess to the General Services Administration (if so reported, requests to purchase will be submitted by the Commandant (FS) to the General Services Administration); and,

(2) The apparatus or equipment is not classified for security reasons or is not dangerous to the public health and safety; and,

(3) The authorized buyers of this apparatus or equipment are foreign, State, or municipal governments or governmental units thereof; parties required to maintain private aids to navigation; contractors engaged on public works; and in other cases in which, in the judgment of the Commandant (FS), the public interest may be served; and,

(4) The approved sales will be at prices determined by the Commandant (FS), which will include an overhead charge not to exceed 25 percent of acquisition cost.

(e) *Sales to and storage of non-Federal aircraft.* (1) Activities having the necessary supplies and facilities are authorized to furnish fuel, oil, equipment, supplies, mechanical services, temporary storage, or other assistance to any aircraft operated by State, municipal, or private enterprise in emergency cases. Complete engines, airplane wings, or other major items of equipment shall not be furnished without prior authority from the Commandant.

(2) Aircraft damaged to the extent that major repairs are required may be given emergency storage at the request of the pilot, provided the necessary facilities are available. No such aircraft will be given a major or minor overhaul. Damaged aircraft may be stored in its original damaged condition. If aircraft requires extensive repairs, such as would include the replacing of major parts and such major parts cannot be made available or supplied within a reasonable length of time by the operator of such aircraft, then the aircraft must be removed from the Coast Guard reservation by the operator without delay.

(3) The Government will not assume any responsibility for any loss or damage incurred by such aircraft while on a Coast Guard reservation and the owner shall be required to remove the aircraft from the reservation at the earliest practicable date.

(4) Storage charges for such aircraft on a Coast Guard reservation shall be as follows:

(i) For the first 6 working days, no charge;

(ii) For each calendar day thereafter, $3 for a single motor plane and $5 for a dual or multiengine plane.

(5) In the absence of any information to the contrary regarding a particular item or material, the price at which the item is carried in stock, or on the Plant Property Record (book price) will be regarded as the fair market value.

(6) When materials or services or both materials and services are furnished an aircraft, a deposit equal to the estimated value of such services and materials as will be required shall be obtained in advance of the rendition of the services and issuance of the materials.

(7) The charges for mechanical services rendered (other than in connection with the arrival, refueling, and departure of airplanes) shall be an hourly charge for labor, with a minimum of 1 hour, which shall be the equivalent to the schedule of wage rates for civilian personnel for the district (i.e., machinists, helpers, etc.), regardless of whether the services are performed by enlisted or civilian personnel.

(Sec. 1107, 72 Stat. 798, as amended, sec. 641, 63 Stat. 547, as amended, sec. 1, 73 Stat. 357; 49 U.S.C. 1507, 14 U.S.C. 641(b), 654)

§ 1.26-20 Sales to eligible foreign governments.

(a) *Policy of United States.* The Congressional policy is set forth in Title 22, U.S. Code, section 2351. The Executive Order No. 10973 dated November 3, 1961 (26 F.R. 10469), describes the administration of foreign assistance and related functions.

(b) *Diplomatic transactions.* Sales of Coast Guard material under reimbursable aid will be by direction of the Commandant (FS) and as approved by the Office of the Chief of Naval Operations. Reimbursable aid transactions are diplomatic transactions and are negotiated primarily between the respective foreign military attaché or other representatives of their embassy in Washington, D.C., and the Office of the Chief of Naval Operations. Prices will be based on material cost only and estimates will not include packing, crating, and handling or transportation costs. Under reimbursable aid, transportation costs are borne by the purchasing country and shipments are usually accomplished on collect commercial bills of lading.

§ 1.26-25 Payment of charges.

(a) The payment of charges shall be by postal money order or check payable to "U.S. Coast Guard," and given or sent to the office of the Coast Guard performing the service or furnishing the supplies, equipment, etc.

Dated: July 24, 1967.

W. J. SMITH,
Admiral, U.S. Coast Guard
Commandant.

[F.R. Doc. 67-8917; Filed, Aug. 1, 1967; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 67-873]

PART 0—COMMISSION ORGANIZATION

Order Regarding Records Not Routinely Available for Public Inspection

1. As part of our review of rules implementing the Public Information Act of 1966 (32 F.R. 10568, July 19, 1967), we have concluded that § 0.457(g) of the rules and regulations, concerning the availability of investigatory files for inspection, should be revised as set forth below. We will continue to review these rules and make such other changes, on the basis of comment and experience, as may be appropriate and consistent with the purposes of the Public Information Act.

2. Authority for the amendments adopted herein is contained in sections 4(i), 4(j), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), and 303(r), and section 3(b)(7) of the Administrative Procedure Act, 5 U.S.C. 552(b)(7). Because these amendments pertain to matters of procedure and internal organization, compliance with the notice and effective date provisions of section 4 of the Administrative Procedure Act is unnecessary.

3. In view of the foregoing, it is ordered, effective August 2, 1967, That § 0.457(g) of the rules and regulations is revised as set forth below.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303; and 5 U.S.C. 552)

Adopted: July 26, 1967.

Released: July 28, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

In Part 0 of Chapter I of Title 47 of the Code of Federal Regulations, § 0.457(g) is revised to read as follows:

§ 0.457 Records not routinely available for public inspection.

* * * * *

[1] Commissioners Bartley, Lee and Loevinger absent; Commissioner Johnson concurring the result.

(g) *Investigatory files compiled for law enforcement purposes except to the extent available by law to a private party. 5 U.S.C. 552(b)(7).* Papers relating to the institution or conduct of an investigation are placed in an investigatory file. Except as provided in this paragraph, such files are not available for public inspection.

(i) *Complaints.* Except with respect to complaints filed under Section 208 of the Communications Act (see § 0.455(c)), when a complaint is received by the Commission, an initial determination is made as to whether the matters related in the complaint warrant (or may warrant) an investigation. If it is determined that such matters warrant (or may warrant) an investigation, the complaint is placed in an investigatory file. A complaint which is placed in an investigatory file may be made available for inspection upon request if it appears that its disclosure will not prejudice the conduct of the investigation (e.g., if information concerning the complaint has otherwise been disclosed). Except as provided in subdivisions (i) and (ii) of this subparagraph, the complaint will be made available for inspection, upon request, when it has been determined that no investigation should be conducted or when the investigation has been completed.

(ii) If the complainant has requested that his identity not be disclosed, or if there is reason to believe that disclosure of complainant's identity could embarrass him or subject him to harassment, the complaint will not be made available for inspection without his consent. If no investigation is conducted or if the investigation has been completed, however, such complaints will be made available for inspection upon request if, and to the extent that, it is possible to do so without disclosing the complainant's identity.

(iii) Complaints or portions of complaints containing scurrilous or defamatory statements will not be made available for inspection, except upon a compelling showing that the public interest so requires.

(2) *Work papers and memoranda.* Personal work papers, memoranda, or reports prepared by Commission personnel relating to the institution, conduct, or outcome of an investigation are placed in an investigatory file and are retained in that file. They are not available for public inspection. Requests for inspection of such materials will be considered under § 0.461. Materials of this nature received from other Government agencies are placed and retained in an investigatory file; requests for inspection of such materials will be referred to the agency from which they were received.

(3) *Statements and documents.* Statements and documents obtained by Commission investigators in the course of an investigation are handled in the same manner as records referred to in subparagraph (2) of this paragraph.

[F.R. Doc. 67-8994; Filed, Aug. 1, 1967; 8:47 a.m.]

[FCC 67-886]

PART 1—PRACTICE AND PROCEDURE

Order Regarding Procedure for Processing of Television Translator Stations

1. The Commission has under consideration § 1.572 of the Commission's rules which deals with the processing of television broadcast applications. Paragraph (a) of § 1.572 classifies and divides such applications into two groups: (1) Applications for new stations or for major changes in the facilities of authorized stations; and (2) applications for licenses to cover construction permits and all other changes in the facilities of authorized stations. The subject here under consideration is the standards to be used to define a major change in the facilities of a television broadcast translator station. The provisions of § 1.572 apply to such translator applications. However, service contours are not the standard used in the allocation of translator stations and consequently a gap exists in our rules as to the definition of a major change in the facilities of such stations. The Commission is of the opinion that specific standards should be promulgated to define what constitutes a major change in the facilities of an authorized television broadcast translator station.

2. Recently, the Commission stated that a major change in the facilities of a television broadcast translator station is one "* * * which involves a change in frequency, a change in principal communities, or such other change as the Commission may determine in a given fact situation * * * *". KAKE-TV and Radio, Inc., FCC 67-468, 7 FCC (2d) 879, released April 17, 1967. The Commission believes that the definition set forth in KAKE should be incorporated into § 1.572. In addition, we believe that a change in primary station should also be considered as a major change in the facilities of a translator station, because such a change can have a great significance in the performance of the translator station. Adoption of specific standards in this matter, as opposed to our acting on a case-by-case basis, which will expedite the Commission's processing of application and also will give licensees, permittees and other parties interested in television broadcast translator modification applications notice as to what coristitutes a major change. Thus they can, without specific notice from the Commission, effect compliance with processing and publication requirements of our rules and policies.

3. Authority for this amendment is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended. Since this amendment is procedural in nature, the prior notice and effective date provisions of section 4 of the Administrative Procedure Act do not apply.

Accordingly, it is ordered, That paragraph (a)(1) of § 1.572 of the Commission's rules is amended to read as follows, effective August 4, 1967:

§ 1.572 Processing of television broadcast applications.

(a) * * *

(1) In the first group are applications for new stations or for major changes in the facilities of authorized stations. A major change is, in the case of stations authorized under Part 73 of this chapter, any change in frequency or station location, or any change in power or antenna location or height above average terrain (or combination thereof) which would result in a change of 50 percent or more of the area within the Grade B contour of the station; in the case of television translator stations authorized under Part 74 of this chapter it is any change in frequency (output channel), primary station (input channel) or principal community or communities: *Provided, however*, That, the Commission may, within 15 days after the tender for filing of any other application for modification of facilities, advise the applicant that such application is considered to be one for a major change and therefore subject to the provisions of § 1.580.

* * * * * *

(Secs. 4, 303, 48 Stat., as amended 1066, 1082; 47 U.S.C. 154, 303)

Adopted: July 26, 1967.

Released: July 28, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary*.

[F.R. Doc. 67-8983; Filed, Aug. 1, 1967; 8:47 a.m.]

[Docket No. 17435; FCC 67-886]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments; Television Broadcast Stations, Tulare, Calif.

In the matter of amendment of § 73.606 *Table of Assignments*, Television Broadcast Stations (Tulare, Calif.), Docket No. 17435, RM-1118.

Report and Order.

1. On May 12, 1967, in response to a petition filed by Pappas Electronics, Inc., the Commission issued a notice of proposed rule making, FCC 67-567, 32 F.R. 7344, proposing to assign Channel 26 to Tulare, Calif., as a first UHF television assignment.

2. No oppositions to the proposal were received. Suporting comments were filed by petitioner, which reaffirmed its intention to apply for authority to construct and operate a station on the channel if it is assigned to Tulare.

3. As we stated in the notice of proposed rule making, we do not normally assign UHF channels to communities with a population under 25,000[1] except where a showing is made that there is a need for the assignment and an interested party states a station would be built on an assigned channel. Here, the supply of available but unassigned UHF channels is considered to be adequate to meet expected demands in the general area, and there are no larger communities in the area without assignments.

4. Under the above circumstances, we are of the view that the assignment of Channel 26 to Tulare, Calif., would serve the public interest since it will provide a first local TV outlet in the community. However, this action is taken on the representations made by petitioner that it will file an application for authority to construct and operate a new UHF television broadcast station. Failure to do so may result in the removal of the assignment.

5. Authority for the amendment adopted herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

6. In view of the foregoing: *It is ordered*, That effective September 5, 1967, § 73.606 of the Commission's rules and regulations is amended to add the following entry:

City	Channel No.
Tulare, Calif.	26

NOTE: The appropriate offset for Channel 26 will be supplied in a subsequent Order.

7. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: July 26, 1967.

Released: July 28, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary*.

[F.R. Doc. 67-8985; Filed, Aug. 1, 1967; 8:47 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission and Department of Transportation

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

PART 100—THE COMMISSION

Credentials

In the matter of credentials of persons appointed as special agents, accountants, and examiners of the Commission.

Present: William H. Tucker, Chairman, to whom the matter which is the subject of this Order has been delegated.

It appearing, that the matter of appointing and authorizing certain designated persons having credentials to enter upon, to inspect and examine any and all lands, buildings and equipment of carriers and other persons subject to the Interstate Commerce Act, as amended, and related Acts, and to inspect and copy any and all accounts, books, records, memoranda, correspondence, and other documents of carriers, and other persons subject to the Act needs consideration;

And it further appearing, that the regulations to be affected by this Order are a clarification of rules relating to agency personnel, and that public rule making procedures as required by Public Law 89-554, 80 Stat. 383, 5 U.S.C. 553, are unnecessary; and good cause appearing therefor;

It is ordered, That § 100.5 of Chapter I, of Title 49 of the Code of Federal Regulations is amended to read as follows:

§ 100.5 Credentials required by special agents, accountants, and examiners.

(a) *Carrier records and property subject to inspection and examination.* Persons appointed as special agents, accountants, and examiners of the Commission are authorized to enter upon, to inspect and examine any and all lands, buildings, and equipment of carriers and other persons subject to the Interstate Commerce Act and related Acts, and to inspect and copy any and all accounts, books, records, memoranda, correspondence, and other documents of carriers, and other persons subject to the Act. Inspection or copying authority with respect to persons who furnish cars or protective service against heat or cold to or on behalf of a carrier or an express company, shall be limited to accounts, books, records, memoranda, correspondence, and other documents which pertain or relate to cars or protective service. Carriers and other persons subject to the Act shall submit their accounts, books, records, memoranda, correspondence, and other documents for inspection and copying, and such carriers and other persons shall submit their lands, buildings, and equipment for examination and inspection, to any special agent, accountant, or examiner of the Commission upon demand and the display of a Commission credential identifying him as a special agent, accountant, or examiner.

(b) *Definition of "other persons subject to the Act."* The term "other persons subject to the Act" as used in this section includes brokers subject to part II of the Interstate Commerce Act, freight forwarders subject to part IV of the Act, lessors of carrier operating rights, receivors, trustees, administrators, executors, and other persons having custody, possession, or control of carrier operations or the business of other persons subject to the Act; persons who furnish railroad cars or protective service against heat or cold to or on behalf of railroads or express companies (but only with respect to records pertaining to the cars or protective services to furnished); associations of carriers or brokers subject to the Act which perform any service or engage in any activities in connection with any traffic, transportation, or facilities subject to the Act; and, to the extent specified in orders of the Commission issued under section 5 of the Act, persons controlling two or more carriers.

(c) *Definition of special agents, accountants, and examiners.* The duties of the following described employees or positions, and such other employees of the Commission as the Chairman shall specify in writing, include those of special agent, accountant, or examiner and they are hereby authorized to inspect and copy records and to inspect and examine lands, buildings and equipment in the same manner and to the same extent as special agents, accountants, and examiners:

Commissioners.
Managing Director.
Assistant Managing Director.
Directors and Assistant Directors, Chiefs and Assistant Chiefs of Sections of the Bureaus of: Accounts; Enforcement; and, Operations.
Attorneys.
Auditors.
Field Assistants.
General Engineers.
Investigators (Officer-in-Charge).
Investigators.
Regional Managers.
Regional Directors (Operations).
Assistant Regional Directors (Operations).
Associate Regional Directors (Operations).
Regional Supervisors (Car Service).
Supervisory Railroad Service Agents.
Railroad Service Agents.
Transportation Specialists (District Supervisors).
Transportation Specialists (Officer-in-Charge).
Supervisory Transportation Specialists.
Transportation Cost Analysts.
Transportation Rate Agents.

(d) Facsimile of the Commission's credential:

United States of America
INTERSTATE COMMERCE COMMISSION
WASHINGTON

This is to certify, ...
whose signature appears hereon, has been appointed .....
of the Interstate Commerce Commission with authority to enter upon, to inspect and examine lands, buildings and equipment and to inspect and copy records and papers of carriers and other persons subject to the Interstate Commerce Act as provided in the said Act and related Acts and in regulations of the Commission.

In witness whereof, I have hereunto set my hand and affixed the seal of said Commission at its office in Washington, District of Columbia, this ..... day of ....., A.D. 19....

No. .....

Secretary of the Interstate Commerce Commission.

(Signature of employee)

GPO 806525 ICC Form 1018a

(Sec. 12(1), 24 Stat. 383, as amended; 49 U.S.C. 12, Sec. 20(5), 24 Stat. 386, as amended; 49 U.S.C. 20, Sec. 220 (d), 49 Stat. 563, as amended; 49 U.S.C. 320, Sec. 313(f), 54 Stat. 944, as amended; 49 U.S.C. 913, Sec. 412(d), 56 Stat. 294, as amended; 49 U.S.C. 1012, Sec. 25(d), 41 Stat. 493, as amended; 49 U.S.C. 26, Sec. 6, 36 Stat. 915, as amended; 45 U.S.C. 29)

It is further ordered, That this order shall be effective August 1, 1967.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Interstate Commerce Commission, Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

Dated at Washington, D.C., this 24th day of July A.D. 1967.

By the Commission, Chairman Tucker.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 67-8970; Filed, Aug. 1, 1967; 8:46 a.m.]

Title 45—PUBLIC WELFARE

Chapter XI—National Foundation on the Arts and the Humanities

PART 1100—STATEMENT FOR THE GUIDANCE OF THE PUBLIC—ORGANIZATION, PROCEDURE AND AVAILABILITY OF INFORMATION

Availability of Information to the Public

Correction

In F.R. Doc. 67-8244, appearing at page 10513 of the issue for Tuesday, July 18, 1967, the reference to "5 U.S.C. 522(b)" in § 1100.3(d)(2) should read "5 U.S.C. 552(b)".

[1] Commissioners Bartley, Lee, and Loevinger absent.

[1] Population of Tulare (1960 U.S. Census) is 13,824. According to the California Statistical Abstract, 1966, State of California, Documents Section, p. 16, Tulare's population in 1965 increased to 15,950. Estimated population of Tulare County, which includes the slightly larger city of Visalia which has a channel assigned, was 190,000 in 1965.

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Fiscal Service

[31 CFR Part 306]

UNITED STATES SECURITIES

Book-Entry Procedure; Notice of Proposed Rule Making

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in Treasury Department Circular No. 300, Third Revision (31 CFR Part 306) are proposed to be further amended as tentatively shown below. However, prior to their final adoption, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of the Public Debt, Washington, D.C. 20220, within the period of 30 days from the date of this notice in the FEDERAL REGISTER.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

JULY 28, 1967.

Department Circular No. 300, Third Revision, dated December 23, 1964, is hereby amended effective September 5, 1967, by redesignating Subpart O (entitled "Miscellaneous Provisions") as Subpart P, and renumbering §§ 306.115 through 306.118 as §§ 306.123 through 306.126, respectively, and by inserting a new Subpart O as follows:

Subpart O—Book-Entry Procedure

§ 306.115 Definition of terms.

In this subpart, unless the context otherwise requires or indicates:

(a) "Reserve Bank" means a Federal Reserve Bank and its branches acting as Fiscal Agent of the United States.

(b) "Treasury security" means a transferable Treasury bond, note, certificate of indebtedness, or bill issued under the Second Liberty Bond Act, as amended, in the form of a definitive Treasury security or a book entry Treasury security.

(c) "Definitive Treasury security" means a transferable Treasury bond, note, certificate of indebtedness, or bill issued under the Second Liberty Bond Act, as amended, in the form of a physical security.

(d) "Book-entry Treasury security" means a transferable Treasury bond, note, certificate of indebtedness, or bill issued under the Second Liberty Bond Act, as amended, in the form of an entry made as prescribed in this subpart on the records of a Reserve Bank.

§ 306.116 Applicability.

This subpart is applicable to any Treasury securities now on deposit or hereafter deposited with any Reserve Bank for any purpose specified in § 306.118(a) except that no deposits will be accepted thereunder on or after the date of maturity or call of the securities.[1] Any depositor which on the effective date of this subpart has definitive Treasury securities on deposit with a Reserve Bank (in either its individual capacity or as Fiscal Agent) for any purpose specified in § 306.118(a) shall be deemed to have consented to their conversion to book-entry Treasury securities pursuant to the provisions of this subpart, and in the manner and under the procedures prescribed by the Reserve Bank.

§ 306.117 Authority of Reserve Banks.

Each Reserve Bank is hereby authorized and directed, in accordance with the provisions of this subpart, to (a) issue book-entry Treasury securities by means of entries on its records which shall include the name of the depositor, the amount, the title of the loan (or the series) and the maturity date; (b) effect conversions between book-entry Treasury securities and definitive Treasury securities; and (c) otherwise service and maintain book-entry Treasury securities.

§ 306.118 Accounts subject to book-entry procedure; pledges.

(a) The book-entry procedure applies to Treasury securities now on deposit or hereafter deposited in accounts with any Reserve Bank (1) as collateral pledged to a Reserve Bank (in its individual capacity) for advances by it, (2) as collateral pledged to the United States under Treasury Department Circulars No. 92 or 176, both as revised and amended, and (3) by a member bank of the Federal Reserve System for its sole account and in lieu of the safekeeping of definitive Treasury securities by a Reserve Bank in its individual capacity. Entries will be made for the amounts deposited for each specific purpose.

(b) A pledge of book-entry Treasury securities in the name of a pledgor, or any interest therein, in favor of a Reserve Bank in its own right as pledgee or in favor of the United States as pledgee, is effected, notwithstanding any provision of law to the contrary, by the making of an appropriate entry under paragraph (a)(1) or (2) of this section, of the amount of the securities pledged. The making of such entry shall have the effect of a delivery of a definitive Treasury security in bearer form representing the amount of the obligations pledged and shall effect a perfected security interest therein in favor of the pledgee, who shall be a holder. No filing or recording with a public recording office or officer shall be necessary to perfect the pledge or security interest in book-entry Treasury securities under this section. Pledges of, or security interest in, definitive Treasury securities which are under pledge to a Reserve Bank in its own right or to the United States at the time of their conversion to book-entry Treasury securities shall be fully effective with respect to such book-entry Treasury securities. A Reserve Bank, when requested by the pledgee, shall convert book-entry Treasury securities into definitive Treasury securities and deliver them to the pledgee for disposition under the applicable pledge arrangement; and the pledge or security interest of the pledgee in the book-entry Treasury securities prior to conversion shall continue to be fully effective with respect to such definitive Treasury securities.

§ 306.119 Limitations on transfers or pledges.

Except as provided in this subpart, book-entry Treasury securities may not be assigned, transferred, hypothecated, pledged as collateral, or used as security for the performance of an obligation, and the Treasury Department will not recognize any such assignment, transfer, hypothecation, pledge or use.

§ 306.120 Withdrawals and transfers.

Withdrawals and transfers of book-entry Treasury securities may be made upon a depositor requesting (a) delivery of like definitive Treasury securities to itself or on its order to a transferee, or (b) transfer to any transferee eligible under § 306.118(a). The making of any book-entry transfer by a Reserve Bank shall have the same effect as a delivery to the transferee of definitive Treasury securities in bearer form. The transfer of book-entry Treasury securities within a Reserve Bank will be made in accordance with procedures established by the latter not inconsistent with this subpart. The transfer of book-entry Treasury securities between Reserve Banks will be made through a telegraphic transfer procedure. All requests for withdrawal or for transfer must be made prior to the maturity or date of call of the securities. Treasury bonds and notes which are to be delivered physically upon withdrawal or transfer may be issued either in registered[2] or in bearer form.

[1] The date of call as defined in these regulations (sec. 306.2) is "the date fixed in the official notice of call published in the Federal Register * * * on which the obligor will make payment of the security before maturity in accordance with its terms."

[2] Except for Treasury notes, EA and EO Series.

§ 306.121 Registered bonds and notes.

No formal assignment shall be required for the conversion to book-entry Treasury securities of registered Treasury securities held by a Reserve Bank (in either its individual capacity or as fiscal agent) on the effective date of this subpart for any purpose specified in § 306.118(a). Registered Treasury securities deposited thereafter with a Reserve Bank for any purpose specified in § 306.118(a) shall be assigned for conversion to book-entry Treasury securities. The assignment, which shall be executed in accordance with the provisions of Subpart F of the regulations of this part so far as applicable, shall be to "The Secretary of the Treasury for conversion to book-entry Treasury securities by the Federal Reserve Bank of _____, as Fiscal Agent of the United States."

§ 306.122 Servicing book-entry Treasury securities; payment of interest, payment at maturity or upon call.

Interest becoming due on book-entry Treasury securities shall be charged in the Treasurer's account on the interest due date and remitted or credited in accordance with the depositors' instructions. Such securities shall be redeemed and charged in the Treasurer's account on the date of maturity, call or advance refunding, and the redemption proceeds, principal and interest, shall be disposed of in accordance with the depositors' instructions.

[F.R. Doc. 67-9042; Filed, Aug. 1, 1967; 8:49 a.m.]

Internal Revenue Service

[26 CFR Part 1]

SUPPLEMENTAL UNEMPLOYMENT BENEFIT TRUSTS

Notice of Proposed Rule Making

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form as set forth below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] SHELDON S. COHEN,
Commissioner of Internal Revenue.

In order to conform the Income Tax Regulations (26 CFR Part 1) under sections 501, 503, 511, 513, 514, 6012, and 6033 of the Internal Revenue Code of 1954 to the Act of July 14, 1960 (P.L. 86-667, 74 Stat. 534), such regulations are amended as follows:

PARAGRAPH 1. Section 1.501(a)-1 is amended by revising subparagraph (3) (i) of paragraph (a) to read as follows:

§ 1.501(a)-1 Exemption from taxation.

(a) *In general; proof of exemption.* * * *

(3) (i) An organization claiming exemption under section 501(a) and described in section 501(c) (2), (3), (4), (5), (6), (7), (8), (9), (12), (13), (15), or (17) shall file the form of application appropriate to its activities, filled out in accordance with the instructions on the form or issued therewith. The following forms shall be filed: For organizations described in section 501(c)(3), Form 1023; in section 501(c) (4), (5), (6), or (8), Form 1024; in section 501(c)(7), Form 1025; in section 501(c) (2), (12), (13), or (15), Form 1026; and in section 501(c) (9), or (17), Form 1027. State chartered credit unions described in section 501(c)(14) shall submit an application for exemption showing the State and date of incorporation. The application should show that the State credit union law with respect to loans, investments, and dividends, if any, is being complied with. All other organizations claiming exemption, other than employees' trusts described in section 401(a), shall file an application for exemption showing the character of the organization, the purpose for which it was organized, its actual activities, the sources of its income and receipts and the disposition thereof, whether or not any of its income or receipts is credited to surplus or may inure to the benefit of any private shareholder or individual, and in general all facts relating to its operations which may affect its right to exemption. To each such form or application shall be attached a conformed copy of the articles of incorporation, declaration of trust, or other instrument of similar import, setting forth the permitted powers or activities of the organization, the bylaws or other code of regulations, and the latest financial statement showing the assets, liabilities, receipts, and disbursements of the organization. In the case of a trust claiming and exemption under section 501(c)(17) a conformed copy of any plan of which it forms a part shall be attached to the form or application for exemption. Each such form or application shall contain or be verified by a written declaration that it is made under the penalties of perjury.

* * * * * *

PAR. 2. There are inserted immediately before § 1.501(d) the following new sections:

§ 1.501(c)(17) Statutory provisions; exemption from tax on corporations, certain trusts, etc.; supplemental unemployment benefit trusts.

Sec. 501. *Exemption from tax on corporations, certain trusts, etc.* * * *

(c) *List of exempt organizations.* The following organizations are referred to in subsection (a):

* * * * * *

(17) (A) A trust or trusts forming part of a plan providing for the payment of supplemental unemployment compensation benefits, if—

(i) Under the plan, it is impossible, at any time prior to the satisfaction of all liabilities with respect to employees under the plan, for any part of the corpus or income to be (within the taxable year or thereafter) used for, or diverted to, any purpose other than the providing of supplemental unemployment compensation benefits,

(ii) Such benefits are payable to employees under a classification which is set forth in the plan and which is found by the Secretary or his delegate not to be discriminatory in favor of employees who are officers, shareholders, persons whose principal duties consist of supervising the work of other employees, or highly compensated employees, and

(iii) Such benefits do not discriminate in favor of employees who are officers, shareholders, persons whose principal duties consist of supervising the work of other employees, or highly compensated employees. A plan shall not be considered discriminatory within the meaning of this clause merely because the benefits received under the plan bear a uniform relationship to the total compensation, or the basic or regular rate of compensation, of the employees covered by the plan.

(B) In determining whether a plan meets the requirements of subparagraph (A), any benefits provided under any other plan shall not be taken into consideration, except that a plan shall not be considered discriminatory—

(i) Merely because the benefits under the plan which are first determined in a nondiscriminatory manner within the meaning of subparagraph (A) are then reduced by any sick, accident, or unemployment compensation benefits received under State or Federal law (or reduced by a portion of such benefits if determined in a nondiscriminatory manner), or

(ii) Merely because the plan provides only for employees who are not eligible to receive sick, accident, or unemployment compensation benefits under State or Federal law the same benefits (or a portion of such benefits if determined in a nondiscriminatory manner) which such employees would receive under such laws if such employees were eligible for such benefits, or

(iii) Merely because the plan provides only for employees who are not eligible under another plan (which meets the requirements of subparagraph (A)) of supplemental unemployment compensation benefits provided wholly by the employer the same benefits (or a portion of such benefits if determined in a nondiscriminatory manner) which such employees would receive under such other plan if such employees were eligible under such other plan, but only if the employees eligible under both plans would make a classification which would be nondiscriminatory within the meaning of subparagraph (A).

(C) A plan shall be considered to meet the requirements of subparagraph (A) during the whole of any year of the plan if on one day in each quarter it satisfies such requirements.

(D) The term "supplemental unemployment compensation benefits" means only—

(i) Benefits which are paid to an employee because of his involuntary separation from the employment of the employer (whether or not such separation is temporary) resulting directly from a reduction in force, the discontinuance of a plant or operation, or other similar conditions, and

(ii) Sick and accident benefits subordinate to the benefits described in clause (i).

(E) Exemption shall not be denied under subsection (a) to any organization entitled to such exemption as an association described in paragraph (9) of this subsection merely because such organization provides for the payment of supplemental unemployment benefits (as defined in subparagraph (D) (i)).

[Sec. 501(c)(17) as added by Act of July 14, 1960 (Pub. Law 86-667, 74 Stat. 534)]

§ 1.501(c)(17)–1 Supplemental unemployment benefit trusts.

(a) *Requirements for qualification.* (1) A supplemental unemployment benefit trust may be exempt as an organization described in section 501(c)(17) if the requirements of subparagraphs (2) through (6) of this paragraph are satisfied.

(2) The trust is a valid, existing trust under local law and is evidenced by an executed written document.

(3) The trust is part of a written plan established and maintained by an employer, his employees, or both the employer and his employees, solely for the purpose of providing supplemental unemployment compensation benefits (as defined in section 501(c)(17)(D) and paragraph (b)(1) of § 1.501(c)(17)–1).

(4) The trust is part of a plan which provides that the corpus and income of the trust cannot (in the taxable year, and at any time thereafter, before the satisfaction of all liabilities to employees covered by the plan) be used for, or diverted to, any purpose other than the providing of supplemental unemployment compensation benefits. Thus, if the plan provides for the payment of any benefits other than supplemental unemployment compensation benefits as defined in paragraph (b) of this section, the trust will not be entitled to exemption as an organization described in section 501(c)(17). However, the payment of any necessary or appropriate expenses in connection with the administration of a plan providing supplemental unemployment compensation benefits shall be considered a payment to provide such benefits and shall not affect the qualification of the trust.

(5) The trust is part of a plan whose eligibility conditions and benefits do not discriminate in favor of employees who are officers, shareholders, persons whose principal duties consist of supervising the work of other employees, or highly compensated employees. See sections 401(a)(3)(B) and 401(a)(4) and §§ 1.401–3 and 1.401–4. However, a plan is not discriminatory within the meaning of section 501(c)(17)(A)(iii), relating to the requirement that the benefits paid under the plan be nondiscriminatory, merely because the benefits received under the plan bear a uniform relationship to the total compensation, or the basic or regular rate of compensation, of the employees covered by the plan. Accordingly, the benefits provided for highly paid employees may be greater than the benefits provided for lower paid employees if the benefits are determined by reference to their compensation; but, in such a case, the plan will not qualify if the benefits paid to the higher paid employees bear a larger ratio to their compensation than the benefits paid to the lower paid employees bear to their compensation. In addition, section 501(c)(17)(B) sets forth certain other instances in which a plan will not be considered discriminatory (see paragraph (c) of § 1.501(c)(17)–2).

(6) The trust is part of a plan which requires that benefits are to be determined according to objective standards. Thus, a plan may provide similarly situated employees with benefits which differ in kind and amount, but may not permit such benefits to be determined solely in the discretion of the trustees.

(b) *Meaning of terms.* The following terms are defined for purposes of section 501(c)(17):

(1) *Supplemental unemployment compensation benefits.* The term supplemental unemployment compensation benefits means only—

(i) Benefits paid to an employee because of his involuntary separation from the employment of the employer, whether or not such separation is temporary, but only when such separation is one resulting directly from a reduction in force, the discontinuance of a plant or operation, or other similar conditions; and

(ii) Sick and accident benefits subordinate to the benefits described in subdivision (i) of this subparagraph.

(2) *Employee.* The term "employee" means an individual whose status is that of an employee under the usual common-law rules applicable in determining the employer-employee relationship. The term "employee" also includes an individual who qualifies as an "employee" under the State or Federal unemployment compensation law covering his employment, whether or not such an individual could qualify as an employee under such common-law rules.

(3) *Involuntary separation from the employment of the employer.* Whether a "separation from the employment of the employer" occurs is a question to be decided with regard to all the facts and circumstances. However, for purposes of section 501(c)(17), the term "separation" includes both a temporary separation and a permanent severance of the employment relationship. Thus, for example, an employee may be separated from the employment of his employer even though at the time of separation it is believed that he will be reemployed by the same employer. Whether or not an employee is "involuntarily" separated from the employment of the employer is a question of fact. However, normally, an employee will not be deemed to have separated himself voluntarily from the employment of his employer merely because his collective-bargaining agreement provides for the termination of his services upon the happening of a condition subsequent and that condition does in fact occur. For example, if the collective-bargaining agreement provides that the employer may automate a given department and thereby dislocate several employees, the fact that the employees' collective-bargaining agent has consented to such a condition will not render any employee's subsequent unemployment for such cause voluntary.

(4) *Other similar conditions.* Involuntary separation directly resulting from "other similar conditions" includes, for example, involuntary separation from the employment of the employer resulting from cyclical, seasonal, or technological causes. Some causes of involuntary separation from the employment of the employer which are not similar to those enumerated in section 501(c)(17)(D)(i) are separation for disciplinary reasons or separation because of age.

(5) *Subordinate sick and accident benefits.* In general, as sick and accident benefit payment is an amount paid to an employee in the event of his illness or personal injury (whether or not such illness or injury results in the employee's separation from the service of his employer). In addition, the phrase "sick and accident benefits" includes amounts provided under the plan to reimburse an employee for amounts he expends because of the illness or injury of his spouse or a dependent (as defined in section 152). Sick and accident benefits may be paid by a trust described in section 501(c)(17) only if such benefits are subordinate to the separation payments provided under the plan of which the trust forms a part. Whether the sick and accident benefits provided under a supplemental unemployment compensation benefit plan are subordinate to the separation benefits provided under such plan is a question to be decided with regard to all the facts and circumstances.

§ 1.501(c)(17)–2 General rules.

(a) *Supplemental unemployment compensation benefits.* Supplemental unemployment compensation benefits as defined in section 501(c)(17)(D) and paragraph (b)(1) of § 1.501(c)(17)–1 may be paid in a lump sum or installments. Such benefits may be paid to an employee who has, subsequent to his separation from the employment of the employer, obtained other part-time, temporary, or permanent employment. Furthermore, such payments may be made in cash, services, or property. Thus, supplemental unemployment compensation benefits provided to involuntarily separated employees may include, for example, the following: Furnishing of medical care at an established clinic, furnishing of food, job training and schooling, and job counseling. If such benefits are furnished in services or property, the fair market value of the benefits must satisfy the requirements of section 501(c)(17)(A)(iii), relating to nondiscrimination as to benefits. However, supplemental unemployment compensation benefits may be provided only to an employee and only under circumstances described in paragraph (b)(1) of § 1.501(c)(17)–1. Thus, a trust described in section 501(c)(17) may not provide, for example, for the payment of a death, vacation, or retirement benefit.

(b) *Sick and accident benefits.* If a trust described in section 501(c)(17) provides for the payment of sick and accident benefits, such benefits may only be provided for employees who are eligible for receipt of separation benefits under the plan of which the trust is a part. However, the sick and accident benefits need not be provided for all the employees who are eligible for receipt of separation benefits, so long as the plan does not discriminate in favor of persons with respect to whom discrimination is proscribed in section 501(c)(17)(A)(ii) and (iii). Furthermore, the portion of the plan which provides for the payment of sick and accident benefits must satisfy the nondiscrimination requirements of section 501(c)(17)(A)(ii) and (iii) without regard to the portion of the plan which provides for the payment of benefits because of involuntary separation.

(c) *Correlation with other plans.* (1) In determining whether a plan meets the requirements of section 501(c)(17)(A)(ii) and (iii), any benefits provided under any other plan shall not be taken into consideration except in the particular instances enumerated in section 501(c)(17)(B)(i), (ii), and (iii). In general, these three exceptions permit a plan providing for the payment of supplemental unemployment compensation benefits to satisfy the nondiscrimination requirements in section 501(c)(17)(A)(ii) and (iii) if the plan is able to satisfy such requirements when it is correlated with one or more of the plans described in section 501(c)(17)(B).

(2) Under section 501(c)(17)(B)(i), a plan will not be considered discriminatory merely because the benefits under the plan which are first determined in a nondiscriminatory manner (within the meaning of section 501(c)(17)(A)) are then reduced by any sick, accident, or unemployment compensation benefits received under State or Federal law, or are reduced by a portion of these benefits if determined in a nondiscriminatory manner. Under this exception, a plan may, for example, satisfy the requirements of section 501(c)(17)(A)(iii) if it provides for the payment of an unemployment benefit and the amount of such benefit is determined as a percentage of the employee's compensation which is then reduced by any unemployment benefit which the employee receives under a State plan. In addition, a plan could provide for the reduction of such a plan benefit by a percentage of the State benefit. Furthermore, a plan may also satisfy the requirements of section 501(c)(17)(A) if it provides for the payment to an employee of an amount which when added to any State unemployment benefit equals a percentage of the employee's compensation.

(3) Under section 501(c)(17)(B)(ii), a plan will not be considered discriminatory merely because the plan provides benefits only for employees who are not eligible to receive sick, accident, or unemployment compensation benefits under State or Federal law. In such a case, however, the benefits provided under the plan seeking to satisfy the requirements of section 501(c)(17) must be the same benefits, or a portion of the same benefits if determined in a nondiscriminatory manner, which such ineligible employees would receive under State or Federal law if they were eligible for such benefits. Under this exception, for example, an employer may establish a plan only for employees who have exhausted their benefits under the State law, and, if the plan provides for such employees the same benefits which they would receive under the State plan, the State plan and the plan of the employer will be considered as one plan in determining whether the requirements relating to nondiscrimination in section 501(c)(17)(A) are satisfied. Furthermore, such a plan could also qualify even though it does not provide all of the benefits provided under the State plan. Thus, a plan could provide for the payment of a reduced amount of the benefits, or for the payment of only certain of the types of benefits, provided by the State plan. For example, if the State plan provides for the payment of sick, accident, and separation benefits, the plan of the employer may provide for the payment of only separation benefits, or for the payment of an amount equal to only one-half of the State provided benefit. However, if a plan provides benefits for employees who are not eligible to receive the benefits provided under a State plan and such benefits are greater or of a different type than those under the State plan, the plan of the employer must satisfy the requirements of section 501(c)(17)(A) without regard to the benefits and coverage provided by the State plan.

(4) Under section 501(c)(17)(B)(iii), a plan is not considered discriminatory merely because the plan provides benefits only for employees who are not eligible to receive benefits under another plan which satisfies the requirements of section 501(c)(17)(A) and which is funded solely by contributions of the employer. In such a case, the plan seeking to qualify under section 501(c)(17) must provide the same benefits, or a portion of such benefits if determined in a nondiscriminatory manner, as are provided for the employees under the plan funded solely by employer contributions. Furthermore, this exception only applies if the employees eligible to receive benefits under both plans would satisfy the requirements in section 501(c)(17)(A)(ii), relating to nondiscrimination as to coverage. The plan of the employer which is being correlated with the plan seeking to satisfy the requirements of section 501(c)(17) may be a plan which forms part of a voluntary employees' beneficiary association described in section 501(c)(9), if such plan satisfies all the requirements of section 501(c)(17)(A). Under this exception, for example, if an employer has established a plan providing for the payment of supplemental unemployment compensation benefits for his hourly wage employees and such plan satisfies the requirements of section 501(c)(17)(A) (even though the plan forms part of a voluntary employees of such employer may establish in section 501(c)(9)), the salaried employees of such employee may establish a plan for themselves, and, if such plan provides for the same benefits as the plan covering hourly wage employees, both plans may be considered as one plan in determining whether the plan covering the salaried employees satisfies the requirement that it be nondiscriminatory as to coverage. The foregoing example would also be applicable if the benefits provided for the salaried employees were funded solely or in part by employer contributions.

(d) *Permanency of the plan.* A plan providing for the payment of supplemental unemployment compensation benefits contemplates a permanent as distinguished from a temporary program. Thus, although there may be reserved the right to change or terminate the plan, and to discontinue contributions thereunder, the abandonment of the plan for any reason other than business necessity within a few years after it has taken effect will be evidence that the plan from its inception was not a bona fide program for the purpose of providing supplemental unemployment compensation benefits to employees. Whether or not a particular plan constitutes a permanent arrangement will be determined by all of the surrounding facts and circumstances. However, merely because a collective bargaining agreement provides that a plan may be modified at the termination of such agreement, or that particular provisions of the plan are subject to renegotiation during the duration of such agreement, does not necessarily imply that the plan is not a permanent arrangement. Moreover, the fact that the plan provides that the assets remaining in the trust after the satisfaction of all liabilities (including contingent liabilities) under the plan may be returned to the employer does not imply that the plan is not a permanent arrangement nor preclude the trust from qualifying under section 501(c)(17).

(e) *Portions of years.* A plan must satisfy the requirements of section 501(c)(17) throughout the entire taxable year of the trust in order for the trust to be exempt for such year. However, section 501(c)(17)(C) provides that a plan will satisfy the nondiscrimination as to classification requirements of section 501(c)(17)(A) if on at least one day in each quarter of the taxable year of the trust it satisfies such requirements.

(f) *Several trusts constituting one plan.* Several trusts may be designated as constituting part of one plan which is intended to satisfy the requirements of section 501(c)(17), in which case all of such trusts taken as a whole must meet the requirements of such section. The fact that a combination of trusts fails to satisfy the requirements of section 501(c)(17) as one plan does not prevent

such of the trusts as satisfy the requirements of section 501(c)(17) from qualifying for exemption under that section.

(g) *Plan of several employers.* A trust forming part of a plan of several employers, or the employees of several employers, will be a supplemental unemployment benefit trust described in section 501(c)(17) if all the requirements of that section are otherwise satisfied.

(h) *Investment of trust funds.* No specific limitations are provided in section 501(c)(17) with respect to investments which may be made by the trustees of a trust qualifying under that section. Generally, the contributions may be used by the trustees to purchase any investments permitted by the trust agreement to the extent allowed by local law. However, the tax-exempt status of the trust will be forfeited if the investments made by the trustees constitute "prohibited transactions" within the meaning of section 503. See section 503 and the regulations thereunder. In addition, such a trust will be subject to tax under section 511 with respect to any "unrelated business taxable income" (as defined in section 512) realized by it from its investments. See sections 511 to 515, inclusive, and the regulations thereunder.

(i) *Allocations.* If a plan which provides sick and accident benefits is financed solely by employer contributions to the trust, and such sick and accident benefits are funded by payment of premiums on an accident or health insurance policy (whether on a group or individual basis) or by contributions to a separate fund which pays such sick and accident benefits, the plan must specify that portion of the contributions to be used to fund such benefits. If a plan which is financed in whole or in part by employee contributions provides sick and accident benefits, the plan must specify the portion, if any, of employee contributions allocated to the cost of funding such benefits, and must allocate the cost of funding such benefits between employer contributions and employee contributions.

(j) *Required records and returns.* Every trust described in section 501(c)(17) must maintain records indicating the amount of separation benefits and sick and accident benefits which have been provided to each employee. If a plan is financed, in whole or in part, by employee contributions to the trust, the trust must maintain records indicating the amount of each employee's total contributions allocable to separation benefits. In addition, every trust described in section 501(c)(17) which makes one or more payments (including separation and sick and accident benefits) totaling $600 or more in 1 year to an individual must file an annual information return on Form 1096, accompanied by a statement on Form 1099, for each such individual. Payments made by an employer or a person other than the trustee of the trust should not be considered in determining whether the $600 minimum has been paid by the trustee.

§ 1.501(c)(17)-3 Relation to other sections of the Code.

(a) *Taxability of benefit distributions—(1) Separation benefits.* If the separation benefits described in section 501(c)(17)(D)(i) are funded entirely by employer contributions, then the full amount of any separation benefit payment received by an employee is includible in his gross income under section 61(a). If any such separation benefit is funded by both employer and employee contributions, or solely by employee contributions, the amount of any separation benefit payment which is includible in the gross income of the employee is the amount by which such distribution and any prior distributions of such separation payments exceeds the employee's total contributions to fund such separation benefits.

(2) *Sick and accident benefits.* Any benefit payment received from the trust under the part of the plan, if any, which provides for the payment of sick and accident benefits must be included in gross income under section 61(a), unless specifically excluded under section 104 or 105 and the regulations thereunder. See section 105(b) and § 1.105-2 for benefit payments expended for medical care, benefit payments in excess of actual medical expenses, and benefit payments which an employee is entitled to receive irrespective of whether or not he incurs expenses for medical care. See section 213 and § 1.213-1(g) for benefit payments representing reimbursement for medical expenses paid in prior years. See § 1.501(c)(17)-2(i) for the requirement that a trust described in section 501(c)(17) which receives employee contributions must be part of a written plan which provides for the allocation of the cost of funding sick and accident benefits.

(b) *Exemption as a voluntary employees' beneficiary association.* Section 501(c)(17)(E) contemplates that a trust forming part of a plan providing for the payment of supplemental unemployment compensation benefits may, if it qualifies, apply for exemption from income tax under section 501(a) either as a voluntary employees' beneficiary association described in section 501(c)(9) or as a trust described in section 501(c)(17). However, if an organization applies for an exemption under section 501(c)(17) and is granted an exemption under that section, it shall be treated as an organization described in section 501(c)(17) so long as it continues to qualify under that section.

(c) *Returns.* A trust which is described in section 501(c)(17) and which is exempt from tax under section 501(a) must file a return in accordance with section 6033 and the regulations thereunder. If such a trust realizes any unrelated business taxable income, as defined in section 512, the trust is also required to file a return with respect to such income.

(d) *Effective date.* Section 501(c)(17) shall apply to taxable years beginning after December 31, 1969, and shall apply to supplemental unemployment benefit trusts regardless of when created or organized.

PAR. 3. Section 1.503(a) is amended to read as follows:

§ 1.503(a) Statutory provisions; requirements for exemption; denial of exemption to organizations engaged in prohibited transactions.

SEC. 503. *Requirements for exemption—(a) Denial of exemption to organizations engaged in prohibited transactions—(1) General rule.*

(A) An organization described in section 501(c)(3) which is subject to the provisions of this section shall not be exempt from taxation under section 501(a) if it has engaged in a prohibited transaction after July 1, 1950.

(B) An organization described in section 501(c)(17) which is subject to the provisions of this section shall not be exempt from taxation under section 501(a) if it has engaged in a prohibited transaction after December 31, 1959.

(C) An organization described in section 401(a) which is subject to the provisions of this section shall not be exempt from taxation under section 501(a) if it has engaged in a prohibited transaction after March 1, 1954.

(2) *Taxable years affected.* An organization described in section 501(c)(3) or (17) or section 401(a) shall be denied exemption from taxation under section 501(a) by reason of paragraph (1) only for taxable years after the taxable year during which it is notified by the Secretary or his delegate that it has engaged in a prohibited transaction, unless such organization entered into such prohibited transaction with the purpose of diverting corpus or income of the organization from its exempt purposes, and such transaction involved a substantial part of the corpus or income of such organization.

[Sec. 503(a) as amended by sec. 3, Act of July 14, 1960 (P.L. 86-667, 74 Stat. 535)]

PAR. 4. Section 1.503(a)-1 is amended by revising paragraphs (a) and (b). These amended provisions read as follows:

§ 1.503(a)-1 Denial of exemption to organizations engaged in prohibited transactions.

(a) The prohibited transactions enumerated in section 503(c) are in addition to and not in limitation of the restrictions contained in section 501(c)(3) or (17), or section 401(a). Even though an organization has not engaged in any of the prohibited transactions referred to in section 503(c), it still may not qualify for tax exemption in view of the general provisions of section 501(c)(3) or (17), or section 401(a). Thus, if a trustee or other fiduciary of the organization (whether or not he is also a creator of such organization) enters into a transaction with the organization, such transaction will be closely scrutinized in the light of the fiduciary principle requiring undivided loyalty to ascertain whether the organization is in fact being operated for the stated exempt purposes.

(b) An organization;

(1) Described in section 501(c)(3) which after July 1, 1960, has engaged in any prohibited transaction as defined in section 503(c), unless it is excepted by the provisions of section 503(b), or

(2) Described in section 401(a) which after March 1, 1954, has engaged in any prohibited transaction as defined in section 503(c) or which after December 31, 1962, has engaged in any prohibited transaction as defined in section 503(j); or

(3) Described in section 501(c)(17) which after December 31, 1959, has engaged in any prohibited transactions as defined in section 503(c);

shall not be exempt from taxation under section 501(a) for any taxable year subsequent to the taxable year in which there is mailed to it a notice in writing by the Commissioner that it has engaged in such prohibited transaction. Such notification by the Commissioner shall be by registered or certified mail to the last known address of the organization. However, notwithstanding the requirement of notification by the Commissioner, exemption shall be denied with respect to any taxable year if such organization during or prior to such taxable year commenced the prohibited transaction with the purpose of diverting income or corpus from its exempt purposes and such transaction involved a substantial part of the income or corpus of such organization. For the purpose of this section, the term "taxable year" means the established annual accounting period of the organization; or, if the organization has no such established annual accounting period, the "taxable year" of the organization means the calendar year.

PAR. 5. Section 1.503(b) is amended by revising the portion of paragraph (b) preceding subparagraph (1) and by adding a historical note at the end thereof. These amended and added provisions read as follows:

§ 1.503(b) Statutory provisions; requirements for exemption; organizations to which section 503 applies.

SEC. 503. *Requirements for exemption.* * * *

(b) *Organizations to which section applies.* This section shall apply to any organization described in section 501(c)(3) or (17) or section 401(a) except—

* * * * *

[Sec. 503(b) as amended by sec. 2(b), Act of July 14, 1960 (Pub. Law 86-667, 74 Stat. 535)]

PAR. 6. Section 1.503(c)-1 is amended by revising paragraph (a); by adding a new subdivision (vi) to paragraph (b)(2); by revising paragraph (b)(3); and the introductory clause and examples (5) and (6) of paragraph (c). These amended and added provisions read as follows:

§ 1.503(c)-1 Prohibited transactions.

(a) *In general.* The term "prohibited transaction" means any transaction set forth in section 503(c) engaged in by an organization described in section 501(c)(3) or (17), or section 401(a), other than those organizations excepted by section 503(b). Whether a transaction is a prohibited transaction depends on the facts and circumstances of the particular case. This section is intended to deny tax-exempt status to those organizations described in section 501(c)(3) or (17), or section 401(a), which engage in certain transactions which inure to the private advantage of (1) the creator of such organization (if it is a trust); (2) any substantial contributor to the organization; (3) a member of the family (as defined in section 267(c)(4)) of an individual who is such creator of or such substantial contributor to such organization; or (4) a corporation controlled, as set forth in section 503(c), by such creator or substantial contributor.

(b) *Loans as prohibited transactions under section 503(c)(1).* * * *

(2) *Effective dates.* * * *

(vi) January 1, 1960, for loans (including the purchase of debentures) made by supplemental unemployment benefit trusts, described in section 501(c)(17).

(3) *Certain exceptions to section 503(c)(1).* See section 503(h) and §§ 1.503(h)-1, 1.503(h)-2, and 1.503(h)-3 for special rules providing that certain obligations acquired by trusts described in section 401(a) or section 501(c)(17) shall not be treated as loans made without the receipt of adequate security for purposes of section 503(c)(1). See section 503(i) and § 1.503(i)-1 for an exception to the application of section 503(c)(1) for certain loans made by employees' trusts described in section 401(a).

(c) *Examples.* The following examples illustrate the operation of section 503(c)(1) with regard to organizations described in section 501(c)(3). The examples are also illustrative of the operation of section 503(c)(1) with respect to employees' trusts described in section 401(a), to the extent that section 503(h) or (i) is not applicable. In addition, the following examples are illustrative of the operation of section 503(c)(1) with respect to supplemental unemployment benefit trusts described in section 501(c)(17), to the extent that section 503(h) is not applicable.

Example (5). N Corporation, a substantial contributor to an exempt organization subject to section 503 borrows $50,000 on or after March 16, 1956, from the organization. If the loan is not adequately secured, the organization has committed a prohibited transaction at the time the loan was made. If the loan had been made on or before March 15, 1956, and is continued after January 31, 1957, it must be adequately secured on February 1, 1957, or it will be considered a prohibited transaction on that date. However, if the exempt organization were an employee's trust, described in section 401(a), and the loan were made before March 1, 1954, repayable by its terms after December 31, 1955, it would not have to be adequately secured on February 1, 1957. Moreover, if the exempt organization were a supplemental unemployment benefit trust, described in section 501(c)(17), and the loan were made before January 1, 1960, repayable by its terms after December 31, 1959, it would not have to be adequately secured on January 1, 1960.

Example (6). An exempt organization subject to section 503 purchases a debenture issued by O Corporation, which is a substantial contributor to the organization. The organization purchases the debenture in an arm's length transaction from a third person on or after November 9, 1956. The purchase is considered as a loan by the organization to O Corporation. The loan must be adequately secured when it is made, or it is considered as a prohibited transaction at that time. If the organization purchased the debenture before November 9, 1956, and holds it after December 1, 1958, the debenture must be adequately secured on December 2, 1968, or it will then be considered as prohibited transaction. However, if the organization were an employees' trust described in section 401(a), and if the debenture were purchased before March 1, 1954, and its maturity date is after December 31, 1955, the debenture does not have to be adequately secured. Moreover, if the organization were a supplemental unemployment benefit trust, described in section 501(c)(17), and if the debenture were purchased before January 1, 1960, and its maturity date is after December 31, 1959, the debenture does not have to be adequately secured.

PAR. 7. Section 1.503(d) is amended to read as follows:

§ 1.503(d) Statutory provisions; requirements for exemption; future status of organizations denied exemption.

SEC. 503. *Requirements for exemption.* * * *

(d) *Future status of organizations denied exemption.* Any organization described in section 501(c)(3) or (17) of section 401(a) which is denied exemption under section 501(a) by reason of subsection (a) of this section, with respect to any taxable year following the taxable year in which notice of denial of exemption was received, may, under regulations prescribed by the Secretary or his delegate, file claim for exemption, and if the Secretary or his delegate, pursuant to such regulations, is satisfied that such organization will not knowingly again engage in a prohibited transaction, such organization shall be exempt with respect to taxable years after the year in which such claim is filed.

[Sec. 503(d) as amended by sec. 2(c), Act of July 14, 1960 (Public Law 86-667, 74 Stat. 535)]

PAR. 8. Section 1.503(d)-1 is amended to read as follows:

§ 1.503(d)-1 Future status of organizations denied exemption.

(a) Any organization described in section 501(c)(3) or (17), or an employees' trust described in section 401(a), which is denied exemption under section 501(a) by reason of the provisions of section 503(a), may file, in any taxable year following the taxable year in which notice of denial was issued, a claim for exemption. In the case of organizations described in section 501(c)(3) or (17), the appropriate exemption application shall be used for this purpose, and shall be filed with the district director for the internal revenue district in which is located the principal place of business or principal office of the organization claiming exemption. In the case of an employees' trust described in section 401(a), the information described in § 1.404(a)-2 shall be submitted with a letter claiming exemption. An employees' trust described in section 401(a) shall submit this information to the district director with whom a request for a determination as to its qualification under section 401 and exemption under section 501 may be submitted under paragraph (1) of § 601.201 of this chapter (Statement of Procedural Rules). A claim for exemption must contain or have attached to it, in addition to the information gener-

ally required of such an organization claiming exemption as an organization described in section 501(c) (3) or (17), or section 401(a), a written declaration made under the penalties of perjury by a principal officer of such organization authorized to make such declaration that the organization will not knowingly again engage in a prohibited transaction. See § 1.501(a)–1 for proof of exemption requirements in general.

(b) If the Commissioner is satisfied that such organization will not knowingly again engage in a prohibited transaction and that the organization also satisfied all other requirements under section 501(c) (3) or (17), or section 401(a), the organization will be so notified in writing. In such case the organization will be exempt (subject to the provisions of 501(c) (3), (17), 401(a), 503, and 504 when applicable) with respect to the taxable years subsequent to the taxable year in which the claim prescribed in section 503(d) is filed. Section 503 contemplates that an organization denied exemption because of the terms of such section will be subject to taxation for at least one full taxable year. For the purpose of this section, the term "taxable year" means the established annual accounting period of the organization; or, if the organization has no such established annual accounting period, the "taxable year" of the organization means the calendar year.

PAR. 9. Section 1.503(h) is amended by revising the title of such section, the portion of paragraph (h) preceding subparagraph (1), and by amending the historical note at the end thereof. These amended provisions read as follows:

§ 1.503(h) Statutory provisions; requirements for exemption; special rules relating to lending by section 401(a) and section 501(c)(17) trusts to certain persons.

Sec. 503. *Requirements for exemption.* * * *

(h) *Special rules relating to lending by section 401(a) and section 501(c)(17) trusts to certain persons.* For purposes of subsection (c)(1), a bond, debenture, note, or certificate or other evidence of indebtedness (hereinafter in this subsection referred to as "obligation") acquired by a trust described in section 401(a) or section 501(c)(17) shall not be treated as a loan made without the receipt of adequate security if—

* * * * *

[Sec. 503(h) as added by sec. 30(a), Technical Amendments Act 1958 (72 Stat. 1629); amended by sec. 2(d), Act of July 14, 1960 (Public Law 86–667, 74 Stat. 535).]

PAR. 10. Section 1.503 (h)–1 is amended by revising the title of such section and paragraph (a) (1) and (3) thereof. These amended provisions read as follows:

§ 1.503(h)–1 Certain loans by employees' trusts and supplemental 'unemployment benefit trusts.

(a) *In general.* (1) Section 503(h) provides that the acquisition by an employees' trust described in section 401(a), or a supplemental unemployment benefit trust described in section 501(c)(17), of a bond, debenture, note, or certificate or other evidence of indebtedness shall not be treated as a loan made without the receipt of adequate security for purposes of section 503(c)(1), relating to loans made without the receipt of adequate security and a reasonable rate of interest, if certain requirements are met. Those requirements are described in § 1.503(h)–2.

* * * * *

(3) The provisions of section 503(h) do not limit the effect of section 401(a) and § 1.401–2, relating to the use or diversion of corpus or income of an employees' trust, or the effect of the provisions of section 501(c)(17)(A)(i), relating to the diversion of the corpus or income of a supplemental unemployment benefit trust. Furthermore, the provisions of section 503(h) do not limit the effect of any of the provisions of section 503 other than section 503(c)(1). Thus, for example, although a loan made by an employees' trust described in section 401 (a) meets all the requirements of section 503(h) and therefore is not treated as a loan made without the receipt of adequate security, an employees' trust making such a loan will lose its exempt status if the loan is not considered as made for the exclusive benefit of the employees or their beneficiaries. Similarly, a loan which meets the requirements of section 503(h) will constitute a prohibited transaction within the meaning of section 503(c)(3) if it results in a substantial diversion of the trust's income or corpus to a person described in section 503(c).

* * * * *

PAR. 11. Section 1.503(h)–2 is amended by revising paragraph (b) (1), (2)(ii) (*a*), and (iii) (*b*), (3) and (4) and paragraph (c) (1) and (2)(ii). These amended provisions read as follows:

§ 1.503(h)–2 Requirements.

* * * * *

(b) *Methods of acquisition*—(1) *In general.* The employees' trust described in section 401(a) or the supplemental unemployment benefit trust described in section 501(c)(17) must acquire the obligation on the market, by purchase from an underwriter, or by purchase from the issuer, in the manner described in subparagraph (2), (3), or (4) of this paragraph.

(2) *On the market.* * * *

(ii) (*a*) If the obligation is listed on a national securities exchange registered with the Securities and Exchange Commission, it must be purchased through such an exchange or in an over-the-counter transaction at a price not greater than the price of the obligation prevailing on such an exchange at the time of the purchase by the employees' trust or supplemental unemployment benefit trust.

* * * * *

(iii) * * *

(*b*) For purposes of section 503(h), the offering price for the obligation at the time of the purchase means the price which accurately reflects the market value of the obligation. The offering price may be the price at which the last sale of the obligation to a person independent of the issuer was effected immediately before the trust's purchase of such obligation on the same day or may be the mean between the highest and lowest prices at which sales to persons independent of the issuer were effected on the same day or on the immediately preceding day or on the last day during which there were sales of such obligation or may be a price determined by any other method which accurately reflects the market value of the obligation. The offering price for an obligation must be a valid price for the amount of the obligations which the trust is purchasing. For example, if an employees' trust described in section 401(a) purchases 1,000 bonds of the employer corporation at the offering price established by current prices for a lot of 10 such bonds, such offering price may not be a valid price for 1,000 bonds and the purchase may therefore not meet the requirements of this subdivision. For a purchase of an obligation to qualify under this subdivision, there must be sufficient current prices quoted by persons independent of the issuer to establish accurately the current value of the obligation. Thus, if there are no current prices quoted by persons independent of the issuer, an over-the-counter transaction will not qualify under this subparagraph although the obligation was purchased in an arm's length transaction from a person independent of the issuer.

* * * * *

(3) *From an underwriter.* An obligation may be purchased from an underwriter if it is purchased at a price not greater than:

(i) The public offering price for the obligation as set forth in a prospectus or offering circular filed with the Securities and Exchange Commission, or

(ii) The price at which a substantial portion of the issue including such obligation is acquired by persons independent of the issuer,

whichever is the lesser price. For purposes of this subparagraph, a portion of the issue will be considered substantial if the purchases of such portion by persons independent of the issuer are sufficient to establish the fair market value of the obligations included in such issue. In determining whether the purchases are sufficient to establish the fair market value, all the surrounding facts and circumstances will be considered, including the number of independent purchasers, the aggregate amount purchased by each such independent purchaser, and the number of transactions. In the case of a large issue, purchases of a small percentage of the outstanding obligations may be considered purchases of a substantial portion of the issue; whereas, in the case of a small issue, purchases of a larger percentage of the outstanding obligations will ordinarily be required. The requirement in subdivision (ii) of this subparagraph contemplates purchase of the obligations by persons independent of the issuer contemporaneously with the purchase by the employees' trust or supplemental unemployment benefit trust. If a substantial portion has been purchased at different prices, the price of the portion may be based on the average of such prices, and if several substantial portions have been sold to persons independent of the issuer, the price of any of the substantial portions may be used for purposes of this subparagraph.

(4) *From the issuer.* An obligation may be purchased directly from the issuer at a price not greater than the price paid currently for a substantial portion of the same issue by persons independent of the issuer. This requirement contemplates purchase of a substantial portion of the same issue by persons independent of the issuer contemporaneously with the purchase by the employees' trust or supplemental unemployment benefit trust. For purposes of this subparagraph, a portion of the issue will be considered substantial if the purchases of such portion by persons independent of the issuer are sufficient to establish the fair market value of the obligations included in such issue. In determining whether the purchases are sufficient to establish the fair market value, all the surrounding facts and circumstances will be considered, including the number of independent purchasers, the aggregate amount purchased by each such independent purchaser, and the number of transactions. In the case of a large issue, purchases of a small percentage of the outstanding obligations may be considered purchases of the substantial portion of the issue; whereas, in the case of a small issue, purchases of a larger percentage of the outstanding obligations will ordinarily be required. The price paid for a substantial portion of the issue may be determined in the manner provided in subparagraph (3) of this paragraph.

(c) *Limitations on holdings of obligations.* (1) Immediately following acquisition of the obligation by the employees' trust or the supplemental unemployment benefit trust.

* * * * *

(2) (i) * * *

(ii) For purposes of subparagraph (1) of this paragraph, the amounts of the obligations held by the trust and by persons independent of the issuer shall be computed on the basis of the face amount of the obligations.

PAR. 12. Section 1.503(h)–3 is revised to read as follows:

§ 1.503(h)–3 Effective dates.

(a) Section 503(h) and §§ 1.503(h)–1 and 1.503(h)–2 are effective in the case of an employees' trust described in section 401(a) for taxable years ending after March 15, 1956. Thus, if during a taxable year ending before March 16, 1956, an employees' trust made a loan which meets the requirements of section 503(h), such loan will not be treated as made without the receipt of adequate security and will not cause loss of exemption for taxable years ending after March 15, 1956, although such loan was not considered adequately secured when made.

(b) (1) In the case of obligations acquired by an employees' trust described in section 401(a) before September 2, 1958, which were held on that date, the requirements described in paragraphs (c) and (d) of § 1.503(h)–2 which were not satisfied immediately following the acquisition shall be treated as satisfied at that time if those requirements would have been satisfied had the obligations been acquired on September 2, 1958. For example, on January 3, 1955, an employees' trust described in section 401(a) purchased through the New York Stock Exchange unsecured debentures issued by the employer corporation. Under section 503(h) the acquisition of such debentures by the trust will not be treated for taxable years ending after March 15, 1956, as a loan made without the receipt of adequate security if the debentures were held by the employees' trust on September 2, 1958, and if the requirements of paragraphs (c) and (d) of § 1.503(h)–2 which were not met on January 3, 1955, were met on September 2, 1958, as if that date were the date of acquisition.

(2) In the case of obligations acquired before September 2, 1958, which were not held by the employees' trust described in section 401(a) on that date, only the requirement described in paragraph (b) of § 1.503(h)–2 must be satisfied for section 503(h) to be applicable to such acquisition. For example, if on December 5, 1956, an employees' trust lent money to the employer corporation by purchasing a debenture issued by the employer and if the trust sold the debenture on August 1, 1958, such loan would not be treated as made without the receipt of adequate security if the requirement described in paragraph (b) of § 1.503(h)–2 was met on December 5, 1956.

(c) Section 503(h) and §§ 1.503(h)–1 and 1.503(h)–2 are effective in the case of supplemental unemployment benefit trusts described in section 501(c)(17) with respect to loans made, renewed, or, in the case of demand loans, continued after December 31, 1959.

(d) See paragraph (b)(2) of § 1.503 (c)–1 for the effective dates for the application of the definition of adequate security.

PAR. 13. Section 1.511 is amended by revising paragraph (a)(2)(A) and paragraph (b)(2), and by adding a historical note at the end thereof. These amended and added provisions read as follows:

§ 1.511 Statutory provisions; imposition of tax on unrelated business income of charitable, etc., organizations.

Sec. 511. *Imposition of tax on unrelated business income of charitable, etc., organizations*—

(a) *Charitable, etc., organizations taxable at corporation rates.* * * *

(2) *Organizations subject to tax*—

(A) *Organizations described in section 501 (c) (2), (3), (5), (6), and (17), and section 401(a).* The taxes imposed by paragraph (1) shall apply in the case of any organization (other than a church, a convention or association of churches, or a trust described in subsection (b)) which is exempt, except as provided in this part, from taxation under this subtitle by reason of section 401(a) or of paragraph (3), (5), (6), or (17) of section 501(c). Such taxes shall also apply in the case of a corporation described in section 501 (c)(2) if the income is payable to an organization which itself is subject to the taxes imposed by paragraph (1) or to a church or to a convention or association of churches.

* * * * *

(b) *Tax on charitable, etc., trusts.* * * *

(2) *Charitable, etc., trusts subject to tax.* The tax imposed by paragraph (1) shall apply in the case of any trust which is exempt, except as provided in this part, from taxation under this subtitle by reason of section 501(c) (3) or (17) or section 401(a) and which, if it were not for such exemption, would be subject to subchapter J (sec. 641 and following, relating to estates, trusts, beneficiaries, and decedents).

* * * * *

[Sec. 511 as amended by sec. 3, Act of July 14, 1960 (Pub. Law 86–667, 74 Stat. 535).]

PAR. 14. Section 1.511–2 is amended by revising paragraphs (a)(1) and (b). These amended provisions read as follows:

§ 1.511–2 Organizations subject to tax.

(a) (1) The taxes imposed by section 511(a)(1) apply in the case of any organization (other than a church, a convention or association of churches, or a trust described in section 511(b)(2)) which is exempt (except as provided in sections 511 through 515) from taxation under section 501(a) as an organization described in section 501(c) (3), (5), (6), or (17), or section 401(a). A corporation described in section 501(c)(2) exempt from taxation under section 501(a) holding property for an organization which itself is subject to the tax or for a church or a convention or association of churches, is also subject to the tax imposed by section 511(a)(1).

* * * * *

(b) The taxes imposed by section 511 (b) apply in the case of any trust which is exempt (except as provided in sections 511 through 515) from taxation under section 501(a) as an organization described in section 501(c) (3) or (17), or section 401(a), and which, if it were not for such exemption, would be subject to the provisions of subchapter J, chapter 1, of the Code. In the case of a trust described in section 401(a), the tax imposed by section 511(b) and this section shall apply only for taxable years beginning after June 30, 1954. In the case of a trust described in section 501(c)(17), the tax imposed by section 511(b) and this section shall apply only for taxable years beginning after December 31, 1959. An organization which is considered as "trustee" of a stock bonus, pension, or profit-sharing plan described in section 401(a), or a supplemental unemployment benefit trust described in section 501(c)(17) (regardless of the form of such organization) is subject to the taxes imposed by section 511(b)(1) on its unrelated business income. However, if such an organization conducts a business which is a separate taxable entity on the basis of all the facts and circumstances, for example, as a corporation or an association taxable as a corporation, the business will be taxable as a feeder organization described in section 502.

PAR. 15. Paragraph (b) of § 1.513 is amended by revising paragraph (b)(2) and by adding a historical note at the end thereof. These amended and added provisions read as follows:

§ 1.513 Statutory provisions; unrelated trade or business.

Sec. 513. *Unrelated trade or business.* * * *

(b) *Special rule for trusts.* * * *

(2) A trust described in section 401(a), or section 501(c)(17), which is exempt from tax under section 501(a);

* * * * *

[Sec. 513(b)(2) as amended by sec. 4, Act of July 14, 1960 (Pub. Law 86-667, 74 Stat. 536)]

PAR. 16. Section 1.514(c) is amended by adding a new subparagraph (8) and a historical note. These amended and added provisions read as follows:

§ 1.514(c) Statutory provisions; business leases; business lease indebtedness.

Sec. 514. *Business leases.* * * *

(c) *Business lease indebtedness.* * * *

(8) *Trusts described in section 501(c)(17).*—

(A) In the case of a trust described in section 501(c)(17), or in the case of a corporation described in section 501(c)(2), all of the stock of which was acquired before January 1, 1960, by a trust described in section 501(c)(17), any indebtedness incurred by such trust or such corporation before January 1, 1960, in connection with real property which is leased before January 1, 1960, and any indebtedness incurred by such trust or such corporation on or after such date necessary to carry out the terms of such lease, shall not be considered as an indebtedness with respect to such trust or such corporation for purposes of this subsection.

(B) In the application of paragraph (1), if a trust described in section 501(c)(17) forming part of a supplemental unemployment compensation benefit plan lends any money to another trust described in section 501(c)(17) forming part of the same plan, such loan shall not be treated as an indebtedness of the borrowing trust, except to the extent that the loaning trust—

(i) Incurs any indebtedness in order to make such loan;

(ii) Incurred indebtedness before the making of such loan which would not have been incurred but for the making of such loan; or

(iii) Incurred indebtedness after the making of such loan which would not have been incurred but for the making of such loan and which was reasonably foreseeable at the time of making such loan.

[Sec. 514(c) as amended by sec. 5, Act of July 14, 1960 (Pub. Law 86-667, 74 Stat. 536)]

PAR. 17. Section 514(c)-1 is amended by adding a new paragraph (j) at the end thereof. These added provisions read as follows:

§ 1.514(c)-1 Business lease indebtedness.

* * * * *

(j) *Certain trusts described in section 501(c)(17).* (1) In the case of a supplemental unemployment benefit trust described in section 501(c)(17), or in the case of a corporation described in section 501(c)(2) all of the stock of which was acquired before January 1, 1960, by such a trust, any indebtedness incurred by such trust or such corporation before such date, in connection with real property which is leased before such date, and any indebtedness incurred by such trust or such corporation on or after such date necessary to carry out the terms of such lease, shall not be considered as an indebtedness described in section 514(c) and in this section.

(2) If a supplemental unemployment benefit trust described in section 501(c)(17) lends any money to another such supplemental unemployment benefit trust forming part of the same plan, for the purpose of acquiring or improving real property, such loan will not be treated as an indebtedness of the borrowing trust except to the extent that the loaning trust—

(i) Incurs any indebtedness in order to make such loan;

(ii) Incurred indebtedness before the making of such loan which would not have been incurred but for the making of such loan; or

(iii) Incurred indebtedness after the making of such loan which would not have been incurred but for the making of such loan and which was reasonably foreseeable at the time of making such loan.

PAR. 18. Paragraph (a)(5) of § 1.6012-3 is amended to read as follows:

§ 1.6012-3 Returns by fiduciaries.

(a) *For estates and trusts.* * * *

(5) *Trusts with unrelated business income.* Every fiduciary for a trust, described in section 501(c)(3) or (17), or section 401(a), which is otherwise exempt from tax under section 501(a), and which is subject to the tax imposed on unrelated business taxable income by section 511(b)(1), shall make a return on Form 990-T for each taxable year if the trust has gross income, included in computing unrelated business taxable income for such taxable year, of $1,000 or more. The filing of a return of unrelated business income does not relieve the fiduciary of such trust from the duty of filing other required returns.

* * * * *

PAR. 19. Paragraph (i) of § 1.6033-1 is amended to read as follows:

§ 1.6033-1 Returns by exempt organizations.

* * * * *

(i) *Unrelated business tax returns.* In addition to the foregoing requirements of this section, certain organizations otherwise exempt from tax under section 501(a) and described in section 501(c)(2), (3), (5), (6), or (17) or section 401(a) which are subject to tax on unrelated business taxable income are also required to file returns on Form 990-T. See paragraph (e) of § 1.6012-2 and paragraph (a)(5) of § 1.6012-3 for requirements with respect to such returns.

[F.R. Doc. 67-8960; Filed, Aug. 1, 1967; 8:46 a.m.]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 32]

Hunting

HATCHIE NATIONAL WILDLIFE REFUGE, TENN.

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Migratory Bird Conservation Act of February 18, 1929, as amended (45 Stat. 1222; 16 U.S.C. 715), and the Endangered Species Preservation Act of October 15, 1966 (80 Stat. 926, 16 U.S.C. 668aa), it is proposed to amend 50 CFR 32.11 and 32.21, by the addition of Tennessee National Wildlife Refuge, Tenn., to the list of areas open to the hunting of migratory game birds; and Hatchie National Wildlife Refuge, Tenn., to the list of areas open to upland game hunting.

It has been determined that the regulated hunting of upland game on Hatchie National Wildlife Refuge and migratory game birds on Tennessee National Wildlife Refuge may be permitted as designated without detriment to the objectives for which the areas were established.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections, with respect to this proposed amendment, of the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

1. Section 32.11 is amended by the addition of the following area as one where hunting of migratory game birds is authorized:

§ 32.11 List of open areas; migratory game birds.

* * * * *

TENNESSEE

TENNESSEE NATIONAL WILDLIFE REFUGE

* * * * *

2. Section 32.21 is amended by the addition of the following area as one where hunting of upland game is authorized:

§ 32.21 List of open areas; upland game.

* * * * *

TENNESSEE

HATCHIE NATIONAL WILDLIFE REFUGE

* * * * *

JOHN S. GOTTSCHALK,
Director, Bureau of Sport Fisheries and Wildlife.

JULY 27, 1967.

[F.R. Doc. 67-8952; Filed, Aug. 1, 1967; 8:45 a.m.]

Oil Import Administration

[32A CFR Ch. X]

[Oil Import Reg. 1, Rev. 5]

ALLOCATIONS OF IMPORTS, LOW SULPHUR RESIDUAL FUEL OIL

Notice of Proposed Rule Making

Presidential Proclamation 3279, as amended, has been modified to help abate air pollution on both the East and West Coasts.

The amended proclamation has redefined residual fuel oil as follows: "Residual fuel oil—topped crude oil or viscous residuum which has a viscosity of not less than 45 seconds Saybolt Universal at 100° F. and crude oil which has a viscosity of not less than 45 seconds Saybolt Universal at 100° F. and which is to be used as fuel without further processing other than by blending by mechanical means." This new definition expands the viscosity range of fuel oil and permits imports under a residual fuel oil license of oil of lower viscosity than was heretofore permitted. By permitting imports of residual fuel oil of lower viscosity than in the past, the industry's capability to supply greater quantities of low sulphur fuel oil will be enhanced. Accordingly, subparagraph (7), of paragraph (g) of section 22 of the Oil Import Regulation 1, as amended, will be so revised.

In addition, the amended proclamation authorizes the Secretary of the Interior, to allocate imports of low sulphur residual fuel oil to marketers of this fuel in District V who have access to ocean terminals and to grant allocations of imports of crude oil and unfinished oils to refiners in all districts, who process imported crude oil or unfinished oils into low sulphur residual fuel oil to be used as fuel. In order to implement these provisions of the amendatory proclamation, I propose to issue amendments to Oil Import Regulation 1, as amended, which would embody the following plan:

(1) Persons in the business of selling residual fuel oil in District V who have access to deepwater terminals, either by ownership or throughput agreements and a recent history of inputs of residual fuel oil to such terminals would be granted an allocation of imports of residual fuel oil to be used as fuel containing not more than a percent of sulphur by weight, as the Secretary of the Interior may determine in consultation with the Secretary of Health, Education, and Welfare. The quantity of individual allocations would be that amount of low sulphur residual fuel equaling the difference between individual certified availability of domestic supply and estimates of requirements of low sulphur residual fuel oil to be used as fuel to meet consumer demand in District V.

(2) In Districts I–IV and District V, eligible persons with refinery capacity who are receiving allocations of imports of crude and unfinished oils would be given additional allocations based on the low sulphur residual fuel oil produced from crude oil or unfinished oils imported pursuant to their allocations. The additional allocations of crude oil and unfinished oils would not exceed the quantity of low sulphur residual fuel oil produced from imported crude for United States consumption. Provisions would be made to adjust "inputs" so that there would be no pyramiding of "inputs" for the purpose of enlarging individual import allocations.

Example: Any eligible person who receives an allocation of imports of crude oil and unfinished oils of 1 million barrels for the allocation period January 1–December 31, 1968, manufactures 100,000 barrels of low sulphur residual fuel oil from his imported foreign crude oil or unfinished oil. Upon receipt of certification by the Oil Import Administration, the applicant would be entitled to receive an additional allocation not to exceed 100,000 barrels of crude oil. Further, if he manufactures 10,000 barrels of low sulphur residual fuel oil from this additional imported crude oil he would be entitled to receive a second additional allocation of 10,000 barrels of crude oil and unfinished oils. However, for the purpose of computing import allocations under section 10 or 11 of Oil Import Regulation 1 for future allocation periods crude oil imported under an additional allocation and processed would not qualify as "refinery inputs".

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections (six copies) with respect to the proposed plan to the Administrator, Oil Import Administration, Washington, D.C. 20240, on or before August 15, 1967.

STEWART L. UDALL,
Secretary of the Interior.

JULY 29, 1967.

[F.R. Doc. 67-9064; Filed, Aug. 1, 1967; 9:40 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 724]

FIRE-CURED, DARK AIR-CURED, AND VIRGINIA SUN-CURED TOBACCO

Sale, Lease, and Transfer of Acreage Allotments for 1967 and Subsequent Crop Years

Notice of determinations to be made with respect to sale, lease, and transfer of fire-cured, dark air-cured, and Virginia sun-cured tobacco acreage allotments for 1967 and subsequent crop years.

Pursuant to the Agricultural Adjustment Act of 1938, as amended, and as further amended through the addition of section 318 by P.L. 90-51, approved July 7, 1967, hereinafter referred to as the "Act," the Secretary is preparing to make determinations regarding the provisions of section 318 of the Act.

Section 318 of the Act provides as follows:

(a) Notwithstanding any other provision of law, the Secretary, if he determines that it will not impair the effective operation of the tobacco marketing quota or price support programs, (1) may permit the owner and operator of any farm for which a fire-cured, dark air-cured, or Virginia sun-cured tobacco acreage allotment or acreage-poundage quota is established under this Act to sell or lease all or any part or the right to all or any part of such allotment or quota to any other owner or operator of a farm for transfer to such farm; and (2) may permit the owner of a farm to transfer all or any part of such allotment or quota to any other farm owned or controlled by him.

(b) Transfers under this section shall be subject to the following conditions: (1) No allotment or quota shall be transferred to a farm in another county; (2) no transfer of an allotment or quota from a farm subject to a mortgage or other lien shall be permitted unless the transfer is agreed to by the lienholders; (3) no sale of a farm allotment or quota from a farm shall be permitted if any sale of allotment or quota to the same farm has been made within the three immediately preceding crop years; and (4) no transfer of allotment or quota shall be effective until a record thereof is filed with the county committee of the county to which such transfer is made and such committee determines that the transfer complies with the provisions of this section.

(c) The transfer of an allotment or quota under this section shall have the effect of transferring also the acreage history and marketing quota attributable to such allotment or quota and if the transfer is made prior to the determination of the allotment or quota for any year the transfer shall include the right of the owner or operator to have an allotment or quota determined for the farm for such year: *Provided*, That in the case of a transfer by lease the amount of the allotment or quota shall be considered for purposes of determining allotments or quotas after the expiration of the lease to have been planted on the farm from which such allotment is transferred.

(d) The land in the farm from which the entire tobacco allotment or quota has been transferred shall not be eligible for a new farm tobacco allotment or quota during the 5 years following the year in which such transfer is made.

(e) If the normal yield established by the county committee for the farm to which the allotment is transferred does not exceed the normal yield established by the county committee for the farm from which the allotment is transferred by more than 10 per centum, the transfer shall be approved acre for acre. If the normal yield for the farm to which the allotment is transferred exceeds the normal yield for the farm from which the allotment is transferred by more than 10 per centum, the county committee shall make a downward adjustment in the amount of the acreage allotment transferred by multiplying the normal yield established for the farm from which the allotment is transferred by the acreage being transferred and dividing the result by the normal yield established for the farm to which the allotment is transferred.

(f) Any lease under this section may be made for such term of years not to exceed five as the parties thereto agree, and on such other terms and conditions except as otherwise provided in this section as the parties thereto agree.

(g) Under the provisions of this section not more than 10 acres of allotment may be transferred to any farm: *Provided*, That the total acreage allotted to any farm after such transfer shall not exceed 50 per centum of the acreage of cropland in the farm.

(h) The lease of any part of a tobacco acreage allotment or acreage-poundage quota under this section determined for a farm shall not affect the allotment or quota for the farm from which such allotment or quota is transferred or the farm to which it is transferred, except with respect to the crop year or years specified in the lease. The amount of the acreage allotment and acreage-poundage quota which is leased from a farm shall be considered for purposes of determining future allotments and quotas to have been planted to tobacco on the farm from which such allotment or quota is leased and the production pursuant to the lease shall not be taken into account in establishing allotments or quotas for subsequent years for the farm to which such allotment is leased. The lessor shall be considered to have been engaged in the production of tobacco for purposes of eligibility to vote in the referendum.

(i) If the sale or transfer under this section occurs during a period in which the farm is covered by a conservation reserve contract, cropland conversion agreement, or other similar land utilization agreement the rates of payment provided for in the contract or agreement of the farm from which the transfer is made shall be subject to an appropriate adjustment, but no adjustment shall be made in the contract or agreement of the farm to which the transfer is made.

(j) The Secretary shall prescribe such regulations and other terms and conditions as he deems necessary for the administration of this section.

The issues involved in these determinations are: (1) Whether the sale, lease, and transfer of fire-cured, dark air-cured, or Virginia sun-cured tobacco acreage allotments would impair the effective operation of the tobacco marketing quota or price support program for such kind of tobacco for 1968 and subsequent years, (2) whether the sale, lease, and transfer of acreage allotments for any such kind of tobacco would, if made effective for the 1967 crop, impair the 1967 marketing quota or price support program for such kind of tobacco in view of the fact that it is too late to plant any of such kinds of tobacco for 1967, and (3) development of regulations for operation of the program if put into effect. Consideration will be given to data, views, and recommendations pertaining to the proposed determinations, rules, and regulations covered by this notice which are submitted in writing to the Director, Policy and Program Appraisal Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250. All written submissions made pursuant to the notice will be made available for public inspection at such times and in a manner convenient to the public business (7 CFR 1.27(b)). All submissions must be postmarked not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D.C., on July 26, 1967.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 67-8964; Filed, Aug. 1, 1967; 8:45 a.m.]

Consumer and Marketing Service

[7 CFR Part 989]

[Docket No. AO 198-A8]

RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Decision and Referendum Order With Respect to Proposed Amendment of Marketing Agreement and Order, as Amended

Pursuant to the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held in Fresno, Calif., on April 24–27, 1967, after notice thereof published in the FEDERAL REGISTER (32 F.R. 5690) on proposals to amend the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California. The amended marketing agreement and the amended order are effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

On the basis of the evidence adduced at the hearing, and the record thereof, the recommended decision in this proceeding was filed on June 22, 1967, with the Hearing Clerk, U.S. Department of Agriculture, and notice thereof, affording opportunity to file written exceptions thereto, was published June 27, 1967, in the FEDERAL REGISTER (F.R. Doc. 67–7196; 32 F.R. 9084).

The material issues, findings and conclusions, and general findings of the recommended decision set forth in the FEDERAL REGISTER (F.R. Doc. 67–7196; 32 F.R. 9084) are hereby approved and adopted as the material issues, findings and conclusions, and general findings of this decision as if set forth in full herein, except as they are modified by correction of typographical errors and rulings on the exceptions as hereinafter set forth.

Correction of typographical errors. The third sentence of the penultimate paragraph of the discussion on material issue (11) in the recommended decision which reads, "If any such sale is approved, the offer to handlers should be made as now provided in paragraphs (d) and (h) of new § 989.67 but price determination should continue as presently prescribed in § 989.66(b)" should be corrected to read as follows: "If any such sale is approved, the offer to handlers should be made as now provided in paragraphs (d) and (h) of new § 989.67 but price determination should continue as presently prescribed in § 989.67(b)".

Rulings on exceptions. Exceptions to the recommended decision were filed, within the prescribed time, by the following: A Setrakian, on his own behalf; Allen F. Mather for Sun-Maid Raisin Growers of California; Ernest A. Bedrosian for the Raisin Bargaining Association; C. W. Bonner for Bonner Packing Co.; Dan Hoak for West Coast Growers and Packers, Inc.; W. L. Jackson for the Raisin Administrative Committee; and R. L. Engell for Del Monte Corp.

These exceptions have been considered carefully and fully, in connection with the evidence in the record and the proposed findings and conclusions of the recommended decision in arriving at the findings and conclusions set forth herein. To any extent that the findings and conclusions contained herein are at variance with any of the exceptions pertaining thereto, such exceptions are denied on the basis of the findings and conclusions relating to the issues to which the exceptions refer.

The exceptions, and the rulings thereon, are as follows:

Two exceptors took the position that provision should not be made to include the newly formed cooperative bargaining association within the framework of the order. They contended that to do so would cause the Raisin Advisory Board and the Raisin Administrative Committee to be producer dominated to an even greater degree. This reason, and others, which the two exceptors gave for excluding the cooperative bargaining association was presented at the public hearing and was in proposed findings and conclusions filed subsequent to said hearing. However, the preponderance of evidence was that a cooperative bargaining association has become a major entity in the raisin industry and should directly participate in the industry's marketing decisions. This was the appropriate conclusion of the recommended decision and hence the exception is denied.

Three exceptors requested that the initial release percentage in recommended § 989.54(b) be increased from "not less than 65 percent" to 75 or even 85 percent to assure adequate early supplies of free tonnage raisins. However, the recommended decision notes that 65 percent will release approximately 91,000 tons and this is adequate for September–February shipments. No later than February 15, the committee is required to recommend the change of percentage which will release the full desirable free tonnage. The provision is flexible enough to assure adequate free tonnage supplies in that the initial release may exceed 65 percent or, in the alternative, the full release may occur prior to February 15 of a crop year. Hence, the exceptions are denied.

An exception was taken to the recommended decision not adopting the proposal in the notice of hearing which would permit the committee to require handlers to set aside a portion of their acquisitions prior to the establishment of free and reserve percentages for the crop year. The latter occurs in October whereas the crop year begins the first of September. In the opposite sense, handler exceptors protested the recommended deletion of the right to use reserve tonnage, in free tonnage outlets, up to November 15 of the crop year. Under present provisions of the order, handlers have had temporary opportunity to defer set aside of reserve tonnage even after percentages were established. However, this deferment being inconsistent with the supply stabilizing intent of new § 989.54, the recommended decision correctly concluded that the provision for deferment should be deleted. The decision also concluded that provision should be made for a portion of the desirable free tonnage to be withheld early in the crop year. Since handlers in general carry into the crop year sufficient supplies to meet September free tonnage needs and shipments of new crop are negligible, little purpose would be served by having the withholding requirement effective on new crop in September. It should be effective early in October and this can be achieved by the committee recommending, on or before September 1, and the Secretary proposing in September whether the preliminary free tonnage percentage is to release 65 percent or a higher percentage of the desirable free tonnage. Then, as soon as the crop estimate is known and the committee computes and recommends the appropriate free and reserve percentages, the percentages can be promptly established. Accordingly, the exceptions are denied.

Several exceptors indicated that paragraph (c) of § 989.54 should either be deleted or revised to make it more restrictive as to possible changes of the free tonnage percentage. While the paragraph is presently in the order to assure full flexibility of adjustment to unforeseen circumstances, it admittedly poses the issue as to whether the committee could, for relatively minor reasons, recommend a late in the crop year change of such matters of marketing policy as the final free tonnage percentage. Such could adversely affect market stability and is not within the intended scope nor the historic usage of the provision. Hence, the exceptions are granted and there is added to the penultimate paragraph of the discussion (32 F.R. 9087) on material issue (8) in the recommended decision the following: "With respect to paragraph (c) of new § 989.54, the committee should be restricted as to any modification of its marketing policy to that arising from a national emergency, crop failure, or other major changes in economic conditions. Such would assure, under normal conditions, continuity of policy and maintenance of market stability throughout the crop year". Section 989.54(c) is revised accordingly.

Exceptions were taken to recommended paragraph (j) of § 989.67 as permitting uncertainty among raisin packers as to the actual free tonnage supply. Exceptors indicated that the language of said paragraph would lead handlers to possibly believe they would be able to purchase reserve raisins for use as free tonnage after the final free percentage is established prior to or in February of each crop year. If such were permitted in normal crop years, it would continue the price instability which has been a characteristic of the sale of free tonnage raisins. While the interpretation of the exceptors is not consistent with the discussion under material issue (11), the fact that the interpretation arose means the exceptions should be granted. Hence, the second sentence of the penultimate paragraph of the discussion on material issue (11) in the recommended decision should be revised to read as follows: "Thus, the committee should not be permitted to sell reserve tonnage unless it finds, and the Secretary approves, that because of a national emergency, crop failure, major change in economic conditions or an inadequate carryover for September shipment the free tonnage outlets cannot be reasonably well supplied by the tonnage released to the industry by the final free percentage". In other words, once the free tonnage is set for the crop year it should remain a fixed amount throughout any normal crop year. However, since additional supplies can only be obtained from the carryin in an average year, this could result in an inadequate carryout and hence inability to supply the September demand unless an offer of reserve tonnage is made to supply the temporary needs of handlers. Paragraph (j) of § 989.67 is revised accordingly.

Exceptions were taken to the proviso at the end of paragraph (j) of § 989.67 and request made that it be deleted. However, the proviso is presently in the order, it states how prices may be determined for reserve tonnage when there is a downward trend to prices, no evidence was presented on the record to alter methods of price determinations, and no change of this provision is warranted as a conforming change arising from other changes. Accordingly these exceptions are denied.

Amendment of the amended marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement, as Amended, Regulating the Handling of Raisins Produced from Grapes Grown in California" and "Order Amending the Order, as Amended, Regulating the Handling of Raisins Produced from Grapes Grown in California" which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Referendum order. Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), it is hereby directed that a referendum be conducted among producers who, during the period July 1, 1966, through June 30, 1967 (which period is hereby determined to be a representative period for the purpose of such referendum), have been engaged in the State of California, in the production for market of grapes which were sun-dried or dehydrated by artificial means until they became raisins to determine whether such producers favor the issuance of the said annexed order amending the order, as amended, regulating the handling of raisins produced from grapes grown in California.

Charles Fuqua, Martin Kelly, and Joseph C. Genske of the Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, are hereby designated referendum agents of the Secretary of Agriculture to conduct said referendum severally or jointly.

The procedure applicable to the referendum shall be the "Procedure for the Conduct of Referenda in Connection with Marketing Orders for Fruits, Vegetables, and Tree Nuts Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended" (30 F.R. 15414).

The ballots used in the referendum shall contain a summary describing the terms and conditions of the proposed amendatory order.

Any producer entitled to vote in the referendum who does not receive a copy of the aforesaid annexed order, voting instructions, or a ballot or other necessary information will be able to obtain the same from any of the County Directors of Agricultural Extension in the California Counties of Fresno, Kern, Kings, Madera, Merced, Stanislaus, and Tulare, or from Charles Fuqua, Fresno Marketing Field Office, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, Room 3114, Federal Building, 1130 O Street, Fresno, Calif. 93721, or Dower T. Mohun, San Francisco Marketing Field Office, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, Room 836, 630 Sansome Street, San Francisco, Calif. 94111.

It is hereby ordered, That all of this decision and referendum order, except the annexed marketing agreement, as amended, be published in the FEDERAL REGISTER. The regulatory provisions of the said marketing agreement, as amended, are identical with those contained in the said order, as amended, and as further amended by the annexed order which will be published with this decision.

Dated: July 27, 1967.

GEORGE L. MEHREN,
Assistant Secretary.

Order[1] Amending the Order, as Amended, Regulating the Handling of Raisins Produced From Grapes Grown in California

§ 989.0 Findings and determinations.

(a) *Previous findings and determinations.* The findings and determinations hereinafter set forth are supplementary, and in addition, to the findings and determinations made in connection with the issuance of the order and the previously issued amendments hereby ratified and affirmed except insofar as such prior findings and determinations may be in conflict with the findings and determinations set forth herein. (For prior findings and determinations see 14 F.R. 5136;

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and orders have been met.

20 F.R. 6435; 21 F.R. 8182; 25 F.R. 12814; 29 F.R. 9482.)

(b) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held in Fresno, Calif., on April 24–27, 1967, on a proposed amendment of the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California. On the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order, as amended and as hereby further amended, regulates the handling of raisins produced from grapes grown in California in the same manner as, and is applicable only to persons in the respective classes of commercial or industrial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) The said order, as amended and as hereby further amended, is limited in application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the area of production would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of raisins in the production area covered by the order, as amended and as hereby further amended, which would require different terms applicable to different parts of such area; and

(5) All handling of raisins produced from grapes grown in the area of production is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

It is, therefore, ordered, That, on and after the effective date hereof, all handling of raisins produced from grapes grown in California shall be in conformity to, and in compliance with, the terms and conditions of the said order, as amended, and as hereby further amended as follows:

1. Add a new section, § 989.12a, as follows:

§ 989.12a Cooperative bargaining association.

"Cooperative bargaining association" means a nonprofit cooperative association of raisin producers engaged within the area in bargaining with handlers as to price and otherwise arranging for the sale of natural condition raisins of its members.

2. Revise § 989.13 to read:

§ 989.13 Processor.

"Processor" means any person who receives or acquires natural condition raisins, off-grade raisins, other failing raisins (as defined in paragraph (f) of § 989.59), or raisin residual material and uses them or it within the area, with or without other ingredients, in the production of a product other than raisins, for market or distribution.

3. Revise § 989.14 to read:

§ 989.14 Packer.

"Packer" means any person who, within the area, stems, sorts, cleans, or seeds raisins, grades stemmed raisins, or packages raisins for market as raisins: *Provided*, That:

(a) No producer with respect to the raisins produced by him, and no group of producers with respect to raisins produced by the producers comprising the group, and not otherwise a packer, shall be deemed a packer if he or it sorts or cleans (with or without water) such raisins in their unstemmed form;

(b) Any dehydrator shall be deemed to be a packer, with respect to raisins dehydrated by him, only if he stems, cleans with water subsequent to such dehydration, seeds or packages them for market as raisins;

(c) The committee may, with the approval of the Secretary, restrict the exceptions as to permitted cleaning if necessary to cause delivery of sound raisins; and

(d) No person shall be deemed a packer by reason of the fact he repackages for market (with or without additional preparation) packed raisins which, in the hands of a previous holder, have been inspected and certified as meeting the applicable minimum grade standards for packed raisins.

§ 989.24 [Amended]

4. At the end of the sentence in § 989.24(b) change the period to a colon and add the following: "*Provided*, That raisins which are certified as off-grade raisins shall continue to be such until successfully reconditioned or for purposes of disposition become 'other failing raisins' pursuant to § 989.59(f)".

§ 989.26 [Amended]

5. Revise the first sentence of § 989.26 to read: "A Raisin Advisory Board is hereby established consisting of 46 members, of whom 35 shall represent producers, 8 shall represent handlers, 2 shall represent dehydrators, and one shall represent the cooperative bargaining association(s)".

6. Revise § 989.27 to read:

§ 989.27 Eligibility.

No person shall be selected or continue to serve as a member or alternate member of the board, who is not actively engaged in the business of the group which he represents, either in his own behalf, or as an officer, agent, or employee of a business unit engaged in such business: *Provided*, That, any handler eligible to represent a particular size group shall continue to represent for the entire term the size group for which he was selected. The committee shall certify during April of each crop year each member's and alternate member's eligibility to continue to serve on the board.

7. Revise §989.28 to read:

§ 989.28 Term of office.

(a) *Producer members.* The terms of one-third or approximately one-third of the producer members and producer alternate members of the board shall end on April 30 of each year, but each such member and alternate member shall continue to serve until his respective successor is selected and has qualified. The producer members and producer alternate members of the board shall serve for terms of three years beginning May 1 and ending April 30 of the third following year.

(b) *Handler, dehydrator, and cooperative bargaining association members.* The handler, dehydrator, and cooperative bargaining association members, and their respective alternates, shall each serve for terms of one year, beginning May 1 and ending April 30 of the following year, but each shall continue to serve until his respective successor is selected and has qualified.

8. Revise § 989.29(a) and (b) (1) and (2) to read:

§ 989.29 Initial members and nomination of successor members.

(a) *Initial members.* Members and alternate members of the board serving immediately prior to the effective date of this amended subpart shall, if thereafter they are also eligible, continue to serve on the board for their specified terms of office and until their respective successors have been selected and have qualified.

(b) *Nomination for successor members.* Nominations for successor members and alternate members of the board shall be made as set forth in subparagraphs (1) to (6) of this paragraph.

(1) The board shall give reasonable publicity of a meeting or meetings of producers, handlers and dehydrators, and if applicable, cooperative bargaining association(s), for the purpose of making nominations for member and alternate member positions to be filled on the board: *Provided*, That with respect to producer members and producer alternate members, a meeting or meetings shall be held in each district for which nominations are to be made to fill producer member and producer alternate member positions on the board: *And provided further*, That member and alternate member nominations of handlers, dehydrators, and cooperative bargaining association(s) may be made to the board by mail in lieu of meetings.

(2) Only producers as defined in § 989.11, engaged as such with respect to the most recent grape crop in the particular district for which nominations are to be made, may nominate, or vote for, any producer member or producer alternate member for such district. Any producer so engaged with respect to the most recent grape crop in the particular district for which nominations are to be made, may be nominated to represent said district as a producer member or producer alternate member of the board; in the event any of such nominees are engaged as producers in more than one district, he may be a nominee for only one district. One or more eligible producers for each producer member position to be filled on the board may be proposed for nomination and one or more eligible producers for each alternate member position to be filled may be proposed for nomination. Each producer shall cast only one vote with respect to each position for which nomination is to be made. The person receiving a majority of the votes with respect to each producer member or producer alternate member position shall be the persons to be certified to the Secretary as the nominee for each such position. In the event no person receives a majority, there shall be a run-off vote between the two persons receiving the largest number of votes. The eligibility of each producer voting in a nomination meeting shall be certified by the committee during or after the meeting, and, in the event one or more who voted was not eligible and this may have affected the result of any nomination vote, another meeting with respect to such nomination shall be held.

* * * * *

9. Revise § 989.30 to read:

§ 989.30 Selection.

The Secretary shall select producer, handler, dehydrator, and cooperative bargaining association members and alternate members in the numbers specified in § 989.26, or pursuant to § 989.26a or § 989.26b, as applicable, and with the qualifications specified in § 989.27. Such selections may be made from the nominations certified pursuant to § 989.29 or from other eligible producers, handlers, dehydrators, or cooperative bargaining association officers or employees.

10. Revise the first sentence of § 989.35 to read:

§ 989.35 Meetings.

The board shall meet at the call of its chairman or its vice-chairman when acting as chairman, or at the call of any three members. * * *

11. Revise § 989.36 to read:

§ 989.36 Duties.

The duties of the board shall consist of the conducting of meetings for the purpose of making nominations for membership on the board and the certifying of nominations made for such purpose to the Secretary, the making of nominations to the Secretary for member and alternate member positions on the committee, the making of recommendations to the committee with respect to marketing policy, the free and reserve percentages, and other operational matters as it deems proper or as the committee may request.

§ 989.39 [Amended]

12. Revise the second sentence of § 989.39 and add a new third sentence to read: "Such committee shall consist of 15 members, of whom 8 shall represent producers, 5 shall represent handlers, one shall represent dehydrators, and one shall represent the cooperative bargaining association(s). The producer members shall be selected to represent such district or groups of districts as the committee may establish with the approval of the Secretary".

13. Revise § 989.39b to read:

§ 989.39b Changes in producer representation.

The Secretary, on recommendation of the committee, may change the total number of producer members on the committee and may change the number of producer members which shall be selected to represent particular districts or groups of districts. In making any such change consideration shall be given to such factors as changes in producer and handler membership on the board, representation of the several producing districts, maintenance of producer positions as majority of the committee, and geographical shifts in the number of producers and in raisin production within the area.

§ 989.40 [Amended]

14. Delete the first sentence of § 989.40.

§ 989.42 [Amended]

15. In the first sentence of § 989.42(a), delete the proviso and change the colon to a period.

16. In § 989.42, reletter paragraphs (d) and (e) to (e) and (f), respectively, and add a new paragraph (d) reading:

(d) *Cooperative bargaining association member.* The cooperative bargaining association(s) member and alternate member on the board shall be the association nominees for member and alternate member of the committee.

17. Revise § 989.43 to read:

§ 989.43 Selection.

The Secretary shall select producer, handler, dehydrator, and cooperative bargaining association members and alternate members of the committee in the numbers specified in § 989.39 or pursuant to § 989.39(a) or § 989.39(b), as applicable, and with the qualifications specified in § 989.40. Such selections may be made from the nominations certified pursuant to § 989.42, or from any other eligible producers, handlers, dehydrators, or cooperative bargaining association officers or employees.

§§ 989.54–989.57, 989.63, 989.64 [Deleted]

18. Delete present §§ 989.54, 989.55, 989.56, 989.57, 989.63 and 989.64 and insert in lieu thereof the following:

§ 989.54 Marketing policy.

(a) *Desirable free tonnage.* On or before September 1 of each crop year the committee shall review shipment data and other matters relating to tons of raisins which can be sold as the free tonnage of any varietal type. This tonnage to be sold in the ensuing crop year shall be designated as "desirable free tonnage." Until changed by the committee, with the approval of the Secretary, the desirable free tonnage shall be 140,000 tons for Natural Thompson Seedless raisins.

(b) *Free and reserve percentages.* On or before October 5 of each crop year (except that this date may be extended by the committee not more than 5 days if warranted by a late crop) the committee shall recommend to the Secretary a preliminary free tonnage percentage which will release not less than 65 percent of the desirable free tonnage established for any varietal type. Upon a committee determination that field prices are firmly established and open price contracts have been closed as to price on at least 65 percent of the tonnage acquired by packers not marketing cooperatives, or such other percent as is recommended by the committee and approved by the Secretary, but no later than February 15, the committee shall recommend to the Secretary a free percentage which will tend to release the full desirable free tonnage. Prior to February 15, an interim change of percentage may be made to release less than the full tonnage. The difference between any preliminary or final free tonnage percentage and 100 percent shall be the reserve percentage. In developing its free and reserve percentages for any varietal type, the committee shall consider and report to the Secretary on the following factors:

(1) The estimated tonnage held by producers, handlers, and for the account of the committee at the beginning of the crop year;

(2) The expected general quality and any modifications of the minimum grade standards;

(3) The estimated tonnage of standard and off-grade raisins which will be produced;

(4) If different than the desirable free tonnage, the estimated trade demand for raisins in free tonnage outlets;

(5) An estimated desirable carryout at the end of the crop year for free tonnage and, if applicable, for reserve tonnage;

(6) The estimated market requirements for raisins outside free tonnage outlets, considering the estimated world raisin supply and demand situation;

(7) Current prices being received and the probable general level of prices to be received for raisins by producers and handlers;

(8) The trend and level of consumer income;

(9) Any prohibition of trade practices, pursuant to § 989.62, intended for the crop year; and

(10) Any other pertinent factors bearing on the marketing of raisins including the estimated supply of and demand for other varietal types and regulations applicable thereto.

(c) *Modification.* In the event the committee subsequently deems it advisable to modify its marketing policy on any crop, because of national emergency,

crop failure or other major change in economic conditions, it shall hold a meeting for that purpose, and file a report thereof with the Secretary within five days (exclusive of Saturdays, Sundays, and holidays) after holding of such meeting, which report shall show each modification, the bases therefor, as well as the recommendation of the board.

(d) *Verbatim record.* The committee shall file with its report to the Secretary a verbatim record of that portion of its meeting or meetings relating to its marketing policy.

(e) *Publicity and notice.* The committee shall promptly give reasonable publicity to producers, dehydrators, handlers, and the cooperative bargaining association(s) of each meeting to consider a marketing policy or any modification thereof, and each such meeting shall be open to them. Similar notice shall be given to producers, dehydrators, handlers, and the cooperative bargaining association(s) of each marketing policy report or modification thereof, filed with the Secretary and of the Secretary's action thereon. Copies of all marketing policy reports shall be maintained in the office of the committee, where they shall be made available for examination by any producer, dehydrator, handler, or cooperative bargaining association representative. The committee shall notify handlers, dehydrators, and cooperative bargaining association(s) of the Secretary's action on percentages by registered or certified mail.

§ 989.55 Regulation by the Secretary.

(a) Whenever the Secretary finds from the recommendation and supporting information supplied by the committee, or from other available information, that to designate or modify the percentages for any varietal type of standard raisins acquired by handlers during any crop year which shall be free tonnage and reserve tonnage, respectively, would tend to effectuate the declared policy of the act, he shall designate such percentages and such modifications thereof as are consistent with § 989.54(b). In the event the Secretary subsequently finds from the recommendations and supporting information supplied by the committee, or from any other available information, that modification, suspension, or termination of any such designation will tend to effectuate the declared policy of the act, he shall so modify, suspend, or terminate such designation. No such modification shall decrease the free percentage initially designated by the Secretary. The Secretary shall notify the committee promptly of each such percentage fixed.

§ 989.58 [Amended]

19. Revise the first sentence of subparagraph (1) of § 989.58(d) to read:

(d) *Inspection and certification.* (1) Each handler shall cause an inspection and certification to be made of all natural condition raisins acquired or received by him, except with respect to: (i) An interplant or interhandler transfer of off-grade raisins as described in paragraph (e)(2) of this section, unless such inspection and certification are required by rules and procedures made effective pursuant to this amended subpart; (ii) an inter-plant or inter-handler transfer of free tonnage raisins as described in § 989.59(e); (iii) raisins received from a dehydrator which have been previously inspected pursuant to subparagraph (2) of this paragraph; (iv) any raisins for which minimum grade and condition standards are not then in effect; (v) raisins received from a cooperative bargaining association which have been inspected and are in compliance with requirements established pursuant to subparagraph (3) of this paragraph; and (vi) any raisins, if permitted in accordance with such rules and procedures as the committee may establish with the approval of the Secretary, acquired or received for disposition in eligible nonnormal outlets. * * *

20. Add a new subparagraph, subparagraph (3), to § 989.58(d), reading:

(3) The committee may, in accordance with rules and the procedures established with the approval of the Secretary, authorize handlers to receive or acquire without further inspection and certification, natural condition raisins, standard or off-grade, which have been inspected, certified and held, in compliance with committee requirements, at a receiving station of a cooperative bargaining association.

§ 989.59 [Amended]

21. Revise paragraph (c) of § 989.59 to read:

(c) *Publicity and notice.* The committee shall give prompt and reasonable notice to producers, dehydrators, handlers, and the cooperative bargaining association(s) of each recommendation submitted by it to the Secretary and of each regulation issued by the Secretary. Notice of such regulation shall be given to all handlers of record by registered or certified mail.

22. In the first sentence of § 989.59(f), delete the words "any raisins acquired by a handler as standard raisins which subsequently fail to meet the applicable grade and condition standards for shipment or final disposition as raisins" and substitute therefor, "other failing raisins" and following the first sentence insert "For the purposes of disposition and reporting, 'other failing raisins' means any raisins received or acquired by a handler either as standard raisins or off-grade raisins, which are processed to a point where they qualify as packed raisins but fail to meet the applicable minimum grade standards for packed raisins."

23. Revise § 989.66 to read:

§ 989.66 Reserve tonnage generally.

(a) The standard raisins acquired by a handler which are designated as reserve tonnage shall be held by him for the account of the committee and subject to the applicable restrictions of this part.

(b) (1) Each handler shall hold in storage all reserve tonnage acquired by him until he has been relieved of such responsibility by the committee, either by delivery to the committee, or otherwise. Such handler shall store such reserve tonnage raisins in natural condition without addition of moisture and in such manner as will maintain the raisins in the same condition as when he acquired them, except for normal and natural deterioration and shrinkage, and except for loss through fire, acts of God or other conditions beyond the handler's control: *Provided*, That in the case of Layer Muscat raisins, the committee may permit handlers to satisfy the applicable reserve tonnage obligations with residual Muscat raisins obtained by them in layering operations subject to such safeguards as it may prescribe.

(2) Reserve tonnage acquired or held by a handler shall be stored separate and apart from other raisins to such extent and identified in such manner as the committee shall specify in its rules and procedures with the approval of the Secretary.

(3) Each handler may, under the direction and supervision of the committee, substitute for any quantity of reserve tonnage raisins a like quantity of free tonnage raisins of like quality and varietal type and of the same or more recent year's production. Each such handler shall give the committee reasonable advance notice of his intention to substitute, the exact location of the raisins for which substitution is to be made, and arrange with the committee a mutually satisfactory time for the substitution.

(4) The committee may, after giving reasonable notice, require a handler to deliver to it, or to anyone designated by it, at such handler's warehouse or at such other place as the raisins may be stored, part or all of the reserve tonnage raisins held by him. The committee may require that such delivery consist of natural condition raisins, or it may arrange for such delivery to consist of packed raisins.

(c) Each handler shall, at all times, hold in his possession or under his control reserve tonnage referable to his acquisitions of standard raisins, less any quantity of such reserve tonnage released to him by a change of percentages, delivered by him pursuant to instructions of the committee, or sold to him by the committee.

(d) Reserve tonnage raisins delivered by any handler to the committee, or to any person designated by it, whether in the form of natural condition raisins or packed raisins shall meet the applicable minimum grade or grade and condition standards, except for normal and natural deterioration. The committee shall have the authority to require, in its discretion and at its expense, such reinspection and certification of reserve pool tonnage raisins as it may deem necessary.

(e) In the event the committee offers to handlers reserve tonnage raisins for contract packing or for sale in export, as provided in § 989.67, each handler shall be given the opportunity to pack or purchase his share of each offer.

(f) Handlers shall be compensated for receiving, storing, handling and inspection of that tonnage of reserve raisins determined by the final reserve percentage of a crop year and held by them for the account of the committee, in accordance with a schedule of payments established by the committee and approved by the Secretary. A box rental shall be paid by the committee to producers or handlers for boxes used in storing reserve tonnage raisins beyond the crop year of acquisition in accordance with a rental schedule established by the committee and approved by the Secretary. The handler compensation shall be reviewed annually and shall be paid, as to the amount determined to be earned and unpaid, as soon as practicable after the end of the second quarter of the crop year and quarterly thereafter. Any handler may request the committee, by registered or certified mail, at any time after July 15 of a crop year to remove reserve tonnage raisins of the current crop year which remain in his possession. At any time in a crop year, a handler may request removal of reserve tonnage raisins of the prior crop year. In each instance, he may request that the committee provide the necessary containers for any such removal. When so requested as to current crop year raisins, the committee shall make the removal, the availability of containers, storage space and time of request permitting, by September 15 of the subsequent crop year, and as to raisins of the prior crop year, within 30 days, supplying the necessary containers if so requested. If any handler makes such a request, the committee shall immediately give nctice thereof to the Secretary.

(g) The committee shall have the authority, in its discretion, to obtain loans, nonrecourse or otherwise, on any part of the reserve tonnage not subject to release as desirable free tonnage and to pledge or hypothecate the raisins on which such loans are obtained as security therefor: *Provided*, That in every such case, there shall be included in the loan agreement a provision to the effect that, in case the lender obtains possession or control of such raisins, he will dispose of them in such a manner as will not tend to defeat the objectives of this amended subpart. The net proceeds of any such loan shall be distributed by the committee pursuant to paragraph (h) of this section.

(h) The net proceeds from the disposition of reserve tonnage raisins of any varietal type shall be distributed by the committee to the respective producers, or their successor in interest thereto, on the basis of the volume of their respective contributions to the reserve tonnage of such varietal type. Distribution of the proceeds in connection with the reserve tonnage contributed by a non-profit cooperative marketing association which has authority to market the raisins of its members and to allocate the proceeds therefrom to such members shall be made to such association. Advance or progress payments may be made by the committee, in conformity with the provisions of this paragraph, as sufficient funds become available.

24. Revise § 989.67 to read:

§ 989.67 Disposal of reserve raisins.

(a) The committee shall dispose of all reserve tonnage raisins in such a manner as to achieve, as nearly as may be practicable, complete disposal of such raisins by November 1 of the subsequent crop year. Any reserve tonnage raisins held unsold by the committee on November 1 of the subsequent crop year shall be physically disposed of promptly in any available outlet not competitive with normal market channels for free tonnage raisins or sales of new crop reserve tonnage raisins in export: *Provided*, That, whenever the Secretary approves of a finding by the committee or finds, on the basis of information otherwise available to him that because of national emergency, crop failure or other major change in economic conditions, retention of reserve tonnage raisins carried over is warranted, the foregoing requirements as to disposal shall not apply and such carried over raisins may be disposed of in any outlet recommended by the committee and approved by the Secretary.

(b) Reserve tonnage raisins shall be disposed of by the committee: (1) By sale to handlers for sale in specified outlets or for resale to exporters for sale in export outlets; (2) by direct sale to any agency of the U.S. Government for noncompetitive use; (3) by direct sale to foreign government agencies or foreign importers in any country not listed pursuant to paragraph (c) of this section or where the procurement of raisins is so regulated as to preclude purchases from domestic handlers; (4) by gift; and (5) by any other means consistent with the provisions of this section, and in outlets noncompetitive with those for free tonnage raisins.

(c) The committee shall sell reserve raisins to handlers for export sale to countries on a list established by the Secretary, on the basis of the recommendation of the committee or from other available information. The recommended list shall be submitted by the committee to the Secretary at the time it submits its recommendation as to volume percentages, and in recommending such list the committee shall give consideration to the pertinent factors enumerated in § 989.54. The list shall not be changed except upon approval by the Secretary of a recommendation by the committee subsequent to its review of such pertinent factors. No country may be removed from the list unless a finding is made by the committee that such removal and subsequent direct sale by the committee shall not lead to disruption of sales of reserve tonnage raisins by handlers in other countries on the list and a further finding that, although handlers have been able to offer reserve tonnage raisins at competitive prices to the country to be removed, there remains an unfulfilled demand in such country which has not been supplied by handlers and which could be supplied by the committee at the same prices by means of direct sale. No country may be added to the list unless a finding is made by the committee that such addition represents a practical means of making sales of reserve raisins to such country.

(d)(1) Reserve tonnage raisins shall be sold to handlers at prices and in a manner intended to maximize producer returns and achieve complete disposition of such raisins by or before November 1 of the subsequent crop year. No offer shall be made until 5 days (exclusive of Saturdays, Sundays, and holidays) have elapsed from the time it files with the Secretary complete information as to varietal type, quantity, and price involved in such offer, and the Secretary may disapprove the offer or any term thereof: *Provided*, That, at any time prior to the expiration of the 5-day period, the offer may be made to handlers upon the committee receiving from the Secretary notice that he does not disapprove the making of the offer. Subject to the same conditions as are set forth in the preceding sentence with respect to the making of such offer, the committee may withdraw an offer to sell reserve tonnage raisins to handlers or may extend the offer period but not when such extensions would deprive one or more handlers of any opportunity to purchase raisins. If the committee includes in its terms of sale the minimum packer resale prices (effective pursuant to provisions of its export sales agreement with packers) it shall review annually the costs which determine the spread between the committee's sale price of natural condition raisins and the packer's resale price of packed raisins and make such adjustments as it concludes are appropriate.

(2) An offer of reserve tonnage for export may be either an open-as-to-tonnage offer to handlers to purchase at a price and to export reserve tonnage each holds for the account of the committee, consistent with the probable final reserve percentage, or may be an offer of a specific tonnage. If the former, and a handler has insufficient reserve tonnage to meet his needs, the committee may accept arrangements with other handlers to supply reserve tonnage. If the latter, each handler's share of the reserve tonnage offered prior to November 1 of any crop year shall be determined as the same proportion of the quantity offered that the free tonnage raisins acquired by him during the preceding crop year is of the free tonnage raisins acquired by all handlers during the preceding crop year who remain handlers. Subsequent to October 31, each handler's share shall be determined as the same proportion of the quantity offered that the free tonnage raisins acquired by the handler during the then current crop year is of the total free tonnage raisins acquired by all handlers during the then current crop year. With respect to any offer other than the initial offer, each handler's share of the total quantity offered as of that date (the then current offer plus all prior offers of that crop year) shall first be determined by the appropriate formula. His share of the current offer shall then be determined by subtracting from his share of

the total quantity offered, the total of his share of prior offers from the beginning of the crop year. If any handler did not acquire raisins during the preceding crop year, the basis for his share of any quantity of reserve tonnage raisins offered prior to November 1 shall be his acquisitions of free tonnage raisins during the then current crop year. The current free tonnage acquisitions of all such new handlers shall, for the purposes of determining the shares of all handlers prior to November 1 be added to the total acquisitions of free tonnage raisins during the preceding crop year of all handlers in business at the time the offer is made.

(3) At any time during a crop year when there is an accumulation of unsold reserve tonnage raisins previously offered by the committee for sale to handlers for resale in export, the committee may make a special offer to sell such unsold tonnage, or any portion thereof, to handlers for such resale. Each handler's share of any such offer shall be determined as the same proportion of the quantity offered that the free tonnage raisins acquired by him during the then current crop year is of the total free tonnage raisins acquired by all handlers during such year. The committee may provide with respect to such a special offer that any reserve tonnage unpurchased at the end of the share reservation period will be reoffered to handlers without regard to shares and that approval for handler's applications for purchase may be made in the same order in which the applications are received by the committee. The committee may allocate and deliver to any handler, holding insufficient special offer tonnage, sufficient such tonnage to fulfill his purchase in such a special offer and his purchase in any reoffer. The cost of transporting any such reserve tonnage raisins from one handler to another shall be paid by the committee from reserve pool funds.

(4) Whenever essentially all of the reserve tonnage raisins have been offered and any unpurchased or unoffered tonnage is offered to handlers, approval of applications may be made in the same order in which the applications are filed with the committee.

(5) Whenever a handler's share or allocation pursuant to this subparagraph is less than or exceeds his holdings of reserve tonnage by a minor quantity, the committee may adjust the handler's share or allocation so as to avoid the cost of the physical transfer. The maximum quantity by which a handler's share or allocation may be so allocated shall be prescribed in rules and procedures which the committee shall establish with the approval of the Secretary.

(e) The committee may sell reserve tonnage raisins as provided in paragraph (b)(3) of this section only when such country is not included in the list of specified countries established pursuant to paragraph (c) of this section and may sell reserve tonnage raisins to foreign government agencies of foreign importers in any country removed from such list. No agreement to sell reserve tonnage raisins shall be entered into by the committee until 5 days (exclusive of Saturdays, Sundays, and holidays) have elapsed from the time it files with the Secretary complete information as to varietal type, quantity, price, and foreign country involved in any such proposed sale, and the Secretary may disapprove such sale or any term thereof: *Provided*, That, at any time prior to the expiration of the 5-day period, the sale may be made upon the committee receiving from the Secretary notice that he does not disapprove the making of the sale.

(f) Whenever the committee determines, prior to the beginning of a crop year, that the orderly disposition of reserve tonnage of that crop year would be promoted by the committee replacing any portion of or all handler export shipments of free tonnage raisins, to other than free tonnage outlets, made prior to the committee's first offer to sell reserve tonnage, but after September 1 it may do so and may specify such requirements and conditions as are necessary to carry out the replacement consistent with the objectives of this amended subpart. The committee may establish a price for such replacement tonnage which is higher, the same as, or lower than that for reserve tonnage in the first offer of the crop year and shall announce such replacement tonnage price prior to or at the beginning of the crop year. Any such replacement offer by the committee shall be governed by those provisions of paragraph (d)(1) of this section which prescribe prior action by the Secretary on committee offers to sell tonnage to handlers.

(g) The committee may refuse to sell reserve tonnage raisins for export: (1) To any handler who is in default on any previous purchase of reserve tonnage raisins from the committee; (2) to any handler currently not in compliance with the provisions of a sales agreement covering reserve tonnage raisins, executed by such handler with the committee; or (3) to any handler who signifies an intention to sell reserve tonnage to or through any person who has previously failed to complete a sale of reserve tonnage raisins to a foreign buyer and such raisins remain to be exported and remain unsold to any foreign buyer in an eligible export market.

(h) Each packer's share of an offer of reserve tonnage raisins for contract packing shall be determined as the same proportion that the reserve tonnage raisins acquired by him is of the reserve tonnage raisins acquired by all packers. In the event that any packer fails to contract for packing any or all of his share of any offer, the remaining portion thereof shall be reoffered by the committee to all packers who contracted for packing all of their respective shares, in proportion to their respective acquisitions: *Provided*, That, if such amount which packers fail to contract for packing does not exceed 350 tons, or if it is necessary to deviate from the foregoing in order to meet terms and conditions of shipment, the committee may, in its discretion, allocate such reserve tonnage raisins among packers as it deems appropriate, but the shares of packers in subsequent offers of reoffers shall be adjusted accordingly.

(i) In the event the committee determines that the applicable procedures as specified in paragraphs (d) and (h) of this section will not provide an allocation for handlers which is suitable for a particular situation, the committee, with the approval of the Secretary, may establish such modifications of procedures, consistent with § 989.66(e), as will facilitate the disposition of reserve tonnage through handlers.

(j) The committee shall not sell reserve tonnage of any varietal type to handlers to provide them with raisins to sell as free tonnage unless it finds, and the Secretary approves, that because of national emergency, crop failure, major change of economic conditions or an inadequate carryover for September shipment the free tonnage outlets cannot be reasonably well supplied by the tonnage released to the industry as a whole by the final free percentage for that varietal type. Any quantities made available for such sale to handlers shall be offered to them in the same manner as in (d)(1) of this section, with shares determined pursuant to paragraph (h) of this section. However, such raisins shall not be sold at a price below that which the committee concludes reflects the average price received by producers for free tonnage of the same varietal type purchased by handlers during the current crop year up to the time of any offer for sale of reserve tonnage by the committee, to which shall be added the costs incurred by the committee on account of the receiving, inspecting, storing, insuring, and holding of said raisins: *Provided*, That, where the outlook for the next crop year or other factors have caused a downward trend in the prices received by producers for free tonnage packed raisins, reserve tonnage may be sold to handlers at the currently prevailing or the approximate computed field price for free tonnage raisins, as determined by the committee.

§ 989.68 [Deleted]

25. Delete § 989.68.

§ 989.69 [Amended]

26. Revise the first sentence of § 989.69 by deleting the words "and surplus".

27. Revise § 989.71 to read:

§ 989.71 Disposition of unsold reserve tonnage in above parity situations.

In the event that the Secretary should find, during a crop year when reserve tonnage percentages have been designated and are in effect pursuant to this part, that the estimated season average price for raisins for that crop year will be in excess of the price level contemplated by the provisions of section 2(1) of the act, he shall issue an order providing for the orderly disposition of the unsold reserve tonnage then on hand, in such outlets, at such time, and in accordance with such terms and conditions, as he may determine to be appropriate in the circumstances. In determining the liquidation procedures and terms, the Secretary shall give consideration to the data and recommendations, if any, which may be submitted by the committee.

28. Revise paragraph (b) of § 989.73 to read:

§ 989.73 Reports.

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(b) *Acquisition reports.* Each handler shall submit to the committee in accordance with such rules and procedures as are prescribed by the committee, with the approval of the Secretary, certified reports, for such periods as the committee may require, with respect to his acquisitions of each varietal type of raisins during the particular period covered by such report, which report shall include, but not be limited to: (1) The total quantity of standard raisins acquired; (2) the quantity of reserve tonnage referable to his acquisitions of standard raisins; (3) the locations of such reserve tonnages; (4) the total quantity of off-grade raisins acquired pursuant to § 989.58(e)(1)(i); and (5) cumulative totals of such acquisitions from the beginning of the then current crop year to and including the end of the period for which the report is made. Upon written application made to the committee, a handler may be relieved of submitting such reports after completing his packing operations for the season. Upon request of the committee, each handler shall furnish to the committee, in such manner and at such times as it may require, the name and address of each person from whom he acquired raisins and the quantity of each varietal type of raisins acquired from each such person.

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§ 989.79 [Amended]

29. In the penultimate sentence of § 989.79 delete the words "or surplus".

30. Revise paragraphs (a) and (b) of § 989.80 to read:

§ 989.80 Assessments.

(a) Each handler shall, with respect to free tonnage acquired by him, and any reserve tonnage released or sold to him for use in free tonnage outlets, pay to the committee, upon demand, his pro rata share of the expenses (exclusive of expenses for receiving, handling, holding, or disposing of reserve pool tonnage) which the Secretary finds will be incurred, as aforesaid, by the committee during each crop year. Such handler's pro rata share of such expenses shall be equal to the ratio between the total free tonnage acquired by such handler plus any reserve tonnage released or sold to him for use as free tonnage, during the applicable crop year and the total free tonnage acquired by all handlers plus all reserve tonnage released or sold to all handlers for use as free tonnage, during the same crop year: *Provided*, That (1) In computing the total free tonnage acquired by a particular handler, there shall be excluded all standard raisins (recovered by the reconditioning of off-grade raisins) acquired by the handler and which comprise the assessable portion of another handler pursuant to paragraph (b) of this section, and (2) the computation of the total free tonnage acquired by all handlers shall not be similarly reduced.

(b) Each handler who reconditions off-grade raisins but does not acquire the standard raisins recovered therefrom shall, with respect to his assessable portion of all such standard raisins, pay to the committee, upon demand, his pro rata share of the expenses which the Secretary finds will be incurred by the committee each crop year. Such handler's pro rata share of such expenses shall be equal to the ratio between the handler's assessable portion (which shall be a quantity equal to the free tonnage portions of such handler's standard raisins which are acquired by some other handler or handlers) during the applicable crop year and the total free tonnage acquired by all handlers, plus all reserve tonnage released or sold to all handlers for use as free tonnage, during the same crop year.

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31. Revise § 989.82 to read:

§ 989.82 Expenses of reserve raisin operations.

The committee is authorized to incur such expenses as are reasonable and are necessary in discharging its obligations, pursuant to this part, with respect to the receiving, handling, holding, or disposing of any quantity of reserve pool raisins held for the account of the committee. The committee is authorized to pay any taxes assessed against raisins held by or for the account of the committee on the first Monday in March, in the reserve pool established pursuant to this subpart: *Provided*, That any equity holder may pay his own taxes upon giving notice to the committee on or before May 1 of each year of his intention to do so. All pool expenses shall be deducted from the proceeds obtained by the committee from the sale or other disposal of such reserve raisins held for the account of the committee.

32. Revise § 989.84 to read:

§ 989.84 Disposition limitation.

No handler shall dispose of free or reserve tonnage raisins, off-grade raisins, or other failing raisins (as defined in § 989.59(f)), except in accordance with the provisions of this subpart or pursuant to regulations issued by the committee.

§ 989.96 [Amended]

33. Revise § 989.96 by (1) deleting the words in (b) "Three members", in (c) "Five members", in (d) "Three members", in (e) "Three members", in (f) "Three members", in (g) "Effective May 1, 1961, three members", and in each instance inserting in lieu of the deletions: "One member"; and (2) adding at the end a new paragraph (h) as follows:

(h) The remaining members shall be allocated to the districts so as to achieve, as nearly as practicable, representation by each member of one-thirty-fifth of the total raisin production or total number of producers or such other fraction as may result from changes pursuant to § 989.26b.

[F.R. Doc. 67-8965; Filed, Aug. 1, 1967; 8:46 a.m.]

[7 CFR Part 993]

[Docket No. AO 201-A6]

DRIED PRUNES PRODUCED IN CALIFORNIA

Notice of Extension of Time for Filing Written Exceptions To Recommended Decision on Proposed Amendment of Marketing Agreement, as Amended, and Order, as Amended

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674), and the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time fixed in the recommended decision dated July 14, 1967 (32 F.R. 10579), with respect to proposed amendment of the marketing agreement, as amended, and Order No. 993, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California, for filing written exceptions to such decision is hereby extended to and including November 1, 1967. Request for this extension of time was made by the Prune Administrative Committee, acting for the industry, so as to afford interested persons additional time to consider the recommended amendatory action.

Dated: July 26, 1967.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 67-8992; Filed, Aug. 1, 1967; 8:48 a.m.]

[7 CFR Part 1073]

[Docket No. AO-173-A21]

MILK IN WICHITA, KANS., MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Wichita, Kans., marketing area. Interested parties may file written exceptions

to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the fifth day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Wichita, Kansas, on June 15, 1967, pursuant to notice thereof which was issued June 5, 1967 (32 F.R. 8247).

The material issue on the record of the hearing relates to revision of the Class I price supply-demand adjustment.

Findings and conclusions. The following findings and conclusions on the material issue are based on evidence presented at the hearing and the record thereof:

Revision of the supply-demand adjustment. The supply-demand adjustment to the Class I price of the Wichita order should be revised.

The supply-demand adjustment should continue to be based on changes in the quantity of producer milk received by handlers regulated under the order and the quantity of such milk assigned to Class I use. The current supply-demand ratio should reflect the relationship of producer milk to producer milk in Class I for the 12-month period ending with the second month preceding the pricing month, adjusted for trend by the same relationship in the fourth preceding month. A standard annual utilization percentage ranging from 133 to 137 in which no adjustment would apply to the Class I price should replace the present varying monthly standard percentages, the midpoints of which average 135.6 percent annually. The Class I price would be increased by one cent for each percentage point less than 133 and would be decreased by the same rate for each percentage point the current supply-demand ratio is more than 137.

The two cooperative associations representing most of the producers in the area proposed elimination of the adjustor, or in the alternative, that a 12-month mover be used to replace the present seasonally varied 2-month movers and that gross Class I sales replace the present producer milk in Class I as a measure of demand. Standard utilization percentages of 125 to 135 were proposed to replace seasonally varied ratios ranging from 116–126 as the lowest to 145–155 as the highest for any 2-month period of the year.

The Wichita order was amended September 1, 1966. At that time the Southwest Kansas order was consolidated with the Wichita order and the marketing areas were combined with the addition of some previously unregulated territory in Kansas. Also, the present supply-demand adjustment was established, based on the relationship of producer milk to producer milk used in Class I under the two separate orders using the supplies and sales that prevailed in 1964 and 1965.

The present supply-demand adjustment adjusts the Class I price each month according to the relationship of producer receipts to producer receipts used in Class I for the second and third months preceding the pricing month. This "current utilization percentage" is then compared with a "standard utilization percentage" for the pricing month. Any amount by which the current utilization percentage is greater than the maximum standard utilization percentage decreases the Class I price. Conversely, any amount by which the current utilization percentage is less than the minimum standard utilization percentage increases the Class I price. The rate of adjustment is based upon the extent to which deviation percentages of the most recent 2-month period were also present in the two such periods immediately preceding. For deviation in the current period, the rate of adjustment is one-half cent per point; one-half cent per point is added for each of the preceding two periods in which a deviation of like nature and extent had occurred.

This supply-demand adjustment that became effective September 1, 1966, reflected a relatively stable marketing situation during the 2 years prior to the merger of the orders. The present adjustor gives a relatively fast response in changing the Class I price to reflect significant changes in the supply-sales balance. It has provided a reasonable measure of the supplies necessary to provide an adequate supply and reserve for the fluid milk needs of the Wichita market. Use of the longer term 12-month mover will delay the effect of changes in the supply-demand balance on the Class I price.

One of the cooperative associations in the Wichita market, the Southwest Milk Producers Association, in addition to supplying producer milk to the Wichita market and the nearby Neosho Valley market, exports about 22 percent of its total member milk in bulk for fluid use to outlets located to the south and west of Wichita. These outside accounts have in recent years approximated about 22 percent of the association's total member milk.

Recently, one of these outlets closed its bottling operation to which the association had marketed milk as producer milk under the Rio Grande Valley order for the past 3 years. The volume of milk delivered to this plant and pooled under the Rio Grande Valley order averaged 1.6 million pounds per month during a 24-month period. Beginning in May 1967 the milk used to supply this outlet is currently pooled under the Wichita order, where it is used in manufactured milk products.

Because the present Wichita order Class I price supply-demand adjustor is relatively quick acting, this additional quantity in Class II use has resulted in a rapid reduction from month-to-month in the local supply-demand adjustment. The adjustment for supply versus demand has declined from plus four cents in March 1967 to zero in April, minus 1 cent in May, minus 8 cents in June to an indicated minus 15 cents in July 1967. (The July adjustment was suspended pending action on the record of this hearing.)

This situation is a reflection of the cooperative's loss of Class I sales. Although this loss of Class I sales represents a situation which should be reflected in lower Class I prices if no substitute outlets are acquired, it is doubtful if the rapid price adjustment now provided is desirable or necessary.

Proponent cooperatives proposed that gross Class I utilization be used as a measure of demand. Gross Class I utilization would include producer milk in Class I (excluding interhandler transfers), other source milk and overage in Class I, plus Class I milk disposed of in the marketing area by nonpool plants (excluding producer-handlers). They maintained that a monthly average of 15,000 pounds of other order milk allocated to Class I uses in the market and 1.6 to 2.2 million pounds of milk sales monthly on routes in the area from plants of handlers regulated by other orders has displaced producer milk from such uses and should be reflected in the supply-demand utilization ratio.

The supply-demand adjustments should be based on the amount of producer milk in Class I instead of on the proposed gross Class I utilization of handlers, including marketing area Class I sales of handlers regulated by other orders. The gross utilization proposed reflects the quantities of both producer milk and other source milk in Class I disposition. The other order milk disposition in this area is a measure of demand for the milk supply in the other order market. Inclusion of such sales of other order milk in the Wichita supply-demand adjustment would not be a measure of demand for producer milk in this market. The measure of demand should be limited to producer milk allocated to Class I under this order. The adjustor will then use as the supply factor only producer milk which is affected by any price adjustment computed, and the Class I sales assigned to such receipts. Since the price of producer milk is what is affected by the adjustor, it is logical that the amount of producer milk paid for as Class I be the demand factor under the order. The use of this factor will avoid need for adjustment to avoid duplication through classification of packaged milk inventories in Class I.

There is little difference between gross Class I sales of Wichita pool handlers and the producer milk classified as Class I under the order. The producer proposal, however, would have included in the demand side of the adjustor route sales of other order plants in the Wichita marketing area without any receipts of such plants. The difference between the demand factor proposed and the utilization of producer milk in Class I is fairly substantial, over 5 percent. In evident recognition of this proposed change in the demand factor, proponents had proposed that the supply-sales ratio to be used as a norm be reduced. The midpoints of the present seasonally varied 2-month norms average 135 percent on an annual basis. The midpoint of the standard utilization ratio proposed was 130 percent.

Since the demand factor will continue to be the producer milk classified as Class I, the normal supply to sales ratio should continue to be 135 percent. The range within which no adjustment occurs should, however, be less than the 10 percentage points provided for the present seasonally varied 2-month norms. This range is designed to prevent price movements from random variations in the supply-sales relationship during short periods of time. The use of 12-month relationships dampens the influence of such random variations and thus makes unnecessary substantial range of no adjustment. Under the 12-month proposal herein provided a total of four points of no adjustment should suffice. It is provided, therefore, that when the current supply-demand ratio is less than 133 the price should be increased and that when it exceeds 137 it should be decreased.

Proponents proposed that the actual 12-month relationship ending with the second month preceding the pricing month be adjusted by adding any amount by which the ratio had increased over the ratio computed 2 months earlier or by subtracting any amount by which it was less than the same earlier ratio. A current utilization ratio so adjusted gives added weight to changes that have occurred recently within the 12-month experience. This adjustment for current trends may prevent the 12-month mover from providing adjustments inappropriate for current conditions, and should be adopted.

The rate of adjustments per percentage point of deviation outside these maximum and minimum percentages should be 1 cent as proposed by producers. The present maximum rate is 1.5 cents for each percentage point deviation beyond the maximums and minimums in three successive 2-month periods. In view of the changes in the range of maximum and minimum percentages, 1 cent corresponds fairly closely to the rate which presently varies by whether the deviation has occurred for one, two or three successive 2-month periods.

The annual ratio of producer receipts to producer milk assigned to Class I was 133.41 percent in 1965 and 129.30 percent in 1966. The 12-month ratio of producer receipts to producer milk used in Class I, adjusted for trend as proposed, averaged 131.84 for the 24-month period (applicable to the pricing months of June 1965 through May 1967) ranging from 128.55 for December 1966 to 137.84 for August 1965.

The adjustor provided herein would have increased the Class I price in the 24-month period beginning in June 1965 by an average of less than 2 cents per month. Had the receipts now in the Wichita pool which were formerly sold to an out-of-State account been pooled since July 1964 without increase in sales, the adjustor would have reduced the price an average of 2.7 cents per month. Based upon producer receipts and Class I utilization in May and June (official notice is hereby taken of data released by the Market Administrator for such months) the adjustor proposed herein would have reduced the August price by 2 cents as compared with the 13 cents reduction provided by the present adjustor. If the milk supplies recently added to the pool continue to be pooled without a corresponding increase in sales, the price will gradually be reduced further. While in time reductions could approximate those of the present adjustor, the timing and extent of such adjustments are much more predictable so that the cooperative and its member producers can make plans based upon more precise knowledge of future adjustments.

It is appropriate that the Class I price of the local market be adjusted to reflect these supplies of producer milk for Class I uses now being attached to the local pool. However, the precipitate effect of reduction in the Class I price as a result of these additional supplies should be minimized to avoid undue disorder and uneconomic shifts in producer deliveries. A gradual reflection in the Class I price of recent changes in marketing practices will assist in maintaining a market for producer milk in this market and provide opportunity for adjustment in supplies and sales to reestablish a balance in production for local and out-of-State sales. The proposed supply-demand adjustor which provides for a gradual long-term effect on the Class I price is appropriate for the retention of orderly marketing conditions in this market.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the request to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order as amended regulating the handling of milk in the Wichita, Kans., marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

Section 1073.51(a) is revised to read as follows:

§ 1073.51 Class prices.

* * * * *

(a) *Class I milk.* The price for Class I milk at plants located in Zone 1 shall be the basic formula price for the preceding month plus $1.60, plus 20 cents through April 1968, subject to a supply-demand adjustment computed pursuant to subparagraphs (1) and (2) of this paragraph. Such price shall not be less than the Class I price established for the same month pursuant to Part 1064 (Greater Kansas City) of this chapter, nor more than the Greater Kansas City Class I price plus 60 cents:

(1) For each month calculate a utilization ratio as follows:

(i) Calculate a utilization ratio for the 12-month period ending with the second preceding month by dividing the total receipts of producer milk in such period by the total volume of producer milk in Class I milk in such period and multiply by 100;

(ii) Add or subtract, respectively, any amount by which the percentage computed pursuant to subdivision (i) of this subparagraph is greater or less than the comparable utilization ratio calculated for the 12-month period ending with the fourth preceding month; and

(iii) The result rounded to the nearest percent shall be known as the utilization ratio.

(2) For each percentage by which the utilization ratio calculated for the month pursuant to subparagraph (1) of this paragraph exceeds 137, subtract 1 cent from the Class I price, and for each percentage by which it is less than 133, add 1 cent to the Class I price.

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Signed at Washington, D.C., on July 28, 1967.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 67-8991; Filed, Aug. 1, 1967; 8:48 a.m.]

[9 CFR Part 328]

OLEOMARGARINE OR MARGARINE

Definition and Standard of Identity

Notice is hereby given, in accordance with the administrative procedure provisions in 5 U.S.C. 553, that pursuant to the authority conferred by the Meat Inspection Act, as amended (21 U.S.C. 71-91) and paragraphs 306 (b) and (c) of the Tariff Act of 1930, as amended (19 U.S.C. 1306 (b) and (c)), it is proposed to amend as follows, § 328.1 of the Meat Inspection Regulations (9 CFR 328.1) relating to the definition and standard of identity for oleomargarine or margarine, issued under said Acts, in order to provide further assurance that meat food products will not be sold in interstate or foreign commerce under false or deceptive names.

1. In subparagraph (2) of § 328.1(a), subdivision (v) would be redesignated as (viii), and the following sentences would be substituted for the introductory text of the subparagraph:

(2) One of the articles (or combinations) named under subdivision (i), (ii), (iii), (iv), (v), (vi), or (vii) of this subparagraph is intimately mixed with the fat ingredient or ingredients. The ingredients named under subdivisions (i), (ii), (iii), (iv), and (v) of this subparagraph are pasteurized and then subjected to the action of harmless bacterial starters. The term "milk" as used in this subparagraph means cow's milk.

2. Section 328.1(a)(3) would be further amended by adding thereto new subdivisions (v), (vi), and (vii), reading, respectively, as follows:

(v) Any combination of two or more of the articles (or combinations) named under subdivisions (i), (ii), (iii) and (iv) of this subparagraph.

(vi) In case only of the fat ingredient named under subparagraph (1)(ii) of this paragraph, any combination of finely ground soybeans and water, in which the weight of the finely ground soybeans is not less than 10 percent of the weight of the water. The finely ground soybeans are subjected to a heat treatment before or after mixing with the water. The soybeans may or may not be dehulled.

(vii) Water in lieu of any of the articles (or combinations) designated in subdivision (i), (ii), (iii), (iv), (v), or (vi) of this subparagraph.

3. Section 328.1(a)(3) would be revised by changing subdivision (iv) to read:

(iv) Any safe and suitable artificial flavoring substance that imparts to the food a flavor in semblance of butter. Such artificial flavoring substances are deemed to be safe for use in oleomargarine or margarine which contains any fat ingredient named under subparagraph (1)(i) of this paragraph if they have been approved for such use by the Administrator, and they are deemed to be safe for use in other oleomargarine or margarine if they are used in conformity with regulations established pursuant to section 409 of the Federal Food, Drug and Cosmetic Act or their use is otherwise lawful under that Act.

4. Section 328.1(a)(3) would be further amended by adding two new subdivisions (xi) and (xii) to read as follows:

(xi) Potassium sorbate, in an amount not to exceed 0.1 percent by weight of the finished oleomargarine or margarine.

(xii) Calcium disodium EDTA (calcium disodium ethylenediaminetetraacetate) in an amount not to exceed 75 parts per million by weight of the finished oleomargarine or margarine.

5. In § 328.1, paragraph (b) would be revised, and new paragraph (c) would be added, to read, respectively, as follows:

(b) The name of the food for which a definition and standard of identity is prescribed by this section is "oleomargarine" or "margarine." The presence of optional ingredients, provided for in paragraph (a) of this section, in the finished product shall be declared as follows:

(1) Fat ingredients shall be declared first in the ingredient statement by the name of the specific fat or oil or stearin used. Where combinations of fat ingredients are used, the names shall be arranged in order of decreasing predominance. If any fat ingredient is hydrogenated, the ingredient statement shall include the word "Hydrogenated" or "hardened" at such place or places in the list of fats as to indicate which fats are hydrogenated: For example, "corn oil, hardened soybean oil."

(2) Immediately following the listing of fat ingredients, other optional ingredients used shall be named in the order of decreasing predominance.

(i) The optional ingredients butter, salt, water, cream, milk, skim milk, nonfat dry milk and water, ground soybeans and water, lecithin, mono- or diglycerides, and sodium sulfo-acetate derivatives of mono- or diglycerides shall each be declared by those terms.

(ii) Artificial colors shall be declared by the statement "Artificially colored" or "Artificial coloring added" or "With added artificial coloring."

(iii) Artificial flavors shall be declared by the statement "Artificially flavored" or "Artificial flavoring added" or "With added artificial flavoring."

(iv) Oleomargarine or margarine that contains the optional ingredients citric acid, isopropyl citrate, stearyl citrate, or calcium disodium EDTA shall be labeled by the statement "_____ added as a preservative" or "_____ added to protect flavor." Oleomargarine or margarine that contains the optional ingredient sodium benzoate or benzoic acid shall be labeled by the statement "_____ added as a preservative" or "_____ as a preservative" or "With added _____ as a preservative." Oleomargarine or margarine that contains the optional ingredient potassium sorbate shall be labeled by the statement "_____ added as a preservative" or "_____ added to retard mold growth." The blank in each of the statements in this subdivision is filled in with the common name of the preservative ingredient used.

(v) Vitamin A shall be declared by the statement "Vitamin A added" or "With added vitamin A." Vitamin D shall be declared by the statement "Vitamin D added" or "With added vitamin D."

(vi) Where two or more optional ingredients named in paragraph (a)(3) of this section are used, the words "Added" or "With Added" need appear only once, either at the beginning or end of the list of such ingredients declared.

(3) Wherever the name "oleomargarine" or "margarine" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements prescribed in this section, showing the ingredients used, shall immediately and conspicuously precede or follow, or in part precede and in part follow, such name, without intervening written, printed, or other graphic matter.

(c) Colored oleomargarine or colored margarine which is packed for retail sale and contains any ingredient named under paragraph (a)(1)(i) of this section must also comply with the requirements of § 317.8(c)(53) of this chapter.

Statement of consideration. For over a year the margarine industry has operated under two different standards of identity for commodities designated as "oleomargarine" or "margarine," one standard for products containing animal fat issued under the Meat Inspection Act, the other standard issued under the Federal Food, Drug and Cosmetic Act for products subject to that Act. This proposal would eliminate such differences to the extent possible. Primarily, the differences involve the manner of identification of fats and oils on the label; and permission for the use of combinations of water or water and finely ground soybeans, the use of all safe and suitable artificial flavoring substances which impart to margarine a flavor in semblance of butter, and the use of potassium sorbate or calcium disodium EDTA (calcium disodium ethylenediaminetetraacetate).

Butterlike flavoring substances have been permitted by the Food and Drug Administration in the standard for oleomargarine and margarine issued under the Federal Food, Drug and Cosmetic Act (21 CFR Part 45) since 1941. Many consumers prefer this butterlike flavor that is imparted to fried foods. The use of water alone in lieu of other water solutions or suspensions would not significantly change the moisture or nutritional content of the product. It has been demonstrated that in high temperature frying such product does not scorch, or discolor and is free of off-flavors. The definition and standard for oleomargarine or margarine under the Federal Food, Drug and Cosmetic Act has provided for the use of these ingredients since April 6, 1966.

To assist the consumer in making a knowledgeable selection, the identification of the specific fat or oil used should be declared in the ingredient statement. There are ethnic and dietary reasons for requiring that the species of animal fat used be specifically identified. This would make labeling of noncolored oleomargarine or margarine as fully informative with respect to such ingredients as is now required by the regulation in 9 CFR 317.8(c)(53) for colored margarine under the Meat Inspection Act and for all oleomargarine or margarine under the Federal Food, Drug and Cosmetic Act. The other changes are proposed to conform the wording of the standard under the Meat Inspection Act to the standard under the Federal Food, Drug and Cosmetic Act.

Historically, the two standards have been kept quite similar, so that a manufacturer of a margarine containing animal fats and vegetable oils could comply with both standards at once. The proposed amendments would further coordinate the two standards for the purposes of alleviating confusion in the oleomargarine industry and enabling the processors to provide consumers with more versatile and more informatively labeled products.

Any person who wishes to submit written data, views or arguments concerning the proposed amendments may do so by filing them in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, within 60 days after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Done at Washington, D.C., this 28th day of July 1967.

R. K. SOMERS,
Deputy Administrator, Consumer Protection, Consumer and Marketing Service.

[F.R. Doc. 67-8990; Filed, Aug. 1, 1967; 8:48 a.m.]

FEDERAL RESERVE SYSTEM

[12 CFR Part 220]

[Reg. T]

CREDIT BY BROKERS, DEALERS, AND MEMBERS OF NATIONAL SECURITIES EXCHANGES

Financing Transactions in a Specialist's Account

The Board of Governors of the Federal Reserve System is considering amending § 220.4(g) to permit more than one creditor to join in financing transactions in a specialist's account when an appropriate committee of an Exchange designated as requiring reports under that section determines that emergency market conditions warrant such action.

As amended, § 220.4(g) would read as follows (the proposed change consisting of the addition of the last two sentences):

§ 220.4 Special accounts.

* * * * *

(g) *Specialist's account.* In a special account designated as a specialist's account, a creditor may effect and finance, for any member of a national securities exchange who is registered and acts as a specialist in securities on the exchange, such member's transactions in a specialist in such securities, or effect and finance, for any joint adventure in which the creditor participates, any transactions in any securities of an issue with respect to which all participants, or all participants other than the creditor, are registered and act on a national securities exchange as specialists. Such specialist's account shall be subject to the same conditions to which it would be subject if it were a general account except that if the specialist's exchange, in addition to the other requirements applicable to specialists, is designated by the Board of Governors of the Federal Reserve System as requiring reports suitable for supplying current information regarding specialists' use of credit pursuant to this paragraph, the requirements of § 220.6(b) regarding joint adventures shall not apply to such account and the maximum loan value of a registered security in such account shall be determined by the creditor in good faith. If an appropriate committee of such designated exchange determines that emergency market conditions warrant such action, it may authorize additional creditors to join in financing transactions in a specialist's account for as long as such conditions continue, but not for more than 2 weeks unless such committee determines that such conditions continue to exist. Such account shall not be used in connection with any distribution in which the specialist or any creditor financing transactions in the account participates.

* * * * *

On some occasions, public interest in a particular registered stock has been aroused to such an extent, with resulting large price fluctuations and volume of orders, that the stock exchange specialist assigned to the stock has not had sufficient resources to make the large purchases or sales that were necessary if he was to fulfill his duty to maintain a "fair and orderly market" in the stock; and apparently no single creditor has been willing to undertake the risk involved in financing such large operations by the specialist.

Accordingly, the Board proposes to amend § 220.4(g) of Regulation T, the section providing for "specialist's accounts", to permit more than one creditor to join in financing transactions in such an account when an appropriate committee of the Exchange determines that emergency market conditions warrant such action. The final sentence of the amendment is designed to make explicit in this connection the principle that the section does not create an exception to any applicable rule or regulation other than those sections of Regulation T which are specifically mentioned.

This notice is published pursuant to section 553(b) of Title 5, United States Code, and section 1(b) of the Rules of Procedure of the Board of Governors of the Federal Reserve System (12 CFR 262.1(b)).

To aid in the consideration of this matter by the Board, interested persons are invited to submit relevant data, views, or arguments. Any such material should be submited in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than August 21, 1967.

Dated at Washington, D.C., the 25th day of July, 1967.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 67-8951; Filed, Aug. 1, 1967; 8:45 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[A 1184]

ARIZONA

Order Providing for Opening of Public Lands

1. In an exchange of lands made under the provisions of Section 8 of the Act of June 28, 1934 (48 Stat. 1272), as amended by section 3 of the act of June 26, 1936 (49 Stat. 1976; 43 U.S.C. 315g), the following described lands have been reconveyed to the United States:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 12 S., R. 29 E.,
Sec. 24, N½, SW¼, and W½ SE¼;
Sec. 33, N½NE¼;
Sec. 34, S½NW¼;
Sec. 35, NW¼NE¼.
T. 12 S., R. 30 E.,
Secs. 18 and 19;
Sec. 20, lots 1, 2, 3 and 4, E½W½ and NE¼;
Sec. 24, NW¼ and NE¼SW¼.
T. 13 S., R. 29 E.,
Sec. 3, lots 1 and 2, and S½NE¼;
Sec. 11, NW¼.
T. 13 S., R. 30 E.,
Sec. 1, lot 3, SW¼SW¼, and SE¼;
Sec. 3, lots 1, 2, 3 and 4, and S½NE¼;
Sec. 4, lots 3 and 4, S½NW¼, and S½;
Sec. 5, lots 1, 2, 3 and 4, S½N½, and S½.

The area described aggregates 4,621.75 acres.

2. The lands are located in Cochise County, approximately 4½ miles northwest of San Simon, Ariz. Topography is flat to slightly undulated. Soils are sandy to sandy loam. Vegetation consists of creosote bush, burro weed, snake weed, and various annual grasses. The lands have value for watershed, grazing, and wildlife which can best be managed under the principles of multiple use.

3. Subject to valid existing rights, the provisions of the present multiple-use classification, A 467, published April 27, 1967, 32 F.R. 6526, and the requirements of applicable laws, these lands will be opened to application, petition, location, and selection. Any valid petition application filed will be considered on its merits.

4. This order shall become effective at 10 a.m. on August 30, 1967.

5. Inquiries concerning these lands shall be addressed to U.S. Bureau of Land Management, Arizona Land Office, Room 3022, Federal Building, Phoenix, Ariz. 85025.

FRED J. WEILER,
State Director.

JULY 25, 1967.

[F.R. Doc. 67-8958; Filed, Aug. 1, 1967; 8:45 a.m.]

[Group 232]

WASHINGTON

Notice of Filing of Plat of Survey and Order Providing for Opening of Lands

JULY 24, 1967.

1. Plat of survey of the land described below will be officially filed in the Land Office, Portland, Oreg., effective at 10 a.m. on August 29, 1967.

WILLAMETTE MERIDIAN

T. 12 N., R. 9 E.,
Sec. 7, lots 1, 2, 3, 4, 5, 6, and 7, S½NE¼, SE¼NW¼, E½SW¼, and SE¼.

The areas described aggregate 632.76 acres of public land.

2. The land described in Paragraph 1 is located adjacent to the south bank of the Cowlitz River in Lewis County. This land varies in elevation from 1,000 feet to 3,000 feet in elevation above sea level. The land rises steeply from the northwest corner toward the southeast corner. The land is primarily valuable for the production of commercial timber, and supports a growth of Douglas fir, white fir, associated minor species, and an understory of native hardwoods. Access is by foot from Washington Highway No. 5 which is near the northwest corner of the area.

3. The land described as lots 1, 2, 5, 6, and 7, S½NE¼, SE¼NW¼, E½SW¼, and SE¼, sec. 7, is national forest land and by this order is hereby opened to such forms of disposition as may by law be made of such land.

4. The land described as lots 3 and 4, sec. 7, is opened to petition, application, and selection, as outlined in paragraph 5 below. No application for the land will be allowed under the nonmineral public land laws, unless or until the land has been classified. Any application that is filed will be considered on its merits. The land will not be subject to occupancy or disposition until it has been classified.

5. Subject to any existing valid rights and the requirements of applicable law, the land described in paragraph 4 hereof is hereby opened to filing of petition-application and selection in accordance with the following:

a. Applications and selections under the nonmineral public land laws, and offers under the mineral leasing laws may be presented to the manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs.

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications and selections under the nonmineral public land laws presented prior to 10 a.m., on August 29, 1967, will be considered as simultaneously filed at that hour. Rights under such applications and selections and offers filed after that hour will be governed by the time of filing.

6. Persons claiming preference rights based upon settlement, statutory preference, or equitable claims must enclose properly executed statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the land shall be addressed to the Manager, Land Office, Bureau of Land Management, 729 Northeast Oregon Street (Post Office Box 2965), Portland, Oreg. 97208.

IRVING W. ANDERSON,
Manager, Land Office.

[F.R. Doc. 67-8954; Filed, Aug. 1, 1967; 8:45 a.m.]

National Park Service

YOSEMITE NATIONAL PARK

Notice of Intention To Extend Concession Contract

Pursuant to the provisions of section 5, Public Law 89-249, public notice is hereby given that 30 days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to extend the concession contract with Best's Studio, Inc., authorizing it to continue to provide concession facilities and services for the public at Yosemite National Park, Calif., for a period of 1 year from October 1, 1967, through September 30, 1968.

The foregoing concessioner has performed its obligations under the contract to the satisfaction of the National Park Service and, therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice.

Interested parties should contact the Chief of Concessions Management, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed extension.

Dated: July 26, 1967.

EDWARD A. HUMMEL,
Assistant Director, National Park Service.

[F.R. Doc. 67-8955; Filed, Aug. 1, 1967; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

KANSAS AND SOUTH DAKOTA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the States of Kansas and South Dakota natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

KANSAS

Chase.	Lyon.
Douglas.	Miami.
Leavenworth.	

SOUTH DAKOTA

Sully.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1968, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 28th day of July 1967.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67-8994; Filed, Aug. 1, 1967; 8:48 a.m.]

NEBRASKA

Designation of Area for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named county in the State of Nebraska natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

NEBRASKA

Gosper.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named county after June 30, 1968, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 28th day of July 1967.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67-8995; Filed, Aug. 1, 1967; 8:48 a.m.]

FOOD MANAGEMENT

Proposed Standby Defense Food Order; Extension of Time for Submitting Written Data, Views or Comments

On May 3, 1967, there was published in the FEDERAL REGISTER (32 F.R. 6826) a notice of a proposed Standby Defense Food Order to aid in carrying out the emergency responsibility of the U.S. Department of Agriculture in the event of nuclear attack upon the United States. The said notice provided a period of 90 days following publication for the submission of written data, views, or comments concerning the proposal.

It now appears that an additional period should be allowed for such submissions. Therefore, any person who wishes to submit written data, views, or comments concerning the aforesaid proposal may do so by filing them, in duplicate, not later than September 5, 1967, at the Defense Programs Branch, Transportation and Warehouse Division, Consumer and Marketing Service, U.S. Department of Agriculture, Room 503, Pomponio Plaza Building, 1735 North Lynn Street, Arlington, Va. 22209 (telephone: 521-5600, extension 4125).

All written submissions made pursuant to the original notice or this extension will be made available for public inspection at such times and places and in the manner convenient to the public business (7 CFR 1.27(b)).

It should be noted that the foregoing address is different from the address shown in the original notice.

Done at Washington, D.C., this 28th day of July 1967.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67-8996; Filed, Aug. 1, 1967; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

MOORE-McCORMACK LINES, INC.

Notice of Application for Change in Cruise Program

Notice is hereby given that Moore-McCormack Lines, Inc., has requested approval to make the following modification of its program with respect to the SS "Argentina" during 1967. The two cruises proposed are in lieu of one Caribbean cruise as previously published in the FEDERAL REGISTER of June 18, 1966 (31 F.R. 8547) and approved by the Maritime Subsidy Board on August 4, 1966.

Commences	Terminates	Itinerary
Dec. 19	Dec. 23	New York, Nassau, Port Everglades.
Dec. 24	Jan. 6	Port Everglades, Cristobal, Kingston, Curacao, Barbados, St. Thomas, San Juan, Port Everglades.

Any person, firm or corporation having any interest, within the meaning of Public Law 87-45, in the foregoing who desires to offer data, views, or arguments should submit the same in writing, in triplicate, to the Secretary, Maritime Subsidy Board, Washington, D.C. 20235, by close of business on August 15, 1967.

In the event an opportunity to present oral argument is also desired, specific reason for such request should be included. The Maritime Subsidy Board will consider these comments and views and take such action with respect thereto as in its discretion it deems warranted.

Dated: July 31, 1967.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 67-9004; Filed, Aug. 1, 1967; 8:49 a.m.]

UNITED STATES LINES, INC.

Notice of Application

Notice is hereby given that United States Lines, Inc. has applied for a maximum of 26 subsidized sailings annually with freight ships to be operated on Trade Route No. 26 between U.S. Pacific Coast ports (Washington-Mexican border) and ports in the United Kingdom, Republic of Ireland, Continental Europe (Germany to the northern border of Portugal), and Baltic-Scandinavian ports.

Any person, firm, or corporation having any interest in such application and desiring a hearing on issues pertinent to section 605(c) of the Merchant Marine Act, 1936, as amended, 46 U.S.C. 1175, should by the close of business on August 15, 1967, notify the Secretary, Maritime Subsidy Board, in writing in triplicate, and file petition for leave to intervene in accordance with the Rules and Procedure of the Maritime Subsidy Board.

In the event a section 605(c) hearing is ordered to be held, the purpose thereof will be to receive evidence relevant to (1) whether the application is one with respect to a vessel to be operated on a service, route or line served by citizens of the United States which would be in addition to the existing service, or services, and if so, whether the service already provided by vessels of U.S. registry in such service route or line is inadequate, and (2) whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated thereon.

If no request for hearing and petition for leave to intervene is received within

the specified time, or if the Maritime Subsidy Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

Dated: July 31, 1967.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 67-9067; Filed, Aug. 1, 1967; 8:49 a.m.]

National Bureau of Standards

NBS RADIO STATIONS

Notice of Standard Frequency and Time Broadcasts

In accordance with the National Bureau of Standards policy of giving monthly notices regarding changes of phases in seconds pulses, notice is hereby given that there will be an adjustment in the phase of seconds pulses emitted from radio station WWVB, Fort Collins, Colo. On September 1, 1967, the clock at the station will be retarded by 300 ms at 0000 hours, UT, as announced by the Bureau International de l'Heure (BIH) for the stepped atomic time (SAT) system. The successive time pulses emitted from station WWVB are one second apart. The carrier frequency is 60 kHz and is broadcast without offset.

Notice is also hereby given that there will be no adjustment in the phases of time signals emitted from radio stations WWV, Fort Collins, Colo., and WWVH, Maui, Hawaii, on September 1, 1967. During 1967, the pulses will occur at intervals which are longer than one second by 300 parts in 10^{10}, due to the offset to be maintained in carrier frequencies, as coordinated by the BIH.

Phase adjustments, when made, insure that the emitted pulses from all stations will remain within about 100 ms of the UT2 scale. They are made necessary because of changes in the speed of rotation of the earth with which the UT2 scale is associated. Daily UT2 information is obtained from weekly forecasts of extrapolated UT2 clock readings provided by the U.S. Naval Observatory in accordance with the close cooperation maintained between the two agencies.

A. V. ASTIN,
Director.

JULY 26, 1967.

[F.R. Doc. 67-8979; Filed, Aug. 1, 1967; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

LICENSED BIOLOGICAL PRODUCTS

Notice is hereby given that pursuant to section 351 of the Public Health Service Act, as amended (42 U.S.C. 262), and regulations issued thereunder (42 CFR Part 73), the following establishment license and product license actions have been taken from January 1, 1967 to June 30, 1967, inclusive.

These lists are supplementary to the lists of licensed establishments and products in effect on January 1, 1967, published on February 4, 1967 in 32 F.R. 2463-2480.

ESTABLISHMENT LICENSES ISSUED

Product	Establishment	License No.	Date
	Community Blood Bank of Marion County, Inc., Indianapolis, Ind.	398	1-23-67
	Blood Bank of Deaconess Hospital, Inc., Evansville, Ind.	399	2- 1-67
	National Blood Service of Philadelphia, Inc., Philadelphia, Pa.	400	2-13-67
	Chattanooga Blood Center, Inc., Chattanooga, Tenn.	401	4-20-67
	Palo Alto-Stanford Hospital Center, Palo Alto, Calif.	402	4-20-67
	St. Joseph Hospital, Inc., Baltimore, Md.	403	5-23-67

PRODUCT LICENSES ISSUED

Aggregated Radio-Iodinated (I^{131}) Albumin (Human)	Mallinckrodt Chemical Works	77	1- 4-67
Packed Red Blood Cells (Human)	Central Blood Bank of Pittsburgh	234	1-17-67
Citrated Whole Blood (Human)	Community Blood Bank of Marion County, Inc.	398	1-23-67
Normal Serum Albumin (Human)	Pitman-Moore, division of the Dow Chemical Co.	110	2- 6-67
Citrated Whole Blood (Human)	Blood Bank of Deaconess Hospital, Inc.	399	2- 1-67
Anti-Fy^b Serum	Chas. Pfizer & Co., Inc.	164	2-10-67
Heparinized Whole Blood (Human)	National Blood Service, Inc.	398	2-10-67
Tetanus Immune Globulin (Human)	E. R. Squibb & Sons, Inc.	62	2-13-67
Citrated Whole Blood (Human)	National Blood Service of Philadelphia, Inc.	400	2-13-67
Single Donor Plasma (Human)	do		
Normal Serum Albumin (Human)	Parke, Davis and Co.	1	3-31-67
BCG Vaccine	Commonwealth Medical Research Laboratories	73	3-31-67
Packed Red Blood Cells (Human)	Spokane & Inland Empire Blood Bank	203	4-10-67
Whole Blood (Human)	Chattanooga Blood Center, Inc.	401	4-20-67
Tetanus Toxoid Aluminum Phosphate Precipitated.	Massachusetts Public Health Biologic Laboratories.	54	5- 1-67
Whole Blood (Human)	Palo Alto-Stanford Hospital Center	402	5- 9-67
Typhus Vaccine	Lederle Laboratories Division, American Cyanamid Co.	17	5-24-67
Typhus Vaccine	The National Drug Co., Division of Richardson-Merrell, Inc.	101	5-24-67
Antihemophilic Factor (Human)	Courtland Laboratories	171	5- 5-67
Whole Blood (Human)	St. Joseph Hospital, Inc.	403	5-23-67
Aggregated Radio-Iodinated (I^{131}) Albumin (Human).	Abbott Laboratories	43	5-23-67
Whole Blood (Human)	Chicago Blood Donor Service, Inc.	180	6-23-67
Whole Blood (Human)	New Hanover Memorial Hospital Blood Bank	326	6-23-67
Whole Blood (Human)	Holy Cross Hospital of Silver Spring Blood Bank	369	6-23-67

ESTABLISHMENT LICENSES REVOKED WITHOUT PREJUDICE

	Institut Pasteur, Paris, France	11	3- 9-67
	Detroit Blood Service, Inc., Detroit, Mich.	252	3-31-67

PRODUCT LICENSES REVOKED WITHOUT PREJUDICE

Poison Ivy Extract	Wyeth Laboratories, Inc.	5	1-17-67
Poison Oak Extract	do		
Resuspended Red Blood Cells (Human)	Hyland Division Travenol Laboratories, Inc.	140	3- 6-67
Diphtheria Antitoxin	Institut Pasteur	11	3- 9-67
Tetanus Antitoxin	do		
Cholera Vaccine	do		
Typhoid Vaccine	do		
Staphylococcus Toxoid	do		
Citrated Whole Blood (Human)	Detroit Blood Service, Inc.	252	3-31-67
Packed Red Blood Cells (Human)	do		
Single Donor Plasma (Human)	do		
Scarlet Fever Streptococcus Toxin	The National Drug Co., Division of Richardson-Merrell, Inc.	101	5- 9-67
Allergenic Extracts	Sharman Laboratories	20	5-18-67
Typhus Vaccine (Epidemic)	The National Drug Co., Division of Richardson-Merrell, Inc.	101	
B. *histolyticus* Antitoxin	Lederle Laboratories Division, American Cyanamid Co.	17	5-24-67
B. *oedematiens* Antitoxin	do		
B. *sordellii* Antitoxin	do		
Perfringens Antitoxin	do		
V. *septique* Antitoxin	do		
Poliomyelitis Immune Globulin (Human)	do		
Typhus Vaccine (Epidemic)	do		
Citrated Whole Blood (Human)	James Walker Memorial Hospital Blood Bank	326	6-23-67
Do	Holy Cross Hospital of Silver Spring, Inc.	369	6-23-67
Do	Chicago Blood Donor Service, Inc.	180	6-23-67
Heparinized Whole Blood (Human)	do		

ESTABLISHMENT LICENSES REVOKED WITHOUT PREJUDICE AND REISSUED

Establishment Revoked	Establishment Reissued	License No.	Date
Travenol Laboratories, Inc., Morton Grove, Ill., and Cleveland, Miss.		184	1-11-67
Hyland Laboratories, Los Angeles, Calif.	Travenol Laboratories, Inc., Los Angeles, Calif.; Morton Grove, Ill., and Cleveland, Miss.	140	1-11-67
Community Blood and Plasma Service, Inc., Birmingham, Ala. and New York, N.Y.	Community Blood and Plasma Service, Inc., Birmingham, Ala.; Mobile Ala.; Jackson, Miss., and New York, N.Y.	234	1-27-67
Southern Michigan Blood Center, Inc., Detroit and Saginaw, Mich.	Michigan Community Blood Center, Detroit and Saginaw, Mich.	272	3-15-67
Bencard Allergy Unit, Beecham Research Laboratories, Ltd., Brentford, Middlesex, England.	Beecham Group, Ltd., Worthing, Sussex, England.	364	4-12-67
Cleveland Biologicals, Inc., Cleveland, Ohio.	Cleveland Biologicals, Inc., Cleveland, Ohio, and Akron, Ohio.	301	4-20-67
Nuclear Consultants Division, Mallinckrodt Chemical Works, Maryland Heights, Mo.	Mallinckrodt Chemical Works, Maryland Heights, Mo.	77	5- 9-67
National Bio Serums, Inc., Brooklyn, N.Y.	National Bio Serums, Inc., Port Reading, N.J.	349	6- 8-67
James Walker Memorial Hospital Blood Bank, Wilmington, N.C.	New Hanover Memorial Hospital Blood Bank, Wilmington, N.C.	326	6-23-67
Holy Cross Hospital of Silver Spring, Inc., Silver Spring, Md.	Holy Cross Hospital of Silver Spring Blood Bank, Silver Spring, Md.	369	6-23-67

Approved:

RODERICK MURRAY,
Director, Division of Biologics Standards, National Institutes of Health, Public Health Service, U.S. Department of Health, Education, and Welfare.

Approved:

J. STEWART HUNTER,
Assistant to the Surgeon General for Information, Public Health Service, U.S. Department of Health, Education, and Welfare.

[F.R. Doc. 67-8868; Filed, Aug. 1, 1967; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-276]

GEORGIA INSTITUTE OF TECHNOLOGY

Notice of Proposed Issuance of Provisional Construction Permit

The Atomic Energy Commission ("the Commission") is considering the issuance of a provisional construction permit, as set forth below, to Georgia Institute of Technology (hereinafter "Georgia Tech"). The provisional construction permit would authorize Georgia Tech to receive at The University of Akron's campus at Akron, Ohio, transport to and possess and store on the campus in Atlanta, Ga., but not to assemble, components and fuel of the Model AGN-201, Serial No. 104, nuclear reactor presently located on The University of Akron's campus at Akron, Ohio, for later use as a nuclear reactor facility.

Within 15 days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by the issuance of this provisional construction permit may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's "Rules of Practice", 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, a notice of hearing or an appropriate order will be issued.

For further details with respect to this proposed license, see (1) the applications from Georgia Tech dated January 18 and 26, 1967, and June 14, 1967, and supplement dated June 28, 1967, and (2) a related Safety Evaluation prepared by the Division of Reactor Licensing, which are available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of the Safety Evaluation may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

For the Atomic Energy Commission.

Dated at Bethesda, Md., this 28th day of July 1967.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

PROPOSED PROVISIONAL CONSTRUCTION PERMIT

The Atomic Energy Commission (hereinafter "the Commission") having found that:

a. The application for license complies with the requirements of the Atomic Energy Act of 1954, as amended (hereinafter "the Act"), and the Commission's regulations set forth in Title 10, Chapter 1, CFR;

b. The AGN-201, Serial No. 104, reactor is a utilization facility as defined in the Commission's regulations contained in Title 10, Chapter 1, CFR, Part 50, "Licensing of Production and Utilization Facilities";

c. Georgia Institute of Technology has submitted sufficient technical information concerning the receipt, transfer, possession, and storage of the reactor component parts and fuel to provide reasonable assurance that these activities can be undertaken without endangering the health and safety of the public;

d. The issuance of a provisional construction permit to Georgia Institute of Technology for the receipt, transfer, possession, and storage of the reactor component parts, 700 grams of U^{235}, and the byproduct materials in the manner proposed in the application will not be inimical to the common defense and security or to the health and safety of the public;

e. Georgia Institute of Technology is financially and technically qualified to receive, transport, possess and store the reactor component parts and fuel in accordance with the regulations contained in Title 10, Chapter 1, CFR; and

f. Georgia Institute of Technology is a nonprofit educational institution and will store the disassembled reactor components and fuel for later use for the conduct of educational activities. Georgia Institute of Technology is therefore exempt from the financial protection requirement of subsection 170a of the Act;

Provisional Construction Permit No.—, effective as of the date of issuance, is issued as follows:

1. This license applies to the component parts and fuel of the AGN-201, Serial No. 104, nuclear reactor formerly operated by the University of Akron under AEC Facility License No. R-24, Docket No. 50-64, and described in Georgia Institute of Technology's applications to the Commission dated January 18 and 26, 1967, and June 14, 1967, and supplement dated June 28, 1967 (hereinafter "the application").

2. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses Georgia Institute of Technology:

A. Pursuant to section 104c of the Act and Title 10, CFR, Chapter 1, Part 50, "Licensing of Production and Utilization Facilities", to (1) receive the reactor component parts at their present location on the University of Akron's campus at Akron, Ohio, and to transport them to the campus of Georgia Institute of Technology in Atlanta, Ga., and (2) to possess and store, but not to assemble, the disassembled reactor component parts for later use as a nuclear facility in accordance with the procedures and limitations described in the application and this license;

B. Pursuant to the Act and Title 10, CFR, Chapter 1, Part 70, "Special Nuclear Material", to receive, transport, possess and store at the new location, but not to use, 700 grams of U^{235} as reactor fuel, and

C. Pursuant to the Act and Title 10, CFR, Chapter 1, Part 30, "Rules of General Applicability to Licensing of Byproduct Material", to receive, transport, possess and store at the new location, but not to separate, such byproduct material as may be contained in the reactor component parts and fuel supplied by the University of Akron.

3. This license shall be deemed to contain and be subject to the conditions specified in the following Commission regulations (Title 10, CFR, Chapter 1): Part 20, section 30.34 of Part 30, sections 50.54 and 50.55 of Part 50, and section 70.32 of Part 70, and is subject to all applicable provisions of the Act and rules, regulations, and orders of the Commission now or hereafter in effect, and is subject to the additional conditions specified below:

A. The receipt, transportation, possession, and storage of the reactor and fuel shall be accomplished in accordance with procedures described in the application.

B. Georgia Institute of Technology is exempt from the requirements of section 70.24 (a) (1) for a monitoring system. This exemption only applies to the storage of that portion of the fuel from the Model AGN-201,

Serial No. 104, nuclear reactor which will be stored in the Radioisotopes Laboratory of the Radioisotopes Storage Facility. No more than 350 grams of U^{235} will be stored in the Radioisotopes Laboratory.

C. This construction permit is contingent upon the execution of an indemnity agreement as required by section 170 of the Act.

4. This Provisional Construction Permit authorizes the possession of the disassembled reactor component parts and the fuel for storage purposes only, and does not permit the licensee to assemble the reactor component parts, use the fuel, or undertake construction of a nuclear reactor facility without further written authorization from the Commission.

5. This Provisional Construction Permit shall expire at midnight, June 30, 1968.

Date of Issuance:

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations Division of Reactor Licensing.

[F.R. Doc. 67-9043; Filed, Aug. 1, 1967; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 18756]

DEUGRO INTERNATIONAL TRANSPORT, INC.

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding is assigned to be held on August 9, 1967, at 10 a.m. (local time) in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned Examiner.

Dated at Washington, D.C., on July 27, 1967.

[SEAL] WALTER W. BRYAN,
Hearing Examiner.

[F.R. Doc. 67-8982; Filed, Aug. 1, 1967; 8:47 a.m.]

DELAWARE RIVER BASIN COMMISSION

HYDROELECTRIC POWER POLICY

Notice of Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Thursday, August 17, 1967, on a proposed amendment to its Comprehensive Plan relating to hydroelectric power and energy at the Tocks Island project. The hearing will be held in the Auditorium Building of the New Jersey Cultural Center (immediately west of the State Capitol) on West State Street in Trenton beginning at 9:30 a.m. The proposed amendment to the Comprehensive Plan is attached to this notice.[1]

Any person or organization wishing to testify at the public hearing is requested to register with the Secretary to the Commission either by mail or telephone not later than 5 p.m. on August 16, 1967. Written statements may be submitted for the record. Written statements from those who cannot attend will be made a part of the record if mailed or delivered before the hearing is adjourned. 609-883-9500.

W. BRINTON WHITALL,
Secretary.

JULY 27, 1967.

[F.R. Doc. 67-8876; Filed, Aug. 1, 1967; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License 609]

BRIDGETTS & CO., INC.

Notice of Compliance With Order To Show Cause

Notice is hereby given that Bridgetts & Co., Inc., 27 Pearl Street, New York, N.Y. 10004, has complied with the Commission's Order to Show Cause dated July 18, 1967, and published in the FEDERAL REGISTER (32 F.R. 10892), by filing an effective surety bond with the Commission.

JAMES E. MAZURE,
Director,
Bureau of Domestic Regulation.

[F.R. Doc. 67-8997; Filed, Aug. 1, 1967; 8:48 a.m.]

[Independent Ocean Freight Forwarder License No. 990]

CIRCLE FORWARDERS, INC.

Order To Show Cause

On July 10, 1967, the Insurance Company of North America notified the Commission that the surety bond filed pursuant to Section 44(c), Shipping Act, 1916 (46 U.S.C. 841(b)) by Circle Forwarders, Inc., 4461 West Jefferson, Detroit, Mich. 48209, would be canceled effective August 10, 1967.

Section 44(c) of the Shipping Act, 1916 (46 U.S.C. 841(b)) and Section 510.5(f) of General Order 4 (46 C.F.R.) provide that no license shall remain in force unless such forwarder shall have furnished a bond.

Section 44(d) of the Shipping Act, 1916 (46 U.S.C. 841(b)) provides that licenses may, after notice and hearing, be suspended or revoked for willful failure to comply with any provision of the Act, or with any lawful rule of the Commission promulgated thereunder.

Now, therefore, by virtue of authority vested in me by the Federal Maritime Commission, as set forth in Manual of Orders, Commission Order 201.1 (revised), Section 6.03.

It is ordered, That Circle Forwarders, Inc. on or before August 3, 1967, either (1) submit a valid bond effective on or before August 10, 1967, or (2) show cause in writing or request a hearing to be held at 10 a.m. on August 7, 1967, in Room 505, Federal Maritime Commission, 1321 H Street NW., Washington, D.C. 20573, to show cause why its license should not be suspended or revoked pursuant to Section 44(d), Shipping Act, 1916.

It is further ordered, That License No. 990 be forthwith revoked if the licensee fails to comply with this order.

It is further ordered, That a copy of this order to show cause and all subsequent orders in this matter be served upon the licensee and be published in the FEDERAL REGISTER.

JAMES E. MAZURE,
Director,
Bureau of Domestic Regulation.

[F.R. Doc. 67-8998; Filed, Aug. 1, 1967; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. RI67-423 etc.]

HUNT OIL CO. ET AL.

Order Modifying Suspension Order

JULY 25, 1967.

Hunt Oil Company, Docket No. RI67-423; H. L. Hunt et al., Docket No. RI67-424; Hassie Hunt Trust (Operator) et al., Docket No. RI67-425.

Hunt Oil Co., H. L. Hunt et al. and Hassie Hunt Trust (Operator) et al. (collectively referred to as Hunt) filed on June 27, 1967, an application for rehearing and reconsideration of the Commission's suspension order issued June 7, 1967, in the above-entitled proceedings requesting that they be permitted to continue collection of their presently effective rates during the suspension period provided in the June 7 order with respect to their rate increases, in lieu of the 20-cent reduced rates accepted by that order. In the alternative, Hunt requests permission to withdraw the rate filings involved here.

Hunt filed on May 8, 1967, rate charges for four of their sales of natural gas from the South Louisiana Area which were treated as two-step changes.[1] The first step decreased the then effective rates of 23.55 cents, 23.6 cents, and 23.25 cents[2] to the 20-cent initial rates authorized for these sales in Opinion No. 436. These reductions were accepted as of the date of filing by the June 7 order. The second step of such filings increased the 20-cent rates to 23.25 cents and 23.55 cents. These increases were suspended in the June 7 order for 5 months from the date of filing.

Hunt contends that we have erroneously interpreted each of their rate filings as comprising two separate rate changes, whereas they intended each of the filings to constitute a single rate change.[3] Hunt points out that if the filings had been interpreted in the manner intended by them such filings would have been suspended for 5 months, but their rates during this period would not have been reduced to 20 cents per Mcf as provided in the June 7 order. In support of their position Hunt refers to the order issued May 6, 1964 in Hassie Hunt Trust (Operator) et al., Docket Nos. RI64-733, et al. where the Commission suspended for 5 months rate decreases from 20 cents to 19 cents but did not require Hunt to reduce their 20-cent rates to the 16-cent initial rate authorized in Opinion No. 412.[4]

The filings by Hunt in this case were treated as two-step filings based on our interpretation of their proposed rate changes. We have no objection, however, to treating each rate filing as a single rate change and would have done so in the first instance had Hunt's intent been clear. In view thereof, we shall modify the June 7 order so as to eliminate the acceptance of the 20-cent initial rates. The 23.25-cent and 23.55-cent suspended rate changes will continue under suspension as provided in that order.[5] In the meantime Hunt may continue collection during the suspension period of the 23.55-cent, 23.6-cent and 23.25-cent rates now in effect, subject, however, to the stay provisions of Opinion No. 436-A and the refund obligations contained therein.[6]

The Commission orders: For the reasons set forth above, Paragraph (B) of the order issued June 7, 1967, in the above-entitled proceedings, which provides for the acceptance of the 20-cent rates, is deleted.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-8948; Filed, Aug. 1, 1967; 8:45 a.m.]

[Docket Nos. CP67-187 etc.]

PACIFIC GAS TRANSMISSION CO. AND EL PASO NATURAL GAS CO.

Order Consolidating Proceedings, Granting Interventions and Fixing Date for a Prehearing Conference

JULY 26, 1967.

Pacific Gas Transmission Co., El Paso Natural Gas Co., CP67-187, CP67-188, CP67-217.

On December 23, 1966 Pacific Gas Transmission Co. (Pacific Gas) filed in Docket No. CP67-188 an application pursuant to section 3 of the Natural Gas Act requesting authorization to import an additional 211,000 Mcf of natural gas per day from Canada and in Docket No. CP 67-187 an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities to transport this gas to Pacific Gas and Electric Co., its customer in the California market. Notice of these applications was issued on January 14, 1967 (32 F.R. 428).

On January 30, 1967 El Paso Natural Gas Co. (El Paso) filed in Docket No. CP67-217 an application pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the construction and operation of facilities to transport and sell additional volumes of gas to its customers in California and along its Southern Division System east of California. El Paso's Maximum Daily Design Capacity would be increased by 310,282 Mcf per day. El Paso proposes to deliver an additional firm daily quantity of 103,212 Mcf of gas to Pacific Gas and Electric (PG&E), 154,130 Mcf to Southern California Gas Co. and Southern Counties Gas Co. of California (jointly referred to as Southern) and 52,940 to its customers east of California. Notice of this application was issued on February 15, 1967 (32 F.R. 2913).

Petitions seeking leave to intervene in these proceedings were filed as follows:

Petitioner	Date of filing	
	CP67-187 and 188	CP67-217
Texas Independent Producers & Royalty Owners Association.	1-27-67	.....
Permian Basin Petroleum Association.	1-27-67	.....
West Central Texas Oil & Gas Association.	1-27-67	.....
Northwest Pipeline Corp.	2- 6-67	.....
Cascade Natural Gas Corp.	2- 6-67	.....
El Paso Natural Gas Co.	2- 6-67	.....
California Gas Producers Association.	2- 6-67	2-23-67
Pacific Gas & Electric Co.	2- 6-67	2- 3-67
Independent Petroleum Association of America.	2- 6-67	.....
Washington Natural Gas Co.	2- 6-67	2- 3-67
Transwestern Pipeline Co.	2- 6-67	2-23-67
City & County of San Francisco.	2- 6-67	2- 6-67
Independent Oil & Gas Producers of California.	2-13-67	2-23-67
Southern California Gas Co. & Southern Counties Gas Co. of California.	.....	2-27-67
Arizona Public Service Co.	.....	2- 3-67
San Diego Gas & Electric Co.	.....	2- 3-67
City of Los Angeles	.....	2- 3-67

Notices of intervention were filed in these proceedings by the following parties: (1) Public Utility Commissioner of Oregon; (2) The People of The State of California and The Public Utilities Commission of the State of California; (3) State of Texas and The Railroad Commission of Texas; (4) Idaho Public Utilities Commission; (5) Washington Utilities and Transportation Commission.

On March 10, 1967, the California Gas Producers Association and the Independent Oil and Gas Producers of California filed a motion to consolidate the above-styled proceedings. The latter organizations represent numerous California gas producers from whom PG&E purchases natural gas. It is their contention that PG&E's market will not expand at a sufficient rate to utilize all of the additional gas that that company will acquire in the next few years in the event the Commission issues the certificates sought by the applicants in the above-styled proceedings. It is the fear of these California producers that in the event that PG&E does acquire an over-supply of natural gas as a result of the issuance of certificates sought in these proceedings they will suffer revenue losses because PG&E will be forced to cut back on its natural gas purchases from local sources of supply.

Answers to the Motion to Consolidate were filed by El Paso, The State of Texas, Pacific Gas, PG&E, Southern, San Diego Gas and Electric Co., and the Public Utility Commissioner of Oregon (Oregon). All but Oregon opposed the Motion to Consolidate.

Issues which have been raised and which we believe are present in this proceeding require that a formal hearing be held on the applications. These issues make it apparent that the applications should be consolidated for a joint hearing. Accordingly, we will require that a formal hearing be held at the earliest reasonable time. In order to expedite the matter it would seem appropriate that those issues which will be tried be specified insofar as possible.

A review of the applications, the petitions to intervene, and the motion raises questions which we feel must be disposed of in this proceeding. Among these, and without limitation to the presentation of other questions by the parties, are the following:

1. Is there a market at this time for the volumes of gas proposed to be transported and sold in these applications?

2. Should the Commission permit the importation of the volumes of gas herein proposed without limitation, in the light of the facts in this case?

3. Is it preferable that other markets along the route of either pipeline receive the gas proposed to be transported and sold, in preference to the proposed markets herein? Should provision be made for those markets?

4. Are there alternative means available to meet the requirements of the customers proposed to be served which would be more preferable than the proposal herein?

We find that there should be a resolution of these issues without foreclosing a consideration of any other issues which may be raised. In order to expeditiously process this matter, the parties should be required to set forth any other issues which they believe are involved. To accomplish this, we will require that the parties to the proceeding submit, in writing, on or before September 27, 1967, a specification, in detail, of any other issues which they believe are present in this matter. We will thereafter institute a prehearing conference to be held before an examiner on October 17, 1967. At this conference all parties should attempt further to limit the issues in this proceeding, to stipulate as to evidentiary

[1] Amendment filed as part of the original document.

[1] The rate reduction to 16 cents had been stayed pending judicial review.

[2] While 3 of the 4 proposed changes are nominally decreased rate filings, they also represent increases above the initial rate determined to be proper in Opinion No. 436. For this reason, the 5-month suspension periods provided in the June 7 order remain justifiable.

[3] The 10th Circuit on Mar. 9, 1967, in *Pan American Petroleum Corp., et al. v. F.P.C.* affirmed the Commission's in-line base price determination in Opinion No. 436, but remanded the proceedings to the Commission for further consideration of the tax reimbursement allowance, among other things.

[4] Supplemental No. 3 to Hunt Oil Co.'s FPC Gas Rate Schedule No. 50, and Supplement No. 4 to H. L. Hunt et al. FPC Gas Rate Schedule No. 29 and Hassie Hunt Trust (Operator) et al. FPC Gas Rate Schedule Nos. 24 and 29, respectively.

[5] These rates are in effect pursuant to the stay provisions of Opinion No. 436-A.

[6] Hunt concedes, however, that their filings were reasonably susceptible of the interpretation placed upon them.

matters, to resolve those issues which are capable of resolution on agreed evidence, and to use any other possible means to dispose of this matter consistent with due process and the Natural Gas Act.

The Commission finds:

(1) It is desirable to allow the above-named petitioners to intervene in these proceedings in order to show what further action may be appropriate under the circumstances in the administration of the Natural Gas Act.

(2) The processing of this proceeding will be expedited by the filing of statements of proposed issues by the participants herein and discussion thereafter at a prehearing conference, prior to the submittal of prepared testimony on the issues involved.

(3) It is necessary and appropriate that the proceedings in the above-named applications be consolidated for hearing and decision. It appears that the scheduling of a prehearing conference prior to the formal hearing may be in the public interest.

The Commission orders:

(A) The above-designated matters are consolidated for the purposes of hearing and disposition.

(B) Each of the above-mentioned Petitioners is permitted to intervene in these proceedings subject to the rules and regulations of the Commission: *Provided, however*, That the participation of such interveners shall be limited: to matters affecting asserted rights and interests specifically set forth in the petitions to intervene: *And provided, further*, That the admission of such interveners shall not be construed as recognition by the Commission that they or any of them might be aggrieved by any order or orders entered in these proceedings.

(C) The parties to this proceeding shall submit in writing on or before September 27, 1967, a statement of the issues which they believe have been raised by the above-docketed applications. The statement of issues need not include those issues already noted by the Commission in this order. Said statement of issues shall be served on the other parties to the proceeding and the Commission staff, in accordance with the Commission's rules.

(D) A prehearing conference be convened in the proceedings entitled Pacific Gas Transmission Co., et al., Docket Nos. CP67–187 et al. in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C. on October 17, 1967, at 10 a.m., e.d.s.t. The Chief Examiner will designate an appropriate officer of the Commission to preside at the prehearing conference and at the formal hearing of these matters, pursuant to the Commission's rules of practice and procedure. The Examiner shall fix a date of hearing and, subject to further order of the Commission, shall be responsible for the conduct of these proceedings.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 67–8949; Filed, Aug. 1, 1967; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812–2137]

INSURANCE SECURITIES TRUST FUND

Notice of Filing of Application

JULY 26, 1967.

Notice is hereby given that Insurance Securities Trust Fund ("ISTF"), 100 California Street, San Francisco, Calif. 94120, a California trust registered under the Investment Company Act of 1940 ("Act") as an open-end diversified investment company, has filed an application pursuant to section 6(c) of the Act requesting an order of the Commission exempting from the provisions of section 22(d) certain sales at a reduced sales load, or without sales load, upon the reinvestment of the proceeds of Participating Agreements upon maturity. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Insurance Securities Incorporated ("ISI") is the principal underwriter for, and investment adviser of, ISTF. Under the Trust Agreement, ISI is entitled to be paid a creation fee or sales load of 8.85 percent on each Single Payment Participating Agreement and a like amount on the aggregate amount paid on each Accumulative Plan Participating Agreement. Until recently, investors who wished to reinvest all or a portion of the proceeds of a matured Participating Agreement in a new Participating Agreement paid the full 8.85 percent sales load applicable to new Participating Agreements.

Beginning March 27, 1967, ISI, by waiver, eliminated the sales load on the reinvestment at maturity (or within 60 days thereafter) in the single payment security then being issued by ISTF of all or a portion of the proceeds payable upon maturity of any Participating Agreement issued on or after March 27, 1967. At the same time ISI, by waiver, also reduced from 8.85 percent to 5 percent the sales load on the reinvestment at maturity (or within 60 days thereafter) in the single payment security then being issued by ISTF of all or a portion of the proceeds payable upon maturity of any Single Payment Participating Agreement or Accumulative Plan Participating Agreement issued, outstanding and fully paid as of March 24, 1967. In the case of any Accumulative Plan Participating Agreement issued and outstanding as of March 24, 1967, but not fully paid as of that date, all or a portion of the maturity proceeds may, within 60 days following maturity, be reinvested in the single payment security then being issued by ISTF subject to a sales load of 5 percent of the lesser of (a) that portion of the maturity proceeds which is equal to the net asset value on maturity of the sum of the net asset value of such Participating Agreement as of March 24, 1967, and any amounts withdrawn therefrom but not repaid as of March 24, 1967, or (b) the amount reinvested. The minimum amount which may be reinvested without load or at the reduced load of 5 percent is $1,000, or the entire proceeds upon maturity if such proceeds are less than $1,000.

ISI intends, subject to satisfactory resolution of problems of tax considerations and administrative feasibility, to propose to the board of directors of ISTF, for proposal in turn to investors in ISTF, amendments to the Trust Agreement that would effectuate substantially the following results: (1) Each holder of a Participating Agreement issued and outstanding as of March 24, 1967, would have a right to convert immediately prior to maturity all or a portion of his equity in the Participating Agreement into the form of single payment security then currently being issued by the Trust Fund, at a fee commensurate with the reduced 5 percent sales load as described above; (2) provide a similar conversion right, but with no fee for such conversion, to each holder of a Participating Agreement issued on or after March 27, 1967, and prior to the effective date of the amendments to the Trust Agreement; and (3) provide that prior to maturity of any Participating Agreement issued from and after the effective date of such amendments, such Participating Agreement will be replaced, at no charge to the investor and with no act required on his part, with the form of single payment security then currently being issued by ISTF.

ISTF asserts that the transactions described above do not and will not violate the terms or the intent of section 22(d) of the Act. It represents, however, that because the proposed incorporation of the terms of the transactions into the Trust Agreement will result in that document providing for one creation fee or sales load upon the issuance of redeemable securities for newly invested funds, and a lesser creation fee or no creation fee upon the issuance of redeemable securities for reinvested funds, it is applying for the order requested so as to avoid any possible prejudice to the rights of any investor.

Section 22(d) of the Act provides: "No registered investment company shall sell any redeemable security issued by it to any person except either to or through a principal underwriter for distribution or at a current public offering price described in the prospectus, and, if such class of security is being currently offered to the public by or through an underwriter, no principal underwriter of such security and no dealer shall sell any such security to any person except a dealer, a principal underwriter or the issuer, except at a current public offering price described in the prospectus: *Provided, however*, That nothing in this subsection shall prevent a sale made (i) pursuant to an offer of exchange permitted by section 11 hereof including any offer made pursuant to clause (1) or (2) of section 11(b); (ii) pursuant to an offer made solely to all registered holders of the securities, or of a particular class or series of securities issued by the company proportionate to their holdings or proportionate to any cash distribution made to them by the company (subject to appropriate qualifications designed solely to avoid issuance of fractional securities); or (iii) in accordance with rules and regulations of the Commission made pursuant to subsection (b) of section 12."

Section 6(c) of the Act provides: "The Commission, by rules and regulations upon its own motion, or by order upon application, may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of this title or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of this title."

Notice is further given that any interested person may, not later than August 11, 1967, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon ISTF at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67–8957; Filed, Aug. 1, 1967; 8:45 a.m.]

INTERAMERICAN INDUSTRIES, LTD.

Order Suspending Trading

JULY 27, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the capital stock of Interamerican Industries, Ltd., Calgary, Alberta, Canada, being traded in the United States otherwise than on a national securities exchange is required in the public interest and for the protection of investors.

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in the United States in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 28, 1967, through August 6, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67–8958; Filed, Aug. 1, 1967; 8:45 a.m.]

[70–4511]

NEW ENGLAND ELECTRIC SYSTEM

Notice of Proposed Amendment of Debenture Indenture

JULY 27, 1967.

Notice is hereby given that New England Electric System ("NEES"), 441 Stuart Street, Boston, Mass. 02116, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 thereof as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

In 1947, pursuant to an order of the Commission under section 11(e) of the Act (26 SEC 1), New England Power Association, the predecessor company of NEES, issued $75 million of debentures and $10 million of 10-year serial notes. The Indenture relating to the debentures contained covenants specifying the amount of funded debt and preferred stock that might be issued by subsidiary companies and funded debt that might be issued by the parent company. The filing states, among other things, that since 1947 NEES has increased its common-share equity by over $185 million, thereby increasing its consolidated common-share equity ratio at December 31, 1966, to 36.7 percent. Of said $85 million of debt issued by the parent company in 1947, only $43,476,000 of the 3¼ percent Debentures, due 1977, remain outstanding.

NEES now proposes to amend the Indenture to substitute for security issues tests based upon consolidated capitalization and surplus in place of the present test based upon consolidated net assets. As amended, the Indenture will permit a maximum consolidated funded debt ratio of 65 percent of consolidated capitalization and surplus and will reduce the maximum funded debt of NEES itself to 15 percent thereof. In addition, it will provide for a minimum consolidated common-share equity ratio of 30 percent. In the computation of consolidated common equity, minority interests in the common equities of subsidiary companies are not to be included therein except pursuant to specific authorization of the Commission, but, in the computation of consolidated capitalization and surplus, such minority interests are to be included and shown separately as such. The issue of debt and equity securities by NEES and its subsidiary companies remains, as heretofore, subject to the standards and requirements of sections 6 and 7 of the Act.

The declaration states that the written consent of holders of not less than 66⅔ percent in principal amount of the outstanding debentures are required for the adoption of the proposed amendments and that the five principal holders of the debentures, representing over $36 million of the $43,476,000 of debentures presently outstanding, have orally agreed to the substance of the proposed amendments. It is further stated that the solicitation of consents from debenture holders will be subject to the exemption provided by Rule 62(b)(1), since NEES has not and will not solicit consents from more than 10 such holders.

Fees and expenses in connection with the proposed transaction are estimated not to exceed $23,000, including a legal fee of $6,000 and charges, at cost, of the system service company of $12,000. It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than August 18, 1967, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67–8959; Filed, Aug. 1, 1967; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 28, 1967.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41082—*Cast iron soil pipe from Holt, Ala.* Filed by O. W. South, Jr., agent (No. A5047), for interested rail carriers. Rates on cast iron soil pipe and related articles, in carloads, from Holt, Ala., to Quakertown, Pa.

Grounds for relief—Private truck competition.

Tariff—Supplement 57 to Southern Freight Association, agent, tariff ICC S-243.

FSA No. 41083—*Steel or wrought iron pipe from Minnequa, Colo.* Filed by Southwestern Freight Bureau, agent (No. B-8996), for interested rail carriers. Rates on pipe, steel, or wrought iron, in carloads, as described in the application, from Minnequa, Colo., to Cleburne, Tex. and points taking the same rates.

Grounds for relief—Short-line distance formula and grouping.

Tariff—Supplement 72 to Southwestern Freight Bureau, agent, tariff ICC 4620.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-8971; Filed, Aug. 1, 1967; 8:46 a.m.]

[Notice 457]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JULY 28, 1967.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 2202 (Deviation No. 95) (Cancels Deviation No. 40), ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, Ohio 44309, filed July 17, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Charleston, S.C., over Interstate Highway 26 to junction U.S. Highway 276, near Laurens, S.C., thence over U.S. Highway 276 to Greenville, S.C., and (2) from Charleston, S.C., over Interstate Highway 26 to Asheville, N.C., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Charleston, S.C., over U.S. Highway 78 to junction U.S. Highway 301, thence over U.S. Highway 301 to junction U.S. Highway 21, thence over U.S. Highway 21 to Columbia, S.C., thence over U.S. Highway 76 to junction South Carolina Highway 14, thence over South Carolina Highway 14 to junction U.S. Highway 276, thence over U.S. Highway 276 to Greenville, S.C., and (2) from Charleston, S.C., over the above described route to Greenville, S.C., thence over U.S. Highway 25 to Asheville, N.C., and return over the same routes.

No. MC 2202 (Deviation No. 96), ROADWAY EXPRESS, INC., 1077, Gorge Boulevard, Post Office Box 471, Akron, Ohio 44309, filed July 17, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Oklahoma City, Okla. and Checotah, Okla., over Interstate Highway 40, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Oklahoma City, Okla., over U.S. Highway 62 to junction U.S. Highway 75, at Henryetta, Okla., thence over U.S. Highway 266 to Checotah, Okla., and return over the same route.

No. MC 99744 (Sub-No. 2) (Deviation No. 1) (Correction), VICTOR GROTHAUS, DBA GROTHAUS EXPRESS, 201 East Fourth Street, Kingsley, Iowa 51028, filed June 30, 1967. Carrier's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Published in the FEDERAL REGISTER July 12, 1967, should be corrected to read as follows: Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 59 and Iowa Highway 141, approximately 3 miles north of Denison, Iowa, over Iowa Highway 141, to junction Interstate Highway 29 near Sloan, Iowa, thence over Interstate Highway 29 to Sioux City, Iowa, and return over the same route with no transportation for compensation, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Omaha, Nebr., over U.S. Highway 30 to Denison, Iowa, (2) from Denison, Iowa, over U.S. Highway 59 to junction U.S. Highway 20, and (3) from junction U.S. Highway 20 and 59 over U.S. Highway 20 to Sioux City, Iowa, and return over the same routes, with no transportation for compensation, except as otherwise authorized.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 394) (Cancels Deviation No. 206), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio 44113, filed July 17, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express*, and *newspapers* in the same vehicle with passengers over a deviation route as follows: From Columbus, Ohio, over Interstate Highway 70 to junction Indiana Highway 3, approximately 1 mile north of Spiceland, Ind., thence over Indiana Highway 3 to junction U.S. Highway 40 at Dunreith, Ind., with the following access routes (1) from Springfield, Ohio, over present certificated U.S. Highway 40 to junction Interstate Highway 70 east of Harmony, Ohio, (2) from Springfield, Ohio, over Ohio Highway 4 to junction Interstate Highway 70 north of Enon, Ohio, (3) from Dayton, Ohio, over Ohio Highway 4 to junction Interstate Highway 70 southwest of Medway, Ohio, (4) from Dayton, Ohio, over Ohio Highway 49 to junction Interstate Highway 70 northwest of Taylorsburg, Ohio, (5) from Richmond, Ind., over U.S. Highway 40 to junction Interstate Highway 70 east of Richmond, Ind., (6) from Richmond, Ind., over U.S. Highway 35 to junction Interstate Highway 70 northwest of Richmond, Ind., and (7) from junction Interstate Highway 70 and Indiana Highway 1A, over Indiana Highway 1A to junction U.S. Highway 40, approximately 2 miles east of Cambridge City, Ind., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From Dayton, Ohio, over Ohio Highway 4 to Springfield, Ohio, (2) from Springfield, Ohio, over U.S. Highway 40 via Summerford and West Jefferson to Columbus, Ohio, also from Summerford over Ohio Highway 142 to West Jefferson, Ohio, (3) from Washington, Pa., over U.S. Highway 40 via Springfield, Ohio to Brandt, Ohio, (4) from Dayton, Ohio, over U.S. Highway 35 to Richmond, Ind., thence over U.S. Highway 40 via Stilesville to Manhattan, Ind., (5) from Brandt, Ohio, over U.S. Highway 40 to junction U.S. Highway 35, and (6) from Springfield, Ohio, over Ohio Highway 4 to Dayton, Ohio, and return over the same routes.

No. MC 61598 (Deviation No. 4), SMOKY MOUNTAIN STAGES, INC., Post Office Box 2387, Charlotte, N.C. 28201, filed July 19, 1967. Carrier's representative: Edward G. Villalon, 1735 K Street NW., Washington, D.C. 20006. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express, and newspapers* in the same vehicle with passengers, over a deviation route as follows: From Marietta, Ga., over Georgia Highway 120 to junction U.S. Highway 41, thence over U.S. Highway 41 to junction Franklin Road, thence over Franklin Road to junction Interstate Highway 75, thence over Interstate Highway 75 to Atlanta, Ga., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: Between Marietta, Ga., and Atlanta, Ga., over U.S. Highway 41.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-8972; Filed, Aug. 1, 1967; 8:46 a.m.]

[Notice 1090]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JULY 28, 1967.

The following publications are governed by Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER issue of April 20, 1966, which became effective May 20, 1966.

The publications hereinafter set forth reflect the scope of the applications *as filed* by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 76065 (Sub-No. 16) (Amendment), filed March 6, 1967, published FEDERAL REGISTER issue of March 23, 1967, amended July 21, 1967, and republished as amended this issue. Applicant: EHRLICH - NEWMARK TRUCKING CO., INC., 248 West 35th Street, New York, N.Y. 10001. Applicant's representative: Martin Werner, 2 West 45th Street, New York, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, loose, on hangers, and *materials and supplies* used in the manufacture of wearing apparel, between New York, N.Y., Trenton, N.J., Philadelphia and Harrisburg, Pa., Wilmington, Del., Baltimore, Md., and Washington, D.C., and points in their respective Commercial Zones, as defined by the Commission, on the one hand, and, on the other, points in Appomattox, Shenandoah, and Lancaster Counties, Va., and Norfolk, Newport News, Roanoke, Richmond, and Portsmouth, Va. NOTE: The purpose of this republication is to correctly set forth the destination territory, and add the hearing information. *HEARING:* September 18, 1967, in Hearing Room B, Federal Trade Commission, 14th Floor, 30 Church Street, New York, N.Y., before Examiner Edith H. Cockrill.

No. MC 85465 (Sub-No. 10) (Republication), filed July 22, 1965, published FEDERAL REGISTER issue of August 11, 1965, and republished this issue. Applicant: WEST NEBRASKA EXPRESS, INC., Post Office Box 350, Scottsbluff, Nebr. Applicant's representative: John P. Thompson, Capitol Life Center, Denver, Colo. 80203. By application filed July 22, 1965, applicant seeks a certificate of public convenience and necessity authorizing operation in interstate or foreign commerce, as a common carrier, by motor vehicle, over regular routes, of general commodities (except those of unusual value, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), (1) from Scottsbluff, Nebr., to Rapid City, S. Dak.; from Scottsbluff over Nebraska Highway 71 to junction Nebraska Highway 2, thence over Nebraska Highway 2 to junction U.S. Highway 20 at Crawford, Nebr., thence over U.S. Highway 20 to junction U.S. Highway 385, thence over U.S. Highway 385 to junction U.S. Highway 16, thence over U.S. Highway 16 to Rapid City, and return over the same route, serving the intermediate point of Crawford and the off-route point of Chadron, Nebr., and (2) from Alliance, Nebr., to Rapid City, S. Dak.; from Alliance over U.S. Highway 385 to junction U.S. Highway 16, and thence over U.S. Highway 16 to Rapid City, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's presently authorized regular-route operations. A Report of the Commission, Review Board Number 2, decided July 14, 1967, finds that the present and future public convenience and necessity require operation by applicant as a *common carrier* by motor vehicles, over regular routes, of *general commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Scottsbluff, Nebr., and Rapid City, S. Dak., from Scottsbluff over Nebraska Highway 71 to junction Nebraska Highway 2, thence over Nebraska Highway 2, to junction U.S. Highway 20 at Crawford, Nebr., thence over U.S. Highway 20 to junction U.S. Highway 385, thence over U.S. Highway 385 to junction U.S. Highway 16, thence over U.S. Highway 16 to Rapid City, and return over the same route, serving the intermediate point of Crawford and the off-route point of Chadron, Nebr., subject to the restriction that the authority granted herein shall not be tacked or joined directly or indirectly, with any authority now held by applicant for the purpose of performing any through service. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 113678 (Sub-No. 110) (Republication), filed March 8, 1965, published FEDERAL REGISTER issue of March 25, 1965, and republished this issue. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo. 80216. Applicant's representative: Duane W. Acklie, Post Office Box 2028, Lincoln, Nebr. By application filed March 8, 1965, applicant seeks a certificate of public convenience and necessity authorizing operation in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of meats, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses, as described in sections A, B and C, of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), between Greeley and Denver, Colo. NOTE: Applicant states the sole purpose of the instant application is for tacking with existing authority held in Docket No. MC 113678. A Report of the Commission, Review Board Number 2, dated July 14, 1967, served July 21, 1967, finds that the present and future public convenience and necessity require operations by applicant as a *common carrier* by motor vehicle, in interstate or foreign commerce, over irregular routes, of *meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, between Denver and Greeley, Colo., restricted against joinder with the authority granted herein in No. MC 113678 (Sub-Nos. 98, 102, 111, 121, 148, and 157), and from Denver, Colo., to points in Alabama, Louisiana, Mississippi, Minnesota, Nebraska, North Dakota, South Dakota, points in the part of Iowa, on and west of U.S. Highway 169 (except Sioux City, Iowa, and its commercial zone), Kansas, Missouri, and Wisconsin. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 117119 (Sub-No. 389) (Republication), filed July 21, 1966, published FEDERAL REGISTER issue of September 1, 1966, and republished this issue. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. 72728. Applicant's representative: John H. Joyce, 26 North College, Fayetteville, Ark. 72702. By application filed July 21, 1966, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes (1) of engravers' plates zinc, peto distillate, and (2) of chemicals and photographer's materials, in vehicles equipped with temperature controlled devices, restricted against transportation in bulk, in tank vehicles, from and to the points indicated below. An Order of the Commission, Operating Rights Board, dated July 14, 1967, and served July 21, 1967, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of (1) engravers' plates zinc, (2) petroleum distillate, (3) chemicals, and (4) photographers' materials from Brooklyn and Bronx, N.Y., to Joplin, Mo.; to Little Rock, Hot Springs, and Texarkana, Ark.; to Tulsa and Oklahoma City, Okla.; to Dallas, Houston, Fort Worth, San Antonio, Austin, Waco, and Corpus Christi, Tex.; to Wichita and Parsons, Kans.; to Denver and Colorado Springs, Colo.; to Los Angeles and San Francisco, Calif.; and to Memphis, Tenn., restricted against transportation of the commodities in bulk, in tank vehicles; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 117304 (Sub-No. 15) (Republication), filed December 9, 1966, published FEDERAL REGISTER issue of January 6, 1967, and republished this issue. Applicant: DON PAFFILE, doing business as, PAFFILE TRUCK LINES, 2906 29th Street North, Lewiston, Idaho 83501. By application filed December 9, 1966, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of wood chips and sawdust, in bulk, in special equipment, from St. Maries, Coeur d'Alene, and Albeni Falls, Idaho, to Millwood, Wash. An Order of the Commission, Operating Rights Board No. 1, dated July 13, 1967, and served July 21, 1967, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of *wood chips*, in bulk, from St. Maries and Coeur d'Alene, Idaho, and the millsite of the Diamond National Corp. at Albeni Falls near Priest River, Idaho, to Millwood, Wash.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 128231 (Republication), field May 18, 1966, published FEDERAL REGISTER issue of June 16, 1966 and republished this issue. Applicant: JAY SMITH PRODUCT, INC., Post Office Box 233, Springdale, Ark. Applicant's representatives: Nancy Peyatt & Lester M. Bridgeman, Woodward Building, Washington, D.C. By application filed May 18, 1966, applicant seeks a permit authorizing operation, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of frozen poultry, frozen poultry with dressing, and frozen precooked poultry products from the plantsites and storage facilities of Tyson's Foods, Inc., in Springdale, Rogers, and Lincoln, Ark., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Texas, Utah, Washington, and Wyoming, under a continuing contract with Tyson's Foods, Inc., of Springdale, Ark. An order of the Commission, Operating Rights Board No. 3, decided July 5, 1967, and served July 24, 1967, finds that operation by applicant, in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over irregular routes, (1) of *frozen poultry products*, and (2) of *frozen poultry and frozen poultry with dressing*, when moving in mixed loads with frozen poultry products, from the plantsites and storage facilities of Tyson's Foods, Inc., at Springdale, Rogers, and Lincoln, Ark., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Texas, Utah, Washington, and Wyoming, under a continuing contract or contracts with Tyson's Foods, Inc., of Springdale, Ark., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

NOTICE OF FILING OF PETITIONS

No. MC 22285 (Notice of Filing of Petition for Waiver of Rule 1.101(e) of the Commission's General Rules of Practice and to Reopen the Above-Entitled Proceeding for Reconsideration or Further Hearing), filed June 26, 1967. Petitioner: OSCAR DUNCAN, Rolla, Mo. Petitioner's representative: Thomas P. Kilroy, Suite 913 Colorado Building, 1341 G Street, NW., Washington, D.C. 20005. Petitioner predecessor in interest is Charles Duncan, holds the following certificate authorizing the transportation by motor vehicle, over regular routes: Between Vichy, Mo., and International Stockyards, Ill.; *General commodities*, except articles of unusual value, and except dangerous explosives, household goods (when transported as separate and distinct service in connection with so-called household movings), commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading, from Vichy over U.S. Highway 63 to Rolla, Mo., thence over U.S. Highway 66 to International Stockyards; and *Fertilizer, mill feed*, and *roofing*, from International Stockyards over the above-specified route to Vichy. Service is authorized to and from the intermediate points of Rolla, St. James, Knobeview, Fanning, Cuba, and St. Louis, Mo., and East St. Louis, Ill.; and off-route points within 20 miles of Rolla. Irregular routes: *Household goods*, between Rolla, Mo., and points and places within 15 miles of Rolla, on the one hand, and, on the other, points and places in Illinois. Petitioner has always believed he could transport general commodities with certain exceptions, between Vichy and the St. Louis area. However, in order to remove any cloud on this two-way general-commodity authority, petitioner requests the Commission waive Rule 1.101(e), accept this petition for reconsideration or further hearing, and assign the petition for hearing at the same time and place as No. MC-F-9556, and an application filed by petitioner on June 23, 1967, in MC 22285 Sub. No. 1, published in the FEDERAL REGISTER, issue of July 13, 1967. Any interested person desiring to participate, may file an original and six copies of his written representations, views or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 108524 (Sub-No. 1) (Notice of filing of petition for reinstatement of permit), filed July 6, 1967. Petitioner: CARTAGE, INC., South Bend, Ind. Petitioner's representative: John E. Lesow, 3737 North Meridian Street, Indianapolis, Ind. 46208. Petitioner previously held a Permit dated September 2, 1948, authorizing it to conduct operations as a contract carrier, transporting: Such commodities as are dealt in by retail grocery stores, but not including malt beverages, over irregular routes, from South Bend, Ind., to points in St. Joseph, Porter, La Porte, Elkhart, Lagrange, Noble, Kosciusko, Marshall, Fulton, Starke, Pulaski, and Whitley Counties, Ind., and to points in Berrien, St. Joseph and Cass Counties, Mich., and empty containers used in the transportation of the above-described commodities, on return. Pursuant to an order in MC-C-2253, dated December 12, 1958, the above-referred-to permit was revoked. Petitioner states that at the time the permit was revoked its business became intrastate in nature, however, its shipper's requirements have been revised so that the shipments are interstate in nature. By the instant petition, petitioner prays that its petition be granted, and that the permit which was revoked by order of the Commission be reinstated. Any interested person desiring to participate, may file an original and six copies of his written representations, views or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATION FOR CERTIFICATE OR PERMIT WHICH IS TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 2202 (Sub-No. 327), filed July 21, 1967. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Akron, Ohio 44309. Applicant's representative: Russell R. Sage, 2001 Massachusetts Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving points in Rhode Island as off-route points in connection with applicant's existing regular route authority. NOTE: This application is directly related to MC-F-9829, published in the FEDERAL REGISTER this issue. If a hearing is deemed necessary, applicant requests it be held at Providence, R.I., or Washington, D.C.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-9823. Authority sought for purchase by BILL HODGES TRUCK COMPANY, INC., Route No. 4, Box 340, Oklahoma City, Okla. 73111, of a portion of the operating rights of L. C. JONES TRUCKING COMPANY, Post Office Box 4368, Oklahoma City, Okla., and for acquisition by HAROLD L. HODGES, 4701 Northeast 23d Street, Oklahoma City, Okla., JAMES D. HODGES, 1816 Hillcrest, Woodward, Okla., W. CLARENCE HODGES, AND MARGARET HODGES, EXECUTRIX OF THE ESTATE, 4300 North Bryant, Oklahoma City, Okla., of control of such rights through the purchase. Applicants' attorney: Rufur H. Lawson, Post Office Box 75124, Oklahoma City, Okla. 73107. Operating rights sought to be transferred: *Machinery, equipment, materials*, and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum, and their products and byproducts, and *machinery, equipment, materials*, and *supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, except the stringing and picking up of pipe in connection with main or trunk pipelines, as a *common carrier*, over irregular routes, between points in Oklahoma, on the one hand, and, on the other, points in Nebraska, North Dakota, and South Dakota; and in pending Docket No. MC-19564 Sub 58, that portion seeking a certificate of public convenience and necessity, covering the transportation of (1) earth drilling machinery and equipment, and (2) machinery, equipment, materials, supplies and pipe incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells, between points in Oklahoma, on the one hand, and, on the other, points in Nebraska, North Dakota, and South Dakota. (This authority was granted pursuant to Decision and order, by Division 1, dated December 28, 1966, and supplemented April 18, 1967, in MC-4964 Sub 31 et al. The certificate in MC-19564 Sub 58 has not been issued yet.) Vendee is authorized to operate as a *common carrier* in Oklahoma, Kansas, and Texas. Application has been filed temporary authority under section 210a(b).

No. MC-F-9824. Authority sought for purchase by SHIPPERS DISPATCH, INC., 1216 West Sample Street, South Bend, Ind., of a portion of the operating rights of SUPREME EXPRESS AND TRANSFER CO., 411 South 15th Street, St. Louis, Mo., and for acquisition by A. D. HUFFMAN and ROY L. ROELKE, both also of South Bend, Ind., of control of such rights through the purchase. Applicants' attorneys: G. M. Rebman, 314 North Broadway, St. Louis, Mo. 63102 and Ernest E. Brooks, II, 1301 Ambassador Building, St. Louis, Mo. 63101. Operating rights sought to be transferred: *General commodities*, except those of unusual value, Classes A and B explosives, malt beverages, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment, as a *common carrier*, over irregular routes, between points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, as defined by the Commission, on the one hand, and, on the other, points in St. Louis County, Mo., not within said commercial zone. Vendee is authorized to operate, as a *common carrier*, in Indiana, Ohio, Michigan, Missouri, and Illinois. Application has not been filed for temporary authority under Section 210a(b).

No. MC-F-9825. Authority sought for control and merger by SITES SILVER WHEEL FREIGHTLINES, INC., 1321 Southeast Water Avenue, Portland, Oreg. 97214, of the operating rights and property of LESTER FREIGHT LINES, INC., 1404 Northwest Overton Street, Portland, Oreg., and for acquisition by GEORGE A BROWNING, JR., also of Portland, Oreg., of control of such rights and property through the transaction. Applicant's attorney: Kenneth G. Thomas, 1321 Southeast Water Avenue, Portland, Oreg. 97214. Operating rights sought to be controlled and merged: *General commodities*, with certain specified exceptions, and numerous other specified commodities, as a *common carrier* over regular and irregular routes, from, to, and between certain specified points in the States of Oregon and Washington, serving numerous intermediate and off-route points, with restrictions, as more specifically described in Docket No. MC-28733 and sub-numbers thereunder. SITES SILVER WHEEL FREIGHTLINES, INC., is authorized to operate, as a *common carrier* in Oregon and Washington. Application has been filed for temporary authority under Section 210a(b).

No. MC-F-9826. Authority sought for continuance in control by SAM BONCARO, Post Office Box 469, East North Street, Geneva, N.Y., of PURDIE EXPRESS LINES, INC., Stanley, N.Y., upon issuance to it of a certificate applied for in pending Docket No. MC-120157 Sub 1. Applicants' attorney: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Operating rights sought to be controlled: In pending Docket No. MC-120157 Sub 1, covering the transportation of *foodstuff, in containers*, as a *common carrier*, over irregular routes, from Hamlin, Holley, and Williamson, N.Y., to those points in that part of New York on and west of U.S. Highway 9, on and south of New York Highway 49 and on and north

of New York Highway 17. SAM BONCARO holds no authority from this Commission. However, he controls HOWARD'S EXPRESS, INC., Post Office Drawer, East North Street, Geneva, N.Y. 14456, which is authorized to operate as a *common carrier*, in New York, and New Jersey. Application has not been filed for temporary authority under Section 210a(b).

No. MC–F–9827. Authority sought for purchase by ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, Minn., of the operating rights and property of A. E. KNAPP, doing business as SCHUELKE TRUCKING, New London, Wis., and for acquisition by HAROLD E. ANDERSON, 1020 14th Avenue South, St. Cloud, Minn., ELMER ANDERSON and MABEL S. ANDERSON, both of Isle, Minn., of control of such rights through the purchase. Applicants' attorneys: Donald A. Morken, 1000 First National Bank Building, Minneapolis, Minn. 55402 and John T. Porter, 708 First National Bank Building, Madison, Wis. 53703. Operating rights sought to be transferred: *Cucumbers*, in brine, in barrels, as a *common carrier*, over irregular routes, from Galloway and Manawa, Wis., to points in Illinois, Iowa, and Minnesota; *animal feed*, and *poultry feed*, from Bartonville, Ill., to certain specified points in Wisconsin; *manufactured art stone*, from New London, Wis., to points in Illinois, Michigan, and Minnesota; *lumber*, and *shingles*, from New London, Wis., to points in that part of Illinois located on and north of U.S. Highway 36; *condensed milk*, from New London, Wis., to certain specified points in Illinois; *canned goods*, and *preserves*, from New London, Wis., to points in Illinois and Minnesota; *new furniture*, *built-up wood*, *doors*, *sash*, and *woodwork*, from New London, Wis., to points in Illinois, Minnesota, the Upper Peninsula of Michigan, and those in that part of Indiana on and west of U.S. Highway 31, and on and north of U.S. Highway 24; *lumber*, from points in the Upper Peninsula of Michigan, to New London, Wis.; *veneer*, from Chicago, Ill., to New London, Wis.; *glassware*, from Alton, Ill., and Lapel, Ind., to New London, Wis.; *tin plate*, from East Chicago, Ind., to New London, Wis.; *materials and supplies used in the manufacture of furniture and woodwork*, from certain specified points in Illinois, to New London, Wis.; *household goods*, between New London, Wis., and points within 35 miles of New London (not including Appleton and Oshkosh, Wis.), on the one hand, and, on the other, points in Illinois, Minnesota, Michigan, and Indiana; *machinery*, between New London, Wis., on the one hand, and, on the other, points in Illinois, Minnesota, and the Upper Peninsula of Michigan; *building materials*, between New London, Wis., on the one hand, and, on the other, points in the Chicago, Ill., commercial zone as defined by the Commission; and *fertilizer*, from Plymouth and Indianapolis, Ind., to certain specified points in Wisconsin; with restrictions. Vendee is authorized to operate as a *common carrier*, in all points in the United States (except Alaska and Hawaii). Application has been filed for temporary authority under section 210a(b).

No. MC–F–9828. Authority sought for control by ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, Ark. 72901, of C.E.I. & I. EXPRESS, INC., 1245 South West Street, Indianapolis, Ind. 46225, and for acquisition by ARKANSAS BEST CORPORATION, also of Fort Smith, Ark., of control of C. E. I. & I. EXPRESS, INC., through the acquisition by ARKANSAS-BEST FREIGHT SYSTEM, INC. Applicants' attorneys: Thomas Harper, Kelley Building, Post Office Box 43, Fort Smith, Ark., and Kirkwood Yockey, Suite 501, Union Federal Building, Indianapolis, Ind. 46204. Operating rights sought to be controlled: *General commodities*, except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, as a *common carrier*, over regular routes, between Cincinnati, Ohio, and Indianapolis, Ind., serving all intermediate points, and serving points in Marion County, Ind., except Julietta and Indianapolis, Ind., as intermediate and off-route points; over one alternate route for operating convenience only. ARKANSAS-BEST FREIGHT SYSTEMS, INC., is authorized to operate as a *common carrier*, in Ohio, Texas, Indiana, Missouri, Oklahoma, Illinois, Kansas, Arkansas, Louisiana, Mississippi, Tennessee, and Wisconsin. Application has been filed for temporary authority under section 210a(b).

No. MC–F–9829. Authority sought for purchase by ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, Ohio 44309, of the operating rights of ROCKET TRANSPORT, INC., 156 Valley Street, East Providence, R.I., and for acquisition by GALEN J. ROUSH, also of Akron, Ohio, of control of such rights through the purchase. Applicants' attorney: Russell R. Sage, 2001 Massachusetts Avenue NW., Washington, D.C. 20036. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC–99500 Sub 1, covering the transportation of property, as a *common carrier*, in intrastate commerce, within the State of Rhode Island. Vendee is authorized to operate as a *common carrier*, in Alabama, Arkansas, Connecticut, Delaware, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New York, New Jersey, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, Wisconsin, West Virginia, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b). NOTE: Docket No. MC–2202 Sub 327 is a matter directly related.

No. MC–F–9830. Authority sought for purchase by TRANS-COLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex. 75222 of a portion of the operating rights of MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629, and for acquisition by MIDWEST EMERY FREIGHT SYSTEM, INC., and in turn by MILTON D. RATNER, both also of Chicago, Ill.

Applicants' attorneys: Axelrod, Goodman & Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Operating rights sought to be transferred: *Such merchandise as is dealt in by wholesale or retail food business houses, and in connection therewith, equipment, materials, and supplies* used in the conduct of such business (except in bulk), as a *common carrier*, over irregular routes, between Muscatine, Iowa, on the one hand, and, on the other, Louisville, Ky., and points in Illinois, Indiana, and Michigan; and *frozen foods*, from certain specified points in Missouri, to points in Connecticut, Delaware, Indiana, Maine (except points north of Maine Highway 25), Maryland, Massachusetts, Michigan, New Jersey, New York, New Hampshire, Vermont, Ohio, Pennsylvania, and Rhode Island, and from Carrollton, Mo., to points in Illinois (except Chicago, Ill.), Iowa, Kentucky, Tennessee, Minnesota, Virginia, West Virginia, Wisconsin, and the District of Columbia. Vendee is authorized to operate as a *common carrier*, in all States (except Alaska and Hawaii). Application has not been filed for temporary authority under Section 210a(b).

No. MC–F–9831. Authority sought for purchase by WINGATE TRUCKING COMPANY, INC., 1004 21st Avenue, Albany, Ga., of a portion of the operating rights of W. J. LANDES, doing business as LANDES' GARAGE, 115 South Augusta Street, Staunton, Va., and for acquisition by W. D. WINGATE, 1152 Mary Avenue, Albany, Ga., of control of such rights through the purchase. Applicants' attorney: Mosby J. Williams, 111 Peoples Federal Building, Roanoke, Va. Operating rights sought to be transferred: *Wooden billets*, under refrigeration, as a *contract carrier*, over irregular routes, from Chelsea, Lincoln, Post Mills, Waits River, and Groton, Vt., and port of entry on the United States-Canada boundary line at or near North Troy, Vt., to Monticello, Ga., and from the port of entry on the United States-Canada boundary line near North Troy, Vt., to Greenville, S.C., with restrictions. Vendee is authorized to operate, as a *common carrier*, in Georgia, Alabama, Florida, Illinois, Indiana, Kentucky, Maryland, Michigan, North Carolina, Ohio, South Carolina, Tennessee, Virginia, Wisconsin, Mississippi, and Louisiana. Application has not been filed for temporary authority under Section 210a(b). NOTE: Dual authority is involved.

No. MC–F–9832. Authority sought for purchase by FOOD TRANSPORT, INC., Post Office Box 1041, York, Pa., of a portion of the operating rights of MILLER'S MOTOR FREIGHT, INC., Post Office Box 345–183, York, Pa., and for acquisition by PAUL W. HIVELY, 237 Dewdrop Road, York, Pa., STEWART LLOYD, 2100 Pleasant View Drive, York, Pa., and J. LOUIS SHULTZ, 508 Carlisle Road, Hanover, Pa., of control of such rights through the purchase. Applicants' attorney: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Operating rights sought to be transferred: *Canned goods*, as a *common carrier* over irregular routes, from Littletown, Pa., to points in New York (except New York, N.Y.) and Ohio. Vendee is authorized to operate, as a *common carrier*, in Pennsylvania, Florida, Maryland, Alabama, Georgia, New Jersey, Louisiana, Texas, New York, Mississippi, West Virginia, Virginia, Delaware, Ohio, Tennessee, Rhode Island, Connecticut, Massachusetts, North Carolina, and the District of Columbia. Application has not been filed for temporary authority under Section 210a(b).

No. MC–F–9834. Authority sought for purchase by IDEAL TRUCK LINES, INC., 912 North State Street, Norton, Kans., of a portion of the operating rights of ZIP TRANSFER, INC., McCook, Nebr., and for acquisition by R. E. BLICKENSTAFF, C. D. BLICKENSTAFF, and FRED L. GILHOUSEN, all of Norton, Kans., of control of such rights through the purchase. Applicants' attorneys: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603, and Einar Viren, 904 City National Bank Building, Omaha, Nebr. 68102. Operating rights sought to be transferred: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading, as a *common carrier*, over regular routes, between Haigler, Nebr., and Bartley, Nebr., serving all intermediate points except Indianola, Nebr., between Bartley, Nebr., and junction U.S. Highway 83 and Nebraska Highway 23 near Maywood, Nebr., between McCook, Nebr., and Ogallala, Nebr., serving all intermediate points, between Venango, Nebr., and junction U.S. Highways 6 and 34 near Culbertson, Nebr., serving all intermediate points, and the off-route point of Wallace, Nebr., between Palisade, Nebr., and Venango, Nebr., serving all intermediate points, and the off-route points of Enders and Champion, Nebr.; and *general commodities*, excepting as above, over irregular routes, between points in Nebraska within a 50-mile radius of Danbury, Nebr. Vendee is authorized to operate as a *common carrier* in Missouri, Kansas, Nebraska, and Colorado. Application has been filed for temporary authority under section 210a(b). NOTE: MC–F–9835 (GRAVES TRUCK LINE, INC.—PURCHASE (PORTION)—ZIP TRANSFER, INC.) concurrently filed, and published same issue.

No. MC–F–9835. Authority sought for purchase by GRAVES TRUCK LINE, INC., 739 North 10th Street, Salina, Kans., of the remaining portion of the operating rights and property of ZIP TRANSFER, INC., McCook, Nebr., and for acquisition by WILLIAM H. GRAVES, JOHN A. GRAVES, both also of Salina, Kans., LOWELL P. GRAVES, 92 Shawnee Avenue, Kansas City, Kans., and DWIGHT L. GRAVES, 3402 West Harry, Wichita, Kans., of control of such rights and property through the purchase. Applicants' attorneys: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603, and Einar Viren, 904 City National Bank Building, Omaha, Nebr. 68102. Operating rights sought to be transferred: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment, as a *common carrier*, over a regular route, between Denver, Colo., and Saint Francis, Kans., serving no intermediate points, but serving Bird City, Kans., as an off-route point; *general commodities*, excepting, as above, over irregular routes, between points in that part of Colorado east of the Continental Divide, on the one hand, and, on the other, points in Cheyenne County, Kans.; *livestock, grain, livestock feed, seeds, salt, building materials, contractor's tools*, and *equipment, agricultural machinery* and *tools, coal, wood, fencing materials*, and *posts, scrap metals*, and *junk*, between points in Cheyenne, Rawlins, and Sherman Counties, Kans., Yuma County, Colo., and Dundy County, Nebr., on the one hand, and, on the other, Denver, Colo., between points in Cheyenne, Rawlins, and Sherman Counties, Kans., and Yuma County, Colo., on the one hand, and, on the other, points in Dundy County, Nebr., and between points in Cheyenne, Rawlins, and Sherman Counties, Kans., on the one hand, and, on the other, points in Yuma County, Colo. Vendee is authorized to operate as a *common carrier* in Kansas, Missouri, Colorado, Wyoming, Nebraska, Iowa, Oklahoma, Texas, New Mexico, Arkansas, Louisiana, North Dakota, and South Dakota. Application has been filed for temporary authority under section 210a(b). NOTE: MC–F–9834 (IDEAL TRUCK LINES, INC.—PURCHASE PORTION)—ZIP TRANSFER, INC.) concurrently filed, and published same issue.

No. MC–F–9836. Authority sought for purchase by CONSOLIDATED COPPERSTATE LINES, 1220 West Washington Boulevard, Montebello, Calif. 90640, of the operating rights of TIMBERLINE EXPRESS, INC., 9089 South State Street, Sandy, Utah, and for acquisition by HOWARD W. STEELE, also of Montebello, Calif., of control of such rights through the Purchase. Applicants' attorney: Hase Burch, 411 North Central, First National Bank Building, Phoenix, Ariz. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC–120030 Sub 1, covering the transportation of general freight, as a *common carrier*, in intrastate commerce, within the State of Arizona. Vendee is authorized to operate, as a *common carrier*, in California, Arizona, Texas, New Mexico, and Utah. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 67–8973; Filed, Aug. 1, 1967; 8:47 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

JULY 28, 1967.

The following applications for motor carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 2533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. M–1045, filed July 13, 1967. Applicant: LEO A. YANTZER, doing business as CENTER FREIGHT LINES, Center, N. Dak. Applicant's representative: F. J. Smith, Suite 200, Professional Building, Bismarck, N. Dak. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities* between Bismarck and Mandan, N. Dak., on the one hand and Center, N. Dak., and points within 5 miles of Center, N. Dak., on the other, via U.S. Highways 10 and 94 and North Dakota State Highway 25; and between Center, N. Dak., and points within 5 miles thereof and Fort Clark, N. Dak., and points within 5 miles thereof via State Highway 25 and County road. Both intrastate and interstate authority sought.

HEARING: Not yet assigned. Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the North Dakota Public Service Commission, Bismarck, N. Dak. 58501, and should not be directed to the Interstate Commerce Commission.

State Docket No. MT–4523, filed July 3, 1967. Applicant: TURCO'S REFRIGERATED DELIVERY SERVICE, INC., Box 67, Mahopac Avenue, Amawalk, N.Y. 10501. Applicant's representative: Morris Honig, 150 Broadway, New York, N.Y. 10038. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *dairy products*, between New York City, on the one hand, and, on the other, points in Dutchess, Nassau, Orange, Putnam, Rockland, Suffolk, Sullivan, Ulster, and Westchester Counties, N.Y. Both intrastate and interstate authority sought.

HEARING: Not yet assigned. Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the New York State Public Service Commission, 55 Elk Street, Albany, N.Y. 12225, and should not be directed to the Interstate Commerce Commission.

State Docket No. A 49548, filed July 13, 1967. Applicant: KERNER TRUCKING

SERVICE, INC., 3687 Bandini Boulevard, Los Angeles, Calif. 90023. Applicant's representative: Donald Murchison, 211 South Beverly Drive, Beverly Hills, Calif. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities*, with the usual exceptions, to, from and between points and places located in the Los Angeles Basin Region, described as: Beginning at the intersection of the westerly boundary of the city of Los Angeles and the Pacific Ocean, thence northerly and easterly along the boundary of the city of Los Angeles to its point of first intersection with the boundary of the Angeles National Forest; thence along the southerly boundary of the Angeles National Forest, and southerly boundary of the San Bernardino National Forest to the point of first intersection of the southerly boundary of the San Bernardino National Forest and the San Bernardino-Riverside County line, thence westerly along the San Bernardino-Riverside County line to a point on said line distant 5 miles east from the junction of said county line and U.S. Highway 91, thence southwesterly along a line parallel to and distant 5 miles from U.S. Highway 91, State Highway 55, to its junction with the Pacific Ocean; thence westerly and northerly along the coast line of the Pacific Ocean to the point of beginning. Both intrastate and interstate authority sought.

HEARING: Not yet assigned. Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the California Public Utilities Commission, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-8975; Filed, Aug. 1, 1967; 8:47 a.m.]

[Notice 15]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 28, 1967.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 279), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-69632. By order of July 24, 1967, the Transfer Board approved the transfer to Hawkey Transportation, Inc., Redding, Calif., of Certificate of Registration No. MC-38167 (Sub-No. 2), issued December 18, 1963, to Mary F. Moss and Harold H. Coe, a partnership, doing business as Carl Ingalls Trucking Co., Bakersfield, Calif., authorizing transportation in interstate or foreign commerce pursuant to Certificate of Public Convenience and Necessity granted in Decision No. 48291, dated February 17, 1953, by the Public Utilities Commission of the State of California. Raymond A. Greene, Jr., 405 Montgomery Street, San Francisco, Calif. 94104, attorney for applicants.

No. MC-FC-69692. By order of July 24, 1967, the Transfer Board approved the transfer to Hampshire Trucking Co., Inc., Romney, W. Va. 26757, of the operating rights of Harold W. Good, Wardensville, W. Va. 26851, in Certificates Nos. MC-1539 and MC-1539 (Sub-No. 4), issued July 12, 1949, and August 4, 1950, respectively, authorizing the transportation, over regular routes, of mineral water and carbonated beverages, live poultry and eggs, lime, animal and poultry feed, general commodities, with specified exceptions, and over irregular routes, of livestock, poultry, lumber and barrel staves, scrap iron, coal and fertilizer, between specified points in West Virginia, Washington, D.C., Baltimore, Md., Virginia, and Pennsylvania, varying with the commodities transported. Donald E. Freeman, 172 East Green Street, Post Office Box 806, Westminster, Md. 21157, representative for applicants.

No. MC-FC-69761. By order of July 24, 1967, the Transfer Board approved the transfer to Rainwater Trucking Co., Inc., Fort Smith, Ark. 72901, of the operating rights of OK Transfer & Storage Co., Inc., Fort Smith, Ark. 72901, in Certificate No. MC-30275, issued July 3, 1947, authorizing the transportation of heavy machinery and wooden or metal poles, over irregular routes, between points in Oklahoma on and east of U.S. Highway 77 and those in Arkansas on and west of U.S. Highway 65. J. W. Durden, Post Office Box 43, Fort Smith, Ark. 72901, attorney for applicants.

No. MC-FC-69771. By order of July 24, 1967, the Transfer Board approved the transfer to Emma Peters, doing business as Fremont Express Co., Fremont, Nebr., of Certificate No. MC-99919 (Sub-No. 1), issued January 5, 1959, to Herbert Peters, doing business as Fremont Express Co., Fremont, Nebr., authorizing the transportation of general commodities, with usual exceptions, over specified routes between Fremont, Nebr., and Omaha, Nebr., serving all intermediate points. Emma Peters, 136 East Washington Street, Fremont, Nebr. 68025, representative for applicants.

No. MC-FC-69775. By order of July 24, 1967, the Transfer Board approved the transfer to Merle W. Merchant, Inc., West Palm Beach, Fla., of Certificate of Registration No. MC-97119 (Sub-No. 1) evidencing a right to engage in interstate or foreign commerce, issued May 12, 1964 to T. L. Hudkins, LaBelle, Fla., covering transportation within the State of Florida. John T. Bond, 1955 Northwest 17th Avenue, Miami, Fla. 33125, attorney for applicants.

No. MC-FC-69776. By order of July 24, 1967, the Transfer Board approved the transfer to Garrett Transportation Co., Inc., Somerville, Mass., of Certificate of Registration No. MC-99438 (Sub-No. 1) issued March 10, 1965 to Embassy Transportation Co., Inc., Boston, Mass., evidencing a right to engage in interstate or foreign commerce between points in Massachusetts. Frank J. Weiner, 536 Granite Street, Braintree, Mass. 02184, attorney for transferee. Francis J. Newton, Jr., 6 Beacon Street, Boston, Mass. 02108, attorney for transferor.

No. MC-FC-69783. By order of July 24, 1967, the Transfer Board approved the transfer to CMC Trucking Co., a corporation, Nutley, N.J., of the operating rights in Permit No. MC-124959 issued November 6, 1963, to R & H Trucking Co., Inc., Belleville, N.J., authorizing the transportation of: Prefabricated stairs, doors, windows, locksets, trim and plywood, and installation material, from Belleville, N.J., to points in Connecticut, Delaware, New York, Maryland, and Pennsylvania. Robert B. Pepper, 297 Academy Street, Jersey City, N.J. 07306, representative for applicants.

No. MC-FC-69784. By order of July 24, 1967, the Transfer Board approved the transfer to Beall's Express, Inc., Thurmont, Md., of the operating rights in Certificate No. MC-71558 issued August 10, 1944, to Otto Beall, doing business as Beall's Express, Thurmont, Md., authorizing the transportation of: General commodities, with the usual exceptions, but including the transportation of household goods, between Frederick, Md. and Lancaster, Pa., and between specified points in Maryland. William J. Little, 1513 Fidelity Building, Baltimore, Md. 21201, attorney for applicants.

No. MC-FC-69786. By order of July 24, 1967, the Transfer Board approved the transfer to George A. Fetzer, Inc., Augusta, N.J., of the operating rights in Certificate No. MC-104104 issued January 9, 1958, to George A. Fetzer, Augusta, N.J., authorizing the transportation of: Livestock from points in Michigan, New York, Ohio, and Pennsylvania to points in New Jersey, and New York; Building materials, chemicals, furniture, foodstuffs, and paper, between points in specified counties in New Jersey and New York. James J. Parrell, 201 Montague Place, South Orange, N.J. 07079, representative for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-8976; Filed, Aug. 1, 1967; 8:47 a.m.]

[4th Rev. S.O. 562, ICC Order No. 228; Amdt. 2]

CHICAGO, BURLINGTON & QUINCY RAILROAD CO.

Rerouting and Diversion of Traffic

Upon further consideration of ICC Order No. 228 (Chicago, Burlington & Quincy Railroad Co.) and good cause appearing therefor:

It is ordered, That:

ICC Order No. 228 be, and it is hereby amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., October 31, 1967, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., July 31, 1967, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., July 28, 1967.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[F.R. Doc. 67-8977; Filed, Aug. 1, 1967; 8:47 a.m.]

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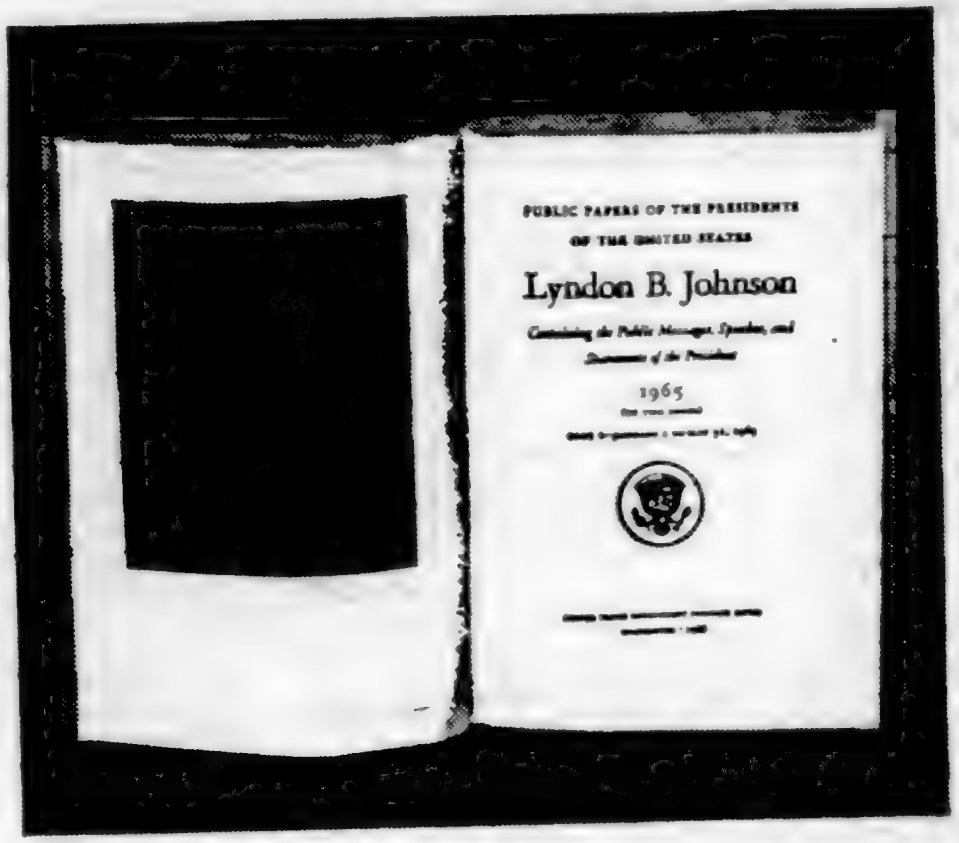
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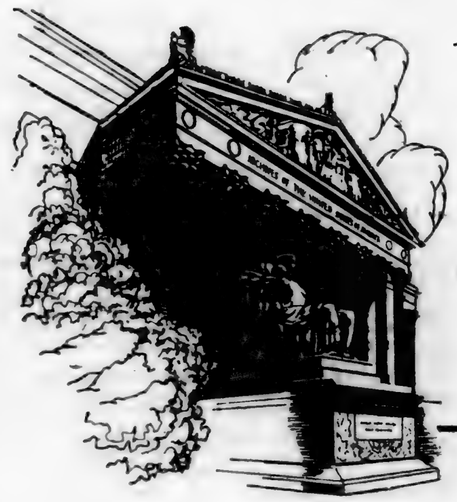
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Atomic Energy Commission
Civil Aeronautics Board
Commerce Department
Consumer and Marketing Service
Emergency Planning Office
Federal Aviation Administration
Federal Communications Commission
Federal Maritime Commission
Federal Power Commission
Federal Reserve System
Fish and Wildlife Service
Food and Drug Administration
Interior Department
Interstate Commerce Commission
Land Management Bureau
National Aeronautics and Space Administration
Navy Department
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Treasury Department

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Title 3—THE PRESIDENT

Proclamation 3797

UNITED NATIONS DAY, 1967

By the President of the United States of America

A Proclamation

Twenty-two years ago, the United States joined in founding the United Nations. Since that time, our Nation has faithfully honored its commitments to the world body, in pursuit of a just and lasting peace.

Every President and Congress since the time of Franklin Delano Roosevelt has given full support to the United Nations. Under every Administration, and without regard to party, our country has:

—cooperated actively in the United Nations search for peace in the Middle East, Kashmir, and other troubled areas around the world;

—supported the United Nations efforts to strengthen the respect of men and nations for the rule of law, and for fundamental human rights and freedoms;

—worked to limit armaments, including nuclear weapons, under effective international control;

—supported the principle of self-determination for areas emerging from dependent status;

—contributed abundantly to United Nations humanitarian activities, and to its programs of economic and social development.

The successful negotiation of a treaty banning weapons of mass destruction from outer space is an outstanding recent example of our support for the UN's work.

The United Nations has no magic formula for solving the increasingly complex problems of our revolutionary age. Its failures have disheartened those who saw in it the only hope for peace in a world torn by strife. Yet despite those failures, it has achieved much that could not have been achieved without it. It remains the symbol, and the standard, of man's desire to turn away from ancient quarrels and make peace with his neighbor.

I urge Americans to study the United Nations—its accomplishments, its strengths, its limitations, and its potential for the future. Broad public knowledge of the United Nations can provide a firm base for future United States action in the organization.

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby proclaim Tuesday, October 24, 1967, as United Nations Day, and urge the citizens of this Nation to observe that day by means of community programs that will contribute to a realistic understanding of the aims, problems, and achievements of the United Nations and its associated organizations.

I also call upon officials of the Federal and State Governments and upon local officials to encourage citizen groups and agencies of communication—press, radio, television, and motion pictures—to engage in special and appropriate observance of United Nations Day this year in cooperation with the United Nations Association of the United States of America and other interested organizations.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of August in the year of our Lord Nineteen hundred and sixty-seven, and of the Independence of the United States of America the one hundred and ninety-second.



[F.R. Doc. 67-9107; Filed, Aug. 1, 1967; 3:14 p.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER A—AGRICULTURAL CONSERVATION PROGRAMS

[Amdt. 1]

PART 701—NATIONAL AGRICULTURAL CONSERVATION

Subpart—1968 and Subsequent Years

ALLOCATION TO STATES; 1968

Section 701.2 is amended by adding the following new paragraph (c):

§ 701.2 State funds.

* * * * *

(c) The allocation of funds among the States for 1968 is as follows:

Alabama	$5,766,000
Alaska	67,000
Arizona	1,729,000
Arkansas	4,754,000
California	5,528,000
Colorado	4,049,000
Connecticut	452,000
Delaware	305,000
Florida	3,556,000
Georgia	6,927,000
Hawaii	176,000
Idaho	2,136,000
Illinois	8,307,000
Indiana	5,442,000
Iowa	9,097,000
Kansas	6,900,000
Kentucky	6,721,000
Louisiana	4,370,000
Maine	1,092,000
Maryland	1,285,000
Massachusetts	537,000
Michigan	4,838,000
Minnesota	6,407,000
Mississippi	6,202,000
Missouri	8,536,000
Montana	5,236,000
Nebraska	6,055,000
Nevada	486,000
New Hampshire	507,000
New Jersey	704,000
New Mexico	2,445,000
New York	4,852,000
North Carolina	6,187,000
North Dakota	5,482,000
Ohio	5,722,000
Oklahoma	6,888,000
Oregon	2,593,000
Pennsylvania	4,595,000
Puerto Rico	815,000
Rhode Island	75,000
South Carolina	3,484,000
South Dakota	4,378,000
Tennessee	5,201,000
Texas	19,788,000
Utah	1,384,000
Vermont	1,046,000
Virginia	4,294,000
Virgin Islands	13,000
Washington	2,764,000
West Virginia	1,596,000
Wisconsin	5,590,000
Wyoming	2,131,000
Total	$200,780,000

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on July 28, 1967.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 67-9041; Filed, Aug. 2, 1967; 8:48 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

PART 958—ONIONS GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO, AND MALHEUR COUNTY, OREG.

Order Amending Order

§ 958.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of the order, and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674) and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held at Parma, Idaho, on April 19, 1967, upon proposed amendments to Marketing Agreement No. 130 and Order No. 958 (7 CFR Part 958), regulating the handling of onions grown in the Idaho and Malheur County, Oreg., production area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is hereby found that:

(1) The said order, and all the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order regulates the handling of onions produced in the production area in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, the marketing agreement and order upon which a hearing has been held;

(3) The said order is limited in its application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of onions in the production area covered by the order which require different terms applicable to different parts of such area; and

(5) All handling of onions produced in the production area is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce.

(b) *Determinations.* It is hereby determined that:

(1) Handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping onions covered by the order) who during the representative period (July 1, 1966, through June 30, 1967) handled more than 50 percent of the volume of onions covered by the order have signed the marketing agreement, as amended, regulating the handling of onions grown in the production area, and

(2) The issuance of this order amending the order is approved or favored (i) by at least two-thirds of the producers of onions who participated in a referendum held during the period July 7–17, 1967, and who, during the determined representative period (July 1, 1966, through June 30, 1967) were engaged within the production area in the production of onions for market, and (ii) by producers who participated in the aforesaid referendum and who, during the aforesaid representative period, produced for market at least two-thirds of the volume of such onions produced for market within the production area.

It is therefore ordered, That, on and after the effective date hereof, all handling of onions produced in the production area shall be in conformity to, and in compliance with, the terms and conditions of the said order as hereby amended, which are as follows:

1. Delete § 958.44 *"Refunds"* and in lieu thereof insert a new § 958.44 and add a new § 958.45, as follows:

§ 958.44 Reserve fund.

At the end of each fiscal period, funds in excess of the committee's expenses may be placed in an operating reserve not to exceed approximately 1 fiscal year's operational expenses or such lower limits as the committee, with the approval of the Secretary, may establish. Also, the committee, with the approval of the Secretary, may include in its budget an item for such reserve. Funds in the reserve shall be available for use by the committee for expenses authorized pursuant to § 958.40. Funds in excess of those placed in the operating reserve shall be refunded to handlers. Each handler's share of such excess shall be the amount he paid in excess of his pro rata share of the expenses of the committee.

§ 958.45 Accounting of funds upon termination of the order.

Any funds collected as assessments pursuant to this subpart and remaining unexpended in the possession of the committee after termination of this part shall be distributed in such manner as the Secretary may direct: *Provided*, That to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

2. Amend § 958.47 to read as follows:

§ 958.47 Marketing research and development.

(a) The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects, including paid advertising, designed to assist, improve, or promote the marketing, distribution, and consumption of onions. Any such project for the promotion and advertising of onions may utilize an identifying mark which shall be made available for use by all handlers in accordance with such terms and conditions as the committee, with the approval of the Secretary, may prescribe. The expenses of such projects shall be paid from funds collected pursuant to § 958.42.

(b) In recommending projects pursuant to this section the committee shall give consideration to the following:

(1) The expected supply of onions in relation to market requirements;

(2) The supply situation among competing areas and commodities;

(3) The anticipated benefits from such projects in relation to their costs;

(4) The need for marketing research with respect to any market development activity; and

(5) The need for a coordinated effort with USDA's Plentiful Foods Program.

(c) If the committee should conclude that a program of marketing research or development should be undertaken, or continued, in any crop year, it shall submit the following for the approval of the Secretary:

(1) Its recommendations as to the funds to be obtained pursuant to § 958.42;

(2) Its recommendation as to any marketing research projects; and

(3) Its recommendation as to promotion activity and paid advertising.

3. Amend subparagraph (3), paragraph (a), of § 958.52 to read as follows:

§ 958.52 Issuance of regulations.

* * * * *

(a) * * *

(3) Provide a method, through rules and regulations issued pursuant to this part, for fixing the size, capacity, weight, dimensions, or pack of the container, or containers, which may be used in the packaging or handling of onions, including appropriate container markings to identify the contents thereof.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: Issued at Washington, D.C., July 28, 1967, to become effective September 4, 1967.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 67–8947; Filed, Aug. 2, 1967; 8:48 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. H]

PART 208—MEMBERSHIP OF STATE BANKING INSTITUTIONS IN THE FEDERAL RESERVE SYSTEM

Branches

§ 208.122 Loan "production offices" as branches.

(a) The Board of Governors has been asked whether the so-called production offices of a member State bank, operated in conjunction with its mortgage loan activities, are branches of the bank within the meaning of applicable Federal law.

(b) The production offices which are open to the public, are staffed by employees of the bank who regularly engage in the business of soliciting borrowers, negotiating terms, and processing applications for real property loans that are placed with various institutional investors. With few exceptions, the loan funds are initially advanced by the bank for its own account. Terms are arranged and loan applications are executed at the production offices, but other documents, such as notes and mortgages, are completed at authorized offices of the bank (or at an office of a title insurance or escrow company, in a few cases). Loan proceeds are also disbursed through the bank's authorized offices and not through the production offices. The latter offices do not service loans and have no authority to commit the bank on loan contracts.

(c) Section 5155(f) of the Revised Statutes (12 U.S.C. 36), which is made applicable to member State banks by section 9 of the Federal Reserve Act (12 U.S.C. 321), provides that the term branch "shall be held to include any branch bank, branch office, branch agency, additional office, or any branch place of business * * * at which deposits are received, or checks paid, or money lent." It appears that the bulk of the activities of the production offices relates to the lending of money by the bank (although the loans are thereafter sold to others).

(d) The Board concluded that an office through which loan transactions are initiated, the terms of loan negotiated, and other steps that lead to completed loan transactions are carried on by a member bank is a branch within the purview of section 9 of the Federal Reserve Act and section 5155 of the Revised Statutes.

(e) The statutory enumeration of three specific functions that establish branch status is not meant to be exclusive but to assure that offices at which any of these functions is performed are regarded as branches by the bank regulatory authorities. The facts that final approval of loans arranged at "production offices" emanates from the home-office or authorized branches, and that checks for the proceeds of loans are issued from such authorized offices, are not controlling for this purpose. In view of the objective of the cited statutes to permit significant banking services to be made available only at governmentally authorized offices. Put another way, the fact that, for purposes of contract law, a loan may be regarded as "made" at the place and time of legal "acceptance" or "approval" does not govern the interpretation of these bank regulatory statutes. If the contrary were true, the Board observed, member banks could conduct their operation at numerous locations, without the approval of supervisory authorities, by the device of performing the final step in each transaction at an authorized office of the bank, thereby substantially nullifying the legislative purpose.

(12 U.S.C. 248(i). Interprets 12 U.S.C. 36 and 321)

Dated at Washington, D.C., the 26th day of July 1967.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 67–9008; Filed, Aug. 2, 1967; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter V—National Aeronautics and Space Administration

PART 1240—INVENTIONS AND CONTRIBUTIONS

Subpart 2—Awards for Reported Technical and Scientific Contributions—NASA and Contractor Employees

New Subpart 2 is added:

Sec.

1240.200 Policy on awards to employees of NASA and NASA contractors for reported technical and scientific contributions.
1240.200–1 Scope.
1240.200–2 Applicability.
1240.200–3 Authority.
1240.200–4 Definition.
1240.200–5 Policy.
1240.200–6 General provisions.
1240.201 Procedures for making awards for reported technical and scientific contributions.
1240.201–1 Scope.
1240.201–2 Procedures.
1240.201–3 Presentation of awards.

AUTHORITY: The provisions of this Subpart 2 issued under 42 U.S.C. 2457(f), 2458 and 2473(b)(1).

§ 1240.200 Policy on awards to employees of NASA and NASA contractors for reported technical and scientific contributions.

§ 1240.200–1 Scope.

This § 1240.200 establishes the policy for making awards to employees of NASA and NASA contractors for scientific and technical contributions reported to NASA which are determined to have significant value in the conduct of aeronautical and space activities.

§ 1240.200–2 Applicability.

Subpart 2 applies to any scientific or technical contribution which is the subject of a NASA Tech Brief or a U.S. patent application and to the action to be taken with respect thereto.

§ 1240.200–3 Authority.

Section 306 of the National Aeronautics and Space Act (42 U.S.C. 2458) authorizes the Administrator of the National Aeronautics and Space Administration to make monetary awards to any individual, partnership, corporation, association, institution, or other entity for any scientific or technical contribution to the Administration which is determined by the Administrator to have significant value in the conduct of aeronautical and space activities.

§ 1240.200–4 Definition.

As used in this Subpart 2, a contribution having "significant value in the conduct of aeronautical and space activities" must be an item that contributes to the advancement of aeronautical or space science or operation and has demonstrable value and utility.

§ 1240.200–5 Policy.

Suitable monetary awards shall be made to employees of NASA and NASA contractors for scientific and technical contributions, whether or not patentable, when determined to have significant value in the conduct of aeronautical and space activities.

§ 1240.200–6 General provisions.

(a) Each contribution on which a NASA Tech Brief is published shall be considered to be worthy of an award in at least the amount of $25, and an award in at least that amount shall normally be given to each individual originating the contribution.

(b) Each contribution on which a U.S. patent application is filed shall be considered to be worthy of an award in at least that amount of $50, and an award in at least that amount shall normally be made to each individual originating the contribution.

(c) Where a Tech Brief is issued and a patent application is filed on the same contribution, the minimum awards under paragraphs (a) and (b) of this section shall be cumulative. The awards specified in paragraphs (a) and (b) of this section shall not be granted to a contributor who previously had received full compensation for or on account of the use of such contribution by the United States.

(d) Contributions eligible for award are not limited to those specified in paragraphs (a) and (b) of this § 1240.200–6.

(e) Appropriate written acknowledgment will accompany each of the awards to be made in accordance with this § 1240.200.

§ 1240.201 Procedures for making awards for reported technical and scientific contributions.

§ 1240.201–1 Scope.

This § 1240.201 establishes the procedures for making awards to employees of NASA and NASA contractors for scientific and technical contributions reported to NASA which are determined to have significant value in the conduct of aeronautical and space activities.

§ 1240.201–2 Procedures.

(a) When the Inventions and Contributions Board (hereafter referred to as "Board") is notified of the issuance of a NASA Tech Brief by the Office of Technology Utilization, NASA Headquarters, or the filing of a patent application on a contribution submitted by an employee of NASA or a NASA contractor, it will take action to make the applicable minimum awards as set forth in paragraphs (a) and (b) of § 1240.200–6.

(b) The Board will make additional awards under the provisions of section 306 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2458) if it considers that the contribution is of a value of $250 or more. Where two or more persons are responsible for the contribution, the Board will determine the amount to be paid to each contributor. In the case of minimum awards, each contributor will receive the minimum amount.

(c) Reevaluation: When contributions as first reported and evaluated are not considered to merit an additional award, as provided for in paragraph (a) of this § 1240.201–2, but later are shown to have proven value, they may be submitted for reevaluation. NASA offices and contractors will be encouraged to review periodically such reported contributions and resubmit them for reconsideration through the same channels as originally reported.

§ 1240.201–3 Presentation of awards.

(a) All monetary awards and accompanying written acknowledgments to employees of NASA will be presented in accordance with the following procedures:

(1) Awards in amounts less than $1,000 will be presented to the employee in an appropriate ceremony by the appropriate Official-in-Charge of the Headquarters Office or Director of the Field Installation (or their designee).

(2) Awards in amounts of $1,000 or more will be presented by the Administrator, NASA, or his designated representative, at an appropriate ceremony.

(b) All monetary awards and accompanying written acknowledgments given to employees of NASA contractors will be forwarded to the contractors for presentation.

Effective date. The provisions of §§ 1240.200 and 1240.201 are effective upon publication in the FEDERAL REGISTER.

JAMES E. WEBB,
Administrator.

ERNEST W. BRACKETT,
Chairman, NASA Inventions and Contributions Board.

[F.R. Doc. 67–8963; Filed, Aug. 1, 1967; 8:46 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 27—CANNED FRUITS AND FRUIT JUICES

Canned Preserved Figs—Precooked in Sirup, Identity Standard; Confirmation of Effective Date

In the matter of establishing a definition and standard of identity for canned preserved figs—precooked in sirup (21 CFR 27.71):

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended; 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.120), notice is given that no objections were filed to the order in the above-identified matter published in the FEDERAL REGISTER of June 7, 1967 (32 F.R. 8134). Accordingly, the definition and standard of identity promulgated by that order will become effective August 6, 1967.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended; 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: July 26, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67–9061; Filed, Aug. 2, 1967; 8:49 a.m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

1,1-Bis(p-Chlorophenyl)-2,2,2-Trichloroethanol

A petition (PP7F0590) was filed with the Food and Drug Administration by the Rohm and Haas Co., Independence Mall West, Philadelphia, Pa. 19105, proposing the establishment of a tolerance of 25 parts per million for residues of the insecticide 1,1-bis(*p*-chlorophenyl)-2,2,2-trichloroethanol in or on the raw agricultural commodities peppermint hay and spearmint hay.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which the tolerance is being established.

Based on consideration given the data submitted in the petition, and other relevant material, the Commissioner of Food and Drugs concludes that the tolerance established by this order will protect the public health. Therefore, by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated by him to the Commissioner (21 CFR 2.120), § 120.163 is amended by adding a new tolerance after "30 parts per million " " ", as follows:

§ 120.163 1,1-Bis(*p*-chlorophenyl)-2,2,2-trichloroethanol; tolerances for residues.

* * * * *

25 parts per million in or on peppermint hay and spearmint hay.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: July 26, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-9050; Filed, Aug. 2, 1967; 8:48 a.m.]

Title 22—FOREIGN RELATIONS

Chapter II—Agency for International Development, Department of State

[AID Reg. 1]

PART 201—RULES AND PROCEDURES APPLICABLE TO COMMODITY TRANSACTIONS FINANCED BY AID

Miscellaneous Amendments

Title 22, Chapter II, Part 201 (AID Reg. 1), is amended as follows:

a. The following new paragraph (x) is added to § 201.01:

§ 201.01 Definitions.

* * * * *

(x) *Certificate Concerning U.S.-Source Commodities.* "Certificate Concerning U.S.-Source Commodities" means the Certificate and Agreement with the Agency for International Development Concerning Sales of U.S.-Source Commodities Financed with Foreign Assistance Funds (AID Form 33) which appears as Appendix E to this Part 201.

b. The following new paragraph (j) is added to § 201.11:

§ 201.11 Eligibility of commodities.

* * * * *

(j) *Purchases from eligible suppliers.* Commodities procured with funds made available under this Part 201 shall be purchased from eligible suppliers. A supplier shall not be eligible to receive AID funds if:

(1) The supplier has been suspended or debarred by AID pursuant to AID Regulation 8, Part 208 of this chapter;

(2) The supplier has been placed by AID on prior review and approval pursuant to § 201.33 of this Part 201 and AID has not, in fact, given its prior approval to the supplier for the furnishing of specific goods;

(3) With respect to procurement of U.S.-source commodities, the supplier does not maintain a regular place of business in the United States as required by § 201.34.

c. The following new § 201.34 is added immediately following § 201.33.

§ 201.34 *Eligibility requirement for suppliers of U.S.-source commodities.*

Unless otherwise provided by AID, a supplier of U.S.-source commodities shall be eligible to receive payment from funds made available by AID only if he maintains in the United States a regular place of business and the activity of the supplier at this regular place of business can be related to the accomplishment of the sale or the performance of the sale agreement. For purposes of this requirement, "regular place of business" means a permanent business establishment such as an office, sales outlet, or other fixed place of business, but does not include a mere postal address or box number or any casual or temporary use of facilities or the premises of a commission agent, broker, or custodian in the United States, acting in the ordinary course of his business as such, for an enterprise which otherwise would have no regular place of business in the United States.

d. In § 201.52, paragraph (a)(2)(i)(f) is revised, and paragraph (a)(10) is added, as follows:

§ 201.52 Required documents.

(a) *Commodities and commodity-related services.* * * *

(2) *Supplier's invoice.* (i) * * *

(f) The delivery terms (such as, f.o.b., f.a.s., c.i.f., or c. & f.): *Provided, however,* That no invoice will be accepted which indicates that title and risk of loss to U.S.-source commodities have remained with the supplier after the commodities have been transferred into the custody of the ocean or air carrier at the port or point of export in the United States;

* * * * *

(10) *Certificate concerning U.S.-source commodities.* With respect to U.S.-source commodities, one signed original executed by the commodity supplier of the Certificate Concerning U.S.-Source Commodities.

* * * * *

e. Section 201.71 is amended by adding the following new paragraph (c):

§ 201.71 Terms of letters of credit.

* * * * *

(c) *Letters of credit for U.S.-source commodities.* Unless instructed by AID to the contrary, with respect to any proposed sale of U.S.-source commodities, the bank shall not open, confirm, or advise any letter of credit to a beneficiary located outside the United States as indicated by the address provided by the importer or by the Approved Applicant to the opening bank or by the opening bank to the confirming or advising bank.

§ 201.72 [Amended]

f. Section 201.72 is amended as follows:

1. Paragraph (b) is amended by inserting in the first sentence after the words "Certificate Concerning Commissions," the words "Certificate Concerning U.S.-Source Commodities,".

2. Paragraph (c) is amended by inserting after the words "Certificate Concerning Commissions," the words "Certificate Concerning U.S.-Source Commodities,".

§ 201.73 [Amended]

g. Section 201.73 is amended as follows:

1. Paragraph (a) is amended by inserting after the words "the Certificate Concerning Commissions," in the first sentence the words "Certificate Concerning U.S.-Source Commodities,".

2. Subparagraph (1) of paragraph (b) is amended by inserting after the words "Certificate Concerning Commissions," the words "Certificate Concerning U.S.-Source Commodities,".

h. The following new Appendix E is added at the end of Part 201:

APPENDIX E—CERTIFICATE AND AGREEMENT WITH THE AGENCY FOR INTERNATIONAL DEVELOPMENT CONCERNING SALES OF U.S.-SOURCE COMMODITIES FINANCED WITH FOREIGN ASSISTANCE FUNDS (AID FORM 33)

In consideration of the receipt of funds made available by the United States under the Foreign Assistance Act of 1961, as amended, in payment, in whole or in part, of the sum indicated on the accompanying invoice to be due and owing for the sale of U.S.-source commodities, the undersigned, acting on behalf of the supplier whose name appears on line 3 below and authorized to bind the supplier, agrees with and certifies to AID as follows:

A. The supplier maintains a regular place of business in the United States at the address indicated on line 4 below, and the activity of the supplier at this regular place of business can be related to the accomplishment of the sale or the performance of the sales agreement.

B. The supplier is the true and only supplier on the sale described on the accompanying invoice to the importer of the U.S.-source commodities. The supplier has furnished the U.S.-source commodities under a sales agreement which he has concluded (or which has been concluded on his behalf and in his name) directly with the importer in the cooperating country. Performance by the supplier under the sales agreement with the importer does not at the same time constitute performance by any other firm of an undertaking with the same importer to deliver the same goods, thereby entitling such other firm to a portion of the purchase price received by the supplier.

C. The supplier has arranged to have title and risk of loss to the commodities described by the accompanying invoice pass to the importer in the cooperating country upon transfer of the commodities into the custody of the ocean or air carrier at the port or point of export in the United States.

1. Invoice No. _____
2. AID No. _____
3. Name of supplier _____
4. Address of supplier's regular place of business in the United States _____
5. Juridical form of business activity conducted at supplier's regular place of business in the United States.

☐ a. Corporation or partnership organized under the laws of a state of the United States;

☐ b. Sole proprietorship;

☐ c. Branch of a corporation or partnership organized under the laws of a state of the United States;

☐ d. Branch (unincorporated in the United States) of a non-U.S. enterprise.

☐ e. Other (indicate) _____

[check the appropriate box]

6. Address of head office of supplier if different from address of regular place of business _____

7. Name of undersigned and position in firm _____

8. Signature _____
9. Date _____

DEFINITIONS: As used on this form "cooperating country" means the country to which AID is providing assistance by making funds available to procure commodities in the United States; "importer" means any person or organization in the cooperating country authorized by the government of the cooperating country to use AID funds to procure commodities subject to the provisions of AID Regulation 1, 22 CFR Part 201; "regular place of business" means a permanent business establishment such an office, sales outlet, or other fixed place of business, but does not include a mere postal address or box number or any casual or temporary use of facilities or the premises of a commission agent, broker or custodian in the United States acting in the ordinary course of his business as such for an enterprise which otherwise would have no regular place of business in the United States; "U.S.-source commodities" means commodities shipped from the United States.

INSTRUCTIONS: On line 1, the supplier shall insert the serial number or other number which he has assigned to his invoice. On line 2, the supplier shall insert the AID implementation number which identifies the transaction.

Effective date. The foregoing amendments shall enter into effect 60 days after the date on which they appear in the FEDERAL REGISTER. Shipments made after the effective date of these amendments under letters of credit opened or confirmed before such effective date shall not be subject to the foregoing amendments.

Dated: July 31, 1967.

WILLIAM S. GAUD,
Administrator.

[F.R. Doc. 67-9066; Filed, Aug. 2, 1967; 8:49 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER A—AID OF CIVIL AUTHORITIES AND PUBLIC RELATIONS

PART 518—AVAILABILITY OF INFORMATION

Unofficial Research

Section 518.13 is amended by revising paragraphs (a) and (c) and subparagraphs (1) through (4) in paragraph (d), as follows:

§ 518.13 Unofficial research in Department of the Army files by U.S. citizens.

(a) *General.* (1) The Adjutant General, U.S. Army, will monitor for the Secretary of the Army the program of unofficial research in Department of the Army files.

(2) Department of the Army files in Army records centers and in facilities of the General Services Administration, subject to conditions set forth below, are available for use in connection with approved unofficial research. Space and facilities will be furnished by the custodians to authorized researchers. No withdrawal of the files from the premises will be made for the purpose of unofficial research.

(3) All requests for permission to conduct unofficial research in Department of the Army files will be submitted in duplicate on DA Form 2740 (Application To Use Department of the Army Files). Requests for DA Form 2740 should be addressed to The Adjutant General, Attention: AGAR–S, Department of the Army, Washington, D.C. 20310.

* * * * *

(c) *Use of unclassified files in Army records centers.* Requests for access to unclassified files in Department of the Army records centers will contain, as a minimum, the name of the requester, a description of the research project, and the purpose of the research project. Requests should be directed to the head of the records center having custody of the files in which the research is to be conducted. If the location of the files is not known, the requests should be submitted to The Adjutant General, Attention: AGAR–S, Department of the Army, Washington, D.C. 20310. The head of the records center is responsible for authorizing access to unclassified files in his custody.

(d) *Use of classified files.*—(1) *Authority.* Discretionary authority is vested in the Secretary of the Army by Executive Order 10816 to permit persons performing unofficial historical research projects to have access to classified Army records when in his judgment, or that of his delegated representative, such access is clearly consistent with the interests of national defense and the researchers are trustworthy.

(2) *Delegation of authority.* The authority cited in subparagraph (1) of this paragraph, is further delegated to The Adjutant General, U.S. Army.

(3) *Responsibility.* Access to classified files in Army records centers and facilities of the General Services Administration will be permitted for use in connection with unofficial historical research only when The Adjutant General is satisfied after appropriate inquiry that—

(i) Access to the information will be clearly consistent with the interests of national defense, and the persons to be granted access are trustworthy.

(ii) The relationship of the researcher to the research project is established as being bona fide.

(iii) The researcher agrees that prior to publication or dissemination he will submit his manuscript for clearance to the Chief of Public Information, attention: Office for the Freedom of Information, Office of the Secretary of the Army, Washington, D.C. 20310.

(4) *Applications.* All requests for access to classified files in facilities of the General Services Administration will be submitted to the custodian. If the location of the files is not known, the request will be submitted to The Adjutant General, attention: AGAR–S. All applications for access to classified files will be submitted in duplicate on DA Form 2740, accompanied by—

(i) DA Form 3208 (Worksheet for National Agency Check Request), will be prepared in one copy.

(ii) DA Form 1111 (Statement of Nonaffiliation With Certain Organizations) will be prepared in one copy.

(iii) FD Form 258 (FBI, U.S. Department of Justice Fingerprint Card).

* * * * *

[AR 345-200, April 20, 1967] (Sec. 3012, 70A Stat. 157; 10 U.S.C. 3012)

KENNETH G. WICKHAM,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 67-9002; Filed, Aug. 2, 1967; 8:45 a.m.]

Chapter VI—Department of the Navy

SUBCHAPTER C—PERSONNEL

PART 730—ADMINISTRATIVE DISCHARGES AND RELATED MATTERS CONCERNING SEPARATIONS FROM THE NAVAL SERVICE

Requirements; Discharge for Convenience of the Government

Scope and purpose. Part 730 is updated to conform with recent amendments to Secretary of the Navy Instruction

1910.3, distributed to naval commands by Change No. 1 to the Instruction.

Section 730.303 is amended by revising paragraph (b)(14) and deleting paragraph (b)(29), now contained in the revision to paragraph (b)(14).

§ 730.303 Requirements.

* * * * *

(b) *Discharge for the convenience of the Government.* * * *

(14) Upon the written request of an individual enrolled in any of the Navy or Marine Corps Officer Candidate Programs, including the U.S. Naval Academy, to be disenrolled from such program; or when a member of any of the Navy or Marine Corps Officer Candidate Programs including the U.S. Naval Academy, is disenrolled from or fails to satisfactorily meet any of the requirements for completion of the Officer Candidate Program in which he is enrolled, provided the member is not considered qualified for enlisted status.

* * * * *

(29) [Deleted]

* * * * *

(Secs. 280, 1162, 1163, ch. 569, 70A Stat. 14, 89, 391–393, as amended, 76 Stat. 508, 517. Sec. 301, 80 Stat. 379; 5 U.S.C. 301, 10 U.S.C. 133(d), 280, 1163, 1163, 1168, ch. 369)

Dated: July 27, 1967.

By direction of the Secretary of the Navy.

[SEAL] WILFRED HEARN,
Rear Admiral, U.S. Navy, Judge Advocate General of the Navy.

[F.R. Doc. 67-9003; Filed, Aug. 2, 1967; 8:46 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 18474; FCC 67-871]

PART 17—CONSTRUCTION, MARKING AND LIGHTING OF ANTENNA STRUCTURES

Miscellaneous Amendments

Report and order. 1. The Commission, on February 23, 1966, adopted a notice of proposed rulemaking in the above-entitled matter (FCC 66-174) which was duly published in the FEDERAL REGISTER on March 2, 1966 (31 F.R. 3302). Opportunity was afforded interested persons to submit comments by March 25, 1966, in support of, or in opposition to, the proposed rule amendments. By order of March 21, 1966, the time for filing comments was extended to May 25, 1966, and for filing reply comments from April 4, 1966, to June 4, 1966. By further Order of June 10, 1966, the time for filing reply comments was extended to July 5, 1966.

2. The proposed revision was primarily for the addition of obstruction markings applicable to towers over 1,500 feet up to, and including, 2,000 feet in height and for consistency with Federal Aviation Administration regulations.

3. In addition, it was intended to provide improved public service through the introduction of procedures permitting more expeditious processing of the antenna structure aspects of applications by the adoption of proposed § 17.3(c) which would require applicants in all services to file a statement certifying to the accuracy of geographic coordinates.

4. Comments were filed by: Aerospace and Flight Test Radio Coordinating Council; Air Transport Association of America; American Automobile Association, Inc.; American Radio Relay League, Inc.; American Taxicab Association; American Telephone and Telegraph Co.; American Trucking Associations, Inc.; Associated Public Safety Communication Officers, Inc.; Association of American Railroads; Breiner, Allen R., W3ZRQ; California, State of, California State Communications Advisory Board; California, State of, State Public Safety Comunications Committee; Central Committee on Communications Facilities of the American Petroleum Institute; Chertok, Leonard, W3GRF; City of Burbank, Communications Engineer; Collins Radio Co.; Colorado, State of, Colorado State Patrol; Cullum, A. Earl, Jr. & Associates; Deane, William, W6RET; Fagan Electric Co.; Forestry Conservation Communications Association; GT&E Service Corp.; Graham 2-Way Radio, Ira D. Graham; Greene, C. R., K9JQY; Harlow, Lester C., W4CVO; Haskins & Associates; Hetland, Harvey, WA6KZI/WB6SLG; Hughey & Phillips, Inc.; International Association of Chiefs of Police, Inc.; International Municipal Signal Association; Iowa Chapter of Associated Public Safety Communication Officers, Inc.; KAV372—West Penn Communications Corp./KGA252—Allegheny Mobile Communications (Ben Farkas); Land Mobile Communications Section of Electronics Industries Association; McNutt, Kenneth R. (thru Senator Philip A. Hart); NAM Communications Committee; National Association of Business and Educational Radio, Inc.; National Association of Radiotelephone Systems; National Business Aircraft Association, Inc.; National Committee for Utilities Radio; New York Central Railroad Co.; Northern California Chapter of the Associated Public Safety Communication Officers, Inc.; Ohio, State of, Department of Highways; P. E. I. Corp.; Radio Specialists Co.; Radio Users Interference Association of Arizona; Sanial, James A., K4AQW; Shafer, David P., W4AX; Sioux Falls Amateur Radio Club, Inc.; Sioux Falls-Minnehaha District Office of Civil Defense; Smith, Kenneth Raymond, W9STG; Southern California Mobile Radio Association; Southern California Radio Taxicab Association; Special Industrial Radio Service Association, Inc.; Spittler, Kenneth R., WAOJPR; The Six Meter Nomad Amateur Radio Club of Greater Cleveland, Inc.; Tri-State Amateur Radio Society, Inc.; Union Pacific Railroad Co.; U.S. Independent Telephone Association; Vir James Consulting Radio Engineers; Westwood Lutheran Church, Dayton, Ohio; Wilmot, Thomas, KOWFK; Wisconsin, State of, Motor Vehicle Department.

5. The comments received generally favored a revision of the rules in the interest of improved air safety and to reflect current FAA requirements. The Commission's findings with respect to objections or suggested amendments to the proposal are as follows.

6. One comment noted that the phrase "radio stations" is used in reciting the Commission's authority for the issuance of licenses in § 17.1(a), Basis and Purpose. It was suggested that "radio stations" be changed to "antenna structures". The suggestion is not being adopted since the paragraph is a statement of the Commission's authority as contained in the Communications Act.

7. One comment proposed modification of § 17.3(b) to provide that any structure within 500 feet of an antenna may be used as an existing man-made structure. This is primarily a question of shielding, for which provision has been made in § 17.14(a). Broadening the shielding exemption could give rise to situations adversely affecting the safety of air navigation, and would be at variance with existing FAA requirements. Accordingly, the proposal has not been adopted.

8. Proposed § 17.3(c), if adopted, would have required a registered or licensed engineer or surveyor to prepare a map and certify as to the accuracy of geographic coordinates. While this proposal was favored by the Air Transport Association and several consulting engineers, there was a substantially larger number of comments which opposed it or suggested alternatives. In view of the comments the Commission has found that the proposed § 17.3(c) should not be adopted at this time. The submission of inaccurate coordinates remains as a problem and an appropriate solution will continue to be sought.

9. The requirements for § 17.3(a) are removed with the deletion of § 17.3(c). Likewise, § 17.3(b), which for editorial purposes was to have replaced old § 17.4(f), is deleted. The requirements for the submission of FCC Form 714 will remain as before in § 17.4(f) which has been expanded to include the Broadcast and Auxiliary Broadcast Services. Section 17.3(d) which relates to § 17.4(f) is renumbered § 17.4(g). In consequence of the foregoing, § 17.3 is being deleted in its entirety.

10. Proposed § 17.4(d) provides that if the FAA approves an antenna proposal, the application for a radio station authorization will be processed as not involving a hazard[1] to air navigation (1) if the application for the authorization has been filed with the FCC within 6 months of the effective date of the FAA "no hazard" determination and (2) if the FAA "no hazard" determination has not expired. One comment stated that the time required for the preparation of an application for a broadcast station construction permit may exceed 6 months and urged that the 6 months period be extended to 12 months. Experience has shown that cases requiring more than 6 months between the effective date of the "no hazard" determination and the filing for a construction permit are in the minority. The 6 months limitation is established by the FAA with respect to the effective period of a "no hazard" determination. The FAA regulations include provisions for extension of the effective period of "no hazard" determinations. Accordingly, the 6 months limitation has been eliminated from § 17.4(d), as adopted, which retains only the requirement that an application must be filed while the "no hazard" determination is in effect. Thus if the FAA either extends the effective date of a determination, as has been done in the past, or modifies its applicable rules, applicants will have the benefit of an extended period within which to file applications.

11. Section 17.4(f) provides that a Form 714 is not required for proposed antenna structures which will not extend more than 20 feet above the ground or natural formation or more than 20 feet above an existing man-made structure. One comment says this 20-foot limitation is not realistic; however, it is retained since it is in accord with the FAA notification criteria.

12. It was stated in one of the comments that the antenna data required in connection with common carrier station applications on Forms 401, 401A, and 714 represent a duplication that should be eliminated. These forms serve different purposes, do not contain identical information, and in this sense do not represent duplication. Providing one form to serve the several purposes would introduce inefficiencies and complications which would be undesirable both from the standpoint of the public and the government.

13. Form 714 is necessary to provide the FCC with positive information from the applicant that the FAA has or has not been notified of the proposed construction. If in the affirmative, it is necessary for the FCC to know which FAA region was notified, including the date and particulars of the notification given to the FAA. In many cases this differs from the particulars supplied in the application for radio station authorization filed with the FCC and coordination is necessary to insure that the clearance given by the FAA and the authorization issued by the FCC are in harmony.

14. Form 401 is an application for a new or modified common carrier radio station construction permit and such duplication as may exist between this and other forms is necessary to properly identify the antenna structure and provide information for the Commission's licensing function.

15. Form 401A was originally intended to provide information to the Antenna Survey Branch, necessary in its processing activities. Changes in the antenna survey procedures have been instituted so that Form 401A can be eliminated. The Rules governing services using this form will be modified accordingly in connection with related changes which are under consideration.

16. As proposed, § 17.21(a) would have required that antenna structures exceeding 170 feet be painted or lighted; however, as the comments on the rulemaking indicate, antennas are not considered a hazard under § 17.4(c) unless notification to FAA is required. Notification to FAA is required if the antenna exceeds 200 feet or exceeds the criteria prescribed in new § 17.7 (§ 17.8 of the notice of proposed rulemaking). This is consistent with the FAA Notice of Obstruction, Marking and Lighting Change (N 7460.1) dated February 6, 1967. Accordingly, § 17.21(a) has been modified to require painting and lighting of antennas that exceed 200 feet (instead of 170 feet) or require special aeronautical study.

17. A number of comments noted that proposed § 17.24(a) does not limit the requirement for lighting of structures up to and including 150 feet to those structures located in areas set forth in § 17.7 (see § 17.8 of the notice of proposed rulemaking), and which require notification to the FAA. The suggestion that § 17.24 be modified accordingly has been adopted. A corresponding change has been made in § 17.25.

18. It was suggested that provision be made for the use of 700-watt 6,000-hour lamps. Sections 17.25 through 17.37 and § 17.53 have been revised to authorize such use.

19. One comment suggested a change in the wording of the rules concerning the requirements for installation of beacons with respect to visibility and flashing. The present text of §§ 17.25 through 17.37 of the rules pertaining to the installation of beacons to ensure unobstructed visibility and flashing requirements conforms with the text of the FAA obstruction, Marking, and Lighting publication and is being retained.

20. In §§ 17.24 through 17.37 the word "normal" has been added to the phrase "angle of approach" in the requirement that lights shall be positioned so as to ensure unobstructed visibility of at least one light to approaching aircraft. In §§ 17.25 through 17.37 the word "approximately" has been added to the phrase "one-half of the luminous period" in the requirement prescribing the period of darkness for flashing beacons. Both changes bring the rules into accord with the language of the FAA Obstruction, Marking, and Lighting publication.

21. Under the provisions of § 17.43(a) of the rules issued March 30, 1953, the painting of all antenna towers was to have been brought into conformity with the rules no later than January 1, 1960. Since all existing structures should now be painted in accordance with the rules, old § 17.43(a) is not being retained.

22. New § 17.43(a) prescribes the applicability of the revised rules to new antenna structures and to existing antenna structures, the height or location of which are being changed.

23. With respect to existing antenna structures, the height or location of which are not being changed, new § 17.43(b) prescribes the applicability of the new provisions concerning lights and associated equipment. One comment suggested that these provisions be made retroactive; however, the Commission has found that the public interest would be served if an orderly changeover of the lighting of existing structures is made as provided in the new § 17.43(b).

24. In order to make it clear that the new FAA "notification criteria" do not affect the painting and lighting requirements for existing antenna structures, appropriate provisions have been included in § 17.43(c).

25. One comment urged that the rules be modified to require a positive indication that tower lights had been turned on. The rules provide in §§ 17.25 through 17.37 that the lights on all towers over 150 feet in height shall burn continuously or be controlled (turned off and on) by a light sensitive device. The rules also provide in § 17.47 that a visual observation of the lights shall be made each 24 hours or that visual observation shall be made of an automatic device provided to register any failure of the lights. Alternatively an automatic alarm system may be used to provide the licensee with an indication of any tower light failure.

26. The FCC requirements pertaining to lamp failure alarm devices coincide with the language of the FAA Obstruction, Marking and Lighting publication. When and if the FAA modifies its publication to specifically require a positive indication at a remote point that the lights have been turned on, the FCC will consider appropriate parallel action, including any necessary changes in other sections of the rules.

27. Changes were suggested in the paragraphs dealing with notification to the FAA concerning extinguishment or improper functioning of lights, inspection of tower lights and recording of results of inspections of tower lights in the station records. The following three paragraphs deal with these suggestions.

28. In the interest of clarity, the "notification requirement" has been removed from the "inspection requirement" (§ 17.47) and has been designated as § 17.48, titled, "Notification of extinguishment or improper functioning of lights". The language of the notificaton requirement section has been modified by replacing the word "failure" with "extinguishment or improper functioning" to make it consistent with the language contained in the related paragraph of the FAA Obstruction, Marking, and Lighting publication. This modification includes rotating beacons and is responsive to comments in this regard.

29. Similarly, in proposed § 17.49 (§ 17.48 of the notice of proposed rulemaking) titled, "Recording of tower light inspections in the station record", the

[1] Because of the phraseology in section 303(q) of the Communications Act of 1934, as amended (47 U.S.C. 303(q)), the word "menace" is used in revised Part 17 (17.1 for example). The Federal Aviation Administration uses the word "hazard" in its rules and notifications, some of which are referred to in Part 17. In the interest of clarity with respect to the use of these words in Part 17 of the rules, the word "hazard" is construed to have the same meaning as the word "menace".

word "failure" has been replaced with the phrase "extinguishment of improper functioning" in the interest of uniformity.

30. The language of § 17.47, titled, "Inspection of tower lights and associated control equipment" is consistent with the language in the related paragraph of the FAA Obstruction, Marking, and Lighting publication. The suggestion for further definition of "failure" has not been adopted since § 17.47(a)(1) specifies, as does the FAA publication, that an indicator used as an alternative to observation shall register any failure of such lights "to ensure that all lights are functioning properly as required".

31. One comment suggested that because of technological advances in the field of automatic devices § 17.48 (§ 17.47 (c) of the notice of proposed rulemaking) should be modified to extend the inspection interval of the automatic devices to one year rather than every 3 months. A sufficient showing has not been made in this rulemaking to warrant a finding that, in balance with the requirements of air navigational safety, automatic devices should be permitted to remain uninspected for a period as long as a year. It was also suggested that § 17.48 should affirmatively specify that notification to FAA is not required upon failure of nonflashing lights to bring the rules into conformity with FAA specifications. The pertinent language in the FAA Obstruction, Marking, and Lighting publication has been included in § 17.48(b).

32. Some installations include a "fail safe" feature which will cause a beacon to burn continuously if the flashing mechanism fails. One comment states that the continuous burning of a flashing beacon constitutes "improper functioning" and suggests modification of the rules to require reporting and recording of such an occurrence. The new § 17.48 (old § 17.31 as modified) provides for notification of extinguishment or improper functioning of a code or rotating beacon and is responsive to comments in this regard.

33. The suggestion that all installations should be required to meet FAA specifications for color intensity and beam distribution is provided for in § 17.58 and other related sections of the rules.

34. It was suggested that the rules be amended to require that the rated voltage of obstruction lamps correspond to or be within 3 percent higher than the average voltage across the lamps during normal hours of operation. This provision is contained in the FAA Obstruction, Marking and Lighting publication and is being included in § 17.54.

35. In accordance with several comments the language of new § 17.57, as adopted, has been brought into conformity with former § 17.45, thereby requiring that C & GS Form 844 be filed with the Director, U.S. Coast and Geodetic Survey only for construction of towers for which obstruction markings are required instead of for all structures as would have been required by the proposed rulemaking.

36. A suggestion was made that guy wires be marked. This has not been adopted since the FAA requirements do not specify such marking. It is understood that the FAA has this project under special study.

37. Editorial changes have been made and paragraphs have been renumbered for clarity and consistency.

38. In view of the foregoing considerations, the Commission finds that the amendments to Part 17, concerning construction, marking and lighting of antenna structures as set forth below are in the public interest, convenience and necessity. The authority for the adoption of such amendments is contained in sections 4(f), 303(q), and 303(r) of the Communications Act of 1934, as amended.

39. *Accordingly, it is ordered*, That effective September 5, 1967, Part 17 of the Commission's rules and regulations are amended, as set forth below.

40. *It is further ordered*, That the proceeding in Docket 16474 is terminated.

41. *It is further ordered*, That the Commission's "Interim Procedures Governing Airspace Clearances for Broadcast Antenna Structures", contained in Public Notice 44605 of December 10, 1963, are canceled as of the effective date of the amendments herein ordered.

(Secs. 4, 303, 48 Stat., as amended 1066, 1082; 47 U.S.C. 154, 303)

Adopted: July 26, 1967.

Released: August 1, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

Subpart A—General Information

1. Section 17.1 is amended to read as follows:

§ 17.1 Basis and purposes.

(a) The rules in this part are issued pursuant to the authority contained in Title III of the Communications Act of 1934, as amended, which vests authority in the Federal Communications Commission to issue licenses for radio stations when it is found that the public interest, convenience, and necessity would be served thereby, and to require the painting, and/or illumination of radio towers if and when in its judgment such towers constitute, or there is a reasonable possibility that they may constitute, a menace to air navigation.

(b) The purpose of the rules in this part is to prescribe certain procedures and standards with respect to the Commission's consideration of proposed antenna structures which will serve as a guide to persons intending to apply for radio station licenses. The standards were developed in conjunction with the Federal Aviation Administration (FAA).

2. Section 17.2 (a) and (c) through (n) are deleted; paragraph (b) is amended and redesignated as (a) and paragraph (o) is redesignated as (b). As amended paragraph (a) reads as follows:

§ 17.2 Definitions.

(a) *Antenna structures.* The term antenna structures includes the radiating system, its supporting structures and any appurtenances mounted thereon.

* * * * *

§ 17.3 [Deleted]

3. Section 17.3 is deleted in its entirety.

4. Section 17.4 is amended to read as follows:

§ 17.4 Commission consideration of proposed antenna structure with respect to possible hazard to air navigation.

(a) All applications are reviewed to determine whether there is a requirement that the applicant file a Notice of Proposed Construction or Alteration (Form FAA–117) with the Federal Aviation Administration.

(b) Whenever applications require the filing of "Notice of Proposed Construction or Alteration", Form FAA–117, the applicant will be advised to do so unless the application includes an FCC Form 714 certifying that notification has been submitted to FAA or the application form itself specifically supplies all of the information which would be provided on the FCC Form 714.

(c) All applications which do not require the filing of Form FAA–117 with the FAA will be deemed not to involve a hazard to air navigation and will be considered by the Commission without further reference to the FAA.

(d) Whenever a "no hazard determination" is received from the FAA concerning any proposed antenna structure, the antenna structure is deemed not to involve a hazard to air navigation and the antenna aspect of the application for radio station authorization will be processed accordingly; provided that the FAA "no hazard determination" has not expired.

(e) Whenever a report is received from the FAA indicating that a proposed antenna structure is a hazard, the Commission will take further appropriate action.

(f) Applications which show on their face that the antenna structure will extend more than 20 feet above the ground or natural formation or more than 20 feet above an existing manmade structure (other than an antenna structure) shall be accompanied by FCC Form 714 indicating that notification has or has not been submitted to FAA or the application form itself shall specifically supply all of the information which would be provided on the FCC Form 714.

(g) In addition to the other requirements of this part of the rules, each application for a radio station authorization shall include such information regarding proposed antenna construction as may be required by the FCC. Such information is to be supplied on the FCC application form specified in the rules pertaining to the radio service in which application is being made or as may otherwise be required.

[1] Commissioners Bartley, Lee and Loevinger absent.

Subpart B—Criteria for Determining Whether Applications for Radio Towers Require Notification of Proposed Construction to Federal Aviation Administration

5. New § 17.7 is added to read as follows:

§ 17.7 Antenna structures requiring notification to the FAA.

A notification to the Federal Aviation Administration is required, except as set forth in § 17.14, for any of the following construction or alteration:

(a) Any construction or alteration of more than 200 feet in height above ground level at its site.

(b) Any construction or alteration of greater height than an imaginary surface extending outward and upward at one of the following slopes:

(1) 100 to 1 for a horizontal distance of 20,000 feet from the nearest point of the nearest runway of each airport with at least one runway more than 3,200 feet in length, excluding heliports and seaplane bases without specified boundaries, if that airport is either listed in the Airport Directory of the current Airman's Information Manual or is operated by a Federal military agency.

(2) 50 to 1 for a horizontal distance of 10,000 feet from the nearest point of the nearest runway of each airport with its longest runway no more than 3,200 feet in length, excluding heliports and seaplane bases without specified boundaries, if that airport is either listed in the Airport Directory or is operated by a Federal military agency.

(3) 25 to 1 for a horizontal distance of 5,000 feet from the nearest point of the nearest landing and takeoff area of each heliport listed in the Airport Directory or operated by a Federal military agency.

(c) Any construction or alteration on an airport listed in the Airport Directory of the current Airman's Information Manual.

(d) When requested by the FAA, any construction or alteration that would be in an instrument approach area (defined in the FAA standards governing instrument approach procedures) and available information indicates it might exceed an obstruction standard of the FAA.

NOTE: Consideration to seronautical facilities not in existence at the time of the filing of the application for radio facilities will be given only when proposed airport construction or improvement plans are on file with the Federal Aviation Administration as of the filing date of the application for such radio facilities.

§§ 17.11, 17.12, 17.13 [Deleted]

6. Sections 17.11, 17.12, and 17.13 are deleted in their entirety.

7. Section 17.14 is amended to read as follows:

§ 17.14 Certain antenna structures exempt from notification to the FAA.

A notification to the Federal Aviation Administration is not required for any of the following construction or alteration:

(a) Any object that would be shielded by existing structures of a permanent and substantial character or by natural terrain or topographic features of equal or greater height, and would be located in the congested area of a city, town, or settlement where it is evident beyond all reasonable doubt that the structure so shielded will not adversely affect safety in air navigation. Applicants claiming such exemption under § 17.14(a) shall submit a statement with their application to the FCC explaining basis in detail for their finding.

(b) Any antenna structure of 20 feet or less in height except one that would increase the height of another antenna structure.

(c) Any electronic facility, the signal of which is used primarily for navigational guidance by aircraft, any airport visual approach or landing aid, or any airport ceiling or visibility indicator device, or other meteorological facility or instrument, approved by the Administrator, the location and height of which would be fixed by its functional purpose.

§§ 17.15, 17.16 [Deleted]

8. Sections 17.15 and 17.16 are deleted in their entirety.

9. Section 17.17 is amended to read as follows:

§ 17.17 Existing structures.

(a) Nothing in the criteria in this subpart concerning antenna structures or locations shall apply to those structures authorized prior to September 5, 1967.

(b) No change in any of these criteria or relocation of airports shall at any time impose a new restriction upon any then existing or authorized antenna structure or structures.

Subpart C—Specifications for Obstruction Marking and Lighting of Antenna Structures

10. Section 17.21 is amended to read as follows:

§ 17.21 Painting and lighting, when required.

Antenna structures shall be painted and lighted when:

(a) They exceed 200 feet in height above the ground or they require special seronautical study.

(b) The Commission may modify the above requirement for painting and/or lighting of antenna structures, when it is shown by the applicant that the absence of such marking would not impair the safety of air navigation, or that a lesser marking requirement would insure the safety thereof.

11. Section 17.22 is amended to read as follows:

§ 17.22 Particular specifications to be used.

Whenever painting and lighting are required, the Commission will assign painting and lighting specifications pursuant to the provisions of this subpart. If an antenna installation is of such a nature that its painting and lighting in accordance with these specifications are confusing or endanger, rather than assist airmen, or are otherwise inadequate, the Commission will specify the type of painting and lighting or other marking to be used in the individual situation.

12. Section 17.24 is amended to read as follows:

§ 17.24 Specifications for the lighting of antenna structures up to and including 150 feet in height.

Antenna structures up to and including 150 feet in height above ground, which are required to be lighted as a result of notification to the FAA under § 17.7, shall be lighted as follows:

(a) There shall be installed at the top of the tower at least two 100-, 107-, or 116-watt lamps (No. 100 A21/TS, No. 107 A21/TS, or No. 116 A21/TS, respectively) enclosed in aviation red obstruction light globes. The two lights shall burn simultaneously from sunset to sunrise and shall be positioned so as to insure unobstructed visibility of at least one of the lights from aircraft at any normal angle of approach. A light sensitive control device or an astronomic dial clock and time switch may be used to control the obstruction lighting in lieu of manual control. When a light sensitive device is used, it should be adjusted so that the lights will be turned on at a north sky light intensity level of about 35-foot candles and turned off at a north sky light intensity level of about 58-foot candles.

13. Section 17.25(a), (a) (1) and (2) is amended to read as follows:

§ 17.25 Specifications for the lighting of antenna structures over 150 feet up to and including 300 feet in height.

(a) Antenna structures over 150 feet, up to and including 200 feet in height above ground, which are required to be lighted as a result of notification to the FAA under § 17.7 and antenna structures over 200 feet, up to and including 300 feet in height above ground, shall be lighted as follows:

(1) There shall be installed at the top of the structure one 300 m/m electric code beacon equipped with two 500-, 620-, or 700-watt lamps (PS–40 Code Beacon type) both lamps to burn simultaneously, and equipped with aviation red color filters. Where a rod or other construction of not more than 20 feet in height and incapable of supporting this beacon is mounted on top of the structure and it is determined that this additional construction does not permit unobstructed visibility of the code beacon from aircraft at any normal angle of approach, there shall be installed two such beacons position so as to insure unobstructed visibility of at least one of the beacons from aircraft at any normal angle of approach. The beacons shall be equipped with a flashing mechanism producing not more than 40 flashes per minute nor less than 12 flashes per minute, with a period of darkness equal to approximately one-half of the luminous period.

(2) At the approximate mid point of the overall height of the tower there shall be installed at least two 100-, 107-, or 116-watt lamps (No. 100 A21/TS, No.

107 A21/TS, or No. 116 A21/TS, respectively) enclosed in aviation red obstruction light globes. Each light shall be mounted so as to insure unobstructed visibility of at least one light at each level from aircraft at any normal angle of approach.

* * * * *

14. Section 17.26(a) (1) and (2) is amended to read as follows:

§ 17.26 Specifications for the lighting of antenna structures over 300 feet up to and including 450 feet in height.

(a) * * *

(1) There shall be installed at the top of the structure one 300 m/m electric code beacon equipped with two 500-, 620-, or 700-watt lamps (PS-40 Code Beacon type) both lamps to burn simultaneously, and equipped with aviation red color filters. Where a rod or other construction of not more than 20 feet in height and incapable of supporting this beacon is mounted on top of the structure and it is determined that this additional construction does not permit unobstructed visibility of the code beacon from aircraft at any normal angle of approach, there shall be installed two such beacons positioned so as to insure unobstructed visibility of at least one of the beacons from aircraft at any normal angle of approach. The beacons shall be equipped with a flashing mechanism producing not more than 40 flashes per minute, nor less than 12 flashes per minute, with a period of darkness equal to approximately one-half of the luminous period.

(2) On levels at approximately two-thirds and one-third of the overall height of the tower, there shall be installed at least two 100-, 107-, or 116-watt lamps (No. 100 A21/TS, No. 107 A21/TS, or No. 116 A21/TS, respectively) enclosed in aviation red obstruction light globes. Each light shall be mounted so as to insure unobstructed visibility of at least one light at each level from aircraft at any normal angle of approach.

* * * * *

15. Section 17.27(a) (1) and (2) is amended to read as follows:

§ 17.27 Specifications for the lighting of antenna structures over 450 feet up to and including 600 feet in height.

(a) * * *

(1) There shall be installed at the top of the structure one 300 m/m electric code beacon equipped with two 500-, 620-, or 700-watt lamps (PS-40 Code Beacon type) both lamps to burn simultaneously, and equipped with aviation red color filters. Where a rod or other construction of not more than 20 feet in height and incapable of supporting this beacon is mounted on top of the structure and it is determined that this additional construction does not permit unobstructed visibility of the code beacon from aircraft at any normal angle of approach, there shall be installed two such beacons positioned so as to insure unobstructed visibility of at least one of the beacons from aircraft at any normal angle of approach. The beacons shall be equipped with a flashing mechanism producing not more than 40 flashes per minute, nor less than 12 flashes per minute, with a period of darkness equal to approximately one-half of the luminous period.

(2) At approximately one-half of the overall height of the tower one similar flashing 300 m/m electric code beacon shall be installed in such position within the tower proper that the structural members will not impair the visibility of this beacon from aircraft at any normal angle of approach. In the event this beacon cannot be installed in a manner to insure unobstructed visibility of it from aircraft at any normal angle of approach, there shall be installed two such beacons, at each level. Each beacon shall be mounted on the outside of diagonally opposite corners or opposite sides of the tower at the prescribed height.

* * * * *

16. Section 17.28(a) (1) and (2) is amended to read as follows:

§ 17.28 Specifications for the lighting of antenna structures over 600 feet up to and including 750 feet in height.

(a) * * *

(1) There shall be installed at the top of the structure one 300 m/m electric code beacon equipped with two 500-, 620-, or 700-watt lamps (PS-40 Code Beacon type) both lamps to burn simultaneously, and equipped with aviation red color filters. Where a rod or other construction of not more than 20 feet in height and incapable of supporting this beacon is mounted on top of the structure and it is determined that this additional construction does not permit unobstructed visibility of the code beacon from aircraft at any normal angle of approach, there shall be installed two such beacons positioned so as to insure unobstructed visibility of at least one of the beacons from aircraft at any normal angle of approach. The beacons shall be equipped with a flashing mechanism producing not more than 40 flashes per minute nor less than 12 flashes per minute, with a period of darkness equal to approximately one-half of the luminous period.

(2) At approximately two-fifths of the overall height of the tower one similar flashing 300 m/m electric code beacon shall be installed in such position within the tower proper that the structural members will not impair the visibility of this beacon from aircraft at any normal angle of approach. In the event this beacon cannot be installed in a manner to insure unobstructed visibility of it from aircraft at any normal angle of approach, there shall be installed two such beacons, at each level. Each beacon shall be mounted on the outside of diagonally opposite corners or opposite sides of the tower at the prescribed height.

* * * * *

17. Section 17.29(a) (1) and (2) is amended to read as follows:

§ 17.29 Specifications for the lighting of antenna structures over 750 feet up to and including 900 feet in height.

(a) * * *

(1) There shall be installed at the top of the structure one 300 m/m electric code beacon equipped with two 500-, 620-, or 700-watt lamps (PS-40 Code Beacon type) both lamps to burn simultaneously, and equipped with aviation red color filters. Where a rod or other construction of not more than 20 feet in height and incapable of supporting this beacon is mounted on top of the structure and it is determined that this additional construction does not permit unobstructed visibility of the code beacon from aircraft at any normal angle of approach, there shall be installed two such beacons positioned so as to insure unobstructed visibility of at least one of the beacons from aircraft at any normal angle of approach. The beacons shall be equipped with a flashing mechanism producing not more than 40 flashes per minute nor less than 12 flashes per minute, with a period of darkness equal to approximately one-half of the luminous period.

(2) On levels at approximately two-thirds and one-third of the overall height of the tower one similar flashing 300 m/m electric code beacon shall be installed in such position within the tower proper that the structural members will not impair the visibility of this beacon from aircraft at any normal angle of approach. In the event these beacons cannot be installed in a manner to insure unobstructed visibility of the beacons from aircraft at any normal angle of approach, there shall be installed two such beacons, at each level. Each beacon shall be mounted on the outside of diagonally opposite corners or opposite sides of the tower at the prescribed height.

* * * * *

18. Section 17.30(a) (1) and (2) is amended to read as follows:

§ 17.30 Specifications for the lighting of antenna structures over 900 feet up to and including 1,050 feet in height.

(a) * * *

(1) There shall be installed at the top of the structure one 300 m/m electric code beacon equipped with two 500-, 620-, or 700-watt lamps (PS-40 Code Beacon type) both lamps to burn simultaneously, and equipped with aviation red color filters. Where a rod or other construction of not more than 20 feet in height and incapable of supporting this beacon is mounted on top of the structure and it is determined that this additional construction does not permit unobstructed visibility of the code beacon from aircraft at any normal angle of approach, there shall be installed two such beacons positioned so as to insure unobstructed visibility of at least one of the beacons from aircraft at any normal angle of approach. The beacons shall be equipped with a flashing mechanism producing not more than 40 flashes per

minute nor less than 12 flashes per minute, with a period of darkness equal to approximately one-half of the luminous period.

(2) On levels at approximately four-sevenths and two-sevenths of the overall height of the tower one similar flashing 300 m/m electric code beacon shall be installed in such position within the tower proper that the structural members will not impair the visibility of this beacon from aircraft at any normal angle of approach. In the event these beacons cannot be installed in a manner to insure unobstructed visibility of the beacons from aircraft at any normal angle of approach, there shall be installed two such beacons, at each level. Each beacon shall be mounted on the outside of diagonally opposite corners or opposite sides of the tower at the prescribed height.

* * * * *

19. Section 17.31(a) (1) and (2) is amended to read as follows:

§ 17.31 Specifications for the lighting of antenna structures over 1,050 feet up to and including 1,200 feet in height.

(a) * * *

(1) There shall be installed at the top of the structure one 300 m/m electric code beacon equipped with two 500-, 620-, or 700-watt lamps (PS-40 Code Beacon type) both lamps to burn simultaneously, and equipped with aviation red color filters. Where a rod or other construction of not more than 20 feet in height and incapable of supporting this beacon is mounted on top of the structure and it is determined that this additional construction does not permit unobstructed visibility of the code beacon from aircraft at any normal angle of approach, there shall be installed two such beacons positioned so as to insure unobstructed visibility of at least one of the beacons from aircraft at any normal angle of approach. The beacons shall be equipped with a flashing mechanism producing not more than 40 flashes per minute nor less than 12 flashes per minute, with a period of darkness equal to approximately one-half of the luminous period.

(2) On levels at approximately four-fifths, three-fifths, two-fifths, and one-fifth of the overall height of the tower one similar flashing 300 m/m electric code beacon shall be installed in such position within the tower proper that the structural members will not impair the visibility of this beacon from aircraft at any normal angle of approach. In the event these beacons cannot be installed in a manner to insure unobstructed visibility of the beacons from aircraft at any normal angle of approach, there shall be installed two such beacons, at each level. Each beacon shall be mounted on the outside of diagonally opposite corners or opposite sides of the tower at the prescribed height.

* * * * *

20. Section 17.32(a) (1) and (2) is amended to read as follows:

§ 17.32 Specifications for the lighting of antenna structures over 1,200 feet up to and including 1,350 feet in height.

(a) * * *

(1) There shall be installed at the top of the structure one 300 m/m electric code beacon equipped with two 500-, 620-, or 700-watt lamps (PS-40 Code Beacon type) both lamps to burn simultaneously, and equipped with aviation red color filters. Where a rod or other construction of not more than 20 feet in height and incapable of supporting this beacon is mounted on top of the structure and it is determined that this additional construction does not permit unobstructed visibility of the code beacon from aircraft at any normal angle of approach, there shall be installed two such beacons positioned so as to insure unobstructed visibility of at least one of the beacons from aircraft at any normal angle of approach. The beacons shall be equipped with a flashing mechanism producing not more than 40 flashes per minute nor less than 12 flashes per minute, with a period of darkness equal to approximately one-half of the luminous period.

(2) On levels at approximately two-thirds, four-ninths, and two-ninths of the overall height of the tower one similar flashing 300 m/m electric code beacon shall be installed in such position within the tower proper that the structural members will not impair the visibility of this beacon from aircraft at any normal angle of approach. In the event these beacons cannot be installed in a manner to insure unobstructed visibility of the beacons from aircraft at any normal angle of approach, there shall be installed two such beacons, at each level. Each beacon shall be mounted on the outside of diagonally opposite corners or opposite sides of the tower at the prescribed height.

* * * * *

21. Section 17.33(a) (1) and (2) is amended to read as follows:

§ 17.33 Specifications for the lighting of antenna structures over 1,350 feet up to and including 1,500 feet in height.

(a) * * *

(1) There shall be installed at the top of the structure one 300 m/m electric code beacon equipped with two 500-, 620-, or 700-watt lamps (PS-40 Code Beacon type) both lamps to burn simultaneously, and equipped with aviation red color filters. Where a rod or other construction of not more than 20 feet in height and incapable of supporting this beacon is mounted on top of the structure and it is determined that this additional construction does not permit unobstructed visibility of the code beacon from aircraft at any normal angle of approach, there shall be installed two such beacons positioned so as to insure unobstructed visibility of at least one of the beacons from aircraft at any normal angle of approach. The beacons shall be equipped with a flashing mechanism producing not more than 40 flashes per minute nor less than 12 flashes per minute, with a period of darkness equal to approximately one-half of the luminous period.

(2) On levels at approximately eight-elevenths, six-elevenths, four-elevenths, and two-elevenths of the overall height of the tower, one similar flashing 300 m/m electric code beacon shall be installed in such position within the tower proper that the structural members will not impair the visibility of this beacon from the aircraft at any normal angle of approach. In the event these beacons cannot be installed in a manner to insure unobstructed visibility of the beacons from aircraft at any normal angle of approach there shall be installed two such beacons, at each level. Each beacon shall be mounted on the outside of diagonally opposite corners or opposite sides of the tower at the prescribed height.

22. Sections 17.34 through 17.45 are deleted and new §§ 17.34 through 17.58 are added to read as follows:

§ 17.34 Specifications for the lighting of antenna structures over 1,500 feet up to and including 1,650 feet in height above the ground.

(a) Antenna structures over 1,500 feet up to and including 1,650 feet in height above the ground shall be lighted as follows:

(1) There shall be installed at the top of the structure one 300 m/m electric code beacon equipped with two 500-, 620-, or 700-watt lamps (PS-40 Code Beacon type) both lamps to burn simultaneously, and equipped with aviation red color filters. Where a rod or other construction of not more than 20 feet in height and incapable of supporting this beacon is mounted on top of the structure and it is determined that this additional construction does not permit unobstructed visibility of the code beacon from aircraft at any normal angle of approach, there shall be installed two such beacons positioned so as to insure unobstructed visibility of at least one of the beacons from aircraft at any normal angle of approach. The beacons shall be equipped with a flashing mechanism producing not more than 40 flashes per minute nor less than 12 flashes per minute, with a period of darkness equal to approximately one-half of the luminous period.

(2) On levels at approximately four-fifths, three-fifths, two-fifths, and one-fifth of the overall height of the tower one similar flashing 300 m/m electric code beacon shall be installed in such position within the tower proper that the structural members will not impair the visibility of this beacon from aircraft at any normal angle of approach. In the event these beacons cannot be installed in a manner to insure unobstructed visibility of the beacons from aircraft at any normal angles of approach, there shall be installed two such beacons at each level. Each beacon shall be mounted on the outside of diagonally opposite corners or opposite sides of the tower at the prescribed height.

* * * * *

(3) On levels at approximately ten-elevenths, nine-elevenths, seven-elevenths, five-elevenths, three-elevenths, and one-eleventh of the overall height of the tower at least one 100-, 107-, or 116-watt lamp (No. 100 A21/TS, No. 107 A21/TS, or No. 116 A21/TS, respectively) enclosed in an aviation red obstruction light globe shall be installed on each outside corner of the structure.

(4) All lights shall burn continuously or shall be controlled by a light sensitive device adjusted so that the lights will be turned on at a north sky light intensity level of about 35 foot candles and turned off at a north sky light intensity level of about 58 foot candles.

§ 17.35 Specifications for the lighting of antenna structures over 1,650 feet up to and including 1,800 feet in height.

(a) Antenna structures over 1,650 feet up to and including 1,800 feet in height above the ground shall be lighted as follows:

(1) There shall be installed at the top of the structure one 300 m/m electric code beacon equipped with two 500-, 620-, or 700-watt lamps (PS-40 Code Beacon type) both lamps to burn simultaneously, and equipped with aviation red color filters. Where a rod or other construction of not more than 20 feet in height and incapable of supporting this beacon is mounted on top of the structure and it is determined that this additional construction does not permit unobstructed visibility of the code beacon from aircraft at any normal angle of approach, there shall be installed two such beacons positioned so as to insure unobstructed visibility of at least one of the beacons from aircraft at any normal angle of approach. The beacons shall be equipped with a flashing mechanism producing not more than 40 flashes per minute nor less than 12 flashes per minute, with a period of darkness equal to approximately one-half of the luminous period.

(2) On levels at approximately five-sixths, two-thirds, one-half, one-third, and one-sixth of the overall height of the tower one similar flashing 300 m/m electric code beacon shall be installed in such position within the tower proper that the structural members will not impair the visibility of this beacon from aircraft at any normal angle of approach. In the event these beacons cannot be installed in a manner to insure unobstructed visibility of the beacons from aircraft at any normal angle of approach, there shall be installed two such beacons at each level. Each beacon shall be mounted on the outside of diagonally opposite corners or opposite sides of the tower at the prescribed height.

(3) On levels at approximately eleven-twelfths, two-thirds, seven-twelfths, five-twelfths, one-fourth and one-twelfth of the overall height of the tower at least one 100-, 107-, or 116-watt lamp (No. 100 A21/TS, No. 107 A21/TS, or No. 116 A21/TS, respectively) enclosed in an aviation red obstruction light globe shall be installed on each outside corner of the structure.

(4) All lights shall burn continuously or shall be controlled by a light sensitive device adjusted so that the lights will be turned on at a north sky light intensity level of about 35 foot candles and turned off at a north sky light intensity level of about 58 foot candles.

§ 17.36 Specifications for the lighting of antenna structures over 1,800 feet up to and including 1,950 feet in height.

(a) Antenna structures over 1,800 feet up to and including 1,950 feet in height above the ground shall be lighted as follows:

(1) There shall be installed at the top of the structure one 300 m/m electric code beacon equipped with two 500-, 620- of 700-watt lamps (PS-40, Code Beacon type) both lamps to burn simultaneously, and equipped with aviation red color filters. Where a rod or other construction of not more than 20 feet in height and incapable of supporting this beacon is mounted on top of the structure and it is determined that this additional construction does not permit unobstructed visibility of the code beacon from aircraft at any normal angle of approach, there shall be installed two such beacons positioned so as to insure unobstructed visibility of at least one of the beacons from aircraft at any normal angle of approach. The beacons shall be equipped with a flashing mechanism producing not more than 40 flashes per minute nor less than 12 flashes per minute, with a period of darkness equal to approximately one-half of the luminous period.

(2) On levels at approximately ten-thirteenths, eight-thirteenths, six-thirteenths, four-thirteenths, and two-thirteenths of the overall height of the tower one similar flashing 300 m/m electric code beacon shall be installed in such position within the tower proper that the structural members will not impair the visibility of this beacon from aircraft at any normal angle of approach. In the event these beacons cannot be installed in a manner to insure unobstructed visibility of the beacons from aircraft at any normal angle of approach, there shall be installed two such beacons, at each level. Each beacon shall be mounted on the outside of diagonally opposite corners or opposite sides of the tower at the prescribed height.

(3) On levels at approximately twelve-thirteenths, eleven-thirteenths, nine-thirteenths, seven-thirteenths, five-thirteenths, three-thirteenths, and one-thirteenth of the overall height of the tower at least one 100-, 107-, or 116-watt lamp (No. 100 A21/TS, No. 107 A21/TS, or No. 116 A21/TS, respectively) enclosed in an aviation red obstruction light globe shall be installed on each outside corner of the structure.

(4) All lights shall burn continuously or shall be controlled by a light sensitive device adjusted so that the lights will be turned on at a north sky light intensity level of about 35 foot candles and turned off at a north sky light intensity level of about 58 foot candles.

§ 17.37 Specifications for the lighting of antenna structures over 1,950 feet up to and including 2,100 feet in height.

(a) Antenna structures over 1,950 feet up to and including 2,100 feet in height above the ground shall be lighted as follows:

(1) There shall be installed at the top of the structure one 300 m/m electric code beacon equipped with two 500-, 620- or 700-watt lamps (PS-40, Code Beacon type) both lamps to burn simultaneously, and equipped with aviation red color filters. Where a rod or other construction of not more than 20 feet in height and incapable of supporting this beacon is mounted on top of the structure and it is determined that this additional construction does not permit unobstructed visibility of the code beacon from aircraft at any normal angle of approach, there shall be installed two such beacons positioned so as to insure unobstructed visibility of at least one of the beacons from aircraft at any normal angle of approach. The beacons shall be equipped with a flashing mechanism producing not more than 40 flashes per minute nor less than 12 flashes per minute, with a period of darkness equal to approximately one-half of the luminous period.

(2) On levels at approximately six-sevenths, five-sevenths, four-sevenths, three-sevenths, two-sevenths, and one-seventh of the overall height of the tower one similar flashing 300 m/m electric code beacon shall be installed in such position within the tower proper that the structural members will not impair the visibility of this beacon from aircraft at any normal angle of approach. In the event these beacons cannot be installed in a manner to insure unobstructed visibility of the beacons from aircraft at any normal angle of approach, there shall be installed two such beacons at each level. Each beacon shall be mounted on the outside of diagonally opposite corners or opposite sides of the tower at the prescribed height.

(3) On levels at approximately thirteen-fourteenths, eleven-fourteenths, nine-fourteenths, one half, five-fourteenths, three-fourteenths, and one-fourteenth of the overall height of the tower at least one 100-, 107-, or 116-watt lamps (No. 100 A21/TS, No. 107 A21/TS, or No. 116 A21/TS, respectively) enclosed in an aviation red obstruction light globe shall be installed on each outside corner of the structure.

(4) All lights shall burn continuously or shall be controlled by a light sensitive device adjusted so that the lights will be turned on at a north sky light intensity level of about 35 foot candles and turned off at a north sky light intensity level of about 58 foot candles.

§ 17.38 Specifications for the lighting of antenna structures over 2,100 feet in height.

Antenna structures over 2,100 feet in height above the ground shall be lighted in accordance with specifications to be determined by the Commission after aeronautical study which will include lighting recommendations.

§ 17.43 Painting and lighting of new and existing structures.

(a) The provisions of this part of the rules shall be effective with respect to antenna structures required to be lighted and/or painted in accordance with the terms of an authorization for a new station or a change in the height or location of an antenna structure issued on or after September 5, 1967.

(b) All antenna structures required to be painted and lighted in accordance with a radio station authorization valid on September 5, 1967, shall be brought into conformity with this subpart within 6 months after September 5, 1970, at any station for which the authorization is renewable on or prior to that date and within 3 months following the renewal of any authorization renewable after September 5, 1970.

(c) Nothing in the notification criteria concerning antenna structures or locations, as set forth in Subpart B of this part, shall apply to painting and lighting those structures authorized prior to September 5, 1967, except where lighting and painting requirements are reduced, in which case the lesser requirements may apply upon approval of an application to Commission for such reduction.

§ 17.45 Temporary warning lights.

During construction of an antenna structure, for which obstruction lighting is required, at least two 100-, 107-, or 116-watt lamps (No. 100 A21/TS, No. 107 A21/TS, or No. 116 A21/TS, respectively) enclosed in aviation red obstruction light globes, shall be installed at the uppermost point of the structure. In addition, as the height of the structure exceeds each level at which permanent obstruction lights will be required, two similar lights shall be installed at each such level. These temporary warning lights shall be displayed nightly from sunset to sunrise until the permanent obstruction lights have been installed and placed in operation, and shall be positioned so as to insure unobstructed visibility of at least one of the lights at any normal angle of approach. In lieu of the above temporary warning lights, the permanent obstruction lighting fixtures may be installed and operated at each required level as each such level is exceeded in height during construction.

§ 17.47 Inspection of tower lights and associated control equipment.

The licensee of any radio station which has an antenna structure requiring illumination pursuant to the provisions of section 303(q) of the Communications Act of 1934, as amended, as outlined elsewhere in this part:

(a) (1) Shall make an observation of the tower lights at least once each 24 hours either visually or by observing an automatic properly maintained indicator designed to register any failure of such lights, to insure that all such lights are functioning properly as required; or alternatively,

(2) Shall provide and properly maintain an automatic alarm system designed to detect any failure of such lights and to provide indication of such failure to the licensee.

(b) Shall inspect at intervals not to exceed 3 months all automatic or mechanical control devices, indicators, and alarm systems associated with the tower lighting to insure that such apparatus is functioning properly.

§ 17.48 Notification of extinguishment or improper functioning of lights.

The licensee of any radio station which has an antenna structure requiring illumination pursuant to the provisions of section 303(q) of the Communications Act of 1934, as amended, as outlined elsewhere in this part:

(a) Shall report immediately by telephone or telegraph to the nearest Flight Service Station or office of the Federal Aviation Administration any observed or otherwise known extinguishment or improper functioning of a code or rotating beacon light or top light not corrected within 30 minutes. Further notification by telephone or telegraph shall be given immediately upon resumption of the required illumination.

(b) An extinguishment or improper functioning of a steady burning side or intermediate light or lights, shall be corrected as soon as possible, but notification to the FAA of such extinguishment or improper functioning is not required.

§ 17.49 Recording of tower light inspections in the station record.

The licensee of any radio station which has an antenna structure requiring illumination shall make the following entries in the station record of the inspections required by § 17.47.

(a) The time the tower lights are turned on and off each day if manually controlled.

(b) The time the daily check of proper operation of the tower lights was made, if automatic alarm system is not provided.

(c) In the event of any observed or otherwise known extinguishment or improper functioning of a tower light:

(1) Nature of such extinguishment or improper functioning.

(2) Date and time the extinguishment or improper functioning was observed, or otherwise noted.

(3) Date, time, and nature of the adjustments, repairs, or replacements made.

(4) Identification of Flight Service Station (Federal Aviation Administration) notified of the extinguishment or improper functioning of any code or rotating beacon light or top light not corrected within 30 minutes, and the date and time such notice was given.

(5) Date and time notice was given to the Flight Service Station (Federal Aviation Administration) that the required illumination was resumed.

(d) Upon completion of the periodic inspection required at least once each 3 months:

(1) The date of the inspection and the condition of all tower lights and associated tower lighting control devices, indicators and alarm systems.

(2) Any adjustments, replacements, or repairs made to insure compliance with the lighting requirements and the date such adjustments, replacements or repairs were made.

§ 17.50 Cleaning and repainting.

All towers shall be cleaned or repainted as often as necessary to maintain good visibility.

§ 17.51 Time when lights shall be exhibited.

All lighting shall be exhibited from sunset to sunrise unless otherwise specified.

§ 17.52 Spare lamps.

A sufficient supply of spare lamps shall be maintained for immediate replacement purposes at all times.

§ 17.53 Lighting equipment and paint.

The lighting equipment, color of filters, and shade of paint referred to in the specifications are further defined in the following government and/or Army-Navy Aeronautical Specifications, Bulletins, and Drawings: (Lamps are referred to by standard numbers).

Outside white	Federal Specifications	TT-P-102.[1]
Aviation surface orange	do	TT-P-59 [1] (Color No. 12197 of Federal Standard 595).
Aviation surface orange, enamel	do	TT-E-189 [1] (Color No. 12197 of Federal Standard 595).
Code beacon	FAA specifications	446 (Sec. II-d-Style 4).[3]
Obstruction light globe, prismatic	Army-Navy drawing	AN-L-10A [3] or FAA Specification L-810.[3]
Obstruction light globe, Fresnel	do	
Single multiple obstruction light fitting assembly	do	
Obstruction light fitting assembly	do	
100-watt lamp		No. 100 A21/TS.[4]
107-watt lamp		No. 107 A21/TS (3,000 hours).
116-watt lamp		No. 116 A21/TS (6,000 hours).
500-watt lamp		No. 500 PS-40/0 (1,000 hours).[5]
620-watt lamp		No. 620 PS-40 (3,000 hours).
700-watt lamp		No. 700 PS-40/0 (6,000 hours).

[1] Copies of this specification can be obtained from the Specification Activity, Room 1642, Federal Supply Service Center, General Services Administration, 7th and D Streets SW., Washington, D.C. 20407 (Outside white, 6 cents; aviation surface orange, paint 5 cents, enamel, 10 cents).

[2] Copies of Army-Navy specifications or drawings can be obtained by contacting the Commanding General, Air Material Command, Wright Field, Dayton, Ohio 45433, or the Naval Air Systems Command, Navy Department, Washington, D.C. 20360. Information concerning Army-Navy specifications or drawings can also be obtained from the Federal Aviation Administration, Washington, D.C. 20553.

[3] Copies of this specification can be obtained from the Federal Aviation Administration, Washington, D.C. 20553.

[4] The 116-watt, 6,000-hour lamp and the 700-watt, 6,000-hour lamp may be used instead of the 100-watt and the 500-watt lamps whenever possible in view of the extended life, lower maintenance cost, and greater safety which they provide.

§ 17.54 Rated lamp voltage.

To provide satisfactory output by obstruction lights, the rated voltage of the lamp used should, in each case, correspond to or be within 3 percent higher than the average voltage across the lamp during the normal hours of operation.

§ 17.56 Maintenance of lighting equipment.

Replacing or repairing of lights, automatic indicators or automatic alarm systems shall be accomplished as soon as practicable.

§ 17.57 Report of radio transmitting antenna construction, alteration and/or removal.

Any permittee or licensee who, pursuant to any instrument of authorization from the Commission to erect or make changes affecting antenna height or location of an antenna tower for which obstruction marking is required, shall, prior to start of tower construction and upon completion of such construction or changes, fill out and file with the Director, U.S. Coast and Geodetic Survey, C & GS Form 844 (Report of Radio Transmitting Antenna Construction, Alteration and/or Removal) in order that antenna tower information may be provided promptly for use on aeronautical charts and related publications in the interest of safety of air navigation.

§ 17.58 Facilities to be located on land under the jurisdiction of the U.S. Forest Service or the Bureau of Land Management.

Any application proposing new or modified transmitting facilities to be located on land under the jurisdiction of the U.S. Forest Service or the Bureau of Land Management shall include a statement that the facilities will be so located, and the applicant shall comply with the requirements of § 1.70 of this chapter.

[F.R. Doc. 67-9057; Filed, Aug. 2, 1967; 8:46 a.m.]

[Docket No. 17153; FCC 67-892]

PART 64—MISCELLANEOUS RULES RELATING TO COMMON CARRIERS

Use of Recording Devices by Telephone Companies

Report and order. 1. On January 30, 1967, the Commission issued a notice of proposed rule-making in the above-entitled matter, 6 FCC 2d 587. (See also FEDERAL REGISTER of Feb. 3, 1967; 32 F.R. 284). Comments were requested by March 21, 1967, and reply comments by April 10, 1967.

2. In the notice, we proposed to establish rules that would require telephone common carriers that are subject, in whole or in part, to the Communications Act of 1934, as amended, to transmit a "beep tone" whenever any such carrier uses a recording device to record interstate or foreign telephone communications that take place between the telephone company as the called or calling party and the telephone using public. Tariffs of these companies now require the public user to transmit a "beep tone" on all such calls whenever he uses a recording device, but the tariff requirements do not apply to telephone company usage of recording devices on such calls.

3. Timely comments were submitted by American Telephone and Telegraph Company (A.T. & T.), GT&E Service Corp. (General), National Telephone Cooperative Association (NTCA), and James R. Squire. The Communications Workers of America (CWA) submitted reply comments.

Comments summarized. 4. A.T. & T., in its comments for the Bell System companies, maintains that there is no necessity for the proposed rule; that, although the present "beep tone" tariffs are not applicable to the telephone companies, the Bell System companies, as a matter of policy, have adopted the practice of using a "beep tone" in their own operations in the area covered by the proposed rule and that nothing would be gained by such rule; that any problems concerning the recording of customer contacts by a regulated carrier should be handled on a case-by-case basis, rather than by general rule; that the recording of customer contacts with telephone company employees is used by the Bell System only for plant repair service calls; and that the Commission may be assured that the Bell System will make no change in its existing practices regarding the use of the "beep tone" without prior notice to the Commission.

5. General states that the General System telephone companies limit the use of recordings solely to improving the quality of service rendered by the telephone company without invading privacy; that the telephone subscriber calling into the business office of a telephone company, or placing a call with an operator, or calling information for a telephone number, is not engaged in a conversation which he expects will be kept secret from the telephone company; that the service observing techniques employed by the General companies is the only way that they can insure that the public will continue to receive adequate service; that to prohibit service observing, or the recording that accompanies service observing, would severely inhibit efforts by the companies to maintain and improve service quality; that the General companies retain recordings of conversations for only the briefest periods; that such recordings are not made for record-keeping purposes but as training devices aimed at insuring that telephone company employees can properly handle customer requests and continue to render good service; and that the practical effect of the proposed rule would be to prohibit the use of recording devices since the value of recorded service observing as a training device lies in the absence of knowledge on the part of the telephone company employee that a particular call is being observed.

6. General also asserts that the proposed rule is premature in that the 90th Congress now has before it for consideration a number of Bills relating to the subject of eavesdropping (e.g., S. 634, S. 887, S. 928, H.R. 5386); and that Administration Bills H.R. 5386 and S. 298 provide for a general prohibition on intercepting or disclosing wire communication but that one of the exceptions thereto is an exception whereby a telephone company employee may intercept, disclose or use wire communication "in the normal course of his employment while engaged in any activity which is a necessary incident of the rendition of service." General contends that, until Congress acts on these Bills, it would be untimely for the Commission now to adopt rules in this area since the statutory amendments would quite likely require a subsequent overhaul of all rules in this area.

7. NTCA asserts that the Commission is here dealing with minutia and that rather than adopt the proposed rules, the Commission should reinstitute the 1947 recording device tariff prescription procedures (11 FCC 1033; 12 FCC 1005, 1008), appoint an advisory committee to look into the current problems of telephone recording devices, and propose effective legislation to correct all abuses in connection with the recording of telephone conversations. NTCA alleges that there have been revolutionary changes since the presently effective tariffs were prescribed regarding the use of the "beep tone"; that the present tariffs should be revised to permit the use of acoustical recordings with an appropriate warning; that the wisdom of retaining the "beep tone" in the tariffs as the warning mechanism is highly doubtful since many different tones are being used today in the telephone system; that the practice of broadcasters in filtering out the "beep tone" diminishes its value as a warning; that the public has little awareness of the "beep tone" tariff requirements and there is widespread disregard of such requirements; that the "beep tone" requirements should have been extended to the private line tariffs; that the Commission should seek a new warning mechanism capable of use on all recorders that is simple, incapable of being misunderstood and without cost or unnecessary subscriber involvement; and that the Commission should provide for telephone companies an adequate subscriber education program using, among other means, telephone directory, newsletter, and notices with billings.

8. CWA, in its comments in reply, supports the proposed rule and cites actions taken by state regulatory agencies in Connecticut and Massachusetts concerning this matter. CWA states that the question presented is whether or not the claimed benefit gained from recording conversations of telephone company employees outweighs the benefit accruing to the public from the knowledge that its telephone conversations are private and are not being monitored by unknown persons; that with the growing use of the telephone the contents of conversations should not be made known to persons other than those for whom they are intended; that the need for privacy obtains no less to employees of the telephone company; and that the public will make known its dissatisfactions with the telephone company service without the use of unexpected surveillance, eavesdropping or monitoring of the telephone conversations of telephone company employees; and that the human dignity of such employees is more important than using such methods as an attempt to achieve a perfect world of electronics.

9. In his comments, Mr. James R. Squire, supports the proposed rule and he also asserts that the Commission should go further and prohibit the recording of telephone conversations completely. He states that there is no valid reason for the recording of telephone conversations by telephone companies.

Conclusions. 10. We have carefully considered all of the comments. Our initial objective in proposing this rule was to assure that the public user of the telephone service would have notice whenever any telephone conversation that he is conducting with a telephone company is being recorded by the latter and to require that such notice be achieved by the same "beep tone" method that the public user must use if he himself desired to use a device to record the same telephone conversation. None of the comments take issue with this objective, although NTCA, as indicated, suggests that some warning method other than the "beep tone" should be devised.

11. The comments of CWA and General raise the question of whether there may not be a further and additional reason for adopting the proposed rule over and above that set forth above. Thus, the comments of these parties indicate that where the General System companies use a recording device for conversations with the public user it appears that neither the public user nor the telephone company employee engaged in the conversation has any knowledge that it is being recorded. General contends that if the employee knows that a recording device is being used, such knowledge would destroy the value thereof for service observing and training. We think it significant that the Bell System companies do not make any contention that their use of the "beep tone" impairs their service observing or training program, and we do not believe that General has made any showing to support its allegation that the service observing techniques employed by the General companies "is the only way that they can insure that he [the telephone subscriber] continues to receive adequate service."

12. As we stated in the notice, we believe that the principles that govern our decision in Use of Recording Devices in Connection With Telephone Service, 11 FCC 1033 (1947), 12 FCC 1005 (1947), 12 FCC 1008 (1948), apply with equal force to the recording of telephone conversations by telephone companies when they are the called or calling party to a telephone conversation. We believe that the comments of the parties support and reinforce the need and desirability for the proposed rule. Moreover, we do not agree with the contention of General that our proposed rule-making is premature and that we should defer action on the proposed rule until Congress acts on a number of bills now pending in Congress relating to the subject of eavesdropping. These bills, as we read them have the objective of buttressing the right of privacy in telephone and other conversations. Our proposed rule is in harmony with that objective, and we see no reason to defer action thereon.

13. NTCA's comments urging a general overhaul of the present tariff provisions of the telephone companies relating to the use of recording devices would entail tariff prescription proceedings under section 205 of the Act and such comments are outside the scope of the proposed rule-making herein.

Accordingly, it is ordered, Pursuant to sections 4(i), 201(b), and 202(a) of the Communications Act of 1934, as amended, That effective September 5, 1967, Part 64 of the Commission's rules and regulations, 47 CFR Part 64, is amended by the addition of new Subpart E as set forth below, and that this proceeding is terminated.

(Secs. 4, 201, 202, 48 Stat., as amended, 1066, 1070; 47 U.S.C. 154, 201, 202)

Adopted: July 26, 1967.

Released: July 31, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

Part 64—Miscellaneous Rules Relating to Common Carriers, is amended to add a new Subpart E as follows:

Subpart E—Use of Recording Devices by Telephone Companies

§ 64.501 Recording of telephone conversations with telephone companies.

No telephone common carrier, subject in whole or in part to the Communications Act of 1934, as amended, may use any recording device in connection with any interstate or foreign telephone conversation between any member of the public, on the one hand, and any officer, agent or other person acting for or employed by any such telephone common carrier, on the other hand, except under the following conditions:

(a) That such use shall be accompanied by adequate notice to all parties to the telephone conversation that the conversation is being recorded;

(b) That such notice shall be given by the use of an automatic tone warning device, which will automatically produce a distinct signal that is repeated at regular intervals during the course of the telephone conversation when the recording device is in use;

(c) That the characteristics of the warning tone shall be the same as those specified in the Orders of this Commission adopted by it in "Use of Recording Devices in Connection With Telephone Service," Docket 6787; 11 F.C.C. 1033 (1947); 12 F.C.C. 1005 (November 26, 1947); 12 F.C.C. 1008 (May 20, 1948);

(d) That no recording device shall be used unless it can be physically connected to and disconnected from the telephone line or switched on and off.

[F.R. Doc. 67-9058; Filed, Aug. 2, 1967; 8:49 a.m.]

[1] Commissioners Bartley, Lee, and Loevinger absent and Commissioner Johnson concurring in the result.

[Docket No. 17069; FCC 67-874]

PART 87—AVIATION SERVICES

Aeronautical Multicom Service

Report and order. 1. The Commission on December 21, 1966, adopted a notice of proposed rule making in the above-entitled matter (FCC 66-1183) which made provision for the filing of comments and was published in the FEDERAL REGISTER on December 28, 1966 (31 F.R. 16577). The time for filing comments and reply comments has passed.

2. The notice of proposed rule making was based on information gained from administering the multicom service and requests for waivers of the rules governing the service. It proposed elimination of the enumeration of particular activities to which the multicom communications must pertain and the substitution of a general statement regarding the use of the frequency. No change was proposed in the original objective of the multicom service to provide for activities of a temporary, seasonal, or emergency nature and to exclude those activities which are of a continuing or permanent nature, particularly where provision is already made for communications under another part of the Rules.

3. Formal comments were filed by National Association of State Aviation Officers (NASAO) and National Business Aircraft Association and informal comments by the Federal Aviation Agency and National Pilots Association. The commentators supported the proposal. NASAO, however, suggested that the prohibition against air traffic control communications be clarified.

4. NASAO points out that the present language can be interpreted to preclude the relaying of air traffic control information by the multicom station operator between the pilot and air traffic controller. Examples cited by NASAO where relaying results in savings of time and airspace are: (a) After receiving an ATC clearance for takeoff at a specific time, the pilot may encounter a delay, such as trouble starting his engine in cold weather. If the pilot cannot notify ATC by radio he may have to run back and forth to a telephone several times to amend his flight plan; and (b) after landing, the pilot must taxi in, shut down his engine, possibly fill out a log book, walk to a telephone and complete a call to FAA, before the FAA knows the airplane is clear.

5. The situations described by NASAO occur at uncontrolled landing areas. At these airfields, in many instances, the only air ground communications facility will be the multicom or aeronautical advisory station. Allowing the operators of

these stations to relay air traffic control messages between pilots and controllers is very desirable and the Commission's rules are not to be interpreted as precluding this type of communications. In order that no misunderstanding exists, a phrase will be added to the rules which will specifically authorize relaying. Inasmuch as this clarification is editorial in nature and merely reflects a long standing policy, it appears appropriate to make a similar addition to the aeronautical advisory station rules § 87.257 (c) which contain the same prohibition.

6. In view of the foregoing: *It is ordered*, Pursuant to the authority contained in sections 4(i) and 303 (b) and (r) of the Communications Act of 1934, as amended, that effective September 5, 1967, Part 87 of the Commission's rules is amended as set forth below. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended 1066, 1082; 47 U.S.C. 154, 303)

Adopted: July 26, 1967.

Released: July 31, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

1. Paragraph (c) of § 87.257 is amended to read as follows:

§ 87.257 Scope of service.

* * * * *

(c) Aeronautical advisory stations shall not be used for air traffic control purposes other than the relay of certain air traffic control information between the pilot and air traffic controller. Relaying of air traffic control information is limited to the following:

(1) Revisions of proposed departure time.

(2) Takeoff, arrival or flight plan cancellation time.

(3) ATC clearances provided a letter of agreement is consummated by the licensee of the advisory station with the FAA.

* * * * *

2. Section 87.277 is amended to read as follows:

§ 87.277 Scope of service.

(a) Except as provided in paragraph (b) of this section, communications by an aeronautical multicom station shall pertain to activities of a temporary, seasonal or emergency nature which depend upon an aircraft in flight for the successful or safe conduct of the activity. Such communications shall be limited to the directing of ground activities from the air, the directing of aerial activities from the ground, and air-to-air communications where such communications are otherwise not provided for in this part.

(b) Where advisory service is not authorized at a landing area and an applicant is unable to meet the special requirements for an aeronautical advisory station under § 87.251, the Commission, upon a proper showing by the applicant, and until such time as an aeronautical advisory station is established at the landing area, may authorize service at such landing area on the frequency 122.9 Mc/s in accordance with the following provisions:

(1) The station shall not be used for air traffic control purposes other than the relay of certain air traffic control information between the pilot and air traffic controller. Relaying of air traffic control information is limited to the following:

(i) Revisions of proposed departure time.

(ii) Takeoff, arrival or flight plan cancellation time.

(iii) ATC clearances provided by a letter of agreement is consummated by the licensee of the multicom station with the FAA.

(2) Communications shall be limited to the necessities of safe and expeditious operation of private aircraft, pertaining to the conditions of runways, types of fuel available, wind conditions, weather information, dispatching or other necessary information: *Provided, however*, That on a secondary basis, communications may be transmitted which pertain to the efficient, portal-to-portal transit of which the flight is a portion, such as requests for ground transportation and food or lodging required during transit.

[F.R. Doc. 67-9066; Filed, Aug. 2, 1967; 8:49 a.m.]

[1] Commissioners Bartley, Lee, and Loevinger absent.

Title 49—TRANSPORTATION

Subtitle A—Office of the Secretary of Transportation

[OST Docket No. 1; Amdt. 1-2]

PART 1—FUNCTIONS, POWERS, AND DUTIES IN THE DEPARTMENT OF TRANSPORTATION

Limitation on Reservation of Authority; Federal Highway Administration

The purpose of this amendment is to further limit the reservation imposed in § 1.5(j)(1) of Part 1 (32 F.R. 5606; 32 F.R. 6496) on the authority delegated to the Federal Highway Administrator to perform the functions of the Secretary of Transportation contained in the National Traffic and Motor Vehicle Safety Act of 1966, 15 U.S.C. 1381–1425. The original reservation of authority extended to all of the authority provided by the Safety Act to issue motor vehicle safety standards.

Under § 1.5(j)(1), as amended, the Secretary retained the authority to issue new and revised motor safety standards and related procedural rules and the Federal Highway Administrator was delegated authority with respect to the issuance of initial standards. The purpose of this amendment is to specifically authorize the Federal Highway Administrator to issue notices of proposed rule making containing proposed standards for new pneumatic tires for passenger cars and proposed standards for tire selection and rims for passenger cars.

This action is taken under the authority of sections 6(a)(6)(A) and 9 of the Department of Transportation Act (P.L. 89-670, 80 Stat. 931). Since this amendment involves a delegation of authority and relates to the internal management of the Department, notice and public procedure thereon are not required and the amendment may be made effective immediately.

In consideration of the foregoing, effective July 15, 1967, 49 CFR 1.5(j)(1) is amended to read as follows:

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Imperial National Wildlife Refuge, Arizona and California

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game, for individual wildlife refuge areas.

ARIZONA AND CALIFORNIA

IMPERIAL NATIONAL WILDLIFE REFUGE

Public hunting of quail, cottontail, and jack rabbits on the Imperial National Wildlife Refuge, Arizona and California, is permitted only on the area designated by signs as open to hunting. This open area, comprising 33,000 acres, is delineated on maps available at refuge headquarters, Yuma, Ariz., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting seasons are as follows: Arizona—quail, October 1 through October 31, 1967, inclusive, and December 1, 1967, through January 31, 1968, inclusive; cottontail and jack rabbits, September 1, 1967, through January 31, 1968, inclusive. California—quail, October 28, 1967, through January 1, 1968, inclusive; cottontail and jack rabbits—September 2, 1967, through January 1, 1968, inclusive.

Hunting shall be in accordance with all applicable State Regulations.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 31, 1968.

CLAUDE F. LARD, *Refuge Manager, Imperial National Wildlife Refuge, Yuma, Arizona.*

JULY 26, 1967.

[F.R. Doc. 67-9009; Filed, Aug. 2, 1967; 8:45 a.m.]

§ 1.5 Reservations of authority.

* * * * *

(j) * * *

(1) Motor vehicle safety, except the initial Federal motor vehicle safety standards and rules or regulations related thereto, and except notices of proposed rule making containing proposed standards for new pneumatic tires for passenger cars and proposed standards for tire selection and rims for passenger cars (15 U.S.C. 1392, 1407).

* * * * *

Issued in Washington, D.C., on July 27, 1967.

ALAN S. BOYD, *Secretary of Transportation.*

[F.R. Doc. 67-9040; Filed, Aug. 2, 1967; 8:48 a.m.]

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 949-A]

PART 195—CAR SERVICE

Atchison, Topeka, and Santa Fe Railway Co. Authorized To Operate Over Trackage of Union Pacific Railroad

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 28th day of July 1967.

Upon further consideration of Service Order No. 949 (29 F.R. 564, 5757, 18427; 30 F.R. 8269, 16006; 31 F.R. 8872, 16152; 32 F.R. 9230) and good cause appearing therefor:

It is ordered, That § 195.949 *Service Order No. 949* (The Atchison, Topeka, and Santa Fe Railway Co. authorized to operate over trackage of Union Pacific Railroad), be, and it is hereby, vacated and set aside.

(Secs. 1, 12, 15 and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15 and 17(2). Interprets or applies secs. 1(10–17), 15(4) and 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That this order shall become effective at 11:59 p.m., July 28, 1967; that copies of this order and direction shall be served upon the State Corporation Commission of Kansas and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-9044; Filed, Aug. 2, 1967; 8:48 a.m.]

Proposed Rule Making

CIVIL AERONAUTICS BOARD

[14 CFR Part 389]

[Docket No. 18345; ODR-3A]

FEES AND CHARGES FOR SPECIAL SERVICES

Certain Filing and License Fees; Supplemental Notice

JULY 28, 1967.

The Board in 32 F.R. 9841, as corrected in 32 F.R. 10265, and by circulation of ODR-3, dated June 29, 1967, gave notice that it had under consideration amendments to and reissuance of Part 389 which would set forth additional fees for Board services. Interested persons were invited to participate in the rule making proceeding by submission of 10 copies of written data, views, or arguments to the Docket Section of the Board on or before August 7, 1967.

The Air Transport Association, which has been requested to submit joint comments on behalf of its member airlines, has requested a 45-day extension of the time for filing comments. The Association believes such an extension is needed because of the very significant question of law and policy raised by the proposal, the substantial importance of the matter to the entire airline industry, the time required to obtain and coordinate the views of the large number of carriers involved, and the need to effect compliance with Part 263.

The undersigned finds that good cause has been shown for the extension of time requested. Accordingly, pursuant to authority delegated in § 385.20(d) of the Board's Organization Regulations, effective June 21, 1967, the undersigned hereby extends the time for submitting comments to September 21, 1967.

All relevant communications received on or before September 21, 1967, will be considered by the Board before taking action on the proposed rule. Copies of these communications will be available for examination in the Docket Section, Room 710, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

(Sec. 204(a), Federal Aviation Act of 1958, as amended; 72 Stat. 743; 49 U.S.C. 1324)

By the Civil Aeronautics Board.

[SEAL] ARTHUR H. SIMMS,
Associate General Counsel,
Rules and Rates Division.

[F.R. Doc. 67-9046; Filed, Aug. 2, 1967; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[10 CFR Parts 50, 115]

PRODUCTION AND UTILIZATION FACILITIES

Driving of Piles for Foundation Support for Facilities Prior to Issuance of Construction Permit

Section 50.10 of the Atomic Energy Commission's regulation, 10 CFR Part 50, Licensing of Production and Utilization Facilities, prohibits the beginning of the construction of a production or utilization facility on the site on which the facility is to be operated until a construction permit has been issued. "Construction" is, according to § 50.10(b), deemed to include pouring the foundation for, or the installation of, any portion of the permanent facility on the site, but does not include, among other things, "preparation of the site for construction of the facility." Performance of site preparation work has no effect upon the subsequent granting or denial of the construction permit, and any work performed for site preparation is done entirely at the risk, financial or otherwise, of the applicant.

On several occasions the Commission has authorized applicants for construction permits to drive piles for foundation support for a facility before issuance of the construction permit. That activity is closely related to, and may be appropriately included in, "preparation of the site for construction." The Commission has under consideration an amendment of Part 50 to specifically permit the driving of piles prior to issuance of the construction permit, and a similar amendment to Part 115, Procedures for Review of Certain Nuclear Reactors Exempted from Licensing Requirements.

Pursuant to the Atomic Energy Act of 1954, as amended, and the Administrative Procedure Act of 1946, notice is hereby given that adoption of the following amendments to 10 CFR Parts 50 and 115 is contemplated. All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed amendments should send them to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, within 60 days after publication of this notice in the FEDERAL REGISTER. Comments received after that period will be considered if it is practicable to do so, but assurance of consideration cannot be given except as to comments filed within the period specified. Copies of comments received may be examined at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

1. Subparagraph (1) of § 50.10(b) of 10 CFR Part 50 is amended to read as follows:

§ 50.10 License required.

* * * * * *

(b) No person shall begin the construction of a production or utilization facility on a site on which the facility is to be operated until a construction permit has been issued. As used in this paragraph, the term "construction" shall be deemed to include pouring the foundation for, or the installation of, any portion of the permanent facility on the site, but does not include:

(1) Site exploration, site excavation, preparation of the site for construction of the facility, including the driving of piles, and construction of roadways, railroad spurs and transmission lines;

* * * * *

2. Subparagraph (1) of § 115.8(b) of 10 CFR Part 115 is amended to read as follows:

§ 115.8 Authorization required.

* * * * * *

(b) As used in paragraph (a) of this section, the term "construction" shall be deemed to include pouring the foundation for, or the installation of, any portion of the permanent facility on the site, but does not include:

(1) Site exploration, site excavation, preparation of the site for construction of the reactor, including the driving of piles, and construction of roadways, railroad spurs and transmission lines;

* * * * *

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Washington, D.C., this 24th day of July 1967.

For the Atomic Energy Commission.

F. T. HOBBS,
Acting Secretary.

[F.R. Doc. 67-9001; Filed, Aug. 2, 1967; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 27]

BONA FIDE SPOT COTTON MARKETS FOR CONTRACT SETTLEMENT PURPOSES

Proposed Removal of Galveston, Tex. From List and Addition of Lubbock, Tex. to List

Notice is hereby given, in accordance with the administrative procedure provisions in 5 U.S.C. 553, that the Consumer and Marketing Service is considering amendment of §§ 27.93 and 27.94 of the Regulations for Cotton Classification Under Cotton Futures Legislation (7 CFR Part 27, Subpart A) to remove Galveston, Tex. from the list of bona fide spot markets (§ 27.93) and from the list of spot markets for contract settlement purposes (§ 27.94(a)) and to add Lubbock, Tex. to said list of spot markets for contract settlement purposes, pursuant to authority contained in the cotton futures provisions in sections 4862 and 4863 of the Internal Revenue Code of 1954 (68A Stat. 581, 582; 26 U.S.C. 4862, 4863).

Statement of considerations. Cotton is no longer traded in such volume and under such conditions in the Galveston, Tex. market as customarily to reflect accurately the value of spot cotton according to information available to the Department. If Galveston is removed from the list of bona fide spot cotton markets it will be replaced on the list of spot markets for contract settlement purposes. Lubbock, Tex. has been recommended by representatives of the cotton industry as this replacement. Lubbock is currently on the list of bona fide spot markets.

It is proposed that these amendments would be made effective September 1, 1967.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendments may do so by filing them in duplicate with the Office of the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 15 days after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice of rule-making shall be made available for public inspection in said office during regular business hours and in a manner convenient to the public business (7 CFR 1.27).

Dated: July 28, 1967.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 67-9062; Filed, Aug. 2, 1967; 8:49 a.m.]

[7 CFR Part 81]

INSPECTION OF POULTRY AND POULTRY PRODUCTS

Net Weight Labeling of Stuffed Poultry Products

Notice is hereby given that the Consumer and Marketing Service of the U.S. Department of Agriculture is considering amending, as indicated below, the Regulations Governing the Inspection of Poultry and Poultry Products (7 CFR Part 81), with respect to net weight labeling of stuffed poultry products, pursuant to authority contained in the Poultry Products Inspection Act, as amended (21 U.S.C. 451 et seq.).

Statement of considerations. The Consumer and Marketing Service is investigating possible courses of action to take with respect to the net weight labeling of ready-to-cook stuffed poultry products. Presently, labels for these products are required to bear only the net weight of the total product, i.e., the amount of stuffing is not specified separately and is included in the total net weight along with the weight of the poultry. The Department initiated studies to determine if this total-weight labeling is sufficient to adequately inform consumers. These studies included evaluation of 1,400 stuffed whole carcass turkeys selected from two large poultry processing plants, which reflected present stuffing and labeling practices. (Data obtained by these studies are set forth in tables I, II, and III, post.) The studies indicate that the labeling now used for stuffed poultry products may be misleading or deceptive to consumers, primarily because of the great variation in the amount of stuffing in birds of the same weight range. This variation is due to birds of the same weight; differences in specific gravity, density, or composition of the stuffing; and the inability of skillful operators to mechanically add a precise amount, by volume or weight, of stuffing to a carcass.

The first course of action considered was whether a minimum poultry meat content standard, commonly referred to as a standard of composition, should be established. Such a standard would require that products labeled with a specific name (e.g., "Stuffed Turkey") contain a specified minimum amount of poultry or contain not more than a specified maximum amount of stuffing. Such standards have been developed for other poultry food products so their development could be considered a logical approach for stuffed poultry. However, a comprehensive statistical evaluation of the amount of stuffing in stuffed poultry products showed that the variation was so great that it appeared that these products did not lend themselves to standardization by this method. For example, the amount of stuffing in stuffed turkeys of identical weights and with the same kind of stuffing and prepared by the same company can vary over 14 percent. (See table I.) It was found that there was almost a 12-ounce difference in the amount of the same kind of stuffing in birds having a final packaged total net weight of 7½ pounds. Further, the data showed that there can be an additional variation in the amount of stuffing in birds of identical weights but with different types of stuffing and stuffed by different methods and companies, due primarily to variations in the density of the stuffing. This further aggravates the problem of standardizing this product. By combining the several factors of variation, it is possible for the stuffing in poultry with identical total net weights to differ more than 20 percent or over 1 pound and a half for an 8-pound bird. This is apparent from table I. This table shows that an 8-pound bird stuffed by Company B will vary in percent of stuffing from a low of 11.6 percent to a high of 24.1 percent and that Company A stuffs its birds of that weight with 10 to 15 percent more stuffing than Company B. Company A's 8-pound birds range from about 26.8 to 34.5 percent stuffing. The total range for both companies is from 11.6 to 34.5 percent for 8-pound birds. Similar variability can be seen in most other weights. Even with zero variation between types of stuffing and size of body cavity of birds of the same weight the data showed that no single percent or weight of poultry or stuffing could be applied to all poultry of the same kind (chicken, turkey, etc.) because of the relationship between weight of bird and size of body cavity. For example, in turkeys, for each 1 pound increase in size of bird, Company B had approximately three-fourths of 1 percent decrease in percent of stuffing. (See table III.) This phenomenon, demonstrated in table III, is not obvious from looking at the ranges in table I, but was developed by means of statistical analysis of the data. Company A had no corresponding decrease. (See table II.) On the basis of these facts, it does not seem feasible to establish minimum poultry meat content or maximum stuffing content standards for stuffed poultry products and it appears that a label showing only the net weight of the total product does not afford consumers as much information as may be needed.

The next possible course of action considered was whether to require a label declaration of separate weights for the poultry and the stuffing. On the surface this, too, appeared to be an acceptable solution. However, a detailed evaluation of the processing procedures necessary for this to be accomplished indicated that adoption of such a requirement might not be in the best interest of the consumer or the industry. Such a requirement would, in all probability, significantly increase the cost of the product to the consumer. The Department is obligated to weigh carefully any regulatory requirement which would increase food cost to the public without materially or substantially adding some form of benefit to the health or welfare of the public. Requiring label statements of dual weights could well fall into this category because of the increase it would cause in complexities of processing techniques. Presently, birds of varying sizes come down a processing line and the body cavity is stuffed by the use of a machine. As a bird moves through the stuffing operation, additional stuffing is manually placed in the neck cavity and giblets of varying weights are added. Excess stuffing is then removed and the remaining stuffing is formed or rounded off to give the desirable appearance. The product is then packaged, weighed, and marked. To mark dual weights on the product could require two additional scaling and recording operations—one before stuffing, a second after stuffing, and a third after adding giblets. (Giblets are separated from the rest of the carcass during processing and would, therefore, have to be reweighed as a final step when they are placed in the container.) In addition, each bird would have to be tagged or otherwise identified to make sure the weight recorded at each scaling operation was correctly associ-

ated with the proper carcass. Each of these separate operations increases the costs of processing.

Another problem with requiring separate weights would be the difficulty of administering such a requirement. Inspection personnel in plants operating under the Poultry Products Inspection Act are required to check the accuracy of information contained on labels in addition to the more publicized functions of inspection work such as determining wholesomeness and checking for sanitation. The net weight statement is part of the label which an inspector checks for accuracy. There is obviously a greater burden in assuring three correct weighings as opposed to one. To do so would require either more inspection personnel or less attention to other important problems by the same number of inspectors. Stuffed poultry products, generally, cannot easily or accurately be check-weighed for amount of poultry and amount of stuffing after the product is in final packaged form and frozen. It is extremely difficult to completely remove 100 percent of the stuffing from a carcass. Even if this were possible, the absorption by the stuffing of undeterminable amounts of moisture and body fluids from the poultry in the course of thawing would make it impossible to ascertain the original weight of the stuffing.

The 43d National Conference on Weights and Measures in 1958 adopted a policy that the net weight on stuffed poultry should include the weight of the stuffing as well as the poultry. They had previously adopted the opposite policy which required separate weight for the stuffing and the poultry but reversed their position due, in part at least, to the problem of regulatory inspectors being unable to determine the correctness of such weights on packaged product. The "Model State Law on Weights and Measures" of the National Bureau of Standards contains the policy set forth by the 43d National Conference. This Department would hesitate to take a position in the field of weights and measures diametrically opposite to that of the National Bureau of Standards unless there were extremely important reasons and strong justifications for so doing.

Finally, with respect to requiring separate weights, there is the consideration that each additional handling during or after processing, whether it be by plant personnel or inspectors, or any slow down in movement from start of processing to completion, enhances the possibility of bacteria multiplication.

In view of the matters mentioned above, it appears that the interests of the consumer and the poultry industry can best be served by requiring that each label on ready-to-cook whole carcass stuffed poultry contain, in proximity to the total net weight statement, a statement indicating either the maximum weight of stuffing in the product or the minimum weight of poultry in the product.

The Department studies indicate that such a requirement is feasible since there are reliable upper and lower percentage limits of stuffing for poultry of a given weight range which is stuffed in the same manner and with a particular type of stuffing. These maximum or minimum percentages can be easily converted to pounds and ounces. For example, in one of the plants in which data were collected, a 25 percent maximum for stuffing or 75 percent minimum for turkey would be a highly reliable figure for birds having a net weight of approximately 8 pounds. Converted to weight, this product would contain a maximum of 2 pounds of stuffing or a minimum of 6 pounds of turkey. If 2 pounds maximum stuffing were declared on the label, the plant would be obliged to maintain the average percent of stuffing considerably below this in order to produce a product conforming to the label. (This is illustrated in tables II and III. In these tables the solid line represents the average percent of stuffing for varying turkey net weights. The broken line above this average is the percent of stuffing required to be shown on the label that would make the plants 99 percent confident of having all individual birds conform to that label.)

Processors are able to control the density of the stuffing and the weight range of the birds being stuffed. Therefore, product can be accurately labeled to indicate to the consumer that a bird will not contain more stuffing than the weight specified. In fact, the bird will contain less stuffing than specified the large majority of the time since the weight is the maximum. The Department assumes that the most desirable ingredient in this product is poultry and that consumers are interested in being assured of receiving a maximum amount of poultry in relation to stuffing. Therefore the statement on the label of the minimum poultry content or the maximum stuffing content would appear to be a very meaningful addition to the label from the viewpoint of consumers.

Processors would be able to comply with this requirement without adding substantially to their cost of production and inspectors would be able to ascertain compliance without materially reducing the time spent on other inspection activities. Stuffing and weighing procedures could continue as presently used. The operator who records the net weight of the stuffed product could, at the same time, record the minimum weight of poultry or maximum weight of stuffing from a chart established on the basis of the weight of the unstuffed bird and type of stuffing used. Such a chart would be based on a statistically sound study of each operation similar to the studies reflected in tables I, II, and III. The inspector could check the specified weight markings on the basis of chart reading correlated with net weight of the finished product.

The Department thinks that this proposed course of action for stuffed poultry would give consumers information which will be very helpful to them. At the same time, it would not shackle industry and inspectors administering the inspection program with complex and costly procedures. It would provide manufacturers with the flexibility they need in making available to the consumer a wide variety of convenient poultry food products without materially raising the cost for such items.

The Department also proposes to apply the same labeling requirements to stuffed poultry products other than ready-to-cook whole carcass poultry (stuffed turkey roast, stuffed chicken breast, etc.). The percentage of stuffing in these products varies considerably, not because a given volume of stuffing cannot be added to each unit, but because a given volume of different types of stuffing will vary in weight due to the composition of the stuffing.

Therefore, it is proposed to amend § 81.130(a)(3) of the regulations by adding at the end thereof the following:

§ 81.130 Wording on labels.

(a) * * *

(3) * * * Notwithstanding the other provisions of this subparagraph, for any stuffed poultry food product, the label must show the total net weight of the poultry product and in proximity thereto, a statement specifying either the maximum weight of stuffing or the minimum weight of poultry in the product.

* * * * *

All persons who desire to submit written data, views, or arguments in connection with the proposal shall file the same in triplicate with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than October 1, 1967.

All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

TABLE I—TURKEYS—VARIABILITY IN PERCENTAGE STUFFING

Unstuffed weight (pounds)	Standard deviation of percent stuffing	Range in percent stuffing	
		Minimum	Maximum
COMPANY A			
5.0- 5.49	2.5	27.9	35.9
5.5- 5.99	2.7	23.6	34.1
6.0- 6.49	2.6	22.3	33.8
6.5- 6.99	4.2	22.9	36.3
7.0- 7.49	1.6	27.6	33.5
7.5- 7.99	1.5	27.1	33.9
8.0- 8.49	1.9	28.5	34.5
8.5- 8.99	2.2	25.9	33.9
COMPANY B			
5.0- 5.49	1.6	16.3	26.3
5.5- 5.99	1.8	18.1	30.6
6.0- 6.49	1.6	17.9	27.7
6.5- 6.99	1.6	14.7	25.6
7.0- 7.49	1.8	12.4	26.3
7.5- 7.99	1.5	13.1	22.6
8.0- 8.49	1.7	11.6	24.1
8.5- 8.99	1.6	13.1	21.8
9.0- 9.49	1.3	14.8	20.3
9.5- 9.99	1.3	14.0	20.0
10.0-10.49	1.3	14.4	20.3
10.5-10.99	1.5	14.6	21.1
11.0-11.49	1.5	14.5	20.1
11.5-11.99	.....	16.3	18.1
12.0-12.49	.....	14.7	20.7
12.5-12.99	.....	15.1	19.0
13.0-13.49	.....	15.4	18.7

Table II
(Company A)

TURKEYS - PERCENT STUFFING AS A FUNCTION OF TOTAL NET WEIGHT

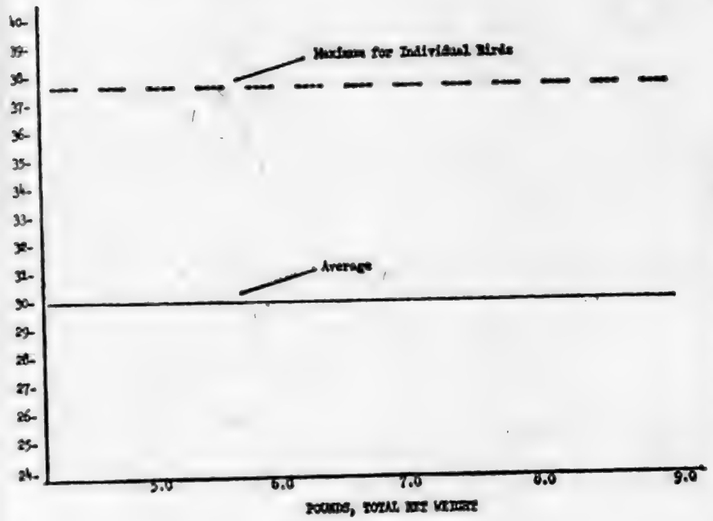
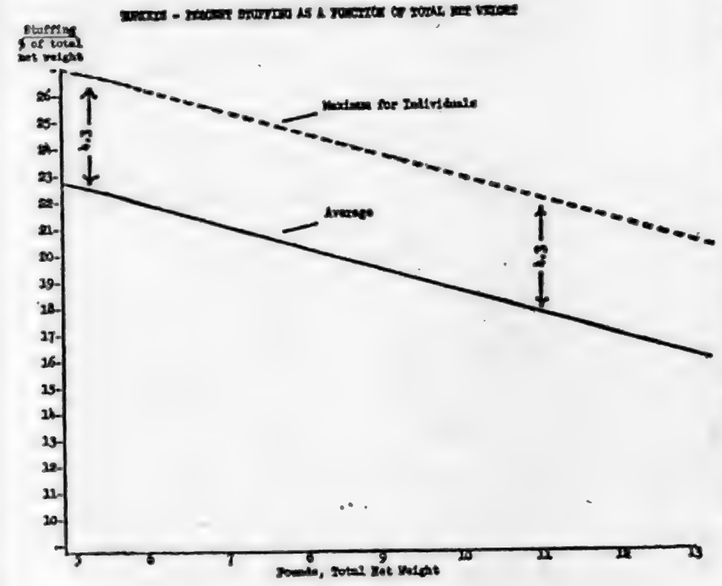


Table III
(Company B)

TURKEYS - PERCENT STUFFING AS A FUNCTION OF TOTAL NET WEIGHT



Done at Washington, D.C., this 28th day of July 1967.

R. K. SOMERS,
Deputy Administrator, Consumer Protection, Consumer and Marketing Service.

[F.R. Doc. 67-8993; Filed, Aug. 2, 1967; 8:45 a.m.]

[7 CFR Part 980]

ONIONS

Proposed Import Regulation

Notice is hereby given of proposed grade, size, quality, and inspection requirements to be made applicable to the importation of onions into the United States pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit written data, views, or arguments in connection with these proposals shall file the same, in quadruplicate, with the Hearing Clerk, Room 112-A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than the 15th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during the regular business hours (7 CFR 1.27(b)).

§ 980.106 Onion import regulation.

Except as otherwise provided, during the period September 1, 1967, through June 15, 1968, no person may import dry onions of the yellow or white varieties unless such onions are inspected and meet the requirements of this section.

(a) *Minimum grade and size requirements*—(1) *yellow varieties*—(i) *Grade.* U.S. No. 2 or better grade.

(ii) *Size.* 2 inches minimum diameter.

(2) *White varieties*—(i) *Grade.* U.S. No. 2 or better grade.

(ii) *Size.* 1 inch minimum diameter.

(b) *Condition.* Due consideration shall be given to the time required for transportation and entry of onions into the United States. Onions with transit time from country of origin to entry into the United States of 10 or more days may be entered if they meet an average tolerance for decay of not more than 5 percent, provided they also meet the other requirements of this section.

(c) *Minimum quantity.* Any importation which in the aggregate does not exceed 100 pounds in any day, may be imported without regard to the provisions of this section.

(d) *Plant quarantine.* Provisions of this section shall not supersede the restrictions or prohibitions on onions under the Plant Quarantine Act of 1912.

(e) *Designation of Governmental inspection service.* The Federal or the Federal-State Inspection Service, Fruit and

Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, and the Fruit and Vegetable Division, Production and Marketing Branch, Canada Department of Agriculture, are designated as governmental inspection services for certifying the grade, size, quality and maturity of onions that are imported into the United States under the provisions of section 8e-1 of the act.

(f) *Inspection and official inspection certificates.* (1) An official inspection certificate certifying the onions meet the United States import requirements for onions under section 8e-1 (7 U.S.C. 608e), issued by a designated governmental inspection service and applicable to a specific lot is required on all imports of onions.

(2) Inspection and certification by the Federal or Federal-State Inspection Service will be available and performed in accordance with the rules and regulations governing certification of fresh fruits, vegetables and other products (Part 51 of this title). Each lot shall be made available and accessible for inspection as provided therein. Cost of inspection and certification shall be borne by the applicant.

(3) Since inspectors may not be stationed in the immediate vicinity of some smaller ports of entry, importers of onions should make advance arrangements for inspection by ascertaining whether or not there is an inspector located at their particular port of entry. For all ports of entry where an inspection office is not located, each importer must give the specified advance notice to the applicable office listed below prior to the time the onions will be imported.

Ports	Office	Advance notice
All Texas points	W. T. McNabb, Post Office Box 111, 222 McClendon Bldg., 305 East Jackson St., Harlingen, Tex. 78550 (Phone—412—Garfield 3-5644—1240).	1 day.
All Arizona points	R. H. Berteleon, 136 Grand Ave., Post Office Box 1614, Nogales, Ariz. 85621 (Phone—602—AShwater—7-2002).	Do.
All California points	Carley D. Williams, 294 Wholesale Terminal Bldg., 754 South Central Ave., Los Angeles, Calif. 90021 (Phone—213—626-6746).	3 days.
All Hawaii points	Stevenson Ching, 1428 South King St., Powaa Substation, Post Office Box 5428, Honolulu, Hawaii 96814 (Phone—9-2071).	1 day.
New York City	Edward J. Beller, 346 Broadway, Room 808, New York, N.Y. 10013 (Phone—212-264-1130).	Do.
New Orleans	Pascal J. Lamarca, 2025 Federal Office Bldg., 701 Loyola Ave., New Orleans, La. 70113 (Phone—504—527-6741—6742).	Do.
All other points	D. S. Matheson, Fruit and Vegetable Division, C&MS, Washington, D.C. 20250 (Phone—202—Dudley-8-5870).	3 days.

(4) Inspection certificates shall cover only the quantity of onions that is being imported at a particular port of entry by a particular importer.

(5) In the event the required inspection is performed prior to the arrival of the onions at the port of entry, the inspection certificate that is issued must show that the inspection was performed at the time of loading such onions for direct transportation to the United States; and if transportation is by water, the certificate must show that the inspection was performed at the time of loading onto the vessel.

(6) Each inspection certificate issued with respect to any onions to be imported into the United States shall set forth, among other things:

(i) The date and place of inspection;

(ii) The name of the shipper, or applicant;

(iii) The commodity inspected;

(iv) The quantity of the commodity covered by the certificate;

(v) The principal identifying marks on the containers;

(vi) The railroad car initials and number, the truck and trailer license number, the name of the vessel, or other identification of the shipment; and

(vii) The following statement, if the facts warrant:

Meets U.S. Import requirements under section 8e-1 of the Agricultural Marketing Agreement Act.

(g) *Reconditioning prior to importation.* Nothing contained in this part shall be deemed to preclude any importer from reconditioning prior to importation any shipment of onions for the purpose of making it eligible for importation.

(h) *Definitions.* For the purpose of this section, "Onions" means all varieties of Allium cepa marketed dry, except dehydrated, canned and frozen onions, onion sets, green onions, and pickling onions. Onions commonly referred to as "braided," that is, with tops, may be imported if they meet the grade and size requirements except for top length. The terms "U.S. No. 1," and "U.S. No. 2" shall have the same meaning as set forth in the U.S. Standards for Grades of Onions (Other than Bermuda-Granex and Creole Types), §§ 51.2830–51.2854 of this title. Tolerances for size shall be those in the U.S. Standards. Onions meeting the requirements of Canada No. 1 and No. 2 grades shall be deemed to comply with the requirements of U.S. No. 1 and U.S. No. 2 grades. "Importation" means release from custody of the U.S. Bureau of Customs.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 28, 1967.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-9063; Filed, Aug. 2, 1967; 8:49 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 67-CE-83]

FEDERAL AIRWAY

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter VOR Federal airway No. 6, and No. 160.

The Sidney, Nebr., VOR will be relocated to a site at approximately latitude 41°05'45" N., longitude 102°58'51" W., in March 1968. All the airways predicated on this facility will automatically be realigned on the VOR at the new site with the exception of V-6 from Medicine Bow, Wyo., to Sidney, and V-160 from Denver, Colo., to Sidney. It is proposed to redesignate this segment of V-6 from Medicine Bow via the INT of Medicine Bow 106° T (092° M) and Sidney 291° T (278° M) radials to Sidney. This would provide 15° separation from V-138 at Sidney. It is also proposed to realign V-160 from Denver via the INT of Denver 045° T (032° M) and Sidney 230° T (217° M) radials to Sidney. This would retain the present alignment of V-160 in the Denver terminal area and preclude alteration of current Air Traffic Control procedures based on this alignment. The floors of 1,200 feet above the surface would be retained on these airway segments.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Building, Federal Aviation Administration, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on July 27, 1967.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-9039; Filed, Aug. 2, 1967; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 17627; FCC 67-883]

FM BROADCAST STATIONS

Table of Assignments; Tazewell, Va., etc.

In the matter of amendment of § 73.202 *Table of Assignments*, FM Broadcast Stations (Tazewell, Va., Guntersville, Ala., Winnsboro, La., Fosston, Minn., Tuscola, Ill., Mansfield, Pa., Cathedral City, Calif, Harrodsburg, Ky., Pipestone, Minn., Albany, N.Y., Murfreesboro, Ahoskie, Washington, Plymouth, and New Bern, N.C., Laurel, Miss., Ukiah, Calif., and Carbondale, Ill.), Docket No. 17627, RM-1154, RM-1153, RM-1155, RM-1146, RM-1162, RM-1158, RM-1163, RM-1172, RM-1141, RM-1148, RM-1121, RM-1165, RM-1125, RM-1168.

1. Notice is hereby given of proposed rule making in the above-entitled matters, concerning amendments to the FM Table of Assignments contained in § 73.202(b) of the Commission's rules. All the proposed assignments are alleged and appear to meet the spacing requirements of the rules. All assignments proposed within 250 miles of the U.S.-Canadian border require coordination with the Canadian Government under the terms of the Canadian-United States FM Agreement of 1947 and the Working Arrangement of 1963. Except as noted, all assignments proposed for shift or deletion are unoccupied and not applied for, and all population figures are taken from the 1960 U.S. Census.

2. *RM-1154, Tazewell, Va. (C. A. Hess, W. H. Bowen, and Fred Cox); RM-1153, Guntersville, Ala. (Guntersville Broadcasting Co.); RM-1155, Winnsboro, La. (KMAR Broadcasting Corp.); RM-1146, Fosston, Minn. (Fosston Broadcasting Co.); RM-1162, Tuscola, Ill. (Charles R. Banks); RM-1158, Mansfield, Pa. (Farm and Home Broadcasting Co.); RM-1163, Cathedral City, Calif. (Glen Barnett); RM-1172, Harrodsburg, Ky. (Fort Harrod Broadcasting Co.).* In these 8 cases interested parties seek the first Class A assignment in communities having no FM assignments and without requiring any other changes in the Table. The communities are of substantial size and have either no AM station or a daytime-only or a Class IV AM station each. Comments are therefore invited on the following additions to the Table:

City	Channel No.
Guntersville, Ala.	240A
Cathedral City, Calif.	276A
Tuscola, Ill.	228A
Harrodsburg, Ky.	257A
Winnsboro, La.	224A
Fosston, Minn.	296A
Mansfield, Pa.	[1] 296A
Tazewell, Va.	261A

[1] Petitioner alternatively proposes that Channel 296A be substituted for 249A at Wellsboro and that Channel 249A be assigned to Mansfield. However, since the first proposal is the simpler of the two, we are inviting comments only on this one. Petitioner further makes a showing that no future needed assignments will be precluded by the proposal, in line with the recent Public Notice—"Policy To Govern Requests for Additional FM Assignments", issued on May 12, 1967.

3. *RM-1141, Pipestone, Minn.* In a petition for rule making filed on April 27, 1967, KLOH, Inc., licensee of Station KLOH(AM), Pipestone, Minn., requests the substitution of Class C Channel 254 for Class A Channel 252A in Pipestone, as follows:

City	Channel No.	
	Present	Proposed
Pipestone, Minn.	252A	254

Pipestone is a community of 5,324 persons and its county, of which it is the seat and largest community, has a population of 13,605 persons. KLOH is a daytime-only station and the only one in Pipestone County and in adjoining Rock County. Petitioner urges that Pipestone needs a Class C assignment to provide coverage to the large area served by KLOH (due to the high conductivity in the area) including the city of Luverne in Rock County, where it has one employee on a fulltime basis, that it would represent a more efficient use of the spectrum in that improved service would result without depriving any community of an assignment, and that it would permit broadcasts of vital weather information and other information and entertainment programs during the early morning and evening hours.

4. While Pipestone is only 35 miles southwest of Sioux Falls, South Dakota, where four Class C assignments have been made, KLOH submits that there is little expectation that these stations, located in another state, would provide the local program needs of Rock and Pipestone Counties. An engineering showing is also included to prove that a substantial area and population would be served with a first FM signal ("white area"). Based upon assumption of "reasonable facilities" of 100 kw power and antenna height of 400 feet above average terrain (resulting in a radius of 35 miles to the 1 mv/m contour) for all existing and assigned Class C channels in the area and for the proposed station, KLOH shows that an additional area of 1,083 square miles, containing 15,797 persons, would receive a first FM signal of 1 mv/m field strength as against a Class A station at the same location and with maximum Class A facilities.

5. Normally, a community the size of Pipestone is assigned a Class A channel, as was done in this case. However, in view of the isolation of the community from large population centers, and the claims that a large "white area" would be served made by the petitioner, we are inviting comments on the proposal to substitute a Class C for the Class A channel assigned.

6. *RM-1148, Albany, N.Y.* On May 5, 1967, and supplemented on June 20, 1967, WPOW, Inc., proposed assignee of Station WHAZ(AM), Troy, N.Y., filed a petition requesting the addition of Channel 299 as a third Class B assignment to Albany, N.Y., as follows:

City	Channel No.	
	Present	Proposed
Albany, N.Y.	238, 265A, 276A, 280A, 300	238, 265A, 276A, 280A, 293, 299

Albany has a population of 129,726 and its Standard Statistical Metropolitan Area (Albany-Schenectady-Troy) has a population of 657,503. There are four unlimited time AM stations operating in Albany. The two Class B assignments are in operation as is one Class A (276A). No applications have been filed for the remaining Class A assignments. There is one Class B assignment each in Schnectady (population 81,682) and Troy (population 67,492), the former also having two fulltime AM stations and the latter one fulltime and one daytime-only AM station.

7. In support of its proposal, petitioner urges that Albany is not only the capital of New York State but also the principal city in the 38th largest metropolitan area in the Nation, that Channel 299 would be only the fifth Class B assignment to the three-city complex, and that it would not require any other changes in the Table. WPOW, Inc. also cites the description of a Class A assignment found in § 73.206(a)(2) of the rules to justify the request for a Class B channel, in spite of the fact that Class A channels are available in the community. WPOW also shows that no possible assignments would be precluded on the pertinent adjacent channels by the proposed addition of Channel 299 to Albany. As to the proposed assignment, petitioner demonstrates that there is a small irregular area in which this assignment can be made with only a few communities (other than Albany) located therein and which already have at least one Class A assignment. In view of the above, petitioner submits that the proposal conforms with the "Policy To Govern Requests for Additional FM Assignments" issued on May 12, 1967.

8. In setting up the present FM Table of Assignments an attempt was made to assign from four to six Class B assignments to a city the size of Albany. Since it was not possible at the time to assign

all Class B channels to Albany, a mixture of Class A and B were assigned. Considering the three communities together we would have assigned from six to 10 such assignments. In view of the fact that the proposal would not exceed the criteria used in drafting the Table and since it appears that the proposed addition would not preclude future needed assignments in other communities, we are inviting comments on the petitioner's proposal as outlined above.

9. *RM–1121, Murfreesboro, Ahoskie, Washington, Plymouth, and New Bern, N.C.* In a petition for rule making filed on March 14, 1967, and amended on June 12, 1967, Murfreesboro Broadcasting Corp., licensee of Station WWDR (AM), Murfreesboro, N.C., requests the assignment of Channel 252A to Murfreesboro, N.C., by making the necessary changes in four other North Carolina communities as follows:

City	Channel No.	
	Present	Proposed
All in North Carolina:		
Murfreesboro	.....	252A
Ahoskie	249A	287A
Washington	252A	249A
Plymouth	287A	249A
New Bern	249A	287A

10. Murfreesboro has a population of 2,643 and the county in which it is located has a population of 22,718. Petitioner states that the area (northeast North Carolina) is primarily an agricultural section but that new industry is locating in the area. It submits that Murfreesboro is a daytime-only station own county, Hertford, and the neighboring county, Northampton, since the latter has no trade center of its own. In view of the fact that the only station in Murfreesboro is a day-time-only station, the proposal would provide the first local nighttime service and the first FM service and that it would give the people access to local emergency weather and news bulletins, sports, concerts, etc.

11. None of the channels proposed to be changed are occupied or applied for with the exception of Channel 249A, assigned to New Bern. There is an outstanding construction permit for the use of this assignment at Bridgeton (WVWM–FM) and the proposal would require a modification of this authorization to specify Channel 287A in lieu of 249A. The construction permit for this station was granted on November 29, 1965, but the station has not yet been constructed.

12. Since the proposal would assign a first Class A FM assignment in a community without any local nighttime service and would not delete any needed assignments elsewhere, we are of the view that comments should be invited on the petitioner's proposal as outlined above.

13. *RM–1165, Laurel, Miss.* New Laurel Radio Station, Inc., licensee of Station WAML(AM), Laurel, Miss., in a petition filed on June 5, 1967, requests the assignment of Channel 272A to Laurel as follows: [1]

City	Channel No.	
	Present	Proposed
Laurel, Miss.	269	269, 272A

Laurel has a population of 27,889 and its county (Jones) has a population of 59,542. It has three AM stations, two daytime-only and one Class IV, licensed to petitioner. WNSL–FM operates on Channel 269. Petitioner submits that Laurel and Jones County is one of the largest areas in the State and that it merits additional FM service, that the assignment is technically feasible, and that Channel 272A is feasible only in a small area in which one other town is located.

14. We are of the view that rule making is warranted on the petitioner's request for a second FM assignment in Laurel. However, in view of our reluctance to assign a mixture of classes of stations in the same community, comments are invited on this aspect of the proposal as well. We are in addition requesting a showing on the possible preclusion of needed future assignments in other communities on the same and the six adjacent channels. See Public Notice–Policy to Govern Requests for Additional FM Assignments, issued on May 12, 1967.

15. RM–1125, Ukiah, Calif. The Commission has before it for consideration a petition for reconsideration of its Memorandum Opinion and Order issued in RM–1125 on May 15, 1967, FCC 67–564, denying the request of J & W Broadcasters, permittee of Station KLIL(FM) on Channel 232A at Ukiah, for the substitution of Channel 233 for 232A at Ukiah, Calif., as follows:

City	Channel No.	
	Present	Proposed
Ukiah, Calif.	232A, 262A	232A, 233

Ukiah, the county seat and largest community in Mendocino County, has a population of 9,900 and the county has a population of 51,059. There are two AM stations in the community, a daytime-only station and a Class IV station. There are two outstanding construction permits for the two presently assigned Class A FM channels, including KLIL(FM).

16. The request for the substitution of the Class B channel for the Class A was denied on the grounds that there was no showing of need for the wide-area coverage assignment, but no showing was made that unserved areas would be covered, that future needed assignments could be precluded elsewhere, and that no justification was given for the mixture of a Class A and B channel in the same community. J & W urge that their petition for reconsideration now makes all the showings called for in the denial and that it fully justifies the proposal in accordance with the policy statement issued by the Commission on May 12, 1967, Policy to Govern Requests for Additional FM Assignments. J & W submit that Ukiah is far removed from other larger communities, with the nearest being Santa Rosa about 56 miles distant, that it is located in a very mountainous area making it difficult to cover the small communities near Ukiah, and that all the area which would be served by a Class B assignment but not by a Class A station is without any FM service. With respect to the possible future impact on the proposed channel and the pertinent six adjacent channels, petitioner shows that, with the exception of one channel (234), there would not result any preclusion of assignments in the future due to the proposal. On Channel 234 two areas would not be able to have assignments but in both areas about 12 channels are available for future needs or demands. Concerning the matter of intermixture of a Class A and B channel in the community, J & W states that this can be eliminated since Channels 277 and 298 can also be assigned to Ukiah and thus the intermixture would be "based solely upon the desire, and perhaps the financial ability, of the licensees and permittees to provide wide area service".

17. In view of the showing made by petitioner we believe that we should invite comments on the proposal outlined above. Since J & W hold a construction permit for Channel 232A for Station KLIL(FM) and since the proposal would delete this assignment in order to assign Channel 233 there, consideration will have to be given to a modification of this authorization, in the event the proposal is adopted.

18. *RM–1168, Carbondale, Ill.* On June 12, 1967 (amended July 7, 1967), Paul P. McRoy, licensee of Station WCIL (AM), Carbondale, Ill., filed a petition requesting the substitution of Channel 268 for 269A at Carbondale, Ill., as follows:

City	Channel No.	
	Present	Proposed
Carbondale, Ill.	269A	268

Carbondale has a population of 14,670 and Jackson County, of which it is the largest community, has a population of 42,151. No applications have been filed for the present Class A assignment. It has a daytime-only AM station (WCIL) and a noncommercial educational FM station licensed to Southern Illinois University (WSIU). Petitioner submits that according to a special U.S. Census on December 28, 1964, the population of Carbondale was 18,531 and that since then the population has increased as a result of annexation to 20,516. In addition, petitioner urges that the growth in the enrollment at Southern Illinois University from 1,482 in 1935 to 18,188 in 1967 is mirrored in the growth of Carbondale. In view of this, McRoy urges that Carbondale easily merits the assignment of a Class B channel.

19. McRoy previously sought a Class B assignment by deleting a Class C assignment from Cape Girardeau, Mo. He states that this request was denied principally on the grounds that the deletion from Cape Girardeau would deprive a "white area" to the west of that city and the substitution of a Class A channel for the Class C at Cape Girardeau would result in a mixture of classes of stations in the community. See Memorandum Opinion and Order in RM–1115 issued on April 17, 1967, 7 FCC 2d 848. McRoy submits that the above considerations leading to the denial of the previous request are not pertinent to the subject request since the assignment of Channel 268 to Carbondale can be accomplished without depriving any other community of an assignment. With respect to the possible impact of the assignment of Channel 268 to Carbondale, McRoy shows that this channel is technically feasible only in an area of southern Illinois in which Carbondale is by far the largest community. As to the impact on the six adjacent channels, petitioner includes a showing which demonstrates that none of these channels would be precluded in any area which is not already precluded by existing stations and assignments in other communities.

20. We believe that rule making in this case is warranted and we invite comments on the proposal as outlined above in order that all interested parties may submit their views and relevant data.

21. Authority for the adoption of the amendments proposed herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

22. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested parties may file comments on or before September 15, 1967, and reply comments on or before September 29, 1967. All submissions by parties to this proceeding or by persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

23. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all written comments, replies, pleadings, briefs, or other documents shall be furnished the Commission.

Adopted: July 26, 1967.

Released: July 31, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[2]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 67–9050; Filed, Aug. 2, 1967; 8:49 a.m.]

[1] Petitioner requests a Class C assignment but specifies Class A Channel 272A apparently since no Class C channel is available to Laurel in conformance with the required minimum separations.

[2] Commissioners Bartley, Lee and Loevinger absent.

[47 CFR Part 73]

[Docket No. 11279; FCC 67–891]

SUBSCRIPTION TELEVISION SERVICE

Order Setting Oral Argument

In the matter of amendment of Part 73 of the Commission's rules and regulations (Radio Broadcast Services) to provide for Subscription Television Service; Docket No. 11279.

1. The Commission has before it for consideration its order released in this proceeding on July 14, 1967 (FCC 67–819; 32 F.R. 10606, July 19, 1967), and the Attachment thereto which consisted of a Report of the Commission's Subscription Television Committee dated July 3, 1967. The order stated that, as an aid in studying and resolving this matter, the Commission intended to hold oral argument in the early fall in this proceeding and would specify a date for the argument by a subsequent order. It also stated that interested parties could file written comments or outlines of oral arguments, not to exceed 50 pages, on or before September 15, 1967.

2. The order further said that the oral argument would be most useful if addressed to the report of the Subscription Television Committee. That report consisted primarily of a proposed Fourth Report and Order and a Second Further Notice of Proposed Rule Making herein, which the Committee transmitted to the Commission and recommended for adoption. The Fourth Report and Order would, if adopted, establish a nationwide over-the-air subscription television (STV) service and, with the exception of rules governing STV system performance capability, would promulgate rules governing that service. The Committee recommended that the Second Further Notice of Proposed Rule Making, which invites comments on proposed rules governing STV system performance capability (and assumes that STV would not be limited to the use of a single technical system), be adopted simultaneously with the Fourth Report and Order.

3. After further consideration, the Commission has today determined the date on which oral argument will be held, and has also decided that it would be in the public interest to issue at this time the Second Further Notice of Proposed Rule Making inviting comments on proposed rules concerning STV system performance capability, instead of waiting until final decisions which might favor adoption of the Fourth Report and Order are made.

4. The reason for the decision to issue the Second Further Notice of Proposed Rule Making at the present time is that this will permit the Commission to give consideration to the technical matters concerning system performance capability sooner so that if, after oral argument, it should be decided to establish an STV service and not limit it to the use of a single technical system, the technical and other matters can be considered concurrently and the new service could get under way with a minimum of delay.

5. It is emphasized that the decision to issue the Second Further Notice of Proposed Rule Making at this time is not to be construed as a prejudgment of the basic issue of whether a nationwide STV service should be established, or of the issue of whether, if authorized, STV should be restricted to the use of a single technical system or permitted on any system which meets general system performance capability standards established by the Commission. The decision it is repeated, is solely for the purpose of expediting an earlier commencement of the service should it be decided that such a service is in the public interest and that use of multiple systems should be permitted.

6. The Commission has studied detailed specifications of present or proposed STV systems submitted by parties to this proceeding. This has helped in the formulation of the proposed rules set forth below which would permit the use of any STV technical system which meets the standards set therein. These rules would require adequate performance of STV systems in serving subscribers and in avoiding any increase of interference to conventional TV services.

7. The Commission does not presently foresee the need for special technical operating requirements for STV, and in the absence of such requirements the operating requirements for conventional television station operation will apply. Should any parties believe that special rules on the subject are necessary for STV, their suggestions and comments would be welcome.

8. Authority for the rule amendments proposed herein is contained in sections 4(i), 301 and 303 (e), (f), and (r) of the Communcations Act of 1934, as amended.

9. *Accordingly, it is ordered,* That pursuant to the procedures set forth in § 1.415 of the Commission's rules and regulations, interested parties may, in response to the Second Further Notice of Proposed Rule Making, file comments on or before September 29, 1967, and reply comments on or before October 20, 1967. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it in addition to the specific comments invited by this notice.

10. *It is further ordered,* That, in accordance with the provisions of § 1.419 of the rules and regulations of the Commission, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents filed in the proceeding shall be furnished the Commission.

11. *It is further ordered,* That oral argument will be held in this proceeding at the Commission's offices in Washington, D.C., on October 2, 1967.

12. *It is further ordered,* That parties interested in participating in said oral argument shall notify the Secretary of the Commission in writing on or before September 15, 1967, briefly setting forth

their intention to appear at the argument, their position in this matter, and the approximate amount of time they wish to use in argument: *Provided*, That interested parties may, in addition to the aforementioned brief submission, submit (in a separate filing) written comments or outlines of their arguments, not to exceed 50 pages, on or before September 15, 1967, pursuant to our order released on July 14, 1967, in this docket: *And provided further*, That the aforementioned brief submissions, comments, and outlines of arguments shall not be addressed to that portion of the report of the Subscription Television Committee dated July 3, 1967, which consisted of the Second Further Notice of Proposed Rule Making pertaining to system performance capability standards.

13. *It is further ordered*, That after the various requests filed pursuant hereto are received, the amount of time allowed to various parties will be specified by further order, which will also set forth the order of presentation.

Adopted: July 26, 1967.

Released: July 31, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

It is proposed that § 73.644 of the Commission's rules and regulations be amended by the addition thereto of a new paragraph (b) as follows:

§ 73.644 Equipment and system performance requirements.

* * * * *

(b) The criteria for type acceptance of subscription television systems are as follows:

(1) The system shall be capable of operating by delivering a suitable signal to the antenna input terminals of receivers designed for reception of a signal meeting technical standards for color or monochrome television transmission and accompanying aural signal as set forth in Subpart E of this Part 73 of the Commission's rules. For the purpose of this requirement, a "suitable signal" shall be one which, except for distortion or changes caused by the transmitting antenna, receiving antenna or entering in the propagation medium, complies with all technical standards for color or monochrome transmission and accompanying aural signal set forth in this Part 73 of the Commission's rules.

(2) Spectral energy in transmission shall not exceed limitations set forth in § 73.687(1).

(3) No increase in width of the television broadcast channel (6 Mc/s) shall be required.

(4) Visual power (peak or average) and aural power shall not be necessary in excess of that now authorized, to provide coverage equal to that obtained by normal transmission standards.

(5) The encoded visual and aural programs shall be recoverable without perceptible degradation as compared to the same programs transmitted in accordance with Commission monochrome and color standards.

(6) Internal modifications to subscribers' receivers shall not be required.

(7) Interference to conventional television and subscription television, cochannel and adjacent channel, monochrome and color, shall not exceed that occurring from conventional television broadcasting conducted in compliance with the standards of Subpart E of this Part 73 of the Commission's rules.

(8) Susceptibility to interference of any kind shall not be greater than with conventional television broadcasting conducted in compliance with the standards of Subpart E of this Part 73 of the Commission's rules.

[F.R. Doc. 67-9060; Filed, Aug. 2, 1967; 8:49 a.m.]

[1] Commissioners Bartley, Lee, and Loevinger absent.

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 274]

[Release Nos. 34-8133, IC-5035]

QUARTERLY REPORT OF MANAGEMENT INVESTMENT COMPANIES

Proposed Revision of Form N–30B–1 and Redesignation Thereof as Form N–1Q

Notice is hereby given that the Securities and Exchange Commission has under consideration proposed revisions of quarterly report form N–30B–1 (17 CFR 274.106), as set forth below.

This report is now required to be filed with the Commission by registered management investment companies except those which issue periodic payment plan certificates. Since there presently is no quarterly report form specified for management investment companies which issue periodic payment plan certificates, it is proposed to make the attached revised form applicable to them. The revised form would be designated Form N–1Q, and the various rules and regulations of the Commission which refer to the existing form would be appropriately amended to refer to the new designation.

It is proposed to add a new Item 1 to the quarterly report which would require management investment companies to report the number of shares (or other unit) or principal amount of debt securities acquired or disposed of for its portfolio during the preceding calendar quarter and the holdings of such securities and cash at the end of the quarter. No report pursuant to Item 1 would be required, however, if there were no transactions in such securities during the quarter. The amount of each security owned would be required on the first report filed pursuant to the new Item and on the first report filed pursuant to the new Item after a calendar year end. Small business investment companies would not be required to answer Item 1 in view of the concentration of their holdings in the securities of small business concerns.

The proposed amendment would provide the public with valuable information about securities transactions by management investment companies. Moreover, it would materially aid the Commission and others in conducting studies of these transactions and their impact in the market place and would provide the Commission with information necessary to carry out its regulatory responsibilities.

The Form N–30B–1 is now required to be filed within 30 days after the end of the fiscal quarter in which any of the events required to be reported occur. To obtain information about portfolio transactions on a comparable time basis, the revised form would be required to be filed for, and within 30 days after, each calendar quarter. The first report on Form N–1Q would be due after the first calendar quarter to be designated by the Commission and would be required to set forth any events specified in Form N–30B–1 which occurred since the close of the last fiscal quarter for which that form was required and which had not been previously reported.

The revised form would also require registrants to summarize certain information in the report on a new facing page. This summarization will materially help the public in reviewing the report by highlighting certain important facts and will assist the Commission in placing this information into its computer.

Eight copies of the report would be required to be filed with the Commission. Four copies would be kept in the Commission's principal office for the use of the staff and for public inspection. It is proposed that the additional copies would be placed in the principal regional offices of the Commission and in the regional office for the region in which the registrant has its principal office. This would make the information contained in the report more readily available to interested persons, in line with recommendations of the Special Study of Securities Markets. The report would be required to be prepared on paper 8½ x 11 (rather than 13) inches in size to facilitate the handling and filing of the data.

The proposed form would be adopted pursuant to sections 30 and 38 of the Investment Company Act of 1940 (15 U.S.C. 80a–29, 80a–37) and sections 13, 15(d), 23(a), and 24 of the Securities Exchange Act of 1934 (15 U.S.C. 78m, 78o(d), 78w). All interested persons are invited to submit views and comments with respect to the proposed revisions of quarterly report Form N–30B–1, captioned in the attached draft as Form N–1Q. They should be submitted in writing to the Securities and Exchange Commission, Washington, D.C. 20549 on or before August 25, 1967. All such communications should refer to Investment Company Act Release No. 5035, and they will be available for public inspection.

(Secs. 13, 15(d), 23(a), 48 Stat. 894, 895, 901, as amended, secs. 3, 8, 49 Stat. 1377, 1379, secs. 4, 6, 78 Stat. 569, 570, 15 U.S.C. 78m, 78o(d), 78w; secs. 30, 38, 54 Stat. 836, 841, 15 U.S.C. 80a–29, 80a–37)

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

JULY 25, 1967.

§ 274.106 Form N–1Q, for quarterly report of Registered Management Investment Company.

(a) *General Instructions*—(1) *Rule as to use of form N–1Q.* (i) Form N–1Q is to be used for quarterly reports pursuant to Section 30 of the Investment Company Act of 1940 ("Act") and Section 13 or 15(d) of the Securities Exchange Act of 1934 by all management investment companies to report the occurrence during the preceding calendar quarter of any one or more of the events specified in the items of this form.

(ii) The report is to be filed within 30 days after the close of each calendar quarter during which any of the specified events occurred.

(iii) Notwithstanding the foregoing, a report need not be filed on this form if substantially the same information as that required by this form has been previously reported by the registrant. The term "previously reported" is defined in Rule 8b–2 under the Act, [17 CFR 270.-8b–2].

(2) *Application of general rules and regulations.* (i) The General Rules and Regulations under the Act [17 CFR Part 270] contain certain general requirements which are applicable to reports on any form. These general requirements should be carefully read and observed in the preparation and filing of reports on this form, subject to the requirements of General Instruction C below as to the size of paper to be used and of General Instruction D below as to the number of copies to be filed.

(ii) Particular attention is directed to Regulation 8B of the Act [17 CFR 270.8b–1 et seq.] which contains general requirements regarding matters such as the legibility of the report and the information to be given whenever the title of securities is required to be stated. The definitions contained in Rule 8b–2 under the Act [17 CFR 270.8b–2] should be especially noted.

(3) *Preparation of report.* This form is not to be used as a blank form to be filled in, but only as a guide to the preparation of the report on good quality unglazed, white paper 8½ x 11 inches in size. However, tables, charts, maps, and financial statements may be on larger paper if folded to that size. The report shall contain the numbers and captions of all applicable items, but the text of such items may be omitted, provided the answers thereto are prepared in the manner specified in Rule 8b–13 [17 CFR 270.8b–13] under the Act. All items which are not required to be answered in the particular report may be omitted and no reference thereto need be made in the report. All instructions should also be omitted.

(4) *Filing of reports and signature.* Eight complete copies of each report on this form, including exhibits and all papers and documents filed as a part thereof, shall be filed with the Commission. At least one such complete copy shall be filed with each exchange, if any, on which a security of the registrant is registered. At least one of the copies filed with the Commission and one filed with each such exchange shall be manually signed. Unsigned copies shall be conformed.

(5) *Reports by Small Business Investment Companies.* Item 1 shall not be restated or answered by any registrant which is a small business investment company licensed as such under the Small Business Investment Act of 1958.

(6) *Incorporation by reference.* Attention is directed to Rules 8b–23 and 8b–32 [17 CFR 270.8b–23, 270.8b–32] relating to incorporation by reference.

(b) *Cover page.*

SECURITIES AND EXCHANGE COMMISSION

WASHINGTON, D.C. 20549

FORM N–1Q

QUARTERLY REPORT OF MANAGEMENT INVESTMENT COMPANY

Pursuant to Section 30 of the Investment Company Act of 1940 and Section 13 or 15(d) of the Securities Exchange Act of 1934

For the Calendar Quarter Ended _____, 19__

Name of Registrant _____

IRS Empl. Ident. No. _____

Address of Principal Executive Office of Registrant: _____

(No. & Street, City, State, Zip Code)

INVESTMENT ADVISER(S)

Name: _____

Address of: _____

(No. & Street, City, State, Zip Code)

IRS EMPL. IDENT. NO. _____

PRINCIPAL UNDERWRITER(S)

Name: _____

Address of: _____

(No. & Street, City, State, Zip Code)

IRS EMPL. IDENT. No. _____

SIZE: Value of total net assets (or total assets, if a closed-end company) at the end of the calendar quarter. _____

SIGNATURE

Pursuant to the requirements of the Investment Company Act of 1940 and the Securities Exchange Act of 1934, the undersigned registrant (or depositor or trustee) has caused this report to be signed on its behalf in the City of _____ and State of _____ on the ____ day of _____, 19__.

_____

(Name of Registrant, Depositor or Trustee)

_____

(Name and Title of Person Signing on Behalf of Registrant, Depositor or Trustee)

(c) *Information required in report.*

Item 1. Changes in Portfolio Securities.

If there has been any acquisition or disposition of portfolio securities by the registrant during the calendar quarter, furnish the information specified below as to such securities and the cash balance of the registrant, in the exact tabular form prescribed by the table and in accordance with the instructions, except that (1) the first report filed pursuant to this item, and (2) the first report filed pursuant to this item after the end of a calendar year, shall also include the information as to all other portfolio securities owned by the registrant at the end of the preceding calendar quarter.

[NOTE: The form of table to be submitted in response to Item 1 is included in copies of Form N–1Q which may be obtained from the Commission by requesting copy of Investment Company Act Release No. 5035.]

Instructions to Item 1.

1. For the purpose of this item, the term "U.S. Government securities" means any securities issued by the United States or by an instrumentality of the Government of the United States. "Short-term debt securities" means any securities payable on demand or having a maturity at the time of issuance of not exceeding one year, or any renewal thereof payable on demand or having a maturity at the time of renewal likewise limited. The term "long-term debt securities" means any debt securities other than short-term debt securities.

2. Except for U.S. Government securities and short-term debt securities, with respect to which only the totals for each such category shall be shown in columns (3) through (7), the required information shall be shown separately for each security acquired or disposed of by the registrant during the calendar quarter, even though the registrant may not have owned the particular security at the end of the quarter.

3. Acquisitions and dispositions other than for cash, set forth in columns (4) and (6), such as acquisitions by reason of stock dividends, stock splits, exchanges, or margin purchases, or dispositions through exchanges, shall be indicated by appropriate footnote stating the nature of the acquisition or disposition and the quantity, if other than that shown in the applicable column. Any security held in margin accounts or subject to option at the end of the calendar quarter shall also be indicated by footnote to the figures in column (7), which shall include the quantity and, in the case of options, the option prices and the dates within which they may be exercised.

4. Set forth in column (2), as to each security registered or traded on a national securities exchange, the symbol assigned to such security by the exchange.

5. If the registrant effected any short sale or any change in a short position in a security during the calendar quarter, it shall set forth in a separate table in columnar form the name of the issuer of such security, the title of the issue, and the exchange symbol, if any, and, in numbers of shares, the short sales during the quarter, the short positions closed during the quarter, and the short position at the end of the quarter. The first report filed pursuant to this item and the first report filed pursuant to this item after the end of a calendar year, shall also include the information as to all other securities in which the registrant had a short position at the end of the preceding calendar quarter.

6. The principal amount of all U.S. Government securities and of all other short-term and long-term debt securities, and the amount of cash, shall be stated in the nearest thousand dollars. The numbers of shares or other units of other securities shall be stated in the nearest full share or other unit.

Item 2. Submission of Matters to a Vote of Security Holders.

If any matter has been submitted to a vote of security holders, furnish the following information:

(a) The date of the meeting and whether it was an annual or special meeting.

(b) If the meeting involved the election of directors, state the name of each director elected at the meeting and of each other director now in office.

(c) Describe each other matter voted upon at the meeting and state the number of affirmative votes and the number of negative votes cast with respect to each such matter.

Instructions. 1. If any matter has been submitted to a vote of security holders otherwise than at a meeting of such security holders, corresponding information with respect to such submission shall be furnished. The solicitation of any authorization or consent (other than a proxy to vote at a stockholders' meeting) with respect to any matter shall be deemed a submission of such matter to a vote of security holders within the meaning of this item.

2. This item need not be answered as to (i) procedural matters, (ii) the selection or approval of auditors, or (iii) the election of directors or officers in cases where there was no solicitation in opposition to the management's nominees, as listed in a proxy statement pursuant to Rule 20a–1 [17 CFR 270.–20a–1] under the Act and Regulation 14A under the Securities Exchange Act of 1934 [17 CFR 240.14a–1 et seq.] and all of such nominees were elected. This item may be omitted if action at the meeting was limited to the foregoing. In cases where the registrant does not solicit proxies and the board of directors as previously reported to the Commission was re-elected in its entirety, a statement to that effect will suffice.

3. If the issuer has published a report containing all of the information called for by this item, the item may be answered by a reference to the information contained in such report, provided copies of such report are filed as an exhibit to the report on this form.

Item 3. Policies with Respect to Security Investments.

Describe any material change which has occurred in the investment policy of the registrant with respect to each of the following matters and which has not been approved by stockholders.

(a) The type of securities (for example, bonds, preferred stocks, common stocks) in which it may invest, indicating the proportion of the assets which may be invested in each such type of security.

(b) The percentage of assets which it may invest in the securities of any one issuer.

(c) The percentage of voting securities of any one issuer which it may acquire.

(d) Investment in companies for the purpose of exercising control or management.

(e) Investment in securities of other investment companies.

(f) The policy with respect to portfolio turnover.

(g) Any other investment policy which is set forth in the registrant's charter, by-laws or prospectus.

Item 4. Legal Proceedings.

(a) Briefly describe any material legal proceedings, other than ordinary routine litigation incidental to the business, to which the registrant or any of its subsidiaries has become a party or of which any of their property has become the subject. Include the name of the court in which the proceedings were instituted, the date instituted and the principal parties thereto.

(b) If any such proceeding previously reported has been terminated, identify the proceeding, give the date of termination and state the disposition thereof with respect to the registrant and its subsidiaries.

Instruction. Any bankruptcy, receivership or similar proceeding with respect to the registrant or any of its significant subsidiaries shall be described. Any proceeding to which any director, officer or other affiliated person of the registrant is a party adverse to the registrant or any of its subsidiaries shall also be described. Any proceeding involving the revocation or suspension of the right of the registrant to sell securities shall also be described.

Item 5. Changes in Security for Debt.

If there has been a material withdrawal or substitution of assets securing any class of debt of the registrant, furnish the following information:

(a) Give the title of the securities.

(b) Identify and describe briefly the assets involved in the withdrawal or substitution.

(c) Indicate the provision in the underlying indenture, if any, authorizing the withdrawal or substitution.

Instruction. This item does not apply to short-term paper. This item need not be answered where the withdrawal or substitution is made pursuant to the terms of an indenture which has been qualified under the Trust Indenture Act of 1939 (15 U.S.C. 77aaa et seq.).

Item 6. Defaults and Arrears on Senior Securities.

(a) State, as to each issue of long-term debt of the registrant which is in default at the close of the calendar quarter with respect to the payment of principal, interest or amortization: (1) Nature of default; (2) date of default; (3) amount of default per $1,000 face amount; and (4) total amount of default.

(b) State as to each issue of capital stock of the registrant on which any accumulated dividend is in arrears at the close of the calendar quarter: (1) Title of issue; (2) amount per share in arrears.

Item 7. Changes in Control of Registrant.

(a) If any person has become a parent of the registrant, give the name of such person, the date and a brief description of the transaction or transactions by which the person became such a parent and the percentage of voting securities of the registrant owned by the parent or other basis of control by the parent over the registrant.

(b) If any person has ceased to be a parent of the registrant, give the name of such person and the date and a brief description of the transaction or transactions by which the person ceased to be such a parent.

Item 8. Terms of New or Amended Securities.

(a) If the constituent instruments defining the rights of the holders of any class of the registrant's securities have been materially modified, give the title of the class involved and state briefly the general effect of such modification upon the rights of the holders of such securities.

(b) If the registrant has issued a new class of securities, furnish the description of such class called for by the applicable item of Form N–8B–1, (17 CFR 274.11).

Instructions. This item does not apply to short-term paper.

Item 9. Revaluation of Assets or Restatement of Capital Share Account.

(a) If there has been a material change during the calendar quarter in the method of valuation of the assets of the registrant, state the date of the change and explain the change, the accounts involved and the statutory or regulatory basis, if any.

(b) If there has been a material restatement during the calendar quarter of the capital share account of the registrant resulting in a transfer from capital share liability to surplus or reserves, or vice versa, state the date, purpose, and amount of the restatement and give a brief explanation of all related entries in connection with the restatement.

Item 10. Exhibits.

List below the exhibits, if any, filed as a part of this report.

[F.R. Doc. 67–8899; Filed, Aug. 2, 1967; 8:49 a.m.]

[17 CFR Parts 275, 279]

[Release No. I. A. 211]

WITHDRAWAL FROM INVESTMENT ADVISER REGISTRATION

Notice of Proposed Rule Making

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to amend its Rule 203–2 (17 CFR 275.203–2) under the Investment Advisers Act of 1940 (15 U.S.C. 80b–1 et seq.) to require that notice of withdrawal from registration as an investment adviser be filed on a proposed form to be designated Form ADV–W (17 CFR 279.2) in accordance with the instructions thereon. The amendment would also provide for a 60-day waiting period between the filing date and the effective date unless acceleration is granted or proceedings pursuant to sections 203(d) or 203(g) of the Act are pending or are instituted, in which event the notice of withdrawal would not become effective except at such time and upon such terms and conditions as the Commission deems necessary or appropriate in the public interest or for the protection of investors. This proposed action would be taken under the Investment Advisers Act, particularly sections 203, 204, and 211 thereof. The proposed rule provides that each notice of withdrawal will constitute a "report" under section 204, thereby subjecting the filing of false information to the penalties provided by sections 207 and 217 of the Act.

Proposed Form ADV–W would require the investment adviser seeking to withdraw from registration to furnish specified information: (a) Whether he owes any money or securities to any customer, and if he does, the amount involved and the arrangements made for payment (in this case he would also have to furnish a current report of financial condition); what disposition has been made of his investment advisory contracts and whether refunds were made to all customers whose contracts were not completed or assigned with their consent; (c) whether he is involved in any legal actions or proceedings and whether there are any unsatisfied judgments or liens against him; (d) the name and address of the person who will have custody or possession of his books and records required to be preserved under Rule 204–2 (17 CFR 275.204–2); and (e) the address where such books and records will be located. This information will help the Commission to determine whether the business is being terminated in compliance with applicable requirements, and whether it is necessary to conduct any investigation to determine whether terms and conditions should be imposed on the withdrawal of registration or it is necessary to institute proceedings to revoke registration as authorized by section 203(d) of the Act. Proposed Form ADV–W (17 CFR 279.2) would also contain an authorization to the custodian of the investment adviser's books and records to make them available to the Commission, if necessary.

At the present time, Rule 203–2 (17 CFR 275.203–2) provides that a notice of withdrawal will become effective on the 30th day after filing unless proceedings to revoke or suspend are pending, or the Commission, within the 30-day period, institutes such proceedings or proceedings to impose terms or conditions upon such withdrawal. It has been found that 30 days are not sufficient to determine whether the business is being terminated in compliance with applicable requirements or to complete an investigation if one is required, and to institute proceedings in appropriate cases. It is believed that the proposed amendments will enable the Commission to carry out its responsibilities under the Investment Advisers Act more effectively in the public interest and for the protecion of investors. Broker-dealers who propose to withdraw from registration are subject to similar requirements.

It is proposed to amend the text of Rule 203–2 (17 CFR 275.203–2) to read substantially as follows:

§ 275.203–2 Withdrawal from registration.

(a) Notice of withdrawal from registration as an investment adviser pursuant to section 203(g) shall be filed on Form ADV–W (§ 279.2 of this chapter) in accordance with the instructions contained therein.

(b) Except as hereinafter provided, a notice to withdraw from registration filed by an investment adviser pursuant to section 203(g) shall become effective on the 60th day after the filing thereof with the Commission or within such shorter period of time as the Commission may determine. If, prior to the effective date of a notice of withdrawal from registration, the Commission has instituted a proceeding pursuant to section 203(d) to suspend or revoke registration, or a proceeding pursuant to section 203(g) to impose terms or conditions upon withdrawal, the notice of withdrawal shall not become effective except at such time and upon such terms and conditions as the Commission deems necessary or appropriate in the public interest or for the protection of investors.

(c) Every notice of withdrawal filed pursuant to this section shall constitute a "report" within the meaning of sections 204 and 207 and other applicable provisions of the Act.

(Secs. 203, 204 and 211(a), 74 Stat. 885–8, as amended, 15 U.S.C. 80b–3, 80b–4, 80b–11)

In connection with the proposed amendment to Rule 203–2 (17 CFR 275.–203–2) it is proposed to adopt the following new Form ADV–W (17 CFR 279.2):

§ 279.2 Form ADV–W, Notice of withdrawal from registration as investment adviser.

(Copies of this proposed new form have been filed with the original of this document. Additional copies can be obtained from the Commission's headquarters office at 500 North Capitol Street, Washington, D.C.)

(Secs. 203, 204 and 211(a), 74 Stat. 885–8, as amended, 15 U.S.C. 80b–3, 80b–4, 80b–11)

All interested persons are invited to submit their views and comments on the proposed amendment and form, in writing, to the Securities and Exchange Commission, Washington, D.C. 20549, on or before September 1, 1967. Except where it is requested that such communications not be disclosed, they will be considered available for public inspection.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

JULY 27, 1967.

[F.R. Doc. 67–9028; Filed, Aug. 2, 1967; 8:47 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Circular; Public Debt Series, No. 7-67]

5¼ PERCENT TREASURY NOTES OF SERIES D–1968

Offering of Notes

JULY 27, 1967.

I. *Offering of notes.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, offers $9,600 million, or thereabouts, of notes of the United States, designated 5¼ percent Treasury Notes of Series D–1968, at 99.94 percent of their face value and accrued interest. The following securities, maturing August 15, 1967, will be accepted at par in payment or exchange, in whole or in part, to the extent subscriptions are allotted by the Treasury:

5¼ percent Treasury Certificates of Indebtedness of Series A–1967;
3¾ percent Treasury Notes of Series A–1967; or
4⅛ percent Treasury Notes of Series E–1967.

The books will be open only on July 31, 1967, for the receipt of subscriptions.

II. *Description of notes.* 1. The notes will be dated August 15, 1967, and will bear interest from that date at the rate of 5¼ percent per annum, payable on a semiannual basis on November 15, 1967, and May 15 and November 15, 1968. They will mature November 15, 1968, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached, and notes registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000, $1 million, $100 million, and $500 million. Provision will be made for the interchange of notes of different denominations and of coupon and registered notes, and for the transfer of registered notes, under rules and regulations prescribed by the Secretary of the Treasury.

5. The notes will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing U.S. notes.

III. *Subscription and allotment.* 1. Subscriptions accepting the offer made by this circular will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington, D.C. 20220. Only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies. Commercial banks, which for this purpose are defined as banks accepting demand deposits, may submit subscriptions for account of customers provided the names of the customers are set forth in such subscriptions. Others than commercial banks will not be permitted to enter subscriptions except for their own account. Subscriptions from commercial banks for their own account will be restricted in each case to an amount not exceeding 50 percent of the combined capital (not including capital notes or debentures), surplus and undivided profits of the subscribing bank. Subscriptions will be received without deposit from banking institutions for their own account, Federally-insured savings and loan associations, States, political subdivisions, or instrumentalities thereof, public pension and retirement and other public funds, international organizations in which the United States holds membership, foreign central banks and foreign States, dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, Federal Reserve Banks and Government Investment Accounts. Subscriptions from all others must be accompanied by payment (in cash or in securities of the issues enumerated in paragraph 1 of section I hereof, which will be accepted at par) of 2 percent of the amount of notes applied for, not subject to withdrawal until after allotment. Registered notes submitted as deposits should be assigned as provided in section V hereof. Following allotment, any portion of the 2 percent payment in excess of 2 percent of the amount of notes allotted may be released upon the request of the subscribers.

2. All subscribers are required to agree not to purchase or to sell, or to make any agreements with respect to the purchase or sale or other disposition of any notes of this issue at a specific rate or price, until after midnight July 31, 1967.

3. Commercial banks in submitting subscriptions will be required to certify that they have no beneficial interest in any of the subscriptions they enter for the account of their customers, and that their customers have no beneficial interest in the banks' subscriptions for their own account.

4. Under the Second Liberty Bond Act, as amended, the Secretary of the Treasury has the authority to reject or reduce any subscription, to allot less than the amount of notes applied for, and to make different percentage allotments to various classes of subscribers when he deems it to be in the public interest; and any action he may take in these respects shall be final. Subject to the exercise of that authority, subscriptions will be allotted:

(1) In full if the subscription is for a State, political subdivision or instrumentality thereof, public pension and retirement and other public fund, international organization in which the United States holds membership, foreign central bank and foreign State, Federal Reserve Bank, or Government Investment Account and such subscriber certifies in writing that at 4 p.m., e.d.s.t., July 26, 1967, it owned or had contracted to purchase for value securities of the issues enumerated in paragraph 1 of section I hereof, in an aggregate amount equal to or greater than the amount of such subscription (any such subscriber may enter an additional subscription subject to a percentage allotment); and

(2) On a percentage basis, to be publicly announced.

Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment at 99.94 percent of their face value and accrued interest, if any, for notes allotted hereunder must be made or completed on or before August 15, 1967, or on later allotment. Payment will not be deemed to have been completed where registered notes are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. In every case where full payment is not completed, the payment with application up to 2 percent of the amount of notes allotted shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States. Payment may be made for any notes allotted hereunder in cash or by exchange of securities of the issues enumerated in paragraph 1 of section I hereof, which will be accepted at par. A cash adjustment will be made for the difference ($0.60 per $1,000) between the par value of maturing securities accepted in exchange and the issue price of the new notes. The payment will be made by check or by credit in any account maintained by a banking institution with the Federal Reserve Bank of its District, following acceptance of the maturing securities. In the case of registered notes, the payment will be made in accordance with the assignments on the notes surrendered. When payment is made with securities in bearer form, coupons dated August 15, 1967, should be detached and cashed when due. When payment is made with registered notes, the final interest due on August 15, 1967, will be paid by issue of interest checks in regular course to holders of record on July 14, 1967, the date the transfer books closed.

V. *Assignment of registered notes.* 1. Treasury notes in registered form tendered as deposits and in payment for notes allotted hereunder should be assigned by the registered payees or assignees thereof, in accordance with the general regulations of the Treasury Department, in one of the forms hereafter set forth. Notes tendered in payment should be surrendered to a Federal Reserve Bank or Branch or to the Office of the Treasurer of the United States, Washington, D.C. 20220. The maturing notes must be delivered at the expense and risk of the holder. If the new notes are desired registered in the same name as the notes surrendered, the assignment should be to "The Secretary of the Treasury for 5¼ percent Treasury Notes of Series D–1968"; if the new notes are desired registered in another name, the assignment should be to "The Secretary of the Treasury for 5¼ percent Treasury Notes of Series D–1968 in the name of _____"; if new notes in coupon form are desired, the assignment should be to "The Secretary of the Treasury for 5¼ percent Treasury Notes of Series D–1968 in coupon form to be delivered to _____".

VI. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make such allotments as may be prescribed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of notes on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] HENRY H. FOWLER,
Secretary of the Treasury.

[F.R. Doc. 67-9065; Filed, Aug. 2, 1967; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Sacramento 047049]

CALIFORNIA

Notice of Partial Termination of Proposed Withdrawal and Reservation of Lands

JULY 26, 1967.

Notice of a Forest Service, U.S. Department of Agriculture, application, Sacramento 047049, for withdrawal and reservation of land for Cherry Valley recreation area, was published as F.R. Doc. No. 63-5226, on page 4921 and 4922 of the issue for Thursday, May 16, 1963. The applicant agency has canceled its application insofar as it affects the following described lands:

MOUNT DIABLO MERIDIAN
STANISLAUS NATIONAL FOREST
Recreation Area
Cherry Valley

T. 2 N., R. 19 E.,
Sec. 20, NW¼NE¼SW¼.

Therefore pursuant to the regulations contained in 43 CFR Part 2311, such lands at 10 a.m. on August 4, 1967, will be relieved of the segregative effect of the above-mentioned application.

R. J. LITTEN,
Chief, Lands Adjudication Section.

[F.R. Doc. 67-9011; Filed, Aug. 2, 1967; 8:45 a.m.]

[S 730]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

JULY 27, 1967.

The Forest Service, U.S. Department of Agriculture, has filed an application, Serial Number S 730 for the withdrawal of the lands described below, from prospecting, location, entry and purchase under the mining laws (30 U.S.C. Ch. 2), subject to valid existing claims.

The applicant desires the land for recreation areas to include camp grounds, picnic units, boat launching ramps and swimming in cooperation with the Oroville-Wyandotte Irrigation District.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, U.S. Department of the Interior, Room 4201, U.S. Courthouse and Federal Building, 650 Capitol Mall, Sacramento, Calif. 95814.

The Department's regulations (43 CFR 2311.1–3(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN
PLUMAS NATIONAL FOREST
Lost Creek Recreation Area

T. 20 N., R. 8 E.,
Sec. 4, S½NW¼ (lot 5), and SW¼;
Sec. 5, S½N½ (lots 4 and 5), and S½S½;
Sec. 8, E½NE¼, SW¼NE¼, E½NW¼, N½SW¼, NW¼SE¼, and SE¼SE¼;
Sec. 9, NE¼NW¼, S½NW¼, and SW¼;
Sec. 16, W½;
Sec. 18, NW¼NE¼, and SE¼SE¼;
Sec. 19, lots 5, 6, 7, 8, and 9;
Sec. 20, lots 1, 2, 3, 4, 5, and SW¼NE¼;
Sec. 30, N½NE¼.

Frenchman Recreation Area

T. 23 N., R. 16 E.,
Sec. 3, SW¼NW¼, N½SW¼, SE¼SW¼, NW¼SE¼, and S½SE¼;
Sec. 4, lots 1, 2, 3, S½NE¼, and NE¼SE¼;
Sec. 10, N½NE¼, and SE¼NE¼.
T. 24 N., R. 16 E.,
Sec. 29, S½SE¼;
Sec. 32, W½NE¼, NE¼NW¼, S½NW¼, and N½S½;
Sec. 33, N½S½, SE¼SW¼, and SW¼SE¼.

The areas described aggregate approximately 3,348 acres.

R. J. LITTEN,
Chief, Lands Adjudication Section.

[F.R. Doc. 67-9012; Filed, Aug. 2, 1967; 8:46 a.m.]

[S 777]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

JULY 27, 1967.

The Forest Service, U.S. Department of Agriculture, has filed an application, Serial Number S 777, for the withdrawal of the lands described below, from prospecting, location, entry, and patenting under the mining laws only, subject to existing valid rights.

The applicant desires the land for a public recreation area as well as for protection of a unique geological formation.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, U.S. Department of the Interior, Room 4201, U.S. Courthouse and Federal Building, 650 Capitol Mall, Sacramento, Calif. 95814.

The Department's regulations (43 CFR 2311.1–3(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's

needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN

TRINITY NATIONAL FOREST

Natural Bridge Recreation and Geological Area

T. 31 N., R. 11 W.,
Sec. 33, SE¼SE¼SE¼NE¼; E½E½NE¼SE¼, E½NE¼SE¼SE¼ (unsurveyed);
Sec. 34, S½SW¼SW¼NW¼, W½NW¼SW¼, NW¼SW¼SW¼ (unsurveyed).

The areas described aggregate approximately 53 acres in Trinity County.

R. J. LITTEN,
Chief, Lands Adjudication Section, Sacramento Land Office.

[F.R. Doc. 67-9013; Filed, Aug. 2, 1967; 8:46 a.m.]

[Serial No. N-815]

NEVADA

Notice of Classification of Public Lands; Correction

JULY 26, 1967.

1. Notice of Classification, Serial Number N-815, for multiple use management, was published as F.R. Doc. No. 67-7344 of the issue for Thursday, June 29, 1967.

2. The legal description of the lands described in paragraph 3, should be corrected, in part, to read as follows:

MOUNT DIABLO MERIDIAN, NEVADA

LYON COUNTY

T. 8 N., R. 27 E.,
Sec. 6, Lots 2 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, SE¼.

NOLAN F. KEIL,
State Director, Nevada.

[F.R. Doc. 67-9010; Filed, Aug. 2, 1967; 8:45 a.m.]

NEVADA

Notice of Filing of Plat of Survey and Order Providing for Opening of Lands

JULY 27, 1967.

1. The Plats of Survey of lands described below will be officially filed at the Nevada Land Office, Reno, Nev., effective 10:00 a.m. on September 3, 1967.

MOUNT DIABLO MERIDIAN, NEVADA

T. 12 N., R. 57 E. (Group 426)

2. The surveyed area of the described land aggregates 19,423.35 acres. The plat was accepted June 27, 1967. Located in Railroad Valley, the land is nearly level to rolling, with an elevation range of about 5,100 to 6,300 feet above sea level. The soil is sandy clay and rocky; vegetation consists of sagebrush and greasewood. The township is drained by Broom Canyon, southwest through the southern part of the township; and Bull Creek, draining south through the west tier of sections. No mineral formations of consequence are in evidence. Principal users of the township are cattlemen; access into the area is provided by State Highway No. 20, crossing the southwest corner of Sec. 31, and by desert roads.

3. Subject to any existing valid rights and the requirements of applicable law, the above-described lands are hereby opened to filing applications, selections, and location, except for applications under the Small Tract, Desert Land and Homestead Laws, in accordance with the following: Applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below, beginning on the date of the order. Such applications, selections and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs: Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of such claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph. All valid applications and selections under the nonmineral public land laws presented prior to 10 a.m., September 3, 1967, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

4. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications, which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations. Inquiries concerning these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, 300 Booth Street, Reno, Nev. 89502.

DANIEL P. BAKER,
Manager, Nevada Land Office.

[F.R. Doc. 67-9054; Filed, Aug. 2, 1967; 8:49 a.m.]

[New Mexico 2768]

NEW MEXICO

Notice of Proposed Withdrawal and Reservation of Lands

JULY 27, 1967.

The Forest Service, U.S. Department of Agriculture, has filed application, Serial No. New Mexico 2768, for the withdrawal of lands described below. The lands were conveyed to the United States pursuant to section 8 of the Taylor Grazing Act. They lie within the exterior boundaries of the Cibola National Forest. They have not been open to entry under the public land laws. The applicant desires the lands for the addition to, and the consolidation with national forest lands to permit more efficient administration thereof in the conservation of national resources.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Chief, Division of Lands and Minerals Program Management and Land Office, Post Office Box 1449, Santa Fe, N. Mex. 87501.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 11 N., R. 11 W.,
Sec. 17, W½ and SW¼SE¼;
Sec. 18, lots 1, 2, 3, 4, E½ and E½W½;
Sec. 19, lots 1, 2, 3, 4, E½ and E½W½;
Secs. 20, 21, 28 and 29;
Sec. 30, lots 1, 2, 3, 4, E½ and E½W½;
Sec. 31, lots 1, 2, 3, 4, E½ and E½W½;
Sec. 32;
Sec. 33, N½NW¼.

The area described aggregates 6154.96 acres.

HAROLD A. BERENDS,
Acting Chief, Division of Lands and Minerals, Progam Management and Land Office.

[F.R. Doc. 67-9014; Filed, Aug. 2, 1967; 8:46 a.m.]

Office of the Secretary

EDWARD T. AUGUSTINE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of July 5, 1967.

Dated: July 5, 1967.

EDWARD T. AUGUSTINE.

[F.R. Doc. 67-9016; Filed, Aug. 2, 1967; 8:46 a.m.]

LORAN A. EISELE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of July 10, 1967.

Dated: July 10, 1967.

LORAN A. EISELE.

[F.R. Doc. 67-9015; Filed, Aug. 2, 1967; 8:46 a.m.]

ANDREW PAT JONES

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of June 30, 1967.

Dated: July 6, 1967.

A. PAT JONES.

[F.R. Doc. 67-9017; Filed, Aug. 2, 1967; 8:46 a.m.]

VIVAN B. JONES

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of July 10, 1967.

Dated: July 10, 1967.

VIVAN B. JONES.

[F.R. Doc. 67-9018; Filed, Aug. 2, 1967; 8:46 a.m.]

GEORGE V. KENNEDY

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of July 19, 1967.

Dated: July 19, 1967.

G. V. KENNEDY.

[F.R. Doc. 67-9019; Filed, Aug. 2, 1967; 8:46 a.m.]

MAX R. LLEWELLYN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) 100—Kennecott Copper, common stock.
(2)
(3)
(4)

This statement is made as of July 10, 1967.

Dated: July 10, 1967.

MAX R. LLEWELLYN.

[F.R. Doc. 67-9020; Filed, Aug. 2, 1967; 8:46 a.m.]

CARLOS O. LOVE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) Add—Texas Instruments, Inc.
(3) No change.
(4) No change.

This statement is made as of July 1, 1967.

Dated: July 10, 1967.

CARLOS O. LOVE.

[F.R. Doc. 67-9021; Filed, Aug. 2, 1967; 8:47 a.m.]

JOHN P. MADGETT

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of July 11, 1967.

Dated: July 11, 1967.

JOHN P. MADGETT.

[F.R. Doc. 67-9022; Filed, Aug. 2, 1967; 8:47 a.m.]

SAMUEL RIGGS SHEPPERD

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of July 13, 1967.

Dated: July 13, 1967.

RIGGS SHEPPERD.

[F.R. Doc. 67-9023; Filed, Aug. 2, 1967; 8:47 a.m.]

WILLARD B. SIMONDS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of July 10, 1967.

Dated: July 10, 1967.

W. B. SIMONDS.

[F.R. Doc. 67-9024; Filed, Aug. 2, 1967; 8:47 a.m.]

ALEXANDER H. WADE, JR.

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of July 10, 1967.

Dated: July 10, 1967.

A. H. WADE, Jr.

[F.R. Doc. 67-9025; Filed, Aug. 2, 1967; 8:47 a.m.]

WILFORD D. WILDER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) Appointee is currently participating in an employee stock purchase plan adopted by Niagara Mohawk Power Corp., effective January 1, 1965, and has elected the maximum participation possible which is 6 percent of appointee's annual salary.
(3) No. change.
(4) No change.

This statement is made as of July 24, 1967.

Dated: July 24, 1967.

WILFORD D. WILDER.

[F.R. Doc. 67-9026; Filed, Aug. 2, 1967; 8:47 a.m.]

WATCHES AND WATCH MOVEMENTS

Allocation of Adjusted Quotas for Calendar Year 1967 Among Producers Located in Guam and for Virgiline Watch Co., Inc., in the Virgin Islands

CROSS REFERENCE: For a document relating to allocation of adjusted quotas of watches and watch movements for the calendar year 1967 among producers located in Guam and for Virgiline Watch Co., Inc., in the Virgin Islands, see F.R. Doc. 67-9146, Commerce Department, infra.

DEPARTMENT OF COMMERCE

Office of the Secretary

WATCHES AND WATCH MOVEMENTS

Allocation of Adjusted Quotas for Calendar Year 1967 Among Producers Located in Guam and for Virgiline Watch Co., Inc., in the Virgin Islands

Interested parties are invited to refer to the Interim Allocation of March 15, 1967, and the Allocation of June 9, 1967, by the Departments of the Interior and Commerce, published respectively in 32 F.R. 4178 of March 17, 1967, and 32 F.R. 8316 of June 9, 1967, for the background history of the present allocation. As explained therein, the Departments found it necessary to verify the accuracy of the data supplied by each of the applicants for a duty-free quota, in order to ensure that the quota formula was applied uniformly to all concerned.

Following verification of the data supplied by the 16 firms assembling watches and watch movements in the Virgin Islands, verification was made of the data supplied by the eight firms assembling watches and watch movements in Guam.

As had been the case in the Virgin Islands, the auditors found that the data supplied by these eight firms was substantially accurate. However, as in the Virgin Islands, inconsistencies occurred in reporting direct labor costs largely because of lack of uniformity in the treatment of the salaries of individuals who were engaged part of the time in supervisory or administrative activities and part of the time on the bench as watchmakers.

In computing the direct labor costs of the firms located in Guam, the Departments concluded that these salaries should be treated in the same manner as in computing direct labor costs in the Virgin Islands, namely by excluding the salaries of all presidents and general managers, and including the salaries of plant managers who were also watchmakers only up to the amount of the highest paid watchmaker in that particular firm. A difficulty arose, however, in applying this treatment to some of the firms where the plant manager was basically the only watchmaker employed. This problem was handled by computing the average percentage by which the salaries of the plant managers of the other firms exceeded the salaries of their highest paid watchmakers. This percentage was then uniformly deducted from the salary of each of the plant managers of the firms where the difficulty arose.

Any watches and watch movements entered duty-free into the customs territory of the United States on or after January 1, 1967, are to be deducted from these allocations which are issued for the full calendar year 1967.

Adjustments have been made reflecting verification of the data submitted and of final statistics issued by the U.S. Tariff Commission on total apparent U.S. watch consumption during 1966.

In addition to the following quota allocations to producers located in Guam, there is published below an allocation for the full calendar year 1967 to Virgiline Watch Co., Inc., a firm located in the Virgin Islands. This firm is one of the 16 producers located in the Virgin Islands to which an interim quota allocation was made on March 15, 1967. Because the data it submitted could not be fully verified before June 8, 1967, it was not included in the list of firms to which an adjusted quota for calendar year 1967 was issued on that date.

GUAM

Name of Firm	Number of Units
1. Cromwell International, Inc.	25,263
2. Hallmark Watch Factory, Inc.	36,248
3. Jun-Lau Watch Corp.	19,585
4. Maro Watch Co., Inc.	54,848
5. Phoenix Industries, Inc.	47,009
6. Precision Instruments, Inc.	19,928
7. Stratton Watch Corp.	145,357
8. Westminster Time Corp.	42,669

VIRGIN ISLANDS

Name of Firm	Number of Units
Virgiline Watch Co., Inc.	91,881

LAWRENCE C. MCQUADE,
Acting Assistant Secretary for Domestic and International Business, Department of Commerce.

HARRY R. ANDERSON,
Assistant Secretary for Public Land Management, Department of the Interior.

JULY 31, 1967.

[F.R. Doc. 67-9146; Filed, Aug. 2, 1967; 10:15 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

A. E. STALEY MANUFACTURING CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 8A2196) has been filed by A. E. Staley Manufacturing Co., 2200 East Eldorado Street, Decatur, Ill. 62525, proposing an amendment to § 121.1031 *Food starch-modified* to provide for the safe use of a food starch modified by treatment with not more than 0.3 percent epichlorohydrin and not more than 10.0 percent propylene oxide.

Dated: July 26, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-9052; Filed, Aug. 2, 1967; 8:49 a.m.]

WILSON-MARTIN AND CELANESE CORPORATION OF AMERICA

Notice of Withdrawal of Petition for Food Additive 1,3-Butylene Glycol Mono- and Diesters of Edible Fatty Acids

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Wilson-Martin, division of Wilson & Co., Inc., Prudential Plaza, Chicago, Ill. 60601, and Celanese Corp. of America, 522 Fifth Avenue, New York, N.Y. 10036, have withdrawn their petition (FAP 6A1964), notice of which was published in the FEDERAL REGISTER of March 9, 1966 (31 F.R. 4151), proposing the issuance of a regulation to provide for the safe use of 1,3-butylene glycol mono- and diesters of edible fatty acids in the processing of whipped desserts and food toppings.

Dated: July 26, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-9053; Filed, Aug. 2, 1967; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-284]

IDAHO STATE UNIVERSITY

Notice of Issuance of Construction Permit

No request for a hearing or petition having been filed following publication of the notice of proposed action in the FEDERAL REGISTER, the Atomic Energy Commission has issued Construction Permit No. CPRR-96 to Idaho State University. This permit authorizes the University to receive, possess and construct a Model AGN-201, Serial No. 103, nuclear reactor on its campus at Pocatello, Idaho.

The construction permit was issued as set forth in the Notice of Proposed Issuance published in the FEDERAL REGISTER on July 4, 1967, 32 F.R. 9754, except that in subparagraph 3.A. the earliest date for completion of the construction of the reactor has been changed from July 15 to July 30, 1967.

Dated at Bethesda, Md., this 21st day of July 1967.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[F.R. Doc. 67-9000; Filed, Aug. 2, 1967; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 18766]

CALEDONIAN AIRWAYS (PRESTWICK), LTD., AND FLYING TIGER LINE, INC.

Notice of Proposed Approval

Application of Caledonian Airways (Prestwick), Ltd. and The Flying Tiger Line, Inc., for approval of agreement to lease an aircraft, Docket 18766.

Notice is hereby given pursuant to the statutory requirements of section 408(b) that the undersigned intends to issue the order set forth below under delegated authority. Interested parties are hereby afforded a period of 15 days from the date of service within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., July 31, 1967.

[SEAL] A. M. ANDREWS,
Director, Bureau of Operating Rights.

ORDER APPROVING AGREEMENT

Issued under delegated authority.

Application of Caledonian Airways (Prestwick), Ltd., and The Flying Tiger Line, Inc., for approval pursuant to section 408(b) of the Federal Aviation Act of 1958, as amended, of an agreement to lease an aircraft.

By application filed July 6, 1967, Caledonian Airways (Prestwick), Ltd. (Caledonian), and The Flying Tiger Line, Inc. (FTL), requested that the Board approve, pursuant to section 408(b) of the Federal Aviation Act of 1958, as amended, an agreement under which Caledonian will lease from FTL one B-707-320C aircraft. The agreement also gives Caledonian an option to purchase the aircraft. Caledonian is a United Kingdom carrier engaged in charter operations under a foreign air carrier permit issued by the Board.[1]

The agreement is for a period of 6 years commencing December 31, 1968, and ending December 31, 1974.[2] Caledonian will pay a monthly rental of $100,322. Although Caledonian expects to take possession of the aircraft on December 31, 1968, the agreement provides that the aircraft could be made available commencing on June 1, 1968.[3] If Caledonian takes possession on June 1, 1968, it would pay a monthly rental of $95,000 through December 31, 1968. Caledonian will have an option to purchase the aircraft for $1,094,357 (U.S.) provided that written notice is given to FTL of its intent to exercise such option not less than 120 days, or more than 180 days prior to the expiration of the lease agreement, December 31, 1974.

It is contended that FTL is in the process of changing its fleet to a stretched jet fleet and has the intention of disposing of a number and possibly all of their B-707-320C aircraft.[4] Applicants stated that the lease and purchase terms were negotiated at arm's length bargaining and are considered by the parties to be fair and reasonable and consistent with market conditions.

No adverse comments or requests for a hearing have been received.

Notice of intent to dispose of the application without a hearing has been published in the FEDERAL REGISTER, and a copy of such notice has been furnished by the Board to the Attorney General not later than the day following the date of such publication, both in accordance with requirements of section 408(b) of the Act.

Upon consideration of the foregoing, we conclude that the lease transaction is subject to section 408 of the Act in that it involves the lease by a person engaged in a phase of aeronautics of a substantial part of the properties of an air carrier within the meaning of that section. We have reviewed the matter, however, and conclude that the lease does not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation; does not result in creating a monopoly and does not tend to restrain competition. Furthermore, no person disclosing a substantial interest is currently requesting a hearing and we conclude that no hearing is required.

We also conclude that the agreement will not affect FTL's ability to meet its certificate obligations in that FTL will not lease the aircraft to Caledonian until it has taken delivery of four of the 10 DC8'63F stretched jet aircraft it has contracted to purchase. Further, FTL will then have more aircraft and available capacity then it had prior to the lease agreement. It therefore appears that approval of the transaction would not be inconsistent with the public interest.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.13, it is found that the above-described transaction should be approved under section 408(b) of the Act without a hearing.

Accordingly, it is ordered:

1. That the transaction between Caledonian and FTL be and it hereby is approved under section 408 of the Act;

2. That this action shall not be deemed an approval for rate-making purposes of the financial provisions of the transaction; and

3. That this order may be amended or revoked at any time in the discretion of the Board without hearing.

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[1] Order E-25017 approved by the President Apr. 19, 1967.

[2] Caledonian may cancel the lease agreement on or before Dec. 31, 1971, upon 6 months' written notice to FTL.

[3] FTL has contracted for 10 DC 8's and expects delivery by the end of 1968. Caledonian would be able to call for delivery of the aircraft after FTL has taken delivery of its fourth DC 8-63F aircraft.

[4] FTL's jet fleet consists of (5) B707-320C aircraft.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petition within 5 days after date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

By: A. M. Andrews,
Director, Bureau of Operating Rights.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 67-9049; Filed, Aug. 2, 1967; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 193]

LANSEN-NAEVE CORP.

Revocation of License

Whereas, Lansen-Naeve Corp., 11 Broadway, New York, N.Y. 10004, has ceased to operate as an independent ocean freight forwarder; and

Whereas, Lansen-Naeve Corp., has returned Independent Ocean Freight Forwarder License No. 193 to the Commission; and

Whereas, by letter dated July 7, 1967, Lansen-Naeve Corp., has requested the cancellation of its Independent Ocean Freight Forwarder License No. 193;

Now therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), section 6.03:

It is ordered, That the Independent Ocean Freight Forwarder License No. 193 of Lansen-Naeve Corp. be and is hereby revoked, effective July 29, 1967.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served on the licensee.

JAMES E. MAGUIRE,
Director,
Bureau of Domestic Regulation.

[F.R. Doc. 67-9067; Filed, Aug. 2, 1967; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP68-20]

AMERICAN GAS COMPANY OF WISCONSIN, INC., AND MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Application

JULY 27, 1967.

Take notice that on July 19, 1967, American Gas Co. of Wisconsin, Inc. (Applicant), 110 East Main Street, Madison, Wis. 53703, filed in Docket No. CP68-20 an application pursuant to subsection (a) of section 7 of the Natural Gas Act for an order of the Commission directing Michigan Wisconsin Pipe Line Co. (Respondent) to establish physical connection of its transportation facilities with Applicant's existing facilities and the facilities proposed to be constructed by Applicant and to sell and deliver to Applicant volumes of natural gas for resale and distribution as initial natural gas service in the communities of Athens and Milan, Wis., and as an additional supply of natural gas for resale and distribution by Applicant in its existing 15-town system, all in the State of Wisconsin, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate municipal natural gas distribution systems in the towns of Athens and Milan and regulating facilities at the city-gates of Athens, Milan, and Abbotsford. Applicant proposes that Respondent construct and operate a transmission lateral line from a point of connection with its main transmission line in Wood County, Wis., generally north then west to points of connection with the towns of Athens, Milan, and Abbotsford. Applicant also proposes that Respondent construct and operate a measuring station on the above proposed lateral line.

Applicant states that the facilities proposed above will provide initial natural gas service to the towns of Athens and Milan and will also provide needed additional volumes of natural gas to serve the 15 towns in its natural gas system in Marathon, Clark, Taylor, and Chippewa Counties, Wis. Applicant estimates its third year peak daily and annual natural gas requirements as follows:

Town	Peak daily requirements (Mcf)	Annual requirements (Mcf)
Athens and Milan	381	108,483
Other 15 towns	2,624	911,398
Total purchases	3,005	1,017,881

Applicant states that the volumes of natural gas to be purchased for resale and distribution in its 15-town system are in addition to the volumes now being purchased from Midwestern Gas Transmission Co. (Midwest). Applicant further states that these volumes are necessary to enable it to maintain adequate pressure in the western end of said system. Applicant now purchases a daily and annual volume of natural gas from Midwest of 3,500 Mcf and 1,277,500 Mcf, respectively.

Applicant estimates the total cost of the facilities proposed to be constructed by it at approximately $117,397, said cost to be financed through the issuance and sale of additional common stock to its parent company, American Gas Co., and/or funds generated from operations.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 31, 1967.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-9066; Filed, Aug. 2, 1967; 8:45 a.m.]

[Docket No. G-7094, etc.]

SERVICE PIPE & EQUIPMENT, INC., ET AL.

Findings and Order; Correction

JULY 20, 1967.

Service Pipe & Equipment, Inc. (successor to Kewanee Oil Co.) and other Applicants listed herein, Docket Nos. G-7094 etc.; James P. Scott, agent for M. Justice Well No. 2, Docket No. CI66-706.

In the order "Findings and Order After Statutory Hearing Issuing Certificates of Public Convenience and Necessity, Cancelling Docket Number, Amending Certificates, Permitting and Approving Abandonment of Service, Terminating Certificates, Vacating Certificate, Terminating Rate Proceeding, Substituting Respondent, Redesignating Proceeding, and Accepting Related Rate Schedules and Supplements for Filing," issued April 5, 1966, and published in the FEDERAL REGISTER April 13, 1966 (F.R. Doc. 66-3886, 31 F.R. 5717), Docket No. CI66-706, Col. 5 change "FPC Gas Rate Schedule No. 6" to read "FPC Gas Rate Schedule No. 7."

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-9006; Filed, Aug. 2, 1967; 8:45 a.m.]

OFFICE OF EMERGENCY PLANNING

AMERADA PETROLEUM CORP. ET AL.

Participation in "Plan of Action Under Voluntary Agreement Relating to Foreign Petroleum Supply"

Pursuant to section 708 of the Defense Production Act of 1950, as amended, there are published herein the names of the 26 companies which have accepted the request to participate in the "Plan of Action under Voluntary Agreement Relating to Foreign Petroleum Supply" dated June 20, 1967.

Amerada Petroleum Corp., Post Office Box 2040, Tulsa, Okla. 74102.
American Independent Oil Co., 50 Rockefeller Plaza, New York, N.Y. 10020.
Arabian American Oil Co., 505 Park Ave., New York, N.Y. 10022.
Atlantic Richfield Co., 260 South Broad St., Philadelphia, Pa. 19101.
Caltex Oil Products Co., 380 Madison Ave., New York, N.Y. 10017.
Cities Service Co., 60 Wall St., New York, N.Y. 10005.
Continental Oil Co., 30 Rockefeller Plaza, New York, N.Y. 10020.
The Frontier Refining Co., 4040 East Louisiana Ave., Denver, Colo. 80222.
Gulf Oil Corp., Gulf Bldg., Pittsburgh, Pa. 15230.
Hunt Oil Co., 1401 Elm St., Dallas, Tex. 75201.
Marathon Oil Co., 539 South Main St., Findlay, Ohio 45840.
Mobil Oil Corp., 150 East 42d St., New York, N.Y. 10017.
Murphy Oil Co., 200 Jefferson Ave., El Dorado, Ark. 71730.
Occidental Petroleum Corp., 10889 Wilshire Blvd., Los Angeles, Calif. 90024.
Phillips Petroleum Co., Phillips Blvd., Bartlesville, Okla. 74004.
Signal Oil & Gas Co., 1010 Wilshire Blvd., Los Angeles, Calif. 90017.
Sinclair Oil Corp., 600 Fifth Ave., New York, N.Y. 10020.
Standard Oil Co. of California, 225 Bush St., San Francisco, Calif. 94120.
Standard Oil Co. (Indiana), 910 South Michigan Ave., Chicago, Ill. 60680.
Standard Oil Co. (New Jersey), 30 Rockefeller Plaza, New York, N.Y. 10020.
Standard Oil Co. (Ohio), Midland Bldg., Cleveland, Ohio 44115.
Sun Oil Co., 1608 Walnut St., Philadelphia, Pa. 19103.
Sunray DX Oil Co., Post Office Box 2039, Tulsa, Okla. 74102.
Texaco, Inc., 135 East 42d St., New York, N.Y. 10017.
Tidewater Oil Co., 4201 Wilshire Blvd., Los Angeles, Calif. 90005.
Union Oil Co. of California, Union Oil Center, Los Angeles, Calif. 90017.

(Sec. 708, 64 Stat. 818, as amended; 50 U.S.C. App. Sup. 2158; Executive Order 10480, Aug. 14, 1953, 18 F.R. 4939; Reorganization Plan No. 1 of 1958, 23 F.R. 4991, as amended; Executive Order 11051, Sept. 27, 1962, 27 F.R. 9683)

Dated: July 28, 1967.

FARRIS BRYANT,
Director,
Office of Emergency Planning.

[F.R. Doc. 67-9027; Filed, Aug. 2, 1967; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-464]

JADE OIL & GAS CO.

Order Suspending Trading

JULY 28, 1967.

The 50 cents par value common stock and the 6½ percent Convertible Subordinated Debentures due January 1, 1979, with or without warrants attached, listed and registered on the Pacific Coast Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Jade Oil & Gas Co., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the Pacific Coast Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 29, 1967, through August 7, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-9029; Filed, Aug. 2, 1967; 8:47 a.m.]

[70-4515]

JERSEY CENTRAL POWER & LIGHT CO.

Notice of Proposed Issue and Sale of Principal Amount of First Mortgage Bonds

JULY 28, 1967.

Notice is hereby given that Jersey Central Power & Light Co. ("Jersey Central"), Madison Avenue at Punch Bowl Road, Morristown, N.J. 07960, an electric utility subsidiary company of General Public Utilities Corporation, a registered holding company, has filed an application with this Commisden pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Jersey Central proposes to issue and sell, subject to the competitive bidding requirements of Rule 50, $30 million principal amount of First Mortgage Bonds, _____ percent Series due 1997. The interest rate (which will be a multiple of ⅛ of 1 percent) and the price, exclusive of accrued interest, (which will be not less than 100 percent nor more than 102.75 percent of the principal amount thereof), will be determined by the competitive bidding. The bonds will be issued under an Indenture dated as of March 1, 1946, between Jersey Central and First National City Bank, Successor Trustee, as heretofore supplemented and as to be further supplemented by a Fourteenth Supplemental Indenture to be dated as of September 1, 1967.

The proceeds from the sale of the new bonds will be employed for the purpose of financing Jersey Central's business as a public utility, including the payment of short-term bank loans outstanding at the date of sale of the bonds. At July 19, 1967, outstanding short-term bank loans amounted to $38,800,000. The company's 1967 construction program is estimated at approximately $70 million.

The fees and expenses to be paid by Jersey Central in connection with the issue and sale of the bonds are estimated at $90,000, including counsel fees of $20,000 and accountants' fees of $4,750. Fees and expenses of counsel for the underwriters, to be paid by the successful bidders, will be supplied by amendment.

It is stated that the Board of Public Utility Commissioners of New Jersey has jurisdiction over the proposed issue and sale of bonds by Jersey Central and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than August 29, 1967, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of servce (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-9030; Filed, Aug. 2, 1967; 8:47 a.m.]

NORTH AMERICAN RESEARCH & DEVELOPMENT CORP.

Order Suspending Trading

JULY 28, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of North American Research & Development Corp., 1935 South Main Street, Salt Lake City, Utah, and all other securities of North American Research & Development Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 30, 1967, through August 8, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-9031; Filed, Aug. 2, 1967; 8:47 a.m.]

NORTHERN INSTRUMENT CORP.

Order Suspending Trading

JULY 28, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Northern Instrument Corp., Babylon, N.Y., and all other securities of Northern Instrument Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange is summarily suspended, this order to be effective for the period July 31, 1967, through August 9, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-9032; Filed, Aug. 2, 1967; 8:47 a.m.]

[File No. 1-1277]

PENROSE CORP.

Order Suspending Trading

JULY 28, 1967.

The common stock $2 par value, of Penrose Corp., being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and the 5 percent Cumulative Convertible Preferred stock, $20 par value of Penrose Corp., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 28, 1967, through August 6, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-9033; Filed, Aug. 2, 1967; 8:48 a.m.]

S & P NATIONAL CORP.

Order Suspending Trading

JULY 28, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the Common and Class A stock of S & P National Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 31, 1967 through August 9, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-9034; Filed, Aug. 2, 1967; 8:48 a.m.]

STEEL CREST HOMES, INC.

Order Suspending Trading

JULY 28, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Steel Crest Homes, Inc., King of Prussia, Pa., and all other securities of Steel Crest Homes, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 31, 1967, through August 9, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-9035; Filed, Aug. 2, 1967; 8:48 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 630]

KENTUCKY

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of July 1967, because of the effects of certain disasters, damage resulted to residences and business property located in Middlesboro, Ky.;

Whereas, the Small Business Administration has investigated and received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area consititute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the Office below indicated from persons or firms whose property, situated in the aforesaid Middlesboro and areas adjacent thereto, suffered damage or destruction resulting from floods occurring on July 25, 1967.

OFFICE

Small Business Administration Regional Office, Fourth and Broadway, Louisville, Ky. 40202.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to January 31, 1968.

Dated: July 28, 1967.

BERNARD L. BOUTIN, *Administrator.*

[F.R. Doc. 67-9038; Filed, Aug. 2, 1967; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice No. 1091]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

JULY 28, 1967.

The following applications are governed by Special Rule 1.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of § 1.247(d)(4) of the special rule, and shall include the certification required therein.

Section 1.247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 409 (Sub-No. 33), filed June 9, 1967. Applicant: O. E. POULSON, INC., Elm Creek, Nebr. Applicant's representative: J. Max Harding, 605 South 14th Street, Third Floor, NSEA Building, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed supplement* (except molasses) in bulk, in tank vehicles, from Omaha, Nebr., to points in Minnesota, Nebraska, North Dakota, Oklahoma, and points in Archer, Armstrong, Bailey, Baylor, Bowie, Briscoe, Camp, Carson, Cass, Castro, Childress, Clay, Cochran, Collin, Collinsworth, Cooke, Cottle, Crosby, Dallam, Deaf Smith, Denton, Dickens, Donley, Fannin, Floyd, Foard, Franklin, Garza, Gray, Grayson, Hale, Hall, Hansford, Hardeman, Hartley, Haskell, Hemphill, Hockley, Hopkins, Hunt, Hutchinson, Jack, Kent, King, Knox, Lamar, Lamb, Lipscomb, Lubbock, Lynn, Montague, Moore, Morris, Motley, Ochiltree, Oldham, Parmer, Potter, Randall, Red River, Roberts, Sherman, Stonewall, Swisher, Terry, Throckmorton, Titus, Wheeler, Wichita, Wilbarger, Wise, Yoakum, and Young Counties, Tex. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 504 (Sub-No. 91), filed July 11, 1967. Applicant: HARPER MOTOR LINES, INC., 213 Long Avenue, Elberton, Ga. 30635. Applicant's representative: Archie B. Culbreth, Suite 693, 1375 Peachtree Street NE., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, serving the plantsite of the Lilliston Implement Co., located on U.S. Highway 82, approximately 6 miles northwest of the Albany, Ga., city limits, as an off-route point in connection with carrier's authorized regular-route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 730 (Sub-No. 286), filed July 19, 1967. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 1417 Clay Street, Oakland, Calif. 94604. Applicant's representative: Charles Frederick Zeebuyth (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, dry in bulk, between points in California. NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 2202 (Sub-No. 326), filed July 17, 1967. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, Ohio 44309. Applicant's representatives: William O. Turney, 2001 Massachusetts Avenue NW., Washington, D.C. 20036, and Douglas Faris (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of Republic Powdered Metals, Inc., located in Brunswick Hills Township, Medina County, Ohio, as an off-route point in connection with applicant's presently authorized regular route authority between Cleveland, Ohio, and Memphis, Tenn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 8958 (Sub-No. 21), filed July 19, 1967. Applicant: THE YOUNGSTOWN CARTAGE CO., a corporation, 825 West Federal Street, Youngstown, Ohio 44501. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, dangerous explosives, household goods and commodities in bulk, between Chicago, Ill., and points in Illinois within 25 miles of Chicago, and those in Lake County, Ind., on and north of U.S. Highway 30 on the one hand, and, on the other, the plantsite of Ford Motor Co., Van Dyke and 18 Mile Road, Sterling Township, McComb County, Mich. NOTE: Applicant states it would tack at Chicago, Ill., to enable service to points in Wisconsin and Illinois. Applicant also states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 20490 (Sub-No. 1), filed July 19, 1967. Applicant: SLUTSKY'S MOTOR EXPRESS, INC., 137 Second Street, Perth Amboy, N.J. 08861. Applicant's representative: Herman B. J. Weckstein, 1060 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel and materials and supplies* used in the manufacture of wearing apparel, between Morgantown and Grafton, W. Va., and Woodsfield, Ohio, on the one hand, and, on the other, Reading and Philadelphia, Pa., North Bergen, Hackensack, Perth Amboy, and Paterson, N.J., and New York, N.Y. NOTE: Applicant states it would tack at New York between New York, N.Y., and points authorized in existing certificate. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 25798 (Sub-No. 156), filed July 20, 1967. Applicant: CLAY HYDER TRUCKING LINES, INC., 502 East Bridgers Avenue, Post Office Box 1186, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, (1) from Akron, Ohio, to points in Kentucky, West Virginia, North Carolina, Georgia, Florida, South Carolina, Alabama, Tennessee, Mississippi, Louisiana, Arkansas, Missouri, and the District of Columbia, and (2) from Paducah, Ky., to points in Kansas, Missouri, Nebraska, Iowa, Wisconsin, Arkansas, Mississippi, Oklahoma, Illinois, Indiana, Michigan, Tennessee, Alabama, Florida, Georgia, North Carolina, South Carolina, Virginia, West Virginia, Pennsylvania, New York, Ohio, Maryland, Delaware, New Jersey, Connecticut, Rhode Island, Massachusetts, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Akron, Ohio.

No. MC 29988 (Sub-No. 109), filed July 12, 1967. Applicant: DC INTERNATIONAL, INC., East 45th at Jackson, Denver, Colo. 80216. Applicant's representative: Edw. G. Baselon, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* except dangerous explosives, between Colorado Springs and Limon, Colo., from Colorado Springs over U.S. Highway 24 to Limon and return over the same route, as an alternate route for operating convenience only, serving no intermediate points, and serving Limon, Colo., as a point of joinder only. NOTE: Applicant states the route sought herein is to be used in conjunction with traffic moving between Colorado Springs, Colo., on the one hand, and, on the other, Kansas City, Mo., and points east thereof. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Chicago, Ill.

No. MC 31389 (Sub-No. 87), filed July 20, 1967. Applicant: McLEAN TRUCKING COMPANY, a corporation, 617 Waughtown Street, Post Office Box 213, Winston-Salem, N.C. 27102. Applicant's representative: Francis W. McInerny,

[1] Copies of Special Rule 1.247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

Suite 502, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the Hamilton Mine site of Island Creek Coal Co., at or near Morganfield (Union County), Ky., as an off-route point in connection with applicant's regular routes, extending between Cincinnati, Ohio, and Fulton, Ky., over U.S. Highway 60, U.S. Highway 25 and U.S. Highway 51. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Louisville, Ky.

No. MC 33641 (Sub-No. 66), filed July 20, 1967. Applicant: IML FREIGHT, INC., Post Office Box 2277, Salt Lake City, Utah 84110. Applicant's representative: Marshall G. Berol, 100 Bush Street, 21st Floor, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, livestock, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between the junction of Interstate Highway 5 and California Highway 14 (near San Fernando, Calif.) and the junction of Interstate Highway 80 and U.S. Highway 95 (near Lovelock, Nev.), from the junction of Interstate Highway 5 and California Highway 14 over California Highway 14 to junction U.S. Highway 395 (near Inyokern, Calif.), thence over U.S. Highway 395 to junction U.S. Highway 6 (near Bishop, Calif.), thence over U.S. Highway 6 to junction Nevada Highway 10 (near Basalt, Nev.), thence over Nevada Highway 10 to junction U.S. Highway 95, thence over U.S. Highway 95 to junction Interstate Highway 80 (near Lovelock, Nev.) and return over the same route, as an alternate route for operating convenience only, serving no intermediate points, (2) between Winnemucca, Nev., and the junction of Idaho Highway 72 and U.S. Highway 30 (near Nampa, Idaho), from Winnemucca, Nev., over U.S. Highway 95 to junction Idaho Highway 72 (near Marsing, Idaho), thence over Idaho Highway 72 to junction U.S. Highway 30 (near Nampa, Idaho), and return over the same route, as an alternate route for operating convenience only, serving no intermediate points, and (3) between the junction of U.S. Highway 40 and U.S. Highway 93 (near Wells, Nev.), and the junction of U.S. Highway 30 and U.S. Highway 93 (near Twin Falls, Idaho), from the junction of U.S. Highway 40 and U.S. Highway 93 over U.S. Highway 93 to junction U.S. Highway 30, and return over the same route, as an alternate route for operating convenience only, serving no intermediate points. Restriction: Service under each of the above alternate routes is restricted against the transportation of shipments which have an origin or destination within the State of Nevada. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 41404 (Sub-No. 73), filed July 12, 1967. Applicant: ARGO-COLLIER TRUCK LINES CORPORATION, Post Office Drawer 440, Fulton Highway, Martin, Tenn. 38237. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural commodities*, exempt from economic regulation pursuant to section 203(b)(6) of the Interstate Commerce Act, when transported at the same time and in the same vehicle with commodities subject to economic regulation (as otherwise authorized), from Gulfport, Miss., to points in Arkansas, Alabama (except Montgomery), points in Florida (except Pensacola), points in Georgia (except Atlanta and points within 15 miles of Atlanta), points in Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Minnesota, Missouri, Oklahoma, Ohio, Tennessee, Texas, and Wisconsin. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Mobile, Ala.

No. MC 46280 (Sub-No. 64), filed July 17, 1967. Applicant: DARLING FREIGHT, INC., 15 Andre Street SE., Grand Rapids, Mich. 49507. Applicant's representative: Robert A. Sullivan, 1800 Buhl Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as refined by the Commission, commodities in bulk and those requiring special equipment, between the site of the Ford Motor Co. plant located at Van Dyke and 18 Mile Road in Sterling Township, Mich., on the one hand, and, on the other, Omaha, Nebr., Louisville, Ky., St. Louis, Mo., Evansville and Vincennes, Ind.; and points in Indiana on and north of U.S. Highway 40, points in Illinois on and north of a line beginning at the Indiana-Illinois State line and extending along U.S. Highway 36 to Springfield, Ill., thence along Illinois Highway 125 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction Illinois Highway 103, thence along Illinois Highway 103 to junction U.S. Highway 24, and thence along U.S. Highway 24 to the Illinois-Missouri State line, points in Iowa on and east of U.S. Highway 65, points in Minnesota on, east and south of a line beginning at the Iowa-Minnesota State line and extending along U.S. Highway 65 to Minneapolis, Minn., and thence along U.S. Highway 12 to the Minnesota-Wisconsin State line, and points in Wisconsin on and south of a line beginning at the Minnesota-Wisconsin State line and extending along U.S. Highway 12 to junction Wisconsin Highway 29, thence along Wisconsin Highway 29 to Green Bay, Wis., and thence along U.S. Highway 141 via Manitowoc, Wis., to the shore of Lake Michigan. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 71516 (Sub-No. 87), filed July 20, 1967. Applicant: ALABAMA HIGHWAY EXPRESS, INC., 3300 Fifth Avenue South, Birmingham, Ala. 35202. Applicant's representative: Robert E. Tate, Suite 2025–2028, City Federal Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic pipe, plastic and iron connections, fittings, and accessories*, from the plantsite and warehouse facilities of the Clow Corp., at or near Lincoln (Talladega County), Ala., to points in Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia; and (2) *equipment, materials and supplies* used in the manufacture, processing, and distribution of plastic pipe, plastic and iron connections, fittings, and accessories (except in bulk in tank vehicles), from points in Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia, to the plantsite and warehouse facilities of the Clow Corp., at or near Lincoln (Talladega County), Ala. NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., Atlanta, Ga., or Washington, D.C.

No. MC 82044 (Sub-No. 2), filed July 18, 1967. Applicant: STAR WEST CARTAGE COMPANY, INC., 430 East Wacker Drive, Chicago, Ill. 60601. Applicant's representative: Donald W. Smith, 511 Fidelity Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contractor carrier*, by motor vehicle, over irregular routes, transporting: *Sugar*, in bulk in tank vehicles (shipper owned and carrier owned), from the plantsite of the Great Western Sugar Co. at Brookfield, Ill., to points in Iowa on and east of U.S. Highway 69, under contract with Great Western Sugar Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 87689 (Sub-No. 9), filed July 19, 1967. Applicant: INTER-CITY TRUCK LINES LIMITED, 1500 Dundas Highway East, Post Office Box 900, Station U, Toronto, Ontario, Canada. Applicant's representative: Robert D. Schuler, Suite 1700, 1 Woodward Avenue, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Willow Run Airport, Ypsilanti, Mich., as an off-route point in connection with authorized service at Detroit, Mich., restricted to traffic originating at or destined to points in Canada, having an immediately prior or subsequent movement by air. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 92500 (Sub-No. 5), filed July 21, 1967. Applicant: SEABOARD TRANSPORTATION CO., a corporation, Post Office Box 98, Antioch, Calif. 94509. Applicant's representative: William B. Adams, 624 Pacific Building, Portland, Oreg. 97204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips and wood residuals*, from Camptonville, Calif., to West Sacramento, Calif., under contract with Calida Lumber Co. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 95540 (Sub-No. 705), filed July 20, 1967. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, Fla. Applicant's representative: Allan E. Serby, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Food products*, (2) *food products in mixed shipments* with *commodities*, the transportation of which is partially exempt under the provisions of section 203(b)(6) of the Interstate Commerce Act if transported in vehicles not used in carrying any other property, when moving in the same vehicle at the same time with food products; from Wellston, Ohio, to points in Alabama, Florida, Georgia, Mississippi, North Carolina, and South Carolina. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., Cleveland, Ohio, or Washington, D.C.

No. MC 97394 (Sub-No. 4) (Amendment), filed November 21, 1966, published FEDERAL REGISTER issue of December 8, 1966, amended July 20, 1967, and republished as amended this issue. Applicant: MAJORS TRUCK LINE, INC., Post Office Box 7, Caneyville, Ky. 42721. Applicant's representative: Robert M. Pearce, 1033 State Street, Central Building, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Rockport and Central City, Ky., over U.S. Highway 62, (2) between Central City and Greenville, Ky., over U.S. Highway 62, (3) between Drakesboro and Central City, Ky., over Kentucky Highway 70, (4) between Earles and Greenville, Ky.; from Earles over Kentucky Highway 601 to junction U.S. Highway 62 north of Greenville, thence over U.S. Highway 62 to Greenville, and return over the same route, (5) between Calhoun and Central City, Ky., over Kentucky Highway 81, (6) between Central City and Island, Ky., over U.S. Highway 431, (7) between Livermore, Ky., and junction U.S. Highway 431 and the Daviess-McLean County line over U.S. Highway 431, (8) (a) between Hartford, Ky., and junction U.S. Highway 231 and the Daviess-Ohio County line over U.S. Highway 231, (b) between Caneyville, Ky., and junction U.S. Highway 231 and Kentucky Highway 1147; from Caneyville over Kentucky Highway 79 to junction U.S. Highway 231, thence over U.S. Highway 231 to junction Kentucky Highway 1147, and return over the same route serving the off-route points of Heflin, Centertown, and Dundee, Ky. (located in Ohio County, Ky.), and (9) between Beaver Dam and Rochester, Ky., over Kentucky Highway 369; serving all intermediate points and off-route points within 3 miles of the described routes in (1) through (9) above. NOTE: The purpose of this republication is to eliminate requested routes in previous publication to and from Madisonville, Ky., and to add and change other routes. If a hearing is deemed necessary, applicant requests it be held at Madisonville, Ky.

No. MC 106943 (Sub-No. 94), filed July 21, 1967. Applicant: EASTERN EXPRESS, INC., 1450 Wabash Avenue, Terre Haute, Ind. Applicant's representative: James E. Leah, 3737 North Meridian Street, Indianapolis, Ind. 46208. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except classes A and B explosives, livestock, grain, petroleum products, in bulk, household goods as defined by the Commission, and commodities requiring special equipment, serving the plantsite of Eastern Products Corp. in or near Columbia, Md. (at or near junction Maryland Highways 29 and 32) as an off-route point in connection with carrier's authorized regular route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Baltimore, Md.

No. MC 107295 (Sub-No. 111), filed July 17, 1967. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox, Post Office Box 146, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boards or slabs, composed of magnesite or cement with wood fiber or chips*, from Cornell, Wis., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Kansas, Louisiana, Maine, Maryland, Massachusetts, Mississippi, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Texas, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 107496 (Sub-No. 577), filed July 17, 1967. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, from Brandon, Iowa, to points in Minnesota, Illinois, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, or St. Paul, Minn.

No. MC 107515 (Sub-No. 582), filed July 19, 1967. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 10799, Station A, Atlanta, Ga. 30310. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned beverages and canned beverages preparation*, from points in Florida to points in Texas, Oklahoma, and Arkansas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla.

No. MC 107515 (Sub-No. 583), filed July 19, 1967. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 10799, Station A, Atlanta, Ga. 30310. Applicant's representative: B. L. Gundlach (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Resin impregnated broadgoods and rovings*, from Mobile, Ala., to Tulsa, Okla.; Dallas, Fort Worth, and San Antonio, Tex.; Wichita, Kans.; Cedar Rapids, Iowa; Lincoln, Nebr.; Akron, Cincinnati, and Middletown, Ohio; Mishawaka, Ind.; Detroit and Traverse City, Mich.; Baltimore and Cumberland, Md.; Alexandria, Brunswick, and Marion, Va.; Oak Ridge, Tenn.; Marietta, Ga.; and Miami and Orlando, Fla. NOTE: If a hearing is deemed necessary, applicant requests it be held at Montgomery, Ala., or Atlanta, Ga.

No. MC 109584 (Sub-No. 138), filed July 20, 1967. Applicant: ARIZONA PACIFIC TANK LINES, 2201 Ringsby Court, Denver, Colo. 80216. Applicant's representative: Eugene Hamilton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk in tank vehicles, from Phoenix, Ariz., to McCarran Field and Las Vegas, Nev. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Los Angeles or San Francisco, Calif.

No. MC 109891 (Sub-No. 8), filed July 12, 1967. Applicant: INFINGER TRANSPORTATION COMPANY, INC., Post Office Box 7398, Charleston Heights, S.C. 29405. Applicant's representative: William Addams, Room 406, 1776 Peachtree Street NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt pavement sealer and asphalt pavement sealer components*, between Charleston, S.C., and points within 15 miles thereof, and points in Alabama, Georgia, and Florida. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C., or Atlanta, Ga.

No. MC 110841 (Sub-No. 13), filed July 18, 1967. Applicant: PORT NORRIS EXPRESS CO., INC., Main Street, Port Norris, N.J. 08349. Applicant's representative: William Addams, Room 406, 1776 Peachtree Street NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, from points in Kershaw County, S.C., to points in Alabama, Florida, Kentucky, Mississippi, Virginia, and West Virginia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C., or Charlotte, N.C.

No. MC 111201 (Sub-No. 8), filed July 17, 1967. Applicant: J. N. ZELLNER & SON TRANSFER COMPANY, a corporation, Post Office Box 818, East Point, Ga. 30044. Applicant's representative: Monty Schumacher, Suite 693, 1375 Peachtree Street NE., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: (1) *Glass containers and closures for such containers*, and (2) *corrugated boxes or paper containers*, in mixed loads with glass containers and closures for such containers, on flatbed trailers, from Jacksonville, Fla., to points in Alabama, Georgia, North Carolina, South Carolina, and Tennessee. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 111748 (Sub-No. 13), filed July 18, 1967. Applicant: WILLIAMS MOVING & STORAGE CO., INC., Tarkio, Mo. Applicant's representative: Carll V. Kretsinger, 450 Professional Building, 1103 Grand Avenue, Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products and meat byproducts; articles distributed by meat packinghouses; and, such commodities as are used by meat packers in the conduct of their business when* destined to and for use by meat packers, as described in sections, A, C, and D of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, between the plantsite of Missouri Beef Packers, Inc., at or near Friona, Tex., on the one hand, and, on the other, points in the United States except Alaska and Hawaii; and, (2) *such commodities* as are used by meat packers in the conduct of their business when destined to and for use by meat packers, as described in section D of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, between the plantsite of Missouri Beef Packers, Inc., at or near Phelps City, Mo., on the one hand, and, on the other, points in the United States except Alaska and Hawaii. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, or St. Joseph, Mo.

No. MC 114045 (Sub-No. 284), filed July 20, 1967. Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex. 75222. Applicant's representative: R. L. Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal foods*, in packages, from Boston and Woburn, Mass., to points in Colorado, Illinois, Indiana, Iowa, Kansas, Missouri, Nebraska, New Mexico, Oklahoma, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114719 (Sub-No. 8), filed July 20, 1967. Applicant: FRANK R. DEAN, JR., 1198 New Circle Road NE., Lexington, Ky. 40505. Applicant's representative: Herbert D. Liebman, 403 West Main Street, Frankfort, Ky. 40601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, (1) between the plantsite of Carling Brewing Co. at Belleville, Ill., and Lexington, Ky., and (2) between the plantsite of Schoenling Brewing Co. at Cincinnati, Ohio, and Lexington, Ky., under contract with United Beverage Co., Inc. NOTE: Applicant holds common carrier authority in MC 118636, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Lexington or Louisville, Ky.

No. MC 117557 (Sub-No. 14) (Correction), filed June 15, 1967, published FEDERAL REGISTER Issue of July 7, 1967, and republished as corrected this issue. Applicant: MATSON, INC., Post Office Box 43, Cedar Rapids, Iowa 53406. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road construction machinery and equipment* as described in appendix VIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from points in the United States (except points in Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Washington, Wyoming, and Utah), to Cedar Rapids, Iowa. NOTE: The purpose of this republication is to insert the parenthesis after the State of Utah previously not shown. If a hearing is deemed necessary, applicant requests it be held at Des Moines or Cedar Rapids, Iowa.

No. MC 119789 (Sub-No. 22), filed July 21, 1967. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6, Opelousas, La. Applicant's representative: Alan E. Serby, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and bottled foodstuffs*, from St. Francisville and Belledeau, La., to points in California, Arizona, Idaho, New Mexico, Nevada, Oregon, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 119934 (Sub-No. 142), filed July 21, 1967. Applicant: ECOFF TRUCKING, INC., 625 East Broadway, Fortville, Ind. 46040. Applicant's representative: Robert C. Smith, 620 Illinois Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn products* (dry), in tank and hopper type vehicles, from Indianapolis, Ind., to points in Connecticut, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Tennessee, and St. Louis, Mo. NOTE: Applicant has pending in MC 128161 application for contract carrier authority, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 123638 (Sub-No. 4), filed June 30, 1967. Applicant: WHITE STAR BODY WORKS AND WRECKER SERVICE, INC., 4009 Hargrove Street, Charlotte, N.C. Applicant's representative: Elmer A. Hilker, 506 Johnston Building, Charlotte, N.C. 28202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trucks, tractors, buses, and trailers* (except trailers designed to be drawn by passenger automobiles), as replacement vehicles for wrecked or disabled trucks, tractors, buses, and trailers from Charlotte, N.C., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Maryland, Massachusetts, Mississippi, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, and West Virginia, and (2) *wrecked or disabled trucks, tractors, buses, and trailers* on return. NOTE: Applicant states it presently holds the authority sought in this application in its certificate No. MC 123638 (Sub-No. 1) subject to the restriction "in wrecker service only" on return trips to Charlotte. By the instant application, applicant seeks removal of this restriction so that in replacement hauling on return to Charlotte, wrecked and disabled vehicles may be hauled on low-boys. If a hearing is deemed necessary, applicant requests it be held at Charlotte, Greensboro, or Raleigh, N.C.

No. MC 124951 (Sub-No. 20) (Correction), filed June 19, 1967, published in FEDERAL REGISTER issue of July 7, 1967, and republished as corrected this issue. Applicant: WATHEN TRANSPORT, INC., Post Office Box 237, Henderson, Ky. Applicant's representative: Robert M. Pearce, Central Building, 1033 State Street, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fabricated iron and steel articles*, from Owensboro and Henderson, Ky., to points in Missouri and West Virginia. NOTE: The purpose of this republication is to show the correct spelling of *Henderson*, Ky., in lieu of *Kenderson*, Ky., as previously published. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Louisville, Ky.

No. MC 124951 (Sub-No. 22), filed July 21, 1967. Applicant: WATHEN TRANSPORT, INC., Post Office Box 237, Henderson, Ky. 42420. Applicant's representative: Louis J. Amato, Central Building, 1033 State Street, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Zinc and aluminum die castings*, (2) *industrial plastic, molded parts, plastic houseware, and packaging articles, and plastic closures*, and (3) *machinery, equipment, materials, and supplies* used in the manufacture, packaging, distribution and sale of (1) and (2) above, between Henderson, Ky., and points in Indiana, Illinois, Ohio, Tennessee, Michigan, Wisconsin, Minnesota, Missouri, Pennsylvania, New Jersey, New York, and Florida. NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Louisville, Ky.

No. MC 125385 (Sub-No. 1), filed July 18, 1967. Applicant: AUGIE PASSIEU TRUCKING, INC., Post Office Box 53, Cecil, Pa., 15321. Applicant's representative: Arthur J. Diskin, 302 Frick Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plasticizer*, in drums, *foundry binders*, in bags and in drums, *foundry flours and sands*, in bags, *reclaimed solvents and oils*, in drums, *foundry core compounds*, in bags and in drums, *steel fluxing and purifying compounds*, in bags and in drums, and *hot top casings*, from Muse, Pa., to points in New York, New Jersey, Connecticut, Massachusetts, Rhode Island, West Virginia, Ohio, Michigan, Indiana, Illinois, Wisconsin, Iowa, North Carolina, and South Carolina, and (2) *chemicals, oils, and waste solvents* used in the manufacture of foundry binders and compounds, in drums or bags, from points in the above States to Muse, Pa., under a continuing contract or contracts with Chemicals & Solvents Co., Muse, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 126104 (Sub-No. 5), filed July 21, 1967. Applicant: WEBER TRUCKING CORPORATION, 2055 West 4800 South, Roy, Utah. Applicant's representative: Irene Warr, 419 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Railroad rail and railroad ties, track material, timbers, steel landing mat, and scrap steel*, between points in Washington, Oregon, California, Nevada, Arizona, New Mexico, Utah, Idaho, Montana, Colorado, and Wyoming, under contract with A and K Railroad Ties, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City or Ogden, Utah.

No. MC 126346 (Sub-No. 5), filed July 17, 1967. Applicant: HAUPT CONTRACT CARRIERS, INC., 226 North 11th Avenue, Wausau, Wis. 54401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Self propelled material handling equipment* and *self propelled log slashing and skidding equipment* (except self propelled vehicles designed for transporting property or passengers on highways) and *parts and attachments therefor*, between the plantsites and facilities of the Pettibone Michigan Corp. at or near Baraga, Mich., on the one hand, and, on the other, points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin, the District of Columbia, and, *materials, equipment and supplies* used in the manufacture and the distribution of the commodities described above, on return, under contract with the Pettibone Michigan Corp., Baraga, Mich., and, (2) *fabricated metal products* and *related parts and accessories thereto*, from plantsite of Hartwig Manufacturing Corp. at or near Wausau, Wis., to points in Illinois, Indiana, Iowa, Kentucky, Michigan Minnesota, Missouri, Ohio, Tennessee, and Wisconsin, and *iron, steel, and aluminum articles* used in the manufacture of fabricated metal products on return, under contract with the Hartwig Manufacturing Corp., Wausau, Wis. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 127806 (Sub-No. 5), filed July 20, 1967. Applicant: BEER TRANSPORT, INC., 130 Steamboat Road, Great Neck, N.Y. Applicant's representative: Edward F. Bowes, 1060 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages* (other than in bulk in tank vehicles) and *advertising materials*, between Brooklyn, N.Y., and Orange, N.J., plantsites of Rheingold Breweries, Inc., on the one hand, and, on the other, the plantsite of Jacob Ruppert, Inc., at New Bedford, Mass., (2) *hops in bales, yeast in barrels*, and *brewing supplies, including brewing chemicals in fiber barrels or metal drums, and ditamatious earth in bags*, from Brooklyn, N.Y., and Orange, N.J., to New Bedford, Mass., under contract with Rheingold Breweries, Inc., in (1) and (2) above; and (3) *malt beverages* (other than in bulk in tank vehicles) and *advertising materials*, from the plantsite of Jacob Ruppert Brewery, Inc., in New Bedford, Mass., to Weathersfield, Willimantic, and Fairfield, Conn., under contract with C. Carbone and Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 128473 (Sub-No. 5), filed July 20, 1967. Applicant: MONTANA EXPRESS, INC., 207 Behner Building, 2822 Third Avenue North, Billings, Mont. 59103. Applicant's representative: J. G. Meglen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and articles* dealt in and distributed by wholesale grocers, from points in California, Colorado, Illinois, Iowa, Minnesota, Missouri, Nebraska, Nevada, Oregon, Utah, Washington, and Wisconsin to points in Montana. NOTE: If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 128910 (Sub-No. 1), filed July 21, 1967. Applicant: WILLIAM E. WOOD, 809 East Eighth, Moscow, Idaho 83843. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer* in bags and in bulk, from points in Franklin and Benton Counties, Wash., to points in Latah County, Idaho, under contract with Latah County Grain Growers, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Spokane, Wash.

No. MC 128941 (Sub-No. 1), filed July 6, 1967. Applicant: KATHLEEN ROBINS, doing business as ROBINS TRANSFER COMPANY, Post Office Box 239, Lawrenceburg, Tenn. 38464. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Sand*, from points in Franklin, Limestone, and Morgan Counties, Ala., to points in Giles and Lawrence Counties, Tenn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 129149 (Sub-No. 2), filed July 18, 1967. Applicant: ELLIS HAINES, doing business as HAINES TRUCK LINES, 995 Washington Street, Bushnell, Ill. 61422. Applicant's representative: Robert T. Lawley, 308 Reusch Building, Springfield, Ill. 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gravity flow wagon boxes, storage tanks, water tanks* and; *component parts thereof*, from Bushnell, Ill., to points in Iowa, Indiana, South Dakota, Missouri, Wisconsin, Minnesota, Nebraska, Kansas, Michigan, and Ohio and *damaged or rejected shipments*, on return under contract with Bushnell Illinois Tank Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Springfield, Ill.

No. MC 129214 (Sub-No. 1), filed July 17, 1967. Applicant: CAVES TRUCKING COMPANY, INC., Post Office Box 206, Wild Rose, Wis. 54984. Applicant's representative: Edward Solie, Executive Building, Suite 100, 4513 Vernon Boulevard, Madison, Wis. 53705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sawdust, shavings, and wood chips*, in bulk, and (2) *corrugated pulpboard boxes, wooden box materials, and fiberboard boxes with wooden frames*, from Wild Rose, Wis., to points in Illinois and Indiana. NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 129241, filed July 17, 1967. Applicant: MORRISON MOVING & STORAGE CO., INC., West 304 Pacific, Spokane, Wash. Applicant's representative: James D. Kendall, Post Office Box 975, 17 C Street SW., Quincy, Wash. 98848. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, including the packing and unpacking thereof, between points in Grant, Adams, Kittitas, and Spokane Counties, Wash., restricted to traffic moving on a through bill of lading of an exempt forwarder and having a prior or subsequent out-of-state movement. NOTE: If a hearing is deemed necessary, applicant requests it be held at Spokane, Wash.

No. MC 129243, filed July 19, 1967. Applicant: T-EMP, INC., 1223 Juniper Street, Quakertown, Pa. 18951. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over

irregular routes, transporting: (1) *Automobiles, equipment, materials, and supplies*, between points in New York Harbor, as defined by the Commission, on the one hand, and, on the other, Rockleigh, N.J., and (2) *Motorcycles, equipment, materials and supplies*, between points in New York Harbor, as defined by the Commission, on the one hand, and, on the other, New York, N.Y., and points in New Jersey. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 129248 (Sub-No. 1), filed July 19, 1967. Applicant: HUGH J. LEMMA, 200 Chestnut Avenue, Kirkwood, N.J. Applicant's representative: Raymond A. Thistle, Jr., Suite 1710, 1500 Walnut Street, Philadelphia, Pa. 19102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meat*, from Plainwell, Mich., and South Bend, Ind., to Philadelphia, Pa., under contract with Clover Beef Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 129251, filed July 18, 1967. Applicant: GLENN DENHAM, Route 3, Box 368, Gulfport, Miss. Applicant's representative: Rubel L. Phillips, 1819 Deposit Guaranty Bank Building, Post Office Box 22533, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, in secondary or subsequent movements, between points in Alabama, Mississippi, Louisiana, and Tennessee. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 129257 (Sub-No. 1), filed July 20, 1967. Applicant: M. I. BRUEGGEMANN, INC., doing business as CAL-MO-TEX TRUCKING, Post Office Box 4305, Affton, Mo. 63123. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* dealt in by General Grocer Co. of St. Louis, Mo., (1) between points in Missouri, Iowa, Illinois, Indiana, and Arkansas, and (2) from points in Florida, Georgia, Alabama, Louisiana, Tennessee, Kentucky, Illinois, Missouri, Texas, Colorado, Oklahoma, Kansas, Nebraska, Minnesota, Iowa, Wisconsin, Michigan, Ohio, Pennsylvania, California, Arizona, New Mexico, Nevada, and Utah to points in Missouri, under contract with General Grocer Co. of St. Louis, Mo. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Jefferson City, Mo.

No. MC 129260, filed July 20, 1967. Applicant: D A T A TRANSPORTATION CO., INC., 1544 North Knowles Avenue, Los Angeles, Calif. 90063. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Los Angeles, Orange, Sacramento, Yolo, San Francisco, Solano, San Mateo, Santa Clara, Alameda, and Contra Costa Counties, Calif., restricted to shipments having a prior or subsequent line-haul movement beyond said counties by rail, motor, air, or water. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles or San Francisco, Calif., or Washington, D.C.

No. MC 129261, filed July 20, 1967. Applicant: AMERICAN INC. MOVING & STORAGE, 1719 North Tancahua, Post Office Box 1602, Corpus Christi, Tex. 78403. Applicant's representative: Paul F. Sullivan, Colorado Building, Suite 913, 1341 G Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Aransas, Bee, Brooks, Calhoun, Cameron, Duval, Goliad, Jim Wells, Hildalgo, Kenedy, Live Oak, Nueces, Refugio, Starr, San Patricio, Victoria, Kleberg, and Willacy Counties, Tex., restricted to shipments moving in containers and having an immediately prior or subsequent movement by rail, motor, water, or air and moving on through bills of lading of forwarders, operating under the section 402(b)(2) exemption. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Houston, Tex.

No. MC 129263, filed July 13, 1967. Applicant: AIRPORT DRAYAGE CO., a corporation, Air Freight Terminal, Seattle-Tacoma International Airport, Seattle, Wash. 98158. Applicant's representative: L. M. Greening (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, restricted to those shipments having an immediate, prior or subsequent movement by an air carrier, (1) between the Seattle-Tacoma International Airport and Boeing Field, Wash., and points in King, Snohomish, Pierce, and Kitsap Counties, Wash., and (2) between points within a 25-mile radius of Anchorage and Fairbanks, Alaska. NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

MOTOR CARRIER OF PASSENGERS

No. MC 228 (Sub-No. 59), filed July 17, 1967. Applicant: HUDSON TRANSIT LINES, INC., 17 Franklin Turnpike, Mahwah, N.J. 07430. Applicant's representative: Samuel B. Zinder, 160-16 Jamaica Avenue, Jamaica, N.Y. 11432. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers, their baggage, express, and newspapers*, in the same vehicle with passengers; (1) Between the intersection of New Jersey Highway 17 and Interstate 80 and the intersection of New Jersey Highway 4 and Interstate 95, from the intersection of Interstate 80 and New Jersey Highway 17 over Interstate Highway 80 to the intersection of Interstate 80 and Interstate 95, thence over Interstate 95 to its intersection with New Jersey Highway 4, and any and all access roadways and ramps, and return over the same route, serving no intermediate points, except for purposes of joinder. (2) Between the intersection of New Jersey Highway 46, New Jersey Turnpike and Interstate 95 and the intersection of Interstate 80 and Interstate 95: From the intersection of New Jersey Highway 46, New Jersey Turnpike and Interstate 95 over Interstate 95 to the intersection of Interstate 80 and Interstate 95, and any and all access roadways and ramps, and return over the same route, serving no intermediate points, except for purposes of joinder. (3) Between the intersection of New York Highway 17 and the Thomas E. Dewey Thruway and the intersection of the Garden State Parkway and New Jersey Highway 17: From the intersection of New York Highway 17 and the Thomas E. Dewey Thruway over the Thomas E. Dewey Thruway to the intersection of the Thomas E. Dewey Thruway and the Garden State Parkway, thence over the Garden State Parkway to the intersection of the Garden State Parkway and New Jersey Highway 17, and any and all access roadways and ramps, and return over the same route, serving no intermediate points except for the purposes of joinder; as alternate routes for operating convenience only. NOTE: Applicant states that it proposes to join the proposed routes to its existing authority and that the proposed routes are designed and intended to enable it to operate over interstate highways, turnpikes, and parkways in addition to and in lieu of existing authorized regular routes under which it presently provides service through Bergen County, N.J. If a hearing is deemed necessary, applicant did not specify a location.

APPLICATION OF FREIGHT FORWARDER

No. FF-221 (Sub-No. 4), BARGE SERVICE CORPORATION EXTENSION-ARKANSAS RIVER, filed July 19, 1967. Applicant: BARGE SERVICE CORPORATION, 1202 Benedum-Trees Building, Pittsburgh, Pa. Applicant's representative: Joe G. Fender, 802 Houston First Savings Building, Fannin at Capitol, Houston, Tex. 77002. Authority sought under section 410, Part IV of the Interstate Commerce Act to extend operations as a freight forwarder in interstate or foreign commerce, through use of the facilities of *common carriers* by water, in the transportation of *General commodities*, between points on the Ohio, Monongahela, and Allegheny Rivers in Pennsylvania, Ohio, West Virginia, Indiana, and Kentucky, and points on the Gulf Intracoastal Waterway between New Orleans, La., and Brownsville, Tex., on the one hand, and, on the other, points on the Arkansas River System from its confluence with the Mississippi River to and including Catoosa (Tulsa), Okla.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAVE BEEN REQUESTED

No. MC 109016 (Sub-No. 17), filed July 14, 1967. Applicant: CONSOLIDATED TRUCK LINES, LIMITED, 775 The Queensway, Toronto, Ontario, Canada. Applicant's representatives: Floyd B. Piper, 47 Ramsdell Avenue, Buffalo, N.Y. 14216, and Robert D. Schuler, Suite 1700, 1 Woodward Avenue, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, serving the plantsite of Ford Motor Co., on Sheldon Road, Plymouth Township, Wayne County, Mich., as an off-route point in connection with authorized service at Detroit, Mich. NOTE: Common control may be involved.

No. MC 112613 (Sub-No. 4), filed July 19, 1967. Applicant: T. ACHENBERG TRANSPORTATION CO., a corporation, 208 Sheridan Street, Perth Amboy, N.J. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Materials and supplies*, as are used in the manufacture, sale and distribution of toilet preparations (except in bulk), from Perth Amboy, N.J., to points in Essex and Hudson Counties, N.J., and New York, N.Y., under a continuing contract with Chesebrough-Pond's, Inc.

No. MC 124073 (Sub-No. 4) (Correction), filed May 22, 1967, published in FEDERAL REGISTER issue of June 8, 1967, corrected July 14, 1967, and republished as corrected this issue. Applicant: ROY S. SARGEANT, INC., Barkers Mill Road, Vienna, N. J. Applicant's representative: Edward F. Bowes, 1060 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen meat*, from the Polarized Meat Division, Durkee Famous Foods, plantsite of The Glidden Co., located at or near Moosic, Pa., to Manchester and Nashua, N.H., Burlington, Vt., Milton, Ithaca, Newark, Newburgh, Rome, Utica, New York, Mineola, and Huntington, N.Y., Meriden, Waterbury, Hartford, Hamden, New Haven, Norwich, Wallingford, and Danbury, Conn., Pawtucket and Providence, R.I., and Ludlow, Fall River, Southboro, and Worcester, Mass., (2) *fresh meat*, from the Polarized Meat Division, Durkee Famous Foods, plantsite of The Glidden Co. located at or near Moosic, Pa., to New York, Mineola, and Huntington, N.Y., (3) *fresh and frozen meat*, from the Beef Products Division, Durkee Famous Foods, plantsite of The Glidden Co. located at or near Pittston, Pa., to New York and Rockville Centre, N.Y., (4) *fresh and frozen meat*, from New York, N.Y., to the Polarized Meat Division, Durkee Famous Foods, plantsite of The Glidden Co., located at or near Moosic, Pa., (5) *frozen poultry, frozen hors d'oeuvres, frozen prepared dough, and frozen bakery products*, from the plantsite of The Glidden Co. located at or near Moosic, Pa., to Nashua and Manchester, N.H., Burlington, Vt., Buffalo, Jamestown, Rochester, Newark, Newburgh, New York, Olean, Norwich, Syracuse, Schenectady, Albany, Troy, Kingston, Monticello, Utica, Milton, Ithaca, and Rome, N.Y., Newark, and Paterson, N.J., Waterbury, Hartford, Hamden, New Haven, Stamford, Bridgeport, Norwich, Meriden, Wallingford, and Danbury, Conn., Woonsocket, Pawtucket, and Providence, R. I., and Springfield, Pittsfield, Boston, Worcester, Southboro, Fall River, and Ludlow, Mass., (6) *frozen hors d'oeuvres, frozen prepared dough, and frozen bakery products*, from the plantsite of Gretchen Grant Kitchens Divison, Durkee Famous Foods, The Glidden Co. located at or near Maplewood, N.J., or its warehouse at Jersey City, N.J., to the plantsite of Polarized Meat Division, Durkee Famous Foods, The Glidden Co. at Moosic, Pa., (7) *frozen poultry*, prepared, from the Empire Chicken Industries Division, Durkee Famous Foods, plantsite of The Glidden Co. located at or near Moosic, Pa., to Hoboken, N.J., New York, Farmingdale, Floral Park, and Mineola, N.Y., (8) *poultry, fresh and frozen*, when transported in the same vehicle with frozen prepared poultry, frozen hors d'oeuvres, frozen prepared dough, frozen bakery products, pizza, and frozen fish, from the plantsite of The Glidden Co., Moosic, Pa., to Hoboken, N.J., New York, Farmingdale, Mineola, and Floral Park, N.Y., and (9) *frozen pizza pies*, from Scranton, Pa., to Buffalo, Fulton, Syracuse, and Troy, N.Y., New Brunswick, Newark, Jersey City, and Paterson, N.J., Bridgeport and Hamden, Conn., Woonsocket and Pawtucket, R.I., and Springfield, Pittsfield, and Boston, Mass., under contract with The Glidden Co., and Profera's Pizza Pies, Inc. NOTE: The purpose of this republication is to correct paragraph (1) by adding *Utica, N.Y.*, and in paragraph (5) show *frozen poultry*, in lieu of *fresh poultry*, and to add the word "*prepared*" in commodity description in paragraph (7).

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-8974; Filed, Aug. 2, 1967; 8:45 a.m.]

[Notice 16]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 31, 1967.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 279), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-69549. By order of July 27, 1967, the Transfer Board approved the transfer to Leon Ledbetter, Vega, Tex., of the operating rights in certificate No. MC-125000 (Sub-No. 3), issued September 30, 1964, to Lewis G. Herring, Pampa, Tex., authorizing the transportation, over irregular routes, of sand, gravel, crushed stone, rock, stone, caliche, and dirt, between points in 73 specified counties in Texas, New Mexico, Oklahoma, Kansas, and Colorado. Grady L. Fox, 222 Amarillo Building, Amarillo, Tex., attorney for applicants.

No. MC-FC-69722. By order of July 24, 1967, the Transfer Board approved the transfer to Film Transfer Co., Inc., Dallas, Tex.; of certificate in No. MC-119280 (Sub-No. 1), issued April 8, 1965, to White Air Freight Service, Inc.; Houston, Tex.; authorizing the transportation of: General commodities (except household goods), between Houston, Tex., International Airport and the Jefferson County, Tex., Airport, on the one hand, and, on the other, certain specified counties in Texas. Austin L. Hatchell, 1102 Perry Brooks Building, Austin, Tex. 78701, and Harry W. Patterson, 1808 First City National Bank, Houstin, Tex. 77002, attorney for applicants.

No. MC-FC-69791. By order of July 26, 1967, the Transfer Board approved the tranfer to Giuffre Bros. Bus Co., Inc., Amsterdam, N.Y., of the operating rights in certificate No. MC-124599 issued December 31, 1962, to Philip L. Giuffre and Anthon J. Giuffre, a partnership doing business as Giuffre Brothers, Amsterdam, N.Y., authorizing the transportation of: Passengers and their baggage, in charter operations, beginning and ending at points in specified counties in New York, and extending to points in the United States, including Alaska, but excluding Hawaii. Charles H. Trayford, 220 East 42d Street, New York, N.Y. 10017, representative for applicants.

No. MC-FC-69793. By order of July 26, 1967, the Transfer Board approved the transfer to B & G Express, Inc., Attalla, Ala., of certificate of registration No. MC-96753 (Sub-No. 1) issued May 12, 1964, to W. C. Heard, doing business as B & G Express, Gadsden, Ala., evidencing a right to engage in interstate or foreign commerce within the State of Alabama. Maurice F. Bishop, 327 Frank Nelson Building, Birmingham, Ala., attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-9045; Filed, Aug. 2, 1967; 8:48 a.m.]

[Notice 16-a]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 31, 1967.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 279), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of

publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-69850. By application filed July 28, 1967, CARTAGE SERVICES, INC., 26380 Van Born Road, Dearborn Heights, Mich. 48125, seeks temporary authority to lease the operating rights of CAIN BROS., INC., 3413 Crystle Road, Terre Haute, Ind. 47801, under section 210a(b). The transfer to CARTAGE SERVICES, INC., of the operating rights of CAIN BROS., INC., is presently pending.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-9046; Filed, Aug. 3, 1967; 8:46 a.m.]

TARIFF COMMISSION

[AFTA-W-15]

BORG-WARNER CORP.

Workers' Petition for Determination of Eligibility To Apply for Adjustment Assistance; Notice of Termination of Investigation

Notice is hereby given that the investigation instituted by the Tariff Commission on June 12, 1967, at the request of the Automotive Agreement Adjustment Assistance Board, pursuant to section 302(c) of the Automotive Products Trade Act of 1965, with respect to a petition filed with the Board by the International Union, United Automobile Workers, and its Local 314, on behalf of a group of workers at the Long Manufacturing Division, Borg-Warner Corp., Detroit, Mich., has been terminated without prejudice. Notice of the investigation appeared in the FEDERAL REGISTER of June 17, 1967 (32 F.R. 8740).

The Board has advised the Commission that it would not object to this termination of the investigation because the petitioner has requested permission from the Board to withdraw its original petition without prejudice in order that it might submit a revised and more extensive petition for its consideration.

Issued: July 31, 1967.

By order of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 67-9085; Filed, Aug. 2, 1967; 8:49 a.m.]

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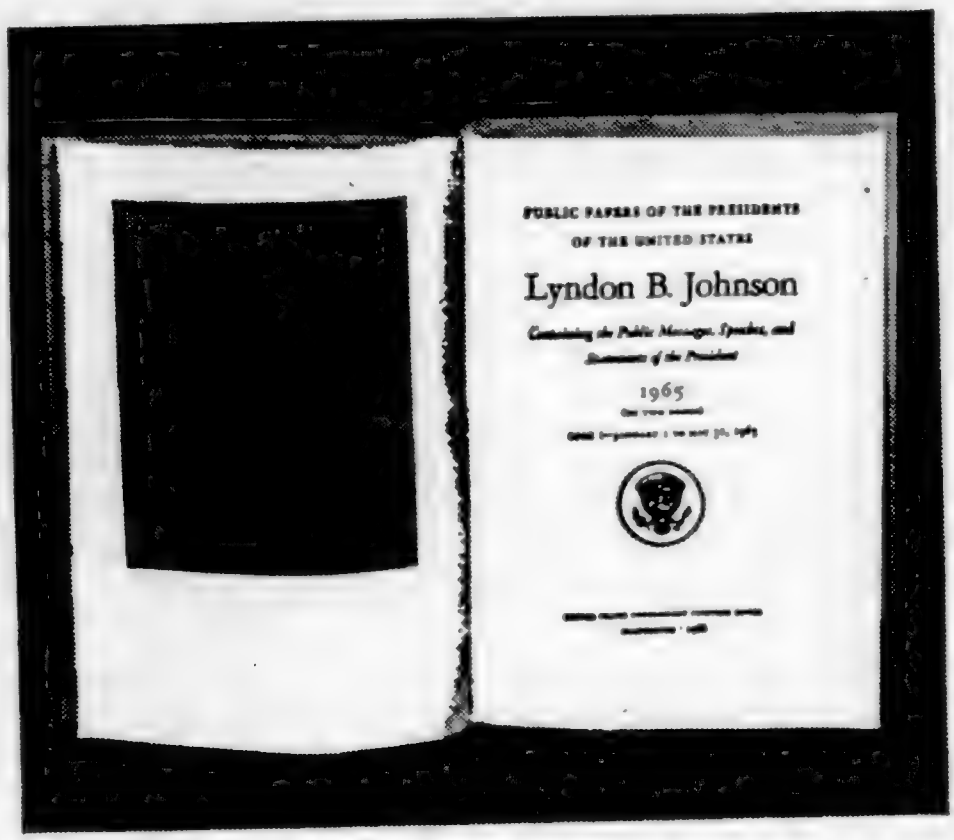
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Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Treasury Department

Section 213.3305 is amended to show that the position of Staff Assistant to the National Director, U.S. Savings Bond Division, is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (2) is added to paragraph (d) of § 213.3305 as set out below.

§ 213.3305 **Treasury Department.**

* * * * * * *

(d) *United States Savings Bond Division.* * * *

(2) One Staff Assistant to the National Director.

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-9100; Filed, Aug. 3, 1967; 8:47 a.m.]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that one additional position of Special Assistant to the Assistant Secretary for Legislation is excepted under Schedule C and that the positions of Program Coordination Officer and Director, Office of Program Analysis, and Special Assistant to the Assistant Secretary for Legislation are no longer excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (1) is amended and subparagraphs (3) and (5) of paragraph (f) of § 213.3316 are revoked as set out below.

§ 213.3316 **Department of Health, Education, and Welfare.**

* * * * * * *

(f) *Office of the Assistant Secretary for Legislation.* (1) Four Special Assistants to the Assistant Secretary.

* * * * * * *

(3) [Revoked]

* * * * * * *

(5) [Revoked]

* * * * * * *

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-9098; Filed, Aug. 3, 1967; 8:47 a.m.]

PART 213—EXCEPTED SERVICE

Department of Transportation

Section 213.3394 is amended to show that the position of Special Assistant (Public Affairs), Office of the Assistant Secretary for Public Affairs, Office of the Secretary is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (8) is added to paragraph (a) of § 213.3394 as set out below.

§ 213.3394 **Department of Transportation.**

(a) *Office of the Secretary.* * * *

(8) Special Assistant (Public Affairs).

* * * * * * *

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-9099; Filed, Aug. 3, 1967; 8:47 a.m.]

Title 4—ACCOUNTS

Chapter I—General Accounting Office

SUBCHAPTER A—GENERAL PROCEDURES

PART 20—BID PROTESTS

A new part, establishing procedures governing bid protests, is added as follows:

Sec.
20.1 Procedure for protest.
20.2 Notice of protest.

AUTHORITY: The provisions of this Part 20 issued under sec. 311, 42 Stat. 25, as amended, 31 U.S.C. 52. Interpret or apply sec. 305, 42 Stat. 24, 31 U.S.C. 71; sec. 304, 42 Stat. 24, as amended, 31 U.S.C. 74.

§ 20.1 Procedure for protest.

An interested party wishing to protest the proposed award of a contract, or the award of a contract, by an agency of the Federal Government whose expenditures are subject to disallowance by the U.S. General Accounting Office may do so by addressing a telegram, or letter to the Comptroller General of the United States, U.S. General Accounting Office, Washington, D.C. 20548, identifying the procurement and the agency concerned and stating the basis for the protest. A party having filed a protest may request a conference with the General Accounting Office attorney who has been assigned primary responsibility for handling the protest. The General Accounting Office reserves the right to make public any information submitted in connection with the protest unless such information is proprietary or is classified information as defined at 18 U.S.C. 798(b).

§ 20.2 Notice of protest.

If it proposes to sustain a protest, the General Accounting Office, unless the Comptroller General or the Assistant Comptroller General certifies that time and circumstances do not permit, will give notice of the protest and an opportunity to present views to the contractor where the contract has already been awarded or, if prior to award, to the bidder who it appears from the facts of record would be awarded the contract but for the protest.

[SEAL] ELMER B. STAATS,
Comptroller General of the United States.

[F.R. Doc. 67-9069; Filed, Aug. 3, 1967; 8:46 a.m.]

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruit, Vegetables, Nuts), Department of Agriculture

PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

Salable and Reserve Percentages for 1967–68 Crop Year

Pursuant to the marketing agreement, as amended, and Order No. 993, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), the Prune Administrative Committee has unanimously recommended salable and reserve percentages for California dried prunes of 100 percent and 0 percent, respectively. These percentages would be applicable to all dried prunes received by handlers from producers and dehydrators during the 1967–68 crop year (beginning August 1, 1967).

The Committee's recommendation is based on its estimate of 1967 California dried prune production at 135,000 tons,

natural condition weight, and carrying of 34,692 tons, natural condition weight. This would result in an estimated supply, processed weight equivalent, of 174,783 tons. The Committee also estimated 1967–68 domestic trade demand at 115,000 tons (processed weight), and foreign trade demand at 40,000 tons (processed weight), leaving a carryout on July 31, 1968, of 19,783 tons. A carryout of 25,000 tons is deemed desirable.

After consideration of the committee's recommendation and supporting information, and other available information, it is found that to establish the salable and reserve percentages as hereinafter set forth will tend to effectuate the declared policy of the act.

Therefore, the salable and reserve percentages for dried prunes for the 1967–68 crop year are established as follows:

§ 993.203 Salable and reserve percentages for prunes for the 1967–68 crop year.

The salable and reserve percentages for the 1967–68 crop year shall be 100 percent and 0 percent, respectively.

It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice and engage in public rulemaking procedure, and that good cause exists for making the provisions hereof effective upon publication in the FEDERAL REGISTER and not postponing the effective time until 30 days after publication (5 U.S.C. 553) in that: (1) The percentages will apply to all dried prunes received by handlers from producers and dehydrators during the 1967–68 crop year beginning August 1, 1967; and (2) this action places no restrictions on handlers.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated August 1, 1967, to become effective upon publication in the FEDERAL REGISTER.

PAUL A. NICHOLSON,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 67-9127; Filed, Aug. 3, 1967; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER C—AIRCRAFT

[Docket No. 8308; Amdt. 39-461]

PART 39—AIRWORTHINESS DIRECTIVES

British Aircraft Corporation Model BAC 1–11, 200- and 400-Series Airplanes

A failure of a reverse thrust plunger unit, P/N AC 39 A 111, has occurred on a British Aircraft Corp. Model BAC 1–11 200-Series airplane. An examination of the plunger unit revealed that plunger rod P/N AC 39–117 was broken at the threaded portion, the plain portion of the rod was bent where it joined the fork, and the spring was distorted. It was also determined that under these conditions locking plate P/N AB 39–577 could fall into the locking slot in the gap plate, thus preventing the engine throttle handle from being moved out of flight idle position and creating a dangerous situation if additional power was needed. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require the inspection, within the next 155 hours' time in service, of plunger rods P/N AC 39–117 in accordance with British Aircraft Corp. Alert Service Bulletin No. 76–A–PM 2837 and the replacement of defective plunger rods before further flight. The AD also requires the reinspection of the plunger rods at an interval not to exceed 600 hours after the initial inspection, and the replacement of plunger units P/N AC 39 A 111 with plunger units P/N AB 39 A 3477 within the next 1,000 hours' time in service.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BRITISH AIRCRAFT. Applies to Model BAC 1–11 200- and 400-Series airplanes.

Compliance required as indicated.

To prevent failure of the reverse-thrust plunger unit rods P/N AC 39–117, accomplish the following:

(a) Within the next 155 hours' time in service after the effective date of this AD and thereafter at an interval not to exceed 600 hours' time in service from the initial inspection, remove and dismantle reverse-thrust plunger units P/N AC 39 A 111 and visually inspect plunger rods P/N AC 39–117 for cracks, distortion, or other defects in accordance with British Aircraft Corp. Alert Service Bulletin No. 76–A–PM 2837 or later ARB-approved issue, or FAA-approved equivalent.

(b) Replace cracked, distorted, or defective plunger rods, P/N AC 39–117, with serviceable plunger rods of the same part number before further flight.

(c) Within the next 1,000 hours' time in service after the effective date of this AD, replace reverse-thrust plunger units P/N AB 39 A 111 with plunger units P/N AB 39 A 3477 in accordance with British Aircraft Corp. Service Bulletin No. 76–PM 2837 or later ARB-approved issue, or FAA-approved equivalent.

(d) The inspections required by paragraph (a) may be discontinued after reverse thrust plunger units P/N AB 39 A 111 have been replaced with plunger units P/N AB 39 A 3477 in accordance with paragraph (c).

This amendment becomes effective August 4, 1967.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on July 27, 1967.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[F.R. Doc. 67-9083; Filed, Aug. 3, 1967; 8:46 a.m.]

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 67-WE-46]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the description of the LaVerne, Calif., control zone.

A recent review of the approach procedures and associated airspace requirements for Brackett Field, LaVerne, Calif., and Cable Airport, Upland, Calif., has resulted in raising the crossing altitude at the Pomona, Calif., VOR from 2,000 feet to 3,000 feet for the AL–5203–VOR–1 approach procedure to Cable Airport. This adjustment will provide a greater degree of safety between aircraft executing the approach procedure to Cable Airport and aircraft in the traffic pattern at Brackett Field. Raising the crossing altitude at the Pomona VOR to 3,000 feet also eliminates the requirement for the control zone extension west of Pomona VOR.

The review further revealed that a 1-mile control zone extension will be required 2 miles each side of the Pomona VOR 179° T (164° M) radial. This extension will provide protection for aircraft executing the prescribed instrument approach procedure for Brackett Field while operating below 1,000 feet above the surface.

Since these changes are minor in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0001 e.s.t., October 12, 1967, as hereinafter set forth:

In § 71.171 (32 F.R. 2109) the LaVerne, Calif., control zone is amended to read as follows:

LAVERNE, CALIF.

Within a 3-mile radius of Brackett Field (latitude 34°05'30" N., longitude 117°47'00" W.), within 2 miles each side of the Pomona VOR 179° radial, extending from the 3-mile radius zone to 3 miles S. of the VOR.

Issued in Los Angeles, Calif., on July 28, 1967.

LEE E. WARREN,
Acting Director,
Western Region.

[F.R. Doc. 67-9084; Filed, Aug. 3, 1967; 8:46 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 8294; Amdt. 547]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Nabb VOR	SD LOM	Direct	2500	T–dn	500–1	500–1	500–1
Louisville VOR	SD LOM	Direct	2100	C–dn	500–1	500–1	500–1
Bourbon Int	SD LOM	Direct	2500	S–dn–1	600–1	600–1	600–1
Nadine Int	SD LOM	Direct	2300	A–dn	900–2	900–2	900–2
Corydon Int	SD LOM	Direct	2300				
Harbor Int	SD LOM	Direct	2300				
Martinsburg Int	SD LOM	Direct	3000				
Henryville Int	SD LOM	Direct	3000				

Radar available.
Procedure turn W side of crs, 190° Outbnd, 010° Inbnd, 2100′ within 10 miles.
Minimum altitude over facility on final approach crs, 2100′.
Crs and distance, facility to airport, 010°—4.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.8 miles after passing SD LOM, make a left-climbing turn to 2500′ on heading, 280°, intercept, R 276°, LOU VOR, and proceed to Corydon Int, hold W, 1-minute right turns, 090° Inbnd.
Alternate missed approach: Within 4.8 miles after passing SD LOM, climb to 2200′ on heading, 010° to Harbor Int, hold N, 1-minute left turns, 190° Inbnd.
MSA within 25 miles of facility: 035°–125°—2500′; 125°–215°—2300′; 215°–305°—2200′; 305°–035°—3000′.

City, Louisville; State, Ky.; Airport name, Standiford Field; Elev., 497′; Fac. Class., LOM; Ident., SD; Procedure No. NDB (ADF) Runway 1, Amdt. 24; Eff. date, 26 Aug. 67; Sup. Amdt. No. ADF Amdt. 22; Dated, 10 Apr. 65

Vernon Int	SG LOM	Direct	2800	T–dn	800–1	800–1	800–1
Billings Int	SG LOM	Direct	2800	C–dn	400–1	800–1	800–1
Crane Int	SG LOM	Direct	2800	S–dn–1●	400–1	400–1	400–1
Miller Int	SG LOM	Direct	2800	A–dn	800–2	800–2	800–2
Plano Int	SG LOM	Direct	2800				
SGF NDB	SG LOM	Direct	2800				
SGF VOR	SG LOM	Direct	2800				

Procedure turn E side of crs, 195° Outbnd, 015° Inbnd, 2800′ within 10 miles.
Minimum altitude over facility on final approach crs, 2100′.
Crs and distance, facility to airport, 015°—3.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 miles after passing LOM, climb to 2800′ on crs 015°, proceed to SGF VOR.
● Sliding scale not authorized.
MSA within 25 miles of facility: 090°–090°—4200′; 090°–180°—2700′; 180°–360°—2600′.

City, Springfield; State, Mo.; Airport name, Springfield Municipal; Elev., 1267′; Fac. Class., LOM; Ident., SG; Procedure No. NDB (ADF) Runway 1, Amdt. 6; Eff. date, 26 Aug. 67; Sup. Amdt. No. ADF 1, Amdt. 5; Dated, 5 Feb. 66

SGF VOR	SGF NDB	Direct	2800	T–dn	800–1	800–1	800–1
				C–dn	400–1	800–1	800–1
				S–dn–12●	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Procedure turn W side of crs, 317° Outbnd, 137° Inbnd, 2800′ within 10 miles.
Minimum altitude over facility on final approach crs, 2800′.
Crs and distance, facility to airport, 137°—3.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 miles after passing RBn, climb to 3000′ on 137° bearing from SGF RBn within 15 miles, make right turn and return to SGF RBn.
● Sliding scale not authorized.
MSA within 25 miles of facility: 090°–180°—4200′; 180°–090°—2600′.

City, Springfield; State, Mo.; Airport name, Springfield Municipal; Elev., 1267′; Fac. Class., H8AB; Ident., SGF; Procedure No. NDB(ADF) Runway 13, Amdt. 3; Eff. date, 26 Aug. 67; Sup. Amdt. No. ADF 2, Amdt. 2; Dated, 5 Feb. 66

2. By amending the following very high frequency omnirange (VOR) procedures prescribed in § 97.11(c) to read:

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn	300–1	300–1	NA
				C-dn	700–1	700–1	NA
				S-dn	NA	NA	NA
				A-dn	NA	NA	NA

Procedure turn S side of crs, 297° Outbnd, 117° Inbnd, 1800′ within 10 miles.
Minimum altitude over facility on final approach crs, 1600′.
Crs and distance, facility to airport, 117°—9.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 9.2 miles from HCM VOR, make right-climbing turn to 1600′ direct to HCM VOR, hold NW, R 297°, 117° Inbnd, HCM VOR, 1-minute right turns.
NOTE: Weather source: Newport News, Va., FSS.
CAUTION: 60′ trees surrounding air strip, 125′ unmarked antenna 0.3 mile E of strip; 100′ antenna 1 mile N of strip.
MSA within 25 miles of facility: 000°–180°—1800′; 180°–360°—2100′.

City, Gloucester; State, Va.; Airport name, Gloucester; Elev., 80′; Fac. Class., L-BVOR; Ident., HCM; Procedure No. VOR-1, Amdt. Orig.; Eff. date, 26 Aug. 67

Pullman VOR	Highway Int (final)	Direct	2300	T-dn	800–1	800–1	800–1
Muskegon VOR	Highway Int	Via MKG, R 200° and PMM, R 353.	2300	C-dn	600–1	600–1	600–1¼
				A-dn	NA	NA	NA

Procedure turn W side of crs, 173° Outbnd, 353° Inbnd, 2300′ within 10 miles of Highway Int.
Minimum altitude over Highway Int, on final approach crs, 2300′.
Crs and distance, Highway Int to airport, 353°—8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5 miles after passing Highway Int, make left turn climbing to 2300′ and return to Highway Int.
NOTES: (1) Use Muskegon, Mich., altimeter setting. (2) Dual VOR receivers or DME required.
MSA within 25 miles of facility: 000°–090°—2500′; 090°–180°—2300′; 180°–360°—3100′.

City, Holland; State, Mich.; Airport name, Park Township; Elev., 612′; Fac. Class., H-BVORTAC; Ident., PMM; Procedure No. VOR-1, Amdt. Orig.; Eff. date, 26 Aug. 67

R 134°, JVL VOR clockwise	R 286°, JVL VOR	Via 7-mile DME Arc.	2600	T-dn	800–1	800–1	800–1¼
R 301°, JVL VOR counterclockwise	R 286°, JVL VOR	Via 7-mile DME Arc.	2600	C-dn*	400–1	400–1	400–1¼
				S-dn-45*	400–1	400–1	400–1
7-mile DME Fix, R 286°, JVL VOR	JVL VOR (final)	Direct	2100	A-dn*	800–2	800–2	800–2

Procedure turn W side of crs, 286° Outbnd, 066° Inbnd, 2400′ within 10 miles.
Minimum altitude over facility on final approach crs, 2100′.
Crs and distance, facility to airport, 086°—4.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles after passing JVL VOR, climb to 2500′ on R 066°, within 10 miles, return to VOR.
NOTE: Use Rockford, Ill., altimeter setting, when control zone not effective.
CAUTION: Runways 18/36 unlighted.
*Circling ceiling minimums are raised 100′ and alternate minimums not authorized when control zone not effective.
$400–1½ authorized with operative REIL or HIRL, except for 4-engine turbojets.
"These minimums apply at all times for air carriers with approved weather reporting service.
MSA within 25 miles of facility: 000°–060°—2400′; 060°–270°—2600′; 270°–360°—2400′.

City, Janesville; State, Wis.; Airport name, Rock County; Elev., 809′; Fac. Class., L-BVORTAC; Ident., JVL; Procedure No. VOR Runway 4, Amdt. 11; Eff. date, 26 Aug. 67; Sup. Amdt. No. VOR 1, Amdt. 10; Dated, 24 Sept. 66

				T-dn	800–1	800–1	800–1¼
				C-dn	600–2	600–2	600–2
				S-dn-30	600–1	600–1	600–1
				A-dn	800–2	800–2	800–2

Radar available.
Procedure turn N side of crs, 120° Outbnd, 300° Inbnd, 2300′ within 10 miles.
Minimum altitude over facility on final approach crs, 2300′.
Crs and distance, facility to airport, 300°—8.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 8.1 miles after passing LOU VOR, climb to 2500′ on heading, 260°, intercept R 279°, LOU VOR and proceed to Corydon Int, hold W, 1-minute right turns, 099° Inbnd.
NOTE: Standard clearance is not provided in final approach area facility to field.
MSA within 25 miles of facility: 000°–090°—2500′; 090°–180°—2100′; 180°–270°—2300′; 270°–360°—3000′.

City, Louisville; State, Ky.; Airport name, Standiford Field; Elev., 497′; Fac. Class., H-BVORTAC; Ident., LOU; Procedure No. VOR Runway 29, Amdt. 7; Eff. date, 26 Aug. 67; Sup. Amdt. No. VOR-1, Amdt. 6; Dated, 18 Jan. 64

Pawling VORTAC	Kingston VOR	Direct	3000	T-d	800–1	800–1	NA
				C-d	700–1	700–1	NA
				S-d			NA
				A-d	NA	NA	NA

Radar available.
Procedure turn not authorized; descend to 2300′ in Kingston VOR holding pattern, 1-minute left turns, 070° Inbnd.
Minimum altitude over facility on final approach crs, 2300′.
Crs and distance, facility to airport, 070°—4.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles after passing IGN VOR, make left-climbing turn, proceed direct to IGN VOR climbing to 2300′, hold SW, R 250°, 1-minute left turns, 070° Inbnd.
NOTE: Use Poughkeepsie FSS altimeter setting.
MSA within 25 miles of facility: 000°–090°—3400′; 090°–180°—2800′; 180°–270°—2800′; 270°–360°—4200′.

City, Millbrook; State, N.Y.; Airport name, Sky Acres; Elev., 700′; Fac. Class., L-BVOR; Ident., IGN; Procedure No. VOR-1, Amdt. Orig.; Eff. date, 26 Aug. 67

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn*	300–1	300–1	300–1¼
				C-dn	600–1	600–1	600–1¼
				S-dn-30	600–1	600–1	600–1
				A-dn	800–2	800–2	800–2
				If University fan marker received the following minimums apply:			
				S-dn-30	500–1	500–1	500–1

Procedure turn W side of crs, 208° Outbnd, 028° Inbnd, 4300′ within 10 miles.
Minimum altitude over facility on final approach crs, 3600′; over University fan marker, 3100′.
Crs and distance, facility to airport, 028°—6.2 miles; University fan marker to airport, 028°—1.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.2 miles after passing PUW VOR or 1.6 miles after passing University fan marker, make climbing left turn direct to PUW VOR, continue climb on R 208°, PUW VOR to 4300′ within 10 miles.
*Takeoffs Runways 5/23 turn S, climb direct PUW VOR before proceeding on crs.
‡Sliding scale not authorized.
†Use Walla Walla altimeter setting when control zone not effective. Circling and straight-in ceiling minimums increased by 300′ and alternate minimums not authorized when control zone not effective.
MSA within 25 miles of facility: 350°–090°—6000′; 090°–170°—5200′; 170°–260°—6200′; 260°–350°—4700′.

City, Pullman; State, Wash.; Airport name, Pullman-Moscow Regional; Elev., 2551′; Fac. Class., L-BVOR; Ident., PUW; Procedure No. VOR Runway 5, Amdt. 2; Eff. date, 26 Aug. 67 or upon commissioning of University Fan Marker; Sup. Amdt. No. VOR Runway 5, Amdt. 1; Dated, 8 July 67

R 216°, RFD VOR clockwise	R 204°, RFD VOR	Via 9-mile DME Arc.	2500	T-dn	800–1	800–1	800–1¼
R 012°, RFD VOR counterclockwise	R 204°, RFD VOR	Via 9-mile DME Arc.	2500	C-dn	700–1	700–1	700–1¼
				S-dn-12	700–1	700–1	700–1
9-mile DME Fix, R 204°	RFD VOR (final)	Direct	2500	A-dn	800–2	800–2	800–2
				Minimums with DME or dual VOR receivers:			
				C-dn	600–1	600–1	600–1¼
				S-dn-12	400–1	400–1	400–1

Procedure turn S side of crs, 204° Outbnd, 114° Inbnd, 2600′ within 10 miles.
Minimum altitude over facility on final approach crs, 2600′; over Seward Int or 8-mile DME Fix, R 114°—1435′.
Crs and distance, facility to airport, 114°—8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6 miles after passing RFD VOR, make left turn, climb to 2500′, and proceed to RFD VOR, or when directed by ATC, make right turn, climb to 2000′ and proceed to RF LOM.
MSA within 25 miles of facility: 000°–360°—2600′.

City, Rockford; State, Ill.; Airport name, Greater Rockford; Elev., 730′; Fac. Class., L-BVORTAC; Ident., RFD; Procedure No. VOR Runway 12, Amdt. 8; Eff. date, 26 Aug. 67; Sup. Amdt. No. VOR Runway 12, Amdt. 7; Dated, 8 July 67

R 300°, PMM VOR clockwise	PMM, R 044°	Via 7-mile DME Arc.	2500	T-dn	800–1	800–1	800–1
R 115°, PMM VOR counterclockwise	PMM, R 044°	Via 7-mile DME Arc.	2500	C-dn	700–1	700–1	700–1¼
				S-dn-22	700–1	700–1	700–1
7-mile DME Fix, R 044°	PMM VOR (final)	Direct	2500	A-dn	NA	NA	NA
				Minimums with DME or dual VOR receivers:			
				C-dn	600–1	600–1	600–1¼
				S-dn-22	600–1	600–1	600–1

Procedure turn N side of crs, 044° Outbnd, 224° Inbnd, 2600′ within 10 miles.
Minimum altitude over facility on final approach crs, 2600′; over Black Int, 1900′.
Crs and distance, facility to airport, 224°—9.4 miles; Black Int to airport, 224°—3.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, within 9.4 miles after passing PMM VOR, make left-climbing turn to 2500′ and return to PMM VORTAC.
NOTE: Use Kalamazoo, Mich., altimeter setting.
MSA within 25 miles of facility: 000°–360°—2900′.

City, South Haven; State, Mich.; Airport name, South Haven Municipal; Elev., 663′; Fac. Class., H-BVORTAC; Ident., PMM; Procedure No. VOR Runway 22, Amdt. Orig.; Eff. date, 26 Aug. 67

SGF NDB	SGF VOR	Direct	2800	T-dn	800–1	800–1	800–1¼
R 254°, SGF VOR clockwise	R 013°, SGF VOR	Via 7-mile DME Arc.	2800	C-dn	500–1	500–1	500–1¼
				S-dn-19◎	500–1	500–1	500–1
R 072°, SGF VOR counterclockwise	R 013°, SGF VOR	Via 7-mile DME Arc.	2800	A-dn	800–2	800–2	800–2
				Minimums with DME:			
7-mile DME Fix, R 013°, SGF VOR	SGF VOR (final)	Direct	2800	C-dn	400–1	400–1	500–1¼
				S-dn-19◎	400–1	400–1	400–1

Procedure turn W side of crs, 013° Outbnd, 193° Inbnd, 2800′ within 10 miles.
Minimum altitude over facility on final approach crs, 2800′; over 4-mile DME Fix, R 193°—1767′.
Crs and distance, facility to airport, 193°—6.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.8 miles after passing SGF VOR, climb to 3200′ on R 203°, SGF VOR, and proceed to Billings Int.
◎Reduction not authorized.
MSA within 25 miles of facility: 000°–180°—4200′; 180°–360°—3600′.

City, Springfield; State, Mo.; Airport name, Springfield Municipal; Elev., 1267′; Fac. Class., H-BVORTAC; Ident., SGF; Procedure No. VOR Runway 19, Amdt. 8; Eff. date, 26 Aug. 67; Sup. Amdt. No. VOR 1, Amdt. 7; Dated, 5 Feb. 66

3. By amending the following very high frequency omnirange—distance measuring equipment (VOR/DME) procedures prescribed in § 97.15 to read:

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Bradford VOR	6-mile DME Fix, R 323°	Direct	3000	T–dn	300–1	300–1	200–½
Bradford VOR, R 288° clockwise	R 323°	Via 12-mile DME Arc.	3000	C–dn	300–1	300–1	300–1½
				S–dn–14°	400–1	400–1	400–1
Bradford VOR, R 064°, counterclockwise	R 323°	Via 12-mile DME Arc.	3000	A–dn	900–2	900–2	900–2
12-mile DME Fix, R 323°	6-mile DME Fix, R 323° (final)	Direct	3300				

Procedure turn SW side of crs, 323° Outbnd, 143° Inbnd, 3600', between 6- and 16-mile DME Fix, R 323°.
Minimum altitude over 6-mile DME Fix, R 323° on final approach crs, 3300'.
Crs and distance, 6-mile DME Fix, R 323° to airport, 143°—4.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 3-mile DME Fix, R 323° climb to 4000' on R 143° of BFD VOR, within 10 miles, return to BFD VOR, hold SE, 1-minute left turns, 324° Inbnd.
*500–¼ authorized with operative HIRL, except for 4-engine turbojets.
MSA within 25 miles of facility: 000°–090°—3600'.

City, Bradford; State, Pa.; Airport name, Bradford-McKean County; Elev., 2143'; Fac. Class., L-BVORTAC; Ident., BFD; Procedure No. VOR/DME Runway 14, Amdt. 8 Eff. date, 26 Aug. 67; Sup. Amdt. No. VOR/DME No. 1, Amdt. 1; Dated, 27 Aug. 66

				T–dn	200–1	300–1	200–½
				C–dn	600–1	600–1	600–2
				S–dn	NA	NA	NA
				A–dn	NA	NA	NA

Procedure turn not authorized. Enter final approach from straight-in or holding pattern, VNA VORTAC, 089° Inbnd, 269° Outbnd, 1-minute right turns, 269°.
Minimum altitude over facility on final approach crs, 2000'; over 6-mile DME Fix, 1700'; over 16-mile DME Fix, 1500'.
Crs and distance, facility to airport, 089°—12.3 miles; 16-mile DME Fix, 269°—3.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 12.3 miles after passing the VNA VORTAC, make climbing left turn to 3000' and proceed to VNA VORTAC via R 089°.
NOTES: (1) Pilot must cancel IFR flight plan with Macon arsa radio via VNA VORTAC or MCN approach control when landing is assured or immediately upon landing via telephone. (2) Use Macon, Ga., altimeter setting.
MSA within 25 miles of Vienna VORTAC: 000°—090°—2500'; 090°–360°—2000'.

City, Eastman; State, Ga.; Airport name, Eastman-Dodge County; Elev., 308'; Fac. Class., L-BVORTAC; Ident., VNA; Procedure No. VOR/DME–1, Amdt. Orig.; Eff. date, 26 Aug. 67

JVL VOR	10-mile DME Fix, R 035°	Direct	2500	T–dn	300–1	300–1	200–½
R 341°, JVL VOR clockwise	R 035°, JVL VOR	Via 10-mile DME Arc.	2500	C–dn*	600–1	600–1	600–1½
				S–dn–226°*	600–1	600–1	600–1
R 166°, JVL VOR counterclockwise	R 035°, JVL VOR	Via 10-mile DME Arc.	2500	A–dn*	800–2	800–2	800–2
10-mile DME Fix, R 035°, JVL VOR	10-mile DME Fix (final), R 035°	Direct	2300				

Procedure turn N side of crs, 035° Outbnd, 215° Inbnd, 2500' between 10- and 20-mile DME Fix, R 035°.
Minimum altitude over 10-mile DME Fix, R 035° on final approach crs, 2300'.
Crs and distance, 10-mile DME Fix, R 035° to airport, 215°—4.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 5.2-mile DME Fix, R 035°, climb to 3400' on R 236°, within 10 miles, return to VOR.
NOTE: Use Rockford, Ill., altimeter setting when control zone not effective.
CAUTION: Runways 18/36 unlighted.
*Circling and straight-in ceiling minimums are raised 100' and alternate minimums not authorized when control zone not effective.
†These minimums apply at all times for air carriers with approved weather reporting service.
‡600–¾ authorized with operative HIRL, except for 4-engine turbojets.
MSA within 25 miles of facility: 000°–090°—3400', 090°–270°—2600', 270°–360°—2400'.

City, Janesville; State, Wis; Airport name, Rock County; Elev., 809'; Fac. Class., L-BVORTAC; Ident., JVL; Procedure No. VOR/DME Runway 22, Amdt. 2; Eff. date, 26 Aug. 67; Sup. Amdt. No. VOR/DME 1, Amdt. 1; Dated, 26 Sept. 66

PROCEDURE CANCELED, EFFECTIVE 26 AUG. 1967.

City, Springfield; State, Mo.; Airport name, Springfield Municipal; Elev., 1267'; Fac. Class., BVORTAC; Ident., SGF; Procedure No. VOR/DME No. 1, Amdt. 1; Eff. date, 5 Feb. 66; Sup. Amdt. No. Orig.; Dated, 2 Nov. 64

4. By amending the following instrument landing system procedures prescribed in § 97.17 to read:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
RVH VORTAC	Coram Int	Via RVH R 282°	1800	T–dn	200–1	300–1	200–½
Coram Int	Edwards Int (final)	Direct	1100	C–dn	500–1	500–1	500–1½
				S–dn–24	500–1	500–1	500–1
				A–dn	800–2	800–2	800–2

Procedure turn not authorized. Transition from Riverhead VORTAC to final required. No glide slope or markers. Descend to landing minimums after passing Edwards Int.
Minimum altitude over Coram Int on final approach crs, 1800'; over Edwards Int, 1100'.
Crs and distance, Edwards Int to airport, 237°—2.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.5 miles after passing Edwards Int, make left-climbing turn to 2000', proceed direct to RVH VORTAC, hold NE, RVH VOR, 1-minute right turns, Inbnd crs, 238°.
NOTES: (1) Runways 10–28 closed nights. (2) Dual VOR receivers required.

City, Islip; State, N.Y.; Airport name, Long Island-MacArthur; Elev., 99'; Fac. Class., IL8; Ident., I–ISP; Procedure No. LOC (BC) Runway 24, Amdt. 2; Eff. date, 26 Aug. 67; Sup. Amdt. No. ILS–24 (back crs), Amdt. 1; Dated, 7 May 66

Nabb VOR	8D LOM	Direct	2300	T–dn	300–1	300–1	200–½
Louisville VOR	8D LOM	Direct	2100	C–dn	600–1	600–1	600–1½
Bourbon Int	8D LOM	Direct	2500	S–dn–16	200–½	200–½	200–½
Nadine Int	8D LOM	Direct	2800	A–dn	600–2	600–2	600–2
Corydon Int	8D LOM	Direct	2300	With glide slope inoperative:			
Harbor Int	8D LOM	Direct	2000	S–dn–1*	400–¾	400–¾	400–¾
Martinsburg Int	8D LOM	Direct	3000				
Henryville Int	8D LOM	Direct	3000				
R 036°, LOU VORTAC clockwise	R 240°, LOU VORTAC (final)	Via 11-mile DME Arc.	2500				

Radar available.
Procedure turn W side of final approach crs, 190° Outbnd, 010° Inbnd, 2100', within 10 miles of 8D RBn (LOM).
Minimum altitude at glide slope intercept Inbnd, 2100'.
Altitude of glide slope and distance to approach end of runway at OM, 1870'—4.8 miles; at MM, 655'—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make a left-climbing turn to 2500' on heading, 260°, intercept R 270°, LOU VOR and proceed to Corydon Int, hold W, 1-minute right turns, 099° Inbnd.
Alternate missed approach: Climb to 2300' on N crs, of ILS to Harbor Int, hold N, 1-minute left turns, 190° Inbnd.
*400–¾ RVR 2400', authorized with operative AL's, except for 4-engine turbojets.
†RVR 2000', authorized for 4-engine turbojet. RVR 1800', authorized for all other aircraft. Descent below 697', not authorized unless approach lights visible.
MSA within 25 miles of LOM: 055°–125°—2500'; 125°–215°—2300'; 215°–305°—2200'; 305°–055°—3000'.

City, Louisville; State, Ky.; Airport name, Standiford Field; Elev., 497'; Fac. Class., IL8; Ident., I–8DF; Procedure No. ILS Runway 1, Amdt. 26; Eff. date, 26 Aug. 67; Sup. Amdt. No. ILS–1, Amdt. 25; Dated, 29 Oct. 66

Louisville VOR	Harbor Int	Direct	2200	T–dn	300–1	300–1	200–½
Nabb VOR	Harbor Int (final)	Direct	2200	C–dn	600–1	600–1	600–1½
Henryville Int	Harbor Int	Via LOU, R–332° and 8DF.		S–dn–19°	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2
		LOC crs	2600				

Radar available.
Procedure turn E side of N crs, 010° Outbnd, 190° Inbnd, 2200' within 10 miles N of Harbor Int.
Minimum altitude over Harbor Int on final approach crs, 2200'; over Cave Hill Int, 1600'.
Crs and distance, Harbor Int to Runway 19, 190°—5.3 miles; Cave Hill Int to Runway 19, 190°—3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.3 miles after passing Harbor Int, make a right-climbing turn to 2500' on a heading of 280°, intercept, R 270°, LOU VOR and proceed to Corydon Int. hold W, 1-minute right turns, 099° Inbnd.
Alternate missed approach: Climb to 2100' on S crs of ILS to 8D LOM, hold N, 1-minute right turns, 190° Inbnd.
NOTE: This procedure authorized only for aircraft equipped to receive ILS and VOR simultaneously.
*400–¾ authorized for Runway 19 with operative HIRL, except for 4-engine turbojets.

City, Louisville; State, Ky.; Airport name, Standiford Field; Elev., 497'; Fac. Class., IL8; Ident., I–8DF; Procedure No. LOC(BC) Runway 19, Amdt. 7; Eff. date, 26 Aug. 67; Sup. Amdt. No. ILS–19 (back crs) Amdt. 6; Dated, 10 Apr. 66

Vernon Int	8G LOM	Direct	2800	T–dn	300–1	300–1	200–½
Billings Int	8G LOM	Direct	2800	C–dn	400–1	400–1	400–1½
Crane Int	8G LOM	Direct	2800	S–dn–16	200–½	200–½	200–½
8GF VOR	8G LOM	Direct	2800	A–dn	800–2	800–2	800–2
Miller Int	8G LOM	Direct	2800				
Plano Int	8G LOM	Direct	2800				
8GF RBn	8G LOM	Direct	2500				
8GF VOR, R 286°, counterclockwise	8GF VOR, R 194°	Via 18-mile DME Arc.	3000				
8GF VOR, R 128°, clockwise	8GF VOR, R 180°	Via 18-mile DME Arc.	3000				
8GF VOR, R 180°	8GF LOC	MC 285°	3000				
DR position 8GF LOC	8G LOM (final)	Direct	2500				

Procedure turn E side of crs, 195° Outbnd, 015° Inbnd, 2800' within 10 miles.
Minimum altitude of glide slope intercept, Inbnd, 2500'.
Altitude of glide slope and distance to approach end of runway at OM, 2440'—3.6 miles; at MM, 1465'—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 miles after passing 8G LOM, climb to 2800' on N crs of ILS and proceed to 8GF VOR.
*Reduction not authorized.
MSA within 25 miles of 8G LOM: 000°–090°—4300'; 090°–180°—2700'; 180°–360°—3000'.

City, Springfield; State, Mo.; Airport name, Springfield Municipal; Elev., 1267'; Fac. Class., ILS; Ident., I–SGF; Procedure No. ILS Runway 1, Amdt. 6; Eff. date, 26 Aug. 67; Sup. Amdt .No. ILS–1, Amdt. 5; Dated, 5 Feb. 66

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
SGF VOR	Spring Int	Direct	2800	T-dn	200–1	200–1	200–½
SGF VOR, R 254° clockwise	SGF VOR, R 017°	Via 7-miles DME Arc.	2800	C-dn	500–1	500–1	500–1½
				S-dn-19@	500–1	500–1	500–1
SGF VOR, R 022° counterclockwise	SGF VOR, R 022°	Via 7-miles DME Arc.	2800	A-dn	800–2	800–2	800–2
				Minimums with ADF/VOR receivers:			
SGF VOR, R 028°	SGF LOC	MC 285°	2800	S-dn-19@	400–1	400–1	400–1
DR position SGF LOC	Spring Int (final)	Via SGF LOC	2800				

Procedure turn W of crs, 015° Outbnd, 195° Inbnd, 2800′ within 10 miles of Spring Int.
Minimum altitude over Spring Int on final approach crs, 2800′; over Glidewell Int, 1787′.
Crs and distance, Spring Int to Runway 19, 195°—4.6 miles; Glidewell Int to Runway 19, 195°—2.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.8 miles after passing Spring Int climb to 3200′ on R 353°, SGF VOR and proceed to Billings Int, or when directed by ATC, climb to 2600′ on S crs, ILS and proceed to LOM.
@ Reduction not authorized.

City, Springfield; State, Mo.; Airport name, Springfield Municipal; Elev., 1267′; Fac. Class., ILS; Ident., I-SGF; Procedure No. LOC(BC) Runway 19, Amdt. 7; Eff. date, 26 Aug. 1967; Sup. Amdt. No. ILS-19 (back crs), Amdt. 6; Dated, 4 Feb. 66

5. By amending the following radar procedures prescribed in § 97.19 to read:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
		Within:		Surveillance approach			
000°	360°	20 miles	2300	T-dn	200–1	200–1	200–½
090°	360°	30 miles	2800	C-dn	300–1	300–1	300–1½
300°	360°	40 miles	2800	S-dn-28, 33°	400–1	400–1	400–1
				S-dn-22	500–1	500–1	500–1
				S-dn-10, 15	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, Runway 28, 22, 33: Climb to 2000′ direct to BAL LOM, hold W, 102° Inbnd, 1-minute right turns. Runway 10, 15: Climb to 2000′ direct to Bodkin Int, hold E, R 109°, 1-minute left turns.
*400–¾ authorized, except for 4-engine turbojet aircraft, with operative high intensity runway lights.

City, Baltimore; State, Md.; Airport name, Friendship International; Elev., 146′; Fac. Class., and Ident., Baltimore Radar; Procedure No. 1, Amdt. 3; Eff. date, 26 Aug. 67; Sup. Amdt. No. 1, Amdt. 2; Dated, 30 May 66

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
		Within:		Surveillance			
All directions	Radar site	10 miles	2000	T-dn@	200–1	200–1	200–½
All directions	Radar site	25 miles	2500	C-dn	500–1	500–1	500–1½
All directions	Radar site	40 miles	2700	S-dn-1, 19*	600–1	600–1	600–1
				6, 11	600–1	600–1	600–1
				S-dn-24, 29	800–1	800–1	800–1
				A-dn	800–2	800–2	800–2

Radar control will provide 1000′ vertical clearance within a 3-mile radius of towers, 1350′ and 1949′—12 miles NNW; 1110′—6 miles S of airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, Runway 1 and 29: Make a left-climbing turn to 2300′ on heading, 260°, intercept, R 279°, LOU VOR and proceed to Corydon Int, hold W, 1-minute right turns, 009° Inbnd. Runway 6 and 11: Climb to 2300′ direct to LOU VOR, hold SE, 1-minute right turns, 300° Inbnd, Runway 19 and 24: Make a right-climbing turn to 2600′ on a heading, 260°, intercept, R 279°, LOU VOR and proceed to Corydon Int, hold W, 1-minute right turns, 009° Inbnd.
*On approaches to Runway 19, maintain at least 1400′ until within 3 miles of runway.
#RVR 2000′ authorized Runway 1 for 4-engine turbojet, RVR 1800′ other aircraft.

City, Louisville; State, Ky.; Airport name, Standiford Field; Elev., 477′; Fac. Class., and Ident., Louisville Radar; Procedure No. 1, Amdt. 7; Eff. date, 26 Aug. 67; Sup. Amdt. No. 1, Amdt. 6; Dated, 15 Jan. 66

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Radar terminal area maneuvering sectors and altitudes: From	To	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
														Precision approach			
080°	150°	10	4000′											T-dn	300–1	300–1	200–½
150°	030°	20	2600′											C-d	1000–1	1000–1	1000–1½
														C-n	1000–2	1000–2	1000–2
														S-dn-17	300–1½	300–1½	200–1½
														S-dn-35	300–2½	300–2½	300–2½
														A-dn	1000–2	1000–2	1000–2
														Surveillance approach			
														S-d-17*	800–1	800–1	800–1
														S-n-17*	800–2	800–2	800–2
														S-d-35*	700–1	700–1	700–1
														S-n-35*	700–2	700–2	700–2

Radar terminal transition altitudes: All bearings are from radar site within sector azimuths progressing clockwise.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, Runway 17: Climb to 2600′, proceed direct to Whitesburg RBn and enter holding pattern. Runway 35: Turn left, climb to 2600′, proceed direct to ITS RBn and enter holding pattern.
NOTES: Authorized for military use only, except by prior arrangement.
CAUTION: High terrain, 1.7 miles E of airport with tower elevation, 1271′. Due terrain and towers in maneuvering areas, radar guidance will not be discontinued until the aircraft has either landed or climbed to designated altitude and crs on missed approach.
*Reduction not authorized.

City, Redstone Arsenal; State, Ala.; Airport name, Redstone AAF; Elev., 682′; Fac. Class., and Ident., Redstone Radar; Procedure No. 1, Amdt. 7; Eff. date, 26 Aug. 67; Sup. Amdt. No. 1, Amdt. 6; Dated, 9 July 66

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				Surveillance approach			
000° clockwise	360°	0–7 miles	2000	T-dn	300–1	300–1	200–½
000° clockwise	360°	7–30 miles	2500	C-dn	500–1	500–1	500–1½
				S-dn# 16, 34, 25	400–1	400–1	400–1
				S-dn-7	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2

Radar control will provide 1000′ vertical clearance within a 3-mile radius of the 1620′ and 1825′ towers, 18 miles and 2049′ tower, 21 miles NE of airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, Runway 7: Make climbing right turn to 2200′, proceed to Waterville VOR, hold SE, Waterville VOR, R 140°, right turns, 1-minute, 320° Inbnd. Runway 16: Make climbing left turn to 2200′, proceed to Waterville VOR, hold SE, Waterville VOR, R 140°, right turns, 1-minute, 320° Inbnd. Runway 25: Climb straight ahead to 2100′, proceed to Toledo LOM, hold SW Toledo LOM, right turns, 1-minute, 069° Inbnd. Runway 34: Make climbing left turn to 2100′, proceed to Toledo LOM, hold SW, Toledo LOM, right turns, 1-minute, 069° Inbnd.
#400–¾ authorized for Runway 25 with operative HIRL, except for 4-engine turbojets.

City, Toledo; State, Ohio; Airport name, Toledo Express; Elev., 684′; Fac. Class., and Ident., Toledo Radar; Procedure No. 1, Amdt. 5; Eff. date, 26 Aug. 67; Sup. Amdt. No. 1, Amdt. 4; Dated 8 Oct. 66

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601, Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on July 19, 1967.

EDWARD C. HODSON,
Acting Director, Flight Standards Service.

[F.R. Doc. 67-8680; Filed, Aug. 3, 1967; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Isopropyl 4,4′-Dichlorobenzilate

A petition (PP 7F0543) was filed with the Food and Drug Administration by Geigy Chemical Corp., Ardsley, N.Y. 10702, proposing the establishment of a tolerance for residues of the insecticide isopropyl 4,4′-dichlorobenzilate in or on apples and pears at 5 parts per million.

The Secretary of Agriculture has certified that this insecticide is useful for the purposes for which the tolerance is being established.

Based on consideration given the data submitted in the petition, and other relevant material, the Commissioner of Food and Drugs concludes that the tolerance established by this order will protect the public health. Therefore, by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated by him to the Commissioner (21 CFR 2.120), Part 120 is amended as follows:

1. Section 120.3(e)(4) is amended by alphabetically inserting in the list of pesticides a new item, as follows:

§ 120.3 Tolerances for related pesticide chemicals.

* * * * * *

(e) * * *

(4) * * *

Isopropyl 4,4′-dichlorobenzilate

* * * * * *

2. A new section is added to Subpart C as follows:

§ 120.218 Isopropyl 4,4′-dichlorobenzilate; tolerance for residues.

A tolerance of 5 parts per million is established for residues of the insecticide isopropyl 4,4′-dichlorobenzilate in or on apples and pears.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of

Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 406(d)(3), 68 Stat. 513; 21 U.S.C. 346a (d)(3))

Dated: July 28, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-9131; Filed, Aug. 3, 1967; 8:50 a.m.]

SUBCHAPTER D—HAZARDOUS SUBSTANCES

PART 191—HAZARDOUS SUBSTANCES: DEFINITIONS AND PROCEDURAL AND INTERPRETATIVE REGULATIONS

Child Protection Act of 1966

In the FEDERAL REGISTER of April 5, 1967 (32 F.R. 5561), the Commissioner of Food and Drugs proposed amendments to the hazardous substances regulations, Part 191, to prescribe requirements, exemptions, and procedures reflecting the "banned hazardous substance" and other provisions of the Federal Hazardous Substances Act as amended by the Child Protection Act of 1966. The Commissioner has considered the comments received in response to the proposal, and other relevant information, and concludes that the amendments, including certain additional editorial changes, should be issued as set forth below.

Therefore, pursuant to the provisions of the Federal Hazardous Substances Act (secs. 2 (n), (q), 10(a), 74 Stat. 372, 373, 378, 80 Stat. 1303–05; 15 U.S.C. 1261, 1269) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), Part 191 is amended:

1. By revising § 191.1(c) and (o) and by adding a new paragraph (s) to that section, as follows:

§ 191.1 Definitions.

* * * * *

(c) *Hazardous substances intended or packaged in a form suitable for use in the household.* "Hazardous substances intended or packaged in a form suitable for use in the household" means any hazardous substance, whether or not packaged, that under any customary or reasonably foreseeable condition of purchase, storage, or use may be brought into or around a house, apartment, or other place where people dwell, or in or around any related building or shed, including but not limited to a garage, carport, barn, or storage shed. The term includes such articles as polishes or cleaners designed primarily for professional use but that are available in retail stores such as hobby shops for nonprofessional use. Also included are such items as anti-freeze and radiator cleaners that although principally for car use may be stored in or around dwelling places. The term does not include industrial supplies that might be taken into a home by a serviceman. An article labeled as and marketed solely for industrial use does not become subject to this act because of the possibility that an industrial worker may misappropriate a supply for his own use. Size of unit or container is not the only index of whether the article is suitable for use in or around the household. The test shall be whether under any reasonably foreseeable condition of purchase, storage, or use the article may be found in or around a dwelling.

* * * * *

(o) *Accompanying literature.* As used in section 2(n) of the act, "accompanying literature" means any placard, pamphlet, booklet, book, sign, or other written, printed, or graphic matter or visual device that provides directions for use, written or otherwise, and is used in connection with the display, sale, demonstration, or merchandising of a hazardous substance intended for or packaged in a form suitable for use in the household or by children.

* * * * *

(s) *Banned hazardous substance.* The term "banned hazardous substance" means:

(1) Any toy or other article intended for use by children that is a hazardous substance within the meaning of section 2(f)(1) of the act or any regulation in this part, or bears or contains such a hazardous substance in such manner as to be susceptible of access by a child to whom such toy or other article is entrusted; or

(2) Substances other than those defined in subparagraph (1) of this paragraph that are intended or packaged in a form suitable for use in the household and that the Commissioner finds and classifies by regulation as being so hazardous in nature that the objective of protecting the public health and safety can be adequately served only by keeping such substance when so intended or packaged out of the channels of interstate commerce.

2. By revising the introduction, paragraph (c), and the closing text of § 191.8 to read as follows:

§ 191.8 Labeling of fire extinguishers.

When a substance or mixture of substances labeled for use in or as a fire extinguisher produces substances that are toxic within the meaning of § 191.1 (e) and (f) when used according to label directions to extinguish a fire, the containers for such substances shall bear the following labeling:

* * * * *

(c) Regardless of whether paragraph (a) or (b) of this section applies, any substance or mixture of substances labeled for use as a fire extinguisher that if applied to an electrical fire would subject the user to the likelihood of electrical shock shall be conspicuously labeled "Caution: Do not use on electrical fires."

These statements shall be in addition to any other that may be required under the act or this section. All such substances or mixtures of substances shall also bear the additional statements: "Use in an enclosed place may be fatal" and "Do not enter area until well ventilated and all odor of chemical has disappeared."

3. By revising § 191.62 to read as follows:

§ 191.62 Exemption from full labeling and other requirements.

(a) Any person who believes a particular hazardous substance intended or packaged in a form suitable for use in the household or by children should be exempted from full label compliance otherwise applicable under the act, because of the size of the package or because of the minor hazard presented by the substance, or for other good and sufficient reason, may submit to the Commissioner a request for exemption under section 3(c) of the act, presenting facts in support of the view that full compliance is impracticable or is not necessary for the protection of the public health. The Commissioner shall determine on the basis of the facts submitted and all other available information whether the requested exemption is consistent with adequate protection of the public health and safety. If he so finds, he shall detail the exemption granted and the reasons therefor by an appropriate order published in the FEDERAL REGISTER.

(b) The Commissioner may on his own initiative determine on the basis of facts available to him that a particular hazardous substance intended or packaged in a form suitable for use in the household or by children should be exempted from full labeling compliance otherwise applicable under the act because of the size of the package or because of the minor hazard presented by the substance or for other good and sufficient reason. If he so finds, he shall detail the exemption granted and the reasons therefor by an appropriate order in the FEDERAL REGISTER.

(c) Any person who believes a particular article should be exempted from being classified as a "banned hazardous substance" as defined by section 2(q)(1)(A) of the act, because its functional purpose requires inclusion of a hazardous substance, it bears labeling giving adequate directions and warnings for safe use, and it is intended for use by children who have attained sufficient maturity, and may reasonably be expected, to read and heed such directions and warnings, may submit to the Commissioner a request for exemption under section 2(q)(1)(B)(i) of the act, presenting facts in support of his contention. The Commissioner shall determine on the basis of the facts submitted, and all other available information, whether the requested exemption is consistent with the purposes of the act. If he so finds, he shall detail the exemption granted and the reasons therefor by an appropriate order published in the FEDERAL REGISTER.

(d) On his own initiative the Commissioner may determine on the basis of available facts that a particular banned hazardous substance should be exempted from section 2(q)(1)(A) of the act, because its functional purpose requires inclusion of a hazardous substance, it bears labeling giving adequate directions and warnings for safe use, and it is intended for use by children who have obtained sufficient maturity, and may reasonably be expected, to read and heed such directions and warnings. If he so finds, he shall detail the exemption granted and the reasons therefor by an appropriate order in the FEDERAL REGISTER.

4. By revising the introduction to § 191.63(a) to read as follows:

§ 191.63 Exemptions for small packages, minor hazards, and special circumstances.

(a) The following exemptions are granted for the labeling of hazardous substances under the provisions of § 191.62:

* * * * *

5. By adding the following new section:

§ 191.65 Exemptions from classification as banned hazardous substances.

(a) The term "banned hazardous substances" as used in section 2(q)(1)(A) of the act and § 191.1(s) shall not apply to the following articles provided that these articles bear labeling giving adequate directions and warnings for safe use:

(1) Chemistry sets and other science education sets intended primarily for juveniles, and replacement components for such sets, when labeled in accordance with § 191.63(a)(23).

(2) Common fireworks devices suitable for use by the public (such as toy paper caps, cone fountains, cylinder fountains, whistles without report, and sparklers, but not including fireworks devices that may be confused with candy or other food, such as "dragon eggs" and "crackerballs," also known as "ball-type caps"), if such devices are:

(i) Designed to produce only visible effects by combustion; or are

(ii) Designed to produce audible effects, if the audible effect is produced by a charge of not more than 2 grains of pyrotechnic composition.

(3) Fireworks that are classified as devices within the meaning of the Federal Insecticide, Fungicide, and Rodenticide Act and that are intended and used for bona fide agricultural purposes, such as protection of crops from depredation by birds and animals. An exemption under this section does not apply if the fireworks involved are diverted or distributed for any other use in or about a household.

(4) Educational materials such as art materials, preserved biological specimens, laboratory chemicals, and other articles intended and used for educational purposes.

6. By adding to § 191.101 the following new paragraph:

§ 191.101 Placement, conspicuousness, contrast.

* * * * *

(f) Unpackaged hazardous substances intended or in a form suitable for use in or around a household or by children shall be labeled so that all items of information required by the act or by regulations in this part shall appear upon the article itself. In instances where such labeling is impracticable because of the size or nature of the article, the required cautionary labeling must be displayed by means of a tag or other suitable material that is securely affixed to the article so that the labeling will remain attached throughout conditions of merchandising and distribution to the ultimate consumer. The size, placement, and conspicuousness of these statements shall conform with paragraphs (a), (c), and (d) of this section.

7. By revising § 191.106 to read as follows:

§ 191.106 Substances determined to be "special hazards."

Whenever the Commissioner determines that for a particular hazardous substance intended or packaged in a form suitable for use in the household or by children, the requirements of section 2(p) of the act are not adequate for the protection of the public health and safety because of some special hazard, he shall by an appropriate order in the FEDERAL REGISTER specify such reasonable variations or additional label requirements that he finds are necessary for the protection of the public health and safety. Such order shall specify a date that is not less than 90 days after the order is published (unless emergency conditions stated in the order specify an earlier date) after which any such hazardous substance intended, or packaged in a form suitable, for use in the household or by children that fails to bear a label in accordance with such order shall be deemed to be a misbranded hazardous substance.

§ 191.107 [Amended]

8. By changing in § 191.107 *Substances with multiple hazards* the word "packages" to read "articles" in paragraph (a).

9. In § 191.201 by revising the section heading and paragraph (a), by redesignating paragraph (e) as (f), and by adding a new paragraph (e). The affected portions read as follows:

§ 191.201 Procedure for the issuance, amendment, or repeal of regulations declaring particular substances to be hazardous substances or banned hazardous substances.

(a) The Commissioner may, upon his own initiative or upon the petition of any interested person, showing reasonable grounds therefor, propose the issuance, amendment, or repeal of any regulation provided for in section 3(a) or 2(q) of the act, declaring particular substances to be hazardous substances or banned hazardous substances. The proposal shall be published in the FEDERAL REGISTER, with an invitation for written comments. As soon as practicable after the comments have been received, the Commissioner shall by order act upon such proposals to declare the substance to be a hazardous substance or banned hazardous substance for purposes of the act, or to amend or repeal any regulation previously issued.

* * * * *

(e) If the Commissioner finds that the distribution of a hazardous substance presents an imminent hazard to the public health, he may by order in the FEDERAL REGISTER give notice of such finding and pursuant to section 2(q)(2) of the act declare such substance, when intended or offered for household use or when so packaged as to be suitable for such use, to be a "banned hazardous substance" pending completion of statutory proceedings relating to the issuance of such regulations.

(f) The Assistant General Counsel for Food and Drugs of the Department of Health, Education, and Welfare is the designated officer upon whom a copy of any petition for judicial review shall be served. Said officer is responsible for filing in court the record on which the order of the Commissioner is based in accordance with 28 U.S.C. 2112.

§ 191.212 [Amended]

10. By amending § 191.212 *Definition of guaranty; suggested forms* in the following respects:

a. In paragraph (b)(1), the portion that reads "is in a misbranded package within" is changed to read "is misbranded within".

b. In paragraph (b)(2), the portion that reads "not in a misbranded package within" is changed to read "not misbranded within".

Effective date. This order shall become effective 30 days from its date of publication in the FEDERAL REGISTER.

(Secs. 2(n), (q), 10(a), 74 Stat. 372, 373, 378, 80 Stat. 1303–05; 15 U.S.C. 1261, 1269)

Dated: July 26, 1967.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 67-9132; Filed, Aug. 3, 1967; 8:50 a.m.]

PART 191—HAZARDOUS SUBSTANCES: DEFINITIONS AND PROCEDURAL AND INTERPRETATIVE REGULATIONS

Banned Hazardous Substances

In the matter of the Commissioner of Food and Drugs classifying certain water repellent mixtures for interior masonry surfaces as banned hazardous substances:

The comments received in response to the notice of proposed rulemaking in the above-identified matter published in the FEDERAL REGISTER of April 5, 1967 (32 F.R. 5663), and information gathered from investigations and other sources have been considered, and it is concluded that an order should be issued in this matter as set forth below. Therefore, pursuant to the provisions of the Federal Hazardous Substances Act (sec. 2 (q)(1)(B), (2), 74 Stat. 372, 80 Stat. 1304; 15 U.S.C. 1261) and of the Federal Food, Drug, and Cosmetic Act (sec. 701 (e), 52 Stat. 1055, as amended; 21 U.S.C. 371(e)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120): *It is ordered*, That Part 191 be amended by adding thereto the following new section.

§ 191.9 Banned hazardous substances.

(a) Under the authority of section 2 (q)(1)(B) of the the act, the Commissioner declares as banned hazardous substances the following articles because they possess such a degree of hazard that adequate cautionary labeling cannot be written and the public health and safety can be served only by keeping such articles out of interstate commerce:

(1) Mixtures that are intended primarily for application to interior masonry walls, floors, etc., as a water repellant treatment and that are "extremely flammable" within the meaning of section 2(l) of the act.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in six copies.

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Sec. 2(q)(1)(B), (2), 74 Stat. 372, 80 Stat. 1304; 15 U.S.C. 1261; sec. 701(e), 52 Stat. 1055, as amended; 21 U.S.C. 371(e))

Dated: July 26, 1967.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 67-9133; Filed, Aug. 3, 1967; 8:50 a.m.]

Title 32—NATIONAL DEFENSE

Chapter XII—Defense Supply Agency

[DSAR 5400.14]

PART 1260—AVAILABILITY TO THE PUBLIC OF OFFICIAL INFORMATION

JUNE 30, 1967.

Part 1260 is added to Title 32 of the Code of Federal Regulations, reading as follows:

Sec.
1260.1 References.
1260.2 Purpose.
1260.3 Scope.
1260.4 General.
1260.5 Responsibilities.
1260.6 Procedures.

AUTHORITY: The provisions of this Part 1260 issued under 5 U.S.C. 552, 559.

§ 1260.1 References.[1]

(a) DOD Directive 5400.7, Availability to the Public of Department of Defense Information.

(b) DSAR 5400.12, Provision of Information to Congress.

(c) DSAR 7230.1, Schedule of Fees and Charges for Copying, Certification, and Search of Records.

(d) DSAR 4185.8, Technical Data and Information Required for Defense Supply Agency; Determination of Requirements and Procurement of.

(e) 5 U.S.C. 551 (Section 2 of the Administrative Procedure Act).

(f) DSAR 5205 series.

(g) 18 U.S.C. 1905 (Confidential Trade Information).

(h) Public Law 86-36 (50 U.S.C. 402 note) (National Security Agency Reporting Exemption).

(i) 35 U.S.C. 181-188 (Patent Secrecy).

(j) Armed Services Procurement Regulation.

§ 1260.2 Purpose.

To announce the policies and to prescribe the procedures governing the release to the public of Defense Supply Agency (DSA) documentary material or records, or information therefrom, pursuant to the provisions of § 1260.1(a).

§ 1260.3 Scope.

This DSAR is applicable to HQ DSA and to DSA field activities.

§ 1260.4 General.

(a) *Background.* Section 1260.1(a) describes the kinds of official records and information that must be made available to the public, describes the kinds of information that need not be made available to the public, requires facilities be made available to the public for the examination and copying of records, and provides procedures for the review of refusals to release records and information to the public. Requests from Members of Congress are governed by § 1260.1 (b). Additional guidance with respect to release of procurement information is contained in § 1260.1(j).

(b) *Definition of "records."* (1) In determining whether documentary material qualifies as a "record", consideration should be given to the Act of July 7, 1943, ch. 192, sec. 1 (44 U.S.C. 366) which defines the word "record" for records disposal purposes as follows:

[It] includes all books, papers, maps, photographs, or other documentary materials, regardless of physical form or characteristics, made or received by any agency of the U.S. Government in pursuance of Federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government, or because of the informational value of data contained therein.

(2) The term "records" does not include objects or articles such as structures, furniture, paintings, sculpture, three-dimensional models, vehicles, equipment, etc., whatever their historical value or value as "evidence."

(3) Records are not limited to permanent or historical documents but include contemporaneous documents as well.

(c) *Policy*—(1) *General.* (i) It is the policy of DSA to make available to the public the maximum amount of information concerning its operations and activities. Exceptions to the requirements for disclosure will be made in accordance with the provisions of subparagraph (4) of this paragraph and the release procedures in § 1260.6.

(ii) Information exempt from public disclosure under provisions of subparagraph (4) of this paragraph should be made available to the public when its disclosure is not inconsistent with statutory requirements or with § 1260.1(f) and when officials determine that no significant purpose would be served by withholding the information. The determination of whether a significant purpose is served by withholding information under provisions of subparagraph (4) of this paragraph is within the sole discretion of the DSA official authorized by this Part 1260 to deny release.

(iii) Records and other documents or related material may be withheld from the public only as authorized by this Part 1260. In no event shall the determination that requested information comes within any of the specific exemptions in subparagraph (4) of this paragraph, or that information has not been properly requested be influenced by the possibility that its release might suggest administrative error or inefficiency or might embarrass DSA or an official of DSA.

(2) *Availability of records.* (i) Subject to the exemptions in subparagraph (4) of this paragraph and the procedural requirements of § 1260.6, any record in the possession of DSA will be made available upon the request of any person. Copies of records which have been published in the FEDERAL REGISTER or made available for inspection and copying under provisions of subparagraph (2) of this paragraph, should also be furnished, when practicable, upon request by any person.

(ii) In determining whether documentary material qualifies as a "record", consideration will be given to the definition of a "record" in paragraph (b) of this section.

(iii) A request for a record will be honored if:

(*a*) The requestor describes the record sought with sufficient particularity to enable DSA to locate the record with a reasonable amount of effort.

(*b*) The requestor is willing and able to pay the cost associated with locating and providing a copy of the record sought, as determined by § 1260.1(c).

(*c*) The requestor complies with the requirements of this Part 1260 regarding the time, place, and procedure for obtaining a copy of the record.

(iv) In order for a record to be considered "identifiable," it must exist at the time of the request. There is no obligation to "create" a record for the purpose of satisfying a request for information. When the information requested exists in the form of several records at several locations, the applicant should be referred to those sources if gathering the information would be burdensome.

(v) When the record requested was originated by another agency, the request will be referred promptly and directly to that agency for disposition. The originating agency of a record should consult with other agencies having a significant interest in the content of a requested document before determining whether to make it available. A member of the public requesting material primarily concerning a Member of Congress or Congressional Committee, or a transcript of testimony given before a Congressional Committee will be advised to direct his request to the Member or Committee concerned.

(vi) Elements of DSA will avoid creating procedural obstacles when internal DSA or Department of Defense organizational questions arise, particularly where reorganization or transfer of functions contributes to an improperly directed request. DSA personnel will make all reasonable efforts to assist private persons in directing requests for information to the appropriate authorities.

(3) *Inspection and copying of opinions, orders, and manuals.* (i) Subject to the exemptions set forth in subparagraph (4) of this paragraph, DSA will make available for public inspection and copying in an appropriate facility or facilities in accordance with the procedures in § 1260.6 the following materials, unless such materials are published and copies offered for sale:

(*a*) All final opinions (including concurring and dissenting opinions) and orders in adjudication, as defined in § 1260.1(e) that may be cited, used, or relied upon as precedents in future adjudication.

(*b*) Statements of policy and interpretations of less than general applicability affecting the public but not published in the FEDERAL REGISTER.

(*c*) Administrative staff manuals and instructions, or portions of such, which establish DSA policy or interpretation of policy that is determinative of the rights of members of the public. This provision does not apply to instructions for employees on the tactics and techniques to be used in performing their duties, or to instructions relating only to the internal management of the Agency. Examples of manuals and instructions not normally made available are:

(*1*) Those issued for audit and inspection purposes.

(*2*) Those which prescribe operational tactics, standards of performance, or criteria for defense, prosecution, or settlement of cases.

(*3*) Operations and maintenance manuals and technical information concerning munitions, equipment, and systems.

(ii) When feasible, all material published in the FEDERAL REGISTER will be made available for inspection and copying, along with any available index of that published material, in the same facility or facilities provided for inspection and copying of opinions, orders, and manuals.

(iii) Identifying details which if revealed would create a clearly unwarranted invasion of personal privacy may be deleted from any final opinion, order, statement of policy, interpretation, staff manual, or instruction made available for inspection and copying. In every such case, the justification for the deletion must be fully explained in writing.

(iv) No order, opinion, statement of policy, interpretation, staff manual, or instruction which is issued, promulgated, or adopted after July 4, 1967, which is not indexed and either made available or published, may be relied upon, used, or cited as a precedent against any member of the public unless he has actual and timely notice of its terms. If the order, opinion, statement of policy, interpretation, staff manual, or instruction was issued, promulgated, or adopted before July 4, 1967, it need not be indexed but must be made available in accordance with subdivision (i) of this subparagraph.

(*a*) In determining whether an order, opinion, statement of policy, interpretation, staff manual, or instruction is likely to be used or relied upon as precedent, the primary test will be whether it is intended to provide binding guidance for decisions or evaluations by subordinates or for future decisions by the same authority in adjudications of cases affecting the public, where similar facts or issues are presented.

(*b*) With regard to the precedential effect of an adjudication, opinions, and orders of the Boards of Review exemplify the type that shall be made available for inspection and copying since they may be relied upon, used or cited in future adjudications. By contrast, orders and opinions resulting from adjudications such as those involving internal personnel (including military personnel) proceedings and security proceedings are not required to be made available to the general public for inspection and copying since they are not relied upon, used, or cited in future adjudications.

(v) The cost to DSA of copying any such opinion, order, or statement of policy or interpretation will be imposed on the person requesting the document, under provisions of § 1260.1(c).

(4) *Exemptions.* (i) Documentary material which would otherwise have to be made available under subparagraphs (2) and (3) of this paragraph, may be withheld from public disclosure if it comes within a specific exemption. However, even exempted material should be made available if, in the judgment of the releasing authority, no significant purpose would be served by withholding it from the requestor under an applicable exemption and its release is not inconsistent with statutory requirements or § 1260.1(f).

(ii) The following types of records may be withheld from public disclosure:

(*a*) Those requiring protection in the interest of national defense or foreign policy according to the criteria established by § 1260.1(f) or by Executive order.

(*b*) Those containing rules, regulations, orders, manuals, directives, and instructions relating to the internal personnel rules or to the internal practices of the Department of Defense. Examples include:

(*1*) Operating rules, guidelines, and manuals for Department of Defense investigators, inspectors, auditors, or examiners, and schedules or methods which cannot be disclosed to the public without substantial prejudice to the effective performance of a significant function of the Department of Defense. Some of those materials would reveal:

(*i*) Negotiating and bargaining techniques.

(*ii*) Bargaining limitations and positions.

(*iii*) Inspection schedules and methods.

(*iv*) Audit schedules and methods.

(*2*) Personnel and other administrative matters such as examination questions and answers used in training courses or in the determination of the qualifications of candidates for employment, entrance to duty, advancement or promotion.

(*c*) Those containing information which statutes authorize or require be withheld from the public. The authorization or requirement may be found in the terms of the statute itself or in Executive orders or in regulations authorized by, or in implementation of the statute. Examples include:

(*1*) Trade technical and financial information provided in confidence by businesses, governed by § 1260.1(g).

(*2*) National Security Agency information, governed by § 1260.1(h).

(*3*) Any records containing information relating to inventions which are the subject of patent applications on which Patent Secrecy Orders have been issued, governed by § 1260.1(i).

(*d*) Those containing information which DSA receives from anyone including an individual, a foreign nation, an

[1] Reference material may be obtained from Department of Defense, Defense Supply Agency, and Superintendent of Documents.

international organization, a State or local government, a corporation, or any other organization with the understanding that it will be retained on a privileged or confidential basis, or similar commercial or financial records which DSA develops internally, if they are in fact the kinds of records which are normally considered privileged or confidential. Such records include documents containing:

(*i*) Information customarily considered privileged or confidential under the rules of evidence in the Federal courts, such as information coming within the doctor-patient, lawyer-client, or priest-penitent privileges.

(*ii*) Commercial or financial information received in confidence in connection with loans, bids or proposals, as well as other information received in confidence or privileged, such as trade secrets, inventions and discoveries, or other proprietary data.

(*iii*) Statistical data and commercial or financial information concerning contract performance, income, profits, losses, and expenditures, if received in confidence from a contractor or potential contractor.

(*iv*) Information such as research data, formulae, designs, drawings, and other technical data and reports which:

(*a*) Are significant as items of valuable property acquired in connection with research, grants, or contracts.

(*b*) Would likely be held in confidence if owned by private parties.

(*v*) Personal statements given in the course of inspections or investigations, where such statements are received in confidence from the individual and retained in confidence.

(*e*) Except as provided in (*i*) of this subdivision, internal communications within and among elements of Federal agencies and of the Department of Defense.

(*i*) Examples include: (*i*) Staff papers containing staff advice, opinions, or suggestions.

(*ii*) Information received or generated by DSA preliminary to a decision or action, including draft versions of documents, where premature disclosure would harm the authorized appropriate purpose for which the records are being used.

(*iii*) Advice, suggestions, or reports prepared on behalf of the Department of Defense by boards, committees, councils, groups, panels, conferences, commissions, task forces, or other similar groups that are formed by a component to obtain advice and recommendations.

(*iv*) Records of Department of Defense evaluations of contractors and their products which in effect constitute recommendations or advice and could be used improperly to the advantage or to the detriment of private interests.

(*v*) Advance information on such matters as proposed plans to procure, lease or otherwise acquire and dispose of materials, real estate, facilities, or functions, when such information would provide undue or unfair competitive advantage to private personal interests.

(*vi*) Records which are exchanged among agency personnel or within and among elements of Federal agencies and the Department of Defense preparing for anticipated legal proceedings before any Federal, state, or military court or before any regulatory body.

(*vii*) Reports of inspections, audits, investigations, or surveys which pertain to safety, security or the internal management, administration, or operation of the Department of Defense.

(2) If any such intra-agency or inter-agency information requested would routinely be made available through the discovery process in the course of litigation with DSA, then it should not be withheld from the general public. If, however, the information would only be made available through the discovery process by special order of the court based on the particular needs of a litigant balanced against the interests of DSA in maintaining its confidentiality, then the record or document should not be made available to a member of the general public.

(*f*) Information in personnel and medical files, as well as information in similar files that, if disclosed to a member of the public, would result in a clearly unwarranted invasion of personal privacy.

(*i*) Examples of files similar to personnel and medical files include:

(*i*) Those compiled to evaluate or adjudicate the suitability of candidates for civilian employment and the eligibility of individuals, civilian, military, or industrial for security clearances.

(*ii*) Files containing reports, records, and other material pertaining to personnel matters in which administrative action, including disciplinary action, may be taken.

(2) In determining whether the release of information would result in a clearly unwarranted invasion of privacy, consideration should be given in cases such as those involving alleged misconduct, to the relationship of the alleged misconduct to an individual's official duties, the amount of time which has passed since the alleged misconduct, and the degree to which the individual's privacy has already been invaded. Thus, the release of information concerning alleged misconduct which is closely related to official duties, which has occurred recently, and which has already been exposed to the public is less likely to constitute a clearly unwarranted invasion of personal privacy.

(3) When the sole and exclusive basis for withholding information is protection of the personal privacy of an individual, the information should not be withheld from him or from his designated legal representative. An individual's personnel, medical, or similar files may be withheld from him or from his designated legal representative for reasons other than the protection of his personal privacy when valid Civil Service Commission regulations or other valid regulations so authorize.

(*g*) Investigatory files compiled for the purpose of enforcing civil, criminal, or military law, including Executive orders, or regulations validly adopted pursuant to law.

(*i*) Examples include:

(*i*) Statements of witnesses and other material based on the information developed during the course of the investigation and all materials prepared in connection with related Government litigation or adjudicative proceedings.

(*ii*) Lists of firms or individuals suspended under procurement regulations when the lists are compiled in connection with investigations of irregularities.

(2) The right of individual litigants to investigatory files currently available by law is not diminished.

(*h*) Those contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of any agency responsible for the regulation or supervision of financial institutions.

(*i*) Those containing geological and geophysical information and data, including maps, concerning wells.

(3) *Identification and Marking "FOR OFFICIAL USE ONLY".* (*i*) Records which are not classified under § 1260.1(*f*) but which are authorized by § 1260.1(*a*) to be withheld from general public disclosure under subparagraph (4) of this paragraph and which for a significant reason should not be given general circulation shall be considered as being "FOR OFFICIAL USE ONLY" (FOUO).

(*ii*) A record that is considered "FOR OFFICIAL USE ONLY" may be marked "FOR OFFICIAL USE ONLY" when such marking is deemed necessary to insure that all persons having access to the record are aware that it should not be publicly released and should not be handled indiscriminately. Individual folders, records, and files covering specific kinds of subject matter, normally falling within the exemptions of subparagraph (4) of this paragraph such as personnel and medical files, bids, proposals, and the like, which are covered by rules and regulations specifying what may be released publicly, do not require the "FOUO" marking unless handled under circumstances where marking is essential to insure protection of the information involved.

(*a*) The marking shall not be used on records which are classified under § 1260.1(*f*) but, if otherwise proper under this Part 1260, may be applied to information or material which has been declassified.

(*b*) Information contained in a technical document for which a determination has been made that a distribution statement under § 1260.1(*d*) is appropriate shall not be marked "FOUO."

(*iii*) Material which is considered "FOR OFFICIAL USE ONLY" must be safeguarded from general disclosure irrespective of whether the material is physically marked with the term "FOR OFFICIAL USE ONLY."

(*iv*) Whenever necessary to assure proper understanding, individual paragraphs which contain FOUO information shall be marked with symbol "FOUO." In classified documents, this marking should be applied only to paragraphs which contain FOUO information and do not contain classified information.

§ 1260.5 Responsibilities.

(a) The Chief, Publications Division, Office of Administration, HQ DSA, will review DSA publications to assure that those which meet the criteria for publication in the FEDERAL REGISTER are prepared in proper form and transmitted promptly for publication in the FEDERAL REGISTER, as required by DSAR 5025.19, Publications of Documents in the FEDERAL REGISTER.

(b) The Chief, Administrative Management Division, Office of Administration, HQ DSA, will:

(1) Serve as the point of contact for referring members of the public, except the news media, desiring to examine and copy records to the appropriate staff element within HQ DSA, or within the DSA Administrative Support Center having custody of the records.

(2) Maintain for examination and copying by the public a copy of the material and documents referred to in subparagraph (e) (3) of this section.

(3) Process requests for records received under provisions of § 1260.6(a) (1).

(4) Process to the Director/Deputy Director, DSA after coordination with the Counsel, HQ DSA, and other appropriate HQ DSA staff elements appeals from refusals to provide a record.

(c) The Special Assistant for Public Affairs, HQ DSA will serve as the central point of contact for the release of information to the news media.

(d) The Heads of HQ DSA Principal Staff Elements will:

(1) Review all instructions for which they are the proponent to insure that such instructions are not inconsistent with the provisions of this Part 1260.

(2) Recommend at the time instructions for which they are the proponent are prepared for publication whether the document should be published in the FEDERAL REGISTER, as required by DSAR 5025.19, Publication of Documents in the FEDERAL REGISTER.

(3) Insure that the provisions of this Part 1260 are followed in processing requests for records from members of the public.

(4) Coordinate with other HQ DSA staff elements to the extent considered necessary, requests from the public for information.

(e) The Heads of DSA Primary Level Field Activities will:

(1) Insure that the provisions of this Part 1260 are followed in processing requests for records from members of the public.

(2) Provide convenient facilities where members of the public may examine and copy documents to which they are entitled.

(3) Maintain for examination and copying by the public a copy of the following:

(*i*) All references listed in § 1260.1.

(*ii*) DSAH 5025.2, DSA Field Establishment Directory which reflects the mailing addresses of all activities of DSA.

(*iii*) DSAH 5025.1, Defense Supply Agency Index of Publications and Forms (DSIs, Handbooks, Manuals and Regulations) which contains, among other things, a topical index of the publications issued by HQ DSA.

(*iv*) DSAM 5015.1, Files Maintenance and Disposition which contains a functional description of all records and files generated by DSA. This Manual also contains a topical index.

(*v*) A copy of such local indexes of opinions, orders, statement of policy, and publications that may exist, or that may be prepared in the future.

(4) Arrange for the collection of fees prescribed in § 1260.1(c) associated with locating and providing copies of documentary material requested.

(5) Furnish the Director, DSA, Attention: DSAH–XA a copy of all refusals to provide a record made under provisions of § 1260.6. In the case of the Defense Contract Administration Services Regions, the copy will be forwarded through the Deputy Director for Contract Administration Services, DSA.

(6) Establish safeguards to insure that the official records of the activity are properly safeguarded during the time they are made available for examination by a member of the public.

(7) Insure that internal operating procedures provide for prompt response to all requests for records.

§ 1260.6 Procedures.

(a) *Requests for records or for permission to examine records.* (1) Members of the public may make requests for copies of records or for permission to examine or copy records directly to the Head of the DSA activity having custody of the records, if the whereabouts of the document is known. If the exact whereabouts is not known, and it is reasonably certain that the document is in the custody of DSA, the requestor should submit his request to the Director, Defense Supply Agency, Attention: DSAH–XA, Cameron Station, Alexandria, Va. 22314.

(2) Requests must identify each record with sufficient particularity to enable the custodian to locate the record with a reasonable amount of effort. Information as to where the record originated, its subject, date, number, or other identification that would enable the custodian to locate the document should be provided by the requestor when possible.

(3) Because certain information and documents are exempt from the imposition of fees under provisions of § 1260.1(c) the requestor need not submit payment for services with his initial written request. When it is anticipated that the cost of the record search and reproducton of the documents may exceed $10, the requestor will be so advised and requested to submit payment prior to furnishing the records. In other instances, the requestor will be advised at the time the record is found as to the charges involved.

(4) Refusal to make a record available may be made only by the Heads of DSA Primary Level Field Activities or the Heads of HQ DSA Principal Staff Elements. The refusal may be appealed to the Director/Deputy Director, DSA. The appeal should be filed with the official who refused release of the record in order that the appeal may be processed through command channels to the Director, DSA for a final decision.

(b) *Processing requests for records or for permission to examine records.* (1) Upon receipt of a request for records or for permission to examine records, the DSA activity having custody of the records will collect the documents, determine whether they are releasable under provisions of this Part 1260, determine the fees to be charged, and advise the requestor accordingly.

(2) If the request is for permission to examine releasable records, the requestor will be advised as to where and when during normal working hours he may appear for this purpose. Every reasonable effort will be made to accommodate individuals granted permission to examine records; however, overtime is not authorized for this purpose.

(3) If a final reply to a request cannot be made within 10 working days of receipt, the requestor will be given an interim reply and an estimated date on which he may receive a final reply.

(4) The DSA official having custody and control of any DSA record requested by a member of the public is authorized to make such record available unless the record falls within one of the exceptions listed in § 1260.4(c) (4). In such case the request will be referred promptly to the head of the primary level field activity or the head of a HQ DSA principal staff element, as appropriate. The fact that a record has been marked "FOR OFFICIAL USE ONLY" does not relieve the official who is authorized to release the record from the responsibility of reviewing the requested record for the purpose of determining whether an exemption under § 1260.4(c) (4) (i) is applicable.

(5) Requests for records will be denied only by the head of a DSA primary level field activity or the head of an HQ DSA principal staff element upon a determination that:

(i) The record is subject to one of the exemptions set forth in § 1260.4(3) (4), or

(ii) The record cannot be found because it has not been properly identified; or

(iii) The applicant has unreasonably failed to comply with the procedural requirement for obtaining the record set forth in paragraph (a) of this section.

(6) When a request for a record is refused, the official who made the determination will explain the basis for the denial and will advise the requestor that he may appeal the denial to the Director/Deputy Director, DSA. Any refusal will be in writing, and a copy of the refusal will be furnished the Director, DSA, Attention: DSAH–XA. In the case of the Defense Contract Administration Services Regions, the copy will be forwarded through the Deputy Director for Contract Administration Services, DSA.

Effective date: July 4, 1967.

By order of the Director, Defense Supply Agency.

[SEAL] WILLIAM PAULE,
Colonel, U.S. Air Force,
Staff Director, Administration.

[F.R. Doc. 67-9092; Filed, Aug. 3, 1967; 8:47 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Department of Housing and Urban Development

SUBCHAPTER B—PROPERTY IMPROVEMENT LOANS

PART 201—CLASS 1 AND CLASS 2 PROPERTY IMPROVEMENT LOANS

Credits, Collections, and Claims

In § 201.5 paragraph (f) is amended to read as follows:

§ 201.5 Credits and collections.

* * * * *

(f) *Security.* The taking of security to secure the payment of a loan is left to the discretion of the insured lender unless specifically required by the Commissioner in accordance with the provisions of paragraph (e) of this section or of § 201.2(d) (2) (iii) or (f). An insured may permit the substitution or subordination of security, provided it can be shown when claim is made that at the time of such action the original security value was not impaired or reduced by such action. Upon presentation of the facts, the prior approval of the Commissioner may be obtained by the insured to any proposed substitution or subordination of security. A pledge of a share account, deposit or passbook, shall not be considered security within the meaning of this paragraph.

* * * * *

In § 201.11 paragraphs (c) (1) and (e) (4) (i) are amended to read as follows:

§ 201.11 Claims.

* * * * *

(c) *Maximum claim period.* (1) Claim shall be filed no later than 6 months after the due date of the final installment provided for in the note.

* * * * *

(e) *Claims amount.* * * *

(4) * * *

(i) Twenty-five percent of the amount collected by the attorney on the defaulted note if the borrower is liable for the payment of such fee under the laws of the jurisdiction applicable to the note, and if the insured has not waived its claim against the borrower for such fees.

* * * * *

(Sec. 2, 48 Stat. 1246, as amended; 12 U.S.C. 1703)

Issued at Washington, D.C., July 31, 1967.

[SEAL] PHILIP N. BROWNSTEIN,
Federal Housing Commissioner.

[F.R. Doc. 67-9126; Filed, Aug. 3, 1967; 8:49 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 142—PRECANCELED STAMPS

Sale and Use of Precanceled Stamps and Mailer's Precanceled Postmark

The regulations of the Post Office Department are amended as follows:

1. In § 142.2 *Sale and use of precanceled stamps* make the following changes:

A. Paragraph (c) is revised to prescribe that precanceled stamps will be sold only to precancel permitholders except as provided in paragraph (f) of this section.

(c) *Sale limited.* Precanceled stamps will be sold only to precancel permitholders except as provided in paragraph (f) of this section.

NOTE: The corresponding Postal Manual section is 142.23.

B. The number 8 in the first sentence of paragraph (e) is changed to 16 to show the increase in the amount of precanceled stamps affixed to a single piece without the need to overprint.

NOTE: The corresponding Postal Manual section is 142.25.

C. The present material under paragraph (f) is deleted and new material is inserted in lieu thereof to authorize limited sales of precanceled stamps for collection purposes.

(f) *Philatelic sales.*—(1) *Nonpermit holders.* Not more than 10 stamps of each of the precanceled denominations which are available at a post office may be purchased in person or by mail by nonpermit holders for collection purposes. Each mail order must be accompanied with a stamped, self-addressed envelope for use in returning the stamps to the purchaser. Precanceled stamps are available only at post offices which prepare or obtain them for sale to permit holders.

(2) *Permit holders.* Precancel permit holders may buy the quantity of precanceled stamps for philatelic purposes provided for by subparagraph (1) of this paragraph. Other precanceled stamps may be purchased only for the purpose of paying postage. Unused precanceled stamps may not be sold for philatelic purposes by permit holders.

NOTE: The corresponding Postal Manual section is 142.26.

II. In § 142.3 *Mailer's precancel postmark,* the words "or on postal cards" are deleted from the first sentence for clarification.

NOTE: The corresponding Postal Manual section is 142.3.

(5 U.S.C. 301, 39 U.S.C. 501)

TIMOTHY J. MAY,
General Counsel.

JULY 31, 1967.

[F.R. Doc. 67-9076; Filed, Aug. 3, 1967; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 9—Atomic Energy Commission

PART 9-1—GENERAL

Subpart 9-1.3—General Policies

PART 9-8—TERMINATION OF CONTRACTS

Subpart 9-8.2—General Principles Applicable to the Termination for Convenience and Settlement of Fixed-Price Type and Cost-Reimbursement Type Contracts

Subpart 9-8.5—Disposition of Termination Inventory

PART 9-15—CONTRACT COST PRINCIPLES AND PROCEDURES

Subpart 9-15.50—Cost Principles and Procedures

PART 9-58—RENTAL OF CONSTRUCTION EQUIPMENT

Miscellaneous Amendments

1. Section 9-1.350-1, *Special specifications and standards,* is amended by changing "Office of the Controller" to read "Director, Division of Contracts." As so amended, § 9-1.350-1 reads as follows:

§ 9-1.450-1 Special specifications and standards.

When special specifications or standards are used by a field office or Headquarters on a recurring basis or used by two or more field offices or contractors, consideration should be given to converting them to AEC specifications. Accordingly, contracting officers are urged to bring to the attention of the Director, Division of Contracts, any such special specifications which they believe may be of use to more than one field office. The Director, Division of Contracts, will notify field offices of the existence of any AEC specification.

2. In § 9-8.211-2, *Required review and approval,* paragraph (a) is revised by changing "appropriate Headquarters Division Director" to "Director, Division of Contracts." Section 9-8.211-2(a), as amended, reads as follows:

§ 9-8.211-2 Required review and approval.

(a) Proposed settlement agreements or determinations in excess of contractual authority of Managers of Field Offices will be transmitted to the Director, Division of Contracts, for review and approval.

* * * * *

3. Section 9-8.507-5, *Applicability of antitrust laws,* is amended by changing "Controller" to "Director, Division of Contracts." Section 9-8.507-5, as amended, reads as follows:

§ 9-8.507-5 Applicability of antitrust laws.

Managers of Field Offices and Headquarters officials having the contracting responsibility shall furnish two copies of the notification referred to in FPR 1-8.507-5 to the Office of the General Counsel and one copy to the Director, Division of Contracts, Headquarters.

4. Section 9-15.5003, *Deviation,* is revised to read as follows:

§ 9-15.5003 Deviation.

Deviations from the policy and principles set forth in this subpart shall not be made unless such action is authorized by the Director, Division of Contracts, after consultation with the Controller, General Counsel, and any other appropriate Headquarters office, on the basis of a written justification stating clearly the special circumstances involved. Where appropriate, any approved deviation shall be reflected in the compensation provisions of the contract.

5. In § 9-15.5005-2, *Compensation through fee,* paragraph (b) is amended by changing "appropriate Headquarters Division Director" to "Director, Division of Contracts." As amended, § 9-15.5005-2(b) reads as follows:

§ 9-15.5005-2 Compensation through fee.

* * * * *

(b) In a particular case, the contractor may be compensated on the basis of allowable cost, rather than through the fixed fee for some or all of the expenses described in paragraph (a) of this section if the Director, Division of Contracts, the Manager of the Field Office, or a representative having the authority to approve the contract, authorizes use of this alternative approach and determines that the negotiated fixed fee reflects proper downward adjustment from that which would otherwise have been established. In the case of no-fee contracts (including contracts providing for nominal or token fees), this category of expense may be either reimbursed on the basis of actual costs or compensated through a predetermined fixed amount.

* * * * *

6. In § 9-58.002, *General policy,* paragraph (a) is amended by changing "Office of the Controller" to Director, Division of Contracts." As amended, § 9-58.002(a) reads as follows:

§ 9-58.002 General policy.

It is the policy of the AEC:

(a) To use presently owned AEC construction equipment to the fullest extent. Careful investigation shall be made of the equipment available not only at the field office concerned, but at other field offices, to determine whether such equipment can be economically utilized on the job. The Director, Division of Contracts, Headquarters, can assist in the investigation of excess equipment available in other offices.

* * * * *

(Sec. 161, Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205, Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486)

Effective date. These amendments are effective upon publication in the FEDERAL REGISTER.

Dated at Germantown, Md., this 28th day of July 1967.

For the U.S. Atomic Energy Commission.

JOSEPH L. SMITH,
Director, Division of Contracts.

[F.R. Doc. 67-9067; Filed, Aug. 3, 1967; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Federal Water Pollution Control Administration

[18 CFR Part 601]

WATER POLLUTION CONTROL

Grants for Construction of Treatment Works

Notice is hereby given that the Secretary of the Interior proposes to amend Chapter V of Title 18 Code of Federal Regulations, Part 601, Subpart B, to read as set forth below.

The proposed amended Subpart B would reflect amendments to construction grant provisions in the Federal Water Pollution Control Act, as amended (33 U.S.C. 46 et seq.), effected by the enactment of Public Law 84-660.

Interested persons may submit written data, views, or arguments in triplicate in regard to the proposed regulations to the Secretary of the Interior, Washington, D.C. 20240. All relevant material received not later than 30 days after publication of this notice will be considered.

The regulations will become effective upon republication.

Subpart B—Grants for Construction of Treatment Works

Sec.
601.21 Definitions.
601.22 Allotments to States.
601.23 Availability of allotments.
601.24 Application for grants.
601.25 Grant limitations.
601.26 Grant conditions.
601.27 Assurances from applicant.
601.28 Determining the desirability of projects.
601.29 Criterial for considering propriety of Federal aid.
601.30 Payments.
601.31 Final settlement.

AUTHORITY: The provisions of this Subpart B issued under sec. 10, 70 Stat. 506, as amended; 33 U.S.C. 466i; sec. 6, 70 Stat. 502, as amended; 33 U.S.C. 466e.

Subpart B—Grants for Construction of Treatment Works

§ 601.21 Definitions.

All terms used in this subpart which are defined in the Federal Water Pollution Control Act and are not defined in this section shall have the meaning given to them in such Act. As used in this subpart, the following terms shall have the meaning indicated hereinbelow:

(a) "Federal Act" means the Federal Water Pollution Control Act, as amended (33 U.S.C. 466 et seq.).

(b) "Administration" means the Federal Water Pollution Control Administration in the Department of the Interior.

(c) "Commissioner" means the head of the Federal Water Pollution Control Administration, or his duly authorized representative.

(d) "State water pollution control agency" means the State health authority, except that in the case of any State in which there is a single State agency other than the State health authority charged with responsibility for enforcing the State laws relating to the abatement of water pollution, it means such other State agency.

(e) "Interstate agency" means an agency of two or more States established by or pursuant to an agreement or compact approved by the Congress, or any agency of two or more States having substantial powers or duties pertaining to the control of pollution of waters.

(f) "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam.

(g) "Fiscal year" means a 12-month period beginning on July 1.

(h) "Population" means the official population figures of the latest decennial census for which figures are available as certified by the Secretary of Commerce.

(i) "Per capita income" means the average of the per capita income of the States and of the continental United States for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce; except that, in the absence of such satisfactory data, the per capita incomes of (1) Puerto Rico, (2) the Virgin Islands, and (3) Guam shall be deemed to equal the per capita income of the State having the lowest per capita income in the continental United States.

(j) "Municipality" means a city, town, borough, county, parish, district, or other public body created by or pursuant to State law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes, and an Indian tribe or an authorized Indian tribal organization.

(k) "Intermunicipal agency" means an agency of two or more municipalities having jurisdiction over disposal of sewage, industrial wastes, or other wastes.

(l) "Treatment works" means the various devices used in the treatment of sewage or industrial wastes of a liquid nature, including the necessary intercepting sewers, outfall sewers, pumping, power, and other equipment and their appurtenances, and includes any extensions, improvements, remodeling, additions, and alterations thereof.

(m) "Applicant" means any State, municipality, intermunicipal, or interstate agency which files an application for a grant under section 8 of the Federal Act.

(n) "Metropolitan area" means either (1) a standard metropolitan statistical area as defined by the Bureau of the Budget, except as may be determined by the President as not being appropriate for the purposes hereof, or (2) any urban area, including those surrounding areas that form an economic and socially related region, taking into consideration such factors as present and future population trends and patterns of urban growth, location of transportation facilities and systems, and distribution of industrial, commercial, residential, governmental, institutional, and other activities, which in the opinion of the President lends itself as being appropriate for the purposes hereof.

§ 601.22 Allotments to States.

(a) The first $100 million appropriated for any fiscal year shall be alloted as soon as practicable as follows:

(1) 50 per centum of such sums in the ratio that the population of each State bears to the population of all the States, and

(2) 50 per centum of such sums in the ratio that the quotient obtained by dividing the per capita income of the United States by the per capita income of each State bears to the sum of such quotients for all the States.

(b) Funds in excess of $100 million appropriated for any fiscal year shall be allotted as soon as practicable in the ratio that the population of each State bears to the population of all the States.

(c) Except as provided in § 601.25 (a) (8), sums allotted to a State under paragraphs (a) and (b) of this section which are not obligated within six months following the end of the fiscal year for which allotted because of a lack of projects which have been approved as provided in § 601.25(a) (3) and certified as entitled to priority as provided in § 601.25(a) (6) shall be reallotted in accordance with paragraph (d) of this section to States having approved projects for which grants have not been made because of lack of funds.

(d) Reallotment of unobligated funds under paragraph (c) of this section will be made on the basis of the ratio which the current year's allotment of each State bears to the current year's allotments of all such States: *Provided*, That no State's reallotment shall exceed the sum necessary to satisfy requests for grants contained in applications on hand in the State agency which, except for lack of funds, are eligible for immediate certification as provided in § 601.25(a) (6).

§ 601.23 Availability of allotments.

The allotment of a State, including reallotments, shall be available, in accordance with the provisions of this subpart, for payments to meet the cost of construction of treatment works in such State for which Federal grants have been approved by the Commissioner.

§ 601.24 Application for grants.

Applications for grants for the construction of treatment works shall be submitted on such forms and in such manner as the Commissioner may prescribe.

§ 601.25 Grant limitations.

(a) Grants under this subpart shall be subject to the following limitations:

(1) No grant shall be made for any work for which a contract was let prior to July 31, 1956.

(2) To be eligible for a grant, a project must be designed to result in an operable treatment works, or part thereof, which will treat or stabilize sewage or industrial wastes of a liquid nature in order to abate, control, or prevent water pollution. In addition, where a project or a portion thereof provides for the treatment or stabilization of sewage or industrial wastes of a liquid nature, and unless a higher degree of treatment is required to comply with water quality standards established pursuant to section 10 of the Federal Act, or with recommendations of the Secretary or judgment of a court made pursuant to section 10 of the Federal Act, such treatment or stabilization shall consist of at least primary treatment, or its equivalent, resulting in the substantially complete removal of settleable solids.

(3) No grant shall be made for any project unless such project shall have been approved by the appropriate State water pollution control agency and by the Commissioner and unless such project is included in a comprehensive program developed pursuant to section 3 of the Federal Act.

(4) Except as provided in subparagraphs (8) and (9) of this paragraph, no grant shall be made for any project in an amount exceeding 30 per centum of the estimated reasonable cost of the project as determined by the Commissioner, except that the percentage limitation shall be increased to 40 per centum if the State agrees to pay not less than 30 per centum of the cost of all projects for which Federal grants are to be made from the same fiscal year's allocation, or the percentage limitation shall be increased to 50 per centum if the State agrees to pay not less than 25 per centum of the cost of all projects for which Federal grants are to be made from the same fiscal year's allocation and enforceable water quality standards have been established for the waters into which the project discharges, in accordance with section 10(c) of this Act in the case of interstate waters, and under State law in the case of intrastate waters.

(5) No grant shall be made until the applicant has made provision satisfactory to the Commissioner for assuring proper and efficient operation and maintenance of the treatment works after completion of the construction thereof.

(6) No grant shall be made unless such project is in conformity with the State water pollution control plan submitted pursuant to the provisions of section 7 of the Federal Act and has been certified by the State water pollution control agency as entitled to priority over other eligible projects on the basis of financial as well as water pollution control needs; except that in the case of additional grants as provided for in subparagraphs (8) and (9) of this paragraph, no additional State certification of priority shall be required for the project receiving such an additional grant.

(7) In connection with a project in which construction was initiated after June 30, 1966, which is approved by the State water pollution control agency and which the Commissioner finds meets the requirements of the Act, but which was constructed without Federal assistance or with a lesser amount of Federal assistance than was allowable under the Act, a grant may be made in reimbursement of State or local funds used for such project prior to July 1, 1971, to the extent that assistance could have been provided if such project had been approved for Federal support and if adequate Federal funds had been available.

(8) Whenever a State has funds subject to reallotment under § 601.22(c) prior to such reallotment additional grants may be made for any projects in that State where the Commissioner finds that the need for the projects is due in part to any Federal institution or Federal construction activity which has resulted in an influx of Federally connected personnel and have added to the applicant's requirements for sewage treatment works. Such additional grants shall be limited to additional identifiable costs of construction attributable to such Federal institution or Federal construction activity. Applicants for additional grants must support their claims that the need for their projects is due in part to any Federal institution or Federal construction activity by showing that at least five percent of the population contributing wastes to the project are, as of the date of filing the application for the additional grant, in one or more of the following categories: (i) Federal personnel and their families residing on or at a Federal institution as hereinafter defined, as well as occupants, patients, and inmates of such institutions; (ii) Federal personnel and their families working on or at, but residing at other than, a Federal institution as hereinafter defined; (iii) non-Federal personnel and their families working on Federal construction projects involving a Federal institution as hereinafter defined. Necessary supporting information submitted by applicants shall be used as the basis for computing a project's additional grant entitlement as follows: For subdivision (i) of this subparagraph, 100 percent of the product of the per capita cost of the project and the number represented in this category; for either subdivision (ii) or (iii) of this subparagraph, 50 percent of the product of the per capita cost of the project and the number represented by such category: *Provided*, That in any case the additional grant entitlement with respect to any category shall be reduced by the amount of any Federal contribution by any other Federal agency toward the capital cost of the approved project made on behalf of such category. The total of the sums of the above calculations shall be the maximum entitlement of an individual project for an additional grant. If the total of all entitlements for additional grants exceeds the funds available to a State for such grants, the available funds will be prorated over all eligible applicants for such grants in the State. In any instance where a grantee community claims its need for a project is due in part to any Federal institution or Federal construction activity, but because of exceptional circumstances is not measurable by the criteria set out above, a request for special consideration may be made to the Commissioner. Notwithstanding the provisions of this section, the Commissioner may waive the percentage requirements set out above in the case of an application for an additional grant whenever, in his judgment, exceptional circumstances exist or existed which make such action necessary to avoid inequity and avoid defeating the purposes of this section. In no event shall any additional grant be made in an amount which, together with the amount of the basic grant, will exceed the total eligible project cost. As used in this section, the term "Federal institution" shall mean any Federal institution, reservation, installation, base, project, or other similar Federal establishment used by the Federal Government primarily for the performance of functions other than the provision of services to the area in which such establishment is situated; and the term "Federal construction activity" shall mean the construction of any "Federal institution" as herein defined.

(9) The Commissioner may increase the amount of a grant made under subsection 8(b) of the Federal Act by 10 per centum of such grant for any project which has been certified by an official State, metropolitan, or regional planning agency empowered under State or local laws or interstate compact to perform metropolitan or regional planning for a metropolitan area within which such grant is to be used, or other agency or instrumentality designated for such purposes by the Governor (or Governors in the case of interstate planning) as being in conformity with the comprehensive plan developed or in the process of development for the metropolitan area.

(10) At least 50 per centum of the first $100 million appropriated for grants under section 8 of the Federal Act for each fiscal year beginning on or after July 1, 1965, shall be used for the construction of treatment works serving municipalities of 125,000 population or under.

§ 601.26 Grant conditions.

(a) All measures required to minimize water pollution to affected waters shall be undertaken in the planning and construction processes of the treatment plant to be financed in part by the Federal grant. To achieve this end, regard shall be given to the selection of a plant site compatible with the protection of

the natural environment, and to the protection of the watershed natural cover, engineering and work measures to assure minimal siltation and bank erosion from the construction process, and other measures which reduce water pollution to a minimum. Any grant awarded under this subpart shall be subject to these and such additional requirements of regulations and recommendations issued under section 7 of Executive Order 11288, July 2, 1966 (F.R. Doc. 66-7460) which provides that federally assisted activities shall be performed pursuant to regulations and recommendations made by the Department of the Interior covering grant practices designed to reduce water pollution.

(b) Any grant awarded under this subpart shall be subject to the requirements of Executive Order 11246, September 24, 1965 (30 F.R. 12319), which provides for nondiscrimination in federally assisted construction contracts, and with applicable rules, regulations, and procedures prescribed pursuant thereto.

(c) Any grant awarded under this subpart shall be subject to the requirements of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; P.L. 88-352) which provides that no person in the United States shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance (sec. 601); and shall be subject to the implementing regulation issued by the Secretary of the Interior with the approval of the President (43 CFR Part 17).

(d) That the construction contract will require the contractor to comply with the regulations of the Secretary of Labor made pursuant to the Davis-Bacon Act of March 3, 1931, as amended (40 U.S.C. 276a through 276a-5), the Anti-Kickback Act of June 13, 1934, as amended (40 U.S.C. 276c), and the Contract Work Hours Standards Act of August 13, 1962 (40 U.S.C. 327-330), and any amendments or modifications thereto, to cause appropriate provisions to be inserted in subcontracts to insure compliance therewith by all subcontractors subject thereto, and to be responsible for the submission of statements required of subcontractors thereunder, except as the Secretary of Labor may specifically provide for reasonable limitation, variations, tolerances, and exemptions from the requirements thereof.

§ 601.27 Assurances from applicant.

No grant shall be made until the Commissioner has received assurances from the applicant:

(a) That actual construction work will be performed by the lump sum (fixed price) or unit price contract method, that adequate methods of obtaining competitive bidding will be employed prior to awarding the construction contract, and that the award of the contract will be made to the responsible bidder submitting the lowest acceptable bid, which shall be determined without regard to State or local law whereby preference is given on factors other than the amount of the bid;

(b) That the project will not be advertised or placed on the market for bidding until the final plans and specifications have been approved by the Commissioner and the appropriate State agency, and the applicant has been so notified;

(c) That the construction contract will require the contractor to furnish performance and payment bonds, the amount of which shall each be in an amount not less than 50 per centum (50 percent) of the contract price, and to maintain during the life of the contract adequate fire and extended coverage, workmen's compensation, public liability and property damage insurance; proceeds of the performance and payment bonds and the fire and extended coverage insurance shall, in the discretion of the Commissioner, be applied to meet the cost of construction of the project;

(d) That any change in the contract which makes any major alteration in the work required by the plans and specifications, or which raises the cost of the project above the latest estimate approved by the Commissioner will be submitted to the Commissioner for prior approval;

(e) That the construction of the project, including the letting of contracts in connection therewith, shall conform to the applicable requirements of State, territorial, and local laws and ordinances except as provided in paragraph (a) of this section;

(f) That the construction contract will provide that representatives of the Administration and the State will have access to the work wherever it is in preparation or progress and that the contractor will provide proper facilities for such access and inspection;

(g) That the applicant will provide and maintain competent and adequate engineering supervision and inspection at the project to insure that the construction conforms with the approved plans and specifications;

(h) That records will be maintained which fully disclose the total cost of the project, the amount, source and disposition of all funds received for payment of project construction costs, as well as such other records as the Commissioner may prescribe to facilitate an effective audit; such records shall be retained for 3 years following final payment of the Federal share or such other period as the Commissioner shall prescribe;

(i) That all funds granted pursuant to this subpart shall be expended solely for carrying out the approved project;

(j) That the Commissioner and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access, for the purpose of audit and examination, to any books, documents, papers, and records of the grantee that are pertinent to grants received under this subpart, and the grantee shall submit to the Commissioner or the Comptroller General of the United States such documents and information as they may require in connection with the project;

(k) That the applicant will demonstrate to the satisfaction of the Commissioner his ability to pay the remaining cost of the project;

(l) That the applicant will demonstrate to the satisfaction of the Commissioner that he has or will have a fee simple or such other estate or interest in the site of the project, and rights of access, as the Commissioner finds sufficient to assure undisturbed use and possession for the purposes of construction and operation for the estimated life of the project; and in the case of projects serving more than one municipality, that the participating communities have such interests or rights as the Commissioner finds sufficient to assure their undisturbed utilization of the project for the estimated life of the project;

(m) That the declarations, assurances, representations, and statements made by the applicant in the application, and all documents, amendments, and communications filed with the Administration by the applicant in support of its request for a grant, will be fulfilled;

(n) That the applicant will permit the Administration or its authorized agents to have access to the project permanently and the records pertaining to its operation at any reasonable time following the completion of construction for the purpose of inspecting the operation and maintenance of the project;

(o) That the applicant agrees to construct the project or cause it to be constructed in accordance with the application and plans and specifications approved by the Commissioner: *Provided*, That any of these assurances required under this section may be waived, in whole or part (and subject to such conditions as he deems necessary), if the Commissioner finds that the purpose of such assurance is fulfilled.

§ 601.28 Determining the desirability of projects.

In determining the desirability of projects for treatment works and of approving Federal financial aid in connection therewith, the Commissioner shall give consideration to the following:

(a) The relation of the estimated cost of the project, including operation and maintenance, to the public interest and to the necessity for the project;

(b) The propriety of Federal aid in construction of the project;

(c) The public benefits to be derived by the construction of the project;

(d) The related projects requiring completion before full benefit can be derived from the project for which the application is made and the degree to which the completion of the related projects in the near future is assured;

(e) The feasibility of utilizing available facilities; and,

(f) The probability that the project will be constructed and put into operation within a reasonable time.

§ 601.29 Criteria for considering propriety of Federal aid.

In addition to other designated requirements, the propriety of Federal aid pursuant to section 8(c) of the Federal Act will be determined by the Commissioner on the basis of one or more of the following criteria:

(a) *Effective control.* Whether the project effectively contributes to the control of pollution of the waters into which the project discharges its treated wastes.

(b) *International treaty obligations.* Whether the project is required to control pollution in meeting international treaty obligations or agreements.

(c) *Federal impact.* Whether the project involves a pollution problem affected by (1) Federal installations contributing to the total municipal waste loadings; (2) a water use requirement involving national defense; (3) a Federal water resource development; or (4) an increase in population due to any Federal institution or Federal construction activity which has resulted in an influx of federally connected personnel and which have added to the applicant's requirements for sewage treatment works.

(d) *Public health necessity.* Whether the project involves treatment works required to abate a public health hazard.

(e) *Financial burden.* Whether the municipality can demonstrate that the construction of sewage treatment works involves an extraordinary and excessive financial burden in relation to the municipality's economic resources.

(f) *Enforcement recommendations.* Whether the construction of the sewage treatment is necessitated by recommendations pursuant to section 10 (e) and (f) of the Federal Act.

§ 601.30 Payments.

(a) Installment payments of the Federal grant shall be made upon request of the applicant, shall be based on the cost of the work performed, materials and equipment furnished, and services rendered in connection with an approved project, and may be made as follows:

(1) A first installment when not less than 25 percent of the construction of the project is completed;

(2) A second installment when not less than 50 percent of the construction of the project is completed;

(3) A third installment when not less than 75 percent of the construction of the project is completed; and,

(4) A fourth installment when the project is completed and final inspection by a representative of the Department is made.

(b) Upon written request and a showing of necessity by the applicant, the Commissioner may adopt a different schedule of payments.

(c) The total grant payments for any project shall not exceed the amount of the authorized percent of the actual reasonable cost thereof as determined by the Commissioner at completion of construction of the treatment works.

(d) Where the applicant fails to comply substantially with the requirements of the Federal Act or the regulations in this subpart or with the assurances contained in § 601.27, the Commissioner may, upon giving reasonable notice and opportunity for hearing to the applicant, withhold, in whole or in part, further payments to the applicant pending action based on such hearing or until there is no longer any failure to comply.

§ 601.31 Final settlement.

If an examination or audit discloses that an overpayment has been made to the grantee, the total of such overpayment shall constitute a debt owed by the grantee to the United States and if not paid to the United States shall be recovered from the grantee or its successors by set-off or other action as provided by law.

STEWART L. UDALL,
Secretary of the Interior.

JULY 29, 1967.

[F.R. Doc. 67-9093; Filed, Aug. 3, 1967; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 921]

FRESH PEACHES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Approval of Carryover of Unexpended Funds

Consideration is being given to the following proposal submitted by the Washington Fresh Peach Marketing Committee, established under the marketing agreement and Order No. 921 (7 CFR Part 921) regulating the handling of fresh peaches grown in designated counties in Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

That the Secretary of Agriculture find that unexpended assessment funds, in excess of expenses incurred during the fiscal period ended March 31, 1967, shall be carried over as a reserve in accordance with the applicable provisions of § 921.42 of said marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal shall file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: August 1, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-9130; Filed, Aug. 3, 1967; 8:50 a.m.]

[7 CFR Part 922]

APRICOTS GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Approval of Carryover of Unexpended Funds

Consideration is being given to the following proposal submitted by the Washington Apricot Marketing Committee, established under the marketing agreement, as amended, and Order No. 922, as amended (7 CFR Part 922), regulating the handling of apricots grown in designated counties in Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

That the Secretary of Agriculture find that unexpended assessment funds, in excess of expenses incurred during the fiscal period ended March 31, 1967, shall be carried over as a reserve in accordance with the applicable provisions of § 922.42 of said marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: August 1, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-9126; Filed, Aug. 3, 1967; 8:49 a.m.]

[7 CFR Part 923]

SWEET CHERRIES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Approval of Carryover of Unexpended Funds

Consideration is being given to the following proposal submitted by the Washington Cherry Marketing Committee, established under the marketing agreement and Order No. 923 (7 CFR Part 923) regulating the handling of sweet cherries grown in designated counties in Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

That the Secretary of Agriculture find that unexpended assessment funds, in excess of expenses incurred during the fiscal period ended March 31, 1967, shall be carried over as a reserve in accordance with the applicable provisions of

§ 923.42 of said marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: August 1, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-9129; Filed, Aug. 3, 1967; 8:49 a.m.]

[7 CFR Part 1004]

[Docket No. AO-169-A34]

MILK IN DELAWARE VALLEY MARKETING AREA

Notice of Extension of Time for Filing Exceptions to Recommended Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Delaware Valley marketing area, which was issued July 25, 1967 (32 F.R. 11039), is hereby extended to August 4, 1967.

Signed at Washington, D.C., on July 31, 1967.

S. R. SMITH,
Administrator.

[F.R. Doc. 67-9090; Filed, Aug. 3, 1967; 8:46 a.m.]

Packers and Stockyards Administration

[9 CFR Part 201]

LIVESTOCK

Purchase by Packers on Carcass Grade and/or Weight Basis; Extension of Time To File Comments

On May 30, 1967, there was published in the FEDERAL REGISTER (32 F.R. 7858) a notice of a proposal to amend the regulations (9 CFR 201.1 et seq.) under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), by adding a new § 201.99 dealing with the purchase of livestock by packers on a carcass grade, carcass weight, or carcass grade and weight basis. The notice provided that written data, views or arguments concerning the proposed amendment should be filed in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, within 30 days from the publication of the notice in the FEDERAL REGISTER. On June 27, 1967, a document was published in the FEDERAL REGISTER (32 F.R. 9101) extending the time for filing such data, views or arguments to and including July 29, 1967.

Pursuant to a request from interested parties, the time for filing written data, views or arguments concerning the proposed amendment is hereby extended to and including August 15, 1967.

Done at Washington, D.C., this 28th day of July 1967.

GLENN G. BIERMAN,
Acting Administrator, Packers and Stockyards Administration.

[F.R. Doc. 67-9091; Filed, Aug. 3, 1967; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Synthetic Organic Colorants in Paper and Paperboard

The Commissioner of Food and Drugs has evaluated data submitted by Synthetic Organic Chemical Manufacturers Association of the United States, 261 Madison Avenue, New York, N.Y. 10016, and other relevant information, and concludes that a food additive regulation should be proposed that would provide for the safe use under certain conditions of synthetic organic colorants in food-packaging paper and paperboard. Accordingly, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(d), 72 Stat. 1787; 21 U.S.C. 348(d)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), it is proposed that Part 121 be amended by adding to Subpart F a new section as follows:

§ 121.____ Synthetic organic colorants in paper and paperboard.

(a) *Conditions of use.* Synthetic organic colorants may be safely used to impart color to food-packaging paper and paperboard otherwise complying with regulations in this Subpart F if one of the conditions set forth in subparagraphs (1) through (4) of this paragraph plus the conditions set forth in subparagraph (5) of this paragraph are met:

(1) There is a functional barrier between the colored paper or paperboard and the food.

(2) The colorant is listed as a color additive for food use by a regulation in Part 8 of this chapter.

(3) The colored paper or paperboard is used or intended for use in contact with a dry food the surface of which contains no free fat or oil.

(4) The colorant is applied to the paper or paperboard only prior to the sheet-forming operation, the colored paper or paperboard is used or intended for use in contact with food containing not over 2 weight percent of free drainable liquid, and it passes the extraction and discoloration tests described in paragraph (b) of this section.

(5) The colorant contains, if at all, only useful adjuvants that:

(i) Are permitted to be added directly to food by a regulation in Subpart D of this part; or

(ii) Are otherwise permitted in the manufacture of paper and paperboard by a regulation in this Subpart F and are so used as to meet any limitations prescribed by such regulation.

Failure to meet the appropriate conditions prescribed by this paragraph will cause the colorant to be deemed a food additive for which no regulation exists.

(b) *Tests.* The tests referred to in paragraph (a)(4) of this section are as follows:

(1) *Food-simulating solvents.* Food-simulating solvents are chosen from the following table:

Types of food	Solvent
I. Nonacid, moist products; may contain salt or sugar or both (pH above 5.0).	Water.[1]
II. Acidic, moist products; may contain salt or sugar or both, and including oil-in-water emulsions of high or low fat content.	Water,[1] citric acid.[2]
III. Moist, acid or nonacid products containing free oil or fat; may contain salt, and including water-in-oil emulsions of high or low fat content.	Water,[1] citric acid,[2] [4] lard oil.[3]
IV. Dairy products and modifications	Water,[1] lard oil.[3]
V. Low-moisture fats and oils	Lard oil.[3]
VI. Bakery products, except dry foods	Water,[1] lard oil.[3]
VII. Dry solids with the surface containing no free fat or oil	No end test required.
VIII. Dry solids with the surface containing free fat oil	Lard oil.[3]
XI. Fruits and vegetables, raw	Water.[1]

[1] Water—either distilled or demineralized.
[2] Citric acid solution—20 percent sucrose solution containing 1 percent citric acid adjusted to pH 3.5.
[3] Lard oil—an industrial grade of lard oil is satisfactory.
[4] Omit unless food is acid.

(2) *Drainable liquids in foods.* The test for drainable liquids in food is as follows: A 100-gram sample of the food in question is placed on a 5-inch diameter, U.S. standard sieve No. 8, tilted approximately 30° from the horizontal and drained for 2 minutes at ambient temperatures of not less than 65° F. The weight of the extracted liquid shall not exceed more than 2 weight percent of the original sample.

(3) *Color transfer.* The test for color transfer from treated paper and paperboard ("sandwich test") involves visual comparison against a standard of a moist filter paper held in contact with the colored paper under test for a standard period of time.

(i) *Equipment.* (a) Color transfer standard: Color standard No. 4 of the "Official chart for Measuring Transference of Color of the American Association of Textile Chemists and Colorists."

(b) Glass-fiber filter paper.

(c) Aluminum foil.

(d) Tweezers.

(e) Appropriate solvents simulating the foods to be contacted by the paper or paperboard under test.

(f) Approximately 1-inch squares of the paper or paperboard to be tested, sufficient to provide one square for each of the required food-simulating solvents.

(ii) *Determination of color transfer.* (a) Saturate the filter paper in the selected solvent at room temperature (no lower than 65° F.) and place the saturated filter paper, "screen" side up, upon a piece of aluminum foil of appropriate size, handling the filter paper with tweezers.

(b) Using tweezers, promptly place the test square upon the wet filter paper being sure that the food-contact side of the test sample is in contact with the filter paper.

(c) Complete a four-ply "sandwich" by covering the upper side of the test paper with a cover of aluminum foil of suitable size.

(d) Seal the entire sandwich in complete cover of foil or in a polyethylene envelope to prevent loss of solvent during test period.

(e) Subject the sandwich to a pressure of 10 pounds per square inch of test paper and maintain the pressure continuously for at least 20 hours.

(f) At the conclusion of the contact period remove the pressure, carefully open the envelope, and remove the layers down to the filter paper by use of tweezers.

(g) While still wet, compare the filter paper with the color transfer standard. If the color of the filter paper is not darker than the color transfer standard, the colorant shows no significant migration and meets the transfer test.

(4) *Brightening-agent transfer.* The test for brightening-agent transfer from treated paper and paperboard involves a visual comparison under ultraviolet light of a moist filter paper held in contact with the colored test paper for a period of time against a spot containing a known amount of fluorescent brightening agent.

(i) *Equipment.* (a) Glass-fiber filter paper.

(b) Aluminum foil.

(c) Tweezers.

(d) Appropriate solvents simulating the foods to be contacted by the paper or paperboard under test.

(e) Approximately 1-inch squares of the paper or paperboard to be tested, sufficient to provide one square for each of the required food-simulating solvents.

(f) Fluorescent brightening-agent transfer standard: Prepare solution 1 as an aqueous solution of 10–50 milligrams per liter of Fluorescent Brightening Agent 28 and determine its absorbance in a 1-centimeter cell at a wavelength of 350 millimicrons in a suitable spectrophotometer against distilled water in the blank cell. Prepare a working solution by weighing out another amount of the brightening agent equal to:

$$11.8 \times \frac{\text{concentration (grams per liter) of brightening agent in solution 1}}{\text{Absorbance at 350 millimicrons}}$$

Transfer this amount to an actinic 500-milliliter volumetric flask. Make to volume and mix thoroughly as solution 2. Dilute 5 milliliters of solution 2 to 100 milliliters volumetrically with distilled water as solution 3. Dilute 10 milliliters of solution 3 to 100 milliliters with distilled water using an actinic flask for the preparation of solution 4 as the working-standard solution.

(ii) *Determination of fluorescent brightening-agent transfer.* (a) Using the "sandwich" technique described in subparagraph (3) of this paragraph, extract the brightening agent from the test paper onto the moist filter paper.

(b) Place a drop of approximately 0.05 milliliter of the working standard solution (solution 4) on another glass-fiber filter paper and let dry. Moisten this spot with the same food-simulating solvent as used on the test paper and compare the standard spot with the moist filter paper under ultraviolet light. If the fluorescence of the test sample does not exceed the fluorescence of the standard spot, the fluorescent brightening agent shows no significant migration and meets the transfer test.

(5) *Test for the discoloration of colorants.* Prepare a solution (or suspension) containing approximately 10 milligrams colorant in 1 liter of the food-simulating solvent. Measure the absorbance of the solution at a suitable wavelength. Hold the solution at room temperature in the dark for 20 hours, then again measure absorbance at the predetermined wavelength. This test is repeated for each of the three food-simulating solvents (water, 1 percent citric acid solution, and lard oil), described in the footnotes to the table in subparagraph (1) of this paragraph. If with any solvent the absorbance after 20 hours dark storage is 10 percent or more below the original absorbance, the colorant may not be used in paper or paperboard intended for use in contact with food except for dry food of type VII identified in the table in subparagraph (1) of this paragraph.

All interested persons are invited to submit their views in writing, preferably in quintuplicate, regarding this proposal. Such views and comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, within 30 days following the date of publication of this notice in the FEDERAL REGISTER. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: July 28, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-9143; Filed, Aug. 3, 1967; 8:51 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 8309]

AIRWORTHINESS DIRECTIVES

British Aircraft Corporation Model BAC 1–11 200 and 400 Series Airplanes

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to British Aircraft Corp. Model BAC 1–11 200 and 400 Series airplanes. There have been several instances of corrosion being found within the bore of the magnesium bearing housing in the flap secondary transmission system. Heavy corrosion deposits in this area can interfere with the free operation of the bearing and in extreme cases penetrate the exterior on the underside. Since this condition is likely to exist or develop in other aircraft of the same type design, the proposed airworthiness directive would require periodic inspection of the support bearings in the flap secondary transmission shafting and the replacement of corroded bearing housings with unused magnesium bearing housings until the magnesium housing is replaced with an aluminum alloy housing.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before September 5, 1967, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for

comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

BRITISH AIRCRAFT. Applies to Model BAC 1-11, 200 and 400 Series airplanes.

Compliance required as indicated.

To prevent deterioration of the secondary flap transmission system due to corrosion in the magnesium bearing housings, accomplish the following:

(a) Within the next 150 hours' time in service after the effective date of this AD for airplanes with 2,750 or more hours' time in service, or for airplanes with less than 2,750 hours' time in service as of the effective date of this AD before the accumulation of 3,000 hours' time in service, and thereafter at intervals not to exceed 600 hours' time in service from the last inspection, visually inspect the support bearings in the flap secondary transmission shafting for signs of corrosion or stiffness in accordance with British Aircraft Corp. BAC 1-11 Alert Service Bulletin No. 27-A-PM 2757, Issue 1, or later ARB-approved issue, or an FAA-approved equivalent.

(b) If signs of corrosion or stiffness are found during the inspection required by paragraph (a), remove and dismantle the affected bearing assembly and inspect the interior of the bearing housing. If any corrosion is found, replace bearing housing before further flight with an unused magnesium bearing housing of the same part number or with an aluminum alloy bearing housing, in accordance with BAC 1-11 Service Bulletin No. 27-PM 2757 or later ARB-approved issue, or an FAA-approved equivalent.

(c) The repetitive inspections required by paragraph (a) may be made at intervals not to exceed 3,000 hours' time in service from the last inspection after the bearing assembly has been inspected in accordance with paragraph (b) and reassembled with the original magnesium bearing housing or an unused replacement magnesium bearing housing and the space between the bushings is coated with Jointing Compound J.C. 5A (VX3-100/200) or U.S. equivalent Hylomar SQ23(L) or SQ23(M).

(d) When a particular magnesium bearing housing is replaced with an aluminum alloy bearing housing in accordance with BAC 1-11 Service Bulletin 27-PM 2757 or later ARB-approved issue, or an FAA-approved equivalent, the repetitive inspection of that support bearing required by paragraph (a) may be discontinued.

Issued in Washington, D.C., on July 27, 1967.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[F.R. Doc. 67-9085; Filed, Aug. 3, 1967; 8:46 a.m.]

[14 CFR Part 39]

[Docket No. 67-SO-73]

AIRWORTHINESS DIRECTIVES

Piper PA-28 and PA-32 Series Airplanes

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Piper PA-28 and PA-32 series airplanes. There have been numerous reports of the fuel tank sealant (sloshing compound) deterioration in the main fuel tanks on these aircraft. Airworthiness Directive 67-16-2 was issued to require periodic recurrent fuel tank inspections to detect loose sealant in the tanks. The aircraft manufacturer has developed a procedure to reseal the tanks where sealant has been found to be peeling. After satisfactory completion of tank inspections in accordance with this proposed airworthiness directive, the repetitive inspections which are now required will be dropped. Amendment 39-418 (Airworthiness Directive 67-16-2) will be superseded by this proposed rule when adopted.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the Regional Counsel, Attention: Rules Docket, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend Section 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

PIPER. Applies to Model PA-28-140 airplanes, Serial Numbers 28-20913 through 28-22917; Model PA-28-150, PA-28-160, PA-28S-160, PA-28-180, PA-28S-180 airplanes, Serial Numbers 28-2538 through 28-3979; Model PA-28-235 airplanes, Serial Numbers 28-10676 through 28-10991; Model PA-32-260 airplanes, Serial Numbers 32-04, 32-17 through 32-861; Model PA-32-300, PA-32S-300 airplanes, Serial Numbers 32-15, 32-40000 through 32-40239.

Compliance required as indicated.

To prevent the possibility of restricting fuel flow through the fuel system screens and filters caused by sealing material film (sloshing compound) which has peeled from the inner surfaces of the main fuel tanks, accomplish the following:

(a) Within the next 50 hours' time in service after the effective date of this AD, unless already accomplished within the last 50 hours' time in service, inspect the entire interior of both main fuel tanks for sealing material film which has separated from or is loosely attached to the tank interior surfaces. Inspection may be accomplished through the filler neck without removing the tank from the aircraft, but the tank should be completely drained and dried. Exert precautions usually followed around explosive vapors.

(b) Remove all separated and loosely attached material from the tank interior.

(c) If no loose or separated material is found in aircraft having less than 1,000 hours' time in service repeat the inspection prescribed in (a) above at intervals not to exceed 100 hours' time in service from the last inspection. The inspections may be discontinued after the third inspection (including the initial inspection prescribed in (a) above) or at 1,000 hours' total time in service if no peeling has been found. Small scrapes in the film adjacent to the filler neck may be disregarded provided there is no indication of peeling.

(d) If no loose or separated material is found in aircraft having 1,000 hours' or more time in service it will not be necessary to inspect after the initial inspection prescribed in (a) above.

(e) If loose or separated material was found at any time, prior to but not later than the next 50 hours' time in service after the effective date of this AD remove the tank from the airplane and reseal in accordance with Piper Service Bulletin No. 351 and with instructions contained in Piper Kit No. 921-388V, or an equivalent method approved by Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Southern Region. Following resealing, conduct the inspection prescribed in (a) above at intervals not to exceed 100 hours' time in service. These inspections may be discontinued after the second inspection if no further peeling is found. Small scrapes in the film adjacent to the filler neck may be disregarded provided there is no indication of peeling.

Aircraft log record entry must be made to reflect AD compliance in accordance with FAR 43.9.

The inspection time intervals (other than for the initial inspection) may be adjusted up to a maximum of 10 hours to coincide with aircraft annual or 100-hour scheduled inspections.

This supersedes Amendment 39-418 (32-7205), AD 67-16-2.

(Piper Service Bulletin No. 351 dated July 6, 1967, pertains to this same subject.)

Issued in East Point, Ga., on July 27, 1967.

GORDON A. WILLIAMS, Jr.,
Acting Director, Southern Region.

[F.R. Doc. 67-9086; Filed, Aug. 3, 1967; 8:46 a.m.]

[14 CFR Part 75]

[Airspace Docket No. 67-WE-30]

JET ROUTE

Proposed Extension

The Federal Aviation Administration is considering an amendment to Part 75 of the Federal Aviation Regulations that would extend Jet Route No. 11 from Phoenix, Ariz., to Tucson, Ariz., via the intersection of the Phoenix 161° T (147° M) and the Tucson 316° T (303° M) radials. This extended segment of J-11 would provide a bypass route for high altitude air traffic operating at altitudes between 18,000 MSL and FL-240 during the periods when Williams I Intensive Student Jet Training Area is being used for its established purpose.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 90007, Los Angeles, Calif. 90009. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on July 28, 1967.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-9087; Filed, Aug. 3, 1967; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 217]

[Docket No. 18864; EDR-122]

REPORTING DATA PERTAINING TO CIVIL AIRCRAFT CHARTERS PERFORMED BY FOREIGN AIR CARRIERS

Notice of Proposed Rule Making

AUGUST 1, 1967.

Notice is hereby given that the Civil Aeronautics Board has under consideration promulgation of new Part 217 of the Economic Regulations which would require the reporting of civilian charter travel information by all foreign air carriers in a new CAB Form 217 report, to be submitted quarterly.

The principal features of the proposed new rule are described in the attached Explanatory Statement and the proposed new part is set forth in the attached Proposed Rule. The new part is proposed under authority of section 204(a) and in application and interpretation of section 402 of the Federal Aviation Act of 1958, as amended (72 Stat. 743, 757; 49 U.S.C. 1324, 1372).

Interested persons may participate in the proposed rule making through submission of 10 copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material received on or before September 5, 1967, will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 710, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

Explanatory statement. Civilian charter operations are taking on an increasingly important role in air transportation. The Board presently has only limited reporting requirements as to the nature and volume of charter operations and these relate primarily to the total charter operations of the certificated supplemental and route carriers. With respect to foreign air carriers, the only reporting of charter operations that is presently required relates to those carriers whose permits authorize charter transportation only, and the data called for are limited to the date of trip, the points served and the number of round-trip and one-way passengers (§ 214.5 of the Board's Economic Regulations).

By EDR-116 issued May 11, 1967 (32 F.R. 7343), the Board has proposed to require the certificated supplemental and route carriers to file recurrent reports of data concerning the type and volume of charters performed on a point-to-point basis in a new schedule T-6 of CAB Form 41. To alleviate further the basic information deficiency concerning civil charters performed to or from the United States—by foreign air carriers as well as by U.S. air carriers—the Board proposes to require a similar reporting requirement with respect to foreign air carriers concerning their charter operations to or from the United States. We shall, however, exempt from the part those foreign air carriers holding permits authorizing casual, occasional and infrequent flights with small aircraft in transborder operations. Flight and traffic data for such operations would have very limited value, incommensurate with the burden on these small carriers which such reports would entail. The details of the new reporting form appear in the proposed rule.

Proposed rule. The Board proposes to amend Chapter II of Title 14 of the Code of Federal Regulations (14 CFR) by adding new Part 217 to Subchapter A—Economic Regulations, and new CAB Form 217, to read as follows:

PART 217—REPORTING DATA PERTAINING TO CIVIL AIRCRAFT CHARTERS PERFORMED BY FOREIGN AIR CARRIERS

Sec.
217.1 Definitions.
217.2 Applicability.
217.3 Report of Civil Aircraft Charters Performed by Foreign Air Carriers.
217.4 Extension of filing time.
217.5 Certification.
217.6 Reporting instructions.

§ 217.1 Definitions.

As used in this part:

"Foreign air carrier" means a carrier which holds a permit under section 402 of the Act.

"Small aircraft" means aircraft with a gross take-off weight of 12,500 pounds or less.

§ 217.2 Applicability.

This part applies to foreign air carriers which are authorized to perform civil aircraft charters to or from the United States: *Provided, however,* That foreign air carriers holding permits authorizing casual, occasional, and infrequent flights with small aircraft across the border between the United States and a contiguous nation shall not be subject to the requirements of this part.

§ 217.3 Report of Civil Aircraft Charters Performed by Foreign Air Carriers.

(a) Each foreign air carrier shall file CAB Form 217 entitled "Report of Civil Aircraft Charters Performed by Foreign Air Carriers" in accordance with the provisions of this part and in the manner set forth in said form which is made a part hereof and annexed hereto.[1]

(b) CAB Form 217 shall be prepared for the quarters ending March 31, June 30, September 30, and December 31 of each calendar year. Form CAB 217 shall be completed in triplicate and filed with the Board (i.e., postmarked) not more than 40 days after the end of each calendar quarter, and shall be addressed to the Civil Aeronautics Board, Attention of the Bureau of Accounts and Statistics, Washington, D.C. 20428.

§ 217.4 Extension of filing time.

If circumstances prevent the filing of a report within the prescribed time limit, consideration will be given to the granting of an extension upon receipt of a written request therefor. Such a request must give a sufficient reason for granting the extension, set forth the date when the report can be filed, and be submitted sufficiently in advance of the due date to permit proper time for consideration and communication to the foreign air carrier of the action taken. Except in cases of emergency, no request for extension will be entertained which is not received in sufficient time to enable the Board to pass thereon before the prescribed due date. If a request is denied, the foreign air carrier remains subject to the filing requirements to the same extent as if no request for extension had been made.

§ 217.5 Certification.

The certificate contained in CAB Form 217 shall be executed by the officer in charge of the carrier's accounts and shall apply to all reports of civil aircraft charters and supporting documents, if any, filed therewith.

§ 217.6 Reporting instructions.

(a) A complete report shall be made on this form for the overall or system operations conducted by a foreign air carrier to or from the United States.

(b) Separate reports of civil aircraft charters shall be filed for each of the below-named types of charter contracts

[1] Form filed as part of original document.

and the type shall be inserted opposite the caption "Type of Charter."

(1) Single entity charter, as defined in Part 214 of the Board's Economic Regulations.

(2) Pro rata charter, as defined in Part 214 of the Board's Economic Regulations. Mixed charters, as defined in Part 214, are to be reported as pro rata charters.

(3) All-cargo charter.

(4) Inclusive tour charter, as defined in Part 378 of the Board's Special Regulations.

(5) Split charter, as defined in § 214.2(b)(2) of the Board's Economic Regulations by carriers subject to Part 214. For reporting purposes, a split charter is to be listed as one flight, and listed only on the split charter report even though a portion of the split charter may be pro rata and the other portion single entity.

(c) Each flight shall be reported in the quarter in which its performance actually began. If the contract calls for more than one flight, each of the flights shall be reported in the quarter in which the particular flight actually began.

(d) All points included in the report shall be identified by the three-letter airport code used in the Official Airline Guide.

(e) Columns 1 and 2 shall reflect the origination and destination, respectively, of the charter flight. For round-trip charters, the origin point shall be shown also as the destination point.

(f) Column 3 shall reflect the number of flights which began in the current quarter. Columns 4 and 5 shall reflect, respectively, the aggregate number of seats and the aggregate cargo capacity in tons contracted for on the flights reported in column 3. Round trips shall be reported as a single service without breakdown by directional components.

(g) Columns 6 through 12 shall reflect the intermediate points (where a portion of the charter traffic is either enplaned or deplaned) in operating sequence between origin and destination. On round-trip flights, all stopover points other than the common origin and destination shall be shown as intermediate points. Indicate instances where there is a break in air transportation, such as surface travel, by placing an asterisk between the pairs of points where such a break occurs.

[F.R. Doc. 67-9108; Filed, Aug. 3, 1967; 8:51 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 17496]

TABLE OF ASSIGNMENTS

UHF Television Broadcast Channel, Baytown, Tex.; Order Extending Time For Filing Comments and Reply Comments

In the matter of amendment of the Table of Assignments in section 73.606(b) of the Commission rules and regulations to assign a UHF television broadcast channel to Baytown, Tex., Docket No. 17496, RM-1084.

1. A notice of proposed rule making was released by the Commission on June 9, 1967, in this docket inviting comments on a proposal of several petitioners (George Chandler, H. W. Kilpatrick, III, W. T. Jones, Jr., Richard Park, and Mrs. Hellen Nelson), to assign television broadcast Channel 50 to Baytown, Tex. In a subsequent order, released July 12, 1967, the time for filing comments on the proposal was extended to August 14, 1967, and to August 24, 1967, for filing replies to comments. This action was in response to a request of these petitioners for an extension to September 5, 1967, for filing comments, and to September 15, 1967, for filing reply comments. In the petition before us, filed July 27, 1967, these petitioners again request that the time for filing comments and reply comments in this proceeding be extended to September 5, 1967, and to September 15, 1967, respectively.

2. Petitioners state that the additional time requested is needed because, while they have been endeavoring to meet the present August deadline for comments, due to the extent of the undertaking, they will be unable to complete the task by that time.

3. In acting on the previous petition for extension of time filed by petitioners, we were of the view that the additional time provided would be sufficient to permit the preparation and filing of meaningful comments directed to the proposal under consideration and the questions raised in the rule making notice. In view of the representations of petitioners at this time, as well as the recognized complexity of questions upon which comment is sought in the rule making notice, we now feel that further extending the closing date for comments, as requested, is warranted in the public interest.

4. *Accordingly, it is ordered*, That the aforesaid petition of George Chandler, H. W. Kilpatrick, III, W. T. Jones, Jr., Richard Park, and Mrs. Hellen Nelson is granted; that the time for filing comments herein is extended from August 14, 1967, to September 5, 1967; and that the time for filing reply comments is extended from August 24, 1967, to September 15, 1967.

5. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules and regulations.

Adopted: July 28, 1967.

Released: August 1, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-9110; Filed, Aug. 3, 1967; 8:48 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[Order No. 2882, Amdt. 3]

CONGRESS OF MICRONESIA, TRUST TERRITORY OF PACIFIC ISLANDS

Legislative Authority

Whereas, on September 28, 1964, the Secretary of the Interior promulgated Secretarial Order No. 2882 (30 F.R. 7765, and amended at 31 F.R. 9138) creating the Congress of Micronesia and granting legislative authority thereto; and

Whereas, section 24 of the said Order 2882 provides that the Congress may recommend amendments to the Secretary of the Interior by a two-third majority vote of the membership of each House; and

Whereas, the Congress of Micronesia adopted Senate Joint Resolution No. 43 requesting that Order No. 2882 be amended so as to require the passage of bills by the majority votes of all members of each House; and

Whereas, provision needs to be made for the conduct of biennial elections in the event a natural disaster or other Act of God should prevent balloting on the appointed day; and

Whereas, a further clarification of the appropriation power of the Congress appears to be desirable;

Now therefore, Secretarial Order No. 2882 is amended in the following particulars, the amendments to become effective immediately:

1. Section 17(b) of the said Order No. 2882 is hereby amended to read as follows:

Section 17(b) *Reading of bills—Passage.* A bill in order to become a law shall pass two readings in each House, on separate days, the final passage of which in each House shall be by a majority vote of all the members of such House, which vote shall be entered upon the journal.

2. Section 9 of the said Order No. 2882 is hereby amended to read as follows:

Section 9. *General elections.* General elections shall be held biennially in each even-numbered year on the first Tuesday following the first Monday in November: *Provided*, That in the event of a natural disaster or other Act of God, the effect of which precludes holding the election on the foregoing date, the High Commissioner, with the approval of the Secretary of the Interior, may proclaim a later election date in the affected election district or districts. All elections shall be held in accordance with such procedures as this order and the laws of the Trust Territory may prescribe. Legislators shall be chosen by secret ballot of the qualified electors of their respective district.

3. Section 5 of the said Order No. 2882 is hereby amended to read as follows:

Section 5. *Budget.* Money bills enacted by the Congress of Micronesia shall not provide for the appropriation of funds in excess of such amounts as are available from revenues raised pursuant to the tax laws and other revenue laws of the Trust Territory: *Provided*, That income derived from the provision of air and sea transportation services; reimbursements from public works sales and services; and income from the operation of water, power, sewerage, and communications services shall be applied against the costs of providing those services and shall not be considered to be revenues within the meaning of this order. Prior to his final submission to the Secretary of the Interior of requests for Federal funds necessary for the support of governmental functions in the Trust Territory, the High Commissioner shall prepare a preliminary budget plan. He shall submit such plan to the Congress of Micronesia in joint session for its review and recommendations with respect to such portions as relate to expenditures of funds proposed to be appropriated by the Congress of the United States. With respect to such portions of the preliminary budget plan, the High Commissioner shall adopt such recommendations of the Congress as he may deem appropriate, but he shall transmit to the Secretary of the Interior all recommendations he has not adopted.

STEWART L. UDALL,
Secretary of the Interior.

JULY 29, 1967.

[F.R. Doc. 67-9075; Filed, Aug. 3, 1967; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

August Sales List

Notice to buyers. Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F.R. 6669), and subject to the conditions stated therein as well as herein, the commodities listed below are available for sale and, where noted, for redemption of payment-in-kind certificates on the price basis set forth.

The U.S. Department of Agriculture announced the prices at which CCC commodity holdings are available for sale beginning at 3 p.m., e.d.t., on July 31, 1967, and, subject to amendment, continuing until superseded by the September Monthly Sales List.

The following commodities are available: cotton (upland and extra long staple), wheat, corn, oats, barley, rye, rice, grain sorghum, peanuts, flax, dry edible beans, tung oil, butter, cheese, and nonfat dry milk.

The only change in the list for August is the withdrawal of linseed oil.

With the 1967-crop marketing year beginning August 1 for cotton and rice, the August list includes formula minimum pricing for these commodities based on 1967 price-support loan rates.

Information on the availability of commodities stored in Commodity Credit Corporation bin sites may be obtained from ASCS State offices shown at the end of the sales list, and for commodities stored at other locations from ASCS commodity and grain offices also shown at the end of the list.

Corn, oats, barley, or grain sorghum, as determined by CCC, will be sold for unrestricted use for "Dealers' Certificates" issued under the emergency livestock feed program. Grain delivered against such certificates will be sold at the applicable current market price, determined by CCC.

In the following listing of commodities and sales prices or method of sales, "unrestricted use" applies to sales which permit either domestic or export use and "export" applies to sales which require export only. CCC reserves the right to determine the class, grade, quality, and available quantity of commodities listed for sale.

The CCC Monthly Sales List, which varies from month to month as additional commodities become available or commodities formerly available are dropped, is designed to aid in moving CCC's inventories into domestic or export use through regular commercial channels.

If it becomes necessary during the month to amend this list in any material way—such as by the removal or addition of a commodity in which there is general interest or by a significant change in price or method of sale—an announcement of the change will be sent to all persons currently receiving the list by mail from Washington. To be put on this mailing list, address: Director, Procurement and Sales Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250.

Interest rates per annum under the CCC Export Credit Sales Program (Announcement GSM-3 or 4) for August 1967 are 5½ percent for U.S. bank obligations and 6½ percent for foreign bank obligations. Commodities now eligible for financing under the CCC Export Credit Sales Program include wheat, wheat flour, barley, bulgur, corn, cornmeal, grain sorghum, upland and extra long staple cotton, tobacco, cottonseed oil, soybean oil, dairy products, dry edible beans, and tallow. Commodities purchased from CCC may be financed for export as private stocks under Announcement GSM-4.

Information on commodities available under Title I, Public Law 480, private trade agreements, and current information on interest rates and other phases of the program may be obtained from the Office of the General Sales Manager, Foreign Agricultural Service, U.S. Depart-

ment of Agriculture, Washington, D.C. 20250.

The following commodities are currently available for new and existing barter contracts: Oats, cotton (upland and extra long staple), and tobacco. Wheat and grain sorghum are also available under conditions noted in the individual commodity listings. (In addition, free market stocks of corn, grain sorghum, wheat, wheat flour, tobacco, cottonseed, and soybean oils are eligible for barter programming under barter contracts covering procurements for Federal agencies that will reimburse CCC except that Hard Red Winter, Hard Red Spring, and durum wheats, may not be exported through west coast ports. Also new export sales of wheat under barter contracts may not provide for white wheat to be exported off the west coast prior to August 15, 1967.)

The CCC will entertain offers from responsible buyers for the purchase of any commodity on the current list. Offers accepted by CCC will be subject to the terms and conditions prescribed by the Corporation. These terms include payment by cash or irrevocable letter of credit before delivery of the commodity, and the conditions require removal of the commodity from CCC stocks within a reasonable period of time. Where sales are for export, proof of exportation is also required, and the buyer is responsible for obtaining any required U.S. Government export permit or license. Purchases from CCC shall not constitute any assurance that any such permit or license will be granted by the issuing authority.

Applicable announcements containing all terms and conditions of sale will be furnished upon request. For easy reference a number of these announcements are identified by code number in the following list. Interested persons are invited to communicate with the Agricultural Stabilization and Conservation Service, USDA, Washington, D.C. 20250, with respect to all commodities or—for specified commodities—with the designated ASCS commodity office.

Commodity Credit Corporation reserves the right to amend from time to time, any of its announcements. Such amendments shall be applicable to and be made a part of the sale contracts thereafter entered into.

CCC reserves the right to reject any or all offers placed with it for the purchase of commodities pursuant to such announcements.

CCC reserves the right to refuse to consider an offer, if CCC does not have adequate information of financial responsibility of the offerer to meet contract obligations of the type contemplated in this announcement. If a prospective offerer is in doubt as to whether CCC has adequate information with respect to his financial responsibility, he should either submit a financial statement to the office named in the invitation prior to making an offer, or communicate with such office to determine whether such a statement is desired in his case. When satisfactory financial responsibility has not been established, CCC reserves the right to consider an offer only upon submission by offerer of a certified or cashier's check, a bid bond, or other security, acceptable to CCC, assuring that if the offer is accepted, the offerer will comply with any provisions of the contract with respect to payment for the commodity and the furnishing of performance bond or other security acceptable to CCC.

Disposals and other handling of inventory items often result in small quantities at given locations or in qualities not up to specifications. These lots are offered by the appropriate ASCS office promptly upon appearance and therefore, generally, they do not appear in the Monthly Sales List.

On sales for which the buyer is required to submit proof to CCC of exportation, the buyer shall be regularly engaged in the business of buying or selling commodities and for this purpose shall maintain a bona fide business office in the United States, its territories or possessions and have a person, principal or resident agent upon whom service of judicial process may be had.

Prospective buyers for export should note that generally, sales to U.S. Government agencies, with only minor exceptions will constitute domestic unrestricted use of the commodity.

Commodity Credit Corporation reserves the right, before making any sales, to define or limit export areas.

The Department of Commerce, Bureau of International Commerce, pursuant to regulations under the Export Control Act of 1949, prohibits the exportation or reexportation by anyone of any commodities under this program to Cuba, the Soviet Bloc or Communist-controlled areas of the Far East including Communist China, North Korea, and the Communist-controlled area of Viet Nam except under validated license issued by the U.S. Department of Commerce, Bureau of International Commerce.

For all exportations, one of the destination control statements specified in Commerce Department Regulations (Comprehensive Export Schedule, § 379.10(c)) is required to be placed on all copies of the shipper's export declaration, all copies of the bill of lading, and all copies of the commercial invoices. For additional information as to which destination control statement to use, the exporter should communicate with the Bureau of International Commerce or one of the field offices of the Department of Commerce.

Exporters should consult the applicable Commerce Department regulations for more detailed information if desired and for any changes that may be made therein.

Sales Price or Method of Sale

WHEAT, BULK

Unrestricted use.

A. *Storable.* All classes of wheat in CCC inventory are available for sale at market price but not below 115 percent of the 1967 price-support loan rate for the class, grade, and protein of the wheat plus the markup shown in C below applicable to the type of carrier involved.

B. *Nonstorable.* At not less than market price, as determined by CCC.

C. *Markup and examples (dollars per bushel—in-store).*[1]

Markup in-store received by—		Examples—Agricultural Act of 1949; Stat. minimum
Truck	Rail or barge	
$0.05½	$0.03	Minneapolis—No. 1 DNS ($1.56) 115 percent +$0.06, $1.67. Portland—No. 1 SW ($1.44) 115 percent +$0.03, $1.60. Kansas City—No. 1 HRW ($1.43) 115 percent +$0.03; $1.60. Chicago—No. 1 RW ($1.47) 115 percent +$0.03; $1.53.

Export.

A. CCC will sell limited quantities of Hard Red Winter and Hard Red Spring wheat at west coast ports at domestic market price levels for export under Announcement GR-345 (Revision III, July 6, 1962, as amended) as follows:

(1) Notice of foreign sale must be furnished CCC within 5 calendar days after purchase.

(2) Sales will be made only to fill dollar market sales abroad and exporter must show export from the west coast to a destination west of the 170th meridian, west longitude, and east of the 60th meridian, east longitude, and to countries on the west coast of Central and South America.

B. CCC will sell wheat for export under Announcement GR-361 (Revision III, Jan. 9, 1961, as amended and supplemented) subject to the following:

(1) All classes will be sold subject to offers which include the price at which the buyer proposes to purchase the wheat.

(2) All classes will be sold to fill dollar market sales abroad and exporter must show export from the west coast to a destination within the geographical limitation shown in A(2) above.

(3) All classes will be sold for application to barter contracts entered into pursuant to invitations for barter offers dated prior to 3:30 p.m., e.d.t., on August 26, 1966. However, CCC-owned wheat will not be sold for barter at west coast ports nor will evidence of export at west coast ports be acceptable under a sale for barter.

C. Announcement GR-262 (Revision II, Jan. 9, 1961, as amended) for export as flour as follows: All classes will be sold for application to barter contracts entered into pursuant to invitations for barter offers dated prior to 3:30 p.m., e.d.t., on August 26, 1966. However, sales for barter will not be made at west coast ports nor will evidence of export from west coast ports be acceptable under a sale for barter pursuant to this announcement.

D. CCC will not sell wheat under Announcement GR-846 until further notice.

Available. Evanston, Kansas City, Minneapolis, and Portland ASCS offices.

CORN, BULK

Unrestricted use.

A. *Redemption of domestic payment-in-kind certificates.* Such CCC dispositions of corn as CCC may designate will be in redemption of certificates or rights represented by pooled certificates under a feed grain program. The price at which corn shall be valued for such dispositions shall be the market price as determined by CCC, but not less than 115 percent of the applicable 1966 price-support loan rate[2] for the class, grade, and quality of the corn plus the markup shown in C of this unrestricted use section.

B. *General sales.*

1. *Storable.* Such CCC dispositions of storable corn as CCC may designate as general sales will be made during the month at market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent of the applicable 1966 price-support loan rate[2] (published loan rate plus 19 cents per bushel) for the class, grade, and quality of the corn, plus the markup shown in C of this unrestricted use section applicable to the type of carrier involved.

2. *Nonstorable.* At not less than market price as determined by CCC.

C. *Markups and examples (dollars per bushel in-store[1] basis No. 2 Yellow Corn 14 percent M.T. 2 percent F.M.).*

Markup in-store received by—	Examples
Truck	
$0.17½	Feed grain program domestic PIK certificate minimums: McLean County, Ill. ($1.01+$0.03) 115 percent +$0.17½; $1.37½. Agricultural Act of 1949; stat. minimums: McLean County, Ill. ($1.01+$0.10 +$0.05); 105 percent +$0.17½; $1.47½.

Available. Evanston, Kansas City, Minneapolis, and Portland ASCS grain offices.

Export.

Corn from CCC inventory is not available for export sale.

GRAIN SORGHUM (BULK)

Unrestricted use.

A. *Redemption of domestic payment-in-kind certificates.* Such CCC dispositions of grain sorghum as CCC may designate will be in redemption of certificates or rights represented by pooled certificates under a feed grain program. The minimum price at which grain sorghum shall be valued for such dispositions shall be market price, as determined by CCC, but not less than 115 percent of the applicable 1966 price-support loan rate[2] for the class, grade, and quality of the grain sorghum, plus the markup shown in C of this unrestricted use section applicable to the type of carrier involved.

B. *General sales.*—1. *Storable.* Such CCC dispositions of storable grain sorghum as CCC may designate as general sales will be made during the month at market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent of the applicable 1966 price-support rate[2] (published loan rate plus 34 cents per hundredweight) for the class, grade, and quality of the grain sorghum, plus the markup shown in C of this unrestricted use section applicable to the type of carrier involved.

2. *Nonstorable.* At not less than market price as determined by CCC.

C. *Markups and examples (dollars per hundredweight in-store[1] No. 2 or better).*

Markup in-store received by—		Examples
Truck	Rail or barge	
$0.29½	$0.25½	Feed grain program domestic PIK certificate minimums: Hale County, Tex. ($1.89) 115 percent +$0.29½; $2.02½. Kansas City, Mo. (ex-rail) ($1.78) 115 percent +$0.25½; $2.03½. Agricultural Act of 1949; stat. minimums: Hale County, Tex. ($1.89+$0.34); 105 percent +$0.29½; $2.23½. Kansas City, Mo. (ex-rail) ($1.78+$0.34); 105 percent +$0.25½; $2.03½.

Export. Sales are made at applicable domestic market price levels for export, as determined by CCC; export payment rates, if any, are deducted in arriving at barter prices. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcements is 105 percent of the applicable price-support rate plus the markup referred to in C of the unrestricted use section for grain sorghum. Sales will be made pursuant to the following announcements:

A. Announcement GR-368 (Revision 2, Mar. 1, 1965, as amended), for export commodity certificate redemption.

B. Announcement GR-212 (Revision 2, Jan. 9, 1961) for application to barter contracts entered into pursuant to invitations for barter offers dated prior to 3:30 p.m., e.d.t., on August 26, 1966, and for cash or other designated sales.

Available. Evanston, Kansas City, Minneapolis, and Portland ASCS grain offices.

BARLEY, BULK

Unrestricted use.

A. *Storable.* Market price, as determined by CCC, but not less than 115 percent of the applicable 1967 price-support rate[2] for the class, grade, and quality of the barley plus the applicable markup.

B. *Markups and examples (dollars per bushel in-store[1] No. 2 or better).*

Markup in-store received by—		Examples
Truck	Rail or barge	
$0.05½	$0.03	Cass County, N. Dak. ($0.87); 115 percent +$0.05½; $1.05½. Minneapolis, Minn. (ex-rail) ($1.10); 115 percent +$0.03; $1.30.

C. *Nonstorable.* At not less than market price as determined by CCC.

Export.

Sales are made at applicable domestic market price levels for export, as determined by CCC. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcements is 105 percent of the applicable price-support rate plus the markup referred to in B of the unrestricted use section for barley. Sales will be made pursuant to the following announcements:

A. Announcement GR-368 (Revision 2, Mar. 1, 1965, as amended), for export commodity certificate redemption.

B. Announcement GR-212 (Revision 2, Jan. 9, 1961) for cash or other designated sales.

Available. Kansas City, Evanston, Portland, and Minneapolis grain offices.

OATS, BULK

Unrestricted use.

A. Market price, as determined by CCC, but not less than 115 percent of the applicable 1967 price-support rate[2] for the class, grade, and quality of the oats plus the markup shown in B below.

B. *Markups and examples (dollars per bushel in-store[1] basis No. 2 XHWO).*

Markup in-store received by—	Examples—Agricultural Act of 1949; Stat. minimum
Truck	
$0.05½	Redwood County, Minn. ($0.80+$0.08 quality differential); 115 percent +$0.05½; $0.73½.

C. *Nonstorable.* At not less than the market price as determined by CCC.

Export.

Sales are made at applicable domestic market price levels for export as determined by CCC; export payment rates, if any, are deducted in arriving at barter prices. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcements is 105 percent of the applicable price-support rate plus the markup referred to in B of the unrestricted use section for oats. Sales will be made pursuant to the following announcements.

A. Announcement GR-368 (Revision 2, Mar. 1, 1965, as amended), for export commodity certificate redemption.

B. Announcement GR-212 (Revision 2, Jan. 9, 1961), for application to barter contracts and for cash or other designated sales.

Available. Kansas City, Evanston, Minneapolis, and Portland ASCS grain offices.

RYE, BULK

Unrestricted use.

A. *Storable.* Market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula price which is 105 percent[2] of the applicable 1967 price-support rate for the class, grade, and quality of the grain plus the markup shown in B below applicable to the type of carrier involved.

B. *Markups and examples (dollars per bushel in-store[1] No. 2 or better).*

Markup in-store received by—		Examples—Agricultural Act of 1949; Stat. minimum
Truck	Rail or barge	
$0.06½	$0.03	Rolette County, N. Dak. ($0.90); 105 percent +$0.06½; $1.06½. Minneapolis, Minn. (ex-rail) ($1.25); 105 percent +$0.03; $1.33

C. *Nonstorable.* At not less than market price as determined by CCC.

Export. Sales are made at applicable domestic market price levels for export, determined by CCC. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcement is 105 percent of the applicable price-support rate plus the markup referred to in B of the unrestricted use section for rye. Sales will be made pursuant to the following announcements:

A. Announcement GR-368 (Revision 2, Mar. 1, 1965, as amended), for export commodity certificate redemption.

B. Announcement GR-212 (Revision 2, Jan. 9, 1961) for cash or other designated sales.

Available. Evanston, Kansas City, Portland, and Minneapolis ASCS grain offices.

RICE, ROUGH

Unrestricted use.

Market price but not less than 1967 loan rate plus 5 percent plus 13 cents per hundredweight, basis in-store.

Export.

As milled or brown under Announcement GR-369 (Revision III, as amended), Rice Export Program.

Available: Prices, quantities, and varieties of rough rice available from Kansas City ASCS Commodity Office.

COTTON, UPLAND

Unrestricted use.

A. Competitive offers under the terms and conditions of Announcement NO-C-32 (Sale of Upland Cotton for Unrestricted Use). Under this announcement, upland cotton acquired under price-support programs will be sold at the highest price offered but in no event at less than the higher of (a) 110 percent of the current loan rate for such cotton, or (b) the market price for such cotton, as determined by CCC.

B. Competitive offers under the terms and conditions of Announcement NO–C–31 (Disposition of Upland Cotton—In Redemption of Payment-In-Kind Certificates or Rights in Certificate Pools, In Redemption of Export Commodity Certificates, Against the "Shortfall," and Under Barter Transactions), as amended. Cotton may be acquired at its current market price, which shall be the highest price offered but not less than the minimum determined by CCC, and in no event at less than the loan rate for such cotton.

Export.

CCC disposals for barter. Competitive offers under the terms and conditions of Announcements CN–EX–28 (Acquisition of Upland Cotton for Export under the Barter Program) and NO–C–31 (described above), as amended.

COTTON, EXTRA LONG STAPLE

Unrestricted use.

Competitive offers under the terms and conditions of Announcements NO–C–6 (Revised July 22, 1960), as amended, and NO–C–10, as amended. Under these announcements extra long staple cotton (domestically grown) will be sold at the highest price offered but in no event at less than the higher of (a) 115 percent of the current support price for such cotton plus reasonable carrying charges or (b) the domestic market price as determined by CCC.

Export.

A. *CCC sales for export.* Competitive offers under the terms and conditions of Announcements CN–EX–22 (Extra Long Staple Cotton Export Program) and NO–C–27 (Sale of Extra Long Staple Cotton), as amended.

B. *Barter.* Competitive offers under the terms and conditions of Announcement CN–EX–27 (Acquisition of Extra Long Staple Cotton for Export under the Barter Program), and NO–C–27 (Sale of Extra Long Staple Cotton), as amended.

COTTON, UPLAND OR EXTRA LONG STAPLE

Unrestricted use.

A. Competitive offers under the terms and conditions of Announcement NO–C–18 (Sale of Cotton—To Establish Claims). Any such cotton will be offered for sale periodically on the basis of samples representing the cotton for the purpose of establishing claims against producers and others according to schedules issued from time to time by CCC.

B. Competitive offers under the terms and conditions of Announcement NO–C–20 (Sale of Special Condition Cotton). Any such cotton (Below Grade, Sample Loose, Damaged Pickings, etc.) owned by CCC will be offered for sale periodically on the basis of samples representing the cotton according to schedules issued from time to time by CCC.

Availability information.

Sale of cotton will be made by the New Orleans ASCS Commodity Office. Sales announcements, related forms and catalogs for upland cotton and extra long staple cotton showing quantities, qualities and location may be obtained for a nominal fee from that office.

PEANUTS, SHELLED

When stocks are available in their area of responsibility, the quantity, type, and grade offered and whether for restricted or unrestricted use are announced in weekly lot lists or invitations to bid issued by the following:

GFA Peanut Association, Camilla, Ga.

Peanut Growers Cooperative Marketing Association, Franklin, Va.

Southwestern Peanut Growers' Association, Gorman, Tex.

A. *Restricted use sales.* Announcement PR–1 effective July 1, 1966, Amendment 1, and the lot list contain terms and conditions of sales restricted to domestic crushing or export.

1. Shelled peanuts of less than U.S. No. 1 grade may be purchased for foreign or domestic crushing.

2. U.S. Medium, Virginia type, may be purchased for export only.

All sales are made on the basis of competitive bids each Wednesday, by the Producer Associations Division, Agricultural Stabilization and Conservation Service, Washington, D.C. 20250, to which all bids are submitted.

TUNG OIL

Unrestricted use.

Sales are made periodically on a competitive bid basis. Bids are submitted to the Producer Associations Division, Agricultural Stabilization and Conservation Service, Washington, D.C. 20250.

The quantity offered and the date bids are to be received are announced to the trade in notices of Invitation to Bid, issued by the National Tung Oil Marketing Cooperative, Inc., Poplarville, Miss. 39470.

Terms and conditions of sale are set forth in Announcement NTOM–PR–4 of April 6, 1967, as amended, and the applicable Invitation to Bid.

Bids will include, and be evaluated on the basis of, price offered per pound f.o.b. storage location. For certain destinations, CCC will as provided in the Announcement, as amended, refund to the buyer a "freight equalization" allowance.

Copies of the Announcement or the Invitation may be obtained from the Cooperative or Producer Associations Division, ASCS, telephone Washington, D.C., area code 202, DU 8–3901.

DRY EDIBLE BEANS (BAGGED)

Unrestricted use.

Domestic market price but not less than the following minimum prices per hundredweight for U.S. No. 1 f.o.b. indicated points of production. Amount of paid-in-freight to be added as applicable. For other grades and location, adjust by applicable 1966 price-support differentials. Limited quantities available.

Class	Price per cwt.	Area of production
Pinto	$6.65	North Dakota.
Great northern	7.85	Do.
Light red kidney	8.35	Michigan and New York.
Dark red kidney	8.25	Michigan.
Pea	7.40	Do.
Pink	7.97	Michigan and New York.
Small red	8.02	Washington.

FLAXSEED, BULK

Unrestricted use.

A. *Storable.* Domestic market price but not less than the applicable 1967 support price for the class, grade, and quality of flaxseed plus 14½ cents per bushel, and plus the respective markup shown in B below applicable to the type of carrier involved.

B. *Markups and examples (dollars per bushel in-store*[1]*).*

Markup per bushel received by—		Examples of minimum prices (ex-rail or barge)		
Truck	Rail or barge	Terminal	Class and grade	Price
Cents $0.07½	*Cents* $0.03¼	Minneapolis	No. 1	$3.82¼

Footnotes at end of document.

C. *Nonstorable.* At not less than domestic market price as determined by CCC.

Available. Through the Minneapolis ASCS commodity office.

DAIRY PRODUCTS

Sales are in carlots only in-store at storage location of products.

Submission of offers. Submit offers to the Minneapolis ASCS Commodity Office.

NONFAT DRY MILK

Unrestricted use.

Announced prices, under MP–14: Spray process, U.S. Extra Grade, 21.60 cents per pound.

BUTTER

Unrestricted use.

Announced prices, under MP–14: 74.0 cents per pound—New York, Pennsylvania, New Jersey, New England, and other States bordering the Atlantic Ocean and Gulf of Mexico. 73.25 cents per pound—Washington, Oregon, and California. All other States 73.0 cents per pound.

CHEDDAR CHEESE (STANDARD MOISTURE BASIS)

Unrestricted use.

Announced prices, under MP–14: 49.125 cents per pound—New York, Pennsylvania, New England, New Jersey, and other States bordering the Atlantic Ocean and Pacific Ocean and the Gulf of Mexico. All other States 48.125 cents per pound.

FOOTNOTES

[1] The formula price delivery basis for bin site sales will be f.o.b.

[2] Round product up to the nearest cent.

USDA AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE OFFICES

GRAIN OFFICES

Kansas City ASCS Commodity Office, 8930 Ward Parkway (Post Office Box 205), Kansas City, Mo. 64141. Telephone: Emerson 1–0860.

Alabama, Alaska, Arizona, Arkansas, Colorado, Florida, Georgia, Hawaii, Kansas, Louisiana, Mississippi, Missouri, Nebraska, Nevada, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Wyoming (domestic and export) California (domestic only).

Branch Office—Evanston ASCS Branch Office, 2201 Howard Street, Evanston, Ill. 60202. Telephone: Long Distance—University 9–0600 (Evanston Exchange), Local—Rogers Park 1–5000 (Chicago, Ill.).

Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, Vermont, and West Virginia.

Branch Office—Minneapolis ASCS Branch Office, 310 Grain Exchange Building, Minneapolis, Minn. 55415. Telephone: 334–2061.

Minnesota, Montana, North Dakota, South Dakota, and Wisconsin.

Branch Office—Portland ASCS Branch Office, 1218 Southwest Washington Street, Portland, Oreg. 97205. Telephone: 226–3361.

Idaho, Oregon, Utah, and Washington (domestic and export sales), California (export sales only).

PROCESSED COMMODITIES OFFICE (ALL STATES)

Minneapolis ASCS Commodity Office, 6400 France Avenue South, Minneapolis, Minn. 55435. Telephone: Area Code 612, 334–3200.

COTTON OFFICES (ALL STATES)

New Orleans ASCS Commodity Office, Wirth Building, 120 Marais Street, New Orleans, La. 70112. Telephone: 527–7766.

GENERAL SALES MANAGER OFFICES

Representative of General Sales Manager, New York Area: Joseph Reidinger, 80 Lafayette Street, New York, N.Y. 10013. Telephone: 264–8439, 8440, 8441.

Representative of General Sales Manager, West Coast Area: Callan B. Duffy, Appraisers' Building, Room 802, 630 Sansome Street, San Francisco, Calif. 94111. Telephone: 556–6185.

ASCS STATE OFFICES

Illinois, Room 232, U.S. Post Office and Courthouse, Springfield, Ill. 62701. Telephone: Area Code 217, 525–4180.

Indiana, Room 110, 311 West Washington Street, Indianapolis, Ind. 46204. Telephone: Area Code 317, 633–8521.

Iowa, Room 311, Iowa Building, 505 Sixth Avenue, Des Moines, Iowa 50307. Telephone: Area Code 515, 284–4213.

Kansas, 2601 Anderson Avenue, Manhattan, Kans. 66502. Telephone: Area Code 913, JE 9–3531.

Michigan, 1405 South Harrison Road, East Lansing, Mich. 48823. Telephone: Area Code 517, 372–1910.

Missouri, I.O.O.F. Building, 10th and Walnut Streets, Columbia, Mo. 65201. Telephone: Area Code 314, 442–3111.

Minnesota, Griggs Midway Building, 1821 University Avenue, St. Paul, Minn. 55104. Telephone: Area Code 612, 228–7651.

Montana, Post Office Box 670, U.S.P.O. and Federal Office Building, Bozeman, Mont. 59715. Telephone: Area Code 587, 4511, Ext. 3271.

Nebraska, Post Office Box 793, 5801 O Street, Lincoln, Nebr. 68501. Telephone: Area Code 402, 475–3361.

North Dakota, Post Office Box 2017, 15 South 21st Street, Fargo, N. Dak. 58103. Telephone: Area Code 701, 237–5205.

Ohio, Room 202, Old Federal Building, Columbus, Ohio 43215. Telephone: Area Code 614, 469–5644.

South Dakota, Post Office Box 843, 239 Wisconsin Street Southwest, Huron, S. Dak. 57350. Telephone: Area Code 605, 352–8651, Ext. 321 or 310.

Wisconsin, Post Office Box 4248, 4601 Hammersley Road, Madison, Wis. 53711. Telephone: Area Code 608, 256–4441, Ext. 7535.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply Sec. 407, 63 Stat. 1066; Sec. 105, 63 Stat. 1051, as amended by 76 Stat. 612; Secs. 303, 306, and 307, 76 Stat. 614–617; 7 U.S.C. 1441 (note))

Signed at Washington, D.C. on August 1, 1967.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 67–9069; Filed, Aug. 3, 1967; 8:46 a.m.]

Consumer and Marketing Service

CERTAIN HUMANELY SLAUGHTERED LIVESTOCK

Identification of Carcasses; List of Establishments

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904), and the statement of policy thereunder in 9 CFR 381.1, the following table lists the establishments operated under Federal inspection pursuant to the Meat Inspection Act (21 U.S.C. 71 et seq.) which were officially reported on July 1, 1967, as humanely slaughtering and handling on that date the species of livestock respectively designated for such establishments in the table. Additions to and deletions from this list will be made from time to time, as the facts may warrant, by notices published in the FEDERAL REGISTER. The establishment number given with the name of the establishment is branded on each carcass of livestock inspected at that establishment. The table should not be understood to indicate that all species of livestock slaughtered at a listed establishment are slaughtered and handled by humane methods unless all species are listed for that establishment in the table. Nor should the table be understood to indicate that the affiliates of any listed establishment use only humane methods:

ESTABLISHMENTS SLAUGHTERING HUMANELY

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Armour & Co.	2C	33	3	33		333	
Do.	2H						
Do.	2W						
Do.	2AT	3333		33	3		
Do.	2AU						
Do.	2EM						
Do.	2HT						
Do.	2LT	333					
Do.	2SA			3		3	
Do.	2SD	3333					
Do.	2SI						
Do.	2WN		33				
Do.	2WP						
Swift & Co.	3A		3	3		33	
Do.	3B						
Do.	3C						
Do.	3D						
Do.	3E	3	3	333	3	333	
Do.	3F						
Do.	3H		33				
Do.	3K	333333333					
Do.	3L						
Do.	3R					333	
Do.	3S						
Do.	3Y	333					
Do.	3Z		333				
Do.	3AE					3	
Do.	3AF						
Do.	3AN					3	
Do.	3CC			3			
Do.	3GL						
Do.	3UU					33	
Lykes Bros. Inc., of Georgia	8	333333333					
Lykes Bros. Inc.	8B						
Pauly Packing Co., Inc.	10						
Hygrade Food Products Corp.	12A	3				333	
Do.	12C						
Do.	12G						
Do.	12P	333					
Do.	12T		3				
Do.	12FW						
Mickelberry's Food Products Co.	16						
John Morrell & Co.	17	333333				3333	
Do.	17A						
Do.	17D			3			
Do.	17E						
Do.	17U						
C. Finkbeiner, Inc.	18					333	
Wilson & Co., Inc.	20A						
Do.	20I						
Do.	20N		33	3		333	
Do.	20Q						
Do.	20U						
Do.	20Y	333	3	333		3	
Swift & Co.	23		3				
Brander Meat Co.	25						
Patrick Cudahy, Inc.	28					3	
Kreinberg & Krasny, Inc.	30	333					
Superior's Brand Meats, Inc.	31		3				
Roegelein Provision Co.	32					3	
Do.	32A	333					
Valleydale Packers, Inc.	34					3	
Kenton Packing Co.	36						
Pocomoke Provision Co.	39		3				
Armour & Co.	40					33	
Sunnyland Packing Co.	43						
Stark Wetsel & Co.	44					3	
Do.	44A						
Idaho Meat Packers	46	333					
Consolidated Dressed Beef Co., Inc.	47						
Midwestern Beef, Inc.	53						
Sunnyland Packing Co. of Alabama	56					3	
Glover Packing Co. of Amarillo	60						
Glover Packing Co.	60A	33	3	3	3	33	
Gooch Packing Co., Inc.	61						
Mid-Continent Beef Packers, Inc.	62						

ESTABLISHMENTS SLAUGHTERING HUMANELY—Continued

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Selkirk Realty Co.	68						
Somerville Packing Co.	66						
The Quaker Oats Co.	E67						(*)
Meat Quality Laboratory	69		(*)	(*)		(*)	
Auburn University Meats Laboratory	71						
Minch's Wholesale Meats, Inc.	72		(*)				
Brown Thompson & Sons	73					(*)	
Armour & Co.	75			(*)			
Miller Packing Co., Inc.	76		(*)				
The Eckert Packing Co.	79					(*)	
City Packing Co.	80						
The Cudahy Co.	81					(*)	
Hill Packing Co.	E82						(*)
Edgar Packing Co.	84		(*)				
Excel Packing Co., Inc.	85						
Utica Veal Co., Inc.	88						
The E. Kahn's Sons Co.	89						
Laredo Packing Co.	91				(*)		
Sugardale Provision Co.	92						
Shonyo Packing, Inc.	93						
Samuels & Co., Inc.	94						
The Val Decker Packing Co.	95					(*)	
Central Packing Co.	96		(*)				
Cleve Farm Packing Co., Inc.	97A					(*)	
A. Koch's Sons	98	(*)	(*)				
Armour & Co.	100			(*)			
Liberty Packing Co.	101		(*)				
J. Kaplan, Inc.	102						
H. Graver Co.	103						
J. Lynn Cornwell, Inc.	107						
Contris Packing Co., Inc.	110						
Wilson & Co., Inc.	111			(*)	(*)		
Morris Beef Co.	112						
The Morris Packing Co.	113						
Producers Packing Co.	114						
The Marchants Co.	116						
West Coast Meat Co., Inc.	117			(*)			
Manhoefer Packing Co., Inc.	121						
E. J. Archie & Sons, Inc.	122						
City Dressed Beef	125						
John Morrell & Co.	126						
Cash Bros. Packing Co., Inc.	127						
John Roth & Son, Inc.	130						
Tobin Packing Co., Inc.	132					(*)	
Ferrara Meat Co., Inc.	134		(*)				
Edward J. Klueser, Inc.	142						
R. B. Rice Sausage Co., Inc.	144					(*)	
Silver Falls Packing Co., Inc.	152			(*)			
Dallas City Packing Co.	156						
Cornland Dressed Beef, Inc.	157						
Missouri Farmers Association Packing Division	159		(*)			(*)	
Carr Packing Co., Inc.	160						
Joel E. Harrell & Son, Inc.	162					(*)	
Kansas Packing Co.	164						
New York State College of Agriculture	165						
Swift & Co.	166A						
Wahoo Packing Co.	169						
Felix Healy, Inc.	170					(*)	
Bub Davis, Inc.	171	(*)	(*)	(*)	(*)		
Lee's Sausage Co., Inc.	173						
Russell Packing Co., Inc.	180						
Montrose Beef Co.	181	(*)					
The Rath Packing Co.	186						
Do.	186F						
Kent Provision Co., Inc.	187						
Seattle Packing Co.	191			(*)			
Krey Packing Co.	193						
John Morrell & Co.	196						
Hynes Packing Co.	197		(*)				
United Fryer & Stillman, Inc.	198						
George A. Hormel & Co.	199					(*)	
Do.	199A						
Do.	199D					(*)	
Do.	199H	(*)					
Do.	199I						
Do.	199N	(*)					

ESTABLISHMENTS SLAUGHTERING HUMANELY—Continued

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Watkins Packing Co.	200						
Buffalo Lake Foods, Inc.	201						
Cudahy Co.	202						
Platte Valley Packing Co.	203						
Kings Packing Co., Inc.	205					(*)	
National Packing Co., Inc.	206						
Heinz's Riverside Abattoir, Inc.	210						
Penn Packing Co.	212					(*)	
Elburn Packing Co.	213	(*)					
Knisp Packing Co.	213C		(*)				
Marshall Meat Products, Inc.	215						
Lincoln Meat Co.	217						
York Packing Co., Inc.	220						
Gwaltney, Inc.	221A						
Armour & Co.	222						
De Jong Packing Co.	223		(*)				
Hygrade Food Products Corp.	224						
Do.	224B		(*)	(*)			
Contris Packing Co.	227						
Gold Merit Packing Co., Inc.	232						
John Morrell & Co.	234						
Waldi, Schilling & Co., Inc.	235						
Animal Husbandry Department, Texas Technological College.	236		(*)		(*)	(*)	
Raskin Packing Co.	237						
Shreveport Packing Corp.	239			(*)		(*)	
P. D. & J. Meats	240						
Greenwood Packing Plant	242			(*)			
I. Klayman & Co.	243						
Blue Ribbon Beef Pack, Inc.	244						
Iowa Beef Packers, Inc.	245						
Do.	245A						
Do.	245C						
John Morrell & Co.	246						
Harger Realty Corp.	247						
Federal Packing Co., Inc.	249		(*)				
Frosty Morn Meats, Inc.	250						
Prairie Packing Co.	253						
Seiler's, Inc.	257						
Hyplains Dressed Beef, Inc.	262	(*)					
The Jones Dairy Farm	265						
Farm Pac Kitchens, Inc.	266						
Pacific Meat Co., Inc.	267			(*)	(*)		
Golden Valley Packing Co.	271						
Tog Packing Co., Inc.	273						
Elliott Packing Co.	274		(*)			(*)	
Acme Markets, Inc.	279						
Rea Serum Co.	280					(*)	
San Angelo Packing Co.	281	(*)			(*)		
Agar Packing Co.	282						
Do.	282B						
Solano Meat Co.	283				(*)		
Western Packing Co.	285						
Arbogast & Bastian Co.	289						
The H. H. Meyer Packing Co.	290						
San Jose Meat Co.	291	(*)					
Sioux Quality Packers, Inc.	292					(*)	
Iowa Beef Packers, Inc.	292A						
Gus Joangling & Son, Inc.	295	(*)					
Waldock Packing Co.	299						
Great Falls Meat Co.	301						
Commercial Packing Co., Inc.	302						
Union Packing Co.	305						
Do.	305A						
Star Packing Co.	306						
Sunvall Packing Co.	307						
Kaufman Meat Packers, Inc.	310						
Melton Provision Co.	311						
Ideal Packing Co., Inc.	312						
Rudy's Farm Co.	314						
Austin's Packing Co.	317						
Estes Packing Co.	319						
Stadler Packing Co., Inc.	320						
Rudnick Packing Co., Inc.	325						
Frisco Packing Co.	327						
C. & M. Meat Packing Corp.	329						
Royal Packing Co.	331A						

ESTABLISHMENTS SLAUGHTERING HUMANELY—Continued

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Shapiro Packing Co., Inc.	332						
Great Western Packing Co., Inc.	334						
Noble's Independent Meat Co.	335						
China Valley Meat Packing Co., Inc.	336						
Sam Kane Packing Co.	337					(*)	
Green & Oliver Sausage Co.	338						
Midland Empire Packing Co., Inc.	339						
Des Moines Packing Co.	340					(*)	
Peters Packing Co., Inc.	341						
Puckett Packing Co.	342		(*)				
State Packing Co., Inc.	344						
Ansa Packing Co.	345		(*)	(*)			
Union Packing Co.	351						
Samuels E-Tat Packing Co.	353						
Fresno Meat Packing Co.	354						
Hernando Packing Co., Inc.	355						
St. Paul Dressed Beef, Inc.	357						
Marks Meat Co.	362		(*)				
Meyer's Packing Co.	363						
Montebello Meat Packing Co.	364						
James Allen & Sons	365			(*)		(*)	
Pioneer Packing Co.	372						
Fischer Packing Co.	374					(*)	
Cross Bros. Meat Packers, Inc.	376						
Beeville Packing Co.	377			(*)	(*)		
Salinas Meat Co.	378						
Emge Packing Co., Inc.	380						
Smithfield Packing Co., Inc.	382						
Acme Markets, Inc.	384						
City Custom Packing Co., Inc.	387						
Liebmann Packing Co.	388						
Dugdale Packing Co.	390					(*)	
Oldham's Farm Sausage Co., Inc.	392						
Robert L. Runts, Inc.	395			(*)		(*)	
Dubuque Packing Co.	396						
Logan Packing Co.	397						
Watsonville Dressed Beef, Inc.	398						
Los Range Abattoir	400		(*)				
Owens Country Sausage, Inc.	403					(*)	
Williston Packing Co., Inc.	405						
Neuhoff Bros.	409		(*)			(*)	
Endlich Packing Co., Inc.	410						
Alpine Packing Co.	412		(*)				
The Lundy Packing Co.	413						
Do.	413A						
Frosty Morn Meats	414						
Minden Beef Co.	417						
Philadelphia Boneless Beef Co.	419						
Murray Packing Co., Inc.	421						
E. W. Knisp Inc., of Iowa	422						
The Collins Packing Co.	423					(*)	
Do.	423A		(*)	(*)			
Kenosha Packing Co.	425						
Fineberg Packing Co.	426		(*)	(*)		(*)	
Schneider Packing Co.	430						
Omaha Dressed Beef Co., Inc.	441						
Del Curto Meat Co.	442		(*)	(*)		(*)	
Pearless Packing Co., Inc.	448						
Dewitt Packing Corp.	456		(*)				
Morris Rifkin & Sons, Inc.	460						
Pioneer Boneless Beef, Inc.	461						
Lancaster Packing Co.	462		(*)				
Litvak Packing Co.	465					(*)	
Beewar Packing Co.	467		(*)				
Cornhusker Packing Co.	468						
Eckert Packing Co.	471		(*)				
Oriskany Beef & Veal Corp.	472						
Missouri Beef Packers, Inc.	473						
Armour & Co.	477						
Eldridge Packing Co., Inc.	478						
River Packing Co., Inc.	482		(*)				
St. Cloud Meat Packing Co.	485						
East Tennessee Packing Co.	487					(*)	
Memphis Butchers Association, Inc.	488		(*)				
Nebraska Beef Co.	489						
Goldring Packing Co., Inc.	490		(*)	(*)			

ESTABLISHMENTS SLAUGHTERING HUMANELY—Continued

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Fairbank Farms, Inc.	492						
Mid-State Meat Packers, Inc.	494						
Roberts Packing Co.	495					(*)	
Bartel's Meat Co.	497		(*)				
Helm Bros. Packing Co., Inc.	499					(*)	
Greenlee Packing Co.	501						
Swift & Co.	506						
Rosen Meat Packing Co., Inc.	507		(*)				
The Hull & Dillon Packing Co.	510						
Shen-Valley Meat Packers, Inc.	511						
Snider Bros., Inc.	512						
Capitol Packing Co.	513						
Fletcher's Food Service, Inc.	515						
Charles Miller & Co.	517						
Griffith Provision Co.	520						
Illinois Packing Co.	521						
Pearl Packing Co., Inc.	524						
Meat Laboratory-Oklahoma State University.	526		(*)				
Armour & Co.	528						
Smallwood Packing Co., Inc.	529						
Omaha Packing Co.	532						
Pepper Packing Co.	536						
Oscar Mayer & Co., Inc.	537A						
Do.	537C						
Do.	537E						
Midwest Packing Co.	538						
Wholesale Cooperative Meat Dealers Association.	541						
Greendall Packing Corp.	543						
United Dressed Meats, Inc.	546					(*)	
B. Zeff & Co.	548						
Pride Packing Co., Inc.	549						
Pinto Packing Co.	550			(*)		(*)	
Salter Packing Co.	551						
Black Hills Packing Co.	554						
Mid-South Packers, Inc.	557						
The Cudahy Co.	559						
D. & W. Packing Co.	560		(*)				
Packerland Packing Co., Inc.	562						
John Morrell & Co.	564					(*)	
Texas Meat Packers, Inc.	565	(*)					
Elmer Bender & Son, Inc.	569			(*)			
Perretta Packing Co., Inc.	571						
Frosty Morn Meats, Inc.	576					(*)	
Armour & Co.	579						
Kingsford Packing Co., Inc.	581						
Coffeyville Packing Co., Inc.	583						
Stoppenbach Sausage Co.	585						
Dawson-Baker Packing Co., Inc.	588			(*)		(*)	
Austin Community Livestock Processors, Inc.	590			(*)			
Swift & Co.	591						
Harman Packing Co.	596			(*)		(*)	
Elk Grove Meat Co.	601						
San Antonio Packing Co.	602				(*)	(*)	
Wright Packing Co.	603			(*)			
I. D. Packing Co., Inc.	606						
Swift & Co.	608					(*)	
Eastern Oregon Meat Co., Inc.	611			(*)			
National Tea Co.	613						
Donner Packing Co.	614						
Kummer Meat Co., Inc.	617			(*)		(*)	
Doskocil Sausage, Inc.	623						
Empire Packing Co.	626						
Star Provision Co.	627					(*)	
Big Foot Packing Co., Inc.	628						
E. A. Miller & Sons Packing Co.	629		(*)	(*)			
H. H. Keim Co.	630						
General Meat Co.	633					(*)	
Ebner Bros. Packers	635						
United Packing Co., Inc.	638						
Auburn Packing Co., Inc.	639						
Flanery Sausage Co., Inc.	643						
Long Creek Meat Co.	645						
Bird Provision Co.	647						

ESTABLISHMENTS SLAUGHTERING HUMANELY—Continued

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Western Iowa Pork	606						
American Beef Packers, Inc.	607						
Acme Meat Co., Inc.	609						
Nagle Packing Co.	610						
Milwaukee Dressed Beef Co.	611						
Wilson & Co., Inc.	612						
Baum's Bologna, Inc.	613						
McCook Packing Corp.	614						
Quality Meat Packing Co.	615						
Western Meat Packers, Inc.	616						
Dubuque Packing Co.	617						
Crown Packing Co., Inc.	622						
Superior Packing Co., Inc.	623						
Bartush Meat Co.	625						
Jerome Meat Co.	626						
Nat Burring Packing Co. of Arkansas	630						
Frederick County Products, Inc.	636 B						
Herman Kemper's Sons, Inc.	639						
Rexfloat Packing Co.	640						
G. Bartusch Packing Co.	643						
Arena Dressed Beef Co.	653						
Sioux City Dressed Beef	657						
Siouxland Dressed Beef Co.	657F						
Montana Meat Packers Co. of Montana	657O						
Rocky Mountain Packing Co. of Northern	657O						
Jordan Meat & Livestock Co., Inc.	658						
Wells and Davies, Inc.	660						
Sierra Meat Co.	662						
Tennessee Dressed Beef Co.	663						
Genesee Packing Co.	665						
Hardy & Co., Inc.	669						
Long Creek Meat Co.	670						
Jacobs Packing Co.	674						
Pauley Packing Co.	683						
Swanson Packing Co.	684						
Alco Packing Co.	685						
Waldon Packing Co., Inc.	686						
United Beef Co. of Omaha	688						
City Packing Co.	691						
Tobin Packing Co., Inc.	692						
Yetmore Oklahoma Packing Co.	693						
Meat Industries, Inc.	697						
Sigman Meat Co., Inc.	701						
Do.	701 B						
Party Packing Corp.	702						
Kane's Dressed Beef	707						
National Meat Packers, Inc.	717						
B. Constantino & Sons Co.	718						
Alto Packing Co., Inc., of Bristol	721						
Valley Philadelphia Packers, Inc.	722						
Brookfield Packing Co., Inc.	723						
Wisconsin Packing Co.	724						
Peoples Packing Co.	726						
Kerber Packing Co.	728						
Terpoff Packing Co.	731						
McKenney Meat Co.	732						
R. B. Manning & Son	734						
Yale Packing Co.	735						
Cappellino Abattoir, Inc.	736						
Gordon Packing Co., Inc.	741						
Schenk Packing Co., Inc.	743						
Whitehall Packing Co.	744						
Hillcrest Packing Co.	745						
Whitehall Packing Co., Inc.	744A						
M. Briar & Co.	748						
Joe Dockerman & Son Packing Co., Inc.	749						
Kennedy's Sausage Co.	760						
Bob Evans Farms Michigan, Inc.	762						
Armour & Co., Inc.	766						
Atlas Packing Co., Inc.	769						
Greater Omaha Packing Co., Inc.	770						
Virginia Packing Co., Inc.	773						
Lay Packing Co.	774						
Monfort Packing Co.	775						
Hawaii Meat Co., Ltd.	776						
Longhorn Meat Packers, Inc.	781						
National Food Stores, Inc.	782						
Spencer Packing Co.	783						
Schlitz Meat & Provision Co., Inc.	784						
Morris Packing Co.	785						
Nagle Packing Co.	786						
Milwaukee Dressed Beef Co.	787						
Wilson & Co., Inc.	788						
Baum's Bologna, Inc.	789						
McCook Packing Corp.	790						
Quality Meat Packing Co.	791						
Western Meat Packers, Inc.	792						
Dubuque Packing Co.	793						
Crown Packing Co., Inc.	794						
Scottsbluff Packing Co.	795						
Central Coast Meats	796						
E. S. Reed & Sons, Inc.	797						
Union Packing Co., Inc.	798						
Caviness Packing Co., Inc.	799						
Avera Provision Co., Inc.	800						
Jacob Bauer's Sons, Inc.	801						
Arena Dressed Beef Co.	802						
Armour Davis Packing Co., Inc.	803						
Cudahy Packing Co., Inc.	804						
The William Fockler Sons Co.	805						
Butcher Boy Packing Co. of Delta, Colo., Inc.	806						
The Sucher Packing Co.	809						
Pierce Packing Co.	811						
River State Beef Co.	812						
Bryan Meat Co.	813						
Arizona Livestock Dairy Department, Kansas State University	814						
Kramer Beef Co.	816						
Gulf Packing Co.	818						
Carter Packing Co.	705						
Triolo Bros.	706						
Central Nebraska Packing Co.	8713						
Davenport Packing Co., Inc.	716						
Farmbest, Inc.	717						
A. Darlington Strode	717A						
K-M Co.	718						
Swift & Co.	728						
Deckis & Son	727						
Boode Packing Co., Inc.	729						
Vogt Packing Co.	730						
Frosty Morn Meats	731						
Eller & Son, Inc.	732						
Western Packers	733						
Thomas Packing Co.	734A						
Ohio Packing Co.	735						
Parnell's Packing Co.	736						
The Jacob Schlachter's Sons Co.	738						
Mid State Meat Co.	740						
Pioneer Boneless Beef Co.	742						
Buchtel Bros.	746						
Luick Bros. Cooperative Packing Co.	748						
Monroe Packing Co., Inc.	749						
Mid-Kansas Meat Packing Co.	750A						
The American Meat Packing Corp.	760						
Schenk Packing Co., Inc.	743						
Kaiser Packing Co.	767						
Sheridan Meat Co., Inc.	768						
Earl C. Gibbs, Inc.	770						
Cadwell Martin Meat Co.	771						
Modern Meat Packing Co.	774						
Atlas Packing Co.	775						
Bryan Bros. Packing Co.	778						
Diamond Meat Co., Inc.	780						
Granite State Packing Co.	784						
M. Jacobson Sons Co., Inc.	786						
Aurora Packing Co., Inc.	788						
Hatfield Packing Co.	791						
Baum's Meat Packing	792						
Bel Barnes Packing Co.	796						

ESTABLISHMENTS SLAUGHTERING HUMANELY—Continued

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Reitz Meat Products Co.	988					(*)	
Hospers Packing Co.	993						
Shamrock Beef Co.	997						
Everett C. Horlein & Son, Inc.	998						
Sunflower Packing Co., Inc.	999						
Kharer of Kentucky, Inc.	995						
Do.	995 A					(*)	
Do.	995 C						
Clover Packing Co., Inc.	1005		(*)				
The Home Pride Provisions, Inc.	1029						
Armour & Co.	1026		(*)				
Jordan's Ready-To-Eat Meats, Inc.	1136A						
Lundy Packing Co.	1171						
The Harris Packing Co.	1176					(*)	
Wayne Packing Co.	1308						
A. J. Meyer & Sons, Inc.	1311						
McCabe Packing Plant	1313						
Swift & Co.	1315					(*)	
Nebraska Iowa Dressed Beef Co.	1316						
Stevens Meat Co., Inc.	1486		(*)				
James Sausage Co.	1718					(*)	
L. & W. Packing Co., Inc.	1980		(*)		(*)		

Done at Washington, D.C., this 27th day of July 1967.

R. K. SOMERS,
Deputy Administrator, Consumer Protection, Consumer and Marketing Service.

[F.R. Doc. 67-8941; Filed, Aug. 3, 1967; 8:51 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

[DO 15-B]

OFFICE OF BUSINESS ECONOMICS

Appendix A—Public Information

JULY 18, 1967.

This material amends the material appearing at 29 F.R. 11855-11856 of August 19, 1964.

A. *Purpose.* The purpose of this appendix is to describe, in general, the public information services of the Office of Business Economics, to describe the places at which and the methods whereby the public may obtain information, to inform the public as to the sources or availability of rules, regulations, procedures, instructions, forms, reports, or other requirements established by the Office of Business Economics which affect the public, and otherwise to comply with the requirements of section 552 of Title 5, U.S. Code, as amended by Public Law 90-23 (hereinafter referred to as the Act).

B. *Public information services.* .01 The major medium for dissemination of the product of the Office of Business Economics is its monthly publication Survey of Current Business, the volumes of which cover the past 40 years. This magazine reflects the activity of the Office in the following fields:

a. *Preparation of national income and product data.* Calculations are made of the gross national product, national income, personal income, and their components, providing an overall view of the state of the economy.

b. *Analysis of business trends.* The business situation is assessed monthly, and the results of continuing analyses of the major factors underlying cyclical developments and long-range business trends are published regularly.

c. *Computation of the balance of international payments.* The U.S. balance of international payments is determined and analyzed, and the official statistics of foreign expenditures by the U.S. Government are maintained.

.02 Publications issued as supplements to the Survey of Current Business range from a weekly four-page statistical interim report (included in the annual subscription) to major volumes of varying subject matter, size, and periodicity. Like the magazine itself, they are sold by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

.03 The annual volumes of the U.S. Government Organization Manual, also available from the Superintendent of Documents, list in an appendix the currently available publications of the Office. OBE publications are announced, as they go on sale, in the weekly Business Service Checklist issued by the Department of Commerce, Washington, D.C. 20230, and are listed in the Department's annual Catalog of Commerce Publications.

.04 All OBE publications can be examined at the library of the U.S. Department of Commerce in the Commerce Building, Washington, D.C., or by visiting the Office of Business Economics, which is located in its entirety in Washington. Since all of the Commerce Field Offices are accredited sales agencies of the Superintendent of Documents, they are in a position to sell copies when available as well as to make their library facilities and staff services available to persons seeking information originating in the Office of Business Economics. Their locations are to be found in local telephone directories, and are also shown on the inside front cover of each issue of the monthly Survey of Current Business, which is widely available in public, college and Chamber of Commerce libraries.

C. *Guide to published rules and regulations.* .01 Data are periodically collected by the Office of Business Economics as authorized by the Secretary under and/or subject to the provisions of (a) the Bretton Woods Agreements Act (59 Stat. 512, 22 U.S.C. 286 et seq.) and Executive Order 10033 of February 8, 1949 (14 F.R. 561) as amended, issued pursuant thereto; (b) the Federal Reports Act of 1942 (56 Stat. 1078, 5 U.S.C. 139 et seq.); and (c) the statutes codified at 15 U.S.C. 171 et seq. as modified by Reorganization Plan No. 5 of 1950, set out in Note under 5 U.S.C. 133a.

.02 Chapter VIII of Title 15 of the Code of Federal Regulations contains regulations of the Office of Business Economics with regard to reporting requirements in the field of foreign economic transactions.

.03 These rules contain all the matters required to be published by subsections 552(a)(1)(B) to 2(a)(1)(D) of the Act, except that copies of forms required, and instructions for their use, may be obtained from the Office of Business Economics, U.S. Department of Commerce, Washington, D.C. 20230.

D. *Submittals and requests.* .01 The established places to which reports or information required or requested by the Office of Business Economics are to be submitted are identified on the forms, schedules, or instructions specifying the information desired.

.02 In the event that additional time is needed to prepare reports requested by the Office of Business Economics, or further information is needed to clarify the request, or additional forms or instruction sheets are desired, application should be made to the Director, Office of Business Economics, U.S. Department of Commerce, Washington, D.C. 20230.

.03 Any member of the public desiring to make other submittals, or to obtain information with regard to the economic materials collected, analyzed, or distributed by the Office of Business Economics, or about any other functions or activities of the Office, should direct such submittals or requests to the Director, Office of Business Economics.

E. *Final delegations of authority.* The Director, Office of Business Economics, has made no delegation or redelegation of authority to officers or employees of the Office to take final actions, or make final decisions, with respect to requirements, submissions, or other matters arising under its published rules and regulations.

F. *Inspection and copying of opinions and orders.* All final opinions of the Office of Business Economics made in the adjudication of cases, statements of policy and interpretations not published in the FEDERAL REGISTER, administrative staff manuals and instructions to staff that affect a member of the public, and any other materials required to be made available for public inspection and copying by 5 U.S.C. 552(a)(2), are made available for such purposes at the Central Reference and Records Inspection Facility of the Department of Commerce, Room 2122, Commerce Building, 14th Street between Constitution Avenue and E Street NW., Washington, D.C. 20230. Rules prescribing public use of this facility are contained in Part 4, Title 15,

Code of Federal Regulations, and may also be obtained from the facility.

G. *Inspection of Bureau records.* Rules for persons desiring, pursuant to 5 U.S.C. 552(a)(3), to inspect records of the Office of Business Economics which are not available to the public as part of the regular public information services of the Office, are contained in Part 4, Title 15, Code of Federal Regulations. Application forms and instructions are available from the Central Reference and Records Inspection Facility of the Department of Commerce, or from any Field Office of the Office of Field Services, Department of Commerce.

DAVID R. BALDWIN,
Assistant Secretary for Administration.

[F.R. Doc. 67-9069; Filed, Aug. 3, 1967; 8:45 a.m.]

[DO 152-B]

BUSINESS AND DEFENSE SERVICES ADMINISTRATION

Appendix A—Public Information

JULY 18, 1967.

This material amends the material appearing at 30 F.R. 3393-3395 of March 13, 1965.

A. *Purpose.* The purpose of this appendix is to describe, in general, the public information services of the Business and Defense Services Administration (BDSA) to describe the places at which, and the methods whereby, the public may obtain information, to inform the public as to the sources or availability of rules, regulations, procedures, instructions, forms, or other requirements established by the Business and Defense Services Administration which affect the public, and otherwise to comply with the requirements of section 552, Title 5, U.S.C., as amended by Public Law 90-23, June 5, 1967 (81 Stat. 54) (hereinafter referred to as the Act).

B. *Public information services.* .01 BDSA provides the business community with a wide range of information on domestic and foreign industry, domestic markets, and business opportunities. This includes periodic and special reports and studies covering foreign market surveys, market analyses and trends, industry reports, input-output relationships between industries, international business opportunities, and analyses of data bearing on production, sales, employment, profits, and distribution.

.02 Publications of the Bureau are listed in the Annual Catalog of Commerce Publications and the weekly Business Service Checklist, both of which are available from the Field Offices of the Office of Field Services, Department of Commerce, or the U.S. Department of Commerce, Washington, D.C. 20230. In addition, BDSA publishes a BDSA Publications Booklet, which can be obtained from the U.S. Department of Commerce or the Field Offices of the Office of Field Services, Department of Commerce.

C. *Guide to published rules and regulations.* .01 *Defense Production Act.* Public orders and regulations issued in implementation of Title I (priorities and allocation powers) under the Defense Production Act of 1950, as amended (64 Stat. 798; 50 U.S.C. 2061 et seq.), are found in Title 32A, Code of Federal Regulations, Chapter VI. Appeals procedures under these orders and regulations are provided in BDSA Regulation 5 (which is also published in 32A CFR Ch. VI) and in Department Order 106.

.02 *National Defense Executive Reserve.* Departmental responsibilities for the National Defense Executive Reserve, as exercised by BDSA, are outlined in Department Order 163 (30 F.R. 12957). Selection procedures and criteria are found in the BDSA Operating Instruction Manual. Applications for participation in the NDER must be made on CD-174 which is available from the Director, Mobilization Readiness Staff, BDSA, U.S. Department of Commerce, Washington, D.C. 20230.

.03 *Trade adjustment assistance.* Rules and regulations for certification of eligibility to apply for trade adjustment assistance and for application for such assistance under the Trade Expansion Act of 1962 (76 Stat. 883-892; 19 U.S.C. 1901-1920) are contained in 48 CFR Part 310.

.04 *Automotive Products Trade.* Rules, procedures, and criteria for determination of bona fide motor vehicle manufacturers under the Automotive Products Trade Act of 1965 (79 Stat. 1025; 19 U.S.C. 3032) are found in 19 CFR 301.

.05 *Foreign Excess Property.* Rules, regulations, criteria for judgment, appeal procedure, and application for Foreign Excess Property Import Determination are found in 44 CFR Part 401.

.06 *Florence Agreement—Importation of Educational, Scientific, and Cultural Materials.* Rules and regulations concerning the processing by the Departments of Commerce and Treasury of applications for duty free entry of scientific instruments are published in the FEDERAL REGISTER at 32 F.R. 2433 et seq. These rules and any amendments thereto, are also contained in 15 CFR Part 602 and 19 CFR Part 10. They are issued pursuant to the Educational, Scientific, and Cultural Materials Importation Act of 1966 (80 Stat. 897; 19 U.S.C. 1202). The public may secure information, make submittals or requests and obtain decisions, with respect to the Department of Commerce's functions under the above Act from Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration, Washington, D.C. 20230. However, applications for duty free entry of instruments, and resubmittals of applications denied without prejudice to resubmission, should be filed, as prescribed at 15 CFR 602, with the Commissioner of Customs, Attention: Tariff Classification Rulings, Washington, D.C. 20226. Application forms may be obtained from the Bureau of Customs, Washington, D.C. 20226, or from any District Director of Customs.

.07 *Allocation of Watches and Watch Movement Quotas Among Producers Located in the Virgin Islands, Guam, and American Samoa* (19 U.S.C. 1202, as amended by Public Law 89-805, Nov. 10, 1966). Requests for information concerning this activity, including forms for filing applications, may be obtained from the Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration, Department of Commerce, Washington, D.C. 20230.

D. *Submission of requests and applications.* The established places at which and the methods whereby the public may make any submittals, applications, or requests concerning the programs listed in section C of this appendix are found in the rules and regulations cited therein.

E. [Reserved]

F. *Inspection and copying of opinions and orders.* All final opinions and orders made in the adjudication of cases, statements of policy and interpretations not published in the FEDERAL REGISTER, administrative staff manuals and instructions to staff that affect a member of the public; and any other materials required to be made available for public inspection and copying under section 552(a)(2) are made available for such purposes in the Central Reference and Records Inspection Facility of the Department of Commerce, Room 2122, Main Commerce Building, 14th Street between Pennsylvania Avenue and Constitution Avenue NW., Washington, D.C. 20230. Rules concerning the use of this Facility are contained in Part 4, Title 15, Code of Federal Regulations, or may be obtained from the facility.

G. *Inspection of Bureau records.* Rules for persons desiring, pursuant to section 552(a)(3), to inspect records not available to the public as part of the regular public information services of the Business and Defense Services Administration are contained in Part 4, Title 15, Code of Federal Regulations. Applications are available from the Central Reference and Records Inspection Facility of the Department of Commerce, or from the Field Offices of the Office of Field Services, Department of Commerce.

DAVID R. BALDWIN,
Assistant Secretary for Administration.

[F.R. Doc. 67-9070; Filed, Aug. 3, 1967; 8:45 a.m.]

[DO 168-B]

OFFICE OF FIELD SERVICES

Appendix B—Public Information

JULY 18, 1967.

This material amends the material appearing at 29 F.R. 5411-5412 of April 22, 1964 and 29 F.R. 12141 of August 26, 1964.

A. *Purpose.* The purpose of this appendix is to describe, in general, the public information services of the Office of Field Services, to identify the places at which, and the methods whereby, the public may obtain information provided by or through the Office of Field Services; the procedures established by the Office of Field Services for the administration of the "E" Award program; and otherwise to comply with the requirements of section 552, Title 5, U.S.C., as amended by Public Law 90-23, June 5, 1967 (81 Stat. 54) (hereinafter referred to as the Act).

B. *Public information services.* .01 The Office of Field Services, through its 42 Field Offices, disseminates information and carries out the field program of four major Department of Commerce agencies: Business and Defense Services Administration, Bureau of International Commerce, Office of Business Economics, and the Institute for Applied Technology of the National Bureau of Standards. It also disseminates Census Bureau data and acts as an information center for other Department of Commerce operating units having program responsibilities which affect the business community.

.02 The Office of Field Services issues a pamphlet, "Commerce Field Offices Help Business", which describes the services rendered by the Field Offices. It may be procured from any of the Field Offices, or from the Office of Field Services, U.S. Department of Commerce, Washington, D.C. 20230. Guides to publications catalogues and further listings of the major types of information available through the Field Offices of the Office of Field Services may be found in the Public Information Appendices to the Department orders of the operating units listed in paragraph .01 of this section.

.03 The Office of Field Services also publishes the "Commerce Business Daily" which helps American business firms keep abreast of Federal Government procurement and general contracting activity. It lists (by commodity and service) Government procurement invitations, subcontracting leads, contract awards, and sales of surplus property. This publication is sold by subscription by the Superintendent of Documents, Washington, D.C. 20402. Subscription blanks may be obtained from the Office of Field Services, U.S. Department of Commerce, Washington, D.C. 20230, or from any of the 42 Field Offices.

.04 The cities in which the 42 Field Offices are located are shown in Appendix A to this order.

C. *Guide to published materials regarding the "E" Award Program.* Executive Order 10978, which established Presidential awards ("E" Awards) for significant contributions to the export expansion program, is published in 3 CFR 1959-63, pp. 498-499. Requests for information concerning the rules and procedures involved in the administration of the "E" award program may be directed to any Field Office of the Office of Field Services, Department of Commerce or the Office of Field Services, U.S. Department of Commerce, Washington, D.C. 20230. Application forms may be secured from and submitted to the above sources.

D. *Submission of requests and applications.* .01 The Office of Field Services has established no requirements for the submission of forms, reports, or other information from the public, nor does it act for other organizations of the Department of Commerce in receiving such submittals.

.02 Requests for publications, information, or other services available from or through the Office of Field Services may be made to any of its Field Offices. No forms are required in obtaining these services.

E. *Inspection and copying of opinions and orders.* All final opinions and orders made in the adjudication of cases, statements of policy and interpretations not published in the FEDERAL REGISTER, administrative staff manuals and instructions to staff that affect a member of the public, and any other materials required to be made available for public inspection and copying under section 552(a)(2) are made available for such purposes in the Central Reference and Records Inspection Facility of the Department of Commerce, Room 2122, Main Commerce Building, 14th Street between Pennsylvania Avenue and Constitution Avenue NW., Washington, D.C. 20230. Rules concerning the use of this Facility are contained in Part 4, Title 15, Code of Federal Regulations, or may be obtained from the Facility.

F. *Inspection of bureau records.* Rules for persons desiring, pursuant to section 552(a)(3), to inspect records not available to the public as part of the regular public information services of the Office of Field Services are contained in Part 4, Title 15, Code of Federal Regulations. Applications are available from the Central Reference and Records Inspection Facility of the Department of Commerce, or from the Field Offices of the Office of Field Services, Department of Commerce.

DAVID R. BALDWIN,
Assistant Secretary for Administration.

[F.R. Doc. 67-9071; Filed, Aug. 3, 1967; 8:45 a.m.]

[DO 172-B]

U.S. TRAVEL SERVICE

Appendix A—Public Information

JULY 18, 1967.

This material amends the material appearing at 32 F.R. 6375 of April 22, 1967.

A. *Purpose.* The purpose of this appendix is to describe, in general, the public information services of the U.S. Travel Service, to describe the places at which, and the methods whereby, the public may obtain information, to inform the public as to the sources or availability of rules, regulations, procedures, instructions, forms, reports, or other requirements established by the U.S. Travel Service which affect the public, and otherwise to comply with the requirements of section 552 of Title 5, United States Code, as amended by Public Law 90-23 (hereinafter referred to as the Act).

B. *Public information services.* .01 A major function of the U.S. Travel Service (USTS) is to develop, and to disseminate to potential travelers abroad, attractive and useful information concerning the advantages of the United States as a travel destination, points of interest to foreign tourists, services available to foreigners, and official requirements for foreign visitors. This information is made available, both in English and in many foreign languages, through brochures, pamphlets, advertisements in foreign media, and other appropriate channels. Information concerning travel in the United States is also produced for the tourist industry, both abroad (e.g., foreign travel agencies) and domestically (e.g., local visitors bureaus). USTS publications are listed in the annual "Promotional Materials of U.S. Travel Service" which is available from the U.S. Travel Service, U.S. Department of Commerce, Washington, D.C. 20230. A semiannual report on the activities of USTS is available from the U.S. Department of Commerce, Washington, D.C. 20230, at 50 cents per copy.

.02 Most of the USTS publications produced for foreigners can also be obtained from the eleven USTS overseas offices, and in some cases, from the commercial staffs of U.S. embassies and consulates. Each USTS overseas office maintains a reference library for the use of the local travel industry and the general public. The library contains material about individual States, transportation guides, accommodations directories, U.S. Government regulations and formalities, listings of travel agencies and wholesale tour operators, tourist attractions, travel media, and the like. In those areas abroad which are not covered by USTS, potential visitors are invited to use the commercial reading rooms of our diplomatic and consular offices, and the libraries and information centers of U.S. Information Service offices throughout the world. Commercial, visa, and public affairs officers at our embassies and consulates disseminate travel information about the United States, and assist the local travel industry in arranging foreign travel to the United States.

.03 Any requests for information or other inquiry may also be sent to the Director, U.S. Travel Service, Department of Commerce, Washington, D.C. 20230.

C. *Guide to published rules and regulations.* The U.S. Travel Service has no rules and regulations affecting the public, nor does it require any submittals, reports, or other information from the public.

D. *Inspection and copying of opinions and orders.* Any materials of the U.S. Travel Service required to be made available for public inspection and copying pursuant to 5 U.S.C. 552(a)(2), are made available for such purposes at the Central Reference and Records Inspection Facility of the Department of Commerce, Room 2122, Commerce Building, Washington, D.C. 20230. Rules concerning the use of this facility are contained in Part 4, Title 15, Code of Federal Regulations, or may be obtained from the facility.

E. *Inspection of Bureau records.* Rules for persons desiring, pursuant to 5 U.S.C. 552(a)(3), to inspect records of the U.S.

Travel Service, which are not available to the public as part of the regular public information services of USTS, are contained in Part 4, Title 15, Code of Federal Regulations. Application forms and instructions are available from the facility, or from any Field Office of the Office of Field Services, Department of Commerce.

DAVID R. BALDWIN,
Assistant Secretary for Administration.

[F.R. Doc. 67-9072; Filed, Aug. 3, 1967; 8:45 a.m.]

[DO 188-B]

OFFICE OF ADMINISTRATION FOR DOMESTIC AND INTERNATIONAL BUSINESS

Appendix A—Public Information Appendix

JULY 18, 1967.

This material amends the material appearing at 31 F.R. 4170-4171 of March 9, 1966.

A. *Purpose.* The purpose of this appendix is to inform the public as to the operations of the U.S. Expositions Staff, and as to sources or availability of rules, regulations, forms and other requirements established by the Office of Administration for Domestic and International Business for the functions of the U.S. Expositions Staff, and otherwise to comply with the requirements of section 552, Title 5, U.S.C., as amended by Public Law 90-23, June 5, 1967 (81 Stat. 54) (hereinafter referred to as the Act).

B. *U.S. expositions staff operations.* .01 The U.S. Expositions Staff is responsible for coordination of U.S. Government participation in international expositions held in the United States or its territories; for preparing studies and reports preparatory for expositions; for applying appropriate criteria on U.S. participation; and for assuring that expositions will not jeopardize full international participation in the U.S. Bicentennial Exposition by violating standards and schedules of the Bureau of International Expositions. International exhibitions and world fairs are primarily cultural and educational in concept and U.S. participation is aimed at projecting an accurate and meaningful picture of the development of the economic, political and social life of the United States. They are typically longer and involve broader participation than trade fairs and expositions in which U.S. participation is an adjunct to the export promotion program or to implement the Mutual Educational and Cultural Exchange Act.

.02 The U.S. Expositions Staff, headed by a Director and Deputy Director, is organized on a functional basis to cover all phases of exposition planning, development, and operations. There is no permanent field organization. However, when a given pavilion is to be constructed, operated, and maintained, members of the U.S. Expositions Staff, supplemented by temporary employees hired in the field, are assigned to the location.

.03 In the preparation of studies and reports, the Staff has the advice and assistance of Interagency Committees whose members are appointed by appropriate agencies at the request of the Secretary of Commerce. Where criteria for participation are met, the committees also review theme development, story line, and preliminary design concepts.

.04 The legislation providing for Federal participation in some expositions calls for the appointment of a Commissioner for the U.S. Government pavilion. The tenure of the Commissioner is temporary and does not ordinarily exceed a period of from 2 months before opening date to 1 month after the closing date of the Federal exposition. The Commissioner is under the direction of the Secretary and normally is concerned with public relations, protocol, ceremony, and official representation.

C. *Public information services.* .01 There are no regular public information services generated by the organizational units performing administrative functions in the Office of Administration for Domestic and International Business. However, the public may make submittals for any information concerning these functions to the Director, Office of Administration for Domestic and International Business, U.S. Department of Commerce, Washington, D.C. 20230.

.02 The U.S. Expositions Staff publishes in International Commerce every 6 months (in June or July and in December) a list of the Trade Fairs in the United States. International Commerce may be purchased at the Field Offices of the Office of Field Services, Department of Commerce.

.03 The U.S. Expositions Staff provides no other regular information service to the public. It does, however, answer routine inquiries concerning its role in the administration of the Trade Fairs Act of 1959 (19 U.S.C. 1751-1756), and other relevant questions. Such inquiries should be directed to the Director, U.S. Expositions Staff, U.S. Department of Commerce, Washington, D.C. 20230.

D. *Guide to published rules and regulations, trade fairs in the United States.* .01 Under the Trade Fair Act of 1959 (19 U.S.C. 1751-1756), the operator of a designated fair is eligible for the privilege of duty-free entry of articles to be exhibited at the fair or used in the construction, installation, or maintenance of foreign exhibits at the fair. Rules for application for designation of a fair and criteria for judgment are found in 15 CFR Part 364. Applications are received by the U.S. Expositions Staff and are considered by the Trade Fair Act Committee which consists of representatives of the Department units having an interest in this area. This committee makes a recommendation to the Director, Office of Administration for Domestic and International Business who has the authority to sign letters to the Treasury Department granting the privileges provided by the Trade Fair Act.

.02 The U.S. Expositions Staff is responsible for rendering official U.S. Government assistance to sponsors of International Expositions held in the United States. Regulations governing this activity are published in 15 CFR Part 367.

E. *Submissions of requests and applications.* The established places at which and the methods whereby the public may make any submittals, applications, or requests concerning the Trade Fair Act program administered by the U.S. Expositions Staff are found in the rules and regulations cited in section D.01 of this appendix.

F. *Final delegations of authority.* The authority to designate a fair under the provisions of the Trade Fair Act of 1959 (19 U.S.C. 1751-1756) has been delegated to the Director, Office of Administration for Domestic and International Business.

G. *Inspection and copying of opinions and orders.* All final opinions and orders made in the adjudication of cases, statements of policy and interpretations not published in the FEDERAL REGISTER, administrative staff manuals and instructions to staff that affect a member of the public, and any other materials required to be made available for public inspection and copying under section 552(a)(2) are made available for such purposes in the Central Reference and Records Inspection Facility of the Department of Commerce, Room 2122, Main Commerce Building, 14th Street between Pennsylvania Avenue and Constitution Avenue NW., Washington, D.C. 20230. Rules concerning the use of this Facility are contained in Part 4, Title 15, Code of Federal Regulations, or may be obtained from the Facility.

H. *Inspection of Bureau records.* Rules for persons desiring, pursuant to section 552(a)(3), to inspect records not available to the public as part of the regular public information services of Office of Administration for Domestic and International Business are contained in Part 4, Title 15, Code of Federal Regulations. Applications are available from the Central Reference and Records Inspection Facility of the Department of Commerce, or from the Field Offices of the Office of Field Services, Department of Commerce.

DAVID R. BALDWIN,
Assistant Secretary for Administration.

[F.R. Doc. 67-9073; Filed, Aug. 3, 1967; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

AQUAFINE CORP.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 7H2150) has been filed by Aquafine Corp., 1230 Sunset Boulevard, Los Angeles, Calif. 90026, proposing an amendment to § 121.3006 *Ultraviolet radiation for the processing and treatment of food* to provide for the safe use of ultraviolet radiation in the reduction of molds and yeasts within sugar solutions.

Dated: July 27, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-9134; Filed, Aug. 3, 1967; 8:50 a.m.]

BYRNES & KIEFER CO.

Notice of Withdrawal of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Byrnes & Kiefer Co., 1127-1133 Penn Avenue, Pittsburgh, Pa. 15222, has withdrawn its petition (FAP 7A2171), notice of which was published in the FEDERAL REGISTER of May 19, 1967 (32 F.R. 7470), proposing the issuance of a regulation to provide for the safe use of calcium D-saccharate as a component of stabilizers used in meringue made from whites of eggs.

Dated: July 27, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-9135; Filed, Aug. 3, 1967; 8:50 a.m.]

GRIFFITH LABORATORIES, INC.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 7A2193) has been filed by The Griffith Laboratories, Inc., 855 Rahway Avenue, Union, N.J. 07083, proposing that paragraph (b) of § 121.1036 *Monoglyceride citrate* be amended by increasing the tolerance of monoglyceride citrate, used as a synergist and solubilizer in antioxidant formulations for addition to oils and fats, from 200 parts per million (0.02 percent) to 500 parts per million (0.05 percent) of the combined weight of the oil or fat and the additive.

Dated: July 28, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-9136; Filed, Aug. 3, 1967; 8:50 a.m.]

JOHN I. HAAS, INC.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 8A2195) has been filed by John I. Haas, Inc., Post Office Box 1441, Yakima, Wash. 98901, proposing the issuance of a regulation to provide for the safe use of *n*-hexane as a solvent in the extraction of hops. A tolerance is proposed of 2.2 percent *n*-hexane in the hops extract to be used in the production of malt beverages.

Dated: July 27, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-9137; Filed, Aug. 3, 1967; 8:50 a.m.]

MONSANTO CO.

Notice of Filing of Petition Regarding Pesticides

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 7F0622) has been filed by Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166, proposing the establishment of a tolerance of 0.2 part per million for negligible residues of the herbicide 2-chloro-2',6'-diethyl-*N*-(methoxymethyl) acetanilide in or on the raw agricultural commodities corn forage, corn grain, and soybeans.

The analytical method proposed in the petition for determining residues of the herbicide is a gas-liquid chromatographic technique using a hydrogen flame-ionization detector.

Dated: July 28, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-9138; Filed, Aug. 3, 1967; 8:50 a.m.]

NATIONAL CASH REGISTER CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 7A2191) has been filed by The National Cash Register Co., Dayton, Ohio 45409, proposing the issuance of a regulation to provide for the safe use of a formulation containing succinylated gelatin, arabinogalactan, silicon dioxide, and other substances generally recognized as safe, or sanctioned for the purpose intended, as the wall material of microcapsules for encapsulating food-flavoring substances.

Dated: July 28, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-9139; Filed, Aug. 3, 1967; 8:51 a.m.]

SCIENTIFIC ASSOCIATES, INC.

Notice of Withdrawal of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Scientific Associates, Inc., 6200 South Lindbergh Boulevard, St. Louis, Mo. 63123, has withdrawn its petition (FAP 7L2155), notice of which was published in the FEDERAL REGISTER of April 28, 1967 (32 F.R. 6588), proposing the issuance of a regulation to provide for the safe use in food and food-contact surfaces of the following synthetic alcohols manufactured by utilizing aluminum, ethylene, hydrogen, and air as raw materials in a series of chemical reactions: Cetyl, decyl, hexyl, lauryl, myristyl, octyl, and stearyl.

Dated: July 28, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-9140; Filed, Aug. 3, 1967; 8:51 a.m.]

THOMPSON CHEMICAL CORP.

Notice of Withdrawal of Petition Regarding Pesticides

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), the following notice is issued:

In accordance with § 120.8 *Withdrawal of petitions without prejudice* of the pesticide regulations (21 CFR 120.8), Thompson Chemical Corp., 23529 South Figueroa Street, Wilmington, Calif. 90744, has withdrawn its petition (PP 7F0589), notice of which was published in the FEDERAL REGISTER of May 2, 1967 (32 F.R. 6738), proposing the establishment of a tolerance of 2 parts per million for residues of the growth regulator dimethylamine salt of 2,4-dichlorophenoxyacetic acid in or on the raw agricultural commodity apricots.

Dated: July 28, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-9141; Filed, Aug. 3, 1967; 8:51 a.m.]

WALLERSTEIN CO., DIVISION OF TRAVENOL LABORATORIES, INC.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 7A2194) has been filed by Wallerstein Co., Division of Travenol Laboratories, Inc., 125 Lake Avenue,

Staten Island, N.Y. 10303, proposing the issuance of a regulation to provide for the safe use of zinc sulfate in fermented malt beverages to improve foam properties.

Dated: July 27, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-9142; Filed, Aug. 3, 1967; 8:51 a.m.]

Office of Education

NONCOMMERCIAL EDUCATIONAL TELEVISION BROADCAST FACILITIES

Applications for Financial Assistance

Notice is hereby given that effective with this publication the following described applications for Federal financial assistance in the construction of noncommercial educational television broadcast facilities are accepted for filing in accordance with 45 CFR 60.7:

Rochester Area Educational Television Association, Inc., 410 Alexander Street, Rochester, N.Y., File No. 206, to improve the facilities of noncommercial educational television station WXXI, Channel 21, Rochester, N.Y.

Milwaukee Board of Vocational and Adult Education, 1015 North 6th Street, Milwaukee, Wis., File No. 207, to improve the facilities of noncommercial educational television station WMVS, Channel 10, Milwaukee, Wis.

Any interested person may, pursuant to 45 CFR 60.8 within 30 calendar days from the date of this publication, file comments regarding the above applications with the Chief, Educational Television Facilities Branch, U.S. Office of Education, Washington, D.C. 20202.

(76 Stat. 64, 47 U.S.C. 390)

RAYMOND J. STANLEY,
Chief, Educational Television Facilities Branch, U.S. Office of Education.

[F.R. Doc. 67-9096; Filed, Aug. 3, 1967; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 18778; Order No. E-25477]

JET AIR FREIGHT

Order of Tentative Approval

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 1st day of August 1967.

Application of Jet Air Freight (formerly Jet Transportation, Inc.), Docket 18778; for approval without a hearing of a merger under section 408 of the Federal Aviation Act of 1958, as amended.

By application filed July 11, 1967,[1] Jet Air Freight, formerly Jet Transportation, Inc. doing business as Jet Air Freight (Jet)[2] requested approval without a hearing pursuant to section 408 of the Federal Aviation Act of 1958, as amended (the Act), of a proposed merger with Speedway Trucking Co. (Speedway) and International Airfreight, Inc., doing business as Jet International (International). Jet will acquire and subsequently cancel all of the shares of each of the latter corporations in exchange for new shares to be issued by Jet as the survivor corporation.

Jet, Speedway, and International are all California corporations. Jet is a domestic and international airfreight forwarder and an IATA air cargo sales agent. International holds an ocean freight forwarder license issued by the Federal Maritime Commission and operates as an ocean freight forwarding broker in the utilization of harbor truckers to pick up and deliver freight to ocean carriers with which it books shipments. It is also an IATA air cargo sales agent, but is presently inactive, has never operated under its appointment, and contemplates cancellation of its appointment when the proposed merger becomes effective.

Speedway is an intrastate motor carrier which holds various permits issued by the Public Utilities Commission of California,[3] is authorized to operate within a 150-mile radius of Los Angeles, and provides pickup and delivery service of freight under an exclusive contract with Jet in furtherance of the latter's intrastate, interstate, and international air freight forwarding operations. The applicant states that Speedway was started for the sole purpose of providing delivery and pickup services for Jet in the Los Angeles area and has operated under this arrangement since its formation; Speedway performs at Jet's direction; Jet's employees dispatch Speedway's trucks which are driven by Speedway's employees; and Speedway provides insurance coverage for all Speedway trucks and Jet provides insurance coverage for all cargo carried by Speedway trucks. The applicant further states that Speedway, although it does not advertise for, nor solicit business from the general public, is not restricted to operate exclusively for Jet, and either party may terminate the contract upon 90 days' notice to the other party. Jet and Speedway are both controlled by Julius Wagner and his wife, and by Sam Moldave and his wife, and Jet owns 20 percent of the issued and outstanding shares of International.

Pursuant to, and as a part of the proposed merger, Jet will be recapitalized by increasing its authorized capital stock from 1,000 to 1 million shares of common stock, of which approximately 325,000 shares will be issued and outstanding. Each outstanding share of Jet (580 shares) will be reconstructed and split up into 252.16 shares of the new common stock of Jet; each outstanding share of Speedway (6⅔ shares) will be converted into 17,961.95 shares of the survivor corporation; and each outstanding share of International (1,000 shares) will be converted into 81.25 shares of Jet, the survivor corporation. The present outstanding shares of each corporation will be canceled and all properties of each corporation, subject to their respective liabilities, will become vested in the survivor corporation. It is noted that the preexisting controls of Jet and Speedway by the Wagner and Moldave families will be continued in the survivor corporation by reason of their being the two largest shareholders of Jet with 45.23 percent of the stock being divided almost equally between them.

The application states that the proposed merger will enhance the survivor company's financial position and present any potential services to the public in comparison with prospects for each constituent company alone, and that Jet as the survivor corporation would then be able to compete more vigorously in the airfreight forwarding business. The applicant contends that the proposed merger would be consistent with the public interest, and would otherwise meet the Board's requirements for approval without a hearing pursuant to the third proviso of section 408(b) of the Act.

Upon consideration of the application[4] the Board concludes that Jet is an air carrier, and Speedway is a common carrier within the meaning of section 408 of the Act and that the merger of Speedway into Jet is subject to that section.[5] However, the Board has further concluded tentatively that the proposed merger does not affect a carrier directly engaged in the operation of aircraft in air transportation, does not result in a monopoly, and does not restrain competition. Furthermore, no person disclosing a substantial interest in the proceeding is currently requesting a hearing. The proposed merger is basically similar to other control relationships involving air freight forwarders and direct surface carriers holding limited operating rights, and which have been approved by the Board. In this instance, Speedway is authorized to operate solely within California. Thus, the instant application does not present any new substantive issues not heretofore considered by the Board.[6] On the basis of the facts as they exist today, approval of the merger would not be inconsistent with the public interest. Of course, if the surface rights of the merged company should be expanded to include interstate authority, new policy questions would be posed. Consequently, any approval granted herein will continue only so long as the merged carrier's direct surface carrier rights are intrastate in scope.[7]

In view of the foregoing, the Board tentatively finds that the merger should be approved without hearing under the provisions of section 408(b) of the Act. In accordance therewith, this order, constituting a notice of the Board's tentative finding, will be published in the FEDERAL REGISTER and interested persons will be afforded an opportunity to file comments or request a hearing on the Board's tentative decision.

Accordingly, it is ordered:

1. That the Attorney General of the United States be furnished a copy of this order within 1 day of its publication;

2. That interested parties are hereby afforded a period of ten (10) days within which to file comments or request a hearing with respect to the Board's proposed action on the application in Docket 18778,[8]; and

3. That, to the extent not granted, the application is dismissed.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 67-9109; Filed, Aug 3, 1967; 8:48 a.m.]

[1] The application was supplemented by letters of July 17, 18, 21, and 24, 1967, and amended on July 20, 1967, and supplemented on July 24, 1967.

[2] An application for change of name has been filed with the Board, Docket 18798.

[3] As an agent for shippers of ocean freight, International is not considered a common carrier by the Federal Maritime Commission, nor does it appear to be a common carrier within the meaning of section 408 of the Act. Similarly, under the facts set forth above, International does not appear to be a person engaged in a phase of aeronautics within the meaning of this section.

[4] The permits authorize Speedway to operate as a "radial highway common carrier" (No. 19-54374), a "highway contract carrier" (No. 19-54375), and a city carrier (No. 19-54376).

[5] It appears that the common control and interlocking relationships involving Jet, Speedway, and the Wagner and Moldave families jointly have been in effect since July 18, 1960. Nevertheless, it has been decided not to enforce the doctrine expressed in the Sherman Control and Interlocking Relationships, 15 CAB 876 (1952) and to consider the application on its merits.

[6] Our action herein does not extend to International since International is not deemed to be subject to the Act.

[7] Cf. Skymaster, Inc., et al., Docket 18518, Order E-25375, July 3, 1967.

[8] If Jet or the owners of Jet establish or acquire a company and such company has or acquires direct surface operating rights in interstate transportation, relationships covered by section 408 would exist and appropriate relief by the Board would be required.

[9] Comments shall conform to the requirements of the Board's rules of practice. Further, since an opportunity to file comments is provided for, petitions for reconsideration of this order will not be entertained.

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 17607, 17608; FCC 67-851]

AMERICANA BROADCASTING CORP. AND LOYOLA UNIVERSITY

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Americana Broadcasting Corp., New Orleans, La., Requests: 101.9 mc, No. 270; 50 kw; 410 ft., Docket No. 17607, File No. BPH-5404; Loyola University, New Orleans, La., Requests: 101.9 mc, No. 270; 50 kw; 830 ft., Docket No. 17608, File No. BPH-5466; for construction permits.

1. The Commission has under consideration the above-captioned and described applications which are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference.

2. Consideration of the programing proposals is required because of the substantial and material difference between the proposals in the amount of AM programing to be duplicated. Americana Broadcasting Corp. proposes 50 percent duplication while Loyola University proposes a maximum of 19 percent duplication. Therefore, evidence regarding program duplication will be admissible under the standard comparative issue. The showing permitted under the standard comparative issue when duplicated programing is proposed will be limited to evidence concerning the benefits to be derived from the proposed duplication, and a full comparison of the applicants' program proposals will not be permitted in the absence of a specific programing inquiry—Jones T. Sudbury ------ FCC 2d ------, FCC 67-614 (1967). Nevertheless, the parties are free to seek enlargement of the issues to include a special programing issue—see Chapman Radio and Television Co. (7 FCC 2d, 213, FCC 67-234 (1967) and Jones T. Sudbury, supra.

3. Neither applicant would be able to provide a 3.16-mv/m signal to the entire city of New Orleans as required by § 73.315(a) of the Commission's rules. In both cases this inability results from the fact that the city is about 34 miles wide. The small portion not receiving the required signal is primarily an unpopulated swamp. Under these circumstances, we have determined that waiver of this provision is appropriate and will condition a grant of either application accordingly.

4. Each of the applicants are qualified to construct and operate as proposed. However, because of their mutual exclusivity, the Commission is unable to make a statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that they must be designated for hearing in a consolidated proceeding on the issues set forth below.

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine which of the proposals would better serve the public interest.

2. To determine in the light of the evidence adduced pursuant to the foregoing issue, which of the applications for construction permit should be granted.

It is further ordered, That to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: July 19, 1967.

Released: July 31, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-9111; Filed, Aug. 3, 1967; 8:48 a.m.]

[Docket Nos. 16706-16708; FCC 67M-1286]

ATLANTIC BROADCASTING CO. (WUST) ET AL.

Order After Prehearing Conference

In re applications of: Atlantic Broadcasting Co. (WUST), Bethesda, Md., Docket No. 16706, File No. BP-14357, for construction permit; Atlantic Broadcasting Co. (WUST), Bethesda, Md., Docket No. 16707, File No. BR-1513, for renewal of license; Bethesda-Chevy Chase Broadcasters, Inc., Bethesda, Md., Docket No. 16708, File No. BP-16319, for construction permit.

A prehearing conference in the above-entitled proceeding having been held today: *It is ordered,* That the hearing will convene at 10 a.m. on Wednesday, November 8, 1967, at the Commission's offices, Washington, D.C.; and

It is ordered further, That exhibits will be exchanged by October 10, with one copy of each provided to counsel and the Hearing Examiner, and that the agreements and understandings reached upon the record of today's prehearing conference are hereby incorporated by reference with the same effect as if set forth herein verbatim.

Issued: July 28, 1967.

Released: July 31, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-9112; Filed, Aug. 3, 1967; 8:48 a.m.]

[1] Commissioners Bartley and Loevinger absent.

[Docket Nos. 17611, 17612; FCC 67-884]

AUGUSTA TELECASTERS, INC., AND GEORGIA-CAROLINA INDUSTRIES, INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of: Augusta Telecasters, Inc., Augusta, Ga., Docket No. 17611, File No. BPCT-3840; Georgia-Carolina Industries, Inc., Augusta, Ga., Docket No. 17612, File No. BPCT-3894; for construction permit for new television broadcast station.

1. The Commission has before it for consideration the above-captioned applications each requesting a construction permit for a new television broadcast station to operate on Channel 26, Augusta, Ga.

2. The transmitter proposed by Augusta Telecasters, Inc., has not been type-accepted by the Commission. Accordingly, in the event of a grant of the application of Augusta Telecasters, Inc., the grant shall be made subject to the condition that, prior to licensing, the permittee shall submit acceptable data for type acceptance of the proposed transmitter in accordance with § 73.640 of the Commission's rules.

3. The applicants are qualified to construct, own and operate the proposed new television broadcast station. The applications are, however, mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference. The Commission, is therefore, unable to make the statutory finding that a grant of the applications would serve the public interest, convenience and necessity, and is of the opinion that they must be designated for hearing in a consolidated proceeding on the issues set forth below.

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications of Augusta Telecasters, Inc., and Georgia-Carolina Industries, Inc., are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine which of the proposals would best serve the public interest.

2. To determine, in the light of the evidence adduced pursuant to the foregoing issue, which of the applications should be granted.

It is further ordered, That, in the event of a grant of the application of Augusta Telecasters, Inc., such grant shall be made subject to the condition that, prior to licensing, the permittee shall submit acceptable data for type acceptance of its proposed transmitter in accordance with the requirements of § 73.640 of the Commission's rules.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commision, in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That, the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commisison's rules, give notice of the hearing, either individually or if feasible, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: July 19, 1967.

Released: July 31, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-9113; Filed, Aug. 3, 1967; 8:48 a.m.]

[Docket Nos. 17555-17558; FCC 67M-1291]

AZALEA CORP. ET AL.

Order Continuing Hearing

In re applications of Azalea Corp., Mobile, Ala., Docket No. 17555, File No. BP-17340; W.G.O.K., Inc. (WGOK), Mobile, Ala., Docket No. 17556, File No. BP-17398; People's Progressive Radio, Inc., Mobile, Ala., Docket No. 17557, File No. BP-17477; Mobile Broadcast Service, Inc., Mobile, Ala., Docket No. 17558, File No. BP-17478; for construction permits.

Pursuant to agreements of counsel arrived at during the prehearing conference in the above-styled proceeding held on July 25, 1967: *It is ordered*, That a further prehearing conference will be held on September 20, 1967, at 10 a.m. in the offices of the Commission, Washington, D.C.; and *It is further ordered*, That the hearing in this proceeding now scheduled for September 20, 1967, is continued to a date to be fixed at the prehearing conference to be held on September 20, 1967.

Issued: July 28, 1967.

Released: July 31, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-9114; Filed, Aug. 3, 1967; 8:48 a.m.]

[Docket No. 16722; FCC 67M-1265]

BLACK HAWK BROADCASTING CO. (KWWL-TV)

Order Scheduling Further Hearing Conference

In re application of Black Hawk Broadcasting Co. (KWWL-TV), Waterloo, Iowa, Docket No. 16722, File No. BPCT-3606; for construction permit.

The Hearing Examiner having under consideration the informal request for continuance of hearing filed on July 24, 1967, by Black Hawk Broadcasting Co.;

It appearing, that all parties have consented to immediate consideration and grant of said request and good cause is shown for a grant thereof, the Federal Aviation Administration still having under consideration the application seeking approval of a site which would meet the Commission's spacing requirements;

It is ordered, That the said request is granted; the hearing presently scheduled for August 2, 1967, is canceled;

It is further ordered, That a further hearing conference shall be held herein on September 7, 1967, commencing at 9 a.m. in the offices of the Commission at Washington, D.C.

Issued: July 25, 1967.

Released: July 27, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-9115; Filed, Aug. 3, 1967; 8:48 a.m.]

[Docket Nos. 17594, 17595; FCC 67M-1271]

GOSPEL BROADCASTING COMPANY OF FORT WAYNE, INC., ET AL.

Order Scheduling Hearing

In re applications of The Gospel Broadcasting Company of Fort Wayne, Inc., Fort Wayne, Ind., Docket No. 17594, File No. BPH-5561; Clarence C. Moore trading as Fort Wayne Broadcasting Co., Fort Wayne, Ind., Docket No. 17595, File No. BPH-5672; for Construction Permits.

It is ordered, That Charles J. Frederick shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on October 23, 1967, at 10 a.m.; and that a prehearing conference shall be held on September 5, 1967, commencing at 9 a.m.: *And, it is further ordered*, That all proceedings shall take place in the offices of the Commission, Washington, D.C.

Issued: July 20, 1967.

Released: July 28, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-9116; Filed, Aug. 3, 1967; 8:48 a.m.]

[Docket No. 17437; FCC 67M-1202]

FRANK HOVIS HEMBY

Order Scheduling Hearing

In the matter of Frank Hovis Hemby, Zion Lutheran Church and School, 6121 East Lovers Lane, Dallas, Tex. 75214, Docket No. 17437, suspension of radiotelegraph first class operator license and radiotelephone first class operator license.

The Chief Hearing Examiner having under consideration a request in behalf of the Commission's Field Engineering Bureau, filed July 19, 1967, for designation of a time and place for the hearing in the above-entitled proceeding;

It appearing, that by orders heretofore issued herein, the hearing in this proceeding was scheduled to be held in the offices of the Commission, Washington, D.C., and that, by the request here under consideration, the Bureau proposes that it be held in the city of Dallas, Tex., during the early part of September 1967;

It appearing further, that, under date of May 16, 1967, the respondent herein, Frank Hovis Hemby, also requested that the hearing be held in Dallas, Tex.

the hearing be held in Dallas, Tex.;

It appearing further, that, in the circumstances here present, it is appropriate to waive the 4-day rule in the matter of acting on the instant request, for respondent cannot be prejudiced by such waiver since he too has requested that the hearing herein be held in Dallas, Tex.;

It is ordered, That the requests of the Bureau and the respondent are granted, and that the hearing in the above-entitled proceeding shall be convened at Dallas, Tex., Thursday, September 7, 1967.

Issued: July 19, 1967.

Released: July 19, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-9117; Filed, Aug. 3, 1967; 8:48 a.m.]

[Docket Nos. 17519, 17520; FCC 67M-1200]

HI-POINT BROADCASTING CO. AND CHARLES H. CHAMBERLAIN

Order Continuing Hearing

In re applications of Hi-Point Broadcasting Co., Bellefontaine, Ohio, Docket No. 17519, File No. BPH-5468; Charles H. Chamberlain, Bellefontaine, Ohio, Docket No. 17520, File No. BPH-5497; for Construction Permits.

Pursuant to agreements of counsel arrived at during the prehearing conference in the above-styled proceeding held on this date: *It is ordered*, That the hearing in this proceeding now scheduled for September 7, 1967, is continued to October 18, 1967, beginning at 10 a.m., in the offices of the Commission, Washington, D.C.

Issued: July 28, 1967.

Released: July 31, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-9118; Filed, Aug. 3, 1967; 8:49 a.m.]

[Docket Nos. 17243-17250; FCC 67M-1285]

KITTYHAWK BROADCASTING CORP. ET AL.

Order Regarding Procedual Dates

In re applications of Kittyhawk Broadcasting Corp., Kettering, Ohio, Docket No. 17243, File No. BP-16603; The Gem City Broadcasting Co., Kettering, Ohio, Docket No. 17244, File No. BP-16877; Western Ohio Broadcasting Service, Inc., Eaton, Ohio, Docket No. 17245, File No. BP-16816; Treaty City Radio, Inc., Greenville, Ohio, Docket No. 17246, File No. BP-16881; James L. Schmalz, Phyliss Ann Schmalz, James I. Toy, Jr., and Thomas A. Gallmeyer, doing business as Bloomington Broadcasting Co., Bloomington, Ind., Docket No. 17247, File No. BP-16876; Voice of the Ohio Valley, Inc., Louisville, Ky., Docket No. 17248, File No. BP-16878; W. V. Ramsey and Lewis Young, doing business as Shively Broadcasting Co., Shively, Ky., Docket No. 17249, File No. BP-16738; Albert S. Tedesco (WWCM), Brazil, Ind., Docket No. 17250, File No. BP-16669, for construction permits.

The Hearing Examiner having under consideration a modification of the schedule for further proceedings;

It appearing that counsel for all parties met informally at a conference with the Examiner on July 27, 1967, and reported that certain difficulties are being encountered in the completion of technical exhibits, for which reason a change is desired in dates for exchange of exhibits and commencement of hearing;

It further appearing that good cause was shown;

It is ordered, That the following schedule will govern the course of hearing:

1. September 14—Exchange of engineering exhibits.
2. October 13—Notification of engineering witnesses desired.
3. October 23—Hearing on engineering cases only and exchange of lay exhibits.
4. November 3—Notification of lay witnesses desired.
5. November 14—Hearing on lay portions of the case.

Issued: July 28, 1967.

Released: July 28, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-9119; Filed, Aug. 3, 1967; 8:49 a.m.]

[Docket Nos. 17521, 17522; FCC 67-M 1284]

MESA MICROWAVE, INC., AND VUMORE CO.

Order Continuing Hearing

In re applications of Mesa Microwave, Inc., for renewal of license of station KLH82, Muenster, Tex., Docket No. 17521, File No. 1833-C1-R-66; Vumore Co., for construction permit for a new microwave point-to-point radio station to provide service to applicant's CATV system at Ardmore, Okla., Docket No. 17522, File No. 22628-1B-25X.

The Hearing Examiner having under consideration the joint "Motion for Continuance" filed on July 28, 1967 by the above-entitled applicants, requesting that the presently scheduled prehearing conference and hearing be continued;

It appearing, that the Commission's Order of Designation made Eastern Oklahoma Television Co., Inc., licensee of Station KTEN, and Texoma Broadcasters, Inc., licensee of KXII, parties to the above proceeding; and

It further appearing, that agreement has been reached between Mesa, Vumore, KTEN, and KXII that will resolve several of the issues designated for hearing, thus eliminating the necessity for hearing or substantially reducing the time required for such hearing; and

It further appearing, that counsel for KTEN, KXII, and the Broadcast Bureau have advised that they have no objection to the requested continuance, and that good cause has been shown for a grant thereof;

It is ordered, That the joint "Motion for Continuance" noted above, be, and the same is, hereby granted; that the prehearing conference presently scheduled for July 31, 1967, be, and the same is, hereby continued to September 18, 1967 at 9 a.m., and that the hearing presently scheduled for September 11, 1967, be, and the same is, hereby continued to a date to be set at the aforementioned prehearing conference.

Issued: July 28, 1967.

Released: July 28, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-9120; Filed, Aug. 3, 1967; 8:49 a.m.]

[Docket No. 17613; FCC 67-856]

MILTON BROADCASTING CO.

Order Designating Application for Hearing on Stated Issues

In re application of Clayton W. Mapoles, tr/as Milton Broadcasting Co., Docket No. 17613, File No. BR-2983; for renewal of license of Station WEBY, Milton, Fla.

1. The Commission has before it for consideration (1) the above-captioned application for renewal of license of Station WEBY, Milton, Fla.; (2) Commission correspondence with the licensee and others; and (3) the Commission's field inquiry with respect to the operation of Station WEBY.

2. The Commission's inquiry into certain matters asserted in correspondence to the Commission and into the operation of WEBY raises a number of serious questions bearing upon whether Milton

[1] Commissioners Bartley and Loevinger absent.

Broadcasting Co. possesses the qualifications to remain the licensee of WEBY.

3. In view of these questions the Commission is unable to find that a grant of the above-captioned application would serve the public interest, convenience, and necessity and must, therefore, designate this application for a hearing.

4. *Accordingly, it is ordered*, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned application for renewal of license is designated for a hearing to be held at Milton, Fla., at a time to be specified in a subsequent order, upon the following issues:

(1) To determine the facts and circumstances surrounding the broadcast of editorial or other comment concerning John C. Boles over Station WEBY on April 22, 1966;

(2) To determine whether in written statements to the Commission the applicant or its agents, employees or representatives misrepresented facts to the Commission and/or lacked candor;

(3) To determine whether during April 1966 the applicant complied with the fairness doctrine (a) by furnishing to persons attacked transcripts, recordings or summaries of personal attacks broadcast during presentation of views on controversial issues of public importance, together with offers of reasonable opportunity to respond over the applicant's facilities, and (b) by furnishing to candidates opposed in editorials broadcast by the station, transcripts, recordings, or summaries of such editorials together with offers of reasonable opportunity for the candidates or their spokesmen to respond over the applicant's facilities;

(4) To determine whether the licensee operated its station in violation of the provisions of § 73.112(a) (1) (iii);

(5) To determine whether in light of the evidence adduced under the foregoing issues, the applicant has the necessary qualifications to continue to be the licensee of Station WEBY;

(6) To determine whether in light of all the evidence a grant of the application for renewal of the license of Station WEBY would serve the public interest, convenience, and necessity.

It is further ordered, That the Chief, Broadcast Bureau, proceed with the initial introduction of evidence with respect to issues 1 through 4 to delineate the facts in issue. See D & E Broadcasting Co., 1 FCC 2d 78; 5 RR 2d 475 (1965). Following the Bureau's initial presentation, the applicant will then proceed with his evidence under the issues.

It is further ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the Chief, Broadcast Bureau, is directed to serve upon the applicant a Bill of Particulars setting forth the charges relating to the above issues. See Dispatch, Inc., 10 RR 1190.

It is further ordered, That, to avail himself of the opportunity to be heard, the applicant herein, pursuant to § 1.221 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a) (2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such Rule and shall advise the Commission thereof as required by § 1.594 of the rules.

Adopted: July 19, 1967.

Released: Aug. 1, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 67-9121; Filed, Aug. 3, 1967; 8:49 a.m.]

[Docket Nos. 17609, 17610; FCC 67-853]

MINSHALL BROADCASTING CO., INC., AND UNIVERSITY CITY TELEVISION CABLE CO., INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of: Minshall Broadcasting Co., Inc., Gainesville, Fla., Docket No. 17609, File No. BPCT-3879; University City Television Cable Co., Inc., Gainesville, Fla., Docket No. 17610, File No. BPCT-3939; for Construction Permit for New Television Broadcast Station.

1. The Commission has before it for consideration the above-captioned applications each requesting a construction permit for a new television broadcast station to operate on Channel 20, Gainesville, Fla.

2. With respect to the issues specified below the following considerations are pertinent:

Based on the information contained in the application of University City Television Cable Co., Inc., cash in the amount of $273,562 will be needed for the construction and first-year operation of the proposed station, consisting of cost of equipment—$137,812; building—$10,750, other items—$5,500; first-year cost of operation—$120,000. To meet the cash requirements, the applicant relies upon the availability of $280,000 in loans from its four principal stockholders. While the applicant has established the availability of a $70,000 loan from J. D. Cutlip, it has failed to demonstrate how Ralph Shepler, Harry H. Harkins, and C. W. Thornley will obtain liquid and current assets (as defined in section III, Paragraph 4(d), FCC Form 301) in excess of current liabilities in sufficient amount for each stockholder to meet his commitment to loan $70,000 to the applicant. Furthermore, while the applicant estimates first-year revenues of $150,000, it has not submitted any data in an effort to support such an estimate. Accordingly, financial issues have been specified.

3. Since the principals of University City Television Cable Co., Inc., own CATV systems and the Commission has issued a Notice of Inquiry into Developing Patterns of Ownership in the CATV Industry, Docket No. 17371, 7 FCC 2d 853, in the event of a grant of the application of University City Television Cable Co., Inc., the grant shall be made without prejudice to whatever action the Commission may deem appropriate as a result of the pending proceeding in Docket No. 17371.

4. There appears to be a significant disparity in the proposed Grade B contours of the applications. In accordance with the Commission's policy, evidence with respect to which of the proposals would represent a more efficient use of the frequency may be adduced under the comparative issue.[2]

5. Minshall Broadcasting Co., Inc. proposes to locate its main studios outside of the corporate limits of Gainesville, Fla., at its transmitter site, which is located approximately 5½ miles from Gainesville. The applicant states that the combined studio-transmitter location will result in a more efficient operation and therefore enable the applicant to decrease its cost of operation. The applicant also states that the proposed studio location is easily accessible by a paved state highway. We believe that good cause has been shown for so locating the main studios and that the location proposed would not be inconsistent with operation of the station in the public interest. We will provide, therefore, that in the event of a grant of the application of Minshall Broadcasting Co., Inc., the Commission's consent to the location will be granted, pursuant to § 73.613(b) of the rules.

6. Minshall Broadcasting Co., Inc., is qualified to construct, own and operate the proposed new television broadcast station and, except as indicated by the issues set forth below, University City Television Cable Co., Inc., is qualified to construct, own and operate the proposed new television broadcast station. The applications are, however, mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference. The Commission is, therefore, unable to make the statutory finding that a grant of the applications would serve the public interest, convenience and necessity, and is of the opinion that they must be designated for hearing in a consolidated proceeding on the issues set forth below.

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications of Minshall Broadcasting Co., Inc., and University City Television Cable Co., Inc., are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine with respect to the application of University City Television Cable Co., Inc.:

(a) Whether Ralph Shepler, Harry H. Harkins, and C. W. Thornley have liquid and current assets (as defined in section III, Paragraph 4(d), FCC Form 301) in excess of current liabilities in sufficient amounts to meet their respective commitments to loan $70,000 each to the applicant.

(b) Whether, in the light of the evidence adduced pursuant to the foregoing, University City Television Cable Co., Inc., is financially qualified.

2. To determine which of the proposals would better serve the public interest.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

It is further ordered, That, in the event of a grant of the application of Minshall Broadcasting Co., Inc., the applicant's request, pursuant to § 73.613(b) of the Commission's rules to locate its main studios outside of the corporate limits of Gainesville, Fla., shall be granted.

It is further ordered, That, in the event of a grant of the application of University City Television Cable Co., Inc., the grant shall be without prejudice to whatever action the Commission may deem appropriate as a result of the pending proceeding in Docket No. 17371.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall within twenty (20) days of the mailing of this order, file with the Commission, in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That, the applicants herein shall, pursuant to section 311(a) (2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or if feasible, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by §1.594(g) of the rules.

Adopted: July 19, 1967.

Released: August 1, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 67-9122; Filed, Aug. 3, 1967; 8:49 a.m.]

[Docket Nos. 17541, 17542; FCC 67M-1289]

SRC, INC., AND SAN ANGELO INDEPENDENT SCHOOL DISTRICT NO. 226-903

Order Continuing Hearing

In re applications of SRC, Inc., San Angelo, Tex., Docket No. 17541, File No. BPCT-3764; San Angelo Independent School District No. 226-903, San Angelo, Tex., Docket No. 17542, File No. BPCT-3783; for construction permit for new television broadcast station (Channel 6).

Pursuant to agreements of counsel arrived at during the prehearing conference in the above-styled proceeding held on July 27, 1967: *It is ordered*, That a further prehearing conference will be held on September 6, 1967, at 9 a.m., in the offices of the Commission, Washington, D.C.; *And it is further ordered*, That the hearing in this proceeding now scheduled for September 13, 1967 is continued to November 6, 1967, beginning at 10 a.m., in the offices of the Commission, Washington, D.C.

Issued: July 28, 1967.

Released: July 31, 1967.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 67-9123; Filed, Aug. 3, 1967; 8:49 a.m.]

[Docket No. 17143; FCC 67M-1297]

STOKES COUNTY BROADCASTING CO. (WKTE)

Order Scheduling Further Prehearing Conference

In re application of Stokes County Broadcasting Co. (WKTE), King, N.C., Docket No. 17143, File No. BP-16610; for construction permit.

It is ordered, With the agreement of all parties to the proceeding, that a further prehearing conference herein will be convened by the presiding Hearing Examiner in the Offices of the Commission, Washington, D.C., at 9 a.m., August 23, 1967.

Issued: July 31, 1967.

Released: July 31, 1967.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 67-9124; Filed, Aug. 3, 1967; 8:49 a.m.]

[Docket Nos. 17605, 17606; FCC 67-850]

VIRGINIA BROADCASTERS ET AL.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Kenneth S. Bradby and Gilbert L. Granger, doing business as Virginia Broadcasters, Williamsburg, Va., Docket No. 17604, File No. BP-16829, Requests: 1110 kc, 250 w, Day, Class II; Charles E. Springer and Rose Mae Springer, his wife, doing business as Suffolk Broadcasters, Suffolk, Va., Docket No. 17606, File No. BP-17274, Requests: 1110 kc, 250 w, Day, Class II; James River Broadcasting Corp., Norfolk, Va., Requests: 1110 kc, 50 kw, DA-Day, Class II; for construction permits.

1. The Commission has before it for consideration (a) the above applications of Virginia Broadcasters and Charles E. Springer and Rose Mae Springer, his wife, doing business as Suffolk Broadcasters, both of which have been accepted for filing; (b) the James River proposal, which has not been accepted for filing; (c) a "Petition for Reconsideration and Reinstatement of Application Nunc Pro Tunc as of May 31, 1966, and For Other Relief", filed November 30, 1966, by James River; (d) a "Petition To Reject [the James River] application", as supplemented, filed August 16, 1966, by KFAB Broadcasting Company, licensee of Station KFAB, Omaha, Nebraska; and (e) pleadings in opposition and reply to the aforementioned petitions. If accepted for filing, the James River proposal would be mutually exclusive with the other two applications and entitled to consolidation with them.

2. The James River application was tendered for filing on May 27, 1966—4 days prior to the published cut-off date (May 31, 1966) of the lead application, Virginia Broadcasters. However, the application was returned as unacceptable for filing because of excessive daytime skywave radiation (§ 73.187 of the rules). In its petition, James River asks that the Commission (i) set aside its action (by letter of November 2, 1966) returning the application; or (ii) waive the provisions of section 1.227 to permit comparative consideration with the Springer and Broadcasters proposals; or (iii) accept the application nunc pro tunc May 31, 1966.

3. On August 19, 1966, James River tendered an amendment purporting to correct the original defect by reducing radiation to protect the 0.1 mv/m groundwave contour of Station KFAB (1110 kc, 50 kw, DA-N, U) during critical hours in accordance with the provisions of § 73.187. James River's position is that its application should have been accepted as timely filed on the grounds that (i) since it was substantially complete, it was erroneously returned; (ii) return of the application without hearing abrogated its Ashbacker rights[1]; (iii) it should not be held responsible for an error by its consulting engineer; and (iv) return of the proposal would deprive the Commission of a choice between Norfolk and the other two cities under section 307(b) of the Communications Act of 1934, as amended.

4. James River's argument that its application was substantially complete and lacking only in some minor respects is not well founded and cases cited in support of this contention[2] are not pertinent. They involved defects such as failure to submit copies of corporate bylaws and articles of incorporation; failure to submit adequate balance sheets; failure to comply with State security laws; failure to give exact street address of studio; and minor variations in transmitter site coordinates. The Commission has always permitted applicants to correct these types of deficiencies after acceptance and even by amendment after designation

[1] Commissioners Bartley and Loevinger absent.

[2] Harriscope, Inc., FCC 65-1165, 2 FCC 2d 223.

[1] Commissioners Bartley and Loevinger absent.

[1] Ashbacker Radio Corp. v. FCC, 326 U.S. 327 (1945).

[2] E. G., Lou Poller, 9 RR 531; Middleboro Broadcasting, 3 RR 273; Lawrence A. Harvey, 9 RR 836.

for hearing. In none of the cases cited was a question of protection of an existing station involved. On the other hand, James River violated an important technical standard which specifically bars all proposals that do not provide adequate daytime skywave protection for Class I stations.

5. James River's contention that it was not afforded its Ashbacker rights is likewise ill-founded. In that case the court stated that "where two bona fide applications are mutually exclusive the grant of one without a hearing to both deprives the loser of the opportunity which Congress chose to give him". Clearly, defective or untimely applications are not entitled to consolidation under Ashbacker; Ranger et al. (Radio Cabrillo) v. FCC, 21 RR 2030 (1961); Kittyhawk Broadcasting Corp., 7 FCC 2d 153, 9 RR 2d 709 (1967).

6. With respect to James River's argument that return of its proposal would deprive the Commission of the opportunity of making a 307(b) choice between Norfolk and the other two cities, we find that whatever merit this argument has would also attach to countless potential applications for other communities. This, of course, would leave the Commission's cut-off and consolidation procedures a shambles. Even if the operation of 307(b) were our sole consideration, we note that Norfolk itself has four standard broadcast stations and the Norfolk-Portsmouth S.M.S.A. has seven.

7. The question of whether an applicant should be penalized because of an error of its consulting engineer was also raised in Natick Broadcast Associates, Inc., 6 FCC 2d 607, 9 RR 2d 360 (1967). There, under strikingly similar circumstances, we stated:

> If applicants were to be saved from the consequences of defects in their applications, merely because the defective portions of their applications were prepared by engineering consultants rather than themselves, it is reasonable to assume that—as in Gresham's law—engineering work of poorer quality would tend to drive out costlier but more carefully prepared engineering submissions.

The rationale in Natick is perhaps even more appropriate in the present case, because the engineer involved is an officer, director and five percent stockholder of James River as well as the son of its president and majority stockholder.

8. In summary, we find that, since the proposal as originally tendered violated § 73.187, it was "patently not in accordance with the Commission's rules" within the meaning of § 1.566 and was properly returned as unacceptable. Although the amendment tendered August 19, 1966, corrected the engineering defect, it did not do so until after the lead application's cut-off date. As a result, the application was not timely filed under § 1.571(c) and was not entitled to consolidation under § 1.227(b) of the rules. If James River had not decided to delay its filing until shortly before Virginia Broadcasters' cut-off date, perhaps the defect could have been remedied in time. But, the plight of which it complains is of its own making; and public interest considerations can hardly be said to weigh in favor of the procedural disarray that would result from its acceptance. Natick Broadcast Associates, Inc., supra. Thus, the James River petition will be denied and its application returned. In light of this ruling, it will not be necessary to discuss specifically the petition to reject by Station KFAB and their pleadings will be dismissed as moot.

9. We turn now to the two remaining mutually exclusive applications. An examination of the Virginia Broadcasters application indicates that a total of $60,580 is needed to construct and operate the proposed station for a period of 1 year without revenues.[1] Virginia shows $1,000 in available assets of the partnership, and proposes to obtain the remainder of the necessary funds through various assets of one of the partners, Gilbert L. Granger, who states in a letter dated July 8, 1965, that such funds will come from liquidation of marketable common stocks, personal earnings, and a loan on his Richmond Road property. Although the application includes a written loan offer to Mr. & Mrs. Granger from the Williamsburg Savings and Loan in the amount of $18,800 on the Richmond Road property, it is dated May 4, 1965, states that it is valid for 10 days only, and therefore cannot be considered valid at this time. Furthermore, the Grangers' balance sheet is no longer current. Therefore, the Commission cannot determine the amount of liquid assets which would be available to finance construction and operation of the proposed station.

10. Examination of the Springer application indicates that the proposed 5 mv/m contour of this proposal penetrates the geographic boundary of the city of Chesapeake, Va. The population (1960 census) of Chesapeake (73,647) is over 50,000, and is more than twice that of Suffolk (12,609). Accordingly, a presumption of intent to serve the larger community arises under the Commission's Policy Statement on Section 307(b) Considerations for Standard Broadcast Facilities Involving Suburban Communities, 2 FCC 2d 190, 6 RR 2d 1901. On February 14, 1967, the applicant submitted data for the purpose of rebutting the presumption.

11. After examination of the material submitted, the Commission finds that Springer has demonstrated its intention to serve its specified station location rather than Chesapeake. The proposed 5 mv/m contour covers only 11 square miles (having a population of 28) of the city of Chesapeake. The area penetrated is part of the Great Dismal Swamp which occupies the westerly third of Chesapeake and the easterly third of Nansemond County, of which Suffolk is the approximate geographical center. Chesapeake, which came into being as a city on January 1, 1963, through a merger of Norfolk County and the city of South Norfolk, although rather large in area (344 square miles) is not a metropolitan community in the usual or conventional sense. The city of Chesapeake is roughly rectangular, extending from 16 to 19 miles in a north-south direction and from 13 to 31 miles in an east-west direction. Most of the area is sparsely populated farmland or swamp with a density of approximately 22 persons per square mile. All the business and industrial areas of the city lie within the boundaries of the former city of South Norfolk, which has a density of 3,150 persons per square mile.[2] South Norfolk is about 20 miles from Suffolk and is not even penetrated by the applicant's 2 mv/m contour. Thus, because of the unusual nature and demographic makeup of Chesapeake we believe that a 307(b) suburban communities issue is not called for in this instance.

12. The Commission finds that, except as indicated by the issues specified below, Virginia Broadcasters and Charles E. Springer and Rose Mae Springer, his wife, doing business as Suffolk Broadcasters, are qualified to construct and operate as proposed. However, since their proposals are mutualy exclusive, they must be designated for hearing in a consolidated proceeding upon the issues set forth below.

Accordingly, it is ordered, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the applications and the availability of other primary service to such areas and populations.

2. To determine with respect to the application of Virginia Broadcasters, Inc.:

(a) Whether the $18,800 loan commitment to the Grangers is still available.

(b) Whether, assuming the funds noted in (a) above, are available, the applicant has sufficient additional funds available to construct and operate its proposed station for one year.

(c) Whether, in light of the evidence adduced pursuant to (a) and (b) above, the applicant is financially qualified.

3. To determine, in light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the applications should be granted.

[1] Virginia Broadcasters shows cash requirements for construction and operation of the proposed station for 1 year without revenues in the total amount of $49,400. However, the applicant has included only $3,000 of the $10,000 cost of land on the basis, according to Virginia, that "it appears that (it) can obtain financing for 70 percent of the total price of the land." Inasmuch as this loan is not substantiated (applicant states that it will not arrange the final financing for the purchase until such time as it receives its construction permit), $7,000 must be added for this item; also the sum of $4,180 must be added for first-year payments of principal and interest on its proposed equipment loan (advanced credit) which Virginia failed to include in its cost of equipment.

[2] For a detailed description of Chesapeake see the hearing examiner's findings in South Norfolk Broadcast Co., 1 FCC 2d 621.

It is further ordered, That the petition for reconsideration by James River Broadcasting Corp. is denied and its application, as amended, is returned as unacceptable for filing.

It is further ordered, That the petition to reject, as supplemented, filed by KFAB Broadcasting Co., is dismissed as moot.

It is further ordered, That in the event of a grant of either of the applications, the construction permit shall contain the following condition:

Pending a final decision in Docket No. 14419 with respect to presunrise operation with daytime facilities, the present provisions of § 73.87 of the Commission's rules are not extended to this authorization, and such operation is precluded.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: July 19, 1967.

Released: July 31, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 67-9128; Filed, Aug. 3, 1967; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket Nos. 50-64, 50-276]

UNIVERSITY OF AKRON AND GEORGIA INSTITUTE OF TECHNOLOGY

Notice of Issuance of Order Authorizing Dismantling of Facility

The Atomic Energy Commission has issued an order authorizing the University of Akron and Georgia Institute of Technology to dismantle the University of Akron's Model AGN-201, Serial No. 104, nuclear reactor (AEC Facility License No. R-24) located on the University's campus in Akron, Ohio. The reactor will be dismantled by Georgia Institute of Technology, personnel under the supervision of the the University of Akron. The component parts and fuel will be transferred to Georgia Institute of Technology and transported to and stored at the Institute's campus in Atlanta, Ga., pursuant to a construction permit which is the subject of a separate FEDERAL REGISTER notice.

Copies of the (1) Commission's order (2) application dated February 9, 1967, and amendments thereto dated May 22, June 23, and July 11, 1967, submitted by the University of Arkon, (3) applications dated January 18 and 26, 1967 and June 14, 1967, and amendment thereto dated June 28, 1967, submitted by Georgia Institute of Technology, and (4) related Safety Evaluation prepared by the Division of Reactor Licensing are all available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of the Safety Evaluation may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 28th day of July 1967.

For the Atomic Energy Commission.

PETER A. MORRIS, *Director, Division of Reactor Licensing.*

[F.R. Doc. 67-9068; Filed, Aug. 3, 1967; 8:45 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ACTING REGIONAL ADMINISTRATOR, REGION I (NEW YORK)

Designation

The officers appointed to the following listed positions in Region I (New York) are hereby designated to serve as Acting Regional Administrator, Region I (New York), during the absence of the Regional Administrator, with all the powers, functions, and duties redelegated or assigned to the Regional Administrator, provided that no officer is authorized to serve as Acting Regional Administrator unless all other officers whose titles precede his in this designation are unable to serve by reason of absence:

1. Deputy Regional Administrator.
2. Assistant Regional Administrator for Renewal Assistance.
3. Assistant Regional Administrator for Housing Assistance.
4. Assistant Regional Administrator for Administration.

This designation supersedes the designation effective August 27, 1965 (30 F.R. 11118, 8/27/65).

(Delegation May 4, 1962, 27 F.R. 4319; Dept. Interim Order II, 31 F.R. 816, Jan. 21, 1966)

Effective as of August 4, 1967.

JUDAH GRIBETZ, *Regional Administrator, Region I.*

[F.R. Doc. 67-9097; Filed, Aug. 3, 1967; 8:47 a.m.]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.; Temporary Reg. F-11]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the customer interest of the Federal Government in a telephone service rate proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d), authority is delegated to the Secretary of Defense to represent the interest of the executive agencies of the Federal Government before the Public Service Commission of the State of Montana in a proceeding to determine rates and charges for intrastate telephone service in Montana.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: July 29, 1967.

LAWSON B. KNOTT, JR., *Administrator of General Services.*

[F.R. Doc. 67-9095; Filed, Aug. 3, 1967; 8:47 a.m.]

DEPARTMENT OF STATE

[Public Notice 274]

NORTHERN PIPE LINE CO.

Notice of Application for Presidential Permit

The Department of State has received an application dated July 19, 1967, from the Northern Pipe Line Co. of Delaware, Inc., of Saint Paul, Minn., to make a liquid hydrocarbons pipeline connection at the international boundary between North Dakota and Saskatchewan, Canada.

Notice is hereby given that copies of this application are available to the public and that written comments thereon will be received by the Department of State for 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Dated: July 26, 1967.

For the Secretary of State.

MURRAY J. BELMAN, *Deputy Legal Adviser.*

[F.R. Doc. 67-9094; Filed, Aug. 3, 1967; 8:47 a.m.]

[1] Commissioners Bartley and Loevinger absent.

FEDERAL POWER COMMISSION

[Docket Nos. G-3892, etc.]

PANHANDLE PRODUCING CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

JULY 26, 1967.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 17, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however*, That pursuant to § 2.56, Part 2, Statement of General Policy and Interpretations, Chapter I of Title 18 of the Code of Federal Regulations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after April 15, 1965, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing such certificate application, or within the time fixed herein for the filing of protests or petitions to intervene the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G-3892 E 7-6-67	Panhandle Producing Co., et al. (successors to Ashland Oil & Refining Co.) 2302 Alamo National Bldg., San Antonio, Tex. 78205.	Colorado Interstate Gas Co., West Panhandle Field, Hutchinson County, Tex.	[2] 17.0661	14.65
G-5000 E 7-14-67	Centaur Petroleum Corp. (successor to The Texstar Corp.), 1710 First National Bldg., Fort Worth, Tex. 76102.	Texas Eastern Transmission Corp., Clayton Field, Live Oak County, Tex.	13.8733	14.65
G-12244 D 7-7-67 [3]	Texaco Inc. (Operator), et al., Post Office Box 52332, Houston, Tex. 77052.	Cities Service Gas Co., Northeast Waynoka Field, Woods County, Okla.	Assigned	
G-13103 C 7-19-67	Aztec Oil & Gas Co., 2000 First National Bank Bldg., Dallas, Tex. 75202.	Southern Union Gathering Co., Bustin Dakota Pool, San Juan County, N. Mex.	13.0	15.025
G-15502 E 7-14-67	MWJ Producing Co. (Operator), agent (successor to L. R. French, Jr., Operator), 413 First National Bank Bldg., Midland, Tex. 79701.	El Paso Natural Gas Co., Spraberry Field, Reagan County, Tex.	[2] 17.2295	14.65
G-17337 C&D 6-15-67	J. Ray McDermott & Co., Inc., 14th Floor, Houston Club Bldg., Houston, Tex. 77002.	Consolidated Gas Supply Corp., East and West Cameron Areas, Offshore Louisiana.	20.0	15.025
G-18714 C 7-17-67	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001.	Tennessee Gas Pipeline Co., a Division of Tenneco, Inc., West Delta Block 30 Field, Plaquemines Parish, La.	30.625	15.025
CI61-1645 E 7-6-67	Clinton Oil Co. et al., (successor to Continental Oil Co. et al.), 6810 West Hi-Way 54, Wichita, Kans. 67209.	Cities Service Gas Co., Southeast Eureka Area, Grant County, Okla.	[4] 14.0	14.65
CI61-1646 E 7-6-67	Clinton Oil Co. (Operator) et al. (successor to Continental Oil Co. (Operator), et al.).	Cities Service Gas Co., Chimney Creek Area, Woodward County, Okla.	[5] 17.0	14.65
CI63-1300 D 7-13-67	Mobil Oil Corp., Post Office Box 2444, Houston, Tex. 77001 (Partial Abandonment).	Natural Gas Pipeline Co. of America, West Crane and Putnam Fields, Dewey County, Okla.	(6)	
CI63-1388 E 7-10-67	John Chauncey Newtham (successor to Wacker Oil Co., Inc.), 1621 Delachaise St., New Orleans, La. 70115.	United Gas Pipe Line Co., Donner Field, Terrebonne Parish, La.	15.0	15.025
CI63-1513 E 7-6-67	Clinton Oil Co. (successor to Continental Oil Co.).	Cities Service Gas Co., Winchester Field, Woods County, Okla.	13.0	14.65
CI64-1056 E 5-19-67	Gas Engine & Compressor Service, Operator (successor to Tenneco Oil Co.), c/o Carl Baker, Jr., partner, 108 East Brentwood, Longview, Tex. 75601.	Arkansas Louisiana Gas Co., Scottsville (North) Field, Harrison County, Tex.	15.0	14.65
CI64-1206 E 7-6-67	Clinton Oil Co. (successor to Continental Oil Co.).	H. L. Hutton, Tonkawa Field, Kay County, Okla.	8.0	14.65
CI65-499 7-14-67 [7]	Apache Corp. (Operator) et al. (formerly Zapata Off-Shore Co. (Operator) et al.), 525 South Detroit, Tulsa, Okla. 74120.	Transcontinental Gas Pipe Line Corp., Ship Shoal Area, Offshore, Louisiana.	[8] 20.625	15.025
CI65-1159 C 7-19-67	Tennece Oil Co., et al., Post Office Box 2511, Houston, Tex. 77001.	El Paso Natural Gas Co., San Juan Basin, San Juan County, N. Mex.	15.0	15.025
CI65-1310 C 7-20-67	Robert E. Aikman et al., d.b.a. A.I.E., Ltd., 706 Bank of the Southwest Bldg., Amarillo, Tex. 79109	Panhandle Eastern Pipe Line Co., Northeast Forgan Field, Beaver County, Okla.	[9] 17.0	14.65
CI67-971 E 7-6-67	Clinton Oil Co. (successor to Continental Oil Co.).	Natural Gas Pipeline Co. of America, Northeast Fort Supply Area, Harper County, Okla.	[9] 17.0	14.65
CI67-1501 A 6-4-67	Wilma Hollingbery et al., 365 Broadway, Youngstown, Ohio 44504.	The Manufacturers Light & Heat Co., Richhill Township, Greene County, Pa.	21.0	15.025
CI67-1612 A 6-8-67	Phillips Petroleum Co.,[10] Bartlesville, Okla. 74003.	Natural Gas Pipeline Co. of America, Acreage in Eddy County, N. Mex.	15.0	14.65
CI67-1758 A 6-9-67	Tennece Oil Co.[11]	El Paso Natural Gas Co., Red Hills Area, Lea County, N. Mex.	16.5	14.65
CI67-1880 (CI60-389) F 6-30-67	Charles B. Read (Operator) et al. (successor to Marathon Oil Co. et al.), Post Office Box 2128, Roswell, N. Mex. 88201.	Transwestern Pipeline Co., Atoka Pennsylvanian Pool, Eddy County, N. Mex.	14.0	14.65
CI68-81 A 7-13-67	Hilton I. Bever, 119 East 8th St., Williamstown, W. Va. 26187.	Gas Transport, Inc., Williams District, Wood County, W. Va.	35.0	15.025
CI68-82 (G-3150) [12] F 7-7-67	Sun Oil Co. (Southwest Division) (successor to Majoil, Inc.), 1608 Walnut St., Philadelphia, Pa. 19103.	Lone Star Gas Co., Big Mineral Creek Field, Grayson County, Tex.	14.40	14.65
CI68-83 (G-4277) [13] F 7-7-67	do.	do.	14.90	14.65
CI68-84 A 6-28-67	Olay Yeager, Route No. 3, Branchland, W. Va. 25508.	Pennzoil Co., Duval District, Lincoln County, W. Va.	14.0	15.025
CI68-85 A 7-10-67	Clyde M. Becker, 3628 Northwest 59th St., Oklahoma City, Okla. 73119.	Wunderlich Development Co., Acreage in Kay County, Okla.	6.2	14.65
CI68-86 A 7-7-67	Marie C. Anderson, 357 Vernon St., Apt. 206, Oakland, Calif. 94610.	El Paso Natural Gas Co., Gallegos Canyon Unit, San Juan County, N. Mex.	15.0	15.025
CI68-87 A 7-13-67	Eddie Jones Engineering Co., Post Office Box 1077, Beeville, Tex. 78102.	United Gas Pipe Line Co., North McFaddin Field, Victoria County, Tex.	14.0	14.65
CI68-88 A 7-12-67	Allen Beard et al., 118 Court St., Ripley, W. Va. 25271.	United Fuel Gas Co., Rocky Fork Field, Kanawha County, W. Va.	20.0	15.025

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
CI68-38 (CI63-1162) F 7-12-67	Mesa Petroleum Co. (Operator) et al. (successor to Humble Oil & Refining Co.), 1404 Taylor, Amarillo, Tex. 79101.	Northern Natural Gas Co., Camo Field, Beaver County, Okla.	17.0	14.65
CI68-40 (CI68-899) F 7-12-67	CRA International, Ltd. (Operator) et al. (successor to Oil and Gas Property Management, Inc.), Post Office Box 7305, Kansas City, Mo. 64114.	United Gas Pipe Line Co., Iberia Field, Iberia Parish, La.	15.0	14.65
CI68-41 (CI61-1535) F 7-7-67	Clinton Oil Co. (successor to Continental Oil Co. (Operator) et al.).	Cities Service Gas Co., Southeast Eureka Area, Grant County, Okla.	[14] 14.0	14.65
CI68-42 (CI62-1190) F 7-6-67	Clinton Oil Co. (successor to Continental Oil Co.).	Michigan Wisconsin Pipe Line Co., Woodward Area, Woodward County, Okla.	[2] 17.0	14.65
CI68-43 (G-12910) F 7-6-67	Clinton Oil Co. (successor to Continental Oil Co., Operator).	Cities Service Gas Co., Southeast Eureka Area, Grant County, Okla.	[14] 14.0	14.65
CI68-44 (G-13074) F 6-27-67	Transamerican Petroleum Corp. (successor to Columbian Fuel Corp.), 811 West Seventh St., Los Angeles, Calif. 90017.	Consolidated Gas Supply Corp., acreage in Indiana County, Pa.	27.5	15.025
CI68-45 A 7-17-67	Sunray DX Oil Co., Post Office Box 2039, Tulsa, Okla. 74102.	Texas Eastern Transmission Corp., South Cottonwood Creek Field, De Witt County, Tex.	15.0	14.65
CI68-46 A 7-17-67	Lyons Petroleum (Operator) et al., 1500 Beck Bldg., Shreveport, La. 71122.	United Gas Pipe Line Co., Chauvin Field, Terrebonne Parish, La.	21.25	15.025
CI68-47 A 7-14-67	D. H. Bolin (Operator) et al., 1120 Oil and Gas Bldg., Wichita Falls, Tex. 76309.	Almos Gas Gathering Co., Skidmore (3,870') Field, Bee County, Tex.	12.0	14.65
CI68-48 B 7-14-67	Monsanto Co., 1300 Main St., Houston, Tex. 77002.	Lone Star Gathering Co., Bellts Field, De Witt County, Tex.	(15)	
CI68-49 B 7-14-67	Monsanto Co.	Lone Star Gathering Co., Bellts Field, De Witt County, Tex.	(15)	
CI68-50 B 7-14-67	do.	Lone Star Gathering Co., Criswell Field, De Witt County, Tex.	(15)	
CI68-51 B 7-14-67	Apache Corp.	Northern Natural Gas Co., Hansford (Lower Morrow) Field, Hutchinson County, Tex.	Depleted	
CI68-52 A 7-14-67	Wilco Chemical Co., Inc., 77 North Kendall Ave., Bradford, Pa. 16701.	Pennsylvania Gas Co., Sheffield Township, Warren County, Pa.	27.0	15.025
CI68-53 A 7-17-67	Huntington Oil & Gas Co., c/o Virginia Rutherford, Agent, 2837 Route 60 East, Huntington, W. Va. 25705.	Pennzoil Co., Murphy District, Ritchie County, W. Va.	15.0	15.325
CI68-54 B 7-17-67	Texaco, Inc.	Lone Star Gathering Co., North Koenig Field, De Witt County, Tex.	(15)	
CI68-55 A 7-17-67	Sinclair Oil & Gas Co., Post Office Box 521, Tulsa, Okla. 74102.	Arkansas Louisiana Gas Co., West Wilburton Area, Pittsburg County, Okla.	15.0	14.65
CI68-57 B 6-26-67	George W. Miller, Box 2, Glenville, W. Va. 26420.	Pennzoil Co., De Kalb District, Gilmer County, W. Va.	Depleted	
CI68-58 B 7-18-67	Gulf Oil Corp. (Operator) et al., Post Office Box 1589, Tulsa, Okla. 74102.	United Fuel Gas Co., Southeast Houma Field, Terrebonne Parish, La.	Depleted	
CI68-60 A 7-19-67	Alma Oringderff Schooler, d.b.a. Alma Oringderff, c/o Bill Allen, agent, Post Office Box 928, Perryton, Tex. 79070.	Northern Natural Gas Co., Camrick Gas Area, Beaver County, Okla.	[2] 17.0	14.65
CI68-62 A 7-19-67	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., North Greensburg Field, Woods County, Okla.	[2] 17.0	14.65

[1] Rate in effect subject to refund in Docket No. RI64-576.
[2] In addition to acreage assigned, amendment also deletes expired leases.
[3] Rate in effect subject to refund in Docket No. RI60-9.
[4] Rate in effect subject to refund in Docket No. RI65-376.
[5] Rate in effect subject to refund in Docket No. RI65-231.
[6] Acreage released to landowners.
[7] Amendment to certificate filed to reflect the change in Operator.
[8] 1.625 cents per Mcf of such price shall be paid to an escrow agent in accordance with the Commission's order issued Aug. 24, 1962, in Docket No. G-18746.
[9] Subject to upward and downward B.t.u. adjustment.
[10] By letter filed July 10, 1967, Applicant agreed to accept certificate containing conditions similar to those imposed by Opinion No. 468, as modified by Opinion No. 468-A.
[11] By letter filed June 30, 1967, Applicant agreed to accept certificate containing conditions similar to those imposed by Opinion No. 468, as modified by Opinion No. 468-A.
[12] Certificate issued to Lynn Drilling Co. et al.
[13] Certificate issued to Kirby Petroleum Co. (Operator) et al.
[14] Rate in effect subject to refund in Docket Nos. G-20439 and RI65-375.
[15] Rate in effect subject to refund in Docket No. RI65-375.
[16] Gas will no longer be transported or sold in interstate commerce.

[F.R. Doc. 67-9007; Filed, Aug. 3, 1967; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

JULY 31, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cent par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976 being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 1, 1967, through August 10, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-9077; Filed, Aug. 3, 1967; 8:45 a.m.]

[File No. 0-592]

PAKCO COMPANIES, INC.

Order Suspending Trading

JULY 31, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Pakco Companies, Inc. and all other securities of Pakco Companies, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 1, 1967, through August 10, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-9078; Filed, Aug. 3, 1967; 8:45 a.m.]

UNDERWATER STORAGE, INC.

Order Suspending Trading

JULY 31, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Underwater Storage, Inc., otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange by summarily suspended, this order to be effective for the period August 1, 1967, through August 10, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-9079; Filed, Aug. 3, 1967; 8:46 a.m.]

[70-4510]

UNITED GAS CORP. ET AL.

Notice of Proposed Issue and Sale of Notes and Exemption From Competitive Bidding

JULY 31, 1967.

Notice is hereby given that United Gas Corp. ("United"), 1525 Fairfield

Avenue, Shreveport, La. 71102, a gas utility subsidiary company of Pennzoil Co., a registered holding company, and two of its subsidiary companies, United Gas Pipe Line Co. ("Pipe Line") and Duval Corp. ("Duval"), have filed an application and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6, 6(b), 9, and 10 of the Act and Rule 50(a)(5)(B) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to said application, which is summarized below, for a complete statement of the proposed transactions.

United proposes, from time to time but no later than December 31, 1967, to issue and sell commercial paper in the form of short-term promissory notes in an aggregate face amount of not more than $35,000,000 to be outstanding at any one time to Lehman Commercial Paper, Inc. ("Lehman"), a dealer in commercial paper. Proceeds from the sale of commercial paper will be added to United's treasury funds which together with cash resources and retained earnings will be used for the proposed acquisition by United of notes to be issued by Pipe Line and Duval, as described below.

The commercial paper notes will be of varying maturities with no such notes maturing more than 9 months, exclusive of days of grace, after the date of issue, and none will be prepayable prior to maturity. The notes, in denominations of not less than $50,000 and not more than $1 million, will be issued and sold by United directly to Lehman at a discount which will not be in excess of the discount rate per annum prevailing at the date of issuance for commercial paper of comparable quality and of the particular maturity sold by issuers thereof to commercial paper dealers and which will not exceed the prime commercial loan rate of The First National City Bank of New York for unsecured loans prevailing on the date of issue.

It is stated that no commission or fee will be payable in connection with the issue and sale of the commercial paper notes. Lehman, as principal, will reoffer such notes at a discount of one-eighth of 1 percent per annum less than the prevailing discount rate to United in such a manner as not to constitute a public offering. The notes will be reoffered to no more than 100 identified and designated customers in a list (nonpublic) prepared in advance by Lehman. No additions will be made to this customer list, which includes commercial banks, insurance companies, corporate pension funds, investment trusts, foundations, colleges and universities, municipal and State benefit funds, eleemosynary institutions, finance companies, and nonfinancial corporations which invest surplus funds in commercial paper. It is expected that United's commercial paper notes will be held by customers to maturity, but, if they wish to resell prior thereto, Lehman, pursuant to a verbal repurchase agreement, will repurchase the notes and reoffer the same to others in the group of 100 customers.

The filing states that the cost of commercial paper borrowing for companies of comparable credit to United has averaged approximately three-fourths of 1 percent per annum less than the New York commercial bank prime rate and that, based on the recent experience of other companies, United desires the flexibility of using commercial paper borrowings to supplement its outstanding bank borrowings if lower interest costs are obtainable. It is also stated that the use of commercial paper will afford greater flexibility in the timing by United of its permanent financing. At final maturity, the commercial paper notes will be paid from the proceeds of debt or equity securities; the nature, maturity, and the amount of which will be determined in the light of prevailing market conditions.

United requests exception from the competitive bidding requirements of Rule 50 for the proposed issue and sale of its commercial paper pursuant to clause (a)(5)(B) thereof. The company states that the proposed commercial paper notes will have a maturity of 270 days or less and will be sold at effective interest costs that will not exceed the bank prime rate and that it expects to sell its commercial paper at lower effective interest costs. It is further stated that it is not practical to invite competitive bids for commercial paper and that current rates for commercial paper for such prime borrowers as United are published daily in financial publications.

Pipe Line and Duval propose to issue and sell, from time to time as funds are required, promissory notes to United, which United proposes to acquire, in aggregate amounts not exceeding $25 million and $15 million, respectively. The notes will be payable on demand but not later than September 30, 1968, and will be prepayable, in whole or in part, at any time without premium or penalty. The stated interest rate in the notes will be the prime rate for commercial loans of the First National City Bank of New York; however, after the last maturity of its commercial paper notes, United will determine the cost of money to it and will refund the excess over cost to the subsidiary companies. The amount of such refund shall be determined by deducing from the aggregate of the interest charged the subsidiary companies, an amount equal to the aggregate actual cost of money borrowed by United by the issue of commercial paper plus an allowance for interest on United's treasury funds advanced to the subsidiary companies computed on a daily basis at the applicable prime interest rate. The excess interest thus computed shall be refunded to the borrowing subsidiaries in proportion to the total interest charged the subsidiary companies by United.

Pipe Line will use the proceeds from its notes sold to United for construction, improvement, and expansion of its facilities in connection with its 1967-68 construction and expansion program, and for reimbursing its treasury, in part, for expenditures actually made for such purposes, and for other general corporate purposes. Duval will use the proceeds from the sale of its notes to United for the purpose of completing its 1967-68 construction and expansion program.

The fees and expenses to be paid by United in connection with the proposed transactions are estimated at $700. It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than August 21, 1967, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as amended or as it may be further amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-9080; Filed, Aug. 3, 1967; 8:46 a.m.]

[File No. 1-4371]

WESTEC CORP.

Order Suspending Trading

JULY 31, 1967.

The common stock, 10 cents par value, of Westec Corp., being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Westec Corp., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 1, 1967, through August 10, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-9081; Filed, Aug. 3, 1967; 8:46 a.m.]

FEDERAL RESERVE SYSTEM

FEDERAL OPEN MARKET COMMITTEE

Current Economic Policy Directive

In accordance with § 271.5 of its Rules Regarding Availability of Information, there is set forth below the Committee's Current Economic Policy Directive issued at its meeting held on May 2, 1967.[1]

The economic and financial developments reviewed at this meeting suggest that prospects for renewed economic expansion have improved. The adjustment of excessive inventories is proceeding, as a result of the reduced level of industrial output and with consumer buying strengthening. Average wholesale prices have declined recently, reflecting reductions in farm and food prices and stability in prices of industrial commodities; but unit labor costs in manufacturing have risen further. Bank credit expansion has moderated in recent weeks from its earlier rapid rate. Long-term interest rates have risen considerably under the influence of heavy securities market financing and more optimistic market appraisals of the business outlook, but short-term yields have declined further following the recent reduction in Reserve Bank discount rates. Interest rates abroad have continued to decline and some further reductions have been made in foreign central bank discount rates. The balance of payments deficit has remained substantial despite some improvement in the foreign trade surplus. In this situation, it is the Federal Open Market Committee's policy to foster money and credit conditions, including bank credit growth, conducive to renewed economic expansion, while recognizing the need for progress toward reasonable equilibrium in the country's balance of payments.

To implement this policy, while taking account of the current Treasury financing, System open market operations until the next meeting of the Committee shall be conducted with a view to maintaining the prevailing conditions in the money market.

Dated at Washington, D.C., the 31st day of July 1967.

By order of the Federal Open Market Committee.

ROBERT C. HOLLAND, *Secretary.*

[F.R. Doc. 67-9074; Filed, Aug. 3, 1967; 8:45 a.m.]

[1] The Record of Policy Actions of the Committee for the meeting of May 2, 1967, is filed as a part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

JULY 31, 1967.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41084—*Sulphuric acid to southern territory.* Filed by O. W. South, Jr., agent (No. A5049), for and on behalf of the Southern Railway Co. Rates on acid, sulphuric, in tank carloads, in single tank carloads and in multiple tank carloads of not less than 5 tank carloads, as described in the application, from Augusta, Ga., to Charlotte, N.C.

Grounds for relief—Rate relationship.

Tariff—Supplement 26 to Southern Freight Association, agent, tariff ICC S-671.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-9101; Filed, Aug. 3, 1967; 8:47 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 1, 1967.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41085—*Substituted service—Seaboard Coast Line et al., for Acme Moving & Storage Corp., et al.* Filed by Movers' & Warehousemen's Association of America, Inc., agent (No. 11), for interested carriers. Rates on property loaded in highway trailers, between interchange points named in the application, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief—Motortruck competition.

FSA No. 41086—*Grain and grain products from points in Montana.* Filed by North Pacific Coast Freight Bureau, agent (No. 67-2), for interested rail carriers. Rates on grain, grain products and related articles, in carloads, from specified points in Montana, to points in North Pacific Coast territory.

Grounds for relief—Unregulated truck and truck-barge competition.

Tariff—Supplement 10 to North Pacific Coast Freight Bureau, agent, tariff ICC 1117.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-9102; Filed, Aug. 3, 1967; 8:47 a.m.]

[Notice 428]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 31, 1967.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 531 (Sub-No. 233 TA), filed July 27, 1967. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Post Office Box 14287, Houston, Tex. 77021. Applicant's representative: Wray E. Hughes (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wine vinegar*, in bulk, in tank vehicles, from Reedley, Calif., to Chicago, Ill., and Terre Haute, Ind.; for 180 days. Supporting shipper: United Vintners, Inc., Post Office Box 77085, San Francisco, Calif., 94107, J. O. McManus, Vice President. Send protests to: John C. Redus, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Post Office Box 61212, Houston, Tex. 77061.

No. MC 47142 (Sub-No. 92 TA), filed July 26, 1967. Applicant: C. I. WHITTEN TRANSFER COMPANY, 200 19th Street, Post Office Box 1833, Huntington, W. Va. 25719. Applicant's representative: Michael R. Prestera (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A, B, and C explosives, blasting supplies, ammunition and component parts of ammunition, and explosives*, between West Hanover, Mass., Richmond, Ind.,

Janesville, Wis., La Salle and Elk Grove, Ill.; and Hopkins and New Brighton, Minn.; for 150 days. Supporting shipper: Flare-Northern Division, Atlantic Research Corp., Post Office Box 175, King Street, West Hanover, Mass. 02380, Frank Larkin, Traffic Manager. Send protests to: H. R. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 3202 Federal Office Building, Charleston, W. Va. 25301.

No. MC 65423 (Sub-No. 7 TA) (Correction), filed June 19, 1967, published in FEDERAL REGISTER, issue of June 27, 1967, corrected, and republished as corrected, this issue. Applicant: BLACKSHEAR TRANSPORTATION CO., INC., 236–238 Race Street, Philadelphia, Pa. 19106. Applicant's representative: Albert Blackshear (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials, oil, chemical compounds, leather equipment, furniture, hardware, and paper products*, (1) from points in the Philadelphia, Pa., commercial zone to points in Delaware, New Jersey, Maryland, Virginia, and New York, and the District of Columbia; and (2) between points in Connecticut, on the one hand, and, on the other, points in North Carolina, South Carolina, Georgia, West Virgina, and Florida; for 180 days. NOTE: The purpose of this republication is to set forth the correct docket No. MC 65423 (Sub-No. 7 TA), previously incorrectly set forth as MC 65432 (Sub-No. 7 TA). Supporting shippers: Hachik Bleach Co., Philadelphia, Pa.; Sterling Metalware Co., Philadelphia, Pa.; Acme Iron & Metal Co., Philadelphia, Pa.; Red Star Furniture Corp., Philadelphia, Pa.; The Billy Penn Corp., Philadelphia, Pa.; Al Rifkin, Philadelphia, Pa.; Sobel Paper & Wire Co., Inc., Philadelphia, Pa.; George H. Fetters, Penndel, Pa.; and Alexander Phillips, Foreign Freight Agency, Baltimore, Md. Send protests to: Ross A. Davis, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 900 U.S. Customhouse, Second and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 103880 (Sub-No. 390 TA), filed July 27, 1967. Applicant: PRODUCERS TRANSPORT, INC., 215 East Waterloo Road, Post Office Box 7211, Akron, Ohio 44306. Applicant's representative: T. J. Bird (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals and petroleum products*, in bulk, in tank vehicles, from Fort Wayne, Ind., to points in Hillsdale County, Mich.; for 150 days. Supporting shipper: Hoosier Solvents & Chemicals Corp., 1650 Luett Street, Indianapolis, Ind. 46222. Send protests to: G. J. Baccei, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 435 Federal Building, 215 Superior Avenue, Cleveland, Ohio 44114.

No. MC 105566 (Sub-No. 3 TA), filed July 26, 1967. Applicant: SAM TANKSLEY TRUCKING, INC., West Highway 80, East Prairie, Mo. 63845. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden beverage cases*, from Gideon, Mo., to points in California, Oregon, Washington, Idaho, and Nevada; for 180 days. Supporting shipper: Gideon-Anderson Lumber Co., Gideon, Mo. 63848, George J. Cahill, Vice President. Send protests to: J. P. Werthmann, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 3248–B, 1520 Market Street, St. Louis, Mo. 63103.

No. MC 106194 (Sub-No. 19 TA), filed July 26, 1967. Applicant: HORN TRANSPORTATION, INC., 1119 West 24th Street, Kansas City, Mo. 64108. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery and related parts*, from Denver and Colorado Springs, Colo., to points in Wyoming, Nebraska, New Mexico, Oklahoma, and Texas; for 150 days. Supporting shipper: Enresco, Inc., 1140 Holly Sugar Building, Stone Center, Colorado Springs, Colo. 80902. Send protests to: Vernon V. Coble, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1100 Federal Office Building, 911 Walnut, Kansas City, Mo. 64106.

No. MC 109094 (Sub-No. 11 TA), filed July 27, 1967. Applicant: GAULT TRANSPORTATION, INC., 379 Main Street, Wareham, Mass. 02571. Applicant's representative: Arthur A. Wentzell, 263 Cherry Street, Shrewsbury, Mass. 01545. Mail: Post Office Box 270 Worcester, Mass. 01601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from East Providence, R.I., to points in that part of Windham and Windsor Counties, Vt., bounded as follows: Beginning at the New Hampshire-Vermont State line at the junction of U.S. Highway 5 and Vermont Highway 1 and 3, thence to junction Vermont Highways 143 and 106, near Springfield, thence to Chester, thence by a straight line in a southwesterly direction through Townsend and Jacksonville to the Vermont-Massachusetts State line; for 180 days. NOTE: Applicant states that it intends to tack authority sought with that held under MC 109094, at East Providence, R.I. Supporting shipper: Tidewater Oil Co., Dexter Road, East Providence, R.I. 02914. Send protests to: Gerald H. Curry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 187 Westminster Street, Providence, R.I. 02903.

No. MC 112113 (Sub-No. 10 TA), filed July 27, 1967. Applicant: GYPSUM HAULAGE, INC., 2301 South Newkirk Street, Baltimore, Md. 21224. Applicant's representative: George W. Hankey (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal building materials and accessories* used in the installation thereof, for the account of National Gypsum Co., Buffalo, N.Y., from the plantsite of the National Gypsum Co. in Niles, Ohio, to points in New Jersey, Delaware, Maryland, those points east of Route 219 in Pennsylvania, and Washington, D.C., to points in Bronx, Dutchess, Kings, Nassau, New York, Orange, Putnam, Queens, Richmond, Rockland, Suffolk, Sullivan, Ulster, and Westchester Counties, N.Y., and points in Fairfax, Fauquier, Loudon, and Prince Williams Counties, Va.; for 150 days. Supporting shipper: National Gypsum Co., Gold Bond Building, Buffalo, N.Y. 14202. Send protests to: William L. Hughes, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1125 Federal Building, 31 Hopkins Plaza, Charles Center, Baltimore, Md. 21201.

No. MC 116628 (Sub-No. 10 TA), filed July 26, 1967. Applicant: SUBURBAN TRANSFER SERVICE, INC., 285 Highland Cross, Post Office Box 168, Rutherford, N.J. 07070. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by retail department stores, packaging materials for such merchandise, and materials, and supplies* used in the operation of such stores, from New York, N.Y., to Cleveland, Ohio, and Detroit, Mich.; and return movement of same *commodities* (not necessarily rejected or damaged merchandise); for 180 days. Supporting shipper: Franklin Simon, 560 Washington Street, New York, N.Y. 10014. Send protests to: Joel Morrows, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1060 Broad Street, Newark, N.J. 07102.

No. MC 119164 (Sub-No. 23 TA), filed July 27, 1967. Applicant: J-E-M TRANSPORTATION CO., INC., 509 Liberty Street, Post Office Box 1315, Syracuse, N.Y. 13201. Applicant's representatives: Reminger and Reminger, The Leader Building, Cleveland, Ohio 44114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic materials*, dry, in bulk, in tank vehicles, in a coordinated rail-motor service, from the Flexi-Flo rail-motor interchange terminal facilities on the lines of the New York Central Railroad Co., located at Cleveland, Ohio, exclusive of team tracks or other public facilities, to Aurora, Ohio; restricted to shipments having a prior movement inbound via rail; for 180 days. Supporting shipper: B. F. Goodrich Chemical Co., 3135 Euclid Avenue, Cleveland, Ohio 44115, Frank S. Nagorney, Supervisor-Traffic. Send protests to: Morris H. Gross, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 104, O'Donnell Building, 301 Erie Boulevard, West Syracuse, N.Y. 13202.

No. MC 123393 (Sub-No. 189 TA), filed July 27, 1967. Applicant: BILYEU REFRIGERATED TRANSPORT CORPORATION, 2106 East Dale Street, Post Office Box 948, commercial station, Springfield, Mo. 65803. Applicant's representative: David D. Brunson, Post Office Box 671, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen citrus juices, concentrates, ades, and drinks*, from Bonner Springs, Kans., and points within 5 miles thereof, to points in Arkansas, Illinois, Indiana, Iowa, Kentucky, Minnesota, Missouri, Nebraska, Ohio, Oklahoma, Tennessee, Texas, Wisconsin, and North Dakota; for 120 days. Supporting shipper: Ventura Coastal Corp., Post Office Box 69, Ventura, Calif. 93002. Send protests to: John V. Barry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 124236 (Sub-No. 26 TA), filed July 27, 1967. Applicant: CHEMICAL EXPRESS, INC., 3300 Republic National Bank Building, Dallas, Tex. 75201. Applicant's representative: William D. White, Jr., 2505 Republic National Bank Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Packaged cement*, from Dallas, Tex., to points in Arkansas, Louisiana, and Oklahoma; for 180 days. Supporting shipper: Luke Lathram Co., 9109 Sovereign Row, Dallas, Tex. 75247. Send protests to: E. K. Willis, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

No. MC 124899 (Sub-No. 8 TA), filed July 27, 1967. Applicant: RAY BERTHERS, Post Office Box 116, Kamas, Utah 84036. Applicant's representative: L. Rodney Kump, 716 Newhouse Building, Salt Lake City, Utah 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, (1) from Kamas, Utah, to points in California, Arizona, Nevada, and Colorado, and (2) from Afton, Wyo., to points in Utah and Colorado; for 180 days. Supporting shippers: Blazzard Lumber Co., Post Office Box 65, Kamas, Utah 84036; and Star Valley Lumber Co., Post Office Box 517, Afton, Wyo. 83110. Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2224 Federal Building, Salt Lake City, Utah 84111.

No. MC 128254 (Sub-No. 3 TA), filed July 26, 1967. Applicant: THEODORE SAVAGE, 16061 Warren Lane, Huntington Beach, Calif. 92647. Applicant's representative: Ernest D. Salm, 3846 Evans Street, Los Angeles, Calif. 90027. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, limited to traffic having a prior or subsequent movement by air, for the account of WTC Air Freight, between the terminal of the WTC Air Freight located in Los Angeles, Calif., on the one hand, and, on the other, points in Orange County, Calif., located south of a line running east and west through El Toro and Newport Beach (including service at El Toro, and restricted against service at Newport Beach), and points in San Diego County, Calif.; for 180 days. Supporting shipper: WTC Air Freight, 5959 West Century Boulevard, Los Angeles, Calif. 90045. Send protests to: William J. Huetig, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 7708, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 129269 (Sub-No. 1 TA), filed July 26, 1967. Applicant: MAURICE EDWARD COMPTON, 4811 North Capitol Street, Washington, D.C. 20011. Applicant's representative: Harold E. Mesirow, 1625 K Street NE., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Masonry sand*, in bulk, in dump trucks, from the plantsite of Bob's Sand Co., Severn, Anne Arundel County, Md., to points in Fairfax, Arlington, Prince Williams, and Loudon Counties, Va.; for 150 days. Supporting shipper: Bob's Sand Co., Silver Spring, Md. Send protests to: Robert D. Caldwell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1220, 12th and Constitution Avenue NW., Washington, D.C. 20423.

MOTOR CARRIER OF PASSENGERS

No. MC 128794 (Sub-No. 2 TA), filed July 24, 1967. Applicant: SOUTH BASIN LINES, INC., 1315 Columbia Avenue, Moses Lake, Wash. 98837. Applicant's representative: George Kargianis, 609–11 Norton Building, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, express freight, U.S. mail, and newspapers*, (1) between Soap Lake and Pasco, Wash.: From Soap Lake over Washington Highway 28 to Ephrata, Wash., thence over Washington Highway 282 to junction Washington Highway 17, thence over Washington Highway 17 to junction U.S. Highway 395, thence over U.S. Highway 395 to Pasco, and return over the same route, serving all intermediate points; (2) between junction Washington Highway 17 and junction unnumbered highway, over unnumbered highway to Warden, Wash., and return over the same route; (3) between junction Washington Highway 17 and junction Washington Highway 260, over Washington Highway 260 to Connell, Wash., and return over the same route; (4) between junction Washington Highway 17 and Washington Highway 26 (at or near Othello, Wash.) and Vantage, Wash., over Washington Highway 26, and return over the same route, serving the intermediate point of Othello, Wash.; and (5) between Vantage, Wash., and Priest Rapids Dam Site, Wash., over Washington Highway 243, and return over the same route, serving the intermediate point of Wanapum Dam Site; for 150 days. NOTE: Applicant states that it intends to interline with The Greyhound Lines, Inc., at Pasco, Ephrata, and Moses Lake, Wash. Supporting shippers: There are 14 shippers' supporting statements attached to application, which may be examined at the Interstate Commerce Commission, in Washington, D.C., or at the field office named below. Send protests to: L. C. Taylor, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 401 U.S. Post Office, Spokane, Wash. 99201.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 67-9103; Filed, Aug. 3, 1967; 8:47 a.m.]

[Notice 17]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 1, 1967.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 279), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–69794. By order of July 27, 1967, the Transfer Board approved the transfer to Longstreth Trucking Co., a corporation, Alloway, N.J., of permit No. MC–125432 (Sub-No. 1), issued January 7, 1965, to Paul A. Longstreth, Woodstown, N.J., and authorizing the transportation of lumber, building supplies (excluding commodities in bulk), and plumbing, heating, and electrical supplies, from Swedesboro, N.J., to Baltimore, Md., points in Delaware, points in Carroll, Baltimore, Harford, Cecil, and Anne Arundel Counties, Md., points in that part of Maryland east of the Chesapeake Bay, and points in Chester, Lancaster, York, Lebanon, Schuylkill, Berks, Montgomery, Carbon, Northampton, Lehigh, Bucks, Philadelphia, and Delaware Counties, Pa. James H. Sweeney, 902 Spruce Avenue, Oaklyn, N.J. 08107, representative for applicants.

No. MC–FC–69795. By order of July 27, 1967, the Transfer Board approved the transfer to G. R. Nowell & Son, Inc., Winchester, Mass., of certificate No. MC–52695, issued July 30, 1942, to Clarence Oliver Ashforth, Waltham, Mass., and authorizing the transportation of household goods, as defined by the Commission, between Newton, Mass., and points within 15 miles thereof, on the one hand, and, on the other, points in Connecticut, Maine, New Hampshire, New York, Rhode Island, and Vermont. John F. Curley, 33 Broad Street, Boston, Mass. 02109, attorney for applicants.

No. MC–FC–69805. By order of July 26, 1967, the Transfer Board approved the transfer to Slentz and Sons, Inc., Grabill, Ind., of the operating rights of Virgil Slentz, Clifford Slentz, and Delmar Slentz, a partnership, doing business as Slentz & Sons Trucking Co., Grabill, Ind.,

in permit No. MC-126082, issued November 27, 1964, authorizing the transportation, over irregular routes, of fertilizer (except in tank vehicles), in bulk and in bags, from Butler, Ind., to points in the Lower Peninsula of Michigan and a described portion of Ohio. James L. Beatty, 130 East Washington Street, Indianapolis, Ind. 46204, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-9104; Filed, Aug. 3, 1967; 8:48 a.m.]

[Notice 17-A]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 1, 1967.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-69854. By application filed July 24, 1967, CHARLES E. WOLFE, doing business as EVERGREEN EXPRESS, 410 North 10th Street, Billings, Mont. 59101, seeks temporary authority to lease the operating rights of EVERGREEN EXPRESS, INC., Post Office Box 212, Billings, Mont., under section 210a (b). The transfer to CHARLES E. WOLFE, doing business as EVERGREEN EXPRESS, of the operating rights of EVERGREEN EXPRESS, INC., is presently pending.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-9105; Filed, Aug. 3, 1967; 8:48 a.m.]

[4th Rev. S.O. 862, ICC Order No. 226; Amdt. 1]

SOUTHERN INDUSTRIAL RAILROAD, INC.

Rerouting and Diversion of Traffic

Upon further consideration of ICC Order No. 225 (Southern Industrial Railroad, Inc.) and good cause appearing therefor:

It is ordered, That:

ICC Order No. 225 be, and it is hereby amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., August 31, 1967, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., July 24, 1967, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., July 24, 1967.

INTERSTATE COMMERCE COMMISSION, R. D. PFAHLER, *Agent.*

[SEAL]

[F.R. Doc. 67-9106; Filed, Aug. 3, 1967; 8:48 a.m.]

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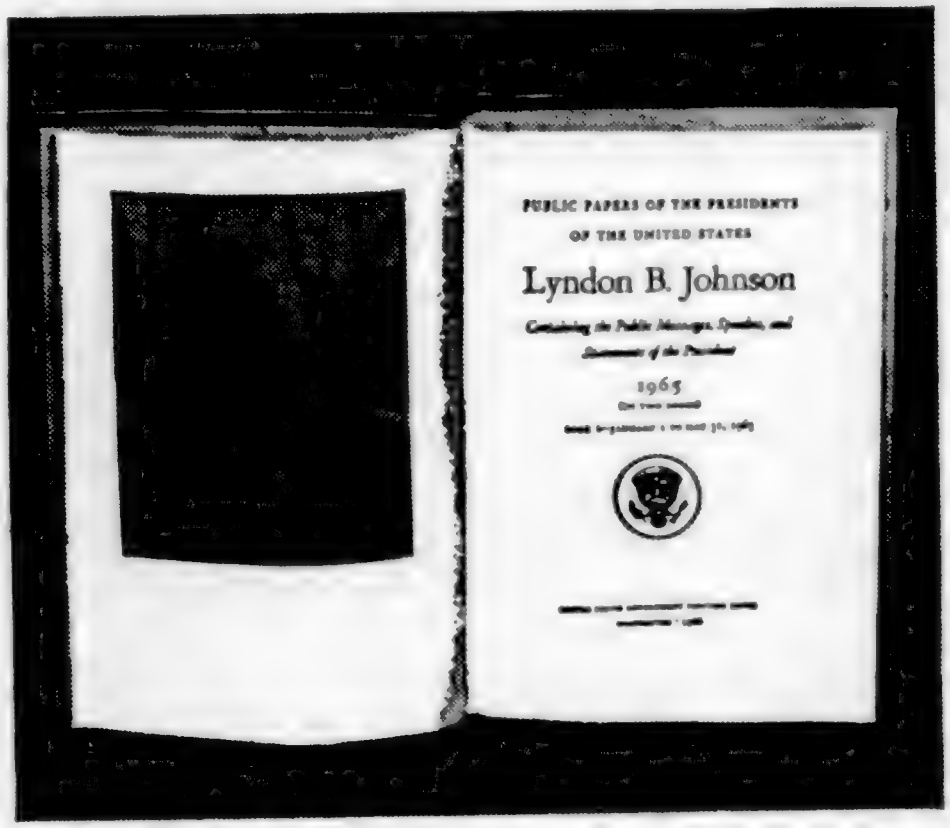
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VOLUME 32 • NUMBER 151

Saturday, August 5, 1967 • Washington, D.C.

Pages 11369–11406

THE UNIVERSITY OF MICHIGAN

AUG 9 1967

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Title 3—THE PRESIDENT

PROCLAMATION 3798

FIRE PREVENTION WEEK, 1967

By the President of the United States of America

A Proclamation

Every day, destructive fires bring tragedy and loss to some American families. Every year the human toll of fire exceeds 10,000 lives. In 1966, more than twice as many Americans were killed by fire than on the battlefields of Vietnam.

The dollar damage from fire increases every year. Last year, almost $2 billion worth of property was destroyed in flame and smoke.

These are grievous statistics. They represent sorrow and suffering and financial hardship which need not have happened. For fire's final, bitter irony is that most of it is avoidable. Most fires are caused by carelessness or by hazardous conditions which could be corrected.

It is imperative that the United States undertake a massive program to perfect its knowledge of, and its protection against, the havoc of fire.

For this reason, I have asked the Congress to enact the Fire Research and Safety Act of 1967, which will:

—Improve our information about the causes and costs of fire.

—Develop better fire fighting and fire prevention techniques.

—Support community efforts to improve their fire control programs.

—Expand public education in the prevention of fires.

I have also asked the Congress to enact amendments to the Flammable Fabrics Act, which will enable us to help save the thousands who die each year because of flammable and explosive clothing and interior furnishings.

This legislation will strengthen America's efforts to reduce the senseless repetition of destruction that fire inflicts on our Nation.

But in the final analysis, fire prevention can succeed only at the community level. Local efforts must make every citizen aware of his personal responsibility for removing fire hazards and reforming the habits that cause fires.

Recognizing the importance of those efforts, I, LYNDON B. JOHNSON, President of the United States of America, do hereby designate the week beginning October 8, 1967, as Fire Prevention Week.

I bid all citizens earnestly to support the fire prevention and control efforts of their community fire departments. I urge State and local governments, the National Fire Protection Association, business and civic groups, and public information agencies to observe Fire Prevention Week, to provide useful fire safety information to the public, and to enlist the active participation of all citizens in year-round fire prevention programs. I also direct the Federal Fire Council and the appropriate Federal agencies to assist in this effort to reduce the needless waste of life and property caused by preventable fires.

IN WITNESS WHEREOF, I have hereunto set my hand this second day of August in the year of our Lord nineteen hundred and sixty-seven, and of the Independence of the United States of America the one hundred and ninety-second.



[F.R. Doc. 67-9257; Filed, Aug. 3, 1967; 4:47 p.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Treasury Department

Section 213.3305 is amended to show that the position of Executive Assistant to the Special Assistant to the Secretary (for Enforcement) is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (31) is added to paragraph (a) of § 213.3305 as set out below.

§ 213.3305 Treasury Department.

(a) *Office of the Secretary.* • • •

(31) One Executive Assistant to the Special Assistant to the Secretary (for Enforcement).

• • • • •

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–58 Comp., 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-9192; Filed, Aug. 4, 1967; 8:48 a.m.]

PART 213—EXCEPTED SERVICE

Commission on Civil Rights

Section 213.3256 is amended to extend the Schedule B authority until March 31, 1968, for three positions at grades GS–9 and above to engage in the preparation and dissemination of information about the developments, legislation, and other pertinent happenings in the field of civil rights gathered by the Commission. Effective on publication in the FEDERAL REGISTER, paragraph (a) of § 213.3256 is amended as set out below.

§ 213.3256 Commission on Civil Rights.

(a) Until March 31, 1968, three positions at grades GS–9 and above to engage in the preparation and dissemination of information about the developments, legislation, and other pertinent happenings relating to the field of civil rights gathered by the Commission on Civil Rights in carrying out its assigned functions.

(5 U.S.C. 3301, 3302, E.O. 10677, 19 F.R. 7521, 3 CFR, 1954–58 Comp., 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-9228; Filed, Aug. 4, 1967; 8:50 a.m.]

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Valencia Orange Reg. 214]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.514 Valencia Orange Regulation 214.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 3, 1967.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period August 6, 1967, through August 12, 1967, are hereby fixed as follows:

(i) District 1: 161,000 cartons;

(ii) District 2: 539,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 4, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-9279; Filed, Aug. 4, 1967; 11:14 a.m.]

[Lemon Reg. 279]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.579 Lemon Regulation 279.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became

available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 1, 1967.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period August 6, 1967, through August 12, 1967, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 255,750 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 3, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-8231; Filed, Aug. 4, 1967; 8:50 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regulations, 1966 and Subsequent Crops Soybean Supplement, Amdt. 1]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1966 and Subsequent Crops Soybean Loan and Purchase Programs

WAREHOUSE CHARGES

The regulations issued by the Commodity Credit Corporation published in 31 F.R. 6013, containing provisions for price support loans and purchases applicable to the 1966 and subsequent crops of soybeans are amended as follows:

In § 1421.2958, paragraph (c) is amended to provide that a table of storage deductions for soybeans stored in warehouses operated by Eastern common carriers will be set forth in the annual crop year supplement. The amended paragraph reads as follows:

§ 1421.2958 Warehouse charges.

* * * * *

(c) *Deduction of storage charges—Eastern common carriers.* The table set forth in the annual crop year supplement will provide the deduction for storage charges to be made from the amount of the loan or purchase price in the case of soybeans stored in an approved warehouse operated by an Eastern common carrier. Such deduction shall be based on entries shown on the warehouseman's supplemental certificate and delivery order. If written evidence is submitted with the supplemental certificate and delivery order that all warehouse charges except elevation charges have been prepaid through the applicable loan maturity date, no storage deduction shall be made. Where the producer presents evidence showing that the elevation charges have been prepaid, the amount of the storage charges to be deducted shall be reduced by the amount of the elevation charges set forth in the table in the annual crop year supplement.

(Sec. 4, 62 Stat. 1070 as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 203, 301, 401, 58 Stat. 1054; 7 U.S.C. 1446d, 1447, 1421)

Effective date. Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on August 1, 1967.

H. D. GODFREY,
Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 67-8186; Filed, Aug. 4, 1967; 8:46 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Miscellaneous Amendments

Pursuant to the provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134–134h), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

1. Section 76.1 is amended by redesignating paragraph (y) as paragraph (z), and changing paragraph (x) and adding a new paragraph (y) to read, respectively, as follows:

§ 76.1 Definitions.

* * * * *

(x) *Official vaccinates.* Swine which have never received official serum prophylaxis and which are vaccinated against hog cholera by one of the methods prescribed in § 76.9(b) or § 76.10(b) under the supervision of a Federal or State veterinary official, permanently identified as such vaccinates as specified in this part, and reported at the time of vaccination to the appropriate State or Federal agency.

(y) *Official serum prophylaxis.* The inoculation of swine for purposes of interstate movement with anti-hog-cholera serum or hog cholera antibody concentrate by the method described in § 76.9 (b) (2) under the supervision of a Federal or State veterinary official, permanent identification of such swine as having been so inoculated as specified in this part, and reporting of such inoculation at the time thereof to the appropriate State or Federal agency.

* * * * *

2. Section 76.2(f) is amended to read as follows:

§ 76.2 Notices relating to existence of hog cholera; prohibition of movement of virulent virus; spread of disease through raw garbage; regulations; quarantines; eradication States; and free States.

* * * * *

(f) Notice is hereby given that there is no clinical evidence that the virus of hog cholera exists in swine in the following States, that systematic procedures are in effect to detect and eradicate the disease should it appear within any of such States, and that such States are hereby designated as hog cholera eradication States: Connecticut, Florida, Maryland, Oregon, Washington, Wisconsin, and Wyoming.

* * * * *

3. Section 76.7(c) is amended by changing subparagraphs (3), (4), (5), and (6) and adding a new subparagraph (7) to read, respectively, as follows:

§ 76.7 Movement to recognized slaughtering centers, licensed establishments, approved feed lots, public stockyards, or approved stockyards or livestock markets.

* * * * *

(c) * * *

(3) From a farm of origin in any State to a public stockyard or approved stockyard in any other State if such swine have received official serum prophylaxis as provided in § 76.9(b)(2) prior to such movement; and,

(i) Movement is to a State the laws, rules or regulations of which provide for such prophylaxis; and

(ii) Such movement is completed within five days (120 hours) after such prophylactic inoculation: *Provided, however,* That if the 5-day period expires before the movement is completed, the swine may continue to move interstate if they receive at least one additional official serum prophylaxis inoculation within each additional 5-day (120 hour) period, or portion thereof, which expires before such movement is completed; or

(4) From a farm of origin in a State designated in § 76.2 (f) or (g) to a public stockyard or approved stockyard or livestock market in any other State if interstate movement is continuous and is accomplished in the same vehicle in which movement of such swine commenced and such swine are moved interstate without contact prior to or during such movement with swine from States not designated in § 76.2 (f) or (g); or,

(5) From a public stockyard or approved stockyard or livestock market in any State to a public stockyard or approved stockyard or livestock market in any other State if such swine meet the requirements of § 76.9(a) (1) through (5); and,

(6) From a public stockyard or approved stockyard or livestock market in a State designated in § 76.2 (f) or (g) to a public stockyard or approved stockyard or livestock market in any State if such swine originate in a State designated in § 76.2 (f) or (g) and the interstate movement is continuous—and is accomplished in the same vehicle in which movement of such swine commenced and such swine are individually identified and are moved interstate without contact prior to or during such movement with swine from States not designated in § 76.2 (f) or (g) and the swine meet the requirements of § 76.9(a) (1) through (5) except that such swine are not required to have been officially vaccinated or to have received official serum prophylaxis; or,

(7) From any point not listed in subparagraphs (1) through (6) of this paragraph (c) to a public stockyard or approved stockyard or livestock market in any other State if such swine have been officially vaccinated at least 21 days prior to the date of shipment by methods provided in § 76.10(a) (1) or (2) or (b)(2).

4. Section 76.9 is amended to read:

§ 76.9 Movements from public stockyards or approved stockyards of livestock markets.

(a) Swine not known to be affected with or exposed to hog cholera may be moved interstate for feeding or breeding purposes from public stockyards or approved stockyards or livestock markets to States the laws, rules or regulations of which provide for the segregation or quarantine of imported swine for a period of not less than 21 days[1][2] if:

(1) The swine are inspected by a Division inspector or an accredited veterinarian at such yard or market;

(2) The swine upon such inspection are found to be free from symptoms of hog cholera and in a healthy condition and are treated in accordance with paragraph (b) (1) or (2) of this section in a public stockyard by a veterinarian under Division supervision, or in an approved stockyard or livestock market by an accredited veterinarian, in a portion of the yard or market set aside for that purpose: *Provided,* That swine officially vaccinated prior to inspection in accordance with § 76.10 (a) or (b)(2) or swine which have received official serum prophylaxis in accordance with paragraph (b)(2) of this section prior to inspection are not required to be so treated but are subject to the other provisions of this paragraph (a): *And provided further,* That swine which originate in, and are shipped interstate from public stockyards or approved stockyards or livestock markets located in, States designated in § 76.2 (f) or (g) are not required to be so treated if shipped interstate without contact prior to or during movement with swine from States not so designated and if the interstate movement of such swine is continuous and is accomplished in the same vehicle in which movement of such swine commenced, but such swine are subject to the other provisions of this paragraph (a): *And provided further,* That official serum prophylaxis will qualify swine for interstate movement under this paragraph (a) only to States[1] the laws, rules, or regulations of which provide for such prophylaxis:

(3) The swine required to be so treated are permanently identified as follows:

(i) Official vaccinates shall be identified by individual eartag (other than orange in color) or other proper individual identification; and

(ii) Swine receiving official serum prophylaxis shall be identified by individual orange eartag or other proper individual identification;

(4) The swine are accompanied by a health certificate issued by a Division inspector at the public stockyard, or accredited veterinarian at the approved stockyard or livestock market, showing place and date of issue, destination of shipment, record of official vaccination, or official serum prophylaxis when applicable, the permanent identification of the swine, and that the swine are apparently free from hog cholera and other contagious, infectious, or communicable diseases; and a copy of the certificate is forwarded to the appropriate livestock sanitary official of the State of destination; and

(5) The swine are transported in a cleaned and disinfected vehicle: *Provided, however,* That, if the vehicle is not regularly used to transport livestock, disinfection is not required.

(b) Inoculation methods: Swine required under this section to be officially vaccinated or to receive official serum prophylaxis shall be inoculated by one of the following methods as appropriate:

(1) *Official vaccinates.* Swine required under this section to be officially vaccinated shall be given simultaneous inoculation with anti-hog-cholera serum or hog cholera antibody concentrate and modified live virus vaccine prepared under license from the Secretary of Agriculture. Such vaccine must also be approved by the Director of Division pursuant to the provisions of § 76.16(c). The dosage of serum or antibody concentrate and modified live virus vaccine shall be as follows:

(i) *Dosage of anti-hog-cholera serum or hog cholera antibody concentrate.* Except for swine under 20 pounds in weight, the dosage of serum should not exceed 1 cc. per pound body weight, or ½ cc. per pound body weight if antibody concentrate is used.

Weight of swine (pounds)	Minimum dose of serum (cubic centimeters)	Minimum dose of anti-body concentrate (cubic centimeters)
Under 60	20	10
60–120	30	15
Over 120	40	20

(ii) *Dosage of modified live virus vaccine.* The dosage of modified live virus vaccine shall be that recommended on the product label by the licensed manufacturer for use with the amounts of anti-hog-cholera serum or hog cholera antibody concentrate given in subdivision (i) of this subparagraph.

(2) *Official serum prophylaxis.* Swine required under this section to receive official serum prophylaxis shall be inoculated with anti-hog-cholera serum or hog cholera antibody concentrate prepared under license from the Secretary of Agriculture, as provided below:

(i) Dosage of anti-hog-cholera serum or hog cholera antibody concentrate: Such swine shall be given the dosage of anti-hog-cholera serum or antibody concentrate provided in subparagraph (1) (i) of this paragraph; and,

(ii) Such dosage shall be given within 5 days (120 hours) prior to interstate movement: *Provided, however,* That such swine shall receive at least one additional official serum prophylaxis inoculation in the amount provided in subparagraph (1) (i) of this paragraph during each additional 5-day (120-hour) period, or portion thereof, that expires after the first official serum prophylaxis inoculation until such interstate movement ends.

[1] In each instance the regulations of the State of destination should be consulted before shipments are made.

[2] In order to minimize possible stress associated with shipping and vaccination, feeder and breeder swine should be in transit as short a time as possible, with not more than 72 hours between shipment and arrival at destination.

5. Section 76.10 is amended to read:

§ 76.10 Other movements for feeding, breeding, or exhibition purposes or for sale for such purposes.

Swine which are not known to be affected with or exposed to hog cholera or any other contagious, infectious, or communicable disease may be moved interstate to any destination for feeding, breeding, or exhibition purposes or for sale for such purposes in accordance with the provisions of this section.

(a) *Movement from any point of origin.* Swine which otherwise qualify for interstate shipment under the provisions of this section may be moved interstate to any destination for feeding, breeding, or exhibition purposes or for sale for such purposes if such swine have never been inoculated with anti-hog-cholera serum alone or hog cholera antibody concentrate alone and such swine have been officially vaccinated either with:

(1) Modified live virus hog cholera vaccine prepared under a license issued by the Secretary of Agriculture, approved by the Director of Division pursuant to the provisions of § 76.16(c), and, administered in accordance with the recommendations on the vaccine label not less than 21 days nor more than 2 years prior to date of shipment; or

(2) Killed or inactivated hog cholera vaccine prepared under a license issued by the Secretary of Agriculture and administered in accordance with the recommendations on the vaccine label prior to the date of shipment, as provided below:

(i) Swine which are officially vaccinated with one dose of inactivated vaccine may be moved interstate not less than 21 days nor more than 6 months after the date of official vaccination; and

(ii) Swine which are officially vaccinated with at least two doses of inactivated vaccine given not less than 2 weeks nor more than 6 months apart may be moved interstate not less than 21 days nor more than 1 year after the date such swine receive the second dose of such vaccine.

(b) *Movement from farm of origin in any State.* Notwithstanding paragraph (a) of this section, swine which otherwise qualify for interstate movement under the provisions of this section may be moved interstate directly from the farm of origin in any State to any destination for feeding, breeding, or exhibition purposes, or for sale for such purposes, if interstate movement is continuous and is accomplished in the same vehicle in which movement of such swine commenced; and

(1) Such swine have been officially vaccinated as provided in paragraph (a) of this section; or

(2) Such swine have been officially vaccinated within 21 days prior to movement with the simultaneous inoculation of modified live virus hog cholera vaccine prepared under license issued by the Secretary of Agriculture, approved by the Director of Division pursuant to the provisions of § 76.16(c), and administered in accordance with the dosage recommendations on the vaccine label with a minimum of 15 cc. of anti-hog-cholera serum or a minimum of 7.5 cc. of hog cholera antibody concentrate, also prepared under such license; or

(3) Such swine have received official serum prophylaxis as provided in § 76.9(b)(2) and such swine are moved to States[1] the laws, rules, or regulations of which provide for such prophylaxis; or

(4) Such swine, without being previously officially vaccinated or previously receiving official serum prophylaxis, are moved, for feeding or breeding purposes, from a farm of origin directly to a farm in another State,[1] the laws, rules, or regulations of which require a 21-day or longer quarantine or isolation period for imported feeder or breeder swine; and

(i) All swine located on the farm of origin have remained on that farm for a period of not less than 21 days prior to such movement; and

(ii) A permit for importing such swine is obtained from the State of destination prior to such movement; and

(iii) Such swine do not come in contact with other swine during such movement.

(c) *Movement from a farm of origin located in a State designated in § 76.2 (f) or (g).* Notwithstanding paragraphs (a) and (b) of this section, swine which otherwise qualify for interstate movement under this section may be moved directly from the farm of origin in a State identified in § 76.2 (f) or (g) to any destination for feeding, breeding, or exhibition purposes or for sale for such purposes if the interstate movement is continuous and is accomplished in the same vehicle in which movement of such swine commenced; and

(1) Such swine are officially vaccinated prior to interstate movement as provided in paragraph (a) or (b) of this section; or

(2) Such swine have received official serum prophylaxis prior to interstate movement as provided in § 76.9(b)(2) of this section; or

(3) If such swine have not been officially vaccinated or have not received official serum prophylaxis prior to interstate movement, such swine are moved interstate in such a manner that they do not come into contact prior to or during such movement with swine from a State not designated in § 76.2 (f) or (g).

(d) *Identification.* All swine moved interstate under the provisions of this section shall be identified as provided below:

(1) Such swine receiving official serum prophylaxis shall be permanently identified by individual orange eartag or other proper individual identification prior to such movement; and

(2) Other swine moved interstate under the provisions of this section shall be permanently identified by individual eartag (other than orange in color) or other proper individual identification prior to such movement.

(e) *Health certificates.* All swine moved interstate under the provisions of this section shall be accompanied by a health certificate issued by a State or Federal inspector or accredited veterinarian specifying:

(1) The permanent and individual identification of the swine;

(2) The consignee and consignor;

(3) The record of official vaccination if such swine are officially vaccinated and if official vaccination is required for movement under this section;

(4) The record of official serum prophylaxis if such swine have received official serum prophylaxis and official serum prophylaxis is required for movement under this section;

(5) That such swine are apparently free from and have not been exposed to hog cholera or other contagious, infectious or communicable diseases;

(6) That swine moved under the provisions of paragraph (b) (2) or (3) or (c)(3) of this section are moved interstate from the farm where they were born and that such farm has not been used within the past 6 months to assemble, buy, or sell swine brought in from other sources;

(7) That swine moved under the provisions of paragraph (b)(4) of this section are moved interstate from the farm where they were born and that such farm has not been used within the past 6 months to assemble, buy, or sell swine brought in from other sources; and that all swine on the farm at the time of shipment have been located on such farm for not less than 21 days prior to shipment.

A copy of the certificate shall be forwarded to the appropriate livestock sanitary official of the State of destination.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791, as amended, 792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 1, 75 Stat. 481, secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111, 112, 113, 114g, 115, 117, 120, 121, 125, 134b, 134f; 29 F.R. 16210, as amended, 30 F.R. 5799, as amended)

The foregoing amendments (1) under § 76.1(x) revise the definition of "official vaccinates"; (2) under § 76.1(y) add a definition of "official serum prophylaxis"; (3) under § 76.2(f) add the States of Connecticut and Maryland to the list of hog cholera eradication States; (4) under § 76.7 permit the interstate movement from the farm of origin of feeding and breeding swine which have received official serum prophylaxis to public stockyards or approved stockyards or livestock markets in States the laws, rules, or regulations of which provide for such prophylaxis, and provide for continuing such prophylaxis through reinoculation when interstate movement is not completed within 5 days (120 hours) of such prophylaxis; (5) under § 76.9 permit interstate movement of feeding and breeding swine which have received official serum prophylaxis from public stockyards or approved stockyards or livestock markets to States the laws, rules, or regulations of which provide for such prophylaxis and for the segregation or quarantine of imported swine for a period of not less than 21 days; prescribe the dosage of anti-hog-cholera serum or hog cholera antibody concentrate to be administered to such swine in such prophylaxis; and provide the method of identification required for swine receiving official serum prophylaxis prior to interstate movement; (6) under § 76.10 extend the length of time official vaccination with modified live virus hog cholera vaccine is recognized for purposes of interstate movement from 1 year to 2 years after vaccination; provide that official vaccination with at least two doses of inactivated vaccines, given not less than 2 weeks nor more than 6 months apart, will be recognized for purposes of interstate movement for 1 year after administration of the second dose of such vaccine; and permit the interstate movement of swine receiving official serum prophylaxis prior to movement for feeding, breeding, or exhibition purposes, or for sale for such purposes, if the swine receive the dosage of anti-hog-cholera serum or hog cholera antibody concentrate specified in § 76.9, are identified as provided in § 76.10, and are moved interstate from their farms of origin to States the laws, rules, or regulations of which provide for such prophylaxis.

The purposes of the foregoing amendments are to recognize newly qualified hog cholera eradication States, thereby relieving certain requirements for swine to move interstate from such States; to extend the length of time official vaccination is recognized for purposes of interstate movement, thereby taking advantage of later knowledge concerning hog cholera vaccines and providing relief for persons moving such swine interstate; and to approve official serum prophylaxis affording a method of short term protection against hog cholera for swine as a method to qualify swine for interstate movement to States which no longer deem official vaccination of swine safe, necessary, or practical. The amendments will also provide a means to eliminate the administration of modified live virus vaccines in pregnant sows to qualify such swine for immediate interstate movement, a practice now recognized as possessing risks to the cooperative hog cholera eradication program.

The amendments relieve restrictions now imposed by 9 CFR Part 76 relating to hog cholera and other communicable swine diseases and must be made effective promptly in order to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under the administrative procedure provisions of 5 U.S.C. section 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and unnecessary and the amendments may be made effective less than 30 days after publication in the FEDERAL REGISTER.

The foregoing amendments shall become effective upon issuance.

Done at Washington, D.C., this 3d day of August 1967.

E. P. REAGAN,
Acting Deputy Administrator, Agricultural Research Service.

[F.R. Doc. 67-9227; Filed, Aug. 4, 1967; 8:50 a.m.]

[1] In each instance, the regulations of the State of destination should be consulted before shipments are made.

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 2—RULES OF PRACTICE

PART 8—INTERPRETATIONS

Computation of Time

An interpretation of § 2.710 of 10 CFR Part 2 is added to the regulations in 10 CFR Part 8, which contains interpretations of the Atomic Energy Act of 1954 (68 Stat. 919) and of regulations of the Atomic Energy Commission issued thereunder. An appropriate reference to the interpretation is also added to Part 2 of this chapter.

Pursuant to the Atomic Energy Act of 1954, as amended, and the Administrative Procedure Act of 1946, as amended, the following amendments of 10 CFR Parts 2 and 8 are published as a document subject to codification, to be effective upon publication in the FEDERAL REGISTER.

§ 2.710 [Amended]

1. A footnote is added at the end of § 2.710 to read as follows:

An interpretation of this section is contained in 10 CFR Part 8, § 8.3.

2. A new § 8.3 is added to read as follows:

§ 8.3 Interpretation by the General Counsel of 10 CFR Part 2, § 2.710, Computation of time.

(a) Section 2.710 of the Commission's rules of practice, 10 CFR Part 2, provides:

In computing any period of time, the day of the act, event, or default after which the designated period of time begins to run is not included. The last day of the period so computed is included unless it is a Saturday, Sunday, or legal holiday at the place where the action or event is to occur, in which event the period runs until the end of the next day which is neither a Saturday, Sunday, nor holiday. When the period of time is less than seven (7) days, intermediate Saturdays, Sundays, and holidays are excluded. Whenever a party has the right or is required to do some act or take some proceeding within a prescribed period after the service of a notice or other paper upon him and the notice or paper is served upon him by mail, three (3) days shall be added to the prescribed period.

(b) (1) When a party to a proceeding subject to Subpart G of Part 2 of this chapter has the right or is required to do some act or take some proceeding within a prescribed period, which is less than seven (7) days, after the service of a notice or paper upon him, the computation of time should be made excluding intermediate Saturdays, Sundays, and holidays before any additional 3 days is added because service is by mail.

(2) In so computing the time, a Saturday, Sunday, or holiday at the beginning of the period should be excluded as an "intermediate Saturday, Sunday, or legal holiday."

(c) An example of a computation of time based upon the foregoing paragraphs is as follows: If a petition for leave to intervene under § 2.714(a) of this chapter were filed and served by mail on a Friday, § 2.714(b) of this chapter prescribes 5 days to reply. Since 5 days is less than 7 days, Saturday and Sunday would be excluded because they are an intermediate Saturday and Sunday. Monday would be the first day counted in determining when the answer to the petition must be filed. The 5 days allowed in § 2.714(b) of this chapter would end on the next Friday. Three additional days would be allowed because of service of the petition by mail, but Saturday and Sunday would be excluded, as an intermediate Saturday and Sunday, thus making the last date for filing an answer fall on the following Wednesday.

(d) An example with respect to motions follows: If a motion were filed and served by mail on a Wednesday, § 2.730 (c) of this chapter prescribes 5 days to file an answer. Thursday would be the 1st day counted. The intermediate Saturday and Sunday would be excluded as 5 days is less than 7 days. The 5 days allowed by § 2.730(c) of this chapter would end on the next Wednesday. Three additional days because of service by mail would be allowed, but Saturday and Sunday would be excluded since the last day would be a Saturday, thus making the last date for filing an answer fall on the following Monday.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Germantown, Md., this 1st day of August 1967.

JOSEPH F. HENNESSEY,
General Counsel,
U.S. Atomic Energy Commission.

[F.R. Doc. 67-9144; Filed, Aug. 4, 1967; 8:45 a.m.]

Title 12—BANKS AND BANKING

Chapter I—Bureau of the Comptroller of the Currency, Department of the Treasury

PART 1—INVESTMENT SECURITIES REGULATION

Santa Clara County Building Authority 1967 Revenue Bonds, Series A

Part 1, Chapter I, Title 12, of the Code of Federal Regulations of the United States of America is hereby amended by renumbering § 1.87 to § 1.187.

Dated: August 1, 1967.

[SEAL] WILLIAM B. CAMP,
Comptroller of the Currency.

[F.R. Doc. 67-9188; Filed, Aug. 4, 1967; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 67-SO-60; Amdt. 39-457]

PART 39—AIRWORTHINESS DIRECTIVES

Aero Commander (Meyers) Model 200 Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring inspection and adjustment of the main landing gear emergency extension and down lock mechanism on Aero Commander (Meyers) Model 200 airplanes was published in the FEDERAL REGISTER June 2, 1967.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive.

AERO COMMANDER (MEYERS): Applies to Aero Commander (Meyers) Model 200 series airplanes, Serial Nos. 255, 256, 260, 262, 263, 268, 272, 273, 275, 276, 277, 278, 279, 281, 282, 286, 287, 288, 289, 290, 291, 296, 306, 308, 309, 328, 329, 331, 338, and 353.

Compliance required within the next 25 hours' time in service after the effective date of this AD unless already accomplished.

To detect improper rigging of the main landing gear emergency extension and down lock mechanism, accomplish the following:

Inspect and adjust each main landing gear in accordance with Aero Commander, Albany Division, Service Bulletin 2004 dated February 10, 1967, or later FAA approved revision, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Southern Region.

This amendment becomes effective August 15, 1967.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in East Point, Ga., on July 27, 1967.

GORDON A. WILLIAMS, JR.,
Acting Director, Southern Region.

[F.R. Doc. 67-9155; Filed, Aug. 4, 1967; 8:46 a.m.]

[Docket No. 67-EA-29; Amdt. 39-459]

PART 39—AIRWORTHINESS DIRECTIVES

Colonial Aeronautics (Lake) Type Aircraft

On page 5543 of the FEDERAL REGISTER for April 5, 1967, the Federal Aviation Administration published a rule, Airworthiness Directive 67-11-1 which required a reworking of the AN 824-4D "T" fitting in the fuel gauge pressure line to prevent unrestricted fuel leakage into the cabin of Colonial Aeronautics (Lake) type aircraft. It has subsequently been determined that the airworthiness directive could not be accomplished on the Colonial C-1 model. The airworthiness directive is therefore being rewritten to include procedures for the Colonial C-1 model. The new directive also includes a change in the diameter of aluminum rod to be brazed into the fitting of other than Colonial C-1 models.

The original rule required immediate adoption and it is equally apparent that notice and public procedure hereon are impractical and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to this authority delegated to me by the Administrator, 14 CFR 11.85 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by revising airworthiness directive 67-11-1 (Docket No. 67-EA-29, Amdt. 39-381) to read as follows:

COLONIAL, LAKE AIRCRAFT DIVISION, CONSOLIDATED AERONAUTICS, INC. Applies to models Colonial C-1 S/N 1 through 14, 16 through 20, and 22 through 25; Colonial C-2 S/N 115, and 126 through 143; Lake LA-4P S/N 121; Lake LA-4A S/N 244 and 245; Lake LA-4 S/N 246 through 356.

Compliance required within 25 hours' time in service after April 5, 1967, the original effective date of this Airworthiness Directive, unless already accomplished.

To preclude unrestricted fuel from entering the cabin compartment in the event of failure of the fuel pressure gauge instrument line, accomplish the following:

COLONIAL C-2 AND LA-4 SERIES

Braze a 3/16" diameter x 3/8" aluminum alloy rod into the 9 o'clock position of the "T" end of an AN 824-4D fitting. Drill through rod with a No. 60 drill (0.40 in.). If previously accomplished using a 3/32" diameter rod, this is satisfactory.

Install the "T" assembly in the fuel pressure gauge instrument line just above the top of the hull (firewall) with the orifice end in the 6 o'clock position. Cap the open end (9 o'clock position) using an AN 929-D4 cap. NOTE: If the airplane is equipped with a fuel combustion heater, the AN 824-4D fitting already provided may be utilized and reworked per above.

COLONIAL C-1

Remove the AN 894D6-4 reducer in the aft end of the fuel gauge instrument line and tap a 3/16-24NF thread 3/8" deep in the male end. Insert a threaded 3/16" aluminum rod utilizing "Loctite" sealant. Drill through rod with a No. 60 drill. This procedure my also be applied to the C-2 and LA-4 model aircraft.

Lake Aircraft Division, Consolidated Aeronautics Service Letters Nos. 14 dated February 24, 1967, and 14A dated May 3, 1967, pertain to this request. Their P/N's 2-6700-153 and 1-6700-99 are the equivalent "T" and reducer assembly respectively.

This amendment becomes effective August 5, 1967.

(Sec. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Jamaica, N.Y., on July 28, 1967.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 67-9156; Filed, Aug. 4, 1967; 8:46 a.m.]

[Docket No. 67-EA-40; Amdt. 39-458]

PART 39—AIRWORTHINESS DIRECTIVES

Fairchild Hiller Type F-27 and F-227 Airplanes

On page 6983 of the FEDERAL REGISTER for May 6, 1967, the Federal Aviation Regulations published a proposed rule which would require rewiring of the engine driven generator control sensing circuit on F-27 and F-227 type aircraft.

Interested parties were given 30 days in which to submit written data or views. No objections to the proposed rule were received.

In consideration of the foregoing the proposed rule is hereby adopted as published effective August 31, 1967.

(Sec. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Jamaica, N.Y., on July 27, 1967.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

FAIRCHILD. Applies to Model F-27J Airplanes, Serial Numbers 111, and 113 through 121, inclusive, and FH-227 Series Airplanes, Serial Numbers 501 through 520, inclusive, Incorporating Solar Auxiliary Power Unit, Model T62T-25.

Compliance required within the next 400 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent electrical damage to the A.C. engine-driven generator resulting from an unregulated and unloaded condition when the APU-driven generator (A.C.) is switched on the line, accomplish the following:

(a) Rewire the engine-driven A.C. generator control sensing circuit in accordance with Fairchild Hiller F-27 Service Bulletin 30-12, Revision No. 1, dated September 15, 1966, for F-27J aircraft and Fairchild Hiller FH-227 Service Bulletin 30-1 dated August 23, 1966, for FH227 aircraft, or later revision approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, or perform an equivalent rewiring modification approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

(b) Upon request with substantiating data submitted through an FAA maintenance inspector, an increase in the compliance time may be approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

[F.R. Doc. 67-9157; Filed, Aug. 4, 1967; 8:46 a.m.]

[Docket No. 67-EA-77; Amdt. No. 39-460]

PART 39—AIRWORTHINESS DIRECTIVES

Lycoming Engines

The purpose of this amendment to Part 39 of the Federal Aviation Regulations is to amend Airworthiness Directive 65-3-3 (Amdt. 39-28, 30 F.R. 1032), which applied to Lycoming IO-320-BIA engines equipped with Hartzell HC-E2YL-2/7663-4 propellers and installed in Piper Model PA-30 aircraft.

The airworthiness directive among other things required a removal of the crankshaft for a magnetic particle inspection at 1,200 hours time in service. In view of a lack of reports of crankshaft cracks during the interim it is determined that the other restrictions of the directive have been so effective so as to permit deleting the 1,200 hour inspection requirement.

Since this amendment is relaxing a prior rule, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In view of the foregoing Part 39 of the Federal Aviation Regulations is amended effective August 5, 1967, as hereinafter set forth:

1. Amend § 39.13 of Part 39 of the Federal Aviation Regulations by deleting paragraphs (c), (d), and (f) of Airworthiness Directive 65-3-3 and reletter paragraph (e) as paragraph (c).

(Secs. 303(d), 313(a), 601, Federal Aviation Act of 1958, 49 U.S.C. 1344, 1354, 1421)

Issued in Jamaica, N.Y., on July 28, 1967.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 67-9158; Filed, Aug. 4, 1967; 8:46 a.m.]

[Airworthiness Docket No. 67-SW-46 (Formerly Docket No. 6360); Amdt. 39-455]

PART 39—AIRWORTHINESS DIRECTIVES

Mooney Models M20C, M20D, and M20E Airplanes

A proposal issued under Docket No. 6360 to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring replacement of Dukes fuel pumps on Mooney M20C, M20D, and M20E airplanes to supersede Amendment 39-45 (30 F.R. 3349), Airworthiness Directive 65-6-5, was published in 32 F.R. 7596. After publication of the proposal, it was considered desirable to cross-reference the directive with the assignment of a Southwest Region docket number for the purpose of establishing the public docket in the office of the Regional Counsel applicable to this action in keeping with delegated authority and the requirements of Part 11, Federal Aviation Regulations.

Interested persons have been afforded an opportunity to participate in the making of the amendment. Mooney Aircraft, Inc., advised that references to pump serial numbers "above 1551" and "above 1159" in the body of the directive and in Mooney Service Bulletin M20-121B (Revision B, 11-4-66) should read "above 1550" and "above 1158", respectively. No other comments were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

MOONEY. Applies to Model M20C (Mark 21) airplanes, Serial Numbers 3623 through 2737 and 2739 through 3198; Model M20D (Master) airplanes, Serial Numbers 201 through 260; and Model M20E (Super 21) airplanes, Serial Numbers 101 through 850.

Compliance required as indicated unless already accomplished.

Service experience indicates that it is necessary to replace Dukes fuel pumps now in service with a redesigned Dukes fuel pump as follows:

(a) For Model M20E (Super 21) airplanes equipped with Dukes fuel pump:

(1) Within the next 25 hours time in service after April 12, 1965, replace Dukes fuel pump, Part No. 4140-00-19, Serial Nos. 101, 102, 103, 150 through 312, with Dukes fuel pump, Part No. 4140-00-19A, with pump serial numbers above 1550, in accordance with Mooney Service Bulletin M20-121B (Revision B, 11-4-66).

(2) Within the next 100 hours time in service after April 12, 1965, replace Dukes fuel pump, Part No. 4140-00-19, Serial Nos. 313 through 613, with Dukes fuel pump, Part No. 4140-00-19A with pump serial numbers above 1550, in accordance with Mooney Service Bulletin M20-121B (Revision B, 11-4-66).

(3) Within the next 100 hours time in service after the effective date of this AD, replace Dukes fuel pump, Part No. 4140-00-19A, Serial Nos. 614 through 1550 with Dukes fuel pump, Part No. 4140-00-19A with pump serial numbers above 1550 in accordance with Mooney Service Bulletin M20-121B (Revision B, 11-4-66).

(b) For Models M20C (Mark 21) and M20D (Master) airplanes equipped with Dukes fuel pump:

(1) Within the next 25 hours time in service after April 12, 1965, replace Dukes fuel pump, Part Number 4140-00-21, Serial Numbers 100, 102, 103, 150 through 244, with Dukes fuel pump, Part Number 4140-00-21A with pump serial numbers above 1158, in accordance with Mooney Service Bulletin M20-121B (Revision B, 11-4-66).

(2) Within the next 100 hours time in service after April 12, 1965, replace Dukes fuel pump, Part Number 4140-00-21, Serial Numbers 245 through 409, with Dukes fuel pump, Part Number 4140-00-21A with pump serial numbers above 1158, in accordance with Mooney Service Bulletin Number M20-121B (Revision B, 11-4-66).

(3) Within the next 100 hours time in service after the effective date of the AD, replace Dukes fuel pump, Part Number 4140-00-21A, Serial Numbers 410 through 1158, with Dukes fuel pump, Part Number 4140-00-21A with pump serial numbers above 1158, in accordance with Mooney Service Bulletin M20-121B (Revision B, 11-4-66).

(c) For Model M20E, Serial Numbers 101 through 363, Model M20C, Serial Numbers 2623 through 2690, and Model M20D, Serial Numbers 201 through 236, concurrent with the fuel pump replacement in (a) and (b) above, remove Mooney electric fuel pump mounting bracket, Part Number 610032, and install redesigned pump bracket, Part Number 610048, in accordance with Mooney Service Letter 20-120, dated March 18, 1964.

This supersedes Amendment 39-45 (30 F.R. 3349), AD 65-6-5.

This amendment becomes effective September 5, 1967.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued at Fort Worth, Tex., on July 25, 1967.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 67-9159; Filed, Aug. 4, 1967; 8:46 a.m.]

[Airspace Docket No. 67-SO-77]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Gulfport, Miss., control zone.

The Gulfport control zone is described in § 71.171 (32 F.R. 2071 and 32 F.R. 5497).

Because of a planned military operation during the time the control zone is inoperative, there is an aeronautical requirement that the effective period of this control zone exceed the 0600 to 2200 hours, local time. To provide the flexibility required for this military operation, it is necessary to redesignate the control zone to allow for changes by Notices to Airmen when minor variations in time of designation are anticipated.

Since this amendment is required for reasons of safety, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.171 (32 F.R. 2071), the Gulfport, Miss., control zone (32 F.R. 5497) is amended to read:

GULFPORT, MISS.

Within a 5-mile radius of Gulfport Municipal Airport (latitude 30°24'27.5" N., longitude 89°04'05" W.); within 2 miles each side of the Gulfport VOR 325° radial, extending from the 5-mile radius zone to 8 miles northwest of the VOR, excluding that portion each of longitude 89°00'00" W. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on July 27, 1967.

GORDON A. WILLIAMS, JR.,
Acting Director, Southern Region.

[F.R. Doc. 67-9160; Filed, Aug. 4, 1967; 8:46 a.m.]

[Airspace Docket No. 67-EA-71]

PART 73—SPECIAL USE AIRSPACE

Revocation of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to revoke Restricted Area/Military Climb Corridor R-5003 Wrightstown, N.J. (McGuire AFB).

The U.S. Air Force has advised there no longer is a requirement for R-5003 since McGuire AFB, N.J., has been removed from the list of bases authorized to conduct ADC operations. Accordingly, action is taken herein to revoke this restricted area.

Since this amendment is less restrictive in nature, notice and public procedure hereon are unnecessary, and the amendment may be made effective on less than 30 days' notice.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective upon publication in the FEDERAL REGISTER, as hereinafter set forth.

In § 73.50 (32 F.R. 2320) R-5003 Wrightstown, N.J. (McGuire AFB) Restricted Area/Military Climb Corridor is revoked.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 28, 1967.

H. B. HELSTROM,
Acting Director, Air Traffic Service.

[F.R. Doc. 67-9161; Filed, Aug. 4, 1967; 8:46 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER E—DEFENSE CONTRACTING

EDITORIAL CHANGE

The title of Subchapter E—"Defense Contract Financing" is hereby amended to read as set forth above.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[F.R. Doc. 67-9140; Filed, Aug. 4, 1967; 8:45 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter X—Oil Import Administration, Department of the Interior

[Oil Import Reg. 1 (Rev. 5); Amdt. 4]

OI REG. 1—OIL IMPORT REGULATION

Residual Fuel Oil To Be Used as Fuel

Experience to date under the revised system of allocating and licensing imports of residual fuel oil to be used as fuel indicates that difficulties in supplying oil are likely to arise as a result of licensing requirements. Accordingly, in order to assure a continuing supply of oil it has been decided to allow licenses issued during the months of February and March to remain valid for periods of 12 months respectively. This action will operate to extend the terms of licenses issued in February and March 1967.

The definition of "Residual fuel oil" is amended in order to conform to the definition contained in amendatory Proclamation 3794 (32 F.R. 10547).

1. Paragraph (f) of section 12 of Oil Import Regulation 1 (Revision 5) as amended (32 F.R. 1175), is further amended to read as follows:

Sec. 12 Eligibility for and allocations of residual fuel oil to be used as fuel—District I.

* * * * *

(f) All licenses issued during that part of an allocation period April 1 through January 31 shall expire the end of the allocation period in which they are issued. Licenses issued during the months of February and March in an allocation period shall expire at the end of the next succeeding allocation period.

Example. Licenses issued in July 1967, expire on March 31, 1968, the end of the allocation period April 1, 1967–March 31, 1968. Licenses issued in February and March 1968 expire March 31, 1969.

2. Subparagraph (7) of paragraph (g) of section 22 of Oil Import Regulation 1 (Revision 5), (31 F.R. 7745) is amended to read as follows:

Sec. 22 Definitions.

* * * * *

(g) * * *

(7) Residual fuel oil—topped crude oil or viscous residuum which has a viscosity of not less than 45 seconds Saybolt universal at 100°F. and crude oil which has a viscosity of not less than 45 seconds Saybolt universal at 100° F. minimum viscosity and which is to be used as fuel without further processing other than by blending by mechanical means.

* * * * *

As a primary purpose of this amendment is to relax a restriction upon the duration of import licenses for residual fuel oil to be used as fuel in District I, it is unnecessary either to give notice of proposed rule making or to delay the effective date of the amendment, and the amendment shall become effective immediately.

STEWART L. UDALL,
Secretary of the Interior.

JULY 31, 1967.

[F.R. Doc. 67-9151; Filed, Aug. 4, 1967; 8:45 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 17—MEDICAL

Miscellaneous Amendments

1. In § 17.46, paragraph (e) is amended to read as follows:

§ 17.46 Persons entitled to hospital or domiciliary care.

* * * * *

(e) The authorization of services under any provision of this section, except paragraph (a)(1) of this section, is subject to charges as required by § 17.62.

2. Immediately preceding § 17.62, a new centerhead is added to read as follows: "Charges, Waivers, and Collections."

3. Section 17.62 is revised to read as follows:

§ 17.62 Charges for care or services.

Charges at the indicated rates shall be made for Veterans Administration hospital care or medical services (including, but not limited to, dental services, supplies, medicines, orthopedic and prosthetic appliances, and domiciliary or nursing home care) as follows:

(a) *Furnished in error.* Charges at rates prescribed by the Chief Medical Director shall be made for inpatient or outpatient care or services (including domiciliary care) authorized for any person on the basis of eligibility as a veteran, but who was subsequently found to have been ineligible for such care or services as a veteran; or

(b) *Furnished in a medical emergency.* Charges at rates prescribed by the Chief Medical Director shall be made for any inpatient or outpatient care or services rendered any person in a medical emergency who was not eligible for such care or services as a veteran, if:

(1) The care or services were rendered as a humanitarian service; or

(2) The person for whom care or services were rendered was a Veterans Administration employee or a member of a Veterans Administration employee's family; or

(c) *Furnished beneficiaries of the Department of Defense or other Federal agencies.* Except as provided for in paragraph (f) of this section, charges at rates prescribed by the Bureau of the Budget shall be made for any inpatient or outpatient care or services authorized for a member of the Armed Forces on active duty or retired, or for any beneficiary or designee of any other Federal agency; or

(d) *Furnished pensioners of allied nations.* Charges at rates prescribed by the Chief Medical Director shall be made for any inpatient or outpatient care or services rendered a pensioner of a nation allied with the United States in World War I and World War II; or

(e) *Furnished under sharing agreements.* Charges at rates agreed upon in an agreement for sharing specialized medical resources shall be made for all medical care or services, either on an inpatient or outpatient basis, rendered to a person designated by the other party to the agreement as a patient to be benefited under the agreement; or

(f) *Furnished military retirees with chronic disability.* Charges for subsistence at rates prescribed by the Chief Medical Director shall be made for the period during which hospital care is rendered when such care is rendered to a member or former member of the Armed Forces required to pay the subsistence rate under § 17.47 (b)(2) and (c)(2).

4. Sections 17.63 and 17.64 are added to read as follows:

§ 17.63 Collection of claims.

The collection of claims against persons in default of payment of charges made under any provision of § 17.62 shall be aggressive, on a timely basis with effective follow-up, and the provisions referable to claims collections in § 1.900 series of this chapter are for application.

§ 17.64 Waivers.

Charges made under § 17.62(a) are subject to waiver and any request for waiver in such category of claims shall be referred to the field station Committee on Waivers and Compromises for disposition under the provisions of § 13.200 series of this chapter. No other category of charges or claims arising in connection with Veterans Administration medical benefits or transactions of the Department of Medicine and Surgery may be waived, unless incident to disposition of a claim against a third party as referred to in § 17.65(b).

5. The centerhead "Hospital Discharge of Actively Tuberculous Patients" is deleted and § 17.65 is revoked and a new § 17.65 is added to read as follows:

§ 17.65 Compromises and termination or suspension of collection action.

Any offer to compromise or settle any charges or claim made by the Veterans Administration in connection with the medical program, and any proposal by the Chief of the Fiscal activity responsible for the collection of such indebtedness, to terminate collection action, or to suspend collection action for 1 year or more (except terminations or suspensions involving claims of $150 or less concerning which the Fiscal activity shall make final determinations pursuant to the provisions of § 1.900 series of this chapter) shall be referred as follows:

(a) If the charges were made under § 1762(a) and do not exceed $20,000., the compromise offer or proposal to terminate or suspend collection action shall be referred for disposition under § 13.200 of this chapter, to the field station Committee on Waivers and Compromises which shall take final action, where appropriate, or refer the case to the Central Office Board on Waivers and Compromises for final action; or

(b) If the compromise offer or proposal to waive, terminate or suspend collection action involves a claim asserted against a third party tort feasor or under workman's compensation laws or Public Law 87-693 (76 Stat. 593). (See § 1.903 of this chapter), or involves a claim contemplated by § 1.902 of this chapter over which the Veterans Administration lacks jurisdiction, the offer or proposal shall be promptly referred to the field station Chief Attorney having jurisdiction in the area in which the claim arose; or

(c) If the charges or claim arose in connection with any transaction not contemplated by paragraphs (a) and (b) of this section, the compromise offer or proposal to terminate or suspend collection action shall be referred to the Department of Medicine and Surgery Board on Collections and Compromises for consideration as provided for in §§ 17.300 through 17.306.

6. A new centerhead and §§ 17.300 through 17.306 are added to read as follows:

BOARD ON COLLECTIONS AND COMPROMISES

§ 17.300 Establishment.

There is established in the Department of Medicine and Surgery, under the supervision and administrative control of the Assistant Chief Medical Director for Management and Evaluation, a Board on Collections and Compromises. The Board shall consider and determine, except for determinations as to litigative probabilities and other legal considerations for which authority has been delegated to the General Counsel under § 2.6(d)(2) of this chapter, questions involving any offer to settle for less than liquidated value, and proposals to terminate collection action or to suspend collection action for 1 year or more, which are properly referred to the Board under § 17.65, in any claim asserted by the Veterans Administration on a debt or obligation owed the Veterans Administration, if:

(a) The claim is for $20,000 or less; and

(b) The claim arose in the course of transactions of an organizational element under the jurisdiction of the Department of Medicine and Surgery, including, but not limited to, claims for charges for medical services rendered as a humanitarian service, claims for aid or grant funds paid a recipient or grantee under a program administered by the Department of Medicine and Surgery, and claims arising in connection with the training and procurement functions of the Department of Medicine and Surgery; and

(c) The offer of compromise or proposal to terminate or suspend collection action is not one which should be referred to a field station committee or the Central Office Board on Waivers and Compromises or to the Chief Attorney or other official or agency having jurisdiction, pursuant to the provisions of § 17.65 (a) or (b).

§ 17.301 Composition of Board.

The Board on Collections and Compromises shall consist of six members and six alternate members appointed by the Chief Medical Director, including a chairman and alternate chairman.

§ 17.302 Selection of members.

The members of the Board on Collections and Compromises, and their alternates, shall be selected so that each organizational element headed by an Assistant Chief Medical Director, the Administrative Services and the Budget Service is represented on the Board. The chairman and his alternate shall be selected from the staff of the Assistant Chief Medical Director for Management and Evaluation.

§ 17.303 Rules of procedure.

The Board shall act on cases fully developed with recommendations from the Chief of the Fiscal activity responsible for collection action in each case. The Board's function shall largely be a matter of accepting or rejecting the referred offer of compromise or proposal to terminate or suspend collection action. In making such determinations the following procedures shall be followed:

(a) *Decisions by panels.* A panel of the Board, consisting of the chairman and two or more members of the Board shall convene for disposition of business before it when called by the chairman; and

(b) *Choice of panels.* The panels should be chosen by the Chairman from among the membership of the Board so that each matter of business shall receive the attention of the Board's representative of the organizational element within whose functional area the claim arose, and any other member or members whose specialty the chairman deems necessary; and

(c) *Majority vote.* The decision of a majority of a panel shall be the final decision of the Board. In determining majority decisions, the vote of the chairman shall be counted only when the votes of the remaining panel members are tied.

§ 17.304 Rules for making determinations.

Decisions made by the Board on Collections and Compromises shall be in conformity with the standards set forth in § 1.900 series of this chapter. The Board shall be assisted by any advice or consultation from any Veterans Administration officer or employee whose specialty is deemed pertinent to a particular case. Any questions concerning litigative probabilities or other legal considerations for which authority to make determinations is delegated under § 2.6(d)(2) of this chapter shall be referred to the General Counsel.

§ 17.305 Reviews and revisions.

There shall be no right of appeal from any determination made by the Board on Collections and Compromises in any matter under its jurisdiction.

§ 17.306 Correspondence, records and certificates.

Consistent with the provisions of § 17.305, replies to all matters referred to the Board within its jurisdiction shall be prepared for the signature of the Chairman, Board on Collections and Compromises, Department of Medicine and Surgery. The chairman shall execute or certify any documents pertaining to its proceedings and be responsible for maintaining records for any administrative or other reports on the Board's transactions as may be required.

(72 Stat. 1114; 38 U.S.C. 210)

These VA regulations are effective date of approval.

Approved: August 1, 1967.

By direction of the Administrator.

[SEAL] A. H. MONK,
Acting Deputy Administrator.

[F.R. Doc. 67-9189; Filed, Aug. 4, 1967; 8:48 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 822—BUREAUS AND OFFICES

Bureau of Facilities

In § 822.6 make the following changes to clarify responsibilities for postal public buildings, and to show the inclusion of the Supply Branch, Procurement Division, Bureau of Facilities.

Accordingly § 822.6 *Bureau of Facilities*, is amended as follows and is effective upon publication in the FEDERAL REGISTER:

In § 822.6, *Bureau of Facilities*, make the following changes:

A. Paragraph (a)(1) is revised for clarification:

(a) *Assistant Postmaster General.* (1) Formulates and administers policies, programs, and procedures governing the acquisition, management, maintenance, improvement, and disposal of real property occupied by the Post Office Department regardless of the method employed and of utilities, operating equipment, and supplies used in the Postal Service.

NOTE: The corresponding Postal Manual section is 822.61a.

B. In paragraph (g), *Procurement Division*, make the following changes:

1. Subparagraph (1)(ii) is revised to clarify responsibilities for postal public buildings.

(1) *Director.* • • •

(ii) Administers procurement programs including a program of quality assurance; develops and issues Post Office Department regulations to implement and supplement Federal Procurement Regulations, except regulations pertaining to construction contracts and associated with professional service contracts.

NOTE: The corresponding Postal Manual section is 822.671b.

2. Subparagraph (2)(i) is revised to show the name change of the Inventory and Distribution Branch to the Supply Branch.

(2) *Procurement Policy and Management Staff.* (i) Provides staff support and assistance to the Director, Assistant Director and Chief of the Supply, Contract, and Mail Bag Equipment Branches in evaluating and improving the administration of and operations in their respective areas of requisitioning, purchasing, receiving, inventory, accountability, distribution, transportation, utilization, and disposal of supplies and equipment.

NOTE: The corresponding Postal Manual section is 822.672a.

3. Subparagraph (3)(ii) is revised to show the name change of the Inventory and Distribution Branch to the Supply Branch.

(3) *Contract Branch.* • • •

(ii) Maintains liaison with contractors after award of contract; monitors progress; negotiates price adjustments; and with concurrence by the Supply Branch effects changes in delivery schedules.

NOTE: The corresponding Postal Manual section is 822.673f.

4. The title to subparagraph (4) is changed from *"Inventory and Distribution Branch"* to *"Supply Branch."*

NOTE: The corresponding Postal Manual section is 822.674.

C. In paragraph (h) *Realty Division*, subparagraph (1) (i) and (ii) are revised and a new subparagraph (1)(iv) is added to clarify the responsibilities of the Director, Realty Division for postal public building.

(1) *Director.* (i) Plans, develops, and administers policies, programs, and procedures governing acquisition, modification, management, and disposal of real property by any means, including rental, leasing or Federal construction, and whether funded by General Services Administration or the Department, serves as realty contracting office.

(ii) Directs programming and expenditure of funds for sites; for acquiring space by lease, rental agreement, or Federal construction for architect and engineer services.

• • • • •

(iv) Develops and issues Post Office Department regulations to implement and supplement Federal Procurement Regulations concerning construction contracts and associated professional service contracts.

NOTE: The respective corresponding Postal Manual sections are 822.691 a, b, and d.

(5 U.S.C. 301, 39 U.S.C. 501)

TIMOTHY J. MAY,
General Counsel.

AUGUST 1, 1967.

[F.R. Doc. 67-9191; Filed, Aug. 4, 1967; 8:48 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 5A—Federal Supply Service, General Services Administration

MISCELLANEOUS AMENDMENTS TO CHAPTER

Chapter 5A of Title 41 is amended as follows:

PART 5A–1—GENERAL

Subpart 5A–1.3—General Policies

1. Section 5A–1.375 is amended to delete the last sentence of paragraph (d). As amended paragraph (d) reads as follows:

§ 5A–1.375 Form for requesting approval of awards.

• • • • •

(d) *Distribution.* The original of the completed GSA Form 1535 shall become a part of the applicable case file. When the case requires submission to the POD Review Committee or to the Regional Buying Division Review Committee, an extra copy of the form shall be forwarded with the case file.

PART 5A–3—PROCUREMENT BY NEGOTIATION

Subpart 5A–3.1—Use of Negotiation

2. Section 5A–3.103 is amended to add paragraph (e), which reads as follows:

§ 5A–3.103 Dissemination of procurement information.

• • • • •

(e) The provisions of § 5A–2.407–84 of this chapter regarding notification of proposed substantial awards shall also apply to negotiated procurements.

PART 5A–16—PROCUREMENT FORMS

Subpart 5A–16.9—Illustrations of Forms

3. Section 5A–16.950–1535, *GSA Form 1535, Request for Approval of Awards*, is revised to read as follows:

§ 5A–16.950–1535 GSA Form 1535, Request for Approval of Awards, May 1967 edition.

PART 5A–73—FEDERAL SUPPLY SCHEDULE PROGRAM

Subpart 5A–73.1—Production and Maintenance

4. The title of the Federal Supply Schedule for Industrial Group 753, Class 7534, is changed from Tire and Tube Rebuilding to Tire Recapping and Repairing. The last line of the tabulation in § 5A–73.114–3 is amended to read as follows:

§ 5A–73.114–3 Schedules requiring modified small requirements clause.

• • • • •

IG 753—Tire Recapping and Repairing—$50 or involving one tire—Class 7534

(Sec. 205(c), 63 Stat. 390, 40 U.S.C. 486(c); CFR 5–1.101(c))

NOTE: The form referenced in §§ 5A–1.375 (d) and 5A–16.950–1535 is filed as part of the original document. Copies of this form may be obtained from the General Services Administration, Region 3, Office of Administration, Administrative Services Division—3BRD, Washington, D.C. 20407.

Effective date. These regulations are effective upon publication in the FEDERAL REGISTER.

Dated: July 28, 1967.

L. E. SPANGLER,
Acting Commissioner, Federal Supply Service.

[F.R. Doc. 67-9187; Filed, Aug. 4, 1967; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[9 CFR Part 318]

REINSPECTION AND PREPARATION OF PRODUCT

Poultry, Egg (Other Than Shell Eggs), and Dry Milk Products

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553 that the Department of Agriculture, pursuant to the authority conferred by the Meat Inspection Act, as amended and extended (21 U.S.C. 71–96) and section 306 of the Tariff Act of 1930, as amended (19 U.S.C. 1306), proposes to amend Part 318 of the Meat Inspection Regulations (9 CFR Part 318) as follows:

In § 318.6 paragraph (b)(12) would be revised and paragraph (b)(13) would be added to read:

§ 318.6 Processes to be supervised; containers, equipment, processes of manufacture to be clean and sanitary; substances to be clean and wholesome.

• • • • •

(b) • • •

(12) Poultry products and egg products (other than shell eggs) which are intended for use as ingredients of meat food products at official establishments shall be considered acceptable for such use only when identified as having been inspected and passed for wholesomeness by the Department under the regulations in 7 CFR Part 55, 70, or 81 and when found to be sound and otherwise acceptable when presented for use. Poultry products and egg products (other than shell eggs) which have not been inspected and passed for wholesomeness by the Department shall not be used in the preparation of such meat food products.

(13) Dry milk products which are intended for use as ingredients of meat food products at official establishments shall be considered acceptable for such use only when produced in a plant approved by the Department under the regulations in 7 CFR Part 58, and when found to be sound and otherwise acceptable when presented for use. Dry milk products prepared in a plant not so approved shall not be used in the preparation of such meat food products.

The purpose of the proposed amendments is to provide additional assurance of the wholesomeness of meat food products prepared at federally inspected meat processing plants, by requiring that egg products used in such meat food products must have been inspected for wholesomeness by this Department under the Agricultural Marketing Act of 1946, as amended, and dry milk products so used must have been produced in a plant approved for service by this Department under the regulations for grading or inspection of dairy products under that Act.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendments may do so by filing them in duplicate, with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, within 60 days after date of publication of this notice in the FEDERAL REGISTER.

All written submissions made pursuant to this notice will be made available for public inspection at times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 2d day of August 1967.

R. K. SOMERS,
Deputy Administrator, Consumer Protection, Consumer and Marketing Service.

[F.R. Doc. 67-9205; Filed, Aug. 4, 1967; 8:50 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 67–SW–51]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter the Midland, Tex., transition area to provide airspace protection for aircraft executing a revised instrument approach procedure at the Midland-Odessa Regional Air Terminal and to conform with present criteria.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Forth Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (32 F.R. 2221) the Midland, Tex., transition area 1,200-foot portion is amended by substituting "• • • 31°36'20" N., longitude 102°00'00" W., to latitude 31°28'40" N., longitude 102°00'-00" W., to latitude 31°30'00" N., longitude 102°20'00" W. • • •" for "• • • 31°37'00" N., longitude 102°25'00" W. • • •."

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Fort Worth, Tex., on July 27, 1967.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 67-9163; Filed, Aug. 4, 1967; 8:46 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

OUTER CONTINENTAL SHELF OFF LOUISIANA

Salt Lease Offer

Pursuant to section 8 of the Outer Continental Shelf Lands Act (67 Stat. 462; 43 U.S.C. sec. 1331 et seq.) and the regulations issued thereunder (43 CFR 3380), sealed bids addressed to the Manager, New Orleans Office, Bureau of Land Management, Room T-9003, Federal Office Building, 701 Loyola Avenue, New Orleans, La., or Post Office Box 53226, New Orleans, La. 70150, will be received until 10 a.m., on September 5, 1967, for the lease of salt deposits in certain areas of the Outer Continental Shelf, adjacent to the State of Louisiana. Bids will be opened at 10 a.m., September 5, 1967, in Room T-13003, Federal Office Building, 701 Loyola Avenue, New Orleans, La.

On that day bids may be delivered in person to the Office of the Manager or to Room T-13003, Federal Office Building between 8:30 a.m., and 10 a.m. No bids received by mail or in person after 10 a.m., will be accepted. All bids must be submitted in accordance with applicable regulations, particularly 43 CFR 3382.1; 3382.3; and 3382.4. Each bidder must submit the certification required by 41 CFR 60-1.6(b) and Executive Order No. 11246 of September 24, 1965, on Form 1140-1, November 1966.

Bids may not be modified or withdrawn unless written modifications or withdrawals are received prior to the end of the period fixed for the filing of bids. Bidders are warned against violation of section 1860 of Title 18 United States Code, prohibiting unlawful combination or intimidation of bidders. Attention is directed to the nondiscrimination clauses in section 2(d) of the lease agreement (Form 3380-8, June 1966). Bidders must submit with each bid, one-fifth of the amount bid, in cash or by cashier's check, bank draft, certified check or money order, payable to the order of the Bureau of Land Management. The leases will provide for a royalty rate of $0.03 per short ton, and a rental rate of $3 per acre or minimum royalty of $5,000. The successful bidder will be required to pay the remainder of the bid and the first year's rental of $3 per acre or fraction thereof and furnish an acceptable surety bond as required in 43 CFR 3384.1 prior to the issuance of each lease.

This offer is made pursuant to paragraph 13 of the October 12, 1956 Agreement between the United States and the State of Louisiana, as amended March 31, 1960, and to a joint declaration by the Secretary of the Interior and the State Mineral Board of Louisiana that salt leases on the tracts herein offered for bid are desirable for utilization of salt to facilitate production of sulphur.

Bids will be considered on the basis of the highest cash bonus offered for a tract but no total bid amounting to less than $5 per acre or fraction thereof will be considered. Overriding royalty, payments out of production, logarithmic or sliding scale bids will not be considered. No bid for less than a full tract, as listed below, will be considered. A separate bid, in a separate sealed envelope, must be submitted for each tract. The envelope should be endorsed "Sealed bid for salt lease, Louisiana (insert number of tract), not to be opened until 10 a.m., September 5, 1967." The right is reserved to reject any or all bids. The tracts offered for bid are as follows:

LOUISIANA OFFICIAL LEASING MAP No. 7
GRAND ISLE AREA

Tract No.	Block	Description	Acreage
La. 1964 [1]	16	E½, that portion in Zone 2, as that zone is defined in the agreement between the United States and the State of Louisiana, October 12, 1956.	1,622
La. 1965 [1]	16	W½, that portion in Zone 2, as that zone is defined in the agreement between the United States and the State of Louisiana, October 12, 1956.	438
La. 1966	17	E½	2,500
La. 1967 [1]	17	W½, that portion in Zone 2, as that zone is defined in the agreement between the United States and the State of Louisiana, October 12, 1956.	2,495
La. 1968	22	E½	2,500
La. 1969	22	W½	2,500
La. 1970	23	E½	2,500
La. 1971 [1]	23	W½, that portion in Zone 2, as that zone is defined in the agreement between the United States and the State of Louisiana, October 12, 1956.	2,400

[1] These tracts are limited by the line (3 geographic miles seaward from the so-called "Chapman Line") which was defined in the Agreement of October 12, 1956, between the United States of America and the State of Louisiana, as the landward boundary of Zone 2 for the purpose of administration of the areas pending settlement of court proceedings. Until final determination of the position of the State Boundary has been made, the acreage herein assigned to each tract will be considered administratively to be the acreage of that tract in Zone 2.

Official leasing maps in a set of 25, which contains the maps for the areas in which the tracts being offered for lease may be located, can be purchased for $5 per set. The official leasing maps, copies of the lease form (Form 3380-8, June 1966) as well as the Compliance Report Certification (Form 1140-1, November 1966), may be obtained from the above listed Manager or Director, Bureau of Land Management, Washington, D.C. 20240.

Bidders are requested to submit their bids in the following form:

SALT BID

The following bid is submitted for a salt lease on land of the Outer Continental Shelf specified below:

Area _____

Official Leasing Map No. _____

Tract No.	Total amount bid	Amount per acre	Amount submitted with bid

_____
Signature

_____
Address

IMPORTANT. The bid must be accompanied by one-fifth of the total amount bid. This amount may be in cash, money order, cashier's check, certified check or bank draft.

A separate bid must be made for each tract.

JOHN O. CROW,
Acting Director,
Bureau of Land Management.

Approved: August 2, 1967.

STEWART L. UDALL,
Secretary of the Interior.

[F.R. Doc. 67-9206; Filed, Aug. 4, 1967; 8:50 a.m.]

[Order No. 701, Amdt. 4]

LANDS AND RESOURCES

Redelegation of Authority

Bureau Order No. 701 dated July 23, 1964, is further amended, as follows:

1. A new paragraph (m) is added to section 1.6, as follows:

SEC. 1.6 *Minerals.* The State Director may take the following actions:

* * * * *

(m) *Oil and gas exploration operations.* All actions on oil and gas exploration matters pursuant to 43 CFR Part 3107.

2. A new section 3.6 is added, as follows:

SEC. 3.6 *Minerals.* The District Manager may take all actions on:

(m) *Oil and gas exploration operations.*

3. Part IV is revised to read as follows:

Part IV—Redelegation of Specific Authority to Manager, Eastern States Land Office, and Manager, New Orleans Office.

SEC. 4.0 In addition to the redelegations in Part II of this order, the Manager, Eastern States Land Office may take all actions on the following matters.

(a) *Drainage entries.* Take all actions on Arkansas drainage entries, in accordance with 43 CFR Subpart 2254.

(d) *Cash and credit system.* Take all actions on cash and credit system and

preemption entries when full payment has been made.

(e) *Private land claims.* Take all actions on:

(1) Confirmed private land claims.

(f) *Railroad grants.* Approve the validity of the grant rights in regard to railroad grants and claims within such grants pursuant to 43 CFR Subpart 2224.

(g) *Certificates, scrip, and lieu selections.* Approve the validity of scrip or other rights pursuant to 43 CFR Subpart 2221.

(m) *Oil and gas exploration matters.* Take all actions on oil and gas exploration matters pursuant to 43 CFR 3107.

SEC. 4.5 The Manager of the New Orleans Office at New Orleans, La., is authorized to take all actions on the following matters, as listed in Part I of this order.

SEC. 1.2 *General and miscellaneous matters.*

(a) Oaths.

(b) Cancellations or surrenders of contracts, leases, and permits.

(c) Copies of records.

(e) Government contests.

SEC. 1.3 *Fiscal affairs.*

(a) (1) Bonds and forfeitures.

(c) Repayment.

(d) Trespass.

SEC. 1.5 *Classifications and withdrawals*

(a) Classification of lands.

(b) Withdrawals and reservations.

SEC. 1.8 *Forest management.*

(a) (1) Disposition of forest products.

SEC. 1.9 *Land Use.*

(c) Color-of-title and riparian claims.

(d) Exchanges.

(e) Homesteads.

(f) Indian allotments.

(g) Material other than forest products.

(i) Sites for recreational or any public purpose.

(j) Public sales.

(n) Small tracts.

(o) Special land-use permits.

(r) Townsites.

SEC. 4.10 *Designation of Acting Officials.*

(a) The Manager, New Orleans Office, may by written order designate any qualified employee of the office to perform the functions of the Manager in his absence.

(b) Each employee who serves in such capacity shall prepare a memorandum to be kept in the office showing the date and hour of the commencement and termination of each period of his service in that capacity.

JOHN O. CROW,
Associate Director.

AUGUST 1, 1967.

[F.R. Doc. 67-9150; Filed, Aug. 4, 1967; 8:45 a.m.]

National Park Service

STATUE OF LIBERTY NATIONAL MONUMENT

Notice of Intention to Negotiate Concession Contract; Correction

F.R. Doc. No. 67-8956 published at page 11173 in the issue dated August 1, 1967, is corrected by changing "a period of five (5) years" to "a period of ten (10) years" in the concession authorization to be negotiated with Evelyn Hill, Inc., at the Statue of Liberty National Monument.

Dated: August 2, 1967.

LESLIE P. ARNBERGER,
Deputy Assistant Director,
National Park Service.

[F.R. Doc. 67-9214; Filed, Aug. 4, 1967; 8:50 a.m.]

Office of the Secretary

DIRECTOR, BUREAU OF OUTDOOR RECREATION

Delegation of Authority

A delegation of authority to the Director, Bureau of Outdoor Recreation appearing in Chapter 1, Part 248 of the Departmental Manual and published at 30 F.R. 4210, is amended by the revision of section 248.1.2A(2). The following amendment is a part of the Departmental Manual and the numbering is that of the Manual:

248.1.2 Limitations.

248.1.2A The following authority is not delegated in the general authority listed in 248 DM 1.1:

248.1.2A(1) * * *

248.1.2A(2) Any action to be taken with the approval or concurrence of the President, or the head of any department or independent agency of the Government, except actions relating to former Federal surplus real properties conveyed for park, recreation, and historic monument purposes.

STEWART L. UDALL,
Secretary of the Interior.

JULY 29, 1967.

[F.R. Doc. 67-9152; Filed, Aug. 4, 1967; 8:45 a.m.]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

RELIEF FROM EXCESS PROFITS TAX BECAUSE OF INADEQUATE EXCESS PROFITS CREDIT

No Allowances During Fiscal Year Ended June 30, 1967

During the fiscal year ended June 30, 1967, there were no cases in which relief was allowed under the provisions of section 722 of the Internal Revenue Code of 1939. This statement is published in accordance with the requirements of section 6105 of the Internal Revenue Code of 1954.

WILLIAM H. SMITH,
Acting Commissioner of Internal Revenue.

[F.R. Doc. 67-9164; Filed, Aug. 4, 1967; 8:46 a.m.]

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

OCEAN TRANSPORTATION

Single Manager Assignment

The Assistant Secretary of Defense (Installations and Logistics) has approved the following amendment to organization statement published at 32 F.R. 6300:

SEC. V. *Composition.* The Agency shall be composed of all Government-owned ships assigned by competent authority; all other ships acquired by MSTS for the purpose of providing transoceanic, intratheater, intercoastal, and coastwise transportation of personnel, cargo, and mail; and ships and craft utilized for other than transportation purposes assigned by the Secretary of Defense, together with personnel, facilities (exclusive of shoreside facilities of the military departments), and equipment necessary to support the operation.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

AUGUST 1, 1967.

[F.R. Doc. 67-9195; Filed, Aug. 4, 1967; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

MISSOURI AND PENNSYLVANIA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the States of Missouri and Pennsylvania natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

MISSOURI

Pike. Ralls.

PENNSYLVANIA

Adams.
Allegheny.
Bedford.
Berks.
Blair.
Bradford.
Cambria.
Clarion.
Columbia.
Dauphin.
Fayette.
Forest.
Fulton.
Greene.
Huntingdon.
Indiana.
Juniata.
Lackawanna.
McKean.
Mifflin.
Perry.
Potter.
Schuylkill.
Somerset.
Sullivan.
Susquehanna.
Tioga.
Venango.
Washington.
Wayne.
Westmoreland.
Wyoming.
York.

Pursuant to the authority set forth above, emergency loans will not be made

in the above-named counties after June 30, 1968, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 1st day of August 1967.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67-9186; Filed, Aug. 4, 1967; 8:48 a.m.]

Packers and Stockyards Administration

SELMA STOCKYARDS, INC., ET AL.

Notice of Changes in Names of Posted Stockyards

It has been ascertained, and notice is hereby given, that the names of the livestock markets referred to herein, which were posted on the respective dates specified below as being subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), have been changed as indicated below.

Original name of stockyard, location, and date of posting	*Current name of stockyard and date of change in name*
ALABAMA	
Selma Stockyards, Inc., Selma, Jan. 14, 1936	Selma Stockyards, July 1, 1967.
KANSAS	
C & S Livestock Commission Co., Inc., Norton, Dec. 4, 1961.	Norton Livestock Auction, Inc., July 1, 1967.
NEBRASKA	
Valentine Livestock Market, Valentine, Mar. 3, 1937.	Valentine Livestock Auction Co., July 3, 1967.
NEVADA	
Gallagher Livestock Commission Company, Fallon, Oct. 1, 1959.	Gallagher Livestock, Inc., Sept. 1, 1966.
NEW MEXICO	
Albuquerque Livestock Commission Company, Inc., Albuquerque, Jan. 24, 1957.	Albuquerque Livestock, Inc., Mar. 29, 1967.
SOUTH CAROLINA	
Pickens Auction Market, Pickens, Feb. 3, 1960	Pickens Livestock Auction Market, Jan. 2, 1967.
SOUTH DAKOTA	
Miller Livestock Auction Company, Miller, Dec. 3, 1949.	Miller Livestock Sales Co., June 15, 1967.
Wall Livestock Auction, Wall, May 30, 1959	Wall Commission Co., May 1, 1967.
Willow Lake Sales Company, Willow Lake, June 24, 1959.	Willow Lake Livestock Auction, July 1, 1967.
Yankton Livestock Sales Company, Yankton, Jan. 13, 1944.	Yankton Livestock Sales Company, Inc., Feb. 24, 1949.
TEXAS	
Southwest Livestock Auction, Inc., Uvalde, June 13, 1957.	Southwest Livestock Exchange, Inc., Mar. 10, 1967.
Wichita Livestock Auction, Wichita Falls, May 22, 1950.	Wichita Falls Livestock Auction, July 5, 1967.

Done at Washington, D.C., this 28th day of July 1967.

CHARLES G. CLEVELAND,
Registrations, Bonds, and Reports Branch, Packers and Stockyards Administration.

[F.R. Doc. 67-9185; Filed, Aug. 4, 1967; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (NASA), AMES RESEARCH CENTER ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6 (c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C.

A copy of each comment filed with the Director of the Office of Scientific and Technical Equipment must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 68-00008-33-46040. Applicant: National Aeronautics and Space Administration (NASA) Ames Research Center LVX-N-236-3, Moffett Field, Calif. 94035. Article: Electron Microscope EM-300-S, Type PW-6001/00; Anti-Contamination Device type PW 6526/00; 70 mm. film holder. Manufacturer: N. V. Philips, The Netherlands. Intended use of article: Applicant states: "This laboratory has been designated to do the ultrastructure research on the Lunar return samples * * *" The applicant states further that the limited amount of material must be examined quickly to obtain the maximum amount of information retrieval from the specimens and make further measurements in a spectrometer to obtain X-ray data on the organic and inorganic constituents. The structure of Bioadhesives will be examined. Better methods for detecting iron in the blood to prevent edema and other degradations will be investigated. Knowledge of the radiation effects on the fractioned myelin components of nerves will be studied. Application received by Commissioner of Customs: July 7, 1967.

Docket No. 68-00012-33-46040. Applicant: Harvard University, Purchasing Department, 75 Mount Auburn Street, Cambridge, Mass. 02138. Article: Electron Microscope, Norelco Model EM-300. Manufacturer: Philips Electronics, The Netherlands. Intended use of article: Applicant states:

The electron microscope will be used to study atherosclerosis of arteries obtained at autopsy from humans plus naturally occurring and diet-induced atherosclerosis in monkeys.

Application received by Commissioner of Customs: July 10, 1967.

Docket No. 68-00018-00-46040. Applicant: University of California, San Francisco Medical Center, Purchasing Department, San Francisco, Calif. 94122. Article: Shutter for Siemens Electron Microscope, type No. 171,460. Manufacturer: Siemens Aktiengesellschaft, West Germany. Intended use of article: Applicant states: "Accurate preset exposure of photoplates in the Siemens Elmiskop" Application received by Commissioner of Customs: July 11, 1967.

Docket No. 68-00019-00-46040. Applicant: University of California, San Francisco Medical Center, 1434 South 10th Street, Richmond, Calif. 94122. Article: Shutter for Siemens Electron Microscope, Type No. 171,460. Manufacturer: Siemens Aktiengesellschaft, West Germany. Intended use of article: Applicant states: "Accurate preset exposure of photoplates in the Siemens Elmiskop" Application received by Commissioner of Customs: July 11, 1967.

Docket No. 68-00021-33-46040. Applicant: Veterans Administration Hospital, 700 South 19th Street, Birmingham, Ala. 35233. Article: Electron Microscope, Hitachi Perkin-Elmer Model HU-11C. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: Applicant states:

The Electron Microscope will be used to study the fine cell structure of the Central Nervous System. * * *

Specifically, the ultrahigh resolution Electron Microscope will be used to study ultrastructural alterations of the cerebral arteries and parenchyma, the ependymal lining and subependymal glia of the ventricles after administration of various chemotherapeutic drugs used in the treatment of malignant tumors of the Central Nervous System.

Application received by Commissioner of Customs: July 12, 1967.

Docket No. 68-00022-33-46040. Applicant: Rutgers—The State University, Rutgers Medical School, New Brunswick, N.J. 08903. Article: Electron Microscope, Model EM-9 A with complete set of spare parts. Manufacturer: Carl Zeiss, West Germany. Intended use of article: Applicant states:

Instrument to be used for staff clinical and research projects in Pathology as well as teaching students, interns, and residents.

Application received by Commissioner of Customs: July 12, 1967.

CHARLEY M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 67-9147; Filed, Aug. 4, 1967; 8:45 a.m.]

UNIVERSITY OF NEW MEXICO SCHOOL OF MEDICINE ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C.

A copy of each comment filed with the Director of the Office of Scientific and Technical Equipment must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 67-00144-33-46040. Applicant: The University of New Mexico School of Medicine, 900 Stanford Drive NE., Albuquerque, N. Mex. 97106. Article: Electron microscope Hitachi Perkin-Elmer Model HU-11C. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: Applicant states:

* * * For example, current investigations are being pursued on a variety of tissues and organs in the vertebrate body. These extend from the studies of synaptic structure in vertebrate retina to the cytochemical properties and morphological substructure inherent in the production of mucus in the slime glands of hagfish. In addition, the topographical relationships of nerves innervating intrinsic musculature of the heart in several species is being studied. The influence of a variety of drugs on the structure of biological membranes, in retina, acinar pancreas, absorptive cells of the gut, phagocytic cells of the liver sinusoid and alveolar macrophages in the lung are under active research. Each of these tissues and their constituent cells display a remarkable amount of comparable structural complexity. Our particular point of view for which we hope to employ the requested electron microscope is to identify those sites of substructure with which chemical identification and/or indirect labeling methods can bind in an effort to demonstrate the orientation and disposition of molecules that comprise the framework of the morphology as visualized in the electron microscope.

Application received by Commissioner of Customs: June 26, 1967.

Docket No. 68-00013-65-46040. Applicant: Rutgers—The State University, New Brunswick, N.J. 08903. Article: Electron microscope, Hitachi Perkin-Elmer Model HU-200. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: Applicant states:

Our intended uses of the requested apparatus are to study the morphology, the structure, and the nature of defects in crystals of both metals and polymers. By use of the 200 KV electron microscope, we hope to obtain new information about structure, and changes in structure, produced by various types of external agencies, such as applied stress, radiation, annealing, crystallisation conditions, etc. * * *

We expect to use the new electron microscope in connection with many of the research projects which are currently under investigation by our faculty and our graduate students. Some of these are as follows:

1. Study of Fatigue of Metal Crystals * * *.
2. Study of Single Crystals of Polymers * * *.
3. Study of Precipitation-Hardened Titanium Alloys * * *.
4. Study of Relaxation Behavior and Structure in Polymers and Related Materials * * *.

Application received by Commissioner of Customs: July 10, 1967.

Docket No. 68-00029-00-46040. Applicant: University of Rochester, Purchasing Department, Rochester, N.Y. 14627. Article: Accessories for Siemens Electron Microscope consisting of shutter Model 171048, decontamination device 171047, and valve Model 171068. Manufacturer: Siemens Aktiengesellschaft, West Germany. Intended use of article: These articles are intended to be used as accessories for Siemens Electron Microscope. Application received by Commissioner of Customs: July 17, 1967.

Docket No. 68-00028-00-46040. Applicant: Montefiore Hospital and Medical Center, 111 East 210th Street, Bronx, N.Y. 10467. Article: Shutter for Siemens Electron Microscope Model 171460. Manufacturer: Siemens Aktiengesellschaft, West Germany. Intended use of article: The shutter will be used for accurate preset exposure of photoplates in the Siemens Elmiskop Electron Microscope. Application received by Commissioner of Customs: July 17, 1967.

Docket No. 67-00141-33-46040. Applicant: Northwestern State College, Natchitoches, La. 71457. Article: Electron Microscope Hitachi Perkin-Elmer Model HU-11C. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: Applicant states:

The article will be used for research and teaching at graduate and undergraduate levels in the study of fine structure of cells primarily in microbiology and immunology.

(1) Materials to be studied include bacteria, viruses, and related phagocytic and propagating mammalian cells.

(2) Ultrastructural studies of cell walls (including cell membranes) of *Brucella*, of lysosomal relationships of staphylococcal toxin, of phagocytised bacteria and ferritin and other antigen-coated inert particles, and of morphological relationships of viruses to propagating cells are to be carried out * * *.

(3) Objectives of the studies include: Determination of reactive sites of serum factors upon cell wall layers of *Brucella* following treatments to remove various components. Observations of the structure of lysosomal limiting membranes of kidney tubular epithelial cells under the in vivo labilizing influence of purified staphylococcal alpha toxin. Changes in phagocytized bacteria and antigen-coated inert particles upon ingestion by phagocytes. The morphologic relationships of viruses growing in propagating cells.

Application received by Commissioner of Customs: June 26, 1967.

CHARLES M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 67-9148; Filed, Aug. 4, 1967; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

GEIGY CHEMICAL CORP.

Notice of Filing of Petition Regarding Pesticides

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a

(d)(1)), notice is given that a petition (PP 7F0620) has been filed by Geigy Chemical Corp., Ardsley, N.Y. 10502, proposing the establishment of tolerances for residues of the herbicide atrazine (2-chloro-4-ethylamino-6-isopropylamino-*s*-*triazine*) in or on raw agricultural commodities as follows: 15 parts per million in or on perennial rye grass; 10 parts per million in or on pineapple (forage and fodder); 5 parts per million in or on wheat (straw, forage, and hay); 0.25 part per million in or on macadamia nuts, pineapple (fruit), sugarcane (cane, forage, and fodder), and wheat (grain).

The analytical methods proposed for determining residues of the herbicide are based on a spectrophotometric technique and on the gas chromatographic methods of A. M. Mattson, R. A. Kahrs, and J. Schneller, Journal of Agricultural and Food Chemistry, Vol. 13, No. 2, pp. 120–122.

Dated: July 31, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-9196; Filed, Aug. 4, 1967; 8:49 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ASSISTANT SECRETARY AND DEPUTY ASSISTANT SECRETARY FOR RENEWAL AND HOUSING ASSISTANCE

Delegations of Authority

The Secretary's delegations of authority to the Assistant Secretary and Deputy Assistant Secretary for Renewal and Housing Assistance effective July 1, 1966 (31 F.R. 8964–8965, June 29, 1966), as amended effective October 5, 1966 (32 F.R. 624–625, Jan. 19, 1967), are hereby further amended in the following respects:

(1) Paragraph 2 of section A is revised to read:

2. The program of Grants for Provision of Open-Space Land in Built-Up Urban Areas under section 705 of the Housing Act of 1961, as amended (42 U.S.C. 1500c–1), Grants for Urban Beautification and Improvement under section 706 of the Housing Act of 1961, as amended (42 U.S.C. 1500c–2), and grants for demonstrations relative to the provision of open-space land in built-up urban areas and for demonstrations relative to urban beautification and improvement under section 708(c) of the Housing Act of 1961, as amended (42 U.S.C. 1500d(c)); except the authority to approve the conversion of open-space land to other uses under section 704 of the Housing Act of 1961, as amended (42 U.S.C. 1500c).

(2) Paragraph 1 of section C is revised to read:

1. Make determinations under subsection 220(d)(1)(A) of the National Housing Act, as amended (12 U.S.C. 1715k(d)(1)(A)), that there exist the necessary authority and financial capacity to assure the completion of the redevelopment or urban renewal plan.

(3) Subparagraph 3a of section C is revised by deleting the period at the end thereof, substituting a comma, and adding the following: "*Provided, however,* That this power and authority may be redelegated to Regional Administrators and Deputy Regional Administrators."

(4) Paragraph 4 of section C is revised by deleting the period at the end thereof, substituting a comma, and adding the following: "except the power and authority to determine that the objectives of an Urban Renewal Plan could not be achieved through rehabilitation of the project area, under subsection 110(c) of the Housing Act of 1949, as amended (42 U.S.C. 1460(c))."

(5) Paragraph 5 of section C is revised as follows:

(a) The language preceding the enumerated subparagraphs is revised to read:

Redelegate to the Deputy Assistant Secretary for Renewal Assistance and to the General Deputy, Renewal Assistance, the powers and authorities delegated in section A above with respect to the following programs and matters except as stated in this paragraph 5:

(b) In subparagraph 5a, item "iv" is deleted.

(c) In subparagraph 5a, item "v" is revised to read:

v. Make allocations of loan funds: *Provided, however,* That there may be redelegated to the Deputy Assistant Secretary for Renewal Assistance and the General Deputy, Renewal Assistance, the power and authority (1) to make amendatory allocations increasing the Federal loan amount set forth in a contract, and (2) to make allocations of loan funds for early land acquisition pursuant to the third sentence of subsection 102(a) of the Housing Act of 1949, as amended (42 U.S.C. 1452(a)).

(d) In subparagraph 5d, items "i" and "ii" are revised to read:

i. Make reservations or allocations of grant funds: *Provided, however,* That there may be redelegated to the Deputy Assistant Secretary for Renewal Assistance and the General Deputy, Renewal Assistance, the power and authority (1) to decrease the amount of an outstanding reservation of grant funds, and (2) to make amendatory allocations increasing the Federal relocation grant amount or rehabilitation grant amount set forth in a contract.

ii. Authorize contracts and commitments for Federal loan or grant assistance and amendatory contracts which provide for an increase in the total Federal grant amount set forth in a contract: *Provided, however,* That there may be redelegated to the Deputy Assistant Secretary for Renewal Assistance and the General Deputy, Renewal Assistance, power and authority to authorize (1) amendatory contracts which provide for an increase in the Federal loan amount or an increase in the Federal relocation grant or rehabilitation grant amount (whether or not resulting in an increase in the total Federal grant amount) set forth in a contract, (2) loan contracts for early land acquisition pursuant to the third sentence of subsection 102(a) of the Housing Act of 1949, as amended (42 U.S.C. 1452(a)), and (3) waivers of contract provisions.

(6) Subparagraph 6a of section C is revised to read:

a. The programs of Grants for Provision of Open-Space Land in Built-Up Urban Areas under section 705 of the Housing Act of 1961, as amended (42 U.S.C. 1500c–1), Grants for Urban Beautification and Improvement under section 706 of the Housing Act of 1961, as amended (42 U.S.C. 1500c–2), and grants for demonstrations relative to the provision of open-space land in built-up urban areas and for demonstrations relative to urban beautification and improvement under section 708(c) of the Housing Act of 1961, as amended (42 U.S.C. 1500d(c)); except the authority to set further terms and conditions for assistance, pursuant to subsection 702(d) of the Housing Act of 1961, as amended (42 U.S.C. 1500a(d)).

(7) Subparagraph 6d of section C is revised to read:

d. *Additional authority excepted.* There are further excepted from the authority to redelegate to the Deputy Assistant Secretary for Renewal Assistance and the General Deputy, Renewal Assistance, the powers and authorities excepted in items "i" through "v" of subparagraph 5d above (in this section C).

Effective date. These amendments to delegations of authority shall be effective as of August 5, 1967.

ROBERT C. WEAVER,
Secretary of Housing and Urban Development.

[F.R. Doc. 67-9202; Filed, Aug. 4, 1967; 8:49 a.m.]

DEPUTY ASSISTANT SECRETARY FOR RENEWAL ASSISTANCE AND GENERAL DEPUTY, RENEWAL ASSISTANCE

Redelegations of Authority

The redelegations of authority by the Assistant Secretary for Renewal and Housing Assistance to the Deputy Assistant Secretary for Renewal Assistance and the General Deputy, Renewal Assistance, effective July 1, 1966 (31 F.R. 8965–8966, June 29, 1966), as amended effective October 5, 1966 (32 F.R. 625, Jan. 19, 1967), are hereby further amended in the following respects:

(1) Subparagraph 1e of section A is deleted.

(2) Subparagraph 2f of section A is revised to read:

f. Make allocations of loan funds: *Provided, however,* That the Deputy Assistant Secretary for Renewal Assistance and the General Deputy, Renewal Assistance, each is authorized (1) to make amendatory allocations increasing the Federal loan amount set forth in a contract, and (2) to make allocations of loan funds for early land acquisition pursuant to the third sentence of subsection 102(a) of the Housing Act of 1949, as amended (42 U.S.C. 1452(a)), and (3) waivers of contract provisions.

(3) Paragraph 4 of section B is revised to read:

1. The programs of Grants for Provision of Open-Space Land in Built-Up Urban Areas under section 705 of the Housing Act of 1961, as amended (42 U.S.C. 1500c–1), Grants for Urban Beautification and Improvement under section 706 of the Housing Act of 1961, as amended (42 U.S.C. 1500c–2), and grants for demonstrations relative to the provision of open-space land in built-up urban areas and for demonstrations relative to urban beautification and improvement under section 708(c) of the Housing Act of 1961, as amended (42 U.S.C. 1500d(c)); except the power and authority to:

a. Approve the conversion of open-space land to other uses under section 704 of the Housing Act of 1961, as amended (42 U.S.C. 1500c).

b. Set further terms and conditions for assistance, pursuant to subsection 702(d) of the Housing Act of 1961, as amended (42 U.S.C. 1500a(d)).

(4) Paragraphs 4 and 5 of section C are revised to read:

4. Make reservations or allocations of grant funds: *Provided, however,* That the Deputy Assistant Secretary for Renewal Assistance and the General Deputy, Renewal Assistance, each is authorized (1) to decrease the amount of an outstanding reservation of grant funds, and (2) to make amendatory allocations increasing the Federal relocation grant amount or rehabilitation grant amount set forth in a contract.

5. Authorize contracts and commitments for Federal loan or grant assistance and amendatory contracts which provide for an increase in the total Federal grant amount set forth in a contract: *Provided, however,* That the Deputy Assistant Secretary for Renewal Assistance and the General Deputy, Renewal Assistance, each may authorize (1) amendatory contracts which provide for an increase in the Federal loan amount or an increase in the Federal relocation grant or rehabilitation grant amount (whether or not resulting in an increase in the total Federal grant amount) set forth in a contract, (2) loan contracts for early land acquisition pursuant to the third sentence of subsection 102(a) of the Housing Act of 1949, as amended (42 U.S.C. 1452(a)), and (3) waivers of contract provisions.

Effective date. These amendments to redelegations of authority shall be effective as of August 5, 1967.

DON HUMMEL,
Assistant Secretary for Renewal and Housing Assistance.

[F.R. Doc. 67-9203; Filed, Aug. 4, 1967; 8:49 a.m.]

REGIONAL ADMINISTRATORS AND DEPUTY REGIONAL ADMINISTRATORS

Redelegations of Authority

The redelegations of authority by the Assistant Secretary for Renewal and Housing Assistance to Regional Administrators and Deputy Regional Administrators effective July 1, 1966 (31 F.R. 8966–8967, June 29, 1966), are hereby amended in the following respects:

(1) Paragraph 1 of section A is amended by deleting subparagraphs e, f, m, and o.

(2) Paragraph 2 of section A is revised to read:

2. The programs of Grants for Provision of Open-Space Land in Built-Up Urban Areas under section 705 of the Housing Act of 1961, as amended (42 U.S.C. 1500c–1), and Grants for Urban Beautification and Improvement under section 706 of the Housing Act of 1961, as amended (42 U.S.C. 1500c–2); except the power and authority to:

a. Approve the conversion of open-space land to other uses under section 704 of the Housing Act of 1961, as amended (42 U.S.C. 1500c).

b. Set further terms and conditions for assistance, pursuant to subsection 702(d) of the Housing Act of 1961, as amended (42 U.S.C. 1500a(d)).

(3) In section A, the following new paragraph 6 is added:

6. Determinations under subsection 220(d)(1)(A) of the National Housing Act, as amended (12 U.S.C. 1715k(d)(1)(A)), that there exist the necessary authority and financial capacity to assure the completion of the redevelopment or urban renewal plan.

(4) Section C is revised to read:

SEC. C. *Additional authority redelegated.* Each Regional Administrator and each Deputy Regional Administrator is further authorized to redelegate to one or more employees under his jurisdiction the powers and authorities redelegated in section A except the power and authority to:

1. Authorize loans, grants, and advances and amend or modify the terms thereof: *Provided,* That this exception shall not be applicable with respect to the Rehabilitation Loan Program.

2. Find that a State or local low-rent housing program in connection with which urban renewal project land is to be used as a site for a State or locally assisted low-rent housing project has the same general purposes as the Federal low-rent program, and find that under such State or local program there are assurances equivalent to those under the Federal program that the local contribution to such project will be made during the entire period the project is used as low-rent housing, pursuant to section 107 of the Housing Act of 1949, as amended (42 U.S.C. 1457).

3. Make determinations with respect to the uncollectibility of Federal advances, in accordance with subsection 103(b) of the Housing Act of 1949, as amended (42 U.S.C. 1453(b)).

4. Make determinations that the objectives of an Urban Renewal Plan could not be achieved through rehabilitation of the project area, under subsection 110(c) of the Housing Act of 1949, as amended (42 U.S.C. 1460(c)).

Effective date. These amendments to redelegations of authority shall be effective as of August 5, 1967.

DON HUMMEL,
Assistant Secretary for Renewal and Housing Assistance.

[F.R. Doc. 67-9204; Filed, Aug. 4, 1967; 8:50 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-262]

BRIGHAM YOUNG UNIVERSITY

Notice of Proposed Issuance of Construction Permit and Facility License

The Atomic Energy Commission is considering the issuance to Brigham Young University of a construction permit, substantially in the form set forth below, which would authorize the construction of an Atomic International Type L–77 research reactor on the University's campus at Provo, Utah. Since the University's application, as amended, is complete enough to permit all evaluations, this notice of proposed issuance covers both the construction permit and operating license pursuant to the provisions of § 2.105(c) of 10 CFR Part 2.

Upon completion of the construction of the facility in compliance with the terms and conditions of the construction permit, and an inspection of the completed facility by Commission representatives, the Commission, in the absence of good cause to the contrary, will issue without further prior notice a license, substantially as also set forth below, authorizing operation of the reactor by Brigham Young University at a thermal power level of 10 watts.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by the issuance of this construction permit and facility license may file a petition for leave to intervene. A request for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice, 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed within the time prescribed in this notice, a notice of hearing or an appropriate order will be issued.

For further details with respect to this proposed issuance, see (1) the application dated July 22, 1966, and amendments thereto, and (2) the related Safety Evaluation prepared by the Division of Reactor Licensing, all of which are available for public inspection at the Commission's Public Document Room, 1717

H Street NW., Washington, D.C. A copy of the Safety Evaluation may be obtained at the Commission's Document Room, or upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 28th day of July 1967.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

PROPOSED CONSTRUCTION PERMIT

1. By application dated July 22, 1966, and amendments thereto dated October 10, 1966, February 24, and June 21, 1967 (hereinafter "the application"), Brigham Young University requested authority to construct and operate on the applicant's site at Provo, Utah, an Atomics International Type L–77 research reactor (hereinafter "the reactor").

2. The Atomic Energy Commission ("the Commission") has found that:

A. The application complies with the requirements of the Atomic Energy Act of 1954, as amended ("the Act"), and the Commission's regulations set forth in Title 10, Chapter I, CFR;

B. The reactor will be a utilization facility as defined in the Commission's regulations contained in Title 10, Chapter I, CFR, Part 50, "Licensing of Production and Utilization Facilities";

C. The reactor will be used in the conduct of research and development activities of the types specified in section 31 of the Act;

D. Brigham Young University is financially qualified to construct the reactor in accordance with the regulations contained in Title 10, Chapter I, CFR;

E. Brigham Young University and its contractor, the Atomics International Division of North American Aviation, Inc., are technically qualified to design and construct the reactor;

F. Brigham Young University has submitted sufficient technical information concerning the proposed facility to provide reasonable assurance that the proposed facility can be constructed and operated at the proposed location without endangering the health and safety of the public;

G. The issuance of a construction permit to Brigham Young University will not be inimical to the common defense and security or to the health and safety of the public.

3. Pursuant to the Act and Title 10, CFR, Part 50 "Licensing of Production and Utilization Facilities", the Commission hereby issues a construction permit to Brigham Young University to construct the reactor in accordance with the application. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Act and rules, regulations, and orders of the Commission now or hereafter in effect, and is subject to the additional conditions specified below:

A. The earliest completion date of the facility is September 1, 1967. The latest completion date of the facility is February 1, 1968. The term "completion date", as used herein, means the date on which construction of the facility is completed except for the introduction of the fuel material.

B. The reactor shall be constructed on the campus at Provo, Utah, at the location described in the application.

4. Upon completion of the construction of the reactor in accordance with the terms and conditions of this permit, upon finding that the facility authorized has been constructed and will operate in conformity with the application and the provisions of the Act and of the rules and regulations of the Commission, and in the absence of any good cause being shown to the Commission why the granting of a license would not be in accordance with the provisions of the Act, the Commission will issue a Class 104 license to Brigham Young University pursuant to section 104c of the Act, which license shall expire 40 years from the date of issuance of this permit.

Date:

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

PROPOSED LICENSE

[License No. R-------]

The Atomic Energy Commission (hereinafter referred to as "the Commission") having found that:

a. The application for license complies with the requirements of the Atomic Energy Act of 1954, as amended (hereinafter referred to as "the Act"), and the Commission's regulations set forth in Title 10, Chapter I, CFR;

b. The reactor has been constructed in conformity with Construction Permit No. CPPR-------- and will operate in conformity with the application in conformity with the Act and the rules and regulations of the Commission;

c. There is reasonable assurance that the reactor can be operated at the designated location without endangering the health and safety of the public;

d. The Brigham Young University is technically and financially qualified to engage in the proposed activities in accordance with the Commission's regulations, and to assume financial responsibility for Commission charges for special nuclear material;

e. The possession and operation of the reactor, and the receipt, possession, and use of the special nuclear material, in the manner proposed in the application, will not be inimical to the common defense and security or to the health and safety of the public; and

f. Brigham Young University is a nonprofit educational institution and will use the reactor for the conduct of educational activities. Brigham Young University is therefore exempt from the financial protection requirement of subsection 170a of the Act;

License No. R-------- is hereby issued, effective as of the date of issuance, to read as follows:

1. This license applies to the homogeneous solution research reactor, designated as the Atomics International Type L–77, owned by Brigham Young University (hereinafter, "the licensee"), and located on the campus in Provo, Utah, and described in the licensee's application for license dated July 22, 1966, and amendments thereto dated October 10, 1966, February 24, and June 21, 1967 (hereinafter "the application").

2. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses Brigham Young University:

A. Pursuant to section 104c of the Act and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities" to possess, use, and operate the reactor in accordance with the procedures and limitations described in the application, and in this license;

B. Pursuant to the Act and Title 10, CFR, Chapter I, Part 70, "Special Nuclear Material" to receive, possess, and use up to 1.6 kilograms of contained uranium 235, and a 0.5 curie plutonium-beryllium neutron source; and

C. Pursuant to the Act and Title 10, CFR, Chapter I, Part 30, "Rules of General Applicability to Licensing of Byproduct Material," to possess, but not to separate such byproduct material as may be produced by operation of the reactor.

3. This license shall be deemed to contain and be subject to the conditions specified in Part 20, § 30.34 of Part 30, §§ 50.54 and 50.59 of Part 50, and § 70.32 of Part 70, and is subject to all applicable provisions of the Act and rules, regulations, and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below:

A. *Maximum power level.* The licensee may operate the reactor at steady state power levels up to a maximum of 10 watts (thermal).

B. *Technical specifications.* The Technical Specifications contained in Appendix "A" hereto[1] are hereby incorporated in this license. Except as otherwise permitted by the Act and the rules, regulations, and orders of the Commission, the licensee shall operate the reactor in accordance with the Technical Specifications. No changes shall be made in the Technical Specifications unless authorized by the Commission as provided in § 50.59 of 10 CFR Part 50.

C. *Records.* In addition to those otherwise required under this license and applicable regulations, the licensee shall keep the following records:

(1) Reactor operating records, including power levels and periods of operation at each power level;

(2) Records showing radioactivity discharge into the air or water beyond the effective control of the licensee as measured at or prior to the point of such release or discharge;

(3) Records of emergency shutdowns and inadvertent scrams, including reasons for emergency shutdown;

(4) Records of maintenance operations involving substitution or replacement of reactor equipment or components;

(5) Records of experiments installed including description, reactivity worths, locations, exposure time, total irradiation, and any unusual events involved in their performance and in their handling; and

(6) Records of tests and measurements performed pursuant to the Technical Specifications.

D. *Reports.* In addition to reports otherwise required under the license and applicable regulations:

(1) The licensee shall inform the Commission of any incident or condition relating to the operation of the reactor which prevented or could have prevented a nuclear system from performing its safety function as described in the Technical Specifications. For each such occurrence, the licensee shall promptly notify by telephone or telegraph the Director of the appropriate Atomic Energy Commission Regional Compliance Office listed in Appendix D of 10 CFR 20 and shall submit within ten (10) days a report in writing to the Director, Division of Reactor Licensing (hereinafter, Director, DRL) with a copy to the Regional Compliance Office.

(2) The licensee shall report to the Director, DRL, in writing within thirty (30) days of its occurrence any substantial variance disclosed by operation of the reactor from performance specifications contained in the Safety Analysis Report or the Technical Specifications.

(3) The licensee shall report to the Director, DRL, in writing within thirty (30) days of its occurrence any significant change in transient or accident analysis, as described in the Safety Analysis Report.

4. This license shall expire at midnight,

Date of issuance:

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[F.R. Doc. 67-9145; Filed, Aug. 4, 1967; 8:45 a.m.]

[1] This item was not filed with the Office of the Federal Register but is available for inspection in the Public Document Room of the Atomic Energy Commission.

[Docket No. 50-296]

TENNESSEE VALLEY AUTHORITY

Notice of Receipt of Application for Construction Permit and Facility License

The Tennessee Valley Authority, Knoxville, Tenn. 37902, pursuant to section 104b of the Atomic Energy Act of 1954, as amended, has filed an application, dated July 13, 1967, for a construction permit and operating license to authorize construction and operation of a single cycle, forced circulation, boiling water nuclear reactor at the applicant's Browns Ferry Nuclear Power Station. The proposed site is located in Limestone County, Ala., approximately 10 miles southwest of Athens, Ala.

The proposed reactor, designated by the applicant as Browns Ferry Nuclear Power Station Unit 3, is designed to operate initially at 3,293 megawatts thermal (1,098 megawatts electrical). The reactor is to be situated adjacent to Units 1 and 2 of the Browns Ferry Nuclear Station, which are currently under construction pursuant to construction permits issued by the Atomic Energy Commission on May 10, 1967. The design of Unit 3 is stated to be "virtually identical" to that of Units 1 and 2.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 31st day of July 1967.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 67-9190; Filed, Aug. 4, 1967; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 18769]

AEROLINEAS ARGENTINAS

Notice of Prehearing Conference

Application for amendment of its foreign air carrier permit to include an additional route authorization between Argentina and Los Angeles, Calif., via intermediate points, and for a renewal of its permit.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on August 15, 1967, at 10 a.m., e.d.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D.C., August 1, 1967.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 67-9193; Filed, Aug. 4, 1967; 8:48 a.m.]

[Docket No. 17909; Order E-25485]

SPACE-AVAILABLE MAIL

Order To Show Cause Regarding Establishment of Service Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 2d day of August 1967.

Establishment of service rates for that class of mail created by Public Law 89–725; Docket 17909.

On November 2, 1966, the President signed into law Public Law 89–725. Thereafter, on November 4, 1966, the Board issued Order E–24361 finding that Public Law 89–725 had created a new class of mail, for convenience referred to as space-available mail, and instituting an investigation to fix and determine, pursuant to section 406 of the Act, the fair and reasonable rates of compensation to be paid to the carriers for the transportation by aircraft of such mail.

Public Law 89–725 applies to first-class letter mail (including postal cards and post cards), sound-recorded communications having the character of personal correspondence, and parcels not weighing more than 5 pounds and not exceeding 60 inches in length and girth combined when mailed at or addressed to an Armed Forces post office located outside of the 48 contiguous States; certain second-class publications when mailed at or addressed to any Armed Forces post office located in an overseas area designated by the President as a combat zone; and parcels exceeding 5 pounds but not exceeding 70 pounds in weight and not exceeding 100 inches in length and girth combined when mailed at or addressed to an overseas Armed Forces post office where adequate surface transportation is not available.

Public Law 89–725 provides for such airlift between Armed Forces post offices located outside of the 48 contiguous States or between any such Armed Forces post office and the point of embarkation or debarkation within the 50 States, the territories and possessions of the United States in the Pacific area, the Commonwealth of Puerto Rico, the Virgin Islands, or the Canal Zone. In other words within the 48 contiguous States it only provides for a space-available airlift of such mail matter when it is in transit between Armed Forces post offices located outside thereof. It does not provide for airlift between origination or destination points within the 48 contiguous States and points of embarkation or debarkation. The Postmaster General has, however, filed a petition in Docket 17969 seeking the establishment of a rate for domestic space-available airlift of such mail mail initiated on his own motion. This order deals only with the space-available airlift conducted pursuant to Public Law 89–725, and therefore does not deal with the matter raised by the Postmaster General's petition in Docket 17969. The Board will deal with that matter at a later date.

The Congress first provided for a limited space-available airlift of certain mail matter to Armed Forces post offices by Public Law 89–315, November 1, 1965. That law provided for a space-available airlift of fourth-class parcels addressed to or mailed at an Armed Forces post office located in an area designated by the President as a combat zone between domestic embarkation or debarkation points and such Armed Forces post offices. The law further provided that such mail should be carried on U.S. flag carriers at rates approved by the Board which were not, however, to exceed the minimum rates established by the Board for military cargo moving on scheduled flights (Category A). Pan American World Airways, Inc. (Pan American), entered into an agreement with the Department of Defense to carry such mail at rates equal to the minimum rates established by the Board for Category A cargo, i.e., 12 cents per ton-mile for shipments moving outbound from the United States and 10 cents per ton-mile for shipments moving inbound to the United States. These rates were approved by the Board in Order E–23422, March 28, 1966.

The mail matter formerly covered by Public Law 89–315 is now covered by Public Law 89–725, which provides that the airlifting of mail matter pursuant thereto shall be provided at rates fixed by the Board pursuant to section 406 of the Act. In other words, the legal basis for establishing the rate pursuant to Public Law 89–725 is different from that under Public Law 89–315. Nevertheless, the similarities between such space-available mail and Category A cargo recognized by the Congress in Public Law 89–315, are also relevant to the fixing of a rate for mail carried pursuant to Public Law 89–725. Such mail is intended to be carried exclusively on a space-available basis, that is, like Category A cargo, it is to be carried within regularly scheduled capacity not being used by ordinary commercial cargo and which would have ordinarily remained empty. Also, the principal volumes of such mail will move to areas of concentrated military activity where large volumes of Category A Cargo have been moving for some time.

Considering the similarities between Public Law 89–725 mail and Category A military cargo as well as the fact that the Board has just finished a complete review of the reasonableness of the minimum rates applicable to Category A cargo, PS–33, June 1, 1967, it appears reasonable to propose a rate for Public Law 89–725 mail based on the minimum rates established for Category A cargo. In addition, informal conferences between the Board's staff and representatives of the Post Office Department, the

Department of Defense, and the carriers which will carry the principal volumes of space available mail indicate that such a rate would be acceptable to both the user of the service and those that will provide the service. This is a fact that the Board has always considered to be substantial evidence of the reasonableness of a rate proposal.

There are currently two rates established for Category A cargo. A 12 cents per ton-mile rate applies to such cargo shipped in the direction outbound from the United States, and cargo shipped in the inbound direction takes a rate of 10 cents per ton-mile. The Post Office Department has indicated that such a directional rate would be difficult to administer and requests that a single rate be established to apply worldwide. Data supplied the Board indicate that the overall outbound space-available mail volumes exceed inbound volumes by a ratio of 7 to 3. Accordingly, it appears reasonable to propose a rate of 11.4 cents per ton-mile for the carriage of space-available mail pursuant to Public Law 89–725, to apply without regard to the direction of movement.

Upon consideration of the facts recited above and matters officially noted, the Board proposes to issue an order to include the following findings and conclusions:

1. Public Law 89–725 creates a new class of mail which is to be airlifted on a space-available basis between Armed Forces post offices which are located outside the 48 contiguous States of the United States, or between any such Armed Forces post office and the point of embarkation or debarkation within the 50 States of the United States, the territories and possessions of the United States in the Pacific area, the Commonwealth of Puerto Rico, the Virgin Islands or the Canal Zone, and consisting of the following categories of mail matter:

(A) (1) First-class letter mail (including postal cards and postcards);

(2) Sound-recorded communications having the character of personal correspondence; and

(3) Parcels of any class of mail not exceeding 5 pounds in weight and 60 inches in length and girth combined,

which are mailed at or addressed to any such Armed Forces post office;

(B) Second-class publications published once each week or more frequently and featuring principally current news of interest to members of the Armed Forces and the general public which are mailed at or addressed to any such Armed Forces post office in an overseas area designated by the President as a combat zone; and

(C) Parcels of any class of mail exceeding 5 pounds but not exceeding 70 pounds in weight and not exceeding 100 inches in length and girth combined which are mailed at or addressed to any such Armed Forces post office where adequate surface transportation is not available.

2. The new class of mail service referred to above (for convenience sometimes referred to as SAM mail) for which rates of compensation are established herein shall be subject to the following terms and conditions:

(A) The air transportation to be compensated at such rate shall be that involving the transportation of those classes of mail enumerated in section 2 of Public Law 89–725 to the extent that such classes of mail are being transported between points where Public Law 89–725 provides that such mail shall be transported by air at rates fixed by the Civil Aeronautics Board under section 406 of the Federal Aviation Act, except that the rates established herein shall not apply to the transportation of such mail between points within the State of Alaska.[1]

(B) The rates established shall be made applicable to the transportation of such SAM mail over the routes of Airlift International, Inc., Alaska Airlines, Inc., American Airlines, Inc., Braniff Airways, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., The Flying Tiger Line, Inc., National Airlines, Inc., Northeast Airlines, Inc., Northwest Airlines, Inc., Pan American World Airways, Inc., Seaboard World Airlines, Inc., Trans Caribbean Airways, Inc., Trans World Airlines, Inc., United Air Lines, Inc., West Coast Airlines, Inc., and Western Air Lines, Inc.,[2] as authorized by certificates of public convenience and necessity and exemptions in effect on or subsequent to November 4, 1966, to the extent that such routes coincide with SAM mail routings between points where Public Law 89–725 provides that such mail shall be transported by air at rates fixed by the Civil Aeronautics Board under section 406 of the Federal Aviation Act, except that such rates shall not apply over routes between points within the State of Alaska.

(C) The rates established in these proceedings shall be applied to the mail ton-miles carried by each carrier in the class of service to which these rates are applicable. The mail ton-miles shall be computed on the basis of the standard mileage between points served for the carriage of mail. The standard mileages for domestic, transatlantic, transpacific, and Latin American SAM services shall be those used for computing mail rate compensation for other classes of mail in each of those ratemaking areas as currently provided in Orders E–22512, August 6, 1965, as amended by E–24247, September 30, 1966 (domestic), E–21514, November 19, 1964 (transatlantic, transpacific), and E–23753, May 31, 1966 (Latin America). In the event that any of the aforementioned orders are succeeded by a new temporary or final rate order, the standard mileages for SAM mail shall be determined in accordance with such new rate orders. In the case of SAM mail being transported between points in different ratemaking areas established for other classes of mail so that no single standard mileage applies between the point of origin and point of destination of the SAM mail, the standard mileage for such SAM mail shall be computed by combining the standard mileages applying over the segments in each of the various ratemaking areas involved that most closely conform to the routing of the SAM mail between origin and destination.

(D) No air carrier shall transport SAM mail at the rates fixed herein on any aircraft if such transportation will displace any other available revenue traffic.

3. The average volume of SAM mail moving outbound from the United States exceeds the average volume moving inbound to the United States by a ratio of 7 to 3.

4. A rate of 11.4 cents per ton-mile is a fair and reasonable rate to be paid by the Postmaster General pursuant to section 406 of the Federal Aviation Act of 1958 for the transportation by aircraft of SAM mail by the carriers listed in paragraph 2(B) above in the class of service described in paragraph 2, the facilities used and useful therefor, and the services connected therewith, provided that any air carrier, or, pursuant to agreement, any two or more air carriers providing service on an interline or interchange basis, may, by notice, elect to establish a reduced charge for the carriage of mail between points where Public Law 89–725 provides that SAM mail shall be transported by air equal to the charge then in effect for service between such points by any other air carrier or air carriers.

Notice of election to equalize rate. An original and three copies of each notice of election and agreement to equalize shall be filed with the Board and a copy thereof shall be served upon the Postmaster General and each carrier providing on-line or connecting service between the stated points. Such notices shall contain a complete description of the reduced charge being established, the routing over which it applies and how it is constructed and shall similarly describe the charge with which equalization is sought.

Any equalized rate established pursuant to this order shall be effective for the electing carrier or carriers as of the date of filing of the notice or such later date as may be specified in the notice, until such election is terminated. Elections may be terminated by any electing carrier upon 10 days' notice filed with the Board and served upon the Postmaster General and each carrier providing on-line or connecting service between the stated points.

Division of equalized rates. In case of equalization of rates by agreement, the agreement shall provide for the proration of the mail compensation between participating carriers on the basis of the relative compensation which would otherwise be payable to each carrier in the absence of such an equalization. In the absence of an agreement among carriers for equalization of rates for interline or interchange shipments between a stated pair of points, any carrier (or two or more carriers jointly) may, by notice, elect to receive as its portion of the total compensation for each shipment the amount remaining after subtracting from such total compensation the compensation due the other carrier or carriers involved (nonelecting carriers). Such total compensation shall be computed on the basis of the lowest rate then in effect for service between the stated pair of points for any carrier or carriers. The compensation due the nonelecting carrier or carriers shall be that otherwise applicable to the point-to-point service it actually provides. In those instances where there is a nonelecting carrier or carriers involved in providing the through service and two or more carriers elect to receive payment under this provision, the total payment due such electing carriers shall be prorated by them on the basis of the relative compensation which would otherwise be payable to each of them in the absence of the provisions of this paragraph.

Divisions of equalized rates prescribed by the Board. In the event that any carrier is unable to enter into an agreement with any other carrier to transport mail between any stated points at a reduced rate, it may file an application with the Board requesting it to determine and fix a different method of apportioning the total compensation for each such shipment of mail between the participating carriers. Such applications shall not be deemed to reopen the mail rates fixed by this order. An original and 19 copies of such an application shall be filed. Applications filed pursuant to this paragraph shall conform generally to the provisions of the rules of practice governing the filing of petitions in mail rate cases. Within seven days after the application is served, any party may file an answer in support of or in opposition to the application, together with any documentary material upon which it relies. Any order upon application filed pursuant to this paragraph shall be effective no earlier than the date of filing of the application with the Board.

In reviewing such application, the Board will consider, among other pertinent factors, the need for the proposed service, the historical participation of electing carrier or carriers in the transportation of mail between such stated points, the amount of absorption required, and the grounds for refusal by the carrier or carriers to enter into an equalization agreement. After hearing the carriers concerned, either orally or in writing, in those cases where it deems such action appropriate, the Board will by order prescribe the method for apportioning the total compensation between such carriers, but in no event shall the carrier or carriers which refuse to enter into an agreement to equalize compensation be required to accept less than the compensation which would have been payable if the services were performed under voluntary equalization agreement.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof and the Board's rules of practice (14 CFR Part 302):

It is ordered:

1. That all interested parties and particularly Airlift International, Inc., Alaska Airlines, Inc., American Airlines, Inc., Braniff Airways, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., The Flying Tiger Line Inc., National Airlines, Inc., Northeast Airlines, Inc., Northwest Airlines, Inc., Pan American World Airways, Inc., Seaboard World Airlines, Inc., Trans Caribbean Airways, Inc., Trans World Airlines, Inc., United Air Lines, Inc., West Coast Airlines, Inc., Western Air Lines, Inc., the Postmaster General, and the Department of Defense are each directed to show cause why the Board should not issue a final order in these proceedings adopting the foregoing findings and conclusions and fixing, determining, and publishing the rate therein set forth as the fair and reasonable rate of compensation to be paid by the Postmaster General for the mail transportation therein described in the areas therein stated, effective on and after November 4, 1966.

2. That all further procedures herein shall be in accordance with the rules of practice (14 CFR Part 302) and if there is any objection to the rates or other findings specified herein, notice thereof must be filed within eight days, and, if notice is filed, written answer and supporting documents must be filed within 15 days, after the date of service of this order.

3. That, if notice of objection is not filed within eight days, or if notice is filed and answer is not filed within 15 days after service of this order, all parties shall be deemed to have waived all further procedural steps before an order fixing final rates, and the Board may enter an order fixing the rates proposed herein.

4. That, if any answers are filed, the issues involved in determining the fair and reasonable rates shall be limited to those specifically raised thereby, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice.

5. That this order be served upon the parties specifically listed in paragraph 1 above.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 67–9194; Filed, Aug. 4, 1967; 8:49 a.m.]

[1] Although Public Law 89–725 calls for a space-available airlift of the classes of mail covered between Armed Forces post offices within Alaska, the rate established herein is not being made applicable to a space-available mail airlift within Alaska in recognition of the special characteristics of intra-Alaskan services.

[2] The carriers to which this order is being directed are those providing service between points within the 48 contiguous States, on the one hand, and points in Hawaii, Alaska, overseas points, and foreign points, on the other hand. The order is also directed to those carriers providing service within the 48 contiguous States that may participate in the carriage of Public Law 89–725 mail transiting the United States. In this category are all trunkline carriers and West Coast Airlines, Inc. The principal channels for such transit mail are New York-San Francisco, New York-Seattle, and San Francisco-Seattle.

FEDERAL MARITIME COMMISSION

INTER-AMERICAN FREIGHT CONFERENCE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. M. Joseph Kelly, 16th Floor, 2 Broadway, New York, N.Y. 10004.

Agreement 9648 proposes to establish the Inter-American Freight Conference to establish and maintain fair and reasonable rates for the promotion of commerce in the trade between U.S. Atlantic and Gulf ports and ports in Brazil, Uruguay, Paraguay, and Argentina, which trade is divided into the following three sections: (A) Outbound from U.S. Atlantic and Gulf ports to ports of Brazil, Uruguay, Paraguay, and Argentina; (B) inbound from Paraguay, Uruguay, and Argentina to U.S. Atlantic and Gulf ports; and, (C) inbound from Brazil to U.S. Atlantic and Gulf ports. The member lines intend to develop the Pan American Nations' respective merchant marines and services to carry a substantial portion of the foreign commerce of the countries served; and, to aid in the development of the commerce of Bolivia and Peru through ports in Brazil, Uruguay, and Argentina.

Agreement 9648 was filed on behalf of the following Lines:

Companhia De Navegacao Loide Brasileiro.
Empresa Lineas Maritimas Argentinas (E.L.M.A.).
Delta Steamship Lines, Inc.
Companhia De Navegacao Maritima Netumar.

Montemar S.A.
Moore-McCormack Lines, Inc.
Navegacao Mercantil S.A.
Georgia Steamship Corp.
The Lamport & Holt Line, Ltd.
The Booth Steamship Co., Ltd.

Dated: August 2, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-9197; Filed, Aug. 4, 1967; 8:49 a.m.]

INTER-AMERICAN FREIGHT CONFERENCE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. M. Joseph Kelly, 16th Floor, 2 Broadway, New York, N.Y. 10004.

Agreement 9649, among the members of the Inter-American Freight Conference, now pending before the Commission as Agreement 9648, provides for the use of "Pooling Guidelines" by the members whereby they may agree to the pooling of commodities on a revenue or tonnage basis and, if necessary, rationalise their sailings in the trade between U.S. Atlantic and Gulf ports and ports of Brazil, Uruguay, Argentina, and Paraguay, in accordance with the terms and conditions set forth in the agreement.

Dated: August 2, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-9196; Filed, Aug. 4, 1967; 8:49 a.m.]

MEDITERRANEAN—NORTH PACIFIC COAST FREIGHT CONFERENCE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Elliott B. Nixon, Burlingham, Underwood, Barron, Wright & White, 25 Broadway, New York, N.Y. 10004.

Agreement 8090-8, between the member lines of the Mediterranean-North Pacific Coast Freight Conference, proposes (1) the revocation and cancellation of a pending modification, Agreement 8090-4, which is presently in docketed proceedings (Docket No. 66-54), (2) amendment of Article 18 of the basic agreement to increase the present admission fee from $500 to $4,500, and (3) to provide that the admission fee will be considered as a down-payment against the already apportioned general expenses of the conference to be reimbursed to the lines members of the conference prior to the admittance of the newcomer in proportion to the expenses incurred during the past 10 years.

Dated: August 2, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-9199; Filed, Aug. 4, 1967; 8:49 a.m.]

PACIFIC WESTBOUND CONFERENCE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. W. C. Galloway, Chairman, Pacific Westbound Conference, 635 Sacramento Street, San Francisco, Calif. 94111.

Agreement 57-89, between the member lines of the Pacific Westbound Conference, proposes the amendment of Article 22 of the basic agreement (57, as amended) to increase the amount of the entrance fee for new members from $500 (five hundred dollars) to $1,000 (one thousand dollars).

Dated: August 2, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-9200; Filed, Aug. 4, 1967; 8:49 a.m.]

THAI MERCANTILE MARINE, LTD., ET AL.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

George P. Galland, Esq., Galland, Kharasch, Calkins & Lippman, 1824 R Street NW., Washington, D.C. 20009.

Agreement 9647, between Thai Mercantile Marine, Ltd. (TMM), States Marine Lines, Inc. (SML), and States Marine-Isthmian Agency, Inc. (SMIA), provides for SML and SMIA to furnish agency services to TMM for the purpose of assisting TMM in establishing steamship services between ports in Thailand, Japan, Hong Kong, Philippines, Malaysia, Indonesia, Singapore, Taiwan, Okinawa, Korea, Viet Nam, Laos, Ceylon, India, and Pakistan and ports in North and South America, including the West Coast, Gulf Coast and Atlantic Coast of the United States and Hawaii, Canada, and Mexico, with the intent of TMM joining conferences in the U.S. trades.

SML will provide managing agents services and advice relating to the chartering of ships, solicitation of cargo, booking of cargo, vessel scheduling, hiring of crews, the purchase of insurance, repairs, stores and fuel, and all other matters incident to the management of TMM's berth services and the maintenance of TMM's ships for an agreed fee under terms and conditions set forth in the agreement.

SMIA will act as TMM's General Agent for the United States and North and South America to solicit and book cargo, collect freight, issue bills of lading, employ and supervise stevedores, designate terminals, husband vessels, make and pay claims, and perform all other acts required as General Agent for an agreed fee under terms and conditions set forth in the agreement.

Dated: August 2, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-9201; Filed, Aug. 4, 1967; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP68-24]

ARKANSAS LOUISIANA GAS CO.

Notice of Application

JULY 31, 1967.

Take notice that on July 21, 1967, Arkansas Louisiana Gas Co. (Applicant), Post Office Box 1734, Shreveport, La. 71102, filed in Docket No. CP68-24 an application pursuant to subsection (c) of section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities and the sale and delivery of interruptible volumes of natural gas to an industrial customer, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate approximately 310 feet of 8⅝-inch and 750 feet of 4½-inch market lateral and related natural gas sales facilities, extending from Applicant's existing 12-inch Line "D" to the site of the plant of the Ford Motor Co. now being constructed west of Shreveport, Caddo Parish, La.

Applicant further seeks authorization to sell and deliver a peak daily and annual volume of 3,300 Mcf and 200,000 Mcf, respectively, of interruptible natural gas. Applicant states that the proposed deliveries will be made through the natural gas facilities proposed above. Applicant further states that such proposed service will not affect in any way the service it now renders to existing customers.

Applicant estimates the total cost of the proposed facilities at approximately $20,500, said cost to be financed from cash on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before August 28, 1967.

Take further notice, that pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-9165; Filed, Aug. 4, 1967; 8:46 a.m.]

[Docket No. CP64-37]

CHANDELEUR PIPE LINE CO.

Notice of Petition To Amend

JULY 31, 1967.

Take notice that on July 24, 1967, Chandeleur Pipe Line Co. (Petitioner), Post Office Box 1446, Louisville, Ky. 40201, filed in Docket No. CP64-37 a petition to amend the order issued by the Commission December 16, 1963, as amended August 22, 1966, by authorizing the construction and operation of additional natural gas transportation facilities and the transportation and delivery of volumes of natural gas to a new industrial customer and a corresponding decrease in the transportation and delivery of volumes of natural gas to an existing customer, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the above-mentioned order, as amended, Petitioner was authorized to construct and operate natural gas transportation facilities and to transport and deliver volumes of natural gas to Petitioner's owner, Standard Oil Co., Inc. in Kentucky (Kyso), at the site of Kyso's refinery-chemical plant complex located near Pascagoula, Miss., for a turbine generating plant installed to generate power and steam for said plant's consumption. By the instant filing, Petitioner seeks authorization to construct and operate a pipeline and metering station to supply natural gas to Mississippi Power Co. (MPC) at the above-mentioned site of Kyso's generating plant for use by MPC in providing the same power and steam to Kyso that Kyso now provides itself. Petitioner also seeks authorization to transport and deliver to MPC the volumes of natural gas required to provide such service to Kyso as Kyso has agreed to sell and MPC has agreed to purchase said generating facilities to provide such service. MPC also provides additional generating service to Kyso and Kyso has indicated that it desires MPC to provide its total power requirements.

Specifically, Petitioner seeks authorization to construct and operate the following natural gas transportation and sales facilities:

(1) Approximately 1,800 feet of 8-inch transmission pipeline, to be used to supply MPC with the natural gas required to operate the turbine generating plant purchased by it from Kyso; and

(2) A measuring station located at the plantsite near Pascagoula, Miss.

Petitioner states that the natural gas it now transports and delivers to Kyso, its sole customer, is purchased by Kyso from The California Co., a division of Chevron Oil Co. (Calco), at Calco's offshore platforms. Petitioner further states that both Kyso and Calco are wholly owned subsidiaries of Standard Oil Company of California and that MPC has contracted with Calco for the purchase of its total natural gas requirements for the above-mentioned generating plant and with Petitioner for the transportation of said natural gas. Petitioner also states that MPC has estimated its natural gas requirements for said generating plant at between 12,000 and 15,000 Mcf per day and Kyso has agreed to reduce the volumes which Calco is obligated to sell to Kyso by the like amount since Kyso will no longer need such natural gas as MPC will be providing the same service.

Petitioner estimates the total cost of the proposed facilities at approximately $25,000, said cost to be financed from cash on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before August 28, 1967.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-9166; Filed, Aug. 4, 1967; 8:46 a.m.]

[Docket No. CP68-25]

MICHIGAN GAS AND ELECTRIC CO. AND NORTHERN NATURAL GAS CO.

Notice of Application

JULY 31, 1967.

Take notice that on July 24, 1967, Michigan Gas and Electric Co. (Applicant), 100 South Main Street, Three

Rivers, Mich. 49663, filed in Docket No. CP68-25 an application pursuant to subsection (a) of section 7 of the Natural Gas Act for an order of the Commission directing Northern Natural Gas Co. (Respondent) to establish physical connection of its transportation facilities with the facilities proposed to be constructed by Applicant and to sell and deliver to Applicant volumes of natural gas for resale and distribution in the villages of Baraga, Chassell, and Palmer, located respectively in the counties of Baraga, Houghton, and Marquette, all in the State of Michigan, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate municipal natural gas distribution systems in Baraga, Chassell, and Palmer. Applicant also proposes that Respondent construct and operate three transmission laterals from its main transmission lines to supply each of the three communities set forth above.

Applicant estimates the third year peak daily and annual natural gas requirements of the three communities at 872 Mcf and 133,815 Mcf, respectively. Applicant states that service proposed above will be initial natural gas service to the three communities.

Applicant estimates the total cost of the proposed facilities at approximately $257,740, said cost to be financed from funds of its own available to Applicant for construction purposes.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 28, 1967.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-9167; Filed, Aug. 4, 1967; 8:46 a.m.]

[Docket No. CP68-23]

OHIO FUEL GAS CO.

Notice of Application

JULY 28, 1967.

Take notice that on July 21, 1967, Ohio Fuel Gas Co. (Applicant), 99 North Front Street, Columbus, Ohio 43215, filed in Docket No. CP68-23 an application pursuant to subsection (c) of section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate the following pipeline loop and replacement facilities, all in the State of Ohio:

(1) Approximately 4.5 miles of 12¾-inch O.D. x.203 wall pipe in Muskingum County, Ohio, looping Line O-731 serving Coshocton and West Lafayette;

(2) Approximately 2 miles of 16-inch O.D. x.219 wall pipe in Clark County, Ohio, replacing a section of 10¾-inch O.D. Line Z-8 serving the Bellefontaine-Urbana market area; and

(3) All valves, fittings, and incidental facilities necessary for practical operation thereof.

Applicant states that the facilities proposed above are a part of a program to enable it to maintain adequate natural gas facilities and service and to provide the increased capacity needed to serve the increasing requirements of existing markets and to insure adequate market service during the winter of 1967-68.

Applicant estimates the total cost of the proposed facilities at approximately $420,000, said cost to be financed by Applicant's parent company, The Columbia Gas System, Inc. Applicant further estimates the cost of removal of the facilities to be replaced at approximately $7,000 and the estimated salvage from the sale of said facilities at approximately $8,000.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before August 24, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-9168; Filed, Aug. 4, 1967; 8:47 a.m.]

[Project Nos. 2243, 2273]

PACIFIC NORTHWEST POWER CO., AND WASHINGTON PUBLIC POWER SUPPLY SYSTEM

Order Providing for Further Hearing

JULY 31, 1967.

Pursuant to a decision of the Supreme Court in Udall v. FPC and Washington Public Power Supply System v. FPC, decided June 5, 1967, the matter of the applications by Pacific Northwest Power Co. (PNPC) and by Washington Public Power Supply System (WPPSS) for license to construct a hydroelectric power project at the High Mountain Sheep site on the Snake River was remanded to the Commission on July 6, 1967, for further proceedings consistent with the Court's opinion.

In the prior proceeding, the Presiding Examiner issued an initial decision on October 8, 1962, granting a license to PNPC (31 FPC 905). By order issued February 5, 1964, we granted the license to PNPC for Project No. 2243, denying the application for Project No. 2273 and found that the development of the High Mountain Sheep Project should not be undertaken by the United States itself (31 FPC 247). On rehearing, we reaffirmed our previous order with certain modifications (31 FPC 1051). The Court of Appeals affirmed our order in 358 F. 2d 840 (CADC, 1966). The Supreme Court by its decision of June 5, 1967, reversed and remanded to the Commission for further proceedings consistent with its opinion. The Supreme Court's opinion appears at ——— U.S. ———, 18 L. ed 2d 869.

Both Applicants by letters of June 21 and June 27, 1967, have indicated that they wish to pursue their respective applications for license to construct a project at the High Mountain Sheep site, and have requested the Commission to provide for a prehearing conference and further hearing.

One of the areas delineated by the Court for further development at such a hearing is whether "deferral of construction would be more in the public interest than immediate construction and whether preservation of the reaches of the river affected would be more desirable and in the public interest than the proposed development." (18 L ed 2d 869 at 882) [1]

Another area for further factual inquiry is specified by the Court as it notes that the Applicants introduced no evidence (18 L ed 2d at 874) specifically addressed to the question of Federal development under section 7(b) of the Federal Power Act and that the Secretary of Interior has not had an opportunity to do so. Accordingly, the parties, including the Secretary of the Interior, should present their evidence bearing on section 7(b) considerations.

To expedite the orderly conduct and disposition of the further hearing of the issues it is desirable that a prehearing conference be held in Portland, Oreg., on September 28, 1967, for the purposes set forth in section 1.18 of the Commission's rules and regulations.

The Commission finds: A hearing should be held to supplement the record consistent with the Opinion of the U.S. Supreme Court rendered June 5, 1967.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Federal Power Act, particularly sections 4(e), 10(a), 308, and 313 thereof, and the Commission's rules of practice and procedure, a further public hearing shall be held respecting the matters involved and the issues presented in this proceeding.

(B) A prehearing conference shall be held in Portland, Oreg., on September 28, 1967 at 10 a.m., P.d.t. at a place to be designated by further notice.

(C) The Presiding Examiner shall, in addition to any of the measures he deems necessary to facilitate the proceedings, issue a schedule for the filing of prepared testimony and commencement of the hearing based upon the estimates of the parties, as expressed at the prehearing conference, of time necessary to prepare their respective cases, and

(D) Notices of intervention or petitions to intervene in the further proceedings may be filed with the Federal Power Commission, Washington, D.C. 20426 in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which petitions to intervene may be filed is September 1, 1967. Those persons or groups already granted intervention in the course of any of the prior proceedings need not file new petitions.

(E) The Commission Order of December 14, 1962 (28 FPC 1024) granting limited intervention to the Secretary of the Interior is hereby amended to grant the Secretary full intervention.

(F) The prior Commission order of February 5, 1964 (31 FPC Part 247) issuing a license to Pacific Northwest Power Co., and the Commission order of April 30, 1964 (31 FPC 1051) on rehearing are vacated.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-9169; Filed, Aug. 4, 1967; 8:47 a.m.]

[Docket No. RI68-40]

UNION OIL COMPANY OF CALIFORNIA

Order Providing for Hearing on and Suspension of Proposed Change in Rate

JULY 28, 1967.

Union Oil Company of California (Union) [1] on June 30, 1967 tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated June 28, 1967.

Purchaser and producing area: Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Tennessee Gas), Rollover Block 39 Field, Vermilion Parish, Off-shore Louisiana.

Rate schedule designation: Supplement No. 10 to Union's FPC Gas Rate Schedule No. 120.

Effective date: July 31, 1967.[2]

Amount of annual increase in rate: $310,000.

Effective rate: 16.75 cents per Mcf.[3]

Proposed rate: 17.75 cents per Mcf.[3]

Pressure base: 15.025 p.s.i.a.

Jupiter transports the subject gas produced by Union from Union's offshore Rollover platform to an onshore line owned by Tennessee Gas which purchases the gas from Union. Transportation of the gas produced by Union, as successor in interest to The Pure Oil Co. (Pure), is made pursuant to a contract dated January 2, 1957 between Pure and Jupiter which comprises Jupiter's FPC Gas Rate No. 7. Under the terms of this contract, the transportation charge is at a rate not to exceed 4 cents per Mcf for the first 62,500 Mcf per day and 3 cents per Mcf on additional volumes. Such rate averages out to approximately 3.4 cents per Mcf based on the present rate of delivery. However, by order issued June 28, 1966, in The Jupiter Corp. et al., Docket Nos. RI63-212 et al. 35 FPC 1091, the Commission approved Jupiter's settlement proposal whereby Jupiter reduced its transportation charge to Union from approximately 3.4 cents per Mcf under its Rate Schedule No. 7 to 1 cent per Mcf.

Union is presently collecting a rate of 16.75 cents per Mcf for this sale, exclusive of the transportation charge, pursuant to Commission's order issued November 27, 1962, approving a settlement in The Pure Oil Co. et al., 28 FPC 889, under which Union and Tennessee Gas executed a contract amendment which provides for reimbursement by Tennessee Gas in full for all payments made by Union to Jupiter under the aforementioned contract dated January 2, 1957, between Jupiter and Pure.

A disagreement as to the proper amount of transportation charge has resulted from the respective parties interpretations of the Jupiter and Pure settlements. Jupiter, under its Rate Schedule No. 7, has continued to charge Union an average rate of 3.43 cents per Mcf for transportation from the Rollover Field, and Union, therefore, seeks reimbursement from Tennessee Gas at the same rate. Tennessee Gas has petitioned the Commission to issue an order in Docket Nos. RI63-212 et al., directing Jupiter and Union to comply with the 1 cent per Mcf transportation rate which it contends is the proper rate under the Jupiter settlement. Responses have been filed by Jupiter and Union. Jupiter's position is that its settlement did not preclude the collection of additional charges for the transportation of condensates and liquid hydrocarbons and that the 1 cent per Mcf transportation charge reflected in its settlement pertained solely to the transportation of natural gas. Union's response is that it is entitled to reimbursement for all transportation charges actually paid to Jupiter.

Union's proposed increased rate and charge, exclusive of the transportation charge, exceeds the area price level for Offshore Louisiana as announced in the Commission's statement of general policy No. 61-1, as amended (18 CFR, Ch. I, Pt. 2, § 2.56).

The propriety of the 3.43 cents transportation charge, which is reflected in Union's presently effective overall rate as well as in its proposed overall rate, will be determined when the Commission takes action with respect to the dispute noted above in Docket Nos. RI63-212 et al. For this reason the subject suspension order does not purport to include any question as to the proper transportation charge, and is without prejudice to whatever action, if any, may be taken with respect to the dispute as to the proper transportation charge under Union's FPC Gas Rate Schedule No. 120, either for the period prior to the suspension period ordered herein or for the period subsequent thereto.

The proposed 17.75 cents rate may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change, and that Supplement No. 10 to Union's FPC Gas Rate Schedule No. 120 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the Regulations under the Natural Gas Act (18 CFR Ch. I) a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 10 to Union's FPC Gas Rate Schedule No. 120.

(B) Pending such hearing and decision thereon, Supplement No. 10 to Union's FPC Gas Rate Schedule No. 120 is hereby suspended and the use thereof deferred until December 31, 1967, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed

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[1] In construing the application of section 10(a) of the Act the Court further comments:

"* * * Nor is the test solely whether the region will be able to use the additional power. The test is whether the project will be in the public interest. And that determination can be made only after an exploration of all issues relevant to the "public interest," including future power demand and supply, alternative sources of power, the public interest in preserving reaches of wild rivers and wilderness areas, the preservation of anadromous fish for commercial and recreational purposes, and the protection of wildlife. (18 L ed 2d at 883)

[1] Address is: Union Oil Center, Los Angeles, Calif. 90017, Attention: Mr. C. E. Smith.

[2] The stated effective date is the effective date proposed by Respondent.

[3] Both the effective and proposed rates are shown exclusive of a transportation charge, payable to The Jupiter Corporation (Jupiter) by Union. Tennessee Gas under its contract with Union, in turn, reimburses Union for the transportation charge. Union's subject notice of change reflects the transportation charge to be 3.43 cents per Mcf. There is a dispute, however, which is discussed later in this order as to the proper transportation charge.

of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before September 11, 1967.

(E) The suspension of Union's proposed 17.75 cents per Mcf rate is without prejudice to whatever action, if any, may be taken with respect to the determination in Docket Nos. RI63–212, et al., of the proper transportation charge under Union's FPC Gas Rate Schedule No. 120 either for the period prior to the suspension period ordered herein or for the period subsequent thereto.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 67–9170; Filed, Aug. 4, 1967; 8:47 a.m.]

[Docket No. RI 61–236 etc.]

UNION TEXAS PETROLEUM ET AL.

Order Approving Settlement Proposals, Requiring Refunds, and Severing and Terminating Proceedings

JULY 28, 1967.

Union Texas Petroleum, a division of Allied Chemical Corp., Docket Nos. RI61–236 and RI62–250; Neches Petroleum Corp., Docket No. RI63–193; Clegg & Hunt (Operator) et al., Docket No. RI60–405; Reserve Oil and Gas Co., Docket Nos. G–18570 and RI64–789; Dixon Management Corp., Docket No. RI64–663; Sparta Oil Co., Docket No. RI67–38; Vernon W. Frost, Docket No. RI67–267.

On July 10, 1967, Union Texas Petroleum, a division of Allied Chemical Corp. (Union Texas) filed an offer of settlement in Docket Nos. RI61–236 and RI62–250, pursuant to § 1.18(e) of the Commission's rules of practice and procedure. The offer relates to a sale of natural gas formerly made by Union Texas in Jefferson County, Tex. (Texas Railroad Commission District No. 3) to Texas Eastern Transmission Corp. (TETC). The gas sold by Union Texas was purchased from the other above-named respondents, among others.

On June 6, 1967, the Commission issued an order permitting Union Texas to abandon its sale to TETC, and the sale is now being made by an affiliate, Texas Gas Pipe Line Corp. In the same order, the Commission approved, prospectively, settlement proposals filed by Neches Petroleum Corp. (Neches), Clegg & Hunt (Operator) et al. (Clegg & Hunt), and Reserve Oil and Gas Co. (Reserve). However, the suspension proceedings in Docket Nos. RI61–236 and RI62–250, relating to Union Texas, were not affected by the June 6th order. Consequently, the Commission provided in the June 6th order that the refund obligations of Neches, Clegg & Hunt, and Reserve in Docket Nos. G–18570, RI60–405, RI63–193, and RI64–789, for the period prior to the issuance of that order, would be determined in Docket No. AR64–2, the Texas Gulf Coast Area Rate Proceeding.

Neches, Clegg & Hunt, and Reserve seek rehearing and reconsideration of the June 6th order insofar as it did not terminate their respective proceedings, and continued their refund obligation for the period each had such obligation prior to the date of issuance of such order. For the reasons set forth below they will be accorded the relief which they seek by our approval of their settlement rates for the refund periods involved.

Union Texas now proposes to refund all monies it charged and collected from TETC, subject to refund, in excess of 14 cents per Mcf of natural gas at 14.65 p.s.i.a. Such refunds will approximate $124,237, exclusive of applicable interest.

Union Texas' proposed settlement rate of 14 cents per Mcf, and the settlement rates of the producers selling to Union, which we approved prospectively by our order of June 6, 1967, are in accord with either the applicable increased rate ceiling set forth in the statement of general policy No. 61–1 (18 CFR 2.56), or the second amendment thereto, and we shall approve the same unconditionally, order refunds, and terminate the proceedings applicable to each. Additionally, the rates which were charged and collected from Union Texas, subject to refund in Docket Nos. RI64–663, RI67–38, and RI67–267, by Dixon Management Corp., Sparta Oil Co., and Vernon W. Frost, do not exceed the applicable area increased rate ceiling. In view of the termination of the rate proceedings relating to the resale rate of Union Texas, it is also appropriate to terminate these proceedings.

We believe that these settlement proposals are in the public interest and shall approve the same. However, we desire to make it clear that acceptance of these offers of settlement shall not be construed as approval of any future increased rate that may be filed by any of the Respondents named above, under the subject rate schedules, and is without prejudice to any findings or order of the Commission in any future proceeding involving their rates and rate schedules. Additionally, for all of the reasons set forth in Humble Oil & Refining Co., Docket Nos. G–9287 et al., 32 FPC 49, we shall require Union Texas to deposit the refund monies in a special escrow account or to commingle the retained refunds with its general assets pending future action of the Commission.

The Commission finds: The proposed settlement of the above-designated proceedings, on the basis described herein, as more fully set forth in the offers of settlement, filed herein with the Commission are consistent with the statement of general policy No. 61–1, as amended, 18 CFR 2.56, and approval thereof as made effective and hereinafter ordered is in the public interest and is appropriate to carry out the provisions of the Natural Gas Act.

The Commission orders:

(A) The offer of settlement filed with the Commission by Union Texas is approved in accordance with the provisions of this order.

(B) Union Texas, Neches, Clegg & Hunt, and Reserve shall each compute the difference between the rates collected subject to refund and the settlement rates for the sales for which they propose to make refunds with applicable interest to the date of this order, and shall within 45 days from the date of issuance of this order submit a report to the Commission, with a copy to the purchaser, setting out the amount of refunds (showing separately the principal and applicable interest) the bases used for such determination, the period covered, and 10 days thereafter shall submit to the Commission a copy of a letter from the purchaser agreeing to the correctness of such amounts.

(C) Union Texas shall retain the amounts shown in its refund report required under paragraph (B) above, subject to further action of the Commission directing the disposition of those amounts.

(D) Union Texas may deposit the retained refunds in a special escrow account, and shall tender for filing within 60 days of the date of issuance of this order an executed escrow agreement, conditioned as set out below, accompanied by a certificate showing service of a copy thereof upon TETC. Unless notified to the contrary by the Secretary within 30 days from the date of filing thereof, the escrow agreement shall be deemed to be satisfactory and to have been accepted for filing. The escrow agreement shall be entered into between Union Texas and any bank or trust company used as a depository of funds of the U.S. Government and the agreement shall be conditioned as follows:

(1) Union Texas, the bank or trust company, and the successors and assigns of each, shall be held and formally bound unto the Federal Power Commission for the use and benefit of those entitled thereto, with respect to all amounts and the interest thereon deposited in the special escrow account, subject to such agreement, and such bank or trust company shall be bound to pay over to such person or persons as may be identified and designated by final order of the Commission and in such manner as may be therein specified, all or any portion of such deposits and the interest thereon.

(2) The bank or trust company may invest and reinvest such deposits in any short-term indebtedness of the United States or any agency thereof, or in any form of obligation guaranteed by the United States which is, respectively, payable within 120 days as the said bank or trust company in the exercise of its sound discretion may select.

(3) Such bank or trust company shall be liable only for such interest as the invested funds described in paragraph (2) above will earn and no other interest may be collected from it.

(4) Such bank or trust company shall be entitled to such compensation as is fair, reasonable, and customary for its services as such, which compensation shall be paid out of the escrow account to such bank or trust company. Said bank or trust company shall likewise be entitled to reimbursement for its reasonable expenses necessarily incurred in the administration of this escrow account, which reimbursement shall be paid out of the escrow account.

(5) Such bank or trust company shall report to the Secretary quarterly, certifying the amount deposited in the bank or trust company for the quarterly period.

(F) If Union Texas elects to commingle the retained refunds with its general assets and use them for business purposes, it shall notify the Secretary of the Commission of its intention so to do within 60 days of the issuance of this order, and shall pay interest on such monies at the rate of 5½ percent per annum from the date of issuance of this order to the date on which they are paid over to the person or persons ultimately determined to be entitled thereto by final order or orders of the Commission.

(G) Upon notification by the Secretary of the Commission that each of the Respondents has complied with the terms and conditions of this order, the proceedings in Docket Nos. RI61–236, RI62–250, RI63–193, RI60–405, G–18570, RI64–789, RI67–38, RI67–267, and RI64–663 shall terminate and Docket Nos. RI61–236, RI62–250, RI63–193, RI60–405, G–1857, and RI64–633 shall be severed from the Texas Gulf Coast Area Rate Proceeding, Docket Nos. AR64–2 et al., all without further order of the Commission.

(H) The acceptance by the Commission of the offers of settlement herein is without prejudice to any findings or determinations that may be made in any proceeding now pending, or hereafter instituted by or against any of the respondents herein and is without prejudice to claims or contentions which may be made by any of the Respondents herein, the Commission staff, or any affected party hereto, in any proceedings.

By the Commission

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 67–9171; Filed, Aug. 4, 1967; 8:47 a.m.]

[Docket No. E–7045]

DEPARTMENT OF THE INTERIOR, BUREAU OF RECLAMATION, EKLUTNA PROJECT, ALASKA

Notice of Request for Approval of Rate Schedules

JULY 28, 1967.

Notice is hereby given that Alaska Power Administration (APA) on behalf of the U.S. Department of the Interior, has filed with the Federal Power Commission, pursuant to the Eklutna Project Act of July 31, 1950 (64 Stat. 382) as amended, a request for the extension of the Commission's confirmation and approval of the rate schedules for the sale of power and energy generated at the Eklutna Project located in the vicinity of Anchorage, Alaska.

The rate schedules for which extended approval is requested are designated A–N2, A–L2, and A–F3, which has been redesignated as Rate Schedule A–F4.

The Commission's current approval of these rate schedules expires August 4, 1967. However, the Commission by order issued July 27, 1967, temporarily extended the approval to November 4, 1967, or to such earlier date as the Commission's final action is taken.

Rate Schedules A–N2, A–L2, and A–F3, redesignated A–F4, are on file with the Commission for public inspection. Any person desiring to make comments and suggestions for Commission consideration with respect to the proposed rate schedules should submit the same in writing on or before August 31, 1967, to the Federal Power Commission, Washington, D.C. 20426.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 67–9172; Filed, Aug. 4, 1967; 8:47 a.m.]

LANDS WITHDRAWN IN PROJECT NOS. 945 AND 1419

Vacation of Withdrawals Under Section 24 of the Federal Power Act

JULY 31, 1967.

Application has been filed by the U.S. Forest Service for vacation of the power withdrawal under the provision of section 24 of the Federal Power Act pertaining to the following described lands of the United States:

WILLAMETTE MERIDIAN, OREGON

T. 3 S., R. 5½ E.,
Sec. 13, W½SW¼;
Sec. 14, SE¼SE¼.

The lands are located along Camp Creek, a tributary of Zigzag River, a tributary of Sandy River in the vicinity of the Village of Government Camp in Clackamas County, Oreg., and are within the Mount Hood National Forest.

The above-described lands (approximately 120 acres) are withdrawn pursuant to the filing on December 18, 1928, of an application for license for Project No. 945. By letter dated December 20, 1928, the Commission gave notice of the withdrawal to the General Land Office, now Bureau of Land Management. In addition to the above-described lands, portions of the following lands (approximately 0.844 acre) are withdrawn pursuant to the filing on January 19, 1937, of an application for license for Project No. 1419, the notice of withdrawal of which was given to the General Land Office by letter dated October 21, 1937:

WILLAMETTE MERIDIAN, OREGON

T. 3 S., R. 6½ E.,
Sec. 14, E½SE¼.

Project No. 945 included, among its project works, a small powerhouse containing a waterwheel and generator of about 5 horsepower capacity which furnished power for the licensee's home and restaurant. Pursuant to application therefor, the Commission, by order effective as of December 31, 1962, accepted surrender of the last of the four 10-year licenses for the project. In requesting vacation of the power withdrawal pertaining to the lands occupied by the project, the Forest Service advises that the home and restaurant previously served by the project hydroelectric facilities now receive power from commercial sources, and the project lands have been restored to a condition satisfactory to the Service.

Project No. 1419 included, among other project works, a powerhouse containing hydroelectric facilities having a capacity of 18 horsepower which furnished power for the licensee's hotel. Pursuant to application therefor, in which the licensee requested cancellation of the license because fire had destroyed the powerhouse and hotel, the Commission, by order effective as of December 31, 1950, accepted surrender of the last of two 10-year licenses for the project. The U.S. Forest Service has reported that the lands of the United States occupied by the project have been restored to a condition satisfactory to the Service.

The Commission finds: Inasmuch as the subject lands have insignificant power value, and the power withdrawals pertaining thereto serve no useful purpose, they should be vacated.

The Commission orders: The power withdrawals pertaining to the subject lands pursuant to the applications for Project Nos. 945 and 1419 are hereby vacated.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 67–9173; Filed, Aug. 4, 1967; 8:47 a.m.]

[Docket No. CP68–22]

WISCONSIN POWER AND LIGHT CO., AND MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Application

JULY 26, 1967.

Take notice that on July 21, 1967, Wisconsin Power and Light Co. (Applicant), 122 West Washington Avenue, Madison, Wis. 53703, filed in Docket No. CP68–22 an application pursuant to subsection (a) of section 7 of the Natural Gas Act for an order of the Commission directing Michigan Wisconsin Pipe Line Co. (Respondent) to establish physical connection of its transportation facilities with the facilities proposed to be constructed by Applicant and to sell and deliver to Applicant volumes of natural gas for resale and distribution in the communities of Iola and Scandinavia, Wis., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate municipal natural gas distribution systems in Iola and Scandinavia as well as 1 mile of 6-inch lateral to extend from a proposed delivery point to Scandinavia and approximately 3.5 miles of

4-inch lateral extending from Scandinavia to Ioia. Applicant proposes that Respondent construct and operate approximately 2.72 miles of 4-inch transmission lateral extending generally northeastward from Respondent's transmission line to a gate station which Applicant proposes that Respondent construct approximately 1 mile from Scandinavia.

Applicant estimates its third year peak daily and annual natural gas requirements at 579 Mcf and 81,542 Mcf, respectively.

Applicant estimates the total cost of the facilities proposed to be constructed by it at approximately $280,444, said cost to be financed from cash on hand or funds borrowed from the sales of securities as may be necessary as a part of Applicant's overall construction program.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 24, 1967.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-9174; Filed, Aug. 4, 1967; 8:47 a.m.]

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI68-41...	Forest Oil Corp. (Operator) et al., 1300 National Bank of Commerce Bldg., San Antonio, Tex. 78205.	16	5	Michigan Wisconsin Pipe Line Co. (Vaklin Field St. Landry Parish, La. (South Louisiana)).	$1,373	6-30-67	8-1-67	1-1-68	[1] [2] 23.55	[1] 24.0	RI67-18.

[1] "Fractured" rate.
[2] Inclusive of 1.5 cents tax reimbursement.
[3] Pressure base is 15.025 p.s.i.a.
[4] From "fractured" rate to contractually provided for periodic rate.

In Opinion No. 436, the Commission granted a permanent certificate to Forest Oil Corp. (Operator) et al (Forest), in Docket No. CI62-283, conditioned to a total initial price of 20 cents. On August 24, 1964, Forest complied with the requirements of Opinion No. 436, and reduced its initial rate to 20 cents. Since then Forest has filed for two rate increases, prior to the one involved here, which have been suspended and thereafter placed in effect subject to refund.

Forest tendered the subject proposed increased rate on June 30, 1967, 1 day prior to the expiration date of the moratorium imposed in Opinion No. 436, and requests that the proposed 24 cent rate be made effective on July 1, 1967. Good cause has not been shown for such action. Furthermore the proposed increased rate will be deemed to have been filed on July 1, 1967, the expiration date of the moratorium imposed in Opinion No. 436.

Forest's proposed increased rate and charge exceeds the applicable area price level for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR Ch. I, Part 2, § 2.56).

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change, and that Supplement No. 5 to Forest's FPC Gas Rate Schedule No. 16 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending a hearing and decision thereon, the rate supplement herein is suspended and its use deferred until the date shown in the "Rate Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Unless otherwise ordered by the Commission, neither the supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before September 11, 1967.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-9176; Filed, Aug. 4, 1967; 8:47 a.m.]

[Docket No. CP64-220]

CASCADE NATURAL GAS CORP.

Notice of Petition To Amend

JULY 28, 1967.

Take notice that on July 20, 1967, Cascade Natural Gas Corp. (Petitioner), 222 Fairview Avenue North, Seattle, Wash. 98109, filed in Docket No. CP64-220 a petition to amend the order issued by the Commission October 21, 1965, by conforming the certificate issued by said order to reflect the actual costs incurred and the actual facilities installed, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the above-mentioned order, Petitioner was authorized to succeed to Garfield Gas Gathering Co. (Garfield) which had originally been certificated herein. Petitioner constructed the facilities originally proposed herein and placed them in operation. By the instant filing, Petitioner seeks to amend the certificate issued herein to conform to the actual facilities and the actual costs incurred.

Petitioner states, therefore, that the following are the actual facilities constructed and the actual costs incurred for same:

Facility constructed	Cost	Total cost
Transmission pipeline:		
83.1 miles of 10-inch	$581,309.98	
98.3 miles of 14-inch	5,181,602.31	
Total		$5,022,712.29
Gathering system:		
2.5 miles of 6-inch	33,467.79	
7.32 miles—miscellaneous	266,361.65	
Total		631,848.93
Other facilities: All		265,467.51
Total cost of project		6,720,028.73

Petitioner states that the actual costs substantially exceeded the estimated costs made by Garfield and upon which Petitioner relied. Petitioner therefore requests that the certificate be amended to conform to the actual costs incurred and the actual facilities installed.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before August 24, 1967.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-9181; Filed, Aug. 4, 1967; 8:47 a.m.]

[Docket No. RI68-41]

FOREST OIL CORP. ET AL.

Order Providing for Hearing on and Suspension of Proposed Change in Rate

JULY 28, 1967.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

[Docket No. CP66-26]

SOUTHERN NATURAL GAS CO.

Notice of Application

JULY 31, 1967.

Take notice that on July 24, 1967, Southern Natural Gas Co. (Applicant), Post Office Box 2563, Birmingham, Ala. 35202, filed in Docket No. CP66-26 an application pursuant to subsection (c) of section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale of natural gas in interstate commerce, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to render temporary peaking natural gas service to 21 of its resale customers for 1 year beginning November 1, 1967, during which period Applicant expects to have delivery capacity in excess of the firm natural gas requirements of its customers.

Applicant proposes to provide the following peaking service on a temporary basis to the following 21 resale customers:

Customer	Peaking service demand (Mcf)
Atlanta Gas Light Co.	20,000
City of Austrell Natural Gas System	1,000
Carolina Pipeline Co.	5,000
City of Cartersville	250
Chattanooga Gas Co.	1,000
Cullman-Jefferson Counties Gas District	500
The Gas Board of the City of Demopolis	200
City of Dublin	100
City of Graysville	300
City of LaGrange	1,000
City of LaFayette	160
City of Louisville	200
Marshall County Gas District	500
Pickens County Natural Gas District	50
The Gas Board of the city of Pleasant Grove	500
Southeast Alabama Gas District	3,000
South Carolina Natural Gas Co.	13,000
South Georgia Natural Gas Co.	2,000
City of Vicksburg	250
City of Warner Robins	700
City of Wrens	500
Total	50,210

Applicant states that the proposed temporary peaking service is to be rendered for one year beginning November 1, 1967. Applicant also states that the service proposed above will in no way interfere with the service Applicant now renders and it further states that no additional facilities will be required to perform the service as proposed above.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before August 28, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-9182; Filed, Aug. 4, 1967; 8:47 a.m.]

[Docket Nos. CP66-131, CP66-171]

TRUNKLINE GAS CO.

Notice of Petition To Amend

JULY 28, 1967.

Take notice that on July 19, 1967, Trunkline Gas Co. (Petitioner), Post Office Box 1642, Houston, Tex. 77001, filed in Docket Nos. CP66-131 and CP66-171 a petition to amend the orders issued by the Commission February 11, 1966, as amended August 2, 1966, and March 28, 1967, and July 1, 1966, as amended March 28, 1967, respectively, by authorizing Petitioner to increase the contract demands of five existing resale customers and to modify an existing compressor unit, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the abovementioned orders, as amended, Petitioner was authorized, inter alia, to provide volumes of natural gas to certain resale customers and to construct and operate certain additional natural gas pipeline and compression facilities incident thereto. By the instant filing, Petitioner seeks authorization to increase the contract demands of five of its existing resale customers and to make modifications to an existing compressor unit.

Specifically, Petitioner seeks authorization to increase the contract demands of the following resale customers as set forth below:

Customer	Proposed increase (Mcf)	Proposed contract demand (Mcf)
Greenup, Ill.	678	1,430
Somerville, Tenn.	325	1,525
Toledo, Ill.	80	600
Wayne City, Ill.	860	1,750
Illinois Power Company:		
Ogden, Ill.	400	1,400
Royal, Ill.	133	260
Total proposed increase	2,475	

Petitioner states that the proposed increases in contract demand can be served from unallocated capacity which will be available upon completion of the additional facilities previously authorized herein and Petitioner therefore states that no additional facilities will be required for the rendition of such service.

Petitioner also seeks authorization to modify its General Electric turbine compressor unit located at its Compressor Station 66, located in Epps, La., which will upgrade said compressor unit from 6,350 horsepower to 8,000 horsepower. Petitioner states that the modifications proposed consist of adding and replacing certain parts and adjusting controls. Petitioner also states that the authorization for the proposed modifications is sought in addition to but not in connection with the increased contract demands proposed above. Petitioner further states that the modifications proposed above will both provide reserve horsepower at said compressor station and enable Petitioner to place its presently installed Solar turbine 1,050 horsepower compressor unit on a standby basis for use in the event of an emergency.

Petitioner estimates the total cost of the proposed modifications at approximately $80,000, said cost to be financed from funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before August 21, 1967.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-9183; Filed, Aug. 4, 1967; 8:48 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 631]

MICHIGAN

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of July 1967, because of the effects of certain disasters, damage resulted to residences and business property located in the riot-torn sections of Detroit, Mich.;

Whereas, the Small Business Administration has investigated and received

other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Acting Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property, situated in the city of Detroit, Mich., and areas adjacent thereto, suffered damage or destruction resulting from riots occurring during July 1967.

OFFICE

Small Business Administration Regional Office, 1249 Washington Boulevard, Detroit, Mich. 48226.

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to January 31, 1968.

Dated: July 29, 1967.

ROBERT C. MOOT,
Acting Administrator.

[F.R. Doc. 67-9153; Filed, Aug. 4, 1967; 8:45 a.m.]

[Declaration of Disaster Loan Area 632]

NEW JERSEY

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of July 1967, because of the effects of certain disasters, damage resulted to residences and business property located in the riot-torn section of Newark, N.J.

Whereas, the Small Business Administration has investigated and received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Acting Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property, situated in the riot-torn section of the city of Newark, N.J., and areas adjacent thereto, suffered damage or destruction resulting from riots occurring during July 1967.

OFFICE

Small Business Administration Regional Office, 10 Commerce Court, Newark, N.J. 07102.

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to January 31, 1968.

Dated: July 31, 1967.

ROBERT C. MOOT,
Acting Administrator.

[F.R. Doc. 67-9154; Filed, Aug. 4, 1967; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 18]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 2, 1967.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 279), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-69718. By order of July 31, 1967, the Transfer Board approved the transfer to Container Cargo Express Corp., Newark, N.J., of the operating rights issued April 16, 1957, to Merchants Parcel Delivery Co., a corporation, in certificate No. MC-106010, acquired by transferor herein, Chandler Transportation, Inc., New York, N.Y., pursuant to No. MC-FC-69426, consummated May 5, 1967, but no certificate has as yet been issued in the name of transferor. The operating rights cover the transportation of general commodities, with the usual exceptions, and in addition, authorize the transportation of numerous commodities, including household goods, between points in New York, New Jersey, Pennsylvania, Delaware, Maryland, and the District of Columbia. Duane W. Acklie, NSEA Building, 14th and J Streets, Lincoln, Nebr. 68501, attorney for transferee. M. F. Rolla, 419 Park Avenue South, New York, N.Y. 10016, attorney for transferor.

No. MC-FC-69754. By order of July 31, 1967, the Transfer Board approved the transfer to Robert B. Buhelt, doing business as Wharff's Express, 69 East Commonwealth Drive, Portland, Maine, of the certificate of registration in No. MC-54498 (Sub-No. 1), issued December 20, 1965, to Harold S. Wharff, doing business as Wharff's Express, 7 Carleton Avenue, Old Orchard Beach, Maine, evidencing a right to engage in transportation in interstate or foreign commerce solely within the State of Maine, corresponding in scope to the service authorized by certificate of public convenience and necessity No. 129, issued prior to October 15, 1962, and concurrently renewed, by the Maine Public Utilities Commission.

No. MC-FC-69769. By order of July 31, 1967, the Transfer Board approved the transfer to M. J. Gentner, doing business as Ottawa Grain & Seed Co., Ottawa, Kans., of certificate No. MC-1942, issued August 15, 1963, to Marvin Strobel, doing business as Richmond Truck Line, Richmond, Kans., and authorizing the transportation, over regular routes, of feed, in bulk, and general commodities, except those of unusual value, classes A and B explosives, commodities in bulk other than feed, commodities requiring special equipment, and those injurious or contaminating to other lading, between Richmond, Kans., and Kansas City, Mo., serving the intermediate and off-route points of North Kansas City, Mo., Kansas City, Kans., and those within 20 miles of Richmond, Kans.; livestock, between Richmond, Kans., and St. Joseph, Mo., serving intermediate and off-route points within 20 miles of Richmond, Kans., and binder twine, from St. Louis, Mo., to Richmond, Kans., serving no intermediate points; and, over irregular routes, fertilizer, in sacks, and feed and seed, in sacks and in bulk, from St. Joseph, Mo., to Richmond, Kans., and points within 20 miles thereof; fertilizer, dry, in bulk and in sacks, from Horn, Mo., to Richmond, Kans., and points within 20 miles thereof; and church furniture, unerated, from Garnett, Kans., to points in Missouri, Ohio, Iowa, Nebraska, Oklahoma, Illinois, and Texas. John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603, attorney for applicants.

No. MC-FC-69779. By order of July 31, 1967, the Transfer Board approved the transfer to Dale E. Conner, doing business as Conner Truck Line, 1038 Walnut, Eudora, Kans. 66025, of certificate No. MC-36822, issued February 26, 1957, to James B. Smith and Joe Katzfey, a a partnership, doing business as Smith & Katzfey Truck Line, Eudora, Kans., authorizing the transportation of: Livestock and grain, between Eudora, Kans., and points within 12 miles thereof, on the one hand, and on the other, Kansas City, Kans., and Kansas City, Mo.; and feed, agricultural machinery, lumber, and hardware, from Kansas City, Mo., and Kansas City, Kans., to Eudora, Kans., and points within 12 miles thereof.

No. MC-FC-69813. By order of July 31, 1967, the Transfer Board approved the transfer to Steve J. Dunne Cartage, Inc., Chicago, Ill., of certificate of registration No. MC-121332 (Sub-No. 1), issued December 26, 1963, to Steve J. Dunne, Chicago, Ill., and evidencing a right of the holder to engage in transportation in interstate or foreign commerce corresponding in scope to the authority granted in certificate of public convenience and necessity No. 8528MC, dated March 8, 1955, issued by the Illinois Commerce Commission. Harold E. Marks, 208 South La Salle Street, Chicago, Ill. 60604, attorney for applicants.

No. MC-FC-69519. By order of July 31, 1967, the Transfer Board approved the transfer to Ryder Truck Lines, Inc., a Florida corporation, Jacksonville, Fla., of the operating rights in certificates Nos. MC-2900, MC-2900 (Sub-No. 82), MC-2900 (Sub-No. 108), MC-2900 (Sub-No. 109), MC-2900 (Sub-No. 116), MC-2900 (Sub-No. 120), MC-2900 (Sub-No. 130), MC-2900 (Sub-No. 137), MC-2900 (Sub-No. 140), MC-2900 (Sub-No. 148), MC-2900 (Sub-No. 149), issued January 19, 1966, January 19, 1966, January 19, 1966, January 19, 1966, August 16, 1966, January 19, 1966, June 7, 1966, September 9, 1966, December 7, 1966, May 4, 1967, and April 10, 1967, respectively, to Ryder Truck Lines, a Tennessee corporation, Jacksonville, Fla., authorizing the transportation of general commodities, classes A and B explosives, paper and paper products, Government-owned compressed gas trailers, malt beverages, bags and bagging, agricultural commodities, canned goods, dried fruit, petroleum products, cotton, roofing, lard, sugar, cellophane, rayon, and aluminum sheets and plates between points in most of the United States, except the northwestern States, varying as to commodities, origins, and destinations, with certain restrictions. Roland Rice, 618 Perpetual Building, Washington, D.C., attorney for applicants.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-9232; Filed, Aug. 4, 1967; 8:50 a.m.]

CUMULATIVE LIST OF PARTS AFFECTED—AUGUST

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during August.

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Atomic Energy Commission
Civil Aeronautics Board
Civil Service Commission
Commodity Credit Corporation
Consumer and Marketing Service
Education Office
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Title 3—THE PRESIDENT

Executive Order 11366

ASSIGNING AUTHORITY TO ORDER CERTAIN PERSONS IN THE READY RESERVE TO ACTIVE DUTY

By virtue of the authority vested in me by section 673a of title 10 of the United States Code, and by section 301 of title 3 of the United States Code, and as President of the United States, it is hereby ordered as follows:

SECTION 1. (a) The Secretary of Defense is hereby authorized and empowered to exercise the authority vested in the President by section 673a of title 10 of the United States Code, to order to active duty any member of the Ready Reserve of an armed force (except the Coast Guard when not operating as a service in the Navy) who—

(1) is not assigned to, or participating satisfactorily in, a unit of the Ready Reserve;

(2) has not fulfilled his statutory reserve obligation; and

(3) has not served on active duty for a total of 24 months.

(b) In pursuance of the provisions of section 673a of title 10 of the United States Code, the Secretary of Defense is hereby authorized to require a member ordered to active duty under the authority of this Order to serve on active duty until his total service on active duty equals 24 months. If the enlistment or period of military service of a member of the Ready Reserve ordered to active duty under this authority would expire before he has served the required period of active duty prescribed herein, his enlistment or period of military service may be extended until he has served the required period.

(c) In pursuance of the provisions of section 673a of title 10 of the United States Code, and in order to achieve fair treatment among members of the Ready Reserve who are being considered for active duty under this authority, appropriate consideration shall be given to—

(1) family responsibilities; and

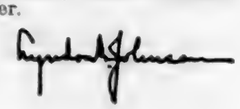
(2) employment necessary to maintain the national health, safety, or interest.

SEC. 2. The Secretary of Transportation is hereby authorized and empowered to exercise the authority vested in the President by section 673a of title 10 of the United States Code, with respect to any member of the Ready Reserve of the Coast Guard when it is not operating as a service in the Navy, under the same conditions as such authority may be exercised by the Secretary of Defense under this Order with respect to any member of the Ready Reserve of any other armed force.

SEC. 3. (a) The Secretary of Defense may designate any of the Secretaries of the military departments of the Department of Defense to exercise the authority vested in him by section 1 of this Order.

(b) The Secretary of Transportation may designate the Commandant of the United States Coast Guard to exercise the authority vested in him by section 2 of this Order.

SEC. 4. Executive Order No. 11327 of February 15, 1967, is superseded except with respect to members of the Ready Reserve ordered to active duty under the authority of that Order.



THE WHITE HOUSE,
August 4, 1967.

[F.R. Doc. 67-9323; Filed, Aug. 4, 1967; 4:57 p.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 725—FLUE-CURED TOBACCO

Proclamation of Results of Marketing Quota Referendum

Basis and purpose. The purpose of this proclamation is to add § 725.4 to announce the results of the flue-cured tobacco marketing quota referendum for the three marketing years beginning July 1, 1968. Under the provisions of the Agricultural Adjustment Act of 1938, as amended, the Secretary proclaimed national marketing quotas for flue-cured tobacco for the 1968-69, 1969-70, and 1970-71 marketing years, and announced the amount of the national marketing quota for such kind of tobacco for the 1968-69 marketing year (32 F.R. 9817). The Secretary announced (32 F.R. 9849) that a referendum would be held on July 18, 1967, to determine whether flue-cured tobacco producers were in favor of or opposed to marketing quotas for the three marketing years beginning July 1, 1968. Since the only purpose of this proclamation is to announce the results of the referendum, it is hereby found and determined that with respect to this proclamation, application of the notice, public procedure and effective date provisions of 5 U.S.C. 553 is unnecessary.

§ 725.4 Proclamation of the results of the flue-cured tobacco marketing quota referendum for the three-year period beginning July 1, 1968.

In a referendum of farmers engaged in the production of the 1967 crop of flue-cured tobacco held on July 18, 1967, 162,314 farmers voted. Of those voting, 156,601 or 96.5 percent favored quotas for a period of 3 years beginning July 1, 1968; 5,713 or 3.5 percent were opposed to quotas. Therefore, the national marketing quota of 1,126.5 million pounds for flue-cured tobacco proclaimed July 5, 1967 (32 F.R. 9817), for the 1968-69 marketing year, will be in effect for such year, and marketing quotas on such kind of tobacco will be in effect for the three marketing years beginning July 1, 1968.

(Secs. 312, 317, 375; 52 Stat. 46, as amended, 66, as amended; 7 U.S.C. 1312, 1314b, 1375)

Signed at Washington, D.C., on August 2, 1967.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 67-9222; Filed, Aug. 7, 1967; 8:46 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lemon Reg. 278, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b)(1)(ii) of § 910.578 (Lemon Regulation 278, 32 F.R. 11073) are hereby amended to read as follows:

§ 910.578 Lemon Regulation 278.

* * * * *

(b) *Order.* (1) * * *

(ii) District 2: 265,050 cartons.

* * * * *

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: August 3, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-9223; Filed, Aug. 7, 1967; 8:46 a.m.]

[Prune Reg. 5]

PART 925—FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN IDAHO AND IN MALHEUR COUNTY, OREGON

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement and Order No. 925 (7 CFR Part 925), regulating the handling of fresh prunes grown in designated counties in Idaho and in Malheur County, Oreg., under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the recommendations of the Idaho-Malheur County, Oregon Fresh Prune Marketing Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of fresh prunes, in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that, as hereinafter set forth, the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than August 14, 1967. A reasonable determination as to the supply of, and the demand for, prunes must await the development of the crop and adequate information thereon was not available to the Idaho-Malheur County, Oregon Fresh Prune Marketing Committee until July 11, 1967; recommendation as to the need for, and the extent of, regulation of shipments of such prunes was made at the meeting of said committee on July 11, 1967, after consideration of all available information relative to the supply and demand conditions for such prunes, at which time the recommendation and supporting information were submitted to the Department; necessary supplemental data for consideration in connection with the specification of the provisions of this regulation were not available until July 28, 1967; shipments of the current crop of such prunes will begin on or about August 15, 1967; and this regulation should be applicable, insofar as practicable, to all shipments of such prunes in order to effectuate the declared policy of the act; and compliance with

the provisions of this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

§ 925.306 Prune Regulation 5.

(a) *Order.* During the period August 14, 1967, through December 31, 1967, no handler shall handle any lot of prunes unless such prunes meet the following applicable requirements, or are handled in accordance with subparagraph (4) of this paragraph:

(1) Minimum grade requirement: Such prunes grade at least U.S. No. 1: *Provided*, That prunes which are affected by healed hail marks may be shipped if they otherwise grade at least U.S. No. 1.

(2) Minimum size requirement: Such prunes shall measure at least 1⅛ inches in diameter: *Provided*, That any lot of prunes shall be deemed to meet such minimum diameter requirement if (i) not more than 10 percent of the prunes in such lot are smaller than 1⅛ inches in diameter; and (ii) if not more than 15 percent of the prunes contained in any individual container in such lot are smaller than 1⅛ inches in diameter.

(3) Containers: The net weight of prunes in any container, other than the one-half bushel basket shall be either (i) less than 20 pounds, or (ii) more than 30 pounds.

(4) Notwithstanding any other provision of this section, any individual shipment of prunes which, in the aggregate, does not exceed 150 pounds net weight may be handled without regard to the restrictions specified in this paragraph (a), or in §§ 925.41 (Assessment) and 925.55 (Inspection and certification).

(5) The terms "U.S. No. 1," "diameter," and "hail marks" shall have the same meaning as when used in the U.S. Standards for Fresh Plums and Prunes (§§ 51.1520–51.1537 of this title); and terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in the marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 3, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-9250; Filed, Aug. 7, 1967; 8:48 a.m.]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 4]

PART 1004—MILK IN DELAWARE VALLEY MARKETING AREA

Order Suspending Certain Provision

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Delaware Valley marketing area (7 CFR Part 1004), it is hereby found and determined that:

(a) The following provision of the order no longer tends to effectuate the declared policy of the Act for the month of August 1967: In § 1004.8(b) the words "except an 'other order plant' ".

(b) Notice of proposed rule making, public procedure thereon and 30 days notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This suspension order will continue for one additional month the effect of a suspension order which was issued June 20, 1967 (32 F.R. 9006). Interested parties were afforded opportunity to file written data, views or arguments concerning this earlier suspension (32 F.R. 7976).

The present extension of the earlier suspension will remove for the month of August 1967 the provision which would otherwise preclude the pooling under the Delaware Valley order of a supply plant which has long been associated with that order. The original suspension for June and July was ordered so as to allow this supply plant to continue its regulated status under the Delaware Valley order pending consideration of proposed modifications of this provision which were presented at a public hearing held June 12 and 13, 1967.

A recommended decision was issued July 25, 1967 (32 F.R. 11039) proposing certain modifications of this provision and in view of the fact that final action cannot be taken on these proposed modifications before the end of the temporary suspension it is concluded that the effect of the temporary suspension should be continued for one additional month.

Therefore, good cause exists for making this order effective on publication in the FEDERAL REGISTER.

It is therefore ordered, That the aforesaid provision of the order is hereby suspended for the month of August 1967.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: On publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on August 3, 1967.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 67-9251; Filed, Aug. 7, 1967; 8:48 a.m.]

[Milk Order 13]

PART 1013—MILK IN SOUTHEASTERN FLORIDA MARKETING AREA

Order Amending Order

§ 1013.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Southeastern Florida marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than August 1, 1967. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator, Regulatory Programs, was issued June 22, 1967, and the decision of the Assistant Secretary containing all amendment provisions of this order, was issued July 19, 1967. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective August 1, 1967, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 553(d), Administrative Procedure Act, 5 U.S.C. 551–559).

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date thereof, the handling of milk in the Southeastern Florida marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

1. In § 1013.41(c), subparagraph (5) is revised to read as follows:

§ 1013.41 Classes of utilization.

* * * * *

(c) * * *

(5) Skim milk and butterfat, respectively, in shrinkage at each pool plant (except in milk diverted to a nonpool plant pursuant to § 1013.16) but not in excess of:

(i) Two percent of producer milk (including that received from a handler pursuant to § 1013.13(d)) if the handler receiving such milk files notice with the market administrator that he is purchasing it on the basis of farm weights. Otherwise, the applicable percentage pursuant to this subdivision shall be 1.5 percent;

(ii) Plus 1.5 percent of bulk fluid milk products received from other pool plants;

(iii) Plus 1.5 percent of bulk fluid milk products received from other order plants exclusive of the quantity for which Class II or Class III utilization was requested by the operators of both plants;

(iv) Plus 1.5 percent of bulk fluid milk products received from unregulated supply plants exclusive of the quantity for which Class II or Class III utilization was requested by the handler; and

(v) Less 1.5 percent of bulk fluid milk products transferred to other plants; and

* * * * *

§ 1013.50 [Amended]

2. In § 1013.50, the last sentence is deleted.

3. In § 1013.51, paragraph (a) is revised to read as follows:

§ 1013.51 Class prices.

* * * * *

(a) *Class I price.* From the effective date of this order through June 1963, the Class I price shall be the basic formula price for the preceding month plus $3.20, and plus or minus a supply-demand adjustment of not more than 30 cents, computed as follows:

(1) Determine the total hundredweight of producer milk pursuant to this part and Parts 1012 (Tampa Bay) and 1006 (Upper Florida) of this chapter for the 3-month period ending with the second preceding month;

(2) Determine the total hundredweight of producer milk classified as Class I pursuant to this part and Parts 1012 and 1006 of this chapter for the 3-month period ending with the second preceding month;

(3) Determine the "current utilization percentage" by calculating the percentage rounded to the nearest full percent, that the amount obtained in subparagraph (1) of this paragraph is of the amount obtained in subparagraph (2) of this paragraph; and

(4) Add or subtract 3 cents for each percent that the current utilization percentage is, respectively, below the minimum or above the maximum standard utilization percentages for the month in the following table: *Provided*, That such adjustment shall not vary from that for the preceding month by more than 10 cents:

Month for which price is being computed	Standard utilization percentage	
	Minimum	Maximum
January	110	114
February	110	114
March	109	113
April	109	113
May	109	113
June	113	117
July	118	122
August	120	124
September	119	123
October	114	118
November	111	115
December		

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: August 1, 1967.

Signed at Washington, D.C., on July 27, 1967.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 67-9253; Filed, Aug. 7, 1967; 8:48 a.m.]

[Milk Order 68]

PART 1068—MILK IN MINNEAPOLIS-ST. PAUL, MINN., MARKETING AREA

Order Suspending Certain Provision

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Minneapolis-St. Paul, Minn., marketing area (7 CFR Part 1068), it is hereby found and determined that:

(a) The following provision of the order no longer tends to effectuate the declared policy of the Act for the months of August, September, and October 1967 and is hereby suspended for such months: "not less than 30 percent of the total" as it appears in the second proviso of § 1068.9(b), relating to standards required to qualify a cooperative supply plant for pool status.

(b) Thirty days notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This suspension will permit all the milk of producer members of a cooperative association which is shipped directly from the farm to bottling plants located in the cities of Minneapolis or St. Paul to be assigned to country plants operated by such association for the purpose of meeting the shipping requirements of a pool supply plant during August, September, and October. The order presently provides that at least 30 percent of the member milk must be direct-shipped to plants in Minneapolis or St. Paul before any of it may be assigned to country plants for this purpose.

(4) This suspension is needed to permit an association of producers supplying the market to continue marketing and pooling milk regularly associated with the market on the most efficient and economical basis, pending a hearing on the matter.

(5) Interested parties were afforded opportunity to file written data, views or arguments concerning this suspension (32 F.R. 10863). None were filed in opposition to the proposed suspension. The petitioner's request for this suspension was supported by seven other cooperative associations on the market.

Therefore, good cause exists for making this order effective upon publication in the FEDERAL REGISTER.

It is therefore ordered, That the aforesaid provision of the order is hereby suspended for the months of August, September, and October 1967.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on August 3, 1967.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 67-9252; Filed, Aug. 7, 1967; 8:48 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[Amdt. 2]

PART 1464—TOBACCO

Subpart—Tobacco Loan Program

AVAILABILITY OF PRICE SUPPORT

The regulations issued by Commodity Credit Corporation, published in 31 F.R. 9679 and 32 F.R. 10249, with respect to the tobacco price support loan program are herein amended as follows:

In § 1464.1756 paragraph (d) (1) (iv) is amended to designate that markets located in the type 13 tobacco marketing area shall be considered to be in two belts which is in keeping with historical market practices and the difference in opening dates of tobacco markets in such two belts. The amended subdivision reads as follows:

§ 1464.1756 Availability of price support.

* * * * *

(d) * * *

(1) * * *

(iv) In the case of flue-cured tobacco, price support will be available on flue-cured tobacco markets in the Georgia-Florida belt only if such tobacco is in untied form. During the first 95 hours of scheduled selling time for each flue-cured tobacco belt, other than the Georgia-Florida belt, price support will be available on eligible tobacco of all grades of tied and untied tobacco. Beginning with the 96th hour of scheduled selling time for each such belt, price support will be available only on eligible tobacco offered for sale in tied form. For the purposes of this subsection the markets located in the type 13 area shall be considered two belts as follows: Markets located in the area commonly known as the border North Carolina marketing area shall be considered a belt, and the markets located in the State of South Carolina shall be considered a belt, except that the markets of Loris, S.C. and Mullins, S.C. shall be considered a part of whichever of the two belts that their respective scheduled selling time corresponds.

* * * * *

(Sec. 4, 62 Stat. 1070, as amended, sec. 5, 62 Stat. 1072, secs. 101, 106, 401, 403, 63 Stat. 1051, as amended, 1054, sec. 125, 70 Stat. 198, 74 Stat. 6; 7 U.S.C. 1441, 1445, 1421, 1423, 7 U.S.C. 1313, 15 U.S.C. 714b, 714c)

Effective date: Date of filing with Office of the Federal Register.

Signed at Washington, D.C., on August 3, 1967.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 67-9234; Filed, Aug. 7, 1967; 8:46 a.m.]

SUBCHAPTER C—EXPORT PROGRAMS

[Amdt. 2]

PART 1488—FINANCING OF SALES OF AGRICULTURAL COMMODITIES

Subpart A—Financing of Export Sales of Agricultural Commodities From Private Stocks Under CCC Export Credit Sales Program (GSM–4)

MISCELLANEOUS AMENDMENTS

The regulations containing the terms and conditions governing the Commodity Credit Corporation Export Credit Sales Program, published in the FEDERAL REGISTER of April 27, 1967 (32 F.R. 6496–6500), as corrected on May 4, 1967 (32 F.R. 6836), and as amended on May 19, 1967 (32 F.R. 7437), are further amended as follows:

§ 1488.2 [Amended]

1. Paragraph (h) of § 1488.2 *Definition of terms* is amended to read:

(h) "Eligible commodities" means those agricultural commodities, including eligible cotton, which are produced in the United States and which are designated as eligible for export under CCC's Export Credit Sales Program either in the CCC Monthly Sales List or other announcement by CCC in effect for the calendar month in which the financing approval is issued. Commodities which have been purchased from CCC are eligible for export as private stocks. Commodities shall not be eligible for financing under this program if they are exported under a barter contract or arrangement.

2. Paragraph (k) of § 1488.2 *Definition of terms* is amended by inserting the words "or other documents" between the words "instruments" and "evidencing the account receivable."

3. Paragraph (n) of § 1488.2 *Definition of terms* is amended to read:

(n) "Account receivable" means the contractual obligation of the foreign importer to the exporter for the portion of the port value of the commodity exported for which the exporter is extending credit to the importer. The account receivable shall be evidenced by a promissory note or accepted draft in form and substance satisfactory to CCC, except that it may be evidenced by other documents, in form and substance satisfactory to CCC, evidencing the contractual obligation of the foreign importer when the account receivable is assured by an obligation issued by a U.S. bank or when the Vice President, CCC, or his designee, determines under special circumstances that it is in the interest of CCC. All such notes, accepted drafts and other documents evidencing the account receivable shall provide for (1) payment in U.S. dollars in the United States, (2) interest in accordance with § 1488.6, and (3) acceleration of payment thereunder in accordance with the terms and conditions of GSM–4. As used in GSM–4, "instrument" means a promissory note or accepted draft.

4. Paragraph (u) of § 1488.2 *Definition of terms* is amended to read:

(u) "Bank obligation" means an obligation, acceptable to CCC, of a U.S. bank, agency or branch bank, or foreign bank to pay to CCC in U.S. dollars the amount of the port value which is being financed by CCC, plus interest in accordance with § 1488.6. The bank obligation shall be in the form of an irrevocable letter of credit issued, confirmed or advised by a U.S. bank or an agency or branch bank. The bank obligation shall provide for payment under the terms and conditions of the financing agreement and shall be payable not later than the date of expiration of the financing period or of the bank obligation, whichever occurs first, if payment is not received from other sources.

§ 1488.3 [Amended]

5. Paragraph (c) (6) of § 1488.3 *Submission of applications for financing* is amended by inserting after the words "if by a foreign bank" the words "or an agency or branch bank."

6. Paragraph (d) (4) of § 1488.3 *Submission of applications for financing* is amended to read:

(4) Substitute commercial dollar sales for sales for local currencies, sales on long term credits, and barter transactions.

7. The first sentence of paragraph (e) of § 1488.3 *Submission of applications for financing* is amended by deleting the word "and" after the word "destination", changing the period after the word "commodity" to a comma, and adding the words "the name and address of the foreign importer, and, if the bank obligation assuring payment of the account receivable will be issued by an agency or branch bank, the name and address of such bank."

8. Section 1488.3 *Submission of applications for financing* is amended by redesignating paragraph (g) as paragraph (h) and including a new paragraph (g) which reads:

(g) The financing approval may contain such terms and conditions as the General Sales Manager or the ASCS office deems in the interest of CCC not inconsistent with GSM–4.

9. Section 1488.4 *Coverage of bank obligations* is amended by adding a new paragraph (i) which reads:

§ 1488.4 Coverage of bank obligations.

* * * * *

(i) Collection of accounts receivable purchased under this program will be effected through the issuance by CCC of sight drafts against the bank obligations, but this method of collection shall not be exclusive of any other collection procedures or rights available to CCC.

10. The first sentence of § 1488.5 *CCC drafts* is amended by deleting the words "notes or other" between the words "related" and "instruments."

11. The second sentence of § 1488.5 *CCC drafts* is amended by substituting for the words "note or other instrument

reendorsed to CCC" the word "instrument."

12. The fourth sentence of § 1488.5 *CCC drafts* is amended by substituting for the words "note or other instrument shall be reendorsed to CCC and returned" the words "instrument shall be returned to CCC."

Section 1488.5 *CCC drafts*, as amended, will read:

§ 1488.5 CCC drafts.

Under those bank obligations which are partially confirmed, CCC will draw separate drafts for the amounts confirmed and the amounts not confirmed, to which CCC will attach the related instruments evidencing the account receivable, endorsed to the U.S. bank or agency or branch bank. If a CCC draft is dishonored, the U.S. or agency or branch bank shall return the dishonored draft together with the related instrument and its statement of the reasons for nonpayment. For confirmed amounts, a U.S. or agency or branch bank may request refund from CCC of the amount paid if it certifies to CCC that it is unable to recover funds from the foreign bank due to a stipulated political risk which existed on the date payment was made to CCC under the draft. On approval by CCC of such request, the refund shall be promptly made, together with interest at the Federal Reserve Bank of New York discount rate from the date payment was originally made to CCC to but not including the date of refund by CCC, and the related instrument shall be returned to CCC. For unconfirmed amounts, remittance to CCC shall be considered final, and the U.S. bank or agency or branch bank shall not thereafter have recourse to CCC.

§ 1488.8 [Amended]

13. The first sentence of § 1488.8 *Advance payment* is amended by substituting the word "accepts" for the word "receives."

§ 1488.9 [Amended]

14. The second sentence of paragraph (a) (2) of § 1488.9 *Documents required after export* is amended to read: "When the account receivable is evidenced by documents other than instruments, in accordance with § 1488.2 (n), such documents shall be submitted with the assignment."

15. The first sentence of paragraph (a) (7) of § 1488.9 *Documents required after export* is amended by substituting for the words "For a foreign bank obligation confirmed by a United States or agency or branch bank," the words "When the account receivable is evidenced by instruments, in accordance with § 1488.2 (n)".

16. The third sentence of paragraph (a) (7) of § 1488.9 is amended by deleting the words "shall include interest in accordance with § 1488.6 and".

17. Paragraph (d) of § 1488.9 *Documents required after export* is amended by adding the following second sentence: "However, if the use of a weighted average delivery date has been approved for starting the financing period, the 45 days will begin with the date of the last delivery."

§ 1488.10 [Amended]

18. Paragraph (b) of § 1488.10 *Evidence of export and warranty* is amended by inserting the words "or photocopy or other type of copy" between the words "nonnegotiable copy" and "of either (1)" in the first sentence thereof.

§ 1488.11 [Amended]

19. The fourth sentence of § 1488.11 *Evidence of entry into country of destination* is amended by inserting the word "nonnegotiable" between the words "General Sales Manager" and "copies," and including immediately after the word "copies" and before the words "of all applicable bills of lading" the words "or photocopies or other types of copies."

§ 1488.12 [Amended]

20. Section 1488.12 *Liability for payment* is amended by inserting the words "or other documents" between the words "instruments" and "evidencing the account receivable" in the two places where they appear in the first sentence thereof.

(Sec. 5(f), 62 Stat. 1072, 15 U.S.C. 714c; sec. 407, 63 Stat. 1055, as amended, 7 U.S.C. 1427; sec. 4, P.L. 89–808, 80 Stat. 1538)

Effective date: Date of signature.

Signed at Washington, D.C., on August 2, 1967.

RAYMOND A. IOANES,
Vice President, Commodity Credit Corporation, and Administrator, Foreign Agricultural Service.

[F.R. Doc. 67-9223; Filed, Aug. 7, 1967; 8:46 a.m.]

Chapter XVIII—Farmers Home Administration, Department of Agriculture

SUBCHAPTER B—LOANS AND GRANTS PRIMARILY FOR REAL ESTATE PURPOSES

[FHA Instructions 447.1, 447.2]

PART 1823—ASSOCIATION LOANS AND GRANTS—COMMUNITY FACILITIES, DEVELOPMENT, CONSERVATION, UTILIZATION

Subpart F—Watershed Loans

SUBCHAPTER G—MISCELLANEOUS REGULATIONS

PART 1891—WATERSHED LOANS

The regulations contained in Part 1891, Title 7, Code of Federal Regulations (31 F.R. 14245) are revised and transferred to a new Subpart F, Part 1823, Title 7, and Part 1891 is hereby vacated. The new subpart reads as follows:

Subpart F—Watershed Loans

Sec.
1823.141 General.
1823.142 Applications.
1823.143 Eligibility for loans or advances.
1823.144 County Committee recommendations and comments.
1823.145 Loan purposes and limitations.
1823.146 Advance purposes and limitations.
1823.147 Special requirements.
1823.148 Terms and interest rates of loans and advances.
1823.149 Security requirements.
1823.150 Approval of loans and advances.
1823.151 Miscellaneous policies and procedures applicable to advances.
1823.152 Multiple loan disbursements.
1823.153 Closing loans and advances.
1823.154 Use of, and accountability for, loan and advance proceeds.
1823.155 Accounts and records of local organization.
1823.156 Preparation of loan docket.
1823.157 State Office loan processing.
1823.158 Loan approval.
1823.159 Loan closing.
1823.160 Processing advances.
1823.161 Actions subsequent to closing of loans or advances.

AUTHORITY: The provisions of this Subpart F issued under 5 U.S.C. 301; sec. 5, 68 Stat. 667, sec. 1, 70 Stat. 1089; 16 U.S.C. 1005; E.O. 10584, 19 F.R. 8725; E. O. 10913, 26 F.R. 510; Orders of Secretary of Agriculture, 29 F.R. 16210, 32 F.R. 6650.

§ 1823.141 General.

This subpart sets forth the general policies and authorizations for making Watershed loans and advances to local organizations under the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001), hereafter referred to as the Act. Technical and financial assistance will be given to local organizations in planning and carrying out works of improvement for protecting and developing the land and water resources in small watershed or subwatershed project areas, including recreation, wildlife, and storage of water for future use. Local people acting through their local organizations must take the initiative and full responsibility for starting small watershed projects.

(a) *Definitions.* (1) For purposes of this subpart, the term "local organization" means a State or a department, agency, or political subdivision thereof, soil or water conservation district, irrigation district, drainage district, flood prevention or control district, municipal corporation, or similar agency having authority under State law to carry out, maintain, and operate works of improvement, and to borrow and repay loans for the installation thereof; or any irrigation or reservoir company, water users' association, or similar organization having such authority, whether organized and chartered under special law, general nonprofit corporation law, or general profit corporation law, if it is operated on a nonprofit basis under adequate charter, bylaw, mortgage or supplementary agreement provisions which will assure continued operation in that manner.

(2) "Works of improvement" are defined as structural and land treatment measures needed in small watershed or subwatershed areas and included in a watershed work plan for flood prevention to reduce floodwater, sediment, and erosion damage, and for the conservation,

development, utilization, and disposal of water, including public recreation and fish and wildlife developments which must be an integral part of a watershed project.

(3) A "watershed work plan" is a plan agreed upon by a local organization and the Soil Conservation Service for carrying out, operating, and maintaining works of improvement for protecting and developing land and water resources in a particular watershed or subwatershed area. It describes the watershed and its problems and needs. It contains estimates of costs, proposed cost-sharing arrangements, responsibilities, and economic justification for specific works of improvement desired by local people for protection and improvement of that watershed. When approved, it is the basis for extending Federal, technical, and cost-sharing assistance. It will be used by the Farmers Home Administration (FHA) when considering an application for a Watershed loan or advance.

(4) A "watershed project" is a system of works of improvement in a watershed or subwatershed area of not more than 250,000 acres for flood prevention, irrigation, drainage, municipal water supply, recreation, fish and wildlife, or other water management purposes; except, that in the 11 watershed improvement programs authorized by Public Law 534, 78th Cong. (58 Stat. 887), there are no legal restrictions on the maximum storage capacity for a single structure, or upon the size of the watershed.

(5) The term "loan" means Watershed loans made by the FHA.

(6) The term "advance" means advances made by the Soil Conservation Service from construction funds to local organizations for future water supply or preservation of sites.

(7) "Future water supply" means the capacity authorized in a watershed work plan to be installed in a reservoir with related facilities for the release or withdrawal of water therefrom to meet anticipated future demand for municipal or industrial use.

(8) "Preservation of sites" means that immediate purchase of land, easements, or rights-of-way is essential to preserve sites for works of improvements from encroachment by other developments that would interfere with the use of the sites for project purposes.

(9) "Local share of watershed project costs" means that part of the total project costs set out in the watershed work plan to be paid by local organizations. The estimated amount of local share will be set out in Table I of the watershed work plan.

(b) *Effects of State law.* (1) Local organizations within a State may be subject to restrictions of State law which will not permit them to take full advantage of the FHA authorizations. FHA officials should become familiar with applicable statutory requirements in applying FHA policies, making administrative decisions, and preparing instructions for processing a Watershed loan. Applicants for loans or advances must comply with State and local laws pertaining to, among other things:

(i) Organization and authority to install, acquire, operate, and maintain the proposed facilities.

(ii) Obtaining loans and giving security therefor and levying taxes, making assessments, or raising revenues for the repayment thereof.

(iii) Land use zoning.

(iv) Permission to construct facilities and approval of construction plans and specifications by appropriate State officials.

(v) Health and sanitation standards.

(vi) Public service commission or similar State public body rules and regulations, where applicable.

(c) *Coordination between Soil Conservation Service and FHA.* The Secretary of Agriculture assigned to the FHA responsibility for administering section 8 of the Act relative to loans and for obligations for repayment of advances authorized under section 4 of the Act. The Soil Conservation Service is responsible for administering the other provisions of the Act. A memorandum of understanding has been entered into by the Soil Conservation Service and the FHA covering policies and methods coordinating these assigned responsibilities.

(d) *Cost sharing.* Certain costs of installing works of improvement are shared by the Federal Government and by local organizations. Under prescribed conditions, cost sharing and engineering services are available for the items listed under § 1823.145(a) (1), (3), and (4). No cost sharing is available to pay installation costs allocated to water storage for the purposes listed in § 1823.145(a)(2). An estimate of the local organization's share of the watershed project costs will be included in the watershed work plan.

§ 1823.142 Applications.

(a) *Loans.* Each local organization requesting a Watershed loan will make preliminary application on Form FHA 410-3, "Preliminary Application (Association Assistance—EO Cooperative Loan—Watershed Loan)," at the County Office.

(1) The State Director will consult with the State Conservationist of the Soil Conservation Service on each application to ascertain the status of the watershed plan, the estimated cost of the proposed works to be installed with the loan, any cost sharing which may be available to the organization, and other available pertinent information.

(2) If the State Director determines that favorable consideration should be given to the application, he will provide further loan forms, instructions, and assistance for the development and submission of a loan docket. If it is determined that no further consideration should be given to the application, the State Director will advise the County Supervisor why favorable action cannot be taken who will then notify the applicant.

(b) *Advance.* (1) If the applicant requires an advance, the request will be made to the State Conservationist of the Soil Conservation Service who will advise FHA of the application for the advance. The State Director will then assemble the following information and submit his written recommendation on the advance to the State Conservationist.

(i) Economic feasibility of the proposed obligation for the advance.

(ii) Legal authority of the local organization to incur the obligation and provide for its repayment.

(iii) Limitations on the issuance of additional bonds or notes which may be imposed by the provisions of bond ordinances or resolutions which authorized the issue of outstanding obligations of the local organization.

(2) As soon as FHA and the Soil Conservation Service concur in the application for the advance, instructions can be prepared for the development of the advance docket.

(c) *Combination of loans and advances.* If an applicant requests both an advance and a loan, the application for the loan will be made to the FHA County Supervisor and the request for the advance to the State Conservationist of Soil Conservation Service. The application for the loan should indicate the amount of the advance needed and whether a request for it has been made to the Soil Conservation Service.

§ 1823.143 Eligibility for loans or advances.

To be eligible for a Watershed loan or advance, the local organization must:

(a) Be a local organization as defined in § 1823.141(a).

(b) Have the legal capacity and organizational arrangements necessary for obtaining, giving security for, and raising revenues for repaying the loan or advance, and for operating and maintaining planned facilities.

(c) Sponsor or cosponsor a watershed work plan which provides for the installation, operation, and maintenance of works of improvement.

§ 1823.144 County Committee recommendations and comments.

County Committee recommendations and comments will be obtained on each application for a Watershed loan or advance.

(a) Comments will be obtained from the County Committee in the county in which the applicant's principal place of business is located. When the watershed covers more than one county, recommendations and comments may be obtained from such of the other County Committees as the State Director deems desirable to have on issues such as the local sentiment and the need for the project.

(b) The recommendations will cover, but need not be limited to, the community need for and interest in the proposed works of improvement, local issues, and other items of a similar character which will be helpful to the approving official.

(c) When adequate information has been assembled about the application and the development of the watershed plan is well along, the application and pertinent information related to it will be presented to the County Committee. Following the discussions, the County Committee will make its recommendations in narrative form which will be signed by at least two members of the Committee. The recommendations will be included in the loan docket.

§ 1823.145 Loan purposes and limitations.

(a) *Purposes.* Watershed loans may be made for the following purposes:

(1) Installing, repairing, or improving works of improvement in the following categories:

(i) Facilities for the storage and conveyance of water to farms for irrigation.

(ii) Drainage facilities in farm areas.

(iii) Facilities for the storage or development, treatment, and distribution of water where the major portion of the water will be used on farms for farmstead, livestock, and orchard and crop spraying purposes.

(iv) Other agricultural water management measures and practices for such purposes as the stabilization of annual streamflow, increasing the recharge of ground water reservoirs, and the conservation of existing water supplies by the control of undesirable vegetation such as salt cedars and willows.

(v) Special land treatment measures, structures, or equipment which are primarily, though not exclusively, for flood prevention but which produce community benefits sufficient to justify the use of taxes or other revenues available to the local organization to install and maintain such measures, structures, or equipment, and to repay loans for that purpose. These include:

(*a*) Observation towers, dwelling for fire guard personnel, tank trucks, and other equipment for fire prevention and control.

(*b*) Tree plantings and the establishment of other vegetative cover needed for the stabilization of critical runoff and sediment producing areas.

(*c*) Minor structural and vegetative measures to stabilize stream channels and gullies.

(*d*) On-farm measures such as level water retention terraces used to control runoff and sediment in lieu of downstream flood prevention structures.

(2) Installing, repairing, or improving water storage facilities, including outlet works for such purposes as immediate and future municipal and industrial water supply, and pollution abatement by streamflow regulation and saline water intrusion control. A Watershed loan for this purpose may include funds for pipelines and any necessary pumping facilities to convey the water from the reservoir to the existing or proposed municipal treatment facilities or the nearest practicable point on a water distribution system.

(3) For recreational developments and facilities. The use of loan funds will be limited to the recreational purposes and amount allocated to the local organization in the watershed work plan. When a local organization desires to install facilities greater in number or more elaborate than those included in the plan, it may do so but a Watershed loan will not be made for such purpose. Authorized recreational developments and facilities may include one or more of the following:

(i) Construction of water resource improvements such as a reservoir, a lake level control structure, stream or channel rectification, or a similar improvement which makes possible the creation of a recreational development.

(ii) Acquiring fee simple title to land or perpetual easements for sites for direct resource improvements; for removals, relocations, and modification of existing improvements; and for access roads parking lots, sanitary facilities, picnicking, beach areas, and so forth.

(iii) Engineering, legal, and administrative costs for planning approved types of recreational developments and acquiring land, easements, and rights-of-way.

(iv) Minimum basic facilities such as roads and trails providing access from public highways and between different parts of the recreational development; parking lots; water supply, sanitary facilities, and garbage disposal for public use area; power facilities; beach development; boat docks and ramps; plantings and other shoreline or area improvements; picnic shelters, tables, and fireplaces; and other similar or related facilities needed for public health and safety, and access to and use of, the recreational development.

(4) For fish and wildlife development. The use of loan funds will be limited to the local share of the cost of construction of water resource improvements, land, easements and rights-of-way, and minimum basic facilities need for the creation or improvement of fish and wildlife habitat as set out in the watershed work plan.

(i) Water resource improvements may include:

(*a*) Storage capacity in multiple-purpose reservoirs, construction of single-purpose reservoirs, modification of existing reservoirs, or modification of existing reservoirs solely for fish and wildlife development or for regulation of water levels or streamflow conducive to improved fish and wildlife development. Included are related facilities such as fish ladders, site clearing, and fish shelters.

(*b*) Stream channel improvements including practices for the improvement of fish and wildlife habitat and environment along streams.

(*c*) Marsh and pit development for breeding and nesting areas.

(ii) Land, easements and rights-of-way for the water resource improvements, and such additional land as is required to meet the planned need for fish and wildlife management.

(iii) Minimum basic facilities may include:

(*a*) Roads and trails providing access from public highways which are needed for the management of the fish and wildlife development.

(*b*) Planting and other shoreline or area improvements.

(*c*) Fences, cattle guards, and other facilities for protecting the fish and wildlife development.

(*d*) Shelters, equipment sheds, and other similar facilities needed for proper management of the development.

(5) The purchase of land or an interest therein for sites or rights-of-way upon which works of improvement will be located and associated costs such as the removal, relocation, or replacement of bridges, roads, railroads, pipelines, utility lines, buildings, and fences.

(i) The use of loan funds and advances for land acquisition must be limited to costs that are reasonably necessary to carry out the works of improvement. When final construction plans for the works of improvement are completed, they will indicate the lands and rights-of-way which must be acquired for project needs. However, local organizations may request authority to acquire lands in excess of actual project needs. Reasons for such requests might include, but not be limited to, cases in which severance damages would be excessive if a part of an ownership tract were to be acquired by purchase or condemnation, the local organization lacks legal condemnation authority and is unable to negotiate for a part of the tract, the additional cost to purchase the remainder of a tract would be less than the probable cost in time and money if condemnation proceedings on that portion of the tract needed for construction were resorted to, or other conditions exist which would justify the acquisition of excess land. Such requests should be considered by State Directors on an individual basis after thorough review of the facts in each case. If the State Director determines that a proposal for acquisition of excess land is necessary for the orderly development of the works of improvement, he may approve the proposal if the following conditions are made:

(*a*) That the local organization agrees to sell the excess land as soon as practicable and apply the proceeds on its indebtedness.

(*b*) That the local organization furnish a legal opinion supporting its authority to acquire the additional land and to dispose of it as agreed.

(*c*) That satisfactory evidence is submitted showing that the particular circumstances justify the acquisition of the additional land.

(*d*) That arrangements are made to assure that sales proceeds or other income from the additional land are applied on the loan.

(ii) Easements for watershed protection structures must be perpetual and cannot include clauses whereby the easement will terminate with the dissolution or abandonment of the local organization. No easement on a form which deviates in any way from the standard Soil Conservation Service form will be paid for from loan funds unless the modifications thereto are approved by Soil Conservation Service and FHA.

(6) The acquisition of a water supply or a water right. This may be acquired by purchase or by appropriation pursuant to local, State, and Federal laws. The loan

may include funds for the purchase of land on which the water supply or water right is presently being used when the water supply or water right cannot be purchased without the land.

(7) The hiring of, or contracting for, personal services such as the services of engineers, attorneys, auditors, construction foremen, and clerks needed for organizing the group, making engineering surveys, developing construction plans, administering construction contracts, and supervising the construction of works of improvement. Funds to pay costs incidental to loan closing, such as those incurred to obtain title evidence, clear titles, and to file or record lien instruments may be included in a loan.

(8) The purchase of equipment and machinery needed by the local organization for construction or installation of planned works of improvement in the categories under subparagraph (1) of this paragraph, provided the equipment is not available at reasonable rental cost or the cost of works of improvement will be lower as the result of such purchase.

(9) To refinance debts of a local organization when all of the following conditions exist:

(i) The indebtedness being refinanced was incurred in the installation or rehabilitation of works of improvement of the types for which loan funds could be advanced and is a valid obligation of the local organization.

(ii) The creditors are unwilling to extend, subordinate, or modify the terms of the debts and any security instruments to provide a satisfactory basis for the loan.

(iii) The amount to be refinanced will not exceed 50 percent of the total loan unless the prior approval of the Administrator is obtained and the debts to be refinanced were incurred either for expenses classified by law as preliminary expenses of the organization or for expenses classified as construction expenses which were incurred prior to the actual initiation of construction and are repayable within not more than 5 years from the date they were incurred.

(10) The repayment of the unpaid portion of any advance by the Soil Conservation Service for the preservation of sites.

(b) *Limitations.* The proceeds of loans may not be used for:

(1) Bringing new land into agricultural production. Any land which has not been used for agricultural production for at least two of the five years preceding the approval of the watershed for planning will be considered as new land. Agricultural production is defined as cultivated crops and tame hay. No Federal financial or technical assistance will be provided for projects in which the monetary benefits accrue primarily from bringing new land into agricultural production through drainage or irrigation measures. No Federal financial or technical assistance or loans will be provided within projects for separate or independent parts of drainage or irrigation systems, the primary purpose of which is to bring new land into agricultural production.

(2) Land treatment measures on individual farms except as provided in paragraph (a) (1) (v) of this section. Other FHA loans may be made to eligible individual applicants for these purposes.

(3) Recreational facilities such as boat houses, lunch stands, cabins, motels, community buildings, dance pavilions, golf courses, and other facilities of a similar character as determined by the Soil Conservation Service.

(4) Facilities for the artificial propagation, harvesting, and enjoyment of fish and wildlife resources such as hatcheries, rearing ponds, and related facilities.

(5) Water treatment plants and pipelines or other facilities, for treating and distributing water for residential, municipal, industrial, commercial, and other nonagricultural uses, when such facilities will be needed to make use of the stored water, and loan repayments will depend upon income derived from such use, the applicant must present evidence, before loan closing, that these facilities can be financed and installed as needed.

(6) Electric generating, transmission, and distribution facilities, except as provided as a part of the minimum basic facilities for recreational and fish and wildlife developments.

(7) Paying costs allocated in a watershed work plan to structural measures for flood prevention.

(8) Storm and sanitary sewers.

(9) Drainage facilities primarily for nonrural areas.

(10) Payment for any tract of land, easement, or rights-of-way on which the Soil Conservation Service will cost share if the amount proposed to be paid from loan proceeds exceeds the difference between the Soil Conservation Service's share and the value on which the Soil Conservation Service's share was based.

(c) *Limitations on amount of loans.* The total amount of principal outstanding for all Watershed loans for any one watershed project, whether made to one or more borrowers, shall not exceed $5 million. However, a local organization sponsoring, cosponsoring, or participating in more than one watershed project may receive a separate Watershed loan for each watershed project, provided the amount of each such separate Watershed loan to the local organization together with the amount of Watershed loans to other borrowers does not exceed $5 million for any one watershed project.

§ 1823.146 Advance purposes and limitations.

(a) *Purposes.* Advances may be made from Soil Conservation Service construction funds for the following purposes included in a watershed work plan agreement:

(1) The payment of the construction cost, including cost of engineering and related services, of reservoir capacity including intake and outlet structures for future water supply. If an advance for this purpose is not consistent with State law or is impractical for other reasons, funds for the future water supply may be provided instead through a loan.

(2) The preservation of sites for authorized types of works of improvements by immediate purchase of land, easements, and rights-of-way to prevent encroachment by other developments which would interfere with the use of such sites for project purposes.

(b) *Limitations.* (1) The maximum amount that can be included in an advance for reservoir capacity for future water supply will be 30 percent of the estimated total installation cost of each structure in which capacity for future water supply is to be provided. Costs for future water supply in excess of, or not included in, the advance may be paid with the proceeds of a Watershed loan.

(2) The amount of an advance for preservation of sites may not exceed that determined by the Soil Conservation Service to be necessary. However, subject to the provisions of § 1823.145(a) (5) (i), an advance may include funds to purchase land in excess of the amount actually needed if necessary to acquire a particular site or right-of-way.

(3) Advances for future water supply may not be used for acquisition of land, easements and rights-of-way, water rights, administration of contracts, storage capacity for immediate municipal use, pipelines from the reservoir to place of use, or for other uses such as for irrigation, fish and wildlife, and recreation. However, a Watershed loan may be made for such purposes.

§ 1823.147 Special requirements.

(a) *Water rights.* Applicants under this program will be required to comply with applicable State and local laws and regulations governing appropriating, diverting, storing and using water, changing the place and manner of use of water, and in disposing of water. All of the rights of any landowner, appropriator, or user of water from any source will be fully honored in all respects as they may be affected by facilities installed with Watershed loans. If, under the provisions of State law, notice of the proposed diversion or storage of water by the applicant may be filed, the applicant will be required to file such a notice. Even though such filing may be optional under State law, the record might be of value at some future time to protect the borrower's rights or priority to the use of water. An applicant must furnish evidence to provide reasonable assurance that its water rights will be or have been properly established, will not interfere with prior vested rights, will likely not be contested or enjoined by other water users or riparian owners, and will be within the provisions of any applicable interstate compact.

(b) *Water pollution.* When repayment of a Watershed loan or advance will be dependent upon income from the use of sale of water, FHA approval will be contingent upon a determination that the proposed utilization of water will not be impaired by pollution. For example, full utilization of stored water for recreation or municipal supply might not be permitted by a State health department because the water was receiving pollution from some upstream source.

(c) *Title requirements.* (1) Except as provided in subparagraph (2) of this paragraph, title evidence for lands, easements, and rights-of-way to be acquired with proceeds of loans or advances will be furnished by the local organization in accordance with Soil Conservation Service policies and procedures.

(2) The FHA will specify and give approval to the form and content of instruments for conveying title to real estate and interests in real estate upon which a lien will be taken to secure a loan or an advance, or which will provide sites for facilities producing revenue for loan payments. The State Director will notify the Soil Conservation Service in writing and thereafter title clearance will be completed under Soil Conservation Service regulations except that a marketable title must be obtained on any tract of land, a part of which will be sold as excess land in compliance with § 1823.145(a) (5) (i). In addition to the title evidence required by the Soil Conservation Service, applicants will furnish an opinion of counsel on all land and interests in land acquired pursuant to this paragraph.

(d) *Insurance.* The applicant will obtain insurance coverage in the amounts and types specified by the Administrator of the FHA in his loan approval memorandum.

(e) *Bonding.* (1) Prior to the execution of construction contracts by the local organization, contractors shall furnish surety bonds to guarantee both performance and payment.

(2) The local organization will provide fidelity bond coverage for the officials entrusted with the receipt and disbursement of its funds and the custody of any property. The amount of the bond will be at least equal to the maximum amount of money that the local organization will have on hand at any one time exclusive of loan funds deposited in a supervised bank account, unless the income of the local organization is required by State statute to be deposited with a designated public official whose bond is fixed by the statute. Form FHA 440-34, "Position Fidelity Schedule Bond," may be used if permitted by State law.

(3) The amount of coverage required by the FHA in surety and fidelity bonds will be specified in the loan approval memorandum.

(f) *Technical assistance.* When pipelines from reservoirs to treatment plants are included in watershed work plans, the Soil Conservation Service will not furnish engineering services for their design or installation. When such pipelines are to be financed by Watershed loans, FHA will supervise the activities of the private engineers retained for the purpose. Such FHA supervision will include approval of private engineer's contracts, approval of plans and specifications, authorization of contract awards, spot checks of engineering inspection and final inspection and acceptance.

§ 1823.148 Terms and interest rates of loans and advances.

The following terms are subject to State constitutional and statutory requirements under which an applicant is organized and derives its authority to obligate itself to repay and give security for money borrowed or advanced. Also, there must be evidence that income will be sufficient and adequate to meet scheduled payments including required debt service reserves.

(a) *Repayment period.*—(1) *Loans.* (i) The repayment period on loans may not exceed:

(a) The statutory limitation on the local organization's borrowing authority.

(b) Fifty years from the date when the principal benefits from works of improvement first become available.

(c) The useful life of the works of improvement to be installed under the watershed work plan.

(ii) When practicable, installments will be scheduled annually on January 1, starting with the first January 1 following the date of loan closing or the end of any approved deferment period. However, a due date other than January 1 is permissable when better suited to the borrower's needs, statutory requirements, or if necessary to coordinate the repayment date with the collection of revenues or taxes.

(2) *Advances for future water supply.* Advances will be repaid within the life of the reservoir structure but in no event to exceed 50 years after the reservoir structure is built. Installments will be scheduled in accordance with subparagraph (1) (ii) of this paragraph.

(3) *Advances for preservation of sites.* Advances for site acquisition must be fully repaid prior to beginning construction of the works of improvement for which such sites will be acquired.

(b) *Deferred or partial payments.*—(1) *Loans.* Deferred or partial payments on loans will be permitted only when:

(i) Repayments need to be delayed until the receipt of income from taxes or other revenues are sufficient to meet a regular installment.

(ii) Repayment will be dependent upon the increased returns expected from planned works of improvement, or from the installation on individual farms of land development or other soil and water improvements essential for obtaining benefits from works of improvement to be installed with loan funds.

(iii) The deferment or partial payment will not be used to permit the accelerated repayment of other debts, to make capital improvements, or to create operating reserves.

(2) *Advances for future water supply.* (i) The principal amount of an advance may be deferred until 1 year after water is first used from the storage capacity installed with the advance or until the end of 10 years from the scheduled completion date of a structure, whichever date shall occur earlier.

(ii) No interest will be charged on these advances until water is first used or the end of 10 years from scheduled completion date of the facility, whichever be the sooner and regardless of the principal repayment schedule. If the State law requires that interest be charged and paid before water is first used or earlier than 10 years from the completion date of the structure, interest payments will be scheduled to comply with the State law even though principal payments may be deferred as authorized above. Before a project agreement is entered into, there must be satisfactory evidence that the borrower will use the water from such capacity and that revenue will be sufficient to meet all scheduled installments. The borrower should be encouraged to begin repayments as soon as practicable after the reservoir is built even though this liberal deferment policy exists.

(3) *Advances for preservation of sites.* (i) Unless an advance is to be paid with a Watershed loan, installments will be scheduled at the earliest practicable date following the date of closing the advance and the date and amount of each such installment will be fixed to coincide with the receipt of income from taxes or other revenue.

(ii) Payments of both principal and interest may be scheduled for payment in one installment to become due on the date of the closing of a loan for the repayment of the advance.

(c) *Interest.* The interest rate on loans and advances will be the average rate, as determined by the Secretary of the Treasury, payable by the U.S. Treasury upon its marketable public obligations outstanding at the beginning of the fiscal year in which an obligating agreement is executed, which are neither due nor callable for redemption for 15 years from date of issue. The rate will be announced at the beginning of each fiscal year, and this rate will prevail throughout the fiscal year. When a loan is approved, the interest rate for that particular loan will be the interest rate in effect for the fiscal year in which the loan is obligated and will not change during the life of the loan.

(1) Unless otherwise required by State law, interest on loans will begin with the date of the delivery of the note, bond, or loan disbursement, except that if a loan is made in multiple loan disbursements, interest on the first disbursement will begin with the date of the delivery of the note or bond and interest will begin on each subsequent disbursement on the date of the check.

(2) Interest on an advance for future water supply will begin as required in State law, when water is first used from the future water storage capacity installed with advance, or 10 years from the scheduled date of the completion of the facility, whichever date is the earlier.

(3) Interest on an advance for preservation of sites will begin on the date the advance is closed.

(d) *Payments.* (1) Each borrower may make prepayments in any amount at any time.

(2) Except as provided below, payments will be applied first to interest accrued on the note to the date of the receipt of payment, and second to the principal balance on the note. If the regular payments plus any prepayments exceed the cumulative amount due on the note, the excess payments will be applied on next due installments, except that loan refunds and proceeds from the sale of

security property will be applied on the final unpaid installments.

(3) Payments will be applied on principal for all advances for future water supply with provisions for nonpayment of interest until water is first used or the end of 10 years. However, when interest begins to run, payments will thereafter be applied in the same manner as any other Watershed loan.

(e) *Reserves.* Each borrower will be required to establish and maintain reserves for delinquent accounts sufficient to assure that loan installments will be paid on time and that provisions are made for emergency repairs and extensions to facilities. For those cases in which statutes provide for extinguishing assessment liens of public bodies when properties subject to such liens are sold for delinquent State and county taxes, special reserves will be established and maintained for the protection of the borrower's lien of assessment. Provision for the accumulation of necessary reserves over a reasonable period of time will be included in loan resolutions or bond ordinances and in assessments, tax levies, or rates charged for services. Reserves may be invested in time deposits, savings accounts, or obligations of the United States which may be converted readily into cash. Investments and income therefrom will always be a part of the particular reserve fund from which they were made.

(1) The amount of reserves for delinquencies will be determined by the State Director after careful consideration of the repayment ability of the association's members or patrons. The reserve for this purpose should ultimately be accumulated in an amount at least equal to any anticipated delinquency in any 1 year.

(2) Reserves for emergency repairs and extensions will be determined by the State Director after consultation between the borrower's officials and the County Supervisor.

(3) Reserves for the protection of borrowers' lien of assessments will be maintained at a level equivalent to the estimated average annual amount of State and county taxes for which property subject to such liens might be sold, as determined by the State Director.

§ 1823.149 Security requirements.

Watershed loans and advances will be secured in a manner which will adequately protect the interests of the Government and comply with the State statutes governing the particular local organization receiving a Watershed loan or advance. Loans and advances will be evidenced by notes, bonds, warrants, or other contractual obligations as may be authorized in corporate documents, resolutions, ordinances, and relevant State statutes. All corporate or statutory requirements pertaining to the authorization, sale, and acceptance of evidences of debt to be offered to FHA, must be met before closing. The FHA does not require that a transcript of proceedings for bond issues be prepared for examination and opinion by bond counsel as is usually required by private investors. The FHA does not object, however, to the employment of bond counsel by the applicant to assist in such proceedings. Neither does the FHA require that bonds or note be printed when the FHA note form is not appropriate. Whenever possible, the evidence of debt should be in the form of an installment note or bond. If serial bonds are required by statute, the bond form should omit interest coupons if permissable under State law. State statutes may also specify the security that may be given by the local organization. This security may generally be one or more of the following:

(a) Pledges of the revenues to be derived from operation of the local organization's facilities including cash reserves for debt service as may be agreed upon.

(b) Pledges of taxes or assessments which will be liens upon lands served by the local organization.

(c) Liens on real and personal property including facilities to be acquired by the local organization if the giving of such liens is not prohibited by State law.

(d) For membership or stock companies, a pledge or assignment of promissory notes, stock or membership subscription agreements, individual member's liability agreements, or other evidences of debt, as well as security instruments mortgaging the private property of members of the local organization, if it appears there will not be adequate security under one or more of the above types of security.

§ 1823.150 Approval of loans and advances.

(a) State Directors are authorized to approve Watershed loans and obligations to repay advances in accordance with this subpart. No loan or obligation to repay an advance may be approved without prior authorization of the National Office which would result in a total outstanding principal indebtedness for Watershed loans and advances in excess of $100,000.

(b) Except as provided in paragraph (a) of this section, State Directors will be authorized to approve Watershed loans and obligations to repay advances to local organizations on an individual case basis after review by the National Office of loan dockets and related watershed work plans and State Directors' recommendations. Following the review, the Administrator will issue a memorandum to the State Director authorizing the approval of the loan or the obligation to repay an advance, specifying conditions that must be met by the local organization, and containing any special closing instructions. When the State Director approves a loan or an obligation to repay an advance, he will send a memorandum of approval to the County Supervisor. The memorandum will include the conditions specified by the Administrator or State Director that must be met. Two copies of the memorandum will be delivered to the applicant by the County Supervisor.

(c) The FHA will not approve a Watershed loan or an obligation to repay an advance unless and until the applicant becomes a sponsor or cosponsor of a watershed work plan approved by the Soil Conservation Service. If there will be an urgent need for funds immediately after approval of the watershed work plan, the loan docket may be prepared and submitted prior to the final approval of the watershed work plan by the Soil Conservation Service. The FHA will advise the local organization of steps that need to be taken prior to loan closing; however, no commitment will be made until the watershed work plan has been approved for operations.

§ 1823.151 Miscellaneous policies and procedures applicable to advances.

(a) *Future water supply.* (1) Capacity may be included in a reservoir for the storage of both immediate and future water supply and for other multiple uses such as flood prevention, irrigation, fish and wildlife, recreation, or combination of such uses.

(2) Proposals for including storage capacity in reservoirs for future water supply must be approved by the Administrator of Soil Conservation Service.

(3) Local organizations will be responsible for preparing proposals. Proposals may be in the form of a preliminary report of the kind usually prepared by consulting engineers showing project features, costs, and feasibility. A proposal will include estimates of installation costs, projections of need, use, income, expenditures, and debt service, and coverage ratio; need for and cost of other future facilities essential to the use of the future water supply; plan of financing the future facilities; and a statement by the counsel for the applicant giving citations to statutes under which the plan of financing will be carried out. It may be necessary to revise, expand, or update such data when the docket for the advance is compiled.

(b) *Preservation of sites.* (1) The local organization must present evidence satisfactory to Soil Conservation Service of the necessity to preserve a proposed site for works of improvement from encroachment by other developments.

(2) The amount of funds advanced for acquisition of the land rights may not exceed the amount needed as determined by the Soil Conservation Service and the local organization subject to the provisions of § 1823.145(a)(5).

(3) Repayment of advances with interest are required by law to be credited to the Soil Conservation Service watershed construction funds. If a loan is made to repay the advance, the FHA will transfer loan funds in the amount of the advance plus interest to the Soil Conservation Service.

§ 1823.152 Multiple loan disbursements.

A Watershed loan may be made in multiple disbursements in accordance with the need of the local organization for funds as shown by the budget prepared for the docket. When an additional check is needed, it will be requested by the County Supervisor.

§ 1823.153 Closing loans and advances.

(a) Except for a loan for planning purposes, no Watershed loan will be closed until:

(1) The Soil Conservation Service has scheduled the construction of works of improvement for which a loan, or any part thereof, is to be made.

(2) The local organization is ready to use the loan funds and has either met or will comply with those loan approval conditions and requirements in closing instruction which are to be completed on or before the day of loan closing.

(3) The local organization can, with the loan, meet all requirements of the Soil Conservation Service for entering into a project agreement for installing such scheduled works of improvement.

(b) No funds will be paid out by the Soil Conservation Service on an advance without the concurrence of the FHA.

§ 1823.154 Use of, and accountability for, loan and advance proceeds.

Each local organization will be required to use the proceeds of loans in accordance with its agreements with the Government. Proceeds of loans and any funds furnished by the local organization to supplement the loan will be deposited in a supervised or special bank account and will not be commingled with other funds of the local organization. When an advance will be made from funds transferred by the Soil Conservation Service to FHA for obligation and disbursement, the proceeds of such an advance will be deposited and handled the same as a Watershed loan.

(a) Watershed loan funds to be placed in a supervised bank account or special bank account will be deposited and handled in accordance with § 1823.24(k) (1) and (2).

(b) Payments to contractors or for other expenses incurred in the planning and construction of works of improvement will be made by checks drawn on a supervised or special bank account. Payments may be made in a lumpsum at the completion of a job, or partial payments may be made as work progresses in accordance with partial payment provisions of construction contracts or other prearranged agreements with suppliers of materials or services. All payments for construction items will be based upon Form SCS–49a, "Contract Payment Estimate and Construction Progress Report," prepared by the borrower and approved by the Soil Conservation Service. Payments for personal services will be based upon periodic payrolls, and payments for other purposes such as title clearance and miscellaneous supplies will be based upon invoices or bills.

(1) If payments are to be made from a supervised bank account, the borrower will present Form SCS–49a, a periodic payroll, and an invoice or a bill, as appropriate, to the County Supervisor before checks are countersigned.

(2) If payments are to be made from a special bank account, the borrower will make a report to the County Supervisor covering such period as agreed upon by the borrower and the FHA, showing the payee, amount, and purpose of each check drawn during the period. The borrower will attach to the report a copy of the payroll, Form SCS–49a, receipts, or receipted bills or invoices for the checks issued. The receipts and receipted bills or invoices will be returned to the borrower.

(c) Before loan funds are disbursed for the acquisition of a particular right-of-way, easement, or other land rights, the Soil Conservation Service will furnish the County Supervisor the name of the party to whom payment will be made. If the title to a particular right-of-way, easement, or other land rights will be obtained pursuant to § 1823.147(c)(2), the local organization's attorney will furnish the County Supervisor a written opinion that the local organization will acquire a valid title to the land rights to be purchased.

§ 1823.155 Accounts and records of local organization.

Borrowers will establish and maintain such accounts and other records pertaining to transactions related to the installation, operation, and maintenance of works of improvement as may be required by the FHA. These accounts and records will be kept in a form and manner satisfactory to the FHA and will be open to inspection and audits by representatives of the FHA during the borrower's regular business hours. The borrower will prepare and furnish to the County Supervisor at intervals designated by the State Director such written reports as may be required by the FHA. The records the FHA may require the borrower to keep will be held by such borrower until the records retention period specified by State statute has been met. If no records retention period is specified by State statute, such required records will be held by the borrower for FHA inspection and review for a period of at least 1 year after the year to which they pertain. After the above applicable records retention requirement has been met by the borrower, the disposition of the records involved will not be a matter of business to the FHA.

§ 1823.156 Preparation of loan docket.

(a) *Preliminary actions.* Loan docket preparation may commence as soon as a preliminary draft of the watershed work plan, together with an estimate of costs and benefits, has been prepared with the assistance of Soil Conservation Service and approved by the local organization. The State Director will send to the County Supervisor a memorandum giving complete instructions for preparation of the docket. The docket should be planned so that it will be reviewed by FHA before final actions by the governing board of the local organization, or by any court or other agency having legal jurisdiction, are taken on loan resolutions, bond ordinances, and referendum elections, and orders levying assessments or confirming the borrowing of money are executed or adopted. This review procedure is designed to avoid the necessity for additional meetings, amended court petitions, or supplemental elections due to failure to comply with applicable statutory procedure or other insufficiencies in the proceedings.

(b) *Development of loan docket.* The docket will provide information evidencing that the local organization is or will be so organized that it has the requisite legal powers to construct and operate the works proposed, borrow money, give security therefor, and provide revenue for repayment thereof, it is or will become a sponsor or cosponsor of the watershed work plan and is otherwise eligible for a Watershed loan, that loan funds will be used for specific authorized purposes, the source of income to be pledged for repayment and the security proposed are adequate and the remaining actions to be taken in closing the loan will be administratively satisfactory and legally sufficient. In addition to the requirements outlined in the memorandum of the State Director, the following forms and information will be prepared and made a part of the docket:

FHA 440–8 Record of Actions.
County Committee recommendations.
FHA 440–1 Payment Authorization.
FHA 442–14 Association Project Fund Analysis.
FHA 447–1 Application for Watershed Loan.
FHA 447–2 Resolution of Governing Body of Applicant (or similar form of resolution approved by State Director).
FHA 447–3 Tax and Assessment Data (where applicable).
Narrative Report by County Supervisor.
FHA 447–4 Budget for Watershed Loans and Advances.
Complete transcript of organizational proceedings including notices and advertisements. If not completed, include proposed documents.
Watershed Work Plan Agreement.
Operation and Maintenance Agreement.
Draft of Project Agreement and any supplemental agreements, including those for engineering services.
Draft of Benefit Assessment Roll (if such assessments are to be pledged for loan repayment).
Report by engineer or financial advisor on expected project revenues (if repayment will be from utility or recreation revenues).
Draft of Referendum or Election Proposition and Notice (if used).
Draft of Bond Ordinance, or Petition and Order, authorizing borrowing of money, including form of bond or note complying with State Law.
Draft of Loan Resolution (if not included in other documents).
Certificate of Secretary showing names and terms of officers of local organization.
Latest and most accurate estimates of the probable cost of easements, rights-of-way, and land rights which must be acquired, regardless of estimate in the watershed work plan when it was prepared.

§ 1823.157 State Office loan processing.

The County Supervisor will forward the docket with his recommendations to the State Office. When the State Director determines that the loan can be approved, he will draft a proposed memorandum of loan approval, setting out the conditions under which the loan will be made. The complete docket and his proposed memorandum will then be forwarded to the Office of General Counsel for review and the preparation of additional legal requirements combined, if

practicable, with loan closing instructions.

§ 1823.158 Loan approval.

(a) *Time of approval.* The loan may be approved when all the following conditions exist:

(1) The watershed work plan has been approved for operations by Soil Conservation Service, and the applicant has become an official sponsor or cosponsor of the plan.

(2) Legal requirements and any necessary closing instructions have been prepared by the Office of General Counsel.

(3) The governing body of the applicant local organization has formally passed the loan resolution or it has been approved in final draft form.

(4) The State Director has determined that all subsequent actions can be carried out as proposed in the docket.

(b) *Procedures for approval.* When the State Director has determined that the loan is ready for approval and the loan resolution has been passed by the applicant, he will:

(1) Forward his memorandum of loan approval to the County Supervisor and return the loan docket. A copy of the memorandum and a project summary similar to those used for Association loans will be sent to the National Office.

(2) Execute Form FHA 440–1 after it has been signed by the officials of the applicant's governing body.

(c) *Scheduling multiple advances.* There is no limitation on the number of years over which Watershed loan funds may be scheduled for disbursement, so long as multiple disbursements are planned in accordance with § 1823.152.

(d) *Special procedure when bonds are to be offered at public sale.* If the loan is to be evidenced by bonds which must be offered at public sale, the State Director will forward his approval letter and the closing instructions to the County Supervisor. If the County Supervisor determines that the loan approval and closing conditions can be met within the time required by the bid invitation, the State Director will submit a bid for the bonds at the interest rate in effect at that time for Watershed loans. Generally, any bid deposit will be waived by the appropriate public officials for a bid by the Government. If a deposit must be made, the State Director will write the National Office for further instructions. As soon as it has been determined that the Government is the successful bidder for the bonds, the loan will be approved and funds obligated.

(e) *Loan rejection or cancellation.* When favorable action is not taken on a Watershed loan application, the State Director will notify the applicant in writing, and, if possible, send a representative to explain such action to the applicant. Watershed loans may be canceled before loan closing in accordance with § 1823.21.

§ 1823.159 Loan closing.

(a) *Time of loan closing.* The loan should not be closed until:

(1) All loan closing conditions can be met.

(2) The project agreemnet has been executed or the Soil Conservation Service has advised the State Director in writing that a project agreement will be executed and Soil Conservation Service funds made available for project construction.

(3) The State Director has reviewed the project agreement or proposed project agreement and determined that it is consistent in all respects with loan requirements.

(4) All statutory periods for appeals, objections, advertisements, or payment of assessments in full have passed and the local organization is ready to execute the note or deliver the bonds evidencing the loan.

(5) A loan closing date has been determined in consultation with the FHA County Supervisor, the applicant, and Soil Conservation Service. If loan funds are to be used for acquisition of land rights and easements the loan may be closed before these rights are acquired. However, the probable costs of such acquisition should be carefully estimated before the final amount of the loan is determined.

(b) *Loan closing procedures.* Loans will be closed in accordance with the closing instructions issued by the Office of General Counsel. Checks will be ordered in the same manner as direct loan checks for loans under Subpart A of this part. Loan funds will be handled in accordance with § 1823.154. Bonds should be registered wherever possible. At the time of loan closing, the applicant's attorney must submit a certificate that no suits, appeals, or judgments are pending against it. The note or bond will be dated the date of loan closing.

§ 1823.160 Processing advances.

(a) *Preparation of docket.* (1) When the FHA has concurred in the inclusion of an advance in a watershed work plan as outlined in § 1823.142(b), preparation of the advance docket can be initiated. The State Director will send the County Supervisor a memorandum giving complete instructions for preparation of the advance docket following the same procedures and policies as those outlined for loans in § 1823.156.

(2) The processing routine applies only to advances for future municipal and industrial water supply. Applications for advances for the preservation of sites should be sent to the National Office with requests for advice on processing.

(b) *Review of the advance docket.* After the County Supervisor, with the District Supervisor, has checked the advance docket for accuracy and completeness, he will forward it to the State Office with his recommendations. If the State Director determines that the advance can be made, he will send the docket to the Office of General Counsel for review and preparation of closing instructions, together with a proposed memorandum to the Soil Conservation Service State Conservationist concurring in the execution of a project agreement which will obligate advance funds by Soil Conservation Service and setting out specifically the conditions that must be met by the applicant. The memorandum will be signed and delivered to Soil Conservation Service when the State Director and the State Conservationist determine that all conditions can be met by the applicant.

(c) *Closing advances.* Advances may be closed when all the requirements of FHA and Soil Conservation Service have been met and funds are needed to meet project schedules. Advances will ordinarily be evidenced by bonds or notes. Since Soil Conservation Service will make the advances in increments, the notes or bonds must provide for multiple advances with the total payment obligation of the recipient limited to the total amount actually advanced.

(1) The note or bond and a certified copy of the resolution for the advance will be sent to the Finance Office as soon as it is delivered to FHA. A copy of the note or bond will be placed in the County Office file.

(2) Advances for future water supply will be made periodically by Soil Conservation Service directly to the recipient of the advance and use of these funds is covered by the project agreement, the engineering services agreement or such other supplementary agreements as may be necessary. It is therefore not necessary to deposit advance funds in a supervised or special account of the types used for loan funds.

(3) Advances for construction costs will be set out each month on Form SCS–49a, "Contract Payment Estimate and Construction Progress Report." The State Director should make arrangements with the State Conservationist to be supplied each month with a copy of Form SCS–49a where advance funds are included together with an official statement from the Soil Conservation Service State Administrative Officer giving the date of the check and the exact amount of each advance of funds made under the advance provisions of the project agreement or of any engineering services agreement or other supplementary agreement which further implements the proposal for the advance in the project agreement. The original will be sent immediately to the Finance Office and a copy provided for the County Office file.

§ 1823.161 Actions subsequent to closing of loans or advances.

(a) Any mortgages taken on security property should be placed on record with the appropriate County Office official. Bonds and notes should be registered if permitted by State laws.

(b) After a loan or advance is closed the docket should be sent to the Office of General Counsel for post review and a written statement as to whether or not all legal requirements have been met.

(c) The State Director should provide the County Supervisor with specific requirements which should be noted for servicing the loan. Such requirements may include bonds for officers of the borrower organization, the levy of annual taxes or assessments, or the preparation of certain periodic reports. Where advances for future water supply are made, a followup should be established to check each year with Soil Conservation Service concerning the actual use of storage financed by the advance. These requirements may be included in the approval memorandum.

Dated: August 2, 1967.

J. V. HIGHFILL,
Acting Administrator,
Farmers Home Administration.

[F.R. Doc. 67-9254; Filed, Aug. 7, 1967; 8:48 a.m.]

[FHA Instructions 446.1, 446.2]

PART 1823—ASSOCIATION LOANS AND GRANTS—COMMUNITY FACILITIES, DEVELOPMENT, CONSERVATION, UTILIZATION

Subpart H—Resource Conservation and Development Loans

Part 1823, Title 7, Code of Federal Regulations (32 F.R. 8367) is amended by adding a new Subpart H to read as follows:

Subpart H—Resource Conservation and Development Loans

Sec.
1823.221 General.
1823.222 Responsibilities.
1823.223 Definitions.
1823.224 Eligibility.
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1823.226 Loan limitations.
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1823.233 Real estate appraisals.
1823.234 Preparation of loan docket.
1823.235 Loan approval and loan closing.
1823.236 Actions following loan closing.
1823.237 Requirements before starting construction when financial assistance is provided by Soil Conservation Service.
1823.238 Performing development where financial assistance (cost-sharing) is not provided by Soil Conservation Service.
1823.239 Nondiscrimination and equal opportunity.

AUTHORITY: The provisions of this Subpart H issued under 5 U.S.C. 301; Orders of Secretary of Agriculture, 29 F.R. 16210, 32 F.R. 6650.

§ 1823.221 General.

This subpart sets forth the general policies and authorizations for making Resource Conservation and Development loans for project measures directly related to the development, conservation, and utilization of natural resources to local public agencies in designated Resource Conservation and Development project areas, and to nonprofit corporations in rural areas within Resource Conservation and Development project areas. However, loans for recreational purposes and loans to nonprofit corporations may be made only in rural areas within Resource Conservation and Development project areas.

§ 1823.222 Responsibilities.

(a) *Soil Conservation Service responsibilities.* The Soil Conservation Service has been assigned the overall leadership for developing and carrying out Resource Conservation and Development projects. This includes handling the designation of the area, assignment of a Soil Conservation Service Project Coordinator, leadership in developing the project work plan, and assistance in initiating individual project measures, including those for which Resource Conservation and Development loans will be made.

(b) *FHA responsibilities.* The Farmers Home Administration (FHA) has been assigned responsibility for establishing policies and procedures for making and servicing Resource Conservation and Development loans, for cooperating with Soil Conservation Service and other Federal and State agencies in carrying out these responsibilities, and for taking such other actions as is necessary to carry out these provisions.

(c) *Memorandum of understanding.* A memorandum of understanding has been entered into by the Soil Conservation Service and the FHA covering policies and methods for carrying out responsibilities under this program.

§ 1823.223 Definitions.

(a) *Public agency.* A public agency is a State, State agency or instrumentality, county, municipality, or other subdivision or instrumentality of the State. This includes public agencies created by, or pursuant to, State law for making improvements of a public nature even though some of the improvements may be on privately owned land.

(b) *Nonprofit corporation.* The term "nonprofit corporation" includes mutual and other irrigation, water supply, drainage and waste disposal companies or associations, ditch companies, grazing, recreation, and forestry associations and similar organizations generally designated as private corporations operating on a nonprofit basis and authority having power to make available services and facilities of the types authorized in this subpart.

(1) A private corporation even though organized under the general profit corporation laws may come within this definition if it actually will be operated on a nonprofit basis under such charter, bylaw, mortgage, or supplementary agreement provisions as may be required as a condition of loan approval.

(2) A nonprofit corporation may receive assistance for more than one of the major purposes listed in this subpart when it is organized with the necessary powers conferred by State law to engage in multiple purpose activities.

(3) Nonprofit corporations which do not come within the above definition include cooperative or other service-type organizations engaged primarily in selling supplies, processing, or marketing agricultural and forest products.

(c) *Rural area.* The term "rural area" is an area as defined in § 1823.2(c).

(d) *Resource Conservation and Development project plan.* A plan for the project area developed by the project sponsor with the assistance of the U.S. Department of Agriculture and other Federal and State agencies providing for the development of the resources of the area and which has been approved by the Governor or his designated agency and by the Secretary of Agriculture or his delegate.

(e) *Resource Conservation and Development loan.* Is an FHA loan to a local public agency or nonprofit corporation to carry out project measures consistent with the Resources Conservation and Development project plan for the development of the area.

§ 1823.224 Eligibility.

(a) *General.* Any local public agency or nonprofit corporation is eligible for a Resource Conservation and Development loan for authorized purposes provided it is unable to obtain needed credit from other sources; can provide security in accordance with § 1823.229; has reasonable prospects of repaying the loan; has authority under State and local laws to borrow funds, acquire necessary land rights, improve, develop, operate, and maintain property, and raise revenues to repay loans and meet other obligations; and is financially sound and so organized and managed that it will be able to provide efficient service. The local public agency or nonprofit corporation must have the authority under State statutes to obtain the type of loan being requested. Questions on eligibility will be referred to the Office of the General Counsel for advice prior to development of a loan docket.

(b) *Nonprofit corporations*—(1) *Membership.* The membership of nonprofit corporations should be broadly based and representative of the rural area benefiting from the facility. Membership on the governing board of the corporation will be limited to those living in the area to be benefited unless for justifiable reasons the State Director gives prior approval for other than local rural residents to serve on the board of directors.

(2) *Eligibility for assistance.* To be eligible for financial assistance a nonprofit corporation must propose a facility which will be primarily used by the corporation or which will generate other substantial, tangible benefits primarily for farmers and other residents of the rural area, and be located in the rural area to be served and controlled by farmers and others living in the rural area. In the case of a recreational project measure at least two-thirds of the membership must be farmers and others residing in the rural area.

(c) *Existing authority.* Nonprofit corporations will not be formed to serve an area which could be served by a public agency which has adequate authority to provide the needed service unless prior approval of the National Office is obtained.

§ 1823.225 Loan purposes.

Generally, loans may be made for project measures that bear directly upon land conservation and land utilization. Project measures for which loans are

made must also be for community benefit and contribute to the economic improvement of the area. Except as otherwise indicated, loans may be made to eligible local public agencies or nonprofit corporations for the following purposes:

(a) *Recreational facilities (rural areas only).* Install or improve rural community outdoor-oriented recreational facilities such as:

(1) Ponds, lakes, and streams for fishing, boating and basic minimum related facilities.

(2) Sports areas, including little league fields, athletic fields, golf courses, target ranges, swimming pools and swimming areas, and ski slopes.

(3) Recreational areas, including rodeo and horse show facilities, for the use of participants and performers who are primarily local residents using livestock from the immediate area.

(4) Picnic areas and parks.

(5) Camping facilities, such as tent platforms, dining halls, and cabins, including utility connections for trailers and sanitation facilities and roadways.

(6) Forest trails, caves, and other natural scenic attractions.

(7) Hunting and fishing areas and preserves.

(8) Access roads necessary to connect recreational areas with public roadways.

(9) Domestic water, irrigation, drainage, or waste disposal facilities, and parking areas in connection with recreational development.

(10) Historical sites and areas.

(b) *Soil and water development, conservation, control, and use facilities.* Install or improve:

(1) Works of improvement for flood prevention, sediment control, erosion control, and other water management purposes.

(2) Irrigation facilities including storage reservoirs, diversion dams, wells, pumping plants, canals, canal lining, pipelines, sprinklers, and other such items.

(3) Open or closed drainage facilities in farm areas otherwise too wet for sustained agricultural production. Facilities will not be installed primarily to bring into production land which has not been previously in agricultural production. Land in agricultural production will be construed to mean all land which is or has been used for any farm crop, including pasture. It does not include woodland, brush, swampland, or marshland unless such land was formerly in agricultural production and has since reverted to a condition of nonuse or lesser use.

(4) Soil conservation and water control facilities such as dikes, terraces, detention reservoirs, stream channels, ditches, and other special land treatment and stabilization measures or structures needed to protect farms and rural residences from water damage, provided such facilities cannot be installed or improved under, or will not conflict with, other public programs such as those administered by the Corps of Engineers.

(c) *Shift-in-land-use facilities.* Develop shift-in-land-use project measures including association grazing, forestry, and other facilities through:

(1) The conversion of land to pasture, forest, wildlife areas, and preserves.

(2) Reorganization or reconstitution of farm management units, grazing areas or districts, or irrigation areas.

(3) Substantial reorganization of an existing land use through a system of controlled grazing or sustained yield forestry management practices.

(4) Conversion of land to uses which promote better conservation of soil and water resources.

(5) The conversion of land to uses such as parks, greenbelts, and other open spaces which better serve a rural community.

(d) *Community water storage facilities.* Install, repair, or improve water storage facilities, including outlet works for such purposes as immediate and future water supply and pollution abatement by streamflow regulation and saline water intrusion control. A loan for this purpose may include funds for pipelines and any necessary pumping facilities to convey the water from the reservoir to the existing or proposed municipal treatment facilities or the nearest practicable point on a water distribution system.

(e) *Purchase existing facilities.* Purchase existing facilities for recreation (rural areas only), shift-in-land use, soil and water development, conservation, control and use when it is determined that purchase is necessary to provide efficient service through a facility owned and operated by a public agency (or a nonprofit corporation in a rural area), or that the owner is either unwilling or unable to make improvements, enlargement, or extensions needed to provide significant additional or improved service for present users or for a new group of users at reasonable rates.

(f) *Special-purpose equipment.* Purchase or rent special-purpose equipment to install or maintain any community facility in the above categories or to establish on farms soil and water conservation measures such as terraces, ponds, land leveling for irrigation or drainage, subsoiling, seeding, tree planting, and removal of brush, scattered trees, and stumps, provided:

(1) Such equipment is not otherwise available when needed.

(2) There is sufficient need and local demand to justify ownership or rental.

(3) Rates to be charged include, among other things, an allowance for depreciation, obsolescence, and replacement based upon the recommendations of the equipment manufacturer or the experience of contractors engaged in providing services for similar types of work.

(g) *Forestry equipment and services (other than shift-in-land use).* Purchase or rent basic special-purpose equipment, facilities, certain land or land rights, and supplies needed for furnishing services for the establishment, improvement, protection, and harvesting of timber (not processing) suitable for lumber, pulp, poles or posts; providing that the forest program and forest practices benefiting from such service are in accordance with accepted forestry management and are directly related to and will promote approved conservation practices for the development, use, and control of water resources on farms and in forests. Special-purpose equipment will include such items as tractors, dozers, plows, planters, trucks, loaders, firefighting equipment, and sprayers. Facilities will include such items as ponds and reservoirs, pipelines, buildings for storage of equipment and supplies, nurseries, access roads, fire lanes, and lookout towers. Supplies will include such things as seed, seedlings, fertilizers, fencing, and pesticides. Land or land-rights acquisition will be limited to that necessary for sites for facilities listed above which are directly related to the forestry program. Loans for these purposes may be made only when the equipment, supplies, and facilities to be provided:

(1) Are not readily available when needed.

(2) Will be justified by the local need and demand.

(3) Will be made available to users at rates which will cover loan amortization, obsolescence, replacement, operation, and in the case of supplies, at least their cost.

(4) Will more efficiently serve the group through cooperative effort.

(h) *Acquisition of land and rights.* Acquire land, interests in land, and rights such as water rights, leases, permits, rights-of-way, and other evidence of control when acquisition of such land and rights is necessary to the development of the facility. When it is necessary to acquire a water supply or water rights, the land on which the water supply or water right is presently being used may be purchased when:

(1) The water supply or water right cannot be purchased without the land and permission can be obtained from State officials for the transfer of the water right from the land.

(2) The value of the land is only an incidental part of the total purchase price.

(i) *Refinancing.* Refinancing debts incurred by or on behalf of the applicant prior to an application for a loan when all of the following conditions exist:

(1) The debts were incurred for the facility or service to be installed or improved with the loan.

(2) Arrangements cannot be made with the creditors to extend or modify the terms of the debt so that a sound basis will exist for making a loan.

(3) The prior approval of the National Office will be obtained when it is proposed that the amount to be advanced for refinancing will exceed 50 percent of the total loan.

(j) *Buildings, fences, roads, secondary facilities, and relocation.* (1) Construct buildings of modest design, size, and cost, essential to the successful operation or protection of authorized facilities or project measures.

(2) Install secondary facilities such as gas or electric service lines to convey fuel or energy for, or utilities for the control of, primary facilities.

(3) Build or relocate roads, bridges, utilities, fences, and other improvements when necessary to acquire rights-of-way or to construct or operate the facility.

(k) *Services and fees.* Pay costs incidental to facilities or services accomplishing any of the above purposes including, but not limited to:

(1) Paying fees or other legal expenses of establishing a water right through appropriation, agreement, permit, or court decree.

(2) Acquiring a water supply by the purchase of water stock or membership in an incorporated water users association.

(3) Paying for hired labor, technical or professional services, and fees to be incurred in obtaining the loan, and in planning and completing the facilities or services to be financed with loan funds.

(l) *Site acquisition.* To enable local public agencies to acquire sites for works of improvement in advance of construction for the purpose of reserving such sites for natural resources development and use.

(m) *Public use areas.* Acquire and develop land for public use, including forest areas, areas for reforestation, wildlife and fishing areas, natural areas, parks, conservation areas, lakes, streams, natural springs, and campsites.

§ 1823.226 Loan limitations.

Resource Conservation and Development loans will not be made for:

(a) Building industrial parks or to construct facilities thereon or to establish private industrial or commercial enterprises or to purchase land to be used primarily for industrial purposes. However, this does not prohibit advances for the purchase of land, a portion of which might be set aside for an industrial park.

(b) Purchase of tracts of land primarily for later resale to private developers or individuals for agricultural or nonagricultural use.

(c) Motels, housing developments, farm dwellings, and dance pavilions.

(d) Land treatment on private or individual land units.

(e) Payment of that part of the cost of facilities, improvements, and practices which could be earned by participation in agricultural conservation programs unless such cost cannot be covered by purchase orders or assignments to material suppliers or contractors. If advances are made for this purpose and the portion of the payment for which the funds are advanced are likely to exceed $500, the applicant will assign payment to the Farmers Home Administration.

(f) Payment of obligations incurred before loan closing, except with the prior written permission of the State Director upon his finding that a necessity exists for incurring obligations before loan closing, the obligations will be incurred for authorized loan purposes, contracts and construction plans meet FHA and Soil Conservation Service standards, and the applicant has the legal authority to incur the obligations at the time proposed. The State Director's letter will specifically state that the permission granted is on the condition that the Government is not committed to make a loan and assumes no responsibility for any obligation incurred by the applicant because of the permission granted, and that the applicant must subsequently meet all FHA requirements for a loan.

(g) Primarily for bringing new land into agricultural production.

(h) Primarily for treatment plants and distribution systems.

(i) Drainage facilities primarily for the benefit of other than rural areas.

§ 1823.227 Rates and terms.

The interest rate for Resource Conservation and Development loans is the average rate paid by the U.S. Treasury on obligations of a similar maturity outstanding at the beginning of the fiscal year in which the loan is made. Resource Conservation and Development loans will be scheduled for repayment in amortized annual installments of principal and interest over periods not to exceed 30 years except that annual principal and interest payments may be deferred up to five years when there will not be sufficient income to make earlier payments.

§ 1823.228 Amount of loans.

The amount of a Resource Conservation and Development loan will be based on the applicant's resources, the proposed cost of the project measure being financed, and the applicant's ability to repay but not in excess of $250,000. In determining repayment ability, consideration will be given to all available sources of income such as taxes, assessments, fees, leases, rentals, and the sale of securities or property.

§ 1823.229 Security.

Resource Conservation and Development loans will be secured in such manner, depending on the nature of the project and the authority of the local public agency, or nonprofit corporation, as will protect the interest of the Government. Security will usually be contract liens on property, tax or assessment liens, or project revenues pledged for repayment of the loans.

§ 1823.230 Loan approval.

State Directors are authorized hereby to determine the eligibility of applicants and approve Resource Conservation and Development loans in accordance with the requirements of this subpart, and with the prior concurrence of the Administrator.

§ 1823.231 Coordination of loan making actions.

(a) The FHA County Supervisor will be notified by the Project Coordinator when it is known that an applicant desires to apply for a Resource Conservation and Development loan.

(b) The County Supervisor with assistance from the Project Coordinator will consult with the project sponsors on organizational arrangements and plans for financing and operating the project measure for which a Resource Conservation and Development loan is needed.

(c) The approved project work plan and the related executed project measure agreement will not bind FHA to make a Resource Conservation and Development loan to the applicant.

(d) The County Supervisor and the Project Coordinator will work closely with the applicant during development of plans including cost estimates to assure that Resource Conservation and Development loans are in accordance with FHA policies.

(e) The County Supervisor and the Project Coordinator will determine the technical assistance to be provided by the Soil Conservation Service in connection with the Resource Conservation and Development loan.

§ 1823.232 Loan application.

(a) *Action by local groups.* The applicant will submit a letter of application addressed to the State Director to the County Supervisor. The letter will be prepared with the assistance of the Project Coordinator and County Supervisor and will contain the following:

(1) A brief statement of the purpose and estimated cost of the proposed development, the amount of loan needed, and the contributions, if any, to be made by the applicant or Federal or State agencies.

(2) Justification for such loan.

(3) A cost estimate which will show the estimated construction cost, broken down by major items, the amount of engineering, legal, and supervision costs, the option price of the land to be acquired with the cost of rights-of-way and the amount of other costs. Detailed specifications, designs, drawings, and material lists which will be used in actual construction work need not be complete at this point. However, if such data are complete and available, they should be included.

(4) A map of the area being developed, giving principal features of the area and its relationship to, and distances to, nearby towns with a clearly defined outline of the proposed improvements to be installed with loan funds. A legal description of the land to be acquired should be provided.

(5) Basic documents reflecting the powers or authorities of the applicant for borrowing money, giving security, raising revenues, and for installing and operating the proposed project measure.

(6) The plans of the applicant for levying taxes, making assessments, charging of fees, and otherwise providing for the orderly repayment of the loan.

(7) A statement that the applicant is unable to obtain the credit they need from private and cooperative sources at reasonable rates and terms.

(b) *Action by County Supervisor.* The County Supervisor will determine if the application has been properly completed and is consistent with the Resource Conservation and Development project work

plan objectives. When such determinations are made, he will submit the application along with his recommendations to the State Director.

(c) *Actions by State Director.* (1) Upon receipt of the application, the State Director will consult with the State Conservationist to ascertain the status of the Resource Conservation Development project work plan, the estimated cost of the proposed works to be installed with the Resource Conservation Development loan, any cost sharing which may be available to the applicant, and other pertinent information.

(2) If the State Director and the State Conservationist determine that favorable consideration should be given to the application and find it to be consistent with loan policies and objectives, they will instruct the County Supervisor and Project Coordinator to assist the applicant in preparing a loan docket. If, however, they determine that no further consideration should be given to the application, the State Director will advise the County Supervisor why favorable action cannot be taken.

(3) The State Director will work closely with the State Conservationist and the Office of the General Counsel in acting upon applications. Consideration will be given to the total credit needs of the applicant, the purposes of the loan, the statutory authorities and procedures under which the applicant may incur and repay indebtedness, and preparation of recommendations on whether or not the circumstances would justify the requested financial assistance.

§ 1823.233 Real estate appraisals.

When the purchase of real estate is involved, an appraisal will be prepared by the FHA employee authorized to make real estate appraisals. Such appraisals will be made to determine the present market value in accordance with the policy outlined in Part 1809 of this chapter.

§ 1823.234 Preparation of loan docket.

The loan docket will consist of the following documents completed and executed, as appropriate, and assembled by the County Supervisors:

(a) Form FHA 440–3, "Record of Actions."

(b) Form FHA 422–1, "Appraisal Report (Farm Tract)."

(c) County Committee recommendation in the form of a narrative. The recommendation will be signed by at least two members.

(d) Form FHA 440–1, "Payment Authorization."

(e) Form FHA 442–7, "Operating Budget (Association)."

(f) Form FHA 443–1, "Option to Purchase Real Property," if required.

(g) Agreement between the applicant and the FHA. This agreement will be prepared with the assistance of the County Supervisor and advice of the Office of the General Counsel. It will be prepared in an original and three copies. One copy will be retained by the applicant. Form FHA 442–9, "Association Loan Resolution," may be used as a guide. The agreement will contain the following information:

(1) Statutory authority under which the applicant is authorized to act.

(2) The purpose of the project measure.

(3) Evidence of the vote or action of the agency to engage in such an undertaking.

(4) The amount of the loan and terms, including repayment schedule, interest rate, and date of payment of first installment.

(5) Statement of the security to be given and its value.

(6) The statutory authorization or designation of the authority to sign the note and other legal instruments.

(7) Sources of revenues, how revenues are to be utilized, and how allowances for operating and maintenance cost can be made.

(8) Authority for the Treasurer or other designated officials to deposit funds, secure bonds, and incur obligations.

(9) Authority of the Treasurer to establish a construction account and revenue fund account, including debt service, operating and maintenance, and reserve accounts.

(h) The complete loan docket will be forwarded to the State Director for review. The State Director will forward the docket to the National Office with his comments.

§ 1823.235 Loan approval and loan closing.

If the Administrator concurs in making the loan, he will inform the State Director by memorandum and return the docket to him. The State Director will approve the loan and forward the docket, loan closing instructions issued by the Office of the General Counsel, and any additional instructions to the County Supervisor. The County Supervisor will notify the applicant of the approval, furnish him with a copy of the loan closing instructions and any additional instructions to be followed. The County Supervisor will order the loan check. The loan check will be delivered as soon as loan approval conditions and loan closing instructions are met. It will be deposited in a supervised bank account but disbursements will not be made until the County Supervisor receives the final opinion of the Office of the General Counsel. Banks in which accounts in excess of $15,000 are maintained will provide collateral security for balances in excess of that amount.

§ 1823.236 Actions following loan closing.

(a) *Filing security instruments.* Security instruments will be filed or recorded as soon as the loan is closed. A copy will be delivered to the applicant.

(b) *Promissory note or bond.* The executed promissory note, or bond, or other legally acceptable documentary evidence of indebtedness created by the loan will be forwarded to the Finance Office as soon as the loan can be closed. A copy will be delivered to the applicant. The note or bond will be dated the date of loan closing.

(c) *Final opinion.* As soon as advice is received from the County Supervisor of the manner in which loan approval conditions and loan closing instructions have been met, the State Director will refer the matter to the Office of the General Counsel for final opinion after loan closing. The final opinion will be forwarded to the County Supervisor as soon as it is received from the Office of the General Counsel.

§ 1823.237 Requirements before starting construction when financial assistance is provided by Soil Conservation Service.

(a) Authorization for starting construction will not be given until the State Director has:

(1) Been notified by the State Conservationist that the local organization has met all requirements.

(2) Been furnished a schedule for the beginning, carrying out, and completion of project measures.

(3) Received a copy of the project agreement setting forth the mutual understanding, responsibility, working relationship, and cost sharing arrangements of the applicant and contracting local organization and the Soil Conservation Service.

(4) Made a determination that the loan has been properly closed and is consistent with FHA loan policies.

(5) Received evidence that all necessary land rights have been acquired.

(b) When the requirements of paragraph (a) of this section have been complied with, the FHA State Director will advise the State Conservationist by memorandum that the loan has been closed properly, that loan funds are available, and the conditions which must be met before loan funds can be released. A copy of this memorandum will be sent to the borrower. This memorandum will provide that:

(1) All engineering, plans, specifications, and drawings for works of improvement to be installed with loan funds must be approved by the State Director.

(2) The contract entered into by the applicant for materials, labor, or construction of works of improvement to be financed by loan funds must be approved in writing by the State Director.

(c) Change orders: Minor changes during construction which do not appreciably affect the size, cost, or function of a structure may be approved by Soil Conservation Service. The County Supervisor should be kept informed of such changes. The County Supervisor will submit requests for major changes to the State Director for prior approval.

(d) Inspections and deficiencies: (1) The FHA County Supervisor will make inspections as necessary to assure compliance with FHA loan policies and to protect the Government's interests.

(2) The FHA State Director will collaborate with the State Conservationist in arranging for correction of deficiencies.

§ 1823.238 Performing development where financial assistance (cost-sharing) is not provided by Soil Conservation Service.

Upon receipt of the final opinion the County Supervisor will proceed with development in accordance with the policies and procedures contained in Subpart B, Part 1804 of this chapter.

§ 1823.239 Nondiscrimination and equal opportunity.

All applicants and borrowers must comply with all nondiscrimination and equal opportunity requirements under Title VI of the Civil Rights Act of 1964 and the Executive order on equal opportunity in employment under federally assisted construction contracts.

(a) *Loan resolution.* The loan resolution required to be adopted by the applicant will contain the following:

Equal employment opportunity under construction contracts and nondiscrimination in benefits of the Resource Conservation and Development loan. The chairman and the Secretary of the Resource Conservation and Development Authority are hereby authorized and directed to execute on behalf of the authority (a) Farmers Home Administration Form FHA 400–1 entitled "Equal Opportunity Agreement," to which is attached and made a part hereof Farmers Home Administration Form FHA 400–2 entitled "Equal Opportunity Clause," to be incorporated in or attached as rider to each construction contract the amount of which exceeds $10,000 and any part of which is paid for with funds from the loan; and (b) Farmers Home Administration Form FHA 400–4 entitled "Nondiscrimination Agreement (Under Title VI, Civil Rights Act of 1964)," a copy of which is attached hereto and made a part hereof.

(b) *Mortgage or other security instrument.* The mortgage or other security instrument will include a provision to read as follows:

This instrument also secures the obligations and covenants of Borrower set forth in Borrower's Loan Resolution of (Date), which is hereby incorporated herein by reference.

Dated: July 27, 1967.

HOWARD BERTSCH,
Administrator,
Farmers Home Administration.

[F.R. Doc. 67–9255; Filed, Aug. 7, 1967; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 67–WE–35]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On June 28, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 9173) which would amend Part 71 of the Federal Aviation Regulations by designating a transition area in the Douglas, Wyo., area. Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed action.

No objections have been received and the proposed regulation is hereby adopted subject to the following change: Delete "§ 71.171" and substitute "§ 71.181" therefor.

Effective date. This amendment shall be effective 0001 e.s.t., October 12, 1967.

Issued in Los Angeles, Calif., on July 31, 1967.

LEE E. WARREN,
Acting Director, Western Region.

In § 71.181 (32 F.R. 2148) the following transition area is added:

DOUGLAS, WYO.

That airspace extending upward from 8,500 feet MSL, bounded on the north by latitude 42°44'00" N., and the east by V–169, on the southeast by V–89, on the south by V–624, on the west by V–19E and on the southwest by V–19E and V–247.

[F.R. Doc. 67–9219; Filed, Aug. 7, 1967; 8:45 a.m.]

[Airspace Docket No. 66–CE–104]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airways

On July 11, 1967, F.R. Doc. 67–7943 was published in the FEDERAL REGISTER (32 F.R. 10192) which amended Part 71 of the Federal Aviation Regulations by realigning VOR Federal airways Nos. 15 and 120 via the Mitchell, S. Dak., VOR to become effective October 12, 1967.

The Mitchell VOR has been certified for use by IFR traffic. A request has been made by the scheduled air carrier serving Mitchell to advance the effective date of the amendments contained in Airspace Docket No. 66–CE–104 to 0001 e.s.t., September 14, 1967. The Administrator has determined that this minor action would be in the interest of safety and efficient utilization of airspace, and that compliance with the notice requirements of the Administrative Procedure Act is unnecessary.

In consideration of the foregoing, effective immediately, F.R. Doc. 67–7943 (32 F.R. 10192) is amended as follows: "effective 0001 e.s.t., October 12, 1967" is deleted and "effective 0001 e.s.t., September 14, 1967" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on August 1, 1967.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67–9220; Filed, Aug. 7, 1967; 8:45 a.m.]

SUBCHAPER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 8314; Amdt. 95–157]

PART 95—IFR ALTITUDES

Miscellaneous Amendments

The purpose of this amendment to Part 95 of the Federal Aviation Regulations is to make changes in the IFR altitudes at which all aircraft shall be flown over a specified route or portion thereof. These altitudes, when used in conjunction with the current changeover points for the routes or portions thereof, also assure navigational coverage that is adequate and free of frequency interference for that route or portion thereof.

As a situation exists which demands immediate action in the interest of safety, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 95 of the Federal Aviation Regulations is amended, effective September 14, 1967 as follows:

1. By amending Subpart C as follows:

From, to, and MEA

Section 95.1001 *Direct routes—United States* is amended to read in part:

Mango INT, Fla.; Miami, Fla., I–MIA localizer crs., *2,000. *1,200—MOCA.
Pahokee, Fla., VOR; Shawnee INT, Fla.; *2,200. *1,300—MOCA.

Bahama Routes

54V:
Palm Beach, Fla., VOR; *Basket INT, Fla.; **2,000. *2,500—MRA. **1,400—MOCA.
Basket INT, Fla.; Carey INT, Bahamas; *6,400. *1,200—MOCA.

55V:
Palm Beach, Fla., VOR; Bimini, Bahamas, VOR; *2,000. *1,400—MOCA.

56V:
Nassau, Bahamas, VOR; *Wallace INT, Bahamas; **2,000. *4,000—MRA. **1,400—MOCA.
Wallace INT, Bahamas; *Major INT, Bahamas; **3,000. *3,000—MRA. **1,200—MOCA.
Major INT, Bahamas; *Abaco INT, Bahamas; **8,500. *10,000—MRA. **1,200—MOCA.
Palm Beach, Fla., VOR; Bimini, Bahamas, VOR; *2,000. *1,400—MOCA.
Bimini, Bahamas, VOR; Carey INT, Bahamas; *2,000. *1,300—MOCA.
Carey INT, Bahamas; Nassau, Bahamas, VOR; *2,000. *1,400—MOCA.

58V:
Nassau, Bahamas, VOR; *Morley INT, Bahamas; *2,000. *8,000—MRA. **1,400—MOCA.
*Gorda INT, Bahamas; **Jordon INT, Bahamas; ***4,000. *8,000—MRA. **4,000—MRA. ***1,200—MOCA.
Jordon INT, Bahamas; *Abaco INT, Bahamas; **10,000. *10,000—MRA. **1,200—MOCA.

64V:
Fort Lauderdale, Fla., VOR; Pike INT, Fla.; *2,000. *1,400—MOCA.
Pike INT, Fla.; Akron INT, Bahamas; *4,500. *1,200—MOCA.

From, to, and MEA
65V:
Nassau, Bahamas, VOR; *Wallace INT, Bahamas; **2,000. *4,000—MRA. **1,400—MOCA.
Wallace INT, Bahamas; *Major INT, Bahamas; **3,000. *3,000—MRA. **1,200—MOCA.
Major INT, Bahamas; Freeport, Bahamas, VOR; *2,000. *1,200—MOCA.
Freeport, Bahamas, VOR; *Mullet INT, Fla.; **2,000. *6,500—MRA. **1,300—MOCA.
1 Lima:
Grand Bahamas, Bahamas, AAFB–RBN; Eleuthera, Bahamas, AAFB–RBN; *3,000. *1,300—MOCA.
Eleuthera, Bahamas, AAFB–RBN; San Salvador, Bahamas, AAFB–RBN; *2,000. *1,300—MOCA.
2 Limas:
Int, 091° bearing from Perrine RBN and 111° bearing from Bimini RBN; Nassau, Bahamas, RBN; *2,000. *1,400—MOCA.
Nassau, Bahamas, RBN; San Salvador, Bahamas, AAFB–RBN; *2,000. *1,400—MOCA.
4 Limas:
Int, 091° bearing from Perrine RBN and 111° bearing from Bimini RBN; Nassau, Bahamas, RBN; *2,000. *1,400—MOCA.
Nassau, Bahamas, RBN; Yankee 1 INT, Bahamas; *2,000. *1,400—MOCA.
5 Limas:
Nassau, Bahamas, RBN; Eleuthera AAFB, Bahamas, RBN; *3,000. *1,400—MOCA.
6 Limas:
Nassau, Bahamas, RBN; Thompson INT, Bahamas; *2,000. *1,400—MOCA.
7 Limas:
Nassau, Bahamas, RBN; Thompson INT, Bahamas; *2,000. *1,400—MOCA.
Thompson INT, Bahamas; High Rock INT, Bahamas; *2,000. *1,200—MOCA.
8 Limas:
Pike INT, Bahamas; Akron INT, Bahamas; *2,000. *1,200—MOCA.
11 Limas:
Nassau, Bahamas, RBN; Morley INT, Bahamas; *2,000. *1,400—MOCA.
Morley INT, Bahamas; Abaco INT, Bahamas; *2,000. *1,200—MOCA.
Panama Routes
V–11:
Taboga, Republic of Panama, VOR; Chorrera INT, Republic of Panama; 2,700.
Chorrera INT, Republic of Panama; Mike–5; *3,600. *2,700—MOCA.

Section 95.1001 *Direct routes—United States* is amended by adding:

Van Nuys, Calif., VOR; Bowl INT, Calif.; 4,000.
Int, 349° M rad, Long Beach VOR and 096° M rad, Van Nuys VOR; Long Beach, Calif., VOR; 3,100.
Richmond INT, Calif.; Farallon Island, Calif., LF/RBN; 4,500.

Section 95.1001 *Direct routes—United States* is amended to delete:

Nashville, Tenn., VOR; Pleasant View INT, Tenn.; 3,000.

Section 95.6001 *VOR Federal airway 1* is amended to read in part:

*Starfish INT, Ga., Tybee INT, Ga.; **5,000. *3,000—MRA. **1,200—MOCA.

Section 95.6002 *VOR Federal airway 2* is amended to read in part:

*Seaweed INT, Wis., Muskegon, Mich., VOR; **2,500. *3,500—MRA. **1,900—MOCA.

Section 95.6004 *VOR Federal airway 4* is amended to read in part:

Salina, Kans., VOR; Fort Riley INT, Kans.; *3,000. *2,800—MOCA.
Fort Riley INT, Kans.; Maple Hill INT, Kans.; *3,000. *2,700—MOCA.

Section 95.6007 *VOR Federal airway 7* is amended to read in part:

Fort Myers, Fla., VOR; Arcadia INT, Fla.; *2,000. *1,300—MOCA.
Arcadia INT, Fla.; Lakeland, Fla., VOR; *2,000. *1,500—MOCA.
Lafayette, Ind., VOR; Chicago Heights, Ill., VOR; *2,500. *2,000—MOCA.

Section 95.6008 *VOR Federal airway 8* is amended to read in part:

Chicago Heights, Ill., VOR; Goshen, Ind., VOR; *2,600. *2,100—MOCA.

Section 95.6015 *VOR Federal airway 15* is amended to read in part:

Sioux Falls, S. Dak., VOR via W alter.; Mitchell, S. Dak., VOR via W alter.; *3,300. *3,000—MOCA.
Mitchell, S. Dak., VOR via W alter.; Huron, S. Dak., VOR via W alter.; *3,000. *2,600—MOCA.
Sealy INT, Tex., via W alter.; Independence INT, Tex., via W alter.; *2,100. *1,700—MOCA.

Section 95.6017 *VOR Federal airway 17* is amended to read in part:

Bellaire INT, Tex.; Olmos INT, Tex.; *2,500. *2,400—MOCA.
Olmos INT, Tex.; San Antonio, Tex., VOR; *2,500. *2,200—MOCA.

Section 95.6020 *VOR Federal airway 20* is amended to read in part:

Lafayette, La., VOR; Lulu INT, La.; *1,500. *1,400—MOCA.
Lulu INT, La.; Bond Lake INT, La.; *1,500. *1,000—MOCA.

Section 95.6023 *VOR Federal airway 23* is amended to read in part:

Eugene, Oreg., VOR; Turner INT, Oreg.; 3,000.
Turner INT, Oreg.; Aurora INT, Oreg.; 5,000.
Aurora INT, Oreg.; Portland, Oreg., VOR; 4,000.

Section 95.6025 *VOR Federal airway 25* is amended to read in part:

*Ellensburg, Wash., VOR; **Wenatchee, Wash., VOR; 8,600. *6,800—MCA Ellensburg VOR, northbound. **7,100—MCA Wenatchee VOR, southbound.

Section 95.6038 *VOR Federal airway 38* is amended to read in part:

Peotone, Ill., VOR; Monterey, Ind., VOR; *2,500. *2,200—MOCA.

Section 95.6051 *VOR Federal airway 51* is amended to read in part:

Lafayette, Ind., VOR; Chicago Heights, Ill., VOR; *2,500. *2,000—MOCA.
Miami, Fla., VOR; New River INT, Fla.; *2,000. *1,200—MOCA.
New River INT, Fla.; Pahokee, Fla., VOR; *2,000. *1,300—MOCA.
Key West, Fla., VOR; Hondo INT, Fla.; *2,000. *1,300—MOCA.
Hondo INT, Fla.; Harvey INT, Fla.; *2,500. *1,200—MOCA.

Section 95.6068 *VOR Federal airway 68* is amended to delete:

Corpus Christi, Tex., VOR; Pogo INT, Tex.; *1,600. *1,400—MOCA.
Pogo INT, Tex.; Solon INT, Tex.; *1,600. *1,100—MOCA.
Solon INT, Tex.; Armstrong INT, Tex.; *4,000. *1,100—MOCA.
Armstrong INT, Tex.; Mina INT, Tex.; *4,000. *1,400—MOCA.
Mina INT, Tex.; Hargill INT, Tex.; *3,300. *1,400—MOCA. MAA—14,000.
Hargill INT, Tex.; McAllen, Tex., VOR; *1,600. *1,500—MOCA. MAA—14,000.
Armstrong, INT, Tex., via S alter.; Raymondville, INT., Tex., via S alter.; *4,000. *1,300—MOCA.
Raymondville INT, Tex., via S alter.; Harlingen, Tex., VOR via S alter.; *1,600. *1,300—MOCA.
Harlingen, Tex., VOR, via S alter.; McAllen, Tex., VOR, via S alter.; *1,600. *1,500—MOCA.

Section 95.6068 *VOR Federal airway 68* is amended by adding:

Corpus Christi, Tex., VOR; Pogo INT, Tex.; *1,600. *1,400—MOCA.
Pogo INT, Tex.; Solon INT, Tex.; *1,600. *1,500—MOCA.
Solon INT, Tex.; *Armstrong, INT, Tex.; **3,000. *3,000—MRA. **1,500—MOCA.
Armstrong INT, Tex.; Raymondville INT, Tex.; *1,500. *1,400—MOCA.
Raymondville INT, Tex.; Harlingen, Tex., VOR; *1,500. *1,300—MOCA.
Harlingen, Tex., VOR; McAllen, Tex., VOR 1,900.

Section 95.6092 *VOR Federal airway 92* is amended to read in part:

Chicago Heights, Ill., VOR; Goshen, Ind., VOR; *2,600. *2,100—MOCA.

Section 95.6097 *VOR Federal airway 97* is amended to read in part:

Arcadia INT, Fla., via E alter.; Lakeland, Fla., VOR via E alter.; *2,000. *1,500—MOCA.
Bayport INT, Fla., via E alter.; *Richey INT, Fla., via E alter.; **3,000. *2,500—MRA. **1,200—MOCA.
Richey INT, Fla., via E alter.; *Shrimp INT, Fla., via E alter.; **4,000. *4,000—MRA. **1,200—MOCA.
Lafayette, Ind., VOR; Chicago Heights, Ill., VOR; *2,500. *2,000—MOCA.

Section 95.6120 *VOR Federal airway 120* is amended to read in part:

Pierre, S. Dak., VOR; Mitchell, S. Dak., VOR; *3,800. *3,400—MOCA.
Mitchell, S. Dak., VOR; Sioux Falls, S. Dak., VOR; *3,300. *3,000—MOCA.

Section 95.6126 *VOR Federal airway 126* is amended to read in part:

Chicago Heights, Ill., VOR; Goshen, Ind., VOR; *2,600. *2,100—MOCA.

Section 95.6138 *VOR Federal airway 138* is amended to read in part:

Neola, Iowa, VOR; Fort Dodge, Iowa, VOR; *3,300. *2,800—MOCA.

Section 95.6144 *VOR Federal airway 144* is amended to read in part:

Peotone, Ill., VOR; Monterey, Ind., VOR; *2,600. *2,200—MOCA.

Section 95.6152 *VOR Federal airway 152* is amended to read in part:

St. Petersburg, Fla., VOR via N alter.; Dade City INT, Fla., via N alter.; *2,000. *1,400—MOCA.
Dade City INT, Fla., via N alter.; Orlando, Fla., VOR via N alter.; *2,000. *1,900—MOCA.

From, to, and MEA

Section 95.6157 *VOR Federal airway 157* is amended to read in part:

Lakeland, Fla., VOR; Webster INT, Fla.; *2,000. *1,500—MOCA.
Webster INT, Fla.; Ocala, Fla., VOR; *2,000. *1,400—MOCA.
Key West, Fla., VOR; Hondo INT, Fla.; *2,000. *1,300—MOCA.
Hondo INT, Fla.; Harvey INT, Fla.; *2,500. *1,200—MOCA.

Section 95.6159 *VOR Federal airway 159* is amended to read in part:

Miami, Fla., VOR; New River INT, Fla.; *2,000. *1,200—MOCA.

Section 95.6163 *VOR Federal airway 163* is amended to read in part:

Bellaire INT, Tex., Olmos INT, Tex.; *2,500. *2,400—MOCA.
Olmos INT, Tex.; San Antonio, Tex. VOR; *2,500. *2,200—MOCA.
Brownsville, Tex., VOR; Rio Hondo INT, Tex.; *1,500. *1,200—MOCA.
Rio Hondo INT, Tex.; Mansfield INT, Tex.; *1,500. *1,100—MOCA.
Mansfield INT, Tex.; *Armstrong INT, Tex.; **3,000. *3,000—MRA. **1,400—MOCA.
Brownsville, Tex., VOR via W alter.; Harlingen, Tex., VOR via W alter.; *1,500. *1,300—MOCA.
Harlingen, Tex., VOR via W alter.; Raymondville INT, Tex. via W alter.; *1,500. *1,300—MOCA.
Raymondville INT, Tex., via W alter.; *Armstrong INT, Tex., via W alter.; **1,500. *3,000—MRA. **1,400—MOCA.
Armstrong INT, Tex.; Solon INT, Tex.; *3,000. *1,500—MOCA.
Solon INT, Tex.; Pogo INT, Tex.; *1,600. *1,500—MOCA.
Pogo INT, Tex.; Corpus Christi, Tex., VOR; *1,600. *1,400—MOCA.

Section 95.6191 *VOR Federal airway 191* is amended to read in part:

Northbrook, Ill., VOR; Int, 017° M rad, Chicago O'Hare VOR and 076° M rad, Northbrook VOR; *2,500. *2,000—MOCA.
Int, 017° M rad, Chicago O'Hare VOR and 076° M rad, Northbrook VOR; Taylor INT, Wis.; *3,000. *2,000—MOCA.

Section 95.6193 *VOR Federal airway 193* is amended to read in part:

Musky INT, Mich.; Pullman, Mich., VOR; *2,300. *1,900—MOCA.

Section 95.6225 *VOR Federal airway 225* is amended to read in part:

Key West, Fla., VOR; Stinger INT, Fla.; *1,500. *1,300—MOCA.
Stinger INT, Fla.; Rivet INT, Fla.; *2,000. *1,200—MOCA.
Rivet INT, Fla.; *Cape Romano INT, Fla.; **3,500. *4,500—MRA. **1,200—MOCA.

Section 95.6241 *VOR Federal airway 241* is amended to read in part:

Dothan, Ala., VOR via W alter.; *Edd INT, Ala., via W alter.; **2,000. *2,400—MCA Dothan VOR, northbound. **1,500—MOCA.

Section 95.6267 *VOR Federal airway 267* is amended to read in part:

Miami, Fla., VOR; New River INT, Fla.; *2,000. *1,200—MOCA.
New River INT, Fla.; Pahokee, Fla., VOR; *2,000. *1,300—MOCA.

From, to, and MEA

Section 95.6298 *VOR Federal airway 298* is amended by adding:

Yakima, Wash., VOR; Sunnyside DME Fix, Wash.; 5,000.
Sunnyside DME Fix, Wash.; Pasco, Wash., VOR; *5,000. *4,400—MOCA.

Section 95.6307 *VOR Federal airway 307* is amended by adding:

Pawnee City, Nebr. VOR; Alma INT, Kans.; *5,000. *2,700—MOCA.
Alma INT, Kans.; Emporia, Kans., VOR; *3,000. *2,600—MOCA.
Emporia, Kans., VOR; Chanute, Kans., VOR; *3,000. *2,600—MOCA.

Section 95.6310 *VOR Federal airway 310* is amended by adding:

Greensboro, N.C., VOR; Kimes INT, N.C.; *2,500. *2,100—MOCA.
Kimes INT, N.C.; Chapel Hill INT, N.C.; *2,600. *2,500—MOCA.
Chapel Hill INT, N.C.; Raleigh-Durham, N.C., VOR; *2,100. *2,000—MOCA.
Raleigh-Durham, N.C., VOR; Rocky Mount, N.C., VOR; 2,000.

Section 95.6317 *VOR Federal airway 317* is amended to read in part:

Yakutat, Alaska, VOR; *Malaspina DME Fix, Alaska; 2,000. *4,000—MCA Malaspina DME Fix, westbound.

Section 95.6403 *Hawaii VOR Federal airway 3* is amended to read in part:

Mynah INT, Hawaii, *Jacksons INT, Hawaii; 4,000. *5,200—MCA Jacksons INT, northeastbound.

Section 95.6422 *VOR Federal airway 422* is amended to read in part:

Chicago Heights, Ill.; Knox, Ind.; VOR; *2,500. *2,000—MOCA.

Section 95.6430 *VOR Federal airway 430* is amended to read in part:

Minot, N. Dak., VOR; Devils Lake, N. Dak., VOR; *8,600. *8,000—MOCA.

Section 95.6441 *VOR Federal airway 441* is amended to read in part:

St. Petersburg, Fla., VOR via E alter.; Ocala, Fla., VOR via E alter.; *2,000. *1,400—MOCA.

Section 95.6465 *VOR Federal airway 465* is amended by adding:

Elko, Nev., VOR; *Wells, Nev., VOR; 12,000. *12,000—MCA Wells VOR, southwestbound.
Wells, Nev., VOR; Strevell INT, Utah; 12,000. Strevell INT, Utah; Malad City, Idaho, VOR; southwestbound, 11,000. Northeastbound, 10,000.

Section 95.6494 *VOR Federal airway 494* is amended to read in part:

*Virginia City INT, Nev.; **Hasen, Nev., VOR; ***10,000. *11,000—MCA Virginia City INT, westbound. **9,000—MCA Hasen VOR, southwestbound. ***9,300—MOCA.

Section 95.6494 *VOR Federal airway 494* is amended to delete:

*Hasen, Nev., VOR; Mount Moses, Nev., VOR; **12,000. *9,000—MCA Hasen VOR, southwestbound. **10,700—MOCA.
Mount Moses, Nev., VOR; Elko, Nev., VOR; 12,000.
Elko, Nev., VOR; *Wells, Nev., VOR; 13,000. *12,000—MCA Wells VOR, southwestbound.
Wells, Nev., VOR; Strevell INT, Utah; 12,000.
Strevell INT, Utah; Malad City, Idaho, VOR; southwestbound, 11,000. Northeastbound, 10,000.

Section 95.6520 *VOR Federal airway 520* is amended to read in part:

*Portland, Oreg., VOR; Groves INT, Wash.; eastbound, **7,000. Westbound, **6,500. *4,700—MCA Portland VOR, eastbound. **6,400—MOCA.

From, to, MEA, and MAA

Section 95.7083 *Jet route No. 83* is amended to read in part:

Portland, Oreg., VORTAC; McCall, Idaho, VORTAC; 22,000; 45,000.

Section 95.7096 *Jet route No. 96* is added to read:

Los Angeles, Calif., VORTAC; Ontario, Calif., VORTAC; 18,000; 45,000.
Ontario, Calif., VORTAC; Parker, Calif., VORTAC; 18,000; 45,000.
Parker, Calif., VORTAC; Prescott, Ariz., VORTAC; 18,000; 45,000.
Prescott, Ariz., VORTAC; Winslow, Ariz., VORTAC; 18,000; 45,000.
Winslow, Ariz., VORTAC; Gallup, N. Mex., VOR; 18,000; 45,000.
Gallup, N. Mex., VOR; Cimarron, N. Mex., VORTAC; #20,000; 45,000. #MEA is established with a gap in navigation signal coverage.
Cimarron, N. Mex., VORTAC; Garden City, Kans., VORTAC; 18,000; 45,000.
Garden City, Kans., VORTAC; Salina, Kans., VORTAC; 18,000; 45,000.
Salina, Kans., VORTAC; Kirksville, Mo., VORTAC; 18,000; 45,000.
Kirksville, Mo., VORTAC; Bradford, Ill., VORTAC; 18,000; 45,000.
Bradford, Ill., VORTAC; Joliet, Ill., VOR; 18,000; 45,000.

2. By amending subpart D as follows:

Section 95.8003 *VOR Federal airway changeover points:*

Airway segment: From; to—Changeover point:	*Distance; from*
V–465 is amended by adding:	
Wells, Nev., VOR; Malad City, Idaho, VOR; 40; Wells.	
V–494 is amended to delete:	
Wells, Nev., VOR; Malad City, Idaho, VOR; 40; Wells.	
J–16 is amended by adding:	
Portland, Oreg., VORTAC; Pendleton, Oreg., VORTAC; 60; Portland.	
J–56 is amended by adding:	
Salt Lake City, Utah, VORTAC; Meeker, Colo., VORTAC; 47; Salt Lake City.	
J–82 is amended by adding:	
Portland, Oreg., VORTAC; McCall, Idaho, VORTAC; 90; Portland.	

(Secs. 307, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1348, 1510)

Issued in Washington, D.C., on July 28, 1967.

JAMES F. RUDOLPH,
Acting Director,
Flight Standards Service.

[F.R. Doc. 67-9162; Filed, Aug. 7, 1967; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 8701]

PART 13—PROHIBITED TRADE PRACTICES

Cole National Corp.

Subpart—Acquiring corporate stock or assets:

§ 13.5 Acquiring corporate stock or assets:

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 18) [Cease and desist order, Cole National Corp., Cleveland, Ohio, Docket 8701, June 30, 1967]

Consent order prohibiting a Cleveland, Ohio, wholesaler of replacement keys, key blanks, and key duplicating machines from acquiring any competitor for a period of 10 years without prior Commission approval.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

I. *It is ordered*, That respondent Cole National Corp., its subsidiaries and affiliates and any successor to substantially all of its assets, for a period of ten (10) years from the effective date of this order, cease and desist from acquiring, directly or indirectly, without the prior approval of the Federal Trade Commission, the whole, or any part, of the assets, stock, or other share capital of any firm engaged in the manufacture, production, or wholesale distribution of replacement key blanks, replacements keys, and key duplicating machines, except for purchases in the ordinary course of business.

II. *It is further ordered*, That Cole National, within sixty (60) days from the effective date of this order and at other times as the Commission may require, file with the Commission a report, in writing, setting forth the manner and form in which it has complied with paragraph I of this order.

Issued: June 30, 1967.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 67-9210; Filed, Aug. 7, 1967; 8:45 a.m.]

[Docket No. 8548o.]

PART 13—PROHIBITED TRADE PRACTICES

National Dairy Products Corp.

Subpart—Discriminating in price under section 2, Clayton Act—Price discrimination under 2(a): § 13.737 *Localized price cutting.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 2, 49 Stat. 1526; 15 U.S.C. 13) [Cease and desist order, National Dairy Products Corp., New York, N.Y., Docket 8548, June 28, 1967]

Order requiring a major food distributing corporation with headquarters in New York City to cease discriminating in price on a regional basis in the sale of its jellies, preserves, and other food products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent National Dairy Products Corp., a corporation, and its officers, representatives, agents, and employees, directly or through any corporate device, in connection with the sale or offering for sale of jellies, preserves, and any other food product in the product line of its Kraft Foods Division, in commerce, as "commerce" is defined in the Clayton Act, do forthwith cease and desist from: Discriminating, directly or indirectly, in the price of such products of like grade and quality by selling such products to any purchaser for resale at a price which is less than the price charged any other purchaser for resale at the same level of distribution when such lower price is either the result of a reduction from the regular list price of the products or is the result of a promotional offer involving a concession from regular list price: *Provided, however*, That in addition to the defenses set forth in sections 2(a) and 2(b) of the statute it shall be a defense in any enforcement proceeding instituted hereunder for respondent (1) to establish that its lower price was the result of a promotional offer involving a price concession which does not undercut the lowest net price and/or the terms and conditions resulting from a promotional offer made to the purchaser receiving the lower price by any seller of a competitive product within the previous 12 months or (2) to establish that such lower price does not undercut the lowest price concurrently offered generally throughout the same trading area by any other seller of a competitive product having a substantially smaller annual volume of sales of such products than respondent's annual volume of sales of the product on which the discriminatory price was granted.

It is further ordered, That Count II and Count III of the complaint be, and they hereby are, dismissed.

It is further ordered, That respondent, National Dairy Products Corp., shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist set forth herein.

Issued: June 28, 1967.

By the Commission.[1]

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 67-9211; Filed, Aug. 7, 1967; 8:45 a.m.]

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[1] Opinion by Commissioner Dixon, dissenting statement of Commissioner Elman, statement of Commissioner MacIntyre, and statement of partial concurrence and partial dissent by Commissioner Jones filed as part of original document.

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

FATTY ACIDS

No comments were received in response to the notice published in the FEDERAL REGISTER of May 27, 1967 (32 F.R. 7777), proposing that the food additive regulation regarding fatty acids (21 CFR 121.1070) be amended (1) to provide for the use of an electron capture method as a screening method in lieu of the bioassay method prescribed for determining the presence of chick-edema factor in the identified fatty acids and (2) to delete reference to the gas chromatographic-microcoulometric method heretofore prescribed as a substitute for the bioassay method within certain limitations. The Commissioner of Food and Drugs concludes that the amendments should be adopted as proposed.

Accordingly, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(d), 72 Stat. 1787; 21 U.S.C. 348(d)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), § 121.1070(b)(2)(ii) and (c)(3) is revised to read as follows:

§ 121.1070 Fatty acids.

* * * * * *

(b) * * *

(2) * * *

(ii) As evidenced by the absence of chromatographic peaks with a retention time relative to aldrin (RA) between 10 and 25, using the gas chromatographic-electron capture method prescribed in paragraph (c)(3) of this section. If chromatographic peaks are found with RA values between 10 and 25, the food additive shall meet the requirements of the bioassay method prescribed in paragraph (c)(2) of this section for determining chick-edema factor.

(c) * * *

(3) The gas chromatographic-electron capture method for testing fatty acids for chick-edema shall be the method described in the Journal of the Association of Official Analytical Chemists, Volume 50 (No. 1), pages 216–218 (1967).

* * * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections.

If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(d), 72 Stat. 1787; 21 U.S.C. 348(d))

Dated: August 1, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-9239; Filed, Aug. 7, 1967; 8:47 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 9—Atomic Energy Commission

PART 9-1—GENERAL

Subpart 9-1.51—Procurement Authority and Responsibility

GENERAL RESPONSIBILITY OF CONTRACTING OFFICERS

In § 9-1.5103, *General responsibility of contracting officers*, a new paragraph (b) is added, as follows; and paragraphs (b) through (j) are relettered (c) through (k), respectively.

§ 9-1.5103 General responsibility of contracting officers.

* * * * * *

(b) Advising the contractor by letter or other appropriate means:

(1) The name of any Contracting Officer's representative, the extent of such representative's authority and any limitations placed thereon;

(2) The name of any site representative or other technical representative designated to provide technical surveillance of the work being performed under the contract, the extent of such representative's authority and any limitations placed thereon.

* * * * * *

(Sec. 161 of the Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205 of the Federal Property and Administrative Services Act of 1949, as amended, 68 Stat. 390, 40 U.S.C. 486)

Effective date: These amendments are effective upon publication in the FEDERAL REGISTER.

Dated at Germantown, Md., this 27th day of July 1967.

For the U.S. Atomic Energy Commission.

JOSEPH L. SMITH,
Director, Division of Contracts.

[F.R. Doc. 67-9207; Filed, Aug. 7, 1967; 8:45 a.m.]

Title 29—LABOR

Chapter IV—Office of Labor-Management and Welfare-Pension Reports, Department of Labor

SUBCHAPTER B—WELFARE-PENSION REPORTS

PART 462—VARIATION FROM PUBLICATION REQUIREMENTS

Subpart B—Variations

RULE AND CONDITIONS OF VARIATION

Pursuant to section 5(a) of the Welfare and Pension Plans Disclosure Act (hereinafter, the Act) (72 Stat. 997, as amended; 29 U.S.C. 304(a)) and the provisions of 29 CFR Part 462, the American Life Convention, 230 North Michigan Avenue, Chicago, Ill., and the Life Insurance Association of America, 488 Madison Avenue, New York, N.Y., submitted a petition on behalf of certain insurance carriers required to certify information in Part III, section C of Annual Report Form D-2 (Revised 1965) pursuant to section 7(g) of the Act (29 U.S.C. 306(g)) and 29 CFR Part 461, and on behalf of administrators of pension benefit plans which utilize such carriers and are required to publish an Annual Report Form D-2 (Revised 1965) containing a completed Part III, section C, requesting that the Secretary of Labor grant a rule of variation for the period of reporting certain information required to be furnished in Part III, section C. The petition was submitted and considered in accordance with 29 CFR 462 and section 5(a) of the Act which permits the Secretary to grant a rule of variation from the reporting requirements of the Act if he finds, on the record after giving interested persons an opportunity to be heard, that specific information on plans of certain kinds "cannot, in the normal method of operation of such plans be * * * made available * * * for the period prescribed in any provision of [the] Act."

The petition noted that the instructions to Part III, section C of Annual Report Form D-2 (Revised 1965) state that the information required to be furnished in that section "must be furnished by the insurance carrier and should be for the period covered by the annual report. If the information is not available for such period, information for the latest completed policy year ending within the Plan year may be provided." It was further noted that Annual Report Form D-2 (Revised 1965) is required to be filed by all employee pension benefit plans covered under section 7 of the Act (29 U.S.C. 306) with calendar, policy or other fiscal years (i.e., plan years) ending on or after December 31, 1966. (See 29 CFR 460.6.) Moreover, pursuant to section 7(g) of the Act (29 U.S.C. 306(g)) and 29 CFR Part 461, insurance carriers are required to certify to the administrators of such plans, within 120 days after the end of the calendar, policy or other fiscal year (i.e., plan year), the information necessary to complete Part III, section C.

In support of the petition, it was asserted that because of the established practice of a great part of the industry, it is only practicable for many insurance carriers to certify much of the information necessary to complete items 3 through 6 of Part III, section C, on the basis of calendar year calculations. Thus, where plan years are not coincident with calendar years, it is not feasible for such insurance carriers to certify to plan administrators, much of the information necessary to complete the above-enumerated items of Part III, section C, on the basis of the period covered by the annual report or for the latest completed policy year ending within the plan year. Where a plan year is coincident with the calendar year or where a plan year overlaps calendar years but ends on or prior to June 30, a further difficulty arises. The insurance carriers involved do not customarily complete calculations for a given calendar year until sometime in the latter part of the succeeding calendar year. As a result, it was asserted that it is not feasible for such insurance carriers to certify within 120 days after the end of the plan year, information necessary to complete the above-enumerated items of Part III, section C, on the basis of the previous calendar year.

On April 26, 1967, notice was published in the FEDERAL REGISTER (32 F.R. 6460) of a proposed variation with respect to the period for the reporting and certification of certain information in Part III, section C of Annual Report Form D-2 (Revised 1965). Interested persons were invited to submit objections with respect to the proposal within 15 days from the date of its publication in the FEDERAL REGISTER. The period for filing objections having elapsed and no objections having been received, and upon consideration of the petition filed, I find that authorization of the variation is necessary and appropriate to carry out the purposes of the Act.

Therefore, pursuant to section 5(a) of the Welfare and Pension Plans Disclosure Act (72 Stat. 997, as amended; 29 U.S.C. 304(a)) and 29 CFR 462, Secretary's Order No. 24-63 (28 F.R. 9172), Secretary's Order No. 25-63 (28 F.R. 9173), Title 29 CFR, Chapter IV, Part 462 is hereby amended by adding new §§ 462.27 and 462.28 to Subpart B, to read as follows:

PERIOD FOR THE REPORTING AND CERTIFICATION OF CERTAIN INFORMATION IN PART III, SECTION C OF ANNUAL REPORT FORM D-2 (REVISED 1965)

§ 462.27 Rule of variation.

Administrators of employee pension benefit plans will no longer be required to report, nor will insurance carriers be required to certify to such administrators, the information necessary to complete items 3 through 6 of Part III, section C of Annual Report Form D-2 (Revised 1965) on the basis of the period covered by the annual report or for the latest completed policy year ending within the Plan year. Instead, the foregoing items of information may be furnished on the following basis:

(a) If the plan year is coincident with the calendar year or ends on or prior to

June 30 of the calendar year, items 3 through 6 of Part III, section C, shall be provided on the basis of the calendar year ending during the immediately preceding plan year;

(b) If the plan year ends on or after July 1 but on or prior to December 30, items 3 through 6 of Part III, section C, shall be provided on the basis of the calendar year ending within the plan year.

§ 462.28 Conditions of variation.

The foregoing variation shall apply:

(a) Only to reporting by plan administrators and certification by carriers of information necessary to complete items 3 through 6 of Part III, section C;

(b) Only where certain data required from the carrier, which is necessary to complete items 3 through 6 of Part III, section C, is calculated on the basis of the line experience for a calendar year, and is not available for certification as otherwise required by Part 461;

(c) Only if all of the information required in items 3 through 6 of Part III, section C, is provided on the basis of the appropriate calendar year and the calendar year for which these items are completed is identified clearly in a footnote on the page containing this information;

(d) Only if all the other information required to be furnished in Part III, section C (including item 2) is furnished on the basis of the period covered by the annual report or for the latest completed policy year ending within the plan year.

This amendment shall take effect on publication in the FEDERAL REGISTER.

Signed at Washington, D.C. this 2d day of August, 1967.

THOMAS R. DONAHUE,
Assistant Secretary of Labor for Labor-Management Relations.

[F.R. Doc. 67-9237; Filed, Aug. 7, 1967; 8:47 a.m.]

Title 45—PUBLIC WELFARE

Chapter I—Office of Education, Department of Health, Education, and Welfare

PART 121—GRANTS TO STATES FOR THE EDUCATION OF HANDICAPPED CHILDREN

Grants made pursuant to the regulations set forth below are subject to the regulation in 45 CFR Part 80, issued by the Secretary of Health, Education, and Welfare, and approved by the President, to effectuate the provisions of section 601 of the Civil Rights Act of 1964 (P.L. 88-352).

Part 121 reads as follows:

Subpart A—Definitions

Sec.
121.1 Definitions.

Subpart B—State Plan—General Provisions

121.2 State plan.
121.3 Administration by the State educational agency.
121.4 Needs of handicapped children.
121.5 Description of present program.
121.6 Standards.
121.7 Provision of services to handicapped children enrolled in private schools.
121.8 Measurement of educational achievement and evaluation of programs.
121.9 Dissemination and utilization of results of educational research and demonstrations.
121.10 Coordination with other public and private programs and projects.
121.11 Reports and records.

Subpart C—Federal Financial Participation

121.21 General.
121.22 Allowable expenditures.
121.23 Title to and control over property and funds.
121.24 Construction.
121.25 State-supported or State-operated schools for handicapped children.
121.26 Use of Federal funds and liquidation of obligations by State or local educational agencies.
121.27 State fiscal control and audit.
121.28 Custody and expenditures of funds.
121.29 Transfer of funds to local agencies.
121.30 Proration of costs.
121.31 Maintenance of level of support.
121.32 Retention of records.
121.33 Inventories of equipment.
121.34 Adjustments.
121.35 Financial interest of officials.
121.36 Copyrights and patents.

Subpart D—Payment Procedures

121.41 Financial reports.
121.42 Payment of funds under Title VI of the Act.
121.43 Withholding of funds.
121.44 Reallotment.

AUTHORITY: The provisions in this Part 121 issued under sec. 703, 79 Stat. 57, as renumbered by sec. 161, 80 Stat. 1204, 20 U.S.C. 883. Interpret or apply secs. 601-610, 80 Stat. 1204-1208, secs. 701, 705-706, 79 Stat. 55-58, 80 Stat. 1196, 1197; 20 U.S.C. 871, 881, 883-885.

Subpart A—Definitions

§ 121.1 Definitions.

As used in this part:

(a) "Acquisition" includes purchase, lease, or lease-purchase.

(b) "Act" means the Elementary and Secondary Education Act of 1965 (Public Law 89-10), as amended.

(c) "Commissioner" means the U.S. Commissioner of Education.

(d) "Construction" means (1) erection of new or expansion of existing school facilities, and the acquisition and installation of initial equipment therefor; or (2) acquisition of existing school facilities not owned by any agency or institution making application for assistance under Title VI of the Act; or (3) remodeling and alteration (including the acquisition, installation, modernization, or replacement of equipment) of existing school facilities; or (4) a combination of any two or more of the foregoing.

(e) "Elementary school level" means the educational level at which elementary school education is provided under State law.

(f) "Equipment" includes machinery, utilities, and built-in equipment and any necessary enclosures or structures to house them, and includes all other items necessary for the functioning of a particular facility as a facility for the provision of educational and related services, including items such as instructional equipment and necessary furniture, printed, published, and audiovisual instructional materials, and books, periodicals, documents, and other related materials. Equipment does not include supplies which are consumed in use or which may not reasonably be expected to last longer than 1 year.

(g) "Fiscal year" means a period beginning on July 1 and ending on the following June 30. (A fiscal year is designated in accordance with the calendar year in which the ending date of the fiscal year occurs.)

(h) "Handicapped children" includes mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled or other health impaired children who by reason thereof require special education and related services.

(i) "Local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools. The term also includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

(j) "Preschool level" means the educational level below that at which elementary education is provided under State law.

(k) "Private elementary or secondary schools" means schools which provide elementary or secondary education as determined under State law, but not including any education provided beyond grade 12, and which are controlled by other than a public authority.

(l) "Public agency" means a legally constituted organization of government under public administrative control and direction.

(m) "School facilities" means classrooms and related facilities (including initial equipment) for the provision of educational services and interests in land (including site grading and improvements) on which such facilities are constructed, except that such term does not mean gymnasiums or similar facilities intended primarily for use for exhibitions for which admission is to be charged to the general public.

(n) "Secondary school level" means the educational level, not beyond grade 12, at which secondary school education is provided under State law.

(o) "State" means, in addition to the several States of the Union, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(p) "State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or, if there is no such agency or officer, an agency or officer designated by the Governor or by State law.

Subpart B—State Plan—General Provisions

§ 121.2 State plan.

(a) *Purpose.* The basic conditions for the payment of Federal funds to a State under Title VI of the Act are (1) a State plan meeting the requirements of Title VI of the Act by providing a program under which funds paid to the State will be expended solely for initiation, expansion, or improvement of programs and projects (including the acquisition of equipment and where necessary the construction of school facilities) for the education of handicapped children at the preschool and elementary and secondary school levels, for administration of the State plan (including State leadership activities and consultative services), and for planning on the State and local level and (2) an annual description of the projected activities to be carried out under the State plan during the forthcoming fiscal year.

(b) *Effect of State plan.* Each State plan, when approved by the Commissioner, shall constitute the basis on which Federal grants will be made to that State, and the basis for determining the propriety of expenditures of those grant funds.

(c) *Amendments.* The administration of the program carried out under Title VI of the Act shall be kept in conformity with the approved State plan. Whenever there is any material change in the content or administration of the program or when there has been any change in pertinent State law or in the organization, policies, or operations of the State educational agency affecting the program under the plan, the plan shall be appropriately amended.

(d) *Submission.* Each State plan and all amendments thereto shall be submitted to the Commissioner by a duly authorized officer of the State educational agency. Each State plan shall indicate the official authorized to submit plan materials.

(e) *Certificate by the State educational agency.* Each State plan and each amendment thereto shall include as an attachment a certificate by the officer of the State educational agency authorized to submit the plan to the effect that the plan or amendment has been adopted by the State educational agency and that the plan, or plan as amended, will constitute the basis for operation and administration of the activities to be carried out in that State under Title VI of the Act.

(f) *Certificate by the State Attorney General or other appropriate State legal officer.* Each State plan shall also include, as an attachment, a certificate by the State Attorney General or other appropriate State legal officer to the effect that the State educational agency has authority under State law to submit the plan and to administer or to supervise the administration of the plan; that such agency has authority under State law to carry out, directly or through local educational agencies, the activities described therein; and that all plan provisions are consistent with State law.

(g) *Approval by the Commissioner.* The Commissioner will approve each State plan, or amendment thereof, which he determines meets the requirements of Title VI of the Act and the regulations in this part, and will notify the State educational agency of the granting, conditioning, or withholding of approval in each such case. No final action with respect thereto, other than one of approval, will be taken by the Commissioner, however, unless he first notifies the State educational agency of his proposed action and, in connection therewith, affords such agency a reasonable opportunity for a hearing on whether the affected plan or amendment meets such requirements.

(h) *Withholding.* Whenever the Commissioner, after reasonable notice and opportunity for a hearing, finds (1) that the State plan fails to comply with the requirements of Title VI of the Act and the regulations in this part, or (2) that in the administration of the plan there is a failure to comply substantially with any such requirements, the Commissioner will notify the State educational agency that the State will not be regarded as eligible to participate in activities under Title VI of the Act until he is satisfied that there is no longer any such failure to comply.

(i) *Effective date of State plan.* The State plan shall indicate the date on which it shall become effective, which shall in no event be earlier than the date on which the State plan is received in substantially approvable form by the Commissioner.

§ 121.3 Administration by the State educational agency.

(a) *Designation of State educational agency as sole agency.* Each state plan shall give the official name of the State educational agency and provide that the State educational agency will be the sole agency for administering of supervising the administration of the plan.

(b) *Authority and organization.* Each State plan shall set forth the authority of the State educational agency under State law to submit the plan and to administer or supervise the administration of the plan and shall describe both the legal and functional relationships between and among the State educational agency, other State agencies, and local educational agencies for the purpose of carrying out the State plan. Citations to, or copies of, all directly pertinent statutes and interpretations of law made by appropriate State officials, whether done by regulation, policy statement, opinion of an appropriate State legal officer, or a court decision, shall be furnished as part of the plan or in the appendix thereto. All copies shall be certified as correct copies by an appropriate official.

(c) *Staff for administration.* The State plan shall describe, by chart or otherwise, the organization of the State educational agency for administration of the State plan. The lines of authority within the administrative unit or units responsible for the programs under the plan shall be shown, together with pertinent administrative arrangements or relationships of such unit or units to the rest of the State educational agency, and to other State and local public agencies utilized to carry out the State plan.

(d) *Duties and qualifications of professional personnel.* Each State plan shall describe the duties of State administrative and supervisory positions, existing and proposed, under the State plan. The plan shall also set forth the required qualifications for all professional administrative and supervisory positions under the State plan. If State statutes or regulations establish such positions and give such information, the plan shall so state.

(e) *Advisory committees.* If State advisory committees are used with respect to one or more aspects of the State plan, the plan shall describe the membership, method of establishment, and duties of such advisory committees.

(f) *Administration and supervision of programs and projects.* Each State plan shall provide that programs and projects initiated, expanded or improved under Title VI of the Act will be administered either (1) directly by the State educational agency to the extent consistent with he limitations in § 121.25, or (2) by local educational agencies with the approval and under the supervision of the State educational agency. These include interdistrict, intercounty, regional, State-local, and interstate projects or programs. The State plan shall describe the policies and procedures to be followed by the State educational agency in initiating, approving, and conducting its own programs and projects; in initiating, reviewing, and approving programs and projects to be administered by local educational agencies; and in assisting and supervising the administration of approved programs and projects. The State plan shall indicate the extent to which two or more local educational agencies may enter into agreements and submit applications for carrying out jointly operated programs and projects under Title VI of the Act.

§ 121.4 Needs of handicapped children.

(a) Each State plan shall provide that the programs and projects initiated, expanded, and improved with funds under Title VI of the Act will be designed to meet the special educational and related needs of handicapped children throughout the State.

(b) In order to meet the special educational and related needs of handicapped children, programs and projects under Title VI of the Act must provide (1) educational services to handicapped children which are in addition to, or distinct from, educational services provided to children who are not handicapped, or (2) other services which are directly related to the provision of educational services and are designed to overcome or ameliorate the handicaps of handicapped children, but only to the extent such other services are necessary to enable handicapped children to

benefit from the educational services available to them, or (3) both.

§ 121.5 Description of present program.

Each State plan shall include (a) a quantitative and qualitative description of present programs and projects for the education of handicapped children in the State, and (b) a quantitative and qualitative description of programs and projects which require initiation, expansion, and improvement in order to meet the special educational and related needs of all handicapped children in the State.

§ 121.6 Standards.

(a) Each State plan shall provide that the programs or projects initiated, expanded, and improved with Federal funds under Title VI of the Act will be of sufficient size, scope, and quality (taking into consideration the special educational and related needs of such children described in §§ 121.4 and 121.5) as to give reasonable promise of substantial progress toward meeting those needs.

(b) Each State plan shall set forth standards relating to the size, scope, and quality of programs and projects conducted in the State under Title VI of the Act and shall provide that all such programs and projects meet those standards.

§ 121.7 Provision of services to handicapped children enrolled in private schools.

(a) Each State plan shall contain an assurance that, to the extent consistent with the number and location of handicapped children in the State who are enrolled in private elementary and secondary schools, provision will be made for participation by such children in programs and projects assisted or carried out under Title VI of the Act.

(b) The special educational and related needs of handicapped children enrolled in private elementary and secondary schools, the number of such children who will participate in the programs and projects, and the types of services which will be provided for them shall be determined, after consultation with persons knowledgeable of the needs of those children, on a basis comparable to that used in providing for the participation in programs and projects assisted or carried out under Title VI of the Act by handicapped children enrolled in public elementary and secondary schools.

(c) Programs and projects assisted or carried out under Title VI of the Act shall be designed to include, to the extent consistent with the number of eligible handicapped children enrolled in private elementary and secondary schools in the geographical area served by the program or project, services which will aid in meeting the special educational and related needs of such children; those services may be provided through such arrangements as dual enrollment, educational radio and television, and mobile equipment, and may include professional and subprofessional services.

(d) Public school personnel may be made available in other than public school facilities only to the extent necessary to provide the special educational and related services required by the handicapped children for whose needs such services were designed, and only when such services are not normally provided at the private school. The State or local educational agency providing educational and related services to children in private schools shall maintain administrative control and direction over such services. The special educational and related services provided with funds under Title VI of the Act for eligible handicapped children enrolled in private schools shall not include the payment of salaries of teachers or other employees of private schools, except for services performed outside their regular hours of duty and under public supervision and control, nor shall they include the use of equipment, other than mobile or portable equipment, on private school premises or the construction of private school facilities. Subject to the provisions of § 121.23, mobile or portable equipment may be used on private school premises for such period of time within the life of the current program or project for which the equipment is intended to be used as is necessary for the successful participation in that program or project by eligible handicapped children enrolled in private schools.

(e) Any program or project to be carried out in public facilities and involving joint participation by eligible handicapped children enrolled in private schools and handicapped children enrolled in public schools shall include such provisions as are necessary to avoid classes that are separated by the school enrollment or religious affiliations of such children.

§ 121.8 Measurement of educational achievement and evaluation of programs.

(a) *General.* Each State plan shall describe the procedures and techniques to be used in making at least annually an evaluation of the effectiveness of programs carried out under the State plan in meeting the special educational and related needs of handicapped children, including appropriate measurements of educational achievement.

(b) *Measurement of educational achievement and improvement.* The annual evaluation of the effectiveness of programs shall be made by measuring or estimating the educational achievement of the children who participated in the programs or projects. The type of measurement used should be based on some objective standard or norm and should give particular regard to the requirement that each State report to the Commissioner on the effectiveness of the programs in improving the educational achievement of handicapped children. This means that objective measurements shall be used wherever such measurements are appropriate. Where such measurements are not appropriate with respect to the specific goals of a given program, estimates of achievement and improvement shall be made.

(c) *Evaluation of effectiveness of programs.* The evaluation of the effectiveness of a program shall include an evaluation at the State level, as well as at the local level, of the increase in educational opportunities afforded handicapped children throughout the State, and shall, consistent with the nature and extent of participation by children enrolled in private schools, be extended to such children.

§ 121.9 Dissemination and utilization of results of educational research and demonstrations.

Each State plan shall describe the methods to be used by State and local educational agencies in reviewing, selecting, and disseminating to teachers and administrators of handicapped children significant information derived from educational research, demonstration, and similar projects, and for adopting, where appropriate, promising educational practices developed through such projects.

§ 121.10 Coordination with other public and private programs and projects.

(a) *State level coordination:* Each State plan shall demonstrate that it was developed by the State educational agency so as to be in coordination with other public and private programs for the education of handicapped children or for similar purposes; and shall assure that the State educational agency will continue to coordinate its activities under the State plan with such other programs. Such other programs shall include, but not be limited to, those of State agencies which are directly responsible for providing free public education for handicapped children and, to the extent practicable, other programs such as community action programs under Title II of the Economic Opportunity Act of 1964.

(b) *Local level coordination:* Each State plan shall assure that the State educational agency will, before approving programs and projects of local educational agencies under Title VI of the Act, (1) determine that the local educational agency has developed its program or project in coordination with other public and private programs for the education of handicapped children or for similar purposes in the areas served by such local educational agencies, and (2) require that local educational agencies will, in the conduct of approved programs and projects, coordinate their activities under the State plan with such other programs.

(c) Interagency cooperation: Each State plan may provide that State and local educational agencies may enter into cooperative arrangements with other State and local educational agencies, including those in another State, to carry out joint programs, projects, or activities necessary and appropriate to carrying out the purposes of Title VI of the Act.

(d) In the coordination with other programs the commingling of funds under Title VI of the Act with funds under such other programs is not authorized, but the simultaneous use of funds under those programs to finance identifiable portions of a single project is permitted.

§ 121.11 Reports and records.

(a) Each State plan shall provide that the State educational agency will make such reports, in such form, and containing such information, as the Commissioner may reasonably require to carry out his functions under Title VI of the Act. Such reports shall include, but not necessarily be limited to, reports of the objective measurements required in § 121.8, the annual description of the projected activities of the State educational agency and local educational agencies required in § 121.2(a), and the financial reports required in § 121.41.

(b) Each State plan shall provide that the State educational agency and the local educational agencies will keep such records and afford such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports. Such records shall include, but not necessarily be limited to, those required in §§ 121.33, 121.27, 121.31, 121.33, and 121.34.

Subpart C—Federal Financial Participation

§ 121.21 General.

The State plan shall provide that funds allotted to a State pursuant to section 603 of the Act may be used only for the initiation, expansion, and improvement of programs and projects for the education of handicapped children at the preschool and elementary and secondary schools levels by State educational agencies pursuant to § 121.22(a)(1) and local educational agencies pursuant to § 121.22(b)(1), except that not more than 5 percent of the amount allotted to a State for any fiscal year or $75,000 ($25,000 in the case of the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands), whichever is greater, may be expended by the State educational agency for planning and for proper and efficient administration of the State plan pursuant to § 121.22(a)(2) and by local educational agencies for planning at the local level pursuant to § 121.22(b)(2).

§ 121.22 Allowable expenditures.

(a) Funds under Title VI of the Act may be used by the State educational agency for such expenditures as are reasonably necessary (1) for the conduct by it of programs or projects for the education of handicapped children (including evaluation and dissemination of the results thereof), and (2), subject to the limitations in § 121.21, for administration of the State plan and for planning at the State level, including planning or assisting in the planning of programs or projects for the education of handicapped children; approval, supervision, and evaluation of local programs and projects for the education of handicapped children; technical assistance to local educational agencies with respect to the measurements of educational achievement and evaluation of the effectiveness of programs and projects pursuant to § 121.8; dissemination and utilization of the results of educational research and demonstrations pursuant to § 121.9; and other State leadership activities and consultative services.

(b) Funds made available under Title VI of the Act to local educational agencies may be used by those agencies for such expenditures as are reasonably necessary for activities directly related to (1) the conduct of programs and projects for the education of handicapped children which are approved by the State educational agency (including the evaluation and dissemination of the results thereof), and (2) the planning of such programs and projects.

(c) Categories of allowable expenditures referred to in paragraphs (a) and (b) of this section include the following:

(1) Salaries, wages, and other personal service costs of permanent and temporary staff employees and consultants for the performance of services reasonably necessary for the program under Title VI of the Act, including the costs of regular contributions of employers to retirement, workmen's compensation, and welfare funds, and payments for leave earned with respect to time so spent;

(2) Communications;

(3) Utilities;

(4) The purchase of consumable supplies, including stationery;

(5) Printing and acquisition of printed and published materials;

(6) Travel and transportation expenses;

(7) Acquisition (by purchase, lease or lease-purchase) and maintenance and repair of necessary equipment;

(8) Minor alterations in previously completed building space used or to be used in the program under Title VI of the Act when such alterations are needed to make effective use of equipment;

(9) The rental of space in privately and publicly owned buildings to the extent such space is in fact used for activities under Title VI of the Act, subject to the following provisions:

(i) The expenditures for the space are necessary and properly related to the activities of the programs;

(ii) The State or local educational agency will, during the period of occupancy, receive the benefits of the expenditures commensurate with such expenditures;

(iii) The amounts paid are not in excess of comparable rental in the particular locality;

(iv) Expenditures represent a current cost;

(v) In the case of publicly owned buildings, like charges are made to other State or local agencies occupying similar space for similar purposes;

(10) Subject to the limitations in § 121.24, the construction of school facilities essential to the successful carrying out of approved programs or projects.

(d) None of the funds under Title VI of the Act may be used for religious worship or instruction.

§ 121.23 Title to and control over property and funds.

(a) The State plan shall provide that control over the use of funds provided under Title VI of the Act, and title to and administrative control over property acquired with such funds, shall be in a public agency which will exercise such control. Such funds and property shall be used for the purposes of Title VI of the Act, and such a use shall not inure to the benefit of any private school. The incidental use of such property for other purposes is permitted only for related educational purposes on public premises and only so long as such a use does not interfere with the carrying out of a program or project under Title VI of the Act.

(b) The State plan shall provide that equipment acquired with funds under Title VI of the Act may be placed on private school premises for a limited period of time, but the title to and administrative control over such equipment must be retained and exercised by a public agency. In exercising that administrative control, the public agency shall not only keep records of, and account for, the equipment but shall also assure itself that the equipment is being used solely for the purposes of the program or project, and remove the equipment from the private school premises when necessary to avoid its being used for other purposes or when it is no longer needed for the purposes of the program or project.

(c) The State plan shall provide that the State educational agency will obtain from a local educational agency administering a program or project under Title VI of the Act a satisfactory assurance that the funds provided under Title VI of the Act, and property derived therefrom, will at all times be under the control of, and be administered by, a public agency in accordance with the provisions of the Act and the regulations in this part.

§ 121.24 Construction.

(a) *General.* Each State plan shall provide that a program or project for the education of handicapped children may not include the construction of school facilities unless such construction is demonstrated as being essential in order to assure the success of that program or project. If the construction of school facilities is so demonstrated as being essential for a program or project, that program or project must nevertheless comply with other requirements of Title VI of the Act and the regulations in this part, such as the requirements in this section with regard to labor standards and overall State construction planning and, in relation to the overall program, the requirements in § 121.7 with regard to participation by children enrolled in private schools.

(b) *Manner of construction.* Each State plan shall provide that the State educational agency will not approve or carry out a program or project involving the construction of school facilities unless the construction is functional, undertaken in an economical manner, and not elaborate in design or extravagant in the use of materials in comparison with school facilities of a similar

type constructed in the State within recent years.

(c) *Consistency with overall State construction.* Each State plan shall provide that the State educational agency will not approve or carry out a program or project involving the construction of school facilities unless it determines that the construction is consistent with overall State plans for construction. It shall not approve such a program or project involving construction, other than minor remodeling, altering, or improving of school facilities, unless the approval is conditioned upon approval of the construction plans and specifications by the State educational agency, and further conditioned upon the award of a construction contract within a reasonable period of time taking into consideration the nature of the program or project to be served by the construction of the school facilities and the magnitude of the construction to be undertaken, which date shall in no event be later than June 30 of the following fiscal year. Such plans and specifications shall be approved only after due consideration has been given to the accessibility of the facilities to, and the usability of them by, handicapped persons and of their compliance with the minimum standards contained in "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped" approved by the American Standards Association, Inc., with appropriate usable segments of "Building Standards of the University of Illinois Rehabilitation Center" and "Occupancy Guide-Department of Veterans Benefits, Regional Offices, Veterans Administration," and with such other standards in that regard as the Secretary of Health, Education, and Welfare may prescribe or approve.

(d) *Labor standards.* Each State plan shall provide that the State educational agency shall not approve a program or project involving the construction of school facilities, unless it assures that all laborers and mechanics employed by contractors or subcontractors on such construction will be paid wages at rates not less than those determined by the Secretary of Labor to be prevailing on similar construction in the locality in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a–5); that such contractors and subcontractors will comply with the regulations in 29 CFR Part 3, and include all clauses required by 29 CFR 5.5 (a) and (c) and that the nondiscrimination clause prescribed by Executive Order No. 11246 of September 24, 1965 (30 F.R. 12319), will be incorporated in any contract for construction work, or modification thereof, as defined in said Executive order.

(e) *Avoidance of flood hazards.* Each State plan shall provide that, in the planning of the construction of school facilities involving the use of funds under Title VI of the Act, each State and local educational agency will, in accordance with the provisions of Executive Order No. 11296 of August 10, 1966 (31 F.R. 10663) and such rules and regulations as may be issued by the Department of Health, Education, and Welfare to carry out those provisions, evaluate flood hazards in connection with such school facilities and, as far as practicable, avoid the uneconomic, hazardous, or unnecessary use of flood plains in connection with such construction.

(f) *Competitive bidding.* Each State plan shall provide that all contracts for construction shall be awarded to the lowest qualified bidder on the basis of open competitive bidding except that, if one or more items of construction are covered by an established alternate procedure, consistent with State and local laws and regulations, which is approved by the State educational agency as designed to assure construction in an economical manner consistent with sound business practice, such alternate procedure may be set forth in the State plan as the one to be followed.

§ 121.25 State-supported or State-operated schools for handicapped children.

The State plan shall contain an assurance that funds paid to the State under Title VI of the Act shall not be made available with respect to handicapped children who are eligible for assistance under section 203(a)(5) of Title II of Public Law 874, 81st Congress. Such handicapped children are all children who are in schools operated by a State agency which is directly responsible for providing free public education for handicapped children and those who are in other schools and for whom the schools receive support for their education from such a State agency.

§ 121.26 Use of Federal funds and liquidation of obligations by State or local educational agencies.

(a) Federal funds under Title VI of the Act made available to State and local educational agencies for programs and projects during a fiscal year shall remain available for use by such State and local educational agencies in accordance with paragraph (c) from September 1 of that fiscal year until August 31 following that fiscal year. Grants for construction of school facilities shall remain available for use for that purpose for a reasonable period of time as determined pursuant to § 121.24(c).

(b) Federal funds under Title VI of the Act made available to State and local educational agencies for administration of the State plan and for planning at the State and local levels will remain available for such use from September 1 of that fiscal year until August 31 following that fiscal year, except that fiscal year 1967 funds shall remain available for the term specified in the grant award documents.

(c) For the purposes of this section a use of funds under Title VI of the Act by a State or local educational agency will be determined on the basis of documentary evidence of binding commitments for the acquisition of goods or property, for the construction of school facilities, or for the performance of work. However, the use of funds for personal services, for services performed by public utilities, for travel, and for the rental of equipment and facilities shall be determined on the basis of the time such services were rendered, such travel was performed, and such rented equipment and facilities were used, respectively.

(d) Federal funds under Title VI of the Act, except funds made available expressly for the development of State plans, shall not be available for use with respect to binding commitments (other than those relating to personal services, utility services, travel, or the rental of equipment or facilities) entered into, or with respect to personal services, utility services, travel, or the rental of equipment or facilities rendered or performed, by a State educational agency prior to the effective date of the State plan.

(e) Obligations entered into by State and local educational agencies and payable out of funds under Title VI of the Act shall be liquidated during the fiscal year following the fiscal year in which such funds are appropriated unless prior to the end of that following fiscal year the State educational agency reports to the Commissioner the reasons why certain obligations cannot be timely liquidated and, on the basis thereof, the Commissioner extends the time for so liquidating those obligations.

§ 121.27 State fiscal control and audit.

(a) Each State plan shall provide that the State educational agency will, for that agency and local educational agencies, provide for such fiscal control and fund accounting procedures as may be necessary for the proper disbursement of funds paid to the State, and by the State to local educational agencies, under Title VI of the Act.

(b) All expenditures by State and local educational agencies of Federal funds under Title VI of the Act shall be audited either by State auditors or by other appropriate auditors. The State educational agency shall, with due regard for Federal auditing requirements, provide for appropriate audit standards for that purpose. The results of such audits will be used to substantiate State agency records and shall be made available to Federal auditors. Federal auditors shall be given access to such records or other documents as may be necessary to substantiate the results of such audits.

§ 121.28 Custody and expenditures of funds.

Each State plan shall designate the officer or officers who will receive and have custody of funds granted to the State under Title VI of the Act, who will pay to State and local educational agencies the amounts due them, and who will pay out the amounts expended by the State educational agency for the performance of its duties.

§ 121.29 Transfer of funds to local agencies.

Each State plan shall set forth the policies and procedures to be used in the payment of funds by the State educational agency to local educational agencies, either as reimbursement for actual expenditures or as an advance prior to expenditures, for programs and projects for the education of handicapped children or for planning at the local level.

§ 121.30 Proration of costs.

Funds under Title VI of the Act are available only with respect to that portion of any expenditure which is attributable to an activity under the State plan. The State plan shall specify the basis for identifying and the method to be used in prorating expenditures in determining those attributable solely to State plan activities. The State agency shall include in the description of its projected program activities submitted to the Commissioner for each fiscal year its projected expenditures for salaries attributable to State plan activities. The State agency must also maintain records (documented on an after-the-fact basis) to substantiate the proration of expenditures for applicable items such as salaries, travel, rent, and equipment.

§ 121.31 Maintenance of level of support.

The State plan shall set forth policies and procedures which provide satisfactory assurance that funds made available under Title VI of the Act for any fiscal year will be so used as to supplement and, to the extent practical, increase the level of State, local, and private funds expended for the education of handicapped children, and in no case supplant such State, local, and private funds. In developing such policies and procedures, the State educational agency shall take into consideration the total or per capita amount of State, local, and private school funds budgeted for expenditures in the current fiscal year for the education of handicapped children as compared with the total or per capita average amount of State, local, and private school funds actually expended for the education of handicapped children in the two most recent fiscal years for which the information is available, with allowances made for decreases in enrollment of handicapped children, contributions of large sums of money from outside sources on a short-term basis, and unusually large amounts of funds expended for such long-term purposes as the acquisition of equipment and the construction of school facilities.

§ 121.32 Retention of records.

(a) *General rule.* Each State and local educational agency receiving funds under Title VI of the Act shall provide for keeping accessible and intact all records supporting claims for Federal funds under Title VI of the Act or relating to the accountability of the grantee for the expenditure of such funds:

(1) For 3 years after the close of the fiscal year in which the expenditure was made; or

(2) Until the State educational agency is notified that such records are not needed for administrative review, whichever is the later.

(b) *Questioned expenditure.* The records involved in any claim or expenditure which has been questioned shall be further maintained until necessary adjustments have been made and such adjustments have been reviewed and approved by the Department of Health, Education, and Welfare.

§ 121.33 Inventories of equipment.

(a) Each State and local educational agency shall maintain an inventory of all equipment acquired with funds under Title VI of the Act and placed in the temporary custody of persons in a private school. Such inventories shall be maintained until the equipment is discharged from such custody, and, if costing $100 or more per unit, for the expected useful life of the equipment or until its disposition.

(b) Each State educational agency and each local educational agency shall maintain inventories of all other equipment acquired by it with funds under Title VI of the Act, and costing $100 or more per unit, for the expected useful life of the equipment or until its disposition.

(c) The records of inventories required by this section shall be subject to the retention requirements of § 121.32.

(d) All proceeds from the sale of property for which an inventory is being maintained pursuant to the provisions of this section, and the net proceeds from the rental of such property, shall be credited to the Federal Government.

§ 121.34 Adjustments.

The State agency in its maintenance of program expenditure accounts, records, and reports shall promptly make any necessary adjustments in its records to reflect refunds, credits, underpayments, or overpayments, as well as any adjustments resulting from Federal or State administrative reviews and audits. Such adjustments shall be set forth in the State agency's financial reports filed with the Commissioner.

§ 121.35 Financial interest of officials.

No board or staff member of a State or local educational agency may participate in an administrative decision with respect to a program or project under Title VI of the Act if such a decision can be expected to result in any benefit or remuneration, such as a royalty, commission, contingent fee, brokerage fee, or other benefit, to him or any member of his immediate family.

§ 121.36 Copyrights and patents.

(a) Any material of a copyrightable nature produced with financial assistance under Title VI of the Act shall be subject to such copyright policy of the U.S. Office of Education as is in effect at the time.

(b) Any materials of a patentable nature produced through a project with financial assistance under Title VI of the Act shall be subject to the provisions of 45 CFR Parts 6 and 8.

Subpart D—Payment Procedures

§ 121.41 Financial reports.

Each State agency shall submit, in accordance with procedures established by the Commissioner:

(a) Following the end of the fiscal year, a report of the total expenditures made under the State plan during the fiscal year; and

(b) Such other reports as are needed.

§ 121.42 Payments of funds under Title VI of the Act.

Funds paid under Title VI of the Act for amounts expended by a State to carry out its State plan will be limited to the amount necessary to meet current needs for disbursement.

§ 121.43 Withholding of funds.

Neither the approval of the State plan nor any payment to the State pursuant thereto shall be deemed to waive the right or duty of the Commissioner to withhold funds by reason of the failure of the State to observe, before or after such administrative action, any Federal requirements.

§ 121.44 Reallotment.

(a) *General.* The amount of any State's allotment under Title VI of the Act for any fiscal year which the Commissioner determines will not be required for such fiscal year shall be available for reallotment, from time to time, on such dates during such year as the Commissioner may fix, to other States in proportion to the original allotments to such States under Title VI of the Act for that year but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Commissioner estimates such State needs and will be able to use for such years and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced.

(b) *Statements of anticipated need.* In order to provide a basis for reallotment by the Commissioner under Title VI of the Act, each State agency administering a program under Title VI of the Act shall, if requested, submit to the Commissioner by such date or dates as he may specify a statement or statements showing the anticipated need during the current fiscal year for the amount previously allotted, or any amount needed to be added thereto. The statement or statements shall contain such further information as the Commissioner may request for the purpose of making reallotments.

Dated: June 2, 1967.

[SEAL] J. GRAHAM SULLIVAN,
Acting U.S. Commissioner of Education.

Approved: August 2, 1967.

WILBUR J. COHEN,
Acting Secretary of Health, Education, and Welfare.

[F.R. Doc. 67-9238; Filed, Aug. 7, 1967; 8:47 a.m.]

Chapter VIII—Civil Service Commission

PART 801—VOTING RIGHTS PROGRAM

Appendix A; Mississippi

Appendix A to Part 801 is amended as set out below to show, under the heading "Dates, Times, and Places for Filing," three additional places for filing in Mississippi:

MISSISSIPPI

County; place for filing; beginning date.
• • • • •
Marshall; Holly Springs—Post Office Building; August 8, 1967.
Wilkinson; Woodville—Post Office Building; August 8, 1967.

(Secs. 7 and 9 of the Voting Rights Act of 1965; P.L. 89–110)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-9330; Filed, Aug. 7, 1967; 10:07 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Piedmont National Wildlife Refuge, Ga., and Chincoteague National Wildlife Refuge, Va.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

GEORGIA

PIEDMONT NATIONAL WILDLIFE REFUGE

Public hunting of wild turkey on the Piedmont National Wildlife Refuge, Georgia, is permitted only on the area designated by signs as open to hunting. This open area, comprising 31,500 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations covering the hunting of wild turkey subject to the following special conditions:

(1) Turkeys of either sex may be taken during the open period October 21, 23, and 24, 1967.

(2) Bag limits: Only one turkey per hunter may be taken during the 3-day hunt.

(3) Dogs are prohibited.

(4) Hunters will be allowed on the portions of the refuge open for turkey hunting from 6:30 a.m. to 3 p.m., e.d.t. on hunting days only.

(5) Camping and fires are restricted to the designated camping area in Compartment 19. The camping area will be open October 20 through 25.

(6) Turkeys killed must be checked out at refuge headquarters before hunters leave the area.

(7) Hunters not having reached their 18th birthday must be accompanied by an adult.

(8) Submission of an individual's name more than one time for this hunt shall be cause for rejecting all his applications and is also a violation of these regulations.

(9) Hunt permits are nontransferable.

(10) Apprehension of permittee for any infraction of refuge regulations shall be cause for immediate revocation of this hunt permit by any officer authorized to enforce refuge regulations.

A Federal permit is required to enter the public hunting area. Permits will be limited to 1,000 for the hunt and shall be issued to hunters selected by an impartial drawing from applications received. Applications must be on the form obtainable from Piedmont Refuge Headquarters, Round Oak, Ga. 31080. Each application must bear the signature of the applicant.

Applications must be in office of the Piedmont National Wildlife Refuge, Round Oak, Ga. 31080 by 4:30 p.m. on September 11, 1967.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 25, 1967.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

GEORGIA

PIEDMONT NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Piedmont National Wildlife Refuge, Ga., is permitted only on the area designated by signs as open to hunting. This open area, comprising 31,500 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following special conditions:

(1) Season—(a) Bow and arrow—September 30 through October 11, 1967. (b) Gun and archery—November 4, 6, 7, and 27, 1967.

(2) Species and season limit—(a) Bow and arrow; two deer, either sex. (b) Gun and archery; two deer, bucks with antlers, except the season on November 27 is one deer of either sex.

(3) Weapons—Sidearms and buckshot may not be used or possessed.

(4) Additional species—Bobcats, foxes, and raccoons may be taken on the bow and arrow hunt September 30 through October 11, 1967.

(5) Dogs on leash may be used to track wounded game only on the bow and arrow hunt. Advance permission in writing must be obtained from the Refuge Manager prior to bringing a dog on the refuge. Dogs are not permitted on the gun and archery hunt.

(6) Camping and fires are restricted to the designated area in Compartment 19 during the period of September 22–25, September 29–October 12, October 27–November 9, and November 26–28, 1967.

(7) Hunters are allowed on the refuge only on hunting days from 6 a.m. to 7:30 p.m., e.d.t., during the archery hunt, September 30–October 11, 1967 and from 5:30 a.m. to 7 p.m., e.s.t., during the gun and archery hunt, November 4, 6, 7, and 27, 1967.

(8) All deer killed must be checked out at refuge headquarters on the day killed.

(9) Loaded firearms are prohibited in vehicles on refuge roads.

(10) Hunters not having reached their 18th birthday must be accompanied by an adult.

(11) Hunters shall furnish and wear red, orange, or yellow caps, coats, or hats while hunting on the refuge November 4, 6, 7, and 27, 1967.

(12) Apprehension for infraction of refuge regulations shall be cause for immediate revocation of refuge hunting privileges by any officer authorized to enforce these regulations.

(13) A Federal permit is required to enter the public hunting area on November 4, 6, 7, and 27, 1967. Permits will be limited to 4,000 for the hunt and will be issued to hunters selected by an impartial public drawing from applications received. Applications must be on form obtainable from Piedmont Refuge Headquarters, Round Oak, Ga. 31080. Each application must bear the signature of the applicant. Permits are nontransferable. Submission of an individual's name more than one time for this hunt shall be cause for rejecting all his applications and is also a violation of these regulations. Application must be in the office of the Piedmont National Wildlife Refuge, Round Oak, Ga. 31080 by 4:30 p.m., e.d.t., on October 9, 1967.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 28, 1967.

VIRGINIA

CHINCOTEAGUE NATIONAL WILDLIFE REFUGE

Public hunting of Sika deer on the Chincoteague National Wildlife Refuge, Va., is permitted only on the area designated by signs as open to hunting. This open area, comprising 8,496 acres, is delineated on maps available at refuge headquarters, Chincoteague, Va., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations governing the hunting of Sika deer subject to the following conditions:

(1) Species to be taken: (a) Sika deer, either sex; (b) free ranging goats.

(2) Bag limits: (a) Sika deer, one per license year, either sex; (b) goats, no limit, except that goat hunting prohibited after hunter takes his deer.

(3) Season: (a) Bow and arrow only—4 days, October 11–14, 1967. (b) Shotgun or bow and arrow—2 days, October 20–21, 1967.

(4) Weapons: Archers must use broadhead arrows with blades at least seven-eighths inch wide and bows having a minimum pull of 35 pounds at 27 inches draw. Archers may not have firearms in their possession during the 4-day bow and arrow hunt, October 11–14, 1967. Shotguns, 20 gage or larger and not capable of holding more than three shells will be permitted during the shotgun hunt, October 20–21. Slugs or buckshot no smaller than No. 1 buck will be permitted. Any weapon which is a combination rifle-shotgun is prohibited. Possession of any firearm or ammunition on the refuge which is not stipulated as permitted in these regulations is prohibited.

(5) Dogs are prohibited.

(6) Hunting hours: (a) Bow and arrow—6:45 a.m.–6:30 p.m., e.d.t. (b) Shotgun or bow and arrow—7 a.m.–6:15 p.m., e.d.t.

(7) All hunters must check out at the check station before leaving the refuge. Hunters must be checked out by 7:15 p.m., e.d.t.

(8) Carrying loaded firearms in or on or shooting from a vehicle is prohibited.

(9) Shooting within 100 yards of the public beach road or the deer check station is prohibited.

(10) Camping and fires are prohibited.

(11) Hunters must furnish and wear red, yellow, or orange caps, hats, coats, shirts, or vests on hunting areas at all times—except archers during the bow and arrow season, October 11–14.

(12) All hunters under 18 years old must be accompanied by an adult.

(13) All hunters must enter and leave the refuge by the Assateague Channel bridge. Entering and leaving the refuge by boat is prohibited.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 22, 1967.

JAMES R. FIELDING,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

JULY 31, 1967.

[F.R. Doc. 67-9236; Filed, Aug. 7, 1967; 8:46 a.m.]

PART 32—HUNTING

Wheeler National Wildlife Refuge, Ala.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

ALABAMA

WHEELER NATIONAL WILDLIFE REFUGE

Public hunting of raccoons, opossums, and foxes only is permitted on the entire land area of the refuge. This open area comprising approximately 13,850 acres is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations governing the hunting of raccoons, opossums, and foxes subject to the following conditions:

(1) The open season for hunting the game listed above extends from February 1, 1968 through February 10, 1968, Sunday excluded.

(2) Hunting during the above period shall be between the hours 7 p.m. and 5 a.m. each day only.

(3) A Federal permit is required to enter the refuge with firearms. Only the party leader of each hunting party will be allowed to carry a firearm. Five-Hundred permits will be issued on a first come, first serve basis. These may be obtained by writing the Wheeler National Wildlife Refuge Office, Post Office Box 1643, Decatur, Ala. 35601, prior to February 1 or by applying in person on or after February 1. Only one permit will be required per hunting party and the permittee may take with him as many others as he chooses.

(4) Shotguns only will be used and will be limited to one per hunting party. Gage size may not exceed 28.

(5) Axes, saws, and shotgun shells loaded with larger than No. 8 shot may not be brought on the area during this hunt. No live timber may be cut.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through February 10, 1968.

ALABAMA

WHEELER NATIONAL WILDLIFE REFUGE

Public hunting of quail, crows, and foxes only is permitted on the entire land area of the refuge. This open area comprising approximately 13,850 acres is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations governing the hunting of quail, crows, and foxes subject to the following conditions:

(1) The open season for hunting this game will be February 17 and 19, 1968 only.

(2) During the above open season, hunting may take place only between the hours of 8 a.m. and 5 p.m.

(3) No shooting is allowed within 100 yards of private residences adjoining the refuge boundary.

(4) A Federal permit is required to enter the refuge with firearms. Three-hundred permits will be issued and a drawing will be held February 8 to determine successful applicants. To apply for a permit, write a single postcard requesting quail hunt permit and addressed to Wheeler National Wildlife Refuge, Post Office Box 1643, Decatur, Ala. 35601. To be eligible for drawing, postcard requests must be received by February 7. A single permit covers both hunt dates.

(5) Only shotguns may be used and these may be loaded with not larger than No. 7½ shot and no shells containing larger shot sizes will be permitted on the refuge area during this hunt.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through February 20, 1968.

ALABAMA

WHEELER NATIONAL WILDLIFE REFUGE

Public hunting of rabbits, foxes, and crows is permitted on the entire land area of the refuge. This open area comprising approximately 13,850 acres is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations governing the hunting of rabbits, foxes, and crows subject to the following conditions:

(1) The open season for hunting the game listed above extends from February 20, 1968 through February 24, 1968.

(2) Hunting during the above period shall be between the hours of 8 a.m. and 5 p.m. only.

(3) A Federal permit is required to enter the refuge with firearms. A maximum of 600 permits will be issued. A drawing will be held on February 12 to determine successful applicants. To obtain permits, a single postcard requesting a rabbit hunt permit should be addressed to Wheeler National Wildlife Refuge, Post Office Box 1643, Decatur, Ala. 35601. To be included in the drawing, cards must be received by February 10. A single permit covers the entire hunt period.

(4) Only shotguns may be used and these must not be loaded with larger than No. 6 shot nor shells containing larger than No. 6 shot brought on the refuge during the hunt.

(5) No shooting is permitted within at least 100 yards of private homes adjoining the refuge boundary.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through February 24, 1968.

ALABAMA

WHEELER NATIONAL WILDLIFE REFUGE

Public hunting of gray squirrels, foxes, and crows is permitted on the entire land area of the refuge. This open area comprising approximately 13,850 acres is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga. 30323. Regulations governing the hunting of squirrels, foxes, and crows shall be in accordance with all applicable State regulations subject to the following conditions:

(1) The open season for hunting the game listed above extends from October 16 through October 21, 1967.

(2) The use of dogs is not permitted.

(3) No shooting is allowed within 100 yards of private residences adjoining the refuge boundary.

(4) A Federal permit is required to enter the refuge with firearms. One-thousand permits will be issued, each covering the entire hunt period. Applications for these permits must be by postcard and must be received prior to October 4. A drawing will be held to determine successful applicants. Applications must be addressed to the Wheeler National Wildlife Refuge, Post Office Box 1643, Decatur, Ala. 35601.

(5) Shotgun shells loaded with larger than No. 6 shot may not be brought on the refuge during the hunt.

(6) Only gray squirrels, foxes, and crows may be shot on this hunt. The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 21, 1967.

JAMES R. FIELDING,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

JULY 31, 1967.

[F.R. Doc. 67-9212; Filed, Aug. 7, 1967; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Procedural Regulations

The Commissioner of Food and Drugs proposes that the procedural food additive regulations be revised as set forth below to obtain improvement in the quality and organization of food additive petitions submitted and to expedite their scientific review by the Food and Drug Administration. The need for such revision is based on the following:

A. Almost half of the food additive petitions as originally submitted to the Food and Drug Administration have been incomplete or have not adequately supported the regulation requested and, therefore, have required subsequent supplementation, amendment, withdrawal, or denial.

B. Scientific review of deficient and poorly organized petitions is an unnecessary burden that wastes the time and efforts of both Administration and industry scientists.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 409, 701(a), 52 Stat. 1055, 72 Stat. 1786; 21 U.S.C. 348, 371(a)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), it is proposed that Part 121 be amended by revising §§ 121.7, 121.9, and 121.51 and by adding § 121.50, as follows:

§ 121.7 Food additives for use in feed and drinking water of animals and food additives that are also new drugs, certifiable antibiotic drugs, and/or pesticides.

(a) (1) A substance that is a new drug within the meaning of section 201(p) of the act or an antibiotic drug subject to the certification requirements of sections 502(l) and 507 of the act may also be a food additive within the meaning of section 201(s) of the act because the substance is to be used in the feed of an animal or because its intended use in or on the animal results or may reasonably be expected to result directly or indirectly in it or its conversion product(s) becoming a component of or otherwise affecting the characteristics of a food derived from the animal.

(2) An application for a new drug or an antibiotic drug which substance is also a food additive shall be submitted in the form prescribed by § 130.4 of this chapter (Form FD 356V) and processed in accordance with Parts 130 (new drug) or 146 (antibiotic drug) of this chapter, and the food additive aspects of such applications shall be processed simultaneously.

(3) An application for a new drug or an antibiotic drug which substance is also a food additive shall include a practical, chemical assay method for enforcement of any tolerance provided and, if edible products of food-producing animals are involved, data establishing the residues of the substance or its metabolites in such edible products.

(b) Petitions for food additives that are nondrug substances for use in the drinking water or feed of animals shall be submitted in the form described in § 121.50 and shall be processed in accordance with the procedures prescribed in this Part 121.

(c) Any pesticide chemical added to processed feed for animals for the purpose of affecting such animals will be considered a food additive and new drug subject to approval under sections 409 and 505 of the act. Petitions for such pesticide chemicals shall be submitted and processed in accordance with paragraph (a)(2) of this section.

(d) A new-drug application will not be approved for a use that results in the substance becoming a food additive until a regulation therefor is established under section 409 of the act. A food additive regulation under section 409 of the act will not be established if the additive results from the use of a new drug for which a new-drug application cannot be approved. The new-drug application and the establishment of a regulation regarding the food additive aspects will be acted on simultaneously.

(e) Applications for use of any drug substance in feed or for a drug or antibiotic substance intended to be administered to a food-producing animal shall be submitted to the Bureau of Veterinary Medicine of the Food and Drug Administration for evaluation.

§ 121.9 Food additive master files.

(a) Any person submitting or intending to submit a food additive petition may submit confidential information or information entitled to protection as a trade secret in the form of a "food additive master file." Such master file will be assigned a number and will be retained as available material that may be incorporated in any food additive petition upon request from the person submitting such file.

(b) The material in the master file shall be arranged and indexed by page numbers as if it were a portion of a petition so that specific material may be precisely referenced in any separate subsequent petition.

(c) The analytical methods and a summary of the toxicological basis on which a food additive regulation is based are not considered confidential or entitled to protection as trade secrets.

§ 121.50 Content and form of food additive petitions.

(a) Petitions to be filed under the provisions of section 409(b) of the act shall be submitted in triplicate, in the form described in paragraphs (c) and (d) of this section. Any material submitted in a foreign language shall be accompanied by an accurate English translation. Any published information used in support of the petition shall be submitted in reprint form. The petition must be signed by the petitioner or by an authorized attorney, agent, or official. If the petitioner or such authorized representative does not reside or have a place of business within the United States, the petition must also furnish the name and post office address of and must be countersigned by an authorized attorney, agent, or official residing or maintaining a place of business within the United States. All original, unpublished scientific studies supplied in the petition shall include identification of the scientists who did the work and their pertinent qualifications. The omission of any material required by this section shall be noted and the reasons therefor stated.

(b) Information previously submitted by the petitioner to the Food and Drug Administration may be incorporated in subsequent submissions provided specific reference to such information is made by giving the type of submission and the volume, page, and date submitted, and provided that the submission is in a food additive master file kept current by the petitioner, or is in another form of submission not over 10 years old. Confidential material entitled to protection as a trade secret, such as method of manufacture or process information, in food additive petitions or food additive master files furnished by a person other than the petitioner may also be incorporated provided use of such information is authorized in a written statement signed by the person who submitted the information or his successor in interest.

(c) Petitions shall be assembled in the manner prescribed in paragraph (e) of this section and submitted in a form suitable for binding, with all text double spaced on 8 x 10½-inch pages with a left-hand margin of approximately 1½ inches and a right-hand margin of approximately 1 inch. The left-hand margin shall be punched for a standard two-hole fastener (2¾-inch span) vertically centered therein. Each section shall have a section divider with index tab thereon bearing the section heading. The pages in each section shall be identified with the letter designation for the section and consecutively numbered.

(d) Petitions shall be transmitted by a cover letter in triplicate in the following form:

Petitions Control Branch,
Food and Drug Administration,
Department of Health, Education, and Welfare,
Washington, D.C. 20204.

GENTLEMEN: The undersigned, _____, _____, submits this petition pursuant to section 409(b)(1) of the Federal Food, Drug, and Cosmetic Act with respect to _____

(Name of food additive and proposed use)

The petition is attached and is submitted in the form described in § 121.50 (21 CFR 121.50) of the food additive regulations.

Sincerely yours,

Petitioner

By _____
(Indicate authority)

Date _____

Countersigned by _____
(Indicate authority)

Post office address _____

_____

Date _____

(c) The food additive petition shall contain:

I. Introduction (on section tab).

A. A detailed table of contents listing all items contained in the petition and the page numbers where located.

B. A well-organized and coherent general summary of the data in the petition and the petitioner's conclusions, presenting a sound basis for the regulation requested and including the following information with references to the pages on which the detailed data in the petition may be found.

1. *Identity and composition.* The name of the additive and the specifications proposed to assure that the substance is of appropriate grade for the intended use and that it is of reproducible composition.

2. *Use.* The purpose which the additive is to serve including an estimate of the maximum as well as the average quantity of the food additive to be expected in the total daily diet of the consumer and including the basis on which the estimate is made.

3. *Technical effect.* Highlights of the data that have been developed to establish that the additive accomplishes the intended technical effect and that the amount sought to be used is no higher than that reasonably necessary to accomplish such intended technical effect.

4. *Methods.* Highlights of the data that establish that the analytical methods provided are practicable regulatory ones adequate to enforce the limitations considered necessary on the use of the additive.

5. *Toxicology.* Highlights of the studies provided to establish the safety of the proposed uses of the additive with an explanation of how the petitioner concludes that the proposed uses are safe, including summaries of any unfavorable results as well as the favorable. The highlights shall include the no-effect levels found in the several species of test animals and the maximum safe level in the diet of the consumer. The margins of safety between the no-effect level in the most sensitive species of test animals and the average level as well as the maximum level likely to occur in the total diet of the consumer should be stated, taking into consideration previously approved food additive uses for the substance and any comparable substances. Also included shall be a summary of the published literature dealing with the safety of the compound. If safety depends upon virtual lack of migration, the rationale shall be explained briefly.

II. Body of the petition.

A. Identity (on section tab).

This section shall identify the additive and the general use or combination of uses for which it is intended (i.e., direct additive, indirect additive, pesticide for food additive application, or radiation) and shall provide the following information, as applicable:

i. *Direct additive—a. Nomenclature and formulas.* i. Common or usual name: Unless the name is being proposed as the common or usual name, cite references to compendia that recognize the name as common or usual.

ii. Chemical name in accordance with the nomenclature rules of the Chemical Abstracts Service.

iii. Trade name(s) and other names used for the compound, including those used during experimental testing.

iv. Empirical formula(s).

v. Structural formula(s), if known or proposed.

vi. Molecular weight.

b. Description of the additive. i. Complete quantitative composition.

ii. Physical state at room temperature.

iii. Organoleptic characteristics.

iv. Manufacturing process(es), including raw materials and their specifications and the analytical techniques used to check the specifications.

v. Food grade specifications for the additive, including identity, minimum content of the desired component(s), and limitations on reaction byproducts and other impurities including specifically total heavy metals, as to, and lead. Each specification and limitation shall be supported by a description of the analytical methods used, including data establishing the accuracy and reliability of these methods. Data from a suitable number of representative production batches of the additive shall be included to establish the range of impurities and byproducts to be expected and so show that the proposed specifications can be met.

vi. Reproducibility of the additive, including the production controls and assays employed to assure that a reproducible product will be manufactured.

vii. Stability data and, if indicated thereby, any expiration date to be shown on the labeling to assure the identity, strength, quality, or purity of the additive.

2. Indirect additive—a. Nomenclature and formulas. Indirect additives include substances incidentally present in a final product because of addition for functional use elsewhere in the production operation and substances that may reasonably be expected to become a component of food because of their presence in food-contact surfaces. The following shall be provided for each substance or its reaction product(s) incidentally present in the food from production use and for each substance in the food-contact surface, including polymeric materials, whether present because of addition in the manufacturing or as a result of a chemical reaction during the manufacturing, unless adequate reasons for omission are advanced for particular components.

i. Common or usual name: Unless the name is being proposed as the common or usual name, cite references to compendia that recognize the name as common or usual.

ii. Chemical name(s) in accordance with the nomenclature rules of the Chemical Abstracts Service.

iii. Trade name(s) and other names used for the compound, including those used during experimental testing.

iv. Empirical formula(s).

v. Structural formula(s), if known or proposed.

vi. Molecular weight, including for polymeric substances the molecular weight distribution in the basic resin and the average molecular weights and the methods used in making these determinations.

b. Description of the additive. i. Composition of the food-contact surface of packaging material or food-processing equipment.

ii. Physical description of the food-contact surface, packaging, or equipment material.

iii. Manufacturing process, including for food-contact surfaces the raw materials and their specifications that encompass the basic resin polymers and the adjuvants (such as plasticizers, stabilizers, preservatives, fillers, colorants, catalysts, etc.), along with the analytical technique used to check the specifications and including for other incidental additives where, how, and why the additive or its precursor has been incorporated into the process.

iv. Specifications for the additive(s) in food-contact surfaces, including their identities, the minimum content of the desired component(s), and limitations or impurities including total heavy metals, monomers, catalyst residues, etc. Each specification and limitation shall be supported by a description of the appropriate analytical methods used, including data establishing the accuracy and reliability of these methods. Data from a suitable number of representative production batches of the food-contact surfaces shall be included to establish the range of impurities and byproducts to be expected and to show that the proposed specifications can be met.

v. Reproducibility of the food-contact surfaces, including the production controls and tests employed to assure that a reproducible product will be manufactured.

3. Radiation. This may include radiation of any wavelength in the electromagnetic spectrum.

a. Radiation and radiation source(s) proposed:

i. If an isotope, its identity and the type of encapsulation used.

ii. If a machine source (including source tubes), its complete description.

b. Furnish engineering data providing complete information on the geometry of the radiating mechanism, including the speed of movement by the radiating head, the radioisotope, and the number of curies in the source used (if isotopes), the voltage and amperage used (if machine), and the total time of exposure. A statement of the radiation flux calculated therefrom shall be included.

c. Furnish data providing complete information on the means to be used to control the exposure.

i. In the case of machines, furnish data showing the sensitivity of the means of controlling the power sources and the way in which recorders are coupled to produce records of the operating voltages and amperages.

ii. In the case of isotopes and machines, describe the nature of dosimeter and the frequency of the dosimetry and furnish data showing the dosimetry and phantoms to be used, including those data that show that the dosimeter readings adequately reflect the dose absorbed by the food during exposure.

B. Use (on section tab).

This section shall include information on the amount of the food additive proposed for use and the purposes for which it is proposed together with all directions, recommendations, and suggestions regarding the proposed use. The petitioner shall furnish an estimate of the maximum as well as the average quantity of the food additive to be expected in the total daily diet of the consumer. Supporting assumptions and calculations shall be included. The petitioner shall describe the conditions of use that he concludes are in accordance with good manufacturing practice in any instance

wherein he proposes no stricter limitation. If the usage level is alleged to be without specific limitation, the levels of use under good manufacturing practice shall be supplied.

1. *Direct additives.* In the case of the additives intended to produce an effect in the food, data obtained by adequate methodology shall be submitted showing the fate of the food additive in the food, whether the food additive remains unchanged in such food, or whether it is converted to another substance by reason of oxidation, degradation, or reaction with components of the food or otherwise, and the degree of any such conversion. This section shall include specimens of all labels and labeling proposed for the direct food additive.

2. *Indirect additives.* If transfer to food results or may be reasonably expected to result from the use of a food additive in processing, in packaging material, or in food-processing and handling equipment, the petitioner shall describe the conditions of use in detail with respect to the individual foods or classes of foods contacted. Information on the conditions of use shall include such things as the temperature and period of contact and the ratio of weight of food to contact surface area. The petitioner shall furnish an estimate of the maximum as well as the average quantity of the food additive and its conversion products to be expected in the total daily diet of the consumer. This estimate shall be based on experimental migration data using the food itself or on extraction data using solvents that simulate various types of food. These data shall reflect the most severe conditions as well as the more usual conditions of the proposed usage. The food or the extracts are to be analyzed by methods of adequate sensitivity and reliability for the food additive components of the food-contact surface. Details of the analytical procedure must be furnished including sufficient data to verify the claimed sensitivity and reliability of the methods.

3. *Radiation.* In the case of radiation, this section shall include information on the dose ranges to be used and the purpose for which the radiation is proposed together with all directions, recommendations, and suggestions regarding the proposed use, including information on the Atomic Energy Commission licenses under which any isotopes are used. This section should also include specimens of labeling to be used on the radiation sources and any labeling to be used on the treated food.

C. Technical effect (on section tab).

This section shall be divided into the following subsections:

1. A detailed table of contents for this section. This may be reproduced from the original complete table of contents if the latter is sufficiently detailed.

2. A summary (an explanation) of what the petitioner claims this section shows.

3. An analysis and interpretation of the data provided by the use of tables, charts, graphs, pictures, statistical evaluation, or by whatever means is appropriate, including references to the page numbers of the raw data analyzed and interpreted.

4. The raw data as follows:

a. Direct additives. The raw data developed to establish that the food additive will have the intended physical or other technical effect for which it is being added to the food and to establish that the amount requested is not higher than the amount reasonably required to accomplish the intended physical or other technical effect. These data shall include control data in sufficient detail to permit an accurate evaluation of the technical effect of graduated levels of the additive when tested experimentally.

b. Indirect additives. If the food additive is a component of a food-contact article (food-packaging material or food-processing and handling equipment), data shall be furnished showing the level of migration. If its migration to food is a function of the concentration of the component in such food-contact article, data shall also be furnished showing that the proposed usage level of the substance in the food-contact article is the level reasonably required to accomplish the intended effect in such article. If residues of a food additive are present in processed food because the additive has been used in the production or processing of food and the residues do not accomplish an intended effect in such processed food, data shall be furnished showing that the proposed tolerance level reflects a reduction of such residues to the extent possible in good manufacturing practice.

c. Radiation. In the case of radiation, experimental data shall be submitted showing that the radiation dose proposed accomplishes the intended technical effect and does not exceed the amount reasonably required to accomplish the intended effect.

i. Information shall be included showing that there is no induced radioactivity in the food or packaging material or in the extractants therefrom. This can include a theoretical discussion, but some actual experimental data should be provided to support the theory advanced in the case of packaging materials, and in all cases where radiant energies exceed 10 million electron volts. If different radiation fluxes are to be used, those materials subject to the highest flux and dose contemplated shall be selected for testing for induced radioactivity. A description of the methodology and the sensitivity of the methods used to establish the absence of induced radioactivity in the treated foods or packaging materials shall be furnished.

ii. Data shall be provided to establish the extent, if any, to which the nutritive composition of the irradiated food has been altered by exposure of the food to the highest dose and under the highest fluxes expected. If any such changes are considered insignificant, they should be so designated and the reasons detailed for their claimed insignificance. The methodology employed shall be fully described, including data establishing the sensitivity and reliability of the methods.

iii. Data shall be provided to establish that the irradiated food has not been significantly altered in organoleptic or other physical characteristics so as to render the material otherwise unfit for food. In the case of a food ordinarily stored for a period of time at particular temperatures, data shall be included reflecting the results when the irradiated food is appropriately stored and/or shipped.

iv. Whenever the effect produced is related to a given dose of radiation, the basis upon which that dose is measured shall be included. If no actual dosimetry can be described, a full explanation shall be included detailing the way in which the reported dose has been calculated.

D. Methods (on section tab).

This section shall be divided into the following subsections:

1. The petitioner's evaluation of the analytical method(s) with respect to reliability, accuracy, precision, and practicability as a regulatory method shall be furnished.

2. If usage of the food additive requires a tolerance for the food additive or for a conversion product in order to protect the public health, a practicable regulatory method shall be furnished to enforce the tolerance. A practicable regulatory results within a reasonable period of time considering the rate at which the material sampled may be consumed or otherwise disposed of. It must be satisfactory for application to the raw, processed, and/or finished food; i.e., give consistent results when used by properly equipped and trained laboratory personnel. The method must be capable of quantitatively determining the food additive or the conversion product in the presence of the normal components of the food in which it is to be used and in the presence of any other chemicals, including food additives, that can be reasonably expected to be present in such food. Validation data must be included; i.e., blanks (untreated food) and recoveries (food with additive at various levels, including level of usage). The analytical method shall be written up in stepwise fashion with any critical steps indicated and explained.

3. In the case of an additive that is to be limited only to good manufacturing practice, the petitioner shall provide data on an analytical method suitable for determining the amount that has been added to the food, or provide information purporting to show that the good manufacturing practice level is not likely to be exceeded.

4. In the case of food-contact surfaces, the petitioner shall provide the tests to be used in checking the specifications proposed for the purpose of limiting to safe amounts the migration to food of the components of the food-contact surface.

E. Safety (on section tab).

This section shall contain the following subsections:

1. A detailed table of contents for this section. This may be reproduced from the original complete table of contents if the latter is sufficiently detailed.

2. An explanation of what the petitioner claims this section shows, including:

a. The petitioner's appraisal of the safety data.

b. The no-effect levels found in the several species of test animals.

c. The petitioner's conclusion on the maximum safe level in the diet of the consumer, stating the margin of safety.

3. An analysis and interpretation of the provided data by the use of tables, charts, graphs, statistical review, or any appropriate means. This shall include summaries of both the favorable and unfavorable data, with references to the page numbers of the raw data analyzed and interpreted.

4. The raw data upon which the safety conclusions are based. This section may be regarded as incomplete unless it includes full reports of adequate tests reasonably applicable to establish whether or not the food additive is safe for its intended use. The reports ordinarily shall include detailed data derived from appropriate animal and other biological experiments in which the methods used and the results obtained are clearly set forth. The petition shall not omit without explanation any reports of investigations conducted including any that would bias an evaluation of the safety of the additive.

F. Tolerances-regulation (on section tab).

This section shall contain a proposed regulation in the format established by the Food and Drug Administration, including proposed tolerances, if tolerances are required to assure that the contemplated use of the additive is safe.

G. Amendment (on section tab).

Full information on each proposed change of existing regulations shall be submitted with the changes to be made indicated by bracketing proposed deletions and italicizing revised or added material. Italics may be indicated by underlining.

(f) Data in a petition regarding any method or process entitled to protection as a trade secret will be held confidential and will not be revealed unless it is necessary to do so in a regulation, or in an administrative hearing preliminary to any

judicial proceedings under the act. The scientific bases of safety on which any food additive regulation rests including food additive analytical methods and a summary of the toxicological data are not considered confidential.

§ 121.51 Processing of food additive petitions.

(a) Within 15 days after receipt of three copies of the petition by Petitions Control Branch of the Food and Drug Administration, the petitioner will be notified of the assigned petition number and of the fact that his petition has been filed for scientific review, or will be notified that his petition has not been filed and why. During this period of 15 days, the new petition will be reviewed only for determining that data are present and suitably arranged for an efficient scientific evaluation. Unless otherwise indicated in the filing letter, the date of this notification letter becomes the date of filing of the petition for the purposes of section 409(b)(5) of the act.

(1) If the petition cannot be filed, two of the three copies of it will be returned to the petitioner. One copy of the submitted material will be retained as an official record. The extra copies of the unfiled petition are returned so that if the petitioner supplements the original material, the supplemented petition can be submitted as a completely rearranged and indexed document in triplicate for reconsideration by the Food and Drug Administration.

(2) The petitioner may, after receiving a letter refusing the filing of his petition, return the two copies to the Petitions Control Branch and state in writing that he is resubmitting the petition to be filed over protest. In this case, it will be filed and the petitioner so notified. The fact that the petition has been filed over the Food and Drug Administration's protest will be included in the published notice of filing.

(b) A notice of filing will be published in the FEDERAL REGISTER within 30 days following the petition's filing date. The notice of filing shall contain the name and post office address of the petitioner, the name of the additive(s), and a description of the proposed use(s) in general terms or as appropriate. A copy of the notice will be mailed to the petitioner when the original is signed and forwarded for publicaton in the FEDERAL REGISTER. The publication of the notice of filing is to give notice to interested parties and is required by section 409(b)(5) of the act. The notice of filing is not to be construed as the promulgation of a regulation or amendment to a regulation.

(c) If upon a complete evaluation of the petition the Commissioner determines that additional information or an examination of samples or both are required to resolve questions regarding safety of the use of the additive, or the physical or other technical effect it produces, he may request such information or samples of the food additive, including the food-contact article containing the food additive, substances used as components of the food additive, and the food with which the food additive is used or contacts. The Commissioner will specify in the requests for samples a quantity deemed adequate for any study or investigation reasonably required with respect to the safety of the use of the food additive, or the physical or other technical effect it produces. The date used for computing the 90- or 180-day limit for the purpose of section 409(c)(2) of the act shall be moved forward one day for each day taken by the petitioner to submit the samples requested, beginning with the mailing date of the request. If the information or sample is requested a reasonable time in advance of the 180 days, but is not submitted within such 180 days after filing of the petition, the petition will be considered withdrawn without prejudice. A copy of the notice of withdrawal will be mailed to the petitioner when the original is signed and forwarded for publication in the FEDERAL REGISTER.

(d) If upon completion of the scientific reviews the petition and other relevant data have been found to support a regulation, the Commissioner will forward for publication in the FEDERAL REGISTER, within 90 days of the filing of the petition (or 180 days if the time was extended pursuant to sec. 409(c)(2) of the act), a regulation or amendment to a regulation prescribing the conditions under which the food additive may be safely used including, but not limited to, identification of the particular food or class(es) of food in which or in contact with which such additive may be used, the maximum quantity that may be used or permitted to remain in such food, the manner in which such additive may be added to or used in contact with such food, and any directions or other labeling or packaging requirements for such additive deemed necessary by him to assure the safety of such use, and the Commissioner shall notify the petitioner of such order.

(e) If upon completion of the scientific reviews the petition and other relevant data have not been found to support a regulation, the petitioner will be so informed and given the reason therefor and will be offered an opportunity to withdraw the petition without prejudice to a future filing. If the petitioner does not withdraw the petition within 30 days of such notification, an order denying the regulation may be published in the FEDERAL REGISTER.

(f) If the Commissioner determines within 90 days of filing that additional time is needed to study and investigate the petition, he shall by written notice to the petitioner extend the original evaluation period for not more than 180 days after the filing of the petition.

Any interested person may, within 60 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW, Washington, D.C. 20201, written comments, preferably in quintuplicate, on this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: August 1, 1967.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 67-9340; Filed, Aug. 7, 1967; 8:47 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AR 032224]

ARIZONA

Notice of Classification of Public Lands for Multiple Use Management

1. Pursuant to section 2 of the Act of September 19, 1964 (43 U.S.C. 1412), the public lands described below are hereby classified for multiple use management. These public lands will be managed primarily for their resource values which would be lost if they passed from federal ownership. Publication of this notice has the effect of segregating all the described lands from appropriation under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. sec. 334); from sale under section 2455 of Revised Statues (43 U.S.C. 1171); from sale under the Act of September 19, 1964 (43 U.S.C. 1421–1427); from private exchange (43 U.S.C. 315g(b)); from state exchange (43 U.S.C. 315g(c)); from state selection (43 U.S.C. 851, 852); from Small Tracts (43 U.S.C. 682a) and from appropriation under the mining and mineral leasing laws. As used in this order, "public lands" mean any lands (1) withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or (2) within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. No protests or objections have been received as a result of the Notice of Proposed Classification (32 F.R. 5707). Therefore, no changes have been made in the list of lands included in this classification.

3. The lands in T. 11 N., R. 28 E., situated in Apache County, lie within the proposed Lyman Lake State Park and have an elevation of approximately 6,000 feet above sea level. The Arizona State Parks have evaluated these lands as having excellent recreation potential.

The remaining parcels are within the immediate vicinity of the Tucson urban area and have been identified by the city of Tucson and Pima County as needed to supplement their proposed park and school system. The lands affected by this classification are located in Pima and Apache Counties and are described as follows:

GILA AND SALT RIVER MERIDIAN

T. 12 S., R. 13 E.,
Sec. 19, lots 3 and 4, E½W½ and E½.
T. 15 S., R. 10 E.,
Sec. 30, lots 1 to 4, inclusive, E½W½ and E½;
Sec. 31, lots 1 to 4, inclusive, E½W½ and E½.
T. 16 S., R. 10 E.,
Sec. 3, lots 1 to 3, inclusive, and lots 5 to 16, inclusive, and S½;
Sec. 4, lot 1 and S½;
Sec. 9, N½;
Sec. 10, N½.
T. 11 N., R. 28 E.,
Sec. 10, NE¼, E½NW¼, NE¼SE¼, and E½NW¼SW¼;
Sec. 14, E½E½, NW¼NE¼, SW¼SE¼, N½SW¼, and SW¼SW¼;
Sec. 15, NE¼NW¼;
Sec. 23, N½NE¼ and SE¼NE¼;
Sec. 26, NW¼, W½NE¼, E½SE¼, and SW¼SE¼;
Sec. 27, W½, NW¼NE¼, and SW¼SE¼.

The lands described aggregate 4,943.50 acres.

4. For a period of 30 days, interested parties may submit comments to the Secretary of the Interior, LLM, 721 Washington, D.C. 20240.

RILEY E. FOREMAN,
Acting State Director.

JULY 27, 1967.

[F.R. Doc. 67-9213; Filed, Aug. 7, 1967; 8:45 a.m.]

DEPARTMENT OF JUSTICE

Office of the Attorney General

MARSHALL COUNTY, MISS.

Certification of the Attorney General Pursuant to Section 6 of the Voting Rights Act of 1965 (Public Law 89–110)

In accordance with section 6 of the Voting Rights Act of 1965, I hereby certify that in my judgment the appointment of examiners is necessary to enforce the guarantees of the 15th Amendment to the Constitution of the United States in Marshall County, Miss. This county is included within the scope of the determinations of the Attorney General and the Director of the Census made on August 6, 1965, under section 4(b) of the Voting Rights Act of 1965 and published in the FEDERAL REGISTER on August 7, 1965 (30 F.R. 9897).

RAMSEY CLARK,
Attorney General of the United States.

AUGUST 5, 1967.

[F.R. Doc. 67-9328; Filed, Aug. 7, 1967; 9:07 a.m.]

WILKINSON COUNTY, MISS.

Certification of the Attorney General Pursuant to Section 6 of the Voting Rights Act of 1965 (Public Law 89–110)

In accordance with section 6 of the Voting Rights Act of 1965, I hereby certify that in my judgment the appointment of examiners is necessary to enforce the guarantees of the 15th Amendment to the Constitution of the United States in Wilkinson County, Miss. This county is included within the scope of the determinations of the Attorney General and the Director of the Census made on August 6, 1965, under section 4(b) of the Voting Rights Act of 1965 and published in the FEDERAL REGISTER on August 7, 1965 (30 F.R. 9897).

RAMSEY CLARK,
Attorney General of the United States.

AUGUST 5, 1967.

[F.R. Doc. 67-9329; Filed, Aug. 7, 1967; 9:07 a.m.]

DEPARTMENT OF AGRICULTURE

Packers and Stockyards Administration

ROBERTSON'S LIVESTOCK MARKET ET AL.

Deposting of Stockyards

It has been ascertained, and notice is hereby given, that the livestock markets named herein, originally posted on the respective dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), no longer come within the definition of a stockyard under said Act and are, therefore, no longer subject to the provisions of the Act.

Name, Location of stockyard, and date of posting
Robertson's Livestock Market, Bethany, Missouri, June 16, 1959.
Harris Auction Company, Henderson, North Carolina, August 26, 1963.
Clinton Cattle Commission Co., Clinton, Oklahoma, April 9, 1959.
Aberdeen Livestock Sales Company, Inc., Aberdeen, South Dakota, November 30, 1949.
Hub City Livestock Sales, Inc., Aberdeen, South Dakota, November 29, 1949.

Notice or other public procedure has not preceded promulgation of the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore, be impracticable and contrary to the public interest. There is no legal warrant or justification for not deposting promptly a stockyard which is no longer within the definition of that term contained in the Act.

The foregoing is in the nature of a rule granting an exception or relieving a restriction and, therefore, may be made effective in less than 30 days after publication in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER.

(42 Stat. 159, as amended and supplemented; 7 U.S.C. 181 et seq.)

Done at Washington, D.C. this 2d day of August 1967.

EDWARD L. THOMPSON,
Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[F.R. Doc. 67-9236; Filed, Aug. 7, 1967; 8:46 a.m.]

Office of the Secretary

ARKANSAS

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Arkansas natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

ARKANSAS

Chicot.	Lonoke.
Clay.	Miller
Craighead.	Mississippi.
Crittenden.	Monroe.
Cross.	Phillips.
Desha.	Poinsett
Drew.	Prairie.
Greene.	Pulaski.
Independence.	Randolph.
Jackson.	St. Francis.
Lawrence.	White.
Little River.	Yell.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1968, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 2d day of August 1967.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67-9226; Filed, Aug. 7, 1967; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

CHEMAGRO CORP.

Notice of Filing of Petition Regarding Pesticides

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 8F0624) has been filed by Chemagro Corp., Post Office Box 4913, Kansas City, Mo. 64120, proposing the establishment of a tolerance of 0.1 part per million for residues of the insecticide *O,O*-diethyl *S*-2-(ethyl-thio)ethyl phosphorodithioate in or on the raw agricultural commodity soybeans.

The analytical method proposed for determining residues of the insecticide is a gas chromatographic technique using a potassium chloride thermionic-emission flame detector after oxidation of the insecticide and its metabolites to the corresponding sulfone.

Dated: August 1, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-9241; Filed, Aug. 7, 1967; 8:47 a.m.]

E. I. DU PONT DE NEMOURS & CO., INC.

Notice of Filing of Petition Regarding Pesticides

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 8F0626) has been filed by E. I. du Pont de Nemours & Co., Inc., Wilmington, Del. 19898, proposing a tolerance of 7 parts per million for residues of the herbicide diuron in or on the raw agricultural commodity Bermudagrass.

The analytical procedure proposed in the petition for determining residues of the herbicide is that of H. L. Pease published in the Journal of Agricultural and Food Chemistry, Volume 10 (1962), page 279.

Dated: August 1, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-9243; Filed, Aug. 7, 1967; 8:47 a.m.]

HERCULES, INC.

Notice of Filing of Petition Regarding Pesticides

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 7F0619) has been filed by Hercules Inc., Wilmington, Del. 19899, proposing the establishment of a tolerance of 0.5 part per million for residues of the of 0.5 part per million for residues of the herbicide norea (3-(hexahydro-4,7-methanoindan-5-yl)-1, 1-dimethylurea) in or on the raw agricultural commodities cottonseed, sorghum (cane, forage and grain), sugarcane, soybeans, and spinach.

The analytical method proposed for determining residues of the herbicide is a colorimetric procedure based on the formation of hexahydro-4,7-methanoindan-5-amine by alkaline hydrolysis of the extracted residue. This amine is then reacted with 1-fluoro-2,4-dinitrobenzene to yield the corresponding 2,4-dinitrophenyl derivative of the amine, which is then determined colorimetrically by measuring the absorbance of the orange-red color produced in alkaline dimethylformamide.

Dated: August 1, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-9242; Filed, Aug. 7, 1967; 8:47 a.m.]

IMPERIAL CHEMICAL INDUSTRIES, LTD., MOND DIVISION

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 8A2198) has been filed by Imperial Chemical Industries, Ltd., Mond Division, The Heath, Runcorn, Cheshire, England, proposing the issuance of a regulation to provide for the safe use in tea production of 1,1,1-trichloroethane as a flotation agent for the separation of leaf from stalk.

Dated: August 1, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-9244; Filed, Aug. 7, 1967; 8:47 a.m.]

MONSANTO CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 7B2185) has been filed by Monsanto Co., Hydrocarbons and Polymers Division, 730 Worcester Street, Indian Orchard, Mass. 01105, proposing an amendment to § 121.2514 *Resinous and polymeric coatings* to provide for the safe use of vinyl acetate-dibutyl maleate copolymers, optionally containing acrylic acid or glycidyl methacrylate, as components of coatings applied to metal foil for use in contact with dry food.

Dated: August 1, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-9245; Filed, Aug. 7, 1967; 8:47 a.m.]

ROHM AND HAAS CO.

Notice of Filing of Petition Regarding Pesticides

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 8F0625) has been filed by Rohm and Haas Co., Independence Mall West, Philadelphia, Pa. 19105, proposing the establishment of tolerances for residues of a fungicide that is a coordination product of zinc ion and maneb (manganous ethylenebisdithiocarbamate), containing 20 percent manganese, 2.5 percent zinc, and 77.5 percent ethylenebisdithiocarbamate (the whole product calculated as zinc ethylenebisdithiocarbamate), in or on the raw agricultural commodities: Hops at 65 parts per million; apricots, broccoli, brussels sprouts, cabbage, cauliflower, cherries, kohlrabi, peaches, plums, prunes, and nectarines at 12 parts per million; almonds (whole nut) at 10 parts per million of which not more than 0.5 part per million shall be present in the edible nut after the shell is removed; onions, garlic, leeks, and shallots at 7 parts per million; passion fruit at 5 parts per million; guava, mangoes, and persimmons at 3 parts per million; pecans at 0.5 part per million; and asparagus, pineapples, and potatoes at 0.1 part per million.

The analytical methods proposed in the petition for determining residues of the fungicide are based on the procedure of Pease in the Journal of the Association of Official Agricultural Chemists, Volume 40 (1957), page 1113.

Dated: August 1, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-9246; Filed, Aug. 7, 1967; 8:47 a.m.]

SHELL CHEMICAL CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 8A2197) has been filed by Shell Chemical Co., a division of Shell Oil Co., 110 West 51st Street, New York, N.Y. 10020, proposing the issuance of a regulation to provide for the safe use of 1,3,5-trimethyl-2, 4, 6-tris(3,5-di-*tert*-butyl-4-hydroxybenzyl)benzene as an antioxidant alone or in combination with other permitted antioxidants in food whereby the total amount of all antioxidants added to such food shall not exceed 0.02 percent of the oil or fat content of the food, including the essential (volatile) oil content of the food.

Dated: August 1, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-9247; Filed, Aug. 7, 1967; 8:48 a.m.]

SHELL CHEMICAL CO.

Notice of Filing of Petition Regarding Pesticides

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 7F0623) has been filed by Shell Chemical Co., a division of Shell Oil Co., 1700 K Street NW., Washington, D.C. 20006, proposing the establishment of a tolerance of 0.25 part per million for residues of the insecticide 2,2-dichlorovinyl dimethyl phosphate in or on tomatoes from postharvest application.

The analytical method proposed in the petition for determining residues of the insecticide is a cholinesterase spectrophotometric method with measurement of the absorbance of the unhydrolyzed acetylcholine chloride remaining by means of the color formed with alkaline hydroxylamine and ferric chloride.

Dated: August 1, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-9248; Filed, Aug. 7, 1967; 8:48 a.m.]

STAUFFER CHEMICAL CO.

Notice of Filing of Petition Regarding Pesticides

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 7F0621) has been filed by Stauffer Chemical Co., 1200 South 47th Street, Richmond, Calif. 94804, proposing the establishment of a tolerance of 0.1 part per million for negligible residues of the herbicide *S*-ethyl diisobutylthiocarbamate in or on fresh corn, including sweet corn (kernels plus cob with husk removed), corn grain (including popcorn), corn forage or fodder (including sweet corn, field corn, and popcorn).

Two analytical methods are proposed in the petition for determining residues of the herbicide: (1) Extraction from crop samples by direct steam distillation followed by determination using a microcoulometric gas chromatographic technique with a sulfur titration cell; and (2) extraction from crop samples by direct steam distillation followed by hydrolysis to diisobutylamine, which is converted to the cupric dithiocarbamate complex and determined spectrophotometrically at 440 millimicrons.

Dated: August 1, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-9249; Filed, Aug. 7, 1967; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-271]

VERMONT YANKEE NUCLEAR POWER CORP.

Notice of Continuance of Hearing on Application for Provisional Construction Permit

The hearing to consider the issuance of a provisional construction permit in the captioned proceeding to Vermont Yankee Nuclear Power Corp. (Vermont Yankee Nuclear Power Station), of which notice was given in 32 F.R. 9334 and 32 F.R. 10820 published June 30, and July 22, 1967, respectively, has been continued by order of this Atomic Safety and Licensing Board to September 6, 1967, said hearing to be reconvened on that date at 10 a.m., local time, at the Community Building (second floor), 207 Main Street, Brattleboro, Vt.

It is hereby ordered, That notice of this continuance shall be published in the FEDERAL REGISTER.

Issued August 4, 1967, Washington, D.C.

ATOMIC SAFETY AND LICENSING BOARD,
VALENTINE B. DEALE,
Chairman.

[F.R. Doc. 67-9299; Filed, Aug. 7, 1967; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 17382]

PACIFIC ISLANDS LOCAL SERVICE INVESTIGATION

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on August 22, 1967, at 10 a.m., e.d.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Associate Chief Examiner Thomas L. Wrenn.

In order to facilitate the conduct of the conference interested parties are instructed to submit to the examiner and other parties on or before August 18, 1967, (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statements of positions of parties; and (5) proposed procedural dates.

Dated at Washington, D.C., August 2, 1967.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 67-9229; Filed, Aug. 7, 1967; 8:46 a.m.]

[Docket No. 15574]

REOPENED UNITED-PACIFIC TRANSFER CASE

Notice of Hearing

Notice hereby is given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held September 6, 1967, at 10 a.m. in Room 284, U.S. Court of Appeals and Post Office, Seventh and Mission Streets, San Francisco, Calif.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on September 16, 1966, and other documents which are in the docket of

this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., August 2, 1967.

[SEAL] HERBERT K. BRYAN,
Hearing Examiner.

[F.R. Doc. 67-9230; Filed, Aug. 7, 1967; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[811-978]

ELECTRO-SCIENCE INVESTORS, INC.

Notice of Application for Order Declaring That Company Is No Longer Investment Company

AUGUST 2, 1967.

Notice is hereby given that Electro-Science Investors, Inc. ("ESI"), Post Office Box 30385, Dallas, Tex. 75230, a closed-end nondiversified investment company registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that ESI has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

ESI was organized in August 1960, as a registered closed-end investment company and a licensee under the Small Business Investment Act of 1958. Since September 1962, when it relinquished its license as a Small Business Investment Company, ESI operated as a venture capital company concentrating on the development of its portfolio companies. The application states that as of May 31, 1967, approximately 79 percent of the value of ESI's assets, excluding cash items, was composed of investment in majority-owned or wholly owned subsidiaries. The remaining 21 percent of its assets is comprised of investment securities, some of which ESI has represented will be disposed of in orderly fashion.

Of the 79 percent of ESI's assets comprised of a majority and wholly owned subsidiaries, 70 percent is represented by 52.3 percent of the voting stock and a $250,000 convertible debenture of Whitehall Electronics Corp., which is a manufacturer of electronic equipment and is engaged in aircraft remanufacture. The bulk of the remaining 9 percent is represented by approximately 64 percent of the voting stock of Staco, Inc., which is engaged in the manufacturing of electric equipment.

ESI's major investment security holding is 46.9 percent of the voting stock and $940,000 of notes of Tamar Electronics Industries, Inc., which manufactures electronic and radio equipment. ESI holdings in Tamar amount to 18.5 percent of ESI's assets at May 31, 1967.

At a special meeting held on March 28, 1967, shareholders of ESI voted 3,459,907 to 41,033, of a total of 4,500,000 shares, to approve a proposal to change the nature of ESI's business from that of an investment company to that of an operating company engaged through its majority-owned subsidiaries and controlled companies in manufacturing and other industrial activities.

Section 3(a)(3) of the Act defines an investment company as any issuer which is engaged or proposes to engage in the business of investing, reinvesting, owning, holding, or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 per centum of the value of such issuer's total assets (exclusive of Government securities and cash items) on an unconsolidated basis.

Section 8(f) of the Act provides that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and that upon the effectiveness of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than August 23, 1967, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon ESI at the address set forth above. Proof of such service (by affidavit or in the case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-9216; Filed, Aug. 7, 1967; 8:45 a.m.]

[File No. 1-464]

JADE OIL & GAS CO.

Order Terminating Summary Suspension of Trading

AUGUST 1, 1967.

The 50 cents par value common stock and the 6½ percent convertible subordinated debentures due January 1, 1979, with or without warrants attached, listed and registered on the Pacific Coast Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Jade Oil & Gas Co., being traded otherwise than on a national securities exchange; and

The Commission having, on July 28, 1967, issued an order pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934 summarily suspending trading in said securities effective for the period July 29, 1967, through August 7, 1967, both dates inclusive; and

The Commission being of the opinion that the public interest does not require the continuance of said suspension of trading after August 2, 1967;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that the suspension of trading pursuant to said order of February 7, 1966, shall terminate effective at the opening of business on August 3, 1967.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-9216; Filed, Aug. 7, 1967; 8:46 a.m.]

[812-2148]

MASSACHUSETTS INVESTORS GROWTH STOCK FUND, INC.

Notice of Filing of Application for an Order Exempting Sale by Open-End Company of Its Shares at Price Other Than Public Offering Price

AUGUST 2, 1967.

Notice is hereby given that Massachusetts Investors Growth Stock Fund, Inc. ("Applicant"), 200 Berkeley Street, Boston, Mass. 02116, a management open-end diversified investment company registered under the Investment Company Act of 1940, 15 U.S.C. section 80a-1, et seq., ("Act") has filed an application pursuant to section 6(c) of the Act requesting an order of the Commission exempting from the provisions of section 22(d) of the Act the proposed issuance and delivery of its redeemable securities to Lloyd S. Thornton Co. ("Thornton"), a Michigan corporation, in exchange for substantially all the assets of Thornton, pursuant to a certain Agreement and Plan of Reorganization ("Plan"). Section 22(d) of the Act provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except at a current public offering price described in its prospectus. Shares of Applicant are offered to the public at a price which includes a sales commission in addition to their net asset value. Since shares of Applicant will be issued to Thornton at net asset value, without a sales commission, an exemption is requested. Under section 6(c) of the Act the Commission may exempt any transaction from the provisions of the Act if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations which are summarized below.

Thornton is a personal holding company having two shareholders. It is not making and does not intend to make a public offering of its stock and is excepted from the Act by reason of the provisions of section 3(c)(1) thereof. There is no connection between Thornton and Applicant and no officer or shareholder of Thornton is an affiliated person of the Applicant.

Pursuant to the Plan, substantially all the assets of Thornton will be transferred to Applicant in exchange for shares of Applicant which will be distributed to Thornton's shareholders upon liquidation. Neither Thornton nor its shareholders have any present intention of redeeming shares of Applicant which will be received. The number of shares of Applicant to be delivered to Thornton will be determined on the basis of the net value of Applicant's shares and the value of Thornton's assets to be transferred, subject to certain adjustments set forth in the Plan, as of the close of business on the New York Stock Exchange on the day preceding the date of closing. If the valuation under the Plan had taken place on May 11, 1967, no adjustment would have been necessary and the value of Thornton's total assets of $946,652 to be exchanged would have equaled 73,371 of Applicant's shares at a net asset value per share of $12.90.

Applicant represents that the price was arrived at by arms-length bargaining and that the consummation of the transaction will be beneficial to its shareholders in that certain of its expenses, which will not rise proportionately with an increase in size of its portfolio, will be spread over a larger number of shares and it will be able to acquire a large block of securities without paying brokerage commissions or affecting the market in such securities.

Notice is further given that any interested person may, not later than August 22, 1967, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter including the date of the hearing (if ordered) and any postponents thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-9217; Filed, Aug. 7, 1967; 8:45 a.m.]

UNDERWATER STORAGE, INC.

Order Terminating Summary Suspension of Trading

AUGUST 2, 1967.

The common stock of Underwater Storage, Inc., being traded otherwise than on a national securities exchange; and

The Commission having, on July 31, 1967, issued an order pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934 summarily suspending trading in said security in the over-the-counter market effective for the period August 1, 1967, through August 10, 1967, inclusive; and

The Commission being of the opinion that the public interest does not require the continuance of said suspension of trading after August 2, 1967;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934, that the suspension of trading pursuant to said order of June 9, 1967, including the applicability to said security of section 15(c)(5) under the Securities Exchange Act of 1934, shall terminate at the close of business on August 3, 1967.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-9218; Filed, Aug. 7, 1967; 8:45 a.m.]

CIVIL SERVICE COMMISSION

MEDICAL TECHNOLOGIST, BALTIMORE, MD., AREA

Notice of Adjustment of Minimum Rates and Rate Ranges

Under authority of 5 U.S.C. 5303 and Executive Order 11073, the Civil Service Commission has increased the minimum rates and rate ranges for positions of Medical Technologist, GS-644-5/9. The revised rate ranges are:

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS-5	$6,387	$6,553	$6,720	$6,915	$7,091	$7,267	$7,443	$7,619	$7,795	$7,971
GS-6	6,680	6,857	7,055	7,253	7,451	7,649	7,847	8,045	8,243	8,441
GS-7	7,090	7,308	7,516	7,729	7,942	8,155	8,368	8,581	8,794	9,007
GS-8	7,538	7,773	8,008	8,243	8,478	8,713	8,948	9,183	9,418	9,653
GS-9	7,957	8,218	8,479	8,740	9,001	9,262	9,523	9,784	10,045	10,306

[1] Corresponding statutory rate: GS-5—Seventh; GS-6—Fifth; GS-7—Fourth; GS-8—Third; GS-9—Second.

Geographic coverage: Baltimore, Md., Standard Metropolitan Statistical Area which includes Anne Arundel, Baltimore, Carroll, Harford, and Howard Counties, and Baltimore City.

The effective date of the above rate ranges will be the first day of the first pay period beginning on or after July 30, 1967.

All new employees in the specified occupational levels will be hired at the new minimum rates.

As of the effective date, all agencies will process a pay adjustment to increase the pay of employees on the rolls in the affected occupational levels. An employee who immediately prior to the effective date was receiving basic compensation at one of the rates of the statutory rate range shall receive basic compensation at the corresponding numbered rate authorized by this notice on and after such date. The pay adjustment will not be considered an equivalent increase within the meaning of 5 U.S.C. 5335.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-9231; Filed, Aug. 7, 1967; 8:46 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. RI68-37 etc.]

ATLANTIC RICHFIELD CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates[1]

JULY 28, 1967.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

[1] Does not consolidate for hearing or dispose of the several matters herein.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before September 15, 1967.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI66-87	Atlantic Richfield Co., Post Office Box 2819, Dallas, Tex. 75221, Attn: Robert E. Wade, Esq.	188	[1] 19	Tennessee Gas Pipeline Co., a division of Tenneco, Inc. (West Delta Area, Plaquemine Parish, La.) (Offshore Louisiana).	$34,330	[2] 6-30-67	[3] 8- 1-67	1- 1-68	[7] 20.0	[4] [5] [7] 20.5	RI64-808.
	do	185	18	Tennessee Gas Pipeline Co., a division of Tenneco, Inc. (East and West Cameron, and Vermilion Parishes, La.) (Offshore Louisiana).	192,120	[2] 6-30-67	[3] 8- 1-67	1- 1-68	[7] 19.0	[4] [5] [7] 20.5	RI64-808.
	do	230	[9] 14	Tennessee Gas Pipeline Co., a division of Tenneco, Inc. (Grand Isle Area, Jefferson, and Lafourche Parishes, La.) (Offshore Louisiana).	80,367	[2] 6-30-67	[3] 8- 1-67	1- 1-68	[7] [11] 19.0	[4] [7] [11] 20.5	
		230	[9] 15		3,003	8-30-67	[3] 7-31-67	12-31-67	[7] 19.5	[4] [7] [11] 20.5	
RI66-36	Shell Oil Co., 50 West 50th St., New York, N.Y., Attn: Mr. W. C. Sweet.	215	5	Consolidated Gas Supply Corp. (Bayou Pigeon Field, Iberia Parish, La.) (South Louisiana).	106,708	7- 3-67	[12] 8- 3-67	1- 3-68	[7] 20.625	[4] [7] [13] 23.55	
RI66-89	Mobil Oil Corp., Post Office Box 1644, Houston, Tex. 77001.	176	16	Transcontinental Gas Pipe Line Corp. (West Cameron Block 110, et al., Cameron, St. Mary, and Terrebonne Parishes, La.) (Offshore Louisiana).	183,862 33,600	7- 3-67	[12] 8- 3-67	1- 3-68	[14] [15] 19.0 [14] [16] 20.625	[4] [7] [15] 21.5 [4] [7] [16] 22.500	
	do	177	6	Tennessee Gas Pipeline Co., a division of Tenneco, Inc. (East Cameron Block 62, Cameron Parish, La.) (Offshore Louisiana)	80,735	7- 3-67	[12] 8- 3-67	1- 3-68	[14] 19.0	[4] [15] 21.5	
	do	208	5	Consolidated Gas Supply Corp. (East Cameron Block 4, Cameron Parish, La.) (Offshore Louisiana)	4,921	7- 3-67	[12] 8- 3-67	1- 3-68	[14] [17] 20.625	[4] [7] [17] 22.500	
	do	202	3	Transcontinental Gas Pipe Line Corp. (Pointe Au Fer Field, Terrebonne Parish, La.) (Offshore Louisiana).	6,461	7- 3-67	[12] 8- 3-67	1- 3-68	[14] [17] 20.625	[4] [7] [17] 22.500	
	do	209	[18] 4	Tennessee Gas Pipeline Co., a division of Tenneco, Inc. (East Cameron Block 66 and Vermilion Block 48, Cameron and Vermilion Parishes, La.) (Offshore, Louisiana).	345,414 54,078	7- 3-67	[12] 8- 3-67	1- 3-68	[14] [15] 19.0 [14] [15] [16] 20.625	[4] [7] [15] 21.5 [4] [7] [15] [16] 22.500	
	do	374	[18] 2	Transcontinental Gas Pipe Line Corp. (Eugene Island Block 126, St. Mary Parish, La.) (Offshore Louisiana).	7,227 15,930	7- 3-67	[12] 8- 3-67	1- 3-68	[18] 19.0	[4] [18] 20.0 [4] [18] 22.5	

[1] Pertaining to basic acreage and acreage dedicated under Supplement No. 1 thereto upon which a gas severance tax is levied by the State of Louisiana only.

[2] Considered as being filed on July 1, 1967, the expiration date of the moratorium provided in Atlantic's settlement approved by the Commission in Docket Nos. G-11024 et al.

[3] Upon expiration of statutory notice from July 1, 1967, the expiration of the moratorium provided in Atlantic's settlement approved by Commission in Docket No. G-11-24 et al.

[4] Increase to contractually due rate.

[5] Pressure base is 15.025 p.s.i.a.

[6] Subject to a downward B.t.u. adjustment.

[7] "Fractured" rate. Atlantic contractually due periodic rate of 25.4 cents per Mcf.

[8] Pertains only to basic acreage and gas reserves added by Supplement No. 2 thereto.

[9] "Fractured" rate. Atlantic contractually due periodic rate of 22.5 cents per Mcf.

[10] Settlement rate as approved by Commission order issued Dec. 21, 1962, in Docket Nos. G-11024 et al. Moratorium on filing rate increases expired on July 1, 1967.

[11] Pertains only to acreage dedicated under Supplement No. 9.

[12] Initial service rate under conditioned temporary issued Sept. 30, 1966, in Docket No. G-20020, providing for refund obligation to a floor of 18.5 cents.

[13] The stated effective date is the first day after expiration of the statutory notice.

[14] "Fractured" rate. Shell contractually due 24.55 cents per Mcf.

[15] Settlement rate as approved by Commission order issued Mar. 13, 1963, in Docket No. G-17560. Moratorium on filing rate increases expired on July 1, 1967.

[16] "Fractured" rate increase. Seller contractually due 26.0 cents per Mcf plus applicable tax reimbursement.

[17] As to production from acreage under Federal Domain; i.e. not subject to Louisiana tax.

[18] Settlement rate provided for by order issued July 20, 1962, in Docket Nos. G-13746 et al., as amended. Moratorium on filing rate increases expired on July 1, 1962.

[19] As to production from acreage not covered by footnote 18 (that is, gas produced within the taxing jurisdiction of the State of Louisiana).

[20] Inclusive of tax reimbursement.

[21] Inclusive of 1.625 cents tax reimbursement.

[22] "Fractured" rate. Contractually due 25.4 cents per Mcf plus applicable tax reimbursement.

[23] Settlement rate provided by Commission's order issued Aug. 7, 1963, in Docket Nos. G-17625 et al., as amended. Moratorium on filing rate increases expired on June 30, 1967.

[24] "Fractured" rate. Seller contractually due 24.55 cents per Mcf (22.5 cents base plus 2.05 cents tax reimbursement).

[25] Inclusive of 2.05 cents tax reimbursement.

[26] Settlement rate provided for by Commission order issued July 30, 1962, in Docket No. G-13109 et al. Moratorium on filing rate increases expired on July 1, 1967.

[27] "Fractured" rate. Seller contractually due 27.55 cents per Mcf (25.5 cents base plus 2.05 cents tax reimbursement).

[28] "Fractured" rate. Seller contractually due 25.4 cents per Mcf plus applicable tax reimbursement.

[29] As to gas produced from East Cameron Block 64 Area. Not subject to Louisiana taxes.

[30] Settlement rate provided for by Commission's order issued Jan. 3, 1963, in Docket Nos. G-14562 et al., as amended. Moratorium on filing rate increases expired June 30, 1967.

[31] As to gas produced from Vermilion Block 46 Area.

[32] Inclusive of 1.625 cents tax reimbursement.

[33] Applicable to all acreage except acreage by Supplement No. 3.

[34] As amended by filing submitted on July 17, 1967.

[35] Rate increase applicable to acreage dedicated under Supplement No. 1 only.

[36] Periodic rate increase.

[37] As to production from acreage under Federal Domain; i.e. not subject to Louisiana tax.

[38] Initial rate provided by temporary certificate issued Feb. 9, 1967, in Docket No. CI66-833.

[39] Includes 2.3 cents tax reimbursement.

[40] As to production from acreage not covered under footnote 38 above (that is, gas produced within the taxing jurisdiction of the State of Louisiana.

All of the Respondents herein request effective dates for which adequate notice has not been given. Atlantic and Shell also request waiver of the 30-day notice requirements to permit their rates to become effective July 1, 1967. In support, Atlantic states that since its increases are based on periodic not indefinite pricing provisions and three of its increases are fractured rate filings, it should be allowed a July 1, 1967, effective date. Atlantic also contends, in the alternative, that a one day suspension would be appropriate. Shell claims that in view of the moratorium contained in its settlement precluding it from filing its rate increase such increase should become effective July 1, 1967, and if suspended, it should be suspended for only 1 day. Good cause has not been shown for authorizing the requested effective dates, or for waiving the 30-day notice period, or for limiting the suspension period to 1 day, and such requests are therefore denied.

All of the proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR 2.56)

[F.R. Doc. 67-9175; Filed, Aug. 7, 1967; 8:45 a.m.]

[Docket No. CS67-25 etc.]

PARKER & PARSLEY ET AL.

Findings and Order After Statutory Hearing

JULY 28, 1967.

Findings and order after statutory hearing issuing small producer certificates of public convenience and necessity, terminating certificates, severing, and terminating rate proceeding,[1] canceling FPC gas rate schedules, granting relief, and requiring filing of refund assurance.

Each Applicant herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a small producer certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce from the Permian Basin area of Texas and New Mexico, as more fully set forth in the applications.

Each Applicant is presently authorized to make sales from the Permian Basin area. Therefore, all certificates issued herein shall be effective as of the date of this order.

The certificates heretofore issued to Applicants for sales of natural gas from the Permian Basin area will be terminated, and, where appropriate, the related rate schedules will be canceled. The suspension proceeding in Docket No. RI64-304 will also be terminated inasmuch as it involves a below ceiling rate.

Applicants in many instances are presently authorized to collect rates in excess of the applicable area base rates, which are effective subject to refund in outstanding suspension proceedings. Applicant in Docket No. CS67-95 has filed for an increased rate of 14.69575 cents per Mcf which was suspended in Docket No. RI60-83, but has not made such rate effective subject to refund.

[1] Docket No. RI64-304 is to be severed from the show cause order in Docket No. AR51-1 et al., and terminated.

Some of the Applicants have not indicated whether they wish to continue the collection of above ceiling rates in accordance with the principles set forth in the Rodman and Late, et al., Docket No. CS66-48 et al., order issued February 6, 1967. It has been our experience, however, that most small producers desire such relief. Accordingly, Applicants who have above-ceiling rates on file will be allowed to continue collection of rates in excess of the applicable area base rate prescribed in Opinion No. 468, 34 FPC 159, subject to the provisions of this order.[2] Applicant in Docket No. CS67-95 will be allowed to collect the suspended 14.69575-cent rate in Docket No. RI60-83 effective as of the date of this order if Applicant files appropriate refund assurance as hereinafter ordered. However, Applicants are advised that in lieu of their above-ceiling rates, they may collect, upon notification to the Commission within 30 days of this order, a rate not in excess of the applicable area base rate as provided in the small producer certificates.

The above-ceiling rates mentioned above will be subject to rejection as of the date of this order in the event the Permian court stay is dissolved or the moratorium provisions in Opinion Nos. 468 and 468-A are upheld ultimately upon judicial review. The collection of such rates will also be subject to the refund provisions of paragraph (D) of Opinion No. 468, as well as the refund provisions of the applicable suspension proceeding.

The Commission staff has reviewed each application and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

After due notice no petition to intervene, notice of intervention, or protest to the granting of the application has been received.

At a hearing held on July 20, 1967, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications, submitted in support of the authorizations sought herein, and upon consideration of the record.

The Commission finds:

(1) Applicants are engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and each is, therefore, a "natural-gas company" within the meaning of the Natural Gas Act.

(2) The sales of natural gas hereinbefore described, as more fully described in the applications herein will be made in interstate commerce subject to the jurisdiction of the Commission, and such sales by Applicants, together with the construction and operation of any facilities necessary therefor will be subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicants are able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(4) Each Applicant is an independent producer of natural gas who is not affiliated with a natural gas pipeline company and whose total jurisdictional sales on a nationwide basis, together with the sales of affiliated producers, were not in excess of 10 million Mcf of natural gas at 14.65 p.s.i.a. during the preceding calendar year.

(5) The sales of natural gas by Applicants, together with the construction and operation of any facilities necessary therefor, are required by the public convenience and necessity, and small producer certificates of public convenience and necessity therefor should be issued as hereinafter ordered and conditioned.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates heretofore issued to Applicants be terminated and, where appropriate, the related rate schedules canceled.

The Commission orders:

(A) Small producer certificates of public convenience and necessity are issued upon the terms and conditions of this order authorizing the sale for resale and the delivery of natural gas in interstate commerce by Applicants from the Permian Basin area of Texas and New Mexico, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as more fully described in the applications in this proceeding.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as the Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission and particularly:

(a) The subject certificates shall be applicable only to all present and future "small producer sales", as defined in § 157.40(a)(3) of the regulations under the Natural Gas Act, from the Permian Basin area;

(b) Except where otherwise stated herein, sales shall not be at rates in excess of those set forth in § 157.40(b)(1) of the regulations under the Natural Gas Act; however, Applicants may collect the rates set forth in paragraphs (G) and (I) and for sales authorized prior to September 1, 1965, may file notices of changes in rate for any contractually authorized rates in excess of the ceiling rates, which increased rates shall be subject to suspension pursuant to section 4(e) of the Natural Gas Act and subsequently may be rejected as of the date of filing as provided by the Order Granting Relief, issued February 6, 1967, in Docket No. CS66-48 et al.;

[2] All of the suspension proceedings listed in the appendix with the exception of Docket No. RI64-304, involve above-ceiling rates.

(c) Applicants shall file annual statements pursuant to § 154.104 of the regulations under the Natural Gas Act.

(C) The certificates granted in paragraph (A) above shall remain in effect for small producer sales until the Commission on its own motion or on application terminates said certificates because Applicants no longer qualify as small producers or fail to comply with the requirements of the Natural Gas Act, the regulations thereunder, or the terms of the certificates. Upon such termination Applicants will be required to file separate certificate applications and individual rate schedules for future sales. To the extent compliance with the terms of this order is observed, the small producer certificates will still be effective as to those sales already included thereunder.

(D) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 7 of the Natural Gas Act or Part 157 of the Commission's Regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against the Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular producers involved imply approval of all of the terms of the contracts, particularly as to the cessation of service upon termination of said contracts as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificates aforesaid be construed to preclude the imposition of any sanctions pursuant to the provision of the Natural Gas Act for the unauthorized commencement of any sales subject to said certificates.

(E) The certificates issued in paragraph (A) above are effective as of the date of this order.

(F) The certificates heretofore issued to Applicants for sales of natural gas from the Permian Basin area are terminated, Docket No. RI64-304 is severed from the show cause order issued August 5, 1965, in Docket No. AR61-1 et al. and terminated, and, where appropriate, the related FPC gas rate schedules are cancelled as set forth in the appendix below.

(G) Applicant in Docket No. CS67-95 may charge and collect a rate of 14.69575 cents per Mcf under his FPC Gas Rate Schedule No. 1 effective as of the date of this order, subject to refund in Docket No. RI60-83 and to the provisions of paragraph (J), upon compliance with paragraph (H) hereof.

(H) Applicant in Docket No. CS67-95 shall file within 30 days of the issuance of this order in the attached form as refund assurance an agreement and undertaking in Docket No. RI60-83 to assure the refund of any amounts collected by it, together with interest at the rate of 7 percent per annum, in excess of the amount determined to be just and reasonable in said proceeding. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreement and undertaking shall be deemed to have been accepted for filing. Applicant shall also comply with the refunding and reporting procedures set forth in § 157.102 of the regulations under the Natural Gas Act.

(I) Applicants in Docket Nos. CS67-25, CS67-79, CS67-92, and CS67-94 shall continue to charge and collect the above ceiling rates involved in the suspension proceedings listed in the appendix subject to refund in such proceedings and to the provisions in paragraph (J) herein.

(J) The rates allowed to be collected under paragraphs (G) and (I) above are subject to rejection as of the date of the issuance of this order in the event the Permian court stay is dissolved or the moratorium provision in Opinion Nos. 468 and 468-A is upheld ultimately upon judicial review. The collection of such rates is also subject to the refund provisions of paragraph (D) of Opinion No. 468 as well as the refund provisions of the appropriate suspension proceedings.

(K) Applicants may collect, in lieu of the rates authorized in paragraphs (G) and (I) upon notification to the Commission within 30 days of this order, a rate not in excess of the applicable area base rates as provided in the small producer certificates.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

APPENDIX

Docket No. (1)	Applicant (2)	FPC gas rate schedule to be canceled (3)	FPC gas rate schedule not to be canceled (4)	Certificate docket No. to be terminated (5)	Suspension docket No. not to be terminated (6)	Suspension docket No. to be terminated (7)
CS67-25	Parker & Parsley et al		1	CI66-820	RI66-11 [1]	
CS67-79	Jack Markam et al		1	G-17455	RI60-222 [1]	
CS67-92	Elliott Oil, Inc		3	G-3693	RI64-332 [1]	
					RI60-228 [1]	
CS67-93	Elliott & Hall	3		G-3693		
CS67-94	Elliott Production Co	1		G-3698		
			1	G-14378	RI64-331 [1]	
					RI60-212 [2]	
CS67-95	Fred Turner, Jr	2		G-18709		RI64-304 [3]
			1	G-9129	RI60-83 [1]	
		2		G-17981		

[1] Consolidated in the "Order to Show Cause," issued Aug. 5, 1965, in Docket No. AR61-1 et al.
[2] Consolidated in Opinion No. 468.
[3] Rate of 14.69575 cents per Mcf suspended July 4, 1960, but not heretofore made effective subject to refund.

Suggested agreement and undertaking:

BEFORE THE FEDERAL POWER COMMISSION

(Name of Respondent _____)

Docket No. _____

AGREEMENT AND UNDERTAKING OF (NAME OF RESPONDENT) TO COMPLY WITH REFUNDING AND REPORTING PROVISIONS OF SECTION 154.102 OF THE COMMISSION'S REGULATIONS UNDER THE NATURAL GAS ACT

(Name of Respondent) hereby agrees and undertakes to comply with the refunding and reporting provisions of section 154.102 of the Commission's regulations under the Natural Gas Act insofar as they are applicable to the proceeding in Docket No. _____ (and has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its board of directors, a certified copy of which is appended hereto [1]) this _____ day of _____, 196__.

(Name of Respondent)

By _____

Attest:

[F.R. Doc. 67-9178; Filed, Aug. 7, 1967; 8:45 a.m.]

[1] If a corporation.

[Docket No. CS67-21 etc.]

W. C. TYRRELL, JR. ET AL.

Findings and Order After Statutory Hearing

JULY 28, 1967.

Findings and order after statutory hearing issuing small producer certificates of public convenience and necessity, terminating certificates, amending order issuing certificates, terminating proceedings, and canceling FPC Gas Rate Schedules.

Each Applicant herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a small producer certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce from the Permian Basin area of Texas and New Mexico, all as more fully set forth in the applications.

All Applicants, except those in Docket Nos. CS67-98, CS67-100, and CS67-101, are presently authorized to sell natural gas from the Permian Basin area. The small producer certificates issued to presently authorized Applicants will be effective as of the date of this order. Applicant in Docket No. CS67-100 has filed for future sales to be made from the Permian Basin area but has requested that his interest in sales presently being made under Alexander G. Kasper & Frank Kell Cahoon (Operator), et al., FPC Gas Rate Schedule No. 1 and related certificate, Docket No. CI62-36, be excluded from the small producer authorization. The certificate issued to Applicant in Docket No. CS67-100 will be effective on the date of initial delivery and Applicant's interest in Docket No. CI62-36 will be excluded from the small producer authorization. The small producer certificates issued to Applicants in Docket Nos. CS67-98 and CS67-101 will also be effective on the date of initial delivery. Applicant in Docket No. CS67-21 has succeeded to the interest of W. C. Tyrrell, Trust. The certificate heretofore issued in Docket No. CS67-21 will be amended to designate W. C. Tyrell, Jr. as certificate holder with the effective date of that designation the date of the transfer of the interest involved.

In accordance with the principles set forth in the order issued February 6, 1967, in Rodman and Late, et al., Docket No. CS66-48 et al., Applicants herein, pending judicial review of Opinion No. 468, 34 FPC 159, will be permitted to file for above-ceiling rates for sales authorized under permanent or temporary certificates prior to September 1, 1965. However, before collecting an above-ceiling rate each Applicant contractually authorized to do such will be required to file a notice of change in rate relating to such sale, as well as requesting reinstatement of the related rate schedule. Any such notice of change in rate will be subject to suspension pursuant to section 4(e) of the Natural Gas Act.

Applicants in Docket Nos. CS67-78, CS67-80, CS67-81, CS67-86, CS67-87, and CS67-88 are presently effecting sales through their (operator's, Pan American Petroleum Corp.) Docket No. G-11564, which docket will be amended to delete the "et al." interest of Applicants and the related rate schedules will be canceled. These Applicants are presently collecting without refund 14.5 cents per Mcf which is equal to the applicable area base rate. Two underlying rates of 13.0504 cents and 14.0552 cents per Mcf were, however, collected subject to refund in Pan American Docket Nos. G-17059 and RI64-293, respectively. Since the present rate is equal to the area base rate, the above-mentioned rate proceedings will be terminated insofar as they pertain to the "et al." interests of the subject applications and the Applicants will be relieved of any refund obligations pertaining thereto.

The Commission staff has reviewed each application and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

After due notice no petition to intervene, notice of intervention, or protest to the granting of the applications has been received.

At a hearing held on July 20, 1967, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications and exhibits thereto, submitted in support of the authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each Applicant is engaged in the sale of natural gas in interstate commence for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and each is, therefore, a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission.

(2) The sales of natural gas hereinbefore described, as more fully described in the applications herein, will be made in interstate commerce subject to the jurisdiction of the Commission, and such sales by Applicants, together with the construction and operation of any facilities necessary therefor will be subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicants are able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(4) Applicants are independent producers of natural gas who are not affiliated with natural gas pipeline companies and whose total jurisdictional sales on a nationwide basis, together with the sales of affiliated producers, were not in excess of 10,000,000 Mcf of natural gas at 14.65 p.s.i.a. during the preceding calendar year.

(5) The sales of natural gas by Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity, and small producer certificates of public convenience and necessity therefor should be issued as hereinafter ordered and conditioned.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates heretofore issued in Docket Nos. G-3697, G-7228, and G-10363 to Applicants in Docket Nos. CS67-89, CS67-90, and CS67-97, respectively, should be terminated and the related rate schedules canceled.

(7) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the certificate heretofore issued in Docket No. CS67-21 should be amended to show W. C. Tyrrell, Jr., et al., as the certificate holder.

(8) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the certificate heretofore issued in Docket No. G-11564 should be amended to delete the interests of Applicants in Docket Nos. CS67-78, CS67-80, CS67-81, CS67-86, CS67-87, and CS67-88, and the related rate schedules should be canceled.

The Commission orders:

(A) Small producer certificates of public convenience and necessity are issued upon the terms and conditions of this order authorizing the sale for resale and delivery of natural gas in interstate commerce by Applicants from the Permian Basin area of Texas and New Mexico, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as more fully described in the applications in this proceeding.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission, and particularly:

(a) The subject certificates shall be applicable only to all previous and all future "small producer sales", as defined in § 157.40(a)(3) of the regulations under the Natural Gas Act, from the Permian Basin area.

(b) Sales shall not be at rates in excess of those set forth in § 157.40(b)(1) of the regulations under the Natural Gas Act; however, for sales authorized under permanent or temporary certificates prior to September 1, 1965, Applicants may file notices of changes in rate for any contractually authorized rates in excess of the ceiling rates, which increased rates shall be subject to suspension pursuant to section 4(e) of the Natural Gas Act and subsequently may be rejected as of the date of filing, as provided by the order granting relief issued February 6, 1967, in Docket No. CS66-48, et al.

(c) Applicants shall file annual statements pursuant to § 154.104 of the regulations under the Natural Gas Act.

(C) The certificates granted in paragraph (A) above shall remain in effect for small producer sales until the Commission on its own motion or on application terminates said certificates because Applicants no longer qualify as small producers or fail to comply with the requirements of the Natural Gas Act, the regulations thereunder, or the terms of the certificates. Upon such termination, Applicants will be required to file separate certificate applications and individual rate schedules for future sales. To the extent compliance with the terms of this order is observed, the small producer certificates will still be effective as to those sales already included thereunder.

(D) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 7 of the Natural Gas Act or Part 157 of the Commission's regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of

the terms of the contracts, particular as to the cessation of service upon termination of said contracts as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificates aforesaid to be construed to preclude the imposition of any sanction pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales subject to said certificates.

(E) The certificates issued to Applicants in Docket Nos. CS67–67, CS67–80, CS67–81, CS67–86, CS67–87, CS67–88, CS67–89, CS67–90, and CS67–97 are effective as of the date of this order; the certificates issued to Applicants in Docket Nos. CS67–98, CS67–100, and CS67–101 are effective as of the date of initial delivery. The certificate issued to Applicant in Docket No. CS67–100 does not cover Applicants interest in sales presently being made under Alexander G. Kasper & Frank Kell Cahoon (Operator), et al., FPC Gas Rate Schedule No. 1 and the related certificate, Docket No. CI62–36.

(F) The certificate heretofore issued in Docket No. CS67–21 is amended to show W. C. Tyrrell, Jr., et al., as the certificate holder, effective the date of the transfer of the interest from W. C. Tyrrell, Trust.

(G) The certificates heretofore issued in Docket Nos. G–3697, G–7228, and G–10363 to Applicants in Docket Nos. CS67–89, CS67–90, and CS67–97, respectively, are terminated and the related rate schedules as set forth in the appendix below, are canceled.

(H) The certificate heretofore issued in Docket No. G–11564 is amended to delete the interests of Applicants in Docket Nos. CS67–78, CS67–80, CS67–81, CS67–86, CS67–87, and CS67–88, and the related rate schedules, as set forth in the appendix, are canceled.

(I) Inasmuch as Applicants in paragraph (H) above are collecting a rate which is equal to the applicable area base rate, the suspension proceedings of their operator, Pan American Petroleum Corp., in Docket Nos. G–17059 and RI64–293 are terminated insofar as they pertain to the "et al." interests of said Applicants.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

APPENDIX

(1) Docket No.	(2) Applicant	(3) Rate schedule to be canceled	(4) Terminated certificate	(5) Suspension proceedings to be terminated
CS67–21 [1]	W. C. Tyrrell, Jr. et al	1	CS67–21 [1]	
CS67–78 [2]	J. M. Welborn	1	G–11564 [4]	G–17059 [5] RI64–293 [5]
CS67–80 [2]	John J. Christmann	1	G–11564 [4]	G–17059 [5] RI64–293 [5]
CS67–81 [2]	J. D. Hunter, Trustee	1	G–11564 [4]	G–17059 [5] RI64–293 [5]
		2	G–11564 [4]	G–17059 [5] RI64–293 [5]
CS67–86 [2]	Clifford R. Payne	1	G–11564 [4]	G–17059 [5] RI64–293 [5]
CS67–87 [2]	George P. Livermore	1	G–11564 [4]	G–17059 [5] RI64–293 [5]
CS67–88 [2]	Ledenburg, Thalman & Co	1	G–11564 [4]	G–17059 [5] RI64–293 [5]
CS67–89 [2]	Sunshine Royalty Co	1	G–3697	
CS67–90 [2]	King, Warren & Dye	3 and 4	G–7228	
CS67–97 [2]	P. R. Rutherford, Operator et al	4	G–10363	
CS67–98 [2]	W. A. Monerief et al	(6)		
CS67–100 [2]	Alexander G. Kasper			
CS67–101 [2]	Greathouse, Pierce & Davis			

[1] Effective the date of transfer from W. C. Tyrrell, Trust.
[2] Amended to show new certificate-holder.
[3] Effective date of this order.
[4] Amended to delete the "et al." interest of Applicant.
[5] Consolidated in Opinion No. 468.
[6] Terminated only insofar as it pertains to Applicants herein.
[7] Consolidated in "Order to Show Cause" issued Aug. 4, 1966, in AR61–1 et al.
[8] Effective date of initial delivery.
[9] Applicants interest in sales presently being made under Alexander G. Kasper & Frank Kell Cahoon (Operator) et al., FPC rate schedule No. 1 and related certificate, Docket No. CI62–36, are not covered by this small producer.

[F.R. Doc. 67–9180; Filed, Aug. 7, 1967; 8:45 a.m.]

[Docket No. CP68–27]

FLORIDA GAS TRANSMISSION CO.

Notice of Application

JULY 31, 1967.

Take notice that on July 24, 1967, Florida Gas Transmission Co. (Applicant), Post Office Box 44, Winter Park, Fla. 32789, filed in Docket No. CP68–27 an application pursuant to subsection (c) of section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities and the sale and delivery of volumes of natural gas in interstate commerce for resale and distribution, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate a line tap and meter station, together with necessary appurtenances, at a point adjacent to its 16-inch Jacksonville Lateral pipeline near Marietta, Duval County, Fla. Applicant also seeks authorization to sell and deliver, through the facilities proposed above, volumes of natural gas to Ocean Highway and Port Authority (Authority) for resale and distribution in the communities of city of Fernandina Beach, Yulee, Callahan, Hilliard, Oceanway, San Mateo Subdivision, Garden City, Highlands Subdivision, Dinsmore, Marietta, and their environs, all in the State of Florida, and the city of Folkston, Ga.

Applicant estimates the third year peak daily and annual natural gas requirements of Authority at 6,069 Mcf and 425,395 Mcf, respectively.

Applicant estimates the total cost of the proposed facilities at approximately $32,500, said cost to be financed from cash on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before August 28, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 67–9206; Filed, Aug. 7, 1967; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

AUGUST 3, 1967.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41087—*Clay from points in Alabama.* Filed by O. W. South, Jr., agent (No. A5060), for interested rail carriers. Rates on clay, kaolin, or pyrophyllite, in carloads, from Letohatchie and Montgomery, Ala., to Bridgeton, N.J., and points grouped therewith in National Rate Basis tariff 1–A.

Grounds for relief—Market competition.

Tariff—Supplement 267 to Southern Freight Association, agent, tariff I.C.C. S-40.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67–9233; Filed, Aug. 7, 1967; 8:46 a.m.]

[Notice 429]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 3, 1967.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR Part 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 31389 (Sub-No. 88 TA), filed July 31, 1967. Applicant: McLEAN TRUCKING COMPANY., 617 Waughtown Street, Post Office Box 213, Winston-Salem, N.C. 27102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods, commodities in bulk, and those requiring special equipment), serving the Hamilton mine site of Island Creek Coal Co. at or near Morganfield, Union County, Ky., as an off-route point in connection with applicant's regular routes extending between Cincinnati, Ohio, and Fulton, Ky.; for 180 days. NOTE: Applicant states that it intends to tack authority sought with that presently held. Supporting shipper: Island Creek Coal Co., West Kentucky Division, Madisonville, Ky. 42431 (R. Y. Welch). Send protests to: Jack K. Huff, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 206, 327 North Tryon Street, Charlotte, N.C. 28202.

No. MC 40270 (Sub-No. 6 TA), filed July 31, 1967. Applicant: A. J. CRABBS, Route No. 2, Enid, Okla. 73701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients*, from points in Grady County, Okla., to points in Tex.; for 180 days. Supporting shipper: Farmland Industries, Inc., Transit and Feed Traffic, Post Office Box 7305, Kansas City, Mo. 64116 (C. H. DeKesel, Supervisor). Send protests to: C. L. Phillips, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 350, American General Building, 210 Northwest Sixth, Oklahoma City, Okla. 73102.

No. MC 52579 (Sub-No. 79 TA), filed July 31, 1967. Applicant: GILBERT CARRIER CORP., 441 Ninth Avenue, New York, N.Y. 10001. Applicant's representative: Aaron Hoffman (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, from Pearson, Ga., to points in the New York, N.Y., Commercial zone, as defined by the Commission; for 150 days. Supporting shipper: C & H Sportswear Factory, Post Office Box 516, Pearson, Ga. 31642. Send protests to: Stephen P. Tomany, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 346 Broadway, New York, N.Y. 10013.

No. MC 66650 (Sub-No. 7 TA), filed July 27, 1967. Applicant: STUART M. SMITH, INC., 3511 East North Avenue, Baltimore, Md. 21213. Applicant's representative: Craig M. Smith (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products*, from Baltimore, Md., and Hanover, Pa., to Montgomery, Ala.; Branford, Bridgeport, Fairfield, Hartford, Providence, and Wolcott, Conn.; Milford and Wilmington, Del.; Miami and Tampa, Fla.; Atlanta, Decatur, Rockmart, Savannah, and Thomson, Ga.; Evansville and Muncie, Ind.; Lexington and Somerset, Ky.; Lockport, Monroe, New Orleans, Rayne, Shreveport, and Thibodeaux, La.; Abingdon, Annapolis, Baldwin, Brentwood, Cambridge, Cumberland, Hagerstown, Hancock, Ocean City, Paramount, Salisbury, Secretary, Severn, and Westernport, Md.; Boston, Braintree, Brockton, Cambridge, Everett, Fall River, Lynn, Somerville, Westfield, and Worcester, Mass.; Detroit, Flint, Garden City, Jackson, Livonia, and Royal Oak, Mich.; Bedford and Manchester, N.H.; Absecon, Atlantic City, Bellmaur, Brooklawn, Camden, Clifton, East Orange, Elizabeth, Freehold, Fort Lee, Garfield, Garden City, Gloucester, Kearney, Linden, and Little Silver, N.J.; Newark, New Brunswick, Newton, North Wildwood, Paterson, Pennsauken, South River, Spotswood, Trenton, and Wildwood, N.J.; Albany, Brooklyn, Bronx, Buffalo, Canastota, Cheektowaga, Hartsdale, Long Island, Queens Village, Mahopac, Manhasset, Long Island, Mechanicsville, Mount Vernon, Newberg, Newburgh, Newark, New York, Rochester, Syracuse, Utica, and Westbury, N.Y.; Asheville, Carthage, Charlotte, Concord, Durham, East Allendale, Fayetteville, Garner, Greensboro, Hickory, High Point, Merry Hill, Mount Airy, North Belmont, Raleigh, Reidsville, Rocky Mount, Sanford, Washington, Whiteville, and Winston-Salem, N.C.; Akron, Blanchester, Canton, Cincinnati, Cleveland, Columbus, Dayton, Elyria, Findlay, Hamilton, Lorain, Maddilion, Marion, Martin's Ferry, Massilion, Middletown, Minerva, Mingo Junction, North Jackson, Norwalk, Norwood, Springfield, Tallmadge, Toledo, and Youngstown, Ohio; Akron, Allentown, Altoona, Ashland, Ashley, Bedford, Berlin, Camp Hill, Carbondale, Carlisle, Coatesville, Columbia, Downingtown, Dunmore, Egypt, Elizabethtown, Elysburgh, Ephrata, Erie, Gilbertville, Greenburg, Hanover, Harrisburg, Hazelton, Hummelstown, Johnstown, Lancaster, Lykens, McKeesport, Middletown, Monesson, Myerstown, Norristown, Oakmont, Philadelphia, Pittsburgh, Pottstown, Quakerstown, Reading, Scottdale, Scranton, Sharon, Wilkes Barre, and York, Pa.; Cranston, R.I.; Allendale, Anderson, Camden, Cayce, North Charleston, Charlestown Heights, Clinton, Columbia, Conway, Darlington, East Artex, Florence, Greenville, Greer, Kershaw, Kingstree, North Shelby, and Spartanburg, S.C.; Bristol, Elizabethtown, Knoxville, and Nashville, Tenn.; Abingdon, Alexandria, Arlington, Bluefield, Charlottesville, Covington, Danville, Edinbury, Fredericksburg, Grundy, Hampton, Harrisonburg, Lebanon, Lexington, Lorten, Lynchburg, Marion, Martinsville, New Church, Newport News, Norfolk, Norton, Petersburg, Portsmouth, Richmond, Roanoke, Salem, Staunton, Tazewell, Virginia Beach, Winchester, and Woodbridge, Va.; and Beckley, Bluefield, South Charleston, Elkins, Huntington, Parkersburg, Welch, and Wheeling, W. Va.; and the District of Columbia; for 150 days. NOTE: Applicant states that it intends to tack the authority here applied for to other authority held by it, or to interline with other carriers. Supporting shipper: Tasty Baking Co., 2801 Hunting Park Avenue, Philadelphia, Pa. 19129. Send protests to: William L. Hughes, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1125 Federal Building, Hopkins Plaza, Charles Center, Baltimore, Md. 21201.

No. MC 103880 (Sub-No. 400 TA), filed July 28, 1967. Applicant: PRODUCERS TRANSPORT, INC., 215 East Waterloo Road, Post Office Box 7211, Akron, Ohio 44306. Applicant's representative: T. J. Bird, Producers Transport, Inc., 215 East Waterloo Road, Akron, Ohio 44306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Flint, Mich., to Toledo, Ohio, for 150 days. Supporting shipper: E. I. Du Pont de Nemours & Co., Inc., Wilmington, Del. 19898. Send protests to: District Supervisor Baccel, Interstate Commerce Commission, Bureau of Operations, 435 Federal Building, 215 Superior Avenue, Cleveland, Ohio.

No. MC 107107 (Sub-No. 383 TA), filed July 31, 1967. Applicant: ALTERMAN TRANSPORT LINES, INC., 2424 Northwest 46th Street, Post Office Box 458, Allapattah Station, Miami, Fla. 33142. Applicant's representative: Ford W.

Sewell (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Impregnated broadgoods*, in vehicles equipped with mechanical refrigeration, from Dallas, Tex., to Hagerstown, Md.; for 180 days. NOTE: Applicant states that it proposes to interline at Dallas, Tex., with Frozen Food Express, certificate MC 108207. Supporting shipper: U.S. Polymeric, Inc., 700 East Dyer Road, Santa Ana, Calif. 92707. Send protests to: Joseph B. Teichert, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1621, 51 Southwest First Avenue, Miami, Fla. 33130.

No. MC 111302 (Sub-No. 41 TA), filed July 28, 1967. Applicant: HIGHWAY TRANSPORT, INC., Post Office Box 79, Powell, Tenn. 37849. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chocolate syrup*, in bulk, in tank vehicles, from the facilities of the Van Leer Chocolate Corp. at Jersey City, N.J., to Memphis, Tenn.; for 150 days. Supporting shipper: Van Leer Chocolate Corp., 110 Hoboken Avenue, Jersey City, N.J. 07302. Sent protests to: J. E. Gamble, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 706 U.S. Courthouse, Nashville, Tenn. 37203.

No. MC 113855 (Sub-No. 165 TA), filed July 28, 1967. Applicant: INTERNATIONAL TRANSPORT, INC., U.S. Highway 52 South, Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rollers, compactors, mobile aerial lifts, asphalt pavers, and truck hitches for asphalt pavers*, from Salem, Oreg., to points in the United States (except Hawaii, Oregon, Washington, California, and Nevada); for 180 days. Supporting shipper: Layton Manufacturing Co., 4725 Turner Road, Post Office Box 7336, Salem, Oreg. 97302. Send protests to: C. H. Bergquist, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 114284 (Sub-No. 35 TA), filed July 28, 1967. Applicant: FOX-SMYTHE TRANSPORTATION CO., a corporation, Post Office Box 82307, 1700 South Portland, Oklahoma City, Okla. 73108. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Oklahoma City, to Brownwood and Ballinger, Tex.; for 180 days. Supporting shipper: Cudahy Co., Suite 1800, 100 West Clarendon, Phoenix, Ariz. (V. Langenberg, General Transportation Manager). Send protests to: C. L. Phillips, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 350, American General Building, 210 Northwest Sixth, Oklahoma City, Okla. 73102.

No. MC 114364 (Sub-No. 142 TA), filed July 28, 1967. Applicant: WRIGHT MOTOR LINES, INC., Post Office Box 1191, Cushing, Okla. 74023. Applicant's representative: Rodger Spahr (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Panguitch, Utah, to points in Arkansas, Kansas, Missouri, Oklahoma, and Texas; for 180 days. Supporting shipper: Kaibab Lumber Co., Keith Runyon, Post Office Box 12196, Phoenix, Ariz. Send protests to: C. L. Phillips, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 350, American General Building, 210 Northwest Sixth, Oklahoma City, Okla. 73102.

No. MC 117375 (Sub-No. 3 TA), filed July 31, 1967. Applicant: BRANSON TRUCK LINE, INC., 1309 Highway 56 East, Lyons, Kans. 67554. Applicant's representative: Leland M. Spurgeon, 308 Casson Building, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay products*, from Sergeant Bluff, Iowa, and points within 10 miles thereof, to points in Kansas and Missouri; for 150 days. Supporting shipper: Ballou Brick Co., 207–212 Benson Building, Sioux City, Iowa. Send Protests to: M. E. Taylor, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 906 Schweiter Building, Wichita, Kans. 67202.

No. MC 124328 (Sub-No. 29 TA), filed July 31, 1967. Applicant: BRINK'S, INCORPORATED, 234 East 24th Street, Chicago, Ill. 60616. Applicant's representative: D. R. Hoagland (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coin, currency, and securities*, between Cleveland, Ohio, and Erie, Pa.; for 180 days. Supporting shippers: Central National Bank of Cleveland, Cleveland, Ohio; and First National Bank of Erie, Erie, Pa. 16512. Send protests to: Raymond E. Mauk, District Supervisor, Bureau of Operations, Interstate Commerce Commission, U.S. Courthouse, Federal Office Building, Room 1086, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 128521 (Sub-No. 1 TA), Amendment, filed July 24, 1967, published in FEDERAL REGISTER, issue of August 1, 1967, amended, and republished as amended, this issue. Applicant: BIRMINGHAM-NASHVILLE EXPRESS, INC., 515 Nashville Bank & Trust Building, Nashville, Tenn. 37201. Applicant's representative: Walter Harwood (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods, classes A and B explosives, commodities in bulk, and articles requiring special equipment), between Nashville, Tenn., and Birmingham, Ala., over U.S. Highway 31 and Interstate Highway 65, serving all intermediate points in Alabama, using any and all segments of said routes in conjunction with each other, and serving the plant-site of the Tennessee Valley Authority, known as Brown Ferry Project, located at or near Brown's Ferry, near Athens, Ala., as an off-route point; for 180 days. Supporting shippers: There are 46 shippers' supporting statements attached to application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or at the field office named below. Send protests to: J. E. Gamble, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 706 U.S. Courthouse, Nashville, Tenn. 37203. NOTE: Applicant proposes to interline traffic with other carriers at Nashville, Tenn., Decatur, Ala., and Birmingham, Ala. The purpose of this amendment is to set forth applicant's intention to interline.

No. MC 129252 (Sub-No. 1 TA), filed July 28, 1967. Applicant: HEAVY MACHINERY MOVERS CO., 948 Leader Building, Cleveland, Ohio 44114. Applicant's representative: George S. Maxwell (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Calenders, mixers, mixing mills, presses, extruders, slitters*, used in the manufacture of rubber and/or plastic products and the *machine tools, including but not limited to lathes, milling machines, drill presses, shapers, grinders* used in the manufacture of the products of the shipper when purchased at the liquidation of competitors or other manufacturers, *sheet steel, castings, and gears* used in the manufacture of the shipper's products, (1) from Erie, Pa., to points in Pennsylvania, Maine, Vermont, New Hampshire, Connecticut, Massachusetts, Rhode Island, New York, New Jersey, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas, Arkansas, Oklahoma, Missouri, Tennessee, Kentucky, Indiana, Illinois, Wisconsin, Michigan, Ohio; and (2) between points in the above listed States; for 180 days. Supporting shipper: Erie Engine & Manufacturing Co., Erie, Pa. Send protests to: District Supervisor Baccei, Bureau of Operations, Interstate Commerce Commission, 435 Federal Building, 215 Superior Avenue, Cleveland, Ohio.

No. MC 129265 (Sub-No. 1 TA), filed July 28, 1967. Applicant: VINCENT P. FONTANELLI AND LOIS A. FONTANELLI, doing business as RAPID TRANSFER, 4 Dewey Street, Albany, N.Y. 12205. Applicant's representative: John J. Brady, Jr., 75 State Street, Albany, N.Y. 12207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Luggage and such personal property usually carried by airline passengers* having a prior or subsequent movement by airline, between the Albany County Airport in Colonie, Albany County, N.Y., on the one hand, and on the other, points in Rutland, Windsor, Bennington, and Windham Counties, Vt.; Berkshire, Franklin, Hampshire, and Hampden Counties, Mass.; Albany, Columbia, Essex, Delaware, Dutchess, Fulton, Greene, Hamilton, Herkimer, Montgomery, Orange, Otsego, Rensselaer, Saratoga, Schoharie, Schenectady, Sullivan, Ulster, Warren, and Washington Counties, N.Y.; for 150 days. Supporting shippers: Mohawk Airlines, Albany Airport, Albany, N.Y.; and American Airlines, Albany Airport, Albany, N.Y. Send protests to: Jack G. Takakjian, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Albany, N.Y., 12207.

No. MC 129271 (Sub-No. 1 TA), filed July 27, 1967. Applicant: LOGENCO, 2920 Columbia Street, Torrance, Calif. 90503. Applicant's representative: Warren H. Grossman, Law Offices, Knapp, Gill, Hibbert & Stevens, 825 City National Bank Building, 606 South Olive Street, Los Angeles, Calif. 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid methane*, in bulk, in specially designed cryogenic trailers, from San Diego and Ontario, Calif., to West Palm Beach, Fla., for 180 days. Supporting shipper: Pratt & Whitney Aircraft, Florida Research & Development Center, West Palm Beach, Fla. Send protests to: William J. Huetig, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Federal Building, Room 7708, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 129272 TA, filed July 26, 1967. Applicant: THE FERGUSON MOVING & STORAGE CO., 607 West McMicken Avenue, Cincinnati, Ohio 45214. Applicant's representative: Patrick H. Haynes (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Indiana, Kentucky, and Ohio, within a 100-mile radius of Cincinnati, Ohio; restricted to shipments moving on the through bill of lading of a forwarder operating under section 402(b)(2) exemption, and having an immediate, prior or subsequent line-haul movement by rail, motor, water, or air; service to be limited to providing a local service for a forwarder of used household goods; for 180 days. Supporting shipper: Trans Ocean Van Service, Post Office Box 7331, Long Beach, Calif. 90807. Send protests to: Emil P. Schwab, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1010 Federal Building, 550 Main Street, Cincinnati, Ohio 45202.

No. MC 129274 TA, filed July 28, 1967. Applicant: ULTRA ENTERPRISES, INC., 94 Cutler Parkway, Akron, Ohio 44305. Applicant's representative: Paul F. Beery, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beer and advertising displays and materials* used in connection with the sale and distribution thereof, from Milwaukee, Wis., to Akron, Ohio, and empty bottles and kegs on return; for 180 days. Supporting shipper: Bonner & Busselli Distributing Co., 238 Kenmore Boulevard, Akron, Ohio. Send protests to: District Supervisor Baccei, Bureau of Operations, Interstate Commerce Commission, 435 Federal Building, 215 Superior Avenue, Cleveland, Ohio 44114.

No. MC 129275 TA, filed July 28, 1967. Applicant: JACK ROBERTS, doing business as F & H TRUCKING CO., 6029 Gifford, Huntington Park, Calif. 90255. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New, uncrated cafe store fixtures* requiring installation on delivery, from points in the Los Angeles, Calif., commercial zone, to points in Nevada, Texas, Illinois, and Pennsylvania; for 180 days. NOTE: Applicant states that it intends to interline with other carriers. Supporting shipper: Marco Restaurant Equipment Co., 5526 Soto Street, Vernon, Calif. Send protests to: John E. Nance, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Federal Building, Room 7708, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-9234; Filed, Aug. 7, 1967; 8:46 a.m.]

[Notice 19]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 3, 1967.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 279), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-69755. By order of July 31, 1967 the Transfer Board approved the transfer to Gebeke Transport, Inc., Melrose, Minn., of the operating rights in certificate No. MC-114048, issued February 25, 1955, to Edward C. Gebeke, doing business as "Gebeke", Melrose, Minn., authorizing the transportation, over irregular routes, of petroleum products, in bulk, in tank vehicles, from Alexandria and Minneapolis, Minn., to points in La Moure, Dickey, Ransom, Sargent, and Richland Counties, N. Dak. Charles E. Nieman, 1160 Northwestern Bank Building, Minneapolis, Minn., attorney for applicants.

No. MC-FC-69804. By order of July 31, 1967, the Transfer Board approved the transfer to Alfred Paolillo, doing business as Kiraly Moving & Storage Co., Midland Park, N.J., of the operating rights of Mary Kiraly, doing business as Joe Kiraly, New York, N.Y., in certificate No. MC-102529, issued October 14, 1958, authorizing the transportation of household goods, as defined, between New York, N.Y., on the one hand, and, on the other, points in Connecticut, New Jersey, New York, and Pennsylvania, and between New York, N.Y., on the one hand, and, on the other, points in Rhode Island, Massachusetts, Delaware, Maryland, and the District of Columbia. Alvin Altman, 1776 Broadway, New York, N.Y. 10019, attorney for applicants.

No. MC-FC-69811. By order of July 31, 1967, the Transfer Board approved the transfer to Blanche Vidas, Henry Vidas, and Joseph Vidas, Jr., doing business as Acme Piano Moving Co., Philadelphia, Pa., of the operating rights in certificate No. MC-85002 issued June 4, 1959, to Joseph Vidas, Henry Vidas, and Joseph Vidas, Jr., doing business as Acme Piano Moving Co., Philadelphia, Pa., authorizing the transportation of: Pianos and electric refrigerators, between Philadelphia, Pa., on the one hand, and, on the other, points in New Jersey within 30 miles of Philadelphia. Edward Marcu, 604 Penn Square Building, Juniper and Filbert Streets, Philadelphia, Pa. 19107, attorney for applicants.

No. MC-FC-69814. By order of July 31, 1967, the Transfer Board approved the transfer to Carlyle Transfer, Inc., Carlyle, Ill., of certificate No. MC-17526, issued April 21, 1966, to Ernest J. Brooks and James F. Brooks, a partnership, doing business as Trenton Motor Service, Trenton, Ill., and authorizing the transportation of general commodities, with usual exceptions, over regular routes, between Shattuc, Ill., and St. Louis, Mo., serving intermediate and off-route points within 10 miles of Shattuc; and between Trenton, Ill., and St. Louis, Mo., and between Bartelso, Ill., and St. Louis, Mo., serving named intermediate and off-route points, including points in the St. Louis, Mo., East St. Louis, Ill., commercial zone, and dairy products, groceries, and agricultural implements, between Boulder and Hoffman, Ill., and St. Louis, Mo., serving named intermediate and off-route points. Delmar O. Koebel, 107 West Street, Louis Street, Lebanon, Ill. 62254, attorney for applicants.

No. MC-FC-69824. By order of July 31, 1967, the Transfer Board approved the transfer to Trans World, Inc., Tacoma, Wash., of the operating rights in certificate No. MC-127184 issued December 14, 1966, to Oregon-Washington Transfer & Storage, Inc., Seattle, Wash., authorizing the transportation of: Household goods, between Seattle, Wash., and Portland, Oreg. Frank R. Kitchell, 1309 Hoge Building, Seattle, Wash. 98104, attorney for applicants.

No. MC-FC-69825. By order of July 31, 1967, the Transfer Board approved the transfer to Leonard Bros. Van & Storage Co., a corporation, Detroit,

Mich., of certificate in No. MC-47247, issued January 17, 1963, to Arrow Moving, Inc., Livonia, Mich., authorizing the transportation of: Household goods, between Detroit, Mich., and points within 3 miles of Detroit, on the one hand, and, on the other, points in Pennsylvania, New York, Illinois, Indiana, New Jersey, and Ohio. Robert A. Sullivan, 1800 Buhl Building, Detroit, Mich. 48226, attorney for applicants.

No. MC-FC-69826. By order of July 31, 1967, the Transfer Board approved the transfer to Leo Booth, doing business as Booth Trucking Service, Vivian, S. Dak., of certificate in No. MC-103076, issued July 6, 1967, to Richard Cleland, doing business as Cleland Trucks, Chamberlain, S. Dak., authorizing the transportation of: Livestock, agricultural commodities, farm machinery and implements, feed, household goods and emigrant movables, between points in South Dakota, Nebraska, Iowa, and Minnesota. Frank D. Brost, Presho, S. Dak. 57568, attorney for applicants.

No. MC-FC-69827. By order of July 31, 1967, the Transfer Board approved the transfer to Iowa Steel Express, Inc., Cedar Rapids, Iowa, of certificate in No. MC-126544, issued April 12, 1967, to Glen R. Frenzen, doing business as Iowa Steel Express, Cedar Rapids, Iowa, authorizing the transportation of: Iron and steel, fencing material, hardware, and agricultural implements, from Chicago, Ill., to La Porte City, Iowa, and points within 40 miles of La Porte City. William A. Landau, 1307 East Walnut Street, Des Moines, Iowa 50306, representative for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-9235; Filed, Aug. 7, 1967; 8:46 a.m.]

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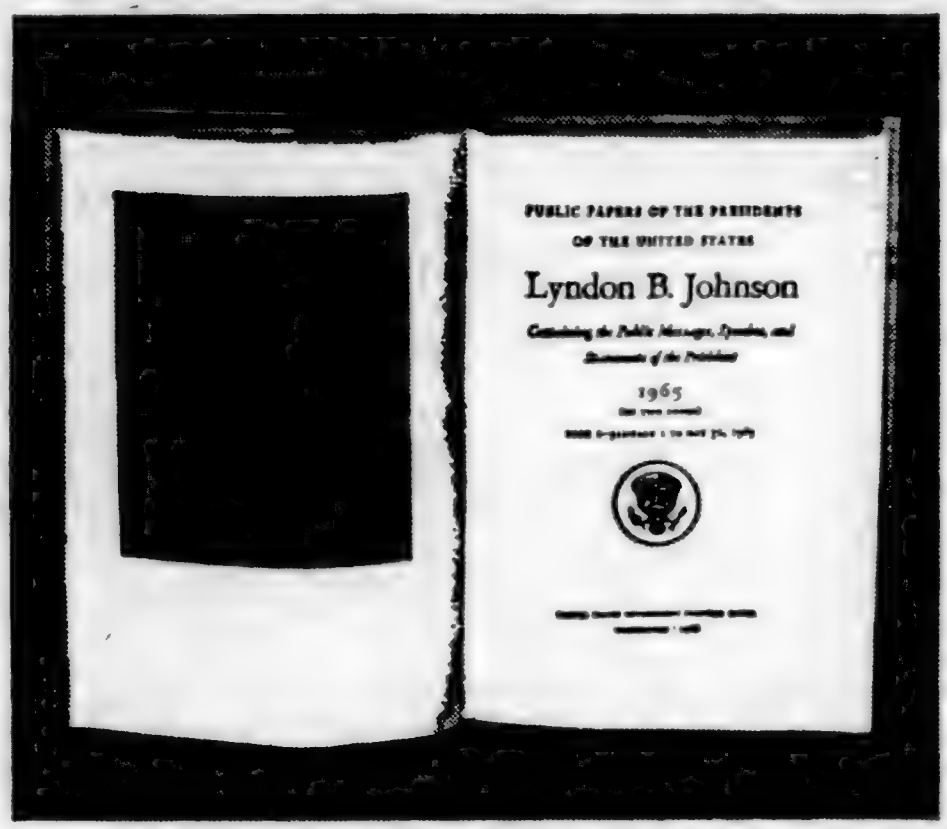
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AUG 14 1967
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Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Subpart—United States Standards For Grades of Green Olives [1]

UNIFORMITY OF SIZE

A proposal to amend the United States Standards for Grades of Green Olives was published in the FEDERAL REGISTER of June 17, 1967 (32 F.R. 8719). Interested persons were given 30 days to submit written data, views, or arguments.

Statement of consideration leading to the amendment. Only one recommendation was received in response to the notice of proposed rule making. The recommendation was not adopted because it would have made the provisions of the proposed amendment applicable only to green olives that had been grown in California. After considering the submitted recommendation and the proposal set forth herein, the following amendment to the United States Standards for Grades of Green Olives is hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (Secs. 202-208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

The amendment is:

Section 52.5452(d) is changed to read:

§ 52.5452 Uniformity of size.

* * * * *

(d) (C) *Classification.* Whole, pitted, and stuffed style green olives of a single size that are fairly uniform in size may be given a score of 14 or 15 points. Green olives that fall into this classification shall not be graded above U.S. Grade C, regardless of the total score for the product (this is a limiting rule). "Fairly uniform in size" means that of all the olives, in 60 percent, by count, that are most uniform in diameter the olive with the largest diameter does not exceed the olive with the smallest diameter by more than 1/16 inch. Olives of whole style that count 221 to 275 per pound shall not be graded above U.S. Grade C or U.S. Standard, regardless of the total score for the product.

* * * * *

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable state laws and regulations.

The amendment to the United States Standards for Grades of Green Olives, contained in this subpart, shall become effective 30 days after publication hereof in the FEDERAL REGISTER, and will thereupon supersede the applicable section of the United States Standards for Grades of Green Olives which have been in effect since January 3, 1967.

(Secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627)

Dated: August 3, 1967.

G. R. GRANGE,
Deputy Administrator, Marketing Services.

[F.R. Doc. 67-9282; Filed, Aug. 8, 1967; 8:47 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER K—GENERAL CONDITIONAL PAYMENTS PROVISIONS

[Amdt. 1]

PART 893—PUERTO RICO

Computation of Sugar Act Payment

Federal Register document 67-8379 published on page 10638 in the FEDERAL REGISTER dated July 20, 1967, is corrected by changing the 6th figure in the 3d column of the table in § 893.11 to read 6,050.00 instead of 6,060.00.

Effective date: August 9, 1967.

Signed at Washington, D.C., on August 2, 1967.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67-9281; Filed, Aug. 8, 1967; 8:47 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Valencia Orange Reg. 213, Amdt. 1]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b) (1) (i) and (ii) of § 908.513 (Valencia Orange Regulation 213, 32 F.R. 11073) are hereby amended to read as follows:

§ 908.513 Valencia Orange Regulation 213.

* * * * *

(b) *Order.* (1) * * *

(i) District 1: 168,000 cartons;

(ii) District 2: 532,000 cartons;

* * * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 4, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-9283; Filed, Aug. 8, 1967; 8:47 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 8697o]

PART 13—PROHIBITED TRADE PRACTICES

Coran Bros. Corp. and John and Charles Coran

Subpart—Misrepresenting oneself and goods—Goods: § 13.1590 *Composition;* § 13.1685 *Nature;* § 13.1715 *Quality.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Coran Bros. Corporation et al., Boston, Mass., Docket 8697, July 11, 1967]

In the Matter of Coran Bros. Corporation, a Corporation, and John Coran and Charles Coran, Individually and as Officers of said Corporation

Order requiring a Boston, Mass., distributor of commercial solders to cease misrepresenting the nature, quality or composition of any of its solder products.

The order to cease and desist is as follows:

It is ordered, That respondents, Coran Bros. Corp., a corporation, and its officers, and John Coran, individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of solders, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Using the designation 50/50 alone or in conjunction with the words "by volume" to designate, describe or refer to a commercial solder which does not contain 50 percent tin by weight: *Provided, however*, That it shall be a defense in any enforcement proceeding hereunder for respondent to establish that the tin content of a solder is within the permissible variations in composition allowed in the sampling procedures set forth in the then existing Specifications for Solder Metal as published by the American Society for Testing and Materials.

(2) Using the designation 40/60 alone or in conjunction with the words "by volume" to designate, describe or refer to a commercial solder which does not contain 40 percent tin by weight: *Provided, however*, That it shall be a defense in any enforcement proceeding hereunder for respondent to establish that the tin content of a solder is within the permissible variations in composition allowed in the sampling procedures set forth in the then existing Specifications for Solder Metal as published by the American Society for Testing and Materials.

(3) Misrepresenting by any numerical designation or in any other manner the nature, quality or composition of any of their solders.

It is further ordered that the complaint be, and the same hereby is, dismissed as to Charles Coran in his individual capacity.

By "Final Order" further order requiring report of compliance is as follows:

It is further ordered, That respondents shall, within 60 days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: July 11, 1967.

By the Commission. In view of the unusual circumstances presented by this record, Commissioners Elman and Jones do not believe it is necessary to hold individual respondent John Coran.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 67-9266; Filed, Aug. 8, 1967; 8:45 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6926]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Date of Sale in the Case of Short Sales of Stock or Securities at a Loss

On May 2, 1967, notice of proposed rule making with respect to the amendment of the Income Tax Regulations (26 CFR Part 1) under sections 1091 (relating to wash sales of stock or securities) and 1233 (relating to gains and losses from short sales) of the Internal Revenue Code of 1954 was published in the FEDERAL REGISTER (32 F.R. 6891). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendment of the regulations as proposed is hereby adopted.

(Sec. 7805 of the Internal Revenue Code of 1954; 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] SHELDON S. COHEN, *Commissioner of Internal Revenue.*

Approved: August 4, 1967.

STANLEY S. SURREY, *Assistant Secretary of the Treasury.*

PARAGRAPH 1. Section 1.1091–1 is amended by redesignating paragraph (g) as paragraph (h) and by adding a new paragraph (g). This added provision reads as follows:

§ 1.1091–1 Losses from wash sales of stock or securities.

* * * * * *

(g) For purposes of determining under this section the 61-day period applicable to a short sale of stock or securities, the principles of paragraph (a) of § 1.1233–1 for determining the consummation of a short sale shall generally apply except that the date of entering into the short sale shall be deemed to be the date of sale if, on the date of entering into the short sale, the taxpayer owns (or on or before such date has entered into a contract or option to acquire) stock or securities identical to those sold short and subsequently delivers such stock or securities to close the short sale.

* * * * * *

PAR. 2. Paragraph (a) of § 1.1233–1 is amended by adding a new subparagraph (5). This added provision reads as follows:

§ 1.1233–1 Gains and losses from short sales.

(a) *General.* * * *

(5) For rules for determining the date of sale for purposes of applying under section 1091 the 61-day period applicable to a short sale of stock or securities at a loss, see paragraph (g) of § 1.1091–1.

* * * * * *

PAR. 3. The amendment is effective for taxable years beginning after December 31, 1953, and ending after August 16, 1954, except that the special rule treating the date of entering into a short sale as the date of sale shall be applied only in the case of short sales entered into after the date on which this notice is published in the FEDERAL REGISTER.

[F.R. Doc. 67-9300; Filed, Aug. 8, 1967; 8:51 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Department of Housing and Urban Development

SUBCHAPTER A—GENERAL

PART 200—INTRODUCTION

Subpart D—Delegations of Basic Authority and Functions

ASSISTANT COMMISSIONER FOR ADMINISTRATION AND DEPUTY AND DIRECTOR OF MANAGEMENT DIVISION AND DEPUTY

In § 200.68 new paragraphs (l) and (m) are added to read as follows:

§ 200.68 Assistant Commissioner for Administration and Deputy.

* * * * * *

(l) To approve for payment travel and other expenses incidental to the transfer of an employee to a new duty station, as provided in the Administrative Expenses Act.

(m) To authorize the issuance of Consolidated Travel Authorizations and the procurement of automobiles from the GSA Interagency Motor Pool, and to approve the use of Government owned or leased motor vehicles between the employee's residence and place of employment, in those cases in which it is determined that such use is necessary for the proper performance of the official duties of the employee involved, and the interests of the Government are best served.

In § 200.72 the introductory text is amended and a new paragraph (k) is added to read as follows:

§ 200.72 Director of the Management Division and Deputy.

To the position of Director of the Management Division and under his general supervision to the Deputy Director of the Management Division, and with respect to paragraphs (g), (h), and (l) of this section to the Chief of the Contracting Section there is delegated the following basic authority and functions:

* * * * * *

(k) To authorize the issuance of Consolidated Travel Authorizations and the procurement of automobiles from the GSA Interagency Motor Pool, and to approve the use of Government owned or leased motor vehicles between the employee's residence and place of employment, in those cases in which it is determined that such use is necessary for the proper performance of the official duties of the employee involved, and the interests of the Government are best served.

(Sec. 2, 48 Stat. 1246, as amended; sec. 211, 49 Stat. 23, as amended; sec. 607, 56 Stat. 61, as amended; sec. 712, 62 Stat. 1281, as amended; sec. 907, 65 Stat. 301, as amended; sec. 807, 69 Stat. 651, as amended; 12 U.S.C. 1703, 1715b, 1742, 1747k, 1748f, 1750f)

Issued at Washington, D.C., August 2, 1967.

PHILIP N. BROWNSTEIN, *Federal Housing Commissioner.*

[F.R. Doc. 67-9267; Filed, Aug. 8, 1967; 8:45 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER B—CLAIMS AND ACCOUNTS

PART 536—CLAIMS AGAINST THE UNITED STATES

Claims Arising in Foreign Countries

In § 536.26, paragraphs (i) (1) (iv), (k) (3), (n) (4), (5), (6), and (7), and (p) (2) (iv) are revised, as follows:

§ 536.26 Claims arising in foreign countries.

* * * * * *

(i) *Causation.* (1) * * *

(iv) Civilian employees who are not U.S. citizens, and who were hired in the country in which they are employed and in which the incident occurred while acting within the scope of employment. Claims arising from the operation of U.S. Armed Forces vehicles or other equipment by the employees described in the preceding paragraph may be paid, even though the employees are not acting within the scope of their employment, provided the employer and owner of the vehicle or other equipment would be liable under local law in the circumstances involved.

* * * * * *

(k) *Claims not payable.* * * *

(3) Falls under the Federal Employees' Compensation Act (5 U.S.C. 8101–8150); the Longshoremen's and Harbor workers' Compensation Act (44 Stat. 1424, 33 U.S.C. 901), as made applicable to civilian employees of nonappropriated fund instrumentalities of the U.S. Armed Forces. See 5 U.S.C. 8171–8175; or other workmen's compensation laws or regulations, including local laws or custom, concerning which contribution is made or insurance premiums paid, directly or indirectly, on behalf of the injured employee of the United States, unless—

(i) The injuries did not result from a normal risk of employment,

(ii) Compensation is not payable under any of the above, and

(iii) Consideration of the claim under this section is authorized by the Chief, U.S. Army Claims Service.

* * * * * *

(n) *Foreign claims commissions.* * * *

(4) *Monetary jurisdiction.* A one-member foreign claims commission who is an officer of The Judge Advocate General's Corps may approve in full, in part, or disapprove claims presented in, or amended to, an amount not in excess of $1,000. The monetary jurisdiction of all other one-member foreign claims commissions is limited to $250. A three-member commission is authorized to settle claims which, as presented or amended, are for not more than $15,000, and claims in excess of $15,000 which the Secretary of the Army or his designee has determined to be meritorious in an amount not in excess of $15,000. Any allowance exceeding $5,000 requires the approval of the appointing authority, or his staff judge advocate. The execution of a settlement agreement in an amount less than the amount originally claimed constitutes an amendment of the claim. Thus, a commission may consider and settle a claim regardless of the amount originally claimed provided a settlement agreement is executed for an amount within its jurisdiction. Similarly, a claim may be amended by an unequivocal statement in writing from claimant to the effect that he will accept in settlement less than the amount originally claimed.

(5) *Consideration.* After it receives a claim, a foreign claims commission may initiate or request any further investigation considered necessary for proper consideration of the claim. If considered necessary, hearings may be conducted. It may confer with the claimant to determine pertinent facts or, in an appropriate case (e.g., a claim filed for an amount in excess of the commission's jurisdiction but considered meritorious in an amount within its jurisdiction), point out to claimant that early settlement could be facilitated by amending the claim to an amount within the jurisdiction of the commission. The commission's action will be in the form of a seven-paragraph memorandum or a small claims certificate, DA Form 1668.

(6) *Settlement authority*—(i) *Claims not in excess of $1,000.* A one-member foreign claims commission who is an officer of The Judge Advocate General's Corps may approve in full, in part, or disapprove, claims presented in, or amended to, an amount not in excess of $1,000. Any other one-member foreign claims commission may approve in full, in part, or disapprove, claims presented in, or amended to, an amount not in excess of $250.

(ii) *Claims not in excess of $5,000.* A three-member foreign claims commission has authority to approve in full, in part, or disapprove, claims presented for, or amended to, an amount not in excess of $5,000.

(iii) *Claims not in excess of $15,000.* A three-member foreign claims commission may approve in full, in part, or disapprove, claims presented in, or amended to, an amount not in excess of $15,000; however, an award in excess of $5,000 is subject to approval by the appointing authority. When a commission recommends payment of an amount in excess of $5,000, but not in excess of $15,000, the appointing authority may:

(a) Approve the recommended award, or any lesser amount over $5,000,

(b) Disapprove any award over $5,000 and return the claim to the commission, which may, after giving consideration to whatever amount is considered payable by the appointing authority, pay any amount not to exceed $5,000, or

(c) Inform the commission that the claim is not considered meritorious in any amount and request that it reconsider its action. After considering the determination of the appointing authority, the commission may disapprove the claim or pay any amount not exceeding $5,000.

An appointing authority may designate his staff judge advocate to act for him on all claims matters.

(iv) *Claims in excess of $15,000.* Claims in excess of $15,000 which are not amended to an amount within the monetary jurisdiction of a three-member foreign claims commission will be forwarded through the appointing authority to the Chief, U.S. Army Claims Service for action by the Secretary of the Army. The claim file will contain a seven-paragraph memorandum prepared by a three-member foreign claims commission recommending the action to be taken by the Secretary of the Army. If the claim is cognizable under the Foreign Claims Act, the Secretary of the Army, or his designee, may:

(a) Disapprove the claim;

(b) Determine the claim is meritorious in an amount not in excess of $15,000 and refer it to an appropriate three-member foreign claims commission for settlement; or

(c) Approve the claim in an amount in excess of $15,000, and after receipt of an agreement by claimant to accept the award in full satisfaction of the entire claim, refer it to Congress for its consideration.

Foreign claims commissions should, in appropriate cases, consult with claimants with a view to obtaining a reduction of the claim to $15,000, or less in order to obviate the need for Secretarial action.

(7) *Reconsideration.* (i) While there is no appeal from the action of a foreign claims commission, any request from a claimant, or someone acting in his behalf, which in effect asks for a change in the commission's action, will be treated as a request for reconsideration and referred to the commission which acted on the claim, if it is still in existence. If that commission is no longer in existence, a different commission will be designated by the Chief, U.S. Army Claims Service to act as a successor commission.

(ii) A foreign claims commission may, upon request, or upon its own initiative, reconsider a claim which it previously disapproved in whole or in part (even though a settlement agreement has been executed) when it appears that the original action was incorrect in law or fact based on the evidence of record at the time of the action or subsequently received. If it determines that the original action was incorrect, it will modify the action and, if appropriate, make a supplemental payment. The basis

for a change in action will be stated in a memorandum included in the file.

(iii) A different commission, or the same commission after there has been a change in its membership, may reconsider the original action on a claim but only on the basis of fraud or collusion, new and material evidence, or manifest error of fact such as errors in calculation or factual misinterpretation of local law.

(iv) A request for reconsideration should indicate fully the legal or factual basis asserted as grounds for relief. Following completion of any investigation or other action deemed necessary for an informed disposition of the request, the commission will reconsider the claim and attempt to settle it by granting such relief as may appear warranted. When further settlement efforts appear unwarranted, the commission will refer the entire file with a memorandum of opinion through the appointing authority to the Chief, U.S. Army Claims Service, Office of The Judge Advocate General, Fort Holabird, Md. 21219, and inform the claimant of such reference.

* * * * *

(p) *Cross-servicing of claims.* * * *

(3) *Cross-servicing (Departments of Defense Directive 5515.3, June 27, 1963).* * * *

(iv) *Coast Guard generated claims.* Claims resulting from activities, or generated by members or employees, of the Coast Guard while operating as a service in the Department of Transportation may, upon request, be settled under this section by an Army foreign claims commission, but shall be paid from appropriations for the operating expenses of the Coast Guard (10 U.S.C. 2734(g)).

* * * * *

[C1, AR 27-38, June 9, 1967] (Sec. 3012, 70A Stat. 157; 10 U.S.C. 3012. Interpret or apply secs. 2734, 2736, 70A Stat. 154, 76 Stat. 767)

KENNETH G. WICKHAM,
Major General,
U.S. Army,
The Adjutant General.

[F.R. Doc. 67-9310; Filed, Aug. 8, 1967; 8:49 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 11—Coast Guard, Department of Transportation

[OCPR 67-12]

PART 11-3—PROCUREMENT BY NEGOTIATION

Subpart 11-3.6—Small Purchases

FAST PAYMENT PROCEDURE

Pursuant to authority vested in me as Commandant, U.S. Coast Guard, by 49 CFR 1.4:

Section 11-3.652 is added, reading as follows:

§ 11-3.652 Fast payment procedure.

§ 11-3.652-1 General.

The fast payment procedure is designed to reduce lead time to consignees and to improve supplier relations by expediting payment for small purchases. Title to the supplies vests in the Government upon delivery to the post office or carrier for mailing or shipment to the receiving activity, although the supplier agrees to replace or correct supplies not received at destination, damaged in transit, or not conforming to purchase requirements. Payment for the supplies and cost of transportation will be made on the basis of the supplier's certification on the invoice as to conformance with purchase requirements and delivery. Purchase orders may be issued as priced or unpriced. Suppliers will be furnished the military post office address for parcel post shipments, or appropriate consignment instructions for shipments via other modes of transportation.

§ 11-3.652-2 Conditions for use.

When the conditions set forth below are present, the fast payment procedure should be used to the maximum extent possible, provided such use is consistent with the other conditions of the procurement. Use of the fast payment procedure would not be indicated, for example, in small purchases by vessels, air stations and bases when material being purchased is destined for use at such activities and contract administration will be performed by the purchasing office of such activities.

(a) Individual orders do not exceed $2,500.

(b) Title to the supplies will vest in the Government (1) upon delivery to a post office or common carrier for mailing or shipment to destination, or (2) upon receipt by the Government when the shipment is by means other than the post office or common carrier.

(c) Supplier agrees to replace, repair, or correct supplies not received at destination, damaged in transit, or not conforming to purchase requirements.

(d) Supplier will execute a certificate of mailing or shipment, or a certificate of delivery to the point of first receipt by the Government.

§ 11-3.652-3 Preparation and execution of orders.

(a) Orders shall be issued on Order for Supplies or Services/Request for Quotations (DD Form 1155), except that calls against blanket purchase agreements shall be issued in accordance with § 11-3.651-3. Orders may be either priced or unpriced.

(b) Special data to be included on purchase orders or in blanket purchase agreements using fast payment procedures are:

(1) A requirement for the supplies to be shipped transportation or postage prepaid;

(2) A requirement that invoices be submitted direct to the contracting officer. In the case of unpriced purchase orders see § 11-3.650-3(c).

(3) The following clause:

FAST PAYMENT PROCEDURE (APRIL 1966)

(a) *General.* This is a fast payment order. Invoices will be paid on the basis of the Contractor's certification thereon that articles listed in the order were delivered on a specified date to a post office, common carrier, or, in shipment by other means, to the point of first receipt by the Government.

(b) *Responsibility for Supplies.* Title to supplies shall vest in the Government upon delivery to a post office or common carrier for shipment to the specified destination. If shipment is by means other than post office or common carrier, title to the supplies shall vest in the Government upon delivery to the point of first receipt by the Government. Notwithstanding any other provision of the purchase order, the Contractor shall assume all responsibility and risk of loss for supplies (i) not received at destination, (ii) damaged in transit, or (iii) not conforming to purchase requirements. The Contractor shall either replace, repair, or correct such supplies promptly at his expense, provided instructions to do so are furnished by the Contracting Officer within 90 days from the date these supplies were delivered by the Contractor to a post office or common carrier. For supplies delivered by means other than post office or common carrier, such 90-day period shall commence from the date these supplies were delivered to the point of first receipt by the Government.

(c) *Preparation of Invoice.* (1) Upon delivery of supplies to a post office, common carrier, or in shipments by other means, the point of first receipt by the Government, the Contractor shall prepare an invoice in accordance with Clause 5 of the General Provisions of Purchase Order, except that invoices under a blanket purchase agreement shall be prepared in accordance with the provisions of the agreement. In shipments by either post office or common carrier, the Contractor shall either (A) cite on his invoice the date of shipment, name and address of post office or carrier, bill of lading number or other shipment document number, or (B) attach copies of such documents to his invoices as evidence of shipment. In the case of delivery by other than post office or common carrier, a receipted copy of the Contractor's delivery document shall be attached to the invoice as evidence of delivery. Regardless of delivery method the invoice shall include the following signed certification:

I hereby certify that I did ship on _____ (date) _____ via the _____ (method of shipment) _____ or deliver on _____ (date) _____ in accordance with shipping instructions issued by the ordering officer, supplies in the quantities shown hereon and that such supplies are in the quantity and of the quality designated by the cited purchase order. This statement is furnished to support payment of invoice.

(2) If the purchase price excludes the cost of transportation, the Contractor shall enter the prepaid shipping cost on the invoice as a separate item. The cost of parcel post insurance will not be paid by the Government.

(4) A requirement that outer shipping containers shall be marked "FAST PAY".

§ 11-3.652-4 Payment.

(a) *Acceptance of supplies.* For payment purposes, the supplier's certificate of conformance with purchase requirements will be considered a proper element incident to acceptance of supplies. A Materiel Inspection and Receiving Report (DD Form 250) will not be executed to support the supplier's invoice nor will a certification from the receiving activity be obtained as to receipt and acceptance of supplies except as provided in § 11-1.652-5. In lieu thereof, the supplier will be required to certify his invoice as stated in paragraph (c) of the Fast Payment Procedure clause (See § 11-3.652-3(b)(3)).

(b) *Certification of supplier's invoice by contracting officer.*—(1) *Priced order.* Upon receipt, the invoice will be reviewed to insure that the description of the supplies, quantity, unit prices, and total price conform with the purchase order. If approved for payment, the following certification will be placed thereon:

I certify that the supplies listed hereon have been delivered and accepted in accordance with the "Fast Payment Procedure" clause of this purchase order.

_____
(Contracting officer)

(2) *Unpriced order.* If an unpriced order was issued, the following certification will be used:

I certify that the unit prices on this invoice including preservation, packaging and packing charges, if any, are reasonable and supplies listed hereon have been delivered and accepted in accordance with the "Fast Payment Procedure" clause of this purchase order.

_____
(Contracting officer)

(c) *Transmittal of invoice to cognizant accounting office.* The order will provide for payment by the accounting office, which is serving the area in which the purchasing office is located. Upon certification of the invoice, it will be forwarded, with a copy of the purchase order to the cognizant accounting office for payment.

§ 11-3.652-5 Report of nonreceipt, damage, or nonconformance.

The consignee will notify the purchasing activity when supplies are not received within 30 days after the specified date of delivery in the order or if supplies are received damaged or not conforming with the purchase requirements. A "Report of nonreceipt, damage, or nonconformance" card, similar to the illustration below, will be reproduced locally and a copy attached to the consignee's copy of the purchase order to facilitate this notification.

REPORT OF NONRECEIPT, DAMAGE, OR NONCONFORMANCE

Important: Complete and return this card to Commander (f), Fifth CG District if material is not received within 30 days after delivery date specified in order; or upon receipt of damaged or nonconforming supplies.

Purchase Order No. 05-72614-67.

The supplies listed in the above purchase order were (check one):

☐ Not received.
☐ Received but rejected—Letter report attached.

Receiving activity _____
Date _____
Signature _____
Title _____

§ 11-3.652-6 Responsibility for collection of debts.

The contracting officer shall be primarily responsible for collecting debts resulting from failures of contractors to properly replace, repair, or correct supplies lost, damaged, or not conforming to purchase requirements (see ASPR, Appendix E, Part 6, paragraphs 602 and 603).

(14 U.S.C. 633, 10 U.S.C. Ch. 137)

Dated: July 19, 1967.

W. J. SMITH,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 67-9276; Filed, Aug. 8, 1967; 8:46 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 67-920]

PART 73—RADIO BROADCAST SERVICES

Field Strength Contours, FM Broadcast Stations

Order. 1. The Commission has before it for consideration the FM engineering portion of FCC Form 301 (section V-B) and § 73.311 of its rules governing FM Broadcast Stations, requiring the showing of three field strength contours (70 dbu (3.16 mv/m), 60 dbu (1 mv/m) and 34 dbu (50 uv/m)) in applications for FM broadcast station authorizations. Section 73.311 states that these contours indicate only the approximate extent of coverage in the absence of interference. Section 73.209 further points out that stations are protected against interference from other FM stations solely to the extent provided by the minimum spacing separations and the maximum power and antenna heights provided by the rules.

2. At the time the Commission adopted the present FM broadcast rules and the Table of Assignments (see Third Report, Memorandum Opinion and Order, issued on Aug. 1, 1963, in Docket No. 14185, 28 F.R. 8077) the above-mentioned rules were adopted and the then existing propagation curve and contour protection method of making FM assignments were deleted. The minimum separations adopted at the same time and the maximum facilities authorized provided much less protection than to the 50 uv/m contour. These spacings and facilities permitted interference to approximately the 1 mv/m contour for Class A and C stations and about 0.56 mv/m for Class B stations. See footnote 14 of Third Report. In the case of Class B stations, there were in existence so many such stations in Zone I at separations below the new minimums that it was not possible to add many new Class B stations at the newly adopted minimum separations. Thus, most of the existing Class B stations are also limited by interference to about the 1 mv/m contour at least in some directions. There thus does not appear any reason to retain the 50 uv/m contour and to require applicants to make showings based upon it.

3. Therefore, pursuant to authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended: *It is ordered*, That effective August 11, 1967, § 73.311(a) of the rules is amended to read as follows:

§ 73.311 Field strength contours.

(a) Applications for FM broadcast authorizations must show two field strength contours. These are the 70 dbu (3.16 mv/m) and the 60 dbu (1 mv/m) contours. These contours indicate only the approximate extent of coverage over average terrain in the absence of interference. Under actual conditons, the true coverage may vary greatly from these estimates because the terrain over any specific path is expected to be different from the average terrain on which the field strength chart was based. Because of these factors the estimated contours give no assurance of service to any specific percentage of receiver locations within the distances indicated.

* * * * *

4. FCC Form 301 needs revising in other respects and work on the revision is in progress; until a new form is issued, applicants using it for FM facilities need not submit the data now required in the FM engineering portion (section V-B, p. 2, Ques. 15 & 17) for any contour outside of the 1 mv/m contour. Since these changes are procedural (relating to what is required in an application form), and relieve existing requirements, the provisions of section 4 of the Administrative Procedure Act do not apply and prior notice and proceedings, and the customary waiting period before the effective date of the rule, are unnecessary.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: August 2, 1967.

Released: August 4, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-9312; Filed, Aug. 8, 1967; 8:49 a.m.]

[Docket No. 17475; FCC 67-919]

PART 73—RADIO BROADCAST SERVICES

Television Broadcast Stations; Table of Assignments, Hastings and Merriman, Nebr.

Report and order. In the matter of amendment of table of assignments, § 73.606(b) of the Commission's rules

[1] Commissioners Bartley, Loevinger, and Wadsworth absent.

and regulations (Hastings and Merriman, Nebr.); Docket No. 17475, RM-1096.

1. The notice of proposed rule making, issued in this proceeding on May 26, 1967, FCC 67-630, 32 F.R. 7918, proposed to assign Channel 12 to Merriman, Nebraska, and Channel 29 to Hastings, Nebraska, for noncommercial educational use. No oppositions to the proposal were filed. Supporting comments were filed by the petitioner and the National Association of Educational Broadcasters.

2. Petitioner, Nebraska Educational Television Commission (NETC), an instrumentality of the State of Nebraska charged with the responsibility for inaugurating and operating a statewide educational television network, activated educational television stations at Lexington, Omaha, North Platte, and Alliance and has obtained construction permits for new facilities for Channel 7 at Bassett and 19 at Norfolk. The channels sought here would serve areas in south-central Nebraska (around Hastings) and far northwestern Nebraska (Merriman and west) which cannot be adequately served from stations on presently reserved channels.

3. Petitioner says that assignment and activation of the Merriman and Hastings channels will provide, in conjunction with NETC's other facilities complete and effective coverage of the entire State, thereby bringing important instructional and other educational programing to all Nebraska residents.

4. As stated in the notice, Channel 12 can be allocated to northwest Nebraska in the vicinity of Merriman in a roughly rectangular area between North Platte, Nebr., and the southwestern portion of South Dakota. The only cities of substantial size in the area are North Platte, Nebr., and Rapid City, S. Dak. (1960 U.S. Census populations of about 17,000 and 42,000, respectively), both of which have both VHF commercial and VHF reserved channels (North Platte is over 100 miles from Merriman). Channel 12 can be "dropped in" at Merriman without depriving any community of a needed assignment.

5. Upon examining the assignment possibilities at Hastings, we find that Channel 29 is the most efficient UHF assignment for that community. The supply of available but unassigned UHF channels is considered to be adequate to meet expected needs in this area.

6. Under the above circumstances, we conclude that the public interest would be served by assigning Channel *12 to Merriman, Nebr., and Channel *29 to Hastings, for noncommercial educational use.

7. Accordingly, pursuant to authority contained in sections 4(i), 303 and 307(b) of the Communications Act of 1934, as amended: *It is ordered*, That, effective September 11, 1967, the Table of Assignments in § 73.606 of the Commission's rules and regulations is amended insofar as the cities listed below are concerned, to read as follows:

City	Channel No.
Hastings, Nebr.	8-, *29
Merriman, Nebr.	*12

NOTE: An appropriate offset for UHF channel *29 will be supplied in a subsequent Order.

8. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: August 2, 1967.

Released: August 4, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 67-9311; Filed, Aug. 8, 1967; 8:49 a.m.]

[FCC 67-921]

PART 73—RADIO BROADCAST SERVICES

Television Broadcast Stations; Table of Assignments, Eureka, Calif.

Order. In the matter of amendment of § 73.606, *Table of Assignments*, television broadcast stations (Eureka, Calif.); RM-1145.

1. The Commission has before it for consideration the Petition of Redwood Empire Educational Television, Inc. (REET), filed May 8, 1967, to designate Channel 13, Eureka, Calif., as a noncommercial television reservation. Comments in support of the petition have been filed by National Association of Educational Broadcasters (NAEB), and the State of California Television Advisory Committee (TAC). There are no comments opposing the proposal.

2. On the petition of REET, the Commission previously considered an ETV reservation for this channel in Docket No. 16183, RM-776. We decided against this because T & R Broadcasters, a commercial applicant, had tendered an application for that channel (BPCT-3646). See Report and Order adopted May 11, 1966 (3 FCC 2d 614), and Memorandum Opinion and Order adopted September 21, 1966 (FCC 66-854). The circumstances now, however, are manifestly different: T & R voluntarily dismissed its application in December, 1966, and REET was granted a construction permit for Channel 13 on March 13, 1967.

3. In these circumstances, little purpose would be served by going through the usual procedure of adopting a notice of proposed rule making, awaiting comments, and then acting on the proposal. Section 4(a) of the Administrative Procedure Act provides that a rule may be adopted without prior proceedings where they are unnecessary or would be contrary to the public interest.[2]

We find that where, as here, an educational group holds the authorization for the channel, rule making to reserve it for educational use is unnecessary.

4. Pursuant to the authority contained in sections 4 (i) and (j), 303, and 307(b) of the Communications Act of 1934, as amended: *It is ordered*, That, effective August 11, 1967, the Television Table of Assignments set forth in § 73.606(b) of the Commission's rules is amended, as concerns the city listed below, to read as follows:

City	Channel No.
Eureka, Calif.	3-, 6-, *13-

5. *It is further ordered*, That this matter (RM-1145) is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: August 2, 1967.

Released: August 4, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 67-9313; Filed, Aug. 8, 1967; 8:49 a.m.]

[1] Commissioners Bartley, Loevinger, and Wadsworth absent.

[2] In re Norfolk, Nebr., 9 RR 2d 1570 (1967).

Title 49—TRANSPORTATION

Subtitle A—Office of the Secretary of Transportation

[OST Docket No. 11]

PART 3—OFFICIAL SEAL

This amendment adds a new Part 3 "Official Seal" to the regulations of the Office of the Secretary. The new part describes the official seal of the Department and authorizes its use for the authentication of documents by the Department including its components except for the St. Lawrence Seaway Development Corporation which will continue to use its own corporate seal. In addition, Department of Transportation Order No. 1000.1 (32 F.R. 4180), which prescribes a temporary seal for the Department, is being canceled.

Since this amendment relates to Departmental management, procedures, and practices, notice and public procedure thereon is unnecessary. This amendment is issued under the authority of section 9(k) of the Department of Transportation Act (49 U.S.C. 1657(k)).

In consideration of the foregoing, effective September 1, 1967, Department of Transportation Order No. 1000.1 (32 F.R. 4180) is canceled and Subtitle A of Title 49 of the Code of Federal Regulations is amended by adding the following new Part 3 "Official Seal".

Issued in Washington, D.C., on August 3, 1967.

ALAN S. BOYD, *Secretary of Transportation.*

Sec.
3.1 Description.
3.3 Authority to affix seal.

AUTHORITY: The provisions of this Part 3 issued under sec. 9(k) of the Department of Transportation Act; 49 U.S.C. 1657(k).

§ 3.1 Description.

The official seal of the Department of Transportation is described as follows:

A white abstract triskelion figure signifying motion appears within a circular red field. The figure is asymmetrical. The three branches of the figure curve outward in a clockwise direction, each tapering to a point at the edge of the field. The broadest branch extends to the right before curving sharply downward. The narrowest branch extends to the left in an even curve. The third branch extends upward in a steep curve. Enclosing the red circle is a broad black circular ring. Within the upper half of that ring appear the words "Department of Transportation" in white letters. Within the lower half of that ring appear the words "United States of America" in white letters together with two white five-pointed stars, one preceding and the other following those words and separating them from the words in the upper half. Two thin rings, the inner white, the outer black, enclose the broad black ring and complete the seal. The official seal of the Department is modified when reproduced in black and white and when embossed. As so modified, it appears below.



§ 3.3 Authority to affix seal.

(a) The following officials of the Department of Transportation are authorized to affix the official seal of the Department of Transportation to appropriate documents and other materials of the Department, for all purposes, including those authorized by 28 U.S.C. 1733(b): The General Counsel, the Assistant Secretary for Administration, the Commandant of the Coast Guard, the Federal Aviation Administrator of the Federal Aviation Administration, the Federal Highway Administrator of the Federal Highway Administration, the Federal Railroad Administrator of the Federal Railroad Administration, the Chairman, National Transportation Safety Board, and the Chairman, Board of Contract Appeals.

(b) The officers named in paragraph (a) of this section may redelegate, and authorize redelegations of, this authority.

[F.R. Doc. 67-9288; Filed, Aug. 8, 1967; 8:45 a.m.]

[OST Docket No. 4; Amdt. No. 5-1]

PART 5—RULE-MAKING PROCEDURES

Appendix A

This amendment adds an Appendix A to Part 5 "Rule-Making Procedures". The purpose of the appendix is to list the delegations of authority to officials of the Office of the Secretary to conduct certain rule-making proceedings pursuant to that part. The first delegation to be included in the appendix is a delegation to the General Counsel to conduct all proceedings, including the issuance of notices of proposed rule making, but not including final rules, under the Uniform Time Act of 1966; the Act of March 19, 1918; and section 6(e)(5) of the Department of Transportation Act. In addition, this amendment authorizes the General Counsel to issue operating exceptions if he determines that the applicability of standard time to the movements of a common carrier engaged in interstate or foreign commerce is impractical.

In consideration of the foregoing, Title 49 of the Code of Federal Regulations is amended by adding the following new Appendix A to Part 5 "Rule-Making Procedures", effective August 3, 1967.

APPENDIX A

Pursuant to § 5.1(b), the following officials of the Office of the Secretary of Transportation are authorized to conduct rule-making proceedings under this part, as specified in this appendix:

(1) The General Counsel is authorized to conduct all rule-making proceedings, except the issuance of final rules, under the Act of March 19, 1918, ch. 24, as amended (15 U.S.C. 261-264); the Uniform Time Act of 1966 (80 Stat. 107, 15 U.S.C. 260-267); and section 6(e)(5) of the Department of Transportation Act (80 Stat. 939, 49 U.S.C. 1655(e)(5)).

(2) The General Counsel is authorized to determine the practicability of applying the standard time of any standard time zone to the movements of any common carrier engaged in interstate or foreign commerce, and, under section 2 of the Act of March 19, 1918, ch. 24, as amended (15 U.S.C. 262), to issue operating exceptions in any case in which he determines that it is impractical to apply the standard time.

Since this amendment relates to Departmental organization, procedures, and practices, notice and public procedure hereon is unnecessary and it may be made effective in less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 9, Department of Transportation Act (80 Stat. 944, 49 U.S.C. 1657))

Issued in Washington, D.C., on August 3, 1967.

ALAN S. BOYD, *Secretary of Transportation.*

[F.R. Doc. 67-9289; Filed, Aug. 8, 1967; 8:47 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Mark Twain National Wildlife Refuge, Ill.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

ILLINOIS

MARK TWAIN NATIONAL WILDLIFE REFUGE

Public hunting of black, gray and fox squirrels on the Mark Twain National Wildlife Refuge, Ill., is permitted from sunrise September 1, 1967, to sunset September 30, 1967, only on the areas of the Gardner Division designated by signs as open to hunting. These open areas, comprising 4,200 acres of the total Gardner Division area, are delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Hunting shall be in accordance with all applicable State regulations concerning the hunting of squirrels subject to the following conditions:

(1) A Federal permit is required to enter the public hunting area. Permits may be obtained from the Mark Twain National Wildlife Refuge headquarters, Quincy, Ill.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

The provisions of this special regulation are effective to September 30, 1967.

JAMES F. GILLETT, *Refuge Manager, Mark Twain National Wildlife Refuge.*

AUGUST 1, 1967.

[F.R. Doc. 67-9268; Filed, Aug. 8, 1967; 8:46 a.m.]

PART 32—HUNTING

Mark Twain National Wildlife Refuge, Iowa

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

IOWA

MARK TWAIN NATIONAL WILDLIFE REFUGE

Public hunting of upland game on the Mark Twain National Wildlife Refuge,

[4] Commissioners Bartley, Loevinger, and Wadsworth absent.

Iowa, is permitted only on the areas known as the Big Timber Division and that portion of the Louisa Division known as the Turkey Island area designated by signs as open to hunting. These open areas, comprising 1,600 acres, are delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minnesota 55408. Hunting shall be in accordance with all applicable State regulations concerning the hunting of upland game.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

JAMES F. GILLETT,
Refuge Manager, Mark Twain National Wildlife Refuge.

AUGUST 1, 1967.

[F.R. Doc. 67-9269; Filed, Aug. 8, 1967; 8:46 a.m.]

PART 32—HUNTING

Mark Twain National Wildlife Refuge, Iowa

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

IOWA

MARK TWAIN NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Mark Twain National Wildlife Refuge, Iowa, is permitted only on the areas known as Big Timber Division and that portion of the Louisa Division known as the Turkey Island area designated by signs as open to hunting. These open areas, comprising 1,600 acres, are delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Hunting shall be in accordance with all applicable State regulations subject to the following special conditions:

(a) Species to be taken: All species as authorized by Iowa State regulation.

(b) Open Season: September 1 through December 31, 1967, or subject to applicable State regulations if more restrictive.

(c) No locked or private blinds shall be allowed.

(d) No camping is allowed.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

JAMES F. GILLETT,
Refuge Manager, Mark Twain National Wildlife Refuge.

AUGUST 1, 1967.

[F.R. Doc. 67-9270; Filed, Aug. 8, 1967; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 722]

UPLAND AND EXTRA LONG STAPLE COTTON

Notice of Determinations Regarding 1968 Crops

The Secretary of Agriculture is preparing to make determinations with respect to the 1968 crops of upland cotton and extra long staple cotton pursuant to the Agricultural Adjustment Act of 1938, as amended (referred to as the "act") (52 Stat. 38, as amended; 7 U.S.C. 1281 et seq.). The Secretary is preparing to make these determinations for upland cotton in September 1967. These determinations include the following:

(a) *Upland cotton.* (1) Whether a national marketing quota is required to be proclaimed for the 1968 crop of upland cotton under section 342 of the act;

(2) The number of bales of cotton of the national marketing quota under section 342 of the act;

(3) The national acreage allotment under section 344(a) of the act;

(4) The national reserve for minimum farm allotments under section 344(b) of the act;

(5) The apportionment of the national allotment and national reserve to the States and counties under section 344 (b) and (c) of the act;

(6) The national domestic allotment and farm domestic allotment percentage under section 350 of the act;

(7) The projected national, State and county yields under section 301(b)(13)(L) of the act;

(8) The national export market acreage reserve under section 346 of the act;

(9) The date for holding the national marketing quota referendum under section 343 of the act.

(b) *Extra long staple cotton.* (1) Whether a national marketing quota is required to be proclaimed for the 1968 crop of extra long staple cotton under section 347 of the act;

(2) The number of bales of extra long staple cotton of the national marketing quota under section 347 of the act;

(3) The national acreage allotment under section 344(a) of the act;

(4) The apportionment of the national allotment to the States and counties under section 344 (b) and (c) of the act;

(5) The date for holding the national marketing quota referendum under section 343 of the act.

Prior to making any of the foregoing determinations, consideration will be given to any data, views, and recommendations which are submitted in writing to the Director, Policy and Program Appraisal Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250, within 30 days following the publication of this notice in the FEDERAL REGISTER. The date of the postmark will be considered as the date of any submission. All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Effective date: Date of publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on August 4, 1967.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 67-9324; Filed, Aug. 8, 1967; 8:50 a.m.]

Consumer and Marketing Service

[7 CFR Part 924]

HANDLING OF FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN WASHINGTON AND IN UMATILLA COUNTY, OREG.

Approval of Expenses and Fixing of Rate of Assessment for 1967–68 Fiscal Year and Carryover of Unexpended Funds

Consideration is being given to the following proposals submitted by the Washington-Oregon Fresh Prune Marketing Committee, established under the marketing agreement and Order No. 924 (7 CFR Part 924) regulating the handling of fresh prunes grown in designated counties in Washington and in Umatilla County, Oreg., effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(1) Expenses that are reasonable and likely to be incurred by said committee, during the period April 1, 1967, through March 31, 1968, will amount to $15,574.

(2) That there be fixed, at $1 per ton of fresh prunes, the rate of assessment payable by each handler in accordance with § 924.41 of the aforesaid marketing agreement and order.

(3) That unexpended assessment funds, in excess of expenses incurred during the fiscal period ended March 31, 1967, shall be carried over as a reserve in accordance with the applicable provisions of § 924.42 of said marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals shall file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: August 3, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-9285; Filed, Aug. 8, 1967; 8:47 a.m.]

[7 CFR Part 958]

ONIONS GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREG.

Expenses and Rate of Assessment

Consideration is being given to the approval of proposed expenses and a proposed rate of assessment as hereinafter set forth, which were recommended by the Idaho-Eastern Oregon Onion Committee, established pursuant to Marketing Agreement No. 130 and Order No. 958 (7 CFR Part 958).

This marketing order program regulates the handling of onions grown in designated counties in Idaho and Malheur County, Oreg., and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit written data, views, or arguments in connection with these proposals may file the same, in quadruplicate, with the Hearing Clerk, Room 112A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than the 15th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

§ 958.211 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period beginning July 1, 1967, and ending June 30, 1968, by the Idaho-Eastern Oregon Onion Committee for its maintenance and functioning, and for such purposes as the Secretary determines to be appropriate will amount to $8,275.

(b) The rate of assessment to be paid by each handler in accordance with the

Marketing Agreement and this part shall be three-tenths of one cent ($0.003) per hundredweight of onions handled by him as the first handler thereof during said fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period ending June 30, 1968 may be carried over as a reserve.

(d) Terms used in this section have the same meaning as when used in the said marketing agreement and this part.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 3, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-9284; Filed, Aug. 8, 1967; 8:47 a.m.]

[7 CFR Part 981]

HANDLING OF ALMONDS GROWN IN CALIFORNIA

Notice of Proposed Salable and Surplus Percentages for 1967–68 Crop Year

Notice is hereby given of a proposal to establish, for the 1967–68 crop year, which began July 1, 1967, salable and surplus percentages of 75 and 25 percent, respectively, applicable to California almonds. The proposed percentages would be established in accordance with the provisions of the marketing agreement, as amended, and Order No. 981, as amended (7 CFR Part 981), regulating the handling of almonds grown in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposal was unanimously recommended by the Almond Control Board.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than 8 days after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during official hours of business (7 CFR 1.27(b)).

The proposed percentages are based upon the following estimates (kernel weight basis) for the crop year beginning July 1, 1967:

(1) Production of 89 million pounds;

(2) Trade demand for domestic almonds of 63.3 million pounds (which is based on a total demand of 63.8 million pounds less 500,000 pounds of imported almonds);

(3) Handler carryover of 26.5 million pounds on July 1, 1967;

(4) Desirable handler carryover of 30.0 million pounds on June 30, 1968;

(5) Trade demand and desirable handler carryover requirements for 1967 crop almonds of 66.8 million pounds (items 2 plus 4 minus 3); and

(6) 22.2 million pounds of surplus almonds (item 1 minus item 5).

On the basis of the foregoing estimates, salable and surplus percentages of 75 percent and 25 percent, respectively, appear to be appropriate for the 1967–68 season.

The proposal is as follows:

§ 981.217 Salable and surplus percentages for almonds during the crop year beginning July 1, 1967.

The salable and surplus percentages during the crop year beginning July 1, 1967, shall be 75 percent and 25 percent, respectively.

Dated: August 4, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-9325; Filed, Aug. 8, 1967; 8:51 a.m.]

[7 CFR Part 993]

HANDLING OF DRIED PRUNES PRODUCED IN CALIFORNIA

Notice of Proposed Expenses of Prune Administrative Committee and Rate of Assessment for 1967–68

Notice is hereby given of a proposal regarding expenses of the Prune Administrative Committee for the 1967–68 crop year and rate of assessment for that crop year, pursuant to §§ 993.80 and 993.81 of the marketing agreement, as amended, and Order No. 993, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The Prune Administrative Committee has unanimously recommended for the crop year beginning August 1, 1967, a budget of expenses in the total amount of $97,500 and an assessment rate of 75 cents per ton of assessable prunes. Expenses in that amount and the assessment rate are specified in the proposal hereinafter set forth. The assessable tonnage is estimated by the Committee at 130,000 tons.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal should file the same in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 8th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is as follows:

§ 993.318 Expenses of the Prune Administrative Committee and rate of assessment for the 1967–68 crop year.

(a) *Expenses.* Expenses in the amount of $97,500 are reasonable and likely to be incurred by the Prune Administrative Committee during the crop year beginning August 1, 1967, for its maintenance and functioning and for such other purposes as the Secretary may, pursuant to the applicable provisions of the marketing agreement, as amended, and this part, determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment for such crop year which each handler is required, pursuant to § 993.81, to pay to the Prune Administrative Committee as his pro rata share of the said expenses is fixed at 75 cents per ton of salable prunes handled by him as the first handler thereof.

Dated: August 3, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-9286; Filed, Aug. 8, 1967; 8:47 a.m.]

[7 CFR Parts 1125, 1133]

[Docket Nos. AO 226-A18, AO 275-A18]

MILK IN PUGET SOUND, WASH., AND INLAND EMPIRE MARKETING AREAS

Supplemental Notice and Notice of Rescheduled Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice was issued July 25, 1967 (32 F.R. 11086), of a public hearing to be held at the Ridpath Hotel, West 510 Sprague Avenue, Spokane, Wash., beginning at 9:30 a.m., local time, on August 17, 1967, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Inland Empire marketing area.

Notice is hereby given that the said public hearing is rescheduled to be held on August 15, 1967 at the Banquet Hall, Norway Center (Norselander Restaurant), 300 Third Avenue West, Seattle, Wash., beginning at 9:30 a.m., local time.

Notice is also given that this hearing will be held simultaneously and as a joint hearing with the hearing to be held on similar proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Puget Sound, Wash., marketing area, notice of which was issued on July 17, 1967 (32 F.R. 10742), and July 20, 1967 (32 F.R. 10863).

Signed at Washington, D.C., on August 4, 1967.

CLARENCE H. GIRARD,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 67-9326; Filed, Aug. 8, 1967; 8:51 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 67-WE-80]

TRANSITION AREA

Proposed Alteration and Designation

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations which would alter the description of the Hugo, Colo., transition area and designate a new Tobe, Colo., transition area floored at 8,500 feet MSL.

Interested persons may participate in the proposed rule-making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

The proposed airspace actions are required to provide the Air Traffic Controller with additional controlled airspace for radar vectoring to avoid thunderstorm activity and other traffic on adjacent airways, thus allowing maximum utilization of radar capability and more efficient control of IFR traffic.

Therefore, the FAA proposes to redesignate the Hugo, Colo., transition area in § 71.181 (32 F.R. 2200) as follows:

HUGO, COLO.

That airspace south of Hugo, Colo., VOR, extending upward from 8,500 feet MSL, bounded on the north by V-106S, on the northeast by V-96S, on the south by V-210, and on the west by V-19E; that airspace east of Hugo, extending upward from 8,500 feet MSL, bounded on the north by V-4, on the east by longitude 102°50'00" W., on the southwest by V-96S, and on the west by V-169, excluding the airspace within Federal airways and the Pueblo and Colorado Springs, Colo., transition areas.

In § 71.181 (32 F.R. 2148) the following transition area is added:

TOBE, COLO.

That airspace north of Tobe, Colo., VOR-TAC, extending upward from 8,500 feet MSL, bounded on the north by V-210, on the southeast by V-96S, and on the west by V-19E, excluding the airspace within Federal airways.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348).

Issued in Los Angeles, Calif., on July 31, 1967.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 67-9278; Filed, Aug. 8, 1967; 8:47 a.m.]

[14 CFR Part 121]

[Docket No. 8317; Notice 67-35]

CERTIFICATION AND OPERATIONS

Domestic, Flag, and Supplemental Air Carriers and Commercial Operators of Large Aircraft

The Federal Aviation Administration is considering amending Appendix E to Part 121 to provide for programed hours of training in approved training programs for the following aircraft: Douglas DC-9, Nihon YS-11, Lockheed L-1329, and Falcon Fan Jet.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, GC-24, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before October 9, 1967, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received.

The FAA has convened Flight Standardization Boards on the DC-9, YS-11, L-1329, and Falcon Fan Jet aircraft and recommendations have been made as to programed hours of training for approved training programs under Part 121. These aircraft are similar in complexity or flight characteristics to other aircraft presently covered by Appendix E. Therefore, it has been recommended that the number of training hours required for them be identical to the hours required for those other aircraft.

All of these airplanes are presently in service and a number of training programs for them have already been approved. With respect to any differences between the approved programs and this proposal, it should be noted that the FAA considers the hours of training set forth in Appendix E as a minimum unless there are circumstances as set forth in § 121.414 that would justify a reduction. Consequently, upon adoption of a final rule, any revisions in existing programs that are warranted will be handled in the normal manner under § 121.412.

In consideration of the foregoing and the recommendations of the Flight Standardization Boards, it is proposed to amend Appendix E to Part 121 as follows:

1. By adding the Douglas DC-9 and the Lockheed L-1329 to the group that includes the L-188, CL-44, BAC-111, and Caravelle.

2. By adding the Nihon YS-11 to the group that includes the F-27 and CV-540.

3. By adding the Falcon Fan Jet to the group that includes the Viscount and the Argosy.

These amendment are proposed under the authority of sections 313(a), 601, and 604 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1424).

Issued in Washington, D.C., on August 3, 1967.

JAMES F. RUDOLPH,
Director, Flight Standards Service.

[F.R. Doc. 67-9277; Filed, Aug. 8, 1967; 8:46 a.m.]

Office of the Secretary

[49 CFR Part 239]

[OST Docket No. 5; Notice No. 1]

STANDARD TIME ZONE BOUNDARY IN STATE OF NEBRASKA

Proposed Relocation

The Governor and Legislature of Nebraska have petitioned the Department of Transportation to amend Title 49, § 239.5(c) (formerly § 139.5(c)) of the Code of Federal Regulations so as to include in the U.S. central standard time zone certain portions of Nebraska now located in the U.S. mountain standard time zone.

Section 239.5(c) describes the present boundary between the central standard time zone and the mountain standard time zone, in pertinent part, as follows:

From the intersection of the third guide meridian, west, and the north boundary line of the State of Nebraska, running south along said guide meridian to the Niobrara River; thence easterly along said river to the east line of Brown County, Nebr.; thence south along the east line of Brown and Blaine Counties, and along the range line between ranges 20 and 21 west, and detouring to the west to include that portion of the Chicago & North Western Railway which lies east of Long Pine, to the township line between townships 18 and 19 north; thence west along said township line to the range line between townships 30 and 31 west of the sixth principal meridian; thence south along said range line with its offsets to the Chicago, Burlington & Quincy Railroad near Perry, in Red-willow County, detouring to the east in said course to include that portion of the Union Pacific Railroad which lies west of North Platte; thence easterly and immediately

north of and parallel with the Chicago, Burlington & Quincy Railroad to the western limits of McCook, there crossing the Chicago, Burlington & Quincy Railroad; thence south to the Republican River; thence following the Republican River to Republican Junction, crossing in said course the St. Francis branch of the Chicago, Burlington & Quincy Railroad at Orleans and the Oberlin branch of said railroad at Republican Junction; thence southerly to the intersection of the township line between townships 17 and 18, west of the sixth principal meridian, to the boundary line between Kansas and Nebraska.

The Governor's petition proposes that the boundary between the mountain standard time zone and the central standard time zone be moved to run:

From the intersection of the third guide meridian, west, and the north boundary line of the State of Nebraska, running south along the east line of Cherry County, Nebraska, to the intersection of the north line of Blaine County; thence west along the north line of Blaine and Thomas Counties to the west line of Thomas County; thence south along the west line of Thomas County to the intersection of the north line of McPherson County; thence west along the north line of McPherson County to the west line of McPherson County; thence south along the west line of McPherson County to the intersection of the north line of Keith County; thence east along the north line of Keith County to the intersection of the west line of Lincoln County; thence south along the west line of Lincoln County to the intersection of the north line of Hayes County; thence west along the north line of Hayes County to the west line of Hayes County; thence south along the west line of Hayes and Hitchcock Counties to the boundary line between Kansas and Nebraska.

The Department is authorized to modify the limits of time zones "having regard for the convenience of commerce and the existing junction points and division points of common carriers engaged in interstate or foreign commerce." Before taking final action to adopt, deny, or modify the proposed boundary which the petition sets forth, the Department will consider the timely comments of all interested persons. Communications should identify the regulatory docket or notice number (see above) and be submitted in duplicate to: Docket Clerk: Office of the General Counsel; Department of Transportation; Washington, D.C. 20590.

Communications received on or before October 20, 1967, and all other petitions and communications received before the date of this notice, will be considered by the Department before taking final action on the petition. All docketed comments will be available for examination by interested persons, both before and after the closing date for comments.

These proceedings will not concern adherence to or exemption from advanced (daylight saving) time during the summer months. The Uniform Time Act requires observance of advanced time within established time zones from the last Sunday in April to the last Sunday in October, but permits an individual State to exempt itself, by law, from observing advanced time within the State.

This proposal is issued under the authority of the Act of March 19, 1918, chapter 24, as amended by the Uniform Time Act of 1966 (15 U.S.C. 260–267); section 6(e)(5) of the Department of Transportation Act (80 Stat. 939, 49 U.S.C. 1655); and 49 CFR Part 5.

Issued in Washington, D.C., on August 3, 1967.

R. TENNEY JOHNSON,
Acting General Counsel.

[F.R. Doc. 67-9291; Filed, Aug. 8, 1967; 8:48 a.m.]

[49 CFR Part 239]

[OST Docket No. 6; Notice No. 2]

STANDARD TIME ZONE BOUNDARY IN STATE OF INDIANA

Proposed Relocation

The Governor of Indiana has petitioned the Department of Transportation to amend Title 49, § 239.3(b) (formerly § 139.3(b)) of the Code of Federal Regulations so as to include the entire State of Indiana within the central standard time zone.

Section 239.3(b) describes the present boundary between the eastern standard time zone and the central standard time zone, in pertinent part, as follows:

From the juncture of the western boundary of the State of Michigan with the northern boundary of the State of Indiana eastwardly along said northern boundary to the west line of Elkhart County; thence southerly along the west lines of Elkhart, Kosciusko, Wabash, Grant, and Madison Counties to the north line of Hamilton County; thence westerly along the north lines of Hamilton, and Boone Counties to the northwest corner of Boone County; thence southerly along the west lines of Boone, Hendricks, and Morgan Counties to the southwest corner of Morgan County; thence easterly along the south lines of Morgan, Johnson, and Shelby Counties to the west line of Decatur County; thence southerly along the west line of Decatur County to the north line of Jennings County; thence westerly and southerly along the north and west lines of Jennings County and the west lines of Scott and Clark Counties to the north line of Floyd County; thence westerly along the north lines of Floyd and Harrison Counties and southerly along the west line of Harrison County to the Ohio River and the southern boundary of the State; in each case including the various offsets in the named county lines.

The Governor petitions the Department of Transportation "* * * [T]o modify the boundary between the eastern standard time zone and the central standard time zone so as to include the entire State of Indiana in the central standard time zone."

The Department is authorized to modify the limits of time zones "having regard for the convenience of commerce and the existing junction points and division points of common carriers engaged in interstate or foreign commerce." Before taking final action to adopt, deny, or modify the proposed boundary which the petition sets forth, the Department will consider the timely comments of all interested persons. Communications should identify the regulatory docket or notice number (see above) and be submitted in duplicate to: Docket Clerk; Office of the General Counsel; Department of Transportation; Washington, D.C. 20590.

Communications received on or before October 20, 1967, and all other petitions and communications received before the date of this notice, will be considered by the Department before taking final action on the petition. All docketed comments will be available for examination by interested persons, both before and after the closing date for comments.

These proceedings will not concern adherence to or exemption from advanced (daylight saving) time during the summer months. The Uniform Time Act requires observance of advanced time within established time zones from the last Sunday in April to the last Sunday in October, but permits an individual State to exempt itself, by law, from observing advanced time within the State.

This proposal is issued under the authority of the Act of March 19, 1918, chapter 24, as amended by the Uniform Time Act of 1966 (15 U.S.C. 260–267); section 6(e)(5) of the Department of Transportation Act (80 Stat. 939, 49 U.S.C. 1655); and 49 CFR Part 5.

Issued in Washington, D.C., on August 3, 1967.

R. TENNEY JOHNSON,
Acting General Counsel.

[F.R. Doc. 67-9292; Filed, Aug. 8, 1967; 8:48 a.m.]

[49 CFR Part 239]

[OST Docket No. 7; Notice No. 3]

STANDARD TIME ZONE BOUNDARY IN STATE OF NORTH DAKOTA

Proposed Relocation

The Governor of North Dakota has petitioned the Department of Transportation to amend Title 49, § 239.5(a) (formerly § 139.5(a)) of the Code of Federal Regulations to move the boundary between the mountain standard time zone and the central standard time zone in an easterly direction in order to accommodate the historical pattern of time observation in North Dakota.

Section 239.5(a) describes the present boundary between the mountain standard time zone and the central standard time zone, in pertinent part, as follows:

Beginning on the boundary line between the United States and Canada at the intersection of the boundary line between North Dakota and Montana, thence south along the west border of North Dakota to the main line of the Chicago, Milwaukee, St. Paul & Pacific Railway at Montline, thence east and north of, and parallel with said Chicago, Milwaukee, St. Paul & Pacific Railway to the South Dakota State line, thence east along such State line to the main channel of the Missouri River.

The Governor's petition proposes that the boundary between the mountain standard and central standard time zones be moved east to include within the mountain standard time zone those North Dakota counties which have historically observed mountain standard time.

The Department is authorized to modify the limits of time zones "having regard for the convenience of commerce and the existing junction points and division points of common carriers engaged in interstate or foreign commerce." Before taking final action to adopt, deny, or modify the proposed boundary which the petition sets forth, the Department will consider the timely comments of all interested persons. Communications should identify the regulatory docket or notice number (see above) and be submitted in duplicate to: Docket Clerk: Office of the General Counsel; Department of Transportation; Washington, D.C. 20590.

Communications received on or before October 20, 1967, and all other petitions and communications received before the date of this notice, will be considered by the Department before taking final action on the petition. All docketed comments will be available for examination by interested persons, both before and after the closing date for comments.

These proceedings will not concern adherence to or exemption from advanced (daylight saving) time during the summer months. The Uniform Time Act requires observance of advanced time within established time zones from the last Sunday in April to the last Sunday in October, but permits an individual State to exempt itself, by law, from observing advanced time within the State.

This proposal is issued under the authority of the Act of March 19, 1918, chapter 24, as amended by the Uniform Time Act of 1966 (15 U.S.C. 260–267); section 6(e)(5) of the Department of Transportation Act (80 Stat. 939, 49 U.S.C. 1655); and 49 CFR Part 5.

Issued in Washington, D.C., on August 3, 1967.

R. TENNEY JOHNSON,
Acting General Counsel.

[F.R. Doc. 67-9293; Filed, Aug. 8, 1967; 8:48 a.m.]

[49 CFR Part 239]

[OST Docket No. 8; Notice No. 4]

STANDARD TIME ZONE BOUNDARY IN STATE OF KANSAS

Proposed Relocation

The Governor and Legislature of Kansas have petitioned the Department of Transportation to amend Title 49, § 239.5(d) (formerly § 139.5(d)) of the Code of Federal Regulations so as to include the entire State of Kansas within the U.S. central standard time zone.

Section 239.5(d) describes the present boundary between the mountain standard time zone and the central standard time zone, in pertinent part, as follows:

From the point last described (the intersection of the township lines between townships 17 and 18, west of the sixth principal meridian on the boundary line of Kansas and Nebraska), in a southerly direction through Phillipsburg, Stockton, and Plainville to Ellis, crossing in said course the Chicago, Rock Island & Pacific Railway at Phillipsburg, the Missouri Pacific Railroad near Glade, and the Union Pacific Railroad at Plainville and Ellis; thence south along the west line of Ellis County and the east line of Ness County to the northeast corner of Hodgeman County, crossing in said course the Missouri Pacific Railroad near McCracken and the Santa Fe near Alexander; thence west along the north line of Hodgeman County to the 100° meridian, west; thence south along said meridian to a point north of Dodge City; thence along the north and west boundary of Dodge City to the fifth standard parallel, south; thence westerly along said parallel and the southern boundary lines of Finney, Kearney, and Hamilton Counties to the Kansas-Colorado border; thence south along the border between Kansas and Colorado to the intersection of the boundary between such States with the boundary line of Oklahoma.

The petition would require amendment of § 239.5(d) to move the boundary between the mountain standard time zone and the central standard time zone west, and make it coincide with the western boundary of the State of Kansas.

The Department is authorized to modify the limits of time zones "having regard for the convenience of commerce and the existing junction points and division points of common carriers engaged in interstate or foreign commerce." Before taking final action to adopt, deny, or modify the proposed boundary which the petition sets forth, the Department will consider the timely comments of all interested persons. Communications should identify the regulatory docket or notice number (see above) and be submitted in duplicate to: Docket Clerk: Office of the General Counsel; Department of Transportation; Washington, D.C. 20590.

Communications received on or before October 20, 1967, and all other petitions and communications received before the date of this notice, will be considered by the Department before taking final action on the petition. All docketed comments will be available for examination by interested persons, both before and after the closing date for comments.

These proceedings will not concern adherence to or exemption from advanced (daylight saving) time during the summer months. The Uniform Time Act requires observance of advanced time within established time zones from the last Sunday in April to the last Sunday in October, but permits an individual State to exempt itself, by law, from observing advanced time within the State.

This proposal is issued under the authority of the Act of March 19, 1918, chapter 24, as amended by the Uniform Time Act of 1966 (15 U.S.C. 260–267); section 6(e)(5) of the Department of Transportation Act (80 Stat. 939, 49 U.S.C. 1655); and 49 CFR Part 5.

Issued in Washington, D.C., on August 3, 1967.

R. TENNEY JOHNSON,
Acting General Counsel.

[F.R. Doc. 67-9294; Filed, Aug. 8, 1967; 8:48 a.m.]

[49 CFR Part 239]

[OST Docket No. 9; Notice No. 5]

NEW STANDARD TIME ZONE BOUNDARIES GOVERNING STATES OF ALASKA AND HAWAII

Proposed Establishment

The Department of Transportation is undertaking the establishment of new standard time zone boundaries in accordance with authority vested in it under the Uniform Time Act of 1966 (80 Stat. 107) and section 6(e)(5) of the Department of Transportation Act of 1966 (80 Stat. 939). In the former Act, Congress provided for the establishment of four new standard time zones (Atlantic, Yukon, Alaska-Hawaii, and Bering), the last three of which are described within this notice.

Present regulations relating to time zones are set forth in Part 239 (formerly Part 139) of Title 49 of the Code of Federal Regulations and establish a first, second, third, and fourth time zones. They are designated as the eastern, central, mountain, and Pacific zones, respectively.

Section 4(c) of the Uniform Time Act states in part: "The standard time * * * of the sixth zone shall be known and designated as Yukon standard time; that of the seventh zone shall be known and designated as Alaska-Hawaii standard time; and that of the eighth zone shall be known and designated as Bering standard time." Section 4(a) of the Act states in part: "* * * [T]he standard time of the sixth zone (shall be based on the mean solar time of) the one hundred and thirty-fifth degree (of longitude west from Greenwich); that of the seventh zone on the one hundred and fiftieth degree; and that of the eighth zone on the one hundred and sixty-fifth degree."

In accordance with this direction it is proposed to amend Part 239 as follows:

§ 239.1 [Amended]

(1) Section 239.1 would be amended to reflect the addition of the new zones.

(2) New §§ 239.11, 239.13, and 239.15 would be added to describe the new zones, as follows:

§ 239.11 Yukon standard time.

The sixth standard time zone, the Yukon Time Zone, includes all territory of the United States between 127°30′ W. longitude and 141° W. longitude.

§ 239.13 Alaska-Hawaii standard time.

The seventh standard time zone, the Alaska-Hawaii time zone, includes all territory of the United States located between 141° W. longitude and 157°-30′ W. longitude, and the entire State of Hawaii.

§ 239.15 Bering standard time.

The eighth standard time zone, the Bering time zone, includes all territory of the United States between 157°30′ W. longitude and 172°30′ W. longitude, and all of the Aleutian Islands which lie west of 172°30′ W. longitude, but does not include any part of the State of Hawaii.

Interested persons are invited to participate in the making of this proposed rule by submitting such written data, views, and arguments as they may desire. Communications should identify the regulatory docket or notice number (see above) and be submitted in duplicate to Docket Clerk: Office of the General Counsel; Department of Transportation; Washington, D.C. 20590.

Communications received on or before October 30, 1967, and all other communications received before the date of this notice, will be considered by the Department before taking final action. All docketed comments will be available for examination by interested persons, both before and after the closing date for comments.

These proceedings will not concern adherence to or exemption from advanced (daylight saving) time during the summer months. The Uniform Time Act requires observance of advanced time within established time zones from the last Sunday in April to the last Sunday in October, but permits an individual State to exempt itself, by law, from observing advanced time within the State.

This proposal is issued under the authority of the Act of March 19, 1918, chapter 24, as amended by the Uniform Time Act of 1966 (15 U.S.C. 260–267); section 6(e)(5) of the Department of Transportation Act (80 Stat. 939, 49 U.S.C. 1655); and 49 CFR Part 5.

Issued in Washington, D.C., on August 3, 1967.

R. TENNEY JOHNSON,
Acting General Counsel.

[F.R. Doc. 67-9296; Filed, Aug. 8, 1967; 8:48 a.m.]

[49 CFR Part 239]

[OST Docket No. 10; Notice No. 6]

NEW STANDARD TIME ZONE BOUNDARIES GOVERNING PUERTO RICO AND VIRGIN ISLANDS

Proposed Establishment

The Department of Transportation is undertaking the establishment of new standard time zone boundaries in accordance with authority vested in it under the Uniform Time Act of 1966 (80 Stat. 107) and section 6(e)(5) of the Department of Transportation Act of 1966 (80 Stat. 939). In the former Act, Congress provided for the establishment of four new standard time zones (Atlantic, Yukon, Alaska-Hawaii, and Bering) the first of which is described within this notice.

Present regulations relating to time zones are set forth in Part 239 (formerly Part 139) of Title 49 of the Code of Federal Regulations and establish a first, second, third, and fourth time zone. They are designated as the eastern, central, mountain, and Pacific zones, respectively.

Section 4(c) of the Uniform Time Act states in part: "The standard time of the first zone shall be known and designated as Atlantic standard time * * *." Section 4(a) of the Act states in part: "* * * [T]he standard time of the first zone shall be based on the mean solar time of the sixtieth degree of longitude west from Greenwich * * *."

In accordance with this direction, it is proposed to amend Part 239 as follows:

§§ 239.1, 239.2, 239.4, 239.6, 239.8 [Amended]

(1) Sections 239.1, 239.2, 239.4, 239.6, 239.8 would be amended to reflect the renumbering of the present first, second, third, and fourth zones, to reflect the new first zone (Atlantic), and to reflect the name of the new zone as an addition to to names of the present zones.

(2) A new § 239.1a would be added to describe the new zone, reading as follows:

§ 239.1a Atlantic standard time.

The first standard time zone, the Atlantic time zone, includes all territory of the United States between 52°30′ W. longitude and 67°30′ W. longitude except that it does not include any part of the State of Maine. In addition, the zone includes that portion of the Commonwealth of Puerto Rico lying west of 67°30′ W. longitude.

Interested persons are invited to participate in the making of this proposed rule by submitting such written data, views, and arguments as they may desire. Communications should identify the regulatory docket or notice number (see above) and be submitted in duplicate to: Docket Clerk: Office of the General Counsel; Department of Transportation; Washington, D.C. 20590.

Communications received on or before October 20, 1967, and all other communications received before the date of this notice, will be considered by the Department before taking final action. All docketed comments will be available for examination by interested persons in the Docket Section of the Board, Room 710, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

CIVIL AERONAUTICS BOARD

[14 CFR Parts 216, 375]

[Docket No. 19827; EDR-121, SPDR-9]

FOREIGN AIR CARRIERS

Commingling of Blind Sector Traffic

JULY 27, 1967.

Notice is hereby given that the Civil Aeronautics Board has under consideration the adoption of a new Part 216 of the Economic Regulations, applicable to foreign air carriers, which will prohibit the commingling of blind sector traffic on a flight operating in foreign air transportation, unless the carriage of such traffic has been specifically authorized by the Board. Procedures for issuance of a Special Authorization, authorizing such carriage, are also set forth. It is also proposed to amend § 375.35(a)(2) of the Special Regulations, permitting certain free transportation to authorized blind sector points, to reflect that blind sector operations will be authorized pursuant to Part 216. The basis and purpose of the proposed rules are set forth in the Explanatory Statement below and the proposed new part and amendment are set forth in the Proposed Rules below. The rules are proposed under the authority of section 204(a), in interpretation and application of sections 402, and 1108(b) of the Federal Aviation Act of 1958, as amended (72 Stat. 743, 757, 798; 49 U.S.C. 1324, 1372, 1508(b)), and of 3 U.S.C. 301–303 (65 Stat. 712).

Interested persons may participate in the proposed rule making through submission of ten (10) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant matter in communications received on or before September 25, 1967, will be available for examination by interested persons in the Docket Section of the Board, Room 710, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

Explanatory statement. The proposed rules set forth the regulatory requirements, applicable to foreign air carriers, for the carriage on a flight operating to and from the United States of traffic which is not moving in foreign air transportation because carried solely between two foreign points, where one or both of such points are not authorized for service in the carrier's permit. An operation via an unauthorized point, where no traffic rights are exercised between such point and the United States, has been commonly referred to as a "blind sector" operation, the non-traffic segment being referred to as a "blind sector." For convenience we shall refer to traffic which is picked up or discharged at an unauthorized foreign point for carriage to another foreign point in the course of such a blind sector operation, as "blind sector traffic." Such traffic might be carried between two foreign points wholly outside the United States, or in transit across the United States to an unauthorized foreign point beyond.[1] For example, "blind sector traffic" might consist of the carriage on an authorized Europe-New York flight of Europe-Canada or Europe-Mexico (beyond New York) traffic, where no traffic is carried between New York and Canada or Mexico.

The rules provide that such blind sector traffic shall be carried on a flight operating in air transportation (i.e., to and from the United States) only if the combined carriage of such traffic has been specifically authorized by the Board. In addition, the regulation sets forth procedural requirements for issuance of a Special Authorization pursuant to which such carriage may be authorized.

It has been the Board's view that a foreign carrier is prohibited from engaging in blind sector operations, unless such an operation has been specifically authorized by the Board. Such authorization has typically been granted pursuant to a foreign flight permit issued pursuant to section 1108(b) of the Act.[2] However, certain foreign carriers have challenged the Board's jurisdiction under section 1108(b) arguing that the commingled blind sector traffic is not moving in air transportation.[3] On the other hand, it has been suggested that by reason of the substantial effect that the carriage of such blind sector traffic has on the air transportation services authorized by the permit, such operations should be authorized only by amendment of the section 402 foreign air carrier permit.

The Board cannot accept the view that blind sector operations should not be subject to its regulations simply because the additional traffic which is carried on such flights is not itself moving in air transportation. The commingling of such blind sector traffic with traffic carried to and from the United States may have a very substantial effect on the operation which has been authorized by a foreign air carrier permit. To the extent that a foreign air carrier is authorized to carry blind sector traffic on a route servin the United States, it may be able to significantly increase the frequency and capacity of service on the authorized route. Thus, a blind sector traffic stop constitutes a valuable economic right, the regulation of which very much concerns the United States, and which, in appropriate cases, could be the subject of an exchange of rights derived from intergovernmental negotiations.

While the Board is of the view that blind sector operations by foreign carriers are presently prohibited unless prior authorization to conduct such operations has been obtained, we believe that adoption of specific regulatory requirements applicable to such operations provides the best means of resolving the legal questions which have been raised and clarifying the situation for the future. Accordingly, the Board tentatively finds that it is in the public interest to adopt a regulation in the form set forth below. The regulation is proposed pursuant to the Board's general rulemaking powers under section 204(a) of the Act.[4]

The Board recognizes that unauthorized blind sector operations may be currently operated by certain carriers, and that these may have been undertaken in the good faith belief that no Board authorization was required. In order to provide an orderly procedure for consideration of applications for authorization to continue such operations, the proposed rules provide that upon the filing of a timely application, blind sector operations which have been regularly conducted prior to the date of publication of this rule-making notice may be continued pending final decision by the Board on such application.

The proposed rules are applicable only to combined carriage of blind sector traffic as defined in this part. Deviation from the authorized route by foreign air carriers for the purpose of combined carriage of other traffic which is not moving in air transportation will continue to be governed by the provisions of Part 375 of the Special Regulations applicable to foreign flight permits issued under section 1108(b) of the Act. Such operations would include the carriage to or from the United States of nonrevenue,[5] emergency, or other traffic, the carriage of which does not constitute engaging in air transportation, which has been enplaned or deplaned at an unauthorized point (either U.S. or foreign).

Proposed rules. Accordingly, the Board proposes to adopt a new Part 216 of the Economic Regulations and to amend Part 375 of the Special Regulations, as follows:

1. Amend Chapter II of Title 14 of the Code of Federal Regulations (14 CFR) by adding a new Part 216 to Subchapter A—Economic Regulations to read as follows:

PART 216—COMMINGLING OF BLIND SECTOR TRAFFIC BY FOREIGN AIR CARRIERS

Sec.
216.1 Definitions.
216.2 Applicability.
216.3 Prohibition.
216.4 Special authorization.
216.5 Existing permits.
216.6 Existing unauthorized operations.

§ 216.1 Definitions.

As used in this part, unless the context otherwise requires:

"Act" means the Federal Aviation Act of 1958, as amended.

"Blind sector traffic" means revenue traffic, carried by a foreign air carrier on a flight operating in air transportation, which is enplaned at one foreign point and deplaned at another foreign point, where at least one of such points is not named as a terminal or intermediate point in the carrier's applicable foreign air carrier permit: *Provided*, That this definition shall not include traffic carried by a foreign air carrier between a point named in such carrier's foreign air carrier permit and a point beyond the carrier's homeland, where the flight is operated via, and lands at, a homeland terminal point authorized under such permit.

"Revenue traffic" means persons, property or mail carried for compensation or hire.

Terms defined in section 101 of the Act have the meaning expressed in such definitions.

§ 216.2 Applicability.

This part sets forth the requirements applicable to foreign air carriers for obtaining a Special Authorization from the Board with respect to any deviation from an authorized foreign air transportation route for the purpose of commingling blind sector traffic with air transportation traffic carried pursuant to a foreign air carrier permit issued by the Board. The deviation by a foreign air carrier from its authorized route for the purpose of combined carriage to or from the United States of nonrevenue or other traffic, the carriage of which does not constitute engaging in foreign air transportation, is governed by the provisions of Part 375 of the Special Regulations in this chapter.

§ 216.3 Prohibition.

No foreign air carrier shall carry any blind sector traffic, as defined in this part, on any flight operating in air transportation pursuant to the authority of a foreign air carrier permit issued under section 402 of the Act, unless the combined carriage of such traffic has been specifically authorized by such permit, or

[1] A beyond homeland point would not, however, be considered as unauthorized.

[2] See e.g., Compagnie Nationale Air France, Foreign Permit, 30 CAB, 981, n. 1 (1960); Compagnie Nationale Air France, Navigation of Foreign Aircraft, 30 CAB 1562 (1960); Philippine A.L., Foreign Permit, 35 CAB 331, 337 n. 9 (1961); Cathay Pacific Airways, Ltd., Foreign Permit, Order E-24951, Feb. 10, 1967.

[3] To the extent that the Board's decisions in certain early cases may have indicated that the Board would not assert jurisdiction over such operations, these decisions no longer represent the views of the Board. See, TAN, Foreign Permit, 18 CAB 377, 378 (1954); Airwork, Ltd., Foreign Permit, 18 CAB 542 (1954); LACSA, Foreign Permit, 18 CAB 552, 557–558 (1954); Lufthansa, Foreign Permit, 23 CAB 396, 398 (1956); Eagle Airways, Foreign Permit, 30 CAB 458, 462 (1959); TAN, Foreign Permit, Order E-20017, n. 10, July 23, 1963. It may be noted that these cases were decided in the context of section 402 permit applications, and the requirement for an additional authorization pursuant to section 1108(b) was not focused upon.

[4] See, American Airlines v. C.A.B., 359 F. 2d 624 (C.A.D.C., 1966).

[5] Section 375.35 provides blanket authority for certain free transportation between specified non-traffic segments, including carriage between the United States and an offroute foreign point from which blind sector operations have been authorized (§ 375.35(a)(2)). The proposed rules would amend this provision to reflect that the blind sector authorization will be issued pursuant to this part.

by a Special Authorization issued under § 216.4

§ 216.4 Special authorization.

(a) *Applications.* Any foreign air carrier may apply to the Board for a Special Authorization, as required by this part, for the carriage of blind sector traffic on a particular flight, series of flights, or for a specified or indefinite period of time between specified points. Applications shall be submitted directly to the Board, addressed to the attention of the Director, Bureau of Operating Rights. One orignal and seven true copies in conformity with the requirements of §§ 302.3(b) and 302.4 (b) and (c) of this chapter shall be filed. The applications shall contain a proper identification of the applicant; the flight or flights upon which it is proposed to carry such blind sector traffic, including routing, nontraffic stops, and dates or duration of the authority sought; a full description of such traffic, and points between which such traffic will be carried; information or documentation as to whether the country of which the applicant is a national grants reciprocal privileges to U.S. carriers; and the reasons for requesting such authorization together with such additional information as will establish that the grant of such authority will otherwise be in the public interest. Such additional information as may be specifically requested by the Board shall also be furnished.

(b) *Service.* Applications shall be served upon each direct U.S. air carrier certificated to engage in individually ticketed or waybilled foreign air transportation over any portion of the route to which the application pertains, and on such other persons as the Board may require, and proof of such service shall accompany the application as provided in § 302.8 of this chapter. Notice of such applications shall also be published in the Board's Weekly List of Applications Filed.

(c) *Memoranda in support or opposition.* Any interested person may file a memorandum in support of or in opposition to the grant of an application. Such memorandum shall set forth in detail the reasons why it is believed that the application should be granted or denied and shall be accompanied by such data, including affidavits, which it is desired that the Board consider. Copies of the memorandum shall be served upon the applicant. Nothing in this subparagraph shall be deemed to preclude the Board from granting or denying an application when the circumstances so warrant without awaiting the filing of memoranda in support of or in opposition to the application.

(d) *Time for filing.* (1) Applications seeking authority to engage in blind sector operations for a period of 3 months or longer, shall be submitted at least 60 days in advance of the proposed commencement of such operations. Memoranda in response to such an application shall be submitted within 15 days after the date of filing thereof.

(2) Applications seeking authority to engage in blind sector operations for a period of less than three months shall be filed at least 20 days in advance of the proposed commencement of such operations, and memoranda in response thereto within 7 days after the date of filing thereof: *Provided*, That the Board may consider late filed applications upon a showing of good cause for failure to adhere to this requirement.

(e) *General procedural requirements.* Except as otherwise provided herein, the provisions of Part 302, Subpart A, of this chapter shall apply to the extent applicable.

(f) *Issuance of Special Authorization.* A Special Authorization authorizing the carriage of blind sector traffic will be issued only if the Board finds that the proposed carriage is fully consistent with applicable law and this part, and that grant of such authority would be in the public interest. The application may be granted or denied in whole or in part without hearing, and a Special Authorization made subject to any conditions or limitations, to the extent that such action is deemed by the Board to be in the public interest. Special Authorizations are not transferable.

(g) *Nature of the privilege conferred.* A Special Authorization issued pursuant to this section shall constitute a privilege conferred upon a carrier, which may be enjoyed only to the extent that its continued exercise remains in the interest of the public. Accordingly, any Special Authorization issued pursuant to this section may be revoked, suspended, amended or restricted without hearing.

§ 216.5 Existing permits.

"Foreign aircraft permits" issued by the Board under the provisions of Part 375 of the Board's Special Regulations, authorizing the combined carriage of blind sector traffic as defined in this part, shall continue in effect in accordance with their terms until their expiration date unless sooner terminated, revoked or modified by the Board. Such permits shall, upon the effective date of this part, be deemed to constitute a Special Authorization issued pursuant to § 216.4.

§ 216.6 Existing unauthorized operations.

Notwithstanding the provisions of § 216.3, if within 30 days after the effective date of this part a carrier files an application for a Special Authorization to continue to perform existing blind sector operations which have been regularly performed by such carrier commencing on a date prior to _____, 1967, such carrier may continue to engage in such blind sector operations until final decision by the Board on such application: *Provided*, That any such application shall, in addition to the requirements of § 216.4(a), contain a statement that the carrier is relying upon this section for continuance of pre-existing blind sector operations, and shall fully describe such operations including the date inaugurated, and the frequency and continuity of performance.

2. Amend § 375.35(a)(2) of Part 375 of the Special Regulations (14 CFR Part 375) to read as follows:

§ 375.35 Free transportation.

(a) * * *

(2) Between a point in the United States named in the carrier's section 402 permit, and a point outside the United States not named in the permit, when authorized in accordance with the provisions of Part 216 of this chapter to carry blind sector traffic to or from such unnamed foreign point; and

* * * * *

[F.R. Doc. 67-9302; Filed, Aug. 8, 1967; 8:48 a.m.]

Notices

POST OFFICE DEPARTMENT

NATIONWIDE RAILROAD STRIKES

Standby Instructions for Guidance

The following is an excerpt from Regional Instructions No. 66–0–13, signed by the Assistant Postmaster General, Bureau of Operations on July 18, 1967, relative to the above-mentioned subject:

I. *Purpose.* To include in one issuance standby instructions for guidance in accepting both domestic and international mail during any nationwide railroad strike.

II. *Domestic mail*—A. *General instructions.* Shipments of second-, third-, and fourth-class mail addressed for delivery beyond the second parcel-post zone from the post office of origin will not be accepted. This restriction does not apply to the items which are given airlift service to or from military post offices overseas under the provisions of section 127.15, Postal Manual and § 127.1(e) of Title 39, Code of Federal Regulations. First-class and airmail will continue to be accepted without restriction as to distance.

B. *Special instructions*—1. *Second-class.* Arrangements may be made by publishers of second-class and controlled circulation publications to ship at their own expense and risk copies of their publications for designated areas to other centrally located post offices for acceptance in the mails under the following conditions:

a. The publisher must continue to pay the postage for the full mailing at the post office where the publication officially has original or additional entry. There will be no change in the method of paying postage. The postage will be computed at the regular rates applicable from the official entry office. The mailer will get no rate advantage for transporting the copies at his expense to other mailing points.

b. The publisher will advise the postmaster at the office of entry of the special mailing points to which he desires to transport the publications and the approximate number of sacks for each special mailing point.

c. The special mailing points selected by a publisher must be sectional center post offices which have facilities for handling the mail.

d. The copies transported to special mailing points must be for delivery at post offices not beyond the second parcel post zone from the place of mailing.

e. When the post office of original or additional entry has a request for a publisher with the information specified herein, the arrangement should be approved by the postmaster and notification sent to the other post offices involved. Reports need not be submitted to the Department.

2. *Third- and fourth-class.* a. Special arrangements will not be made for payment of postage on third- or fourth-class mail at one post office for acceptance at another. Metered or permit imprint mail must be accepted only at the post office shown in the meter postmark or permit imprint.

b. If third- or fourth-class mail is shipped by the mailer at his own expense and risk for mailing at another post office it will be accepted provided the mail is addressed for delivery at a post office not beyond the second parcel post zone from the mailing office and the postage is paid by:

(1) *Postage stamps affixed.* It is not required that they be purchased at the place of mailing. The use of precanceled stamps of the office where the mailer is located will be permissible. The requirement for overprinting in section 142.25 of the Postal Manual and § 142.2(e) of Title 39, Code of Federal Regulations, is waived.

(2) *Permit imprints of the office accepting the mail.* If the mailer does not have a permit at that office the required application and fee must be submitted.

(3) *Meter stamps showing postmark of the accepting office.* Arrangements may be made for setting meters used in paying postage at another office under the procedures in section 143.33 of the Postal Manual and § 143.3(c) of Title 39, Code of Federal Regulations.

3. *First-class.* If postage is paid at the first-class rate on articles of the second-, third- or fourth-class they will be accepted for mailing without distance limitation.

III. *International mail*—A. *General instructions.* Except as provided in B below no international surface mail will be accepted other than surface letters and letter-packages and post cards. Airmail postal union mail and international air parcel post will continue to be accepted.

B. *Special instructions.* Post offices at port cities from which international surface mail is dispatched may accept all categories of international surface mail provided it is addressed to countries for which vessels leaving from the port city carry mail for the countries concerned. Also, all categories of mail for Canada and Mexico may be accepted at post offices along the Canadian and Mexican borders where absence of rail service will not affect the dispatch of the mail to those countries.

* * * * *

This notice supersedes Regional Letter No. 66–134 of September 13, 1966 (31 F.R. 12810), Regional Instructions No. 49–0–10 of May 5, 1967, and Regional Instructions of June 7, 1967.

(5 U.S.C. 301, 39 U.S.C. 501)

TIMOTHY J. MAY,
General Counsel.

AUGUST 3, 1967.

[F.R. Doc. 67-9278; Filed, Aug. 8, 1967; 8:46 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[S 768]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

JULY 28, 1967.

The Forest Service, U.S. Department of Agriculture has filed an application, Serial Number S 768 for the withdrawal of the lands described below, from prospecting, location, entry and patenting under the mining laws only, subject to existing valid rights.

The applicant desires the land for a seed production area to provide a source of improved seed for the reforestation program.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, U.S. Department of the Interior, Room 4201, U.S. Courthouse and Federal Building, 650 Capitol Mall, Sacramento, Calif. 95814.

The Department's regulations (43 CFR 2311.1–3(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN

STANISLAUS NATIONAL FOREST

Manuel Seed Production Area

T. 5 N., R. 14 E.,
Sec. 25, S½S½SE¼;
Sec. 36, N½NE¼.

The areas described aggregate approximately 120 acres in Calaveras County.

R. J. LITTER,
Chief, Lands Adjudication Section.

[F.R. Doc. 67-9271; Filed, Aug. 8, 1967; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the General Counsel

ASSISTANT GENERAL COUNSEL FOR MARKETING, REGULATORY LAWS, RESEARCH AND OPERATIONS, ET AL.

Delegation of Authority

Pursuant to the authority of 7 CFR 1.51(c), relating to the consideration, ascertainment, adjustment, determination, settlement, and compromising of claims arising under the Federal Tort Claims Act, 28 U.S.C. 2671–2680, and the authority at 30 F.R. 8722, as amended at 32 F.R. 10938, relating to the determination, settlement, and payment of claims arising under the Military Personnel and Civilian Employees' Claims Act of 1964, as amended, 31 U.S.C. 240–243, the following delegations of authority have been made to certain officials of the Office of the General Counsel.

1. The Assistant General Counsel for Marketing, Regulatory Laws, Research and Operations, or any person acting in his stead, is authorized to consider, ascertain, adjust, determine, compromise, and settle any claim against the United States arising from the activities of the Department of Agriculture pursuant to the Federal Tort Claims Act. This same authority is delegated to each Regional Attorney and Attorney in Charge, or any person acting in his stead, but is limited to claims arising out of activities of the Forest Service and which are not in excess of $5,000.

2. Each Regional Attorney and Attorney in Charge, or any person acting in his stead, is authorized to settle claims against the Forest Service which are not in excess of $5,000 and which arise under the Military Personnel and Civilian Employees' Claims Act.

Done at Washington, D.C., this 3d day of August 1967.

JOHN C. BAGWELL,
General Counsel.

[F.R. Doc. 67-9327; Filed, Aug. 8, 1967; 8:51 a.m.]

Packers and Stockyards Administration

STUART HORSE SALE ET AL.

Proposed Posting of Stockyards

The Acting Chief, Registrations, Bonds and Reports Branch, Packers and Stockyards Administration, U.S. Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 302), and should be made subject to the provisions of the Act.

Stuart Horse Sale,
Stuart, Iowa.
Kentwood Livestock Sales, Inc.,
Kentwood, La.
Buttonwood Auction Sales, Inc.,
Shrewsbury, Mass.
Red Bank Auction Sales,
Lexington, S.C.
Direct Market, Inc.,
Tomah, Wis.

Notice is hereby given, therefore, that the said Acting Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the Act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule, may do so by filing them with the Acting Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards Administration, U.S. Department of Agriculture, Washington, D.C. 20250, within 15 days after publication in the FEDERAL REGISTER.

All written submissions made pursuant to this notice shall be made available for public inspection at such times and places in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 3d day of August 1967.

CHARLES G. CLEVELAND,
Acting Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[F.R. Doc. 67-9287; Filed, Aug. 8, 1967; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

UNIVERSITY OF IOWA, PURCHASING DEPARTMENT ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C.

A copy of each comment filed with the Director of the Office of Scientific and Technical Equipment must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 68-00014-33-46500. Applicant: University of Iowa, Purchasing Department, Iowa City, Iowa 52240. Article: Reichert Ultramicrotome "Om U2". Manufacturer: C. Reichert Optische Werke A.G., Austria. Intended use of article: Applicant states:

This ultramicrotome is intended for preparation of thin sections of a variety of mammalian tissues for electron microscopic examination. It is especially needed for the sectioning of peripheral nervous tissues such as autonomic ganglia, which are very difficult to section, and require the use of a diamond knife and an ultramicrotome with very precise control of section thickness. * * *

Application received by Commissioner of Customs: July 10, 1967.

Docket No. 68-00016-33-46500. Applicant: University of Wisconsin, 750 University Avenue, Madison, Wis. 53706. Article: Reichert Ultramicrotome "Om U2". Manufacturer: C. Reichert Optische Werke A.G., Austria. Intended use of article: Applicant states:

Plant and insect tissue infected with RNA-viruses will be embedded in Epoxy-resins. Radioactive labeling techniques and antibody labeling techniques will be employed to tag virus specific metabolites in cells. Consecutive *thick* (0.5*u*) and *thin* (600 A) sections of these specimens will be prepared for light and electron microscopy, respectively. The objective of this study is to establish a correlation between structure and function as far as virus synthesis is concerned.

Application received by Commissioner of Customs: July 10, 1967.

Docket No. 68-00020-33-46500. Applicant: University of California San Francisco Medical Center, Section of Hematology and Immunology, 476 Health Sciences, West Tower Third and Parnassus Avenues, San Francisco, Calif. 94122. Article: LKB Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used in the study of the distribution and biological properties of isoantigens present on the cell surface of erythrocytes, leukocytes, and platlets. Techniques of immunoelectron-microscopy will be used and emphasis will be placed on the use of these techniques in the study of the role of isoantigens in the causation of:

a. "Autoimmune" in comparison with drug induced hemolytic anemia and neutropania.

b. Rejection of homografts.

The relationship of isoantigens on leukocytes with ferritin labeled antibody will be examined. Application received by Commissioner of Customs: July 11, 1967.

Docket No. 68-00027-33-46040. Applicant: University of Maryland, Botany Department, H. J. Patterson Hall, College Park, Md. 20740. Article: Electron Microscope, Hitachi Perkin-Elmer Model HU-11C. Manufacturer: Hitachi Ltd., Japan. Intended use of article: The microscope will be used mainly for the program on plant virus research. The leaf-dip technique of Brandes and associates (Advance Virus Research 11: 1-24, 1965) for determining virus particle morphology and size will be used for the diagnoses of plant virus diseases. Virology currently under investigation is the effect of the virus on the host, especially in the early stages of virus infection. The specificity of the serological reaction is being investigated by the electron microscopy of ultra-thin sections of precipitin zones from double-gel diffusion tests. The phenomena of EDTA on the protein shell or coat of the virus particle which exposes viral nucleic acid will be examined before and after treatment with EDTA. Application received by Commissioner of Customs: July 14, 1967.

Docket No. 68-00030-33-77040. Applicant: Purdue University, Purchasing Department, Lafayette, Ind. 47907. Article: Mass Spectrometer, Hitachi Perkin-Elmer Model RM H2 with ancillary equipment. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: Applicant states:

This instrument will be used for advanced research and analysis of complex organic compounds.* * *

Application received by Commissioner of Customs: July 17, 1967.

Docket No. 68-00033-20-61070. Applicant: The University of Texas at Austin, Box 7306, University Station, Austin, Tex. 78712. Article: Strainmeter Gauge Type PC 641, Comparator, Type PC 101, and Switching Box Type PCA 107/30. Manufacturer: Perivale Controls Co., Ltd., Greenford, Middlesex, England. Intended use of article: Applicant states:

Will be used to detect and measure concrete subjected to a variety of load, temperature, and moisture conditions.

Application received by Commissioner of Customs: July 17, 1967.

Docket No. 68-00035-33-46500. Applicant: Stanford University, Purchasing Department, 620 Quarry Road, Palo Alto, Calif. 94304. Article: Microtome LKB model Ultratome III. Manufacturer: LKB Produkter, AB Sweden. Intended use of article: Applicant states:

* * * * *

The Ultra-microtome will be used to prepare ultra-thin sections of embedded human leukocytes prior to their examination in the electron microscope. Both the Ultrastructure and the pattern of radioautographic isotope incorporation will be examined in these sections. The section thickness will vary from 50 A° to 1,900 A°, depending upon whether ultrastructure or radioautography is being studied, and it will be necessary to produce successive sections at a constant or varying thickness, in order to meet the requirement of high resolution of ultrastructure and of controlled thickness for quantitative incorporated isotope.

Application received by Commissioner of Customs: July 17, 1967.

Docket No. 68-00036-01-77040. Applicant: University of Idaho, Chemistry Department, Moscow, Idaho 83843. Article: Mass Spectrometer, Hitachi Perkin-Elmer model RMU-6E and ancillary equipment. Manufacturer: Hitachi Ltd., Japan. Intended use of article: Applicant states:

The Mass Spectrometer will be applied to the problem of structure elucidation in organic and organo-metallic chemistry. It will also be used for more fundamental work such as studying metastable ion transitions, determining ionization and appearance potentials and making quantitative measurements of ion ratios. The instrument will also be useful in organic analysis encountered in geology, natural product chemistry and medicinal chemistry.

Application received by Commissioner of Customs: July 17, 1967.

Docket No. 68-00037-33-46040. Applicant: University of Minnesota, Cell Biology Program, University of Minnesota, St. Paul, Minnesota 55101. Article: Electron Microscope, Hitachi Perkin-Elmer model HU-11C. Manufacturer: Hitachi Ltd., Japan. Intended use of article: Applicant states:

The research project for which this instrument is primarily intended is a study of the ultrastructure of biological membranes. * * * Specifically, we are studying the structural organization of the electron transport enzymes of both plant and animal mitochondria. The individual enzyme molecules in this system appear to range between 20-100 A° in size and are arranged in the membrane in patterns or complexes which control the activity of the system. We intend to observe these enzyme molecules both in the normal condition and after alteration in an effort to understand their role in cellular metabolism.

Application received by Commissioner of Customs: July 18, 1967.

Docket No. 68-00043-00-46500. Applicant: Tulane University School of Medicine, 1430 Tulane Avenue, New Orleans, La. 70112. Article: Diamond knives and adaptors for microtome. Manufacturer: Friedrich Dehmer, Diamantmesser fur Microtome, West Germany. Intended use of article: Applicant states:

The articles and accessories (two diamond knives and two adaptors) are to be used to obtain ultrathin sections of human intestinal mucosal specimens embedded in epoxy resins. The knives are fixed into the adaptor and the adaptor is attached to an ultramicrotome which cuts the ultrathin sections from the tissue which is embedded in the epoxy resin. The articles and accessories will be used with ultramicrotomes already available.

Application received by Commissioner of Customs: July 24, 1967.

CHARLEY M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 67-9258; Filed, Aug. 8, 1967; 8:45 a.m.]

Office of the Secretary

SURVEY OF AMERICAN BUSINESS INVESTMENTS IN FOREIGN COUNTRIES

Instructions and Regulations

SECTION I. *Introduction.* The Survey of American Business Investments in Foreign Countries is being conducted by the Department of Commerce to provide a complete and accurate account of the amount of such investments at the end of 1966, the net increase in investments during the year, the return on these investments, and certain aspects of their contributions to foreign economies as well as to our own.

The need for accurate information of this type has been recognized since the early 1920's when private investment funds from the United States began to flow to foreign countries in considerable volume. As a result of the demand for accurate statistics thus created, the Department of Commerce conducted the first survey of foreign direct investments covering the year 1929. Subsequent surveys were taken by the Commerce Department for the years 1936, 1940, 1950, and 1957.

Since 1957, the volume of foreign investments has been unprecedented, and the need for accurate statistics has been more widespread than ever. Since the last complete survey in 1957 there has been a considerable change in the pattern and distribution of foreign investments. The growing economic significance of foreign investments has further enhanced the demand for these data, both from Federal executive agencies responsible for the administration of various phases of the Government's balance of payments improvement program, for international technical assistance and economic development programs, and from industrial and business groups. In addition, international organizations and others abroad concerned with foreign trade and economic development greatly need accurate information on the extent and impact of private business investments.

The data collected in this survey, in addition to providing complete statistics of American foreign business investments for 1966, will serve as a base from which current data collected in sample surveys can be expanded to reliable total

estimates of capital and income movements, of flow of funds statistics, and of intercompany flows of exports. These current statistics constitute an important part of the analysis of the U.S. balance of payments.

The information requested in this survey has been set up on questionnaire BE–10, 1966, Forms A, B, C, E, and E–S, described in detail in Section II, B–1 of these instructions.

Pursuant to Executive Order 10033 of February 8, 1949 (14 F.R. 561), as amended, issued under section 8 of the Bretton Woods Agreements Act (59 Stat. 515, 22 U.S.C. 286f), the National Advisory Council on International Monetary and Financial Policies, having consulted with the Director of the Bureau of the Budget, has determined that data for 1966 on private American investments abroad are essential in order that the U.S. Government may continue to comply with official requests from the International Monetary Fund for balance of payments information.

In accordance with sections 2(b) and 2(c) of Executive Order 10033, as amended, the Director of the Bureau of the Budget has designated the Commerce Department as the Federal executive agency to collect the required data and the Secretary of Commerce has assigned this responsibility to the Office of Business Economics, Department of Commerce.

Replies are therefore mandatory under section 8(b) of the Bretton Woods Agreements Act cited above.

No reporter is required or requested to submit replies to any specific question on these forms, if by so doing the security laws of a foreign country are violated.

This survey has been approved by the Bureau of the Budget under the Federal Reports Act (Public Law No. 831, 77th Congress). All replies will be held in confidence by the Balance of Payments Division, Office of Business Economics, under the provisions of section 4(b) of that act and section 8(c) of the Bretton Woods Agreements Act.

Inasmuch as the reports involve a foreign affairs function of the United States, section 4 of the Administrative Procedure Act does not apply. In any event it is found that because of the nature of the reports, the fact that they are required under the Bretton Woods Agreements Act upon appropriate request, and that, consequently, the Instructions and Forms are merely declaratory of that Act and Executive Order above mentioned, no useful purpose would be served by notice and public procedure thereon, the same being impracticable and unnecessary. Inasmuch as the required reports will not be due for 90 days from publication of these instructions, there is no need for postponement of their effective date, and such instructions are, therefore, effective upon publication in the FEDERAL REGISTER.

Dated: August 3, 1967.

A. B. TROWBRIDGE,
Secretary of Commerce.

SEC. II. *General instructions*—A. *Who must report.* 1. Basic requirement: A report is required from every corporation, partnership, estate or trust, individual, or any other person, or closely related group of persons subject to the jurisdiction of the United States, and ordinarily residing within the United States, having at the close of business on December 31, 1966:

a. Control of a foreign business organization (including a foreign branch) owned directly or in conjunction with an affiliated person, foreign or domestic. (For complete description see subsections E–5, E–6, and E–7.)

b. Outright ownership of real property located outside of the United States, except real property held for personal use and not productive of income.

c. Ownership of a sole proprietorship type of business enterprise, located outside of the United States.

d. Ownership of the voting stock of a foreign corporation to the extent of at least 10 percent, but less than 25 percent, or an analogous interest in an unincorporated foreign enterprise (see subsection E–9).

Reports are required covering the above types of property if ownership certificates or the equivalent were legally in existence and held by the reporters on December 31, 1966, even though the assets may have been destroyed or expropriated by Government action prior to that date. Such holdings are to be reported as of the last date that information relating to the foreign organizations is available.

2. Estates and trusts: Direct foreign investments held by a domestic estate or trust, i.e., an estate or trust created under the laws of the United States or any subdivision thereof, shall be reported by the fiduciary and not by a beneficiary. Such property must be reported whether or not any beneficiary is subject to the laws of the United States or any subdivision thereof. Any trust actually created in the United States even though the trust instrument provides that the trust shall be subject to the laws of a foreign country must report.

3. Persons beneficially interested in property: If direct foreign investments beneficially owned by a person subject to the jurisdiction of the United States were held by or in the name of another, only the person having the beneficial interest shall report, except as specifically provided above regarding domestic estates and trusts.

4. More than one person owning an interest in the same foreign organization or foreign property:

a. Form B: Each person is required to report if the aggregate ownership of the affiliated persons in the allied foreign organization totals 25 percent or more of the voting securities unless affiliated through an estate or trust as provided in subsection A–2 above.

b. Form C: Each person owning an interest of 10 percent or more in an associated foreign enterprise is required to report.

5. U.S. branches and offices of foreign persons: A branch or office in the United States of a person within a foreign country shall report with respect to property in foreign countries allocated to, held for the use of, or claimed by such branch or office, but shall not report other property of the foreign person.

B. *Forms to be used.* 1. Each reporter is required under the law to submit reports on several types of forms. These forms are:

Form A: This form is required to identify the reporter, to give certain financial and statistical detail for the reporter, and to provide a complete list of all foreign organizations allied or associated with the reporter.

Form B: One Form B is required for each allied foreign organization listed by the reporter on Form A. In the case of affiliated persons allied with the same foreign organization, reports on Form B are required from each. However, only one of the affiliated persons is required to complete Part II of Form B in order to eliminate duplicate entries. Part II may be omitted only if the reporter has definite knowledge that one of the affiliates is completing that part of the form, and all reporters remain fully liable for the complete report. In the event that Part II of Form B is omitted, the reporter is required to indicate, in the space provided on the form, the name of the affiliate who is including Part II with its report. Separate reporting forms have been designed for nonfinancial, financial, and insurance organizations.

Form C: One Form C is required for each associated foreign organization listed by the reporter on Form A. In the case of affiliated U.S. persons associated with the same foreign organization, reports on Form C are required from each. However, a consolidated report on Form C may be submitted by one of the affiliated U.S. persons, provided that the names and proportionate interests of all affiliated persons are listed. (Note that Form C is to be used only when the combined interests of affiliated persons totals less than 25 percent; where the combined interest is 25 percent or more a report on Form B is required.)

Form E: This form is required to be filed for each allied foreign organization in which the reporter directly and through domestic affiliates owns 50 percent or more of the voting stock, or an equivalent ownership interest in unincorporated enterprises. No reports are, however, required for foreign financial or insurance affiliates of U.S. reporters, for foreign-controlled organizations regardless of activity if ownership is held by U.S. individuals or by estates or trusts, for foreign enterprises whose total transactions in U.S. exports was less than $100,000 in the period covered, or for foreign enterprises owned through other foreign affiliates (secondary organizations). This form is designed to provide information on export flows from the United States to the foreign affiliates of U.S. reporters. (For complete description see section VI.)

Form E–S: This form is required for each reporter except for financial organizations, insurance firms, estates and trusts and reporters who are individuals.

The form is designed to provide summary data on the reporting company's exports from the United States, both to its own foreign affiliates and to other foreign recipients. (For complete description see section VII.)

C. *Property not to be reported.* 1. Basic requirements: Properties not specifically included in subsection A–1 are to be excluded from the scope of this survey and are not to be reported. Properties excluded from this survey include:

Real or personal property held for the reporter's personal use, e.g., hunting lodges, homes, automobiles, etc., retained for personal use and not productive of income.

D. *Exemptions.* 1. Exemption based on value of property: Any person whose property in foreign countries otherwise subject to reporting has an aggregate value of less than $50,000 is not required to report. Value is to be determined by the cost, reporter's estimate of market value, or the book value as carried on the books of the foreign organization converted into U.S. dollars, whichever is the greatest.

2. Certain persons exempted regardless of the amount or kind of property: A report need not be made by any person who is within any of the following categories on or after December 31, 1966, regardless of the amount or kind of property otherwise reportable by such persons: (1) Members of the Armed Forces of the United States serving outside the continental United States; (2) citizens of the United States who permanently reside in a foreign country; (3) officers or employees of foreign governments and members of the immediate families of such persons, provided they are not citizens of the United States; (4) religious bodies, charitable organizations and other nonprofit organizations, except for the interests of such groups in foreign organizations conducting business for profit.

E. *Definitions.* For the purpose of this survey and any instructions or rulings issued hereunder, the following definitions are prescribed:

1. "Person" shall include an individual, partnership, association, corporation, estate or trust, or other organization.

2. "Person subject to the jurisdiction of the United States" shall mean (1) any citizen of the United States (but only citizens ordinarily resident in the United States are required to report); (2) any corporation or other organization created or organized under the laws of the United States or any State, territory, district, or possession thereof; (3) any individual resident in the United States on December 31, 1966, except as specifically excluded in subsection D–2 above.

3. "United States" shall mean the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Panama Canal Zone, and any territory or possession of the United States.

4. "Affiliates" shall mean (1) (a) individuals married to each other, their direct forebears, and their children, (b) brothers and sisters, (c) estates of persons, or trusts for the benefit of or created by persons, are deemed to be affiliates of such persons and of each other; (2) any group of U.S. persons who ordinarily exercise their voting rights in a foreign organization as a unit; (3) in relation to any corporation or other organization issuing stock or similar securities, any person who, directly or indirectly, owned, controlled, or held with power to vote, 10 percent or more of the outstanding voting securities thereof; (4) as to any other organization, any person who owned or controlled 10 percent or more of the comparable ownership rights therein.

Any corporation or other U.S. organization of which a person was an affiliate also shall be deemed to have been an affiliate of such person, and all persons who were direct affiliates of the same U.S. person shall be deemed to have been affiliates of each other.

5. "Controlled" organization: The ownership of 25 percent or more of the voting securities of a corporation, or of similar certificates of ownership in other types of organizations, including direct branches of U.S. business firms, shall constitute a controlled organization for the purposes of this survey. Such a "controlled" foreign organization shall be refefred to as an allied foreign organization. Reports are required for each such "allied" foreign organization as defined immediately below. Please note that organizations in Canada are foreign organizations and are therefore reportable.

6. "Primary allied foreign organization" shall include the following organizations located in, or under the jurisdiction of, a foreign country:

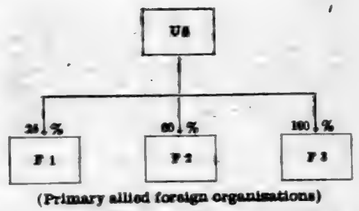
a. Foreign corporation: A foreign corporation shall be said to be a "primary allied foreign organization" if any one of the following conditions is met:

First: The reporting organization owns 25 percent or more of the voting securities of the foreign corporation.

Second: The reporting organization owns less than 25 percent of the voting securities of the foreign corporation; however, affiliates, either domestic or foreign, of the reporting organization own additional voting securities in the foreign corporation which when added to the amount owned by the reporter, total 25 percent or more.

Third: The reporting organization owns none of the voting securities of a foreign corporation, but does own bonds, notes, or other certificates of indebtedness of the foreign corporation, or has direct dealings with the foreign corporation by exchange of merchandise or rendering services, or the foreign organization owns securities or obligations of the reporting company or its affiliates; and 25 percent or more of the voting securities of the foreign corporation are owned by affiliates (domestic or foreign) of the reporter.

Examples: First: A U.S. corporation (company US) owns 25 percent or more of the voting securities of a foreign corporation (company F). Company F must be reported by company US as a "primary allied foreign organization".

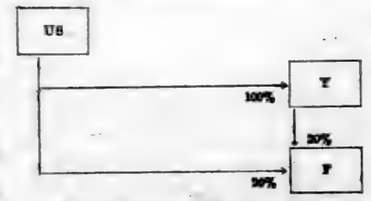


(Primary allied foreign organizations)

Company "US" owns directly 25 percent or more of the stock in foreign companies "F1", "F2", and "F3", and must file a Form B for each of these foreign companies (primary allied foreign organizations).

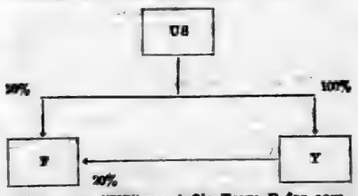
Second. A U.S. corporation (company US) owns some, but less than 25 percent of the voting securities of a foreign corporation (company F). A second corporation (company Y) either domestic or foreign, is affiliated with company US and owns voting securities of the foreign corporation (company F) which when added to the voting securities owned by company US total 25 percent or more of voting interests of company F. Company F must be reported as a "primary allied foreign organization" by the U.S. company US. If the affiliated company Y is a U.S. corporation, the foreign company F must be reported as a "primary allied foreign organization" by both companies US and Y. If the affiliated company Y is a foreign organization, company F must be reported as a "secondary allied foreign organization" as well as a "primary allied foreign organization". (See subsection E–7.)

Company "Y" being domestic:



The combined ownership interest in company "F" by company "US" and its affiliated company "Y" is 40 percent. Both company "US" and "Y" have to report their interest in company "F" on Form B as primary allied foreign organizations.

Company "Y" being foreign:

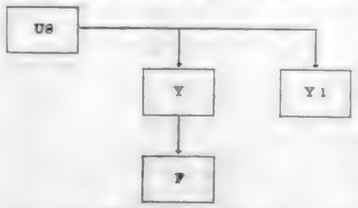


Company "US" must file Form B for companies "Y" and "F" as primary allied foreign organizations, and a Form B to cover the ownership of company "Y" in company "F" as a secondary allied foreign organization.

Third: A U.S. corporation (company US) owns none of the voting securities of a foreign corporation (company F). Company US owns bonds or notes of indebtedness issued by company F, or has intercompany accounts with company F, or renders services to company F. An affiliate, or a group of affiliates (either domestic or foreign), of company US owns a total of 25 percent or more of the voting securities of the foreign corporation

(company F). Company F must then be reported as a "primary allied foreign organization" by company US and by each of the U.S. affiliates who owns certificates of indebtedness or has dealings with the foreign corporation. If any or all of the affiliates of company US are foreign organizations, company F must also be reported as a "secondary allied foreign organization". (See subsection B-7.)

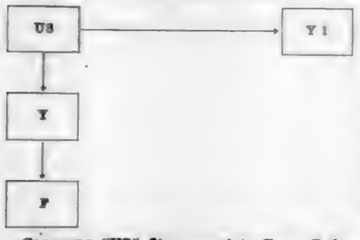
Company "Y" and "Y 1" being domestic:



Company "Y" files complete Form B for company "F".

Companies "US" and "Y 1" file partial reports on Form B to show intercompany transactions with company "F", if any.

Company "Y" being foreign:
Company "Y 1" being domestic:



Company "US" files complete Form B for company "Y" (primary allied foreign organization) and company "F" (secondary allied foreign organization).

Companies "US" and "Y 1" file partial reports on Form B to show intercompany transactions with company "F", if any.

b. Partnership: A partnership in which a person under the jurisdiction of the United States is one of the partners, whether general, special, limited, or otherwise.

c. Branch: The interest of any person subject to the jurisdiction of the United States in property in any foreign country allocated to or held in the name or for the use of any branch, depot, or office outside the United States maintained by such person for the transaction of any of his business. Foreign operations or activities conducted by U.S. corporations in their own names and not through foreign-incorporated companies are to be reported as branch operations. This should include the development of foreign mining claims, and of foreign oil concessions held directly or jointly with others. Unincorporated foreign business of mutual insurance companies should be treated as foreign branch activities of the U.S. business firm and should be reported in this survey.

d. A business enterprise or real property owned outright by a resident of the United States.

7. "Secondary allied foreign organization" shall be defined as follows:

a. A foreign organization allied with the reporter through the ownership of at least 25 percent of its voting securities or other certificates of ownership, through a primary or other secondary allied foreign organization, after giving effect to the proportionate interest of the reporter in the voting securities of the primary or other secondary allied foreign organization. Please note that for the purpose of this survey any combination of ownership which results in the reporter having a proportionate ownership in the secondary organization of at least 25 percent constitutes a reportable secondary organization. (For example: ownership by reporter of 50 percent of the voting stock of a primary allied foreign organization, which in turn owns 50 percent of the voting stock of a second foreign organization, would cause the second foreign organization to be reportable as a secondary allied foreign organization.)

b. A branch of a primary allied foreign organization or of a secondary allied foreign organization engaged in a different type of business or located in a country foreign to the country of the primary (or the secondary) allied foreign organization.

c. If a foreign organization qualifies as a primary allied foreign organization under subsection 6-a, Second and Third above, it must also be reported as a secondary allied foreign organization to each of the reporting organization's foreign affiliates owning any of the voting securities of that foreign organization (see second and third examples under subsection 6-a).

d. Consolidated reports: Branches or subsidiaries of a primary allied foreign organization located in the same country and engaged in the same type of business as the primary organization may be combined and one report submitted covering the activities of all these organizations. The report must be a consolidated report showing the total activities of all organizations and not a report of the primary organization showing only the investment of the primary in the secondary organizations. Provide a list of all organizations included in such consolidations.

8. "Parent" organization: For the purpose of this survey, the parent organization is defined as the organization which owns a direct interest in the allied foreign organization. In the case of a "secondary allied foreign organization", the parent organization is the "primary allied foreign organization" which owns voting securities of the "secondary allied foreign organization." An allied foreign organization may have more than one parent.

9. "Associated" foreign organization: The ownership of at least 10 percent but less than 25 percent of the voting securities of a corporation, or of similar certificates of ownership in an unincorporated foreign organization, held directly by the reporter and its U.S. affiliates, shall constitute association with that organization for the purposes of this survey. Note that separate reports are required for each "associated foreign organization." (When the ownership of the foreign organization is 25 percent or more, either entirely by the reporter or in conjunction with affiliates, the foreign organization is an "allied foreign organization", as defined above, and reports on Form B are required.)

F. *Space on form insufficient.* When space does not permit a full answer to any question on the form, the information required should be submitted on supplementary sheets appropriately labeled and incorporated by reference under the question. To assist respondents in fulfilling this requirement, continuation sheets have been provided. All supplementary sheets, including continuation sheets, should be attached to the form to which they pertain.

G. *Required information not available.* All reasonable efforts should be made to obtain information required for reporting. When communication is impossible, or when properties have been expropriated or seized, the latest available information should be used. In case only partial information is available, it should be given with an appropriate indication. If any information not available at the time of reporting is obtained thereafter, a supplementary report should be filed promptly with a full explanation. Reasonable estimates are acceptable for the purposes of this report and should be so marked wherever estimates are used.

Every question on each form which a person is required to use in rendering his report must be answered. However, in property summaries and schedules, space not needed for supplying required information should be left entirely blank. When there is nothing to report under any question or if information is entirely lacking, state "no", or "unknown", as the case may be, with an explanation if requisite to an understanding of the circumstances.

If disclosure of the information required on any form would violate the security regulations of the country in which the foreign allied or associated organization is located, reporters are specifically exempted from the requirement to report that information. If information is omitted for this reason, a note to that effect should be entered on the form.

If certain information cannot be supplied because the accounts of the foreign organization cannot be obtained, indicate this in the appropriate items of the form.

H. *Currency conversions and rounding of amounts.* In all items requiring financial data from the accounts of foreign allied or associated organizations, the currency customarily used in such accounts shall be used in reporting. If the books of the foreign organization are ordinarily converted to the currency of the parent company, supply accounts in the currency of the latter and indicate exchange rates used. If conversions are not ordinarily made, complete only the columns relating to the books and currency of allied or associated foreign organization.

Amounts may be given to the nearest thousand dollars or units of foreign currency. All amounts reported in this manner must be clearly marked, and the rounding must be done as in the following example:

(Example: $1,033,038.20 would be reported as $1,033).

I. *Number of copies.* A single original copy shall be filed. In addition, each person reporting should retain a copy of his report.

J. *Time and place of filing reports.* Reports shall be filed within 90 days after publication of this reporting requirement in the FEDERAL REGISTER with the Department of Commerce, Office of Business Economics, Balance of Payments Division, Washington, D.C. 20230. If the filing of the "Export" schedules, Forms E and E-S, would delay the filing of this report beyond the due date, please file Forms A, B, and C of the report on the requested date and mail in the "Export" data as soon as possible thereafter. You should inform the Balance of Payments Division of the projected date for the submission of these delayed data. If more than an additional 30 days is needed for this deferred filing, a request for an extension of time should be made of the Balance of Payments Division for that purpose.

K. *Information regarding preparation of reports.* Anyone desiring information concerning this survey, or requiring an extension of the reporting period, should direct inquiries to the United States Department of Commerce, Office of Business Economics, Balance of Payments Division, Washington, D.C. 20230.

L. *Forms.* Copies of all forms and instructions may be obtained from the U.S. Department of Commerce, Office of Business Economics, Balance of Payments Division, Washington, D.C. 20230.

[F.R. Doc. 67-9259; Filed, Aug. 8, 1967; 8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

FEDERAL HIGHWAY ADMINISTRATOR

Delegation of Authority

The Federal Highway Administrator is hereby authorized (a) to issue a general notice in the FEDERAL REGISTER, under section 110(a) of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1381-1425), offering interested parties the opportunity of presenting views, information, and data as to why action should not be taken to restrain violations of section 304(a) of that Act; and (b) to receive such views, information, and data and to conduct such proceedings for the receipt thereof as he deems appropriate. Section 204(a) prohibits any person from selling, offering for sale, or introducing for sale or delivering for introduction in interstate commerce, any tire or motor vehicle equipped with any tire which has been regrooved, except that the Secretary of Transportation may by order permit the sale of regrooved tires and motor vehicles equipped with regrooved tires which he finds are designed and constructed in a manner consistent with the purposes of that Act.

This action is taken under the authority of sections 6(a)(6)(A) and 9 of the Department of Transportation Act (80 Stat. 931-950; 49 U.S.C. 1151-1659).

Issued in Washington, D.C., on August 2, 1967.

ALAN S. BOYD,
Secretary of Transportation.

[F.R. Doc. 67-9290; Filed, Aug. 8, 1967; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 27-39]

CALIFORNIA NUCLEAR, INC.

Notice of Issuance of Byproduct, Source, and Special Nuclear Material License

Please take notice that no request for a hearing or petition for leave to intervene has been filed following publication of the Notice of Proposed Issuance of Amendment to Byproduct, Source, and Special Nuclear Material License. The Atomic Energy Commission has this date issued Amendment No. 9 to License No. 13-10042-1. The license is in the form set forth in the Notice of Proposed Issuance published in the FEDERAL REGISTER on July 14, 1967, 32 F.R. 10387.

Dated at Bethesda, Maryland August 1, 1967.

For the Atomic Energy Commission.

J. A. MCBRIDE,
Director,
Division of Materials Licensing.

[F.R. Doc. 67-9297; Filed, Aug. 8, 1967; 8:48 a.m.]

[Docket No. 50-297]

NORTH CAROLINA STATE UNIVERSITY

Notice of Receipt of Application for Construction Permit and Facility License

The North Carolina State University at Raleigh has filed an application dated July 17, 1967, pursuant to section 104c of the Atomic Energy Act of 1954, as amended, for the necessary licenses to construct and operate a training and research reactor (designated by the applicant as the "NCSU PULSTAR" reactor). The proposed reactor will be located on the campus of North Carolina State University in Raleigh, N.C., and will be operated at power levels up to 1 megawatt thermal steady state and also in a pulsing mode.

A copy of the application is available for public inspection in the Atomic Energy Commission Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 2d day of August 1967.

For the Atomic Energy Commission,

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[F.R. Doc. 67-9298; Filed, Aug. 8, 1967; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 17607, 17608; FCC 67M-1822]

AMERICANA BROADCASTING CORP. AND LOYOLA UNIVERSITY

Order Scheduling Hearing

In re applications of Americana Broadcasting Corp., New Orleans, La., Docket No. 17607, File No. BPH-5404; Loyola University, New Orleans, La., Docket No. 17608, File No. BPH-5466; for construction permits.

It is ordered, That Isadore A. Honig shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on November 6, 1967, at 10 a.m.; and that a prehearing conference shall be held on September 27, 1967, commencing at 9 a.m.: *And, it is further ordered,* That all proceedings shall take place in the offices of the Commission, Washington, D.C.

Issued: August 2, 1967.

Released: August 4, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-9314; Filed, Aug. 8, 1967; 8:50 a.m.]

[Docket Nos. 17611, 17612; FCC 67M-1824]

AUGUSTA TELECASTERS, INC. AND GEORGIA-CAROLINA INDUSTRIES, INC.

Order Scheduling Hearing

In re applications of Augusta Telecasters, Inc., Augusta, Ga., Docket No. 17611, File No. BPCT-3840; Georgia-Carolina Industries, Inc., Augusta, Ga., Docket No. 17612, File No. BPCT-3894; for construction permit for new television broadcast station.

It is ordered, That Basil P. Cooper shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on November 6, 1967, at 10 a.m.; and that a prehearing conference shall be held on October 4, 1967, commencing at 9 a.m.: *And, it is further ordered,* That all pro-

ceedings shall take place in the offices of the Commission, Washington, D.C.

Issued: August 2, 1967.

Released: August 4, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-9315; Filed, Aug. 8, 1967; 8:50 a.m.]

[Docket No. 17437; FCC 67M-1340]

FRANK HOVIS HEMBY

Order Scheduling Hearing

In the matter of Frank Hovis Hemby, Zion Lutheran Church and School, 6121 East Lovers Lane, Dallas, Tex. 75214, Docket No. 17437; suspension of radiotelegraph first class operator license and radiotelephone first class operator license.

It is ordered, That David I. Kraushaar, in lieu of James D. Cunningham, shall serve as Presiding Officer in the above-entitled proceeding, and that the hearing therein shall be convened in Dallas, Tex., on September 7, 1967.

Issued: August 4, 1967.

Released: August 4, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-9316; Filed, Aug. 8, 1967; 8:50 a.m.]

[Docket Nos. 17609, 17610; FCC 67M-1325]

MINSHALL BROADCASTING CO., INC., AND UNIVERSITY CITY TELEVISION CABLE CO., INC.

Order Scheduling Hearing

In re applications of Minshall Broadcasting Co., Inc., Gainesville, Fla., Docket No. 17609, File No. BPCT-3879; University City Television Cable Co., Inc., Gainesville, Fla., Docket No. 17610, File No. BPCT-3939; for construction permit for new television broadcast station.

It is ordered, That Jay A. Kyle shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on November 6, 1967, at 10 a.m.; and that a prehearing conference shall be held on September 28, 1967, commencing at 9 a.m.; *And, it is further ordered*, That all proceedings shall take place in the offices of the Commission, Washington, D.C.

Issued: August 2, 1967.

Released: August 4, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-9317; Filed, Aug. 8, 1967; 8:50 a.m.]

[Docket No. 17613; FCC 67M-1323]

MILTON BROADCASTING CO.

Order Scheduling Hearing

In re application of Clayton W. Mapoles, trading as Milton Broadcasting Co., Docket No. 17613, File No. BR-2983; for renewal of license of Station WEBY, Milton, Fla.

It is ordered, That Elizabeth C. Smith shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on November 13, 1967, at 10 a.m. in Milton, Fla.; and that a prehearing conference shall be held on September 27, 1967, commencing at 9 a.m. in the offices of the Commission, Washington, D.C.

Issued: August 2, 1967.

Released: August 4, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-9318; Filed, Aug. 8, 1967; 8:50 a.m.]

[Docket No. 17626; FCC 67-877]

NATCHEZ BROADCASTING CO. (WMIS)

Order Designating Application for Hearing on Stated Issues

In re application of Natchez Broadcasting Co. (WMIS), Natchez, Miss., Docket No. 17626, File No. BP-16963; Has: 1240 kc, 250 w, U, Class IV; Requests: 1240 kc, 250 w, 1 kw-LS, U; for construction permit.

1. The Commission has before it for consideration the above-captioned application and an informal objection thereto by Broadcast Service, Inc., licensee of Class III Station WHNY, Macomb, Miss.

2. According to the applicant's data, WHNY (1250 kc, 500 w, 5 kw-LS, DA-N, U) presently receives interference from the existing operations of WMIS and WAIL, Baton Rouge, La., affecting 11,642 persons or 6.84 percent of the population within that station's service area. The proposed operation of WMIS would increase the WHNY population loss to 9.9 percent or 16,888 persons. Since this loss would result in an indirect modification of the WHNY license, the licensee thereof is entitled to a hearing under section 316 of the Communications Act of 1934, as amended.

3. Except as indicated by the issues specified below, the applicant is qualified to construct and operate as proposed; however, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the application would serve the public interest, convenience and necessity and is of the opinion that it must be designated for hearing on the issues set forth below:

Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WMIS and the availability of other primary service to such areas and populations.

2. To determine whether the proposal of Station WHIS would cause objectionable interference to Station WHNY, Macomb, Miss., and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the application would serve the public interest, convenience and necessity.

It is further ordered, That Broadcast Service, Inc., licensee of Station WHNY, Macomb, Miss., is made a party to the proceeding.

It is further ordered, That the informal objection by Broadcast Service, Inc., is granted to the extent indicated above and is denied in all other respects.

It is further ordered, That in the event of a grant the construction permit shall contain the following condition:

Permittee shall accept such interference as may be imposed by other existing 250 watt Class IV stations in the event they are subsequently authorized to increase power to 1,000 watts.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and party respondent herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594 (g) of the rules.

Adopted: July 26, 1967.

Released: August 3, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-9319; Filed, Aug. 8, 1967; 8:50 a.m.]

[Docket No. 17626; FCC 67M-1327]

NATCHEZ BROADCASTING CO. (WMIS)

Order Scheduling Hearing

In re application of Natchez Broadcasting Co. (WMIS), Natchez, Miss., Docket No. 17626, File No. BP-16963; for construction permit.

It is ordered, That James D. Cunningham shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on October 31, 1967, at 10 a.m.; and that a prehearing conference shall be held on September 27, 1967, commencing at 9 a.m.: *And, it is further ordered*, That all proceedings shall take place in the offices of the Commission, Washington, D.C.

Issued: August 2, 1967.

Released: August 4, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-9320; Filed, Aug. 8, 1967; 8:50 a.m.]

[Docket Nos. 17605, 17606; FCC 67M-1326]

VIRGINIA BROADCASTERS AND SUFFOLK BROADCASTERS

Order Scheduling Hearing

In re applications of Kenneth S. Bradby and Gilbert L. Granger doing business as Virginia Broadcasters, Williamsburg, Va., Docket No. 17605, File No. BP-16829; Charles E. Springer and Rose Mae Springer, his wife, doing business as Suffolk Broadcasters, Suffolk, Va., Docket No. 17606, File No. BP-17274.

It is ordered, That Millard F. French shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on October 25, 1967, at 10 a.m.; and that a prehearing conference shall be held on September 26, 1967, commencing at 9 a.m.: *And, it is further ordered*, That all proceedings shall take place in the offices of the Commission, Washington, D.C.

Issued: August 2, 1967.

Released: August 4, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-9321; Filed, Aug. 8, 1967; 8:50 a.m.]

[Docket No. 17141; FCC 67M-1306]

BRANDYWINE-MAIN LINE RADIO, INC.

Order Continuing Hearing

In re applications of Brandywine-Main Line Radio, Inc., Docket No. 17141, File Nos. BR-4178 and BRH-1320; for renewal of licenses of stations WXUR and WXUR-FM, Media, Pa.

The Hearing Examiner having under consideration a verbal request from counsel for the Greater Philadelphia Council of Churches for a continuance of the date for commencement of hearing;

It appearing that the scheduled date for commencement of hearing is September 11, 1967 in Media, Pa.;

It further appearing that the above-mentioned counsel has been newly employed by the Greater Philadelphia Council and, because of the complexity of the case, requires additional time to become familiar with the issues and the problems of proof; and

It further appearing that other parties have agreed not to oppose the request on the basis of a reasonable expectation that the effect of a delay at this time might be to reach stipulations which would ultimately shorten the hearing and counsel have so represented the situation to the Examiner;

It is ordered, That the date for commencement of hearing is continued from September 11, to October 2, 1967, in Media, Pa.

Issued: July 31, 1967.

Released: August 1, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-9322; Filed, Aug. 8, 1967; 8:50 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 7-2726, 7-2727]

NEW YORK AIR BRAKE CO., AND WHITE CROSS STORES, INC.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

AUGUST 3, 1967.

In the matter of applications of the Boston Stock Exchange for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
New York Air Brake Co.	7-2726
White Cross Stores, Inc.	7-2727

Upon receipt of a request, on or before August 18, 1967, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-9274; Filed, Aug. 8, 1967; 8:46 a.m.]

SUBSCRIPTION TELEVISION, INC.

Order Suspending Trading

AUGUST 3, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $1 par value of Subscription Television, Inc., New York, N.Y., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 4, 1967, through August 13, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-9275; Filed, Aug. 8, 1967; 8:46 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. RI68-25 etc.]

GULF OIL CORP. ET AL.

Order Accepting Rate Filing and Contract Amendment, Providing for Hearings on and Suspension of Proposed Changes in Rates[1]

JULY 27, 1967.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are designated as follows:

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[1] Commissioners Bartley, Lee, and Loevinger absent.

[1] Does not consolidate for hearing or dispose of the several matters herein.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI66-26	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla. 74102.	66	6	Natural Gas Pipeline Co. of America (Southeast Camrick Field, Beaver County, Okla.) (Panhandle Area).	$70	6-29-67	[1] 8- 1-67	1- 1-68	[2] [3] 16.0	[3] [4] 17.0	
	do	81	4	Panhandle Eastern Pipe Line Co. (Forgan Field, Beaver County, Okla.) (Panhandle Area).	1,050	6-29-67	[1] 8- 1-67	1- 1-68	16.0	[5] 17.0	RI65-580.
	do	86	8	Natural Gas Pipeline Co. of America (Southeast Camrick Pool, Texas County, Okla.) (Panhandle Area).	350	6-29-67	[1] 8- 1-67	1- 1-68	[6] [7] 16.0	[6] [8] 17.0	
	do	68	7	Panhandle Eastern Pipe Line Co. (Northwest Eva Pool, Texas County, Okla.) (Panhandle Area).	400	6-29-67	[1] 8- 1-67	1- 1-68	16.0	[5] 17.0	RI65-590.
	do	71	10	Natural Gas Pipeline Co. of America (Southeast Camrick Pool, Beaver County, Okla.) (Panhandle Area).	360	6-29-67	[1] 8- 1-67	1- 1-68	[9] [10] 16.2	[4] [8] 17.0	
	do	96	7	Kansas Nebraska Natural Gas Co., Inc. (Camrick Field, Beaver and Texas County, Okla.) (Panhandle Area).	690	6-29-67	[1] 8- 1-67	1- 1-68	[9] [10] 16.0	[4] [8] 17.0	
	do	100	2	Panhandle Eastern Pipe Line Co. (South Greenough Pool, Beaver County, Okla.) (Panhandle Area).	100	6-29-67	[1] 8- 1-67	1- 1-68	16.0	[5] 17.0	RI65-590.
	do	167	2	Panhandle Eastern Pipe Line Co. (South Forgan Pool, Beaver County, Okla.) (Panhandle Area).	450	6-29-67	[1] 8- 1-67	1- 1-68	[6] 16.0	[5] 17.0	
	do	171	4	Panhandle Eastern Pipe Line Co. (Camrick Pool, Texas County, Okla.) (Panhandle Area).	192	6-29-67	[1] 8- 1-67	1- 1-68	[6] 16.4	[4] [8] 17.0	
	do	200	2	Panhandle Eastern Pipe Line Co. (Forgan Pool, Beaver County, Okla.) (Panhandle Area).	500	6-29-67	[1] 8- 1-67	1- 1-68	[6] 16.0	[5] 17.0	
RI66-28	McAlester Fuel Co., Post Office Box 10, Magnolia, Ark. 71753.	5	3	Natural Gas Pipeline Co. of America (Bryans Mill Field, Cass County, Tex.) (R.R. District No. 6).	407	7- 3-67	[11] 8- 3-67	1- 3-68	[6] 18.0	[4] [12] 18.0	
RI66-27	Forest Oil Corp. (Operator) et al., 1300 National Bank of Commerce Bldg., San Antonio, Tex. 78205.	25	6	El Paso Natural Gas Co. (Barry Ranch No. 1-111, Clear Lake Field, Beaver County, Okla.) (Panhandle Area).	477	6-30-67	[13] 7-31-67	12-31-67	[14] [15]	[5] 23.0	RI65-601.
RI66-29	Mobil Oil Corp., Post Office Box 2444, Houston, Tex. 77001.	190	[16] 4	Lone Star Gas Co. (Big Mineral Creek Field, Grayson County, Tex.) (R.R. District No. 9).	446	7- 3-67 7- 3-67	[11] 8- 3-67 [11] 8- 3-67	(Accepted) 1- 3-68	[17] 14.40	[4] [18] 16.85	
		190	5								
RI66-29	Howard C. Roush, d.b.a., Roush Machine Co. (Operator) et al., Post Office Box 1302, Wewoka, Okla., 74884.	1	4	Cities Service Gas Co. (Tryon Field, Lincoln County, Okla.) (Oklahoma "Other" Area).	636	7- 5-67	[11] 8- 5-67	1- 5-68	[6] 11.0	[4] [5] 12.0	
RI66-30	Kerr-McGee Corp., Kerr-McGee Bldg., Oklahoma City, Okla. 73102.	68	11	Michigan Wisconsin Pipe Line Co. (Cedardale Field, Major County, Okla.) (Oklahoma "Other" Area).	5,500	7- 6-67	[19] 9-30-67	[20] [21]	[22] 15.64	[4] [18] 17.64	
RI66-31	W. B. Osborn, Jr. (Operator) et al., Post Office Box 6767, San Antonio, Tex. 78209.	10	[23] 2	Colorado Interstate Gas Co. (Hugoton Field, Grant, Haskell, and Kearny County, Kans.).	24,313	6-23-67 6-23-67	[11] 8- 1-67 [11] 8- 1-67	(Accepted) 1- 1-68	[6] 11.0	[4] [5] 13.5	
		10	3								
RI66-32	Forest Oil Corp. et al., 1300 National Bank of Commerce Bldg., San Antonio, Tex. 78205.	30	6	Panhandle Eastern Pipe Line Co. (Brinkley Gas Unit, Northwest Award Area, Wood County, Okla.) (Oklahoma "Other" Area).	19,935	6-30-67	[24] 9- 1-67	2- 1-68	[25] 18.75	[26] 20.748	RI 65-447.
	do	27	13	Michigan Wisconsin Pipe Line Co. (Woodward Area, Major County, Okla.) (Oklahoma "Other" Area, and Woodward County, Okla.) (Panhandle Area).	3,362	6-30-67 6-30-67 6-30-67	[13] 7-31-67 [11] 8- 1-67 [11] 8- 1-67	12-31-67 1- 1-68 1- 1-68	[27] [28] 18.6 [27] [28] 19.7 [27] [28] 19.7	[4] [18] [29] 21.195	
RI66-33	Criner Processing (Operator), 5 South Commerce, Ardmore, Okla.	1	2	Lone Star Gas Co. (Southwest Ardmore Field, Carter and Love Counties, Okla.) (Oklahoma "Other" Area).	8,280	7- 3-67	[11] 8- 3-67	1- 3-68	15.0	[4] [18] 15.75	
RI66-34	Jack H. Choate, 115 South Main St., Hennessey, Okla.	1	3	Cities Service Gas Co. (South Bishop Area, Roger Mills County, Okla.) (Oklahoma "Other" Area).	270	6-29-67	[1] 7-30-67	12-30-67	[6] 15.0	[4] [5] 17.0	
RI66-35	Forest Oil Corp., 1300 National Bank of Commerce Bldg., San Antonio, Tex. 78205, Attn: C. R. Eyster, Esq.	17	5	Transcontinental Gas Pipe Line Corp. (Block 129, Vermilion Area, Offshore La.).	8,800	6-30-67	[13] 7-31-67	12-31-67	[6] [30] 21.4	[5] [30] [31] 23.4	RI65-217.

See footnotes at end of table.

[1] The stated effective date is the effective date proposed by Respondent.
[2] 4-Step periodic increase. Contractually entitled to 18.2 cents which would be an 11 step periodic increase.
[3] Pressure base is 14.65 p.s.i.a.
[4] Subject to a downward B.t.u. adjustment.
[5] Settlement rate in Gulf's company-wide settlement as approved by order issued Apr. 25, 1963, in Docket Nos. G-9529 et al. Moratorium period expired on Apr. 1, 1966.
[6] Periodic rate increase.
[7] 4-Step periodic increase. Contractually entitled to 18.2 cents per Mcf.
[8] 5-Step periodic increase. Contractually entitled to 18.0 cents per Mcf.
[9] 3-Step periodic increase. Contractually entitled to 18.0 cents per Mcf.
[10] Filing from conditioned certificated rate to initial contract rate.
[11] The stated effective date is the first day after expiration of the statutory notice.
[12] Letter dated Aug. 7, 1963, from Lone Star Gas Co. notifying of the increased favored-nation price of 16.0 cents applicable to sale as of July 1, 1963.
[13] Favored-nation rate increase.
[14] Settlement rate in Socony Mobil Oil Co.'s (now Mobil) company-wide settlement approved by orders issued May 5, 1964, as amended in Docket Nos. G-12193 et al. Moratorium period expired Jan. 1, 1967.
[15] Respondent filing from certificated rate to a fractured rate. Initial contract rate is 19.5 cents. Contractual due rate on Sept. 30, 1967, is 22.0 cents per Mcf.
[16] Includes 0.64-cent upward, B.t.u. adjustment. Base rates subject to upward and downward B.t.u. adjustment.
[17] Contract Amendment dated Nov. 1, 1967, provides for 13.5 cents from Feb. 1, 1967, to Jan. 31, 1972, and 1.0 cent increases every 5 years thereafter.
[18] Renegotiated rate increase.
[19] Contractual effective date (first day of month following anniversary date).
[20] Includes base rate of 19.5 cents plus 1.346 cents upward B.t.u. adjustment. Base rate subject to upward and downward B.t.u. adjustment.
[21] Filing from fractured rates to initial contract base rate of 19.5 cents plus 0.7 cent upward B.t.u. adjustment plus 0.996 cent tax reimbursement.
[22] Base rate of 19.5 cents subject to upward and downward B.t.u. adjustment.
[23] Rate in effect subject to refund in Docket No. RI66-600 for Schlarb, Schlarb No. 2, Schlarb State and Culp Units, Major County. Rate includes base rate of 17.0 cents plus upward B.t.u. adjustment.
[24] Includes 7.0 cents per Mcf upward B.t.u. adjustment based on average B.t.u. content of gas of 1,070 B.t.u.'s. Base Rates are subject to upward and downward B.t.u. adjustment.
[25] Rate in effect subject to refund in Docket No. RI66-206 for Wheelock Unit, Woodward County. Rate includes base rate of 19.0 cents plus upward B.t.u. adjustment.
[26] Rate in effect subject to refund in Docket No. RI67-287 for Morgan-Horn Unit, Woodward County. Rate includes base rate of 19.0 cents plus upward B.t.u. adjustment.
[27] For dehydration and delivery charge paid by buyer.
[28] Pressure base is 15.025 p.s.i.a.
[29] Sales being made in Federal Domain and therefore not subject to State taxing jurisdiction.
[30] "Fractured" rate increase. Seller contractually due periodic rate of 19.5 cents per Mcf.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI66-36	Mrs. Mae Lusk et al., 1973 West Gray, 8 in 22, Houston, Tex. 77019.	1	4	Florida Gas Transmission Co. (Lockridge Field, Brazoria County, Tex.) (R.R. District No. 3).	3,117	7- 3-67	[32] 8- 3-67	1- 3-68	[6] 15.5	[6] [33] 19.0	RI62-530.

[32] Requested effective date (first day of month following anniversary date).
[33] Includes base rate of 19.5 cents plus 1.346 cents upward B.t.u. adjustment. Base rate subject to upward and downward B.t.u. adjustment.
[34] Filing from fractured rates to initial contract base rate of 19.5 cents plus 0.7 cent upward B.t.u. adjustment plus 0.996 cent tax reimbursement.
[35] Base rate of 19.5 cents subject to upward and downward B.t.u. adjustment.
[36] Rate in effect subject to refund in Docket No. RI66-600 for Schlarb, Schlarb No. 2, Schlarb State and Culp Units, Major County. Rate includes base rate of 17.0 cents plus upward B.t.u. adjustment.
[37] Includes 7.0 cents per Mcf upward B.t.u. adjustment based on average B.t.u. content of gas of 1,070 B.t.u.'s. Base Rates are subject to upward and downward B.t.u. adjustment.
[38] Rate in effect subject to refund in Docket No. RI66-206 for Wheelock Unit, Woodward County. Rate includes base rate of 19.0 cents plus upward B.t.u. adjustment.
[39] Rate in effect subject to refund in Docket No. RI67-287 for Morgan-Horn Unit, Woodward County. Rate includes base rate of 19.0 cents plus upward B.t.u. adjustment.
[40] For dehydration and delivery charge paid by buyer.
[41] Pressure base is 15.025 p.s.i.a.
[42] Sales being made in Federal Domain and therefore not subject to State taxing jurisdiction.
[43] "Fractured" rate increase. Seller contractually due periodic rate of 19.5 cents per Mcf.

McAlester Fuel Co. and Forest Oil Corp. (Operator), et al., request that their proposed rate increases be permitted to become effective on July 1, 1967 Mobil Oil Corp. (Mobil) requests an effective date of August 2, 1967, for its rate filing, and Howard C. Roush doing business as Roush Machine Co. (Operator) et al., request a retroactive effective date of February 23, 1965, for their rate increase. Forest Oil Corp. et al., request that Supplement No. 6 to their FPC Gas Rate Schedule No. 30 be permitted to become effective on August 14, 1967, the fifth anniversary date of first deliveries under such rate schedule, and an effective date of July 1, 1967, for Supplement No. 13 to Forest's FPC Gas Rate Schedule No. 27. Criner Processing (Operator) requests an effective date of August 1, 1967; Forest Oil Corp. requests an effective date of July 19, 1967, and Mrs. Mae Lusk et al., request that her proposed rate filing be permitted to become effective on July 1, 1967. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for the aforementioned producers' rate filings and such requests are denied.

Kerr-McGee Corp. (Kerr-McGee) requests that should the Commission suspend its rate filing that the suspension period be shortened to 1 day. Good cause has not been shown for granting Kerr-McGee's request for limiting to 1 day the suspension period with respect to its rate filing and such request is denied.

Concurrently with the filing of its rate increase, Mobil submitted a letter dated August 7, 1963, from the Lone Star Gas Co. notifying Mobil of the increased favored-nation price of 16.0 cents per Mcf applicable to this sale as of July 1, 1963, which has been designated as Supplement No. 4 to Mobil's FPC Gas Rate Schedule No. 190. W. B. Osborn, Jr. (Operator), et al. (Osborn), has submitted a contract amendment dated November 1, 1966, which provides for 13.5 cents per Mcf from February 1, 1967, to January 31, 1972, and 1.0 cent per Mcf increases every 5 years thereafter. We believe that it would be in the public interest to accept for filing the aforementioned letter and contract amendment to become effective on August 3, 1967 (Mobil) and August 1, 1967 (Osborn), but not the proposed rates contained therein which are suspended as herein ordered.

All of the producers' proposed increased rates and charges exceed the applicable price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR 2.56).

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause has been shown for accepting for filing the letter dated August 7, 1963, filed by Mobil Oil Corp. and designated as Supplement No. 4 to its FPC Gas Rate Schedule No. 190; the contract amendment dated November 1, 1966, filed by Osborn, designated as Supplement No. 2 to their FPC Gas Rate Schedule No. 10, and for permitting such supplements to become effective on August 3, 1967 (Mobil), and August 1, 1967 (Osborn).

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered (except for the supplements set forth in paragraph (1) above).

The Commission orders:

(A) The letter dated August 7, 1963, filed by Mobil and designated as Supplement No. 4 to its FPC Gas Rate Schedule No. 190, and Osborn's contract amendment dated November 1, 1966, designated as Supplement No. 2 to his FPC Gas Rate Schedule No. 10, are accepted for filing and permitted to become effective on August 3, 1967 (Mobil), and August 1, 1967 (Osborn).

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness

of the proposed increased rates and charges contained in the above-designated supplements (except the supplements set forth in paragraph (A) above).

(C) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before September 15, 1967.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 67-9177; Filed, Aug. 8, 1967; 8:45 a.m.]

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI68-16	Texaco, Inc., Post Office Box 52332, Houston, Tex. 77052, Attn: Mr. R. C. Shields.	36	13	El Paso Natural Gas Co. (Blanco (Mesa Verde) Field, San Juan County, N. Mex.) (San Juan Basin Area).	25,504	6-29-67	[1] 7-30-67	[2] 7-31-67	[3] [4] 13.2900	[3] [5] [6] 14.2501	RI64-121.
	do	197	5	El Paso Natural Gas Co. (Ignacio Blanco Field, La Plata County, Colo.).	2,412	6-29-67	[1] 7-30-67	[2] 7-31-67	[7] 13.0	[3] [6] 14.0060	
	Texaco, Inc., Post Office Box 2420, Tulsa, Okla. 74102.	301	4	Arkansas Louisiana Gas Co. (W. Marlow Field, Stephens County, Okla.) (Oklahoma "Other" Area).	142	7-3-67	[8] 8-3-67	[8] 8-4-67	15.0	[9] [10] 15.015	
	do	305	3	Lone Star Gas Co. (Stage Stand, Southeast Field, Stephens County, Okla.) (Oklahoma "Other" Area).	30	7-3-67	[8] 8-3-67	[8] 8-4-67	16.0	[9] [11] 16.015	RI67-2.
	do	300	2	Arkansas Louisiana Gas Co. (Centrahoma Field, Coal County, Okla.) (Oklahoma "Other" Area).	30	7-3-67	[8] 8-3-67	[8] 8-4-67	16.0	[9] [11] 16.015	RI67-242.
	do	308	3	Lone Star Gas Co. (Duncan Field, Stephens County, Okla.) (Oklahoma "Other" Area).	16	7-3-67	[8] 8-3-67	[8] 8-4-67	[9] 15.0	[9] [11] [12] 15.01	
RI68-17	Columbian Fuel Corp., 601 Dewey Ave., Bartlesville, Okla. 74003.	8	[13] 7	Kentucky West Virginia Gas Co. (Hurricane Creek and John Creek Areas, Pike County, Ky.).	(14)	7-3-67	[15] 8-3-67	(Accepted)	[9] [11] 14.0	[9] [11] [12] 23.5	
		8	[13] 8			7-3-67	[15] 8-3-67	[8] 8-4-67	[9] 15.0		
RI68-18	Forest Oil Corp., et al., 1300 National Bank of Commerce Bldg., San Antonio, Tex. 78205.	27	13	Michigan Wisconsin Pipe Line Co. (Woodward Area, Major County, Okla.) (Oklahoma "Other" Area) and Woodward County, Oklahoma (Panhandle Area).	2,382	6-30-67	[1] 7-31-67	[8] 8-1-67	[9] [16] 20.2	[9] [16] [17] 21.195	RI65-579.
RI68-19	Texaco, Inc. (Operator), et al., Post Office Box 2420, Tulsa, Okla. 74102.	257	5	Lone Star Gas Co. (Sho Vel Tum Field, Carter County, Okla.) (Oklahoma "Other" Area).	80	7-3-67	[8] 8-3-66	[8] 8-4-67	[9] 15.0	[9] [11] [18] 15.01	
	do	302	3	Lone Star Gas Co. (Sho Vel Tum Field, Stephens County, Okla.) (Oklahoma "Other" Area).	12	7-3-67	[8] 8-3-67	[8] 8-4-67	15.0	[9] [11] 15.01	
RI68-20	Mobil Oil Corp. et al., Post Office Box 2444, Houston, Tex. 77001.	263	15	Cities Service Gas Co. (Guymon-Hugoton (Shallow) Field, Texas County, Okla.) (Panhandle Area).	2,448	7-3-67	[8] 8-3-67	[8] 8-4-67	[9] [16] 15.0	[9] [11] [19] 15.01	RI67-275.
RI68-21	do	328	4	Natural Gas Pipeline Co. of America (Chitwood (deep) Field, Grady County, Okla.) (Oklahoma "Other" Area).	806	7-3-67	[8] 8-3-67	[8] 8-4-67	[20] 16.8	[9] [11] [21] 16.815	RI67-273.
RI68-22	Oklahoma Natural Gas Co., Post Office Box 871, Tulsa, Okla. 74102.	8	5	Northern Natural Gas Co. (Mocane Field, Beaver County, Okla.) (Panhandle Area).	56	6-26-67	[1] 7-29-67	[1] 7-30-67	[9] [16] 18.003	[9] [11] [16] 18.013	RI67-261.
	do	10	3	do	9	6-26-67	[1] 7-29-67	[1] 7-30-67	[9] [16] 17.94	[9] [11] [16] 17.95	RI67-261.
	do	16	6	Michigan Wisconsin Pipe Line Co. (Laverne Field, Beaver and Harper Counties, Okla.) (Panhandle Area).	27	6-26-67	[1] 7-29-67	[1] 7-30-67	[9] 20.51	[9] [11] 20.525	RI67-149.
	do	6	12	do	498	6-26-67	[1] 7-29-67	[1] 7-30-67	[9] 20.6	[9] [11] 20.613	RI66-338.
	do	9	4	Panhandle Eastern Pipe Line Co. (Forgan Field, Beaver County, Okla.) (Panhandle Area).	6	6-26-67	[1] 7-29-67	[1] 7-30-67	17.0	[9] [11] 17.01	RI66-5.

See footnotes at end of table.

[Docket Nos. RI68-16 etc.]

TEXACO, INC., ET AL.

Order Accepting Contract Agreement, Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

JULY 27, 1967.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are designated as follows:

[1] Does not consolidate for hearing or dispose of the several matters herein.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI68-22	Oklahoma Natural Gas Co.—Continued	12	4	Panhandle Eastern Pipe Line Co. (Glenwood Field, Beaver County, Okla.) (Panhandle Area).	7	6-26-67	[1] 7-29-67	[1] 7-30-67	[22] 20.99	[22] [23] 20.995	RI66-338.
	do	11	4	do	5	6-26-67	[1] 7-29-67	[1] 7-30-67	[22] 22.27	[22] [23] 22.285	RI67-160.
	do	14	2	Transwestern Pipeline Co. (W. Shattuck Field, Ellis County, Okla.) (Oklahoma "Other" Area).	20	6-26-67	[1] 7-29-67	[1] 7-30-67	[22] 19.5	[22] [23] [24] 19.5175	RI66-75.
	do	13	4	Panhandle Eastern Pipe Line Co. (Glenwood Field, Beaver County, Okla.) (Panhandle Area).	12	6-26-67	[1] 7-29-67	[1] 7-30-67	[22] 20.82	[22] [23] 20.845	RI66-353.
	do	18	4	Northern Natural Gas Co. (Mocane Camp Creek Area, Beaver County, Okla.) (Panhandle Area).	33	6-26-67	[1] 7-29-67	[1] 7-30-67	[22] 18.0	[22] [23] 18.01	
	do	21	4	Panhandle Eastern Pipe Line Co. (Avard Field, Woods County, Okla.) (Oklahoma "Other" Area).	27	6-26-67	[1] 7-29-67	[1] 7-30-67	[22] [25] 15.96	[22] [23] [25] 15.975	
	do	22	7	Michigan Wisconsin Pipe Line Co. (Laverne Field, Harper County, Okla.) (Panhandle Area).	1	6-26-67	[1] 7-29-67	[1] 7-30-67	[22] [25] 15.10	[22] [23] [25] 15.115	
	do	26	5	Michigan Wisconsin Pipe Line Co. (Cedardale Field, Major County, Okla.) (Oklahoma "Other" Area).	6	6-26-67	[1] 7-29-67	[1] 7-30-67	[22] [25] 15.36	[22] [23] [25] 15.365	
	do	30	1	Northern Natural Gas Co. (North Linscott Field, Ellis County, Okla.) (Panhandle Area).	12	6-26-67	[1] 7-29-67	[1] 7-30-67	[22] 17.0	[22] [23] 17.015	
	do	31	4	Arkansas Louisiana Gas Co. (Carterville Field, Haskell and Le Flore Counties, Okla.) (Oklahoma "Other" Area).	3	6-26-67	[1] 7-29-67	[1] 7-30-67	15.0	[22] [23] 15.015	
	do	32	3	Arkansas Louisiana Gas Co. (Various Fields, Latimer Le Flore and Pittsburg Counties, Okla.) (Oklahoma "Other" Area).	22	6-26-67	[1] 7-29-67	[1] 7-30-67	15.0	[22] [23] 15.015	
RI68-23	Oklahoma Natural Gas Company et al.	19	4	Transwestern Pipeline Co. (Elmwood Field, Beaver County, Okla.) (Panhandle Area).	21	6-26-67	[1] 7-29-67	[1] 7-30-67	[22] 19.5	[22] [23] [24] 19.5175	RI66-76.
RI68-24	Oklahoma Natural Gas Co. (Operator) et al.	23	8	Michigan Wisconsin Pipe Line Co. (Various Fields, Woods County, Okla.) (Oklahoma "Other" Area) and Woodward County, Okla.) (Panhandle Area).	28	6-26-67	[1] 7-29-67	[1] 7-30-67	[22] [25] 16.13 [22] [26] 17.33	[22] [23] [25] 16.145 [22] [23] [26] 17.345	

[1] The stated effective date is the expiration date of the moratorium imposed by settlement order issued Dec. 30, 1960.
[2] Periodic rate increase.
[3] Pressure base is 15.025 p.s.i.a.
[4] Includes 1.0 cent per Mcf added to reflect minimum guarantee for liquids.
[5] Includes partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax.
[6] Settlement rate—includes 1.0 cent per Mcf minimum guarantee for liquids and tax reimbursement.
[7] The stated effective date is the first day after expiration of the statutory notice.
[8] The suspension period is limited to 1 day.
[9] Tax reimbursement for recent increase in Oklahoma Excise Tax which became effective on July 1, 1967.
[10] Pressure base is 14.65 p.s.i.a.
[11] Subject to a deduction of 0.5 cent by buyer for gas dehydrated by buyer.
[12] Applicable to gas delivered from new wells completed subsequent to Apr. 1, 1967 or from wells stimulated at their present depths by fracturing, acidizing, or deeper drilling.
[13] Not stated—drilling and stimulation work not performed pending action on rate change.
[14] The stated effective date is the effective date requested by Respondent.
[15] Renegotiated rate increase.
[16] Pressure base is 15.326 p.s.i.a.
[17] Amends pricing provisions of contract to provide for a rate of 23.5 cents per Mcf, inclusive of 3.5 cents per Mcf gathering charge paid by buyer.
[18] Includes 3.5 cents per Mcf gathering charge paid by buyer.
[19] Applicable to gas delivered from wells completed prior to Jan. 1, 1951.
[20] Applicable to gas delivered from wells completed or deepened after Jan. 1, 1951 but prior to Apr. 1, 1967.
[21] Tax reimbursement increase only.
[22] Includes 7.0 cents per Mcf upward B.t.u. adjustment based on average B.t.u. content of gas of 1070 B.t.u. Base rates are subject to upward and downward B.t.u. adjustment.
[23] Rate in effect subject to refund in Docket No. RI65-578 for Hensley Unit, Woodward County. Rate includes base rate of 19.5 cents plus upward B.t.u. adjustment.
[24] Applicable to gas delivered from wells completed or deepened after Jan. 1, 1951 but prior to Apr. 1, 1967.
[25] Base rate of 19.5 cents subject to upward and downward B.t.u. adjustment.
[26] Subject to a downward B.t.u. adjustment.
[27] Includes contractual service charge paid by buyer to seller of 2.0 cents for gathering and delivery.
[28] Includes 1.003 cents upward B.t.u. adjustment—present B.t.u. content of gas is 1,089 B.t.u. per cu. ft.
[29] Base rate subject to upward and downward B.t.u. adjustment.
[30] Includes 1.94 cents upward B.t.u. adjustment. Present B.t.u. content of gas is 1,121 B.t.u. per cu. ft.
[31] Includes 15.0 cents base rate plus 0.96 upward B.t.u. adjustment (1064 B.t.u. gas).
[32] Includes 17.0 cents base rate plus 1.10 cents upward B.t.u. adjustment.
[33] Includes 15.0 cents base rate plus 0.35 cent upward B.t.u. adjustment (1,035 B.t.u. gas). Base rate is subject to upward and downward B.t.u. adjustment.
[34] Initial conditioned certificated rate. Initial contract rate is 19.5 cents.
[35] Wood County (Oklahoma "Other" Area). Rate includes 15.0 cents base rate plus 1.13 cents upward B.t.u. adjustment. Base rate subject to upward and downward B.t.u. adjustment.
[36] Woodward County (Panhandle Area). Rate includes 15.0 cents base rate plus 0.33 cent upward B.t.u. adjustment. Base rate subject to upward and downward B.t.u. adjustment.

Mobil Oil Corp. et al., and Mobil Oil Corp. (Operator) et al. (both referred to herein as Mobil), request waiver of the statutory notice to permit their proposed tax increases to become effective on July 3, 1967. Oklahoma Natural Gas Co., Oklahoma Natural Gas Co. (Operator), et al., and Oklahoma Natural Gas Co. et al. (all referred to herein as Oklahoma Natural), also request waiver of the statutory notice to permit their tax increases to become effective "immediately" without suspension or refund obligation. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for Mobil and Oklahoma Natural's rate filings and such requests are denied.

Many of the rate increases proposed herein as indicated in the tables relate only to tax reimbursement and should therefore be suspended for only 1 day from the expiration of the statutory notice period. The proposed increased

rate of 23.5 cents per Mcf for a sale from the Eastern Kentucky Area should also be suspended for only 1 day from the expiration of the statutory notice period.

Concurrently with the filing of its rate increase, Columbian submitted a contract agreement dated May 19, 1967, which provides for the proposed 23.5 cents per Mcf rate. Such agreement has been designated as Supplement No. 7 to Columbian's FPC Gas Rate Schedule No. 8. We believe that it would be in the public interest to accept for filing Columbian's aforementioned agreement to become effective on August 3, 1967, the proposed effective date, but not the proposed rate contained therein which is suspended as herein ordered.

Texaco, Inc. (Texaco), proposed increased rates contained in Supplement Nos. 13 and 5 to its FPC Gas Rate Schedule Nos. 26 and 197, respectively, exceed the applicable area ceiling by the amount of tax reimbursement and 1.0 cent per Mcf minimum guarantee for liquids. In this situation, we conclude that a 1-day suspension period from July 30, 1967, the date of expiration of the statutory notice, is appropriate.

Supplement No. 13 to Texaco's FPC Gas Rate Schedule No. 26 reflects partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax which was increased from 2.0 percent to 2.55 percent on April 1, 1963. The buyer, El Paso Natural Gas Co. (El Paso), in accordance with its policy of protesting all tax filings proposing reimbursement for the New Mexico Emergency School Tax in excess of 0.55 percent, is expected to file a protest to this rate increase. El Paso questions the right of the producer under the tax reimbursement clause to file a rate increase reflecting tax reimbursement computed on the basis of an increase in tax rate by the New Mexico Legislature in excess of 0.55 percent. While El Paso concedes that the New Mexico tax legislation effected a higher rate of at least 0.55 percent, it claims there is controversy as to whether or not the new legislation effected an increased tax rate in excess of 0.55 percent. Under the circumstances, we shall provide that the hearing herein provided shall concern itself with the contractual basis as well as the statutory lawfulness of Texaco's proposed increased rate and charge.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61–1, as amended (18 CFR 2.56), with the exception of the rate increase filed by Columbian for which there is no announced formal ceiling rate for the area involved, but exceeds the informal increased rate ceiling price for Eastern Kentucky.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause has been shown for accepting for filing Columbian's proposed contract agreement dated May 19, 1967, and for permitting such supplement to become effective on August 3, 1967, the proposed effective date.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the proposed changes, and that the above-designated supplements be suspended and the use deferred as hereinafter ordered (except for the supplement set forth in paragraph (1) above).

The Commission orders:

(A) Columbian's contract amendment dated May 19, 1967, designated as Supplement No. 7 to its FPC Gas Rate Schedule No. 8, is accepted for filing and permitted to become effective on August 3, 1967, the proposed effective date.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in the above-designated supplements (except the supplement set forth in paragraph (A) above).

(C) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until the date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by Respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.

(D) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before September 15, 1967.

By the Commission.

(SEAL) GORDON M. GRANT, *Secretary.*

[F.R. Doc. 67-9179; Filed, Aug. 8, 1967; 8:45 a.m.]

[Docket No. E-7311]

IOWA POWER AND LIGHT CO.

Notice of Application

AUGUST 2, 1967.

Take notice that on July 24, 1967, Iowa Power and Light Co. (Applicant), of Des Moines, Iowa, filed an application seeking authority pursuant to section 204 of the Federal Power Act to increase to $19 million, the amount authorized to be issued and to extend to not later than March 31, 1968, the final maturity date of Notes maturing not more than 1 year after date of issue authorized to be issued under the Commission's order of December 9, 1966 in Docket No. E-7311. In that order the Commission authorized Applicant to issue up to $15 million short term Promissory Notes to commercial banking institutions with maturities of not more than 180 days from date of issue and final maturities not later than December 31, 1967.

Applicant represents that at the time of preparation and filing of the original application dated September 1966, its construction budget was $15 million. Due to cost increases and inclusion of additional projects, Applicant's 1967 construction budget is now approximately $19 million. Applicant desires to extend the authority for three months beyond the original date of December 31, 1967, to March 31, 1968, in order to allow it more freedom in selecting the most appropriate time to go into the market with new permanent financing.

Any person desiring to be heard or to make any protest with reference to the application should on or before August 21, 1967, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspection.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 67-9260; Filed, Aug. 8, 1967; 8:45 a.m.]

[Docket Nos. C68-2, etc.]

MERCANTILE NATIONAL BANK AT DALLAS, ET AL.

Notice of Applications for "Small Producer" Certificates [1]

AUGUST 1, 1967.

Take notice that each of the Applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce from the Permian Basin area of Texas and New Mexico, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 21, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

GORDON M. GRANT, *Secretary.*

Docket No.	Date Filed	Name of Applicant
C68-2	7-17-67	Mercantile National Bank at Dallas, Trustee of the L. L. Horne Testamentary Trust, c/o Charles R. Cravens, Jr., Attorney, 1900 Mercantile Dallas Bldg., Dallas, Tex. 75201.
C68-3	7-17-67	Mary Horne Heath, c/o Charles R. Cravens, Jr., Attorney, 1900 Mercantile Dallas Bldg., Dallas, Tex. 75201.
C68-4	7-20-67	Curtis Warren, Box 573, Russell, Kans. 67665.
C68-5	7-17-67	M E B Oil Co., 400 Midland National Bank Bldg., Midland, Tex. 79701.

[F.R. Doc. 67-9261; Filed, Aug. 8, 1967; 8:45 a.m.]

[Project No. 2630]

PACIFIC POWER & LIGHT CO.

Notice of Application for License for Constructed Project

AUGUST 1, 1967.

Public notice is hereby given that application for license has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Pacific Power & Light Co. (correspondence to: E. Robert de Luccia, Senior Vice President, Pacific Power & Light Co., Public Service Building, Portland, Oreg. 97204) for constructed Project No. 2630, known as the Prospect Hydroelectric Project, located on the North and Middle Forks of the Rogue River and Red Blanket Creek, in the vicinity of Prospect, Trail, Eagle Point, and Medford, in Jackson County, Oreg.

The existing project consists of: (1) A 10-foot high, 165-foot long concrete gravity diversion dam, with an uncontrolled overflow spillway at elevation 2,640 feet (U.S.G.S. datum), on the Middle Fork of the Rogue River, and a fishway; (2) a 9-foot high, 1,160-foot long earth fill diversion dam, with an uncontrolled concrete overflow spillway at elevation 2,621 feet (U.S.G.S. datum) on Red Blanket Creek, a tributary of the Middle Fork of the Rogue River; and a fishway in the spillway section of the dam; (3) a 50-foot high, 384-foot long concrete gravity diversion dam, with an ogee spillway controlled by tainter gates (top elevation at elevation 2,597.5 feet, U.S.G.S. datum), on the North Fork of the Rogue River; (4) an 8.3-mile long conduit system consisting of an inverted siphon, lined and unlined canals and flumes carrying water from the afterbay of Prospect No. 3 Project No. 2337, the Middle and North Forks of the Rogue River and Red Blanket Creek to a forebay; two 87-inch diameter, 3,200-foot long wood stave pipes from the forebay to a surge tank; and four penstocks leading to the three powerhouses; (5) Prospect No. 1 powerhouse containing a 3,750 kw generator, Prospect No. 2 powerhouse containing two 16,000 kw generators, and Prospect No. 4 powerhouse containing a 1,000 kw generator; (6) four short transmission lines leading from Applicant's powerhouses to Applicant's Prospect substation; and (7) appurtenant facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is September 11, 1967. The application is on file with the Commission for public inspection.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 67-9262; Filed, Aug. 8, 1967; 8:45 a.m.]

[Docket No. CP67-296]

SOUTHERN NATURAL GAS CO.

Notice of Petition To Amend

AUGUST 2, 1967.

Take notice that on July 25, 1967, Southern Natural Gas Co. (Petitioner), Post Office Box 2563, Birmingham, Ala. 35202, filed in Docket No. CP67-296 a petition to amend the order issued by the Commission June 29, 1967, by authorizing an increase in the maximum cost of facilities constructed pursuant to the "budget-type" authorization originally granted herein, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the abovementioned order, Petitioner was authorized to construct and operate "budget-type" natural gas facilities during the 12-month period August 7, 1967, to August 6, 1968, said facilities not to exceed a total cost of $1 million. By the instant filing, Petitioner seeks authorization to construct said natural gas supply facilities during the same 12-month period with the total cost of said facilities not to exceed $2 million.

Petitioner states that it recently has entered into, or anticipates that it will shortly enter into, natural gas purchase contracts involving construction and operation of "budget-type" natural gas supply facilities estimated to cost approximately $800,000. Petitioner states, therefore, that it seeks authorization to raise the maximum total cost of said "budget-type" facilities to $2 million so that it will be able to consider the purchase of additional natural gas supplies should they become available during the 12-month period.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before August 30, 1967.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 67-9263; Filed, Aug. 8, 1967; 8:45 a.m.]

[Docket No. CP68-28]

SOUTHERN NATURAL GAS CO.

Notice of Application

AUGUST 2, 1967.

Take notice that on July 24, 1967, Southern Natural Gas Co. (Applicant), Post Office Box 2563, Birmingham, Ala. 35202, filed in Docket No. CP68-28 an application pursuant to subsection (c) of section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities and the sale and delivery of additional volumes of natural gas to an existing customer, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate the following natural gas facilities:

(1) Approximately 1.1 miles of 26-inch loop pipeline on its South Louisiana Supply System, to the north of its Lacombe Compressor Station; and

(2) Approximately 4.3 miles of 26-inch loop pipeline on its South Louisiana Supply System, to the north of its Toca Compressor Station.

Applicant also seeks authorization to sell and deliver, through the facilities proposed above, an additional 25,000 Mcf of natural gas per day to Florida Gas Transmission Co. (Florida), an existing customer. Applicant states that it presently sells and delivers 12,600 Mcf of natural gas per day to Florida. Applicant further states that, pursuant to a contract dated April 25, 1967, Applicant and Florida have agreed to increase Florida's Contract Demand to 37,600 Mcf of natural gas per day to be effective November 1, 1968. Applicant also states that Florida has indicated that it requires the additional volumes of natural gas to meet increasing firm requirements in its service area. Applicant also states that the additional service proposed above will not interfere with any service now being rendered.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

Applicant estimates the total cost of the facilities proposed at approximately $1,361,500, said cost to be financed from cash on hand or current operations.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before August 30, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-9266; Filed, Aug. 8, 1967; 8:45 a.m.]

[Docket No. CP68-39]

TENNESSEE GAS PIPELINE CO.

Notice of Application

AUGUST 2, 1967.

Take notice that on July 25, 1967, Tennessee Gas Pipeline Co., a division of Tenneco Inc. (applicant), Post Office Box 2511, Houston, Tex. 77001, filed in Docket No. CP68-39 an application pursuant to subsection (c) of section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the continued sales of natural gas for resale and distribution, together with operation of the facilities necessary therefor, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to continue sales of natural gas to the following customers:

Customer	Maximum daily contract quantity (Mcf)
City of Hemphill, Sabine County, Tex.	1,000
Houston Natural Gas Corp. (Cypress-Fairbanks School District), Harris County, Tex.	1,000
City of Kounta, Hardin County, Tex.	2,100
Southwestern Gas Distributors, Inc. (City of Dolen), San Jacinto County, Tex.	1,000
City of Woodville, Tyler County, Tex.	1,000
Town of Grand Isle, Jefferson Parish, La.	1,000

Applicant states that the subject sales were initiated in the belief that Commission authorization was not necessary therefor, that no additional facilities are required to continue the subject sales, and that the continuance of these sales will not affect its ability to render presently authorized service to its other customers.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before August 30, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-9269; Filed, Aug. 8, 1967; 8:45 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING THE EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1068, as amended, 29 U.S.C. 201 et seq.), and Administrative Order No. 595 (31 F.R. 12981) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. For each certificate, the effective and expiration dates, number or proportion of learners and the principal product manufactured by the establishment are as indicated. Conditions on occupations, wage rates, and learning periods which are provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations; such conditions in certificates not issued under the supplemental industry regulations are as indicated.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following normal labor turnover certificates authorize 10 percent of the total number of factory production workers except as otherwise indicated.

Aside Manufacturing Co., Sioux City, Iowa; 7-5-67 to 7-7-68 (men's and boys' jeans).

Albany Manufacturing Co., Albany, Ky.; 7-12-67 to 7-11-68 (men's and boys' sport shirts).

Angelica Uniform Co., No. 2, Mountain View, Mo.; 7-12-67 to 7-12-68 (men's and women's washable service apparel).

Atlantic Sportswear Co., Rockland, Maine; 7-25-67 to 7-22-68; 10 learners (men's pants).

Barbizon of Utah, Inc., Provo, Utah; 7-11-67 to 7-10-68 (ladies' lingerie).

Blue Bell, Inc., Madison, Va.; 7-14-67 to 7-13-68 (men's and boys' dungarees).

Bowser Manufacturing Corp., Bowman, S.C.; 7-13-67 to 7-12-68; 10 learners (children's sportswear).

Burlington Manufacturing Co., Chanute, Kans.; 7-17-67 to 7-16-68 (men's denim overalls).

Burlington Manufacturing Co., Concordia, Mo.; 7-18-67 to 7-18-68 (men's work pants).

Burlington Manufacturing Co., Pleasant Hill, Mo.; 7-17-67 to 7-16-68; 10 learners (men's work shirts).

California Girlswear, Inc., Coolidge, Ariz.; 7-12-67 to 7-11-68 (fatigue coats and trousers).

Caraway Apparel Co., Caraway, Ark.; 7-11-67 to 7-10-68; 10 learners (ladies' dresses).

Carwood Manufacturing Co., Winder, Ga.; 7-13-67 to 7-12-68 (men's and boys' pants).

Cowden-Ohio Co., Beaver Dam, Ky.; 7-26-67 to 7-25-68 (work clothes).

Cindy Frocks, Carbondale, Pa.; 7-3-67 to 7-2-68; 5 learners (children's dresses).

Dillon Manufacturing Co., Dillon, S.C.; 7-9-67 to 7-8-68 (ladies' dresses).

Elizabethtown Manufacturing Co., Elizabethtown, N.C.; 7-23-67 to 7-22-68; 10 learners (women's dresses).

The Fordyce Apparel Co., Fordyce, Ark.; 7-10-67 to 7-9-68 (men's and boys' single pants).

Gitex Manufacturing Corp., Narrows, Va.; 6-26-67 to 6-25-68 (children's shirts and boys' outerwear jackets).

Guin Garment Corp., Guin, Ala.; 7-15-67 to 7-14-68 (boys' shirts).

Greenway Manufacturing Co., Waynesburg, Pa.; 7-6-67 to 7-5-68 (boys' and infants' polo shirts).

H & H Manufacturing Corp., Statham, Ga.; 6-30-67 to 6-29-68 (men's dress pants).

Hackleburg Manufacturing Co., Hackleburg, Ala.; 7-11-67 to 7-10-68 (boys' sport shirts).

Honea Path Shirt Co., Simpsonville, S.C.; 7-7-67 to 7-6-68 (men's sport shirts).

Iva Manufacturing Co., Iva, S.C.; 7-26-67 to 7-25-68, 10 learners (ladies' blouses).

F. Jacobson & Sons, Inc., Middlesboro, Ky.; 7-27-67 to 7-26-68 (men's dress shirts).

Junior Kids Klothes, Inc., Tarpon Springs, Fla.; 8-1-67 to 7-31-68 (children's shirts and infants' creepers).

Jo-Jac Shirt Co., Inc., Pulaski, Tenn.; 7-3-67 to 7-2-68 (boys' sport shirts).

Juniata Garment Co., Inc., Mifflin, Pa.; 6-27-67 to 6-26-68 (woman's dresses).

Junior Form Lingerie Corp., Cairnbrook, Pa.; 7-20-67 to 7-19-68 (ladies' dresses, blouses and sleepwear).

Kats Underwear Co., Hunnsdale, Pa.; 7-25-67 to 7-22-68 (women's and misses' nightgowns and pajamas).

The L. C. King Manufacturing Co., Bristol, Tenn.; 7-24-67 to 7-23-68 (overalls, dungarees, work pants and coveralls).

LaCrosse Sportswear Corp., LaCrosse, Va.; 7-8-67 to 7-6-67 (sport shirts).

Lee-Mar Shirt Co., Inc., Pulaski, Tenn.; 7-3-67 to 7-4-68 (boys' sport shirts).

Lewisburg Sportswear, Inc., Lewisburg, Tenn.; 7-25-67 to 7-24-68 (boys' sport shirts).

Manchester Pants Co., Manchester, Md.; 6-30-67 to 6-29-68 (men's trousers).

Marietta Sportswear Manufacturing Co., Marietta, Okla.; 7-7-67 to 7-6-68 (men's dress slacks).

Mazon Shirt Co., Greenville, S.C.; 7-14-67 to 7-13-68 (boys' sport and dress shirts).

Meadow Sportswear, Inc., Bay Minette, Ala.; 7-1-67 to 6-30-68 (men's dress slacks).

McMinnville Garment Co., McMinnville, Tenn.; 7-24-67 to 7-23-68 (men's and boys' trousers).

Metro Pants Co., Harrisonburg, Va.; 7-15-67 to 7-12-68 (men's and boys' pants).

Metro Pants Co., Bridgewater, Va.; 7-15-67 to 7-12-68 (men's and boys' pants).

Middleburg Sportswear, Inc., Middleburg, Pa.; 7-8-67 to 7-7-68; 10 learners (women's dresses).

Model Sportswear, Inc., Shelbyville, Tenn.; 6-30-67 to 6-29-68 (men's and boys' work and outerwear jackets).

Modelrite Dress Co., Dunmore, Pa.; 7-28-67 to 7-27-68; 5 learners (women's dresses).

Morris Maier Manufacturing Co., Prescott, Ariz.; 7-22-67 to 7-21-68 (ladies' blouses and pants).

Newport Manufacturing Co., Inc., Newport, N.C.; 7-12-67 to 7-11-68 (men's sport shirts).

Oberman Manufacturing Co., Morrilton, Ark.; 7-16-67 to 7-15-68 (men's and boys' single pants).

Ozark Manufacturing Co., Inc., Ozark, Ala.; 7-24-67 to 7-23-68 (ladies' blouses).

Pecos Garment Co., Pecos, Tex.; 7-10-67 to 7-9-68 (men's and boys' dungarees).

Pioneer Manufacturing Co., Inc., Wilkes-Barre, Pa.; 7-20-67 to 7-19-68 (children's dresses).

Princess Peggy, Inc., Peoria, Ill.; 7-9-67 to 7-8-68 (women's dresses).

Rockingham Sleepwear Corp., Mineral, Va.; 7-25-67 to 7-24-68; 10 learners (ladies' and children's sleepwear).

Rothley, Inc., Taylorville, Ill.; 7-6-67 to 7-5-68 (dresses).

Royal Manufacturing Co., Inc., Washington, Ga.; 7-22-67 to 7-21-68 (men's and boys' sport shirts).

Sherwell Manufacturing Co., Inc., Williamsport, Pa.; 7-18-67 to 7-17-68 (ladies' blouses).

Henry I. Siegel Co., Inc., Hohenwald, Tenn.; 8-8-67 to 8-9-68 (men's and boys' single pants).

Henry I. Siegel Co., Inc., Dickson, Tenn.; 8-1-67 to 7-31-68 (men's and boys', ladies' and girls' single pants).

Sportswear Unlimited, Iva, S.C.; 7-25-67 to 7-24-68 (ladies' blouses).

Trace Manufacturing Co., Waynesboro, Tenn.; 7-6-67 to 7-5-68 (work pants and work shirts).

The Van Heusen Co., Clio, Ala.; 7-7-67 to 7-6-68 (men's sport and dress shirts).

The Van Heusen Co., Barnesboro, Pa.; 6-26-67 to 6-25-68 (sport shirts).

Warren Shirt Co., Inc., Rock Island, Tenn.; 7-24-67 to 7-23-68 (boys' dress shirts and sport shirts).

Warsaw Manufacturing Co., Warsaw, N.C.; 7-7-67 to 7-6-68 (ladies' dresses).

Wilson Shirt Co., Augusta, Ga.; 7-24-67 to 7-23-68 (men's and boys' shirts and pants).

Z. G. Sportswear, Inc., Archbald, Pa.; 7-17-67 to 7-16-68; 10 learners (dresses).

The following plant expansion certificates were issued authorizing the number of learners indicated.

Angelica Uniform Co., No. 2, Mountain View, Mo.; 7-12-67 to 1-12-68; 40 learners (men's and women's washable service apparel).

Big Dad Manufacturing Co., Inc., Starke, Fla.; 7-13-67 to 1-11-68; 50 learners (men's and boys' jeans).

California Girlswear, Inc., Coolidge, Ariz.; 7-12-67 to 1-11-68; 40 learners (fatigue coats and trousers).

Cowden-Ohio Co., Beaver Dam, Ky.; 7-26-67 to 1-25-68; 25 learners (work clothes).

Formfier of Arizona, Inc., Phoenix, Ariz.; 7-24-67 to 1-23-68; 15 learners (girdles).

Glamorize Foundations, Inc., Dermott, Ark.; 7-20-67 to 1-19-68; 125 learners (bras).

F. Jacobson & Sons, Inc., Middlesboro, Ky.; 7-17-67 to 1-16-68; 35 learners (men's dress shirts).

Metro Pants Co., Bridgewater, Va.; 7-12-67 to 1-12-68; 20 learners (men's and boys' pants).

Monroe Industries, Tallico Plains, Tenn.; 7-16-67 to 1-15-68; 40 learners (men's and boys' sport shirts).

Morris Maier Manufacturing Co., Prescott, Ariz.; 7-12-67 to 1-11-68; 25 learners (ladies' blouses and pants).

Telfair Corp., Roanoke, Ala.; 7-14-67 to 1-13-68; 20 learners (men's pajamas and trousers).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.60 to 522.65, as amended).

Frederic H. Burnham Co., Michigan City, Ind.; 7-9-67 to 7-8-68; 10 learners for normal labor turnover purposes (dress and work gloves).

Indianapolis Glove Co., Inc., Richmond, Ind.; 7-30-67 to 7-29-68; 10 learners for normal labor turnover purposes (work gloves).

Indianapolis Glove Co., Inc., Houlka, Miss.; 7-30-67 to 7-29-68; 10 percent of the total number of machine stitchers for normal labor turnover purposes (work gloves).

Lambert Manufacturing Co., No. 1, Chillicothe, Mo.; 7-18-67 to 7-17-68; 10 learners for normal labor turnover purposes (work gloves).

Lambert Manufacturing Co., No. 3, Chillicothe, Mo.; 7-23-67 to 7-21-68; 10 learners for normal labor turnover purposes (work gloves).

Wells Lamont Corp., Brownsville, Tenn.; 7-8-67 to 7-7-68; 10 percent of the total number of machine stitchers for normal labor turnover purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.40 to 522.45, as amended).

Holli Hosiery Co., Reading, Pa.; 7-3-67 to 7-3-68; 5 learners for normal labor turnover purposes (seamless).

Singer Hosiery Mills, Inc., Thomasville, N.C.; 7-17-67 to 7-16-68; 5 learners for normal labor turnover purposes (seamless).

Tru-Knit Textile Corp., Athens, Tenn.; 7-14-67 to 7-13-68; 5 learners for normal labor turnover purposes (seamless).

U.S. Industries, Inc., Batesville, Miss.; 8-3-67 to 8-2-68; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.30 to 522.35, as amended).

Hazlehurst Manufacturing Co., Vidalia, Ga.; 7-30-67 to 7-29-68; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' knitted underwear).

Mode O'Day Co., Mason City, Iowa; 6-30-67 to 6-29-68; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' lingerie).

Mode O'Day Co., Mason City, Iowa; 6-30-67 to 12-29-67; 25 learners for plant expansion purposes (ladies' lingerie).

Royal Manufacturing Co., Inc., Crawfordville, Ga.; 7-24-67 to 7-23-68; 5 learners for normal labor turnover purposes (men's underwear).

Royal Manufacturing Co., Inc., Washington, Ga.; 7-22-67 to 7-21-68; 5 percent of the total number of factory production workers engaged in the production of men's and boys' woven shorts for normal labor turnover purposes (men's and boys' shorts).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods and the number of learners authorized to be employed, are indicated.

Economy Industries, Inc., Rio Grande, P.R.; 6-26-67 to 6-25-68; 18 learners for normal labor turnover purposes in the occupations of sewing machine operating, final pressing, each for a learning period of 320 hours at the rate of 84 cents an hour (girls' and ladies' blouses).

Syl Bee Manufacturing Co., Inc., No. 2, Aguas Buenas, P.R.; 6-23-67 to 12-21-67; 35 learners for plant expansion purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of $1.03 an hour.

Each learner certificate has been issued upon the representations of the employer, which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 15 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR, Part 528.

Signed at Washington, D.C., this 28th day of July, 1967.

ROBERT G. GROENEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 67-9272; Filed, Aug. 8, 1967; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 18598]

ALM DUTCH ANTILLEAN AIRLINES

Notice of Further Postponement of Hearing

Notice is given herewith, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that public hearing in the above-entitled proceeding heretofore assigned to be held on August 9, 1967, is hereby postponed and is now assigned to be held on August 23, 1967, at 10:00 a.m., e.d.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

Dated at Washington, D.C., August 3, 1967.

[SEAL] RICHARD A. WALSH,
Hearing Examiner.

[F.R. Doc. 67-9303; Filed, Aug. 8, 1967; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 458]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

AUGUST 4, 1967.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c) (8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d) (4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 239 (Deviation No. 4), ECKLAR-MOORE EXPRESS, INC., Forbes Road, Extended, Lexington, Ky. 40505, filed July 28, 1967. Carrier's representative: Harry V. McChesney, Jr., 711 McClure Building, Frankfort, Ky. 40601. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Louisville, Ky., over Interstate Highway 64 via Lexington, Ky., to Owingsville, Ky., and (2) from Louisville, Ky., over Interstate Highway 71 to junction Interstate Highway 75 near Walton, Ky., thence over combined Interstate Highways 75–71 to Cincinnati, Ohio, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Cincinnati, Ohio, across the Ohio River to junction Kentucky Highway 17, thence over Kentucky Highway 17 to junction U.S. Highway 27, thence over U.S. Highway 27 to Cynthiana, Ky., thence over U.S. Highway 62 to Georgetown, Ky., thence over Kentucky Highway 40 to Frankfort, Ky. (also from Georgetown over U.S. Highway 62 to Versailles, Ky., thence over U.S. Highway 60 to Frankfort), thence over U.S. Highway 60 to Louisville, Ky., (2) from Cynthiana, Ky., over U.S. Highway 27 to Paris, Ky., thence over U.S. Highway 68 to Lexington, Ky., (3) from Cynthiana, Ky., over Kentucky Highway 32 to Carlisle, Ky., thence return from Carlisle over Kentucky Highway 32 to junction U.S. Highway 68, thence over U.S. Highway 68 to Millersburg, Ky., thence over unnumbered highway to junction Kentucky Highway 36, thence over Kentucky Highway 36 to Cynthiana, Ky., (4) from Paris, Ky., over U.S. Highway 227 to Winchester, Ky., thence over U.S. Highway 60 to Owingsville, Ky., and return from Owingsville over Kentucky Highway 36 to junction U.S. Highway 68, thence over U.S. Highway 68 to Paris, Ky., (5) from Cincinnati, Ohio, over U.S. Highway 25 to Dry Ridge, Ky., thence over Kentucky Highway 22 to Owenton, Ky., thence over Kentucky Highway 35 to Frankfort, Ky., (6) from Lawrenceburg, Ky., over Kentucky Highway 35 to Alton Station, Ky., thence over Kentucky Highway 151 to Grafenburg, Ky., thence over U.S. Highway 60 to Louisville, Ky., (7) from Georgetown, Ky., over U.S. Highway 460 to Paris, Ky., (8) from Lexington, Ky., over U.S. Highway 421 to junction U.S. Highway 60, and (9) from Great Crossing, Ky., over U.S. Highway 227 to Stamping Ground, Ky., thence over unnumbered highway to Woodlake Ky., and return over the same routes.

No. MC 30204 (Deviation No. 20), HEMINGWAY TRANSPORT, INC., 438 Dartmouth Street, New Bedford, Mass. 02740, filed July 27, 1967. Carrier's representative: Carroll B. Jackson, 1301 North Boulevard, Richmond, Va. 23230. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Boston, Mass., over Interstate Highway 93 to Littleton, N.H., (2) Portsmouth, N.H., over the Spaulding Turnpike to junction New Hampshire Highway 16, (3) from Nashua, N.H., over the F. E. Everett Parkway to Concord, N.H., and (4) from Richmond, Va., over Interstate Highway 95 to Petersburg, Va., thence over Interstate Highway 85 to Gastonia, N.C., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Concord, N.H., over U.S. Highway 3 to junction Massachusetts Highway 3A, thence over Massachusetts Highway 3A to junction U.S. Highway 3, thence over U.S. Highway 3 to junction Massachusetts Highway 129, thence over Massachusetts Highway 129 to junction Massachusetts Highway 3A, thence over Massachusetts Highway 3A to junction U.S. Highway 3, thence over U.S. Highway 3 to Boston, Mass. (also from Concord over New Hampshire Highway 3A to Manchester, N.H., thence over New Hampshire Highway 28 to the New Hampshire-Massachusetts State line, thence over Massachusetts Highway 28 to Boston), (2) from Berlin, N.H., over New Hampshire Highway 16 via Dover, N.H., to junction U.S. Highway 4, thence over U.S. Highway 4 to Portsmouth, N.H.

(3) From West Ossipee, N.H., over New Hampshire Highway 25 to Meredith, N.H., thence over U.S. Highway 3 to Laconia, N.H., thence over New Hampshire Highway 106 to Concord, N.H., thence over U.S. Highway 3 to Manchester, N.H. (also from Concord over New Hampshire Highway 3A to Manchester), (4) from Meredith, N.H., over U.S. Highway 3 to junction New Hampshire Highway 16, thence over New Hampshire Highway 16 to junction U.S. Highway 302, thence over U.S. Highway 302 to Lisbon, N.H., (5) from Richmond, Va., over U.S. Highway 360 to Halifax, Va., thence over U.S. Highway 501 to South Boston, Va., thence over U.S. Highway 58 to Danville, Va. (also from Halifax over U.S. Highway 360 to Danville), thence over U.S. Highway 29 to Reidsville, N.C., thence over U.S. Highway 158 to Winston-Salem, N.C., (6) from Lynchburg, Va., over U.S. Highway 29 to Greensboro, N.C., and (7) from Greensboro, N.C., over combined U.S. Highways 29 and 70 to Salisbury, N.C. (also from Greensboro over combined alternate U.S. Highways 29 and 70 to junction combined U.S. Highways 29 and 70), thence over U.S. Highway 29 to Charlotte, N.C. (also from junction U.S. Highway 29 and Business Route U.S. Highway 29 (formerly Alternate U.S. Highway 29) over Business Route U.S. Highway 29 to Concord, N.C.), thence over U.S. Highway 29 to Gastonia, N.C., and return over the same routes.

No. MC 48958 (Deviation No. 16), ILLINOIS-CALIFORNIA EXPRESS, INC., Post Office Box 9050, Amarillo, Tex. 79105, filed July 28, 1967. Carrier's representative: Morris G. Cobb (same address as applicant). Carrier proposes to operate as a *common carrier*, by motor vehicle, of *classes A and B explosives*, and *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Vernon, Tex., over U.S. Highway 283 to Altus, Okla., thence over U.S. Highway 62 to junction U.S. Highway 83, thence over U.S. Highway 83 to junction Texas Highway 256, thence over Texas Highway 256 to Memphis, Tex., (2) from Childress, Tex., over U.S. Highway 83 to junction Texas Highway 256 thence over Texas Highway 256 to Memphis, Tex., and (3) from Childress, Tex., over U.S. Highway 83 to junction Texas Highway 203, thence over Texas Highway 203 to Hedley, Tex., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: (1) From Amarillo, Tex., over U.S. Highway 287 via Wichita Falls, Tex., to Rhome, Tex., thence over Texas Highway 114 to Dallas, Tex., and (2) from Amarillo, Tex., over the route specified above the Wichita Falls, Tex., thence over U.S. Highway 281 to Jacksboro, Tex., thence over Texas Highway 199 to Fort Worth, Tex., thence over U.S. Highway 80 to Dallas, Tex., and return over the same routes.

No. MC 59120 (Deviation No. 9), EAZOR EXPRESS, INC., Eazor Square, Pittsburgh, Pa. 15201, filed July 25, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Harrisburg, Pa., over U.S. Highway 322 to junction U.S. Highway 30 near Downingtown, Pa., thence over U.S. Highway 30 to junction U.S. Highway 1, thence over U.S. Highway 1 to Newark, N.J., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: Between Harrisburg, Pa., and Newark, N.J., over U.S. Highway 22.

No. MC 109533 (Deviation No. 5), OVERNITE TRANSPORTATION COMPANY, 1100 Commerce Road, Richmond, Va. 23224, filed July 25, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Bristol, Tenn.-Va., over Interstate Highway 81 (using U.S. Highway 11 where portions of Interstate Highway 81 are not completed) to Roanoke, Va., thence over U.S. Highway 460 to Burksville, Va., thence over U.S. Highway 360 to Richmond, Va., thence over Interstate Highway 64 (using U.S. Highway 60 where portions of Interstate Highway 64 are not completed) to Norfolk, Va., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: from Bristol, Va.-Tenn., over U.S. Highway 11 to Marion, Va., thence over Virginia Highway 16 to junction U.S. Highway 58, thence over U.S. Highway 58 to Galax, Va., thence over Virginia Highway 89 to the Virginia-North Carolina State line, thence over North Carolina Highway 89 to Mount Airy, N.C., thence over U.S. Highway 52 to Winston-Salem, N.C., thence over U.S. Highway 311 to High Point, N.C., thence over U.S. Highway 70 to Durham, N.C., thence over U.S. Highway 15 to Oxford, N.C., thence over U.S. Highway 158 to Henderson, N.C., thence over U.S. Highway 1 to Norlina, N.C., thence over U.S. Highway 158 to Murfreesboro, N.C., thence over U.S. Highway 258 to Franklin, Va., thence over U.S. Highway 58 to Norfolk, Va., and return over the same route.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 396) (Cancels Deviation No. 228), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio 44113, filed July 28, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over a deviation route as follows: From Columbus, Ohio, over Interstate Highway 71 to junction Interstate Highway 80S (approximately 1 mile northwest of Seville, Ohio), thence over Interstate Highway 80S (also designated as U.S. Highway 224) to Akron, Ohio, thence over Interstate Highway 80S to junction Ohio Highway 534 (approximately 1 mile east of Lake Milton, Ohio), thence over Ohio Highway 534 to junction Ohio Highway 18, with the following access roads: (1) From Delaware, Ohio, over U.S. Highway 36 to junction Interstate Highway 71, (2) from Mount Gilead, Ohio, over Ohio Highway 61 to junction Interstate Highway 71, (3) from Mount Gilead, Ohio, over Ohio Highway 95 to junction Interstate Highway 71, (4) from Mansfield, Ohio, over Ohio Highway 13 to junction Interstate Highway 71, (5) from Mansfield, Ohio, over U.S. Highway 42 to junction U.S. Highway 30, thence over U.S. Highway 30 to junction Interstate Highway 71, (6) from Ashland, Ohio, over U.S. Highway 250 to junction Interstate Highway 71, (7) from Lodi, Ohio, over Ohio Highway 76 to junction Interstate Highway 71, and (8) from Edinburg, Ohio, over Ohio Highway 14 to junction Interstate Highway 80S (approximately 1 mile north of Edinburg, Ohio), and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From Columbus, Ohio, over U.S. Highway 62 to junction Ohio Highway 93, thence over Ohio Highway 93 to junction Ohio Highway 241, thence over Ohio Highway 241 via Massillon and Greensburg to Akron, Ohio, (2) from Youngstown, Ohio, over Ohio Highway 18 to Bellevue, Ohio, (3) from Cleveland, Ohio, over Ohio Highway 87 to junction Ohio Highway 8, thence over Ohio Highway 8 to Akron, Ohio, thence over Ohio Highway 5 to Wooster, Ohio, thence over Ohio Highway 3 to Columbus, Ohio, (4) from Cleveland, Ohio, over U.S. Highway 42 to Delaware, Ohio, thence over U.S. Highway 23 to Columbus, Ohio, and (5) from Sunbury, Ohio, over Ohio Highway 61 to Mount Gilead, Ohio, and return over the same routes.

No. MC 3647 (Deviation No. 2), PUBLIC SERVICE COORDINATED TRANSPORT, 180 Boyden Avenue, Maplewood, N.J. 07040, filed July 28, 1967. Carrier's representative: Richard Fryling (same address as applicant). Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over a deviation route as follows: From junction U.S. Highway 22 and Interstate Highway 78, Greenwich Township, N.J., over access roads to Interstate Highway 78, thence over Interstate Highway 78 and access roads to junction U.S. Highway 22, Union Township, N.J., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Easton, Pa., over U.S. Highway 22 to Phillipsburg, N.J., thence over Alternate U.S. Highway 22 to junction unnumbered highway, approximately 1 mile north of Alpha, N.J., thence over Alternate U.S. Highway 22 to Still Valley, N.J., thence over U.S. Highway 22 to junction unnumbered highway (formerly portion New Jersey Highway 28), thence over unnumbered highway via Clinton and Annandale, N.J., to junction U.S. Highway 22, thence over U.S. Highway 22 to junction New Jersey Highway 28, thence over New Jersey Highway 28 to Somerville, N.J., thence over U.S. Highway 22 to Newark, N.J., thence over U.S. Highway 1 to junction Tonnelle Avenue in Jersey City, N.J., thence over Business U.S. Highway 1 through the Holland Tunnel, to New York, N.Y., and return over the same route.

No. MC 29657 (Deviation No. 10), CONTINENTAL SOUTHERN LINES, INC., 425 Bolton Avenue, Post Office Box 4107, Alexandria, La. 71301, filed July 27, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicles, of *passengers and their baggage* in the same vehicle with passengers or in a separate vehicle, and *express* and *newspapers* in the same vehicle with passengers, over a deviation route as follows: From New Orleans, La., over Interstate Highway 10 to junction Louisiana Highway 433 (an access road), thence over Louisiana Highway 433 to Slidell, La., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Mendenhall, Miss., over Mississippi Highway 13 to Columbia, Miss., thence over Mississippi Highway 24 to junction Mississippi Highway 35 (formerly Mississippi Highway 13W), thence over Mississippi Highway 35 via Jamestown and Sandy Hook, Miss., to the Mississippi-Louisiana State line, thence over Louisiana Highway 21 (formerly Louisiana Highway 7) to Bush, La., thence over Louisiana Highway 41 (formerly Louisiana Highway 484) to Talisheek, La., thence over Louisiana Highway 41 (formerly Louisiana Highway 58) to Pearl River, La., thence over U.S. Highway 11 to junction U.S. Highway 90, thence over U.S. Highway 90 to New Orleans, La., and return over the same route.

No. MC 55312 (Deviation No. 5), CONTINENTAL TENNESSEE LINES, INC., 418 Fifth Avenue South, Nashville, Tenn. 37203, filed July 25, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over a deviation route as follows: From Chattanooga, Tenn., over Interstate Highway 24 to junction U.S. Highway 72 near South Pittsburg, Tenn., with the following access route: From junction Interstate Highway 24 and Tennessee Highway 134, over Tennessee Highway 134 to Haletown, Tenn., and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Memphis, Tenn., over U.S. Highway 72 via Florence and Huntsville, Ala., to Chattanooga, Tenn. (also from Florence over U.S. Highway 43 to junction unnumbered highway at or near Sheffield, Ala., thence over unnumbered highway to Tuscumbia, Ala., thence over Alabama

Highway 20 via Decatur, Ala., to Huntsville, Ala., thence over U.S. Highway 72 to Chattanooga), and return over the same routes.

No. MC 114271 (Deviation No. 3), CONTINENTAL CRESCENT LINES, INC., 425 Bolton Avenue, Post Office Box 4107, Alexandria, La. 71301, filed July 27, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, over a deviation route as follows: From Chattanooga, Tenn., over Interstate Highway 24 to junction with U.S. Highways 11, 41 and 72, west of Chattanooga, Tenn., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: from Oneonta, Ala., over Alabama Highway 75 via Horton, Albertville, Rainesville, and Henagar, Ala., to the Alabama-Georgia State line (approximately 8 miles north of Ider, Ala.), thence over Georgia Highway 143 to Trenton, Ga., thence over U.S. Highway 11 to Chattanooga, Tenn. (also from Rainesville, Ala., over unnumbered county highway via Sylvania, Ala., to Henagar), and return over the same routes.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 67-9304; Filed, Aug. 8, 1967; 8:49 a.m.]

[Notice 1092]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

AUGUST 4, 1967.

The following publications are governed by Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER issue of April 20, 1966, which became effective May 20, 1966.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

NOTICE OF FILING OF PETITIONS

No. MC 78088 (Notice of Filing of Petition To Reopen Grandfather Proceeding), filed July 12, 1967. Petitioner: EASTERN CARRIER CORPORATION, 316 North Apple Street, Dunmore, Pa. Petitioner's representative: Arnold Blackmore (same address as above). Petitioner was granted a certificate on September 9, 1941, which authorized the transportation of: Hosiery, from Washington, N.J., to Philadelphia, Pa., over specified regular routes, serving no intermediate points. Textile products, advertising matter, furnished by the manufacturers of such products for use in the sale of textile products, and commodities, other than machinery, used by textile plants in the manufacture of textiles, over irregular routes, between Waverly, Elmira, and Elmira Heights, N.Y., Athens, Sayre, Towanda, and Philadelphia, Pa., and points and places in that part of Pennsylvania on and bounded by a line beginning at Carbondale and extending through Dickson, Scranton, West Pittston, Forty Fort, Luzerne, and Kingston, to West Nanticoke, thence to Hazleton, thence through Allentown to Coopersburg, thence to Easton, and thence through Pen Argyle to point of beginning, on the one hand, and, on the other, New York, N.Y., Belvidere, Newton, Oxford, Washington, and Dover, N.J., and points and places in that part of New Jersey on and bounded by a line beginning at Midland Park and extending to West New York, thence to Jersey City, thence to Newark, thence through East Orange and Orange to West Orange, and thence through Paterson, Haledon, and North Haledon to point of beginning. Petitioner's operations have been questioned regarding shipments from Camden, N.J., to Corning, Elmira, Waverly, Norwich, and Oneonta, N.Y. Petitioner prays that its "grandfather" case be reopened and that its authority be modified to include the above-referred to points. Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 126142 (Notice of filing of petition to reopen and modify "Grandfather" Rights), filed July 17, 1967. Petitioner: GLEASON TRANSPORTATION CO., INC., Rockingham Road, Bellows Falls, Vt. Petitioner's representative: Frederick T. O'Sullivan, 372 Granite Avenue, Melton, Mass. 02186. Pursuant to MC-FC-21681 and MC-FC-66191, petitioner acquired the certificate in MC 126142, specifically the portion of such certificate that is the subject to this petition reads as follows: "Irregular routes: Such merchandise as is dealt in by chain grocery stores and in connection therewith supplies used in the conduct of such stores. (1) Between points in Vermont, (2) From Rutland and Burlington, Vt., to points in New York within 150 miles of Rutland, with no transportation for compensation on return except as otherwise authorized." By the instant petition, petitioner prays that the Commission reopen and modify the authority in certificate No. MC 126142 to read: "General commodities, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities in tank vehicles, commodities requiring special equipment, and those injurious or contaminating to other lading (1) Between points in Vermont. (2) From Rutland and Burlington, Vt., to points in New York within 150 miles of Rutland, with no transportation for compensation on return as otherwise authorized. (3) Between Vernon, Brattleboro, Dummerston, Putney, Westminster Station, Bellows Falls, Ascutney, Windsor, Hartland, White River Junction, Wilder, Lewiston, Norwich, East Thetford, Ely, Fairlee, Bradford, South Newbury, Newbury, Wells River, Ryegate, McIndoe Falls, Lower Waterford, Gilman, South Lunenburg, Stevens, Maidstone, Brunswick, Bloomfield, Lemington, Canaan, and Beecher Falls, Vt." Any interested person desiring to participate may file an original and six copies of his written representations, views or argument, in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 128809 (Notice of Filing of Petition for Authority To Add Additional Contract Shipper to Present Permit), filed July 24, 1967. Petitioner: COYLE ENTERPRISES, INC., Tucson, Ariz. Petitioner's representative: Russell S. Bernhard, 1625 K Street NW., Washington, D.C. 20006. Petitioner holds a permit in No. MC 128809 to perform motor carrier transportation, over irregular routes, transporting: Baggage, from the Tucson International Airport to Tucson, Ariz., with no transportation for compensation on return except as otherwise authorized, limited to a transportation service to be performed, under a continuing contract, or contracts, with the following shippers: American Airlines, Inc., Trans-World Airlines, Inc., and Continental Airlines, Inc., and restricted to the transportation of shipments having an immediately prior movement by air. By the instant petition, petitioner requests permission to add an additional shipper, Frontier Airlines, Inc. Any interested person desiring to participate may file an original and six copies of his written representations, views or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-9821. (Correction) (THE COLONY Co.—Control—THE ADLEY CORP.) published in the July 26, 1967 issue of the FEDERAL REGISTER, on page 10964. The vendor's complete title is *THE ADLEY CORPORATION, doing business as ADLEY EXPRESS COMPANY*, in lieu of THE ADLEY CORPORATION.

No. MC-F-9837. Authority sought for purchase by MELTON TRUCK LINES, INC., Post Office Box 7295, Shreveport, La. 71107, of a portion of the operating rights of GULF STATES TRUCK LINES, INC., Post Office Box 6990, Shreveport, La. 71106, and for acquisition by DUNCAN McRAE, Post Office Box 7295, Shreveport, La. 71107, of control of such rights through the purchase. Applicants' attorney: Wilburn L. Williamson, 450 American National Building, Oklahoma City, Okla. 73102. Operating rights sought to be transferred: *Structural steel forms, metal railroad tank car tanks*, and *tank car parts* when moving with structural steel forms or metal tanks, as a *common carrier*, over irregular routes, from Texarkana, Ark., to Shreveport, La.; and *metal tanks*, from Shreveport, La., to Texarkana, Ark. Vendee is authorized to operate as a *common carrier* in all points in the United States (except Alaska and Hawaii). Application has been filed for temporary authority under section 210a(b).

No. MC-F-9838. Authority sought for purchase by TRANSPORT SERVICE CO., 5100 West 41st Street, Post Office Box 272, Chicago, Ill. 60650, of the operating rights and property of CLACKEN TRANSPORTATION, INC., 4083 Faries Parkway, Decatur, Ill. 62526, and for acquisition by JOHN V. CROWE, also of Chicago, Ill., of control of such rights and property through the purchase. Applicants' attorneys: Leonard A. Jaskiewicz and J. William Cain, Jr., both of 600 Madison Building, 1155 15th Street NW., Washington, D.C. 20005. Operating rights sought to be transferred: *Corn oil*, in tank vehicles, as a *common carrier*, over a regular route, from Clinton, Iowa, to Lafayette, Ind., serving no intermediate points; *salad and cooking oils*, in bulk, in tank vehicles, over irregular routes, from Chicago and Decatur, Ill., and Columbus, Ohio, to Lafayette, Ind.; *salad oil*, in bulk, in tank vehicles, from Clinton, Iowa, Decatur and Chicago, Ill., St. Louis, Mo., and Columbus, Ohio, to Terre Haute, Ind.; *edible and inedible oils*, except petroleum or oils with a petroleum base, from Decatur, Ill., to points in Kentucky within 10 miles of the Ohio River and to St. Louis, Mo., and Pittsburgh, Pa., from St. Louis, Mo., Pittsburgh, Pa., and points in Ohio, Indiana, and Wisconsin to Decatur, Ill.; *edible and inedible oils*, not including petroleum or oil with a petroleum base, in bulk, in tank vehicles, from Decatur, Ill., to points in Indiana, except Lafayette and Terre Haute, Ind., Ohio, Wisconsin, and the Lower Peninsula of Michigan; from Decatur, Ill., to points in Pennsylvania (except Pittsburgh) with restriction; *resin plasticizer*, in bulk, in tank vehicles, from Decatur, Ill., to points in Indiana, Kentucky, Michigan, Missouri, Ohio, Wisconsin, and Pennsylvania: From Decatur, Ill., to Jackson, Miss., from Decatur, Ill., to Marrero, La., with restrictions; *resin plasticizer* (not of petroleum base), in bulk, in tank vehicles, from Decatur, Ill., to Institute, W. Va., and Tuscumbia, Ala.; and *soybean oil*, in bulk, in tank vehicles, from Decatur, Ill., to Willow Island, W. Va., with restriction. Vendee is authorized to operate as a *common carrier* in Illinois, Iowa, Nebraska, Missouri, Kentucky, Minnesota, Indiana, Michigan, Wisconsin, Kansas, North Dakota, South Dakota, Arkansas, Ohio, Pennsylvania, Connecticut, Delaware, Louisiana, New Jersey, New York, Tennessee, and Mississippi. Application has been filed for temporary authority under section 210a(b).

No. MC-F-9839. Authority sought for purchase by DEAN THORNTON, doing business as KEYSTONE TRUCKING COMPANY, Rushford, N.Y. 14777, of a portion of the operating rights of DAVIS & RANDALL, INC., 154 Chautauqua Street, Fredonia, N.Y. 14063. Applicants' attorney: Kenneth T. Johnson, Bank of Jamestown Building, Jamestown, N.Y. 14701. Operating rights sought to be transferred: *Malt beverages*, as a *common carrier*, over irregular routes, from Newark, N.J., to certain specified points in New York; *malt beverages* in containers, from New York, N.Y., and Newark, N.J., to certain specified points in Pennsylvania; *malt beverages* (except in bulk, in tank vehicles), from Newark, N.J., to certain specified points in New York; and *advertising materials*, when moving in mixed loads with malt beverages, from Newark, N.J., to points in New York. Vendee is authorized to operate as a *common carrier* in Pennsylvania, New York, New Jersey, Connecticut, Massachusetts, Maine, New Hampshire, Vermont, and Rhode Island. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9840. Authority sought for control and merger by NORTHEASTERN TRUCKING COMPANY, 2508 Starita Road, Post Office Box 1493, Charlotte, N.C. 28201, of the operating rights and property of STANDARD TRANSPORT, INC., Post Office Box 21073, Charlotte, N.C. 21073, and for acquisition by JOHN F. GUIGNARD and WILLIAM H. GUINARD, both of Post Office Box 1493, Charlotte, N.C., of control of such rights and property through the transaction. Applicants' attorney: Guy H. Postell, 1375 Peachtree Street NE., Atlanta, Ga. 30309. Operating rights sought to be controlled and merged: *Apple products*, as a *common carrier*, over irregular routes, from Inwood, W. Va., and certain specified points in Virginia, to Bristol, Tenn., and points in North Carolina on and west of U.S. Highway 29; *canned goods*, from Whiteland and Greenwood, Ind., and certain specified points in Illinois, to certain specified points in South Carolina, and Asheville, N.C., and points in North Carolina within 125 miles of Asheville, N.C., from Austin, Ind., to Asheville, N.C., from Warsaw and Roanoke, Va., and points in Virginia within 50 miles of Warsaw and Roanoke, Va., to Asheville, N.C., and points in North Carolina within 125 miles of Asheville, N.C.; *cottonseed meal*, from certain specified points in South Carolina, and Augusta, Ga., to certain specified points in North Carolina; *dimension stock lumber*, from Black Mountain and Asheville, N.C., to Chicago, Ill.; *electrical supplies*, from certain specified points in Ohio, to Asheville, N.C., and points in North Carolina within 150 miles of Asheville, N.C.; *empty bottles*, from Laurens, S.C., and Chattanooga, Tenn., to Asheville, N.C.

Fresh vegetables, from certain specified points in South Carolina, to Asheville, N.C., and points in North Carolina within 75 miles of Asheville, N.C.; *glass fruit jars* and *fruit jar rings*, from Muncie, Ind., to Asheville, N.C., and points in North Carolina within 125 miles of Asheville, N.C.; *groceries*, from Asheville, N.C., to Copperhill, Tenn., from Richmond and Norfolk, Va., Chattanooga, Tenn., certain specified points in South Carolina, Cincinnati, Ohio, Louisville, Ky., Indianapolis, Ind., and Chicago, Ill., to Asheville, N.C., and points in North Carolina within 115 miles of Asheville, N.C.; *hides*, from Chicago, Ill., to Asheville, N.C.; *hides, grease, tallow*, and *scrap metal* from Asheville, N.C., to Richmond and Roanoke, Va., Louisville, Ky., Akron, Ohio, and Chicago, Ill.; *liquid gas fuel*, from Clendenin, W. Va., to Asheville, N.C.; *malt beverages*, from Cincinnati, Ohio, to Asheville, N.C.; *empty malt beverage containers*, from Asheville, N.C., to Cincinnati, Ohio; *motor oil*, from Corsopolis, Pa., to Asheville, N.C.; *paper and paper products*, from Canton and Asheville, N.C., to certain specified points in Virginia, Ohio, Greenville, Tenn., and points in Tennessee within 100 miles of Greenville, Tenn., and certain specified points in South Carolina, from certain specified points in Ohio, and Richmond and Norfolk, Va., to Asheville, N.C., from Chicago, Ill., and Halltown, W. Va., to points in North Carolina on and west of U.S. Highway 29;

Rags, scrap paper, and *scrap metal*, from Asheville, N.C., to Cincinnati and Lockland, Ohio; *roots and herbs*, from Asheville, N.C., to Chicago, Ill.; *scrap metals*, from Asheville, N.C., to Richmond and Norfolk, Va., Chicago, Ill., certain specified points in Ohio, Louisville, Ky., Indianapolis, Ind., and Pittsburgh, Pa.; *wine*, from Naples, N.Y., to Asheville, N.C.; *wiping rags*, from Asheville, N.C., to Cincinnati, Ohio, Louisville, Ky., and Indianapolis, Ind.; *such merchandise* as is dealt in by wholesale grocery and food business houses, except fresh meat, eggs, poultry, and products of food-processing and meat-packing houses, and packing-house by-products, and advertising material and premiums for food-processing and meat-packing houses, from Charleston, S.C., Wilmington, N.C., and Norfolk, Va., to Charlotte, N.C., from Charlotte, N.C., to points in South Carolina; *pipe, machinery*, and *machinery parts*, from Charlotte, N.C., to points in South Carolina; and *asphalt, hardware, wire*, and *iron and steel articles*, from Charleston, S.C., and Wilmington, N.C., to Charlotte, N.C. NORTHEASTERN TRUCKING COMPANY is authorized to operate as a *common carrier* in Illinois, New York, New Jersey, Pennsylvania, Maryland, North Carolina, South Carolina, Virginia, Florida, Tennessee, Connecticut, New Hampshire, Massachusetts, Rhode Island, Kentucky, Louisiana, Alabama, Georgia, Ohio, Indiana, West Virginia,

Maryland, Maine, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-9841. Authority sought for control and merger by DOHRN TRANSFER COMPANY, 4016 Ninth Street, Rock Island, Ill. 61201, of the operating rights and property of RAMUS TRUCKING LINE, INC., 3832 Ridge Road, Cleveland, Ohio, and for acquisition by WAYNE DOHRN, GEORGE A. LORENZEN, ARTHUR H. LORENZEN and CHARLES H. DOHRN, all also of Rock Island, Ill., of control of such rights and property through the transaction. Applicants' attorneys: Axelrod, Goodman & Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Operating rights sought to be controlled and merged: (A) *General commodities*, excepting among others household goods and commodities in bulk, as a *common carrier* over regular routes, between Cleveland, Ohio, and Chicago, Ill., serving all intermediate points and the off-route points in Cuyahoga County, Ohio, and those in the Chicago, Ill., Commercial Zone, as defined by the Commission in 1 M.C.C. 673, between Cleveland, Ohio, and Boston, Mass., serving no intermediate points; *washing machines, ironers, vacuum cleaners, and parts of such commodities*, between Sandusky, Ohio, and Chicago, Ill., serving no intermediate points; over two alternate routes for operating convenience only; (B) *general commodities*, excepting among others household goods and commodities in bulk, over irregular routes, between Boston, Mass., and points in Massachusetts within 10 miles of Boston, on the one hand, and, on the other, Worcester and Springfield, Mass., and points in Massachusetts within 10 miles of Springfield; *paper boxes*, from Boston, Mass., to Hartford, Conn.; *groceries*, from Bridgeport, Conn., to Springfield, Mass.; *toilet seats, paper, and paper products*, from Holyoke, Mass., to Boston, Mass.; *paper, paper products, and school supplies*, from Holyoke, Mass., to points in New Hampshire, Rhode Island, and Connecticut; (C) *chemicals*, used in the manufacture of rayon and rayon products, from Boston, Mass., to Painesville, Ohio, and points within 5 miles of Painesville; *wool*, from Woonsocket, R.I., and Hudson, Mass., to Cleveland, and Ravenna, Ohio, from Norton, Mass., to Ravenna, Ohio; *cotton tire fabric*, from New Bedford and Fall River, Mass., to Akron, Ohio; *nails*, from New Brighton, Pa., to Cleveland, Ohio; *rubber matting*, from Salem, Ohio, to Chicago, Ill.; and *rayon and rayon fiber*, from Painesville, Ohio, and points within 5 miles of Painesville, to certain specified points in Massachusetts, and Rhode Island. DOHRN TRANSFER COMPANY is authorized to operate as a *common carrier* in Illinois, Iowa, Missouri, Michigan, Ohio, Indiana, Kentucky, Wisconsin, and Minnesota. Application has been filed for temporary authority under section 210a(b).

No. MC-F-9842. Authority sought for control by KAIN'S MOTOR SERVICE CORP., West end of Bates Street, Logansport, Ind. 46947, of KURGAN CARTAGE CO., INC., Post Office Box 44, Bensonville, Ill., and for acquisition by DAVID M. COOK, 7043 North Delaware Street, Indianapolis, Ind. 46220, of control of KURGAN CARTAGE CO., INC., through the acquisition by KAIN'S MOTOR SERVICE CORP. Applicants' attorney: Ferdinand Born, 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Operating rights sought to be controlled: Under a certificate of registration, in No. MC-121271 Sub 1, covering the transportation of commodities general, as a common carrier in intrastate commerce, within the State of Illinois. KAIN'S MOTOR SERVICE CORP. is authorized to operate as a *common carrier* in Indiana and Illinois. Application has been filed for temporary authority under section 210a(b). NOTE: No. MC-67111 Sub 18 is a matter directly related.

No. MC-F-9843. Authority sought for control by BEND-PORTLAND TRUCK SERVICE, INC., 5940 North Basin, Portland, Oreg. 97217, of PEOPLES WAREHOUSE, INC., 1425 South Sixth Street, Klamath Falls, Oreg. 97601, and for acquisition by WILFRED JOSSY, also of Portland, Oreg., of control of PEOPLES WAREHOUSE, INC., through the acquisition by BEND-PORTLAND TRUCK SERVICE, INC. Applicants' attorney: Owen M. Panner, 1026 Bond Street, Bend, Oreg. 97701. Operating rights sought to be controlled: *Household goods* as defined by the Commission, as a *common carrier*, over regular routes, between points in Klamath County, Oreg., on the one hand, and, on the other, points in Washington and California. BEND-PORTLAND TRUCK SERVICE, INC. is authorized to operate as a *common carrier* in Oregon and California. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9844. Authority sought for purchase by M. W. McCURDY & CO., INC., 401 Nora's Lane, Houston, Texas 77022, of a portion of the operating rights of HOMER M. CONNEL, Post Office Box 1152, Anson Highway, Abilene, Tex., and for acquisition by M. W. McCurdy, also of Houston, Tex., of control of such rights through the purchase. Applicants' attorney: Joe G. Fender, 802 Houston 1st Savings Building, Houston, Tex. 77002. Operating rights sought to be transferred: *Bananas*, as a *common carrier*, over irregular routes, from Galveston, Tex., to all other points in Texas, and to Denver, Colo., Roswell, N. Mex., and Phoenix and Tucson, Ariz., and New Orleans, La., to Abilene, Tex. Vendee is authorized to operate as a *common carrier* in Texas, Arizona, California, Colorado, Idaho, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, and Utah. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-9305; Filed, Aug. 8, 1967; 8:49 a.m.]

[Notice 1094]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

AUGUST 4, 1967.

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The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

The applications immediately following are assigned for hearing at the time and place designated in the notice of filing as here published in each proceeding. All of the proceedings are subject to the Special Rules of Procedure for Hearing outlined below:

SPECIAL RULES OF PROCEDURE FOR HEARING

(1) All of the testimony to be adduced by applicant's company witnesses shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicant's company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicant's company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in written statement as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will be at the time of offer, subject to the same rules as if the evidence were produced in the usual manner.

(5) Supplemental testimony by a witness to correct errors or to supply inadvertent omissions in his written statement is permissible.

No. MC 61403 (Sub-No. 171) (Republication), filed July 11, 1967, published FEDERAL REGISTER issue of July 27, 1967, and republished this issue. Applicant: THE MASON AND DIXON TANK LINES, INC., Eastman Road, Kingsport, Tenn. 37662. Applicant's representative: W. C. Mitchell, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Perlite and vermiculite*, in bulk, between points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Minnesota, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: The purpose of this republication is to reflect the hearing information.

HEARING: September 11, 1967, in Room 2588K, Federal Building, 219 South Dearborn Street, Chicago, Ill., before Examiner Parks M. Low.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-9306; Filed, Aug. 8, 1967; 8:49 a.m.]

[Notice 430]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 4, 1967.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and 6 copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 1351 (Sub-No. 10 TA), filed August 2, 1967. Applicant: M. HASKELL, INC., 312 South Main Street, Palmer, Mass. 01069. Applicant's representative: Reubin Kaminsky, Suite 223, 410 Asylum Street, Hartford, Conn. 06103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper articles*, from plantsites and warehousing facilities of Diamond-National Corporation at Ludlow and Springfield, Mass., to Mt. Vernon, Beacon, Albany, and New York, N.Y., points in Nassau and Suffolk Counties, N.Y., and points in New Jersey; and (2) *waste paper*, from points in New Jersey (except Harrison, Bloomfield, Bogota, Paterson, Ridgefield Park, Newark, Passaic, Delawanna, and New Brunswick, N.J.), points in Nassau and Suffolk Counties, N.Y., and Albany, N.Y., to the plantsite of Diamond-National Corp. at Palmer, Mass.; for 180 days. Supporting shipper: Diamond National Corp., 733 Third Avenue, New York, N.Y. 10017. Send protests to: Joseph W. Balin, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 338 Federal Building, Springfield, Mass. 01103.

No. MC 38484 (Sub-No. 72 TA), filed August 1, 1967. Applicant: VIKING FREIGHT COMPANY, 1535 South Broadway, St. Louis, Mo. 63104. Applicant's representative: G. M. Behman, Suite 1230, Boatmen's Bank Building, St. Louis, Mo. 63102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except dangerous explosives, livestock, household goods as defined by the Commission, loose bulk commodities, those requiring special equipment, and those injurious or contaminating to other lading), (a) between Paducah, Ky., and Calvert City, Ky.: From Paducah, over U.S. Highway 62 to junction Kentucky Highway 95, thence over Kentucky Highway 95 to Calvert City (also from junction U.S. Highway 62 and Kentucky Highway 1523, over Kentucky Highway 1523 to Calvert City); and (b) between Mayfield, Ky., and Sedalia, Ky.: From Mayfield, over Kentucky Highway 303 to junction Kentucky Highway 324, thence over Kentucky Highway 324 to Sedalia; and return over the same routes, serving all intermediate points in (a) and (b) above; for 180 days. NOTE: Applicant states that it intends to tack the requested authority as follows: (1) Routes under (a) above at Paducah, Ky., in connection with all existing authority; and (2) route under (b) above at Mayfield, Ky., in connection with all existing authority. Supporting shipper: Pennsalt Chemicals Corp., Three Penn Center, Philadelphia, Pa. 19102. Send protests to: J. P. Werthmann, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 3248-B, 1520 Market Street, St. Louis, Mo. 63103.

No. MC 66562 (Sub-No. 2249 TA), filed August 2, 1967. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York, N.Y. 10017. Applicant's representative: John H. Engel, 2413 Broadway, Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service, (1) between Fort Morgan, Colo., and Sterling, Colo., over Interstate Highway 80S, serving the intermediate point of Brush, Colo.; and (2) between junction U.S. Highway 385 and unmarked Nebraska State road and Bayard, Nebr.: From junction U.S. Highway 385 and unmarked Nebraska State Road, over U.S. Highway 385 to Bridgeport, Nebr., thence over U.S. Highway 26 to Bayard, Nebr., and return over the same route, serving the intermediate point of Bridgeport, Nebr., for purposes of joinder only; for 180 days. Restrictions: (1) The service to be performed shall be limited to that which is auxiliary to or supplemental of express service of the Railway Express Agency, Incorporated. (2) Shipments transported by applicant shall be limited to those moving on through bills of lading or express receipts. NOTE: Applicant requests that the authority for the proposed operations, if granted, be construed as an extension, to be joined, tacked, and combined with R E A's existing authority in MC 66562 and subs thereunder, thereby negating the restrictions against tacking or joinder customarily placed upon temporary authority. Supporting shippers: There are 16 shippers' supporting statements attached to application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or at the field office named below. Send protests to: Stephen P. Tomany, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 346 Broadway, New York, N.Y. 10013.

No. MC 106207 (Sub-No. 225 TA), filed August 2, 1967. Applicant: FROZEN FOOD EXPRESS, 318 Cadiz Street, Post Office Box 5888, Dallas, Tex. 75222. Applicant's representative: J. B. Ham (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery products*, from Little Rock, Ark., to Columbus and Cincinnati, Ohio, and Bellevue, Florence, and Louisville, Ky.; for 150 days. Supporting shipper: Ole South Foods Co., 923 East Second, Little Rock, Ark. 72201. Send protests to: E. K. Willis, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

No. MC 111069 (Sub-No. 50 TA), filed August 2, 1967. Applicant: COLDWAY CARRIERS, INC., State Highway 131, Post Office Box 38, Clarksville, Ind. 47130. Applicant's representative: Ollie L. Merchant, Suite 202, 140 South Fifth Street, Louisville, Ky. 40202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen, prepared foods*, in vehicles equipped with mechanical refrigeration, from Cleveland, Ohio, to points in Pennsylvania, New York, Massachusetts, Rhode Island, Connecticut, New Jersey, Delaware, Maryland, Maine, Vermont, and the District of Columbia; for 180 days. Supporting shipper: Stouffer Foods Corp., Frozen Prepared Foods Division, 3800 Woodland Avenue, Cleveland, Ohio 44115. Send protests to: R. M. Hagarty, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 802 Century Building, 36 South Pennsylvania St., Indianapolis, Ind. 46204.

No. MC 114045 (Sub-No. 285 TA), filed August 1, 1967. Applicant: TRANS-COLD EXPRESS, INC., Finley and Belt Line Road, Post Office Box 5842, Dallas, Tex. 75222. Applicant's representative: M. L. Beatty (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery products*, from Dunn, N.C., to points in Kansas, Oklahoma, and Missouri; for 180 days. Supporting shipper:

Wellons Candy Co., Inc., Post Office Box 677, Dunn, N.C. Send protests to: E. K. Willis, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202. NOTE: Applicant states that it intends to tack the authority here applied for to other authority held by it, or to interline with other carriers.

No. MC 116474 (Sub-No. 14 TA), filed August 2, 1967. Applicant: LEAVITTS FREIGHT SERVICE, INC., Route 1, Box 170B, Springfield, Oreg. 97477. Applicant's representative: Earle V. White, 2400 Southwest Fourth Avenue, Portland, Oreg. 97201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Laminated wood products, prefabricated wood timbers, trusses, and beams, and accessories* used in the erection, construction, and completion of the foregoing when shipped therewith, from Cottage Grove, Oreg., to points in Washington, California, and Nevada; under contract with and for the account of Weyerhaeuser Co.; for 180 days. Supporting shipper: Weyerhaeuser Co., Box 585, Cottage Grove, Oreg. 97424. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, Portland, Oreg. 97204.

No. MC 116474 (Sub-No. 15 TA), filed August 2, 1967. Applicant: LEAVITTS FREIGHT SERVICE, INC., Route 1, Box 170B, Springfield, Oreg. 97477. Applicant's representative: Earle V. White, 2400 Southwest Fourth Avenue, Portland, Oreg. 97201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Laminated wood products, prefabricated wood timbers, trusses, and beams, and accessories* used in the erection, construction, and completion of the foregoing when transported therewith, from Springfield, Oreg., to Portland, Oreg., and points in Washington; for the account of Rosboro Lumber Co.; for 180 days. Supporting shipper: Rosboro Lumber Co., Post Office Box 63, Springfield, Oreg. 97477. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, Portland, Oreg. 97204.

No. MC 123991 (Sub-No. 6 TA), filed August 1, 1967. Applicant: J. V. McNICHOLAS TRANSFER COMPANY, 555 West Federal Street, Youngstown, Ohio 44502. Applicant's representative: Paul F. Beery, 100 East Broad Street, Columbus, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Flavored or phosphated beverages*, from the plantsite of Custom Beverage Packers, Inc., at Aurora, Ohio, to points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, Pennsylvania, Tennessee, Virginia, West Virginia, and the District of Columbia; and *equipment, materials, and supplies* used in or useful to the production and distribution of flavored or phosphated beverages on return; for 150 days. Supporting shipper: Customs Beverage Packers, Inc., 1333 Chillicothe Road, Aurora, Ohio. Send protests to: G. J. Baccei, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 435 Federal Building, 215 Superior Ave., Cleveland, Ohio 44114.

No. MC 124129 (Sub-No. 2 TA), filed August 2, 1967. Applicant: S.M.S. TRUCKING CO., Post Office Box 572, Valley, Nebr. 68064. Applicant's representative: Marshall D. Becker, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Crushed stone, rip-rap stone, agricultural lime, limestone products, sand, and gravel*, from Weeping Water, Nebr., to points in Fremont, Mills, and Pottawattamie Counties, Iowa; under contract with Kerford Limestone Products Co.; for 180 days. Supporting shipper: Kerford Limestone Products Co., Post Office Box 246, Lincoln, Nebr., 68508 (George Ed. Kerford). Send protests to: Keith P. Kohrs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 125140 (Sub-No. 3 TA), filed August 2, 1967. Applicant: RICHARD B. BRUNZLICK, Augusta, Wis. 54722. Applicant's representative: A. R. Fowler, Associated Motor Carriers Tariff Bureau, Inc., 2288 University Avenue, St. Paul, Minn. 55114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Orange juice*, (1) from Chippewa Falls, Wis., and Columbia, Mo., to points in Indiana, Missouri, Iowa, and Illinois (except points in the Chicago, Ill., commercial zone); and (2) from Columbia, Mo., to Chippewa Falls, Wis.; for 180 days. Supporting shipper: Bowman Dairy Sales Co., 3600 North River Road, Franklin Park, Ill. 60131. Send protests to: A. E. Rathert, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 125764 (Sub-No. 3 TA), filed August 2, 1967. Applicant: LILAC CITY EXPRESS, INC., East 10222 Fourth Avenue, Spokane, Wash. 99206. Applicant's representative: Donald A. Ericson, Suite 708, Old National Bank Building, Spokane, Wash. 99201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned and bottled foodstuffs*, from points in Marion County, Oreg., and Clark County, Wash., to points in Spokane County, Wash.; for the account of United Retail Merchants Food Stores, Inc.; for 180 days. Supporting shipper: United Retail Merchants Food Stores, Inc., North 7511 Freya Street, Spokane, Wash. 99207. Send protests to: L. C. Taylor, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 401 U.S. Post Office, Spokane, Wash. 99201.

No. MC 126276 (Sub-No. 8 TA), filed July 31, 1967. Applicant: FAST MOTOR SERVICE, INC., 12855 Ponderosa Drive, Palos Heights, Ill. 60463. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glass containers*, from the plantsite of Ball Brothers Co., Inc., at or near Okmulgee, Okla., to Alexandria, Baton Rouge, and New Orleans, La.; and (2) *soda ash*, from Lake Charles, Baton Rouge, La., and Corpus Christi, Tex., to the plantsite of Ball Brothers Co., Inc., at or near Okmulgee, Okla.; for 180 days. Supporting shipper: Ball Brothers Co., Muncie, Ind. 47302. Send protests to: Roger L. Buchanan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1086 U.S. Courthouse and Federal Office Building, Chicago, Ill. 60604.

No. MC 127524 (Sub-No. 4 TA), filed August 2, 1967. Applicant: QUADRI BROS. TRUCKING COMPANY, INC., 1603 Hart Street, Rahway, N.J. 07065. Applicant's representative: Stephen T. Sliker (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Polyvinyl chloride resin*, in bulk, in hopper-type vehicles, from the Flexi-Flo Terminal, New York Central System, North Bergen, N.J., to Newburgh, N.Y.; restricted to shipments having a prior movement by rail; for 150 days. Supporting shipper: The Goodyear Tire & Rubber Co., 1144 East Market Street, Akron, Ohio 44316. Send protests to: Walter J. Grossmann, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1060 Broad Street, Room 363, Newark, N.J. 07102.

No. MC 128273 (Sub-No. 13 TA), filed August 1, 1967. Applicant: MIDWESTERN EXPRESS, INC., Post Office Box 189, Fort Scott, Kans. 66701. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Twine*, from New Orleans, La., to points in Wisconsin, Indiana, Ohio, and Kentucky; for 180 days. Supporting shippers: International Harvester Co., 401 North Michigan, Chicago, Ill.; and The Farmers Union Central Exchange, Inc., 1185 North Concord Street, Box G, St. Paul, Minn. Send protests to: M. E. Taylor, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 906 Schweiter Building, Wichita, Kans. 67202.

No. MC 129032 (Sub-No. 1 TA), filed August 1, 1967. Applicant: TOM INMAN TRUCKING, INC., Post Office Box 7608, Tulsa, Okla. 74105. Applicant's representative: David D. Brunson, Post Office Box 671, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fruit juices and fruit drinks*, from Muskogee, Okla., to points in California and Arizona, when moving in vehicles equipped with mechanical refrigeration and/or heating units; for 120 days. Supporting shipper: Wagner Industries, Inc., 1331 South 55th Court, Cicero, Ill. 60650 (Vincent P. Russo, Vice President). Send protests to: C. L. Phillips, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 350, American General Building, 210 Northwest Sixth, Oklahoma City, Okla. 73102.

No. MC 129046 (Sub-No. 2 TA), filed August 2, 1967. Applicant: BURKS-PELZ TRANSFER, INC., 1751 West Ohio Street, Post Office Box 6014, Evansville, Ind. 47712. Applicant's representative: Louis J. Amato, Central Building, 1033 State Street, Bowling Green, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, (1) from Detroit, Mich., to Evansville, Ind., and Henderson, Ky.; and (2) from Chicago, Ill., to Evansville, Ind.; and empty containers on return in (1) and (2) above; for 180 days. Supporting shippers: Frields Distributing Co., Inc., 3712 Upper Mount Vernon Road (Post Office Box 6255, Station B), Evansville, Ind.; and Manion Sales Co., 914-918 Washington Street, Henderson, Ky. 42420. Send protests to: R. M. Hagarty, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, Ind. 46204.

No. MC 129068 (Sub-No. 2 TA), filed August 1, 1967. Applicant: FAST WAYS, INC., 1407 East Willow, Enid, Okla. 73701. Applicant's representative: David D. Brunson, Post Office Box 671, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in bulk and in bags (except in tank vehicles), from Houston and Texas City, Tex., to points in Oklahoma and Kansas; for 130 days. Supporting shipper: The Borden Chemical Co., Smith Douglass Division, Post Office Box 419, Norfolk, Va., 23501 (R. V. Peabody, general traffic manager). Send protests to: C. L. Phillips, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 350 American General Building, 210 NW. Sixth, Oklahoma City, Okla. 73102.

No. MC 129204 (Sub-No. 1 TA), filed July 31, 1967. Applicant: CROSBY LUMBER COMPANY, INC., Post Office Box 670, Springerville, Ariz. 85938. Applicant's representative: A. Michael Bernstein, 1327 Guaranty Bank Building, 3550 North Central, Phoenix, Ariz. 85012. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from lumber mills in Apache, Coconino and Navajo Counties, Ariz., to points in Texas, New Mexico, and San Diego, Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, Imperial and Kern Counties, Calif.; for 180 days. Supporting shippers: Reidhead Lumber Co., Inc., Box E, Show Low, Ariz. 85901; Haining Lumber Co., Post Office Box 635, Williams, Ariz. 86046; Southwestern Sales Company, Post Office Box 668, Springerville, Ariz. 85938; and Kaibab Lumber Co., Post Office Box 430, Flagstaff, Ariz. 86001. Send protests to: Andrew V. Baylor, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 3427 Federal Building, Phoenix, Ariz. 85025.

No. MC 129237 (Sub-No. 1 TA), filed August 2, 1967. Applicant: BIG SIX, INC., 885 North Gardner Street, Scottsburg, Ind. 47170. Applicant's representative: Chester S. Wentzell, 10 Mutual Trust Building, New Albany, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sand and gravel*, in bulk, in dump trucks, from Mauckport, Ind., to points in Meade, Hardin, Metcalf, Hart, Monroe, Allen, Taylor, Green, Breckenridge, Barren, Adair, Cumberland, Clinton, Washington, Bullett, Warren, Nelson, Russell, Edmonson, Larue, Grayson, Pulaski, and Marion Counties, Ky.; for 180 days. Supporting shippers: There are 15 shippers' supporting statements attached to application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or at the field office named below. Send protests to: R. M. Hagarty, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, Ind. 46204.

No. MC 129254 (Sub-No. 1 TA), filed August 2, 1967. Applicant: E. T. USHER, Post Office Box 312, Chiefland, Fla. 32626. Applicant's representative: Richard J. Brooks, Post Office Box 1531, Title Building, Tallahassee, Fla. 32302. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dolomite*, in bulk, in dump-type vehicles, from plantsites in Levy, Suwannee, and Citrus Counties, Fla., to Bainbridge, Ga.; and (2) *fertilizer and processed fertilizer*, in bulk, in dump-type vehicles, from Bainbridge, Ga., to Branford, Fla.; for 150 days. Supporting shipper: Kaiser Agricultural Chemicals, Branford District, Post Office Box 368, Branford, Fla. Send protests to: G. H. Fauss, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Federal Office Building, 400 West Bay Street, Jacksonville, Fla. 32202.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 67-9307; Filed, Aug. 8, 1967; 8:49 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

AUGUST 4, 1967.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. MC-4286 Sub No. 4, filed July 20, 1967. Applicant: WEST TENNESSEE MOTOR EXPRESS, INC., Faydur Court, Nashville, Tenn. 37210. Applicant's representative: Robert H. Cowan, 500 Court Square Building, Nashville, Tenn. 37201. Certificate of Public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities*, except household goods and commodities requiring special equipment from Nashville, Tenn., over Interstate Highway 40 to the junction of Tennessee Highway 20 and return with authority to enter, leave and re-enter said Interstate Highway 40 at such interchanges, crossings and traversing such highways as is necessary to connect with applicant's presently authorized route, to be used for operating convenience only serving no points except as presently authorized. Both intrastate and interstate authority sought.

HEARING: Wednesday, September 20, 1967, at 9:30 a.m. (c.d.s.t.) C-1-110 Cordell Hull Building, Nashville, Tenn. Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Tennessee Public Service Commission, Cordell Hull Building, Nashville, Tenn. 37219, and should not be directed to the Interstate Commerce Commission.

State Docket No. MC-4355 Sub-3, filed July 20, 1967. Applicant: SUPERIOR TRUCKING SERVICE, INC., 100 East 29th Street, Chattanooga, Tenn. 37410. Applicant's representative: Blaine Buchanan, 1024 James Building, Chattanooga, Tenn. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of General commodities (excepting livestock, used household goods, commodities in bulk, and those requiring special equipment), between Manchester and Smartt, Tenn., from Manchester over Tennessee Highway 55 to Smartt, and return over the same route serving all intermediate points, to be tacked to and used in conjunction with all applicant's present certificates. Both intrastate and interstate authority sought.

HEARING: C-1-110 Cordell Hull Building, Nashville, Tenn., Thursday, September 21, 1967, 9:30 a.m. (c.d.s.t.). Request for procedural information, including the time for filing protests concerning this application should be addressed to the Tennessee Public Service Commission, Cordell Hull Building, Nashville, Tenn. 37219, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 67-9308; Filed, Aug. 8, 1967; 8:49 a.m.]

[Ex Parte 230 (Sub-No. 1)]

SUBSTITUTED SERVICE—CHARGES AND PRACTICES OF FOR-HIRE MOTOR CARRIERS OF AUTOMOBILES (PIGGYBACK SERVICE)

Present: Rupert L. Murphy, Commissioner, to whom the matter which is the subject of this order has been referred for action thereon.

It appearing, that by order dated November 12, 1963, the Commission reopened for oral hearing at a time and place to be fixed that portion of Ex Parte No. 230—*Substituted Service—Charges and Practices of For-Hire Carriers and Freight Forwarders (Piggyback Service)*, embracing the transportation of motor vehicles by authorized motor carriers and designating such proceeding as Ex Parte No. 230 (Sub-No. 1)—*Substituted Service—Charges and Practices of For-Hire Motor Carriers of Automobiles (Piggyback Service)*;

And it further appearing, that upon consideration of the record in the above-entitled proceeding; the petitions of Convoy Co. and Auto Convoy Co., filed January 24, 1966, requesting the matter be set for hearing; the replies of Kenosha Auto Transport Corp., and National Automobile Transporters Association, filed March 2 and 4, 1966, respectively; and for good cause showing:

It is ordered, That the above-entitled proceeding be, and it is hereby, referred to Hearing Examiner, Harold P. Boss, for hearing commencing September 6, 1967, 9:30 a.m., District of Columbia (d.s.t.), at the Offices of the Interstate Commerce Commission, Washington, D.C., and for recommendation of an appropriate order thereon, accompanied by the reasons therefor.

It is further ordered, That a copy of this order be delivered to the Director, Office of Federal Register, for publication in the FEDERAL REGISTER as notice to all interested persons.

And it is further ordered, That, to avoid future unnecessary service upon interested parties who participated in Ex Parte No. 230, but who may not be interested in the outcome of this proceeding (Ex Parte No. 230 (Sub-No. 1)), subsequent service of notices and orders of the Commission will be limited hereafter to these persons who: Specifically make written request on or before August 25, 1967, to the Secretary of the Commission to be included on the service list.

Dated at Washington, D.C., this 1st day of August 1967.

By the Commission, Commissioner Murphy.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-8909; Filed, Aug. 8, 1967; 8:49 a.m.]

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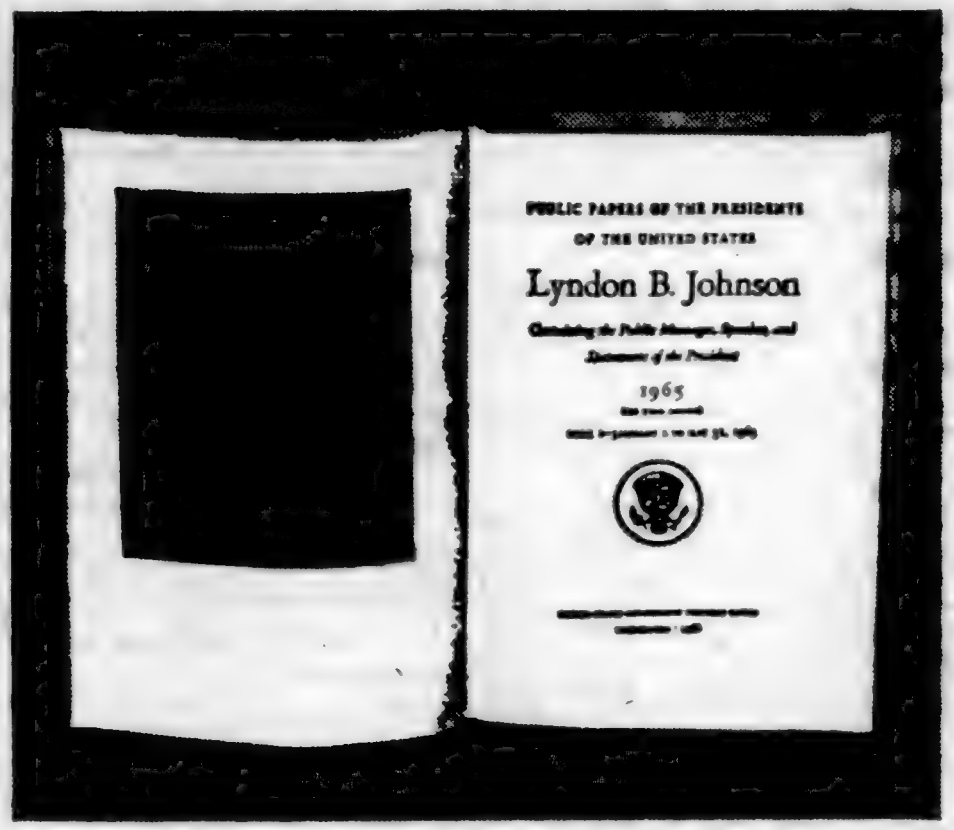
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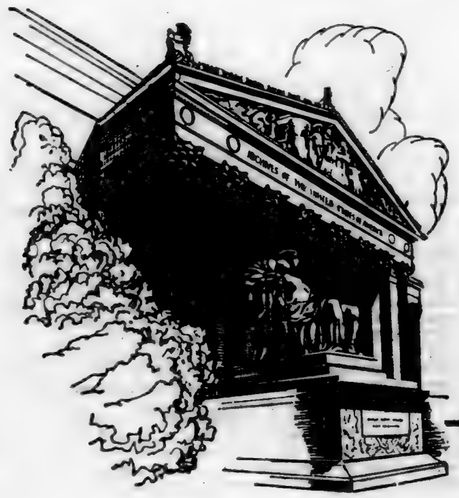
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Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Transportation; Correction

In F.R. Doc. 67-9099 appearing in the issue for August 4, 1967, at page 11313, subparagraph (8) was added to paragraph (a) of § 213.3394. It should have read subparagraph (9) was added to paragraph (a) of § 213.3394.

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-9406; Filed, Aug. 9, 1967; 8:51 a.m.]

Title 7—AGRICULTURE

Chapter VI—Soil Conservation Service, Department of Agriculture

PART 601—GREAT PLAINS CONSERVATION PROGRAM

Subpart—General Program Provisions

AUTHORITY

The regulations governing the Great Plains Conservation Program, 22 F.R. 6851, as amended, are hereby amended as provided herein.

Delete "Authority: The provisions of this Part 601 issued under sec. 4, 49 Stat. 164, as amended; 16 U.S.C. 590d. Interpret or apply secs. 7–17, 49 Stat. 1148 as amended; 16 U.S.C. 590g–590q. Other statutory provisions interpreted or applied are cited to text" and substitute in lieu thereof the following:

AUTHORITY: The provisions of this Part 601 issued under sec. 4, 49 Stat. 164, as amended, 16 U.S.C. 590d. Interpret or apply sec. 16(b), 70 Stat. 1115, 16 U.S.C. 590p(b). Other statutory provisions interpreted or applied are cited to text.

(Sec. 4, 49 Stat. 164, as amended; 16 U.S.C. 590d)

Done at Washington, D.C., this 7th day of August 1967.

[SEAL] HOWARD BERTSCH,
Acting Assistant Secretary.

[F.R. Doc. 67-9399; Filed, Aug. 9, 1967; 8:50 a.m.]

PART 601—GREAT PLAINS CONSERVATION PROGRAM

Subpart—General Program Provisions

CONSERVATION MATERIALS OR SERVICES

The regulations governing the Great Plains Conservation Program, 22 F.R. 6851, as amended, are hereby further amended as provided herein:

Section 601.13 *Conservation materials or services* is amended by deleting paragraphs (b) and (c) in their entirety.

(Sec. 4, 49 Stat. 164, as amended; 16 U.S.C. 590d)

Done at Washington, D.C., this 7th day of August 1967.

NORMAN M. CLAPP,
Acting Assistant Secretary.

[F.R. Doc. 67-9374; Filed, Aug. 9, 1967; 8:48 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER D—PROVISIONS COMMON TO MORE THAN ONE PROGRAM

[Amdt. 2]

PART 792—CONSERVING BASE AND DESIGNATED DIVERTED ACREAGE

Miscellaneous Amendments

The regulations governing conserving base and designated diverted acreage are amended as follows:

1. Section 792.2 is amended by changing paragraph (b)(4), and by adding paragraph (c)(7), to read as follows:

§ 792.2 Farm conserving base.

* * * * * * *

(b) *Maintaining the conserving base.* * * *

(4) Plantings for wildlife food plots or wildlife habitat. Barley, corn, grain sorghums, oats, rice, rye, soybeans, and wheat will qualify if the area and crop are designated by the operator and approved by the county committee in writing before planting and no grazing or harvesting other than wildlife is permitted.

* * * * * * *

(c) *Additional provisions relating to the conserving base.* * * *

(7) Acreage not planted because of natural disaster which is deemed to be devoted to cotton, wheat, or feed grains under the provisions of the programs for those commodities shall not be considered as being devoted to a conserving use.

2. Section 792.3 is amended by adding subparagraphs (5), (6), and (7) to paragraph (a) and by adding a new subparagraph (13) to paragraph (b), to read as follows:

§ 792.3 Designation, use, and care of diverted acreage under the feed grain, upland cotton, wheat diversion, and wheat certificate programs; approved conservation uses.

(a) *Cropland eligible for designation.* * * *

(5) Land on farms which have an old farm cotton allotment. Such acreage shall be eligible only to the extent necessary to enable the producers on the farm to participate in the upland cotton program after all other acreage eligible under this paragraph is designated.

(6) Devoted to a conserving use under an existing GPCP or ALSCP contract provided such land was intensively cultivated during at least one of the four years prior to establishment of the conserving use.

(7) Land on which cotton or feed grains was planted but failed and which was classified as cotton acreage or feed grain acreage for purposes of price support payments: *Provided:* (i) The cotton or feed grain was planted in a workmanlike manner, (ii) the residue of a chemical used as a weed control makes it impracticable to devote the land to a subsequent crop for harvest in the current year, (iii) the farm operator requests that the land be classified as cotton or feed grain acreage for purposes of price support payments and as diverted acreage, and (iv) the land is treated throughout the remainder of the current year in a manner acceptable for diverted acreage in the area.

(b) *Cropland not eligible for designation.* * * *

(13) Land which is substantially less productive than the land normally devoted to the crop being diverted.

* * * * * * *

(Titles III, IV, V, and VI of the Food and Agriculture Act of 1965, 79 Stat. 1187)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on August 4, 1967.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 67-9395; Filed, Aug. 9, 1967; 8:50 a.m.]

PART 793—RULE OF FRACTIONS

Sec.
793.1 Applicability.
793.2 Basic rule of fractions.
793.3 Payments to producers.

AUTHORITY: The provisions of this Part 793 issued under sec. 4, 49 Stat. 164, 16 U.S.C. 590d; sec. 16(1), 79 Stat. 1190, 16 U.S.C. 590p (1); sec. 105(e), 79 Stat. 1188, as amended, 7 U.S.C. 1441 note; sec. 602(q), 79 Stat. 1210, 7 U.S.C. 1838(q); sec. 124, 70 Stat. 198, 7 U.S.C. 1812; sec. 375, 52 Stat. 66, as amended, 7 U.S.C. 1375; sec. 379j, 76 Stat. 630, 7 U.S.C. 1379j; sec. 103(d), 79 Stat. 1194, 7 U.S.C. 1444(d); sec. 203(g), 79 Stat. 13, 40 U.S.C. App. A; secs. 4 and 5, 62 Stat. 1070, 15 U.S.C. 714 b and c; sec. 401, 63 Stat. 1054, 7 U.S.C. 1421; sec. 706, 68 Stat. 912, 7 U.S.C. 1785; sec. 408, 61 Stat. 932, 7 U.S.C. 1153.

§ 793.1 Applicability.

This part is applicable to the acreage allotment and marketing quota programs and to all other programs set forth in this Title 7 administered by the Agricultural Stabilization and Conservation Service under which price support is extended or payments are made to farmers, except that it does not apply to the pricing and sales of agricultural commodities and it does not apply to the determination of acreage when a different rule is specifically provided in Part 718 of this chapter.

§ 793.2 Basic rule of fractions.

In making mathematical determinations, all computations shall be carried to two decimal places beyond the required number of decimal places as specified in the regulations governing each program. In rounding, digits of 50 or less beyond the required number of decimal places shall be dropped; if the digits beyond the required number of decimal places are 51 or more, the figure at the last required decimal place shall be increased by "1" as follows:

Required Decimal	Computation	Result
Whole numbers	6.50 (or less)	6
	6.51 (or more)	7
Tenths	7.660 (or less)	7.6
	7.661 (or more)	7.7
Hundredths	8.8450 (or less)	8.84
	8.8451 (or more)	8.85
Thousandths	9.63450 (or less)	9.634
	9.63451 (or more)	9.635
Ten thousandths	10.993150 (or less)	10.9931
	10.993151 (or more)	10.9932

§ 793.3 Payments to producers.

Notwithstanding any other provision of this part, if due to the rounding of fractions the sum of the payments or wheat marketing certificates distributed among producers does not equal the total amount earned under the program, the payments or certificates shall be adjusted in order that the sum thereof will equal such total amount.

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on August 4, 1967.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 67-9306; Filed, Aug. 9, 1967; 8:50 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Plum Reg. 2, Amdt. 1]

PART 917—FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917), regulating the handling of fresh pears, plums, and peaches grown in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Plum Commodity Committee, and upon other available information, it is hereby found that the limitation of shipments of Queen Ann variety of plums, in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that, as hereinafter set forth, the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; compliance with the provisions of this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof; and this amendment relieves restrictions on the handling of Queen Ann variety of plums.

It is, therefore, ordered that the provisions of paragraph (a)(1) of § 917.390 (Plum Reg. 2, 32 F.R. 7741) are hereby amended to read as follows:

§ 917.390 Plum Regulation 2.

(a) *Order.* (1) During the period August 5, 1967, through October 31, 1967, no handler shall ship any lot of packages or containers of any variety of plums unless such plums grade at least U.S. No. 1: *Provided*, That plums of the Queen Ann variety may be shipped if they are damaged but not seriously damaged by internal discoloration or dryness.

* * * * *

The provisions of this amendment shall become effective August 5, 1967.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 4, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-9371; Filed, Aug. 9, 1967; 8:48 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

MISCELLANEOUS AMENDMENTS TO CHAPTER

Reference is made to the notice of proposed rule making which was published in the FEDERAL REGISTER on July 14, 1967 (32 F.R. 10370) pursuant to section 553 of Title 5 of the United States Code (P.L. 89–554, 80 Stat. 383) and in which there was set out proposed amendments to chapter I of Title 8 of the Code of Federal Regulations pertaining to miscellaneous amendments to Parts 211, 212, 214, 241, and 292. No representations were received. The rules as set out below are adopted.

PART 211—DOCUMENTARY REQUIREMENTS: IMMIGRANTS; WAIVERS

§ 211.1 [Amended]

The third sentence of subparagraph (1) *Form I–151, Alien registration receipt card* of paragraph (b) *Aliens returning to an unrelinquished lawful permanent residence* of § 211.1 *Visas* is amended to read as follows: "An alien regularly serving as a crewman in any capacity required for normal operations and services aboard an aircraft or vessel of American registry who is returning to an unrelinquished lawful permanent residence in the United States after a temporary absence abroad not exceeding one year may, in lieu of an immigrant visa, present Form I–151, duly issued to him, notwithstanding travel to, in, or through any of the restricted places named in this subparagraph pursuant to his employment as a crewman."

PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

§ 212.8 [Amended]

Subparagraph (5) of paragraph (b) *Aliens not required to obtain labor certifications* of § 212.8 *Certification requirement of section 212(a)(14)* is amended to read as follows: "(5) an alien who establishes satisfactorily that he has been accepted by an institution of learning in the United States for a full course of study of at least two full consecutive academic years and that he has sufficient financial resources to support himself and will not seek employment during that period. If it will be necessary for the spouse of such a student to accept employment in the United States, the spouse must obtain a labor certification notwithstanding the provisions of item (2) of this paragraph."

PART 214—NONIMMIGRANT CLASSES

§ 214.3 [Amended]

The sixth sentence of paragraph (b) *Supporting documents* of § 214.3 *Petitions for approval of schools* is amended to read as follows: "Except in connection with a petition submitted by a school or school system owned and operated as a public educational institution or system by the United States or a State or political subdivision thereof, or by a school listed in the current U.S. Office of Education publication, 'Accredited Higher Institutions' or 'Education Directory, Part 3, Higher Education,' or by a secondary school operated by or as part of a school so listed, a school catalogue, if one is issued, shall also be submitted with each petition."

PART 241—JUDICIAL RECOMMENDATIONS AGAINST DEPORTATION

Section 241.1 is amended to read as follows:

§ 241.1 Notice; recommendation.

For the purposes of clause 2 of section 241(b) of the Act, notice to the district director having administrative jurisdiction over the place in which the court imposing sentence is located shall be regarded as notice to the Service. The notice shall be transmitted to the district director by the court, a court official, or by counsel for the prosecution or the defense, at least 5 days prior to the court hearing on whether a recommendation against deportation shall be made. If less than 5 days' notice is received and sufficient time remains to prepare proper representations, due notice shall be regarded as having been made. When less than 5 days' notice is received and sufficient time is not available to prepare proper representations, but the 30-day statutory period will expire before proper representations can be prepared, an objection shall be interposed to the recommendation against deportation on the ground that due notice was not received. If the notice is received after the running of the 30-day statutory period, it shall be regarded as an invalid notice and whatever Service proceedings are warranted shall be instituted irrespective of the recommendation against deportation. The district director, or an official acting for him, in presenting representations to the court, shall advise the court the effect a favorable recommendation would have upon the alien's present and prospective deportability. A recommendation against deportation by the sentencing court made to the district director receiving the notice shall be regarded as made to the Attorney General.

PART 292—REPRESENTATION AND APPEARANCES

§ 292.5 [Amended]

The last sentence of paragraph (a) *Representative capacity* of § 292.5 *Service upon and action by attorney or representative of record* is amended to read as follows: "Except where otherwise specifically provided in this chapter, whenever a notice, decision, or other paper is required to be given or served, it shall be done by personal service or by first class, certified, or registered mail upon the attorney or representative of record or upon the person himself if unrepresented."

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall be effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 553 of Title 5 of the United States Code (P.L. 89–554, 80 Stat. 383) as to delayed effective date is unnecessary because the amendment to § 211.1(b)(1) confers benefits upon persons affected thereby; the amendment to § 212.8(b)(5) is clarifying in nature; the amendment to § 214.3(b) relieves restrictions; and the amendments to § 241.1 and § 292.5(a) relate to agency procedure, and the persons affected thereby will not require additional time to prepare for the effective date of the regulations.

Dated: August 4, 1967.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 67-9345; Filed, Aug. 9, 1967; 8:46 a.m.]

U.S. CITIZEN PASSENGERS

Manifest Waiver

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

PART 231—ARRIVAL-DEPARTURE MANIFESTS AND LISTS; SUPPORTING DOCUMENTS

1. Paragraphs (a) and (b) of § 231.1 are amended to read as follows:

§ 231.1 Arrival manifests for passengers.

(a) *Vessels.* The master or agent of every vessel arriving in the United States from a foreign place or from an outlying possession of the United States, except one arriving directly from Canada on a voyage terminating in that country, must present a manifest of all alien passengers on board to the immigration officer at the first port of arrival. For vessels that are given advance permission to use the procedure, the manifest shall be in the form of a separate arrival-departure card (Form I–94) prepared for and presented by each alien passenger. In addition, a properly completed Form I–92 (Aircraft/Vessel Report) recording the total number of passengers (including U.S. citizens) that embarked at each port en route to the United States shall be presented by the master to the immigrant inspector at the first port of arrival in the United States. For vessels that are not given such advance permission the manifest shall be submitted on a Form I–418, executed in accordance with the instructions on the reverse thereof, with a completely executed set of Forms I–94 prepared for and presented by each alien passenger except an immigrant, a Canadian citizen, or a British subject residing in Canada or Bermuda.

(b) *Aircraft.* The captain or agent of every aircraft arriving in the United States from a foreign place or from an outlying possession of the United States, except one arriving directly from Canada on a flight originating in that country, must present a manifest in the form of a separate arrival-departure card (Form I–94) prepared for and presented by each alien passenger on board. In addition, a properly completed Form I–92 (Aircraft/Vessel Report) recording the total number of passengers (including U.S. citizens) that embarked at each port en route to the United States shall be presented by the captain to the immigrant inspector at the first port of arrival in the United States. An arrival-departure card is not required for an arriving, through-flight passenger at a U.S. port from which he will depart directly to a foreign place or an outlying possession of the United States on the same flight, provided the number of such through-flight passengers is noted on the Bureau of Customs Form 7507 or on the International Civil Aviation Organization's General Declaration and such passengers remain during the ground time in a separate area under the direction and control of the Service.

* * * * *

2. The second sentence of paragraph (d) *Preparation of Arrival-Departure Card, Form I–94* of § 231.1 *Arrival manifests for passengers* is amended to read as follows: "For an immigrant, a Canadian citizen, or a British subject residing in Canada or Bermuda, only the first four lines of the Form I–94 shall be completed."

3. Paragraphs (a) and (b) of § 231.2 are amended to read as follows:

§ 231.2 Departure manifests for passengers.

(a) *Vessels.* The master or agent of every vessel departing from the United States for a foreign place or an outlying possession of the United States, except one departing directly to Canada on a voyage terminating in that country, must present a manifest of all alien passengers on board to the immigration officer at the port of departure. For vessels that are given advance permission to use the procedure, the manifest shall be in the form of a separate arrival-departure card (Form I–94) for each alien passenger. In addition, a properly completed Form I–92 (Aircraft/Vessel Report) setting forth each port of disembarkation and the number of passengers (including U.S. citizens) destined thereto shall be submitted by the carrier to the immigration officer at the last port of departure in the United States. For vessels that are not given such advance permission, the manifest shall be submitted on a Form I–418, executed in accordance with the instructions on the

reverse thereof, with a fully executed Form I–94 for each alien passenger except an alien permanent resident of the United States, a Canadian citizen, or a British subject residing in Canada or Bermuda. For departing alien nonimmigrants the Form I–94 given the alien at the time of his last admission to the United States should be utilized. Any alien registration receipt card on Form I–151 surrendered pursuant to Part 264 of this chapter shall be attached to the manifest. The presentation of the departure manifest on vessels making regularly scheduled voyages to and from the United States may be deferred as follows: The Forms I–94 of departing nonimmigrant aliens, together with the name of the vessel and the date and place of departure, shall be presented to the immigration officer at the port of departure within 96 hours from the time of departure, exclusive of Saturdays, Sundays, and legal holidays. On those vessels using the Form I–94 manifest, the Forms I–94 of all departing passengers, other than United States citizens and nonimmigrant aliens, shall be presented to the immigration officer at the port of departure within 30 calendar days from date of departure. On vessels using the Form I–418 manifest, the Forms I–418, appropriately noted to show prior submission of Forms I–94, shall be presented to the immigration officer at the port of departure within 30 calendar days from date of departure. In the event a Form I–94 for a departing nonimmigrant alien is not submitted within the aforementioned 96 hour period, a completed Form I–94 for that person shall be attached to and shall be submitted with the departure manifest, accompanied by an explanation as to why timely presentation was not made; for good cause shown, such submission shall not be regarded as lack of compliance with section 231(d) of the Act.

(b) *Aircraft.* The captain or agent of every aircraft departing from the United States for a foreign place or an outlying possession of the United States, except one departing directly to Canada on a flight terminating in that country, must present a manifest of all alien passengers on board. In addition, a properly completed Form I–92 (Aircraft/Vessel Report) setting forth each port of disembarkation and the number of passengers (including U.S. citizens) destined thereto shall be submitted by the carrier to the immigration officer at the last port of departure in the United States. Aircraft departing on regularly scheduled flights from the United States may defer presentation for a period not in excess of 48 hours. The manifest shall be in the form of a Bureau of Customs Form 7507 or the International Civil Aviation Organization's General Declaration, a Form I–92 and a separate arrival–departure card (Form I–94) for each alien passenger, except a through flight passenger for whom an arrival–departure card was not prepared upon arrival. An alien nonimmigrant departing on an aircraft proceeding directly to Canada on a flight terminating in that country should surrender any Form I–94 in his possession to the airline agent at the port of departure or to the Canadian immigration officer at the port of arrival in that country.

PART 282—FORMS FOR SALE TO PUBLIC

4. Section 282.1 is amended to read as follows:

§ 282.1 Forms printed by the Public Printer.

The Public Printer is authorized to print for sale to the public by the Superintendent of Documents the following forms prescribed by subchapter B of this chapter: G–28, I–20, I–92, I–94, I–95, I–129B, I–130, I–131, I–140, and I–418.

5. The reference to Form I–92 in the listing of forms in § 299.1 *Prescribed forms* is amended to read as follows:

Form No.	*Title and description*
I–92	Aircraft/Vessel Report.

PART 299—IMMIGRATION FORMS

§ 299.2 [Amended]

6. The first sentence of § 299.2 *Forms available from the Superintendent of Documents* is amended to read as follows: "The following forms required for compliance with the provisions of Subchapter B of this chapter may be obtained, upon prepayment, from the Superintendent of Documents, Government Printing Office, Washington, D.C.: G–28, I–20, I–92, I–94, I–95, I–129B, I–130, I–131, I–140, and I–418."

§ 299.3 [Amended]

7. The first sentence of § 299.3 *Reproduction of forms by private parties* is amended to read as follows: "The following forms required for compliance with the provisions of Subchapter B of this chapter may be printed or otherwise reproduced by an appropriate duplicating process by private parties at their own expense: I–20, I–92, I–94, I–95, and I–418."

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall become effective on August 21, 1967. Compliance with the provisions of § 553 of Title 5 of the United States Code (P.L. 89–554, 80 Stat. 383) as to notice of proposed rule making is unnecessary in this instance because the amendments relieve restrictions for transportation lines.

Dated: August 4, 1967.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 67–9346; Filed, Aug. 9, 1967; 8:46 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 72—TEXAS (SPLENETIC) FEVER IN CATTLE

Restrictions on Interstate Movement of Cattle, Other Animals and Certain Materials From Guam

Pursuant to the provisions of sections 1–4 of the Act of March 3, 1905, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, and sections 4–7 of the Act of May 29, 1884, as amended (21 U.S.C. 111–113, 115, 117, 120, 121, 123–126), §§ 72.2 and 72.3 of Part 72, Title 9, Code of Federal Regulations, which quarantine certain areas because of splenetic or tick fever in cattle, a contagious, infectious, and communicable disease, are hereby amended as follows:

§ 72.2 [Amended]

1. In § 72.2, the section heading is amended to read: "*Splenetic or tick fever in cattle in Texas, Puerto Rico, and the Virgin Islands of the United States and vectors of said disease in the Island of Guam; restrictions on movement of cattle*"; and the following provisions are substituted for the last sentence of said section: "Notice is also hereby given that ticks which are vectors of said disease exist on the Island of Guam. Therefore, portions of the State of Texas, and Puerto Rico, the Virgin Islands of the United States, and the Island of Guam are hereby quarantined as provided in §§ 72.3, 72.4, and 72.5, and the movement of cattle therefrom into any other State or Territory or the District of Columbia shall be made only in accordance with the provisions of this part and Part 71 of this chapter."

2. Section 72.3 is amended to read:

§ 72.3 Areas quarantined in the Virgin Islands of the United States and the Island of Guam.

The entire Territories of the Virgin Islands of the United States and the Island of Guam are quarantined.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1 and 2, 32 Stat. 791 and 792, as amended, secs. 1–4, 33 Stat. 1264 and 1265, as amended; 21 U.S.C. 111–113, 115, 117, 120, 121, 123–126; 29 F.R. 16210, as amended, 30 F.R. 5799, as amended)

Effective date. The foregoing amendments shall become effective upon publication in the FEDERAL REGISTER.

The amendments quarantine the Island of Guam because of the existence there of vectors which may disseminate splenetic or tick fever. Hereafter, the restrictions of the regulations in 9 CFR Part 72, pertaining to the interstate movement of cattle from quarantined areas, will apply thereto. Other restrictions of the regulations with respect to the interstate movement of animals and certain materials will also apply to such movements from Guam.

The amendments impose certain restrictions necessary to prevent the interstate spread of splenetic or tick fever, and must be made effective promptly to accomplish their purpose in the public interest. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and contrary to the public interest, and good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 7th day of August 1967.

E. P. REAGAN,
Acting Deputy Administrator, Agricultural Research Service.

[F.R. Doc. 67–9394; Filed, Aug. 9, 1967; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 67–CE–86]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

On pages 7461 and 7462 of the FEDERAL REGISTER dated May 19, 1967, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to alter the control zone at Oshkosh, Wis.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

The one comment received was from the Air Transport Association, which offered no objection to the proposal. However, the Association believed that this proposal should give consideration to the construction of a new north/south runway at Winnebago County Airport which they understood would be completed in the near future. The new runway will not be completed for some time and the proposed ILS for this runway is not planned until fiscal year 1969. When the approaches to the new north/south runway are developed, the FAA will consider any airspace changes required by the use of the new runway.

In view of the foregoing, the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0001 e.s.t., October 12, 1967.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on July 21, 1967.

EDWARD C. MARSH,
Director, Central Region.

Redesignate the Oshkosh, Wis., control zone as that airspace within a 5-mile radius of Winnebago County Airport (latitude 43°59'20" N., longitude 88°33'-15" W.); within 2 miles each side of the Oshkosh VOR 175° radial, extending from the 5-mile radius zone to 7 miles S of the VOR; and within 2 miles each side of the Oshkosh ILS localizer W course, extending from the 5-mile radius zone to 5.5 miles W of the W of Runway 9. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

[F.R. Doc. 67–9353; Filed, Aug. 9, 1967; 8:47 a.m.]

[Airspace Docket No. 67–CE–86]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

On page 7461 of the FEDERAL REGISTER dated May 19, 1967, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to alter the control zone at St. Paul, Minn.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the amendment as so proposed is hereby adopted, subject to the following changes:

(1) The St. Paul Downtown Airport (Holman Field) coordinates recited in the St. Paul, Minn., control zone redesignation as "latitude 44°56'06" N., longitude 93°03'39" W." are changed to read "latitude 44°56'10" N., longitude 93°03'-40" W."

(2) The Fleming Field coordinates recited in the St. Paul, Minn., control zone redesignation as "latitude 44°51'29" N., longitude 93°01'59" W." are changed to read "latitude 44°51'25" N., longitude 93°01'55" W."

This amendment shall be effective 0001 e.s.t., October 12, 1967.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on July 21, 1967.

EDWARD C. MARSH,
Director, Central Region.

Redesignate the St. Paul, Minn., control zone as that airspace within a 5-mile radius of St. Paul Downtown Airport (Holman Field) (latitude 44°56'10" N., longitude 93°03'40" W.), and within 2 miles each side of the St. Paul VOR 295° radial, extending from the 5-mile radius zone to the VOR, excluding the portion which overlies the Minneapolis, Minn., control zone and excluding the area within a 1-mile radius of Fleming Field (latitude 44°51'25" N., longitude 93°01'55" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

[F.R. Doc. 67–9354; Filed, Aug. 9, 1967; 8:47 a.m.]

[Airspace Docket No. 66–EA–100]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On page 7397 of the FEDERAL REGISTER for May 18, 1967, the Federal Aviation Administration published proposed regulations which would alter the Dover, Del., Control Zone and 700-foot floor transition area.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., September 14, 1967.

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on July 20, 1967.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the coordinate 75°28'04" W. in the Dover, Del., Control Zone and insert in lieu thereof the coordinate 75°27'50" W. and delete the words "excluding" through "Wyoming, Del." and insert in lieu thereof the words "excluding a 1-mile radius of the center 39°11'15" N., 75°32'00" W. of Dover Airpark, Dover, Del.".

2. Amend § 71.181 of Part 71 so as to add in the Dover, Del., 700-foot transition area after the phrase "8 miles south of the LOM" the phrase "and within a 5-mile radius of the center 39°13'05" N., 75°35'55" W., of Delaware Airpark, Dover–Cheswold, Del.".

[F.R. Doc. 67–9355; Filed, Aug. 9, 1967; 8:47 a.m.]

[Airspace Docket No. 66–EA–107]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On page 7856 of the FEDERAL REGISTER for May 30, 1967, the Federal Aviation Administration published proposed regulations which would alter the Pittsburgh,

Pa. (Greater Pittsburgh), control zone and transition area.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., September 14, 1967.

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on July 20, 1967.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete in the Pittsburgh, Pa. (Greater Pittsburgh), control zone all after the words "west course, extending from the 6-mile radius zone" and before "and within 2 miles" and insert in lieu thereof the words "to Creek, Pa., RBN".

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete from the 700-foot floor Pittsburgh, Pa., transition area the words beginning with "10–R–ILS localizer west course" through "8 miles west of the OM" and insert in lieu thereof "10–L–ILS localizer west course extending from the 6-mile radius area to the Creek, Pa., RBN".

[F.R. Doc. 67-9356; Filed, Aug. 9, 1967; 8:47 a.m.]

[Airspace Docket No. 66–EA–102]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On page 7290 of the FEDERAL REGISTER for May 16, 1967, the Federal Aviation Administration published proposed regulations which would alter the 700- and 1,200-foot floor Berlin, N.H. transition area.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., September 14, 1967.

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on July 20, 1967.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete in the Berlin, N.H., Transition Area the description of the 700–foot floor transition area and insert in lieu thereof: "That airspace extending upward from 700 feet above the surface within a 7–mile radius of the center of Berlin Airport, Berlin, N.H. (44°34'35" N., 71°10'-40" W.); within 2 miles each side of the Berlin, N.H., RBN (44°34'37" N., 71°10'-47" W.) 334° bearing extending from the 7-mile radius area to 8 miles northwest of the RBN; and within 2 miles each side of the Berlin, N.H., VOR (44°38'05" N., 71°11'12" W.) 355° radial extending from the 7-mile radius area to 8 miles north of the VOR;" and in the description of 1,200-foot floor transition area, between coordinates 44°54'00" N., 71°-10'00" W. and 44°31'00" N., 70°55'00" W., add, "to 44°50'00" N., 71°07'30" W.; to 44°50'30" N., 71°02'00" W.; to 44°40'-00" N., 71°00'30" W."

[F.R. Doc. 67-9357; Filed, Aug. 9, 1967; 8:47 a.m.]

[Airspace Docket No. 66–EA–104]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 7292 of the FEDERAL REGISTER for May 16, 1967, the Federal Aviation Administration published proposed regulations which would designate a 700-foot floor transition area over Morrisville–Stowe State Airport, Morrisville, Vt.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., September 14, 1967.

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on July 20, 1967.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations by adding the following transition area:

MORRISVILLE, VT.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center (44°32'10" N., 72°36'55" W.) of Morrisville–Stowe State Airport, Morrisville, Vt., and within 2 miles each side of the Morrisville RBN (44°35'13" N., 72°35'10" W.) 025° bearing extending from the 5-mile radius area to 8 miles northeast of the RBN.

[F.R. Doc. 67-9358; Filed, Aug. 9, 1967; 8:47 a.m.]

[Airspace Docket No. 66–EA–109]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On page 7291 of the FEDERAL REGISTER for May 16, 1967, the Federal Aviation Administration published proposed regulations which would alter the Dublin, Va., 700-foot floor transition area.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., September 14, 1967.

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on July 20, 1967.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the 700-foot floor Dublin, Va., transition area and insert in lieu thereof: "That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center (37°08'10" N., 80°40'50" W.) of New River Valley Airport, Dublin, Va., and within 2 miles each side of Pulaski VOR 208° radial extending from the 7-mile radius area to 8 miles southwest of the VOR."

[F.R. Doc. 67-9359; Filed, Aug. 9, 1967; 8:47 a.m.]

[Airspace Docket No. 67–CE–5]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On page 7599 of the FEDERAL REGISTER dated May 24, 1967, the Federal Aviation Administration published a supplemental notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Sioux Falls, S. Dak.

Interested persons were given 45 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0001 e.s.t., October 12, 1967.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on July 21, 1967.

EDWARD C. MARSH,
Director, Central Region.

That airspace extending upward from 700 feet above the surface within a 17-mile radius of the Sioux Falls VORTAC; that airspace extending upward from 1,200 feet above the surface within a 25-mile radius of Sioux Falls VORTAC extending from a line 5 miles southwest of and parallel to the Sioux Falls VORTAC 336° radial clockwise to the northwest edge of V–148, and extending from the south edge of V–120 east of Sioux Falls clockwise to the south edge of V–120 west of Sioux Falls; and that airspace extending upward from 5,000 feet MSL within a 43-mile radius of Sioux Falls VORTAC, extending from the south edge of V–120 east of Sioux Falls clockwise to the south edge of V–120 west of Sioux Falls, excluding the area which overlies V–15, V–15E, V–148, V–181, and V–181W; and within a 33-mile radius of Sioux Falls VORTAC, extending from a line 5 miles southwest of and parallel to the Sioux Falls VORTAC 336° radial clockwise to the northwest edge of V–148, excluding the portion which overlies V–181.

[F.R. Doc. 67-9360; Filed, Aug. 9, 1967; 8:47 a.m.]

[Airspace Docket No. 67–CE–42]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area; Correction

On June 28, 1967, a Final Rule was published in the FEDERAL REGISTER (32 F.R. 9156), F.R. Doc. 67–7270, which altered the Columbia, Mo., transition area. In this redesignation, the direction "SE" was erroneously used; the direction "SW" should have been used. Action is taken herein to make this correction.

Since this amendment is editorial in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, the redesignation of the Columbia, Mo., transition area, as set forth in F.R. Doc. 67–7270, is amended effective 0001 e.s.t., August 17, 1967, as follows: "thence SE along a line 5 miles SE of and parallel to the Jefferson City VOR 041° and 221° radials" is deleted and "thence SW along a line 5 miles SE of and parallel to the Jefferson City VOR 041° and 221° radials" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on July 21, 1967.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 67-9361; Filed, Aug. 9, 1967; 8:47 a.m.]

[Airspace Docket No. 66–EA–103]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 7291 of the FEDERAL REGISTER for May 16, 1967, the Federal Aviation Administration published proposed regulations which would designate a 700-foot floor Transition Area over Miami University Airport, Oxford, Ohio.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., September 14, 1967.

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on July 20, 1967.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700-foot floor Oxford, Ohio, transition area described as follows:

OXFORD, OHIO

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center (39°30'10" N., 84°47'15" W.) of Miami University Airport, Oxford, Ohio, and within 2 miles each side of the Oxford, Ohio, RBN (39°30'27" N., 84°46'50" W.) 225° bearing extending from the 5-mile radius area to 11 miles southwest of the RBN.

[F.R. Doc. 67-9362; Filed, Aug. 9, 1967; 8:47 a.m.]

[Airspace Docket No. 67–EA–70]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

AUGUST 3, 1967.

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to divide Restricted Area R–3704, Fort Knox, Ky., into two subareas and to reduce the time of designation.

The U.S. Army has concurred in a Federal Aviation Administration proposal that Restricted Area R–3704 be divided into Subarea A extending from the surface to and including 10,000 feet MSL 0600 to 2400 hours, other times by NOTAM 24 hours in advance and Subarea B extending from 10,000 feet MSL to 20,000 feet MSL activated by NOTAM 24 hours in advance.

Since the proposed modification to R–3704 is procedural in nature and reduces the burden on the public, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective upon publication in the FEDERAL REGISTER, as hereinafter set forth.

In § 73.37 (32 F.R. 2310) Restricted Area R–3704 Fort Knox, Ky., is amended as follows:

a. Delete the present description of the designated altitudes and substitute "Subarea A surface to and including 10,000 feet MSL. Subarea B from 10,000 feet MSL to 20,000 feet MSL."

b. Delete the present description of the time of designation and substitute "Subarea A 0600 to 2400; other times by NOTAM 24 hours in advance. Subarea B by NOTAM 24 hours in advance."

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on August 3, 1967.

WILLIAM E. MORGAN,
Acting Director, Air Traffic Service.

[F.R. Doc. 67-9363; Filed, Aug. 9, 1967; 8:48 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 19—CHEESES, PROCESSED CHEESES, CHEESE FOODS, CHEESE SPREADS, AND RELATED FOODS

Low Moisture Mozzarella (Scamorza) Cheese and Part-Skim Mozzarella (Scamorza) Cheese; Identity Standards; Confirmation of Effective Date of Order Regarding Optional Ingredients

In the matter of amending the standards of identity for low moisture mozzarella cheese, low moisture scamorza cheese (21 CFR 19.605) and for low moisture part-skim mozzarella cheese, low moisture part-skim scamorza cheese (21 CFR 19.606) to provide for the use or sorbic acid, potassium sorbate, sodium sorbate, or combinations of these as optional ingredients to retard mold growth:

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.120), notice is given that no objections are filed to the order in the above-identified matter published in the FEDERAL REGISTER of June 10, 1967 (32 F.R. 8358). Accordingly, the amendments promulgated by that order will become effective August 9, 1967.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: August 2, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-9383; Filed, Aug. 9, 1967; 8:49 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

RESINOUS AND POLYMERIC COATINGS, ADHESIVES, COMPONENTS OF PAPER AND PAPERBOARD

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 6B1969) filed by The Firestone Tire & Rubber Co., 1200 Firestone Parkway, Akron, Ohio 44317, and other relevant material, has concluded that the food additive regulations should be amended as set forth below to provide for the use of mono-n-butyl ester of 5-norbornene-2,3-dicarboxylic acid and poly [2-(diethylamino) ethyl methacrylate]

phosphate as components of food-contact articles. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), Part 121 is amended in Subpart F as follows:

1. Section 121.2514(b)(3) is amended by alphabetically inserting in subdivision (xv) a new subitem under the item "Vinyl chloride copolymerized with * * *" and by alphabetically inserting in subdivision (xxix) a new item, as follows:

§ 121.2514 Resinous and polymeric coatings.

* * * * * *

(b) * * *
(3) * * *
(xv) * * *

Vinyl chloride copolymerized with one or more of the following substances:	
* * *	* * *
5-Norbornene-2, 3-dicarboxylic acid, mono-n-butyl ester; for use such that the finished vinyl chloride copolymers contain not more than 4 weight percent of total polymer units derived from this comonomer.	
* * *	* * *

(xxix) * * *

Poly [2-(diethylamino) ethyl methacrylate] phosphate (minimum intrinsic viscosity in water at 25° C. is not less than 9.0 deciliters per gram as determined by ASTM Method D 1243-60), for use only as a suspending agent in the manufacture of vinyl chloride copolymers and limited to use at levels not to exceed 0.1 percent by weight of the copolymers.	
* * *	* * *

2. Section 121.2520(c)(5) is amended by alphabetically inserting in the list of components a new item and by alphabetically inserting a new subitem under the item "Polymers: Homopolymers * * *," as follows:

§ 121.2520 Adhesives.

* * * * * *

(c) * * *
(5) * * *

Components of Adhesives	
Substances	*Limitations*
* * *	* * *
Poly [2(diethylamino) ethyl methacrylate] phosphate.	----------
* * *	* * *
Polymers: Homopolymers * * *	
* * *	* * *
5-Norbornene-2, 3-dicarboxylic acid, mono-n-butyl ester.	----------
* * *	* * *

3. In § 121.2526(b)(2) the item "Vinyl chloride copolymers * * *" is revised to include a new comonomer "5-norbornene-2,3-dicarboxylic acid, mono-n-butyl ester," as follows:

§ 121.2526 Components of paper and paperboard in contact with aqueous and fatty foods.

* * * * * *

(b) * * *
(2) * * *

List of substances	*Limitations*
* * *	* * *
Vinyl chloride copolymers produced by copolymerizing vinyl chloride with one or more of the monomers acrylonitrile; fumaric acid and its methyl, ethyl, propyl, butyl, amyl, hexyl, heptyl, or octyl esters; maleic acid and its methyl, ethyl, propyl, butyl, amyl, hexyl, heptyl, or octyl esters; maleic anhydride; 5-norbornene-2, 3-dicarboxylic acid, mono-n-butyl ester; vinyl acetate; and vinylidene chloride. The finished copolymers shall contain at least 50 weight percent of polymer units derived from vinyl chloride; shall contain no more than 5 weight percent of total polymer units derived from fumaric and/or maleic acid and/or their methyl, ethyl, propyl, butyl, amyl, heptyl, or octyl monoesters or from maleic anhydride or from mono-n-butyl ester of 5-norbornene-2, 3-dicarboxylic acid (however, in any case the finished copolymers shall contain no more than 4 weight percent of total polymer units derived from mono-n-butyl ester of 5-norbornene-2,3 - dicarboxylic acid).	----------
* * *	* * *

4. Section 121.2571(b)(2) is amended by alphabetically inserting in the list of substances a new item and by alphabetically inserting a new subitem under the item "Polymers: Homopolymers * * *," as follows:

§ 121.2571 Components of paper and paperboard in contact with dry food.

* * * * * *

(b) * * *
(2) * * *

List of substances	*Limitations*
* * *	* * *
Poly [2-(diethylamino) ethyl methacrylate] phosphate.	----------
* * *	* * *
Polymers: Homopolymers * * *	Basic polymer.
* * *	* * *
5-Norbornene-2,3 - dicarboxylic acid, mono-n-butyl ester.	----------
* * *	* * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: August 2, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-9384; Filed, Aug. 9, 1967; 8:49 a.m.]

DOXYCYCLINE ANTIBIOTIC DRUGS

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and delegated by him to the Commissioner of Food and Drugs (21 CFR 2.120), Parts 141, 145, and 147 are amended and Part 148s is established as follows to provide for the certification of specified doxycycline antibiotic drugs:

PART 141—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC CONTAINING DRUGS

1. The following new section is added to Part 141:

§ 141.550 Paper chromatography identity test for tetracyclines.

(a) *Equipment*—(1) *Sheet (chromatographic).* Whatman No. 1 filter paper for chromatography, 20 x 20 centimeters.

(2) *Chamber (chromatographic).* Cylindrical glass chromatographic jar, 25 x 12 x 25 centimeters, with a ground-glass lid.

(3) *Preparation of solutions*—(i) *pH 3.5 buffer.* Mix 13.93 volumes of 0.1*M* citric acid with 6.07 volumes of 0.2*M* of disodium phosphate.

(ii) *Solvent (organic phase).* Mix chloroform, nitromethane, any pyridine in volumetric proportions of 10:20:3, respectively.

(4) *Procedure.* Fill the chamber to a depth of 0.6 centimeter with freshly prepared solvent. Draw a starting line about 2.5 centimeters from and parallel to the bottom of the sheet. Wet the sheet thoroughly with the pH 3.5 buffer and blot it firmly between sheets of absorbent paper. Starting about 5 centimeters from the edge of the sheet and at 1.5-centimeter intervals, apply to the starting line 2 microliters each of standard solution (1 milligram per milliliter), sample solution (1 milligram per milliliter), and a 1:1 mixture of the standard and sample solutions. Allow a few minutes for the sheet to dry partially, and while still damp place it in the chamber with the bottom edge touching the solvent. When the solvent front has risen about 10 centimeters, remove the sheet from the chamber. Examine the dried sheet under a strong source of ultraviolet light and record the position of any fluorescent spots. Measure the distance the solvent front traveled from the starting line and the distance that the fluorescent spots are from the starting line. Calculate the R_x value by dividing the latter by the former.

PART 145—ANTIBIOTIC DRUGS; DEFINITIONS AND INTERPRETATIVE REGULATIONS

2. Section 145.3 is amended by adding new paragraphs (a)(36) and (b)(36), as follows:

§ 145.3 Definitions of master and working standards.

(a) * * *

(36) *Doxycycline.* The term "doxycycline master standard" means a specific lot of α-6-deoxyoxytetracycline designated by the Commissioner as the standard of comparison in determining the potency of the doxycycline working standard.

(b) * * *

(36) *Doxycycline.* The term "doxycycline working standard" means a specific lot of homogeneous preparation of α-6-deoxyoxytetracycline.

3. Section 145.4(b) is amended by adding the following new subparagraph:

§ 145.4 Definitions of the terms "unit" and "microgram" as applied to antibiotic substances.

* * * * * *

(b) * * *

(38) *Doxycycline.* The term "microgram" applied to doxycycline means the doxycycline activity (potency) contained in 1.155 micrograms of the doxycycline master standard.

PART 147—ANTIBIOTICS INTENDED FOR USE IN THE LABORATORY DIAGNOSIS OF DISEASE

4. Section 147.1. *Antibiotic sensitivity discs; tests and methods of assay; potency* is amended as follows:

a. In paragraphs (c)(3) and (d), the following new items are alphabetically inserted in the table:

§ 147.1 Antibiotic sensitivity discs; tests and methods of assay; potency.

* * * * * *

(c) * * *
(3) * * *

Antibiotic	Volume of suspension added to each 100 ml. of seed agar used for test	Suspension number	Medium	
			Base layer	Seed layer
* * *	*Milliliters* * * *	* * *	* * *	* * *
Doxycycline	1.5	4	E	A
* * *	* * *	* * *	* * *	* * *

(d) * * *

Antibiotic	Solvent	Standard curve (antibiotic concentration per disc)
* * *	* * *	* * *
Doxycycline	Methyl alcohol	2.3, 6.3, 12.2, 23.4, 45.0 μg.
* * *	* * *	* * *

* * * * * *

5. Section 147.2(a) is amended by adding the following new subparagraph:

§ 147.2 Antibiotic sensitivity discs; certification procedure.

(a) * * *

(30) Doxycycline: Not less than 5 μg. nor more than 30 μg.

* * * * * *

6. The following new part is added:

PART 148s—DOXYCYCLINE

Sec.
148s.1 Doxycycline hyclate.
148s.2 Doxycycline monohydrate.
148s.3 Doxycycline hyclate capsules.
148s.4 Doxycycline monohydrate for oral suspension.

AUTHORITY: The provisions of this Part 148s issued under sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357.

§ 148s.1 Doxycycline hyclate.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Doxycycline hyclate is a crystalline hydrochloride hemiethanolate hemihydrate salt of doxycycline. It is so purified and dried that:

(i) Its potency is not less than 800 nor more than 920 micrograms of doxycycline per milligram on an as is basis.

(ii) It passes the toxicity test.

(iii) Its moisture content is not less than 1.4 nor more than 2.75 percent.

(iv) Its pH in an aqueous solution containing 10 milligrams per milliliter is not less than 2.0 nor more than 3.0.

(v) It contains not less than 82 nor more than 90 percent doxycycline on an as is basis.

(vi) It gives a positive identity test for doxycycline hyclate.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter. Its expiration date is 12 months.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, toxicity, moisture, pH, doxycycline content, identity, and crystallinity.

(ii) Samples required: 10 packages, each containing approximately 300 milligrams.

(4) *Fees.* $5.00 for each package in the sample submitted in accordance with subparagraph (3)(ii) of this paragraph.

(b) *Tests and methods of assay*—(1) *Potency*—(i) *Culture media.* Use ingredients that conform to the standards prescribed by the U.S.P. or N.F.

(a) Make nutrient agar for carrying the test organism as follows:

Peptone	6.0 gm.
Pancreatic digest of casein	4.0 gm.
Yeast extract	3.0 gm.
Beef extract	1.5 gm.
Dextrose	1.0 gm.
Agar	15.0 gm.
Distilled water, q.s.	1,000.0 ml.

pH 6.5 to 6.6 after sterilization.

(b) Make nutrient broth for preparing an inoculum as follows:

Peptone	5.0 gm.
Beef extract	1.5 gm.
Yeast extract	1.5 gm.
Sodium chloride	3.5 gm.
Dextrose	1.0 gm.
Dipotassium phosphate	3.68 gm.
Potassium dihydrogen phosphate	1.32 gm.
Distilled water, q.s.	1,000.0 ml.

pH 7.0 after sterilization.

In lieu of preparing the media from the individual ingredients specified in this subdivision, the media may be made from a dehydrated mixture that, when reconstituted with distilled water, has the same composition as such media. Minor modification of the individual ingredients specified in this subdivision are permissible if the resulting media possess growth-promoting properties at least equal to the media described.

(ii) *Working standard.* Prepare a stock solution by dissolving an appropriate aliquot of the doxycycline working standard in sufficient 0.1*N* hydrochloric acid to give a concentration of 1,000 micrograms of doxycycline per milliliter. This stock solution should be stored under refrigeration and may be used for 7 days.

(iii) *Preparation of sample.* Dissolve an appropriate quantity of the sample in sufficient 0.1*N* hydrochloric acid to obtain a concentration of 1,000 micrograms of doxycycline per milliliter (estimated). Further dilute in 0.1*M* potassium phosphate buffer, pH 4.5, to a final concentration of 0.100 microgram of doxycycline per milliliter (estimated).

(iv) *Preparation of test organism.* The test organism is *Staphylococcus aureus* (ATCC 6538P), which is maintained on slants of nutrient agar described in subdivision (i)(a) of this subparagraph. From a stock slant, inoculate a Roux bottle containing the same agar and incubate for 24 hours at 32° C.–35° C. Wash

the resulting growth from the agar surface with 50 milliliters of sterile U.S.P. saline T.S. Standardize the resulting bulk suspension so that a 1:20 dilution in U.S.P. saline T.S. will give 25-percent light transmission, using a suitable photoelectric colorimeter with a 580-millimicron filter and a 13-millimeter diameter test tube as an absorption cell. For the daily inoculum use approximately 1.0 milliliter of the bulk suspension for each liter of the nutrient broth needed for the assay.

(v) *Procedure.* Prepare solutions for the daily standard curve by diluting an aliquot of the stock working standard solution prepared as described in subdivision (ii) of this subparagraph in 0.1*M* potassium phosphate buffer, pH 4.5, to the following concentrations: 0.064, 0.080, 0.100, 0.125, and 0.156 microgram of doxycycline per milliliter. Place 1.0 milliliter of each concentration of the standard curve and of the sample solution prepared as described in subdivision (iii) of this subparagraph into each of three replicate test tubes (16 millimeters x 125 millimeters). To each tube add 9 milliliters of the inoculated broth described in subdivision (iv) of this subparagraph and place immediately in a water bath at 37° C. for 3 to 4 hours. Remove the tubes from the water bath and add 0.5 milliliter of a 12 percent formaldehyde solution to each tube. Determine the absorbance values of each tube in a suitable photoelectric colorimeter, using a wavelength of 530 millimicrons. Set the instrument at zero absorbance with clear, uninoculated broth prepared as directed in subdivision (i) (*b*) of this subparagraph.

(vi) *Estimation of potency.* Plot the average absorbance values for each concentration of the standard curve on 1-cycle semilogarithmic graph paper with the absorbance values on the arithmetic scale and concentrations on the logarithmic scale. Construct the best straight line through the points either by inspection or by use of the following equations:

$$L=\frac{3a+2b+c-e}{5},$$

$$H=\frac{3e+2d+c-a}{5},$$

where:

L = Calculated absorbance value for the lowest concentration of the standard curve.

H = Calculated absorbance value for the highest concentration of the standard curve.

a, b, c, d, e = Average absorbance values for each concentration of the standard curve, lowest to highest, respectively.

Plot the values obtained for L and H and connect the points with a straight line. Average the absorbance values for the sample and determine the doxycycline concentration from the standard curve. Multiply the concentration by the appropriate dilution factor to obtain the doxycycline content of the sample.

(3) *Toxicity.* Proceed as directed in § 141a.4 of this chapter, using as a test dose 0.5 milliliter of a solution containing 5.0 milligrams of doxycycline per milliliter of sterile U.S.P. saline T.S.

(3) *Moisture.* Proceed as directed in § 141a.26(e) of this chapter.

(4) *pH.* Proceed as directed in § 141a.5 (b) of this chapter, using an aqueous solution containing the equivalent of 10 milligrams of doxycycline per milliliter.

(5) *Doxycycline content*—(i) *Equipment*—(*a*) *Sheet (chromatographic).* Whatman No. 4 filter paper for chromatography, 22 x 57 centimeters.

(*b*) *Chamber (chromatographic).* Square glass chromatography jar, 30 x 30 x 60 centimeters, equipped with 25-centimeter troughs for descending chromatography.

(ii) *Preparation of solutions*—(*a*) *0.05N Methanolic hydrochloric acid.* Dilute 4.2 milliliters of concentrated hydrochloric acid to 1 liter with methanol.

(*b*) *pH 4.2 buffer.* Mix 5.86 volumes of 0.1*M* citric acid with 4.14 volumes of 0.2*M* disodium phosphate.

(*c*) *Chromatographic system.* Mix toluene, pyridine, and pH 4.2 buffer in volumetric proportions of 20: 3: 10, respectively. Allow the phases to separate. Place the upper phase in the troughs near the top of the chamber. Place the lower phase in the bottom of the chamber. Saturate the atmosphere of the highly sealed chamber for 24 hours before use by placing white blotters on two opposite sides of the chamber so that their ends are immersed in the lower phase in the bottom of the chamber. Replace the solvent in troughs before the chromatograms are to be developed.

(iii) *Preparation of the doxycycline standard solution.* Accurately weigh about 50 milligrams of the doxycycline working standard into a 5-milliliter volumetric flask and bring to volume with 0.05*N* methanolic hydrochloric acid. Store in the refrigerator and use within 7 days.

(iv) *Preparation of sample.* Accurately weigh about 50 milligrams of the sample into a 5-milliliter volumetric flask and bring to volume with 0.05*N* methanolic hydrochloric acid.

(v) *Preparation of the chromatogram.* Dip the chromatographic sheets into pH 4.2 buffer and lightly blot each sheet between clean nonfluorescing, white blotters. Use separate sheets for the doxycycline standard solution, for each doxycycline sample solution, and for blanks without standard or sample application. Care must be taken so that the moist sheets do not become too dry; a period of 5 to 10 minutes between impregnating the paper and placing it in the chromatographic chamber is usually satisfactory. Evenly apply a 0.100-milliliter aliquot of a doxycycline solution to the origin line of a sheet as a 15-centimeter-long streak. Place the sheets in the chamber and develop them in a descending manner for 2 hours. The doxycycline band should move approximately 12.5 centimeters from the origin line. Remove the sheets from the chamber and air-dry for about 10 minutes.

(vi) *Processing the chromatogram.* Examine each sheet under 366-millimicron ultraviolet light and outline the main fluorescent doxycycline band with a pencil. The marked area should be approximately 10 x 22 centimeters in size. Outline an area on the blank sheet approximately equal in size and in the same location as those outlined on the standard and sample sheets. Exposure of the sheets to ammonia or other alkaline vapors must be avoided. Cut the marked areas from the sheets and then cut them into approximately 2-centimeter squares. For each sheet, place the squares into a glass-stoppered 125-milliliter Erlenmeyer flask. The time between removing the sheets from the chamber and placing the squares into the Erlenmeyer flasks should be minimal, since excessive drying of the paper can lead to erratic elutions.

(vii) *Elution.* To each flask add 50 milliliters of 0.05*N* methanolic hydrochloric acid and agitate on a reciprocating shaker for 1 hour. Decant the contents of each flask into another flask by pouring through a small funnel fitted with a glass wool plug.

(viii) *Doxycycline standard solution for direct measurement of absorbance.* Pipette a 0.100-milliliter aliquot of the doxycycline standard solution into each of three 125-milliliter Erlenmeyer flasks. Add 50 milliliters of 0.05*N* methanolic hydrochloric acid to each of these flasks.

(ix) *Absorbance measurement.* Using a suitable spectrophotometer and 0.05*N* methanolic hydrochloric acid as the reference solvent, determine the absorbance of each eluate and of each doxycycline standard solution at the absorption maximum at about 349 millimicrons.

(x) *Calculation of percent doxycycline in samples.* Calculate as follows:

$$\text{Percent doxycycline}=\frac{(A_s-A_b)(W_d)}{(A_d-A_b)(W_s)}\times\text{Doxycycline content of the working standard,}$$

where:

A_s = Absorbance of the eluate from the main doxycycline band of the sample sheet.

A_d = Absorbance of the eluate from the main doxycycline band on the standard sheet.

A_b = Absorbance of the eluate from the area of the blank sheet corresponding to the area of the doxycycline band of the standard sheet.

W_s = Weight in milligrams of sample.

W_d = Weight in milligrams of doxycycline working standard.

(xi) *Recovery of the doxycycline standard from the chromatogram.* As follows:

$$\text{Percent recovery}=\frac{A_s-A_b}{A_D}\times\frac{100}{F}$$

where:

A_D = Absorbance of the doxycycline standard solution described in subdivision (viii) of this subparagraph.

F = The fractional purity of doxycycline standard solution described in subdivision (xii) of this subparagraph.

If the recovery of the doxycycline standard from the chromatogram is less than 95 percent, repeat the chromatogram.

(xii) *Determination of the fractional purity of the doxycycline working standard.* Determine F by means of the following equation:

$$F=1-\frac{(A_1-A_{1b})}{(A_s-A_{sb}+A_1-A_b)},$$

where:

A_0 = Absorbance of the eluate from sections of the standard chromatogram containing nondoxycycline 349 millimicron-absorbing contaminants.

A_{0b} = Absorbance of the eluates from the sections of the blank sheets corresponding to those sections of the nondoxycycline absorbing contaminants of the standard sheets.

(6) *Identity.* The infrared absorption spectrum in the range of 2 to 15 microns for a 0.25-percent mixture of the sample in a potassium bromide pellet compares qualitatively to that of an authentic sample of doxycycline hyclate.

(7) *Crystallinity.* Mount a few particles of the sample in mineral oil and examine by means of a polarizing microscope. The particles reveal the phenomena of birefringence and extinction positions on revolving the microscope stage.

§ 148z.2 Doxycycline monohydrate.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Doxycycline monohydrate is a crystalline hydrated compound of doxycycline. It is so purified and dried that:

(i) Its potency is not less than 880 micrograms nor more than 980 micrograms of doxycycline per milligram on an as is basis.

(ii) It passes the toxicity test.

(iii) Its moisture content is not less than 3.6 percent nor more than 4.6 percent.

(iv) Its pH in an aqueous suspension containing the equivalent of 10 milligrams of doxycycline per milliliter is not less than 5.0 nor more than 6.5.

(v) It contains not less than 90 percent nor more than 98 percent doxycycline on an as is basis.

(vi) It gives a positive identity test for doxycycline monohydrate.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter. Its expiration date is 12 months.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, toxicity, moisture, pH, doxycycline content, identity, and crystallinity.

(ii) Samples of the batch: 10 packages, each containing approximately 300 milligrams.

(4) *Fees.* $5 for each package in the sample submitted in accordance with subparagraph (3) (ii) of this paragraph.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 148z.1(b)(1).

(2) *Toxicity.* Proceed as directed in § 141a.75(b) of this chapter using as a test dose 0.5 milliliter of a suspension containing 100 milligrams of doxycycline per milliliter of sterile distilled water.

(3) *Moisture.* Proceed as directed in § 141a.26(e) of this chapter.

(4) *pH.* Proceed as directed in § 141a.5(b) of this chapter, using an aqueous suspension containing the equivalent of 10 milligrams of doxycycline per milliliter.

(5) *Doxycycline content.* Proceed as directed in § 148z.1(b)(5).

(6) *Identity.* The infrared absorption spectrum in the range of 2 to 15 microns of a 0.25 percent mixture of doxycycline monohydrate in a potassium bromide pellet compares qualitatively to that of an authentic sample of doxycycline monohydrate.

(7) *Crystallinity.* Proceed as directed in § 148z.1(b)(7).

§ 148z.3 Doxycycline hyclate capsules.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Doxycycline hyclate capsules are composed of doxycycline hyclate and one or more suitable and harmless lubricants and diluents enclosed in a gelatin capsule. Each capsule contains doxycycline hyclate equivalent to 50 milligrams of doxycycline. The moisture content is not more than 5.0 percent. It passes the identity test for the presence of the doxycycline moiety. The doxycycline hyclate used conforms to the standards prescribed by § 148z.1. Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter. Its expiration date is 12 months.

(3) *Requests for certification; samples.* In addition to the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The doxycycline hyclate used in making the batch for potency, toxicity, moisture, pH, doxycycline content, identity, and crystallinity.

(*b*) The batch for potency, moisture, and identity.

(ii) Samples required:

(*a*) The doxycycline hyclate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch: A minimum of 36 capsules.

(*c*) In case of an initial request for certification, each other ingredient used in making the batch: One package of each containing approximately 5 grams.

(4) *Fees.* $0.75 for each capsule in the sample submitted in accordance with subparagraph (3) (ii) (*b*) of this paragraph; $4 for each immediate container in the sample submitted in accordance with subparagraph (3) (ii) (*c*) of this paragraph; $5 for each immediate container in the sample submitted in accordance with subparagraph (3) (ii) (*a*) of this paragraph.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 148z.1(b)(1), except prepare the sample for assay as follows: Blend a representative number of capsules in a high-speed glass blender with 0.1*N* hydrochloric acid and further dilute with 0.1*M* potassium phosphate buffer, pH 4.5, to the reference concentration. The potency is satisfactory if it is not less than 90 percent nor more than 120 percent of the number of milligrams of doxycycline that it is represented to contain.

(2) *Moisture.* Proceed as directed in § 141a.26(e) of this chapter.

(3) *Identity.* Proceed as directed in § 141.550 of this chapter, except prepare the standard and sample solutions as follows: Dissolve precise amounts of the doxycycline capsule contents and of the doxycycline working standard in methanol and further dilute each solution to a concentration of 1 milligram of doxycycline per milliliter. Prepare the sample-standard mixed solution by mixing equal volumes of the final standard and sample solutions. The standard and sample must each produce a major, yellow fluorescent spot with the same R_f value, and the standard-sample mixed solution must show no separation of major spots.

§ 148z.4 Doxycycline monohydrate for oral suspension.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Doxycycline monohydrate for oral suspension is doxycycline monohydrate, with one or more suitable and harmless buffer substances, preservatives, diluents, colorings, and flavorings. Its moisture content is not more than 3 percent. It passes the identity test for the presence of the doxycycline moiety. When prepared as directed in the labeling, each milliliter contains the equivalent of 5 milligrams of doxycycline and its pH is not less than 5.0 and not more than 6.0. The doxycycline monohydrate used conforms to the standards prescribed by § 148z.2. Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter. Its expiration date is 12 months.

(3) *Requests for certification; samples.* In addition to the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The doxycycline monohydrate used in making the batch for potency, toxicity, moisture, pH, doxycycline content, identity, and crystallinity.

(*b*) The batch for potency, moisture, pH, and identity.

(ii) Samples required:

(*a*) Doxycycline monohydrate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(b) The batch: A minimum of six immediate containers.

(c) In case of an initial request for certification, each other ingredient used in making the batch: One package of each containing approximately 5 grams.

(4) *Fees.* $4 for each container in the samples submitted in accordance with subparagraph (3) (ii) (b) and (c); $5 for each container in the sample submitted in accordance with subparagraph (3) (ii) (a) of this paragraph.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 148z.1 (b) (1), except prepare the sample for assay as follows: Reconstitute the sample as directed in the labeling. Using a suitable syringe, transfer an appropriate aliquot of the suspension to a volumetric flask and dissolve with 0.1*N* hydrochloric acid. Further dilute with 0.1*M* potassium phosphate buffer, pH 4.5, to the reference concentration. The potency is satisfactory if it is not less than 90 percent nor more than 125 percent of the number of milligrams of doxycycline that it is represented to contain.

(2) *Moisture.* Proceed as directed in § 141a.26(e) of this chapter.

(3) *pH.* Reconstitute as directed in the labeling and proceed as directed in § 141a.5(b) of this chapter, using the undiluted sample.

(4) *Identity.* Proceed as directed in § 141.550 of this chapter, except prepare the standard and sample solutions as follows: Dissolve precise amounts of the doxycycline monohydrate for oral suspension and of the doxycycline working standard in methanol and further dilute each solution to a concentration of 1 milligram of doxycycline per milliliter. Prepare the sample-standard mixed solution by mixing equal volumes of the final concentration of the sample and standard solutions. The sample and standard must each produce a major, yellow fluorescent spot with the same R_f value and the sample-standard mixed solution must show no separation of major spots.

Data supplied by the manufacturer concerning the safety and efficacy of the subject antibiotic drugs have been evaluated. Since the conditions prerequisite to providing for certification of the subject drugs have been complied with and since it is in the public interest not to delay in providing for such certification, notice and public procedure and delayed effective date are not prerequisites to this promulgation.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: August 4, 1967.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 67-9076; Filed, Aug. 9, 1967; 8:48 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Department of Housing and Urban Development

SUBCHAPTER D—RENTAL HOUSING INSURANCE

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

Subpart A—Eligibility Requirements

SUBCHAPTER W—GROUP PRACTICE FACILITIES INSURANCE

PART 1100—MORTGAGE INSURANCE FOR GROUP PRACTICE FACILITIES

Subpart A—Eligibility Requirements

REFINANCING TRANSACTIONS AND PREPAYMENT PRIVILEGE, PREPAYMENT AND LATE CHARGES

In § 207.32 the introductory text of paragraph (a) is amended, paragraph (b) is redesignated as paragraph (c), and a new paragraph (b) is added to read as follows:

§ 207.32 Eligibility of refinancing transactions.

* * * * *

(a) Except as provided in paragraph (b), the principal of the new mortgage shall not exceed the lowest of these amounts:

* * * * *

(b) Where the mortgage to be refinanced is one of several insured mortgages covering properties, the income of which is being pooled, and the proceeds of the refinanced mortgage are to be applied to the indebtedness of one or more mortgages in such pool, the principal amount of the new mortgage shall not exceed the original principal amount of the existing insured mortgage.

* * * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 207, 52 Stat. 16, as amended; 12 U.S.C. 1713)

Section 1100.65 is amended to read as follows:

§ 1100.65 Prepayment privilege, prepayment and late charges.

(a) *Prepayment privilege.* The mortgage indebtedness shall not be prepaid in full and the Commissioner's controls shall not be terminated unless the Commissioner gives his prior consent to such prepayment.

(b) *Prepayment charge.* The mortgage may contain a provision for such additional charge, in the event of prepayment of principal, as may be agreed upon between the mortgagor and the mortgagee. However, the mortgagor shall be permitted to prepay up to 15 percent of the original principal amount of the mortgage in any one calendar year without any such additional charge. Any reduction in the original principal amount of the mortgage resulting from the certification of cost requirements shall not be construed as a prepayment of the mortgage.

(c) *Late charge.* The mortgage may provide for the collection by the mortgagee of a late charge, not to exceed two cents for each dollar of each payment to interest or principal more than 15 days in arrears, to cover the expense involved in handling delinquent payments. Late charges shall be separately charged to and collected from the mortgagor and shall not be deducted from any aggregate monthly payment.

(Sec. 1101, 80 Stat. 1265, 1274; 12 U.S.C. 1749aaa–1 et seq.)

Issued at Washington, D.C., August 7, 1967.

PHILIP N. BROWNSTEIN,
Federal Housing Commissioner.

[F.R. Doc. 67-9090; Filed, Aug. 9, 1967; 8:50 a.m.]

SUBCHAPTER G—HOUSING FOR MODERATE INCOME AND DISPLACED FAMILIES

PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

Subpart C—Eligibility Requirements—Moderate Income Projects

SUBCHAPTER I—HOUSING FOR ELDERLY PERSONS

PART 231—HOUSING MORTGAGE INSURANCE FOR THE ELDERLY

Subpart A—Eligibility Requirements

MISCELLANEOUS AMENDMENTS

In § 221.510 the introductory text of paragraphs (a) (2) and (d) (2) is amended to read as follows:

§ 221.510 Eligible mortgagors.

(a) *Nonprofit, builder-seller, and rehabilitation sales mortgagors.* * * *

(2) The builder-seller mortgagor shall be a special type of mortgagor approved by the Commissioner which is organized:

* * * * *

(d) *Cooperative and investor-sponsor mortgagors.* * * *

(2) The investor-sponsor mortgagor shall be a special type of mortgagor approved by the Commissioner which is organized to:

* * * * *

In § 221.514 paragraphs (a) (2) (i) and (a) (3) (i) are amended to read as follows:

§ 221.514 Maximum mortgage amounts.

(a) *Principal obligation.* * * *

(2) *New construction.* (i) In the case of new construction where the mortgagor is a nonprofit, builder-seller, public, cooperative, or investor-sponsor, the Commissioner's estimate of replacement cost of the property or project when the improvements are completed (the replacement cost may include the land, the proposed physical improvements, utilities within the boundaries of the land, architect's fees, taxes, interest during construction, and other miscellaneous charges incident to construction and approved by the Commissioner).

* * * * *

(3) *Repair or rehabilitation.* (i) In the case of a project which is to be repaired or rehabilitated where the mortgagor is a nonprofit, builder-seller, rehabilitation sales, public, cooperative, or investor-sponsor, the sum of the estimated cost of the repairs or rehabilitation of the project and the Commissioner's estimate of the value of the property before repairs or rehabilitation.

* * * * *

In § 221.515 paragraph (b) (1) and the introductory text of paragraph (c) (1) are amended to read as follows:

§ 221.515 Adjusted mortgage amount—rehabilitation projects.

* * * * *

(b) *Property subject to existing mortgage.* * * *

(1) *Nonprofit, builder-seller, public, cooperative, or investor-sponsor mortgagor.* If the mortgagor is a nonprofit, builder-seller, public, cooperative, or investor-sponsor, the Commissioner's estimate of the cost of the repairs or rehabilitation plus such portion of the outstanding indebtedness as does not exceed the Commissioner's estimate of the value of such land and improvements prior to the repairs or rehabilitation.

* * * * *

(c) *Property to be acquired.* * * *

(1) *Nonprofit, builder-seller, public, cooperative, investor-sponsor, or rehabilitation sales mortgagor.* If the mortgagor is a nonprofit, builder-seller, public, cooperative, investor-sponsor, or rehabilitation sales, the Commissioner's estimate of the cost of the proposed repairs or rehabilitation plus the lesser of either of the following:

* * * * *

In § 221.535 paragraph (a) is amended to read as follows:

§ 221.535 Supervision applicable to investor-sponsor mortgagors.

(a) *Investor-sponsor's escrow.* The mortgagee shall hold in escrow such amount as the Commissioner determines will be needed, in the event the project is not transferred to a cooperative within 2 years from the date of project completion, to reduce the principal of the mortgage to an amount authorized for a limited distribution mortgagor. The amount held in escrow may be disbursed to the mortgagor if the transfer occurs within the 2-year period. Where the transfer does not occur within such period, the escrow shall be applied against the mortgage or in such other manner as the Commissioner may direct.

* * * * *

In § 221.535a paragraph (a) is amended to read as follows:

§ 221.535a Supervision applicable to builder-seller mortgagors.

(a) *Builder-seller's escrow.* The mortgagee shall hold in escrow such amount as the Commissioner determines will be needed, in the event the project is not transferred to a nonprofit mortgagor at final endorsement or within such additional period as may be agreed to in writing by the Commissioner, to reduce the principal of the mortgage to an amount authorized for a limited distribution mortgagor. The amount held in escrow may be disbursed to the mortgagor if the transfer occurs at final endorsement or within such period as may be agreed to by the Commissioner. Where the transfer does not occur within the prescribed period, the escrow shall be applied against the mortgage or in such other manner as the Commissioner may direct.

* * * * *

In § 221.550a paragraphs (a) and (d) are amended to read as follows:

§ 221.550a Certificate of actual cost—builder's and sponsor's profit and risk allowance.

(a) *In general.* The mortgagor's certificate of actual cost shall include (except in a case involving a nonprofit, builder-seller, cooperative, investor-sponsor, or rehabilitation sales mortgagor) an allowance for builder's and sponsor's profit and risk. The amounts of the allowance shall be dependent upon a determination by the Commissioner as to whether or not there exists an identity of interest between the mortgagor or any of its officers, directors, stockholders, or partners and the general contractor.

* * * * *

(d) *Nonapplicability to nonprofit, builder-seller, cooperative, investor-sponsor, or rehabilitation sales mortgagor.* The provisions of paragraphs (a) through (c) of this section shall not be applicable to a project involving a nonprofit, builder-seller, cooperative, investor-sponsor, or rehabilitation sales mortgagor.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 221, 68 Stat. 599, as amended; 12 U.S.C. 1715l)

In § 231.11a paragraph (a) is amended and a new paragraph (d) is added to read as follows:

§ 231.11a Builder's and sponsor's profit and risk allowance.

(a) *In general.* The mortgagor's certificate of actual cost shall include (except in a case involving a nonprofit mortgagor) an allowance for builder's and sponsor's profit and risk, the amount of which shall be dependent upon a determination by the Commissioner as to whether or not there exists an identity of interest between the mortgagor or any of its officers, directors, stockholders, or partners and the general contractor.

* * * * *

(d) *Nonapplicability to nonprofit mortgagor.* The provisions of paragraphs (a) through (c) of this section shall not be applicable to a project involving a nonprofit mortgagor.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 231, 73 Stat. 665; 12 U.S.C. 1715v)

Issued at Washington, D.C., August 4, 1967.

PHILIP N. BROWNSTEIN,
Federal Housing Commissioner.

[F.R. Doc. 67-9091; Filed, Aug. 9, 1967; 8:50 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 541—TRANSPORTATION OF MAIL BEYOND BORDERS OF UNITED STATES

Transportation and Protection of Mail Between Post Offices and Ships

The regulations of the Post Office Department are amended as follows:

I. In § 541.1 paragraph (c) is revised to show that a man is no longer required to ride on the rear of a vehicle to protect the mail as much of the mail is now containerized.

§ 541.1 Transportation and protection of mail between post offices and ships.

* * * * *

(c) *Vehicles and carriers.* Carriers are accountable and answerable in fines for failure to:

(1) Carry the mail in a safe and secure manner. The mail compartment of the completely closed van-type vehicle or trailer type container vehicle must be locked or sealed during transport from post office to pier. When open top trucks are used, the sacks shall be covered by a fireproof and rainproof tarpaulin which must be fastened securely to the body of the truck.

(2) Guard the pouches and other mail in their custody from theft or damage by water or any other source.

* * * * *

(5 U.S.C. 301, 39 U.S.C. 501, 505)

TIMOTHY J. MAY,
General Counsel.

AUGUST 1, 1967.

[F.R. Doc. 67-9348; Filed, Aug. 9, 1967; 8:46 a.m.]

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER G—EMERGENCY OPERATIONS

[General Order 75, 2d Rev., Amdt. 16]

PART 308—WAR RISK INSURANCE

Miscellaneous Amendments

Part 308 is hereby amended to reflect the following changes:

Amend § 308.6 *Period of interim binders and renewal procedure*, § 308.106 *Standard form of war risk hull insurance interim binder and optional disbursements insurance endorsement*, § 308.206 *Standard form of war risk protection and indemity insurance interim binder*, and § 308.305 *Standard form of Second Seamen's war risk insurance interim binder*, by changing the expiration dates contained therein to read "midnight, March 7, 1968, G.m.t."

(Sec. 204, 49 Stat. 1987, as amended; 46 U.S.C. 1114)

Dated: August 4, 1967.

By order of the Acting Maritime Administrator.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 67-9378; Filed, Aug. 9, 1967; 8:49 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Havasu Lake National Wildlife Refuge, Arizona and California, et al.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of the adoption of the Federal migratory game bird regulations to and including the establishment of State hunting seasons makes it impracticable to give public notice of proposed rule making.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

ARIZONA AND CALIFORNIA

HAVASU LAKE NATIONAL WILDLIFE REFUGE

Public hunting of doves on the Havasu Lake National Wildlife Refuge, Ariz. and Calif., is permitted only on the area designated by signs as open to hunting. This open area, comprising 9,846 acres, is delineated on maps available at refuge headquarters, Needles, California, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting seasons are as follows: Arizona—white-winged and mourning doves, from September 1 through September 24, 1967, inclusive; mourning doves only, from December 13, 1967, through January 7, 1968, inclusive. California—white-winged and mourning doves, from September 2 through October 11, 1967, inclusive. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of doves subject to the following special condition:

(1) Hunting is prohibited within one-fourth mile of any occupied dwelling or concession operation.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 7, 1968.

IMPERIAL NATIONAL WILDLIFE REFUGE

Public hunting of doves on the Imperial National Wildlife Refuge, Ariz. and Calif., is permitted only on the area designated by signs as open to hunting. This open area, comprising 38,540 acres, is delineated on maps available at refuge headquarters, Yuma, Ariz., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting seasons are as follows: Arizona—white-winged and mourning doves, from September 1 through September 24, 1967, inclusive; mourning doves only, from December 13, 1967, through January 7, 1968, inclusive. California—white-winged and mourning doves, from September 2 through October 11, 1967, inclusive. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of doves, rails, woodcock, and Wilson's snipe subject to the following special conditions:

(1) Vehicle access shall be restricted to designated parking areas and to existing roads.

(2) Dogs—Not to exceed two per hunter may be used for the purpose of hunting and retrieving.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 24, 1967.

OKLAHOMA

TISHOMINGO NATIONAL WILDLIFE REFUGE

Public hunting of mourning doves on the Tishomingo National Wildlife Refuge, Okla., is permitted only on the area designated by signs as open to hunting. This open area, comprising 3,100 acres, is delineated on maps available at refuge headquarters, Tishomingo, Okla., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State and Federal regulations governing the hunting of mourning doves subject to the following special conditions:

(1) The open season for hunting mourning doves on the refuge extends from September 1 through September 30, 1967, inclusive.

(2) Dogs may be used for the purpose of hunting and retrieving.

(3) A Federal permit is not required to enter the public hunting area, but hunters, upon entering and leaving, shall report at designated checking stations as may be established for the regulation of the hunting activity and shall furnish information pertaining to their hunting, as requested.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 30, 1967.

KANSAS

FLINT HILLS NATIONAL WILDLIFE REFUGE

Public hunting of mourning doves, rails, woodcock, and Wilson's snipe on the Flint Hills National Wildlife Refuge, Kans., is permitted only on the area designated by signs as open to hunting. This open area, comprising 2,906 acres, is delineated on maps available at refuge headquarters, Burlington, Kans., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting seasons are as follows: Mourning doves, from September 1 through October 30, 1967, inclusive; rails, from September 1 through November 9, 1967, inclusive; woodcock, from October 21 through December 24, 1967, inclusive; and Wilson's snipe, from October 1 through November 19, 1967, inclusive. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of doves, rails, woodcock, and Wilson's snipe subject to the following special conditions:

(1) Hunting is prohibited within one-fourth mile of any occupied dwelling or concession operation.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 7, 1968.

LEWIS R. GARLICK,
Acting Regional Director,
Albuquerque, N. Mex.

AUGUST 1, 1967.

[F.R. Doc. 67-9333; Filed, Aug. 9, 1967; 8:45 a.m.]

PART 32—HUNTING

Aleutian Islands National Wildlife Refuge, Alaska, et al.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

ALASKA

ALEUTIAN ISLANDS NATIONAL WILDLIFE REFUGE

Public hunting of upland game on all lands within the Aleutian Islands National Wildlife Refuge, Alaska, is permitted in accordance with all applicable State regulations governing upland game hunting. Information relative to hunting thereon may be obtained from the Refuge Manager, Cold Bay, Alaska.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through June 30, 1968.

ARCTIC NATIONAL WILDLIFE RANGE

Public hunting of upland game on all lands within the Arctic National Wildlife Range, Alaska, is permitted in accordance with all applicable State laws governing upland game hunting. Information relative to hunting theron may be obtained from the Refuge Supervisor, Bureau of Sport Fisheries and Wildlife, Post Office Box 500, Kenai, Alaska.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through June 30, 1968.

CLARENCE RHODE NATIONAL WILDLIFE RANGE

Public hunting of upland game on all lands within the Clarence Rhode National Wildlife Range, Alaska, is permitted in accordance with all applicable State regulations governing upland game hunting. Information relative to hunting thereon may be obtained from the Refuge Manager, Bethel, Alaska.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through June 30, 1968.

IZEMBEK NATIONAL WILDLIFE RANGE

Public hunting of upland game on all lands within the Izembek National Wildlife Range, Alaska, is permitted in accordance with all applicable State regulations governing upland game hunting, subject to the following special condition: The landing of aircraft is prohibited except in the event of emergency. Information relative to hunting thereon may be obtained from the Refuge Supervisor, Bureau of Sport Fisheries and Wildlife, Post Office Box 500, Kenai, Alaska.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through June 30, 1968.

KENAI NATIONAL MOOSE RANGE

Public hunting of upland game on all lands within the Kenai National Moose Range, Alaska, is permitted in accordance with all applicable State regulations governing upland game hunting, subject to the following special conditions:

(1) Except in the event of an emergency, the landing of aircraft on that portion of the Kenai National Moose Range lying south of the Kenai River is restricted to the following areas:

Area No. 1. All lakes, streams and other bodies of water except that aircraft may not be landed on any glacier.

Area No. 2. The airstrip situated near the south side of Upper Funny River at longitude 150°26'50" W., latitude 60°-12'20" N.

Area No. 3. The airstrip situated near the west side of Funny River at longitude 150°44'52" W., latitude 60°20'12" N.

Area No. 4. The airstrip situated near the north side of Fox River at longitude 150°44' W., latitude 59°58'30" N.

All coordinates are approximate.

This area is delineated on maps available at Refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 3737, Portland, Oreg. 97208.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through June 30, 1968.

KODIAK NATIONAL WILDLIFE REFUGE

Public hunting of upland game on all lands within the Kodiak National Wildlife Refuge, Alaska, is permitted in accordance with all applicable State regulations governing upland game hunting, subject to the following special conditions:

(1) Except in the event of an emergency, the landing of aircraft on the Kodiak National Wildlife Refuge is restricted to the lakes, streams, and other bodies of water.

Information relative to hunting thereon may be obtained from the Refuge headquarters, Kodiak, Alaska.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through June 30, 1968.

NUNIVAK NATIONAL WILDLIFE REFUGE

Public hunting of upland game on all lands within the Nunivak National Wildlife Refuge, Alaska, is permitted in accordance with all applicable State regulations governing upland game hunting. Information relative to hunting on the refuge may be obtained from Refuge Supervisor, Bureau of Sport Fisheries and Wildlife, Post Office Box 500, Kenai, Alaska.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through June 30, 1968.

JOHN D. FINDLAY,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

JULY 24, 1967.

[F.R. Doc. 67-9332; Filed, Aug. 9, 1967; 8:45 a.m.]

PART 32—HUNTING

Havasu Lake National Wildlife Refuge, Ariz. and Calif.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

ARIZONA AND CALIFORNIA

HAVASU LAKE NATIONAL WILDLIFE REFUGE

Public hunting of quail, cottontail and jack rabbits on the Havasu Lake National Wildlife Refuge, Ariz. and Calif., is permitted only on the area designated by signs as open to hunting. This open area, comprising 9,846 acres, is delineated on maps available at refuge headquarters, Needles, Calif., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting seasons are as follows: Arizona—quail, October 1 through October 31, 1967, inclusive, and December 1, 1967, through January 31, 1968, inclusive; cottontail and jack rabbits, September 1, 1967, through January 31, 1968, inclusive. California—quail, October 28, 1967, through January 1, 1968, inclusive; cottontail and jack rabbits, September 2, 1967, through January 1, 1968, inclusive. Hunting shall be in accordance with all applicable State regulations governing the hunting of quail, cottontail and jack rabbits subject to the following special conditions:

(1) Hunting is prohibited within one-fourth mile of any occupied dwelling or concessing operation.

(2) Weapons—Shotguns only, not larger than 10 gage and incapable of holding more than 3 shells.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 31, 1968.

BLAYNE D. GRAVES,
Refuge Manager, Havasu Lake National Wildlife Refuge, Needles, Calif.

JULY 31, 1967.

[F.R. Doc. 67-9334; Filed, Aug. 9, 1967; 8:45 a.m.]

PART 32—HUNTING

Blackbeard Island National Wildlife Refuge, Ga.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

GEORGIA

BLACKBEARD ISLAND NATIONAL WILDLIFE REFUGE

Public hunting of wild turkey and raccoon on the Blackbeard Island National Wildlife Refuge, Ga., is permitted only on the area designated by signs as open to hunting. This open area, comprising 4,585 acres is delineated on a map available at the refuge headquarters, Route 1, Hardeeville, S.C. 29927, and from the Office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations covering the hunting of turkey and raccoon subject to the following conditions:

(1) Turkey gobblers and raccoons may be taken during the following open periods: October 25 through October 28, 1967; November 20 through November 25, 1967; and December 27 through December 30, 1967.

(2) Hunting hours will be from daylight to 9:30 a.m. and from 3:30 p.m. to sunset daily.

(3) The bag limit for turkey is two gobblers per season. Turkey hunting will be halted when a total of 20 gobblers are killed. No bag limit on raccoons.

(4) Only bows and arrows may be used. Bows must have not less than 40 pounds pull. Firearms, crossbows and mechanical bows are prohibited.

(5) Dogs are prohibited.

(6) Camping and fires will be permitted only at the designated camping area.

(7) Participants must arrange their own transportation to the island, and may not enter the refuge more than three days in advance of each opening date.

(8) Hunters will be restricted to the camping area until the morning of the first day of each hunt period.

(9) A Federal permit is required. Permit applications must be received by the Refuge Manager, Savannah National Wildlife Refuge, Route 1, Hardeeville, S.C. 29927 by the following dates:

October 20 for the hunt beginning October 25.

November 14 for the hunt beginning November 20.

December 21 for the hunt beginning December 27.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1967.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

GEORGIA

BLACKBEARD ISLAND NATIONAL WILDLIFE REFUGE

Public hunting for deer on Blackbeard Island National Wildlife Refuge, Ga., is permitted only on the area designated by signs as open to hunting. This open area, comprising 4,585 acres, is delineated on a map available at the refuge headquarters, Route 1, Hardeeville, S.C. 29927, and from the Office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following conditions:

(1) Deer of either sex may be taken during the following open periods: October 25 through October 28, 1967; November 20 through November 25, 1967; and December 27 through December 30, 1967.

(2) Hunting hours will be from daylight to 9:30 a.m. and from 3:30 p.m. to sunset daily.

(3) The season bag limit is two deer of either sex.

(4) Only bows and arrows may be used. Bows must have not less than 40 pounds pull and arrows must be broadhead, seven-eighths inch or more in width. Firearms, crossbows, and mechanical bows are prohibited.

(5) Dogs are prohibited.

(6) Camping and fires will be permitted only at the designated camping area.

(7) Participants must arrange their own transportation to the island and may not enter the refuge more than three days in advance of each opening date.

(8) Hunters will be restricted to the camping area until the morning of the first day of each hunt period.

(9) A Federal permit is required. Permit applications must be received by the Refuge Manager, Savannah National Wildlife Refuge, Route 1, Hardeeville, S.C. 29927 by the following dates:

October 20 for the hunt beginning October 25.

November 14 for the hunt beginning November 20.

December 21 for the hunt beginning December 27.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1967.

JAMES R. FIELDING,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 3, 1967.

[F.R. Doc. 67-9335; Filed, Aug. 9, 1967; 8:45 a.m.]

PART 32—HUNTING

Valentine National Wildlife Refuge, Nebr.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

NEBRASKA

VALENTINE NATIONAL WILDLIFE REFUGE

The public hunting of prairie grouse and pheasants on the Valentine National Refuge, Nebr., is permitted only on the area designated by signs as open to hunting. This open area, comprising 40,765 acres for prairie grouse hunting and 70,085 acres for pheasant hunting, is delineated on maps available at refuge headquarters, Valentine, Nebr. 69201, and from the Office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408.

Hunting shall be in accordance with all applicable State regulations governing the hunting of prairie grouse and pheasants subject to the following special conditions:

(1) The open season for hunting prairie grouse on the refuge extends from September 16, 1967 through the closing date of the regular prairie grouse season in Nebraska, or until the opening date of the regular State duck hunting season, whichever occurs first.

(2) The open season for hunting pheasants on the refuge extends from November 4, 1967, or the close of the regular State duck hunting season, in the event that this occurs at a later date, to the close of the regular State pheasant season.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through the close of the regular State 1967-1968 pheasant season.

NED I. PEABODY,
Refuge Manager, Valentine National Wildlife Refuge, Valentine, Nebr.

AUGUST 2, 1967.

[F.R. Doc. 67-9336; Filed, Aug. 9, 1967; 8:45 a.m.]

PART 32—HUNTING

Valentine National Wildlife Refuge, Nebr.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

NEBRASKA

VALENTINE NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Valentine National Wildlife Refuge, Nebr., is permitted only on the area designated by signs as open to hunting. This open area, comprising 70,085 acres, is delineated on maps available at refuge headquarters, Valentine, Nebr. 69201, and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408.

Hunting shall be in accordance with all applicable State regulations governing the hunting of deer with firearms subject to the following special regulations:

(1) All hunters must possess a special Refuge Deer Hunting Permit for the same hunting unit as designated on their Nebraska 1967 Deer License. This special permit is available at no cost at refuge headquarters.

(2) The open season for hunting deer on the refuge will extend from October 28, 1967, through November 5, 1967.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1967.

NED I. PEABODY,
Refuge Manager, Valentine National Wildlife Refuge, Valentine, Nebr.

AUGUST 2, 1967.

[F.R. Doc. 67-9337; Filed, Aug. 9, 1967; 8:45 a.m.]

PART 32—HUNTING

William L. Finley National Wildlife Refuge, Oreg.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

OREGON

WILLIAM L. FINLEY NATIONAL WILDLIFE REFUGE

The public hunting of deer on the William L. Finley National Wildlife Refuge is permitted on lands as posted from August 26 through September 17, September 30 through November 5, 1967. Additional information may be obtained at Refuge headquarters approximately 15 miles south of Corvallis, Oreg., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific, Portland, Oreg. 97208. Hunting shall be in accordance with all applicable State regulations, subject to the following special condition:

1. All hunters will check in and out of the Refuge daily by use of self service permits.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 5, 1967.

EUGENE C. BARNEY,
Acting Refuge Manager, William L. Finley National Wildlife Refuge, Benton County, Oreg.

JULY 12, 1967.

[F.R. Doc. 67-9339; Filed, Aug. 9, 1967; 8:45 a.m.]

PART 32—HUNTING

Lacreek National Wildlife Refuge, S. Dak.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

SOUTH DAKOTA

LACREEK NATIONAL WILDLIFE REFUGE

Public hunting of deer with firearms on the Lacreek National Wildlife Refuge, S. Dak., is permitted from October 28 through November 5, 1967, and November 24 through November 26, 1967, but only on the area designated by signs as open to hunting. This open area, comprising 310 acres, locally known as the Little White River recreational area, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 26, 1967.

JOHN W. ELLIS,
Refuge Manager, Lacreek National Wildlife Refuge, Martin, S. Dak. 57551.

AUGUST 1, 1967.

[F.R. Doc. 67-9340; Filed, Aug. 9, 1967; 8:45 a.m.]

PART 33—SPORT FISHING

Valentine National Wildlife Refuge, Nebr.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NEBRASKA

VALENTINE NATIONAL WILDLIFE REFUGE

Sport fishing on the Valentine National Wildlife Refuge, Nebr., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 3,100 acres of water area on the refuge, are delineated on a map available at the refuge headquarters and from the Office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408.

Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge will extend from January 1, 1968, through December 31, 1968, in those waters posted as open, except that all fishing is prohibited during the regular migratory duck hunting season.

(2) Hook and line fishing only is permitted.

(3) Boats are permitted on lakes opened to sport fishing, but the use of motors is prohibited.

(4) The use of minnows, fish, or parts thereof, for bait, or the possession of any seine or net for capturing minnows is prohibited.

The provisions of this special regulation supplement the regulations which govern sport fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1968.

NED I. PEABODY,
Refuge Manager, Valentine National Wildlife Refuge, Valentine, Nebr.

AUGUST 2, 1967.

[F.R. Doc. 67-9388; Filed, Aug. 9, 1967; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 16574; FCC 67-928]

PART 73—RADIO BROADCAST SERVICES

Procedures in Event of Personal Attack or Where Station Editorializes as to Political Candidates

In the matter of amendment of Part 73 of the rules to provide procedures in the event of a personal attack or where a station editorializes as to political candidates, Docket No. 16574.

Memorandum Opinion and Order. 1. On July 5, 1967, the Commission adopted rules specifying procedures in the event of certain personal attacks and where a station editorializes as to political candidates. In subsection (b) of those rules, we exempted certain situations where the fairness doctrine generally, rather than the personal attack rule, may be applicable. In the processing of a recent complaint, we have become aware of a further instance where clarification of our rules is appropriate.

2. Specifically, the personal attack rule is inapplicable to the bona fide newscast or on-the-spot coverage of a bona fide news event. In these situations the general fairness doctrine is applicable, and licensees are required to make reasonable good faith judgments upon the particular facts of the case in accordance with that doctrine. See section 315(a) of the Communications Act of 1934, as amended; Applicability of the Fairness Doctrine In The Handling Of Controversial Issues of Public Importance, 29 F.R. 10416. Thus, licensees must make good faith, journalistic judgments as to what is newsworthy and how it should be presented. If the licensee adjudges an event containing a personal attack to be newsworthy, in practice he usually turns, as part of the news coverage to be presented that day or in the very near future, to the other side and again makes the same good faith journalistic judgment as to its presentation and what fairness requires in the particular circumstances. That is normal journalism and fairness in this area. To import the concept of notification within a week period, with a presentation of the person attacked on some later newscast when other news might normally be broadcast, is impractical and might impede the effective execution of the important news functions of licensees or networks. Such a result is not intended under the rules adopted. Finally, the exemption is also being extended to on-the-spot coverage of a bona fide news event, since this category is akin to the newscast area; in this connection, we have also taken into account the consideration that the number of personal attacks occurring in on-the-spot coverage of bona fide news events is unlikely to be large in number, that the

notification aspect is relatively less needed in this area, and that on the whole it can be administered readily by applying the fairness doctrine to the specific facts of each case, when and if disputes arise.

3. The exemption resulting from the above clarification does not extend, however, to editorials or similar commentary, embodying personal attacks, broadcast in the course of the newscasts. The foregoing considerations are inapplicable. Rather, since the licensee has chosen to present a personal attack in his editorial, he should not be the one to determine wholly what the public shall or shall not hear on the other side of a matter affecting the integrity, honesty, and like personal qualities of the person attacked. Under elemental fairness, the person attacked should be afforded a comparable opportunity to give that side, subject to reasonable conditions set by the licensee. See, e.g., Letter to Station WALG, FCC 65-50 (1965). More important, the person attacked is the most appropriate spokesman to inform the public of the other side of the attack issue. As noted, the time and practical considerations, discussed with respect to the news itself in par. 2, are not usually applicable to an editorial, and even if applicable in an attenuated form, are outweighed by the foregoing factors. Finally, the argument that this might impede the presentation of editorials containing personal attacks is simply an assertion by the licensee that he wishes to broadcast such an editorial, but only if he does not have to present the other side of the attack issue or if he can wholly control what the public may hear concerning this other side, rather than permitting the person so vitally affected by his editorial and with the most knowledge of the issue a reasonable opportunity to reach his listeners.[1]

4. It may be that experience will indicate the need or desirability of other revisions, clarifications, or waivers of the rule in particular factual situations. If so, we shall act promptly to make whatever changes the public interest in the larger and more effective use of radio requires. See, e.g., section 4(b), Administrative Procedure Act. We stress again the purpose of the rules: To delineate better the licensee's responsibilities in this important area and to afford the Commission a further needed sanction to deal with those who flagrantly violate the underlying policies in situations where there is no reasonable question as to the licensee's responsibility.

5. Authority for the rules herein adopted is contained in sections 4 (i) and (j), 303(r) and 315 of the Communications Act of 1934, as amended; see also, § 1.108 of the Commission's rules and regulations.

6. *Accordingly, it is ordered*, That the rule revisions contained below are adopted, effective August 14, 1967. See section 4(c), Administrative Procedure Act. This proceeding is terminated.

(Secs. 4, 303, 315, 48 Stat. as amended 1066, 1082, 1088; 47 U.S.C. 154, 303, 315)

Adopted: August 2, 1967.

Released: August 7, 1967.

FEDERAL COMMUNICATIONS COMMISSION,*

[SEAL] BEN F. WAPLE, *Secretary.*

In Part 73 of Chapter I of Title 47 of the Code of Federal Regulations, §§ 73.123(b), 73.300(b), 73.598(b), and 73.679(b) are revised to read identically as set forth in § 73.123 below:

§ 73.123 Personal attacks; political editorials.

* * * * *

(b) The provisions of paragraph (a) of this section shall be inapplicable (1) to attacks on foreign groups or foreign public figures; (2) where personal attacks are made by legally qualified candidates, their authorized spokesmen, or those associated with them in the campaign, on other such candidates, their authorized spokesmen, or persons associated with the candidates in the campaign; and (3) to bona fide newscasts or on-the-spot coverage of a bona fide news event (but the provisions shall be applicable to any editorial or similar commentary included in such newscasts or on-the-spot coverage of news events).

NOTE: The fairness doctrine is applicable to situations coming within (3), above, and, in a specific factual situation, may be applicable in the general area of political broadcasts (2), above. See, section 315(a) of the Act, 47 U.S.C. 315(a); Public Notice: Applicability of the Fairness Doctrine in the Handling of Controversial Issues of Public Importance, 29 Fed. Reg. 10415.

* * * * *

[F.R. Doc. 67-9400; Filed, Aug. 9, 1967; 8:50 a.m.]

[1] For similar reasons, we have exempted news documentaries. We note that the latter ordinarily do not involve the time and practical considerations discussed in par. 2, and that a documentary, even though fairly presented, may necessarily embody a point of view. We believe, therefore, that the person attacked can readily, and should be, afforded the reasonable opportunity to present his side, as the most appropriate spokesman to inform the public on a matter affecting his integrity, etc.

Similarly, the news interviews show, which is akin to many other talk programs, is not exempted. The licensee has chosen to provide one person with an "electronic platform" for an attack, and elemental fairness and the duty to inform the public in the most appropriate manner, dictate that he should afford the person attacked a comparable opportunity. Again, the considerations set forth in par. 2 are inapplicable.

Finally, we note that there are already certain exemptions where the attacks are made by legally qualified candidates, their authorized spokesmen, or those associated with them in the campaign, on other such candidates, their authorized spokesmen, or persons associated with the candidates in the campaign.

* Commissioners Bartley, Loevinger, and Wadsworth absent; Commissioner Cox concurring in the result.

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Reporting of Interest on Deposits Evidenced by Negotiable Time Certificates of Deposits

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: CC: LR: T, Washington, D.C. 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any written comments or suggestions submitted after August 1, 1967, not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] WILLIAM H. SMITH, *Acting Commissioner of Internal Revenue.*

In order to change the requirements for information reporting with respect to interest on deposits evidenced by certain types of negotiable time certificates of deposits, the Income Tax Regulations (26 CFR Part 1) under sections 6041 and 6049 of the Internal Revenue Code of 1954, are amended, effective for calendar years after 1966, as follows:

PARAGRAPH 1. Section 1.6041-3 is amended by revising paragraph (n), by revising paragraph (o), and by adding a new paragraph (p). These amended and added provisions read as follows:

§ 1.6041-3 Payments for which no return of information is required under section 6041.

* * * * *

(n) Amounts paid to persons in the service of an international organization, as defined in section 7701(a)(18), as an allowance or reimbursement for traveling or other bona fide ordinary and necessary expenses, including an allowance for meals and lodging or a per diem allowance in lieu of subsistence;

(o) A payment of a type determined by the Commissioner to be paid as an award to an informer or other payment of a similar character made by the United States, a State, Territory, or political subdivision thereof, or the District of Columbia, or any agency or instrumentality of any one or more of the foregoing; and

(p) On and after (30 days from the date of publication in the FEDERAL REGISTER of the final Treasury Decision), payments by a person carrying on the banking business of interest on a deposit evidenced by a negotiable time certificate of deposit (but for reporting requirements as to payments made after Dec. 31, 1962, of interest on certain deposits, see sec. 6049 and the regulations thereunder in this part).

PAR. 2. Paragraph (a)(2) of § 1.6049-2 is amended to read as follows:

§ 1.6049-2 Interest subject to reporting.

(a) *In general.* * * *

(2) (i) Before (30 days from the date of publication in the FEDERAL REGISTER of the final Treasury Decision), interest on deposits (except deposits evidenced by negotiable time certificates of deposits) paid (or credited) by persons carrying on the banking business.

(ii) On and after (30 days from the date of publication in the FEDERAL REGISTER of the final Treasury Decision), interest on deposits (except a deposit evidenced by a negotiable time certificate of deposit issued in bearer form) paid (or credited) by persons carrying on the banking business. For purposes of this subdivision, a negotiable time certificate of deposit shall not be considered as issued in bearer form if it has been indorsed by the purchaser as payable to his order, and has not been indorsed by any other person (other than a banking institution).

* * * * *

[F.R. Doc. 67-9377; Filed, Aug. 9, 1967; 8:49 a.m.]

[26 CFR Part 1]

SUPPLEMENTAL UNEMPLOYMENT BENEFIT TRUSTS

Notice of Proposed Rule Making

Correction

In F.R. Doc. 67-8969, appearing at page 11217 of the issue for Wednesday, August 2, 1967, the following corrections are made:

1. In § 1.501(c)(17)-2(c)(4), the fifth sentence should read: "Under this exception, for example, if an employer has established a plan providing for the payment of supplemental unemployment compensation benefits for his hourly wage employees and such plan satisfies the requirements of section 501(c)(17)(A) (even though the plan forms part of a voluntary employees' beneficiary association described in sec. 501(c)(9)), the salaried employees of such employer may establish a plan for themselves, and, if such plan provides for the same benefits as the plan covering hourly wage employees, both plans may be considered as one plan in determining whether the plan covering the salaried employees satisfies the requirement that it be nondiscriminatory as to coverage."

2. In § 1.503(c)-1, a row of five asterisks should appear between the introductory text of paragraph (c) and Example (5).

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 777]

PROCESSOR WHEAT MARKETING CERTIFICATE REGULATIONS

Notice of Proposed Rule Making

Notice is hereby given pursuant to section 4a, Administrative Procedure Act (60 Stat. 238, 5 U.S.C. 553), that the Agricultural Stabilization and Conservation Service proposes to issue Amendment 5 to the Republication of the Processor Wheat Marketing Certificate Regulations (31 F.R. 13502).

Consideration will be given to all written comments or suggestions in connection with the proposed amendment filed, in duplicate, with the Director, Procurement and Sales Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250, during the 15-day period beginning with the date this notice is published in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection in the Office of the Director at the above address during regular business hours (7 CFR 1.27(b)).

The proposed amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (see sec. 379a to 379j, 52 Stat. 31, as amended, 7 U.S.C. 1379a to 1379j) to provide miscellaneous changes in the Republication of the Processor Wheat Marketing Certificate Regulations to require processors to make remittances for purchase of marketing certificates to a Federal Reserve Bank or Branch Bank, if the Commodity Office has not requested that the remittance be made directly to that office. This change

is being made to expedite the deposit of Government funds.

The proposed amendment would read as follows:

1. Section 777.3(y) is added to read as follows:

§ 777.3 Definitions.

* * * * *

(y) "Federal Reserve Bank" or "FRB" means the Federal Reserve Bank or Branch which serves the area in which the processor's remitting office is located or such other Federal Reserve Bank or Branch as is designated by the Kansas City Commodity Office. (See listing of banks in App. VI.)

§ 777.10 [Amended]

2. Section 777.10(b) is amended to read as follows:

(b) *Sale by CCC.* CCC will sell certificates to food processors and others who offer to purchase certificates from CCC and who pay to CCC the face value of the certificates plus such interest as may be required by the regulations of this part. Offers to purchase certificates for wheat processed in a specific processing report period may be made by submission of a processing report as provided in § 777.12, with a remittance payable to Commodity Credit Corporation for the cost of the certificates, or by submission of the remittance with advice that it is for purchase of wheat marketing certificates and identification of the processor number of the plant and the processing period. Offers to purchase certificates not applicable to a specific processing period shall be made by submission of a remittance with advice that it is for purchase of CCC–145, Wheat Marketing Certificates, and the name and address of the payee to be shown on the certificates. All offers to purchase certificates and related remittances shall be made to the FRB unless the Commodity Office has requested that the remittances be sent to that office. Payment for certificates shall be deemed to have been made when payment is received at the FRB or the Commodity Office, except that if the due date for payment without interest falls on a Saturday, Sunday, holiday, or other non-work day of the FRB or Commodity Office, and payment is received on the next succeeding work day, it shall be deemed to have been received on the due date. Form CCC–145 will be issued for certificates sold by CCC, except that when certificates are purchased for wheat processed in a specific processing report period, CCC will establish a credit in favor of the food processor for the amount of the certificates purchased in lieu of issuing Form CCC–145.

3. Section 777.10(d) is amended by striking out the third sentence.

§ 777.12 [Amended]

4. Section 777.12(a) is amended to read as follows:

(a) *General.* Processing reports shall be submitted by each food processor as defined in § 777.3(f). Descriptions of the processing reports are set forth in §§ 777.13 and 777.14 and detailed instructions are provided in Appendices II and III. Processing reports which are accompanied by remittances for purchase of certificates shall be submitted to the FRB unless the Commodity Office has requested that the remittance be made directly to that office. Processing reports not accompanied by remittances shall be submitted to the Commodity Office. Addresses of FRB's are listed in Appendix VI.

5. Section 777.12(c) is amended by striking out the second sentence, and by adding at the end thereof the following: "If the due date of a report falls on a Saturday, Sunday, holiday, or other non-work day of the FRB or Commodity Office, and the report is received on the next succeeding workday, it shall be deemed to have been submitted on the due date."

6. Section 777.12(g) is amended to read as follows:

If it is found that an incorrect processing report has been submitted, the food processor shall promptly prepare and submit a corrected processing report with the applicable beginning and ending dates for the period involved indicated thereon. A consolidated corrected report may, with the approval of the Director, be submitted to cover more than one processing report period. Such report shall be identified as a "Corrected Report" and transmitted with a letter of explanation. If the processor is entitled to a certificate refund, he shall submit the corrected report to the Kansas City Commodity Office and indicate whether the amount of the refund should be paid to him or held for application to a subsequent report. If the processor is required to purchase additional certificates, he shall submit the corrected report together with his remittance for such certificates to the FRB, unless the Commodity Office requests that it be submitted directly to that office. If such certificates are surrendered to CCC later than the 15th calendar day after the close of the processing report period in which the wheat was processed into the food products, the cost of any certificates acquired from CCC shall be the face value thereof plus interest at the rate of six percent per annum starting on the 16th calendar day after the close of the processing report period until the date of surrender of the certificates. Any food processor, who has made an incorrect processing report, corrected such report as provided in this section, and surrendered any additional certificates due with the corrected report, will not be subject to the forfeitures referred to in § 777.8 to the extent that the Administrator determines that the error in the report was due to an honest mistake and was not intentional or the result of gross negligence.

§ 777.15 [Amended]

7. Section 777.15 is amended by changing (b) of the first sentence to read as follows: "(b) to support all reports required by the regulations in this part".

8. Appendix II is amended by changing the first sentence to read as follows:

Food processors reporting on the weight of wheat basis shall submit an original and one copy of Processing Report-Weight of Wheat Basis, Form CCC–160, as set forth in § 777.13(a). * * *

9. Appendix III is amended by changing the first sentence to read as follows:

Food processors reporting on a food product conversion factor basis shall submit an original and one copy of the Processing Report–Conversion Factor Basis, Form CCC–159, as set forth in § 777.12(a). * * *

10. Appendix VI is added as follows:

APPENDIX VI—LIST OF FEDERAL RESERVE BANKS AND BRANCHES

Federal Reserve Bank	*Address*
Boston	30 Pearl Street, Boston, Mass. 02106.
New York	33 Liberty Street, New York, N.Y. 10045.
Buffalo Branch	160 Delaware Avenue, Buffalo, N.Y. 14240.
Philadelphia	926 Chestnut Street, Philadelphia, Pa. 19101.
Cleveland	1455 East Sixth Street, Post Office Box 6387, Cleveland, Ohio 44101.
Cincinnati Branch	105 West Fourth Street, Post Office Box 999, Cincinnati, Ohio 45201.
Pittsburgh Branch	717 Grant Street, Post Office Box 867, Pittsburgh, Pa. 15230.
Richmond	100 North Ninth Street, Richmond, Va. 23213.
Baltimore Branch	114–120 East Lexington Street, Baltimore, Md. 21203.
Charlotte Branch	401 South Tryon Street, Charlotte, N.C. 28201.
Atlanta	104 Marietta Street NW., Atlanta, Ga. 30303.
Birmingham Branch	1801 Fifth Avenue North, Post Office Box 2574, Birmingham, Ala. 35202.
Jacksonville Branch	515 Julia Street, Post Office Box 929, Jacksonville, Fla. 32201.
Nashville Branch	301 Eighth Avenue North, Nashville, Tenn. 37203.
New Orleans Branch	147 Carondelet Street, Post Office Box 61630, New Orleans, La. 70160.
Chicago	230 South La Salle Street, Post Office Box 834, Chicago, Ill. 60690.
Detroit Branch	160 Fort Street West, Post Office Box 1059, Detroit, Mich. 48231.
St. Louis	411 Locust Street, Post Office Box 442, St. Louis, Mo. 63166.
Little Rock Branch	121 West Third Street, Post Office Box 1261, Little Rock, Ark. 72203.
Louisville Branch	410 South Fifth Street, Post Office Box 899, Louisville, Ky. 40201.
Memphis Branch	170 Jefferson Street, Post Office Box 407, Memphis, Tenn. 38101.
Minneapolis	73 South Fifth Street, Minneapolis, Minn., 55440.
Helena Branch	400 North Park Avenue, Helena, Mont. 59601.
Kansas City	925 Grand Avenue, Kansas City, Mo. 64106.
Denver Branch	1111 17th Street, Denver, Colo. 80217.
Oklahoma City Branch	226 Northwest Third Street, Oklahoma City, Okla. 73101.
Omaha Branch	102 South 17th Street, Omaha, Nebr. 68102.
Dallas	400 South Akard Street Station K, Dallas, Tex. 75222.
El Paso Branch	301 East Main Street, Post Office Box 100, El Paso, Tex. 79999.
Houston Branch	1701 San Jacinto Street, Post Office Box 2578, Houston, Tex. 77001.
San Antonio Branch	310 West Nueva Street, Post Office Box 1471, San Antonio, Tex. 78206.
San Francisco	400 Sansome Street, San Francisco, Calif. 94120.
Los Angeles Branch	409 West Olympic Boulevard, Post Office Box 2077, Los Angeles, Calif. 90054.
Portland Branch	915 Southwest Stark Street, Post Office Box 3456, Portland, Oreg. 97208.
Salt Lake City Branch	120 South State Street, Post Office Box 780, Salt Lake City, Utah 84110.
Seattle Branch	1015 Second Avenue, Post Office Box 3567, Seattle, Wash. 98124.

Effective date. It is proposed that this amendment be effective with respect to remittances made beginning on September 1, 1967.

Signed at Washington, D.C., on August 4, 1967.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 67-9370; Filed, Aug. 9, 1967; 8:48 a.m.]

Consumer and Marketing Service

[7 CFR Part 919]

PEACHES GROWN IN MESA COUNTY, COLO.

Expenses and Rate of Assessment for 1967–68 Fiscal Year

Consideration is being given to the following proposals submitted by the Administrative Committee, established under the marketing agreement, as amended, and Order No. 919, as amended (7 CFR Part 919), regulating the handling of peaches grown in Mesa County, Colo., effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(1) That the expenses that are reasonable and likely to be incurred by the Administrative Committee during the period March 1, 1967, through February 29, 1968, will amount to $500.

(2) That there be fixed, at $0.05 per bushel basket, or equivalent quantity of peaches in other containers or in bulk, the rate of assessment payable by each handler in accordance with § 919.41 of the aforesaid marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: August 7, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-9397; Filed, Aug. 9, 1967; 8:50 a.m.]

[7 CFR Part 1034]

[Docket No. AO 175–A25]

MILK IN DAYTON-SPRINGFIELD, OHIO, MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Milk in the Dayton-Springfield, Ohio, marketing area (to be newly designated as Miami Valley, Ohio marketing area).

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Dayton, Ohio, on January 10–12, 1967, pursuant to notice thereof issued on December 14, 1966 (31 F.R. 16204).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs on June 8, 1967 (32 F.R. 8591; F.R. Doc. 67–6621) filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings, and conclusions, rulings, and general findings of the recommended decision (32 F.R. 8591; F.R. Doc. 67–6621) are hereby approved and adopted and set forth in full herein subject to the following modifications:

1. Under Issue 2 *Basis for an expanded marketing area*, two new paragraphs are added after the 19th paragraph.

2. Under Issue 3 *Milk to be priced and pooled*, the third and fourth sentences in the seventh paragraph are revised.

3. Under Issue 3 *Milk to be priced and pooled*, paragraphs 12–15 are revised by substituting five paragraphs.

4. A new paragraph is added at the end of Issue 3 *Milk to be priced and pooled.*

5. Under Issue 4(a) *Classification of milk*, the 15th paragraph is revised by substituting two paragraphs.

6. Under Issue 4(b) *Allocation*, a new paragraph is added after the third paragraph.

7. Under Issue 5 *Class Prices and Location Differentials*, paragraph 44 is revised by substituting two paragraphs.

8. A new paragraph as Issue 6(c) is added at the end of Issue 6(b) *Administrative provisions.*

The material issues on the record of the hearing relate to:

1. Equivalent prices;
2. Expanding the marketing area;
3. Milk to be priced and pooled;
4. Classification and allocation;
5. Class prices and location differentials; and
6. Revising and reissuing the entire order (to apply to the "Miami Valley, Ohio marketing area") and incorporating a number of other clarifying and conforming changes in the administrative provisions of the order.

Separate consideration was given in an earlier decision issued on February 15, 1967 (32 F.R. 3064) to Issue No. 1 "Equivalent Prices" and an "equivalent prices" provision was made effective in the Dayton-Springfield order on February 28, 1967, and is included also in the order which is part of this decision.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

2. *Basis for an expanded marketing area.* The order for the current Dayton-Springfield, Ohio, market should be expanded to include all territory geographically within the seven-county area of Champaign, Clark, Clinton (except the townships of Clark, Green, Jefferson, and Washington), Greene, Miami, Montgomery, and Preble, Ohio. The expanded marketing area would be renamed as the "Miami Valley, Ohio, marketing area". The enlarged marketing area should include all reservations, installations, institutions, or other similar establishments therein which are occupied by municipal, State, or Federal authorities. Marketing conditions throughout such expanded marketing area are such that the purposes of the Act will be served by their inclusion under the regulation.

The handling of milk in the proposed Miami Valley, Ohio, marketing area is in the current of interstate commerce and directly burdens, obstructs, or affects interstate commerce in milk and its products.

APPENDIX VI—Continued

Federal Reserve Bank	*Address*
Minneapolis	73 South Fifth Street, Minneapolis, Minn., 55440.
Helena Branch	400 North Park Avenue, Helena, Mont. 59601.
Kansas City	925 Grand Avenue, Kansas City, Mo. 64106.
Denver Branch	1111 17th Street, Denver, Colo. 80217.
Oklahoma City Branch	226 Northwest Third Street, Oklahoma City, Okla. 73101.
Omaha Branch	102 South 17th Street, Omaha, Nebr. 68102.
Dallas	400 South Akard Street Station K, Dallas, Tex. 75222.
El Paso Branch	301 East Main Street, Post Office Box 100, El Paso, Tex. 79999.
Houston Branch	1701 San Jacinto Street, Post Office Box 2578, Houston, Tex. 77001.
San Antonio Branch	310 West Nueva Street, Post Office Box 1471, San Antonio, Tex. 78206.
San Francisco	400 Sansome Street, San Francisco, Calif. 94120.
Los Angeles Branch	409 West Olympic Boulevard, Post Office Box 2077, Los Angeles, Calif. 90054.
Portland Branch	915 Southwest Stark Street, Post Office Box 3456, Portland, Oreg. 97208.
Salt Lake City Branch	120 South State Street, Post Office Box 780, Salt Lake City, Utah 84110.
Seattle Branch	1015 Second Avenue, Post Office Box 3567, Seattle, Wash. 98124.

Effective date. It is proposed that this amendment be effective with respect to remittances made beginning on September 1, 1967.

Signed at Washington, D.C., on August 4, 1967.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 67-9370; Filed, Aug. 9, 1967; 8:48 a.m.]

Consumer and Marketing Service

[7 CFR Part 919]

PEACHES GROWN IN MESA COUNTY, COLO.

Expenses and Rate of Assessment for 1967–68 Fiscal Year

Consideration is being given to the following proposals submitted by the Administrative Committee, established under the marketing agreement, as amended, and Order No. 919, as amended (7 CFR Part 919), regulating the handling of peaches grown in Mesa County, Colo., effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(1) That the expenses that are reasonable and likely to be incurred by the Administrative Committee during the period March 1, 1967, through February 29, 1968, will amount to $500.

(2) That there be fixed, at $0.05 per bushel basket, or equivalent quantity of peaches in other containers or in bulk, the rate of assessment payable by each handler in accordance with § 919.41 of the aforesaid marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: August 7, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-9397; Filed, Aug. 9, 1967; 8:50 a.m.]

[7 CFR Part 1034]

[Docket No. AO 175–A25]

MILK IN DAYTON-SPRINGFIELD, OHIO, MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Milk in the Dayton-Springfield, Ohio, marketing area (to be newly designated as Miami Valley, Ohio marketing area).

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Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs on June 8, 1967 (32 F.R. 8591; F.R. Doc. 67–6621) filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings, and conclusions, rulings, and general findings of the recommended decision (32 F.R. 8591; F.R. Doc. 67–6621) are hereby approved and adopted and set forth in full herein subject to the following modifications:

1. Under Issue 2 *Basis for an expanded marketing area*, two new paragraphs are added after the 19th paragraph.

2. Under Issue 3 *Milk to be priced and pooled*, the third and fourth sentences in the seventh paragraph are revised.

3. Under Issue 3 *Milk to be priced and pooled*, paragraphs 12–15 are revised by substituting five paragraphs.

4. A new paragraph is added at the end of Issue 3 *Milk to be priced and pooled.*

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6. Under Issue 4(b) *Allocation*, a new paragraph is added after the third paragraph.

7. Under Issue 5 *Class Prices and Location Differentials*, paragraph 44 is revised by substituting two paragraphs.

8. A new paragraph as Issue 6(c) is added at the end of Issue 6(b) *Administrative provisions.*

The material issues on the record of the hearing relate to:

1. Equivalent prices;
2. Expanding the marketing area;
3. Milk to be priced and pooled;
4. Classification and allocation;
5. Class prices and location differentials; and
6. Revising and reissuing the entire order (to apply to the "Miami Valley, Ohio marketing area") and incorporating a number of other clarifying and conforming changes in the administrative provisions of the order.

Separate consideration was given in an earlier decision issued on February 15, 1967 (32 F.R. 3064) to Issue No. 1 "Equivalent Prices" and an "equivalent prices" provision was made effective in the Dayton-Springfield order on February 28, 1967, and is included also in the order which is part of this decision.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

2. *Basis for an expanded marketing area.* The order for the current Dayton-Springfield, Ohio, market should be expanded to include all territory geographically within the seven-county area of Champaign, Clark, Clinton (except the townships of Clark, Green, Jefferson, and Washington), Greene, Miami, Montgomery, and Preble, Ohio. The expanded marketing area would be renamed as the "Miami Valley, Ohio, marketing area". The enlarged marketing area should include all reservations, installations, institutions, or other similar establishments therein which are occupied by municipal, State, or Federal authorities. Marketing conditions throughout such expanded marketing area are such that the purposes of the Act will be served by their inclusion under the regulation.

The handling of milk in the proposed Miami Valley, Ohio, marketing area is in the current of interstate commerce and directly burdens, obstructs, or affects interstate commerce in milk and its products.

There is substantial competition for route sales of fluid milk products between persons to be regulated by the proposed Miami Valley order and handlers under other orders. Distribution is made in the proposed marketing area by handlers regulated under the Northwestern Ohio, Greater Cincinnati, Indianapolis, Northeastern Ohio, and Columbus orders. These marketing areas include territories in the States of Michigan, Indiana, Kentucky, and Ohio. Milk used for fluid milk and milk products under each of the latter orders is in the current of, or burdens or affects interstate commerce in milk or its products.

One handler presently regulated under the Dayton-Springfield order distributes packaged sterilized cream products in the proposed area which are purchased from a firm in California. Moreover, fluid milk products distributed by persons not under regulation at present are in direct competition in the fluid trade within the proposed marketing area with milk bottled and distributed by handlers from the Dayton-Springfield market and the above markets.

Dayton-Springfield handlers receive their producer supplies of milk from farms located in Indiana and Ohio which milk is commingled in most plants serving the proposed area. Substantial amounts of producer milk in excess of regulated handlers' fluid milk requirements also are regularly moved to the principal cooperative's plant in Dayton for manufacture into nonfat dry milk which is disposed of in a market of national scope.

A primary purpose of a Federal order is to assure orderly marketing conditions for milk producers. Pursuant to statutory authority this is accomplished by establishing minimum uniform prices to be paid by handlers according to the use made of milk received, and a uniform basis for distributing returns to the producers for their milk.

Not all milk distributed in the proposed expanded area is under a classified price plan which insures uniformity of pricing for persons similarly situated. In the case of unregulated milk, prices to producers presently reflect the particular bargaining situation of individual producers, or groups of producers, and the persons to whom they sell. Generally, the unregulated distributors distributing milk therein pay their dairy farmers a price equivalent to, or slightly higher than, the Dayton-Springfield blend price. These prices are not closely related to the use made of the milk since practically all the milk of the unregulated distributors is in Class I. Other handlers in the market, however, must pay minimum Class I prices as determined under the Dayton-Springfield or some other Federal order.

The order included herein for the expanded marketing area will tend to effectuate the declared policy of the Act by assisting in the establishment and maintenance of orderly marketing conditions, and thus provide the basis for insuring an adequate and dependable supply of milk for consumers, as further discussed below. The principal measures to be employed for this purpose are:

(1) The determination of minimum prices to producers delivering to handlers at levels contemplated under the Agricultural Marketing Agreement Act of 1937, as amended;

(2) The establishment of uniform pricing to all handlers for milk received from producers according to a classified pricing plan based upon the utilization made of the milk;

(3) An impartial audit of handlers' records of receipts and utilization to insure uniform prices for milk purchased;

(4) Assurance of accurate weights and tests of the milk of all producers;

(5) Provision for payment of uniform prices to producers supplying the market based upon an equitable sharing by all producers of both the higher returns from Class I milk and the lower returns from the sale of reserve milk; and

(6) Publication of information on milk receipts and sales and other data relating to milk marketing in the area.

The present Dayton-Springfield, Ohio, marketing area consists of the cities of Dayton, Oakwood, and Springfield and 11 specified townships in Clark, Greene, and Montgomery Counties, Ohio.

The major cooperative association in the market proposed extending the marketing area to include the 11 counties of Auglaize, Champaign, Clark, Darke, Greene, Logan, Mercer, Miami, Montgomery, Preble, and Shelby, Ohio. Four of the presently regulated handlers supported the producers' proposal and proposed also the inclusion of the counties of Clinton, Highland, and Ross, Ohio.

Proponent cooperative stated that its proposal to expand the marketing area is designed to include practically the entire sales area of presently regulated Dayton-Springfield handlers. They pointed out that such handlers' distribution routes now extend into all of the proposed counties and are not limited to the cities and townships in the present Dayton-Springfield marketing area. Since the establishment of the present marketing area in 1945, a substantial population growth has occurred in certain of these outlying areas and handlers' routes have followed this growth.

The association proposed inclusion of the 11 counties for the further purpose of assuring regulation under the Miami Valley order of the bulk of its members' milk and in the interest of uniform pricing among producers throughout the area. The association stated that in pursuit of these objectives its bottling plant located within the proposed marketing area at Greenville in Darke County (approximately 37 miles from Dayton), should be regulated under the Miami Valley order rather than under the Indianapolis order as at present in order that producers at that plant may receive a minimum uniform price comparable to that in the Dayton-Springfield milkshed where supplies for such plant are produced.

Unregulated distributors with plants at Bellefontaine, Minster, Sidney, Hillsboro, and Chillicothe, a cooperative association at Cincinnati, and a handler regulated under the Tri-State order were opposed to certain of the proposals for expansion. A handler located at Yellow Springs, Ohio (Greene County), requested exemption from regulation for raw milk bottled on his farm in the event of expansion of the regulation so as to cover his operation.

The two distributors at Sidney and Minster testified in opposition to expansion of the marketing area in any manner which would regulate their operations. They stated their belief that they would be unable to continue in business if required to pay class prices and make the necessary reports to the market administrator. They asserted that stable marketing conditions presently prevail in their area that supplies are adequate, and that their dairy farmers are satisfied with present pricing policy. In his brief, a Bellefontaine distributor proposed exclusion of Logan, Mercer, and Miami Counties from the marketing area. He supported the position taken by the other two distributors and contended that their supplies of milk could be jeopardized if the area were so expanded. Certain dairy farmers at these plants supported the position of their distributors.

The seven-county area of Champaign, Clark, Clinton (except the townships of Clark, Green, Jefferson, and Washington), Greene, Miami, Montgomery, and Preble, Ohio, which is herein proposed as the Miami Valley marketing area, represents the principal sales area of the handlers now regulated by the Dayton-Springfield order. They distribute, in the aggregate, over 77 percent of the milk sold for fluid consumption in this area.

The marketing area should be defined mainly on the basis of county rather than city or township lines because much of the population is outside the several sizable cities located within such seven-county area. The 1966 population for the area adopted was about 1.1 million as compared to a population of about 600,000 for the present Dayton-Springfield marketing area. The sanitary requirements of the State of Ohio, which are patterned after the U.S. Public Health Ordinance and Code, now apply to milk for human consumption throughout both the present and the expanded marketing areas.

The proposed area, which extends out from Dayton and Springfield, is located in between the marketing areas of the Columbus, Ohio, order on the east, the Greater Cincinnati order on the south, and the Indianapolis order on the west. Handlers from all these markets distribute fluid milk products in the proposed Miami Valley marketing area but not to the same extent as present Dayton-Springfield handlers or the unregulated distributors with Class I sales in the area.

Montgomery, Greene, and Clark Counties, which include all the territory within the present marketing area, are served primarily by Dayton-Springfield regulated handlers. They distribute about 82 percent of the bottled milk for these counties. Except for minor sales made by one unregulated distributor, consisting of his own production and packaged fluid milk products purchased from a regulated plant, the remaining sales are made by handlers regulated under other Federal orders, including the Indianapolis regulated distributing plant of the Miami Valley Cooperative Milk Producers at Greenville, Ohio.

Class I sales in Champaign, Miami, and Preble Counties also are made mainly by handlers under the Dayton-Springfield order. These counties represent an area of urban expansion from the more heavily populated counties of Montgomery, Greene and Clark. In fact, over 90 percent of the total population for the entire area to be regulated is concentrated in the four counties of Clark, Greene, Miami, and Montgomery which include Dayton and Springfield and their environs. The Class I distribution of Dayton-Springfield handlers represent in total over one-half of the Class I consumption in these counties. As to the individual counties, such handlers distribute about 66 percent of the total fluid milk sold in Champaign County, 47 percent in Miami County, and 44 percent in Preble County. While Dayton-Springfield handlers are, for the most part, the dominant sellers in the three counties, additional Class I sales are made in each of these counties by other regulated handlers from at least one of the Greater Cincinnati, Indianapolis, Northeastern Ohio, Northwestern Ohio, and Columbus, Ohio, markets.

One presently unregulated distributor filed an exception to the inclusion of Miami County in the marketing area, apparently because of the possibility that the fluid milk sales of his company in such county would bring it under regulation. One Dayton-Springfield regulated handler and another presently unregulated distributor took exception to the exclusion of Auglaize, Darke, Logan, Mercer, and Shelby Counties. The latter distributor, although making an appearance at the hearing, did not testify concerning his areas of distribution.

Miami County is suburban to the major city of Dayton and, as stated above, is an area in which there is a rapid growth of population. Dayton-Springfield handlers are the dominant sellers in this county. A uniform price plan on all milk sold in such county will promote orderly marketing. As to the other counties referred to above the quantity of unregulated milk remaining will be indeed small. It may not be concluded from the evidence that there will be undue price disadvantage for regulated handlers selling in such counties.

Class I sales of Dayton-Springfield handlers and other order handler together represent more than 72 percent of total Class I sales in Champaign County, and 69 percent in Miami County. All Class I sales in Preble County are by Dayton-Springfield or Indianapolis handlers.

A handler proposal would add Clinton, Highland, and Ross Counties to the marketing area. This proposal should be adopted only with respect to the area in Clinton County exclusive of the townships of Clark, Green, Jefferson, and Washington.

Dayton-Springfield handlers supported addition of the three counties on the basis that they regularly distribute Class I milk in such counties. It was their general position that full regulation of local distributors in such counties, who are currently "partially regulated" under the Greater Cincinnati order, would result in more uniform and stable selling prices of bottled milk by all persons distributing milk in such counties. The principal cooperative supported this proposal.

Four Dayton-Springfield regulated handlers distribute 57 percent of the total fluid milk sales in Clinton County. One such handler has a distributing plant at Dayton and a distribution point and cottage cheese manufacturing plant at Washington Court House. About 30 percent of the sales for the entire county are made by Cincinnati regulated handlers.

When the four townships of Clark, Green, Jefferson, and Washington, in the southeastern portion of Clinton County, are excluded, the majority of sales in the balance of the county is made by the Dayton-Springfield handlers and the remainder by Cincinnati regulated handlers. The inclusion of the area in Clinton County outside the four townships will contribute to orderly marketing conditions by assuring classified pricing as to all milk which may be distributed in this area primarily served by Dayton-Springfield handlers.

The seven counties (excluding the southern four townships of Clinton County) discussed above when taken together form a contiguous area in which handlers who would be regulated by the order handle about 80 percent of the total Class I sales. Most of the remaining sales are made from plants regulated by other Federal orders. Expansion of the marketing area to include the seven counties is necessary to assure Dayton-Springfield handlers that as to their primary areas of distribution, presently unregulated competitors will not be afforded significant price advantage in the purchase of milk for fluid sale. Orderly marketing will be promoted through application of classified pricing.

It is therefore concluded that the expanded area should include Champaign, Clark, Clinton (excluding the previously named townships) Greene, Miami, Montgomery, and Preble Counties.

Two local distributors, located at Hillsboro (Highland County) and Chillicothe (Ross County) presented opposition testimony on Clinton, Highland, and Ross Counties. As to Clinton County they particularly opposed inclusion of the four above-named townships. They requested that if such areas were to be included, the hearing be reopened to consider also the addition of Adams and Brown Counties which are an important part of their sales areas. There were no proposals for the addition of the latter counties before this hearing, however.

The Hillsboro and Chillicothe distributors opposed inclusion of Highland and Ross Counties on the following grounds:

1. The substantial quantities of milk they distribute in other unregulated areas (Adams and Brown Counties) are in competition with milk of an unregulated distributor there and with milk of other order handlers.

2. They are not a part of the Dayton-Springfield "market system" since, unlike most Dayton-Springfield handlers, they do not, and are not situated so as to rely on the Dayton cooperative to take unneeded reserve supplies of milk or to furnish them with supplemental supplies.

3. Very few dairy farmers in the supply area for these distributors ship to Dayton-Springfield handlers but rather are identified with the Columbus, Tri-State, and Cincinnati markets.

4. Highland and Ross Counties are rural with low population density, and are at some distance from the main centers of the proposed Miami Valley market.

5. Class I sales by Dayton-Springfield handlers represent far less than a majority of the sales made in these counties. It was contended that surveys of Dayton-Springfield handler sales in the two counties introduced into the record by proponent handlers tend to overstate such sales because the data used to indicate total consumption in this rural area reflected consumption studies in urban areas of characteristically higher per capita consumption than rural counties.

6. These counties should remain as a buffer zone between the Columbus, Tri-State, Greater Cincinnati, and Dayton-Springfield markets.

A representative of a cooperative association in the Greater Cincinnati market also opposed the addition of Clinton and Highland Counties and a regulated handler under the Tri-State order opposed the addition of Ross County. From a survey of distributor brands of fluid milk products in stores in selected cities and towns in Clinton and Highland Counties, the Cincinnati representative estimated that about 63 percent of the sales in the two counties were made by Cincinnati regulated handlers, 16 percent by Dayton-Springfield regulated handlers, and 16 percent by unregulated distributors. It was his conclusion that with Cincinnati handlers representing such a large percentage of sales in these counties, orderly marketing would not be best served by their inclusion in the Miami Valley marketing area.

The Tri-State handler proposed that if Highland and Ross Counties were added to the proposed Miami Valley market, consideration should be given to withdrawing Scioto and Pike Counties from the Tri-State marketing area and including such counties together with Adams County in the Miami Valley marketing area because of the close relationship between Highland and Ross Counties and such other areas.

Proponent handlers for expanding the area to include Highland and Ross Counties claimed to distribute in total about 34 and 41 percent, respectively, of the Class I sales in such counties. The Hillsboro distributor estimated, on the

other hand, that as to Highland County, Dayton-Springfield handlers distribute only 23 percent of the total Class I sales. The Chillicothe and Hillsboro distributors stated their distribution as about 44 percent of the total Class I sales in Highland County compared to a figure of 37 percent submitted by proponent handlers. In Highland County, sales also are made by two handlers under the Columbus, Ohio, order and by three handlers under the Greater Cincinnati order. Proponent handlers estimated further that the local distributors make 33 percent of the sales in Ross County. Sales in Ross County are made also by two handlers under the Columbus, Ohio, order, a handler under the Greater Cincinnati order, and two handlers under the Tri-State order. Dayton-Springfield handler distribution represents substantially less than a majority of Class I sales in each of Highland and Ross Counties, and in the aggregate such sales amount to less than 2 percent of the total Class I sales of the Dayton-Springfield market.

The local distributor at Chillicothe does not distribute outside Ross County but bottles some milk for the Hillsboro distributor and for a distributor at Georgetown, Ohio, partially owned by the Hillsboro distributor. The Hillsboro distributor processes and packages some milk for the Chillicothe distributor and for the Georgetown distributor which milk is sold primarily in unregulated areas in southern Ohio. The Hillsboro distributor also packages Class I milk for a Columbus regulated handler at Washington Court House.

The sales area of the Hillsboro distributor extends south into Adams, Brown, Clark, and Pike Counties, which were not proposed to be added to the Miami Valley marketing area. This distributor sells about 37 percent of his own Class I sales in Adams and Brown Counties, plus about 15 percent of the Class I milk of the Chillicothe distributor. The Georgetown distributor who buys his entire supply of bottled milk from the two local distributors also makes sales in Adams and Brown Counties, in Highland County, and in several townships of Clermont County (Greater Cincinnati marketing area). The Columbus handler at Washington Court House distributes milk in Fayette (Columbus, Ohio, marketing area) and Highland Counties.

The partial regulation of the local plants at Chillicothe and Hillsboro under the Greater Cincinnati order at the present time indicates a relationship to that market at least as strong as that shown with the present Dayton-Springfield market. Moreover, the principal sellers in Highland and Ross Counties also distribute a substantial portion of their Class I sales in the unregulated counties of Adams and Brown not under consideration at this time. In view of these considerations, the Miami Valley marketing area should not be extended to include the four named townships in Clinton County or Highland and Ross Counties on the basis of this record.

As previously noted, the producer's proposal would also expand the marketing area to include five less intensely populated counties, Auglaize, Darke, Logan, Mercer, and Shelby, generally north and west of the marketing area herein adopted. In these counties there are only three cities exceeding a population of 10,000, Sidney (Shelby County), Greenville (Darke County) and Bellefontaine (Logan County). Furthermore, the total population of only one county, Darke (47,800), exceeds 40,000.

Sales in this five-county area are made by four unregulated distributors, certain Dayton-Springfield regulated handlers and regulated handlers from the Indianapolis, Northwestern Ohio, Northeastern Ohio, Greater Cincinnati, and Columbus, Ohio, markets. Two of the unregulated distributors, with relatively low volume plants at Minster and Sidney, Ohio, distribute practically their entire Class I sales within this five-county area. The unregulated distributor at Bellefontaine (Logan County) also distributes milk in at least one of these counties. A fourth unregulated distributor from Van Wert distributes minor volumes of Class I milk in Auglaize County.

Three Dayton-Springfield handlers distribute about 32 percent of the total fluid milk sold in Auglaize County, 37 percent in Darke County, 33 percent in Logan County, 70 percent in Mercer County and 46 percent in Shelby County. The principal Dayton-Springfield handler in this area distributes milk from a plant at New Bremen (Auglaize County). In the aggregate Dayton-Springfield regulated handlers distribute about 10 percent of their total Class I milk volume in this area.

A principal distributor in four of these counties is the cooperative's Indianapolis regulated Greenville plant which distributes about 47 percent of the total Class I milk sold in Darke County, 11 percent in Auglaize, 9 percent in Mercer County, 4 percent in Shelby County and 2 percent in Logan. The Greenville distributing plant is located in Darke County near the Ohio-Indiana State boundary. About 85 percent of the milk handled by the Greenville plant is for fluid milk products. A large proportion of its Class I sales are made to a grocery chain which moves the milk to a distribution center in the Indianapolis marketing area, most of which is distributed through its stores in eastern Indiana. The Indianapolis Class I price is subject to a minus 13-cent location adjustment at the Greenville location.

The cooperative, in proposing expansion of the marketing area, stressed the importance of achieving uniformity of pricing throughout the area it proposed. Fundamental to achieving reasonable uniformity of pricing in these five counties, however, is the regulation of the cooperative's Greenville distributing plant under the expanded Miami Valley order rather than under the Indianapolis order. However, this record gives no assurance that even if these five counties were included such plant would become subject to regulation under the Miami Valley order on the customary criterion of making greater sales in the Miami Valley marketing area than in the Indianapolis marketing area.

The average of Class I prices for 1965-66 at the Greenville distributing plant was about 25 cents less than the applicable price for Dayton-Springfield handlers. We see no purpose in including these counties unless there is opportunity to achieve greater price uniformity than currently prevails. It seems unlikely that this could be accomplished without regulating the Greenville plant, a major distributor in these counties, under this order. Under present circumstances this would require making the Greenville plant a "captive" plant under this order.

There were no problems presented which would justify such action. Competitive problems in selling milk in the five counties were not stressed by proponent or by any other handler and the record shows no appreciable adverse effect on producer returns. Rather, the cooperative stressed mainly that internal administrative and operational problems of the cooperative involving its Greenville and Dayton plants could be minimized if both plants were under a single regulation.

In view of the above considerations it is therefore concluded that the proposed inclusion of Auglaize, Darke, Logan, Mercer, and Shelby Counties should be denied.

Although some of the route disposition of handlers to be regulated will extend beyond the boundaries of the counties proposed for regulation, it is neither practical nor reasonable to stretch the regulated area to cover all areas where a handler has or might develop some route disposition. Nor is it necessary to do so to accomplish effective regulation under the order. The marketing area herein proposed is a practicable one in that it will encompass the great bulk of the fluid milk sales of handlers to be regulated.

All producer milk received at regulated plants must be made subject to classified pricing under the order, however, regardless of whether it is disposed of within or outside the marketing area. Otherwise the effect of the order would be nullified and the orderly marketing process would be jeopardized.

If only a pool handler's "in-area" sales were subject to classification, pricing and pooling, a regulated handler with Class I sales both inside and outside the marketing area could assign any value he chose to his outside sales. He thereby could reduce the average cost of all his Class I milk below that of other regulated handlers having all, or substantially all, of their Class I sales within the marketing area.

Unless all milk of such a handler were fully regulated under the order, he in effect would not be subject to effective price regulation. The absence of effective classification, pricing and pooling of such milk would disrupt orderly marketing conditions within the regulated marketing area and could lead to a complete breakdown of the order. If a pool handler

were free to value a portion of his milk at any price he chooses, it would be impossible to enforce uniform prices to all fully regulated handlers or a uniform basis of payment to the producers who supply the market. It is essential, therefore, that the order price all the producer milk received at a pool plant regardless of the point of disposition.

In the course of operation of the order the question could arise as to whether territory within the boundaries of the designated marketing areas which is occupied by Government (municipal, State, or Federal) reservations, installations, institutions, or other establishments is considered to be within the marketing area. In order that there will be no doubt as to the scope of the marketing area, the definition states that the marketing area shall include any territory wholly or partly therein which is occupied by Government (municipal, State, or Federal) reservations, installations, institutions, or other establishments.

3. *Milk to be priced and pooled.* In general terms, milk produced in compliance with the Grade A inspection requirements of a duly constituted health authority which is received regularly at plants primarily engaged in processing milk for distribution on retail or wholesale routes in the marketing area, or at plants which are regular and substantial suppliers of milk to such processing plants, should be made subject to pricing and pooling.

The following principal definitions included in the attached order serve to identify the specific types of milk and milk products to be subject to full regulation, and those persons and facilities involved with the handling of such milk and milk products. Definitions relating to handling and facilities are: "Route disposition", "distributing plant", "supply plant", "pool plant", and "nonpool plant". Definitions of persons include: "Producer", "handler", and "producer-handler". Definitions relating to milk and milk products are: "Producer milk", "fluid milk products", and "other source milk". The application of certain of these definitions is discussed in detail. Other definitions used are deemed to be self-explanatory.

Pool plants. It is essential to the operation of the order to distinguish between those plants substantially engaged in serving the fluid needs of the regulated market and those plants which are not.

It is particularly important to establish minimum performance standards for plants which serve the market in a way, or to a degree, that they should be included in the market pool which provides the means of paying uniform returns to all producers on the market. This is one of the essential means of assuring the market of adequate and dependable supplies of milk. Otherwise the proceeds of the higher Class I price for milk sold in the fluid market would be dissipated on milk acquired by handlers primarily for manufacturing purposes and not go to the primary purpose of assuring an adequate and dependable supply for the fluid market.

The marketing performance standards also serve to minimize the effects of regulation on handlers who have only a minor proportion of their distribution in the regulated market. As described elsewhere, such handlers would be made subject to partial regulation. Nevertheless, any plant, wherever located, may qualify as a pool plant if it meets the marketing performance standards for regulation. These standards are similar for all plants similarly circumstanced.

Pool distributing plant. Because of the difference in marketing practices and functions between distributing plants and supply plants, separate performance standards for pooling are provided.

To qualify as a pool plant, a distributing plant would be required to meet performance standards as to both the proportion of its supply used in fluid disposition and its disposition in the marketing area. Thus, pool distributing plants would include only those plants primarily engaged in route distribution of fluid milk products. The plant's total route distribution both inside and outside the marketing area should be at least 50 percent of its receipts of Grade A milk from dairy farmers, from other plants (excluding receipts of bulk fluid milk products from other plants classified as Class II milk by agreement), and from cooperatives as handlers during each month from August through January, at least 45 percent during February and March and 40 percent during each month in the April through July period. As to route disposition in the marketing area it should be, in each month, at least 15 percent of the plant's total route disposition.

The principal cooperative proposed a somewhat different basis for pooling. It proposed that a distributing plant's Class I total route sales should amount to at least 50 percent of its dairy farm receipts during each month April through July and to at least 60 percent of such receipts during each month August through March. The main support for this proposal was a statistical table showing that, with the exception of one plant regulated by the present Dayton-Springfield order, all currently regulated plants reasonably could meet such proposed minimum performance requirements.

A handler proposal, one of three alternatives suggested, would modify the producers' method for pooling a distributing plant by permitting any such plant which has disposed of at least 50 percent of its receipts as route disposition in the marketing area for the months of August through April, to be automatically qualified for pooling May through July. A second alternative would distinguish the separate parts of any pool distributing plant which processes Grade A milk and also has a Grade B manufacturing operation so as to regulate, as a pool plant, only that portion where Grade A milk may be processed. As a third alternative basis for pooling, this handler proposed combining the receipts and Class I utilization for distributing plants when two are operated in the market by the same handler, thus permitting determination of pooling status on the basis of the combined performance of the plants in meeting the minimum total utilization requirement.

These proposals were designed as alternative methods of assisting a pool distributing plant to receive milk from handlers and other nonproducer sources for manufacturing without jeopardizing its pool plant status.

Such handler operates two Dayton-Springfield regulated distributing plants, located at Dayton and New Bremen. The New Bremen plant receives about 12 percent of its total Class I sales in gallon and 10-quart dispenser units from its Dayton plant while the New Bremen plant supplies the Dayton plant with cottage cheese and related products. It was contended that a handler with plants presently in the market should not be forced by the order to reduce efficiency by having to divide operations to modify the total Class I percentage at each plant simply in order to meet the minimum performance standards on an individual plant basis.

The proposal to permit automatic pooling of distributing plants in certain months should not be adopted. The requirement that a distributing plant shall not have total route disposition less than 40 percent of receipts in any month is necessary to assure that the plant is primarily engaged in the distribution of fluid milk products at all times. The adoption of the revised requirements will accommodate existing operations and should promote the efficient handling of milk on the market by all handlers while discouraging the addition of milk supplies to the pool simply for manufacturing purposes.

The recommended decision provided that the 50 percent minimum requirement should apply August through February and that only those distributing plants which had met such requirement during each month of the preceding August through February period would be permitted to meet a lower 40 percent requirement in the months of March through July. All other distributing plants would be held to the 50 percent minimum in the latter months. After review of the exceptions, however, it is concluded that opportunity to meet the 40 percent minimum requirement April through July should not be contingent on the plant's performance during part or all of the preceding August through March. Moreover, a plant should not lose pool status if the minimum requirement for any 1 month is missed. A more orderly market supply situation will be promoted if a distributing plant is permitted to meet the monthly shipping requirement for the current month or for the immediately preceding month to retain pooling status in the current month.

Proponent handler's other proposals for assuring pool plant status for its two distributing plants should not be adopted. The proposal to qualify distributing plants operated by the same handler on the basis of combined performance will not tend to insure that the pool is adequately protected from dissipation of its

funds by plants and dairy farmers not regularly associated with this market. On the other hand, the requirements provided herein for pooling distributing plants are reasonable in relation to experience with past performance by all plants in the market.

The second alternative proposal, i.e., to separate the Grade A and Grade B operations of a plant, is not necessary to meet proponent's situation or any other situation indicated on the record. The need for such separation is avoided by considering only receipts of Grade A milk directly from producers, from other plants (excluding receipts of bulk fluid milk products from other plants classified as Class II milk by agreement), and receipts from any cooperative as a handler, as the base for determining the percentage of route disposition to receipts necessary for qualification as a pool distributing plant. Thus, all ungraded milk and bulk fluid milk products received from other plants which is classified as Class II milk would be considered as other source milk and excluded from the base used in determining the qualification of a pool distributing plant.

These minimum pooling standards for a distributing plant will facilitate coordination in the marketing of milk from a supply area common to several markets.

The principal purpose of a minimum requirement on in-area distribution for pooling eligibility is to assure that the distributing plant is associated with the market in a significant and regular manner since the producers at pool plants are eligible to share in the monthly Class I proceeds of the market. Under the Dayton-Springfield order a distributing plant becomes regulated on the basis of any distribution within the marketing area. It is concluded, however, in consideration of the marketing area defined, that route disposition in the marketing area of 15 percent or more of the plant's total Class I route disposition will provide an appropriate measure of a plant's association with the market.

A distributing plant having more than 85 percent of its Class I route disposition outside the marketing area should not be considered substantially associated with this local fluid market and therefore should not be subject to full regulation. Full regulation in this circumstance is not necessary to achieve the ends of the regulation in this market.

The performance standards for pooling would not restrict any milk plant operator from disposing of any fluid milk product in the marketing area. Virtually any plant having more than minor, or accidental, association with the fluid milk market could be eligible for pooling. On the other hand, the operator of any plant only marginally associated with the fluid milk market has reasonable opportunity to make a choice of full or partial regulation, whichever might better serve his interest.

Limited quantities (as provided in the attached order) of Class I milk may be sold within the regulated marketing area from plants not under any Federal order. There is, of course, no way to treat such unregulated milk uniformly with regulated milk other than to regulate it fully. Nevertheless, it is concluded that in present circumstances the application of "partial" regulation to plants having less association than required for marketwide pooling (as later discussed) will not jeopardize marketing conditions within the regulated marketing area. Official notice was taken at the hearing of the June 19, 1964, decision (29 F.R. 9002) supporting amendments to several orders, including the Dayton-Springfield order, in which the matter of partial regulation was discussed.

The operator of any partially regulated plant would be afforded the options of: (1) Paying an amount equal to the difference between the Class I price and the uniform price with respect to all Class I sales made in the marketing area; (2) purchasing at the Class I price under any Federal order sufficient Class I milk to cover his limited disposition within the marketing area; or (3) paying his dairy farmers not less than the value of all their milk computed on the basis of the classification and pricing provisions of the order (the latter representing an amount equal to the order obligation for milk which is imposed on fully regulated handlers).

While all fluid milk sales of the partially regulated plant are not necessarily priced on the same basis as fully regulated milk, the provisions described are, however, adequate under most circumstances to prevent sales of milk not fully regulated (pooled) from adversely affecting operation of the order and the fully regulated milk. They should be adopted in this order to complement the pooling requirements on fully regulated plants adopted herein.

Pool supply plant. A supply plant should be pooled in any month in which at least 50 percent of its receipts of Grade A milk from dairy farmers at such plant during the month is shipped as fluid milk products to pool distributing plants or is disposed of as route disposition within the marketing area from such plant during the month.

This basis of determining the pool plant status of a supply-type plant will provide reasonable assurance that only a supply plant which is clearly associated with this market rather than some other market will be subject to full regulation under this order.

A supply plant from which a lesser proportion of milk is received at pool distributing plants should not be considered as primarily associated with this market and therefore should not be fully regulated. On the other hand the higher percentage (65) proposed by producers is not necessary to insure a sufficient supply of milk for the market. At the present time, the market is mostly supplied with direct-shipped milk. There are no regular supplies which come from country supply plants. This market should be in a position to procure its needs if the minimum performance requirements are similar to those in other nearby regulated markets. A minimum percentage of 50 will place all such markets on substantially equal terms in this regard.

A supply plant which meets the 50 percent shipping standard during each of the months of August through March should be designated as a pool plant for the succeeding months of April through July (unless a written request for nonpool status is submitted to the market administrator) even though in such months such minimum shipping percentage is not met.

As previously stated, distributing plant operators in this market do not rely upon supply plants to any great extent since in most cases direct shipments from farms relatively close to the market are sufficient to fulfill their fluid needs, and especially so in the flush production months. In the circumstances, there is no apparent reason why the order should be constructed at this time so as to require the operator of a supply plant which may become a pool plant to make shipments of milk to pool distributing plants during the flush production months in order to maintain pool plant status. Such shipments might well be made at needless expense. A supply plant meeting the regular shipping requirements for pooling in each of the short production months of August through March would demonstrate its association with the market.

The definition of supply plant should accommodate the efficient operation of a cooperative's "balancing" or "supply equalization" plant. The major cooperative operates a supply equalization plant which assists it in providing proprietary handlers with whom it has selling arrangements for member milk the precise amounts of milk which such handlers require and in disposing of quantities which the latter do not require. Handlers' needs vary widely during the week, with supply requirements increasing on heavy bottling days and diminishing to little or no milk needs on other days, such as weekends, when no milk is bottled.

While the supply equalization plant is an integral part of the entire supply arrangement for this market, its receipts and shipments fluctuate in such a manner that it likely could not meet the normal minimum shipment requirements for a supply-type plant. The operation of such plant in this market, however, assists all producers in realizing the best possible utilization of milk.

Because of its important function such plant should be qualified for pooling. Since producer milk received at this plant represents, however, a relatively small portion of the total supply of the cooperative, the cooperative should have opportunity to qualify milk at such plant for pooling on the basis of the cooperative's total function of supplying handlers with milk. Because of the preeminence in this market of the bulk tank delivery method (primarily under the auspices of the cooperative) as the most efficient method of furnishing the primary needs of handlers, such direct-ship milk should count toward the qualification of the supply equalization plant.

Thus, if a cooperative furnishes to proprietary handlers under the order 50 percent or more of its total member milk either by direct delivery from farms or through its supply equalization plant, it should have the same opportunity of pooling the producer milk received at such plant as a regular supply plant which qualifies receipts by meeting the minimum shipping standard, even though a substantial portion of the milk received at the supply equalization plant is not actually delivered to other handlers during any given month. Such milk should be recognized as part of the total producer milk supply of the market.

Provision has been made where a cooperative equalization plant may elect nonpool plant status at any time that it does not meet the minimum shipping requirements for a pool supply plant. Obviously, a request for nonpool status would be made only under circumstances where the plant has acquired substantial Class I sales in another market. The order should not permit an association to pool its entire reserve milk supply in this manner, however, unless all the Class I sales associated with such reserves are also included in the market pool. Accordingly, provision is made that should an association elect nonpool plant status under this order for its supply equalization plant in any month, such plant should be designated a nonpool plant for each of the succeeding 11 months in which it did not qualify as a pool supply plant under the regular shipping requirements of 50 percent of receipts from Grade A dairy farmers.

A particular distributing or supply plant may meet the pooling requirements of more than one Federal order. Generally speaking, when the pooling requirements of two orders are met the plant is regulated only under the order for the marketing area in which the greater volume of Class I sales are made from the plant. It is possible, however, that a distributing plant may have virtually the same volume of distribution in each of the two regulated markets, and with very minor changes in the proportions distributed in the two markets, the plant could be shifted from one regulation to the other on a month-to-month basis. This occurrence would not be in the interest of orderly marketing of producer milk.

It is concluded, therefore, that the general basis for regulatory treatment in such situations as provided in the current Dayton-Springfield order be adopted with certain modifications. A pool distributing plant which also meets the pooling requirements under another order would be pooled under this order if during the current month (1) it meets the pooling requirements, and (2) a greater volume of its fluid milk products is disposed of in the marketing area in the current month and for each of the three months immediately preceding.

Further, a supply plant which meets the pooling requirements under this order, as well as those of another order, would be exempt from this order unless the plant elects nonpool status under the other order. This will assure that any supply plant which may associate some milk with this pool will be regulated under this order only if it maintains a continuing association with the market. This is particularly important in view of automatic pooling privileges provided for certain months under nearby orders.

In both circumstances, the handler would be required to file receipts and use reports with respect to the plant and permit verification thereof by the market administrator, even though it may otherwise be exempt from this order.

The "nonpool plant" definition as presently included in the Dayton-Springfield order should be expanded to include a "partially-regulated distributing plant" and an "unregulated supply plant." Presently this definition includes an "other order plant" and a "producer-handler plant." Other findings with respect to such plants are included in another section of this decision. This term will facilitate reference to specific types of nonpool plants elsewhere in the order. The term applies to any milk manufacturing, processing, or distributing plant which is not a pool plant during the month.

The order also should contain a definition of "route disposition" to assist in the identification of those plants which are to be subject to regulation. "Route disposition" therefore is defined as any delivery of a fluid milk product classified as Class I to retail or wholesale outlets other than a pool plant or nonpool plant. Pickup by a vendor at a plant and sales through vending machines would be considered as route disposition from the plant where the milk was processed and packaged. This would apply also to fluid milk products custom-packaged for another handler. In addition, as to fluid milk products moved from a milk plant to a distribution point, the distribution beyond any such point also would be considered as route disposition from the plant where packaged.

Definitions of persons. The term "handler" should be defined to include any person who operates a distributing plant or a supply plant. It also should include any cooperative association with respect to producer milk which it causes to be delivered by bulk tank to other handlers or which it diverts in accordance with terms set forth in the "producer milk" definition discussed elsewhere in these findings. A "producer-handler," and any person operating a nonpool plant categorized as a "partially regulated distributing plant" or an "other order plant," should be designated as a "handler" also.

Such a definition is necessary to designate those persons who must report the sources and the utilization of their Grade A milk supply, the handling of which (except in the case of a producer-handler) is to be regulated either partially or fully, and who are responsible for paying for milk in accordance with the terms of the order. This definition expands that of the present Dayton-Springfield order to designate persons operating certain categories of nonpool plants and to define the responsibility of cooperatives as to certain of their handling activities.

Milk for which a cooperative association is the responsible handler but which is not delivered to another handler's pool plant remains the responsibility of the association in all respects—classification, accounting, and payment. Such milk could be that diverted for the account of the association, or shrinkage (in this instance the loss of volume between farm and plant) of farm bulk tank milk on which the basis of settlement with the pool plant operator was not at the farm weights and butterfat tests.

A producer-handler should be defined as any person who operates a dairy farm and a distributing plant and who receives fluid milk products only as milk from his own-farm production or from sources where priced as Class I under a Federal order. This definition conforms in principle to the definitions of producer-handler under other Federal orders. Producer-handlers are essentially exempt from regulation except for making reports to determine their status.

A producer-handler, as distinguished from a pool handler who would be fully regulated, distributes to retail or wholesale outlets milk which is mostly from his own-farm production. A pool handler, on the other hand, markets milk received from producers or from other pool plants. The producer-handler maintains control of his milk from its source at the farm until its ultimate disposition.

He is, therefore, generally in a position to adjust his farm production closely to the needs of his fluid milk business and, in turn, assumes himself the burden of maintaining the reserve supply of milk associated with his fluid milk operations. When an individual operates a dairy farm and a fluid milk business in such manner, it has not been necessary to require him to account for milk produced on his own farm at a particular minimum price.

The situation in this market makes it appropriate that the producer-handler's exemption from pooling and pricing be contingent upon his meeting certain conditions. Such requirements are necessary to assure that his sale of milk will not have a disruptive effect on the orderly marketing of producer milk in the regulated market.

The definition, therefore, should clearly set forth the limits on the sources from which a person may receive milk and still retain producer-handler status. A producer-handler sometimes may need supplemental milk supplies to meet daily and seasonal changes in the demand for fluid milk. The terms adopted provide that the fluid milk supply of a producer-handler must be limited to his own-farm production and to receipts of fluid milk products priced as Class I milk under some Federal order which do not exceed 2,500 pounds per month. This will insure that the exempt producer-handler will be responsible for his own surplus but will permit the purchase of reasonable quantities of fluid milk products (approximately 40 quarts per day) to supplement his own production.

The definition should indicate clearly that such a person may not receive fluid milk products from nonregulated plants if he is to qualify for exempt status as a producer-handler. Milk in fluid form transferred to a producer-handler from

any regulated plant is classified as Class I. It follows that any supplemental milk so purchased by a producer-handler will not represent a lower-priced source of supply as might be the case if he were permitted to purchase from unregulated nonpool plants and still retain his exempt status.

It is intended, therefore, that the exemption from pricing and pooling of such operations be limited to those who are primarily dependent on milk of their own production and assume the risk involved in the plant operation. The order consequently should provide, as criteria of producer-handler status, that the maintenance, care, and management of the dairy animals and other resources necessary to produce milk and the processing and packaging of the milk handled shall be the personal enterprises of the producer-handler and shall be conducted at his personal risk. Also, since he enjoys full benefit from his own sale of milk in fluid form (Class I) and does not share such sale with other producers, he should not be considered as a producer on bulk milk delivered to other handlers which he does not need for his own bottling needs, i.e., he should not be eligible to share in the Class I sales of other producers also.

To permit verification of a producer-handler's continuing status and to facilitate accounting with respect to the receipts from pool handlers the order also provides that each producer-handler shall make reports in such manner as the market administrator shall require.

Although there are a number of governmental agencies (Federal) in this area which receive fluid milk products from handlers, the record is not clear whether such agencies have facilities to produce and process fluid milk products for use only on such premises or to other governmental agencies. Generally milk produced and sold by a governmental agency would be primarily for purposes within the agency. No useful purpose in effective order regulation for the market would be served by regulation of such an operation and could be disruptive to the purposes of the dairy operation of such an agency. Therefore, it is concluded that, if one of these agencies does operate milk production and processing facilities, it should be exempt from regulation under this order. This is effected by specific exemption of governmental agencies from all provisions of the order.

The terms "producer" and "producer milk" should be modified from the definition presently included in the Dayton-Springfield order to incorporate necessary changes brought about primarily by the expansion of the marketing area to be regulated.

A "producer" should be defined as any person except a producer-handler or a governmental agency, who produces, in compliance with the Grade A inspection requirements of a duly constituted health authority, milk which is received at a pool plant or diverted under specified conditions as discussed below. This definition is not intended to include, however, any person with respect to milk which is fully subject to the class pricing and producer payment provisions of another Federal order.

The term "producer milk" should include all milk produced by persons qualifying as producers which is received at pool plants, or under specified conditions, diverted to nonpool plants. Diversion of producer milk to a nonpool plant by a handler (cooperative or proprietary) should be limited to not more than two-thirds of the days of delivery from a producer's farm during the months of April through July, and not more than one-third of the delivery days during the months of August through March. Diversions of producer milk by handlers among pool plants should be permitted at any time.

Under current order provisions, diversions of producer milk to nonpool plants are not limited during the months of April through July. During the months of August through March diversions are limited to not more than one-third of the days of delivery. For pricing purposes, diverted producer milk is deemed to have been received at the pool plant of customary receipt.

Producers proposed that only a cooperative association be eligible to divert producer milk during the months of August through March. They stated that this would help assure the maximum Class I use of producer milk and foster the activities of the association as marketing agent for its member producers. Also, they proposed that handlers be permitted to divert milk to nonpool plants during the months of April through July, but not for more than two-thirds of the days of delivery from a producer's farm in each month.

The regulation should accommodate as much as possible the efficient handling of any necessary market surplus, since the day-to-day market requirements vary widely. The diversion privilege, herein adopted, should promote efficiency in the marketing of milk not needed at pool plants for fluid milk requirements.

Because there are nonpool plants located in the Miami Valley production area, it is possible for excess milk to be moved directly from the farm to a nonpool plant for processing instead of being received at a pool plant and then transferred to a nonpool plant. Diversions may occur seasonally during the flush production months or to accommodate unneeded milk during holiday periods or on weekends. Therefore, specified diversions of producer milk from pool plants to nonpool plants should be permitted, with the milk retained in the pool if the handler, including an association of producers, accepts the responsibility of accounting for such milk as producer milk at order prices.

The provision, however, should not be so constructed as to encourage an excessive volume of milk to associate with the pool without need for fluid use. This objective can be achieved during the months of August through March when supplies are lowest seasonally, by limiting diversions. Such diversions to nonpool plants are necessary only to assure the orderly handling of unneeded weekend or holiday supplies.

At least one proprietary handler assumes responsibility for handling the reserve milk at his plant during such periods. Consequently, both proprietary handlers and cooperatives should have opportunity to divert on equal terms. The present provision which permits diversion of producers on not more than one-third of the days of delivery during such months should accommodate such supplies of milk and should be continued in the expanded order.

The months of April through July are the months of relatively high seasonal production and it is desirable that both proprietary handlers and cooperatives be permitted a greater opportunity to divert than in the fall months. Although this decision institutes limits on diversions in these months as compared to the present unlimited diversion, such limits should permit orderly disposition of the seasonal surplus. Diversions of producers to nonpool plants on not more than two-thirds of the day of delivery during these months should be permitted.

Producer milk should include that milk of a dairy farmer diverted within the prescribed limits for each month and milk received at a pool plant. In the event a producer's milk is diverted more than the prescribed number of days, only that milk overdiverted should be considered as nonproducer milk and excluded from the pool.

Diverted milk when moved to a nonpool plant should be priced at the location of such plant. Producer's proposal would price at the location of the nonpool plant any milk diverted to such a plant which is located at a greater distance from Dayton than the pool plant where normally received. It was their position that within 70 miles of Dayton there are adequate manufacturing facilities to handle all diverted milk.

Since there are a number of nonpool plants located within 70 miles of Dayton (the Miami Valley production area), in addition to the cooperative's balancing plant which serves as the major outlet for milk in excess of the fluid milk requirements of the market, there is little need to divert milk great distances at the expense of producers generally. In conjunction with the recommended handler location differentials which use multiple basing points located on the outer perimeter of the marketing area, pricing of diverted milk at the location of the nonpool plant in effect adopts the cooperative's proposal for determining the point of pricing.

The pricing of diverted milk in such cases in the above manner should remove the incentive for the operator of a distant plant to meet the pooling requirements for the purpose of associating excessive quantities of milk with the market which milk would be intended for manufacturing use. Otherwise there would be potential for the distant producer to receive the market blend price when his milk actually was diverted on a regular basis to a plant distant from the market for manufacturing use. It will further insure that pool producers in general will not subsidize transportation costs which are not incurred if such milk remains at the distant plant.

An exceptor requested clarification of the definition of producer milk to exclude diverted milk of dairy farmers subject to the pooling and pricing provisions of another order. The exclusion of such milk was intended in the order language of the recommended decision. Because of this original intent and since the language proposed would serve to clarify the provision, such change is herein adopted in the definition of "producer milk".

4. Classification and allocation.—(a) *Classification of milk.* Producer milk received by handlers should be classified in two classes according to the form in which or the purpose for which it is used. Class I milk should include those forms of disposition intended for the fluid market.

The high quality requirements for consumption in fluid forms, as compared to manufacturing use, are specified primarily in newly revised sanitary regulations of the State of Ohio. The extra cost of producing such higher quality milk and delivering it to market necessitates that the price for milk used in Class I be considerably above the manufacturing milk price. The definition of Class I milk in the manner described herein provides the means of returning to producers the higher price according to the quantity of milk so used.

Class II milk, on the other hand, includes utilization for purposes to which Grade A requirements do not apply. In such uses milk from producers competes with ungraded milk from other sources and for these uses producer milk therefore commands only a manufacturing milk price.

Accordingly, milk and milk products received by handlers should be classified on the basis of the form in which, or the purpose for which, it is used or disposed of by the handler in substantially the same manner as under the present Dayton-Springfield order. The skim milk and butterfat therein should be classified separately since the proportions of skim milk and butterfat in finished products vary.

Also, milk may be received by handlers from various sources, including dairy farmers, other regulated handlers, and unregulated sources. Milk from all these sources could be commingled in a handler's plant. Consequently, it is necessary to have a plan for allocating the uses of milk to each of the various sources of supply in order to establish the appropriate classification of producer milk.

Class I milk. The dispositions included in Class I milk are those required by applicable health authorities to be produced from "Grade A milk". Class I milk, therefore, should be basically skim milk and butterfat disposed of by a handler in the form of fluid milk products as previously defined, with limited exceptions as described below.

The measurement of the quantity of Class I disposition of a particular milk product is normally the actual weight of the product as it leaves the handler's plant. In a few instances, however, the Class I quantity is more, or less, than such weight. One exception is concentrated milk, which is produced by removing a large portion of the water content from whole milk. This product is intended for fluid consumption, and may be restored by the consumer to the original whole milk form by addition of water. This is a Class I product for which the quantity to be accounted for is the qauntity of milk normally used to produce it. Standard conversion factors for calculating the original volume would be applied. Accounting for such products on the basis of original volume, including all the water originally associated with the milk solids, is necessary to assure equity among handlers and to return to producers the full use value of their milk.

Reconstituted milk or skim milk presents a similar problem of accounting. Reconstitution is a process which may be carried on in a handler's plant by mixing dry milk solids or condensed milk with water to produce a product which is similar to fluid whole milk or skim milk. Partial reconstitution may be carried out by adding milk solids and water to milk or skim milk. Class I disposition of reconstituted milk or skim milk should be accounted for in a quantity which includes the volume of water originally associated in whole milk with the milk solids used in process of reconstitution. This is necessary for the same reasons as in the case of concentrated milk.

Fortified fluid milk products are another instance in which the weight disposed of is not precisely the quantity of Class I disposition to be accounted for. Fortified fluid milk products are prepared by the addition of nonfat solids to milk or skim milk to yield a finished product of higher than normal nonfat solids.

For proper accounting of the skim milk involved the nonfat milk solids added in fortification should be converted to their skim milk equivalent. This is necessary to insure uniformity of application of the accounting system. It is not necessary, however, to price as Class I all the water originally associated with the added solids. The addition of the solids used in fortification cannot be considered as displacing producer milk in Class I except to the extent that the volume of product is increased. The addition of solids to make a more desirable product may in fact increase the sale of producer milk, and in any event would not displace producer milk in Class I beyond the minor increase in volume which results.

Therefore, the skim milk to be classified as Class I milk in such instances should be only that contained in an equal volume of unmodified product of the same nature and butterfat content, excluding the dry weight of any nonmilk additive such as flavoring, etc. The skim milk equivalent of the nonfat milk solids not classified as Class I milk should be classified as Class II milk.

It is necessary that the handler submit reports sufficient to reconcile all his receipts of milk and dairy products with the disposition from his plant(s). If receipts and disposition cannot be reconciled from such reports, it is necessary that the handler be held responsible for any unaccounted for receipts or disposition. If disposition is less than receipts, the question arises as to whether there are dispositions not disclosed on reports. In order to insure responsible reporting, recordkeeping and equity among handlers, such discrepancy (where disposition is less than receipts) should be classified as a Class I quantity, except for allowable Class II shrinkage as explained in later findings.

On the other hand, if the total of all Class I and Class II milk assigned to producer milk exceeds the amount of producer milk reported received at the pool plant of a handler, the milk in excess of such receipts shall be "overage". Any overage should be assigned first to the available Class II utilization and any remainder to Class I. The overage in each class should be paid for by the handler at the applicable class prices. When utilization records indicate a disposition greater than receipts it must be presumed that the handler failed to report all of his receipts of producer milk. This "overage" is thus charged to him at the applicable class price in the lowest available class use.

Class II milk. Class II milk would include all skim milk and butterfat used to produce any product other than a fluid milk product. It thus would include milk used in manufactured products such as ice cream, ice cream mix, frozen desserts, cottage cheese, evaporated and condensed milk, nonfat dry milk and butter and cheese as well as others in nonfluid form.

Under the present Dayton–Springfield order cultured sour cream mixes and packaged sterilized cream are included as fluid milk products in Class I. Certain handlers proposed the reclassification to Class II of sour cream mixes and sterilized products because Grade A quality ingredients are not required in processing. Sterilized cream not made from Grade A milk; and cultured sour cream mixes using vegetable fat, are sold in the market. It is concluded that a Class II classification should be adopted for sour cream mixtures unless labeled as a Grade A product and for sterilized cream in hermetically sealed metal or glass containers.

Proponent for the exclusion from the fluid milk product definition of sterilized products in hermetically sealed glass or metal containers took exception to the failure of the recommended decision to exclude also from such definition sterilized products other than cream which are similarly packaged. There was no evidence in the record concerning such sterilized products other than cream on which a reclassification of these products could be considered. The testimony related solely to sterilized cream. It is the only such product being handled in the market at this time. Therefore, sterilized products other than cream are retained under the fluid milk product definition.

Besides manufactured dairy products, which compose the bulk of Class II use, Class II milk also would include shrinkage within certain limits, disposal in fluid form for livestock feed, skim milk dumped, and fluid milk products in bulk held in inventory at the end of the month.

Butterfat and skim milk should be considered disposed of when used to produce Class II products. Thus, handlers must maintain production records to establish use in Class II.

Shrinkage. In the course of normal receiving, processing, and packaging of fluid milk products, some loss, or "shrinkage", of skim milk and butterfat is experienced. Since shrinkage represents disappearance of milk for which no return is realized, it should be considered as Class II milk to the extent that the amount is reasonable and is not the result of incomplete or faulty records. In order to assure complete accounting, however, the handler must establish the quantity of actual loss of skim milk and butterfat.

The maximum shrinkage allowance in Class II at each plant should be 2.5 percent of milk from producers (less transfers of milk in bulk to other pool plants), plus 1.5 percent of milk transferred in bulk to other pool plants, plus 1 percent of milk received in bulk tank lots from other plants or from a cooperative association which is the handler for such milk. However, if the handler operating the pool plant which received bulk tank milk through a cooperative association files notice with the market administrator that he is purchasing such milk on the basis of farm weights the applicable percentage should be 2.5 percent on such milk. The provision of 2.5 percent shrinkage allowance for the entire receiving and processing operation is in the present Dayton-Springfield order and there was no suggestion for revising this maximum allowance.

The lower shrinkage allowance of 1 percent of milk received by bulk tank truck from a cooperative handler recognizes that part of the shrinkage occurs prior to receipt at the plant. Milk collected at the farm in bulk tank trucks is measured at the farm. Some loss normally occurs during the transfer operation between the farm tank and the plant.

To provide equitable application of shrinkage provisions to all handlers who may have various types of operations and sources of milk receipts, the rate of 1 percent shrinkage allowance should apply to all plant receipts in bulk, whether from other pool plants, unregulated plants or a cooperative association acting as a bulk tank handler. The only exception to this would be in the case of receipts of other source milk for which Class II utilization is requested. In the latter case, since the entire receipt is for Class II use, there is no need to establish a limit of shrinkage that may be classified as Class II.

In computing a handler's total shrinkage allowance, 1 percent of fluid milk products disposed of in bulk tank lots to plants of other handlers by transfer should be deducted. This is necessary to carry out the present order provision of allowing 1.5 percent for the receiving and handling operations on such transfers. The second plant would be allowed, as stated previously, 1 percent on the transfer of fluid milk products.

The allowance of 1 percent of milk transferred in bulk tank truck from farm to plant would apply also in the case of milk diverted by tank truck. An exception would be made in both instances if the plant operator to whom the milk is diverted purchases the milk on the basis of farm weights and tests.

The order contemplates that handlers will report on an individual plant basis, showing the receipts and utilization at each plant. Shrinkage should be accounted for in each plant separately so that a handler having more than one plant may not offset overage in one plant against shrinkage in his other plant.

If such handler transfers fluid milk products between his two plants, the amount of shrinkage or overage at either plant would be affected by the accuracy in accounting for the quantity of skim milk and butterfat transferred. The same care should be exercised as to accuracy of accounting for milk transferred between plants of the same handler as in the case of transfers between plants of different handlers.

To assure an equitable assignment of total shrinkage, it should be prorated to (1) those categories of receipts on which the above described limits apply, and (2) other receipts in fluid form to which specific shrinkage limits do not apply.

Inventories. The order should provide that inventory of fluid milk products on hand at the end of the month should be classified as Class II milk if in bulk, and Class I if packaged, pending possible reclassification in the following month.

Handlers have inventories of milk and milk products at the beginning and end of each month which must enter into the accounting for receipts and utilization at the plant. The accounting procedure can be facilitated by providing that inventories of bulk fluid milk products on hand at the end of the month be classified as Class II milk.

In the following month inventories in bulk would be subtracted, under the allocation procedure, from any available Class II milk. Any excess over available Class II milk should be subtracted from Class I milk. The higher-use value as Class I thus indicated should be reflected in returns to producers in that month. This would be at the rate of the difference between the Class II price in the first month and the Class I price in the second month.

Fluid milk products on hand in packaged form at the end of the month should be classified as Class I milk. This classification conforms with the ultimate utilization of most of the packaged fluid milk products in inventory. This results in fewer adjustments in classification and handlers' obligations than if classified in Class II as in the case of bulk milk.

To insure that all handlers pay the current month's Class I milk price for fluid milk disposed of during the month, it is provided that, if the Class I milk price increases over the previous month, the handler will be charged the difference between the Class I milk price for the current month and the Class I milk price for the preceding month on the quantity of ending inventory assigned to Class I milk in the preceding month. Likewise, if the Class I milk price decreases, the handler will receive a corresponding credit.

The allocation section of the order should provide that inventory of such packaged fluid milk products on hand at the beginning of the month be subtracted from Class I milk utilization immediately after the allocation of shrinkage and packaged fluid milk products from other orders and before making the other assignments therein provided.

Since the disposition of skim milk and butterfat in nonfluid milk products has been accounted for as Class II use when used to produce a manufactured dairy product, such skim milk and butterfat should not be included in inventory.

Inventories of fluid milk products and Class II products on hand at the beginning of the first month in which this order becomes effective or during any month in which a plant becomes regulated for the first time should be allocated to any available Class II utilization of the plant during the month. This procedure will preserve the priority of assignment to current receipts of producer milk of the current Class I utilization of the plant.

One handler objected to the potential inflation of Class I milk from the initial classification of ending inventories of packaged fluid milk products in Class I for the purpose of computing the "Class I utilization percentage" for the supply-demand adjustment.

The computation of the monthly Class I utilization percentage for the supply-demand adjustments which include Class I sales for the month following the effective date of the amended order should be modified to offset the effect the changeover to include monthly ending inventories of packaged fluid milk products in Class I.

The classification of packaged fluid milk products in inventory in Class I is not intended to have any significant effect on the "Class I utilization percentage." Accordingly, it should be provided that monthly ending inventories of packaged fluid milk products for the first month this amended order is effective, should be deducted from the aggregate pounds of producer milk in Class I milk in computing the utilization percentage for each of the third, fourth, and fifth month, respectively, after this amended order is first made effective.

The maximum adjustment which would have occurred during the period from January 1966, through November 1966, would have been a reduction of 453,000 pounds in aggregate Class I sales. Such an adjustment, computed for each month for the period from May 1966, through January 1967, resulted in no change in the current utilization for such months. Since monthly ending inventories for the market change from month-to-month, there is no fixed volume of Class I sales that can be used to adjust the aggregate pounds of produced milk in Class I milk used to compute the supply-demand adjustor.

It is therefore concluded that the order language should provide for such an adjustment to eliminate any significant effect on the resulting supply-demand adjustment. After the fifth month, the adjustment is not required for this purpose.

Proof of class use. Except for the quantities of Class II shrinkage provided for in the order, all skim milk and butterfat for which a handler cannot establish utilization must be classified as Class I milk. This provision is necessary to remove any advantage that might accrue to handlers who fail to keep complete and accurate records. The burden of proof should be on the handler to establish the ultization of any milk as being other than Class I milk.

Transfers and diversions. Milk transferred from a pool plant to another plant should be classified in accordance with specific rules.

The rules of classification herein provided would apply to transfers to other pool plants or to nonpool plants, and to milk diverted from the farm to nonpool plants or to pool plants of other handlers.

Fluid milk products transferred or diverted from a pool distributing or supply plant to the pool distributing plant of another handler should be classified as Class I milk unless utilization as Class II milk is claimed by both handlers on reports submitted for the month to the market administrator. However, sufficient Class II utilization must be available at the transferee plant for such assignment to Class II after allocation of receipts of unregulated milk, other order milk, inventory and shrinkage. Similarly, sufficient Class I milk must be present in the transferee plant to cover Class I classification of the transferred milk.

If the shipping plant receives, during the month, other source milk of the type to which a surplus value applies (such as nonfat dry milk) the skim milk and butterfat in fluid milk products transferred should be classified so as to allocate the least possible Class I utilization to such other source milk. Also, if the shipping handler receives other source milk from an unregulated supply plant or an other order plant, the transferred quantities, up to the total of such other source receipts, should not be Class I to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant. These rules are necessary to provide the same kind of classification for transferred fluid milk products as for utilization within a pool plant.

Fluid milk products transferred or diverted from a pool distributing plant to a pool supply plant should be classified first as Class II milk to the extent Class II utilization is available at the pool supply plant. Such movements of milk generally would be made for the purpose of manufacturing milk, which is in excess of the bottling requirements of the distributing plant, into Class II products. Also, this would deter the movement of milk solely for the purpose of qualifying for additional location credits.

Fluid milk products transferred or diverted in bulk to a nonpool plant (not an other order plant or producer-handler plant) should be classified as Class I milk unless the handler claims Class II classification and specified conditions are met: (1) The operator of the nonpool plant should maintain adequate books and records showing utilization of all skim milk and butterfat received at the plant; and (2) if requested the operator should make these books and records available to the market administrator for purposes of verifying such receipts and utilization. Verification by the market administrator is necessary to insure proper application of the classification procedures of the order.

If the above conditions are met, classification of the transferred or diverted milk would be made in accordance with the following procedure:

Receipts of packaged fluid milk products at the nonpool plant from pool plants or other order plants would be first assigned to Class I in the nonpool plant. Then, if the nonpool plant makes any Class I route disposition in this marketing area, this Class I should be assigned first to fluid milk products transferred from pool plants, then pro rata to receipts from other order plants, and finally to receipts from dairy farmers who the market administrator determines constitute the regular source of Grade A milk for the nonpool plant. If the nonpool plant makes any Class I disposition on routes in the marketing area of another Federal order, this should be assigned first to fluid milk products transferred or diverted from plants fully regulated by that order, then pro rata to fluid milk products received from plants regulated by this and all other Federal orders, and thereafter to the nonpool plant's regular Grade A dairy farmer supply as determined by the market administrator.

Any Class I utilization remaining in the nonpool plant after the above assignment should be assigned first to the plant's regular Grade A dairy farmer supply and then pro rata to unassigned receipts from plants regulated by this order and other orders.

After the preceding assignments are made at the nonpool plant, any remaining receipts of bulk fluid milk products from pool plants should be classified in sequence starting with Class II milk if the shipping handler requested classification under this procedure.

This method for classifying transfers and diversions of milk to nonpool plants provides equitable treatment for milk of order handlers as well as other order handlers in the classification of milk. Further, it gives priority to dairy farmers directly supplying a nonpool plant with respect to sales outside regulated areas. The proposed method of classification at the same time allows orderly disposition of reserve supplies of milk which cannot economically be handled at pool plants.

The present Dayton-Springfield order contains a transfer rule which requires fluid milk products (except bulk cream) to be classified as Class I milk if moved beyond 100 miles from Dayton or Springfield, Ohio. This provision was adopted a number of years ago primarily to simplify verification procedure on the presumption that under the then existing conditions any milk moved on resale more than 100 miles from the market logically would be utilized for fluid consumption in view of the transportation cost involved.

Such transfer rule does not comport well, however, with the diversion rule adopted herein under which diverted milk is priced at the location of the plant to which diverted. At the present time handlers distribute virtually all their fluid milk products in Class I within a hundred-mile radius of Dayton, in fact, primarily within the proposed Miami Valley marketing area. Any such products sold beyond such distance are very likely to be disposed of in another regulated market where verification of use is readily made.

On the other hand, milk may move from farms to market from greater distances under today's conditions. In the event producer milk had to be diverted for manufacturing use, possibly caused by unforeseen circumstances not under control of the producers or handlers involved, to plants beyond 100 miles, the present provision would not accommodate such movements. It is concluded that the present mileage rule would not promote orderly marketing under the terms of the revised order.

The order also provides for transfers of fluid milk products to other order plants. The classification of such milk is covered in the following findings with respect to allocation.

(b) *Allocation.* The value of producer milk is established on the basis of its classification and the class prices. Since handlers also may receive milk from sources other than producers, the order must provide a method of assignment to classes of receipts from all sources during the month.

The system of allocating a handler's receipts to the two classes is virtually the same as that adopted in the decisions of the Assistant Secretary issued June 19, 1964, for 76 milk orders, including the Dayton-Springfield order.[1] These decisions were designed to integrate into the regulatory plan of each of the affected Federal orders milk which is not subject to classified pricing under any order, and also to apply the regulatory plan of each of the orders to milk received from plants regulated under another order.

The producers' proposal recognized the necessity for interorder coordination and contained allocation provisions identical to those contained in the aforementioned decisions. Inasmuch as those decisions set forth the standards for dealing with unregulated milk under Federal orders generally, it is necessary that the general system of allocation under this order be the same. Also, the treatment of other order milk should be the same as the plan included in those decisions so as to have a coordinated system of regulations on movements of milk among Federal order markets.

Because of the separate pricing of milk used to produce cottage cheese as com-

[1] Official notice was taken at the hearing of the decision (29 F.R. 9002) in which is included the amendment affecting the Dayton-Springfield milk order.

pared to other Class II milk products, it is necessary to design the allocation provisions so as to insure the application of the price differential to producer milk used in cottage cheese manufacture. Thus, the method adopted will assure generally the assignment of other source milk receipts in series beginning with Class II products other than cottage cheese, then to milk used to produce cottage cheese prior to any assignment thereof to Class I.

Milk received at regulated plants from unregulated plants. When unregulated milk eligible for distribution in the market in fluid form is received by a regulated handler at his pool plant, provision must be made for its allocation to the total available classification of the pool plant, and for providing an appropriate rate of payment to the producer-settlement fund on any such milk allocated to Class I.

The order should provide that fluid milk products moved from an unregulated plant to a pool plant be classified as Class II milk if so reported by the operator of the regulated plant.

Milk may be purchased by a pool plant operator from an unregulated plant either for use in his manufacturing operation or in connection with his Class I requirements. When the purchase is for manufacturing, the order should accommodate this by providing that such milk be allocated to the lowest price class utilization in the pool plant.

This treatment of unregulated milk received at pool plants will further serve to accommodate unregulated plants which have surplus milk but do not have manufacturing facilities, since it will make available as an outlet the manufacturing facilities of pool plants without involving the unregulated plant in the regulation. When, however, manufacturing utilization in a regulated plant is insufficient for the assignment of all fluid milk products from unregulated plants to the agreed manufacturing use, the remainder, of course, must be allocated to Class I.

Other categories of milk receipts assigned first to Class II use (down allocated) should include receipts from producer-handlers, receipts from governmental agencies exempt from regulation, receipts without Grade A certification, and reconstituted milk. The reasons for such assignment are explained in subsequent findings on these specific types of receipts.

With respect to the general category of unregulated plant milk (other than from producer-handlers or governmental agencies) received at a pool plant, the order should provide that (within limits) such unregulated milk in bulk, which is not specifically designated for manufacturing use, be classified pro rata with regulated milk in the pool plant.

Classification of bulk milk cannot be determined on the basis of its inherent characteristics as either Class I (i.e., in fluid form) or as surplus (i.e., as in manufactured products) but rather its classification must depend upon its utilization by the handler who receives it. Unless the regulated handler accepts the milk for Class II use, a method as described herein must be provided for assigning the unregulated bulk milk to classes of use. By assigning it pro rata with regulated milk (within limits), its indeterminate character as Class I or II will be recognized up to the limit provided.

A limit must be placed on the amount of unregulated milk which may share full classification with regulated milk. The receipt of unregulated milk in a regulated handler's operation is always a source of danger to the regulatory plan. Handlers often obtain unregulated milk because it is a cheaper source of supply than regulated milk. Unless some limitation is placed on the volume of unregulated milk that may be prorated, a handler with a supply of regulated milk adequate for his Class I requirements could acquire cheaper unregulated milk to increase his manufacturing uses. This milk would share in Class I utilization while an equal volume of regulated milk would be assigned to the expanded surplus use. This would impair the effectiveness of the regulation.

The limit placed on the amount of unregulated milk to be assigned pro rata with regulated milk is such that when, as a result of proration or assignment, as much as 20 percent of all regulated milk in the handler's plants is assigned to Class II, all additional unregulated milk will then be assigned to Class II. A reserve of milk for fluid requirements on a marketwide basis more or less than 20 percent of all handlers' receipts may be required, depending upon seasonal and other considerations.

An individual handler associated with a regulated fluid market (whose main purpose is to furnish Class I milk to the market) will not need unregulated milk for the purpose of maintaining an adequate supply to service Class I sales in amounts which will increase his reserve above 20 percent of his total receipts in any given month. Even though a situation could conceivably arise where because of the disruption of normal supplies, a handler receives milk from unregulated sources in excess of the quantities that may be prorated, the attainment of effective regulation nevertheless requires the imposition of this limit.

It is provided that in assigning unregulated bulk milk for purposes of classification, the overall utilization of the handler at all of his plants regulated under the order [1] (rather than the utilization at a single plant) should be used. This is necessary for the same reasons, set forth later in this decision, which apply to receipts of milk from plants regulated by other orders.

Payment at the difference between the Class I and uniform prices should be made by the receiving handler into the producer-settlement fund on the portion of unregulated milk which is assigned to Class I through proration. During the months of April through July and September through December a seasonal incentive plan of pricing is in effect. For the purpose of computing a rate of payment on unregulated milk during these months, a weighted average price must be computed in a manner identical with the computation of the uniform price in other months.

There can be no question that the Class I price basically should apply to both regulated and unregulated milk used in a fully regulated plant as Class I milk. To attribute any different valuation on the unregulated milk would automatically result in inequity as compared with regulated milk similarly utilized.

Although there is no room for doubt as to the need to attribute a Class I value for any milk so utilized (the minuend), the proper credit to be allowed to milk from unregulated plants is not clear, i.e., what subtrahend should be used in such a payment formula. It may be expected that in many situations a payment at any lesser rate than the difference between the Class I minimum price and the value of such milk as surplus would give unwarranted price advantage to unregulated milk over producer milk similarly utilized.

Milk at unregulated plants may be purchased from dairy farmers on a flat price basis without regard to use classification. Although most of the milk so purchased by the unregulated plant operator may be intended for local distribution outside the regulated market, excess milk supplies on a daily and seasonal basis will arise as they also do in regulated plants.

This frequently leaves excess milk at unregulated plants which is truly surplus to the normal fluid needs of those plants. This situation is accentuated at certain times of the year when there are characteristic seasonal increases in the production of milk without corresponding increases in the demand for milk. If it were not for the sale in the regulated market, such milk would have no higher value to the plant operator than its surplus value.

In such circumstances, the operator of such an unregulated plant, including the fringe distributor, has great incentive to "dump" his surplus milk into the regulated market or its supply system at any price higher than a surplus price and thereby obtain a competitive advantage for such milk over regulated milk. Regulated handlers cannot similarly convert otherwise surplus Class II milk into Class I utilization without accounting to the producer-settlement fund at the full difference between these two utilizations, i.e., they account at Class I rather than Class II. There would then appear to be substantial justification for the same rate of charge against milk from unregulated plants obtained and used in similar circumstances.

Notwithstanding the fact that surplus milk is obviously available to handlers from time to time, there is no indication that they have exploited their opportunities to use such milk. It is concluded, therefore, in the light of the decision

[1] Such total utilization would be subject to certain prior deductions for receipts assigned to the surplus classification as mentioned in prior findings.

of the Supreme Court in the Lehigh Valley case, and because of the administrative difficulty in determining whether particular milk from an unregulated plant utilized as Class I in this market actually might have only a surplus value or cost at source, that the charge should be limited to the difference between the Class I price and the market order uniform price (weighted average price for the months of April through July and September through December), both adjusted for butterfat content and the location of the unregulated plant from which the milk was received.

Although the use of the uniform price as the subtrahend will not assure complete removal of the minimum price advantage which may exist for some milk for the reasons just stated, it nevertheless will serve to minimize this advantage in such cases. Generally, it should be an equitable means of providing a reasonable measure of protection to the regulatory plan. If subsequent experience shows that such payment is not protecting the regulatory plan, then, on the basis of specific evidence, another rate of payment or another plan will need to be devised.

As a means of carrying out the equalization provided by market pooling, regulated handlers are required to pay this minimum uniform price to their own producers, and in addition, are required to pay to the producer-settlement fund the full difference between the Class I price and such uniform price on all regulated milk classified as Class I because of its use as fluid milk. Unregulated milk similarly used as Class I milk by a regulated handler likewise should carry a payment to the producer-settlement fund at least at the same rate as that required on regulated milk.

If the handler buys regulated milk at a price in excess of the uniform price, he receives no credit for this excess payment in accounting to the producer-settlement fund. Neither should he receive credit for any amount paid for unregulated milk in excess of the uniform price. Both the regulated and unregulated milk, therefore, will be credited at only the uniform price in accounting to the producer-settlement fund.

These payments are not unfair or burdensome to the dairy farmer supplying the unregulated plant, whose milk is used as Class I milk by a federally regulated handler. The allowance of a credit for milk from unregulated plants used as Class I by the regulated handler at the uniform price level will provide opportunity to the unregulated plant operator to pay his farmers at least the uniform price on these Class I sales. The order cannot, of course, guarantee to the dairy farmer that his purchaser in fact will pay this full uniform price to him.[2]

The order must contain provisions of this kind which adequately serve to relate to the total scheme of regulation that milk received by regulated handlers which is not subject to full regulation. Otherwise, the very existence of the market pool order may establish the condition which makes impractical the attainment of the regulatory objective of stabilizing the market in the manner prescribed by the statute. Consequently, the Secretary must protect, to the extent consistent with the Act, the regulatory plan in any marketing area against defeat or impairment because of the introduction into the marketing area of milk from unregulated sources which is not subject to full regulation.

In this market only limited quantities of packaged milk are received at pool plants from unregulated plants. Nevertheless, a rule for dealing with such situations must be provided. In the absence of specific evidence as to the method of dealing with such receipts, it should be provided that packaged milk received from an unregulated plant will be treated the same as bulk milk.

Producer-handler or governmental agency surplus, reconstituted milk, non-Grade A milk. Certain milk by its very nature must be treated as surplus when received at market pool plants regulated by a Federal order and, therefore, must be assigned a surplus value. Two such sources are milk received at a regulated plant, in either bulk or packaged form, from a producer-handler (under any Federal order) or a plant of a governmental agency exempt from regulation. Another source is milk produced by the reconstitution to fluid form of manufactured dairy products, such as fluid skim milk made by the addition of water to nonfat dry milk. Still another source is milk of manufacturing grade (non-Grade A milk) which is not eligible for disposition for fluid consumption in the market.

As to milk from these sources a payment into the producer-settlement fund at the difference between the Class I and surplus prices must be required of the receiving handler whenever such milk is allocated to Class I, following "down allocation" to the extent it can be absorbed in lower priced uses.

In this order as in most other orders the producer-handler is exempt from the pooling and pricing provisions. This exemption is based on the principle that the producer-handler assumes the burden of disposing of his milk supplies in excess of his Class I milk needs. Being exempt from these provisions of the order makes it possible for the producer-handler to retain the full return from his Class I sales of milk on routes even though such sales are in competition with regulated handlers.

Producer-handlers are primarily engaged in the distribution of Class I milk. Normally they do not maintain facilities for processing and manufacturing any milk produced in excess of the Class I needs. Because of seasonality of milk production and for other reasons, producer-handlers will produce some milk in excess of their Class I needs. The best available outlets for this surplus milk usually are to fully regulated plants in the market. In view of a producer-handler's limited capacity for utilizing excess supplies of milk, it is often economically advantageous for him to dispose of such excess at surplus prices to regulated handlers. Such milk, therefore, would be available to regulated handlers at surplus prices. Under these circumstances, it would not be appropriate to allow the regulated handler credit from the producer-settlement fund at more than a surplus price for any such purchases.

Inasmuch as a producer-handler's appropriate competitive relationship with other handlers and with other producers depends upon the producer-handler assuming the burden of his own surplus, an equitable relationship among the several groups would not be achieved if a producer-handler were allowed to dispose of his surplus and obtain the uniform price for such surplus.

As long as the producer-handler has the advantage of enjoying the full benefit of his own Class I route sales without sharing them with other producers he should not also receive Class I benefit from a market pool at the expense of producers for any of his milk which he is unable to sell in such way. Surplus milk purchases from producer-handlers, operating under another order have the same potential for creating disorderly marketing conditions as surplus from producer-handlers operating in the local market. Therefore, no distinction in treatment should be provided.

The order should provide, therefore, that milk received from producer-handlers at a pool plant should first be assigned to Class II milk at the pool plant. If any is then assigned to Class I, a payment into the producer-settlement fund at the Class I surplus price difference should be applied.

Such rate of payment on receipts by federally regulated handlers of milk from producer-handlers was ratified by Congress at the time provisions of the Agricultural Adjustment Act of 1933, as amended in 1935, authorizing the issuance of milk orders, were reenacted by the passage of the Agricultural Marketing Agreement Act of 1937. During the period between August 24, 1935, and June 3, 1937, the effective date of the latter Act, six Federal milk orders were issued under such Agricultural Adjustment Act.

Two of such milk orders (Greater Kansas City, Mo., and Fall River, Mass.), placed in effect during this period, contained provisions requiring handlers who use bulk milk received from producer-handlers in other than the lowest priced classification to pay the difference between the class use price and the lowest class (surplus) price for such milk as part of the handler's total obligation for milk. Such payment was distributed, together with the classified value of producer milk of the handler, through the market pool.[3]

[2] 7 U.S.C. sec. 672, which contains the codified language of sec. 4 of the Agricultural Marketing Agreement Act of 1937, as amended states in paragraph (a) "Nothing in this Act shall be construed as invalidating any marketing agreement, license, or order, or any regulation relating to or any provision of, or any act of the Secretary of Agriculture in connection with any such agreement, license or order which has been executed, issued, approved, or done under secs. 601–608, 608a, 608b, 608c, 608d–612, 613, 614–619, 620, 623, 624 of this title, but such marketing agreements, licenses, orders, regulations, provisions, and acts are expressly ratified, legalized, and confirmed."

Governmental agencies operating bottling plant(s) would be exempt from regulation under the Miami Valley order. Because of this exemption fluid milk products received at a pool plant from such plants which they do not need for fluid use should be classified as Class II milk. Fluid milk products received by such plants from a pool plant or a cooperative association in its capacity as a handler should be Class I milk.

A surplus value likewise is properly assigned to reconstituted milk (for instance, the result of combining nonfat dry milk or condensed milk with water). The products used in such reconstitution process are made from milk which always carries a manufacturing, or surplus value. Producer milk used to produce such products is priced as surplus.

Since the milk used to produce these products is originally priced as surplus milk, payment into the producer-settlement fund at the difference between the Class I and surplus price is necessary to insure competitive equity with producer milk when reconstituted milk is used in Class I. No recognition should be given to processing costs involved in the manufacture of the products derived from unregulated milk and used in reconstitution, since similar costs are incurred in processing produced milk into such products.

Nonfat dry milk and condensed milk also may be added to fluid milk products to increase the nonfat solids content thus making so-called "fortified" fluid milk products. The incentive for handlers to use nonfat milk solids to fortify fluid milk products arises from the specific demands of consumers. The increased emphasis on low-fat diets and the high nutritional value of nonfat solids in relation to their weight have contributed to the increased demand for added nonfat solids in fluid milk products.

Such products are distinguished from reconstituted products, however, in that the resulting volume of fluid product is not increased appreciably since no water is added. The essential economic difference in the use of milk solids for fortification of fluid milk products versus their use for reconstitution is recognized in the class use definitions. The class use definitions, which provide that the fluid equivalent of the added solids shall be Class II (excepting the minor quantity of increase in volume of the fortified product), and the allocation provisions which would assign the fluid equivalent of solids used to Class II milk, accomplish appropriate accounting and result in a proper obligation against the handler.

Milk of manufacturing grade is not eligible for fluid (Class I) uses under the requirements of the health authorities in the market. In dual-purpose plants, however, such milk could find its way into Class I in the pool plant. The appropriate value which attaches to such milk is the surplus price because such price accurately reflects its value as manufacturing milk only. The manufacturing value is the price which processors pay for this grade of milk.

Receipts at a market pool plant of manufacturing grade milk therefore should be assigned first to use in Class II. But should any manufacturing grade milk be assigned to Class I, a payment into the producer-settlement fund at the difference between the Class I and surplus prices likewise would be necessary to remove the competitive advantage this milk would have in relation to producer milk. Health authorities require that the source of milk eligible for fluid consumption (Grade A milk) must be identified. Any receipts from unidentifiable sources must therefore be treated as milk of manufacturing grade.

Receipts from other order plants. The order should provide for the assignment to Class I (i.e., to be deducted from gross Class I milk in the receiving plant) of 98 percent of packaged fluid milk products received from a fully regulated plant under another order. The remaining 2 percent should be assigned to Class II.

The 2 percent may be considered as a safeguard against possible "overassignment" of milk to Class I in the originating market (i.e., the assignment to such market of a transferred quantity which is greater, from a practical standpoint, than normally can be disposed of as Class I in the receiving market). Since it is reasonable to expect some route returns will be associated with intermarket transfers just as there are in connection with milk locally processed in the receiving market, a small allowance of 2 percent for such returns, which must fall into surplus use, should be included to avoid such overassignment in Class I.

Prior to amendments to orders effective August 1, 1964, a variety of classification methods had applied to intermarket transfers of bulk milk. Such a variety of methods could not achieve the objective of appropriately integrating into the respective regulatory schemes, in a uniform and consistent way, intermarket shipments of regulated milk. Following the pattern of such amendments, "surplus" classification (Class II milk) should apply whenever the parties involved agree that the shipment is for manufacturing use in the second market. A higher classification would result only when it is found on verification that some portion of the milk could not have been used for manufacturing uses. This portion would then be reclassified as Class I.

Interorder shipments of bulk milk which are not classified as Class II by agreement should be classified as Class I and Class II on the basis of the marketwide utilization of producer milk. Such classification should be limited, however, so that the quantity of milk assigned to Class II is not greater than the receiving handler has utilized as Class II.

The order should not provide for marketwide proration of milk received from another order plant when the receiving handler has a greater proportion of milk in Class II than the average in the receiving market. Marketwide proration of receipts of milk from other markets is designed to deal primarily with milk received by a handler who is supplementing his local supply for Class I use.

Marketwide proration would tend to encourage unduly and uneconomically the importation of milk by a handler with a higher proportion of milk in Class II than the market average because it would assign a disproportionate share of local producers' milk to Class II.

The particular classification which is given to bulk transfers from other orders will be within the control of the receiving handler and there will be no monetary obligation placed on him for this milk by the receiving market order. Inasmuch as other Federal orders from which milk might be received have provisions corresponding to those herein adopted, the situation will not arise where milk transferred would be classified as Class I in the shipping market and Class II in this market since the same classification would apply in both markets.

Assigning the bulk receipts from other order plants to the handler's system utilization will prevent a handler with more than one plant from discriminating against either his own producers or those supplying the other Federal order market by importing milk not serving a bona fide need for Class I use. It should be provided, therefore, that assignments of interorder bulk milk should be made over all utilization of milk at all the handler's regulated plants in the receiving market. In this order allocation is on a plant-by-plant basis. Accordingly, provision is made herein that the allocation of bulk receipts from other orders at a plant shall be on a system basis, irrespective of individual-plant accounting for other purposes of the order.

Handlers who receive milk from other orders or from unregulated plants should be precluded from transferring such milk to regulated plants of other handlers at a utilization higher than would have resulted from a direct receipt at the second plant. Unless the order so provides it would be possible to use a plant with high Class I utilization as a conduit for receiving milk from plants subject to other orders and avoid the allocation provisions of the order which apply to milk received directly from other orders and from unregulated plants.

In any month in which bulk milk is received in the market (without agreement as to Class I classification on the part of the handlers involved in the transfer) it will be necessary that the administrator in the shipping market know the classification of such milk on or about the date when handler reports are due under that order. Since the reporting dates under orders are very similar, it is possible the market administrator may not have complete information to compute his exact marketwide utilization of producer milk by the time the classification of a transfer is needed by the administrator in the shipping market.

It is provided, therefore, that, when necessary, the market administrator will estimate the marketwide utilization of producer milk for purposes of determining the allocation of bulk milk received from other orders. Such estimate will be publicly announced to the nearest whole percentage and, for this purpose, will be final.

Federal orders generally provide that the administrator of any order receiving bulk milk from an other Federal order will promptly notify the administrator of the shipping market of the allocation of such milk so that a compatible classification on such milk may be applied under the shipping orders. Information as to the classification of such milk must be passed on by the respective administrators to the handlers involved so that handlers may know the basis of their obligation on such milk. This order provides similarly for such interchange of information.

Situations may arise where plants subject to this and another Federal order ship milk back and forth during the same month (i.e., each plant ships milk to the other plant). If such shipments are of a similar nature (packaged milk, bulk milk designated for surplus disposal, or bulk milk not so designated) only transfers of milk between two plants which are not offset by an equal quantity of milk received from the second plant need be considered. Since the classification of this milk in the shipping market is based upon its allocation in the receiving market, only the net difference in transferred quantities (in terms of butterfat and skim milk separately as may be necessary) need be allocated in the receiving market. Otherwise, from a mechanical standpoint, neither market could allocate receipts of milk to classes until all milk had been classified, including the shipment to the other market.

5. *Class Prices and Location Differentials—Class I prices.* Minimum class prices should be established at a level which will assure the maintenance of an adequate, but not excessive, supply of quality milk for the marketing area, and at the same time assure the orderly disposition of the necessary market reserve supply.

The present Dayton-Springfield order, which applies to more than 77 percent of the milk which would be covered by the new Miami Valley order, provides for a monthly Class I price computed by adding $1.24 per hundredweight to a basic formula price. This amount is subject to a supply-demand adjustor which reflects changes in the relationship of market receipts and sales for the Dayton-Springfield and Cincinnati markets combined. The proponent cooperative association proposed the continuation of such pricing formula and no objections were raised at the hearing.

A Class I price determined by adding a differential to a basic formula price gives appropriate reflection to the economic factors underlying changes in the general level of prices for milk and manufactured dairy products. The market for manufactured dairy products is nationwide and the prices for such products and the milk used in them reflect, to a large extent, changes in general economic conditions affecting the supply and demand for milk. The formula reflects such factors automatically.

The basic formula price for Class I pricing presently used in the Dayton-Springfield order is the average price paid dairy farmers at manufacturing plants in Minnesota and Wisconsin for the preceding month, as reported by the Department. Such price is adjusted to a 3.5 percent butterfat test by a butterfat differential obtained by multiplying the Chicago butter price by 0.120.

Official notice is taken of the findings in the decision of April 25, 1967, supporting the amendment to the Dayton-Springfield order effective May 1, 1967, which established the basic formula price at a minimum of $4.05 for the purpose of pricing Class I milk for each month for the period May 1, 1967, through April 1968. Such amendment also provides for an addition of 20 cents to the Class I price differential for each month through April 1968. Similar action was taken in other Federal order markets on the same decision. Such pricing provisions are included in the order set forth for similar reason.

A differential over manufacturing milk prices is necessary to cover the extra cost of meeting quality requirements in the production of milk and to compensate for transportation costs to the fluid market where such milk is consumed. The differential thus provides a necessary incentive for dairy farmers to produce and deliver an adequate supply of pure and wholesome milk to meet consumer demands.

Monthly utilization of producer milk in Class I under the Dayton-Springfield order generally has ranged from 69 to 87 percent. For the periods 1965 and 11 months in 1966, utilization of producer milk in Class I averaged 78.45 and 77.2 percent, respectively. At such utilization levels, sufficient milk has been available to satisfy bottling needs and to provide a generally adequate reserve. Milk supplies have been neither excessive nor short for any prolonged period. Adoption of the present method of computing Class I prices should tend to promote under the expanded order a reasonable balance between producer milk supplies and Class I sales and thus be in conformance with the pricing requirements of the statute. The relatively small additional receipts and sales to be included through expansion of the marketing area should not make a significant difference in the application of the supply-demand adjustor now in use.

The Class I price in this market should have, of course, a reasonable relationship to Class I price levels in other markets of the region because the main sources of supply for this market are contiguous to or overlapping with those of existing Federal order markets. There is a substantial intermarket relationship of supply and demand conditions and, therefore, a close similarity of Class I price levels is desirable. Such other markets are outlets for most producers who supply this market. Also, milk supplies under the other orders represent ready alternative sources of supply for this market. As discussed below under location differentials, the appropriate intermarket alignment calls for the application of the same Class I price throughout the entire marketing area. There were no proposals for a different method of determining Class I price levels.

Class II price. Except for skim milk used for cottage cheese, the price per hundredweight for Class II milk should be the lesser of the Minnesota-Wisconsin manufacturing price or a formula price based on the market prices of butter and nonfat dry milk. The Class II price for skim milk used in cottage cheese should be such lesser price plus 20 cents per hundredweight.

The major cooperative association proposed the following methods for pricing Class II milk: (1) The lower of the basic formula price or a price resulting from a butter-nonfat dry milk formula for milk used in all Class II items other than cottage cheese, and (2) an additional 25 cents for milk used to produce cottage cheese.

Proponent testified that the Class II price should be at a level that will permit the orderly movement of market reserves into manufacturing channels but not be so low that handlers will be encouraged to procure milk supplies solely for the purpose of converting them into Class II products. Proponent also stressed that the proposal would bring about better alignment of Class II prices with neighboring markets.

Handler opposition was limited to the application of the 25-cent differential on the price for producer milk used for cottage cheese as proposed. They contended that (1) the proposed differential would create misalignment of prices with other markets for such use, placing Dayton handlers at a price disadvantage on cottage cheese sales, particularly on sales in other markets, (2) competitive pricing is essential under today's improved packaging and rapid transportation, (3) cottage cheese processors should not be required to subsidize the butter-nonfat dry milk manufacturer, and (4) cottage cheese sales are in a declining trend nationally. One handler engaged in cottage cheese production suggested a price differential on milk for cottage cheese of 15 cents over other Class II milk.

Official notice is taken of the Under Secretary's decision of February 21, 1962 (27 F.R. 1802), to incorporate the Minnesota-Wisconsin price series in the Dayton-Springfield order as well as 35 other orders throughout the Midwest as the basic formula price for computing the Class I price. Such decision found that the Minnesota-Wisconsin price series is a more appropriate measure of manufacturing milk values for such use in the orders than the basic price formulas which had been used previously.

Because of its importance in reflecting manufacturing milk values the Minnesota-Wisconsin price series also has been incorporated as the surplus use price in many orders throughout the Midwest. Normally, this price series will establish a reasonable level of price for milk used for most manufactured milk products not requiring Grade A milk.

Typically, the proprietary handlers in this market process fluid milk, and in some cases cottage cheese and ice cream. They do not engage to any great extent in processing storable dairy products

such as butter, nonfat dry milk, or hard cheese. The great bulk of the milk in excess of fluid needs is handled by the cooperative through its own manufacturing plant which is primarily a nonfat dry milk plant, although it is also used as a "balancing" plant for the fluid market. Actually, a substantial number of the handlers have "full supply" contracts with the cooperative under which they need accept only the amount of producer milk they request. The cooperative offers such contracts to all handlers. Most of the market's reserve milk which cannot be used in cottage cheese or ice cream is moved to the association's manufacturing plant or, on occasion, to other plants where butter and spray process nonfat dry milk are the principal items produced.

The Minnesota-Wisconsin manufacturing price will reasonably reflect surplus milk values in this area under most circumstances. However, in consideration of the importance of butter and nonfat dry milk as the final uses when no other outlets are available, it is appropriate that an alternative Class II price become effective whenever the Minnesota-Wisconsin price exceeds by more than 10 cents their per hundredweight value as reflected by product prices on the open market.

Further there is considerable competition in some Class II products by handlers in this and the other nearby markets as well as overlapping of market supply areas. This formula will provide a close intermarket alignment of prices on milk for those products not requiring Grade A milk since a similar formula is in use in neighboring markets.

The revised Class II price formula, applied to 1966 data, results in an increase in the Class II price. The 1966 weighted average price for all Class II milk at test (about 4.99 percent) under such amendments would have been about 6 cents per hundredweight higher. Official notice is taken of the statistical announcements of the market administrator since the close of the hearing.

The order should provide also for a price differential on skim milk in producer milk which is used to produce cottage cheese over the general level for producer milk used in other manufactured products.

The major cooperative association supplying milk to the market proposed that the price for milk used for cottage cheese be fixed at a 25-cent differential over the lower of the Minnesota-Wisconsin price or the butter-nonfat dry milk formula price as discussed above. Proponent testified that milk for cottage cheese has an additional value because the revised State of Ohio Health Code requires that only milk of the same inspected quality as is required for fluid milk products may be used. It was contended further that although cottage cheese sales vary to some extent seasonally, it is produced on a year-round basis, requiring a regular supply of milk, and accounts on the average for nearly 35 percent of all Class II milk.

Handlers in this market currently rely entirely on local Grade A supplies of producer milk for cottage cheese production. Under the State of Ohio Health Code they are required to have this milk or ingredients from milk of equivalent quality. The largest population centers in the defined marketing area are Dayton and Springfield, which represent the principal market outlets for the cottage cheese produced by handlers.

As found above, producer milk disposed of in manufacturing uses should be priced under the order at a level which will result in the orderly marketing of such milk. Within this concept, however, the price level should be that which will provide the highest possible returns to producers. If there is additional value in producer milk for cottage cheese purposes, such value should be reflected in the returns to producers.

In this market handlers choosing not to use producer milk in making cottage cheese would need to import dry cottage cheese curd or nonfat dry milk. In either case, the quality of the other source milk would have to be equivalent to that of local producer milk since manufacturing grade milk may not be used for this product.

There are no dependable sources of graded milk for this purpose within the normal milkshed area from which producer milk is supplied to the market. The only nearby milk of the necessary quality is attached to other fluid markets in Ohio and Indiana and would be available only sporadically. In view of the cost involved in purchasing milk, dry curd or nonfat dry milk from more distant sources, some differential above the general level of the Class II price adopted herein is reasonable to reflect the factor of milk quality and cost involved.

It is reasonable that the return to producers above the regular Class II price should at least partially offset the cost which they have incurred to deliver milk to the handler at the city location for cottage cheese, as compared to putting it to manufacturing use. A 20-cent differential over the lesser of the Minnesota-Wisconsin price or the butter-nonfat dry milk formula price should achieve this purpose while maintaining such outlet for producer milk.

Testimony of handlers contended that the differential proposed by producers might place them at a competitive disadvantage relative to handlers in other markets who would have a somewhat lower cost. Handlers pointed out that they are competing for cottage cheese sales in other areas, some of which are at a considerable distance from Dayton, where local cottage cheese need not be made from graded milk. In support of this position one handler specifically proposed limiting the differential to 15 cents per hundredweight over the lower of the producers' proposed formula prices.

Under normal circumstances the application of a 20-cent differential should not adversely affect the handlers' competitive position in the Miami Valley market. There would be additional cost involved to substitute prepared curd or nonfat dry milk derived from outside Grade A milk and some transportation cost is involved when competitive cottage cheese is distributed from other markets in local competition.

The addition of 20 cents possibly could affect a handler's competitive position in selling in other markets, although such amount is equivalent to less than 2 cents per pound on the finished product varying somewhat depending on yield. Milk should not be priced under this order, however, at a level which encourages a milk supply of such proportions that local handlers are induced to seek substantial cottage cheese outlets in other markets. Milk supplies are not excessive in this market in relation to the Class I requirements of local handlers and should be directed to Class I uses to the greatest extent possible.

The special Class II price should apply up to the amount of skim milk in producer milk assigned to the handler's cottage cheese utilization. Within this limit, the charge should apply even though the handler uses some nonfat dry milk or dry curd in making cottage cheese. This is consistent with the regulatory scheme of the order whereby producer milk generally has priority assignment to highest-priced uses over other source milk in a form interchangeable with it for the uses involved.

The charge should not apply, however, in the case of cottage cheese curd which a handler has imported for use in making cottage cheese. This cottage cheese curd is not interchangeable with producer skim milk for the manufacturer of other Class II products. Thus, its assignment to other Class II uses in order that producer skim milk could be assigned to cottage cheese production would not be appropriate. The 20-cent charge should be applicable to both the skim milk used by the handler in making cottage cheese curd and the skim milk contained in cream which he may subsequently add to the curd in making creamed cottage cheese.

Butterfat differentials. Milk in each class is priced to handlers at a basic test of 3.5 percent, subject to adjustment for variations in the proportions of skim milk and butterfat used in each class. This is accomplished by adjusting the class prices to each handler by appropriate butterfat differentials.

The values resulting from multiplying the Chicago butter price by 0.120 for Class I milk and 0.115 for Class II milk will provide an appropriate means for adjusting the prices in the market for each one-tenth percent variation in the butterfat content of milk used in various products. Use of the Chicago butter price as a basis for establishing butterfat differentials provides assurance for both producers and handlers that such differentials will reflect changes in butterfat values on the national market.

Producers' proposal to reduce the Class I butterfat differential to 0.12 times the average butter price (presently 0.127) and the Class II butterfat differential to 0.115 (presently about 0.12) times the butter price, should be adopted. They objected to the reduction in the total value of Class I milk, which has occurred in recent years due to the present Class I butterfat differentials and the declining butterfat content of all Class I milk. It was their position that with the decrease in demand for butterfat in fluid milk products, the butterfat differential should be reduced in order that the nonfat solids portion of milk would more nearly reflect its proportion of the Class I value.

The average butterfat content of Class I milk decreased from about 3.65 percent in 1957 to 3.4 percent in 1966. This decrease reflects the general decline in the butterfat content of most Class I milk products. Sales in 1966 of Class I products of 3.5 percent butterfat content or more, decreased an average of about 2.5 percent, from 1965. On the other hand, Class I products of less than 3.5 percent butterfat content increased an average of about 17 percent. These low-fat products have increased from about 19 percent of total Class I sales in 1965 to about 23 percent in 1966, reflecting a continuing upward trend in the sales of such products in recent years.

Producers further requested a lower Class II butterfat differential to reduce the value of butterfat which must be used in manufactured products. The declining use of butterfat in Class I products has resulted in more butterfat used in Class II products. They pointed out that because most nearby Federal order markets use the proposed Class II factor in their formulas, it is essential to have like factor to assure the orderly disposition of surplus milk from this market in competition with other markets. The proposed Class II butterfat differential is in line with differentials of the nearby Cincinnati and Northwestern Ohio markets and will contribute to uniformity of pricing for Class II milk in these markets. Thus, the lower Class II butterfat differential will remove any price disadvantage to the association in handling reserve milk for the market. Therefore, the producers' proposal should be adopted.

The producer butterfat differential has the purpose of prorating returns among producers to the extent their milk differs from the basic 3.5 percent butterfat test. The butterfat differential thus used in making uniform price payments to producers should be calculated at the average value for use of producer butterfat in the two classes. This would be the average of the Class I and Class II butterfat differentials weighted by the proportion of butterfat in producer milk classified in each class. Thus, producer returns for butterfat will reflect changes in the use of their butterfat in each class.

Since the Class I butterfat differential herein adopted is identical to that presently used for the producer butterfat differential, and Class I butterfat represents about 70 percent of the total butterfat, only a minor reduction in the producer butterfat differential will occur because of the reduction of the Class II butterfat differential.

Location differentials. The Class I and uniform prices should be adjusted for the location of the plant at which the milk is received.

The major producer association proposed a schedule of location adjustments, in line with the cost of moving milk to the market, designed to bring about price uniformity f.o.b. market to handlers who may receive milk for Class I use from different sources at varying distances from the market.

Fluid milk products, because of their bulky, perishable nature, incur a relatively high transportation cost. The value at the distant point is thereby reduced compared to milk delivered directly from the farm to a distributing plant in the market. Providing location differentials related to the cost of moving milk to the market is necessary to insure price uniformity under the order of Class I milk among handlers, regardless of their sources of supply.

Handlers distribute milk in this market from plants which are not located in one central city, but rather are located in several cities in and near the market. Most handlers distribute milk throughout the marketing area. If price uniformity for Class I milk is to be maintained among handlers, the same Class I price should apply to all plants within this compact marketing area. The same Class I price has applied to all such plants under the present order. Further, the application of no location adjustment within this area should assure an adequate supply of milk for these handlers competing in the same area for producer milk supplies.

From all locations within or near the marketing area adopted herein, milk can move efficiently from farms directly to pool distributing plants without assembly at supply plants. At present all producer milk moves to pool distributing plants in this manner. Thus, it is not possible to distinguish differences in the value of producer milk delivered directly to plants within such area. Consequently, no location adjustments should be applicable within the marketing area. There were no proposals for a different method of determining Class I price levels.

For milk received at a plant located outside the marketing area and beyond 50 miles from any of several basing points, location adjustments should apply. Such adjustments should apply to milk classified as Class I and, with certain limitations, to fluid milk products transferred from such a plant to another pool plant as Class I milk. The basing points from which location adjustment credits would be computed should be the main Post Offices in Dayton, Piqua, Springfield, Urbana, and Wilmington, Ohio. No location adjustment would apply at any plant located outside the marketing area which is within 50 miles of the nearest of such basing points. Use of these basing points, which represent sizable communities located near the perimeter of the marketing area, will insure a constant level of Class I price throughout the marketing area.

The Class I price applicable at more distant plants should be reduced nine cents if the plant is more than 50 miles from the nearest basing point, plus an additional 1.5 cents for each 10 miles or fraction thereof that such distance exceeds 60 miles.

Exception was taken to (1) use of multiple basing points, (2) location differentials for plans located less than 70 miles from Dayton, and (3) the establishment of a rate of less than 12 cents for such distance. The recommended decision provided for a rate of 6 cents for outlying plants located more than 50 miles from the nearest of five basing points. The increase in rate to 9 cents will reflect the same 1.5 cents per 10-mile adjustment for nearby plants as now provided for more distant plants and approximates the cost of transporting milk to market by efficient means. It is a rate that has been generally accepted for use in Federal milk orders and is in line with the proposal of the producer association to which no objection was made. Such revised schedule will maintain Class I prices at plants at various locations which are reasonably aligned with prices in other nearby markets and provide an equitable basis for intermarket competition in procurement. For reasons given above, multiple basing points are retained. Exceptor's request to use a single basing point (Dayton) therefore is denied.

Uniform prices to be paid producers supplying plants at which location differentials are applicable likewise should be adjusted on similar basis to reflect the value of the milk at the plant where received from the farm.

No location adjustment should apply to Class II milk. Manufactured dairy products are much less perishable and the components of manufactured products may be transported in manufactured form. The record does not indicate that there is value in the milk used for manufacturing purposes which can be equated to plant location with respect to this market.

Location differentials to handlers on Class I milk are credited from pool funds and are deductible from returns to producers computed at the f.o.b. market Class I value. They therefore should be held to the minimum which will accommodate the movement of the necessary supplies of milk to fulfill the requirements of the Class I market. As previously stated, this market has been supplied, up to the present, almost entirely by milk shipped directly from farms to pool distributing plants. There is not now, and never has been, a supply plant attached to this market other than the "market equalization" plant of the local cooperative association located at Dayton. While the market has relied to a minor extent upon sources other than producer milk to fulfill Class I demands, it is desirable for marketing efficiency that the direct-shipped milk be utilized to the fullest extent possible for Class I purposes. Under usual conditions, this milk should be assigned to Class I use at the handlers' plant before transportation allowance is given for milk imported from distant plant sources.

Some tolerance should be allowed, however, in the assignment to Class I of milk brought in from pool supply plants. A representative of certain Wisconsin cooperatives suggested that milk from supply plants be prorated to Class

I along with direct-delivered producer milk for the purpose of providing location adjustment credits. The effect of this proposal would be to increase the amount of transportation credit available to cover the cost of importing distant plant supplies as needed to supplement nearby producer milk.

The greater the amounts deducted for transportation the lower the uniform price will be. At present the market is fully supplied with milk costing the direct-ship producer an average of 27 cents per hundredweight to deliver to market. If the order is to encourage the procurement of milk for the market at the lowest possible cost, the direct-ship producers should not have to pay for the transportation of their own milk and, in addition, help to pay for the importation of more distant milk at a significantly higher transportation cost unless they are unable to fulfill the market's needs at reasonable prices.

In the event, however, a handler needs more distant milk, his cost should not be excessive in relation to those handlers with adequate quantities of direct-ship milk. Therefore, if the handler receiving the milk from the pool supply plant has direct-delivered producer milk supplies less than 110 percent of his Class I milk during the month, milk received from pool supply plants should be assigned to Class I on a pro rata basis with the direct-shipped milk, other order milk and unregulated supply plant milk subject to location credit.

This pro rata assignment to Class I disposition in the pool distributing plant of all producer milk, whether received directly from producers' farms or from another pool plant, will reduce whatever cost advantage handlers purchasing milk directly from producers' farms enjoy as compared to those who purchase some milk from supply plants.

To mitigate any abuse of location credits the assignment of Class I milk to transferor plants should be made in each instance, first at plants at which no location adjustment credit is applicable, and then in sequence beginning with the plants at which the lowest amount of adjustment credit would apply. For purposes of uniformity, the same provision would apply to any shipment of bulk or packaged fluid milk products between pool plants.

The major cooperative association proposed to include in the order a definition of "reload point." Their purpose in establishing the reload point was to provide location pricing at points beyond 70 miles of Dayton where bulk tank milk is reloaded and commingled en route to distributing plants in the Miami Valley market as well as at supply plants. While there are no reload points beyond such distance from the market at this time, proponent stated that a reload point definition would assist to modernize the regulatory program.

In contrast to the present situation, the producers' proposal would price producer milk at more distant reload points (beyond the 70-mile radius from Dayton) on the basis of the schedule of location differentials applicable for supply plants. In fact, certain similarities of function between supply plants and reload points were referred to in the record. Proponent also stated its belief that producer identification would be assisted where distant milk is involved.

A representative of certain Wisconsin cooperatives and a representative of the State of Wisconsin opposed the location pricing of milk at reload points, as proposed by the local cooperative, on the basis that it might result in less opportunity for distant milk to compete for market outlets in the Miami Valley marketing area. A Dayton handler expressed opposition to adoption of a reload point definition at this time on the ground that reload points are not a significant factor at this time and that more experience is needed to develop a proper application.

This record does not show a sufficient need for differentiating the pricing of milk at reload points based on their location.

At present there are five points in the milkshed at which the bulk tank milk of producers is reloaded. All such reload points are located within 70 miles of Dayton. Reloading is done at the convenience of the hauler, presumably for efficiency in transportation. As in the case of direct shippers, the producers involved pay the full hauling charge for the distance between their farms and the distributing plant in the market where the milk is received. Individual producer milk weight and butterfat test data accompany the milk to the plant.

There has been no experience in this market with more distant reload operations although the association's proposal presumes that in such cases the handler would incur the hauling cost between the reload point and his distributing plant. While the latter is likely in the case of milk moved from supply plants, it may not necessarily be the case, however, with respect to reloaded milk. We believe a wiser course is to gain further experience with reloading operations in order that any provision for pricing reloaded milk may take into account factors and experience which could not be explored on this record. For these reasons, the proposed definition of reload point for pricing purposes is denied.

Use of equivalent prices. If for any reason a price quotation or factor required by the order for computing class prices or for other purposes is not available in the manner described, the order should provide for use of a price or factor determined by the Secretary to be equivalent to that specified. As indicated in the partial decision on this record issued February 14, 1967, there may be unavoidable occasions when a price or factor ordinarily employed in the order becomes unavailable. Including a provision in the order for determination of an equivalent will leave no uncertainty with respect to the procedure which shall be followed in the absence of any price quotation or factor and thereby will prevent any unnecessary interruption in the operation of the order and its important pricing function.

6. *Revising and reissuing the entire order*—(a) *Distribution of proceeds to producers.* The order should contain provisions which describe the means whereby payments made by handlers for milk at class prices are converted to uniform prices to be paid to producers. The provisions should specify also the terms under which such payments must be made.

The order should provide for marketwide pooling of the value of producer milk used by all handlers. Under a marketwide pool, the total money obligation of all handlers in the market is combined to compute a uniform price applicable to all producer milk. To accomplish this purpose it is necessary that there be an exchange of money among handlers such that each handler is enabled to pay the marketwide uniform price. The transfer of money would be made through a producer settlement fund, as hereinafter discussed, operated by the market administrator.

Each handler would pay into the producer-settlement fund any plus difference of the value of his producer milk at class prices over its value at the market uniform price. A handler whose producer milk has a lesser use value at the class prices than at the market uniform price would receive payment at such difference from the producer-settlement fund. This arrangement enables each handler to pay the uniform price to producers irrespective of his own use of milk. The operation of marketwide pooling as applicable in this market would be subject to a modification commonly known as a seasonal incentive ("Louisville") plan, described elsewhere in these findings.

The Dayton-Springfield order has provided for marketwide pooling for the more than 20 years of its operation in the market. The continuance of marketwide pooling was proposed by the cooperative association supporting the expansion of the order to a larger marketing area. It proposed marketwide pooling to insure that each producer supplying the market will receive his pro rata share of returns for the Class I and Class II utilization. Marketwide pooling is considered necessary in this market to prevent unequal allocation of the burden of market reserves on producers. There was no objection at the hearing to this method of pooling.

The marketwide pooling of returns to producers will promote efficient handling of milk in the area as expanded. The enlarged marketing area and its supply area encompass a fairly wide geographical territory in which the supply of milk readily available for some plants varies considerably from the supply at others. Most handler plants disposing of milk in the proposed marketing area have little, if any, facilities for manufacturing reserve milk. Such plants normally limit their receipts of producer milk to the quantity needed for Class I and procure supplemental supplies for Class I use as needed.

One of the cooperative's plants is the major manufacturing facility and provides an available outlet through which proprietary handlers can readily market surplus milk. Thus, the latter plant is able to carry adequate supplies of milk on a year-round basis. The marketwide pool will enable any handler who has manufacturing facilities or the cooperative association to handle reserve supplies and yet be able to pay producers the same price as is paid by handlers who do not assume the responsibility of carrying the necessary reserve.

As earlier stated, a large part of the milk supply for handlers in this market is furnished by the cooperative association on a full supply basis. A marketwide pool also will make it possible for handlers, including any cooperative association, to divert to nonpool plants reserve milk supplies when these are not needed by pool plants but return to the producers of such milk the uniform price. Without marketwide pooling, the main burden of the Class II returns could fall upon members of the cooperative association. The handling of reserve milk by the cooperative is a necessary service to the market in insuring an adequate supply at all times.

A marketwide pool, on the other hand, will result in equitable distribution among all producers of the lower returns from reserve milk rather than placing the burden of such milk on certain producers. It will thereby contribute to market stability and the attainment of an adequate and dependable supply of producer milk for the market.

The "Louisville seasonal pricing plan" should be retained.

The Louisville seasonal pricing plan under the Dayton-Springfield order provides for the withholding from the uniform price for each of the months of April, May, June, and July, respectively, of 20, 25, 25, and 20 cents per hundredweight of producer milk. Accumulated funds are paid back to producers on their September, October, November, and December milk on the basis of the following percentages of such monies: 20, 30, 30, and 20 percent, respectively. The Louisville plan provision has been amended twice since its adoption in 1953. In 1957, the month of September was added as one of the "pay-back" months. In April 1964, the "take-out" rates were reduced for April, May, June, and July from 20, 35, 35, and 30 cents, respectively, to 20, 25, 25, and 20 cents.

A dairy farmer representing a small group of producers on the Dayton market proposed elimination of the Louisville plan. He contended that producers are now able to produce milk in a more even seasonal pattern than when the Louisville plan was adopted some 14 years ago. Furthermore, that this attainment of a relatively even seasonal production fulfills the purpose of the Louisville plan and thus the plan is no longer needed. He stated that the plan withholds monies during the spring months when farmers most need their returns from milk for the purchase of farm supplies. He stated further that monies which must be borrowed by producers during the spring months to meet expenses carry a higher interest rate than those earned by funds withheld for payment back to producers in the fall "pay-back" months. In further support he pointed to higher returns possible at Northeastern Ohio (f.o.b. market) blend prices compared to Dayton-Springfield (f.o.b. market) blend prices.

The representative of the principal cooperative association, which represents a large majority of producers on the market, opposed elimination of the seasonal incentive plan. As earlier stated, the association is the principal handler of reserve milk on this market, both weekly and seasonally. This witness pointed out that average daily deliveries per producer for the fall months have substantially improved from 82 percent of spring month deliveries in 1953 (the first year of the Louisville plan), to about 98 percent of such deliveries in 1959–63.

He observed, on the other hand, that immediately following a reduction of withholding rates in 1964, the seasonality of producer deliveries increased somewhat. The ratio of fall deliveries to spring deliveries achieved in the years 1959–63, decreased to 95 percent in 1966. The cooperative's witness contended that to remove the seasonal pricing incentive would (1) necessitate, at increased cost to the market, facilities to handle the increase in volume of producer milk surplus in the spring months, which would be costly to maintain during other periods of decreased production, and (2) disrupt the seasonal alignment of prices with nearby markets.

The primary purpose of the seasonal production incentive plan is to induce dairy farmers to increase fall production in relation to spring production, thus to encourage a more even pattern of milk deliveries throughout the year. It provides a continuing inducement to dairy farmers to increase production during the period of greatest Class I demand and at the time of the year when production costs tend to be highest. The Louisville plan is the main incentive (other than the relatively small seasonal changes in the basic formula price) provided for maintaining seasonal production in line with Class I sales and thus reducing the burden of handling seasonal surplus to the benefit of all producers.

We are in accord with the view that greater efficiency in handling the milk supply will be achieved if an even pattern of production exists and that the Louisville plan should be continued as a means of insuring this condition.

While these western Ohio counties are an area of common supply for the Dayton-Springfield and Northeastern Ohio markets, dairy farmers who ship milk directly to the Northeastern Ohio market will incur hauling charges reflecting the greater distance to the Northeastern Ohio marketing area. Plants located in the Northeastern Ohio market area are at least 150 miles from this supply area while the distance to Dayton-Springfield outlets is 60 miles or less. Any Northeastern Ohio regulated plant located in this supply area would be subject to a location adjustment of 22 cents (based on 150-mile distance).

While levels of minimum blend prices for the Dayton-Springfield market may not be appropriately compared to the minimum blend price level for the Northeastern Ohio market without allowance for the relative distances of the markets from the producer's farm, a proper comparison which nevertheless may favor the Northeastern Ohio market does not adequately support elimination of the Louisville plan from this market. It may simply indicate that the other market may be a more lucrative one for the producer's milk. The proposed elimination of the Louisville seasonal pricing plan therefore is denied.

Producer-settlement fund. Inasmuch as all producers will receive payment at the marketwide uniform price each month (adjusted during certain months for "Louisville plan" payments), and because the payment due from each handler at the applicable class prices may be more or less than he is required to pay directly to his producers, a specific method of balancing these differences is necessary.

For this purpose the order should provide for a producer-settlement fund to be operated by the market administrator. A handler whose obligation at class prices according to his utilization is more than he is required to pay his producers, shall pay such difference into the producer-settlement fund. A handler who is required to pay less according to his utilization than he is required to pay his producers shall receive such difference from the producer-settlement fund.

For efficient functioning of the fund, a reasonable operating reserve should be set aside each month to cover such contingencies as the failure of a handler to pay his monthly billing promptly or for making additional payments due a handler from the fund by reason of audit adjustments. The reserve would be a revolving fund to be adjusted each month by withholding from the pool computation not less than four cents nor more than 5 cents per hundredweight of producer milk. One-half of the unobligated reserve so accumulated would be added to the next monthly pool in computing the uniform price. This would continue the same arrangement as is currently in operation under the Dayton-Springfield order.

If the balance in the producer-settlement fund is insufficient to cover the payments due handlers, the market administrator should uniformly reduce payments per hundredweight to such handlers. In order to minimize such occurrences, milk received by any handler who has failed to make the required payments for the preceding month would not be included in the computation of the uniform price. The remaining amounts due such handlers should be paid as soon as the balance in the fund is sufficient to meet such payments. Producers, in turn, must receive full payment from handlers.

Any payments on partially regulated milk received by the market administrator from any handler also would be deposited in the producer-settlement fund. Money thus deposited would be included in the uniform price computation and thereby distributed to all producers on the market.

Payments to producers and cooperative associations. Each handler should pay each producer (for whom payment is not made to a cooperative association) not less than the uniform price, adjusted by butterfat and location differentials, for milk received from him. Provision should be made also for a cooperative association, if it so desires, to receive payment at the uniform price for producer milk marketed by it to other handlers. Payment to the individual producer should be made on or before the 17th day of the following month. A partial payment covering milk he delivers during the first 15 days of the month should be made on or before the 27th day of such month. These are the present arrangements under the Dayton-Springfield order.

The Dayton cooperative's proposed rate of partial payment to producers or cooperatives of the Class II price rounded to the nearest 50 cents, should be adopted. It was the cooperative's position that the partial payment should more nearly reflect changes in the Class II price rather than does the present schedule of fixed rates. The fixed rates in the present order have been substantially less than Class II prices in recent periods.

A handler opposed the proposed rate of partial payment on the basis it would represent an excessive "investment" on the part of handlers. This handler objected to paying producers for their milk prior to his receipt of payment for finished products made from the milk.

The arrangement elected by the handler for receiving payment for his finished products should not be a factor to postpone a timely and reasonable partial payment rate to producers. It is therefore concluded that the partial payment of the Class II price (rounded to the nearest 50 cents) for milk delivered to a handler during the 15 days of the month, on the 27th of the month should be provided.

The Act provides for the payment by handlers to cooperative associations for milk delivered on behalf of members and permits the reblending of all proceeds from the sale of member milk. Therefore, each handler, if so requested, should pay a cooperative association with respect to producers for whom it is authorized to collect the full amount due for their milk, in lieu of making payments to the individual producers.

Handlers should be required to pay the association 1 day before payment is required to be made to individual producers. This will enable the association to pay producers for whom it markets milk on the same date that other producers are to be paid by handlers. An association, however, should provide for reimbursement of any loss incurred because of an improper claim.

The collection of payments for milk of producers for whom it markets milk will assist an association in facilitating the transfer and diversion of milk among handlers and aid in the orderly movement of reserve milk to other plants either by transfer or diversion for manufacturing use. Thus, a cooperative association will be better able to discharge its responsibilities to its members and give service to the market.

A handler also should be required to pay a cooperative association for all milk purchased during the month from such association in its capacity as a handler on or before the 16th day of the following month. In the event the cooperative is the handler for producer milk delivered directly (including milk reloaded from one tank truck to another) from the farm to another handler's plant, such payment should be made at not less than the uniform price adjusted by the applicable butterfat and location adjustments. For other milk which a cooperative may deliver from its plant to another handler's plant, payment should be at the class prices according to the classification of milk transferred.

At the time settlement is made for milk received from producers the handler should be required to furnish to each producer (or his cooperative association) a supporting statement. This statement should show the pounds and butterfat tests of milk received from such producer, the rate of payment for such milk and the description of any deduction claimed by the handler in order that the producer may know the basis on which he is paid.

The principal cooperative association proposed a revision in the presently employed method by which producers receive payment for milk from handlers. The association proposal would replace the present system with one under which each handler would pay into the producer-settlement fund his full class price use value of milk and the market administrator would take over the task of paying the individual producers (or in some cases their cooperatives) at the uniform price. Reasons given by proponent in support of this proposal were that (1) it would identify the handler's total cost of milk with his obligation to the producer-settlement fund, and (2) it would definitely establish a date of producer payment on a uniform basis among all handlers.

One handler who purchases considerable quantities of milk from nonmember producers testified in opposition to the adoption of these proposed payments to the producer-settlement fund. This handler and nonmember producers shipping milk to his plant indicated their preference to continue to be paid for their milk by the handler.

The proposed producer payment plan should not be adopted. The problem raised concerning prompt payment for milk seemed to be related to the provision of the present order which permits the cooperative association and the handler to come to an agreement as to which of them will be accountable to the pool for milk marketed. Contrarily, the requirement of the revised provision will be that the handler must account to the cooperative at not less than the uniform price and will be required to pay to the market administrator any balance of his classified use value over its value at the uniform price. This revision should virtually eliminate the type of problem presented by the cooperative.

The record evidence fails to show a history of late or delinquent payments required to be made by handlers regulated by the Dayton-Springfield order. Without more indication of a need for the proposed provisions to solve a marketing problem for producers or their cooperatives or some administrative problem which may not be resolved by the changes adopted herein, it would be difficult to find on the evidence that the plan proposed by the producers is a necessary feature of an order in this market at this time. Such plan therefore is denied.

(b) *Administrative provisions.* Certain other provisions are needed in the order to carry out the administrative steps necessary to accomplish the purposes of the proposed regulation. Except for updating of language for clarity and consistency, these terms are generally the same as have applied for many years under the Dayton-Springfield order to more than 77 percent of the milk which will be subject to pricing under the Miami Valley order. The proponent cooperative association testified as to their importance and requested their continued application under the expanded order.

(1) *Terms and definitions.* In addition to the definitions discussed earlier in this decision which establish the scope of regulation, certain other terms and definitions are desirable for the purpose of brevity and to assure that each use of the term implies the same meaning. Such terms, as defined in the attached order, are common to most Federal orders.

(2) *Market administrator.* The order should provide for the appointment by the Secretary of a market administrator to administer the order and should set forth powers and duties of the market administrator.

(3) *Records and reports.* Provisions should be included in the order requiring handlers to maintain adequate records of their operations and to make the reports necessary to establish the proper classification and pricing of milk and payments due producers for milk. Obviously, time limits must be prescribed for filing such reports and for making payments to producers. Similarly, dates must be established for the announcement of prices by the market administrator.

It is essential that handlers' reports be submitted to the market administrator not later than the seventh day of each month. The market administrator should announce the uniform price for the previous month's milk on or before the 12th day of each month. The market administrator should also notify handlers of the amount due on milk handled during the month on or before the 12th day after the end of the month to permit sufficient time for handlers to submit payments due to the producer-settlement fund on or before the 14th day after the month. The payroll report of each handler should be submitted to the market administrator on or before the 20th day of each month. It should include such information as weights, butterfat tests,

payments for milk and authorized deductions.

Handlers must maintain and make available to the market administrator all records and accounts of their operations which are necessary to determine the accuracy of the information reported to the market administrator or any other information upon which the classification of producer milk depends. The market administrator likewise must be permitted to check the accuracy of weights and tests of milk and milk products received and handled and to verify all payments required under the order.

Detailed reports to the market administrator by handlers would be used also to determine whether plants qualify as pool plants.

The market administrator should report to each cooperative association, which so requests, the percentage of milk delivered by its members and utilized in each class at each pool plant receiving such milk. For the purpose of this report the percentage of members' milk in each pool plant should be prorated in the proportion that producer milk was utilized by that handler. These reports are necessary for cooperative associations to market their member milk efficiently so that available producer milk will be channeled to Class I uses to the fullest extent possible.

It is necessary that handlers retain records to prove the utilization of the milk received and that proper payments were made therefor. Since the books of all handlers associated with the market cannot be audited immediately, it is necessary that such records be kept for a reasonable period of time. The order should provide limitations on the period of time handlers shall be required to retain books and records and on the period of time in which obligations under the order should terminate.

The obligations of any handler under the order shall terminate 2 years after the last day of the month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless the handler fails or refuses to make available all required books and records or a handler's obligation involves fraud or willful concealment of a fact. The provisions made in this order are identical in principle to those adopted for all milk orders in operation on July 30, 1947, following the Secretary's decision of January 26, 1949 (14 F.R. 444). Official notice of such decision is taken. The reasons for such provisions as are set forth in that decision are similarly applicable to the situation in this market and the provisions should be adopted in this order for proper administration.

4. *Expense of administration.* The Act requires handlers to pay the cost of operating an order through an assessment on milk handled. Each handler should be required to pay to the market administrator, as his proportionate share of the cost of administering the order, 2 cents, or such lesser amount as the Secretary may prescribe, on all receipts within the month of producer milk, including milk of such handler's own production, any other source milk allocated to Class I (except milk so assessed under another Federal order) and receipts from a cooperative association in its capacity as a handler of bulk tank milk.

The maximum rate of administrative assessment of two cents per hundredweight herein adopted is identical with the rate currently in effect under the Dayton-Springfield order and is appropriate for the Miami Valley order. This rate appropriately provided funds for the market administrator to meet the necessary cost of administering the Dayton-Springfield order. Since the funds from this rate of assessment have proved adequate for the expense of prior administration of that regulation, it is expected that this rate will likewise provide adequate funds to cover the initial administrative costs in establishing this regulation. The quantity of milk to be covered is only moderately increased from that subject to the present Dayton-Springfield order.

This order specifies minimum performance standards which must be met to obtain regulated status. With certain specified exceptions, operators of plants not meeting such standards would, under the provisions included in this decision, be required to either make specified payments into the producer-settlement fund on route distribution in the marketing area in excess of offsetting purchases of Federal order Class I milk or otherwise pay into such fund and/or dairy farmers, an amount not less than the full classified use value of receipts (computed as though such plant were a fully regulated plant).

The market administrator, in administering an order as it applies to the nonpool route distributor, must incur expenses in essentially the same manner as in applying the order to pool handlers. Partial regulation (as prescribed) of such distributor does not, however, provide the same benefits to such handler as accrue to the fully regulated handler; i.e., the privilege of participation in the market pool and assurance of uniform price payments to his dairy farmers.

If the nonpool route distributor elects to make a payment on his in-area sales at the difference between the Class I price and the uniform price for the market, the expenses incurred by the market administrator in administering the terms of the order on such handler are nominal and payment of the administrative assessment on his in-area sales reasonably would constitute his pro rata share of administrative expense.

In the situation where such a distributor for any reason actually pays his dairy farmers the full use value of their milk (computed at order price) it has in the past on the basis of substantial record evidence in promulgation hearings, been found necessary in many areas to require payment by such distributor of an administrative assessment on his total receipts of milk in order to defray the costs of complete plant auditing to verify the utilization and payments as claimed. In large measure, such a distributor's operations are more comparable to those of a fully regulated handler and such assessment is substantially the same as for a fully regulated handler.

There is reason to believe, however, that in some instances such an assessment might make possible a financial obligation under the order in excess of his total obligation through the alternative of electing to make a payment into the producer-settlement fund. From the financial standpoint such a situation provides little practical alternative to such handler but to pay the required pool payment. In order to give more meaningful effect to the choice of an alternative, the pro rata share of the administrative expense of the order should be the regular assessment rate applied to such milk as is actually disposed of as Class I in the regulated area that exceeds Class I milk received from other regulated plants or other order plants, irrespective of whether the option to pay into the producer-settlement fund is elected by the unregulated distributor.

In the case of unregulated milk which enters the market through a fully regulated plant for Class I use, it is the regulated handler who utilizes the unregulated milk and who must report to the market administrator the receipt and use of such milk as well as on all other milk received and utilized. Also, the receipts and utilization of all milk at his plant are subject to verification by the market administrator. It is concluded, therefore, that the regulated handler should be responsible, as under the present Dayton-Springfield order, for payment of the administrative assessment with respect to such unregulated milk.

The market administrator must have funds sufficient to enable him to administer the order. The order is designed to share this cost equitably among all handlers distributing milk in the proposed marketing area. However, to prevent duplication an assessment should not be made on other source milk on which an assessment was made under another Federal order.

Provision should be made so that the Secretary may reduce the amount of the administrative assessment without the necessity of amending the order. The rate can thus be reduced when experience indicates a lower rate will be sufficient to provide adequate funds for the administration of the order.

(5) *Marketing service.* Provisions should be made in the order for providing for marketing services to producers, such as the verification of tests and weights of producer milk and furnishing them with market information. The services should be provided by the market administrator and the cost should be borne by producers for whom the services are rendered. A qualified cooperative association, approved for such activity by the Secretary, may perform such services for its member producers in lieu of such services by the market administrator.

There is need for continuing the marketing service program in connection with the administration of the order in this area. Orderly marketing will be

promoted by assuring individual producers that they have obtained accurate weights and tests of their milk. Complete verification requires that butterfat tests and weights of an individual producer's deliveries as reported by the handler are proved to be accurate.

An additional phase of this market service program is to furnish producers with current market information. Efficiency in the production, utilization and marketing of milk will be promoted by providing for the dissemination of current market information on a market-wide basis to all producers.

To enable the market administrator to furnish these marketing services, provision should be made for a maximum deduction of 6 cents per hundredweight with respect to receipts of milk from producers for whom he renders marketing services. This is the same rate as now provided in the Dayton-Springfield order and it has provided funds necessary to conduct the program under that regulation at the time of promulgation.

If later experience indicates that marketing services can be performed at a lesser rate, provision is made in this order whereby the Secretary may adjust the rate downward without the necessity of a hearing. In the event a qualified cooperative association has been determined to be performing such marketing services for its members, handlers would be required to pay to the cooperative association such deductions as are authorized by its producer members.

(5) *Adjustment of errors.* The cooperative association proposed a revision in the time requirement applicable to payment of monies due various persons when errors are discovered on audit of any handler's reports, books, records, or accounts. Under the present Dayton-Springfield order audit adjustments resulting in monies due are paid on the date of the next scheduled payment specified in the particular section of the order under which such adjustment occurred. Pursuant to the proposal such adjustments would be carried to the next payment date if they were discovered less than five days before the date ordinarily due.

The provision relating to "adjustment of errors" should be expanded to cover audit adjustments resulting in monies due the market administrator from a handler and a handler from the market administrator, as well as from the handler to a producer or cooperative association. Such adjustments should be paid to the appropriate person on or before the next date for making final payment under the section in which such error occurred. The evidence failed to indicate the necessity for postponing such payment where discovery is made within 5 days of the next payment date, as proposed. The revisions made will improve administrative practice. Such revised provisions should assure prompt payment of monies found due upon audit and provide sufficient time for payment.

(6) Clarifying changes have been made in other provisions which were pointed out in exceptions. These changes relate to the definitions of "distributing plant", "supply plant", "pool plant" (balancing plant of a cooperative association), "other source milk" and "route disposition"; "reports of receipts and utilization"; "Class II milk price"; and "computation of the net pool obligations of each pool handler". These clarifications of order provisions will assist in the effective administration of the order.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held;

(d) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(e) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 2 cents per hundredweight or such amount not to exceed 2 cents per hundredweight as the Secretary may prescribe, with respect to:

(1) Receipts of producer milk (including such handler's own production);

(2) Other source milk allocated to Class I pursuant to §§ 1034.45(a)(4) and 1034.45(a)(8) and the corresponding steps of § 1034.45(b); and

(3) Packaged Class I milk disposed of from partially regulated distributing plants as route disposition in the marketing area that exceeds the hundredweight of Class I milk received during the month at such plants from pool plants and other order plants.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Miami Valley, Ohio, Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Miami Valley, Ohio, Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Referendum order; determination of representative period; and designation of referendum agent. It is hereby directed that a referendum be conducted to determine whether the issuance of the attached order regulating the handling of milk in the Miami Valley, Ohio, marketing area, is approved or favored by the producers, as defined under the terms of the order, as amended and as hereby proposed to be amended, and who, during the representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

The month of June 1967 is hereby determined to be the representative period for the conduct of such referendum.

Fred W. Issler is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders (7 CFR 900.300 et seq.), such referendum to be completed on or before the 30th day from the date this decision is issued.

Signed at Washington, D.C., on August 7, 1967.

GEORGE L. MEHREN,
Assistant Secretary.

Order[1] *Amending the Order Regulating the Handling of Milk in the Miami Valley, Ohio, Marketing Area*

DEFINITIONS

Sec.
1034.1 Act.
1034.2 Secretary.
1034.3 Department.
1034.4 Person.
1034.5 Cooperative association.
1034.6 Miami Valley, Ohio, marketing area.
1034.7 Producer.
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AUTHORITY: The provisions of this Part 1034 issued under sections 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

§ 1034.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Miami Valley, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 2 cents per hundredweight or such amount not to exceed 2 cents per hundredweight as the Secretary may prescribe, with respect to:

(i) Receipts of producer milk (including such handler's own production);

(ii) Other source milk allocated to Class I pursuant to § 1034.45(a) (4) and (8) and the corresponding steps of § 1034.45(b); and

(iii) Packaged Class I milk disposed of from partially regulated distributing plants as route disposition in the marketing area that exceeds the hundredweight of Class I milk received during the month at such plants from pool plants and other order plants.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Miami Valley, Ohio, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, Regulatory Programs, on June 8, 1967, and published in the FEDERAL REGISTER on June 15, 1967 (32 F.R. 8591; F.R. Doc. 67–6621), subject to revisions of §§ 1034.11, 1034.12, 1034.13 (a) and (c), 1034.15 (introductory text), 1034.17 (a)(1), 1034.18, 1034.30(a)(1)(i), 1034.45, 1034.52(b), and 1034.54(a); and addition of § 1034.70(g) shall be and are the terms and provisions of this order amending the order and the order is set forth in full herein.

DEFINITIONS

§ 1034.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 1034.2 Secretary.

"Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States authorized to exercise the powers or to perform the duties of the Secretary of Agriculture.

§ 1034.3 Department.

"Department" means the U.S. Department of Agriculture or any other Federal agency authorized to perform the price reporting functions of the U.S. Department of Agriculture.

§ 1034.4 Person.

"Person" means any individual, partnership, corporation, association, or other business unit.

§ 1034.5 Cooperative association.

"Cooperative association" means any cooperative marketing association of

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

producers which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act";

(b) To have full authority in the sale of milk of its members and is engaged in making collective sales of or marketing milk or milk products for its members; and

(c) To have all of its activities under the control of its members.

§ 1034.6 Miami Valley, Ohio, marketing area.

The "Miami Valley, Ohio, marketing area", hereinafter called the "marketing area", means all the territory geographically within the places listed below, including all premises wholly or partly therein occupied by government (municipal, State, or Federal) reservations, installations, institutions, or other similar establishments:

OHIO COUNTIES

Champaign.	Greene.
Clark.	Miami.
Clinton (except Clark, Green, Jefferson, and Washington Township).	Montgomery.
	Preble.

§ 1034.7 Producer.

"Producer" means any person, except a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk in compliance with inspection requirements of a duly constituted health authority for fluid consumption in the marketing area which milk is (a) received at a pool plant, or (b) diverted as producer milk pursuant to § 1034.15. "Producer" shall not include any such person with respect to milk which is fully subject to the class pricing and producer payment provisions of another order issued pursuant to the Act.

§ 1034.8 Handler.

"Handler" means:

(a) Any person who operates one or more pool plants;

(b) Any cooperative association with respect to producer milk diverted from a pool plant to another pool plant or to a nonpool plant;

(c) Any cooperative association with respect to producer milk it delivered directly from the farm to the pool plant of another handler in a tank truck or trailer owned or operated by, or under contract to, such cooperative association for its account;

(d) Any person who operates a partially regulated distributing plant;

(e) A producer-handler; and

(f) Any person who operates an other order plant described in § 1034.61.

§ 1034.9 Producer-handler.

"Producer-handler" means any person who meets all of the following conditions:

(a) Operates a dairy farm and a distributing plant in which milk from his own production is processed and packaged and from which route disposition is made within the marketing area;

(b) Receives from pool plants or other order plants during the month fluid milk products of not more than 2,500 pounds;

(c) Has route disposition consisting only of skim milk and butterfat obtained from pool plants or other order plants in the form of fluid milk products or from his own production;

(d) Receives no milk from other dairy farmers; and

(e) The maintenance, care and management of the herd(s) and other resources necessary to the production, processing and packaging of own-farm milk are the personal enterprise and risk of such person.

§ 1034.10 Plant.

"Plant" means the land and buildings together with their surroundings, facilities, and equipment constituting a single operating unit or establishment which is operated exclusively by one or more persons and used for the bulk handling or processing of milk or milk products.

§ 1034.11 Distributing plant.

"Distributing plant" means a plant which is approved by any duly constituted health authority for the processing or packaging of milk for fluid consumption in the marketing area and from which during the month route disposition is made.

§ 1034.12 Supply plant.

"Supply plant" means a plant in which some milk approved by any duly constituted health authority for fluid consumption in the marketing area is assembled and shipped in bulk as a fluid milk product to a distributing plant.

§ 1034.13 Pool plant.

"Pool plant" means a plant specified in paragraph (a), (b), or (c) of this section, except the plant of a producer-handler or a plant exempt pursuant to § 1034.61.

(a) A distributing plant from which during the month:

(1) Route disposition made within the marketing area is at least 15 percent of its total route disposition; and

(2) At least 50 percent of the total receipts of Grade A milk at such plant from dairy farmers, other plants (excluding receipts of bulk fluid milk products from other plants which are assigned as Class II milk pursuant to § 1034.45(a) (5) (i) and (iii) and (10)), and cooperatives as handlers pursuant to § 1034.8, including any such milk diverted to other plants pursuant to § 1034.15 by the handler operating such plant, is route disposition during each of the months of August through January, at least 45 percent February and March, and at least 40 percent during other months, except that a plant which qualifies as a pool plant by complying with the preceding requirements of this subparagraph during the immediately preceding month shall continue to be a pool plant during the current month even if the minimum percentage requirement for the current month is not met.

(b) A supply plant from which during the month the volume of fluid milk products shipped to and received at plants qualified pursuant to paragraph (a) of this section and route disposition from such plant within the marketing area, if any, is not less than 50 percent of the volume of Grade A milk received from dairy farmers at such plant (including receipts from a handler pursuant § 1034.8 (e) but not receipts of other milk on diversion pursuant to § 1034.15). Any supply plant which is qualified by reason of meeting the required percentage of this paragraph during the months of August through March shall continue to be so qualified for the following months of April through July even if the required percentage pursuant to this paragraph is not met in the latter months, unless such operator requests the market administrator in writing that such plant should not be so qualified, such revised status to be effective the first month following such notice and thereafter until the plant requalifies under this section on the basis of shipments.

(c) A plant, other than a distributing plant, operated by a cooperative association if, during the month, more than 50 percent of the total milk supply of producer members of such cooperative association is shipped to one or more distributing plants of other handlers qualified under paragraph (a) of this section either from such plant of the cooperative association or pursuant to § 1034.8(c), except that on written request for nonpool status made to the market administrator prior to the beginning of any month, the plant shall be a nonpool plant for such month and for each of the succeeding 11 months in which it does not qualify pursuant to paragraph (a) or (b) of this section on the basis of shipments.

§ 1034.14 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant from which there is route disposition in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant and from which fluid milk products are shipped to a pool plant.

§ 1034.15 Producer milk.

"Producer milk" means all skim milk and butterfat contained in milk of any producer, other than milk received at a pool plant by diversion from a plant at which such milk would be fully subject to pricing and pooling under the terms and provisions of another order issued pursuant to the Act, which is:

(a) Received during the month at one or more pool plants;

(b) Diverted during the month by a handler from a pool plant to another pool plant; or

(c) Diverted by a handler from a pool plant to a nonpool plant for not more than one-third of the days of delivery during any month from August through March, and for not more than two-thirds of the days of delivery during any month from April through July. Producer milk diverted by a handler shall be priced at the location of the plant to which diverted;

(d) Received by a cooperative association in its capacity as a handler pursuant to § 1034.8(c), in addition to that pursuant to paragraph (a) of this section; and

(e) Delivered in a farm tank pickup truck, except that delivered by a cooperative association as a handler pursuant to § 1034.8(c), to more than one pool plant shall be deemed to have been received at the first pool plant where any of the milk is withdrawn from the tank truck.

§ 1034.16 Fluid milk product.

"Fluid milk product" means milk, skim milk, flavored or cultured milk or skim milk, buttermilk, concentrated milk, sweet or sour cream, and any fluid mixture of cream and milk or skim milk, including prepared milk shake mixes containing less than 15 percent total milk solids. The term includes these products in fluid, frozen (except cream), fortified or reconstituted form, but does not include sterilized cream in hermetically sealed metal or glass containers, eggnog, ice cream mix, or other frozen dessert mixes, aerated cream products, storage cream, cultured sour mixtures disposed of as other than sour cream unless labeled as a Grade A product, and evaporated or condensed milk or skim milk in either plain or sweetened form.

§ 1034.17 Other source milk.

"Other source milk" means all skim milk and butterfat contained in or represented by:

(a) Receipts during the month in the form of fluid milk products except: (1) Producer milk (including own farm production), (2) fluid milk products received from other pool plants either by transfer or diversion, and (3) sterilized cream received and disposed of in the same hermetically sealed metal or glass container;

(b) Products other than fluid milk products from any source (including those produced at the plant) which are reprocessed, repackaged, converted into or combined with another product during the month; and

(c) Any disappearance of nonfluid milk products not otherwise accounted for.

§ 1034.18 Route disposition.

"Route disposition" means a delivery (including that custom-packaged for another person, and disposition from a plant store or through vendor or vending machines) of any fluid milk product to a retail or wholesale outlet either directly or through a distribution point other than a plant.

MARKET ADMINISTRATOR

§ 1034.20 Designation.

The agency for the administration of this part shall be a market administrator, appointed by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal by the Secretary.

§ 1034.21 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend to the Secretary amendments thereto.

§ 1034.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part. His duties shall include but not be limited to those specified in this section.

(a) Within 30 days following the date on which he enters upon his duties execute and deliver to the Secretary a bond effective as of the date on which he enters upon his duties as market administrator and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary.

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions of this part.

(c) Obtain a bond in a reasonable amount, and with satisfactory surety therein, covering each employee who handles funds entrusted to the market administrator.

(d) Pay, out of the funds provided by § 1034.88, the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 1034.87) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties.

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and, upon request by the Secretary, surrender the same to his successor or to such other person as the Secretary may designate.

(f) Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, the name of any person who, within 2 days after the day upon which he is required to perform such acts, has not made (1) reports pursuant to §§ 1034.30 and 1034.32 or (2) payments pursuant to §§ 1034.80, 1034.84, 1034.86, 1034.87, and 1034.88.

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as the Secretary may request.

(h) Verify handlers' reports and payments to the extent necessary, by any appropriate means including audit of the handler's records and, if made available of the records of any other person upon whose utilization the classification of skim milk or butterfat depends.

(i) Publicly announce (by posting in a conspicuous place in his office and by such other means as he deems appropriate):

(1) On or before the sixth day of each month the minimum price for Class I milk pursuant to § 1034.51 and the Class I butterfat differential pursuant to § 1034.53(a) both for the current month, and the minimum price for Class II milk pursuant to § 1034.52 and the Class II butterfat differential pursuant to § 1034.53(b) both for the preceding month.

(2) On or before the 12th day after the end of each month the uniform price computed pursuant to § 1034.71 and the butterfat differential computed pursuant to § 1034.81 for such month.

(j) Notify on or before the 12th day after the end of each month each handler who reported pursuant to § 1034.30 of:

(1) The amount and value of such handler's milk in each class computed pursuant to § 1034.45 and § 1034.70;

(2) The uniform price computed pursuant to § 1034.71; and

(3) The amount to be paid by such handler pursuant to §§ 1034.82, 1034.84, 1034.87, and 1034.88 and the amount, if any, due such handler pursuant to § 1034.85.

(k) On or before the 12th day after the end of each month report to each cooperative association for such month with respect to each pool plant, the utilization on a pro rata basis of producer milk, payment for which is to be made to such cooperative association pursuant to § 1034.80.

(l) Whenever required for purpose of allocating receipts from other order plants pursuant to § 1034.45(a)(9) and the corresponding step of § 1034.45(b), the market administrator shall estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose.

(m) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products from an other order plant, the classification to which such receipts are allocated pursuant to § 1034.45 pursuant to such report, and thereafter any change in such allocation required to correct errors disclosed in verification of such report.

(n) Furnish to each handler operating a pool plant who has shipped fluid milk products to an other order plant, the classification to which the skim milk and butterfat in such fluid milk products were allocated by the market administrator

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of the other order on the basis of the report of the receiving handler; and, as necessary, any changes in such classification arising in the verification of such report.

(c) Prepare and make available for the benefit of producers, handlers and consumers, statistics and information concerning the operation of this part which do not reveal confidential information.

REPORTS, RECORDS AND FACILITIES

§ 1034.30 Reports of receipts and utilization.

On or before the seventh day of each month the following handlers shall report for the preceding month to, and in detail on forms prescribed by, the market administrator as follows:

(a) Each handler who operates a pool plant(s) shall report for each such plant:

(1) Receipts of skim milk and butterfat in:

(i) Producer milk (including own farm production) received;

(ii) Fluid milk products received from other pool plants;

(iii) Other source milk, with the identity of each source;

(2) Inventories of fluid milk products on hand at the beginning of the month in bulk and in packaged form, separately;

(3) The utilization or disposition of all receipts required to be reported, including separate data relative to:

(i) Bulk fluid milk products on hand at the end of the month;

(ii) Packaged fluid milk products on hand at the end of the month; and

(iii) Route disposition inside and outside the marketing area; and

(4) Such other information with respect to receipts and utilization as the market administrator may request;

(b) Each cooperative association shall report with respect to producer milk for which it is the handler but not otherwise reported under paragraph (a) of this section or § 1034.46(b);

(1) Receipts of skim milk and butterfat in producer milk;

(2) The utilization of skim milk and butterfat handled;

(3) The quantities of skim milk and butterfat caused to be delivered to pool plants of other handlers or to nonpool plants;

(4) Such other information with respect to the receipts and utilization of milk as the market administrator may request; and

(c) Each handler who operates a partially regulated distributing plant shall report for such plant the information required by paragraph (a) of this section, except that receipts of milk approved by any duly constituted health authority for fluid consumption in the marketing area shall be reported as if producer milk. Such report shall include separate data on route disposition in the marketing area.

§ 1034.31 Other reports.

(a) Each producer-handler and each handler exempt pursuant to §§ 1034.61 and 1034.62(b) shall make reports to the market administrator at such time and in such manner as the market administrator may request.

§ 1034.32 Payroll reports.

(a) Each handler pursuant to § 1034.8 (a), (b), or (c) shall submit to the market administrator on or before the 20th day after the end of the month, his producer payroll for that month which shall show for each producer:

(1) The daily and total pounds of milk received from such producer with the average butterfat test thereof; and

(2) The net amount of such handler's payments to such producer with the price, deductions and charges involved.

(b) Each handler operating a partially regulated distributing plant shall report to the market administrator on or before the 20th day after the end of the month the same information as is required pursuant to paragraph (a) of this section of a handler operating a pool plant if he wishes his obligation under § 1034.62 to be computed according to § 1034.62(a). Such report shall include payments to dairy farmers delivering Grade A milk.

§ 1034.33 Records and facilities.

Each handler, including any partially regulated handler, shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations, together with such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) Receipts of producer milk and other source milk and the utilization of such receipts at each of his plants;

(b) Weights and tests for butterfat and other content of all milk, skim milk, cream, and other milk products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all milk products on hand at the beginning and end of each month at each plant; and

(d) Payments to producers, other dairy farmers, and cooperative associations including the amount and nature of any deductions made and the disbursement of money so deducted.

§ 1034.34 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the month to which such books and records pertain. If, within such 3-year period, the market administrator notifies the handler in writing that the retention of such books and records or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 1034.40 Skim milk and butterfat to be classified.

All skim milk and butterfat required to be reported pursuant to §§ 1034.30 and 1034.31 shall be classified by the market administrator as Class I milk or Class II milk subject to the conditions of this section and §§ 1034.41 through 1034.46. When nonfat milk solids derived from nonfat dry milk, condensed skim milk or any other product condensed from milk or skim milk are utilized or unaccounted for by the handler, the total pounds of skim milk classified shall reflect a volume equivalent to the skim milk used to produce such nonfat milk solids, except that if the solids are utilized to fortify fluid milk products the actual weight of any such product shall be included in classifying the total product weight.

§ 1034.41 Classes of utilization.

The classes of utilization of milk shall be as follows:

(a) *Class I milk.* Class I milk means skim milk (except as provided for fortified fluid milk products pursuant to § 1034.40) and butterfat:

(1) Disposed of in the form of fluid milk products other than those specified pursuant to paragraphs (b) (2), (3), and (4);

(2) In inventory of fluid milk products in packaged form on hand at the end of the month; and

(3) Not accounted for as Class II milk.

(b) *Class II milk.* Class II milk means skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product;

(2) Disposed of and used for livestock feed or as skim milk dumped;

(3) Contained (skim milk only) in that portion of fortified fluid milk products not classified as Class I milk pursuant to paragraph (a) of this section;

(4) Contained in inventory of bulk fluid milk products on hand at the end of the month;

(5) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1034.42(c) (1) and (3); and

(6) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1034.42(c)(2).

§ 1034.42 Shrinkage.

Skim milk and butterfat, respectively, at each pool plant to be classified as Class II milk pursuant to § 1034.41(b) (5) and (6) shall be computed as follows:

(a) If the sum of the quantities of skim milk and butterfat, respectively, classified as Class I and Class II milk pursuant to § 1034.41(a) and (b) (1), (2), (3), and (4) equals or exceeds the receipts of skim milk and butterfat, respectively, required to be reported pursuant to § 1034.30, no skim milk or butterfat, respectively, shall be classified as Class II milk pursuant to § 1034.41(b) (5) and (6);

(b) Compute the total shrinkage of skim milk and butterfat; and

(c) Subject to the conditions of subparagraph (3) of this paragraph, prorate the resulting amounts between the quantities specified in subparagraphs (1) and (2) of this paragraph. The amounts assigned to the quantities in subparagraph (1) of this paragraph shall not exceed 2.5 percent of such quantities and the amounts assigned to the other source milk included in subparagraph (2) of this paragraph shall equal the actual shrinkage allocated to these quantities.

(1) The receipts of producer milk at such plant less transfers of fluid milk products in bulk form to other pool plants; plus 60 percent of the fluid milk products transferred in bulk to other pool plants; and plus 40 percent of the fluid milk products received in bulk from other pool plants and other order plants, exclusive of the quantities from other order plants for which Class II utilization was requested by the operator of such plant and the handler;

(2) Other source milk in the form of fluid milk products exclusive of that specified in subparagraph (1) of this paragraph; and

(3) If settlement by a handler on milk received from a cooperative association pursuant to § 1034.8(c) is made on the basis of weights and butterfat tests determined at the farm and the market administrator is so notified of such basis of settlement by the date the handler is required to submit his monthly report pursuant to § 1034.30, 2.5 percent shrinkage shall be allowed the handler with respect to all such milk, otherwise to 60 percent of such receipts and the balance (computed at the 2.5 percent rate) to the cooperative association supplying the milk.

§ 1034.43 Transfers.

Skim milk or butterfat in the form of a fluid milk product disposed of by a handler from a pool plant shall be classified:

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred or diverted to another pool plant, subject to the following conditions:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1034.45 (a)(9) and (b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1034.45(a)(4), the skim milk and butterfat so transferred or diverted shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1034.45 (a)(9) and (b), the skim milk and butterfat so transferred or diverted up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant.

(4) If the movement is from a pool distributing plant to a pool supply plant, it shall be considered Class II utilization to the extent such utilization is available at the receiving plant.

(b) As Class I milk, if moved to a producer-handler or a plant exempt pursuant to § 1034.60(b);

(c) As Class I milk, if transferred or diverted in bulk to a nonpool plant that is neither an other order plant, nor a producer-handler plant, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1034.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant in excess of receipts of packaged fluid milk products from all pool plants and other order plants:

(i) Route disposition in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of fluid milk products for such nonpool plant;

(ii) Class I utilization in excess of that assigned pursuant to subdivision (i) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply of fluid milk products for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iii) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred shall be classified as Class II milk; and

(d) As follows, if transferred to an other order plant in excess of receipts from such plant in the same category as described in subparagraph (1), (2), or (3) of this paragraph:

(1) If transferred in consumer packages, classification shall be in the classes to which allocated as a fluid milk product under the other order;

(2) If transferred in bulk form, classification shall be in the classes to which allocated as a fluid milk product under the other order (including allocation under the conditions set forth in subparagraph (3) of this paragraph);

(3) If the operators of both the transferor and transferee plants so request in the reports of receipts and utilization filed with their respective market administrators, transfers in bulk form shall be classified as Class II to the extent of the Class II utilization (or comparable utilization under such other order) available for such assignment pursuant to the allocation provisions of the transferee order;

(4) If the classification to which allocated under the other order is not available to the market administrator for purposes of establishing classification pursuant to this paragraph, classification shall be as Class I, subject to adjustment when such information is available;

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified as Class II; and

(6) If the form in which any fluid milk product is transferred to an other order plant is not defined as a fluid milk product under such other order, classification shall be in accordance with the provisions of § 1034.41.

§ 1034.44 Computation of the skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and other obvious errors the report of receipts and utilization for each pool plant and shall compute the pounds of butterfat and skim milk in Class I milk and Class II milk at each such plant.

§ 1034.45 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1034.44, the market administrator shall determine, for each pool plant, the classification of producer milk received thereat. In making the allocations for this purpose under paragraphs (a) and (b) of this section, any subtractions of receipts of skim milk or butterfat (except other source milk received as cottage cheese curd to be subtracted pursuant to subparagraph (4)(i) of this paragraph) to begin with Class II milk shall be made in series starting with skim milk and butterfart other than that used to produce cottage cheese, then skim milk and butterfat used to produce cottage cheese prior to any such subtractions from Class I milk.

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1034.41(b)(5);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk prod-

ucts received in packaged form from other order plants as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Except for the first month this order is effective with respect to each handler, subtract from the remaining pounds of skim milk in Class I, the pounds of skim milk in inventory of fluid milk products in packaged form on hand at the beginning of the month;

(4) Subtract successively from the pounds of skim milk remaining in each class in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product, provided that any such milk received as cottage cheese curd shall be subtracted directly from the handler's cottage cheese utilization.

(ii) Receipts of fluid milk products for which Grade A certification is not established or which are from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler as defined under this or any other Federal order; and

(iv) Receipts of fluid milk products from a plant exempt pursuant to § 1034.60(b);

(5) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II:

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants for which the handler requests Class II utilization (other than cottage cheese manufacture) but not in excess of the pounds of skim milk remaining in such Class II uses;

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants which are in excess of the pounds of skim milk determined as follows:

(a) Multiply the pounds of skim milk remaining in Class I milk (excluding Class I transfers between pool plants of the handler) at all pool plants of the handler by 1.25;

(b) Subtract from the result the sum of the pounds of skim milk at all such pool plants in producer milk, in receipts from other pool handlers and in receipts in bulk order from other order plants; and

(c)(1) Multiply any resulting plus quantity by the percentage that receipts of skim milk in fluid milk products from unregulated supply plants remaining at this plant is of all such receipts remaining at all pool plants of such handler, after any deductions pursuant to subdivision (i) of this subparagraph;

(2) Should such computation result in a quantity to be subtracted from Class II, which is in excess of the pounds of skim milk remaining in Class II, the pounds of skim milk in Class II shall be increased to the quantity to be subtracted and the pounds of skim milk in Class I shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made;

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant in excess of similar transfers to such plant, but not in excess of the pounds of skim milk remaining in Class II milk, if Class II utilization was requested by the operator of such plant and the handler;

(6) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of bulk fluid milk products (and for the first month the order is effective with respect to each handler, the pounds of fluid milk products in packaged form) on hand at the beginning of the month;

(7) Add to the remaining pounds of skim milk in Class II milk, the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(8) (i) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class in all pool plants of the receiving handler, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraph (5) (i) or (ii) of this paragraph;

(ii) Should such proration result in the amount to be subtracted from any class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made;

(9) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraph (5) (iii) of this paragraph pursuant to the following procedure:

(i) Subject to the provisions of subdivisions (ii) and (iii) of this subparagraph, such subtraction shall be pro rata to whichever of the following represents the higher proportion of all Class II milk.

(a) The estimated utilization of skim milk in each class, by all handlers, as announced for the month pursuant to § 1034.22(I); or

(b) The pounds of skim milk in each class remaining at all pool plants of the handler;

(ii) Should proration pursuant to subdivision (i) of this subparagraph result in the total pounds of skim milk to be subtracted from Class II at all pool plants of the handler exceeding the pounds of skim milk remaining in Class II at such plants, the pounds of such excess shall be subtracted from the pounds of skim milk remaining in Class I after such proration at the pool plants at which received;

(iii) Except as provided in subdivision (ii) of this subparagraph, should proration pursuant to either subdivision (i) or (ii) of this subparagraph result in the amount to be subtracted from any class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made;

(10) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from pool plants of other handlers according to the classification assigned pursuant to § 1034.43(a); and

(11) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage".

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

§ 1034.46 Responsibility of handlers.

(a) Except as provided in paragraph (b) of this section, all skim milk and butterfat shall be classified as Class I milk unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Producer milk in bulk delivered by a cooperative association as a handler under § 1034.8(c) to the pool plant of another handler, or caused to be diverted by the cooperative association from one pool plant to another, shall be classified according to use or disposition at the receiving plant, and the value thereof at the class prices shall be included in the net pool obligation computed for such handler pursuant to § 1034.70. For purposes of location adjustments pursuant to § 1034.54 and administrative expense pursuant to § 1034.88, such milk shall be treated as producer milk of the receiving handler.

(c) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

MINIMUM PRICES

§ 1034.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the simple average of the daily wholesale selling prices (using the midpoint of any range as one price) per pound of Grade A (92-score) bulk creamery butter at Chicago, as reported for the month by the Department (hereinafter referred to as the Chicago butter price). The basic formula price shall be rounded to the nearest full cent. For the purpose of computing Class I prices from the effective date hereof through April 1968, the basic formula price shall be not less than $4.05.

§ 1034.51 Class I milk prices.

Subject to the provisions of § 1034.53 the price per hundredweight for Class I milk for the month shall be determined by the market administrator as follows:

(a) Add $1.24, plus 20 cents through April 1968, to the basic formula price for the preceding month plus or minus a "supply-demand adjustment" of not more than 39 cents computed as follows:

(1) Divide the aggregate pounds of producer milk in Class I milk (including inventory except as provided in subparagraph (3) of this paragraph, and "overage", but adjusted to eliminate duplications due to interhandler and intermarket plant transfers) under this part and Part 1033 of this chapter (Greater Cincinnati order) for the second, third, and fourth months preceding by the aggregate pounds of producer milk receipts under such parts for the same months, multiply the result by 100 and round to the nearest whole number. The result shall be known as the "Class I utilization percentage";

(2) For each full percentage point that the Class I utilization percentage is above the applicable maximum standard utilization percentage listed below increase the Class I price differential by 3 cents; and for each full percentage point that the Class I utilization percentage is below the applicable minimum standard utilization percentage listed below decrease such differential by 3 cents.

Month for which price is being computed	Preceding months used in computation	Standard utilization percentages	
		Minimum	Maximum
January	Sept., Oct., Nov.	65	69
February	Oct., Nov., Dec.	68	71
March	Nov., Dec., Jan.	69	72
April	Dec., Jan., Feb.	69	71
May	Jan., Feb., Mar.	68	71
June	Feb., Mar., Apr.	66	69
July	Mar., Apr., May	60	63
August	Apr., May, June	54	57
September	May, June, July	52	55
October	June, July, Aug.	53	56
November	July, Aug., Sept.	59	61
December	Aug., Sept., Oct.	62	64

(3) For the third month this subparagraph is effective, the monthly ending inventory of packaged fluid milk products for the month preceding such month shall be deducted in computing the 3 months' Class I milk total under subparagraph (1) above and the same adjusted monthly Class I milk total shall be used in the two successive 3 months' Class I milk total in subparagraph (1).

§ 1034.52 Class II milk prices.

Subject to the provisions of § 1034.53, the prices per hundredweight for Class II milk for the month shall be computed by the market administrator as follows:

(a) Except as provided in paragraph (b) of this section, the amount for the month computed pursuant to § 1034.50, but not more than the sum of the amounts computed pursuant to subparagraphs (1) and (2) of this paragraph (rounded to nearest cent), plus 10 cents:

(1) From the Chicago butter price computed pursuant to § 1034.50, subtract 3 cents and multiply by 4.2; and

(2) From the weighted average of carlot prices per pound of spray process nonfat dry milk for human consumption f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents and multiply by 8.2.

(b) For skim milk in producer milk used to produce cottage cheese the amount computed for the month pursuant to paragraph (a) of this section plus 20 cents.

§ 1034.53 Butterfat differentials to handlers.

(a) Class I price. Multiply the Chicago butter price computed pursuant to § 1034.50 for the immediately preceding month by 0.120.

(b) Class II price. Multiply the Chicago butter price for the month by 0.115.

§ 1034.54 Location adjustment to handlers.

(a) The price for Class I milk at a plant located outside the marketing area and more than 50 miles by the shortest hard-surface highway distance as determined by the market administrator from the nearest of the main post offices of Dayton, Piqua, Springfield, Urbana, or Wilmington, Ohio, shall be the price computed pursuant to § 1034.51(a) reduced according to the rates set forth in the following schedule for the distance of the plant from such nearest basing point:

Distance from basing point	Rate per hundredweight (cents)
Less than 50 miles	0
More than 50 miles but not more than 60 miles	9.0
For each additional 10 miles or fraction thereof in excess of 60 miles, an additional	1.5

(b) Fluid milk products received by a handler at a pool plant from another pool plant shall be assigned for Class I location adjustment credit, at the appropriate distance rate as set forth in paragraph (a) of this section, in a volume not in excess of 110 percent of Class I milk (exclusive of producer milk diverted as Class I milk to nonpool plants) at the transferee plant less the sum of receipts at such plant directly from producers and Class I milk assigned to receipts from other order plants and unregulated supply plants. Such assignments shall be made first to transferor plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply. If a pool distributing plant has direct receipts from producers less than 110 percent of Class I milk at such plant any bulk transfers to such plant from another pool plant to which a location credit applies shall be assigned to the Class I disposition at the transferee plant prorated with the sum of receipts at such plant of producer milk and the pounds assigned as Class I to receipts from other order plants and unregulated supply plants.

§ 1034.55 Use of equivalent prices.

If for any reason a price quotation or factor required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price or factor determined by the Secretary to be equivalent to the price or factor which is required.

APPLICATION OF PROVISIONS

§ 1034.60 Producer-handlers and Governmental Agencies.

(a) Sections 1034.40 through 1034.55 and §§ 1034.61 through 1034.88 shall not apply to a producer-handler.

(b) None of the provisions of this part except § 1034.14 shall apply to a plant operated by a governmental agency.

§ 1034.61 Plants subject to other Federal orders.

The provisions of this part other than §§ 1034.30, 1034.31, 1034.32, 1034.33, and 1034.34 shall not apply to:

(a) A distributing plant during any month in which the milk at such plant would be subject to the classification and pricing provisions of another order issued pursuant to the Act, unless such plant qualified as a pool plant pursuant to § 1034.13(a) and a greater volume of fluid milk products is disposed of from such plant to retail or wholesale outlets in the Miami Valley, Ohio, marketing area and to pool plants under this part than in the marketing area and to pool plants regulated by such other order during the current month and each of the three months immediately preceding.

(b) A supply plant meeting the requirements of § 1034.13(b) which also continues to have pool plant status under another Federal order.

§ 1034.62 Obligation of a handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to

the market administrator for the producer-settlement fund on or before the 25th day after the end of the month either of the amounts (at the handler's election) calculated pursuant to paragraph (a) or (b) of this section. If the handler fails to report pursuant to §§ 1034.30 and 1034.32 the information necessary to compute the amount specified in paragraph (a) of this section, he shall pay the amount computed pursuant to paragraph (b) of this section.

(a) An amount computed as follows:

(1) (i) The obligation that would have been computed pursuant to § 1034.70 had such plant been a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant, transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order is so allocated to Class I milk. There shall be included in the obligation so computed a charge in the amount specified in § 1034.70(f) and a credit in the amount specified in § 1034.84(b)(2) with respect to receipts from an unregulated supply plant, unless an obligation with respect to such plant is computed as specified in subdivision (ii) of this subparagraph.

(ii) If the operator of the partially regulated distributing plant so requests, and provides with his reports pursuant to §§ 1034.30 and 1034.32, similar reports with respect to the operations of any other nonpool plant which serves as a supply plant for such partially regulated distributing plant by shipments to such plant during the month equivalent to the requirements of § 1034.13(b), with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification of such reports, there will be added the amount of the obligation computed at such nonpool supply plant in the same manner and subject to the same conditions as for the partially regulated distributing plant.

(2) From this obligation there will be deducted the sum of:

(i) The gross payments made by such handler for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a supply plant(s) included in the computations pursuant to subparagraph (1) of this paragraph; and

(ii) Any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as route disposition (other than to pool plants) in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location (not to be less than the Class II price).

DETERMINATION OF PRICES TO PRODUCERS

§ 1034.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each pool handler during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class for such handler, as computed pursuant to § 1034.45(c), by the applicable class prices (adjusted pursuant to §§ 1034.53 and 1034.54) and add the resulting amounts.

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1034.45(a)(11) and the corresponding step of § 1034.45(b) by the applicable class prices.

(c) Add the amount obtained from multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1034.45(a)(6) and the corresponding step of § 1034.45(b).

(d) Add an amount determined by multiplying the difference between the Class I price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1034.45(a)(3) and the corresponding step of § 1034.45(b). If the Class I price for the current month is less than the Class I price for the preceding month the result shall be a minus amount.

(e) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1034.45(a)(4) and the corresponding step of § 1034.45(b).

(f) Add an amount equal to the value at the Class I price adjusted for location (in the manner provided pursuant to § 1034.54) of the nearest nonpool plant(s) from which an equivalent volume was received, with respect to skim milk and butterfat subtracted from Class I pursuant to § 1034.45(a)(8) and the corresponding step of § 1034.45(b).

(g) Add, with respect to a cooperative association which is allocated shrinkage of skim milk or butterfat pursuant to § 1034.42(c)(3), an amount computed by multiplying hundredweight of such shrinkage by the Class II milk price (adjusted pursuant to §§ 1034.53 and 1034.54).

§ 1034.71 Computation of uniform price.

For each month the market administrator shall compute the uniform price per hundredweight of producer milk, of 3.5 percent butterfat content, as follows:

(a) Combine into one total the values computed pursuant to § 1034.70 for all handlers, except those of handlers who failed to make payments required pursuant to §§ 1034.80 and 1034.84 for the preceding month;

(b) Add an amount equal to the sum of the location differential adjustments computed pursuant to § 1034.82;

(c) Subtract, if the weighted average butterfat test of all producer milk is greater than 3.5 percent, or add if the weighted average butterfat test of such milk is less than 3.5 percent an amount computed by multiplying the difference between such weighted average butterfat test and 3.5 by the butterfat differential computed pursuant to § 1034.81;

(d) Add an amount representing not less than one-half the unobligated balance in the producer-settlement fund;

(e) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1034.70(f);

(f) Subtract not less than 4 cents nor more than 5 cents per hundredweight. The result shall be the "weighted average price" and, except for the months specified below, shall be the "uniform price" for milk received from producers;

(g) For the months specified in paragraphs (h) and (i) of this section, subtract from the amount resulting from the computation pursuant to paragraphs (a) through (d) of this section an amount computed by multiplying the hundredweight of milk specified in paragraph (e)(2) of this section by the weighted average price;

(h) Subtract for each of the months of April, May, June, and July an amount computed by multiplying the total hundredweight of producer milk for such month by the following amounts: 20 cents in April, 25 cents in May and June, and 30 cents in July;

(i) Add for each of the months of September, October, November, and December, 20, 30, 30, and 20 percent, respectively, of the obligated balance in the producer-settlement fund pursuant to § 1034.83(b) on August 31, immediately preceding;

(j) Divide the resulting sum by the total hundredweight of producer milk included in these computations; and

(k) Subtract not less than 4 cents nor more than 5 cents per hundredweight. The result shall be the "uniform price" for milk received from producers.

PAYMENTS

§ 1034.80 Time and method of payment for producer milk.

(a) Except as provided in paragraphs (b), (c), and (d) of this section, each handler shall make payment for producer milk received during the month as follows:

(1) On or before the 27th day of each month to each producer who did not discontinue shipping milk to such handler before the 15th day of the month not less than the Class II price for the preceding month computed to the nearest 50 cents multiplied by the hundredweight of milk received from such producer during the first 15 days of the month, less proper deductions authorized by such producer to be made from payments due pursuant to this subparagraph;

(2) On or before the 17th day of the following month to each producer, not less than the uniform price, adjusted by the butterfat and location differentials to producers, multiplied by the hundredweight of milk received from such producer during the month, subject to the following adjustments:

(i) Less payments made to such producer pursuant to subparagraph (1) of this paragraph;

(ii) Less marketing service deductions made pursuant to § 1034.87;

(iii) Plus or minus adjustments for errors made in previous payments made to such producer; and

(iv) Less proper deductions authorized in writing by such producer.

(3) If by such date for final payment, such handler has not received full payment from the market administrator pursuant to § 1034.85 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payments to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after the receipt of the balance due from the market administrator;

(b) Payments required in paragraph (a) of this section shall be made to a cooperative association, qualified under § 1034.5, or its duly authorized agent, with respect to milk of producers which the market administrator determines have authorized such cooperative association to collect payment for their milk and the cooperative association has presented the handler with a written request for such payments. Payments to the cooperative association under this paragraph shall be made 1 day in advance of the applicable payment dates in paragraph (a), subject to the condition that the association has provided the handler with a written promise to reimburse the handler the amount of any actual loss incurred by such handler because of any improper claim on the part of the cooperative association;

(c) On or before the 15th day of the following month, each handler shall pay to each cooperative association for milk the handler receives during the month from a pool plant operated by such association, not less than the minimum prices for milk in each class, subject to the applicable location and butterfat differentials;

(d) On or before the 15th day of the following month, each handler, in his capacity as operator of a pool plant, who receives milk for which a cooperative association is the handler during the month pursuant to § 1034.8(c) shall pay such cooperative association for such milk at the uniform price, adjusted by applicable butterfat and location differentials; and

(e) None of the provisions of this section shall be construed to restrict any cooperative association qualified under section 8c(5)(F) of the Act from making payment for milk to its member producers in accordance with such provision of the Act.

§ 1034.81 Butterfat differential to producers.

The uniform price for producer milk shall be increased or decreased for each one-tenth of 1 percent that the butterfat content of such milk is above or below 3.5 percent, respectively, at the rate determined by multiplying the pounds of butterfat in producer milk allocated to Class I and Class II milk pursuant to § 1034.45 by the respective butterfat differential for each class, dividing the sum of such values by the total pounds of such butterfat and rounding the resultant figure to the nearest one-tenth cent.

§ 1034.82 Location differentials to producers and on nonpool milk.

(a) For the purposes of § 1034.71, the uniform price at a pool plant shall be reduced on the basis of the applicable amount or rate for the location of such pool plant pursuant to § 1034.54;

(b) For the purpose of computations pursuant to § 1034.84 the weighted average price shall be adjusted on the basis of the applicable amount or rate pursuant to § 1034.54, applicable at the location of the nonpool plant from which the milk was received.

§ 1034.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund", which shall function as follows:

(a) All payments made by handlers pursuant to §§ 1034.62, 1034.84, and 1034.86 shall be deposited in such fund and out of which shall be made all payments pursuant to §§ 1034.85 and 1034.86, except that any payments due to any handler shall be offset by any payments due from such handler; and

(b) All amounts subtracted pursuant to § 1034.71(h) shall be deposited in this fund and set aside as an obligated balance until withdrawn to effectuate § 1034.80 in accordance with the requirements of § 1034.71(i).

§ 1034.84 Payments to the producer-settlement fund.

On or before the 14th day of the following month each handler, including a cooperative association which is a handler, shall pay to the market administrator the amount, if any, by which the total amount specified in paragraph (a) of this section exceeds the amount specified in paragraph (b) of this section:

(a) The sum of the net pool obligation computed pursuant to § 1034.70 for such handler for the month; and

(b) The sum of:

(1) The value of producer milk received by such handler at the applicable uniform price specified in § 1034.71 (in the case of a cooperative association as a pool handler pursuant to § 1034.8(c) the value of milk so delivered to the pool plant of another handler shall be computed as a receipt of the latter); and

(2) The value at the weighted average price(s) applicable at the location of the plant(s) from which received (not to be less than the value at the Class II price) with respect to other source milk for which a value is computed pursuant to § 1034.70(f).

§ 1034.85 Payments out of the producer-settlement fund.

On or before the 16th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1034.84(b) exceeds the amount computed pursuant to § 1034.84(a). The market administrator shall offset any payment due any handler against any payments due from such handler.

§ 1034.86 Adjustments of errors.

Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses adjustments to be made, for any reason, which results in monies due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any such amount due, and payment thereof shall be made on or before the next date for making payments set forth in the provision under which such error occurred.

§ 1034.87 Marketing services.

(a) *Deductions.* Except as set forth in paragraph (b) of this section, each handler shall deduct an amount not exceeding 6 cents per hundredweight, or such lesser amount as the Secretary from time to time may prescribe, from the payments made pursuant to § 1034.80, with respect to all milk received by such handler during each month from producers (not including such handler's own production) and from associations of producers, and shall pay such deductions to the market administrator on or before the 14th day after the end of such month. Such moneys shall be used by the market administrator to verify weights, samples, and tests of such milk received by handlers and to provide such producers and associations of producers with market information, such services to be performed in whole or in part by the market administrator or by an agent engaged by him and responsible to him.

(b) *By cooperative associations.* In the case of producers for whom a cooperative association is actually performing as

determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as authorized by such producers and, on or before the 16th day after the end of the month, pay over such deductions to the cooperative association rendering such services.

§ 1034.88 Expense of administration.

As his prorata share of the expense of administration of the order, each handler (excluding a cooperative association in its capacity as a handler pursuant to § 1034.8(c) with respect to milk delivered to pool plants) shall pay to the market administrator on or before the 14th day after the end of the month, 2 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to:

(a) Producer milk (including such handler's own production);

(b) Other source milk allocated to Class I pursuant to §§ 1034.45(a)(4) and 1034.45(a)(8) and the corresponding steps of § 1034.45(b); and

(c) Packaged Class I milk disposed of from partially regulated distributing plants as route disposition in the marketing area that exceeds the hundredweight of Class I milk received during the month at such plants from pool plants and other order plants.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1034.90 Effective time.

The provisions of this part, or any amendments to its provisions, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 1034.91 Suspension or termination.

The Secretary may suspend or terminate this part or any provision of this part, whenever he finds that it obstructs, or does not tend to effectuate the declared policy of the Act. This part shall terminate, in any event, whenever the provisions of the Act authorizing it cease to be in effect.

§ 1034.92 Continuing power and duty of the market administrator.

(a) If, upon the suspension or termination of any or all provisions of this part, there are any obligations arising under this part, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination. Any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(b) The market administrator, or such other person as the Secretary may designate, shall (1) continue in such capacity until discharged by the Secretary, (2) from time to time account for all receipts and disbursements, and when so directed by the Secretary, deliver all funds or property on hand, together with the books and records of the market administrator, or such person, to such person as the Secretary may direct, and (3) if so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant hereto.

§ 1034.93 Liquidation after suspension or termination.

Upon the suspension or termination of any or all provisions of this part, the market administrator, or such person as the Secretary may designate shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1034.100 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler falls or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the 2-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said 2-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which all such books and records pertaining to such obligations are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or 2 years after the end of the month during which the payment (including deduction or set off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

§ 1034.101 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 1034.102 Separability of provisions.

If any provision of this part, or the application thereof to any person or circumstances, is held invalid, the remainder of the part and the application of such provision to other persons or circumstances shall not be affected thereby.

[F.R. Doc. 67-9398; Filed, Aug. 9, 1967; 8:50 a.m.]

[7 CFR Part 1073]

[Docket No. AO 178-A21]

MILK IN WICHITA, KANS., MARKETING AREA

Notice of Extension of Time for Filing Exceptions to Recommended Decision on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Wichita, Kans., marketing area, which was issued July 28, 1967 (32 F.R. 11233), is hereby extended from August 7 to August 15, 1967.

Signed at Washington, D.C., on August 4, 1967.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 67-9372; Filed, Aug. 9, 1967; 8:48 a.m.]

[7 CFR Part 1125]

[Docket No. AO 226-A16]

MILK IN PUGET SOUND, WASH., MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Puget Sound, Wash., marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the 15th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Seattle, Wash., on March 14-16, 1967, pursuant to notice thereof which was issued March 6, 1967 (32 F.R. 3834).

The material issues on the record of the hearing relate to:

1. Establishing a higher priced class for specified manufacturing products and applying Class I location differentials thereto;

2. Modification of the basis of computing the location adjustment applicable to the excess price as a corollary to changes in classification and pricing;

3. Redistricting certain counties in and adjacent to the marketing area for purposes of revising location adjustments on class prices and in paying producers;

4. Elimination of provisions which permit pool plant status of reload facilities and as points for pricing producer milk;

5. Providing for the proration of receipts among several handlers with respect to split deliveries of a bulk tank load of producers' milk;

6. Providing for nonproducer milk status on milk from other markets (not Federal order markets) used solely for manufacturing purposes under the Puget Sound order; and

7. Miscellaneous and conforming changes.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Classification and pricing of milk used in manufactured products.* The order should be amended to divide the present Class II classification into two classes. The new Class II should include all skim milk and butterfat used to produce ice cream, ice cream mix, frozen desserts, aerated cream products, plastic cream, soured cream dressing, yogurt, eggnog, cottage cheese, bakers' cheese, pot cheese, cream cheese and neufchatel cheese. Condensed milk and skim milk used to produce any Class II milk product, and fluid milk products disposed of in bulk to a commercial food processing establishment should also be classified as Class II.

Class III would include all other manufactured dairy products currently classified as Class II. The principal items in Class III would include all skim milk and butterfat used to produce evaporated milk, condensed milk and skim milk (not otherwise classified as Class II), butter, nonfat dry milk solids, powdered whole milk, casein, Cheddar and Italian cheeses, milk in shrinkage and in fluid milk products dumped, or disposed of for livestock feed.

The new Class III would be priced at the present Class II price and the new Class II utilization would be priced 25 cents above that figure.

The order presently provides for a two-class pricing system whereby most manufactured products are classified as Class II. The Class II price is based on the Minnesota-Wisconsin price series, not to exceed a limit related to butter and nonfat dry milk values.

In addition, the order now provides for a plus 25 cent per hundredweight location adjustment applicable to milk in certain Class II uses (principally condensed, cottage cheese, ice cream and ice cream mix) at District 1 plants or those located in the counties of Kitsap, Mason, or Pierce.

The United Dairymen's Association, representing about two-thirds of the producers on the market, proposed a new Class III to include skim milk and butterfat used to produce butter, nonfat dry milk, powdered whole milk, Cheddar cheese, milk dumped and in shrinkage. They modified their proposal on the record to include in Class III milk utilized in all cheeses (including Cheddar) having 50 percent or more butterfat on a dry basis (generally cheeses manufactured from whole milk) and in Class II, all other cheeses not meeting this butterfat standard. Other items proposed for inclusion in Class II were evaporated milk and the products to which the special Class II location adjustment is now applicable in the District 1 area, mainly condensed milk, cottage cheese, ice cream and ice cream mix.

The association proposed a Class III milk price the same as the present Class II, and a price for skim milk and butterfat utilized as Class II products 25 cents over such Class III price and, with one exception, subject to the same location differentials as are now applicable to Class I milk. Location adjustments for this purpose would be limited to a maximum of 25 cents per hundredweight.

The association proposals for classification and pricing in effect would extend the present plus adjustment (25 cents per hundredweight) now applicable to usage in certain Class II products in certain parts of the market to apply on a marketwide basis, as well as making it applicable to additional products, principally evaporated milk and cheeses having less than 50 percent butterfat on a dry basis. At plants outside District 1 and not located in Kitsap, Mason, or Pierce Counties, the proposed Class II price would be adjusted by the location differentials now applicable to Class I milk.

In support of their position on these proposals the proponent association indicated that handlers in the market have demonstrated a preference for Grade A milk and skim milk for use in the manufactured products in the proposed Class II classification.

The Cow Milkers' Association and most regulated handlers generally objected to an increase in order minimum prices for certain manufactured products, particularly for skim milk and butterfat utilized in evaporated and condensed milk and in the Italian and other types of cheeses having less than 50 percent butterfat on a dry basis. Generally, their testimony was directed to the similarity in the competitive situation relative to the sale of evaporated and condensed milk and the Italian type cheeses with butter and powder on a national market. Mozzarella cheese, the principal Italian variety of cheese manufactured in the market, is sold in Washington and Oregon and some quantities are sold to outlets located in Alaska and Japan. A substantial distribution of evaporated milk products is made to outlets located in Utah and as far south as the Mexican border.

It is concluded that the present Class II products for which the Class II premium location adjustment is now applicable in District 1 (and the three-county area), principally cottage cheese, ice cream and ice cream mix and condensed milk, should be included in the new Class II classification and be priced 25 cents per hundredweight higher than the present Class II milk price. Skim milk and butterfat utilized in manufactured products such as evaporated milk, butter, hard and Italian type cheeses and dry milk solids, whole or nonfat, should be classified as Class III and priced on the basis of the present Class II pricing formula.

Condensed milk utilized in the manufacture of any product as here defined as Class II should also be classified as Class II. Condensed not so utilized should be Class III.

Ice cream, ice cream mix, and cottage cheese constitute a substantial outlet for reserve market supply of producer milk. Also, the ice cream and cottage cheese market is a year-round market requiring regularity of supply of producer milk to meet the market needs. During 1965, about 25 percent of producer milk was so utilized. The principal use of condensed milk in the market is in the manufacture of these products.

Although there is no requirement throughout the area that Grade A milk be used in the manufacture of ice cream, ice cream mix and cottage cheese, there is, however, a general demand by handlers for Grade A milk and skim milk on a regular basis for such uses.

Handlers manufacturing ice cream and cottage cheese in this market rely upon cooperative associations for a substantial quantity of the Grade A supply of producer milk for such purposes.

The added value now associated with producer milk in such uses in the District 1 area above that of other manufactured products should attach also to all the milk so utilized by handlers regulated under the order. This, together with appropriate adjustments for location as hereinafter adopted, will promote uniformity in pricing among handlers, regardless of the location of their plants, and will return uniformly to all producers on the market the proceeds for such higher valued uses.

The Everett-Seattle-Tacoma metropolitan areas are the predominant population centers in the market and thus represent the principal outlets for fluid milk products as well as ice cream, cottage cheese and other Class II products.

Slightly more than two-thirds of the milk which would be classified and priced as Class II is now received at District 1 plants. Of the remainder, some moves to the market in the form of cottage cheese. This cheese is manufactured at a plant located at Chehalis, Wash., which is in District 3.

Much of the remaining milk which would be classified as Class II and which is received at plants outside District 1 is moved in the form of condensed skim for use in ice cream and ice cream mixes. The volume of milk moving to the central market in condensed form has been increasing steadily.

Inasmuch as handlers located in the central market area generally are dependent upon supplemental Grade A milk supplies from the other pricing districts of the marketing area, the differences in cost of transporting producer milk for the higher valued Class II uses should be reflected in the relative returns to producers in the respective districts.

The proponents recommended that the location differentials applicable to Class II milk be at the same rate as those applied to Class I milk.

As noted above, however, a very substantial and increasing proportion of the milk which would be classified as Class II at plants located outside District 1 moves to District 1 plants in concentrated form. The cost of moving skim milk in the form of cottage cheese or condensed is much less than the cost of moving an equivalent volume of fluid skim milk in an unconcentrated state. Hence, to allow location differentials based on the cost of moving whole milk or skim milk in a volume equivalent to the solids in the concentrated product would result in producers paying the cost of transporting to District 1, the water which was removed from the skim milk at the country plants.

To prevent this, the rate of location differential on Class I products should be established at one-half the rate applicable to Class I milk. No change should be made in the rate of the location differential applicable to the uniform price paid to producers.

Proponents proposed that the location differential on Class II milk should not exceed 25 cents regardless of the location of the plant. Otherwise, producers could receive a price less than the Class III price for a portion of their milk. Fixing the location differential for Class II milk at one-half the rate established for Class I milk will eliminate the possibility, since the maximum rate applicable to Class I milk is 40 cents per hundredweight.

While Italian type cheeses and evaporated milk in many cases contain Grade A milk, they are not products required under the applicable health regulations to be made from Grade A milk. They are storable, easily transported and compete in the national market with similar products from other sources (both federally regulated and unregulated) where the applicable price approximates the Puget Sound Class III price (the present Class II price).

As stated earlier, Mozzarella cheese processed by regulated handlers in this market is sold throughout the entire coastal region as well as to outlets located in Alaska and Japan. Evaporated milk produced by local plants is regularly disposed of to outlets as far away as the Mexican border.

Mozzarella and other varieties of cheese manufactured at plants located in Wisconsin and elsewhere are obtainable in the Puget Sound market at prices competitive with those of the local manufacturing plants. Unrealistically high prices for Italian type cheeses and evaporated milk would only discourage the use of producer milk in their manufacture, resulting in a loss of important outlets for reserve milk supplies.

The order should continue to include evaporated milk and all cheese except cottage cheese (and specialty cheeses, i.e., baker's, pot, cream, neufchatel) in the lowest surplus classification together with butter, dry milk solids and related products. The three-class system as here adopted provides for classification and pricing of manufactured dairy products similar to that provided under the Inland Empire order market, the nearest federally regulated market to the Puget Sound market.

The changed basis for establishing and classifying skim milk and butterfat used to produce manufactured dairy products requires various changes in the order. These are necessary since a handler must not only account for Class II and Class III products produced in his plant but also must establish his actual disposition and month-end inventory of such products. The necessary changes in this regard are provided in the attached order.

2. *Computation of the location adjustments for excess milk.* Money paid by handlers for Class II milk in excess of the Class III price should be distributed to producers in all districts through the excess milk location adjustment in a manner similar to that now provided for in District 1. The funds made available through the pool would for any month be prorated over all producer excess milk pooled for that month. This will assure that all producers on the market will share uniformly in returns in utilization in the higher valued Class II products.

The amount available should first be applied to excess milk except that the location adjustment rate to apply on excess milk should not exceed a maximum of 25 cents per hundredweight for District 1 and specified lesser amounts in other districts. Any amount in excess of that required to pay the excess location adjustment should be added to the base pool.

3. *Location adjustments.* The order now divides the marketing area and adjacent portions of the milkshed into several districts for the purpose of pricing producer milk in accordance with its location value. Certain of these districts should be redefined as follows: (1) Thurston and Grays Harbor Counties, now in District No. 1, where there are no applicable location adjustments, should be included in the 15-cent and 20-cent per hundredweight location adjustment zones, respectively; and (2) Mason County (not a part of the designated marketing area) now included in the zero location adjustment zone, should be, for location pricing only, included in the 15-cent per hundredweight zone. The present five districts should be regrouped into four districts, numbered from one to four generally in order of distance from and the cost of transporting milk to the market. No change in the boundaries of the defined marketing area, however, is involved in these amendments.

The United Dairymen's Association proposed to include Grays Harbor County with Lewis and Pacific Counties in the 20-cent location adjustment zone; Mason County (not in the defined marketing area) and Thurston County in the 15-cent zone; and the three northern tiers of townships in Snohomish County in a new 10-cent zone. Presently the counties of Grays Harbor, Mason, Thurston, and Snohomish are a part of District 1 where no location adjustments apply.

The most economical means for supplying the Class I needs of the market is for nearby milk to be delivered from farms to bottling plants to the full extent available and for more distant supplies to be delivered only when needed. Seasonal day-to-day reserves can then be diverted economically to manufacturing plants in areas where there are facilities. This optimum arrangement may be more nearly achieved by the redistricting as here adopted.

Producer groups and handlers generally were favorable to the proposed redistricting of Grays Harbor County. Controversy centered chiefly on the change with respect to Thurston County.

Grays Harbor County is located at the base of the Olympic Peninsula of Washington and is presently one of the counties comprising District 1, in which there are no applicable location adjustments on Class I milk. The principal population center in the county consists of the neighboring cities of Aberdeen and Hoquiam.

Since the inception of the Puget Sound order in 1951, Grays Harbor County has been included in District 1. At the outset of regulation for this market, a high percentage of Grade A milk produced in the Aberdeen-Hoquiam milkshed (generally Grays Harbor and Mason Counties) was utilized as Class I milk. During 1951, 72 percent of such producer receipts at plants located in Grays Harbor County was disposed of as Class I route disposition. Since this time, however, most local bottling and manufacturing outlets have closed. A case in point is the plant located at Satsop which at one time provided an outlet in Grays Harbor County for the manufacture of reserve milk not required for fluid use. Substantial quantities of the milk produced in this area now move to manufacturing facilities located to the east such as the plant at Chehalis, Wash. (located in the 20-cent location adjustment zone) or to plants located in the Seattle area.

The principal remaining bottling plant operation in the county is located at Hoquiam, Wash. Except for this relatively small plant, the principal suppliers of fluid milk and fluid milk products on routes in the consuming centers of the county are located outside the county. Since 1961, less than 30 percent of the producer milk in the Grays Harbor milkshed has been utilized as Class I milk.

The 20-cent location adjustment as adopted herein for Grays Harbor County is the current hauling rate filed by handlers with the Public Utility Commission in Olympia, Wash.

A witness testifying on behalf of a small association of producers located in the county favored the continuation of the present location zone status of Grays Harbor County but indicated that the application of a 20-cent per hundredweight location adjustment for the county probably would result in no long-term disadvantage to the producers. This association presently ships, on a monthly basis, approximately 385,000 pounds of milk to the Hoquiam bottling plant and approximately 850,000 pounds to outlets located in Seattle. Seattle is the primary market for their producer milk.

The changed marketing situation characterizing Grays Harbor County is similar to that which has occurred in Thurston County, now in the district (District 1) where no location adjustments are applicable. Bottling plants which in the past were located in the county are no longer in operation.

Milk produced in this area has since tended to move to local regulated supply plants for manufacturing into such products as cheese and ice cream. At the present time because of its location in District 1, no location differential applies to this milk. Accordingly, the incentive for the movement of this milk to the principal population center, namely Seattle and Tacoma, for use in the higher valued fluid milk products is lacking in that producers are paid the same uniform prices at these outlying manufacturing facilities as they would receive if their milk were shipped to bottling plants in Seattle or Tacoma.

The present absence of a location adjustment applicable to this county, therefore, tends to hinder the efficient movement of milk to nearby Tacoma and Seattle, where the milk is needed for use in Class I. As a consequence, plants located in the central market have had to draw upon more distant sources in the market to supplement their needs and at an additional cost to producers sharing in the marketwide pool.

Currently, Mason County (although not a part of the marketing area) is included in the defined area in which no location differential applies.

There are presently no known regulated plants in the county to which such provisions are applicable. If, however, a plant located in the county should become regulated, the producer milk should be subject to the same 15-cent per hundredweight location differential as is adopted herein for regulated plants located in Thurston County. The same marketing conditions which warrant the inclusion of Thurston County in the 15-cent per hundredweight adjustment zone apply equally to the marketing situation with respect to Mason County.

In the case of Thurston and Mason counties, no filed hauling rates are indicated on the record. However, the 15-cent per hundredweight rate corresponds closely to filed rates in other parts of the marketing area where conditions and terrain are similar. The rate conforms also to hauling costs experienced by the proponent association in moving milk from this area.

The proposal to redistrict a portion of Snohomish County was not sufficiently supported by evidence in the record to warrant consideration at this time and is, therefore, denied.

The following portions of the marketing area definitions and handler location adjustment provisions of the order reflect the changes adopted by these findings.

Puget Sound, Wash., marketing area. "District 1" shall include that portion of the marketing area in King, Pierce, and Snohomish Counties. "District 2" shall include Thurston, Skagit, and Island Counties. "District 3" shall include that portion of the marketing area in Grays Harbor, Lewis, Pacific, and Whatcom Counties. "District 4" shall include San Juan County.

Location adjustments to the Class I and uniform prices:

Plant location	Differential cents per cwt.
District 1 or Kitsap or Pierce Counties	0
District 2 or Mason County	15
District 3 (including the entire counties of Lewis or Pacific) or Kittitas County	20
District 4 and other locations outside the marketing area	40

4. *Reload points.* Present order provisions which provide pool plant status to reload facilities should be eliminated. This change would effect a shift in the point of the pricing of such milk from the location of the reload point to the location of the pool plant.

Currently, the buildings, premises, and facilities of a reload point which meet the approval by an appropriate health authority, constitute a "plant" as defined under the order unless all milk handled through such reload facilities during the month is moved to a single plant in the same district. Reload facilities which have "plant" status likewise have the status of a pool supply plant under the order if such facility is located in the marketing area, or if it is located outside the marketing area and moves specified percentages of its Grade A milk in fluid form to pool distributing plants during the month.

The United Dairymen's Association requested that the reload points be eliminated from the pricing provisions of the order.

The Cow Milkers' Association supported the elimination of reload points for pricing purposes but was opposed to any change which would affect its own status as a handler under the order by virtue of its being an operator of a reload facility, a qualified pool plant under the order. The association representative stated, however, that the maintenance of handler status under the order is a temporary problem inasmuch as they had applied to the Department for recognition as a cooperative under § 1125.5 of the order. Official notice is taken of the fact that this association has now been recognized as a qualified cooperative association under the terms of the order. As such, the association would be a handler with respect to its bulk tank shipments of milk from member farms to pool plants or by diversion of the milk of its member producers from a pool plant to a nonpool plant. With this exception, there was no opposition to the changes in reload pricing as adopted herein.

Appropriate order provisions relating to the handling of milk through reload points must conform to the functions of reload facilities in a particular market. Such functions vary from one market to another. A case in point is that reload points used as a point of transfer for milk moving to the market from distant sources of supply is not characteristic in the Puget Sound market as it is in certain other markets. Further, the functions of reload facilities change over time in a market as evidenced from testimony on the record.

Five reload points were in operation as of January this year, all located in District 1 of the marketing area. Such facilities located at Stanwood and Arlington

(Snohomish County) are operated by Carnation Company and the Cow Milkers' Association, respectively. The remaining three facilities are located in Snohomish, Thurston, and Grays Harbor Counties and are operated by affiliates of United Dairymen's Association.

Testimony of representatives of United Dairymen's Association and the Cow Milkers' Association was directed to certain marketing practices relating to the movement of milk through reload points which were disruptive to the orderly marketing of milk in the area. It was the consensus of these witnesses that the advantages of reload pricing were far outweighed by the uneconomical practices which developed as a consequence.

Milk is being moved from districts in the marketing area where a 15 to 20 cent per hundredweight location differential is applicable to reload facilities in District 1 (area of no location differentials) and then moved back to plants in the originating district for processing into manufactured milk products. The costs of such uneconomical movements of milk are reflected in lower returns to all producers on the market. Pricing milk at the location of the pool plant which processes the milk received through the reload facilities will serve to eliminate such marketing practices.

It is concluded that treatment of a reload point under the order in a manner identical to that of a pool supply plant with respect to pricing, location differentials to handlers and performance requirements for pool status is no longer serving the conditions of orderly marketing in this area and should be discontinued. A reload point used primarily as a location at which milk is transferred from one farm pickup tank truck to another or to an over-the-road tank truck should not, therefore, be considered a plant. This would shift the location of pricing on milk moving through reload points from the location of the reload point to the location of the processing pool plant.

Any reloading operations on the premises of a plant engaging in other milk handling and processing operations should, however, continue to constitute part of the operations of such plant.

5. *Proration of receipts on split deliveries of bulk tank milk.* Producer milk received at two or more plants from one load shall be priced at the point of actual receipt. Receipts at each plant location shall be prorated among the producers making up the load.

In a corollary proposal to reload pricing, the United Dairymen's Association requested a change in the point of pricing and "accountability" for milk of two or more producers which is commingled into one bulk tank load and subsequently split between two or more plants. In such a situation, they recommended that the receipts of such milk at the several plants be prorated among the producers whose milk makes up the load.

The present marketing practice for fixing the responsibility for purchase, and thus the compliance with order requirements for payment and accurate reporting, rests with the operator of the first plant at which milk is received after it leaves the farm.

The marketing conditions discussed earlier in these findings with respect to changing the pricing of milk moving through reload facilities apply equally to the circumstances relating to the splitting of a bulk tank load of commingled producer milk among several handlers. Under the present terms of the order, a handler may "receive" a token portion of a tank load of milk at a District 1 plant and cause the remaining portion to be backhauled to plants located in the outlying areas where location adjustments are applicable. Since the entire load is considered to have been received at the first plant, the producers of such milk receive the uniform price f.o.b. the central market even though the milk is actually utilized at a plant where location differentials apply. This actually results in the cost of the extra transportation being borne by all producers on the market.

6. *Provision for "other market" milk.* Provisions for defining producers for other markets (not Federal order markets) in order that milk which is surplus to another market's requirements might be disposed of for manufacturing use by handlers regulated under the Puget Sound order without such milk becoming pooled should not be adopted at this time.

Although producer proponents pointed out that a similar provision relating to milk from other Federal order markets is already provided for under the terms of the order, testimony failed to show that a serious problem now exists with respect to milk imports from unregulated markets. The association's proposal was not included in the notice of hearing. If at some future time the situation is shown to contribute to market instability, a hearing may be held giving all interested parties the opportunity to be fully heard.

7. *Miscellaneous and conforming changes.* The adoption of various proposals necessitates, of course, certain changes in the specific provisions involved, as well as conforming changes in several other sections of the order. The establishment of a three-class system of pricing milk has also required numerous changes with respect to references to "Class II milk" throughout the order.

Two dairy farmers testified briefly that in certain milk markets of the U.S. powdered whole milk and nonfat dry milk solids are used in combination with nondairy ingredients in the manufacture of products which are competitive with milk sold for fluid bottling use.

Although their testimony suggested a reclassification of nonfat dry milk solids and powdered whole milk to a higher use classification than is now provided under the Puget Sound order (Class II), the relevancy of such a development elsewhere in the country to the current marketing situation in the Puget Sound market was not established. Full consideration of this matter, therefore, should be deferred until such time that a development of this nature may be shown to affect the orderly marketing of milk in the area.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order as amended regulating the handling of milk in the Puget Sound, Wash., marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

§ 1125.6 [Amended]

1. In § 1125.6, the last paragraph is revised to read: "'District 1' shall include that portion of the marketing area in King, Pierce, and Snohomish Counties. 'District 2' shall include Thurston, Skagit, and Island Counties. 'District 3' shall include that portion of the marketing area in Grays Harbor, Lewis, Pacific, and Whatcom Counties. 'District 4' shall include San Juan County."

2. Section 1125.7 is revised to read as follows:

§ 1125.7 Plant.

"Plant" means the land, buildings, surroundings, facilities and equipment, whether owned or operated by one or more persons, constituting a single operating unit or establishment, which is maintained and operated primarily for the receiving, handling and/or processing of milk and milk products. The term "plant" does not include:

(a) "Bulk reload points" which comprise the buildings, premises and facilities, including facilities for washing tanks, used primarily as a location at which milk is transferred from one farm pickup tank truck to another or to an over-the-road tank truck. Any reload point approved for such use by an appropriate health authority and located on the premises of a plant engaging in other operations shall constitute a part of the operations of such plant.

(b) "Distribution points" which comprise the buildings, premises and storage facilities at which are stored, enroute in the course of disposition, fluid milk products that have been processed and packaged in consumer-type packages at a distributing plant. The following shall apply with respect to the operations of a distribution point:

(1) Operations of such a distribution point located on the premises of a nonpool plant or a supply plant shall not constitute a part of the operations of such plant; and

(2) Fluid milk products moved through a distribution point shall be classified on the basis of disposition from the distributing plant at which processed and packaged, unless the following conditions are met, in which case such products may be classified on the basis of disposition from such distribution point:

(i) Such distribution point is located west of the Cascade Mountain Range;

(ii) Fluid milk products are not received during the month at such distribution point from more than one plant; and

(iii) The handler operating such distributing plant notifies the market administrator of his intent to report regularly on the basis of disposition from such distribution point.

§ 1125.8 [Amended]

3. In the first sentence of § 1125.8(b) (pool plant definition) the parenthetical phrase "(including any reload point constituting a plant)" is revoked.

§ 1125.12 [Amended]

4. In § 1125.12, the word "and" is deleted where it appears at the end of paragraph (b)(2)(ii); at the end of paragraph (c) the period is changed to a semi colon and the word "and" is added; and a new paragraph (d) is added to read as follows:

(d) In the case of any bulk tank load of milk originating at farms and subsequently received in part at two or more plants, the proportion of the load received at each such plant shall be prorated among the individual producers on the basis of their percentage of the total load.

§ 1125.22 [Amended]

5. Section 1125.22 is amended as follows: The parenthetical phrases "(and within Class II, the utilization specified in § 1125.54(c))" and "(and within Class II, to the utilization specified in § 1125.54(c))" where they appear in paragraph (l) are revoked; and paragraph (k) is revised to read as follows:

(k) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the prices determined for each month as follows:

(1) On or before the 5th day of each month the minimum price for Class I milk pursuant to § 1125.51(a) and the Class I butterfat differential pursuant to § 1125.52, both for the current month, and the minimum price for Class II milk pursuant to § 1125.51(b) and Class III milk pursuant to § 1125.51(c) and the Class II and Class III butterfat differentials pursuant to § 1125.52, all for the preceding month; and

(2) On or before the 13th day of each month, the weighted average and uniform prices computed pursuant to §§ 1125.71 and 1125.72, the location adjustments for excess milk computed pursuant to § 1125.81(a)(2), and the butterfat differential computed pursuant to § 1125.82, each applicable to milk received during the preceding month;

6. Section 1125.41 is revised to read as follows:

§ 1125.41 Classes of utilization.

Subject to the conditions set forth in §§ 1125.42, 1125.43 and 1125.44, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product, subject to the following limitations and exceptions:

(i) Any products fortified with added nonfat milk solids shall be Class I in an amount equal only to the weight of an equal volume of a like unmodified product of the same butterfat content;

(ii) Fluid milk products in concentrated form shall be Class I in an amount equal to the skim milk and butterfat used to produce the quantity of such products disposed of; and

(iii) Products classified as Class II pursuant to paragraph (b)(3), and as Class III pursuant to paragraph (c)(3) and (4), of this section are excepted;

(2) Contained in monthly inventory variation of fluid milk products; and

(3) Not specifically accounted for as Class II or Class III utilization.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Used to produce ice cream, and ice cream mix, frozen desserts, aerated cream products, plastic cream, soured cream dressing, yogurt, eggnog, cottage cheese, pot cheese, bakers cheese, cream cheese, neufchatel cheese, starter or any milk or milk products sterilized and packaged in hermetically sealed metal or glass containers;

(2) Used to produce condensed milk and skim milk utilized to produce any Class II milk product as specified in this section; and

(3) In fluid milk products disposed of in bulk to a commercial food processing establishment for use in food products which are processed for general distribution to the public for consumption off the premises.

(c) *Class III milk.* Class III milk shall be all skim milk and butterfat:

(1) Used to produce: Evaporated milk, condensed milk and skim milk (other than that specified in paragraph (b)(2) of this section) butter, nonfat dry milk solids, powdered whole milk, casein, and cheese (other than that specified in paragraph (b)(1) of this section), including that contained in residual products resulting from the manufacture of butter and cheese;

(2) Used to produce a product other than a fluid milk product as specified in paragraph (a)(1) of this section or a Class II product;

(3) In fluid milk products disposed of for livestock feed;

(4) In fluid milk products dumped after such prior notice and opportunity for verification as may be required by the market administrator;

(5) In shrinkage at each pool plant as computed pursuant to § 1125.42(b)(1) but not to exceed the following amount:

(i) Two percent of receipts in producer milk pursuant to § 1125.12(a)(1) and (2); plus

(ii) One and one-half percent of receipts of fluid milk products in bulk from other pool plants; plus

(iii) One and one-half percent of receipts from a cooperative association in its capacity as a handler pursuant to § 1125.10(f), except that if the handler operating the pool plant files notice with the market administrator that he is purchasing such milk on the basis of farm weights and individual producer tests, the applicable percentage shall be 2 percent; plus

(iv) One and one-half percent of receipts of fluid milk products in bulk from an other order plant, exclusive of the quantity for which Class II or Class III utilization was requested by the operator of such plant and the handler; plus

(v) One and one-half percent of receipts of fluid milk products in bulk from unregulated supply plants, exclusive of the quantity for which Class II or Class III utilization was requested by the handler; less

(vi) One and one-half percent of fluid milk products disposed of in bulk to other plants, except, in the case of milk diverted to a nonpool plant, if the operator of the plant to which the milk is diverted purchases such milk on the basis of farm weights and individual producer tests, the applicable percentage shall be 2 percent;

(6) In shrinkage at each pool plant as computed pursuant to § 1125.42(b)(2); and

(7) In shrinkage resulting from milk for which a cooperative association is the handler pursuant to § 1125.10 (e) or (f) not being delivered to pool plants and nonpool plants, but not in excess of one-half percent of such receipts, exclusive of those for which farm weights and individual producer tests are used as the basis of receipt at the plant to which delivered.

§ 1125.42 [Amended]

7. In paragraph (b)(1) of § 1125.42 the reference "§ 1125.41(b)(6)" is changed to "§ 1125.41(c)(5)"; and in paragraph (b)(2) of such section the reference "§ 1125.41(b)(6)(iv) and (v)" is changed to "§ 1125.41(c)(5)(iv) and (b)".

8. In § 1125.43, paragraph (a) is revised to read as follows:

§ 1125.43 Responsibility of handlers and reclassification of milk.

(a) All skim milk and butterfat shall be Class I milk unless the handler who first received such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise.

* * * * *

9. Section 1125.44 is revised to read as follows:

§ 1125.44 Interplant movements.

Skim milk and butterfat moved by transfer, and by diversion under paragraph (c) of this section, as fluid milk products from a pool plant shall be assigned (separately) to each class in the following manner:

(a) To a pool distributing plant: As Class I milk to the extent Class I milk is available at the transferee plant after computations pursuant to § 1125.46(a)(7) and the corresponding step of § 1125.46(b), subject to the following provisions:

(1) In the event the quantity transferred exceeds the total of receipts from producers and other pool plants at the transferor plant, such excess shall be assigned to the available milk in each class at the transferee plant in series beginning with Class III;

(2) If more than one transferor plant is involved, the available Class I milk shall first be assigned to pool plants located in District 1, and the counties of Pierce and Kitsap, and then in sequence to the plants at which the least location adjustment applies;

(3) If Class I milk is not available in amounts equal to the sum of the quantities to be assigned pursuant to subparagraph (2) of this paragraph to plants having the same location adjustments, the transferee handler may designate to which of such plants the available Class I milk shall be assigned;

(4) Notwithstanding the prior provisions of this paragraph, any such skim milk and butterfat transferred in bulk from a pool plant to a pool distributing plant in which facilities are maintained and used to receive milk or milk products required by applicable health authority regulations to be kept physically separate from Grade A milk shall be classified in accordance with the provisions of paragraph (b) of this section; and

(5) If the transferor plant received during the month other source milk to be allocated pursuant to § 1125.46(a)(6) and (7) and the corresponding steps of § 1125.46(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant.

(b) To a pool supply plant as Class III milk, subject to the following conditions:

(1) The skim milk or butterfat so assigned to Class III milk shall be limited to the amount thereof remaining in Class III milk in the transferee plant after computations pursuant to § 1125.46(a)(7) and the corresponding step of § 1125.46(b) for such plant, and any additional amounts of such skim milk or butterfat shall be assigned to Class II milk to the extent such utilization is available. Any additional amounts of such skim milk and butterfat shall be assigned to Class I milk and credited to transfers from transferor plants in the sequence at which the least location adjustment applies;

(2) If more than one transferor plant is involved, the available Class III and/or Class II milk shall first be assigned to transferor plants located outside District 1 and Kitsap and Pierce counties, and then in sequence to the plants at which the greatest location adjustment applies;

(3) If Class III and/or Class II milk is not available in amounts equal to the sum of the quantities to be assigned pursuant to subparagraph (2) of this paragraph to plants having the same location adjustments, the transferee handler may designate to which of such plants the available Class III and/or Class II shall be assigned; and

(c) To a nonpool plant:

(1) Except as provided for in subparagraphs (3) and (4) of this paragraph, as Class I milk, if transferred or diverted to a nonpool plant located outside the marketing area.

(2) As Class I milk, if transferred or diverted to a producer-handler as defined in any order (including this part) issued pursuant to the Act, or to the plant of such a producer-handler;

(3) As Class II milk to the extent such utilization is available and then to Class III milk, if transferred or diverted to a nonpool plant from which fluid milk products are not distributed on routes, subject to the following conditions:

(i) The transfer or diversion shall be classified as Class I milk unless the market administrator is permitted to audit the records of the nonpool plant for purposes of verification;

(ii) If such nonpool plant disposes of fluid milk products to any other nonpool plant distributing fluid milk products on routes, the transfer or diversion shall be classified as Class I milk up to the quantity of such disposition to the second nonpool plant; and

(4) As follows, if transferred to an other order plant in excess of receipts from such plant in the same category as described in subdivision (i), (ii), or (iii) of this subparagraph:

(i) If transferred in packaged form, classification shall be in the classes to which allocated as a fluid milk product under the other order;

(ii) If transferred in bulk form, classification shall be in Class I if allocated as a fluid milk product to Class I under the other order, in Class II if allocated to Class II under an order that provides three classes and in Class III if allocated to Class III under the other order or if allocated to Class II under the order that provides only two classes (including allocation under the conditions set forth in subdivision (iii) of this subparagraph);

(iii) If the operators of both the transferor and transferee plants so request in the reports of receipts and utilization filed with their respective market administrators, transfers in bulk form shall be classified as Class II or Class III to the extent of the Class II or Class III utilization (or comparable utilization under such other order) available for such assignment pursuant to the allocation provisions of the transferee order;

(iv) If information concerning the classification to which allocated under the other order is not available to the market administrator for purposes of establishing classification pursuant to this subparagraph, classification shall be as Class I, subject to adjustment when such information is available; and

(v) If the form in which any fluid milk product is transferred to an other order plant is not defined as a fluid milk product under such other order, classification shall be in accordance with the provisions of § 1125.41.

§ 1125.45 [Amended]

10. In § 1125.45, the reference "§§ 1125.53 and 1125.54" where it appears in the second sentence of paragraph (a), is changed to "§ 1125.53".

§ 1125.46 [Amended]

11. In § 1125.46, the term "Class II" where it appears in two places in paragraph (a)(1), once in (a)(2)(i), twice in (a)(3), once in (a)(5), and in (a)(8) is changed to "Class III".

12. In § 1125.46 the reference "§ 1125.41(b)(6)" as it appears in paragraph (a)(1) is changed to "§ 1125.41(c)(5)"; the text of subparagraph (4) immediately preceding subdivision (i) of such paragraph is changed to read "Subtract, in the order specified below in sequence beginning with Class III, from the pounds of skim milk remaining in Class II and Class III but not in excess of such quantity:"; the phrase "Class II utilization" where it appears in both subdivisions (i) and (iii) of subparagraph (4), is changed to "Class II or Class III utilization"; and the text of subdivision (i) of subparagraph (7) is changed to read "In series beginning with Class III the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated Class II and Class III utilization of skim milk announced for the month by the market administrator pursuant to § 1125.22(m) or the percentage that Class II and Class III utilization remaining is of the total remaining utilization of skim milk of the handler; and".

13. Section 1125.51 is revised to read as follows:

§ 1125.51 Class prices.

Subject to the provisions of §§ 1125.52 and 1125.53, the minimum class prices per hundredweight of milk for the month shall be as follows:

(a) *Class I milk.* The price for Class I milk shall be the basic formula price for the preceding month plus $1.65, and plus 20 cents through April 1968.

(b) *Class II milk.* The price for Class II milk shall be the Class III price computed pursuant to paragraph (c) of this section, plus 25 cents per hundredweight.

(c) *Class III milk.* The price for Class III milk shall be the basic formula price for the month but not to exceed the price computed as follows:

(1) Multiply the Chicago butter price by 4.2;

(2) Multiply by 8.2 the weighted average of carlot prices per pound for nonfat dry milk solids, spray process, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 48 cents, and round to the nearest cent.

14. Section 1125.52 is revised to read as follows:

§ 1125.52 Butterfat differentials to handlers.

If the average butterfat content of Class I milk, Class II milk or Class III milk computed pursuant to § 1125.46, differs from 3.5 percent, there shall be added to, or subtracted from, the applicable class price (§ 1125.51) for each one-tenth of 1 percent that the average butterfat content of such class is respectively above, or below, 3.5 percent, a butterfat differential computed as follows, rounded to the nearest one-tenth cent:

(a) *Class I milk.* Multiply the Chicago butter price for the preceding month by 0.125; and

(b) *Class II milk and Class III milk.* Multiply the Chicago butter price for the current month by 0.120.

§ 1125.54 [Revoked]

15. Section 1125.54 is revoked, and § 1125.53 is revised to read as follows:

§ 1125.53 Location adjustments on Class I and Class II milk.

The price of Class I and Class II milk at each plant shall be, regardless of point of disposition within or outside the marketing area, that computed pursuant to § 1125.51 less a location adjustment for such plant shown in the table below:

Plant location	Adjustment (cents/cwt)	
	Class I	Class II
District 1 or Kitsap or Pierce Counties	0	0
District 2 or Mason County	15	7.5
District 3 (including the entire counties of Lewis and Pacific) or Kittitas County	20	10.0
District 4 and other locations outside the marketing area	40	20.0

§ 1125.67 [Amended]

16. In § 1125.67, the term "Class II milk" where it appears in subparagraph (1)(i) of paragraph (a) is changed to "Class II or Class III milk"; the term "Class II price" where it appears in paragraph (b)(4) is changed to "Class III price".

§ 1125.70 [Amended]

17. In § 1125.70, the reference "§§ 1125.52, 1125.53 and 1125.54" where it appears in paragraph (a) is changed to "§§ 1125.52 and 1125.53" and the words "Class II price" where they appear in paragraph (d) are changed to "Class III price".

§ 1125.72 [Amended]

18. In § 1125.72(a)(2), the words "Class II price" are changed to read "Class III price".

§ 1125.80 [Amended]

19. In § 1125.80, the reference "§§ 1125.53 and 1125.54" where it appears in paragraph (c) is changed to "§ 1125.53".

20. Section 1125.81 is revised to read as follows:

§ 1125.81 Location adjustments to producers and on nonpool milk.

(a) In making payments to producers pursuant to § 1125.80(a), subject to the application of § 1125.12(c), the following adjustments for location are applicable:

(1) Deduction may be made per hundredweight of base milk received from producers at respective plant locations at the same per hundredweight rates as specified for Class I milk in the table set forth in § 1125.53; and

(2) There shall be added to the uniform price for excess milk received from producers at the respective plant locations the lesser of the applicable rates shown in subdivision (i) or (ii) of this subparagraph:

(i) Plant location;

	Rate (cents/cwt.)
District 1 or Kitsap or Pierce Counties	25
District 2 or Mason County	10
District 3 (including the entire counties of Lewis and Pacific) or Kittitas County	5
District 4 and other locations outside the marketing area	0

(ii) The rates per hundredweight determined by multiplying the adjustments shown in subdivision (i) of this subparagraph by a percentage computed as set forth below and rounded to the nearest full cent: Determine the amount that the value of producer milk allocated to Class II pursuant to § 1125.46 at the Class II price adjusted for location of the respective pool plants exceeds the value of producer milk so allocated to Class II at the Class III price. The resulting amount is divided by the value of excess location adjustments at the applicable rates set forth in subdivision (i) of this subparagraph and rounded to the second decimal place.

(b) In making payments to a cooperative association pursuant to § 1125.80(d) deductions may be made at the rates specified in § 1125.53 for the location of the plant at which the milk was received from the cooperative association.

(c) For purposes of computations pursuant to §§ 1125.84 and 1125.85 the weighted average price for all milk shall be adjusted at the rates set forth in § 1125.53 for Class I milk applicable at the location of the nonpool plant from which the milk was received.

§ 1125.82 [Amended]

21. In § 1125.82 the words "and Class III" are added immediately following the words "Class II".

§ 1125.84 [Amended]

22. In § 1125.84, the words "Class II price" where they appear in paragraph (a)(3) are changed to "Class III price".

Signed at Washington, D.C., on August 7, 1967.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 67-9373; Filed, Aug. 9, 1967; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 61]

[Docket No. 7791; Notice 67-36]

PRIVATE PILOT SOLO CROSS-COUNTRY EXPERIENCE

Requirements for Applicants on Isolated Islands

The Federal Aviation Administration is considering amending Part 61 of the Federal Aviation Regulations to expand the scope of § 61.85(b) to cover all applicants for private pilot certificates who are located on isolated islands and can only complete the cross-country requirements of § 61.85(a)(3) by making long overwater flights.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket GC-24, 800 Independence Avenue SW.,

Washington, D.C. 20590. All communications received on or before October 9, 1967, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Section 61.85(b) was originally promulgated as SR-434 on July 9, 1959, in response to the petition of Naha Flying Club located on the island of Okinawa. Student pilots on that island could not comply with the requirement of a 100-mile solo cross-country flight and landing without conducting an extended overwater operation in a single-engine airplane. The purpose of this flight, i.e., development of navigational skills, seemed to be served just as well by a flight over the island itself. Therefore, SR-434 was promulgated to allow the issuance of private pilot certificates to applicants located on Okinawa who had not made the 100-mile flight, with a limitation on passenger carrying privileges to flights over that island.

Recently, the FAA received similar petitions for exemption from flying clubs on the islands of Kwajalein and Guam. The Kwajalein group has only one other airport available that is 50 miles away at the other end of the Kwajalein Atoll. The pilots on Guam meet the cross-country requirements by flying to Saipan, a 130-mile overwater flight. In addition, there may be other islands where pilots face difficulties in making cross-country flights. Therefore, it appears that the exception to the cross-country flight requirements in § 61.85 should be broadened to encompass any student pilot located on an island from which those flights cannot be accomplished without making long overwater flights. Since the FAA feels that a student pilot should not have to fly overwater more than 10 miles from the nearest shoreline, this proposal would use that distance to determine an applicant's eligibility under § 61.85(b).

This proposal differs from the present provisions of § 61.85(b) in two major respects. First, under the proposed rule the certificates of those pilots who do not meet the solo cross-country flight requirements of § 61.85(a) will contain a limitation prohibiting them from carrying passengers on flights that proceed more than 10 miles away from the shoreline. Second, under the proposed rule it would not be necessary to make the 100-mile solo flight, or log 10 hours of solo cross-country flights with landings at a place more than 25 miles from the point of departure, if such flights require overwater flights more than 10 miles from the nearest shoreline. The proposal would not require any of the private pilot cross-country experience requirements for student pilots in these situations. In lieu of the cross-country flight time, if other airports that permit civil operations are available, the applicant would be required to make two round trip solo flights between the two airports that are farthest apart.

In consideration of the foregoing, it is proposed to amend § 61.85 of the Federal Aviation Regulations by amending subparagraph (a)(3) and paragraphs (b) and (c), and by adding new paragraphs (d) and (e), to read as follows:

§ 61.85 Airplane rating: Aeronautical experience.

(a) • • •

(3) Except as provided in paragraph (b) of this section, at least 10 hours of solo cross-country flight time, during which each flight included a landing at a place more than 25 miles from the place of departure; and during which at least one flight included a landing at a place more than 100 miles from the place of departure; and

• • • • •

(b) Paragraph (a)(3) of this section does not apply to an applicant who shows that he is located on an island from which the required flights cannot be accomplished without flying over water more than 10 miles from the nearest shoreline. However, if other airports that permit civil operations are available to which a flight may be made without flying over water more than 10 miles from the nearest shoreline, he must show that he has completed two round trip solo flights between those two airports that are farthest apart, including a landing at each airport on both flights.

(c) The pilot certificate issued to a person under paragraph (b) of this section must contain the following limitation:

The holder may not pilot any aircraft carrying passengers on flights more than 10 miles from the nearest shoreline of [appropriate island].

The above limitation may be amended to include another island if the applicant complies with paragraph (b) of this section with respect to that island.

(d) If an applicant for a private pilot certificate under paragraph (b) of this section does not have at least 3 hours of solo cross-country flight time including a round trip flight to an airport at least 50 nautical miles from the place of departure with at least two full stop landings at different points along the route, his pilot certificate is endorsed as follows:

The holder does not meet the cross-country flight requirements of ICAO.

(e) The holder of a private pilot certificate with the limitation or endorsement prescribed in paragraph (c) or (d) of this section, is entitled to have that limitation or endorsement removed if he passes the test prescribed by § 61.87(b)(3) and presents satisfactory evidence to an FAA inspector that he has complied with the requirements of paragraph (a)(3) of this section.

These amendments are proposed under the authority of sections 313(a), 601, and 602 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1422).

Issued in Washington, D.C., on August 4, 1967.

JAMES F. RUDOLPH,
Director, Flight Standards Service.

[F.R. Doc. 67-9363; Filed, Aug. 8, 1967; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-CE-92]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the control zone at Kansas City, Mo.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

As a result of the development of VOR and VOR/DME public instrument approach procedures to serve the new east, west runway at Kansas City, Mo., Mid-Continent International Airport, utilizing the Kansas City VORTAC as a navigational aid, it is necessary to alter the control zone at this airport in order to protect aircraft that will be executing these approach procedures.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.171 (32 F.R. 2071), the following control zone is amended to read:

KANSAS CITY, MO.

That airspace within a 5-mile radius of Mid-Continent International Airport (latitude 39°18'05" N., longitude 94°43'35" W.), and within 2 miles each side of the Kansas City VORTAC 276° radial extending from the VORTAC to 14 miles west of the VORTAC, excluding that portion which coincides with the Kansas City, Mo., and Leavenworth, Kans., control zones.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on July 21, 1967.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 67-9364; Filed, Aug. 9, 1967; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-CE-93]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Springfield, Mo.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

Turbojet and turboprop aircraft operations are on the increase in the Springfield, Mo., terminal area. In order to improve air traffic service in this terminal area, it is necessary to establish additional holding patterns for these aircraft and to alter the 1,200-foot floor transition area at Springfield, Mo., to encompass these holding patterns. The present 700-foot floor transition area at Springfield will not be changed as a result of this proposal.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (32 F.R. 2148), the following transition area is amended to read:

SPRINGFIELD, MO.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Springfield, Mo., Municipal Airport (latitude 37°14'35" N., longitude 93°23'20" W.); within 2 miles each side of the 324° bearing from the Springfield RBN, extending from the 7-mile radius area to 8 miles northwest of the RBN; within 5 miles west and 8 miles east of the Springfield ILS localizer south course, extending from 1 mile north to 12 miles south of the OM; and that airspace extending upward from 1,200 feet above the surface within a 25-mile radius area of the Springfield Municipal Airport; within 7 miles northwest and 10 miles southeast of the Springfield VORTAC 210° radial, extending from the 25-mile radius area to 44 miles southwest of the VORTAC; within 7 miles northwest and 10 miles southeast of the Springfield VORTAC 240° radial, extending from the 25-mile radius area to 37 miles southwest of the VORTAC; within 7 miles south and 10 miles north of the Springfield VORTAC 261° radial, extending from the 25-mile radius area to 51 miles west of the VORTAC; within a 25-mile radius area of the Springfield VORTAC; within 7 miles northeast and 10 miles southwest of the Springfield VORTAC 237° radial, extending from the 25-mile radius area to 40 miles northwest of the VORTAC; within 7 miles southeast and 10 miles northwest of the Springfield VORTAC 028° radial, extending from the 25-mile radius area to 41 miles northeast of the VORTAC; within 7 miles southeast and 10 miles northwest of the Springfield VORTAC 058° radial, extending from the 25-mile radius area to 44 miles northeast of the VORTAC; and within 8 miles southeast and 11 miles northwest of the Dogwood, Mo., VORTAC 053° and 233° radials, extending from 7 miles northeast to 14 miles southwest of the VORTAC.

This amendment is proposed under the authority of Section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on July 21, 1967.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 67-9366; Filed, Aug. 9, 1967; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-CE-53]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the control zone and the transition area at Cedar Rapids, Iowa.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

Due to a one-degree change in the radial for the VOR Runway 8 approach procedure to Cedar Rapids Municipal Airport and the modification of the NDB (ADF), ILS and VOR approach procedures to this airport by placing the procedure turns on the south side of the approach courses, it is necessary to alter the Cedar Rapids control zone and 700-foot floor transition area to protect aircraft executing these approach procedures. It is also proposed to alter the Cedar Rapids 1,200-foot floor transition area and add a 3,500-foot MSL floor transition area in order to permit the Chicago Air Route Traffic Control Center to provide more efficient air traffic radar vectoring services to aircraft operating in the Cedar Rapids and Iowa City, Iowa, terminal areas.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

(1) In § 71.171 (32 F.R. 2071), the following control zone is amended to read:

CEDAR RAPIDS, IOWA

That airspace within a 5-mile radius of Cedar Rapids Municipal Airport (latitude 41°53'05" N., longitude 91°42'45" W.), within 2 miles each side of the Cedar Rapids ILS localizer west course extending from the 5-mile radius zone to 8 miles west of the OM, within 2 miles each side of the Cedar Rapids, Iowa, VORTAC 264° radial extending from the 5-mile radius zone to 8 miles west of the VORTAC, and within 2 miles each side of the Cedar Rapids VORTAC 092° radial extending from the 5-mile radius zone to 9.5 miles east of the VORTAC.

(2) In § 71.181 (32 F.R. 2148), the following transition area is amended to read:

CEDAR RAPIDS, IOWA

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Cedar Rapids Municipal Airport (latitude 41°53'05" N., longitude 91°42'45" W.), and within 5 miles north and 10 miles south of the Cedar Rapids, Iowa, VORTAC 090° and 270° radials extending from 3 miles east to 13 miles west of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within an area bounded by a line beginning at latitude 42°05'00" N., longitude 91°00'00" W., thence south along longitude 91°00'00" W., to and west along the north edge of V-434, to and north along longitude 92°00'00" W., to latitude 41°21'00" N., thence northwest along a line extending from latitude 41°21'00" N., longitude 92°00'-00" W., to latitude 41°30'00" N., longitude 92°15'00" W., thence north along longitude 92°15'00" W., to and west along the north edge of V-6, to and northeast along the

southeast edge of V–294, to and north along longitude 92°15'00" W., to and east along latitude 43°06'00" N., to the point of beginning; and that airspace extending upward from 3,500 feet MSL within an area bounded on the north by the arc of a 29-mile radius circle centered on the Waterloo, Iowa, VORTAC, on the east by longitude 92°15'00" W., on the south by the north edge of V–172, on the west by longitude 93°53'00" W., and on the northwest by the southeast edge of V–161, and within an area bounded on the north by the south edge of V–172, on the east by longitude 92°15'00" W., on the southeast and south by the northwest and north edge of V–294, and on the west by longitude 92°53'00" W.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on June 15, 1967.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 67–9367; Filed, Aug. 9, 1967; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67–CE–89]

CONTROL ZONE AND TRANSITION AREA

Proposed Designation and Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a control zone and alter the transition area at Mitchell, S. Dak.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

Since qualified personnel of North Central Airlines have agreed to provide weather reporting services at the Mitchell, S. Dak., Municipal Airport on a daily part-time basis, a part-time control zone can be designated at this location. The weather reporting services will be provided during the hours that the control zone is effective, initially from 0600 to 2100 hours local time daily. The proposed control zone, during the times it is in effect, will provide controlled airspace protection for departing aircraft in their climb to 700 feet above the surface and for aircraft executing the prescribed instrument approach procedures during descent below 1,000 feet above the surface. In addition, the VOR special instrument approach procedures for Runways 12/30 and the VOR public instrument approach procedure for Runway 12 for the Mitchell, S. Dak., Municipal Airport have been modified. Therefore, it is necessary to alter the Mitchell transition area to protect aircraft executing these revised approach procedures.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

(1) In § 71.171 (32 F.R. 2071), the following control zone is added:

MITCHELL, S. DAK.

Within a 5-mile radius of Mitchell Municipal Airport (latitude 43°46'25" N., longitude 98°02'26" W.); within 2 miles each side of the Mitchell VOR 149° radial, extending from the 5-mile radius zone to 8 miles southeast of the VOR; and within 2 miles each side of the Mitchell VOR 300° radial, extending from the 5-mile radius zone to 8 miles northwest of the VOR. This control zone is effective during the specific times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airmen's Information Manual.

(2) In § 71.181 (32 F.R. 2148), the following transition area is amended to read:

MITCHELL, S. DAK.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Mitchell Municipal Airport (latitude 43°46'25" N., longitude 98°02'26" W.); and that airspace extending upward from 1,200 feet above the surface within 6 miles northeast and 10 miles southwest of the Mitchell VOR 300° radial, extending from the VOR to 19 miles northwest of the VOR; within 4 miles southwest and 8 miles northeast of the Mitchell VOR 149° radial, extending from the VOR to 12 miles southeast of the VOR; and within 5 miles each side of the Mitchell VOR 120° radial extending from the VOR to 12 miles southeast of the VOR.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Kansas City, Mo., on July 21, 1967.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 67–9368; Filed, Aug. 9, 1967; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 17]

BAKERY PRODUCTS

Bread; Withdrawal of Petition and Termination of Proposed Rulemaking

In the matter of amending the definition and standard of identity for bread (21 CFR 17.1) to permit the use of tallowyl-2-lactic acid as an optional ingredient:

A notice of proposed rulemaking in the above-identified matter was published in the FEDERAL REGISTER of May 21, 1966 (31 F.R. 7412), based on a petition filed by Swift & Co., Packers and Exchange Avenues, Chicago, Ill. 60609. Notice is given that the petitioner has withdrawn its petition and the rulemaking proceeding in this matter is terminated. The withdrawal of this petition is without prejudice to a future filing.

This action is taken pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.120).

Dated: August 2, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67–9385; Filed, Aug. 9, 1967; 8:49 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Sacramento 079389]

CALIFORNIA

Notice of Partial Termination of Proposed Withdrawal and Reservation of Lands

JULY 28, 1967.

Notice of a Bureau of Land Management, U.S. Department of the Interior, application, Sacramento 079389 for withdrawal and reservation of lands for recreation purposes, was published as F.R. Doc. No. 65–3338 on page 4261 of the issue for April 1, 1965. The applicant agency has canceled its application insofar as it affects the following described lands:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 14 N., R. 11 W.,
Sec. 17, lot 7.

The area described contains 40 acres in Mendocino County.

Therefore, pursuant to the regulations contained in 43 CFR Part 2311, such lands at 10 a.m., on August 30, 1967, will be relieved of the segregative effect of the above-mentioned application.

R. J. LITTEN,
Chief, Lands Adjudication Section.

[F.R. Doc. 67–9344; Filed, Aug. 9, 1967; 8:46 a.m.]

[Montana 1626]

MONTANA

Notice of Classification of Public Lands for Multiple Use Management

AUGUST 4, 1967.

1. Pursuant to the Act of September 19, 1964 (43 CFR 1411–18) and to the regulations in 43 CFR Parts 2410 and 2411, the public lands within the areas described below together with any lands therein that may become public lands in the future are hereby classified for multiple use management. Publication of this notice has the effect of segregating the described lands from appropriation only under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. sec 334) and from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171) and the lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. No adverse comments were received following publication of a notice of proposed classification (31 F.R. 131), or at the public hearing at Ridgway, Mont., held on May 31, 1967. The record showing the comments received and other information is on file and can be examined in the Miles City District Office, Miles City, Mont. The public lands affected by this classification are located within the following described areas and are shown on maps on file in the Miles City District Office and at the Land Office of the Bureau of Land Management, Federal Building, Billings, Mont.

PRINCIPAL MERIDIAN, MONTANA,

CARTER COUNTY

T. 1 S., R. 55 E.
T. 2 S., R. 55 E.
T. 3 S., R. 55 E.
T. 4 S., R. 55 E.,
Secs. 1 to 16, inclusive;
Secs. 21 to 28, inclusive;
Secs. 33 to 36, inclusive.
T. 5 S., R. 55 E.
T. 8 S., R. 55 E.,
Secs. 1 and 2;
Secs. 11 to 15, inclusive;
Secs. 20 to 29, inclusive;
Secs. 32 to 36, inclusive.
T. 9 S., R. 55 E.
T. 1 S., R. 56 E.
T. 2 S., R. 56 E.
T. 3 S., R. 56 E.
T. 4 S., R. 56 E.
T. 5 S., R. 56 E.
T. 6 S., R. 56 E.,
Secs. 1 to 33, inclusive;
Secs. 35 and 36.
T. 7 S., R. 56 E.
T. 8 S., R. 56 E.
T. 9 S., R. 56 E.
T. 1 S., R. 57 E.
T. 2 S., R. 57 E.
T. 3 S., R. 57 E.
T. 4 S., R. 57 E.
T. 5 S., R. 57 E.
T. 6 S., R. 57 E.
T. 7 S., R. 57 E.
T. 8 S., R. 57 E.
T. 9 S., R. 57 E.
T. 1 S., R. 58 E.,
Secs. 6 and 7;
Secs. 18 and 19;
Secs. 30 to 33, inclusive.
T. 2 S., R. 58 E.
T. 3 S., R. 58 E.
T. 4 S., R. 58 E.
T. 5 S., R. 58 E.
T. 5½ S., R. 58 E.
T. 6 S., R. 58 E.
T. 7 S., R. 58 E.
T. 8 S., R. 58 E.
T. 9 S., R. 58 E.
T. 2 S., R. 59 E.
T. 3 S., R. 59 E.
T. 4 S., R. 59 E.
T. 5 S., R. 59 E.
T. 6 S., R. 59 E.
T. 7 S., R. 59 E.
T. 8 S., R. 59 E.
T. 9 S., R. 59 E.
T. 3 S., R. 60 E.,
Sec. 7;
Secs. 18 to 23, inclusive;
Secs. 26 to 35, inclusive.
T. 4 S., R. 60 E.,
Secs. 5 to 8, inclusive;
Secs. 17 to 20, inclusive;
Sec. 25;
Secs. 27 to 34, inclusive;
Sec. 36.
T. 5 S., R. 60 E.,
Secs. 3 to 11, inclusive;
Secs. 14 to 36, inclusive.
T. 6 S., R. 60 E.
T. 7 S., R. 60 E.
T. 8 S., R. 60 E.
T. 9 S., R. 60 E.
T. 4 S., R. 61 E.,
Secs. 19 to 21, inclusive;
Secs. 28 to 33, inclusive.
T. 5 S., R. 61 E.,
Secs. 2, 10, and 11;
Secs. 14 and 15;
Secs. 19 to 36, inclusive.
T. 6 S., R. 61 E.
T. 7 S., R. 61 E.
T. 8 S., R. 61 E.
T. 9 S., R. 61 E.
T. 5 S., R. 62 E.,
Secs. 30 to 32, inclusive.
T. 6 S., R. 62 E.
T. 7 S., R. 62 E.
T. 8 S., R. 62 E.
T. 9 S., R. 62 E.
T. 6 S., R. 63 E.
T. 7 S., R. 63 E.
T. 8 S., R. 63 E.
T. 9 S., R. 63 E.
T. 1 N., R. 55 E.
T. 2 N., R. 55 E.
T. 3 N., R. 55 E.
T. 4 N., R. 55 E.
T. 1 N., R. 56 E.
T. 2 N., R. 56 E.,
Sec. 31.
T. 3 N., R. 56 E.,
Secs. 6, 7, 18, 19, 29, and 30.

The areas described above aggregate approximately 490,588 acres.

3. For a period of 30 days, interested parties may submit comments to the Secretary of the Interior, LLM, 721, Washington, D.C. 20240 (43 CFR 2411.1–2(d)).

HAROLD TYSK,
State Director.

[F.R. Doc. 67–9341; Filed, Aug. 9, 1967; 8:46 a.m.]

[Utah 3242]

UTAH

Order Opening Lands to Entry and Patenting

AUGUST 4, 1967.

1. In an exchange of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1269), as amended (43 U.S.C. 315g), the following described lands have been reconveyed to the United States:

SALT LAKE MERIDIAN

T. 18 S., R. 14 E.,
Sec. 8, SE¼NE¼, less right-of-way for Denver & Rio Grande Western Railroad Co.

The area described aggregated 39.4 acres.

2. The lands are located in Emery County near Woodside, Utah. Topography is rolling Mancos shale hills with shallow, poorly developed soils. The lands have values for watershed, grazing, wild life, and recreation which can best be managed under principles of multiple use.

3. Subject to valid existing rights, the provision of existing withdrawals, and the requirements of applicable law, the lands will at 10 a.m. on September 10, 1967, be opened to application, petition, location and selection. All valid applications received at or prior to 10 a.m. on September 10, 1967, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Inquiries concerning the lands should be addressed to the Bureau of Land Management, Post Office Box 11505, Salt Lake City, Utah 84111.

R. D. NIELSON,
State Director.

[F.R. Doc. 67-9342; Filed, Aug. 9, 1967; 8:46 a.m.]

[Utah 3637]

UTAH

Notice of Proposed Withdrawal and Reservation of Lands

AUGUST 4, 1967.

The U.S. Forest Service, Department of Agriculture, has filed an application for the withdrawal of the lands described below, from all forms of appropriation except the general mining and mineral leasing laws.

The applicant desires the land for extending the boundaries of the Wasatch National Forest.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Post Office Box 11505, Salt Lake City, Utah 84111.

The Department's regulations (43 CFR 2311.1-3(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

SALT LAKE MERIDIAN, UTAH

T. 1 N., R. 8 E.,

Public Lands

Sec. 28, S½NW¼NW¼, S½NW¼;
Sec. 29, E½SW¼NE¼NE¼, SE¼NE¼NE¼, S½NE¼, NE¼SE¼NW¼, S½SE¼NW¼;
Sec. 30, Lot 4, SE¼SW¼, SW¼SE¼.

Nonpublic Lands

Sec. 30, SE¼SE¼.

The areas described including both public and non-public lands aggregate 384.66 acres.

R. D. NIELSON,
State Director.

[F.R. Doc. 67-9343; Filed, Aug. 9, 1967; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[Report No. 14]

LIST OF FOREIGN FLAG VESSELS ARRIVING IN NORTH VIETNAM ON OR AFTER JAN. 25, 1966

SECTION 1. The President has approved a policy of denying the carriage of U.S. Government-financed cargoes shipped from the United States on foreign-flag vessels which called at North Vietnam ports on or after January 25, 1966.

The Maritime Administration is making available to the appropriate U.S. Government Departments the following list of such vessels which arrived in North Vietnam ports on or after January 25, 1966, based on information received through August 3, 1967. This list does not include vessels under the registration of countries, including the Soviet Union and Communist China, which normally do not have vessels calling at U.S. ports.

FLAG OF REGISTRY NAME OF SHIP	Gross tonnage
Total, all flags (45 ships)	313,467
British: (13 ships)	70,042
Ardgroom	7,051
Ardrossmore	5,320
Ardrowan	7,300
**Arditara (now Rosetta Maud—British)	5,795
Dartford	2,739
Greenford	2,964
Isabel Erica	7,105
*Kingford	2,911
**Milford (now Salamanca—Panamanian)	1,889
British—Continued	
**Rosetta Maud (trip to North Vietnam under ex-name, Arditara—British).	
Santa Granda	7,229
Shienfoon	7,127
Shirley Christine	6,724
Yungfutary	5,388
Cypriot (5 ships)	35,962
Acme	7,173
**Agenor (trips to North Vietnam—Greek).	
**Alkon (trips to North Vietnam—Greek—broken up).	
*Amfiali	7,110
Amfitriti	7,147
Amon	7,229
Antonia II	7,303
Greek (3 ships)	14,289
**Agenor (now Cypriot)	7,139
**Alkon (now Cypriot—broken up)	7,150
Italian (1 ship)	8,380
*Agostino Bertani	8,380
Maltese (1 ship)	7,304
Amalia	7,304
Panamanian: **Salmanca (trips to North Vietnam under ex-name, Milford—British).	
Polish (23 ships)	177,490
Andrzej Strug	6,919
Beniowski	10,443
Djakarta	6,915
*Energetyk	10,876
General Sikorski	6,785
Hanka Sawicka	6,944
Hanoi	6,914
Hugo Kollataj	3,755
Jan Matejko	6,748
Josef Conrad	8,730
Kapitan Kosko	6,629
Kochanowski	8,231
Konopnicka	9,690
*Krasewski	10,363
Lelewel	7,817
Marceli Nowotko	6,860
Marian Buczek	7,053
Norwid	5,512
Phenian	6,923
Stefan Okrzeja	6,620
Transportowiec	10,854
Wieniawski	9,190
Wladyslaw Broniewski	6,919

*Added to Report No. 13 appearing in the FEDERAL REGISTER issue of June 20, 1967.

**Ships appearing on the list that have been scrapped or have had changes in name and/or flag of registry.

SEC. 2. In accordance with approved procedures, the vessels listed below which called at North Vietnam on or after January 25, 1966, have reacquired eligibility to carry U.S. Government-financed cargoes from the United States by virtue of the persons who control the vessels having given satisfactory certification and assurance:

(a) that such vessels will not, thenceforth, be employed in the North Vietnam trade so long as it remains the policy of the U.S. Government to discourage such trade and;

(b) that no other vessels under their control will thenceforth be employed in the North Vietnam trade, except as provided in paragraph (c) and;

(c) that vessels under their control which are covered by contractual obligations, including charters, entered into prior to January 25, 1966, requiring their employment in the North Vietnam trade shall be withdrawn from such trade at the earliest opportunity consistent with such contractual obligations.

FLAG OF REGISTRY	
a. Since last report: None.	*Number of ships*
b. Previous reports:	
British	1

Dated: August 4, 1967.

By order of the Acting Maritime Administrator.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 67-9379; Filed, Aug. 9, 1967; 8:49 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ACTING REGIONAL ADMINISTRATOR, REGION III (ATLANTA)

Designation

The officers appointed to the following listed positions in Region III (Atlanta) are hereby designated to serve as Acting Regional Administrator, Region III, during the absence of the Regional Administrator, with all the powers, functions, and duties redelegated or assigned to the Regional Administrator, provided that no officer is authorized to serve as Acting Regional Administrator unless all other officers whose titles precede his in this designation are unable to serve by reason of absence:

1. Deputy Regional Administrator.
2. Regional Counsel.
3. Assistant Regional Administrator for Administration.
4. Assistant Regional Administrator for Program Coordination and Services.

This designation supersedes the designation effective June 13, 1962 (27 F.R. 8331, Aug. 21, 1962).

(Delegation May 4, 1962, 27 F.R. 4319; Interim Order II, 31 F.R. 815, Jan. 21, 1966)

Effective as of August 10, 1967.

EDWARD H. BAXTER,
Regional Administrator, Region III.

[F.R. Doc. 67-9375; Filed, Aug. 9, 1967; 8:48 a.m.]

DEPUTY ASSISTANT SECRETARY FOR RENEWAL ASSISTANCE AND GENERAL DEPUTY, RENEWAL ASSISTANCE

Redelegations of Authority

Correction

In F.R. Doc. 67-9203, appearing at page 11390 of the issue for Saturday, Aug. 5, 1967, item (2) should read as follows:

(2) Subparagraph 1f of section A is revised to read:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

AMERICAN CYANAMID CO.

Notice of Filing of Petition for Food Additive Sulfamerazine

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by American Cyanamid Co., Agricultural Division, Post Office Box 400, Princeton, N.J. 08540, proposing the issuance of a food additive regulation to provide for the safe use of sulfamerazine for the control of furunculosis in rainbow trout, brook trout, and brown trout.

Dated: August 2, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-9386; Filed, Aug. 9, 1967; 8:49 a.m.]

CHAS. PFIZER & CO., INC.

Notice of Filing of Petition for Food Additives Oleandomycin and Diethylstilbestrol

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by Chas. Pfizer & Co., Inc., 235 East 42d Street, New York, N.Y. 10017, proposing the issuance of a food additive regulation to provide for the safe use in cattle feed of oleandomycin for growth promotion and feed efficiency, alone or in combination with diethylstilbestrol added for fattening beef cattle.

Dated: August 2, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-9387; Filed, Aug. 9, 1967; 8:49 a.m.]

CIBA AGROCHEMICAL CO.

Notice of Filing of Petition Regarding Pesticides

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 7F0618) has been filed by CIBA Agrochemical Co., A division of CIBA Corp., Post Office Box 1105, Vero Beach, Fla. 32960, proposing the establishment of a tolerance of 0.1 part per million for negligible residues of the herbicide 3-(p-(p-chlorophenoxy)phenyl)-1,1-dimethylurea in or on the raw agricultural commodities soybeans and soybean hay.

The analytical method proposed for determining residues of the herbicide involves hydrolysis to p-chlorophenoxyaniline, diazotization, and coupling with *N*-1-naphthylethylenediamine to form a colored compound which is determined spectrophotometrically at 578 millimicrons.

Dated: August 2, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-9388; Filed, Aug. 9, 1967; 8:49 a.m.]

FISTERE AND HABBERTON

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 4B1483) has been filed by Fistere and Habberton, 1012 14th Street NW., Washington, D.C. 20005, proposing an amendment to § 121.2526 *Components of paper and paperboard in contact with aqueous and fatty foods* to provide for the safe use of a modified polyamide-epichlorohydrin resin as a retention aid and flocculant in the manufacture of paper and paperboard intended for food-contact use.

Dated: August 2, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-9389; Filed, Aug. 9, 1967; 8:50 a.m.]

HUMBLE OIL & REFINING CO.

Notice of Filing of Petition for Food Additives

Correction

In F.R. Doc. 67-8840, appearing at page 11091 of the issue for Saturday, July 29, 1967, the section number reading "§ 221.2553" should read "§ 121.2553".

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

REGROOVED TIRES

Sale or Delivery for Introduction in Interstate Commerce

On September 9, 1966, the National Traffic and Motor Vehicle Safety Act of 1966 (the Act) was enacted. Section 204 (a) of the Act prohibits any person from selling, offering for sale, or introducing for sale or delivering for introduction in interstate commerce, any tire or motor vehicle equipped with any tire which has

been regrooved. Subsection (b) of section 204 makes violators of the section subject to civil penalties and injunction. Section 204(a) allows the Secretary to permit the sale of regrooved tires if they are designed and constructed in a manner consistent with the purposes of the Act. One request for permission to sell regrooved tires was received July 13, 1967.

Preliminary investigation indicates that regrooved tires are still being used, particularly on commercial vehicles.

Section 110 of the Act provides that "whenever practicable, the Secretary shall give notice to any person against whom an action for injunctive relief is contemplated and afford him an opportunity to present his views, * * *".

Pursuant to the provisions of sections 204(a), 204(b), and 110(a) of the National Traffic and Motor Vehicle Safety Act of 1966, anyone who sells, offers for sale, or introduces for sale or delivery for introduction into interstate commerce any tire or motor vehicle equipped with any tire that has been regrooved is hereby given opportunity to present views, information and data as to why the Secretary should not seek an injunction in a U.S. district court to restrain such action. Persons subject to this notice are further offered the opportunity to supply information and data which, to their best knowledge and belief, would form the basis for a request to the Secretary to permit the sale of regrooved tires pursuant to section 204(a) of the Act. Such information and data should include but not be limited to the safety of such tires under the following conditions or combinations of conditions, for the full range of highway operating speeds:

Wet, dry or icy surfaces;

Rigid or flexible pavements; and

Various vertical and horizontal highway alignments.

An original and 15 copies of statements in response to this notice shall be filed no later than the close of business August 31, 1967, with the National Highway Safety Bureau, Washington, D.C. 20591.

Any other person may also submit written statements in response to this notice.

Issued in Washington, D.C., on August 2, 1967.

LOWELL K. BRIDWELL,
Federal Highway Administrator.

[F.R. Doc. 67-9369; Filed, Aug. 9, 1967; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 18730; Order No. E-25488]

AIR CARRIER DISCUSSIONS

Order Concerning Air Freight Credit, Billing and Collection Practices

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 3d day of August 1967.

By petition filed July 5, 1967, the Air Freight Forwarders Association (AFFA) on behalf of its 29 members[1] requests approval for joint meetings between the forwarders and the direct air carriers to discuss air freight credit, billing and collection practices, and for meetings among the air freight forwarders themselves involving the same matters. AFFA cites the recent order[2] of the Board authorizing discussions among the direct air carriers on the same subject and states that the matters to be discussed are of concern to the forwarders in their role as customers of the airlines. In addition, AFFA states its belief that the forwarders should sit jointly with the direct air carriers to consider expansion of the airlines' interline settlement plan (clearing house) to include forwarders, as well as the prospect of the total air freight industry reaching a common agreement on some or all of the practices applicable to the customers of the whole industry, such as uniform credit and billing arrangements, and customer credit criteria. AFFA states that is would undertake to notify all Board-authorized AFFA-nonmember forwarders of all meetings, invite them to attend and participate fully in the discussions, and to become signatories to any agreements reached.

No objection to the AFFA petition has been received.[3]

Upon consideration of the request, the Board will authorize the domestic air freight forwarders to discuss and agree on their credit practices and rules. It is reasonable and desirable that the forwarders, as an industry, strive for uniform rules and practices,[4] with respect to themselves and their customers, and it is evident that any revision of direct air carrier rules and practices might necessitate a revision by the forwarders. The Board does not agree, however, that forwarders and airlines must jointly establish uniform credit and billing rules and practices with respect to their mutual customers.[5] We would note in this regard that the direct carriers have not expressed an interest in attempting to develop a joint direct-indirect air carrier agreement. It is appropriate, however, for the forwarders to appear at the meetings of the direct air carriers, and, since the Board's prior order (E-25340, supra), provides for shipper and indirect air carrier comments and appearances, no revision of the terms of the Board's prior order is necessary or warranted in this respect.

It is not the intent of the Board, however, to preclude joint exploration of a form of interline settlement between forwarders and airlines.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 412, and 414 thereof,

It is ordered, That:

1. All air freight forwarders engaged in interstate or overseas air transportation are authorized for a period of 120 days from the date of this order to engage in discussions with respect to air freight credit, billing, and collection practices in interstate or overseas air transportation;

2. A notice of any meeting called pursuant to this order to be attended by air freight forwarders only, and an agenda of matters to be discussed, shall be filed with the Board in this docket at least 5 calendar days in advance;

3. A notice of any meeting called pursuant to this order to be attended by both air freight forwarders and shippers, and an agenda of matters to be discussed, shall be filed with the Board in this docket at least 15 calendar days in advance;

4. All meeting notices and agendas shall also be mailed to shippers and all air freight forwarders with such notice to include an invitation to submit comments upon the agenda matters and to request appointments for personal appearances at the carriers' meetings;

5. The Board reserves the right to have one or more observers in attendance at all meetings of the carriers;

6. Complete and accurate minutes shall be kept of all meetings and a true copy thereof filed with the Board not later than 15 days (excluding Saturdays and Sundays) after the conclusion of each meeting;

7. Any agreement or agreements reached as a result of such discussions shall be filed with the Board in accordance with section 412 of the Act and approved by the Board prior to being placed into effect; and

[1] Acme Air Cargo, Inc., ADD Airfreight Corp., Aero Special Air Freight, Airborne Freight Corp., Air-Cargo Specialists, Inc., Air-Land Freight Consolidators, Inc., Air-Sea Forwarders, Inc., Airways Air Freight, Amerford International Corp., American Express Co., Barnett Air Cargo, Inc., Berklay Air Services Corp., Peter A. Bernacki, Inc., Cal-Air Forwarders, Inc., Circle Air Freight, Direct Air Freight Corp., Domestic Air Express, Emery Air Freight Corp., Globe Shipping Co., Inc., Hensel, Bruckmann & Lorbacher, Inc., International Customs Service, Inc., Karr, Ellis & Co. Inc., H. G. Ollendorff, Inc., Pacific Air Freight, Inc., Panalpina Air Freight, Inc., Penson Forwarding Corp., Routed Thru-Pac, Inc., Traffic Dynamics, Inc., WTC Air Freight.

[2] Order E-25340 dated June 23, 1967, Docket 18720.

[3] Several shippers have advised the Board that they would like to be notified of the carrier meetings in order to attend and present their views.

[4] An agreement on uniform credit, billing, and collection practices is currently in effect among 18 forwarders (Agreement CAB 16648, approved by the Board on Oct. 10, 1962, Order E-18896).

[5] As to credit, billing, and collection periods, the current forwarder agreement cited in [4] above is unlike the existing direct air carrier agreement referred to in Order E-25340, supra (Agreement CAB 6150-A32, approved by the Board on September 4, 1962, Order E-18769). The airline agreement was filed with the Board on Aug. 13, 1962, followed by the forwarder agreement 18 days later (Aug. 31, 1962), and in most respects, the forwarder agreement is more liberal than the airline agreement.

8. The petition of Air Freight Forwarders Association in Docket 18720 is denied in all other respects.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 67-9380; Filed, Aug. 9, 1967; 8:49 a.m.]

[Docket No. 18753; Order No. E-25492]

FLORIDA AIR TAXI, INC.

Order To Show Cause; Establishment of Final Service Rate for Transportation of Mail

Issued under delegated authority August 4, 1967.

Florida Air Taxi, Inc. (Florida), an air taxi operator providing air transportation under the provisions of Part 298 of the Board's Economic Regulations, by petition filed June 30, 1967, has requested the Board to establish a final service mail rate of 6 cents per pound for the transportation of mail by aircraft between Gainesville and Fort Myers on the one hand, and Tampa, Fla., on the other.

In its petition requesting establishment of this final service mail rate, Florida states it considers its proposed rate to be fair and reasonable for the services performed. In its answer, the Post Office Department supports the proposed rate, and states that the proposed service will provide substantially better mail service than can be obtained under the existing transportation arrangements. No objection has been filed to the level of the proposed rate.

By Order E-25491, August 4, 1967, in this docket, the Board determined to permit Florida to provide the proposed air transportation of mail for the period terminating December 31, 1968. Since no mail rate is presently in effect for this carrier, it is necessary to fix and determine the fair and reasonable rate of compensation to be paid Florida by the Postmaster General for the air transportation of mail.

The Board, therefore, finds it in the public interest to fix and determine the fair and reasonable rate of compensation to be paid to Florida by the Postmaster General for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the petition, the Postmaster General's answer thereto, and matters officially noticed, the Board proposes to issue an order[1] to include the following findings and conclusions:

1. That the fair and reasonable final service mail rate to be paid to Florida Air Taxi, Inc., pursuant to Section 406 of the Federal Aviation Act of 1958 for the transportation of mail by aircraft, as authorized by Order E-25491, August 4, 1967, the facilities used and useful therefor, and the services connected therewith shall be six cents per pound for all mail transported.

2. The final service mail rate here fixed and determined is to be paid in its entirety by the Postmaster General.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a) and 406 thereof, the regulations promulgated in 14 CFR 302, and the authority delegated by the Board in 14 CFR 385.14(f),

It is ordered, That:

1. All interested persons and particularly Florida Air Taxi, Inc., the Postmaster General, National Airlines, Inc., and Eastern Air Lines, Inc., are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above as the fair and reasonable rate of compensation to be paid to Florida Air Taxi, Inc., for the transportation of mail by aircraft, the facilities used and useful therefor and the services connected therewith as specified above;

2. Further procedures herein shall be in accordance with 14 CFR Part 302; and, if there is any objection to the rate or to the other findings and conclusions proposed herein, notice thereof shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after the date of service of this order;

3. If notice of objection is not filed within 10 days, or if notice is filed and if answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Florida Air Taxi, Inc., the Postmaster General, National Airlines, Inc., and Eastern Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 67-9381; Filed, Aug. 9, 1967; 8:49 a.m.]

[1] As this order to show cause does not constitute a final action and merely affords interested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR, Part 385). The provisions of that Part dealing with petitions for Board review will be applicable to any final action which may be taken by the staff in this matter under authority delegated in section 385.14(g).

ATOMIC ENERGY COMMISSION

[Docket No. PRM-40-11]

FENWAL, INC.

Notice of Filing of Petition for Rule Making

Notice is hereby given that Fenwal Incorporated, Ashland, Mass., by letter dated May 19, 1967, supplemented by letters dated June 7, 1967, and July 20, 1967, has filed with the Commission a petition for rule making to amend the Commission's regulations pertaining to the licensing of source material.

The petitioner requests that the Commission amend its regulation "Licensing of Source Material," 10 CFR Part 40 so as to increase the quantity of uranium which is exempt from licensing requirements pursuant to § 40.13(d) of 10 CFR Part 40. The petitioner requests that the quantity of uranium specified in § 40.13 (d) for use in fire detection units be increased from 0.005 microcurie to one microcurie of uranium.

The petitioner states that "the basis for the request is that with the increased quantity, the cost and reliability of the detector could be appreciably improved and, with the proposed method of bonding the uranium to the substrate as described in the petition, there will be no safety hazard."

The petitioner states that it has considered several types of alpha sources and has selected U^{nat} as giving a "sufficient amount of ionisation current per given area along with a reasonable half life."

A copy of the petition for rule making is available for public inspection in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

Dated at Washington, D.C., this fourth day of August 1967.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary.

[F.R. Doc. 67-9331; Filed, Aug. 9, 1967; 8:45 a.m.]

AUTOMOTIVE AGREEMENT ADJUSTMENT ASSISTANCE BOARD

[APTA No. 6-001]

CERTAIN WORKERS OF FORD MOTOR CO., PENNSAUKEN, N.J.

Notice of Investigation Regarding Possible Termination of Certification

On April 14, 1966, the Automotive Agreement Adjustment Assistance Board certified a group of workers of the Ford Motor Co., Delaware Valley Parts Depot, Pennsauken, N.J., as eligible to apply for adjustment assistance (31 F.R. 5982). The Board has reason to believe that the operation of the United States-Canadian Automotive Products Agreement is no longer the primary factor in causing separations of workers from this subdivision of the firm. Therefore, in accordance

with the Board regulations (48 CFR 501.15), the Board is initiating an investigation to determine whether the certification should be terminated. If the investigation should result in a termination, it will not affect any workers who have already been certified.

Interested persons may make written submission of their views within 10 days of the publication of this notice in the FEDERAL REGISTER. The Board may also provide an opportunity to present views orally if anyone so requests within the 10-day period.

Written submission or requests to present views orally should be addressed to Edgar I. Eaton, Executive Secretary, Automotive Agreement Adjustment Assistance Board, c/o U.S. Department of Labor, 14th and Constitution Avenue NW., Washington, D.C. 20210.

(Sec. 302, Automotive Products Trade Act of 1965, 79 Stat. 1018; Executive Order 11254, 30 F.R. 13569; Automotive Agreement Adjustment Assistance Board regs., 48 CFR Part 501, 31 F.R. 827; Board Order No. 1, 31 F.R. 858)

Dated: August 2, 1967.

AUTOMOTIVE AGREEMENT ADJUSTMENT ASSISTANCE BOARD,
EDGAR I. EATON,
Executive Secretary.

[F.R. Doc. 67-9347; Filed, Aug. 9, 1967; 8:46 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-3894 etc.]

ATLANTIC RICHFIELD CO. ET AL.

Findings and Order After Statutory Hearing

JULY 31, 1967.

Findings and orders after statutory hearing issuing certificates of public convenience and necessity, canceling docket numbers, amending certificates, permitting and approving abandonment of service, terminating certificates, canceling rate schedule, redesignating proceeding, and accepting related rate schedules and supplements for filing.

Each of the Applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce, for permission and approval to abandon service, or a petition to amend an existing certificate authorization, all as more fully described in the respective applications and petitions (and any supplements or amendments thereto) which are on file with the Commission.

The Applicants herein have filed related FPC gas rate schedules and propose to initiate or abandon, add or delete natural gas service in interstate commerce as indicated by the tabulation herein. All sales certificated herein are at rates either equal to or below the ceiling prices established by the Commission's statement of general policy No. 61-1, as amended, or involve sales for which permanent certificates have been previously issued; except that the sales from the Permian Basin area of Texas are authorized to be made below the applicable area base rates and under the conditions prescribed in Opinion Nos. 468 and 468-A.

By order issued June 21, 1966, in Docket Nos. G-6832 et al., a certificate of public convenience and necessity was issued in Docket No. CI66-1054 to H. B. Lively authorizing the continuation in part of the sale of natural gas theretofore authorized in Docket No. CI61-353 to be made pursuant to Harold R. Billingsley, trustee, et al., FPC Gas Rate Schedule No. 2. The contract comprising said rate schedule was also accepted for filing as H. B. Lively FPC Gas Rate Schedule No. 4. Billingsley has advised the Commission that Lively has succeeded to the entire interests covered by Billingsley's certificate and rate schedule. Therefore, the certificate issued in Docket No. CI61-535 will be terminated, the related rate schedule will be canceled, and the certificate in Docket No. CI66-1054 will be amended to denote a complete succession in interest.

The Commission's staff has reviewed each application and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

After due notice, a petition to intervene by Long Island Lighting Co. and a notice of intervention by the Public Service Commission of the State of New York were filed in Docket No. CI67-46, in the matter of the application filed on July 14, 1966, in said docket. The petition to intervene and the notice of intervention have been withdrawn, and no other petitions to intervene, notices of intervention, or protests to the granting of any of the respective applications or petitions in this order have been received.

At a hearing held on July 20, 1967, the Commission on its own motion received and made a part of the record in these proceedings all evidence, including the applications, amendments, and exhibits thereto, submitted in support of the respective authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will therefore, be a "natural-gas company" within the meaning of said Act upon the commencement of the service under the respective authorizations granted hereinafter.

(2) The sales of natural gas hereinbefore described, as more fully described in the respective applications, amendments and/or supplements herein, will be made in interstate commerce, subject to the jurisdiction of the Commission, and such sales by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) The respective Applicants are able and willing properly to do the acts and to perform the services proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(4) The sales of natural gas by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefore should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Docket Nos. CI67-1525, CI67-1574, and CI67-1656 should be canceled and that the applications filed herein should be processed as petitions to amend the certificates heretofore issued in Docket Nos. CI64-1349, G-10158, and CI65-925, respectively.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the certificate authorizations heretofore issued by the Commission in Docket Nos. G-3894, G-7223, G-7648, G-9935, G-10158, G-11917, G-12960, G-13885, G-14925, G-18112, G-18371, CI60-216, CI61-991, CI61-1773, CI63-1139, CI64-898, CI64-946, CI64-1211, CI64-1349, CI65-925, CI66-66, CI66-856, and CI67-285 should be amended as hereinafter ordered and conditioned.

(7) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates heretofore issued in the following dockets should be amended to reflect the deletion of acreage where new certificates are issued herein to authorize service from the subject acreage:

Amend to delete acreage	*New certificates*
CI61-348	CI67-46
CI61-1658	CI67-1552
CI61-1658	CI67-1556
CI64-13	CI67-1552
CI64-13	CI67-1555
CI64-1143	CI67-1557

(8) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificate heretofore issued in Docket No. CI61-535 should be terminated, that Harold R. Billingsley, trustee, et al., FPC Gas Rate Schedule No. 2 should be canceled, and that the certificate in Docket No. CI66-1054 should be amended as hereinafter ordered.

(9) The sales of natural gas proposed to be abandoned by the respective Applicants, as hereinbefore described, all as more fully described in the respective applications and in the tabulation herein, are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act, and such abandonments should be permitted and approved as hereinafter ordered.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificate heretofore issued to Shell Oil Co. in Docket No. CI62-58 should be amended by deleting therefrom authorization to sell natural gas from the acreage assigned to R. R. Kennedy et al.; and that permission and approval should be granted to R. R. Kennedy et al., in Docket No. CI67-1586 to abandon the sale of gas from the acreage acquired from Shell Oil Co.

(11) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates of public convenience and necessity heretofore issued to the respective Applicants relating to the abandonments hereinafter permitted and approved should be terminated.

(12) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the proceeding pending in Docket No. RI64-478 should be redesignated from Val R. Reese & Associates, Inc., to Petroleum Consultants, Inc., to reflect the change in corporate name.

(13) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the respective related rate schedules and supplements as designated in the tabulation herein should be accepted for filing as hereinafter ordered.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order, authorizing the sales by the respective Applicants herein of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary for such sales, all as hereinbefore described and as more fully described in the respective applications, amendments, supplements, and exhibits in this proceeding.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against the respective Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any further proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the respective contracts particularly as to the cessation of service upon termination of said contracts, as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificates aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The grant of the certificates issued herein on all applications filed after April 15, 1965, is upon the condition that no increase in rate which would exceed the ceiling prescribed for the given area by paragraph (d) of the Commission's statement of general policy No. 61-1, as amended, shall be filed prior to the applicable date, as indicated by footnote 27 in the attached tabulation.

(E) The initial rates for sales authorized in Docket Nos. G-3894 and G-7223 shall be the applicable base area rates prescribed in Opinion No. 468, as modified by Opinion No. 468-A, as adjusted for quality, or the contract rates, whichever are lower; and no increases in rate in excess of said initial rates shall be filed before January 1, 1968.

(F) If the quality of the gas delivered by Applicants in Docket Nos. G-3894 and G-7223 deviates at any time from the quality standards set forth in Opinion No. 468, as modified by Opinion No. 468-A, so as to require a downward adjustment of the existing rate, a notice of change in rate shall be filed pursuant to the provisions of section 4 of the Natural Gas Act: *Provided, however,* That adjustments reflecting changes in B.t.u. content of the gas shall be computed by the applicable formula and charged without the filing of notices of changes in rate.

(G) Within 90 days from the date of initial delivery Applicants in Docket Nos. G-3894 and G-7223 shall file rate schedule quality statements in the form prescribed in Opinion No. 468-A.

(H) The initial rate for sales authorized in Docket Nos. CI67-495, CI67-993, and CI67-1500 shall be 15 cents per Mcf at 14.65 p.s.i.a., including tax reimbursement, plus B.t.u. adjustment; however, in the event that the Commission amends its policy statement No. 61-1, by adjusting the boundary between the Panhandle area and the "Other" Oklahoma area so as to increase the initial wellhead price for new gas in the area involved herein, Applicants thereupon may substitute the new rates reflecting the amount of such increases, and thereafter collect such new rates prospectively in lieu of the initial rate herein required.

(I) The certificates issued herein in Docket Nos. CI67-1587 and CI67-1617 are subject to the following conditions:

(1) It is the express understanding of all parties involved in the subject sale that the pricing provisions of the contract covering said sale are intended to be consistent, and not in conflict, with the provisions of section 154.93 of the regulations under the Natural Gas Act, and in particular with paragraph (b-1) of said section, which paragraph was added by the Commission's Order No. 329, issued December 1, 1966, in Docket No. R-296, and reads as follows:

Section 154.93 rate schedule defined. * * * the permissible provisions for a change in rate are: * * * (b-1) Provisions that permit a change in price to the applicable just and reasonable area ceiling rate which has been, or which may be, prescribed by the Commission for the quality of the gas involved; and

(2) The initial rate shall not exceed 15 cents per Mcf at 14.65 p.s.i.a. adjusted for B.t.u. content of the gas as provided for in the contracts.

(3) In the event the Commission, by amendment of its policy statement No. 61-1, adjusts the boundary between the Panhandle area and the "Other" Oklahoma area so as to increase the initial wellhead price for new gas in the area of the sales involved herein, Applicants may thereupon substitute the new rates reflecting the amount of such increases, and thereafter collect the new rates prospectively in lieu of the initial rate herein required.

(J) A certificate is issued herein in Docket No. CI67-1462 authorizing Applicant to continue the sale of natural gas which was initiated without prior Commission authorization by the predecessor.

(K) A certificate is issued herein in Docket No. CI67-1694 authorizing Applicant to continue the sale of natural gas which was initiated without prior Commission authorization.

(L) Applicant in Docket No. CI67-1555 shall file three copies of a revised billing statement reflecting a rate of 15 cents per Mcf at 14.65 p.s.i.a.

(M) Docket Nos. CI67-1525, CI67-1574, and CI67-1656 are canceled.

(N) The certificates heretofore issued in Docket Nos. G-3894, G-7223, G-11917, G-12960, G-14925, G-18371, CI63-1139, CI64-946, CI64-1349, CI66-856, and CI-67-285 are amended by adding thereto or deleting therefrom authorization to sell natural gas to the same purchasers and in the same areas as covered by the original authorizations pursuant to the rate schedule supplements as indicated in the tabulation herein.

(O) The certificates heretofore issued in the following dockets are amended to reflect the deletion of acreage where new certificates are issued herein to authorize service from the subject acreage:

Amend to delete acreage	*New certificates*
CI61-348	CI67-46
CI61-1658	CI67-1552
CI61-1658	CI67-1556
CI64-13	CI67-1552
CI64-13	CI67-1555
CI64-1143	CI67-1557

(P) The certificate heretofore issued in Docket No. G–7648 is amended to reflect that the sale of natural gas heretofore authorized to be made pursuant to the contract dated December 28, 1934, will hereafter be made pursuant to the contract dated March 1, 1967.

(Q) The certificates heretofore issued in Docket Nos. G–9934, G–10158, G–13885, CI61–1773, CI64–898, CI64–1211, CI65–925, and CI66–66 are amended by changing the certificate holders to the respective successors in interest as indicated in the tabulation herein.

(R) The acceptance for filing of the related rate filing in Docket No. CI64–1211 is contingent upon Applicant's filing three copies of a billing statement as required by the Regulations under the Natural Gas Act.

(S) The certificates heretofore issued in Docket Nos. G–18112, CI60–216, and CI61–991 are amended to reflect the change in corporate name from Val R. Reese & Associates, Inc., to Petroleum Consultants, Inc.

(T) The proceeding pending in Docket No. RI64–478 is redesignated from Val R. Reese & Associates, Inc., to Petroleum Consultants, Inc., to reflect the change in corporate name.

(U) The certificate heretofore issued in Docket No. CI61–535 is terminated; Harold R. Billingsley, trustee, et al., FPC Gas Rate Schedule No. 2 is canceled; and the certificate heretofore issued in Docket No. CI66–1054 is amended to denote that the sale authorized therein to be made by H. B. Lively will be made from the complete interests of Harold R. Billingsley, trustee, et al.

(V) Permission for and approval of the abandonment of service by the respective Applicants, as hereinbefore described, all as more fully described in the respective applications and in the tabulation herein are granted.

(W) The certificate heretofore issued to Shell Oil Co. in Docket No. CI62–58 is amended by deleting therefrom authorization to sell natural gas from the acreage assigned to R. R. Kennedy et al., and permission and approval are granted to R. R. Kennedy et al., in Docket No. CI67–1586 to abandon the sale of gas from the acreage acquired from Shell Oil Co.

(X) The certificates heretofore issued in Docket Nos. G–4724, G–16828, G–16830, G–16832, G–17491, CI61–566, CI65–179, and CI65–217 are terminated.

(Y) The respective related rate schedules and supplements as indicated in the tabulation herein are accepted for filing; further, the rate schedules relating to the successions herein are accepted and redesignated, subject to the applicable Commission regulations under the Natural Gas Act to be effective on the dates as indicated in the tabulation herein.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
G–9934 C 3–7–66 [1] C 7–27–66 [1]	Atlantic Richfield Co. [2]	El Paso Natural Gas Co., Langlie-Mattix Field, Lea County, N. Mex.	Supplemental agreement 2–1–66. [3]	81	13
			Supplemental agreement 7–11–66. [3]	82	14
			Supplemental agreement 2–1–66. [3]	83	15
G–7223 C 4–3–67 [1]	Standard Oil Co. of Texas, A Division of Chevron Oil Co. [2]	El Paso Natural Gas Co., Langlie-Mattix and Cooper-Jal Fields, Lea County, N. Mex.	Supplemental agreement 7–11–66. [3]	3	14
G–7648 4–11–67 [4]	Mobil Oil Corp.	United Gas Pipe Line Co., White Point, Sarst et al., Fields, San Patricio and Nueces Counties, Tex.	(5) [6]	286	15
G–9033 E 2–11–66 [7]	William H. Putnam et al. (successor to B. H. Putnam) (Operator).	Gas Transport, Inc., Putnam Gas Field, Wood and Jackson Counties, W. Va.	B. H. Putnam (Operator), FPC GRS No. 3.	1	----
			Supplementary agreement 3–29–60. [8]	1	1
			Assignment 6–28–64 [9]	1	2
			Assignment 7–1–64 [9]	1	3
			Letter agreement 11–8–66. [10 11]	1	4
G–11917 D 5–25–67	Mobil Oil Corp.	United Gas Pipe Line Co., Green Field, Karnes County, Tex.	Assignment 12–1–65 [12 13]	23	6
G–12960 D 5–3–66	Cabot Corp. (Southwest Division) (Operator) et al.	Colorado Interstate Gas Co., Mocane Field, Beaver County, Okla.	Assignment 4–26–66 [13 14]	30	12
G–13885 E 3–28–67	Fred Whitaker (Operator) et al. (successor to International Helium, Inc. (Operator) et al.).	Texas Gas Transmission Corp., Carthage Field, Panola County, Tex.	International Helium, Inc. (Operator) et al., FPC GRS No. 5.	13	----
			Supplemental Nos. 1–2	13	1–2
			Notice of succession 3–24–67.	----	----
			Assignment 7–12–66 [11]	13	3
			Assignment 7–13–66 [15]	13	4
			Assignment 7–13–66 [15]	13	5
			Assignment 7–13–66 [15]	13	6
			Assignment 7–15–66 [15]	13	7
			Assignment 7–15–66 [15]	13	8
			Assignment 7–25–66 [15]	13	9
			Assignment 8–12–66 [15]	13	10
			Assignment 9–23–66 [15]	13	11
			Effective date: 8–1–66.	----	----
G–14225 D 5–25–67	Gulf Oil Corp.	Transwestern Pipeline Co., Block 37, McKee Field, Crane County, Tex.	Letter Agreement 5–13–67. [13 16]	194	10
G–18112 5–8–67 [17]	Petroleum Consultants, Inc. (Operator) et al. (formerly Val R. Reese & Associates, Inc. (Operator) et al.).	El Paso Natural Gas Co., Blanco Field, San Juan County, N. Mex.	Val R. Reese & Associates, Inc. (Operator) et al., FPC GRS No. 2.	2	----
			Supplemental Nos. 1–2	2	1–2
			Notice of name change 3–29–67. [18]	----	----
			Effective date: 1–11–65.	----	----
G–18371 C 5–31–67 [19]	Aztec Oil & Gas Co.	El Paso Natural Gas Co., Basin Dakota Pool, San Juan County, N. Mex.	Supplemental agreement 4–21–67. [13 20]	10	10
CI60–216 4–4–67 [18]	Petroleum Consultants, Inc. (Operator) et al. (formerly Val R. Reese & Associates, Inc. (Operator), et al.).	El Paso Natural Gas Co., acreage in Rio Arriba County, N. Mex.	Val R. Reese & Associates, Inc. (Operator), et al., FPC GRS No. 1.	1	----
			Supplement Nos. 1–5	1	1–5
			Notice of name change 3–29–67. [18]	----	----
			Effective date: 1–11–65.	----	----
CI61–991 4–4–67 [18]	Petroleum Consultants, Inc. (formerly Val R. Reese & Associates, Inc.).	do	Val R. Reese & Associates, Inc., FPC GRS No. 3.	3	----
			Supplement Nos. 1–3	3	1–3
			Notice of name change 3–29–67. [18]	----	----
			Effective date: 1–11–65.	----	----
CI61–1773 E 5–29–67	Conroy, Inc. (Operator) et al. (successor to South Texas Development Co. (Operator)).	Kansas-Nebraska Natural Gas Co., Inc., Surveyor Creek Field, Washington County, Colo.	South Texas Development Co. (Operator), FPC GRS No. 2.	2	----
			Notice of succession 5–24–67.	----	----
			Assignment 12–20–66 [18]	2	1
			Effective date: 12–1–66.	----	----
CI63–1139 C 5–29–67	Harper Oil Co. (Operator) et al.	Arkansas Louisiana Gas Co., North Drummond Area, Garfield County, Okla.	Amendatory agreement 3–22–67. [13 21]	32	7

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
CI67–1463 A 5–25–67 [18]	Charles A. Laughlin	The Manufacturers Light and Heat Co., Porter Township, Clarion County, Pa.	Contract 10–26–60.	1	1
			Assignment 6–19–63 [18]	1	2
			Assignment 6–25–63 [18]	1	3
			Assignment 7–8–63 [18]	1	4
			Assignment 8–18–64 [18]	1	5
			Effective date: 8–18–64.	1	6
CI67–1650 A 6–26–67	Jones & Pellow Oil Co. (Operator) et al.	Panhandle Eastern Pipe Line Co., Valley Center East Field, Dewey County, Okla.	Contract 4–5–67.	1	1
			Compliance (misstated). [18]	1	2
CI67–1530 A 6–26–67	Fain-Porter Drilling Corp. (Operator) et al.	Michigan Wisconsin Pipe Line Co., Northwest Doby Springs Field, Harper County, Okla.	Contract 1–13–67 [1]	3	----
CI67–1631 (CI64–1340) D 6–26–67 [2]	Neal Hudder (partial abandonment).	Equitable Gas Co., Kittanning District, Kittanning County, W. Va.	Notice of partial cancellation 6–30–67. [2 18]	5	----
CI67–1632 (CI61–1688) F 6–1–67	Eagle Oil Co., Inc. (Operator) et al. (successor to Joseph E. Newman (Operator) et al.).	Panhandle Eastern Pipe Line Co., Bobbitt Field, Pratt County, Kan.	Contract 4–10–61 [18]	1	1
			Contract 12–28–62.	1	2
			Assignment 1–10–63.	1	3
			Assignment 1–10–63.	1	4
			Amended 2–27–63.	1	5
			Amended 5–20–63.	1	6
			Amended 8–30–63 [7]	1	7
			Effective date: 4–1–63.	1	8
CI67–1583 (CI64–13) F 6–1–67		Panhandle Eastern Pipe Line Co., Carver Robbins Field, Pratt County, Kan.	Contract 8–31–65 [18]	1	1
			Assignment 12–1–65 [18]	1	2
			Effective date: 6–11–65.	1	3
CI67–1585 (CI61–1686) F 6–1–67	International Oil Corp., (Operator) et al. (successor to Joseph E. Newman (Operator) et al.).	do	Assignment 6–11–65 [18]	1	4
			Effective date: 6–11–65.	1	5
			Contract 12–28–62	1	1
			Assignment 1–10–63	1	2
			Assignment 2–27–63	1	3
			Amended 5–20–63	1	4
			Amended 8–30–63 [7]	1	5
			Effective date: 4–1–63.	1	6
CI67–1587 (CI64–1144) F 6–1–67	do	Cities Service Gas Co., Geraki Pool, Pratt County, Kans.	Contract 3–10–64 [18]	2	1
CI67–1574 (G–10138) E 6–1–67 [2]	Pan American Petroleum Corp. (successor to Burch Spears, Inc.).	Trunkline Gas Co., Medio Creek Field, Bee County, Tex.	Assignment 8–30–65 [18]	2	2
			Effective date: 4–1–65.	2	3
			Burch Spears, Inc., FPC GRS No. 1.	170	1–5
			Notice of succession 4–26–67.	170	6
CI67–1584 (CI65–217) B 6–6–67	Neal Budder et al.	Equitable Gas Co., Central District, Doddridge County, W. Va.	Assignment 3–23–67 [18]	170	9
			Effective date: 4–1–67.	170	10
CI67–1586 (CI65–66) [18] B 6–6–67	R. R. Kennedy et al.	Transwestern Pipeline Co., acreage in Ward County, Tex.	Notice of cancellation 4–26–67. [13 18]	6	1
CI67–1617 A 6–11–67	Flag Oil Corp. of Delaware.	Panhandle Eastern Pipe Line Co., Northeast Sailing Field, Dewey County, Okla.	Assignment 12–1–66 [18] Letter agreement 12–1–66.	----	----
			Contract 3–31–67.	2	1
			Compliance 6–15–67 [18]	2	2
CI67–1617 A 6–11–67	W. B. Osborn, Jr. (Operator), et al.	Panhandle Eastern Pipe Line Co., Acreage in Woods County, Okla.	Contract 4–15–57.	22	1
			Compliance 6–13–67. [18]	22	----
CI64–656 E 5–15–67	Ralph L. Warner (successor to R. G. Lawton).	Consolidated Gas Supply Corp., Grant District, Marion County, W. Va.	R. G. Lawton, FPC GRS No. 1.	6	----
			Notice of succession 5–17–67.	----	----
			Assignment 10–21–66 [18]	6	1
			Assignment 12–28–66 [18]	6	2
			Assignment 2–20–67 [18]	6	3
			Letter agreement 5–20–66 [18]	6	4
			Indemnity 5–26–67. [18]	6	5
			Effective date: 2–11–67.	6	6
CI64–946 C 5–26–67	Tenneco Oil Co. (Operator) et al.	Michigan Wisconsin Pipe Line Co., Garris Area, Woodward County, Okla.	Amendatory agreement 4–26–67. [1]	180	5
CI64–1211 E 5–22–67	R. R. Sheets (successor to Fred V. Shedid et al.).	El Paso Natural Gas Co., South Erick Field, Greer County, Okla.	Fred V. Shedid et al., FPC GRS No. 1 [18]	1	----
			Notice of succession 4–17–67.	----	----
			Assignment 2–2–66 [18]	1	1
			Assignment 2–2–66 [18]	1	2
			Assignment 2–2–66 [18]	1	3
			Assignment 2–2–66 [18]	1	4
			Effective date: 2–2–66.	1	5
CI66–66 E 5–25–67	The Permian Corp. (Operator) (successor to McWood Corp.) (Operator).	Tennessee Gas Pipeline Co., a Division of Tenneco, Inc., Fort Jesup Field, Vrn. Sabine Parish, La.	McWood Corp. (Operator), FPC GRS No. 4.	3	----
			Notice of succession 2–16–67.	----	----
			Assignment 4–14–67 [18]	1	1
			Assignment 4–14–67 [18]	2	2
			Effective date: 2–1–67.	2	3
CI66–686 C 4–25–67	Oklahoma Natural Gas Co.	Arkansas Louisiana Gas Co., South Bokoshe Field, Le Flore County, Okla.	Amendatory agreement 4–26–67. [1]	82	4
CI67–46 (CI64–540) F 7–31–64 [2]	Arnold H. Brunce & Co., Inc. (successor to The California Co., a division of Chevron Oil Co.).	Southern Natural Gas Co., Franklin Field, St. Mary Parish, La.	Ratified 6–26–66 [18] Contract 8–30–60.	2	----
CI67–265 C 4–26–67 [2]	Gulf Oil Corp.	Transwestern Pipeline Co., Northwest Mendota Field, Hemphill County, Tex.	Letter agreement 2–15–67.	220	1
CI67–491 A 10–18–66	Jennings Petroleum Corp.	Michigan Wisconsin Pipe Line Co., Woodward Area, Major County, Okla.	Contract (ratified 6–23–66) [18]	5	----
			Contract 8–26–60.	5	2
			Compliance 4–26–67 [18]	5	3
CI67–602 A 3–6–67	Yale Oil Association	Panhandle Eastern Pipe Line Co., Selling Field, Dewey County, Okla.	Contract 11–23–66.	2	1
			Compliance 4–26–67 [18]	2	2
CI67–1367 A 4–3–67 [2]	Pioneer Petroleum, Inc., et al.	Consolidated Gas Supply Corp., Freeman's Creek District, Lewis County, W. Va.	Contract 7–22–65 [1]	10	----
CI67–1372 A 4–4–67 [2]	W. H. Monnr et al.	Consolidated Gas Supply Corp., Glenville District, Gilmer County, W. Va.	Contract 6–6–60 [1]	67	----
CI67–1374 A 4–4–67 [2]	Raymond N. Bates et al. (d.b.a. Willey Oil Co. et al.	Consolidated Gas Supply Corp., Grant District, Ritchie County, W. Va.	Contract 8–21–66 [1]	1	----
CI67–1400 A 4–7–67 [2]	Bowser Gas & Oil Co.	Consolidated Gas Supply Corp., Calhoun County, W. Va.	Contract 8–26–66 [1]	11	----

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted	
			Description and date of document	No.	Supp.
CI67-1650 (C165-925) E 8-17-67 [6]	CRA International, Ltd. (Operator), et al. (successor to Oil and Gas Property Management, Inc. (Operator), et al.)	Panhandle Eastern Pipe Line Co., Rinek Field, Kiowa County, Kans.	Oil and Gas Property Management, Inc. (Operator), et al. FPC GRS No. 23. Notice of succession 8-15-67. Assignment 12-29-66 [6]. Effective date: 12-31-66	2	3
CI67-1656 A 8-22-67 [6]	Pan American Petroleum Corp.	Arkansas Louisiana Gas Co., Danville Field, Bienville Parish, La.	Contract 4-13-67 [7]. Contract 4-29-66 [8]	477 477	1
CI67-1664 A 8-24-67 [6]	Weva Oil Corp.	Consolidated Gas Supply Corp., Lee District, Calhoun County, W. Va.	Contract 12-27-66 [8]	3	
CI67-1669 A 8-29-67	Humble Oil & Refining Co.	Northern Natural Gas Co., Mocane-Laverne Field, Harper County, Okla.	Contract 5-19-67 [7]	426	
CI67-1670 (C165-179) B 8-29-67	Ashland Oil & Refining Co.	Northern Natural Gas Co., West Lemon Field, Haskell County, Kans.	Notice of cancellation 6-26-67, [9] [6]	166	8
CI67-1691 A 8-29-67	Humble Oil & Refining Co.	Panhandle Eastern Pipe Line Co., Northwest Dombey Field, Texas County, Okla.	Contract 6-2-67 [7]	427	
CI67-1694 A 8-19-67 [6]	J. C. Walker	Consolidated Gas Supply Corp., Booneville Township, Elk County, Pa.	Contract 6-5-67 [7]	1	
CI67-1695 (G-4754) B 8-31-67	American Metal Climax, Inc	Montana-Dakota Utilities Co., West Graybull Unit, Big Horn County, Wyo.	Notice of cancellation 6-26-67 [9] [6]	7	
CI67-1696 (G-17240) B 8-29-67	Texas Oil & Gas Corp. (Operator), et al.	Coastal States Gas Producing Co., Appling Field, Calhoun County, Tex.	Notice of cancellation 6-26-67 [9] [6]	15	1
CI67-1697 (G-18628) B 8-29-67	do	Coastal States Gas Producing Co., Texana Field, Jackson County, Tex.	Notice of cancellation 6-26-67 [9] [6]	6	1
CI67-1698 (G-18632) B 8-29-67	do	Coastal States Gas Producing Co., Appling Field, Calhoun County, Tex.	Notice of cancellation 6-26-67 [9] [6]	9	1
CI67-1699 (G-18630) B 8-29-67	do	do	Notice of cancellation 6-26-67 [9] [6]	7	1
CI67-1700 (C161-566) B 8-29-67	Coastal States Gas Producing Co.	South Texas Natural Gas Gathering Co., South Tabasco Field Area, Hidalgo County, Tex.	Notice of cancellation 6-10-67 [9] [6]	87	1
CI67-1702 A 8-31-67	Tenneco Oil Co.	Transwestern Pipeline Co., Cassidy Field, Ellis County, Okla.	Contract 6-5-67 [7]	213	

[1] Effective date: Date of this order.
[2] Deletes acreage assigned to Arnold Petroleum Co. who has not filed for certificate authorization to cover the subject acreage.
[3] Assigns to Fred Whitaker the interest of J. L. Bunyard.
[4] Assigns to Fred Whitaker the interest of International Helium, Inc.
[5] Assigns to Fred Whitaker the interest of Virginia Barber and Earl Barber.
[6] Assigns to Fred Whitaker the interest of Cummins Diesel Sales of Colorado Co.
[7] Assigns to Fred Whitaker the interest of Ola Layton.
[8] Assigns to Fred Whitaker the interest of Pan West Drilling Co.
[9] Assigns to Fred Whitaker the interest of Edward Martin Briggs.
[10] Assigns to Fred Whitaker the interest of Continental Oil Co.
[11] Production of gas no longer economically feasible.
[12] Application to reflect corporate name change; no change in interest involved.
[13] Roberts change in corporate name from Val R. Reese & Associates, Inc. to Petroleum Consultants, Inc., as evidenced by an attached certificate of incorporation (Titled: Certificate of Comparison).
[14] Jan. 1, 1968, moratorium pursuant to the Commission's statement of general policy No. 61-1, as amended.
[15] Adds acreage and deletes leverage-rate pricing provisions and 1.0 cents per Mcf minimum guarantee for liquids in the added acreage.
[16] Assigns all of seller's interest in acreage from South Texas Development Co. (Operator) to Conroy, Inc. (Operator), et al.
[17] Adds acreage and deletes indefinite pricing provisions as to the subject acreage (reserves stipulated to be in the Mississippi Lime Zone).
[18] Assignment of partial interest in Manley, et al., lease from R. G. Lawton to Bruce K. Brown, et al.
[19] Assignment of Jim Manuel, et al., lease from Mutual Oil Co., to Guardian Petroleum, Inc.
[20] Assignment of Manley, et al., lease from Lawton and Brown, et al., to Guardian Petroleum, Inc.
[21] Adds acreage, Jim Manuel Lease. This acreage was not covered by the certificate granted in Docket No. CI64-606 (Jan. 1, 1968, moratorium applicable to the added acreage).
[22] Instrument whereby Ralph L. Warne acquired his interest in the subject property.
[23] From Conroy covers acreage under two leases only.
[24] From O. P. Russell to Applicant covering five-eighths interest in the Williams-Nowak Lease in sec. 9, T. 7 N., R. 24 W.
[25] From Fred V. Shadid to Applicant covering one-fourth interest in the Williams-Nowak Lease in sec. 9, T. 7 N., R. 24 W.
[26] From Fred V. Shadid to Applicant covering one-fourth interest in the Sun Oil Co. Lease in sec. 9, T. 7 N., R. 24 W.
[27] From O. P. Russell to Applicant covering five-eighths interest in the Sun Oil Co. Lease in sec. 9, T. 7 N., R. 24 W.
[28] Conveys properties from McWood to Occidental Petroleum Corp.
[29] Conveys properties from Occidental Petroleum Corp. to The Permian Corp.
[30] Applicant indicated as an initial service filing; further filing review reveals this to be a partial succession.
[31] Basic contract between The California Co., seller and Southern Natural Gas Co., as buyer; on file as The California Co., a division of Chevron Oil Co. FPC GRS No. 19.
[32] Ratifies Aug. 28, 1950 contract between Pan American Petroleum Corp. and Michigan Wisconsin; on file as Pan American's FPC GRS No. 230.
[33] Accepts temporary certificate issued by letter order dated Feb. 9, 1967 and provides for downward B.t.u. adjustment (compliance previously accepted by letter dated May 24, 1967). By letter dated June 2, 1967, Applicant expressed willingness to accept a permanent certificate conditioned as the temporary certificate. Rate is 17.0 cents; however, by letter dated May 26, 1967, Applicant indicated willingness to accept a permanent certificate similar to conditions in the temporary certificate which are similar to Opinion No. 546, excluding R-19¢ and R-90¢ conditions.
[34] Sale being rendered without prior Commission authorization by predecessor (no certificate or rate filings ever made by predecessor).
[35] Documents whereby Applicant acquired his interest in the subject properties.
[36] Complies with temporary certificate issued May 19, 1967. Applicant by letter filed June 8, 1967, expressed willingness to accept a permanent certificate conditioned to a 16.0-cent rate.
[37] Application noted as a complete abandonment in Docket No. CI67-1535; said docket will be canceled and the application will be construed as a petition to amend the certificate issued in Docket No. CI64-1540.
[38] On file as Joseph E. Newman (Operator) et al. FPC GRS No. 2.
[39] Assigns acreage from Joseph E. Newman et al. to El Dorado Petroleum Corp., Inc.
[40] Changes El Dorado Petroleum Corp., Inc., name to Eagle Oil Co., Inc.
[41] On file as Joseph E. Newman (Operator) et al. FPC GRS No. 4.
[42] Assigns acreage from Kansas Oil Exploration, Inc., to El Dorado Petroleum Corp., Inc.
[43] Assigns acreage from Joseph E. Newman et al., to Applicant.
[44] On file as Joseph E. Newman (Operator) et al., FPC GRS No. 5.
[45] Application erroneously assigned Docket No. CI67-1674 will be construed as a petition to amend the certificate issued in Docket No. CI67-1018 and Docket No. CI67-1674 will be canceled.
[46] R. R. Kennedy et al. did not make any sales; filings to reflect acquisition of the Shell interest. Acreage presently covered by Shell Oil Co.'s certificate in Docket No. CI62-86 (no sales made by Kennedy et al., since they acquired an interest in the property).
[47] From Shell Oil Co., to R. R. Kennedy et al.
[48] Transwestern and Kennedy et al. cancel the Shell contract of June 9, 1967 (Shell's FPC GRS No. 258) insofar as it pertains to the assigned acreage. Will incapable of producing into Transwestern's system. Gas will be sold to Cabot Corp. under percentage agreement for resale to Transwestern.
[49] Confirms understanding that contractual pricing provisions are consistent, and not in conflict with Commission's regulations. Also indicates Applicant is willing to accept a permanent certificate conditioned to 16.0-cent price.
[50] Application erroneously assigned Docket No. CI67-1666 will be construed as a petition to amend the certificate issued in Docket No. CI64-624 and Docket No. CI67-1666 will be canceled.

[1] Jan. 1, 1968, moratorium provided by Opinion No. 468.
[2] By letters filed May 31, 1967, and May 19, 1967, Applicants in Docket Nos. G-3694 and G-7225, respectively, agreed to accept authorization for the additional acreage containing conditions similar to those imposed by Opinion No. 468, as modified by Opinion No. 468-A.
[3] Effective date: Date of initial delivery (Applicant shall advise the Commission as to such date).
[4] Amendment to the certificate filed to reflect the new contract.
[5] Rate filing pursuant to Sec. 154.94, as amended, The Dec. 28, 1964, contract provides for the sale of gas from a general area. The Mar. 31, 1967, amendment provides for base rate from specific wells.
[6] Contract accepted by Commission's order issued Apr. 20, 1967, in Docket No. RI67-436 and designated as Supplemental No. 18 to Mobil's FPC GRS No. 236.
[7] Additional certificate filing submitted Feb. 19, 1965; additional rate filing submitted Apr. 17, 1967.
[8] Extends contract term to Dec. 31, 1967.
[9] Adds "et al." party.
[10] Extends contract term to Dec. 31, 1967.
[11] Effective date: Date of transfer of properties.
[12] Transfers properties from Applicant to Cattle-Land Oil Co. and Edwin L. Cox to a depth of 8,947 feet. Acreage presently noncontractual.

[51] Assigns the interest of Nicholas R. du Pont to Applicant; Applicant was appointed operator by Oil & Gas Property Management and other coowners.
[52] Adopts the terms of the contract dated Apr. 28, 1966; on file as Continental Oil Co. FPC GRS No. 314.
[53] Seller accepts and reserves from this agreement all sands and formations below the bottom of the Beres S and.
[54] Sale being rendered without prior Commission authorization.

[F.R. Doc. 67-9209; Filed, Aug. 9, 1967; 8:45 a.m.]

GENERAL SERVICES ADMINISTRATION

[Federal Procurement Regs.; Temporary Reg. 13]

COPPER AND COPPER SUBSTITUTES

Use

To: Heads of Federal Agencies:

1. *Purpose.* This regulation continues in effect the provisions of FPR Temporary Regulation No. 5, March 23, 1966 (31 F.R. 4976).

2. *Effective date.* This regulation is effective August 24, 1967.

3. *Expiration date.* This regulation expires February 24, 1969, unless sooner revised or canceled.

4. *Background.* FPR Temporary Regulation No. 5 was issued as a result of heavy demands for available copper and in the interest of making certain that the procurement activities of the Government take advantage of opportunities for savings flowing from the use of copper substitutes. Continued application of the policies and procedures contained in that regulation are deemed advisable.

5. *Agency implementation.* Agencies shall comply with the provisions of FPR Temporary Regulation No. 5.

Dated: August 3, 1967.

LAWSON B. KNOTT, JR.,
Administrator of General Services.

[F.R. Doc. 67-9382; Filed, Aug. 9, 1967; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 17570-17573; FCC 67M-1333]

ELIM BIBLE INSTITUTE, INC., ET AL.

Order Rescheduling Prehearing Conference

In re applications of Elim Bible Institute, Inc., Lima, N.Y., Docket No. 17570, File No. BP-16869; "What the Bible Says, Inc.", Henrietta, N.Y., Docket No. 17571, File No. BP-17001; Oxbow Broadcasting Corp., Geneseo, N.Y., Docket No. 17572, File No. BP-17399; John B. Weeks, Warsaw, N.Y., Docket No. 17573, File No. BP-17400; for construction permits.

On the Hearing Examiner's own motion: *It is ordered*, That the prehearing conference heretofore scheduled for September 18, 1967, is postponed to October 4, 1967, at 9 a.m., in the Offices of the Commission, Washington, D.C., because of a conflict in the Examiner's schedule.

Issued: August 3, 1967.

Released: August 4, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-9401; Filed, Aug. 9, 1967; 8:51 a.m.]

[Docket Nos. 17538-17540; FCC 67M-1329]

LAUREL CABLEVISION CO. ET AL.

Order Scheduling Further Prehearing Conference

In re petitions by Laurel Cablevision Co., Somerset, Pa., Docket No. 17538, File No. CATV 100-24; Punxsutawney TV Cable Co., Inc., Punxsutawney, Pa., Docket No. 17539, File No. CATV 100-155; for authority pursuant to § 74.1107 of the rules to operate CATV systems in the Johnstown-Altoona Television Market and in re application of New York-Penn Microwave Corp., Brockport, Pa., Docket No. 17540, File No. 7793-C1-P-66; for construction permit for new point-to-point microwave radio station.

Pursuant to an oral ruling of the Hearing Examiner in the prehearing conference held August 2, 1967: *It is ordered*, That the hearing heretofore scheduled for September 14, 1967 is continued without date pending Commission action on reconsideration petitions of the applicants.

It is further ordered, That a further prehearing conference will be held on September 14, 1967 at 9 a.m.

Issued: August 2, 1967.

Released: August 4, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-9402; Filed, Aug. 9, 1967; 8:51 a.m.]

[Docket No. 17632]

HUGH JOSEPH SINNETT

Order Designating Matter for Hearing

In the matter of Hugh Joseph Sinnett, 3925 California Avenue, Carmichael, Calif. 95608, Docket No. 17632; suspension of radiotelegraph first class operator license and radiotelephone second class operator license.

The Commission, by the Chief of its Field Engineering Bureau, has under consideration the suspension of the Radiotelegraph First Class Operator License, T1-21-309, and the Radiotelephone Second Class Operator License, P2-12-7710, issued to Hugh Joseph Sinnett whose address appears above.

In accordance with the provisions of section 303(m)(2) of the Communications Act of 1934, as amended, Sinnett filed with the Commission a timely request for hearing on the Commission's Order released January 26, 1967, suspending for three months his Radiotelegraph First Class Operator License and his Radiotelephone Second Class Operator License.

Under the provisions of section 303(m)(2) of the Communications Act of 1934, as amended, Hugh Joseph Sinnett is entitled to a hearing in this matter and by filing a timely written request for a hearing, the Commission's Order of suspension is held in abeyance until the conclusion of the proceeding in this matter.

It is ordered, Under authority contained in section 303(m)(2) of the Communications Act of 1934, as amended, and § 0.311(a)(5) of the Commission's rules that the matter of the suspension of the commercial radio operator licenses of Hugh Joseph Sinnett is hereby designated for hearing at a time and place before a hearing examiner to be specified by further Order of the Commission upon the following issues:

1. To determine whether Hugh Joseph Sinnett, while serving as the sole radio operator on board the vessel "SS Berkeley Victory," failed to carry out the lawful orders of the master of the vessel.

2. To determine in the light of the evidence adduced in the preceding issue whether the terms of the original Order of Suspension should be made final, rescinded, or modified.

It is further ordered, That a copy of this Order be transmitted by Certified Mail—Return Receipt Requested, to Hugh Joseph Sinnett, and that Sinnett notify the Commission in writing within 10 days after receipt of this Order that he will appear in person or by counsel at said hearing.

Adopted: July 26, 1967.

Released: July 31, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-9403; Filed, Aug. 9, 1967; 8:51 a.m.]

[Docket No. 17632; FCC 67M-1339]

HUGH JOSEPH SINNETT

Order Scheduling Hearing

In the matter of Hugh Joseph Sinnett, 3925 California Avenue, Carmichael, Calif. 95608, Docket No. 17632; suspension of radiotelegraph first class operator license and radiotelephone second class operator license.

It is ordered, That David I. Kraushaar shall serve as Presiding Officer in the above-entitled proceeding, and that the hearings therein shall be convened on

September 12, 1967, at 10 a.m., in San Francisco, Calif.

Issued: August 4, 1967.

Released: August 4, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-9404; Filed, Aug. 9, 1967; 8:51 a.m.]

[Docket No. 17554; FCC 67M-1334]

WESTERN UNION TELEGRAM CO.

Order Rescheduling Prehearing Conference

In the matter of proposed revisions in the rates of The Western Union Telegram Co. for tieline domestic interstate telegraph services, Docket No. 17554.

On the unopposed oral request of counsel for Western Union: *It is ordered*, That the prehearing conference is further rescheduled from August 17 to September 8, 1967, at 10 a.m.

Issued: August 3, 1967.

Released: August 4, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-9405; Filed, Aug. 9, 1967; 8:51 a.m.]

FEDERAL MARITIME COMMISSION

PENINSULAR AND ORIENTAL STEAM NAVIGATION CO. (P & O LINES) ET AL.

Application for Certificate of Financial Responsibility To Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages; Notice of Issuance of Certificate (Casualty)

Notice is hereby given that pursuant to the provisions of section 2, Public Law 89-777 (80 Stat. 1356, 1357) and Federal Maritime Commission General Order 20, (46 CFR Part 540) that a Certificate of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages has been issued to the following (all effective on August 7, 1967):

The Peninsular & Oriental Steam Navigation Co. (P & O Lines). Certificate No. C-1,034.
Aegean Cruises, S.A. and Unitours, Inc. (Aegean: Epirotiki Lines). Certificate No. C-1,035.
Kavim Shipping Co., Ltd./Jamaica Shipping Lines, Ltd. Certificate No. C-1,036.
State of Alaska. Certificate No. C-1,037.
American Export Isbrandtsen Lines, Inc. Certificate No. C-1,038.
American President Lines, Ltd. (APL). Certificate No. C-1,039.
Delta Steamship Lines, Inc. (Delta Line). Certificate No. C-1,040.
Grace Line, Inc. Certificate No. C-1,041.
Mateon Navigation Co., The Oceanic Steamship Co. (Matson Lines). Certificate No. C-1,042.
Moore-McCormack Lines, Inc., Certificate No. C-1,043.
United States Lines, Inc. (United States Lines). Certificate No. C-1,044.
Wisconsin & Michigan Steamship Co. (Clipper Line). Certificate No. C-1,045.
Atlantic Far East Lines, Inc. (Orient Overseas Line). Certificate No. C-1,046.
Canadian National Steamship Co., Ltd. (CN). Certificate No. C-1,047.
Evangeline Steamship Co., S.A. Certificate No. C-1,048.
Chicago Duluth & Georgian Bay Transit Co. ("Georgian Bay Line"). Certificate No. C-1,049.
Sun Line Inc. (Sun Line). Certificate No. C-1,050.
The Peninsular & Occidental Steamship Co. (P & O Steamship Co.). Certificate No. C-1,051.
Companhia De Navegacao Lloyd Brasileiro (Lloyd Brasileiro). Certificate No. C-1,052.
Greene Line Steamers, Inc. Certificate No. C-1,053.

Dated: August 7, 1967.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-9408; Filed, Aug. 9, 1967; 8:51 a.m.]

SUN LINE INC.

Financial Responsibility To Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages; Notice of Application for Certificate (Casualty)

Notice is hereby given that pursuant to the provisions of section 2, Public Law 89-777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, Amendment 2 (46 CFR Part 540) the following persons have applied to the Federal Maritime Commission for a Certificate of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages:

Sun Line Inc. (Sun Line).

Dated: August 7, 1967.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-9409; Filed, Aug. 9, 1967; 8:51 a.m.]

SUN LINE INC.

Indemnification of Passengers for Nonperformance of Transportation; Notice of Application for Certificate (Performance)

Notice is hereby given that pursuant to the provisions of section 3, Public Law 89-777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20 (46 CFR Part 540) the following persons have applied to the Federal Maritime Commission for a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation:

Sun Line Inc. (Sun Line).

Dated: August 7, 1967.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-9410; Filed, Aug. 9, 1967; 8:51 a.m.]

SUN LINE INC.

Indemnification of Passengers for Nonperformance of Transportation; Notice of Issuance of Certificate (Performance)

Notice is hereby given that pursuant to the provisions of section 3, Public Law 89-777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20 (46 CFR Part 540) that a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation has been issued to the following:

Sun Line Inc. (Sun Line). Certificate No. P-58. Effective date: August 2, 1967.

Dated: August 7, 1967.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-9411; Filed, Aug. 9, 1967; 8:51 a.m.]

CIVIL SERVICE COMMISSION

DIRECTOR, ASIAN DIVISION, OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE (SYSTEMS ANALYSIS)

Manpower Shortage

Under the provision of 5 U.S.C. 5723, the Civil Service Commission has found, effective August 2, 1967, that there is a manpower shortage for the single position of Director, Asian Division, Office of the Assistant Secretary of Defense (Systems Analysis), GS-015-17, Department of Defense, Washington, D.C.

The appointee may be paid for the expense of travel and transportation to his first post of duty.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-9407; Filed, Aug. 9, 1967; 8:51 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812-2153]

INCOME FUND OF BOSTON, INC., ET AL.

Notice of Application for Temporary Exemption

AUGUST 4, 1967.

Notice is hereby given that an application has been filed pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") by The Income Fund of Boston, Inc. ("Fund"), its investment adviser, Boston Administrative & Research Co., Inc. ("Adviser"), and Securities Co. of Massachusetts Inc. ("Securities"), 581 Boylston Street, Boston, Mass., the sole underwriter of the Fund, requesting an order of the Commission exempting Adviser and the Fund from the requirements of sections 15(a) and 15(c) of the Act respectively, during the period from May 24, 1967, to and including the final adjournment of the special meeting of shareholders to be held on August 31, 1967, and exempting Securities from the requirements of section 15(b) for the period from May 24, 1967, to May 31, 1967. All interested persons are referred to the application which is on file with the Commission for a statement of the representations therein which are summarized below.

The investment advisory agreement between the Fund and Adviser and the distribution contract between the Fund and Securities contain the provisions required by section 15 of the Act that they shall terminate automatically in the event of their "assignment", which under the Act includes any direct or indirect transfer of a controlling block of the outstanding voting securities of the investment adviser or the principal underwriter.

On May 24, 1967, Joseph Furst, holder of all the outstanding capital stock of Adviser and Securities died at Boston, Mass., leaving a will. The stock of Adviser and Securities is presently held as an asset of the estate of Joseph Furst to be administered by the executors named in the will. Four executors are designated to serve under the will, of whom one is a director and chief executive officer of the Fund, Adviser and Securities; one is an officer and director of each such corporation; and two are directors of the Adviser.

On May 31, 1967, the Board of Directors of the Fund by affirmative vote of the directors who were not also directors or officers of Adviser approved continuation of the present investment advisory contract with Adviser pending approval by the shareholders of the Fund of a new investment advisory contract at the special meeting of shareholders to be held August 31, 1967. In addition, those directors of the Fund who were not also directors or officers of Securities voted to approve and authorize execution of a new distribution contract with Securities containing terms and conditions identical to the distribution contract which automatically terminated when Mr. Furst died.

This application for exemption is conditioned upon the undertaking of each of the applicants to file with the Securities and Exchange Commission such additional applications for exemption and of the Fund to secure such further approval of its shareholders as may be required under the Act in connection with any transfer or distribution, in whole or in part, by the executors under the will of Joseph Furst of the capital stock of the Adviser and of the Underwriter, respectively, presently held as assets of said estate as hereinabove set forth.

Section 15(a) of the Act provides, among other things, that it shall be unlawful for any person to serve or act as an investment adviser of a registered investment company except pursuant to a written contract which has been approved by the vote of a majority of the outstanding voting securities of such registered investment company and provides in substance for its automatic termination in the event of its assignment by the investment adviser.

Section 15(b) provides, among other things, that it shall be unlawful for any principal underwriter for a registered open-end company to offer for sale, sell or deliver after sale any security of which such company is the issuer except pursuant to a written contract with such company, which contract shall provide for its automatic termination in the event of assignment by such underwriter.

Section 15(c) provides, among other things, that it is unlawful for any registered investment company having a board of directors to enter into, renew, or perform any investment advisory or underwriting contract unless the terms of the contract and any renewal thereof are approved by a majority of the directors who are not parties to such contract or affiliated persons of any such party or by the vote of a majority of the outstanding voting securities of such company.

Fund and Securities request an order exempting Securities from the provisions of section 15(b) for the period from May 24, 1967, to and including the close of business on May 31, 1967, because Securities received and accrued income from the sale of shares of the Fund during that period when no written underwriting contract was in effect.

Fund and Adviser request the order exempting Adviser and Fund from the provisions of section 15(a) and 15(c) of the Act respectively, in order that the normal operations of Fund may continue without interruption pending approval by Fund's shareholders of a new advisory contract.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person or transaction from any provision of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary to or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than August 24, 1967, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon application at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 67-9349; Filed, Aug. 9, 1967; 8:46 a.m.]

INTERAMERICAN INDUSTRIES, LTD.

Order Suspending Trading

AUGUST 4, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the capital stock of Interamerican Industries, Ltd., Calgary, Alberta, Canada, being traded in the United States otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in the United States in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 7, 1967, through August 16, 1967, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 67-9350; Filed, Aug. 9, 1967; 8:46 a.m.]

[File No. 1-1277]

PENROSE INDUSTRIES CORP.

Order Suspending Trading

AUGUST 4, 1967.

The common stock $2 par value, of Penrose Industries Corp., being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and the 5 percent Cumulative Convertible Preferred stock, $20 par value of Penrose Industries Corp., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 7, 1967, through August 16, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-9351; Filed, Aug. 9, 1967; 8:46 a.m.]

[File No. 1-4078]

TEL-A-SIGN, INC.

Order Suspending Trading

AUGUST 4, 1967.

The common stock of Tel-A-Sign, Inc., being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934, and being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such security on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 5, 1967, through August 14, 1967, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 67-9352; Filed, Aug. 9, 1967; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

[Notice 1093]

AUGUST 4, 1967.

The following applications are governed by Special Rule 1.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of § 1.247(d)(4) of the Special Rule, and shall include the certification required therein.

Section 1.247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 263 (Sub-No. 179), filed July 24, 1967. Applicant: GARRETT FREIGHTLINES, INC., 2055 Garrett Way, Pocatello, Idaho. Applicant's representative: Maurice H. Greene, 314 First Security Bank Building, Boise, Idaho 83702. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined by the Commission, petroleum products in tank vehicles, and commodities requiring special equipment (other than such equipment as is required for use in transporting machinery, tank, and other commodities requiring the use of flatbed trucks), serving the point of Longview, Wash., as an off-route point in connection with applicant's regular route authority between Tacoma, Wash., and Portland, Oreg., over U.S. Highway 99. NOTE: Applicant states it may presently serve Longview, Wash., because it is within the commercial zone of Kelso, Wash., a point on U.S. Highway 99 between Tacoma and Vancouver. Applicant seeks specific authority to serve the point of Longview so that it may serve points within the commercial zone of Longview in which the plants of the shipper supporting the application are located. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 531 (Sub-No. 234), filed July 27, 1967. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Post Office Box 14287, Houston, Tex. 77021. Applicant's representative: Wray E. Hughes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wine vinegar*, in bulk, in tank vehicles, from Reedley, Calif., to Chicago, Ill., and Terre Haute, Ind. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 1824 (Sub-No. 41), filed July 19, 1967. Applicant: PRESTON TRUCKING COMPANY, INC., 151 Easton Boulevard, Preston, Md. 21655. Applicant's representative: Frank V. Klein (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between junction U.S. Highways 611 and 209, near Stroudsburg, Pa., and junction U.S. Highways 9W and 209 near Kingston, N.Y., over U.S. Highway 209; (2) between junction U.S. Highway 11 and New York Highway 7, near Binghamton, N.Y., and junction New York Highways 5 and 7 at Schenectady, N.Y., over New York Highway 7; (3) between junction U.S. Highways 1 and 17 at Fredricksburg, Va., and Hancock, Md., from junction U.S. Highways 1 and 17 at Fredricksburg, over U.S. Highway 17 to junction U.S. Highway 50 at Paris, Va., thence over U.S. Highway 50 to junction U.S. Highway 522 at Winchester, Va., thence over U.S. Highway 522 to Hancock, Md., and return over the same route; and (4) between junction U.S. Highway 11 and N.Y. Highway 17 at Binghamton, N.Y., and junction U.S. Highway 15 and N.Y. Highway 17, at Painted Post, N.Y., over N.Y. Highway 17; as alternate routes for operating convenience only in (1), (2), (3), and (4), above, serving no intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 2860 (Sub-No. 16), filed July 11, 1967. Applicant: NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, N.J. 08360. Applicant's representative: Alvin Altman, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, and *fibre board boxes*, set up or knocked down between Marienville, Parkers Landing, Knox, Kane, Sheffield, and Elk Township, Pa., on the one hand, and, on the other, points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey (except points in Atlantic, Camden, Cumberland, Gloucester, and Salem Counties, N.J.), New York, Rhode Island, Vermont, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or New York, N.Y.

No. MC 3581 (Sub-No. 12), filed July 27, 1967. Applicant: THE MOTOR CONVOY, INC., Post Office Box 432, Hapeville, Ga. 30054. Applicant's representative: Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, trucks, and farm-type tractors*, in secondary movement in truckaway service, between Mobile, Ala., on the one hand, and, on the other, points in Louisiana. NOTE: Applicant intends to tack the proposed authority at Mobile, Ala., with presently held authority, serving points in Virginia, Tennessee, North Carolina, South Carolina, Georgia, Mississippi, and Florida. If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla., Atlanta, Ga., or New Orleans, La.

No. MC 5470 (Sub-No. 27), filed July 26, 1967. Applicant: ERSKINE & SONS, INC., Rural Delivery No. 5, Mercer, Pa. 16137. Applicant's representative: Theodore Polydoroff, Munsey Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Graphite*, in bulk, in dump vehicles, from Niagara Falls, N.Y., to Schneider, Ind. NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 6078 (Sub-No. 62), filed July 21, 1967. Applicant: D. F. BAST, INC., 1425 North Maxwell Street, Allentown, Pa. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fabricated and structural steel*, which because of size or weight, requires the use of special equipment, and *structural and fabricated steel* and *related material and supplies*, which, because of size or weight, do not require the use of special equipment when moving in mixed loads with structural and fabricated steel which, because of size or weight, require the use of special equipment, from New York, N.Y., to points in Middlesex and Union Counties, N.J., to points in Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, and the District of Columbia, (2) *iron and steel articles*, from New York, N.Y., to points in Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, and the District of Columbia, and (3) *damaged shipments* of the above-described commodities, from points in the above-specified destination territory to New York, N.Y., and points in Union and Middlesex Counties, N.J. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 8984 (Sub-No. 78), filed July 20, 1967. Applicant: WESTERN GILLETTE, INC., 2550 East 28th Street, Post Office Box 15274, Vernon Station, Los Angeles, Calif. 90058. Applicant's representative: R. Y. Schureman, 1010 Wilshire Boulevard, Los Angeles, Calif. 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), serving the Argonne Industrial District, in Du Page and Will Counties, Ill., as an off-route point in connection with carrier's presently authorized regular route operations to and from Chicago, Ill., restricted against the transportation of traffic originating at or destined to points in the Chicago, Ill., commercial zone, as defined by the Commission. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 10761 (Sub-No. 218), filed July 31, 1967. Applicant: TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit, Mich. 48209. Applicant's representative: A. Alvis Layne, Pennsylvania Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, serving Honeoye Falls, N.Y., as an off-route point in connection with carrier's authorized regular route service between Buffalo and Rochester, N.Y., and between Buffalo and Syracuse, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at Rochester or Buffalo, N.Y.

No. MC 13123 (Sub-No. 43), filed July 27, 1967. Applicant: WILSON FREIGHT COMPANY, a corporation, 3636 Follett Avenue, Cincinnati, Ohio 45223. Applicant's representative: Milton H. Bortz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, class A and B explosives, green hides, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving Kebert Park, Pa. (formerly known as Keystone Ordnance Works, located approximately 10 miles south of Meadville, Pa.), as an off-route point in connection with carrier's authorized regular route to and from Erie, Pa., and to and from Pittsburgh, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 29079 (Sub-No. 36) (Amendment), filed May 4, 1967, published in the FEDERAL REGISTER issues of May 18, 1967, amended July 7, 1967, and republished as amended, this issue. Applicant: BRADA MILLER FREIGHT SYSTEM, INC., 1210 South Union, Kokomo, Ind. 46901. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diammonium phosphate*, in bulk, in dump vehicles, from the plantsites, warehouses and facilities of the New Jersey Zinc Co., located at or near Depue, Colfax, and Riverdale, Ill., Des Moines, Iowa, to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin. NOTE: The purpose of this republication is to broaden the origin point by adding Colfax, and to delete Dubuque. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 33641 (Sub-No. 64), filed July 11, 1967. Applicant: IML FREIGHT, INC., Post Office Box 2277, Salt Lake City, Utah 84110. Applicant's representative: Marshall G. Berol, 100 Bush Street, 21st floor, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), (1) between Cheyenne, Wyo., and Topeka, Kans., from Cheyenne, over U.S. Highway 30 (or Interstate Highway 80) to junction Nebraska Highway 10 (near Kearney, Nebr.), thence over Nebraska Highway 10 to junction U.S. Highway 136, thence over U.S. Highway 136 to junction Nebraska Highway 14, thence over Nebraska Highway 14 to junction Nebraska Highway 8 (near Superior, Nebr.), thence over Nebraska Highway 8 to junction U.S. Highway 81, thence over U.S. Highway 81 to junction Highway 36, thence over U.S. Highway 36 to junction U.S. Highway 75, thence over U.S. Highway 75 (or alternate U.S. Highway 75) to Topeka, Kans., and return over the same route, as an alternate route for operating convenience only, serving no intermediate points, but serving the junction of U.S. Highway 75 and U.S. Highway 24 (near Topeka, Kans.),

[1] Copies of Special Rule 1.247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

as a point of joinder with carrier's otherwise authorized regular routes at said junction, and (2) between Cheyenne, Wyo., and junction Kansas Highway 8 and U.S. Highway 36 (near Athol, Kans.), from Cheyenne, Wyo., as above specified to junction Nebraska Highway 10 and U.S. Highway 136, thence over Nebraska Highway 10 and Kansas Highway 8 to junction U.S. Highway 36, and return over the same routes, as an alternate route for operating convenience only, serving no intermediate points. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant does not specify.

No. MC 35628 (Sub-No. 278), filed July 27, 1967. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, a corporation, 134 Grandville Southwest, Grand Rapids, Mich. 49502. Applicant's representative: Leonard D. Verdier, Jr., 1 Vandenberg Center, Grand Rapids, Mich. 49502. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), serving Lima, N.Y., as an intermediate point, and Honeoye Falls, N.Y., as an off-route point, in connection with applicant's regular route operations between the Ohio-Pennsylvania State line and Boston, Mass. NOTE: If a hearing is deemed necessary, applicant requests it be held at Rochester or Buffalo, N.Y.

No. MC 39414 (Sub-No. 15), filed July 21, 1967. Applicant: TYLER TRUCK LINES, INC., 2824 Judge Road, Rural Delivery No. 1, Oakfield, N.Y. 14125. Applicant's representative: Robert V. Giannini, 900 Midtown Tower, Rochester, N.Y. 14604. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building materials, gypsum and gypsum products, equipment, materials and supplies* used in the installation, manufacture and application of such commodities, (1) from the plants and warehouses of United States Gypsum Co. at or near Oakfield, N.Y., to points in Connecticut, Delaware, Indiana, Kentucky, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, and (2) *returned shipments and materials, equipment, and supplies* used in the manufacture and distribution of the commodities described in (1) above, on return, under contract with U.S. Gypsum Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York or Rochester, N.Y.

No. MC 50069 (Sub-No. 375) (Amendment), filed February 13, 1967, published in the FEDERAL REGISTER issues of March 9, 1967, April 6, 1967, and May 18, 1967, amended June 23, 1967, republished as amended this issue. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 930 North York Road, Hinsdale, Ill. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diammonium phosphate*, in bulk, from Depue, Colfax and Riverdale, Ill., and Des Moines, Iowa, to points in Illinois, Iowa, Wisconsin, Missouri, Minnesota, Nebraska, Kansas, South Dakota, North Dakota, Indiana, Ohio, and Michigan. NOTE: Common control and dual operations may be involved. The purpose of this application is to add the origin point of Colfax, Ill., and to delete the origin point of Dubuque, Iowa. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 50069 (Sub-No. 382), filed July 24, 1967. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 930 North York Road, Hinsdale, Ill. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Muskegon, Mich., and points within 5 miles thereof, to points in Iowa, Missouri, Kansas, Nebraska, and Minnesota. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 52110 (Sub-No. 105), filed July 21, 1967. Applicant: BRADY MOTORFRATE, INC., 2150 Grand Avenue, Des Moines, Iowa 50312. Applicant's representative: Homer E. Bradshaw, 11th Floor Des Moines Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 MC 209 and 766 (except hides and commodities in bulk in tank vehicles), from the plantsite of Iowa Beef Packers, Inc., at or near Luverne, Minn., to Aurora, Bloomington, Chicago, East St. Louis, Elgin, Joliet, Peoria, and Rockford, Ill., Kansas City, St. Joseph, and St. Louis, Mo., Covington and Louisville, Ky., and points in Iowa, Indiana, Ohio, and the lower peninsula of Michigan. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Chicago, Ill.

No. MC 52861 (Sub-No. 11), filed July 21, 1967. Applicant: HAROLD W. STEWART, INC., 2535 Center Street, Cleveland, Ohio 44113. Applicant's representative: Paul F. Beery, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, (1) from Painesville Township, Lake County, Ohio, to points in Michigan, Indiana, Kentucky, West Virginia, Pennsylvania, and New York and (2) from Scioto Township, Delaware County, Ohio, to points in Kentucky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 55236 (Sub-No. 152) (Correction), filed July 14, 1967, published in the FEDERAL REGISTER issue of July 27, 1967, and republished as corrected, this issue. Applicant: OLSON TRANSPORTATION COMPANY, a corporation, 1970 South Broadway, Green Bay, Wis. 54306. Applicant's representative: K. L. Laird (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Muskegon, Mich., and within 5 miles thereof, to points in Iowa, Missouri, Kansas, Nebraska, and Minnesota (except St. Paul, Minn.). NOTE: The purpose of this republication is to correct the origin point. If a hearing is deemed necessary, applicant requests it be held at Lansing or Detroit, Mich.

No. MC 58902 (Sub-No. 11), filed July 24, 1967. Applicant: MANLEY TRANSFER COMPANY, INC., 312 North Santa Fe, Chanute, Kans. Applicant's representative: Tom B. Kretsinger, 450 Professional Building, Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Classes A, B, and C explosives*, between Parsons, Kans., and the Kansas City, Mo.-Kans., Commercial Zone as defined by the Commission, from Parsons, Kans. over U.S. Highway 59 to junction Interstate Highway 35, thence over Interstate Highway 35 to the Kansas City, Mo.-Kans. Commercial Zone, as defined by the Commission, and return over the same route, serving no intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 64932 (Sub-No. 423) (Amendment), filed January 30, 1967, published in the FEDERAL REGISTER issues of February 24, 1967, and May 18, 1967, and republished as amended this issue. Applicant: ROGERS CARTAGE CO., a corporation, 1439 West 103d Street, Chicago, Ill. 60643. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diammonium phosphate*, in bulk, except in dump vehicles from Depue, Colfax, and Riverdale, Ill., and Dubuque and Des Moines, Iowa, to points in Illinois, Iowa, Wisconsin, Missouri, Minnesota, Nebraska, Kansas, South Dakota, North Dakota, Indiana, Ohio, and Michigan. NOTE: The purpose of this republication is to broaden the origin point by adding Colfax and Riverdale, Ill. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 69116 (Sub-No. 108), filed July 25, 1967. Applicant: SPECTOR FREIGHT SYSTEM, INC., 205 West Wacker Drive, Chicago, Ill. 60606. Applicant's representative: Jack Goodman, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving Kebert Park, Pa., as an off-route point in connection with applicant's regular route operations over U.S. Highways 19, 20, 22, and 322. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 76032 (Sub-No. 215), filed July 26, 1967. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, Colo. 80223. Applicant's representative: O. Russell Jones, 215 Lincoln Avenue, Post Office Box 2228, Santa Fe, N. Mex. 87501. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Classes A, B, and C explosives, ammunition* not included in Classes A, B, and C explosives, *component parts* of explosives and ammunition, and *general commodities*, except commodities in bulk, those of unusual value, household goods as defined by the Commission, commodities requiring special equipment, livestock, farm products, grain and hay, fresh milk, fresh vegetables, perishable products which require refrigeration, lumber, in bulk, in truckloads, sand and gravel, coal in bulk, rock asphalt, corrosive acids, and new automobiles, between Albuquerque, N. Mex., and El Paso, Tex.; from Albuquerque over Interstate Highway 25 (U.S. Highway 85) to junction U.S. Highway 70 at or near Las Cruces, N. Mex., thence over U.S. Highway 70 to junction Interstate Highway 10 at or near Las Cruces, N. Mex., thence over Interstate Highway 10 (U.S. Highway 85) to El Paso, Tex., and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with carrier's authorized regular route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Santa Fe or Albuquerque, N. Mex., or El Paso, Tex.

No. MC 78228 (Sub-No. 14), filed July 26, 1967. Applicant: THE J. MILLER COMPANY, a corporation, 147 Nichol Avenue, McKees Rocks, Pa. 15136. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal*, in bulk, in dump vehicles, between Niagara Falls, N.Y., on the one hand, and, on the other, points in Pennsylvania, West Virginia, Ohio, Kentucky, Indiana, Illinois, Michigan, New Jersey, Maryland, Delaware, and Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 82841 (Sub-No. 35), filed July 17, 1967. Applicant: R. D. TRANSFER, INC., 801 Livestock Exchange Building, Omaha, Nebr. 68107. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trench excavating machines*, from Woodbine, Iowa, to points in the United States (except Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 82841 (Sub-No. 36), filed July 24, 1967. Applicant: R. D. TRANSFER, INC., 801 Livestock Exchange Building, Omaha, Nebr. 68107. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grain bins, confined feeding houses and auxiliary feed mill equipment, tanks knocked down*, and *related iron and steel articles*, from Kansas City, Mo., to points in Arkansas, Kentucky, Louisiana, Tennessee, Mississippi, Wisconsin, Ohio, Michigan, and points in Alabama on and west of Interstate Highway 65 (except Birmingham, Montgomery, and Mobile) and *damaged and rejected shipments* on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 95490 (Sub-No. 27), filed July 24, 1967. Applicant: UNION CARTAGE COMPANY, 9A Southwest Cutoff, Worcester, Mass. Applicant's representative: Leonard A. Jaskiewicz, 1155 15th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed grade urea*, in dump vehicles and bags, from ports of entry on the international boundary line, between the United States and Canada at Ogdensburg and Alexandria Bay, N.Y., to points in Maine, Massachusetts, New Hampshire, Vermont, Rhode Island, Connecticut, New York, New Jersey, and Pennsylvania. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 95540 (Sub-No. 704), filed July 20, 1967. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, Fla. Applicant's representative: Alan E. Serby, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Peoria, Ill., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, West Virginia, Virginia, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., St. Louis, Mo., or Washington, D. C.

No. MC 96324 (Sub-No. 12), filed July 25, 1967. Applicant: GENERAL DELIVERY, INC., 1822 Morgantown Avenue, Post Office Box 1816, Fairmont, W. Va. Applicant's representative: Harold G. Hernly, 711 Fourteenth Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials and supplies used in the manufacture and shipping of glass containers* (except commodities in bulk and tank vehicles), from points in Pennsylvania, Ohio, Kentucky, Maryland, New Jersey, New York, and Virginia (except Big Island) to Fairmont, W. Va. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 96498 (Sub-No. 28), filed July 24, 1967. Applicant: BONIFIELD BROS. TRUCK LINES, INC., Post Office Box 40, West Frankfort, Ill. 62896. Applicant's representative: R. W. Burgess, 8514 Midland Boulevard, St. Louis, Mo. 63114. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious to or contaminating to other lading), between Evansville, Ind., and Chicago, Ill., from Evansville, over U.S. Highway 41 to the junction of Indiana Highway 64, thence over Indiana Highway 64 to the Wabash River Bridge, thence over the Wabash River Bridge to Illinois Highway 1, thence over Illinois Highway 1 to Chicago, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Chicago, Ill.

No. MC 100666 (Sub-No. 104), filed July 24, 1967. Applicant: MELTON TRUCK LINES, INC., Post Office Box 7295, Shreveport, La. 71107. Applicant's representative: William L. Williamson, 450 American National Building, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Roofing and roofing materials*, from Meridian, Miss., to points in Arkansas, Louisiana, Oklahoma, Texas, Missouri, Tennessee, Kentucky, Alabama, Georgia, and Florida and (2) *materials and supplies* used in the manufacture of roofing, from destination states named in (1) above to Meridian, Miss. NOTE: Applicant states it could tack with (1) its Sub 67 at Duke, Okla., and serve points in New Mexico or Colorado, and (2) its Sub 1 at Shreveport, La., and serve New Mexico, and at any point in Arkansas, Louisiana, or Missouri, within 250 miles of Texarkana and serve points in Kansas. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss., or Shreveport, La.

No. MC 103880 (Sub-No. 379) (Amendment), filed January 30, 1967, published FEDERAL REGISTER issue of February 24, 1967, amended and republished as amended this issue. Applicant: PRODUCERS TRANSPORT, INC., 215 East Waterloo Road, Akron, Ohio 44306. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diammonium phosphate*, in bulk (except in dump vehicles), from Depue and Colfax, Ill., to points in Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Michigan, Ohio, and Wisconsin. NOTE: The purpose of this republication is to add the origin point of Colfax, Ill. If a hearing is deemed

necessary, applicant requests it be held at Chicago, Ill.

No. MC 103993 (Sub-No. 291), filed July 28, 1967. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Robert G. Tessar (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Car and truck camper units*, from points in Adams County, Colo., to points in Utah, Wyoming, Kansas, Nebraska, Arizona and New Mexico. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 105375 (Sub-No. 32), filed July 21, 1967. Applicant: DAHLEN TRANSPORT OF IOWA, INC., 875 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Leonard A. Jaskiewicz, 1155 15th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank or hopper-type vehicles, from the plantsite of Chempiex Co. at or near Clinton, Iowa, to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kansas Kentucky Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, New York, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Texas, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Chicago, Ill.

No. MC 105813 (Sub-No. 154), filed July 24, 1967. Applicant: BELFORD TRUCKING CO., INC., 3500 Northwest 79th Avenue, Post Office Box 154, M.I.A. Station, Miami, Fla. 33148. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* from St. Joseph, Marshall, Macon, Carrollton, Milan, and Moberly, Mo., to points in Alabama, Georgia, North Carolina, South Carolina, and Tennessee. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 106760 (Sub-No. 81), filed July 20, 1967. Applicant: WHITEHOUSE TRUCKING, INC., 2905 Airport Highway, Toledo, Ohio 43614. Applicant's representative: Leonard A. Jaskiewicz, Madison Building, 1155 15th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings*, complete, knocked down, or in sections, including all component parts, *materials, supplies and fixtures* when shipped with such buildings, accessories used in the erection, construction and completion thereof, from Des Moines and Clarina, Iowa, to points in Kansas, Nebraska, Minnesota, North Dakota, South Dakota, and Montana. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 106943 (Sub-No. 95), filed July 31, 1967. Applicant: EASTERN EXPRESS, INC., 1450 Wabash Avenue, Terre Haute, Ind. 47808. Applicant's representative: James E. Lesh, 3737 North Meridian Street, Indianapolis, Ind. 46208. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except classes A and B explosives, livestock, grain, petroleum products, in bulk, household goods as defined by the Commission, and commodities requiring special equipment, serving the plantsite of Pittsburgh Plate Glass Co. at or near Kebert Park, Pa. (approximately 10 miles south of Meadville, Pa.), as an off-route point in connection with carrier's authorized regular route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107227 (Sub-No. 96), filed July 24, 1967. Applicant: INSURED TRANSPORTERS, INC., 1944 Williams Street, San Leandro, Calif. 94577. Applicant's representative: John G. Lyons, 1418 Mills Tower, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trucks*, in initial movements, in driveaway and truckaway service, and (2) *bodies, cabs and parts of, and accessories* for, such vehicles when moving in connection therewith, from the plantsite of the International Harvester Co., in San Leandro, Calif., to points in the United States (except Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, Washington, and Wyoming). NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 107295 (Sub-No. 110), filed July 17, 1967. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson, 42 Fox Mill Lane, Springfield, Ill. 62707. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulating materials, and when shipped therewith, supplies* used in the installation thereof, from Service, Tex., to points in Arkansas and Oklahoma. NOTE: Applicant states it can or will tack at points in Oklahoma with its present authority in MC 107295 wherein it conducts operations in the States of Michigan, Indiana, Ohio, Kentucky, Tennessee, Illinois, Missouri, Iowa, and Wisconsin. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Washington, D.C.

No. MC 107496 (Sub-No. 528) (Amendment), filed February 6, 1967, published FEDERAL REGISTER issues of March 2, 1967, and May 18, 1967, amended and republished as amended this issue. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diammonium phosphate* (1) from the plantsite of The New Jersey Zinc Co., in Depue, Ill., to points in Illinois, Iowa, Wisconsin, Missouri, Minnesota, Nebraska, Kansas, South Dakota, North Dakota, Indiana, Ohio, and Michigan, (2) from Riverdale, Ill., to points in Illinois, Indiana, Michigan, Ohio, and Wisconsin, and (3) from Des Moines, Iowa and Colfax, Ill., to points in Iowa, Illinois, Kansas, Minnesota, Missouri, North Dakota, South Dakota, and Wisconsin. NOTE: The purpose of this republication is to add the origin point of Colfax, Ill., to (3) above. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Chicago, Ill.

No. MC 107515 (Sub-No. 585), filed July 26, 1967. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 10799—Station A, Atlanta, Ga. 30310. Applicant's representative: B. L. Gundlach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery products*, from Dunn, N.C., to points in Alabama, Mississippi, Louisiana, Florida, Georgia, and Kentucky. NOTE: Common control may be involved. Applicant states it could tack the authority sought in this application with its presently held authority in Sub 498 at Doraville, Ga., to serve the State of Tennessee. If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C., or Washington, D.C.

No. MC 108119 (Sub-No. 19), filed July 24, 1967. Applicant: E. L. MURPHY TRUCKING CO., a corporation, 2339 West County Road C, St. Paul, Minn. 55113. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, posts and poles*, from points in Colorado, to points in Minnesota, Wisconsin, Missouri, Illinois, and Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 108449 (Sub-No. 248) (Amendment), filed January 23, 1967, published in FEDERAL REGISTER issues of February 16, 1967, and May 18, 1967, and republished as amended, this issue. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: Adolph J. Bieberstein, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diammonium phosphate*, in bulk, from Depue, Colfax, and Riverdale, Ill., and Dubuque and Des Moines, Iowa, to points in Illinois, Iowa, Wisconsin, Missouri, Minnesota, Nebraska, Kansas, South Dakota, North Dakota, Indiana, Ohio, and Michigan. NOTE: The purpose of this republication is to expand the origin area by adding Colfax, Ill. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Minneapolis, Minn.

No. MC 108859 (Sub-No. 46) (Amendment), filed June 12, 1967, published FEDERAL REGISTER issue of July 7, 1967, amended July 21, 1967, and republished as amended this issue. Applicant: CLAIRMONT TRANSFER CO., a corporation, 1803 Seventh Avenue North Escanaba, Mich. 49829. Applicant's representative: William B. Elmer 22644 Gratiot Avenue, East Detroit, Mich. 48021. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, and commodities in bulk), between St. Ignace and Cheboygan, Mich., from St. Ignace over Interstate Highway 75 to junction U.S. Highway 23, thence over U.S. Highway 23 to Cheboygan, and return over the same route, (a) restricted against service at points intermediate to Ignace and Cheboygan, and (b) restricted to traffic transported either from or to otherwise authorized points in the Upper Peninsula of Michigan west of Interstate Highway 75, U.S. Highway 2, and Michigan Highway 48 between St. Ignace and Sault Ste. Marie, and points in Wisconsin north of U.S. Highway 18 between Milwaukee and the Mississippi River. NOTE: This application is accompanied by a petition seeking a modification to applicant's present certificate in Docket No. MC 108859 against the transportation of any traffic which originates in the Lower Peninsula of Michigan and is destined to points in the Upper Peninsula of Michigan on and east of Interstate Highway 75, U.S. Highway 2, and Michigan Highway 48 between St. Ignace, Mich., and Sault Ste. Marie, Mich., and similarly restricted against the transportation of traffic which originates in the described area in the Upper Peninsula of Michigan and is destined to points in the Lower Peninsula of Michigan. Applicant states the proposed extension of service is expressly conditioned upon the modification of applicant's present certificate as above described. The purpose of this republication is to remove the restriction designated as (c), as previously published. If a hearing is deemed necessary, applicant requests it be held at Lansing or Escanaba, Mich.

No. MC 109478 (Sub-No. 105), filed July 24, 1967. Applicant: WORSTER MOTOR LINES, INC., Gay Road, North East, Pa. Applicant's representative: William W. Knox, 23 West 10th Street, Erie, Pa. 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils*, in bulk, in tank vehicles, from the plantsite and storage facilities of A. E. Staley Manufacturing Co., located at or near Decatur, Ill., to Buffalo and Lockport, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 110988 (Sub-No. 232) (Amendment), filed January 30, 1967, published in the FEDERAL REGISTER issues of February 24, 1967, May 18, 1967, and May 25, 1967, and republished, as amended this issue. Applicant: KAMPO TRANSIT, INC., 200 West Cecil Street, Neenah, Wis. Applicant's representative: E. Stephen Heisley, 529 Transportation Building, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diammonium phosphate*, in bulk, in tank or hopper-type vehicles, from Depue, Colfax, and Riverdale, Ill., and Dubuque and Des Moines, Iowa, to points in Illinois, Iowa, Wisconsin, Minnesota, Missouri, Nebraska, Kansas, South Dakota, North Dakota, Indiana, Ohio, and Michigan. NOTE: The purpose of this republication is to broaden the origin point by adding Colfax, Ill. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 111434 (Sub-No. 68), filed July 19, 1967. Applicant: DON WARD, INC., 241 West 56th Avenue, Denver, Colo. 80216. Applicant's representative: J. Albert Sebald, 1700 Western Federal Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime, lime products and limestone and limestone products*, (1) from points in Garfield County, Colo., to points in New Mexico, Utah, and Wyoming and (2) between points in New Mexico, Utah, and Wyoming on shipments immediately preceded or followed by rail shipment. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 112801 (Sub-No. 63) (Amendment, filed January 20, 1967, published in the FEDERAL REGISTER issues of February 2, 1967, and April 6, 1967, and republished as amended this issue. Applicant: TRANSPORT SERVICE CO., a corporation, 5100 West 41st Street, Chicago, Ill. Mail: Post Office Box 272 (Cicero Station), Chicago, Ill. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diammonium phosphate*, in bulk, from the plant sites, warehouses and facilities of The New Jersey Zinc Company, located at or near Depue, Colfax, and Riverdale, Ill., and Des Moines, Iowa to points in Illinois, Iowa, Wisconsin, Missouri, Minnesota, Nebraska, Kansas, South Dakota, North Dakota, Indiana, Ohio, and Michigan. NOTE: The purpose of this republication is to broaden the origin point by adding Colfax, Ill., and to delete Dubuque, Iowa, as an origin point. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 112267 (Sub-No. 178), filed July 27, 1967. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. Applicant's representative: Dale Woodall, 900 Memphis Bank Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Paducah, Ky., to points in the United States (except Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Cleveland, Ohio, or Memphis, Tenn.

No. MC 113325 (Sub-No. 119) (Amendment), filed February 20, 1967, published in FEDERAL REGISTER issue of March 9, 1967, and May 18, 1967, amended June 27, 1967, and republished as amended this issue: Applicant: SLAY TRANSPORTATION CO., INC., 2001 South Seventh Street, St. Louis, Mo. 63104. Applicant's representative: Kenneth C. Dillman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diammonium phosphate*, dry, in bulk, from the plantsite of the New Jersey Zinc Co., at or near Depue, Colfax, and Riverdale, Ill., and from Des Moines, Iowa, to points in Illinois, Iowa, Wisconsin, Missouri, Minnesota, Nebraska, Kansas, South Dakota, North Dakota, Indiana, Ohio, and Michigan. NOTE: The purpose of this application is to broaden the origin point by adding Colfax, Ill., and to delete Dubuque, Iowa, as an origin point. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 113828 (Sub-No. 133), filed July 26, 1967. Applicant: O'BOYLE TANK LINES, INCORPORATED, 4848 Cordell Avenue, Washington, D.C. 20014. Applicant's representative: William P. Sullivan, 1825 Jefferson Place NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ground mica*, in bulk, from points in Yancey and Mitchell Counties, N.C., to points in Alabama, California, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, Wisconsin, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114019 (Sub-No. 177), filed July 24, 1967. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Carl Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals, chemical compounds and cleaning compounds*, except in bulk, from Utica, Ill., to points in Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Tennessee, West Virginia, Wisconsin, and Wyoming. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 115257 (Sub-No. 40), filed July 24, 1967. Applicant: SHAMROCK VAN LINES, INC., Post Office Box 5447, Dallas, Tex. 75222. Applicant's representative: Max G. Morgan, 450 American National Building, Oklahoma City, Okla.

73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cartoned new furniture*, between Rome, Ga., on the one hand, and, on the other, points in Oklahoma, Texas, Kentucky, Mississippi, Louisiana, Tennessee, North Carolina, South Carolina, Missouri, Kansas, Iowa, Indiana, Ohio, Michigan, Minnesota, Wisconsin, New Mexico, Arkansas, Nebraska, and Colorado. NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or Atlanta, Ga.

No. MC 115331 (Sub-No. 223) (Amendment), filed March 17, 1967, published FEDERAL REGISTER issue of April 6, 1967, amended and republished as amended this issue. Applicant: TRUCK TRANSPORT, INCORPORATED, 707 Market Street, St. Louis, Mo. 63101. Applicant's representative: Thomas F. Kilroy, 913 Colorado Building, 1341 G Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diammonium phosphate*, in bulk, from (1) Depue and Colfax, Ill., to points in Illinois, Iowa, Wisconsin, Missouri, Minnesota, Nebraska, Michigan, Kansas, South Dakota, North Dakota, Indiana, and Ohio, (2) Riverdale, Ill., to points in Illinois, Indiana, Michigan, Ohio, and Wisconsin, (3) Des Moines, Iowa to points in Iowa, Illinois, Wisconsin, North Dakota, South Dakota, Nebraska, Kansas, Minnesota, and Missouri, and (4) Dubuque, Iowa, to points in Iowa, Illinois, Wisconsin, North Dakota, South Dakota, Nebraska, Kansas, Minnesota, and Missouri. NOTE: Common control and dual operations may be involved. The purpose of this republication is to add the origin point of Colfax, Ill., in (1) above. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Washington, D.C.

No. MC 116273 (Sub-No. 85) (Amendment), filed January 29, 1967, published in the FEDERAL REGISTER issues of February 16, 1967 and May 18, 1967, amended and republished as amended, this issue. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, Ill. 60650. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diammonium phosphate*, in bulk, except in dump vehicles, from Depue, Colfax, and Riverdale, Ill., and Des Moines, Iowa, and points within 5 miles of each, to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin. NOTE: Applicant states there is possibility of tacking with present authority in MC 116273 Sub 20, wherein it is authorized to operate in Michigan, Illinois, Minnesota, Iowa, Missouri, North Dakota, South Dakota, Nebraska, and Kansas. NOTE: The purpose of this republication is to add Colfax, Ill., and to delete Dubuque, Iowa, as origin points. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 116280 (Sub-No. 4), filed July 25, 1967. Applicant: W. C. McQUAIDE, INC., 153 Macridge Avenue, Johnstown, Pa. 15904. Applicant's representative: Chistian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between the Greater Pittsburgh Airport, Moon Township, Allegheny County, Pa., on the one hand, and, on the other, points in Cambria, Blair, Bedford, Huntingdon, Fulton, and Somerset Counties, Pa. Restriction: The authority granted herein is restricted to transportation of traffic having a prior or subsequent movement by air. NOTE: Applicant is also authorized as a contract carrier in Permit No. MC 88299, therefor, dual operations may be involved. If a hearing is deemed necessary, applicant requests it to be held at Johnstown or Harrisburg, Pa.

No. MC 116474 (Sub-No. 13), filed July 24, 1967. Applicant: LEAVITTS FREIGHT SERVICE, INC., Route 1, Box 170 B, Springfield, Oreg. Applicant's representative: Earle V. White, 2400 Southwest Fourth Avenue, Portland, Oreg. 97201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pressure treated poles, piling and lumber*, from Oroville, Calif., to points in Oregon, under a continuing contract with Koppers Company, Inc. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 116720 (Sub-No. 6), filed July 25, 1967. Applicant: DONALD E. MILLER, 15–A Third Street West, Lemmon, S. Dak. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, and *supplies, signs, and materials used in the sale thereof*, from Milwaukee and La Crosse, Wis., to Lemmon and Mobridge, S. Dak., under contract with Interstate Beverage Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Rapid City, S. Dak., or Minneapolis, Minn.

No. MC 116949 (Sub-No. 6), filed July 26, 1967. Applicant: BURNS TRUCKING, INC., Route 1, South Sioux City, Nebr. Applicant's representative: Paul W. Deck, 222 Davidson Building, Sioux City, Iowa 51101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New, used and/or wrecked semitrailers and parts and equipment therefor* between the plantsite of Jason Manufacturing, Inc., located at or near Hampton, Iowa, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under contract with Jason Manufacturing, Inc., of Hampton, Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa.

No MC 117260 (Sub-No. 5), filed July 19, 1967. Applicant: JAMES WILSON & SONS TRUCKING CORP., 200 King Street, Brooklyn, N.Y. 11231. Applicant's representative: Edward M. Alfano, 2 West 45th Street, New York, N.Y. 10036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by manufacturers of paints, colors, chemicals, and pigments, and *materials and supplies* used in connection therewith, except in bulk, in tank or hopper-type vehicles, from points in Bergen, Camden, Essex, Hudson, Middlesex, Morris, Passaic, Somerset, and Union Counties, N.J., to New York, N.Y., under contract with Sherwin-Williams Co. NOTE: Applicant states the purpose of this application is to serve same shipper from new plant. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 118474 (Sub-No. 4) (Amendment), filed June 22, 1967, published in FEDERAL REGISTER issue of July 7, 1967, amended July 20, 1967, and republished as amended, this issue. Applicant: AIR LINE LINES, INC., 135 Post Road, Anchorage, Alaska, also Post Office Box 3158, ECB, Anchorage, Alaska. Applicant's representative: Wyman C. Knapp, 825 City National Bank Building, 606 South Olive Street, Los Angeles, Calif. 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, when moving on through bills of lading, between points in the Seattle, Wash., commercial zone, restricted to shipments moving to and from the State of Alaska. NOTE: Applicant does not propose to restrict itself to transporting shipments which only originate or terminate in the aforesaid commercial zone, but will receive shipments from and deliver shipments to connecting carriers within said zone. The purpose of this republication is to delete "of an exempt freight forwarder," as previously published. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash., or Portland, Oreg.

No. MC 119577 (Sub-No. 14) (Amendment), filed April 13, 1967, published FEDERAL REGISTER issue of April 27, 1967, amended and republished as amended this issue. Applicant: OTTAWA CARTAGE, INC., Post Office Box 458, Ottawa, Ill. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diammonium phosphate*, in bulk from the plantsites, warehouses, and facilities of the New Jersey Zinc Co., located at or near Depue, Colfax, and Riverdale, Ill., and Des Moines, Iowa, to points in Illinois, Iowa, Wisconsin, Missouri, Minnesota, Nebraska, Kansas, South Dakota, North Dakota, Indiana, Ohio, and Michigan. NOTE: The purpose of this republication is to add the words "in bulk," in the commodity description, and to add Colfax, Ill., to the origin point and delete Dubuque, Iowa, from the origin point. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or New York, N.Y.

No. MC 119895 (Sub-No. 14), filed July 27, 1967. Applicant: INTERCITY EXPRESS, INC., Post Office Box 1055, Fort Dodge, Iowa 50501. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and commodities distributed by meat packinghouses*, as described in sections A and C of appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk in tank vehicles), from the plantsite and storage facilities of I. D. Packing Co., Des Moines, Iowa, to Austin, Minn., and Fremont, Nebr., restricted to the transportation of traffic originating at and destined to the points named. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 121142 (Sub-No. 8), filed July 10, 1967. Applicant: J & G EXPRESS, INC., 489 Julienne Street, Jackson, Miss. 39202. Applicant's representative: James N. Clay III, 2700 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except household goods as defined by the Commission, commodities in bulk and those of unusual value), (1) between Grenada, Winona, Valden, Durant, Goodman, Pickens, Canton, Madison, Ridgeland, and Jackson, Miss., on the one hand, and, on the other, points in Mississippi on and north of U.S. Highway 82 and on and west of Interstate Highway 55; and (2) Regular Route, serving Raymond, Miss., as an off-route point in conjunction with its authorized regular route operations between Jackson and Holly Springs, Miss. NOTE: Applicant states that tacking could take place at Grenada, Miss., or on Mississippi Highway 7, north of Grenada where it is west of Interstate Highway 55 to join with the territory being sought. If a hearing is deemed necessary, applicant requests it be held at Greenwood or Greenville, Miss.

No. MC 123011 (Sub-No. 2), filed July 27, 1967. Applicant: GERALD SCHNEIDER, Rural Free Delivery 1, Postville, Iowa 52162. Applicant's representative: Arthur H. Jacobson, 25 First Avenue NW., Waukon, Iowa 52172. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Cheese*, from the site of the Gunder Cooperative Cheese Factory, Gunder, Iowa, to the site of Borden Co., Boscobel, Wis., from Gunder, over County Road to junction U.S. Highway 18, thence over U.S. Highway 18 through Prairie du Chien and Bridgeport to junction Wisconsin Highway 60, thence over Wisconsin Highway 60 to junction U.S. Highway 61, thence south on U.S. Highway 61 to Boscobel, serving no intermediate points, and *cheese factory supplies*, on return, under contract with Gunder Cooperative Cheese Factory. NOTE: If a hearing is deemed necessary, applicant requests it be held at Waukon, Dubuque, Davenport, or Des Moines, Iowa.

No. MC 123819 (Sub-No. 12), filed July 27, 1967. Applicant: ACE FREIGHT LINE, INC., Post Office Box 2103, Memphis, Tenn. Applicant's representative: Bill R. Davis, Suite 1600, First Federal Building, Atlanta, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bags*, from New Orleans, La., to points in Hillsboro, Pasco and Polk Counties, Fla. NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 124078 (Sub-No. 262) (Amendment), filed January 26, 1967, published in FEDERAL REGISTER issues of February 16, 1967, and May 18, 1967, and republished as amended, this issue. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diammonium phosphate*, in bulk, from Colfax, Depue, and Riverdale, Ill., and Des Moines, Iowa, to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin, under contract with West Side Pump Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 124813 (Sub-No. 38) (Amendment), filed March 24, 1967, published in the FEDERAL REGISTER issue of April 20, 1967, amended and republished as amended this issue. Applicant: UMTHUN TRUCKING CO., a corporation, 910 South Jackson Street, Eagle Grove, Iowa 50533. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diammonium phosphate*, in bulk, (1) from Depue, Ill., to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin, and (2) from Des Moines and Dubuque, Iowa and Colfax and Riverdale, Ill., to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin. NOTE: The purpose of this republication is to broaden the origin point, by adding Colfax. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 125777 (Sub-No. 110) (Amendment), filed March 22, 1967, published in the FEDERAL REGISTER issue of April 6, 1967, amended and republished as amended this issue. Applicant: JACK GRAY TRANSPORT, INC., 3200 Gibson Transfer Road, Hammond, Ind. 46323. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diammonium phosphate*, in bulk, in dump vehicles, from Depue, Colfax, and Riverdale, Ill., and Des Moines and Dubuque, Iowa, and points within 5 miles of each, to points in Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Wisconsin, Indiana, and Michigan. NOTE: The purpose of this republication is to add Colfax, Ill., as an origin point. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 126126 (Sub-No. 5), filed July 24, 1967. Applicant: RABB BROS. TRUCKING, INC., Post Office Box 736, San Joaquin, Calif. Applicant's representative: Martin J. Rosen, 140 Montgomery Street, San Francisco, Calif. 94104. Authority sought to operate as a *contract carrier*, a motor vehicle, over irregular routes, transporting: *Aluminum pipe*, including *couplings and fittings, irrigation pumps, pump components and accessories*, in specially designed shipper-owned trailers, from the plantsite of West Side Pump Co., located in Fresno County, Calif., to points in Arizona, Nevada, Oregon, Utah, Washington and Idaho, under contract with West Side Pump Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 126428 (Sub-No. 1) (Amendment), filed March 16, 1967, published in the FEDERAL REGISTER issues of March 30, 1967, and May 18, 1967, amended June 27, 1967, and republished as amended, this issue. Applicant: ZIBERT TRANSPORT CO., a corporation, Post Office Box 65, 2828 Market Street, Peru, Ill. 61354. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diammonium phosphate*, in bulk, from the warehouses, facilities, and the plantsites of the New Jersey Zinc Co. at or near Depue, Colfax, and Riverdale, Ill., Des Moines, Iowa, to points in Iowa, Wisconsin, Missouri, Minnesota, Nebraska, Kansas, South Dakota, North Dakota, Indiana, Ohio, Michigan, and Illinois. NOTE: The purpose of this republication is to broaden the origin point, by adding Colfax. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 126822 (Sub-No. 14), filed July 24, 1967. Applicant: PASSAIC GRAIN AND WHOLESALE COMPANY, INC., Post Office Box 23, Passaic, Mo. Applicant's representative: Carll V. Kretsinger, 450 Professional Building, 1103 Grand Avenue, Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal hides and pelts*, from points in Missouri,

Kansas, Nebraska, Iowa, Illinois, and Indiana, to ports of entry on the international boundary line between the United States and the Province of Manitoba, Canada, located in North Dakota and Minnesota for export into the Province of Manitoba. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Bismarck, N. Dak.

No. MC 126899 (Sub-No. 26), filed July 21, 1967. Applicant: USHER TRANSPORT, INC., 1415 South Third Street, Paducah, Ky. 42001. Applicant's representative: George M. Catlett, 703–706 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from Milwaukee, Wis., to Evansville, Ind. NOTE: If a hearing is deemed necessary, applicant requests it be held at Evansville, Ind., or Louisville, Ky.

No. MC 126930 (Sub-No. 2), filed July 16, 1967. Applicant: BRAZOS TRANSPORT CO., a corporation, East Highway 80, Post Office Drawer 3079, Abilene, Tex. 79604. Applicant's representative: Jerry Prestridge, Post Office Box 1148, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum products, gypsum, asbestos-cement products, building materials* (except lumber), *roofing materials, and insulating materials, and materials and supplies used in the installation of such commodities* (except liquid commodities, in bulk, in tank vehicles), from Medicine Lodge, Kans., to points in Missouri and *returned shipments*, on return. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Dallas, Tex.

No. MC 127478 (Sub-No. 1), filed July 25, 1967. Applicant: WILLIAM M. HAYES, doing business as HAYES TRUCKING CO., Post Office Box 31, Winterville, Ga. 30683. Applicant's representative: Ariel V. Conlin, Suite 626, Fulton National Bank Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beer*, from Milwaukee, Wis., Fort Wayne, Ind., St. Joseph, Mo., and Peoria, Ill., to Asheville, N.C. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Atlanta, Ga.

No. MC 128205 (Sub-No. 4) (Amendment), filed May 10, 1967, published FEDERAL REGISTER issue of May 25, 1967, amended and republished as amended this issue. Applicant: BULKMATIC TRANSPORT COMPANY, a corporation, 4141 West George Street, Schiller Park, Ill. Applicant's representative: Irving Stillerman, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diammonium phosphate*, in bulk, from the plantsites, warehouses, and facilities of The New Jersey Zinc Co., located at or near Depue, Colfax, and Riverdale, Ill., and Des Moines, Iowa, to points in Illinois, Iowa, Wisconsin, Missouri, Minnesota, Nebraska, Kansas, South Dakota, North Dakota, Indiana, Ohio, and Michigan. NOTE: The purpose of this republication is to broaden the origin point by adding Colfax, Ill., and to delete Dubuque, Iowa, as an origin point. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or New York, N.Y.

No. MC 128273 (Sub-No. 11), filed July 24, 1967. Applicant: MIDWESTERN EXPRESS, INC., Post Office Box 189, Fort Scott, Kans. 66701. Applicant's representative: John Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer* (except in bulk, in tank and hopper vehicles), from Texas City, Tex., to points in Montana, North Dakota, South Dakota, Minnesota, Iowa, Illinois, Wisconsin, Arkansas, Kansas, Oklahoma, and Missouri. NOTE: Applicant states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 128273 (Sub-No. 12) filed July 26, 1967. Applicant: MIDWESTERN EXPRESS, INC., Box 189, Fort Scott, Kans. 66701. Applicant's representative: John Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, dry, in bulk and in packages, and *insecticides, fungicides, herbicides*, in packages, from the plantsite of Gulf Oil Corp. (Faustina Works) at or near Donaldsonville, La., to points in Alabama, Arkansas, Mississippi, Missouri, Oklahoma, Tennessee, Texas, and Louisiana. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 128401 (Sub-No. 3) (Amendment), filed June 9, 1967, amended July 11, 1967, and republished as amended this issue. Applicant: ROSBOROUGH REFRIGERATED EXPRESS COMPANY, INC., 345 Hartford Avenue, North Bellingham, Mass. 02067. Applicant's representative: F. T. O'Sullivan, 372 Granite Avenue, Milton, Mass. 02186. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: (1) *Frozen prepared foods*, and (2) *commodities*, the transportation of which is partially exempt under the provisions of sections 203(b)(6) of the Interstate Commerce Act if transported in vehicles not used in carrying any other property, when moving in the same vehicle at the same time with frozen prepared foods, from points in Bristol, Essex, Middlesex, Norfolk, Suffolk, and Worcester Counties, Mass., to points in New York, on and west of U.S. Highway 9, on and north of U.S. Highway 6, from junction U.S. Highway 6 and U.S. Highway 9 to the interchange of U.S. Highway 6 with New York Highway 17 at Goshen, N.Y., and on and north of New York Highway 17 from the interchange of New York Highway 17 with U.S. Highway 6 at Goshen to the interchange of New York Highway 17 with Interstate Highway 90 at Westfield, N.Y. NOTE: The purpose of this republication is to amend applicant's commodity description. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 128746 (Sub-No. 6), filed July 24, 1967. Applicant: D'AGATA NATIONAL TRUCKING CO., a corporation, 3240 South 61st Street, Philadelphia, Pa. 19153. Applicant's representative: G. Donald Bullock, Box 103, Wyncote, Pa. 19095. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, in containers and (2) *advertising materials*, from Newark, N.J., to points in Pennsylvania. NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 128806 (Sub-No. 2) (Amendment), filed May 10, 1967, published in the FEDERAL REGISTER issue of May 25, 1967, amended June 23, 1967, and republished as amended this issue. Applicant: NUNES TRUCKING CO., INC., 114 Liberty Street, Barrington, Ill. Applicant's representative: Albert A. Andrin, 29 South La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diammonium phosphate*, in bulk, from the plantsites, warehouses, and facilities of The New Jersey Zinc Co., located at or near Depue, Colfax, and Riverdale, Ill., and Des Moines, Iowa, to points in Illinois, Iowa, Wisconsin, Missouri, Minnesota, Nebraska, Kansas, South Dakota, North Dakota, Indiana, Ohio, and Michigan. NOTE: The purpose of this republication is to broaden the origin point by adding Colfax, Ill., and to delete Dubuque, Iowa, as an origin point. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or New York, N.Y.

No. MC 128814 (Sub-No. 4) (Clarification), filed June 26, 1967, published FEDERAL REGISTER issues of July 13, and July 27, 1967, and republished as clarified, this issue. Applicant: TRI-STATE MOTOR TRANSIT CO. (temporary operator of H. Messick, Inc.), a corporation, Post Office Box 113, Joplin, Mo. 64802. Applicant's representative: Max G. Morgan, 450 American National Building, Oklahoma City, Okla. 73102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Explosives, blasting agents and supplies*, between Hampton and St. Paul, Minn., and points within 5 miles thereof, on the one hand, and, on the other, points in Minnesota, Iowa, Wisconsin, North Dakota, South Dakota, and the Northern Peninsula of Michigan under contract with Hercules, Inc. NOTE: Applicant holds common carrier authority under MC 109397 and subs thereunder, therefore dual operations may be involved. The purpose of this republication is to show that applicant, pursuant to MC–F–9594, may temporarily operate H. Messick, Inc. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Minneapolis, Minn.

No. MC 128951 (Sub-No. 3), filed July 24, 1967. Applicant: ROBERT DITTRICH, doing business as BOB DITTRICH TRUCKING, 312 North Garden, New Ulm, Minn. 56073. Applicant's representative: C. Allen Dosland, State and Center Streets, New Ulm, Minn. 56073. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refrigerator gaskets and related items*, from New Ulm, Minn., to Amana, Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at New Ulm or Mankato, Minn.

No. MC 128979 (Sub-No. 1), filed July 28, 1967. Applicant: SMITH TRANSFER, INC., 1024 East Pike Street, Seattle, Wash. 98122. Applicant's representative: E. L. Hahn (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in King, Kitsap, Island, Pierce, Thurston, Mason, and Snohomish Counties, Wash., restricted to shipments having a prior or subsequent out-of-State movement. NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 129020 (Amendment), filed April 13, 1967, published FEDERAL REGISTER issue April 27, 1967, and republished as amended, this issue. Applicant: JOHN ALBERT RAVEN, doing business as AMERICAN MOTOR SERVICE, 5819 West 109th Street, Chicago Ridge, Ill. 60415. Applicant's representative: Albert A. Andrin, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diammonium phosphate*, in bulk, from the plantsites, warehouses, and facilities of the New Jersey Zinc Co., located at or near Depue, Colfax, and Riverdale, Ill., and Des Moines, Iowa, to points in Illinois, Iowa, Wisconsin, Missouri, Minnesota, Nebraska, Kansas, South Dakota, North Dakota, Indiana, Ohio, and Michigan. NOTE: The purpose of this republication is to add the words "in bulk", to the commodity description, and to add Colfax, Ill., to the origin point and delete Dubuque, Iowa, from the origin point. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or New York, N.Y.

No. MC 129028 (Sub-No. 1), filed July 26, 1967. Applicant: BAUCOM'S TRANSFER & STORAGE CO., INC., 2529 North Tryon Street, Charlotte, N.C. 28206. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Alamance, Alexander, Anson, Burke, Cabarrus, Caldwell, Catawba, Chatham, Cleveland, Cumberland, Davidson, Davie, Durham, Forsyth, Gaston, Guilford, Hoke, Iredell, Lee, Lincoln, Mecklenburg, Montgomery, Moore, Orange, Randolph, Richmond, Rowan, Rutherford, Scotland, Stanly, Union, and Wake Counties, N.C., and points in Cherokee, Chester, Fairfield, Greenville, Lancaster, Lexington, Richland, Spartanburg, Union, and York Counties, S.C., restricted to the transportation of shipments both (1) moving on the through bill of lading of a freight forwarder operating under the exemption provisions of section 402(b)(2) having an immediately prior or subsequent out-of-State line-haul movement by rail, motor, water, or air. NOTE: If a hearing is deemed necessary, applicant requests it be held at Charlotte or Raleigh, N.C.

No. MC 129067 (Amendment), filed May 5, 1967, published in FEDERAL REGISTER issue of May 18, 1967, and republished as amended, this issue. Applicant: ILLINOIS VALLEY CARTAGE, INC., Box 45, Peru, Ill. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diammonium phosphate*, in bulk, from the plantsites, warehouses, and facilities of the New Jersey Zinc Co., located at or near Depue, Colfax, and Riverdale, Ill., and Des Moines and Dubuque, Iowa, to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin. NOTE: The purpose of this republication is to broaden the origin point by adding Colfax, Ill. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 129164 (Sub-No. 1), filed July 17, 1967. Applicant: MEMPHIS-ALABAMA XPRESS, INC., 4926 Stillwood Drive, Nashville, Tenn. 37220. Applicant's representative: Clarence Evans, 710 Third National Bank Building, Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring equipment, and those injurious or contaminating to other lading), (1) between Memphis, Tenn., and Florence, Ala., (a) over U.S. Highway 72, serving no intermediate points, but serving points within 10 miles of Memphis and Florence as off-route points, and (b) from Memphis, over U.S. Highway 64 to Savannah, Tenn., thence over Tennessee Highway 69 to the Tennessee-Alabama State line, thence over Alabama Highway 20 to Florence; and return over the same routes serving no intermediate points, but serving points within 10 miles of Memphis, Tenn., and Florence, Sheffield, Tuscumbia, and Muscle Shoals, Ala., as off-route points, and serving Russellville, Ala., as an off-route point. NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or Florence, Ala.

No. MC 129225 (Sub-No. 1), filed July 24, 1967. Applicant: JEROME J. MARTIN, Sullivan, Wis. 25930. Applicant's representative: Nancy J. Johnson, 111 South Fairchild Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products* as described in section B of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, *ice cream and fruit juices*, from Whitewater, Wis., to points in Iowa and points in Illinois on and north of U.S. Highway 36, and *empty containers* on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison or Milwaukee, Wis., or Chicago, Ill.

No. MC 129278, filed July 27, 1967. Applicant: MATTINGLY MOVING & STORAGE CO., INC., 2625 Magazine Street, Louisville, Ky. 40211. Applicant's representative: Paul F. Sullivan, Suite 913, Colorado Building, 1341 G Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, restricted to shipments moving in containers and having an immediately prior or subsequent movement by rail, motor, water, or air and moving on through bills of lading of forwarders, operating under the section 402(b)(2) exemption, between points in Jefferson, Hardin, Oldham, Carroll, Meade, Bullit, Shelby, Nelson, Anderson, Henry, and Franklin Counties, Ky.; and points in Harrison, Floyd, Crawford, Clark, and Scott Counties, Ind. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Louisville, Ky.

No. MC 129283, filed July 26, 1967. Applicant: RAY THOMPSON MOVING & STORAGE, INC., Post Office Box 1064, Power Street, Clarksville, Tenn. 37040. Applicant's representative: Paul F. Sullivan, Suite 913, Colorado Building, 1341 G Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Montgomery and Stewart Counties, Tenn., and Christian County, Ky., restricted to shipments moving in containers and having an immediately prior or subsequent movement by rail, motor, water, or air and moving on through bills of lading of forwarders, operating under the section 402(b)(2) exemption. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Memphis, Tenn.

No. MC 129285, filed July 26, 1967. Applicant: DON CUIN AND L. B. CUIN, a partnership, doing business as RED DESERT SERVICE, Post Office Box 72, Wamsutter, Wyo. 82336. Applicant's representative: Ward A. White, Post Office Box 568, Cheyenne, Wyo. 82001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked and disabled motor vehicles and trailers*, and *replacement motor vehicles for wrecked or disabled motor vehicles*, by towing and truckaway method, between points in Wyoming, on the one hand, and, on the other, points in Colorado and Utah. NOTE: If a hearing is deemed necessary, applicant requests it be held at Cheyenne, Wyo.

MOTOR CARRIERS OF PASSENGERS

No. MC 228 (Sub-No. 60), filed July 26, 1967. Applicant: HUDSON TRANSIT LINES, INC., 17 Franklin Turnpike, Mahwah, N.J. 07430. Applicant's representative: John R. Sims, Jr., 1700 Pennsylvania Avenue NW., Washington,

D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers, their baggage, newspapers and express* in the same vehicle with passengers, (1) between junction U.S. Highway 209 and U.S. Highway 44 and junction Interstate Highway 87 and New York Highway 17K (Interchange 17), from junction U.S. Highway 209 and U.S. Highway 44 at or near Kerhonkson, N.Y., over U.S. Highway 44 to junction New York Highway 299, thence over New York Highway 299 to junction Interstate Highway 87, at Interchange 18, near New Paltz, N.Y., thence over Interstate Highway 87 to junction Interstate Highway 87 and New York Highway 17K (Interchange 17) at or near Newburgh, N.Y., and return over the same route, serving all intermediate points, and (2) between Accord, N.Y., and Ulster County Community College, at or near Stone Ridge, N.Y., from Accord, N.Y., over U.S. Highway 209 to junction County Road 72, at or near Stone Ridge, N.Y., thence over County Road 72 (approximately 1 mile) to the entrance of Ulster County Community College, and return over the same route, serving all intermediate points. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Albany or Newburgh, N.Y.

No. MC 128239 (Amendment), filed May 19, 1966, published in the FEDERAL REGISTER issue of June 30, 1966, amended and republished as amended, this issue. Applicant: BILLY R. HALLUM, doing business as TRI STATE TRANSIT CO., 1934 South Florida, Memphis, Tenn. Applicant's representative: Dale Woodall, 900 Memphis Bank Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, express, mail and newspapers* in the same vehicle with passengers, from Southaven, Miss., over U.S. Highway 51 to Memphis, Tenn., thence over city streets to junction Union and Main Streets and return over the same route, serving no intermediate points. NOTE: The purpose of this republication is to more clearly set forth the authority sought. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 129277, filed July 31, 1967. Applicant: THE TERMINAL TAXI CO., INC., doing business as YELLOW CAB COMPANY AND METROPOLITAN LIMOUSINE SERVICE, 20 Fair Street, New Haven, Conn. 06510. Applicant's representative: Walter Slowinsky, 815 Connecticut Avenue NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers* and *their baggage* in the same vehicle with passengers, in special nonscheduled door-to-door service, limited to the transportation of not more than six passengers, not including the driver thereof, in any one vehicle, between points in New Haven County, Conn., and airport sites located in New York, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at New Haven, Conn., or Washington, D.C.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAVE BEEN REQUESTED

No. MC 59617 (Sub-No. 3), filed July 24, 1967. Applicant: WARE'S VAN & STORAGE CO., INC., 810 Chestnut Street, Vineland, N.J. Applicant's representative: Leonard A. Jaskiewicz, 1155 15th Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Used household goods* as defined by the Commission and (2) *furniture* in containers, (a) between Vineland, N.J., and points in Cumberland, Salem, Gloucester, Camden, Atlantic, and Cape May Counties, N.J., and (b) from Vineland, N.J., and points in Cumberland, Salem, Gloucester, Camden, Atlantic, and Cape May Counties, N.J., to points in New Jersey, Delaware, and Philadelphia, Pa., restricted to (1) shipments moving on a through bill of lading of a forwarder operating under section 402(b)(2) exception of the act, and (2) to shipments having an immediate or prior or subsequent line haul movement by rail, motor, water, or air.

No. MC 61403 (Sub-No. 172), filed July 24, 1967. Applicant: THE MASON AND DIXON TANK LINES, INC., Eastman Road, Kingsport, Tenn. 37662. Applicant's representative: W. C. Mitchell, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urea*, in bulk, in tank- or hopper-type vehicles, from Lima, Ohio, to Chester, S.C.

No. MC 129262, filed July 20, 1967. Applicant: AYERS & MADDUX, INC., 510 East Olympic Boulevard, Los Angeles, Calif. 90015. Applicant's representative: Donald Murchison, 211 South Beverly Drive, Beverly Hills, Calif. 90212. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages and alcoholic liquors*, in bulk, in tank vehicles (with no authorization to transfer property from one vehicle to another), from ports of entry on the international boundary line between the United States and Mexico, to points in California, Michigan, Illinois, and Ohio.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 67-9301; Filed, Aug. 9, 1967; 8:45 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 7, 1967.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41088—*Cement from Dewey and Tulsa, Okla.* Filed by Southwestern Freight Bureau, agent (No. B-9003), for interested rail carriers. Rates on cement and related articles, in carloads, from Dewey and Tulsa, Okla., to points in Nebraska and Wyoming.

Grounds for relief—Market competition.

Tariff—Supplement 91 to Southwestern Freight Bureau, agent, tariff ICC 4587.

FSA No. 41089—*Sulphur from Fort Stockton, Tex.* Filed by Southwestern Freight Bureau, agent (No. B-9004), for interested rail carriers. Rates on sulphur, crude, unground and unrefined, in carloads, from Fort Stockton, Tex., to points in official territory.

Grounds for relief—Market competition.

Tariff—Supplement 16 to Southwestern Freight Bureau, agent, tariff ICC 4713.

FSA No. 41090—*Petroleum Products from Points in Colorado.* Filed by Western Trunk Line Committee, agent (No. A-2514), for interested rail carriers. Rates on distillate fuel oil, gas oil, residual fuel oil, and rubber extender or rubber processing oil, in tank-car loads, from Denver, Dupont and Rolla, Colo., to points in Iowa, Minnesota, and Wisconsin.

Grounds for relief—Market competition.

Tariff—Supplement 37 to Western Trunk Line Committee, agent, tariff ICC A-4572.

FSA No. 41091—*Liquid Synthetic Plastics from Chocolate Bayou, Tex.* Filed by Southwestern Freight Bureau, agent (No. B-8997), for interested rail carriers. Rates on liquid synthetic plastics, in tank-car loads, from Chocolate Bayou, Tex., to Holden, La.

Grounds for relief—Market competition.

Tariff—Supplement 167 to Southwestern Freight Bureau, agent, tariff ICC 4534.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 67-9302; Filed, Aug. 9, 1967; 8:50 a.m.]

[Notice 20]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 7, 1967.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 279), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-69584. By order of July 31, 1967, the Transfer Board, approved the transfer to Southard Trucking Co., Inc., Clinton, Ind., of Certificate No. MC-114293, issued April 30, 1959, to Isaac F. Dunn, doing business as Ike Dunn, Chrisman, Ill., and authorizing the transportation of: Agricultural implements, from La Porte, Ind., to points in Edgar County, Ill., agricultural limestone, from points in Putnam County, Ind., to points in Edgar County, Ill.; cinders, from Terre Haute, Ind., to points in Edgar County, Ill.; brick and clay products, from Brazil and Putnamville, Ind., to points in Edgar County, Ill.; and coal, from points in Clay, Vermillion and Vigo Counties, Ind., to points in Edgar County, Ill.; grain, from Montezuma, West Union, Hillsdale, and Dana, Ind., to Paris, Ill.; gravel, from Montezuma, Ind., to points in Edgar County, Ill.; limestone, gravel, sand, rock, dirt, and coal, from points in Montgomery, Parke, Fountain, Putnam, Vigo, and Clay Counties, Ind., to points in Vermilion, Champaign, Douglas, Edgar, Clark, Cumberland, and Coles Counties, Ill.; livestock, from points in Edgar County, Ill., to Indianapolis, Ind.; stock feed, from Indianapolis, Ind., to points in Edgar County, Ill., and sand and gravel, from points in Vigo and Vermillion Counties, Ind., to points in Edgar County, Ill. W. L. Jordan, 201 Merchants Saving Building, 7 South Sixth Street, Terre Haute, Ind. 47801; representative for applicants.

No. MC-FC-69739. By order of July 31, 1967, the Transfer Board approved the transfer to Modern Trucking Corp., Bethel, Pa., of permit in No. MC-127837, issued October 20, 1966, to Ray A. Ritchie, Bethel, Pa., authorizing the transportation of: Concrete, cinder, and slag products, and clay tile from points in Bethel Township, Pa., to points in Delaware, Kentucky, Maryland, New Jersey, New York, North Carolina, Ohio, Tennessee, Virginia, West Virginia, and the District of Columbia; Materials used in the production and distribution of concrete, cinder and slag products, from points in Delaware, Kentucky, Maryland, New York, North Carolina, Tennessee, Virginia, West Virginia, the District of Columbia, and parts of New Jersey, and Ohio, to points in Bethel Township, Pa., clay tile, from points in Ohio to points in Bethel Township, Pa., and, concrete, cinder and slag products from a specified part of New Jersey to points in Bethel Township, Pa. John M. Musselman, 400 North Third Street, Harrisburg, Pa. 17108, attorney for applicants.

No. MC-FC-69741. By order of July 31, 1967, the Transfer Board approved the transfer to Edith R. Allen, doing business as S. P. Rutherford Transfer and Storage, 1034 Fifth Street, Bristol, Tenn. 37621, of certificate in No. MC-94190, issued August 27, 1941, to C. R. Phillips, 1605 Edgemont Avenue, Bristol, Tenn. 37622, authorizing the transportation of: Lumber, building materials, and supplies, contractors equipment, heavy machinery, crushed stone, sand and gravel, and nursery stock, between points in Tennessee and Virginia within 150 miles of Bristol, Tenn., including Bristol.

No. MC-FC-69780. By order of July 31, 1967, the Transfer Board approved the transfer to Arthur W. Watson, doing business as Watson's Express, Wellesley Hill, Mass., of the certificate in No. MC-30800, issued December 19, 1940, to Charles Edgar Holmes, doing business as Warren's Express, Wellesley Hills, Mass., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, over specified regular routes, between Wellesley, Mass., and Boston, Mass. George C. O'Brien, 33 Broad Street, Boston, Mass. 02109 and Charles J. Kickham, Jr., 31 Milk Street, Boston, Mass. 02109, attorneys for applicants.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 67-9303; Filed, Aug. 9, 1967; 8:50 a.m.]

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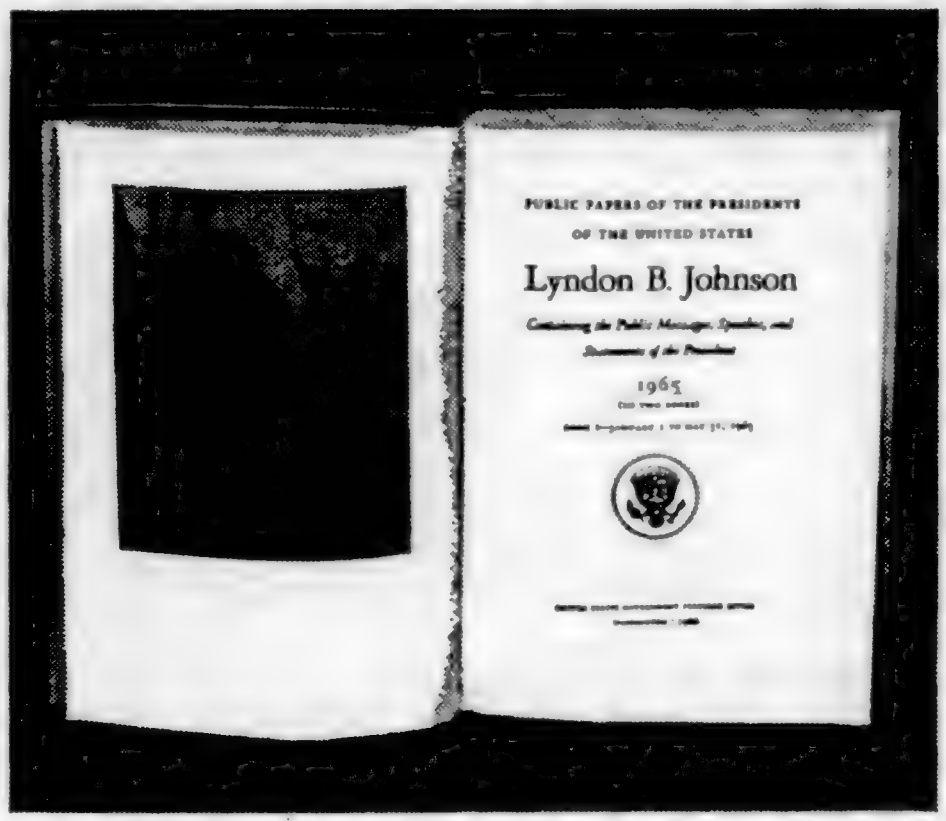
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Department of Transportation

Section 213.3394 is amended to show that the positions of Special Assistant to the Under Secretary, Office of the Secretary and Special Assistant to the Federal Highway Administrator, Federal Highway Administration are excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, § 213.3394 is amended as set out below:

§ 213.3394 Department of Transportation.

(a) *Office of the Secretary.* * * *

(10) Special Assistant to the Under Secretary.

* * * * — *

(c) *Federal Highway Administration.*

(1) Special Assistant to the Federal Highway Administrator.

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-9447; Filed, Aug. 10, 1967; 8:47 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 10]

PART 728—WHEAT

Subpart—Regulations Pertaining to Acreage Allotments, Yields, Wheat Diversion and Wheat Certificate Programs for Crop Years 1966–1969

COUNTY ACREAGE ALLOTMENTS FOR 1968 CROP OF WHEAT

The regulations governing the 1966–69 wheat program (31 F.R. 8758), as amended, are hereby further amended by adding §§ 728.346 and 728.347 to read as follows:

§ 728.346 Basis and purpose.

(a) The county acreage allotments for 1968 crop wheat contained herein have been determined under section 334 of the Agricultural Adjustment Act of 1938, as amended. The purpose of this document is to apportion among the counties of each State the respective State wheat acreage allotments, less reserves for (1) new farms and (2) appeals, corrections and missed farms as recommended by the respective ASC State committees for 1968.

(b) Section 334(b) of the Agricultural Adjustment Act of 1938, as amended, provides that the State acreage allotments for wheat, less a reserve of not to exceed 3 per centum thereof for new farms, shall be apportioned by the Secretary among the counties in the State on the basis of the preceding year's wheat allotment in each county, including all amounts allotted to the county, adjusted to the extent deemed necessary by the Secretary in order to establish a fair and equitable apportionment base for each county, taking into consideration established crop rotation practices, estimated decrease in farm allotments because of loss of history, and other relevant factors.

(c) The 1968 State acreage allotments for wheat less reserves for (1) new farms, and (2) appeals, corrections, and missed farms were apportioned among the counties in the various States as follows:

(d) (1) To each 1967 county wheat allotment determined under section 334(b) of the act, as amended, and published in the FEDERAL REGISTER of August 4, 1966 (31 F.R. 10449) and increased 15 percent by further amendment published in the FEDERAL REGISTER of September 9, 1966 (31 F.R. 11859) was added the sum of 1967 allotment acreage allocated to counties in each State from the special national acreage reserve to increase allotments on eligible farms in designated counties where wheat is a major income-producing crop. The resulting preliminary apportionment bases for each county were (i) adjusted to reflect the net plus or minus change in 1967 wheat allotment resulting from the transfer of farms to other counties for administrative purposes, and (ii) were adjusted downward to the extent of the sum of 1967 wheat allotment received from farms going out of agricultural production.

(2) Adjustments in county preliminary apportionment bases for established crop rotation practices and other relevant factors were made to the extent deemed necessary to establish a fair and equitable apportionment base for each county. The State wheat acreage allotment less a reserve for new farms and a reserve for appeals and corrections and missed farms was distributed pro rata to counties on the basis of each county's apportionment base determined in accordance with the foregoing.

(e) The tables contained in § 728.347 hereof show the apportionment of the 1968 State wheat acreage allotment to counties. The reserve acreage for new farms and the reserve for appeals, corrections of errors and missed farms withheld from the State allotment are listed at the end of the allotment tabulation for each State. The reserve acreage withheld by county committees for appeals, corrections of errors, and missed farms prior to apportioning the county allotment to individual farms is indicated in the appropriate column on the tabulation.

(f) Since farmers in the winter wheat area will begin 1968 wheat planting operations shortly, it is hereby found that the apportionment and determinations herein shall become effective upon the date of the filing of this document with the Director, Office of the Federal Register.

§ 728.347 Apportionment of the 1968 State wheat acreage allotment to counties.

ALABAMA

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Autauga	1,265	
Baldwin	11,035	
Barbour	64	
Bibb	31	
Blount	102	
Bullock	33	
Butler		
Calhoun	220	
Chambers	540	
Cherokee	1,800	
Chilton	77	
Choctaw		
Clarke	144	
Clay	109	
Cleburne	198	
Coffee	209	
Colbert	10,743	
Conecuh	139	
Coosa	26	
Covington	169	
Crenshaw	48	
Cullman	82	
Dale	223	
Dallas	723	
De Kalb	396	
Elmore	501	
Escambia	2,706	
Etowah	113	
Fayette	70	
Franklin	940	
Geneva	977	
Greene	30	
Hale	347	
Henry	309	
Houston	906	
Jackson	1,382	
Jefferson	136	
Lamar	76	
Lauderdale	11,316	
Lawrence	6,232	
Lee	208	
Limestone	3,877	
Lowndes	386	
Macon	229	
Madison	6,229	
Marengo	41	
Marion	218	
Marshall	272	
Mobile	659	
Monroe	316	
Montgomery	926	
Morgan	1,799	
Perry	150	
Pickens	798	
Pike	146	
Randolph	388	
Russell	64	
St. Clair	60	

ALABAMA—Continued

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Shelby	131	
Sumter	76	
Talladega	1,073	
Tallapoosa	74	
Tuscaloosa	82	
Walker	115	
Washington	329	
Wilcox	21	
Winston	7	
Total to counties	71,642	
Reserve for new farms	100	
Reserve for appeals corrections, and missed farms	100	
State total	71,742	

ARIZONA

Apache	182	5
Cochise	1,078	5
Coconino	2,478	5
Gila		
Graham	59	1
Greenlee	75	1
Maricopa	15,230	10
Mohave	446	2
Navajo	1,442	5
Pima	368	5
Pinal	12,275	10
Santa Cruz		
Yavapai	1,432	1
Yuma	9,984	5
Total to counties	45,089	
Reserve for new farms		
Reserve for appeals, corrections, and missed farms	29	
State total	45,066	

ARKANSAS

Arkansas	798	
Ashley	51	
Baxter	85	
Benton	3,088	
Boone	132	
Bradley		
Calhoun		
Carroll	117	
Chicot	1,281	
Clark		
Clay	16,256	
Cleburne	24	
Cleveland		
Columbia		
Conway	2,275	
Craighead	15,070	
Crawford	3,602	
Crittenden	11,081	
Cross	3,509	
Dallas		
Desha	919	
Drew	47	
Faulkner	441	
Franklin	1,128	
Fulton	71	
Garland		
Grant	30	
Greene	6,905	
Hempstead	44	
Hot Spring	43	
Howard		
Independence	6,208	
Izard	41	
Jackson	4,793	
Jefferson	406	
Johnson	1,549	
Lafayette	8	
Lawrence	3,148	
Lee	3,674	
Lincoln	116	
Little River	56	
Logan	2,350	
Lonoke	906	
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Nevada		
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Ouachita		
Perry	497	
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ARKANSAS—Continued

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Pike		
Poinsett	5,284	
Polk	6	
Pope	1,619	
Prairie	705	
Pulaski	3,030	
Randolph	3,457	
St. Francis	5,901	
Saline	6	
Scott		
Searcy	79	
Sebastian	616	
Sevier		
Sharp	128	
Stone	218	
Union		
Van Buren	39	
Washington	737	
White	754	
Woodruff	2,877	
Yell	1,387	
Total to counties	154,696	
Reserve for new farms, appeals, corrections, and missed farms	75	
State total	154,770	

CALIFORNIA

Alameda	1,334	
Alpine	7	
Amador	209	
Butte	8,031	
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Plumas	362	
Riverside	17,889	
Sacramento	17,955	
San Benito	1,220	
San Bernardino	56	
San Diego	602	
San Francisco		
San Joaquin	11,311	
San Luis Obispo	92,320	
San Mateo	30	
Santa Barbara	9,315	
Santa Clara	92	
Santa Cruz		
Shasta	1,278	
Sierra	307	
Siskiyou	20,015	
Solano	13,439	
Sonoma	335	
Stanislaus	772	
Sutter	10,767	
Tehama	1,990	
Trinity		
Tulare	28,208	
Tuolumne	6	
Ventura	592	
Yolo	11,513	
Yuba	1,282	
Total to counties	422,746	
Reserve for new farms	80	
Reserve for appeals, corrections, and missed farms	49	
State total	422,845	

COLORADO

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Adams	131,706	
Alamosa	690	
Arapahoe	64,850	
Archuleta	1,475	
Baca	254,764	
Bent	30,186	
Boulder	11,526	
Chaffee	83	
Cheyenne	143,198	
Clear Creek		
Conejos	1,185	
Costilla	883	
Crowley	12,080	
Custer	300	
Delta	1,303	
Denver		
Dolores	28,367	
Douglas	11,037	
Eagle	521	
Elbert	64,926	
El Paso	15,812	
Fremont	868	
Garfield	4,556	
Gilpin		
Grand	912	
Gunnison		
Hinsdale		
Huerfano	4,891	
Jackson	474	
Jefferson	8,614	
Kiowa	224,119	
Kit Carson	247,715	
Lake		
La Plata	19,768	
Larimer	22,816	
Las Animas	20,323	
Lincoln	138,189	
Logan	136,314	
Mesa	1,922	
Mineral		
Moffat	83,443	
Montezuma	20,294	
Montrose	4,587	
Morgan	64,486	
Otero	4,284	
Ouray	885	
Park		
Phillips	112,103	
Pitkin	129	
Prowers	157,711	
Pueblo	17,237	
Rio Blanco	6,009	
Rio Grande	2,905	
Routt	23,745	
Saguache	613	
San Juan		
San Miguel	3,126	
Sedgwick	83,763	
Summit		
Teller	8	
Washington	235,373	
Weld	191,880	
Yuma	142,309	
Total to counties	2,689,795	
Reserve for new farms	250	
Reserve for appeals, corrections, and missed farms	350	
State total	2,690,395	

CONNECTICUT

Fairfield	2	
Hartford	113	
Litchfield	32	
Middlesex	66	
New Haven	68	
New London		
Tolland	46	
Windham	41	
Total to counties	355	
Reserve for new farms	8	
Reserve for appeals, corrections, and missed farms	8	
State total	364	

DELAWARE

Kent	12,909	
New Castle	11,104	
Sussex	5,902	
Total to counties	29,815	

DELAWARE—Continued

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Reserve for new farms	25	
Reserve for appeals, corrections, and missed farms	40	
State total	29,880	

FLORIDA

Alachua	800	
Baker	15	
Bay		
Bradford		
Brevard		
Broward	695	
Calhoun		
Charlotte		
Citrus		
Clay		
Collier	348	
Columbia		
Dade		
De Soto		
Dixie		
Duval		
Escambia	5,461	
Flagler		
Franklin		
Gadsden	72	
Gilchrist	447	
Glades		
Gulf		
Hamilton	189	
Hardee		
Hendry		
Hernando		
Highlands		
Hillsborough		
Holmes	96	
Indian River		
Jackson	833	
Jefferson	100	
Lafayette	57	
Lake		
Lee		
Leon	13	
Levy	761	
Liberty	54	
Madison	1,730	
Manatee	36	
Marion		
Martin		
Monroe		
Nassau		
Okaloosa	1,490	
Okeechobee		
Orange		
Osceola		
Palm Beach		
Pasco		
Pinellas		
Polk		
Putnam		
St. Johns		
St. Lucie		
Santa Rosa	2,789	
Sarasota		
Seminole		
Sumter	7	
Suwannee	852	
Taylor		
Union		
Volusia		
Wakulla		
Walton	289	
Washington	66	
Total to counties	19,364	
Reserve for new farms	80	
Reserve for appeals, corrections, and missed farms	80	
State total	19,454	

GEORGIA

Appling	41	
Atkinson	39	
Bacon	21	
Baker	328	
Baldwin	45	
Banks	1,919	
Barrow	1,100	
Bartow	2,992	
Ben Hill	28	
Berrien	295	
Bibb	603	
Bleckley	498	

GEORGIA—Continued

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Brantley		
Brooks	1,203	
Bryan	7	
Bulloch	201	
Burke	1,714	
Butts	1,227	
Calhoun	209	
Camden		
Candler	439	
Carroll	870	
Catoosa	208	
Charlton		
Chatham	18	
Chattahoochee		
Chattooga	197	
Cherokee	170	
Clarke	1,799	
Clay	158	
Clayton	274	
Clinch		
Cobb	160	
Coffee	152	
Colquitt	47	
Columbia	271	
Cook	116	
Coweta	318	
Crawford	1,149	
Crisp	1,868	
Dade	78	
Dawson	249	
Decatur	103	
De Kalb	121	
Dodge	217	
Dooly	3,500	
Dougherty	610	
Douglas	139	
Early	1,260	
Echols	5	
Effingham	94	
Elbert	3,845	
Emanuel	748	
Evans	108	
Fannin	28	
Fayette	672	
Floyd	752	
Forsyth	562	
Franklin	4,412	
Fulton	243	
Gilmer	37	
Glascock	621	
Glynn		
Gordon	809	
Grady	392	
Greene	302	
Gwinnett	1,585	
Habersham	217	
Hall	648	
Hancock	271	
Haralson	296	
Harris	232	
Hart	8,295	
Heard	559	
Henry	1,952	
Houston	4,780	
Irwin	30	
Jackson	3,937	
Jasper	451	
Jeff Davis	32	
Jefferson	11,500	
Jenkins	370	
Johnson	742	
Jones	62	
Lamar	365	
Lanier	22	
Laurens	2,188	
Lee	520	
Liberty		
Lincoln	326	
Long		
Lowndes	614	
Lumpkin	50	
McDuffie	394	
McIntosh		
Macon	2,836	
Madison	10,435	
Marion	275	
Meriwether	653	
Miller	843	
Mitchell	50	
Monroe	268	
Montgomery	111	
Morgan	1,084	
Murray	1,365	
Muscogee	10	
Newton	619	
Oconee	3,149	
Oglethorpe	4,831	
Paulding	231	
Peach	2,804	
Pickens	119	
Pierce	12	

GEORGIA—Continued

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Pike	1,393	
Polk	1,060	
Pulaski	1,114	
Putnam	141	
Quitman	44	
Rabun	8	
Randolph	389	
Richmond	852	
Rockdale	298	
Schley	243	
Screven	453	
Seminole	655	
Spalding	1,212	
Stephens	821	
Stewart	64	
Sumter	2,141	
Talbot	127	
Taliaferro	170	
Tattnall	89	
Taylor	264	
Telfair	28	
Terrell	242	
Thomas	286	
Tift	81	
Toombs	116	
Towns	53	
Treutlen	134	
Troup	67	
Turner	200	
Twiggs	83	
Union	171	
Upson	824	
Walker	857	
Walton	2,174	
Ware		
Warren	1,488	
Washington	4,123	
Wayne		
Webster	118	
Wheeler	931	
White	78	
Whitfield	1,139	
Wilcox	936	
Wilkes	788	
Wilkinson	187	
Worth	712	
Total to counties	142,088	
Reserve for new farms	200	
Reserve for appeals, corrections, and missed farms	53	
State total	142,288	

IDAHO

Ada	7,075	
Adams	1,086	
Bannock	51,474	
Bear Lake	22,367	
Benewah	20,308	
Bingham	55,472	
Blaine	7,825	
Boise	422	
Bonner	1,419	
Bonneville	94,571	
Boundary	9,980	
Butte	10,249	
Camas	23,786	
Canyon	20,852	
Caribou	53,978	
Cassia	80,890	
Clark	5,545	
Clearwater	5,980	
Custer	1,909	
Elmore	7,429	
Franklin	27,366	
Fremont	51,490	
Gem	2,715	
Gooding	8,889	
Idaho	60,739	
Jefferson	29,619	
Jerome	13,715	
Kootenai	35,670	
Latah	68,604	
Lemhi	1,194	
Lewis	41,008	
Lincoln	10,747	
Madison	50,697	
Minidoka	26,388	
Nez Perce	68,775	
Oneida	63,837	
Owyhee	5,590	
Payette	8,722	
Power	95,091	
Shoshone	20,978	
Teton	36,424	
Twin Falls	601	
Valley		

IDAHO—Continued

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Washington	18,498	
Total to counties	1,241,681	
Reserve for new farms	300	
Reserve for appeals, corrections, and missed farms	1,001	
State total	1,242,982	

ILLINOIS

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Adams	41,055	260
Alexander	5,827	10
Bond	22,003	100
Boone	1,564	15
Brown	9,353	45
Bureau	2,932	25
Calhoun	6,114	40
Carroll	316	10
Cass	21,074	50
Champaign	[illegible]	50
Christian	[illegible]	150
Clark	29,006	175
Clay	20,[illegible]	100
Clinton	34,531	100
Coles	29,192	50
Cook	4,064	10
Crawford	22,279	115
Cumberland	20,612	100
De Kalb	1,641	10
De Witt	10,653	50
Douglas	23,167	50
Du Page	5,350	15
Edgar	33,012	50
Edwards	12,603	50
Effingham	20,694	200
Fayette	34,739	250
Ford	4,504	15
Franklin	20,530	50
Fulton	22,160	125
Gallatin	10,349	50
Greene	25,771	100
Grundy	1,940	5
Hamilton	14,985	25
Hancock	32,286	200
Hardin	193	5
Henderson	4,697	25
Henry	920	25
Iroquois	22,872	50
Jackson	19,801	88
Jasper	30,072	200
Jefferson	25,310	140
Jersey	20,909	50
Jo Daviess	29	1
Johnson	1,936	10
Kane	4,484	30
Kankakee	15,138	25
Kendall	2,006	20
Knox	4,198	50
Lake	6,255	180
La Salle	3,491	15
Lawrence	23,556	160
Lee	4,559	40
Livingston	7,154	25
Logan	27,392	100
McDonough	14,741	150
McHenry	4,197	30
McLean	15,864	70
Macon	28,567	80
Macoupin	49,904	200
Madison	57,463	300
Marion	29,453	80
Marshall	4,950	25
Mason	34,494	60
Massac	3,991	20
Menard	17,367	50
Mercer	1,270	25
Monroe	38,281	100
Montgomery	45,211	200
Morgan	33,982	150
Moultrie	20,587	80
Ogle	1,550	3
Peoria	14,389	30
Perry	20,671	100
Piatt	20,787	80
Pike	25,945	75
Pope	2,129	25
Pulaski	5,212	25
Putnam	2,413	25
Randolph	35,314	55
Richland	17,490	100
Rock Island	1,149	25
St. Clair	61,013	75
Saline	14,214	75
Sangamon	46,420	125
Schuyler	17,959	100
Scott	13,535	75
Shelby	46,192	50
Stark	1,416	25
Stephenson	175	5
Tazewell	25,122	125
Union	7,686	15
Vermilion	49,593	75
Wabash	13,148	75
Warren	1,[illegible]	25
Washington	52,805	80
Wayne	22,602	100
White	27,093	120
Whiteside	4,647	25
Will	16,375	10
Williamson	6,292	25
Winnebago	2,104	10
Woodford	6,767	5
Total to counties	1,805,453	7,070
Reserve for new farms, appeals, corrections, and missed farms	1,000	
State total	1,806,453	

INDIANA

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Adams	19,296	48
Allen	37,822	95
Bartholomew	22,498	56
Benton	17,862	45
Blackford	5,473	15
Boone	14,256	36
Brown	407	5
Carroll	17,623	44
Cass	16,507	42
Clark	7,348	18
Clay	19,815	60
Clinton	[illegible]	55
Crawford	2,247	15
Daviess	23,962	60
Dearborn	5,790	14
Decatur	[illegible]	74
De Kalb	[illegible]	55
Delaware	17,174	50
Dubois	14,110	35
Elkhart	24,489	61
Fayette	9,988	30
Floyd	1,814	5
Fountain	19,790	49
Franklin	14,738	37
Fulton	15,846	40
Gibson	27,001	67
Grant	17,507	44
Greene	13,982	35
Hamilton	16,594	41
Hancock	14,276	36
Harrison	[illegible]	22
Hendricks	14,617	37
Henry	15,388	38
Howard	18,953	46
Huntington	17,816	44
Jackson	18,070	45
Jasper	19,340	48
Jay	14,666	37
Jefferson	6,377	15
Jennings	9,745	25
Johnson	15,940	40
Knox	36,384	91
Kosciusko	26,118	63
Lagrange	19,462	50
Lake	14,038	36
La Porte	34,531	100
Lawrence	3,700	15
Madison	21,443	55
Marion	9,141	23
Marshall	20,108	58
Martin	2,515	15
Miami	15,239	38
Monroe	1,720	15
Montgomery	20,198	51
Morgan	10,178	30
Newton	11,453	29
Noble	19,575	50
Ohio	1,159	6
Orange	3,800	10
Owen	5,967	15
Parke	15,931	40
Perry	4,889	15
Pike	9,208	23
Porter	22,100	55
Posey	27,411	98
Pulaski	18,666	47
Putnam	12,067	30
Randolph	18,193	46
Ripley	18,100	50
Rush	24,469	61
St. Joseph	25,596	64
Scott	4,795	15
Shelby	24,675	63
Spencer	15,968	40
Starke	11,842	26
Steuben	13,926	35
Sullivan	24,217	75
Switzerland	2,891	7
Tippecanoe	24,479	75
Tipton	14,541	36
Union	10,885	26
Vanderburgh	12,241	31
Vermillion	11,995	30
Vigo	17,909	40
Wabash	20,066	50
Warren	16,097	40
Warrick	11,657	29
Washington	10,416	26
Wayne	15,448	44
Wells	18,162	45
White	19,109	50
Whitley	17,363	42
Total to counties	1,435,317	3,741
Reserve for new farms	300	
Reserve for appeals, corrections, and missed farms	100	
State total	1,435,717	

IOWA

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Adair	298	5
Adams	1,521	4
Allamakee	61	0
Appanoose	1,042	3
Audubon	154	0
Benton	253	5
Black Hawk	[illegible]	1
Boone	79	0
Bremer	51	0
Buchanan	49	1
Buena Vista	[illegible]	1
Butler	13	2
Calhoun	39	1
Carroll	57	0
Cass	1,264	11
Cedar	74	1
Cerro Gordo	1,779	1
Cherokee	25	0
Chickasaw	34	0
Clarke	263	6
Clay	24	0
Clayton	131	0
Clinton	129	0
Crawford	487	1
Dallas	584	1
Davis	2,168	20
Decatur	1,143	10
Delaware	17	2
Des Moines	4,844	11
Dickinson	245	1
Dubuque	51	1
East Pottawattamie	2,332	8
Emmet	41	0
Fayette	53	1
Floyd	41	10
Franklin	34	0
Fremont	12,401	32
Greene	[illegible]	0
Grundy	10	1
Guthrie	563	2
Hamilton	630	7
Hancock	309	0
Hardin	14	1
Harrison	17,093	10
Henry	1,537	16
Howard	56	0
Humboldt	11	1
Ida	45	0
Iowa	107	1
Jackson	15	0
Jasper	1,096	0
Jefferson	1,965	0
Johnson	123	0
Jones	70	0
Keokuk	161	0
Kossuth	1,463	0
Lee	9,804	14
Linn	139	0
Louisa	1,434	0
Lucas	678	10
Lyon	493	0
Madison	2,250	10
Mahaska	603	5
Marion	1,150	12
Marshall	358	0
Mills	11,741	25
Mitchell	607	9
Monona	15,600	25
Monroe	847	0
Montgomery	5,042	25
Muscatine	1,284	2
O'Brien	17	0
Osceola	1,200	0
Page	7,673	10
Palo Alto	44	0
Plymouth	1,000	0
Pocahontas	28	0
Polk	3,322	5
Pottawattamie	85	0
Ringgold	2,508	10
Sac	788	0
Scott	222	0
Shelby	146	0
Sioux	116	0
Story	172	0
Tama	53	0
Taylor	3,109	15
Union	388	5
Van Buren	4,103	26
Wapello	2,298	6
Warren	4,052	5
Washington	243	1
Wayne	311	15
Webster	94	3
West Pottawattamie	7,089	20
Winnebago	3,507	40
Winneshiek	109	0
Woodbury	4,121	10
Worth	1,904	0
Wright	123	8
Total to counties	188,574	515
Reserve for new farms	200	
Reserve for appeals, corrections, and missed farms	100	
State total	188,874	

KANSAS

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Allen	32,204	25
Anderson	23,870	50
Atchison	29,911	40
Barber	126,545	50
Barton	248,671	80
Bourbon	25,207	30
Brown	39,397	15
Butler	69,234	50
Chase	20,423	20
Chautauqua	15,815	10
Cherokee	55,031	50
Cheyenne	117,425	20
Clark	104,129	20
Clay	98,439	25
Cloud	124,985	50
Coffey	30,549	30
Comanche	104,163	30
Cowley	105,614	30
Crawford	30,736	30
Decatur	102,409	20
Dickinson	148,412	25
Doniphan	19,674	25
Douglas	33,577	30
Edwards	155,944	20
Elk	15,267	25
Ellis	127,166	30
Ellsworth	120,943	25
Finney	196,107	20
Ford	270,286	80
Franklin	31,208	25
Geary	25,202	25
Gove	121,125	20
Graham	119,314	20
Grant	90,240	20
Gray	204,949	30
Greeley	143,518	20
Greenwood	21,837	25
Hamilton	144,742	20
Harper	202,585	80
Harvey	104,588	30
Haskell	150,288	20
Hodgeman	159,190	40
Jackson	27,280	40
Jefferson	34,446	25
Jewell	124,364	50
Johnson	26,531	50
Kearny	105,382	20
Kingman	176,616	50
Kiowa	121,317	25
Labette	33,346	35
Lane	119,989	30
Leavenworth	25,937	50
Lincoln	119,082	25
Linn	25,736	50
Logan	116,573	10
Lyon	41,447	50
McPherson	208,878	60
Marion	125,777	30
Marshall	201,605	30
Meade	184,946	30
Miami	33,153	25
Mitchell	178,898	25
Montgomery	51,206	25
Morris	45,213	25
Morton	98,306	20
Nemaha	36,849	25
Neosho	47,391	30
Ness	206,058	30
Norton	98,549	30
Osage	31,108	30
Osborne	148,389	30
Ottawa	120,029	30
Pawnee	205,200	30
Phillips	99,533	30
Pottawatomie	40,114	25
Pratt	180,849	50
Rawlins	123,470	10
Reno	294,957	50
Republic	95,554	50
Rice	170,986	50
Riley	53,398	25
Rooks	147,164	20
Rush	121,720	30
Russell	146,079	30
Saline	128,172	25
Scott	120,968	30
Sedgwick	200,105	60
Seward	103,396	20
Shawnee	38,841	60
Sheridan	121,631	25
Sherman	156,150	25
Smith	116,296	30
Stafford	175,996	20
Stanton	129,224	20
Stevens	104,147	20
Sumner	300,926	50
Thomas	190,547	25
Trego	132,206	30
Wabaunsee	29,565	50
Wallace	85,852	20
Washington	90,689	30
Wichita	113,918	20
Wilson	48,273	50
Woodson	17,053	25
Wyandotte	4,287	20
Total to counties	11,116,230	3,435
Reserve for new farms	500	
Reserve for appeals, corrections, and missed farms	500	
State total	11,117,230	

KENTUCKY

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Adair	1,361	
Allen	2,121	
Anderson	178	
Ballard	2,413	
Barren	1,808	
Bath	1,201	
Bell	[illegible]	
Boone	769	
Bourbon	5,070	
Boyd	2	
Boyle	1,980	
Bracken	1,144	
Breathitt	[illegible]	
Breckinridge	5,207	
Bullitt	1,462	
Butler	1,040	
Caldwell	2,107	
Calloway	4,782	
Campbell	259	
Carlisle	1,012	
Carroll	206	
Carter	71	
Casey	573	
Christian	19,972	
Clark	713	
Clay	[illegible]	
Clinton	586	
Crittenden	1,803	
Cumberland	102	
Daviess	7,099	
Edmonson	416	
Elliott	[illegible]	
Estill	13	
Fayette	1,705	
Fleming	1,067	
Floyd	[illegible]	
Franklin	492	
Fulton	4,055	
Gallatin	140	
Garrard	782	
Grant	90	
Graves	4,020	
Grayson	3,436	
Green	1,605	
Greenup	122	
Hancock	1,582	
Hardin	3,886	
Harlan	[illegible]	
Harrison	2,021	
Hart	269	
Henderson	5,161	
Henry	1,043	
Hickman	4,608	
Hopkins	4,814	
Jackson	54	
Jefferson	1,879	
Jessamine	753	
Johnson	[illegible]	
Kenton	71	
Knott	[illegible]	
Knox	9	
Larue	2,051	
Laurel	82	
Lawrence	[illegible]	
Lee	6	
Leslie	[illegible]	
Letcher	[illegible]	
Lewis	382	
Lincoln	1,410	
Livingston	648	
Logan	18,402	
Lyon	1,129	
McCracken	1,184	
McCreary	[illegible]	
McLean	3,040	
Madison	634	
Magoffin	[illegible]	
Marion	1,408	
Marshall	1,243	
Martin	[illegible]	
Mason	3,747	
Meade	4,787	
Menifee	[illegible]	
Mercer	1,531	
Metcalfe	406	
Monroe	1,376	
Montgomery	876	
Morgan	8	
Muhlenberg	3,040	
Nelson	3,782	
Nicholas	923	
Ohio	1,214	
Oldham	1,741	
Owen	141	
Owsley	[illegible]	
Pendleton	633	
Perry	[illegible]	
Pike	[illegible]	
Powell	18	
Pulaski	1,187	
Robertson	166	
Rockcastle	101	
Rowan	23	
Russell	386	
Scott	2,151	
Shelby	3,107	
Simpson	12,996	
Spencer	746	
Taylor	3,867	
Todd	11,475	
Trigg	6,961	
Trimble	1,312	
Union	5,953	
Warren	5,170	
Washington	1,803	
Wayne	1,763	
Webster	5,941	
Whitley	[illegible]	
Wolfe	[illegible]	
Woodford	2,076	
Total to counties	234,674	
Reserve for new farms	400	
Reserve for appeals, corrections, and missed farms	100	
State total	235,174	

LOUISIANA

Parish	Acreage apportioned to parishes from State allotments	Parish reserve for appeals and corrections
Acadia	202	
Allen	105	
Ascension		
Assumption		
Avoyelles	18	
Beauregard		
Bienville		
Bossier	515	
Caddo	307	
Calcasieu		
Caldwell	196	
Cameron		
Catahoula	72	
Claiborne	6	
Concordia	1,233	
De Soto	17	
East Baton Rouge	79	
East Carroll	17,440	
East Feliciana	1	
Evangeline	21	
Franklin	821	
Grant		
Iberia		
Iberville		
Jackson	3	
Jefferson		
Jefferson Davis	122	
Lafayette	26	
Lafourche		
La Salle	13	
Lincoln		
Livingston		
Madison	7,326	
Morehouse	1,513	
Natchitoches	194	
Orleans		
Ouachita	140	
Plaquemines		
Pointe Coupee	112	
Rapides	110	
Red River	894	
Richland	778	
Sabine		
St. Bernard		
St. Charles		
St. Helena		
St. James	15	
St. John the Baptist		
St. Landry	305	
St. Martin		
St. Mary		
St. Tammany		
Tangipahoa		
Tensas	8,118	
Terrebonne		
Union		
Vermilion	11	
Vernon		
Washington		
Webster	55	
West Baton Rouge		
West Carroll	3,203	
West Feliciana		
Winn		
Total to parishes	43,851	
Reserve for new farms		
Reserve for appeals, corrections, and missed farms		
State total	43,851	

MAINE

County	Acreage apportioned to counties from State allotments	County reserve for appeal and corrections
Androscoggin		
Aroostook	108	
Cumberland		
Franklin		
Hancock		
Kennebec		
Knox		
Lincoln		
Oxford		
Penobscot	14	
Piscataquis		
Sagadahoc		
Somerset	34	
Waldo	30	
Washington	1	
York	15	
Total to counties	202	

MAINE—Continued

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Reserve for new farms	9	
Reserve for appeals, corrections, and missed farms	14	
State total	225	

MARYLAND

Allegany	1,063	
Anne Arundel	1,627	
Baltimore	6,501	
Calvert	1,068	
Caroline	11,725	
Carroll	18,916	
Cecil	9,020	
Charles	4,615	
Dorchester	11,221	
Frederick	21,425	
Garrett	1,589	
Harford	5,168	
Howard	4,862	
Kent	12,016	
Montgomery	8,533	
Prince Georges	3,483	
Queen Annes	17,477	
St. Marys	4,251	
Somerset	946	
Talbot	13,922	
Washington	13,052	
Wicomico	349	
Worcester	1,176	
Total to counties	180,670	
Reserve for new farms	100	
Reserve for appeals, corrections, and missed farms	50	
State total	180,820	

MASSACHUSETTS

Barnstable		
Berkshire	65	
Bristol	10	
Dukes		
Essex	13	
Franklin	22	
Hampden	27	
Hampshire	42	
Middlesex		
Nantucket		
Norfolk		
Plymouth		
Suffolk		
Worcester	16	
Total to counties	218	
Reserve for new farms	2	
Reserve for appeals, corrections, and missed farms	5	
State total	225	

MICHIGAN

Alcona	2,931	15
Alger	3	
Allegan	27,016	35
Alpena	7,406	5
Antrim	1,042	10
Arenac	6,644	10
Baraga	5	
Barry	23,606	20
Bay	26,502	60
Benzie	234	1
Berrien	18,270	10
Branch	28,095	25
Calhoun	34,604	50
Cass	18,948	40
Charlevoix	1,156	5
Cheboygan	1,119	3
Chippewa	667	12
Clare	3,810	10
Clinton	30,765	100
Crawford	13	
Delta	207	2
Dickinson	5	
Eaton	38,091	30
Emmet	888	5
Genesee	31,667	60
Gladwin	6,018	5
Gogebic		
Grand Traverse	3,403	5
Gratiot	40,187	75
Hillsdale	30,618	200

MICHIGAN—Continued

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Houghton	36	
Huron	60,062	35
Ingham	29,500	100
Ionia	35,196	170
Iosco	2,973	10
Iron		
Isabella	23,674	30
Jackson	25,626	60
Kalamazoo	38,166	80
Kalkaska	412	2
Kent	33,260	60
Keweenaw		
Lake	878	5
Lapeer	31,915	60
Leelanau	1,116	5
Lenawee	50,925	100
Livingston	23,761	35
Luce	43	1
Mackinac	121	4
Macomb	17,817	25
Manistee	1,236	5
Marquette		
Mason	6,137	5
Mecosta	9,211	30
Menominee	223	10
Midland	12,837	10
Missaukee	3,887	10
Monroe	36,310	80
Montcalm	28,088	30
Montmorency	1,657	10
Muskegon	8,668	10
Newaygo	8,112	40
Oakland	14,653	35
Oceana	4,744	10
Ogemaw	3,337	15
Ontonagon	43	2
Osceola	6,251	5
Oscoda	223	
Otsego	432	5
Ottawa	19,808	45
Presque Isle	4,673	15
Roscommon	147	2
Saginaw	53,317	75
St. Clair	34,236	80
St. Joseph	30,097	25
Sanilac	90,294	40
Schoolcraft	20	2
Shiawassee	30,209	50
Tuscola	55,169	60
Van Buren	13,902	25
Washtenaw	32,053	50
Wayne	8,937	25
Wexford	1,253	15
Total to counties	1,241,230	2,066
Reserve for new farms	300	
Reserve for appeals, corrections, and missed farms	45	
State total	1,241,575	

MINNESOTA

Aitkin	353	1
Anoka	154	3
Becker	19,206	30
Beltrami	3,048	5
Benton	200	1
Big Stone	29,010	35
Blue Earth	17,374	15
Brown	7,211	5
Carlton	22	1
Carver	3,442	5
Cass	94	1
Chippewa	11,416	15
Chisago	289	5
Clay	79,301	25
Clearwater	6,867	5
Cook		
Cottonwood	7,744	20
Crow Wing	82	3
Dakota	6,927	20
Dodge	3,892	5
Douglas	13,205	15
East Otter tail	6,242	10
East Polk	22,448	20
Faribault	14,898	10
Fillmore	1,571	5
Freeborn	11,404	35
Goodhue	7,780	15
Grant	16,583	10
Hennepin	550	5
Houston	344	5
Hubbard	613	2
Isanti	901	2
Itasca	167	2
Jackson	3,962	10
Kanabec	96	1
Kandiyohi	7,253	25
Kittson	93,816	25

MINNESOTA—Continued

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Koochiching	1,231	5
Lac Qui Parle	21,451	25
Lake	5,408	10
Lake of the Woods	11,784	15
Le Sueur	4,722	10
Lincoln	4,795	15
Lyon	4,735	17
McLeod	12,453	15
Mahnomen	107,450	25
Marshall	1,872	3
Martin	6,655	5
Meeker	220	
Mille Lacs	844	3
Morrison	4,625	5
Mower	2,781	5
Murray	7,851	15
Nicollet	2,710	5
Nobles	27,250	10
Norman	845	2
North St. Louis	2,818	10
Olmsted	13,857	35
Pennington	62	1
Pine	270	3
Pipestone	10,772	10
Pope		
Ramsey	11,545	15
Red Lake	12,218	20
Redwood	13,162	25
Renville	6,094	5
Rice	620	5
Rock	20,344	30
Roseau	3,512	5
Scott	818	2
Sherburne	10,876	15
Sibley	52	1
South St. Louis	5,205	20
Stearns	5,716	15
Steele	15,588	14
Stevens	13,969	20
Swift	1,513	15
Todd	22,887	20
Traverse	2,953	10
Wabasha	338	1
Wadena	13,584	15
Waseca	836	10
Washington	2,301	5
Watonwan	31,396	20
West Otter tail	114,572	50
West Polk	57,349	25
Wilkin	857	5
Winona	5,402	15
Wright	13,164	30
Yellow Medicine		
Total to counties	1,084,435	1,083
Reserve for new farms, appeals, corrections, and missed farms	302	
State total	1,084,737	

MISSISSIPPI

Adams	26	
Alcorn	36	
Amite		
Attala	14	
Benton	65	
Bolivar	9,647	
Calhoun	8	
Carroll	166	
Chickasaw	97	
Choctaw		
Claiborne	66	
Clarke		
Clay	178	
Coahoma	6,926	
Copiah	22	
Covington	41	
De Soto	3,953	
Forrest		
Franklin	8	
George		
Greene		
Grenada		
Hancock		
Harrison		
Hinds	168	
Holmes	185	
Humphreys	2,555	
Issaquena	1,031	
Itawamba	64	
Jackson	34	
Jasper		
Jefferson	58	
Jefferson Davis	38	
Jones	19	
Kemper	38	
Lafayette	20	
Lamar		

MISSISSIPPI—Continued

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Lauderdale		
Lawrence	6	
Leake		
Lee	111	
Leflore	1,186	
Lincoln		
Lowndes	953	
Madison	177	
Marion		
Marshall	160	
Monroe	44	
Montgomery	21	
Neshoba	3	
Newton		
Noxubee	151	
Oktibbeha	56	
Panola	329	
Pearl River		
Perry	13	
Pike	14	
Pontotoc	166	
Prentiss	6	
Quitman	2,853	
Rankin		
Scott	10	
Sharkey	2,405	
Simpson		
Smith		
Stone		
Sunflower	3,792	
Tallahatchie	5,794	
Tate	226	
Tippah	13	
Tishomingo	17	
Tunica	10,028	
Union	76	
Walthall		
Warren	16	
Washington	4,072	
Wayne		
Webster	76	
Wilkinson	10	
Winston		
Yalobusha	61	
Yazoo	4,286	
Total to counties	61,310	
Reserve for new farms	134	
Reserve for appeals, corrections, and missed farms	15	
State total	61,459	

MISSOURI

Adair	8,479	
Andrew	13,982	
Atchison	18,025	
Audrain	27,676	
Barry	7,905	
Barton	44,151	
Bates	33,984	
Benton	11,707	
Bollinger	7,365	
Boone	18,880	
Buchanan	25,852	
Butler	16,229	
Caldwell	16,774	
Callaway	19,113	
Camden	802	
Cape Girardeau	18,230	
Carroll	45,453	
Carter	353	
Cass	25,457	
Cedar	15,013	
Charlton	31,053	
Christian	4,654	
Clark	13,554	
Clay	13,800	
Clinton	13,012	
Cole	13,200	
Cooper	22,988	
Crawford	2,755	
Dade	24,049	
Dallas	4,852	
Daviess	24,677	
De Kalb	18,225	
Dent	2,095	
Douglas	1,802	
Dunklin	27,023	
Franklin	32,704	
Gasconade	13,540	
Gentry	14,940	
Greene	13,995	
Grundy	8,508	
Harrison	15,633	
Henry	26,232	
Hickory	5,080	
Holt	19,477	
Howard	17,186	

MISSOURI—Continued

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Howell	2,176	
Iron	310	
Jackson	18,406	
Jasper	45,082	
Jefferson	8,132	
Johnson	25,836	
Knox	12,708	
Laclede	4,262	
Lafayette	31,305	
Lawrence	22,001	
Lewis	20,579	
Lincoln	24,671	
Linn	12,265	
Livingston	18,374	
McDonald	3,802	
Macon	15,492	
Madison	1,389	
Maries	6,572	
Marion	20,217	
Mercer	8,507	
Miller	8,089	
Mississippi	20,388	
Moniteau	14,056	
Monroe	24,811	
Montgomery	21,253	
Morgan	9,473	
New Madrid	34,078	
Newton	21,020	
Nodaway	14,730	
Oregon	1,443	
Osage	12,539	
Ozark	986	
Pemiscot	24,025	
Perry	18,204	
Pettis	26,989	
Phelps	5,724	
Pike	20,954	
Platte	30,780	
Polk	13,754	
Pulaski	1,256	
Putnam	2,126	
Ralls	16,088	
Randolph	14,576	
Ray	29,863	
Reynolds	674	
Ripley	2,675	
St. Charles	57,892	
St. Clair	20,522	
St. Francois	2,617	
St. Louis	18,449	
Ste. Genevieve	7,191	
Saline	35,398	
Schuyler	2,314	
Scotland	7,857	
Scott	24,790	
Shannon	758	
Shelby	20,628	
Stoddard	29,462	
Stone	1,154	
Sullivan	4,900	
Taney	162	
Texas	5,375	
Vernon	40,112	
Warren	16,466	
Washington	1,229	
Wayne	1,788	
Webster	4,502	
Worth	5,210	
Wright	2,144	
Total to counties	1,742,635	
Reserve for new farms, appeals, corrections, and missed farms	1,001	
State total	1,743,636	

MONTANA

Beaverhead	9,667	
Big Horn	68,353	
Blaine	85,013	
Broadwater	25,916	
Carbon	30,256	
Carter	29,043	
Cascade	130,165	
Chouteau	282,241	
Custer	22,804	
Daniels	195,953	
Dawson	129,018	
Deer Lodge	1,067	
Fallon	82,491	
Fergus	157,810	
Flathead	27,032	
Gallatin	65,352	
Garfield	42,945	
Glacier	53,615	
Golden Valley	18,080	
Granite	1,051	
Hill	209,284	

MONTANA—Continued

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Jefferson	9,197	
Judith Basin	75,949	
Lake	19,174	
Lewis and Clark	15,272	
Liberty	162,901	
Lincoln	705	
McCone	166,398	
Madison	10,437	
Meagher	4,301	
Mineral	922	
Missoula	3,234	
Musselshell	18,684	
Park	28,330	
Petroleum	6,797	
Phillips	89,979	
Pondera	160,324	
Powder River	70,562	
Powell	4,777	
Prairie	36,596	
Ravalli	6,896	
Richland	140,582	
Roosevelt	254,800	
Rosebud	24,080	
Sanders	6,795	
Sheridan	210,364	
Silver Bow	54	
Stillwater	61,133	
Sweet Grass	11,259	
Teton	163,398	
Toole	138,152	
Treasure	5,630	
Valley	229,197	
Wheatland	10,426	
Wibaux	33,853	
Yellowstone	84,981	
Total to counties	4,063,483	
Reserve for new farms	800	
Reserve for appeals, corrections, and missed farms	1,022	
State total	4,064,305	

NEBRASKA

Adams	63,136	80
Antelope	6,930	5
Arthur	10	0
Banner	13,740	30
Blaine	1	0
Boone	12,365	35
Box Butte	95,402	25
Boyd	1,526	5
Brown	2,264	5
Buffalo	44,600	80
Burt	10,460	5
Butler	43,431	30
Cass	32,270	25
Cedar	230	1
Chase	75,743	75
Cherry	1,181	6
Cheyenne	136,780	60
Clay	80,200	30
Colfax	30,223	60
Cuming	2,213	5
Custer	56,302	40
Dakota	213	2
Dawes	45,332	25
Dawson	20,695	30
Deuel	96,481	10
Dixon	118	0
Dodge	28,134	30
Douglas	4,751	3
Dundy	31,260	30
Fillmore	87,315	75
Franklin	46,321	60
Frontier	55,801	80
Furnas	68,272	10
Gage	80,350	60
Garden	41,436	25
Garfield	304	1
Gosper	31,947	30
Grant		
Greeley	11,946	25
Hall	32,360	30
Hamilton	61,908	30
Harlan	35,977	40
Hayes	42,402	75
Hitchcock	70,943	60
Holt	4,578	5
Hooker	1	0
Howard	25,279	30
Jefferson	42,264	30
Johnson	25,226	25
Kearney	73,388	25
Keith	70,994	80
Keya Paha	1,342	3
Kimball	139,798	30
Knox	3,669	5

NEBRASKA—Continued

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Lancaster	74,370	90
Lincoln	57,720	80
Logan	7,695	5
Loup	227	1
McPherson	170	0
Madison	6,339	15
Merrick	25,180	25
Morrill	88,956	90
Nance	23,267	25
Nemaha	26,153	25
Nuckolls	52,246	80
Otoe	42,597	80
Pawnee	17,403	20
Perkins	133,986	80
Phelps	57,866	25
Pierce	1,577	2
Platte	35,353	30
Polk	37,194	40
Redwillow	65,666	80
Richardson	30,325	25
Rock	60	1
Saline	78,436	60
Sarpy	6,504	4
Saunders	41,340	50
Scotts Bluff	17,444	15
Seward	30,537	30
Sheridan	96,963	80
Sherman	17,198	25
Sioux	8,147	5
Stanton	1,786	1
Thayer	78,027	50
Thomas	18	0
Thurston	456	1
Valley	17,774	25
Washington	11,430	25
Wayne	250	2
Webster	47,209	40
Wheeler	75	1
York	58,380	80
Total to counties	3,310,437	2,479
Reserve for new farms	250	
Reserve for appeals, corrections, and missed farms	264	
State total	3,310,951	

NEVADA

Churchill	1,815	
Clark	54	
Douglas	177	
Elko	1,330	
Esmeralda	34	
Eureka	1,876	
Humboldt	4,961	
Lander	445	
Lincoln	52	
Lyon	730	
Mineral	34	
Nye	884	
Ormsby	15	
Pershing	4,262	
Storey	1	
Washoe	777	
White Pine	123	
Total to counties	17,360	
Reserve for new farms, appeals, corrections, and missed farms	139	
State total	17,499	

NEW JERSEY

Atlantic	5	
Bergen		
Burlington	3,534	
Camden	280	
Cape May	54	
Cumberland	1,466	
Essex		
Gloucester	983	
Hudson		
Hunterdon	9,010	
Mercer	5,487	
Middlesex	6,219	
Monmouth	10,373	
Morris	494	
Ocean	273	
Passaic		
Salem	3,367	
Somerset	4,189	
Sussex	168	
Union	28	

NEW JERSEY—Continued

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Warren	2,749	
Total to counties	53,176	
Reserve for new farms	50	
Reserve for appeals, corrections, and missed farms	50	
State total	53,276	

NEW MEXICO

Bernalillo	1,998	
Catron	118	
Chaves	334	
Colfax	8,423	5
Curry	204,563	75
De Baca	553	
Dona Ana	8	
Eddy	20	
Grant	114	
Guadalupe	102	
Harding	26,789	25
Hidalgo	152	
Lea	943	
Lincoln	106	
Luna		
McKinley	597	
Mora	1,573	
Otero	85	
Quay	122,945	30
Rio Arriba	7,783	5
Roosevelt	90,152	15
Sandoval	964	4
San Juan	730	5
San Miguel	1,355	
Santa Fe	3,980	
Sierra	22	
Socorro	3,988	1
Taos	1,557	5
Torrance	15,671	10
Union	8,510	15
Valencia	4,980	20
Total to counties	433,466	230
Reserve for new farms, appeals, corrections, and missed farms	200	
State total	433,666	

NEW YORK

Albany	1,845	10
Allegany	4,140	
Broome	254	4
Cattaraugus	1,167	
Cayuga	28,756	25
Chautauqua	3,053	3
Chemung	2,399	10
Chenango	707	
Clinton	13	
Columbia	1,526	
Cortland	643	13
Delaware	55	
Dutchess	850	
Erie	13,396	10
Essex	340	5
Franklin	23	
Fulton	150	5
Genesee	23,000	10
Greene	1,276	
Hamilton		
Herkimer	806	
Jefferson	2,399	3
Lewis	69	
Livingston	31,447	50
Madison	2,736	
Monroe	30,295	50
Montgomery	1,969	10
Nassau	276	
New York City		
Niagara	34,343	25
Oneida	2,252	
Onondaga	10,941	12
Ontario	31,135	100
Orange	197	
Orleans	19,182	10
Oswego	3,315	
Otsego	462	10
Putnam		
Rensselaer	1,859	10
Richmond		
Rockland		
St. Lawrence	97	
Saratoga	865	10
Schenectady	363	

NEW YORK—Continued

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Schoharie	1,761	10
Schuyler	6,150	5
Seneca	18,906	20
Steuben	15,867	20
Suffolk	2,114	
Sullivan	56	
Tioga	1,045	
Tompkins	7,855	30
Ulster	1,382	
Warren		
Washington	894	5
Wayne	18,730	50
Westchester	69	
Wyoming	12,449	15
Yates	14,818	80
Total to counties	346,385	558
Reserve for new farms, appeals, corrections, and missed farms	50	
State total	346,435	

NORTH CAROLINA

Alamance	9,225	
Alexander	3,675	
Alleghany	157	
Anson	7,132	
Ashe	23	
Avery	6	
Beaufort	2,375	
Bertie	251	
Bladen	1,779	
Brunswick	433	
Buncombe	356	
Burke	2,302	
Cabarrus	8,921	
Caldwell	1,552	
Camden	2,959	
Carteret	535	
Caswell	8,006	
Catawba	15,061	
Chatham	5,987	
Cherokee	26	
Chowan	267	
Clay	10	
Cleveland	13,348	
Columbus	1,667	
Craven	2,381	
Cumberland	7,787	
Currituck	3,021	
Dare		
Davidson	11,998	
Davie	4,815	
Duplin	3,979	
Durham	1,910	
Edgecombe	3,389	
Forsyth	6,089	
Franklin	7,455	
Gaston	7,276	
Gates	1,002	
Graham		
Granville	5,039	
Greene	3,992	
Guilford	12,871	
Halifax	3,289	
Harnett	11,145	
Haywood	18	
Henderson	161	
Hertford	891	
Hoke	3,846	
Hyde	1,775	
Iredell	17,976	
Jackson	8	
Johnston	11,354	
Jones	993	
Lee	3,796	
Lenoir	4,006	
Lincoln	11,544	
McDowell	643	
Macon	29	
Madison	188	
Martin	297	
Mecklenburg	6,074	
Mitchell		
Montgomery	3,165	
Moore	5,930	
Nash	8,806	
New Hanover	194	
Northampton	2,111	
Onslow	752	
Orange	4,990	
Pamlico	1,145	
Pasquotank	3,051	
Pender	1,089	
Perquimans	1,826	
Person	7,820	
Pitt	3,889	

NORTH CAROLINA—Continued

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Polk	1,285	
Randolph	12,370	
Richmond	4,108	
Robeson	9,214	
Rockingham	11,109	
Rowan	17,664	
Rutherford	5,947	
Sampson	7,535	
Scotland	1,834	
Stanly	10,553	
Stokes	4,136	
Surry	4,143	
Swain		
Transylvania	11	
Tyrrell	257	
Union	17,112	
Vance	4,454	
Wake	10,179	
Warren	5,112	
Washington	846	
Watauga	40	
Wayne	5,907	
Wilkes	2,197	
Wilson	7,530	
Yadkin	6,760	
Yancey	5	
Total to counties	451,207	
Reserve for new farms	75	
Reserve for appeals, corrections, and missed farms	363	
State total	451,645	

NORTH DAKOTA

Adams	148,673	150
Barnes	184,992	100
Benson	197,220	400
Billings	36,141	
Bottineau	265,504	200
Bowman	125,736	
Burke	142,614	150
Burleigh	161,693	200
Cass	197,511	350
Cavalier	217,305	500
Dickey	72,349	100
Divide	182,970	150
Dunn	133,643	50
Eddy	59,167	100
Emmons	137,396	150
Foster	70,903	200
Golden Valley	77,848	
Grand Forks	178,518	300
Grant	140,328	90
Griggs	69,524	200
Hettinger	207,958	100
Kidder	81,352	200
La Moure	127,442	200
Logan	102,298	260
McHenry	198,464	200
McIntosh	119,577	150
McKenzie	138,974	150
McLean	276,887	400
Mercer	100,902	75
Morton	154,360	100
Mountrail	219,911	610
Nelson	119,748	200
Oliver	59,570	50
Pembina	174,530	325
Pierce	162,845	300
Ramsey	199,967	300
Ransom	67,971	75
Renville	129,087	150
Richland	92,657	125
Rolette	108,172	150
Sargent	73,382	46
Sheridan	112,787	100
Sioux	44,124	50
Slope	101,266	50
Stark	163,202	
Steele	81,903	150
Stutsman	254,800	500
Towner	183,532	200
Traill	102,230	115
Walsh	192,784	350
Ward	266,045	400
Wells	174,731	250
Williams	209,507	100
Total to counties	7,617,233	9,715
Reserve for new farms	400	
Reserve for appeals, corrections, and missed farms	400	
State total	7,618,233	

OHIO

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Adams	12,108	25
Allen	27,207	260
Ashland	23,010	60
Ashtabula	11,193	20
Athens	1,317	20
Auglaize	25,440	150
Belmont	3,569	30
Brown	14,175	25
Butler	18,410	75
Carroll	7,523	45
Champaign	24,627	100
Clark	23,044	100
Clermont	8,712	50
Clinton	21,564	50
Columbiana	14,846	70
Coshocton	11,855	25
Crawford	27,207	60
Cuyahoga	815	20
Darke	40,882	150
Defiance	30,309	280
Delaware	20,267	100
Erie	16,260	60
Fairfield	32,392	100
Fayette	35,671	25
Franklin	33,739	100
Fulton	29,804	100
Gallia	1,803	40
Geauga	4,239	25
Greene	27,780	160
Guernsey	3,900	25
Hamilton	2,917	15
Hancock	42,747	150
Hardin	28,056	100
Harrison	2,883	40
Henry	36,319	200
Highland	31,718	50
Hocking	3,665	20
Holmes	19,056	25
Huron	31,433	100
Jackson	2,297	20
Jefferson	3,701	25
Knox	24,069	75
Lake	1,645	25
Lawrence	563	6
Licking	26,419	125
Logan	20,960	90
Lorain	16,919	50
Lucas	15,923	50
Madison	32,724	50
Mahoning	10,347	60
Marion	23,432	150
Medina	15,907	55
Meigs	1,963	25
Mercer	30,194	174
Miami	30,548	130
Monroe	1,583	25
Montgomery	22,474	100
Morgan	2,928	25
Morrow	18,786	85
Muskingum	10,066	25
Noble	1,135	20
Ottawa	20,423	100
Paulding	31,509	400
Perry	10,030	90
Pickaway	43,282	75
Pike	4,256	25
Portage	11,872	50
Preble	25,097	100
Putnam	42,831	100
Richland	23,476	80
Ross	31,627	100
Sandusky	32,161	50
Scioto	3,768	10
Seneca	43,619	100
Shelby	25,408	110
Stark	21,808	75
Summit	4,515	20
Trumbull	9,046	15
Tuscarawas	12,841	50
Union	22,210	75
Van Wert	32,778	350
Vinton	1,168	10
Warren	18,200	50
Washington	3,786	50
Wayne	34,679	150
Williams	29,008	75
Wood	36,424	250
Wyandot	30,422	50
Total to counties	1,698,014	6,979
Reserve for new farms	250	
Reserve for appeals, corrections, and missed farms	250	
State total	1,699,514	

OKLAHOMA

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Adair	784	
Alfalfa	224,950	
Atoka	145	
Beaver	300,256	
Beckham	46,708	
Blaine	182,979	
Bryan	3,174	
Caddo	102,483	
Canadian	142,523	
Carter	962	
Cherokee	636	
Choctaw	162	
Cimarron	194,379	
Cleveland	10,511	
Coal	470	
Comanche	98,641	
Cotton	104,971	
Craig	71,907	
Creek	2,173	
Custer	166,992	
Delaware	8,422	
Dewey	115,462	
Ellis	121,069	
Garfield	279,754	
Garvin	10,778	
Grady	58,449	
Grant	282,743	
Greer	98,796	
Harmon	94,142	
Harper	135,541	
Haskell	3,186	
Hughes	528	
Jackson	138,788	
Jefferson	8,988	
Johnston	912	
Kay	198,018	
Kingfisher	216,201	
Kiowa	192,942	
Latimer	11	
Le Flore	4,313	
Lincoln	12,535	
Logan	75,971	
Love	1,583	
McClain	14,062	
McCurtain	79	
McIntosh	1,947	
Major	141,561	
Marshall	1,322	
Mayes	11,194	
Murray	2,462	
Muskogee	11,390	
Noble	114,986	
Nowata	12,918	
Okfuskee	2,198	
Oklahoma	26,340	
Okmulgee	1,445	
Osage	26,520	
Ottawa	30,879	
Pawnee	79,734	
Payne	23,275	
Pittsburg	1,126	
Pontotoc	1,043	
Pottawatomie	12,475	
Pushmataha	10	
Roger Mills	53,444	
Rogers	13,121	
Seminole	1,436	
Sequoyah	6,129	
Stephens	18,269	
Texas	407,716	
Tillman	172,134	
Tulsa	8,901	
Wagoner	14,572	
Washington	7,151	
Washita	187,997	
Woods	179,553	
Woodward	100,718	
Total to counties	5,115,536	
Reserve for new farms, appeals, corrections, and missed farms	1,000	
State total	5,117,536	

OREGON

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Baker	16,388	
Benton	5,956	
Clackamas	9,350	
Clatsop	186	
Columbia	3,500	
Coos		
Crook	1,310	
Curry	748	
Deschutes	94,936	
Douglas	1,795	
Gilliam	2,494	
Grant		
Harney		

OREGON—Continued

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Hood River	8	
Jackson	1,115	
Jefferson	29,671	
Josephine	33	
Klamath	11,170	
Lake	16,744	
Lane	5,611	
Lincoln		
Linn	8,881	
Malheur	16,951	
Marion	22,086	
Morrow	123,040	
Multnomah	466	
Polk	15,309	
Sherman	102,192	
Tillamook		
Umatilla	208,535	
Union	45,370	
Wallowa	25,943	
Wasco	66,638	
Washington	15,567	
Wheeler	6,172	
Yamhill	19,628	
Total to counties	880,644	
Reserve for new farms, appeals, corrections, and missed farms	2,000	
State total	882,644	

PENNSYLVANIA

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Adams	19,403	15
Allegheny	2,454	10
Armstrong	8,941	5
Beaver	4,149	5
Bedford	10,901	20
Berks	29,915	20
Blair	6,986	20
Bradford	2,779	10
Bucks	18,918	15
Butler	11,711	5
Cambria	5,212	25
Cameron	28	2
Carbon	2,908	10
Centre	15,355	25
Chester	18,824	35
Clarion	7,587	20
Clearfield	2,909	15
Clinton	4,907	15
Columbia	16,953	40
Crawford	8,361	45
Cumberland	21,903	35
Dauphin	13,540	30
Delaware	474	10
Elk	294	4
Erie	7,904	40
Fayette	4,287	6
Forest	306	2
Franklin	30,128	60
Fulton	7,366	15
Greene	1,961	10
Huntingdon	8,662	20
Indiana	9,495	10
Jefferson	5,048	5
Juniata	8,926	25
Lackawanna	128	3
Lancaster	913	40
Lawrence	9,164	25
Lebanon	14,044	25
Lehigh	16,318	15
Luzerne	4,230	10
Lycoming	13,026	20
McKean	111	
Mercer	12,061	20
Mifflin	7,474	10
Monroe	2,509	10
Montgomery	13,475	30
Montour	7,063	10
Northampton	11,072	20
Northumberland	16,666	25
Perry	12,737	35
Philadelphia		
Pike	47	2
Potter	967	10
Schuylkill	18,248	30
Snyder	11,198	30
Somerset	5,762	20
Sullivan	221	8
Susquehanna	126	5
Tioga	1,777	10
Union	8,268	15
Venango	3,211	5
Warren	864	10
Washington	5,911	5
Wayne	43	5
Westmoreland	10,411	25
Wyoming	670	10

PENNSYLVANIA—Continued

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
York	46,434	80
Total to counties	614,346	1,175
Reserve for new farms	100	
Reserve for appeals, corrections, and missed farms	50	
State total	614,496	

RHODE ISLAND

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Bristol		
Kent		
Newport	84	
Providence		
Washington	97	
Total to counties	181	
Reserve for new farms, appeals, corrections, and missed farms	3	
State total	184	

SOUTH CAROLINA

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Abbeville	6,174	
Aiken	7,413	
Allendale	4,221	
Anderson	24,884	
Bamberg	3,827	
Barnwell	3,266	
Beaufort	5	
Berkeley	383	
Calhoun	3,545	20
Charleston	208	20
Cherokee	6,327	20
Chester	1,923	10
Chesterfield	3,529	15
Clarendon	3,154	5
Colleton	402	
Darlington	7,390	15
Dillon	3,486	15
Dorchester	235	
Edgefield	3,231	
Fairfield	815	
Florence	4,073	
Georgetown	297	
Greenville	8,628	
Greenwood	2,773	
Hampton	2,442	
Horry	1,536	
Jasper	56	
Kershaw	2,876	
Lancaster	1,678	
Laurens	2,926	
Lee	6,564	
Lexington	5,311	
McCormick	744	
Marion	931	
Marlboro	2,915	
Newberry	5,019	
Oconee	5,747	
Orangeburg	12,393	
Pickens	4,332	
Richland	4,490	
Saluda	4,254	
Spartanburg	18,938	
Sumter	8,796	
Union	1,659	
Williamsburg	1,374	
York	4,078	
Total to counties	203,396	
Reserve for new farms	25	
Reserve for appeals, corrections, and missed farms	76	
State total	203,497	

SOUTH DAKOTA

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Aurora	12,308	15
Beadle	53,931	50
Bennett	48,719	30
Bon Homme	5,347	10
Brookings	8,207	15
Brown	194,216	75
Brule	13,750	30
Buffalo	5,453	15
Butte	16,374	15
Campbell	35,135	30
Charles Mix	31,779	40
Clark	67,507	25

SOUTH DAKOTA—Continued

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Clay	5,582	15
Codington	32,347	50
Corson	118,004	50
Custer	3,879	10
Davison	2,440	10
Day	78,965	50
Deuel	6,274	25
Dewey	62,503	50
Douglas	8,118	10
Edmunds	130,226	35
Fall River	16,441	15
Faulk	98,664	35
Grant	18,784	30
Gregory	17,053	20
Hamlin	37,557	10
Hand	13,469	25
Hanson	72,737	30
Harding	42,830	25
Hughes	49,127	30
Hutchinson	5,812	25
Hyde	21,128	25
Jackson	14,176	20
Jerauld	21,880	25
Jones	48,230	20
Kingsbury	33,615	50
Lake	5,661	5
Lawrence	5,083	10
Lincoln	3,575	10
Lyman	92,415	30
McCook	1,782	10
McPherson	95,616	40
Marshall	56,657	25
Meade	87,255	30
Mellette	27,929	25
Miner	5,948	15
Minnehaha	611	
Moody	671	
Pennington	46,862	30
Perkins	144,590	75
Potter	90,375	50
Roberts	52,360	30
Sanborn	4,226	10
Shannon	20,178	10
Spink	241,714	100
Stanley	26,239	30
Sully	111,080	100
Todd	10,789	10
Tripp	78,789	50
Turner	3,811	15
Union	9,522	15
Walworth	87,787	25
Washabaugh	15,361	20
Yankton	2,578	10
Ziebach	36,864	20
Total to counties	2,877,784	1,915
Reserve for new farms	1,000	
Reserve for appeals, corrections, and missed farms	1,000	
State total	2,879,784	

TENNESSEE

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Anderson	70	
Bedford	6,418	
Benton	960	
Bledsoe	887	
Blount	3,290	
Bradley	1,094	
Campbell	175	
Cannon	569	
Carroll	1,094	
Carter	281	
Cheatham	1,039	
Chester	175	
Claiborne	2,640	
Clay	554	
Cocke	1,005	
Coffee	3,935	
Crockett	753	
Cumberland	226	
Davidson	909	
Decatur	78	
De Kalb	1,008	
Dickson	1,376	
Dyer	6,729	
Fayette	10	
Fentress	429	
Franklin	7,535	
Gibson	2,899	
Giles	4,801	
Grainger	1,512	
Greene	7,979	
Grundy	672	
Hamblen	4,226	
Hamilton	466	
Hancock	815	

TENNESSEE—Continued

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Hardeman	176	
Hardin	930	
Hawkins	4,924	
Haywood	607	
Henderson	113	
Henry	3,526	
Hickman	733	
Houston	568	
Humphreys	1,121	
Jackson	198	
Jefferson	5,612	
Johnson	441	
Knox	1,152	
Lake	3,118	
Lauderdale	2,387	
Lawrence	6,474	
Lewis	125	
Lincoln	4,667	
Loudon	2,716	
McMinn	1,538	
McNairy	44	
Macon	1,340	
Madison	330	
Marion	411	
Marshall	3,928	
Maury	10,644	
Meigs	1,031	
Monroe	3,494	
Montgomery	7,136	
Moore	395	
Morgan	160	
Obion	9,225	
Overton	1,152	
Perry	232	
Pickett	331	
Polk	512	
Putnam	1,317	
Rhea	793	
Roane	680	
Robertson	22,495	
Rutherford	4,136	
Scott		
Sequatchie	249	
Sevier	3,186	
Shelby	987	
Smith	631	
Stewart	539	
Sullivan	2,005	
Sumner	5,427	
Tipton	2,166	
Trousdale	486	
Unicoi	98	
Union	235	
Van Buren	202	
Warren	3,137	
Washington	4,022	
Wayne	832	
Weakley	4,457	
White	1,667	
Williamson	5,553	
Wilson	1,519	
Total to counties	216,404	
Reserve for new farms	108	
Reserve for appeals, corrections, and missed farms	200	
State total	216,707	

TEXAS

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Anderson		
Andrews		
Angelina		
Aransas		
Archer	30,522	
Armstrong	67,367	
Atascosa	228	
Austin		
Bailey	16,714	
Bandera	80	
Bastrop	21	
Baylor	65,123	
Bee	20	
Bell	9,050	
Bexar	1,695	
Blanco	704	
Borden	1,413	
Bosque	5,206	
Bowie	155	
Brazoria		
Brazos	9	
Brewster		
Briscoe	52,772	
Brooks		
Brown	17,456	
Burleson		
Burnet	1,324	
Caldwell	7	

TEXAS—Continued

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Calhoun		
Callahan	20,102	
Cameron		
Camp		
Carson	164,007	
Cass		
Castro	101,875	
Chambers		
Cherokee	5	
Childress	45,869	
Clay	30,344	
Cochran	3,400	
Coke	2,078	
Coleman	27,723	
Collin	55,249	
Collingsworth	26,611	
Colorado	5	
Comal	462	
Comanche	2,002	
Concho	24,411	
Cooke	24,421	
Coryell	13,553	
Cottle	26,713	
Crane		
Crockett		
Crosby	36,344	
Culberson	13	
Dallam	72,657	
Dallas	25,350	
Dawson	1,126	
Deaf Smith	193,749	
Delta	2,120	
Denton	35,918	
De Witt	6	
Dickens	23,582	
Dimmit	5	
Donley	16,701	
Duval		
Eastland	4,710	
Ector		
Edwards	5	
Ellis	18,919	
El Paso		
Erath	1,091	
Falls	1,949	
Fannin	20,998	
Fayette		
Fisher	30,140	
Floyd	131,514	
Foard	70,854	
Fort Bend		
Franklin		
Freestone		
Frio	55	
Gaines	2,312	
Galveston		
Garza	1,358	
Gillespie	7,950	
Glasscock	209	
Goliad		
Gonzales	11	
Gray	86,525	
Grayson	52,367	
Gregg		
Grimes		
Guadalupe	1,122	
Hale	62,923	
Hall	13,016	
Hamilton	7,160	
Hansford	231,707	
Hardeman	89,282	
Hardin		
Harris		
Harrison		
Hartley	90,704	
Haskell	52,878	
Hays	51	
Hemphill	35,473	
Henderson	70	
Hidalgo		
Hill	10,002	
Hockley	1,005	
Hood	223	
Hopkins	79	
Houston	9	
Howard	1,976	
Hudspath		
Hunt	12,480	
Hutchinson	60,826	
Irion	52	
Jack	4,143	
Jackson	74	
Jasper		
Jeff Davis		
Jefferson		
Jim Hogg		
Jim Wells		
Johnson	4,806	
Jones	62,800	
Karnes	1,473	
Kaufman	5,457	
Kendall	2,998	

TEXAS—Continued

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Kenedy		
Kent	8,302	
Kerr	1,983	
Kimble	259	
King	5,805	
Kinney		
Kleberg		
Knox	52,132	
Lamar	4,539	
Lamb	7,302	
Lampasas	2,986	
La Salle		
Lavaca	3	
Lee		
Leon	9	
Liberty		
Limestone	132	
Lipscomb	112,424	
Live Oak	60	
Llano	79	
Loving		
Lubbock	4,987	
Lynn	940	
McCulloch	14,344	
McLennan	13,866	
McMullen		
Madison		
Marion		
Martin	622	
Mason	53	
Matagorda		
Maverick	41	
Medina	738	
Menard	1,143	
Midland	24	
Milam	1,273	
Mills	3,264	
Mitchell	7,478	
Montague	3,080	
Montgomery		
Moore	148,530	
Morris		
Motley	10,769	
Nacogdoches		
Navarro	3,531	
Newton		
Nolan	15,108	
Nueces		
Ochiltree	261,267	
Oldham	62,141	
Orange		
Palo Pinto	3,149	
Panola		
Parker	578	
Parmer	108,009	
Pecos	101	
Polk		
Potter	83,986	
Presidio	9	
Rains	37	
Randall	138,530	
Reagan	10	
Real		
Red River	373	
Reeves	126	
Refugio		
Roberts	30,567	
Robertson		
Rockwall	3,231	
Runnels	57,357	
Rusk		
Sabine		
San Augustine		
San Jacinto		
San Patricio		
San Saba	2,117	
Schleicher	643	
Scurry	11,367	
Shackelford	17,523	
Shelby		
Sherman	174,940	
Smith		
Somervell	55	
Starr		
Stephens	13,190	
Sterling	114	
Stonewall	21,923	
Sutton		
Swisher	123,172	
Tarrant	3,738	
Taylor	66,229	
Terrell		
Terry	3,630	
Throckmorton	33,809	
Titus		
Tom Green	3,750	
Travis	55	
Trinity		
Tyler		
Upshur		
Upton		

TEXAS—Continued

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Uvalde	126	
Val Verde		
Van Zandt	423	
Victoria	1	
Walker	8	
Waller	54	
Ward		
Washington	15	
Webb		
Wharton	131	
Wheeler	22,754	
Wichita	57,561	
Wilbarger	91,756	
Willacy		
Williamson	1,263	
Wilson	781	
Winkler		
Wise	4,713	
Wood		
Yoakum	2,271	
Young	80,256	
Zapata		
Zavala	90	
Total to counties	4,287,108	
Reserve for new farms, appeals, corrections, and missed farms	900	
State total	4,288,167	

UTAH

Beaver	1,675	
Box Elder	97,721	
Cache	34,541	
Carbon	1,179	
Daggett	24	
Davis	2,856	
Duchesne	2,052	
Emery	2,507	
Garfield	1,149	
Grand	363	
Iron	5,936	
Juab	20,629	
Kane	729	
Millard	28,037	
Morgan	2,474	
Piute	155	
Rich	3,902	
Salt Lake	18,904	
San Juan	22,790	
Sanpete	17,221	
Sevier	2,699	
Summit	996	
Tooele	6,984	
Uintah	2,969	
Utah	17,230	
Wasatch	178	
Washington	5,604	
Wayne	178	
Weber	3,234	
Total to counties	308,453	
Reserve for new farms, appeals, corrections, and missed farms	372	
State total	309,825	

VERMONT

Addison	328	
Bennington		
Caledonia		
Chittenden	104	
Essex		
Franklin		
Grand Isle	44	
Lamoille		
Orange		
Orleans	14	
Rutland		
Washington		
Windham	10	
Windsor		
Total to counties	510	
Reserve for new farms	2	
Reserve for appeals, corrections, and missed farms	3	
State total	515	

VIRGINIA

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Accomack	1,107	
Albemarle	1,592	
Alleghany	98	
Amelia	6,966	
Amherst	1,008	
Appomattox	6,267	
Augusta	9,796	
Bath	199	
Bedford	4,724	
Bland	959	
Botetourt	1,540	
Brunswick	5,347	
Buchanan	4	
Buckingham	5,253	
Campbell	8,906	
Caroline	6,400	
Carroll	509	
Charles City	3,069	
Charlotte	7,025	
Chesapeake	2,787	
Chesterfield	1,742	
Clarke	3,041	
Craig	513	
Culpeper	2,141	
Cumberland	4,134	
Dickenson	1	
Dinwiddie	3,481	
Essex	6,895	
Fairfax	1,258	
Fauquier	5,449	
Floyd	1,278	
Fluvanna	1,786	
Franklin	8,760	
Frederick	3,826	
Giles	470	
Gloucester	761	
Goochland	2,196	
Grayson	331	
Greene	1,213	
Greensville	548	
Halifax	15,304	
Hampton	43	
Hanover	7,521	
Henrico	2,132	
Henry	1,215	
Highland	199	
Isle of Wight	731	
James City	846	
King and Queen	3,027	
King George	2,808	
King William	3,735	
Lancaster	1,512	
Lee	1,573	
Loudoun	8,570	
Louisa	4,216	
Lunenburg	3,979	
Madison	2,186	
Mathews	379	
Mecklenburg	10,920	
Middlesex	1,956	
Montgomery	1,104	
Nansemond	1,620	
Nelson	1,344	
New Kent	1,497	
Newport News		
Northampton	216	
Northumberland	4,760	
Nottoway	3,167	
Orange	2,485	
Page	3,597	
Patrick	786	
Pittsylvania	22,988	
Powhatan	1,479	
Prince Edward	4,711	
Prince George	1,774	
Prince William	3,021	
Pulaski	572	
Rappahannock	808	
Richmond	4,953	
Roanoke	845	
Rockbridge	2,741	
Rockingham	9,618	
Russell	1,558	
Scott	1,519	
Shenandoah	4,774	
Smyth	1,469	
Southampton	1,772	
Spotsylvania	2,362	
Stafford	1,607	
Surry	689	
Sussex	1,393	
Tazewell	1,473	
Virginia Beach	4,317	
Warren	1,511	
Washington	3,511	
Westmoreland	7,304	
Wise	6	
Wythe	2,980	
York	195	
Total counties	308,363	

VIRGINIA—Continued

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Reserve for new farms	330	
Reserve for appeals, corrections, and missed farms	100	
State total	308,793	

WASHINGTON

Adams	215,124	150
Asotin	32,264	50
Benton	307,257	150
Chelan	4,225	
Clallam	76	
Clark	454	
Columbia	78,732	100
Cowlitz	15	
Douglas	174,335	100
Ferry	3,903	
Franklin	105,122	50
Garfield	65,220	50
Grant	341,383	100
Grays Harbor	46	
Island	1,002	
Jefferson	13	
King		
Kitsap		
Kittitas	5,625	5
Klickitat	44,206	75
Lewis	2,880	
Lincoln	231,648	50
Mason		
Okanogan	27,057	50
Pacific		
Pend Oreille	501	10
Pierce	18	
San Juan	142	
Skagit	1,883	
Skamania		
Snohomish	134	
Spokane	132,148	100
Stevens	21,200	50
Thurston	415	
Wahkiakum		
Walla Walla	158,200	50
Whatcom	295	
Whitman	200,470	100
Yakima	38,493	75
Total to counties	3,080,715	1,215
Reserve for new farms	700	
Reserve for appeals, corrections, and missed farms	250	
State total	3,081,715	

WEST VIRGINIA

Barbour	178	
Berkeley	3,388	
Boone		
Braxton	3	
Brooke	340	
Cabell	68	
Calhoun		
Clay		
Doddridge		
Fayette	90	
Gilmer		
Grant	1,286	
Greenbrier	1,441	
Hampshire	1,821	
Hancock	456	
Hardy	1,699	
Harrison	12	
Jackson	178	
Jefferson	7,467	
Kanawha	1	
Lewis	12	
Lincoln		
Logan		
McDowell		
Marion	9	
Marshall	437	
Mason	1,583	
Mercer	382	
Mineral	715	
Mingo		
Monongalia	76	
Monroe	2,615	
Morgan	1,788	
Nicholas	313	
Ohio	280	
Pendleton	1,869	
Pleasants	13	
Pocahontas	488	
Preston	1,604	
Putnam	382	

WEST VIRGINIA—Continued

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Raleigh	66	
Randolph	152	
Ritchie	5	
Roane	14	
Summers	620	
Taylor	55	
Tucker	31	
Tyler	15	
Upshur	94	
Wayne	15	
Webster	1	
Wetzel	13	
Wirt	28	
Wood	265	
Wyoming		
Total to counties	31,812	
Reserve for new farms	50	
Reserve for appeals, corrections, and missed farms	50	
State total	31,913	

WISCONSIN

Adams	213	
Ashland	17	
Barron	87	
Bayfield	105	
Brown	415	
Buffalo	125	
Burnett	53	
Calumet	1,615	
Chippewa	65	
Clark	189	
Columbia	2,116	
Crawford	77	
Dane	1,088	
Dodge	2,223	
Door	1,261	
Douglas	133	
Dunn	189	
Eau Claire	136	
Florence	2	
Fond du Lac	1,273	
Forest	34	
Grant	261	
Green	90	
Green Lake	661	
Iowa	264	
Iron	3	
Jackson	172	
Jefferson	1,153	
Juneau	107	
Kenosha	2,723	
Kewaunee	1,123	
La Crosse	138	
Lafayette	74	
Langlade	135	
Lincoln	82	
Manitowoc	1,002	
Marathon	405	
Marinette	210	
Marquette	650	
Menominee		
Milwaukee	1,604	
Monroe	135	
Oconto	288	
Oneida	73	
Outagamie	239	
Ozaukee	2,088	
Pepin	634	
Pierce	2,031	
Polk	200	
Portage	389	
Price	18	
Racine	2,068	
Richland	94	
Rock	2,125	
Rusk	17	
St. Croix	207	
Sauk	1,017	
Sawyer	9	
Shawano	289	
Sheboygan	2,276	
Taylor	34	
Trempealeau	728	
Vernon	21	
Vilas	2	
Walworth	2,147	
Washburn	23	
Washington	2,288	
Waukesha	2,262	
Waupaca	167	
Waushara	413	
Winnebago	1,844	
Wood	45	
Total to counties	65,282	

WISCONSIN—Continued

County	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Reserve for new farms	180	
Reserve for appeals, corrections, and missed farms	98	
State total	65,560	

WYOMING

Albany		
Big Horn	725	
Campbell	30,230	
Carbon	10,518	
Converse	5,967	
Crook	27,608	
Fremont	3,405	
Goshen	80,535	
Hot Springs	74	
Johnson	5,246	
Laramie	67,927	
Lincoln	3,527	
Natrona	89	
Niobrara	2,177	
Park	2,443	
Platte	25,964	
Sheridan	11,397	
Sublette		
Sweetwater		
Teton	942	
Uinta	66	
Washakie	132	
Weston	3,771	
Total to counties	296,194	
Reserve for new farms, appeals, corrections, and missed farms	180	
State total	296,374	

(Secs. 294, 375, 52 Stat. 53, as amended by 75 Stat. 1186, 56, as amended; 7 U.S.C. 1294, 1375)

Effective date: These regulations shall be effective upon filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on August 2, 1967.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67-8230; Filed, Aug. 10, 1967; 8:45 a.m.]

Chapter XVIII—Farmers Home Administration, Department of Agriculture

SUBCHAPTER B—LOANS AND GRANTS PRIMARILY FOR REAL ESTATE PURPOSES

[FHA Instructions 465.1, 445.2]

PART 1823—ASSOCIATION LOANS AND GRANTS—COMMUNITY FACILITIES, DEVELOPMENT, CONSERVATION, UTILIZATION

Subpart G—Rural Renewal Assistance

Part 1823, Title 7, Code of Federal Regulations (32 F.R. 8367) is amended by adding a new Subpart G to read as follows:

Subpart G—Rural Renewal Assistance

Sec.
1823.181 General.
1823.182 Objectives and methods.
1823.183 Farmers Home Administration responsibilities.
1823.184 Definitions.
1823.185 Designation of rural renewal areas.
1823.186 The rural renewal plan.

Sec.
1823.187 Rural renewal project development.
1823.188 Funds for technical assistance.
1823.189 Eligibility for Rural Renewal loans.
1823.190 Loan purposes.
1823.191 Loan limitations.
1823.193 Rates and terms.
1823.198 Amount of loans.
1823.194 Security.
1823.195 County Committee action.
1823.196 Loan application.
1823.197 Preparation of loan docket.
1823.198 Obtaining approval authorization.
1823.199 Loan approval and loan closing.
1823.200 Actions following loan closing.
1823.201 Nondiscrimination and equal opportunity.

AUTHORITY: The provisions of this Subpart G issued under 5 U.S.C., 301; Orders of Secretary of Agriculture, 29 F.R. 16210, 32 F.R. 6650.

§ 1823.181 General.

This subpart prescribes the policies and authorizations for planning, developing, and carrying out Rural Renewal Programs in designated rural renewal areas, including providing technical assistance in developing rural renewal plans and making Rural Renewal loans. The building of industrial parks and the establishment of private and commercial enterprises are not authorized. Emphasis should be placed on rural renewal projects that will not only accomplish the primary purpose of correcting maladjustments in land use, but will also help to revitalize the economy, combat rural poverty, and increase the living standards and security of farm families and other rural residents.

§ 1823.182 Objectives and methods.

(a) The basic objective of Rural Renewal Programs is to encourage and assist local public agencies and nonprofit corporations in designated rural renewal areas in initiating, sponsoring, and carrying out land conservation and land utilization (rural renewal) projects needed to correct maladjustments in land use. This will be accomplished through such projects (including practices) to:

(1) Control soil erosion.
(2) Promote reforestation.
(3) Preserve natural resources.
(4) Protect fish and wildlife.
(5) Develop and protect recreational facilities.
(6) Mitigate floods.
(7) Prevent impairment of dams and reservoirs.
(8) Conserve surface and subsurface moisture.
(9) Protect watersheds of navigable streams.
(10) Protect public lands.
(11) Protect health, safety, and welfare of rural residents through rural renewal projects that provide facilities which produce that result.

(b) In achieving the above objectives and methods, maximum use will be made of all resources available in the rural renewal area. This will include leadership and support from local citizens, public officials, and organizations, and also any assistance available through local, State, and Federal governmental sources, as well as from private sources.

§ 1823.183 Farmers Home Administration responsibilities.

The Farmers Home Administration (FHA) is responsible for coordinating, directing, and supervising Rural Renewal Programs. The broadest possible use will be made of all existing authorizations of the U.S. Department of Agriculture and other departments and agencies of Federal and State Governments in assisting to promote the conservation and better use of land resources in designated rural renewal areas.

§ 1823.184 Definitions.

(a) *State agency.* This is any executive, administrative or regulatory agency or instrumentality of a State government with planning or supervisory jurisdiction over land conservation and utilization programs, and the investigation of conditions and factors affecting land conservation and utilization in rural renewal areas. If no single State agency has adequate statutory authority, the State agency will be the Governor or a State agency designated by him.

(b) *Local agency.* This means one or more local public agencies or local nonprofit corporations that are recognized by the State agency as being authorized to undertake land conservation and land utilization programs in the rural renewal area. The local agency may be a Rural Development Authority.

(1) *Local public agency.* A local public agency is a county, municipality, or other subdivision, instrumentality, or agency of the State. This includes public agencies created by, or pursuant to, State law for making improvements of a public nature even though some of the improvements may be on privately owned land.

(2) *Nonprofit corporation.* The term "nonprofit corporation" includes mutual and other irrigation, water supply, drainage and waste disposal companies or associations, ditch companies, grazing, recreation, and forestry associations, and similar organizations that are incorporated and are generally designated as private corporations operating on a nonprofit basis if their membership or stock ownership is broadly based, and if they have authority to make available services and facilities of the types authorized in this subpart.

(i) A private corporation even though organized under general business corporation laws may come within this definition if it actually will be operated on a nonprofit basis under its charter, bylaws, mortgage, or supplementary agreement provisions that may be required as a condition of loan approval.

(c) *Rural renewal area.* This is a rural area, as defined in § 1823.2(c), designated by the Secretary of Agriculture.

(d) *Rural renewal plan.* This is a plan developed for the rural renewal area by the local agency with the assistance of FHA and other Federal and State agencies:

(1) Designed to achieve the Rural Renewal Program objectives and carry out one or more of the rural renewal projects described in § 1823.182.

(2) Having the approval of the authorized State agency and the Secretary of Agriculture, or his delegate.

(3) Limited to purposes for which Rural loans may be made under § 1823.191.

(e) *Rural renewal projects.* This is a specific land conservation or land utilization development, improvement, adjustment, or activity located in a rural renewal area, covered by the rural renewal plan, and eligible for Rural Renewal loan or technical assistance. Project proposals are the basis for action in the Rural Renewal Program.

(f) *Rural Renewal loan.* A Rural Renewal loan is an FHA loan from rural renewal funds to a local agency to carry out one or more rural renewal projects consistent with the rural renewal plan and loan purposes outlined in this subpart.

§ 1823.185 Designation of rural renewal areas.

(a) *Made by Secretary of Agriculture.* A rural renewal area may be designated by the Secretary when he determines that:

(1) The area is primarily rural where agriculture, forestry, and related businesses represent its economic base but provide inadequate income to support a reasonable level of living for a substantial number of the residents of the area.

(2) There is a need to correct maladjustments in land use through one or more of the rural renewal projects described in § 1823.182.

(3) Rural renewal projects will likely accomplish the objectives set forth in § 1823.182.

(4) The area has sufficient resources and potential to indicate that a Rural Renewal Program can result in significant improvement in the total economy of the area.

(5) There is sufficient evidence of interest among the local leaders and other residents of the area to feel assured that they will initiate and strive hard to carry out a program of land conservation and land utilization.

(6) It is evident that needed land conservation and utilization activities cannot be planned or carried out effectively unless technical or financial assistance is provided through the Rural Renewal Program.

(7) There now exists or there will be established in the area a local agency responsible for developing and implementing the Rural Renewal Program.

(b) *Size of area.* A designated rural renewal area may range in size from a part of a county to one or more counties, depending on the needs and circumstances peculiar to each situation. However, it must be a contiguous geographic area in which the land conservation and land utilization problems and needs are fairly general and similar, and in which there is a common interest in planning and carrying out an effective Rural Renewal Program that will benefit the entire area.

(c) *Request for designation.* A request for rural renewal designation may be initiated by a local agency, or any other responsible group representing the area. As soon as the County Supervisor becomes aware of the interest of the local group in having the area designated as a rural renewal area, he should meet with the group or appropriate representatives of the group, to explain the procedure to be followed in making and processing a formal request for rural renewal area designation as follows:

(1) *Action by local agency.* A letter of request addressed to the State Director will be prepared by the local agency, or other responsible groups which will present a factual justification for the designation. The County Supervisor will assist as necessary in the preparation of this letter of request. When completed, the letter will be delivered to the County Supervisor in an original and three copies for appropriate review and handling. The following information, as a minimum, will be prepared and included in or attached to the letter:

(i) Name, address, and description of agency or groups making the request, including the names and occupations of representative leaders and an explanation of any community, civic, and other positions of leadership held.

(ii) Map of area recommended for designation.

(iii) A brief statement reviewing the maladjustments in land use, economic trends and problems of the area, the type of agriculture, number and size of farms, number of farm families, number of other rural residents, other sources of employment in the area, income levels of residents in the area, and such other related factors as would be necessary for a good understanding of the problems of the area and the need for Rural Renewal Program assistance.

(iv) Nature, description, and purpose of rural renewal projects proposed for the area.

(v) Extent to which the proposed projects can be carried out with assistance available through existing private or local, State, and Federal governmental sources.

(vi) Purposes for which Rural Renewal loan funds may be needed.

(vii) An indication of the need for technical assistance not now available in planning or carrying out the Rural Renewal Program in the area.

(viii) Evidence of the interest and desire of people in the area to participate in the program.

(ix) Any other pertinent information which will be helpful in reaching a decision on the request for rural renewal designation.

(2) *Action by County Supervisor.* Upon receipt of the required copies of the letter requesting a designation and the attached information, the County Supervisor will review the proposal with the County Technical Action Panel (TAP) and the County Rural Areas Development (RAD) Committee, or similar groups. He will obtain their comments and recommendations and submit them with his own recommendations and the letter requesting rural renewal designation and related information to the State Director.

(3) *Action by State Director.* Upon receipt of the request for designation, the State Director will obtain, in writing, the comments and recommendations of the State TAP and the State RAD committee. The State Director will forward to the National Office such comments and recommendations and the letter of request, including all supporting data and recommendations. He also will attach a letter setting forth his comments and recommendations along with any supplementary factual data which he feels is necessary to indicate the problems and needs of the area recommended. In addition to any other observations made by the State Director, he will comment specifically on the extent to which the area meets the requirements for selection of rural renewal areas. The State Director will obtain and attach an opinion from the Office of the General Counsel explaining the status of the local agency that will apply for Rural Renewal loans and its legal sufficiency under State laws to obtain such loan, use rural renewal funds, give security, and make loan repayments.

(4) *National Office action.* The request for rural renewal designation along with the attached information and comments will be reviewed in the National Office.

(i) If a determination is made by the Administrator that the proposed rural renewal area meets the qualifications to receive assistance under the Rural Renewal Program, he will submit the request to the Secretary of Agriculture with a recommendation for designation of the area for rural renewal assistance.

(ii) If the Administrator determines that the area should not be designated, he will so advise the State Director with an explanation of his reasons, and will request that the State Director inform the group initiating the request.

(iii) When a rural renewal area is designated by the Secretary of Agriculture, the National Office will notify the State Director. The State Director will in turn notify the County Supervisor. The local agency or initiating group will then be advised by the County Supervisor to request the State agency to designate the official local agency, if this has not already been done. The State Director will notify the County Supervisor when a Rural Renewal Program leader will be assigned to work in the area to assist the local agency in obtaining needed technical and financial assistance in connection with planning, developing, and carrying out the Rural Renewal Program.

§ 1823.186 The rural renewal plan.

A rural renewal plan will be developed as soon as possible after a rural renewal area is designated. It will point out the maladjustments in land use and describe the corrections and improvements proposed by the local agency. The plan will be developed under the supervision, guidance, and direction of the local agency with every effort being made to obtain the active participation of all interested groups and individuals in the area. In connection with this planning, the Rural Renewal Program leader will ascertain what plans have been developed for the area by regional, county, and local planning agencies or groups and will inform the local agency of such plans. In the development of rural renewal plans, such planning agencies or groups will be given an opportunity to participate.

(a) *Establishing committees.* The local agency should establish a planning committee to be primarily responsible for developing the rural renewal plan. It also should establish necessary subcommittees. Such subcommittees might include steering, community coordination, agriculture, forestry, industry, rural credit, recreation, tourism, education, health, welfare; old age assistance, local government, roads, community facilities, schools, hospitals, commerce, small business, land use planning, transportation, parks, and others that may be of assistance in developing land conservation and land utilization plans. Each subcommittee should make regular reports to the planning committee, which will summarize the results and accomplishments as shown by the reports.

(b) *Rural Renewal Program leader.* The Rural Renewal Program leader will assist the local agency in:

(1) Organizing and establishing planning committees.
(2) Determining planning needs.
(3) Developing a planning outline.
(4) Obtaining statistical, economic, and historical information.
(5) Informing the local agency of services available from Federal and State agencies.
(6) Analyzing resources and inventories.
(7) Obtaining the services of all Federal, State, and local agencies or groups in providing planning assistance.

(c) *Planning assistance from other agencies.* In order to develop a rural renewal plan, the program leader will be responsible for assisting in obtaining the services of appropriate technicians from local and State TAPs or other State and Federal agencies without cost, and from other sources at cost when there is need for a highly specialized type of technical assistance which cannot be provided by local or State TAP representatives or other State or Federal agencies.

(d) *Preparing rural renewal plan.* The program leader will coordinate reports of the planning committee and subcommittees and will prepare a draft of the rural renewal plan for the local agency. The proposed plan will be submitted to the County TAP and RAD Committees for review and suggestions, comments, and recommendations. The plan, including any revisions, will be submitted to the State Director who will review it with the State TAP and RAD Committees, and obtain their comments and recommendations. The State Director will then submit the rural renewal plan to the State agency for review. Before a rural renewal plan is approved, it must have been submitted to and not disapproved by the

State agency within 45 days. After favorable action has been taken by the appropriate State agency, the State Director will notify the local agency that the plan has been approved.

§ 1823.187 Rural renewal project development.

The Rural Renewal Program may involve many kinds of rural renewal projects, as described in § 1823.184(e). Detailed plans must be made for carrying out each project. These plans will include description, maps, specifications, scope, locations, costs, means, methods, time schedules, technical and financial assistance needed, and will indicate private and public sources from which needed assistance will be obtained. Many of these projects will be accomplished with technical and financial assistance from sources other than Rural Renewal loans. The Rural Renewal Program leader is responsible for assisting the local agency in obtaining technical assistance and loans from U.S. Department of Agriculture agencies, other Federal agencies, State agencies, and non-Government sources. The program leader should explain where and how such services can be obtained and assist in making arrangements with representatives of various Government agencies to meet with the local interest groups. The program leader will assist interested groups in the rural renewal area to get in touch with appropriate agency representatives; however, he should not establish himself as a representative of these agencies or assume responsibility for performing their functions.

§ 1823.188 Funds for technical assistance.

Technical assistance funds may be used in connection with providing specialized type of assistance that cannot be otherwise obtained from existing programs and services of local, State, or Federal agencies without additional cost regardless of whether the projects are actually financed with Rural Renewal loans. This will include assistance required in developing the Rural Renewal plan as well as in determining the feasibility of projects related thereto.

(a) *Application.* When the local agency and the Rural Renewal Program leader determine that there is a need to secure technical assistance in addition to that available from existing agencies, they will request technical assistance funds for such services. The Rural Renewal Program leader will assist the local agency in developing requests for funds for technical assistance. The local agency will give the Rural Renewal Program leader the request for technical assistance in an original and two copies for forwarding to the State Director. The agency or firm likely to be requested to provide this technical assistance will usually assist with development of the request which should include the following:

(1) Name of the agency or firm being requested to provide the technical assistance.

(2) Purpose, nature, description, and scope of technical assistance.

(3) Time schedule for completion.

(4) Determinations or findings to be made.

(5) Kind of information to be provided including reports, charts, and maps.

(6) Estimated cost by fiscal years.

(7) Recommended method of payment for services rendered.

(8) Justification for technical assistance including benefits to the rural renewal area, job opportunities, resource development, and economic gain.

(b) *Processing and approval.* The State Director will make a determination as to whether the source and type of assistance being requested is appropriate and is reasonable of accomplishment, has been properly described, and services are being requested from the appropriate agency or firm. If the State Director finds that these conditions have been met, actions will be taken in accordance with the following sources of assistance:

(1) *Federal agency.* The State Director will submit the request with his recommendations to the National Office. The National Office will develop an agreement between FHA and the agency involved. A copy of the signed agreement together with a memorandum outlining any additional actions or steps to be taken will be forwarded to the State Director. The State Director will notify the appropriate Federal agency representative, the local agency, and the Rural Renewal Program leader that the draft agreement has been approved.

(2) *State agency.* The State Director will develop an agreement with the State agency and forward it to the National Office for approval. If the Administrator approves the agreement, he will inform the State Director by memorandum specifying any approval conditions which must be met and authorizing him to execute the agreement with the State agency. An original and two copies of the agreement will be executed. The local agency and Rural Renewal Program leader will be notified as soon as the agreement is executed.

(3) *Private or commercial firm.* The State Director will develop an agreement between FHA and the local agency for furnishing technical assistance. He will also develop a contract between the local agency and the firm being requested to perform the services. The proposed agreement and contract will be forwarded to the National Office for review. If the Administrator concurs with the provision of the documents, he will authorize the State Director to execute the agreement and endorse the contract, specifying any conditions which must be met. The State Director will sign an original and three copies of the agreement and send them to the Rural Renewal Program leader for signatures of the appropriate official of the local agency. The State Director also will endorse the original and three copies of the contract.

(i) Subsequent requests for technical assistance from private or commercial firms will be processed in accordance with this subpart. It usually will not be necessary to execute a subsequent agreement between the FHA and the local agency. However, separate contracts will be required for each technical assistance request.

§ 1823.189 Eligibility for Rural Renewal loans.

A local agency is eligible for a Rural Renewal loan for authorized purposes provided it is unable to obtain needed credit from other sources; can provide security in accordance with § 1823.194; has reasonable prospects of repaying the loan; has authority under State and local laws to borrow funds, acquire necessary land rights, buy, sell, improve, develop, operate, and maintain property, and raise revenues to repay loans and meet other obligations; and is financially sound and so organized and managed that it will be able to provide efficient service. A local agency may receive assistance for more than one of the major purposes listed when it is organized with the necessary powers conferred by State law to engage in multiple purpose activities. Any questions on eligibility will be resolved prior to development of a loan docket.

(a) *Nonprofit corporations*—(1) *Membership.* The membership or stock ownership of nonprofit corporations should be broadly based and representative of the rural areas benefiting from the facility. Membership on the governing board of the corporation will be limited to those living in the area to be benefited unless for justifiable reasons the State Director gives prior approval for other than local rural residents to serve on the board of directors.

(2) *Eligibility for assistance.* To be eligible for financial assistance, a nonprofit corporation must propose a rural renewal project which will be used primarily by, or which will generate other substantial tangible benefits primarily for farmers and other residents of the rural renewal areas; located in the rural renewal area to be served; and controlled by farmers and others living in the rural renewal area.

(i) When a recreational project loan is made to a nonprofit corporation, at least two-thirds of the corporation's members or stockholders must be farmers and others residing in the rural renewal area.

(ii) A Rural Renewal loan will not be made to a nonprofit corporation to serve an area that can be served by a local public agency which has adequate authority to provide the needed service, unless prior approval of the National Office is obtained.

§ 1823.190 Loan purposes.

Rural Renewal loans may be made in rural renewal areas only, and only for carrying out projects in such areas that are listed in § 1823.182 and bear directly upon economic development and related facilities necessary to carry out such land conservation and land utilization projects. Although the primary purpose of such projects must be land conservation or land utilization, or both, to correct maladjustments in land use, projects that meet that test will not be approved unless they also will contribute to community benefit and economic improvement of the rural renewal area. Subject to such requirements and the limitations in § 1823.191, Rural Renewal loans may be made to eligible local agencies for the following purposes:

(a) *Recreational developments.* To install or improve rural community outdoor-oriented recreational facilities requiring substantial land use, such as:

(1) Ponds, lakes, and streams for fishing and boating.

(2) Sports areas, including little league fields, athletic fields, golf courses, target ranges, swimming pools, swimming areas, and ski slopes.

(3) Rodeo and horse show facilities, for the use of participants and performers who are primarily local residents using livestock from the immediate area.

(4) Picnic and camping areas and parks.

(5) Forest trails, caves, and other natural scenic attractions.

(6) Hunting and fishing areas and preserves.

(7) Access roads necessary to connect recreational areas with public roadways.

(8) Historical sites and areas.

(9) Domestic water, irrigation, drainage, or waste disposal facilities, parking areas, buildings and other improvements, equipment and facilities that are essential to the recreational development.

(b) *Rural homesite developments.* To purchase and develop tracts of land and construct modest dwellings thereon to be sold to low-income rural residents, provided the basic purpose is to correct maladjustments in land use and thereby protect the health, safety, or welfare of residents of the rural community, as distinguished from such purposes as merely providing improved housing, or attracting new residents, businesses, or industry to the area. Such developments include the construction of essential access roads, streets, utility lines, water facilities, sewer facilities, parks, playgrounds, lakes, outdoor-oriented recreational facilities, and other related buildings, facilities, and equipment necessary to the completion and use of the development.

(c) *Soil and water development, conservation, control, and use facilities.* To install, repair, or improve the following to effectuate one or more of the rural renewal projects listed in § 1823.182 through:

(1) Works of improvement for flood prevention, sediment control, erosion control, and other soil and water management purposes.

(2) Irrigation facilities including storage reservoirs, diversion dams, wells, pumping plants, canals, canal lining, pipelines, sprinklers, and other such items.

(3) Open or closed drainage facilities in farm areas otherwise too wet for sustained agricultural production.

(4) Soil conservation and water control facilities such as dikes, terraces, detention reservoirs, stream channels, ditches, and other special land treatment and stabilization measures or structures needed to protect farms and rural residences from water damage, provided such facilities cannot be installed or improved under, and will not conflict with other public programs like those administered by the Corps of Engineers.

(5) Water storage facilities, including outlet works for such purposes as immediate and future water supply and pollution abatement by streamflow regulation and saline water intrusion control. A loan for this purpose may include funds for pipelines and any necessary pumping facilities to convey the water from the reservoir to the existing or proposed treatment facilities or the nearest practicable point on a water distribution system.

(d) *Shift-in-land-use facilities.* Develop other shift-in-land-use project measures including association grazing, forestry, and other facilities through:

(1) Conversion of land to pasture, forest, wildlife areas, and preserves.

(2) Reorganization or reconstitution of farm management units, grazing areas or districts, or irrigation areas.

(3) Substantial reorganization of an existing land use through a system of controlled grazing or sustained yield forestry management practices.

(4) Conversion of land to uses which promote better conservation of soil and water resources.

(5) Conversion of land to uses such as greenbelts, and other open spaces which better serve a rural community.

(e) *Acquisition of facilities, equipment, and services*—(1) *Purchase basic facilities and equipment.* Facilities and equipment necessary for the purposes listed in paragraphs (a), (b), (c), and (d) of this section may be purchased when it is determined that ownership and operation thereof by a local agency are necessary to provide efficient service; or the owner is either unable or unwilling to make such facilities and equipment, and any necessary repairs, improvements, or enlargements, or extensions thereof available to rural renewal area residents at reasonable rates.

(2) *Purchase or rent special purpose equipment.* Such equipment may be purchased or rented when it is needed to install or maintain facilities described in subparagraph (1) of this paragraph, or to establish on farms, soil and water conservation measures such as terraces, ponds, land leveling for irrigation or drainage, subsoiling, seeding, tree planting, and removal of brush, scattered trees, and stumps, provided:

(i) Such equipment is not otherwise available at reasonable rates when needed;

(ii) There is sufficient need and local demand to justify ownership or rental; and

(iii) Rates to be charged on such rented equipment are sufficient to pay the rental; or on such purchased equipment if sufficient to include, among other things, an allowance for depreciation, obsolescence, and replacement based upon the recommendations of the equipment manufacturer or the experience of contractors engaged in providing services for similar types of work.

(3) *Purchase or rent forestry equipment, services and facilities (other than shift-in-land use).* This includes basic special-purpose equipment, facilities and supplies needed to establish approved conservation practices for the development, use, and control of land and water resources on farms and in forests. Special-purpose equipment will include such items as tractors, dozers, plows, planters, trucks, loaders, firefighting equipment, and sprayers. Facilities will include such items as ponds and reservoirs, pipelines, buildings for storage of equipment and supplies, nurseries, access roads, fire lanes, and lookout towers. Supplies will include such things as seed, seedlings, fertilizers, fencing, and pesticides. Loans for these purposes may be made only when the equipment, supplies, and facilities to be provided:

(i) Are not otherwise readily available at reasonable rates when needed; or

(ii) Are justified by the local need and demand;

(iii) Will be made available to users at rates which, in case of rented equipment, will pay the rental; and in case of purchased equipment, will cover loan amortization, obsolescence, replacement, operation; and, in the case of supplies, at least pay their cost; and

(iv) Will more efficiently serve the group through cooperative effort.

(f) *Acquisition of land, sites, and rights.* Acquire land, interests in land, and rights such as water rights, leases, permits, rights-of-way, and other evidence of control when acquisition of such land and rights is necessary for sites or other purposes in connection with the development of the rural renewal project.

(1) *Site acquisition.* A local agency may acquire sites for works of improvement in advance of construction for the purpose of reserving such sites for rural renewal project development and use.

(2) *Water rights.* When it is necessary to acquire a water supply or water rights, the land on which the water supply or water right is presently being used may be purchased when:

(i) The water supply or water right cannot be purchased without the land and it is determined that legally and actually the water right can be transferred from the land after the purchase; and

(ii) The value of the land is only an incidental part of the total purchase price.

(3) *Public use areas.* Acquire and develop land for any public use of a type listed in paragraphs (a), (b), (c), and (d) of this section.

(g) *Refinancing.* Refinance debts incurred by or on behalf of the applicant prior to an application for a Rural Renewal loan when all of the following conditions exist:

(1) The debts were incurred for the property, facility, or service to be installed, repaired, or improved with the Rural Renewal loan.

(2) Arrangements cannot be made with the creditors to extend or modify the terms of the debt so that a sound basis will exist for making a Rural Renewal loan without refinancing such debts.

(3) The prior approval of the National Office will be obtained when the proposed amount to be advanced for refinancing will exceed 50 percent of the total loan.

(h) *Buildings, fences, roads, secondary facilities, and relocation.* (1) Construct buildings of modest design, size, and cost essential to the successful operation or protection of authorized facilities or project measures.

(2) Construct secondary facilities such as gas or electric service lines to convey fuel or energy, or construct utilities for the control of authorized primary facilities.

(3) Build or relocate roads, bridges, utilities, fences, and other improvements when necessary to provide rights-of-way, or construct or operate the authorized facility.

(i) *Services and fees.* Pay costs incidental to facilities or services accomplishing any of the above purposes including, but not limited to:

(1) Paying fees or other legal expenses of establishing a water right through appropriation, agreement, permit, or court decree.

(2) Acquiring a water supply by the purchase of water stock or membership in an incorporated water users association.

(3) Paying for hired labor, technical or professional services, and fees to be incurred in obtaining the loan, and in planning and completing the facilities or services to be financed with loan funds.

§ 1823.191 Loan limitations.

Loans will not be made for:

(a) Building industrial parks or establishing private industrial or commercial enterprises.

(b) Purchase of land to be used primarily for industrial use, but this does not prohibit advances for the purchase of a tract of land a portion of which might be set aside for an industrial park. However, loan funds may not be advanced to develop such a park or to construct facilities on the portion of the tract set aside for industrial purposes.

(c) Purchase of tracts of land primarily for later resale to private developers or individuals for agricultural or nonagricultural use.

(d) Land treatment on private or individual land units.

(e) Payment of that part of the cost of facilities, improvements, and practices which could be earned by participation in agricultural conservation programs, unless such cost cannot be covered by purchase orders or assignments of conservation payments to material suppliers or contractors. If advances are made for this purpose and the portion of the payment for which the funds are advanced is likely to exceed $500, the applicant will assign the conservation payment to FHA.

(f) Payment of obligations proposed to be incurred before loan closing, except with the prior written permission of the State Director upon his finding that a necessity exists for incurring obligations before loan closing, the obligations will be incurred for authorized loan purposes, contracts and construction plans meet FHA standards, and the applicant has the legal authority to incur the obligations at the time proposed. The State Director's letter will specifically state that the permission granted is on the condition that the Government is not committed to make a loan and assumes no responsibility for any obligation incurred by the applicant because of permission granted and that the applicant must subsequently meet all FHA requirements for a loan.

(g) Treatment plants and distribution systems when that is the primary purpose.

(h) Drainage facilities primarily for the benefit of other than rural areas.

§ 1823.192 Rates and terms.

The interest rate for loans is the average rate payable by the U.S. Treasury on its marketable public obligations outstanding at the beginning of the fiscal year in which the loan is made, which are neither due nor callable for redemption for 15 years from date of issue. Loans will be scheduled for repayment in amortized annual installments of principal and interest over periods not to exceed 30 years from the date of loan closing, except that annual principal and interest payments may be deferred up to 5 years when there will not be sufficient income to make earlier payments.

§ 1823.193 Amount of loans.

The loan will not exceed $250,000. It will be based on the proposed cost of the project being financed, and the applicant's resources and ability to repay the loan. In determining repayment ability, consideration will be given to all available sources of income such as taxes, assessments, fees, leases, rentals, and the sale of securities or property. If a subsequent loan is requested that would cause the total amount loaned to the applicant to exceed $250,000, a docket will not be prepared until advice has been obtained from the National Office as to whether there is any basis on which the loan might be made.

§ 1823.194 Security.

Loans will be secured in such manner as will protect the interest of the Government. Security will usually be contract liens on property, tax or assessment liens, or project revenues pledged for repayment of the loan.

§ 1823.195 County Committee action.

The County Committee will review each loan application and supporting information and will recommend whether there is a need for the proposed development for which loan funds are to be used.

§ 1823.196 Loan application.

(a) *Form.* The application will consist of a letter addressed to the State Director, prepared with the assistance of the program leader and containing the following:

(1) A brief statement of the purpose and estimated cost of the proposed development, the amount of loan needed, and the contribution, if any, to be made by the local public agency or loans made by other Federal or State agencies.

(2) Justification of need for such loan.

(3) A cost estimate which will show the construction cost, broken down by major items, the amount of engineering, legal, and supervision costs, the option price of the land to be acquired with the cost of right-of-ways and the amount of other costs. Detailed specifications, designs, drawings, and material lists which will be used in actual construction work need not be complete at this point. However, if such materials are complete and available, they should be included.

(4) A map of the area being redeveloped, giving principal features of the area and its relationship to, and distances to, nearby towns with a clearly defined outline of the proposed improvements to be installed with loan funds. The map should contain a legal description of the land to be acquired.

(5) Basic documents reflecting the powers or authorities of the local public agency for borrowing money, giving security, raising revenues, and for installation and operation of the proposed development activity.

(6) The plans of the local public agency for making assessments, charging of fees, sale of security property, and otherwise provide for the orderly repayment of the loan.

(b) *Real estate appraisals.* When the purchase of real estate is involved, an appraisal will be prepared by a Farmers Home Administration (FHA) employee authorized to make real estate appraisals. Such appraisals will be made to determine the present market value in accordance with the policy outlined in Part 1809 of this chapter.

(c) *Review by State Director.* If the State Director finds the application consistent with loan policies and objectives, he will instruct the program leader to assist the applicant in preparing a loan docket.

§ 1823.197 Preparation of loan docket.

The loan docket will consist of the following documents:

(a) Form FHA 440-3, "Record of Actions."

(b) County Committee recommendation, in the form of a narrative prepared in an original only. The recommendation will be signed by at least two members.

(c) Form FHA 440-1, "Payment Authorization."

(d) Form FHA 442-7, "Operating Budget."

(e) Agreement: An agreement between the local public agency and the FHA will be prepared with the assistance of the program leader and advice of the Office of the General Counsel. It will be prepared in an original and three copies. One copy will be retained by the applicant and one copy will be placed in the County Office file. Form FHA 442-9, "Association Loan Resolution," may be used as a guide. The agreement will contain the following information:

(1) Statutory authority under which the local public agency is authorized to act.

(2) The purpose of the project.

(3) Evidence of the vote or action of the agency to engage in such an undertaking.

(4) The amount of the loan and terms, including repayment schedule, interest rate, and date of payment of first installment.

(5) Statement of the security to be given and its value.

(6) The statutory authorization or designation of the authority to sign the note and other legal instruments.

(7) Sources of revenues, how revenues are to be utilized, and how allowances for operating and maintenance cost can be made.

(8) Authority for the Treasurer or other designated officials to deposit funds, secure bonds, and incur obligations.

(9) Authority of the Treasurer for the establishment of a construction account and revenue fund account, including debt service, operating and maintenance, and reserve accounts.

(10) Loans made by the local public body will be made only to applicants who are unable to obtain the credit they need from private and cooperative sources at reasonable rates and terms.

(11) Loans made by the local public body will be made for a period of 30 years at an interest rate not to exceed 5 percent.

(f) Form FHA 443-1, "Option to Purchase Real Property: This form is not required if option has not been obtained.

(g) Letter of application for Rural Renewal loan: Prepared in an original and three copies. One copy will be retained by the applicant.

(h) Rural Renewal plan: Prepared in an original and two copies.

§ 1823.198 Obtaining approval authorization.

(a) *Submission to State Director.* The program leader will submit the original and one copy of the assembled loan docket to the State Director with a report on the local public agency and development activity.

(b) *Submission to National Office.* If the State Director concurs in the making of the loan, he will submit the original and one copy of the loan docket to the Administrator with the transmittal memorandum including his recommendations.

(c) *Authorization by National Office.* If the Administrator concurs in the making of the loan, he will inform the State Director by a memorandum which will authorize approval action and specifying any loan approval conditions which must be met.

§ 1823.199 Loan approval and loan closing.

(a) *Action by State Director.* After receiving authorization to approve the loan, the State Director will:

(1) Execute Forms FHA 440-1 and FHA 440-3.

(2) Forward a copy of the authorizing memorandum and executed copies of Form FHA 440-1 and Form FHA 440-3 to the program leader.

(3) After the loan docket and closing instructions are received from the Office of the General Counsel, the State Director will forward it to the program leader with any additional instructions for closing the loan.

(b) *Action by the program leader.* Upon receipt of the loan approval, he will:

(1) Notify the local public agency of the approval of the loan and the conditions that must be met prior to loan closing.

(2) Deliver copies of the loan closing instructions to the applicant.

(3) Notify the State Director of the approximate loan closing date as soon as it appears reasonably certain that loan closing instructions can be met.

(4) Order the loan check after the applicant has complied with loan approval conditions and closing instructions except for actions to be completed on or immediately before loan closing.

(c) *Loan check.* The check will be deposited in a supervised bank account. At the time of loan closing, loan funds may be disbursed for purchase of real estate and for other costs or expenditures essential to loan closing. All actions at the time of loan closing will be in accordance with closing instructions. Disbursements of loan funds for development or improvements will not be made until the program leader receives the final opinion of the Office of the General Counsel. Banks in which accounts in excess of $15,000 are maintained will provide collateral security for balances in excess of that amount.

§ 1823.200 Actions following loan closing.

(a) *Filing security instruments.* Security instruments will be filed or recorded as soon as the loan is closed. A copy will be delivered to the applicant and a copy will be retained in the County Office file.

(b) *Promissory note or bond.* The executed promissory note, or bond, or other legally acceptable documentary evidence of indebtedness created by the loan will be forwarded to the Finance Office as soon as the loan is closed. A copy will be delivered to the applicant and a copy will be retained in the County Office file. The note or bond will be dated the date of loan closing.

(c) *Final opinion.* As soon as advice is received from the program leader of the manner in which loan approval conditions and loan closing instructions have been met, the State Director will refer the matter to the Office of the General Counsel for final opinion after loan closing. The final opinion will be forwarded to the program leader as soon as it is received from the Office of the General Counsel.

§ 1823.201 Nondiscrimination and equal opportunity.

All applicants and borrowers must comply with nondiscrimination and equal opportunity requirements.

(a) Loan resolution: The loan resolution required to be adopted by the applicant shall contain the following:

Equal employment opportunity under construction contracts and nondiscrimination in the use, occupancy, and sale of housing and in any other benefits of the Rural Renewal loans. The Chairman and the Secretary of the Rural Renewal Development Authority are hereby authorized and directed to execute on behalf of the authority (a) any undertakings and agreements required by the Government pursuant to Executive Order 11063 regarding nondiscrimination in the use, occupancy, and sale of housing; (b) Farmers Home Administration Form FHA 400-1 entitled "Equal Opportunity Agreement," to which is attached and made a part hereof Farmers Home Administration Form FHA 400-2 entitled "Equal Opportunity Clause," to be incorporated in or attached as a rider to each construction contract the amount of which exceeds $10,000 and any part of which is paid for with funds from the loan; and (c) Farmers Home Administration Form FHA 400-4 entitled "Nondiscrimination Agreement (Under Title VI, Civil Rights Act of 1964)," a copy of which is attached hereto and made a part hereof.

(b) (1) Mortgage or other security instrument will include a provision to read as follows:

This instrument also secures the obligations and covenants of Borrower set forth in Borrower's Loan Resolution of ---------- (Date) which is hereby incorporated herein by reference.

(2) When a purpose of the loan is to finance housing for rental or sale, the mortgage or other security instrument shall contain the following covenant:

Borrower covenants and agrees that it will not, because of race, color, creed, or national origin, discriminate, or permit discrimination by any agent, lessee, operator, or representative, in the use, occupancy, or sale of the housing or related facilities financed in whole or in part with the loan in connection with which this instrument is given.

Dated: August 3, 1967.

J. V. HIGHFILL,
Acting Administrator,
Farmers Home Administration.

[F.R. Doc. 67-9444; Filed, Aug. 10, 1967; 8:47 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

PART 100—STATEMENT OF ORGANIZATION

§ 100.4 [Amended]

The listing of Class A ports of entry of District No. 8 of subparagraph (2) *Ports of entry for aliens arriving by vessel or by land transportation* of paragraph (c) *Suboffices* of § 100.4 *Field service* is amended to read as follows:

DISTRICT NO. 8—DETROIT, MICH.

CLASS A

*Algonac, Mich.
Detroit, Mich.
Isle Royale, Mich.
*Marine City, Mich.
Marysville, Mich.
*Port Huron, Mich.
*Roberts Landing, Mich.
*St. Clair, Mich.
*Sault Ste. Marie, Mich.

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

§ 103.1 [Amended]

1. The cross reference "§ 212.1(h)" in the second sentence of paragraph (g) *Officers in Charge* of § 103.1 *Delegations of authority* is amended to read "§ 212.1 (i)."

2. Subparagraph (1) of paragraph (c) of § 103.10 is amended to read as follows:

§ 103.10 Records.

* * * * *

(c) *Places and manner of obtaining records*—(1) *Places.* Records shall be made available in the Central Office, each regional office, any district office, and the following offices: Agana, Guam; Albany, N.Y.; Cincinnati, Ohio; Dallas, Tex.; Hammond, Ind.; Houston, Tex.; Memphis, Tenn.; Milwaukee, Wis.; Norfolk, Va.; Pittsburgh, Pa.; Providence, R.I.; Reno, Nev.; St. Louis, Mo.; Salt Lake City, Utah; San Diego, Calif.; Spokane, Wash.; additionally, in particular cases, a district director may designate any other Service office. Requests for Board records described in 28 CFR 16.6 shall be submitted to the Associate Commissioner, Management.

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PART 204—PETITION TO CLASSIFY ALIEN AS IMMEDIATE RELATIVE OF A UNITED STATES CITIZEN OR AS A PREFERENCE IMMIGRANT

§ 204.2 [Amended]

The fourth sentence of subparagraph (1) *General* of paragraph (e) *Evidence required to accompany petition for orphan* of § 204.2 *Documents* is amended to read as follows: "When a child who has a sole or surviving parent has been adopted abroad, the requirement for an irrevocable release in writing for the child's emigration and adoption shall be considered to have been met if the adoption decree clearly sets forth that the adoptive petitioner and spouse reside in the United States and that the child's only parent has agreed to release the child for adoption."

PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

§ 212.4 [Amended]

The second sentence of paragraph (c) *Terms of authorization* of § 212.4 *Applications for the exercise of discretion under section 212(d)* (3) is amended to read as follows: "If the consular officer has recommended under section 212(d)(3)(A), or an applicant under section 212(d)(3)(B) seeks, the issuance of an authorization valid for multiple entries rather than for a specified number of entries, and it is determined that the circumstances justify the issuance of the authorization valid for multiple entries, the information required by items (2), (3), and (4) shall be specified only with respect to the initial entry."

PART 214—NONIMMIGRANT CLASSES

§ 214.3 [Amended]

1. The last sentence of paragraph (b) *Supporting documents* of § 214.3 *Petitions for approval of schools* is amended to read as follows: "If the petitioner is a vocational, business school, or American institution of research recognized as such by the Attorney General, it must submit evidence that its courses of study are accepted as fulfilling the requirements for the attainment of an educational, professional, or vocational objective, and are not avocational or recreational in character."

2. Paragraph (b) of § 214.3 is further amended by the addition of the following 2 sentences at the end thereof: "If the petitioner is an institution of higher education and is not within subparagraph (1) or (2) of paragraph (c) of this section, it must submit evidence that it confers upon its graduates recognized bachelor, master, doctor, professional, or divinity degrees, or if it does not confer such degrees that its credits have been and are accepted unconditionally by at least three institutions of higher learning within subparagraph (1) or (2) of paragraph (c) of this section. If the petitioner is an elementary or secondary school and is not within subparagraph (1) or (3) of paragraph (c) of this section, it must submit evidence that attendance at the petitioning institution satisfies the compulsory attendance requirements of the State in which it is located and that the petitioning school qualifies graduates for acceptance by schools of higher educational level within subparagraph (1), (2), or (3) of paragraph (c) of this section."

3. The last sentence of paragraph (c) *Consultation with U.S. Office of Education* of § 214.3 *Petitions for approval of schools* is amended to read as follows: "Before a decision is made on a petition filed by any other school, the district director shall consult the U.S. Office of Education by transmitting to that Office the petition, supporting documents and any report of interview or other inquiry conducted by the Service, with a request for advice as to whether the petitioner is an established institution of learning or other recognized place of study, is operating a bona fide school, and has the necessary facilities, personnel and finances to instruct in recognized courses."

4. Paragraph (e) *Approval of petition* of § 214.3 *Petitions for approval of schools* is amended by deleting the second and third sentences thereof.

PART 235—INSPECTION OF PERSONS APPLYING FOR ADMISSION

Paragraph (a) of § 235.1 is amended to read as follows:

§ 235.1 Scope of examination.

(a) *General.* Application to enter the United States shall be made in person to an immigration officer at a U.S. port of entry enumerated in Part 100 of this chapter at a time when the immigration office at the port is open for inspection.

* * * * *

PART 238—CONTRACTS WITH TRANSPORTATION LINES

§ 238.3 [Amended]

1. The list of transportation lines of paragraph (b) *Signatory lines* of § 238.3 *Aliens in immediate and continuous transit* is amended by adding the following transportation lines in alphabetical sequence: "Mohawk Airlines, Inc.," "Nordair Ltd.," and "SUEDFLUG, Suddeutsche Fluggesellschaft mbH, Stuttgart."

§ 238.4 [Amended]

2. The list of transportation lines under "Vancouver" of § 238.4 *Preinspection outside the United States* is amended by adding the following transportation line in alphabetical sequence: "Western Airlines, Inc."

3. The list of transportation lines under "Toronto" of § 238.4 *Preinspection outside the United States* is amended by adding the following transportation line in alphabetical sequence: "North Central Airlines, Inc."

PART 316a—RESIDENCE, PHYSICAL PRESENCE AND ABSENCE

§ 316a.4 [Amended]

The list of organizations in § 316a.4 *International Organizations Immunities Act designations* is amended by adding the following organization in alphabetical sequence: "International Secretariat for Volunteer Service (E.O. 11363, July 20, 1967)."

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall be effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 553 of Title 5 of the United States Code (P.L. 89-554, 80 Stat. 383), as to notice of proposed rule making and delayed effective date, is unnecessary in this instance because the amendment to § 100.4(c)(2) deletes several inoperable ports; the amendment to § 103.1(g) is editorial in nature; the amendment to § 103.10 provides for greater access to Service records; the amendment to § 204.2(e)(1) relieves restrictions; the amendment to § 212.4 (c) is clarifying in nature; the amendments to § 214.3 (b), (c), and (e) are editorial in nature and relate to agency procedure; the amendment to § 235.1 is clarifying in nature; and the amendments to §§ 238.3, 238.4, and 316a.4 merely add additional transportation lines and an organization to those listings.

Dated: August 8, 1967.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 67-9453; Filed, Aug. 10, 1967; 8:48 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C—DRUGS

PART 148n—OXYTETRACYCLINE

Oxytetracycline Hydrochloride-Polymyxin B Sulfate-Benzocaine for Otic Solution

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357), and delegated by him to the Commissioner of Food and Drugs (21 CFR 2.120), § 148n.28 *Oxytetracycline hydrochloride-polymyxin B sulfate-benzocaine for otic solution* is amended as follows to effect an editorial change and to change the specified moisture test:

1. The first sentence of paragraph (a)(1) is changed to read "Oxytetracycline hydrochloride-polymyxin B sulfate-benzocaine for otic solution is a dry powder of oxytetracycline hydrochloride, polymyxin B sulfate, and benzocaine, packaged in combination with a suitable diluting solution which contains a preservative."

2. In paragraph (b)(2), the portion that reads "in § 141a.5(a) of" is changed to read "in § 141a.26(e) of".

This order merely effects an editorial change and a change in testing procedure that improves quality control. These amendments are nonrestrictive and noncontroversial in nature; therefore, notice and public procedure and delayed effective date are not prerequisites to this promulgation.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: August 3, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-9472; Filed, Aug. 10, 1967; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER C—AIRCRAFT

[Docket No. 7096; Amdt. 25-14]

PART 25—AIRWORTHINESS STANDARDS: TRANSPORT CATEGORY AIRPLANES

Fuel System Lightning Protection

This amendment adds fuel system lightning protection design requirements for transport category airplanes. This amendment is based on, and reflects public comments concerning, item 11 of notice of proposed rule making 65-43, published in the FEDERAL REGISTER (31 F.R. 93) on January 5, 1966. (Rules based on the remainder of the items proposed in Notice 65-43 were published as miscellaneous Aircraft Propulsion System Design Requirements in 32 F.R. 6908 on May 5, 1967.)

Public comments generally agreed that fuel system lightning protection should be given design consideration. The only objections submitted concerned the degree of detail in the proposed regulation. One comment stated that the proposal was too general, was overly open to interpretation, and should be withheld until more detailed criteria are prepared. One comment took the opposite approach, stating that the proposal was too detailed and too closely tied to current knowledge of the effects of lightning on aircraft. The FAA agrees with the latter comment. While it is recognized that any general regulation requires that certain details be supplied by administration, it is believed that such flexibility is necessary and desirable in this case. The current state of knowledge concerning the protection of aircraft from lightning is expanding rapidly. Further, the need for lightning protection is too widely established to be treated only by special conditions in individual cases. The FAA therefore believes that the best course of action is to prescribe the basic design objectives contained in the notice—which include protection from direct lightning strikes, swept lightning strokes, and corona and streamering—and administer these design objectives to reflect current progress in lightning protection techniques.

With respect to swept strokes, the notice covered each area of the airplane in which they "may occur." However, with respect to direct strikes, the notice covered only areas where there is a "high probability" of stroke attachment. A swept stroke is in fact a series of successive direct strikes swept across the surface of the airplane by the motion of the airplane. The probabilities of these two kinds of events are thus closely related. It was not the intent of the notice to require investigation of swept strokes other than those associated with the direct strikes that are covered, namely those in the areas of high probability of stroke attachment. For this reason, this amendment refers only to swept strokes in areas where they are "highly probable."

One comment requested that the FAA look closely to continuing research for new solutions to lightning hazards, and that the possibility of inerting the airspace in the tanks be considered. The FAA agrees, and will administer this amendment to give full consideration to any solutions that research and experience show to be feasible and effective in meeting the complex hazards of lightning and its associated phenomena.

The notice proposed a new § 25.981. However, since this amendment is general in nature, it is more appropriate to add a new § 25.954. This is done.

Interested persons have been afforded an opportunity to participate in the making of this amendment. All relevant matter submitted has been fully considered.

In consideration of the foregoing, Part 25 of Subchapter C of Chapter I of Title 14 of the Code of Federal Regulations is hereby amended, effective September 10, 1967, by adding a new § 25.954 to read as follows:

§ 25.954 Fuel system lightning protection.

The fuel system must be designed and arranged to prevent the ignition of fuel vapor within the system by—

(a) Direct lightning strikes to areas having a high probability of stroke attachment;

(b) Swept lightning strokes to areas where swept strokes are highly probable; and

(c) Corona and streamering at fuel vent outlets.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on August 7, 1967.

WILLIAM F. MCKEE,
Administrator.

[F.R. Doc. 67-9445; Filed, Aug. 10, 1967; 8:47 a.m.]

[Docket No. 7449; Amdt. 39-462]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Models 707 and 720 Series Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive designed to prevent an explosion of fuel vapors in the fuel tanks in the event of lightning-induced ignition at the fuel tank vent outlet on certain Boeing Models 707 and 720 Series airplanes was published in 31 F.R. 8833 on June 24, 1966. To accomplish this, the proposed directive required installation of a flame suppression system in the fuel tank vent outlet system or the installation of an auxiliary vent tube with a flame arrester to the vent system surge tank, or any other approved equivalent means of providing the necessary protection of the vent system.

Interested persons have been afforded an opportunity to participate in the making of the amendment and due consideration has been given to all comments received. In this connection, comments were received objecting to the proposal on the grounds that investigations and tests conducted subsequent to the Boeing aircraft accident at Elkton do not support a finding that the explosion in the fuel tanks on that airplane resulted from ignition of fuel vapors through the fuel tank vent outlet. Although investigations and tests have failed to disclose the precise mechanism of ignition which triggered the explosion in the fuel tank that occurred in that accident, the investigations do indicate that there is a possibility that lightning-induced ignition through the fuel tank vent outlet could cause such an explosion. Therefore, the FAA considers it appropriate, as a precautionary measure, to adopt requirements designed to prevent such an occurrence, particularly in view of the catastrophic nature of fuel tank explosions. This action is consistent with previous airworthiness directives that require, as precautionary measures, the incorporation of other modifications to protect the fuel tank and fuel vent surge tanks from lightning strikes.

Comment was also received concerning the need to provide protection against the ignition of fuel by other ignition sources, such as ground fire through the vent. The comment further suggested that the FAA should also consider the possibility of lightning-induced ignition at other locations on the Boeing aircraft, such as filler caps and access plates. With respect to the matter of fuel ignition by ground fire through the vent, the FAA presently has that problem under study and it is recognized that it is a problem generally applicable to all aircraft. On the other hand, the access plates on the Boeing aircraft subject to sparking have been modified to ensure adequate bonding to the wing structure in accordance with a previous airworthiness directive. Moreover, the filler caps on the Boeing aircraft are not located in areas which are vulnerable to direct lightning strikes.

In addition, certain of the comments referred to an auxiliary vent system as being of questionable effectiveness and possibly subject to clogging by ice. Moreover, it was pointed out that this system does not protect against ignition through the vent by a ground fire. The FAA is aware that the auxiliary vent system has been shown by flight tests to be an effective means for preventing the efflux of fuel vapors through the main vent outlet. Vapor efflux would be through the auxiliary vent which is protected by a flame arrester. Moreover, the clogging of the auxiliary vent by ice would not impair the operation of the vent system. Insofar as protection from ignition through the vent by ground fire is concerned, as previously pointed out, the FAA has this problem under current study.

A comment was also made that all jet aircraft types, including other series of Boeing airplanes, should be covered under the protective requirements of this AD as finally enacted. The FAA has investigated the matter of lightning hazard to the fuel system on other jet airplanes, as well as other series of Boeing airplanes. Investigations to date of the vent system configuration of such airplanes has not shown that a retrofit modification of those vent systems is necessary.

Finally, a request was made for a compliance time of 7,000 hours' time in service rather than the proposed 6,000 hours, in order to fit the directive into the scheduled maintenance programs of the various operators. The FAA considers that this is a reasonable request in the light of the modifications required for compliance with this directive and the compliance time has been changed accordingly.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BOEING. Applies to Model 707 and 720 Series airplanes, except 707-300B and -300C Series.

Compliance required within the next 7,000 hours' time in service after the effective date of this AD unless already accomplished.

To prevent explosion of fuel vapors in the fuel tanks as a result of lightning-induced ignition at the fuel tank vent outlet, accomplish one of the following, or an equivalent, approved by the Chief, Aircraft Engineering Division, FAA Western Region—

(a) Install a flame and explosion suppression system in the fuel tank vent outlet system to prevent flame propagation through the vent system following ignition of vapor by lightning at the vent outlet; or

(b) Install an auxiliary vent tube, with flame arrester, to the vent system surge tank to provide, during flight, continuous airflow inward through the existing vent outlet and outward through the protected auxiliary tube.

This amendment becomes effective September 10, 1967.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on August 7, 1967.

JAMES F. RUDOLPH,
Director, Flight Standards Service.

[F.R. Doc. 67-9446; Filed, Aug. 10, 1967; 8:47 a.m.]

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 67-SW-23]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Las Vegas, N. Mex., control zone.

On June 7, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 8181) stating the Federal Aviation Administration proposed to alter the Las Vegas, N. Mex., control zone.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., October 12, 1967, as herein set forth.

In § 71.171 (32 F.R. 2109) the Las Vegas, N. Mex., control zone is amended by adding "* * * and within 2 miles each side of the Las Vegas VORTAC 025° radial, extending from the 5-mile radius zone to 8 miles north of the VORTAC."

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Fort Worth, Tex., on August 2, 1967.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 67-9433; Filed, Aug. 10, 1967; 8:46 a.m.]

[Airspace Docket No. 67-SO-76]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

The purpose of these amendments to Part 71 of the Federal Aviation Regulations is to alter the Anniston, Ala., control zone and transition area.

The Anniston control zone is described in § 71.171 (32 F.R. 2071) and the Anniston transition area is described in § 71.181 (32 F.R. 2148).

In each of these descriptions, reference is made to the Anniston Municipal Airport. Since the name of this airport has been changed to "Anniston-Calhoun County Airport," it is necessary to amend the descriptions accordingly.

Since these amendments are editorial in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.171 (32 F.R. 2071), the Anniston, Ala., control zone is amended as follows: "* * * Anniston Municipal Airport * * *" is deleted and "* * * Anniston-Calhoun County Airport * * *" is substituted therefor.

In § 71.181 (32 F.R. 2148), the Anniston, Ala., transition area is amended as follows: "* * * Anniston Municipal Airport * * *" is deleted and "* * * Anniston-Calhoun County Airport * * *" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on August 2, 1967.

GORDON A. WILLIAMS, Jr.,
Acting Director, Southern Region.

[F.R. Doc. 67-9434; Filed, Aug. 10, 1967; 8:46 a.m.]

[Airspace Docket No. 67-SW-25]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Borger, Tex., control zone and transition area.

On June 7, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 8181) stating the Federal Aviation Administration proposed to alter the Borger, Tex., control zone and transition area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., October 12, 1967, as herein set forth.

In § 71.171 (32 F.R. 2078) the Borger, Tex., control zone is amended by deleting "* * * 2 miles each side of the 141° bearing from latitude 35°41'30" N., longitude 101°23'45" W., extending from the 5-mile radius zone to 7.5 miles southeast of latitude 35°41'30" N., longitude 101°23'45" W. and * * *."

In § 71.181 (32 F.R. 2160) the Borger, Tex., transition area is amended by deleting "* * * and within 8 miles northeast and 5 miles southwest of the 141° and 321° bearings from latitude 35°-41'30" N., longitude 101°23'45" W., extending from 5 miles northwest to 12 miles southeast of latitude 35°41'30" N., longitude 101°23'45" W."

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Fort Worth, Tex., on August 2, 1967.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 67-9435; Filed, Aug. 10, 1967; 8:46 a.m.]

[Airspace Docket No. 67-SO-11]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area and Revocation of Transition Area

On June 21, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 8818) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would alter the Huntsville, Ala., control zone and transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable except those submitted by Mr. George F. Epps, owner of Epps Air Park, Harvest, Ala. who requested that Epps Air Park be excluded from the 700-foot transition area. Since this exclusion would have no effect on controlled airspace requirements, it is necessary to alter the 700-foot transition area accordingly.

Subsequent to the publication of the notice, it was determined that the Decatur, Ala., transition area could be revoked as the required airspace protection for Pryor Field is contained in the Huntsville, Ala., transition area.

Since these amendments lessen the burden on the public, notice and public procedure hereon are unnecessary and they are incorporated in this rule.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.d.s.t., October 29, 1967, as hereinafter set forth.

In § 71.171 (32 F.R. 2071) the Huntsville, Ala., control zone is amended to read:

HUNTSVILLE, ALA.

Within a 5-mile radius of the new Huntsville-Madison County Airport (latitude 34°-38'19" N., longitude 86°46'25" W.); within 2 miles each side of the new Huntsville ILS localizer north course, extending from the 5-mile radius zone to 2.5 miles south of the Capshaw RBN; within 8 miles each side of the Huntsville VOR 220° radial, extending from the 5-mile radius zone to 7 miles southwest of the VOR; within 2 miles each side of the new Huntsville ILS localizer south course, extending from the 5-mile radius zone to 5 miles south of the south end of runway 36L; within 2 miles each side of the Decatur VOR 098° radial, extending from the 5-mile radius zone to 2 miles east of the VOR; within a 5-mile radius of the Redstone AAF (latitude 34°40'29" N., longitude 86°40'54" W.); within 2 miles each side of the 352° bearing from the Redstone RBN, extending from the 5-mile radius zone to 8 miles north of the RBN; within 2 miles each side of the 352° bearing from the Whitesburg RBN, extending from the 5-mile radius zone to 1 mile north of the RBN; within a 5-mile radius of the old Huntsville-Madison County Airport (latitude 34°41'15" N., longitude 86°35'20" W.); within 2 miles each side of the Huntsville VOR 160° raidal, extending from the 5-mile radius zone to the VOR; within 2 miles each side of the old Huntsville ILS localizer north course, extending from the 5-mile radius zone to 8 miles north of the airport; and within 3 miles north and 2 miles south of the extended centerline of Runway 5, extending from the 5-mile radius zone to a point 8.5 miles northeast of the airport.

In § 71.181 (32 F.R. 2148) the Huntsville, Ala., transition area is amended to read:

HUNTSVILLE, ALA.

That airspace extending upward from 700 feet above the surface within a 15-mile radius of Redstone AAF (latitude 34°40'29" N., longitude 86°40'54" W.), excluding the airspace within a 1.5-mile radius of Epps Air Park (latitude 34°51'50" N., longitude 86°46'15" W.); within 2 miles each side of the 356° bearing from the Redstone RBN, extending from the 15-mile radius area to 11 miles north of the RBN; within 2 miles each side of the new Huntsville ILS localizer south course, extending from the 15-mile radius area to 14 miles south of the south end of runway 36L; within a 6-mile radius of Pryor Field (latitude 34°39'09.6" N., longitude 86°36'45.1" W.); within 8 miles west and 5 miles east of the Decatur VOR 352° radial, extending from the VOR to 12 miles north; within a 15-mile radius of latitude 34°40'00" N., longitude 86°37'30" W.; and that airspace extending upward from 1,200 feet above the surface within a 31-mile radius of latitude 34°46'30" N., longitude 86°36'50" W.

In § 71.181 (32 F.R. 2148) the Decatur, Ala., transition area is revoked.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on August 3, 1967.

GORDON A. WILLIAMS, Jr.,
Acting Director, Southern Region.

[F.R. Doc. 67-9436; Filed, Aug. 10, 1967; 8:47 a.m.]

[Airspace Docket No. 67-EA-2]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 8724 of the FEDERAL REGISTER for June 17, 1967, the Federal Aviation Administration published proposed regulations which would designate a 700-foot floor transition area over Great Barrington Airport, Great Barrington, Mass.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., October 12, 1967.

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on August 1, 1967.

WAYNE HENDERSHOT,
Acting Director.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700-foot floor transition area for Great Barrington, Mass., described as follows:

GREAT BARRINGTON, MASS.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 42°11'05" N., 73°24'15" W., of Great Barrington Airport, Great Barrington, Mass.; within 2 miles each side of the Runway 5 centerline extended from the 5-mile

radius area to 9 miles northeast of the end of the runway; within 2 miles each side of the Runway 11 centerline extended from the 5-mile radius area to 13 miles east of the end of the runway; within 2 miles each side of the Runway 28 centerline extended from the 5-mile radius area to 13 miles southwest of the end of the runway; within 2 miles each side of the Runway 29 centerline extended from the 5-mile radius area to 6 miles west of the end of the runway and within 5 miles east and 8 miles west of the 153° bearing from Great Barrington, Mass., RBN, 42°10'58" N., 73°24'17" W., extending from the RBN to 12 miles southeast of the RBN. This transition area shall be effective from sunrise to sunset, daily.

[F.R. Doc. 67-9437; Filed, Aug. 10, 1967; 8:47 a.m.]

[Airspace Docket No. 67-SW-32]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate the Pampa, Tex., transition area.

On June 7, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 8182) stating the Federal Aviation Administration proposed to designate the Pampa, Tex., transition area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., October 12, 1967, as herein set forth.

In § 71.181 (32 F.R. 2148) the Pampa, Tex., transition area is designated as follows:

PAMPA, TEX.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Perry Le Fors Airport (latitude 35°36'25" N., longitude 100°59'55" W.), and within 2 miles each side of the 001° bearing from the Pampa RBN (latitude 35°36'40" N., longitude 100°59'45" W.), extending from the 7-mile radius area to 8 miles north of the RBN.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Forth Worth, Tex., on August 2, 1967.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 67-9438; Filed, Aug. 10, 1967; 8:47 a.m.]

[Airspace Docket No. 67-WE-17]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Control Zone and Transition Area

On June 28, 1967, there was published in the FEDERAL REGISTER (32 F.R. 9172) a notice of proposed rule making, F.R. Doc. 67-7280, regarding the designation of a control zone and a 700-foot transition area for the new Sacramento County Metropolitan Airport, Sacramento, Calif.

Interested persons were afforded an opportunity to participate in the rule-making through submission of comments. Due consideration was given to all relevant matter presented.

One objection was received, this from the representative of Spangler Bros., Inc., Nicholas, Calif. The basis for the objection was that the designation of the proposed control zone and 700-foot transition area for the new Sacramento County Metropolitan Airport would adversely affect the aircraft operations of Spangler Bros., Inc., including the utilization of aircraft for planting, spraying, dusting, inspecting, and duck herding. According to the objection received, these operations are presently being conducted in airspace that will be part of the controlled airspace proposed.

Designation of Sacramento County Metropolitan Airport control zone and 700-foot transition area as proposed affects the above operations of Spangler Bros., Inc., as well as similar operations of others, only to the extent that these operations must now be conducted in accordance with the applicable provisions of Parts 91 and 137 of the Federal Aviation Regulations (FARs) relating to operating within a control zone and controlled airspace in general. The incidental effect of subjecting an operation to the provisions of Parts 91 and 137 of the FARs does not afford sufficient basis for altering the control zone and 700-foot transition area, as proposed, where the designation of this controlled airspace is otherwise justified and required.

The Federal Aviation Administration has determined after a comprehensive review of the airspace for the new Sacramento County Metropolitan Airport that a 5-mile control zone and extensions to the north and south are justified and required to protect aircraft executing prescribed instrument approach and departure procedures while operating below 1,000 feet above the surface. The 700-foot transition area is justified and required to provide controlled airspace to protect aircraft executing prescribed instrument approach procedures during decent from 1,500 to 700 feet above the surface and during climb from 700 to 1,200 feet above the surface.

Therefore, good cause exists to establish the proposed Sacramento County Metropolitan Airport control zone and 700-foot transition area as published in the FEDERAL REGISTER (32 F.R. 9172).

Effective date. This amendment shall be effective 0001 e.s.t., October 12, 1967.

Issued in Los Angeles, Calif., on August 4, 1967.

LEE E. WARREN,
Acting Director, Western Region.

In § 71.171 (32 F.R. 2071) the following control zone is added:

SACRAMENTO, CALIF. (SACRAMENTO COUNTY METROPOLITAN AIRPORT)

That airspace within a 5-mile radius of the Sacramento County Metropolitan Airport (latitude 38°41'43" N., longitude 121°36'01" W.), and within 2 miles each side of the Sacramento County Metropolitan Airport localizer (latitude 38°40'32" N., longitude 121°36'09" W.) N and S courses, extending from the 5-mile radius zone to 6 miles north and south of the airport; and including that airspace adjoining the McClellan AFB and Sacramento Municipal Airport control zones between latitude 38°41'43" N. and the Sacramento VORTAC 351° T radial.

In § 71.181 (32 F.R. 2247) amend the Sacramento, Calif., transition area by deleting, "• • • that airspace northeast of Sacramento within an arc of a 38-mile radius circle centered on the Sacramento VORTAC, bounded on the west and southwest by the east edge of V-23 • • •", and substituting therefor, "• • • that airspace within an arc of a 38-mile radius circle centered on the Sacramento VORTAC, bounded on the west by the west edge of V-23, and on the southwest by the northeast edge of V-23 • • •."

[F.R. Doc. 67-9439; Filed, Aug. 10, 1967; 8:47 a.m.]

[Airspace Docket No. 67-WE-36]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Control Zone and Transition Area

On page 9706 of the FEDERAL REGISTER dated July 4, 1967, there was published a notice of proposed rule making to amend Part 71 of the Federal Aviation Regulations by designating a control zone and transition area in the Worland, Wyo., area. Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed airspace actions.

No objections have been received and the proposed amendments are hereby adopted without change.

Effective date. These amendments shall be effective 0001 e.s.t., October 12, 1967.

Issued in Los Angeles, Calif., on August 3, 1967.

LEE E. WARREN,
Acting Director, Western Region.

In § 71.171 (32 F.R. 2071) the following control zone is added:

WORLAND, WYO.

Within a 5-mile radius of Worland Municipal Airport (latitude 43°58'10" N., longitude 107°56'50" W.), and within 2 miles each side of the Worland VOR 352° radial, extending from the 5-mile radius zone to 8 miles north of the VOR.

In § 71.181 (32 F.R. 2148) the following transition area is added:

WORLAND, WYO.

That airspace extending upward from 700 feet above the surface, within 8 miles west and 6 miles east of the Worland VOR 352° and 172° radials, extending from 13 miles north to 7 miles south of the VOR; that airspace extending upward from 1,200 feet above the surface, within a 23-mile radius of Worland VOR.

[F.R. Doc. 67-9440; Filed, Aug. 10, 1967; 8:47 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 8810; Amdt. 548]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending the following low or medium frequency range procedures prescribed in § 97.11(a) to read:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	

PROCEDURE CANCELED, EFFECTIVE 2 SEPT. 1967.

City, Beetles; State, Alaska; Airport name, Beetles; Elev., 640'; Fac. Class., SBRAZ; Ident., BS; Procedure No. 1, Amdt. 7; Eff. date, 14 Dec. 63; Sup. Amdt. No. 6; Dated, 26 Oct. 63

2. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	

PROCEDURE CANCELED, EFFECTIVE 2 SEPT. 1967.

City, New York; State, N.Y.; Airport name, John F. Kennedy International; Elev., 12'; Fac. Class., MHW/LOM; Ident., JF; Procedure No. 1, Amdt. 26; Eff. date, 10 Sept. 66; Sup. Amdt. No. 25; Dated, 18 Dec. 65

PROCEDURE CANCELED, EFFECTIVE 2 SEPT. 1967.

City, New York; State, N.Y.; Airport name, John F. Kennedy International; Elev., 12'; Fac. Class., LOM; Ident., IW; Procedure No. 2, Amdt. 7; Eff. date, 10 Sept. 66; Sup. Amdt. No. 6; Dated, 18 Dec. 65

PROCEDURE CANCELED, EFFECTIVE 2 SEPT. 1967.

City, New York; State, N.Y.; Airport name, John F. Kennedy International; Elev., 12'; Fac. Class., LOM; Ident., RT; Procedure No. 3, Amdt. 4; Eff. date, 10 Sept. 66; Sup. Amdt. No. 3; Dated, 18 Dec. 65

3. By amending the following very high frequency omnirange (VOR) procedures prescribed in § 97.11(c) to read:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Boston VOR	Lawrence VOR	Direct	3000	T–dn	300–1	300–1	
Manchester VOR	Lawrence VOR	Direct	2200	C–dn	300–1	300–1½	
Bedford RBn	Lawrence VOR (final)	Direct	3000	A–dn	NA	NA	
Nashua RBn	Lawrence VOR	Direct	2100				
Kennebunk VOR	Lawrence VOR	Direct	2300				

Radar available.
Lawrence VOR holding fix, 237° Outbnd, 057° Inbnd, 3000'.
Minimum altitude over facility on final approach crs, 2000'.
Crs and distance, facility to airport, 056°—4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4 miles after passing LWM VOR, make right-climbing turn to 3000' direct LWM VOR. Hold SW of LWM VOR. 1-minute right turns, 057° Inbnd.
NOTES: (1) Use Boston altimeter setting. (2) Monitor Boston approach control until landing assured.
MSA within 25 miles of facility: 015°–105°—1600'; 106°–284°—1900'; 285°–2400'; 285°–015°—2900'.

City, Haverhill; State, Mass.; Airport name, Haverhill; Elev., 125'; Fac. Class., T–BVOR; Ident., LWM; Procedure No. VOR–1, Amdt. Orig.; Eff. date, 2 Sept. 67

R 306°, MOT VOR counterclockwise	R 267°, MOT VOR	Via 10-mile DME Arc.	3600	T–dn%	300–1	300–1	200–½
R 300°, MOT VOR clockwise	R 220°, MOT VOR	Via 10-mile DME Arc.	4100	C–dn	600–1	600–1	600–1½
R 220°, MOT VOR clockwise	R 267°, MOT VOR	Via 10-mile DME Arc.	3400	S–dn–8	800–1	800–1	800–1
10-mile DME Fix, R 267°	4-mile DME Fix, R 267° (final)	Direct	2828	A–dn	800–2	800–2	800–2
				Minimums with DME or radar:			
				C–dn	500–1	500–1	500–1¼
				S–dn–6°	400–1	400–1	500–1

Radar available.
Procedure turn S side of crs, 267° Outbnd, 087° Inbnd, 3600' within 10 miles.
Minimum altitude over 4-mile DME Fix or Radar Fix on final approach crs, 2328'.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 9 mile of MOT VOR climb to 3600' on R 084° within 10 miles and return to VOR.
CAUTION: Runways 18/36 unlighted.
*500–¼ authorized with operative HIRL, except for 4-engine turbojets.
%When weather is less than 500–1 aircraft departing Runways 8 and 12, climb to 2700' on R 116° prior to proceeding southbound. Aircraft departing Runways 18 and 26, climb to 2700' on R 267° prior to proceeding southbound due to towers 8 of the airport.
MSA within 25 miles of facility: 000°–090°—3200'; 090°–270°—4200'; 270°–360°—3800'.

City, Minot; State, N. Dak.; Airport name, Minot International; Elev., 1572'; Fac. Class., L–BVORTAC; Ident., MOT; Procedure No. VOR Runway 8, Amdt. 2; Eff. date, 2 Sept. 67; Sup. Amdt. No. VOR Runway 8, Amdt. 1; Dated, 20 May 67

R 151°, MOT VOR counterclockwise	R 084°, MOT VOR	Via 7-mile DME Arc.	3400	T–dn%	300–1	300–1	200–½
7-mile DME Fix, R 084°	MOT VOR (final)	Direct	3123	C–dn	800–1	800–1	800–1½
				S–dn–26°	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Radar available.
Procedure turn N side of crs, 084° Outbnd, 264° Inbnd, 3200' within 10 miles.
Minimum altitude over facility on final approach crs, 2123'.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 9 mile of MOT VOR climb to 3600' on R 247° within 10 miles and return to VOR.
CAUTION: Runways 18/36 unlighted.
%When weather is less than 500–1 aircraft departing Runways 8 and 12, climb to 2700' on R 116° prior to proceeding southbound. Aircraft departing Runways 18 and 26, climb to 2700' on R 247° prior to proceeding southbound due to towers 8 of the airport.
*400–¾ authorized with operative HIRL, except for 4-engine turbojets.
MSA within 25 miles of facility: 000°–090°—3200'; 090°–270°—4200'; 270°–360°—3800'.

City, Minot; State, N. Dak.; Airport name, Minot International; Elev., 1572'; Fac. Class., L–BVORTAC; Ident., MOT; Procedure No. VOR Runway 8, Amdt. 2; Eff. date, 2 Sept. 67; Sup. Amdt. No. VOR Runway 26, Amdt. 1; Dated, 20 May 67

DAY VOR	ROD VOR	Direct	3000	T–dn	300–1	300–1	
TPC RBn	ROD VOR	Direct	3000	C–dn	500–1	500–1	
				S–dn–22	500–1	500–1	
				A–dn	NA	NA	

Procedure turn N side of crs, 063° Outbnd, 243° Inbnd, 3000' within 10 miles.
Minimum altitude over facility on final approach crs, 3000'.
Crs and distance, facility to airport, 242°—5.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.6 miles of ROD VOR, make climbing left turn to 3000', return to ROD VOR. Hold NE of ROD VOR, 1-minute right turns, 243° Inbnd.
NOTE: Use Dayton, Ohio, altimeter setting.
CAUTION: 1106' transmission towers on centerline 2500' from approach end Runway 22.
MSA within 25 miles of facility: 000°–090°—2900'; 090°–180°—2600'; 180°–360°—2500'.

City, Sidney; State, Ohio; Airport name, Sidney; Elev., 1060'; Fac. Class., L–BVORTAC; Ident., ROD; Procedure No. VOR Runway 22, Amdt. 4; Eff. date, 2 Sept. 67; Sup. Amdt. No. VOR–1, Amdt. 3; Dated, 3 Apr. 66

4. By amending the following very high frequency omnirange—distance measuring equipment (VOR/DME) procedures prescribed in § 97.15 to read:

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
MOT VOR	4-mile DME Fix, R 314°	Direct	2800	T–dn%	300–1	300–1	200–½
R 295°, MOT VOR clockwise	R 314°, MOT VOR	Via 10-mile DME Arc.	3800	C–dn	500–1	500–1	500–1¼
				S–dn–12°	500–1	500–1	500–1
14-mile DME Fix, R 314°	4-mile DME Fix, R 314° (final)	Direct	2700	A–dn	800–2	800–2	800–2

Radar available.
Procedure turn W side of crs, 314° Outbnd, 134°Inbnd, 3300' between 4- and 14-mile DME Fix, R 314°.
Minimum altitude over 4-mile DME Fix or Radar Fix on final approach crs, 2700'.
Crs and distance, 4-mile DME Fix to airport, 134°—3.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 9 mile of MOT VOR, climb to 3300' on R 116° within 10 miles and return to VOR.
NOTE: Final approach from holding pattern at 4-mile DME Fix, R 314° not authorized, procedure turn required.
CAUTION: Runways 18/36 unlighted.
%When weather is less than 500–1 aircraft departing Runways 8 and 12, climb to 2700' on R 116° prior to proceeding southbound. Aircraft departing Runways 18 and 26, climb to 2700' on R 267° prior to proceeding southbound due to towers 8 of the airport.
*500–¼ authorized with operative HIRL, except for 4-engine turbojets.
MSA within 25 miles of facility: 000°–090°—3200'; 090°–270°—4200'; 270°–360°—3800'.

City, Minot; State, N. Dak.; Airport name, Minot International; Elev., 1572'; Fac. Class., L–BVORTAC; Ident., MOT; Procedure No. VOR/DME Runway 12, Amdt. 2; Eff. date, 2 Sept. 67; Sup. Amdt. No. VOR/DME Runway 12, Amdt. 1; Dated, 20 May 67

MOT VOR	3.3-mile DME Fix, R 116°	Direct	2300	T–dn%	300–1	300–1	200–½
R 151°, MOT VOR counterclockwise	R 116°, MOT VOR	Via 10-mile DME Arc.	3400	C–dn	500–1	500–1	500–1½
				S–dn–30°	400–1	400–1	400–1
R 080°, MOT VOR clockwise	R 116°, MOT VOR	Via 10-mile DME Arc.	3400	A–dn	800–2	800–2	800–2
10-mile DME Fix, R 116	3.3-mile DME Fix, R 116° (final)	Direct	2500				

Radar available.
Procedure turn E side of crs, 116° Outbnd, 296° Inbnd, 3200' between 3.3- and 13.3-mile DME Fix, R 116°.
Minimum altitude over 3.3-mile Fix or Radar Fix on final approach crs, 2600'.
Crs and distance, 3.3-mile DME Fix to airport, 296°—2.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 9 mile of MOT VOR climb to 3400' on R 314° within 10 miles and return to VOR.
NOTE: Final approach from holding pattern at 3.3-mile DME Fix, R 116° not authorized, procedure turn required.
CAUTION: Runways 18/36 unlighted.
%When weather is less than 500–1 aircraft departing Runways 8 and 12, climb to 2700' on R 116° prior to proceeding southbound. Aircraft departing Runways 18 and 26, climb to 2700' on R 247° prior to proceeding southbound due to towers 8 of the airport.
*400–¾ authorized with operative HIRL, except for 4-engine turbojets.
MSA within 25 miles of facility: 000°–090°—3200'; 090°–270°—4200'; 270°–360°—3800'.

City, Minot; State, N. Dak.; Airport name, Minot International; Elev., 1572'; Fac. Class., L–BVORTAC; Ident., MOT; Procedure No. VOR/DME Runway 30, Amdt. 2; Eff. date, 2 Sept. 67; Sup. Amdt. No. VOR/DME Runway 30, Amdt. 1; Dated, 20 May 67

5. By amending the following instrument landing system procedures prescribed in § 97.17 to read:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Mobile VORTAC	LOM	Direct	1600	T–dn%	300–1	300–1	200–½
Brookley VORTAC	LOM	Direct	1600	C–dn	400–1	500–1	500–1½
				S–dn–14°#	200–½	200–½	200–½
				A–dn	800–2	800–2	800–2

Radar available.
Procedure turn W side of crs, 320° Outbnd, 140° Inbnd, 1600' within 10 miles.
Minimum altitude at glide slope intercept Inbnd, 1600'.
Altitude of glide slope and distance to approach end of runway at OM, 1326'—4.6 miles; at MM, 429'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.6 miles after passing LOM, make right turn, climb to 1800' on 180° crs from LOM within 15 miles, or when directed by ATC, make right turn, proceed direct to MOB VORTAC climbing to 1800' and enter holding pattern.
NOTE: Back crs unusable.
*400–½ (RVR 4000') required when glide slope inoperative. 400–½ (RVR 2400') authorized with operative AL's, except for 4-engine turbojets.
%RVR 2400' authorized Runway 14.
#RVR 2400'. Descent below 418' not authorized unless approach lights are visible.

City, Mobile; State, Ala.; Airport name, Bates Field; Elev., 218'; Fac. Class., ILS; Ident., I–MOB; Procedure No. ILS Runway 14, Amdt. 15; Eff. date, 2 Sept. 67; Sup. Amdt. No. ILS Runway 14, Amdt. 17; Dated, 28 Jan 67

6. By amending the following radar procedures prescribed in § 97.19 to read:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURES

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area, or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					64 knots or less	More than 64 knots	
		Miles:		T-dn	800–1	800–1	¾–300–1¼
0°	360°	0–8	3100	C-dn	800–1	800–1	800–2
0°	360°	8–7	3600	S-dn–22°‡	700–1	700–1	700–1
8 miles NW and 5 miles SE of Runway 4–22 centerline extended.	17 miles SW and 20 miles NE		3600	S-dn–4‡	600–1	600–1	600–1
				A-dn	800–2	800–2	800–2
180°	220°	7–15	5000				
220°	044°	7–17	4300				
070°	140°	7–17	4500				
050°	070°	7–16	5000				
070°	090°	17–28	8100				
090°	140°	17–28	9000				
140°	165°	15–24	9000				
165°	220°	15–26	7000				
220°	270°	17–28	9000				
270°	315°	17–28	9000				
270°	315°	28–36	9000				
315°	060°	17–36	9100				

All sector azimuths and altitudes are clockwise from antenna located on airport.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished: Runway 22—Climb to 4000' on 224° crs from LOM within 20 miles. Runway 4—Climb to 3600' on 044° crs from BON RBn within 15 miles.

CAUTION: Abrupt changes in terrain elevation adjacent to procedure areas NW. Due high terrain, aircraft with limited climb capability departing on routes via HMV VORTAC should request clearance to climb on a track of 044° from Boone RBn or 224° from LOM to 4000' before continuing climb on crs.

‡Runways 4 and 22 only.
†Reduction not authorized.
*Maintain 2300' until passing 1¼-mile Radar Fix on final.

City, Bristol; State, Tenn.; Airport name, Tri-City; Elev., 1519'; Fac. Class. and Ident., Tri-City Radar; Procedure No. 1, Amdt. 3; Eff. date, 2 Sept. 67; Sup. Amdt. No. 1, Amdt. 2; Dated, 3 Sept. 66

Transition	Condition	2-engine or less		More than 2-engine, more than 65 knots
		65 knots or less	More than 65 knots	
	Surveillance approach			
Within 20 miles: 000°–067°, 7,500'; 067°–177°, 6700'; 177°–280°, 8500'; 280°–360°, 13,000'	T-dn/‡	300–1	300–1	300–½
Within 30 miles: 000°–048°, 10,300'; 048°–101°, 13,500'; 101°–177°, 6700'; 177°–280°, 8000'; 280°–360°, 12,000'	C-dn	600–1	600–1	700–1¼
Within 50 miles: 000°–048°, 10,500'; 048°–118°, 13,500'; 118°–177°, 8300'; 177°–287°, 8000'; 280°–360°, 12,000'	S-dn–36‡	400–1	400–1	400–1
	S-dn–7	400–1	400–1	400–1
	A-dn	800–2	800–2	800–2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished: Runway 25—Climb to 3000' on W crs Ontario localizer within 8 miles, or within 14 miles of LOM on 254° bearing "from". Runway 7—Turn right, climb to 3000' on W crs Ontario localizer within 8 miles, or to POM 202° RAD (Brackett Int).

‡Maintain 1900' or above until 3-mile Radar Fix.
†RVR 2600' authorized Runway 25.
*Northbound and eastbound (276° through 106° clockwise) IFR departures; unless otherwise directed by ATC, published SID's must be used.

City, Ontario; State, Calif.; Airport name, Ontario International; Elev., 997'; Fac. Class. and Ident., Ontario Radar; Procedure No. 1, Amdt. Orig.; Eff. date, 2 Sept. 67

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601, of the Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on July 28, 1967.

R. S. SLIFF,
Acting Director, Flight Standards Service.

[F.R. Doc. 67-9082; Filed, Aug. 10, 1967; 8:45 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 74—SCABIES IN SHEEP

Interstate Movement

Pursuant to the provisions of sections 4 through 7 of the Act of May 29, 1884, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, and sections 1 through 4 of the Act of March 3, 1905, as amended (21 U.S.C. 111–113, 115, 117, 120, 121, 123–126) Part 74, Subchapter C, Chapter I, Title 9, Code of Federal Regulations, as amended, is hereby further amended in the following respects:

1. Section 74.2 is amended as follows:

(1) By changing the heading and the introductory paragraph to read, respectively:

§ 74.2 Designation of free areas.

Notice is hereby given that sheep in the following States, Territories, and District are not known to be infected with scabies, and such States, Territories, and District are hereby designated as free areas:

* * * * *

(2) By inserting "Illinois," in alphabetical order in the list of free areas in paragraph (a)(1); and

(3) By deleting "(1)" preceding the list of free areas in paragraph (a)(1) and by deleting all of subparagraph (2) and paragraph (b).

2. Section 74.3 is amended to read as follows:

§ 74.3 Notice concerning sheep scabies.

Notice is hereby given that although sheep scabies is not known to exist in any State, Territory, or District designated as a free area in § 74.2 at this time, scabies is a disease which by its nature may exist without showing symptoms during the summer months and reappear during cold-weather months. Historically some outbreaks of scabies have occurred in areas which immediately theretofore appeared to be free of scabies. Therefore in view of the nature of the disease and its prior existence in the United States, it is necessary to continue surveillance over flocks in the areas designated as free areas and to continue to regulate the interstate movement of sheep as provided in this part.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1–4, 33 Stat. 1264, as amended, 1265, as amended; 21 U.S.C. 111–113, 115, 117, 120, 121, 123–126; 29 F.R. 16210, as amended; 30 F.R. 5799, as amended)

The foregoing amendments terminate the designation of De Kalb County and Lake County, Ill., as infected areas and eradication areas, and classify Illinois as free area for purposes of the regulations. The amendments relieve restrictions heretofore applicable to the interstate movement of sheep from or into infected or eradication areas, but leave in effect other provisions of the regulations relating to the interstate movement of sheep from or into free areas. The amendments must be made effective promptly to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under the administrative procedure provisions of 5 U.S.C. section 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and unnecessary, and good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

Effective date. The foregoing amendments shall become effective upon publication in the FEDERAL REGISTER. However, the revocation by such amendments of the designation of infected areas or eradication areas shall not affect violations of the regulations that occurred, liabilities that were incurred, or rights that accrued prior to said effective date.

Done at Washington, D.C., this 8th day of August 1967.

F. J. MULHERN,
Deputy Administrator,
Agricultural Research Service.

[F.R. Doc. 67-9475; Filed, Aug. 10, 1967; 8:50 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release No. 34-8135]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Rules Regarding Conduct, Supervision and Records of Brokers and Dealers Not Members of National Securities Association

On October 25, 1966, in Securities Exchange Act Release No. 7904, and in the FEDERAL REGISTER of October 29, 1966 (32 F.R. 13919), the Securities and Exchange Commission published a proposal to adopt Rules 15b10–1 (17 CFR 240.15b10–1) (Definitions), 15b10–2 (17 CFR 240.15b10–2) (General Business Conduct), 15b10–3 (17 CFR 240.15b10–3) (Suitability of Recommendations), 15b10–4 (17 CFR 240.15b10–4) (Supervision of Associated Persons), 15b10–5 (17 CFR 240.15b10–5) (Discretionary Authority) and 15b10–6 (17 CFR 240.15b10–6) (Record Keeping) under the Securities Exchange Act of 1934 as amended. The Commission has considered the comments and suggestions received and has adopted the rules as stated below effective October 2, 1967. As adopted, the rules relating to suitability of recommendations, supervision and record keeping have been modified.

These rules establish standards of supervision, general business conduct, and suitability of recommendations, regulate discretionary accounts, and impose additional recordkeeping requirements upon brokers and dealers who are registered with the Commission and not members of a registered national securities association.[1]

For many years members of the NASD and the exchanges have been subject to rules of these self-regulatory associations regulating selling practices and setting forth just and equitable principles of trade and standards of high commercial honor. Suitability standards have been applicable to brokers and dealers who are members of self-regulatory organizations, including the NASD, under the rules of conduct of such organizations. Section 15(b)(10), which was added to the Exchange Act by the Securities Act Amendments of 1964, contemplates that the Commission also will adopt rules in this area to be applicable to broker-dealers who are not members of a registered national securities association. Rule 15b10–3 (17 CFR 240.15b10–3) and the other rules are being adopted pursuant to the responsibilities placed upon the Commission by section 15(b)(10), which are intended to correspond to the responsibilities of the NASD in this area with respect to its members. Section 15(b)(10) provides:

No broker or dealer subject to paragraph (8) of this subsection shall effect any transaction in, or induce the purchase or sale of, any security (otherwise than on a national securities exchange) in contravention of such rules and regulations as the Commission may prescribe designed to promote just and equitable principles of trade, to provide safeguards against unreasonable profits or unreasonable rates of commissions or other charges, and in general to protect investors and the public interest, and to remove impediments to and perfect the mechanism of a free and open market.

Despite the long-standing existence of the NASD rules on suitability and related matters, the Commission believes that it is not inappropriate to delay the effectiveness of the new rules beyond the minimum 30-day period required by the Administrative Procedure Act section 4, as codified, 5 U.S.C. Section 553 (1966) in order to permit broker-dealers who will be subject to the new rules an adequate opportunity to familiarize themselves with the regulatory standards and to establish appropriate record keeping and supervisory practices to comply with the procedural aspects of the rules. The rules will accordingly not become effective until October 2, 1967. In addition, the Commission expects to publish releases from time to time reflecting interpretations of the new rules, and broker-dealers who have any questions concerning the applicability of the rules to particular situations may request an interpretation from the Chief Counsel of the Division of Trading and Markets,

[1] At present, the National Association of Securities Dealers, Inc. ("NASD"), is the only such association.

either before or after the date on which the new rules go into effect.

Rule 15b10–1 (17 CFR 240.15b10–1). *Definitions.* Rule 15b10–1 (17 CFR § 240.15b10–1) defines the terms "nonmember broker or dealer," "associated person" and "complaint" as they are used in Rules 15b10–2 through 15b10–7 (17 CFR 240.15b10–2—15b10–7) inclusive.

Rule 15b10–2 (17 CFR 240.15b10–2). *General business conduct.* Rule 15b10–2 (17 CFR 240.15b10–2) requires that nonmember brokers and dealers and their associated persons adhere to high standards of commercial honor and just and equitable principles of trade in the conduct of their business. The rule is intended to impose a general ethical standard of fair dealing on such persons.

Rule 15b10–3 (17 CFR 240.15b10–3). *Suitability of recommendations.* Rule 15b10–3 (17 CFR 240.15b10–3) is intended to require a nonmember broker-dealer, or an associated person, to concern himself with securing the facts and circumstances pertaining to the transaction and the customer to permit him to make a reasonable judgment that the transaction recommended to the customer is not unsuitable for him. Under the rule the broker or dealer, and his associated persons, when recommending a transaction to a customer, are expected to make reasonable inquiry concerning the customer's investment objectives, and his financial situation and needs. Information concerning financial situation and needs would ordinarily include information concerning the customer's marital status, the number and age of his dependents, his earnings, the amount of his savings and life insurance, and his security holdings and other assets. The broker-dealer and his associated persons may rely on the information furnished by the customer.

The nature and extent of the inquiry to be made by the broker-dealer will depend on all the facts and circumstances. Thus, depending on the length of the interval between recommendations, it might be sufficient simply to ask the customer whether there has been any material change in his circumstances since the previous inquiry. Moreover, the broker-dealer is not precluded from making a recommendation because the customer, after a reasonable inquiry, declines to furnish information concerning his investment objectives, financial situation and needs.

Rule 15b10–3 (17 CFR 240.15b10–3) is not an attempt to second-guess the exercise of the reasonable business judgment of a broker-dealer or to make him an insurer of favorable investment performance. The recommendation must be judged in the light of the information available to the broker-dealer after reasonable inquiry as to the customer's situation at the time of the recommendation and not by reference to subsequent events. The rule will not affect legitimate sales efforts in the securities industry, and it is not intended that a general distribution of a market letter, research report or other similar material would in itself constitute a recommendation within the meaning of this rule.

The rule, which is not being adopted under the antifraud provisions of the Exchange Act, would not affect the obligations of broker-dealers under those provisions of that Act or the rules thereunder[1] which prohibit or prevent fraudulent conduct.

Rule 15b10–4 (17 CFR 240.15b10–4). *Supervision of associated persons.* The rule has been modified so that the broker or dealer will have increased flexibility in determining how best to satisfy the duties imposed by the rule.

Rule 15b10–4 (17 CFR 240.15b10–4) imposes a general duty on nonmember brokers and dealers to supervise diligently the securities activities of their associated persons.[2] As part of this general duty each nonmember broker-dealer is required to maintain and enforce written procedures setting forth the measures adopted by the broker-dealer to comply with the duties imposed by the rule. Each nonmember broker-dealer must keep a copy of these procedures in each business office. Furthermore, each such broker-dealer is required to designate certain of his associated persons as supervisors. Every associated person of the broker-dealer must be subject to the supervision of one such supervisor.

The rule requires that the written procedures include the review and written approval of the opening of new customer accounts; frequent examination of customer accounts; and the prompt review and written approval of all securities transactions and correspondence pertaining to the solicitation and execution of all securities transactions. Written approval may be made on copies of order tickets or confirmations, the daily blotter, or by any other method which would indicate a proper review of the transactions by the designated supervisor.

In addition, the rule requires that the written procedures include special supervisory treatment for discretionary accounts. A supervisor is required to approve in writing the delegation by any customer of discretionary authority with respect to his account to a stated associated person of the broker-dealer and is required to approve promptly in writing every discretionary transaction effected on behalf of such customer.

Further, a supervisor is required to review promptly and approve in writing the handling of all customer complaints which are handled by or pertain to the associated persons subject to his supervision. As defined in Rule 15b10–1 (17 CFR 240.15b10–1), a complaint is any written statement by a customer, or a person acting on the customer's behalf, pertaining to the customer's grievance involving the securities activities of the broker-dealer or of any associated person.

The supervision rule contemplates that every customer account and all transactions, correspondence and complaints pertaining to that account shall be subject to the supervision of at least one such supervisor. In selecting the individuals to carry out the required supervisory procedures, the broker-dealer should take into consideration the need for qualified individuals in such positions.[3] Furthermore, the Commission has recognized the need for special qualifications for supervisors by imposing higher passing grade requirements for principals and supervisors who must take the Commission's examination. Full compliance with the rule, therefore, will involve careful selection of only the most qualified individuals to perform the required supervisory functions.

In addition to requiring the direct supervision over the securities activities of the broker-dealer's associated persons by a designated supervisor, the rule also requires that broker-dealers with more than one such supervisor maintain a secondary level of overall supervision in order to review and supplement the supervision effected by the supervisors. Part of the responsibilities of the overall supervisor or supervisors is to inspect each business office of the broker or dealer periodically. This office inspection should include but not be limited to the examination of the complaints of, or on behalf of, customers of such office.

Rule 15b10–5 (17 CFR 240.15b10–5). *Discretionary authority.* Rule 15b10–5 (17 CFR 240.15b10–5), which governs discretionary accounts, is intended to safeguard against malpractices and abuses that occur in the creation and handling of such accounts. The rule requires the person who is to exercise discretionary authority in any account to be specifically so authorized in writing by the customer. The rule also requires that the broker-dealer's records state the reasons given by the customer for granting discretionary authority in his account. Every transaction effected in a discretionary account must be promptly approved in writing by a person with supervisory responsibility.

Rule 15b10–6 (17 CFR 240.15b10–6). *Record keeping.* The rule as proposed has been modified to further distinguish between customer accounts opened prior and subsequent to the effective date of the rule and to enable nonmember brokers or dealers to keep the required records at any appropriate office of the broker or dealer, except that copies of complaints and records of what action, if any, has been taken by the broker or dealer with respect to such complaints, must be maintained in the local office through which the customer account is handled.

Rule 15b10–6 (17 CFR 240.15b10–6) requires nonmember brokers and dealers to make and keep current specified records designed to complement certain provisions of the rules on suitability (Rule 15b10–3) (17 CFR 240.15b10–3), personnel supervision (Rule 15b10–4) (17 CFR 240.15b10–4), and discretionary accounts (Rule 15b10–5) (17 CFR 240.15b10–5). It does not duplicate any of the record keeping requirements to which nonmember brokers and dealers are already subject under Rule 17a–3 (17 CFR 240.17a–3) of the Exchange Act.

The rule requires that a record be kept for each person who becomes a customer after the effective date of the rule, which record shall state the customer's name, date of birth, address, nationality or citizenship, tax identification or social security number and the signatures of the customer, the associated person regularly handling the account and a supervisor designated pursuant to subparagraph (b) of Rule 15b10–4 (17 CFR 240.15b10–4). Where the broker-dealer, or any associated person, has made any recommendation to the customer to purchase, sell or exchange any security, the record must also state the customer's occupation, marital status, investment objectives, information concerning the customer's financial situation and needs which the broker-dealer or associated person considered in making the recommendation, and the signature of the broker or dealer or associated person who made the recommendation. However, the requirement that the customer's record be kept current does not mean that information dealing with the customer's investment objectives, financial situation and needs must be up-dated when no further recommendations are made.

Further, the rule requires that if a recommendation is made to a person who was a customer prior to the effective date of the rule, a record shall be made and kept current for such customer. This record must state all of the information required with respect to customer accounts opened after the effective date of the rule.

The rule provides that the record need not contain any item of information which the broker or dealer does not have because, after reasonable inquiry, a customer declines to furnish it, if the record contains a statement to that effect; provided, however, that the customer's record must state the customer's name, address and social security or tax identification number.

Where any customer has delegated discretionary authority to the broker-dealer or any associated person, the rule also requires that in addition to the information mentioned above the broker-dealer records contain the customer's written delegation of discretionary authority, a statement of the reasons given by the customer for granting such authority, and the written approval of the persons with supervisory responsibility over that account.

The rule also requires a separate complaint file, to be kept alphabetically by customers' names, and to include copies of all material relating to complaints, and a record of what action, if any, has been taken by the broker or dealer. Copies of such material and record of action taken shall be kept in the local office through which the customer account is handled.

All of the records to be maintained under this rule are required to be preserved for a period of not less than 6 years, the first 2 years in an easily accessible place. After the first two years, a photograph on film may be substituted for the records for the balance of the required time.

Rule 15b10–7 (17 CFR 240.15b10–7). *Exemption for certain exchange members.* Among the broker-dealers that are not members of a registered national securities association are several specialists and other floor members of national securities exchanges, some of whom introduce accounts to other members. The over-the-counter business of these broker-dealers may be limited to receipt of a portion of the commission paid on occasional over-the-counter transactions in these introduced accounts, and to certain other transactions incidental to their activities as specialists. In most cases, the income derived from these activities is nominal.

Rule 15b10–7 (17 CFR 240.15b10–7) exempts from all of the above rules adopted under section 15(b)(10) of the Exchange Act, members of national securities exchanges who do not carry customers' accounts and whose annual gross income derived from their over-the-counter business does not exceed $1,000.

Commission action. The Securities and Exchange Commission, acting pursuant to the provisions of the Securities Exchange Act of 1934 as amended, and particularly sections 15(b)(10), 17(a) and 23(a) thereof, deeming such action necessary and appropriate in the public interest and for the protection of investors and designed to promote just and equitable principles of trade pursuant to section 15(b)(10) among registered brokers and dealers not members of a registered national securities association, and also deeming such action necessary for the execution of the functions vested in the Commission by the Act, hereby adopts Rules 15b10–1 through 15b10–7 (17 CFR 240.15b10–1 through –7) as stated below, effective October 2, 1967.

§ 240.15b10–1 Definitions.

For the purposes of §§ 240.15b10–2 through 240.15b10–7 inclusive the following definitions shall apply:

(a) The term "nonmember broker or dealer" shall mean any person registered as a broker or dealer under section 15 of the Act who is not a member of a national securities association registered with the Commission under section 15A of the Act.

(b) The term "associated person" shall mean any partner, officer, director, or branch manager of a nonmember broker or dealer (or any person occupying a similar status or performing similar functions), or any natural person directly or indirectly controlling or controlled by such nonmember broker or dealer, and shall include any employee of such nonmember broker or dealer (other than employees whose functions are only clerical or ministerial).

(c) The term "complaint" shall mean any written statement by a customer, or a person acting on the customer's behalf, pertaining to the customer's grievance involving the securities activities of the nonmember broker or dealer or any of his associated persons.

§ 240.15b10–2 General business conduct.

Every nonmember broker or dealer and associated person shall observe high standards of commercial honor and just and equitable principles of trade in the conduct of his business.

§ 240.15b10–3 Suitability of recommendations.

Every nonmember broker or dealer and every associated person who recommends to a customer the purchase, sale or exchange of any security shall have reasonable grounds to believe that the recommendation is not unsuitable for such customer on the basis of information furnished by such customer after reasonable inquiry concerning the customer's investment objectives, financial situation and needs, and any other information known by such broker or dealer or associated person.

§ 240.15b10–4 Supervision of associated persons.

(a) Every nonmember broker or dealer shall exercise diligent supervision over all the securities activities of all of his associated persons.

(b) Every associated person of the nonmember broker or dealer shall be subject to the supervision of a supervisor designated by such broker or dealer. The supervisor may be a partner, officer, office manager, or any other qualified associated person, or in the case of a sole proprietor the broker or dealer.

(c) As part of his responsibility under this section, every nonmember broker or dealer shall establish, maintain and enforce written procedures, a copy of which shall be kept in each business office, which shall set forth the procedures adopted by the broker or dealer to comply with the following duties imposed by this section, and shall state at which business office or offices the nonmember broker or dealer keeps and maintains the records required by § 240.15b10–6:

(1) The review and written approval by the designated supervisor of the opening of each new customer account;

(2) The frequent examination of all customer accounts to detect and prevent irregularities or abuses;

(3) The prompt review and written approval by the designated supervisor of all securities transactions by associated persons and all correspondence pertaining to the solicitation or execution of

[1] Rules 10b–5 and 15c1–2 (17 CFR 240.10b–5 and 15c1–2).

[2] The Commission in its decisions has continually recognized the need for greater broker-dealer supervision and the Special Study of Securities Markets ("Special Study") emphasized the need for such supervision:

> The supervision by the broker-dealers of the selling activities of their personnel, particularly in branch offices, should be generally strengthened by the adoption of appropriate procedures. The Commission should adopt rules to facilitate and reinforce controls by firms, the self-regulatory bodies and the Commission over selling practices * * *. (Special Study, Part I, pp. 326, 329)

[3] The Special Study urged that those persons who are branch office managers should be relieved of ordinary selling responsibilities. See Special Study, pt. I, p. 328.

all securities transactions by associated persons;

(4) The review and written approval by the designated supervisor of the delegation by any customer of discretionary authority with respect to his account to a stated associated person or persons of the broker or dealer and the prompt written approval of each discretionary order entered on behalf of that account; and

(5) The prompt review and written approval of the handling of all customer complaints.

(d) Every nonmember broker or dealer who has designated more than one supervisor pursuant to paragraph (b) of this section shall designate from among his partners, officers or other qualified associated persons, a person or group of persons who shall:

(1) Supervise and periodically review the activities of the supervisors designated pursuant to paragraph (b) of this section; and

(2) Periodically inspect each business office of the broker or dealer to insure that the written procedures are enforced.

§ 240.15b10–5 Discretionary authority.

(a) No nonmember broker or dealer, or any associated person, shall exercise any discretionary power or authority for any customer unless such customer has given prior written authorization to exercise such power or authority to a stated associated person or persons, and has indicated the reasons for such authorization.

(b) This section shall not apply to transactions in which the broker-dealer's discretion is limited to the price at which or the time when an order given by a customer for the purchase or sale of a definite amount of a specified security shall be executed.

§ 240.15b10–6 Record keeping.

(a) Every nonmember broker or dealer shall make and keep current a record for each person who becomes a customer after the effective date of this section, which record shall state:

(1) (i) The customer's name, date of birth, address, nationality or citizenship, tax identification or social security number, and the signatures of the customer, the associated person regularly handling the account and a supervisor designated pursuant to paragraph (b) of § 240.15b10–4.

(ii) If the broker or dealer, or any associated person, has made any recommendation to the customer to purchase, sell or exchange any security, the record for such customer shall also state the customer's occupation, marital status, investment objectives, other information concerning the customer's financial situation and needs which the broker or dealer or the associated person considered in making the recommendation, and the signature of the broker or dealer or associated person who made the recommendation to the customer.

(b) If, after the effective date of this section, a nonmember broker or dealer, or any associated person, has made any recommendation to a person who became a customer prior to the effective date of this section, the broker or dealer shall make and keep current a record for such customer which shall state the information required by paragraph (a) (1) (i) and (ii) of this section.

(c) Any item of information required by paragraph (a) (1) (i) or (ii) of this section need not be contained in the customer's record if, after reasonable inquiry, the customer declines to furnish such item of information and a statement to that effect is placed in such record: *Provided, however*, That the customer's record must state the customer's name, address and social security or tax identification number.

(d) Every nonmember broker or dealer shall make and keep current:

(1) A record or records with respect to each discretionary account which shall include:

(i) The customer's written authorization to exercise discretionary power or authority with respect to such account.

(ii) The reasons given by the customer for granting discretionary authority in his account.

(iii) The written approval of a supervisor designated pursuant to paragraph (b) of § 240.15b10–4 and, if appropriate, the written approval of the person or persons designated pursuant to paragraph (d) of § 240.15b10–4, of the delegation of discretionary authority.

(iv) The written approval of a supervisor designated pursuant to paragraph (b) of § 240.15b10–4 of each transaction in such account indicating the exact time and date of such approval.

(2) A separate file for all complaints by customers and persons acting on behalf of customers. Such complaints shall be filed alphabetically by customer's name and shall include copies of all material relating to the complaint, and a record of what action, if any, has been taken by the broker or dealer. Copies of such material and record of action taken shall be kept in the office through which the customer account is handled.

(e) Every nonmember broker or dealer shall preserve all records required by the section for a period of not less than 6 years, the first two years in an easily accessible place. After the first two years, a photograph on film may be substituted for the records for the balance of the required time.

§ 240.15b10–7 Exemption for certain exchange members.

Any nonmember broker or dealer who is a member of a national securities exchange shall be exempt from §§ 240.15b 10–1 through 240.15b10–6 if (a) he carries no accounts of customers, and (b) his annual gross income derived from purchases and sales of securities otherwise than on a national securities exchange is in an amount no greater than $1,000.

(Secs. 15(b)(10), 17(a), 23(a), 48 Stat. 897, 901, as amended, sec. 203(a), 49 Stat. 704, secs. 4, 8, 49 Stat. 1379, sec. 5, 52 Stat. 1076, sec. 6, 78 Stat. 570, 15 U.S.C. 78o, 78q, 78w)

By the Commission.

ORVAL L. DUBOIS,
Secretary.

JULY 27, 1967.

[F.R. Doc. 67-9426; Filed, Aug. 10, 1967; 8:46 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R-304; Order 341]

PART 8—RECREATIONAL OPPORTUNITIES AND DEVELOPMENT AT LICENSED PROJECTS

Prohibition of Discrimination; Correction

JUNE 22, 1967.

Prohibition of Discrimination at Recreational Facilities at Licensed Hydroelectric Projects amending regulations under the Federal Power Act; issued April 19, 1967.

In F.R. Doc. 67-4623, published April 27, 1967, 32 F.R. 6487 at 6488, column 1, in § 8.2(a), change the words "by the license", appearing within the parentheses, to read "by the licensee".

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-9448; Filed, Aug. 10, 1967; 8:48 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 67-185]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

Entry of Visual or Auditory Materials of Educational, Scientific, or Cultural Character

The purpose of the following regulations is to prescribe procedures in connection with the entry under item 870.30, and headnote 1, part 6, schedule 8, Tariff Schedules of the United States, of articles which have been determined by a Federal agency designated by the President to be visual or auditory materials of an educational, scientific, or cultural character within the meaning of the Agreement for Facilitating the International Circulation of Visual and Auditory Materials of an Educational, Scientific, and Cultural Character.

Part 10 is amended by adding a center heading and new section as follows:

VISUAL OR AUDITORY MATERIALS

§ 10.121 Visual or auditory materials of an educational, scientific, or cultural character.

(a) Where photographic film and other articles described in item 870.30, Tariff Schedules of the United States, are claimed to be free of duty under item 870.30, there shall be filed in connection with the entry covering such articles a document issued by the U.S. Information Agency certifying that it has determined that the articles are visual or auditory materials of an educational, scientific, or cultural character within the meaning of the Agreement for Facilitating the International Circulation of Visual and Auditory Materials of an Educational, Scientific, and Cultural Character as required by headnote 1, part 6, schedule 8, Tariff Schedules of the United States.

(b) Articles entered under item 870.30, Tariff Schedules of the United States, shall be released from customs custody prior to submission of the document required in paragraph (a) of this section only upon the deposit of estimated duties with the district director of customs. Liquidation of an entry covering merchandise which has been released under this procedure shall be suspended for a period of 90 days from the date of entry or until the required document is submitted, whichever occurs first. In the event that the district director of customs at the port of entry does not receive the required document within the 90-day period, the merchandise shall be immediately classified and liquidated in the ordinary course, without regard to item 870.30.

(77A Stat., as amended; 19 U.S.C. 1202 (Gen. Hdnte 11, sch. 8, pt. 6, hdnte 1))

Notice of the proposed rule making was published in the FEDERAL REGISTER for June 1, 1967 (32 F.R. 7917). One comment was received, suggesting that liquidation of entries not accompanied by proper documentation be suspended until such time as procedures for certifying visual and auditory materials under the Beirut Agreement are established in all of the signatory nations. In view of the extended period of time for which entries may be required to remain unliquidated under that suggestion, its adoption was not considered to be practicable.

Pursuant to Public Law 89-634 and Executive Order 11311 of October 14, 1966, the provisions of item 870.30, and headnote 1, part 6, schedule 8, Tariff Schedules of the United States, became effective with respect to articles entered, or withdrawn from warehouse, for consumption, on and after January 1, 1967. Good cause is, therefore, found under 5 U.S.C. 553(d) for making these regulations which govern the entry of articles under item 870.30 effective upon publication in the FEDERAL REGISTER.

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

Approved: August 3, 1967.

TRUE DAVIS,
Assistant Secretary of the Treasury.

[F.R. Doc. 67-9461; Filed, Aug. 10, 1967; 8:49 a.m.]

[T.D. 67-187]

PART 23—ENFORCEMENT OF CUSTOMS AND NAVIGATION LAWS

Registration of Narcotic Addicts and Violators

In order to give effect to a decision of the U.S. Court of Appeals for the Ninth Circuit in the case of Weissman v. United States, 373 F. 2d 799 (1967), which held that part of 18 U.S.C. 1407 relating to one who uses narcotic drugs unconstitutional for vagueness and to make it clear that customs officers are required to furnish, without request, a copy of customs Form 3231 only to such persons as they have reason to believe or suspect are narcotic drug addicts or narcotic or marihuana laws violators, § 23.9a of the Customs Regulations is amended to read as follows:

§ 23.9a Narcotic addicts and violators; border crossing.

Any U.S. citizen who is addicted to narcotic drugs as defined in section 4731 of the Internal Revenue Code of 1954, as amended (except in those cases where the narcotic drug is lawfully prescribed by a duly licensed physician in attendance upon such person), or who has been convicted of a violation of any of the narcotic or marihuana laws of the United States or of any State thereof, the penalty for which is imprisonment for more than 1 year, shall register his departure from the United States with the district director of customs at the port of departure on customs Form 3231, Registration Certificate of Narcotic Addict or Violator.[1] The original shall be given to the registrant who, upon his return to the United States, shall immediately register with the district director of customs at the first port of arrival by signing before a customs officer in the space provided for this purpose on the original and by surrendering the completed form to the customs officer. If the person seeking to register did not obtain a registration certificate (customs Form 3231) on leaving the United States, or, having obtained a certificate, has lost it or for any reason he cannot present the certificate, he shall register on customs Form 3231 immediately at the first port of arrival in the United States, and surrender the completed form to the district director of customs. Customs officers who have reason to believe or suspect that a person returning to the United States is addicted to narcotic drugs or is a narcotic or marihuana laws violator, shall request such person to surrender a registration certificate. If such person for any reason cannot present the certificate the customs officer shall provide him with a copy of the registration certificate (customs Form 3231) and instruct him that he is obligated to complete the form and surrender it to the district director of customs or be in violation of law.

(80 Stat. 379, sec. 201, 70 Stat. 574; 5 U.S.C. 301, 18 U.S.C. 1407)

Notice of proposed rule making, setting forth the amendment in tentative form, was published in the FEDERAL REGISTER on June 6, 1967 (32 F.R. 8093). No written views or comments were received in response to that notice.

This amendment shall become effective 30 days after its publication in the FEDERAL REGISTER.

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

Approved: August 3, 1967.

TRUE DAVIS,
Assistant Secretary of the Treasury.

[F.R. Doc. 67-9462; Filed, Aug. 10, 1967; 8:49 a.m.]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

SUBPART B—ETHICAL AND OTHER CONDUCT AND RESPONSIBILITIES OF EMPLOYEES

[Dept. Reg. 108.563]

PART 10—EMPLOYEE RESPONSIBILITIES AND CONDUCT

Outside Employment

Paragraph (d) of § 10.735–204 is amended to read as set forth below.

This amendment was approved by the Civil Service Commission on December 28, 1966 and is effective upon publication in the FEDERAL REGISTER.

§ 10.735–204 Outside employment.

* * * * *

(d) An employee shall not render any services, whether or not compensated, to any foreign government, state, province, or semigovernmental agency, or municipality of any foreign government, or to any international organization of states. However, this shall not prevent the rendering of such services by employees acting on behalf of the United States. Nor shall this provision prevent the rendering of services to an international organization of states when otherwise consistent with law and when authorized by the appropriate officer. The appropriate officer for State is the Director General; for USIA, the Assistant Director (Personnel and Training); and for AID, the Assistant Administrator for Administration.

* * * * *

(E.O. 11222 of May 8, 1965, 30 F.R. 6469, 3 CFR, 1965 Supp.; 5 CFR 735.104)

Dated: July 11, 1967.

IDAR RIMESTAD,
Deputy Under Secretary for Administration, Department of State.

Dated: July 20, 1967.

WILLIAM O. HALL,
Assistant Administrator for Administration, Agency for International Development.

Dated: July 31, 1967.

LIONEL S. MOSLEY,
Assistant Director (Personnel and Training) United States Information Agency.

[F.R. Doc. 67-9453; Filed, Aug. 10, 1967; 8:48 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER B—HUNTING AND POSSESSION OF WILDLIFE

PART 10—MIGRATORY BIRDS

Open Seasons, Bag Limits, and Possession of Certain Migratory Game Birds

By notice of proposed rule making published in the FEDERAL REGISTER of April 6, 1967 (32 F.R. 5628), notification was given that the Secretary of the Interior proposed to amend Part 10, Title 50, Code of Federal Regulations. These amendments would specify open seasons, certain closed seasons, shooting hours, and bag and possession limits for migratory game birds for the 1967–68 hunting seasons.

In this connection all interested persons were invited to submit their views, data, or arguments regarding such matters in writing to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240, within thirty days following the date of publication of the notice.

Subsequently, after consultation with interested persons and after due consideration of migratory game bird survey data obtained through investigations conducted by the Bureau of Sport Fisheries and Wildlife, State game departments, and from other sources, the following regulations for the control of the hunting of Canada geese in the State of Wisconsin during the 1967–68 hunting season were developed.

Accordingly, interested persons having had an opportunity to participate in the rule making process, and consideration having been given to all other matters presented, it is determined that § 10.53 of Part 10 shall be amended as set forth below.

The taking of Canada geese is presently prohibited. Since this amendment will benefit the public by relieving existing restrictions, it shall become effective upon publication in the FEDERAL REGISTER.

Section 10.53 is amended by adding a new paragraph (c) to read as follows:

§ 10.53 Seasons and limits on waterfowl, coots, and Wilson's snipe.

* * * * *

(c) (1) In Wisconsin, during the 1967–68 waterfowl season, the kill of Canada geese will be limited to not more than 20,000 birds; 15,000 of which may be taken in the area designated as the Horicon Zone and 5,000 in the remainder of the State.

Horicon Zone. The Horicon Zone includes portions of Columbia, Dane, Dodge, Fond du Lac, Green Lake, Jefferson, Marquette, Waushara, Washington, Waukesha, and Winnebago Counties, bounded on the north by State Highway 21, on the east by U.S. Highway 45 and State Highways 175 and 83, on the south by U.S. Highway 18, and on the west by State Highway 73.

CANADA GEESE

	Horicon Zone	Remainder of State
Daily bag limit	1	1
Possession (season) limit	1	2
Shooting hours	½-hour before sunrise until sunset daily.	
Seasons in:		
Horicon Zone	Oct. 14–Nov. 19.	
Remainder of State	Oct. 7–Dec. 15.	

(2) Seasons and tag validity: In the Horicon Zone, the hunting periods and numbers of valid permits and tags issued in each period will be as follows:

Period No.	Valid dates (inclusive)	Number of permits and tags issued	Days valid
1	Oct. 14–15	1,650	2
2	Oct. 16–22	2,970	7
3	Oct. 23–29	2,970	7
4	Oct. 30–Nov. 5	2,970	7
5	Nov. 6–12	2,970	7
6	Nov. 13–19	2,970	7
			37

In the remainder of Wisconsin, excluding the Horicon Zone, tags and permits will be valid for the full length of the Canada goose season.

(i) Each person must have been issued and must carry on his person while hunting Canada geese a valid State hunting license, Migratory Bird Hunting Stamp, and valid Canada goose permit and tag to hunt and kill Canada geese in Wisconsin during the 1967 season. Licensed hunters less than 16 years of age are not required to have a Migratory Bird Hunting Stamp.

(ii) The required tags and permits will be issued in the names of individuals, and will be nontransferable. Applications must be signed by the person(s) requesting tags and permits. To provide for father and son or "buddy" hunting, not to exceed two persons may apply jointly as a party for tags and permits simultaneously valid in the Horicon Zone.

(iii) The self-locking (metal grommet snap type) tag must be securely locked about the leg of each Canada goose when it is reduced to possession. The goose cannot be carried or transported in any manner without the tag being attached. The tag must remain on the goose until it reaches the abode of the permit holder. The tag may not be reused.

(iv) In the Horicon Zone each successful applicant will receive one permit and tag. In the event that the number of applicants exceeds the number of permits and tags available, successful applicants will be randomly selected by electronic data processing (EDP) equipment. No individual will be accorded preferential treatment nor will nonresident applicants be discriminated against.

(v) In the remainder of Wisconsin, outside the Horicon Zone, a permit and two tags will be issued to each applicant. Applicants unsuccessful in receiving a permit and tag valid for the Horicon Zone may apply for and receive two tags valid in the remainder of the State providing he so requests in his application. Individual applicants may receive a permit and tag or tags valid in the Horicon Zone or in the remainder of the State, but may not receive permits and tags for both zones.

(vi) A mandatory report on tag use or nonuse, will be required to determine the overall harvest. A franked, self-addressed return envelope will be distributed as part of the tag and permit issuance procedure for the Horicon Zone. In the remainder of the State, two such reporting envelopes will be provided so that each tag may be reported upon. Tag reports must be placed in the mail within 12 hours following tag use, or, if the hunter is unsuccessful, within 12 hours following the close of the period for which the tag is valid. Unused tags must be returned.

(3) Applications will be made available to the public about the second week of August and must be mailed by August 30, 1967. All applications postmarked after August 30, 1967 will be disqualified. Applications will be disqualified because of incompleteness, illegibility, tardiness in receipt, or duplication. A duplicate application will disqualify all applications by an individual.

(4) Application forms will be available from county clerks, State hunting and fishing license depots and from Wisconsin Conservation Department offices in Spooner, Woodruff, Black River Falls, Oshkosh and Madison.

(Sec. 3, 40 Stat. 755, as amended; 16 U.S.C. 703)

JOHN S. GOTTSCHALK,
Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 9, 1967.

[F.R. Doc. 67-9497; Filed, Aug. 10, 1967; 8:51 a.m.]

Proposed Rule Making

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 67-EA-18]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Baltimore, Md. Control Zone and 700-foot floor transition area.

A further review of the Baltimore, Md. control zone and transition area requirements has indicated a need to delete the northeast and northwest extensions and increase the western extension by 2 miles and numerous changes in the 700-foot floor transition area which overlies both Friendship International and Martin Airports.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, ATTN: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Baltimore, Md., proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations by deleting the description of the Baltimore, Md. control zone and insert in lieu thereof the following:

Within a 5-mile radius of the center, 39°10'26" N., 76°40'15" W., of Friendship International Airport, Baltimore, Md.; and within 2 miles each side of the Baltimore ILS west course extending from the 5-mile radius zone to 10 miles west of the OM.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by deleting the description of the 700-foot floor Baltimore, Md. transition area and inserting in lieu thereof the following:

That airspace extending upward from 700 feet above the surface within a 9-mile radius of the center, 39°10'26" N., 76°40'15" W., of Friendship International Airport, Baltimore, Md.; within 2 miles each side of the runway 33 centerline extended from the 9-mile radius area to 9 miles northwest of the end of the runway; within 5 miles north and 8 miles south of the Baltimore ILS west course extending from the 9-mile radius area to 12 miles west of the OM; within a 6-mile radius of the center, 39°19'35" N., 76°25'00" W., of Martin Airport, Baltimore, Md.; within 2 miles each side of the runway 14 centerline extended from the 6-mile radius area to 7 miles southeast of the end of the runway; within 2 miles each side of the runway 36 centerline extended from the 6-mile radius area to 9 miles north of the end of the runway; within 2 miles each side of a 132° bearing from the Martin RBN (39°18'18" N., 76°22'45" W.) extending from the 6-mile radius area to 8 miles southeast of the RBN; within 2 miles each side of the Martin TACAN (39°19'18" N., 76°-24'42" W.) 317° radial extending from the 6-mile radius area to 15 miles northwest of the TACAN and within a 19-mile radius arc of the Baltimore VORTAC extending clockwise from the Baltimore VORTAC 004° radial to the 035° radial.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Jamaica, N.Y., on July 28, 1967.

MARTIN J. WHITE,
Acting Director, Eastern Region.

[F.R. Doc. 67-9442; Filed, Aug. 10, 1967; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-SO-74]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Spartanburg, S.C., control zone and transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Area Manager, Atlanta Area Office, Attn: Chief, Air Traffic Branch, Federal Aviation Administration, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The Spartanburg control zone described in § 71.171 (32 F.R. 2071) would be altered by deleting "Spartanburg Memorial Downtown Airport" and substituting "Spartanburg Downtown Memorial Airport" therefor.

The Spartanburg transition area described in § 71.181 (32 F.R. 2148) would be redesignated as:

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Spartanburg Downtown Memorial Airport (latitude 34°54'55" N., longitude 81°57'32" W.); within 2 miles each side of a 237° bearing from the Spartanburg RBN, extending from the 8-mile radius area to 8 miles southwest of the RBN; within 2 miles each side of the Spartanburg VORTAC 194° and 014° radials, extending from the 8-mile radius area to 8 miles north of the VORTAC, excluding that portion which coincides with the Greenville, S.C., transition area.

The proposed control zone alteration is required to correct an existing error in the airport name.

The existing 700-foot transition area was predicated on Criteria II operations. Current operations require a change in classification to Criteria III and necessitate an increase in dimension of the 700-foot transition area. The increase would provide controlled airspace protection for IFR aircraft during climb from 700 to 1,200 feet above the surface and during descent from 1,500 to 1,000 feet above the surface.

The official docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Administration, Room 724, 3400 Whipple Street, East Point, Ga.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)).

Issued in East Point, Ga., on August 1, 1967.

GORDON A. WILLIAMS, JR.,
Acting Director, Southern Region.

[F.R. Doc. 67-9443; Filed, Aug. 10, 1967; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 124]

[No. 34850]

REFRIGERATOR CAR LINES

Uniform System of Accounts

JULY 28, 1967.

Notice is hereby given pursuant to the provisions of section 4(a) of the Administrative Procedure Act that the Commission has under consideration proposed amendments of the Uniform System of Accounts for Refrigerator Car Lines, to be effective as of January 1, 1967, with regard to the accounting treatment of extraordinary and prior period items in the determination of net income.

The proposed regulations would (a) generally require that items affecting net income be recorded in appropriate profit and loss accounts, rather than by direct entry to retained income account, and (b) explain, define and provide accounts and categories for ordinary income, extraordinary items, prior period items and applicable income taxes.

The revised rules herein proposed will have several notable advantages over current regulations which conditionally permit direct entry to retained income. Moreover, in asserting more objective criteria with respect to determination of materiality than presently exist, the proposed changes are intended to minimize the extensive need to interpret existing regulations.

The Detailed Statement of Proposed Rule contained in the appendix hereto completely states the proposed revisions to the applicable parts of the Uniform System of Accounts for Refrigerator Car Lines, considered necessary to accomplish the stated objectives.

All carriers affected by the proposed rules and other interested parties who desire to do so should submit written views and comments for consideration, as soon as possible, and not later than September 15, 1967. The Commission will consider all such responses and representations before deciding this matter, after which such order as may be found appropriate will be entered. An original and three copies of any such response should be submitted.

Notice shall be given refrigerator car lines hereby affected and to the general public by depositing this Notice in the office of the Secretary of the Commission at Washington, D.C., and by filing this Notice with the Director, Office of the Federal Register.

Authority: Sec. 12, 24 Stat. 383, as amended, sec. 20(6), 54 Stat. 917; 49 U.S.C. 12, 20(6))

By the Commission, Division 2.

[SEAL] H. NEIL GARSON, *Secretary.*

DETAILED STATEMENT OF PROPOSED RULE

I. *Instructions amended—Item No. 1.* Instruction "3 Classification of accounts" is amended by revising the first and second paragraphs to read as follows:

Accounts are prescribed to cover cost of property used in furnishing cars or protective service and for revenues, expenses, taxes and income from such service. Separate accounts are prescribed for investment in property not used in such services and for other investments and income therefrom; for extraordinary and prior period items, including applicable income taxes; and for assets, liabilities and capital includible in the balance sheet statement. Retained income accounts form the connecting link between the income account and the equity section of the balance sheet. They are provided to record the transfer of net income or loss for the year; certain capital transactions; and, when authorized by the Commission, other items.

All items of profit and loss recognized during the year are includible in ordinary income except nonrecurring items which in the aggregate for the same class are both material in relation to operating revenues and ordinary income for the year and are clearly not identified with or do not result from usual business operations of the year. Important items of the kind which occur from time to time and which, when material in amount, are to be excluded from ordinary income are those resulting from unusual sales of property and investment securities other than temporary cash investments, from company bonds reacquired, from change in application of accounting principles, and from prior period items (other than ordinary adjustments of a recurring nature). Material items are those which, unless excluded from ordinary income, would distort the accounts and impair the significance of ordinary income for the year. Items so excludible from ordinary income are to be entered directly in the income accounts provided for extraordinary and prior period items upon approval of the Commission.

Adjustments constituting items of a character typical of customary business activities or representing corrections or refinements resulting from the natural use of estimates inherent in the accounting process, shall not be considered extraordinary or prior period items regardless of size.

In determining materiality, items of a similar nature should be considered in the aggregate; dissimilar items should be considered individually. As a general standard, an item to qualify for inclusion as an extraordinary or prior period item shall exceed 1 percent of total op-charges", or to account 570, "Extraordinary items", as appropriate.

* * * * *

Item No. 2. Instruction "8 Delayed items" is amended by revising the last sentence to read as follows:

* * * See instruction 3 for provisions covering delayed items of a nonrecurring nature.

Item No. 3. Instruction "37 Book value of securities owned" is amended by revising the second paragraph to read as follows:

* * * * *

The amount of the adjustment for the loss in value written off shall be charged to account 551, "Miscellaneous income charges", or to account 570, "Extraordinary items", as appropriate.

* * * * *

Item No. 4. Instruction "38 Discount, expense and premium on debt" is amended by revising the first sentence of the third paragraph to read as follows:

* * * * *

When any funded debt which has been actually issued to bona fide holders for value is reacquired by the accounting company, that proportion of the balance remaining in the accounts containing discount, expense and premium on funded debt for the subclass of the security reacquired applicable to the portion reacquired shall be credited or charged thereto, as may be appropriate, and concurrently charged or credited to account 519, "Miscellaneous income", account 551, "Miscellaneous income charges", or to account 570, "Extraordinary items", as may be appropriate, in accordance with the text of these accounts. * * *

II. *Texts of property accounts amended—Item No. 1. Account 51 Land.* The text of this account is amended by revising "Note C" to read as follows:

NOTE C: The net proceeds from the sale of minerals or timber, in excess of the amount contracted for in the purchase price shall be credited to account 519, "Miscellaneous income", or to account 570, "Extraordinary items", as appropriate.

III. *Texts of income accounts amended—Item No. 1. Account 519 Miscellaneous income.* The text of this account is amended by revising the "Note" to read as follows:

* * * * *

NOTE: When the profit from sale of investment securities (exclusive of temporary cash investments), from sale of land and other property, and from company bonds reacquired is of an amount sufficiently large to constitute an extraordinary item, such profit shall be credited to account 570, "Extraordinary items". (See instructions 3 and 18.)

Item No. 2. Account 532 Car line tax accruals. The text of this account is amended by revising the third paragraph to read as follows:

* * * * *

Accruals for Federal income taxes applicable to ordinary income shall be included in this account. See texts of account 590, "Federal income taxes on extraordinary and prior period items", account 606, "Other credits to retained income", and account 616, "Other debits to retained income", for recording other income tax consequences. Details pertaining to the tax consequences of other unusual and significant items, and also cases where tax consequences are disproportionate to related amounts included in income accounts, shall be submitted to the Commission for consideration and decision as to proper accounting. Federal incomes taxes which are refundable or reduced as the result of carry-back or carry-forward of operating loss shall be credited to this account, if a carry-back, in the year in which the loss occurs or, if a carry-forward, in the year in which such loss is applied to reduce taxes.

However, when the amount constitutes an extraordinary item pursuant to instruction 3, it shall be included in account 580, "Prior period items".

Item No. 3. Account 551 Miscellaneous income charges. The text of this account is amended by revising the "Note" to read as follows:

* * * * *

NOTE: When the loss on sale of investment securities (exclusive of temporary cash investments) from sale of land and other property, from write-down in ledger value of investment securities and from company bonds reacquired is of an amount sufficiently large to constitute an extraordinary item, such loss shall be included in account 570, "Extraordinary items". (See instructions 3 and 18.)

Item No. 4. The system of accounts, following the text of account 551, "Miscellaneous income charges", is amended by adding the following caption, account numbers, titles and texts:

EXTRAORDINARY AND PRIOR PERIOD ITEMS

Account 570 Extraordinary items (net). (a) This account shall include extraordinary items accounted for during the current accounting year in accordance with instruction 3, upon approval of the Commission. Among the items which shall be included in this account are:

Net gain or loss on sale of land used for transportation purposes, and of noncarrier property. (See instruction 18.)

Net gain or loss on sale of securities acquired for long-term investment purposes, and charges to write down the ledger value of such securities because of impairment of value.

Net gain or loss on reacquisition of company bonds.

Loss on sale or retirement of transportation property for which depreciation reserve has not been provided.

Change in application of accounting principles.

(b) Federal income tax consequences of charges and credits to this account shall be included in account 590, "Federal income taxes on extraordinary and prior period items".

(c) This account shall be maintained in a manner sufficient to identify the nature and gross amount of each debit and credit.

Account 580 Prior period items (net). (a) This account shall include unusual delayed items accounted for during the current accounting year in accordance with the text for instruction 3, upon approval of the Commission. Among the items which shall be included in this account are:

Unusual adjustment, refunds or assessments of income taxes of prior years.

Unusual adjustments of reserves of prior years determined to be excessive or deficient.

Similar items representing transactions of prior years which are not identifiable with or do not result from business operations of the current year.

(b) Federal income tax consequences of charges and credits to this account shall be included in account 590, "Federal income taxes on extraordinary and prior period items".

(c) This account shall be maintained in a manner sufficient to identify the nature and gross amount of each debit and credit.

Account 590 Federal income taxes on extraordinary and prior period items. This account shall include the estimated Federal income tax consequences (debit or credit) assignable to the aggregate of items of both taxable income and deductions from taxable income which, for accounting purposes, are classified as unusual and extraordinary, and are recorded in accounts 570, "Extraordinary items", and 580, "Prior period items", as appropriate.

IV. *Texts of retained income accounts deleted and amended—Item No. 1.* The following accounts in the section covering "Retained Income Accounts Texts" are deleted by cancelling the numbers, titles, texts thereof and notes thereto.

603 Profit from sale of property.
604 Profit from sale of investment securities.
605 Profit from company bonds reacquired.
613 Loss on sale or retirement of property.
614 Loss on sale of investment securities.
615 Loss on company bonds reacquired.
617 Federal income taxes assigned to retained income.

Item No. 2. Account 606 Other credits to retained income. This account is amended by revising the text as follows:

This account shall include other credit adjustments, net of assigned Federal income taxes, not provided for elsewhere in this system but only after such inclusion has been authorized by the Commission.

Item No. 3. Account 616 Other debits to retained income. This account is amended by revising the text as follows:

(a) This account shall include losses from resale of reacquired capital stock and charges which reduce or write off discount on capital stock issued by the company, but only to the extent that such charges exceed credit balances in capital surplus for shares reacquired. (See instruction 39.)

(b) This account shall also include other debit adjustments, net of assigned Federal income taxes, not provided for elsewhere in this system but only after such inclusion has been authorized by the Commission.

V. *Texts of balance sheet accounts amended—Item No. 1. Account 723 Reserve for adjustment of investment in securities—Cr.* This account is amended by revising the text as follows:

(a) This account shall include the total of the balances in such reserves as are maintained by the accounting company for the purpose of providing for reductions in the value of securities owned and recorded in accounts 721, "Investments in affiliated companies", or 722, "Other investments". Corresponding charges shall be made to account 551, "Miscellaneous income charges", or account 570, "Extraordinary items", as appropriate.

(b) If reserves are maintained in provision for anticipated losses in specific securities, when the related assets are written down or written off, or are sold or otherwise disposed of at a loss, the reduction in the book value or the losses sustained shall be charged to this account to the extent of the credit balance in the account applicable to the particular securities involved, and the remainder, if any, shall be charged to account 551, "Miscellaneous income charges", or to account 570, "Extraordinary items", as appropriate. In case a general reserve for losses in unspecified security values is maintained, all such losses resulting from write-downs, write-offs, etc., shall be charged to this account to the extent of the total credit balance in the account, and the remainder, if any, shall be charged to account 551, "Miscellaneous income charges", or to account 570, "Extraordinary items", as appropriate.

VI. *Form of income statement amended.* 560 Form of Income Statement is amended by making the following changes:

Item No. 1. The caption number is changed from 560 to 599.

Item No. 2. Directly above the caption, I. Car Line Operating Income, the following caption is added:

ORDINARY ITEMS

Item No. 3. The line item, Net Income (or loss), is deleted and the following are added:

Ordinary income (or loss) ---------- ----------

EXTRAORDINARY AND PRIOR PERIOD ITEMS

570 Extraordinary items (net).
580 Prior period items (net).
590 Federal income taxes on extraordinary and prior period items ---------- ----------
Total extraordinary and prior period items ---------- ----------
Net income (or loss) ---------- $----------

VII. *Miscellanous amendments—Item No. 1.* The list of Income Accounts Texts is amended by making the following changes:

a. The following caption is added directly below Income Accounts Texts:

ORDINARY ITEMS

b. Directly below 551 Miscellaneous income charges, add the following caption, account numbers and titles:

EXTRAORDINARY AND PRIOR PERIOD ITEMS

570 Extraordinary items (net).
580 Prior period items (net).
590 Federal income taxes on extraordinary and prior period items.

c. The number of 560 Form of income statement is changed to 599.

Item No. 2. The list of Retained Income Accounts Texts is amended by deleting the following account numbers and titles:

603 Profit from sale of property.
604 Profit from sale of investment securities.
605 Profit from company bonds reacquired.
613 Loss on sale or retirement of property.
614 Loss on sale of investment securities.
615 Loss on company bonds reacquired.
617 Federal income taxes assigned to retained income.

Item No. 3. In the system of accounts, following the text of account 469, "Other expenses", directly below Income Accounts Texts, the following caption is added:

ORDINARY ITEMS

[F.R. Doc. 67-9449; Filed, Aug. 10, 1967; 8:48 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Order 8; Rev. 1]

ASSISTANT REGIONAL COMMISSIONERS (APPELLATE) ET AL.

Authority To Sign Agreements as to Liability for Personal Holding Company Tax

1. The authority granted to the Commissioner of Internal Revenue and District Directors by 26 CFR 301.7701–9 and 26 CFR 1.547–2 to enter into agreements relating to liability for personal holding company tax, is hereby delegated to the following officials:

(a) Assistant Regional Commissioners (Appellate).

(b) Chiefs, Appellate Branch Offices.

(c) Associate Chiefs, Appellate Branch Offices.

(d) Assistant Chiefs, Appellate Branch Offices.

(e) Assistant District Directors.

(f) Chiefs of District Audit Divisions.

2. The authority delegated to Assistant Chiefs, Appellate Branch offices, is limited to cases in which the net deficiences or the net overassessment determined by the District Director or by the Director of International Operations did not exceed $50,000 and the determination of the Appellate Division does not involve a net overassessment in excess of $50,000.

3. The above officials, including the District Directors, may not redelegate this authority.

4. This order supersedes Delegation Order No. 8 issued September 7, 1955.

Date of issue: August 8, 1967.

Effective date: September 8, 1966.

[SEAL] WILLIAM H. SMITH,
Acting Commissioner.

[F.R. Doc. 67-9464; Filed, Aug. 10, 1967; 8:49 a.m.]

[Order 35; Rev. 2]

ASSISTANT REGIONAL COMMISSIONERS (APPELLATE) ET AL.

Agreements Treated as Determinations

1. Pursuant to the authority granted to the Commissioner of Internal Revenue and District Directors by 26 CFR 301.7701–9 and 26 CFR 1.1313(a)–4, the authority to enter into agreements pursuant to section 1313(a)(4), Internal Revenue Code of 1954, relating to agreements treated as determinations, is hereby delegated to the following officials:

(a) Assistant Regional Commissioners (Appellate);

(b) Chiefs, Appellate Branch Offices;

(c) Associate Chiefs, Appellate Branch Offices;

(d) Assistant Chiefs, Appellate Branch Offices;

(e) Assistant District Directors; and

(f) Chiefs of District Audit Divisions.

2. The authority delegated to Assistant Chiefs, Appellate Branch offices, is limited to cases in which the net deficiencies or the net overassessment determined by the District Director or by the Director of International Operations did not exceed $50,000 and the determination of the Appellate Division does not involve a net overassessment in excess of $50,000.

3. The above officials, including the District Directors, may not redelegate this authority.

4. This order supersedes Delegation Order No. 35 (Rev. 1) issued September 18, 1964.

Date of issue: August 8, 1967.

Effective date: September 8, 1967.

[SEAL] WILLIAM H. SMITH,
Acting Commissioner.

[F.R. Doc. 67-9465; Filed, Aug. 10, 1967; 8:49 a.m.]

[Order 77; Rev. 1]

CHIEFS, APPELLATE BRANCH OFFICES ET AL.

Authority To Issue Statutory Notices of Deficiency

1. The authority granted to the Commissioner of Internal Revenue, Assistant Regional Commissioners (Appellate) and District Directors by 26 CFR 301.7701–9, 26 CFR 301.6212–1 and 26 CFR 301.6861–1 to sign, and send to the taxpayer by registered or certified mail any statutory notice of deficiency is hereby delegated to the following officials:

(a) Chiefs, Appellate Branch Offices;

(b) Associate Chiefs, Appellate Branch Offices;

(c) Assistant Chiefs, Appellate Branch Offices;

(d) Assistant District Directors; and

(e) Chiefs of District Audit Divisions.

2. The authority delegated to Assistant Chiefs, Appellate Branch offices, is limited to cases in which the net deficiencies or the net overassessment determined by the District Director or by the Director of International Operations did not exceed $50,000 and the determination of the Appellate Division does not involve a net overassessment in excess of $50,000.

3. This authority may be redelegated only by District Directors, who may redelegate to the Chief of Review Staff (or to the Chief of Technical Branch where that position has been established); Chief of Conference Staff; to Revenue Agents (Reviewers or Conferees) not lower than GS–13 for field audit cases; and to Revenue Agents (Reviewers or Conferees) and Tax Technicians (Reviewers or Conferees) not lower than GS–9 for office audit cases.

4. This order supersedes Delegation Order No. 77 issued March 29, 1960.

Date of issue: August 8, 1967.

Effective date: September 8, 1967.

[SEAL] WILLIAM H. SMITH,
Acting Commissioner.

[F.R. Doc. 67-9466; Filed, Aug. 10, 1967; 8:49 a.m.]

[Order 93; Rev. 1]

ASSISTANT REGIONAL COMMISSIONERS (APPELLATE) ET AL.

Authority To Consent to Redetermination of Aggregations by Taxpayer in Case of Invalid Basic Aggregations or Invalid Additions

1. The authority vested in the Commissioner of Internal Revenue as prescribed in 26 CFR 1.614–2(d)(5) and 26 CFR 1.614–3(f)(8) is hereby delegated to Assistant Regional Commissioners (Appellate), Chiefs, Appellate Branch Offices, Associate Chiefs, Appellate Branch Offices, Assistant Chiefs, Appellate Branch Offices, District Directors, and Chiefs, District Audit Divisions to:

Consent to the reforming of aggregations by a taxpayer where the taxpayer has formed invalid basic aggregations or made invalid additions to valid or invalid basic aggregations, and

Consent, in the case of oil and gas wells where an invalid aggregation has been formed under section 614(b), to the treatment by a taxpayer of all the properties included in the aggregation, which fall within a single operating unit, under the provisions of section 614(d) rather than section 614(b) of the 1954 Code if so requested by the taxpayer.

2. In the case of oil and gas wells this delegation order shall apply only to taxable years subject to the 1954 Code beginning before January 1, 1964.

3. The authority delegated to Assistant Chiefs, Appellate Branch offices, is limited to cases in which the net deficiencies or the net overassessment determined by the District Director or by the Director of International Operations did not exceed $50,000 and the determination of the Appellate Division does not involve a net overassessment in excess of $50,000.

4. The authority delegated herein may not be redelegated.

5. This order supersedes Delegation Order No. 93, issued April 27, 1964.

Date of issue: August 8, 1967.

Effective date: September 8, 1967.

[SEAL] WILLIAM H. SMITH,
Acting Commissioner.

[F.R. Doc. 67-9467; Filed, Aug. 10, 1967; 8:49 a.m.]

[Order 106]

CHIEF, CONTRACT AND PROCUREMENT SECTION, NATIONAL OFFICE FACILITIES BRANCH ET AL.

Authority Regarding Procurement of Property and Services

Pursuant to authority vested in the Commissioner of Internal Revenue by Treasury Department Order No. 208, dated March 31, 1966, and subject to the limitations contained therein and in accordance with Treasury Department Administrative Circular No. 153, dated September 9, 1966, there is hereby delegated to the officials listed below the authority to utilize the provisions of Title III of the Federal Property and Administrative Services Act of 1949, as amended, when procuring property and services:

Chief, Contract and Procurement Section, National Office Facilities Branch. This authority may be redelegated to appropriate procurement officials under the direct control and supervision of the Section Chief, not below Grade GS–7.

Chief, Facilities Management Branch, all regions, who may redelegate to appropriate procurement officials, not below Grade GS–7. This authority also may be redelegated, only by the Regional Commissioner, to district offices and service centers, for purchase of $2,500 or less, by procurement officials, not below Grade GS–7. The authority to buy routine miscellaneous items and expendable supplies from General Services Administration stores may be redelegated by either official to appropriate procurement personnel not below Grade GS–4.

Chief, Facilities Management Branch, IRS Data Center. This authority is for purchase of $2,500 or less, and may be redelegated to appropriate procurement officials not below Grade GS–7 who are under the control and supervision of the Chief. The authority to buy routine miscellaneous items and expendable supplies from GSA stores may be redelegated to appropriate procurement personnel not below Grade GS–4.

Date of issue: August 8, 1967.

Effective date: September 8, 1967.

[SEAL] WILLIAM H. SMITH,
Acting Commissioner.

[F.R. Doc. 67-9468; Filed, Aug. 10, 1967; 8:49 a.m.]

Office of Foreign Assets Control

IMPORTATION OF CERTAIN MERCHANDISE DIRECTLY FROM TAIWAN (FORMOSA)

Available Certification by the Government of Republic of China

Notice is hereby given that certificates of origin issued by the Ministry of Economic Affairs of the Republic of China under procedures agreed upon between that Government and the Office of Foreign Assets Control in connection with the Foreign Assets Control Regulations are now available with respect to the importation into the United States directly, or on a through bill of lading, from Taiwan (Formosa) of the following additional commodities:

Canned salted duck egg yolks.
Canned quail eggs.

[SEAL] STANLEY L. SOMMERFIELD,
Acting Director.

[F.R. Doc. 67-9463; Filed, Aug. 10, 1967; 8:49 a.m.]

DEPARTMENT OF STATE

Office of the Secretary

[Public Notice 275]

ALGERIA, LIBYA, AND THE SUDAN

Removal of Restrictions on Travel to, in or Through

Public Notice 270 is amended to remove the restriction on travel by U.S. citizens to, in, or through Algeria, Libya, and the Sudan.

Dated: August 1, 1967.

For the Secretary of State.

IDAR RIMESTAD,
Deputy Under Secretary for Administration.

[F.R. Doc. 67-9454; Filed, Aug. 10, 1967; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

KANSAS AND OKLAHOMA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the States of Kansas and Oklahoma natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

KANSAS

Bourbon. Reno.
Linn.

OKLAHOMA

Beckham.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1968, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 8th day of August 1967.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67-9476; Filed, Aug. 10, 1967; 8:50 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

Redelegation of Authority by State Director

1. Pursuant to section 1.1, Bureau Order No. 701 of July 23, 1964, as amended, the following authority is hereby delegated to the Division Chiefs, State Office, California, and to each California District Manager, within his area of jurisdiction in the State of California, to become effective immediately upon publication in the FEDERAL REGISTER.

(a) Chief, Division of Resource Program Management, authority to take action for the State Director in matters listed in sections 1.7 and 1.8 of Part I of Bureau Order No. 701 supra.

(b) Chief, Division of Lands and Minerals Program Management and Land Office, authority to take action for the State Director in matters listed in section 1.5 of Part I of Bureau Order No. 701 supra.

(c) Chief, Division of Engineering, authority to take action for the State Director in matters listed in section 1.4 of Part I of Bureau Order No. 701 supra.

(d) Each California District Manager authority to take action for the State Director in matters listed in section 1.5(a) of Part I of Bureau Order No. 701 supra.

2. The authority delegated in Paragraph 1 above may not be redelegated.

3. This redelegation of authority supersedes the redelegation of March 27, 1962 (27 F.R. 3297).

J. R. PENNY,
State Director.

Approved: August 4, 1967.

JOHN O. CROW,
Associate Director.

[F.R. Doc. 67-9425; Filed, Aug. 10, 1967; 8:45 a.m.]

[OR 106]

OREGON

Order Providing for Opening of Public Lands

AUGUST 7, 1967.

1. In an exchange of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1272), as amended June 26, 1936 (49 Stat. 1976; 43 U.S.C. 315g), the following lands have been reconveyed to the United States:

WILLAMETTE MERIDIAN

T. 22 S., R. 13 E.,
Sec. 4, lots 3 and 4, S½NW¼, and SW¼.

The areas described aggregate 321.40 acres.

2. The lands are located in Deschutes County. They are semiarid in character and are not suitable for farming.

3. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands are hereby open to application, petition, location, and selection. All valid applications received at or prior to 10 a.m., September 12, 1967, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. Inquiries concerning the lands should be adressed to the Chief, Division of Lands and Minerals Program Management and Land Office, Post Office Box 2965, Portland, Oreg. 97208.

VIRGIL O. SEIBER,
Chief, Branch of Lands.

[F.R. Doc. 67-9471; Filed, Aug. 10, 1967; 8:50 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[Report No. 82]

LIST OF FREE WORLD AND POLISH-FLAG VESSELS ARRIVING IN CUBA SINCE JANUARY 1, 1963

SECTION 1. The Maritime Administration is making available to the appropriate Departments the following list of vessels which have arrived in Cuba since January 1, 1963, based on information received through August 1, 1967, exclusive of those vessels that called at Cuba on U.S. Government-approved noncommercial voyages and those listed in section 2. Pursuant to established U.S. Government policy, the listed vessels are ineligible to carry U.S. Government-financed cargoes from the United States.

FLAG OF REGISTRY AND NAME OF SHIP	Gross tonnage
Total, all flags (269 ships)	1,937,646
British (78 ships)	590,080
**Amalia (now Maltese).	
**Amason River (broken up)	7,234
Antarctica	8,755
Arctic Ocean	6,791
**Ardenode (now Tynles—Panamanian)	7,036
Ardgem (now Kelso—British)	6,981
**Ardmore (now Kali Elpis—British)	4,664
**Ardpatrick (now Haringhata—Pakistani)	7,054
Ardrosemore	5,820
Ardrowan	7,300
**Ardsirod (broken up)	7,025
**Ardtara (now Rosetta Maud—British)	5,795
**Arlington Court (now Southgate—British).	
Athelcrown (tanker)	11,149
Athelduke (tanker)	9,089
**Atheiknight (tanker—broken up)	9,087
Athelmere (tanker)	7,524
Athelmonarch (tanker)	11,182
**Athelsultan (tanker—broken up)	9,149
Aviafaith	7,868
Baxtergate	8,813
Cheung Chau	8,566
**Chipbee (broken up)	7,271
**Cosmo Trader (trips to Cuba under ex-name Ivy Fair—British).	
**Dairen (now Agate—Panamanian)	4,939
**East Breese (now Maulabaksh—Pakistani).	
Eastfortune	8,789
*Eastglory	8,995
**Elicos (broken up)	7,134
Formentor (now Dorine Papillos—Cypriot)	8,424
Fortune Enterprise	7,384
**Free Enterprise (now Cypriot).	
**Free Merchant (now Cypriot).	
**Garthdale (now Jeb Lee—British)	7,542
*Glenmoor	7,792
**Grosvenor Mariner (now Red Sea—British).	
Hazelmoor	7,907
**Helka (now Anna Maria—Greek)	2,111
Hemisphere	8,718
Ho Fung	7,121
Huntanfield	9,483
*Huntsland	9,353
Huntsmore	5,678
Huntsville	9,486
**Inchstaffa (now Nankwang—British)	5,255
Inchstuart	7,043
**Ivy Fair (now Cosmo Trader—British—broken up)	7,201
**Jeb Lee (trip to Cuba under ex-name Garthdale—British).	
Jollity	8,660
**Kali Elpis (trips to Cuba under ex-name Ardmore—British).	
**Kelso (trips to Cuba under ex-name Ardgem—British).	
Kinross	5,388
La Hortensia	9,486
Linkmoor	8,236
**Loradore (now Allartos—Greek)	8,078
Magister	2,339
Nancy Dee	6,597
**Nankwang (trip to Cuba under ex-name Inchstaffa—British).	
Nebula	8,924
**Newdene (now Free Navigator—Cypriot).	
**Newforest (now Cypriot).	
Newgate	8,743
Newglade	7,368
**Newgrove (now Cypriot).	
Newheath	7,643
Newhill	7,855
Newlane	7,043
**Newmeadow (now Cypriot).	
Newmoat	7,151
Newmoor	7,168
Oceantramp	6,185
Oceantravel	10,477
Peony	9,087
**Phoenician Dawn (now Maulabaksh — Pakistani — Previous trips to Cuba under ex-name East Breese—British)	8,708
**Red Sea (previous trip to Cuba under ex-name Grosvenor Mariner—British)	7,026
**Redbrook (now E. Evangelia—Greek)	7,398
**Rosetta Maud (trips to Cuba under ex-name Ardtara—British).	
Ruthy Ann	7,341
**St. Antonio (now Maltese).	
Sandsend	7,236
Santa Granda	7,229
Sea Amber	10,421
Sea Coral	10,421
Sea Empress	8,941
Seesage	4,330
Shienfoon	7,127
**Shun Fung (wrecked)	7,148
**Soclyve (now Maltese).	
**Southgate (previous trips to Cuba under ex-name Arlington Court—British)	9,662
**Suva Breese (now Cathay Trader—Panamanian)	4,970
**Swift River (now Kallithea—now Cypriot).	
**Timios Stavros (now Maltese flag—previous trips to Cuba—Greek).	
Venice	8,611
Vercharmian	7,368
Vergmont	7,381
Yungfutary	5,388
Yungtutaton	5,414
Zela M	7,237
Lebanese (50 ships)	340,387
Aiolos II	7,356
**Ais Giannis (broken up)	6,997
**Akamas (now Cypriot).	
**Al Amin (now Fortune Sea—Panamanian)	7,186
Alaska	8,989
Anthas	7,044
Antonis	8,250
**Ares (constructive total loss)	4,557
**Areti (now Cypriot)	7,176
**Aristefs (now Tung Yih—Panamanian)	6,995
Astir	5,324
**Athamas (now Cypriot—broken up)	4,729
**Carnation (broken up)	4,884
Claire	5,411
Cris	6,032
**E. Myrtidiotissa (aground, trips to Cuba under ex-name, Kalliopi D. Lemos—Lebanese).	
**Free Trader (now Cypriot).	
Giannis	5,270
Giorgos Tsaklroglou	7,240
Granikos	7,282
Ilena	5,925
Ioannis Aspiotis	7,297
**Kalliopi D. Lemos (now E. Myrtidiotissa—Lebanese)	5,103
Katerina	9,357
Leftric	7,176
Mantric	7,255
**Maria Despina (broken in two)	7,254
**Maria Renee (broken up)	7,203
Marichristina	7,124
**Marika (now Cypriot)	7,253
**Marymark (broken up)	4,582
**Mersinidi (broken up)	6,782
Mousse	9,307
Nictric	7,296
Noelle	7,251
**Noemi (aground—total loss)	7,070
**Olga (now Greek).	
Panagos	7,133
Parmarina	6,721
**Razani (broken up)	7,253
**Reneka (now San Carlo—Panamanian—broken up)	7,250
Rio	7,194
**St. Anthony (broken up)	5,349
**St. Nicolas (broken up)	7,165
San Spyridon	7,260
Stevo	7,066
Tertric	7,045
Theodoros Lemos	7,198
Tony	7,176
Toula	6,426
Troyan	7,243
**Vasiliki (now Cypriot).	
**Vastric (broken up)	6,751
Vergolivada	6,339
Yanzilas	10,051
Greek (36 ships)	273,190
Agios Therapon	7,205
**Akastos (now Cypriot).	
**Allartos (trip to Cuba under ex-name, Loradore—British).	
Alice	7,189
**Ambassada (broken up)	6,600
**Americana (broken up)	7,104
**Anacreon (now White Daisy—Panamanian)	7,359
**Anatoli (now Sunrise—Cypriot).	
**Andromachi (previous trips to Cuba under ex-name, Penelope—Greek)	6,712
**Anna Maria (trips to Cuba under ex-name Helka—British).	
**Antonia (now Amfithea—Cypriot).	
Apollon	9,744
Athanassios K	7,216
Barbarino	7,064
Calliopi Michalos	7,249
**Embassy (broken up)	8,418
**E. Evangelia (trips to Cuba under ex-name, Redbrook—British).	
Eftychia	10,865
Eretria	7,199
**Gloria (now Helen—Greek).	
**Helen (previous trips to Cuba under ex-name, Gloria—Greek—broken up)	7,128
Irena	7,232
**Istroe II (broken up)	7,275
**Kapetan Kostis (broken up)	5,032
**Kyra Hariklia (broken up)	6,838
**Maria Theresa (now Ingrid Anne—South African)	7,245
**Marigo (now Amfitriti—Cypriot)	7,147
**Maroudio (now Thalie—Panamanian)	7,369
**Mastro-Stelios II (now Wendy H.—South African)	7,262
Mery	7,258
**Nicolaos F. (previous trip to Cuba under ex-name, Nicolaos Frangistas—Greek)	7,199
**Nicolaos Frangistas (now Nicolaos F.—Greek).	
Nikolis M	7,176
**Olga (previous trips to Cuba—Lebanese)	7,199

See footnotes at end of document.

FLAG OF REGISTRY AND NAME OF SHIP	Gross tonnage
Greek—Continued	
Pantanassa	7,131
**Paxoi (broken up)	7,144
**Penelope (now Andromachi—Greek).	
**Preavia (broken up)	10,830
Redestos	5,911
Roula Maria (tanker)	10,608
**Seirios (broken up)	7,239
Sophia	7,030
**Stylianos N. Vlassopulos (now Antonia II—Cypriot)	7,303
**Timios Stavros (formerly British flag—now Maltese).	
Tina	7,362
Western Trader	9,268
Polish (20 ships)	148,460
Baltyk	6,963
Bialystok	7,173
Bytom	5,967
Chopin	9,148
Chorsow	7,237
Energetyk	10,843
Grodziec	3,379
Huta Florian	7,258
Huta Lebedy	7,221
Huta Ostrowiec	7,175
Huta Zgoda	6,840
Hutnik	10,897
Kopalnia Bobrek	7,221
Kopalnia Culads	7,252
Kopalnia Miechowice	7,228
Kopalnia Siemianowice	7,166
Kopalnia Wujek	7,033
Piast	3,184
Rejowiec	3,401
Transportowiec	10,860
Cypriot (26 ships)	181,509
Acme	7,150
**Adelphos Petrakis (broken up)	7,170
Agenor	7,139
**Akamas (previous trips to Cuba—Lebanese)	7,285
**Akastos (previous trip to Cuba—Greek)	7,331
**Aktor (sunk)	6,993
Amfiali	7,110
**Amfithea (previous trip to Cuba under ex-name Antonia—Greek)	5,171
**Amfitriti (trip to Cuba under ex-name Marigo—Greek).	
Amon	7,229
*Angeliki	8,482
**Antonia II (trip to Cuba under ex-name Stylianos N. Vlassopulos—Greek).	
*Apollonian	7,284
Apostoles Andreas	5,357
**Areti (trips to Cuba—Lebanese).	
Artemida	7,247
**Athamas (trips to Cuba—Lebanese—broken up).	
**Dorine Papillos (trips to Cuba under ex-name Formentor—British).	
E. D. Papalios	9,431
El Toro	5,949
**Free Enterprise (previous trips to Cuba—British)	6,907
**Free Merchant (previous trips to Cuba—British)	5,237
**Free Navigator (previous trips to Cuba under ex-name Newdene—British)	7,181
**Free Trader (previous trips to Cuba—Lebanese)	7,067
**Kallithea (previous trips to Cuba under ex-name Swift River—British—broken up)	7,251
Cypriot—Continued	
**Marika (trip to Cuba—Lebanese).	
Mparmpamarcos	7,239
**Newforest (previous trips to Cuba—British)	7,185
**Newgrove (previous trips to Cuba—British and Haitian—constructive total loss)	7,172
**Newmeadow (previous trips to Cuba—British—sunk)	5,654
**Sunrise (previous trips to Cuba under ex-name Anatoli—Greek)	7,187
**Vasiliki (previous trips to Cuba—Lebanese)	7,192
Italian (17 ships)	148,693
Achille	6,950
Agostino Bertani	8,380
**Andrea Costa (tanker—broken up)	10,440
**Aspromonte (broken up)	7,154
*Atria (tanker)	12,845
Caprera	7,180
Elia (tanker)	11,377
*Fucinatore	12,790
**Geremia (previous trips to Cuba under ex-name Mariasusanna—Italian)	2,479
Giuseppe Giulietti (tanker)	17,619
**Graziella Zeta (trips to Cuba under ex-name Montiron—Italian).	
**Mariasusanna (now Geremia—Italian).	
**Montiron (now Graziella Zeta—Italian)	1,595
**Nazareno (broken up)	7,173
Nino Bixio	8,427
San Francesco	9,284
San Nicola (tanker)	12,461
Santa Lucia	9,278
**Somalia (now Chung Thai—Panamanian)	3,352
Yugoslav (11 ships)	77,585
**Bar (broken up)	7,233
Cetinje	7,200
**Dugi Otok (broken up)	6,997
Kolasin	7,217
Mojkovac	7,125
*Piva	7,519
Plod	3,657
**Promina (broken up)	6,960
*Subicevac	9,033
Tara	7,499
**Trebinjica (wrecked)	7,145
French (9 ships)	48,758
**Arsinoe (tanker—sunk)	10,426
**Avranches (now Avranchoise—Panamanian)	7,282
Circe	2,874
Enee	1,232
Foulaya	3,739
Mungo	4,820
Nelee	2,874
**Neve (now Drame Oumar—Guinean)	852
Senanque (tanker)	14,659
Moroccan (5 ships)	35,628
Atlas	10,392
**Banora (sunk)	3,062
Marrakech	3,214
Mauritanie	10,392
Toubkal	8,748

Flag of Registry and Name of Ship	Gross tonnage
Maltese (5 ships)	33,788
**Amalia (previous trips to Cuba—British)	7,304
Ispahan	7,156
**St. Antonio (broken up, previous trip to Cuba—British)	6,704
**Socivve (previous trips to Cuba—British)	7,291
**Timios Stavros (previous trips to Cuba—British and Greek)	5,333
Finnish (5 ships)	36,835
Atlas	3,916
Augusta Paulin	7,096
**Hermia (trip to Cuba under ex-name Amfred—Swedish).	
Margrethe Paulin	7,251
Ragni Paulin	6,823
Sword (tanker)	11,749
Netherlands (2 ships)	999
Meike	500
Tempo	499
Norwegian (2 ships)	10,002
Ole Bratt	5,252
**Tine (now Jesreel—Panamanian flag—Wrecked)	4,750
Swedish (2 ships)	9,318
**Amfred (now Hermia—Finnish)	2,828
**Dagmar (now Ball Mariner—Panamanian)	6,490
Monaco (1 ship)	7,314
**Saint Lys (broken up)	7,314

Guinean
- **Drame Oumar (trip to Cuba under ex-name, Neva—French).

Haitian
- **Newgrove (now Cypriot).

Pakistani
- **Haringhata (trip to Cuba under ex-name, Ardpatrick—British).
- **Maulabakah (trip to Cuba under ex-name, Phoenician Dawn and East Breeze—British).

Panamanian
- **Agate (trips to Cuba under ex-name, Dairen—British).
- **Avranchoise (trip to Cuba under ex-name, Avranches—French).
- **Ball Mariner (trips to Cuba under ex-name, Dagmar—Swedish).
- **Cathay Trader (trips to Cuba under ex-name, Suva Breeze—British).
- **Chung Thai (trip to Cuba under ex-name, Somalia—Italian).
- **Fortune Sea (trips to Cuba under ex-name, Al Amin—Lebanese—broken up).
- **Jesreel (trip to Cuba under ex-name, Tine—Norwegian—wrecked).
- **San Carlo (trip to Cuba under ex-name, Reneka—Lebanese—broken up).
- **Thalie (trip to Cuba under ex-name, Maroudio—Greek).
- **Tung Yih (trip to Cuba under ex-name Aristefs—Lebanese).
- **Tyniee (trip to Cuba under ex-name, Ardenode—British).
- **White Daisey (trips to Cuba under ex-name, Anacreon—Greek).

See footnotes at end of document.

Flag of Registry and Name of Ship	Gross tonnage
South African:	
**Ingrid Anne (trip to Cuba under ex-name, Maria Theresa—Greek).	
**Wendy H. (trip to Cuba under ex-name, Mastro-Stelios II—Greek).	

SEC. 2. In accordance with approved procedures, the vessels listed below which called at Cuba after January 1, 1963, have reacquired eligibility to carry U.S. Government-financed cargoes from the United States by virtue of the persons who control the vessels having given satisfactory certification and assurance:

(a) That such vessels will not, thenceforth, be employed in the Cuba trade so long as it remains the policy of the U.S. Government to discourage such trade; and

(b) That no other vessel under their control will thenceforth be employed in the Cuba trade, except as provided in paragraph (c); and

(c) That vessels under their control which are covered by contractual obligations, including charters, entered into prior to December 16, 1963, requiring their employment in the Cuba trade shall be withdrawn from such trade at the earliest opportunity consistent with such contractual obligations.

Flag of Registry and Name of Ship	Number of ships
a. Since last report: None.	
b. Previous reports:	
Flag of registry (total)	104
British	41
Cypriot	3
Danish	1
Finnish	2
French	1
German (West)	1
Greek	27
Israeli	1
Italian	5
Japanese	1
Kuwaiti	1
Lebanese	9
Norwegian	4
Spanish	6
Swedish	1
Yugoslav	1

SEC. 3. The ships listed in sections 1 and 2 have made the following number of trips to Cuba since January 1, 1963, based on information received through August 1, 1967.

Flag of registry	1963	1964	1965	1966	Jan.	Feb.	Mar.	Apr.	May	June	July	Total
British	123	180	128	105	4	7	10	9	8	8	1	[illegible]
Lebanese	64	91	65	30	1	2	2	3	1			367
Greek	50	27	23	27	5	4	2	3	2	3		136
Italian	15	20	24	11	1		2		1	2	1	77
Yugoslav	12	11	15	10			2	1	1	1		53
Cypriot		1	17	27	2	1	3	3	2	4		63
French	8	9	9	10					1			37
Spanish	8	17										25
Norwegian	14	10										24
Moroccan	9	13	1									23
Finnish	1	4	8	11	1	1	1	1	1	1		31
Maltese		2	8	1		2		1				13
Netherlands		4	2									6
Swedish	3	3										6
Kuwaiti		2	1									3
Israeli			2									2
Danish	1											1
German (West)	1											1
Haitian			1									1
Japanese	1											1
Monaco				1								1
Sub-total	370	394	320	234	14	17	22	23	17	17	2	1,360
Polish	18	16	12	10	1	1	1		2			61
Grand total	388	410	332	244	15	18	23	23	19	17	2	1,421

NOTE: Trip totals in this section exceed ship totals in sections 1 and 2 because some of the ships made more than one trip to Cuba. Monthly totals subject to revision as additional data become available.

*Added to Report No. 81, appearing in the FEDERAL REGISTER issue of June 24, 1967.

**Ships appearing on the list that have been sunk, scrapped or have had changes in name and/or flag of registry.

Dated: August 4, 1967.

By order of the Acting Maritime Administrator.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 67-9469; Filed, Aug. 10, 1967; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

CHEMAGRO CORP.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (PAP 8H2201) has been filed by Chemagro Corp., Post Office Box 4913, Hawthorn Road, Kansas City, Mo. 64120, proposing the issuance of a regulation to establish a tolerance of 0.5 part per million for residues of *O,O*-dimethyl *S*-[4-oxo-1, 2, 3-benzotriazin-3 (4H)-ylmethyl] phosphorodithioate in soybean oil from concentration and carryover after application of the insecticide to the growing soybean crop as proposed in the pesticide petition (PP 7F0539), notice of which was published in the FEDERAL REGISTER of November 2, 1966 (31 F.R. 14012).

Dated: August 3, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-9473; Filed, Aug. 10, 1967; 8:50 a.m.]

INTERNATIONAL FLAVORS AND FRAGRANCES (US)

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 8A2199) has been filed by International Flavors and Fragrances (US), 521 West 57th Street, New York, N.Y. 10019, proposing the issuance of a regulation to provide for the safe use of a cross-linked concervate, consisting of gelatin, gum arabic, and glutaraldehyde, intended for use as the wall material of microbeadlets containing food-flavoring substances.

Dated: August 3, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-9474; Filed, Aug. 10, 1967; 8:50 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 16606, etc.]

OZARK AIR LINES, INC.

Notice of Hearing Regarding Route Realignment Investigation

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on September 12, 1967, at 10 a.m., e.d.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned Hearing Examiner.

For information concerning the issues involved and other matters in this proceeding, interested parties are referred to the Board Orders E-22802, dated October 26, 1965, E-24679, dated January 25, 1967, E-25188, dated May 24, 1967, the prehearing conference report served May 1, 1967, the supplemental prehearing conference report served June 26, 1967, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., August 8, 1967.

[SEAL] LESLIE G. DONAHUE,
Hearing Examiner.

[F.R. Doc. 67-9455; Filed, Aug. 10, 1967; 8:48 a.m.]

[Docket Nos. 18292, 18483]

PAN AMERICAN WORLD AIRWAYS, INC., AND AMERICAN AIRLINES, INC.

Amended Notice of Oral Argument Regarding Transpacific Exemption Requests

Upon consideration of the various motions and answers filed in connection with the oral argument scheduled for September 13, 1967, the Board has concluded to limit this argument to the exemption application of Pan American.

The notice issued on June 30, 1967, will be modified accordingly, and the time allotted American Airlines, Inc., will be reduced to 10 minutes.

Dated at Washington, D.C., August 7, 1967.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 67-9457; Filed, Aug. 10, 1967; 8:48 a.m.]

[Docket No. 16222, etc.; Order E-25499]

SAN FRANCISCO & OAKLAND HELICOPTER AIRLINES, INC., ET AL.

Order To Show Cause Regarding Service Mail Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 7th day of August 1967.

Petition of San Francisco & Oakland Helicopter Airlines, Inc., for a service mail rate; service mail rates for Chicago Helicopter Airways, Inc., Los Angeles Airways, Inc., New York Airways, Inc.; Docket 16222 et al.

By this order, the Board is proposing to establish a multielement service mail rate for the helicopter operations of San Francisco & Oakland Helicopter Airlines, Inc. (San Francisco), effective on and after February 4, 1964.

San Francisco has been on an open service mail rate since February 4, 1964, the date it petitioned that its service mail rate be revised from $2.58 per mail ton-mile[1] to the multielement rate than in effect for the domestic trunkline, local service, and all-cargo carriers.[2]

By Order E-22281, June 9, 1965, the Board, inter alia, consolidated San Francisco's petition into a newly instituted proceeding (Docket 16222 et al.) to fix final service mail rates for the four certificated helicopter carriers[3] and directed the parties to show cause why the Board should not (1) reestablish the rate of $2.58 per mail ton-mile as the final service rate for San Francisco for the period from February 4, 1964, to June 18, 1965, and (2) revise the service mail rates for all four helicopter carriers to the basis of the existing multielement rate for domestic carriers, effective June 19, 1965.

The Postmaster General filed an objection to the multielement rate proposed by the Board for the helicopter carriers. San Francisco also objected insofar as the order failed in its case to propose retroactive application of the multielement rate to February 4, 1964, the date of its petition reopening its rate. Subsequently, Chicago and Los Angeles filed motions seeking dismissal of the proceeding as to them and reestablishment of the old $2.58 per ton-mile rate. On December 10, 1965, the Board fixed a final rate of $2.58 per ton-mile to be paid Chicago Helicopter and Los Angeles Airways on and after June 19, 1965.[4]

In the interim period since the filing of San Francisco's petition reopening its service mail rate, the line-haul portion of the domestic multielement service mail rate was reduced to 27.15 cents per mail ton-mile, based on standard mileages, effective June 19, 1965, for the trunkline and all-cargo carriers, and effective August 14, 1965, for the local service carriers, with no change in the terminal rates.[5]

Subsequently, the line-haul element was adjusted upward to 27.33 cents per mail ton-mile in conjunction with a change in the basis for computing compensation from standard miles to nonstop great circle miles effective October 8, 1966.[6]

The multielement rate proposed herein for San Francisco is the rate established for the trunkline, local service, and all cargo carriers by Order E-22512, August 6, 1965, as amended by Order E-24247, September 30, 1966.

The volume of mail carried by San Francisco is very small. During 1966, for example, San Francisco carried a total of only 3,235 ton-miles of mail which represented less than 1 percent of San Francisco's total ton-mile traffic. With San Francisco's volume, both relative and absolute, being so small, it is indicated that a detailed costing of San Francisco's mail service would be extremely difficult, and this difficulty would be aggravated by the necessity of the costing being pursued within the context of formal hearing procedures. With these factors in mind, it appears that the likelihood of either the Government or the carrier receiving benefit commensurate with the expenditure of time and money on a hearing is remote at best. It therefore appears appropriate to the Board that every effort be made to obtain a fair disposition of this matter through informal means. The Board's staff met on a number of occasions with representatives of the Post Office Department and San Francisco, and both parties recently informally advised the Board's staff that the disposition proposed herein is acceptable to them.

[1] In effect for San Francisco since Oct. 13, 1962, per Order E-18956, 37 CAB 689 (1962). This rate had been established as the service mail rate for helicopter carriers on and after Oct. 1, 1958, pursuant to Reorganization Plan No. 10, Order E-7721, 17 CAB 898 (1953).

[2] Order E-9284, June 7, 1955, 21 CAB 8 (1955); and Order E-9680, Oct. 7, 1955, 21 CAB 894 (1955).

[3] Chicago Helicopter Airways, Inc. (Chicago), Los Angeles Airways, Inc. (Los Angeles), New York Airways, Inc. (New York), and San Francisco & Oakland Helicopter Airlines, Inc.

[4] Order E-22967, Dec. 10, 1965.

[5] Order E-22512, Aug. 6, 1965.

[6] Order E-24247, Sept. 30, 1966.

Notwithstanding their divergent interests, the fact that both the user of the service and the carrier providing the service are willing to accept the rate proposed constitutes substantial evidence of the reasonableness of that rate, and such a conclusion is reinforced by a consideration of other independent factors.

The multielement rate proposed herein has had application to an extremely broad spectrum of individual carriers having very diverse financial and operating characteristics. It has, nevertheless, been considered to produce a reasonable result both in the aggregate and individually, and there is no reason to believe that it will not produce a reasonable result for San Francisco.

For the open rate period, February 4, 1964, through the first quarter of 1967, the multielement rate proposed herein would have produced an average mail yield of about $5.10 per ton-mile for San Francisco. This is, of course, substantially higher than the rate of $2.58 per ton-mile formerly applying. The former rate was, however, initially established for the other three helicopter carriers in 1953, and was merely extended to apply to San Francisco in 1962[1] when it was first authorized to carry mail.

San Francisco's indicated multielement yield of $5.10 per ton-mile, while high in comparison to its former rate, appears to be reasonably within the range of the carrier's indicated costs. San Francisco's average operating cost per revenue ton-mile was $5.40 in calendar 1964, $6.74 in fiscal 1966, $6.05 in the first quarter of 1967.[2] Such costs include nonmail costs but do not include a return allowance. It is, therefore, indicated that the multielement rate would have produced an average yield for San Francisco moderately below its average cost per revenue ton-mile excluding nonmail costs but allowing a return. This is the same situation that obtained with respect to the trunkline carriers when the multielement rate proposed herein was first made effective in 1965.

Considering all relevant factors, the Board tentatively finds that the multielement rate proposed herein will produce a result for San Francisco that is within the zone of reasonableness as indicated by the best available data.

Upon consideration of the foregoing, the Board proposes to issue an order to include the following findings and conclusions:

1. The fair and reasonable final rate of compensation to be paid San Francisco & Oakland Helicopter Airlines, Inc., for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith between the points which the carrier has been, is presently, or hereafter may be authorized to transport mail by its certificate of public convenience and necessity or Board exemption order on and after February 4, 1964, shall be the sum of (A) the line-haul charges, and (B) the terminal charges, computed as follows:

A. *Line-haul charges.* The line-haul charge shall be the product of the mail ton-miles times the line-haul rate of 27.33 cents per mail ton-mile. The mail ton-miles for each shipment shall be computed by using the nonstop great circle miles between the station of origin and station of destination as the standard miles between such points.

B. *Terminal charges.* (1) The terminal charge for each shipment of mail shall be the product of the pounds of mail in each shipment times the terminal rate per pound set forth below for the station of origin of the mail shipment:

Station of origin	*Terminal rate per pound*
Class A	3.32
Class B	6.64
Class C	9.96
Class D	33.21

(2) The stations included in each of the foregoing station classes shall be as specified in Appendix A set forth below, provided, however, that any station not listed in said appendix shall be classified as a Class "C" station.

(3) At any time, the Board upon its own initiative may institute a proceeding, and any party may make application to the Board for change in the classification of any station, without disturbing the overall rate and rate structure, on the ground that the total revenue tons enplaned at the station in question during the most recent 12-month period preceding the filing of such application bring the station within a different class based upon the classification set forth in the note below.[3] Such application will not be regarded as reopening the rate provided that it raises only the factual question as to the total tons enplaned at the particular station and does not challenge the limits of the station classifications provided for herein.

Applications provided for above shall be clearly entitled "Application for Change in Classification of Station," shall contain a clear and concise statement of the requested classification change and the facts upon which such request is based, and shall in all other respects conform to the applicable requirements of the rules of practice. Any order changing a station classification shall take effect as of the first day of the first postal accounting period following the filing of the application, unless the application is filed on the first day of a postal accounting period in which event the order shall be effective as of the application.

C. *Definitions.* As used herein "station (or point) of origin" means the station at which the carrier first enplanes the mail shipment after receipt thereof from the Post Office Department or its representatives, or from another carrier. "Station (or point) of destination" means the station at which the carrier deplanes the mail shipment for delivery to the Post Office Department or its representatives, or to another carrier. A point at which a mail shipment is transferred from one flight to another flight of the carrier shall not be considered as a point of origin or point of destination for such shipment.

2. Such service mail rate shall be paid in its entirety by the Postmaster General pursuant to section 406(c) of the Federal Aviation Act of 1958, and no part of such amount shall be paid by the Board.

3. Further proceedings in Docket 16222 et al., as they pertain to San Francisco & Oakland Helicopter Airlines, Inc., are dismissed.

4. The action proposed herein shall be without prejudice to the rights of any other party in Docket 16222 et al.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof:

It is ordered, That:

1. All interested persons, and particularly San Francisco & Oakland Helicopter Airlines, Inc., and the Postmaster General, are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions, and (1) fix, determine, and publish the rates stated in numbered paragraph 1 of the foregoing proposed findings and conclusions as the fair and reasonable rates to be paid the aforementioned carrier for the transportation of mail by aircraft, the facilities used and useful therefor and the services connected therewith between the points which the carrier has been, is presently, or hereafter may be authorized to transport mail by its certificate of public convenience and necessity or Board exemption order on and after the date specified in the above numbered paragraph; and (2) dismiss the proceeding in Docket 16222, et al. insofar as it pertains to the rates applicable to San Francisco & Oakland Helicopter Airlines, Inc.,

2. All further procedures herein shall be in accordance with the rules of practice (14 CFR Part 302); and if there is any objection to the rate or to the other findings and conclusions proposed herein, notice thereof shall be filed within 10 days, and, if notice is filed, written answers and supporting documents shall be filed within 30 days, after the date of service of this order;

3. If notice of objection is not filed within 10 days, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fixing and determining the final rate specified herein;

4. This order be served upon Chicago Helicopter Airways, Inc., Los Angeles Airways, Inc., New York Airways, Inc., San Francisco & Oakland Helicopter Airlines, Inc., and the Postmaster General.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

APPENDIX A—HELICOPTER AIRMAIL SERVICE

CLASSIFICATION OF STATIONS FOR DETERMINATION OF TERMINAL CHARGES

Class A Stations

Oakland International Airport, Calif.
San Francisco International Airport, Calif.

Class B Stations

Berkeley Heliport, Calif.
San Jose Airport (serving Sunnyvale).
Marin County Heliport.
Contra Costa.
Palo Alto.

Class C Stations

Oakland Heliport

[F.R. Doc. 67-9456; Filed, Aug. 10, 1967; 8:48 a.m.]

[Docket No. 18123; Order E-25604]

WEST COAST AIRLINES, INC.

Order Granting Motion To Expedite

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 8th day of August 1967.

Application of West Coast Airlines, Inc., Docket 18123; for amendment of its certificate of public convenience and necessity.

On January 19, 1967, West Coast Airlines, Inc., filed an application, Docket 18123, requesting that its certificate for Route 77 be amended to extend segment 1 to the new terminal point Los Angeles and that San Francisco and Oakland be designated as intermediate points. West Coast requests authority to provide unrestricted nonstop service between Seattle and/or Portland on the one hand and San Francisco and/or Los Angeles on the other; and nonstop authority between San Francisco and Los Angeles subject to a restriction against turnaround service between such points. West Coast indicates that operations pursuant to this authority would be without subsidy eligibility. On February 10, 1967, West Coast filed a motion to expedite hearing of Docket 18123.

In support of its motion for an expedited hearing West Coast contends among other things that: Its proposal will reduce subsidy substantially and increase economy of operations; it will realize an operating profit of $3,460,000 in the first stabilized year of service; in addition to new competitive service from Seattle and Portland to San Francisco and Los Angeles, the proposal would offer first carrier through service to Los Angeles from many West Coast points; the proposal would benefit a substantial volume of traffic since approximately 275,000 annual passengers would use the proposed services; a substantial period of time has elapsed since the Board considered the service needs in the area because United's basic north-south authority on the Pacific coast was obtained in a "grandfather" certificate and Western was extended to the Pacific Northwest 20 years ago; and that West Coast is badly in need of route strengthening and no significant strengthening can take place without access to the traffic flow here involved.

Answers in support of West Coast's motion have been filed by the city and county of San Francisco; Seattle Traffic Association; the city of Medford, Oreg.; the Washington Utilities and Transportation Commission; the Tri-Cities Nuclear Council, Inc.; Walla Walla Chamber of Commerce and Walla Walla City-County Airport Board; the city of Roseburg, Oreg.; and the city of Eugene, Oreg.

Answers opposing West Coast's motion have been filed by Pacific Air Lines, Inc., and Western Air Lines, Inc. In support of its answer Pacific alleges, inter alia, that: West Coast's proposal would have a significant and adverse economic impact upon Pacific; West Coast's subsidy reduction, if any, would not be as great as West Coast predicts; a large part of the 275,000 annual passengers which West Coast states would use its proposed services would be carried by West Coast in Pacific's present markets to Pacific's economic detriment; service to the areas involved has been under consideration by the Board recently in the "Service to Spokane Case" and the "West Coast 'Use it or Lose it' Case."

In support of its answer, Western alleges, inter alia, that: The Pacific coast markets have excellent competitive service by United and Western and there is no immediate or pressing need to consider additional service; there is little likelihood that West Coast could reduce its subsidy requirements by entering these highly competitive trunkline markets; West Coast's forecast of revenues and expenses is unrealistic and it is more likely that its proposed services would actually increase its subsidy need; grant of this motion would involve the Board in another major trunkline proceeding in which probably every trunkline carrier serving the Pacific coast would become an applicant; moreover, West Coast would divert substantial revenues from Western.

Upon consideration of the pleadings and all the relevant facts, we have decided to grant West Coast's motion. West Coast has supported its motion with economic data setting forth traffic forecasts and finafcial estimates. Even taking into consideration the adjustments made by Western to West Coast's revenue estimates, we think that West Coast has made a prima facie showing that its proposal would still produce a substantial operating profit. The Board's policy is to take actions which will strengthen the route systems of local service carriers. It is clear that West Coast is in need of such strengthening and this proceeding is a step in that direction. We note also that West Coast's proposal would offer first single-carrier service to Los Angeles from many of West Coast's certificated points, and Yakima and Pasco would receive first single-plane service to Los Angeles and more expeditious service to San Francisco. In addition, Eugene and Medford would obtain new service to Los Angeles via scheduled on-line connections. Finally, as West Coast states, a substantial period of time has elapsed since the Board reviewed in depth the service needs of the principal markets here involved.[1] We do not find the objections of Pacific and Western to setting this application for hearing to be persuasive. For the most part their objections are more properly directed to the merits of West Coast's application rather than to the question of whether West Coast should be accorded a priority hearing. In view of the foregoing, we conclude that West Coast has satisfied the criteria adopted by the Board for granting expeditious consideration (§ 399.59).

We shall favorably act upon duly filed motions of the carriers seeking consolidation of applications or parts thereof which are within the scope of the investigation. Other interested applicants, of course, may file amended or additional applications consistent with the scope of the investigation within the time for filing as hereinafter established. However, in the event new or amended applications for new or additional routes consistent with the scope of this case are filed, each applicant should file one new composite application covering clearly and specifically all of the authority sought in this proceeding. This procedure will obviate the confusion resulting from the consolidation of several separately filed applications or portions thereof and will assist the parties, the Examiner, and the Board in analyzing and considering the precise proposals of each applicant.

In addition to the issues raised in West Coast's application, we have decided to hear the question of whether or not nonstop service should be provided between Seattle and Portland, on the one hand, and airports near Los Angeles and San Francisco, on the other hand, other than San Francisco International Airport and Los Angeles International Airport. The airports we will consider for this purpose are: Orange County Airport (serving Santa Ana), Dougherty Field (serving Long Beach), Oakland International Airport, Ontario International Airport, San Jose Municipal Airport, and Hollywood-Burbank Airport. We believe that the institution of Seattle/Portland nonstop service at these airports could well provide improved service to the public and could ease congestion at the major airports.

Accordingly, it is ordered:

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[1] See footnote 1, supra.

[2] Derived from the carriers' Form-41 reports.

[3]

Classes of stations	*Revenue tons all traffic enplaned per year*
A	7,000 and over.
B	750–6,999.
C	60–749.
D	59 or less.

[1] United's basic north-south authority was obtained in a "grandfather" certificate. 1 CAA 126 (1939). Western was extended to the Pacific Northwest in the "West Coast Case," 8 CAB 14 (1947). In the "Spokane" cases (Orders E-21168 & E-24618, Aug. 7, 1964 and Jan. 6, 1967) we considered improved authority between Spokane, Seattle, Portland, and California points. However, in those proceedings, we focused principally on improved Spokane-California service and not on the key markets here concerned.

1. That West Coast's motion for expedited hearing of its application in Docket 18123 be and it hereby is granted;

2. That an investigation be and it hereby is instituted in Docket 18884, to determine whether nonstop service between Seattle and Portland, on the one hand, and, Orange County Airport, Dougherty Field, Oakland International Airport, Ontario International Airport, San Jose Municipal Airport, and Hollywod-Burbank Airport, on the other hand, is required by the public convenience and necessity.

3. That Docket 18123 be and it hereby is consolidated with the above-instituted investigation.

4. That motions to consolidate, applications, and motions or petitions seeking modification or reconsideration of this order be filed no later than 20 days after the date of service of this order and that answers to such pleadings be filed no later than 10 days thereafter; and

5. That any authority awarded in this proceeding shall be ineligible for subsidy.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 67-9458; Filed, Aug. 10, 1967; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

CIA DE NAVEGACAO LLOYD BRASILEIRO AND CIA DE NAVEGACAO MARITIMA NETUMAR

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Frank J. McConnell, Purrington & McConnell, 52 Wall Street, New York, N.Y. 10005.

Agreement 9651, between Cia de Navegacao Lloyd Brasileiro and Cia de Navegacao Maritima Netumar, proposes to establish a partnership agreement pursuant to Government directives issued by the Brazilian Merchant Marine Commission for the purpose of offering a joint service between Brazilian ports in the range from Porto Alegre to Belem as well as from ports of the Rio da Prata and East Coast ports of the United States and Canada. The agreement provides for the pooling of freight revenues between the parties and authorizes Lloyd Brasileiro to sponsor Maritima Netumar as its partner for acceptance as a regular member of the existing conferences. The parties shall jointly schedule their sailings to adequately meet service requirements and may jointly provide services for cargo handling and the solicitation of same. They shall carry all shipments committed, to the Brazilian flag unless released to ships flying other flags all in accordance with the terms and conditions set forth in the agreement.

Dated: August 8, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI, *Secretary.*

[F.R. Doc. 67-9459; Filed, Aug. 10, 1967; 8:49 a.m.]

CIA DE NAVEGACAO LLOYD BRASILEIRO AND NAVEGACAO MERCANTIL S.A.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Frank J. McConnell, Purrington & McConnell, 52 Wall Street, New York, N.Y. 10005.

Agreement 9650, between Cia de Navegacao Lloyd Brasileiro and Navegacao Mercantil S.A., proposes to establish a partnership agreement pursuant to Government directives issued by the Brazilian Merchant Marine Commission for the purpose of offering a joint service between Brazilian ports in the range from Porto Alegre to Sao Luis as well as from ports of the Rio da Prata and Gulf Coast ports of the United States as well as Mexican, Venesuelan and West Indies ports. The agreement provides for the pooling of freight revenues between the parties and authorizes Lloyd Brasileiro to sponsor Mercantil S.A. as its partner for acceptance as a regular member of the existing conferences. The parties shall jointly schedule their sailings to adequately meet service requirements and may jointly provide services for cargo handling and the solicitation of same. They shall carry all shipments committed to the Brazilian flag unless released to ships flying other flags all in accordance with the terms and conditions set forth in the agreement.

Dated: August 8, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI, *Secretary.*

[F.R. Doc. 67-9460; Filed, Aug. 10, 1967; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. C668-6 etc.]

D. E. ACKERS ET AL.

Notice of Applications for "Small Producer" Certificates [1]

AUGUST 3, 1967.

Take notice that on July 17, 1967, Joseph I. O'Neill, Jr., 410 West Ohio, Midland, Tex. 79701, filed on his own behalf and on behalf of other Applicants listed herein applications pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce from the Permian Basin area of Texas and New Mexico, all as more fully set forth in the applications which are on file with the Commission and open to public inspections.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 25, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

GORDON M. GRANT, *Secretary.*

Docket No.	Name of Applicant
C668-6	D. E. Ackers.
C668-7	E. T. Anderson.
C668-8	Albert Bradley.
C668-9	Edwina S. Brokaw.
C668-10	John J. Burns.
C668-11	John T. Cahill.
C668-12	J. Walter Duncan, Jr.
C668-13	Raymond T. Duncan.
C668-14	Vincent J. Duncan.
C668-15	Walter Duncan.
C668-16	John M. Franklin.
C668-17	Joseph Peter Grace.
C668-18	Estate of Frank A. Howard.
C668-19	Thomas S. Lamont.
C668-20	G. Hilmer Lundbeck, Jr.
C668-21	Joseph I. O'Neill, Jr.
C668-22	Estate of Edward L. Shea.
C668-23	Peter L. Shea.

[F.R. Doc. 67-9412; Filed, Aug. 10, 1967; 8:45 a.m.]

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

[Docket No. CP68-80]

BORDER PIPE LINE CO.

Notice of Application

AUGUST 4, 1967.

Take notice that on June 30, 1967, Border Pipe Line Co. (Applicant), Post Office Box 521, Tulsa, Okla. 74102, filed in Docket No. CP68-80 an application pursuant to subsection (b) of section 7 of the Natural Gas Act for permission and approval of the Commission to abandon certain natural gas service, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to abandon the sale and delivery of natural gas to American Smelting and Refining Co. (American) for export which was originally authorized by the Commission in its order issued October 10, 1942, as amended, in Docket No. G-228 (3 FPC 827). Applicant states that it has assigned to Texas Gas Utilities Company (Texas) all its rights, title, and interest in and to said sale, described above, and the facilities necessary therefor, and Texas has been authorized by the Commission, in Docket No. CP67-72, to continue said sale and delivery for export. Applicant therefore seeks authorization to abandon the sale and delivery of natural gas to American for export and further requests that the Presidential permit heretofore issued to it be terminated.

Protests or petitons to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before August 30, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 67-9413; Filed, Aug. 10, 1967; 8:45 a.m.]

[Project No. 2647]

COLORADO RIVER WATER CONSERVATION DISTRICT

Notice of Application for Preliminary Permit for Unconstructed Project

AUGUST 3, 1967.

Public notice is hereby given that application for preliminary permit has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by The Colorado River Water Conservation District (correspondence to: Philip P. Smith, Secretary-Engineer, The Colorado River Water Conservation District, Post Office Box 218, Glenwood Springs, Colo. 81601) for unconstructed Project No. 2647, to be known as the South Fork of White River Project, to be located on South Fork of White River in the counties of Garfield and Rio Blanco, in the region of Meeker and Glenwood Springs, Colo., and affecting lands of the United States within the White River National Forest.

The proposed South Fork of White River Project would consist of three developments to be constructed in the order named herein as water conservation and water power developments: (a) Rio Blanco Development which would include: (1) An earth and rock-filled dam structure on South Fork of White River about 290 feet high approximately 5 miles below the confluence of the North Fork of South River; (2) a reservoir of about 131,000 acre-feet of capacity at normal maximum water elevation of 9,270 feet (m.s.l.); (3) an 18,000-foot-long conduit consisting of a tunnel, surface penstock, and penstock tunnel; and (4) a powerplant with an installed capacity of 22,500 kw. (b) South Fork Development which would include: (1) An earth and rock-filled dam structure about 290 feet high on South Fork of White River, approximately 13 miles above its confluence with the North Fork of White River; (2) a reservoir of 83,000 acre-feet of capacity at normal maximum water surface elevation of 8,055 feet (m.s.l.); (3) a tunnel and penstock about 11,500 feet long; and (4) a powerplant with an installed capacity of 13,500 kw. (c) Blair Mountain Pumped Storage Development which would include: (1) A concrete gravity forebay dam about 150 feet high and 800 feet long damming natural Crater Lake; (2) a forebay reservoir with about 2,000 acre-feet of capacity at normal maximum water surface elevation of 14,450 feet; (3) a controlled outlet pipe to a tunnel penstock about 8,200 feet long; (4) a powerplant located on the South Fork of White River just below its confluence with Patterson Creek at approximate elevation of 8,200 feet (m.s.l.) with an initial installed capacity of 175,000 kw and provision for an ultimate installed capacity of 525,000 kw; and (5) a concrete gravity dam about 60 feet high on South Fork of White River creating an afterbay reservoir of about 3,000 acre-feet capacity.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is September 18, 1967. The application is on file with the Commission for public inspection.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 67-9414; Filed, Aug. 10, 1967; 8:45 a.m.]

[Docket No. CI68-65]

GULF OIL CORP.

Notice of Application

AUGUST 4, 1967.

Take notice that on July 20, 1967, Gulf Oil Corp. (Applicant), Post Office Box 1589, Tulsa, Okla. 74102, filed in Docket No. CI68-65 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Texas Eastern Transmission Corp. from various fields in South Louisiana and offshore therefrom at a total initial rate of 21.25 cents per Mcf at 15.025 p.s.i.a., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The application states that Applicant recognizes that the proposed rate is in excess of the "in-line" rates heretofore found to be required by the public convenience and necessity for initial sales from the area involved and that Applicant is willing to accept a certificate at the proposed rate, which certificate shall be subject to an express condition that Applicant shall refund to Texas Eastern Transmission Corp. from the date of initial delivery, together with interest at the rate of 7 percent per annum, any amounts collected in excess of the rate

finally determined to be applicable in the Area Rate Proceeding, Docket No. AR61–2, to sales of the same vintage and under the same or similar delivery conditions.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act on or before September 1, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67–9415; Filed, Aug. 10, 1967; 8:45 a.m.]

[Docket No. RI68–2 etc.]

HUMBLE OIL & REFINING CO. ET AL.

Order Accepting Contract Amendments, Providing for Hearings on and Suspension of Proposed Changes in Rates; Correction

JULY 7, 1967.

In the order accepting contract amendments, providing for hearings on and suspension of proposed changes in rates, issued July 13, 1967 and published in the FEDERAL REGISTER July 22, 1967 (F.R. Doc. 67–8355, 32 F.R. 10820) Humble Oil & Refining Co., Docket No. RI68–2 et al., under column headed "Supp. No." (opposite Rate Schedule No. 246) change "3" to read "4".

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67–9416; Filed, Aug. 10, 1967; 8:45 a.m.]

[Docket Nos. CP68–34, CP68–35]

LUMAR GAS CORP. AND HYDROCO GAS SUPPLY CORP.

Notice of Application

AUGUST 4, 1967.

Take notice that on August 1, 1967, Lumar Gas Corp. (Lumar), 1215 Chamber of Commerce Building, Houston, Tex. 77002, and Hydroco Gas Supply Corp. (Hydroco), 1520 Vaughn Plaza, Corpus Christi, Tex. 78401 (Applicants), filed in Docket Nos. CP68–34 and CP68–35, respectively, applications pursuant to subsections (b) and (c) of section 7 of the Natural Gas Act for permission and approval to abandon by sale certain natural gas facilities and service and for a certificate of public convenience and necessity authorizing the acquisition and operation of certain natural gas facilities and service, respectively, all as more fully set forth in the applications, which are on file with the Commission and open to public inspection.

Specifically, Lumar seeks permission and approval to abandon, by sale to Hydroco, its natural gas gathering facilities in the Gyp Hill, East Midway, Appling, South Lucky, and Nada Fields, all in the State of Texas, together with the sales to Texas Eastern Transmission Corp. (Texas) and all of Lumar's assets. Lumar states that due to depletion of the fields mentioned above, the total deliveries to Texas have declined and only the Appling and South Lucky Fields are still producing any deliverable natural gas, as a result of which it has gone out of business. Lumar further states that the abandonment proposed above contemplates that Hydroco will continue the sales to Texas until the remaining dedicated reserves are depleted.

Hydroco seeks authorization to acquire and operate the natural gas gathering facilities of Lumar together with the sale of natural gas to Texas, as set forth above, until such time as the dedicated reserves are depleted, as mentioned above.

Hydroco proposes to carry the facilities acquired from Lumar on its books for $55,600, said cost to be financed by a temporary bank loan, to be refinanced on a permanent basis by the issuance of equity and/or debt securities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before September 1, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67–9417; Filed, Aug. 10, 1967; 8:45 a.m.]

[Docket No. CP68–32]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Application

AUGUST 4, 1967.

Take notice that on July 28, 1967, Mich. 48226, filed in Docket No. CP68–32 plicant), 1 Woodward Avenue, Detroit, Mich. 48226, filed in Docket No. CP68–32 an application pursuant to subsection (c) of section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate a sales measuring station to provide a new delivery point to Madison Gas and Electric Co. (Madison) and approximately 1,240 feet of 4-inch lateral pipeline. Applicant states that the facilities proposed above will enable Madison to sell and deliver volumes of natural gas to Hamre Feed Service, Ltd. (Hamre), a new resale customer of Madison, for use in a new feed-drying plant operated by Hamre. Applicant further states that Madison has indicated that it has the capacity to render the proposed service without additional purchases from Applicant as Applicant does not propose any new or additional sales of natural gas.

Applicant estimates the total cost of the proposed facilities at approximately $19,150, said cost to be financed from funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before August 30, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67–9418; Filed, Aug. 10, 1967; 8:45 a.m.]

[Docket No. CP68–33]

MID STATES GAS CO., INC., AND PANHANDLE EASTERN PIPE LINE CO.

Notice of Application

AUGUST 4, 1967.

Take notice that on July 31, 1967, Mid States Gas Co., Inc. (Applicant), 601 Chamber of Commerce Building, Indianapolis, Ind. 46204, filed in Docket No. CP68–33 an application pursuant to subsection (a) of section 7 of the Natural Gas Act for an order of the Commission directing Panhandle Eastern Pipe Line Co. (Respondent) to establish physical connection of its transportation facilities with the facilities proposed to be constructed by Applicant and to sell and deliver to Applicant volumes of natural gas for resale and distribution in the communities of Lizton, Jamestown, Advance, and Fishers, all in the State of Indiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate municipal natural gas distribution systems in the town of Lizton, Hendricks County, towns of Jamestown and Advance, Boone County, and the town of Fisher, Hamilton County, all in the State of Indiana. Applicant also proposes to construct and operate approximately 1.2 miles of 2-inch lateral line eriending southward from a point of interconnection with Respondent's main transmission line to the town of Fisher and approximately 12 miles of 3-inch transmission lateral line extending northward from Respondent's main transmission line approximately 2 miles to the town of Lizton, then approximately 5 miles generally northwest to the town of Jamestown and finally approximately 5 miles to the town of Advance. Applicant proposes to incorporate the lateral lines proposed above as an integral part of its distribution system.

Applicant estimates the third year peak daily and annual natural gas requirements o fthe four towns at 1,517.8 Mcf and 125,532 Mcf, respectively.

Applicant estimates the total cost of the proposed facilities at approximately $498,000, said cost to be financed with equity capital.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 31, 1967.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67–9419; Filed, Aug. 10, 1967; 8:45 a.m.]

[Docket No. CP68–31]

UNITED GAS PIPE LINE CO.

Notice of Application

AUGUST 3, 1967.

Take notice that on July 27, 1967, United Gas Pipe Line Co. (Applicant), Post Office Box 1407, Shreveport, La. 71102, filed in Docket No. CP68–31 an application pursuant to subsection (c) of section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities and the sale and delivery of natural gas for resale and distribution, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate the following natural gas facilities:

(1) Approximately 20 feet of 2-inch transmission lateral pipeline, extending from Applicant's 8-inch Bogalusa Lateral, at mile post 14.5, to the village of Sun, St. Tammany Parish, La.; and

(2) A positive meter station and appurtenant facilities to be located on the pipeline described in (1) above.

Applicant also seeks authorization to sell and deliver to the village of Sun, St. Tammany Parish, La., natural gas for resale and distribution within Sun. Applicant estimates the third year peak daily and annual natural gas requirements of Sun at 494 Mcf and 40,741 Mcf, respectively.

Applicant estimates the total cost of the proposed facilities at approximately $8,161, said cost to be financed from current working funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before August 30, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67–9420; Filed, Aug. 10, 1967; 8:45 a.m.]

GENERAL SERVICES ADMINISTRATION

ADMINISTRATIVE COMMITTEE OF THE FEDERAL REGISTER ET AL.

Standing Interagency Committees Chaired by General Services Administration

Bureau of the Budget Circular No. A–63 of March 2, 1964, requires that notice of the establishment or extension of standing interagency committees be published in the FEDERAL REGISTER "In order to facilitate convenient and permanent reference by Federal agencies, unless this would be inconsistent with law or regulations, or where such publication would not be in the national interest." In compliance with this requirement the following information is provided relating to standing interagency committees chaired by the General Services Administration.

A. Continuing interagency committees established by legislation,

Executive order, or at the direction of the President:

Administrative Committee of the Federal Register.

Federal Fire Council.

National Archives Trust Fund Board.

National Historical Publications Commission.

B. Standing committee established during fiscal year 1966 at the request of the President:

Advisory Committee on Federal Buildings in the National Capital Region.

C. Standing committees previously extended beyond June 30, 1966:

Interagency Advisory Committee on Disposal of Natural Rubber.

Interagency Advisory Committee on Security Equipment.

Interagency Advisory Committee on Standardization Planning.

Interagency Committee for the Review of Federal Supply Schedules.

Interagency Coordinating Committee on Medical Stockpile Shelf-Life Items.

Interagency Procurement Policy Committee.

Interagency Transportation and Traffic Management Committee.

D. Standing committees disestablished since June 30, 1966:

Interagency Utilities Committee.

Interdepartmental Disposal Subcommittee (of the Interdepartmental Disposal Committee, Office of Emergency Planning).

Region 2 Wax Testing Committee.

Storage Standards Subcommittee (of the Interdepartmental Stockpile Storage Committee, Office of Emergency Planning).

Dated: August 5, 1967.

LAWSON B. KNOTT, JR.,
Administrator of General Services.

[F.R. Doc. 67–9470; Filed, Aug. 10, 1967; 8:50 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[70-4617]

COLUMBIA GAS SYSTEM, INC., ET AL.

Notice of Proposed Intrasystem Merger of Two Public-Utility Companies and Related Transactions

AUGUST 7, 1967.

Notice is hereby given that the Columbia Gas System, Inc. ("Columbia"), 120 East 41st Street, New York, N.Y. 10017, a registered holding company, and its gas utility subsidiary companies, Virginia Gas Distribution Corp. ("Virginia Gas") and Blue Ridge Gas Co. ("Blue Ridge"), have filed a joint application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(b), 9, 10, and 12(f) thereof and Rule 43 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Virginia Gas and Blue Ridge, both wholly owned gas-utility subsidiary companies of Columbia and incorporated under the laws of the Commonwealth of Virginia, are engaged in the retail sale and distribution of natural gas within their respective service areas in Virginia. Virginia Gas has approximately 33,400 customers and Blue Ridge, approximately 1,100 customers. Each company purchases its total gas supply from Atlantic Seaboard Corp. ("Seaboard"), an associate company, at delivery points in Virginia.

Blue Ridge's service area is in Rockingham County and part of Augusta County. Virginia Gas' certificated area includes all or parts of the counties of Alleghany, Botetourt, Rockbridge, Nelson, Augusta, Albemarle, Greene, Page, Madison, Rappahannock, Culpeper, Fauquier, Prince William, Fairfax, and Loudoun.

Columbia proposes the merger of Blue Ridge into Virgina Gas. It is stated that consolidation of the operations of Blue Ridge and Virginia Gas will result in greater efficiency and economy by eliminating the necessity for maintaining separate books of accounts and records, preparing separate reports to regulatory commissions and others and that merger of the two companies will also result in a single, Virginia retail distribution subsidiary company, an objective sought in Columbia's long-range realinement program.

Blue Ridge has filed proposed rate schedules to reduce the rates presently charged its general service and summer air-conditioning customers to the level of rates presently charged such customers by Virginia Gas with the result that single Statewide rates will be in effect for such customers.

Virginia Gas, as the surviving corporation, will own all the utility property and assets of Blue Ridge and, upon the proposed merger becoming effective, Virginia Gas will become fully responsible for all the obligations of Blue Ridge existing at the date of the merger and will render service in the same service areas now served by it and Blue Ridge. Virgina Gas proposes to adopt the then effective retail rates and charges of Blue Ridge.

The merger will be consummated as follows: (1) Virginia Gas will issue to Columbia, as sole stockholder of Blue Ridge, upon the surrender for cancellation of the outstanding capital stock of Blue Ridge, such number of authorized but unissued shares of Virginia Gas' capital stock as shall equal, in par value, the par value of Blue Ridge's then outstanding capital stock; (2) the Installment Promissory Notes of Blue Ridge will become obligations of Virginia Gas; and (3) the capital and earned surplus of Blue Ridge will be carried forward as capital and earned surplus of Virginia Gas.

In recognition of the reservations contained in the Commission's Opinion and Order of November 30, 1944, issued in respect of Columbia Gas and Electric Corp. et al. (17 S.E.C. 494), as to the retainability of its interest in certain wholly owned subsidiary companies and in its Order of May 26, 1965 (Holding Company Act Release No. 15248), issued in respect of Columbia's acquisition and retainability of Blue Ridge, Columbia agrees and stipulates that (1) if the Commission authorizes the proposed merger of Blue Ridge into Virginia Gas, the Commission's reservation of jurisdiction with respect to Columbia's retainability of Blue Ridge (or its properties) and Virginia Gas (or its properties) will not (nor will Virginia Gas, as the surviving corporation and a wholly owned subsidiary company of Columbia), in any prior or subsequent section 11(b)(1) proceeding instituted by the Commission, take any position or make any argument to the effect that the Commission will have prejudiced its jurisdiction, power or authority to order the divestment of any interest in Virginia Gas (or its properties including those acquired from Blue Ridge as a result of the proposed merger) and (2) Columbia consents to the inclusion in the Commission's Order that may be entered herein of a reservation of full jurisdiction, power and authority under section 11(b)(1) of the Act.

It is stated that the Virginia State Corporation Commission has jurisdiction over the merger of Blue Ridge into Virginia Gas and the issuance of Virginia Gas of capital stock and assumption by Virginia Gas of Blue Ridge Installment Promissory Notes. It is represented that no other State commission and no Federal commission, other than this Commission, has such jurisdiction. A statement of the fees and expenses related to the proposed transactions is to be filed by amendment.

Notice is further given that any interested person may, not later than August 29, 1967, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-9427; Filed, Aug. 10, 1967; 8:46 a.m.]

[70-4516]

CONNECTICUT LIGHT AND POWER CO.

Notice of Proposed Issue and Sale of Notes to Banks

AUGUST 7, 1967.

Notice is hereby given that The Connecticut Light and Power Co. ("CL&P"), Selden Street, Berlin, Conn. 06037, an electric utility subsidiary company of Northeast Utilities ("Northeast"), a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6 and 7 thereof as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

CL&P presently has outstanding $11,360,000 of short-term notes issued to banks which, pursuant to the 5 percent exemptive provision of section 6(b) of the Act, will be increased on or about August 1, 1967, to approximately $13,500,000. CL&P proposes to renew, extend or refund such notes, and to issue and sell up to an additional $28,115,000 of short-term notes, and to renew the notes from time to time, to meet its capital requirements until the notes can be retired out of the proceeds of long-term financing. The aggregate amount of all notes at any one time outstanding will at no time exceed $41,615,000.

Each note will be dated on the date of its issue, will have maximum maturity dates of 6 months with the right of renewal, will bear interest at the prime rate (currently 5½ percent) in effect at the lending bank on the date of issue, and will be subject to prepayment at any time at the company's option without premium. CL&P expects such borrowings will be effected from the banks listed below in a maximum amount outstanding at any one time from each bank, as follows:

Name of Bank	
Bankers Trust Co., New York, N.Y.	$10,000,000
Hartford National Bank & Trust Co., Hartford, Conn.	6,000,000
The Connecticut Bank & Trust Co., Hartford, Conn.	5,500,000
Morgan Guaranty Trust Co., New York, N.Y.	4,000,000
Manufacturers Hanover Trust Co., New York, N.Y.	4,000,000
Irving Trust Co., New York, N.Y.	3,000,000
City Trust Co., Bridgeport, Conn.	1,800,000
The Connecticut National Bank, Waterbury, Conn.	1,800,000
Colonial Bank & Trust Co., Waterbury, Conn.	1,200,000
Fairfield County Trust Co., Norwalk, Conn.	1,000,000
The Union & New Haven Trust Co., New Haven, Conn.	700,000
Putnam Trust Co., Greenwich, Conn.	560,000
The State National Bank of Connecticut, Greenwich, Conn.	500,000
United Bank & Trust Co., Bristol, Conn.	500,000
Home National Bank & Trust Co., Meriden, Conn.	$10,000
New Britain Bank & Trust Co., New Britain, Conn.	310,000
Waterbury National Bank, Waterbury, Conn.	300,000
New Britain National Bank, New Britain, Conn.	300,000
The Westport Bank & Trust Co., Westport, Conn.	250,000
Northern Connecticut National Bank, Windsor Locks, Conn.	180,000
The Plainville Trust Co., Plainville, Conn.	150,000
Willimantic Trust Co., Willimantic, Conn.	150,000
Southington Bank & Trust Co., Southington, Conn.	100,000
Seymour Trust Co., Seymour, Conn.	100,000
Northside Bank & Trust Co., Bristol, Conn.	65,000
Clinton National Bank, Clinton, Conn.	80,000
Glastonbury Bank & Trust Co., Glastonbury, Conn.	75,000
First National Bank of Litchfield, Conn.	65,000
	41,615,000

The proceeds of the sale of the notes heretofore or hereafter to be issued, have been, or will be applied, together with other funds, for construction expenditures (estimated at $112 million during 1967-68), and for the acquisition of the common stock of Connecticut Yankee Atomic Power Co., an electric utility subsidiary company of CL&P, and the proposed nuclear generating companies, Vermont Yankee Nuclear Power Co., and Maine Yankee Atomic Power Co.

CL&P expects to retire all of the notes prior to June 30, 1968, from the net proceeds of the sale of additional first mortgage bonds or preferred stock, and will reduce the maximum amount of indebtedness which it may incur pursuant to this declaration by the amount of such net proceeds.

CL&P's fees, commissions and expenses paid or incurred, or to be paid or incurred, directly or indirectly, in connection with the proposed issuance of the notes are estimated to be approximately $1,500, including estimated legal fees of $500.

The declaration states that no consent or approval of any State commission or any Federal commission, other than this Commission, is required for the proposed transactions.

Notice is further given that any interested person may, not later than August 30, 1967, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-9428; Filed, Aug. 10, 1967; 8:46 a.m.]

[File Nos. 7-2728—7-2733]

DIAMOND ALKALI CO. ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

AUGUST 7, 1967.

In the matter of applications of the Philadelphia-Baltimore-Washington Stock Exchange, for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Diamond Alkali Co.	7-2728
Dynamics Corp. of America	7-2729
Equity Funding Corp. of America	7-2730
General Precision Equipment Corp.	7-2731
Livingston Oil Co.	7-2732
Richardson-Merrell, Inc.	7-2733

Upon receipt of a request, on or before August 22, 1967, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-9429; Filed, Aug. 10, 1967; 8:46 a.m.]

[811-1370]

ECONOMY FUND

Notice of Proposal To Terminate Registration

AUGUST 7, 1967.

Notice is hereby given that the Commission proposes, pursuant to section 8(f) of the Investment Company Act of 1940 ("Act"), to declare by order upon its own motion that Economy Fund ("Fund") (formerly Selected Fifty Fund), % Harold P. Miller & Co., 214 Fischer Building, Dubuque, Iowa, registered under the Act as a unit investment trust, has ceased to be an investment company.

The Commission has been informed by Counsel for Fund that registration under the Act was inadvertent and that no securities have been issued, nor are any intended to be issued by Fund, and that the principals wish to withdraw the registration statement.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, on its own motion, finds that a

registered investment company has ceased to be an investment company, it shall so declare by order, that upon the taking effect of such order the registration of such company shall cease to be in effect, and that, if necessary for the protection of investors, such order may be made upon appropriate conditions.

Notice is further given that any interested person may, not later than August 25, 1967, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address set forth above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the matter may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon this matter shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-9430; Filed, Aug. 10, 1967; 8:46 a.m.]

[70-4513]

KENTUCKY POWER CO.

Notice of Proposed Issue and Sale of Notes to Banks

AUGUST 7, 1967.

Notice is hereby given that Kentucky Power Co. ("Kentucky"), 15th Street and Carter Avenue, Ashland, Ky. 41101, a Kentucky corporation and an electric utility subsidiary company of American Electric Power Co., Inc. ("AEP"), a registered holding company, has filed with this Commission an application pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) thereof and Rule 50(a)(2) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

Pursuant to the terms of a Bank Loan Agreement, dated July 1, 1967, Kentucky proposes to issue and sell from time to time through December 31, 1969, up to $92 million of its unsecured promissory notes to banks in the respective amounts shown below. Kentucky will issue notes under such agreement only to the extent that the principal amount of all its indebtedness for borrowed money (other than debt having a maturity of 12 months or less from the date of issue or reissue thereof) does not exceed 65 percent of Kentucky's capitalization and surplus. The following banks have agreed to lend Kentucky the amounts shown:

Manufacturers Hanover Trust Co., New York, N.Y.	$46,500,000
Continental Illinois National Bank and Trust Co., Chicago, Ill.	23,000,000
Irving Trust Co., New York, N.Y.	20,500,000
Total	92,000,000

Each note will be dated as of the date of issue, will mature on December 31, 1972, and will be prepayable, in whole or in part, at any time without premium unless such prepayment is made from the proceeds of, or in anticipation of, a borrowing by Kentucky from banking institutions at a rate of interest equal to or less than the then applicable interest rate on the proposed notes, in which event Kentucky will be obligated to pay a premium in an amount equivalent to interest at the rate of one-fourth of 1 percent per annum on the amount of such prepayment from the date of such prepayment to December 31, 1972. Each note will bear interest from its issue date to December 31, 1969, at the prime commercial loan rate in effect from time to time at the Manufacturers Hanover Trust Co. (currently 5½ percent per annum) plus a percentage equal to one-fourth of 1 percent per annum and, after December 31, 1969 (or such earlier date as Kentucky shall have borrowed an aggregate amount of $92 million) at such prime rate plus a percentage equal to one-half of 1 percent per annum. Kentucky will also be required to pay substitute interest computed at the rate of one-fourth percent per annum on the daily average unused amount of the commitment of each such bank from the effective date of the Bank Loan Agreement until December 31, 1969. The Bank Loan Agreement also limits short-term debt to 10 percent of Kentucky's capitalization and surplus.

It is stated that Kentucky will use the proceeds derived from the sale of the proposed notes, together with a $20 million capital contribution from AEP, made in April 1967, plus funds from internal sources, to provide the capital required to construct Unit No. 2 of its Big Sandy generating station and related transmission and substation facilities, estimated to cost $132 million. Of the $92 million scheduled to be borrowed, it is estimated that $25 million will be borrowed in 1967, $56 million in 1968 and $11 million in 1969.

An estimate of the fees and expenses to be incurred in connection with the proposed transactions will be supplied by amendment. The filing states that the proposed transactions are subject to the jurisdiction of the Public Service Commission of Kentucky and an order of that Commission expressly authorizing such transactions will be filed by amendment. It is further stated that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than August 30, 1967, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-9431; Filed, Aug. 10, 1967; 8:46 a.m.]

[File Nos. 7-2734-7-2739]

RIO ALGOM MINES, LTD. ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

AUGUST 7, 1967.

In the matter of applications of the Philadelphia - Baltimore - Washington Stock Exchange for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Rio Algom Mines, Ltd.	7-2734
Boan Selection Trust Ltd.	7-2735
Technitrol, Inc.	7-2736
Teleflex, Inc.	7-2737
United Nuclear Corp.	7-2738
Universal American Corp.	7-2739

Upon receipt of a request, on or before August 22, 1967, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-9432; Filed, Aug. 10, 1967; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 8, 1967.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41092—*Superphosphate from points in Idaho and Utah.* Filed by Southwestern Freight Bureau, agent (No. B-8994), for interested rail carriers. Rates on superphosphate, not defluorinated nor feed grade, in bulk, in carloads, minimum 100,000 pounds, from Don and Epco, Idaho, also specified points in Idaho and Utah, to points in southwestern territory.

Grounds for relief—Market competition.

Tariff—Supplement 123 to Southwestern Freight Bureau, agent, tariff ICC 4526.

FSA No. 41093—*Crushed stone from Murray, Utah.* Filed by Southwestern Freight Bureau, agent (No. B-8999), for interested rail carriers. Rates on broken, crushed, or ground stone, in carloads, from Murray, Utah, to points in southwestern territory.

Grounds for relief—Market competition.

Tariff—Supplement 123 to Southwestern Freight Bureau, agent, tariff ICC 4526.

FSA No. 41094—*Substituted service—F-B Truck Line Co.* Filed by F-B Truck Line Co. (No. 1), for and on behalf of itself, and Union Pacific Railroad Co. Rates on property loaded in highway trailers, from and to points in California, Idaho, Montana, and Utah, by way of Salt Lake City, Utah, on the one hand, and Los Angeles, Calif., on the other.

Grounds for relief—Motortruck competition.

By the Commission.

[SEAL] ANDREW ANTHONY, JR., *Acting Secretary.*

[F.R. Doc. 67-9450; Filed, Aug. 10, 1967; 8:48 a.m.]

[Notice 431]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 8, 1967.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 108449 (Sub-No. 268 TA), filed August 4, 1967. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Mylenbeck (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Antifreeze* (except in bulk), from Minneapolis, Minn., to points in North Dakota; for 150 days. Supporting shipper: Jefferson Chemical Co., Inc., Post Office Box 53300, Houston, Tex. 77052. Send protests to: A. E. Rathert, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 109595 (Sub-No. 10 TA), filed August 4, 1967. Applicant: REX TRANSPORTATION, 34350 Goddard Road, Post Office Box 278, Romulus, Mich. 48174. Applicant's representative: Robert E. Gesell, 1800 Buhl Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Avon, Ind., to Crawfordsville, Ind.; restricted to shipments having a prior movement by rail from Wampum, Pa.; for 150 days. Supporting shipper: Medusa Portland Cement Co., Box 5668, Cleveland, Ohio 44101. Send protests to: Gerald J. Davis, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1110 Broderick Tower, 10 Witherell, Detroit, Mich. 48226.

No. MC 110420 (Sub-No. 550 TA), filed August 4, 1967. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Post Office Box 339, Burlington, Wis. 53105. Applicant's representative: Fred H. Figge (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Starch*, in bulk, in pneumatic type vehicles, from Lafayette, Ind., to Chicago and Milan, Ill., Grand Rapids, Plymouth, and Three Rivers, Mich., Massillon, Youngstown, and Zanesville, Ohio, and Milwaukee, Wis.; for 180 days. Supporting shipper: Anheuser-Busch, Inc., St. Louis, Mo. 63118 (Hugo Waninger, Vice President). Send protests to: W. F. Sibbald, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 111940 (Sub-No. 44 TA), filed August 4, 1967. Applicant: SMITH'S TRUCK LINES, Post Office Box 88, Rural Delivery No. 2, Muncy, Pa. 17756. Applicant's representative: John M. Musselman, 400 North Third Street, Post Office Box 46, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paint, paint materials, pigments, and supplies and ingredients* used in connection with or incidental to the manufacture of paint, between Williamsport, Pa., on the one hand, and, on the other, Dyersburg and Kingsport, Tenn.; for 180 days. Supporting shipper: Globe Paint Works, Inc., Post Office Box 28, Williamsport, Pa. (James E. O'Brien, President). Send protests to: Paul J. Kenworthy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 309 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 119226 (Sub-No. 63 TA), filed August 4, 1967. Applicant: LIQUID TRANSPORT CORP., 3901 Madison Avenue, Indianapolis, Ind. 46227. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acetic acid*, in bulk, in tank vehicles, from Elkhart, Ind., to Toledo, Ohio; for 180 days. Supporting

shipper: Inland Chemical Corp., 1702 Winter Street, Fort Wayne, Ind. 46801. Send protests to: R. M. Hagarty, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, Ind. 46204.

No. MC 124383 (Sub-No. 5 TA), filed August 4, 1967. Applicant: STAR LINE TRUCKING CORPORATION, 18460 West Lincoln Avenue, New Berlin, Wis. 53151. Applicant's reperesentative: Everett Chally (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed stone*, in dump vehicles, from Romeoville, Will County, Ill., to Burlington, Wis.; for 180 days. Supporting shipper: J. W. Peters & Son, Inc., McHenry and Market Streets, Burlington, Wis. 53105 (Harold A. Peters, Vice President). Send protests to: W. F. Sibbald, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 128294 (Sub-No. 4 TA), filed August 4, 1967. Applicant: NITEHAWK EXPRESS, INC., 2334 University Avenue, St. Paul, Minn. 55114. Applicant's representative: Robert E. Swanson, 1211 South Sixth Street, Stillwater, Minn. 55082. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed*, in bulk, from Davenport, Iowa, to Eden Valley, Minn.; for 150 days. Supporting shipper: Ralston Purina Co., 3815 Hiawatha Avenue South, Minneapolis, Minn. 55406. Send protests to: A. E. Rathert, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 129297 TA, filed August 3, 1967. Applicant: ASBESTOS EASTERN TRANSPORT, INC., 6500 Grande Allee Boulevard, St. Hubert, Quebec, Canada. Applicant's representative: Charles H. Trayford, 137 East 36th Street, New York, N.Y. 10016. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden boxes*, knocked down, from ports of entry on the international boundary line between the United States and Canada located at or near Norton, Derby Line, Beecher Falls, and Highgate Springs, Vt., and Rouses Point and Champlain, N.Y., to points in Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, and New Jersey; for 180 days. NOTE: The wooden boxes, knocked down, will originate at Danville, Quebec. Supporting shipper: Ideal Woodworks, Inc., Danville, Quebec, Canada. Send protests to: Jack G. Takakjian, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Albany, N.Y. 12207.

No. MC 129298 TA, filed August 3, 1967. Applicant: JESS W. PONTING, 106 West Curtis, Liberal, Kans. 67901. Applicant's representative: Keith M. Wilcox, Post Office Box 1155, 1013 North Kansas, Liberal, Kans. 67901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt, sand, gravel, crushed stone, dirt, or fill material*, from the rock quarry near Turpin, Okla., to Liberal, Kans.; for 180 days. Supporting shipper: Mobil Concrete Co., Inc., Post Office Box 1116, Liberal, Kans. 67901. Send protests to: M. E. Taylor, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 908 Schweiter Building, Wichita, Kans. 67202.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 67-9451; Filed, Aug. 10, 1967; 8:46 a.m.]

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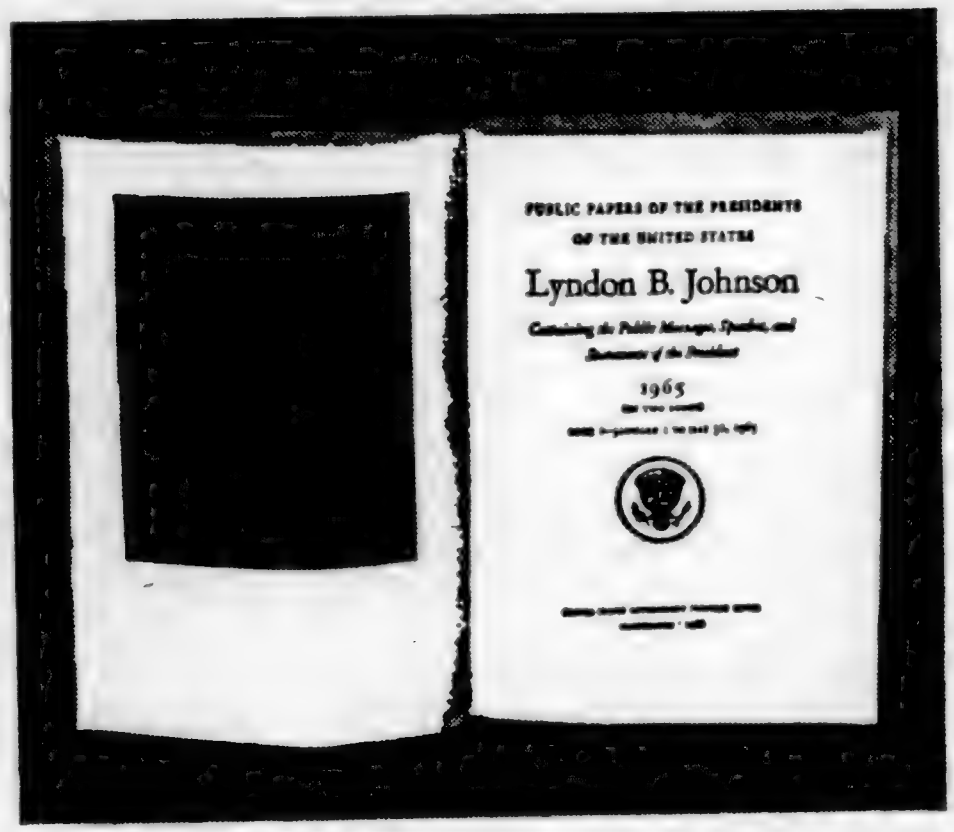
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Title 3—THE PRESIDENT

Reorganization Plan No. 3 of 1967

Prepared by the President and Transmitted to the Senate and the House of Representatives in Congress Assembled, June 1, 1967, Pursuant to the Provisions of Chapter 9 of Title 5 of the United States Code.[1]

GOVERNMENT OF THE DISTRICT OF COLUMBIA

PART I. GENERAL PROVISIONS

SECTION. 101. *Definitions.* (a) As used in this reorganization plan, the term "the Corporation" means the body-corporate for municipal purposes created a government by the name of the "District of Columbia."

(b) References in this reorganization plan to any provision of the District of Columbia Code are references to the provisions of statutory law codified under that provision and include the said provision as amended, modified, or supplemented prior to the effective date of this reorganization plan (including modifications made by Reorganization Plan No. 5 of 1952 (66 Stat. 824)).

SEC. 102. *Reorganization.* The Corporation is hereby reorganized as provided in the following Parts of this reorganization plan.

PART II. DISTRICT OF COLUMBIA COUNCIL

SEC. 201. *Establishment of the Council.* (a) There is hereby established in the Corporation a Council which shall be known as the "District of Columbia Council" (hereinafter referred to as the Council).

(b) The Council shall be composed of a Chairman of the Council, a Vice Chairman of the Council, and seven other members, all of whom shall be appointed by the President of the United States, by and with the advice and consent of the Senate. At the time of his appointment each member of the Council shall be a citizen of the United States, shall have been an actual resident of the District of Columbia for three years next preceding his appointment, and shall during that period have claimed residence nowhere else. The Council shall be nonpartisan and no more than six of its members shall be adherents of any one political party. Appointments to the Council shall be made with a view toward achieving a Council membership which will be broadly representative of the District of Columbia community.

(c) One or more of the nine Council members hereinabove provided for may be appointed from among (1) retired civilian employees of the Government, (2) retired personnel of the armed services of the United States, and (3) retired personnel of the Corporation. Any person so appointed shall be eligible to receive the compensation provided for in section 204 hereof and appointment hereunder shall not affect his right to receive annuity, pension, or retired pay to which he is otherwise entitled.

(d) Three of the appointments first made under this section shall be for terms expiring February 1, 1968, three shall be for terms expiring February 1, 1969, and three shall be for terms expiring February 1, 1970; and thereafter appointments shall be made for terms of three years. Any appointment made to fill a vacancy shall be made only for the unexpired balance of the term. Any member of the Council may continue to serve as such member after the expiration of his

[1] Effective in part on August 11, 1967, under the provisions of section 504(a) of the plan and 5 U.S.C. 906. Also effective in part at a time determined under the provisions of section 504(b) of the plan.

term of office until his successor is appointed and qualifies. Any member of the Council may be removed by the President of the United States for neglect of duty or malfeasance in office or when the member has been found guilty of a felony or conduct involving moral turpitude.

(e) Each member of the Council before entering upon the discharge of his duties as such member shall take an oath or affirmation to support the Constitution of the United States and to faithfully discharge the duties imposed upon him as such member.

(f) Five members of the Council shall constitute a quorum for the transaction of business of the Council, except that four members shall constitute a quorum whenever two or more Council memberships are vacant.

SEC. 202. *Acting Chairman.* During the absence or disability of the Chairman of the Council, or whenever there be no Chairman, the Vice Chairman shall act as Chairman of the Council.

SEC. 203. *Secretary of the Council.* (a) There is hereby established the office of the Secretary of the Council. The Secretary shall be appointed by the Council from time to time.

(b) The Secretary shall perform such duties, and shall provide such services for the Council and its members, as the Council may prescribe. Personnel appointed to assist the Secretary in carrying out his responsibilities under this section shall be appointed by the Secretary subject to the approval of the Council.

SEC. 204. *Compensation.* The Chairman of the Council shall receive compensation at the rate of $10,000 per annum, the Vice Chairman shall receive compensation at the rate of $9,000 per annum, and each other member of the Council shall receive compensation at the rate of $7,500 per annum. The Secretary of the Council shall receive compensation determined in accordance with the classification laws as amended from time to time.

SEC. 205. *Performance of functions of the Council.* (a) The Council is hereby authorized to make from time to time such provisions as it deems appropriate to authorize the performance of any of its functions by the Commissioner of the District of Columbia (hereinafter provided for).

(b) The Council is hereby authorized to make from time to time, subject to the concurrence of the Commissioner of the District of Columbia, such provisions as it deems appropriate to authorize the performance of any of its functions by any officer, agency, or employee of the Corporation except the courts thereof.

(c) All functions provided for in regulations of the Council (including existing regulations continued in force without action by the Council) which are to be carried out by any officer, employee, or agency, who or which is in other respects under the jurisdiction of the Commissioner of the District of Columbia shall be carried out by such officer, employee, or agency under the direction and control of the Commissioner.

PART III. COMMISSIONER OF THE DISTRICT OF COLUMBIA

SEC. 301. *Establishment of office of Commissioner.* (a) There is hereby established in the Corporation an office with the title of "Commissioner of the District of Columbia." The officer who holds that office is hereinafter referred to as the Commissioner.

(b) The Commissioner shall be appointed by the President of the United States, by and with the advice and consent of the Senate. The Commissioner shall at the time of his appointment be a citizen of the United States. Before entering upon the discharge of his duties the Commissioner shall take an oath or affirmation to support the Constitution of the United States and faithfully discharge the duties imposed upon him as Commissioner. The Commissioner shall receive compensation at the rate now or hereafter prescribed by law for offices and positions of Level III of the Executive Schedule Pay Rates (5 U.S.C. 5314). Whenever both a Commissioner and an Assistant to the Commissioner appointed under section 302 hereof are in office at least one of them shall have been an actual resident of the District of Columbia for three years next preceding his appointment and have during that period claimed residence nowhere else. Both the Commissioner and the Assistant to the Commissioner shall reside in the District of Columbia during the time each holds office.

(c) The first appointment of a Commissioner hereunder shall be for a term expiring on February 1, 1969, and thereafter each appointment shall be made for a term of four years. Any appointment made to fill a vacancy in the office shall be made only for the unexpired balance of the term. A Commissioner may continue to serve as such after the expiration of his term of office until his successor is appointed and qualifies. The Commissioner is subject to removal by the President of the United States.

(d) The President may from time to time (1) designate officials of the Corporation (including the Chairman, the Vice Chairman, and the other members of the Council provided for in Part II of this reorganization plan if the President so elects) to act as Commissioner during the absence or disability of the Commissioner or in the event of a vacancy in the office of Commissioner, and (2) prescribe the order of succession in which the officials so designated shall so act.

SEC. 302. *Assistant to the Commissioner.* There is hereby established in the Corporation a new office which shall have the title "Assistant to the Commissioner of the District of Columbia." Such assistant (1) shall be appointed by the President of the United States, by and with the advice and consent of the Senate, (2) shall receive compensation at the rate now or hereafter prescribed by law for offices and positions of Level V of the Executive Schedule Pay Rates (5 U.S.C. 5316), and (3) shall assist the Commissioner as the Commissioner may direct in connection with the carrying out of the functions of the Commissioner.

SEC. 303. *Establishment of other new offices.* There are hereby established in the Corporation so many agencies and offices, with such names or titles, as the Commissioner shall from time to time determine. The said offices shall be filled by appointment by, or under the authority of, the Commissioner. Each officer so appointed shall perform the functions delegated or otherwise assigned to him in pursuance of this reorganization plan and shall receive compensation to be fixed in accordance with the classification laws as amended from time to time.

SEC. 304. *Transfer of personnel, property, records, and funds.* With respect to personnel, property, records, and unexpended balances of appropriations, allocations and other funds, available or to be made available, relating to functions transferred by the provisions of this reorganization plan, the Commissioner may from time to time effect such transfers between the agencies of the Corporation (including transfers between the Commissioner and any other agency of the corporation) as he may deem necessary in order to carry out the provisions of this reorganization plan.

SEC. 305. *Performance of functions of Commissioner.* The Commissioner is hereby authorized to make from time to time such provisions as he deems appropriate to authorize performance of his functions by any other officer, or by any employee or agency, of the Corporation except the courts thereof.

PART IV. TRANSFERS OF FUNCTIONS

SEC. 401. *Transfer of functions to Commissioner.* Except as otherwise provided in this reorganization plan, all functions of the Board of Commissioners of the District of Columbia, including all functions of the President of that Board and all functions of each other member of that Board and including also the executive power vested therein (D.C. Code, sec. 1-218), are hereby transferred to the Commissioner of the District of Columbia.

SEC. 402. *Transfer of functions to Council.* The following regulatory and other functions now vested in the Board of Commissioners of the District of Columbia are hereby transferred to the Council (subject to the provisions of section 406 of this reorganization plan):

1. GENERAL PROVISIONS

(1) Making and modifying police regulations under D.C. Code, sec. 1–224 (including the prescribing of penalties under paragraph "Eleventh" thereof).

(2) Prescribing penalties under D.C. Code, sec. 1–224a.

(3) Making and modifying regulations to regulate the keeping and leashing of dogs, and to regulate or prohibit the running at large of dogs, including penalties for violations of such regulations, under D.C. Code, sec. 1–224b.

(4) Making regulations under D.C. Code, secs. 1–226 and 1–227.

(5) Making building regulations under D.C. Code, sec. 1–228.

(6) Making and publishing such orders as may be necessary to regulate the construction, repair and operation of elevators and prescribing such means of security as may be found necessary to protect life and limb under D.C. Code, sec. 1–229.

(7) Issuing proclamations related to the control of rabies under D.C. Code, sec. 1–230.

(8) Making regulations relating to outdoor signs and other forms of exterior advertising under D.C. Code, sec. 1–231.

(9) With respect to the functions transferred to the Council by the provisions of this reorganization plan, (i) making investigations or examinations of municipal matters, and (ii) administering oaths to witnesses, under D.C. Code, sec. 1–237.

(10) Reporting annually to the Congress concerning the functions transferred to the Council by the provisions of this reorganization plan under D.C. Code, sec. 1–238.

(11) Making regulations to provide for the waiver of payment of fees (by persons in the military service of the United States) under D.C. Code, sec. 1–244(a).

(12) Making and adopting regulations relating to the furnishing and keeping in force a bond by persons, firms, or corporations engaged in the business of plumbing or gas fitting, or of installing, maintaining, or repairing heating, ventilating, air-conditoning, or mechanical refrigerating apparatus, equipment, appliances, systems, or parts thereof, or of installing, maintaining, or repairing apparatus, equipment, fixtures, appliances, or wiring, using or conducting electric current under D.C. Code, sec. 1–244(b).

(13) Prescribing regulations for the examination of the qualifications and fitness of applicants for licenses to engage in the business referred to in the immediately preceding paragraph hereof under D.C. Code, sec. 1–244(b).

(14) Naming highways and naming and renaming circles, bridges, buildings, or other public places or properties under D.C. Code, sec. 1–244(f).

(15) Prescribing penalties under D.C. Code, sec. 1–244(h).

(16) Fixing and changing periods for which licenses, certificates, or registrations may be issued under D.C. Code, sec. 1–257.

(17) Prescribing regulations relating to holidays for District of Columbia employees under D.C. Code, sec. 1–260.

(18) The reception and entertainment of officials of foreign, State, local, or Federal governments and other dignitaries and eminent persons visiting in or returning to the District of Columbia under D.C. Code, sec. 1–262.

(19) Prescribing penalties under D.C. Code, sec. 1–264.

(20) Prescribing rules and regulations relating to notaries public under D.C. Code, sec. 1–501.

(21) Making and publishing general orders regulating the platting and subdividing of lands and grounds under D.C. Code, sec. 1–613.

(22) Prescribing a schedule of fees for surveyor's services under D.C. Code, sec. 1–629.

(23) Exempting certain boilers from provision prohibiting using steam boilers without first obtaining certificate of inspection under D.C. Code, sec. 1–705.

(24) Making regulations to carry out the provisions of the Act of June 25, 1936 under section 14 of that Act (D.C. Code, sec. 1–715).

(25) Making rules and regulations respecting the production, use, and control of electricity, and prescribing fees, under D.C. Code, sec. 1–719.

(26) Making and modifying regulations governing plumbing, house drainage, and sewers, and making and modifying regulations governing the examination, registration, and licensing of plumbers and the practice of the business of plumbing and gas fitting, under D.C. Code, sec. 1–725.

(27) Establishing fees for permits to connect buildings, premises, or establishments with sewer, water, or gas mains, or other underground structures, and establishing fees for permits granted to make excavations, under D.C. Code, sec. 1–726.

(28) Consulting concerning the formation of one or more citizen advisory councils under D.C. Code, sec. 1–1004(e) (40 U.S.C. 71c(e)).

(29) Defining and redefining the central area of the District of Columbia under D.C. Code, sec. 1–1005(c) (40 U.S.C. 71d(c)).

(30) Approving a major thoroughfare plan or parts thereof or revisions thereof, and proposing revision of the major thoroughfare plan or parts thereof, under D.C. Code, sec. 1–1006(a) (40 U.S.C. 71e(a)).

(31) Consulting with National Capital Planning Commission prior to final adoption of the thoroughfare plan under D.C. Code, sec. 1–1006(b) (40 U.S.C. 71e(b)).

(32) Submitting a copy of the District's advance program of capital improvements to the National Capital Planning Commission under D.C. Code, sec. 1–1007 (40 U.S.C. 71f).

(33) With respect to each inaugural period: (i) making regulations necessary to secure the preservation of public order and protection of life, health, and property, (ii) making regulations respecting the standing, movement, and operation of vehicles, (iii) fixing conditions with respect to licenses to peddlers and vendors, and (iv) fixing fees for the privilege of selling goods, wares, and merchandise, under D.C. Code, sec. 1–1202 (36 U.S.C. 722).

2. REGULATION OF PROFESSIONS, OCCUPATIONS, ETC.

(34) Making and altering rules for the conduct of business of agency administering, and for the execution and enforcement of, the Healing Arts Practice Act of 1928, under D.C. Code, sec. 2–103, and adopting and altering a common seal thereunder.

(35) Establishing minimum standards of preprofessional and professional education in the healing art and establishing minimum standards for hospitals for interne training under D.C. Code, sec. 2–103a(a).

(36) Adopting and promulgating rules and regulations prescribing (i) the terms and conditions under which a tissue bank license may be issued and renewed, (ii) the fees to be paid by the issuance and renewal of such licenses, (iii) the duration of such licenses, (iv) the grounds for the suspension and revocation of such licenses, (v) the

operation of tissue banks, (vi) the conditions under which tissue may be processed, preserved, stored, and transported, and (vii) the making, keeping, and disposition of records by tissue banks and by other persons under D.C. Code, sec. 2–253(b).

(37) Making and adopting rules and regulations to effect the purposes of the Act of July 2, 1940, relating to the licensing of dentists and the practice of dentistry (including the making of rules regulating professional announcements and the number of offices of a licensed dentist and including also the prescribing of rules and regulations to permit the use in hospitals of dental internes) under D.C. Code, sec. 2–302.

(38) Adopting and amending by-laws carrying into effect the Act of February 9, 1907, relating to the registration of graduate nurses, under D.C. Code, secs. 2–403 and 2–406.

(39) Fixing, under D.C. Code, sec. 2–408, the fees referred to in clause (c) thereof.

(40) Adopting and prescribing rules and regulations to carry into effect the Act of September 6, 1960, and prescribing minimum curricula and standards for schools and programs, under D.C. Code, sec. 2–427(a).

(41) Obtaining or requiring the furnishing of information under oath or affirmation or otherwise necessary to assist in prescribing any regulation under the Act of September 6, 1960 under D.C. Code, sec. 2–427(b).

(42) With respect to the functions transferred by the paragraph immediately preceding this paragraph, administering oaths and affirmations, requiring by subpoena or otherwise the attendance and testimony of witnesses and the production of documents, and making application to the Court for an order requiring obedience thereto, under D.C. Code, sec. 2–427(b).

(43) Determining the qualifications, prescribing the terms of office, and fixing the compensation of members of the physical therapists examining board under D.C. Code, sec. 2–455.

(44) Adopting and prescribing rules and regulations to carry into effect the Act of September 22, 1961, under D.C. Code, sec. 2–456(a).

(45) Obtaining or requiring the furnishing of information under oath or affirmation or otherwise necessary to assist in prescribing any regulation under the Act of September 22, 1961 under D.C. Code, sec. 2–456(b).

(46) With respect to the functions transferred by the paragraph immediately preceding this paragraph, administering oaths and affirmations, requiring by subpoena or otherwise the attendance and testimony of witnesses and the production of documents, and making application to the Court for an order requiring obedience thereto, under D.C. Code, sec. 2–456(b).

(47) Changing the periods for which registrations as physical therapists or renewals thereof may be issued under D.C. Code, sec. 2–461(a).

(48) Altering, amending, or otherwise changing educational standards (relating to optometrists) under D.C. Code, sec. 2–512.

(49) Making and altering rules for the conduct of business of agency administering, and for the execution and enforcement of, the Act of May 7, 1906, under D.C. Code, sec. 2–608.

(50) Adopting rules and regulations respecting the eligibility of candidates for admission to the practice of podiatry and the scope of examinations, under D.C. Code, sec. 2–702, and adopting a seal thereunder.

(51) Making, altering, and amending rules and regulations to carry into effect the provisions of the Act of February 1, 1907, relating to veterinarians, and requiring the giving of bond and prescribing the form and penalty thereof, under D.C. Code, sec. 2–802.

(52) Determining, authorizing, and directing the subjects to be included in examinations for veterinarians under D.C. Code, sec. 2–803.

(53) Making reciprocal arrangements with authorities of the several states and territories of the United States concerning the licensing of veterinarians under D.C. Code, sec. 2–804.

(54) Making rules for the examination and registration of applicants for (architects') certificates under D.C. Code, sec. 2–1001.

(55) Fixing fees, relating to architects and applicants, under D.C. Code, sec. 2–1023.

(56) With respect to the functions transferred by paragraphs (54) and (55), above, requiring the attendance of persons and the production of books and papers, requiring persons to testify, issuing subpoenas, and referring matters to a judge, under D.C. Code, sec. 2–1029.

(57) Adopting rules and sanitary regulations to carry out the provisions of the Act of June 7, 1938 (relating to barbers) under D.C. Code, sec. 2–1103.

(58) Making and issuing regulations (relating to the posting of prices in barber shops and violations of such regulations) under D.C. Code, sec. 2–1114a.

(59) Making and amending rules and regulations to carry out the purposes of the Act of December 20, 1944, (relating to boxing contests and exhibitions), under D.C. Code, sec. 2–1212.

(60) Making rules and regulations to carry out the provisions of the Act of June 7, 1938 (relating to cosmetologists) under D.C. Code, sec. 2–1303.

(61) Fixing fees for licenses (relating to plumbers) under D.C. Code, sec. 2–1405.

(62) Providing rules and regulations (relating to examinations for steam and other operating engineers), and prescribing tests to which engines and steam boilers shall be subjected, under D.C. Code, sec. 2–1502.

(63) All authority and responsibilities of the Board of Commissioners of the District of Columbia under D.C. Code, secs. 2–1724, 2–1727, and 2–1728 (relating to the District of Columbia Stadium).

(64) Regulating the certification of engineers-in-training, and prescribing examinations for the purpose of testing the applicant's knowledge, under D.C. Code, sec. 2–1808(c).

(65) Prescribing a certificate for issuance to applicants who meet requirements for certification as engineers-in-training under D.C. Code, sec. 2–1808(j).

(66) Adopting an official seal under D.C. Code, sec. 2–1808(l).

(67) Adopting, amending, rescinding, and promulgating administrative rules and regulations to carry into effect the Act of September 19, 1950, under D.C. Code, sec. 2–1808(n).

(68) With respect to other functions transferred to the Council by the provisions of this reorganization plan, requiring the attendance of witnesses and the production of books and papers, requiring witnesses to testify, issuing subpenas, and referring matters to a judge under D.C. Code, sec. 2–1808(o).

(69) Fixing the form and amount of bond required to be furnished under D.C. Code, sec. 2–1813.

(70) Prescribing additional information to be contained in applications for pawnbrokers' licenses under D.C. Code, sec. 2–2003(b)(4).

(71) Making rules and regulations for the enforcement of the Act of August 6, 1956, under D.C. Code, sec. 2–2007(a).

(72) Determining or fixing a maximum rate of interest for pawnbroker loans and redetermining and refixing any such maximum rate under D.C. Code, sec. 2–2009(a).

(73) Making rules and regulations to carry out the Act of August 6, 1956 (relating to pawnbrokers) under D.C. Code, sec. 2–2017.

(74) Prescribing by regulation the form of and the information to be contained in solicitor information cards, and prescribing the manner of reproduction and authentication of such cards, under D.C. Code, sec. 2–2102(a)(7).

(75) Prescribing by regulation the terms and conditions for exempting solicitations from certain provisions of the Act of July 10, 1957 under D.C. Code, sec. 2–2103(d).

(76) Prescribing the form or forms of application for certificate of registration, and requiring by regulation the information to be contained in each such application, under D.C. Code, sec. 2–2104(a).

(77) Promulgating regulations to carry out the Act of July 10, 1957 (relating to charitable solicitations) under D.C. Code, sec. 2–2110.

(78) Requiring the furnishing of bond as a condition to the issuance of license to engage in the home improvement business under D.C. Code, sec. 2–2301.

(79) Establishing classes and subclasses of persons licensed to engage in the home improvement business, and specifying the amount and conditions of the bond or other security to be deposited by each member of any such class or subclass, under D.C. Code, sec. 2–2302(a).

(80) By regulation, requiring applicants for licenses or licensees (i) to furnish and keep in force a bond or bonds or other security, and (ii) to procure and keep in force public liability insurance or property damage insurance, or both, under D.C. Code, secs. 2–2302(a)(1) and (2).

3. PUBLIC WELFARE

(81) Making rules and regulations relating to the admission of persons to institutions under D.C. Code, sec. 3–108.

(82) Establishing rules for receiving and temporarily caring for children under D.C. Code, sec. 3–116.

(83) Establishing rules and regulations to carry out the provisions of the Act of October 15, 1962 (relating to public assistance) under D.C. Code, sec. 3–202(b)(2).

(84) Approving regulations in accordance with which shall be determined the amount of public assistance which any person shall receive under D.C. Code, sec. 3–204(a).

(85) Prescribing the manner and form in which application for public assistance shall be made, under D.C. Code, sec. 3–205.

(86) Prescribing regulations governing the custody, use, and preservation of records, papers, files and communications relating to public assistance under D.C. Code, sec. 3–211(a).

(87) Approving rules and regulations relating to funeral expenses under D.C. Code, sec. 3–213.

(88) Prescribing rules and regulations in accordance with which hearings shall be conducted under D.C. Code, sec. 3–214.

4. POLICE AND FIRE

(89) Subdividing the Metropolitan Police District into police districts and precincts under D.C. Code, sec. 4–102.

(90) Determining and fixing limits of age for appointments to the police department under D.C. Code, sec. 4–107.

(91) Prescribing general regulations regarding special policemen under D.C. Code, sec. 4–115.

(92) Making rules and regulations under D.C. Code, sec. 4–117.

(93) Making and modifying rules and regulations for the proper government, conduct, discipline, and good name of the Metropolitan Police force, and fixing penalties, under D.C. Code, sec. 4–121.

(94) Making and amending rules of procedure before trial boards under D.C. Code, sec. 4–122.

(95) Changing, altering, amending, or abolishing rules and regulations of the Metropolitan Police Force under the last proviso of D.C. Code, sec. 4–122.

(96) Providing rules for uniform clothing of the police force under D.C. Code, sec. 4–130.

(97) Prescribing the area constituting the "Washington, District of Columbia, metropolitan district" under D.C. Code, sec. 4–132a(b).

(98) Causing the Metropolitan Police force to keep records under D.C. Code, sec. 4–134(5).

(99) Determining traffic violations and other petty offenses with respect to which records are not-required to be kept under D.C. Code, sec. 4–134a(a).

(100) Making rules and regulations regarding the written return of arrests under D.C. Code, sec. 4–142.

(101) Making rules and regulations in reference to the detention of witnesses under D.C. Code, sec. 4–144.

(102) Providing by regulation for disposition of property under the proviso of D.C. Code, sec. 4–156(e).

(103) Determining by regulation the disposition of property under D.C. Code, sec. 4–159(c).

(104) Determining, by regulation, disposition of property under D.C. Code, sec. 4–160(a).

(105) By regulation requiring that bonds be furnished and kept in force by persons licensed as private detectives under D.C. Code, sec. 4–171a.

(106) Fixing amounts of bonds obtained to secure against loss resulting from any act of dishonesty or other act by any officer of the Metropolitan Police Force under D.C. Code, sec. 4–186.

(107) Making, altering, or amending rules and regulations relating to officers and members of the fire department, and changing the rules and regulations of the fire department promulgated before June 20, 1906, under D.C. Code, sec. 4–402.

(108) Determining and fixing limits of age for original appointments to the fire department under D.C. Code, sec. 4–403.

(109) Prescribing rules and regulations for installing in suburbs extra apparatus and appliances belonging to the fire department under D.C. Code, sec. 4–411.

(110) Entering into and renewing reciprocal agreements under D.C. Code, sec. 4–414(a).

(111) Promulgating rules and regulations regarding the selection and reporting of the names of privates and sergeants possessed of outstanding efficiency under D.C. Code, sec. 4–802.

(112) Promulgating regulations regarding additional compensation for working on holidays under D.C. Code, sec. 4–807.

(113) Designating holidays with respect to officers and members of the Metropolitan Police force and the Fire Department under D.C. Code, sec. 4–808.

(114) Promulgating regulations to carry out the intent and purposes of the Act of August 1, 1958, under D.C. Code, sec. 4–835.

(115) Promulgating regulations (regarding determination whether injury or disease resulted from the performance of duty) under D.C. Code, sec. 4–909(b) (5 U.S.C. 6324(b)).

5. BUILDING RESTRICTIONS AND REGULATIONS

(116) Making regulations for the care and preservation of parkings (established under the Act of June 21, 1906) under D.C. Code, sec. 5–205.

(117) Determining numbers and material, type, and construction of fire escapes under D.C. Code, sec. 5–301.

(118) Adopting regulations to accomplish the purposes and carry into effect the provisions of the Act of March 19, 1906 (relating to fire escapes and safety) under D.C. Code, sec. 5–304.

(119) Promulgating regulations requiring the provision, installation, and maintenance of means of egress, guide signs, guide lights, exit lights, hall and stairway lights, standpipes, fire extinguishers, alarm gongs, striking stations, and other appliances under D.C. Code, sec. 5–317.

(120) Regulating the maximum height of buildings on blocks immediately adjacent to public buildings or to the side of any public building for which plans have been prepared and money appropriated at the time of the application for the permit to construct the building under D.C. Code, sec. 5–405.

(121) Preparing (in consultation with the National Capital Planning Commission) plats defining the areas within which applications for building permits shall be submitted to the Commission of Fine Arts under D.C. Code, sec. 5–411.

(122) Approving boundaries of project areas and redevelopment plans and modifications of redevelopment plans under D.C. Code, secs. 5–705 and 5–711.

(123) Approving the entering by the District of Columbia Redevelopment Land Agency into contracts and agreements, relating to financial assistance, under D.C. Code, sec. 5–717a(a).

(124) Approving the acceptance by the District of Columbia Redevelopment Land Agency of advances of funds for surveys and plans, and approving transfers of funds by that Agency to the National Capital Planning Commission, under D.C. Code, sec. 5–717a(b).

(125) Entering into agreements with the District of Columbia Redevelopment Land Agency respecting certain cash payments from funds of the District of Columbia under D.C. Code, sec. 5–717a(d).

(126) Approving releases, modifications, and departures from features and details of approved redevelopment plans under D.C. Code, sec. 5–718(a).

(127) Transferring all right, title, and interest in and to part or all of certain property to the District of Columbia Redevelopment Land Agency under D.C. Code, sec. 5–720.

(128) Determining whether such property is necessary to the development of the southwest section in accordance with an approved urban renewal plan, determining how much of the property is necessary to carry out such urban renewal plan, and transferring and donating to the Agency all right, title, and interest of the United States in and to the property under D.C. Code, sec. 5–721.

(129) Transferring to the District of Columbia Redevelopment Land Agency jurisdiction regarding transferred property under D.C. Code, sec. 5–722.

(130) Prescribing regulations for making relocation payments to individuals, families, business concerns, and non-profit organizations for their moving expenses and actual direct losses caused by their displacement from real property acquired for public works projects under D.C. Code, sec. 5–729.

(131) Making regulations to carry out the purposes of the Act of October 6, 1964 under D.C. Code, sec. 5–732.

(132) Adopting regulations to bring horizontal property regimes into compliance with the laws and regulations in effect in the District of Columbia under D.C. Code, sec. 5–928.

6. HEALTH AND SAFETY

(133) Altering, amending, or repealing ordinances of the former Board of Health which were legalized by the Act of April 24, 1880 under D.C. Code, sec. 6–114.

(134) Promulgating rules and regulations to prevent and control the spread of communicable diseases under D.C. Code, sec. 6–118.

(135) By regulation, denominating the diseases within the meaning of "communicable diseases" under D.C. Code, sec. 6–119.

(136) Prescribing penalties for violation of communicable disease regulations under D.C. Code, sec. 6–119h.

(137) Making rules and regulations governing the certification of the given name of a child under D.C. Code, sec. 6–301(a).

(138) Adopting rules and regulations governing the filing of reports of births and the issuance of delayed birth certificates under D.C. Code, sec. 6–301(b).

(139) Making regulations for the collection and disposition of garbage and annexing penalties to such regulations under D.C. Code, sec. 6–501.

(140) Making regulations to carry out the purposes of the Act of March 4, 1929 (relating to combustible refuse) under D.C. Code, sec. 6–507.

(141) Specifying fees for disposing of combustible material in incinerators built by the District of Columbia, and designating routes for hauling or transporting the material, under D.C. Code, sec. 6–511.

(142) Prescribing by regulation the manner of describing, on mattress tags, material used in mattresses under D.C. Code, sec. 6–603.

(143) Making regulations to regulate the design, construction, and maintenance of disposal systems, and the handling, storage, treatment, and disposal of wastes, under D.C. Code, sec. 6–703.

(144) Making and promulgating classifications and regulations for the installation and operation of combustion and other devices susceptible for use in such manner as to violate purposes of smoke prevention law, amending or rescinding such regulations, and promulgating amended or additional regulations under D.C. Code, sec. 6–802.

(145) Making rules and regulations to carry out authority to take measures for the protection of persons and property under D.C. Code, sec. 6–1009 (preamble).

(146) Making regulations to govern the establishment, maintenance, and operation of civil defense units and organizations and the discipline of the members thereof under D.C. Code, sec. 6–1009(a).

(147) Prescribing penalties for violations of regulations promulgated pursuant to the Act of December 26, 1941 under D.C. Code, sec. 6–1010.

(148) Promulgating regulations requiring that cancer, sarcoma, lymphoma (including Hodgkin's disease), leukemia, and all other malignant growths be reported under D.C. Code, sec. 6–1301.

(149) Prescribing a penalty or fine for the violation of any regulation promulgated under the Act of July 27, 1951 under D.C. Code, sec. 6–1304.

7. HIGHWAYS, STREETS, AND BRIDGES

(150) Making regulations for keeping in repair streets, avenues, alleys, sewers, and other works under D.C. Code, sec. 7–101.

(151) Changing the name of any street, road, avenue, or other highway when there is duplication of names under D.C. Code, sec. 7–106.

(152) Naming or renaming streets, avenues, alleys, highways, and reservations under D.C. Code, sec. 7–107.

(153) Determining the extent to which plans for the extension of a permanent system of highways may be out of conformity with the street plan of the city of Washington under D.C. Code, sec. 7–108.

(154) Naming streets, avenues, alleys, and reservations under D.C. Code, secs. 7–112 and 7–116.

(155) Abandoning or readjusting streets or proposed streets (in order to provide grounds for educational, religious, or similar institutions) under D.C. Code, sec. 7–113.

(156) Determining the extent to which plans for the extension of highways may be out of conformity with street plan, and naming streets, avenues, alleys, and reservations, under D.C. Code, sec. 7–116.

(157) Accepting the dedication of streets, prescribing regulations in regard to the height of parking and the projection of buildings beyond the building line, and making determinations respecting the District of Columbia having right-of-way through parking, under D.C. Code, sec. 7–117.

(158) Determining the extent to which new highway plans may be out of conformity with the street plan under D.C. Code, sec. 7–122.

(159) Opening, extending, or widening streets, avenues, roads, or highways under D.C. Code, sec. 7–201.

(160) Closing alleys or parts of alleys under D.C. Code, sec. 7–302.

(161) Accepting the dedication of alleys, and closing existing alleys, under D.C. Code, sec. 7–303.

(162) Closing alleys or parts of alleys under D.C. Code, sec. 7–304.

(163) Closing alleys under D.C. Code, sec. 7–305.

(164) Making orders declaring existing alleyways closed and opening new substitute alleyways, under D.C. Code, sec. 7–306.

(165) Making an order canceling existing subdivision of any square and obliterating alleys therein under D.C. Code, sec. 7–308.

(166) Closing alleys or parts of alleys under D.C. Code, sec. 7–309.

(167) Setting land aside for alley purposes under D.C. Code, sec. 7–310.

(168) Closing any street, road, highway, or alley, or any part of any thereof (including the making of the required finding thereon) under D.C. Code, sec. 7–401.

(169) Making regulations for the safety of the public using bridges and for the lighting and the police control of bridges under D.C. Code, sec. 7–501.

(170) Ordering the removal of abandoned street railway tracks, settling claims against D.C. Transit System, Inc., for the paving of abandoning track areas, and determining terms and conditions as to time of payment or payments under D.C. Code, sec. 7–604a.

(171) Regulating the location and depth of gas mains under D.C. Code, sec. 7–706.

(172) Jurisdiction and control over MacArthur Boulevard (formerly Conduit Road) and levying assessments for public improvements, under D.C. Code, sec. 7–1201 (40 U.S.C. 53a).

(173) Denominating portions of streets as business streets, and prescribing general regulations, under D.C. Code, sec. 7–1205.

(174) Granting a Railroad Company permission to lay, maintain, and use sidetracks and sidings under D.C. Code, sec. 7–1210.

(175) Approving the point or points at which additional stations or depots may be constructed, established, and maintained, and approving plans for connecting tracks and elevated structures, under D.C. Code, sec. 7–1212.

(176) Approving the construction of railroad tracks and appurtenant turnouts, branch tracks, and sidings under D.C. Code, sec. 7–1218; and approving plans for the construction of branch sidings under the Act of September 26, 1961 (D.C. Code, note at sec. 7–1218).

(177) Approving the location and construction of railroad tracks, turnouts, branch tracks, spurs, and sidings under D.C. Code, sec. 7–1219.

(178) Approving wage rates fixed and adjusted from time to time by a wage board, under D.C. Code, sec. 7–1236.

8. PARKS

(179) Setting aside space in the streets and avenues for park purposes, denominating portions of streets as business streets, and prescribing general regulations under D.C. Code, sec. 8–108.

(180) Jurisdiction and control of the street parking in streets and avenues under D.C. Code, sec. 8–110.

(181) Transferring jurisdiction over properties or parts thereof to Federal authorities, and accepting from Federal authorities jurisdiction over properties or parts thereof, under D.C. Code, sec. 8–115 (40 U.S.C. 122).

(182) Making rules and regulations for the management of a public convenience station, and fixing charges for the use of such station under D.C. Code, sec. 8–138.

(183) Making rules and regulations for the management of public convenience stations, and fixing charges for the use of the conveniences, under D.C. Code, sec. 8–140.

(184) Accepting land and dedications of land under D.C. Code, sec. 8–162.

(185) Making regulations relating to a beach and dressing houses under D.C. Code, sec. 8–168.

9. PUBLIC BUILDINGS AND GROUNDS

(186) Making rules and regulations for the government and control of wharves, piers, bulkheads, structures, adjacent waters, basins, slips, docks, and land under water under D.C. Code, sec. 9–101.

(187) Making rules and regulations for the government and proper care of property and annexing penalties to said rules and regulations, and making rules and regulations in regard to building and repairing wharves, the rental thereof, and the rate of wharfage, under D.C. Code, sec. 9–102.

(188) Fixing penalties of bonds of employees under D.C. Code, sec. 9–134(a).

(189) Prescribing by regulation the uniform and identification badge to be worn by individuals under D.C. Code, sec. 9–134(b).

(190) Making and amending regulations for the protection of life and property in or on institutional buildings or grounds under D.C. Code, sec. 9–135.

(191) Acquiring certain squares and reservations, including buildings and other structures thereon, as a site for a municipal center, and closing and vacating portions of streets and alleys, under D.C. Code, sec. 9–201.

(192) Making the finding that real estate is no longer required for a public purpose, under D.C. Code, sec. 9–301 (40 U.S.C. 72c).

(193) Exchanging District-owned land or part thereof under D.C. Code, sec. 9–401.

10. WEIGHTS, MEASURES, AND MARKETS

(194) Prescribing the manner of approving and sealing, stamping, or marking devices or appliances under D.C. Code, sec. 10–103.

(195) Establishing and allowing variation, tolerances, and exemptions, as to small packages, under D.C. Code, sec. 10–117.

(196) Fixing standard loads by which split wood may be sold under D.C. Code, sec. 10–118.

(197) Establishing tolerances and specifications for scales, weights, measures, weighing or measuring instruments or devices, and containers under D.C. Code, sec. 10–127.

(198) Prescribing regulations governing the granting of licenses for the location of public scales, and approving and fixing fees, under D.C. Code, sec. 10–128.

(199) Making regulations for the control, regulation, and supervision of markets under D.C. Code, sec. 10–130.

(200) Making regulations for the control, regulation, and operation of the municipal fish wharf and market under D.C. Code, sec. 10–135.

(201) Making and promulgating rules and regulations for the control and operation of the wholesale farmers' produce market, and establishing a scale of charges, under D.C. Code, sec. 10–137.

11. FEEBLE-MINDED PERSONS

(202) Adopting regulations relating to receiving feeble-minded persons into the District Training School under D.C. Code, sec. 21–1102.

(203) Prescribing general conditions for granting paroles to patients under D.C. Code, sec. 21–1120.

12. CRIMINAL OFFENSES

(204) Restricting, prohibiting, regulating, and controlling hunting and fishing and the taking, possession, and sale of wild animals under D.C. Code, sec. 22–1628.

(205) Prescribing regulations regarding the disposal of property under D.C. Code, sec. 22–1630(a) (last sentence).

(206) Making, altering, and amending harbor regulations under D.C. Code, sec. 22–1701.

(207) Establishing rules and regulations for the administration of the Act of August 12, 1937 (relating to the marking and labelling of packages of potatoes) under D.C. Code, sec. 22–3409.

(208) Making rules and regulations to carry out the Act of December 16, 1941 (relating to food which is unwholesome or unfit for use) under D.C. Code, sec. 22–3419.

13. EXECUTION FEES

(209) Fixing the fees of an executioner and his assistants for services under D.C. Code, sec. 23–702.

14. PRISONERS; INSTITUTIONS

(210) Rules and regulations permitting the discharge of parolees under D.C. Code, sec. 24–204(b).

(211) Prescribing regulations for employment of persons sentenced to imprisonment in the jail under D.C. Code, sec. 24–412.

(212) Prescribing regulations regarding the sale of surplus products under D.C. Code, sec. 24–418.

(213) Rules and regulations for the government of institutions under D.C. Code, sec. 24–442.

15. ALCOHOLIC BEVERAGES

(214) Prescribing other authority under D.C. Code, sec. 25–106 (last sentence).

(215) Prescribing, making, altering, and amending rules and regulations under D.C. Code, sec. 25–107.

(216) Promulgating regulations under D.C. Code, sec. 25–111(c).

(217) Requiring by regulation that no licensee holding a retailer's license, Class A, B, C, D, or E shall transport any alcoholic beverage into the District of Columbia, permitting such importation under a special permit or permits, prescribing the terms, conditions, and manner of issuance of such permit or permits, and suspending, amending, revoking, or abolishing any such regulations, permit, or system of permits under D.C. Code, sec. 25–112.

(218) Promulgating regulations to permit owners of warehouse receipts to withdraw bonded liquors under D.C. Code, sec. 25–115(c).

(219) Suspending or revoking in whole or in part the requirements of D.C. Code, sec. 25–123, under D.C. Code, sec. 25–123(c).

(220) Prescribing by regulation methods or devices or both for the assessment, evidencing of payment, and collection of taxes under D.C. Code, sec. 25–124(c)(3).

(221) Requiring that the immediate container of each beverage contain the license number of each licensee who sells or offers for sale such beverages under D.C. Code, sec. 25–124(g).

(222) Prescribing the manner of collection and payment of tax on beer under D.C. Code, sec. 25–138.

16. CHARTERS OF INCORPORATION; MONEY LENDING

(223) Granting or refusing a charter of incorporation under D.C. Code, sec. 26–305.

(224) Making rules and regulations for the conduct of business of making loans, and for the enforcement of the Act of February 4, 1913, under D.C. Code, sec. 26–611.

17. TISSUE BANKS; CREMATORIUM

(225) By regulations, authorizing tissue banks and others to remove, transport, and dispose of tissue from dead bodies of human beings without permit under D.C. Code, sec. 27–119a.

(226) Making rules for the proper maintenance and operation of a public crematorium under D.C. Code, sec. 27–130.

18. STANDARD TIME

(227) Advancing the standard time applicable to the District of Columbia under D.C. Code, secs. 28–2711 and 28–2804.

19. CORPORATIONS

(228) Approving newspapers in which persons may give notice of intention to present to Congress bills for incorporation or for alteration or extension of corporation charters under D.C. Code, sec. 29–102.

(229) Fixing fees relating to process under D.C. Code, sec. 29–933(e)(2).

(230) Making rules and regulations relating to service of process under D.C. Code, sec. 29–933(e)(5).

(231) Providing an official seal under D.C. Code, sec. 29–935(c).

(232) Making and modifying regulations to carry out the Act of June 8, 1954, and prescribing penalties for the violation of any such regulations, under D.C. Code, sec. 29–935(f).

(233) Determining fee which shall be charged for furnishing a certificate as to the status of a corporation or as to the existence or nonexistence of facts relating to corporations under D.C. Code, sec. 29–936(b)(21).

(234) Making regulations providing for fees for services under D.C. Code, sec. 29–1092(s).

(235) Making and modifying regulations to carry out the provisions of the Act of August 6, 1962, and prescribing penalties for the violation of any such regulation, under D.C. Code, sec. 29–1093(e).

20. EDUCATION

(236) Approving amounts fixed by the Board of Education to be paid for non-residents to cover the expense of tuition and costs of textbooks and school supplies under D.C. Code, sec. 31–307(b).

(237) Approving regulations made by the Board of Education to carry out the intent and purposes of the Act of September 8, 1960 under D.C. Code, sec. 31–308(a).

(238) Making rules and regulations for the purpose of carrying into full force and effect the provisions of the Act of January 15, 1920 under D.C. Code, sec. 31–717.

(239) Prescribing regulations regarding the deposit of additional sums by any teacher, and prescribing table of mortality, under D.C. Code, sec. 31–721.

(240) Making rules and regulations for the purpose of carrying the provisions of the Act of August 7, 1946 into full force and effect under D.C. Code, sec. 31–736.

(241) Making regulations concerning (i) the form of application by officers of any medical or dental college for registration and a permit to commence or continue business, (ii) the evidence to be adduced in support thereof, and (iii) the method of taking such evidence, giving notice of hearings upon applications, holding hearings, and making inquiries under D.C. Code, sec. 31–902.

(242) Closing streets and alleys under D.C. Code, sec. 31–1108.

(243) Promulgating rules and regulations governing the manner in which the District duties relating to surplus property shall be carried out, including the fixing of fees to be charged for services, under D.C. Code, sec. 31–1302.

(244) All functions vested in the Board of Commissioners of the District of Columbia by D.C. Code, sec. 31–1522(b).

21. INSTITUTIONS, AGENCIES, AND SERVICES

(245) Promulgating regulations to govern the establishment and maintenance of private hospitals and asylums, and regulating the issuance, suspension, and revocation of licenses, under D.C. Code, sec. 32–304.

(246) Making rules and regulations under D.C. Code, sec. 32–306.

(247) Establishing rates and regulations respecting the admission of pay patients under D.C. Code, sec. 32–308.

(248) Establishing rates and regulations respecting the admission of pay patients under D.C. Code, sec. 32–309.

(249) Establishing rates and regulations respecting the admission of patients under D.C. Code, sec. 32–310.

(250) Establishing rates and regulations respecting the admission of pay patients under D.C. Code, sec. 32–313.

(251) Prescribing rates for furnishing clinical services, drugs, pharmaceutical preparations, or x-ray service, and determining the necessity of using appropriations without regard to the rates prescribed, under D.C. Code, sec. 32–322.

(252) Establishing standards of indigency for admission of patients to municipal hospitals, and establishing rates at which, and regulations under which, emergency and semi-indigent patients may be admitted to wards of Gallinger Municipal Hospital on a full- or part-pay basis, under D.C. Code, sec. 32–326.

(253) Making rules and regulations for enforcing discipline, for imparting instruction or preserving health, and for the physical, intellectual, and moral training of the inmates of the institution for the custody, care, education, training, and treatment of feebleminded persons under D.C. Code, sec. 32–604.

(254) Approving rules and regulations, and approving amendments of rules and regulations prescribing standards of placement, care, and services to be required of child-placing agencies under D.C. Code, sec. 32–783.

(255) Making, altering, amending, and changing by-laws, rules, and regulations for the government of the National Training School for Girls, its officers, teachers, employees, and inmates, the employment, discipline, instruction, education, removal, and absolute, temporary, or conditional release of girls committed to the school under D.C. Code, sec. 32–904.

(256) Prescribing regulations respecting the sale of surplus products under D.C. Code, sec. 32–1009.

(257) Establishing rates and regulations respecting the care and treatment of any patients under D.C. Code, sec. 32–1010.

22. FOOD AND DRUGS

(258) Preparing rules and regulations with regard to the proper method of collecting and examining drugs and articles of food, under D.C. Code, sec. 33–104.

(259) Making regulations to protect the milk, cream, and ice cream supply of the District of Columbia under D.C. Code, sec. 33–307.

(260) Prescribing regulations under which milk and cream shall be pasteurized under D.C. Code, sec. 33–315.

(261) By regulation, including places other than creameries or receiving stations under the provisions of section 17 of the Act of February 27, 1925 under D.C. Code, sec. 33–317 (second sentence).

(262) Making rules and regulations for the administration and enforcement of the Narcotic Drug Act of June 20, 1938 under D.C. Code, sec. 33–405.

(263) Making rules and regulations to carry out the purposes of the Act of July 3, 1943 under D.C. Code, sec. 33–502.

(264) After reasonable public notice and opportunity for a hearing, finding and declaring drugs or compounds, preparations, or mixtures thereof to be habit-forming, excessively stimulating, or to have a dangerously toxic, or hypnotic or somnifacient effect on the body of a human or animal under D.C. Code, sec. 33–701(1)(C).

(265) After reasonable public notice and opportunity for hearing, declaring by rule or regulation duly promulgated that a compound, mixture, or preparation of barbituric acid, its salts and derivatives to have or contain no habit-forming properties and not to have a dangerously toxic or hypnotic or somnifacient effect on the body of a human or animal under D.C. Code, sec. 33–703(1).

(266) After reasonable public notice and opportunity for hearing, finding and declaring by rule or regulation duly promulgated that a compound, mixture, or preparation of amphetamine, desoxyphedrine, phenolethylamine, or their salts or derivatives to contain in addition to such drug or its salts and derivatives some other drug or drugs causing it to possess other than an excessively stimulating effect upon the central nervous system and to have no habit-forming properties or dangerously toxic effect upon the body of a human or animal under D.C. Code, sec. 33–703(2).

(267) Promulgating regulations for the administration and enforcement of the Act of July 24, 1956 under D.C. Code, sec. 33–707.

23. INSURANCE

(268) Making rules and regulations to make the conduct of each company in the same line of insurance conform in doing business in the District under D.C. Code, sec. 35–102.

(269) Prescribing rules and regulations for the hearing of appeals (of health, accident, and life insurance companies) under D.C. Code, sec. 35–202.

(270) Requiring, under D.C. Code, sec. 35–407, that at least once in the month of March in each year a summary of the annual financial statement filed thereunder be published in a daily newspaper.

(271) Making and prescribing rules and regulations (subject to the approval of the court) under D.C. Code, sec. 35–419 (penultimate paragraph).

(272) Requiring information, in addition to that specified in the statute, to be included in applications filed for licensing as life insurance general agent, agent, or solicitor under D.C. Code, sec. 35–425.

(273) Requiring information, in addition to that specified in the statute, to be included in applications for licensing as a life insurance broker under D.C. Code, sec. 35–428.

(274) Prescribing rules and regulations governing inspectors of elections held by policy holders of domestic stock life insurance companies for the purpose of converting to a mutual company under D.C. Code, sec. 35–519.

(275) Issuing rules and regulations to carry out the purposes of section 41 of the Act of June 19, 1934 under D.C. Code, sec. 35–541(f).

(276) Making rules and regulations concerning the procedure for the filing or submission of policies under D.C. Code, sec. 35–712–3–(f); and making rules and regulations concerning the provisions in supplemental contracts and the submission and approval of such contracts under D.C. Code, sec. 35–712 (last proviso).

(277) Making rules and regulations necessary in making effective the provisions of the Fire and Casualty Act of October 9, 1940 under D.C. Code, sec. 35–1304.

(278) Approving agreements and bylaws established by the rating bureau for its governance, approving rules and regulations adopted by the rating bureau to carry out its functions, and approving amendments to such agreements, bylaws, rules, and regulations under D.C. Code, sec. 35–1404.

(279) Making and promulgating (i) regulations governing the enforcement of the provisions of the Act of May 20, 1948 (providing for regulation of casualty and other insurance rates), (ii) regulations necessary in making that Act effective, and (iii) rules for making compilations of statistical data available to companies and rating organizations under D.C. Code, sec. 35–1508.

24. LABOR

(280) Adopting and promulgating regulations defining terms under section 10 of the Act of February 24, 1914 (sec. 3, Public Law 89–684, approved October 15, 1966).

(281) Making and revising regulations, including definition of terms, under section 8 of title I of the Act of September 19, 1918 (Public Law 89–684, approved October 15, 1966).

(282) Prescribing by regulation records or information necessary or appropriate for the enforcement of the provisions of the Act of September 19, 1918, as amended by Public Law 89–684, approved October 15, 1966, or of the regulations or orders issued thereunder, under section 11 of that Act.

(283) (i) Determining and fixing standards of safety in employment, places of employment, in the use of devices and safeguards, and in the use of practices, means, methods, operations, and processes of employment, and (ii) promulgating general rules and regulations and fixing minimum safety requirements, under D.C. Code, sec. 36–433.

(284) Adopting and promulgating rules and regulations under D.C. Code, sec. 36–434.

(285) Promulgating regulations defining and delimiting the term "any person employed in a bona fide executive, administrative, or professional capacity" under D.C. Code, sec. 36–601(b).

25. MOTOR VEHICLES

(286) Providing by regulation for the issuance of (i) registration certificates and identification tags, (ii) duplicate registration certificates or duplicate identification tags and (iii) special use identification tags under D.C. Code, sec. 40–102(b); and promulgating thereunder the regulations referred to in paragraphs (1) and (4) thereof.

(287) Extending the effective period of registration of motor vehicles under D.C. Code, sec. 40–102(c).

(288) Prescribing regulations to carry out provisions of law respecting registration of, and identification tags for, motor vehicles and trailers, under D.C. Code, sec. 40–102(e).

(289) Prescribing rules and regulations respecting the revocation or suspension of dealers' registrations and dealers' identification tags, including return of such tags, under D.C. Code, sec. 40–102(f).

(290) Prescribing tags treated with special reflective materials and fixing the additional fee charged in connection therewith under D.C. Code, sec. 40–103(a).

(291) Determining the percentage of fees for registration of motor vehicles and trailers to be credited to the General Fund of the District of Columbia under D.C. Code, sec. 40–103(d).

(292) Prescribing regulations relating to the issuance of motor vehicle operators' permits and to extending the validity of certain motor vehicle operators' permits under D.C. Code, secs. 40–301(a) (1) and (6).

(293) Prescribing by regulation matter to be stated on each motor vehicle operator's permit under D.C. Code, sec. 40–301(b).

(294) Making rules and regulations for the administration of the Motor Vehicle Safety Responsibility Act of the District of Columbia under D.C. Code, sec. 40–419.

(295) Making, modifying, and repealing rules and regulations under D.C. Code, sec. 40–603(a).

(296) Making and modifying regulations in respect to brakes, horns, lights, mufflers, and other equipment, the inspection of the same; the registering, reregistering, titling, retitling, transferring of titles, and revocation of the certificate of title to motor vehicles and trailers, under D.C. Code, sec. 40–603(c).

(297) Making, modifying, and repealing rules and regulations in respect to the movement of traffic, speed, length, weight, height, width, routing, and parking of vehicles, the establishment and location of hack stands, and the establishment and location of parking areas for use of members of Congress and Government officials, under D.C. Code, sec. 40–603(e).

(298) Making regulations with respect to the control of traffic under D.C. Code, sec. 40–603(f).

(299) Prescribing penalties under D.C. Code, sec. 40–603(g).

(300) Designating and reserving parking spaces for the use of members of the Congress under D.C. Code, sec. 40–604 (40 U.S.C. 60a).

(301) Permitting parking of motor vehicles in the Municipal Center, selecting officers and employees whose vehicles may be parked there, and making regulations for the control of the parking of such vehicles, including authority to prescribe fees and charges for the privilege of parking of such vehicles, under D.C. Code, sec. 40–604a(a).

(302) Permitting the public to park motor vehicles in a portion or portions of the Municipal Center, setting aside the portion or portions of that Center for such purpose, making regulations for the control of parking in the portion or portions so set aside (including

the authority to restrict the privilege of parking therein to persons having business in the Municipal Center), making regulations to prohibit parking in all portions of the Municipal Center not set apart for such purposes, and prescribing fees and charges for the privilege of parking motor vehicles, under D.C. Code, sec. 40–604a(b).

(303) Prescribing penalties under D.C. Code, sec. 40–604a(c).

(304) Making rules and regulations for the control of the parking of vehicles, and prescribing fees for the privilege of parking vehicles under D.C. Code, sec. 40–616.

(305) Making regulations necessary in the furtherance of the purposes of D.C. Code, sec. 40–617 under the last sentence thereof.

(306) Establishing and revising uniform schedules of rates to be charged for use of space in each parking facility, providing rate differentials, prescribing and promulgating rules and regulations for the carrying out of the provisions of the District of Columbia Motor Vehicle Parking Facility Act of 1942, determining the time within which the cost of acquiring and improving the property shall be liquidated, and providing for the acquisition and improvement of other necessary parking facilities under D.C. Code, sec. 40–804(d).

(307) Making rules and regulations for the control of parking of vehicles, and prescribing fees for the parking of vehicles, under D.C. Code, sec. 40–804(e).

(308) Fixing the amount of collateral to be deposited under D.C. Code, sec. 40–810.

(309) Including fees within the definition of the term "Governmental charges" under D.C. Code, sec. 40–901(4).

(310) By regulation or order, determining, fixing, redetermining, and refixing, maximum finance charges under D.C. Code, sec. 40–902(d).

(311) Making regulations to carry out the purposes of section 2 of the Act of April 22, 1960 under D.C. Code, sec. 40–902(e)(1).

(312) Making additional regulations under D.C. Code, sec. 40–902(e)(2).

(313) Making classifications under D.C. Code, sec. 40–902(e)(3).

(314) By regulation, (i) prohibiting the inclusion of certain provisions in any retail installment contract, and (ii) providing that waivers or purported waivers shall be void and of no effect, under D.C. Code, sec. 40–902(f).

(315) Prescribing by regulation security required of licensed persons, establishing classes and subclasses of persons, specifying the amount and conditions of the bond to be deposited by each of the members of any such class or subclasses, and by regulation requiring applicants for licenses (i) to furnish and keep in force a bond or other security, (ii) to procure and keep in force public liability insurance and property damage insurance, or both, and (iii) to appoint an attorney for the service of process and notices under D.C. Code, sec. 40–903(a).

(316) Promulgating regulations to carry out the purposes of Act regulating retail installment sales of motor vehicles under D.C. Code, sec. 40–905.

26. PUBLIC UTILITIES

(317) Fixing regulations under which electric light companies may be authorized to construct, use and extend conduits, and prescribing regulations under which electric lighting companies may extend underground conduits and wires, under D.C. Code, sec. 43–1101.

(318) Prescribing conditions and regulations to permit the erection of poles and the stringing of overhead wires thereon under D.C. Code, sec. 43–1105.

(319) Making regulations concerning granting of permits for repair, enlargement, and extension of electric-lighting conduits under D.C. Code, sec. 43–1106.

(320) Making regulations concerning granting of permits for repair, enlargement, and extension of electric-lighting conduits under D.C. Code, sec. 43–1107.

(321) Prescribing regulations under D.C. Code, sec. 43–1406.

(322) Prescribing regulations under D.C. Code, sec. 43–1414.

(323) Making regulations for the proper distribution of water under D.C. Code, sec. 43–1503.

(324) Determining the frequency of levying and collecting water rates under D.C. Code, sec. 43–1504.

(325) Fixing the rates charged for water and water services under D.C. Code, sec. 43–1520c.

(326) Establishing charges for the provision of sanitary sewer service under D.C. Code, secs. 43–1605 and 43–1606.

(327) Promulgating regulations to effectuate purposes of Title II of the Act of May 18, 1954 under D.C. Code, sec. 43–1608.

(328) Imposing additional charge for unpaid sanitary sewer service charge under D.C. Code, sec. 43–1609.

(329) Making rules and regulations to carry out provisions of Public Works Act of 1954 under D.C. Code, sec. 43–1618.

(330) Prescribing regulations respecting the operation and maintenance of the Potomac Interceptor under D.C. Code, sec. 43–1621(a).

27. PASSENGER MOTOR VEHICLES FOR HIRE

(331) Approving form of, and terms and conditions of filing, evidence under D.C. Code, sec. 44–301.

(332) Making rules and regulations governing the writing of insurance, the making of bonds, and the business of insuring or bonding risks under D.C. Code, sec. 44–302.

28. REAL PROPERTY

(333) Prescribing by regulation extensions of time under D.C. Code, sec. 45–723(d)(1).

(334) Prescribing by regulation methods or devices, or both, for the evidencing of payment and the collection of taxes under D.C. Code, sec. 45–736.

(335) Prescribing rules and regulations to carry out the purposes of subchapter II of chapter 7 of title 45 of the D.C. Code, under D.C. Code, sec. 45–737.

(336) Adopting a seal and prescribing the design engraved thereon, and making, revising, or repealing regulations to carry out the provisions of chapter 14 of title 45 of the D.C. Code, under D.C. Code, sec. 45–1403.

(337) Requiring proof of the honesty, truthfulness, and integrity of the applicant under D.C. Code, sec. 45–1405.

29. SOCIAL SECURITY

(338) Prescribing regulations for estimating and determining the reasonable cash value of remuneration in any medium other than cash and for estimating and determining the reasonable amount of gratuities under D.C. Code, sec. 46–301(c).

(339) Prescribing by regulation the period of time as equivalent to a calendar quarter under D.C. Code, sec. 46–301(k).

(340) Prescribing the period of time to be used for the term "month" under D. C. Code, sec. 46–301(n).

(341) Prescribing by regulation the period of seven consecutive days to be used as a "week" under D.C. Code, sec. 46–301(o).

(342) Prescribing regulations specifying time within which employers shall make a return of, and pay contributions accrued with respect to, wages paid during preceding calendar quarter with respect to employment, under D.C. Code, sec. 46–304(b).

(343) Prescribing regulations respecting issuance of certificate of release of lien for taxes under D.C. Code, sec. 46–304(e).

(344) Prescribing the extent to which rulings, regulations, or decisions shall be applied without retroactive effect under D.C. Code, sec. 46–304(k).

(345) Prescribing regulations regarding reduction of benefits under D.C. Code, sec. 46–307(c).

(346) Prescribing regulations regarding the making of claims for benefits under D.C. Code, sec. 46–309(a).

(347) Prescribing regulations specifying the frequency and manner of registration and inquiries for work, and by regulation waiving or altering requirements for benefits, under D.C. Code, sec. 46–309(d).

(348) Prescribing regulations governing determinations as to what constitutes leaving work voluntarily without good cause under D.C. Code, sec. 46–310(a).

(349) Prescribing regulations under D.C. Code, sec. 46–310(c).

(350) Prescribing regulations under D.C. Code, sec. 46–310(e).

(351) Prescribing regulations under D.C. Code, sec. 46–311(a).

(352) Prescribing regulations under D.C. Code, sec. 46–311(c).

(353) Prescribing regulations under D.C. Code, sec. 46–311(e).

(354) Fixing rate of fees allowed witnesses under D.C. Code, sec. 46–311(g).

(355) Requiring bonds of employees under D.C. Code, sec. 46–313(a).

(356) Making regulations to carry out the provisions of chapter 3 of title 46 of the D.C. Code under D.C. Code, sec. 46–313(b).

(357) By regulations prescribing restrictions, subject to which information may be made available, under D.C. Code, sec. 46–313(f).

(358) Entering into reciprocal arrangements under D.C. Code, sec. 46–316(a).

(359) Prescribing work records to be kept, under D.C. Code, sec. 46–317(a).

30. TAXATION AND FISCAL AFFAIRS

(360) Fixing amounts of bonds under D.C. Code, secs. 47–113c and 47–120a.

(361) Requiring the giving of bond under D.C. Code, sec. 47–122.

(362) Requiring the giving of bond under D.C. Code, sec. 47–303.

(363) Ascertaining, determining, and fixing annually rate of taxation under D.C. Code, sec. 47–501.

(364) Determining whether any money raised in any fiscal year in excess of the needs for that year shall be available in the succeeding year for the purpose of meeting expenses or for enabling the fixing of a lower rate of taxation for the year following, or both, under D.C. Code, sec. 47–503.

(365) Reporting annually to the Congress the use being made of property specifically exempted from taxation, and any changes in such use, with recommendations, under D.C. Code, sec. 47–801a(e).

(366) Making and promulgating rules and regulations to carry out the intent and purposes of the Act of December 24, 1942 under D.C. Code, sec. 47–801f.

(367) Fixing date of sale of real property on which taxes are levied and in arrears under D.C. Code, sec. 47–1001.

(368) Requiring by regulation the times and manner of reporting income and the information to be reported under D.C. Code, sec. 47–1577a(b)(17) (last paragraph) (Public Law 89–591).

(369) Promulgating rules and regulations permitting as a deduction from gross income allowances for depletion of natural resources under D.C. Code, sec. 47–1557b(a)(7).

(370) Including in regulations tax table for elective use in connection with paying the tax under D.C. Code, sec. 47–1567b(b).

(371) Prescribing regulation or regulations for determining under formula or formulas provided therein the portion of net income subject to tax under the District of Columbia Income and Franchise Tax Act of 1947 under D.C. Code, sec. 47–1580a.

(372) Prescribing and promulgating all regulations referred to in D.C. Code, sec. 47–1586g.

(373) Prescribing and publishing rules and regulations for the enforcement of the District of Columbia Income and Franchise Tax Act of 1947 under D.C. Code, sec. 47–1595.

(374) Making rules and regulations to carry out the provisions of the District of Columbia Revenue Act of 1956 under D.C. Code, sec. 47–1595a.

(375) Making rules and regulations for enforcement of law imposing inheritance and estate taxes and providing for granting extensions of time under D.C. Code, sec. 47–1618.

(376) Prescribing regulations relating to issuing certificate releasing property from lien under D.C. Code, sec. 47–1623.

(377) Entering into a compact and issuing rules and regulations for the implementation of such compact under section 103 of Public Law 89–11, approved April 14, 1965 (79 Stat. 60).

(378) Entering into an agreement, issuing rules and regulations for the implementation of such agreement, making exemptions from the coverage of the agreement, making changes in methods of reporting, and giving notice of withdrawal from the agreement, under sections 202, 203, and 205 of Public Law 89–11, approved April 14, 1965 (79 Stat. 65, 66).

(379) Promulgating regulations requiring information to be contained in applications under D.C. Code, sec. 47–1903(a)(5).

(380) Making regulations for the administration of the Act of April 23, 1924 (imposing tax on motor-vehicle fuels), and affixing thereto fines and penalties, under D.C. Code, sec. 47–1916.

(381) Determining penal sum of bond to be deposited by applicants for licenses under D.C. Code, sec. 47–2102.

(382) Adopting seal under D.C. Code, sec. 47–2301.

(383) Prescribing regulations for the public decency under D.C. Code, sec. 47–2303.

(384) Classifying buildings, and requiring licenses, under D.C. Code, sec. 47–2328.

(385) Directing as to the identification tags to be borne by licensed vehicles under D.C. Code, sec. 47–2331(f).

(386) Making and modifying regulations governing the conduct of licensed vendors under D.C. Code, sec. 47–2336.

(387) Making regulations for the examination of applicants for licenses under D.C. Code, sec. 47–2338.

(388) Classifying dealers in secondhand personal property under D.C. Code, sec. 47–2339.

(389) Making and promulgating regulations under D.C. Code, sec. 47–2340.

(390) Making regulations for the government and conduct of the business of licensed private detectives under D.C. Code, sec. 47–2341(d).

(391) Requiring a license of businesses or callings other than those specified in the Act and modifying any provision of the Act, under D.C. Code, sec. 47–2344.

(392) Prescribing additional subjects in which applicants for license as undertaker shall be examined under D.C. Code, sec. 47–2344a(b).

(393) Promulgating and altering rules and regulations under D.C. Code, sec. 47–2344a(d)(6).

(394) Making regulations under D.C. Code, sec. 47–2345(a).

(395) Providing by regulation that any inspection shall be made either prior or subsequent to the issuance of a license under D.C. Code, sec. 47–2345(b).

(396) Requiring that a class or subclasses of licensees give bond, and fixing the amount of such bond, under D.C. Code, sec. 47–2345(c).

(397) Making rules and regulations to carry out the provisions of the District of Columbia Revenue Act of 1937, and prescribing and publishing rules and regulations for the enforcement of the Revenue Act of 1939, under D.C. Code, sec. 47–2502.

(398) Prescribing amounts to be added to sales prices and collected from purchasers under D.C. Code, sec. 47–2604(a).

(399) Prescribing regulations governing refunds to vendors of amounts repaid to purchasers under D.C. Code, sec. 47–2617(a).

(400) Making, adopting, and amending regulations under D.C. Code, sec. 47–2620.

(401) Prescribing methods for determining the gross proceeds from sales made or services rendered and for the allocation of such sales and services into taxable and nontaxable sales under D.C. Code, sec. 47–2621(c).

(402) Requiring vendors to keep detailed records, and to furnish information, under D.C. Code, sec. 47–2621(d).

(403) Requiring vendors to file bond, determining the sureties necessary, and the duration of the bond under D.C. Code, sec. 47–2708.

(404) Requiring purchasers to include in monthly returns (relating to compensating-use tax) information necessary for the computation and collection of the tax under D.C. Code, sec. 47–2711(a).

(405) Requiring returns of purchasers to be made for periods and upon dates other than those specified in the Act, and specifying such periods and dates, under D.C. Code, sec. 47–2711(b).

(406) By regulation, including wrapper within the definition of "original package" under D.C. Code, sec. 47–2801(g).

(407) By regulation, permitting tax stamps to be affixed other than to original packages, and approving regulations prescribing the manner of cancellation of stamps, under D.C. Code, sec. 47–2802(c).

(408) Prescribing stamps denoting payment of tax, under D.C. Code, sec. 47–2802(d).

(409) By regulation permitting licensees to pay tax by imprinting impressions upon original packages by the use of metering devices under D.C. Code, sec. 47–2802(h).

(410) By regulation, prescribing terms and conditions for allowing discount from the face value of tax stamps under D.C. Code, sec. 47–2802(i).

(411) Approving regulations permitting cigarettes to be sold in number less than the number contained in the original package, and fixing fee for retailer's license, under D.C. Code, sec. 47–2805(A).

(412) By regulation, requiring that a separate license be obtained for each vending machine or permitting a blanket license for one or more machines, prescribing that evidence of licensing of machines be attached to each machine by means of markers, stickers, or otherwise, and fixing the annual fee for licenses, under D.C. Code, sec. 47–2805(B).

(413) By regulation, authorizing the issuance of a license for a place outside the District of Columbia and authorizing the terms and conditions therefor, and fixing the annual fee for license, under D.C. Code, sec. 47–2805(C)(3).

(414) Fixing by regulation periods for which licenses shall remain in effect, under D.C. Code, sec. 47–2806.

(415) Making rules and regulations to carry out the provisions of chapter 28 of title 47 of the D.C. Code, under D.C. Code, sec. 47–2808.

(416) Prescribing regulations respecting refunds or allowances as credit on purchase of new tax stamps under D.C. Code, sec. 47–2811(a).

(417) Promulgating regulations to carry out the purposes of the Act of September 1, 1959 under D.C. Code, sec. 47–3009.

31. MISCELLANEOUS

(418) Promulgating rules and regulations with respect to the solicitation and voting of proxies, consents, and authorizations under section 2(a) of the Act of April 18, 1966 (Public Law 89–402; 80 Stat. 123).

(419) By rules and regulations, exempting a transaction or transactions, under section 3(b) (last sentence) of the Act of April 18, 1966 (Public Law 89–402; 80 Stat. 124).

(420) By rules and regulations, defining and prescribing terms and conditions under section 3(d) (last sentence) of the Act of April 18, 1966 (Public Law 89–402; 80 Stat. 124).

(421) Adopting, prescribing, and making the rules and regulations referred to in sections 3(e), 3(f), and 3(h) of the Act of April 18, 1966 (Public Law 89–402; 80 Stat. 124; 125).

(422) Making regulations to secure the preservation of public order and protection of life, health, and property, making special regulations respecting the standing, movement, and operation of vehicles, and fixing fees for special licenses, under the first section of the Act of July 19, 1966 (Public Law 89–514; 80 Stat. 320).

(423) Adopting rules and regulations to carry out the purposes of the District of Columbia Certified Public Accountancy Act of 1966 (Public Law 89–578, approved September 16, 1966), under section 5 of that Act (80 Stat. 787).

(424) Making rules and regulations to carry out the District of Columbia Revenue Act of 1966 (Public Law 89–610, approved September 30, 1966) under section 1005 of that Act (80 Stat. 859).

(425) Appointing two directors of the Washington Metropolitan Area Transit Authority (80 Stat. 1326). Those directors shall be appointed from among a group of individuals consisting of the following: (1) The members of the District of Columbia Council, (2) the Commissioner of the District of Columbia, and (3) the Assistant to the Commissioner of the District of Columbia (provided for in section 302 of this reorganization plan).

(426) Promulgating rules and regulations for the administration of the work release program under Section 5 of the District of Columbia Work Release Act (Public Law 89–803; 80 Stat. 1519).

(427) Fixing stipends of student employees under 5 U.S.C. 5352.

(428) Fixing value of accommodations to be deducted from stipends under 5 U.S.C. 5353.

(429) Prescribing and issuing, or providing for the formulation and issuance of, regulations under 5 U.S.C. 5527(b).

(430) Prescribing regulations for the destruction of animals or live poultry affected with contagious, infectious, or communicable disease, and for the proper disposition of their hides and carcasses, and prescribing regulations for disinfection and other regulations, under section 8 of the Act of May 29, 1884, c.60, 23 Stat. 33, as amended (21 U.S.C. 130).

(431) Agreeing to the closing and vacating of alleys and portions of streets under section 8(b) of the Public Buildings Act of 1959, P.L. 86-249, 73 Stat. 481, as amended (40 U.S.C. 607(b)).

(432) The functions under Title VI of the Act of October 14, 1940, c.862, as amended (42 U.S.C. 1581-1590) which are now vested in the Board of Commissioners of the District of Columbia pursuant to the provisions of section 610 of that Act, as amended (42 U.S.C. 1590).

SEC. 403. *Budget.* Functions with respect to requests for regular, supplemental, or deficiency appropriations for the District of Columbia (made in pursuance of section 214 of the Budget and Accounting Act, 1921, as amended (31 U.S.C. 22) or in pursuance of any other provision of law) are hereby transferred so as to accord with the following:

(a) The Commissioner of the District of Columbia shall prepare such requests and submit them to the District of Columbia Council.

(b) If the Council approves the requests so submitted, without revision, it shall return them to the Commissioner and the Commissioner shall submit them to the Bureau of the Budget.

(c) If the Council revises the requests so submitted to the Council, it shall return them, with the revisions, to the Commissioner. If the Commissioner concurs in the revisions he shall submit the revised requests to the Bureau of the Budget.

(d) If the Commissioner does not concur in any one or more of the revisions proposed by the Council he shall return the requests, together with the Council's revisions, to the Council and append a statement of the reasons for not concurring. If the Council, by a three-fourths vote of its members present and voting insists upon any one or more of its original revisions, it shall return the requests and the revisions upon which it insists to the Commissioner within five days and so inform him, and he shall submit the requests, incorporating the revisions upon which the Council insists, to the Bureau of the Budget. If such a three-fourths vote does not prevail or the Council does not act on the requests, the Council shall return the requests to the Commissioner and he shall submit them (without the revisions) to the Bureau of the Budget.

(e) If the Council does not approve or revise the requests within thirty days next following their receipts, the requests shall be deemed to be approved by the Council.

(f) The authority of the Commissioner under section 305 of this reorganization plan (to delegate functions) shall not extend to his functions under this section of concurring or not concurring in revisions of requests proposed by the Council.

SEC. 404. *Zoning Commission.* Functions of the members of the Board of Commissioners of the District of Columbia with respect to serving as members of the Zoning Commission (D.C. Code, sec. 5-412) are hereby transferred as follows:

(a) Those of the President of the Board of Commissioners are transferred to the Chairman of the District of Columbia Council.

(b) Those of the Engineer Commissioner are transferred to the Commissioner of the District of Columbia.

(c) Those of the other member of the Board of Commissioners are transfered to the Vice Chairman of the Council.

SEC. 405. *Officers of the Corporation.* The functions of the Commissioners of the District of Columbia with respect to being officers of the Corporation under D.C. Code, sec. 1-103 are hereby transferred to

the members of the District of Columbia Council and to the Commissioner of the District of Columbia in such manner as to accord with the transfers of functions to the Council and the Commissioner, respectively, as effected by the provisions of the foregoing sections of Part IV of this reorganization plan.

SEC. 406. *Approval or disapproval by Commissioner.* (a) Each and every action taken by the Council in pursuance of authority transferred to it by the provisions of this reorganization plan in respect of rules or regulations (exclusive of rules and regulations respecting the internal organization or functioning of the Council or the appointment or direction of personnel employed by the Council) or in respect of penalties or taxes shall be promptly presented to the Commissioner of the District of Columbia (provided for in Part III of this reorganization plan) for his approval or disapproval.

(b) If the Commissioner approves an action of the Council presented to him under subsection (a) of this section, that action shall become effective immediately or at such later time as may be specified in the action of the Council.

(c) If the Commissioner neither approves nor disapproves an action of the Council before the expiration of the first period of ten calendar days following the date on which the action is presented to him by the Council, the action of the Council shall become effective without the approval of the Commissioner upon the expiration of the ten-day period or at such later time as may be specified in the action of the Council.

(d) Where the Commissioner disapproves an action of the Council before the expiration of the first period of ten calendar days following the date on which the action is presented to him by the Council, he shall return the action to the Council before such expiration together with a statement of the reasons for his disapproval. No action so returned shall become effective, except that such an action shall become effective if the Council re-adopts the action by a three-fourths vote of the Council members present and voting within thirty days next following the return of the action to the Council. Any action which becomes effective under this subsection shall be effective upon the re-adoption thereof by the Council or upon such later date as may be specified in the action of the Council.

(e) The authority of the Commissioner under section 305 of this reorganization plan (to delegate functions) shall not extend to his functions under the foregoing subsections of section 406.

PART V. MISCELLANEOUS PROVISIONS

SEC. 501. *Status of certain agencies.* (a) Functions now vested in any agency listed in subsection (b) of this section, or in any officer or body of or under such agency, shall remain so vested; but all functions of the Board of Commissioners of the District of Columbia, and all functions of the President of that Board or of any other member of the Board, relating to the listed agency or its functions or to an officer or body thereof or to the functions of such officer or body shall be deemed to be transferred by Part IV of this reorganization plan.

(b) The following agencies of the Corporation are the agencies referred to in subsection (a) of this section:

(1) Board of Education (including the public school system)
(2) Board of Library Trustees (including the public libraries)
(3) Recreation Board
(4) Public Service Commission
(5) Zoning Commission
(6) Zoning Advisory Council
(7) Board of Zoning Adjustment
(8) Office of the Recorder of Deeds
(9) Armory Board

SEC. 502. *Incidental transfers.* (a) The personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed, used, held, available, or to be made available in connection with the offices of the Board of Commissioners of the District of Columbia or in connection with the offices of the commissioners composing that Board shall be transferred as follows at such time or times as the Director of the Bureau of the Budget shall direct:

(1) So much thereof as the Director of the Bureau of the Budget shall determine to relate primarily to functions transferred to the District of Columbia Council by the provisions of this reorganization plan shall be transferred to that Council.

(2) All other thereof shall be transferred to the Commissioner of the District of Columbia.

(b) Such further measures and dispositions as the Director of the Bureau of the Budget shall deem to be necessary in order to effectuate the transfers referred to in subsection (a) of this section shall be carried out in such manner as he shall direct and by such agencies as he shall designate.

(c) Unless and until other provision is made in pursuance of section 304 of this reorganization plan or by law, personnel, property, records, and unexpended balances of appropriations, allocations, and other funds which are now under the jurisdiction of the Board of Commissioners of the District of Columbia and are not affected by the provisions of subsection (a) of this section shall continue to be attached to or available for the several agencies of the Corporation.

SEC. 503. *Abolitions.* (a) Without prejudice to the continuation of the Corporation, there is hereby abolished the Board of Commissioners of the District of Columbia.

(b) The abolition effected by subsection (a) of this section includes the abolition of the office held by an officer of the Corps of Engineers of the United States Army as the Engineer Commissioner of the District of Columbia (10 U.S.C. 3534(a); D.C. Code, sec. 1–201) and the two other offices of Commissioner of the District of Columbia, but nothing in this reorganization plan shall preclude the detail by the President of not more than three officers assigned to the Corps of Engineers to assist the Commissioner of the District of Columbia in discharging his duties (10 U.S.C. 3534(b); D.C. Code, sec. 1–212).

(c) The joint board authorized and created by section 6(e) of the Act of March 3, 1925, 43 Stat. 1121, as amended (D.C. Code, sec. 40–603(e)), together with its functions, is hereby abolished.

(d) The Commissioner of the District of Columbia shall make such provisions as he may deem necessary with respect to winding up the affairs of (1) the Board of Commissioners of the District of Columbia, and (2) the joint board on traffic.

SEC. 504. *Effective dates.* (a) Except as otherwise provided in subsection (b) of this section, the provisions of this reorganization plan shall take effect on the date determined under section 906(a) of title 5 of the United States Code.

(b) Part IV and sections 501, 502, and 503 of this reorganization plan shall take effect when for the first time there are in office under this reorganization plan both (1) the Commissioner provided for in Part III hereof, and (2) not less than six members of the Council provided for in Part II hereof or on such later date as may be specified by the President of the United States.

[F.R. Doc. 67–9507; Filed, Aug. 11, 1967; 8:45 a.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Valencia Orange Reg. 215]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.515 Valencia Orange Regulation 215.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 10, 1967.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period August 13, 1967, through August 19, 1967, are hereby fixed as follows:

(i) District 1: 140,000 cartons;

(ii) District 2: 560,000 cartons;

(iii) District 3: unlimited movement.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 11, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67–9523; Filed, Aug. 11, 1967; 11:33 a.m.]

[Lemon Reg. 280]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.580 Lemon Regulation 280.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 8, 1967.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period August 13, 1967, through August 19, 1967, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 232,500 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 10, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67–9515; Filed, Aug. 11, 1967; 8:47 a.m.]

[Pear Reg. 6]

PART 927—BEURRE D'ANJOU, BEURRE BOSC, WINTER NELIS, DOYENNE DU COMICE, BEURRE EASTER, AND BEURRE CLAIRGEAU VARIETIES OF PEARS GROWN IN OREGON, WASHINGTON, AND CALIFORNIA

Regulation by Grades, Quality, and Sizes

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 927, as amended (7 CFR Part 927), regulating the handling of the Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in Oregon, Washington, and California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Control Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of such pears, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that, as hereinafter set forth, the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than August 14, 1967. A reasonable determination as to the composition of the available supplies of such pears, and therefore the extent of grade and size regulation warranted, must await the development of the crop; recommendation as to the need for, and the extent of, regulation of shipments of such pears were made by said committee on July 19, 1967, after consideration of all information then available relative to the supply and demand conditions for such pears, at which time such recommendations and supporting information were submitted to the Department on July 24, 1967, and notice thereof given to handlers and growers; shipments of the current crop of such pears are expected to begin on or about the effective time hereof, and this regulation should be applicable to all shipments of such pears in order to effectuate the declared policy of the act; and compliance with this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

§ 927.306 Pear Regulation 6.

(a) *Order.* (1) During the period August 14, 1967, through June 30, 1968, no handler shall ship any pears which do not meet the following requirements for the variety specified:

(i) Beurre D'Anjou pears shall be of a size not smaller than the 195 size and shall grade at least U.S. No. 2, except that such pears may fail to meet such grade only because of serious damage but not very serious damage caused by frost injury, healed hail marks, russeting, or being seriously misshapen: *Provided*, That pears of such variety which bear unhealed broken skin punctures not exceeding three-sixteenth (3/16) of an inch in diameter or depth, as the case may be, may be shipped if such pears otherwise grade at least U.S. No. 1 and are not smaller than the 150 size;

(ii) Beurre D'Anjou pears shipped from the State of Oregon or the State of Washington prior to October 15, 1967, shall have an appropriate certification by the Federal-State Inspection Service, issued prior to shipment, showing that the core temperature of such pears has been lowered to at least 35° F.;

(iii) Beurre Bosc pears shall be of a size not smaller than the 195 size and shall grade at least U.S. No. 2, except that such pears may fail to meet such grade only because of serious damage but not very serious damage caused by frost injury, healed hail marks, russeting, or being seriously misshapen;

(iv) Doyenne du Comice pears shall be of a size not smaller than the 180 size and shall grade at least U.S. No. 2, except that such pears may fail to meet such grade only because of serious damage but not very serious damage caused by frost injury, healed hail marks, russeting, or being seriously misshapen; and

(v) Winter Nelis pears shall grade at least U.S. No. 2 and be of a size not smaller than the 225 size: *Provided*, That Winter Nelis pears which fail to meet the requirements specified in the U.S. No. 2 grade only because of serious damage but not very serious damage caused by frost injury, healed hail marks, russeting, or being seriously misshapen may be shipped if they are of a size not smaller than the 150 size.

(2) Each handler may ship on any one conveyance up to, but not to exceed, 200 standard western pear boxes of pears, or an equivalent quantity of pears in other containers computed by weight to the nearest 5 pounds, without regard to the inspection requirements of § 927.60(b), under the following conditions:

(i) Each handler desiring to make shipment of pears pursuant to this subparagraph shall first apply to the committee on forms furnished by the committee for permission to make such shipments. The application form shall provide a certification by the shipper that all shipments made thereunder during the marketing season shall meet the marketing order requirement, that he agrees such shipments shall be subject to spot check inspection, and that he agrees to report such shipments at time of shipment to the committee on forms furnished by the committee, showing the car or truck number and destination; and

(ii) On the basis of such individual reports, the committee shall request spot check inspection of such shipments.

(3) When used herein, "U.S. No. 1," "U.S. No. 2," "frost injury," "healed hail marks," "russeting," and "seriously misshapen" shall have the same meaning as when used in the U.S. Standards for Winter Pears such as Anjou, Bosc, Winter Nelis, Comice, and other Similar Varieties (§§ 51.1300—51.1323 of the title); "150 size," "180 size," "195 size," and "225 size" shall mean that the pears are of a size which, as indicated by the size number, will pack, in accordance with the sizing and packing specifications of a standard pack, as specified in said U.S. Standards, 150, 180, 195, or 225 pears, respectively, in a standard western pear box (inside dimensions 18 inches long by 11½ inches wide by 8½ inches deep); "very serious damage" shall mean any injury or defect which very seriously affects the appearance or the edible or shipping quality of the pear; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 8, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-9484; Filed, Aug. 11, 1967; 8:46 a.m.]

PART 945—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

Expenses and Rate of Assessment

Notice of rule making regarding proposed expenses and rate of assessment, to be effective under Marketing Agreement No. 98 and Order No. 945, both as amended (7 CFR Part 945), regulating the handling of Irish potatoes grown in designated counties in Idaho and Malheur County, Oreg., was published in the FEDERAL REGISTER July 18, 1967 (32 F.R. 10516). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). The notice afforded interested persons an opportunity to submit written data, views, or arguments pertaining thereto not later than 15 days following publication in the FEDERAL REGISTER. None was filed.

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were recommended by the Idaho-Eastern Oregon Potato Committee, established pursuant to said amended marketing agreement and order, it is hereby found and determined that:

§ 945.220 Expenses and rate of assessment.

(a) *Expenses.* The reasonable expenses that are likely to be incurred during the fiscal period beginning June 1, 1967, and ending May 31, 1968, by the Idaho-Eastern Oregon Potato Committee, for its maintenance and functioning, and for such other purposes as the Secretary determines to be appropriate, will amount to $32,000.

(b) *Rate of assessment.* The rate of assessment to be paid by each handler in accordance with the amended marketing agreement and this part, shall be two-tenths of 1 cent ($0.002) per hundredweight, or equivalent quantity, of potatoes handled by him as the first handler thereof during the fiscal period.

(c) *Reserve.* Unexpended income in excess of expenses for the fiscal period ending May 31, 1968, may be carried over as a reserve.

(d) *Definition of terms.* Terms used in this section have the same meaning as when used in the said amended marketing agreement and this part.

It is hereby found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) the relevant provisions of this part require that the rate of assessment fixed for a particular fiscal period shall be applicable to all assessable potatoes from the beginning of such period, and (2) the current fiscal period began on June 1, 1967, and the rate of assessment herein fixed will automatically apply to all assessable potatoes beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 8, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-9485; Filed, Aug. 11, 1967; 8:46 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Rev. 3]

PART 122—BUSINESS LOANS

The Small Business Administration has initiated a Simplified Blanket Loan Guaranty Plan, which will supplement its regular plan of guaranteeing individual loans made by banks. Under the new Plan the Small Business Administration guarantees loans made by a lending institution under a single Guaranty Agreement. The Agreement obligates the Small Business Administration to purchase not more than 90 percent of the outstanding balance of each loan, plus accrued interest, in the event the borrower has defaulted for not less than 90 days.

The section relating to Early Maturities Participation loans has been deleted; however, SBA regulations relating to such loans, during the period that they were approved, remain in full force and effect.

The Small Business Administration Business Loan Regulation, Revision 2, as amended (13 CFR Part 121; 28 F.R. 6623 and 28 F.R. 7469) is hereby revised to read as follows:

Sec.

122.1 Statutory provisions.

FINANCIAL ASSISTANCE

122.2 General.
122.3 Eligibility.
122.4 Interest rates.

TYPES OF BUSINESS LOANS AND GUARANTEED LOANS

122.5 Introduction.
122.6 Deferred participation loans.
122.7 Immediate participation loans.
122.8 Direct loans.
122.9 Group corporations.
122.10 Guaranteed loans.
122.11 Simplified bank loans.
122.12 Simplified early maturities participations.
122.13 Purposes of loans.
122.14 Extension of loans.
122.15 Step-by-step application procedure for financial assistance.
122.16 Credit requirements.

TERMS AND CONDITIONS OF LOANS

122.17 Maturities.
122.18 Charges, commissions, and fees.
122.19 Loan closing.

LOAN ADMINISTRATION

122.20 Loan administration.
122.21 Collection policy.
122.22 Sale and conversion of loans.

LIQUIDATION OF LOANS AND SECURITY

122.23 Liquidation policy.
122.24 Foreclosure of collateral.
122.25 Sale of acquired collateral.

AUTHORITY: The provisions of this Part 122 issued under P.L. 85-536, sec. 7, 72 Stat. 384 (1958) as amended; 15 U.S.C. sec. 636.

§ 122.1 Statutory provisions.

SEC. 7. (a) The Administration is empowered to make loans to enable small business concerns to finance plant construction, conversion, or expansion, including the acquisition of land; or to finance the acquisition of equipment, facilities, machinery, supplies, or materials; or to supply such concerns with working capital to be used in the manufacture of articles, equipment, supplies, or materials for war, defense, or civilian production or as may be necessary to insure a well-balanced national economy; and such loans may be made or effected either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis. The foregoing powers shall be subject, however, to the following restrictions and limitations:

(1) No financial assistance shall be extended pursuant to this subsection unless the financial assistance applied for is not otherwise available on reasonable terms.

(2) No immediate participation may be purchased unless it is shown that a deferred participation is not available; and no loan may be made unless it is shown that a participation is not available.

(3) In agreements to participate in loans on a deferred basis under this subsection, such participation by the Administration shall not be in excess of 90 per centum of the balance of the loan outstanding at the time of disbursement.

(4) Except as provided in paragraph (5) (A), no loan under this subsection shall be made if the total amount outstanding and committed (by participation or otherwise) to the borrower from the revolving fund established by this Act would exceed $350,000; (B) the rate of interest for the Administration's share of any such loan shall be no more than 5½ per centum per annum; and (C) no such loan, including renewals or extensions thereof, may be made for a period or periods exceeding 10 years except that a loan made for the purpose of constructing facilities may have a maturity of 10 years plus such additional period as is estimated may be required to complete such construction.

(5) In the case of any loan made under this subsection to a corporation formed and capitalized by a group of small business concerns with resources provided by them for the purpose of obtaining for the use of such concerns raw materials, equipment, inventories, supplies or the benefits of research and development, or for establishing facilities for such purpose, (A) the limitation of $350,000 prescribed in paragraph (4) shall not apply, but the limit of such loan shall be $350,000 multiplied by the number of separate small businesses which formed and capitalized such corporation; (B) the rate of interest for the Administration's share of such loan shall be no less than 2 nor more than 5 per centum per annum; and (C) such loan, including renewals and extensions thereof, may not be made for a period or periods exceeding 10 years except that if such loan is made for the purpose of constructing facilities it may have a maturity of 20 years plus such additional time as is required to complete such construction.

(6) The Administrator is authorized to consult with representatives of small business concerns with a view to encouraging the formation by such concerns of the corporation referred to in paragraph (5). No act or omission to act, if requested by the Administrator pursuant to this paragraph, and if found and approved by the Administration as contributing to the needs of small business, shall be construed to be within the prohibitions of the antitrust laws or the Federal Trade Commission Act of the United States. A copy of the statement of any such finding and approval intended to be within the coverage of this section, and any modification or withdrawal thereof, shall be furnished to the Attorney General and the Chairman of the Federal Trade Commission when made, and it shall be published in the FEDERAL REGISTER. The Authority granted in this paragraph shall be exercised only (A) by the Administrator, (B) upon the condition that the Administrator consult with the Attorney General and with the Chairman of the Federal Trade Commission, and (C) upon the condition that the Administrator obtain the approval of the Attorney General before exercising such authority. Upon withdrawal of any request or finding hereunder or upon withdrawal by the Attorney General of his approval granted under the preceding sentence, the provisions of this paragraph shall not apply to any subsequent act or omission to act by reason of such finding or request.

(7) All loans made under this subsection shall be of such sound value or so secured as reasonably to assure repayment.

* * * * * *

(c) (1) The Administration may further extend the maturity of or renew any loan made pursuant to this section, or any loan transferred to the Administration pursuant to Reorganization Plan Numbered 2 of 1954, or Reorganization Plan Numbered 1 of 1957, for additional periods not to exceed 10 years

beyond the period stated therein, if such extension or renewal will aid in the orderly liquidation of such loan.

* * * * *

FINANCIAL ASSISTANCE

§ 122.2 General.

(a) It is the intent of Congress that Government assistance should be extended only after all other possible avenues for solving a small firm's financial problems have been explored. Frequently firms do not need financial assistance but are in need most of counseling on financial management problems. In such cases SBA provides assistance through its Financial Counseling Program.

(b) In response to requests for financial assistance, consideration is given to (1) possible assistance available from local and State development corporations; (2) possible means of obtaining credit on reasonable terms from banks, other private financing sources, or from utilization of the personal credit or resources of the applicant's owners or management; (3) adequacy of accounting methods and other aspects of financial management; (4) means of increasing equity capital; (5) eligibility for V loan financing of defense contracts; (6) feasibility of obtaining advance or partial payments on contracts.

(c) All loans shall be of such sound value, or so secured as reasonably to assure repayment. Security may include, but shall not be limited to, mortgage on real or personal property, monies due on contracts, assignment of warehouse receipts, guarantees, and under certain circumstances assignment of receivables or pledge of inventories.

(d) It is the policy of the U.S. Government and of the Small Business Administration to encourage by affirmative action the elimination of discrimination because of race, creed, color, or national origin in employment opportunities created by construction contracts involving Federal financial assistance.

(1) "Construction contract" means any contract or subcontract for the alteration, rehabilitation, construction, conversion, extension, or repairing of buildings, highways, or other improvements to real property.

(2) Applicants for financial assistance are required to execute the Small Business Administration's "Applicant's Agreement of Compliance," SBA Form 601 and, as therein provided, shall cooperate with the Small Business Administration in fostering nondiscrimination in employment opportunities.

(3) All complaints alleging discrimination in construction contracts performed by or with financial assistance shall be investigated by the Small Business Administration. Complaints alleging discrimination must be filed with the Small Business Administration within 90 days of the alleged discrimination. The Small Business Administration may hold informal hearings and make findings regarding the allegation of discrimination in accord with the rules of the President's Committee on Equal Opportunity. In the event that the Small Business Administration finds discrimination to have occurred, it may cancel loans approved but not disbursed to an applicant, it may refuse to make further disbursements on account of the loan, it may accelerate the maturity of the Note between Borrower and SBA, or it may take any action of a lesser nature. Failure of the Small Business Administration to invoke or assert any of the aforesaid sanctions, or any other sanctions, shall not be construed to be a waiver of SBA's right to assert any of such sanctions.

(e) It is also the policy, as set forth in Parts 112 and 113 of this chapter, to require nondiscrimination in employment and services to the public by SBA borrowers.

(f) (1) Financial assistance as used in this part shall include direct loans made by SBA, immediate participation loans, and guaranteed loans.

(2) Financial institution as used in this part shall include, but not be limited to, banks and other concerns whose regular course of business entails the making of commercial and industrial loans.

§ 122.3 Eligibility.

In order to be eligible, a business must qualify under the Loan Policy Regulation, Part 120 of this chapter, and the small business size standards requirements, Part 121 of this chapter.

§ 122.4 Interest rates.

Interest rates are set forth in Part 120 of this chapter.

TYPES OF BUSINESS LOANS AND GUARANTEED LOANS

§ 122.5 Introduction.

SBA's exposure of financial assistance to a borrower, including all affiliates, may not exceed $350,000 outstanding at any one time. In assistance to Group Corporations, SBA's exposure may not exceed $250,000 for each small business concern which formed and capitalized the Group Corporation.

§ 122.6 Deferred participation loans.

(a) From and after July 1, 1963, no applications for a deferred participation loan will be accepted by this Administration. The existing provisions concerning deferred participation loans are retained in the regulations in this part so as to govern deferred participation loans made prior to July 1, 1963.

(b) Deferred participation loans are those in which a bank or other financial institution advances the capital needed, and SBA agrees to purchase, upon demand by the lending institution, an agreed portion of the unpaid balance then outstanding. SBA's participation in a deferred participation loan shall not exceed 90 percent of the principal balance of the loan outstanding at the time SBA disburses its funds.

(c) In deferred participation loans a participation charge shall be payable by the bank or other lending institution to SBA for such agreement. The participation charges shall be on a sliding scale, depending upon the percentage of the loan which SBA is obligated to purchase. Such participation charges, which shall not be charged to borrower by the participating institution, shall be as follows:

(1) For an amount not in excess of 50 percent of the loan, one-half of 1 percent per annum on the portion of the loan which SBA is obligated to purchase;

(2) For an amount in excess of 50 percent of the loan but not in excess of 75 percent of the loan, three-fourths of 1 percent per annum on the portion of the loan which SBA is obligated to purchase; and

(3) For an amount in excess of 75 percent of the loan but not in excess of 90 percent of the loan, 1 percent per annum on the portion of the loan which SBA is obligated to purchase.

(d) In deferred participation loans the interest rate on the bank's share applies to the entire loan until SBA purchases its share of such loan.

§ 122.7 Immediate participation loans.

Immediate participation loans are those where either SBA or a financial institution agrees to purchase from the other, immediately upon disbursement, an agreed percentage of each disbursement. SBA's participation shall not exceed 90 percent of the amount of the loan. An immediate participation loan may not be made if a guaranteed loan is available.

§ 122.8 Direct loans.

Direct loans are those made by SBA to a borrower when no participation or guaranteed loan is available.

§ 122.9 Group corporations.

(a) *Limitation of financial assistance.* In the case of a corporation formed and capitalized by a group of small-business concerns with resources provided by them to obtain for their own use raw materials, equipment, inventories, supplies or benefits of research and development or to establish facilities for such purposes, (1) the limitation on SBA's share of such assistance is $250,000 multiplied by the number of separate small businesses participating in the Group Corporation; and (2) such assistance, including renewals and extensions thereof, may not be made for a period or periods exceeding ten years except that, if the assistance is made for the purpose of constructing facilities, it may have a maturity of 20 years plus such additional time as is required to complete the construction.

(b) *Use of proceeds.* Under the provisions of paragraph (a) of this section, the raw materials, equipment, inventories or supplies, or the benefits of research and development must be primarily for the use of the concerns organizing the Group Corporation.

(c) *Eligibility.* The applicant corporation shall be owned by a group of small business concerns, including corporations, partnerships, individuals or any combination of the foregoing, each of which shall itself qualify as a small business concern which would be eligible for a small business loan. Each such concern shall share a need in common with the other small business concerns forming said corporation, the satisfaction of which need is the purpose for which the Group Corporation is being organized. Such Group Corporation shall file its application in the same manner as other eligible business concerns.

(d) *Antitrust exemption.* In the event that such a corporation desires exemption from the prohibitions of the antitrust laws or the Federal Trade Commission laws, it may obtain such exemption by using the procedures prescribed in paragraph (e) of this section.

(e) *Procedures for obtaining antitrust exemptions.* (1) A Group Corporation desiring an antitrust exemption, pursuant to section 7(a)(6) of the Small Business Act, as amended, will include a specific request for such exemption in its application.

(2) On reviewing an application containing an antitrust exemption request, the Administrator of SBA will consult with the Attorney General and the Chairman of the Federal Trade Commission with respect to the exemption. Upon receipt of the written approval of the Attorney General, the Administrator may make a finding that the formation of the Group Corporation will contribute to the needs of small business, and may approve the exemption.

(3) Upon the making of any such finding and approval, a copy of the finding and approval by the Administrator shall be furnished to the Attorney General and Chairman of the Federal Trade Commission and shall be published in the FEDERAL REGISTER. No action by such Group Corporation which has been approved by the Administrator, and which act is in furtherance of the purpose approved by the findings published in the FEDERAL REGISTER, shall be construed to be within the prohibitions of the antitrust laws or Federal Trade Commission Act of the United States.

(4) Even if not requested by the applicant, SBA may request antitrust clearance if it determines that such clearance is appropriate prior to approval of the loan to the Group Corporation.

(f) *Withdrawal of exemption.* In the event that the Group Corporation withdraws its request for the exemption, or the Administrator withdraws his finding that the Group Corporation contributes to the needs of small business or upon the withdrawal of the approval granted by the Attorney General, the antitrust exemption shall not apply to any subsequent act or omission to act by reason of such finding or request.

§ 122.10 Guaranteed loans.

(a) *Individually guaranteed loans.* (1) Individually guaranteed loans are loans made by financial institutions to small business concerns subject to a Guaranty Agreement between SBA and the lending institution which is applicable only to a specific loan to an identified small business concern. Under such a guaranty agreement SBA is obligated to purchase not more than 90 percent of the outstanding loan to the identifiable borrower, together with accrued interest, in the event the borrower has defaulted in payment for not less than 90 days after the due date.

(2) SBA shall automatically and simultaneously purchase its guaranteed share of the loan in the event of the commencement by or against borrower of any bankruptcy proceeding, receivership, dissolution or of a creditor's rights proceeding pursuant to the provisions of the Guaranty Agreement.

(3) SBA makes a charge to the financial institution as set forth in Part 120 of this chapter. Such guaranty charges shall not be charged by the financial institution to its borrower.

(4) During the time that SBA may be obligated to purchase pursuant to a Guaranty Agreement, the financial institution may exercise a liquidity privilege in the form of temporary advances from SBA not exceeding the guaranteed portion of the loan. No temporary advances may be made for less than 15 days. The total maturities of all such advances may not exceed 90 days during any 12-month period. The repayment date of any such advance may not extend beyond the maturity of the small business concern's obligation to the financial institution. Advances may be made by SBA to the financial institution only while the loan to the small business concern is not delinquent as to principal and interest.

(5) Notwithstanding any other provisions of the regulations in this part or any agreement entered into by SBA, SBA shall have the right to purchase its guaranteed percentage of the loan if SBA shall determine that such purchase is in the best interest of the Government. If SBA shall exercise such right, the financial institution shall immediately assign, transfer, and deliver to SBA the note and all instruments obtained by the financial institution in connection with its loan.

(6) SBA shall be released from obligation to purchase its share of the guaranteed loan, unless the financial institution has substantially complied with all of the provisions of these regulations and the Guaranty Agreement, or upon the happening of any one or more of the following events:

(i) Failure of the financial institution to close and disburse the loan substantially in accord with the terms and requirements of the authorization approving the loan or the servicing of the loan in a negligent manner, either of which may result in a substantial loss on the loan; or

(ii) Payment in full of the amount due on the note; or

(iii) Receipt by SBA of written notice from the financial institution of the termination of this Agreement.

(b) *Simplified blanket guaranty loans.* (1) Simplified blanket guaranteed loans are loans made by financial institutions under a Guaranty Agreement between SBA and the lending institution which is applicable to future loans to small business concerns as authorized by SBA. Under such a Guaranty Agreement, SBA is obligated to purchase not more than 90 percent of the outstanding balance of each loan thereunder together with accrued interest in the event the borrower has defaulted for not less than 60 days. Any eligible loan which the lending institution would make only with the guaranty of SBA may be authorized by SBA under said Guaranty Agreement. Notification to SBA within 30 days of any default is a condition precedent to the lending institution's demand for purchase by SBA. Default means nonpayment of principal or interest on the due date, or the breach by the borrower of any loan covenant which the lending institution determines to be an adverse change in the borrower's ability to repay the loan.

(2) SBA makes a charge to the financial institution as set forth in Part 120 of this chapter. Such guaranty charges shall not be charged by the financial institution to its borrower.

(3) There is no liquidity privilege hereunder which the financial institution may exercise in the form of temporary advances from SBA.

(4) Ordinarily SBA will not purchase its guaranteed percentage of any loan until after such purchase has been requested or demanded by the lending institution. However, when any loan guaranteed hereunder shall be in default in payment of principal or interest for more than 90 days after the due date, SBA has the option to purchase its guaranteed percentage, or the loan in its entirety, whenever SBA determines in its discretion that such purchase is in the best interest of the Government. The lending institution shall receive written notice of such election to purchase by SBA, and the effective date of such purchase shall be the 10th day after receipt of such notice; as of such date the note and all related loan instruments shall be assigned, transferred and delivered to SBA.

§ 122.11 Simplified bank loans.

This loan plan is designed to provide greater expediency in the processing of SBA immediate participation loan applications and applications for guaranteed loans. It is a procedure whereby SBA may make a speedy evaluation of a loan and purchase or guarantee its share of the loan as soon as the loan is ready for disbursement. It is especially designed to accommodate the stronger credit risks, not the weaker ones.

(a) The financial institution shall initially agree to disburse and service the loan.

(b) An immediate participation loan may be made only where a guaranteed loan is not available.

(c) The financial institution's minimum share of the immediate participation or guaranteed loan must be the greater of (1) 25 percent of the total amount of the loan, or (2) an amount equal to the financial institution's loan(s) to be refinanced.

(d) Where refinancing is proposed, SBA may require the financial institution's share of the loan to exceed the total amount of existing debts owed to such institution. The financial institution must certify, in writing, that such

existing debt is in good standing (payments and other obligations handled substantially as agreed) and is satisfactory in all respects.

(e) Immediately after disbursement of an immediate participation loan the financial institution shall submit the closing documents and a memorandum of disbursement to SBA for review.

§ 122.12 Simplified early maturities participations.

This loan plan is designed primarily to encourage a larger percentage of participation by private financial institutions in immediate participation loans. It is designed for preferred credit risks.

(a) The participating institution must initially agree to service the loan.

(b) The participating institution minimum share must be not less than the greater of: (1) 50 percent of the total amount of the loan, or (2) an amount not less than the participating institution's loan(s) to be repaid with a part of the new loan. The participant must certify, in writing, that such refinanced debt is in good standing (payments and other obligations handled substantially as agreed) and is satisfactory in all respects.

(c) All such loans shall be amortized on a monthly level principal payment basis plus interest. Only level principal payments made on or within 90 days of due date shall be fully applied toward reduction of the participating institution's share of the total loan. Upon expiration of 90 days after default of any payment of principal or interest due on the loan, and until such default is fully cured by payments as hereinafter stated, the proportionate interests of SBA and the participating institution shall be frozen or fixed in amounts equal to their respective percentages of interest as of the date of the last principal payment received prior to the default. Whenever the proportionate interests of SBA and the participating institution are fixed or frozen, any payment of principal or any amount realized from the sale of collateral or from any other source whatsoever shall be applied on the loan and shall be shared ratably by the participating institution and SBA in proportion to their fixed or frozen interests in the unpaid principal balance of the loan outstanding. After the proportionate interests of the participating institution and SBA are frozen or fixed for the first time, the participating institution shall have a single opportunity to resume early maturities reduction of its participation interest when borrower (1) has cured in full all past delinquent principal and interest payments, and (2) has paid the next successive three monthly installments of principal and interest within 15 days of each respective due date. Thereafter, when any installment of principal or interest is not paid within 90 days of due date, the proportionate interests of SBA and the participating institution shall be frozen or fixed permanently.

(d) The period of time during what the participating institution's share will be repaid shall be based on the same proportion of loan maturity that the institution's participation bears to the total amount of the loan; e.g., a financial institution would be repaid over a period of 3 years if it participates 50 percent in a 6-year loan; or repaid in 6 years by participating 60 percent in a 10-year loan.

(e) No agreement under this loan plan shall establish any preference in favor of the participating institution in any collateral or security for the loan. At any time during the term of the loan while the participating institution continues to have an interest, regardless of whether the participation has been declared frozen or fixed, the proceeds from the liquidation or sale of any collateral or security supporting the loan, payments by guarantors, or any other principal payments due to be applied in inverse order of maturity, shall be paid over to, or credited to, the participating institution and SBA according to their respective percentages of interest or exposure in the loan based upon the outstanding balance of the loan as of the date such principal payment is received.

(f) Upon the repayment of the aggregate amount of amortized payments due the participating institution, it shall transfer to SBA, without any charge or expense therefor, the note and all collateral instruments, and SBA shall assume servicing of the loan and sole custody and control of all collateral, provided that at the option of the participating institution it may purchase or enter into a new participation in the loan in a percentage of participation not less than its original percentage of participation in the loan and it shall continue to service the loan. The new participation shall then be liquidated in the same manner as the original participation. The participating institution shall have additional options throughout the term of the loan periodically to enter into new participations in the loan at a percentage of participation not less than its original percentage of participation or may at any time purchase or acquire the full outstanding loan.

§ 122.13 Purposes of loans.

SBA extends financial assistance to small manufacturers, wholesalers, retailers, service establishments and other firms when financing is not otherwise available on reasonable terms. Financial assistance is extended by SBA to: (a) Finance construction, conversion, or expansion; (b) finance the purchase of equipment, facilities, machinery, supplies or materials; or (c) supply working capital.

§ 122.14 Extension of loans.

Actions taken by SBA pursuant to the authority of section 7(c) of the Small Business Act, as amended, are limited to such periods of time as appear necessary to avoid forced liquidation of loans. Extensions are granted under this section only when it appears that no other course of liquidation will result in a greater and earlier recovery of the indebtedness.

§ 122.15 Step-by-step application procedure for financial assistance.

(a) Before applying to SBA, an applicant should make every effort to obtain the financial assistance from private sources.

(b) If unable to obtain the entire loan from a bank or other source, the applicant should ascertain whether a financial institution will make the loan if SBA agrees to purchase an immediate participation or if SBA agrees to guarantee a portion of the bank loan in accord with the Guaranteed Loan Program as set forth in the SBA regulations.

(c) SBA will consider an application for a direct loan where an immediate participation loan or a guaranteed loan is not available, and will consider an immediate participation loan only where a guaranty loan is not available.

(d) An applicant desiring to obtain a loan from SBA should apply to SBA's office serving the territory in which the applicant's business is located. However, if he desired to obtain counseling or assistance in filing an application from a regional office which is geographically closer to his business, he may do so. Addresses of SBA offices are listed in Part 101 of this chapter.

(e) When an applicant first communicates with SBA's office it should be able to furnish a history of its business, the amount of the loan desired, how it will be secured, the purpose of the loan and the nature of its business. It should also be able to present current operating and financial statements and, if available, the statements for at least the previous three years.

(f) Applicant should furnish the names of financial institutions to which it has applied for financial assistance, the reason it was unable to obtain the financing applied for, and whether the financial institution, if unable to make the loan by itself, would make the loan in participation with SBA either under a guaranty or an immediate participation agreement; such information should have written confirmation from the lending institution and be submitted with the application.

(g) SBA's office will furnish appropriate application forms and any necessary preparation information.

(h) After filing application with either a financial institution or SBA, and subsequent to processing, the applicant will then be notified of the decision either to grant or deny the requested financial assistance.

§ 122.16 Credit requirements.

An applicant must meet certain practical credit requirements established by SBA. Principal requirements are as follows:

(a) An applicant must be of good character as determined by SBA.

(b) There must be evidence that he has ability to operate his business successfully.

(c) He must have enough capital in the business so that, with assistance through SBA, it will be possible for him to operate on a sound financial basis.

(d) As required by the Small Business Act, as amended, the proposed loan, whether direct, immediate participation, or guaranteed, must be "of such sound value or so secured as reasonably to assure repayment."

(1) *Loan appraisals.* Regional Directors are responsible for the proper evaluation of collateral offered to secure proposed financial assistance and of collateral pledged in connection with the administration and liquidation of financial assistance. Such evaluation will be based upon appraisals made by SBA staff appraisers/engineers, or other appraisal satisfactory to the Regional Director.

(e) The past earnings record and future prospects of the firm must indicate ability to repay the loan out of income from the business. In the event that an engineering survey or feasibility study of a company's operation, earnings, management, competitive position, and related factors is desired in connection with a loan application, the nature and extent of such a survey shall be determined by a review of the case. A technical evaluation by SBA appraisers/engineers will contain a report on the following kinds of subjects. The list is not all inclusive, merely indicative:

(1) Principal company products.
(2) Productive capacity.
(3) Break-even point.
(4) Sales.
(5) Competitive factors.
(6) Suitability of present plant and equipment.
(7) New machinery needed.

(f) Security may include: Mortgage on land, buildings and equipment; assignment of warehouse receipts for marketable merchandise stored in satisfactory warehouse; mortgage on chattels; or assignment of current receivables (accounts, notes or trade acceptances). The applicant may offer as additional collateral any other assets of sound value. A pledge of inventories generally will not be regarded as satisfactory collateral unless stored in a bonded or otherwise acceptable warehouse, when such inventories are the only or primary collateral for the loan.

(g) While the questions of security and collateral are important in determining whether financial assistance will be extended, they do not alone constitute the factors upon which the approval or rejection of an application is determined. SBA attaches great importance to management; the inherent soundness of the business enterprise; its earnings record and prospects; its long-range possibilities of successful operation; and whether the granting of financial assistance will increase employment or have other favorable effects upon the economic life of the community.

Terms and Conditions of Loans

§ 122.17 Maturities.

The maturity of each loan (except as specifically stated for special programs) is limited to 10 years but shall be restricted to the minimum consistent with sound business practice. Loans are generally repayable monthly with payments to include both principal and interest. Special repayment plans may be arranged to meet those situations where income is seasonal.

§ 122.18 Charges, commissions, and fees.

(a) Payment of bonus, or brokerage fees or commissions for the purpose of, or in connection with, obtaining financial assistance through SBA is prohibited. The applicant, subject to SBA approval, may pay actual reasonable costs incurred in connection with the application, including such items as compensation, for services rendered by attorneys, appraisers, and accountants, but in no event may an applicant make any payment in the nature of such a brokerage fee or commission.

(b) The applicant is required to certify the names of all attorneys, accountants and other representatives engaged by him in connection with the financial assistance. All compensation or other charges must be approved by SBA before payment is made, or if payment has been made, a refund of any excessive portion of the charge must be made to the applicant. See Parts 103 and 104 of this chapter for further regulations with respect to representatives and their compensation.

§ 122.19 Loan closing.

If SBA approves a loan application, a formal loan authorization is issued by SBA. This authorization is not a contract to lend or a loan agreement. Instead, it states the conditions which the borrower must meet before financial assistance will be extended. When the borrower is prepared to meet these conditions, SBA or the financial institution will arrange a date, time and place for closing the loan.

Loan Administration

§ 122.20 Loan administration.

(a) Immediate participation loans which are closed by the bank will be serviced by the bank, and immediate participation loans or direct loans closed by SBA will be administered by SBA. However, SBA reserves the right to transfer the servicing of an immediate participation loan from the financial institution to SBA.

(b) Guaranteed loans will be serviced by the financial institution which made the loan. The financial institution shall hold the note, instruments of hypothecation, and all other agreements, documents, and instruments obtained by it in connection with its loan to the small business concern. The financial institution shall receive all payments of principal and interest on the loan until such time as SBA may purchase its guaranteed share of the loan.

(c) The financial institution shall not, without the prior written consent of the SBA except to the extent permitted by a written authorization (1) make or consent to any alterations in the terms of the note or related loan instruments; (2) make or consent to any release, substitution, or exchange of collateral, except for simplified blanket guaranty loans, as stated on the SBA Form 750; (3) accelerate the maturity of the note; (4) sell, assign, or transfer the note or related loan instruments; (5) sue upon the note or related loan instruments; or (6) waive or agree to waive any claim against borrower or any guarantor, standby creditor, or other obligor in connection with the loan; (7) directly or indirectly charge or receive any bonus, fee, commission, or expense in any form in connection with the making of the loan, except charges or expenses incurred, or for actual services rendered; (8) in accordance with authority contained in any security instrument held by the financial institution evidencing a prior lien on property taken as security for the loan, increase the amount due on such lien.

(d) If SBA shall purchase its share of a guaranteed loan, the financial institution will immediately assign and deliver to SBA all loan instruments obtained by it pertaining to the loan. The loan shall then be serviced by SBA.

§ 122.21 Collection policy.

It is the policy of SBA to insist upon prompt payment of due installments and upon compliance with all terms and conditions of the note, mortgage and loan agreements. Any request for relief should be directed to the participating institution or SBA field office, whichever is servicing the loan. No deviation in the terms and conditions of the note or other instruments will be condoned without the written approval of the participating financial institution, if a financial institution has participated in the loan. However, in order to aid and assist borrowers in the discharge of their financial obligations, it is the policy of SBA to advise and counsel with borrowers in the management, production, and financial aspects of their business, with a view of encouraging the development of a healthy, growing concern.

§ 122.22 Sale and conversion of loans.

(a) Directors of the regional offices are authorized to effect the sale of any direct loan upon payment in the amount of the borrower's indebtedness. The consent of the borrower is not required. Loans made pursuant to the Small Business Act, as amended, and those loans which were transferred to SBA in accordance with Reorganization Plans No. 2 of 1954 and No. 1 of 1957 will not be sold for less than the amount of the borrower's obligation.

(b) Direct loans may be converted to guaranteed loans or to immediate participation loans.

(c) An immediate participation loan may be converted to a guaranteed loan or a loan wholly owned by the participating institution without the borrower's approval upon payment of the unpaid amount of SBA's participation in such loan, together with the accrued interest due thereon and any advances that may have been made by SBA.

(d) Any Guaranty Agreement may be terminated upon receipt of a written request from the financial institution, provided the guarantee charges have been paid to the date of termination.

LIQUIDATION OF LOANS AND SECURITY

§ 122.23 Liquidation policy.

(a) It is the policy of SBA to aid, counsel, assist and protect small business concerns to which loans have been made. Ordinarily, the liquidation of the property securing a loan will not be resorted to if there appears to be any reasonable probability that the loan may be repaid by the borrower or a guarantor other than SBA within a reasonable period.

(b) Liquidation of the security may be authorized or approved when any one of the following conditions exists:

(1) A borrower is in default in the payment of one or more installments due under a note or has defaulted in the performance of conditions contained in the note, loan agreement, other instrument, or a security instrument, and the failure to cure such default or defaults or to make acceptable arrangements to cure the same is due to (i) lack of diligence; (ii) lack of managerial ability which the borrower has failed or refused to correct; (iii) other circumstances within the borrower's control; or (iv) the inability of the borrower to remedy the default;

(2) Foreclosure or other proceedings have been instituted which may jeopardize the interests of the Government;

(3) A borrower has filed a voluntary petition or an involuntary petition has been filed against the borrower pursuant to any of the provisions of the Bankruptcy Act, as amended;

(4) A receiver has been appointed or other judicial action taken for the purpose of liquidating the borrower's assets;

(5) The borrower has made an assignment for the benefit of creditors which may result in the liquidation of his assets;

(6) The borrower is in default and has discontinued or abandoned the business and has not submitted an acceptable plan of payment;

(7) The failure of the borrower to disclose in his loan application any fact deemed by SBA to be material or the making of any false statement or material misrepresentation by, on behalf of, or for the benefit of, the borrower in the loan application, in any of the loan instruments or in any affidavit or other document submitted in connection with such application.

§ 122.24 Foreclosure of collateral.

(a) Real and personal property, including contracts and claims, hypothecated as security for the payment of a loan which is in default may be sold in accordance with the provisions of the note or the security instrument whereby such property was hypothecated.

(b) Payments or recoveries under or upon a loan from the borrower or from any other source as well as all reasonable expenses (including advances for the care, preservation, and maintenance of collateral securing the loan) incurred by SBA or the financial institution shall be shared ratably by SBA and the financial institution in accordance with their respective interests in the loan.

(c) Any and all security or guaranty of any nature (excluding SBA's guaranty), including but not limited to set-off and counterclaim, which the financial institution holds or may receive further to secure the financial institution with respect to a loan, or which SBA may require in connection with a loan, shall secure the interests of both the SBA and the financial institution.

(d) Guarantors of financial assistance, other than SBA, shall have no rights of contribution against SBA on a guaranteed loan. SBA shall not be deemed to be a coguarantor with any other guarantors.

§ 122.25 Sale of acquired collateral.

(a) Property acquired by SBA or the servicing financial institution in the liquidation of loans will be offered for sale by the SBA or by the financial institution which is servicing the loan. All sales, unless otherwise authorized, will be effected through competitive bids at either an auction sale or a sealed bid sale. In those instances where property which has been acquired cannot be sold advantageously at a sealed bid or auction sale, the SBA or the financial institution may negotiate with prospective purchasers for the sale of the property.

(b) The right, title and interest of SBA in property sold will, unless otherwise authorized, be conveyed by an appropriate bill of sale or deed, without representation or warranty.

(c) SBA does not look with favor upon renting or leasing acquired property nor the granting of options to purchase, inasmuch as it is desirous of selling such property and thereby liquidating its investment in same as soon after acquisition as possible. In those instances where the property cannot be sold advantageously as it appears to be in the interests of the Government to lease the property, proposals for a lease will be considered. Any such proposals must provide for termination by SBA upon the giving of reasonable notice so that the sale of the property may not be unduly delayed.

Effective date. This part shall be effective upon publication in the FEDERAL REGISTER.

Dated: August 7, 1967.

ROBERT C. MOOT,
Administrator.

[F.R. Doc. 67-9496; Filed, Aug. 11, 1967; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 8173; Amdt. 39-465]

PART 39—AIRWORTHINESS DIRECTIVES

Graviner Automatic Fire Extinguishers

Amendment 39-454 (32 F.R. 11154), superseding Amendment 39-422 (AD 67-17-4), requires inspections of the Graviner automatic fire extinguisher containers and replacement of defective containers. One of the purposes of Amendment 39-454 was to require inspection of containers which were not included in Amendment 39-422. It was not intended that the initial inspection required by paragraph (a) be repeated if it had already been accomplished in compliance with Amendment 39-422 since it was determined that the initial inspection required by Amendment 39-422 was equivalent to the initial inspection required by Amendment 39-454. However, the airworthiness directive as published requires all Graviner fire extinguisher containers to be inspected within the next 25 hours' time in service, unless already accomplished within the last 100 hours' time in service, from the effective date of Amendment 39-454. Therefore, the airworthiness directive is being amended to require the initial inspection to be accomplished within the next 25 hours' time in service after the effective date of the AD, unless already accomplished within the last 500 hours' time in service for fire extinguisher containers with a stamp date October 1965 or before, or within the last 1,500 hours' time in service for fire extinguisher containers with a stamp date later than October 1965.

Since this amendment provides a correction, relieves a restriction, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-454 (32 F.R. 11154), is amended by amending paragraph (a) to read:

(a) Within the next 25 hours' time in service after the effective date of this AD, unless already accomplished within the last 500 hours' time in service for fire extinguisher containers with a stamp date October 1965 or before, or unless already accomplished within the last 1,500 hours' time in service for fire extinguisher containers with a stamp date later than October 1965, visually inspect Graviner automatic fire extinguisher containers for cracks or leaks and weight in accordance with Graviner Alert Service Bulletin No. 26-A30, Issue No. 2, dated April 21, 1967, or later ARB-approved issue, or FAA-approved equivalent.

This amendment becomes effective August 12, 1967.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, and 1423)

Issued in Washington, D.C., on August 10, 1967.

JAMES F. RUDOLPH,
Director, Flight Standards Service.

[F.R. Doc. 67-9519; Filed, Aug. 11, 1967; 8:47 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release No. 33-4877] [1]

PART 231—INTERPRETATIVE RELEASES RELATING TO SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

Real Estate Syndications

Recent newspaper advertisements by various persons, corporations, partnerships, trusts, and unincorporated organizations have offered for sale interests in real estate syndications, generally in the form of limited partnership interests or interests in joint or profit sharing ventures, which were not registered with the Securities and Exchange Commission or the appropriate State or other regulatory bodies. Such offers and subsequent sales have been especially prevalent in the District of Columbia, Maryland, and Virginia. These transactions have raised important questions under the registration requirements and antifraud provisions of the Federal Securities laws and the laws of these States and of the District of Columbia. Accordingly, this release, prepared by the Securities and Exchange Commission and the authorities in these jurisdictions, outlines the requirements of the relevant statutory requirements for the guidance of the industry and the bar. The information provided herein as to each jurisdiction has been supplied by authority of the Securities and Exchange Commission, the District of Columbia and the States of Maryland and Virginia, as the case may be.

Federal Securities Laws. Under the Federal Securities Laws, an offering of limited partnership interests and interests in joint or profit sharing real estate ventures generally constitutes an offering of a "profit sharing agreement" or an "investment contract" which is a "security" within the meaning of section 2(1) of the Securities Act of 1933. The Supreme Court has said that an "investment contract" is a contract, transaction or scheme whereby a person invests money in a common enterprise and is led to expect profits from the efforts of the promotor or a third party." [2] In other words, the investor provides the capital and shares in the risk and the profits; the promotor or third party manages, operates and controls the enterprise, usually without active participation on the part of the investor. Any such investment contract is also deemed to be a security under the laws of Maryland, Virginia, and the District of Columbia, as is explained hereafter.

The investor's interest in the enterprise may be evidenced by formal certificates or by part ownership of the assets used in the enterprise. In determining what is an investment contract, substance and economic reality prevail over the form of the transaction involved. Interests in novel and uncommon ventures fit the broad definition of an "investment contract." Therefore, if the promotors of a real estate syndication offer investors the opportunity to share in the profits of real estate syndications or similar ventures, particularly when there is no active participation in the management and operation of the scheme on the part of the investors, the promotors are, in effect, offering a "security." [3]

When these securities are offered publicly by the use of the mails or any means or instruments of transportation or communication in interstate commerce, they are required to be registered with the Commission under section 5 of the Securities Act of 1933, unless an exemption from the registration requirements is available. Generally, any offering of these securities through newspapers, magazines or other advertising media would be a public offering which is subject to registration.

One exemption from registration is provided by section 4(2) of the Securities Act of 1933, which exempts "transactions by an issuer not involving any public offering" (commonly referred to as the "private offering exemption"). It should be emphasized that in any claim of exemption from registration under the section, the number of offerees is not the most relevant factor, but rather the persons to whom the securities are sold. The leading case in this area is S.E.C. v. Ralston Purina Co., 346 U.S. 119 (1953). The Court noted there that the exemption must be interpreted in the light of the statutory purpose to "protect investors by promoting full disclosure of information thought necessary to informed investment decisions" and held that "the applicability of section 4(1) should turn on whether the particular class of persons affected need the protection of the Act." [4] The Court stated that the number of offerees is not conclusive as to the availability of the exemption from registration since the statute could apply to an offering "whether to few or many." Therefore, the number of persons to whom the offering is extended is relevant only to the question whether their association with and knowledge of the issuer is such that they do not need the protection of the Act. Further, a determination whether an offering is public or private would also include a consideration of the question whether it is a part of a larger offering made or to be made. For additional information as to the "private offering exemption", see Commission Release No. 4552 (1962) under the Securities Act of 1933 (27 F.R. 11316).

Offerings are sometimes made without registration in reliance upon the exemption from registration contained in section 3(a)(11) of the Securities Act, commonly called the "intrastate exemption." This exemption is available only if all the securities are both offered and sold exclusively to residents of the state or territory in which the issuer is both incorporated and doing business. The exemption is lost if only one offeree or purchaser is a resident outside such state or territory. Section 2(7) of the Securities Act makes this exemption unavailable for an offering in the District of Columbia. For further information regarding the "intra-state exemption", see Commission Release No. 4434 (1961) under the Securities Act of 1933 (26 F.R. 11896).

Whether or not registration is required, the antifraud and civil liability provisions of the Securities Act of 1933 and the Securities Exchange Act of 1934 are applicable to the offer or sale of such securities (i.e., profit sharing agreements, investment contracts, and similar kinds of instruments evidencing such interests) when the mails or the means or instrumentalities of interstate commerce are used. Moreover, persons offering such securities for sale may also be "brokers" or "dealers" within the meaning of the Securities Exchange Act of 1934 and subject to registration and regulation under the pertinent provisions of that Act. Accordingly, any person proposing to issue, offer or sell such securities should carefully consider these provisions and take steps to conform to all applicable requirements. Anyone having questions with respect to these matters may consult with members of the Commission's staff at the Commission's offices at 500 North Capitol Street, Washington, D.C. 20549.

District of Columbia. In addition to the application of the Federal Securities Laws, an offer or sale in the District of Columbia of interests in real estate syndications (such as general or limited partnership interests, shares in a trust or corporation, participations in joint ventures and interests in tenancies in common) usually involves the offer and sale of "securities" in the form of investment contracts or profit sharing agreements within the meaning of section 2(1) of the District of Columbia Securities Act. [5]

While the marketing of such syndications usually involves the offer and sale of securities, the District of Columbia Securities Act, unlike the Maryland and

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[1] Issued as joint release with Maryland Division of Securities (Securities Act Release No. 1), Virginia Division of Securities (Securities Act Release No. 1), and Public Service Commission of the District of Columbia (D.C. Securities Act Release No. 9).

[2] S.E.C. v. W. J. Howey Co., 328 U.S. 293, 298, 299 (1946).

[3] See generally S.E.C. v. W. J. Howey Co., supra; S.E.C. v. C. M. Joiner Leasing Corp., 320 U.S. 344 (1943); Los Angeles Trust Deed and Mortgage Exchange v. S.E.C., 285 F. 2d 162 (9th Cir. 1960); Blackwell v. Bentson, 203 F. 2d 690 (5th Cir. 1953), cert. denied 347 U.S. 925 (1954); National Resources Corporation, 8 S.E.C. 633, 637 (1941). It would appear that nominal or purely formal participation by investors in the operation of the enterprise would not affect the application of the statutory provisions here discussed.

[4] Residual clause of the former sec. 4(1) is now sec. 4(2) as amended Aug. 20, 1964.

[5] Title 2, D.C. Code (1961 Edition) secs. 2401, et seq.

Virginia Securities Act, and the Securities Act of 1933, does not require the registration of securities offerings. However, to engage in the business of buying and selling securities in the District of Columbia, a person must obtain a license to do business as a "broker-dealer." Generally speaking, a broker-dealer license must be obtained by any person who is engaged in the business of effecting transactions in securities in the District of Columbia for the account of others, or for his own account, whether he is located in the District or not. In general terms, a license as a broker need not be obtained unless a person is engaged, on some regular basis, in the business of effecting transactions in securities. The District of Columbia Act excludes from the definition of broker-dealer an "agent," "issuer," "bank," "savings institution," "trust company," and certain persons with no place of business in the District. An "agent" is defined as any person who represents a "broker-dealer" or "issuer" in effecting or attempting to effect purchases or sales of securities in or from the District of Columbia. Such an agent is required to be licensed in the District of Columbia. Partners, officers, directors, or employees of a business organization who engage in the offer and sale of the organization's securities are normally subject to licensing as "agents." Moreover, these same persons subsequently might be required to obtain licenses as broker-dealers in lieu of licenses as "agents" if they offer and sell interests in a number of syndications over a period of time.

All transactions in securities in the District must be effected in compliance with section 9 (the antifraud provisions) of the District of Columbia Act in addition to the antifraud provisions of the Federal securities laws, as discussed above.

For further information with respect to the applicability of the District of Columbia Securities Act to real estate syndications, write or call the Public Service Commission of the District of Columbia, Room 204, Cafritz Building, 1625 I Street NW., Washington, D.C. 20006, telephone 629-5626.

Maryland. The State of Maryland takes a position much the same as the Securities and Exchange Commission, the District of Columbia and the State of Virginia, that interests in real estate syndications are "investment contracts," and the offer and sale of such interests generally constitutes the offer and sale of "securities" within the meaning of section 25(f) of the Maryland Securities Act.

The Maryland Securities Act (sec. 19) provides that it is unlawful for any person to offer or sell any security in Maryland unless it is registered under the Maryland Act, or the security or transaction is exempt from registration under that Act. Furthermore, all transactions in securities in Maryland must be effected in compliance with section 18 (Fraudulent and Other Prohibited Practices) of the Maryland Act as well as the antifraud provisions of the Federal securities laws as discussed above, even though they are considered to be exempt transactions or transactions in exempt securities.

Section 15 of the Maryland Act makes it unlawful for any person to transact securities business in that State as a "broker-dealer" or "agent", unless he is registered as such under the Maryland Act. A person selling interests in real estate syndications may often be a "broker-dealer" or an "agent" within the meaning of section 25 of the Maryland Act. Criminal penalties and civil liabilities for violations of provisions of the Maryland Act are set forth in sections 26 and 24 respectively.

For further information with respect to these matters, write or call the Division of Securities, State of Maryland, 1 Charles Center, Baltimore, Md. 21201, telephone 301-837-3650, extension 3650.

Virginia. In Virginia, interests in real estate syndications are also considered to be "investment contracts," which are "securities" within the meaning of § 13.1-501(j) of the Virginia Securities Act. Section 13.1-507 of that Act provides that it is unlawful for any person to offer or sell any security in Virginia, unless the security or the transaction is exempt from registration under that Act, or unless the security has been registered.

Section 13.1-514(b) (8) of the Virginia Securities Act has been amended to clarify the exemption from registration for issuers having not more than 30 security holders. The reason for the exemption is to permit small groups of friends and acquaintances in Virginia to engage in business together without being burdened with the registration requirements of the Virginia Act. However, promoters have sometimes sought to take advantage of the exemption to solicit the general public. The section, as amended, allows an issuer to sell, without registration, to as many as 30 persons, but the exemption does not apply if sales were effected by general solicitation. It has been the practice of some promoters of real estate investment trusts to go to the public in offering their shares, with the idea that if they can raise their money without making more than 30 sales they will be within the exemption.

The 1964 amendment of the Virginia Securities Act makes it clear that this practice is not permissible and that whenever securities are offered to the general public by advertisement or solicitation, the securities must be registered under the Virginia Securities Act and offered only through licensed brokers or salesmen. Such an offering is a public offering regardless of the number of sales, and regardless of whether the issuer is a corporation, a trust, a partnership, or an individual.

Securities exempted from the securities registration and the broker-dealer registration requirements of the law are, of course, not exempt from the antifraud provisions of the Virginia Act or the Federal securities laws.

For further information with respect to the applicability of the Virginia Securities Act to real estate syndications, write or call the State Corporation Commission, Securities Division, Post Office Box 1197, Richmond, Va., telephone area code 703-644-8111, extension 2327.

By the Commission, August 8, 1967.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-9494; Filed, Aug. 11, 1967; 8:46 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER M—MISCELLANEOUS

PART 248—INTRODUCTION OF NEW CLOTHING AND TEXTILE ITEMS INTO DEPARTMENT OF DEFENSE SUPPLY SYSTEM

The Assistant Secretary of Defense (Installations and Logistics) has approved the following:

Sec.
248.1 Purpose and applicability.
248.2 Problem areas.
248.3 Policy and coordinating procedures.

AUTHORITY: The provisions of this Part 248 issued under Title X, United States Code, sec. 2358; Title V, United States Code, sec. 486.

§ 248.1 Purpose and applicability.

This part establishes uniform procedures for coordinating proposals made by a military service to introduce new items of clothing and textiles, consistent with the provisions of DoD Instruction 4100.37, "Controlling the Entry of Items into the Military Supply Systems," January 17, 1961,[1] into the Defense Supply Agency supply system.

§ 248.2 Problem areas.

The areas shown below have been pinpointed as those which will require close coordination between the military services and the Defense Supply Agency:

(a) *Estimating costs.* The introduction of new clothing and textile items into the Defense Supply Agency supply system presents numerous problems in determining the relation of the necessity and urgency for a new item to the more tangible costs of introducing a new item into the supply system. In determining costs, major consideration should be given to the effect that the new item(s) will have on existing stocks of items being replaced.

(b) *Stock excesses.* Without appropriate coordination, unnecessary stock excesses can occur when new clothing and textile items are introduced into the supply systems in replacement of existing items, causing (1) stocked items to become unbalanced because of unexpected changes in requirements, and (2) programmed requirements for existing stocks to be reduced.

(c) *Budgeting.* Development of monetary requirements for new items, and justification for inclusion in the Defense Stock Fund Budget (DoD Directive 7420.1, "Regulations Governing Stock Funds," January 26, 1967[1]) of request for funds to finance procurement sufficiently in advance of the military service required date. Any proposed introduction of new or substitute items which may require a change from existing funding in the military service appropriation responsible for reimbursing the Defense Supply Agency upon issue should be coordinated through the normal budget channels of the military service and the Assistant Secretary of Defense (Comptroller).

§ 248.3 Policy and coordinating procedures.

The introduction of a new item into the Department of Defense supply systems as a result of a proposed military service action will be planned so as to insure optimum economic use of existing stocks of items affected by the introduction of the new item. Exceptions to this phasing of new items may be made only upon certification of each case by proper authority of the using military service to safeguard life, health, morale or military capability as prescribed in DoD Directive 4140.1, "Inventory Management Policies," October 12, 1956.[1] Such certification will be made in consideration of total costs to both the using service(s) and the Defense Supply Agency. However, actions essential to the safeguarding of life or health will not be determined on the basis of cost considerations. In carrying out this policy, the following coordinating steps will be followed:

(a) *Military services.* (1) When considering the introduction of a new clothing and textile item which replaces existing items, the using military service will obtain from DSA up-to-date information regarding stocks on hand and on order, anticipated issues, and other pertinent data as agreed between the military services and DSA.

(2) Proposals for introduction of new clothing and textile items will be coordinated with the Defense Supply Agency prior to final decision. Proposals will include, in addition to other pertinent data, plans for using existing DSA stocks on hand and on order (when appropriate). Where the schedule for introduction of a new item does not provide for optimum economic utilization of stocks of other affected items, the military service will furnish the DSA a copy of its certification, under the provisions of DoD Directive 7420.1, "Regulations Governing Stock Funds," January 26, 1967,[1] as to the necessity for introduction of the new item in such manner.

(b) *Defense Supply Agency.* In coordinating the introduction of new clothing and textile items with the military services and at the time current stock status information is furnished, DSA will (1) evaluate proposals to determine the effect that the scheduled introduction of the new item will have on existing DSA stocks, and (2) concur in the military service proposal, or recommend the use of existing stocks to minimize disposal action and furnish, as appropriate, alternative dates for introduction of new items, length of time required to obtain funds for procurement, and other pertinent information for each new item proposed.

(c) *Assistant Secretary of Defense (Installations and Logistics).* When necessary to resolve differences, the ASD (I&L) will review the item proposals of the military services and the recommendations of the DSA prior to final decision.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

JULY 24, 1967.

[F.R. Doc. 67-9479; Filed, Aug. 11, 1967; 8:45 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Flint Hills National Wildlife Refuge, Kans., etc.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of the adoption of the Federal migratory game bird regulations to and including the establishment of State hunting seasons makes it impracticable to give public notice of proposed rule making.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

KANSAS

FLINT HILLS NATIONAL WILDLIFE REFUGE

Public hunting of teal ducks on the Flint Hills National Wildlife Refuge, Kans., is permitted from September 9 through September 17, 1967, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 2,906 acres, is delineated on maps available at refuge headquarters, Burlington, Kans., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of teal ducks during this experimental season subject to the following special conditions:

(1) Vehicle access shall be restricted to designated parking areas and to existing roads.

(2) Dogs—Not to exceed two per hunter may be used only to retrieve wounded or dead teal ducks.

(3) Blinds—Temporary blinds constructed above ground from natural vegetation are permitted. Digging of holes or pits to serve as blinds is prohibited.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 17, 1967.

KIRWIN NATIONAL WILDLIFE REFUGE

Public hunting of teal ducks on the Kirwin National Wildlife Refuge, Kans., is permitted from September 9 through September 17, 1967, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 3,500 acres, is delineated on maps available at refuge headquarters, 5 miles west of Kirwin, Kans., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with applicable State and Federal regulations covering the hunting of teal ducks during this experimental season subject to the following special condition:

(1) Blinds—Temporary blinds constructed above ground from natural vegetation are permitted. Digging of holes or pits to serve as blinds is prohibited.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 17, 1967.

OKLAHOMA

TISHOMINGO NATIONAL WILDLIFE REFUGE

Public hunting of teal ducks on the Tishomingo National Wildlife Refuge, Okla., is permitted from September 16 through September 24, 1967, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 3,170 acres, is delineated on maps available at refuge headquarters, Tishomingo, Okla., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with applicable State and Federal regulations covering the hunting of teal ducks during this experimental season.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 24, 1967.

[1] As previously stated, even sales entirely within the District of Columbia are subject to the registration requirements of the Securities Act of 1933, unless an exemption (other than the "intrastate exemption") is available.

[2] In addition to obtaining a license from the Public Service Commission of the District of Columbia, usually the person must also register as a broker-dealer with the Securities and Exchange Commission.

[1] Filed as part of the original document. Copies available at the Publications Counter, OASD(A), Room 3B200 Pentagon, or OX 52167.

[1] Filed as part of the original document. Copies available at the Publications Counter, OASD(A), Room 3B200 Pentagon, or OX 52167.

WYOMING

PATHFINDER NATIONAL WILDLIFE REFUGE

Public hunting of teal ducks on the Pathfinder National Wildlife Refuge, Wyo., is permitted from September 9 through September 17, 1967, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 3,160 acres, is delineated on maps available at refuge headquarters, Lamale, Wyo., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of teal ducks during this experimental season subject to the following special condition:

(1) Blinds—The construction of permanent blinds or pits is not permitted. Portable blinds may be used but not left on the refuge.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 17, 1967.

LEWIS R. GARLICK,
Acting Regional Director,
Albuquerque, N. Mex.

AUGUST 7, 1967.

[F.R. Doc. 67-9436; Filed, Aug. 11, 1967; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 16574]

PART 73—RADIO BROADCAST SERVICES

Procedures in Event of Personal Attack or Where Station Editorializes as to Political Candidates; Correction

In the matter of amendment of Part 73 of the rules to provide procedures in the event of a personal attack or where a station editorializes as to political candidates; Docket No. 16574.

In the Memorandum Opinion and Order in the above-entitled matter, FCC 67-923, released on August 7, 1967, and published in the issue of August 10, 1967 (32 F.R. 11531), the first sentence of footnote 1. to paragraph 2. is corrected to read as follows: "For similar reasons, we have not exempted news documentaries."

Released: August 9, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-9408; Filed, Aug. 11, 1967; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1099]

[Docket No. AO 183-A19]

MILK IN PADUCAH, KY., MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Paducah, Ky., marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the seventh day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Paducah, Ky., on February 17, 1967, pursuant to notice thereof which was issued February 1, 1967 (32 F.R. 2448), and February 8, 1967 (32 F.R. 2820).

The material issues on the record of the hearing relate to:

1. The price for Class I milk.
2. Seasonal production incentive plan.

This recommended decision deals with issue No. 1, Class I prices. The procedure on issue No. 2 has been completed.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Class I price.* The Class I price for the Paducah marketing area should be the St. Louis order Class I price plus 25 cents per hundredweight.

The amendment as formulated herein would result in a 10 cents per hundredweight increase in the Class I price only in the Kentucky portion of the marketing area. This differs from the proposal of the producers association which would maintain the existing difference between the Missouri and Kentucky areas (10 cents higher in Missouri) by increasing the price 10 cents in both parts of the marketing area.

The producers association supported its proposal on the basis that it has become difficult to maintain an adequate supply for the fluid market outlets it serves, because of the steady attrition to its membership. The problem is acute in the Paducah market, it was pointed out, because of the small percentage of reserve milk. The supply problem is also intensified by competition from other markets. The association stated that the higher prices paid by the Memphis market to dairy farmers within the Paducah procurement area has caused a severe problem in retaining producers regularly associated with the Paducah market.

Further, in support of its proposal, the association cited the recent 10-cent increase in the Southern Illinois order price (in areas nearest Paducah) effective January 1, 1967. This increase, the association stated, would permit a similar increase in Paducah and maintain the previous relationship between the markets.

Milk supply. The essential purpose in establishing a Class I price level under the order is to assure an adequate supply from sources upon which the market can rely. The milk supply for the Paducah marketing area is essentially local in that it is produced mostly within the marketing area. Virtually all of the producers are members of the Paducah Graded Milk Producers Association. The association has standing arrangements with all handlers in the market to provide full milk supply throughout the year.

The producer milk supply during the past three years has varied from about 8 to 10 million pounds monthly. Most of the variation has been due to seasonal changes in production and expansion of the marketing area. On an all-season basis, the supply of milk has been barely sufficient to meet requirements of fluid outlets. During the fall and winter months of recent years the proportion of reserve milk has narrowed to less than 10 percent in several months. This situation has presented a difficult problem to the cooperative association as the sole procurement agency for the market, particularly in managing milk supplies so as to adequately meet the needs of each of the regulated handlers. Occasionally there has been need to bring in other source milk. Class I utilization in recent years has continued relatively high on an annual basis, averaging 85.6 percent, 88.4 percent, and 85.6 percent, in 1964, 1965, and 1966, respectively.

The supply area for the Paducah market adjoins supply areas of the St. Louis, Louisville-Lexington-Evansville, Nashville, and Memphis markets. Thus the Paducah market must compete with larger markets for milk supplies. The most important competition for milk supply is from the Memphis market. The Memphis procurement area extends well into the Paducah marketing area, as far north as Ballard County, Ky. This situation has resulted in some loss of producers to the Memphis market during the 1965–1966 2-year period.

The milk supply relationship with the Southern Illinois market involves members of the Paducah Graded Milk Producers Association which supply one of the handlers under the Southern Illinois order. These dairy farmers are located within the Kentucky portion of the Paducah marketing area. They are members of the association which are shifted between the markets according to the needs of handlers for fluid milk supplies.

The membership of the association which provides virtually the entire milk supply of the market has declined approximately 15 percent in a period of 2 years. This has been due both to producers leaving the dairy business and leaving the market for other markets, principally Memphis. The total level of milk production on the market has so far been maintained only due to greater production by each producer, but in view of the slight reserve supply, further decline in dairy farmers would tend to endanger adequacy of supplies.

Price comparisons. Price relationships between the Paducah market and other markets were considered by producers to have an important bearing on the Paducah Class I price level. The price relationship to the St. Louis market has been fixed by virtue of the 15-cent differential over St. Louis used to establish the Class I price at Paducah. Similarly, the relationship to the Southern Illinois order prices has been fixed, since prices under that order have been based on the St. Louis price. The Class I price in the southern zone of the Southern Illinois order is equal to the St. Louis price.

Since the St. Louis and Southern Illinois prices are lower than the Paducah price, these other markets do not present a problem of competition for supplies. Instead there is the question of sales competition. Sales competition with the St. Louis market is confined to areas in Missouri, at locations approximately 140 to 150 miles south of St. Louis. Within this general area there is a St. Louis order plant at Cape Girardeau, where a Class I price 15 cents per hundredweight higher than at St. Louis applies. Slightly more than 30 miles south of Cape Girardeau

there is a Paducah order plant at Sikeston, Mo., where the Paducah order price is 25 cents over the St. Louis city price. The entire pricing system under the two orders therefore represents scaling up of price level as the distance from St. Louis increases, paralleling the cost to St. Louis or Cape Girardeau handlers in moving milk southward. The present price at Sikeston, as related to St. Louis order prices, appears reasonable and not excessive with regard to the locations of the regulated plants.

While the Southern Illinois market is relatively close, geographically, this has not resulted in significant intermarket sales competition among handlers.

The price relationship between Paducah and Memphis is wider than the differences from other surrounding markets. At the nearest Memphis order plant, at Martin, Tenn., the 1966 Memphis Class I prices adjusted for location averaged 42 cents per hundredweight higher than the Paducah order prices at the Fulton, Ky., plant. The distance between the plants is approximately 13 miles. With this difference in prices, procurement activities of Memphis handlers or of a cooperative association have at times resulted in some loss of producers.

Part of this price difference compared to Memphis was due to the action of the Memphis supply-demand adjustor. Currently, the Class I price difference which would be produced by differentials over the basic formula price, excluding supply-demand adjustments, would be 23.5 cents higher at Martin than at Fulton.

The 10-cent price increase herein recommended for the Kentucky location would result in reasonable price relationships with surrounding markets, considering the aspects of inter-market competition already described. The price increase would continue the historical relation with the Southern Illinois market. The price, in relation to St. Louis, would be reasonable in view of the less ample supply in Paducah than in St. Louis and the 175 miles distance between these cities. The change in relationship to Memphis would reduce the amount of normal price difference at points where the two markets have common procurement areas.

It is concluded that for the purpose of maintaining an adequate supply, a price increase of 10 cents per hundredweight is justified for the Kentucky portion of the marketing area. It is in this area that the greatest problem exists in maintaining milk supply. Because of the relatively small percentage of reserve milk on the market, the supply should be maintained at the existing level.

No change should be made at this time, however, in the price level applicable in Missouri counties of the marketing area. The milk supply serving the only plant in this part of the market is primarily from producers located within this part of the marketing area. Competition for milk supply has not been severe, and the supply for the plant located there is not threatened by price relationships with other markets. In fact, the overall balancing of supplies within the entire marketing area results in regular movements of bulk loads of milk from the Missouri portion into Kentucky and no movements in the other direction. It is concluded therefor that the Class I price throughout the entire Paducah marketing area should be established at 25 cents over the St. Louis order price.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the supported findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order as amended regulating the handling of milk in the Paducah, Ky., marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

1. In § 1099.51, paragraph (a) is revised to read as follows:

§ 1094.51 Class prices.

* * * * *

(a) *Class I milk price.* The price per hundredweight of Class I milk for the month shall be the Class I price pursuant to Part 1062 of this chapter (St. Louis, Mo.) plus 25 cents; and

* * * * *

§ 1099.86 [Amended]

2. In § 1099.86, paragraph (b) is deleted.

Signed at Washington, D.C., on August 8, 1967.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 67-9486; Filed, Aug. 11, 1967; 8:48 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

IDAHO

Notice of Proposed Withdrawal and Reservation of Lands

AUGUST 7, 1967.

The Department of Agriculture has filed an application, Serial No. I-1637, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws but not the mineral leasing laws, subject to valid existing rights.

The applicant desires the land for use as the Phi Kappa Recreation Area by the Challis National Forest.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Post Office Box 2237, Boise, Idaho 83701.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Department of Agriculture.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The lands involved in the application are:

BOISE MERIDIAN

CHALLIS NATIONAL FOREST

Phi Kappa Recreation Area

T. 6 N., R. 19 E., unsurveyed
Sec. 9, SE¼SW¼, SW¼SE¼;
Sec. 16, NW¼NE¼, N½NW¼.

More particularly described as beginning at corner No. 1, a red stained and treated post, 3 inches in diameter, 4½ feet above ground, located N. 40°04' W., approximately 464 feet from the confluence of Summit Creek and Phi Kappa Creek.

From corner No. 1, by metes and bounds,
S. 73°34' W., 1,132.10 feet, to corner No. 2;
S. 28°14' W., 552.82 feet, to corner No. 3;
S. 55°40' W., 306.54 feet, to corner No. 4;
S. 58°56' W., 2,323.33 feet, to corner No. 5;
S. 33°20' E., 162.70 feet, to corner No. 6;
N. 57°06' E., 1,414.90 feet, to corner No. 7;
N. 61°42' E., 1,139.92 feet, to corner No. 8;
N. 29°01' E., 472.54 feet, to corner No. 9;
N. 04°01' E., 241.75 feet, to corner No. 10;
N. 73°06' E., 426.07 feet, to corner No. 11;
N. 82°16' E., 916.21 feet, to corner No. 1, the place of beginning.

The area described aggregates 59.32 acres in Custer County, Idaho.

ORVAL G. HADLEY,
Manager, Land Office.

[F.R. Doc. 67-9481; Filed, Aug. 11, 1967; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

ASSISTANT TO THE SECRETARY FOR CIVIL RIGHTS

Delegation of Authority

Notice is hereby given that the Secretary of Agriculture on July 24, 1967, pursuant to 7 CFR 15.2(c), delegated to the Assistant to the Secretary for Civil Rights, William M. Seabron, the authorities under 7 CFR Part 15 to:

1. Issue orders to give a notice of hearing or opportunity to request a hearing;

2. Arrange for the designation of a hearing examiner to preside over the proceedings; and

3. Determine whether the hearing examiner so designated will make an initial decision or certify the record to the Secretary of Agriculture with his recommended findings and proposed decision.

Nothing herein shall preclude the Secretary of Agriculture from exercising the authority so delegated.

Done at Washington, D.C., this 8th day of August 1967.

ORVILLE L. FREEMAN,
Secretary of Agriculture.

[F.R. Doc. 67-9487; Filed, Aug. 11, 1967; 8:45 a.m.]

NEBRASKA AND NORTH CAROLINA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the States of Nebraska and North Carolina natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

NEBRASKA

Lancaster.

NORTH CAROLINA

Hoke.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1968, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 8th day of August 1967.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67-9488; Filed, Aug. 11, 1967; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

[Dept. Order 152-B; Amdt. 1]

BUSINESS AND DEFENSE SERVICES ADMINISTRATION

Field Activities

This material amends the material appearing at 30 F.R. 3393 of March 13, 1965.

The designation "Organization and Function Supplement to Department Order 152" is changed to "Department Order 152-B."

Department Order 152-B of February 16, 1965, is hereby amended as follows:

1. A new section 8 is added to read:

SEC. 8. *Field activities.* .01 The field activities of the Business and Defense Services Administration are carried out by the Field Offices of the Office of Field Services, Department of Commerce, which are located in principal cities of the United States and Puerto Rico. Each Field Office provides information and advice on production, consumption, sales, raw materials sources, trends, and prospects on U.S. industries; marketing and distribution problems; and industrial mobilization matters including priorities for materials and products under the Defense Materials System.

.02 Field Offices of the Office of Field Services, Department of Commerce, are listed in Appendix A to Department Order 168-B, "Office of Field Services".

2. Existing sections 8 and 9 are renumbered as sections 9 and 10, respectively.

Effective date: July 28, 1967.

DAVID R. BALDWIN,
Assistant Secretary
for Administration.

[F.R. Doc. 67-9477; Filed, Aug. 11, 1967; 8:45 a.m.]

[Dept. Order 168-B; Amdt. 1]

OFFICE OF FIELD SERVICES

Organization and Functions

This material amends the material appearing at 29 F.R. 5411 of April 22, 1964, and supersedes the material appearing at 29 F.R. 12141 of August 26, 1964.

The designation "Organization and Function Supplement to Department Order 168" is changed to "Department Order 168-B."

Department Order 168-B of April 2, 1964, is hereby amended as follows:

SEC. 5. *Functions of Offices in the Field.* A new paragraph .02 is added to read:

.02 Field Offices are listed in Appendix A to this order.

DAVID R. BALDWIN,
Assistant Secretary for Administration.

APPENDIX A

OFFICE OF FIELD SERVICES—FIELD OFFICES

JULY 28, 1967.

Albuquerque, N.M.	Jacksonville, Fla.
Anchorage, Alaska.	Kansas City, Mo.
Atlanta, Ga.	Los Angeles, Calif.
Baltimore, Md.	Memphis, Tenn.
Birmingham, Ala.	Miami, Fla.
Boston, Mass.	Milwaukee, Wis.
Buffalo, N.Y.	Minneapolis, Minn.
Charleston, S.C.	New Orleans, La.
Charleston, W. Va.	New York, N.Y.
Cheyenne, Wyo.	Philadelphia, Pa.
Chicago, Ill.	Phoenix, Ariz.
Cincinnati, Ohio.	Pittsburgh, Pa.
Cleveland, Ohio.	Portland, Ore.
Dallas, Tex.	Reno, Nev.
Denver, Colo.	Richmond, Va.
Des Moines, Iowa.	St. Louis, Mo.
Detroit, Mich.	Salt Lake City, Utah.
Greensboro, N.C.	San Francisco, Calif.
Hartford, Conn.	Santurce, P.R.
Honolulu, Hawaii.	Savannah, Ga.
Houston, Tex.	Seattle, Wash.

See local telephone directory under "U.S. Government—Commerce, Department of—Field Services" for address and telephone number.

[F.R. Doc. 67-9478; Filed, Aug. 11, 1967; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 17617, 17618]

ATHENS BROADCASTING CO., INC., AND 3 J'S BROADCASTING CO.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Athens Broadcasting Co., Inc., Athens, Tenn., Docket No. 17617, File No. BPH-5668; Requests: 98.3 mc, No. 252; 2.2 kw; 345 feet; John P. Frew and Julia N. Frew doing business as 3 J's Broadcasting Co., Athens, Tenn., Docket No. 17618, File No. BPH-5768; Requests: 98.3 mc, No. 252; 3 kw; 257 feet; for construction permits.

1. The Commission, by the Chief, Broadcast Bureau, under delegated authority considered the above captioned and described applications for construction permits.

2. These applications are mutually exclusive in that operation by the applicants as proposed would cause mutually destructive interference.

3. Since no determination has yet been reached on whether the antenna proposed by 3 J's Broadcasting Co. would constitute a menace to air navigation, an issue regarding this matter is required.

4. Except as indicated below the applicants are qualified to construct and operate as proposed. However, because of their mutual exclusivity the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that they must be designated for hearing in a consolidated proceeding on the issues set forth below.

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether there is a reasonable possibility that the tower height and location proposed by 3 J's Broadcasting Co. would constitute a menace to air navigation.

2. To determine which of the proposals would better serve the public interest.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications for construction permit should be granted.

It is further ordered, That the Federal Aviation Administration is made a party to the proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants pursuant to § 1.221 (c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: July 27, 1967.

Released: August 9, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-9499; Filed, Aug. 11, 1967; 8:47 a.m.]

[Docket Nos. 17624, 17625]

FRED KAYSBIER AND SIERRA BLANCA BROADCASTING CO. (KRRR)

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Fred Kaysbier, Alamogordo, N. Mex., Docket No. 17624, File No. BP-16965; Requests: 1360 kc, 5 kw, DAY; Edward D. Hyman trading as Sierra Blanca Broadcasting Co. (KRRR), Ruidoso, N. Mex., Docket No. 17625, File No. BP-17487; Has: 1340 kc, 250 w, 1 kw-LS, U; Requests: 1360 kc, 5 kw, DAY; for construction permits.

1. The Commission, by Chief of the Broadcast Bureau under delegated authority, considered the above-captioned and described applications for construction permits.

2. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since simultaneous operation of the proposals would result in mutually destructive interference, the applications are mutually exclusive and must be designated for hearing in a consolidated proceeding on the issues specified below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposal of Fred Kaysbier and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station KRRR and the availability of other primary service to such areas and populations.

3. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service.

4. To determine, in the event it is concluded that a choice between the applications should not be based solely on considerations relating to section 307(b), which of the operations proposed in the above-captioned applications would better serve the public interest.

5. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the applications should be granted.

It is further ordered, That in the event of a grant of either of the above applications, the construction permit shall contain the following condition:

Pending a final decision in Docket No. 14419 with respect to presunrise operation with daytime facilities, the present provisions of section 73.87 of the Commission's rules are not extended to this authorization, and such operation is precluded.

It is further ordered, That in the event of a grant of the application of Fred Kaysbier, the construction permit shall contain the following condition:

Before program tests are authorized, an approved type frequency monitor shall be installed.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to section 1.221(c) of the Commission's rules, in person or by attorney, shall within twenty (20) days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: July 25, 1967.

Released: August 8, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-9500; Filed, Aug. 11, 1967; 8:47 a.m.]

[Docket Nos. 16290, 16291; FCC 67M-1352]

WMGS, INC. (WMGS), AND OHIO RADIO, INC.

Order Continuing Hearing

In re applications of WMGS, Inc. (WMGS), Bowling Green, Ohio, Docket No. 16290, File No. BR-3097; Ohio Radio, Inc., Bowling Green, Ohio, Docket No. 16291, File No. BP-16423; for construction permit.

The Hearing Examiner is in receipt of the "Joint Petition for Approval of Agreement" filed August 4, 1967, which was signed on behalf of both applicants herein. This pleading seeks inter alia the dismissal of the application of Ohio Radio, Inc., herein. In view of the foregoing, it is deemed appropriate that the evidentiary hearing now scheduled for August 11, 1967, should be continued without date.

Accordingly, it is ordered, That the evidentiary hearing now scheduled for August 11, 1967, be and the same is hereby continued without date.

Issued: August 7, 1967.

Released: August 8, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-9501; Filed, Aug. 11, 1967; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

NORTH AMERICAN RESEARCH & DEVELOPMENT CORP.

Order Suspending Trading

AUGUST 8, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of North American Research & Development Corp., 1935 South Main Street, Salt Lake City, Utah, and all other securities of North American Research & Development Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 9, 1967, through August 18, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-9495; Filed, Aug. 11, 1967; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 623]

PENNSYLVANIA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of August 1967, because of the effects of certain disasters, damage resulted to residences and business property located in Northampton County, in the State of Pennsylvania;

Whereas, the Small Business Administration has investigated and received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the Office below indicated from persons or firms whose property, situated in the aforesaid County and areas adjacent thereto, suffered damage or destruction resulting from floods occurring on August 3, 1967.

OFFICE

Small Business Administration Regional Office, 1015 Chestnut Street, Philadelphia, Pa. 19107.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to February 29, 1968.

Dated: August 4, 1967.

ROBERT C. MOOT,
Administrator.

[F.R. Doc. 67-9482; Filed, Aug. 11, 1967; 8:45 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. RI68-42 etc.]

ASHLAND OIL & REFINING CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

AUGUST 3, 1967.

The Respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however*, That the supplements to the rate schedules filed by Respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Respondents are advised to the

[1] Does not consolidate for hearing or dispose of the several matters herein.

contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before September 11, 1967.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI68-42	Ashland Oil & Refining Co. Post Office Box 18695.	110	10	Colorado Interstate Gas Co. (Keyes and Northwest Eva Fields, Texas and Cimmaron Counties, Okla.) (Panhandle area).	$24	7-13-67	[1] 8-13-67	8-14-67	[2] 17.0	[3][4] 17.015	RI64-372.
		123	6	Colorado Interstate Gas Co. (Keyes Field, Texas and Cimmaron Counties, Okla.) (Panhandle area).	10	7-10-67	[1] 8-10-67	8-11-67	[2] 17.0	[3][4] 17.015	RI64-372.
RI68-43	Sun Oil Co., Post Office Box 2880, Dallas, Tex. 75221.	168	3	Northern Natural Gas Co. (Northeast Dower Field, Beaver County, Okla.) (Panhandle area).	12	7- 6-67	[1] 8- 6-67	8- 7-67	[2] 17.0	[3][5] 17.015	
		144	11	Northern Natural Gas Co. (Como Field, Beaver County, Okla.) (Panhandle area).	16	7- 6-67	[1] 8- 6-67	8- 7-67	[6] 17.0	[3][5] 17.015	
		161	2	Panhandle Eastern Pipe Line Co. (Northwest Eva Field, Texas County, Okla.) (Panhandle area).	6	7- 6-67	[1] 8- 6-67	8- 7-67	[2] 16.0	[3][5] 16.015	

[1] The stated effective date is the effective date proposed by Respondent.
[2] Subject to upward and downward B.t.u. adjustment.
[3] Includes 0.015 cent tax reimbursement for 0.02 cent increase in Oklahoma excise tax which became effective on July 1, 1967.
[4] Pressure base is 14.65 p.s.i.a.
[5] Subject to downward B.t.u. adjustment.
[6] Settlement rate pursuant to Sun Oil Co.'s companywide settlement in Docket Nos. G-8298, et al. Filing moratorium imposed by settlement expires on Aug. 1, 1967. However, Sun reserved the right to file for any contractually authorized increase in tax reimbursement

All of these proposed rate increases reflect tax reimbursement for the recently enacted increase in the Oklahoma Excise tax from 0.02 cent to 0.04 cent per Mcf, effective on July 1, 1967. The proposed rate increases exceed the area increased rate ceiling of 11.0 cents for the area, announced in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR, Chapter I, Part 2, Section 2.56). However, since the proposed rate filings relate only to tax reimbursement increases, we conclude that such increases should be suspended for one day from the proposed effective dates.

[F.R. Doc. 67-9421; Filed, Aug. 11, 1967; 8:45 a.m.]

[Docket Nos. RI68-56, RI68-57]

PLACID OIL CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

AUGUST 3, 1967.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before September 11, 1967.

By the Commission.

GORDON M. GRANT, *Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf [1]: Rate in effect	Cents per Mcf [1]: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI68-56	Placid Oil Co. (Operator) et al., 2800 First National Bank Bldg., Dallas, Tex. 75202. Attn: Paul W. Hicks, Esq.	24	7	Tennessee Gas Pipeline Co., a Division of Tenneco, Inc. (Lake Washington Field, Plaquemines Parish, La.) (south Louisiana).	$7,800	7-10-67	[2] 8-10-67	1-10-68	[3][4] 23.6	[3][7] 23.7	
RI68-57	Placid Oil Co., 2800 First National Bank Bldg., Dallas, Tex. 75202. Attn: Paul W. Hicks, Esq.	27	5	Tennessee Gas Pipeline Co., a Division of Tenneco, Inc. (Caillou Island Field, Terrebonne Parish, La.) (south Louisiana).	975	7-10-67	[2] 8-10-67	1-10-68	[4][6] 23.6	[6][7] 23.7	
		28	5	Tennessee Gas Pipeline Co., a Division of Tenneco, Inc. (Dulac area, Terrebonne Parish, La.) (south Louisiana).	4,008	7-10-67	[2] 8-10-67	1-10-68	[4][6] 23.6	[6][7] 23.7	

[1] The pressure base is 15.025 p.s.i.a.
[2] The stated effective date is the first day after expiration of the statutory notice.
[3] Inclusive of 2.3 cents tax reimbursement.
[4] Rate subject to downward B.t.u. adjustment.
[5] Contractually provided for initial rate. Sales have been made at that rate initially pursuant to unconditioned temporary certificate and later in accordance with the stay provisions of Opinion No. 436-A.
[6] "Fractured" rate increase. Placid is contractually due 26.1 cents per Mcf (23.8 cents base rate plus 2.3 cents tax reimbursement).

In Opinion No. 436, the Commission granted a permanent certificate to Placid, in Docket Nos. G-18076, G-18502 and CI61-511, conditioned to a total initial price of 20.0 cents. The rate reduction requirement of Opinion No. 436 was stayed by Opinion No. 436-A, and Placid has continued to collect its initial contract rates of 23.6 cents, subject to the refund provisions of the stay. The 10th Circuit affirmed the Commission's in-line base price determination, but remanded the case for further consideration of the tax reimbursement allowance, among other things.

Placid requests waiver of the 30-day statutory notice to permit a retroactive effective date of July 1, 1967, for its proposed rate increases. In support Placid states that since the increases are being filed for the purpose of moving from section 7(c) to section 4(e) of the Natural Gas Act, and since the amounts are de minimis, there is no reason to require the 30-day notice or to suspend the proposed increased rates. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for Placid's rate filings and such request is denied.

All of the proposed rates exceed the applicable area price level for increased rates as set forth in the Commission's Statement of General Policy No. 61-1 as amended (18 CFR, Chapter I, Part 2, § 2.56).

[F.R. Doc. 67-9422; Filed, Aug. 11, 1967; 8:45 a.m.]

[Docket Nos. G-4804 etc.]

ALMA M. SCHRADER ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

AUGUST 3, 1967.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 25, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however,* That pursuant to § 2.56, Part 2, Statement of General Policy and Interpretations, Chapter I of Title 18 of the Code of Federal Regulations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after April 15, 1965, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing such certificate application, or within the time fixed herein for the filing of protests or petitions to intervene the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

GORDON M. GRANT, *Secretary.*

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G-4804 D 7-3-61 [1] E 7-30-62 [2]	Alma M. Schrader, agent for L. D. Nutter et al. (successor to L. D. Nutter, agent), 861 Terrace Ave., Weston, W. Va. 26452.	Equitable Gas Co., Salt Lick District, Braxton County, W. Va.	20.0	15.325
G-10006 C 7-20-67	Amerada Petroleum Corp., Post Office Box 2040, Tulsa, Okla. 74102.	El Paso Natural Gas Co., Otero Area, Rio Arriba County, N. Mex.	12.2295	15.025
G-13108 C 7-19-67	Aztec Oil & Gas Co., 2000 First National Bank Bldg., Dallas, Tex. 75202.	Southern Union Gathering Co., Basin Dakota Pool, San Juan County, N. Mex.	18.0	15.025
G-15113 E 7-17-67	Etchieson & Gross Associates (successor to Graham-Michaelis Drilling Co.), Box 188, Borger, Tex. 79007.	Phillips Petroleum Co., Hupoton Field, Sherman County, Tex.	5.5534	14.65
G-15424 D 7-19-67	Sun Oil Co. (Southwest Division), 1608 Walnut St., Philadelphia, Pa. 19103 (partial abandonment).	West Lake Natural Gasoline Co., South Lake Trammell and Nena Lucia Fields, Nolan County, Tex.	(3)	

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
C160-175..... C 7-24-67	Pubco Petroleum Corp. (Operator) etal., Post Office Box 809, Albuquerque, N. Mex. 87103.	El Paso Natural Gas Co., Basin Dakota Field, San Juan County, N. Mex.	18.0	15.025
C161-541..... 7-10-67 [4]	Highland Production Co. (Operator) et al. (formerly Hill & Meeker (Operator) et al.), Box 6725, Odessa, Tex. 79760.	El Paso Natural Gas Co., Pecos Valley (5400' Devonian), Pecos County, Tex.	[5] 15.6486	14.65
C163-603..... C 12-20-62	Barron Kidd, c/o Emery T. Corbett, agent, 2600 Mercantile Bank Bldg., Dallas, Tex. 75201.	Consolidated Gas Supply Corp., Elk District, Barbour County, W. Va.	25.0	15.325
C162-1164..... E 7-7-67	Gibson Oil Co., Inc. (successor to Blaho Oil & Gas Co.), c/o James Allen, agent, Post Office Box 267, Marietta, Ohio 45750.	Consolidated Gas Supply Corp., Grant District, Ritchie County, W. Va.	25.0	15.325
C163-234..... C 7-24-67	Mobil Oil Corp. (Operator) et al., Post Office Box 2444, Houston, Tex. 77001.	Arkansas Louisiana Gas Co., Red Oak Area, Le Flore County, Okla.	15.0	14.65
C164-1253..... E 7-21-67	American Petrofina Co. of Texas (successor to Van Norman Oil Co.), Post Office Box 2159, Dallas, Tex. 75221.	Phillips Petroleum Co., Texas-Hugoton Field, Sherman County, Tex.	[6] 10.5924	14.65
C165-942..... C 7-24-67	Pan American Petroleum Corp., Post Office Box 591, Tulsa, Okla. 74102.	Northern Natural Gas Co., Northwest Tangier Field, Woodward County, Okla.	[7] 19.65	14.65
C167-878..... C 7-24-67	Mobil Oil Corp.....	Panhandle Eastern Pipe Line Co., Southeast Arnett Field, Ellis County, Okla.	[8] 19.89	14.65
C167-1416..... A 4-5-67	Mrs. Asra Berdine, Burton, W. Va. 26562.	The Manufacturers Light & Heat Co., Battelle District, Monongalia County, W. Va.	19.615	15.325
C168-56..... B 6-26-67	George W. Miller, agent for Maurice Boggs Gas Co., Box No. 2, Glenville, W. Va. 26630.	Equitable Gas Co., Glenville District, Wilmer County, W. Va.	Depleted	.....
C168-58..... B 7-18-67	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla. 74102.	Phillips Petroleum Co., Carson Field, Gray County, Tex.	Depleted	.....
C168-68..... (C161-1557) F 7-18-67	Jeanne Champlin Trust Estate et al. (successor to Livingston Oil Co.), 700 First National Bank Bldg., Enid, Okla. 73701.	Oklahoma Natural Gas Gathering Corp., [9] Ringwood Field, Major County, Okla.	[10] 12.0	14.65
C168-64..... A 7-19-67	Quaker State Oil Refining Corp., Box 337, Bradford, Pa. 16701.	United Fuel Gas Co., Jefferson District, Lincoln County, W. Va.	23.0	15.325
C168-66..... B 7-20-67	Texas Oil & Gas Corp. et al., 2320 Fidelity Union Tower, Dallas, Tex. 75201.	Lone Star Gathering Co., South Weeastahe Field, Goliad County, Tex.	Depleted	
C168-67..... A 7-21-67	Charles W. Oliphant (Operator) et al., 1905 National Bank of Tulsa Bldg., Tulsa, Okla. 74103.	Wunderlich Development Co., acreage in Kay County, Okla.	6.2	14.65
C168-68..... (G-6906) F 7-17-67	Clarke Oilfield Service, Inc., Operator (successor to Superior Oil Co.), Chapin Bldg., Medicine Lodge, Kans. 67104.	Cities Service Gas Co., Boggs (Douglas Sand) Gas Pool, Barber County, Kans.	[11] 13.0	14.65
C168-69..... A 7-21-67	Charles W. Oliphant (Operator) et al.	Wunderlich Development Co., acreage in Kay County, Okla.	6.2	14.65
C168-70..... (G-8124) F 7-9-67	Benson-Montin-Greer Drilling Corp. (Operator) et al. (successor to T. Jack Foster), First National Bldg., Oklahoma City, Okla. 73102.	El Paso Natural Gas Co., San Juan Field, San Juan County, N. Mex.	10.0	15.025
C168-71..... A 7-20-67	Fairman Drilling Co., Box 288, Du Bois, Pa. 15801.	Consolidated Gas Supply Corp., Young Township, Jefferson County, Pa.	[12] 27.5 [13] 25.0	15.325 15.325
C168-72..... A 7-20-67	Bear Run Oil & Gas Co., et al., c/o Thomas H. Laulis, Jr., President, Schroath Bldg., Clarksburg, W. Va. 26301.	Consolidated Gas Supply Corp., Spring Creek District, Wirt County, W. Va.	25.0	15.325
C168-73..... A 7-20-67	Fairman Drilling Co.....	Consolidated Gas Supply Corp., Banks Township, Indiana County, Pa.	27.5	15.325
C168-74..... A 7-20-67	Columbian Fuel Corp., 401 Dewey Ave., Bartlesville, Okla. 74003.	United Fuel Gas Co., Rocky Fork Area, Kanawha County, W. Va.	28.0	15.325
C168-75..... A 7-20-67	Boyd & Shriver, et al., 6-8 Rend Bldg., South Seventh St., Indiana, Pa. 15701.	Consolidated Gas Supply Corp., Canoe Township, Indiana County, Pa.	25.0	15.325
C168-76..... A 7-20-67	Crane Creek Gas Co., c/o J. E. Allen, Post Office Box 109, Charleston, W. Va. 25321.	Consolidated Gas Supply Corp., Sandy River District, McDowell County, W. Va.	25.0	15.325

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
C168-77..... B 7-24-67	Johnson & McCurdy, Suite 1214, First National Bank Bldg., Fort Worth, Tex. 76102.	Florida Gas Transmission Co., Lochridge Field, Brazoria County, Tex.	Depleted	.....
C168-78..... A 7-21-67	Union Producing Co. (Operator) et al., Post Office Box 1407, Shreveport, La. 71102.	United Gas Pipe Line Co., Duson Field, Acadia Parish, La.	20.625	15.025
C168-79..... B 7-24-67	Perry R. Bass, Inc. (Operator) et al., 1210 Fort Worth National Bank Bldg., Fort Worth, Tex. 76102.	Banquete Gas Co., a division of Crestmont Oil & Gas Co., Odem Field, San Patricio County, Tex.	Depleted	.....
C168-80..... A 7-17-67	Atlantic Richfield Co., Post Office Box 2819, Dallas, Tex. 75221.	El Paso Natural Gas Co., Florance Creek Unit Area, Rio Blanco County, Colo.	13.0	15.025
C168-81..... A 7-24-67	Kewanee Oil Co., Post Office Box 2239, Tulsa, Okla. 74101.	Northern Natural Gas Co., Edstaff Field, Stafford County, Kans.	[14] 18.54	14.65
C168-82..... A 7-24-67	Roger M. Wheeler, c/o J. B. Bailey, Attorney, 602 National Bank of Tulsa Bldg., Tulsa, Okla. 74103.	Northern Natural Gas Co., Mocane-Laverne Field, Beaver County, Okla.	[15] 17.0	14.65
C168-83..... A 7-24-67	William J. Nesbitt et al., 1001-B Beck Bldg., Shreveport, La. 71101.	United Fuel Gas Co., Lirette Field, Terrebonne Parish, La.	20.625	15.025
C168-84..... A 7-24-67	W. B. Osborn, Jr. (Operator) et al., Post Office Box 6767, San Antonio, Tex. 78209.	Panhandle Eastern Pipe Line Co., acreage in Woods County, Okla.	[15] 17.0	14.65
C168-85..... B 7-21-67	Mobil Oil Corp.....	Transwestern Pipeline Co., Waraham Field, Reeves County, Tex.	Depleted	.....
C168-86..... B 7-21-67	Mrs. Margaret M. Morgan et al., Post Office Box 1187, Shreveport, La. 71102.	United Gas Pipe Line Co., Marie-Pistol Ridge Fields, Forrest County, Miss.	Depleted	.....
C168-86..... A 7-26-67	Skelly Oil Co., Post Office Box 1650, Tulsa, Okla. 74102.	Arkansas Louisiana Gas Co., Southwest Lacy Field, Blaine County, Okla.	18.0	14.65
C168-89..... A 7-21-67	Haynes & V. T. Drilling Co., Operator, 516 Commercial Bank Bldg., Midland, Tex. 79701.	Trunkline Gas Co., Bullhead Creek Field, Bee County, Tex.	18.0	14.65
C168-90..... A 7-27-67	Monsanto Co., 1300 Main St., Houston, Tex. 77002.	Panhandle Eastern Pipe Line Co., Northwest Waynoka Field, Woods County, Okla.	[15] 18.0	14.65

[1] Deletes the A. W. Carter Lease.
[2] On July 20, 1962, Alma M. Schrader filed a petition to amend the certificate in said docket to be substituted as agent for L. D. Nutter, et al., in lieu of L. D. Nutter, agent.
[3] Applicant wishes to process gas in its own processing plant.
[4] Amendment to certificate filed to reflect the change in Operator.
[5] Rate in effect subject to refund in Docket No. RI61-317.
[6] Rate in effect subject to refund in Docket No. RI61-384.
[7] Includes 2.55 cents upward B.t.u. adjustment. Subject to upward and downward B.t.u. adjustment.
[8] Includes 2.89 cents upward B.t.u. adjustment. Subject to upward and downward B.t.u. adjustment.
[9] National Fuels Corp. purchases liquids extracted from Applicant's gas at the Ringwood Gasoline Plant.
[10] Rate in effect subject to refund in Docket No. RI66-228.
[11] Rate in effect subject to refund in Docket No. G-19934.
[12] For gas produced from the Oriskany Sand and below.
[13] For gas produced from above the Oriskany Sand.
[14] Includes 0.54 cent upward B.t.u. adjustment. Subject to upward and downward B.t.u. adjustment.
[15] Subject to upward and downward B.t.u. adjustment.

[F.R. Doc. 67-9423; Filed, Aug. 11, 1967; 8:45 a.m.]

[Docket Nos. RI68-44 etc.]

SHELL OIL CO. ET AL.

Order Accepting Contract Amendment, Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

AUGUST 4, 1967.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are designated as follows:

[1] Does not consolidate for hearing or dispose of the several matters herein.

See footnotes at end of table.

Docket No.	Respondent	Rate sched. No.	Supp. No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI68-44	Shell Oil Co., 50 West 50th St., New York, N.Y. 10020.	225	9	Colorado Interstate Gas Co. (Lawrence Field, Harper County, Okla.) (Panhandle area).	$443	7-12-67	[1] 9-1-67	2-1-68	[2] 17.000	[3] [4] 18.021	RI66-222.
		279	6	do	443	7-11-67	[1] 9-1-67	2-1-68	[3] [5] 18.781	[3] [4] 19.864	RI66-864.
		285	6	Chico Service Gas Co. (Hobart Ranch Field, Hemphill County, Tex.) (R.R. Dist. No. 10).	14,235	7-10-67	[1] 9-25-67	2-25-68	[3] [5] 17.0 [3] [5] 17.906	[3] [4] 18.02	
RI68-45	Shelly Oil Co., Post Office Box 1656, Tulsa, Okla. 74102.	178	3	Panhandle Eastern Pipe Line Co. (Panhandle and Hugoton Fields, Hutchinson and Moore Counties, Tex.) (R.R. Dist. No. 10).	24,810	7-11-67	[1] 9-11-67	1-11-68	[3] 11.0	[3] 12.0	
RI68-46	Cabot Corp. (SW) (Operator) et al., 1101 Pierce, Tex. 79701.	80	2	Panhandle Eastern Pipe Line Co. (West Panhandle Gas (Red Cave) Field, Hutchinson County, Tex.) (R.R. Dist. No. 10).	4,720	7-10-67	[1] 9-10-67	1-10-68	[3] 11.0	[3] 12.0	
RI68-47	Harper Oil Co. (Operator) et al., 904 Hightower Bldg., Oklahoma City, Okla. 73102.	6	12	Colorado Interstate Gas Co. (Laverne Field, Harper County, Okla.) (Panhandle area).	5,067	7-13-67	[1] 9-1-67	2-1-68	[3] 18.36	[3] 20.87	RI66-72.
RI68-48	Union Oil Co. of California, Union Oil Center, Los Angeles, Calif. 90017. Attn: C. E. Smith, manager, Natural Gas and Gas Liquids Dept.	21	6	Colorado Interstate Gas Co. (Laverne Field, Harper County, Okla.) (Panhandle area).	96	7-13-67	[1] 9-1-67	2-1-68	[3] 18.0	[3] 20.459	RI66-96.
		124	6	Transwestern Pipeline Co. (Wortham Field, Reeve County, Tex.) (R.R. Dist. No. 8) (Permian Basin).	14,000	7-14-67	[1] 9-1-67	2-1-68	[3] 17.0	[3] 19.318	RI64-186.
RI68-49	Union Oil Co. of California, Union Oil Center, Los Angeles, Calif. 90017. Attn: C. E. Smith, manager, Natural Gas and Gas Liquids Dept.	26	11	Kansas-Nebraska Natural Gas Co., Inc. (Hansford and Beaver and Texas Counties, Okla.) (Panhandle area).	600	7-14-67	[1] 9-1-67	2-1-68	[3] 17.0	[3] 19.0	RI67-97.
RI68-50	Yates Petroleum Co., Post Office Box 2323, Amarillo, Tex. 79105.	6	1	Transwestern Pipeline Co. (Brillhart Field, Hansford County, Tex.) (R.R. Dist. No. 10).	11,000	7-13-67	[1] 9-13-67	1-13-68	[3] 17.0	[3] 19.0	
RI68-51	Chevron Oil Co. (Operator) et al., 310 Keenan Bldg., Oklahoma City, Okla. 73102.	27	1	Panhandle Eastern Pipe Line Co. (Northeast Freedom area, Woods County, Okla.) (Oklahoma other area).	18,783	7-17-67	[1] 9-17-67	1-17-68	[3] 16.0	[3] 17.0	
						7-17-67	[1] 9-17-67	(Accepted)			
RI68-52	Marathon Oil Co., 539 South Main St., Findlay, Ohio 45840.	41	2	Northern Natural Gas Co. (Beaver County, Okla.) (Oklahoma Panhandle area).	619	7-17-67	[1] 9-17-67	1-17-68	[3] [6] 18.21	[3] [4] [6] 19.21	RI66-96.
		41	3		97,401	7-17-67	[1] 9-17-67	1-17-68	[3] [6] 21.5	[3] [4] [6] 22.58	
RI68-53	J. Ray McDermott & Co., Inc. (formerly Houston Club Bldg., Houston, Tex. 77002.	15	2	Tennessee Gas Pipeline Co., a Division of Tenneco, Inc. (Block 68 Field, West Cameron area, Louisiana) (South Pass Block 24 Field, Louisiana) (South Timbalier Block 54 Field, Louisiana) (Offshore Louisiana).	480	7-17-67	[1] 9-17-67	1-17-68	[3] [7] 14.0	[3] [4] [7] 15.0	
RI68-54	C. J. Pitzner (Operator) et al., 1218 Southwestern Life Bldg., Dallas, Tex. 75201. Marathon Oil Co. et al., 539 South Main St., Findlay, Ohio 45840. Attn: Jack Farmer, Jr.	1	2	Gathering Co. (Jay Bingmore Field, Escambia County, Tex.) (R.R. Dist. No. 2).	480	7- 5-67	[1] 9- 5-67	1- 5-68	[3] [7] 14.0	[3] [4] [7] 15.0	
		73	3	Transcontinental Gas Pipe Line Corp. (Cooke Field, Jim Wells County, Tex.) (R.R. Dist. No. 4).	105	7-13-67	[1] 9-13-67	1-13-68	[3] [8] 14.6875	[3] [4] [8] 14.7625	RI67-118.
RI68-55	Phillips Petroleum Co., Bartlesville, Okla. 74003. Attn: Mr. Don L. Mayer.	63	7	Texas Gas Pipe Line Corp. (Boswell Field, Jefferson and Chambers Counties, Tex.) (R.R. Dist. No. 3).	2,433	7-12-67	[1] 9-12-67	1-12-68	[3] [9] 11.1065	[3] [4] [9] 15.144	

[1] Effective date is the date proposed by Respondent.
[2] Includes base rate of 16.0 cents plus 1.906 cents upward B.t.u. adjustment before increase and base rate of 16.0 cents plus 1.281 cents upward B.t.u. adjustment after increase and base rate subject to upward and downward B.t.u. adjustment.
[3] Periodic rate increase.
[4] Includes base rate of 17.0 cents plus 1.781 cents upward B.t.u. adjustment before increase and base rate of 16.0 cents plus 1.646 cents upward B.t.u. adjustment after increase. Base rates are subject to upward and downward B.t.u. adjustment also.
[5] Subject to a deduction not to exceed 0.5 cent if buyer is not the statutory notice.
[6] The stated effective date is the first day after expiration of the statutory notice.
[7] Includes base rate of 16.0 cents plus 3.57 cents upward B.t.u. adjustment after increase and base rate of 16.0 cents plus 3.57 cents upward B.t.u. adjustment.
[8] Includes base rate of 16.0 cents plus 3.6 cents upward B.t.u. adjustment before increase and base rate of 16.0 cents plus 3.625 cents upward B.t.u. adjustment after increase. Base rate is subject to an upward and downward B.t.u. adjustment.
[9] Subject to downward B.t.u. adjustment.
[10] Initial established rate for acreage added by Supplement No. 4.
[11] Includes 0.06 cent tax reimbursement.
[12] Rate for originally dedicated acreage. Includes 0.06 cent tax reimbursement.
[13] Rate for acreage dedicated thereafter.
[14] Subject to upward and downward B.t.u. adjustment.
[15] Filing from conditioned certificate rate to initial contract rate.
[16] Includes base rate of 17.0 cents plus 1.87 cents upward B.t.u. adjustment before increase and base rate of 17.0 cents plus 2.21 cents upward B.t.u. adjustment after increase.
[17] Pressure base is 14.65 p.s.i.a.
[18] Initial rate is conditioned by temporary certificate in Docket No. C160-669.
[19] Transferor has agreed to ceiling rate in 14.44 cents per Mcf as established in quality settlement accepted by letter dated Feb. 1, 1967.

Cabot Corp. (SW) (Operator) et al. (Cabot), J. Ray McDermott & Co., Inc. (McDermott), and C. J. Pinner (Operator) et al. (Pinner), request effective dates for which adequate notice has not been given. In addition, McDermott requests waiver of the 30-day notice requirement stating that a periodic rate increase was contractually due November 1, 1966. No other reasons were given in support of these requests. Good cause has not been shown for authorizing the requested effective dates, or for waiving the 30-day notice period, and such requests are therefore denied.

Concurrently with the filing of its rate increase under its FPC Gas Rate Schedule No. 41, Marathon Oil Co. (Marathon) submitted a contract amendment dated June 6, 1967, designated as Supplement No. 2 to Marathon's FPC Gas Rate Schedule No. 41, which provides for its proposed rate increase under the rate schedule involved. We believe that it would be in the public interest to accept for filing Marathon's proposed contract amendment to become effective on August 17, 1967, the date of expiration of the statutory notice, but not the proposed rate contained therein which is suspended as herein ordered.

Except for the stay of the moratorium in Opinion No. 468, Union Oil Co. of California's rate filing under its FPC Gas Rate Schedule No. 124 would be rejectable because the proposed rate is in excess of the applicable area ceiling determined in Opinion No. 468. If the moratorium is ultimately upheld upon judicial review, Union's rate increase will be rejected ab initio.

All of the proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR, Chapter I, Part 2, § 2.56).

The proposed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause has been shown for accepting for filing Marathon's proposed contract amendment dated June 6, 1967, designated as Supplement No. 2 to Marathon's FPC Gas Rate Schedule No. 41, and for permitting such supplement to become effective on August 17, 1967, the date of expiration of the statutory notice.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the proposed changes, and that the above-designated supplements be suspended and the use thereof deferred, as hereinafter ordered (except for the supplement set forth in paragraph (1) above).

The Commission orders:

(A) Marathon's contract amendment dated June 6, 1967, designated as Supplement No. 2 to Marathon's FPC Gas Rate Schedule No. 41, is accepted for filing and permitted to become effective on August 17, 1967, the date of expiration of the statutory notice.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR, Chapter I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in the above-designated supplements (except the supplement set forth in paragraph (A) above.

(C) Pending hearings and decisions thereon, the above-designated supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before September 11, 1967.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 67-9424; Filed, Aug. 11, 1967; 8:45 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ACTING ASSISTANT REGIONAL ADMINISTRATOR FOR HOUSING ASSISTANCE, REGION VI (SAN FRANCISCO)

Designation

The officers appointed to the following listed positions in Region VI (San Francisco) are hereby designated to serve as Acting Assistant Regional Administrator for Housing Assistance, Region VI (San Francisco), during the absence of the Assistant Regional Administrator for Housing Assistance, with all the powers, functions, and duties redelegated or assigned to the Assistant Regional Administrator for Housing Assistance, provided that no officer is authorized to serve as Acting Assistant Regional Administrator for Housing Assistance unless all other officers whose titles precede his in this designation are unable to act by reason of absence:

1. Deputy Assistant Regional Administrator for Housing Assistance.
2. Director, Housing Management Division.
3. Director, Housing Financial Management Division.

This designation supersedes the designation effective January 25, 1967 (32 F.R. 4319, Mar. 21, 1967).

(Delegation effective May 4, 1962, 27 F.R. 4319, May 4, 1962; Dept. Interim Order II, 31 F.R. 815, Jan. 21, 1966)

Effective as of July 14, 1967.

ROBERT B. PITTS, *Regional Administrator, Region VI.*

[F.R. Doc. 67-9489; Filed, Aug. 11, 1967; 8:46 a.m.]

TARIFF COMMISSION

[APTA-W-17]

CERTAIN WORKERS OF BORG-WARNER CORP., DETROIT, MICH.

Workers' Petition for Determination of Eligibility To Apply for Adjustment Assistance; Notice of Investigation

Upon receipt on August 2, 1967, of a request therefor from the Automotive Agreement Adjustment Assistance Board, the Tariff Commission instituted an investigation pursuant to section 302(e), Automotive Products Trade Act of 1965, with respect to a petition filed with the Board by the International Union, United Automobile Workers, and its Local 314, on behalf of a group of workers at the Long Manufacturing Division, Borg-Warner Corp., Detroit, Mich., which manufactures among other products oil coolers used in automobile radiators, automotive radiators, and clutches. The petition alleges that dislocation of a group of workers has occurred, that dislocation of additional workers is threatened, and that the operation of the United States-Canadian Automotive Agreement has been the primary factor in causing such dislocation and the threat of further dislocations. The Commission is conducting the investigation to provide a factual record on the basis of which the Board may make the determinations required by section 302 of the Act.

No hearing has been scheduled. A hearing will be held on request of any party showing a proper interest in the subject matter of the investigation, provided the request is filed with the Secretary of the Tariff Commission within 10 days after this notice is published in the FEDERAL REGISTER.

The petition filed in this case is available for inspection at the office of the Secretary, United States Tariff Commission, 8th and E Streets NW., Washington, D.C., and at the New York City office of the Tariff Commission located in Room 437 at the Customhouse.

Issued: August 9, 1967.

By order of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 67-9502; Filed, Aug. 11, 1967; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[No. 34816]

POINTS IN CENTRAL STATES

Increased Minimum Charges

Present: Laurence K. Walrath, Commissioner, to whom the matter which is the subject of this order has been referred for action thereon.

It appearing, that by order dated February 13, 1967, the Commission, Division 2, acting as an appellate division, instituted an investigation into and concerning the lawfulness of the rates, charges, and regulations contained in the schedules described in said order;

It further appearing, that by order dated April 27, 1967, the Commission notified and directed the respondents to submit certain information and supporting data in the preparation of their case;

It further appearing, that upon further consideration of all the factors surrounding this type of proceeding, it has been determined that an amended order should be entered and become effective in lieu of our order herein dated April 27, 1967, and that the order dated July 25, 1967, extending the date for respondents to file their verified material and assigning a new hearing date should be vacated; and good cause therefor;

It is ordered, That the orders herein dated April 27, and July 25, 1967, be, and they are hereby, vacated and set aside, and in lieu thereof, the instant order shall become effective.

It further appearing, that the order of April 27, 1967, fixed the date of May 29, 1967, on or before which anyone desiring to become a party of record to receive copies of the respondents' verified material; that such date having expired and a service list having been served, there appears to be no reason for extending said date since any interested person desiring to participate in the proceeding may make his appearance at the hearing;

And it further appearing, that in order that consideration be given to all factors which may bear upon a proper determination of the issues, including the question whether the resulting rates would be just and reasonable, it is deemed appropriate in the public interest that the information specified below be included in the record to be developed in this proceeding:

It is further ordered, That respondents be, and they are hereby, notified and required to submit information and supporting data which shall include, among other things, actual expense and revenue data (including anticipated expense and revenue data to show the effect of the proposed increase or decrease) and operating ratios specifically related to the traffic and carriers involved, overall operating ratios, detailed data to establish the representative nature of the carriers used, and in addition, all pertinent evidence and supporting data for the individual representative carriers as they relate to their overall operations, and specifically to the traffic and territories involved.

It is further ordered, That the traffic studies to be submitted shall represent the most current annual reporting period possible, and that they shall be based upon actual operations conducted during identical periods of time for each carrier; that the traffic studies shall be shown to be representative of the traffic covered by the rate proposal; and that the traffic study be costed out and operating ratios determined by the individual weight brackets included within the rate proposal. If the two carrier groups described below under the development of costs are used the traffic study shall be similarly separated. The revenues and costs for both groups shall also be totaled and operating ratios developed.

It is further ordered, That respondents shall produce evidence showing the total revenue earned for the services performed under the bureau's tariffs here under investigation for the most recent annual reporting period.

It is further ordered, That the cost study shall be based upon the most current annual reporting period adjusted to date. The costs may be developed for those carriers subject to the requirements for allocation of expenses between line haul and pickup and delivery in 49 CFR Part 182, Instructions 27 and 9002, whose total amount of revenue derived under the bureau's tariffs collectively is 75 percent or more of the total revenue derived by all carriers participating in those tariffs. If those Instruction 27 carriers' revenue is less than 75 percent of the total, then all of the instruction 27 carriers should be used. These study carriers shall be selected from the participating carriers in descending order beginning with the carrier deriving the greatest dollar amount of revenue from those tariffs. Unit costs are to be developed separately for (1) those carriers who earn 50 percent or more of their revenues under the tariffs involved and (2) those carriers who earn less than 50 percent. If factors similar to those published in appendix A to Highway Form B for the above two groups of carriers are not available, the published factors for the applicable territory based on the latest study are acceptable in the development of the unit costs.

It is further ordered, That both the cost study and the traffic study be adequately supported by working papers to permit a complete check of the procedures followed and the results obtained.

It is further ordered, That respondents shall produce evidence of the sum of money, in addition to operating expenses, needed to attract debt and equity capital which they require to insure financial stability and the capacity to render service. This evidence should include, without limiting the evidence that may be presented, particularized reference to the respondents' reasonable interest, dividend, and surplus requirement; and experienced, projected, and needed rate of return on depreciated investment in transportation.

It is further ordered, That all Class I and II motor carrier respondents shall submit detailed data regarding carrier-affiliate financial and operating relationships and transactions including, with respect to any and all individuals, partnerships, and corporations affiliated with respondents, when such transactions individually or in the aggregate amount to $2,500 or more during the year 1966, the following information:

1. Name of each affiliate from which respondent, during the year 1966, acquired, leased or purchased lands, buildings, equipment, materials, supplies, parts, tires, tubes, gasoline, oil, or other property or services used by respondent in its operations as a motor common carrier.

2. Kinds of property or service which each affiliate supplies to respondent.

3. Basis of charges for property or services supplied by affiliate to respondent including the base and rate for rental charges.

4. Total charges by each affiliate to respondent during the year 1966 for:

a. Lease of vehicles.
b. Lease of terminals.
c. Lease of other property.
d. Pickup and delivery of shipments.
e. Repair and servicing of vehicles.
f. Management, accounting, financial, legal, purchasing, or traffic solicitation services.
g. Property sold by affiliate to respondent.

5. If the affiliate derives revenue from the sale or lease of property or from services through transactions with persons other than respondent, indicate the percentage of the revenue of such business to the total revenue of the affiliate in the year 1966.

6. A copy of the income statement for each affiliate for the year 1966 and the latest period of 1967 for which an income statement is available.

7. A statement listing the amount of wages, salaries, bonuses, and other compensation paid by the affiliate in 1966 to any individual who is also a respondent or an officer, director, or substantial stockholder of a respondent; or the wife or close relative of a respondent or officer, director, or substantial stockholder of a respondent.

8. The term "affiliate" as used in this order means:

a. Any individual who is also a respondent; an officer, director, or substantial stockholder of a respondent; or the wife or close relative either of a respondent, or of an officer, director, or substantial stockholder of a respondent.

b. Any partnership in which one of the partners is a respondent; an officer, director, or substantial stockholder of a respondent; or the wife or close relative either of a respondent; or of an officer, director, or substantial stockholder of a respondent.

c. Any corporation whose stock is wholly or partly owned by a respondent; by an officer, director, or substantial stockholder of a respondent; or by the

wife or close relative either of a respondent or of an officer, director, or substantial stockholder of a respondent.

d. Any corporation which exercises control over the operations or finances of respondent.

It is further ordered, That the detailed information called for by this order shall be in writing and shall be verified by a person or persons having knowledge thereof; that such verified material shall be served on all parties of record on or before August 30, 1967, and at the same time, respondents shall file an executed original and two copies with this Commission, together with certificates of service in accordance with § 1.22(a) of the general rules of practice. The information with respect to carrier affiliates may be served on the parties in summary form, if so desired.

It is further ordered, That all underlying data used in preparation of respondents' detailed and verified material shall be made available in the office of the party serving such verified matter during usual office hours for inspection by any party of record desiring to do so; and that the underlying data shall be made available also at the hearing, but only if and to the extent specifically requested in writing and required by any party for the purpose of cross-examination.

It is further ordered, That this proceeding be, and it is hereby, referred to Hearing Examiner Earl S. Dowell for hearing commencing September 25, 1967, at 9:30 a.m., d.s.t. (or 9:30 a.m., U.S. standard time, if that time is observed), in Room 1614, U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, Ill., and for recommendation of an appropriate order thereon, accompanied by the reasons therefor.

It is further ordered, That a copy of this order be delivered to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to all interested persons.

And it is further ordered, That, to avoid future unnecessary service upon those respondents who, although participating carriers in the tariff schedules which are the subject of investigation herein, are not actively interested in the outcome of such investigation, subsequent service on respondents herein of notices and orders of the Commission will be limited to those respondents who:

(1) Have been identified by name in the order or orders of investigation herein;

(2) Specifically make written request to the Secretary of the Commission to be included on the service list; or

(3) Have appeared at a hearing.

Dated at Washington, D.C., this 7th day of August 1967.

By the Commission, Commissioner Walrath.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 67-9400; Filed, Aug. 11, 1967; 8:46 a.m.]

[Investigation and Suspension Docket Nos. M-21099, M-21099 (Sub-No. 1)]

NEW ENGLAND TERRITORY

Increased Minimum Charges

Present: Laurence K. Walrath, Commissioner, to whom the matters which are the subject of this order have been referred for action thereon.

It appearing, that by orders dated December 16, 1966, the Commission, Division 2, acting as an appellate division, by I. & S. No. M-21099, and Board of Suspension by I. & S. No. M-21099 (Sub-No. 1), entered into investigations concerning the lawfulness of the charges and regulations stated in tariff schedules designated therein, and suspended the operation of said schedules;

It further appearing, that by order dated March 14, 1967, Division 2, acting as an appellate division, vacated and set aside the said orders of December 16, 1966, as of April 13, 1967, insofar as they suspended the operation of the schedules designated therein, but continued the investigation in I. & S. No. M-21099 and I. & S. No. M-21099 (Sub-No. 1);

It further appearing, that by order dated May 3, 1967, the Commission notified and directed the respondents to submit certain information and supporting data in the preparation of their case;

It further appearing, that upon further consideration of all the factors surrounding this type of proceeding, it has been determined that an amended order should be entered and become effective in lieu of our order herein dated May 3, 1967, and that the order dated July 19, 1967, extending the date for respondents to file their verified material and assigning a new hearing date should be vacated; and good cause therefor:

It is ordered, That the orders herein dated May 3, and July 19, 1967, be, and they are hereby, vacated and set aside, and in lieu thereof, the instant order shall become effective.

It further appearing, that the order of May 3, 1967, fixed the date of May 29, 1967, on or before which anyone desiring to become a party of record to receive copies of the respondents' verified material; that such date having expired and a service list having been served, there appears to be no reason for extending said date since any interested person desiring to participate in the proceedings may make his appearance at the hearing;

And it further appearing, that in order that consideration be given to all factors which may bear upon a proper determination of the issues, including the question whether the resulting rates would be just and reasonable, it is deemed appropriate in the public interest that the information specified below be included in the record to be developed in these proceedings:

It is further ordered, That respondents be, and they are hereby, notified and required to submit information and supporting data which shall include, among other things, actual expense and revenue data (including anticipated expense and revenue data to show the effect of the proposed increase or decrease) and operating ratios specifically related to the traffic and carriers involved, overall operating ratios, detailed data to establish the representative nature of the carriers used, and in addition, all pertinent evidence and supporting data for the individual representative carriers as they relate to their overall operations, and specifically to the traffic and territories involved.

It is further ordered, That the traffic studies to be submitted shall represent the most current annual reporting period possible, and that they shall be based upon actual operations conducted during identical periods of time for each carrier; that the traffic studies shall be shown to be representative of the traffic covered by the rate proposal; and that the traffic study be costed out and operating ratios determined by the individual weight brackets included within the rate proposal. If the two carrier groups described below under the development of costs are used the traffic study shall be similarly separated. The revenues and costs for both groups shall also be totaled and operating ratios developed.

It is further ordered, That respondents shall produce evidence showing the total revenue earned for the services performed under the bureau's tariffs here under investigation for the most recent annual reporting period.

It is further ordered, That the cost study shall be based upon the most current annual reporting period adjusted to date. The costs may be developed for those carriers subject to the requirements for allocation of expenses between line haul and pickup and delivery in 49 CFR Part 182, Instructions 27 and 9002, whose total amount of revenue derived under the bureau's tariffs collectively is 75 percent or more of the total revenue derived by all carriers participating in those tariffs. If those Instruction 27 carriers' revenue is less than 75 percent of the total, then all of the Instruction 27 carriers should be used. These study carriers shall be selected from the participating carriers in descending order beginning with the carrier deriving the greatest dollar amount of revenue from those tariffs. Unit costs are to be developed separately for (1) those carriers who earn 50 percent or more of their revenues under the tariffs involved and (2) those carriers who earn less than 50 percent. If factors similar to those published in appendix A to Highway Form B for the above two groups of carriers are not available, the published factors for the applicable territory based on the latest study are acceptable in the development of the unit costs.

It is further ordered, That both the cost study and the traffic study be adequately supported by working papers to permit a complete check of the procedures followed and the results obtained.

It is further ordered, That respondents shall produce evidence of the sum of money, in addition to operating expenses, needed to attract debt and equity capital which they require to insure financial stability and the capacity to render service. This evidence should include, without limiting the evidence that may be presented, particularized reference to the respondents' reasonable interest, dividend, and surplus requirement; and experienced, projected, and needed rate of return on depreciated investment in transportation.

It is further ordered, That all Class I and II motor carrier respondents shall submit detailed data regarding carrier-affiliate financial and operating relationships and transactions including, with respect to any and all individuals, partnerships, and corporations affiliated with respondents, when such transactions individually or in the aggregate amount to $2,500 or more during the year 1966, the following information:

1. Name of each affiliate from which respondent, during the year 1966, acquired, leased or purchased lands, buildings, equipment, materials, supplies, parts, tires, tubes, gasoline, oil, or other property or services used by respondent in its operations as a motor common carrier.

2. Kinds of property or service which each affiliate supplies to respondent.

3. Basis of charges for property or services supplied by affiliate to respondent including the base and rate for rental charges.

4. Total charges by each affiliate to respondent during the year 1966 for:

a. Lease of vehicles.
b. Lease of terminals.
c. Lease of other property.
d. Pickup and delivery of shipments.
e. Repair and servicing of vehicles.
f. Management, accounting, financial, legal, purchasing, or traffic solicitation services.
g. Property sold by affiliate to respondent.

5. If the affiliate derives revenue from the sale or lease of property or from services through transactions with persons other than respondent, indicate the percentage of the revenue of such business to the total revenue of the affiliate in the year 1966.

6. A copy of the income statements for each affiliate for the year 1966 and the latest period of 1967 for which an income statement is available.

7. A statement listing the amount of wages, salaries, bonuses, and other compensation paid by the affiliate in 1966 to any individual who is also a respondent or an officer, director, or substantial stockholder of a respondent; or the wife or close relative of a respondent or officer, director, or substantial stockholder of a respondent.

8. The term "affiliate" as used in this order means:

a. Any individual who is also a respondent; an officer, director, or substantial stockholder of a respondent; or the wife or close relative either of a respondent, or of an officer, director, or substantial stockholder of a respondent.

b. Any partnership in which one of the partners is a respondent; an officer, director, or substantial stockholder of a respondent; or the wife or close relative either of a respondent; or of an officer, director, or substantial stockholder of a respondent.

c. Any corporation whose stock is wholly or partly owned by a respondent; by an officer, director, or substantial stockholder of a respondent; or by the wife or close relative either of a respondent or of an officer, director, or substantial stockholder of a respondent.

d. Any corporation which exercises control over the operations or finances of respondent.

It is further ordered, That the detailed information called for by this order shall be in writing and shall be verified by a person or persons having knowledge thereof; that such verified material shall be served on all parties of record on or before September 11, 1967, and at the same time, respondents shall file an executed original and two copies with this Commission, together with certificates of service in accordance with § 1.22(a) of the general rules of practice. The information with respect to carrier affiliates may be served on the parties in summary form, if so desired.

It is further ordered, That all underlying data used in preparation of respondents' detailed and verified material shall be made available in the office of the party serving such verified matter during usual office hours for inspection by any party of record desiring to do so; and that the underlying data shall be made available also at the hearing, but only if and to the extent specifically requested in writing and required by any party for the purpose of cross-examination.

It is further ordered, That these proceedings be, and they are hereby, referred to Hearing Examiner George A. Dahan for hearing commencing October 2, 1967, 9:30 a.m., d.s.t. (or 9:30 a.m., U.S. standard time, if that time is observed), at the John Fitzgerald Kennedy Federal Building, Government Center, Boston, Mass., and for the recommendation of an appropriate order thereon, accompanied by the reasons therefor.

It is further ordered, That a copy of this order be delivered to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to all interested persons.

And it is further ordered, That, to avoid future unnecessary service upon those respondents who, although participating carriers in the tariff schedules which are the subject of investigation herein, are not actively interested in the outcome of such investigation, subsequent service on respondents herein of notices and orders of the Commission will be limited to those respondents who:

(1) Have been identified by name in the order or orders of investigation herein;

(2) Specifically make written request to the Secretary of the Commission to be included on the service list; or

(3) Have appeared at a hearing.

Dated at Washington, D.C., this 7th day of August 1967.

By the Commission, Commissioner Walrath.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 67-9401; Filed, Aug. 11, 1967; 8:46 a.m.]

[Notice 432]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 9, 1967.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR Part 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 103993 (Sub-No. 293 TA), filed August 7, 1967. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Ralph H. Miller (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, in sections mounted on wheeled undercarriages with hitch ball connector, from points in Oswego County, N.Y., to points in Pennsylvania, Connecticut, Massachusetts, Rhode Island, New Jersey, and New York; for 180 days. Supporting shipper: Sectional Structures, Inc., 1828 South Avenue, Syracuse, N.Y. 13207. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 308 Federal Building, Fort Wayne, Ind. 46802.

No. MC 107515 (Sub-No. 586 TA), filed August 7, 1967. Applicant: REFRIGERATED TRANSPORT CO., INC., 3901 Jonesboro Road SE., Post Office Box 10799, Station A, Atlanta, Ga. 30310. Applicant's representative: B. L. Gundlach (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nondairy food dressing, nondairy cream substitute, and cocoa mix*, in mechanically refrigerated vehicles, from Jonesboro, Tenn., to points in Alabama, Florida, Georgia, Indiana,

Illinois, Kentucky, Maryland, Michigan, New York, Ohio, Pennsylvania, Virginia, and the District of Columbia; for 180 days. Supporting shipper: L. E. Baker & Co., 5360 North High Street, Columbus, Ohio 43214. Send protests to: William L. Scroggs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 118159 (Sub-No. 41 TA), filed August 7, 1967. Applicant: EVERETT LOWRANCE, Post Office Box 10216, 4916 Jefferson Highway, New Orleans, La. 70121. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in containers, from Enid, Okla., to points in Alabama, Florida, Georgia, Indiana, Kentucky, Michigan, Mississippi, North Carolina, Ohio, South Carolina, and Tennessee; for 180 days. Supporting shipper: Champlin Petroleum Co., Post Office Box 352, Enid, Okla. 73701 (R. E. Clark). Send protests to: W. R. Atkins, District Supervisor, Bureau of Operations, Interstate Commerce Commission, T-4009 Federal Office Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 118474 (Sub-No. 5 TA), filed August 7, 1967. Applicant: AIR VAN LINES, INC., 135 North Post Road, Post Office Box 3158, ECB, Anchorage, Alaska 99501. Applicant's representative: Wyman C. Knapp, 825 City National Bank Building, 606 South Olive Street, Los Angeles, Calif. 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in the Seattle, Wash., commercial zone; for 180 days. NOTE: Applicant states that it intends to tack authority requested with authority presently held, or to interline with other carriers. Supporting shippers: Lyon Van Lines, Inc., 3416 South La Cienega Boulevard, Los Angeles, Calif. 90016; and Lyon Van & Storage Co., 814 Northeast North Lake Place, Seattle, Wash. 98105. Send protests to: Hugh H. Chaffee, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Post Office Box 1523, Anchorage, Alaska 99501.

No. MC 124377 (Sub-No. 8 TA), filed August 7, 1967. Applicant: REFRIGERATED FOODS, INC., 2200 Blake Street, Denver, Colo. 80205. Applicant's representative: John H. Lewis, The 1660 Grant Street Building, Denver, Colo. 80203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite of Sigman Meat Co., Inc., at or near Brush, Colo., to the plantsite of Peyton's Packing Co., Inc., at or near El Paso, Tex.; for 180 days. Supporting shipper: Sigman Meat Co., Inc., Post Office Box 3282 T.A., Denver, Colo. 80217. Send protests to: C. W. Buckner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2022 Federal Building, 1961 Stout Street, Denver, Colo. 80202.

No. MC 125983 (Sub-No. 3 TA), filed August 7, 1967. Applicant: NELSON BROTHERS, INC., Box 307, Parrish, Ala. 35580. Applicant's representative: Maurice F. Bishop, 327 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Nitro-carbo-nitrats* (except in bulk), (1) from the plantsite of Monsanto Co. near Parrish, Ala., to points in Georgia, Kentucky, North Carolina, South Carolina, Tennessee, and Virginia; (2) from the plantsite of Monsanto Co. near Clemson, S.C., to points in Georgia, Kentucky, North Carolina, Tennessee, and Virginia; and (3) from the plantsite of Monsanto Co. near Myra, Ky., to points in Georgia, North Carolina, South Carolina, Tennessee, and Virginia; for 180 days. Supporting shipper: Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63141. Send protests to: B. R. McKenzie, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 823, 2121 Building, Birmingham, Ala. 35203.

No. MC 129905 TA, filed August 7, 1967. Applicant: D & L CORPORATION, 2178 West Center Street, Provo, Utah 84601. Applicant's representative: Irene Warr, 418 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fabricated sections of structural steel, bins, handrails, miscellaneous steel and tools, equipment, and surplus materials and supplies* used in the erection of structural and miscellaneous steel, between points in Arizona, California, Colorado, Idaho, New Mexico, Nevada, Montana, Oregon, Washington, Wyoming, and Utah; under a continuing contract with Mountain States Steel Co.; for 180 days. Supporting shipper: Mountain States Steel Co., Post Office Box M, Provo, Utah 84601. Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2224 Federal Building, Salt Lake City, Utah 84111.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 67-9492; Filed, Aug. 11, 1967; 8:46 a.m.]

[Notice 21]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 9, 1967.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-69608. By order of July 31, 1967, the Transfer Board approved the transfer to Cecil Keller Frasier, doing business as Elvin Transfer Co., Indianapolis, Ind., of the operating rights in certificate No. MC-82080 issued June 1, 1966, to Cecil Keller and William W Keller, doing business as Elvin Transfer Co., Indianapolis, Ind., authorizing the transportation of: Household goods, office furniture and equipment, and store fixtures, between Indianapolis, Ind., on the one hand, and, on the other, points in Ohio, Kentucky, Illinois, Michigan, West Virginia, Wisconsin, and Pennsylvania. Alex M. Clark, 120 Market Street, Indianapolis, Ind. 46204, attorney for applicants.

No. MC-FC-69626. By order of July 31, 1967, the Transfer Board approved the transfer to Mallinger Truck Line, Inc., Otho, Iowa, of the certificates in Nos. MC-100449 (Sub-No. 2), MC-100449 (Sub-No. 8), and MC-100449 (Sub-No. 9), issued August 11, 1955, December 20, 1960, and May 4, 1960, respectively, to Francis Mallinger, doing business as Mallinger Truck Lines, Otho, Iowa, authorizing the transportation of: Livestock, farm implements, and parts therefor, feed, farm machinery, building materials, oats, sewer pipe, drain tile, flue lining, wall coping, mortar mix and fire clay, tankage, meat scraps, malt beverages, and empty malt beverage containers, over regular and irregular routes, and from and to, or between points as specified in Colorado, Illinois, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin. William A. Landau, 1307 East Walnut Street, Des Moines, Iowa 50306, representative for applicants.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 67-9493; Filed, Aug. 11, 1967; 8:46 a.m.]

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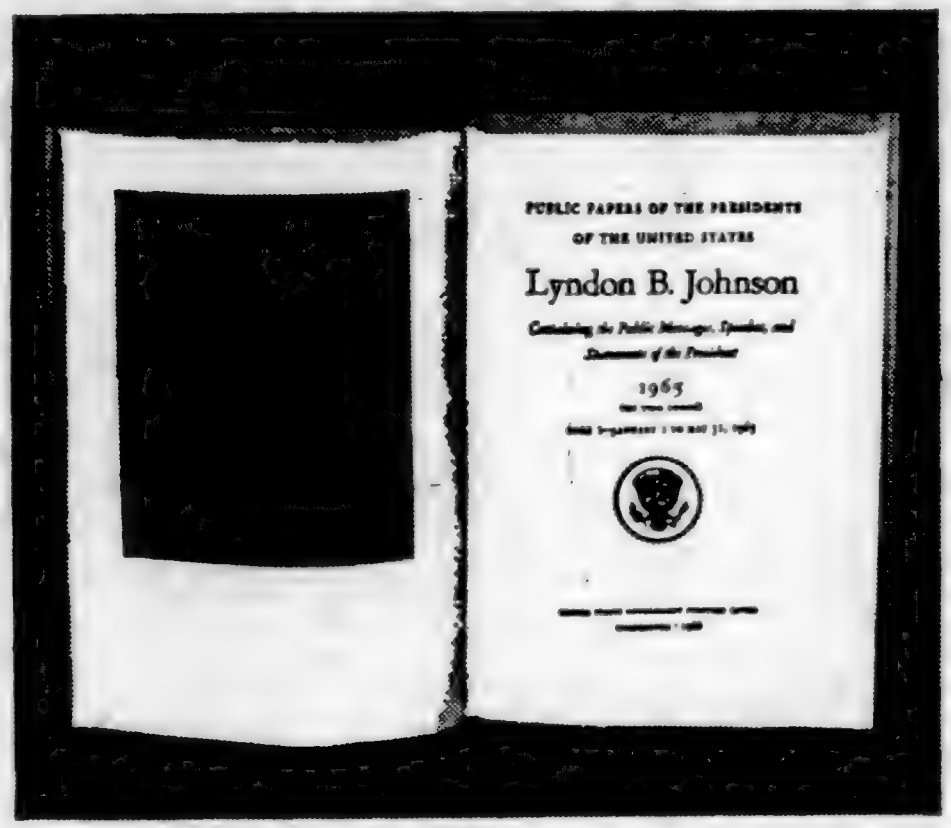
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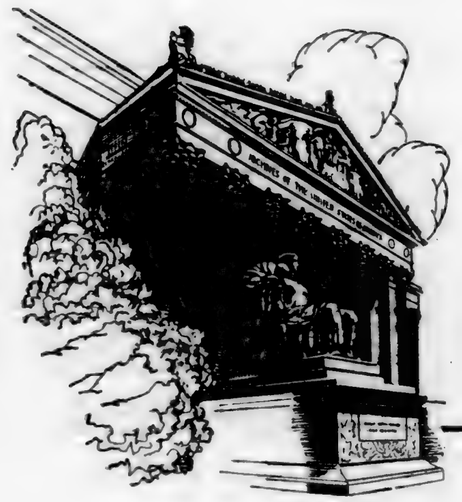
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Title 3—THE PRESIDENT

Proclamation 3799

AMERICAN EDUCATION WEEK, 1967

By the President of the United States of America

A Proclamation

The future of America is written on school blackboards and in student notebooks. The quality of thought in our classrooms today will determine the quality of our lives a generation hence.

This year more Americans are in school than ever before in our history. Three out of every ten are occupied—as students or teachers—in the process of education.

Thirty-seven million children—1.4 percent more than last year—are enrolled in elementary schools. High school enrollments are up 3 percent more than last year—to 13.7 million. College and university enrollments have increased 8.3 percent from last year—up to 6.5 million.

Dropout rates are falling. About three out of four young people finish high school today. The 1968 high school graduating class will be the largest in history, and about 40 percent of these graduates will go on to college. Every sixth young American is earning a bachelor's degree.

Our people know that the education of our young people is our best investment. In just two years, Federal contributions to education at all levels have nearly tripled. And we have not rested, and will not rest until we

—bring college within reach of every American,

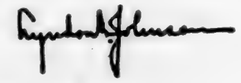
—make vocational training available to all who need it,

—provide education and training for adults who missed it in their youth,

—improve the quality of education for all.

To call attention to this challenge, to muster the support of all the media of communication, public officials, business leaders, parents, educators and students, I, LYNDON B. JOHNSON, President of the United States of America, do hereby designate the period of November 5 through November 11, 1967, as American Education Week, and I call upon the American people to celebrate the achievements of their educational system, and to dedicate themselves to making it still more responsive to our Nation's needs.

IN WITNESS WHEREOF, I have hereunto set my hand this twelfth day of August in the year of our Lord nineteen hundred and sixty-seven, and of the Independence of the United States of America the one hundred and ninety-second.



[F.R. Doc. 67-9642; Filed, Aug. 14, 1967; 10:53 a.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX; DISCONTINUANCE OF INSURANCE IN COUNTIES PREVIOUSLY DESIGNATED FOR BARLEY CROP INSURANCE

The counties listed below are hereby deleted from the list of counties published in the FEDERAL REGISTER on March 18, 1967 (32 F.R. 4276), which were designated for barley crop insurance for the 1968 crop year pursuant to the authority contained in § 401.1 of the above-identified regulations.

MINNESOTA	
Kandiyohi	Stearns.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JACK H. MORRISON,
Acting Manager, Federal Crop Insurance Corporation.

[F.R. Doc. 67-9518; Filed, Aug. 14, 1967; 8:46 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lemon Reg. 279, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b)(1)(ii) of § 910.579 (Lemon Reg. 279, 32 F.R. 11375) are hereby amended to read as follows:

§ 910.579 Lemon Regulation 279.

* * * * * * *

(b) *Order.* (1) * * *

(ii) District 2: 288,300 cartons.

* * * * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 10, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer Marketing Service.

[F.R. Doc. 67-9516; Filed, Aug. 14, 1967; 8:46 a.m.]

[Avocado Reg. 9, Amdt. 4]

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 915, as amended (7 CFR Part 915), regulating the handling of avocados grown in south Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter set forth. A reasonable determination as to the quality and the time of maturity of avocados must await the development of the crop; a determination as to the maturity of the varieties of avocados covered by this amendment was made at the meeting of the Avocado Administrative Committee on August 9, 1967. After consideration of all available information relative to the growing conditions prevailing during the current season, recommendations and supporting information for such maturity regulations were submitted to the Department; such meeting was held to consider recommendation for such regulation after giving due notice thereof, and interested parties were afforded opportunity to submit their views at this meeting; the provisions hereof are identical with the aforesaid recommendations of the committee and information concerning such provisions has been disseminated among the handlers of avocados; and compliance with the provisions hereof will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

Order. The provisions of paragraph (a)(2) of § 915.309 (32 F.R. 7213, 8761, 10156, 10641) are hereby amended by revising in Table I certain dates and minimum weights of diameters applicable to the Trapp and Pinelli varieties of avocados, and setting forth certain dates and minimum weights and diameters applicable to the Ruehle variety of avocados, so that after such revision the portion of such Table I relating to such varieties reads as follows:

Variety (1)	Date (2)	Minimum weight or diameter (3)	Date (4)	Minimum weight or diameter (5)	Date (6)	Minimum weight or diameter (7)	Date (8)
Trapp	8-14-67	14 oz. 2 19/64 in.	8-28-67	12 oz. 3 7/16 in.	9-11-67		
Pinelli	8-14-67	16 oz. 2 19/64 in.	8-28-67				
Ruehle	8-21-67	14 oz. 3 1/16 in.	9- 4-67				

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated, August 11, 1967, to become effective August 14, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-9500; Filed, Aug. 11, 1967; 12:06 p.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 8335; Amdt. 552]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending the following instrument landing system procedures prescribed in § 97.17 to read :

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
LGB VOR	Goodyear Int	Direct	3000	T-dn	300-1	300-1	200-½
Royal Int	Goodyear Int	Direct	3000	C-dn	500-1	600-1	500-1
SMO VOR	Romeo Int	Direct	3000	S-dn-24	800-1	800-1	500-1
LAX VOR	Romeo Int	Direct	3000	A-dn	800-2	800-2	800-2
Goodyear Int	Romeo Int. (final)	Direct	1800	LOC/Radar minimums—If 3-mile on crs Radar Fix provided, minimums are:			
El Monte Int	Commerce Int	Direct	3000				
Commerce Int	Goodyear Int	Direct	3000	S-dn-24	400-1	400-1	400-1

Radar available.
Procedure turn N side of crs, 090° Outbnd, 240° Inbnd, 3000' within 10 miles of Romeo Int.
Minimum altitude over Romeo Int on final approach crs, 1800'; 3-mile Radar Fix, 620'.
Crs and distance, Romeo Int to airport, 240°—5 miles.
No glide slope.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5 miles of Romeo Int, climb via W crs OSS ILS to 2000' within 15 miles.

City, Los Angeles; State, Calif; Airport name, Los Angeles International; Elev., 130'; Fac. Class., ILS; Ident., I-OSS; Procedure No. LOC Runway 24, Amdt. Orig.; Eff. date, 28 Aug. 67

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601 of the Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on August 9, 1967.

JAMES F. RUDOLPH,
Director, Flight Standards Service.

[F.R. Doc. 67-9514; Filed, Aug. 14, 1967; 8:45 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Rev. 7, Amdt. 6]

PART 121—SMALL BUSINESS SIZE STANDARDS

Definition of Small Business Retailer of Men's and Boy's Clothing and Furnishings for Purpose of Receiving Financial Assistance

On August 2, 1967, there was published in the FEDERAL REGISTER (32 F.R. 11208) an amendment to Part 121 of Chapter I of Title 13 of the Code of Federal Regulations, establishing new definitions of a small business concern in certain retail and wholesale industries and subindustries. The new definitions were the same as had been proposed in a notice published in the FEDERAL REGISTER (32 F.R. 9322 and 9323) on June 30, 1967, except for the size standard proposed for retailers of men's and boy's clothing and furnishings. (SIC Industry 5611, Men's and Boy's Clothing and Furnishings.) In the preamble to the amendment it was explained that further study was to be given to the proposal to increase the size standard for SIC Industry 5611.

Further study was to be given to the proposal to increase the standard for SIC Industry 5611 to $1.5 million annual receipts because in commenting on the proposal, a representative of the industry suggested that the standard should be higher than $1.5 million. It now has been determined to increase the standard to $1.5 million at this time with the understanding that if, in the future, evidence is furnished in support of an additional increase, the matter will be given further study at that time.

Accordingly, Part 121 of Chapter I of Title 13 of the Code of Federal Regulations is hereby amended by adding to Schedule D thereof the following industry size standard:

Industry or subindustry code	Industry, subindustry or class of products	Annual sales size standard (maximum in millions)
5611	Men's and Boy's Clothing and Furnishings	$1.5

Effective date. This amendment shall become effective on publication in the FEDERAL REGISTER.

Dated: August 8, 1967.

ROBERT C. MOOT,
Administrator.

[F.R. Doc. 67-9512; Filed, Aug. 14, 1967; 8:45 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 67-189]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

Public International Organizations Entitled to Free-Entry Privileges

By Executive Order 11363, signed July 20, 1967, the President has designated the International Secretariat for Volunteer Service as an international organization entitled to enjoy certain privileges, exemptions, and immunities conferred by the International Organizations Immunities Act of December 29, 1945.

The list of public international organizations currently entitled to free-entry privileges in § 10.30a(a) of the Customs Regulations is, therefore, amended by inserting in the proper alphabetical order the following:

Organization	Executive Order	Date
International Secretariat for Volunteer Service	11363	July 20, 1967

(90 Stat. 879, R.S. 251; 5 U.S.C. 301, 19 U.S.C. 66)

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

Approved: August 8, 1967.

MATTHEW J. MARKS,
Acting Assistant Secretary of the Treasury.

[F.R. Doc. 67-9521; Filed, Aug. 14, 1967; 8:46 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 8—COLOR ADDITIVES

Subpart D—Listing of Color Additives for Food Use Exempt From Certification

RIBOFLAVIN; CONFIRMATION OF EFFECTIVE DATE

In the matter of listing and exempting from certification the color additive riboflavin for general use in foods in amounts consistent with good manufacturing practice:

1. Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706 (b)(1), (c)(2), (d), 74 Stat. 399, 402; 21 U.S.C. 376 (b)(1), (c)(2), (d)) and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.120), notice is given that no objections were filed to the order in the above-identified matter published in the FEDERAL REGISTER of June 22, 1967 (32 F.R. 8853). Accordingly, the regulation (§ 8.323) promulgated by that order will become effective August 21, 1967.

2. Effective August 21, 1967, § 8.501 *Provisional lists of color additives* (32 F.R. 10931) is amended by deleting from paragraph (c) the item "Riboflavin."

(Sec. 706 (b)(1), (c)(2), (d), 74 Stat. 399, 402; 21 U.S.C. 376 (b)(1), (c)(2), (d))

Dated: August 4, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-9523; Filed, Aug. 14, 1967; 8:46 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 14—CACAO PRODUCTS

Milk and Sweet Chocolate and Vegetable Fat (Other Than Cacao Fat) Coating; Confirmation of Effective Date of Order Regarding Standards of Identity

In the matter of establishing a definition and standard of identity for milk chocolate and vegetable fat (other than cacao fat) coating, § 14.13; and amending the identity standard for sweet chocolate and vegetable fat (other than cacao fat) coating, § 14.11, by deleting therefrom paragraph (a)(2):

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.120), notice is given that no objections were filed to the order in the above-identified matter published in the FEDERAL REGISTER of June 21, 1967 (32 F.R. 8814). Accordingly, the amendments promulgated by that order will become effective on August 20, 1967.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: August 4, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-9524; Filed, Aug. 14, 1967; 8:46 a.m.]

PART 17—BAKERY PRODUCTS

Bread, Identity Standard; Optional Use of α-Amylases

In the matter of amending the standard of identity for bread (21 CFR 17.1) to provide for the use of α-amylases derived from *Bacillus subtilis* as optional ingredients:

No comments were received in response to the notice of proposed rulemaking in the above-identified matter published in the FEDERAL REGISTER of March 3, 1967 (32 F.R. 3710). It is concluded that it will promote honesty and fair dealing in the interest of consumers to adopt the amendment as proposed.

Therefore, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and delegated by him to the Commissioner of Food and Drugs (21 CFR 2.120): *It is ordered*, That § 17.1(a)(6) be amended by adding a new subdivision, as follows:

§ 17.1 **Bread, white bread, and rolls, white rolls, or buns, white buns; identity; label statement of optional ingredients.**

(a) * * *

(6) * * *

(iii) Harmless preparations of α-amylases, obtained from *Bacillus subtilis*, which may be added in a suitable, harmless carrier, but the quantity of any such carrier shall be no greater than reasonably necessary to effect a uniform mixture of the enzymes with the flour used.

* * * * * *

Due to cross-references, this amendment to the standard for bread (§ 17.1) upon becoming effective will have the effect of making α-amylases obtained from *Bacillus subtilis* permitted ingredients of enriched bread, milk bread, raisin bread, and whole wheat bread (§§ 17.2–17.5).

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in six copies.

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be

stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: August 4, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-9526; Filed, Aug. 14, 1967; 8:46 a.m.]

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in the Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

HYDROLYZED LEATHER MEAL

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (FAP 5C1858) filed by Hynite Corp., Carrollville Station, Oak Creek, Wis. 53154, and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use of hydrolyzed leather meal as a source of protein in swine feeds. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), Part 121 is amended by adding to Subpart C the following new section:

§ 121.301 Hydrolyzed leather meal.

(a) *Identity.* Hydrolyzed leather meal is produced from leather scraps that are treated with steam for not less than 33 minutes at a pressure of not less than 125 pounds per square inch.

(b) *Specifications.* The additive shall conform to the following percent-by-weight specifications:

Moisture, not less than 5 percent nor more than 10 percent.
Crude protein, not less than 80 percent.
Crude fat, not less than 5 percent.
Crude fiber, not more than 6 percent.
Chromium, not more than 2.75 percent.

(c) *Use.* It is used or intended for use as a source of protein in swine feeds in an amount not to exceed 1.0 percent by weight of the finished feed.

(d) *Labeling.* The labels and labeling shall bear, in addition to the other information required by the act:

(1) The name of the additive, hydrolyzed leather meal.

(2) Adequate directions to provide finished feeds complying with paragraph (c) of this section.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: August 4, 1967.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 67-9525; Filed, Aug. 14, 1967; 8:46 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter VI—Business and Defense Services Administration, Department of Commerce

[BDSA Reg. 2 (formerly NPA Reg. 2), Direction 11 of Aug. 15, 1967]

BDSA REG. 2, DIR. 11—ESTABLISHMENT OF LEAD TIME FOR PLACEMENT OF RATED ORDERS FOR DELIVERY OF NICKEL AND FERRONICKEL

AUGUST 15, 1967.

This direction under BDSA Regulation 2 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this direction, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with representatives of all industries affected in advance of the issuance of this direction has been rendered impracticable because it affects many industries.

Sec.
1 What this direction does.
2 Definitions.
3 Lead time requirements for the acceptance of rated orders for nickel or ferronickel.

AUTHORITY: Secs. 1 to 3 issued under sec. 704, 64 Stat. 815, as amended, 50 U.S.C. App. 2154; sec. 1, Public Law 88-343, 78 Stat. 235.

Section 1 What this direction does.

This direction applies to producers and distributors of nickel and ferronickel and permits them to reject rated orders for nickel (other than DX rated orders and directives issued by BDSA) which are received by them less than 10 days in advance of the month in which delivery is requested.

Sec. 2 Definitions.

As used in this direction:

(a) "BDSA" means the Business and Defense Services Administration of the U.S. Department of Commerce.

(b) "Nickel" means primary nickel in the following forms or shapes:

Electrolytic cathodes.	Shot.
Pigs.	Oxide (including sintered oxide).
Ingots.	Salts.
Rondelles.	Chemicals.
Cubes and pellets.	Powder.

(c) "Ferronickel" means a primary form of nickel commonly used as a raw material in the manufacture of ferrous metals and which contains by weight 25 percent or more of nickel. Ferronickel is not a controlled material.

(d) "Producer" means a person or organization engaged in making and refining nickel or ferronickel and who supplies such nickel or ferronickel to consumers or distributors.

(e) "Distributor" means a person or organization, including a warehouseman, jobber, dealer, or retailer that sells and furnishes nickel or ferronickel to consumers.

Sec. 3 Lead time requirements for the acceptance of rated orders for nickel or ferronickel.

Notwithstanding the provisions of any BDSA regulation or order, a producer or distributor need not accept a rated order for nickel or ferronickel which he receives less than 10 days before the beginning of the month in which delivery is called for in such order: *Provided, however*, That this limitation shall not apply to DX rated orders nor to directives issued by BDSA requiring acceptance after that date.

This direction shall take effect August 15, 1967.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION,
RODNEY L. BORUM,
Administrator.

[F.R. Doc. 67-9592; Filed, Aug. 14, 1967; 8:48 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Crab Orchard National Wildlife Refuge, Ill., and Lacreek National Wildlife Refuge, S. Dak.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

ILLINOIS

CRAB ORCHARD NATIONAL WILDLIFE REFUGE

Public hunting of mourning doves on the Crab Orchard National Wildlife Refuge, Ill., is permitted from September 1, 1967, until sunset November 9, 1967, but only on the area designated by signs as open to hunting. This open area comprising approximately 12,380 acres, is delineated on a map available at the refuge headquarters, Carterville, Ill., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of mourning doves.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuges generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 9, 1967.

SOUTH DAKOTA

LACREEK NATIONAL WILDLIFE REFUGE

Public hunting of mourning doves on the Lacreek National Wildlife Refuge, S. Dak., is permitted from September 1, through September 5, 1967, but only on the area designated by signs as open to hunting. This open area comprising 310 acres is delineated on a map available at the refuge headquarters, Martin, S. Dak., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of mourning doves.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 5, 1967.

W. P. SCHAEFER,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 7, 1967.

[F.R. Doc. 67-9503; Filed, Aug. 14, 1967; 8:45 a.m.]

PART 32—HUNTING

Crescent Lake National Wildlife Refuge, Nebr.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

NEBRASKA

CRESCENT LAKE NATIONAL WILDLIFE REFUGE

Public hunting of sharp-tailed grouse on the Crescent Lake National Wildlife Refuge, Nebr., is permitted from September 16, 1967, through the closing date prescribed by the State regulations, but only on the area designated by signs as open to hunting. This open area comprising 24,735 acres is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408.

Hunting shall be in accordance with all applicable State regulations governing the hunting of sharp-tailed grouse subject to the following special conditions:

(1) Hunters will park vehicles in designated parking areas or along refuge boundary and will hunt on foot.

JOHN E. WILBRECHT,
Refuge Manager, Crescent Lake National Wildlife Refuge, Ellsworth, Nebr.

AUGUST 8, 1967.

[F.R. Doc. 67-9505; Filed, Aug. 14, 1967; 8:45 a.m.]

PART 32—HUNTING

Crescent Lake National Wildlife Refuge, Nebr.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

NEBRASKA

CRESCENT LAKE NATIONAL WILDLIFE REFUGE

Public hunting of deer and antelope on the Crescent Lake National Wildlife Refuge, Nebr., is permitted only on the area designated by signs as open to hunting. This area, comprising 24,735 acres, is delineated on maps available at refuge headquarters, Ellsworth, Nebr., and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer and antelope subject to the following special conditions:

(1) Archery seasons:

a. Antelope—none.

b. Deer—November 6, 1967, through December 31, 1967.

(2) Hunters will park their vehicles in designated parking areas or along refuge boundary and will hunt on foot during the period from September 23, 1967, through September 25, 1967. Four-wheel drive vehicles will be allowed in the hunting area from October 28, 1967, through December 31, 1967.

(3) All big game hunters are required to obtain a free "pass" which will be issued on request, either in person or by mail, from the Refuge Headquarters, Ellsworth, Nebr. 69340. Persons found hunting without the "pass" will be prosecuted for trespass.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1967.

JOHN E. WILBRECHT,
Refuge Manager, Crescent Lake National Wildlife Refuge, Ellsworth, Nebr.

AUGUST 8, 1967.

[F.R. Doc. 67-9504; Filed, Aug. 14, 1967; 8:45 a.m.]

Title 42—PUBLIC HEALTH

Chapter IV—Freedmen's Hospital, Department of Health, Education, and Welfare

REVOCATION OF REGULATIONS

Pursuant to Public Law 87-262 (75 Stat. 542, 20 U.S.C. 124) and the agreement thereunder entered into between the Secretary of Health, Education, and Welfare and the Board of Trustees of Howard University, all right, title and interest of the United States in Freedmen's Hospital in the District of Columbia were transferred to Howard University on July 1, 1967.

Section 7 of Public Law 87-262 provides that effective with such transfer all laws heretofore applicable specifically to Freedmen's Hospital are, to the extent of such applicability, repealed.

The transfer of Freedmen's Hospital and the repeal of laws applicable specifically to the Hospital legally terminates the effectiveness of the regulations in this chapter which are applicable specifically to Freedmen's Hospital and requires their revocation.

Accordingly, Chapter IV of Title 42 of the Code of Federal Regulations is revoked effective July 1, 1967.

Dated: July 31, 1967.

[SEAL] LEO J. GEHRIG,
Acting Surgeon General.

Approved: August 8, 1967.

WILBUR J. COHEN,
Acting Secretary.

[F.R. Doc. 67-9530; Filed, Aug. 14, 1967; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Oil Import Administration

[32A CFR Ch. X]

[Oil Import Reg. 1, Rev. 5]

ALLOCATIONS OF IMPORTS, LOW SULPHUR RESIDUAL FUEL OIL

Notice of Proposed Rule Making

On page 11225 of the FEDERAL REGISTER for August 2, 1967 (32 F.R. 11225) there appears a notice of rule making which sets forth in general terms certain amendments which the Secretary of the Interior proposes to make to Oil Import Regulation 1, as amended, respecting low sulphur residual fuel oil. This notice of proposed rule making states that all comments, suggestions, or objections with respect to the proposed plan shall be filed with the Administrator, Oil Import Administration, Washington, D.C. 20240, on or before August 15, 1967. In order to assure adequate time for all interested parties to comment this date is extended to August 22, 1967.

J. CORDELL MOORE,
Assistant Secretary of the Interior.

AUGUST 11, 1967.

[F.R. Doc. 67-9628; Filed, Aug. 14, 1967; 9:41 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 991]

HOPS OF DOMESTIC PRODUCTION

Administrative Rules and Regulations

Notice is hereby given of a proposal to provide for issuance of additional allotment bases where certain existing allotment bases reflect below normal sales as a result of heptachlor damage to hop plants; prescribe requirements whereby producers may exchange their salable hops, which are damaged or otherwise unsuitable for use, for pooled reserve hops prior to disposition of such reserve hops; prescribe minimum quality standards for hops in terms of leaf and stem content; and prescribe the factor for converting lupulin to the equivalent weight of dried hops. The proposal would implement §§ 991.31, 991.37, 991.38, and 991.40 of Marketing Order No. 991 (7 CFR Part 991), regulating the handling of hops of domestic production effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674) and is based on recommendations of the Hop Administrative Committee.

All persons who desire to submit written data, views, or arguments in connection with this proposal should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is as follows:

§ 991.138b Additional allotment bases.

(a) *Heptachlor damage to plants.* (1) to qualify for an additional allotment base, pursuant to § 991.38(b), due to below normal sales resulting from heptachlor damage to plants in the period 1962 through 1965, each producer believing he has entitlement may file an application therefor with the Committee not later than 30 days after the effective date of this section. Each such application shall be in writing and shall contain evidence satisfactory to the Committee that heptachlor was applied to all or part of his hop acreage, that the heptachlor damaged the hop plants, and that this resulted in reducing the applicants average amount per acre sold from the harvested acreage during each year of the 4-year period, 1962–65, in which there were sales of hops. The evidence to be submitted for consideration by the Committee may include the following:

(i) The location and number of acres treated with heptachlor which were in production in the 1962–65 period;

(ii) The approximate number of times and the crop years when heptachlor was applied to such acres;

(iii) The method used to apply the heptachlor;

(iv) The rate of application;

(v) The extent of plant die-out and replacement each year following application of heptachlor;

(vi) The years, if any in which the heptachlor treated acreage was not harvested and the reasons why;

(vii) A statement describing the efforts made to rehabilitate the treated acreage;

(viii) A statement describing any other factors such as alkali content of soil, mildew, spider, wind, or frost, that may have affected the quantity harvested during one or more years of the 1962–65 period;

(ix) The total acreage and total quantity of hops harvested each year, including the heptachlor treated acreage, beginning 3 years preceding the year in which heptachlor was applied;

(x) Statements by disinterested parties (such as the supplier of the heptachlor or persons applying it to the treated acreage), verifying the information submitted by the applicant pursuant to this paragraph; and

(xi) Other information tending to substantiate the application.

(b) *Granting of additional allotment bases.* (1) Except as provided in subparagraph (3) of this paragraph, the Committee shall assign an additional allotment base (i.e. an increased total allotment base) to the applicant filing pursuant to paragraph (a) of this section if it finds, from the information submitted by the applicant and other available information, that due to haptachlor damage on a specific portion or all of an applicant's acreage he had below normal sales in each year of the 1962–65 period in that such sales were below 95 percent of the applicable State's average yield per acre. The State average yield shall be that reported by the U.S. Department of Agriculture, Statistical Reporting Service, Crop Reporting Board.

(2) The additional allotment base assigned to an eligible applicant shall be that contained in a total allotment base determined by substituting for such applicant's average amount per acre sold from his harvested acreage for the year or years used to compute his original allotment base, 95 percent of the applicable State's average yield per acre for such year or years: *Provided*, That if the Committee determines, on the basis of information submitted by the applicant and other available information, that in the absence of heptachlor damage the applicant's average amount per acre sold from his harvested acreage during the year or years used to compute his allotment base would have been an amount less than 95 percent of the State average yield per acre for such year or years, 95 percent of such amount shall be used in lieu of the State average, in computing the new total allotment base.

(3) No additional allotment base shall be assigned to an eligible applicant, nor be permitted to be transferred to another producer, until the applicant establishes a need for such base to market his regained productive capacity as demonstrated by his average yield per acre during any 2 consecutive years of the 5-year period 1966–70 exceeding the 1962–65 yields per acre used in determining his allotment base and approximating 95 percent of the State average or the Committee determined yield, whichever is lower. In any such year of increased yield, beginning with 1967, the Committee shall adjust the producer's annual allotment by the amount referable to the withheld additional allotment base, but not so as to cause his total annual allotment to exceed his production. Upon the additional allotment base being assigned, the producer's annual allotments shall be computed from his new total allotment base.

§ 991.204 Exchange of 1966 pooled reserve hops.

Prior to disposing of any quantity of 1966 pooled reserve hops pursuant to § 991.40(b)(3), the Committee shall designate and announce a 20-day period during which any producer may exchange salable hops of his own production for pooled reserve hops. Exchanges during the first 5 days of such 20-day period shall be limited to those producers who desire to exchange their salable hops which are damaged or otherwise unsuitable, for their 1966 hops delivered to the reserve pool. Each such exchange shall be subject to payment to the Committee, by the producer exchanging hops, of 25 cents per pound for each pound of hops exchanged plus $1.10 per bale accrued storage and in and out charges.

§ 991.231 Minimum quality standards.

No handler shall acquire, use or sell, nor the Committee accept for reserve pooling, hops which have a leaf and stem content of more than 8 percent, as determined by the Federal-State Inspection Service: *Provided*, That lupulin, including lupulin sweepings, that have been packaged and so identified by Committee approved seals or stencils, shall be exempt from this leaf and stem requirement.

§ 991.601 Conversion factor for lupulin.

For the purpose of converting lupulin, including lupulin sweepings, to an equivalent weight of dried hops, 1 pound of lupulin or lupulin sweepings shall be considered as 6 pounds of dried hops.

Dated: August 10, 1967.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-9534; Filed, Aug. 14, 1967; 8:47 a.m.]

[7 CFR Part 1033]

[Docket No. AO 166-A35]

MILK IN GREATER CINCINNATI MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Skyline Room, Terrace Hilton, 15 West Sixth Street, Cincinnati, Ohio 45202, beginning at 10 a.m., local time, on August 23, 1967, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Greater Cincinnati marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by The Cincinnati Milk Sales Association, Inc.:

Proposal No. 1. Amend § 1033.7 as follows:

§ 1033.7 Pool plant.

"Pool plant" means:

(a) A distributing plant from which during the month not less than 60 percent of total receipts of milk from producers, supply plants, and cooperative associations in their capacity as handlers, pursuant to § 1033.11(b), is disposed of as route disposition and of which not less than 10 percent of such disposition is in the marketing area; except, that during each of the months of April through August, the percentage requirements of this paragraph shall be 50 percent if such plant qualified as a pool plant during each of the preceding months of September through March; or,

(b) A supply plant from which during the month not less than 60 percent of the milk received from producers regularly assigned to such plant is shipped:

(1) To distributing plant(s) subject to the regulation of Order No. 33;

(2) As Class I milk to an other order plant(s);

(3) As Class I milk to a partially regulated distributing plant(s) and

(4) As Class I to an unregulated milk plant:

Provided, That if a supply plant qualified as a pool plant, pursuant to this section, in each of the preceding months of September through February, such plant shall be a pool plant until the end of the following August, unless the plant operator requests in writing to the market administrator that such plant not be a pool plant, such nonpool status to be effective the first month following such notice and thereafter until the plant qualifies as a pool plant on the basis of shipments.

Proposal No. 2. Amend § 1033.5 to read as follows:

§ 1033.5 Route disposition.

"Route disposition" means a delivery of fluid milk products (including that custom-packaged for another person, and disposition from a plant's dock, plant store, or through vendor or vending machines) at retail or wholesale either directly or through a distribution point other than a plant.

Proposal No. 3. Add a new section to read as follows:

§ 1033.__ Plant.

"Plant" means the land and buildings together with their surroundings, facilities, and equipment constituting a single operating unit or establishment which is operated exclusively by one or more persons and used for the bulk handling or processing of milk or milk products.

Proposal No. 4. Add a new section to read as follows:

§ 1033.__ Distributing plant.

"Distributing plant" means a plant which is approved by any duly constituted health authority for the processing or packaging of milk for fluid consumption and from which during the month route disposition is made in the marketing area.

Proposal No. 5. Add a new section to read as follows:

§ 1033.__ Supply plant.

"Supply plant" means a plant in which milk approved by any duly constituted health authority for fluid consumption in the marketing area is assembled and shipped in bulk as a fluid milk product to a distributing plant.

Proposal No. 6. Add a new section to read as follows:

§ 1033.__ Department.

"Department" means the U.S. Department of Agriculture or any other Federal agency authorized to perform the price reporting functions of the U.S. Department of Agriculture.

Proposal No. 7. Add a new section to read as follows:

§ 1033.__ Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determined, after application by the association:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act";

(b) To have full authority in the sale of milk of its members and is engaged in making collective sales of or marketing milk or milk products for its members; and

(c) To have all of its activities under the control of its members.

Proposal No. 8. Amend § 1033.10 by deleting paragraph (c) and substitute therefor:

§ 1033.10 Producer.

* * * * *

(c) If previously received at a pool plant, is diverted to a nonpool plant for the account of a handler, as defined in § 1033.11(a)(1), on not more than one-third of the days of delivery during the month, or diverted to a nonpool plant by a handler, as defined in § 1033.11(b).

Proposal No. 9. Amend § 1033.11 to read as follows:

§ 1033.11 Handler.

"Handler" means:

(a) Any person who operates one or more pool plants;

(b) Any cooperative association with respect to producer milk diverted from a pool plant to another pool plant or to a nonpool plant;

(c) Any cooperative association with respect to producer milk if delivered directly from the farm to the pool plant of another handler in a tank truck or trailer owned or operated by, or under contract to, such cooperative association for its account;

(d) Any person who operates a partially regulated distributing plant;

(e) A producer-handler; and

(f) Any person who operates an other order plant described in § 1033.92.

Proposal No. 10. Amend § 1033.12 as follows:

§ 1033.12 Producer milk.

"Producer milk" means only that skim milk and butterfat contained in milk (a) received at a pool plant directly from producers during the month, or (b) diverted from a pool plant pursuant to the conditions set forth in § 1033.10(c): *Provided*, That if such diverted milk is from a producer whose milk was physically received from the farm at a pool plant on (1) two-thirds or more of the days of its delivery during the immediately preceding period of September through December, or (2) two-thirds or more of the days of its delivery from the date of first delivery to the last day of February, in the immediately preceding period of September through February, such milk shall be deemed to have been received by the handler at a pool plant at the same location as the pool plant from which diverted. Diverted milk not meeting the conditions specified in subparagraph (1) or (2) of this paragraph shall be deemed to have been received by the handler at a pool plant at the same location as the pool plant or nonpool plant to which the milk is diverted.

Proposal No. 11. Amend § 1033.44 to read as follows:

§ 1033.44 Responsibility of handlers.

(a) All skim milk and butterfat shall be classified as Class I milk unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

Proposal No. 12. Amend § 1033.41(a) *Class I milk* to include the following: "In inventory of fluid milk products in package form on hand at the end of the month".

Proposal No. 13. Amend § 1033.41(b) *Class II milk* to include the following: "Contained in inventory of bulk fluid milk products on hand at the end of the month."

Proposal No. 14. Amend § 1033.43 by deleting the introductory text of paragraph (a) and substitute therefor:

§ 1033.43 Transfers.

* * * * *

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred or diverted to another pool plant, subject in either event to the conditions of subparagraphs (1), (2), and (3) of this paragraph: *Provided, however*, If the movement is from a pool distributing plant to a pool supply plant, it shall be considered Class II utilization to the extent that such utilization is available at the transferee supply plant.

* * * * *

Proposal No. 15. Amend § 1033.53 as follows:

§ 1033.53 Location differentials to handlers.

(a) For that skim milk and butterfat in producer milk received at a pool plant located 100 or more miles from the city hall in Cincinnati, Ohio, by the shortest highway distance, as determined by the market administrator, the handler's obligation pursuant to § 1033.60, shall be reduced pursuant to the schedule of rates set forth in paragraph (b) of this section.

(b) For that skim milk and butterfat in producer milk received at a pool plant located more than 30 miles from the city hall in Cincinnati, Ohio, by the shortest highway distance, as determined by the market administrator, and which is moved to a pool plant located within 30 miles of the city hall in Cincinnati, Ohio, as determined by the market administrator, in the form of a fluid milk product or as frozen cream, a location differential credit shall apply on the actual weight of the skim milk and butterfat moved which weight, for the purpose of calculating the location differential credit, shall not exceed any balance remaining in the transferee plant after completing the following calculation:

(1) Multiply the weight of skim milk and butterfat disposed of as Class I product by such transferee handler by 135 percent.

(2) From the result of the calculation provided for in subparagraph (1) of this paragraph, subtract:

(i) The actual weight of skim milk and butterfat in producer milk physically received at such transferee plant; and

(ii) The actual weight of the skim milk and butterfat in packaged or bulk milk from other distributing plants subject to the regulation of Order No. 33; or from a nonpool plant as described in § 1033.8.

On any remainder, after completing the above calculation, the transferee handler shall be allowed a location differential transfer credit calculated by the application of the following schedule of rates:

Distance in miles	*Rate per hundredweight (cents)*
More than 30 but not more than 50	10.0
For each addition 10 miles, or fraction thereof	1.0

Provided, however, Any such credit allowed or allowable, shall not be in excess of the obligation of the transferee handler to the producer-settlement fund.

Proposal No. 16. Alternative to proposal No. 15, to amend § 1033.53, as follows:

§ 1033.53 Location differentials to handlers.

For the purpose of making the computation pursuant to this section, the adjustments shall be made to the receiving handlers obligation for producer milk computed pursuant to § 1033.60 as follows:

(a) For producer milk received from producers at a plant located 40 but not more than 50 miles from the city hall in Cincinnati, Ohio, which is classified as Class I or assigned location adjustment pursuant to paragraph (b) of this section, and for other source milk for which location adjustments are applicable, the Class I price shall be reduced by 10 cents and by an additional 1.5 cents for each 10 miles or fraction thereof that such plant is more than 50 miles from the city hall in Cincinnati, Ohio.

(b) For the purpose of calculating a credit adjustment at the applicable rate on bulk fluid milk products transferred from a pool plant located 50 miles or more from the city hall in Cincinnati, Ohio, to a distributing pool plant located within 30 miles of the city hall in Cincinnati, Ohio, shall be assigned to the Class I disposition at the transferee plant prorated with the sum of receipts at such plant of (1) producer milk, (2) and the pounds assigned as Class I to receipts from other handlers, other order plants and unregulated supply plants.

Proposal No. 17. Amend § 1033.70 as follows:

§ 1033.70 Payments to producers.

On or before the 27th day of the month each handler shall pay to each producer, or to each cooperative association authorized to receive payments due such producer(s) who market their milk through such cooperative association, an amount of money determined by multiplying the hundredweight of milk received from such producer or from a cooperative association of producers during the first 15 days of the month by the rate set forth in the following schedule:

Class II price for preceding month	*Rate per hundredweight*
$1.75 to $2.24	$1.00
$2.25 to $2.74	1.50
$2.75 to $3.24	2.00
$3.25 to $3.74	2.50
$3.75 to $4.24	3.00
$4.25 to $4.74	3.50
$4.75 and above	4.00

Proposal No. 18. Amend § 1033.75 as follows:

§ 1033.75 Location differentials to producers.

For that skim milk and butterfat in producer milk received at a pool plant located 100 or more miles from the city hall in Cincinnati, Ohio, by the shortest highway distance, as determined by the market administrator, the uniform price shall be reduced pursuant to the schedule of rates set forth in the following schedule:

Distance from city hall	*Rate per hundredweight (cents)*
100 miles but not more than 110 miles	10.0
For each additional 10 miles, or fraction thereof	1.0

Proposal No. 19. Amend certain of various sections as follows:

(a) Amend § 1033.30 by striking the reference to the "10th" day in the first sentence and inserting in lieu thereof the "8th".

(b) Amend § 1033.31(c) by striking the reference to the "10th" day in the first sentence of said paragraph and inserting in lieu thereof the "8th".

(c) Amend § 1033.61 by striking the reference to the "17th" day in the first sentence and inserting in lieu thereof the "15th".

(d) Amend § 1033.72 by striking the reference to the "17th" day in the first sentence and insert in lieu thereof the "15th".

(e) Amend § 1033.76 by striking the reference to the "17th" day in the first sentence and insert in lieu thereof the "15th".

Proposal No. 20. Make such changes to §§ 1033.43 *Transfers*, 1033.46 *Allocation of skim milk and butterfat*, 1033.42 *Shrinkage*, 1033.30 *Reports, records and facilities*, and 1033.31 *Other reports*, and other sections as are necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, Fred W. Issler, 519 Main Street, Cincinnati, Ohio 45201, or from the Hearing Clerk, Room 112–A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

Signed at Washington, D.C., on August 10, 1967.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 67-9535; Filed, Aug. 14, 1967; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[10 CFR Part 50]

LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

Financial Qualifications; Extension of Time for Filing Comments

By notice of proposed rule making published June 13, 1967 (32 F.R. 8423), the Atomic Energy Commission gave notice that it was considering the amendment of 10 CFR Part 50 to provide further guidelines as to what information would be required to establish financial qualifications for a facility construction permit or an operating license, and to provide for the filing of the annual financial reports of facility licensees with the Commission. Interested persons were invited to file comments or suggestions within 60 days after publication of the notice in the FEDERAL REGISTER. An amendment to that notice of proposed rule making withdrawing "A Guide for the Financial Data and Related Information Required To Establish Financial Qualifications for Facility Construction and Operating Licenses," which was included in the proposed amendments, was published on July 22, 1967 (32 F.R. 10816).

Edison Electric Institute has requested that the time for submitting comments be extended to permit additional time to study the proposed amendments. Good cause appearing for the requested extension of time, the date for filing comments is hereby extended to October 11, 1967. Comments received after that period will be considered if it is practicable to do so, but assurance of consideration cannot be given except as to comments filed within the period specified. Copies of comments received on the proposed amendments may be examined at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Washington, D.C., this 10th day of August 1967.

For the Atomic Energy Commission.

F. T. HOBBS,
Assistant Secretary.

[F.R. Doc. 67-9589; Filed, Aug. 14, 1967; 8:48 a.m.]

Notices

DEPARTMENT OF STATE

Agency for International Development

[Delegation of Authority No. 74]

MISSION DIRECTOR, USAID/LAOS

Delegation of Authority

By virtue of the authority delegated to me by the Delegation of Authority No. 104, dated November 3, 1961 (26 F.R. 10608), as amended, from the Secretary of State, I hereby delegate authority to the Mission Director, USAID/Laos, authority to waive the U.S. source/origin and barter requirement for procurement of rice and cement for approved project needs during fiscal year 1968 providing:

(a) That procurement is made in Thailand and paid for in baht generated through a Special Letter of Credit established in a U.S. bank;

(b) That procurement does not exceed $6.5 million for rice and $250,000 for cement, including costs of transportation.

Each waiver approval must be supported by the certification of the USAID Director that exclusion of procurement from the source designated in the waiver would seriously impede attainment of U.S. foreign policy objectives and the objectives of the foreign assistance program.

This authority may not be redelegated but may be exercised by persons who are performing the functions of the Mission Director in an "Acting" capacity.

This Delegation of Authority is effective immediately.

RUTHERFORD M. POATS,
Acting Administrator.

JULY 25, 1967.

[F.R. Doc. 67-9513; Filed, Aug. 14, 1967; 8:45 a.m.]

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

PROCESSING OF CLAIMS

Single Service Assignment of Responsibility

The Deputy Secretary of Defense approved the following on July 28, 1967:

Refs.: (a) Foreign Claims Act (10 U.S.C. 2734); DoD Directive 5515.3, Settlement of Claims under 10 U.S.C. 2733 and 2734.

(b) Military Claims Act (10 U.S.C. 2733); Dod Directive 5515.3, Settlement of Claims under 10 U.S.C. 2733 and 2734.

(c) 10 U.S.C. 2734a, 2734b, Pro rata cost-sharing of claims pursuant to international agreement.

(d) NATO Status of Forces Agreement (4 UST 1792, TIAS 2846) and other similar agreements.

(e) DoD Directive 5515.8, subject as above, December 4, 1963 (hereby canceled).

(f) Act of September 25, 1962 (42 U.S.C. 2651-2653), Claims for Reimbursement for Medical Care furnished by the United States.

(g) 10 U.S.C. 2737, Claims not cognizable under any other provision of law.

(h) The Federal Claims Collection Act of 1966 (80 Stat. 308, 31 U.S.C. 951-953), as implemented by DoD Directive No. 5515.11, December 10, 1966; the Act of June 10, 1921 (42 Stat. 24, 31 U.S.C. 71), Claims and demands by the Government of the United States.

(i) 10 U.S.C. 2736, Advance or Emergency Payments.

I. *Purpose.* This directive assigns Single Service responsibility for the processing of claims against and in favor of the United States.

II. *Cancellation.* Reference (e) is hereby superseded and canceled.

III. *Scope.* This directive is effective during peacetime and under war or emergency conditions, subject to the continued applicability of References (a), (b), (c), (d), (f), (g), (h), and (i).

IV. *Assignment of responsibility.* A. Responsibility for the processing of all claims in favor of the United States which are cognizable under References (d) and (f), and all claims involving damage to or loss of Government property due to tortious acts, including the negligent operation of privately owned vehicles and trespass on Government lands, buildings, or projects which are cognizable under Reference (h), or against the United States which are cognizable under Reference (a), (b), (c), (d), (g), or (i), which arise in the following countries is assigned to the Military Departments designated below:

1. Department of the Army:

Belgium, the Democratic Republic of the Congo, Ethiopia, France, the Federal Republic of Germany, Iran, Korea, Liberia, Mali, Senegal, Republic of Vietnam, and as the Receiving State Office in the United States under References (c) and (d).

2. Department of the Navy:

Australia, Iceland, Italy, and Portugal.

3. Department of the Air Force:

Canada, Denmark, Greece, India, Japan, Libya, Luxembourg, Nepal, Netherlands, Norway, Pakistan, Saudi Arabia, Spain, Turkey, and the United Kingdom.

B. Notwithstanding the provisions of section IV.A., the Department of the Navy is hereby authorized to settle nonscope of duty claims under $200 arising in foreign ports visited by U.S. forces afloat, and may, subject to the concurrence of the authorities of the receiving state concerned, process such claims without regard to international agreements described in Reference (d) regarding the processing of nonscope claims by receiving and sending State authorities.

C. On an interim basis prior to receiving confirmation and approval from the appropriate office in the Office of the Secretary of Defense, the Unified Commander may, when necessary to implement contingency plans, assign single service responsibility for processing of claims in countries where such assignment has not already been made under this Directive.

V. *Effective date and implementation.* This directive is effective immediately. Two copies of revised implementing instructions shall be forwarded to the General Counsel, DoD, within sixty (60) days.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[F.R. Doc. 67-9522; Filed, Aug. 14, 1967; 8:46 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

FRIEDA FEYERABEND

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Mrs. Frieda Feyerabend, Ludwigkai 27, 87 Wuerzburg, Bavaria, Germany; Claim No. 36138; Vesting Order Nos. 9005, 9650, 11443, and 17146; $50,408.25 in the Treasury of the United States.

Executed at Washington, D.C., on August 9, 1967.

For the Attorney General.

CARL EARDLEY,
Acting Assistant Attorney General, Civil Division, Acting Director, Office of Alien Property.

[F.R. Doc. 67-9520; Filed, Aug. 14, 1967; 8:46 a.m.]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. A-435]

ELDEN G. AND NEAL ROY STINE

Notice of Loan Application

AUGUST 9, 1967.

Elden G. and Neal Roy Stine, 2725 Second Avenue, Ketchikan, Alaska 99901, have applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 42.9-foot, registered length steel vessel to engage in the fishery for albacore and salmon.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised Aug. 11, 1965) that the above entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

J. L. MCHUGH,
Acting Director, Bureau of Commercial Fisheries.

[F.R. Doc. 67-9506; Filed, Aug. 14, 1967; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

ORGANIZATION, FUNCTIONS, AND DELEGATIONS OF AUTHORITY

Pursuant to the authority delegated to the Administrator of the Consumer and Marketing Service in section 40 of the Statement of Organization and Delegations appearing at 29 F.R. 16212, the Statement of Organization, Functions and Delegations of Authority of the Consumer and Marketing Service appearing at 31 F.R. 13249-13253, as amended at 31 F.R. 15026, is hereby superseded by the following Statement of Organization, Functions and Delegations of Authority of the Consumer and Marketing Service. The following statement reflects the deletion of the Packers and Stockyards Division, whose functions were transferred to the Packers and Stockyards Administration, which was established by the Secretary of Agriculture on May 8, 1967, appearing in 32 F.R. 7186. The following statement also reflects internal changes in the organization of the Consumer and Marketing Service.

ORGANIZATION AND FUNCTIONS

SECTION 1. *General.* The Consumer and Marketing Service, hereinafter referred to as "C&MS", was created as the Agricultural Marketing Service by the Secretary of Agriculture on November 2, 1953, pursuant to his authority under 5 U.S.C. 301; Reorganization Plan No. 2 of 1953, 67 Stat. 633; and related authority. Effective February 8, 1965, the name "Agricultural Marketing Service" was changed to "Consumer and Marketing Service." The central office of C&MS is located at Washington, D.C., but a large part of the program activity is carried on through various field offices. The functions and authorities delegated to C&MS are published in 30 F.R. 6697, dated May 15, 1965, 31 F.R. 10079, dated July 26, 1966, 31 F.R. 10644, dated August 10, 1966, and 31 F.R. 14463, dated November 10, 1966, and are subject to the provisions of sections 1-40 of the Statement of Organization and Delegations at 29 F.R. 16210 et seq.

SEC. 2. *The Office of the Administrator.*—(a) *The Administrator.* The Administrator is responsible for the general direction and supervision of programs and activities assigned to C&MS. He reports to the Assistant Secretary for Marketing and Consumer Services.

(b) *The Associate Administrator.* The Associate Administrator shares overall responsibility with the Administrator for the general direction and supervision of programs and activities assigned to C&MS.

(c) *Deputy Administrator, Consumer Food Programs.* The Deputy Administrator, Consumer Food Programs, is responsible for:

(1) Participating with the Administrator in the overall planning and formulation of all policies, programs, and activities of C&MS; and

(2) Directing and coordinating the administration of consumer food programs, including the national school lunch program, the special milk program, the program for distribution of donated commodities acquired under the price support program and the surplus removal program, the program for accelerated movement of plentiful foods through normal channels of trade, the food stamp program, programs contained in the Child Nutrition Act of 1966 (42 U.S.C. 1771-1785), and related activities, and the food management phases of the civil defense and defense mobilization programs. These programs are carried out by three functional Divisions (Commodity Distribution, Food Stamp, and School Lunch), one functional staff (Food Trades Staff), one program services staff (Consumer Food Programs Services Staff), located at Washington, D.C., and by five Consumer Food Programs District Offices in the field.

(d) *Deputy Administrator, Marketing Services.* The Deputy Administrator for Marketing Services is responsible for:

(1) Participating with the Administrator in the overall planning and formulation of all policies, programs, and activities of C&MS;

(2) Directing and coordinating the administration of the marketing service programs, including the standardization, inspection, grading and classing of agricultural commodities; market news, expansion of market outlets; commodity procurement; export and diversion programs; programs and related activities involving Standard Container, Export Apple and Pear, Naval Stores, Export Grape and Plum, Process and Renovated Butter, and the Tobacco Seed and Plant Exportation Acts; statistical services; assigned civil defense and defense mobilization activities; and other related programs and activities. These programs and activities are carried out by seven commodity Divisions (Cotton, Dairy, Fruit and Vegetable, Grain, Livestock, Poultry, and Tobacco), located at Washington, D.C., and by field offices of these Divisions, and by staffs (Matching Fund Program Staff, and Statistical Services Staff); and

(3) Considering and determining appeals from findings of fact of contracting officers within the scope of any disputes provision, which provides a method for final and conclusive determination of disputed questions of fact, in any purchase contract under purchase and donation programs carried out pursuant to section 6 of the National School Lunch Act and section 32 of Public Law 320, 74th Congress.

(e) *Deputy Administrator, Regulatory Programs.* The Deputy Administrator for Regulatory Programs is responsible for:

(1) Participating with the Administrator in the overall planning and formulation of all policies, programs, and activities of C&MS; and

(2) Directing and coordinating the administration of marketing regulatory programs and related activities involving Perishable Agricultural Commodities, Federal Seed, U.S. Warehouse, Produce Agency, and Cotton Research and Promotion Acts; freight rate services under section 201 of the Agricultural Adjustment Act of 1938 and section 203(j) of the Agricultural Marketing Act of 1946, as amended; assigned civil defense and defense mobilization activities; marketing agreements and orders; and other related programs and activities. These programs are carried out by six commodity Divisions (Cotton, Dairy, Fruit and Vegetable, Grain, Poultry, and Tobacco), and one functional Division (Transportation and Warehouse), located at Washington, D.C., and by field offices of these Divisions, except milk marketing orders which are carried out through market administrators in the field and fruit and vegetable marketing orders which are administered by elected committees.

(f) *Deputy Administrator, Consumer Protection.* The Deputy Administrator for Consumer Protection is responsible for:

(1) Participating with the Administrator in the overall planning and formulation of all policies, programs, and activities of C&MS; and

(2) Directing and coordinating the administration of consumer protection programs including meat inspection, poultry inspection, humane slaughter, processing plant sanitation, labeling standards, and related activities. These programs are carried out by one commodity Division (Poultry), three functional Divisions (Livestock Slaughter Inspection, Processed Meat Inspection, and Technical Services), and two staffs (Compliance and Evaluation Staff, and Administrative Staff), located at Washington, D.C., and by the seven Meat Inspection District Offices, the Compliance and Evaluation Staff field offices, and the five area Poultry Inspection offices.

(g) *Deputy Administrator, Management.* The Deputy Administrator, Management, is responsible for:

(1) Participating with the Administrator in the overall planning and formulation of all policies, programs, and activities of C&MS;

(2) Directing and coordinating the administration and integration of the overall management, budget, fiscal, personnel, systems analysis, administrative services programs and the planning-programing-budgeting system necessary to meet the requirements of the consumer and marketing programs of C&MS, and assigned civil defense, defense mobilization, and related programs and activities. These programs and activities are carried out by the Operations Analysis Staff and the Administrative Services, Budget, Finance, and Personnel Divisions, located at Washington, D.C., and by field branch offices of the Administrative Services and Personnel Divisions; and

(3) Civil rights coordination in the Consumer and Marketing Service.

SEC. 3. *Information Division.* The Information Division, under the direction and supervision of the Administrator and Associate Administrator, is responsible for planning and administering an information program involving the activities of C&MS. In addition to the central office located at Washington, D.C., this program is carried on through Area Offices.

SEC. 4. *Consumer Food Programs.* The Commodity Distribution, Food Stamp, and School Lunch Divisions, the Food Trades Staff, Consumer Food Programs Services Staff, and the Consumer Food Programs District Offices, under the administrative direction of the Administrator and Associate Administrator and the functional and technical direction of the Deputy Administrator for Consumer Food Programs, are responsible as follows:

(a) *Commodity Distribution Division.* The Commodity Distribution Division is responsible for:

(1) Planning and administering the commodity distribution program, including distribution to eligible recipients of donated foods made available under section 32 of the Act of August 24, 1935, as amended; section 6 of the National School Lunch Act; section 416 of the Agricultural Act of 1949, as amended; and section 709 of the Food and Agricultural Act of 1965;

(2) Planning and administering the distribution of commodities for disaster and/or emergency relief; and

(3) Executing assigned civil defense and defense mobilization activities.

(b) *Food Stamp Division.* The Food Stamp Division is responsible for:

(1) Planning and administering the food stamp program, including coupon allotment, coupon issuance, negotiations with State agencies, and wholesaler-retailer operations; and

(2) Executing assigned civil defense and defense mobilization activities.

(c) *School Lunch Division.* The School Lunch Division is responsible for:

(1) Planning and administering the national school lunch program, programs contained in the Child Nutrition Act of 1966 (42 U.S.C. 1771–1785) and the special milk program, including technical services for these and other consumer food programs; and

(2) Executing assigned civil defense and defense mobilization activities.

(d) *Food Trades Staff.* The Food Trades Staff is responsible for:

(1) Planning and administering the plentiful foods programs;

(2) Serving as a focal point for wholesalers, retailers, public feeding operators, and other food distributors on problems of food supply and its effective distribution; and

(3) Executing assigned civil defense and defense mobilization activities.

(e) *Consumer Food Programs Services Staff.* The Consumer Food Programs Services Staff is responsible for:

(1) Planning and providing management services, reports, statistical services for Consumer Food Program Divisions, Staffs, and District Offices.

(f) *Consumer Food Programs District Offices.* Consumer Food Programs District Offices are responsible for:

(1) Planning, coordinating, and administering the consumer food programs within the district; and

(2) Executing assigned civil defense and defense mobilization activities.

SEC. 5. *Marketing Services, Regulatory Programs, and Consumer Protection Programs.* The Cotton, Dairy, Fruit and Vegetable, Grain, Livestock, Poultry, Tobacco, Transportation and Warehouse, Matching Fund Program Staff, Statistical Services Staff, Livestock Slaughter Inspection, Processed Meat Inspection, and Technical Services Divisions, the Administrative Staff, the Compliance and Evaluation Staff, and the Meat Inspection District Offices, under administrative direction of the Administrator and Associate Administrator and the functional and technical direction of the Deputy Administrators for Marketing Services, Regulatory Programs, and Consumer Protection Programs, are responsible as follows:

(a) *Cotton Division.* The Cotton Division is responsible for:

(1) Planning and administering marketing services (market news, standardization, classing, grading, and testing), surplus removal, expansion of market outlets, marketing regulatory, marketing agreements and orders, and related programs for cotton, cotton linters, cottonseed, cotton products, and other vegetable fibers and related commodities as authorized by Cotton Futures provisions of Internal Revenue Code of 1954; U.S. Cotton Standards Act, as amended; Cotton Statistics and Estimates Act, as amended; section 32 of the Act of August 24, 1935, as amended; Agricultural Marketing Act of 1946, as amended; Cotton Research and Promotion Act; and other authorities; and

(2) Executing assigned civil defense and defense mobilization activities.

(b) *Dairy Division.* The Dairy Division is responsible for:

(1) Planning and administering marketing services (standardization, inspection, and grading), marketing agreement and order programs authorized by the Agricultural Marketing Agreement Act of 1937, as amended, for milk and its products, and such other commodities as may be assigned; process and renovated butter; surplus removal (including purchase, diversion, and export programs), purchases under section 6 of the National School Lunch Act for assigned commodities, expansion of market outlets, and related programs for milk and dairy products as authorized by section 32 of the Act of August 24, 1935, as amended; Agricultural Marketing Act of 1946, as amended; Process and Renovated Butter Act; and other authorities;

(2) Formulating policies and technical direction for market news services for dairy and dairy products which are administered by the Poultry Division; and

(3) Executing assigned civil defense and defense mobilization activities.

(c) *Fruit and Vegetable Division.* The Fruit and Vegetable Division is responsible for:

(1) Planning and administering marketing services (market news, standardization, inspection, and grading), marketing regulatory, surplus removal (including purchase, diversion, and export programs), purchases under section 6 of the National School Lunch Act for assigned commodities, expansion of market outlets, acreage guides for vegetables including potatoes and sweet potatoes, and related programs for fruits and vegetables, their products and other assigned commodities, as authorized by the Standard Container Acts of 1916 and 1928, as amended; Produce Agency Act, as amended; Perishable Agricultural Commodities Act, 1930, as amended; Export Apple and Pear Act; Export Grape and Plum Act; section 32 of the Act of August 24, 1935, as amended; Agricultural Marketing Act of 1946, as amended; and other authorities;

(2) Planning and administering marketing agreement and order programs authorized by the Agricultural Marketing Agreement Act of 1937, as amended, for fruits, vegetables, nuts, hops, and the products thereof, and such other commodities as may be assigned;

(3) Administering import regulations as required under section 8e of the Agricultural Marketing Agreement Act of 1937, as amended; and

(4) Executing assigned civil defense and defense mobilization activities.

(d) *Grain Division.* The Grain Division is responsible for:

(1) Planning and administering marketing services (market news, standardization, inspection, grading, and testing), marketing regulatory, surplus removal (including purchase, diversion, and export programs), purchases under section 6 of the National School Lunch Act for assigned commodities, expansion of market outlets, and related programs for grain, grain products, seeds, beans, peas, rice, hay, and related commodities as authorized by the U.S. Grain Standards Act, as amended; Federal Seed Act, as amended; section 32 of the Act of August 24, 1935, as amended; Agricultural Act of 1946, as amended; and other authorities;

(2) Planning and administering marketing agreement and order programs authorized by the Agricultural Marketing Agreement Act of 1937 as amended, for seed and such other commodities as may be assigned;

(3) Planning and administering market news services on molasses and sugar cane syrups; and

(4) Executing assigned civil defense and defense mobilization activities.

(e) *Livestock Division.* The Livestock Division is responsible for:

(1) Planning and administering marketing services (market news, standardization, grading, and specification certification), surplus removal (including purchase, diversion, and export programs), purchases under section 6 of the National School Lunch Act for assigned commodities, meat, meat products, wool, mohair, and related commodities as authorized by the Wool Standards Act; section 32 of the Act of August 24, 1935, as amended; Agricultural Marketing Act of 1946, as amended; and other authorities; and

(2) Executing assigned civil defense and defense mobilization activities.

(f) *Poultry Division.* The Poultry Division is responsible for:

(1) Planning and administering standardization, inspection, and grading, surplus removal (including purchase, diversion, and export programs), purchases under section 6 of the National School Lunch Act for assigned commodities, expansion of market outlets, and related programs for poultry, poultry products, domestic rabbits, and related commodities as authorized by Poultry Products Inspection Act, 21 U.S.C. 451 et seq.; section 32 of the Act of August 24, 1935, as amended; Agricultural Marketing Act of 1946, as amended; and other authorities;

(2) Planning and administering marketing agreement and order programs authorized by the Agricultural Marketing Agreement Act of 1937, as amended, for poultry and poultry products and such other commodities as may be assigned;

(3) Formulating policies and directing market news service for poultry and poultry products, and domestic rabbits; administrative direction of market news services for dairy and dairy products; and

(4) Executing assigned civil defense and defense mobilization activities.

(g) *Tobacco Division.* The Tobacco Division is responsible for:

(1) Planning and administering marketing services (market news, standardization, inspection, and grading) marketing regulatory, surplus removal, expansion of market outlets, statistical reporting, and related programs for tobacco, tobacco products and byproducts, naval stores, and related commodities as authorized by Tobacco Stocks and Standards Act of 1929, as amended; Tobacco Inspection Act, as amended; Tobacco Seed and Plant Exportation Act; Naval Stores Act, section 32 of the Act of August 24, 1935, as amended; and other authorities;

(2) Planning and administering marketing agreement and order programs authorized by the Agricultural Marketing Agreement Act of 1937, as amended, for tobacco, and the products thereof, and such other commodities as may be assigned; and

(3) Executing assigned civil defense and defense mobilization activities.

(h) *Transportation and Warehouse Division.* The Transportation and Warehouse Division is responsible for:

(1) Administering the U.S. Warehouse Act, as amended;

(2) Warehouse examination functions in connection with warehouses storing commodities pursuant to contracts or agreements with Commodity Credit Corporation;

(3) Administering provisions of section 201 of the Agricultural Adjustment Act of 1938, section 203(j) of the Agricultural Marketing Act of 1946, as amended, and other authorities covering adjustments in transportation and services for farm commodities, food, and farm supplies;

(4) Acting for, or assisting on assignment from the Office of the Administrator in directing and coordinating and planning activities and operations assigned C&MS with respect to emergency preparedness programs in connection with defense mobilization; and

(5) Executing other marketing services programs and activities as assigned.

(i) *Livestock Slaughter Inspection Division.* The Livestock Slaughter Inspection Division is responsible for planning and administering livestock slaughter inspection programs relating to:

(1) Ante-mortem and post-mortem inspection of animals, their carcasses, organs and parts thereof; the chilling, branding, and shipping of carcasses, meat byproducts, and nonprocessed parts of carcasses; the handling and control of inedible and condemned materials (including inedible rendering) incident to ante-mortem, post-mortem, and chilling operations to assure a wholesome supply of meat and edible meat byproducts for consumers. These functions are performed pursuant to (a) Meat Inspection Act, 21 U.S.C. 71–79, 87, 89, 90, 91, and 94; (b) provisions of the Humane Slaughter Act, 7 U.S.C. 1901 et seq.; and (c) The Horse Meat Act, 21 U.S.C. 96; and

(2) Executing assigned civil defense and defense mobilization activities.

(j) *Processed Meat Inspection Division.* The Processed Meat Inspection Division is responsible for planning and administering processed meat inspection programs relating to:

(1) Processed meat inspection, including all operations after slaughter and chilling relating to, or further handling of, edible meat, meat byproducts, and meat food products; the carcass breakup, and movement in commerce from slaughtering establishments; export certification and import inspection; the issuance of certificates and surveillance of exempted plants; and related reimbursable services to assure sanitary, wholesome and truthfully labeled products. These functions are performed pursuant to 21 U.S.C. 73–79, 83–87, 89–91, 94; 19 U.S.C. 1306 (b) and (c); 21 U.S.C. 96; and 7 U.S.C. 1622; and

(2) Executing assigned civil defense and defense mobilization activities.

(k) *Technical Services Division.* The Technical Services Division is responsible for planning and administering programs to provide the meat and poultry inspection programs of C&MS with the technical services required to assure that food products moving in foreign and domestic commerce are wholesome, unadulterated, and truthfully labeled, including:

(1) The sampling for Technical Services Division functions, testing, and analyses of meat and poultry products, chemical compounds, microbiological, pathological, and toxicological specimens and other associated laboratory services;

(2) The approval of product formulae, containers, methods of preparation, and labels;

(3) The development and promulgation of standards of composition and identity for processed products;

(4) The approval of plant design, structure and equipment, and sanitation standards; and

(5) The surveillance and approval of foreign inspection systems.

The functions of items 1 through 5 are performed pursuant to 21 U.S.C. 72–76, 78, 79, 89–91, 94, 96, 456; 7 U.S.C. 1622 and 1904; 19 U.S.C. 1306 (b) and (c); and

(6) Executing assigned civil defense and defense mobilization activities.

(l) *Meat Inspection District Offices.* The Meat Inspection District Offices are responsible for carrying out:

(1) Livestock slaughter inspection programs;

(2) Processed meat inspection programs;

(3) Technical services programs (except laboratories) relating to meat inspection within their respective geographical areas; and

(4) Executing assigned civil defense and defense mobilization activities.

(m) *Administrative Staff.* The Administrative Staff provides administrative management services for the Livestock Slaughter Inspection Division, the Processed Meat Inspection Division, the Technical Services Division, the Compliance and Evaluation Staff, and the Meat Inspection District Offices.

(n) *Compliance and Evaluation Staff.* The Compliance and Evaluation Staff administers the compliance and evaluation program designed to augment and strengthen management controls and the regulatory and enforcement aspects of the Poultry Products Inspection Act, the Meat Inspection Act, and related laws, and the regulations promulgated thereto.

(o) *Matching Fund Program Staff.* The Matching Fund Program Staff is responsible for:

(1) Providing leadership and consulting services to assist States in the development and execution of matched-funds marketing service projects, under the provisions of the Agricultural Marketing Act of 1946, as amended, and coordinating similar lines of work between States.

(2) Reviewing and approving such projects proposed by the State Departments of Agriculture, Bureaus of Markets, and similar State agencies; and

(3) Coordinating the matching fund program with the overall Federal-State marketing program.

(p) *Statistical Services Staff.* The Statistical Services Staff is responsible for providing leadership, coordination, analyses, and services in mathematical and statistical applications as they relate to the overall programs and activities of the agency.

SEC. 6. *Management Services.* The Administrative Services, Budget, Finance, and Personnel Divisions, and the Operations Analysis Staff, under the administrative direction of the Administrator and Associate Administrator and the functional and technical direction of the Deputy Administrator, Management, are responsible as follows:

(a) *Administrative Services Division.* The Administrative Services Division is responsible for:

(1) Planning and administering procurement and supply, real and personal property, records, communications, procedures, forms, reports, paperwork, and related management services programs necessary to meet requirements of the overall programs and activities of C&MS;

(2) Approving, for administrative feasibility and for conformance with governing rules and regulations, cooperative agreements and related documents, and contracts under the Agricultural Marketing Act of 1946, as amended;

(3) Developing standards and procedures for the preparation of program dockets and authorities, and clearing for conformance with governing rules and regulations materials to be published in the FEDERAL REGISTER and the Code of Federal Regulations; and

(4) Providing staff assistance to the Deputy Administrator, Management, with respect to committee management and civil rights activities in C&MS.

(b) *Budget Division.* The Budget Division is responsible for:

(1) Planning and administering the budget and related financial programs necessary to meet the requirements of the overall programs and activities of C&MS;

(2) Developing and assisting in establishing required budgetary systems and controls with respect to apportionments, obligations, and expenditures of available funds; and

(3) Planning and administering agency-wide systems for integrating long-range program plans with annual resource requirements.

(c) *Finance Division.* The Finance Division is responsible for:

(1) Planning and administering the fiscal and related accounting programs necessary to meet the requirements of the overall programs and activities of the agency;

(2) Developing and assisting in establishing required systems and controls with respect to obligations and expenditures; and

(3) Developing, installing, and revising accounting systems, methods and procedures for the agency including control committees and market administrators operating under marketing agreements and orders assigned to the agency.

(d) *Personnel Division.* The Personnel Division is responsible for planning and administering the organization, classification, wage and salary, employment, employee relations, labor management relations, training, award, safety, and health phases of a personnel program to meet requirements of the overall programs and activities of C&MS.

(e) *Operations Analysis Staff.* The Operations Analysis Staff is responsible for planning and administering a broad program of review, research, analysis, and coordination in program management as it relates to the efficiency and effectiveness of C&MS program operations.

DELEGATIONS OF AUTHORITY

SEC. 7. *Associate Administrator.* The Associate Administrator is hereby delegated the authority to perform all the duties and to exercise all the functions and powers which are now, or which may hereafter be, vested in the Administrator (including the power of redelegation except when prohibited) except such authority as is reserved to the Administrator.

SEC. 8. *Deputy Administrators.* The Deputy Administrator, Consumer Food Programs; the Deputy Administrator, Marketing Services; the Deputy Administrator, Regulatory Programs; the Deputy Administrator, Consumer Protection; and the Deputy Administrator, Management, are hereby delegated the authority, severally, to perform all the duties and to exercise all the functions and powers which are now, or which may hereafter be vested in the Administrator (including the power of redelegation except when prohibited) except such authority as is reserved to the Administrator. Each Deputy Administrator shall be primarily responsible for the programs and activities of the Consumer and Marketing Service herein or hereafter assigned to him.

SEC. 9. *Information Division.* The Director of the Information Division is hereby delegated authority, in connection with the respective functions herein assigned to him, to perform all the duties and to exercise all the functions and powers which are now, or which may hereafter be, vested in the Administrator (including the power of redelegation except when prohibited) except such authority as is reserved to the Administrator and Associate Administrator.

SEC. 10. *Consumer Food Divisions and Staffs.* The Directors of the Commodity Distribution, Food Stamp, School Lunch Divisions, Food Trades and Consumer Food Programs Services Staffs, and Consumer Food Programs District Offices are hereby delegated authority, in connection with the respective functions herein assigned to each of them, to perform all the duties and to exercise all the functions and powers which are now, or which may hereafter be, vested in the Administrator (including the power of redelegation except when prohibited) except such authority as is reserved to the Administrator, Associate Administrator, and Deputy Administrators.

SEC. 11. *Marketing Services, Regulatory, and Consumer Protection Divisions and Staffs.* The Directors of the Cotton, Dairy, Fruit and Vegetable, Grain, Livestock, Poultry, Tobacco, Transportation and Warehouse, Livestock Slaughter Inspection, Processed Meat Inspection, and Technical Services Divisions, the Administrative Staff, the Compliance and Evaluation Staff, Matching Fund Program Staff, Statistical Services Staff, and the Meat Inspection District Offices are hereby delegated authority, in connection with the respective functions herein assigned to each of them, to perform all the duties and to exercise all the functions and powers which are now, or which may hereafter be, vested in the Administrator (including the power of redelegation except when prohibited) except such authority as is reserved to the Administrator, Associate Administrator, and Deputy Administrators.

SEC. 12. *Management Services Divisions.* The Directors of the Administrative Services, Budget, Finance, and Personnel Divisions, and the Director, Operations Analysis Staff, are hereby delegated authority, in connection with the respective functions herein assigned to each of them, to perform all the duties and to exercise all the functions and powers which are now, or which may hereafter be, vested in the Administrator (including the power of redelegation except when prohibited) except such authority as is reserved to the Administrator, Associate Administrator, and Deputy Administrators.

SEC. 13. *Concurrent authority and responsibility to the Administrator.* No delegation or authorization prescribed herein shall preclude the Administrator, the Associate Administrator, or each Deputy Administrator, from exercising any of the powers or functions or from performing any of the duties conferred upon them herein, and any such delegation or authorization is subject at all times to withdrawal or amendment by the Administrator, the Associate Administrator, and in their respective fields, by each Deputy Administrator. The officers to whom authority is delegated herein shall (a) maintain close working relationships with the officers to whom they report, (b) keep them advised with respect to major problems and developments, and (c) discuss with them proposed actions involving major policy questions or other important considerations or questions, including matters involving relationships with other Federal agencies, other agencies of the Department, other Divisions or offices of C&MS or other Governmental or private organizations or groups.

SEC. 14. *Prior authorizations and delegations.* All prior delegations and redelegations of authority relating to any function, program or activity covered by the Statement of Organization, Functions, and Delegations of Authority, shall remain in effect except as they are inconsistent herewith or are hereafter amended or revoked. Nothing herein shall affect the validity of any action heretofore taken under prior delegations or redelegations of authority or assignments of functions.

RESERVATION OF AUTHORITY

SEC. 15. *Reservation of authority.* (1) There is hereby reserved to the Administrator, or to the individual designated to act in his absence, the authority to designate Market Administrators and Committees administering marketing agreement and order programs.

(2) There is hereby reserved to the Administrator, or to the individual designated to act in his absence, the approval of regulations relating to the travel of seasonal inspectors.

AVAILABILITY OF INFORMATION AND RECORDS

SEC. 16. *Availability of information and records.* Any person desiring information or to make submittals or requests with respect to the programs and functions of C&MS should address his request to the Director of the particular Division or Office, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250. The availability of information and records of C&MS and its Divisions and offices is governed by the rules and regulations as published in the Code of Federal Regulations, Title VII, Chapter IX, Part 900, Subpart—Public Information.

Issued at Washington, D.C., this 9th day of August 1967.

S. R. SMITH,
Administrator.

[F.R. Doc. 67-9517; Filed, Aug. 14, 1967; 8:46 a.m.]

Federal Crop Insurance Corporation

[Notice No. 23]

CITRUS CROPS IN FLORIDA

Extension of Closing Date for Filing of Applications for 1967 Crop Year

Pursuant to the authority contained in § 410.22 of Title 7 of the Code of Federal Regulations, and pursuant to paragraph 1 of the resolution adopted by the Board of Directors of the Federal Crop Insurance Corporation on March 19, 1954, the time for filing applications for citrus crop insurance for the 1967 crop year in all counties in Florida where such insurance is otherwise authorized to be offered is hereby extended until the close of business on August 31, 1967. Such applications received during this period will be accepted only after it is determined that no adverse selectivity will result.

ERNEST C. NEAS,
Acting Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 67-9536; Filed, Aug. 14, 1967; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ATOMIC ENERGY COMMISSION

Notice of Withdrawal of Petition for Food Additive Gamma Radiation

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), the U.S. Atomic Energy Commission, Washington, D.C. 20545, has withdrawn its petition (FAP 6M2024), notice of which was published in the FEDERAL REGISTER of May 18, 1966 (31 F.R. 7256), proposing the issuance of a regulation to provide for the safe use of gamma radiation from cobalt 60 or cesium 137 sources in the irradiation of fresh strawberries for the control of microbial spoilage.

Dated: August 4, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-9527; Filed, Aug. 14, 1967; 8:47 a.m.]

ATOMIC ENERGY COMMISSION AND DEPARTMENT OF THE ARMY

Notice of Withdrawal of Petition for Food Additive Gamma Radiation

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), the Atomic Energy Commission, Washington, D.C. 20545, and the Department of the Army, Natick, Mass. 01760, have withdrawn their petition (FAP 4M1233), notice of which was published in the FEDERAL REGISTER of December 18, 1963 (28 F.R. 13797), proposing the issuance of a regulation to provide for the safe use of sealed units containing the isotope cobalt 60 or cesium 137 as a source of gamma radiation for the preservation of lemons and oranges.

Dated: August 4, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-9528; Filed, Aug. 14, 1967; 8:47 a.m.]

MERCK SHARP & DOHME RESEARCH LABORATORIES

Notice of Filing of Petition for Food Additive Thiabendazole

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by Merck Sharp & Dohme Research Laboratories, Division of Merck and Co., Inc., Rahway, N.J. 07065, proposing that § 121.260 *Thiabendazole* be amended in Tables 1 and 2 to reduce from 30 days to 3 days the prescribed preslaughter withdrawal period for cattle administered thiabendazole.

Dated: August 4, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-9529; Filed, Aug. 14, 1967; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 18531]

DOMESTIC COTERMINAL POINTS—EUROPE ALL-CARGO SERVICE INVESTIGATION

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on August 31, 1967, at 10 a.m., e.d.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner F. Merritt Ruhlen.

In order to facilitate the conduct of the conference interested parties are instructed to submit to the examiner and other parties on or before August 25, 1967, (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statements of positions of parties; and (5) proposed procedural dates.

Dated at Washington, D.C., August 10, 1967.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 67-9531; Filed, Aug. 14, 1967; 8:47 a.m.]

[Docket No. 18364]

KAR-AIR OY

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on August 22, 1967, at 10 a.m., e.d.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Edward T. Stodola.

Dated at Washington, D.C., August 9, 1967.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 67-9532; Filed, Aug. 14, 1967; 8:47 a.m.]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 592]

WM. A. HAUSMAN CO., INC.

Revocation of License

Whereas, Wm. A. Hausman Co., Inc., 87 Marion Street Viaduct, Seattle, Wash. 98104, has ceased to operate as an independent ocean freight forwarder; and

Whereas, Wm. A. Hausman Co., Inc., has returned Independent Ocean Freight Forwarder License No. 592 to the Commission; and

Whereas, by letter dated July 28, 1967, Wm. A. Hausman Co., Inc., has requested the cancellation of its Independent Ocean Freight Forwarder License No. 592;

Now therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commision Order No. 201.1 (revised), section 6.03:

It is ordered, That the Independent Ocean Freight Forwarder License No. 592 of Wm. A. Hausman Co., Inc., be and is hereby revoked, effective August 8, 1967.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served on the licensee.

JAMES E. MAZURE,
Director,
Bureau of Domestic Regulation.

[F.R. Doc. 67-9533; Filed, Aug. 14, 1967; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

NORTHERN INSTRUMENT CORP.

Order Suspending Trading

AUGUST 9, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Northern Instrument Corp., Babylon, N.Y., and all other securities of Northern Instrument Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15 (c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange is summarily suspended, this order to be effective for the period August 10, 1967, through August 11, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-9509; Filed, Aug. 14, 1967; 8:45 a.m.]

S & P NATIONAL CORP.

Order Suspending Trading

AUGUST 9, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common and class A stock of S & P National Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15 (c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 10, 1967, through August 10, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-9510; Filed, Aug. 14, 1967; 8:45 a.m.]

STEEL CREST HOMES, INC.

Order Suspending Trading

AUGUST 9, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Steel Crest Homes, Inc., King of Prussia, Pa., and all other securities of Steel Crest Homes, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15 (c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 10, 1967, through August 10, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-9511; Filed, Aug. 14, 1967; 8:45 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), and Administrative Order No. 595 (31 F.R. 12981) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. For each certificate, the effective and expiration dates, number or proportion of learners and the principal product manufactured by the establishment are as indicated. Conditions on occupations, wage rates, and learning periods which are provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations; such conditions in certificates not issued under the supplemental industry regulations are as indicated.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.20 to 522.25, as amended).

The following normal labor turnover certificates authorize 10 percent of the total number of factory production workers except as otherwise indicated.

Ashland Crafts, Inc., Ashland, Ky.; 8-3-67 to 8-7-68 (children's dresses).

Bastian Manufacturing Corp., Bastian, Va.; 8-3-67 to 8-1-68 (men's, boys', ladies', and girls' shirts).

Bestform Foundations of Pennsylvania, Inc., Johnstown, Pa.; 8-3-67 to 8-2-68 (brassieres and girdles).

Clayburne Manufacturing Co., Inc., Clayton, Ga.; 8-5-67 to 8-4-68 (men's sport shirts).

Helco, Inc. of Georgia, Greenville, S.C.; 7-31-67 to 7-30-68 (boys' pajamas and pants).

The Hercules Trouser Co., Wellston, Ohio; 7-30-67 to 7-29-68 (men's and boys' pants).

Jamestown Shirt Corp., Jamestown, Tenn.; 8-6-67 to 8-5-68 (men's and boys' sport shirts).

La Salle Cutting & Manufacturing Co., Inc., Pittston, Pa.; 7-31-67 to 7-30-68; 5 learners (ladies' dresses).

Hemor Contractors, Newark, N.J.; 7-26-67 to 7-25-68 (men's and boys' outerwear jackets).

RCM Enterprises, Inc., Baconton, Ga.; 7-24-67 to 7-23-68; 10 learners (ladies' and girls' blouses).

Salant & Salant, Inc., Marked Tree, Ark.; 8-5-67 to 8-4-68 (children's pants).

Somerville Manufacturing Co., Inc., Vivian, La.; 7-24-67 to 7-23-68 (men's slacks).

Sylco Corp., Sylva, N.C.; 7-31-67 to 7-30-68 (infants' sleepwear).

The Van Heusen Co., Hazen, Ark.; 8-1-67 to 7-31-68; 10 learners (men's dress shirts).

Wildwood Clothing Co., Inc., Wildwood, N.J.; 8-1-67 to 7-31-68; 10 learners (men's and ladies' slacks).

Williamson-Dickie Manufacturing Co., Eagle Pass, Tex.; 8-1-67 to 7-31-68 (denim dungarees).

Woodbury Manufacturing Co., Woodbury, Tenn.; 8-6-67 to 8-5-68 (men's and boys' sport shirts).

The following plant expansion certificates were issued authorizing the number of learners indicated.

Angelica Uniform Co., No. 1, Mountain View, Mo.; 7-28-67 to 1-27-68; 60 learners (men's washable service coats).

California Girlswear, Inc., Cottonwood, Ariz.; 7-24-67 to 1-23-68; 125 learners (men's fatigue pants).

Chester Manufacturing Co., Inc., Henderson, Tenn.; 7-31-67 to 1-30-68; 220 learners (boys' jeans).

Somerville Manufacturing Co., Inc., Vivian, La.; 7-29-67 to 10-2-67; 200 additional learners (men's slacks) (supplemental certificate).

Somerville Manufacturing Co., Inc., Somerville, Tenn.; 7-27-67 to 1-26-68; 26 learners (men's slacks).

Sylco Corp., Sylva, N.C.; 7-31-67 to 1-30-68; 160 learners (infants' sleepwear).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.60 to 522.65, as amended).

Mount Vernon Plant, Edmont-Wilson Division, Mount Vernon, Ohio; 7-31-67 to 1-30-68; 20 learners for plant expansion purposes (work gloves).

Wells Lamont Corp., Oak Grove, La.; 8-3-67 to 8-2-68; 10 learners for normal labor turnover purposes (leather work gloves).

Wells Lamont Corp., Hugo, Okla.; 7-29-67 to 7-28-68; 10 percent of the total number of machine stitchers for normal labor turnover purposes (work gloves).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.30 to 522.35, as amended).

Van Raalte Co., Inc., Franklin, N.C.; 7-31-67 to 1-30-68; 25 learners for plant expansion purposes (ladies' lingerie).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number of learners authorized to be employed, are indicated.

General Nitewear of P.R., Inc., Yabucoa, P.R.; 7-17-67 to 1-16-68; 12 learners for plant expansion purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of 84 cents an hour (men's and boys' pajamas).

Gordonshire Knitting Mills, Inc., Cayey, P.R.; 7-3-67 to 7-2-68; 35 learners for normal labor turnover purposes in the occupations of: (1) Knitting, for a learning period of 480 hours at the rates of 98 cents an hour for the first 240 hours and $1.15 an hour for the remaining 240 hours; and (2) machine stitching—seaming, for a learning period of 320 hours at the rates of 98 cents an hour for the first 160 hours and $1.15 an hour for the remaining 160 hours (sweaters).

Surtex Glove Corp., Coamo, P.R.; 7-17-67 to 7-16-68; 18 learners for normal labor turnover purposes in the occupation of sewing machine operating, for a learning period of 480 hours at the rates of 90 cents an hour for the first 240 hours and $1.03 for the remaining 240 hours (ladies' nylon gloves).

Tinto, Inc., Cayey, P.R.; 7-3-67 to 7-2-68; 5 learners for normal labor turnover purposes in the occupation of dyeing machine operating, for a learning period of 240 hours at the rate of 98 cents an hour (dyeing of sweaters).

Isabela Vieques Corp., Vieques, P.R.; 7-17-67 to 7-16-68; 21 learners for normal labor turnover purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of 84 cents an hour (dress shirts).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 15 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR Part 528.

Signed at Washington, D.C., this 4th day of August 1967.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 67-9508; Filed, Aug. 14, 1967; 8:45 a.m.]

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PART 407—TUNG NUT CROP INSURANCE

Subpart—Regulations for the 1965 and Succeeding Crop Years

APPENDIX—COUNTY DESIGNATED FOR TUNG NUT CROP INSURANCE, 1968 CROP

Pursuant to authority contained in § 407.1 of the above-identified regulations, the following county has been designated for tung nut crop insurance for the 1968 crop year.

FLORIDA

Jackson.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JACK H. MORRISON,
Acting Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 67-9609; Filed, Aug. 15, 1967; 8:50 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 1]

PART 718—DETERMINATION OF ACREAGE AND COMPLIANCE

Disposition Dates

Basis and purpose. This amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.), for the purpose of amending disposition dates for (1) cotton, corn, and grain sorghums in Alabama, (2) cotton in Tennessee, and (3) grain sorghums in Texas. These amended dates are as recommended by the State committees and approved by the Deputy Administrator.

In each case, the disposition date as amended is later than the superseded date, thus giving farmers additional time in which to accomplish any required crop disposition. Since farmers need to know the revised disposition dates as soon as possible, it is hereby found and determined that compliance with the notice, public procedure and 30-day effective date requirements of 5 U.S.C. 553 (80 Stat. 383) is unnecessary. Accordingly, this amendment shall become effective upon publication in the FEDERAL REGISTER.

Paragraph (b) of § 718.27 of the Regulations Governing Determination of Acreage and Compliance (32 F.R. 9069) is amended by adding or revising subparagraphs for the following States to read as follows:

§ 718.27 Crop disposition dates.

* * * * *

(b) *Crop disposition dates.*

ALABAMA

* * * * *

(2) *Cotton, corn, and grain sorghums*—(i) *July 10.* Counties listed in (1)(i) above.

* * * * *

TENNESSEE

* * * * *

(3) *Cotton*—(i) *August 15.* Benton, Bledsoe, Bradley, Carroll, Chester, Coffee, Crockett, Davidson, Decatur, Dickson, Dyer, Fayette, Franklin, Gibson, Grundy, Hamilton, Hardeman, Hardin, Haywood, Henderson, Henry, Hickman, Humphreys, Lake, Lauderdale, Lewis, McNairy, Madison, Marion, Marshall, Obion, Perry, Polk, Rhea, Rutherford, Sequatchie, Shelby, Tipton, Trousdale, Van Buren, Warren, and Weakley.

(ii) *July 31.* All other counties.

* * * * *

TEXAS

* * * * *

(2) *Corn and spring-seeded grain sorghums.* * * *

* * * * *

(2a) *Summer-seeded grain sorghums*—(i) *September 1.* Anderson, Andrews, Angelina, Bastrop, Bell, Blanco, Borden, Bosque, Bowie, Brazos, Brewster, Brown, Burleson, Burnet, Caldwell, Callahan, Camp, Cass, Cherokee, Coke, Coleman, Collin, Comal, Comanche, Concho, Cooke, Coryell, Crane, Crockett, Culberson, Dallas, Dawson, Delta, Denton, Eastland, Ector, Edwards, Ellis, El Paso, Erath, Falls, Fannin, Fayette, Fisher, Franklin, Freestone, Gaines, Garza, Gillespie, Glasscock, Grayson, Gregg, Grimes, Hamilton, Hardin, Harrison, Hays, Henderson, Hill, Hood, Hopkins, Houston, Howard, Hudspeth, Hunt, Irion, Jack, Jasper, Jeff Davis, Johnson, Jones, Kaufman, Kendall, Kerr, Kimble, Kinney, Lamar, Lampasas, Lee, Leon, Limestone, Llano, Loving, Lynn, McCulloch, McLennan, Madison, Marion, Martin, Mason, Menard, Midland, Milam, Mills, Mitchell, Montague, Montgomery, Morris, Nacogdoches, Navarro, Newton, Nolan, Palo Pinto, Panola, Parker, Pecos, Polk, Presidio, Rains, Reagan, Real, Red River, Reeves, Robertson, Rockwall, Runnels, Rusk, Sabine, San Augustine, San Jacinto, San Saba, Schleicher, Scurry, Shackelford, Shelby, Smith, Somervell, Stephens, Sterling, Sutton, Tarrant, Taylor, Terrell, Terry, Throckmorton, Titus, Tom Green, Travis, Trinity, Tyler, Upshur, Upton, Val Verde, Van Zandt, Walker, Ward, Washington, Williamson, Winkler, Wise, Wood, Yoakum, and Young.

(ii) *September 15.* Aransas, Atascosa, Austin, Bandera, Bee, Bexar, Brazoria, Brooks, Calhoun, Cameron, Chambers, Colorado, De Witt, Dimmit, Duval, Fort Bend, Frio, Galveston, Goliad, Gonzales, Guadalupe, Harris, Hidalgo, Jackson, Jefferson, Jim Hogg, Jim Wells, Karnes, Kenedy, Kleberg, La Salle, Lavaca, Liberty, Live Oak, McMullen, Matagorda, Maverick, Medina, Nueces, Orange, Refugio, San Patricio, Starr, Uvalde, Victoria, Waller, Webb, Wharton, Willacy, Wilson, Zapata, and Zavala.

* * * * *

(Secs. 373, 374, 375, 52 Stat. 65, as amended, 66, as amended; 7 U.S.C. 1373, 1374, 1375)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on August 9, 1967.

E. A. JAENKE,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 67-9588; Filed, Aug. 15, 1967; 8:48 a.m.]

[Amdt. 11]

PART 728—WHEAT

Subpart—Regulations Pertaining to Acreage Allotments, Yields, Wheat Diversion and Wheat Certificate Programs for the Crop Years 1966 Through 1969

SPECIAL NATIONAL ACREAGE RESERVE

§ 728.309 [Amended]

1. Section 728.309(b)(3) is amended by deleting the figure "1967" from the first sentence.

2. Section 728.325(b) is amended in its entirety to read as follows:

§ 728.325 Special national acreage reserve.

* * * * *

(b) For 1968, the following counties shall be considered eligible for participation in the special national acreage reserve.

COLORADO

Adams.
Arapahoe.
Archuleta.
Baca.
Bent.
Boulder.
Cheyenne.
Crowley.
Dolores.
Douglas.
Elbert.
El Paso.
Huerfano.
Jefferson.
Kiowa.
Kit Carson.
La Plata.
Larimer.
Las Animas.
Lincoln.
Logan.
Moffat.
Montezuma.
Morgan.
Phillips.
Prowers.
Pueblo.
Rio Blanco.
Routt.
San Miguel.
Sedgwick.
Washington.
Weld.
Yuma.

IDAHO

Bannock.
Bear Lake.
Benewah.
Camas.
Caribou.
Clearwater.
Franklin.
Fremont.
Idaho.
Kootenai.
Latah.
Lewis.
Madison.
Nez Perce.
Oneida.
Power.
Teton.

KANSAS

All Counties.

Minnesota		
Kittson.	Norman.	
Marshall.	Clay.	
West Polk.	Wilkin.	
Montana		
Big Horn.	Meagher.	
Blaine.	Mineral.	
Broadwater.	Missoula.	
Carbon.	Musselshell.	
Carter.	Park.	
Cascade.	Petroleum.	
Chouteau.	Phillips.	
Custer.	Pondera.	
Daniels.	Powder River.	
Dawson.	Prairie.	
Fallon.	Ravalli.	
Fergus.	Richland.	
Flathead.	Roosevelt.	
Gallatin.	Rosebud.	
Garfield.	Sanders.	
Glacier.	Sheridan.	
Golden Valley.	Stillwater.	
Hill.	Sweet Grass.	
Jefferson.	Teton.	
Judith Basin.	Toole.	
Lake.	Treasure.	
Lewis and Clark.	Valley.	
Liberty.	Wheatland.	
McCone.	Wibaux.	
Madison.	Yellowstone.	
Nebraska		
Adams.	Hayes.	
Banner.	Hitchcock.	
Box Butte.	Jefferson.	
Chase.	Kearney.	
Cheyenne.	Keith.	
Clay.	Kimball.	
Dawes.	Morrill.	
Deuel.	Nuckolls.	
Dundy.	Perkins.	
Fillmore.	Phelps.	
Franklin.	Red Willow.	
Frontier.	Saline.	
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New Mexico		
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Quay.		
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All Counties.		
Oregon		
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Beaver.	Kingfisher.	
Beckham.	Kiowa.	
Blaine.	Logan.	
Caddo.	Major.	
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Cimarron.	Noble.	
Comanche.	Nowata.	
Cotton.	Oklahoma.	
Craig.	Osage.	
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Delaware.	Pawnee.	
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Custer.	Potter.	
Dewey.	Shannon.	
Edmunds.	Spink.	
Fall River.	Stanley.	
Faulk.	Sully.	
Haakon.	Todd.	
Hand.	Tripp.	
Harding.	Walworth.	
Hughes.	Washabaugh.	
Hyde.	Ziebach.	
Jackson.		
Utah		
Box Elder.	Salt Lake.	
Cache.	San Juan.	
Juab.	Tooele.	
Rich.		
Washington		
Adams.	Klickitat.	
Asotin.	Lincoln.	
Benton.	Spokane.	
Columbia.	Stevens.	
Douglas.	Walla Walla.	
Franklin.	Whitman.	
Garfield.	Yakima.	
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Wyoming		
Campbell.	Niobrara.	
Carbon.	Platte.	
Crook.	Sheridan.	
Laramie.	Weston.	

(Secs. 334, 375, 52 Stat. 53, as amended, 66, as amended; 7 U.S.C. 1334, 1375)

Effective date: Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on August 9, 1967.

E. A. Jaenke,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 67-9584; Filed, Aug. 15, 1967; 8:48 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Valencia Orange Reg. 214, Amdt. 1]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the Federal Register (5 U.S.C. 553 (1966)), because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b)(1) (i) and (ii) of § 908.514 (Valencia Orange Reg. 214, 32 F.R. 11375) are hereby amended to read as follows:

§ 908.514 Valencia Orange Regulation 214.

* * * * *

(b) *Order.* (1) * * *

(i) District 1: 172,500 cartons;

(ii) District 2: 577,500 cartons.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 11, 1967.

Paul A. Nicholson,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-9585; Filed, Aug. 15, 1967; 8:48 a.m.]

[Avocado Reg. 15, Amdt. 3]

PART 944—FRUIT; IMPORT REGULATIONS

Avocados

Pursuant to the provisions of section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), the provisions of paragraph (a) of § 944.7 (Avocado Regulation 15; 32 F.R. 7245, 10052, 10641) are hereby amended as follows:

§ 944.7 Avocado Regulation 15.

(a) On and after the effective time of this section, the importation into the United States of any avocados is prohibited unless such avocados are inspected and meet the following requirements:

(1) All avocados imported during the period May 20, 1967, through April 30, 1968, shall grade not less than U.S. No. 3.

* * * * *

(4) Avocados of the Trapp variety shall not be imported (i) prior to August 14, 1967; (ii) from August 14, 1967, through August 20, 1967, unless the individual fruit in each lot of such avocados weighs at least 12 ounces or measures at least 3⅞ inches in diameter; (iii) from August 21, 1967, through August 27, 1967, unless the individual fruit in each lot of such avocados weighs at least 14 ounces or measures at least 3¹⁵⁄₁₆ inches in diameter; and (iv) from August 28, 1967, through September 10, 1967, unless the individual fruit in each lot of such avocados weighs at least 12 ounces or measures at least 3⅞ inches in diameter.

* * * * *

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective time of this regulation beyond that hereinafter specified (5 U.S.C. 553) in that (a) the requirements of this amended import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), which makes such regulation mandatory; (b) such regulation imposes the same grade and comparable maturity requirements on imports of avocados as are being made applicable to the shipment of avocados grown in Florida under Avocado Regulation 9, as amended, which becomes effective August 14, 1967; (c) compliance with this import regulation will not require any special preparation which cannot be completed by the effective time hereof; (d) notice hereof in excess of three days, the minimum prescribed by said section 8e, is given with respect to this import regulation, insofar as it imposes added restrictions; and (e) such notice is hereby determined, under the circumstances, to be reasonable.

Dated August 11, 1967, to become effective August 21, 1967.

Paul A. Nicholson,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-9591; Filed, Aug. 15, 1967; 8:49 a.m.]

Chapter XVIII—Farmers Home Administration, Department of Agriculture

SUBCHAPTER B—LOANS AND GRANTS PRIMARILY FOR REAL ESTATE PURPOSES

[FHA Instruction 444.5]

PART 1822—RURAL HOUSING LOANS AND GRANTS

Subpart D—Rural Rental Housing Loans

Subpart D, Part 1822, Title 7, Code of Federal Regulations (31 F.R. 14153), is amended to read as follows:

Subpart D—Rural Rental Housing Loans

Sec.
1822.81 General.
1822.82 Definitions.
1822.83 Eligibility requirements.
1822.84 Loan purposes.
1822.85 Limitations.
1822.86 Rates and terms.
1822.87 Special conditions.
1822.88 Security.
1822.89 Technical, legal, and other services.
1822.90 Maximum income limit for eligible occupants.
1822.91 Processing applications.
1822.92 Preparation of completed loan docket.
1822.93 Loan approval.
1822.94 Actions subsequent to loan approval.
1822.95 Loan closing.
1822.96 Subsequent loans.
1822.97 Complaints regarding discrimination in use and occupancy of housing in projects of more than two rental units.

Authority: The provisions of this Subpart D issued under sec. 510, 63 Stat. 437, 42 U.S.C. 1480; Orders of Secretary of Agriculture, 29 F.R. 16210, 32 F.R. 6650.

§ 1822.81 General.

This subpart sets forth the policies and procedures, and delegates authority for making direct and insured Rural Rental Housing loans under section 515 of the Housing Act of 1949. The basic objective of Rural Rental Housing loans is to provide for rural residents economically designed and constructed rental housing and related facilities suited to their living requirements.

§ 1822.82 Definitions.

(a) "Rural resident" means a person whose permanent residence is or was until recently in a rural area.

(b) "Senior citizen" means a rural resident who is 62 years of age or over. In case of a married couple, "senior citizen" includes the wife or husband.

(c) "Eligible occupant" means:

(1) For the purpose of a direct loan—

(i) A senior citizen with a low or moderate income; or

(ii) Any rural resident with a low income.

(2) For the purpose of an insured loan—

(i) A senior citizen; or

(ii) Any rural resident with a low or moderate income.

(3) For the purpose of a direct or insured loan—

(i) A person younger than 62 who resides with, and is considered a member of, the family of the senior citizen occupant.

(ii) A person younger than 62 if it can be shown that the younger person's occupancy is necessary for the well-being of the senior citizen occupant.

(d) "Housing" means structures in a rural area which are or will be suitable for and available to eligible occupants for dwelling use to provide independent living on a rental basis, and may include "related facilities" where appropriate.

(e) "Related facilities" means community rooms or buildings, cafeterias, dining halls, appropriate recreation facilities, small garden plots, infirmaries, assembly halls, and other essential service facilities such as central heating, sewerage, light systems, ranges and refrigerators, clothes washing machines and dryers for the common use of the tenants, and a safe domestic water supply.

(f) "Development cost" means the costs of constructing, purchasing, improving, altering, or repairing housing, and purchasing and improving the necessary land. It includes necessary architectural, engineering, legal, and official fees and charges and other appropriate technical and professional fees and charges. It does not include other fees, charges, or commissions such as payments to brokers, negotiators, or other persons for the referral of prospective applicants or solicitation of loans.

(g) "Rural areas" means open country or places of 5,500 persons or less which are not parts of or associated with urban areas and are further defined in § 1822.3 (c).

(h) "Individual" means a natural person.

(i) "Organization" means:

(1) For the purpose of a direct Rural Rental Housing loan, a private nonprofit corporation or consumer cooperative.

(2) For the purpose of an insured Rural Rental Housing loan, any profit or nonprofit corporation, association, trust, or partnership, including a municipal corporation or other corporate agency of a State or local government.

(j) "Private nonprofit corporation" means a corporation which is controlled by private persons or interests, is organized and operated for purposes other than making gains or profits for the corporation or its members, and is legally precluded from distributing to its members any gains or profits during its existence.

(k) "Consumer cooperative" means a corporation which is organized as a cooperative, will operate the housing on a nonprofit basis solely for the benefit of the occupants, and is legally precluded from distributing during the life of the loan any gains or profits from operation of the housing. For this purpose any patronage refunds to occupants of the housing would not be considered gains or profits. A consumer cooperative may accept nonmembers as well as members for occupancy of the housing.

(l) "Gains or profits" for the purpose of paragraphs (j) and (k) of this section do not include dividends payable on stock which is nonvoting, limited as to the amount of dividends that can be paid thereon, and limited as to liquidation value in the event of corporate dissolution.

(m) "Members" and "membership" includes stockholders and stock where appropriate.

(n) "Board" and "directors" include the governing body and members of the governing body of an organization.

(o) "Note" may include bond or other form of obligation.

(p) "Mortgage" may include any appropriate form of security instrument.

§ 1822.83 Eligibility requirements.

(a) *Eligibility of applicant.* To be eligible for a Rural Rental Housing loan the applicant must:

(1) For an insured loan, be either an individual who is a citizen of the United States, or an organization which will provide housing for eligible occupants.

(2) For a direct loan, be an organization which will provide housing for eligible occupants.

(3) Be unable to provide the housing from the applicant's own resources and unable to obtain the necessary credit from private or cooperative sources upon terms and conditions the applicant could reasonably be expected to fulfill.

(4) Have the ability and intention to maintain and operate the housing for the purpose for which the loan is made.

(5) Own or become the owner, when the loan is closed, of the housing and related land.

(6) Have initial operating capital and other assets needed for a sound loan, and have after the loan is made, income sufficient to meet the applicant's operating expenses, necessary capital replacements, payments on the loan and any other authorized debts, other reasonable and necessary expenses, and the accumulation of reasonable reserves as required.

(i) Initial operating capital should be sufficient to pay for such costs as property and liability insurance premiums, fidelity bond premiums if an organization, utility hook-up charges, maintenance equipment, movable furnishings and equipment, printing lease forms, and other initial expenses. Usually, the initial operating capital required should amount to at least 2 percent of the total cost of the project to cover these costs.

(ii) If, in addition, the applicant is to provide other movable equipment and furnishings, the initial capital will need to be increased sufficiently to cover the cost of these items.

(7) Possess the legal capacity to incur, and the legal capacity, character, ability, and experience to carry out, the undertakings and obligations required for the loan.

(8) Agree to comply with all requirements of the Farmers Home Administration (FHA) including those set forth in the FHA regulations, the loan resolution or loan agreement of the applicant, the forms of note and mortgage, and elsewhere.

(9) In case of an insured loan:

(i) Be an individual residing in, or an organization whose members owning a majority of the voting interests reside in the community where the housing will be located.

(ii) Be an individual who resides close enough to the project to provide general supervision or an organization which will provide a manager or caretaker. Such individual, manager, or caretaker must either reside on the housing project or be readily accessible to the tenants and near enough to reach the housing within a few minutes.

(iii) In case of an organization, or an individual who is required to execute a loan agreement, legally obligate itself not to divert income from the housing to any other business, enterprise, or purpose except as specifically permitted under the prescribed form of loan resolution or loan agreement.

(10) In case of a direct loan, be an organization—

(i) Each of whose members is limited to one vote in the affairs of the organization and a majority of whose members reside in the community where the housing will be located.

(ii) Which will provide a manager or caretaker who will reside on the housing projects or be readily accessible to the tenants and near enough to be able to reach the housing within a few minutes.

(iii) Whose board of directors numbers not less than five.

(iv) Whose directors must be members of the organization.

(v) Which requires that not less than five of its directors shall be among the leaders of the community where the housing will be located.

(vi) Which has and will maintain a broadly based membership representing or reflecting a variety of interests in the community. For a loan of less than $100,000, the organization should have at least 25 members. The minimum number of members should be increased for larger projects. The purpose of this requirement is to afford reasonable assurance of success of the housing project, assure community support, protect the Government's financial interest as mortgagee, and provide reasonable assurance that the purposes of the loan will be carried out. In direct Rural Rental Housing loans there is no profit incentive. The terms of the loan may extend for as long as 50 years and eligible transferees could be found only among qualified private nonprofit corporations and consumer cooperatives. Therefore, factors such as the prospect for competent management and supervision and adequate community support of the housing project over the expected life of the loan are vitally important. The "broadly based membership" requirement may vary depending upon whether the applicant is a well established or new corporation, the applicant's financial condition, the present and future effective demand for the housing by persons who will be eligible for occupancy, and the ratio of loan to the appraised value of the security.

(vii) Which legally obligates itself not to divert income from the housing to any other business, enterprise, or purpose.

(viii) Which has articles of incorporation and bylaws substantially conforming to the model articles and bylaws set forth in the State Instruction. The State Director will provide for use by applicants a model set of articles of incorporation and bylaws for his State which will be consistent with this instruction and the State law.

(b) *Authorized representative of applicant.* The FHA will deal only with the applicant or a bona fide representative of the applicant and his technical advisers. An authorized representative of the applicant must be a person who has no pecuniary interest in the award of the architectural or construction contracts, the purchase of equipment, or the purchase of the land for the housing site.

§ 1822.84 Loan purposes.

Rural Rental Housing loans may be made to qualified applicants for:

(a) Construction, purchase, improvement, alteration, or repair of housing which:

(1) Is economical in construction and not of elaborate or extravagant design or materials;

(2) Consists of apartments, duplex houses, or detached dwellings, and any appropriate related facilities;

(3) Is residential in character and designed to meet the needs of eligible occupants who are capable of caring for themselves;

(4) Has consideration given to safety, convenience, and comfort;

(5) If to be occupied by senior citizens, is readily accessible to stores, service facilities, and social activities;

(6) Based upon the demand shown by a market analysis, may include "efficiency" type units, or one-, two-, or three-bedroom units;

(7) Contains a bathroom and kitchen facilities in each unit; or

(8) In case of insured loans, may include the addition of rooms to a dwelling owned by the applicant, in order to provide rental housing suitable for and publicly available to eligible occupants on a continuing basis.

(b) Purchase or improvement of the necessary land on which the housing will be located.

(1) The cost of land purchased with loan funds may not exceed its present market value in its present condition. Present market value will be determined by a current appraisal. Loan funds will not be used to buy land from a member of an applicant-organization, or from another organization in which any member of the applicant-organization has an interest, without the prior consent of the National Office.

(2) Loan funds may be used to acquire land in excess of that needed for the housing, including related facilities, when:

(i) The cost of the excess land bears a reasonable portion of the loan; and

(ii) The applicant:

(*a*) Cannot acquire only the needed land at a fair price;

(*b*) Can justify the acquisition;

(*c*) Agrees to sell the land as soon as practicable and apply the proceeds on the loan; and

(*d*) Has legal authority to legally acquire and administer the land.

(c) Development and installation of water supply, sewage disposal, heat and light systems necessary in connection with the housing, and other related facilities such as:

(1) Maintenance workshop and equipment storage.

(2) Recreation center, including lounge.

(3) Central cooking and dining facilities when the project is large enough to justify such services to supplement the kitchen facilities in each unit.

(4) Small infirmary for emergency care only, when justified.

(5) Laundry room and storage.

(6) Office and living quarters for the resident manager and other operating personnel. Such facilities may be provided only where:

(i) There are enough rental units (usually not less than 10), to require the presence of such personnel so as to justify the additional investment; and

(ii) Their cost is proportionate to the need for and benefits to be derived from them.

(7) Appropriate recreational facilities, and other facilities to meet essential needs.

(d) Construction of fallout shelters or similar protective structures.

(e) Purchase and installation of ranges and refrigerators to be installed in the individual rental units or as a part of the central cooking facilities, and clothes washing machines and dryers to be installed in project utility rooms for the common use of the tenants.

(f) Purchase and installation of essential equipment, which upon installation becomes a part of the real estate.

(g) Provision of landscaping, foundation planting, seeding or sodding of lawns, or other necessary facilities related to buildings such as walks, yards, fences, parking areas, and driveways.

(h) Payment of related costs such as fees and charges for legal, architectural, engineering, and other appropriate technical and official services. Ordinarily, the FHA will furnish the needed guidance for the development of a Rural Rental Housing loan docket and project. However, the State Director may authorize the use of loan funds to enable a nonprofit corporation or consumer cooperative to pay a qualified consulting organization or foundation, operating on a nonprofit basis, charges for necessary services, provided the State Director determines that:

(1) Either the applicant, even with available FHA assistance, cannot meet all requirements for a sound loan without the services, or the services would permit significant financial savings to the Government, either directly or by lightening the workload involved in processing applications, and

(2) The charges are reasonable in amount, considering the amount and the purpose of the loan, the payment ability of the borrower, and the cost of similar services in the same or similar rural areas.

(i) In insured loan cases, payment of the interest portion of the first installment when the applicant's income and resources will be insufficient to pay such interest.

§ 1822.85 Limitations.

As used in this subpart, the value of the security means its present market value as determined by the loan approval official less the unpaid principal balance plus past-due interest of any other liens against it. Other liens will include any prior liens and any junior liens likely to be taken at or immediately after loan closing.

(a) *Loan limits for direct loans.* No direct loan or loans to any applicant will exceed $300,000 less any other liens against the security, including Senior Citizens Housing liens, and no such loan will exceed the development cost or the value of the security, whichever is less.

(b) *Loan limits for insured loans.* No insured loan or loans to any applicant will exceed $300,000 less any other liens against the security, including Senior Citizens Housing liens, and no such loan will exceed the development cost or the value of the security, whichever is less.

(c) *Limits of controlling interests.* The limitations in paragraphs (a) and (b) of this section also apply to cases in which the same persons hold a majority of the membership interests, or constitute a majority of the directors, of two or more applicants.

(d) *Prior consent.* No loan docket which would result in the applicant's Rural Rental Housing indebtedness, plus any Senior Citizens Housing indebtedness, exceeding $100,000 will be developed without the prior consent of the National Office. Any request for such consent should include detailed justification for the loan including:

(1) Name and address of the applicant.

(2) A list and description of the applicant's assets, including market value estimates.

(3) A complete list of all debts owed.

(4) Status of each debt.

(5) Information as to the location and description of the proposed project site.

(6) A general description of the housing planned, including the number and kind of units.

(7) A realistic estimate of the need and demand for the size project proposed.

(8) Explanation of the applicant's financial contribution to the project.

(9) Any other factors having a bearing on the need and financial soundness of the proposed housing.

(e) *Limitations on use of loan funds.* Loans will not be made for:

(1) Housing or related facilities which are elaborate or extravagant in design or materials.

(2) Nursing or medical facilities, other than a small emergency-care infirmary when justified by the size of the project and the fact that facilities for the emergency care expected to be needed for the occupants, are not readily accessible elsewhere.

(3) Any commercial facilities except essential service-type facilities for use by the tenants when such facilities are not otherwise conveniently available in the area.

(4) Housing to be used for any transient or hotel purposes. No rental term will be for less than 30 days.

(5) Nursing, special care, or institutional-type homes.

(6) Any facility not essential to the needs of the tenants.

(7) Refinancing debts of the applicant.

(8) Housing which the applicant intends to sell or lease to another operator.

(9) Payment of any fee, charge, or commission to any broker, negotiator, or other person for the referral of a prospective applicant or solicitation of a loan.

(10) Payment of any fee, salary, commission, profit, or compensation to an applicant, or to any officer, director, trustee, stockholder, member, or agent of an applicant, except as provided in § 1822.84 (h). No contract or agreement for services to be paid for with loan funds should be executed by the applicant without prior approval by the State Director.

(f) *Obligations incurred before loan closing.* When an applicant files an application for a loan, the County Supervisor will advise the applicant that construction must not be started and obligations for work, materials, or land purchase must not be incurred before the loan is closed. If, nevertheless, the applicant incurs debts for work materials, or land purchase before the loan is closed, the State Director may authorize the use of loan funds to pay such debts only when he finds that all of the following conditions exist:

(1) The debts were incurred after the applicant filed a written application for a loan.

(2) The applicant is unable to pay such debts from his own resources or to obtain credit from other sources, and failure to authorize the use of loan funds to pay such debts would impair the applicant's financial position.

(3) The debts were incurred for authorized loan purposes.

(4) Contracts, materials, construction, and any land purchase must meet FHA standards and requirements.

(5) Payment of the debts will remove any liens which have attached and any basis for liens that may attach, to the property on account of such debts or such work, material, or land purchase.

§ 1822.86 Rates and terms.

(a) *Interest.* On direct loans the interest rate will be 3 percent per annum on the unpaid principal balance. On insured loans the interest rate will be determined in accordance with Part 1810 of this chapter. Interest will begin from the date of the note. When a direct loan is made in multiple advances, interest on the first advance will begin on the date of the note and interest on each subsequent advance will begin on the date of the check.

(b) *Amortization period.* Each loan will be scheduled for payment within such a period as may be necessary to assure that the loan will be adequately secured, taking into account the probable depreciation of the security; however;

(1) For a direct loan, the payment period will not exceed 50 years from the date of the note.

(2) For an insured loan, the payment period will not exceed 40 years from the date of the note.

§ 1822.87 Special conditions.

(a) *Deferred payments on direct loans.* In case of direct loans, when necessary because of deficiency in the applicant's income or resources, smaller than regular payments or no payments may be provided for the first and second January 1 dates after loan closing.

(b) *Deferred principal payments on insured loans.* In case of insured loans, when necessary because of deficiency in the applicant's income or resources, smaller than regular payments of principal or no payments of principal may be

provided for the first and second installment dates after loan closing. However, the first installment may not be less than interest accruing to the first February 1 following the date of the first installment, and the second installment may not be less than interest accruing for one year.

(c) *Refinancing Rural Rental Housing loans.* Each borrower must agree to refinance the unpaid balance of his Rural Rental Housing loan at the request of the FHA whenever it appears to the FHA that the borrower is able to obtain a loan from responsible cooperative or private credit sources at reasonable rates and terms.

(d) *Loan resolution or loan agreement.* For an organization applicant, a loan resolution will be adopted by the applicant's board of directors. For an individual applicant, a loan agreement will be executed by the applicant when the loan exceeds $50,000 or when required by the State Director if the loan is for less. The FHA has copies of loan resolutions and loan agreements which shall be used as guides by applicants in drafting their required resolutions or agreements. The loan resolution or loan agreement provides for the maintenance of certain accounts and the pledge of housing income as security and contains regulatory provisions governing, and giving the FHA power to impose requirements regarding the housing and related operations of the applicant. The form of loan resolution or loan agreement contains provisions of policy and procedure which should be read and fully understood by the applicant. If any provisions in the sample guides provided by FHA are not appropriate to a particular case, proposed substitute language should be submitted to the National Office with the recommendations of the State Director.

(e) *Multiple advances.* A direct loan may be disbursed in not more than three advances over a period not to exceed two years from the date of the first advance. Insured loans may be disbursed in only one advance.

(f) *Nondiscrimination in use and occupancy.* When the loan is to finance housing of more than two rental units, the borrower will not discriminate, or permit discrimination by any agent, lessee, or other operator, in the use or occupancy of the housing or related facilities because of race, color, creed, or natural origin.

(g) *Eligibility for occupancy.* Loans will be made on the basis of the housing being occupied by eligible occupants; however, if in connection with future servicing of the loan it becomes necessary to permit ineligible persons to occupy the housing for temporary periods in order to protect the financial interest of the Government, this may be permitted with the written prior approval of the National Office.

(h) *Supervisory assistance.* Supervision will be provided borrowers to the extent necessary to achieve the objective of the loan and to protect the interests of the Government.

§ 1822.88 Security.

Each loan will be secured in a manner that adequately protects the financial interest of the Government. A first mortgage, if obtainable, will be taken on the property purchased or improved with the loan. If a first mortgage is not obtainable, a junior mortgage may be taken in compliance with the requirements of Subpart A of this part regarding junior mortgage loans. When the real property as improved will not provide adequate security for the loan, a mortgage may also be taken on other property of the applicant. Also, other additional security may be taken when necessary, such as a pledge or assignment of, or other security interest in, income from the housing, and (in case of an organization) assessment agreements, promissory notes, stock or membership subscription agreements, personal liability agreements, and mortgages or pledges of property of individual members or stockholders.

(a) As a general policy, personal liability will be required from the members or stockholders of a corporation whose members or stockholders are few in number, in order to provide adequate security and adequate assurance of carrying out the purpose of the loan.

(b) If it is impossible or inadvisable for an applicant which is a public or quasi-public organization to give a real estate mortgage, the security to be taken will be determined by the National Office upon the recommendation of the State Director.

§ 1822.89 Technical, legal, and other services.

(a) *Appraisals.* When real estate is taken as security, the property will be appraised by an FHA employee authorized to make real estate appraisals. The property will be appraised in accordance with the policies outlined in Part 1809 of this chapter. Form FHA 426–1, "Valuation of Buildings," will be completed to show the depreciated replacement value of all the buildings existing or to be constructed on the property to be taken as security.

(b) *Title clearance and legal services.* When the applicant is an organization, or an individual with special title on loan closing problems, title clearance and legal services will be obtained in accordance with instructions from the Office of General Counsel. In other cases, the provisions of Subpart A of this part regarding title clearance and legal services will apply.

(c) *Architectural and engineering services.* Housing and related facilities will be planned and performed and a written contract obtained in accordance with Part 1804, Subpart A of this chapter. The housing will be designed to meet the needs of the types of occupants who will likely occupy it.

(d) *Construction and development policies.* Construction and development will be performed in accordance with Part 1804, Subpart A of this chapter.

(e) *Compliance with local codes and regulations.* Planning, construction, zoning, and operation of housing financed with Rural Rental Housing loan will conform with any applicable laws, ordinances, codes, and regulations governing such matters as construction, heating, plumbing, electrical installation, fire prevention, health, and sanitation.

(f) *Contracts for legal services.* On projects requiring extensive legal services, the applicant will be required to have a written contract when loan funds will be used for these services. All such contracts will be subject to review and approval by the FHA and, therefore, should be submitted to the FHA before execution by the applicant. Contracts will provide for the types of service to be performed, the amount of the fees to be paid, either in lump sum on the completion of all services or in installments as services are performed.

(g) *Optioning of land.* If a loan includes funds to purchase real estate, the applicable provisions of § 1821.15 of this chapter regarding options will be followed. After the loan is approved, the County Supervisor will have Form FHA 443–9, "Acceptance of Option," or other appropriate form of acceptance, completed, signed, and mailed to the seller.

(h) *Use of and accountability for loan funds.* Loan funds and any funds furnished by the borrower will be deposited and handled in accordance with Part 1803 of this chapter. Collateral for deposit of funds will be pledged when the amount of funds in the supervised bank account exceeds $15,000. Funds furnished by the borrower for the purchase of special equipment and furnishings for which loan funds could not be used, should not be deposited in the supervised bank account with loan funds. Withdrawals of funds from the supervised bank account may be made only for legally eligible loan purposes.

(i) *Insurance.* The State Director will determine the minimum amounts and types of insurance the applicant will carry.

(1) Fire and extended coverage will be required on all buildings included in the security for the loan in accordance with Part 1806 of this chapter.

(2) Suitable Workman's Compensation Insurance will be carried by the applicant for all its employees.

(3) The applicant will be advised of the possibility of incurring liability and encouraged, or may be required when appropriate, to obtain liability insurance.

(j) *Bonding.* (1) The provisions of Subpart A, Part 1804, of this chapter pertaining to surety bonds are applicable to Rural Rental Housing loans, except that approved corporate surety bonds will be required in all cases involving a construction contract in excess of $20,000 unless an exception is made by the National Office.

(2) If the applicant is an organization, the applicant will provide fidelity bond coverage for the official entrusted with the receipt, custody, and disbursement of its funds and the custody of any other negotiable or readily salable personal property. The amount of the bond will be at least equal to the maximum amount of money that the applicant will have on hand at any one time exclusive of loan funds deposited in a supervised bank account. If permitted by State law, the United States will be named coobligee in the bond. Form FHA 440–24, "Position Fidelity Schedule Bond," may be used if permitted by State law.

§ 1822.90 Maximum income limit for eligible occupants.

(a) *Rural Rental Housing.* The maximum income level for eligible occupants will be established for each housing project as follows, and will not exceed the limits shown in subparagraphs (4) and (5) of this paragraph unless approved by the Administrator after proper justification:

(1) The County Supervisor, after making a preliminary determination that a loan might be made, will assemble appropriate information concerning income levels and living costs in the area, including the cost of renting suitable housing that permits independent living.

(2) The County Supervisor, with the advice of the County Committee, will recommend the income which, in their judgment, is needed by eligible occupants in the locality to meet reasonable living expenses, rent modest but satisfactory housing in the area, and otherwise live comfortably but not extravagantly. "Family income" means gross income received by the family, as defined by the Internal Revenue Service for income tax purposes, plus any retirement, Social Security, pension, or similar payments, and any interest received on State or municipal bonds.

(3) The County Supervisor will submit his recommendation and supporting information to the State Director with the preliminary loan docket. The State Director will review this information together with other information available on income for the area, such as census data, living standards, and other income studies, establish the maximum income level for occupancy of the housing, and notify the County Supervisor. The State Director's determination and the basis for establishing the maximum income level for occupancy will be documented as part of the completed loan docket.

(4) For direct loans, the maximum income level will not exceed $6,000 a year per family for senior citizens. The maximum income level will not exceed $4,500 per year for a nonsenior citizen family of two. Graduated maximum income levels for larger sized nonsenior citizen families (such as a family of three or four, five or six, or seven or more) should be recommended by the County Committee; however, the maximum income level for these families will not exceed $6,000 regardless of size.

(5) For insured loans, the maximum income level for nonsenior citizen families of two will not exceed $6,000. Graduated maximum income levels for larger sized nonsenior citizen families (such as families of three or four, five or six, or seven or more) should be recommended by the County Committee; however, the maximum income for these families will not exceed $8,000 per year regardless of size. There is no maximum income limit for occupancy by senior citizens.

(6) Maximum income levels for eligible occupants will not be adjusted from year to year. However, the maximum income level may be adjusted when justified by a substantial change in living costs in the area and other pertinent factors. To justify such an adjustment, the same procedure will be followed as when establishing the maximum income level initially.

§ 1822.91 Processing applications.

(a) *Application and preliminary docket.* The preliminary docket will consist of the application with the information required by §§ 1822.90 and 1822.92 to be included in or attached to the application. An application will be in the form of a letter to the local County Supervisor. The letter should include a statement about the purpose for which the loan is requested, an estimate of the amount of the loan needed, any previous experience in operating rental housing, and the proposed manner of securing and repaying the loan. Included in or attached to the letter should be:

(1) A currently dated financial statement showing assets and liabilities, together with information on the repayment schedule and status of each debt. If the applicant is a closely held corporation, a current financial statement will be required from each director and from each member who holds a substantial interest in the corporation.

(2) Evidence of inability to obtain credit from other sources.

(3) A preliminary market survey of the area showing the need and estimate of the demand for the planned rental housing. The preliminary market survey at this stage may vary, as determined by the State Director, from ascertainment of the number of eligible occupants living in the area who are willing and able to pay the required rental to a complete market analysis.

(4) Two proposed operating budgets showing anticipated income and expenses, one for a typical year of operation, and the other for the first year's operation.

(i) The budgets in estimating rental income will allow for vacancies, nonpayment of rent, and contingencies. A 10 percent allowance is recommended.

(ii) The budgets should provide for accumulating a reserve at the rate of one percent per annum of the cash cost of the project until a reserve equal to 10 percent of this cost is reached.

(iii) All applicable taxes, including Federal and any State income taxes, should be included in the budgets and separately identified. If the applicant considers itself exempt, evidence of exemption must be obtained before the loan is closed. Information as to Federal income tax exemption may be obtained from the district office of the Internal Revenue Service. A nonprofit organization qualifying for a direct Rural Rental Housing loan should ordinarily be able to qualify for Federal income tax exemption under section 501(c)(4) of the Internal Revenue Code.

(5) Plot plan with information about adjacent property and preliminary plans and specifications for the proposed housing, including the building layout, type of construction, number and type of living units, special design features for use of senior citizens, if needed, and the estimate of cost.

(6) Information on neighborhood and existing facilities, such as distance to shopping area, neighborhood churches, available transportation, drainage, sanitation facilities, water supply, and access to essential services such as doctors, dentists, and hospitals.

(7) For an organization applicant, a copy of, or an accurate citation to, the specific provisions of State law under which the applicant is organized; a copy of the applicant's charter, articles of incorporation, bylaws, and other basic authorizing documents; the names and addresses of the applicant's principal members and its directors and officers; and, if a principal member is another organization, its name, address, and principal business.

(b) *County Supervisor's review.* The preliminary docket will be reviewed by the County Supervisor. If it appears that the applicant is probably eligible and a sound loan likely can be made, the preliminary docket, including the comments and recommendations of the County Supervisor and any additional material, will be forwarded to the State Director. The comments of the County Supervisor will include his views on the financial position, income, occupation, and background of the members, directors, and officers together with verification of the accuracy of materials furnished by the applicant indicating the need for the housing. At any time the County Supervisor considers it necessary, the preliminary docket may be sent to the State Director for his evaluation and instructions.

(c) *State Office action.* The State Director will review the preliminary docket and, in case of an organization, submit the docket to the Office of General Counsel for a preliminary opinion as to whether the applicant and the proposed loan meet or can meet the requirements of State law and this subpart. He will determine whether the applicant is eligible and return the preliminary docket to the County Supervisor with further instructions.

§ 1822.92 Preparation of completed loan docket.

(a) *Information needed.* If the State Director authorizes further processing of the application, the County Supervisor will notify the applicant of the additional information the applicant must furnish for the complete docket. In addition to all the items required in § 1822.91, such information will include:

(1) Detailed plans, specifications, and cost estimates prepared in accordance with FHA construction guides. The complete docket will contain a detailed cost breakdown of the project for such items as land and rights-of-way, building construction, equipment, utility connections, on-site improvements, architectural and engineering services, and legal services. The cost breakdown also should show

separately the items not included in the loan, such as furnishings and equipment.

(2) Satisfactory evidence of review and approval of the proposed housing by applicable State and local officials whose approval is required by State or local laws, ordinances, or regulations.

(3) A market survey report showing the need and effective demand for the housing and related facilities and the number of eligible occupants.

(b) *County Supervisor's responsibility.* As the information for the loan docket is being developed, the County Supervisor will work closely with the applicant. The County Supervisor will review and verify the information furnished for correctness, adequacy, and completeness. He will determine that the market survey is adequate and that the market survey report is accurate. The County Supervisor will inspect the proposed site and consider its desirability. He will evaluate the manner in which the applicant plans to conduct its business and financial affairs and comment on the adequacy of the management. The completed docket, including the County Supervisor's comments, will be submitted to the County Committee for its consideration.

(c) *County Committee certification.* Before a loan is approved, the County Committee will make the necessary certification on Form FHA 440–2, "County Committee Certification or Recommendation." Before executing Form FHA 440–2, the County Committee will consider all pertinent information concerning the applicant and the proposed project, and will be given an opportunity to talk with the applicant or its representative if the Committee desires to do so.

(d) *Note forms.* (1) Form FHA 440–23, "Promissory Note (Direct Loan to Association or Organization)," will be used for direct loans.

(2) Form FHA 440–22, "Promissory Note (Insured Loan to Non-Tax Exempt Association or Organization)," will be used for insured loans to associations or organizations whose obligations bear interest which is not exempt from Federal income taxation. Form FHA 440–33, "Promissory Note (Insured Loan to Tax Exempt Public Body)," will be used for insured loans to public bodies whose obligations bear interest exempt from Federal income taxation, except when legally inappropriate.

(3) Form FHA 440–16, "Promissory Note (Insured Loan)," will be used for insured loans to individuals.

(e) *Loan docket items.* The loan docket will consist of the following properly prepared and executed forms or documents as appropriate:

FHA 440–3 Record of Actions.
FHA 440–2 County Committee Certification or Recommendation.
FHA 444–5 RRH-ECH-LH Fund Analysis.
FHA 440–1 Payment Authorization.
Application Letter and attachments.
FHA 400–4 Discrimination Agreement.
Evidence of Legal Authority (copies or citation of specific provisions of State constitution and statutory authority).
Proof of Organization (certificate or certified copy of charter or articles of incorporation).
Certified copies of bylaws or regulations.
List by names and addresses of officers, directors, members, and membership interest held by each.
Certified copy of Loan Resolution.
Loan Agreement, if applicable.
Survey of land given as security, plans, specifications, cost estimates, and proposed manner of construction.
Operating Budget (first year).
Operating Budget (typical year).
Narrative plan and other supporting information.
Appraisal Report with attachments.
FHA 426–1 Valuation of Buildings.
State Director's determination of maximum income level, with supporting information.
FHA 446 or FHA 427–8 Agreement with Prior Lienholder or similar form, if applicable.
FHA 440–9 Supplementary Payment Agreement.
Other items when applicable such as opinion of title, mortgagee title policy or report of lien search, foreclosure notice agreement, option, original or certified copy of deed, purchase contract, or other instrument of ownership, and items of information concerning prior mortgage.

(f) *Submission of docket to State Office.* The complete loan docket together with any comments from the County Committee and the County Supervisor will be submitted to the State Office for review. The State Director will prepare a memorandum to the County Supervisor requesting additional information if the material submitted is inadequate, or setting forth the conditions of approval.

(g) *Submission of docket to National Office.* If the prior consent of the National Office is required for loan approval, and such consent has not previously been given, the State Director will submit to the National Office his recommendation, a copy of his proposed memorandum of approval, and the complete loan docket.

§ 1822.93 Loan approval.

(a) *Authority.* The State Director is authorized to approve or disapprove Rural Rental Housing loans in accordance with this subpart. The State Director may redelegate loan approval in writing to State Office employees other than the District Supervisor and the State Office employee making the appraisal.

(1) Without the prior consent of the National Office no Rural Rental Housing loan may be approved by the State Director if:

(i) The loan is to an organization; or

(ii) The amount of the loan plus unpaid principal and past-due interest of any other liens on real estate of the applicant would exceed $60,000; or

(iii) The proposed loan together with unpaid principal of any other FHA loans of the applicant would exceed $60,000.

(2) When prior consent of the National Office is required for loan approval, the complete loan docket, the State Director's proposed memorandum of approval, and the State Director's recommendation will be sent to the National Office.

(b) *Loan approval or disapproval.* The loan approval official is responsible for reviewing the docket to determine that the proposed loan complies with established policies and all pertinent regulations.

(1) *Approval.* When a loan is approved, the approval official will sign Form FHA 440–1 and insert his title in the space provided. He also will indicate any conditions that must be met at or before the time the loan is closed.

(2) *Disapproval.* If a loan is disapproved after the docket has been developed, the reason for such action will be shown on the original Form FHA 440–3. Form FHA 440–3 will be initialed and dated. The County Supervisor will notify the applicant of the disapproval of the loan and the reasons therefor.

§ 1822.94 Actions subsequent to loan approval.

(a) *Requesting check.* When loan approval conditions can be met, including any real estate title requirement, and a date for loan closing has been agreed upon, the County Supervisor will order the loan check so that it will be available on or immediately prior to the date set for loan closing.

(b) *Increase or decrease in the amount of the loan.* If it becomes necessary for the amount of the loan to be increased or decreased prior to loan closing, the County Supervisor will request that all distributed docket forms be returned to the County Office. The loan docket will be revised accordingly and reprocessed, except that if the amount of the loan has been decreased and there is no substantial change in the planned improvements, a new Form FHA 440–2 need not be obtained.

(c) *Cancellation of loan.* Loans may be canceled after approval and before loan closing as follows:

(1) The County Supervisor will prepare Form FHA 903 or FHA 440–10, "Request for Cancellation of Loan." The original and copies will be sent to the State Director with the reasons for requesting cancellation. If the State Director approves the request for cancellation, he will forward copies of Form FHA 903 or FHA 440–10 to the County Office.

(2) All interested parties will be notified of the cancellation as provided in Part 1807 of this chapter.

(d) *Handling the loan check.* The loan check will be handled in accordance with Part 1803 of this chapter.

(e) *Property insurance.* Buildings will be insured in accordance with Part 1806 of this chapter.

§ 1822.95 Loan closing.

(a) *Instructions.* Rural Rental Housing loans will be closed in accordance with applicable provisions of Part 1807 of this chapter and any supplemental instructions issued for the loan, or closing instructions of the Office of General Counsel, and with the assistance of the designated attorney, representative of the title insurance company, or local attorney, whichever is appropriate. Loans to organizations and loans to individuals in special cases will be sent to the Office of General Counsel for closing instructions.

(b) *Mortgage.* Unless the Office of General Counsel determines that the form is inappropriate in any case, real estate mortgage Form FHA 427–2 (State), "Real Estate Mortgage for ——," will be used for a direct loan to an organization, and Form FHA 427–1 (State), "Real Estate Mortgage ——," will be used for an insured loan to an individual or to an organization. For loans to organizations, Form FHA 427–2 and Form FHA 427–1 will be modified with respect to the name, address, and other identification of the borrower, the style of execution, and the acknowledgment.

(1) When the loan is to finance housing of more than two rental units, the mortgage or other security instrument will contain the following covenant:

Borrower covenants and agrees that it will not discriminate, or permit discrimination by any agent, lessee, or other operator, in the use or occupancy of the housing or related facilities financed in whole or in part with the loan in connection with which this instrument is given, because of race, color, creed, or national origin.

(2) When a loan resolution or loan agreement is used, an additional paragraph will be included in the mortgage to read as follows:

This instrument also secures the obligations and covenants of Borrower set forth in Borrower's Loan Resolution (Loan Agreement) of ——, which is hereby incorporated herein by reference.
(Date)

(3) In case of a loan to an individual where a loan agreement is not used, additional paragraphs will be included in the mortgage to read as follows:

Occupancy of the housing and related facilities on the property will be limited to eligible occupants as defined in the regulations of the Farmers Home Administration, unless the Government gives prior written approval to other occupancy.

As required by the Government: Borrower will permit the Government to inspect and examine the operation of the housing and the books, records, and operations of Borrower; submit regular and special reports pertinent to the purpose of the loan or the Government's financial interests; subject rents and charges and other terms of rental agreements with occupants of the housing, and compensation to employees connected with its operation, to prior approval by the Government, or to adjustment at the direction of the Government when necessary in its judgment to carry out the purpose of the loan or protect its financial interests; and comply with any other requirements which in the discretion of the Government are reasonably appropriate to the purpose of the loan or protection of the Government's interests.

(c) *Promissory note.* (1) The total amount to be shown in the note will be the amount of the loan as shown on Form FHA 440–3. The note or bond will be dated the date of loan closing.

(2) Payments on Rural Rental Housing loans will be scheduled with annual installments due January 1. Form FHA 440–9 will be used to schedule payments on a monthly basis. As provided in paragraphs (a) and (b) of § 1822.87, the first installment or the first and second installments may be less than regular annual installments. If the first installment or first two installments are less than regular annual installments, the regular annual installment will be computed by multiplying the amount of the loan by the factor for the number of years over which regular installments will be scheduled.

(3) The note will be signed in accordance with Part 1807 of this chapter.

(4) For an insured loan, the note will not be endorsed or the insurance agreement executed until the loan is assigned from the insurance fund to a lender in accordance with Part 1873 of this chapter.

(5) When a loan is closed during December and the first installment is due the next January 1, the first installment will be collected at the time of loan closing if it is a nominal amount or the borrower consents.

(6) When a loan is disbursed in more than one advance, Form FHA 440–1 will be prepared and executed as in the case of an association loan. The actual date of each advance will be entered on the reverse of the note. The date of the first advance will be the date of loan closing, and each subsequent advance the date of the loan check. When each subsequent advance is made, the County Supervisor will enter the amount and date on the copy of the note.

(d) *Recorded mortgage.* When the real estate mortgage is returned by the recording official, the County Supervisor will retain the original in the borrower's case folder. If the original is retained by the recording official for the county records, a conformed copy including the recording data showing the date and place of recordation and book and page number will be prepared and filed in the borrower's case folder. A copy of the mortgage will be delivered to the borrower but will be conformed only if required by State law or if it is the custom of other lenders in the area.

(e) *Date of loan closing.* A Rural Rental Housing loan is considered closed when the mortgage is filed of record or, if there is no mortgage filed of record, when the loan funds are deposited in the supervised bank account or otherwise made available to the borrower after he executes and delivers the note and any other required instruments.

§ 1822.96 Subsequent loans.

A subsequent Rural Rental Housing loan is a Rural Rental Housing loan to an applicant indebted for an initial Rural Rental Housing or Senior Citizens Housing loan of the same type (direct or insured) conditions as an initial loan. This subpart applies to subsequent Rural Rental Housing loans as well as initial Rural Rental Housing loans.

§ 1822.97 Complaints regarding discrimination in use and occupancy of housing in projects of more than two rental units.

Any occupant or applicant for occupancy or use of such Rural Rental Housing housing or related facilities who believes he has been discriminated against because of race, color, creed, or national origin may file a complaint with the County Supervisor or State Director. Any such complaint will be referred through the State Director to the National Office. The complaint must be in writing and signed by the complainant and contain the following information:

(a) The name and address (including telephone number) of the complainant.

(b) The name and address of the person committing the alleged discrimination.

(c) Date and place of the alleged discrimination.

(d) Any other pertinent information that will assist in the investigation and resolution of the complaint.

Dated: August 9, 1967.

HOWARD BERTSCH,
Administrator,
Farmers Home Administration.

[F.R. Doc. 67–9587; Filed, Aug. 15, 1967; 8:48 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 67–193]

TOBACCO MATERIALS AND TOBACCO PRODUCTS; MISCELLANEOUS STAMP TAXES

In view of the elimination of the internal revenue controls on tobacco materials and the repeal of the tax on tobacco other than cigars and cigarettes, and on playing cards, the Customs Regulations are amended as follows:

PART 8—LIABILITY FOR DUTIES; ENTRY OF IMPORTED MERCHANDISE

The following sections are amended to delete references to tobacco products and tobacco materials, inserting instead references to cigars and cigarettes, and to make certain other conforming or minor changes as follows:

Section 8.3(d)(5) is hereby amended to read:

§ 8.3 Entry required; exceptions.

* * * * * * *

(d) * * *

(5) No alcoholic beverage, perfume containing alcohol (except where the aggregate fair retail value in the country of shipment of all merchandise contained in the shipment does not exceed $1), cigars, or cigarettes shall be exempted from the payment of duty and tax under this section.

§ 8.8 [Amended]

The last sentence of § 8.8(a) is amended to read: "Additionally, on each entry of cigars, cigarettes, or cigarette papers and tubes, as those articles are defined in Part 275 of the regulations of the Internal Revenue Service (26 CFR Part 275), and when subject to such regulations the separate statement for tax purposes required by 26 CFR 275.81 as to any such article shall be made on the entry form."

§ 8.27 [Amended]

The next-to-the-last sentence of § 8.27 is amended to read: "An additional legible copy of the entry, marked or stamped "For Internal Revenue Purposes," shall be presented for each entry covering cigars, cigarettes, or cigarette papers and tubes when the entry of those articles is subject to Part 275 of the regulations of the Internal Revenue Service (26 CFR Part 275) and tax is payable to customs upon release of such articles."

§ 8.35 [Amended]

The last sentence of § 8.35(a) is amended to read: "An additional legible copy of Form 7519, marked or stamped "For Internal Revenue Purposes," shall be presented for each entry covering cigars, cigarettes, or cigarette papers and tubes when the release from customs custody under such combined entry and withdrawal is subject to Part 275 of the regulations of the Internal Revenue Service (26 CFR Part 275) and tax is payable to customs."

§ 8.37 [Amended]

The second and the last sentences of § 8.37(a) are amended to read: "An additional legible copy of Form 7505, marked or stamped "For Internal Revenue Purposes," shall be presented for each withdrawal covering cigars, cigarettes, or cigarette papers and tubes when the release from customs custody under such withdrawal is subject to Part 275 of the regulations of the Internal Revenue Service (26 CFR Part 275), and tax is payable to customs. • • • Additionally, on each withdrawal for consumption of cigars, cigarettes, or cigarette papers and tubes subject to internal-revenue tax, the statement for tax purposes required by 26 CFR 275.81 as to any such article shall be made on the withdrawal form."

§ 8.51 [Amended]

The sixth sentence of § 8.51(a) is amended to read: "An additional copy of the entry form, marked or stamped "For Internal Revenue Purposes," shall be prepared for each entry covering cigars, cigarettes, or cigarette papers and tubes when the entry of those articles is subject to Part 275 of the regulations of the Internal Revenue Service (26 CFR Part 275) and tax is payable to customs upon release of such articles; and on each such entry on which tax is payable to customs the separate statement for tax purposes required by 26 CFR 275.81 shall be made on the entry form; but no such extra copy or separate statement is required for cigars or cigarettes imported solely for the personal consumption of the importer or for disposition as his bona fide gift."

(80 Stat. 379, R.S. 251, secs. 484, 498(a), 557, 624, 46 Stat. 722, as amended, 728, as amended, 744, as amended, 759; 5 U.S.C. 301, 19 U.S.C. 66, 1484, 1498(a), 1557, 1624)

PART 9—IMPORTATIONS BY MAIL

The heading and paragraph (a) of § 9.8 are amended as follows:

§ 9.8 Cigars, cigarettes, etc.

(a) In the case of mail entries for imported articles subject to tax and to which internal revenue stamps must be affixed before release to the importer (see Internal Revenue Regulations, Part 45 (26 CFR Part 45)), customs officers shall sign and attach to the entries an order for stamps, and customs Form 3473. When the parcel is addressed for delivery at the post office where it is examined and customs Form 3473 is not required to insure the taking of the action described thereon, Form 3473 need not be prepared. The postmaster will furnish the addressee with the order for stamps. The addressee will be required to secure from the office of the district director of internal revenue the necessary stamps and affix them to the immediate packages of the merchandise before the parcels will be delivered to him. The internal-revenue tax on cigars, cigarettes, and cigarette papers and tubes valued not in excess of $250 in a shipment imported by mail shall be paid on the basis of a return made on the mail entry. An additional legible copy of the entry form, marked or stamped "For Internal Revenue Purposes," shall be prepared for each entry covering such articles subject to Part 275 of the regulations of the Internal Revenue Service (26 CFR Part 275) if tax is payable upon release under such entry. The separate statement required for tax purposes by 26 CFR 275.81 shall be made on the entry form in such case. The duty and any applicable tax will be collected by the postal service for the Customs Service at the time of delivery of the shipment. A copy of the entry (return) will be given to the importer as a receipt for payment. Mail shipments of such articles released for consumption are subject to compliance with the package and notice requirements under 26 CFR 275 unless specifically exempted therefrom as indicated in § 11.3 of this chapter. Such articles may not be released under the mail entry procedure on the basis of a claim for release without payment of tax by a manufacturer specified in 26 CFR 275. If a claim is made at the time of delivery for release without payment of tax based on any of the provisions in 26 CFR Part 275 for a manufacturer of tobacco products or a manufacturer of cigarette papers and tubes to obtain release of any such articles without payment of tax, the shipment shall be returned by the postal service to the port of entry or sent to the nearest customs office at which appropriate release as claimed may be arranged by the addressee.

• • • • •

(80 Stat. 379, R.S. 251, sec. 624, 46 Stat. 759; 5 U.S.C. 301, 19 U.S.C. 66, 1624)

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

§ 10.21 [Amended]

The second sentence of § 10.21(f) is amended by deleting the reference to an exemption for manufactured tobacco, so that the sentence will read: "However, any exemption allowed under section 321(a)(2)(B) shall not be applied to articles subject to internal-revenue tax other than cigarettes not in excess of 50, cigars not in excess of 10, alcoholic beverages not in excess of 4 ounces, or alcoholic perfumery not in excess of 4 ounces, and shall not be applied to any article subject to internal-revenue tax when an exemption is allowed such articles under § 23.[illegible] of the regulations in this chapter."

Section 10.21(l) is hereby amended to read:

(l) The internal-revenue tax on taxable cigars and cigarettes in passengers' baggage shall be paid to customs, using the customs entry form as a return. Any such return shall show the kind, the quantity, and the tax by class on cigars and cigarettes separately from the statement of duty. Unless for the personal consumption of the importer or disposition as his bona fide gift, cigars and cigarettes are subject to compliance with the package and mark requirements in the regulations of the Internal Revenue Service.

Section 10.65 is amended by substituting "Cigars and cigarettes" for "Tobacco products" in the section heading and by deleting "manufactured tobacco," and the comma following "cigars" in paragraph (a) and by deleting the reference to manufactured tobacco and substituting "cigars and cigarettes" for "tobacco products" in subparagraph (2) of paragraph (c) so that the subparagraph will read:

§ 10.65 Tobacco products.

• • • • • •

(c) • • •

(2) When a shipping case containing cigars and cigarettes is made up of a number of units, each in a separate package, such units may be withdrawn separately, provided each unit is marked and numbered for identification and contains not less than 250 cigars or 1,000 cigarettes. In the case of imported cigars and cigarettes so packed, only one unit from each shipping case shall be opened for examination, unless the district director of customs shall deem it necessary for the protection of the revenue to examine a greater quantity."

• • • • • •

(77A Stat. 14, secs. 317, 408, 624, 46 Stat. 696, as amended, 728, as amended, 759; 19 U.S.C. 1202 (Gen. Hdnote 11), 1317, 1498, 1624)

PART 11—PACKING AND STAMPING; MARKING; TRADE-MARKS AND TRADE NAMES; COPYRIGHTS

Section 11.2 is amended to delete the first sentence in paragraph (a) so that the paragraph will read:

§ 11.2 Manufactured tobacco.

(a) If the invoice and entry presented for manufactured tobacco specify all the information necessary for prompt determination of the estimated duty on the manufactured tobacco covered thereby, the district director of customs may permit designation of less than the entire importation for examination.

• • • • • •

Section 11.2a is hereby amended to read:

§ 11.2a Release from customs custody without payment of tax on cigars, cigarettes and cigarette papers and tubes.

Cigars, cigarettes, and cigarette papers and tubes may be released from customs custody without payment of any applicable internal-revenue tax upon presentation with the customs entry or withdrawal form of Internal Revenue Form 2145 or 3072, in triplicate, certified by the appropriate assistant regional commissioner of internal revenue (alcohol and tobacco tax). Customs shall complete the notice of release, retain one copy, send one copy to the assistant regional commissioner of internal revenue and return one copy to the manufacturer for his retention. Such a release may not be made under a mail entry as stated in § 9.8(a)(2) of this chapter.

Section 11.3 is hereby amended by deleting the reference to the tax exemption of samples and substituting the words "cigars and cigarettes" for "tobacco products," so that the section will read:

§ 11.3 Package and notice requirements for cigars and cigarettes; package requirements for cigarette papers and tubes.

Exemptions from tax on cigars, cigarettes, and cigarette papers and tubes apply in accordance with regulations of the Internal Revenue Service (26 CFR Part 275) upon release from customs custody of such articles imported by consular officers and employees of foreign states. Cigars, cigarettes, and cigarette papers and tubes may also be released without payment of tax as provided in § 11.2a and for exhibition in accordance with Part 32 of this chapter. Additionally, cigars, cigarettes, or cigarette papers and tubes may be admitted free of duty and tax under the provisions of schedule 8, Part 2A, Tariff Schedules of the United States, or section 321, Tariff Act of 1930, as amended, § 10.26a, § 10.29, § 10.30, § 10.30a, § 10.30b, § 10.30c, § 23.4(c), or § 54.3 of this chapter. Except in the foregoing instances and in any instance in which such articles are imported in passengers' baggage or are to be released under a mail entry for the personal consumption of the importer or for disposition as his bona fide gift, the provisions in Part 275 of the regulations of the Internal Revenue Service (26 CFR Part 275) as to packages and notices thereon apply.

§ 11.4 [Deleted]

Section 11.4 is deleted.

§ 11.5 [Amended]

Footnote 2 appended to § 11.5 is amended to read:

[illegible] Internal-revenue stamps for imported oleomargarine, adulterated butter, and filled cheese will be sold to the owner or consignee of the merchandise by the district director of internal revenue for the district in which is located the port of entry where the customs entry is filed upon requisition therefor on the order form duly executed by an authorized customs officer.

(80 Stat. 379, R.S. 251, sec. 624, 46 Stat. 759; 5 U.S.C. 301, 19 U.S.C. 66, 1624)

PART 16—LIQUIDATION OF DUTIES

§ 16.3 [Amended]

The first sentence of § 16.3(d) is hereby amended by deleting the reference to tobacco materials and substituting "cigars and cigarettes" for "tobacco products," so that the sentence will read: "The internal-revenue taxes imposed on imported cigars, cigarettes, and cigarette papers and tubes under 26 U.S.C. 5701 or 7652 are determined in accordance with 26 U.S.C. 5703 at the time of removal; that is, on the quantity removed from customs custody under the entry or withdrawal for consumption."

(80 Stat. 379, R.S. 251, sec. 624, 46 Stat. 759; 5 U.S.C. 301, 19 U.S.C. 66, 1624)

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

Approved: August 9, 1967.

MATTHEW J. MARKS,
Acting Assistant Secretary of the Treasury.

[F.R. Doc. 67-9626; Filed, Aug. 15, 1967; 8:51 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter II—National Bureau of Standards, Department of Commerce

SUBCHAPTER B—STANDARD REFERENCE MATERIALS

PART 230—STANDARD REFERENCE MATERIALS

Miscellaneous Amendments

Under the provisions of 15 U.S.C. 275a and 277, the following amendment to Part 230 of Title 15 of the Code of Federal Regulations, relating to standard reference materials issued by the National Bureau of Standards is effective upon publication in the FEDERAL REGISTER.

Subpart C of Part 230 is amended by (1) revising § 230.7–18 *Metallo-organic compounds* to revoke standard reference material 1056a, cupric cyclohexanebutyrate, (2) adding standard reference material 1080, bis(1-phenyl-1,3-butanediono) copper(II) to replace standard reference material 1056a, and (3) adding a new § 230.7–23 *Analyzed gases.*

Subpart D of Part 230 is amended by (1) revising § 230.8–4 *Calorimetric standards* to add standard reference material 724, (2) amending § 230.8–5 *Radioactivity standards* to renumber standard reference material 4904–B as 4904–C and change the price thereof, and (3) adding a new § 230.8–27. Accordingly, the following amends 15 CFR Part 230:

Subpart C—Standards of Certified Chemical Composition

§ 230.7–18 Metallo-organic compounds.

• • • • • •

Sample Nos.	Kind (approximate weight 5 grams)	Constituents determined	Price
• • •	• • •	• • •	• • •
1056a	Cupric cyclohexanebutyrate.	Cu—16.1: Revoked.	$15
1080	bis(1-phenyl-1,3-butanediono) copper (II).	Cu—16.5.....	
• • •	• • •	• • •	• • •

§ 230.7–23 Analyzed gases.

These standard reference materials are intended for the calibration of apparatus used for the measurement of various components in gas mixtures. Each sample is certified accurately within limits and is primarily intended to monitor and correct for long-term drifts in instruments used.

Sample Nos.	Kind	Constituents determined (p.p.m.)	Volume (liters at STP)	Price
1601	Carbon dioxide in nitrogen	CO_2 308±3	66	$145
1602	...do	CO_2 340±3	66	145
1603	...do	CO_2 384±4	66	145

Subpart D—Standards of Certified Properties and Purity

§ 230.8–4 Calorimetric Standards.

These standards are issued primarily to check the performance of calorimetric methods for the determination of the heat of combustion and the heat of solution. Standard 217b is certified for density and index of refraction at 20°, 25°, and 30° C., 217b–88 is in a special ampoule with an internal break-off tip, the others are sealed "in vacuum" in a plain glass ampoule. Standard 724 is a homogeneous material for use in interlaboratory correlation and standardization of solution calorimeters. It is not certified for a value for the heat of solution.

Sample Nos.	Kind	Approximate weight in grams	Price
• • •	• • •	• • •	• • •
724	Tris(Hydroxymethyl)aminomethane.	60	$15

§ 230.8–5 Radioactivity standards.

• • • • • •

(b) • • •

(ii) Sample No. 4904–C consists of a practically weightless deposit of americium-241 on a platinum foil 1.27 cm in diameter, 0.015 cm thick. This foil is cemented onto a monel disk 2.54 cm in diameter and 0.16 cm thick. The activity is restricted to a 0.3 cm-diameter area in the center of the foil. These samples can now be distributed under the general licensing provisions of the Atomic Energy Act of 1954. (Please refer to amendments to Title 10, Code of Federal Regulations, Part 31, § 31.8.)

Sample Nos.	Radio-nuclide	Approximate particle emission in 2π geometry	Price
• • •	• • •	• • •	• • •
4904–C	Am-241	2[illegible]	$70

• • • • •

§ 230.8–27 Density and refractive index standards.

These standard reference materials are certified with respect to values of density, for air-saturated material at 1 atm, at 20°, 25°, and 30° C.±0.00002 g/ml, and also with respect to values of refractive index, for each of seven wavelengths (helium 668 and 502, hydrogen 656 (C) and 486 (F), mercury 546 (e) and 436 (g), and sodium 589 (D_1, D_2) at 20°, 25°, and 30° C. to 0.00002). These standards may be used to calibrate refractometers, piconometers, and density balances, as well as spectrometers. A certificate is supplied with each of these samples. 217b–8S is in a special ampoule with an internal break-off tip, the others are sealed "in vacuum" in a plain glass ampoule.

Sample Nos.	Kind	Approximate 25°	Approximate n20	Amount, ml	Price
217b–4	2,2,4-Trimethylpentane	0.6918	1.3915	5	$35
217b–8S	do	.6918	1.3915	5	60
217b–25	do	.6918	1.3915	25	175
217b–50	do	.6918	1.3915	50	250

(Sec. 9, 31 Stat. 1450, as amended; 15 U.S.C. 277. Interprets or applies sec. 7, 70 Stat. 959; 15 U.S.C. 279a)

Dated: July 26, 1967.

A. V. ASTIN,
Director.

[F.R. Doc. 67–9540; Filed, Aug. 15, 1967; 8:45 a.m.]

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[10 Gen. Rev. of Export Regs., Amdt. 36]

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

Parts 370, 372, 373, 379, 385, and 399 of the Code of Federal Regulations are amended as set forth below.

Effective date: August 4, 1967.

RAUER H. MEYER,
Director, Office of Export Control.

PART 370—SCOPE OF EXPORT CONTROL BY DEPARTMENT OF COMMERCE

Section 370.2 is amended to read as follows:

§ 370.2 Prohibited exports.

(a) *General provisions.* States of all commodities and all technical data as defined in § 385.1 is hereby prohibited unless and until a general license authorizing such export shall have been established or a validated license or other authorization for such export shall have been granted by the Office of Export Control, except:

(1) Any export to Canada, other than:[1]

(i) The types of technical data described in § 385.2(c)(5);

(ii) Unpublished technical data, as described in § 385.2(c)(3)(v) relating to maritime (civil) nuclear propulsion plants, their land prototypes, and special facilities for their construction, support, or maintenance, including any machinery, devices, components, or equipment specifically developed or designed for use in such plants or facilities; and

(iii) Commodities and unpublished technical data related to nuclear weapons, nuclear explosive devices, or nuclear testing, as described in §§ 373.7(b) and 385.2(c)(3)(vi).

(2) Exports for the official use of or consumption by the U.S. Armed Forces when shipped by or consigned to any branch thereof under a U.S. Government Bill of Lading or a U.S. Government space charter or by means of a U.S. Government-owned or Government-chartered carrier; and

(3) Exports of commodities and technical data controlled by another U.S. Government agency (see § 370.5).

(b) *Commodities on commodity control list.* The commodities set forth on the Commodity Control List (see § 399.1) may not be exported from the United States to any destination unless and until an application for an export license or other request shall have been submitted to, and an export license or other authorization to export shall have been granted or issued by, the Office of Export Control, except:

(1) Where export of such commodities is authorized by the provisions of an established general license as set forth in Part 371; or

(2) Where authorized with respect to certain commodities by the provisions of a footnote on the Commodity Control List; or

(3) Where export of such commodities is authorized by paragraph (a) of this section.

(c) *Revocation of licenses and other authorizations.* All export licenses and other authorizations to export or reexport are subject to revision, suspension, or revocation without notice.

[1] See § 370.3 for shipments to Canada, not intended for consumption in Canada, and regarding the requirement of a Shipper's Export Declaration for certain exports to Canada.

PART 372—PROVISIONS FOR INDIVIDUAL AND OTHER VALIDATED LICENSES

Section 372.12 *Reexport* is amended by adding a new paragraph (e) which reads as follows:

§ 372.12 Reexport.

• • • • • •

(e) *Revocation of authorizations to reexport.* All export licenses and other authorizations to reexport are subject to revision, suspension, or revocation without notice.

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

1. Section 373.18 is added to read:

§ 373.18 Nickel bearing scrap.

(a) *Requirement of export order.* An application for a license to export any of the following commodities shall be accompanied by a copy of the export order placed, or the contract entered into, by the foreign consignee or purchaser with the U.S. exporter or with his order party (see § 373.4(a)(2) regarding order party provisions):

Export Control Commodity Number and Commodity Description	
28200	Alloy steel scrap containing 5 percent or more nickel by weight.
28401	Nickel bearing residues and dross.
28402	Other nickel or nickel alloy waste and scrap.

(b) *Validity period.* Any outstanding license to export the commodities listed in paragraph (a) of this section that was issued on or before June 9, 1967, shall expire on September 6, 1967, unless the license bears an earlier termination date. This limitation applies regardless of any later termination date that may be shown on the license. All licenses to export these commodities issued after June 9, 1967, will bear an expiration date ending 90 days after the date of issuance.

(e) *Export clearance.* An extra copy of the Shipper's Export Declaration shall be filed with the Customs Office for each shipment under a validated license to export any of the commodities listed in paragraph (a) of this section. The Declaration shall bear in the upper right corner the notation "862."

2. Section 373.42 is added to read:

§ 373.42 Nickel, nickel alloys, and ferronickel.

The following commodities are subject to the provisions set forth in § 373.18:

Export Control Commodity Number and Commodity Description	
67160	Ferronickel containing 90 percent or less nickel.
68310	Nickel based magnetic materials, unwrought.
68310	Other nickel or nickel alloys, unwrpught.
68324	Nickel or nickel alloy electroplating anodes.

PART 379—EXPORT CLEARANCE AND DESTINATION CONTROL

Section 379.2(h)(2)(ii) is revised to read as follows:

§ 379.2 Presentation and use of validated license.

• • • • • •

(h) *Shipping tolerance.* • • •

(2) *Types of licenses covered.* • • •

(ii) A shipping tolerance of 5 percent is allowed on the unshipped balance specified on a validated export license for shipments of the following commodities:

Export Control Commodity Number and Commodity Description	
28200	Alloy steel scrap containing 5 percent or more nickel by weight.
28311	Copper ores and concentrates.
28312	Copper matte.
28401	Copper metalliferous ash and residue.
28401	Nickel bearing residues and dross.
28402	Copper and copper-base alloy waste and scrap.
28403	Other nickel or nickel alloy waste and scrap.
51470	Master alloys of copper containing 8 percent or more phosphor.
67160	Ferronickel containing 90 percent or less nickel.
68211	Blister copper and other unrefined copper.
68212	Refined copper, including remelted, in cathodes, billets, ingots, wire bars, and other crude forms.
68212	Copper-base alloy ingots.
68213	Master alloys of copper.
68221	Bars, rods, angles, shapes, sections, and wire of copper or copper-base alloy.
68222	Plates, sheets, and strips of copper or copper-base alloy.
68223	Copper foil.
68223	Paper backed copper foil.
68224	Copper and copper alloy powders and flakes.
68226	Tubes, pipes, and blanks therefor, and hollow bars of copper or copper-base alloy.
68226	Tube and pipe fittings of copper or copper-base alloy.
68310	Nickel-based magnetic materials, unwrought.
68310	Other nickel or nickel alloys, unwrought.
68324	Nickel or nickel alloy electroplating anodes.
69892	Copper or copper-base alloy fabricated anodes.
69892	Copper or copper-base alloy cores (mold inserts).
69892	Copper or copper-base alloys castings and forgings.
72310	Wire and cable coated with, or insulated with, fluorocarbon polymers or copolymers.
72310	Coaxial-type communications cable as follows: (a) containing fluorocarbon polymers or copolymers, (b) using a mineral insulator dielectric, (c) using a dielectric aired by discs, beads, spiral, screw, or any other means, (d) designed for pressurization or use with a gas dielectric, or (e) intended for submarine laying.
72310	Other coaxial cable.
72310	Communications cable containing more than one pair of conductors of which any one of the conductors, single or stranded, has a diameter exceeding 0.9 mm. (0.035 inch), as follows: (a) cable in which the nominal mutual capacitance of paired circuits is less than 58 nanofarads/mile (33 nanofarads/KM), except conventional paper and air dielectric types, (b) submarine cable, or (c) cable containing fluorocarbon polymers or copolymers.
72310	Other communications cable containing more than one pair of conductors and containing any conductor, single or stranded, exceeding 0.9 mm. in diameter.
72310	Other copper or copper-base alloy insulated wire and cable.

(iii) The tolerance provisions of this section shall not apply to the following units of quantity:

Carat.	Pencil gross.
Cell.	Piece.
Dozen.	Ream.
Gross.	Roll.
Number.	Round.
Pack.	Square.
Pair.	Set.

2. Subdivision (vi) is added to § 379.3(c)(3), as follows:

§ 379.3 Presentation of Shipper's Export Declaration.

• • • • • •

(c) *Number of copies to be presented.* • • •

(3) *Additional copies of declaration.* • • •

(vi) Exports under a validated license of nickel, nickel alloys, and nickel bearing scrap. The additional copy shall bear in the upper right corner the notation "862." (See §§ 373.18 and 373.42.)

PART 385—EXPORTS OF TECHNICAL DATA

In § 385(c), subparagraph (4)(iv) is added and subparagraph (5)(v) is revised, as follows:

§ 385.2 General license.

• • • • • •

(c) *General License GTDU; Unpublished technical data.* • • •

(4) *Requirement of written assurance for certain data, services, and materials.* • • •

(iv) The limitations set forth in this paragraph (c)(4) do not apply to the export of:

(a) Technical data included in an application for the foreign filing of a patent provided such foreign filing of a patent application is in accordance with the regulations of the U.S. Patent Office; and

(b) Technical data supporting a price quotation as described in subparagraph (2)(ii) of this paragraph.

• • • • • •

(5) *Requirement of written assurance for certain additional products and destinations.* • • •

(v) The limitations set forth in this paragraph (c)(5) do not apply to the export of:

(a) Technical data included in an application for the foreign filing of a patent provided such foreign filing of a patent application is in accordance with the regulations of the U.S. Patent Office; and

(b) Technical data supporting a price quotation as described in subparagraph (c)(2)(ii) of this paragraph.

PART 399—COMMODITY CONTROL LIST AND RELATED MATTERS

Section 399.1 *Commodity Control List* is amended as follows:

A. *Amendments.* The Commodity Control List is amended as set forth below, effective August 4, 1967, unless otherwise specified. Exporters are advised that only the items listed below opposite the specific Export Control Commodity Numbers are affected by these changes. The unnumbered captions serve only to identify the broad categories of commodities within which these items are to be found in Schedule B.

Two different types of explanatory numerical references are used at the end of a commodity description:

(a) A numerical reference enclosed in parentheses to indicate the entry being revised. For example, where a revised entry is followed by "(1)", this indicates that the new entry revises the first entry or only entry presently on the Commodity Control List under the same Export Control Commodity Number; if the entry is followed by a "(2)", it revises the second entry on the Commodity Control List, etc.

(b) A footnote reference referring to the footnote below which explains the effect of the amendment.

[1] A separate entry is established and effective Aug. 11, 1967, a validated license is required for export of these commodities to Country Group W.

[2] A validated license is no longer required for export to East Germany of commodities included in this entry which previously required a license to this destination.

[3] A validated license is no longer required for export of these commodities to East Germany.

[4] The Processing Number has been changed for some commodities included in this entry.

[1] An Import Certificate is no longer required in support of an application to export artificial graphite included in this entry, where the total thermal neutron absorption cross section is greater than 5 millibarns per atom to the countries specified in § 373.2.

[2] A reporting requirement is deleted.

[3] A separate entry is established.

[4] Effective Aug. 11, 1967, a validated license is required for export of these commodities to Country Groups T, V, W, and X.

[5] The commodity description is revised with no change in controls.

[6] Effective Sept. 18, 1967, an Import Certificate (or a Hong Kong Import License) will be required in support of a license application covering export of alloys containing 5 percent or more boron to the countries specified in § 373.2.

[7] Effective Aug. 11, 1967, a validated license is required for export of these commodities to Country Groups T and V.

[8] Effective Aug. 11, 1967, the GLV Dollar-Value Limit is decreased for Country Group X.

[9] Effective Aug. 11, 1967, a validated license is required for export of commodities containing 5 percent or more boron, as follows: (a) Tubes, pipes, blanks, and hollow bars to Country Groups T and V, and (b) fittings to Country Groups T, V, W, and X.

[10] Effective Aug. 11, 1967, a validated license is required for export of commodities containing 5 percent or more boron, as follows: (a) Bars, rods, angles, shapes, and sections to Country Groups T, V, and W, and (b) ingots and other unwrought forms and bare wire to Country Groups T, V, W, and X.

[11] Effective Aug. 11, 1967, a validated license is required for export of these commodities to Country Groups T, V, W, X, and Y.

[12] Effective Aug. 11, 1967, a validated license is required for export of these commodities to Country Groups T, V, and W.

[13] Effective Aug. 11, 1967, a validated license is required for export of alloys containing 5 percent or more boron to Country Groups T, V, W, and X.

[14] The commodity description is revised to conform with Schedule B classification of containers.

[15] The PRL Commodity Group Number is changed (see § 376.2).

[16] Effective Aug. 11, 1967, a validated license is required for export to Country Groups T and V of castings and forgings containing 5 percent or more boron which presently do not require a validated license for export to these destinations.

[17] Effective Sept. 18, 1967, an Import Certificate (or a Hong Kong Import License) will be required in support of an application for a license to export to any of the countries specified in § 373.2 castings and forgings of all nonferrous base metals containing 5 percent or more boron not presently subject to this requirement.

[18] Attachments for integral tractor-shovel loaders are transferred from No. 71842 to 71931.

[19] This entry is deleted.

[20] This entry is deleted and these commodities are now included in the 13th entry on the Commodity Control List under this Export Control Commodity Number.

[21] Two entries are substituted for two entries presently on the Commodity Control List under this Export Control Commodity Number.

[22] An Import Certificate is no longer required in support of an application for a license to export to the countries specified in § 373.2 instruments which perform functions similar to synchros or resolvers with a rated electrical error from 0.25 to 0.5 percent of maximum output voltage.

Department of Commerce export control commodity number and commodity description	Unit	Processing Number	*Validated license required for country groups shown below	*GLV dollar value limits for shipments to country groups S	T	V	X	*Special provisions list
Plastic materials, regenerated cellulose, and artificial resins								
58120 Irradiated polyolefin sheeting. (12)[1]	Lb.	228	SWXYZ				100	B.
58132 Other regenerated cellulose and chemical derivatives of cellulose. (2 and 3)[2]	Lb.	248	SZ					B.
58191 Hardened proteins. (1)[3]	Lb.	248	SZ					B.
58192 Modified natural resins (including ester gum), and chemical derivatives of natural rubber, all in unfinished or semi-finished form. (1)[3]	Lb.	248	SZ					B.
58199 Ammonium alginate. (2)[3]	Lb.	248	SZ					B.
Chemical materials and products, n.e.c.								
59020 0,0-dimethyl 0-P-nitro phenyl phosphorothiate; 0,0-diethyl 0-P-nitro phenyl phosphorothiate; 3,4-dichloropropionanilide; 3-amino-2,5-dichlorobenzoic acid; 2-chloro-4-ethylamino-6-isopropylamino-S-triazine; 5-(3,4-dicaloropheny1)-1-methoxy-1-methylurea; 2-chloro-N-isopropylacetanilide; alpha-chloro-N-,N-diallylacetamide; 2-chloro-4,6-bis(ethylamino)-S-triazine; a,a,a,-trifluoro-2,6-dinitro-N,N,-dipropyl-p-toluidine; 2-chloroallyl diethyldithiocarbamate; 2,3,5,6-tetrachloroterephthalic acid; 2,3-dichloroallyl diisopropylthiolcarbamate; 2,3,3-trichloroallyl diisopropylthiolcarbamate; and 4-chloro-2-butylnyl-N-chlorocarbanilate. (1)[3]	Lb.	248	SZ	500				B.
59062 Gluten and gluten flour. (1)[3]	Lb.	208	SZ					B.
59066 Casein, albumins and dextrins; glues and adhesives of fish, animal or vegetable origin; and albuminoidal substances, including edible and inedible gelatins. (1, 2 and 3)[3] [4]	Lb.	208	SZ					B.
59061 Tall oil. (1 and 2)[3]	Lb.	208	SZ					B
59063 Pine oil, except pine-needle oil; terpene solvents, n.e.c.; gum turpentine; and wood turpentine. (1)[3]	Gal.	208	SZ					B.
59065 Wood tar; wood tar oils; wood creosote; wood naphtha, and acetone oil. (1)[3]	Lb.	208	SZ					B.
59066 Vegetable pitch and products based thereon or on rosin. (1 and 2)[3]	Lb.	208	SZ					B.
59077 Other artificial graphite in block, brick, plate, or rod form, smallest dimension 2 inches or over and having a boron content of one part per million or less, the total thermal neutron absorption cross section being less than, or equal to, 5 millibarns per atom. (2)[5] [6]	Lb.	211	STVWXYZ		500	500		A E-4.
59078 Animal black, except activated. (1 and 2)[3]	Lb.	208	SZ					B.
Nonmetallic mineral manufactures, n.e.c.								
66263 Artificial graphite products, n.e.c., in block, brick, plate, or rod form, smallest dimension 2 inches or over and having a boron content of one part per million or less, the total thermal neutron absorption cross section being less than, or equal to, 5 millibarns per atom. (1)[5] [6]	Lb.	211	STVWXYZ	500	500	500		A E-4.
66370 Artificial graphite refractory products, n.e.c., in block, brick, plate, or rod form, smallest dimension 2 inches or over and having a boron content of one part per million or less, the total thermal neutron absorption cross section being less than, or equal to, 5 millibarns per atom. (2)[5] [6]	Lb.	211	STVWXYZ	500	500	500		A E-4.
66370 Other artificial graphite refractory products, n.e.c., in block, brick, plate, or rod form, smallest dimension 2 inches or over. (Specify by name, use and boron content in parts per million.) (3)[7] [8]	Lb.	212	STVWXYZ	500	500	500		E-8.
66700 Monocrystals of ferrites and garnets, synthetic; and materials suitable for application in electromagnetic devices making use of the gyromagnetic resonance phenomenon. (Specify by name.) (1 and 6)[9]	Lb.	241	STVWXYZ	500	500	500		A E-13.
Nonferrous metals								
68310 Nickel alloys, unwrought, containing 5 percent or more boron. (3)[7] [10]	Lb.	261	STVWXYZ		500	100		A E-7.
68321 Bars, rods, angles, shapes, sections, and wire of nickel alloy containing 5 percent or more boron. (5)[7] [10] [11] [12]	Lb.	261	STVWXYZ		500	100		A E-8.
68322 Nickel alloy plates, sheets, strips, powders, flakes and foil containing 5 percent or more boron. (5)[7] [10] [11] [13]	Lb.	261	STVWXYZ		500	100		A E-8.
68323 Tubes, pipes, blanks and fittings therefor, and hollow bars, of nickel alloy containing 5 percent or more boron. (6 and 7)[7] [10] [13]	Lb.	261	STVWXYZ		500	100		A E-8.
68324 Nickel alloy electroplating anodes containing 5 percent or more boron. (1)[7] [13]	Lb.	261	STVWXYZ		500	100		A E-8.

Department of Commerce export control commodity number and commodity description	Unit	Processing Number	*Validated license required for country groups shown below	*GLV dollar value limits for shipments to country groups S	T	V	X	*Special provisions list
71150 Outboard motors, over 15 horsepower, and other internal combustion engines, n.e.c., including other diesel engines, and engines for watercraft and automotive vehicles, and parts and accessories, n.e.c. [Report internal combustion engines for aircraft in No. 71141.] (5)	No.	402	SVWXYZ					E-11.
71230 Nonmilitary type tracklaying tractors, 135 horsepower and over, and nonmilitary type contractors' off-highway wheel tractors, 135 horsepower and over. (Specify as nonmilitary and state horsepower.) (2 and 3)[3]	No.	406	SXYZ				100	B.
71250 Nonmilitary type tracklaying tractors, and nonmilitary type contractors' off-highway wheel tractors, under 135 horsepower. (Specify as nonmilitary and state horsepower.) (6)[3]		401	STVWXYZ		500			A.
71842 Parts, accessories, and attachments specially designed for construction equipment built to military specifications. (Specify as military.) (4)[3]		402	SVWXYZ			1,000		E-11.
71843 Nonmilitary specially designed for nonmilitary type integral tractor-shovel loaders of 130 horsepower and over. [Report integral tractor-shovel loaders in No. 71931.] (5)[3] [18]		401	STVWXYZ		500			A.
71931 Military type integral tractor-shovel loaders; and specially designed parts and attachments. (1)[3] [18]		401	STVWXYZ		500			A.
71931 Integral tractor-shovel loaders, 135 horsepower and over; and specially designed parts and attachments, except cabs and cab guards (canopy tops). (Specify as nonmilitary, whether wheel or tracklaying type, and horsepower.) (2)[3] [18]		402	SVWXYZ			1,000		E-11.
71960 Equipment for the production of military explosives and solid propellants and the loading, packing, and assembly of these products; extrusion presses for the extrusion of small arms, cannon and rocket propellants; cutting machines for the sizing of extruded propellants; sweetie barrels (tumblers), 6 feet and over in diameter and having over 500 pounds product capacity; continuous mixers for solid propellants; and dies, core pins, positioning rings, and mandrels; and specially designed parts and accessories, n.e.c. (14, 21, 25, 28, 29 and 30)[3]		411	STVWXYZ		500	100		A.
Electrical machinery, apparatus, and appliances								
72220 Other potentiometers using only printed elements, n.e.c. (1)[3] [4]		618	SXYZ				100	B.
72610 Electrical carbon products, except carbon brushes, artificial graphite, whether or not containing other material to give improved performance at high temperatures, having an apparent relative density of 1.90 and greater, except nonpyrolytic graphite of density between 1.90 and 2.15 when compared to water at 60° F. (1, 5 C.). (4)[3]		211	STVWXYZ		500	500		A E-4.
71150 Diesel engines, nonmagnetic, 80 brake horsepower and over, having a nonmagnetic content exceeding 65 percent of total weight, or having nonmagnetic parts other than crankcases, block, head, piston, covers, end plates, valve fairings, gaskets, and fuel, lubricant and other supply lines (specify); and specially designed parts and accessories, n.e.c. (1 and 4)[3]		261	STVWXYZ	500		100		A E-8.
71150 Diesel marine engines, 1,500 brake horsepower and over, with rotary speeds of 700 r.p.m. and over, designed for use on submarines (specify brake horsepower at rated r.p.m.); and specially designed parts and accessories, n.e.c. (2)[3]		261	STVWXYZ	500		100		A E-8.
71150 Diesel engines, nonmagnetic, 80 brake horsepower and over, having a nonmagnetic content exceeding 50 percent, up to but not exceeding 65 percent of total weight (specify brake horsepower at rated r.p.m.); and specially designed parts and accessories, n.e.c. (3 and 5

Department of Commerce export control commodity number and commodity description	Unit	Processing Number	*Validated license required for country groups shown below	*GLV dollar value limits for shipments to country groups				*Special provisions list
				S	T	V	X	
72998 Electrical carbons, except carbon brushes, artificial graphite, smallest dimension 3 inches or over and having a boron content of one part per million or less, the total thermal neutron absorption cross section being less than, or equal to, 5 millibarns per atom. (2) * * *		211	STVWXYZ		300	500		A E-6.
72996 Other pyrolytic graphite electrical carbons. (3) *		212	STVWXYZ		500	800		E-6.
72996 Other electrical carbons, except carbon brushes, artificial graphite, smallest dimension 3 inches or over. (Specify by size and boron content in parts per million.) (4) *		212	STVWXYZ		1,000	1,000		E-6.
72999 Other instruments which perform functions similar to synchros or resolvers (for example, Microsyncs®, Syncrotels®, and Inductosyns®), and having any of the following characteristics (a) a rated electrical error of 10 minutes or less, or of 0.25 percent or less of maximum output voltage, (b) a related dynamic accuracy for receiver types of 1° or less, except that for units of size 30 (3 inches in diameter) or larger a rated dynamic accuracy of less than 1°, or (a) designed to operate below minus 55° C. or above plus 125° C. (specify by name and model number); and specially designed parts and accessories, n.e.c. (7 and 8) *		601	STVWXYZ		500			A.
72999 Other servo control units, linear induction potentiometers, induction rate generators, synchros and resolvers; and instruments which perform functions similar to synchros or resolvers with a rated electrical error from 0.25 to 0.5 percent of maximum output voltage; and specially designed parts and accessories, n.e.c. [Report servo motors in No. 72210.] (7 and 8) * *		602	STVWXYZ		500	500		
Professional, scientific, and controlling instruments; photographic and optical goods, watches, and clocks								
86112 Optical elements as follows: (a) specially designed for infrared or ultraviolet communications or detection equipment, or (b) specially designed for equipment providing amplification or oscillation by means of stimulated electromagnetic radiation, such as Masers, Lasers, or Irasers. (Specify by name and type.) (4 and 5) *	No.	611	STVWXYZ	50	200	50		A.
86193 Optical measuring and checking instruments, and parts. (4) *		628	SZ	500				B.
86193 Other measuring and checking instruments, appliances and machines; and parts. (6) *		619	SZ	500				B.
86196 Vibration testing equipment capable of providing a thrust of 2,000 pounds or less. (10) * * *		613	STVWXYZ	500	500	500		

* For explanation, see § 399.1.

B. *Saving clause.* Shipments of commodities removed from general license as a result of changes set forth in Part A above which were on dock for lading, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to 12:01 a.m. August 11, 1967, may be exported under the previous general license provisions up to and including September 5, 1967. Any such shipment not laden aboard the exporting carrier on or before September 5, 1967, requires a validated license for export.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487, 3 CFR 1959–63 Comp.; E.O. 11038, 27 F.R. 7003, 3 CFR 1959–63 Comp.)

[F.R. Doc. 67-9483; Filed, Aug. 15, 1967; 8:45 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Office of Emergency Planning

Section 213.3326 is amended to show that the position of Special Assistant to the Assistant Director is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (2) is added to paragraph (d) of § 213.3326 as set out below.

§ 213.3326 Office of Emergency Planning.

* * * * * *

(d) *Office of the Assistant Director.* * * *

(2) One Special Assistant to the Assistant Director.

* * * * * *

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-9594; Filed, Aug. 15, 1967; 8:49 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Rev. 3]

PART 120—LOAN POLICY

The Loan Policy Regulation of the Small Business Administration, Part 120 (as published in 28 F.R. 6675, Rev. 2, and amended in 29 F.R. 2486, 18419; 30 F.R. 9813, 15466), is hereby revised and republished and as so revised reads as follows:

Sec.
120.1 Introduction.
120.2 Business loans and guarantees.
120.3 Terms and conditions of financial assistance.
120.4 Disaster loans and guarantees.

AUTHORITY: The provisions of this Part 120 issued under P.L. 85-536, sec. 5, 72 Stat. 386, 15 USC 634.

§ 120.1 Introduction.

(a) This part is established by the SBA to set forth principles and policies which will be followed in the granting and denial of financial assistance to small business concerns. It is not intended that this general statement of policy provide answers to all questions which may arise in connection with specific applications.

(b) "Financial assistance" as used in this part shall include direct loans made by SBA, immediate participation loans, and guaranteed loans.

(c) "Financial institution" as used in this part shall include, but not be limited to, banks and other concerns whose regular course of business entails the making of commercial and industrial loans to the general public.

§ 120.2 Business loans and guarantees.

Basic principles governing the granting and denial of applications for financial assistance:

(a) Applications for financial assistance may be considered only when there is evidence that the desired credit is not otherwise available on reasonable terms. The financial assistance applied for shall be deemed to be otherwise available on reasonable terms, unless it is satisfactorily demonstrated that:

(1) Proof of refusal of the required financial assistance has been obtained from—

(i) The applicant's bank of account;

(ii) If the amount of financial assistance applied for is in excess of the legal lending limit of the applicant's bank or in excess of the amount that the bank normally lends to any one borrower, then a refusal from a correspondent bank or from any other lending institution whose lending capacity is adequate to cover the financial assistance applied for; and

(iii) Not less than two banks in cities where the population exceeds 200,000.

Proof of refusal must contain the date, amount and terms requested, and the reasons for not granting the desired credit. Bank refusals to advance credit should not be considered the full test of unavailability of credit and, where there is knowledge or reasons to believe that credit is otherwise available on reasonable terms from sources other than such banks, the financial assistance applied for cannot be granted notwithstanding the receipt of written refusals from such banks.

(2) The financial assistance required does not appear to be obtainable:

(i) On reasonable terms through the public offering or private placing of securities of the applicant;

(ii) Through the disposal at a fair price of assets not required by the applicant in the conduct of its existing business or not reasonably necessary to its potential healthy growth; and

(iii) Without undue hardship through utilization of the personal credit or resources of the owner, partners, management or principal shareholders of the applicant.

(iv) Through V-loan, or other applicable Government financing.

(b) It is the policy to stimulate and encourage loans by banks and other lending institutions.

(1) An applicant for a direct SBA loan must show that an immediate participation or guaranteed loan is not available. An applicant for an immediate participation loan must show that a guaranteed loan is not available.

(2) SBA's share of immediate participation loans shall not exceed 90 percent of the loan. In guaranteed loans the exposure of SBA under the guaranty may not exceed 90 percent of the unpaid principal balance and accrued interest.

(3) No agreement to extend financial assistance under the Small Business Act shall establish any preferences in favor of a bank or other lending institution, except in accordance with the Simplified Early Maturities Participation Plan set forth in Part 122 of this chapter.

(c) No financial assistance shall be extended unless there exists reasonable assurance that the loan can and will be repaid pursuant to its terms. Reasonable assurance of repayment will exist only where the past earnings record and future prospects of the firm indicate ability to repay the loan out of income from the business. It will be deemed not to exist when the proposed loan is to accomplish an expansion which is unwarranted in the light of the applicant's past experience and management ability, or when the effect of making the loan is to subsidize inferior management.

(d) Financial assistance will not be granted by SBA:

(1) If the direct or indirect purpose or result of granting such assistance would be to—

(i) Pay off a creditor or creditors of the applicant who are inadequately secured and are in position to sustain a loss.

(ii) Provide funds, directly or indirectly, for payment, distribution, or as a loan to owners, partners or shareholders of the applicant which do not change ownership interests in applicant. This shall not apply to ordinary compensation for services rendered.

(iii) Refund a debt owed to a Small Business Investment Company.

(iv) Replenish funds theretofore used for such purposes.

(2) If the purpose of the applicant in applying for financial assistance is to effect a change in ownership of a business unless such change will promote the sound development or preserve the existence of a small business concern;

(3) If the financial assistance will provide or free funds for speculation in any kind of property, real or personal, tangible or intangible;

(4) If the applicant is an eleemosynary institution or other nonprofit enterprise: *Provided, however,* That this provision shall not be construed to bar financial assistance to a cooperative if it carries on a business activity and the purpose of such activity is to obtain pecuniary benefit for its members in the operation of their otherwise eligible small business concerns.

(5) If the purpose of the financial assistance is to finance the construction, acquisition, conversion, or operation of recreational or amusement facilities, unless such facilities contribute to the health or general well-being of the public;

(6) If the applicant is a newspaper, magazine, book publishing company, radio broadcasting company, television broadcasting company, or similar enterprise;

(7) If 50 percent or more of the net sales of the applicant is derived from the sale of alcoholic beverages;

(8) If any part of the gross income of the applicant (or of any of its principal owners) is derived from gambling activities;

(9) If the financial assistance is to provide funds to an enterprise primarily engaged in the business of lending or investments or to any otherwise eligible enterprise for the purpose of financing investments not related or essential to the enterprise;

(10) If the purpose of the financial assistance is to finance the acquisition, construction, improvement or operation of real property which is, or is to be, held primarily for sale or investment.

(11) If the effect of the granting of the financial assistance will be to encourage monopoly or will be inconsistent with the accepted standards of the American system of free competitive enterprise;

(12) If the financial assistance would be used primarily in a farming or other agricultural activity; or if the applicant is a processor of agricultural commodities and grows or produces more of the commodities processed than he purchases from others.

§ 120.3 Terms and conditions of financial assistance.

(a) *Maturities.* The maturity of business loans made under the Small Business Act shall be restricted to the minimum consistent with sound business practice, not to exceed 10 years.

(b) *Charges on guaranteed loans*—(1) *Charges.* In guaranteed loans (those made by a financial institution with which SBA has entered into an agreement to guarantee as set forth in Part 122 of this chapter), a guaranty charge shall be payable by the financial institution to SBA for such agreement. The guaranty charge shall be one-half of 1 percent per annum on the portion of the loan which SBA has guaranteed.

(2) *Interest.* (i) Except as provided in subdivision (iii) of this subparagraph, interest on SBA's share of immediate participation loans shall not exceed 5½ percent per annum and where the rate of interest on the share of the loan of the bank or other financial institution is less than 5½ percent per annum then the rate of SBA's share of the loan shall be at the same rate, but not less than 5 percent per annum. Subject to the approval of SBA, a participating financial institution may establish such rate of interest on its share of a loan as shall be legal and reasonable, but in no event to exceed 8 percent per annum.

(ii) Direct loans: Except as provided in subdivision (iii) of this subparagraph, interest on all direct loans which may be made by SBA shall be at the rate of 5½ percent per annum, except as may be otherwise required by reason of the provisions of the Servicemen's Readjustment Act of 1944, as amended.

(iii) Interest on SBA's share of financial assistance, which may be extended to Group Corporations shall be at the rate of 5 percent per annum. Subject to the approval of SBA, financial institutions may establish such rate of interest on their share of participation or guaranteed loans as shall be legal and reasonable, but in no event to exceed 8 percent.

(iv) In the event SBA purchases pursuant to a guaranty agreement, the interest rate on the part of the loan purchased by SBA shall be 5½ percent per annum: *Provided, however,* That where the rate of interest on the financial institution's loan is less than 5½ percent, then the rate of the SBA's part shall be at the same rate, but not less than 5 percent per annum.

(v) The interest rate on temporary advances to financial institutions under the liquidity privilege of the Loan Guaranty Plan shall be 4½ percent per annum computed on a per diem basis.

(3) *Service fees.* In immediate participation loans made and serviced by a

financial institution, the financial institution may deduct a service fee only out of interest collected for the account of SBA so long as the bank is servicing the loan, and provided that such fee shall not be added to any amount which borrower is obligated to pay under the loan. Where SBA's share of the loan is 75 percent or less, the service fee shall be ½ of 1 percent per annum on the unpaid principal balance of SBA's share of the loan. Where SBA's share is in excess of 75 percent of the loan, the service fee shall be one-quarter of 1 percent per annum on the unpaid principal balance of SBA's portion of the loan.

(4) *Closing fees.* A closing fee equivalent to one-eighth of one percent of SBA's approved portion of the loan, or $10, whichever is the greater, shall be imposed upon all direct loans and immediate participation loans made and serviced by SBA which are authorized pursuant to section 7(a) of the Small Business Act, as amended. The fee shall be paid to SBA prior to disbursement of the loan and shall be exclusive of any other closing costs (such as recording fees and taxes, costs of title examination and title insurance, and other charges incident to the transaction) which are customarily paid by the borrower.

§ 120.4 Disaster loans and guarantees.

(a) *Scope of disaster assistance.* Financial assistance for disaster relief will be considered on an individual basis in the light of circumstances of the applicant and of the particular disaster or business displacement. Such financial assistance will be made as SBA determines to be necessary or appropriate to relieve the distress and hardships attendant upon the disasters or business displacement. Financial assistance may be extended:

(1) To rehabilitate or replace property damaged or lost as a result of disasters declared by SBA, declarations of which are published in the FEDERAL REGISTER, except that such financial assistance may not be used to rehabilitate or replace personal recreation or vacation homes, cabins, or similar facilities. However, if the property is primarily rental property which is an important source of income for the owner, a rehabilitation loan will be considered (Physical-Loss Disaster Assistance);

(2) To a small business concern located in an area declared to be a major disaster area by the President or declared to be a natural disaster area by the Secretary of Agriculture or his designee, if SBA determines that the concern has suffered substantial economic injury as a result of such disaster (Substantial Economic Injury Assistance);

(3) To assist in reestablishing the business of a small business concern which has been displaced by a federally aided urban renewal or highway construction program or by any other construction conducted by or with funds provided by the Federal Government, if SBA determines that the concern has suffered substantial economic injury as a result of such displacement, except that such financial assistance may not be made for replacement or rehabilitation of homes or apartment houses (Displaced Business Disaster Assistance); and

(4) To a small business concern to continue or reestablish its business if SBA determines that the concern has suffered substantial economic injury as a result of the inability of such concern to process or market a product for human consumption because of disease or toxicity occurring in such product through natural or undetermined causes (Product Disaster Assistance).

(b) *Limitations on assistance.* (1) Farmers, stockmen, and others engaged primarily in agricultural activities are not small-business concerns and, therefore, are ineligible for economic injury disaster assistance through SBA programs. Neither are they eligible for section 7(b)(1) physical disaster loan assistance, and no disaster loan funds will be provided which would be used primarily in a farming or other agricultural activity, except that, where the disaster area is located beyond the territorial jurisdiction of any other Federal agency otherwise authorized to provide such assistance, such parties shall be eligible for Physical-Loss Disaster Assistance.

(2) Religious, eleemosynary, and nonprofit organizations are not small business concerns and, therefore, ineligible for assistance except for Physical-Loss Disaster Assistance.

(3) Disaster assistance may be extended only to applicants determined by SBA to have suffered substantially the disaster loss; it will not be extended if SBA determines from the circumstances that the applicant assumed the loss or possibility of loss from the disaster. Therefore, applicants shall not be eligible where, for example, their concerns have been acquired or established, or where a substantial change of ownership therein occurred, during or following a period of disaster or after approval of a federally aided project, or where the property to be rehabilitated has been acquired after the disaster.

(4) If SBA determines that funds are otherwise available without undue hardship to a disaster victim, its principal owners, shareholders, or stockholders, SBA may require that such funds be expended prior to the expenditure of Federal funds. This subsection does not apply to privately owned colleges and universities to the extent the loss or damage is not compensated for by insurance or otherwise.

(c) *Interest.* (1) Interest on SBA's share of financial assistance, excluding loans under the Displaced Business Disaster Assistance program, shall be at the rate of 3 percent per annum. Where a disaster loan is made for the acquisition or construction (including acquisition of site therefor) of housing for the personal occupancy of the borrower, the interest rate shall be at the rate of 3 percent per annum. Where a participating institution's share of an immediate participation loan represents complete conversion of a predisaster loan made by such institution the interest rate on the participating institution's share may be at a rate accepted as reasonable by SBA.

(2) Interest on SBA's share of financial assistance made under the Displaced Business Disaster program shall be at a rate determined by SBA in conformity with the statutory formula set forth in the Small Business Act, as amended.

(d) *Maturities.* The maximum maturity, including renewals and extensions, for disaster loans shall not exceed 30 years.

(e) *Participation limitations.* SBA's share of immediate participation disaster loans shall not exceed 90 percent of the loan. In guaranteed disaster loans the exposure of SBA under the guaranty may not exceed 90 percent of the unpaid principal balance and accrued interest.

(f) *Service fees.* No service fees shall be charged on disaster loans.

Effective date. This part shall be effective upon publication in the FEDERAL REGISTER.

Dated: August 10, 1967.

ROBERT C. MOOT,
Administrator.

[F.R. Doc. 67-9573; Filed, Aug. 15, 1967; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 67-SO-36]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zones and Transition Areas

On July 13, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 10309) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would alter the Albany, Ga., and Tallahassee, Fla., control zones and transition areas and the Valdosta, Ga., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.d.s.t., October 12, 1967, as hereinafter set forth.

In § 71.171 (32 F.R. 2071) the Albany, Ga. (Municipal Airport), control zone (32 F.R. 8708) is amended to read:

ALBANY, GA. (MUNICIPAL AIRPORT)

Within a 5-mile radius of the Albany Municipal Airport (latitude 31°32'08" N., longitude 84°11'34" W.); within 2 miles each side of the Albany VORTAC 145° radial, extending from the 5-mile radius zone to 1 mile SE of the VORTAC.

In § 71.171 (32 F.R. 2071) the Tallahassee, Fla., control zone is amended to read:

TALLAHASSEE, FLA.

Within a 5-mile radius of Tallahassee Municipal Airport (latitude 30°23'59" N., longitude 84°21'22" W.); within 2 miles each side of the Tallahassee VORTAC 173° radial, extending from the 5-mile radius zone to 2 miles S of the VORTAC; within 2 miles each side of the Tallahassee ILS localizer N course, extending from the 5-mile radius zone to 9 miles N of the airport.

In § 71.181 (32 F.R. 2148) the Albany, Ga., transition area is amended to read:

ALBANY, GA.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Albany Municipal Airport (latitude 31°32'08" N., longitude 84°11'34" W.); within a 10-mile radius of NAS Albany (latitude 31°35'50" N., longitude 84°05'05" W.); within 2 miles each side of the Albany VORTAC 145° radial, extending from the 9-mile radius area to the VORTAC; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning NE of Albany at the INT of the S boundary of V-70 and the arc of a 40-mile radius circle centered at NAS Albany, thence clockwise along this arc to latitude 31°35'30" N., thence W along this latitude to the arc of a 30-mile radius circle centered at the Albany Municipal Airport, thence clockwise along this arc to a line 5 miles S of and parallel to the direct radials between the Dothan and Albany VORTACs, thence W along this line to a line extending through latitude 31°16'30" N., longitude 84°51'30" W., and latitude 31°37'30" N., longitude 84°46'00" W., thence N along this line to latitude 31°37'30" N., longitude 84°46'00" W., thence to latitude 31°41'20" N., longitude 84°56'55" W., thence to latitude 31°47'20" N., longitude 84°58'20" W., thence W along latitude 31°47'20" N., to the E boundary of V-241, thence S along this boundary to the INT of the S boundary of V-70, thence E along this boundary to point of beginning; and that airspace extending upward from 3,700 feet MSL beginning at the INT of the NE boundary of V-7 and a line extending from latitude 31°16'30" N., longitude 84°51'30" W. through latitude 31°14'35" N., longitude 85°10'45" W.; thence to latitude 31°16'30" N., longitude 84°51'30" W.; thence N along a line extending from latitude 31°16'30" N., longitude 84°51'30" W. through latitude 31°37'30" N., longitude 84°46'00" W., to the intersection of a line 5 miles S of and parallel to the direct radials between the Albany and Dothan VORTACs; thence E along this line to the arc of a 30-mile radius circle centered at the Albany Municipal Airport; thence counterclockwise along this arc to the W boundary of V-07/V-85W; thence S along this boundary to the NE boundary of V-7; thence NW along this boundary to point of beginning.

In § 71.181 (32 F.R. 2148) the Tallahassee, Fla., transition area is amended to read:

TALLAHASSEE, FLA.

That airspace extending upward from 700 feet above the surface within a 10-mile radius of the Tallahassee Municipal Airport (latitude 30°23'59" N., longitude 84°21'22" W.); within a 5-mile radius of the Tallahassee Commercial Airport (latitude 30°33'-00" N., longitude 84°22'30" W.); within 8 miles E and 5 miles W of the ILS localizer S course, extending from the 10-mile radius area to 12 miles S of the LOM; within 2 miles each side of the Tallahassee VORTAC 352° radial, extending from the 5-mile radius area to 8 miles N of the VORTAC.

In § 71.181 (32 F.R. 2148) the Valdosta, Ga., transition area (32 F.R. 9641) is amended as follows: "* * * on the W by V-35/97 * * *" is deleted and "* * * on the W by V-35/159 * * *" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on August 7, 1967.

J. N. COKER,
Acting Director, Southern Region.

[F.R. Doc. 67-9576; Filed, Aug. 15, 1967; 8:48 a.m.]

[Airspace Docket No. 66-WE-59]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of VOR Federal Airway; Correction

On July 18, 1967, F.R. Doc. 67-8226 was published in the FEDERAL REGISTER (32 F.R. 10507) which amended Part 71 of the Federal Aviation Regulations by extending VOR Federal airway No. 465, effective September 14, 1967. This amendment which extended V-465 showed the airway floor as 12 AGL between Elko, Nev., and Malad City, Idaho, whereas it should have shown a segmented floor which presently exists for the segment of V-494 which was replaced by V-465. Accordingly, action is taken herein to correct this airway floor designation.

Since this amendment is editorial in nature and imposes no additional burden on any person, compliance with section 4 of the Administrative Procedure Act is unnecessary and the effective date of the final rule as initially adopted is retained.

In consideration of the foregoing, effective immediately, F.R. Doc. 67-8226 (32 F.R. 10507) is amended as follows:

Item 1. is amended to read: In V-465 "From Malad City, Idaho," is deleted and "From Elko, Nev., 12 AGL Wells, Nev.; 12 miles, 12 AGL, 30 miles, 115 MSL, 20 miles, 90 MSL, 36 miles, 115 MSL, 24 miles, 95 MSL, 12 AGL Malad City, Idaho;" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on August 7, 1967.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-9577; Filed, Aug. 15, 1967; 8:48 a.m.]

[Airspace Docket No. 67-SO-59]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Description of Transition Area; Correction

On July 25, 1967, F.R. Doc. 67-8585 was published in the FEDERAL REGISTER (32 F.R. 10839 and 10840) amending Part 71 of the Federal Aviation Regulations.

In the amendment, the Salisbury NDB latitudinal ordinate was incorrectly published as "35°40'30" N." The latitudinal ordinate should have been given as "35°40'40" N."

Since this amendment is editorial in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, effective immediately, F.R. Doc. 67-8585 is amended as follows: In the sixth line of the Salisbury, N.C., transition area description "* * * (latitude 35°40'30" N. * * *" is deleted and "* * * (latitude 35°40'40" N. * * *" is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on August 4, 1967.

GORDON A. WILLIAMS, JR.,
Acting Director, Southern Region.

[F.R. Doc. 67-9578; Filed, Aug. 15, 1967; 8:48 a.m.]

[Airspace Docket No. 67-AL-1]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Control Zone and Transition Area

On July 1, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 9571) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would designate controlled airspace in the vicinity of Amchitka, Alaska.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No comments were received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0001 e.s.t., October 12, 1967, as hereinafter set forth.

1. Section 71.171 (32 F.R. 2071) is amended by adding the following:

AMCHITKA, ALASKA

Within a 5-mile radius of the Amchitka, Alaska Airport (latitude 51°22'45" N., longitude 179°16'52" W.); within 2 miles each side of runway 7-25 centerlines extending from the 5-mile radius zone to 5.5 miles east and 5.5 miles west of the Amchitka Airport; within 2 miles each side of the 082° bearing from the Amchitka RBN extending from the RBN to 8 miles east; and within 2 miles each side of the 247° bearing from the Amchitka RBN, extending from the RBN to 8 miles southwest. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Alaska Airman's Guide and Chart Supplement.

2. Section 71.181 (32 F.R. 2148) is amended by adding the following:

AMCHITKA, ALASKA

That airspace extending upward from 700 feet above the surface within 8 miles north

and 5 miles south of the 082° bearing from the Amchitka RBN extending from the RBN to 11.5 miles east; within 8 miles southeast and 5 miles northwest of the 247° bearing from the Amchitka RBN, extending from the RBN to 11.5 miles southwest; and that airspace extending upward from 1,200 feet above the surface within a 20-mile radius of the Amchitka Airport (latitude 51°22'45" N., longitude 179°15'42" E.).

(Secs. 307(a), 1110, Federal Aviation Act of 1958, 49 U.S.C. 1348, 1510; Executive Order 10854, 24 F.R. 9565)

Issued in Washington, D.C., on August 11, 1967.

T. McCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-9603; Filed, Aug. 15, 1967; 8:49 a.m.]

[Airspace Docket No. 65-WA-51]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Areas

On November 4, 1966, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (31 F.R. 14270) stating that the Federal Aviation Agency was considering amendments to Part 73 of the Federal Aviation Regulations which would modify Restricted Areas R-2906 Rodman, Fla., R-2907 Lake George, Fla., and R-2910 Pinecastle, Fla.

Interested persons were afforded an opportunity to participate in the rule-making through submission of comments. There was a large response to this notice with a total of 44 comments being received. Of these comments 28 can be classified as objections, 12 as requests for a hearing in the local area and four as not objecting. Because of the interest shown in the proposals contained in this docket and Airspace Docket No. 65-WA-49, a special informal airspace meeting was held in Ocala, Fla., on February 2, 1967.

Most of the objections received in response to the NPRM and at the Ocala meeting expressed concern over possible detrimental effects on the economic growth of north-central Florida due to the limitations on air traffic between this area and the east coast of Florida and due to the possible annoyance to patrons of the numerous tourist attractions in the vicinity of Silver Springs, Fla., and those planned on the Cross Florida Barge Canal in the vicinity of Lake Kerr. There was also concern over the effect on the breeding of horses in this area. As a result of these objections we are reducing the length of the proposed R-2907B by 10 miles at the western extremity and eliminating the proposed R-2907C. This removes the restricted area further from the affected tourist attractions and horse farms and also provides east/west access between R-2906 and R-2907.

An objection was set forth stating that expansion of R-2906 would interfere with the traffic pattern for the MQ Ranch Airport. As a result of this objection, the airspace of R-2906 will be reduced by changing the boundary to the east bank of the St. John River. This will provide adequate space for traffic patterns at the MQ Ranch Airport.

Objections were received concerning the adverse effect this proposal would have on operations at Umatilla Airport. The only operational effect on Umatilla Airport is the extension of the air route to Jacksonville or Daytona Beach by 5 and 3 nautical miles, respectively. In view of the importance of this highly instrumented range, this short extension in flight paths is considered reasonable.

Highways, waterways and housing are within these restricted areas. Hence, this rule does not exempt the user from the requirements of § 91.79 of the Federal Aviation Regulations. The user, while operating in these restricted areas, is required to observe the minimum safe altitudes specified in § 91.79 over any congested area, person, vehicle, or structure on the surface not owned, operated or leased by the Navy, or for which a previous mutual agreement between the owner and the user has not been reached.

In general, the Federal Aviation Administration (FAA) recognizes that these areas will cause some inconvenience to certain civil operators. However, the FAA must give full consideration to the airspace requirements involving national defense as well as civil users in exercising its authority and responsibility. In this case, the modifications made to the original proposal represent a compromise to lessen the adverse effect on civil activities and still allow the Navy to complete its mission.

In consideration of the foregoing, Part 73, § 73.29 (32 F.R. 2303, 5769) is amended, effective September 14, 1967, as hereinafter set forth.

1. R-2906 Rodman, Fla., boundaries, and the text thereof is deleted and the following substituted therefor:

Boundaries: A circle with a 5-nautical-mile radius centered at latitude 29°29'00" N., longitude 81°46'00" W.; excluding the area east of the east bank of the St. Johns River.

2. R-2907 Lake George, Fla., is deleted and the following is substituted therefor:

R-2907 LAKE GEORGE, FLA.

SUBAREA A

Boundaries: Beginning at latitude 29°23'-00" N., longitude 81°31'10" W.; to latitude 29°12'30" N., longitude 81°30'00" W.; to latitude 29°12'30" N., longitude 81°38'30" W.; to latitude 29°15'05" N., longitude 81°-40'00" W.; to latitude 29°20'30" N., longitude 81°40'00" W.; to latitude 29°28'00" N., longitude 81°40'00" W.; to latitude 29°23'00" N., longitude 81°39'10" W.; thence via a 5-nautical-mile arc centered at latitude 29°19'-11" N., longitude 81°36'15" W.; to point of beginning.

Designated altitudes: Surface to FL 240.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Jacksonville ARTC Center.
Using agency: Commander Fleet Air Jacksonville, NAS Jacksonville, Fla.

SUBAREA B

Boundaries: Beginning at latitude 29°20'-05" N., longitude 81°40'00" W.; to latitude 29°15'05" N., longitude 81°40'00" W.; to latitude 29°15'05" N., longitude 81°51'30" W.; to latitude 29°20'05" N., longitude 81°51'30" W.; to point of beginning.

Designated altitudes: Surface to 9,000 feet MSL from a line of longitude 81°40'00" W. to a line of longitude 81°42'55" W.; surface to 6,000 feet MSL from a line of longitude 81°42'55" W., to a line of longitude 81°51'30" W.

Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Jacksonville ARTC Center.
Using agency: Commander, Fleet Air Jacksonville, NAS Jacksonville, Fla.

3. R-2910 Pinecastle, Fla., is deleted and the following is substituted therefor:

R-2910 PINECASTLE, FLA.

Boundaries: A circle with a 5-nautical-mile radius centered at latitude 29°06'33" N., longitude 81°42'55" W.; with a northwest extension to the circle beginning at latitude 29°07'55" N., longitude 81°48'20" W.; to latitude 29°10'00" N., longitude 81°50'35" W.; to latitude 29°14'00" N., longitude 81°45'50" W.; to latitude 29°11'50" N., longitude 81°-43'00" W.; and with a southeast extension to the circle beginning at latitude 29°10'08" N., longitude 81°38'50" W.; to latitude 28°-57'55" N., longitude 81°28'25" W.; to latitude 28°53'50" N., longitude 81°33'45" W.; to latitude 29°06'06" N., longitude 81°47'-00" W.

Designated altitudes: Surface to FL 240 within the 5-nautical-mile radius. Surface to 9,000 feet MSL within the northwest extension. Surface to 9,000 feet MSL within the southeast extension from the circle to a line from latitude 29°04'25" N., longitude 81°-33'55" W.; to latitude 28°58'50" N., longitude 81°40'30" W. Surface to 6,000 feet MSL within that portion of the southeast extension that lies southeast of a line from latitude 29°04'25" N., longitude 81°33'55" W.; to latitude 28°58'50" N., longitude 81°40'30" W.

Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Jacksonville ARTC Center.
Using agency: Commander, Fleet Air Jacksonville, NAS Jacksonville, Fla.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on August 11, 1967.

ARCHIE W. LEAGUE,
Director, Air Traffic Service.

[F.R. Doc. 67-9602; Filed, Aug. 15, 1967; 8:49 a.m.]

[Airspace Docket No. 67-WA-12]

PART 75—ESTABLISHMENT OF JET ROUTES

Designation of Jet Route; Correction

On July 22, 1967, F.R. Doc. 67-8516 was published in the FEDERAL REGISTER (32 F.R. 10785) which amended Part 75 of the Federal Aviation Regulations by altering and designating certain jet routes to become effective on September 14, 1967.

This amendment in part designated Jet Route No. 96 from Los Angeles Calif., to Joliet, Ill. The alignment of J-96 showed the route between Garden City, Kans., and Salina, Kans., as direct, whereas it should have shown via the intersection of the Garden City 066° and the Salina 257° radials so as to overlie Jet Route No. 18. Accordingly, action is taken herein to correct this jet route alignment.

Since this amendment is editorial in nature and imposes no additional burden on any person, compliance with section 4 of the Administrative Procedure Act is unnecessary and the effective date of September 14, 1967, as initially adopted is retained.

In consideration of the foregoing, effective immediately, F.R. Doc. 67-8516 (32 F.R. 10785) is amended as follows:

Item id., is amended to read:

d. Jet Route No. 96 is added:

Jet Route No. 96 (Los Angeles, Calif., to Joliet, Ill.), from Los Angeles, Calif., via Ontario, Calif.; INT of Ontario 093° and Parker, Calif., 261° radials; Parker; Prescott, Ariz.; Winslow, Ariz.; Gallup, N. Mex.; Cimarron, N. Mex.; Garden City, Kans.; INT Garden City 066° and Salina, Kans., 257° radials; Salina; Kirksville, Mo.; Bradford, Ill.; to Joliet, Ill.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on August 7, 1967.

T. McCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-9579; Filed, Aug. 15, 1967; 8:48 a.m.]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.564]

PART 92—NOTARIAL AND RELATED SERVICES

Depositions

Section 92.66(a) of Title 22 of the Code of Federal Regulations is revised to read as follows:

§ 92.66 Depositions taken before foreign officials or other persons in a foreign country.

(a) *Customary practice.* Under Federal law (Rule 28(b), Rules of Civil Procedure for the District Courts of the United States) and under the laws of some of the States, a commission to take depositions can be issued to a foreign official or to a private person in a foreign country. However, this method is rarely used; commissions are generally issued to U.S. consular officers. In those countries where American consular officers are not permitted to take testimony (see § 92.55(c)) and where depositions must be taken before a foreign authority, letters rogatory are usually issued to a foreign court. The Department of State has been authorized (62 Stat. 949; 28 U.S.C. 1781) directly or through suitable channels to receive a letter rogatory issued, or request made, by a tribunal in the United States, to transmit it to the foreign or international tribunal, officer, or agency to whom it is addressed, and to receive and return it after execution. In Federal practice letters rogatory to request the taking of evidence are issued only when necessary or convenient, on application and notice, and on such terms and with such directions as are just and appropriate (Rule 28(b), Rules of Civil Procedure for the District Courts of the United States). When the name of the foreign court is not known, letters rogatory are usually addressed "To the Appropriate Judicial Authority in (here name the country)."

* * * * *

Section 92.67 is revised to read as follows:

§ 92.67 Taking of depositions in United States pursuant to foreign letters rogatory.

(a) *Authority and procedure.* The taking of depositions by authority of State courts for use in the courts of foreign countries is governed by the laws of the individual States. As respects Federal practice, the district court of the district in which a person resides or is found may order him to give his testimony or statement or to produce a document or other thing for use in a proceeding in a foreign or international tribunal. The order may be made pursuant to a letter rogatory issued, or request made, by a foreign or international tribunal or upon the application of any interested person and may direct that the testimony or statement be given, or the document or other thing be produced, before a person appointed by the court. By virtue of his appointment, the person appointed has power to administer any necessary oath and take the testimony or statement. The order may prescribe the practice and procedure, which may be in whole or part the practice and procedure of the foreign country or the international tribunal, for taking the testimony or statement or producing the document or other thing. To the extent that the order does not prescribe otherwise, the testimony or statement shall be taken, and the document or other thing produced, in accordance with the Federal Rules of Civil Procedure. A person may not be compelled to give his testimony or statement or to produce a document or other thing in violation of any legally applicable privilege. This does not preclude a person within the United States from voluntarily giving his testimony or statement, or producing a document or other thing, for use in a proceeding in a foreign or international tribunal before any person or in any manner acceptable to him (28 U.S.C. 1782).

(b) *Formulation of letters rogatory.* A letter rogatory customarily states the nature of the judicial assistance sought by the originating court, prays that this assistance be extended, incorporates an undertaking of future reciprocity in like circumstances, and makes some provision for payment of fees and costs entailed in its execution. As respects Federal practice, it is not required that a letter rogatory emanating from a foreign court be authenticated by a diplomatic or consular officer of the United States or that it be submitted through the diplomatic channel; the seal of the originating court suffices. When testimony is desired, the letter rogatory should state whether it is intended to be taken upon oral or written interrogatories. If the party on whose behalf the testimony is intended to be taken will not be represented by counsel, written interrogatories should be attached. Except where manifestly unneeded (e.g. a Spanish-language letter rogatory intended for execution in Puerto Rico) or dispensed with by arrangement with the court, letters rogatory and interrogatories in a foreign language should be accompanied by English translations.

(c) *Addressing letters rogatory.* To avert uncertainties and minimize possibilities for refusal of courts to comply with requests contained in letters rogatory in the form in which they are presented, it is advisable that counsel for the parties in whose behalf testimony is sought ascertain in advance if possible, with the assistance of correspondent counsel in the United States or that of a consular representative or agent of his nation in the United States, the exact title of the court, Federal or State as the case may be, which will be prepared to entertain the letter rogatory. In Federal practice the following form of address is acceptable:

The U.S. District Court for the _____ (e.g. Northern, Southern) District of _____ (State)

_____ (City) _____ (State)

In instances where it is not feasible to ascertain the correct form of address at the time of preparation of the letter rogatory, and it will be left for counsel in the United States, or a consul or agent in the United States of the nation of origin of the letter rogatory to effect its transmission to an appropriate court, the following form may be used: "To the Appropriate Judicial Authority at (name of locality)."

(d) *Submitting letters rogatory to courts in the United States.* A letter rogatory may be submitted to the clerk of the court of which assistance is sought, either in person or by mail. This may be direct by international mail from the originating foreign court. Alternatively, submission to the clerk of court may be effected in person or by mail by any party to the action at law or his attorney or agent, or by a consular officer or agent in the United States of the foreign nation concerned. Finally, the Department of State has been authorized (62 Stat. 949; 28 U.S.C. 1781) to receive a letter rogatory issued, or request made, by a foreign or international tribunal, to transmit it to the tribunal, officer, or agency in the United States to whom it is addressed, and to receive and return it after execution. This authorization does not preclude—

(1) The transmittal of a letter rogatory or request directly from a foreign or international tribunal to the tribunal, officer, or agency in the United States to whom it is addressed and its return in the same manner; or

(2) The transmittal of a letter rogatory or request directly from a tribunal in the United States to the foreign or international tribunal, officer, or agency to whom it is addressed and its return in the same manner.

Section 92.85 is revised to read as follows:

§ 92.85 Service of legal process usually prohibited.

The service of process and legal papers is not normally a Foreign Service function. Except when directed by the Department of State, officers of the Foreign Service are prohibited from serving process or legal papers or appointing other persons to do so.

Section 92.86 is revised to read as follows:

§ 92.86 Consular responsibility for serving subpoenas.

When directed by the Department of State, officers of the Foreign Service will serve a subpoena issued by a court of the United States on a national or resident of the United States who is in a foreign country unless such action is prohibited by the law of the foreign country.

The regulations contained in this order shall become effective upon publication in the FEDERAL REGISTER. The provisions of section 4 of the Administrative Procedures Act (60 Stat. 238; 5 U.S.C. 1003) relative to notice of proposed rule making and delayed effective date are inapplicable to this order because the provisions thereof involve foreign affairs functions of the United States.

For the Secretary of State.

BARBARA M. WATSON,
Acting Administrator, Bureau of Security and Consular Affairs.

JULY 10, 1967.

[F.R. Doc. 67-9575; Filed, Aug. 15, 1967; 8:48 a.m.]

Title 23—HIGHWAYS AND VEHICLES

Chapter II—Vehicle and Highway Safety

[Docket No. 19]

PART 255—INITIAL FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Motor Vehicle Safety Standard No. 201; Occupant Protection in Interior Impact, Passenger Cars and Related Definitions

Motor Vehicle Safety Standard No. 201, issued January 31, 1967, and published in the FEDERAL REGISTER, February 3, 1967 (32 F.R. 2413), specifies requirements for instrument panels, seat backs, protrusions, sun visors, and armrests to afford impact protection for occupants of passenger cars manufactured after January 1, 1968.

Parties adversely affected by the Standard were permitted to petition for reconsideration on or before March 6, 1967, pursuant to 23 CFR 215.17. By order dated March 29, 1967, the Acting Under Secretary of Commerce for Transportation consolidated the 27 petitions related to Standard No. 201 and ordered that a hearing on reconsideration be held.

On April 21, 1967, the Federal Highway Administration issued an order directing that a rulemaking hearing be held pursuant to 5 U.S.C. 553 (formerly sec. 4 of the Administrative Procedure Act (60 Stat. 238, 5 U.S.C. 1003)). The hearing was held May 22 and 23, 1967, at Detroit, Mich., and May 24 and 25, 1967, at Washington, D.C. On June 22, 1967, the presiding officer submitted his Report of Recommended Findings to the Federal Highway Administration.

On June 8 and 9, 1967, and July 6 and 7, 1967, meetings were held by the National Highway Safety Bureau with domestic and foreign auto industry engineers in which detailed engineering discussions of all problems of compliance with the Standard were held.

After review of the evidence presented at the hearings ordered by the Federal Highway Administration, the report of the presiding officer, and the Bureau's analysis of the engineering meetings with the industry, I have determined that Standard 201 issued January 31, 1967, should be superseded by a new Standard that specifies initial requirements to afford impact protection for occupants, and that certain related definitions should be amended accordingly.

Good cause is shown that an effective date earlier than 180 days after issuance is in the public interest and notice and public procedure hereon are unnecessary since these amendments relieve restrictions and impose no additional burden on any person.

In consideration of the foregoing, Part 255, Initial Federal Motor Vehicle Safety Standards, is amended by superseding § 255.21, Motor Vehicle Safety Standard No. 201 (32 F.R. 2413), with a new Motor Vehicle Safety Standard No. 201 to read as set forth below and by amending § 255.3(b) as set forth below.

These amendments are made under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407) and the delegation of authority of March 31, 1967 (32 F.R. 5606), as amended April 6, 1967 (32 F.R. 6495), and becomes effective January 1, 1968.

Issued in Washington, D.C., on August 11, 1967.

LOWELL K. BRIDWELL,
Federal Highway Administrator.

In § 255.3(b):

1. Revoke the definition of "knee and leg impact area."

2. Revise the definition of "pelvic impact area" to read as follows:

"Pelvic impact area" means that area of the door or body side panel adjacent to any outboard designated seating position which is bounded by horizontal planes 7 inches above and 4 inches below the seating reference point and vertical transverse planes 8 inches forward and 2 inches rearward of the seating reference point.

3. Revise the definition of "head impact area" to read as follows:

"Head impact area" means all nonglassed surfaces of the interior of a vehicle that are statically contactable by a 6.5-inch diameter spherical head form or a measuring device having a pivot point to "top-of-head" dimension infinitely adjustable from 29 to 33 inches in accordance with the following procedure, or its graphic equivalent:

(a) At each designated seating position, place the pivot point of the measuring device—

(1) For seats that are adjustable fore and aft, at—

(i) The seating reference point; and

(ii) A point 5 inches horizontally forward of the seating reference point and vertically above the seating reference point an amount equal to the rise which results from a 5-inch forward adjustment of the seat or 0.75 inch; and

(2) For seats that are not adjustable fore and aft, at the seating reference point.

(b) With the pivot point to "top-of-head" dimension at each value allowed by the device and the interior dimensions of the vehicle, determine all contact points above the lower windshield glass line and forward of the seating reference point.

(c) With the head form at each contact point, and with the device in a vertical position if no contact point exists for a particular adjusted length, pivot the measuring device forward and downward through all arcs in vertical planes to 90° each side of the vertical longitudinal plane through the seating reference point, until the head form contacts an interior surface or until it is tangent to a horizontal plane 1 inch above the seating reference point, whichever occurs first.

4. Add the following definitions:

"Designated seating capacity" means the number of designated seating positions provided.

"Designated seating position" means any plan view lateral location intended by the manufacturer to provide seating accommodation for a person at least as large as a 5th percentile adult female, except auxiliary seating accommodations such as temporary or folding jump seats.

"Seating reference point" means the manufacturer's design reference point which—

(a) Establishes the rearmost normal design driving or riding position of each designated seating position in a vehicle;

(b) Has coordinates established relative to the designed vehicle structure;

(c) Simulates the position of the pivot center of the human torso and thigh; and

(d) Is the reference point employed to position the two dimensional templates described in SAE Recommended Practice J826, "Manikins for Use in Defining Vehicle Seating Accommodations," November 1962.

"5th percentile adult female" means a person possessing the dimensions and weight of the 5th percentile adult female specified for the total age group in Public Health Service Publication No. 1000, Series 11, No. 8, "Weight, Height, and Selected Body Dimensions of Adults.".

MOTOR VEHICLE SAFETY STANDARD No. 201

OCCUPANT PROTECTION IN INTERIOR IMPACT—PASSENGER CARS

S1. *Purpose and scope.* This standard specifies initial requirements to afford impact protection for occupants.

S2. *Application.* This standard applies to passenger cars.

S3. *Requirements*—S3.1 *Instrument Panels.* Except as provided in S3.1.1, when that area of the instrument panel that is within the head impact area is impacted in accordance with S3.1.2 by a 15-pound, 6.5-inch diameter head form at a relative velocity of 15 miles per hour, the deceleration of the head form shall not exceed 80g continuously for more than 3 milliseconds.

S3.1.1 The requirements of S3.1 do not apply to—

(a) Console assemblies;

(b) Areas less than 5 inches inboard from the juncture of the instrument panel attachment to the body side inner structure;

(c) Areas closer to the windshield juncture than those statically contactable by the head form with the windshield in place;

(d) Areas outboard of any point of tangency on the instrument panel of a 6.5-inch diameter head form tangent to and inboard of a vertical longitudinal plane tangent to the inboard edge of the steering wheel; or

(e) Areas below any point at which a vertical line is tangent to the rearmost surface of the panel.

S3.1.2 *Demonstration procedures.* Tests shall be performed as described in Society of Automotive Engineers Recommended Practice J921, "Instrument Panel Laboratory Impact Test Procedure," June 1965, using the specified instrumentation or instrumentation that meets the performance requirements specified in Society of Automotive Engineers Recommended Practice J977, "Instrumentation for Laboratory Impact Tests," November 1966, except that—

(a) The origin of the line tangent to the instrument panel surface shall be a point on a transverse horizontal line through a point 5 inches horizontally forward of the seating reference point of the front outboard passenger designated seating position, displaced vertically an amount equal to the rise which results from a 5-inch forward adjustment of the seat or 0.75 inches; and

(b) Direction of impact shall be either—

(1) In a vertical plane parallel to the vehicle longitudinal axis; or

(2) In a plane normal to the surface at the point of contact.

S3.2 *Seat backs.* Except as provided in S3.2.1, when that area of the seat back that is within the head impact area is impacted in accordance with S3.2.2 by a 15-pound, 6.5-inch diameter head form at a relative velocity of 15 miles per hour, the deceleration of the head form shall not exceed 80g continuously for more than 3 milliseconds.

S3.2.1 The requirements of S3.2 do not apply to rearmost, side-facing, back-to-back, folding auxiliary jump, and temporary seats.

S3.2.2 *Demonstration procedures.* Tests shall be performed as described in Society of Automotive Engineers Recommended Practice J921, "Instrument Panel Laboratory Impact Test Procedure," June 1965, using the specified instrumentation or instrumentation that meets the performance requirements specified in Society of Automotive Engineers Recommended Practice J977, "Instrumentation for Laboratory Impact Tests," November 1966, except that—

(a) The origin of the line tangent to the uppermost seat back frame component shall be a point on a transverse horizontal line through the seating reference point of the right rear designated seating position, with adjustable forward seats in their rearmost design driving position and reclinable forward seat backs in their nominal design driving position;

(b) The direction of impact shall be either—

(1) In a vertical plane parallel to the vehicle longitudinal axis; or

(2) In a plane normal to the surface at the point of contact;

(c) For seats without head restraints installed, tests shall be performed for each individual split or bucket seat back at points within 4 inches left and right of its centerline, and for each bench seat back between points 4 inches outboard of the centerline of each outboard designated seating position;

(d) For seats having head restraints installed, each test shall be conducted with the head restraint in place at its lowest adjusted position, at a point on the head restraint centerline; and

(e) For a seat that is installed in more than one body style, tests conducted at the fore and aft extremes identified by application of subparagraph (a) shall be deemed to have demonstrated all intermediate conditions.

S3.3 *Sun visors.* S3.3.1 Two sun visors shall be provided that are constructed of, or covered with energy-absorbing material.

S3.3.2 Each sun visor mounting shall present no rigid material edge radius of less than 0.125 inch that is statically contactable by a spherical 6.5-inch diameter head form.

S3.4 *Armrests*—S3.4.1 *General.* Each installed armrest shall conform to at least one of the following:

(a) It shall be constructed with energy-absorbing material and shall deflect or collapse laterally at least 2 inches without permitting contact with any underlying rigid material.

(b) It shall be constructed with energy absorbing material that deflects or collapses to within 1.25 inches of a rigid test panel surface without permitting contact with any rigid material. Any rigid material between 0.5 and 1.25 inches from the panel surface shall have a minimum vertical height of not less than 1 inch.

(c) Along not less than 2 continuous inches of its length, the armrest shall, when measured vertically in side elevation, provide at least 2 inches of coverage within the pelvic impact area.

S3.4.2 *Folding armrests.* Each armrest that folds into the seat back or between two seat backs shall either—

(a) Meet the requirement of S3.4.1; or

(b) Be constructed of or covered with energy-absorbing material.

[F.R. Doc. 67-9595; Filed, Aug. 15, 1967; 8:49 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER G—TRIBAL GOVERNMENT

PART 52—TRIBES ORGANIZED UNDER SECTION 16 OF INDIAN REORGANIZATION ACT

Registration for Voting on Constitutions and Bylaws

On February 18, 1967, notice of proposed rule making regarding an amendment of Part 52, Chapter I, Title 25 of the Code of Federal Regulations, to effect the registration of eligible voters in conjunction with elections called by the Secretary of the Interior pursuant to section 16 of the Indian Reorganization Act and to permit the witnessing of absentee ballots cast in conjunction therewith was published in the FEDERAL REGISTER (32 F.R. 3061-3062). After consideration of all such relevant matter as was presented by integrated persons, the amendment as so proposed is hereby adopted, subject to the following changes:

1. In § 52.10a the words "registered mail" appearing in the first sentence are changed to "certified mail."

2. To § 52.10a there is added the sentence "Notice of the need to register shall be sent by regular mail to all eligible voters who reside on the reservation."

3. Section 52.10a has been expanded to provide that an initial list of registered voters shall be valid for a period of three years and for the registration of persons who become eligible to vote during this period.

4. In § 52.11 the words "the election" appearing in the opening sentence are changed to "an election."

5. There is inserted in § 52.13, as follows, the requirement that notices of elections point out also that voters who have not registered must do so in order to vote: "and the need for nonregistered voters to register."

6. There is inserted a revision of § 52.15.

Effective date. This amendment is effective on date of publication in the FEDERAL REGISTER.

STEWART L. UDALL,
Secretary of the Interior.

AUGUST 10, 1967.

1. Section 52.5 is amended to read as follows:

§ 52.5 Request to call election.

The Secretary will authorize the calling of an election on adoption of a constitution and bylaws upon request by the tribal governing body or an authorized representative committee or upon petition filed by at least one-third of the adult members of the group. An election on the adoption of amendments to the constitution and bylaws shall be authorized by the Secretary when requested as provided in the amendment article of the constitution and bylaws; however, the election shall be conducted in the manner prescribed in the rules and regulations in this part. The Secretary may propose amendments to the constitution for consideration at Secretarial elections, unless the constitution and bylaws for Secretarial elections provides otherwise. Any authorization not acted upon within ninety (90) days from the date of issuance will be considered void.

2. The heading and text of § 52.6 are amended to read as follows:

§ 52.6 Entitlement to vote.

(a) If the unorganized group is a tribe or tribes of a reservation:

(1) Any adult member regardless of residence shall be entitled to vote: *Provided*, He has duly registered.

(2) Duly registered adult nonresidents or ill or physically disabled registered members may vote by absentee ballot. See § 52.17.

(b) If the unorganized group is composed of the adult Indian residents of a reservation:

(1) Any adult Indian resident shall be entitled to vote: *Provided*, He has duly registered.

(2) Absentee voting shall be permitted for duly registered residents temporarily absent from the reservation, ill, or physically disabled.

(c) For organized tribes voting in elections for amendments of the constitution and bylaws, only voters who have duly registered are entitled to vote, i.e., if the group was organized as a tribe, absentee balloting is permitted, but if the group was organized as residents of a reservation, absentee balloting will not be permitted except as provided in paragraph (b) (2) of this section.

3. In § 52.8, that part of paragraph (b) which runs through (1) is amended to read as follows:

§ 52.8 Election Board.

* * * * *

(b) It shall be the duty of the board to conduct elections in compliance with the procedures described in this Part 52 and in particular, (1) to see that the name of each person offering to vote is on the official list of registered voters; * * *

4. A new section to be designated 52.10a *Registration*, is added to the Table of Contents and to the body of the regulations, to read as follows:

§ 52.10a Registration.

(a) The Election Board upon receipt of authorization to conduct an election shall notify by certified mail, return receipt requested, all adult Indians of the tribe, who to its knowledge are not living on the reservation, of the need to register if they intend to vote. Any Indian who will become twenty-one (21) years of age within ninety (90) days from the date of authorization shall also be notified and shall be eligible to register: *Provided*, He shall not be entitled to vote should election day fall before his 21st birthday. Such notice shall be sent to an individual's last known address as it may appear on the records of the local unit of the Bureau of Indian Affairs having jurisdiction. It shall be accompanied by an appropriate preaddressed registration form which shall provide space for at least the name and address of the person desiring to register and for attesting that he or she is a tribal member either twenty-one (21) years of age or over, or will be within ninety (90) days from the date of authorization. Such nonresident who wishes to participate in the election must complete and return the registration form before or in conjunction with requesting an absentee ballot. Indians living on the reservation who desire to vote must register with the Election Board as it shall determine in sufficient time to permit compliance with § 52.11. Notice of the need to register shall be sent by regular mail to all eligible voters who reside on the reservation.

(b) Registration in accordance with paragraph (a) of this section shall be valid for a period of three years from the date of the election for which it was initially required. Such initial registration shall suffice for any subsequent election called pursuant to this part within that period. Between occasions of official registration, it shall be the responsibility of each person who becomes eligible to vote to notify the officer in charge of his desire to register. Said officer shall provide him with the necessary registration form. Upon return of the properly completed form, the officer in charge shall insure that the name of said registrant is placed upon the list of registered voters. Registrants shall, likewise, be responsible for notifying the officer in charge of any change affecting their status.

5. Section 52.11 is amended to read as follows:

§ 52.11 Voting list.

The Election Board shall compile in alphabetical order an official list of registered voters, arranged by voting districts, if any, of the members of the tribe who are or will have attained the age of twenty-one (21) years within ninety (90) days from the date an election is authorized and who have duly registered to vote. A copy of this list shall be supplied to each District Election Board and also posted at the headquarters of the local administrative unit of the Bureau of Indian Affairs and at various public places designated by the Election Board throughout the reservation at least 20 days prior to the election.

6. In § 52.12, the first sentence is amended to read as follows:

§ 52.12 Eligibility disputes.

The Election Board shall determine any written claim to vote presented to it by one whose name does not appear on the official list of registered voters as well as any written challenge of the right to vote of anyone whose name is on the list, and its decision shall be final. * * *

7. In § 52.13, that part which runs through the first five sentences is amended to read as follows:

§ 52.13 Election notices.

Not less than twenty (20) nor more than sixty (60) days' notice shall be given of an election and the need for nonregistered voters to register unless otherwise authorized by the Secretary. If an election is called upon less than twenty (20) days' notice, registered absentee voters shall nevertheless be allowed twenty (20) days from the giving of such notice for the Election Board to receive their ballots. In such an election the posting of the official list of registered voters shall coincide with the giving of such notice. The Election Board shall determine whether the notice shall be given by television, radio, newspaper, poster, or mail, or by one or more of these methods, and whether in an Indian language in addition to English. A copy of any written election notice may be mailed to each registered voter and posted at the local administrative unit of the Bureau of Indian Affairs and elsewhere as directed by the Election Board. * * *

8. In § 52.15, the word "qualified" appearing in the first sentence is changed to "registered". As amended, § 52.15 reads as follows:

§ 52.15 Manner of voting.

Any registered voter may vote by presenting himself at the polls of his voting district within the prescribed voting period, announcing to the officials there his name and address and by marking and placing in the ballot box the ballot which shall be handed to him. Voting shall be by secret ballot. See § 52.17 covering absentee voting.

9. Section 52.17 is amended in its entirety to read as follows:

§ 52.17 Absentee voting.

Nonresident members who have registered may vote by absentee ballot except as prohibited by § 52.6(c). Also, whenever due to temporary absence from the reservation, illness, or physical disability a registered eligible voter is not able to vote at the polls and duly causes the Election Board to be notified thereof, he shall be entitled to vote by absentee ballot. The Election Board shall give or mail ballots for absentee voting to registered voters upon request in sufficient time to permit the voter to execute and return same on or before the date of the election or within the time allowed by the Election Board. Together with the ballot there shall be an inner envelope bearing on the outside the words "Absentee Ballot," a preaddressed outer envelope, and a certificate in form as follows:

I, ----------, hereby certify that I am a member of the ---------- Tribe of Indians; that I will be 21 years of age or over at the election date and am entitled to vote in the election to be held on ---------- (date of election); and that I cannot appear at the polling place on the reservation on the date of the election because (Indicate one of the following reasons) I expect to be absent from the reservation ☐ or because of illness ☐ or physical disability ☐. I further certify that I marked the enclosed ballot in secret.[1]

Signed ----------
(Voter)

Subscribed and certified before us this ---------- day of ---------- 19 ----------; and we hereby certify that we are of adult age; that the voter exhibited the ballot to us unmarked; that he then in our presence and in the presence of no other person, and in such manner that we could not see his vote, marked such ballot and enclosed and sealed the same in the envelope marked "Absentee Ballot".[1]

Witness

Address

Witness

Address

The voter shall in the presence of two witnesses of adult age, and of no other person, mark such ballot but in such manner that such witnesses cannot know how the ballot was marked, and the ballot shall then in the presence of such witnesses be folded so as to conceal the marking, and be, in the presence of such witnesses, placed in the envelope marked "Absentee Ballot" and the envelope sealed. The voter shall then execute and subscribe the certificate before such witnesses. He shall then place the sealed envelope marked "Absentee Ballot" together with the certificate in the outer envelope, and mail it or have it delivered. The preaddressed outer envelope shall be directed to the Election Board at the reservation. Absentee ballots must be received by the Election Board not later than the close of the polls on election day, except as covered by § 52.13. The Election Board shall make and keep a record of ballots mailed, to whom mailed, the date of mailing, the address on the envelope, the date of the return of such ballot, and from whom received, and shall count and register all such votes after all other ballots have been counted and include them in the results of the election.

[F.R. Doc. 67-9593; Filed, Aug. 15, 1967; 8:49 a.m.]

PART 53—TRIBES ORGANIZED UNDER SECTION 16 OF INDIAN REORGANIZATION ACT AND OTHER ORGANIZED TRIBES

On pages 3062 and 3063 of the FEDERAL REGISTER of February 18, 1967, there was published a notice and text of a proposed Part 53 to Title 25, Code of Federal Regulations.

[1] Criminal penalties are provided by statute for knowingly filing false information in such statements. 18 U.S.C. 1001.

Interested persons were given the opportunity to participate in the rule-making process by submitting written comments, suggestions, or objections with respect to the proposed regulations. After consideration of all such relevant matter as was submitted by interested parties, the proposed Part 53 is hereby adopted, subject to the following changes:

1. In § 53.3 the word "authorized" appearing in the eighth line is changed to "eligible."

2. In § 53.4 the words "the purpose of that petition" are changed to "at least a summary of the objectives of the petitioners."

3. In § 53.5 the final period is stricken, and there is added: ", and that to the best of his knowledge the signatories thereto are eligible voters. Only an eligible tribal voter shall be recognized as a valid collector of signatures to a petition."

4. In § 53.7 there is added as a concluding sentence: "In event an individual's name appears on a petition more than once, all but one of the names shall be stricken."

Effective date. Part 53, 25 CFR, is effective on date of this publication in the FEDERAL REGISTER.

STEWART L. UDALL,
Secretary of the Interior.

AUGUST 10, 1967.

Part 53, Chapter I, Title 25 of the Code of Federal Regulations reads as follows:

Sec.
53.1 Definitions.
53.2 Purpose and scope.
53.3 Applicability to tribal groups.
53.4 Petition format.
53.5 Notarization of petition signatures.
53.6 Filing of petitions.
53.7 Challenges.
53.8 Action on the petition.

AUTHORITY: The provisions of this Part 53 issued under 5 U.S.C. 22 and 25 U.S.C. 2 and 9; and 25 U.S.C. 476.

§ 53.1 Definitions.

As used in this Part 53:

(a) "Secretary" means the Secretary of the Interior or his authorized representative.

(b) "Commissioner" means the Commissioner of Indian Affairs or his authorized representative.

(c) "Local Bureau Official" means the Superintendent, Field Representative or other line officer of the Bureau of Indian Affairs who has local administrative jurisdiction over the tribe concerned.

(d) "Bureau" means the Bureau of Indian Affairs.

(e) "Tribe" means any recognized Indian, Eskimo, or Aleut tribe, organized band, pueblo, or community which is subject to the jurisdiction of the Bureau of Indian Affairs and which has adopted a constitution approved by the Commissioner or the Secretary.

(f) "Spokesman for the petitioner" means the authorized voter of a tribe initiating a petition or designated by the initiators of a petition to speak in their behalf.

(g) "Constitution" means the organizational framework of any organized tribe for the exercise of governmental powers.

§ 53.2 Purpose and scope.

The purpose of this part is to provide uniformity and order in the formulation and submission of petitions requesting the Secretary or the Commissioner to call elections to amend tribal constitutions as such documents may provide.

§ 53.3 Applicability to tribal groups.

The regulations, policies, and procedures set forth in this part apply to any tribe which provides through its constitution for the Secretary or the Commissioner to call elections to amend tribal constitutions upon filing a petition signed by a stipulated percentage or number of tribal members who are eligible voters under the constitution of the tribe involved.

§ 53.4 Petition format.

Petitions may consist of as many pages as are necessary to accommodate the signatures of the petitioners. However, each sheet of a petition must set forth at least a summary of the objectives of the petitioners and must show the date upon which the petition was signed by each individual, as well as the current mailing address of each signer.

§ 53.5 Notarization of petition signatures.

Signatures to a petition must be authenticated in one of the following ways: (a) Through having each signer subscribe or acknowledge his signature before a notary public; (b) through having the collector of signatures appear before a notary and sign, in his presence on each sheet of the petition, a statement attesting that the signatures were affixed on the dates shown and by the individuals whose names appear thereon, and that to the best of his knowledge the signatories thereto are eligible voters. Only an eligible tribal voter shall be recognized as a valid collector of signatures to a petition.

§ 53.6 Filing of petitions.

All petitions submitted pursuant to this section must be filed with the local Bureau official responsible for administering the tribe's affairs. No petitions will be accepted until a spokesman for the petitioners declares that he wishes to make an official filing. Once a declaration of official filing is made and the petition is given to the local Bureau official, that official shall immediately designate thereon the date of receipt and shall inform the spokesman for the petitioners that no additional signatures may be added and that no withdrawal of signatures will be subsequently permitted. The local Bureau official shall also acknowledge in writing his receipt of the petition, indicating the exact number of signatures which are attached. Upon this written acknowledgment of the petition, the local Bureau official shall publicly post at the local Bureau

unit serving the tribe the matter proposed in the petition, which shall remain posted for a period of thirty (30) days.

§ 53.7 Challenges.

Once an official filing has been made, the local Bureau official shall have copies made of the petition and its signatures, and shall keep these copies at the agency or field office for fifteen (15) days, during which time they shall be available for examination by authorized voters of the tribe upon request. During this 15-day period challenges of signatures may be filed with the local Bureau official. Challenges will be considered on the following grounds: (a) Forgery of signatures; (b) lack of proper qualifications of a signer. No challenge will be considered which is not accompanied by supporting evidence in writing. In event an individual's name appears on a petition more than once, all but one of the names shall be stricken.

§ 53.8 Action on the petition.

Within thirty (30) days after the official filing date, the local Bureau official shall forward to the Commissioner through the Area Director, or directly to the Commissioner in the case of a tribe not under the administrative jurisdiction of an Area Director, the original of the petition and its accompanying signatures, together with his recommendations concerning challenges, and his conclusions concerning (a) the validity of the signatures; (b) the adequacy of the number of signatures; (c) the propriety of the petitioning procedure. The Commissioner shall within forty-five (45) days after the official filing date, decide each challenge and the sufficiency of the petition and announce whether an election shall be called. In the event he decides that the petitioning action for any reason is insufficient for the calling of an election, he shall inform the spokesman for the petitioners and the governing body of the tribe of that fact and the basis of his decision; in the event he decides that the petitioning action does warrant the calling of an election, he shall so inform the spokesman for the petitioners and the governing body of the tribe concerned. His decision in such matters shall be final. The procedures for conducting the election, as well as the date for the election, will be determined in accordance with pertinent directives.

[F.R. Doc. 67-9560; Filed, Aug. 15, 1967; 8:46 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER P—RECORDS

PART 289—SALE OF DEPARTMENT OF DEFENSE DIRECTIVES, INSTRUCTIONS, AND INDEXES TO THE PUBLIC

Sec.
289.1 Subscription service.
289.2 Ordering individual copies.

AUTHORITY: The provisions of this Part 289 issued under 10 U.S.C. 136; Independent Office Appropriation Act of 1952, Title V, sec. 501 (65 Stat. 290).

§ 289.1 Subscription service.

(a) **Effective September 1, 1967,** new and revised DoD Directives, Instructions, and Changes (except those marked "For Official Use Only"), published under the subject group numbers listed in subparagraph (2) of this paragraph and identified by asterisks in the left-hand margins of the "DoD Quarterly Listing of Unclassified Issuances"[1] and/or the "Quarterly Indexes" will be made available on a subscription basis, with automatic mailing upon payment of fees.

(1) The subscription will entitle the subscriber to automatically receive one copy of each new and revised issuance published under the subject groups desired, for the subscription period.

(2) Subscriptions will be accepted for a single subject group or for as many individual subject groups as the subscriber chooses. A list of the available subject groups is as follows:

1000—Manpower, Personnel, and Reserve.
2000—International Programs.
3000—Planning and Readiness.
4000—Logistics and Resources Management.
5000—General Administration.
6000—Health and Medical.
7000—Comptrollership.
Index—Listing of DoD Unclassified Issuances and Subject Index.

(b) An annual service charge of $6 for the DoD Issuances published under each subject group will apply without regard to the number of documents which may be issued within the group. This fee is to defray administrative expense for screening and distributing DoD Issuances.

(1) Orders may be forwarded at any time to the Director, Navy Publications and Printing Service Office, Building 4, Section D, 700 Robbins Avenue, Philadelphia, Pa. 19111, Attn: Code NPA-1, in any form, accompanied by a certified bank check or postal money order payable to the Treasurer of the United States.

(2) Subscription service pertains only to the release of new and revised DoD Directives and Instructions; Changes; and Indexes, as specified in paragraph (a) of this section.

§ 289.2 Ordering individual copies.

(a) In addition to the subscription service on new and revised DoD Issuances outlined in § 289.1, individual copies of any other DoD Directive, Instruction, and Change listed in the "DoD Quarterly Listing of Unclassified Issuances," will continue to be made available on an "as ordered" basis, without charge to the requester.

(b) The Naval Supply Depot, 5801 Tabor Avenue, Philadelphia, Pa. 19120, Attn: Code 300, will provide this service after September 1, 1967. Distribution will be restricted to one copy of each DoD Issuance per customer.

MAURICE W. ROCHE,
Chief, Correspondence and Directives Division, OASD (Administration).

[F.R. Doc. 67-9567; Filed, Aug. 15, 1967; 8:45 a.m.]

[1] Filed as part of original document.

Chapter V—Department of the Army

SUBCHAPTER A—CLAIMS AND ACCOUNTS

PART 536—CLAIMS AGAINST THE UNITED STATES

Claims of Military Personnel and Civilian Employees for Property Lost or Damaged Incident to Service

In § 536.27, paragraph (a) is amended by revising subparagraphs (3) (iii), (4) (vi) (c), and (6) (viii); paragraph (b) is amended by revising the introductory text of subparagraph (4); paragraph (c) is amended by revoking subparagraph (2) (ii) (c) and by adding a new subdivision (iv) to subparagraph (8); and paragraph (d) is amended by revising subparagraph (3) (i), (ii) and (v), and by adding new subdivision (vi) to same subparagraph, as follows:

§ 536.27 Claims of military personnel and civilian employees for property lost or damaged incident to service.

(a) *General.* * * *

(3) *Claimants.* * * *

(iii) A member of another U.S. Armed Force may, where an installation of his service is not immediately available, present a claim to the Army for loss of or damage to personal property incident to his service. Any such claim will be investigated under the provisions of this section. The completed file will contain all required supporting documents, including evidence pertaining to recovery from a carrier, insurer, or other third party. Such claims will be forwarded as follows:

(a) Claims of Navy personnel will be forwarded directly to: Chief of Naval Personnel, Department of the Navy, Washington, D.C. 20370

(b) Claims of Marine Corps personnel will be forwarded directly to: Commandant of the Marine Corps, Headquarters, Marine Corps, Washington, D.C. 20380

(c) Claims of civilian employees of the Navy and of the Marine Corps will be forwarded directly to: Office of The Judge Advocate General, Department of the Navy, Washington, D.C. 20370

(d) Claims of Coast Guard personnel will be forwarded directly to: Commandant (PS), Headquarters, U.S. Coast Guard, Washington, D.C. 20591

(e) Claims of civilian employees of the Coast Guard will be forwarded directly to: Commandant (CL), Headquarters, U.S. Coast Guard, Washington, D.C. 20591

(f) Claims of Air Force personnel and civilian employees of the Air Force will be forwarded directly to the nearest Air Force installation for settlement.

(4) *Claims cognizable.* * * *

(vi) *Motor vehicle losses.* * * *

(c) Located at quarters, as defined in subdivision (i) (a) and (b) of this subparagraph, which for purposes of this subparagraph, includes garages, carports, driveways and assigned parking spaces and lots specifically provided and used for the purpose of parking at one's quarters, provided that the loss or damage is caused by fire, flood, hurricane, or other unusual occurence.

* * * * *

(6) *Types and categories of property not payable.* * * *

(viii) (a) Small items of substantial value such as expensive cameras, watches, jewelry, and furs shipped by ordinary means, e.g., with household goods or hold baggage and which are missing upon receipt of the shipment. If, however, small items of substantial value are lost or destroyed because of fire, flood, hurricane, sinking of vessel, or other unusual occurrence, or if the claimant requested shipment of such items by expedited mode but the items were shipped by ordinary means, the prohibition against payment does not apply.

(b) Items of extraordinary value, except bulky items, unless claimant requests shipment by expedited mode.

(b) *Filing of claim.* * * *

(4) *Evidence.* Requirements as to evidence are covered generally in § 536.1-536.11c. Except in small claims (§ 536.11b), in which recovery action against nonappropriated fund activities is not involved, the claimant will furnish, in addition to a statement of the facts and circumstances in detail, the following evidence in support of a claim for damage or loss:

* * * * *

(c) *Recovery from third parties.* * * *

(2) *Responsibilities and procedures.* * * *

(ii) *Transportation officer.* * * *

(c) [Revoked]

* * * * *

(8) *Post-settlement recovery action.* * * *

(iv) Claims to be referred to the General Accounting Office or the Department of Justice pursuant to the Federal Claims Collection Act of 1966 (80 Stat. 309), as implemented by Part 105 of Title 4, Code of Federal Regulations and AR 27-41, will be forwarded through claims channels to the Chief, U.S. Army Claims Service.

(d) *Settlement of claims.* * * *

(3) *Settlement*—(i) *Settlement authority.* (a) Subject to such limitations as may be imposed by the Judge Advocate General, the Chief, U.S. Army Claims Service, and all officers of the Judge Advocate General's Corps assigned to the U.S. Army Claims Service, subject to such limitations as may be imposed by the Chief of that Service, are delegated authority under this section to pay up to $10,000 in settlement of claims, and to disapprove claims regardless of the amount claimed.

(b) Subject to such limitations as may be imposed by the Judge Advocate General, the commander, or the staff judge advocate, of each of the following commands is delegated authority to:

(1) Approve and pay in part or in full, or disapprove, claims presented for $2,500 or less, and

(2) Pay claims regardless of the amount claimed provided an award of $2,500 or less is accepted by claimant in full satisfaction and final settlement of the claim.

(i) Each of the numbered armies within the continental United States;

(ii) Military District of Washington, U.S. Army;

(iii) U.S. Army Forces Southern Command;

(iv) U.S. Army, Alaska;

(v) U.S. Army, Pacific;

(vi) U.S. Army, Europe.

(ii) *Approving authority.* (a) Each of the following is delegated authority to:

(1) Approve and pay in full claims presented for $1,000 or less.

(2) Pay claims regardless of the amount claimed provided an award of $1,000, or less, is accepted by claimant in full satisfaction and final settlement of the claim.

(b) The commander, or the staff judge advocate, of any command authorized to exercise general courts-martial jurisdiction;

(ii) An officer of the Judge Advocate General's Corps assigned to a maneuver claims service or a disaster claims office when designated by the commander of a command listed in § 536.4a, subject to such limitation as the designating commander may prescribe;

(iii) The chief of a command claims service established pursuant to § 536.4b;

(iv) Officers of the Judge Advocate General's Corps assigned to the U.S. Army Claims Office, France, subject to such limitations as the Commanding Officer, U.S. Army Claims Office, France, may prescribe.

(v) Officers of the Judge Advocate General's Corps assigned to the U.S. Army Claims Office, Germany, subject to such limitations as the Commanding Officer, U.S. Army Claims Office, Germany, may prescribe.

(vi) Officers of the Judge Advocate General's Corps assigned to the U.S. Armed Forces Claims Service, Korea, subject to such limitations as the Chief, U.S. Armed Forces Claims Service, Korea, may prescribe.

(vii) A district or division engineer, Corps of Engineers, or the Chief of Engineers.

(b) The commanding officer of a command not authorized to exercise general courts-martial jurisdiction, but having a judge advocate assigned to his staff, or his judge advocate, is delegated authority to:

(1) Approve and pay in full claims presented for $500 or less, and

(2) Pay claims regardless of the amount claimed, provided an award of $500, or less, is accepted by claimant in full satisfaction and final settlement of the claim.

* * * * *

(v) *Reconsideration.* (a) While there is no appeal from the action of an approving or settlement authority under the Military Personnel and Civilian Employees' Claims Act of 1964 and this section, an approving or settlement authority may reconsider a claim upon request of the claimant or someone acting in his behalf. Even in the absence of such a request, an approving or settlement authority may on his own initiative reconsider a claim. He may reconsider a claim which he previously disapproved in whole or in part (even though a settlement agreement has been executed) when it appears that his original action was incorrect in law or fact based on the evidence of record at the time of the action or subsequently received. If he determines that his original action was incorrect, he will modify the action and, if appropriate, make a supplemental payment. The basis for a change in action will be stated in a memorandum included in the file.

(b) A successor or supervisory approving or settlement authority may also reconsider the original action on a claim but only on the basis of fraud or collusion, new and material evidence, or manifest error of fact such as errors in calculation or factual misinterpretation of applicable law.

(c) A request for reconsideration should fully indicate the legal or factual basis asserted as grounds for relief. Following completion of any investigation or other action deemed necessary for an informed disposition of the request, the approving or settlement authority will reconsider the claim and attempt to settle it by granting such relief as may appear warranted. When further settlement efforts appear unwarranted, the entire file with a memorandum of opinion will be forwarded through claims channels as outlined in § 536.10(d). If a claim supervisory authority (§ 536.4a) is unable to grant the relief requested, he will forward the claim with his recommendation to the Chief, U.S. Army Claims Service, Fort Holabird, Md. 21219, and inform the claimant of such reference.

(vi) *Compromise or termination of recovery actions.* Subject to the limitations contained in this section, each of the settlement and approving authorities designated in subdivisions (i) and (ii) of this subparagraph is delegated authority to compromise or terminate collection action on claims, within his monetary jurisdiction, against third parties under paragraph (c) of this section in accordance with the provisions of the Federal Claims Collection Act of 1966 (80 Stat. 309) as implemented by Joint Regulations promulgated by the General Accounting Office and the Department of Justice (4 CFR 101-105) and AR 27-41.

[C1, AR 27-20, May 22, 1967] (Sec. 3012, 70A Stat. 157; 10 U.S.C. 3012. Interpret or apply sec. 1, 76 Stat. 767; 31 U.S.C. 240-243)

KENNETH G. WICKHAM,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 67-9548; Filed, Aug. 15, 1967; 8:46 a.m.]

Chapter VII—Department of the Air Force

SUBCHAPTER A—ADMINISTRATION

PART 800—DEPARTMENT OF THE AIR FORCE SEAL

SUBCHAPTER B—SALES AND SERVICES

PART 819a—SELLING AVIATION FUEL AND OIL FOR CONTRACT, CHARTER, AND CIVIL AIRCRAFT

Miscellaneous Amendments

Chapter VII of Title 32 of the Code of Federal Regulations is amended as follows:

§ 800.4 [Amended]

In § 800.4, paragraph (c) is amended by deleting subparagraph (2).

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012)

A new Part 819a is added as follows:

Sec.
819a.1 Purpose.
819a.2 Definitions.
819a.3 Air Force sales policy.
819a.4 Identification of contract and charter aircraft.
819a.5 Authority to sell aviation fuel and oil.
819a.6 Prices.

AUTHORITY: The provisions of this Part 819a issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012, except as otherwise noted.

SOURCE: AFR 67-53, Mar. 27, 1963.

§ 819a.1 Purpose.

This part states Air Force policy on the sale of aviation fuel and oil to aircraft operating under contract or charter to any U.S. Government agency, and to operators of civil aircraft.

§ 819a.2 Definitions.

(a) *Contract aircraft.* Aircraft under contract with any department or agency of the U.S. Government at rates based, in part, on sale of fuel and oil to the contractor at the Air Force standard price. These rates are lower than published rates available to the general public on file with the Civil Aeronautics Board. The aircraft are under the operational control of the department or agency concerned.

(b) *Charter aircraft.* Aircraft under agreement with any department or agency of the U.S. Government at rates which are not based on sale of fuel and oil at the Air Force standard price and which are equal to published rates available to the general public on file with the Civil Aeronautics Board. Charter aircraft may or may not be under operational control of the department or agency executing the agreement.

(c) *Civil aircraft.* Domestic or foreign aircraft operated by private individuals or corporations of any national registry, and foreign government-owned aircraft operating for commercial purposes.

(d) *Aviation fuels and oils.* Aviation fuel and oil items under Air Force Aviation Fuel Stock Fund Operation. (See attachment D1, Part Three, Volume I, AFM 67-1 (USAF Supply Manual), for the itemized list.)

(e) *Standard price.* Worldwide average cost of aviation fuel and oil to the Stock Fund. Current Air Force standard prices are available from SAAMA, Kelly AFB TX 78241.

(f) *Surcharge.* A 3 percent and a 15 percent charge to cover administrative and handling costs not reflected in the published standard price.

(g) *Local prevailing fair market price.* Price per unit charged similar type of transient aircraft by the nearest commercial airport refueling dealer for an equivalent product serviced into the aircraft less all taxes, duties, and fees (such as airport landing fees). The base commander will determine and maintain current local prevailing fair market prices.

(h) *Authorized supplier.* A commercial petroleum company doing business in the United States or its Territories which has an agreement with the Air Force to guarantee payment for aviation fuel and oil furnished by the Air Force to civil, contract, and charter aircraft. If credit purchase of fuel and oil by this method is desired, the operator must obtain an authorized supplier letter and submit three copies signed by an executive of the company to each approving authority to whom an AF Form 181, Civil Aircraft Landing Permit, is submitted (see Part 855, Subchapter F of this chapter). When applicable the name of the authorized supplier will be inserted in item 20 on an approved AF Form 181 by the approving authority.

NOTE: Authorized supplier letters are not accepted with a time limit on the period of guarantee or a time limit for receipt of invoices covering fuel and oil sales made during the valid period of the guarantee.

(i) *Commercial security bond.* A guarantee obtained by an operator from a commercial bonding company for payment of Air Force aviation fuel purchases and posted with the Aviation Fuel Stock Fund Manager, SAAMA. (Notification of established credit is issued by the Directorate of Air Force Aerospace Fuels, SAAMA, to Air Force installations.)

(j) *Federal excise taxes.* 26 U.S.C. 4081 imposes an excise tax of four (4) cents per gallon on all grades of aviation gasoline. 26 U.S.C. 4041(b) imposes an excise tax of two (2) cents per gallon on special motor fuel (JP-4 jet fuel) which is sold for use otherwise than as a fuel for the propulsion of a highway vehicle. 26 U.S.C. 4091 imposes an excise tax of six (6) cents per gallon (or one and one-half (1½) cents per quart) on all grades of aviation lubricating oil. These taxes apply only on sales made in the continental United States, Alaska, and Hawaii except as exempted in the note in § 819a.6.

§ 819a.3 Air Force sales policy.

(a) Air Force aviation fuel and oil are not sold to civil and charter aircraft in competition with private enterprise. The Air Force does not furnish aviation fuel and oil to such aircraft if commercial refueling of commercial products is available. However, in some instances commercial refueling is available at the same airport as Air Force facilities, but airport safety regulations do not permit the commercial refueling operator to move his equipment to the Air Forces refueling ramp nor do they permit the aircraft to be taxied across the runways to the commercial refueling ramp. Under such circumstances, a charter or civil aircraft making an authorized stop at the Air Force installation is authorized to buy Air Force aviation fuel and oil.

(b) If commercial refueling is not available, the sale of Air Force aviation fuel and oil to aircraft under charter agreement with the U.S. Government is permitted at, and limited to, points where passengers or cargo are loaded into or discharged from the aircraft. Sales to civil aircraft are governed by the conditions outlined in § 819a.5(c).

(c) The sale of Air Force Aviation fuel and oil to aircraft under contract to any department of the U.S. Government is authorized without the restrictions in paragraphs (a) and (b) of this section.

(d) The policies in this section pertain to aircraft operated under contract or charter to the Air Force and other departments of the U.S. Government when the operators of these aircraft present, for positive identification, the credentials established by this part or by the department or agency administering the contract or charter agreement. If identifying credentials are not presented, the aircraft are considered civil aircraft as far as the sale of aviation fuel and oil is concerned.

§ 819a.4 Identification of contract and charter aircraft.

Identification credentials of contract and charter aircraft of the U.S. Government are limited to:

(a) *Department of Defense—contract aircraft.* Contract aircraft operating under Department of Defense contracts for domestic operations are identified by a Certificate of Operations signed by the contracting officer. This certificate will indicate the type of service involved and the contract under which operations are being performed. Examples are: Certificates of Logair Operations and Certificates of Quicktrans Operations. Contract aircraft operating under Department of Defense contracts for international operations are identified by MATS Form 8, "Civil Aircraft Certificate," indicating contract aircraft.

(b) *Department of Defense—charter aircraft.* Charter aircraft operating under Department of Defense charters will be identified as follows:

(1) Flights limited to the continental United States for cargo service are identified by a CAFM (Civil Air Freight Movement) number on the SF 1103, "U.S. Government Bill of Lading."

(2) Flights limited to the continental United States for passenger service are identified by a CAM (Commercial Air Movement) number on the SF 1169, "Transportation Request."

(3) Charter aircraft used exclusively within an oversea area are provided identification by the appropriate oversea commander. The commander advises all activities concerned of such identification and enacts the necessary measures

to preclude violations of sales policies established in this part.

(c) *Other U.S. Government departments and agencies.* When other departments or agencies of the U.S. Government desire that aircraft under contract or charter by them obtain fuel and oil from Air Force bases, the department or agency will advise the Director of Air Force Aerospace Fuels, SAAMA, and provide information as to the identification documents. The Director of Air Force Aerospace Fuels will then furnish the necessary information directly to the Air Force installations concerned.

(d) *Private or commercial aircraft.* All private or commercial aircraft not identified in accordance with this section will be considered to be civil aircraft.

§ 819a.5 Authority to sell aviation fuel and oil.

Commanders may authorize the sale of aviation fuels and oils for use in contract, charter, and civil aircraft only under the conditions stated in this section. Any sale not complying with these conditions subjects Air Force personnel involved to possible action in accordance with AFR 67-10 (Responsibility for Public Property in Possession of the Air Force).

(a) For contract aircraft, identified in accordance with § 819a.4 (a) and (c):

(1) Cash sales are authorized.

(2) Credit sales are authorized if the operator presents AF Form 181, indicating an authorized supplier; or if the Air Force installation has been notified that the operator has posted bond secured with a commercial bonding company.

(3) Credit sales are not made under circumstances other than stated in subparagraph (2) of this paragraph.

(b) For charter aircraft, sales are not authorized at bases where commercial fueling is available. At bases where commercial fueling is not available and aircraft are identified as charter in accordance with § 819a.4 (b) (1), (2), (3), and (c), the following apply:

(1) Cash sales are authorized.

(2) Credit sales are authorized if the operator presents AF Form 181, indicating an authorized supplier; or if the Air Force installation has been notified that the operator has posted bond secured with a commercial bonding company.

(3) Credit sales, except under the conditions stated in subparagraph (2) of this paragraph, are not authorized under any circumstance.

(c) For civil aircraft not under contract or charter:

(1) At Air Force installations, cash sales are authorized under the conditions stated in this subparagraph. Credit sales are also authorized under these conditions if the operator presents AF Form 181, indicating an authorized supplier; or if the Air Force installation has been notified that the operator has posted bond secured with a commercial bonding company.

(i) If civil operators have been granted permission to use the installation as a regular airport for scheduled flights and the agreement covering this use expressly authorizes the sale of aviation fuels and oil for such flights.

(ii) If civil operators have been granted permission to use an installation as a weather alternate airport in conjunction with scheduled flights and commercial aviation fuels and oils are not available. In such cases, based upon prevailing conditions, the installation commander determines whether fuel should be furnished in the quantity to reach the next destination or the nearest commercial airport where the grade required is available.

(iii) If private and company-operated aircraft carry private individuals and company executives to conduct official business related to Government activities.

(iv) If an emergency exists. The installation commander determines, based upon prevailing conditions, whether fuel should be furnished in the quantity to reach the next destination or the nearest commercial airport where the grade required is available.

(2) At an oversea installation not under Air Force jurisdiction, but where Air Force aviation fuel is available, credit sales may be made under circumstances stated in subparagraph (1) of this paragraph, if the overseas major commander has received authorization from the Directorate of Air Force Aerospace Fuels, SAAMA. Should an operator desire credit sales, he forwards an authorized supplier guarantee or a commercial security bond to the Directorate of Air Force Aerospace Fuels, SAAMA, which in turn, notifies the major commander of the validity and duration of the guarantee.

(3) Credit sales except under conditions stated in subparagraphs (1) and (2) of this paragraph are not made under any circumstances.

§ 819a.6 Prices.

(a) Contract aircraft (§ 819a.4 (a) and (c)) are charged the Air Force standard price. Federal excise taxes are added to the selling price on sales made in the continental United States, Alaska, and Hawaii, except as exempted in the note in this section.

(b) Charter aircraft (§ 819a.4 (b) and (c)) are charged the Air Force standard price plus surcharges. Federal excise taxes are added to the selling price on sales made in the continental United States, Alaska, and Hawaii, except as exempted in the note in this section.

(c) Civil aircraft (§ 819a.4(d)) are charged the local prevailing fair market price or the Air Force standard price plus surcharges, whichever is higher. Federal excise taxes are added to the selling price on sales made in the continental United States, Alaska, and Hawaii, except as exempted in the note in this section.

NOTE: Under 26 U.S.C. 4221, international flights and flights to U.S. possessions originating in the continental United States, Alaska, and Hawaii, are exempt from Federal excise at airport of departure from these States. This exemption does not apply to flights between Alaska, Hawaii, and the continental United States. Where Federal excise taxes are to be collected, it is important that local prevailing fair market prices be determined exclusive of these taxes in order to avoid double assessment.

By order of the Secretary of the Air Force.

LUCIAN M. FERGUSON,
Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 67-9645; Filed, Aug. 15, 1967; 8:45 a.m.]

SUBCHAPTER C—PUBLIC RELATIONS

PART 838—GRANTING TEMPORARY USE OF REAL PROPERTY

Subchapter C of Chapter VII of Title 32 of the Code of Federal Regulations is amended as follows:

A new Part 838 is added as follows:

Sec.
838.1 Purpose.
838.2 Definitions.
838.3 Policy on temporary use of real property.
838.4 Air Force authority.

AUTHORITY: The provisions of this Part 838 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012.

SOURCE: AFR 87-3, Sept. 28, 1960; Change 1, Mar. 27, 1967.

§ 838.1 Purpose.

This part fixes responsibility and establishes authority and policy, for granting temporary use of Air Force real property (hereinafter referred to as outgrant). It applies to all real property (except industrial property) and interests therein under the jurisdiction and control of the Department of the Air Force (hereafter referred to as Air Force real property).

§ 838.2 Definitions.

(a) *Real property.* Real property includes any right, title, or interest in land and buildings, fixed improvements, utilities, and other permanent type additions to land.

(b) *Lease.* A conveyance of an exclusive possessory interest in real property for a specified term, reserving to the owner rent or other consideration.

(c) *Easement.* A conveyance of an interest in real property for a specific purpose. It may be granted for a specified term or in perpetuity. The purposes for which the Air Force may grant easements affecting its property generally are limited by law. This limitation, plus the fact that the grantor is not excluded from such use of his real property as will not interfere with the grantee's use, distinguishes the easement from the lease.

(d) *License or permit.* A privilege, revocable at will, to use the property of the licensor for a specified purpose and period of time. Generally, a permit is the proper instrument when the use of real property by another Federal Government agency is involved; in other cases a license is used.

(e) *Outgrants.* Includes leases, licenses, permits, easements, and grants of a similar nature.

(f) *Outlease.* The instrument leasing Government-owned real property.

(g) *Sublease.* A grant by a lessee of all or a part of his leasehold to another by lease.

§ 838.3 Policy on temporary use of real property.

(a) *Retention.* Real property which the Air Force does not currently need but which is retained for future use (such use does not prevent its outleasing for certain purposes) will be made available for use either exclusively or concurrently with the Air Force by another military department, other Federal agencies, State or local governmental agencies, and private organizations or individuals. Law, security, public safety, and potential Air Force need will govern the extent of such use. This policy does not apply to Air Force-owned utility systems and facilities.

(b) *Preference.* Air Force real property made available for other than Air Force use will be outgranted (on a nonsegregated basis) in the following order:

(1) Other military departments.

(2) Other Federal agencies.

(3) State and local governmental agencies.

(4) Private organizations or individuals.

(c) *Competition.* The use of Air Force real property for private purposes will be granted only after reasonable efforts have been made to obtain competitive bidding through advertising for its use. Advertising may include circulating notices among former owners, owners of adjacent property, and others known to be interested, posting notices in public places, or publishing notices in newspapers and trade journals. Competitive bidding will give all qualified persons equal opportunity to bid for use of the property, obtain for the Government the benefits of such bidding, and prevent criticism that favoritism has been shown by officers or Government employees in making public property available for private use. Normally, the Corps of Engineers will handle this advertising. Waiver of competition is granted for the following actions:

(1) Leasing property to the former owners, or their lessees, at the discretion of the Secretary of the Air Force or a duly authorized representative. Former owners or their tenants will be given an opportunity to lease the land for grazing or agriculture only until a final land management plan for the Government's use of the land is established (see par. 13, AFR 90–1 (Pavements and Grounds)). Pending establishment of this plan, the outlease for grazing or agriculture may be granted by negotiation to each former owner or the tenants for a maximum of one 5-year term. After expiration of this original outlease, leases are granted by competitive bidding.

(2) Granting leases, easements, and licenses to State or local governments, and public utilities.

(3) Granting permits to other Federal agencies.

(4) Leasing cable pairs.

(5) Outleasing Air Force property to religious organizations.

(d) *Commercial advertising.* Posting notices or erecting billboards or signs for commercial purposes on Air Force property is prohibited.

(e) *Grants which may embarrass the Air Force.* Unless specifically authorized by law, the Air Force will not authorize occupancy of its property by license or lease where revocation of the license or lease might prove embarrassing to the Air Force.

(f) *Public safety.* Lands or buildings and improvements which are contaminated with explosives or toxic materials, or other innately or potentially harmful elements, will not be used for nonmilitary purposes when such action will endanger the lives of individuals or the public.

(g) *Subleasing.* Air Force outleased property will not be subleased without prior approval of the Air Force. This approval may be granted by the echelon of command approving the original lease. All outleases will contain a clause to provide for the enforcement of this policy.

(h) *Outleasing land for agricultural use.* Air Force real property will not be leased to grow price-supported crops in surplus supply unless:

(1) Leases were executed before July 21, 1956, and all renewal option periods have not yet expired.

(2) The acquisition of real property resulted in commitments which obligated the Air Force to make the property available for continued use by the former owners or tenants, and the preferential leasing arrangements have been continuous and are in effect. This exception will automatically cease when all renewal options expire. In those cases where leases expire before harvesting time for crops, the owner or tenant will be given a reasonable period of time for such harvesting.

(3) Requests for exceptions to the above will be submitted to Hq USAF (AFOCE–F) to obtain necessary approvals.

NOTE: Department of Agriculture designated price-supporting crops in surplus supply are corn, grain sorghums, rice, wheat, peanuts, dry edible beans, tobacco (kinds for which acreage allotments are in effect), and cotton (upland and extra long staple). Amendments to this list will be announced by the Department of Agriculture through the Assistant Secretary of Defense (Properties and Installations).

(i) *Making Air Force real property available for exploration and mining of minerals.* The Secretary of the Air Force may grant licenses to private interests permitting mineral exploration on Air Force land except public domain in accordance with his authority. Such exploration will be permitted when it is of direct benefit to the United States and does not interfere with the mission of the installation. Enabling legislation must be enacted to authorize the Secretary of the Air Force to permit the mining of minerals on Air Force land.

(j) *Fair market value.* It is Bureau of the Budget policy that fair market value should be realized from the sale or use of Federally owned real property. Therefore, in all outleasing actions, except where otherwise specifically authorized, the Air Force must receive adequate consideration, in either money or services, equal to the fair rental value of the real property outleased.

(k) *Land management.* After the agronomist or grounds maintenance supervisor has determined the land management program for an installation, maintenance may be accomplished through outleasing where value of use of the land exceeds value of services rendered. If value of services desired exceeds value of revenue to be derived from the land, then grounds maintenance should be accomplished under a competitive grounds maintenance contract (reference AFR 90–1). These values will be determined by the District Engineer, Corps of Engineers.

§ 838.4 Air Force authority.

The Secretary of Air Force has authority for granting temporary use of real property as follows:

(a) *Lease authority.* When it is considered advantageous to the United States to lease real or personal property which is not then required for public use and is not excess to the Air Force and on terms and conditions that will promote the national defense or will be in the public interest.

(1) *Term.* Each such lease shall be for not more than 5 years unless the Secretary of the Air Force determines that a longer period will promote the national defense or will be in the public interest.

(2) *Revocation.* Each such lease shall contain a provision permitting the Secretary of the Air Force to revoke the lease at any time, unless it is determined that the omission of such provision from the lease will promote the national defense or will be in the public interest. Each lease shall be revocable by the Secretary of the Air Force during a national emergency declared by the President.

(3) *Consideration.* Any such lease may provide for the maintenance, protection, repair, or restoration by the lessee of the property leased, or of the entire unit or installation where a substantial part thereof is leased, as a part or all of the consideration for the lease of such property. Consideration for leases will provide for fair market rental value.

(4) *Utilities and services.* If the lease specifies that the Air Force will furnish utilities or services, payments for the utilities or services may be deposited into the Treasury to the credit of the appropriations from which the costs of furnishing such utilities or services to the lessee were paid. Written agreements and rates to be charged for furnishing utility services to the lessee shall be in accordance with the provisions of AFR 91–5 (Utility Services).

(5) *Restriction against leasing for mineral purposes.* The authority granted in this section does not extend to leasing lands for exploiting oil, minerals, or phosphates. It does not prohibit leasing lands that may contain oil, minerals, or phosphates, provided that such substances are not used or removed.

(6) *Taxation.* The lessee's interest, made or created pursuant to the authority granted, shall be subject to State or local taxation. Any such lease will provide that the lease will be renegotiated, if and to the extent that such property is made taxable by State and local governments by Act of Congress.

(7) *Capehart housing leases.* When the Secretary of the Air Force determines that it is necessary to lease any land held by the U.S. on or near a military installation to effectuate the purposes of this title, he may lease such land on such terms and conditions as will, in his opinion, best serve the national interest. This authority shall be in addition to and not in derogation of any other power or authority of the Secretary of the Air Force.

(b) *Easement*—(1) *Authority for rights-of-way.* (i) To grant easements for rights-of-way over, in, and on public lands permanently withdrawn or reserved for the use of that department, and other lands under his control, to a State, Territory, Commonwealth, possession, or political subdivision thereof, or to a citizen, association, partnership, or corporation of a State, Commonwealth, or possession, for:

(*a*) Railroad tracks.

(*b*) Oil pipelines.

(*c*) Substations for electric power transmission lines, telephone lines, and telegraph lines, and pumping stations for gas, water, sewer, and oil pipe lines.

(*d*) Canals.

(*e*) Ditches.

(*f*) Flumes.

(*g*) Tunnels.

(*h*) Dams and reservoirs in connection with fish and wildlife programs, fish hatcheries, and other improvements relating to fishculture.

(*i*) Roads and streets.

(*j*) Any other purpose that he considers advisable within statutory limitations.

(ii) No easement granted under this section may include more land than is necessary for the easement.

(iii) The Secretary of the military department concerned may terminate all or part of any easement granted under this section for:

(*a*) Failure to comply with the terms of the grant.

(*b*) Nonuse for a 2-year period.

(*c*) Abandonment.

(iv) Copies of instruments granting easements over public lands under this section shall be furnished to the Secretary of the Interior.

(2) *Gas, water, sewer, pipeline, and rights-of-way.* (i) The Secretary of the Air Force may grant, on such terms as he considers advisable, easements for rights-of-way over, in, and on public lands permanently withdrawn or reserved for the use of that department, and other lands under his control, for gas, water, and sewer pipelines, to a State, Commonwealth, possession, or political subdivision thereof, or to a citizen, association, partnership, or corporation of a State, Commonwealth, or possession.

(ii) No easement granted under this section may include more land than is necessary for the easement.

(iii) To grant easements for rights-of-way, for a period of not more than 50 years from the date of the issuance of the grant, over, across, and on the public lands and reservations of the U.S. for electrical poles and lines for the transmission and distribution of electrical power, poles and lines for communication purposes, and for radio, television, and other forms of communication transmitting, relay, and receiving structures and facilities to the extent of 200 feet on each side of the center line of such lines and poles, and not more than 400 feet by 400 feet for radio, television, and other forms of communication transmitting, relay, and receiving structures and facilities to any citizen, association, or corporation of the United States.

(iv) To grant authority to allow the landing of ferries and erection of bridges on, and the driving of livestock across military reservations.

(c) *License*—(1) *General authority for grants under administrative power.* The Secretary of the Air Force, by revocable license, may permit the use of real estate, provided that the property is not then required by the Air Force, the license conveys no interest therein, and the proposed use will be of direct benefit to the United States. This authority is not to be invoked if an express statutory authority grants the permission desired.

(2) *Express statutory authority*—(i) *American National Red Cross.* The Secretary of the Air Force is authorized to grant revocable licenses to the American National Red Cross to erect and maintain on military reservation buildings which are suitable for storing supplies to aid the civilian population in serious national disaster, or to occupy for that purpose buildings erected by the United States.

(ii) *Young Men's Christian Association.* The Secretary of the Air Force is authorized under conditions prescribed to issue a revocable license to the International Committee of Young Men's Christian Association of North America to erect and maintain on military reservations within the United States, its Commonwealths and possessions buildings needed by that organization to promote social, physical, intellectual, and moral welfare of Air Force personnel on those reservations.

(iii) *Post offices.* The Secretary of the Air Force shall assign suitable space for postal purposes at each air base where there is a post office.

(iv) *National Guard.* The Secretary of the Air Force is authorized to permit the National Guard to participate in encampments, maneuvers, and outdoor target practice for field or coast defense instruction. This includes authority to grant revocable licenses to States for the temporary use and occupancy of military reservations or portions thereof by the Air National Guard. The States may not assign or sublet the property, or use the property for other than National Guard purposes. A license may not be granted to erect a permanent National Guard Armory on military reservations without specific Congressional authority.

(v) *Civil Air Patrol.* The Secretary of the Air Force may grant licenses to the Civil Air Patrol to use Air Force facilities.

(d) *Permits to other Federal agencies*—(1) *Authority.* The Secretary of the Air Force, under administrative powers, may authorize other Federal Government agencies to use Air Force property by permit.

(2) *Consideration.* Consideration will not be reserved in instruments authorizing other Federal Government agencies to use Government-owned property under the control of the Air Force. The permittee may be required to reimburse the Air Force for utilities and services furnished by the Air Force, and, if required, reimburse the Air Force for its proportionate share of the rental paid by the Air Force. (See AFRs 91–5 and 172–3 (Utility Services and Host-Tenant Relationships, respectively).)

(e) *Grants requiring enabling legislation.* Except as indicated in this part, enabling legislation must be enacted to authorize the Secretary of the Air Force to grant an interest in real estate for the purpose of:

(1) Mining, except for uranium and similar minerals which are under the control of the Atomic Energy Commission.

(2) Drilling oil and gas wells, or selling oil or other minerals.

By order of the Secretary of the Air Force.

LUCIAN M. FERGUSON,
Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 67–9546; Filed, Aug. 15, 1967; 8:45 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

SUBCHAPTER I—CODE OF ETHICAL CONDUCT

PART 742—CODE OF ETHICAL CONDUCT

Part 742 is republished to update the Department's regulations concerning ethical conduct of its employees and special Government employees pursuant to Executive Order 11222. These revised regulations under Part 742 are effective upon publication in the FEDERAL REGISTER, and read as follows:

Subpart A—Basic Philosophy

Sec.
742.735–11 General.
742.735–12 Purpose.
742.735–13 Applicability.

Subpart B—Basic Standards of Ethical Conduct

742.735–21 Introduction.
742.735–22 Code of ethics.
742.735–23 Standards of conduct.
742.735–24 Definitions and applicability to members of the uniformed services and other Government employees on detail to the Department.
742.735–25 Gifts, entertainment, favors, and proscribed actions.
742.735–26 Conflicts of interest.
742.735–27 Dealings with public.
742.735–28 Employee organizations—convention budgets.
742.735–29 Other conduct by employee.

Subpart C—General Conduct Prejudicial to the Government

Sec.
742.735–31 Introduction.
742.735–32 General statutes applicable to postal employees.
742.735–33 Specific statutes applicable to postal employees.

Subpart D—Conduct of Special Government Employees

742.735–41 Introduction.
742.735–42 Use of Government employment.
742.735–43 Use of inside information.
742.735–44 Coercion.
742.735–45 Gifts, entertainment, and favors.
742.735–46 Statutory provisions.

Subpart E—Employees Required To Submit Statements

742.735–51 Form and content of statements.
742.735–52 Specific classes of employees.
742.735–53 Required forms for confidential statement of employment and financial interests.
742.735–54 Exclusions.

Subpart F—Specific Provisions for Special Government Employees

742.735–61 Special Government employees required to submit statements.
742.735–62 Exceptions.
742.735–63 Time for submission of statements.

Subpart G—Ethical Conduct Counseling and Reporting of Employment and Financial Interests Systems

742.735–71 Ethical Conduct Counselor and Deputy Ethical Conduct Counselors.
742.735–72 Reporting of employment and financial interests.
742.735–73 Availability of counseling services.
742.735–74 Advice concerning possible conflict of interest.
742.735–75 Disciplinary and other remedial action.
742.735–76 Establishment of review system.

Subpart H—Informing Employees and Special Government Employees of Code of Ethical Conduct

742.735–81 All employees and special Government employees.

AUTHORITY: The provisions of this Part 742 issued under 5 U.S.C. 301, 39 U.S.C. 501, Executive Order 11222 of May 8, 1965 (30 F.R. 6469, 3 CFR, 1965 Supp.) 5 CFR 735.104.

Subpart A—Basic Philosophy

§ 742.735–11 General.

Postal employees have, over the years, established a fine tradition of faithful service to the Nation, unsurpassed by any other group. Each employee should take great pride in this tradition of dedicated service. Each of us must strive to make his contribution worthwhile in the continued movement of the Postal Service toward future progress in the public interest.

§ 742.735–12 Purpose.

This statement of ethical conduct is provided to instruct and to guide those employees entering the Service for the first time, and also as a reminder to all employees of the conduct required and expected of them in carrying out their official duties.

§ 742.735–13 Applicability.

All postal personnel must act with unwavering integrity and complete devotion to the public interest. Postal personnel are expected to maintain the highest moral principles, and to uphold the laws of the United States and the regulations and policies of the Post Office Department. Not only is ethical conduct required, but officials and employees must be alert to avoid actions which would appear to prevent fulfillment of postal obligations. Assigned duties must be discharged conscientiously and effectively. The Postal Service has the unique privilege of having daily contact with the majority of the citizens of the Nation, and is in many instances their most direct contact with the Federal Government. Thus, there is an especial opportunity and responsibility for each postal employee to act with honor and integrity worthy of the public trust, thereby reflecting credit and distinction on the Postal Service, and on the entire Federal Government.

Subpart B—Basic Standards of Ethical Conduct

§ 742.735–21 Introduction.

This part governs the ethical conduct of all postal employees.

§ 742.735–22 Code of ethics.

The Congress has expressed the standards of conduct expected of all Government employees in a Code of Ethics as follows: (H. Con. Res. 175, 85th Cong., 2d sess., 72 Stat. B12).

1. Put loyalty to the highest moral principles and to country above loyalty to persons, party, or Government department.
2. Uphold the Constitution, laws, and legal regulations of the United States and of all governments therein and never be a party to their evasion.
3. Give a full day's labor for a full day's pay; giving to the performance of his duties his earnest effort and best thought.
4. Seek to find and employ more efficient and economical ways of getting tasks accomplished.
5. Never discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for remuneration or not; and never accept, for himself or his family, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of his governmental duties.
6. Make no private promises of any kind binding upon the duties of office, since a Government employee has no private word which can be binding on public duty.
7. Engage in no business with the Government, either directly or indirectly, which is inconsistent with the conscientious performance of his governmental duties.
8. Never use any information coming to him confidentially in the performance of governmental duties as a means for making private profit.
9. Expose corruption wherever discovered.
10. Uphold these principles, ever conscious that public office is a public trust.

§ 742.735–23 Standards of conduct.

The President has also prescribed standards of conduct for all Government employees in Executive Order 11222 of May 8, 1965, 30 F.R. 6469. Pursuant to that Executive order and Civil Service Commission regulations thereunder, 32 F.R. 8281, June 9, 1967, the Postmaster General has issued the regulations in this part to govern the conduct of all employees of the Department, including special Government employees.

§ 742.735–24 Definitions, and applicability to members of the uniformed services and other Government employees on detail to the Department.

(a) Following are definitions as used in this part:

(1) *Department.* Headquarters and all postal installations and facilities (unless otherwise indicated).

(2) *Employee.* An officer or employee of the Department. This does not include a special Government employee (other than a substitute or temporary appointee in the Postal Field Service) or a member of the Uniformed Services.

(3) *Executive order.* Executive Order 11222 of May 8, 1965.

(4) *Ethical Conduct Counselor.* The person designated by the Postmaster General to carry out the responsibilities of Ethical Conduct Counselor as required by the Executive order, and implementing regulations thereto, issued by the Civil Service Commission.

(5) *Deputy Ethical Conduct Counselor.* Those persons designated by the Postmaster General to assist the Ethical Conduct Counselor.

(6) *Person.* An individual, a corporation, a company, an association, a firm, a partnership, a society, a joint stock company, or any other organization or institution.

(7) *Special Government employee.* An officer or employee or a member of any committee appointed by the Postmaster General who is retained, designated, appointed, or employed to perform temporary duties either on a full-time or intermittent basis, with or without compensation, for not to exceed 130 days during any period of 365 consecutive days.

(8) *Official responsibility.* Direct administrative or operating authority, whether intermediate or final and either exercisable alone or with others, and either personally or through subordinates, to approve, disapprove, or otherwise direct Government action.

(9) *Substantial or substantially.* Used in the regulations in this section in the same sense as in 18 U.S.C. 208(b). This interest is incapable of absolute definition; determination as to such interest will be made on an individual case basis in light of the facts and circumstances in each individual case.

(b) The regulations in this part are not applicable to Members of the Uniformed Services and other Government employees on detail to the Department even though they are assigned to the Department for duty. They are, however, required to furnish a statement of employment and financial interest if they are performing duties of a position specified in § 742.735–82. However, a member of the Uniformed Services or other Government employee on detail to the Department is not relieved of his responsibilities under regulations or code of ethics prescribed by his respective department.

§ 742.735–25 Gifts, entertainment, favors and proscribed actions.

(a) Except as provided in paragraph (b) of this section, an employee shall not solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan, or any other thing of monetary value, from a person who:

(1) Has or is seeking to obtain, contractual or other business or financial relations with the Department;

(2) Conducts operations or activities that are regulated by the Department; or

(3) Has interests that may be substantially affected by the performance or nonperformance of his official duty.

(b) Paragraph (a) of this section does not:

(1) Govern obvious family or personal relationships (such as those between the parents, children, or spouse of the employee, and the employee) when the circumstances make it clear that it is those relationships rather than the business of the persons concerned which are the motivating factors;

(2) Prohibit acceptance of food and refreshments of nominal value on infrequent occasions in the ordinary course of a luncheon or dinner meeting or other meeting or on an inspection tour when an employee may properly be in attendance;

(3) Prohibit acceptance of loans from banks or other financial institutions on customary terms to finance proper and usual activities of employees, such as home mortgage loans;

(4) Prohibit acceptance of unsolicited advertising or promotional material such as pens, pencils, note pads, calendars, and other items of nominal intrinsic value.

(5) Prohibit an employee from receipt of bona fide reimbursement, unless prohibited by law, for expenses for travel and such other necessary subsistence as is compatible with this part for which no Government payment or reimbursement is made. However, an employee may not be reimbursed, or payment may not be made on his behalf, for excessive personal living expenses, gifts, entertainment or other personal benefits, nor may an employee be reimbursed by a person for travel on official business under Department orders when reimbursement is proscribed. When an employee travels on official business he should use commercial transportation at Government expense and he should not accept free transportation from a private party. In the event there is no commercial transportation which will enable him to arrive at destination in time for the performance of his duties, he may accept private transportation provided the private party is reimbursed therefor at the standard commercial rate. This subparagraph also applies to § 742.735–27(b)(1).

(6) Prohibit acceptance of invitations for inaugural flights (air, surface, or water) providing the invitation is addressed to the Department and the employee first obtains authorization from the Ethical Conduct Counselor. The request for authorization shall describe the nature of the trip, the length and time duration. The employee should also advise whether the invitation includes parties, gifts or other considerations.

(7) Prohibit the acceptance and use of courtesy discount cards from department stores or other organizations if such discount cards are offered to all employees at the postal facility concerned.

(c) An employee shall avoid any action, whether or not specifically prohibited by this Part 742 which might result in, or create the appearance of:

(1) Using public office for private gain;

(2) Giving preferential treatment to any person;

(3) Impeding Government efficiency or economy;

(4) Losing complete independence or impartiality;

(5) Making a Government decision outside official channels; or

(6) Affecting adversely the confidence of the public in the integrity of the Government.

(d) An employee shall not solicit contributions from another employee for a gift to an employee in a superior official position, make a donation as a gift to an official superior, or accept a gift from an employee receiving less pay than himself (5 U.S.C. 7351). However, this section does not prohibit a voluntary gift of nominal value or donation in a nominal amount made on a special occasion such as marriage, illness, or retirement.

(e) An employee shall not accept a gift, present, decoration, or anything from a foreign government unless authorized in accordance with the Foreign Gifts and Decorations Act of 1966 (P.L. 89–673, 80 Stat. 952). However, an employee may accept a nominal gift from a visiting foreign dignitary if the gift is from the visiting dignitary in his personal capacity as distinguished from a gift from and on behalf of the foreign country.

(f) Employees shall not issue addresses, complimentary tickets, prints, publications, or any substitute therefor intended or calculated to induce the public to make them gifts or presents.

§ 742.735–26 Conflicts of interest.

(a) *Outside employment and other activities.* (1) Subject to the regulations in this part, employees may engage in private outside employment with or without compensation. An employee shall not engage in outside employment or other outside activity not compatible with the full and proper discharge of the duties and responsibilities of his Government employment or otherwise prohibited by law. Incompatible activities include, but are not limited to:

(i) Acceptance of a fee, compensation, gift, payment of expense, or any other thing of monetary value in circumstances in which acceptance may result in, or create the appearance of, conflicts of interest; or

(ii) Outside employment which tends to impair his mental or physical capacity to perform his Government duties and responsibilities in an acceptable manner.

(2) An employee shall not receive any salary or anything of monetary value from a private source as compensation for his services to the Government (18 U.S.C. 209).

(3) Employees are prohibited from manufacturing or representing a manufacturer of any product, material or device manufactured or produced for exclusive use in the Department, or required by the Department for patrons of the Department. Employees shall not accept or continue in any outside business, vocation or activity, that will reflect discredit upon the Department, or in which their employent in the Department will give them an advantage over others not in the Department engaged in a similar business, vocation or activity. In determining whether such employment is inconsistent with a postal position, such factors as proper performance on the job, using information obtained in an official capacity for personal benefit or gain, opportunity for collusion between employees and contractors or postal patrons, shall be given due consideration. When a doubt exists as to whether a possible personal interest may be in conflict with postal activities, the situation should be discussed with the Ethical Conduct Counselor or Deputy Ethical Conduct Counselor, as appropriate by the bureau or installation head for determination as to whether or not the employee should function in a given situation.

(4) An employee shall not engage in outside employment under a State or local government, except in accordance with paragraph (c)(1)(vii) of this section, and section 744.34 of the Postal Manual.

(5) Employees are encouraged to engage in teaching, lecturing, and writing that is not prohibited by law, the Executive order, or this part. However, an employee shall not, either for or without compensation, engage in teaching, lecturing, or writing that is dependent on information obtained as a result of his Government employment, except when that information has been made available to the general public or will be made available on request, or when the Postmaster General gives written authorization for the use of nonpublic information on the basis that the use is in the public interest.

(6) If an employee takes sick leave and it is found that he did so to enable him to engage in outside work, such action is a violation of this Code of Ethics.

(7) Postal employees, including management officials, may not be employed as messengers, collectors, or agents for private business firms engaged in mail delivery service, if such employment requires them to conduct postal business with the unit or section of the post office where they work, such as delivery of bulk

mail to the weighers unit if their post office assignment is to that unit; transact business involving advance deposits, postage due, setting of meters, etc., if post office assignment is to the Main Office Window Service; or in any way to conduct postal business with postal employees occupying duty assignments identical to their own post office assignment. This does not prevent such employment with this type of firm if the business is conducted with a post office or within the delivery area of a post office other than the one where the postal employee works: *Provided:* No employee will allow such outside work to interfere in any manner whatsoever with his assigned work schedule or his efficiency as a postal employee; employee does not represent himself in any way as a postal employee while transacting private business to gain an advantage; and employee does not perform such private business while attired in an official postal uniform.

(8) Employees may not work for any person or entity with whom he has official dealings on behalf of the Department. For instance, postmasters should not be employed by banks in which postal funds of his office are deposited.

(9) Employees may not engage in tax work involving Federal taxes if such work extends beyond the mere preparation of the tax return or furnishing information to Internal Revenue Service obtained solely from the records of the taxpayer. An employee may not become involved in advocating the taxpayer's position.

(10) Neither an employee, who has an outside law practice, nor his partner nor firm is permitted to represent any client in a matter in which the United States is a party or has a direct and substantial interest, except as may otherwise be authorized by law or regulation.

(11) Generally, vehicle maintenance contracts will not be had with postal employees or members of their immediate household, which would service the office where they are employed. However, if there are no other commercial facilities available within a reasonable proximity to the postal facility, the contracting officer may solicit bids or quotations for such service from those employees or members of their immediate household with the prior approval of the Ethical Conduct Counselor.

(12) Employees may not enter into lease agreements or contracts giving the Department an option to purchase real property except as provided in this subparagraph:

(i) Site options: Regional contracting officers will not accept assignable options from postal employees for the control or purchase of land to be used for construction of a postal facility when the net interior square footage of the building will exceed 3,000 square feet. If, however, it is the opinion of the Regional contracting officer that acceptance would be in the best interest of the Government the agreement together with recommendation, should be submitted to Headquarters for consideration. The recommendation must contain information regarding the length of time the postal employee controlled the site, the type of interest and the cost of the site to the employee and any reason why the particular site should be used.

(ii) New construction agreements: Regional contracting officers will not enter into a new lease or rental contract with any postal employee to provide for a building and related facilities to be occupied as a first or second-class office, including any sub-location thereof, except for improvements and/or modifications directed by the Department to buildings under lease or rent from postal employees at the time the improvements and/or modifications are directed. Regional contracting officers will not enter into a new lease or rental contract with any postal employee to provide for a building and related facilities to be occupied as a third-class office where the net interior square footage of the building exceeds 3,000 square feet.

(iii) Any proposed renewal or extension of an expiring occupancy contract, regardless of class of office, where the lessor is a postal employee and the net interior square footage of the building exceeds 3,000 square feet must be forwarded to the Director, Realty Division, Bureau of Facilities, for prior approval. The Chief, Real Estate Branch, shall forward the project file, properly documented to show that continued occupancy of the existing facility is in the best interest of the Government with his comments as to any known possible conflicts of interest that may exist and his recommendation with regard to continued occupancy. The file shall be forwarded a minimum of thirty (30) calendar days prior to the date the renewal option must be exercised or the date the lease extension agreement would be effective providing acceptance is in order.

(13) Postal employees and members of their immediate household, as defined in § 742.735–28(a), are prohibited from engaging in any business enterprise which involves the sale of U.S. postage stamps in vending machines or otherwise, when the cost of such stamps to the purchaser exceeds the face value of the stamps for any reason whatsoever. See section 1721 of Title 18, United States Code. However, postal employees are not barred from bona fide philatelic transactions provided that they have not obtained any advantage by virtue of their postal employment over others not so employed.

(14) Employees may not act as consultant to any contractor who presently has or intends to obtain a contract with this Department.

(15) Postmasters may not serve in any capacity whatsoever with a bank in which postal funds of his office are deposited. A postmaster may hold stock in such a bank if his holdings are de minimus, that is to say, that the amount of his stock holdings in such bank would not create a conflict or appearance of conflict with his official position.

(b) *Employment after separation.* (1) A former employee is permanently prohibited from acting as agent or attorney for anyone other than the United States in any particular matter, involving a specific party or parties, in which the United States is a party or has a direct and substantial interest, if he participated personally and substantially in the handling of such matter during his postal employment.

(2) A former employee is barred for 1 year after his employment has ceased from appearing personally as agent or attorney for anyone other than the United States in connection with any particular matter involving a specific party or parties, in which the United States is a party or has a direct and substantial interest if such matter was within his official responsibility within a period of 1 year prior to the termination of such responsibility.

(3) Subparagraphs (1) and (2) of this paragraph do not preclude a former employee from pursuing a private, personal claim against the Government for damages to his private property resulting from Government action or failure to act; moneys owned as a result of his employment or service performed, or other matters of a similar nature.

(4) Unless otherwise prohibited by subparagraphs (1) and (2) of this paragraph, a former employee may act as counsel or as a representative of an employee member in grievance or adverse action cases before the Department or the Civil Service Commission.

(5) Notwithstanding subparagraphs (1) and (2) of this paragraph, when a particular matter involved is in a scientific or technical field and if the Postmaster General certifies in writing that it is in the national interest and the certification is published in the FEDERAL REGISTER, a former officer or employee, including a former special Government employee, with outstanding scientific or technical qualifications may act as attorney or agent or appear personally.

(c) *Political activity.* Postal employees are governed by the proscriptions against political activity in Subchapter III of Chapter 73 of Title 5, United States Code, as amended; by the Federal Corrupt Practices Act of February 28, 1925, as amended; and by U.S. Civil Service Commission rules.

(1) *Permitted political activities*—(i) *Voting.* All officials and employees are encouraged to register and to vote as they may choose in all local, State and national elections. (See 721 of the Postal Manual on leave for voting.)

(ii) *Expression of opinions.* The right to express political opinions is reserved to all postal officials and employees except as stated in subparagraph (2) of this paragraph.

(iii) *Political contributions.* It is lawful for officials and employees to make voluntary contributions not in excess of $5,000 in the aggregate during any calendar year, to regularly constituted political organizations, provided such contributions are not made in a Federal building. However, officials and employees of the United States shall not, directly or indirectly, solicit, receive, or in any manner be concerned in soliciting or receiving, any assessment, subscription or contribution for any political purpose whatever, from any other such officer, employee or person; nor shall any

officer or employee discharge, promote, or degrade, or in any manner change the official rank or compensation of any other officer or employee, or promise or threaten to do so, for giving or withholding or neglecting to make any contribution of money or other valuable thing for any political purpose.

(iv) *Attendance at public and political meetings.* Employees may join a political club or party. (See 837.1 of the Postal Manual for list of organizations in which membership is not considered consistent with the interest of the national security.) They may attend political and public gatherings and listen to political speeches. However, they may not serve as officers of, or organizers of, or preside over such gatherings.

(v) *Political pictures.* Any employee may display a political picture in his home, if he so desires. He may also display personally autographed pictures in his office providing it bears no language in the nature of campaigning.

(vi) *Badges, buttons, and stickers.* Employees may wear a political badge or button when not in uniform, not on duty, and during the time his duties do not require him to deal with the public or be in public view. Except when an employee's private vehicle is being used for official postal purposes (including lunch time) and it is not forbidden by local ordinance, he may display political stickers thereon.

(vii) *Holding of state or local office.* Employees are generally prohibited from accepting or holding any office, whether appointive or elective, under any State or local government or under the charter or ordinance of any municipal corporation. However, Part 734 of the Civil Service Regulations (5 CFR Part 734) allows employees to hold such offices under certain conditions if the prior approval of the Department is obtained. Use Form 1701, "Request to Hold State or Local Office" and Form 1702 "Reply to Request to Hold State or Local Office." See § 742.735–26(a)(4) and section 744.34 of the Postal Manual.

(2) *Campaigning forbidden.* Employees may not take any active part in political management or in political campaigns. Expression of opinion on political subjects is permitted so long as it does not take the form of active participation in a campaign or party management. Employees may participate in nonpartisan local campaigns in which party designation, nomination and sponsorship are completely absent. Certain presidential appointees, including heads and assistant heads of departments and those appointed with Senate confirmation who determine national policy, are exempt from the political activity restrictions prohibiting active participation in political management or in political campaigns (see 5 U.S.C. 7324(d)).

(3) *Political interference.* Officials and employees serving in administrative positions in the Federal service are prohibited by law from use of official authority for the purpose of interfering with, or affecting the nomination or election of any candidate for the Office of President, Vice President, Presidential elector, Member of the Senate or House of Representatives, or Delegate or Resident Commissioner from any Territory or Possession (18 U.S.C. 595).

§ 742.735–27 Dealings with public.

(a) *Giving endorsements.* (1) An employee shall not, for or without compensation, give an endorsement to any business, enterprise, or product which may give rise to any inference or indication that such business, enterprise, or product is officially endorsed by this Department or the United States, without special permission from the Postmaster General.

(2) An employee shall not permit his postal title to be used on any letterhead, advertisement, etc. by any entity unless specifically authorized by the Ethical Conduct Counselor.

(b) *Permitted activities.* Employees are not precluded from:

(1) Receipt of bona fide reimbursement, unless prohibited by law, for expenses for travel and such other necessary subsistence as is compatible with this part for which no Government payment or reimbursement is made. However, an employee may not be reimbursed, or payment may not be made on his behalf, for excessive personal living expenses, gifts, entertainment or other personal benefits, nor may an employee be reimbursed by a person for travel on official business under Department orders when reimbursement is proscribed. When an employee travels on official business he should use commercial transportation at Government expense and he should not accept free transportation from a private party. In the event there is no commercial transportation which will enable him to arrive at destination in time for the performance of his duties, he may accept private transportation provided the private party is reimbursed therefor at the standard commercial rate.

(2) Participation in the activities of national or State political parties not proscribed by law. See § 742.735–26(c).

(3) Obtaining a patent for an invention providing he complies with Part 779, Postal Manual.

(4) Participation in the affairs of or acceptance of an award for a meritorious public contribution or achievement given by a charitable, religious, professional, social, fraternal, non-profit educational and recreational, public service, or civil organization, excluding participation in lotteries.

(5) Soliciting for fund raising drives for civic, religious, fraternal auxiliaries, clubs and kindred organizations so long as they do not solicit while on duty, or solicit while wearing their uniform or any insignia or badge or in any way identify themselves as postal employees, or solicit from patrons with whom they have recurring official contact, or use their postal position to influence collections. See section 741.73 of the Postal Manual and § 742.735–29(e) and (f).

§ 742.735–28 Employee organizations—convention budgets.

(a) An employee organization whose funds for a meeting or convention are raised within the organization, plus voluntary unsolicited contributions, need not report their convention budget.

(b) Where national, State, or large sectional conventions or meetings are held, the organization may raise funds outside the organization under the following procedures:

(1) *Preparing budget.* A representative or representatives of the employee organization involved shall prepare a proposed budget and shall:

(i) List proposed expenditures;

(ii) Show estimated revenue and the manner in which estimated revenue is to be raised;

(iii) If solicitation is to be made by a contract solicitor (see subparagraph (4)(iii) of this paragraph), the proposed budget shall have attached a copy of the contract between the employee organization involved and the solicitor.

(2) *Submitting budget*—(i) *National level.* The organization holding a national convention shall present a copy of the proposed budget for raising funds to the Assistant Postmaster General, Bureau of Personnel, who may discuss the proposed budget with a representative of the employee organization involved.

(ii) *State or sectional level*—(a) *Postmaster organizations.* The organization holding the State or sectional convention shall present a copy of the proposed budget for raising funds to the Regional Director, who may discuss the proposed budget with a representative of the organization involved.

(b) *Other organizations.* An employee organization holding a State or sectional convention or meeting shall submit the budget to a committee composed of the postmaster at the city where the meeting or convention will be held, a representative of the local civic group, if any, interested in securing the meeting or convention and a member selected by the employee organization sponsoring the meeting.

(3) *Duties of committee members.* This Committee shall:

(i) Examine the proposed budget and the manner in which the contemplated revenue is to be raised;

(ii) In the event the employee organization employs a contract solicitor (see subparagraph (4)(iii) of this paragraph), to raise funds, review the contract between the employee organization involved and the contract solicitor to insure compliance with subparagraph (4)(iii) of this paragraph.

(iii) If all terms of subparagraph (4)(iii) of this paragraph have been complied with, each member shall sign the proposed budget.

(iv) If a contract solicitor is used, the postmaster shall send a copy of the approved budget to the Regional Director who may discuss with the regional representative of the particular organization the terms of the budget or contract.

(4) *Duties of sponsoring employee organization*—(i) *National level.* Within sixty (60) days after the close of the national convention, the national organization shall submit to the Assistant Postmaster General, Bureau of Personnel, a report of funds raised by the contract solicitation and how it was expended, including commissions paid to the solicitor.

(ii) *State or sectional level*—(*a*) *Postmaster organizations.* Within sixty (60) days after the close of the State or sectional convention, the organization shall submit to the Regional Director a report of the funds raised by the contract solicitation and how it was expended, including commissions paid to the solicitor.

(*b*) *Other organization.* Within sixty (60) days after the close of the convention or meeting a sponsoring employee organization at a State or sectional level shall prepare a statement in quadruplicate showing the amount of money raised by the contract solicitor, how the money was expended and the amount of commission paid such solicitor. The original of this statement shall be made a part of the records of the post office in the city where the convention or meeting was held; a copy shall be sent to the civic organization, if any, a copy shall be sent to the Regional Director, and a copy shall be retained by the employee organization involved.

(*c*) *Contract solicitors.* (*1*) If contract solicitors are used, they must be employed by or represent a reputable firm.

(*2*) Before any solicitations may be made, a contract with the appropriate national, State, sectional, or local organization shall be signed specifying the amount of the commission, the maximum amount to be solicited, the number and names of the solicitors, the geographical area in which the solicitations will be made, a starting date and a termination date of the solicitation. The contract signed with and by a company employing, or represented by a solicitor must contain a provision that the files, records, and accounts relating to the solicitations and expenditures be made available for examination by an authorized post office official and/or the employee organization representative involved on demand. Either the postal officials or the employee organization representative shall notify the other of a proposed examination.

(*3*) A copy of the contract shall be filed with the postmaster in the city in which the convention or meeting is to be held.

(*4*) Contract solicitors shall be required to carry identification and shall show such identification when soliciting to indicate that they are duly authorized to solicit funds for the specific organization and to accept such funds. The authorization shall also include a definite statement that the contract solicitor is not acting as a postal employee, or a member of the specific employee organization, but is employed by the firm holding a contract with the specific employee organization.

§ 742.735–29 Other conduct by employee.

(*a*) *Financial interests.* (*1*) An employee shall not: (*i*) Have a direct or indirect financial interest that conflicts substantially with his Government duties and responsibilities; or appears to conflict substantially with his Government duties and responsibilities.

(*ii*) Engage, directly or indirectly, in a financial transaction as a result of, or primarily relying on, information obtained through his Government employment.

(*2*) This paragraph does not preclude an employee from having a financial interest or engaging in financial transactions to the same extent as a private citizen not employed by the Government so long as it is not prohibited by law, the Executive order or this part.

(*3*) An employee may not participate personally and substantially in his official capacity in any particular matter in which his immediate family, partner, or organization with which he is connected by a present or prospective employment service has a financial interest unless he advises his installation head of all its aspects, makes full disclosure, and receives, in advance, a written determination of the installation head concurred in by the Ethical Conduct Counselor or Deputy Ethical Conduct Counselor, as appropriate, or unless there is specific exemption established by general rule or regulation published in the FEDERAL REGISTER, and in either case the financial interest is remote or inconsequential. The advance written determination when granted and the exception by general rule or regulation constitute exceptions to 18 U.S.C. 208(a). However, with the approval of the installation head, he may act as agent or attorney for his immediate family, or organization he is serving as personal fiduciary provided he has not participated personally and substantially in the matters involved and such matters are not subject to his official responsibility.

(*4*) The Postmaster General; the Deputy Postmaster General; the General Counsel; the Deputy General Counsel; the Assistant Postmaster General, Deputy Assistant Postmaster General, Division Directors, Deputy Division Directors and Assistant Directors of the Bureau of Transportation and International Services; Regional Directors; Deputy Regional Directors; employees in the Office of the Director of Transportation (Regional) who have authority to recommend or determine routing of mail, service changes, mode of transportation to be utilized, or contracting authority in the transportation of mail; and Postal Service Officers are prohibited from having any financial interest or being employed by any entity which carries or may carry mail (i.e., airline, railroad, bus and surface transportation). Divestment of financial interest must be accomplished within 90 days. Resignation or termination of employment with such entities must be accomplished within 30 days. The time to accomplish such divestment or resignation begins to run upon the effective date of this regulation or from the date of the notification letter directing divestment or resignation.

(*5*) The Postmaster General; the Deputy Postmaster General; the General Counsel; the Deputy General Counsel; the Assistant Postmaster General and Deputy Assistant Postmaster General, Bureau of Facilities; and employees in the Realty Division of the Bureau of Facilities, Regional Directors and Deputy Regional Directors and employees in the Real Estate Branches in Regional Offices, and engineers in the Engineering and Facilities Division of Regional Offices are prohibited from:

(*i*) Having any financial interest in any business entity which deals primarily in real estate of a nature in which the Department may have a known present or future interest.

(*ii*) Holding any position or office in a business as described in subdivision (*i*) of this subparagraph.

(*iii*) Self-employment in a business as described in subdivision (*i*) of this subparagraph.

(*iv*) Being a broker or acting as an agent for a business as described in subdivision (*i*) of this subparagraph. No postal employee shall participate on behalf of the Department in any real estate transaction in which this Department has an interest, in any manner whatsoever, unless such matter is within his official responsibility and specifically assigned to him by competent authority.

Notwithstanding this subparagraph, postal employees may own or participate in a real estate business which involves farmland, timberland, mineral rights, residential (including individual or multiple dwelling units), and vacation sites. However, if in the future, for whatever reason whatsoever, the Department expresses an interest in such property, the employee must disqualify himself from participating therein and so advise his Deputy Ethical Conduct Counselor.

(*6*) For purposes of this section, immediate family means spouse, minor child and other persons related to the employee by blood who are regular members of the employee's household.

(*b*) *Use of Government property.* An employee shall not directly or indirectly use, or allow the use of Government property of any kind, including property leased to the Government, for other than officially approved activities. An employee has a positive duty to protect and conserve Government property, including equipment, supplies, and other property entrusted or issued to him.

(*c*) *Misuse of information.* For the purpose of furthering a private interest, an employee shall not, except as provided in § 742.735–26(a)(5), directly or indirectly use, or allow the use of, official information obtained through or in connection with his Government employment which has not been made available to the general public.

(*d*) *Indebtedness.* (*1*) An employee shall pay each just financial obligation in a proper and timely manner, especially one imposed by law such as Federal, State, or local taxes. For the purpose of this section, a "just financial obligation" means one acknowledged by the employee or reduced to final judgment by a court, and "in a proper and timely manner" means in a manner which the Department determines does not, under the circumstances, reflect adversely on the Government as his employer. In the event of dispute between an employee and an alleged creditor, this section does not require the Department to determine the validity or amount of the disputed debt or to institute disciplinary proceedings.

(*2*) Employees shall not borrow money or contract debts which they have no reasonable prospect of being able to pay. They are expected to conduct themselves honorably, deal honestly with others, and meet their obligations promptly so that there will be no cause for embarrassment or criticism. The fact that the wages or salary of Government employees cannot be trusteed or garnisheed by legal process shall not be used by employees to avoid the payment of their just debts.

(*3*) The Internal Revenue Code of 1954 permits collection of delinquent income taxes from Federal employees by taking the amount owed from pay checks and by seizure of personal property. All employees are expected to cooperate fully with the representatives of the Internal Revenue Service seeking to effect collection of adjudicated or acknowledged income taxes from postal personnel.

(*4*) Payments made by the Post Office Department that are either erroneous at the time made or develop into overpayments (overdrawn leave) may be setoff from current salary of employees whether or not a charge has been raised against the accountable officer involved.

(*5*) Requests from other Federal agencies to which employees are indebted shall be forwarded to the regional controller. He, in consultation with the employee's installation head, shall attempt to work out an arrangement with the employee to make voluntary payment to the creditor-agency. When the employee does not agree that the alleged debt is just, the employee shall make his protest in writing over his signature. The written protest shall be sent to the Regional Director through the head of the employee's installation who will review the employee's letter of protest with the special assistant for employee relations, or other official designated by the Regional Director. After his review, the protest shall be sent to the creditor-agency for review and certification as to the validity of the debt before further action is taken. If confirmed and the employee fails to make satisfactory arrangements for restitution, the following procedure is required:

(*i*) If the debt is one for which a charge has been raised by the General Accounting Office against the Officer who certified the payment, a setoff shall be made against the employee's current salary.

(*ii*) If the debt is a claim by the Veterans Administration for payment of a loan, the placing of any stoppage on the retirement pay or the offsetting from any payments due a veteran or widow of a veteran is prohibited (Public Law 89–358, sec. 1826(b)), unless:

(*a*) Consent from the veteran or the widow of a veteran is received in writing; or

(*b*) Such liability and the amount thereof was determined by a court of competent jurisdiction in a proceeding to which such a veteran or widow was a party.

(*iii*) If a request for assistance is received from the General Accounting Office or the Veterans Administration to collect an amount of this kind, do not attempt to secure payment direct from the employee. Forward the request to the appropriate regional controller who will take the necessary action.

(*iv*) In all other cases of employee's indebted to the United States, setoff cannot be made against the employee's current salary. Pay records shall be "flagged" for future consideration; i.e., setoff against the employee's final salary, his Civil Service retirement acount or, other amount due from the United States at the time of his separation from the Department.

(*6*) This Department is not expected to act as a collection agent, except as indicated in subparagraphs (*3*) and (*5*) (*i*) and (*ii*) of this paragraph. If an employee is being harassed by a creditor whose claim he believes to be unjust, he may notify his superior, in writing, so that the case may be made a matter of record in the installation.

(*7*) Failure to pay just financial obligations will be regarded as cause for disciplinary action. See Part 745 of the Postal Manual, Disciplinary Actions.

(*e*) *Gambling, betting, and lotteries.* (*1*) An employee shall not participate while on Government-owned or leased property or while on duty, in any gambling activity including, but not limited to, the operation of a gambling device, in conducting a lottery or pool, in a game for money or property, or in selling or purchasing a numbers slip or ticket. In addition, employees are prohibited from participation in the sale, directly or indirectly, of lottery tickets or tickets for other games of chance, whether on or off duty and whether on or off Government-owned or leased property. However, employees may purchase such tickets when off duty and off Government owned or leased property if the purchase is a bona fide purchase for the employee's personal use and there is no intention of resale or transfer, and is not in violation of State or local law. See section 1303 of Title 18, U.S. Code.

(*2*) This section, however, shall not preclude the activities names in subparagraph (*1*) of this paragraph if it is necessitated by an employee's law enforcement duties.

(*f*) *Soliciting or canvassing.* (*1*) Rural Carriers whether on or off duty shall not engage in any business that interferes with their official duties or that involves soliciting or canvassing. Neither shall they engage in businesses that, by reason of their official employment, will give them advantage over others not in the Postal Service who are engaged in a similar business (39 U.S. Code 3114).

(*2*) An employee may not engage in any sales activity, not related to his postal duties, while on duty, or while in uniform, or in the office where employed.

(*g*) *Prohibition against instructing candidates for civil service examination.* No employee of the Department shall, with or without compensation, directly or indirectly, instruct or be involved in any manner in the instruction of any person or class of persons in special preparation for examinations of the Civil Service Commission, and examinations for the Foreign Service of the Department of State, except as authorized by the Department. Such an act will be considered sufficient cause for removal from the service. See section 713.5 of the Postal Manual.

(*h*) *Personal relations.* (*1*) Employees having authority to appoint or designate the appointment of persons to positions within the Department, or to cause directly or indirectly a personnel action change, shall disqualify themselves in cases affecting members of their immediate families, person living in the same household on a regular basis, or any blood relative or relatives by marriage. These restrictions shall apply to all categories of employment whether career or noncareer, permanent or temporary.

(*2*) In such instances where the persons affected might otherwise be considered for the personnel action involved, a recommendation shall be forwarded to the next higher appointing or approving authority for decision, with a full disclosure of the relationship.

(*i*) *Personal*—(*1*) *Use of intoxicating liquor.* Employees shall not drink beer, wine, or other intoxicating liquor while on duty and shall at no time use intoxicants to excess. Employees must not drink intoxicating liquor in public places while in uniform. Any employee who becomes intoxicated while on duty or who is addicted to intemperance may be removed from the service.

(*2*) *Use of narcotics.* Addiction to narcotics is grounds for removal from the service.

Subpart C—General Conduct Prejudicial to the Government

§ 742.735–31 Introduction.

An employee shall not engage in criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, or other conduct prejudicial to the Government.

§ 742.735–32 General statutes applicable to postal employees.

Each employee shall acquaint himself with each statute that relates to his ethical and other conduct as an employee of the Department and of the Government. These include the general miscellaneous statutes cited herein. Copy of these statutes is available from, or through, the head of each postal installation or activity.

(*a*) House Concurrent Resolution 175, 85th Congress, 2d session, 72 Stat. B12, "Code of Ethics for Government Service."

(b) Chapter 11 of Title 18, United States Code, relating to bribery, graft, and conflicts of interest, as appropriate to employees concerned.

(c) Prohibition against lobbying with appropriated funds (18 U.S.C. 1913).

(d) Prohibitions against disloyalty and striking (5 U.S.C. 7311; 18 U.S.C. 1918).

(e) Prohibition against the employment of a member of a Communist organization (50 U.S.C. 784).

(f) Prohibitions against (1) disclosure of classified information (18 U.S.C. 798, 50 U.S.C. 783); and (2) disclosure of confidential information (18 U.S.C. 1095).

(g) Provision relating to the habitual use of intoxicants to excess (5 U.S.C. 7352).

(h) Prohibition against the misuse of a Government vehicle (31 U.S.C. 638a(c)).

(i) Prohibition against misuse of the franking privilege (18 U.S.C. 1719).

(j) Prohibition against the use of deceit in an examination or personnel action in connection with Government employment (18 U.S.C. 1917).

(k) Prohibition against fraud or false statements in a Government matter (18 U.S.C. 1001).

(l) Prohibition against mutilating or destroying a public record (18 U.S.C. 2071).

(m) Prohibition against counterfeiting and forging transportation requests (18 U.S.C. 508).

(n) Prohibitions against (1) embezzlement of Government money or property (18 U.S.C. 641); (2) failing to account for public money (18 U.S.C. 643); and (3) embezzlement of the money or property of another person in the possession of an employee by reason of his employment (18 U.S.C. 654).

(o) Prohibition against unauthorized use of documents relating to claims from or by the Government (18 U.S.C. 285).

(p) Prohibition against proscribed political activities in subchapter III of chapter 73 of Title 5, U.S. Code and 18 U.S.C. 602, 603, 607, and 608.

(q) Prohibition against gifts to superiors (5 U.S.C. 7351).

(r) Prohibition against an employee acting as the agent of a foreign principal registered under the Foreign Agents Registration Act (18 U.S.C. 219).

(s) Prohibition against accepting foreign gifts and decorations (80 Stat. 952).

§ 742.735–33 Specific statutes applicable to postal employees.

(a) Subject:

	18 U.S.C.
Carriage of Mail	1693
Desertion of Mail	1700
Delay or Destruction of Mail	1703
Theft of Mail	1709
Theft of Newspapers	1710
Misappropriation of Postal Funds	1711
Falsification of Postal Returns	1712
Improper Issuance of Money Orders	1713
Sale or Pledge of Stamps	1721
Postage Collected Unlawfully	1726
Postage Accounting	1727
Approval of Bond and Sureties	1732

(b) Prohibition against participation in lottery enterprises, 18 U.S.C. 1303.

(c) Prohibition against rural carriers' outside employment, 39 U.S.C. 3114.

(d) Prohibition against opening first-class mail, 39 U.S.C. 4057.

(e) Prohibition against postal employee contracting for mail contracts, 18 U.S.C. 440 and 39 U.S.C. 6420(b), except as permitted by 39 U.S.C. 2008, 6007(b), 6403 (b) and (c).

(f) Employees not to receive fees, 39 U.S.C. 3104.

(g) Oath of office required for all postal employees, 39 U.S.C. 3103.

Subpart D—Conduct of Special Government Employees

§ 742.735–41 Introduction.

The regulations in this subpart cover the standards of and govern the ethical and other conduct of special Government employees of the Department. In addition, special Government employees shall adhere to the standards of ethical and other conduct made applicable to employees by this Part 742.

§ 742.735–42 Use of Government employment.

A special Government employee shall not use his Government employment for a purpose that is, or given the appearance of being, motivated by the desire for private gain for himself or another person, particularly one with whom he has family, business, or financial ties. He may not participate in his governmental capacity in any matter in which he, or his immediate family, outside business associate, or prospective employer has financial interest.

§ 742.735–43 Use of inside information.

A special Government employee shall not use inside information obtained as a result of his Government employment for private gain for himself or another person either by direct action on his part or by counsel, recommendation, or suggestion to another person, particularly one with whom he has family, business, or financial ties. For the purpose of this section, "inside information" means information obtained under Government authority which has not become part of the body of public information. However, a special Government employee may teach, lecture, and write in a manner not inconsistent with § 742.735–26(a)(5) concerning employees.

§ 742.735–44 Coercion.

A special Government employee shall not use his Government employment to coerce, or give the appearance of coercing, a person to provide financial benefit to himself or another person, particularly one with whom he has family, business, or financial ties.

§ 742.735–45 Gifts, entertainment, and favors.

(a) A special Government employee, while so employed or in connection with his employment shall not receive or solicit from a person having business with this Department anything of value as a gift, gratuity, loan, entertainment, or favor for himself or another person, particularly one with whom he has family, business, or financial ties. However, the exceptions set forth in § 742.735–25(b) are applicable to special Government employees.

(b) A special Government employee, except in the discharge of his official duties, may not (1) represent anyone else before a court or Government agency in a matter in which the United States is a party or has an interest and in which he has at any time participated personally and substantially for the Government and (2) unless he has served no more than 60 days during the past 365 days, represent anyone else in a matter pending before the Department. He may not participate in his governmental capacity in any matter in which he, his immediate family, outside business associate, or prospective employer has financial interests. He is permanently prohibited, after his Government employment has ended, from representing anyone other than the United States in connection with a matter in which the United States is a party or has an interest and in which he participated personally and substantially for the Government and he is barred for 1 year from doing so if the matter was within his official responsibility within 1 year preceding the termination of his Government employment.

(c) A special Government employee serving with or without compensation may receive salary, or other compensation from a private source provided such other salary or compensation is entirely unrelated to his duties or work with this Department.

§ 742.735–46 Statutory provisions.

(a) Each special Government employee shall acquaint himself with each statute that relates to his ethical and other conduct as a special Government employee of this Department and of the Government. See §§ 742.735–32 and 742.735–33.

Subpart E—Employees Required To Submit Statements

§ 742.735–51 Form and content of statements.

The statement of employment and financial interests required under this section for use by employees and special Government employees is the form entitled "Confidential Statement of Employment and Financial Interests" (For use by Government Employees Form 2417) or (For use by Special Government Employees Form 2418). See § 742.735–53.

§ 742.735–52 Specific classes of employees.

Except as provided in § 742.735–54, the following employees shall file statements of employment and financial interests:

(a) Employees paid at a level of the Executive Schedule in Subchapter II of Chapter 53 of Title 5 U.S. Code.

(b) The Hearing Examiners of this Department.

(c) All division Directors within Bureaus, Offices, and postal field installations, not specifically listed in paragraph (d) of this section, whose positions are classified at GS–13 or above or PFS–15 or above.

(d) In addition to the employees listed in paragraphs (a) through (c) of this section, employees occupying the positions listed below in the Bureaus, Offices and postal installations designated therein which are classified at GS–13 or above or PFS–15 or above.

(1) OFFICE OF THE POSTMASTER GENERAL

Executive Assistant to the Postmaster General.
Deputy Executive Assistant to the Postmaster General.
Assistant to the Executive Assistant to the Postmaster General.
Special Assistant to the Postmaster General for Public Information.
Deputy Special Assistant to the Postmaster General for Public Information.
Assistant Special Assistant to the Postmaster General for Public Information.
Special Assistant to the Postmaster General for Policy and Projects.
Special Assistant to the Postmaster General for International Postal Affairs.
Deputy Special Assistant to the Postmaster General for International Postal Affairs.
Special Assistant to the Postmaster General.
Director, Special Projects.
Chief Philatelic Staff.
Judicial Officer.
Director of Regional Administration.
Deputy Director of Regional Administration.
Management Appraisal Officer.
Deputy Contracts Compliance Officer.

(2) OFFICE OF THE DEPUTY POSTMASTER GENERAL

Executive Assistant to the Deputy Postmaster General.
Director, Office of Headquarters Services.
Chief, Operating Services Branch, Office of Headquarters Services.

(3) BUREAU OF OPERATIONS

Special Assistant to the Assistant Postmaster General.
Staff Assistant to the Deputy Assistant Postmaster General Field Services.
Director, Vehicle Utilization Branch.
Director, Mechanization Coordinating Branch.
Director, Space Requirements Branch.
Director, Mail Classification Branch.
Director, Public Cooperation Branch.

(4) BUREAU OF TRANSPORTATION AND INTERNATIONAL SERVICES

Special and Confidential Assistant to the Assistant Postmaster General.
Executive Assistant to the Assistant Postmaster General.
Assistant Director, Economics and Development Division.
Assistant Director, Domestic Transportation Division.
Director, Highway Transportation Branch.

(5) BUREAU OF FINANCE AND ADMINISTRATION

Special Assistant to the Assistant Postmaster General.
Director, Automatic Data Processing Center.
Staff Accountant.

(6) BUREAU OF FACILITIES

Field Liaison Officer.
Chief, Operating Equipment Branch.
Chief, Vehicles Branch.
Chief, Buildings Branch.
Chief, Plans and Projects Staff Branch.
Chief, Property Control Branch.
Equipment Specialist, Maintenance Division.
Buildings Management Officer, Maintenance Division.
Mechanical Engineer, Maintenance Division.
Mechanical Engineer (Automotive).
Maintenance Management Officer, Maintenance Division.
Vehicle Maintenance Management Officer, Maintenance Division.
Staff Accountant to the Director of Procurement.
Chief, Supply Branch.
Chief, Contract Branch.
Assistant Chief, Contract Branch.
Chief, Mail Bag Equipment Branch.
Quality Control Director.
General Commodities Inspection Specialist.
Equipment Production Specialist.
Supervisory General Supply Officer.
Traffic Manager.
Contract Specialist.
Contract Administrator.
Quality Assurance Superintendent.
Senior Envelope Inspection Clerk.
Assistant Director for Realty Management.
Special Assistant to Director, Realty Division.
Chief, Realty Review Branch.
Assistant Chief, Realty Review Branch.
Realty Officers within the Realty Review Branch.
Chief, Leasing Operations Branch.
Realty Cost Officer within the Leasing Operations Branch.
Real Estate Appraiser and Negotiator.

(7) BUREAU OF PERSONNEL

Special Assistant to the Assistant Postmaster General.
Director, Departmental Personnel Office.
Chairman, Board of Appeals and Review.
Member, Board of Appeals and Review.

(8) OFFICE OF GENERAL COUNSEL

Assistant General Counsels.
The second in command in each Division.
Attorneys in the Opinions and Real Property Divisions.
Special Associate and Special Assistant General Counsel.

(9) BUREAU OF THE CHIEF POSTAL INSPECTOR

Deputy Director, Internal Audit Division.
Deputy Inspectors-in-Charge.
Assistant Inspectors-in-Charge.
Assistant Division Directors.
Assistant to the Chief Inspector.
Staff Assistant.
Assistant Director, Bureau Identification Laboratory.
Administrative Officer.
Administrative Services Officer.

(10) BUREAU OF RESEARCH AND ENGINEERING

Planning Staff Specialists.
Director, Advanced Planning Staff.
International Technology Liaison Officer and Executive Secretary.
Director of Operations.
Special Assistant to the Assistant Postmaster General.
Executive Assistant to the Assistant Postmaster General.
Program Officer, Contract Program Division.
Administrative Officer, Processing Systems Branch.
Administrative Officer, Postal Services Branch.
Contract Specialist, Specialized Contracts Branch.
Assistant to the Director, Office of Research and Development.
Chief, Postal Laboratory.
General Engineer, Postal Laboratory.
The Assistant Director, Office of General Research.
Chief, Processing Equipment Division.
Supervisory General Engineer, Contract Branch.
Electrical Engineer, Contract Branch.
Mechanical Engineer, Contract Branch.
Electronic Engineer, Contract Branch.
Supervisory General Engineer, In-House Branch.
Chief, Advanced Techniques Division.
Supervisory General Engineer, Operations Research Branch.
Chief, Auxiliary Equipment Division.
Supervisory Mechanical Engineer, In-House Branch.
The Assistant Director, Engineering.
Chief, Automotive Division.
Chief, Equipment Development Division.
Chief, Reliability and Value Engineering Division.
Chief, Industrial Engineering Staff.
The Director, Construction Engineering.
Associate Director, Construction Engineering.
Assistant to the Director, Construction Engineering.
Architect—GS–15, Office of Construction Research.
Assistant Director, Project Design.
Chief, Architectural Division.
Chief, Process Machinery Division.
Chief, Utilities Division.
Supervisory Mechanical Engineer, Space Conditioning Branch.
Assistant Director, Project Planning.
Chief, Planning Requirements Division.
Chief, Installations Liaison Division.
Chief, Engineering Evaluation Division.
Assistant Director, Project Construction.
Chief, Building Construction Division.
Supervisory Civil Engineer, Estimates Branch.
Chief, Process Machinery Installations Division.

(11) REGIONAL POSITIONS

Assistant to the Regional Directors.
Regional Director.
Deputy Regional Director.
Regional Counsel.
Administrative Assistant to the Regional Director.
Special Assistant to Regional Director for Employee Relations.
Contracts Compliance Examiner.
Director, Postal Service Officers.
Postal Service Officers.
Regional Controller.
Regional Accounting Programs Officer.
Regional Financial Control Officer.
Assistant Financial Control Officer.
Director, Personnel Division.
Chief, Employment and Placement Branch.
Employment and Placement Officers.
Director, Postal Systems Division.
Director, Local Services Division.
Chief, Delivery Services Branch.
Chief, Vehicle Services Branch.
Vehicle Services Officer.
Director, Transportation Division.
Air Transportation Officer.
Chief, Transportation Planning Branch.
Chief, Schemes and Routing Branch.
Chief, Railway Transportation Branch.
Chief, Highway Transportation Branch.
Director, Engineering and Facilities Division.
Chief, Procurement and Supply Branch.
Chief, Engineering Branch.
Engineer.
Chief, Real Estate Branch.
Assistant Chief, Real Estate Branch.
Real Estate Officer.
Real Estate Specialist.
Chief, Plant Maintenance Branch.
Plant Maintenance Officer.
Chief, Vehicle Maintenance Branch.
Vehicle Maintenance Officer.
Chief, Space Requirements Branch.
Space Requirements Specialist.
Director, Postal Data Center.
Administrative Assistant to Director.
Director, Processing and Control Division.
Disbursing Officer.
Assistant Disbursing Officers.
Chief, Accounts Payable Branch.
Director, Systems and Planning Division.

(12) PART I, WMS OFFICES, AND THE NORTH AND SOUTH SUBURBAN FACILITIES, CHICAGO, ILL.

Postmasters.
Assistant Postmasters.
Director of Operations Division.
Director of Installation Services.
Operations Manager.

(e) All employees and special Government employees performing the duties of any of the positions listed in this section for more than 90 days.

(f) Additions to, deletions from, and other amendments of the list of positions in this section may be authorized by the Ethical Conduct Counselor. When an additional position is so included, the incumbent thereof must be given actual written notice by the Deputy Ethical Conduct Counselor. When a position is deleted therefrom, the Deputy Ethical Conduct Counselor should advise the incumbent that he is no longer required to file a Confidential Statement of Employment and Financial Interests (Form 2417 or 2418). Statements previously filed by these employees will be treated in accordance with § 742.735–72(c). Amendments to this section shall be periodically published in the FEDERAL REGISTER.

(g) Employees occupying positions classified below GS–13 or below PFS–15 may not be required to file a Confidential Statement of Employment and Financial Interests without the specific prior approval of the Civil Service Commission and the Ethical Conduct Counselor. Deputy Ethical Conduct Counselors who believe that employees occupying positions below GS–13 or PFS–15 should be required to file a Confidential Statement of Employment and Financial Interests to protect the integrity of the Government and to avoid employee involvement in a possible conflict of interest situation shall initiate such request to the Ethical Conduct Counselor, including therein a full justification to support the recommendation to include such employee.

(h) An employee who believes his position has been improperly included under this Subpart E as one requiring the submission of a Confidential Statement of Employment and Financial Interests may seek review thereof under the Grievance Procedures in Part 746 of the Postal Manual.

§ 742.735–53 Required forms for confidential statement of employment and financial interests.

(a) For Government employees, Form 2417.

(b) For special Government employees, Form 2418.

§ 742.735–54 Exclusions.

(a) Employees in positions listed in § 742.735–52 (c) and (d) may be excluded from the reporting requirement when the Postmaster General determines that:

(1) The duties of a position are such that the likelihood of the incumbent's involvement in a conflict of interest situation is remote;

(2) The duties of a position are at such a level of responsibility that the submission of a statement of employment and financial interests is not necessary because of the degree of supervision and review over the incumbent or the inconsequential effect on the integrity of the Government.

(b) A statement of employment and financial interests is not required by this subpart from the Postmaster General. He is subject to separate reporting requirements under section 401 of Executive Order 11222.

Subpart F—Specific Provisions for Special Government Employees

§ 742.735–61 Special Government employees required to submit statements.

Except as provided in § 742.735–62, each special Government employee shall submit a statement of employment and financial interest which reports:

(a) All other employment; and

(b) The financial interests of the special Government employee which the Postmaster General determines are relevant in the light of the duties he is to perform.

§ 742.735–62 Exceptions.

The Postmaster General may waive the requirement in § 742.735–61 for the submission of a statement of employment and financial interests in the case of a special Government employee who is not a consultant or an expert when he finds that the duties of the position held by that special Government employee are of a nature and at such a level of responsibility that the submission of the statement by the incumbent is not necessary to protect the integrity of the Government. For the purpose of this section consultant and expert have the meanings given those terms by Chapter 304 of the Federal Personnel Manual, but do not include a physician, dentist, or allied medical specialist whose services are procured to provide care and service to patients.

§ 742.735–63 Time for submission of statements.

A statement of employment and financial interest required to be submitted under this section shall be submitted not later than the time of employment of the special Government employee. Each special Government employee shall keep his statement current throughout his employment with the Department by the submission of supplementary statements at such intervals as the Postmaster General may direct, but not less frequent intervals than those prescribed for employees.

Subpart G—Ethical Conduct Counseling and Reporting of Employment and Financial Interests Systems

§ 742.735–71 Ethical Conduct Counselor and Deputy Ethical Conduct Counselors.

(a) The Ethical Conduct Counselor is responsible for the administration of the Department's counseling and advisory services, and for assuring that counseling and interpretations of questions on conflicts of interest and other matters covered by this part are available to Deputy Ethical Conduct Counselors. The Ethical Conduct Counselor may require any Deputy Ethical Conduct Counselor to assist him in the administration of this program. The Ethical Conduct Counselor, or his designee has exclusive jurisdiction to counsel and advise (1) all employees paid at a level of the Executive Schedule in subchapter II of chapter 53 of Title 5 U.S. Code; (2) Deputy Ethical Conduct Counselors at Headquarters, except the Deputy Ethical Conduct Counselor for Office of the Postmaster General and Office of the Deputy Postmaster General; and (3) employees within his own organization.

(b) The Deputy Postmaster General is the Deputy Ethical Conduct Counselor for all employees under the direct supervision of or within, the Office of the Postmaster General and the Office of the Deputy Postmaster General.

(c) At Headquarters, Bureau and Office heads are Deputy Ethical Conduct Counselors for all employees within their respective Bureaus and Offices. The Chief Postal Inspector is also the Deputy Ethical Conduct Counselor for all inspectors-in-charge, deputy inspectors-in-charge and assistant inspectors-in-charge, audit area managers and deputy audit area managers. The inspectors-in-charge are Deputy Ethical Conduct Counselors for all other Inspection Service employees within their respective geographical jurisdiction. The audit area managers are the Deputy Ethical Conduct Counselors for all other area employees within their respective geographical jurisdiction. The Director, Procurement Division, Bureau of Facilities, is the Deputy Ethical Conduct Counselor for all field organizations under the jurisdiction of the Bureau of Facilities. The Director of Regional Administration is the Deputy Ethical Conduct Counselor for Regional Directors, Deputy Regional Directors, and Directors, Postal Data Centers.

(d) The Director, Postal Data Center, is the Deputy Ethical Conduct Counselor for employees of his data center, the Regional Director is the Deputy Ethical Conduct Counselor for his region, for all employees whose headquarters are within the geographical boundaries of his region, except for those employees who are under the jurisdiction of other Deputy Ethical Conduct Counselors. Postmasters of Part I WMS offices and installation heads of the North and South Suburban Facilities, Chicago, Ill., are Deputy Ethical Conduct Counselors for all employees under their respective jurisdiction.

(e) The Ethical Conduct Counselor may designate other suitable employees to assist him. A Deputy Ethical Conduct Counselor may, with the prior approval of the Ethical Conduct Counselor, designate other suitable employees to assist or act for him. The designees should have appropriate experience, preferably legal, personnel or employee relations, and be persons in whom the Ethical Conduct Counselor or Deputy Ethical Conduct Counselor has complete personal confidence.

§ 742.735–72 Reporting of employment and financial interests.

(a) The Ethical Conduct Counselor and the Deputy Postmaster General will file their statements of employment and financial interests with the Postmaster General.

(b) Each statement of employment and financial interests and each supplementary statement shall be held in confidence and may not be disclosed without prior written approval of the Civil Service Commission or the Ethical Conduct Counselor. Such disclosure may only be approved for good cause. The Ethical Conduct Counselor and Deputy Ethical Conduct Counselors are responsible for the security and maintenance of the statements filed with each of them. Only the Postmaster General, Deputy Postmaster General, Ethical Conduct Counselor, Deputy Ethical Conduct Counselors or their respective designees are authorized to review and retain the statements. The Ethical Conduct Counselor may allow access to, or allow information to be disclosed from a statement of employment and financial interests only to carry out the purpose of this Part 742. Reports of any statements of employment and financial interests which may have to be transmitted from the person who is responsible for safeguarding this material to another who is authorized to receive it shall be enclosed in an opaque inner and outer envelope. The inner envelope shall be sealed and plainly marked "Confidential Statement of Employment and Financial Interests" and shall be addressed to the addressee. The outer envelope shall also be sealed and addressed but with no indication on the envelope of what the contents may be. Employees, when transmitting their statements, are authorized to utilize this double envelope procedure.

(c) (1) The statements of employment and financial interests and any supplements thereto shall be destroyed 2 years after an employee or special Government employee is separated from the position which requires submission of the statement, or 2 years after the employee or special Government employee leaves the Department, whichever is earlier.

(2) Also, the statement of an employee whose position is removed from the list of positions, the incumbents of which are required to file statements, shall be returned to the employee 2 years after such position is removed from the list.

(d) An employee required to submit a statement of employment and financial interests under Subpart E of this Part 742 shall submit the statement to his Ethical Conduct Counselor or Deputy Ethical Conduct Counselor, not later than 90 days after the effective date of this Part 742, if employed on or before that effective date. A new employee and a new special Government employee who is required to file a statement shall file it at the time of appointment. He should retain a copy for his own file. Changes in, or additions to, the information contained in an employee's Confidential Statement of Employment and Financial Interests shall be reported in a supplementary statement as of June 30 each year. Such statements shall be submitted by not later than July 15 following the preceding June 30 except that the time may be extended by the Ethical Conduct Counselor or Deputy Ethical Conduct Counselor, as appropriate, for good cause, such as annual or sick leave or because the employee or special Government employee is awaiting information from other sources. Although no changes or additions occur, a negative report is required. Notwithstanding the filing of the annual report required by this section, each employee shall at all times avoid acquiring a financial interest that could result, or taking an action that would result, in a violation of the conflicts of interest provisions of section 208 of Title 18, U.S. Code or this Part 742.

(e) The interest of a spouse, minor child (including a stepchild), or other member of an employee's immediate household is considered to be an interest of the employee. For the purpose of this section, member of an employee's immediate household means those blood relations who are regular residents of the employee's household. See also § 742.735–28(a)(7). However, no member of an employee's immediate household is required to file a Confidential Statement of Employment and Financial Interests.

(f) If any information required to be included on a statement of employment and financial interests or supplementary statement, including holdings placed in trust, is not known to the employee but is known to another person, the employee shall request that other person to submit information in his behalf. This section does not require an employee to submit on a statement of employment and financial interests or supplementary statement any information relating to the employee's connection with, or interest in, a professional society, or a charitable, religious, social, fraternal, recreational, public service, civic, or political organization or a similar organization not conducted as a business enterprise. For the purpose of this section, educational and other institutions doing research and development or related work involving grants of money from or contracts with the Government are deemed business enterprises and are required to be included in an employee's statement of employment and financial interests. Saving accounts in credit unions or loan associations are not deemed interests in business enterprises.

(g) The statements of employment and financial interests and supplementary statements required of employees are in addition to, and not in substitution for, or in derogation of, any similar requirements imposed by other law or other order. The submission of a statement or supplementary statement does not permit an employee, or any other person, to participate in a matter in which his or the other person's participation is prohibited by law or other order.

(h) The statements of employment and financial interests will not be placed in personnel files and will not be transferred to any other agency in the event an employee transfers, or be disclosed to any person other than those specified in paragraph (b) of this section.

§ 742.735–73 Availability of counseling services.

(a) All employees and special Government employees shall be notified of the availability of counseling services; how, where, when, and with whom they may consult and receive guidance.

(b) All personal information revealed in the course of guidance and counseling, including statements of employment and financial interests, and any supplements thereto, shall be given the maximum protection against disclosure to any person other than a person who is required or authorized by law, Executive order, or regulation to have access thereto.

§ 742.735–74 Advice concerning possible conflict of interest.

(a) Whenever a possible conflict of interest of an employee or special Government employee comes to the attention of the Ethical Conduct Counselor or the cognizant Deputy Ethical Conduct Counselor, he shall make inquiries sufficient to ascertain whether such conflict exists. He shall advise the person of his conclusion and his proposal for elimination of any conflict and offer him an opportunity to explain the conflict or appearance of conflict. The proposal may consist of divestment of the conflicting interest or with the consent of the Bureau, Office or installation head either a change in assigned duties or a disqualification for a particular assignment. In appropriate cases he may recommend disciplinary action. If the Deputy Ethical Conduct Counselor cannot resolve the conflict or is in doubt as to the proper resolution thereof, he shall refer the matter to the Ethical Conduct Counselor.

(b) If the matter cannot be resolved by the Ethical Conduct Counselor then he shall report the matter to the Postmaster General.

(c) If the initial decision is made by the Ethical Conduct Counselor in cases involving employees listed in § 742.735–71(a) and the matter cannot be satisfactorily resolved by him after discussion with the employee concerned, he will submit the matter to the Postmaster General.

(d) In the event the initial decision is made by the Ethical Conduct Counselor's designee or the Deputy Ethical Conduct Counselor's designee, it shall not be deemed conclusive until such determination is affirmed, reversed or modified by the Ethical Conduct Counselor or the Deputy Ethical Conduct Counselor.

§ 742.735–75 Disciplinary and other remedial action.

(a) When after consideration of the explanation of the employee or special Government employee, it is decided that remedial action is required, immediate action shall be taken to end the conflicts or appearance of conflict of interest. Remedial action may include, but is not limited to:

(1) Changes in assigned duties;
(2) Divestment by the employee or special Government employee of his conflicting interests;
(3) Disciplinary action; or
(4) Disqualification for a particular assignment.

(b) Remedial action, whether disciplinary or otherwise, shall be effected in accordance with any applicable laws, Executive orders, and regulations. However, neither the remedial action, nor disciplinary action nor other action taken under paragraph (a) of this section is subject to the grievance procedures under section 746.1 and 746.2 of the Postal Manual since the employee or special Government employee is afforded the opportunity to present his case as provided in § 742.735–72 (a) through (d).

(c) The Ethical Conduct Counselor shall issue appropriate instructions from time to time to the Deputy Ethical Conduct Counselors to assure that the regulations, counseling and interpretations of matters covered by this part are consistent with laws, regulations and pertinent Executive orders and to insure uniformity of application throughout the Department.

§ 742.735–76 Establishment of review system.

There is hereby established a system of review which is designed to disclose conflicts of interest or apparent conflicts of interest on the part of employees and special Government employees. The Ethical Conduct Counselor, Deputy Ethical Conduct Counselors or their designees, immediately upon receipt of the statements of employment and financial interests from employees and special Government employees, shall examine such statements to assure that all information and disclosures required by the respective Confidential Statement of Employment and Financial Interests have been made and to determine whether potential conflicts of interest exist. The Confidential Statement of Employment and Financial Interests forms shall be furnished by the appropriate Personnel Office.

Subpart H—Informing Employees and Special Government Employees of Code of Ethical Conduct

§ 742.735–81 All employees and special Government employees.

(a) The Code of Ethical Conduct contained in this part and related parts of the Postal Manual containing instructions and guidance on the conduct of employees and special Government employees, shall be brought to their attention not less frequently than twice a year.

(b) New employees and new special Government employees: All employees and special Government employees new to the Department must be informed of this Part 742, Code of Ethical Conduct, at the time of their employment.

This Part 742 was approved by the Civil Service Commission on August 8, 1967.

NOTE: The corresponding Postal Manual section is Part 742.

TIMOTHY J. MAY,
General Counsel.

AUGUST 9, 1967.

[F.R. Doc. 67-9564; Filed, Aug. 15, 1967; 8:47 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 11—Coast Guard, Department of Transportation

[COGR 67-12]

PART 11–3—PROCUREMENT BY NEGOTIATION

Subpart 11–3.6—Small Purchases

FAST PAYMENT PROCEDURE

Correction

In F.R. Doc. 67-9276, appearing in the issue for Wednesday, August 9, 1967, at page 11470, make the following change: In § 11–3.652–3(a), line 2, the word "Suppliers" should read "Supplies".

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 67-947]

PART 73—RADIO BROADCAST SERVICES

Use of Auxiliary Transmitters for Transmission of Regular Programs Under Presunrise Service Authority

Order. 1. On June 28, 1967, the Commission adopted a report and order in docket No. 14419 (FCC 67-767) the "presunrise" proceeding, which amended its rules to provide for the issuance of "Presunrise Service Authority" (PSA) to certain standard broadcast permittees and licensees. The holder of such authority is permitted to operate his station with daytime antenna facilities prior to local sunrise during periods specified therein. However, such operation is restricted to a power of 500 watts or less.

2. Many stations eligible for PSA's have authorized powers much greater than the operating power permitted under a PSA. The main transmitters of such stations have not, in most cases, been type accepted for operation at output power levels approaching those specified in PSA's, and, in such cases, it will usually be found either necessary or desirable to operate pursuant to the PSA with a separate transmitter of lower power.

3. Section 73.63 of the rules permits the transmission of regular programs with an auxiliary transmitter only upon the failure of the main transmitter, or during periods of maintenance or modification work on the main transmitter. However, paragraph (g) presently allows the operating power of the auxiliary transmitter to be lower than the authorized power of a station.

4. It is the purpose of this order to amend § 73.63 by the addition of a new paragraph (c)(5), which permits the use of an auxiliary transmitter during periods of operation pursuant to a PSA.

5. Section 73.13 defines an auxiliary transmitter in terms which are inconsistent with both the present and the proposed provisions of § 73.63. Since, in any case, the definition appears redundant, it is being deleted.

6. Since these amendments are for the purpose of implementing decisions already reached in Docket No. 14419, would relax the restrictions in § 73.63 and would not adversely affect any party, the prior notice provisions of section 4 of the Administrative Procedure Act do not apply.

7. Accordingly, pursuant to the authority contained in sections 4(i) and 303(e) of the Communications Act of 1934, as amended: *It is ordered*, That effective August 18, 1967, § 73.13 is deleted and § 73.63 is amended as indicated below.

(Secs. 4, 303, 48 Stat., as amended 1066, 1082; 47 U.S.C. 154, 303)

Adopted: August 9, 1967.

Released: August 11, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

§ 73.13 [Deleted]

1. Section 73.13 is deleted.

2. In § 73.63(c) subparagraph (5) is added to read as follows:

§ 73.63 Auxiliary transmitter.

* * * * *

(c) * * *

(5) An auxiliary transmitter may be used for the regular transmission of programs during periods of operation included in a Presunrise Service Authority (PSA).

* * * * *

[F.R. Doc. 67-9610; Filed, Aug. 15, 1967; 8:50 a.m.]

[FCC 67-952]

PART 73—RADIO BROADCAST SERVICES

Remote Control Authorizations for Standard and FM Broadcast Stations

Order. 1. This order amends the rules and regulations pertaining to Standard and FM broadcast stations to clarify, modify, and conform the procedures required to effect a change in the location of a remote control point.

2. Section 73.66 of the Standard Broadcast Rules concerning authorizations for remote control, does not now specifically provide for changes in remote control points. Section 73.257(b)(8) of the FM rules requires that all changes in remote control points be made pursuant to formal authorizations, as does § 73.557(b)(8) of the educational FM rules.

3. Section 73.66, and §§ 73.274 and 73.572 of the commercial and educational FM rules, are amended so as to prescribe uniform procedures to be followed in any of the various situations in which a change in a remote control point for a standard broadcast or FM station may be effected. Sections 73.257(b)(8) and 73.557(b)(8) are deleted, as inconsistent with new §§ 73.274 and 73.572 and as dealing with a matter more appropriately covered in the latter sections.

4. A licensee is required, of course, to exercise full control over all aspects of his station's operation, and the Commission is concerned with the establishment of remote control points at locations where the licensee's ability to discharge this obligation is adversely affected. Consequently, under the amended rules, specific Commission authority must be sought for a change in a remote control point to a location not patently under the licensee's control. This question does not arise when a remote control point is moved to the main studio, and it is unnecessary, and burdensome to both the licensee and the Commission to require that a formal application be filed for a change of this nature. The amended rules would not require it.

5. For the same reason, under the amended rules no authority is required to move a remote control point to a new main studio location within the community to which the station is assigned (the rules do not require that authority be obtained to move the main studio itself under such circumstances). If a licensee proposes to move its main studio outside its assigned community, formal authority must be requested, and, if a remote control point is concurrently to be moved to such a studio location, the amended rules provide that the request to move the remote control point may be incorporated in the application for authority to move the main studio.

6. When a change is made in a remote control point for which authority is not required, the licensee is required to notify the change promptly to the Commission and the engineer in charge of the radio district in which the station is located.

7. We believe that the amended rules will eliminate much of the confusion and many of the misunderstandings which have arisen in the past concerning changes in the remote control points, and measurably lessen the workload of the Commission, and of applicants desiring to effect such changes.

8. Since the amended rules are procedural, the prior notice provisions of section 4 of the Administrative Procedure Act do not apply. Authority for the promulgation of these amendments is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended.

9. *Accordingly, it is ordered*, Effective August 18, 1967, that Part 73 of the rules and regulations is amended as set forth below.

(Secs. 4, 303, 48 Stat., as amended 1066, 1082; 47 U.S.C. 154, 303)

Adopted: August 9, 1967.

Released: August 11, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

1. Section 73.66 of the rules is amended to read as follows:

§ 73.66 Remote control authorization.

(a) An application to operate a station by remote control, to add a remote control point, or to change the location of a remote control point shall be made on FCC Form 301–A, except that:

(1) A request to operate a new station with nondirectional antenna by remote control may be included in the application (FCC Form 301) for construction permit or modification of construction permit.

(2) A request to change a remote control point to a new main studio location beyond the corporate limits of the community to which the station is assigned and at a point other than the authorized transmitter site may be included in the application (FCC Form 301) for authority to change the main studio location.

(3) No application need be filed to change a remote control point to an authorized main studio location within the corporate limits of the community to which the station is assigned or to its authorized transmitter site, or to delete a remote control point. However, any such change shall be reported promptly to the Commission, and to the engineer in charge of the radio district in which the station is located.

(b) An authorization for remote control will be issued only after a satisfactory showing has been made which includes the following:

(1) The location of remote control point(s).

(2) That the directional antenna system, if such is authorized, is in proper adjustment and is stable.

§ 73.257 [Amended]

2. Section 73.257(b) of the rules is amended by deleting subparagraph (8) thereof.

3. Section 73.274 of the rules is amended to read as follows:

§ 73.274 Remote control authorization.

(a) An application to operate a station by remote control, to add a remote control point, or to change the location of a remote control point shall be made on FCC Form 301–A, except that:

(1) A request to operate a new station by remote control may be included in the application (FCC Form 301) for construction permit or modification of construction permit.

(2) A request to change a remote control point to a new studio location beyond the corporate limits of the community to which the station is assigned and at a point other than the authorized transmitter site may be included in the application (FCC Form 301) for authority to change the main studio location.

(3) No application need be filed to change a remote control point to an authorized main studio location within the corporate limits of the community to which the station is assigned or to its authorized transmitter site, or to delete a remote control point. However, any such change shall be reported to the Commission and to the engineer in charge of the radio district in which the station is located.

(b) An authorization for remote control will be issued only after a satisfactory showing has been made, including, among other things, the location of the remote control point(s).

§ 73.557 [Amended]

4. Section 73.557(b) of the rules is amended by the deletion of subparagraph (8) thereof.

5. Section 73.572 of the rules is amended to read as follows:

§ 73.572 Remote control authorization.

(a) An application to operate a station by remote control, to add a remote control point, or to change the location of a remote control point shall be made on FCC Form 301–A, except that:

(1) A request to operate a new station by remote control may be included in the application (FCC Form 301) for construction permit or modification of construction permit.

(2) A request to change a remote control point to a new studio location beyond the corporate limits of the community to which the station is assigned and at a point other than the authorized transmitter site may be included in the application (FCC Form 301) for authority to change the main studio location.

(3) No application need be filed to change a remote control point to an authorized main studio location within the corporate limits of the community to which the station is assigned or to its authorized transmitter site, or to delete a remote control point. However, any such change shall be reported to the Commission and to the Engineer in Charge of the radio district in which the station is located.

(b) An authorization for remote control will be issued only after a satisfactory showing has been made, including, among other things, the location of the remote control point(s).

[F.R. Doc. 67-9611; Filed, Aug. 15, 1967; 8:50 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Erie National Wildlife Refuge, Pa.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

[1] Commissioners Loevinger, Wadsworth, and Johnson absent.

[1] Commissioners Loevinger, Wadsworth, and Johnson absent.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

PENNSYLVANIA

ERIE NATIONAL WILDLIFE REFUGE

Public hunting or mourning doves on the Erie National Wildlife Refuge is permitted from September 1, 1967, through November 9, 1967, inclusive; and for common snipe from October 2, 1967, through November 20, 1967, inclusive and for American woodcock from October 14, 1967, through December 16, 1967, inclusive. Such hunting is permitted only on the designated Migratory Game Bird Hunting Areas. This area comprising 1,792 acres, is delineated on maps available at refuge headquarters, Guys Mills, Pa. 16327, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109.

Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of mourning doves, common snipe, and American woodcock.

The provisions of this special regulation supplement the regulations governing hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 16, 1967.

EUGENE E. CRAWFORD,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 7, 1967.

[F.R. Doc. 67-9556; Filed, Aug. 15, 1967; 8:45 a.m.]

PART 32—HUNTING

National Wildlife Refuges in Kentucky and Tennessee

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

KENTUCKY

REELFOOT NATIONAL WILDLIFE REFUGE

Public hunting of raccoons on the Reelfoot National Wildlife Refuge, Ky., is permitted only on the area designated by signs as open to hunting. This open area, comprising 2,034 acres, is delineated on maps available at refuge headquarters, Samburg, Tenn., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations covering the hunting of raccoons subject to the following special conditions:

(1) Raccoons may be taken without limit on the refuge from September 18, through September 23, 1967, and October 2, through October 7, 1967.

(2) Hunting hours shall be from 7 p.m. to midnight.

(3) No axes, saws, or other cutting implements will be permitted.

(4) All hunters will be required to check in and check out at the designated check station, the location of which may be obtained by contacting the Refuge Manager, Reelfoot National Wildlife Refuge, Samburg, Tenn. 38254.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 7, 1967.

REELFOOT NATIONAL WILDLIFE REFUGE

Public hunting of squirrels on the Reelfoot National Wildlife Refuge, Ky., is permitted only on the area designated by signs as open to hunting. This open area, comprising 2,034 acres, is delineated on maps available at refuge headquarters, Samburg, Tenn., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations covering the hunting of squirrels subject to the following special conditions:

(1) Squirrels may be hunted on the refuge from September 11, through September 16, 1967, and from September 25, through September 30, 1967.

(2) The hunting of crows, woodchucks, and gray foxes, without limit, is permitted during the refuge squirrel hunt.

(3) Only shotguns incapable of holding more than three shells and .22 caliber rifles are permitted.

(4) Dogs are not permitted.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 30, 1967.

TENNESSEE

REELFOOT NATIONAL WILDLIFE REFUGE

Public hunting of raccoons on the Reelfoot National Wildlife Refuge, Tenn., is permitted only on the area designated by signs as open to hunting. This open area, comprising 9,585 acres, is delineated on maps available at refuge headquarters, Samburg, Tenn., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations covering the hunting of raccoons subject to the following special conditions:

(1) Raccoons may be taken without limit on the Grassy Island area of the refuge on September 18, 20, and 22, 1967 and October 2, 4, and 6, 1967. Raccoon may be taken without limit on the North Unit of the refuge from September 18, through September 23, 1967, and October 2, through October 7, 1967.

(2) Hunting hours shall be from 7 p.m. to midnight.

(3) No axes, saws, or other cutting implements will be permitted.

(4) All hunters will be required to check in and check out at the designated check station, the location of which may be obtained by contacting the Refuge Manager, Reelfoot National Wildlife Refuge, Samburg, Tenn.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 7, 1967.

REELFOOT NATIONAL WILDLIFE REFUGE

Public hunting of squirrels on the Reelfoot National Wildlife Refuge, Tenn., is permitted only on the area designated by signs as open to hunting. This open area, comprising 9,585 acres, is delineated on maps available at refuge headquarters, Samburg, Tenn., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations covering the hunting of squirrels subject to the following special conditions:

(1) Squirrels may be hunted on the refuge from September 11, through September 16, 1967, and from September 25, through September 30, 1967.

(2) The hunting of crows, woodchucks, and gray foxes, without limit, is permitted during the refuge squirrel hunt.

(3) Only shotguns incapable of holding more than three shells and .22 caliber rifles are permitted.

(4) Dogs are not permitted.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 30, 1967.

LAKE ISOM NATIONAL WILDLIFE REFUGE

Public hunting of squirrels on Lake Isom National Wildlife Refuge, Tenn., is permitted only on the areas designated by signs as open to hunting. This open area, comprising 1,350 acres, is delineated on maps available at refuge headquarters, Samburg, Tenn., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations covering the hunting of squirrels subject to the following special conditions:

(1) Squirrels may be hunted on the refuge from September 11, through September 16, 1967, and from September 25, through September 30, 1967.

(2) The hunting of crows, woodchucks, and gray foxes, without limit, is permitted during the refuge squirrel hunt.

(3) Only shotguns incapable of holding more than three shells and .22 caliber rifles are permitted.

(4) Dogs are not permitted.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 30, 1967.

LAKE ISOM NATIONAL WILDLIFE REFUGE

Public hunting of raccoons on the Lake Isom National Wildlife Refuge, Tenn., is permitted only on the areas designated by signs as open to hunting. This open area, comprising 1,350 acres, is delineated on maps available at refuge headquarters, Samburg, Tenn., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations covering the hunting of raccoons, subject to the following special conditions:

(1) Raccoons may be taken without limit on the refuge on September 19, 21, and 23, 1967 and on October 3, 5, and 7, 1967.

(2) Hunting hours shall be from 7 p.m. to midnight.

(3) No axes, saws or other cutting implements will be permitted.

(4) All hunters will be required to check in and check out at the designated check station, the location of which may be obtained by contacting the Refuge Manager, Reelfoot National Wildlife refuge, Samburg, Tenn. 38254.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 7, 1967.

TENNESSEE NATIONAL WILDLIFE REFUGE

Public hunting of squirrels on the Tennessee National Wildlife Refuge, Tenn., is permitted only on the areas designated by signs as open to hunting. These open areas, comprising 20,000 acres, are delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga., 30323. Hunting shall be in accordance with all applicable State regulations governing the hunting of squirrels subject to the following special conditions:

(1) The open season on the refuge extends from September 1, through September 10, 1967.

(2) Bobcats, gray foxes, woodchucks, and crows may be taken.

(3) The use of dogs will not be permitted.

(4) The method of hunting will be by shotguns only.

(5) Camping on the area is not permissible.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 10, 1967.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

TENNESSEE

TENNESSEE NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Tennessee National Wildlife Refuge, Tenn., is permitted only on the areas designated by signs as open to hunting. These open areas, comprising 1,700 acres bow hunting only, and 3,200 acres gun and bow hunting are delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations governing the hunting of deer subject to the following special conditions:

(1) The open season for archery hunting of deer on the refuge extends from September 30, through October 9, 1967.

(2) The open season for gun hunting of deer on the refuge extends from November 18, through November 22, 1967.

(3) The bag limit is one deer of either sex per hunter.

(4) Camping on the area is not permitted.

(5) Bobcats, gray foxes, woodchucks, and crows may be taken.

(6) Driving of deer is prohibited.

(7) Hunters may enter public hunting area at sunrise and must be out by one hour after sunset.

(8) A Federal permit is required for the gun hunt.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 22, 1967.

W. L. TOWNS,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 9, 1967.

[F.R. Doc. 67-9624; Filed, Aug. 15, 1967; 8:51 a.m.]

PART 32—HUNTING

National Wildlife Refuges and Ranges in Alaska

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

ALASKA

ALEUTIAN ISLANDS NATIONAL WILDLIFE REFUGE

Public hunting of big game on all lands within the Aleutian Islands National Wildlife Refuge, Alaska, is permitted in accordance with all applicable State regulations governing big game hunting, subject to the following special conditions:

(1) Species permitted to be taken: Caribou on the islands of Atka, Unimak, and Adak; brown bear on the island of Unimak.

(2) A Federal permit is required to take brown bear on Unimak Island. Permits may be obtained from the Refuge Manager, Aleutian Islands National Wildlife Refuge, Bureau of Sport Fisheries and Wildlife, Cold Bay, Alaska 99571, or from the Game Management Agent, Box 6088, Anchorage, Alaska 99501.

(3) Landing of aircraft on Unimak Island or taking aircraft off from Unimak Island, while transporting big game or big game hunters is restricted to the following areas:

Area No. 1. The airstrip situated at the village of False Pass.

Area No. 2. The airstrip situated at Cape Sarichef.

Area No. 3. The waters of all lakes, bays, and lagoons on or adjacent to Unimak Island.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through June 30, 1968.

ARCTIC NATIONAL WILDLIFE RANGE

Public hunting of big game on all lands within the Arctic National Wildlife Range, Alaska, is permitted in accordance with all applicable State regulations governing big game hunting. Information relative to hunting thereon may be obtained from the Refuge Supervisor, Bureau of Sport Fisheries and Wildlife, Post Office Box 500, Kenai, Alaska 99611.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through June 30, 1968.

BERING SEA NATIONAL WILDLIFE REFUGE

Public hunting of big game on all lands within the Bering Sea National Wildlife Refuge, Alaska, is permitted in accordance with all applicable State regulations governing big game hunting, subject to the following special conditions:

(1) A Federal permit is required to enter the Refuge. Permits may be obtained from the Refuge Supervisor, Bureau of Sport Fisheries and Wildlife, Post Office Box 500, Kenai, Alaska 99611.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through June 30, 1968.

IZEMBEK NATIONAL WILDLIFE RANGE

Public hunting of big game on all lands within the Izembek National Wildlife Range, Alaska, is permitted in accordance with all applicable State regulations governing big game hunting, subject to the following special condition: The landing of aircraft is prohibited except in the event of emergency. Information relative to hunting may be obtained from the Refuge Supervisor, Bureau of Sport Fisheries and Wildlife, Post Office Box 500, Kenai, Alaska 99611.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through June 30, 1968.

KENAI NATIONAL MOOSE RANGE

Public hunting of big game on all lands within the Kenai National Moose Range, Alaska, is permitted in accordance with all applicable State regulations governing big game hunting, subject to the following special conditions:

(1) Except in the event of an emergency, the landing of aircraft on that portion of the Kenai National Moose Range lying south of the Kenai River is restricted to the following areas:

Area No. 1. All lakes, streams, and other bodies of water except that aircraft may not be landed on any glacier.

Area No. 2. The airstrip situated near the south side of Upper Funny River at longitude 150°26'50'' W., latitude 60°12'-20'' N.

Area No. 3. The airstrip situated near the west side of Funny River at longitude 150°44'52'' W., latitude 60°20'12'' N.

Area No. 4. The airstrip situated near the north side of Fox River at longitude 150°44' W., latitude 59°58'30'' N.

All coordinates are approximate.

This area is delineated on maps available at Refuge Headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 3737, Portland, Oreg. 97208.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through June 30, 1968.

JOHN D. FINDLAY,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 4, 1967.

[F.R. Doc. 67-9557; Filed, Aug. 15, 1967; 8:46 a.m.]

PART 32—HUNTING

Erie National Wildlife Refuge, Pa.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

PENNSYLVANIA

ERIE NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Erie National Wildlife Refuge, Pa., is permitted from September 30, through October 27, 1967, inclusive; November 27, through December 9, 1967, inclusive; December 11, 12, and 16, 1967 (the State may designate Dec. 18, 19, and 23, 1967, as alternate dates if weather prohibits adequate hunting on Dec. 11, 12, and 16); and December 26, 1967, through January 6, 1968, inclusive on the entire refuge. This area comprising 4,920 acres, is delineated on maps available at refuge headquarters, Guys Mills, Pa., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109.

Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of deer.

The provisions of this special regulation supplement the regulations governing hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 6, 1968.

EUGENE E. CRAWFORD,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 7, 1967.

[F.R. Doc. 67-9606; Filed, Aug. 15, 1967; 8:50 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 32]

CERTAIN WILDLIFE REFUGES IN DELAWARE, SOUTH CAROLINA, AND VERMONT

Hunting

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Migratory Bird Conservation Act of February 18, 1929, as amended (45 Stat. 1222; 16 U.S.C. 715), and the Endangered Species Preservation Act of October 15, 1966 (80 Stat. 926, 16 U.S.C. 668aa), it is proposed to amend 50 CFR 32.11, 32.21, and 32.31 by the addition of Prime Hook National Wildlife Refuge, Del., to the list of areas open to the hunting of migratory game birds, big game and upland game; Missisquoi National Wildlife Refuge, Vt., to the list of areas open to the hunting of upland game; and Cape Romain National Wildlife Refuge, S.C., to the list of areas open to the hunting of migratory game birds.

It has been determined that the regulated hunting of upland game, big game, and migratory game birds may be permitted as designated on Prime Hook, Missisquoi, and Cape Romain National Wildlife Refuges without detriment to the objectives for which the areas were established.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule-making process. Accordingly, interested persons may submit written comments, suggestions, or objections, with respect to this proposed amendment, to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

1. Section 32.11 is amended by the following additions:

§ 32.11 List of open areas; migratory game birds.

* * * * *

DELAWARE

PRIME HOOK NATIONAL WILDLIFE REFUGE

* * * * *

SOUTH CAROLINA

CAPE ROMAIN NATIONAL WILDLIFE REFUGE

* * * * *

2. Section 32.21 is amended by the following additions:

§ 32.21 List of open areas; upland game.

* * * * *

DELAWARE

PRIME HOOK NATIONAL WILDLIFE REFUGE

* * * * *

VERMONT

MISSISQUOI NATIONAL WILDLIFE REFUGE

* * * * *

3. Section 32.31 is amended by the following addition:

§ 32.31 List of open areas; big game.

* * * * *

DELAWARE

PRIME HOOK NATIONAL WILDLIFE REFUGE

* * * * *

JOHN S. GOTTSCHALK,
Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 10, 1967.

[F.R. Doc. 67-9559; Filed, Aug. 15, 1967; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[9 CFR Part 102]

VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS

Notice of Proposed Rule Making

Correction

In F.R. Doc. 67-5328, appearing in the issue for Friday, May 12, 1967, at page 7177, make the following change: In § 102.3(a)(5), the reference to "subparagraph (2) of this paragraph" should read "paragraph (b)(2) of this section".

Consumer and Marketing Service

[7 CFR Part 926]

[Docket No. AO-135-A6]

TOKAY GRAPES GROWN IN SAN JOAQUIN COUNTY, CALIF.

Decision and Referendum Order With Respect to Proposed Amendment of Amended Marketing Agreement and Order

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held in Lodi, Calif., on June 1, 1967, after notice thereof published in the FEDERAL REGISTER (32 F.R. 7089), on proposed amendment of the marketing agreement, as amended, and Order No. 926, as amended (7 CFR Part 926), regulating the handling of Tokay grapes grown in San Joaquin County, Calif., to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

On the basis of the evidence adduced at the hearing and the record thereof, the Deputy Administrator, Consumer and Marketing Service, on July 19, 1967, filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision in this proceeding. The notice of the filing of such recommended decision affording opportunity to file written exceptions thereto, was published in the FEDERAL REGISTER (F.R. Doc. 67-8512; 32 F.R. 10804).

Ruling on exception. An exception to the recommended decision was filed by the Mendelson-Zeller Co., Inc., San Francisco, Calif., a handler of Tokay grapes. The exception states that a limit should be placed on the assessment that can be fixed under the order. However, no maximum assessment rate was given and there is no evidence in the record on which to base such rate. Therefore, after careful and full consideration of record evidence and the recommended decision pertaining thereto, this exception is denied.

The material issues, findings and conclusions, and the general findings, of the recommended decision set forth in the FEDERAL REGISTER (F.R. Doc. 67-8512; 32 F.R. 10804) are hereby approved and adopted as the material issues, findings and conclusions, and the general findings of this decision as if set forth in full herein.

Amendment of the amended marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement, as Amended, Regulating the Handling of Tokay Grapes Grown in San Joaquin County, California" and "Order Amending the Order, as Amended, Regulating the Handling of Tokay Grapes Grown in San Joaquin County, California," which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Referendum order. Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), it is hereby directed that a referendum be conducted among the producers who, during the period April 1, 1966, through March 31, 1967 (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged, in San Joaquin County, Calif., in the production of Tokay grapes for market to ascertain whether such producers favor the issuance of the said annexed order amending Order No. 926, as amended (7 CFR Part 926), regulating the handling of Tokay grapes grown in San Joaquin County, Calif.

W. B. Blackburn and G. P. Muck, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, are hereby designated agents of the Secretary of Agriculture to conduct said referendum severally or jointly.

The procedure applicable to the referendum shall be the "Procedure for the Conduct of Referenda in Connection With Marketing Orders for Fruits, Vegetables, and Nuts Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (30 F.R. 15414).

The ballots used in such referendum shall contain a summary describing the terms and conditions of the proposed amendment of the order.

Copies of the aforesaid annexed order and of the aforesaid referendum procedure may be examined in the Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

Ballots to be cast in the referendum, and other necessary forms and instructions, may be obtained from any referendum agent or any appointee.

It is hereby ordered, That all of this decision and referendum order, except the annexed amended marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the said marketing agreement are identical with those contained in the annexed order which will be published with this decision.

Dated: August 11, 1967.

GEORGE L. MEHREN,
Assistant Secretary.

Order[1] *Amended Order, as Amended, Regulating the Handling of Tokay Grapes Grown in San Joaquin County, Calif.*

§ 926.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of the order and each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held in Lodi, Calif., June 1, 1967, upon proposed amendment of the marketing agreement, as amended, and to Order No. 926, as amended (7 CFR Part 926), regulating the handling of Tokay grapes grown in San Joaquin County, Calif. Upon the basis of the evidence adduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order, as amended and as hereby further amended, regulates the handling of Tokay grapes grown in the designated production area in the same manner as, and is applicable only to persons in the respective classes of commercial or industrial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) There are no differences in the production and marketing of Tokay grapes grown in the production area which make necessary different terms and provisions applicable to different parts of such area;

(4) The said order, as amended and as hereby further amended, is limited in its application to the smallest regional production area that is practicable consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to subdivisions of the production areas would not effectively carry out the declared policy of the act; and

(5) All handling of Tokay grapes grown in the designated production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

It is, therefore, ordered, That, on and after the effective date hereof, all handling of Tokay grapes grown in the production area shall be in conformity to, and in compliance with, the terms and conditions of the said order as hereby amended as follows:

1. Add to § 926.17 a final sentence to read as follows:

§ 926.17 Premium quality grapes.

* * * The committee, with the approval of the Secretary, shall prescribe rules, regulations, and safeguards as it may deem necessary to assure that grapes marketed as Premium Quality grapes meet the prescribed requirements for such grapes.

2. Add to § 926.46 *Assessments* a final sentence to read as follows:

§ 926.46 Assessments.

* * * In order to provide funds for the administration of the provisions of this part during the first part of a fiscal period before sufficient operating income is available from assessments on the current season's shipments, the Industry Committee may borrow money for such purposes.

3. Amend § 926.47 *Handler accounts* to read as follows:

§ 926.47 Handler accounts.

(a) If at the end of a season, the assessments collected are in excess of expenses incurred, the Industry Committee, with the approval of the Secretary, may carry over such excess into subsequent fiscal periods as a reserve: *Provided*, That funds already in the reserve do not exceed approximately one season's expenses. Such reserve funds may be used (1) to cover any expenses authorized by this part, and (2) to cover necessary expenses of liquidation in the event of termination of this part. If any such excess is not retained in a reserve, each handler entitled to a proportionate refund shall be credited with such refund against the operations of the following season or be paid such refund. Upon such termination, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided*, That to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

(b) The Industry Committee may, subject to the approval of the Secretary, maintain a suit in its own name or in the names of its members for the collection of any handler's pro rata share of expenses.

4. Amend § 926.49 *Research* to read as follows:

§ 926.49 Research.

(a) The committee may, with the approval of the Secretary, establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of Tokay grapes. Such projects may provide for any form of marketing promotion, including paid advertising. The expenses of such projects shall be paid from funds collected pursuant to § 926.46.

(b) In recommending projects pursuant to this section, the committee shall give consideration to the following factors:

(1) The expected supply of grapes in relation to market requirements;

(2) The supply situation among competing areas and commodities; and

(3) The need for marketing research with respect to any marketing development activity and the need for a coordinated effort with USDA's Plentiful Foods Program.

(c) If the committee should conclude that a program of marketing research or development should be undertaken or continued pursuant to this section in any crop year, it shall submit the following for the approval of the Secretary:

(1) Its recommendations as to funds to be obtained pursuant to § 926.46;

(2) Its recommendations as to any marketing research projects; and

(3) Its recommendations as to promotion activity and paid advertising.

5. The provisions of § 926.50 are amended to read as follows:

§ 926.50 Recommendation of Industry Committee.

Whenever the Industry Committee deems it advisable (a) to limit the shipment of grapes to particular grades, sizes, packs, or containers, or any combination thereof, or (b) to prescribe the requirements in terms of grade, size, pack, or container, or any combination thereof, for premium quality grapes, and to require that grapes that are handled and designated as conforming to the requirements prescribed for premium quality grapes shall meet or exceed such requirements, it shall so recommend to the Secretary. At the time of submitting any such recommendation, the said committee shall submit to the Secretary the data and information upon which it acted in making such recommendation, including factors affecting the supply of, and the demand for, grapes by grades and sizes thereof, and such other information as the Secretary may request. The said committee shall promptly give adequate notice to the handlers and growers of any such recommendation submitted to the Secretary.

6. The provisions of § 926.51 are amended to read as follows:

§ 926.51 Establishment of regulations.

(a) Whenever the Secretary finds, from the recommendations and information submitted by the Industry Committee, or from other available information, that (1) to limit the shipment of grapes to particular grades, sizes, packs, or containers, or any combination thereof, or (2) to prescribe requirements in terms of grade, size, pack, or container, or any combination thereof, for premium quality grapes and to require that grapes that are handled and designated as conforming to the requirements prescribed for premium quality grapes shall meet or exceed such requirements, would tend to effectuate the declared policy of the act, he shall so limit the shipment as set forth in subparagraph (1) of this paragraph or require grapes to conform to such requirements as may be prescribed in accordance with subparagraph (2) of this paragraph during a specified period.

(b) The Secretary shall immediately notify the Industry Committee of the issuance of any such regulation, and the said committee shall promptly give adequate notice thereof to handlers and to growers.

[F.R. Doc. 67-9608; Filed, Aug. 15, 1967; 8:50 a.m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and orders have been met.

[7 CFR Part 948]

[Area 2]

IRISH POTATOES GROWN IN COLORADO

Expenses and Rate of Assessment

Consideration is being given to the approval of the expenses and rate of assessment, hereinafter set forth, which were recommended by the area committee for Area No. 2 established pursuant to Marketing Agreement No. 97, as amended, and Order No. 948, as amended (7 CFR Part 948). This marketing order program regulates the handling of Irish potatoes grown in the State of Colorado and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

All persons who desire to submit written data, views, or arguments in connection with these proposals shall file the same, in quadruplicate, with the Hearing Clerk, Room 112A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than the 15th day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

§ 948.255 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the area committee for Area No. 2, established pursuant to Marketing Agreement No. 97 and Order No. 948, both as amended, to enable such committee to perform its functions pursuant to the provisions of the aforesaid amended agreement and order during the fiscal period ending June 30, 1968, will amount to $13,391.50.

(b) The rate of assessment to be paid by each handler in Area No. 2 pursuant to Marketing Agreement No. 97 and Order No. 948, both as amended, shall be $0.0024 per hundredweight of potatoes handled by him as the first handler thereof during said fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period ending June 30, 1968, may be carried over as a reserve.

(d) Terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97, as amended, and this part.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 10, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-9586; Filed, Aug. 15, 1967; 8:48 a.m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 25]

EXPORTATION FROM CUSTOMS BONDED WAREHOUSE OF CERTAIN ALCOHOLIC BEVERAGES

Notice of Extension of Time for Submission of Written Views on Proposed Requirement of Foreign Landing Certificate

On June 22, 1967, there was published in the FEDERAL REGISTER (32 F.R. 8916) a proposed amendment of § 25.15 of the Customs Regulations that would require foreign landing certificates for certain goods exported otherwise than by common carrier or contract carrier.

Notice is hereby given that the closing date for submission of written views concerning the proposed amendment is extended until 60 days from the date of publication of this notice in the FEDERAL REGISTER.

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

Approved: August 9, 1967.

MATTHEW J. MARKS,
Acting Assistant Secretary of the Treasury.

[F.R. Doc. 67-9627; Filed, Aug. 15, 1967; 8:51 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 67-WE-39]

FEDERAL AIRWAYS

Proposed Alteration

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would alter the segments of V–4, V–8 south alternate, V–148 and V–220 that form a complex associated with the Thurman, Colo., VOR. This navigational facility will be relocated to a site at approximately latitude 39°41'54" N., longitude 103°12'52" W., on November 9, 1967. It would not be necessary to alter V–169 as it is designated direct from Hugo, Colo., via Thurman to Akron, Colo., and would move automatically with the relocated VOR.

Concurrently with these actions it is proposed to realign V–19 from Kiowa, Colo., direct to Denver, Colo., and to revoke the Thurman transition area.

Alteration of the airway complex associated with the Thurman VOR and considered herein is necessary due to the proposal to relocate the VOR. The realignment of V–19 considered herein would enhance the movement of air traffic in the Denver area. The Thurman transition area is no longer necessary for air traffic control purposes.

If these actions are taken, the airways described below would be altered as follows:

1. V–4 from Denver, Colo., 1,200 feet AGL INT Denver 103° T (090° M) and Thurman, Colo., 275° T (263° M) radials; 1,200 feet AGL Thurman; 50 miles 6,500 feet MSL, 1,200 feet AGL Goodland, Kans.

2. V–8 from Denver, Colo., 1,200 feet AGL Akron, Colo., including a 1,200 feet AGL south alternate via INT Denver 103° T (090° M) and Akron 242° T (229° M) radials; 1,200 feet AGL Hayes Center, Nebr., including a 1,200 feet AGL south alternate via INT Akron 094° T (081° M) and Hayes Center 246° T (235° M) radials.

3. V–19 from Kiowa, Colo., 1,200 feet AGL Denver, Colo.

4. V–148 from Kiowa, Colo., 1,200 feet AGL Thurman, Colo.; 6,500 feet MSL INT Thurman 067° T (055° M) and Hayes Center, Nebr., 246° T (235° M) radials; 1,200 feet AGL Hayes Center.

5. V–220 from Akron, Colo., 1,200 feet AGL INT Akron 094° T (081° M) and McCook, Nebr., 264° T (253° M) radials; 1,200 feet AGL McCook.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 90007, Los Angeles, Calif. 90009. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on August 4, 1967.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-9580; Filed, Aug. 15, 1967; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-SW-53]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate a transition area at Paragould, Ark. The proposed transition area will provide airspace protection for aircraft executing approach/departure procedures proposed at Paragould Municipal Airport, Paragould, Ark.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (32 F.R. 2148), the following transition area is designated:

PARAGOULD, ARK.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Paragould Municipal Airport (latitude 36°03'52" N., longitude 90°30'45" W.), and within 3 miles each side of the 235° bearing (230° magnetic) from the Paragould RBN (latitude 36°03'52" N., longitude 90°30'45" W.), extending from the 7-mile radius area to 8 miles southwest of the RBN.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Fort Worth, Tex., on August 3, 1967.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 67-9581; Filed, Aug. 15, 1967; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-AL-3]

CONTROL AREA

Proposed Designation

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would designate offshore control areas in the vicinity of the west coast of Alaska; the Alaskan Peninsula and the Aleutian Islands, Alaska, as follows:

1. Control 1234.

That airspace extending upward from 2,000 feet above the surface within an area bounded by a line beginning at: Latitude 58°19'00" N., longitude 160°00'00" W.; to latitude 53°-30'00" N., longitude 160°00'00" W.; to latitude 51°24'00" N., longitude 167°49'00" W.; to latitude 50°08'00" N., longitude 176°-34'00" W.; to latitude 51°05'00" N., longitude 173°44'00" E.; to latitude 51°30'00" N., longitude 170°00'00" E.; to latitude 54°40'40" N., longitude 170°00'00" E.; to latitude 54°-49'00" N., longitude 170°12'30" E.; to latitude 54°23'00" N., longitude 174°30'00" E.; to latitude 53°36'00" N., longitude 176°47'-00" W.; to latitude 54°33'00" N., longitude 169°56'00" W.; to latitude 56°39'00" N., longitude 164°25'00" W.; thence to point of beginning, excluding the portion that lies within Control 1401, and Control 1484.

2. Control 1235.

That airspace extending upward from 14,-500 feet MSL to FL 450 within the area bounded by a line beginning at latitude 53°-30'00" N., longitude 160°00'00" W.; to latitude 56°00'00" N., longitude 153°00'00" W.; to latitude 59°09'00" N., longitude 147°18'-00" W.; thence clockwise via the arc of a 172-mile radius centered on the Anchorage, Alaska, VORTAC to latitude 58°50'00" N., longitude 151°58'00" W.; thence clockwise via the arc of a 172-mile radius centered on the King Salmon, Alaska, VORTAC to longitude 160°00'00" W.; thence to the point of beginning, excluding the portion that lies within the Continental Control Area, Control 1217, Control 1218, Control 1484, Federal airways and the Kodiak, Alaska, transition area.

3. Control 1236.

That airspace extending upward from 14,500 feet MSL to FL 450 within the area bounded by a line beginning at: Latitude 60°00'00" N., longitude 170°00'00" W.; to latitude 61°00'00" N., longitude 165°00'00" W.; to latitude 60°00'00" N., longitude 164°00'00" W.; to latitude 60°00'00" N., longitude 160°00'00" W.; to latitude 57°-00'00" N., longitude 160°00'00" W.; to latitude 56°00'00" N., longitude 168°00'00" W.; thence to the point of beginning, excluding the portion that lies within the Continental Control Area, Control 1234, Control 1483, Control 1400, Control 1401, and Control 1484.

The designation of these control areas would provide the necessary controlled airspace to provide air traffic control service to civil and military aircraft desiring to operate within that airspace. Additionally, these control areas would permit a more efficient air traffic control handling of the increased amount of aircraft operating in these areas.

As parts of these proposals relate to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices, by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 and Annex 11 to the Convention of International Civil Aviation (ICAO), which pertains to the establishment of air navigation facilities and services necessary to promoting the safe, orderly and expeditious flow of civil air traffic. Its purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and Secretary of Defense in accordance with the provisions of Executive Order 10854.

Air traffic operating within the proposed control areas has increased to great proportions. Application of domestic separation standards instead of the ICAO standards will be implemented for reasons of more efficient air traffic service. Accordingly, and because of the impelling practicable need for expeditious action, the comment period is being limited to 15 days.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Alaskan Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, Alaska 99501. All communications received within 15 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the Office of the Regional Air Traffic Division Chief.

These amendments are proposed under the authority of sections 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510) and Executive Order 10854 (24 F.R. 9565).

Issued in Washington, D.C., on August 11, 1967.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-9604; Filed, Aug. 15, 1967; 8:50 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-SO-25]

CONTROL ZONE AND TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would designate a control zone and transition area at Ponce, P.R.

As parts of these proposals relate to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices, by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 and Annex 11 to the Convention on International Civil Aviation (ICAO), which pertains to the establishment of air navigation facilities and services necessary to promoting the safe, orderly and expeditious flow of civil air traffic. Its purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The FAA has completed a comprehensive review of the terminal airspace structure segments in the Ponce terminal area, including studies attendant to the implementation of the provisions of CAR Amendments 60-21/60-29, and proposes the following airspace actions:

1. The proposed control zone would be designated as that airspace within a 5-mile radius of the Mercedita Airport, Ponce, P.R. (latitude 18°00'40" N., longitude 66°33'50" W.); within 2 miles each side of the Ponce VOR 111° True (118° M) radial, extending from the 5-mile radius zone to 8 miles southeast of the VOR. This control zone is effective during specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the FAA publication "International Notams."

2. The proposed transition area would be designated as that airspace extending upward from 700 feet above the surface within a 15-mile radius of Mercedita Airport (latitude 18°00'40" N., longitude 66°33'50" W.) north of latitude 18°00'-00" N., and within an 8-mile radius of the airport south of latitude 18°00'00" N.

The proposed control zone and transition area are required to protect prescribed instrument approach and departure procedures for the Mercedita Airport.

While, initially, the proposed control zone would be effective from 0700 to 2100 hours, local time, daily, there will be a need to vary the effective hours of the control zone to provide proper air traffic service for scheduled air carriers, and adjust to periods of peak air traffic activity which varies seasonally. The commissioning of a part-time control tower at the Mercedita Airport is planned during fiscal year 1968.

The proposed control zone and transition area would be contained within the San Juan, P.R., control area extension. Revocation of the San Juan control area extension will be accomplished at a later date as a part of the CAR Amendments 60-21/60-29 implementation program.

These amendments are proposed under the authority of sections 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348 and 1510) and Executive Order 10854 (24 F.R. 9565).

Issued in Washington, D.C., on August 11, 1967.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-9605; Filed, Aug. 15, 1967; 8:50 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Notice of Termination of Proposed Withdrawal and Reservation of Lands

AUGUST 8, 1967.

Notice of an application, Anchorage Serial No. AA-671, for withdrawal and reservation of lands was published as F.R. Doc. 67-8070 on page 10312 of the issue for July 13, 1967. The application has been canceled insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR Part 2300, such lands will be at 10 a.m. on August 23, 1967, relieved of the segregative effect of the above-mentioned application.

The lands involved in this notice of termination are:

IN KODIAK TOWNSITE, ALASKA

Beginning at Corner No. 1 from which Corner No. 4, U.S. Survey 562 as accepted by the Commissioner of the General Land Office, September 11, 1941, bears west 425 feet, and S. 47°30' W., 228.57 feet; thence S. 0°16'-50" W., a distance of 463.93 feet to Corner No. 2; thence N. 55°16'20" E. a distance of 139.78 feet to Corner No. 3; thence N. 34°-43'40" W., a distance of 40 feet to Corner No. 4; thence N. 55°16'20" E., a distance of 350 feet to Corner No. 5; thence S. 34°43'40" E., a distance of 30 feet to Corner No. 6; thence N. 55°16'20" E., a distance of 119.37 feet to Corner No. 7; thence N. 34°43' W., a distance of 440.69 feet to Corner No. 8; thence S. 43°-38' W., a distance of 350.30 feet to Corner No. 1, the point of beginning.

The area described aggregates approximately 177,849 square feet or approximately 4.08 acres.

BURTON W. SILCOCK,
State Director.

[F.R. Doc. 67-9607; Filed, Aug. 15, 1967; 8:50 a.m.]

[A 1195]

ALASKA

Notice of Filing of Plats of Survey

1. Plats of survey of the lands described below will be officially filed in the Anchorage Office, Anchorage, Alaska, effective at 10 a.m., August 15, 1967.

SEWARD MERIDIAN

T. 6 N., R. 11 W.,
Sec. 3, lots 1, 2, 3, 4, S½N½, S½;
Sec. 4, lots 1, 2, 3, 4, S½N½, S½;
Sec. 5, lots 1, 2, 3, 4, S½N½, S½;
Sec. 6, lots 1, 2, 3, 4, 5, 6, 7, S½NE¼, SE¼NW¼, SE¼, E½SW¼;
Sec. 7, lots 1, 2, E½NW¼, NE¼;
Sec. 8, all;
Sec. 9, all;
Sec. 10, all;
Sec. 15, all;
Sec. 16, all;
Sec. 17, E½;
Sec. 20, E½;
Sec. 21, all;
Tract A.

Containing 9,527.40 acres.

2. A large percentage of the land in the southern portion of the survey is swamp, with scattered clumps of scrub spruce, willow brush, and tall grass, with numerous small ponds. The northern portion of the survey is covered with a dense stand of first and second growth spruce and cottonwood, with little or no undergrowth. The land in this portion is slightly higher and is well drained. The soil is a rich sandy loam, and is more than 2 feet deep.

3. The public lands affected by this order are hereby restored to the operation of the public land laws, subject to any valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, rules and regulations.

4. The greater part of the land affected by this notice has been selected by the State of Alaska in accordance with and subject to the limitations and requirements of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339), and the regulations in 43 CFR 2222.9-1(a) and 43 CFR Subpart 1840.

5. Inquiries concerning the lands should be addressed to the Manager, Anchorage Land Office, 555 Cordova Street, Anchorage, Alaska 99501.

T. G. BINGHAM,
Manager, Anchorage Land Office.

[F.R. Doc. 67-9661; Filed, Aug. 15, 1967; 8:46 a.m.]

[A 1195]

ARIZONA

Order Providing for Opening of Public Lands

1. In an exchange of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976), the following described lands have been reconveyed to the United States. The area reconveyed and serial numbers identifying the exchanges are as indicated:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 13 S., R. 29 E.,
Sec. 1, lot 3 and S½NW¼.
T. 13 S., R. 31 E.,
Sec. 18, lots 1 and 3.
AR 04563, 195.07 acres.
T. 12 S., R. 29 E.,
Sec. 17, SE¼.
AR 04396, 160.00 acres.
T. 13 S., R. 29 E.,
Sec. 1, lot 4.
AR 016292, 40.14 acres.
T. 10 S., R. 27 E.,
Sec. 1, lot 2, S½NE¼, and NW¼SE¼.
AR 04889, 159.20 acres.

The areas described above aggregate 554.41 acres.

2. The above described lands are located in Cochise County, north and east of Bowie, Ariz. Topography is moderately rolling to flat desert lands cut by numerous washes and small drainages. Soils are generally sandy loam with subsurface ranging from loam to clay loam. Vegetation consists of predominately creosote bush and burrow weed with some snake weed and a sparse understory of perennial and annual grasses.

3. The lands have value for watershed and grazing with limited wildlife and recreation which can best be managed under the provisions of the Classification and Multiple Use Act.

Subject to the Classification Order A 467, the above described lands are now open to location and entry under the mining and mineral laws to application, petition and selection for private and State exchanges and to State selections. All applications and petition-applications that are filed will be considered on their own merits. The lands will not be subject to occupancy or disposition until they have been classified.

4. This order shall become effective at 10 a.m., on September 12, 1967.

5. Inquiries concerning these lands shall be addressed to U.S. Bureau of Land Management, Arizona Land Office, Room 3022, Federal Building, Phoenix, Ariz. 85025.

FRED J. WEILER,
State Director.

AUGUST 7, 1967.

[F.R. Doc. 67-9662; Filde, Aug. 15, 1967; 8:47 a.m.]

[OR 2187]

OREGON

Notice of Proposed Withdrawal and Reservation of Lands

AUGUST 9, 1967.

The Department of Agriculture, on behalf of the Forest Service, has filed application, OR 2187, for the withdrawal of the public lands described below, from all forms of appropriation under the mining laws (30 U.S.C. Ch. 2), but not from leasing under the mineral leasing laws.

The applicant desires to set aside the Imnaha and Lodgepole Administrative Sites for the protection and administration of the Rogue River National Forest.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 729 Northeast Oregon Street (Post Office Box 2965), Portland, Oreg. 97208.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The lands involved in the application are:

ROGUE RIVER NATIONAL FOREST

WILLAMETTE MERIDIAN

Imnaha Administrative Site

T. 38 S., R. 4 E.,
Sec. 15, W½SW¼NW¼NE¼, W½NW¼SW¼NE¼, S½NE¼NW¼, N½SE¼NW¼, and N½SE¼SE¼NW¼.

Lodgepole Administrative Site

T. 38 S., R. 4 E.,
Sec. 32, W½NE¼SW¼, E½W½SW¼, and SE¼SW¼.

The areas described aggregate 155 acres.

ERLING A. OLSON,
Chief, Lands Adjudication Section.

[F.R. Doc. 67-9625; Filed, Aug. 15, 1967; 8:51 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

TEXAS

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Texas natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

TEXAS

Archer.	Jones.
Bastrop.	Karnes.
Baylor.	Kent.
Bee.	King.
Bell.	Knox.
Bosque.	Lavaca.
Caldwell.	Lee.
Calhoun.	Limestone.
Coleman.	Live Oak.
Colorado.	McCulloch.
Concho.	McLennan.
Coryell.	Menard.
Cottle.	Milam.
De Witt.	Refugio.
Dickens.	Robertson.
Falls.	Runnels.
Fayette.	San Saba.
Fisher.	Scurry.
Foard.	Stonewall.
Goliad.	Tarrant.
Gonzales.	Throckmorton.
Hamilton.	Travis.
Hardeman.	Victoria.
Haskell.	Wichita.
Hays.	Wilbarger.
Jack.	Williamson.
Jackson.	Young.
Johnson.	

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1968, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 11th day of August 1967.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67-9568; Filed, Aug. 15, 1967; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[Case No. 295]

R. HAEUSLER & CO. ET AL.

Order Terminating Probation

In the matter of R. Haeusler & Co., K.G., Richard Haeusler, Samprod G.m.b.H., Graz, Austria, Case No. 295, Respondents.

By order dated July 14, 1961 (26 F.R. 7227), the above named respondents, who had been temporarily denied export privileges since November 25, 1960 (25 F.R. 12368 and 26 F.R. 239), were denied all U.S. export privileges for the duration of export controls with conditional restoration of export privileges after four months while they remained on probation.

The respondents have petitioned to have the probation terminated. The matter was referred to the Compliance Commissioner for his consideration. He has found that effective enforcement of the Export Control Act and Regulations does not require that these parties continue to be on probation, and he has recommended that an order be entered terminating the probation. I concur in the Compliance Commissioner's finding and adopt his recommendation.

Accordingly, it is ordered that the respondents' probation be and is hereby terminated and U.S. export privileges are unconditionally restored to them.

Dated: August 4, 1967.

SHERMAN R. ABRAHAMSON,
Acting Director,
Office of Export Control.

[F.R. Doc. 67-9539; Filed, Aug. 15, 1967; 8:45 a.m.]

[File No. 22(67)-2]

ATCROFT ENGINEERING CO., LTD., AND S. H. FARR

Order Denying Export Privileges for Indefinite Period

In the matter of Atcroft Engineering Co., Ltd., and S. H. Farr, 1a Burntwood Lane, Caterham, Surrey, England; and 2 Arundel Street, London, England; File No. 22(67)-2; Respondents.

The Director, Investigations Division, Office of Export Control, Bureau of International Commerce, U.S. Department of Commerce, has applied for an order denying to the above-named respondents all export privileges for an indefinite period because the said respondents failed to furnish answers to interrogatories and failed to furnish certain records and other writings specifically requested, without good cause being shown. This application was made pursuant to § 382.15 of the Export Regulations (Title 15, Chapter III, Subchapter B, Code of Federal Regulations).

In accordance with the usual practice, the application was reviewed by the Compliance Commissioner, Bureau of International Commerce, who after consideration of the evidence has recommended that the application be granted. The report of the Compliance Commissioner and the evidence in support of the application have been considered.

The evidence presented shows that the respondent Atcroft Engineering Co., Ltd., is a United Kingdom firm located at 1a Burntwood Lane, Caterham, Surrey, England, with a Registered Office address at 2 Arundel Street, London, England; the respondent S. H. Farr is a director of said firm and an official responsible for conducting the affairs of the firm; the respondent firm deals in industrial instruments and also acts as consultants and agents with respect to such instruments. The said Investigations Division is conducting an investigation: Relating to the ordering and receiving by said respondent firm of U.S.-origin equipment; into the disposition of said equipment by said respondent; into the business relationship of said respondents with Denis H. Shepherd and Shepherd Export & Trading Co., Ltd., Croydon, Surrey, England, who are subject to an order of the Bureau of International Commerce denying U.S. export privileges; and into the dealings of said respondents with the said denied parties in U.S.-origin commodities.

It is impracticable to subpoena the respondents, and relevant and material written interrogatories and requests to

furnish certain specific documents relating to the matters under investigation were served on them pursuant to § 382.15 of the Export Regulations. The respondents have failed to furnish responsive answers to the interrogatories and have failed to furnish the documents requested, all as required by said section. They have not shown good cause for such failure. I find that an order denying export privileges to said respondents for an indefinite period is reasonably necessary to protect the public interest and to achieve effective enforcement of the Export Control Act of 1949, as amended.

Accordingly, it is hereby ordered:

I. All outstanding validated export licenses in which respondents appear or participate in any manner or capacity are hereby revoked and shall be returned forthwith to the Bureau of International Commerce for cancellation.

II. The respondents, their representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or any document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control document; (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part exported or to be exported from the United States; and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondents, but also to their agents and employees and to any person, firm, corporation, or business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. This order shall remain in effect until the respondents provide responsive answers, written information, and documents in response to the interrogatories heretofore served upon them or give adequate reasons for failure to do so, except insofar as this order may be amended or modified hereafter in accordance with with the Export Regulations.

V. No person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with the respondents or any related party, or whereby the respondents or any related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. A copy of this order shall be served on respondents.

VII. In accordance with the provisions of § 382.15 of the Export Regulations, the respondents may move at any time to vacate or modify this Indefinite Denial Order by filing with the Compliance Commissioner, Bureau of International Commerce, U.S. Department of Commerce, Washington, D.C. 20230, an appropriate motion for relief, supported by substantial evidence, and may also request an oral hearing thereon, which, if requested shall be held before the Compliance Commissioner at Washington, D.C., at the earliest convenient date.

This order shall become effective on August 18, 1967.

Dated: August 4, 1967.

SHERMAN R. ABRAHAMSON,
Acting Director,
Office of Export Control.

[F.R. Doc. 67-9629; Filed, Aug. 15, 1967; 8:52 a.m.]

[Case No. 370]

DENIS H. SHEPHERD AND SHEPHERD EXPORT & TRADING CO., LTD.

Order Denying Export Privileges

In the matter of Denis H. Shepherd, Shepherd Export & Trading Co., Ltd., 6 Chichester Road, Croydon, Surrey, England; Case No. 370; Respondents.

By charging letter dated March 21, 1967, the above respondents were charged by the Director, Investigations Division, Office of Export Control, with violations of the Export Regulations and with violations of the terms of an indefinite denial order that had been entered against them. The charging letter was duly served on respondents and they replied by letter dated April 6, 1967.

The charging letter alleges in substance that on December 15, 1964, an indefinite denial order was entered against respondents for failure to furnish responsive answers to interrogatories; that the order was published in the FEDERAL REGISTER on December 30, 1964, 29 F.R. 18396; that the denial order prohibited respondents from participating in any manner or capacity in any transaction involving commodities exported or to be exported from the United States, including carrying on negotiations with respect to receiving, ordering, or buying such commodities, and in financing transactions involving such commodities; that during 1965–1966 the respondents without authorization from the Office of Export Control ordered and attempted to obtain U.S.-origin accessories for anesthesia equipment valued at $2,380, initially through a company in Madrid, Spain, and subsequently through a firm in New Orleans, La.; that to finance this transaction respondents opened a letter of credit drawn on a London bank in favor of the New Orleans firm. It is also alleged that the respondent Shepherd during 1965–1966, using the names of two firms in the United Kingdom attempted to obtain U.S.-origin merchandise from the New Orleans firm. It is charged that the respondent's conduct violated §§ 381.2, 381.3(a), 381.4 of the Export Regulations and also the denial order of December 15, 1964.

The respondent's reply does not deny the allegations of the charging letter. They allege that Shepherd Export & Trading Co., Ltd., is a company formed and operating under British law and not that of a foreign country; that any party approached with the object of obtaining supplies from whatever source is not made aware of the position between the United States of America and the company; that the final destination of goods received is not divulged except if demanded by British law; and that the goods mentioned in the charging letter do not require an export permit and they were destined for humanitarian purposes which the U.S. Government has publicly maintained is allowed.

The respondents did not request an oral hearing. In accordance with the usual practice where there is no request for an oral hearing, an informal hearing was held before the Compliance Commissioner at which evidence in support of the charges was presented on behalf of the Investigations Division and a record was made.

The Compliance Commissioner has considered the record in the case and he has recommended that remedial action as hereinafter set forth be taken against the respondents. On consideration of the record and of the Compliance Commissioner's report I hereby make the following findings of fact:

1. The respondent Shepherd Export & Trading Co., Ltd., is a British corporation with a place of business in Croydon, Surrey, England, and is engaged in the import-export business. The respondent Denis H. Shepherd, also known as D. H. Shepherd, is a director of said company and is the individual primarily responsible for the conduct and operations of the company. The transactions hereinafter

set forth were conducted by said Shepherd for and on behalf of the said company.

2. On October 28, 1964, an order temporarily denying export privileges, effective for 60 days, was entered against the above respondents (29 F.R. 14897). This order was entered because there was substantial basis to believe that respondents had been exporting U.S.-origin commodities to Cuba in contravention of the U.S. Export Control Act and regulations. The temporary denial order was superseded by an order against the respondents, issued pursuant to § 382.15 of the Export Regulations, denying export privileges for an indefinite period because of their failure to furnish responsive answers to interrogatories without showing good cause for such failure. This order, dated December 15, 1964, was published in the FEDERAL REGISTER on December 24, 1964 (29 F.R. 18396), was duly served on respondents, and has been in effect to the present time.

3. The denial order of December 15, 1964, among other restrictions, prohibited respondents from participating, directly or indirectly, in any manner or capacity in any transaction involving commodities or technical data exported or to be exported from the United States. The activities prohibited by the denial order included participation in any such transaction, in the United States or abroad, either directly or indirectly, including the carrying on of negotiations with respect to, or in ordering, buying, selling, delivering, using, or disposing of any such commodities or technical data, and financing, forwarding, transporting or other servicing of such commodities or technical data.

4. During 1964, 1965, and 1966, the respondents were negotiating with representatives of Medicuba, Havana, Cuba, a Cuban purchasing organization, to supply it with parts and accessories for certain surgical equipment of U.S.-origin. Respondents continued in these negotiations after the denial order was entered against them. They were fully aware of the restrictions on reexporting U.S.-origin commodities to Cuba and were also fully aware of the restrictions imposed on them by the denial order.

5. The respondents negotiated with a firm in Madrid, Spain, to procure the commodities in question for delivery to Cuba. On July 29, 1965, the U.S. supplier of the equipment in question furnished the firm in Madrid, Spain, with a pro forma invoice for the equipment in the total amount of $2,499.80, which included packing and c.i.f. charges. The respondents did not obtain the goods through the firm in Madrid.

6. In the early part of 1966 respondents entered into negotiations with a firm in New Orleans, La., to have it procure the equipment in question to fill the order for Cuba.

7. Pursuant to instructions from respondents the New Orleans firm on April 15, 1966, placed an order with the U.S. supplier for the equipment in question in the amount of $2,389.80. To finance this transaction the respondent firm opened an irrevocable letter of credit dated April 4, 1966, drawn on a bank in London, England, in favor of the New Orleans firm. The New Orleans firm in turn opened a letter of credit in favor of the supplier. Pursuant to instructions from respondents the New Orleans firm consigned the goods to a named firm (not the respondent firm) in London, England.

8. The goods were exported from the United States by a United States Lines ocean vessel on July 15, 1966, consigned to the named London firm. The participation of the respondents in the transaction having been discovered the General License under which the goods were exported was revoked and the ocean carrier, pursuant to § 381.5 of the Export Regulations was ordered to return the goods to the United States, which was done.

9. In transactions other than that above referred to Shepherd, in order to evade the denial order against him, arranged with two firms in the United Kingdom to use their names in attempting to procure goods from the United States. These firms were Atcroft Engineering Co., Ltd., Caterham, Surrey, England, and Sinclair Industrial Agencies, Ltd., Croydon, Surrey, England.

10. In the transactions referred to in these findings the respondents did not obtain specific authorization from the Office of Export Control to participate in said transactions.

Based on the foregoing, I have concluded that the respondents violated § 381.4 of the Export Regulations in that they ordered, bought, and financed commodities exported and to be exported from the United States with knowledge that such conduct was in violation of the Export Regulations and of the denial order dated December 15, 1964, issued by the Bureau of International Commerce.

With regard to the respondents' contention that the commodities in question did not require an export permit and that they were destined for humanitarian purposes which this Government has maintained may be allowed the Compliance Commissioner stated:

> The respondents are in error in stating that these commodities did not require a license for exportation to Cuba. This Government does in some circumstances permit the exportation to Cuba of certain medical and surgical supplies and equipment. However, a validated license is required for the exportation of such goods from this country to Cuba, and where such goods are reexported from a third country to Cuba reexport authorization must be obtained. The respondents did not seek or obtain such authorization. By a carefully designed scheme, using other firms as fronts, they furtively sought to circumvent the requirements of the Export Regulations in this regard.

With regard to the sanction that should be imposed the Compliance Commissioner stated:

> The respondents not only violated the particular provisions of the Export Regulations which prohibit ordering, buying, and financing commodities for exportation to an unauthorized destination (in this instance Cuba), but their conduct was in flagrant disregard of the terms of the denial order outstanding against them. Under the terms of that order they were prohibited from participating in any transactions involving commodities exported or to be exported from the United States. They were fully aware of the restrictions of the order and deliberately sought to evade them.
>
> These respondents have amply demonstrated that they cannot be trusted to deal in U.S.-origin commodities or technical data, and I recommend that they be denied export privileges for the duration of export controls.

After considering the record in the case and the report and recommendation of the Compliance Commissioner, and being of the opinion that his recommendation as to the sanction that should be imposed is calculated to achieve effective enforcement of the law: *It is hereby ordered:*

I. This order supersedes the order denying export privileges for an indefinite period which was entered against the above respondents on December 15, 1964 (29 F.R. 18396).

II. So long as export controls are in effect the respondents are hereby denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction either in the United States or abroad shall include participation: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control documents; (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data; (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privilege shall extend not only to the respondents but also to their agents, employees, representatives, and partners, and to any other person, firm, corporation or business or other organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. No person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, in any manner or capacity, on behalf of or in any association with said respondents or other person denied export privileges within the scope of this order, or whereby such respondent or such other person may obtain any benefit therefrom or have any interest or

participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondents or other person denied export privileges within the scope of this order; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

Dated: August 4, 1967.

SHERMAN R. ABRAHAMSON,
Acting Director,
Office of Export Control.

[F.R. Doc. 67-9630; Filed, Aug. 15, 1967; 8:52 a.m.]

Office of the Secretary

ADMINISTRATOR, ENVIRONMENTAL SCIENCE SERVICES ADMINISTRATION, ET AL.

Delegations of Authority; Revocations

1. The delegations to the following officials to negotiate contracts without advertising under certain provisions of the Federal Property and Administrative Services Act of 1949, as amended, are hereby revoked.

Administrator, Environmental Science Services Administration (Department Order 2-A, of July 13, 1965, vested in the Administrator, ESSA, authority previously delegated to the Chief, Weather Bureau), 34 F.R. 6106.

Administrator, Environmental Science Services Administration (Department Order 2-A, of July 13, 1965, vested in the Administrator, ESSA, authority previously delegated to the Director, Coast and Geodetic Survey), 35 F.R. 3201.

Director, Bureau of the Census, 25 F.R. 3200.

Director, National Bureau of Standards, 25 F.R. 9428.

Administrator, Maritime Administration, 26 F.R. 11758.

Assistant Secretary for Economic Development (Department Order 5-A, of December 22, 1966, vested in the Assistant Secretary for Economic Development, authority previously delegated to the Administrator, Area Redevelopment Administration), 27 F.R. 6992.

Under the provisions of Public Law 89-343, executive agencies are required to use Title III of the Act for executing contracts. Department Order 46, as amended, 29 F.R. 13541 and 32 F.R. 10825, delegates full contracting authority to officials of the Department of Commerce. The above enumerated selective delegations are, therefore, unnecessary.

2. The same delegation described in paragraph one, to the Federal Highway Administrator, 27 F.R. 2296, is no longer applicable by reason of transfer of the Bureau of Public Roads to the Department of Transportation on April 1, 1967. The delegation is hereby rescinded.

Dated: August 8, 1967.

A. B. TROWBRIDGE,
Secretary of Commerce.

[F.R. Doc. 67-9641; Filed, Aug. 15, 1967; 8:45 a.m.]

BUREAU OF THE CENSUS

Appendix A—Public Information

JULY 25, 1967.

This material further amends the material appearing at 31 F.R. 2631 of February 10, 1966; 31 F.R. 7300 of May 19, 1966; and 31 F.R. 16731 of December 30, 1966.

A. *Purpose.* The purpose of this Appendix is to describe, in general, the public information services of the Bureau of the Census, to describe the places at which, and the methods whereby, the public may obtain information, to inform the public as to the availability of its statistical reports, data files, unpublished materials, special tabulations, rules, regulations, procedures, instructions, forms, or other requirements established by the Bureau of the Census which affect the public, and otherwise to comply with the requirements of 5 U.S.C. 552 (Public Law 90-23, 81 Stat. 54).

B. *Public information services*—1. *Description of services.* The Bureau of the Census provides the following informational services to members of the public:

a. *Statistical reports and related information.* The Bureau publishes statistical reports on a variety of subjects, including population, housing, agriculture, industry, business, foreign trade, transportation, governments, and construction. In addition to the published statistical reports containing only the most essential and most widely used data, the Bureau makes available unpublished tabulations with more detail, as well as data files in the form of punch cards and computer tape, which can be processed to provide almost unlimited subject cross-classifications and area tabulations. Some of these tape and punch card files, which do not contain confidential individual records, may be used for making tabulations. Some unpublished nonstatistical information is also available, including maps, computer programs, and address directories of public officials.

b. *Age search and citizenship information.* Upon receipt of a properly executed request, the Bureau will provide a certified copy of an individual's personal census record. In many instances these certificates are acceptable as proof of age or citizenship in lieu of a birth certificate. The certificates have been used in establishing eligibility for social security benefits, for obtaining passports, and in proving relationships.

c. *Special services and studies.* The Bureau is authorized to perform special services and studies, provided there is no undue interruption of the Bureau's regular work. These services include conducting special population censuses, furnishing unpublished information from the decennial population and housing censuses and from foreign trade and shipping statistics, providing seasonal adjustments of time series, furnishing enumeration district maps, and other similar services that are in the public interest.

2. *Availability of services.* a. *The Bureau of the Census catalog.* The Bureau of the Census Catalog is the principal means the Bureau employs to make known the availability of statistical reports it publishes and the availability of data files, unpublished materials and special tabulations. The Catalog is designed to give users of Census Bureau statistics a means of locating needed data. Each issue includes descriptions of the reports issued and other materials that become available during the period covered. The Catalog gives details as to what is available, the price, where the material may be obtained and how to order it. The Catalog is issued on a current basis each quarter, and cumulated to the annual volume. A monthly supplement to the Catalog, which lists new publications other than regular monthly and quarterly reports, enables users to be informed more currently on publications as they appear. The subscription price of the Catalog is $2.25 (75 cents addition for foreign mailing) which includes a combination of four quarterly issues of the Catalog and 12 issues of the monthly supplement. The Catalog may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

b. *Fee structures.* Special services for which fees have been established are published in Title 15 of the Code of Federal Regulations, Part 50. Information is provided therein, as to what is included for each item, and how and where to request each service. In addition, the Bureau publishes a widely distributed pamphlet entitled, "Your Name Is Somewhere in the Census Records," which gives more detail than is published in the Code of Federal Regulations as to its age and citizenship searches. This pamphlet is provided free of charge to those who request information on the subject.

Special services for which fees have not been established are performed on a full cost recovery basis. Those interested in seeking such services should write a letter to the Director, Bureau of the Census, Washington, D.C. 20233, describing in detail the nature of services requested with indications, when possible, of workload involved. The Director will reply giving an estimate of the cost and other pertinent information.

3. *Requests for services.* a. Requests for Census informational services should be directed as stated below:

(1) *Statistical Reports and Related information.* Census publications should be ordered from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402, or directly from the Bureau, as indicated in the Bureau of the Census Catalog. Inquiries regarding unpublished information should be addressed to the Director, Bureau of the Census, Washington, D.C. 20233.

(2) *Age Search and Citizenship Information.* Requests for age search and citizenship information should be directed to: Bureau of the Census, Walnut and Pine Streets, Pittsburg, Kans. 66762. Upon receipt of a request, an application form and an information pamphlet will be sent to the requestor. The fee, and the conditions and requirement under which personal census records may be furnished, are printed on the application form.

(3) *Data Collection.* Public inquiries regarding the collection of data should be directed to the appropriate regional office or to Bureau headquarters in Washington, D.C.

C. *Guide to published rules and regulations*—1. *Foreign trade.* Rules and regulations governing the reporting of statistical information on U.S. trade with foreign countries, Puerto Rico, and the U.S. possessions, are published in Part 30, Title 15, Code of Federal Regulations. The regulations are binding upon carriers, as well as upon individuals and organizations making shipments from and/or into the United States. The regulations have been reproduced in booklet form and may be obtained from the Bureau of the Census, Washington, D.C. 20233. The subscription price includes supplemental changes for an indefinite period. The Bureau also issues a series of Foreign Trade Statistics Regulations Letters to Collectors of Customs, Department of Commerce Office of Field Services field offices, exporters, importers, and others concerned. Copies of FSTR Letters are furnished free of charge upon request to Bureau headquarters.

2. *New surveys*—a. *Notice of intent.* Before conducting any new survey with mandatory reporting requirements, the Bureau publishes in the FEDERAL REGISTER a notice to inform the public in general as to its intent to conduct the survey. The notice of intent provides information as to the legal authority for conducting the survey, description, scope, and need for the survey, and a statement that copies of the proposed forms and a description of the collection methods are available on request to the Director, Bureau of the Census, Washington, D.C. 20233. In addition, a statement is included that any suggestions or recommendations received in writing by the Director within 30 days after the date of the FEDERAL REGISTER publication will receive consideration.

b. *Notice of determination.* After the 30-day period as stated above, a notice of determination to conduct the survey is published in the FEDERAL REGISTER containing similar information to that in the notice of intent. In addition, there are contained any significant changes in the description or scope of the survey from that published in the notice of intent, and a statement that report forms will be furnished to those included in the survey and that additional forms are available on request to the Director, Bureau of the Census, Washington, D.C. 20233.

c. *Determinations as to conduct of surveys.* The Director, Bureau of the Census, has retained the authority to make all determinations as to the conduct of mandatory and nonmandatory surveys requiring the submission of information by the public.

3. *Actual notice to respondents*—a. *Furnishing information.* In addition to notices published in the FEDERAL REGISTER, each respondent is given actual notice as to the furnishing of information to the Bureau. Regardless of whether the information sought is required by law to be furnished or is requested on a voluntary basis, the respondent is informed in detail, by mail or personally by an interviewer, as to the information to be furnished and how to furnish it. The actual notice contains the rules for furnishing the requested information for all mandatory and nonmandatory censuses and surveys regardless of whether a notice is published in the FEDERAL REGISTER.

b. *Confidentiality of data collected.* Each report form to be completed under Bureau of the Census legislation (Title 13, U.S.C.) contains statements assuring the respondent that his report is confidential, that it may be seen only by sworn Census employees and may be used only for statistical purposes. Where appropriate, the forms state that copies of such reports retained by the respondent are immune from legal process.

c. *Reminders to respondents.* In case of inadvertence, undue delay, or failure to comply, a written notice is sent to the respondent. Sanctions are provided by sections 221-225 of Title 13, U.S.C., in the event of continued refusal or neglect to respond to mandatory surveys, or the willful submission of false or misleading information to the Bureau.

D. *Submission of requests and applications.* 1. The places to which submittals of mandatory or voluntary Census reports are to be made are specified in the forms, schedules, or instructions provided to respondents.

2. Any submittals or requests concerning matters under the jurisdiction of the Bureau which are not specified for handling elsewhere should be directed to the Director, Bureau of the Census, Washington, D.C. 20233.

E. *Final delegation of authority.* The Director, Bureau of the Census, has made no delegation or redelegation of authority to officers or employees of the bureau to take final actions, or make final decisions, with respect to requirements, submissions, or other matters arising under its published rules and regulations.

F. *Inspection and copying of opinions and orders.* All final opinions made in the adjudication of cases, statements of policy and interpretations not published in the FEDERAL REGISTER, administrative staff manuals and instructions to staff that affect a member of the public, and any other materials required to be made available for public inspection and copying by 5 U.S.C. 552(a)(2) are made available for such purposes at the public reference facility of the Library of the Bureau of the Census, Room 2455, Federal Office Building Number 3, Suitland, Md. (The postal address is Washington, D.C. 20233; the telephone number is 440-1314, Area Code 301). Rules concerning the use of this facility are contained in Part 60, Title 15, Code of Federal Regulations and may also be obtained from the public reference facility.

G. *Inspection of Bureau records.* Rules for persons desiring, pursuant to 5 U.S.C. 552(a)(3), to inspect records of the Bureau of the Census, which are not available to the public as part of the regular public information services of the Bureau, are contained in Part 60, Title 15, Code of Federal Regulations. Application forms and instructions are available from the public reference facility of the Bureau of the Census.

DAVID R. BALDWIN,
Assistant Secretary for Administration.

[F.R. Doc. 67-9642; Filed, Aug. 15, 1967; 8:45 a.m.]

[Dept. Order 90-A; Amdt. 1]

NATIONAL BUREAU OF STANDARDS

Delegation of Authority to the Director

The following order was issued by the Secretary of Commerce on July 26, 1967. This material amends the material appearing at 31 F.R. 7713 of May 28, 1966.

Department Order 90-A of May 12, 1966, is hereby amended as follows:

1. In section 3. Delegation of Authority, a new paragraph .02 is added to read:

.02 Pursuant to the authority delegated to the Secretary of Commerce by the Administrator of the General Services Administration (Temporary Regulation E-10, July 11, 1967, Federal Property Management Regulations), and subject to such policies and directives as the Secretary of Commerce or the Assistant Secretary for Science and Technology may prescribe, the Director is hereby delegated authority to operate an automatic data processing service center.

2. The present paragraph 3.02 is renumbered 3.03.

Effective date: July 26, 1967.

DAVID R. BALDWIN,
Assistant Secretary for Administration.

[F.R. Doc. 67-9643; Filed, Aug. 15, 1967; 8:45 a.m.]

[Dept. Order 90-B; Amdt. 3]

NATIONAL BUREAU OF STANDARDS

Organization and Functions; Miscellaneous Amendments

This material further amends the material appearing at 31 F.R. 8083 of June 8, 1966; 31 F.R. 8961 of June 29, 1966; and 32 F.R. 6529 of April 27, 1967.

Department Order 90-B, dated May 16, 1966, is hereby further amended as follows:

1. In section 5. Office of the Associate Director for Administration:

(a) Subparagraph .02c. is amended to read:

c. The Budget Division provides advice and staff assistance to line management of the Bureau in preparation, review, justification, presentation and execution of the Bureau's budget including financial management and control of the Bureau's total resources; interprets regulations and develops budgetary policy and procedures for the budget process; provides assistance in integrating program planning with the budgetary process using as a principal vehicle the Program and Financial Plan, a prescribed part of the Program, Planning and Budgeting System; assists in the solution of budget and financing problems; designs procedures for the administrative control of funds and monitors the execution of these procedures; performs analyses and continuing reviews of status of funds and program performance in relation to fiscal plans; assures adherence to limitations and the proper use of resources; reviews user charges for adequacy and conformance to policy and regulations; and executes agreements for obtaining advance payments and reimbursements.

(b) A new subparagraph .02d. is added to read:

d. The Management and Organization Division conducts or participates in surveys and studies to improve organization, procedures, and management practices; provides staff assistance in developing Bureau-wide management policies; develops and coordinates cost reduction and work measurement programs; advises on administrative requirements of technical programs; participates in organization planning and documentation; coordinates administrative procedures and actions where several administrative divisions are affected; coordinates and reviews material for filing in the Federal Register; develops and fosters effective communications and maintains the directives system; is responsible for the records management program including the development of policy, procedures and standards for records systems, and records maintenance and disposition; provides training in records management; is responsible for forms management and control; serves as a reference and distribution center for Congressional legislative materials and issuances by other agencies; and is responsible for reports management and control including maintenance of a central reports file.

(c) The present subparagraph .02d. is renumbered .02e. and amended to read:

e. The Audit Division assists the Director and other Bureau officials by providing management with a range of constructive and protective services, including: (1) Reviewing and appraising the soundness, adequacy, and application of accounting, financial, and operating controls; (2) reviewing and appraising the financial and other operating activities of the Bureau; (3) ascertaining the extent of compliance with established policies, plans, and procedures; (4) ascertaining the extent to which Bureau assets are accounted for and safeguarded from losses of all kinds; (5) ascertaining the reliability of accounting and other data developed within the Bureau; (6) providing for contract audits of firms with whom the Bureau proposes to or does enter into a contractual arrangement; (7) reporting on the results of the reviews, together with recommendations, to the Director and other Bureau officials; and (8) administering a Bureau-wide system for the answering of General Accounting Office inquiries and reports.

(d) The present subparagraphs .02e., .02f., and .02g. are renumbered as .02f., .02g., and .02h.

2. In section 7, Institute for Basic Standards, the introductory statement of paragraph .04 is amended to read:

.04 The other organization units of the Institute for Basic Standards are as follows:

Applied Mathematics.
Electricity Division.
Mechanics Division.
Heat Division.
Atomic Physics Division.
Meteorology Division, Visual Landing Aids Field Laboratory, Arcata, Calif.
Physical Chemistry Division.
Laboratory Astrophysics Division.
Radiation Physics Division.
Radio Standards Laboratory (Boulder, Colo.):
  Radio Standards Physics Division.
  Radio Standards Engineering Division.
  Time and Frequency Division.
  Standard Frequency Stations, Fort Collins, Colo., and Maui, Hawaii.

3. In section 8, Institute for Materials Research, in paragraph .04 change "Cryogenics Division" to "Cryogenics Division (Boulder, Colorado)."

4. In section 9, Institute for Applied Technology:

(a) In the introductory statement of paragraph .05, a new "(e)" is added to read: "; and (e) operating an automatic data processing service center." The word "and" before "(d)" should be deleted.

(b) Delete subparagraph 9.05h.

(c) Subparagraph 9.06a. is revised to read:

a. The Office of Weights and Measures provides technical assistance to the States with regard to model laws and technical regulations, and to the States, business, and industry in the areas of testing, specifications, and tolerances for weighing and measuring devices, the design, construction, and use of standards of weight and measure of associated instruments, and the training of State and local weights and measures officials. The office includes the Master Railway Track Scale Depot, Clearing, Ill.

(d) A new subparagraph .09d. is added to read:

.09d. The Materials Evaluation Laboratory Division develops measurement techniques and test methods for evaluating the performance of technological materials and for determining their properties; establishes and maintains standard reference materials for rubber and paper; cooperates in standardizing activities with Government agencies and with national and international organizations; and conducts for other Government agencies research and evaluations on technological materials of specific interest to them.

Effective date: July 26, 1967.

DAVID R. BALDWIN,
Assistant Secretary for Administration.

[F.R. Doc. 67-9544; Filed, Aug. 15, 1967; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-24]

GENERAL ELECTRIC CO.

Notice of Issuance of Facility License Amendment

The Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 10, set forth below, to Facility License No. CX-4. The amendment authorizes General Electric Co. (GE) to (1) partially dismantle the Thermal Critical Assembly (TCA), (2) possess, but not operate, the deactivated facility, (3) possess, but not use, special nuclear material and byproduct material which was used in connection with the Critical Experiment Facility which includes the TCA and previously the Mixed Spectrum Critical Assembly (MSCA), License No. CX-20 (Docket No. 50-203), and (4) possess, but not use, up to 6,000 grams of source material located at GE's Vallecitos Nuclear Center in Alameda County, Calif. The source material was formerly used in operation of the MSCA.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by the amended facility license may file a petition for leave to intervene. A request for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice, 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, a notice of hearing or an appropriate order will be issued.

For further details with respect to this proposed issuance, see (1) the application for amendment dated May 10, 1967, and (2) the related Safety Evaluation prepared by the Division of Reactor Licensing, which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Document Room, or upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 4th day of August 1967.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

FACILITY LICENSE AMENDMENT

[License No. CX-4; Amdt. 10]

The Atomic Energy Commission (hereinafter "the Commission") having found that:

a. The application for amendment, dated May 10, 1967, complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

b. There is reasonable assurance that the reactor can be partially dismantled and possessed in accordance with the procedures set forth in the application for amendment, and that the source, special nuclear and byproduct materials can be possessed and stored at the designated location without endangering the health and safety of the public;

c. The licensee is technically and financially qualified to engage in the activities authorized by this license, as amended, in accordance with the rules and regulations of the Commission;

d. The licensee has furnished proof of financial protection to satisfy the requirements of subsection 170a of the Act and 10 CFR Part 140;

e. The issuance of the amendment and the licensee's engaging in the activities authorized thereunder will not be inimical to the common defense and security or to the health and safety of the public; and

f. Prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazards considerations different from those previously evaluated;

License No. CX-4 is amended in its entirety to read as follows:

1. This license applies to the Thermal Critical Assembly (hereinafter "TCA") which is owned by General Electric Company (GE) and located in Building 106 of the Critical Experiment Facility of the Company's Vallecitos Nuclear Center (formerly known as Vallecitos Atomic Laboratory) in Alameda County, Calif.

2. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses GE:

A. Pursuant to Section 104c of the Act and Title 10, Chapter I, CFR, Part 50, "Licensing of Production and Utilization Facilities", to partially dismantle and possess in accordance with the procedures set forth in the application for amendment, but not operate, the reactor as a utilization facility, at the designated location in Alameda County, Calif.;

B. Pursuant to the Act and Title 10, Chapter I, CFR, Part 70, "Special Nuclear Material", to possess for storage only up to 1,200 kilograms of contained U-235; 100 grams of U-233, and 40 grams of plutonium;

C. Pursuant to the Act and Title 10, Chapter I, CFR, Part 40, "Licensing of Source Material", to possess for storage only 6,000 kilograms of source material formerly used in connection with the MSCA;

D. Pursuant to the Act and Title 10, Chapter I, CFR, Part 30, "Rules of General Applicability to Licensing of Byproduct Material", to possess, but not separate, such byproduct material as may have been produced by operation of the reactor.

3. This license shall be deemed to contain and be subject to the conditions specified in Part 20, § 30.34 of Part 30, § 40.41 of Part 40, §§ 50.54 and 50.59 of Part 50 and § 70.32 of Part 70 of the Commission's regulations, and is subject to all applicable provisions of the Act and the rules, regulations, and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified below:

A. GE shall not reactivate the TCA or use the fuel without prior written approval of the Commission;

B. A locked concrete vault (floor, walls, and ceiling) shall be utilized for the storage of fuel and special nuclear materials. There shall be no sources of water in the vault. All materials stored in the vault shall be physically held or positioned within the criticality limits specified in Item C by racks, shipping containers, or cabinets.

C. The effective multiplication of individual accumulations and of all the fuel in the vault shall be determined analytically to be less than 0.85 in the flooded condition. In addition, to allow for the larger analytic uncertainty when the fuel enrichment exceeds 7 percent U-235, effective multiplication of individual accumulations or of all such fuel as stored shall be determined analytically to be less than 0.75 in a flooded condition. Special nuclear material not contained within fuel rods shall be stored in accumulations of not more than 150 grams of U-235 and separated by not less than 12 inches from center to center of closest neighbors.

D. When fuel or special nuclear material is transported, it shall be mechanically restrained in individual accumulations which satisfy the requirements specified above in Item C, or it shall be handled in batches which are shown analytically to be less than 45 percent of a critical mass when arranged in a flooded optimum configuration.

E. Responsibility for physical custody of all special nuclear material, byproduct material, and source material authorized by License No. CX-4, as amended, and for compliance with the above conditions shall be vested in a designated individual responsible to the Manager-Advance Nuclear Applications, Nucleonics Laboratory.

F. *Records.* In addition to those required by applicable AEC regulations, including § 20.401 of 10 CFR Part 20, GE shall keep the following records:

(1) Records of inspections of the deactivated facility including the results of surveys of radioactivity levels.

(2) Records showing radioactivity released or discharged into the air or water beyond the effective control of GE as measured at or prior to the point of such release or discharge.

G. *Reports.* In addition to those required by applicable AEC regulations, GE shall submit the following reports:

(1) A report of any indication or occurrence of a possible unsafe condition relating to the facility or to the public. For each occurrence, GE shall promptly notify by telephone or telegraph the Director of the appropriate AEC Regional Compliance Office listed in Appendix D of 10 CFR Part 20 and shall submit within 10 days a report in writing to the Director, Division of Reactor Licensing, with a copy to the Regional Compliance Office.

(2) A report of the description of the TCA facility following completion of the partial dismantling, including results of the surveys of the radioactivity levels, which shall be submitted within sixty (60) days of the completion of the partial dismantling.

4. This license amendment is effective as of the date of issuance and shall expire at midnight, March 29, 1968.

Date of issuance:

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[F.R. Doc. 67-9537; Filed, Aug. 15, 1967; 8:45 a.m.]

[Docket No. 50-290]

UNITED NUCLEAR CORP.

Notice of Issuance of Construction Permit

No request for a hearing or petition having been filed following publication of the notice of proposed action in the FEDERAL REGISTER, the Atomic Energy Commission has issued Construction Permit No. CPCX-27 to United Nuclear Corp. The permit authorizes the Corporation to construct a zero power critical experiment facility (designated as "Proof Test Facility") on its Remote Experimental Station site near Pawling, N.Y.

The construction permit was issued as set forth in the Notice of Proposed Issuance published in the FEDERAL REGISTER on July 19, 1967, 32 F.R. 10617.

Dated at Bethesda, Md., this 4th day of August 1967.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[F.R. Doc. 67-9538; Filed, Aug. 15, 1967; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 17633; FCC 67-913]

CAPE FEAR BROADCASTING CO. (WFNC)

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In re application of Cape Fear Broadcasting Co. (WFNC), Fayetteville, N.C., Docket No. 17633, File No. BP-17017; Has: 940 kc, 1 kw, 10 kw-LS, DA-N, U, Class II; Requests: 940 kc, 1 kw, 50 kw-LS, DA-2, U, Class II; for construction permit.

1. The Commission has under consideration the above-captioned and described application.

2. Examination of the application of Cape Fear Broadcasting Co., indicates that the proposed 1 v/m contour would encompass a population of 2,720 persons a number greater than 300 and also greater than 1 percent of the total population included within the 25 mv/m contour (116,430 persons). Accordingly, the application is not in compliance with § 73.24(g) of the Commission's rules. The applicant has requested a waiver of the rule but the Commission is unable, at this time, on the basis of the data submitted, to conclude that a waiver would serve the public interest. Rather, it is of the opinion that the matter should be explored in an evidentiary hearing. In this regard, we would note that the present daytime power utilized by WFNC provides a signal substantially greater than 25 mv/m to the entire city of Fayetteville, N.C.

3. Except as indicated by the issues specified below, the applicant is qualified to construct and operate as proposed. However, for the reasons set out in the preceding paragraph, the Commission is unable to make the statutory finding that a grant of the subject application would serve the public interest, convenience, and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below.

Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WFNC and the availability of other primary service to such areas and populations.

2. To determine whether the proposal of Cape Fear Broadcasting Co., is in compliance with § 73.24(g) of the Commission's rules concerning population within the 1,000 mv/m contour, and, if not, whether circumstances exist which would warrant a waiver of said section.

3. To determine, in the light of the evidence adduced pursuant to the following issues, whether a grant of the application would serve the public interest, convenience, and necessity.

It is further ordered, That, in the event of a grant of the application of Cape Fear Broadcasting Co., the construction permit shall contain the following conditions:

Permittee shall submit new common point impedance measurements and sufficient field intensity measurement data to clearly show that adjustment of the daytime array has not adversely affected operation of the nighttime directional antenna array.

Any presunrise operation must conform with §§ 73.87 and 73.99 of the rules, as amended June 28, 1967 (32 F.R. 10437) supplementary proceedings (if any) involving Docket No. 14419, and/or the final resolution of matters at issue in Docket No. 17562.

It is further ordered, That, to avail itself of the opportunity to be heard, the applicant herein, pursuant to § 1.221 (c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That, the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: August 2, 1967.

Released: August 10, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-9613; Filed, Aug. 15, 1967; 8:50 a.m.]

[Docket Nos. 11227, 17588; FCC 67M-1349]

CITY OF NEW YORK MUNICIPAL BROADCASTING SYSTEM (WNYC)

Order Scheduling Prehearing Conference

In re application of City of New York Municipal Broadcasting System (WNYC), New York, N.Y., Docket No. 11227, File No. BSSA-226; for special Service Authorization to operate additional hours from 6 a.m., e.s.t., to sunrise New York, N.Y., and from sunset Minneapolis, Minn., to 10 p.m., e.s.t.; and In re application of City of New York Municipal Broadcasting System (WNYC), New York, N.Y., Docket No. 17588, File No. BP-16148; Has: (a) 830 kc, 1 kw, DA, L-WWCO, Class II; and (b) Special Service Authorization to operate additional hours from 6 a.m., e.s.t., to sunrise New York, N.Y., and from sunset Minneapolis, Minn., to 10 p.m. e.s.t.; Requests: 830 kc, 50 kw, DA-2, specified hours (6 a.m., e.s.t., to 10 p.m., e.s.t.), Class II; for construction permit.

The Hearing Examiner having under consideration the memorandum opinion and order of the Commission released July 21, 1967, consolidating the application of the city of New York Municipal Broadcasting System (WNYC) for increase in power to 50 kw (File No. BP-16148) with its pending application for Special Service Authorization (File No. BSSA-226);

It is ordered, That the parties herein or their counsel are directed to appear for a prehearing conference in the offices of the Commission, Washington, D.C., on September 27, 1967, at 10 a.m.

Issued: August 4, 1967.

Released: August 9, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-9614; Filed, Aug. 15, 1967; 8:50 a.m.]

[Docket Nos. 17330, 17337; FCC 67M-1365]

LOGAN BROADCASTING CO. AND UPPER BROADCASTING CO.

Order Continuing Hearing

In re applications of Logan Broadcasting Co., Logan, Ohio, Docket No. 17336, File No. BP-16820; Leonard E. Walk, James H. Rich, Bernard M. Friedman, Thomas W. Fletcher, Robert L. Purcell, and Raymond E. Rohrer, doing business as Upper Broadcasting Co., Upper Arlington, Ohio, Docket No. 17337, File No. BP-17039; for construction permits.

The Chief Hearing Examiner having under consideration a motion in behalf of Upper Broadcasting Co., filed August 7, 1967, for a continuance of hearing in the above-entitled proceeding from August 8, to August 18, 1967;

It appearing, that all parties to the proceeding consent to the continuance herein sought and to immediate consideration of the instant pleading;

It appearing further, that "good cause," within the meaning of the Commission's rules, is found to exist in support of this pleading:

It is ordered, That the motion is granted, and that the hearing now scheduled for August 8, 1967 in the above-entitled proceeding is hereby continued to August 18, 1967.

Issued: August 8, 1967.

Released: August 9, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-9615; Filed, Aug. 15, 1967; 8:50 a.m.]

[Docket No. 17401, etc.; FCC 67R-327]

MIAMI BROADCASTING CORP. ET AL.

Memorandum Opinion and Order Enlarging Issues

In re applications of Miami Broadcasting Corp., Miami, Fla., Docket No. 17401, File No. BPH-4910; Mission East Co., Miami, Fla., Docket No. 17403, File No. BPH-5481; Edward Winton, Silva M. Feldman, David Ginsburg, Norma Fine, and Al Lapin, Jr., doing business as WSKP Broadcasters, Miami, Fla., Docket No. 17404, File No. BPH-5661; for construction permits.

1. This proceeding, in which each of the above-captioned applicants is seeking an authorization for a new FM broadcast station at Miami, Fla., was designated for hearing by order (Mimeo No. 99985), released May 5, 1967. Presently before the Review Board is a motion to enlarge issues, filed by Mission East Co. (Mission) on May 25, 1967, seeking the addition of real party in interest, financial, and adequacy of staff issues against Miami Broadcasting Corp. (Miami); and the addition of financial issues against WSKP Broadcasters (WSKP).[2] The requests will be treated seriatim.

Real party in interest. 2. Mission's request for a real party in interest issue is based upon an affidavit from one of Mission East's counsel, who states that he attended a meeting on May 19, 1967, in which the dismissal of Miami's application was discussed; and that Mr. James J. James represented at that meeting that James has complete control and is the actual owner of Miami. Since Miami's application makes no mention of James, except as a former partner of one Miami's principals in another business, Mission contends that the requested issue is warranted.

3. Responding, Miami relies on affidavits from Mr. James and its four listed owners to refute the allegation of concealed ownership. Mr. James denies that he said he had any interest in Miami, declares that he has not and does not own stock in that company, and that he has not been promised such ownership. Each of the four stockholders of Miami avers that he has "not made any arrangement with any person to hold this stock for his or her benefit or transfer or sell any of this stock at any future date or under any circumstances", and that he does not "now contemplate any such arrangement in the future". Each also states that he acquired his stock with his own funds. There is also included an affidavit from the Chairman of the Board, in which it is declared that James had no authority to attend any meetings or negotiate on behalf of the corporation. The Broadcast Bureau, in its response, asserts that the real party in interest issue should be denied if Miami denies, under oath, that James had any interest in or connection with its proposal.

4. In reply, petitioner relies on additional affidavits from those who were present at the meeting with Mr. James when he allegedly made the statements which were the basis of the affidavit supporting the requested enlargement. One of the affidavits states that, at earlier meetings, Mr. James made similar assertions of an ownership interest in Miami. The affiant also insists that the statements made in the original affidavit were "true and accurate in every respect" and that Mr. James' denials are not true. The affidavits of two others who were present at the meeting are to the same effect, in words that are in major respects identical.

5. Each of the four persons who are the stockholders, officers, and directors of Miami have submitted sworn statements to the effect that there are no other owners of the corporation. The affidavit from the Chairman of the Board indicates that no other person has been authorized to represent the corporation in the manner Mr. James is alleged to have done. The reply affidavits submitted by petitioner in no way contradict these declarations; they merely differ with James' interpretation of what he said. The Board agrees with the Broadcast Bureau, therefore, that an essential element to the charge of undisclosed principal is missing, i.e., a connecting link between James and the corporation.[3] Petitioner has attempted to supply this by referring to the fact that James and Mr. McCoach, a stockholder in Miami, are business associates. We find this insufficient in view of Mr. McCoach's affidavit and the affidavits of the other stockholders, particularly since there is nothing to indicate that petitioner made any effort to ascertain whether James' alleged declarations of interest were accurate. Since it is charged that the discussions with James dealt with possible terms for the dismissal of Miami's application, this omission is all the more inexcusable. This aspect of the motion to enlarge will therefore be denied.

Miami's financial qualifications. 6. Mission contends that there are at least three infirmities in Miami's financial proposal, as follows: (a) The applicant is relying on a proposed $45,000 loan from Lovell, Inc., and the balance sheet for that corporation does not show the ability to meet this commitment; (b) Miami's estimate of $20,000 for first year's operating costs is unreasonably low; and (c) although Miami must rely on anticipated operating revenues to establish its financial qualifications, no showing has been made to support its estimate. Miami, in opposition, points out that on June 9, 1967, it filed an amendment to its application,[4] and contends that the information contained in the amendment remedies the alleged deficiencies.

7. The Board agrees with Mission that Miami's amendment does not resolve all of the questions concerning its financial proposal. Miami's amended application reflects that it will require $107,500 in order to construct the station and an additional $32,000 in order to operate for 1 year. However, the estimated operating costs have not been itemized, and, as pointed out by Mission, interest payments to an equipment supplier and Lovell, Inc., would exceed $7,000, leaving only $25,000 to pay seven prospective employees and meet all other expenses. Moreover, even assuming the accuracy of Miami's estimated costs of operation, we could not find Miami financially qualified. To meet estimated expenditures of $139,500, Miami appears to rely on a $90,000 loan commitment from Lovell, Inc., an equipment credit of $32,625,[5] and $500 paid in for stock. No credit can be given for anticipated revenues since the basis of Miami's $25,000 estimate has not been shown. Thus, Miami's own figures reveal a deficit of $16,375. Moreover, Lovell, Inc.'s, balance sheet shows $6,218.37 in liquid assets,[6] approximately $2,447,310 in total assets, and $1,415,305 in total liabilities. Although the Board has permitted reliance on a large net worth when only a small amount was needed, we are not willing to find that Lovell, Inc., is able to meet a $90,000 commitment without some showing of the liquidity of its listed assets. In view of the foregoing, issues inquiring into Miami's financial qualifications will be added.

Adequacy of staff. 8. Mission's request for this issue is based on the allegations that Miami proposes to devote 10.7 percent or 13 hours per week to local live programing, and that there is no information in its application regarding the number of employees Miami proposes to utilize to effectuate its programing. However, in its June 9, 1967 amendment, Miami lists a proposed staff of seven employees, including a general manager-program director, two announcer-salesmen, two general and administrative employees, and two employees for the technical operation of the station. While Mission reiterates in its reply pleading that a staffing issue is warranted, no specific allegations are made indicating that Miami would be unable to effectuate its programing with the staff it proposes, and the requested issue will therefore be denied.

WSKP's financial qualifications. 9. In support of its request for issues inquiring into WSKP's financial qualifications, Mission notes that WSKP's application does not include an estimate of first year's operating costs, but does indicate that WSKP will require $45,557 for construction, and approximately $25,000 for the down payment and first year's installments on equipment. To meet these costs, Mission states, WSKP is relying on the financial showing made in its application for consent to purchase Station WOCN, filed on March 28, 1966; and to meet operating costs, WSKP is relying on the operating profits from Station WOCN. However, Mission contends, WOCN's renewal application shows that as of September 30, 1966, most of the funds relied upon in the transfer application have been used to purchase the station; and that during the months of May to September, 1966, Station WOCN suffered an operating deficit of $41,961. In response to these allegations, WSKP states that on June 5, 1967, it filed an application to assign Station WOCN, and that, when this application is granted, it will file an amendment to cure the alleged deficiencies. The Board does not deem it appropriate to defer action on the requested financial issue until such time as WSKP's transfer application is granted, and an amendment is prepared, filed, and accepted. In light of the substantial unanswered questions raised by Mission, financial issues will be added.

[1] Commissioners Bartley, Loevinger, and Wadsworth absent.

[2] The following related pleadings are also before the Board: (a) Opposition, filed on May 25, 1967, by WSKP; (b) reply to (a), filed on June 14, 1967, by Mission; (c) opposition, filed on June 15, 1967, by Miami; (d) Broadcast Bureau's response, filed on June 15, 1967; (e) Broadcast Bureau's response, filed on June 15, 1967; and (f) reply to (e), filed on June 27, 1967, by Mission.

[3] For example, there is no allegation or showing that the initial arrangements for the meeting at which James was present were made with principals of Miami or that they were even aware of this meeting.

[4] The amendment was accepted by Order, FCC 67M-1093, released June 29, 1967.

[5] In its June 9, 1967 amendment, Miami shows a deferred credit of $62,625. However, no explanation of this figure is set forth, and a letter from the equipment supplier states that the cost of equipment will be $43,500 with a 25 percent down payment.

[6] Although Lovell, Inc.'s, balance sheet shows current assets of $2,186,088.85, none of the listed assets (second mortgages, notes, and accounts receivable, etc.), other than cash, appear to be liquid assets. (See Item 4(d), sec. III, FCC Form 301.)

Accordingly, it is ordered, That the motion to enlarge issues, filed on May 25, 1967, by Mission East Co., is granted to the extent indicated below, and denied in all other respects; and

It is further ordered, That the issues in this proceeding are enlarged by the addition of the following issues:

(a) To determine with respect to the application of Miami Broadcasting Corp.:

(1) The basis of its estimated costs of first year's operation, and whether such estimate is reasonable.

(2) Whether it has sufficient funds available to meet the cost of construction and first year's operation

(3) In the event that it will depend upon operating revenues to meet costs and first year's operating expenses, the basis of its estimated revenues for the first year of operation, whether such estimate is reasonable, and the extent to which net operating revenues may be relied upon to yield necessary funds for construction and 1 year's operating costs.

(b) To determine with respect to the application of WSKP Broadcasters:

(1) Its estimated costs of first year's operation, the basis for its estimate, and whether such estimate is reasonable.

(2) Whether it has sufficient funds available to meet the cost of construction and first year's operation.

(3) In the event that it will depend upon operating revenues to meet costs and first year's operating expenses, the basis of its estimated revenues for the first year of operation, whether such estimate is reasonable, and the extent to which net operating revenues may be relied upon to yield necessary funds for construction and 1 year's operating costs.

It is further ordered, That the burden of proceeding with the introduction of evidence and the burden of proof shall be on the applicants to establish their respective financial qualifications.

Adopted: August 8, 1967.

Released: August 10, 1967.

FEDERAL COMMUNICATIONS COMMISSION,*

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 67-9616; Filed, Aug. 15, 1967; 8:50 a.m.]

[Docket No. 17635; FCC 67-915]

T. J. SHRINER

Order Designating Application for Hearing on Stated Issues

In re application of T. J. Shriner, Bellaire, Tex., Docket No. 17635, File No. BP-12137; Requests: 1170 kc, 250 w, Day; for construction permit.

1. The Commission has before it the above-captioned and described application which, for the reasons hereinafter indicated, must be designated for hearing.

2. According to the applicant, interference received from Station XERT, Reynosa, Tamaulipas, Mexico (1170 kc, 5 kw, Day) would affect 7.1 percent of the area and 4.2 percent of the population within the normally protected 0.5 mv/m contour of the proposed station. This conclusion appears to have been reached without taking into account the salt water areas over the paths from XERT toward the proposed 0.5 mv/m contour. The Commission's study of the proposal indicates that the area under interference is substantially greater than indicated by the applicant. As a result, the population affected may exceed 10 percent of the population within the predicted 0.5 mv/m contour. Thus, the proposed operation will not comply with § 73.28(d)(3) of the Commission's rules.[1]

3. The applicant contends that his proposed antenna system will meet the minimum efficiency requirements of § 73.189 of the rules. However, his estimate appears to have been made without regard to the reduction in efficiency caused by the inadequate length of the proposed ground radials.

4. Bellaire, Tex., appears to be a community lying within the corporate limits of Houston in the southwest portion of the city. Examination of the application indicates that the proposed 5 mv/m contour will not only penetrate the geographic boundaries of Houston but will also cover approximately 80 percent of the city. The population of Houston, 938,219 (1960 Census), is over twice that of Bellaire, 19,872. Houston's population being in excess of 50,000 and more than twice the population of Bellaire raises the presumption that the applicant realistically proposes to serve Houston. Policy statement on section 307(b) Consideration for Standard Broadcast Facilities Involving Suburban Communities, 2 FCC 2d 190, 6 R.R. 2d 1901 (1965). By letter of September 12, 1966, the applicant was advised of the policy and furnished a copy of the statement.

5. In response, the applicant filed a general statement with little factual support which the Commission finds inadequate to rebut the presumption. One of the applicant's contentions appears to be in error. The applicant claims that, even if required to specify Houston as the station location, the proposed 5 mv/m signal would cover the entire city. As indicated above, it appears that the proposed 5 mv/m signal would cover approximately 80 percent of Houston. Moreover, the main business district of Houston appears to be some distance beyond the proposed 25 mv/m contour. Thus, the proposed station would not meet the coverage requirements of § 73.188(b) (1) and (2) for a Houston station. Accordingly, in the event the applicant fails to establish that the proposed station will realistically provide a local transmission service for Bellaire, it must be determined whether the proposed operation would meet all technical provisions of the rules, including § 73.188(b) (1) and (2), for a station assigned to Houston. See Issue No. 5, below.

6. The Commission's letter of September 12, 1966, advised the applicant that it would be necessary to bring the application up to date in all respects. Regarding his financial plans, the applicant stated "No change since date of filing." The financial material on file was submitted in 1958. The applicant's bare, unsupported statement is not sufficient to overcome the reasonable assumption that construction costs may be greater than estimated in 1958 in view of the rise in equipment prices. While it may be that the applicant's current financial position may be similar to that of 1958, the Commission is unable to determine the applicant's 1967 financial position on the basis of a balance sheet prepared in 1958. It will be necessary therefore to specify issues to determine the applicant's current financial position, his estimates of current construction costs and operating expenses and the bases thereof, and to determine, in the event the applicant must rely on revenues from station operation, the basis for the estimate of revenues.[2]

7. Except as indicated by the issues specified below, the applicant is qualified to construct and operate the station as proposed, but for the reasons indicated, the application must be designated for hearing on the issues set forth below.

Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposed operation and the availability of other primary service to such areas and populations.

2. To determine whether interference received by the proposed operation would affect more than 10 percent of the population within the normally protected primary service area of the proposed station in contravention of § 73.28(d)(3) of the Commission's rules, and, if so, whether circumstances exist which would warrant a waiver of said section.

3. To determine whether the proposed antenna system can be expected to achieve minimum radiation efficiency for this class of station as required by § 73.189.

4. To determine whether the proposal will realistically provide a local transmission facility for its specified station location or for another larger community, in light of all the relevant evidence, including, but not necessarily limited to, the showing with respect to:

(a) The extent to which the specified station has been ascertained by the applicant to have separate and distinct programming needs;

(b) The extent to which the needs of the specified station location are being met by existing standard broadcast stations;

(c) The extent to which the applicant's program proposal will meet the specific unsatisfied needs of its specified station location; and

(d) The extent to which the projected sources of the applicant's advertising revenues within its specified station location are adequate to support its proposal, as compared with its projected sources from all other areas.

5. To determine, in the event that it is concluded pursuant to the foregoing issue (4) that the proposal will not realistically provide a local transmission service for its specified station location, whether such proposal meets all of the technical provisions of the rules for standard broadcast stations assigned to the most populous community for which it is determined that the proposal will realistically provide a local transmission service, namely, Houston, Tex.

6. To determine:

(a) The applicant's estimated construction costs and operating expenses for the first year and the bases thereof;

(b) The current financial position of the applicant and whether sufficient funds are available to meet the costs and construction and 1 year's operation of the proposed station;

(c) In the event the applicant will depend upon operating revenues during the first year of operation to meet fixed costs and operating expenses, the basis for the applicant's estimated revenues for the first year of operation; and

(d) Whether, in light of the evidence adduced with respect to Items 6-a, 6-b, and 6-c, above, the applicant is financially qualified.

7. To determine, in light of the evidence adduced pursuant to the foregoing issues, whether a grant of the application would serve the public interest, convenience, and necessity.

It is further ordered, That, in the event of a grant of the application, the construction permit shall contain the following condition: Any presunrise operation must conform with §§ 73.87 and 73.99 of the rules, as amended June 28, 1967 (32 F.R. 10437), supplementary proceedings (if any) involving Docket No. 14419, and/or the final resolution of matters at issue in Docket No. 17562.

It is further ordered, That, to avail himself of the opportunity to be heard, the applicant herein, pursuant to § 1.221 (c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicant herein shall, pursuant to section 311 (a) (2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594 (g) of the rules.

Adopted: August 2, 1967.

Released: August 10, 1967.

FEDERAL COMMUNICATIONS COMMISSION,*

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 67-9617; Filed, Aug. 15, 1967; 8:51 a.m.]

[Docket Nos. 17174, 17636; FCC 67-916]

SIOUX EMPIRE BROADCASTING CO. AND JOHN L. BREECE

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Eider C. Stangland and Wallace L. Stangland, doing business as Sioux Empire Broadcasting Co., Sioux Falls, S. Dak., Docket No. 17174, File No. BP-15191, requests: 1520 kc, 500 w, day; John L. Breece, Sioux Falls, S. Dak., Docket No. 17636, File No. BP-17517, requests: 1000 kc, 10 kw, DA, day; for construction permits.

1. The Commission has before it the above-captioned and described applications; a petition to deny the application of John L. Breece filed by KISD, Inc., licensee of standard broadcast Station KISD, Sioux Falls, S. Dak.; oppositions to the petition filed by each of the applicants; and KISD's reply to the oppositions.

2. On February 8, 1967, the Commission ordered a hearing on the application of the Sioux Empire Broadcasting Co. (Sioux Empire) at the instance of KISD to determine, inter alia, whether the establishment of an additional standard broadcast station in Sioux Falls would result in the degradation of service to the injury of the public. Sioux Empire Broadcasting Co., 6 FCC 2d 707, 9 RR 2d 396 (1967). KISD now requests consolidation of the Breece application in the proceeding with the Sioux Empire proposal. KISD refers to the Commission's finding in connection with Sioux Empire that KISD has raised a substantial question concerning the ability of Sioux Falls to support a fourth commercial standard broadcast station and states that it has also raised substantial questions of fact concerning the ability of the area to support a fourth and fifth station.

3. Sioux Empire takes no position on whether the Breece application should be designated for hearing, but opposes consolidation in the Sioux Empire proceeding on the ground that the Breece application was not filed in time for comparative consideration with Sioux Empire in accordance with the provisions of § 1.227 (b) (1) of the Commission's rules.[3]

4. In his opposition, Breece does not object to the consolidation of his application in the proceeding on the Sioux Empire proposal, but urges that, in the face of the suggestion that his application is in "conflict" with the Sioux Empire application, the failure to grant the requested consolidation would deny his right to a hearing required by the holding of the Supreme Court in Ashbacker Radio Corp. v. Federal Communications Commission, 326 U.S. 327 (1945). In commenting on the contention of Sioux Empire that consolidation with its application is not permitted under the provisions of § 1.227 of the Commission's rules, Breece claims that the Commission's cutoff procedures pursuant to § 1.227 of the rules did not give him adequate notice that his application might be considered mutually exclusive with the Sioux Empire application and that the first inkling he had of a possible conflict was the Commission's action in designating the Sioux Empire application for hearing.

5. Breece further contends that, under the circumstances the public interest would best by served by requiring KISD to file its renewal application before the due date (January 2, 1968) and consolidating the KISD renewal with the Sioux Empire and Breece applications to permit a determination as to which applicant or applicants could serve the needs of Sioux Falls. KISD, in replying to Breece's contention that the KISD renewal should be required in advance of the due date, states its opposition to such a procedure and cites various Commission actions in which the Commission has declined to consolidate renewal applications with applications for construction permits when the renewal application was not pending at the time. John Self, 24 RR 1177 (1963); Bigbee Broadcasting Co., 25 RR 88 (1963); William L. Ross, 25 RR 360 (1963).

6. The Commission must first conclude that the present circumstances do not require that KISD file an early renewal applicaton for consolidation with the Sioux Empire and Breece proposals. The Commission will therefore adhere to its practice of not requiring the filing of early renewal applications absent some compelling reason. In any case, the Sioux Empire and Breece applications would not be mutually exclusive with the KISD renewal application on their face and are not mutually exclusive with each other. The Commission will, however, consolidate the Sioux Empire and Breece applications for hearing to afford Breece an opportunity to contest KISD's allegation that his proposal will be a

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[1] Sec. 73.28(d)(3) is applicable because the application was filed prior to the adoption of new technical standards which became effective on Aug. 13, 1964. Amendment of Part 73 of the Commission's rules regarding AM station assignment standards, etc., 2 R.R. 2d 1658.

[2] The Commission does not intend to imply that the information on file, if current, is sufficient to establish the applicant's financial qualifications. The applicant did not indicate what portion of his liabilities were current, but assuming a current liability of approximately $1,200, the applicant showed the availability of only approximately $4,700 in current assets to meet construction costs and initial operating expenses of between $24,000 and $26,000. The applicant expressed some expectation of securing credit on the purchase of equipment but submitted no evidence that such credit was available.

* Review Board Members Berkemeyer and Kessler absent; Board Member Slone concurring and stating that he would add the real party in interest issue.

* Commissioners Bartley, Loevinger, and Wadsworth absent.

[3] On Nov. 15, 1962, the Commission gave notice that any application, in order to be considered with the Sioux Empire application, must be on file by Dec. 26, 1962 (FCC 62-1180). The Breece application was tendered for filing on Nov. 7, 1966.

detriment to the public.[1] Breece will also be afforded an opportunity to resolve certain financial questions, hereinafter described, indicated by the examination of his application.

7. The Commission is not ordering, at this time, a comparative evaluation of applicants and their proposals, since such a determination may not become necessary. In the event KISD meets the burden of proving under issue 3 specified herein, that new services in the area will result in public detriment, the Commission will, at the appropriate future time, give further consideration to this matter if necessary. Under the unusual circumstances of this proceeding, the Commission finds that it will be appropriate to limit the participation of each of the applicants to the issues specifically applicable to the respective applicants.

8. It appears that John L. Breece will require approximately $61,068[2] to construct and operate his proposed station for a period of one year without revenues. To meet these costs the applicant indicates that funds will be available from several sources. Breece states that he can realize $7,000 from the sale of a business but does not substantiate this estimated value nor does he indicate that there is a prospective buyer. Breece states that he derives income in excess of $10,000 as holder of a note from the sale of KIMM, Rapid City, S. Dak., but does not clearly indicate whether this amount is reflected in the applicant's annual income. The applicant expresses a willingness to borrow on the note if necessary, but does not indicate the availability of a loan with the note as security. There is some indication that Breece may rely on revenues from station operation to meet construction costs and operating expenses but offers little more than the expression of his personal opinion to substantiate his estimate that the operation of the station will produce income of $50,000. The material submitted indicates the availability of approximately $13,038 in cash and liquid assets. Accordingly, issues will be specified to permit Breece to clarify his financial plans, to show the source of additional funds required, and, if reliance is to be placed on revenues, to demonstrate whether his estimate of expected revenues is reasonable.

9. Except as indicated by the issues specified below, John L. Breece is qualified to construct, own and operate the proposed station. However, for the reasons indicated above, the Commission is unable to make the statutory finding that a grant of the application would serve the public interest, convenience and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below.

Accordingly, it is ordered, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the application is designated for hearing in a consolidated proceeding with the application of Elder C. Stangland and Wallace L. Stangland, doing business as Sioux Empire Broadcasting Co., at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine, with respect to the application of John L. Breece:

(a) The source of additional funds required to meet the costs of construction and first-year operation.

(b) In the event the applicant intends to rely on revenues during the first year of operation, the basis for the applicant's estimate, whether such estimate is reasonable and, if not, the amount of revenues which may be reasonably expected in the first year.

(c) Whether, in the light of the evidence adduced pursuant to the foregoing, the applicant is financially qualified.

2. To determine the efforts made by the Sioux Empire Broadcasting Co. to ascertain the programming needs and interests of the area to be served and the manner in which the Sioux Empire Broadcasting Co. proposes to meet such needs and interests.

3. To determine whether there are adequate revenues to support more than three commercial standard broadcast stations in the area to be served and, if so, how many additional stations can be supported without a net loss or degradation of standard broadcast service to the area.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the applications would serve the public interest, convenience and necessity.

It is further ordered, That the requests contained in the petition to deny the application of John L. Breece and Breece's opposition thereto are granted to the extent indicated above and are denied in all other respects.

It is further ordered, That the burden of proceeding with the introduction of the evidence and the burden of proof with respect to issue No. 1 shall be upon John L. Breece, with respect to issue No. 2 upon Sioux Empire Broadcasting Co., and with respect to issue No. 3 upon KISD, Inc.

It is further ordered, That the participation of the Sioux Empire Broadcasting Co. shall be restricted to issues 2, 3, and 4, and that the participation of John L. Breece shall be restricted to issues 1, 3, and 4.

It is further ordered, That the specification of issues herein shall supersede the specification of issues in the Commission's order of February 8, 1967, in this proceeding.

It is further ordered, That, in the event of a grant of the applications, each construction permit shall contain the following condition: Any presunrise operation must conform with §§ 73.87 and 73.99 of the rules, as amended June 28, 1967 (32 F.R. 10437), supplementary proceedings (if any) involving Docket No. 14419, and/or the final resolution of matters at issue in Docket No. 17562.

It is further ordered, That to avail himself of the opportunity to be heard, John L. Breece, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date set for the hearing and present evidence on the issues specified in this order.

It is further ordered, That John L. Breece shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: August 2, 1967.

Released: August 10, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[4]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 67-9618; Filed, Aug. 15, 1967; 8:51 a.m.]

[1] The Commission, at this time, makes no finding that there is a conflict between the Sioux Empire and the Breece applications. Therefore, § 1.227(b)(1) does not constitute a bar to the consolidation of the applications for hearing.

[2] Consisting of down payment on equipment ($6,942), first-year payment on equipment ($4,166), first-year interest on equipment payments ($1,125), down payment on land ($3,150), first-year payments on land ($685), buildings ($2,000), miscellaneous ($3,000), 1 year's working capital ($40,000).

FEDERAL POWER COMMISSION

[Docket Nos. CP67-192, CP67-260]

TOWN OF BROOKLYN, IOWA, AND NORTHERN NATURAL GAS CO.

Order Consolidating Proceedings, Granting Intervention, Fixing Date for Hearing, and Prescribing Procedure

AUGUST 8, 1967.

In Docket No. CP67-192, the town of Brooklyn, Iowa (Brooklyn), pursuant to section 7(a) of the Natural Gas Act (Act), seeks an allocation of natural gas from Northern Natural Gas Co. (Northern) and in Docket No. CP67-260, Northern seeks authorization to construct and operate the necessary facilities to initiate natural gas service to nine communities, including Brooklyn, in the State of Iowa, all as more fully set forth in the respective applications which are on file with the Commission and open to public inspection. Notice of the filing of each application has been issued[2] and the proposals are described in more detail therein.

On April 18, and April 19, 1967, respectively, the towns of Rolfe and Gilmore City, Iowa, filed petitions to intervene in Docket No. CP67-260; they seek an allocation of natural gas from Northern pursuant to section 7(a) of the Act and request that Northern's proposed facilities to serve the other communities be extended to serve them. The filing deadline was April 17, 1967. Rolfe estimates its third year peak day and annual requirements to be 550 Mcf and 92,000 Mcf, respectively; Gilmore City's estimates are 475 Mcf and 53,660 Mcf, respectively, all as more fully set forth in their petitions.

Docket No.	Notice issued	FEDERAL REGISTER citation	Publication date
CP67-192...	Jan. 11, 1967	32 F.R. 627..	Jan. 19, 1967
CP67-260...	Mar. 17, 1967	32 F.R. 4554.	Mar. 25, 1967

Northern filed answers opposing the requests of Rolfe and Gilmore City for service alleging that the two towns have not complied with Northern's tariff and that the extension to serve them may not be economically feasible and may impair the economic feasibility of Northern's proposed service to the other towns.

On February 13, 1967, Lake Superior District Power Co., which purchases some of its natural gas requirements from Northern, filed a petition to intervene in Docket No. CP67-192 opposing Brooklyn's application for failure to comply with Northern's tariff. The filing deadline was February 6, 1967.

These dockets are clearly related and should be heard on a consolidated record. We are also of the view that the petitioners in each case have alleged sufficient interest in the applications to warrant intervention, even though the filings were late.

Based on our experience in other similar proceedings, it is our belief that the procedure sould be set forth to insure an expeditious and orderly hearing.

The Commission finds:

(1) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the matters in Docket Nos. CP67-192 and CP67-260 be consolidated for hearing and decision.

(2) It is desirable and in the public interest to allow the above-named petitioners to intervene in these proceedings in order that the petitioners may establish the facts and the law from which the nature and validity of their alleged rights and interests may be determined and show what further action may be appropriate under the circumstanees in the administration of the Natural Gas Act.

(3) The expeditious disposition of these proceedings will be effectuated by providing for service of testimony by the applicants and interveners prior to the holding of the hearing.

The Commission orders:

(A) The above-captioned proceedings are hereby consolidated for the purpose of hearing and decision.

(B) The above-named petitioners are hereby permitted to intervene in these consolidated proceedings subject to the rules and regulations of the Commission: *Provided, however*, That the participation of such interveners shall be limited to mattters affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene: *And provided, further*, That the admisdon of such interveners shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(C) Applicants and the interveners shall file with the Commission and serve on all parties and the Examiner their direct presentations on or before August 16, 1967.

(D) Take notice that a hearing will be held in these consolidated proceedings in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., commencing at 10 a.m., e.d.s.t., on September 19, 1967.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 67-9621; Filed, Aug. 15, 1967; 8:51 a.m.]

[4] Commissioners Bartley, Loevinger, and Wadsworth absent.

[2] See the following table:

[Project No. 2434]

KODIAK ELECTRIC ASSOCIATION, INC.

Notice of Application for License for Unconstructed Project

AUGUST 10, 1967.

Public notice is hereby given that application for license has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Kodiak Electric Association, Inc., (correspondence to: Leon H. Johnson, Manager, Kodiak Electric Association, Inc., Post Office Box 787, Kodiak, Alaska 99615) for unconstructed Project No. 2434, known as Terror Lake Hydroelectric Project, to be located on Terror River in Kodiak Island, in the region of the city of Kodiak and town of Port Lions, and affecting lands of the United States within the Kodiak Wild Refuge and public domain lands of Kodiak Island.

The proposed Terror Lake Hydroelectric Project would consist of: I. An Initial First Stage Development comprising: (1) A rockfill dam 125 feet high, crest elevation 1,375 feet (all elevations U.S.G.S. Datum) with uncontrolled broad-crested chute spillway at center forming a reservoir known as Terror Lake with surface area of 760 acres at elevation of 1,363 feet, and usable storage capacity of 62,000 acre-feet (with provision to raise the crest to elevation 1,395 and for constructing side spillway in final stage); (2) a diversion ditch and dam to divert Mount Glotoff glacier runoff into Terror River, thence into Terror Lake; (3) a power tunnel intake structure sized for 30,000 kw at minimum pool elevation of 1,250 feet and maximum pool elevation of 1,383 feet; (4) a 10-foot diameter power tunnel approximately 22,700 feet with surge shaft, sized for 30,000 kw; (5) a Falls Creek diversion structure and sand trap with an 8-foot diameter intake tunnel and shaft about 950 feet in length connecting to main power tunnel, also a Shotgun Creek intake structure with 7-foot diameter tunnel connecting to Falls Creek drainage; (6) a main inclined steel-lined pressure shaft, butterfly valve and steel penstock sized for 30,000 kw; (7) a powerhouse (at left bank of Kizhuyak River) and substation for two 10,000 kw units with provisions for a third 10,000 kw unit. (8) 22 miles of 69 kv transmission line to the Naval Station tie substation; and (9) an additional 10,000 kva transformer in the substation at Kodiak and install reactor for ice prevention; II. An Intermediate Second Stage Development involving: (1) Raising the rockfill dam at Terror Lake to a height of 145 feet (crest elevation from 1,375 to 1,395) which, in turn, will increase the surface area of Terror Lake and its capacity to 850 acres at elevation of 1,383 feet and 78,000 acre-feet respectively; (2) the addition of a third 10,000 kw unit to powerhouse and increase the capacity of the powerhouse substation; and (3) the addition of 7,500 kva capacity to the Naval Station tie substation; and III. The Ultimate Development involving: (1) Construction of a diversion dam and tunnel to divert the Upper Uganik River Basin (above elevation 1,500 feet) into the Terror River; and (2) construction of diversion dams, ditches, and tunnels to divert the Upper Hidden Basin (above elevation 1,500 feet) into the Terror River.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is October 4, 1967. The application is on file with the Commission for public inspection.

KENNETH F. PLUMB, *Acting Secretary.*

[F.R. Doc. 67-9549; Filed, Aug. 15, 1967; 8:46 a.m.]

[Docket No. CP68-36]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Application

AUGUST 7, 1967.

Take notice that on August 2, 1967, Michigan Wisconsin Pipe Line Co. (Applicant), 1 Woodward Avenue, Detroit, Mich. 48226, filed in Docket No. CP68-36 an application pursuant to subsection (c) of section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate approximately 60.9 miles of natural gas supply pipelines ranging in size from 8 inches to 20 inches, together with related facilities. Applicant proposes to use these lines to connect its Placid Line to natural gas supplies in the Eugene Island and South Marsh Island Areas, Offshore Louisiana. Applicant states that it has contracted for supplies of natural gas to be purchased from Sinclair Oil & Gas Co. and Shell Oil Co. in the offshore areas mentioned above and that it proposes to connect such volumes of natural gas to its system with the facilities proposed

above. Applicant further states that the volumes of natural gas to be purchased will not increase its system capacity and are not intended for any new sale or service but are to be used to meet its customers' increasing requirements as a part of its continuing program to augment its system gas supply by connecting new reserves, as available.

Applicant estimates the total cost of the proposed facilities at approximately $8,653,000, said cost to be financed as a part of Applicant's overall financing program which will initially use bank loans after utilization of available treasury funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before September 5, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-9619; Filed, Aug. 15, 1967; 8:51 a.m.]

[Docket No. CP68-37]

MICHIGAN WISCONSIN PIPE LINE CO. AND MICHIGAN CONSOLIDATED GAS CO.

Notice of Application

AUGUST 7, 1967.

Take notice that on August 2, 1967, Michigan Wisconsin Pipe Line Co. (Michigan), 1 Woodward Avenue, Detroit, Mich. 48226, and Michigan Consolidated Gas Co. (Consolidated), 1 Woodward Avenue, Detroit, Mich. 48226 (Applicants), filed in Docket No. CP68-37 an application pursuant to subsection (c) of section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of volumes of natural gas between Applicants and the establishment of a new delivery point for an existing customer for a temporary period of 90 days, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Michigan seeks authorization, limited to ninety days duration, to establish a new delivery point for the delivery of natural gas to Great Lakes Gas Transmission Co. (Lakes) at the interconnection of Lakes' 36-inch pipeline with the facilities of Consolidated at the Belle River Mills field in St. Clair County, Mich. Applicants also seek authorization to exchange up to 5,000 MMcf of natural gas to enable Michigan to make the deliveries proposed above.

Applicants state that Lakes will not complete its first-phase facilities from central Michigan to the St. Clair River until about November 1, 1967, and that it is urgent that Lakes deliver said volumes of natural gas to Trans-Canada Pipe Lines, Ltd. (Canada) as soon as possible to provide storage gas for Canada's customers this fall. Lakes and Canada are expediting construction of the segments of pipeline between Belle River Mills and Dawn Storage Area, Ontario, Canada, including the St. Clair River crossing, and expect to complete such facilities by September 15, 1967. Applicants further state that the above-proposed service is to enable Michigan to deliver overrun gas to Lakes at Belle River Mills for the account of Canada prior to the completion of Lakes' first-phase facilities.

Applicants state that Michigan will deliver overrun gas to Consolidated at the present Willow Run delivery point and will receive equivalent volumes from Consolidated, less compressor fuel consumed by Consolidated, at Belle River Mills. At that point, Michigan will coincidently deliver the natural gas to Lakes for the account of Canada pursuant to the existing Gas Purchase Contract between Michigan and Canada, and Lakes will transport the natural gas to Canada's facilities pursuant to the existing Gas Transportation Contract between the two parties. No new facilities are required and no charges will be made under the Temporary Exchange Agreement.

Protests or petitions to intervene may be file with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before September 5, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-9620; Filed, Aug. 15, 1967; 8:51 a.m.]

[Docket No. CP68-39]

NORTHERN NATURAL GAS CO.

Notice of Application

AUGUST 10, 1967.

Take notice that on August 4, 1967, Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha, Nebr. 68102, filed in Docket No. CP68-39 an application pursuant to subsection (c) of section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities and the sale and delivery of volumes of natural gas to a resale customer, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate a side tap and measuring station to be located on its 16-inch line at the outlet of its Kermit, Tex. Dehydration Plant, Winkler County, Tex. Applicant also seeks authorization to sell and deliver to Community Public Service Co. (Community) volumes of natural gas for resale and distribution in the community of Kermit, Tex. Applicant states that the proposed sale and delivery will be made through the facilities proposed above. Applicant further states that Community requires the volumes of natural gas to supplement its current supply received from five wells in the Kermit area which have experienced serious depletion in recent years and Applicant proposes to sell and deliver to Community up to 1,000 Mcf per day of natural gas.

Applicant estimates the total cost of the proposed facilities at approximately $5,500, said cost to be reimbursed in full to Applicant by Community.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before September 7, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 67-9650; Filed, Aug. 15, 1967; 8:46 a.m.]

[Docket No. E-7364]

NORTHERN STATES POWER CO.

Notice of Application

AUGUST 9, 1967.

Take notice that on July 28, 1967, Northern States Power Co. (Applicant) of Minneapolis, Minn., filed an application seeking an order pursuant to section 204 of the Federal Power Act authorizing the issuance of $60 million in unsecured promissory notes to commercial banks and to commercial paper dealers. Applicant requests that such order be in place of and supersede the Commission's order of March 10, 1967, in Docket No. E-7335, which authorized the Applicant to issue up to $50 million in promissory notes to commercial banks.

The promissory notes to be issued by the Applicant to commercial banks will be issued on various days in 1967 and 1968, but no note will mature more than 12 months after date of issue or renewal. The interest rate of such notes will be at the prime loan interest rate at the time and place of making.

The promissory notes issued to commercial paper dealers will be issued on various days in 1967 and 1968, but no note will mature more than 9 months prior to date of issue nor will any note be extended or renewed. The interest rate on such notes will be dependent upon the term of the notes and the money market conditions at the time of issuance. Applicant represents that currently the interest rate on commercial paper is less than the prime loan interest rate of commercial banks. According to the application, the aggregate amount of commercial paper to be outstanding at any one time will not exceed the sum of (1) the dollar amount of Applicant's receivables arising out of the sale of electric, gas, heating, and telephone service and merchandise and (2) the dollar amount of Applicant's fuel inventory exclusive of nuclear fuels.

The proceeds from the issuance of the notes will be used, among other things, to finance in part the Applicant's 1967 and 1968 construction program. Principal items in this program include $43.3 million for completion of a 590 mw unit at the Allen S. King Plant and $36.9 million for construction work on the Monticello nuclear plant.

Any person desiring to be heard or to make any protest with reference to said application should, on or before August 31, 1967, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 67-9651; Filed, Aug. 15, 1967; 8:46 a.m.]

[Docket No. CP68-38]

OHIO FUEL GAS CO.

Notice of Application

AUGUST 10, 1967.

Take notice that on August 4, 1967, The Ohio Fuel Gas Co. (Applicant), 99 North Front Street, Columbus, Ohio 43215, filed in Docket No. CP68-38 an application pursuant to subsections (b) and (c) of section 7 of the Natural Gas Act for permission and approval to abandon certain natural gas facilities and for a certificate of public convenience and necessity authorizing the construction and operation of certain other natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks permission and approval to abandon, in part by sale to The Dayton Power and Light Co. (Dayton), the following natural gas facilities:

(1) Three measuring stations and associated regulating facilities located in Montgomery and Greene Counties, Ohio;

(2) Three measuring stations and associated regulating facilities located in Montgomery and Greene Counties, Ohio, by sale to Dayton; and

(3) Approximately 5.3 miles of 4-inch O.D. to 18-inch O.D. pipelines, together with all land, right of way properties, and easements appurtenant thereto, by sale to Dayton.

Applicant states that the facilities to be abandoned by sale to Dayton will be integrated by Dayton into its distribution system for use in rendering natural gas service to its rapidly expanding retail market area. Applicant also states that no existing customer will experience change in either rates or service as a result of the proposed abandonments.

Applicant also seeks authorization to construct and operate the following natural gas measuring facilities:

(1) A measuring station and appurtenant facilities to be constructed at the junction of Applicant's Line Z-50 and Line Z-56, in Bath Township, Greene County, Ohio; and

(2) A measuring station and appurtenant facilities to be constructed at the junction of Applicant's Line Z-50 and Line Z-260, also in Bath Township, Greene County, Ohio.

Applicant states that the facilities proposed above will be used to measure the volumes of natural gas delivered into the facilities to be acquired by Dayton. Applicant further states that the facilities proposed above will eliminate the cost of operating and maintaining the facilities which are proposed to be abandoned and the necessity of constructing or relocating transmission facilities in a congested urban and military reservation area.

Applicant estimates the total cost of the proposed facilities at approximately $66,800, said cost to be financed from cash on hand. Applicant further states that it has agreed to sell and Dayton has agreed to purchase the facilities proposed to be abandoned for the sum of $163,834.17.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before September 7, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 67-9652; Filed, Aug. 15, 1967; 8:46 a.m.]

[Project Nos. 2243, 2273]

PACIFIC NORTHWEST POWER CO. AND WASHINGTON PUBLIC POWER SUPPLY SYSTEM

Notice of Public Hearing on Applications for License for Unconstructed Project

AUGUST 9, 1967.

Public notice is hereby given that a further public hearing has been ordered by the Federal Power Commission on applications for license filed under the Federal Power Act (16 U.S.C. 791a-825r) by Pacific Northwest Power Co. and Washington Public Power Supply System for unconstructed Project Nos. 2243 and 2273 to be located on the Snake River, Idaho.

The public hearing was ordered by Federal Power Commission order issued July 31, 1967, respecting the matters involved and the issues presented in the proceeding on the applications for license. The order provided that notices of intervention or petitions to intervene in the further proceedings may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with

the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10) and fixed the last day upon which petitions to intervene may be filed as September 1, 1967. Those persons or groups already granted intervention in the course of any of the prior proceedings need not file new petitions.

The date and place of commencement of the hearing will be set by the Presiding Examiner following a prehearing conference in Portland, Oreg., on September 28, 1967. Inquiries should be addressed to the Federal Power Commission.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 67-9553; Filed, Aug. 15, 1967; 8:46 a.m.]

[Docket No. CI68-132]

TEXACO, INC.

Notice of Application

AUGUST 9, 1967.

Take notice that on August 11, 1967, Texaco, Inc. (Applicant), Post Office Box 52332, Houston, Tex. 77052, filed in Docket No. CI68-132 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce for resale on a short term basis, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant requests authorization to sell natural gas on a short term basis to the United Gas Pipe Line Co. (United Gas), which gas will be sold at the Paradis Plant, St. Charles Parish, La. The period of sale will be from the date of authorization to January 1, 1968.

The application states:

> The gas which is the subject matter of this sale is surplus residue gas processed by [Applicant's] Paradis Plant. The increased Louisiana oil allowables, necessitated by the oil crisis in the Middle East, has resulted in an increase in casinghead gas production from wells supplying the Paradis Plant of approximately 125,000 Mcf per day over the casinghead gas production available in May of 1967. While such increase has been partially offset by a cutback in production of gas-well gas supplying the plant, it has not been possible for existing markets to fully absorb a substantial portion of this increase. Accordingly, in excess of 55,000 Mcf per day is currently being flared.
>
> In an effort to minimize the flaring of this valuable natural resource, [Applicant] contracted with United Gas for the sale of certain volumes of surplus gas from the Paradis Plant. The parties anticipate that initial deliveries will approximate 50,000 Mcf per day. The price for said gas is a spot sale distress price of 18 cents per Mcf.[1]

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 30, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on the application if no protest or petition to intervene is filed within the time required herein and if the Commission on its own review of the matter believes that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 67-9622; Filed, Aug. 15, 1967; 8:51 a.m.]

[Docket No. RP66-12]

TEXAS EASTERN TRANSMISSION CORP.

Notice Fixing Oral Argument

AUGUST 4, 1967.

The Commission has before it the Presiding Examiner's initial decision and the exceptions thereto. Requests for oral argument were filed by Texas Eastern Transmission Corp. and Independent Natural Gas Association of America.

Take notice that oral argument is scheduled to be heard by the Commission en banc commencing at 10 a.m., e.d.s.t., on September 22, 1967, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

All parties desiring to participate in such oral argument shall notify the Secretary of the Commission in writing on or before September 5, 1967, of the amount of time desired for presentation of their respective oral arguments.

By direction of the Commission.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-9623; Filed, Aug. 15, 1967; 8:51 a.m.]

[Docket No. RI68-58]

YUCCA PETROLEUM CO.

Order Providing for Hearing on and Suspension of Proposed Change in Rate

AUGUST 9, 1967.

On July 13, 1967, Yucca Petroleum Co. (Yucca) [2] tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated July 12, 1967.
Purchaser and producing area: Transwestern Pipeline Co. (Follett-Morrow Field, Lipscomb County, Tex.) (Railroad District No. 10).
Rate schedule designation: Supplement No. 5 to Yucca's FPC Gas Rate Schedule No. 6.
Effective date: August 13, 1967.[3]
Amount of annual increase: $36,000.
Effective rate: 17 cents per Mcf.[4]
Proposed rate: 23 cents per Mcf.[4]
Pressure base: 14.65 p.s.i.a.

Yucca requests that its proposed rate increase be permitted to become effective "immediately," or in the alternative, upon expiration of the statutory notice. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Yucca's rate filing and such request is denied.

Yucca proposes a rate increase from 17 cents per Mcf to 23 cents per Mcf for a wellhead sale of gas from the Follett-Morrow Field, Lipscomb County, Tex. (Railroad District No. 10) to Transwestern Pipeline Co. The increase amounts to $36,000 annually. Since Yucca's proposed 23 cent rate exceeds the area increased rate ceiling of 11 cents per Mcf for Texas Railroad District No. 10 as announced in the Commission's statement of general policy No. 61-1, as amended, we conclude that it should be suspended for 5 months from August 13, 1967, the date of expiration of the statutory notice, as hereinafter ordered.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change, and that Supplement No. 5 to Yucca's FPC Gas Rate Schedule No. 6 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 5 to Yucca's FPC Gas Rate Supplement No. 6.

(B) Pending such hearing and decision thereon, Supplement No. 5 to Yucca's FPC Gas Rate Schedule No. 6 is hereby suspended and the use thereof deferred until January 13, 1968, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before September 27, 1967.

By the Commission.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-9654; Filed, Aug. 15, 1967; 8:46 a.m.]

[1] At 15.025 p.s.i.a.

[2] Address is: Post Office Box 2586, Amarillo, Tex. 79105.

[3] The stated effective date is the first day after expiration of the statutory notice.

[4] Subject to a downward B.t.u. adjustment.

OFFICE OF EMERGENCY PLANNING

KANSAS

Amendment to Notice of Major Disaster

Notice of major disaster for the State of Kansas, dated July 20, 1967, and published July 26, 1967 (32 F.R. 10950), is hereby amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of July 18, 1967:

Harper.
Nemaha.

Dated: August 10, 1967.

FARRIS BRYANT,
Director,
Office of Emergency Planning.

[F.R. Doc. 67-9563; Filed, Aug. 15, 1967; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

AUGUST 10, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 11, 1967, through August 20, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-9565; Filed, Aug. 15, 1967; 8:47 a.m.]

[812-2127]

LINCOLN NATIONAL LIFE INSURANCE CO. AND LINCOLN NATIONAL VARIABLE ANNUITY FUND B

Notice of Application for Exemptions

AUGUST 10, 1967.

Notice is hereby given that The Lincoln National Life Insurance Co. ("The Lincoln") and Lincoln National Variable Annuity Fund B ("Fund"), 1301 South Harrison Street, Fort Wayne, Ind. 46802 (herein collectively called "Applicants"), have filed an application pursuant to section 6(c) of the Investment Company Act of 1940, 15 U.S.C. section 80a-1, et seq. ("Act"), for an order exempting Applicants from the provisions of sections 15(a), 16(a), 17(f), 22(e), 27(a)(4), 27(c)(1), 27(c)(2), and 32(a)(2) of the Act, and Rule 17f-2 thereunder. The Lincoln established the Fund pursuant to Indiana law on December 1, 1966, as a segregated investment account to offer group or individual variable annuity contracts not qualifying for federal tax benefits under sections 401 or 403 of the Internal Revenue Code of 1954, as amended. Fund is an open-end diversified management company registered under the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations which are summarized below.

Sections 15(a), 16(a), and 32(a), in substance, require shareholder approval of the investment advisory agreement, the election of directors by shareholders, and shareholder ratification of the selection of an independent public accountant, respectively. Applicants state that since there will be no contract owners, hence no holders of voting securities, until after the registration statement under the Securities Act of 1933 becomes effective, the requirements of these sections cannot be complied with. Applicants represent, however, that as soon as is practicable after contributions have been received a special meeting of the contract owners will take place at which time they may vote on these matters.

Section 17(f) provides, in pertinent part, that a registered investment company may maintain its securities and other investments in its own custody in accordance with such rules, regulations, and orders as may be adopted by the Commission in the interest of investors. Rule 17f-2 requires, in pertinent part, that such assets be placed in a bank subject to the other requirements of the rule, one of which limits the persons who shall have access to only certain specified individuals. Applicants request an exemption to permit access to the securities of the Fund which will be held pursuant to a safekeeping agreement with Bankers Trust Co. by duly authorized representatives of the Department of Insurance of the State of Indiana ("Department"). Applicants represent that under Indiana law, securities in amounts determined with regard to reserve liabilities should be deposited with the Department and that this security depository requirement will be satisfied by depositing such securities pursuant to a written agreement between The Lincoln and Bankers Trust Co. The agreement has been approved by the Insurance Commissioner of Indiana and limits withdrawals to those sanctioned and approved by the Department.

Sections 22(e) and 27(c)(1) provide in pertinent part that (1) a registered investment company may not suspend the right of redemption or postpone the date of payment upon redemption of any redeemable security in accordance with its terms for more than seven days after the tender of such security for redemption, and (2) a registered investment company issuing periodic payment plan certificates may not sell such certificates unless such certificates are redeemable securities.

Applicants represent that prior to their maturity dates the contracts are redeemable and satisfy the redemption provisions of the Act. However, on their respective maturity dates, the then value of the contracts is determined and applied to provide for lifetime annuity payments of either fixed or variable amounts. Applicants state that because the amount of annuity payments under the variable option are calculated actuarially, based upon the life expectancies of the purchasers of the contracts, if a purchaser were permitted to redeem his contract after maturity date, it would upset the actuarial computations made with respect to the remaining purchasers. Applicants request exemption from sections 22(e) and 27(c)(1) to the extent that once a purchaser begins to receive annuity payments he cannot redeem the value credited to his contract. Such prohibition shall apply only after annuity payments to the purchaser commence.

Section 27(a)(4) as here pertinent prohibits the sale of any periodic payment plan certificate issued by a registered investment company if the first payment on such certificate is less than $20, or any subsequent payment is less than $10. Applicants represent that the individual contracts provide for the deduction of a fixed percentage of each payment as a sales charge with no "front-end load," that the amount of any stipulated payment computed on an annualized basis is limited to 200 percent of the initial payment and that should the contract owner increase monthly payments in excess of the 200 percent maximum, and the annuity rates or expense guarantees then in effect were different from those in effect when the first contract was issued, a new contract would be issued with respect to the excess. Although this excess may be less than the

$20 required by the section for an initial payment, the total contribution would exceed the required minimum. Therefore, Applicants request an exemption from the initial minimum payment provision of section 27(a)(4) with the representation that Applicants will not accept payments of less than $10 with respect to any individual contracts.

Section 27(c)(2) prohibits a registered investment company or a depositor or underwriter for such company from selling periodic payment plan certificates unless the proceeds of all payments, other than the sales load, are deposited with a bank as trustee or custodian and held under an indenture or agreement containing, in substance, the provisions required by sections 26(a)(2) and (3) for a uit investment trust. Section 26(a)(2) requires that the trustee or custodian segregate and hold in trust all securities and cash of the trust and places certain restrictions on charges which may be mad. against the trust income and corpus, and excludes from expenses which the trustee or custodian may charge against the trust any payments to the depositor or principal underwriter, other than a fee not exceeding such reasonable amount as the Commission may prescribe, for performing bookkeeping and other administrative services delegated to them by the trustee or custodian. Section 26(a)(3) governs the circumstances under which the trustee or custodian may resign.

Applicants state that The Lincoln functions as a regulated insurance company and is subject to extensive and detailed supervision and inspection by the Insurance Commissioner of Indiana in all of its dealings with the contract purchasers. The Lincoln states that such control provides ample assurance against misfeasance and adequately protects the interest of the contract purchasers. Accordingly, Applicants state that such authority and jurisdiction affords the essential protection which the trusteeship or custodianship under section 26(a)(2) is designed to provide. Moreover, Indiana law provides that the Fund shall not be liable for charges arising out of any other business of The Lincoln which has no specific relation to or dependence upon the Fund; and that the contractual obligations of The Lincoln to the contract holders or to participants under group contracts cannot be abandoned until such obligations have been discharged. Applicants affirmed this obligation in connection with the registration statement. Since such supervision, inspection, and undertakings will effectively prevent orphanage of the Fund by The Lincoln which the trusteeship under section 27(c)(2) is designed to protect, Applicants request an exemption from the requirement of section 27(c)(2) for literal compliance with sections 26(a)(2) and (3). Applicants have consented to the requested exemption being subject to the condition that the charges under the contracts for administrative services shall not exceed such reasonable amounts as the Commission shall prescribe, and that the Commission shall reserve jurisdiction for such purpose.

Section 6(c) authorizes the Commission to exempt any person, security or transaction, or any class or classes of persons, securities, or transactions, from the provisions of the Act and rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is hereby given that any interested person may, not later than August 28, 1967, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-9566; Filed, Aug. 15, 1967; 8:47 a.m.]

[812-2136]

LINCOLN NATIONAL VARIABLE ANNUITY FUND A AND LINCOLN NATIONAL LIFE INSURANCE CO.

Notice of Application for Exemption

AUGUST 10, 1967.

Notice is hereby given that the Lincoln National Life Insurance Co. ("The Lincoln"), 1301 South Harrison Street, Fort Wayne, Ind. 46802, and Lincoln National Variable Annuity Fund A ("Fund") (herein collectively called "Applicants") have filed an application pursuant to section 6(c) of the Investment Company Act of 1940, 15 U.S.C. section 80a-1, et seq. ("Act") for an exemption from the provisions of sections 27(a)(4) and 27(c)(2) of the Act. Fund was established on September 16, 1966, as a segregated investment account by The Lincoln, pursuant to Indiana law, to hold assets set aside by The Lincoln in relation to contributions received by The Lincoln in respect to its proposed variable annuity contracts. On February 21, 1967, the Commission issued an order (Investment Company Act Release No. 4848), pursuant to section 6(c) of the Act, exempting in certain respects both The Lincoln and Fund from the provisions of sections 14(a), 15(a), 16(a), 17(f), 22(d), 22(e), 27(a)(4), 27(c)(1), and 27(c)(2), and 32(a)(2) of the Act and Rule 17f-2 thereunder. The Applicants request further exemptions in order to sell group and individual variable annuity contracts which are issued with respect to plans initially qualifying under section 401 or section 403(a) of the Internal Revenue Code of 1954.

Section 27(a)(4) as here pertinent prohibits the sale of any periodic payment plan certificate issued by a registered investment company if the first payment on such certificate is less than $20, or any subsequent payment is less than $10. Exemption is requested to permit a payment to be in an amount of not less than $10 with respect to any qualified contracts. Applicants represent that the individual contracts provide for the deduction of a fixed percentage of each payment as a sales charge with no "front-end load," that the amount of any stipulated payment computed on an annualized basis is limited to 200 percent of the initial payment, and that should the contract owner increase monthly payments in excess of the 200 percent maximum, and the annuity rates or expense guarantees then in effect were different from those in effect when the first contract was issued, a new contract would be issued with respect to the excess. Although this excess may be less than the $20 required by the section for an initial payment, the total contribution would exceed the required minimum. Therefore, Applicants request an exemption from the initial minimum payment provision of section 27(a)(4) with the representation that Applicants will not accept payments of less than $10.

Section 27(c)(2) prohibits a registered investment company or a depositor or underwriter for such company from selling periodic payment plan certificates unless the proceeds of all payments, other than the sales load, are deposited with a bank as trustee or custodian and held under an indenture or agreement containing, in substance, the provisions required by sections 26(a)(2) and (3) for a unit investment trust. Section 26(a)(2) requires that the trustee or custodian segregate and hold in trust all securities and cash of the trust and places certain restrictions on charges which may be made against the trust income and corpus, and excludes from expenses which the trustee or custodian may charge against the trust any payments to the depositor or principal underwriter, other than a fee not exceeding such reasonable amount as the Commission may prescribe, for performing bookkeeping and other administrative services delegated to them by the trustee or custodian. Section 26(a)(3) governs the circumstances under which the trustee or custodian may resign.

Applicants state that The Lincoln functions as a regulated insurance company and is subject to extensive and detailed supervision and inspection by the Insurance Commissioner of Indiana in all of its dealings with the contract purchasers. The Lincoln states that such control provides ample assurance against misfeasance and adequately protects the interest of the contract purchasers. Accordingly, Applicants state that such authority and jurisdiction affords the essential protection which the trusteeship or custodianship under section 26(a)(2) is designed to provide. Moreover, Indiana law provides that the Fund shall not be liable for charges arising out of any other business of The Lincoln which has no specific relation to or dependence upon the Fund; and that the contractual obligations of The Lincoln to the contract holders or to participants under group contracts cannot be abandoned until such obligations have been discharged. Applicants affirmed this obligation in connection with the registration statement. Since such supervision, inspection, and undertakings will effectively prevent orphanage of the Fund by The Lincoln which the trusteeship under section 27(c)(2) is designed to protect, Applicants request an exemption from the requirement of section 27(c)(2) for literal compliance with sections 26(a)(2) and (3). Applicants have consented to the requested exemption being subject to the condition that the charges under the contracts for administrative services shall not exceed such reasonable amounts as the Commission shall prescribe, and that the Commission shall reserve jurisdiction for such purpose.

Section 6(c) authorizes the Commission to exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from the provisions of the Act and Rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than August 24, 1967, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-9567; Filed, Aug. 15, 1967; 8:47 a.m.]

[File No. 24D-2735]

MINUTEMAN MOTELS, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

AUGUST 10, 1967.

I. Minuteman Motels, Inc. (issuer), 2520 South State Street, Salt Lake City, Utah, a Utah corporation, with offices stated to be at 2520 South State Street, Salt Lake City, Utah, filed with the Commission on July 29, 1966, a notification and an offering circular relating to a public offering of 300,000 shares of its $1 par value common stock at $1 per share for an aggregate offering price of $300,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof, and Regulation A promulgated thereunder. The filing was cleared on October 12, 1966 and the offering commenced on October 13, 1966. The issuer filed an amendment on January 6, 1967, and the offering was recommenced on February 21, 1967. Initially, officers and directors were to sell the entire offering for a 15 percent commission; however, the amendment provided that Western Brokerage, Inc. would sell 250,000 shares and would receive a 15 percent commission, and officers and directors would sell the remaining 50,000 shares for a 15 percent commission. On July 13, 1967, the issuer filed a Form 2-A stating that 45,506 shares had been sold for $11,585 and that the offering was being reduced to the number of shares actually sold.

II. The Commission has reason to believe from information reported to it by its staff that:

A. The terms and conditions of Regulation A have not been complied with in that:

1. The issuer filed a materially false and misleading Form 2-A report.

2. The issuer offered and sold certain of its securities to the public without delivering a copy of an offering circular containing the information required by Schedule 1 of Form 1-A in violation of Rule 256(a)(1).

3. The issuer offered and sold certain of its securities to the public in violation of the 10-day waiting period imposed by Rules 255(a) and 256(f).

4. The issuer offered and sold certain of its securities through an individual who was not named as an underwriter in the notification and offering circular.

5. The method of distribution to be used in the sale of its stock is not accurately or adequately disclosed.

6. Disclosure was not made in the offering circular that certain of the shares would be issued as a bonus without cash payment.

B. The notification, offering circular, and amendments thereto used in connection with the sale of certain of the issuer's securities contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to the following:

1. The issuer used an offering circular dated October 13, 1966, in offering and selling some of its securities which failed to disclose that issuer's president, vice-president and principal promoters had resigned their positions and the reasons therefor;

2. The failure to disclose that the issuer abandoned its business offices and the reasons therefor;

3. The failure to disclose that the issuer offered and sold certain of its securities at a discount from the public offering price and/or for consideration other than cash and the effects thereof;

4. The issuer used an offering circular dated October 13, 1966, in offering and selling some of its securities which failed to disclose that the issuer and two of its officers had been named as defendants in a civil action filed November 8, 1966.

C. The offering was made in violation of section 17 of the Securities Act of 1933, as amended.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be temporarily suspended:

It is ordered, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption of the issuer under Regulation A be, and it hereby is, temporarily suspended.

It is further ordered, Pursuant to Rule 7 of the Commission's rules of practice, that the issuer file an answer to the allegations contained in this order within thirty days of the entry thereof.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within 30 days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the

purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the thirtieth day after its entry and shall remain in effect unless it is modified or vacated by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-9568; Filed, Aug. 15, 1967; 8:47 a.m.]

[File No. 0-592]

PAKCO COMPANIES, INC.

Order Suspending Trading

AUGUST 10, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Pakco Companies, Inc., and all other securities of Pakco Companies, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 11, 1967, through August 20, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-9569; Filed, Aug. 15, 1967; 8:47 a.m.]

[File No. 1-5215]

ROTO AMERICAN CORP.

Order Suspending Trading

AUGUST 10, 1967.

The common stock, $1 par value, of Roto American Corp., being listed and registered on the National Stock Exchange pursuant to the provisions of the Securities Exchange Act of 1934 and the 7 percent cumulative preferred, $10 par value, being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the National Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 10, 1967, through August 19, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-9570; Filed, Aug. 15, 1967; 8:47 a.m.]

[70-4520]

SOUTHWESTERN ELECTRIC POWER CO. AND CENTRAL & SOUTH WEST CORP.

Notice of Proposed Amendment of Certificate of Incorporation

AUGUST 10, 1967.

Notice is hereby given that Southwestern Electric Power Company ("Southwestern"), 428 Travis Street, Shreveport, La. 71102, a registered holding company and an electric utility subsidiary company of Central & South West Corp. ("Central"), 902 Market Street, Wilmington, Del. 19899, also a registered holding company, have filed a joint application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7, 9, 10, and 12(f) of the Act and Rules 20 and 50 of the general rules as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Southwestern proposes to change, by amendment to its Certificate of Incorporation, the 5,500,000 authorized shares of its common stock of the par value of $10 each, both issued and unissued, into 5,500,000 shares of common stock of the par value of $12 each and to transfer from earned surplus to the common stock capital account the sum of $10,533,600—the equivalent of $2 for each of the 5,266,800 shares of common stock ($10 par value) now outstanding.

At June 30, 1967, the common stock capital and the earned surplus of Southwestern amounted to 52,668,000 and $22,528,409, respectively. Giving effect to the proposed transfer, common stock capital would be increased to $63,201,600 and earned surplus would be reduced to $11,994,809. The transactions are proposed for the principal purpose of effectuating a permanent capitalization of a portion of the company's earned surplus. Each of the outstanding common shares having a par value of $10 will, after the proposed transactions, constitute a common share having a par value of $12.

The affirmative vote of the holders of at least a majority of the outstanding shares of common stock is required to adopt the proposed amendments. Central, owner of all of the common stock of Southwestern, proposes to give and execute its consent in writing to the adoption of the proposed amendments to the certificate of incorporation.

Fees and expenses in connection with the proposed transactions to be paid by Southwestern are estimated not to exceed $1,500, including legal fees of $1,000. It is stated that no State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than August 31, 1967, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-9571; Filed, Aug. 15, 1967; 8:47 a.m.]

[File No. 1-4371]

WESTEC CORP.

Order Suspending Trading

AUGUST 10, 1967.

The common stock, 10 cents par value, of Westec Corp., being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Westec Corp., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 11, 1967, through August 20, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-9572; Filed, Aug. 15, 1967; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30 (Midwestern Area) Rev. 1]

AREA COORDINATORS ET AL.

Delegation of Authority To Conduct Program Activities in Midwestern Area

Pursuant to the authority delegated to the Area Administrators by Delegation of Authority No. 30 (Revision 12) 32 F.R. 179, dated January 7, 1967, and Amendment 1, 32 F.R. 8113, dated June 8, 1967, the following authority is hereby redelegated to the positions as indicated herein:

I. Area Coordinators:

A. *Economic Development Coordinator.* **1. To approve or decline section 501 State Development Company loans without dollar limitation and section 502 Local Development Company loans up to $350,000 (SBA share).

2. To close and disburse section 501 and 502 loans.

3. To extend the disbursement period on section 501 and 502 loan authorizations or undisbursed portions of section 501 and 502 loans.

4. To cancel wholly or in part undisbursed balances of partially disbursed section 501 and 502 loans.

5. To take all necessary actions in connection with the administration, servicing, and collection; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing.

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

d. Except: (a) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (b) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

8. Eligibility Determinations (for financial assistance only): To determine eligibility of applicants for assistance under the sections 501 and 502 programs of the Agency in accordance with Small Business Administration standards and policies.

7. Size determinations (for financial assistance only): To make initial size determinations in all sections 501 and 502 loans within the meaning of the Small Business Size Standards Regulations, as amended, and further, to make product classification decisions for sections 501 and 502 loans only. Product classification decisions for procurement purposes are made by contracting officers.

B. *Supervisory Loan Officer (Economic Development).* 1. To close and disburse sections 501 and 502 loans.

2. To extend the disbursement period on sections 501 and 502 loan authorizations or undisbursed portions of sections 501 and 502 loans.

3. To cancel wholly or in part undisbursed balances of partially disbursed sections 501 and 502 loans.

4. To take all necessary actions in connection with the administration, servicing, and collection; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing.

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank application for use of liquidity privilege under the loan guaranty plan.

d. Except: (a) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (b) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

c. *Loan Officer (Economic Development).* 1. To close and disburse sections 501 and 502 loans.

2. To extend the disbursement period on sections 501 and 502 loans.

3. To cancel wholly or in part undisbursed balances of partially disbursed sections 501 and 502 loans.

4. To approve final actions concerning current direct, participation, and 40 percent First Mortgage Plan—501 and 502 loans.

a. Use of the cash surrender value of life insurance to pay the premiums on the policy.

b. Release of dividends of life insurance or consent to applications against premiums.

c. Minor modifications in the authorization.

d. Extension of disbursement period.

e. Extension of initial principal payments.

f. Adjustment of interest payment dates.

g. Release of hazard insurance checks not in excess of $500 and endorse such checks on behalf of the Agency where SBA is named as joint loss payee.

h. Release of equipment with or without consideration where the value of equipment being released does not exceed $500.

D. *Liquidation and Disposal Coordinator.* 1. To take all necessary actions in connection with the liquidation and disposal of all loans and other obligations or assets, including collateral purchased; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. To take all necessary action in liquidating Economic Development Administration loans and acquired collateral when and as authorized by Economic Development Administration.

d. To advertise regarding the public sale of (a) collateral in connection with the liquidation of loans, and (b) acquired property.

e. Except: (a) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; (b) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

E. *Supervisory Liquidation and Disposal Officer.* 1. To take all necessary actions in connection with the liquidation and disposal of all loans and other obligations or assets, including collateral purchased; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. To take all necessary action in liquidating Economic Development Administration loans and acquired collateral when and as authorized by Economic Development Administration.

d. To advertise regarding the public sale of (a) collateral in connection with the liquidation of loans and (b) acquired property.

e. Except: (a) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; (b) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement; and (c) the cancellation of authority to liquidate.

F. *Area Claims Review Committee.* To consist of the liquidation and disposal coordinator, area counsel and the area supervisory appraiser who will meet and consider reasonable and properly supported compromise proposals of indebtedness owed to the Agency and to take final action on such proposals provided such action represents the majority recommendation of the committee on claims not in excess of $5,000 (including CPC advances but excluding interest), or represents the unanimous recommendation of said committee on claims in excess of $5,000 but not exceeding $100,000 (including CPC advances but excluding interest).

G. *Financial Assistance Coordinator*—1. *Eligibility Determinations (for financial assistance only).* To determine eligibility of applicants for assistance under any program of the Agency, except sections 501 and 502 loans, in accordance with Small Business Administration standards and policies.

2. *Size determinations (for financial assistance only).* To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, except sections 501 and 502 loans; and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

H. *Procurement and Management Assistance Coordinator*—1. *Eligibility determinations (for PMA activities only).* To determine eligibility of applicants for assistance under any program of the Agency in accordance with Small Business Administration standards and policies.

2. *Size determinations (for PMA activities only).* To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

I. *Area Administrative Officer.* 1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. Attorneys in foreclosure cases.

2. To (a) purchase office supplies and equipment, including office machines and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; and (c) contract for services required in setting up and dismantling and moving SBA exhibits and (d) issue Government bills of lading.

3. In connection with the establishment of Disaster Loan Offices, to obligate Small Business Administration for the rental of office space.

4. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

II. Regional Directors:

A. *Financial assistance.* 1. To approve business and disaster loans not exceeding $350,000 (SBA share) and economic opportunity loans not exceeding $25,000 (SBA share).

2. To decline business, economic opportunity and disaster loans of any amount.

3. To close and disburse approved loans.

4. To enter into business, economic opportunity and disaster loan participation agreements with banks.

5. To execute loan authorizations for Washington and area approved loans and for loans approved under delegated authority, said execution to read as follows:

(Name), *Administrator,*
By _____
(Name)
Regional Director.
(City)

6. To cancel, reinstate, modify and amend authorizations for business, economic opportunity and disaster loans.

7. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

8. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

9. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding principal balance of construction loans and loans involving accounts receivable and inventory financing.

**10. To establish disaster field offices upon receipt of advice of the designation of a disaster area; to advise on the making of disaster loans; to appoint as a processing representative any bank in the disaster area; and to close disaster field offices when no longer advisable to maintain such offices.

11. To take all necessary actions in connection with the administration, servicing and collection, other than those accounts classified as "in liquidation"; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator;

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

d. Except: (a) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; (b) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

B. *Size determinations.* To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, except sections 501 and 502 loans, and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

C. *Eligibility determinations.* To determine eligibility of applicants for assistance under any program of the Agency, except sections 501 and 502 loans, in accordance with Small Business Administration standards and policies.

D. *Administration.* 1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. Attorneys in foreclosure cases.

2. To (a) purchase office supplies and equipment, including office machines, and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits and (d) issue Government bills of lading.

3. In connection with the establishment of Disaster Loan Offices, to obligate Small Business Administration to reimburse the General Services Administration for the rental of office space.

4. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

E. *Chiefs, Financial Assistance Divisions (and Assistant Chiefs, if assigned.)* 1. Size determinations for financial assistance only: To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, except sections 501 and 502 loans; and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

2. Eligibility determinations for financial assistance only: To determine eligibility of applicants for assistance under any program of the Agency, except sections 501 and 502 loans, in accordance with Small Business Administration standards and policies.

3. To approve business and disaster loans not exceeding $350,000 (SBA share), and economic opportunity loans not exceeding $25,000 (SBA share).

4. To close and disburse approved business, economic opportunity and disaster loans.

5. To decline business, economic opportunity and disaster loans of any amount.

6. To enter into business, economic opportunity and disaster loan participation agreements with banks.

7. To execute loan authorizations for Washington, area, and regional approved loans and loans approved under delegated authority, said execution to read as follows:

(Name), *Administrator,*
By _____
(Name)
Title of person signing.

8. To cancel, reinstate, modify and amend authorizations for business, economic opportunity and disaster loans.

9. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

10. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

11. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding balance on construction loans and loans involving accounts receivable and inventory financing.

12. To take all necessary actions in connection with the administration, servicing and collection, other than those accounts classified as "in liquidation"; and to do and to perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator;

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or in part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privileges under the loan guaranty plan.

d. Except: (a) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (b) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

F. *Supervisory Loan Officer.* 1. To approve or decline direct loans not in excess of $50,000 and participation loans not in excess of $50,000 (SBA share).

2. To approve or decline economic opportunity loans not in excess of $25,000 (SBA share).

3. To close and disburse approved business, economic opportunity and disaster loans.

4. To enter into business loan participation agreements with banks.

5. To execute loan authorizations for Washington, area, and regional approved loans and loans approved under delegated authority, said execution to read as follows:

(Name), *Administrator,*
By _____
(Name)
Title of person signing.

6. To cancel, reinstate, modify and amend authorizations for business, economic opportunity and disaster loans.

7. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

8. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

9. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding balance on construction loans and loans involving accounts receivable and inventory financing.

10. To take all necessary actions in connection with the administration, servicing, and collection, other than those accounts classified as "in liquidation"; and to do and to perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or in part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privileges under the loan guaranty plan.

d. Except: (a) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (b) to deny liability of the Small Business Administration under the terms of a participation or guaranty

agreement or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

11. Size determinations for financial assistance only: To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, except sections 501 and 502 loans; and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

12. Eligibility determinations for financial assistance only: To determine eligibility of applicants for assistance under any program of the Agency, except sections 501 and 502 loans; in accordance with the Small Business Administration standards and policies.

G. *Loan Officer.* 1. To approve final actions concerning current direct or participation loans:

a. Use of the cash surrender value of life insurance to pay the premium on the policy.

b. Release of dividends of life insurance or consent to application against premiums.

c. Minor modifications in the authorization.

d. Extension of disbursement period.

e. Extension of initial principal payments.

f. Adjustment of interest payment dates.

g. Release of hazard insurance checks not in excess of $300 and endorse such checks on behalf of the Agency where SBA is named as joint loss payee.

h. Release of equipment with or without consideration where the value of equipment being released does not exceed $200.

2. To close and disburse approved business, economic opportunity and disaster loans.

H. *Regional Counsel.* [Reserved]

I. *Chief, Accounting, Clerical and Training Division.* 1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by United States Attorney in foreclosure cases.

2. To (a) purchase office supplies and equipment, including office machines, and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits and (d) issue Government bills of lading.

3. In connection with the establishment of Disaster Loan Offices, to obligate Small Business Administration to reimburse General Services Administration for the rental of office space.

4. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

J. *Assistant Chief, Accounting, Clerical and Training Division.* 1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by United States Attorney in foreclosure cases.

2. To (a) purchase office supplies and equipment, including office machines, and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits and (d) issue Government bills of lading.

3. In connection with the establishment of Disaster Loan Offices, to obligate Small Business Administration to reimburse General Services Administration for the rental of office space.

4. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

III. Branch Manager—Marquette, Michigan:

A. *Financial assistance.* 1. To approve or decline direct loans not in excess of $50,000 and participation loans not in excess of $50,000 (SBA share).

2. To approve or decline economic opportunity loans not in excess of $25,000 (SBA share).

3. To close and disburse approved business, economic opportunity and disaster loans.

4. To enter into business loan participation agreements with banks.

5. To execute loan authorizations for Washington, area, and regional approved loans and loans approved under delegated authority, said execution to read as follows:

(*Name*), *Administrator,*

By _____
(Name)
Title of person signing.

6. To cancel, reinstate, modify and amend authorizations for business, economic opportunity and disaster loans.

7. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

8. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

9. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding balance on construction loans and loans involving accounts receivable and inventory financing.

10. To take all necessary actions in connection with the administration, servicing, and collection, other than those accounts classified as "in liquidation"; and to do and to perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or in part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privileges under the loan guaranty plan.

d. Except: (a) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (b) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

11. Size determinations for financial assistance only: To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, except sections 501 and 502 loans; and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

12. Eligibility determinations for financial assistance only: To determine eligibility of applicants for assistance under any program of the Agency, except sections 501 and 502 loans; in accordance with Small Business Administration standards and policies.

IV. The specific authority delegated herein, indicated by double asterisks (**) cannot be redelegated.

V. The authority delegated herein to a specific position may be exercised by any SBA employee designated as acting in that position.

VI. All previously delegated authority is hereby rescinded without prejudice to actions taken under such Delegations of Authority prior to the date hereof.

Effective date: April 6, 1967.

RICHARD E. LASSAR,
Area Administrator,
Midwestern Area.

[F.R. Doc. 67-9574; Filed, Aug. 15, 1967; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 459]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

AUGUST 11, 1967.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 126 (Deviation No. 4), HUEY MOTOR EXPRESS, 1426 Dalton Avenue, Cincinnati, Ohio 45214, filed August 4, 1967. Carrier's representative: Harry McChesney, Jr., 711 McClure Building, Frankfort, Ky. 40601. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities* over a deviation route as follows: From Louisville, Ky., over Interstate Highway 71 to junction Interstate Highway 75 near Walton, Ky., thence over combined Interstate Highways 75 and 71 to Cincinnati, Ohio, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: Between Louisville, Ky., and Cincinnati, Ohio, over U.S. Highway 42.

No. MC 7075 (Deviation No. 1), NEMASKET TRANSPORTATION COMPANY, INC., 58 West Grove Street, Middleboro, Mass. 02346, filed July 31, 1967. Carrier's representative: Kenneth B. Williams, 111 State Street, Boston, Mass. 02109. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Boston, Mass., over Interstate Highway 95 to Providence, R.I., and (2) from junction Massachusetts Highways 128 and 24 (south of Boston, Mass.), over Massachusetts Highway 24 to Fall River, Mass., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: From Boston, Mass., over Massachusetts Highway 28 to junction U.S. Highway 44, thence over U.S. Highway 44 to Providence, R.I., and (2) from junction Massachusetts Highways 128 and 28 (south of Boston, Mass.), over Massachusetts Highway 28 to junction Massachusetts Highway 18, thence over Massachusetts Highway 18 to junction U.S. Highway 6, thence over U.S. Highway 6 to Fall River, Mass., and return over the same routes.

No. MC 30139 (Deviation No. 2), HOLMES TRANSPORTATION, INC., 550 Cochituate Road, Framingham, Mass. 01706, filed August 4, 1967. Carrier's representative: Kenneth B. Williams, 111 State Street, Boston, Mass. 02109. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Boston, Mass., over Interstate Highway 90 to junction New York Highway 14, north of Geneva, N.Y., thence over New York Highway 14 to Elmira, N.Y., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Boston, Mass., over U.S. Highway 20 to junction New York Highway 7, thence over New York Highway 7 to Binghamton, N.Y., thence over New York Highway 17 to Elmira, N.Y., and return over the same route.

No. MC 52953 (Deviation No. 9), ET & WNC TRANSPORTATION COMPANY, 132 Legion Street, Johnson City, Tenn. 37601 filed August 1, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Asheville, N.C., over U.S. Highway 19 to junction U.S. Highway 19A, at or near Waynesville, N.C., thence over U.S. Highway 19A to junction U.S. Highway 19 (at or near Ela, N.C.), thence over U.S. Highway 19 to Murphy, N.C., thence over U.S. Highway 64 to Cleveland, Tenn., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Asheville, N.C., over U.S. Highway 70 to Knoxville, Tenn., and (2) from Knoxville, Tenn., over U.S. Highway 11 to Cleveland, Tenn., and return over the same routes.

No. MC 56853 (Sub-No. 2) (Deviation No. 2), B AND B LINES, INC., 1002 North Owasso Avenue, Tulsa, Okla. 74106, filed August 1, 1967. Carrier's representative: Martin E. Wyatt, 3108 East 15th Street, Tulsa, Okla. 74104. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Perry, Okla., over U.S. Highway 64 to junction Interstate Highway 35, thence over Interstate Highway 35 to junction Oklahoma Highway 33, (2) from Oklahoma City, Okla., over Interstate Highway 44 (Turner Turnpike) to Tulsa, Okla., and (3) from Oklahoma City, Okla., over Interstate Highway 40 to Henryetta, Okla., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes, as follows: (1) from Perry, Okla., over U.S. Highway 64 to junction U.S. Highway 177 (formerly Oklahoma Highway 40), thence over U.S. Highway 177 to junction Oklahoma Highway 33, thence over Oklahoma Highway 33 to junction Interstate Highway 35, (2) from Oklahoma City, Okla., over U.S. Highway 77 to junction Oklahoma Highway 33, thence over Oklahoma Highway 33 to Tulsa, Okla., and (3) from Oklahoma City, Okla., over U.S. Highway 77 to junction Oklahoma Highway 33, thence over Oklahoma Highway 33 to junction Alternate U.S. Highway 75, thence over Alternate U.S. Highway 75 to junction U.S. Highway 75, thence over U.S. Highway 75 to Henryetta, Okla., and return over the same routes.

No. MC 109265 (Deviation No. 9), W. L. MEAD, INC., Post Office Box 31, Norwalk, Ohio 44857, filed August 3, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Findlay, Ohio, and Lima, Ohio, over Interstate Highway 75, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Findlay, Ohio, over Ohio Highway 15 to Carey, Ohio, thence over U.S. Highway 23 to Marion, Ohio, and (2) from Columbus, Ohio, over U.S. Highway 23 to junction U.S. Highway 30S, at Marion, Ohio, thence over U.S. Highway 30S to Lima, Ohio, and return over the same routes.

MOTOR CARRIERS OF PASSENGERS

No. MC 1934 (Deviation No. 5), THE ARROW LINE, INC., 105 Cherry St., East Hartford, Conn. 06108, filed August 1, 1967. Carrier's representative: Thomas W. Murrett, 410 Asylum Street, Hartford, Conn. 06103. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From Storrs, Conn., northwesterly over Connecticut Highway 195 to junction Interstate Highway 84 near Tolland, Conn., thence southwesterly over Interstate Highway 84 to junction Interstate Highway 91 at Hartford, Conn., thence southerly over Interstate Highway 91 to junction Interstate Highway 95 at New Haven, Conn., and thence via New Haven, Conn., over authorized authority over Interstate Highway 95 to New York, N.Y., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Storrs, Conn., over Connecticut Highway 195 to junction Connecticut Highway 89, thence over Connecticut Highway 89 to junction Connecticut Highway 32, thence over Connecticut Highway 32 to junction Connecticut Highway 52, thence over Connecticut Highway 52 to junction Interstate Highway 95, thence over Interstate Highway 95 to New York, N.Y., and return over the same route.

No. MC 13028 (Deviation No. 11), THE SHORT LINE, INC., Post Office Box 1116 Annex Station, Providence, R.I. 02901, filed July 31, 1967. Carrier proposes to operate as a *common carrier*, by motor

vehicle, of *passengers and their baggage*, and *express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From junction Interstate Highway 195 and exit road at North Westport, Mass., over Interstate Highway 195 for a distance of 12 miles to the New Bedford-Fairhaven city line, thence over city streets at Fairhaven, Mass., to junction Main Street and U.S. Highway 6 in the town of Fairhaven, Mass., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Providence, R.I., over U.S. Highway 6 to junction unnumbered highway (formerly U.S. Highway 6), thence over unnumbered highway to Seekonk, Mass., thence over alternate Massachusetts Highway 114 (formerly U.S. Highway 6) to junction U.S. Highway 6, thence over U.S. Highway 6 via Fall River, New Bedford, and Wareham, Mass., to junction unnumbered highway (formerly U.S. Highway 6), and return over the same route.

No. MC 70947 (Deviation No. 4), MT. HOOD STAGES, INC., doing business as Pacific Trailways, 1068 Bond Street, Bend, Oreg. 97701, filed August 4, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers*, in the same vehicle with passengers, over a deviation route as follows: From Jerome, Idaho, over Idaho Highway 79 to junction Interstate Highway 80N, thence over Interstate Highway 80N to junction U.S. Highway 93 (North Twin Falls Junction, Idaho), and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Jerome, Idaho, over Idaho Highway 79 (formerly U.S. Highway 93) to junction U.S. Highway 93, thence over U.S. Highway 93 to Twin Falls, Idaho, and return over the same route.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 67-9596; Filed, Aug. 15, 1967; 8:49 a.m.]

[Notice 1095]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

AUGUST 11, 1967.

The following publications are governed by Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER issue of April 20, 1966, which became effective May 20, 1966.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 93682 (Sub-No. 16) (Republication), filed January 23, 1967, published FEDERAL REGISTER issues of February 2, 1967, and June 28, 1967, and republished this issue. Applicant: COLE'S EXPRESS, a corporation, 76 Dutton Street, Bangor, Maine. Applicant's representative: Francis E. Barrett, 35 Bryant Avenue, East Milton, Mass. 02186. By application filed January 23, 1967, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over regular and irregular routes, of general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading). Regular route: (1) Between Bangor and Princeton, Maine: From Bangor over Alternate U.S. Highway 1 to junction U.S. Highway 1 at Ellsworth, Maine, thence over U.S. Highway 1 to Millbridge, Maine, thence over U.S. Highway 1 to Harrington, Maine (also from Millbridge over Alternate U.S. Highway 1 to Harrington, Maine), thence over U.S. Highway 1 to Jonesboro, Maine, thence over U.S. Highway 1 to Machias, Maine (also from Jonesboro, over Alternate U.S. Highway 1 to Machias), thence over U.S. Highway 1 to Princeton, and return over the same route serving the intermediate points of Machias, East Machias, Whiting, Dennysville, Perry, North Perry, Robbinston, Red Beach, Calais, Baring, and Baileyville (Woodland), Maine, and the off-route points of West Lubec, Lubec, Quoddy, and Eastport, Maine, (2) between Bangor, Maine, and junction Maine Highway 9 and U.S. Highway 1 at or near Baring, Maine, over Maine Highway 9, serving no intermediate points, and serving junction Maine Highway 9 and U.S. Highway 1 for purposes of joinder only.

(3) Between junction U.S. Highway 1 and Maine Highway 182 at or near Ellsworth, Maine, and Cherryfield, Maine, over Maine Highway 182, serving no intermediate points, and serving junction U.S. Highway 1 and Maine Highway 182 and Cherryfield for the purpose of joinder only, (4) between East Machias and Baring, Maine, over Maine Highway 191, serving no intermediate points, and (5) between Bangor and Millinocket, Maine; from Bangor over U.S. Highway 2 to Mattawamkeag, thence over Maine Highway 157 to Medway, thence over Maine Highway 157 (also over Maine Highway 11), to Millinocket, and return over the same route, serving the intermediate point of East Millinocket, Maine. Irregular route: Between Bangor, Maine, on the one hand, and, on the other, points in Washington County, Maine (except points on the described regular routes in (1), (2), (3), and (4) above). NOTE: Applicant states it intends to tack at Bangor, Maine, with presently held authorized regular route authority, to serve points in Washington County, Maine. A supplemental order of the Commission, dated July 24, 1967 and served August 2, 1967, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over regular routes, of *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment).

(1) Between Bangor and Princeton, Maine: From Bangor over Alternate U.S. Highway 1 to junction U.S. Highway 1 at Ellsworth, Maine, thence over U.S. Highway 1 to Millbridge, Maine, thence over U.S. Highway 1 to Harrington, Maine (also from Millbridge over Alternate U.S. Highway 1 to Harrington, Maine), thence over U.S. Highway 1 to Jonesboro, Maine, thence over U.S. Highway 1 to Machias, Maine (also from Jonesboro over Alternate U.S. Highway 1 to Machias), thence over U.S. Highway 1 to Princeton, and return over the same route; (2) between Bangor, Maine, and the junction of Maine Highway 9 and U.S. Highway 1 at or near Baring, Maine, over Maine Highway 9; (3) between the junction of U.S. Highway 1 and Maine Highway 182 at or near Ellsworth, Maine, and Cherryfield, Maine, over Maine Highway 182; (4) between East Machias and Baring, Maine, over Maine Highway 191; (5) between Bangor and Millinocket, Maine; from Bangor over U.S. Highway 2 to Mattawamkeag, thence over Maine Highway 157 to Medway, thence over Maine Highway 157 (also over Maine Highway 11) to Millinocket, and return over the same route, serving the intermediate point of East Millinocket, Maine; (6) serving in (1) through (4) above, all intermediate and off-route points in Washington County, Maine, and (7) all the authority contained in (1) through (6) above is restricted to the transportation of traffic moving from, to, or through Bangor, Maine; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER, and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 107110 (Sub-No. 5) (Republication), filed February 1, 1967, published

FEDERAL REGISTER issue of February 24, 1967, and republished this issue. Applicant: GERALD L. DINNISON, LAWRENCE E. BLACK, F. A. BRION (ANNE E. BRION, EXECUTRIX), AND R. H. GOODALL, a partnership, doing business as B AND D TRANSFER, Liberty, Pa. 16930. Applicant's representative: David A. Sutherlund, Suite 930, 1120 Connecticut Avenue NW., Washington, D.C. 20036. By application filed February 1, 1967, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, transporting general commodities (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Galeton, Pa., and points within (12) miles of Galeton, on the one hand, and, on the other, Cleveland, Ohio, and Baltimore, Md., subject to a no-tacking restriction. An order of the Commission, Operating Rights Board, dated July 24, 1967, and served August 3, 1967, finds that the present and future public convenience and necessity require operation by applicants, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of general commodities (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those which because of size or weight require the use of special equipment) between points in that part of Pennsylvania bounded by a line beginning at Coudersport, Pa., and extending north along Pennsylvania Highway 44 to junction Pennsylvania Highway 49, thence along Pennsylvania Highway 49 to Westfield, Pa., thence along Pennsylvania Highway 349 to Sabinsville, thence along unnumbered highway to junction U.S. Highway 6 northeast of Ansonia, Pa., thence along U.S. Highway 6 to junction unnumbered highway southwest of Ansonia, thence southward along unnumbered highway via Leetonia to junction Pennsylvania Highway 414 to Slate Run, Pa., thence northwest along unnumbered highway to junction Pennsylvania Highway 44, thence along Pennsylvania Highway 44 to junction U.S. Highway 6, thence along U.S. Highway 6 to Coudersport, the place of beginning, including points of said highways, on the one hand, and, on the other, Cleveland, Ohio, and Baltimore, Md., subject to the restriction that this authority shall not be tacked or combined with any other authority now held by applicant for the purpose of performing a through service from or to points other than those named herein; that applicants are fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 107591 (Sub-No. 2) (Republication), filed March 21, 1967, published FEDERAL REGISTER issue of April 6, 1967, and republished this issue. Applicant: BECKER COMPANY, INC., Talmage, Pa., 17580. Applicant's representative: Bernard N. Gingerich, 110 West State Street, Quarryville, Pa. 17566. By application filed March 21, 1967, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier, by motor vehicle, over irregular routes, of stone, bituminous concrete, and stone with additives, (1) between points in Harford County, Md., on the one hand, and, on the other, points in York, Lancaster, and Dauphin Counties, Pa., and (2) between points in Cecil County, Md., and Lancaster County, Pa., on the one hand, and, on the other, points in York County, Pa., restricted against the transportation of stone from Hanover, Pa., and points within 5 miles thereof. An order of the Commission, Operating Rights Board, dated July 24, 1967, and served August 4, 1967, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *stone and stone products*, (1) from points in Lancaster and Dauphin Counties, Pa., to points in Harford County, Md., (2) from points in Cecil and Harford Counties, Md., to points in York County, Pa., and (3) from points in Harford County, Md., to points in Lancaster and Dauphin Counties, Pa.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 110832 (Sub-No. 4) (Republication), filed November 9, 1966, published FEDERAL REGISTER issue of December 15, 1966, and republished this issue. Applicant: PAPER TRANSPORT CO., a corporation, State Road, New Castle, Del. Applicant's representative: Carl Goldstein, 200 West Ninth Street, Wilmington, Del. By application filed November 9, 1966, as amended, applicant seeks a permit authorizing operation, in interstate or foreign commerce as a contract carrier by motor vehicle of: (1) Paper and paper products, from Childs, Md., to points in New York, Pennsylvania, New Jersey, Virginia, Connecticut, Massachusetts, Ohio, North Carolina, South Carolina, Rhode Island, Delaware, West Virginia, and the District of Columbia, and (2) equipment, materials, and supplies used in the manufacture of paper and paper products, on return. A report and order of the Commission, effective July 24, 1967, served July 31, 1967, finds that operation by applicant as a *contract carrier* by motor vehicle, of (1) *paper and paper products*, from Childs, Md., to points in New York, Pennsylvania, New Jersey, Virginia, Connecticut, Massachusetts, Ohio, North Carolina, Rhode Island, Delaware, West Virginia, and the District of Columbia and (2) *equipment, materials, and supplies* used in the manufacture of paper and paper products (except in bulk), from the destination territory described above to Childs, Md., over irregular routes, limited to a service performed under a continuing contract with Elk Paper Manufacturing Co. of Childs, Md., will be consistent with the public interest and the national transportation policy. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 125646 (Sub-No. 2) (Republication), filed March 13, 1967, published FEDERAL REGISTER issue of March 30, 1967 and republished this issue. Applicant: SAMUEL R. FOX, 12 Second Street, Bridgeport, Ohio. Applicant's representative: D. L. Bennett, 213 First National Bank Building, 2207 National Road, Wheeling, W. Va. 26003. By application filed March 13, 1967, applicant seeks a permit authorizing operation in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of the commodities, from and to the points indicated below. A corrected order of the Commission, Operating Rights Board, dated July 13, 1967 and served August 9, 1967, finds that operation by applicant, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes of, (1) dairy store equipment and supplies (except such commodities in bulk), from Worthington, Ohio, to Aliquippa, Altoona, Appollo, Beaver Falls, Blairsville,

Brownsville, Butler, Canonsburg, Kittanning, Greensburg, Jeannette, Johnstown, Latrobe, Charleroi, Connellsville, Indiana, Irwin, Mount Pleasant, Somerset, Uniontown, and Washington, Pa., and points in Allegheny County, Pa., and West Virginia, and (2) ice cream cones, from Pittsburgh, Pa. to Worthington, Ohio, under a continuing contract with International Dairy Queen, Inc., of Martins Ferry, Ohio, will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 126881 (Sub-No. 7) (Republication) filed April 5, 1967, published FEDERAL REGISTER issue of April 20, 1967, and republished this issue. Applicant: RICHARD B. RUDY, INC., 203 Linden Avenue, Frederick, Md. 21701. Applicant's representative: Eston H. Alt, Post Office Box 81, Winchester, Va. 22601. By application filed April 5, 1967, applicant seeks a permit authorizing operations, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of dairy products and preparations requiring refrigeration, other than in bulk, from Frederick, Md., to points in Connecticut, Delaware, Massachusetts, Maryland, New York (except New York, N.Y., commercial zone), North Carolina, Ohio, Rhode Island, Virginia (except Fredericksburg, Richmond, Petersburg, and Norfolk), West Virginia, and the District of Columbia, under contract with Capitol Milk Producers Cooperative, Inc. An order of the Commission, Operating Rights Board, dated July 24, 1967, and served August 2, 1967, finds that operation by applicant, in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over irregular routes, of *dairy products* (except in bulk), in vehicles equipped with mechanical refrigeration devices, from Frederick, Md., to points in Connecticut, Delaware, Massachusetts, Maryland, New York (except points in the portion of the zone as defined by the Commission in the fifth supplemental report in *Commercial Zones and Terminal Areas*, 53 M.C.C. 451, within which local operations may be conducted under the partial exemption provided by section 203(b)(8) of the Interstate Commerce Act (the exempt zone)), North Carolina, Ohio, Rhode Island, Virginia, (except Fredericksburg, Richmond, Petersburg, and Norfolk), West Virginia, and the District of Columbia, under a continuing contract with Capitol Milk Producers Cooperative, Inc., of Frederick, Md., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who may have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 126965 (Sub-No. 4) (Republication), filed March 6, 1967, published FEDERAL REGISTER issue of March 23, 1967 and republished this issue. Applicant: CLIFFORD B. FINKLE, JR., 800 Bloomfield Avenue, Clifton, N.J. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. By application filed March 6, 1967, applicant seeks a permit authorizing operations, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of noodles, in tote bins, from Fair Lawn, N.J., to Albion, N.Y., and empty tote bins, on return. An order of the Commission, Operating Rights Board, dated July 24, 1967, and served August 2, 1967, finds that the present and future public convenience and necessity require operations by applicant, in interstate or foreign commerce, as a *contract carrier* by motor vehicle, of *noodles*, in containers, from Fair Lawn, N.J., to Albion, N.Y., under a continuing contract with A. Zarega's Sons, Inc., of Fair Lawn, N.J., will be consistent with the public interest and the national transportation policy. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 128971 (Republication), filed March 24, 1967, published FEDERAL REGISTER issue of April 27, 1967, and republished this issue. Applicant: W. W. TIMBES, doing business as, TOM'S DELIVERY SERVICE, 824 North Gloster Street, Tupelo, Miss. Applicant's representative: Rubel L. Phillips, 829 Deposit Guaranty Bank Building, Jackson, Miss. 39205. By application filed March 24, 1967, applicant seeks a permit authorizing operations, in interstate of foreign commerce, as a contract carried by motor vehicle, over irregular routes, transporting: Peanuts, potato chips, nabs, sandwiches, candy, and other confectionery and snack items, from the plant-site of Tom Houston Peanut Co., Columbus, Ga., to Tupelo, Miss. An order of the Commission, Operating Rights Board, dated July 24, 1967 and served August 3, 1967, finds that operation by applicant, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of food and food products, from the plant site of Tom Houston Peanut Co., at Columbus, Ga., Tupelo, Miss., under a continuing contract with Tom Houston Peanut Co., of Columbus, Ga., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 129003 (Republication), filed April 4, 1967, published FEDERAL REGISTER issue of April 20, 1967, and republished this issue. Applicant: MISSOULA CARTAGE CO., a corporation, Box 94, Missoula, Mont. 59801. Applicant's representative: Karl R. Karlberg, First National Bank Building., Missoula, Mont. 59801. By application filed April 4, 1967, applicant seeks a permit authorizing operations, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of wood chips and sawdust, except in tank vehicles, between points in Lemhi County, Idaho, and Missoula County, Mont., under contract with Hoerner Waldorf Corp. of Montana and Intermountain Lumber Co. An order of the Commission, Operating Rights Board, dated July 24, 1967, and served August 2, 1967, finds that operation by applicant, in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over irregular routes, of *wood chips and sawdust*, from points in Lemhi County, Idaho, to points in Missoula County, Mont., under continuing contracts with Hoerner Waldorf Corp. of Montana and Intermountain Lumber Co., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who may have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-9822. (Correction) (T.I.M.E. FREIGHT, INC.—Purchase (Portion)—TEXAS-ARIZONA MOTOR FREIGHT, INC.: and LEE WAY MOTOR FREIGHT, INC.—Control and merger—TEXAS-ARIZONA MOTOR FREIGHT, INC.), published in the July 26, 1967, issue of the FEDERAL REGISTER, on page 10965. The (2) authority sought should read: for *purchase* by LEE WAY MOTOR FREIGHT, INC., of the remaining *portion* of the operating rights and property of TEXAS-ARIZONA MOTOR FREIGHT, INC., in lieu of control and merger.

No. MC-F-9845. Authority sought for control and merger by BOYCE MOTOR LINES, INC., Lake Shore Drive, Canandaigua, N.Y. 14424, of the operating rights and property of G & N MOTOR EXPRESS, INC., Post Office Box 231, Newark, N.Y. 14513, and for acquisition by LESTER BOYCE, West Lake Road, Canandaigua, N.Y. 14424, of control of such rights and property through the transaction. Applicants' attorneys: Norman M. Pinsky and Herbert M. Canter, both of 345 South Warren Street, Syracuse, N.Y. 13202, and Robert V. Gianniny, 900 Midtown Tower, Rochester, N.Y. 14604. Operating rights sought to be controlled and merged: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes, between Port Bryon, N.Y., and Auburn, N.Y., between Rochester, N.Y. and Syracuse, N.Y., serving all intermediate points, and certain off-route points; and under a certificate of registration, in No. MC-1401 Sub 2, covering the transportation of general commodities, as defined in the contemporaneously effective order of the said Commission in Case MT-4467, and nursery stock, as a common carrier, in intrastate commerce, within the State of New York. BOYCE MOTOR LINES, INC., is authorized to operate as a *common carrier* in New York, New Jersey, and Pennsylvania. Application has been filed for temporary authority under section 210a(b). NOTE: No. MC-109672, Sub 10 is a matter directly related.

No. MC-9845. Authority sought for control by SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville, Ky. 40201, of T. I. McCORMACK TRUCKING COMPANY, INC., Route 9, Woodbridge, N.J. 07095, and for acquisition by LOUISVILLE TAXICAB AND TRANSFER COMPANY, Post Office Box 2127, Louisville, Ky., and, in turn by NATIONAL INDUSTRIES, INC., STANLEY R. YARMUTH, BERNARD H. BARNETT, and JOSEPH A. GAMMON, all of 1215 South Third Street, Louisville, Ky. 40203, of control of T. I. McCORMACK TRUCKING COMPANY, INC., through the acquisition by SOUTHERN TANK LINES, INC. Applicants' attorneys: Daniel B. Johnson, Warner Building, Washington, D.C. 20004, and Frank B. Hand, Jr., 1345 Pennsylvania Avenue NW., Washington, D.C. 20004. Operating rights sought to be controlled: *Vegetable oils*, in bulk, in tank vehicles, and numerous other specified commodities, as a *common carrier*, over irregular routes, from, to, and between specified points in the States of New York, New Jersey, Pennsylvania, Connecticut, Delaware, Maryland, Massachusetts, Rhode Island, Ohio, North Carolina, Virginia, Maine, New Hampshire, Vermont, Alabama, Georgia, Illinois, Indiana, Kentucky, Michigan, South Carolina, Tennessee, West Virginia, Kansas, Wisconsin, Missouri, and the District of Columbia, with certain restrictions, as more specifically described in Docket No. MC-52458 and subnumbers thereunder. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating, in full, the entirety, thereof. SOUTHERN TANK LINES, INC., is authorized to operate as a *common carrier* in Alabama, Arkansas, California, Colorado, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Jersey, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Virginia, West Virginia, Wisconsin, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-9847. Authority sought for control by FRANK PETERLIN, 9651 South Ewing Avenue, Chicago, Ill., of FAST FREIGHT, INC., 2612 Morris Street, Indianapolis, Ind. Applicants' attorney and representative: Joseph M. Scanlan, 111 West Washington Street, Chicago, Ill. 60602, and James L. Beattey, 130 East Washington Street, Indianapolis, Ind. 46204. Operating rights sought to be controlled: *Malt beverages*, as a *common carrier* over regular routes, from Louisville, Ky., to Lafayette, Ind., serving no intermediate points, from Milwaukee, Wis., to Lafayette, Ind., serving the intermediate point of Chicago, Ill., from St. Louis, Mo., to Lafayette, Ind., serving no intermediate points; *malt beverages*, over regular and irregular routes, from St. Louis, Mo., Louisville, Ky., and Milwaukee, Wis., to certain specified points in Indiana, serving no intermediate points; *manufactured or processed animal and poultry food*, over irregular routes, from points in the Chicago, Ill., commercial zone, as defined by the Commission, and Riverdale, Ill., to points in Indiana; *waste and salvage materials and metals*, including scrap paper, rags, junk rubber and all scrap metals, from Indianapolis, Ind., to Chicago, Ill.; *junk and scrap rubber*, from Terre Haute, Ind., and Muncie, Ind., to Chicago, Ill.; *fertilizer*, and *feed materials* consisting of bone meal, feed, dried meat scraps, feeding tankage, peanut oil cake and meal, from points in the Chicago, Ill., commercial zone, as defined by the Commission, to points in Indiana on and north of U.S. Highway 40.

Waste, scrap, and salvage materials, from Lafayette, Ind., and Frankfort, Ind., to Chicago, Ill.; *animal and poultry feed ingredients, consisting of meat scrap and tankage, linseed oil, meal and mill feeds*, from points in the Chicago, Ill., commercial zone, as defined by the Commission, and Riverdale and Chicago Heights, Ill., to Lafayette, Ind.; *asbestos*, scrap, *asphalt*, liquid or solid in packages, *automobile body panels*, fiberboard, not covered, with cutouts, or of shape other than rectangular, painted or not painted, loaded on platforms or wooden skids, *blocks*, mastic (asphalt flooring, compound), *boards*, fiberboard and/or pulpboard (impregnated with asphalt), in rectangular shapes, without cutouts, painted or not painted, loaded on wooden platforms or wooden skids, *boards*, asphalt composition paving or flooring, *board*, wall, asbestos, *board*, wall, fiberboard, pulpboard or strawboard, *burlap*, bituminized in packages, *caps*, roofing, tin, in packages, *carpet lining*, paper, including felt paper plain, other than indented, *cement*, asbestos, in packages, *cement*, composition or asbestos, *cement*, furnace, in packages, *cement*, tile, liquid, *cement*, roofing, in packages, *cement*, magnesia, *clamps*, metal, in packages, *coating*, roof, having asbestos, pitch tar or rosin base, in packages, *cloth*, cotton, saturated with asbestos, *conduits*, bituminized fiber, *creosote*, in packages, *eave filler strips*, asphalt composition, *fasteners*, metal, in packages, *felt*, building or roofing, saturated, or unsaturated, *felts*, paper, fabrics, saturated, and/or coated, *flashing blocks*, asphalt composition, *insulating material*, asbestos or felt paper, in forms or shapes other than solid flat blocks or solid flat sheets, *millboard*, asbestos, in packages, *mineral wools* (rock or slag wool), metal reinforced in packages, *mineral wool* (rock or slag wool), plain or saturated, with

or without paper backs, in batts or other than batts, in packages.

Mortar or cement, high temperature bonding, n.o.i., in packages, *soils*, in packages, *packing*, asbestos, *braid or wick* in packages, *paint*, asphaltum, in packages, *paint*, coal tar, in packages, *paper*, asbestos, and/or other than asbestos, building, roofing or sheathing, plain or saturated, *paper*, building, roofing or sheathing, saturated or unsaturated, *paving joints*, expansion (asphalt or asphalt base), *pipe*, cement, containing asbestos fiber, *pitch*, roofing, in packages, *planks*, asphalt composition, paving or flooring, *ridge rolls*, asbestos, in packages, *roofing*, composition or prepared, *roofing*, or sheathing, asbestos hard, corrugated, *sheathing*, asbestos, hard flat, ornamented or not ornamented, polished or shaped, with or without fiberboard center or back, and/or air-cell paper center, *shingles*, asbestos, hard (artificial stone shingles or slate), in bundles, *shingles*, asbestos, *shingles*, asphalt, asbestos or composition, *sheathings*, *shorts*, asbestos, *siding*, asbestos, *siding*, asphalt, *straps*, tin, with fasteners, in packages, *tar*, roofing, in packages, *tile*, asphalt, composition, floor, *wood preservatives*, in packages, from Vandalia, Ill., to certain specified points in Kentucky, points in Indiana, Ohio, and the Lower Peninsular of Michigan, those in Iowa within 5 miles of the Mississippi River, and those in Wisconsin (except Milwaukee and points south of Milwaukee within 5 miles of Lake Michigan); *dairy supplies and equipment*, including empty glass bottles, and jugs, trisodium, alkalies, and cullet, from Blockway and Knox, Pa., certain specified points in Ohio, Joliet, Ill., St. Louis, Mo., and Huntington, W. Va., to Indianapolis, Ind., and points in Indiana within 75 miles of Indianapolis, from Chicago, Ill., Cincinnati, Ohio, and Louisville, Ky., to points in Indiana within 75 miles of Indianapolis, Ind., except Indianapolis, Lafayette, Lebanon, and Seymour, from Indianapolis, Ind., to St. Louis, Mo.

Canned, processed, and manufactured foods, in containers, and *canning supplies, machinery, equipment, and parts thereof*, between certain specified points in Indiana, Muscatine, Iowa, certain specified points in Wisconsin, and points within 10 miles of Astico (except that no traffic is to be transported between Indianapolis and Jeffersonville, Ind.), between certain specified points in Indiana, Muscatine, Iowa, certain specified points in Wisconsin, and points within 10 miles of Astico, on the one hand, and, on the other, points in Wisconsin, Illinois, Indiana, Ohio, and those in West Virginia and Kentucky on the Ohio River, and those in Missouri and Iowa on the Mississippi River, between Indianapolis and Jeffersonville, Ind., on the one hand, and, on the other, points in Wisconsin, Illinois (except the Chicago, Ill., commercial zone, as defined by the Commission), Indiana (except Lafayette, Lebanon, Seymour, and New Albany), Ohio, (except the Cincinnati, Ohio, commercial zone, as defined by the Commission), those in West Virginia and Kentucky (except Louisville) on the Ohio River, and those in Missouri and Iowa on the Mississippi River; *canned goods*, from Cincinnati, Ohio, to St. Louis, Mo., Henderson and Louisville, Ky., and points in Indiana, Illinois, and Wisconsin; *glass bottles*, from the site of the Universal Glass Products Co. about 3 miles from Partersburg, W. Va., to points in Wisconsin on and south of Wisconsin Highway 54 and on and east of Wisconsin Highway 80; *glassware*, between Indianapolis, Ind., on the one hand, and, on the other, points in Illinois (except the Chicago, Ill., commercial zone, as defined by the Commission), Kentucky (except Louisville), and Ohio (except the Cincinnati, Ohio, commercial zone, as defined by the Commission.

Nails, sheet metal, sheet metal roofing, and *roofing materials* used in construction of such roofs, from Cincinnati, Ohio, to Henderson, Ky., and points in Indiana; with restriction; *glassware*, with or without closures, and *fiberboard cartons* (knocked down) in mixed shipments with glass containers, from Vienna, W. Va., to points in Kentucky (except points within 10 miles of the Ohio River), certain specified points in Wisconsin, and that part of Iowa north of U.S. Highway 34 and west of U.S. Highway 218, from Muncie, Ind., to points in Kentucky (except points within ten miles of the Ohio River), and points in West Virginia (except points within 10 miles of the Ohio River), from Winchester, Ind., to points in that part of Kentucky south of U.S. Highway 60 (except points within ten miles of the Ohio River), from Lapel, Ind., to St. Paul and Minneapolis, Minn.; and *fertilizer*, from Sheboygan, Wis., to Chicago, Ill., and Indianapolis, Ind. FRANK PETERLIN, individually, hold no authority from this Commission. However, he is affiliated with PETERLIN CARTAGE CO., 9651 South Ewing Avenue, Chicago, Ill. 60617, which is authorized to operate as a *common carrier* in Illinois, Indiana, Ohio, Michigan, Iowa, Minnesota, Wisconsin, Kentucky, Missouri, Kansas, North Dakota, South Dakota, Tennessee, and New York. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9848. Authority sought for control and merger by NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, N.J., of the operating rights and property of MILLER TRANSPORT CO., INC., 64th and Passyunk Avenue, Philadelphia, Pa., and for acquisition by BERNARD A. BROWN, also of Vineland, N.J., of control of such rights and property through the transaction. Applicants' attorney: Francis W. McInerny, 1000 16th Street NW., Washington, D.C. 20036. Operating rights and property sought to be controlled merged: *General commodities*, except soap, soap products, lard substitute or compounds, cooking oil, glycerin, coconut oil and coconut-oil products, stearine, dentifrices, facial preparations, shampoo, with or without advertising matter and premiums, acids, alum, insecticides in containers, soda products, in containers, shampoo other than liquid, dentifrices, facial preparations, and soda products, in bulk, household goods as defined by the Commission, and commodities requiring special equipment, as a *common carrier* over regular routes, between Philadelphia, Pa., and New York, N.Y., between Princeton, N.J., and New York, N.Y., between junction U.S. Highways 206 and 130 and Trenton, N.J., between New York, N.Y., and New Haven, Conn., serving all intermediate points, and certain off-route points; with restrictions; *general commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, as a *contract carrier*, over irregular routes from the plantsites and warehouse facilities of the Proctor & Gamble Manufacturing Co. located in Baltimore, Md., to certain specified points in Pennsylvania and New Jersey, with restrictions; *Soap, soap products, lard substitute or compounds, cooking oil, glycerin, coconut oil and coconut-oil products, stearine, and liquid shampoo*, with or without advertising matter and premiums, from Port Ivory, N.Y., to certain specified points in Pennsylvania and New Jersey; *acids, alum, and soda products*, in containers, from New York, N.Y., and Edgewater, N.Y., to Philadelphia and Marcus Hook, Pa., and Claymont, Del., from Marcus Hook, Pa., and Claymont, Del., to points in the New York, N.Y., commercial zone, as defined by the Commission in 1 M.C.C. 665, and certain specified points in New Jersey; *acids, alum, soda products, and insecticides*, in containers, from Camden, N.J., to points in the New York, N.Y., commercial zone, as defined by the Commission in 1 M.C.C. 665, and certain specified points in New Jersey; *soap, soap products, lard substitute or compounds, cooking oil, glycerin, coconut oil and coconut-oil products, stearine, and liquid shampoo*, and when moving in connection with the commodities described above and incidental thereto, *advertising matter and premiums* related to the commodities described above, both subject to the restriction that no transportation shall be performed with tank vehicles, from Newark, N.J., to certain specified points in Pennsylvania and New Jersey; *shampoo*, other than liquid, *dentifrices and facial preparations*, from Port Ivory, N.Y., and Newark, N.J., to certain specified points in Pennsylvania, and New Jersey; *soap, soap products, lard substitute or compounds, cooking oil, glycerine, coconut oil and coconut oil products, stearine, shampoos, dentifrices, and facial preparations*, with or without advertising matter and premiums, from Kearny, N.J., and Clifton, Staten Island, N.Y., to certain specified points in Pennsylvania and New Jersey.

Foodstuffs, and, in connection therewith, *related premiums* and *advertising material*, from the plantsites and warehouse facilities of the Procter & Gamble Manufacturing Co. at Port Ivory and Clifton (Staten Island), N.Y., and Kearny and Newark, N.J., to certain specified points in Pennsylvania, and New Jersey, with restrictions; and *soda products*, in bulk, from Camden, N.J., Marcus Hook, Pa., and Claymont, Del., to points in New York, N.Y., commercial zone, as defined by the Commission, and certain specified points in New Jersey, from New York, N.Y., and Edgewater, N.J., to Philadelphia and Marcus Hook, Pa., and Claymont, Del. NATIONAL FREIGHT, INC., is authorized to operate, as a *common carrier* in New Jersey, Pennsylvania, New York, Connecticut, Massachusetts, Rhode Island, Delaware, Maryland, Florida, New Hampshire, Ohio, Vermont, Virginia, West Virginia, Wisconsin, Illinois, Indiana, Michigan, Minnesota, Missouri, Maine, and the District of Columbia. Application has been filed for temporary authority under section 210a(b). NOTE: Dual operations involved.

No. MC-F-9849. Authority sought for control by H. LAUREN LEWIS, 1500 Industrial Avenue, Sioux Falls, S. Dak., of ALL-AMERICAN TRANSPORT, INC., Post Office Box 769, Sioux Falls, S. Dak. Applicants' attorney: David Axelrod, 39 South La Salle, Chicago, Ill. Operating rights sought to be controlled: *General commodities*, with certain specified exceptions, and numerous other specified commodities, as a *common carrier*, over regular and irregular routes, from, to and between specified points in the States of Minnesota, South Dakota, Indiana, Iowa, Nebraska, Illinois, North Dakota, and Wisconsin, with certain restrictions, serving various intermediate and off-route points, over numerous alternate routes for operating convenience only, as more specifically described in Docket No. MC-29120 and subnumbers thereunder. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating, in full, the entirety, thereof. H. LAUREN LEWIS holds no authority from this Commission. However, he controls MIDWEST COAST TRANSPORT, INC., Post Office Box 1233, Wilson Terminal Building, 405½ East Eighth Street, Sioux Falls, S. Dak. 57101, which is authorized to operate as a *common carrier* in Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9850. Authority sought for control and merger by ROBERTSON MOTOR FREIGHT, INC., Post Office Box 609, Jeannette, Pa. 15644, of the operating rights and property of ROBERTS FREIGHT LINES, INC., 1018 11th Street, Beaver Falls, Pa. 15010, and for acquisition by JOHN V. ROBERTSON, also of Jeannette, Pa. of control of such rights and property through the transaction. Applicants' attorney: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, Pa. 15219. Operating rights sought to be controlled and merged: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Cleveland, Ohio, and Pittsburgh, Pa., serving all intermediate points and the off-route points of New Kensington and McKeesport, Pa., between points in Pennsylvania, between points in Ohio, serving all intermediate points. ROBERTSON MOTOR FREIGHT, INC., is authorized to operate as a *common carrier* in Indiana and Pennsylvania. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-9597; Filed, Aug. 15, 1967; 8:49 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

AUGUST 11, 1967.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. 4870-A-2555, filed June 26, 1967. Applicant: NAVA-HOPI TOURS, INC., 115 North Park, Flagstaff, Ariz. Applicant's representative: Calvin H. Udall, 411 North Central Avenue, Phoenix, Ariz. 85004. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of: (1) *Passengers* over the public highways designated as those between Flagstaff, Ariz., and Grand Canyon, Ariz., over U.S. Highway 66 and Interstate Highway 40, and State Highway 64; and as an alternate route over U.S. Highway 180 and State Highway 64; serving intermediate points, *parcels and items of property* between Flagstaff and Grand Canyon, Ariz., over the above-named highways, with the limitations that no shipments shall exceed 100 pounds in weight, all shipments shall be handled in passenger vehicles and no intermediate points shall be served; (2) *passengers and baggage* in Flagstaff and vicinity; (3) *passengers and baggage* originating at Flagstaff, Ariz., and vicinity, in a tours service over the public highways between Flagstaff and vicinity and any point within the State of Arizona, with the limitation that no passengers or baggage originating at Flagstaff and vicinity and destined to the Grand Canyon through the Cameron Gateway be transported: *Provided*, That such limitation shall not be construed to prevent said Nava-Hopi Tours, Inc., from transporting passengers and baggage from Flagstaff and vicinity over, upon and along U.S. Highway 80 and State Highway 64 when not destined to the Grand Canyon; and (4) *passengers and baggage* in a scheduled operation between Flagstaff, Ariz., and the Arizona Snow Bowl. Both intrastate and interstate authority sought.

HEARING: Arizona Corporation Commission, September 6, 1967, at 2 p.m., hearing room, Phoenix, Ariz. Request for procedural information, including the time for filing protests concerning this application should be addressed to the Arizona Corporation Commission, State Capitol Annex, Phoenix, Ariz., and should not be directed to the Interstate Commerce Commission.

State Docket No. MC-4950, filed July 24, 1967. Applicant: LEWISBURG TRANSFER COMPANY, INCORPORATED, 1045 Verona Road, Lewisburg, Tenn. Applicant's representative: Joe W. Henry, Jr., Attorney at law, Pulaski, Tenn. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, except household goods, explosives and commodities requiring special equipment from Nashville to Cornersville and Pulaski and return serving Cornersville and Pulaski and intermediate points between Lewisburg and Pulaski. Both intrastate and interstate authority sought.

HEARING: Tuesday, October 3, 1967, at 9:30 a.m., C-1-110 Cordell Hull Building, Nashville, Tenn. Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Tennessee Public Service Commission, Cordell Hull Building, Nashville, Tenn. 37219, and should not be directed to the Interstate Commerce Commission.

State Docket No. MC 20340, filed August 1, 1967. Applicant: M&V EXPRESS, INC., 827 North Madison Street, Tulsa, Okla. Applicant's representative: I. E. Chenoweth, 3010 South Braden Street, Tulsa, Okla. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *freight*, from Tulsa, Okla., to Vinita, Okla., via U.S. Highway 66, serving no intermediate points, thence over U.S. Highways 66 and 69 to the Kansas-Oklahoma State Line, serving all intermediate points, and return over the same routes, from Tulsa, Okla., to Oklahoma-Missouri border and return via U.S. Interstate Highway I-44 as an alternate route only. Both intrastate and interstate authority sought.

HEARING: Monday, September 18, 1967, at the Oklahoma Corporation Commission Hearing Room, Oklahoma, City, Okla., at 9 a.m. Requests for procedural information, including the time for filing protests, concerning this application, should be addressed to the Oklahoma Corporation Commission, Jim Thorpe Building, Oklahoma City, Okla. 73105, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-9599; Filed, Aug. 15, 1967; 8:49 a.m.]

[Notice 433]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 11, 1967.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR Part 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 8544 (Sub-No. 20 TA), filed August 9, 1967. Applicant: GALVESTON TRUCK LINE CORPORATION, 7415 Wingate, Houston, Tex. 77011. Applicant's representative: Desmond A. Barry (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Antifreeze*, packaged, not in bulk, from Highlands, Tex., to points in Oklahoma; for 180 days. Supporting shipper: Jefferson Chemical Co., Inc., Post Office Box 53300, Houston, Tex. 77052 (C. B. Ganter, Supervisor, Transportation Service). Send protests to: John C. Rendus, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Post Office Box 61212, Houston, Tex. 77061.

No. MC 16682 (Sub-No. 73 TA), filed August 9, 1967. Applicant: MURAL TRANSPORT, INC., 2900 Review Avenue, Long Island City, N.Y. 11101. Applicant's representative: S. Sidney Eisen, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Store fixtures and equipment*, from Jackson, Tenn., to points in the United States (except Alaska and Hawaii); for 180 days. Supporting shipper: Piggly Wiggly Corp., Post Office Box 1253, Jackson, Tenn. 38301. Send protests to: E. N. Carignan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 346 Broadway, New York, N.Y. 10013.

No. MC 107012 (Sub-No. 73 TA), filed August 8, 1967. Applicant: NORTH AMERICAN VAN LINES, INC., Lincoln Highway East, Post Office Box 988, Fort Wayne, Ind. 46801. Applicant's representative: Blaine E. Sowers (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Store fixtures and equipment*, from Jackson, Tenn., to points in the United States (except Alaska and Hawaii); for 180 days. Supporting shipper: Piggly Wiggly Corp., Post Office Box 469, Jackson, Tenn. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 308 Federal Building, Fort Wayne, Ind. 46802.

No. MC 107496 (Sub-No. 580 TA), filed August 9, 1967. Applicant: RUAN TRANSPORT CORPORATION, Third and Keosauqua, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic resins*, in bulk, in tank vehicles, from ex-rail Minneapolis, Minn., to Little Falls, Minn.; on traffic having a prior out-of-State movement; for 180 days. Supporting shipper: The Glidden Co., 900 Union Commerce Building, Cleveland, Ohio 44115. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 227 Federal Office Building, Des Moines, Iowa 50309.

No. MC 108449 (Sub-No. 271 TA), filed August 9, 1967. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Mylienbeck (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic resins, in bulk*, in tank vehicles, from Minneapolis, Minn., to Little Falls, Minn.; shipments having a prior rail movement from interstate origins; for 180 days. Supporting shipper: The Glidden Co., 900 Union Commerce Building, Cleveland, Ohio 44115. Send protests to: A. E. Rathert, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 111401 (Sub-No. 229 TA), filed August 8, 1967. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, Okla. 73701. Applicant's representative: Max E. Barton (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lubricating oil*, in bulk, from Shell Oil Co.'s refinery at Wood River, Ill., to Fort Morgan Compressor Station near Fort Morgan, Colo., Rawlins Compressor Station near Sinclair, Wyo., Four-way Compressor Station near Dumas, Tex., Fritch Compressor Station near Fritch, Tex., Lakin Compressor Station near Lakin, Kans., Morton County Compressor Station near Elkhart, Kans., and Mocane Compressor Station near Beaver, Okla.; for 150 days. Supporting shipper: Derby Refining Co., Division of Colorado Oil and Gas, Post Office Box 1030, Wichita, Kans. 67201. Send protests to: C. L. Phillips, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 350, American General Building, 210 Northwest Sixth, Oklahoma City, Okla. 73102.

No. MC 116077 (Sub-No. 216 TA), filed August 9, 1967. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Post Office Box 9527, Houston, Tex. 77011. Applicant's representative: J. C. Browder (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic resins*, dry, in pneumatic tank vehicles, from Baton Rouge, La., to Corinth, Miss.; for 180 days. Supporting shipper: Ethyl Corp., Purchasing and Traffic Department (File B-3168-7), Box 341, Baton Rouge, La. 70821 (D. H. Berry, Jr., Traffic Attorney and Rate Supervisor). Send protests to: John C. Redus, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Post Office Box 61212, Houston, Tex. 77061.

No. MC 125035 (Sub-No. 13 TA), filed August 8, 1967. Applicant: RAY-E BROWN TRUCKING, INC., 1132 55th Street NE., North Canton, Ohio 44721. Applicant's representative: Fred H. Zollinger, 800 Cleve-Tusc Building, Canton, Ohio 44702. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ice cream, ice cream confections, and ice water confections*, (1) between Detroit, Mich., and Pittsburgh, Pa.; (2) from Detroit, Mich., to points in Ohio, West Virginia, and Pennsylvania; and (3) from Pittsburgh, Pa., to points in Ohio and West Virginia; for 180 days. Supporting shipper: Sealtest Foods, Division of National Dairy Products Corp., 20545 Center Ridge Road, Cleveland, Ohio 44116. Send protests to: G. J. Baccei, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 435 Federal Building, 215 Superior Avenue, Cleveland, Ohio 44114.

No. MC 128235 (Sub-No. 2 TA), filed August 9, 1967. Applicant: ALVIN JOHNSON, Post Office Box 95, Hinckley, Minn. 55037. Applicant's representative: Earl Hacking, 503 11th Avenue South, Minneapolis, Minn. 55415. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverage*, in containers, from the plant of Grain Belt Breweries, Inc., at Minneapolis, Minn., to Barron, Wis.; for 180 days. Supporting shipper: C&C Beverage Co., Barron, Wis. Send protests to: A. E. Rathert, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 128292 (Sub-No. 1 TA), filed August 9, 1967. Applicant: RINSON, INC., 3065 Morse Road, Columbus, Ohio 43224. Applicant's representative: Robert Krier, 88 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sewage pumping stations*, from the plantsite of Liftmaster, Inc., at or near Columbus, Ohio, to jobsite points within 10 miles of Kenner, Jefferson Parish, La.; under continuing contract with Liftmaster, Inc.; for 180 days. Supporting shipper: Liftmaster, Inc., 4749 South High Street, Columbus, Ohio 43207. Send protests to: Arthur M. Culver, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, 236 New Post Office Building, Columbus, Ohio 43215.

No. MC 129138 (Sub-No. 1 TA), filed August 9, 1967. Applicant: TOBOLL TRUCKING COMPANY, INC., 8003 Haas Lane, Baltimore, Md. 21206. Applicant's representative: Donald E. Freeman, 172 East Green Street, Westminster, Md. 21157. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Laboratory furniture and fumehoods*, from Baltimore, Md., to Elizabeth, Linden, Summit, Princeton, and Clifton, N.J., Eastview and New York, N.Y., Presque Isle, Maine, Dallas, Tex., Whitefield, N.H., Des Moines, Iowa, Albany, Ga., Chicago and Argonne, Ill., Hercules, Del., and Washington, D.C.; under a continuing contract with Vulcan-Hart Corp. of Baltimore, Md.; for 180 days. Supporting shipper: Vulcan-Hart Corp., 3600 North Point Boulevard, Baltimore, Md. 21222. Send protests to: William L. Hughes, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1125 Federal Building, Hopkins Plaza, Charles Center, Baltimore, Md. 21201.

No. MC 129198 (Sub-No. 1 TA), filed August 8, 1967. Applicant: EDMOND DESIPIO AND FRANK JOCK, a partnership, doing business as GLASGOW TRANSPORT COMPANY, 4 Cordrey Road, Newark, Del. 19711. Applicant's representative: Frank Jock (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard, paper and paper products*, from Childs, Md., to points in Connecticut, Maryland, Ohio, Rhode Island, South Carolina, Virginia, Delaware, West Virginia, Massachusetts, New Jersey, New York, North Carolina, and Pennsylvania, and the District of Columbia; and *waste paper, mill supplies, machinery and equipment used in the manufacturing of products* at Childs, Md., on return; for the account of Elk Paper Manufacturing Co.; for 150 days. Supporting shipper: Elk Paper Manufacturing Co., Childs, Md. 21916 (Daniel H. Bathon, president). Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 206 Old Post Office Building, Salisbury, Md. 21801.

No. MC 129282 (Sub-No. 1 TA), filed August 9, 1967. Applicant: FRED S. BERRY, doing business as BERRY TRANSPORTATION COMPANY, 305 Lancaster Street, Longview, Tex. 75601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages* (except in bulk), from Longview, Tex., to Alexandria and Shreveport, La.; and *empty bottles, cans, cartons, kegs, or other containers and wooden pallets*, on return; for 180 days. Supporting shippers: Shreveport Beverage Agency, Inc., Shreveport, La.; and Mid-State Beer Distributing Co., Alexandria, La. Send protests to: E. K. Willis, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

No. MC 129315 TA, filed August 9, 1967. Applicant: LILLIAN E. FAULKNER, Post Office Box 9426, Huntington, W. Va. 25704. Applicant's representative: John E. Friedman, Charleston Traffic Service, 405 Lawson Street, Hurricane, W. Va. 25526. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass bottles, jars and jelly glasses*, 1 gallon or less in capacity, in straight or mixed shipments with *caps, covers or tops for bottles, jars and jelly glasses*, from Huntington, W. Va., to points in Alabama, Florida, and Georgia; for 150 days. Supporting shipper: Kerr Glass Manufacturing Corp., Sand Springs, Okla. (Jack D. Smith, traffic manager). Send protests to: H. R. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 3202 Federal Office Building, Charleston, W. Va. 25305.

No. MC 129316 TA, filed August 9, 1967. Applicant: THOMAS TRANSFER & STORAGE CO., INC., 911-919 Industrial Avenue, Palo Alto, Calif. 94303. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Marin, San Francisco, San Mateo, Santa Clara, Alameda, Contra Costa, Santa Barbara, and Ventura Counties, Calif.; restricted to shipments having a prior or subsequent movement beyond said points in containers, and further restricted to pickup and delivery services incidental to and in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such shipments; for 180 days. Supporting shippers: Furniture Forwarding, Inc., Post Office Box 55191, Indianapolis, Ind.; and Philco-Ford Corp., WDL Division, 3825 Fabian Way, Palo Alto, Calif. 94303. Send protests to: William R. Murdoch, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94105.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-9600; Filed, Aug. 15, 1967; 8:49 a.m.]

[Notice 22]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 11, 1967.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 279), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-69701. By order of August 9, 1967, the Transfer Board approved the transfer to Hobwell Corp., Hoboken, N.J., a portion of the operating rights in certificate No. MC-36997, issued February 23, 1955, to Max Zall, doing business as B&Z Express Co., West New York, N.J., and transferred to Metro Carrier Corp., Clifton, N.J., March 31, 1967, pursuant to No. MC-FC-69509, authorizing the transportation, over irregular routes, of general commodities, with exceptions, between Newark, N.J., on the one hand, and, on the other, North Bergen, West New York, and Union City, N.J. Robert B. Pepper, 297 Academy Street, Jersey City, N.J., attorney for transferee. George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J., attorney for transferor.

No. MC-FC-69747. By order of August 8, 1967, the Transfer Board approved the transfer to T. Del Farno Trucking Co., a corporation, North Providence, R.I., of certificate No. MC-95073, issued October 15, 1953, to Carl E. Moulton, Lebanon, N.H., authorizing the transportation of: Fertilizer, during the season extending from January 1 to May 30, inclusive, from Woburn and Boston, Mass., to Lebanon, N.H.; materials and equipment used in road building, between points in New Hampshire, on the one hand, and, on the other, points in Vermont, and between points in a specified part of New Hampshire, on the one hand, and, on the other, points in a specified part of Massachusetts; and road building machinery, from Albany, Center Brunswick, Troy, and Whitehall, N.Y., to West Lebanon, N.H. Frank J. Weiner, Investors Building, 536 Granite Street, Braintree, Mass. 02184, attorney for applicants.

No. MC-FC-69749. By order of August 8, 1967, the Transfer Board approved the

transfer to Paul E. Gregory, doing business as Whittington Transfer, Martinsburg, W. Va., of certificate No. MC–3322, issued April 1, 1966, to Paul E. Gregory and John H. Bell, a partnership, doing business as Whittington Transfer, Martinsburg, W. Va., authorizing the transportation of: Household goods, between points in Jefferson and Berkeley Counties, W. Va., on the one hand, and, on the other, points in West Virginia, Virginia, Maryland, New York, Pennsylvania, Ohio, New Jersey, Delaware, and the District of Columbia, and new furniture, uncrated, from Martinsburg, W. Va., to points in West Virginia, Virginia, Maryland, New York, Pennsylvania, Ohio, New Jersey, Delaware, and the District of Columbia. D. L. Bennett, 306 First National Bank Building, 2207 National Road, Wheeling, W. Va. 26003, representative for applicants.

No. MC–FC–69763. By order of August 8, 1967, the Transfer Board approved the transfer to Elmer Butler and R. Simpson, a partnership, Newport, Ky., of the operating rights of James L. Kinman, doing business as J. L. Kinman Movers, Covington, Ky., in certificate No. MC–52065, issued February 4, 1952, authorizing the transportation, over irregular routes, of household goods, as defined, between Cincinnati, Ohio, on the one hand, and, on the other, points in Indiana and Kentucky, and between points in Hamilton, Ky., on the one hand, and, on the other, points in Indiana and Kentucky. Fred W. Murphy, 830 Main Street, Cincinnati, Ohio 45203, attorney for applicants.

No. MC–FC–69822. By order of August 9, 1967, the Transfer Board approved the transfer to Joseph D'Agata, Philadelphia, Pa., of the operating rights in permits Nos. MC–127065 and MC–127065 (Sub-No. 2), issued February 21, 1966, and June 15, 1967, respectively, to Yellow, Ltd., a corporation, East Rutherford, N.J., authorizing the transportation of: Gypsum and gypsum products, and other building materials, from points in New Jersey and the District of Columbia to points in Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New York, Pennsylvania, Rhode Island, Vermont, and Virginia. G. Donald Bullock, Box 103, Wyncote, Pa. 19095, representative for applicants.

No. MC–FC–69829. By order of August 8, 1967, the Transfer Board approved the transfer to Delbert Jacobson, Willis, Kans., of the operating rights in certificate No. MC–671, issued April 13, 1954, to Oscar Jacobson, Willis, Kans., authorizing the transportation of: General commodities, with the usual exceptions, and including certain specified commodities, between points in Kansas, and Missouri.

No. MC–FC–69833. By order of August 8, 1967, the Transfer Board approved the transfer to Mrs. Mathilda Meiners, doing business as Meiners Stockyards, Dedham, Iowa, of the operating rights in certificate No. MC–18379 issued May 16, 1950, to George Meiners, Dedham, Iowa, authorizing the transportation of: General commodities, with the usual exceptions and agricultural commodities, between specified points in Iowa and Nebraska.

No. MC–FC–69844. By order of August 8, 1967, the Transfer Board approved the transfer to Harbay Trucking Corp., New York, N.Y., of the operating rights in corrected permit No. MC–114981, issued November 5, 1956, to George Harvey Corp., New York, N.Y., authorizing the transportation of: Printed matter, on skids, between New York, N.Y., and a specified point in New Jersey. Charles H. Trayford, 137 East 36th Street, New York, N.Y. 10036, representative for applicants.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67–9601; Filed, Aug. 15, 1967; 8:49 a.m.]

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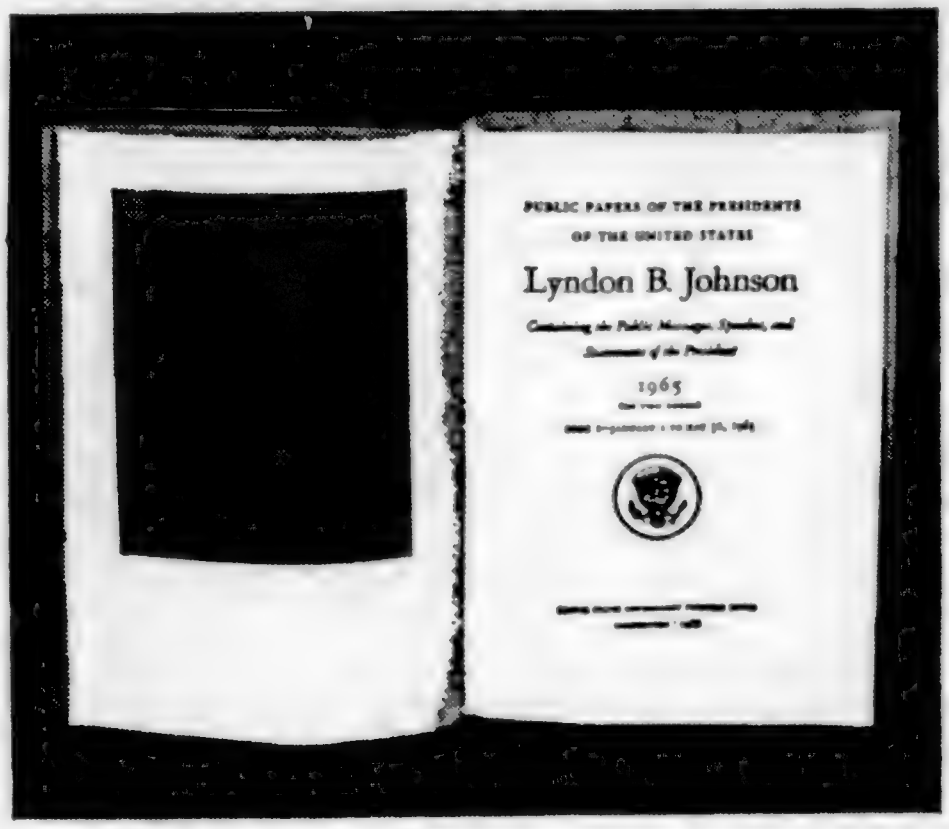
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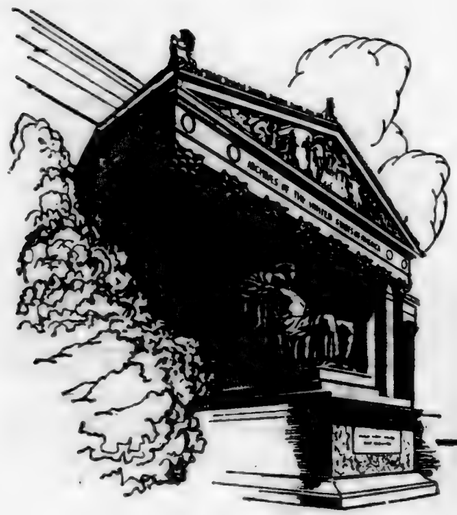
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PART 213—EXCEPTED SERVICE

President's Committee on Urban Housing

A new § 213.3160 is added to show that all positions on the staff of The President's Committee on Urban Housing are excepted under Schedule A. Effective on publication in the FEDERAL REGISTER, § 213.3160 is added as set out below.

§ 213.3160 The President's Committee on Urban Housing.

(a) All positions on the Committee staff.

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-9734; Filed, Aug. 16, 1967; 8:52 a.m.]

PART 713—EQUAL OPPORTUNITY

Investigation and Agency Systems

Section 713.214 is amended to recognize the validity of official inquiries to solicit voluntary information relative to race, creed, color, or national origin to resolve discrimination complaints. Section 713.302 is amended to cancel the authority for employee self-identification in connection with the minority group statistics system and in lieu thereof provide for the collection of gross statistics by visual survey and to strengthen the controls pertaining to the system. Effective on publication in the FEDERAL REGISTER § 713.214 and § 713.302 are amended as set out below.

§ 713.214 Investigation.

The Equal Employment Opportunity Officer or his designated representative shall promptly investigate the complaint. The investigation shall include a thorough review of the circumstances under which the alleged discrimination occurred, the treatment of members of the complainant's group identified by his complaint as compared with the treatment of other employees in the organizational segment in which the alleged discrimination occurred, and any policies and practices related to the work situation which may constitute, or appear to constitute, discrimination even though they have not been expressly cited by the complainant. When gross data collected under Subpart C of this part will not provide the specific information needed to resolve a complaint of discrimination on the basis of race, creed, color, or national origin, the Equal Employment Opportunity Officer or his representative may collect the required data by asking each employee concerned to provide the information voluntarily; he shall not require or coerce an employee to provide this information. The agency shall furnish the complainant and his representative opportunity to review the investigative file or shall furnish the complainant and his representative a written summary which contains all the information in the investigation material to the resolution of the complaint.

§ 713.302 Agency systems.

(a) Each agency shall establish a system which provides statistical employment information by race or national origin.

(b) Data shall be collected only by visual survey and only in the form of gross statistics. An agency shall not collect or maintain any record of the race or national origin of individual employees.

(c) Each system is subject to the following controls:

(1) Only those categories of race and national origin prescribed by the Commission may be used;

(2) Only the specific procedures for the collection and maintenance of data that are prescribed or approved by the Commission may be used;

(3) The Commission shall review the operation of the agency system to insure adherence to Commission procedures and requirements. An agency may make an exception to the prescribed procedures and requirements only with the advance written approval of the Commission.

(d) The agency may use the data only in studies and analyses which contribute affirmatively to achieving the objectives of the equal employment opportunity program. An agency shall not establish a quota for the employment of persons on the basis of race or national origin.

(e) An agency shall report to the Commission on employment by race and national origin in the form and at such times as the Commission may require.

(5 U.S.C. 3301, 3302; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–58 Comp., p. 218; President's Memorandum of July 23, 1962; E.O. 11246, 30 F.R. 12319, 3 CFR, 1965 Supp., p. 167)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-9735; Filed, Aug. 16, 1967; 8:52 a.m.]

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

PART 987—DOMESTIC DATES PRODUCED OR PACKED IN A DESIGNATED AREA OF CALIFORNIA

Free and Restricted Percentages and Withholding Factors for 1967–68 Crop Year

Notice was published in the July 28, 1967, issue of the FEDERAL REGISTER (32 F.R. 11038) regarding a proposal to establish free and restricted percentages and withholding factors applicable to particular varieties of domestic dates for the 1967–68 crop year beginning August 1, 1967. The establishment of such percentages and withholding factors is pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987), regulating the handling of domestic dates produced or packed in a designated area of California. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposal was recommended by the Date Administrative Committee.

The notice afforded interested persons opportunity to submit written data, views, or arguments with respect to the proposal. None were submitted within the prescribed time.

After consideration of all relevant matter presented, including that in the notice, the information and recommendations submitted by the Committee, and other available information, it is found that to establish free percentages, restricted percentages, and withholding factors as hereinafter set forth will tend to effectuate the declared policy of the act.

Therefore, the free percentages, restricted percentages, and withholding factors for the 1967–68 crop year for marketable dates are, pursuant to §§ 987.44 and 987.45, established as follows:

§ 987.215 Free and restricted percentages, and withholding factors.[1]

The various free percentages, restricted percentages, and withholding factors applicable to marketable dates of each variety shall be, for the crop year beginning August 1, 1967, and ending July 31, 1968, as follows: (a) Deglet Noor variety

[1] The Date Administrative Committee included no countries other than the United States and Canada in its determination of trade demand.

dates: Free percentage, 65 percent; restricted percentage, 35 percent; and withholding factor, 53.8 percent; (b) Zahidi variety dates: Free percentage, 72 percent; restricted percentage, 28 percent; and withholding factor, 38.9 percent; (c) Halawy variety dates: Free percentage, 100.0 percent; restricted percentage, 0.0 percent; and withholding factor, 0.0 percent; and (d) Khadrawy variety dates: Free percentage, 100.0 percent; restricted percentage, 0.0 percent; and withholding factor, 0.0 percent.

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) The relevant provisions of said marketing agreement and this part require that (a) free and restricted percentages and withholding factors established for a particular crop year shall be applicable during the entire crop year to all marketable dates, and (b) the withholding obligations based on the continued regulation from the preceding crop year shall be adjusted to the newly established percentages upon their establishment; and (2) the percentages and withholding factors established herein for the crop year beginning August 1, 1967, will apply, and adjustment thereto of handlers' withholding obligations are required, automatically, with respect to all such dates.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 14, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-9691; Filed, Aug. 16, 1967; 8:50 a.m.]

PART 987—DOMESTIC DATES PRODUCED OR PACKED IN A DESIGNATED AREA OF CALIFORNIA

Expenses of Date Administrative Committee and Rate of Assessment for 1967–68 Crop Year

Notice was published in the July 28, 1967, issue of the FEDERAL REGISTER (32 F.R. 11038) regarding proposed expenses of the Date Administrative Committee for the 1967–68 crop year and rate of assessment for that crop year, pursuant to §§ 987.71 and 987.72 of the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987), regulating the handling of domestic dates produced or packed in a designated area of California. The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons an opportunity to submit written data, views, or arguments with respect to the proposal. None were submitted within the prescribed time.

After consideration of all relevant matter presented, including that in the notice, the information and recommendations submitted by the Date Administrative Committee, and other available information, it is found that the expenses of the Date Administrative Committee and the rate of assessment for the crop year beginning August 1, 1967, shall be as follows:

§ 987.312 Expenses of the Date Administrative Committee and rate of assessment for the 1967–68 crop year.

(a) *Expenses.* Expenses in the amount of $26,970 are reasonable and likely to be incurred by the Date Administrative Committee during the crop year beginning August 1, 1967, for its maintenance and functioning and for such other purposes as the Secretary may, pursuant to the applicable provisions of this part, determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment for that crop year which each handler is required, pursuant to § 987.72, to pay to the Date Administrative Committee as his pro rata share of the expenses is fixed at 8 cents per hundredweight on all dates he has certified during the crop year as meeting the requirements for marketable dates, including the eligible portion of any field-run dates certified and set aside or disposed of pursuant to § 987.45(f).

It is found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) The relevant provisions of said marketing agreement and this part require that the rate of assessment fixed for a particular crop year shall be applicable to all dates certified during that crop year as meeting the requirements for marketable dates, including the eligible portion of certain field-run dates; and (2) the current crop year began on August 1, 1967, and the rate of assessment herein fixed will automatically apply to all such dates beginning with that date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 14, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-9690; Filed, Aug. 16, 1967; 8:50 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[OOC Grain Price Support Regs., 1967 Crop Grain Sorghum Supp.]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1967 Crop Grain Sorghum Loan and Purchase Program

Correction

In F.R. Doc. 67-7478, appearing at page 9824 of the issue for Thursday, July 6, 1967, the following corrections are made in § 1421.2585(b):

1. Under Alabama, the rate entry should read "$1.66" instead of "$1.16".
2. Under Nebraska, "Piece" should read "Pierce".

[OOC Grain Price Support Regs., 1967-Crop Flaxseed Supp.]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1967-Crop Flaxseed Loan and Purchase Program

Correction

In F.R. Doc. 67-7084, appearing at page 9007 of the issue for Saturday, June 24, 1967, the following corrections are made in § 1421.3074(b):

1. In the introductory text, "county" should read "country".
2. Under Arizona, following the entry for Maricopa, there should appear an entry reading as follows:

Pima	3.20

3. The headings reading "Oregon" and "Oklahoma" should be transposed, so that the entry for Oklahoma reads "$2.35" and the entry for Oregon reads "$2.30".

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 20,787]

PART 545—OPERATIONS

Branch Offices

AUGUST 10, 1967.

Resolved that, notice and public procedure having been duly afforded (32 F.R. 7636) and all relevant material presented or available having been considered by it, the Federal Home Loan Bank Board, upon the basis of such consideration and of determination by it of the advisability of amending § 545.14 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.14) to relax certain requirements governing applications for branch offices to be located in shopping centers, and for the purpose of effecting such amendment, hereby amends § 545.14 aforesaid by revising subparagraph (3) of paragraph (b) and subparagraph (1) of paragraph (c) of said section to read as follows effective September 18, 1967:

§ 545.14 Branch office.

* * * * *

(b) *Eligibility.* * * *

(3) The association does not submit in support of its application evidence giving reasonable assurance that the proposed branch office, if approved, will be opened within 21 months after the date on which the application is filed, or, if the proposed branch office is to be located in a shopping center having not less than 400,000 square feet of shopping space, within 36 months after such date;

* * * * *

(c) *Application form; supporting information.* An application for permission to establish a branch office shall be in form prescribed by the Board. A Federal association may obtain from the Supervisory Agent the prescribed application form and "Outline of Information to be Submitted in Support of an Application for Permission to Establish (Maintain) a Branch Office." Information shall be furnished in support of the application in accordance with such Outline designed to show: (1) There is or will be at the time the branch is opened a necessity for the proposed branch office in the community to be served by it; * * *

* * * * *

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,
Secretary.

[F.R. Doc. 67-9669; Filed, Aug. 16, 1967; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 67-EA-61; Amdt. No. 463]

PART 39—AIRWORTHINESS DIRECTIVES

Fairchild Hiller Type 27 Aircraft

Airworthiness Directive 61-15-2 was published in the FEDERAL REGISTER July 13, 1961, requiring certain inspections of wing flap actuating screwjacks and gimbal nuts. This A.D. was subsequently revised on August 19, 1961, September 6, 1961, and October 20, 1966. Fairchild Hiller Corp. has satisfactorily tested a flap gimbal nut and actuating shaft combination which improves the service life of the gimbal nuts. By incorporation of these improved gimbal nuts, the repetitive inspection times required by A.D. 61-15-2 may be extended.

This amendment thus providing an alternative method of compliance imposes no additional burden on any person. Notice and public procedure herein are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator 14 CFR 11.85 (31 F.R. 13697) § 39.13 of Part 39 of the Federal Aviation Regulations is amended by amending A.D. 61-15-2 as follows:

(1) Delete the applicability statement and insert in lieu thereof, "Fairchild Hiller: Applies to Type F-27 aircraft, all serial numbers" (including FH-227 serial numbers).

(2) Reletter the present paragraph (e) to read (f) and insert the following new paragraph:

(e) On all F-27 type (including FH-227 models) aircraft, the repetitive inspection and lubrication intervals required by (c) may be increased as specified in Fairchild Hiller Service Bulletin 27-46 (F-27), dated April 4, 1967, and 27-3 (FH-227), dated April 4, 1967, or later revisions approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, when the improved flap gimbal nut and actuating shaft are incorporated in accordance with these service bulletins, or equivalent modification approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region. If wear is found exceeding the limits specified in these Service Bulletins, or if thread extrusion or roll is found, the gimbal nut must be replaced before further flight with an unused part of the same part number, or an equivalent part approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, except that the airplane may be flown in accordance with FAR 21.197 to a base where the replacement can be made.

(3) In the parenthetical note at the end of the A.D. delete all after "paragraph (a)".

This amendment is effective August 17, 1967.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Jamaica, N.Y., on August 9, 1967.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 67-9703; Filed, Aug. 16, 1967; 8:51 a.m.]

[Docket No. 67-EA-75; Amdt. No. 464]

PART 39—AIRWORTHINESS DIRECTIVES

Piper Type PA22 Aircraft

There have been reports of engine failures in PA22 type aircraft in which fuel starvation has been a contributing factor. These failures have been coincident with takeoff and less than six (6) gallons of fuel in the right tank, when the right tank is being utilized. To safeguard against this condition an airworthiness directive is being issued to require placarding of the fuel gauge for the right tank. This prohibits takeoff with less than one-third fuel indication in the right tank.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and procedure are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.85 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following airworthiness directive:

PIPER: Applies to Type PA-22 aircraft Serial Nos. 22-1 to 22-7642 inclusive.

Compliance required within the next 50 hours' time in service after the effective date of this AD.

To forestall the possibility of engine fuel starvation during takeoff operations, install a placard on the right fuel quantity gauge, as shown in Piper Service Bulletin No. 250 dated June 2, 1967. The placard shall read: "No Takeoff on Right Tank With Less Than One-Third Tank". A one-third tank capacity equals 6 gallons. Aircraft equipped with a single fuel quantity gauge must also have the placard installed.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Piper Aircraft Corp., Lock Haven, Pa. 17745. These documents may also be examined at the Office of Regional Counsel, Eastern Region, John F. Kennedy International Airport and at FAA headquarters, 800 Independence Avenue SW., Washington, D.C. A historical file on this AD which includes the incorporated material in full is maintained by the FAA at its headquarters in Washington, D.C., and at the Eastern Region in Jamaica, N.Y.

This amendment is effective August 17, 1967.

(Secs. 313(a), 601, 603 Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Jamaica, N.Y., on August 9, 1967.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

The incorporation by reference provisions in this document were approved by the Director of the Federal Register on August 16, 1967.

[F.R. Doc. 67-9704; Filed, Aug. 16, 1967; 8:51 a.m.]

[Airspace Docket No. 67-WA-23]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Area; Correction

In the July 4, 1967, issue of the FEDERAL REGISTER (32 F.R. 9643) F.R. Doc. 67-7575 incorrectly cited § 71.191 of the Federal Aviation Regulations. This citation is corrected hereby to read § 71.193 (32 F.R. 2274).

Issued in Washington, D.C., on August 10, 1967.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-9659; Filed, Aug. 16, 1967; 8:47 a.m.]

[Airspace Docket No. 67-SO-65]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

On July 7, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 9986) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Kinston, N.C., control zone.

Interested persons were afforded an opportunity to participate in the rule

making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.d.s.t., October 12, 1967, as hereinafter set forth.

In § 71.171 (32 F.R. 2071) the Kinston, N.C., control zone is amended to read:

KINSTON, N.C.

Within a 5-mile radius of Stallings Field (latitude 35°19'40" N., longitude 77°37'08" W.), effective from 0900 to 0030 hours, local time, daily.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on August 9, 1967.

GORDON A. WILLIAMS, JR.,
Acting Director, Southern Region.

[F.R. Doc. 67-9654; Filed, Aug. 16, 1967; 8:47 a.m.]

[Airspace Docket No. 67-EA-31]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On page 8975 of the FEDERAL REGISTER for June 23, 1967, the Federal Aviation Administration published proposed regulations which would alter the Huntington, W. Va., control zone and 700-foot floor transition area.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t. October 12, 1967.

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on August 3, 1967.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Huntington, W. Va., control zone and insert in lieu thereof the following:

Within a 5-mile radius of the center, 38°22'00" N., 82°33'25" W., of Tri-State Airport (Walker-Long Field), Huntington, W. Va., including a 1-mile radius of the center, 38°25'10" N., 82°29'45" W., of Huntington-Downtown Airport, Chesapeake, Ohio; within 2 miles each side of the Tri-State Airport ILS localizer east course extending from the 5-mile radius zone to 13 miles east of the Shoals, W. Va., FM and within 2 miles each side of the Tri-State Airport ILS localizer west course extending from the 5-mile radius zone to the OM.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Huntington, W. Va., transition area and insert in lieu thereof:

HUNTINGTON, W. VA.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 38°22'00" N., 82°33'25" W., of the Tri-State Airport (Walker-Long Field), Huntington, W. Va., within 2 miles each side of the Tri-State Airport ILS localizer west course extending from the 6-mile radius area to 8 miles west of the OM and within 2 miles each side of the Tri-State Airport ILS localizer east course extending from the 6-mile radius area to 13 miles east of the Shoals, W. Va., FM.

[F.R. Doc. 67-9655; Filed, Aug. 16, 1967; 8:47 a.m.]

[Airspace Docket No. 67-EA-50]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airway

On May 30, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 7856) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would extend V-66 from Raleigh-Durham, N.C., 12 AGL Franklin, Va., 12 AGL INT Franklin 087° and Norfolk, Va., 226° radials; 12 AGL Norfolk.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0001 e.s.t., October 12, 1967, as hereinafter set forth.

Section 71.123 (32 F.R. 2009) is amended as follows:

In V-66 "12 AGL Raleigh-Durham, N.C." is deleted and "12 AGL Raleigh-Durham, N.C.; 12 AGL Franklin, Va.; 12 AGL INT Franklin 087° and Norfolk, Va., 226° radials; 12 AGL Norfolk," is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on August 9, 1967.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-9656; Filed, Aug. 16, 1967; 8:47 a.m.]

[Airspace Docket No. 67-EA-20]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 8977 of the FEDERAL REGISTER for June 23, 1967, the Federal Aviation Administration published proposed regulations which would designate a 700-foot floor transition area over Ashland-Boyd County Airport, Ashland, Ky.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., October 12, 1967.

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on August 3, 1967.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700-foot Ashland, Ky., transition area described as follows:

ASHLAND, KY.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 38°33'15" N., 82°44'20" W., of Ashland-Boyd County Airport, Ashland, Ky.; within 2 miles each side of the Runway 10 centerline extended from the 6-mile radius area to 9 miles east of the end of the runway; within 2 miles each side of the Runway 28 centerline extended from the 6-mile radius area to 9 miles west of the end of the runway and within 2 miles each side of the York VOR 116° radial extending from the 6-mile radius area to the VOR.

[F.R. Doc. 67-9657; Filed, Aug. 16, 1967; 8:47 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[File No. 205-3-1]

PART 302—RULES AND REGULATIONS UNDER FLAMMABLE FABRICS ACT

Ornamental Millinery Veils or Veilings; Interpretation

On June 3, 1954 the Federal Trade Commission issued "An Interpretation of section 2(d) of the Flammable Fabrics Act with respect to Ornamental Millinery Veils or Veilings". Such interpretation was published in the FEDERAL REGISTER on June 9, 1954 at 19 F.R. 3373. The interpretation read:

Ornamental millinery veils or veilings when used as a part of, in conjunction with, or as a hat, are not to be considered such a "covering for the neck, face, or shoulders" as would, under the first proviso of section 2(d) of the Flammable Fabrics Act, cause the hat to be included within the definition of the term "article of wearing apparel".

By notice issued January 13, 1967, and published in the FEDERAL REGISTER on January 18, 1967, the Commission rescinded the above interpretation on the basis that after reconsideration of the matter, the Commission was of the opinion that determination of whether ornamental millinery veils or veilings which are used as a part of, in conjunction with or as a hat are to be considered a "covering for the neck, face, or shoulders", under the first proviso of section 2(d) of the Flammable Fabrics Act should be made on the basis of the facts in each specific situation and that ornamental millinery veils or veilings should not be excluded from the operation of the Flammable Fabrics Act as a class.

On the application of certain interested parties for a reconsideration of its action the Commission directed its staff to consult with representatives of the ornamental veils and veiling industry in an effort to bring about an interpretation of section 2(d) of the Flammable Fabrics Act with respect to ornamental millinery veils or veilings which would be acceptable to the Commission and which would fully protect the public interest.

After fully considering all information available to it and consulting with interested members of the affected industries, the Commission hereby issues the following interpretation:

Ornamental millinery veils or veilings when used as a part of, in conjunction with, or as a hat, are not to be considered such a "covering for the neck, face, or shoulders" as would, under the first proviso of section 2(d) of the Flammable Fabrics Act, cause the hat to be included within the definition of the term "article of wearing apparel" where such ornamental millinery veils or veilings do not extend more than nine (9) inches from the tip of the crown of the hat to which they are attached and do not extend more than two (2) inches beyond the edge of the brim of the hat.

Where hats are composed entirely of ornamental millinery veils or veilings such hats will not be considered as subject to the Flammable Fabrics Act if the veils or veilings from which they are manufactured were not more than nine (9) inches in width and do not extend more than nine (9) inches from the tip of the crown of the completed hat.

This interpretation shall apply to all hats manufactured after the date of publication of this interpretation in the FEDERAL REGISTER. Hats manufactured prior to the date of the publication of this interpretation in the FEDERAL REGISTER may be marketed and handled for nine (9) months after such publication date where such hats comply with the June 3, 1954 interpretation of section 2(d) of the Flammable Fabrics Act with respect to ornamental millinery veils or veilings and the person marketing or handling such hats is able to establish that they were manufactured prior to the date of publication of the present interpretation.

Interested persons may submit written comments to the Federal Trade Commission, Washington, D.C. 20580 within thirty (30) days after publication of this notice in the FEDERAL REGISTER but this shall not affect the interpretation unless the Commission shall so order.

Issued: August 14, 1967.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 67-9670; Filed, Aug. 16, 1967; 8:48 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C—DRUGS

PART 141d—CHLORAMPHENICOL AND CHLORAMPHENICOL-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

Chloramphenicol for Aqueous Injection

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357), and delegated by him to the Commissioner of Food and Drugs (21 CFR 2.120), the regulation providing tests and methods of assay for chloramphenicol for aqueous injection is amended as follows to improve the sterility test method. Accordingly, § 141d. 307(b)(2) is revised to read as follows:

§ 141d.307 Chloramphenicol solution; chloramphenicol for aqueous injection.

* * * * *

(b) * * *

(2) *Chloramphenicol for aqueous injection.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section, and using 50 milligrams instead of 300 milligrams; however, if the product does not solubilize, proceed as directed in paragraph (e)(2) of that section, using 50 milligrams instead of 300 milligrams.

* * * * *

This order provides for an improvement in the sterility test method for the subject drug and is nonrestrictive and noncontroversial in nature; therefore, notice and public procedure and delayed effective date are not prerequisites to this promulgation.

Effective date. This order shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: August 10, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-9695; Filed, Aug. 16, 1967; 8:51 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

SUBCHAPTER C—PERSONNEL

PART 732—MEDICAL AND DENTAL CARE AT NAVY EXPENSE AT NON-NAVY FACILITIES

Miscellaneous Amendments

Scope and purpose. Part 732, Subpart E—Payments, Reports, Collections for Subsistence, and Records, is amended to conform with recent amendments to the Bureau of Medicine and Surgery Instruction 6320.23 distributed to naval commands by Change 2 to the Instruction.

1. Section 732.41 is revised to read as follows:

§ 732.41 General.

Bills for care from non-Federal sources should be processed for payment as soon as possible. When settlement cannot be accomplished without unusual delay the claimant should be advised of the status of the claim. Advice on unusual or questionable cases may be requested of the Bureau of Medicine and Surgery (Code 314).

2. Section 732.43 is revised to read as follows:

§ 732.43 Payment for care at other than Federal facilities.

(a) *Approving and paying officers.* Except for NATO personnel, approval of claims for care furnished within naval districts shall be accomplished by the appropriate authorizing officer set forth in § 732.23. Payment of the approved claim shall be made by the disbursing officer serving the approving command. For care furnished elsewhere the claim shall be approved by the authorizing officer (§ 732.33) or if such officer has left the area by another naval command in the area. Bills for NATO personnel should be sent to the Bureau of Medicine and Surgery (Code 46F).

(b) *Preparation of claims.* Unpaid bills should be prepared in quadruplicate, itemized to show the dates on or between which services were rendered or supplies furnished, and the nature of and the charge for each item. Receipt of the services or supplies should be acknowledged on the face of the bill, or by separate certificate, by the person receiving treatment, or by an officer having cognizance of the case. Separate bills should be submitted for services of special nurses, anesthetists, or other persons on a fee basis, unless the bill including such services is accompanied by receipts to show that the expenses have been defrayed by the physician, dentist or hospital submitting the bill, or by a statement to the effect that the individual is a full-time employee of the payee. In cases where the expenses have already been paid by an individual including a service member, a claim for reimbursement may be made by the person defraying the expenses by submitting the bills which were paid, either receipted or with other equal evidence of their payment, proof that the claimant paid the bills, and a request for reimbursement. The complete address to which the check is to be mailed should be indicated. The material required above should be forwarded with the form NAVMED-U to the appropriate approving officer.

(c) *Approval/disapproval of claims.* When the required documents have been received by the approving officer, he shall determine whether the bills are payable in whole or in part or whether the claims should be disallowed. Where payment is

to be disallowed the claimant should receive a prompt and courteous letter stating the reason for the disallowance. If approvable, the approving authority will prepare a Public Voucher for Medical Services, NAVCOMPT 2160, and forward the voucher supported by itemized invoices to the appropriate disbursing office for payment in accordance with the Navy Comptroller Manual, paragraph 046393. The bureau control copy of the voucher will be supported by a copy of the invoice as required by the Navy Comptroller Manual, paragraphs 046023 and 046393. Approving authorities shall take precautions against duplicate payments in accordance with the Navy Comptroller Manual, paragraphs 046073 and 046331. The Public Voucher for Medical Services shall include the following information in addition to that which is self-explanatory in columnar headings:

(1) *Number of days or treatment.* For inpatient hospitalization, enter number of days for which room and board charges are incurred. For outpatient treatments enter number; count one visit as one treatment for the purposes of this form. When ambulance service is listed as an item, enter number of trips in this column.

(2) *Accounting classification code.* This code shall include accounting date in the sequence required by Chapter 4, Financial Management of Resources, NAVSO–P–3006, which for the purposes of this Instruction is as follows:

1	2	3	4	5	6	7	8	9
17	1804	1860	–	24001	–	18	2D	– Cost Code

Enter the fiscal year current at the time the services were received as the third digit in coding element *1*. When 2 fiscal years are involved and claims are clearly divisible between the two, the accounting classification code for each year should be cited respective to the amounts billed for each year. In coding element *9*, the cost code, enter the following:

Digits	Description	Code
1, 2, 3, 4	BUMED Cost Center	COSO (Use 4 in 3d digit if case is dental).
5, 6	Naval District	01 to 18.
	Inpatient Charge	1.
	Outpatient Charge	2.
	Other—To include	3.
7	Canal Zone payments, Dependents care overseas, TAD travel, and T/R's and meal tickets.	
8, 9, 10	Number of days or treatments.	Actual number.
11, 12	Month in which services commenced.	01–12.

Ambulance trips shall be coded as 1 or 2 in digit 7 of the cost code according to which type of treatment followed, (1) inpatient or (2) outpatient. In digits 8, 9, 10, enter zeros for invoices involving services related to, but billed separately from hospitalization charges.

(d) *Amount payable.* The amounts payable in any case shall be those considered reasonable by the approving officer after taking into consideration all of the facts in the case. Normally payment should be approved at rates generally prevailing within the geographical area where the services or supplies were furnished. Rates specially established by the Veterans Administration or those used in Medicare should not be considered controlling though they may be considered along with other facts. If, after careful review, any charge is considered excessive, the claimant should be apprised of the conclusion reached and provided an opportunity to voluntarily reduce the amount of the claim. If this does not result in a proper reduction of the bill and the claim is that of a physician or dentist, the difference in opinions should be referred to the grievance committee of the claimant's professional group for an opinion as to the reasonableness of the charge. If satisfactory settlement of any claim cannot be made, it should be forwarded to BUMED (Code 314) for decision. Payment shall not be withheld to seek payment from health benefit plans or insurance policies for which premiums are paid privately by service members.

(e) *Cases involving third party liability.* Whenever bills are paid for services provided for a condition which may give rise to a claim against a third party, the approving officer shall comply with the requirements of 32 CFR Part 757.

3. Section 732.44 is revised to read as follows:

§ 732.44 Collection for subsistence.

The accounts of officers (Navy, Marine Corps) receiving treatment in Veterans Administration hospitals, the Canal Zone Hospital, or in civilian hospitals at the Department of the Navy expense will be checked for subsistence. This checkage will be made by Hospital Ration Notice, Navy S & A Form 534, which will be submitted by the officer's commanding officer or activity designated by the commandant to the disbursing officer having custody of the member's pay record. It is the responsibility of the originating activity to insure that checkage has been accomplished in accordance with the Navy Comptroller Manual, paragraph 044025. When officers are hospitalized in an Army, Air Force, or U.S. Public Health Service medical facility, the charge for subsistence will be collected by the facility.

4. Section 732.45 is amended by revising the caption and the section to read as follows:

§ 732.45 Report—Form NAVMED–U, Report of Medical Treatment, Hospitalization, and Allied Services, MED 6320–2.

This report is required in each case of sickness or injury of any person in Subpart B who receives care from any source other than a Federal facility. The report in triplicate shall be prepared by a naval medical or dental officer, when practicable, or otherwise by the senior officer present. The line-of-duty item 10 and the personal payment certificate on the reverse side should not be completed in any case. Form NAVMED–U is available in the Naval Supply System. Completed forms should be forwarded to the approving officer set forth in § 732.43(a), supplemented as appropriate by requirements of instructions issued by approving authorities.

5. Section 732.46 is revised to read as follows:

§ 732.46 Records.

The copy of the paid Public Voucher for Medical Services (NAVCOMPT 2160) or other paid voucher and the accounting card (NAVCOMPT Form 632) containing the accounting classification and cost code information received from Navy Finance Centers, provide all the management information by BUMED under normal circumstances. No other records need be forwarded to BUMED by approving authorities except copies of correspondence or other pertinent documents which, in the judgment of the approving officer, will furnish BUMED with information which might be used to improve administration of the program.

(R.S. 161, sec. 4, 70 Stat. 805, secs. 5031, 6148, 6201–6203, 70A Stat. 278, 383, 387, secs. 1071–1085, 72 Stat. 1445–1450, as amended; 5 U.S.C. 301, 8140, 10 U.S.C. 1071–1085, 5031, 6148, 6201–6203)

Date: August 7, 1967.

By direction of the Secretary of the Navy.

ROBERT H. HARE,
Deputy and
Assistant Judge Advocate General.

[F.R. Doc. 67–9634; Filed, Aug. 16, 1967, 8:45 a.m.]

Chapter VII—Department of the Air Force

SUBCHAPTER I—MILITARY PERSONNEL

PART 882—DECORATIONS AND AWARDS

Miscellaneous Amendments to Subchapter

Subchapter I of Chapter VII of Title 32 of the Code of Federal Regulations is amended as follows:

Part 882 is revised to read as follows:

Sec.
882.0 Purpose.

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882.1 Objective.
882.2 Decorations and unit awards.
882.3 Service awards.
882.4 Other recognition.
882.5 Definitions.
882.6 Precedence and wear.
882.7 Manufacture, sale, and wear.
882.8 Use of decorations, awards, and devices in exhibitions.
882.9 Procurement and supply.
882.10 Replacement of decorations and service medals.
882.11 Replacement of decorations certificates.

Subpart B—U.S. Military Decorations

882.20 Eligibility to receive a military decoration.
882.21 Who may submit a recommendation.
882.22 When to submit recommendations.
882.23 Elements of the decoration.
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882.25 Military decorations.
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882.30 Special instructions.
882.31 Nonmilitary decorations.

Subpart D—Foreign Decorations

882.40 General policy concerning acceptance and wear of decorations awarded by foreign governments.
882.41 Prior Congressional consent.
882.42 Congressional consent for decorations relating to Vietnam hostilities.
882.43 Token acceptance without Congressional consent.
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882.46 Decorations to retired personnel.
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Subpart E—U.S. Service Awards

882.50 Type of awards.
882.51 Eligibility criteria.
882.52 Number of awards a person may receive.
882.53 Posthumous service awards.
882.54 Awards by other U.S. agencies.
882.55 Good Conduct Medal and Air Force Good Conduct Medal.
882.56 American Defense Service Medal.
882.57 Women's Army Corps Service Medal.
882.58 American Campaign Medal.
882.59 Asiatic-Pacific Campaign Medal.
882.60 European-African-Middle Eastern Campaign Medal.
882.61 World War II Victory Medal.
882.62 Army of Occupation Medal.
882.63 Medal for Humane Action.
882.64 National Defense Service Medal.
882.65 Korean Service Medal.
882.66 Antarctica Service Medal.
882.67 Armed Forces Expeditionary Medal.
882.68 Vietnam Service Medal.
882.69 Air Force Longevity Service Award Ribbon.
882.70 Armed Forces Reserve Medal.
882.71 Air Reserve Forces Meritorious Service Ribbon.
882.72 USAF NCO Academy Graduate Ribbon.
882.73 Small Arms Expert Marksmanship Ribbon.
882.74 Philippine Defense Ribbon.
882.75 Philippine Liberation Ribbon.
882.76 Philippine Independence Ribbon.
882.77 Authority for U.S. service awards.

Subpart F—Foreign Service Awards

882.80 Policy.
882.81 Republic of Vietnam Campaign Medal (RVCM).

Subpart G—Non-U.S. Service Awards

882.90 Authorized awards.
882.91 United Nations Service Medal (UNSM).
882.92 United Nations Medal (UNM).

Subpart H—U.S. Unit Awards

882.100 Authority and authorized awards.
882.101 Eligibility (general criteria) for unit award.
882.102 Elements of the award.
882.103 Inheritance of unit awards.
882.104 Definitions.
882.105 Distinguished Unit Citation (DUC) and Presidential Unit Citation (PUC).
882.106 Air Force Outstanding Unit Award (AFOUA).
882.107 Other U.S. unit awards.
882.108 War Service Streamers.
882.109 Campaign and expeditionary streamers.
882.109a Infantry streamers, silver bands, etc.

Subpart I—Foreign Unit Awards

882.110 Requirements for acceptance.
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882.120 Presidential Service Badge and Certificate.
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Subpart K—Devices

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882.139 Other service devices.
882.140 Gold Star Lapel Button.
882.141 Other lapel buttons.

AUTHORITY: The provisions of this Part 882 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012, except as otherwise noted.

SOURCE: AFM 900–3, Mar. 21, 1966; Interim Ch. 5, AFM 900–3, December 30, 1966; AFM 900–3A, Feb. 1, 1967; Interim Ch. 7, AFM 900–3, June 21, 1967.

§ 882.0 Purpose.

This part explains Air Force policy on awarding military and nonmilitary decorations, service awards, and unit awards; states the type and describes decorations and awards authorized in the Air Force. It tells what each decoration, service award, and unit award means, the basis or eligibility requirement for the award, who is eligible to receive, and which headquarters is authorized to award. It includes information on decorations and awards conferred by other U.S. agencies and foreign countries and provides information relative to the award or use of special badges, favorable communications, certificates, and related appurtenances. This part applies to all Air Force units, including the Air Force Reserve and Air National Guard.

Subpart A—General

§ 882.1 Objective.

The objective of the Air Force Awards and Decorations Program is to foster morale, incentive, and esprit de corps.

§ 882.2 Decorations and unit awards.

Decorations and unit awards afford a means of accomplishing the above-stated objective through prompt public recognition of acts of exceptional bravery, outstanding achievement, and meritorious service performed by individuals or units. To preserve their integrity, decorations and unit awards may be awarded only to recognize acts or services which are clearly and distinctly outstanding by nature and magnitude. These acts or services must place the individuals' or units' performance significantly above that of their contemporaries and be of such importance that they cannot be appropriately recognized in any other way.

§ 882.3 Service awards.

Service awards normally are awarded to recognize honorable, active, Federal military service during periods of war or national emergency. They are also awarded for participation in specified, significant, military operations, and for specific types of service while on active duty or as a member of the Air Reserve Forces. For the purpose of determining eligibility for service awards, the term "active Federal military service" is interpreted as all periods of military service in a Regular component of the Armed Forces of the United States or any of the Reserve components listed in § 882.70 while on extended active duty, and service as a cadet or midshipman of the U.S. Air Force, Army or Naval academies.

§ 882.4 Other recognition.

Other means of accomplishing the objective stated in § 882.1 are described in this part. They are: Favorable communications, special badges, certificates, lapel buttons, and such special devices as clasps, arrowheads, stars, clusters, and fourrageres.

§ 882.5 Definitions.

As used in this part:

(a) "Awarded" means the act of approving a recommendation for a decoration or the act of confirming entitlement to a service award or device.

(b) "Presented" means the physical transfer (issuing, delivering, handing over, or pinning on) of a decoration, medal, or device from the Air Force to a person entitled to receive it.

§ 882.6 Precedence and wear.

The order of precedence for all decorations and service awards and the method of wearing all decorations, awards, ribbons, badges, and devices are described in AFM 35–10 (Service and Dress Uniforms for AF Personnel).

§ 882.7 Manufacture, sale, and wear.

By law (18 U.S.C. 704) the manufacture, sale, or wear of any USAF decoration, service award, award element, device, or related appurtenance, or the pictorial representation in regulation size of such item or article, is prohibited unless authorized by the Department of the Air Force.

§ 882.8 Use of decorations, awards, and devices in exhibitions.

(a) *By public institutions and patriotic societies.* Upon DAF approval, Air Force decorations, service awards, ribbons, devices, and streamers for exhibition may be furnished at cost, including charges for packing, mailing, transportation, engraving each medal or decoration and embroidering each streamer with the

words "Exhibition Only." These items may be furnished only to museums, libraries, and historical, numismatic, and military societies, and other institutions which provide an opportunity for the public to view them under circumstances beneficial to the Air Force.

(b) *By U.S. military organizations and other U.S. Government agencies.* Upon DAF approval the items mentioned in paragraph (a) of this section may be furnished for display at a major command headquarters, other Air Force activities approved by a major commander, and at other military departments. They also may be furnished for public displays to U.S. Government agencies not under military jurisdiction.

(c) *Where to send requests.* All requests for decorations, awards, ribbons, devices, and streamers for exhibit or display will be submitted to USAF Military Personnel Center (AFPMSAM), Randolph AFB, TX 78148, for approval.

(d) *Where to send requisitions.* Upon approval, requisitions for elements will be submitted by military organizations in accordance with AFM 67–1 (USAF Supply Manual). Upon approval for other than military organizations, Hq USAF makes arrangements for issue of the elements by the Defense Personnel Support Center, Directorate of Clothing and Textiles, 2800 South 20th Street, Philadelphia, PA 19101.

§ 882.9 Procurement and supply.

(a) *Requisitioning procedure.* The decorations, service medals, ribbons, devices, and unit streamers described in this part (except as in par. (c) of this section) may be requisitioned through normal supply channels in accordance with AFM 67–1. These items will not be locally procured or manufactured. Requisitions for streamers must indicate the authority for the award and the appropriate inscription to be embroidered on the streamer, if applicable.

(b) *Items available.* The following Federal Supply Catalog list items available through the supply system, together with Federal stock numbers, index numbers, and unit prices.

(1) Decorations, service awards, related devices, and presentation hook attachments for medals or ribbon bars (for clutch and pin type fastening devices)—Federal Supply Catalog C8455.

(2) Streamers—Federal Supply Catalogs C8300–1L–AF and C8300–MIL–AF.

(3) Individual emblems denoting unit awards—Federal Supply Catalogs C8400/70–1L–AF and C8400/70–MIL–AF.

(c) *Items not available.* Miniature medals, including decorations and service medals, related miniature devices, miniature ribbons, and the idividual emblems for the Presidential Unit Citations of the Republic of Korea and the Philippine Republic are neither issued nor sold by the Department of the Air Force. Also, the individual emblems for referenced Presidential Citations are not issued by the respective governments of those countries. All miniature items listed may be purchased from base exchanges or from commercial dealers in military devices and appurtenances.

NOTE: Except for the Legion of Merit in the degrees of Chief Commander and Commander, Hq USAF includes a miniature medal in the award package presented to foreign nationals.

§ 882.10 Replacement of decorations and service medals.

(a) *Decorations.* The person to whom a decoration has been awarded (awardee) or the representative of a person to whom a decoration was posthumously awarded, may receive a replacement decoration without charge, if the previously issued decoration (including medal, bar, ribbon, rosette, or other device issued for wear with or in place of any individual or unit decoration) has been lost, destroyed, or rendered unfit for use, without fault or neglect on the part of the awardee or the representative. All other replacement decorations will be provided at cost price.

(b) *Service medals.* Any service medal (including ribbon, clasp, star, or similar device prescribed as a part of the medal) which has been lost, destroyed, or rendered unfit for use, without fault or neglect on the part of the owner, may be replaced without charge, if the owner is an Air Force member. However, if the owner is not an Air Force member, the medal may be replaced at cost. For this purpose, an Air Force member includes active duty members, Air Reserve Forces members, and retired members.

(c) *Where to send requests for replacement.* Requests for replacement decorations and service medals will be routed to the appropriate headquarters/center indicated in the following table, which will verify entitlement and issue the replacement.

NOTE: A copy of the orders announcing the award, if available, or the authority for the award, should accompany each request relating to other than active duty members.

WHERE TO SEND SPECIAL REQUESTS

If request relates to—	*It will be forwarded to and action taken by* [1]—
Active duty personnel.	Custodian of unit personnel records as indicated in AFMs 35–0 (Officer Military Personnel Records System) and 35–13 (Airmen Military Personnel Records System).[2]
Air Force Reserve and Air National Guard Personnel not on active duty.	
Air Force personnel in a paid retired status.	CBPO of the base from which retired.[3]
Air Force personnel of the Retired Reserve not in a paid retired status.	ARPC, 3800 York Street, Denver CO 80205.
Former Air Force members.	MPRC (AF), 9700 Page Boulevard, St. Louis, MO 63132.[4]
Deceased members and deceased former members of the Air Force.	

[1] Request received by the incorrect action Hq/center will be rerouted to the correct one. Further referral to USAFMPC is authorized for unusual cases.

[2] Custodian may request verification from awarding headquarters or request review of command and/or master personnel records.

[3] Forward requests to USAFMPC (AFPMSAM), Randolph AFB, TX 78148, if base is no longer active.

[4] AF Casualty Assistance Officers issue awards to some next-of-kin.

§ 882.11 Replacement of decorations certificates.

Any service member or former service member, or the next-of-kin of such person, may have lost or destroyed decorations certificates replaced.

(a) *Active duty and Air Reserve Forces members.* Active duty members, Air Force Reserve, and Air National Guard personnel may apply for a replacement certificate to the custodian of their unit personnel records (table, § 882.10(c)).

(b) *Retired members, former members, and next-of-kin.* Former service members, and the next-of-kin of deceased members/former members, may request a replacement certificate by forwarding a letter directly to the appropriate headquarters or center indicated in the table in § 882.10(c). All retired members, regardless of date of retirement, will forward their requests to USAFMPC (AFPMSAM), Randolph AFB, TX 78148. A copy of the orders announcing the award, if available, or the authority for the award, should accompany each request.

Subpart B—U.S. Military Decorations

§ 882.20 Eligibility to receive a military decoration.

The eligibility of a person to receive a decoration listed in § § 882.25 and 882.26 depends on:

(a) *Nature and magnitude of the act, achievement, or service.* Sections 882.25 and 882.26 explain which types of acts, achievements, and services are considered worthy of recognition.

(b) *Relationship of the person to the Air Force.* (1) All military personnel on active duty are eligible to receive any U.S. military decoration.

(2) Members of the Reserve components, while participating in authorized periods of training or while in inactive status, may be considered for all military decorations provided the act, achievement, or service was in furtherance of an Air Force mission or function and meets the established criteria. However, acts, achievements, or services performed by the Reserve member as a private citizen which are of principal benefit to private citizens are not the basis for military decorations.

(c) *Posthumous awards.* Decorations may be awarded following the decease of the persons being honored, in the same manner as awarded to a living person.

(d) *Character of service.* (1) No decoration will be awarded or presented to any individual whose entire service during or subsequent to the time of the distinguished act, achievement, or service shall not have been honorable. (See 10 U.S.C. 8744; 8749.)

(2) Any award for a distinguished act, achievement, or service may be revoked before presentation if facts subsequently determined would have prevented original approval of the award. Commanders becoming aware of any such instances must immediately report the circumstances and make recommendations to the awarding authority for review and determination of appropriate action.

(e) *Number of decorations awarded.* There is no limitation placed on the number of decorations that may be awarded to an individual. However, only one decoration may be awarded for the same act, achievement, or period of service. Any subsequent recommendations for the same decoration should be based upon increasingly higher standards of performance and meritorious service.

§ 882.21 Who may submit a recommendation.

Any person having knowledge of the act, achievement, or service believed to warrant the award of a decoration may initiate a recommendation for the award. Preferred recommendations are those initiated by the person's commander or supervisor at the time the act, achievement, or service was performed.

§ 882.22 When to submit recommendations.

Timely presentation is essential to exploit the full potential of decorations. Accordingly, recommendations must be submitted as soon as possible after the act, achievement or service considered to justify award of a decoration.

§ 882.23 Elements of the decoration.

The elements of a decoration include a case containing the medal with suspension ribbon, ribbon bar, clusters (if any), lapel button, or rosette (as applicable); a certificate; a citation, except for the Purple Heart decoration; and the special orders announcing the award. Except for decorations awarded to foreign military personnel, retired or separated U.S. personnel, and posthumous decorations, special orders are not essential at the time of the presentation ceremony and may be furnished later.

§ 882.24 Special entitlements.

(a) *Increase in retired pay.* Any Regular enlisted member of the Air Force retired under 10 U.S.C. 8914 credited with extraordinary heroism in the line of duty, is entitled to 10 percent increase in retired pay. An enlisted man who has been awarded the Medal of Honor, Air Force Cross, Distinguished Service Cross, or Navy Cross satisfies the requirement for extraordinary heroism for the purpose of this additional pay. The determination of the Secretary of the Air Force regarding such increases in pay is final for those awarded the Distinguished Flying Cross, Airman's Medal, Soldier's Medal, or equivalent Navy decoration, where extraordinary heroism was involved. (See AFM 35–7, (Service Retirements), for further details and submission of applications.)

(b) *Medal of Honor recipients.* (1) Medal of Honor Roll: Upon written application to the Secretary of the Air Force, each living recipient of the Medal of Honor, who has served on active duty in the armed forces of the United States, and who has attained the age of 40 years, may have his name entered on the Medal of Honor Roll, if the Medal of Honor was awarded for conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty while so serving. Each person whose name is placed on the Roll is certified to the Veterans' Administration as being entitled to receive a special pension of $100 per month for life, if he so desires, payable monthly by that agency. The payment of this special pension is in addition to, and does not deprive the pensioner of, any other pension, benefit, right, or privilege to which he is or may be thereafter entitled (38 U.S.C. 560–562). Necessary application is automatically furnished each Air Force recipient of the Medal of Honor by Hq USAF not less than 90 days before his reaching age 40.

(2) Air transportation: Living recipients of the Medal of Honor are entitled to free transportation on military aircraft within the continental limits of the United States on a "space available" basis. Identification cards for this purpose are furnished by USAFMPC (AFPMSAM). (See AFR 76–6, Responsibilities and Policies for Movement of Traffic on Other Than MATS Scheduled Aircraft.)

(3) Admission to U.S. Service Academies: Sons of Medal of Honor recipients, otherwise qualified, are not subject to quota requirements for admission to any of the U.S. Service Academies. (See annual catalog, U.S. Air Force Academy.)

(4) Wearing of Air Force uniform: Persons awarded the Medal of Honor, are authorized to wear the uniform at any time, except as prohibited in AFM 35–10.

§ 882.25 Military decorations.

(a) *Medal of Honor (MH).* (1) Description of award: Within a wreath of laurel in green enamel a gold-finished bronze five-pointed star, one point down, tipped with tiefoils and each point containing a crown of laurel and oak on a green enamel background. Centered upon the star an annulet of 34 stars (the number of states in 1862) containing a representation of the head of the Statue of Liberty. The star is suspended by rings from a trophy consisting of a bar inscribed with the word "VALOR" above an adaptation of the thunderbolt from the USAF coat-of-arms. The bar is suspended from a light blue moire silk neckband behind a square pad in center with corners turned in and charged with 13 white stars in the form of a triple chevron.

(2) Established by: Joint Resolution of Congress, July 12, 1862 (amended by act of July 9, 1918), and is awaraded pursuant to 10 U.S.C. 8741.

(3) Awarded to: U.S. military personnel.

(4) Awarded by: The President of the United States.

(5) Awarded for: Conspicuous gallantry and intrepedity at the risk of life above and beyond the call of duty, while a member of the Air Force:

(i) While engaged in an action against an enemy of the United States;

(ii) While engaged in military operations involving conflict with an opposing foreign force; or

(iii) While serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party.

Each recommendation for the Medal of Honor must incontestably prove that the self-sacrifice or personal bravery involved conspicuous risk of life, the omission of which could not justly cause censure.

NOTE: The new Air Force design of the Medal of Honor will be presented to all recipients who are awarded this decoration on or after November 1, 1965. Original design Medals of Honor awarded prior to November 1, 1965, will remain in effect. They will not be replaced by the new Air Force design medal. Replacements for Medals of Honor lost or destroyed, which were awarded prior to November 1, 1965, will be of the original Medal of Honor design. Because of Federal statutes, awards of the new Medal of Honor should not be officially called or referred to as the "Air Force Medal of Honor." It may be generally referred to as "Medal of Honor—Air Force design," or "the (new) Air Force designed Medal of Honor Medal."

(b) *Air Force Cross (AFC).* (1) Description of award: A bronze cross with an oxidized satin finish. Centered on the cross is a gold-plated American bald eagle, wings displayed against a cloud formation (from the Air Force Crest) encircled by a laurel wreath finished in green enamel. The ribbon is brittany blue, edged with old glory red, and bears a narrow white vertical stripe inside the red edges.

(2) Established by: Public Law 86–593, July 6, 1960, which amended 10 U.S.C. 8742, to change the designation of the Distinguished Service Cross to Air Force Cross for award by the Department of the Air Force.

(3) Awarded to: U.S. and foreign military and civilian personnel.

(4) Awarded by: Department of Air Force. (This authority is delegated to major air commanders during wartime for awards to U.S. military personnel.) The Secretary of Defense must approve all awards to foreign personnel.

(5) Awarded for: Extraordinary heroism, not justifying the award of a Medal of Honor, while serving in any capacity with the Air Force:

(i) While engaged in an action against an enemy of the United States.

(ii) While engaged in military operations involving conflict with an opposing foreign force; or

(iii) While serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party.

(c) *Distinguished Service Medal (DSM).* (1) Description of award: At the center of a sunburst of 13 gold rays separated by 12 white enamel stars a blue stone representing the firmament. Ribbon is predominantly white and banded in old gold, with ultramarine stripes and smaller old gold stripes.

(2) Established by: Act of Congress on July 9, 1918, and is awarded pursuant to 10 U.S.C. 8743.

(3) Awarded to: U.S. and foreign military and civilian personnel.

(4) Awarded by: Department of the Air Force. The Secretary of Defense must approve all awards to foreign personnel.

(5) Awarded for: Exceptionally meritorious service to the U.S. Government

in a duty of great responsibility, while serving in any capacity with the Air Force. During wartime, a duty of great responsibility is one that involves the exercise of authority or judgment in matters which decide the successful outcome of a major military operation. In peacetime, it is a duty which carries the ultimate responsibility for the successful operation of a major command, activity, installation or major program. The discharge of such duty must involve the acceptance and fulfillment of the obligation so as to greatly benefit the interests of the United States.

NOTE: The new Air Force design of the Distinguished Service Medal will be presented to all recipients who are awarded this decoration on or after November 1, 1965. Date of award is based on date of announcement in special orders. Original design Distinguished Service Medals and oak leaf clusters relating thereto, awarded before November 1, 1965, will remain in effect, and be worn or displayed. They will not be replaced by the new Air Force design medal. Replacements for Distinguished Service Medals lost or destroyed, which were awarded before November 1, 1965, will be of the original Distinguished Service Medal design. Persons awarded a Distinguished Service Medal, Air Force design, who are also recipients of the original Distinguished Service Medal, and/or oak leaf clusters thereto, are entitled to wear both the old and new design medal/ribbon, with the new Air Force designed medal and ribbon taking precedence (in wear only) over the original Distinguished Service Medal. Awards of the new Distinguished Service Medal will not be referred to as oak leaf clusters to the original Distinguished Service Medal, and, because of Federal statutes, should not be officially called or referred to as the Air Force Distinguished Service Medal. It may be generally referred to as the "Distinguished Service Medal * * * Air Force design" or "the (new) Air Force designed Distinguished Service Medal". After the Distinguished Service Medal—Air Force design has been awarded, the second and subsequent awards made will be oak leaf clusters, commencing with the first oak leaf cluster and disregarding any oak leaf cluster awarded before November 1, 1965.

(d) *Silver Star (SS)*. (1) Description of award: A small silver star within a wreath centered on a large star of gold-colored metal. The ribbon has a center band of red flanked by equal bands of white; the white bands are flanked by equal blue bands having borders of white lines with blue edgings.

(2) Established by: Act of Congress on July 9, 1918, and is awarded pursuant to 10 U.S.C. 8746.

(3) Awarded to: U.S. and foreign military and civilian personnel.

(4) Awarded by: Department of the Air Force. (This authority is delegated down to commanders of numbered air forces during wartime for awards to U.S. military personnel.) The Secretary of Defense must approve all awards to foreign personnel.

(5) Awarded for: Gallantry in action, that does not warrant a Medal of Honor or Air Force Cross, while serving in any capacity with the Air Force:

(i) While engaged in an action against an enemy of the United States;

(ii) While engaged in military operations involving conflict with an opposing force; or

(iii) While serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party.

Gallantry in action means heroism of high degree involving risk of life.

(e) *Legion of Merit (LM)*. (1) Description of award: A five-rayed white enamel pronged star on a green wreath with crossed arrows. The cloud and stars of the coat of arms of the United States are displayed in the center. The ribbon is red-purple with white edges. The design of the decoration varies according to the degree in which awarded. It is designed as a breast decoration when awarded in the degree of Chief Commander; a collar decoration when awarded in the degree of Commander; and a chest decoration when awarded in the degree of Officer and Legionnaire.

(2) Established by: Act of Congress on July 20, 1942, and is awarded pursuant to 10 U.S.C. 1121.

(3) Awarded to: U.S. and foreign military personnel.

(4) Awarded by: (i) Department of the Air Force for U.S. military personnel. (This authority is delegated to major commanders during wartime.)

(ii) To foreign military personnel: (*a*) Degree of Chief Commander—The President of the United States.

(*b*) Degree of Commander, Officer, and Legionnaire—The Secretary of Defense.

(5) Awarded for: Exceptionally meritorious conduct in the performance of outstanding service to the United States. In peacetime, awards to U.S. military personnel are generally limited to recognizing:

(i) Service in an extremely difficult duty which is performed in a clearly exceptional manner, if such service is of marked national or international significance or of marked significance to the Air Force or the Department of Defense; or

(ii) Service which has aided the U.S. in furthering its national policies; or

(iii) Service which has furthered the interests of the security of the U.S. Superior performance of normal duties will not alone justify award of this decoration. Awards to U.S. military personnel are made without degree. Peacetime awards to members of the armed forces of friendly foreign nations are limited to recognizing: Subdivisions (i) and (ii) of this subparagraph, and service which has furthered the interests of the security of the U.S., or of any nation allied or associated with the U.S. during a period of national emergency declared by the President or Congress. Awards to foreign military personnel are made in the Degrees of Chief Commander, Commander, Officer, and Legionnaire. The Degrees of Chief Commander and Commander are comparable to awards of the Distinguished Service Medal to U.S. personnel. Degrees of Officer and Legionnaire are comparable to awards of the Legion of Merit to U.S. military personnel. In order to maintain the prestige and dignity of the medal, and to insure uniformity in awarding the various degrees to foreign nationals, the following criteria are established:

Degree—	*Awarded to—*
Chief Commander.	Foreign chiefs of state or heads of government.
Commander	The equivalent of a U.S. military Chief of Staff or higher, but not to chief of state.
Officer	General or flag rank personnel below the equivalent of a U.S. military chief of staff; to ranks parallel to colonel (or captain USN) for service in assignments equivalent to those normally held by general or flag rank personnel in the U.S. military service; and to foreign attaches.
Legionnaire	To all other eligibles.

When the decoration is awarded more than once to a military member of a friendly foreign nation, subsequent awards are never made in a degree lower than the one originally awarded. Duplicate awards are given to recipients previously awarded the Legion of Merit in any of the degrees mentioned in this subparagraph.

(f) *Distinguished Flying Cross (DFC)*. (1) Description of award: A bronze cross with rays on which is displayed a propeller. The ribbon is predominantly blue, with a narrow band of red bordered by white lines in the center. The edges of the ribbon are outlined with equal bands of white inside blue.

(2) Established by: Act of Congress on July 2, 1926, and is awarded pursuant to 10 U.S.C. 8749.

(3) Awarded to: U.S. and foreign military personnel.

(4) Awarded by: Department of the Air Force. (This authority is delegated down to commanders of numbered air forces for award to U.S. military personnel during wartime.) The Secretary of Defense must approve all awards to foreign personnel.

(5) Awarded for: Heroism or extraordinary achievement while participating in aerial flight, and serving in any capacity with the Air Force. Both heroism and achievement must be entirely distinctive, involving operations that are not routine.

(g) *Airman's Medal (AmnM)*. (1) Description of award: A bronze medal disk with an oxidized satin finish. The pendant bears a representation of Hermes, son of Zeus, releasing an American Bald Eagle. The ribbon is brittany blue displaying alternately in the center, 13 vertical stripes of the Air Force colors, golden yellow and ultramarine blue.

(2) Established by: Public Law 86-593, July 6, 1960, which amended 10 U.S.C. 8750 to provide the Air Force with a distinctive decoration for award in lieu of the Soldier's Medal.

(3) Awarded to: U.S. and foreign military personnel.

(4) Awarded by: Department of the Air Force. (This authority is delegated down to commanders of numbered air forces for award to U.S. military personnel during wartime.) The Secretary of Defense must approve all awards to foreign military personnel.

(5) Awarded for: Heroism involving voluntary risk of life under conditions other than those of conflict with an armed enemy of the United States, while serving in any capacity with the Air Force. The saving of a life or the success of the voluntary heroic act is not essential.

(h) *Bronze Star Medal (BSM)*. (1) Description of award: A bronze star bearing in the center a smaller star of the same color. The ribbon is predominantly red with a white-edged narrow blue band in the center, and white lines at each edge.

(2) Established by: Executive Order 9419, February 4, 1944, which was superseded by Executive Order 11046, August 24, 1962.

(3) Awarded to: U.S. and foreign military and civilian personnel.

(4) Awarded by: Department of the Air Force. (This authority is delegated down to commanders of air divisions for award to U.S. military personnel during wartime.) The Secretary of Defense must approve all awards to foreign personnel.

(5) Awarded for: Heroic or meritorious achievement or service (not involving participation in aerial flight) under one or more of the following conditions, while serving in or with the Air Force after December 6, 1941:

(i) While engaged in an action against an enemy of the United States;

(ii) While engaged in military operations involving conflict with an opposing foreign force; or

(iii) While serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the U.S. is not a belligerent party.

When awarded for heroism, the Bronze Star Medal is marked by a bronze letter "V" (for valor) clasped to the suspension ribbon and ribbon bar. Only one such "V" is authorized. Members of the armed forces of the United States who were awarded the Combat Infantryman Badge or Medical Badge for exemplary conduct in ground combat against an armed enemy between December 7, 1941, and September 2, 1945, may apply by letter to the Awards Branch, Personnel Services Division, The Adjutant General, Department of the Army, Washington, D.C. 20315, for award of the Bronze Star Medal. A copy of the general order announcing the award of either badge should be attached to the application letter, together with a statement as to whether approval of the Bronze Star Medal would duplicate any previous award for the same period of service. If general orders are not available, the specific authority for the award of the badge must be included in the application letter, or attached thereto.

(i) *Air Medal (AM)*. (1) Description of award: A bronze compass rose displaying an eagle in flight bearing lightning flashes. The ribbon is predominantly blue with two orange-gold bands just inside the edges.

(2) Established by: Executive Order 9158, May 11, 1942, as amended by Executive Order 9242A, September 11, 1942.

(3) Awarded to: U.S. and foreign military and civilian personnel.

(4) Awarded by: Department of the Air Force. (This authority is delegated down to commanders of air divisions for award to U.S. military personnel during wartime.) The Secretary of Defense must approve all awards to foreign personnel.

(5) Awarded for: Meritorious achievement while participating in aerial flight, and serving in any capacity with the Air Force. The required achievement to warrant award of the Air Medal is less than that required for award of the Distinguished Flying Cross, but must nevertheless be accomplished with distinction above and beyond that normally expected of professional airmen.

(j) *Combat Readiness Medal (CRM)*. (1) Description of award: Encircling a ring of stylized cloud forms, a border of concentric rays, its rim concave between 12 points, charged with six arrowheads, alternating with the points of two triangular flight symbols, having center lines ridged conversely. One is pointed south and overlapping, and the other pointed north whose apex extends beyond the rim, becoming the point of suspension of the medal. The ribbon is predominantly old glory red and banded in blue, with a narrow dark blue stripe separated by two wider stripes of light blue.

(2) Established by: Secretary of the Air Force, March 9, 1964. Effective date—August 1, 1964.

(3) Awarded to: U.S. military personnel.

(4) Awarded by: Department of the Air Force and major air commanders.

(Major air commanders are authorized to further delegate approval and disapproval authority to commanders of numbered air forces and to commanders of Air Force organizations in the grade of major general or higher.)

(5) Awarded for: Completion of an aggregate of four years of sustained professional performance as a USAF combat ready aircrew or missile launch crew member assigned to an operational unit subject to the Combat Readiness Rating System under the provisions of AFM 55-11 (Air Force Operational Reporting System RCS: AF-V-21). During this period, the aircrew or missile launch crew member must have been:

(i) Certified as combat ready in accordance with USAF and major command qualification criteria; and

(ii) Serving in a missile launch crew position, or in a rated AFSC position as an aircrew member.

NOTE: Aircrew members on special duty with another U.S. military service may be credited with such service for award of the CRM provided they are designated or certified, while so serving, as combat ready in accordance with that service's criteria (if such criteria closely correlates to USAF and parent command criteria) and provided that other requirements stated in this subparagraph are met. A break in combat ready status (requalification, PCS, sickness, or other cause not attributed to any instance of nonprofessionalism) will be considered as qualifying service for award of the CRM, provided the break is not more than 120 days and the individual returns to combat ready status. Initial award—All qualifying service from August 1, 1964. Subsequent awards—A bronze oak leaf cluster for each additional four years of qualifying service. A silver oak leaf cluster is worn in lieu of five bronze oak leaf clusters.

(k) *Air Force Commendation Medal (AFCM)*. (1) Description of award: A bronze hexagon medallion bearing eagle, shield, and arrows from the Seal of the Department of the Air Force. The ribbon is predominantly yellow with blue edges and three bands of blue spaced in the center.

(2) Established by: Secretary of the Air Force, effective March 24, 1958 (announced in Department of the Air Force General Orders No. 16, Mar. 28, 1958).

(3) Awarded to: U.S. and foreign military personnel.

(4) Awarded by: The Department of the Air Force to U.S. and foreign military personnel.

(5) Awarded for: (i) U.S. military personnel below the grade of brigadier general—Outstanding achievement or meritorious service rendered specifically on behalf of the Air Force, acts of courage which do not meet the requirements for award of the Airman's Medal or Bronze Star Medal, and sustained meritorious performance by crewmembers may be considered for award of the Air Force Commendation Medal. (The Air Force Commendation Medal will not be awarded to general or flag officers for achievement or services performed while serving in a general or flag officer grade.) It is particularly desirable that emphasis be placed on the award of this decoration to outstanding company grade officers and airmen whose achievements and services meet the prescribed standards. Superior performance of normal duties does not, in itself, constitute automatic justification for an award of the Air Force Commendation Medal. Appropriate remarks on effectiveness and performance reports, favorable communications, locally developed certificates, etc., provide ample means of recognizing the high caliber performance expected of Air Force personnel. Awards should be restricted to the recognition of achievements and services which are clearly outstanding and unmistakably exceptional when compared to similar achievements and accomplishments of personnel of like rank and responsibilities. The successful accomplishment of a predesignated number of tasks or functions is not a valid basis for an automatic award. However, unusual and extraordinary sustained performance may be used as a point of departure in justifying meritorious achievement or service. In instances where many individuals are affiliated with an exceptionally successful program, project, or mission, the Air Force Commendation Medal should be awarded

only to the relatively few individuals whose contributions clearly stand out from the others, and who have contributed most to the success of the program.

(ii) Member of the armed forces of a friendly foreign nation—An act of heroism, extraordinary achievement or meritorious service, performed after June 1, 1962, which has been of mutual benefit to a friendly foreign nation and to the U.S. Air Force. (The award of the Air Force Commendation Medal to a member of the armed forces of a friendly foreign nation shall be based upon an act, a service, or an achievement that would satisfy the criteria governing award of this decoration to a military member of the U.S. Air Force.)

(1) *Purple Heart (PH).* (i) Description of award: A heart-shaped pendant of purple enamel bearing a gold replica of the head of General George Washington, in relief, and the Washington Shield. The shield is in colors. The ribbon is dark purple with white edges.

(2) Established by: General George Washington on August 7, 1782. It was reestablished by War Department General Order No. 3, 1932, and is currently awarded pursuant to Executive Order 11016, April 25, 1962.

(3) Awarded to: U.S. military and civilian personnel.

(4) Awarded by: Department of the Air Force. (During wartime, or as circumstances may indicate, this authority may be delegated to commanders of numbered air forces, and to commanders in the grade of brigadier general or higher of comparable organizations.) All awards are made in the name of the President. The Department of the Air Force will make all awards to repatriated prisoners of war or internees, and to U.S. personnel killed or declared dead.

(5) Awarded for: Wounds received, or death after being wounded, under any of the following conditions, while serving in any capacity with one of the U.S. Armed Forces, after April 5, 1917:

(i) In any action against an enemy of the United States;

(ii) In any action with an opposing armed force of a foreign country in which the armed forces of the United States are or have been engaged;

(iii) While serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party;

(iv) As a result of an act of any such enemy or opposing armed force; or

(v) As the result of an act of any hostile foreign force.

(vi) Posthumous awards: The Purple Heart will be awarded posthumously to any person covered by, and under the circumstances described in this subparagraph, who, after April 5, 1917, has been or may hereafter be killed, or who has died or may hereafter die after being wounded. For such awards, the Purple Heart and appropriate ribbon and appurtenances will be forwarded to the next-of-kin without respect to whether a previous award has been made to such person, except that if the award results from service before December 7, 1941, the next-of-kin must submit application to the Secretary of the Air Force.

(vii) Definitions and criteria: A Purple Heart is authorized for the first wound suffered under the conditions indicated in this subparagraph, but for each subsequent award, an oak leaf cluster shall be awarded. Only one award will be made for more than one wound or injury received at the same instant or from the same missile, force, explosion, or agent. For the purpose of considering an award of this decoration, a "wound" is defined as an injury to any part of the body from an outside force or agent sustained under one or more of the conditions listed in this subparagraph. A physical lesion is not required, provided the concussion or other form of injury received is due to direct enemy, opposing armed force, or hostile foreign force action. A person who is wounded, injured, or killed as a result of a parachute jump from an aircraft disabled by enemy or hostile fire, or, who is wounded, injured or killed by his captors while in a prisoner of war status, is considered to have received such wounds or injuries as a result of direct enemy, hostile, or opposing force actions. A sworn statement from a released prisoner of war outlining circumstances and extent of injury, including date and place injury was incurred, must be submitted and considered in conjunction with other evidence. Further, a wound for which the award is made must have required treatment by a medical officer, and the records of medical treatment for wounds or injuries received under the conditions described in this subparagraph, must have been made a matter of official record. In those instances where medical records are not available for injuries or wounds received while a prisoner of war, a statement must be submitted by a medical officer that examination reveals that the person apparently received injuries or wounds while in a prisoner of war status, and that such injury or wound should have received medical treatment.

(viii) Application: Any person who believes himself eligible for the Purple Heart, but through unusual circumstances no award was made, may submit available facts and evidence to USAF MPC (AFPMSAM), Randolph AFB, TX 78148, for evaluation and awarding action, if appropriate.

NOTE: A U.S. civilian eligible for this decoration is any civilian national of the United States who is wounded, under described circumstances, while serving under competent authority in any capacity with the military forces of the Department of the Air Force; this includes civil service and nonappropriated funds employees of the DAF, technical representatives, and newsmen, who are so serving.

§ 882.26 Joint Service Commendation Medal (JSCM) (Department of Defense).

The Joint Service Commendation Medal is awarded in the name of the Secretary of Defense. Not more than one JSCM will be awarded to one person. For each succeeding act or period of service that justifies the award of the JSCM an oak leaf cluster will be awarded.

(a) Description of award: (1) Medal: On a device consisting of four conjoined hexagons, two vertically and two horizontally, of green enamel, an eagle with shield and three arrows (as depicted on the Seal of the Department of Defense) all in gold between at top 13 gold stars and in base a gold stylized heraldic delineation all within a gold circular laurel wreath bound with gold bands.

(2) Ribbon: A ribbon 1⅜ inches in width composed of blue, white, and green stripes.

(3) Certificate: Each award is accompanied by a certificate signed by the approving official.

(4) Device: A bronze letter "V" device is authorized as indicated in paragraph (e) of this section.

(b) Established by: DoD Directive 1348.14, June 25, 1963.

(c) Awarded to: Any member of the Armed Forces of the United States serving in an assignment in any of the following joint activities, after January 1, 1963:

(1) Office of the Secretary of Defense.

(2) Organization of the Joint Chiefs of Staff.

(3) Defense Supply Agency.

(4) National Security Agency.

(5) Defense Contract Audit Agency.

(6) Other Department of Defense agencies or joint activities reporting through the Joint Chiefs of Staffff.

(7) Headquarters of joint forces, headquarters of joint commands or control groups reporting to or through the Joint Chiefs of Staff, and headquarters of subordinate joint commands. Personnel assigned to Service components, which are assigned or attached to a joint command for exercise purposes, may not be awarded the JSCM except in unusual cases in which the recommendation for the award clearly indicates that the service was of a joint nature and such service was truly outstanding.

(8) Headquarters, unified and specified commands.

(9) Other joint activities reporting to commanders of unified or specified commands (e.g., Military Assistance Advisory Groups or Joint Missions).

(10) Jointly manned staffs within Allied Command Europe and Allied Command Atlantic, military agencies associated with the functions of the Standing Group NATO, the Inter-American Defense Board, and the combined staffs of the North American Air Defense Command.

(d) Awarded by: (1) The Deputy Secretary of Defense for awards to military personnel assigned to the Office of the Secretary of Defense.

(2) The Chairman, Joint Chiefs of Staff, for awards to military personnel on his staff, and in those agencies and activities reporting through his staff.

(3) Commanders-in-chief of unified and specified commands, for awards to military personnel assigned to their respective headquarters and to those joint agencies and activities reporting to or through their commands.

(4) Supreme Allied Commander, Europe (when of U.S. national origin), for awards to U.S. personnel assigned to Allied Command Europe, and Supreme Allied Commander, Atlantic (when of U.S. national origin) for awards to U.S. personnel assigned to Allied Command Atlantic; the U.S. Representative to the Military Committee and Standing Group, NATO for awards to U.S. personnel serving in military agencies associated with the Standing Group; and the Commander-in-Chief, North American Air Defense Command (when of U.S. national origin).

(5) Directors, DSA, NSA, DIA, DASA, Defense Contract Audit Agency, and DCA for awards to military personnel on their respective staffs.

(6) Commander, U.S. Military Assistance Command, Vietnam, for awards to military personnel assigned to his headquarters and to those joint agencies and activities reporting through his command.

(e) Awarded for: Meritorious achievement or service which distinguished the member while serving in any assignment specified in paragraph (d) of this section. The required achievement or service, while of lesser degree than that required for award of the Legion of Merit, must nevertheless have been accomplished with distinction. The Joint Service Commendation Medal shall not be awarded to any individual for a period of service for which the Air Force Commendation Medal, or the Commendation Medal of other services, has been awarded. A bronze letter "V" device to the suspension ribbon and ribbon bar is authorized if the award is for acts or services involving direct participation in combat operations on or after June 25, 1963.

§ 882.27 Format for letter of recommendation—decorations.

(Headquarters Designation)

(Date)

Subject: Recommendation for Award of Decoration.

To: (Commander of next higher headquarters).

1. It is recommended that the following individual(s) be awarded the decoration(s) indicated:

a. (Grade, first name, middle initial, last name, and service number.)

b. (Name of decoration. Indicate numbered cluster, if applicable.)

c. (Present organization and station.)

d. (Permanent home address.)

e. (Grade, duty assignment, and unit of assignment of the individual at time of the act or service.)

f. (List of U.S. decorations previously awarded to the individual(s) with complete authorities therefor and dates of service recognized. Do not include service medals, battle credits, unit citations, or foreign decorations.)

g. (Date of last promotion.)

h. (Date of reassignment, retirement, or separation, if applicable, and whether retirement or separation is voluntary or involuntary. Also include TAFCSD, TAFMSD, TFCSD, TMSD, PLSD, and the CDOS (Reserve Officers), as appropriate, for individuals being retired or separated).

NOTE: Provide same information as in a through h for additional individuals being recommended for same act or service.

2. Give a narrative description of the heroism, achievement, or service. The narrative should be specific and factual. Give concrete examples of exactly what the person did, how he did it, what benefits or results were realized and why or how such benefits or results significantly exceeded expected superior performance of duty. In addition, include supporting documentary evidence, if the person initiating the recommendation does not have first-hand knowledge of the act or service performed, and/or official supporting records if considered advisable by the recommending individual.

3. Furnish a statement indicating that the service in the Air Force of the person recommended has been honorable subsequent to the act or service for which recommended.

4. Furnish statement if other individuals are being recommended for the same act or service. If recommendations for these individuals are not a part of this recommendation, explain delay, indicate date recommendations will be forwarded, and identify the individuals concerned by grade, name, service number, present organization, and station.

5. Furnish a statement indicating that an unclassified citation is attached.

6. Furnish a statement indicating whether or not other recommendations for awards to the same individual are pending.

7. Furnish a statement indicating that a previous award has not been made to the same individual for the act or service described.

8. If applicable, furnish a statement indicating that the proposed award is posthumous, or that the person recommended is missing in action or a prisoner of war. In all such instances, state the name, address, and relationship of the next-of-kin.

9. State the date on which presentation of the award is desired if the recommendation is approved. Also indicate the place to which the award elements should be forwarded for presentation.

(Signature of recommending official)

2 Atchs.

1. Citation.

2. Other records (as applicable and list as additional attachments).

Subpart C—U.S. Nonmilitary Decorations

§ 882.30 Special instructions.

The following special instructions relating to the award of nonmilitary decorations apply:

(a) *Remuneration restriction.* (1) Recommendations for award of the Department of Defense Medal for Distinguished Public Service will indicate whether the person recommended is receiving any form of remuneration, such as consultant fees, for the service cited. If the person recommended is receiving remuneration specific comments will be included to clarify the individual's status with the U.S. Government.

(2) Recommendations for award of the Exceptional Service Award and the Air Force Scroll of Appreciation will contain a comment that the services cited were voluntary, were performed as a public service or motivated by patriotism—with no implication of remuneration, and that the person recommended had no commercial or profit making relationship with the Air Force.

(b) *U.S. civilians.* Recommendations for award of nonmilitary decorations to U.S. civilians will be accompanied by a separate, short biography of the person being recommended, including his date and place of birth, and salient facts relating to his life.

§ 882.31 Nonmilitary decorations.

(a) *Medal for Merit.* (1) Description of award: A bronze eagle upon a circle of blue enamel with white stars. The ribbon is magenta silk with two white lines in the center.

(2) Established by: Act of Congress on July 20, 1942, and is awarded pursuant to 10 U.S.C. 1122.

(3) Awarded to: U.S. and foreign civilian personnel.

(4) Awarded by: The President of the United States. (Awards of the Medal for Merit are not being made at this time, and will not be until directed by the President.)

(5) Awarded for: Exceptionally meritorious conduct in the performance of outstanding services. In the past, awards to foreign personnel have been limited to those of the Allied Nations of World War II.

(b) *President's Certificate of Merit.* (1) Description of award: Certificate signed by the President of the United States.

(2) Established by: Executive Order 9734, June 6, 1946.

(3) Awarded to: U.S. and foreign civilian personnel.

(4) Awarded by: The President of the United States. (Awards are not being made at this time, and will not be until directed by the President.)

(5) Awarded for: A highly meritorious act or service aiding the United States or its allies during World War II.

(c) *National Security Medal.* (1) Description of award: A blue enamel compass rose surrounded by a red enamel oval, bearing at the top the inscription "United States of America" and at the bottom "National Security." The red enamel oval is inclosed with a laurel wreath of gold finished bronze. On top of the laurel wreath, there is an American bald eagle with wings raised facing toward the left. (A miniature of this medal is furnished at the time of the award.) A compass rose device is awarded for the second and subsequent awards of this decoration.

(2) Established by: Executive Order 10431, January 19, 1953.

(3) Awarded to: U.S. and foreign military and civilian personnel.

(4) Awarded by: The President of the United States, or his designee for that purpose.

(5) Awarded for: Distinguished achievement or outstanding contribution on or after July 26, 1947 in the field of intelligence relating to the national security. This contribution may consist of either exceptionally meritorious service performed in a position of high responsibility, or of an act of valor requiring personal courage of a high degree and complete disregard of personal safety. Recommendations may be initiated by any person having personal knowledge of the facts of the exceptionally meritorious conduct or act of valor,

either as an eyewitness or from the testimony of others who have personal knowledge or were eyewitnesses. Complete documentation, including necessary certificates, affidavits, or sworn transcripts of testimony, will accompany the recommendation. Each recommendation must show the exact status of the individual at the time he performed the act or service, including information regarding his citizenship and employment. Recommendations will be submitted to USAF MPC (AFMPSAM), Randolph AFB, TX 78148, for transmittal to the Executive Secretary of the National Security Council by the Secretary of the Air Force.

(d) *The Presidential Medal of Freedom.* (1) Description of award: This decoration replaces the Medal of Freedom decoration. The Presidential Medal of Freedom is awarded in two degrees, the higher degree being designated the Presidential Medal of Freedom with Distinction. The components of the Presidential Medal of Freedom with Distinction are: Broad ribbon with rosette and badge, the star, the miniature medal with gold appurtenance for its suspension ribbon, the service ribbon with gold appurtenance, and gold lapel emblem with narrow ribbon loop or bow. The components of the Presidential Medal of Freedom (second degree) are: The medal with neck ribbon (a medal with ribbon bow is provided for female military persons for wear on civilian clothes), the miniature medal with silver appurtenance for its suspension ribbon, the service ribbon with silver appurtenance, and the silver lapel emblem with narrow ribbon loop or bow. The star of the Presidential Medal of Freedom with Distinction and the medal pendant of the Presidential Medal of Freedom consist of a five-pointed star of white enamel with a gold eagle displayed with wings inverted between each pair of points, and the talons resting on a red enamel triangle. In the center is a constellation of 13 gold stars set in a raised circular blue enamel background. The gold rims retaining the blue, white, and red enamels are diagonally incised. The reverse of the star and medal is inscribed with the words, "Presidential Medal of Freedom". The neck ribbon, the service ribbon, and the ribbon for the miniature medal contain a central blue portion with narrow white edges. The broad ribbon (sash type) used with the rosette and badge contains a central blue portion with a narrow white stripe on each side and narrow blue edges. The rosette is formed of a broad ribbon material. The rosette center is concealed by a badge which is a metal disc of blue enamel within a broad gold band and containing 13 gold stars. The blue used in the ribbons is named "Freedom Blue". A gold or silver eagle is used for the lapel button and the appurtenance on the suspension and service ribbon.

(2) Established by: Executive Order 11085, February 21, 1963, which reestablished the Medal of Freedom as the Presidential Medal of Freedom.

(3) Awarded to: U.S. and foreign military and civilian personnel.

(4) Awarded by: The President of the United States.

(5) Awarded for: An especially meritorious contribution to: (i) The security or national interests of the United States, (ii) world peace, or (iii) cultural or other significant public or private endeavors. Recommendations will be submitted through command channels to USAFMPC (AFPMSAM), Randolph AFB, TX 78148, for processing.

(e) *Department of Defense Medal for Distinguished Public Service.* (1) Description of award: A gold-colored medal bearing the Seal of the Department of Defense within a wreath of laurel leaves. The ribbon is edged with white, and has a wide garnet red stripe bordered by two stripes of white, and two stripes of lustre blue.

(2) Established by: Department of Defensive Directive 1432.1, April 30, 1959.

(3) Awarded to: U.S. and foreign civilian personnel.

(4) Awarded by: The Secretary of Defense.

(5) Awarded for: Exceptionally meritorious civilian service since the date of the National Security Act (1947) to the Department of Defense as a whole. To be eligible for this award, the civilian nominee must be one that: (1) Does not derive his principal livelihood from Government employment; and (2) has served at considerable personal sacrifice and inconvenience, motivated by patriotism, good citizenship, and a sense of public responsibility. It will not be awarded to groups, organizations or employees of other Government agencies. Posthumous awards may be presented to eligible next-of-kin except that the eldest brother, eldest sister, and eldest grandchild are not eligible in this instance.

(f) *Exceptional Service Award.* (1) Description of award: A gold-colored medal bearing the Air Force Coat of Arms within a wreath of laurel leaves. The ribbon is dark blue silk with three dotted golden-orange lines in the center. (A miniature of the medal is furnished at the time of award to foreign civilians.) A duplicate medal is presented for the second and subsequent awards of the Exceptional Service Award, except that a two-point diamond stone is included in the lapel button accompanying these awards.

(2) Established by: Secretary of the Air Force on August 30, 1948.

(3) Awarded to: U.S. and foreign civilian personnel.

(4) Awarded by: The Secretary of the Air Force.

(5) Awarded for: Exceptional services rendered to the Department of the Air Force by U.S. civilians, not employed by the U.S. Government; or for an act of heroism, involving voluntary risk of life, by any civilian, U.S. or foreign, not employed by the U.S. Government. Services must have been completely voluntary and performed as a public service or by patriotic motivation with no implication of financial or other remuneration. Contractors, contractor technicians, corporations, and organizations which have a commercial or profit-making relationship with the Air Force, and render services inherent or implied by contract, do not qualify. If appropriate, commanders may recognize such service through award of favorable communications or other means of recognition available to them. However, an act of heroism by an employee of any of the foregoing is a basis for a recommendation for award of the Exceptional Service Award, provided that the act benefited the Air Force. (This decoration is comparable to the Distinguished Service Medal to military personnel.)

(g) *Air Force Scroll of Appreciation.* (1) Description of award: A scroll, signed by the Secretary of the Air Force and the Chief of Staff, which describes the act or service being recognized.

(2) Established by: Secretary of the Air Force on August 30, 1948.

(3) Awarded to: U.S. and foreign civilian personnel.

(4) Awarded by: The Secretary of the Air Force.

(5) Awarded for: Meritorious achievement or service rendered to any activity of the Department of the Air Force by civilians, U.S. and foreign, not employed by the U.S. Government. Acts of courage which do not meet the risk of life requirements for award of the Exceptional Service Award may be considered as evidence of a meritorious achievement warranting award of the Air Force Scroll of Appreciation. Services must be completely voluntary and performed as a public service or by patriotic motivation with no implication of financial or other remuneration. Instructions governing award of the Exceptional Service Award to contractors, contractor technicians, etc., equally apply to award of the Air Force Scroll of Appreciation. The Air Force Scroll of Appreciation may be awarded to groups or organizations as well as to individuals.

Subpart D—Foreign Decorations

§ 882.40 General policy concerning acceptance and wear of decorations awarded by foreign governments.

(a) *Constitutional prohibition.* Clause 8, Section 9, Article I, of the Constitution of the United States provides in part that "no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever from any king, prince, or foreign state." The Attorney General has rendered an opinion (24 Op. Atty. Gen. 117) to the effect that any type of gift, whether a present, title, or simple remembrance of courtesy, falls within the prohibition against the acceptance of "any present * * * of any kind whatever."

(b) *Applicability of Constitutional prohibition.* The prohibition stated in paragraph (a) of this section applies to:

(1) All service members of the Department of the Air Force on active duty and all civilian employees of the Department of the Air Force.

(2) All members of Reserve components of the Air Force whether or not on active duty.

(3) All retired Regular Air Force officers.

(4) All retired officers and airmen, when the decoration is proffered in recognition of service performed while on active duty.

(5) All members of the immediate families of the military and civilian personnel designated in subparagraph (1) through (4) of this paragraph.

(c) *Definition.* As used in this subpart, a foreign decoration means any decoration, related medal, badge, insignia, ribbon, order, emblem, patch, device, wings, button, or related appurtenances—but excludes service awards as explained in § 882.3. In this regard, refer to § 882.80 concerning foreign service awards.

(d) *Wear.* Only those foreign decorations, or related elements, authorized for wear by AFM 35–10 may be worn on the Air Force uniform.

§ 882.41 Prior Congressional consent.

Congressional authority was given to U.S. Armed Forces personnel to accept decorations proffered by friendly foreign governments in recognition of service performed during the periods listed in this section. However, the decorations must have been presented to and accepted by the intended recipient before the termination date of the applicable Public Law:

(a) *World War II.* December 7, 1941, through July 24, 1948 (PL 314, 80th Congress).

(b) *Berlin Airlift.* June 26, 1948, through September 20, 1951 (PL 503, 81st Congress).

(c) *Korean Operation.* June 27, 1950, through July 27, 1955 (PL 354, 83rd Congress).

§ 882.42 Congressional consent for decorations relating to Vietnam hostilities.

Congressional consent was given (PL 89–257, 89th Congress) to members and former members of the Armed Forces of the United States to accept foreign decorations (explained in § 882.40) proffered by the Government of the Republic of Vietnam, or by the government of any other foreign nation whose personnel are serving in Vietnam in the cause of the Government of the Republic of Vietnam. Any such decoration must be one which is also conferred by such governments upon members of their own military forces and it must be proffered in recognition of service or acts performed in behalf of the Republic of Vietnam on or after March 1, 1961.

(a) *Where services must be performed.* Service or acts for which the decoration is awarded must have been performed in Vietnam, adjacent waters explained in § 882.68, adjacent lands, or airspace over Vietnam and airspace over adjacent waters and lands.

(b) *When acceptance is authorized.* These foreign decorations must be proffered and accepted by the recipient before a future date, which will be 1 year after cessation of hostilities or armed conflict in Vietnam.

(c) *Restrictions.* (1) The principles contained in § 882.20(e), prohibiting the award of more than one decoration for the same act, achievement, or service, applies. However, the acceptance of a foreign decoration in recognition of a single act of heroism or a single achievement does not necessarily preclude acceptance of a foreign decoration for meritorious service, even though the act or achievement occurred during the overall period of service.

(2) Broad-based awards; i.e., awards simultaneously proffered to a large number of members for the same act, achievement, or service such as those normally associated with U.S. service awards, may not be accepted without prior approval of the Secretary of Defense.

(3) The Congressional consent granted in PL 89–257 does not alter the prohibition applicable to members associated with the Military Assistance Program as provided in § 882.45.

§ 882.43 Token acceptance without Congressional consent.

Token acceptance of a foreign decoration, presented by or on behalf of a friendly foreign government, but excluding those foreign decorations defined in §§ 882.42 and 882.45 is permissible without Congressional consent. However, such token acceptance does not constitute an official acceptance, which may be authorized only by Congress, and such decoration may not be retained by the recipient without specific authorization of Congress.

NOTE: See Part 826, Subchapter C of this chapter for information concerning gifts proffered by foreign governments.

(a) *Participating in presentation ceremonies.* If a member is advised that a friendly foreign government wishes to award him a decoration and that his presence is desired at a presentation ceremony, he may participate in the ceremony and make a token acceptance of the decoration without the consent of Congress.

NOTE: This does not apply to members chapter for information concerning gifts proffered by foreign governments.

(b) *Advising donor of Constitutional prohibition.* In no case may a member make a token acceptance of a decoration offered by a foreign nation without diplomatically advising an appropriate representative of that government of the requirement of the Constitution cited in § 882.40.

§ 882.44 Requesting Congressional authorization.

(a) *Action by recipient.* When an individual, as described in § 882.43 receives or makes token acceptance of a decoration, which is not covered by § 882.42, he will:

(1) Forward all elements of the decoration by letter of transmittal to USAF MPC (AFPMSAM), Randolph AFB, TX 78148.

NOTE: All original elements of the award, including certificate, citation, scroll, medal, badge, ribbon, and other appurtenances must be forwarded.

(2) Request Congressional authorization to officially accept the decoration. This request is made only to the USAF Military Personnel Center and must be included in the letter of transmittal referenced in subparagraph (1) of this paragraph. In addition, this letter will include, but is not limited to, the following:

(i) A statement in explanation of the award.

(ii) Full name, grade, and service number of the recipient.

(iii) The identity of the award and the country offering it.

(iv) The organization, station, and a brief description of the recipient's duty assignment during the time recognized by the award.

(v) The date and place of the presentation, and the name and title of the person making the presentation.

(vi) A statement of whether the recipient was assigned in any capacity with the Military Assistance Program.

(vii) If the recipient was assigned duties in connection with the Military Assistance Program, a signed statement from the recipient indicating whether the service being recognized was in connection with his Military Assistance Program duties.

§ 882.45 Members associated with the Military Assistance Program.

Air Force service members and civilian employees, regardless of assignment, performing any duty whatsoever in connection with the Military Assistance Program, may not accept the tender of any decoration, award, or gift from foreign governments or officials for duty of this nature. Participation in ceremonies involving any such tender is not authorized. To avoid embarassment, the appropriate foreign officials should be advised of this prohibition. However, awards proffered in recognition of actual combat services or heroism involving the saving of life are excepted and may be received and treated as prescribed in §§ 882.42 or 882.43, as appropriate. Any decoration, award, or gift erroneously accepted by Air Force personnel associated with the Military Assistance Program becomes the property of the U.S. Government. It must be forwarded to USAFMPC (AFPMSAM), Randolph AFB, TX 78148, for disposition. Letters of transmittal will include the information outlined in § 882.44(a)(2) (i) through (vii).

§ 882.46 Decorations to retired personnel.

(a) *Reserve component personnel and Regular Air Force airmen.* A retired member of a Reserve component of the Air Force or a retired airman of the Regular Air Force, not holding an office of profit or trust under the U.S. Government, may without specific consent of the Congress, accept and keep foreign decorations, provided that the decorations are not proffered in recognition of

service performed while the member was on active duty with the Armed Forces of the United States. If proffered for service performed while on active duty, but not for service relating to the Military Assistance Program, then token acceptance only may be made, and the decoration forwarded by the recipient in accordance with § 882.44.

(b) *Regular Air Force officers.* Retired officers of the Regular Air Force are considered as occupying an office of profit or trust under the U.S. Government and may not accept foreign awards without the consent of the Congress. Token acceptance is permissible, but elements of the award must be forwarded in accordance with § 882.44.

§ 882.47 Decorations awaiting Congressional approval for personnel honorably discharged from the Air Force.

Congressional approval is not required for acceptance and wearing of foreign decorations by personnel who have been honorably discharged from any of the components of the Air Force, provided they have acquired no new office of profit or trust under the U.S. Government. Personnel may obtain their awards by sending a request to USAFMPC (AFPMSAM), Randolph AFB, TX 78148. A signed statement certifying that the person is not employed in any capacity with the U.S. Government must accompany each request.

§ 882.48 Posthumous awards of foreign decorations to deceased members of the Air Force.

The approval of Congress is unnecessary in cases where a foreign decoration is awarded posthumously to a deceased member of the Armed Forces of the United States. If a recipient should die during the period the decoration is held by the Department of State, the elements are withdrawn and forwarded to the legal next-of-kin.

§ 882.49 Awards accepted while a bona fide member of the armed forces of a friendly foreign nation.

Decorations tendered or awarded for service while the recipient was a bona fide member of the armed forces of a friendly foreign nation may be retained without the consent of Congress, provided the decoration was accepted before the recipient's entrance into active service of the armed forces of the United States and acceptance was in accordance with the regulations of the country making the award.

Subpart E—U.S. Service Awards

§ 882.50 Types of awards.

U.S. service awards include medals, ribbon bars, lapel buttons, and other devices (clasps, stars, clusters, arrowheads) which are described in Subpart K of this part.

§ 882.51 Eligibility criteria.

(a) *Who is eligible.* A person generally is eligible for a service award if he:

(1) Was assigned or attached to and present for duty with a unit serving within the prescribed geographical area established for the award during the designated time period;

(2) Was assigned or attached to and present for duty with a unit designated in appropriate administrative orders as having received the award during the prescribed time period; or

(3) Otherwise meets the requirements for the award stated in the appropriate section of this subpart.

(b) *Who is ineligible.* No service award will be awarded to a person whose entire service for the period covered by the award was not honorable, nor to a person whose service for the period covered by the award was terminated under other than honorable conditions. However, if a person was awarded and presented an award for service before his dishonorable behavior, the award will not be revoked unless specifically directed by Hq USAF.

§ 882.52 Number of awards a person may receive.

Only one award of a specific U.S. service medal or Philippine service ribbon will be made to the same person. Devices will be awarded to denote additional awards in those instances specified in this part.

§ 882.53 Posthumous service awards.

Next-of-kin are entitled to receive service awards and related devices described in this part which were earned but not presented before the death of the recipient. Duplicate service awards may be furnished free to the parents of the deceased when awards are given to the widow or widower.

§ 882.54 Awards by other U.S. agencies.

Service awards are also awarded by the U.S. Army, Navy, Marine Corps, and Coast Guard. Such awards are made in conformance with the regulations of the awarding authority, and this part will not be construed to nullify them. An Air Force member who has been awarded a service award by one of the other military services may wear the award on the Air Force uniform provided that its wear is not precluded by AFM 35–10.

§ 882.55 Good Conduct Medal and Air Force Good Conduct Medal.

(a) *Description.*—(1) *Good Conduct Medal.* A metal disk, 1¼ inches in diameter, bearing in front an eagle standing on a book and a sword, encircled with the inscription "Efficiency-Honor-Fidelity." The ribbon is dark red silk, with three white stripes bordering each edge.

(2) *Air Force Good Conduct Medal.* The medal pendant is the same as described in subparagraph (1) of this paragraph. The ribbon is predominantly light blue, with narrow vertical stripes of red, white, and blue to the right and left of the center of the ribbon.

(b) *Requirements for award.*—(1) *Quality of service.* The Good Conduct Medal or the Air Force Good Conduct Medal is awarded for exemplary behavior, efficiency, and fidelity in an enlisted status while in the active Federal military service of the United States. During the period considered for the award, there must be no conviction by a civil court (other than for a minor traffic violation), or by court martial, or record of punishment under Article 15. Where such conviction or record of punishment exists, creditable service toward the Good Conduct Medal or the Air Force Good Conduct Medal begins the day following any time lost under 10 U.S.C. 972 and/or the day following the completion of any punishment imposed by a court martial, including punishment under Article 15. Any period of service covered by a "referral" Airman Performance Report, as defined in AFM 39–62 (Noncommissioned Officer and Airman Performance Report), is disqualifying for the award of the medal.

(2) *Length of service.* Provided the quality requirements in subparagraph (1) of this paragraph are met, the basic Good Conduct Medal or Air Force Good Conduct Medal may be awarded for periods of continuous service.

(c) *Type of medal to be awarded.* An airman who qualified for award of the basic Good Conduct Medal or a successive award of the Good Conduct Medal on or before May 31, 1963, will be awarded the Good Conduct Medal, or the appropriate clasp described in Subpart K of this part. An airman who completes the qualifying service on or after June 1, 1963, will be awarded the Air Force Good Conduct Medal. When both medals have been awarded, they must be worn with the Air Force Good Conduct Medal taking precedence over the Good Conduct Medal. After award of the first Air Force Good Conduct Medal, successive awards will be denoted by oak leaf clusters which are identical to the clusters used to denote additional awards of military decorations. Oak leaf clusters are issued in two sizes—large and small—and in two colors—bronze and silver. The large size is worn on the suspension ribbon of the Air Force Good Conduct Medal, and the small size on the ribbon bar. A bronze oak leaf cluster is used for the second through fifth, seventh through 10th, etc., awards of the Air Force Good Conduct Medal. A silver oak leaf cluster is used for the sixth, 11th, etc., award, or in lieu of five bronze oak leaf clusters. (See AFM 35–10 for the proper placement of oak leaf clusters on the suspension ribbon and ribbon bar.)

(d) *Computation of total service.* Periods of service as a commissioned officer or warrant officer, other than Regular Air Force, will not be considered as an interruption of continuous service, although such periods will not be included in computation of total service accumulated. A period of more than 24 hours between enlistments or between periods of commissioned and enlisted service will be considered a break in continuous active service. Time spent in either aviation cadet or officer candidate status is creditable provided it meets the requirements of paragraph (b) (1) of this section. However, service as a cadet or midshipman in one of the service academies is not creditable.

(e) *Service in the Navy, Marine Corps, or Coast Guard.* Service performed in the U.S. Navy, Marine Corps, or Coast Guard may not be credited for award of the Good Conduct Medal or Air Force Good Conduct Medal under this part.

(f) *Time period required after basic award.* After the basic award of the Good Conduct Medal or Air Force Good Conduct Medal, a 3-year period of continuous active service is always required for additional awards of these medals. Service must always meet the requirements of paragraph (b) (1) of this section.

§ 882.56 American Defense Service Medal.

(a) *Description.* A metal disk 1¼ inches in diameter, bearing in front an armed figure symbolic of defense under the inscription "American Defense." The ribbon is basically yellow, with blue, white, and red stripes right to left, and left to right symmetrically near the edges.

(b) *Requirements for award.* Awarded for any period of active duty service completed between September 8, 1939, and December 7, 1941, provided that the active duty orders specified service for a period of 12 months or longer.

(c) *Foreign service clasp.* Requirements are the same as for the medal itself, except that the service must have been performed outside the continental United States. Subpart K of this part describes the clasp and explains how it is worn.

§ 882.57 Women's Army Corps Service Medal.

(a) *Description.* A metal disk, 1¼ inches in diameter, bearing in front the head of Pallas Athene in profile facing dexter, superimposed on a sheathed sword crossed with oak leaves and a palm branch within a circle composed of the word "Women's" in the upper half, and in the lower half "Army Corps." The ribbon is predominantly moss-tone green with gold borders.

(b) *Requirements for award.* Awarded for service performed in both the Women's Army Auxiliary Corps between July 20, 1942, and August 31, 1943, and the Women's Army Corps between September 1, 1943, and September 2, 1945.

§ 882.58 American Campaign Medal.

(a) *Description.* A metal disk, 1¼ inches in diameter, bearing in front an offshore scene depicting a cruiser, an airplane, and a sinking submarine underneath the inscription "American Campaign." The ribbon is predominantly medium blue, striped white, black, red, and white from right to left, and left to right within each edge. In the center are three stripes of red, white, and blue. The blue stripe is worn to the wearer's right.

(b) *Requirements for award.* Awarded for service within the American Theater between December 7, 1941, and March 2, 1946, under any of the following conditions:

(1) Permanent assignment outside the continental United States.

(2) Permanent assignment as an aircrew member of an airplane making frequent flights over ocean waters for a period of 30 consecutive days or 60 days not consecutive.

(3) Outside the continental United States in a passenger status or on temporary duty for 30 consecutive days or 60 days not consecutive.

(4) In active combat against the enemy, provided that the individual was awarded a combat decoration or furnished a certificate by the commander of his unit stating that he actually participated in combat.

(5) Within the continental United States for an aggregate period of 1 year.

(c) *Antisubmarine campaign bronze service star.* A person assigned or attached to and present for duty with a unit which was accorded battle credit for the Antisubmarine campaign is entitled to wear a bronze service star. See AFP 900–1–2 (Korean Battle Honors—Consolidated List of Units Cited) for unit credits.

§ 882.59 Asiatic-Pacific Campaign Medal.

(a) *Description.* A metal disk, 1¼ inches in diameter, depicting in front a tropical landing beneath the words "Asiatic-Pacific Campaign." The ribbon is basically yellow, with yellow, red, and white stripes near each end. In the center are three equal stripes of blue, white, and red. The blue stripe is worn to the wearer's right.

(b) *Requirements for award.* Awarded for service within the Asiatic-Pacific Theater between December 7, 1941, and March 2, 1946, under any of the following conditions:

(1) Permanent assignment.

(2) Passenger status or on temporary duty for 30 consecutive days or 60 nonconsecutive days.

(3) In active combat against the enemy, provided that the individual was awarded a combat decoration or furnished a certificate by the commander of his unit stating that he actually participated in combat.

(c) *Award of bronze service star and arrowhead.* Personnel who were assigned or attached members of units during the period for which campaign participation credit or assault landing credit was accorded to the unit, are awarded the bronze service star and arrowhead, respectively, to denote their participation in such action.

§ 882.60 European-African-Middle Eastern Campaign Medal.

(a) *Description.* A metal disk, 1¼ inches in diameter, depicting a landing scene beneath the words "European-African-Middle Eastern Campaign." The ribbon is principally dark green, edged with brown bands separated from the green by green, white, and red stripes on the left (wearer's right), and by white, black, and white stripes on the right (wearer's left). In the center are equal stripes of blue, white, and red. The blue stripe is worn to the wearer's right.

(b) *Requirements for award.* Awarded for service within the EAME (European-African-Middle Eastern) Theater between December 7, 1941, and November 8, 1945, under the same conditions described in § 882.59(b) (1), (2), and (3).

(c) *Award of bronze service star and arrowhead.* Personnel who were assigned or attached members of units during the period for which campaign participation credit or assault landing credit was accorded to the unit, are awarded the bronze service star and arrowhead, respectively, to denote their participation in such action. (See § 882.132 and 882.134 and AFP 900–1–2.)

§ 882.61 World War II Victory Medal.

(a) *Description.* A metal disk, 1¼ inches in diameter, bearing in front the figure of liberation holding a broken sword in the dawn. The ribbon is predominantly red with wide rainbow borders.

(b) *Requirements for award.* Awarded for any period of service between December 7, 1941, and December 31, 1946.

§ 882.62 Army of Occupation Medal.

(a) *Description.* A metal disk, 1¼ inches in diameter, bearing on the front of the disk a pictorial representation of the Remagen Bridge and on the reverse Mount Fujiyama and two Japanese junks. The ribbon is bordered with white bands with equal black and red stripes in the center. The black stripe is worn to the wearer's right.

(b) *Requirements for award.* Awarded for 30 consecutive days at a normal place of duty while assigned to or serving with the U.S. occupation forces during the prescribed time limits in any of the areas indicated in this paragraph. The term "normal place of duty" excludes from eligibility those personnel performing temporary duty (or detached service) for the purpose of performing such functions as inspections, visits, courier or escort service, or who were merely in a transient status. Personnel who qualify for award of the Berlin Airlift Device (§ 882.136) automatically qualify for award of the Army Occupation Medal.

(1) Germany (exclusive of Berlin)—between May 9, 1945, and May 5, 1955. Service between May 9, 1945, and November 8, 1945, may be counted only if the European-African-Middle Eastern Campaign Medal was awarded for service before May 9, 1945.

(2) Berlin, Germany—between May 9, 1945, and a terminal date to be announced later. Service between May 9, 1945, and November 8, 1945, will be counted only if the European-African-Middle Eastern Campaign Medal was awarded for service before May 9, 1945.

(3) Austria—between May 9, 1945, and July 27, 1955. Service between May 9, 1945, and November 8, 1945 may be counted only if the European-African-Middle Eastern Campaign Medal was awarded for service before May 9, 1945.

(4) Italy—between May 9, 1945, and September 15, 1947, in the compartment of Venezia Giulia E. Zara or Province of

Udine, or with a unit specifically designated in Department of the Army General Orders 4, 1947. Service between May 9, 1945, and November 8, 1945, may be counted only if the European-African-Middle Eastern Campaign Medal was awarded for service before May 9, 1945.

(5) Japan—between September 3, 1945, and April 27, 1952, in the four main islands of Hokkaido, Honshu, Shikoku, and Kyushu; the surrounding smaller islands of the Japanese homeland; the Ryuku Islands; and the Bonin-Volcano Islands. Service between September 3, 1945, and March 2, 1946, may be counted only if the Asiatic-Pacific Campaign Medal was awarded for service before September 3, 1945. By the same token, service which meets the requirements for the Korean Service Medal (§ 882.65) may not be counted in determining eligibility for this award.

(6) Korea—between September 3, 1945, and June 29, 1949. Service between September 3, 1945, and March 2, 1946, may be counted only if the Asiatic-Pacific Campaign Medal was awarded for service before September 3, 1945.

§ 882.63 Medal for Humane Action.

(a) *Description.* A metal disk, 1¼ inches in diameter, depicting a C–54 airplane within a border of wheat centering the coat of arms of Berlin. The ribbon is predominantly blue with black edges, followed by white, red, and white stripes. The center bears three stripes—white, red, and white, in the order named.

(b) *Requirements for award.* Awarded to personnel who were assigned or attached to and present for duty for at least 120 days during the period June 26, 1948 and September 30, 1949, inclusive, with any of the units cited in general orders of the Department of the Air Force for participation in the Berlin airlift or for direct support thereof. (See AFP 900–1–2.) The geographical boundaries of the Berlin airlift operations are as follows:

(1) Northern Boundary: 54th parallel north latitude.

(2) Eastern Boundary: 14th meridian east longitude.

(3) Southern Boundary: 48th parallel north latitude.

(4) Western Boundary: 5th meridian west longitude.

(c) *Award to members of foreign armed forces and civilians.* The Medal for Humane Action may be awarded to members of foreign armed forces and civilians (U.S. and foreign) for meritorious participation in the Berlin airlift. In each instance, however, an individual recommendation indicating meritorious participation is required.

(d) *Award to persons whose lives were lost participating in the Berlin Airlift.* Persons whose lives were lost while participating in the Berlin Airlift, or as a direct result of participating therein, may be awarded the Medal for Humane Action without regard to the length of such service, provided that all other requirements are met.

§ 882.64 National Defense Service Medal.

(a) *Description.* A metal disk, 1¼ inches in diameter, bearing on the obverse an eagle displayed with inverted wings standing on a sword and palm branch, all beneath the inscription "National Defense." The ribbon is basically red with a yellow band in the center. Equal stripes of white, blue, white and red border the center yellow band.

(b) *Requirements for award.* Awarded for any period of honorable active duty service between June 27, 1950 and July 27, 1954 or between January 1, 1961 and a terminal date to be announced. For the purpose of this award, the following persons shall not be considered as performing active duty service:

(1) Reserve personnel ordered to active duty for short periods of training under the Inactive Reserve Training program.

(2) Any person on temporary active duty to attend service schools or serve on boards, courts, commissions, etc.

(3) Any person on active duty for the sole purpose of undergoing a physical examination.

(4) Any person on active duty for purposes other than for extended active duty.

NOTE: Subparagraphs (1) through (4) of this paragraph shall not bar the award of the National Defense Service Medal to any member of the Reserve Forces not on active duty who, after December 31, 1960, becomes eligible for the award of the Armed Forces Expeditionary Medal or the Vietnam Service Medal under the provisions outlined in §§ 882.67 and 882.68. For the purpose of establishing eligibility for the National Defense Service Medal such an individual shall be considered to be performing extended active duty. Also, service as a cadet or midshipman in the Air Force, Army, or Naval Academies, during any of the periods mentioned in this paragraph, entitles the individual to this medal.

(c) *Subsequent awards.* Not more than one medal shall be awarded to any person. For each succeeding award, a bronze service star will be awarded.

§ 882.65 Korean Service Medal.

(a) *Description.* A metal disk, 1¼ inches in diameter. On the obverse is a Korean gateway; encircling the design is the inscription "Korean Service." On the reverse is the Korean symbol taken from the center of the Korean national flag, representing the essential unity of all beings, with the inscription "United States of America," and a spray of oak and laurel encircling the design. The medal is suspended by a ring from a silk moire ribbon composed of white piping on the ends, a center of United Nations blue intersected by a white band.

(b) *Requirements for award.* This medal was awarded to persons who were assigned or attached to combat or service units designated by the Commander, Far East Air Forces, in general orders for service within the Korean Theater or adjacent areas between June 27, 1950, and July 27, 1954. The term "Korean Theater" as used in this section includes those areas which encompass North and South Korea, Korean waters, and the air over North and South Korea, and over Korean waters.

(c) *Conditions for award.* (1) The Korean Service Medal was awarded for participation in any engagement against the enemy in North or South Korean territory, in Korean waters, or in the air over North or South Korea or over Korean waters. A person will also be considered as having participated in an engagement if that person:

(i) Was a member of a designated combat or service unit in the Korean Theater.

(ii) Was a member of a combat or service unit, other than one within the Korean Theater, which was designated by the Commander, Far East Air Forces, as having directly supported the military operations in the Korean Theater.

(iii) Was a member of a designated headquarters of the Far East Air Forces which exerted a distinct and contributory effort to the military operations in the Korean Theater.

(2) The service prescribed must have been performed while:

(i) On permanent assignment;

(ii) On temporary duty with a designated unit or headquarters for 30 consecutive days or 60 nonconsecutive days; or

(iii) In actual combat against the enemy. In this case, the individual must have been awarded a combat decoration or furnished a certificate by the commander of a division, comparable or higher unit; commander of a ship, comparable or higher unit; or commander of an Air Force group, comparable or higher unit, stating that he actually participated in combat.

(d) *Award of bronze service stars.* Service stars were awarded to members of designated combat or service units in combat, or units assigned to the command of the Far East Air Forces, or on temporary duty with Army Ground Forces under any of the following conditions:

(1) If the person was a member assigned or atached to and present for duty with a designated combat or service unit during the period which the unit participated in combat.

(2) If the person was under orders in the combat zone and, in addition, was awarded a combat decoration, or was furnished a certificate by a commander of a dividon, comparable or higher unit; commander of a ship, comparable or higher unit; commander of an Air Force group, comparable or higher unit, or independent force, stating that he actually participated in combat or served at a normal post of duty (as contrasted to occupying the status of an inspector, observer, or visitor) or aboard a vessel other than in a passenger status. A certificate must be furnished by the home port commander of the vessel for actual service in the combat zone of the Korean Theater.

(3) If the person was an evadee or escapee in the combat zone or recovered from a prisoner-of-war status in the combat zone during the time limitations of the campaign. Prisoners of war will not be given credit for the time spent in confinement or while otherwise in restraint under enemy control.

(e) *Award of arrowhead.* An arrowhead was awarded to members of designated combat or service units in combat, units assigned to the command of the Far East Air Forces, or units which were on temporary duty with the Army ground forces and participated in an airborne or amphibious assault within the territorial limits of Korea.

NOTE: AFP 900–1–2 lists all AF units entitled to campaign participation credits and assault landing credits for the Korean Conflict and gives the inclusive dates for each action. Subpart K of this part describes the service star and arrowhead and explains how they are worn.

§ 882.66 Antarctica Service Medal.

(a) *Description.* The medal of green-gold color metal is 1¼ inches in diameter. On the obverse is a view of a polar landscape and the standing figure of a man in Antarctica clothing facing to the front between the horizontally placed words "Antarctica" on the figure's right and "Service" on the figure's left. On the reverse a polar projection with geodesic lines of the continent of Antarctica across which are the horizontally placed words "Courage," "Sacrifice," and "Devotion," all within a circular decorative border of penguins and marine life. The medal is suspended by a ring from a silk ribbon 1⅜ inches long and 1⅜ inches wide composed of a ⅜6-inch black stripe on each edge and graded from a white stripe in the center to a pale blue, light blue, greenish blue, and medium blue.

(b) *Requirements for award.* Awarded to the following for service during the period January 1, 1946, to a date to be subsequently established by the Secretary of Defense:

(1) Any member of the U.S. Armed Forces or civilian citizen, national, or resident alien of the United States who, as a member of a U.S. expedition, participates in or has participated in scientific, direct support, or exploratory operations on the Antarctic continent.

(2) Any member of the U.S. Armed Forces or civilian citizen, national, or resident alien of the United States who participates in or who has participated in a foreign Antarctic expedition on that continent in coordination with a U.S. Antarctic expedition and who is or was under the sponsorship and approval of competent U.S. Government authority.

(3) Any member of the U.S. Armed Forces who participates in or who has participated in flights as a member of the crew of an aircraft flying to or from the Antarctic or within the Antarctic continent in support of operations on that continent.

(4) Any member of the U.S. Armed Forces who serves or has served in a U.S. ship operating south of latitude 60° south in support of U.S. operations in Antarctica.

(5) Any person, including a citizen of a foreign nation, who does not meet the requirements in subparagraphs (1), (2), (3), or (4) of this paragraph, but who participated in or participates in a U.S. Antarctic expedition on that continent at the invitation of a participating U.S. agency, may be awarded the medal by the Secretary of the Department under whose cognizance the expedition falls, provided the commander of the military support force as senior U.S. representative in Antarctica considers that he has performed outstanding and exceptional service and shared the hardship and hazards of the expedition. No minimum time limits of participation are prescribed under the foregoing qualifications. No person is authorized to receive more than one award of the medal.

(c) *Wintering over.* Personnel who stay on the Antarctic continent during the winter months are authorized clasps and discs, as described in Subpart K of this part, to denote this service.

§ 882.67 Armed Forces Expeditionary Medal.

(a) *Description.* This is a bronze medal 1¼ inches in diameter. On the obverse is an eagle, with wings inverted, standing upon a sword loosened in its scabbard, and superimposed on a radiant compass rose of eight points, all within the circumscription "Armed Forces" above and "Expeditionary Service" below. On the reverse is the shield from the U.S. Coat of Arms, above the laurel branches separated by a bullet, all within the circumscription "United States of America." The ribbon contains vertical stripes of green, yellow, brown, black, light blue, dark blue, white, and red. The dark blue stripe is worn to the wearer's right.

(b) *Requirements for award.* Awarded to any member of the Armed Forces of the United States, who after July 1, 1958, participates or has participated in any of the operations, and during the periods, listed in paragraph (g) of this section, and to the degree indicated below:

(1) Must be a bona fide member of a unit engaged in the operation, or

(2) Meet one or more of the following individual criteria:

(i) Shall serve not less than 30 consecutive days in the area of operations.

(ii) Be engaged in direct support of the operation for 30 consecutive days or 60 nonconsecutive days provided this support involves entering the area of operations.

(iii) Serve for the full period when an operation is of less than 30 days duration.

(iv) Be engaged in actual combat, or duty which is equally as hazardous as combat duty, during the operation, with armed opposition, regardless of time in the area.

(v) Participate as a regularly assigned crew member of an aircraft flying into, out of, within, or over the area in support of the military operation.

(3) Be recommended, or attached to a unit recommended, by the Chief of a Service or the commander of a unified or specified command for award of the medal, although the criteria above have not been fulfilled.

NOTE: Such recommendation may be made to and approved by the Joint Chiefs of Staff for duty of such value to the operation as to warrant particular recognition.

(c) *Definitions*—(1) *Bona fide member of a unit.* An assigned or attached member who is or was present with the unit during the operation.

(2) *A unit engaged in the operation.* A complete unit (not elements or aircraft of a unit) which is or was physically present in the area of operations during the specified period.

(3) *Area of operations.* The foreign territory specifically designated by this part upon which troops have actually landed or are present and specifically deployed for the direct support of the designated military operations; the adjacent water areas in which ships are operating, patrolling, or providing direct support of operations; the air space above and adjacent to the area in which operations are being conducted.

(4) *Direct support.* Service being supplied the combat forces in the area of operations by ground units, ships, and aircraft providing supplies and equipment to the forces concerned, provided it involves actually entering the designated area; and ships and aircraft providing fire, patrol, guard, reconnaissance, or other military support.

(d) *Subsequent awards.* Not more than one medal shall be awarded to any person, but for each succeeding operation justifying such an award, a bronze service star will be awarded.

(e) *Limitations.* The medal shall be awarded only for operations for which no other U.S. campaign medal is approved.

(f) *Conversion to the Vietnam Service Medal.* Any person who qualified for award of the Armed Forces Expeditionary Medal (AFEM), or a service star thereto, based on participation in the Vietnam operation between July 1, 1958, and July 3, 1965, inclusive, may apply for award of the Vietnam Service Medal (VSM) instead of the AFEM. Active duty personnel and Air Reserve Forces personnel who so qualify may apply to the custodian of their unit personnel records group; he is authorized to change record entries and issue the VSM in lieu of the AFEM. Qualified personnel who have completely separated from the service may apply in writing to the MPRC (AF), 9700 Page Boulevard, St. Louis, Mo. 63132. The MPRC is authorized to make necessary records corrections and issue the VSM. All personnel in a retired (pay) status may forward applications for conversion to USAFMPC (AFPMSAM), Randolph AFB TX 78148. All personnel who apply for conversion must concurrently return the medal originally issued or make a statement that: (1) The medal was never issued or (2) the medal was issued but has been lost or destroyed without fault or neglect of the recipient. Only one conversion may be made; re-

conversion from the VSM to the AFEM is not authorized. Personnel who qualified for a service star to the AFEM by virtue of their participation in the Vietnam operation, may apply to convert the service star only to the VSM, without affecting the basic AFEM which was earned in an operation other than Vietnam. However, no person shall be entitled to the AFEM (or service star) and the VSM based solely on his service in Vietnam.

(g) *Operations for the Armed Forces Expeditionary Medal.*

Type of operation	Operations	Inclusive dates
U.S. military operations	Berlin	Aug. 14, 1961 to June 1, 1963
	Lebanon	July 1, 1958 to Nov. 1, 1958
	Quemoy and Matsu Islands	Aug. 23, 1958 to June 1, 1963
	Taiwan Straits	Aug. 23, 1958 to Jan. 1, 1959
	Cuba	Oct. 24, 1962 to June 1, 1963
	Congo	Nov. 23, 1964 to Nov. 27, 1964
	Dominican Republic	Apr. 28, 1965 to Sept. 21, 1966
	Congo	July 14, 1960 to Sept. 1, 1962
U.S. operations in direct support of the United Nations.	Laos	Apr. 19, 1961 to Oct. 7, 1962
U.S. operations of assistance for friendly foreign nations.	Vietnam	July 1, 1958 to July 3, 1965

§ 882.68 Vietnam Service Medal.

(a) *Description.* A metal disk, 1¼ inches in diameter. On the obverse is a dragon behind a grove of bamboo trees about the inscription "Republic of Vietnam Service". On the reverse is a crossbow surmounted by a torch above the arched inscription "United States of America." The ribbon is predominantly yellow, edged in green, with three narrow red stripes in the center.

(b) *Requirements for award.* Awarded to any member of the Armed Forces of the United States serving in Vietnam, or contiguous waters or air space, on or after July 4, 1965, and before a terminal date to be announced later. The following types and degrees of participation are required to qualify as a member:

(1) *Shore duty.* Member must be attached to, or regularly serving for 1 or more days with, an organization participating in or directly supporting the Vietnam military operation.

(2) *Sea duty.* Member must be attached to or regularly serving for 1 or more days aboard a naval vessel directly supporting the Vietnam military operation.

(3) *Air duty.* Member must participate as an aircrew member in one or more aerial flights above Vietnam or contiguous waters in direct support of the Vietnam military operation.

(4) *Temporary duty.* Member must serve for 30 consecutive or 60 nonconsecutive days in Vietnam or contiguous waters in support of Vietnam military operations, except that time limits are waived for personnel participating in actual combat operations.

(c) *Area specified.* Vietnam and contiguous waters, as used in this part, is an area which includes Vietnam and the waters adjacent to it within the following specified limits: From a point on the east coast of Vietnam at the juncture of Vietnam with China southeastward to 21° N. latitude, 108°15' E. longitude; thence southward to 18° N. latitude, 108°15' E. longitude; thence southeastward to 17°30' N. latitude, 111° E. longitude; thence southward to 11° N. latitude, 111° E. longitude; thence southwestward to 7° N. latitude, 105° E. longitude; thence westward to 7° N. latitude, 103° E. longitude; thence northward to 9°30' N. latitude, 103° E. longitude; thence northeastward to 10°15' N. latitude, 104°27' E. longitude; thence northward to a point on the west coast of Vietnam at the Vietnam-Cambodia juncture.

(d) *Conversion from the Armed Forces Expeditionary Medal.* Some members who qualify for the AFEM may apply for award of the VSM instead of the AFEM. See § 882.67(f) for details concerning such conversion.

(e) *Award of bronze service stars—*(1) *Campaigns.* (i) Vietnam Advisory Campaign, from November 15, 1961, to March 1, 1965.

(ii) Vietnam Defense Campaign, from March 2, 1965, to January 30, 1966.

(iii) Vietnam Air Campaign, from January 31, 1966, to June 28, 1966.

(iv) (Designation to be established when termination date is announced), from June 29, 1966, to a closing date to be announced.

(2) *Individual entitlement.* Individuals entitled to the Vietnam Service Medal (VSM) are eligible for appropriate campaign credit. Custodians of unit personnel records will determine individual eligibility for campaign credit, based on service during any part of the campaign periods. Determination will be made without regard to unit of assignment. An individual must be entitled to the VSM in order to accrue entitlement to campaign credit.

(3) *Wear.* Eligible individuals will wear a bronze service star on the VSM and ribbon bar for each authorized campaign credit. Campaign stars are not authorized for wear on the AFEM. The first campaign, and part of the second, predate the VSM (effective July 4, 1965). The AFEM awarded for such service must be exchanged for the VSM in accordance with § 882.67(f) to enable the individual to wear the bronze service star.

§ 882.69 Air Force Longevity Service Award Ribbon.

(a) *Description.* An ultramarine blue service ribbon divided by four equal stripes of turquoise blue. There is no medal authorized for this award.

(b) *Requirements for award.*—(1) *Basis of eligibility.* Eligibility is based upon honorable active Federal military service with any branch of the U.S. Armed Forces.

(2) *Who is eligible.* (i) All members of the Air Force on active duty.

(ii) All members of the Reserve component, not on active duty with the Air Force who meet the criteria in subparagraph (3) of this paragraph.

(iii) All retired personnel who are carried on the Air Force retired lists.

(3) *Award criteria.* (i) Basic award—An aggregate of 4 years of honorable active Federal military service with any branch of the U.S. Armed Forces.

NOTE: This includes active duty for training and service as a cadet or midshipman in one of the service academies.

(ii) Subsequent awards—A bronze oak leaf cluster for each additional 4 years of honorable active Federal military service. A silver oak leaf cluster is worn in lieu of five bronze clusters. Only the small clusters will be worn on the Air Force Longevity Service Award Ribbon.

NOTE: The Air Force Longevity Service Award Ribbon replaces the Federal Service Stripes optionally worn by enlisted personnel.

§ 882.70 Armed Forces Reserve Medal.

(a) *Description.* A metal disk, 1¼ inches in diameter. The obverse (same for all services) is a flaming torch in front of a crossed powder horn and bugle within a circle composed of 13 stars and 13 rays. The reverse (Air Force) is the American eagle symbolizing the United States and its air power, centered within the inscription "Armed Forces Reserve" placed around and near the outer rim. The medal is suspended by a ring from a silk ribbon which is buff bordered with blue and buff stripes, and the center section of buff is intersected by a blue line followed by blue and buff stripes.

(b) *Requirements for award.* Awarded to members or former members of the Reserve components of the Armed Forces of the U.S. who complete or have completed a total of 10 years of honorable and satisfactory service. The 10 years of service need not be consecutive, provided that such service was performed within a period of 12 consecutive years. For the purpose of this award, service as a member of a Reserve component will include:

(1) The National Guard of the United States.

(2) The National Guard while in the service of the United States.

(3) The federally recognized National Guard before 1933.

(4) A federally recognized status in the National Guard.

(5) The Officers' Reserve Corps and the Enlisted Reserve Corps before March 25, 1948.

(6) The Organized Reserve Corps.

(7) The Army of the United States without component. (Normally, all enlisted service before July 1940 was with the Regular component and not creditable. Conversely, service subsequent to July 1940 was Army of the United States and is creditable for this award.)

(8) The Naval Reserve and the Naval Reserve Force, excluding those members of the Fleet Reserve and the Fleet Naval Reserve transferred thereto after completion of 16 or more years of active naval service.

(9) The Marine Corps Reserve, and the Marine Corps Reserve Forces, excluding those members of the Fleet Marine Corps Reserve transferred thereto after completion of 16 or more years of service.

(10) The Limited Service Marine Corps Reserve.

(11) The Naval Militia who have conformed to the standards prescribed by the Secretary of the Navy.

(12) The National Naval Volunteers.

(13) The Air National Guard.

(14) The Air Force Reserve (officer or enlisted sections).

(15) The Air Force of the United States without component.

(16) The Coast Guard Reserve.

(c) *Creditable service.* Each year of active or inactive honorable service as a member of any of the Reserve components listed in paragraph (b) of this section may be credited toward award of the Armed Forces Reserve Medal until July 1, 1949. For service performed on or after July 1, 1949, members must accumulate during each anniversary year a minimum of 50 retirement points as prescribed in 10 U.S.C. 1332(a)(2), except that those persons in the Army of the United States or Air Force of the United States must compute time as follows:

(1) Active or inactive service before July 1, 1948 is creditable for those Army of the United States or Air Force of the United States officers appointed under the Act of September 22, 1941 (55 Stat. 728). After July 1, 1948, only active duty under such Army of the United States or Air Force of the United States appointments will be creditable.

(2) Active or inactive service before July 1, 1949 will be creditable for those Army of the United States or Air Force of the United States officers appointed under 10 U.S.C. 8444, 8445.

(3) For the purpose of computing eligibility for the Armed Forces Reserve Medal, all Army of the United States or Air Force of the United States appointments will be considered as having been made under the Act of September 22, 1941 unless otherwise indicated in the official records.

(d) *Service not creditable—*(1) *General.* Service in the following may not be credited:

(i) Inactive National Guard.

(ii) Inactive Air National Guard.

(iii) Nonfederally recognized status in the National Guard or Air National Guard.

(iv) Inactive Reserve Section or Honorary Reserve Section of the Officers' Reserve Corps.

(v) Inactive Section or Honorary Section of the Air Force Reserve.

(vi) Honorary Retired List of the Naval and Marine Corps Reserve.

(vii) Inactive Status List of the Stand-by Reserve.

(viii) Retired Reserve.

(ix) Women's Army Auxiliary Corps.

(2) *Regular service.* Service as a Regular officer, warrant officer, or Regular enlisted person in the Armed Forces, including the Coast Guard, and service for which the Naval Reserve Medal, Organized Marine Corps Reserve Medal, or the Marine Corps Reserve Ribbon has been or may be awarded, will not be credited toward the award of the Armed Forces Reserve Medal, except that service in a Reserve component which is concurrent, in whole or in part, with service in a Regular component of the Armed Forces will be included in computing the required 10 years of Reserve service. Any period of time during which Reserve service is interrupted (terminated) by service in a Regular component of the armed forces, will be excluded in computing the 10 years of Reserve service but will not be considered a break in the specified period of 12 consecutive years.

(3) *Attendance at aviation cadet training schools considered Regular service.* For the purpose of this part, periods of attendance at aviation cadet training schools (for those persons appointed "Aviation Cadets") are considered Regular service.

(e) *Determining eligibility.* Eligibility may be determined from data contained in AF Form 11, "Officer Military Record"; AF Form 190, "USAF Reserve Personnel Record Card for Retention, Promotion, and Retirement"; AF Form 712 "Air Reserve Forces Retirement Credit Summary"; or a statement from the person concerned certifying that his service in a Reserve component meets the requirements of satisfactory Federal service as defined in 10 U.S.C. 1332.

§ 882.71 Air Reserve Forces Meritorious Service Ribbon.

(a) *Description.* The ribbon is predominantly light blue with white, ultramarine blue, and yellow stripes at each edge. There is no medal authorized for this award.

(b) *Requirements for award.*—(1) *Quality of service.* The Air Reserve Forces Meritorious Service Ribbon is awarded for exemplary behavior, efficiency, and fidelity while serving in an enlisted status in the Air Reserve Forces. During the period considered for the award, there must be no convictions by courts-martial and no record of punishment under Article 15. Where such conviction or record of punishment exists, creditable service toward the Air Reserve Forces Meritorious Service Ribbon will begin the day following the completion of any punishment imposed by a court-martial, including punishment under Article 15.

(2) *Basis for award.* The Air Reserve Forces Meritorious Service Ribbon may be awarded only upon the specific recommendation of the individual's unit commander. In making recommendation for an award, the unit commander must carefully consider:

(i) The three prerequisite requirements for the award—exemplary behavior, efficiency, and fidelity.

(ii) All other information available within the unit reflecting the quality of service of the airman concerned.

(3) *Length of service.* Provided the above "quality" requirements are met, the basic ribbon may be awarded for a period of 4 continuous years of service computed from the date of assignment to a training category A, B, D, or E.

(4) *Training requirements.* These include:

(i) Attendance, by all personnel assigned in training category A and B, at 90 percent of all training periods each year for 4 consecutive years. (Appropriate duty may be credited in lieu of attendance at scheduled training.)

(ii) Completion, each year for 4 consecutive years, of active duty requirement for the training category to which assigned. (Major commanders may waive this requirement when budgetary limitations prevent the performance of the tour.)

(iii) Accumulation of sufficient training points to be credited with a satisfactory year for retirement for each of the same 4 consecutive years.

(5) *General.* (i) A period of more than 24 hours between Reserve enlistments will be considered a break in service. Credit toward earning the award must begin anew after the break in service. For the purpose of computing credit, described in subdivision (iv) of this subparagraph, a period of active duty is not considered a break in service in the accrual of 4 continuous years of service.

(ii) Service performed in the Reserve components of the U.S. Army, Navy, Marine Corps, or Coast Guard may not be credited for award of the Air Reserve Forces Meritorious Service Ribbon.

(iii) Periods of service as a commissioned officer or warrant officer will be excluded from the computation of service for this award.

(iv) Except as indicated in this subdivision, service credit toward award of the ARFMSR ceases to accrue when a Reserve airman is called to active duty; simultaneously, the airman commences to accrue credit toward award of the AFGCM. If a period of active duty is not of sufficient length to permit award of the AFGCM, or OLC, such active duty will be considered as qualifying Reserve time, added to previously accrued Reserve credit, and used as part of the total accrual for award of the ARFMSR. Similarly, that portion of active duty performed during the same tour and after accrual of time for award of an AFGCM, or OLC (if not of sufficient length to establish entitlement to the next OLC to the AFGCM), may be considered as qualifying Reserve time, added to previously accrued Reserve credit, and used as a basis for award of the ARFMSR, or OLC.

NOTE: Any given award of the ARFMSR which is based in part on active duty time, may not be made until after the airman is released from active duty. All active duty service so credited must meet the quality requirements for this award.

(v) Orders awarding the ARFMSR may be issued after an airman is called to active duty or after he is appointed a commissioned officer or warrant officer, if he had sufficient time accrued toward the award prior to the occurrence of either of these changes of status. Termination of enlisted Reserve status by enlistment in the regular component or by appointment as a commissioned officer

or warrant officer cancels all accrued time of less than 4 years duration.

(c) *Effective date.* This award was established effective April 7, 1964. The basic ribbon (first award) may be awarded at any time after 1 year from this effectiveness date. For example, the first award may be made on or after April 1, 1965, based on the 4 continuous years of service immediately preceding the award date, which meets the established quality criteria contained in paragraph (b) (1) and (2) of this section.

(d) *Subsequent awards.* A bronze oak leaf cluster for each additional 4 years of qualifying service. A silver oak leaf cluster is worn in lieu of five bronze oak leaf clusters.

§ 882.72 USAF NCO Academy Graduate Ribbon.

(a) *Description.* The ribbon is predominantly red with a narrow white stripe near each edge and two blue stripes near the center.

(b) *Requirement for award.* Awarded to graduates of accredited Air Force Noncommissioned Officer Academies as explained in AFR 50–39 (Noncommissioned Officer Professional Military Education) and the annual Hq USAF NCO Academy accrediting letter. Graduates of USAF NCO Academy classes conducted before original publication of AFR 50–39 are authorized to wear the ribbon only if the major command which supervised the training determines that course standards were sufficiently high to merit award of the ribbon. Graduation from NCO leadership courses and similar training conducted by other military services does not qualify an individual for this award.

§ 882.73 Small Arms Expert Marksmanship Ribbon.

(a) *Description.* The ribbon has a green center with a wide blue stripe at each edge and two narrow yellow stripes separating the green and blue.

(b) *Requirement for award.* Awarded to Air Force personnel including Reserve component members whether or not on active duty who, after January 1, 1963, qualify as "expert" in small arms marksmanship on the weapons specified and in accordance with AFR 50–8 (Small Arms Marksmanship Training). By issuance of appropriate orders, the ribbon is awarded only once, regardless of the number of times an individual may qualify, and it may be permanently retained and worn by the qualifying individual. One copy of the order will be filed and retained in the unit personnel record group.

§ 882.74 Philippine Defense Ribbon.

(a) *Description.* A red ribbon divided by wide white bands and centering three white stars which form a triangle. The single star is worn uppermost.

(b) *Requirements for award.* Awarded for combat service in the defense of the Philippines from December 8, 1941, to June 15, 1942, if the individual:

(1) Was a member of the Bataan or Manila Bay forces, or of a unit, ship, or airplane under enemy attack; or

(2) Was assigned or stationed in Philippine territory or in Philippine waters for at least 30 days during the period cited in this paragraph.

(c) *Bronze service star.* A person who meets both conditions set forth in paragraph (b) of this section is authorized to wear a bronze service star on the ribbon.

§ 882.75 Philippine Liberation Ribbon.

(a) *Description.* A red ribbon with equal stripes of blue and white in the center. The blue stripe is worn to the wearer's right.

(b) *Requirements for award.* Awarded for participation in the liberation of the Philippines from October 17, 1944, to September 3, 1945, if the individual:

(1) Participated in the initial landing operations on Leyte or adjoining islands from October 17, 1944, to October 20, 1944. A person will be considered as having participated in such operations if he landed on Leyte or adjoining islands, was on a ship in Philippine waters, or was a crew member of an airplane which flew over Philippine territory during the period.

(2) Participated in any engagement against the enemy during the campaign on Leyte and adjoining islands. A person will be considered as having participated in such operations if he was a member of and present with a unit actually under enemy fire or air attack, served on a ship which was under enemy fire or air attack, or was a crew member in an airplane which was under enemy aerial or ground fire.

(3) Served in the Philippine Islands or ships in Philippine waters for not less than 30 days during the period cited in this paragraph.

(c) *Bronze service star.* Persons who meet more than one of the conditions set forth in paragraph (b) of this section are authorized to wear a bronze service star on the ribbon for each additional condition under which they qualify.

§ 882.76 Philippine Independence Ribbon.

(a) *Description.* A predominantly blue ribbon edged with yellow stripes and bearing red, white, and red stripes, in the order named, in the center.

(b) *Requirements for award.* Awarded to personnel who are recipients of both the Philippine Defense and Philippine Liberation ribbons.

NOTE: Personnel who were awarded the Philippine Independence Ribbon in accordance with the criteria formerly announced may continue to wear the award notwithstanding the change in requirement stated in paragraph (b) of this section.

§ 882.77 Authority for U.S. service awards.

Award—	*Established by—*
Air Force Good Conduct Medal (AFGCM).	Secretary of the AF, effective June 1, 1963, based on E.O. 10444, Apr. 10, 1953.
Good Conduct Medal (GCM).	E.O. 8809, June 28, 1941, as amended by E.O. 9928, Mar. 31, 1948, and E.O. 10444, Apr. 10, 1953.
American Defense Service Medal (ADSM).	E.O. 8808, June 28, 1941.
Women's Army Corps Service Medal (WACSM).	E.O. 9365, July 30, 1943.
American Campaign Medal (ACM).	E.O. 9265, Nov. 6, 1942, as amended by E.O. 9706, Mar. 15, 1946.
Asiatic-Pacific Campaign Medal (APCM).	E.O. 9265, Nov. 6, 1942, as amended by E.O. 9706, Mar. 15, 1946.
European - African - Middle East Campaign Medal (EAMECM).	E.O. 9265, Nov. 6, 1942, as amended by E.O. 9706, Mar. 15, 1946.
World War II Victory Medal (WWII VM).	P.L. 135, 79th Cong.
Army of Occupation Medal (AOM).	WDGO 32, 1946.
Medal for Humane Action (MHA).	P.L. 178, 81st Cong.
National Defense Service Medal (NDSM).	E.O. 10448, Apr. 22, 1953.
Korean Service Medal (KSM).	E.O. 10179, Nov. 6, 1950.
Antarctica Service Medal (ASM).	P.L. 86–600, 86th Cong.
Armed Forces Expeditionary Medal (AFEM).	E.O. 10977, Dec. 4, 1961.
Vietnam Service Medal (VSM).	E.O. 11231, July 8, 1965.
Air Force Longevity Service Award Ribbon (AFLSA).	DAFGO 60, Nov. 23, 1957.
Armed Forces Reserve Medal (AFRESM).	E.O. 10163, Sept. 28, 1950, as amended by E.O. 10439, Mar. 13, 1953.
Air Reserve Forces Meritorious Service Ribbon (ARFMSR).	Secretary of the Air Force, on Apr. 1, 1964.
USAF NCO Academy Graduate Ribbon (AFNCOAR).	Secretary of the Air Force, on Aug. 22, 1962.
Small Arms Expert Marksmanship Ribbon (SAEMR).	Secretary of the Air Force, on Aug. 22, 1962.
Philippine Defense Ribbon (PDR).	G.O. 8, Army Hq Commonwealth of the Philippines, 1944.
Philippine Liberation Ribbon (PLR).	G.O. 8, Army Hq Commonwealth of the Philippines, 1944.
Philippine Independence Ribbon (PIR).	G.O. 383, Army Hq Commonwealth of the Philippines, 1946.

Subpart F—Foreign Service Awards

§ 882.80 Policy.

Following is Air Force policy concerning the acceptance and wear of foreign service awards.

(a) *Acceptance unauthorized.* Except for the Republic of Vietnam Campaign Medal (see § 882.81), an officer or airman may not receive, accept, or make token acceptance of service awards tendered by foreign governments for services rendered while a member of the U.S. Air Force or its Reserve components.

NOTE: U.S. service awards are not tendered to foreign military personnel.

(b) *Retention of service awards earned as members of friendly foreign forces.* Foreign service awards earned while a bona fide member of the armed forces of a friendly country may be retained by the person, provided they were presented to him before his entry on duty with the Armed Forces of the United States.

(c) *Wear.* Foreign service awards earned and accepted as indicated in paragraph (b) of this section, may not be worn on the Air Force uniform unless authorized by the Department of the Air Force in each individual case.

NOTE: This does not preclude wear of foreign decorations and individual emblems of a foreign unit award as prescribed in AFM 35-10.

§ 882.81 Republic of Vietnam Campaign Medal (RVCM).

Based on Department of Defense Instruction 1348.17, June 20, 1966, and as a one-time exception to the policy stated in § 882.80, Air Force personnel proffered the RVCM by the Government of the Republic of Vietnam for service on or after March 1, 1961, and until a date to be announced, may accept and wear this service award. Awards of the RVCM based solely on service performed after December 31, 1959, but before March 1, 1961, will be processed in accordance with § 882.44.

(a) *Description.* A gold-plated medal, with two stars, one overlaid on the other, each star composed of six points. The points of the star above are white-enameled in relief with gold border. The points of the star underneath are carved in relief, gold plated, with many small brass angles directed toward the center of the medal. In the center a round frame with a gold border. The inside of the frame is green with the outline of the Vietnamese country of gold plated and a red flame with three rays upright in the center. On the reverse are the words VIET-NAM CAMPAIGN MEDAL. The ribbon is edged with green stripes, and alternates green and white stripes, with a white center. A rectangular, silver-plated metal device on the suspension ribbon denotes the period of war, i.e., "1960–____". A similar but smaller device with the last two digits of the inclusive years of the war, i.e., "60–__", is worn on the ribbon bar.

(b) *Requirements for award.* Awarded to Military personnel of the U.S. Armed Forces who during the period of January 1, 1960, and until a date to be announced.

(1) Serve for 6 months in South Vietnam during wartime; or

(2) Serve outside the geographic limits of South Vietnam and contribute direct combat support to the Republic of Vietnam Armed Forces for 6 months in their struggle against a hostile armed force. Only those members of the U.S. Armed Forces who meet the criteria established for the AFEM (Vietnam) or the VSM during the period of service required are considered to have contributed direct combat support to the Republic of Vietnam Armed Forces.

(3) Do not complete the length of service required in subparagraphs (1) or (2) of this paragraph but are wounded by a direct act of the hostile armed force, captured, but later rescued, or killed in action or in line of duty.

(c) *Procurement of award elements.* Award elements of the RVCM are not items of issue. Ribbon bars of prescribed dimensions for wear on the uniform and miniature and standard size medals with device are available through commercial sources in the United States, and may be purchased by individual recipients.

Subpart G—Non-U.S. Service Awards

§ 882.90 Authorized awards.

The non-U.S. service awards described in this subpart have been accepted for Presidential acceptance for the U.S. Armed Forces and are authorized for wear by eligible personnel. The guidance contained in §§ 882.50–882.54, with respect to U.S. service awards generally applies to non-U.S. service awards. This specifically relates to general eligibility criteria and verification of prior awards. Only one of each non-U.S. service award described in this subpart will be awarded to the same person. There is no device to denote additional awards.

§ 882.91 United Nations Service Medal (UNSM).

Established by the United Nations General Assembly Resolution 483(V), December 12, 1950. Presidential acceptance for the U.S. Armed Forces was announced in Department of Defense Directive 1348.3, November 27, 1951.

(a) *Description.* A metal disk, 1¼ inches in diameter. On the obverse is the emblem of the United Nations. On the reverse is the inscription "For Service In Defense Of The Principles Of The Charter Of The United Nations." The medal is suspended from a silk ribbon consisting of 17 stripes, nine of United Nations blue and eight of white, alternating, each stripe 0.08 inch wide. A bar bearing the word "Korea" constitutes a part of the suspension of the medal from the ribbon.

(b) *Requirements for award.* (1) Qualifications: Personnel must be:

(i) Members of the Armed Forces of the United States dispatched to Korea or adjacent areas of military operations specifically for service on behalf of the United Nations in the Korean Theater; or

(ii) Other personnel dispatched to Korea or adjacent areas as members of paramilitary and quasi-military units designated by the U.S. Government for service in support of the United Nations action in Korea and certified by the United Nations Commander-in-Chief as having directly supported the military operations in that area.

NOTE: Personnel awarded the Korean Service Medal automatically establish eligibility for the United Nations Service Medal.

(2) Service: The service must have been performed between June 27, 1950, and July 27, 1954, inclusive, under any of the following conditions:

(i) While on permanent assignment to any designated combat or service unit;

(ii) While attached to any designated combat or service unit for a period of 30 days, consecutive or nonconsecutive; or

(iii) While in active combat against the enemy under conditions other than those prescribed in subdivisions (i) and (ii) of this subparagraph, provided that the individual was awarded a combat decoration or furnished a certificate by the commander of a division, comparable or higher unit; commander of a ship, comparable or higher unit; or commander of an Air Force group, comparable or higher unit, stating that he actually participated in combat.

(c) *Persons ineligible for award.* Personnel of the United Nations, its specialized agencies, or of any government service other than as prescribed in paragraph (b) of this section and International Red Cross personnel engaged for service under the United Nations Commander-in-Chief with any United Nations relief team in Korea, will not be eligible for the award of the United Nations Service Medal.

§ 882.92 United Nations Medal (UNM).

Established by The Secretary General of the United Nations by Dispatch 109, July 30, 1959, and Regulations for the United Nations Medal, July 1959. Presidential acceptance for the U.S. Armed Forces was announced in Department of Defense Directive 1348.10, March 11, 1964.

(a) *Description.* A round metal disk, 1¼ inches in diameter. On the obverse is the emblem of the United Nations and the letters "U.N." On the reverse is the inscription "In The Service of Peace." The medal is suspended from a ribbon of United Nations blue with two single narrow white stripes one-fourth inch from each edge.

(b) *Requirements for award.* Military personnel who have been or are specifically identified by the United Nations as having performed qualifying service with one of the following organizations are eligible for an award of the medal:

(1) United Nations Observation Group in Lebanon.

(2) United Nations Truce Supervision Organization in Palestine.

(3) United Nations Military Observer Group in India and Pakistan.

(4) United Nations Security Forces, Hollandia.

(c) *Policy and procedures.* (1) Military personnel presently serving with any of the specified groups and those subsequently assigned will be awarded the United Nations Medal in the field by the Senior Representative of the Secretary General.

(2) The amount of service qualifying an individual for the award will be as designated by the Secretary General of the United Nations.

(3) Individuals with previous United Nations service with the specified groups who believe themselves eligible for the United Nations Medal may submit applications to USAFMPC (AFPMSAM), Randolph AFB, TX 78148. Each application should include complete details related to United Nations duty including geographical location and inclusive dates of service. Such applications will be referred to the United Nations for consideration and determination of eligibility.

Subpart H—U.S. Unit Awards

§ 882.100 Authority and authorized awards.

Authority to accept unit awards is vested in the Department of the Air Force (DAF), unless it specifically delegates the authority. United States unit awards described in this subpart are authorized for award to units of the U.S. Armed Forces and, in some instances, to military units of friendly foreign nations serving with U.S. Forces.

§ 882.101 Eligibility (general criteria) for unit award.

Unit awards are granted to military units which distinguish themselves during peacetime or in action against hostile forces or an armed enemy of the United States. When a unit award is made to an organization, component units of the organization may share the award and display the various award elements authorized. Higher organizations of which a recipient unit is a component are not entitled to share in the award.

(a) To preserve the integrity of unit awards:

(1) They are restricted to the recognition of acts of services which:

(i) Clearly and distinctly—by nature and magnitude—place the unit's performance significantly above that of other units of similar composition and mission responsibility.

(ii) Can be recognized appropriately in no other way.

(2) Only one is granted for the same act, achievement, or service. Another award may be given to the same unit for another act or achievement performed during the period it was decorated for meritorious service.

(b) *To be eligible for an award.* (1) The unit's entire service must have been honorable during or subsequent to the time of the distinguished act, achievement, or meritorious service.

(2) The unit must be part of the U.S. armed forces or a foreign military unit serving with U.S. forces.

(c) *To extend the award to unit personnel*—(1) *Military personnel.* A device such as a ribbon, fourragere, service star, or arrowhead (depending on the type of award) is worn on the uniform to denote individual's contribution to a cited unit's performance.

(2) *Civilian personnel.* Civilians serving with a cited unit may be awarded letters of commendation or appreciation for their part in furthering the unit's performance. Where appropriate, Air Force civilian employees also may be recognized under the Air Force Civilian Incentive Program.

§ 882.102 Elements of the award.

The elements of the award include:

(a) Streamer (embroidered, if appropriate, with the name of act or period of service).

(b) Citation (except for campaign and war service streamers).

(c) Certificate (for Air Force Outstanding Unit Award only).

(d) Special orders. (The awarding authority's special orders are not essential at the time of the ceremony, but may be furnished later.)

NOTE: When a second or subsequent award is presented to the same unit, a separate streamer will be used.

§ 882.103 Inheritance of unit awards.

The basis for the inheritance of unit awards is determined by the language of the order establishing the unit's status. The different terms are prescribed in AFM 26-2 (Organization Policy and Guidance). Inquiries concerning the inheritance of unit awards may be addressed to ASI (HS), Maxwell AFB, AL 36112.

(a) *Active and inactive units.* These units are entitled to the awards made to or due them, regardless of redesignation or reorganization. AFP 210-1-4 (Guide to Lineage and Unit History) explains the Air Force lineage and awards inheritance system and its relationship to the USAF Unit History Program.

(b) *Disbanded and discontinued units.* Except as stated in AFP 210-1-4, these units' awards may not be inherited by any unit on the active or inactive list. The awards will be preserved as a record of historical interest.

§ 882.104 Definitions.

For the purpose of this part, the following terms and explanations apply:

(a) *Unit.* A military unit or establishment as defined in AFP 210-1-4, Guide to Lineage and Unit History.

NOTE: Under unusual circumstances a detachment may be considered a unit, although it is an integral part of a unit as defined in AFP 210-1-4.

(b) *Unit award.* Special recognition of heroism, outstanding achievement, or meritorious service of a military unit.

(c) *Award elements.* Visible evidences of an award granted to a unit. These elements include special orders (or other documents), streamers, citations, emblems; and devices for wear by uniformed personnel.

(d) *Attached personnel.* Personnel who are attached to and serving with a unit and have contributed directly to the unit's accomplishments during the cited period.

§ 882.105 Distinguished Unit Citation (DUC) and Presidential Unit Citation (PUC).

Within the Air Force, this unit award was known as the DUC before 1965 and will be known as the PUC during and after 1965. It was established by Executive Order 9075, February 26, 1942, which was superseded by Executive Order 10694, January 10, 1957. The PUC is awarded by the President of the United States or, when delegated, by the Secretary of the Air Force.

(a) *Description of award elements*—(1) *Streamer.* A dark blue swallowtailed streamer with the name of the action embroidered in white. Authorized abbreviations may be used for lengthy names of actions. Each award of the DUC/PUC is represented by a separate streamer.

(2) *Individual emblem.* A dark blue ribbon of the same color as the streamer in subparagraph (1) of this paragraph, mounted within a rectangular gold wreath metal frame.

(b) *Awarded to.* Units of the Armed Forces of the United States and friendly foreign nations serving with the U.S. forces.

(c) *Awarded for.* Extraordinary heroism in actions occurring on or after December 7, 1941. The unit must have displayed such gallantry, determination, and esprit de corps in accomplishing its mission under extremely difficult and hazardous conditions as to set it apart and above other units participating in the same campaign. The degree of heroism required is the same as would warrant the award of an Air Force Cross to an individual. An extended period of combat duty or the participation in a large number of operational missions is not sufficient. Only on rare occasions will a unit higher than a wing qualify for this award.

(d) *Display and wear.*—(1) *Streamer.* The streamer is displayed immediately below the staff ornament of the flagstaff which carries the unit's flag or guidon (see AFM 900-2—Use and Display of AF Flags, Guidons, Streamers, and Automobile and Aircraft Plates).

(2) *Individual ribbon.* The individual ribbon and oak leaf clusters for additional awards (entitlements) are worn as indicated in subdivisions (i) and (ii) of this subparagraph and Subpart K of this part, respectively.

(i) Worn as a permanent part of the uniform by each individual assigned or attached to the unit at any time during the period of action cited, and who was present and participated in any of the action(s) for which the unit was cited. Entitlement of attached personnel, whether attached by verbal or written order, to wear the individual ribbon will be verified by the commander of the cited unit who will issue a letter confirming such entitlement. This letter will state the name of the individual, certify his entitlement, specify the designation of the cited unit to which the individual was attached, state the authority for the award (order number, date, and headquarters of issue), and indicate the inclusive dates of the award. The original of this letter will be filed in the individual's unit personnel records group and a copy provided the individual.

(ii) Worn as a temporary part of the uniform by each individual who is not entitled to permanently wear the ribbon (subdivision (i) of this subparagraph) because he was not present with the unit in the action cited, but is subsequently assigned to the unit. The temporary wear of the ribbon is optional, and it may be worn only for the duration of the individual's assignment to the unit.

NOTE: An individual entitled to permanently wear a ribbon representing a DUC/PUC awarded by the Air Force or Army, may temporarily add an oak leaf cluster to the ribbon when he is subsequently assigned to another cited unit. This temporary cluster may be worn only for the duration of the individual's assignment to the cited unit.

(3) *Wear of Air Force and Navy PUC ribbons.* Individuals entitled to the Navy PUC ribbon, which is different in design from the ribbon used by the Air Force and Army, may continue to wear such ribbon, although they also may be entitled to wear the individual ribbon (blue ribbon with gold wreath metal frame) representing award of the PUC to an Air Force unit during or after 1965. Persons entitled to the individual blue ribbon based on award of the DUC before 1965 will wear an oak leaf cluster thereon to denote any individual additional entitlement to the ribbon based on award of a PUC to an Air Force unit during or after 1965.

§ 882.106 Air Force Outstanding Unit Award (AFOUA).

The AFOUA was established by the Secretary of the Air Force, as announced in DAF General Orders 1, January 6, 1954, and is awarded by the Secretary of the Air Force. Except for Air National Guard units that are not an extended active duty, authority to disapprove recommendations for award of the AFOUA is delegated to major commanders. Such commanders will forward to the awarding authority only the recommendations of which they recommend approval, and will return all others to the recommending officials. A major air commander's submission of a recommendation to the awarding authority does not infer automatic approval.

(a) *Description*—(1) *Streamer.* A blue swallowtailed streamer with a narrow red band center bordered by white lines, and red bands at each edge separated from the blue by white lines. The name of the action, achievement, or the inclusive dates of the period of service are embroidered in white. Authorized abbreviations may be used for lengthy names of the action or achievement. Each award of the Air Force Outstanding Unit Award is represented by a separate streamer.

(2) *Individual ribbon.* A ribbon of the same color as the streamer described in subparagraph (1) of this paragraph, without the gold frame.

(3) *Certificate.* An engraved certificate bearing a replica of the ribbon, with the DAF Seal embossed on the certificate. The certificate identifies the unit decorated, and indicates the date(s) of the act or achievement, or the inclusive period of service for which the award was made. It is signed by the Secretary of the Air Force. The certificate is suitable for framing and display by the unit receiving the award. The awarding authority issues the certificate.

NOTE: The awarding of individual certificates to each person entitled to wear the ribbon was discontinued on May 8, 1964.

(4) *Citation.* A short narrative description of the act, achievement, or service for which award was made. The citation is read during the presentation ceremony, and may be framed for display with the certificate mentioned in subparagraph (3) of this paragraph.

(b) *Recognition of civilians*—Civilians are not authorized to receive or wear the ribbon mentioned in paragraph (a) (2) of this section. However, commanders are encouraged to recognize the contributions of civilians assigned or attached to a unit awarded the Air Force Outstanding Unit Award. Civilians may be awarded letters of commendation or appreciation, as applicable. Where appropriate, Air Force civilian employees also may be recognized under the Air Force Civilian Incentive Program.

(c) *Types of units to receive award.* The AFOUA is awarded only to units of the Armed Forces of the United States, including provisional units established in connection with emergency requirements or joint exercises and units of the Reserve components, which meet the requirements for the award as prescribed in paragraph (d) of this section. Only under most unusual circumstances will an organization above wing level receive this award. It will not be awarded to an organization above division level.

(d) *Awarded for.* Exceptionally meritorious service or exceptionally outstanding achievement which clearly sets the unit above and apart from similar units. Heroism may be involved, but it is not essential. The service or achievement may be in:

(1) Performance of exceptionally meritorious service of national or international significance.

(2) Accomplishment of a specific outstanding achievement of national or international significance. An outstanding achievement award is intended to recognize a single specific act or accomplishment that is separate and distinct from the normal mission or regular function of the unit. The period of an outstanding achievement is normally short and characterized by definite beginning and ending dates. The specific achievement must be sufficiently outstanding to be readily distinguishable from meritorious service and must clearly warrant immediate recognition. The award of a unit decoration in recognition of a single act of heroism or a single outstanding achievement does not necessarily preclude an award for meritorious service in accordance with subparagraph (1) of this paragraph. In such instance, and to avoid duplication, the previously recognized act or outstanding achievement cannot be included in the justification for the subsequent award;

(3) Combat operations against an armed enemy of the United States; or

(4) Military operations involving conflict with or exposure to hostile actions by an opposing foreign force.

(e) *Component units sharing in the Air Force Outstanding Unit Award.* (1) The recommending official will determine the component units to share in the award, on the basis of their contributions to the achievement or service rendered.

(2) The parent organization will consider its operationally detached units for the Air Force Outstanding Unit Award. In such cases, the host organization provides the evidence of exceptionally meritorious achievement or service to the parent organization for consideration, and for processing through its command channels. Operationally detached units will not share in the award of the Air Force Outstanding Unit Award to the host organization. This does not preclude the personnel concerned from sharing in the award of the Air Force Outstanding Unit Award to the host organization on an individual basis.

(3) Air Reserve and Air National Guard units not in active Federal service may share in awards as component units, provided their contributions to the service being recognized are adjudged to merit recognition.

(f) *Attached personnel sharing in the Air Force Outstanding Unit Award.* (1) Personnel on temporary duty with a unit may be permanently entitled to the individual ribbon of the AFOUA if they directly contribute to the mission and accomplishments of the cited unit. Entitlement of such personnel, whether attached by verbal or written order, to wear the individual ribbon will be verified by the commander of the cited unit who will issue a letter confirming such entitlement. This letter will state the name of the individual, certify his entitlement, specify the designation of the cited unit to which the individual was attached, state the authority for the award (order number, date, and headquarters of issue), and indicate the inclusive dates of the award. The original of this letter will be filed in the individual's unit personnel records group and a copy provided the individual.

(2) Personnel on temporary duty with a unit to perform inspection functions or for staff visit purposes may not be awarded the ribbon.

(3) The permanent party personnel (instructors, faculty staff, overhead, etc.) in a training or school unit which has been cited, will be permanently awarded the ribbon. Temporary duty or pipeline students may not be awarded the ribbon, because they have not directly contributed to the unit's mission accomplishments.

(4) Military members of the other Armed Forces of the U.S. who are attached to Air Force units awarded the Air Force Outstanding Unit Award may share in the award, provided their contributions to the recognized service merit this recognition.

(g) *Display and wear.* Same as for Distinguished Unit Citation. (See § 882.105(d)).

§ 882.107 Other U.S. unit awards.

(a) *Army and Navy unit decorations.* Army and Navy unit decorations generally are similar to Air Force unit awards and may be accepted by Air Force units if advance DAF approval is obtained.

(1) Army unit decorations: The Army currently awards the Distinguished Unit Citation, the Valorous Unit Award, and the Meritorious Unit Commendation. The Army and Air Force jointly use the same streamer for the DUC and PUC. Both services also jointly use the same individual ribbon, except the gold wreath frame on the Air Force emblem is smaller than the frame used on the Army emblem (see AFM 35-10).

(2) Navy unit decorations: The Navy currently awards the PUC and the Navy Unit Commendation. The Navy Presidential Unit Citation emblem consists of a distinctive ribbon without the gold wreath frame.

(b) *Who may wear.* Members of cited Air Force units and those who, while Army or Navy members, received a unit decoration which they were entitled to wear permanently. They may wear the appropriate award device on the Air Force uniform (see AFM 35–10).

§ 882.108 War Service Streamers.

(a) *Description.* These streamers are unembroidered swallowtailed ribbons of the same design as the service ribbons awarded to individuals for service in designated campaign areas or theaters of operations. Examples: The American Theater, European-African-Middle Eastern Theater and Asiatic-Pacific Theater during World War II, and the military campaign in Korea.

(b) *Eligibility.* A unit's eligibility for a war service streamer is the same as prescribed for the award of the corresponding service medal (American Campaign Medal; European-African-Middle Eastern Campaign Medal; Asiatic-Pacific Campaign Medal; Korean Service Medal) to an individual (see Subpart E of this part).

(c) *Display.* War Service Streamers are carried on the organizational flag staff or guidon by units which have served in a theater or area of operations but which have not received campaign participation credit (see § 882.109).

§ 882.109 Campaign and expeditionary streamers.

(a) *Description.* These are embroidered streamers of the same design as the war service streamers described in § 882.108. They represent the unit's participation in a campaign, assault landing, or an expedition. (NOTE: The expedition must be a designated military operation for which the AFEM is awarded and must have occurred after July 1, 1958, and be designated by the Joint Chiefs of Staff, authorized by the Department of Defense, and announced in an Air Force directive.) These streamers are comparable to service stars and arrowheads on certain service ribbons which represent the individual's participation in a campaign, assault landing, or a designated operation for which the AFEM is authorized. When a unit is awarded campaign participation credit or authorized an AFEM streamer, the name of the campaign or AFEM operation (§ 882.67(g)) is embroidered on the streamer, thus making it a campaign or expeditionary streamer. The arrowhead device, when awarded, is embroidered on the streamer preceding the name of the campaign. Only one arrowhead may be embroidered on a given campaign streamer, regardless of the number of assault landings which were credited to a unit during that campaign. Also, only one campaign name may be embroidered on a streamer. Successive campaigns in the same theater or different designated operations for the AFEM are embroidered on separate streamers. Units that participated in the Vietnam operation will display the VSM streamer for such service, not the AFEM.

(b) *Embroidery of streamers.* Streamers are embroidered at the supply source (see AFM 67–1). Each requisition must indicate the appropriate inscription to be embroidered on the streamer. Attachment 3 to AFM 900–2 contains a list of campaigns (by name and period) in which the Air Force has participated since the first action involving the use of manned aircraft in 1916. Section 882.67(g) lists the designated operations for the AFEM streamer. These names and dates will be used for embroidering campaign streamers (name only for the AFEM streamer) to be displayed by Air Force units. Existing streamers will not be changed to conform to the names shown in AFM 900–2.

(c) *Who may award.* DAF or a designated subordinate command. When a unit is cited in orders or AFP 900–1–2 for its participation in a campaign or operation, it automatically is entitled to have the appropriate embroidery placed on the streamer.

§ 882.109a Infantry streamers, silver bands, etc.

The Air Force does not award devices similar to infantry streamers and campaign silver bands. Air Force units will display the appropriate campaign streamer in place of silver bands awarded to them by the War Department for campaign participation. Units which have been awarded any other such devices may continue to display them as prescribed by the awarding authority.

Subpart I—Foreign Unit Awards

§ 882.110 Requirements for acceptance.

(a) *When authorized.* Foreign unit decorations may be accepted only if:

(1) The decoration is tendered by a friendly foreign nation for heroism in action or exceptionally meritorious service in direct support of combat operations;

(2) The decoration is one which is conferred by that government upon units of its own armed forces;

(3) The unit is cited by name in orders or other documents issued by that government.

NOTE: The solicitation of foreign unit decorations by individuals or units within the Air Force is prohibited.

(b) *When not authorized.* Foreign awards denoting participation in campaigns, battles, or engagements are similar to service medals and may not be accepted by Air Force units.

§ 882.111 Foreign unit awards previously accepted.

(a) Croix de Guerre (World Wars I and II). Awarded by a French Government decree, which listed the cited units and described the achievement or service for which the award was made. Awards were confirmed in Army general orders. (See AFP 900–1–2.)

(1) *Award to unit.* A red and green swallowtailed streamer with the name of the action or theater of operations embroidered in golden yellow. World Wars I and II streamers have the same colors. However, the red and green stripes are arranged differently for each war.

(2) *Award to individual.* A fourragere, consisting of a single cord braided and knotted, with a loop at the shoulder and a ferrule of metal at the free end. The colors of the fourragere are green and red for both World Wars I and II. The award of the fourragere was not automatic. It required specific decree of the French Government. This decree was issued only when the unit was cited twice for the Croix de Guerre.

(3) *Display and wear.* (i) By unit—The streamer is displayed below the staff ornament of the flagstaff which carries the unit's flag or guidon. The fourragere (see subpar. (2) of this paragraph), if authorized, also may be attached to the flag or guidon (see illustration in AFM 900–2).

(ii) By individual—(See AFM 35–10 for wear instructions.) Each individual who was assigned and present for duty with a unit during both of the actions for which a fourragere was awarded may wear it as a permanent part of the uniform. Each individual who was not present with the unit in both actions cited, but was subsequently assigned to the unit, may wear it as a temporary part of the uniform during his assignment to the unit.

(b) *Citation in the Order of the Day of the Belgian Army (World War II).* Awarded by Belgian Government decree which listed the cited units and described the achievement or service for which the award was made. Awards were confirmed in Army general orders. (See AFP 900–1–2.)

(1) *Award to unit.* A streamer is not authorized to denote award of the Belgian Unit Citation. However, if the unit cited specified award of the Belgian Fourragere (see subpar. (2) of this paragraph), it may be displayed on the unit flag or guidon.

(2) *Award to individual.* Similar to the French fourragere, except that the colors of the fourragere are red and green. The award required a specific decree of the Belgian Government. This decree was issued only when the unit was cited twice in the Order of the Day of the Belgian Army.

(3) *Display and wear.* (i) By unit—The fourragere is displayed below the staff ornament of the flagstaff which carries the unit's flag or guidon.

(ii) By individual—(See AFM 35–10 for wear instructions.) Each individual who was assigned and present for duty with a unit, during both of the actions for which a fourragere was awarded, may wear the fourragere as a permanent part of the uniform. It is not authorized for temporary wear.

(c) *Philippine Republic Presidential Unit Citation (World War II).* This citation was established to recognize the achievements of units serving in the Philippines from December 7, 1941, to May 10, 1942, and from October 17, 1944, to July 4, 1945 (dates inclusive). (See AFP 900–1–2.)

(1) *Award to unit.* A blue, white, and red streamer, with golden yellow embroidered letters. Only the dates of participation for which the award was made, December 7, 1941, to May 10, 1942, and/or October 17, 1944, to July 4, 1945, are embroidered on the streamer.

(2) *Award to individual.* A ribbon, same colors as in subparagraph (1) of this paragraph, within a rectangular gold wreath frame.

(3) *Display and wear.* (i) By unit—The streamer is displayed below the staff ornament of the flagstaff which carries the unit's flag or guidon.

(ii) By individual—(See AFM 35–10 for instructions for wear.) Each individual who was assigned to and present for duty with a unit, at any time during the period for which the unit was cited, may wear the emblem as a permanent part of the uniform. It may not be worn by personnel later assigned to the cited unit. An individual will wear only one such emblem, without cluster, regardless of the number of times that he may qualify for the award. The blue of the emblem is worn to the wearer's right.

(d) *Republic of Korea Presidential Unit Citation (Korean Conflict).* This citation was awarded by the President of the Republic of Korea to recognize the achievements of units serving in the Korean military operations. (See AFP 900–1–2.)

(1) *Award to unit.* A white streamer trimmed with green and alternating red and white stripes. The red and blue symbol of the Republic of Korea is centered on the streamer, 5 inches from the hoist, with the red to the top and blue to the bottom. The action or period of service is embroidered in blue.

(2) *Award to individual.* A ribbon, colors and symbol as in subparagraph (1) of this paragraph, within a rectangular gold wreath frame.

(3) *Display and wear.* (i) By unit—The streamer is displayed below the staff ornament of the flagstaff which carries the unit's flag or guidon.

(ii) By individual—Same as for paragraph (c)(3)(ii) of this section. The emblem is worn with the red portion of the symbol uppermost.

Subpart J—Special Badges

§ 882.120 Presidential Service Badge and Certificate.

The Presidential Service Badge and the Presidential Service Certificate were established by Executive Order 11174, September 1, 1964. This award replaces the White House Service Badge and Certificate established by Executive Order 10879, June 1, 1960.

(a) *Description of award.*—(1) *Presidential Service Certificate.* This certificate bears replicas of the Presidential Service Badge and the Presidential Coat of Arms. It is signed by the Military Aide (or Service aide, if more than one) to the President and the Service Secretary.

(2) *Presidential Service Badge.* A round badge bearing a superimposed replica of the Presidential Coat of Arms.

(b) *Requirements for award.* Awarded by direction of the President to Armed Forces personnel assigned to duty at the White House for at least 1 year after January 20, 1961, as recognition—in a permanent way—of their contribution in the service of the President. Time spent in one of the eligible White House activities awaiting proper clearance may not be counted toward the 1 year minimum. Other conditions of award are as follows:

(1) The individual (formerly, currently or subsequently on duty at the White House) must be recommended for the award by the Military Aide to the President (or a Service aide).

(2) Only one Presidential Service Badge is awarded to an individual regardless of the number of certificates he receives. Subsequent Administrations may award additional certificates (but not badges) to him.

(3) The individual's removal from Presidential service for cause, which occurs after he has been awarded the certificate and badge, is grounds for the recall of the award elements.

(4) The certificate and badge may be awarded posthumously.

(c) *Responsibilities of award recipients.* Each recipient is required to sign a receipt for his certificate and badge, which will be serially numbered. The Presidential Service Badge, once earned, becomes a permanent part of the recipient's uniform, and may be worn after he leaves Presidential service. (See AFM 35–10 for instructions on wearing the badge on the uniform.) He may purchase (from commercial sources) miniature lapel pins, suitable for wear with civilian clothes.

NOTE: Holders of White House Service Badges may retain, but may not wear them.

§ 882.121 Combat Crew Member Badge.

Established by the Department of the Air Force, effective September 1, 1964.

(a) *Description.* A rectangular metal badge of oxidized sterling silver, measuring 3 x ¾ inches, and bearing the Air Force Coat of Arms (with the shield's background in ultramarine blue enamel) and the words "Combat Crew."

(b) *Criteria for wear.* The Combat Crew Member Badge may be worn only by an aircraft or missile launch crew member who either:

(1) Is assigned to a USAF operational unit subject to the Combat Readiness Rating System under the provisions of AFM 55–11; and

(i) Has been certified as combat ready (according to USAF and major command qualification criteria); and

(ii) Is currently serving in an aircraft or missile launch crew position as a combat crew member; or

(2) Is assigned to a USAF operational unit which is participating in flying operations in Southeast Asia, and is currently serving as a combat-ready aircrew member in that unit, participating in operations over an area where armed opposition is expected.

§ 882.122 Office of the Secretary of Defense Identification Badge.

(a) *Description.* The badge shows the eagle, shield, and arrows from the seal of the Department of Defense, against the background of rays encircled with stars and a wreath.

(b) *Requirement for wear.* This badge is worn by military personnel who have been issued a certificate of eligibility after they have been assigned to duty in an authorized position charged against the OSD personnel ceiling and have served not less than 1 year, after January 13, 1961, in the Office of the Secretary of Defense at the seat of government. Individuals holding a certificate of eligibility for wearing the badge earned before January 13, 1961, may continue to wear the badge. Personnel authorized to wear the badge may continue to wear it following reassignment from duty with the Office of the Secretary of Defense.

§ 882.123 Joint Chiefs of Staff Identification Badge.

(a) *Description.* The badge consists of an oval silver metal wreath of laurel containing the shield of the United States superimposed on four gold metal unsheathed swords. The blades and grips of the swords are entwined with a gold metal scroll surrounding the shield with the word JOINT at the top of the words CHIEFS OF STAFF at the bottom, all in blue enamel letters.

(b) *Requirement for wear.* This badge is worn by military personnel who have been issued a certificate of eligibility after they have been assigned to duty and have served not less than 1 year, after January 14, 1961, in the Organization of the Joint Chiefs of Staff. Personnel must be serving in a position of responsibility under the direct cognizance of the Joint Chiefs of Staff which requires, as a primary duty, the creation, development, or coordination of policies, principles, or concepts pertaining to a primary function. Personnel are authorized to wear it following reassignment from duty with the Joint Chiefs of Staff.

Subpart K—Devices

§ 882.130 General.

As used in this part, the term device includes but is not limited to, ribbon bars, lapel buttons, rosettes, oak leaf clusters, stars, arrowheads, and similar appurtenances used in the decorations, awards, and recognition program of the Air Force. AFM 35–10 describes the proper placement and wear of devices described in this subpart.

§ 882.131 Ribbon bar.

The ribbon bar is a metallic strip which is covered with ribbon. The design and color of the ribbon is identical with the suspension ribbon of the medal (decoration or service), or the unit award streamer it represents, as described in other subparts of this part. The ribbon bar is 1⅜ inches long by ⅜-inch wide and it may be equipped with an attaching device.

§ 882.133 Oak leaf clusters.

Oak leaf clusters are issued in two sizes—large and small—and in two colors—bronze and silver. The large size is worn on the suspension ribbon of the medal and the small size on the ribbon bar. A bronze oak leaf cluster is used for the second through the fifth, seventh through tenth, etc., entitlement or award. A silver oak leaf cluster is used for the sixth, eleventh, etc., entitlement or award, or in lieu of five bronze oak leaf clusters. The oak leaf cluster is worn on the pendant ribbon and ribbon bar of all U.S. military decorations and on the ribbon bar of the Air Force Good Conduct Medal, Air Force Longevity Service Award Ribbon, Air Reserve Forces Meritorious Service Ribbon, Distinguished Unit Citation, Presidential Unit Citation, and the Air Force Outstanding Unit Award.

§ 882.133 Service stars.

The service star is a bronze or silver five-pointed star of 3/16-inch diameter. A silver service star is worn in lieu of five bronze service stars. The service star is worn:

(a) On the service ribbon of the American Defense Service Medal to denote possession of the Foreign Service Clasp.

(b) On the service and suspension ribbons of the American Campaign, Asiatic-Pacific Campaign, European-African-Middle Eastern Campaign, and Korean Service Medals to denote campaign participation credit. (See AFP 900–1–2.)

(c) On the Philippine Defense and Liberation Ribbons to denote additional honors.

(d) On the service and suspension ribbon of the Armed Forces Expeditionary Medal to denote participation in more than one operation.

§ 882.134 Arrowheads.

(a) *Description and requirements for award.* The arrowhead, a bronze replica of an Indian arrowhead, one-fourth inch in height and one-eighth inch in width, is awarded to denote participation in a combat parachute jump, combat glider landing, or amphibious assault landing. The combat glider landing or parachute jump must have been made as an assigned or attached member of an organized force carrying out an assigned tactical mission. (An emergency combat parachute jump into enemy-held territory does not constitute eligibility for award of the arrowhead.) Units entitled to this award are designated in AFP 900–1–2.

(b) *How worn.* The arrowhead is worn on both the service and suspension ribbons of the Asiatic-Pacific Campaign Medal, European-African-Middle Eastern Campaign Medal, and the Korean Service Medal, point up, in a vertical position to the wearer's right of all service stars. Only one arrowhead will be worn on any one service or suspension ribbon, regardless of the number of times a person becomes eligible for the device.

§ 882.135 Clasps.

Clasps are authorized for wear on the Good Conduct Medal, American Defense Service Medal, Army of Occupation Medal, and Antarctica Service Medal.

(a) *Good Conduct Medal clasp.* A bar, one-eighth inch wide and 1¾-inches long, of bronze, silver, or gold, with loops, indicative of subsequent awards. It is worn on both the service ribbon and suspension ribbon of the medal itself. Clasps authorized for successive periods of service are as follows:

Successive periods of service	*Type of clasp*
3d	Bronze, 2 loops.
3d	Bronze, 3 loops.
4th	Bronze, 4 loops.
5th	Bronze, 5 loops.
6th	Silver, 1 loop.
7th	Silver, 2 loops.
8th	Silver, 3 loops.
9th	Silver, 4 loops.
10th	Silver, 5 loops.
11th	Gold, 1 loop.
12th	Gold, 2 loops.
13th	Gold, 3 loops.
14th	Gold, 4 loops.
15th	Gold, 5 loops.

(b) *American Defense Service Medal clasp.* A bronze bar, ⅛-inch wide and 1½-inches long; bearing the words "Foreign Service." It is worn only on the suspension ribbon of the medal. A bronze service star is worn on the service ribbon to denote award of the foreign service clasp.

(c) *Army of Occupation Medal clasp.* A bronze bar, ⅛-inch wide and 1⅛-inches long, bearing the word "Germany" or "Japan." It is awarded to differentiate service in the various occupation areas during World War II.

(1) *Areas represented by clasps.* (i) Germany clasp—Represents service with the U.S. occupation forces in Germany, Italy, or Austria.

(ii) Japan clasp—Represents service with the U.S. occupation forces in Japan or Korea.

(2) *How worn.* The clasp is worn only on the suspension ribbon of the Army of Occupation Medal. There is no device worn on the service ribbon to denote possession of the clasp.

(d) *Antarctica Service Medal clasp.* A bronze, gold, or silver bar, ¼-inch wide and 1¼-inches long; bearing the words "Wintered Over." It is worn only on the suspension ribbon of the medal. The clasp is authorized for personnel who stay on the Antarctic continent during the winter months; the bronze clasp represents the first winter over, the gold clasp the second winter, and the silver clasp the third and subsequent winters. Not more than one clasp may be worn on the suspension ribbon. See § 882.139 for description of disc for wear on service ribbon bar.

§ 882.136 Berlin Airlift Device.

The Berlin Airlift Device is a gold-colored metal miniature of a C–54 aircraft of ⅜-inch wing span, other dimensions proportionate. It is worn on both the service and suspension ribbons of the Army of Occupation Medal, with the nose of the aircraft pointed upward at a 30° angle and toward the wearer's right shoulder. The Berlin Airlift Device is awarded for service for 90 or more consecutive days between June 26, 1948, and September 30, 1949, while assigned or attached to a unit designated in orders of the Department of the Air Force (see AFP 900–1–2) for participation in the Berlin Airlift.

§ 882.137 Hour-Glass Device.

This device is an hour-glass with a Roman numeral "X" superimposed thereon, of bronze, five-sixteenths inch in height. It is worn centered on both the service and suspension ribbons of the Armed Forces Reserve Medal. One hour-glass device may be worn to denote service for each additional 10-year period served under the same conditions as prescribed for award of the basic Armed Forces Reserve Medal.

§ 882.138 The "V" (Valor) Device.

This device is a metallic, bronze, letter "V" which represents valor. It is worn on the pendant ribbon and ribbon bar of the BSM and JSCM when the former is awarded for heroism and the latter is awarded for acts or services involving direct participation in combat operations.

§ 882.139 Other service devices.

(a) *Oversea chevrons and bars.* The service devices listed in this section are authorized for optional wear by qualified personnel. The manner in which they are worn on the uniform is described in AFR 35–10.

(1) Oversea chevrons are authorized for each 6 months of oversea duty in a theater of operations during World War I.

(2) Oversea bars are authorized for each 6 months of duty outside the continental United States during World War II between December 7, 1941, and September 2, 1946, inclusive. Fractional parts of a 6-month period will not be accredited toward another bar.

(b) *Disc for ribbon bar of the Antarctica Service Medal.* A bronze, gold, or silver disc, five-sixteenths inch in diameter, with an outline of the Antarctic continent inscribed thereon, is authorized for wear on the service ribbon bar of the Antarctic Service Medal. These discs denote winter service in the Antarctic corresponding to the service defined in § 882.135(d) for the Antarctica Service Medal clasp. Not more than one disc may be worn on the ribbon bar.

(c) *Fourragere.* A fourragere consists of a single cord braided and knotted with a loop at the shoulder and a ferrule of metal at the free end. It is authorized for wear as the individual emblem representing the foreign unit award of the "Croix de Guerre", awarded by the French government, and the "Citation in the Order of the Day by the Belgian Army", awarded by the Belgium government (see Subpart I of this part).

§ 882.140 Gold Star Lapel Button.

This lapel button is made up of a gold star one-fourth inch in diameter mounted on a purple disc three-fourths inch in diameter. The star is surrounded by gold laurel leaves in a wreath five-eighths inch in diameter. The opposite side bears the inscription, "United States of America, Act of Congress, August 1947", and has space for engraving the recipient's initials. It has either a pin or clutch type fastening device. A forthcoming reproduction of the Gold Star Lapel Button will be identical except that the year on the reverse side will be 1966. The initial supply of the buttons will be used until exhausted.

(a) *Eligibility.* The Gold Star Lapel Button is distributed to widows, widowers (remarried or not), each parent (mother, father, stepmother, stepfather, mother through adoption, father through adoption, and foster parents who stood in loco *parentis*), each child, brother, sister, half-brother, half-sister, step-child, and adopted child, of members of the U.S. Armed Forces who lost their lives in the armed services of the United States during World War I (Apr. 6, 1917, to Mar. 3, 1921); World War II (Sept. 8, 1939, to July 25, 1947 at 12 o'clock noon); or during any subsequent period of armed hostilities in which the United States was engaged before July 1, 1958 (Korean Conflict June 27, 1950, to July 27, 1954); or who lose or lost their lives after June 30, 1958, while engaged in an action against an enemy of the United States; while engaged in military operations involving conflict with an opposing foreign force; or while serving with friendly foreign forces engaged in an armed conflict in which the United States is not a belligerent party against an opposing armed force. These buttons are furnished without cost.

(b) *Replacements.* Gold Star Lapel Buttons lost, destroyed, or made unfit for use through no fault or neglect of the persons to whom they were furnished may be replaced at cost.

(c) *Source of supply.* Gold Star Lapel Buttons, either initial issue or replacements, may be obtained by writing to MPRC, 9700 Page Boulevard, St. Louis MO 63132.

(d) *Penalty for fraudulent use.* The law specifies that: "Whoever shall (1) wear, display on his person, or otherwise use as an insignia, any Gold Star Lapel Button issued to another person under the provisions of the law; (2) falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged, or counterfeited, or aid in falsely making, forging, or counterfeiting any lapel button authorized by law; or (3) sell or bring into the United States, or any place subject to the jurisdiction thereof, from any foreign place, or have in his possession any such false, forged, or counterfeited lapel buttons, shall be fined not more than $1,000 or imprisoned not more than 2 years, or both."

§ 882.141 Other lapel buttons.

The authorized lapel buttons are listed in this section. They may be worn only with civilian clothes.

(a) *Good Conduct Medal, American Defense Service Medal lapel buttons, and lapel buttons for all U.S. military decorations, except the Medal of Honor.* These lapel buttons are 2½₂-inch wide and ⅛-inch long and are in colored enamel, being a reproduction of the service ribbon.

(b) *World War II Honorable Service Lapel Button.* This button is of gold-colored metal, bearing an eagle on a ring around 13 stripes. It is awarded for honorable Federal military service between September 8, 1939, and December 31, 1946.

(c) *Air Force Lapel Button.* The Air Force Lapel Button consists of the winged Air Force star in gold- and silver-colored metal. All members of the Air Force on active duty; members of the Reserve components, including members of the Air Force Reserve Officers' Training Corps; and personnel carried on Air Force retired lists are entitled to wear the lapel button.

By Order of the Secretary of the Air Force.

LUCIAN M. FERGUSON,
Colonel, USAF Chief, Special Activities Group Office of The Judge Advocate General.

[F.R. Doc. 67–9633, Filed, Aug. 16, 1967; 8:45 a.m.]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER D—GRANTS

PART 53—GRANTS FOR CONSTRUCTION AND MODERNIZATION OF HOSPITALS AND MEDICAL FACILITIES

PART 54—GRANTS FOR SPECIALIZED SERVICE FACILITIES

PART 57—GRANTS FOR CONSTRUCTION OF HEALTH RESEARCH FACILITIES (INCLUDING MENTAL RETARDATION RESEARCH FACILITIES), TEACHING FACILITIES, STUDENT LOANS, EDUCATIONAL IMPROVEMENT AND SCHOLARSHIPS

PART 59a—NATIONAL LIBRARY OF MEDICINE GRANTS

Construction Grant Payments

Notice of proposed rule making, public rule making procedures, and delay in effective date have been omitted as unnecessary in the issuance of the following amendments to Parts 53, 54, 57, and 59a of Title 42, which amendments relate solely to grants for construction programs. The purpose of these amendments is to delete from the Public Health Service construction grant regulations all installment payment schedules and requirements.

These amendments shall become effective upon publication in the FEDERAL REGISTER.

Subchapter D of Chapter I of Title 42 is amended as follows:

1. In Part 53, subparagraphs (1) and (2) of paragraph (a) of § 53.130 are deleted.

2. In Part 54, § 54.5 is deleted, and subparagraphs (1) and (2) of paragraph (a) of § 54.115 and subparagraphs (1) and (2) of paragraph (a) of § 54.208 are deleted.

3. In Part 57, §§ 57.9, 57.108, and 57.408 are deleted.

4. In Part 59a, § 59a.8 is deleted.

(Sec. 215 of the PHS Act, 58 Stat. 690, 42 U.S.C. 216, Rev. Stat. § 161, 5 U.S.C. 22)

Dated: August 2, 1967.

[SEAL] WILLIAM H. STEWART,
Surgeon General.

Approved: August 11, 1967.

WILBUR J. COHEN,
Acting Secretary.

[F.R. Doc. 67–9702; Filed, Aug. 16, 1967; 8:51 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4361]

[AA–653]

ALASKA

Exclusion of Land From Chugach National Forest

By virtue of the authority vested in the President by section 1 of the act of June 4, 1877 (30 Stat. 34, 36; 16 U.S.C. 473) and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

The following described tract of land, occupied as a homesite, is hereby excluded from the Chugach National Forest and restored, subject to valid existing rights, for purchase as a homesite under section 10 of the act of May 14, 1898 (30 Stat. 413; 48 U.S.C. 461), as amended:

Homesite No. 192, Eyak Lake Section, Cordova Highway, Lot 3, U.S. Survey 4606.

Containing 0.52 acre.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

AUGUST 11, 1967.

[F.R. Doc. 67–9640; Filed, Aug. 16, 1967; 8:45 a.m.]

[Public Land Order 4362]

[Montana 1469]

MONTANA

Partial Revocation of Reclamation Project Withdrawals

By virtue of the authority contained in section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), as amended and supplemented, it is ordered as follows:

1. The orders of the Bureau of Reclamation dated May 21, 1906, withdrawing lands for the Huntley Project, Montana, and February 16, 1909, withdrawing lands for the Yellowstone Project, are hereby revoked so far as they affect the following described land:

PRINCIPAL MERIDIAN

T. 2 N., R. 27 E.,
Sec. 36, SE¼NW¼.

The area described contains 40 acres in Yellowstone County.

2. Title to the lands revests in the Crow Indian Tribe pursuant to the act of May 19, 1958 (72 Stat. 121).

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

AUGUST 11, 1957.

[F.R. Doc. 67-9641; Filed, Aug. 16, 1967; 8:46 a.m.]

[Public Land Order 4263]

[New Mexico 0559044]

NEW MEXICO

Withdrawal for Protection of Experimental Areas and Scientific Studies

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described lands conveyed to the State of New Mexico by the act of March 2, 1927 (44 Stat. 1294) with mineral reservation, are hereby withdrawn from appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the New Mexico State University:

NEW MEXICO PRINCIPAL MERIDIAN

T. 20 S., R. 1 W.,
Secs. 1, 3, 4, and 5;
Sec. 7, N½NE¼ and SE¼;
Sec. 8, NE¼, N½NW¼, and S½;
Secs. 9 to 15, inclusive;
Secs. 17 to 20, inclusive;
Sec. 30, lots 1, 2, 3, 8, E½, and E½NW¼;
Sec. 31, lots 1, 6, 7, 8, 15, and E½NE¼;
Secs. 33, 34, and 35.
T. 21 S., R. 1 W.,
Sec. 1;
Sec. 12, E½.
T. 20 S., R. 1 E.,
Secs. 6 and 7;
Sec. 8, S½NE¼, W½, and SE¼;
Sec. 9, SW¼;
Sec. 14, S½SW¼;
Sec. 15, W½NW¼ and S½;
Secs. 17 to 23, inclusive;
Sec. 24, S½NW¼ and S½;
Secs. 25 to 31, inclusive;
Secs. 33, 34, and 36.
T. 21 S., R. 1 E.,
Sec. 1;
Secs. 3 to 15, inclusive;
Secs. 17 to 21, inclusive;
Sec. 22, N½NE¼, SW¼NE¼, W½, and SE¼;
Secs. 23, 26, 27, and 28;
Sec. 29, N½, N½SW¼, SE¼SW¼, and SE¼;
Secs. 33, 34, and 35.
T. 20 S., R. 2 E.,
Sec. 19, lot 4;
Secs. 30 and 31.
T. 21 S., R. 2 E.,
Secs. 6, 7, and 18.

The areas described aggregate approximately 52,000 acres in Dona Ana County.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

AUGUST 11, 1967.

[F.R. Doc. 67-9643; Filed, Aug. 16, 1967; 8:46 a.m.]

[Public Land Order 4264]

[New Mexico 0557886]

OKLAHOMA

Transfer of Jurisdiction Over Oil and Gas Deposits, Vance Air Force Base

Whereas, the hereinafter described acquired lands comprising a portion of Vance Air Force Base, are reported to be subject to drainage of their oil and gas deposits by wells on adjacent lands in private ownership; and

Whereas, it is in the public interest that such protective action be taken as will prevent loss to the United States by reason of drainage or threatened drainage from the said lands; and

Whereas, in order to facilitate such action, it is considered advisable that jurisdiction over the oil, gas, and other mineral deposits in such lands be transferred from the Department of the Air Force to the Department of the Interior; and

Whereas, such transfer has the concurrence of the Secretary of the Air Force;

Now, therefore, by virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. The jurisdiction over all mineral deposits (including oil and gas and constituents thereof, and all gaseous substances, including helium), owned by the United States in the following described lands comprising a portion of Vance Air Force Base, Okla., is hereby transferred from the Department of the Air Force to the Department of the Interior:

INDIAN MERIDIAN

T. 22 N., R. 7 W.,
Sec. 25, a strip of land 60 feet wide and 1,840 feet long, more particularly described as follows: Beginning at a point 1,078.84 feet east of the southwest corner of sec. 25, as the south end or point of the centerline; thence in a northeasterly direction from said point and at an angle of 73°17'40", a distance of 1,840 feet, and said strip being 30 feet on each side of said centerline, or a width of 60 feet;
Sec. 35, all;
Sec. 36, W½, and that part of the SE¼ lying west of the Chicago, Rock Island and Pacific Railroad, and a strip of land 50 feet in width over and across a portion of the NE¼ being 25 feet on each side of the centerline of a spur track to be located thereon, said centerline entering said subdivision at a point 640.62 feet south of the northwest corner of the NE¼ of said section; thence eastward 1,200 feet, more or less, then northeasterly on a 10° curve for a distance of 480 feet, more or less, to the west right-of-way line of the Chicago, Rock Island and Pacific Railway Co.

The areas described aggregate 994.36 acres, more or less.

2. The Secretary of the Interior shall take such action as may be necessary to protect the United States from loss on account of drainage or threatened drainage of oil and gas and their constituents and any gaseous substances (including helium), from such lands.

3. The jurisdiction of the Department of the Interior over such lands shall be limited only by the primary jurisdiction of the Department of the Air Force over the lands for military purposes.

4. The jurisdiction of the Department of the Interior over such mineral deposits shall continue until revocation of this order, and no action which may be taken by the Department of the Air Force to relinquish jurisdiction over the described lands for military purposes or to transfer such jurisdiction out of the Department of the Air Force shall affect in any way the jurisdiction of the Department of the Interior over the mineral deposits.

5. Prior to any advertisement for bids, the Department of the Air Force shall have the opportunity to indicate any further reservations and restrictions that are to be included in the proposed lease or leases.

6. Prior to execution of any lease or development authorized by the Department of the Interior, the approval of the Department of the Air Force is to be obtained to insure that there is no interference with the primary use of the lands for missions of the Department of the Air Force.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

AUGUST 11, 1967.

[F.R. Doc. 67-9644; Filed, Aug. 16, 1967; 8:46 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 17536; FCC 67-954]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments, Fort Morgan, Colo.

In the matter of amendment of § 73.202, Table of Assignments, FM broadcast stations (Fort Morgan, Colo.), Docket No. 17536, RM-1159.

Report and order. 1. The Commission has before it for consideration its notice of proposed rule making (FCC 67-740) issued in this proceeding on June 22, 1967, and published in the FEDERAL REGISTER on June 28, 1967 (32 F.R. 9173), proposing to substitute Channel 269A for 232A at Fort Morgan, Colo., in response to a petition for rule making filed by Morgan County Broadcasting Co. (Morgan), licensee of Station KFTM-FM, Fort Morgan. Since KFTM-FM is authorized to operate on Channel 232A, proposed to be deleted at Fort Morgan, petitioner also requested that its authorization be modified to specify operation on Channel 269A in lieu of 232A.

2. The proposal is supported by Morgan and by Mullins Broadcasting Co. (Mullins), licensee of television Station KBTV, Channel 9, Denver, Colo. No oppositions were filed to the proposed amendment. The petitioner states that the second harmonic of Channel 232A is 188.6 Mc/s, which falls within TV Channel 9 (186–192 Mc/s) operated by KBTV (ABC outlet) in Denver and received off-the-air in Fort Morgan some 72 miles distant. It is stated that severe interference was experienced to the reception of KBTV in Fort Morgan and Brush (about 9 miles from Fort Morgan) soon after KFTM-FM began equipment tests, as evidenced by the flood of complaints received. Morgan states that immediate steps were taken to insure that KFTM-FM was operating in accordance with the rules and standards and to correct the complaints of interference by the installation of all types of available traps and filters, but met with little success. Statements are included to substantiate the existence of the interference and the failure of the various attemps to eliminate the problem. Morgan urges that the proposed substitution of channels is the only feasible manner of eliminating this problem, that it complies with the policy in this regard announced in the public notice of February 3, 1966, FCC 66-106 (Policy to Govern the Change of FM Channels to Avoid Interference to Television Reception), and that despite Morgan's good faith and compliance with all legal and technical principles, it is the only way in which it can continue to operate both KFTM and KFTM-FM. Morgan states that the problem is caused by overloading of the TV receivers and the generation of the FM station's second harmonic within the receivers involved; it urges that under the circumstances presented in this case the change in frequency requested would be the best solution in this small market in which the economic life of the FM station depends on the community it serves.

3. Mullins states that while Fort Morgan is just beyond the predicted Grade B contour of KBTV, it has a substantial number of viewers in Fort Morgan, that the interference caused to the reception of this station caused a "furor," and that the residents of Fort Morgan have no other signal of any affiliate of the ABC network. Mullins submits that is has attempted to cooperate in every possible way with the management of KFTM-FM to resolve the interference problem, and that the proposed change in channel for KFTM-FM falls squarely within the criteria specified for such changes in that it will not result in the loss of any FM assignment. It urges quick action in view of the fact that the only alternative is the loss of the only FM station in Fort Morgan or the loss of the service from the only FM station in Fort Morgan. It further suggests that Channel 232A, proposed to be deleted from Fort Morgan, should not be assigned in the future in any area where the same problem might occur, and that assignment of this channel will not be needed in view of the large number of available assignments outside the Denver metropolitan area.

4. Apparently the usual remedies available for the elimination of this type of interference have proved fruitless in this case because of the relative strengths of the TV and FM signals and the density of population near the FM station. On the basis of the information submitted, therefore, we are of the view that a sufficient showing has been made that the proposal conforms with our announced policy in regard to FM channel changes to avoid second harmonic interference to TV reception, and that in this case it would serve the public interest. Mullins suggests that Channel 232A not be assigned to "any community within or adjacent to the KBTV service area unless it can satisfy itself that no second harmonic intereference would take place." The spectrum space in all broadcast services is too valuable and in many areas already too scarce to provide guard bands or vacant assignments in order to protect against receiver deficiencies. We cannot therefore offer any guarantee as suggested by Mullins, if and when the need arises to use the FM channel in question. It should be noted that the second harmonic of all the channels between 226 and 240 fall within TV channel 9 and a similar relationship exists with other high band VHF TV channels.

5. Authority for the adoption of the amendment contained herein is contained in sections 4(i), 303, 307(b), and 316 of the Communications Act of 1934, as amended.

6. In view of the foregoing: *It is ordered*, That effective September 18, 1967, § 73.202 of the Commission's rules, the FM Table of Assignments, is amended to read, insofar as the community named is concerned, as follows:

City	Channel No.
Fort Morgan, Colo.	269A

7. *It is further ordered*, That effective September 18, 1967, the outstanding authorization of Morgan County Broadcasting Co., for the operation of Station KFTM-FM on Channel 232A at Fort Morgan, Colo., is modified to specify operation on Channel 269A in lieu of 232A subject to the following condition:

The permittee shall submit to the Commission by September 1, 1967, the technical information normally required for the issuance of a construction permit on Channel 269A, including any changes in antenna and transmission line.

8. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat. 1066, 1082, 1083, as amended, sec. 316, 66 Stat. 717; 47 U.S.C. 154, 303, 307, 316)

Adopted: August 9, 1967.

Released: August 14, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-9674; Filed, Aug. 16, 1967; 8:49 a.m.]

[Docket No. 17095; FCC 67-948]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments, Roanoke Rapids and Goldsboro, N.C.

In the matter of amendment of § 73.202, Table of Assignments, FM broadcast stations. (Port Jervis, N.J., Rockville, Ind., Waynesville, Mo., Roanoke Rapids, and Goldsboro, N.C., Thibodeaux, La., Crossville, Tenn., Danville, Ill., Lincoln and Omaha, Nebr., Clinton, Okla., Phoenix, Ariz., Fresno, Calif., San Antonio, San Marcos, Kenedy-Karnes, Georgetown, and Burnet, Tex., Columbus, Nebr., Salt Lake City, Utah, Bemidji, Minn., Longview, Wash., and Astoria, Oreg.), Docket No. 17095, RM-1065, RM-1078, RM-998, RM-1034, RM-1043, RM-1051, RM-1059, RM-1061, RM-1062, RM-1066, RM-1067, RM-1071, RM-1073, RM-1074, RM-1075.

Third report and order. 1. In our notice of proposed rule making (FCC 67-54) issued in this proceeding on January 12, 1967 (32 F.R. 464), comments were invited on a number of proposals for rule making to amend the FM Table of Assignments. Among these was RM-1034, filed by the Halifax Broadcasting Co., Inc. (Halifax), licensee of Station WCTB (AM), Roanoke Rapids, N.C., requesting the substitution of Channel 273 for 272A at Roanoke Rapids, N.C., by the deletion of Channel 272A at Goldsboro, N.C., as follows:

City	Channel No.	
	Present	Proposed
Roanoke Rapids, N.C.	272A	273
Goldsboro, N.C.	245, 272A	245

2. We stated in the Notice that we believed the present assignments to the Goldsboro and Roanoke Rapids areas appeared to be a fair and equitable distribution of available facilities in view of the relative size of the communities and the AM stations operating therein. However, in view of the data submitted and the contentions made by Halifax concerning the large "white area" to be served by the proposed Class C assignment in Roanoke Rapids, we felt that

[1] Commissioner Cox abstaining from voting; Commissioners Loevinger, Wadsworth, and Johnson absent.

rule making was warranted in this case. Comments and data were submitted by Halifax, George G. Beasley, and James Harrelson (WFMC, previously referred to as B&H), principals of the licensee of one of the Goldsboro daytime-only stations (WFMC), and Better Advertising, Inc., the licensee of the other station (WGLO), the latter two opposing the deletion of Channel 272A from Goldsboro and stating their interest in applying for it. The data included showings of "white area" but unfortunately these were based upon different assumptions and did not supply us with sufficient information to make a meaningful determination. The Halifax showing was based upon the 1 mv/m contours of all stations, existing ones with their actual facilities and assumed stations on unoccupied Class A channels with maximum facilities. The opponents contradicted this with a statement based upon coverage by stations' 50 uv/m contours, but did not supply the technical showings with respect to them, nor was it shown that these contours were interference-free. The Halifax showing was based on an assumed Class C station at Roanoke Rapids with 100 kw E.R.P. and an antenna height of 200 feet AAT, but it was stated that this station would probably use "maximum" facilities.

3. In view of the fact that a factual determination of the claimed "white area" is essential to a decision in this case and in view of the high cost of the proposal (the deletion of two Class A assignments and possibly a third precluded) we invited further comments and data in a further notice of proposed rule making (FCC 67-865) issued on June 9, 1967, from the parties herein on the question of the "white area" which would be covered based upon the following:

(a) Estimated FM 1 mv/m contours.

(b) Assuming reasonable facilities for all existing stations, maximum for Class A, and 75 kw and 500 feet antenna height AAT for Class C, or greater in the event the station already has greater facilities.[1]

(c) All unoccupied assignments in the area with the same facilities as in (b).

(d) With respect to the proposed station, Halifax should assume the facilities it will use if successful; opposing parties may assume, initially, 75 kw and 500 feet.

The reasons we felt that the above assumptions are reasonable were given in the Further Notice and will not be repeated here.

4. The proposal is aimed at substituting a Class C wide-area coverage assignment in Roanoke Rapids by deleting the second assignment (a Class A channel) at Goldsboro. A comparison of the populations and radio station assignments in the two communities is contained in the tabulation below:

City	Population		AM Stations	FM Assignments
	City	County		
Roanoke Rapids	13,320	38,956	1 Class IV	272A
Goldsboro	28,578	82,089	1 Unlimited, 2 Daytime.	245, 272A

Roanoke Rapids is the largest community in its county but not the county seat, while Goldsboro is both the largest and the county seat. Channel 245 is in operation in Goldsboro but no applications are on file for Channel 272A in either Goldsboro or Roanoke Rapids.

5. Halifax urges that Roanoke Rapids needs a Class C assignment because it is in the center of a "rural growth area" and is quite distant from any substantial centers of population. It submits that the population of Roanoke Rapids increased 63.3 percent from 1950 to 1960 and that the nearest large population centers are Raleigh (73 miles), Rocky Mount (35 miles), Norfolk (78 miles), Petersburg (55 miles), and Danville (100 miles). In an attached engineering statement, Halifax computes that a Class C FM station at Roanoke Rapids could provide a coverage area of 3,849 square miles as against 707 square miles for a Class A station. With respect to underserved area, Halifax computes that, based upon the assumptions outlined in the further notice, a first FM service ("white area") would be provided by the Class C station to an area of 872 square miles and a second service ("grey area") to 285 square miles, while the figures for a Class A station would be respectively 23[2] square miles and 103 square miles.[3] As to Goldsboro, Halifax submits that there are five FM stations which provide in excess of a 1 mv/m signal to it and three FM stations would provide 100 percent service to the entire proposed Goldsboro 1 mv/m contour. Halifax also makes a firm commitment to utilize facilities of 100 kw and antenna height of 500 feet above average terrain in the event Channel 273 is assigned to Roanoke Rapids. Petitioner submits that the "white area" includes all or substantial parts of six counties, of which Roanoke Rapids is the business, social and economic hub, that only two FM channels (both Class A) have been assigned in these counties, and that the nearest FM stations (six) are from 35 to 47 miles from Roanoke Rapids. Finally, it is urged that the proposal can be adopted without causing a loss of service to the Goldsboro area, where both AM and FM services are more plentiful than around Roanoke Rapids.[4]

6. The two Goldsboro daytime AM stations opposing the proposal, WFMC and WGLO, cite various facts as to Goldsboro's size and importance compared to Roanoke Rapids, pointing out that whereas the population of Goldsboro's county increased 27.7 percent between 1950 and 1960, that of Halifax County (Roanoke Rapids) increased only 1 percent, and Roanoke Rapids itself in a sense actually decreased in population by 844 (the 63.3 percent increase mentioned by Halifax represented expansion of the city limits). It is stated that Goldsboro is the largest city in the area between the Atlantic Ocean and Fayetteville, Raleigh, and Rocky Mount (40 miles and more away),[4] that it is the shopping center and wholesale distribution point for the Coastal Plains section of North Carolina and is surrounded by a large agricultural area whose crops consist of tobacco, livestock, poultry, wheat, etc., and that the Seymour Johnson Air Force Base with a complement of 6,000 persons is located at Goldsboro, and Mount Olive Junior College is located 12 miles from that city. It is urged that the proposal would deprive the important city of Goldsboro of a second and competitive FM outlet and the chance for a needed independent full-time voice, since the existing FM station is owned by the full-time regional AM licensee and duplicates the AM programs. It is asserted that the present pattern of assignments represents a fair and equitable distribution of facilities, and both parties assert that they will apply for Channel 272A if it is retained here.

7. These parties also attack Halifax's claims as to Roanoke Rapids' "six-county area" and "white area." Better Advertising asserts that that community's central location does not necessarily make it the "hub" of an area, or mean that the area is its area, noting the existence of other fairly sizable places therein such as Franklin and Emporia, Va., and asserting the significance of other cities near the area, such as Rocky Mount which claims much of the area as within its trading zone. It is pointed out that the stations in Rocky Mount and elsewhere mentioned by Halifax—all but one Class C—are not far distant and penetrate the area with their programs. It is asserted that the six counties have low per capita sales figures (one less than $500), sparse population, and no recent growth (the total population in 1960 was 166,548, nearly 5,000 less than 1950 and 2,000 less than 1940); and that there are unused FM allocations in the area; and that the three Virginia counties are in the basic trading areas of Richmond or Norfolk-Portsmouth and the

[1] 30 kw and 300 feet for Class B stations.

[2] In the Halifax engineering exhibit Station WSVS-FM at Crewe, Va., is shown in Zone I whereas it should be in Zone II. However, this error would affect the "white area" figure to a small degree only.

[3] The six-county area mentioned includes three North Carolina and three Virginia counties. Two Class A FM channels are assigned in the area (Roanoke Rapids and Lawrenceville, Va.) but the latter is used by a station outside of the area, at South Hill, Va., under the "26-mile rule." The largest other community in the area is Franklin, Va. (population 7,624). In 1962, Roanoke Rapids' county (Halifax) had retail sales of about $46,500,000, about 42 percent of the six-county total. As Halifax points out, that county is the largest of the six in population.

[4] We note, however, that Wilson and Kinston, N.C., both some 20 miles from Goldsboro, are of comparable size according to the U.S. census figures. Each has one FM channel assigned.

three North Carolina counties are in the Raleigh basic trading area. It is also pointed out that the proposed assignment of Channel 273 at Roanoke Rapids would preclude three Channel 272A assignments, present assignments at Goldsboro and Roanoke Rapids and a possible assignment at Edenton or another town in the coastal area to the east. We note that a channel (261A) is already assigned to Edenton, and there are other unused assignments in that portion of eastern North Carolina. A Class A station with maximum facilities provides a 1 mv/m signal to an area of about 700 square miles.

8. As to the "white area", in its earlier comment WFMC asserted that it does not exist because all of the area claimed by Halifax receives at least three 50 uv/m signals. However, as mentioned in the further notice, this was not supported by a showing as to what stations these represent or that the signals are interference-free. WFMC in responding to the further notice did not add significantly to its previous engineering material, asserting that the rules do not contain any method for computing FM interference and that it had decided not to incur the expense incurred in making such a showing.[5]

9. It is also claimed that Halifax might not be able to afford the estimated expense of $64,331 estimated to be needed for a Class C station with facilities of 100 kw and antenna height of 500 feet. WFMC suggests, therefore, that the petitioner submit a statement to the effect that an application will be filed for the facilities mentioned and that construction will proceed immediately. Finally, this party raises the question of a possible problem of FAA clearance for a 500-foot tower in the area which is said to be close to two airways.[6]

Conclusions. 10. We find the decision here a close and difficult one. We stated in our Notice that we believed the present assignments to the Goldsboro and Roanoke Rapids areas appeared to be a fair and equitable distribution of available facilities in view of the relative size of the two communities. However, we felt that the data and contentons subfelt that the data and contentions sub- "white areas" to be served by the proposed substitution of a Class C for the two Class A assignments warranted rule making in this case. We have carefully reviewed the comments and data submitted in the proceeding and cannot find that WFMC refutes the petitioner's important contentions concerning the "white areas" to be served. Even with all unoccupied assignments assumed to be utilized with reasonable facilities an area of 872 square miles could be provided with a first FM service for the Class C assignment. A Class A assignment at Roanoke Rapids would only provide an area of about 231 square miles with a first FM service. Goldsboro and its environs already have a Class C station and an unlimited time AM station. While WFMC contends that there is available three FM signals of a 50 uv/m level in the claimed "white area", it does not list these; nor is it shown that they would in fact be interference-free. Similarly, while they state that a Class A station at Roanoke Rapids would provide a 50 uv/m signal out to 47 miles, they do not show that this signal will not be subject to interference. In fact, a Class B station at Richmond on the first adjacent channel would limit such a station to about 20 miles in the direction of Richmond. While our rules state that a signal of 50 uv/m may be adequate for service in rural areas and in the absence of interference, the spacings we have adopted in most cases subject such signals to interference and limit stations to signals closer to the 1 mv/m contour. With respect to the contention that Channel 272A could also be assigned to Edenton, this community has been assigned a channel (261A), this and other nearby assignments are unused, and Edenton and other places in its area could be assigned other channels if the need arises. Thus, while this case is a close one, we are of the view that the record justifies the assignment of Channel 273 to Roanoke Rapids even though it requires the deletion of Channel 272A from Goldsboro and limits that community to one station. We are, therefore, adopting the proposal advanced by Halifax.[7]

11. With regard to the other objections of the Goldsboro parties, we find them to have insufficient merit to require a different decision. The fact that the area in question is sparsely settled weighs in favor of a wide-coverage assignment, since the likelihood of other stations developing in the area is thus less. As to the danger of a problem arising with air space clearance, this Class C assignment has a good deal of leeway in the selection of a site, thereby making it possible to avoid air space problems to a great degree. Finally, we do not have to decide the financial ability of the proponent of the assignment or any other possible applicant at this time. Nor do we feel that the assignment will lie fallow or be used inefficiently, since we are making the assignment subject to the use of at least 100 kw and 500 feet antenna height AAT. In the event the assignment is not applied for in a reasonable time, WFMC or any other interested party can file a petition to restore the previous assignments and consideration will be given to the situation at that time.

12. Authority for the adoption of the amendments adopted herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

13. In accordance with the foregoing determination: *It is ordered*, That effective September 18, 1967, § 73.202 of the Commission's rules, the FM Table of Assignments, is amended to read, insofar as the communities named are concerned, as follows:

City	Channel No.
All in North Carolina:	
Goldsboro	245
Roanoke Rapids	[1] 273

[1] This assignment shall be used by stations employing no less than 100 kw and 500 feet antenna height AAT or the equivalent thereof.

14. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: August 9, 1967.

Released: August 14, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[8]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 67-9675; Filed, Aug. 16, 1967; 8:49 a.m.]

[Docket No. 17366; FCC 67-946]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments, Eagle Butte, S. Dak.

In the matter of amendment of the Table of Assignments in § 73.606(b) of the Commission's rules to assign Channel 13 to Eagle Butte, S. Dak. and reserve it for noncommercial educational use, Docket 17366, RM-1076.

Report and order. 1. The Commission has before it for consideration its notice of proposed rule making, released April 14, 1967 (FCC 67-451), proposing the assignment and reservation of Channel 13 for noncommercial educational use in

[5] Sec. 73.315(b) of the rules states that signals as low as 50 uv/m may provide service in rural areas. This of course is in the absence of interference. The rules concerning the commercial FM service no longer contain rules for computing interference (since stations are now assigned by a table of assignments based on mileage separations); but such determinations for the educational FM band are made as provided in the note to sec. 1.573. This section specifies necessary desired-to-undesired ratios of 10 to one cochannel, 2 to one first-adjacent channel, and 1 to 10 and 1 to 100 for second and third adjacent channel operations.

[6] On July 20, 1967, Halifax filed a pleading intended to be a reply to the reply comments of WFMC filed on July 17, 1967, the last day for filing reply comments in this matter. This request amounts to a request for permission to file rebuttal comments. This is normally not permitted in any rule making proceeding and we see no reason to make an exception in this one, especially since the parties have had ample opportunity to submit their views and data not only in response to the further notice of proposed rule making issued on June 9, 1967, but also to the original notice issued on Jan. 12, 1967.

[7] We note that in an unrelated proceeding, Docket No. 17627, RM-1121, a proposal is outstanding to assign Channel 262A to Murphreesboro, N.C., by making necessary changes. In the event this assignment is made, it would of course cut down the "white area" somewhat, depending on the location of the station and the facilities utilized. There would remain however, a fairly large unserved area which the proposed station at Roanoke Rapids would cover and therefore the adoption of this proposal would not affect our decision herein.

[8] Commissioners Loevinger, Wadsworth and Johnson absent.

Eagle Butte, S. Dak. There were no objections to the proposal.

2. Eagle Butte, S. Dak., a community of 496 persons located in Dewey County which contains 5,257 residents, at the present time has no television assignment. The petitioner (the South Dakota State Board of Directors for Educational Television) and the National Association of Educational Broadcasters in their comments support the assignment of Channel 13 to the small community of Eagle Butte on the basis that the Channel is to be the South Dakota Educational networks' sole outlet in the north central part of South Dakota. The commenters emphasize the fact that the proposed station can be successfully operated in Eagle Butte in that it will not be dependent on commercial revenue and that the proposed station is not to be a production center for the statewide network.

3. The proposed station is to be a key station in the South Dakota Educational network in the north central area of South Dakota. The need for educational and cultural service for the area becomes apparent when the distribution of the area's sparse population is taken into consideration. The tax base in the area does not appear to be sufficient to provide the school systems with some supplementary material needed in areas such as, science and mathematics, teacher training, specialized and professional instruction, and adult education. Supplementary service in these subjects can be brought to north central South Dakota economically, it is asserted by the petitioner, through the establishment of the proposed Eagle Butte addition to the statewide educational network.

4. In view of the above and the fact that the allocation can be accomplished without deleting any channel from any other community and without modifying or in any way altering any assignment in the present Table of Assignments, as well as the fact that the assignment and reservation of Channel 13 will not deprive the area of the potential for commercial service, we are of the view that it is in the public interest to assign Channel 13 to Eagle Butte, S. Dak., and to reserve it for noncommercial educational use.

5. Authority for the amendment adopted herein is found in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

6. *Accordingly, it is ordered*, That effective September 18, 1967, the Table of Assignments contained in § 73.606(b) of the Commission's rules and regulations is amended, insofar as the community named below is concerned to read as follows:

City	Channel No.
Eagle Butte, S. Dak.	+13

7. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: August 9, 1967.

Released: August 14, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 67-9676; Filed, Aug. 16, 1967; 8:49 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

National Wildlife Refuges, Illinois, and Certain Other States

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

ILLINOIS

CHAUTAUQUA NATIONAL WILDLIFE REFUGE

Public hunting of blue-winged, green-winged, and cinnamon teal on the Chautauqua National Wildlife Refuge, Ill., is permitted from September 16 through September 24, 1967, but only on the area designated by signs as open to hunting. This open area comprising 745 acres is delineated on a map available at the refuge headquarters, Havana, Ill., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Minneapolis, Minn. 55408. Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special conditions:

(1) Blinds—Temporary blinds of approved material may be constructed. Pits may be dug in areas approved by the refuge manager.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 24, 1967.

ILLINOIS AND IOWA

UPPER MISSISSIPPI RIVER WILD LIFE AND FISH REFUGE

Public hunting of blue-winged, green-winged and cinnamon teal on the Upper Mississippi River Wild Life and Fish Refuge, in Illinois and Iowa, is permitted from September 16 through September 24, 1967, but only on the areas designated by signs as open to hunting. These open areas comprising 63,471 acres are delineated on maps available at the refuge headquarters, Winona, Minn., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Minneapolis, Minn. 55408. Hunting shall be in accordance with all applicable State and Federal regulations.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 24, 1967.

IOWA

MARK TWAIN NATIONAL WILDLIFE REFUGE

Public hunting of blue-winged teal, green-winged teal, and cinnamon teal on the Mark Twain National Wildlife Refuge, Iowa, is permitted from September 16 through September 24, 1967, but only on areas known as the Big Timber Division and that portion of the Louisa Division known as the Turkey Island area. These open areas are designated by signs as open to hunting, and comprise 1,660 acres, which are delineated on maps available at the refuge headquarters, Quincy, Ill., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Hunting shall be in accordance with all applicable State and Federal regulations subject to the following conditions:

(1) Blinds—Temporary blinds of approved material may be constructed. Blinds do not become the property of those constructing them and will be available on a daily basis.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 24, 1967.

CRAB ORCHARD NATIONAL WILDLIFE REFUGE

Public hunting of blue-winged, green-winged and cinnamon teal on the Crab Orchard National Wildlife Refuge, Ill., is permitted from September 16 through September 24, 1967, but only on the area designated by signs as open to hunting. This open area comprising 12,380 acres is delineated on a map available at the refuge headquarters, Carterville, Ill., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Minneapolis, Minn. 55408. Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special conditions:

(1) Blinds—Temporary blinds of approved material may be constructed. Pits may be dug in areas approved by the refuge manager.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 24, 1967.

ILLINOIS AND IOWA

UPPER MISSISSIPPI RIVER WILD LIFE AND FISH REFUGE

Public hunting of blue-winged, green-winged and cinnamon teal on the Upper Mississippi River Wild Life and Fish Refuge, in Illinois and Iowa, is permitted from September 16 through September 24, 1967, but only on the areas designated by signs as open to hunting. These open areas comprising 63,471 acres are delineated on maps available at the refuge headquarters, Winona, Minn., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Minneapolis, Minn. 55408. Hunting shall be in accordance with all applicable State and Federal regulations.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 24, 1967.

IOWA

MARK TWAIN NATIONAL WILDLIFE REFUGE

Public hunting of blue-winged teal, green-winged teal, and cinnamon teal on the Mark Twain National Wildlife Refuge, Iowa, is permitted from September 16 through September 24, 1967, but only on areas known as the Big Timber Division and that portion of the Louisa Division known as the Turkey Island area. These open areas are designated by signs as open to hunting, and comprise 1,660 acres, which are delineated on maps available at the refuge headquarters, Quincy, Ill., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Hunting shall be in accordance with all applicable State and Federal regulations subject to the following conditions:

(1) Blinds—No permanent structures, excluding wood or brush duck blinds, shall be permitted; no blinds shall be locked or otherwise sealed against public entry.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuges generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 24, 1967.

SOUTH DAKOTA

LACREEK NATIONAL WILDLIFE REFUGE

Public hunting of blue-winged, green-winged, and cinnamon teal on the Lacreek National Wildlife Refuge, S. Dak., is permitted from September 9 through September 13, 1967, but only on the area designated by signs as open to hunting. This open area comprising 310 acres is delineated on a map available at the refuge headquarters, Martin, S. Dak., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Hunting shall be in accordance with all applicable State and Federal regulations.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 13, 1967.

W. P. SCHAEFER,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 11, 1967.

[F.R. Doc. 67-9636; Filed, Aug. 16, 1967; 8:45 a.m.]

PART 32—HUNTING

Charles Sheldon Antelope Range, Nev.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game for individual wildlife refuge areas.

NEVADA

CHARLES SHELDON ANTELOPE RANGE

Public hunting of deer, during the archery season from August 26 to September 17, 1967, and the firearms season from October 14 to November 12, 1967, and for antelope for the firearms season from August 26 to September 4, 1967, on the Charles Sheldon Antelope Range, Nev., is permitted only on the area designated by signs as open to hunting. This open area, comprising 365,000 acres, is designated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208.

Hunting of deer and antelope is permitted in accordance with all applicable State regulations, except that the following special condition shall apply:

Camping is permitted at designated areas only.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 12, 1967.

JOHN D. FINDLAY,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 4, 1967.

[F.R. Doc. 67-9637; Filed, Aug. 16, 1967; 8:45 a.m.]

PART 32—HUNTING

Desert National Wildlife Range, Nev.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game for individual wildlife refuge areas.

NEVADA

DESERT NATIONAL WILDLIFE RANGE

Public hunting of desert bighorn sheep on the Desert National Wildlife Range, Nev., is permitted only on the area designated by signs as open to hunting. This open area, comprising 1,350,000 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208.

Hunting of bighorn sheep is permitted on Area 27–A from December 26, 1967, through January 7, 1968, and on Area 27–B from November 25 through December 17, 1967. All applicable State regulations shall apply.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 7, 1968.

CLAY E. CRAWFORD,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 8, 1967.

[F.R. Doc. 67-9638; Filed, Aug. 16, 1967; 8:45 a.m.]

PART 32—HUNTING

Horicon National Wildlife Refuge, Wisconsin

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

WISCONSIN

HORICON NATIONAL WILDLIFE REFUGE

Hunting of geese on the Horicon National Wildlife Refuge, Wis., is suspended for the 1967 season. This suspension is due to an agreed change in the goose management program for that area between the Bureau of Sport Fisheries and Wildlife and the State of Wisconsin.

W. P. SCHAEFER,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 11, 1967.

[F.R. Doc. 67-9639; Filed, Aug. 16, 1967; 8:45 a.m.]

[1] Commissioners Loevinger, Wadsworth, and Johnson absent.

Proposed Rule Making

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 7937]

AIRWORTHINESS DIRECTIVES

British Aircraft Corporation Model BAC 1-11 200 Series Airplanes

The Federal Aviation Administration has under consideration a proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive applicable to British Aircraft Corp. Model BAC 1-11 200 Series airplanes. Notice of proposed rule making published in 32 F.R. 2450 required repetitive inspection of the Thermal Relief Valve, P/N AIR 91186, Modification PM 1653, installed in the No. 2 Auxiliary Hydraulic Power System, the replacement of defective parts and the eventual replacement of the valve with a modified unit, P/N AIR 93402/1. Service experience since the publication of the proposed AD indicates the modified unit, P/N AIR 93402/1, does not provide an adequate thermal relief device. Based on further investigation, it has been determined that the Thermal Relief Valve in Post-Modification PM 1653 airplanes should be inspected in accordance with British Aircraft Corp., Ltd., BAC One-Eleven Alert Service Bulletin 29-A-PM 2758, Issue 2, until the valve is removed, and the Non-return Valve, P/N AIR 91178, installed in the No. 2 AC pump delivery line of both Pre- and Post-Modification PM 1653 airplanes, should be converted to a Choke Valve, P/N AB48A1427, in accordance with BAC One-Eleven Service Bulletin No. 29-PM 2758, Issue 2, in order to provide a thermal relief device. The comments received in response to the notice of proposed rule making published in 32 F.R. 2450 have been fully considered in the revision of the proposed AD. Since the proposed AD now covers both Pre- and Post-Modification PM 1653 airplanes, the suggestion that the applicability statement be rewritten to clearly state that the AD applies only to Post-Modification 1653 airplanes is no longer pertinent. The 200-hour inspection interval has also been reviewed in light of one commentator's belief that it is unduly severe. The 200-hour inspection has been retained since the majority of the reported failures occurred within 200 hours' time in service from installation. In this connection, it should be noted that the inspections are a temporary measure pending the conversion of the nonreturn valve to a choke valve. For the reasons set forth above, the proposed AD published in 32 F.R. 2450, February 4, 1967, is hereby withdrawn and a new airworthiness directive is proposed which includes both Pre- and Post-Modification PM 1653 airplanes.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before September 18, 1967, will be considered by the Administrator before taking action upon the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

BRITISH AIRCRAFT. Applies to Model BAC 1-11 200 Series airplanes.

Compliance required as indicated, unless already accomplished.

To prevent failure of the Thermal Relief Valve installed in the No. 2 Auxiliary Hydraulic Power System, introduced by Modification PM 1653, and to provide an adequate thermal relief device in all airplanes, accomplish the following:

(a) For Post Modification PM 1653 airplanes, within the next 200 hours' time in service after the effective date of this AD, and thereafter at intervals not to exceed 200 hours' time in service from the last inspection, check No. 2 Auxiliary Hydraulic System Thermal Relief Valve for satisfactory functioning in accordance with BAC One-Eleven Service Bulletin 29-A-PM 2758, Issue 2, or later ARB-approved issue, or FAA-approved equivalent.

(b) For Post Modification PM 1653 airplanes, within the next 600 hours' time in service after the effective date of this AD, and thereafter at intervals not to exceed 600 hours' time in service from the date of the last inspection or when a low maximum pressure is indicated in the No. 2 Auxiliary Hydraulic System or emergency elevator power system, conduct a bench test of Thermal Relief Valve P/N AIR 91186/2 in accordance with British Aircraft Corp., Ltd., BAC One-Eleven Alert Service Bulletin No. 29-A-PM 2758, Issue 2, or later ARB-approved issue, or FAA-approved equivalent.

(c) If defective parts are found during the inspections provided for in paragraphs (a) and (b), either modify the hydraulic system in accordance with paragraph (d), or replace the defective part with a serviceable P/N AIR 91186/2 and continue the inspections required by paragraphs (a) and (b).

(d) For Post Modification PM 1653 airplanes, within the next 1,800 hours' time in service after the effective date of this AD, remove Thermal Relief Valve P/N AIR 91186/2, Conduit Guide P/N AB58A3967, and Pipe P/N AB58/48/2675, and rework Lockheed Nonreturn Valve P/N AIR 91178 to the standard of Choke Valve Assembly P/N AB48A1427 in accordance with British Aircraft Corp., Ltd., BAC One-Eleven Service Bulletin No. 29-PM 2758, Part C, or FAA-approved equivalent.

(e) For Premodification PM 1653 airplanes, within the next 1,800 hours' time in service after the effective date of this AD, rework Lockheed Nonreturn Valve P/N AIR 91178 to the standard of Choke Valve Assembly P/N AB48A1427 in accordance with British Aircraft Corp., Ltd., BAC One-Eleven Service Bulletin No. 29-PM 2758, Part B, or FAA-approved equivalent.

(f) The repetitive inspections required by paragraph (a) and (b) of this AD may be discontinued when modifications in accordance with paragraph (d) of this AD have been accomplished.

Issued in Washington, D.C., on August 9, 1967.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[F.R. Doc. 67-9659; Filed, Aug. 16, 1967; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-SO-48]

FEDERAL AIRWAY

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would raise the floor on V-70 from 1,200 feet AGL to 9,500 feet MSL between Picayune, Miss., and Greene County, Miss. The minimum en route altitude on this segment of V-70 would be raised to 10,000 feet MSL.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

A military training program was recently transferred to Keesler AFB, Biloxi, Miss. This program includes acrobatic training that may not be conducted on Federal airways. The airspace in the vicinity of Biloxi and within the range capabilities of the training aircraft is traversed by several airways. A study was directed toward realignment or revocation of these airways to the extent necessary to provide an acrobatic maneuver area. Relocating or restricting these airways in the immediate vicinity of Biloxi would seriously impair traffic on the principal airways to New Orleans, and the southwest. Farther north of Biloxi lies a sparsely populated area containing a National Guard restricted area and is crossed by V-70. This portion of V-70 is removed from the direct routes to New Orleans and is little used as was indicated by the latest peak day traffic count. Additionally, it was determined that the traffic could be accommodated at the higher altitudes.

In view of this unique situation, it appears that the floor of V-70 between Picayune and Greene County could be raised to 9,500 feet MSL without seriously disrupting air traffic and thereby provide the Air Force with sufficient airspace in which it may conduct its training activities.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on August 9, 1967.

T. MCCORMACK,
Acting Chief, Airspace and
Air Traffic Rules Division.

[F.R. Doc. 67-9660; Filed, Aug. 16, 1967; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 234]

[Docket No. 18378; EDR-123]

FLIGHT SCHEDULES OF CERTIFICATED AIR CARRIERS: REALISTIC SCHEDULING REQUIRED

Withdrawal of Exemption of Intra-Hawaiian Air Transportation

AUGUST 14, 1967.

Notice is hereby given that the Civil Aeronautics Board has under consideration a proposed amendment to Part 234 (14 CFR Part 234) which would withdraw the present exemption of intra-Hawaiian air transportation and thereby subject such transportation to the requirements of existing Part 234.

The principal features of the proposed amendment are further described in the Explanatory Statement, and the proposed amendment is set forth in the proposed rule. This regulation is proposed under the authority of sections 102(d), 204(a), 404(a), 405(b), 407, and 411 of the Federal Aviation Act of 1958, as amended (72 Stat. 740; 49 U.S.C. 1302; 72 Stat. 743, 49 U.S.C. 1324; 72 Stat. 760, 49 U.S.C. 1374, 72 Stat. 760, 49 U.S.C. 1375; 72 Stat. 766, 49 U.S.C. 1377; 72 Stat. 769, 49 U.S.C. 1381).

Interested persons may participate in the proposed rule making through submission of ten (10) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant matter in communications received on or before September 18, 1967, will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 710, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

Explanatory statement. Part 234 in general requires certificated route carriers to publish flight schedules which are designed to enable each air carrier to safely perform as "scheduled time flights"[1] a minimum of 75 percent of all trips actually flown pursuant to each scheduled flight during any 3-month period, and to perform as "scheduled time flights" a minimum of 75 percent of all trips actually flown pursuant to each such scheduled flight during any 3-month period. Such carriers are also required to file monthly reports concerning their on-time schedule performance in nonstop passenger service between specified pairs of points more than 200 miles apart. The list of "reportable pairs" of points is issued by the Board and is compiled from the current annual issue of the Board's Domestic Origin-Destination Survey of Airline Passenger Traffic representing the 100 top-ranking domestic pairs of points in passenger volume as shown by this survey.[2] The part does not apply, inter alia, to supplemental air carriers or to intra-Hawaiian or intra-Alaskan air transportation.

By Senate Resolution No. 45, adopted March 29, 1967, the Senate of the State of Hawaii has requested the Board to amend Part 234 of its rules to withdraw the exemption granted to intra-Hawaiian air transportation and to require the intra-Hawaiian certificated route carriers[3] to adhere to realistic flight schedules and to file monthly reports of scheduled arrival performance in the same manner as certificated route carriers are required to comply with Part 234 with respect to their operations within the 48 contiguous States. This resolution will be treated as a petition for rule making under Rule 38 of the rules of practice (14 CFR 302.38).

The reasons set forth in the resolution for the action requested are as follows: (1) That the economic development of the State requires that air carriers offering scheduled intra-Hawaiian service conform to their published schedules as closely as possible consistent with public safety; (2) that the climate in the State seldom prohibits commercial flights as scheduled; and (3) that there is no reason to distinguish intra-Hawaiian air transportation from air transportation within or among any of the 48 mainland States of the United States and the District of Columbia, insofar as the requirements of Part 234 are concerned. No answers to the resolution have been filed.

The history of Part 234 indicates that when it was proposed in 1956,[4] some Alaskan route carriers objected to the application of the rule to intra-Alaskan air transportation because their services presented peculiar operating conditions which made their exclusion advisable. When the rule was finalized, the Board granted the objections of the Alaskan route carriers and exempted from the rule all intra-territorial operations[5] for the above-stated reason. (ER-223, 22 F.R. 6756, Aug. 22, 1957.) Since Hawaii also was at that time a U.S. territory, intra-Hawaiian air transportation was exempted from the rule when adopted and has never been made subject to the requirements of Part 234.[6] We believe that there is no substantial difference between intra-Hawaiian air transportation and air transportation between points within the 48 contiguous States insofar as the requirements of realistic scheduling and the other provisions of Part 234 are concerned. Therefore, we tentatively find that intra-Hawaiian air transportation should be brought within the governance of Part 234.

With respect to the reporting requirement, as stated above, § 234.8 requires each certificated route air carrier scheduling nonstop passenger flights between any of the 100 top-ranking domestic pairs of points in terms of revenue-passenger volume to file a monthly report of schedule arrival performance on designated passenger flights (CAB Form 438), except with respect to flights between pairs of points which are less than 200 miles apart. A review of the intra-Hawaiian routes operated by the two

[1] A "scheduled time flight" is defined in Part 234 as a scheduled flight which is completed within the block-to-block time allowed in the schedule, plus 15 minutes, excluding from consideration the on-the-ground time provided in the schedule or actually experienced at the intermediate points, if any, of such scheduled flight.

[2] The list also contains pairs of points between points in Alaska and Hawaii, on the one hand, and points in the 48 contiguous States, on the other hand, with a passenger volume greater than the 100th ranked domestic pair, as shown in the International Origin-Destination Survey of U.S.-Flag Airline Passenger Traffic.

[3] Aloha Airlines, Inc., and Hawaiian Airlines, Inc.

[4] Draft Release No. 80, 21 F.R. 2533, Apr. 18, 1956.

[5] Alaska was at that time a U.S. territory.

[6] By ER-837, 26 F.R. 9206, Sept. 30, 1961, the Board expressly exempted from the requirements of Part 234 intra-Hawaiian and intra-Alaskan operations.

Hawaiian certificated route carriers indicates that there are only three markets served by nonstop flights over 200-mile stage lengths[1] and that of these only one (Honolulu-Hilo) has sufficient traffic density to exceed the 100th of the top-ranking domestic pairs of points. Thus, as a practical matter, the Hawaiian route carriers will be required to file monthly reports of schedule arrival performance only with respect to their Honolulu-Hilo operations.

Certain editorial changes have been made in existing § 234.8 (a) and (b). See § 234.8 (a) and (b), infra.

Proposed rule. It is proposed to amend Part 234 of the Economic Regulations (14 CFR Part 234) as follows:

1. Amend § 234.2 to read as follows:

§ 234.2 Applicability.

This part applies to any route air carrier certificated pursuant to section 401(d) (1) or (2) of the Federal Aviation Act insofar as it is engaged in air transportation, other than helicopter service or community center or interairport service, within or among any of the 48 mainland States of the United States and District of Columbia or between points within Hawaii with respect to all flights, other than all-cargo flights, scheduled and performed in such transportation: *Provided*, That the provisions of § 234.8 shall apply also to such air transportation by route air carriers between any point in Hawaii or Alaska and any point in any of the 48 mainland States or the District of Columbia. This part does not apply to supplemental air carriers or to intra-Alaskan air transportation.

2. Amend § 234.8 (a) and (b) to read as follows:

§ 234.8 Reporting of schedule arrival performance.

(a) Each certificated route air carrier scheduling nonstop passenger flights (1) between any of the 100 top-ranking pairs of points in terms of revenue-passenger volume as set forth in Table 4 in the Board's Domestic Origin-Destination Survey of Airline Passenger Traffic, or (2) between the State of Hawaii or Alaska, on the one hand, and points in the 48 contiguous States, on the other hand, or within the State of Hawaii, with a passenger volume, as determined from the International Origin-Destination Survey of U.S.-Flag Airline Passenger Traffic, greater than the 100th ranked pair in the Domestic Survey described in subparagraph (1) above, shall, with respect to any such flights for each month, file in duplicate with the Board a "Monthly Report of Schedule Arrival Performance on Designated Passenger Flights," CAB Form 438 (Rev. 12–64);[2] *Provided*, That such report shall not be required with respect to flights between any pair of points which are less than 200 miles apart. The same information may be submitted on any comparable form prepared on automatic data processing equipment. Such substitute form shall be subject to Board approval and shall also be submitted in duplicate and contain the same column headings arranged in the same sequence as CAB Form 438. During any period that a carrier's obligation to provide service between a pair of points is suspended by the Board, the report need not be filed for such pair of points. The report shall be filed within 45 days of the end of the month which it covers and shall be certified to be correct by a responsible officer of the reporting carrier.

(b) The pairs of points on which reports are to be filed are shown in the "List of City Pairs for Use in Reporting on CAB Form 438" issued by the Board. Whenever the Surveys referred to in paragraph (a) of this section show a change in the top-ranking pairs, the Board will issue a revised reporting list indicating the date on which it is to become effective.

* * * * *

[P.R. Doc. 67-9687; Filed, Aug. 16, 1967; 8:52 a.m.]

[1] Honolulu-Hilo; Kauai-Kona; Kauai-Maui.

[2] CAB Form 438 (Rev. 12–64) is filed as part of the original document and can be obtained from the Publications Section, Civil Aeronautics Board, Washington, D.C. 20428.

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 87]

[Docket No. 17652; FCC 67-932]

AERONAUTICAL EN ROUTE STATIONS ENGAGED IN INTERNATIONAL HIGH FREQUENCY SERVICE

Frequencies Available for Assignment; Notice of Proposed Rule Making

In the matter of amendment to Part 87 of the Commission's rules to change the frequencies available for assignment to the Aeronautical En Route Stations engaged in International high frequency service.

1. Notice of proposed rule making in the above-entitled matter is hereby given.

2. The instant proposal is intended to provide for the orderly, efficient, and timely conversion from the present frequencies, available for assignment to stations in the aeronautical mobile (R) service, to those frequencies available under the new worldwide plan developed by the International Telecommunication Union (ITU) Extraordinary Administrative Radio Conference (EARC), Geneva, 1966 and coordinated worldwide by the ITU and the International Civil Aviation Organization (ICAO). A worldwide station assignment plan was prepared by the ICAO as a direct result of Recommendation 18/1 of the ICAO COM/OPS Divisional Meeting (Montreal 1966) and is in accord with the worldwide allotment plan as revised by the ITU EARC (Geneva 1966) and as contained in the revised allotment plan (Appendix 27) to the ITU Radio Regulations, Geneva, 1959. In order that the FCC licensees in this service make the conversion with the maximum safety to the aviation community and minimum radio interference it is necessary that the conversion of frequencies should be in exact compliance with the implementation time schedule of the plan which has been agreed to by the administrations of the airline operators. The present frequencies, their replacement frequencies and the schedule of implementation are detailed in the appendix, attached. The appendix proposes changes to the frequencies available for assignment in a service rather than an assignment plan for particular stations and the frequencies assigned thereto in the service. International air operators and licensees of aeronautical en route stations serving international air operators will wish to refer to the ICAO plan for station assignment which is contained in ICAO letter AN 7/6.6–67/49, Subject: Development of new High Frequency Plans, dated April 14, 1967. The ICAO document should be the guide in the implementation of the plan for the individual stations. Such ICAO documents, and revisions thereto when documented, are available to the FCC licensees upon application to ICAO.

3. The proposed amendments to the rules, as set forth in the appendix below are issued pursuant to the authority contained in sections 4(i) and 303 (c), (h) and (r) of the Communications Act of 1934, as amended.

4. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before September 18, 1967, and reply comments on or before September 28, 1967. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

5. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments filed shall be furnished to the Commission.

Adopted: August 9, 1967.

Released: August 11, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

APPENDIX

Section 87.303 is amended to read as follows:

[1] Commissioners Loevinger, Wadsworth, and Johnson absent.

§ 87.303 International high frequency service.

Frequencies available for assignment by the authority having jurisdiction over the respective international aeronautical en route stations on the Major World Air Route Areas (MWARAs) as defined in the EARC Agreement (Geneva 1951) and revised by the EARC Agreement (Geneva 1966) are as follows:

(a) *Central East Pacific (CEP).*

Frequencies available before conversion date (kc/s)	Frequencies available after conversion date (kc/s)	Conversion date
3023.5	3467	[1] Sept. 19, 1968
3444.5	5554	
3467.5	5603	
3481.5	8931	
4661.5		
4804		
4680.5		
6612	8676	[1] Sept. 17, 1970
8679.5		
8879.5		
10048	13336	[1] Sept. 18, 1969
13264	[2] 17900	
11299.5		
13304.5		
13334.5		

[1] 0001 Greenwich mean time.
[2] Secondary basis.

(b) *Central West Pacific (CWP).*

Frequencies available before conversion date (kc/s)	Frequencies available after conversion date (kc/s)	Conversion date
2866	2866	[1] Sept. 17, 1970
5536.5	5631	
5662.5	5644	[1] Sept. 19, 1968
5666.5	5696	
13284.5	13296	[1] Sept. 18, 1969
17906.5	17909	

[1] 0001 Greenwich mean time.

(c) *North Pacific (NP).*

Frequencies available before conversion date (kc/s)	Frequencies available after conversion date (kc/s)	Conversion date
2967	3510	[1] Sept. 19, 1968
5621.5	5580	
8899	8958	[1] Sept. 17, 1970
13274.5	13354	[1] Sept. 18, 1969
17906.5	17909	

[1] 0001 Greenwich mean time.

(d) *South Pacific (SP).*

Frequencies available before conversion date (kc/s)	Frequencies available after conversion date (kc/s)	Conversion date
2945	[1] 2945	[1] Sept. 17, 1970
5641.5	5638	
8845.5	8847	
13344.5	13304	[2] Sept. 18, 1969
17946.5	17909	

[1] No change.
[2] 0001 Greenwich mean time.

(e) *North Atlantic (NA).*

Frequencies available before conversion date (kc/s)	Frequencies available after conversion date (kc/s)	Conversion date
2866	[1] 2866	[1] Sept. 19, 1968
2931	[1] 2931	
2945	[1] 2945	
2967	[1] 2967	
5611.5	5610	[2] Sept. 17, 1970
5626.5	5634	
5671.5	5673	
5641.5	5638	
8862.5	8854	[2] Sept. 17, 1970
8888	8889	
8913.5	8910	
8947.5	8944	
13264.5	13288	
13284.5	13328	[2] Sept. 18, 1969
13324.5	[2] 17905	
13354.5		
17906.5		

[1] No change.
[2] 0001 Greenwich mean time.
[3] Secondary basis.

(f) *Europe (EU).*

Frequencies available before conversion date (kc/s)	Frequencies available after conversion date (kc/s)	Conversion date
2889	[1] 2910	[2] Sept. 19, 1968
2910	3467	
3467.5	4689	
3481.5	5554	
4689.6	[1] 5562	
5551.5	8931	
6982		
8930.5		
4654.5	8658	[2] Sept. 17, 1970
8652	8875	
8871		
11299.5	11302	[2] Sept. 18, 1969
17906.5		

[1] No change.
[2] 0001 Greenwich mean time.

(g) *South America-West (SAM–1).*

Frequencies available before conversion date (kc/s)	Frequencies available after conversion date (kc/s)	Conversion date
2889	[1] 2889	[2] Sept. 19, 1968
4696.5	4696	
6654.5	6686	[2] Sept. 17, 1970
8820	8826	
13314.5	11343	[2] Sept. 18, 1969
17916.5	[2] 17926	

[1] No change.
[2] 0001 Greenwich mean time.
[3] Secondary basis.

(h) *South America-East (SAM–2).*

Frequencies available before conversion date (kc/s)	Frequencies available after conversion date (kc/s)	Conversion date
2910	[1] 2910	[2] Sept. 19, 1968
3966	5582	
3404.5		
5585.6		
5581.6		
6567	8847	[2] Sept. 17, 1970
8845.5		
8871		
11280	11327	[2] Sept. 18, 1969
11327.5	[2] 17926	
13344.5		
17916.5		

[1] No change.
[2] 0001 Greenwich mean time.
[3] Secondary basis.

(i) *South Atlantic (SA).*

Frequencies available before conversion date (kc/s)	Frequencies available after conversion date (kc/s)	Conversion date
2878 [1]	None	[2] Sept. 19, 1968
5627		
3482.5	3676	
6612	6680	[2] Sept. 17, 1970
6679.5		
8939		
8879.5	10049	
10048	13344	[2] Sept. 18, 1969
13274.5	[1] 17925	
17946.5		

[1] Limited to south of 30° north latitude.
[2] 0001 Greenwich mean time.
[3] Secondary basis.

(j) *South East Asia (SEA).*

Frequencies available before conversion date (kc/s)	Frequencies available after conversion date (kc/s)	Conversion date
2987	2987	[1] Sept. 19, 1968
5671.5	5673	
5837		
8879.5	8926	[1] Sept. 17, 1970
8930.5	8882	
13264.5	13312	[1] Sept. 18, 1969
17906.5	17965	

[1] 0001 Greenwich mean time.

(k) *Far East (FE).*

Frequencies available before conversion date (kc/s)	Frequencies available after conversion date (kc/s)	Conversion date
2868	[1] 2868	[2] Sept. 19, 1968
5611.5	5634	
8871	8868	[2] Sept. 17, 1970
13284.5	13312	
17906.5	17965	[2] Sept. 18, 1969

[1] No change.
[2] 0001 Greenwich mean time.

(l) *Middle East (ME).*

Frequencies available before conversion date (kc/s)	Frequencies available after conversion date (kc/s)	Conversion date
3404.5	3404	
3446.5	3448	[1] Sept. 19, 1968
5604	5632	
6627	8624	[1] Sept. 17, 1970
8845.5	8847	
10021	10009	
13334.5	13336	[1] Sept. 18, 1969
17926.5	17965	

[1] 0001 Greenwich mean time.

(m) *Africa-West (NSA–1).*

Frequencies available before conversion date (kc/s)	Frequencies available after conversion date (kc/s)	Conversion date
3411.5	3411	
5621.5	5519	[1] Sept. 19, 1968
13304.5	13280	
	13304	
8820	8826	[1] Sept. 17, 1970
17946.5	[2] 17926	[1] Sept. 18, 1969

[1] 0001 Greenwich mean time.
[2] Secondary basis.

(n) *Africa-East (NSA-2).*

Frequencies available before conversion date (kc/s)	Frequencies available after conversion date (kc/s)	Conversion date
2966	2966	[1] Sept. 19, 1968
5506.5	5506	
	13280	
8958	8959	[1] Sept. 17, 1970
13334.5	13336	[1] Sept. 18, 1969
17926.5	[2] 17925	

[1] 0001 Greenwich mean time.
[2] Secondary basis.

Section 87.305 is amended to read as follows:

§ 87.305 Caribbean area.

Frequencies available for assignment to serve international air routes in the Caribbean area.

Caribbean (CAR).

Frequencies available before conversion date (kc/s)	Frequencies available after conversion date (kc/s)	Conversion date
2875		
2962	[2] 2962	
2966	[2] 2966	[1] Sept. 19, 1968
5499	5484	
5619	5668	
5506.5	6540	
6537	8959	[1] Sept. 17, 1970
9837		
8971		
10021	10017	
13294.5	11343	
13344.5	11367	[1] Sept. 18, 1969
17926.5	13320	
	[2] 17925	

[1] 0001 Greenwich mean time.
[2] No change.
[3] Secondary basis.

[F.R. Doc. 67-9612; Filed, Aug. 16, 1967; 8:45 a.m.]

[47 CFR Part 73]

[Docket No. 17660; FCC 67-953]

FM BROADCAST STATIONS

Experimental Period

In the matter of amendment of § 73.262 of the Commission's rules with respect to the experimental period of FM broadcast stations, Docket No. 17660, RM-1140.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. On April 25, 1967, the National Association of Broadcasters (NAB) filed a petition requesting that the Commission institute rule making proceedings looking toward an amendment of § 73.262 of the Commission's rules to permit a longer daily experimental period for FM stations for testing and maintaining apparatus and to permit experimentation, upon certain conditions, for improvement of the FM station's technical facilities.[1]

3. The provisions of § 73.262, as now in force, and as proposed by the NAB are set forth below. Section 73.262 presently reads as follows:

§ 73.262 *Experimental operation.* The period between 1 a.m. and 6 a.m., local standard time, may be used for experimental purposes in testing and maintaining apparatus by the licensee of any FM broadcast station on its assigned frequency and not in excess of its authorized power, without specific authorization by the Commission.

The provisions of § 73.262, as proposed by the NAB, read as follows:

§ 73.262 *Experimental operation.* (a) The period between 12 midnight and 6 a.m., local standard time may be used for experimental purposes in testing and maintaining apparatus by the licensee of any FM broadcast station on its assigned frequency and not in excess of its authorized power, without specific authorization from the Commission.

(b) FM broadcast stations may (upon informal application) conduct technical experimentation directed to the improvement of technical phases of operation during other time periods subject to the following conditions:

(1) That the licensee complies with the provisions of § 73.261 with regard to the minimum number of hours of transmission.

(2) That no transmissions are radiated outside of the authorized channel and subject to the condition that no interference is caused to the transmission of other FM broadcast stations.

4. NAB states that, because of the propagation characteristics of FM signals, the experimental period is too restrictive and that modifications be adopted to allow a greater flexibility in the testing and maintenance of FM facilities. Also, NAB states that FM stations should be permitted upon specified conditions, to conduct experimental tests directed to improvement of the technical phases of their operation.

5. NAB argues, in support of its request for increased hours of experimentation for testing and maintenance of facilities, that FM facilities are allocated upon the same fundamental philosophy as television facilities (which are not limited as to time during which nonprogram material may be transmitted); that the propagation characteristics of FM signals are similar to television signals, and that the nature of FM and television signals do not require restrictive time periods for experimentation as is required in the case of standard broadcast signals. Because of the similarities of FM and television signals, the NAB requests that the FM experimental period for testing and maintenance of facilities be lengthened 1 hour so as to permit testing from midnight to 6 a.m., local standard time, instead of from 1 a.m. to 6 a.m., local standard time. NAB further states that, because many FM stations operate on limited schedules and with limited personnel, the present rule works, in many cases, an unnecessary hardship on personnel by having to return to the station for the testing period thereby resulting in added expense to the licensee. The NAB claims that this 1-hour increase will result in no degradation of the Commission's technical standards, and no "perceptible" increase in interference will occur to other FM broadcast stations.

6. With respect to its request for permission for FM stations to conduct experimental tests looking toward improvement of its facilities, the NAB states that, with the increased complexity in the transmission of FM signals brought about by SCA and stereophonic broadcasting, it is necessary to conduct tests other than during the designated experimental period. This is claimed to be necessary because SCA and stereophonic broadcasting, in many cases, requires precise adjustment of both the receiver and the antenna system. Since the receiver adjustments are made by the listener and service personnel during daylight and early evening hours, the NAB requests that the Commission provide, upon proper conditions, that experimentation may be made in periods other than the designated experimental period. The conditons for experimentation looking toward improvement of an FM station are (1) that informal application must be made to the Commission; (2) that the FM station complies with § 73.261 of the rules which deals with minimum hours of transmission; and (3) that no interference is caused to other FM stations. NAB claims that this testing will not pollute the FM spectrum because of the propagation characteristics peculiar to the FM signal.

7. We believe that the arguments advanced by the NAB in support of their request justify the institution of rule making proceedings in the above-outlined matter. Accordingly, we are inviting comments in order that the NAB and other interested parties may submit their views and other relevant data. Authority for the adoption of the proposed rule is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended.

8. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested parties may file comments on or before September 18, 1967, and reply comments on or before October 3, 1967. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by the Notice.

9. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission.

Adopted: August 9, 1967.

Released: August 14, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-9677; Filed, Aug. 16, 1967; 8:49 a.m.]

[1] On July 7, 1967, in a late filed comment, the American Broadcasting Co. supported the NAB petition.

[2] Commissioners Loevinger, Wadsworth, and Johnson absent.

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 906]

ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

Container and Pack Regulations

Consideration is being given to the proposal, hereinafter set forth, by the Texas Valley Citrus Committee, established pursuant to the Marketing Agreement No. 141, as amended, and Order No. 906, as amended (7 CFR Part 906), regulating the handling of oranges and grapefruit grown in Lower Rio Grande Valley in Texas, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The proposal is that the provisions of § 906.311(a)(1)(iv) be revised to (1) rescind the authority that permits use of the container with inside dimensions of 19¾ by 13½ by 13½ inches as a container for bulk fruit and to delete the provisions of (a)(2)(ii) and (3)(ii) of such section which relates to the count of fruit which must be packed in such container when so used, and (2) add a new container with inside dimensions of 13¼ by 10½ by 7¼ inches.

After such revision, the provisions of § 906.311(a) (29 F.R. 12869; 31 F.R. 11139) would read as follows:

§ 906.311 Container and pack regulations.

(a) *Order.* Except as otherwise provided herein or by, or pursuant to the provisions of Marketing Agreement No. 141, as amended, and this part, regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas, no handler shall, on and after the date hereinafter specified, handle any fruit unless such fruit is in a container or containers meeting the following specifications, and the pack of such fruit conforms to all applicable requirements of this section:

(1) *Containers.* (i) Containers with inside dimensions of 24⅝ by 11⅜ by 11⅜ inches;

(ii) Containers with inside dimensions of 16¼ by 10¼ by 10¼ inches;

(iii) Containers with inside dimensions of 16½ by 10¾ by 9½ inches;

(iv) Containers with inside dimensions of 13¼ by 10½ by 7¼ inches;

(v) Bags having a capacity of 5, 8, or 20 pounds of fruit;

(vi) Containers with inside dimensions of 19¾ by 13 by 12½ inches, 20 by 13¼ by 9¾ inches, and 19¾ by 13½ by 13½ inches: *Provided*, That such containers may be used only for the shipment of fruit in bags as provided in subdivision (v) of this subparagraph; and

(vii) Such other types and sizes of containers as may be approved by the Texas Valley Citrus Committee for testing in connection with a research project conducted by or in cooperation with the said committee: *Provided*, That the handling of each lot of fruit in such test containers shall be subject to prior approval, and under the supervision, of the Texas Valley Citrus Committee.

(2) *Oranges.* Oranges, when in any box or carton, shall be of a size within the diameter limits specified for one of the following pack sizes and otherwise be packed in accordance with the requirements of standard pack, except that not to exceed 10 percent, by count, of such oranges may be outside such diameter limits:

Pack sizes	Diameter limits in inches	
	Minimum	Maximum
100	3⅞	3⅛
125	3⅛	3⅜
163	2⅞	3⅛
200	2⅞	3⅛
252	2⅞	2⅞
324	2⅜	2⅝

(3) *Grapefruit.* Grapefruit, when in any box or carton, shall (i) be packed in accordance with the requirements of standard pack or (ii) be of a size within the diameter limits specified for the following pack size and otherwise be packed in accordance with the requirements of standard pack, except that not to exceed 10 percent, by count, of such grapefruit may be outside such diameter limits:

Pack size	Diameter limits in inches	
	Minimum	Maximum
46	4⅝	5

* * * * *

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal shall file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: August 14, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-9692; Filed, Aug. 16, 1967; 8:50 a.m.]

[7 CFR Part 1034]

[Docket No. AO 175-A25]

MILK IN DAYTON-SPRINGFIELD, OHIO, MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Correction

In F.R. Doc. 67-9398, appearing at page 11535 of the issue for Thursday, August 10, 1967, the phrase reading "if it so desires" in the first paragraph on page 11554 should be deleted.

[7 CFR Part 1067]

MILK IN OZARKS MARKETING AREA

Notice of Proposed Suspension of Certain Provisions of Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of certain provisions of the order regulating the handling of milk in the Ozarks marketing area is being considered for the months of August and September 1967.

The provisions proposed to be suspended are in the table of § 1067.11(b) opposite the months of August and September and are the figures "25" and "35," relating to the shipping requirements to maintain pool plant status of supply plants.

This action has been requested by three cooperative associations, representing more than 80 percent of the producers in this market. The cooperatives state that the proposed suspension is necessary to maintain pool plant status for supply plants so as to facilitate the orderly disposition of the market's reserve supply of milk during the months of August and September. An unusual increase in milk supply for this time of year has resulted in greater deliveries from farms directly to fluid milk processing plants, and has reduced the need for such plants to receive milk from supply plants.

In these circumstances it would be necessary for supply plants to make unneeded and uneconomical shipments to processing plants if they were to maintain pool status under existing shipping requirements. Proponents state that without the suspension the producer status of many farmers regularly associated with the market will be endangered.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 3 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Signed at Washington, D.C., on August 14, 1967.

CLARENCE H. GIRARD,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 67-9693; Filed, Aug. 16, 1967; 8:50 a.m.]

[7 CFR Part 1076]

MILK IN EASTERN SOUTH DAKOTA MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Sioux Falls, S. Dak., on April 20, 1967, pursuant to notice thereof issued on April 3, 1967 (32 F.R. 5638).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, on July 13, 1967 (32 F.R. 10597; F.R. Doc. 67-8292), filed with the Hearing Clerk, U. S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision (32 F.R. 10597; F.R. Doc. 67-8292) are hereby approved and adopted and are set forth in full herein.

The material issues on the record of the hearing relate to:

1. The pool status of a stand-by plant operated by a cooperative association;
2. Revising the diversion provisions;
3. Accounting for route returns;
4. Replacing the "base-excess" plan with a "Louisville" plan of seasonal price adjustment; and
5. The administrative assessment.

The notice of hearing contained a proposal to remove Walworth County, S. Dak., from the marketing area. No one appeared at the hearing to support this proposal. Since no evidence was presented with respect to it, it will receive no further consideration in this decision.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof.

1. *The pool plant status of a plant operated by a cooperative association.* A plant, other than a distributing plant operated by a cooperative association should be a pool plant regardless of the volume of milk which moves from such plant to the pool plants of other handlers if more than 50 percent of the total milk supply of producers who are members of such cooperative association is shipped to pool distributing plants of other handlers either directly from the farm or by transfer from the plant of the cooperative association. A distributing plant operated by a cooperative association should continue to be required to meet the same performance standards as all other distributing plants to qualify for pool status.

The major cooperative association in the market operates a plant at Sioux Falls, S. Dak., where the major portion of the reserve supply of the market is manufactured into dairy products, primarily butter and nonfat dry milk. Milk is also received from manufacturing grade producers.

In addition to its manufacturing facilities, this plant has limited storage facilities for the handling of Grade A milk. These have been approved by the appropriate health authorities as a source of Grade A milk for both the local market and for interstate shipment. In the past, this plant has not served as a regular source of supply for pool plants, although occasional deliveries of fluid milk products are made to pool plants to supplement direct farm receipts. Occasionally in the past milk has also been shipped from the cooperative plant to markets to the south for fluid use.

Because of the limited volume of milk which moves through the plant en route to pool plants, this plant is unable to qualify as a pool plant. The producer milk received at such plant retains its pool status only as diverted milk.

At the present time, the market is undergoing a substantial change in the pattern of milk distribution. Several mergers and consolidations of distribution plants have already taken place, with the resultant closing of plants and the concentration of the bottling operation in a few large plants. This trend is expected to continue.

Throughout the marketing area there are several population centers, each of which had its own bottling plants and a local supply of milk. As these bottling plants close, it becomes increasingly necessary to receive the milk of the producers who supplied these plants at a central point where it can readily be moved to the remaining plants for fluid use or manufactured into dairy products when not needed for fluid uses.

The cooperative plant in addition to serving as the principal outlet for the reserve supply of the market, is taking on the function of a balancing plant for the handlers in the market. Even with an increased demand from pool distributing plants for milk from the cooperative plant as a result of the changing market situation, it is unlikely that it will meet the pooling standards in the immediate future. Since it may become necessary to receive the milk of some producers at this plant almost every day, the diversion provisions alone no longer provide a satisfactory means of retaining the milk of such producers in the pool.

The cooperative plant acts as the surplus disposal plant not only for the milk of its own members, but also for the milk of the smaller local bargaining cooperatives in the market, whenever requested to do so. This plant is being called on to handle more and more of the milk of the smaller organizations. As a result of the consolidation of plants described elsewhere in this decision, some of these cooperatives find it difficult to dispose of milk in the immediate vicinity of the producers' farms and the cooperative plant at Sioux Falls becomes the logical outlet for such milk.

The proposal of the cooperative associations was to grant pool plant status to a plant operated by a cooperative association whose members constitute the majority of the producers on the market. While such a provision would accommodate the situation in the market at the present time, it would not be appropriate if conditions were to change to the point that the major cooperative no longer represented a majority of the producers on the market. Similarly, it would not apply if it became necessary for one of the other cooperative associations to acquire a plant to handle the reserve supplies of the market.

Therefore, the order should provide that a plant operated by a cooperative association whose primary function is supplying milk to pool distributing plants of other handlers should be a pool plant. This will accommodate the efficient and orderly handling of the market's supply at the present time and prevent hardship resulting from further changes in the distribution pattern of the market that could take place in the future.

2. *Revision of the diversion provisions.* The volume of milk permitted to be diverted should be based on a percentage of total deliveries by all producers who are members of a cooperative association or whose milk is received at a pool plant. To be eligible for diversion a producer's milk should be received at a pool plant at least three days during a month.

The order currently provides that during the months of July through March the milk of an individual producer may be diverted to a nonpool plant for as many days during the month as it is received at a pool plant. With the closing of plants noted above, it has become necessary to divert increasing quantities of milk at some localities in the milkshed. Because of the location of certain farms in relation to the manufacturing plants, it is more economical to divert some loads than others.

In order to permit the most economical movement of milk and eliminate the extensive recordkeeping necessary to insure that each individual farmer's milk be received at a pool plant on at least half the days of delivery, the diversions should be based on a percentage of total deliveries of member producer milk. For the months of July through February a cooperative should be permitted to divert milk in an amount equal to 35 percent of its member producer milk received at all pool plants during the month.

Any handler operating a pool plant would likewise be permitted to divert up to 35 percent of the receipts at the plant from producers who were not members of a cooperative association which was diverting member milk in the same month. In both cases, diversions in excess of the amount permitted would not be producer milk. The cooperative association or the plant operator who diverted the milk would be required to designate the dairy farmers whose milk would be ineligible as producer milk. In the event the diverting cooperative association or plant operator failed to designate those producers whose milk was ineligible, all of the milk diverted to a nonpool plant by such cooperative association or plant operator would forfeit its producer milk status for the month.

No percentage limitation should be placed on the percentage of milk which may be diverted during the months of March through June. The present order permits unlimited diversion in April, May and June. However, the production pattern has changed in recent years to the point where the spring flush begins in March and tapers off in June. Thus, it is now necessary to divert substantial quantities of milk in March.

The present order provides no standard for identifying a producer's association with the market during the months of unlimited diversion. In order to insure a producer's association with the market, during these months as well as during the remainder of the year, it is provided that milk must be received at a pool plant from a producer at least three days each month in order for his milk to be eligible to be considered diverted milk if caused to be delivered to a nonpool plant during the remainder of the month.

3. *Accounting for route returns.* One handler proposed that the definition of a Class I product be changed to designate fluid milk products "sold" rather than "disposed of," from the plant as now required.

The purpose of his proposal was to obtain a Class II classification for packaged fluid milk products which were not sold—specifically route returns, leakers, etc. At the present time such items must be returned to the bottling plant so that the market administrator may physically verify the fact that they were dumped or disposed of as livestock feed. It was the contention of the handler that the handling and return to the plant of such items, particularly the leakers, created unsanitary conditions as well as being a nuisance.

While we sympathize with the position of the handler, the opportunity for physical verification of the return to the plant of items which left it as Class I is necessary to establish their subsequent reclassification as Class II.

The order specifically provides that any skim milk and butterfat shall be Class I unless the handler can establish to the satisfaction of the market administrator that such milk should be classified otherwise. The market administrator may reclassify a product once classified only upon verification of the fact that the original classification was incorrect. The only way the market administrator can verify that products which left a plant as packaged Class I items were subsequently utilized in a Class II classification is by a physical check of such items. Since handlers have numerous distribution points scattered over a very wide area, the only practical point for such a check is the plant at which the product originated and was originally classified as Class I.

A notation on the record of a distribution point that so many items were thrown away because of spoilage or leakage does not constitute a verifiable record. Hence, the proposal must be denied.

The proponent handler, noted in exceptions filed to the recommended decision that other handlers concurred with this proposal. The exception, however, afforded no basis for changing the terms of the order as recommended. For reasons set forth in these findings the exception is overruled.

4. *Elimination of the base plan and the substitution of a "Louisville" plan.* The "base-excess" plan of distributing returns to producers should be replaced with a take-out and pay-back incentive plan. The latter is often referred to as the "Louisville" plan.

Witnesses testified that the base and excess plan recently has become a cause of dissatisfaction to producers, particularly among members of the largest cooperative on the market. In recent months manufacturing plants in the area where these producers are located have been paying for manufacturing grade milk prices which are in excess of the average of the Minnesota-Wisconsin price series. This price series is used under the order for pricing Class II milk. It is also the price which producers receive for milk delivered in excess of base milk.

This price disparity is further aggravated by the fact that the average charge for hauling milk from the more distant farms to plants in Sioux Falls approximates 35 cents per hundredweight while the average charge from the farm to manufacturing plants is only 20 cents per hundredweight.

Producers object to receiving for their Grade A excess milk a lesser price than is being paid for manufacturing milk. Some producers have attempted to ship part of their milk to manufacturing plants and ship only their base milk to market. This practice, if increased, could disrupt the orderly marketing of milk and result in shortages of milk for the fluid market if many producers chose the same day to sell to a manufacturing plant.

Another consideration for terminating the base plan is the dislocation of producers that has occurred in some areas because of the plant consolidation discussed above and the resulting necessity of diverting substantial quantities of milk to nonpool plants. The fear was expressed that some producers might be overdiverted during the base-forming period. Since the overdiverted milk could not be included in establishing a producer's base, such producers would be seriously penalized through no fault of their own.

While all of the cooperative associations on the market favored the termination of the base plan, they felt that some seasonal adjustment of producer prices was necessary to maintain a favorable pattern of production.

The plant adopted herein provides that 15 cents per hundredweight be deducted in the computation of the uniform price in each of the months of March, April, May, and June. One-third of the amount so deducted would be added back in the uniform price computation for each of the months of September, October, and November.

This plan is necessary to provide the seasonal variation in prices to producers that will furnish them the incentive to maintain or improve the present seasonal pattern of production, thus insuring an adequate supply of pure and wholesome milk at all times. During the 4 months of heaviest production the uniform price will be reduced 15 cents per hundredweight. During the three months of shortest production the uniform price will be enhanced approximately 22 cents as a result of the payback's being made in the three months when production is lowest. The difference between spring and fall prices will be further accentuated by the fact that utilization in the short months is somewhat higher than in the spring as well as by the fact that class prices normally reach their peak at that time. It is estimated that the total difference between uniform prices in spring and fall will average approximately 45 cents per hundredweight.

The amount of the take-out and payback is less than that provided in a similar provision of the adjoining Sioux City, Iowa, order. The cooperative associations are confident, however, that the amounts provided herein will provide sufficient seasonal variation in price to maintain the present level production pattern.

5. *The administrative assessment.* No change should be made either in the maximum rate of the administrative assessment or in the manner of its application to partially regulated distributing plants.

It was proposed by a handler representative that the maximum rate of the administrative assessment be reduced from 5 cents to 4 cents, the amount presently being deducted to defray the costs of administering the order.

Although the 4-cent deduction is providing sufficient funds for the operations of the order at the present time, it is not impossible that at some time in the future additional expenses might be incurred which would require an increase in the amount of the assessment. While such an eventuality is not anticipated, in the event it should occur the market administrator should be in a position to secure the necessary funds without the formality of an amendment to the order. Hence, the maximum rate of assessment permissable should be maintained at five cents.

The same handler proposed that the monthly administrative assessment charged to a partially regulated distributing plant should be not less than the actual cost incurred by the market administrator in verifying the records of such plant.

No change should be made in the order in this respect. A uniform program for applying the administrative assessment to partially regulated plants was made effective by amendment to all orders which were in effect on July 1, 1964, following the decision of the Assistant Secretary of June 19, 1964 (29 F.R. 9214). The findings of that decision as they applied to the Eastern South Dakota and Sioux Falls-Mitchell orders, since merged into the present Eastern

South Dakota order, are still applicable to the present marketing area. Therefore, official notice is taken of the pertinent portions of the decision of June 19, 1964.

The proponent handler excepted to the recommended decision as it relates to administrative expense. For reasons set forth in these findings, however, the exceptions are overruled.

The question was also raised as to application of the administrative assessment when milk is purchased from the cooperative association as a handler. We believe the present order provisions are clear that the receiving handler is responsible for the administrative assessment when he receives milk from producers who are members of a cooperative association which is the handler for their milk. Hence, no amendment of the order in this respect is necessary.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions and the regulatory provisions of this decision, the exception filed was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with the exception, such exception is hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Eastern South Dakota Marketing Area," and "Order Amending the Order Regulating the Handling of Milk in the Eastern South Dakota Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of June 1967 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order, as amended and as hereby proposed to be further amended, regulating the handling of milk in the Eastern South Dakota marketing area, is approved or favored by producers, as defined under the terms of the order, as amended and as hereby proposed to be further amended, and who during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on August 14, 1967.

GEORGE L. MEHREN,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Eastern South Dakota Marketing Area

§ 1076.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Eastern South Dakota marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Eastern South Dakota marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby further amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, Regulatory Programs, on July 13, 1967, and published in the FEDERAL REGISTER on July 19, 1967 (32 F.R. 10597; F.R. Doc. 67-8292), shall be and are the terms and provisions of this order, and are set forth in full herein.

§ 1076.12 [Amended]

1. In the introductory text preceding paragraph (a) of § 1076.12, the phrase "in paragraph (a) or (b)" is changed to read "in paragraph (a), (b), or (c)".

2. Section 1076.12 is revised by adding thereto a new paragraph (c) to read as follows:

(c) A plant, other than a distributing plant, operated by a cooperative association if more than 50 percent of the total milk supply of producer members of such cooperative association is shipped to pool distributing plants of other handlers during the month, either directly from the farm or by transfer from the plant of the cooperative association: *Provided,* That if a portion of such association's plant is physically apart from the Grade A portion of such plant, is operated separately and is not approved by any health authority for the receiving, processing or packaging of any fluid milk product for Grade A disposition, it shall not be considered as part of a pool plant pursuant to this section.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

3. In § 1076.14, paragraph (c) is revised to read as follows:

§ 1076.14 Producer milk.

* * * * *

(c) With respect to diversions to nonpool plants pursuant to paragraphs (a) (2) and (b) (1) of this section:

(1) A cooperative handler may divert for its account the milk of any member producer, whose milk is delivered to a distributing pool plant on at least 3 days during the month during the other days of such month. The total quantity of milk so diverted may be without limit during the months of March, April, May, and June, but shall not exceed 35 percent of its member producer milk received at all pool plants during any other month of the year. Diversions in excess of such percentage shall not be considered producer milk, and the diverting cooperative shall specify the dairy farmers whose milk is ineligible as producer milk. If the cooperative association fails to designate such dairy farmers whose milk is ineligible, producer milk status shall be forfeited with respect to all milk diverted to a nonpool plant by such cooperative association; and

(2) A handler in his capacity as the operator of a distributing pool plant may divert for his account the milk of any producer, other than a member of a cooperative association which has diverted milk pursuant to subparagraph (1) of this paragraph, whose milk is received at a pool plant on at least 3 days during the month, without limit during the other days of such month. The total quantity of milk so diverted may be without limit during the months of March, April, May, and June, but during any other month of the year shall not exceed 35 percent of the milk received from producers who are not members of a cooperative association which has diverted milk pursuant to subparagraph (1) of this paragraph. Diversions in excess of such percentage shall not be considered producer milk, and the diverting handler shall specify the dairy farmers whose milk is ineligible as producer milk. If the handler fails to designate such dairy farmers whose milk is ineligible, producer milk status shall be forfeited with respect to all milk diverted to a nonpool plant by such handler; and

(3) For the purpose of location adjustments pursuant to §§ 1076.53 and 1076.75, milk so diverted shall be priced at the location of the plant from which diverted.

§§ 1076.19, 1076.20 [Revoked]

4. Sections 1076.19 and 1076.20 are revoked.

5. In § 1076.27 paragraph (j) (2) is revised and (j) (3) is revoked as follows:

§ 1076.27 Duties.

* * * * *

(j) * * *

(2) The 12th day of each month the uniform price computed pursuant to § 1076.72 and the producer butterfat differential computed pursuant to § 1076.74;

(3) [Revoked]

* * * * *

6. In § 1076.30, paragraph (a) (1) (i) is revised to read as follows:

§ 1076.30 Reports of receipts and utilization.

* * * * *

(a) * * *

(1) * * *

(i) Producer milk,

* * * * *

7. In § 1076.31, paragraph (b) is revised to read as follows:

§ 1076.31 Payroll reports.

* * * * *

(b) The pounds of milk received and the average butterfat content thereof;

* * * * *

8. In § 1076.72 the heading "Computation of weighted average price" is changed to "Computation of uniform price," paragraph (b) is revised, and new paragraphs (c) through (g) are added to read as follows:

§ 1076.72 Computation of uniform price.

* * * * *

(b) Subtract not less than four cents nor more than five cents from the price computed pursuant to paragraph (a) of this section. The result shall be known as the "weighted average price", and except for the months of March through June and September through October, shall be the uniform price for milk received from producers;

(c) For the months specified in paragraphs (d) and (e) of this section, subtract from the amount resulting from the computations pursuant to § 1076.71 an amount computed by multiplying the hundredweight of milk specified in paragraph (a) (2) of this section by the weighted average price;

(d) Subtract during each of the months of March, April, May and June an amount computed by multiplying the total hundredweight of producer milk for such month by 15 cents;

(e) Add during each of the months of September, October and November one-third of the amount subtracted pursuant to paragraph (d) of this section;

(f) Divide the resulting sum by the total hundredweight of producer milk included in these computations; and

(g) Subtract not less than four cents nor more than five cents per hundredweight. The result shall be the uniform price for milk received from producers.

§ 1076.73 [Revoked]

9. Section 1076.73 is revoked.

10. In § 1076.75, paragraph (a) is revised to read as follows:

§ 1076.75 Location differentials to producers and on nonpool milk.

(a) The uniform price computed pursuant to § 1076.72 for producer milk received at a pool plant shall be reduced according to the location of the pool plant, at the rates set forth in § 1076.53; and

* * * * *

11. In § 1076.76, paragraph (b) is revised to read as follows:

§ 1076.76 Notification of handlers.

* * * * *

(b) The uniform price computed pursuant to § 1076.72.

* * * * *

§ 1076.80 [Amended]

12. In paragraph (a) (2) of § 1076.80, the word "prices" is changed to "price" and the phrase "and 1076.73" is deleted.

§§ 1076.90–1076.92 [Revoked]

13. Sections 1076.90, 1076.91, and 1076.92 and the centerhead applicable thereto are revoked.

[F.R. Doc. 67-9094; Filed, Aug. 16, 1967; 8:50 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Sacramento 079251]

CALIFORNIA

Notice of Termination of Proposed Withdrawal and Reservation of Lands

AUGUST 8, 1967.

Notice of a Bureau of Reclamation, U.S. Department of the Interior application, Sacramento 079251, for withdrawal and reservation of lands for use in construction, operation, and maintenance of the San Luis Unit of the Central Valley Project, California, was published as F.R. Doc. No. 65-1657 on page 2159 of the issue for Wednesday, February 17, 1965. The applicant agency has canceled its application involving the lands described in the FEDERAL REGISTER publication referred to above. Therefore, pursuant to the regulations contained in 43 CFR, Part 2311, such lands at 10 a.m. on September 18, 1967, will be relieved of the segregative effect of the above-mentioned application.

JESSE H. JOHNSON,
Acting Chief,
Lands Adjudication Section.

[F.R. Doc. 67-9647; Filed, Aug. 16, 1967; 8:46 a.m.]

[Serial No. I-1639; Classification No. 11-04-6-67]

IDAHO

Notice of Proposed Classification of Public Lands for Multiple Use Management

AUGUST 10, 1967.

1. Pursuant to the Act of September 19, 1964 (78 Stat. 986; 43 U.S.C. 1411-18), and to the regulations in 43 CFR, Parts 2410 and 2411, it is proposed to classify for multiple-use management all of the public lands in the area described below, together with any lands therein that may become public lands in the future. Publication of this notice has the effect (a) of segregating all the public land in the described area below from appropriation only under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. sec. 334) and from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171) and (b) of further segregating the lands described in paragraph 3 of this notice from the operation of the general mining laws (30 U.S.C. 21). Except as provided in (a) and (b) above the lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. The public lands affected are located within the following described area and are shown on maps of Lemhi County, Idaho, on file in the Salmon District Office, Bureau of Land Management, Salmon, Idaho, and the Land Office, Bureau of Land Management, Federal Building, Boise, Idaho.

BOISE MERIDIAN

LEMHI COUNTY, IDAHO

Administered by the Salmon District I-4

T. 16 N., R. 19 E.,
Sec. 1, that portion in Lemhi County.
T. 16 N., R. 20 E.,
Secs. 1 to 6, inclusive, those portions in Lemhi County;
Secs. 11 to 14, inclusive, those portions in Lemhi County.
T. 17 N., R. 20 E., all public lands outside the National Forest boundary.
T. 18 N., R. 20 E.,
Secs. 1, 12, 13, 24, 25, and 36.
T. 15 N., R. 21 E.,
Secs. 1 to 4, inclusive;
Secs. 10 to 15, inclusive.
T. 16 N., R. 21 E.,
Sec. 3, W½;
Secs. 4 to 9, inclusive;
Sec. 10, NW¼;
Secs. 16 to 21, inclusive;
Sec. 22, NW¼;
Secs. 28 to 30, inclusive;
Secs. 32 to 36, inclusive.
T. 17 N., R. 21 E., all public lands outside the National Forest boundary.
T. 18 N., R. 21 E., all public lands outside the National Forest boundary.
T. 19 N., R. 21 E., all public lands outside the National Forest boundary.
T. 20 N., R. 21 E., all public lands outside the National Forest boundary.
T. 21 N., R. 21 E.,
Sec. 35.
T. 13 N., R. 22 E.,
Secs. 1 and 2, those portions in Lemhi County.
T. 14 N., R. 22 E.,
Secs. 1 to 4, inclusive;
Sec. 5, E½;
Sec. 9, E½;
Secs. 10 to 13, inclusive;
Sec. 14, N½, SE¼;
Secs. 24, 25 and 36.
T. 15 N., R. 22 E.,
Secs. 6 and 7;
Secs. 16 to 18, inclusive;
Sec. 19, E½, E½W½;
Secs. 20 to 22, inclusive;
Secs. 26 to 28, inclusive;
Sec. 29, E½;
Sec. 32, E½;
Secs. 33 to 36, inclusive.
T. 16 N., R. 22 E.,
Sec. 31.
T. 17 N., R. 22 E.,
Sec. 1, E½.
T. 18 N., R. 22 E., all public lands outside the National Forest boundary.
T. 19 N., R. 22 E., all public lands outside the National Forest boundary.
T. 20 N., R. 22 E.,
Secs. 1 to 5, inclusive;
Sec. 8;
Sec. 11, E½;
Secs. 12 and 13;
Secs. 17 to 19, inclusive;
Sec. 23, E½;
Secs. 24 and 30;
Sec. 31, N½;
Sec. 32, N½.
T. 21 N., R. 22 E.,
Secs. 21 and 22;
Sec. 23, SW¼;
Secs. 26 to 28, inclusive;
Secs. 33 to 36, inclusive.
T. 22 N., R. 22 E.,
Sec. 1;
Sec. 2, SE¼;
Sec. 3, NW¼;
Sec. 4;
Sec. 10, SE¼;
Secs. 11 to 15, inclusive;
Secs. 21 to 28, inclusive;
Secs. 33 to 36, inclusive.
T. 23 N., R. 22 E.,
Secs. 4 to 9, inclusive;
Sec. 10, NW¼NW¼, S½NW¼, SW¼;
Sec. 13, SW¼;
Secs. 14 to 17, inclusive;
Secs. 20 to 23, inclusive;
Sec. 26, W½;
Secs. 27 and 28;
Secs. 33 and 34.
T. 24 N., R. 22 E., all public lands outside the National Forest boundary,
T. 13 N., R. 23 E.,
Secs. 1 to 6, inclusive, those portions in Lemhi County;
Secs. 8 to 12, inclusive, those portions in Lemhi County.
T. 14 N., R. 23 E., all public land outside the National Forest boundary.
T. 15 N., R. 23 E.,
Sec. 31.
T. 17 N., R. 23 E.,
Sec. 1, NW¼;
Secs. 2 to 6, inclusive;
Sec. 7, W½;
Secs. 8 to 11, inclusive;
Secs. 13 to 16, inclusive;
Sec. 17, N½;
Sec. 21, NE¼;
Sec. 22, N½, SE¼;
Secs. 23 and 24;
Sec. 25, N½, SW¼;
Sec. 26, E½.
T. 18 N., R. 23 E.
T. 19 N., R. 23 E., all public land outside the National Forest boundary.
T. 20 N., R. 23 E.,
Secs. 6 to 8, inclusive;
Secs. 16 to 22, inclusive;
Secs. 26 to 28, inclusive;
Sec. 29, N½, SE¼;
Sec. 30, NE¼;
Sec. 33, NE¼;
Secs. 34 and 35.
T. 21 N., R. 23 E.,
Sec. 1;
Sec. 4, NW¼, N½SW¼;
Secs. 5 to 8, inclusive;
Secs. 12 and 13;
Sec. 14, E½;
Sec. 17, NW¼;
Sec. 18, N½;
Secs. 23 and 24;
Sec. 26;
Sec. 27, E½;
Sec. 31, W½.

T. 22 N., R. 23 E.,
Secs. 3 to 32, inclusive;
Sec. 33, W½, W½E½;
Secs. 35 and 36.
T. 23 N., R. 23 E.,
Sec. 29;
Sec. 32, E½;
Sec. 33.
T. 13 N., R. 24 E.,
Secs. 6 to 8, inclusive;
Secs. 16, 17, 18, and 21, those portions in Lemhi County.
T. 14 N., R. 24 E.,
Sec. 30, W½;
Sec. 31.
T. 16 N., R. 24 E.,
Sec. 10, E½, SE¼NW¼, E½SW¼;
Sec. 11;
Sec. 13, S½S½;
Sec. 14;
Sec. 15, N½, SE¼;
Sec. 23, N½, SE¼;
Secs. 24 and 25;
Sec. 26, NE¼.
T. 17 N., R. 24 E.,
Secs. 1 and 2;
Secs. 5 and 8;
Sec. 9, W½, SE¼;
Sec. 11, N½;
Sec. 12;
Secs. 16 to 20, inclusive;
Sec. 21, N½, SW¼;
Sec. 28, NW¼;
Sec. 29, N½.
T. 18 N., R. 24 E.,
Secs. 1 to 3, inclusive;
Sec. 4, E½;
Sec. 6, S½;
Sec. 7;
Sec. 9, E½;
Secs. 10 to 15, inclusive;
Sec. 16, E½;
Sec. 18;
Sec. 21, E½;
Secs. 22 to 27, inclusive;
Sec. 28, E½;
Sec. 33, lots 1 and 2, S½NE¼;
Sec. 34, lots 1, 2, 3, 4, 5, 6, 7, 8, S½N½;
Secs. 35 and 36.
T. 19 N., R. 24 E.,
Sec. 1, S½;
Secs. 2 to 4, inclusive;
Secs. 9 to 16, inclusive;
Sec. 21, E½;
Secs. 22 to 27, inclusive;
Sec. 28, E½;
Sec. 33, E½;
Secs. 34 to 36, inclusive.
T. 20 N., R. 24 E.,
Sec. 3;
Sec. 4, N½;
Sec. 5, N½;
Sec. 10;
Sec. 11, SW¼;
Sec. 15;
Secs. 20 to 22, inclusive;
Sec. 23, S½;
Sec. 25, N½, SW¼;
Secs. 26 to 29, inclusive;
Secs. 32 to 35, inclusive.
T. 21 N., R. 24 E.,
Secs. 6 to 8, inclusive;
Secs. 16 to 21, inclusive;
Secs. 28 to 30, inclusive;
Sec. 31, N½;
Secs. 32 and 33.
T. 22 N., R. 24 E.,
Secs. 30 and 31.
T. 15 N., R. 25 E.,
Secs. 1 and 2;
Secs. 11 to 13, inclusive;
Secs. 24 and 25.
T. 16 N., R. 25 E.,
Sec. 1;
Sec. 13, SW¼;
Sec. 14, W½, W½NE¼, SE¼;
Sec. 15, E½;
Sec. 18, S½SW¼, SW¼SE¼;
Sec. 19, W½, W½E½;
Sec. 22, NE¼;
Sec. 23, N½;
Sec. 30, W½, W½E½.
T. 17 N., R. 25 E.,
Secs. 3 to 10, inclusive;
Secs. 15 to 18, inclusive;
Sec. 19, N½;
Secs. 20 to 22, inclusive;
Secs. 26 to 28, inclusive;
Secs. 34 and 35.
T. 18 N., R. 25 E.
T. 19 N., R. 25 E., all public lands outside the National Forest boundary.
T 14 N., R. 26 E.,
Sec. 1;
Secs. 12 to 14, inclusive;
Sec. 15, E½;
Sec. 22, E½;
Secs. 23 to 25, inclusive;
Sec. 26, E½;
Sec. 36, E½.
T. 15 N., R. 26 E.,
Sec. 5, W½, N½NE¼;
Secs. 6 and 7;
Sec. 8, NW¼;
Sec. 13, E½;
Secs. 18 to 20, inclusive;
Sec. 21, W½;
Secs. 24 and 25;
Sec. 28, W½W¼;
Secs. 29 and 30;
Sec. 36.
T. 16 N., R. 26 E.,
Secs. 7 and 18;
Sec. 22, N½, N½S½;
Sec. 23, N½, N½S½;
Secs. 24 and 25.
T. 18 N., R. 26 E.,
Sec. 31.
T. 12 N., R. 27 E., all public land outside the National Forest boundary.
T. 13 N., R. 27 E., all public land outside the National Forest boundary.
T. 14 N., R. 27 E.
T. 15 N., R. 27 E., all public lands outside the National Forest boundary.
T. 16 N., R. 27 E., all public lands outside the National Forest boundary.
T. 17 N., R. 27 E., all public lands outside the National Forest boundary.
T. 11 N., R. 28 E., all public lands outside the National Forest boundary.
Tps. 12, 13, and 14 N., R. 28 E.
T. 15 N., R. 28 E.,
Secs. 30 to 34, inclusive.
T. 11 N., R. 29 E.
T. 12 N., R. 29 E., all public lands outside the National Forest boundary.
T. 13 N., R. 29 E., unsurveyed, all public lands outside the National Forest boundary.
T. 14 N., R. 29 E., unsurveyed, all public lands outside the National Forest boundary.
T. 11 N., R. 30 E., all public lands outside the National Forest boundary.

The area described contains approximately 531,160 acres of public land.

BOISE MERIDIAN

LEMHI COUNTY, IDAHO

Administered by the Idaho Falls District I-3

T. 11 N., R. 26 E.,
Secs. 3, 11, 14, 23, 24, 25, 26, 35, and 36, all public lands within Lemhi County and outside the National Forest boundary.
T. 11 N., R. 27 E.,
Sec. 30, W½;
Sec. 31.

The area described contains approximately 3,810 acres of public land.

3. As provided in paragraph 1 above, the following lands are further segregated from appropriation under the general mining laws:

BOISE MERIDIAN

LEMHI COUNTY, IDAHO

Little Morgan Creek Site

T. 15 N., R. 21 E.,
Sec. 1, SW¼NW¼, W½SW¼;
Sec. 2, SE¼NE¼, E½SE¼;
Sec. 11, NE¼NE¼.

Cow Creek Site

T. 16 N., R. 21 E.,
Sec. 8, lots 4 and 5.

Cronks Canyon Campground

T. 16 N., R. 21 E.,
Sec. 8, lot 8;
Sec. 17, lot 1.

Ezra Creek Recreation Site

T. 17 N., R. 21 E.,
Sec. 9, lots 1 and 4.

McKim Creek Site

T. 17 N., R. 21 E.,
Sec. 17, lot 2.

Lime Creek Site

T. 18 N., R. 21 E.,
Sec. 3, lot 6.

Ezra Creek Camp Site

T. 18 N., R. 21 E.,
Sec. 31, NE¼SW¼.

Ringle Creek Site

T. 18 N., R. 21 E.,
Sec. 33, lots 1, 4, and 5.

Dummy Creek Site

T. 19 N., R. 21 E.,
Sec. 14, lots 1 and 4.

Briney Creek Site

T. 19 N., R. 21 E.,
Sec. 23, lots 1 and 3, NE¼NW¼.

Waddington Creek Site

T. 19 N., R. 21 E.,
Sec. 34, lot 4.

Williams Creek Site

T. 20 N., R. 21 E.,
Sec. 10, N½;
Sec. 11, W½NW¼.

Twelve Mile Site

T. 20 N., R. 21 E.,
Sec. 35, lot 1.

Boyle Creek (Tower Creek) Site

T. 23 N., R. 21 E.,
Sec. 12, lot 6.
T. 23 N., R. 22 E.,
Sec. 7, lots 4 and 5;
Sec. 18, lot 1.

McDevitt Ridge Campsite

T. 19 N., R. 22 E.,
Sec. 24, NE¼NE¼.

Bolander's Ranch Site

T. 23 N., R. 22 E.,
Sec. 19, lots 4 and 6.

Haynes Creek Campsite

T. 19 N., R. 23 E.,
Sec. 2, SE¼NW¼, NE¼SW¼.

Baldy Ridge Campsite

T. 19 N., R. 23 E.,
Sec. 19, NE¼SE¼.

Cow Creek Campground

T. 18 N., R. 24 E.,
Sec. 12, SW¼NE¼.

Charbonneau Campground

T. 19 N., R. 24 E.,
Sec. 1, SW¼.

Agency Creek Campground

T. 19 N., R. 24 E.,
Sec. 25, SE¼NW¼.

Chief Tendoy Campground

T. 19 N., R. 28 E.,
Sec. 17, SE¼NE¼, NE¼SE¼, E½SW¼NE¼, E½NW¼SE¼.

White Creek Campground

T. 19 N., R. 25 E.,
Sec. 18, W½SE¼SE¼, NE¼SE¼SE¼.

"Smokey Cubs" Site

T. 16 N., R. 26 E.,
Sec. 24, S½NE¼, N½SE¼.
T. 16 N., R. 27 E.,
Sec. 19, SW¼NW¼, NW¼SW¼.

The total area of these sites is approximately 2,301 acres.

4. For a period of sixty (60) days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections concerning the proposed classification may present their views in writing to the Salmon District Manager, Bureau of Land Management, Post Office Box 430, Salmon, Idaho 83467.

5. A public hearing on this proposed classification will be held at 10 a.m. on September 28, 1967, in the Lemhi County Courthouse, Salmon, Idaho.

JOE T. FALLINI,
State Director.

[F.R. Doc. 67-9643; Filed, Aug. 16, 1967; 8:46 a.m.]

[Serial No. U-2022]

UTAH

Notice of Classification of Public Lands for Multiple Use Management

1. Pursuant to the Act of September 19, 1964 (78 Stat. 986; 43 U.S.C. 1411-18), and to the regulations in Title 43 CFR, Parts 2410 and 2411, the public lands within the area described below, together with any lands therein that may become public lands in the future, are classified for multiple use management. Publication of this notice segregates the public lands from appropriation under the agricultural land laws (43 U.S.C. Pts. 7 and 9; 25 U.S.C. 334), from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171), and from disposition through State and private exchanges under Section 8 of the Act of June 28, 1934 (48 Stat. 1272), as amended by section 3 of the Act of June 26, 1936 (49 Stat. 1976; 43 U.S.C. 315g). The lands will remain open to all other applicable forms of appropriation including the mining and mineral leasing laws. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. The public lands affected are those administered by the Bureau of Land Management within the following described area:

All lands in Wayne and Garfield counties, Utah, lying between the Dirty Devil River and the Green and Colorado Rivers, exclusive of Canyonlands National Park and the extension thereto proposed by Senate Bill 26 of January 11, 1967, aggregating approximately 579,300 acres of public land.

3. Maps depicting these lands are on file and may be reviewed at the Bureau of Land Management's district office, 900 North Seventh East, Price, Utah 84501, and the State Office, Federal Building, 125 South State Street, Post Office Box 11505, Salt Lake City, Utah 84111.

4. No adverse comments were received following publication of a notice of proposed classification (32 F.R. 7638), or at the public hearing held at Bicknell, Utah, on June 22, 1967, except the Utah State Land Board has opposed segregation of any public lands from state selection through exchange, however, no specific objections to this classification proposal were made.

5. For a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER, interested parties may submit comments to the Secretary of the Interior, LLM, 721, Washington, D.C. 20240. (43 CFR 2411.1-2(d))

R. D. NIELSON,
State Director.

[F.R. Doc. 67-9646; Filed, Aug. 16, 1967; 8:46 a.m.]

[Serial No. U-2024]

UTAH

Notice of Classification of Public Lands for Multiple Use Management

1. Pursuant to the Act of September 19, 1964 (78 Stat. 986; 43 U.S.C. 1411-18), and to the regulations in Title 43 CFR, Parts 2410 and 2411, the public lands within the area described below, together with any lands therein that may become public lands in the future, are classified for multiple use management. Publication of this notice segregates the public lands from appropriation under the agricultural land laws (43 U.S.C. Pts. 7 and 9; 25 U.S.C. 334), and from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171). The lands will remain open to all other applicable forms of apropriation including the mining and mineral leasing laws. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 10, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. The public lands affected are those administered by the Bureau of Land Management within the following described area which lies approximately 13 to 32 miles south of Roosevelt, Utah, in the southeast corner of Duchesne County and the west central portion of Uintah County:

Beginning at the point where the Uintah and Ouray Indian Reservation intersects the Green River in T. 9 S., R. 19 E., sec. 11, SLM; thence westerly and southerly along the Uintah and Ouray Indian Reservation boundary to a point where the Ashley National Forest boundary intersects the west line of sec. 27, T. 9 S., R. 15 E., SLM; thence south along the national forest boundary to the point where the national forest boundary intersects the west line of Lot 3, sec. 16, T. 10 S., R. 15 E., SLM; thence south about one-quarter mile to the north quarter corner of sec. 21, T. 10 S., R. 15 E., SLM; thence east one-quarter mile; south one-quarter mile; east one-quarter mile; south one-half mile; east one-quarter mile; south one-quarter mile; west one-quarter mile to the southeast corner sec. 21, T. 10 S., R. 15 E., SLM; thence south one-half mile; west one-quarter mile; south three-quarters mile; west one-quarter mile; south one-half mile; east one-quarter mile; south about one-quarter mile; thence east to the northeast corner sec. 4, T. 11 S., R. 15 E., SLM; thence south about 1 mile to the southwest corner sec. 3, T. 11 S., R. 15 E., SLM; thence east three-quarters mile; south one-quarter mile; east three-quarters mile; south one-quarter mile; east one-half mile; south one-quarter mile; east one-quarter mile; south one-quarter mile; east one-quarter mile; north one-quarter mile; east one-quarter mile; north one-quarter mile; east one-quarter mile to the east quarter corner sec. 12, T. 11 S., R. 15 E., SLM; thence east about three-quarters mile; north one-quarter mile; east one-half mile; north one-quarter mile; east one-half mile; north one-quarter mile; east three-quarters mile; south one-quarter mile; east one-quarter mile; south one-quarter mile; east one-half mile; south one-quarter mile; east three-quarters mile; south one-quarter mile; east 1 mile; south one-quarter mile to the southeast corner sec. 11, T. 11 S., R. 16 E., SLM; thence south one-quarter mile; east 1 mile; north one-quarter mile; east about 1 mile; south one-quarter mile; east one-quarter mile; south one-quarter mile; east one-quarter mile; south one-quarter mile; east one-half mile; south one-quarter mile to the southwest corner sec. 16, T. 11 S., R. 17 E., SLM; thence east one-half mile; south one-quarter mile; east one-quarter mile; south one-quarter mile; east one-half mile; south one-quarter mile; east one-quarter mile; north one-quarter mile; east three-quarters mile; north one-quarter mile; east one-quarter mile; north one-quarter mile; east one-quarter mile; north one-quarter mile; west one-quarter mile; north one-half mile; east three-quarters mile; south one-quarter mile; east 1 mile; south one-quarter mile; east one-half mile; north one-half mile; east three-quarters mile; south three-quarters mile; to the south quarter corner sec. 17, T. 11 S., R. 18 E., SLM; thence south three-quarters mile; thence west one-quarter mile; south one-half mile; east three-quarters mile; north one-quarter mile; east approximately one-half mile to a point on the Green River, said point being located near the northeast corner of Lot 3, sec. 28, T. 11 S., R. 18 E., SLM; thence northerly along the Green River to point of beginning.

The area described aggregates approximately 198,180 acres of public land.

3. Maps depicting these lands are on file and may be reviewed at the Bureau of Land Management's district office, 89 West Main Street, Vernal, Utah 84078, and the State Office, Federal Building, 125 South State Street, Post Office Box 11505, Salt Lake City, Utah 84111.

4. No adverse comments were received following publication of a notice of proposed classification (32 F.R. 7638), or at the public hearing held at Duchesne, Utah, on June 15, 1967.

5. For a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER, interested parties may submit comments to the Secretary of the Interior, LLM, 721, Washington, D.C. 20240. (43 CFR 2411.1-2(d))

R. D. NIELSON,
State Director.

[F.R. Doc. 67-9645; Filed, Aug. 16, 1967; 8:46 a.m.]

Office of the Secretary

RINCON INDIAN RESERVATION, CALIF.

Ordinance Legalizing Sale of Intoxicants

Pursuant to the Act of August 15, 1953 (Public Law 277, 83d Cong., 1st sess.; 67 Stat. 586), I hereby certify that on July 30, 1967, the following ordinance relating to the application of the Federal Indian liquor laws on the Rincon Indian Reservation was duly enacted by the Rincon General Council which has jurisdiction over the area of Indian country included in the ordinance:

Whereas, Public Law 277, 83d Congress, approved August 15, 1953, provides that sections 1154, 1156, 3113, 3488, and 3618 of title 18, United States Code, commonly referred to as the Federal Indian liquor laws, shall not apply to any act or transaction within any area of Indian country, provided such act or transaction is in conformity with both the laws of the State in which such act or transaction occurs and with an ordinance duly adopted by the tribe having jurisdiction over such area of Indian country, certified by the Secretary of the Interior, and published in the FEDERAL REGISTER.

Therefore, be it resolved that the introduction, sale or possession of intoxicating beverages shall be lawful on the Rincon Reservation only within Tract 70 under the jurisdiction of the Rincon Band, said resolution pertaining only to said tract located in sec. 26, T. 10 S., R. 1 W., SBB & M, Calif., containing 3.90 acres more or less: *Provided*, That such introduction, sale or possession is in conformity with the laws of California

And be it further resolved, that any tribal laws, resolutions, or ordinances heretofore enacted which prohibit the sale, introduction, or possession of intoxicating beverages are hereby repealed.

Certification: This is to certify that the above resolution was passed by the Rincon General Council at a special duly called meeting held at the Rincon Meeting Hall, Rincon Reservation, on July 30, 1967, by a vote of 13 "for" and 0 "against".

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

AUGUST 11, 1967.

[F.R. Doc. 67-9649; Filed, Aug. 16, 1967; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

ASSISTANT TO THE SECRETARY FOR CIVIL RIGHTS

Delegation of Authority

The Secretary of Agriculture, pursuant to the authority vested in him by 7 CFR 15.2(c) of the Department of Agriculture's Regulations issued under the Civil Rights Act of 1964, hereby delegates to the Assistant to the Secretary for Civil Rights, U.S. Department of Agriculture, William M. Seabron, the authority to:

1. Make determinations required by 7 CFR 15.8(d) that compliance cannot be secured by voluntary means; and

2. Take or authorize the taking of any other action pursuant to 7 CFR 15.8(a) and 15.8(d) relating to compliance by "other means authorized by law."

Nothing herein shall preclude the Secretary of Agriculture from himself exercising the authority so delegated.

Done at Washington, D.C., this 11th day of August 1967.

ORVILLE L. FREEMAN,
Secretary of Agriculture.

[F.R. Doc. 67-9661; Filed, Aug. 16, 1967; 8:47 a.m.]

STATEMENT OF ORGANIZATION AND DELEGATIONS

Section 32a of the Statement of Organization and Delegations at 29 F.R. 16210 et seq. is amended to read as follows: "The functions of the Staff agencies are prescribed particularly in Title 1, Chapter 3 of the Administrative Regulations of the Department of Agriculture. The functions of each Staff agency may also be set forth as a notice in the FEDERAL REGISTER by the head of each such agency."

Done at Washington, D.C., this 11th day of August 1967.

ORVILLE L. FREEMAN,
Secretary of Agriculture.

[F.R. Doc. 67-9662; Filed, Aug. 16, 1967; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[File No. 23(67)-11]

PETROSERVICE INTERNATIONAL GmbH

Notice of Related Party Determination

By order dated July 27, 1966, the Bureau of International Commerce, U.S. Department of Commerce entered an order against Manfred Hardt and other parties denying all privileges of participating in any manner or capacity in exportations from the United States of commodities or technical data through July 20, 1968. This order was published in the FEDERAL REGISTER on August 4, 1966 (31 F.R. 10480).

Section 382.1(b) of the Export Regulations provides in part that, to the extent necessary to prevent evasion of any order denying export privileges, said order may be made applicable to parties other than those named in the order with whom said named parties may then or thereafter be related by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or related services. It has been determined by the Office of Export Control that within the purview of said section the firm Petroservice International GmbH located at Adolfsallee 27, 6200 Wiesbaden, Federal Republic of Germany, is a related party to said Manfred Hardt. Under this determination the terms of restriction of the order of July 27, 1966, are effective against said related party.

The said related party has been notified of this determination and has been advised that if he contends that the ruling is not justified or if at some future time it contends that it is no longer a related party to said Manfred Hardt, it may make application to have the ruling reconsidered or terminated. Due notice will be given of any termination or change in this related party determination.

Dated: August 9, 1967.

SHERMAN R. ABRAHAMSON,
Acting Director,
Office of Export Control.

[F.R. Doc. 67-9631; Filed, Aug. 16, 1967; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

AMCHEM PRODUCTS, INC.

Notice of Filing of Petition Regarding Pesticides

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 8F0631) has been filed by Amchem Products, Inc., Ambler, Pa., 19002, proposing the establishment of a tolerance of 0.3 part per million for negligible residues of the herbicide pyrazon (5-amino-4-chloro-2-phenyl-3(2H)-pyridazinone) in or on the raw agricultural commodities beets (roots and tops) and sugar beets (roots and tops).

The analytical method proposed in the petition for determining residues of the herbicide is a colorimetric technique based on hydrolysis to form aniline, which is diazotized and coupled, and determination of the absorbance of the resultant dye.

Dated: August 10, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-9696; Filed, Aug. 16, 1967; 8:51 a.m.]

AMDAL CO.

Notice of Filing of Petition for Food Additives Erythromycin and Diethylstilbestrol

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by AMDAL Co., Agricultural Division, Abbott Laboratories, North Chicago, Ill. 60064, proposing the issuance of a regulation to provide for the safe use of erythromycin as erythromycin thiocyanate in feed for feedlot beef cattle as an aid in reducing the incidence of liver abscesses, alone or in combination with diethylstilbestrol added for fattening beef cattle.

Dated: August 8, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-9697; Filed, Aug. 16, 1967; 8:51 a.m.]

AMERICAN CYANAMID CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 8B2202) has been filed by American Cyanamid Co., Wayne, N.J. 07470, proposing an amendment to § 121.2526 *Components of paper and paperboard in contact with aqueous and fatty foods* to provide for the safe use of tetrasodium *N*-(1,2-dicarboxyethyl)-*N*-octadecylsulfosuccinamate as an emulsifier in resin latex food-contact coatings for paper and paperboard when used at levels not to exceed 0.05 percent by weight of the solids of such coatings.

Dated: August 10, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-9698; Filed, Aug. 16, 1967; 8:51 a.m.]

FOOD AND DRUG RESEARCH LABORATORIES, INC.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 8A2203) has been filed by Food and Drug Research Laboratories, Inc., Maurice Avenue at 58th Street, Maspeth, N.Y. 11378, proposing an amendment to § 121.1164 *Synthetic flavoring substances and adjuvants* to provide for the safe use of 1-hydroxy-2-butanone, trimethylamine, and 4-thujanol as synthetic flavoring substances in food.

Dated: August 8, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-9699; Filed, Aug. 16, 1967; 8:51 a.m.]

PROCTOR & GAMBLE CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 8B2200) has been filed by The Proctor & Gamble Co., Ivorydale Technical Center, Cincinnati, Ohio 45217, proposing an amendment to § 121.2531 *Surface lubricants used in the manufacture of metallic articles* to provide for the safe use of stearyl stearate as a component of lubricants used in the manufacture of metallic articles intended for food-contact use.

Dated: August 8, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-9700; Filed, Aug. 16, 1967; 8:51 a.m.]

STAUFFER CHEMICAL CO.

Notice of Filing of Petition Regarding Pesticides

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 8F0628) has been filed by Stauffer Chemical Co., 1200 South 47th Street, Richmond, Calif. 94800, proposing the establishment of a tolerance of 0.1 part per million for negligible residues of the herbicide *S*-propyl butylethylthiocarbamate in or on the raw agricultural commodities sugar beets (tops and roots) and tomatoes.

Two analytical methods are proposed in the petition for determining residues of the herbicide: (1) Extraction from crop samples by direct steam distillation followed by determination using a microcoulometric-gas chromatographic technique with a sulfur titration cell; and (2) extraction from crop samples by direct steam distillation followed by hydrolysis to butylethylamine, which is converted to the cupric dithiocarbamate complex and determined spectrophotometrically at 440 millimicrons.

Dated: August 10, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-9701; Filed, Aug. 16, 1967; 8:51 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ASSISTANT REGIONAL ADMINISTRATOR AND DEPUTY ASSISTANT REGIONAL ADMINISTRATOR FOR HOUSING ASSISTANCE; REGION III (ATLANTA)

Redelegations of Authority With Respect to College Housing Loan Program

The redelegations of authority to the Assistant Regional Administrator for Housing Assistance and Deputy Assistant Regional Administrator for Housing Assistance, Region III (Atlanta), effective November 9, 1966 (32 F.R. 2826, Feb. 11, 1967), are hereby amended under section A, Authority redelegated to Assistant Regional Administrator for Housing Assistance and Deputy Assistant Regional Administrator for Housing Assistance, paragraph 1 with respect to the College Housing Loan Program, by adding a new subparagraph 1c to read:

c. To execute approvals, consents, amendments, or modifications to bonds, bond resolutions, indentures, notes, mortgages, and other collateral security instruments.

(Amendments to redelegations of authority by Assistant Secretary for Renewal and Housing Assistance effective Mar. 16, 1967 (32 F.R. 4145))

Effective date. These amendments to redelegations of authority shall be effective as of August 17, 1967.

EDWARD H. BAXTER,
Regional Administrator, Region III.

[F.R. Doc. 67-9663; Filed, Aug. 16, 1967; 8:47 a.m.]

ASSISTANT REGIONAL ADMINISTRATOR AND DEPUTY ASSISTANT REGIONAL ADMINISTRATOR FOR HOUSING ASSISTANCE; REGION V (FORT WORTH)

Redelegations of Authority With Respect to College Housing Loan Program

The redelegations of authority to the Assistant Regional Administrator for Housing Assistance and Deputy Assistant Regional Administrator for Housing Assistance, Region V (Fort Worth), effective November 9, 1966 (32 F.R. 2827, Feb 11, 1967), are hereby amended under section A, Authority redelegated to Assistant Regional Administrator for Housing Assistance and Deputy Assistant Regional Administrator for Housing Assistance, paragraph 1 with respect to the College Housing Loan Program, by adding a new subparagraph 1c to read:

c. To execute approvals, consents, amendments, or modifications to bonds, bond resolutions, indentures, notes, mortgages, and other collateral security instruments.

(Amendments to redelegations of authority by Assistant Secretary for Renewal and Housing Assistance effective Mar. 16, 1967 (32 F.R. 4145))

Effective date. These amendments to redelegations of authority shall be effective as of August 17, 1967.

W. W. COLLINS,
Regional Administrator, Region V.

[F.R. Doc. 67-9664; Filed, Aug. 16, 1967; 8:48 a.m.]

ASSISTANT REGIONAL ADMINISTRATOR AND DEPUTY ASSISTANT REGIONAL ADMINISTRATOR FOR HOUSING ASSISTANCE; REGION IV (CHICAGO, ILL.)

Redelegations of Authority With Respect to College Housing Loan Program

The redelegations of authority to the Assistant Regional Administrator for Housing Assistance and Deputy Assistant Regional Administrator for Housing Assistance, Region IV (Chicago, Ill.), effective November 9, 1966 (32 F.R. 2826, Feb. 11, 1967), are hereby amended under section A, Authority redelegated to Assistant Regional Administrator for Housing Assistance and Deputy Assistant Regional Administrator for Housing Assistance, paragraph 1 with respect to the College Housing Loan Program, by adding a new subparagraph 1c to read:

c. To execute approvals, consents, amendments, or modifications to bonds, bond resolutions, indentures, notes, mortgages, and other collateral security instruments.

(Amendments to redelegations of authority by Assistant Secretary for Renewal and Housing Assistance effective Mar. 16, 1967 (32 F.R. 4145))

Effective date. These amendments to redelegations of authority shall be effective as of June 14, 1967.

JOHN P. MCCOLLUM,
Regional Administrator, Region IV.

[F.R. Doc. 67-9665; Filed, Aug. 16, 1967; 8:48 a.m.]

ASSISTANT REGIONAL ADMINISTRATOR AND DEPUTY ASSISTANT REGIONAL ADMINISTRATOR FOR HOUSING ASSISTANCE; REGION VI (SAN FRANCISCO)

Redelegations of Authority With Respect to College Housing Loan Program

The redelegations of authority to the Assistant Regional Administrator for Housing Assistance and Deputy Assistant Regional Administator for Housing Assistance, Region VI (San Francisco), effective November 9, 1966 (32 F.R. 3368, Feb. 28, 1967), are hereby amended under section A, Authority redelegated to Assistant Regional Administrator for Housing Assistance and Deputy Assistant Regional Administrator for Housing Assistance, paragraph 1 with respect to the College Housing Loan Program, by adding a new subparagraph 1c to read:

c. To execute approvals, consents, amendments, or modifications to bonds, bond resolutions, indentures, notes, mortgages, and other collateral security instruments.

(Amendments to redelegations of authority by Assistant Secretary for Renewal and Housing Assistance effective Mar. 16, 1967 (32 F.R. 4145))

Effective date. These amendments to redelegations of authority shall be effective as of June 14, 1967.

ROBERT B. PITTS,
Regional Administrator, Region VI.

[F.R. Doc. 67-9666; Filed, Aug. 16, 1967; 8:48 a.m.]

DIRECTOR FOR NORTHWEST OPERATIONS; REGION VI (SAN FRANCISCO)

Redelegations of Authority With Respect to College Housing Loan Program

The redelegations of authority to the Director for Northwest Operations at Seattle, Wash., effective November 9, 1966 (32 F.R. 2825, Feb. 11, 1967), are hereby amended under section A, Redelegations of authority, paragraph 1 with respect to the College Housing Loan Program, by adding new subparagraphs 1c and 1d to read:

c. Approve, consent to, and authorize amendments or modifications to bonds, bond resolutions, indentures, notes, mortgages, and other collateral security instruments, upon his finding that the action is supported by adequate consideration or requires no consideration.

d. Execute approvals, consents, amendments, or modifications to bonds, bond resolutions, indentures, notes, mortgages, and other collateral security instruments.

(Amendments to redelegations of authority by Assistant Secretary for Renewal and Housing Assistance effective Mar. 16, 1967 (32 F.R. 4145))

Effective date. These amendments to redelegations of authority shall be effective as of June 15, 1967.

ROBERT B. PITTS,
Regional Administrator, Region VI.

[F.R. Doc. 67-9667; Filed, Aug. 16, 1967; 8:48 a.m.]

ASSISTANT REGIONAL ADMINISTRATOR AND DEPUTY ASSISTANT REGIONAL ADMINISTRATOR FOR HOUSING ASSISTANCE; REGION VII (SAN JUAN, P.R.)

Redelegations of Authority With Respect to College Housing Loan Program

The redelegations of authority to the Assistant Regional Administrator for Housing Assistance and Deputy Assistant Regional Administrator for Housing Assistance, Region VII (San Juan, P.R.), effective November 9, 1966 (32 F.R. 2827, Feb. 11, 1967), are hereby amended under section A, Authority redelegated to Assistant Regional Administrator for Housing Assistance and Deputy Assistant Regional Administrator for Housing Assistance, paragraph 1 with respect to the College Housing Loan Program, by adding a new subparagraph 1c to read:

c. To execute approvals, consents, amendments, or modifications to bonds, bond resolutions, indentures, notes, mortgages, and other collateral security instruments.

(Amendments to redelegations of authority by Assistant Secretary for Renewal and Housing Assistance effective Mar. 16, 1967 (32 F.R. 4145))

Effective date. These amendments to redelegations of authority shall be effective as of August 17, 1967.

JOSE E. FEBRES-SILVA,
Regional Administrator, Region VII.

[F.R. Doc. 67-9668; Filed, Aug. 16, 1967; 8:48 a.m.]

ASSISTANT REGIONAL ADMINISTRATOR AND DEPUTY ASSISTANT REGIONAL ADMINISTRATOR FOR HOUSING ASSISTANCE; REGION I (NEW YORK)

Redelegations of Authority With Respect to College Housing Loan Program

The redelegations of authority to the Assistant Regional Administrator for Housing Assistance and Deputy Assistant Regional Administrator for Housing Assistance, Region I (New York), effective November 9, 1966 (32 F.R. 2826, Feb. 11, 1967), are hereby amended under section A, Authority redelegated to Assistant Regional Administrator for Housing Assistance and Deputy Assistant Regional Administrator for Housing Assistance, paragraph 1 with respect to the College Housing Loan Program, by adding a new subparagraph 1c to read:

c. To execute approvals, consents, amendments, or modifications to bonds, bond resolutions, indentures, notes, mortgages, and other collateral security instruments.

(Amendments to redelegations of authority by Assistant Secretary for Renewal and Housing Assistance effective Mar. 16, 1967 (32 F.R. 4145))

Effective date. These amendments to redelegations of authority shall be effective as of March 16, 1967.

JUDAH GRIBETZ,
Regional Administrator, Region I.

[F.R. Doc. 67-9736; Filed, Aug. 16, 1967; 8:52 a.m.]

ASSISTANT REGIONAL ADMINISTRATOR AND DEPUTY ASSISTANT REGIONAL ADMINISTRATOR FOR HOUSING ASSISTANCE; REGION II (PHILADELPHIA)

Redelegations of Authority With Respect to College Housing Loan Program

The redelegations of authority to the Assistant Regional Administrator for

Housing Assistance and Deputy Assistant Regional Administrator for Housing Assistance, Region II (Philadelphia), effective November 9, 1966 (32 F.R. 2836, Feb. 11, 1967), are hereby amended under section A, Authority redelegated to Assistant Regional Administrator for Housing Assistance and Deputy Assistant Regional Administrator for Housing Assistance, paragraph 1 with respect to the College Housing Loan Program, by adding a new subparagraph 1c to read:

c. To execute approvals, consents, amendments, or modifications to bonds, bond resolutions, indentures, notes, mortgages, and other collateral security instruments.

(Amendments to redelegations of authority by Assistant Secretary for Renewal and Housing Assistance effective Mar. 16, 1967 (32 F.R. 4145))

Effective date. These amendments to redelegations of authority shall be effective as of August 17, 1967.

WARREN P. PHELAN,
Regional Administrator, Region II.

[F.R. Doc. 67-9737; Filed, Aug. 16, 1967; 8:52 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 17167; Order E-25820]

AIR CARRIER DISCUSSIONS

Supplementary Order Regarding Accessorial Cargo Services

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 11th day of August 1967.

By petition filed July 31, 1967, the Air Freight Forwarders Association (AFFA), requests a 1-month extension of the prior authority, granted by Order E-25146, May 15, 1967, for discussions relating to accessorial cargo services. In support of its request, AFFA states that the direct air carriers' discussions on this subject have been concluded, that two accessorial service agreements among some of the direct air carriers have resulted from such discussions and have been filed with the Board,[1] and that several others are being circulated for signature and may be filed with the Board in the near future. Accordingly, AFFA asserts that its members cannot resolve the issues among themselves pending a final filing by the direct air carriers, but that the forwarder discussion authority expired with July 31, 1967. Consequently, to provide a reasonable period of time for the forwarders to consider the direct carrier agreements, and to hold a further and final discussion meeting, AFFA seeks a 1-month extension of the forwarders' discussion authority. No person has advised the Board of any opposition to the AFFA petition.

The Board will approve the request of the Air Freight Forwarders Association. Any forwarder agreements which might result from these additional discussions would of necessity be cast in the light of whatever final action is taken by the direct air carriers. It seems reasonable to provide for additional time wherein the forwarders may consider the final actions of the airlines.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 412, and 414 thereof:

It is ordered, That:

1. Order E-25146, dated May 15, 1967, is amended to extend the indirect air carrier discussions on accessorial cargo services authorized therein for one month beginning with the service date of this order;

2. All other provisions of Order E-25146 remain unchanged.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 67-9688; Filed, Aug. 16, 1967; 8:50 a.m.]

[Docket No. 18365; Order E-25821]

MARTY'S FLYING SERVICE

Order To Show Cause Regarding Establishment of Final Service Mail Rate

Issued under delegated authority August 11, 1967.

The establishment of a final service mail rate for Martin J. McLaughlin doing business as Marty's Flying Service; Docket 18365.

By Order E-25108, May 5, 1967, the Board granted Martin J. McLaughlin doing business as Marty's Flying Service (Marty's) an exemption from Title IV of the Federal Aviation Act of 1958. Under this exemption, Marty's was authorized to carry mail between (a) Panama City, Tallahassee, and Orlando, Fla., and (b) Pensacola, Tallahassee, and Jacksonville, Fla. Subsequently, a final service mail rate of 17 cents per single engine aircraft mile and 23.5 cents per twin engine aircraft mile was established by Order E-25157, May 16, 1967.

The Postmaster General, at the request of Marty's, filed a petition on August 1, 1967, to increase the final service mail rates for the single engine transportation to 17.75 cents per aircraft mile. No adjustment on the twin engine aircraft rate is requested. The Post Office states that several months experience with this service has shown that there is greater ground time at Panama City than first anticipated, and, therefore, the present rate has not been fully compensatory to Marty's. However, this service has been very valuable to the Department, and it desires to continue to utilize Marty's services. It believes, from the experience under the present rate, that the proposed rates will be fair and reasonable compensation for this air transportation of mail by Marty's.

The Board, therefore, finds it in the public interest to adjust, determine, and fix the fair and reasonable rate of compensation to be paid to Marty's by the Postmaster General for transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the Postmaster General's petition, and other matters officially noticed, the Board proposes to issue an order[1] to include the following findings, and conclusions:

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 67-9689; Filed, Aug. 16, 1967; 8:50 a.m.]

DELAWARE RIVER BASIN COMMISSION

COMPREHENSIVE PLAN

Notice of Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Wednesday, August 23, 1967. The hearing will take place in the Conference Room on the 16th Floor of the Municipal Services Building, 15th and Kennedy Boulevard, Philadelphia beginning at 2 p.m. The subject of the hearing will be proposals to amend the Comprehensive Plan so as to include therein the following projects.

1. *Philadelphia Suburban Water Co.* An additional source of public water supply to be developed at the Bridgeport quarry in Upper Merion Township, Montgomery County, Pa. The new source will be used to augment existing company supplies and is expected to provide a daily average yield of 5.4 million gallons.

2. *City of New Castle.* A well water supply project to augment the city's supplies in New Castle, Del. Designated as School House Well No. 2, the new facility is expected to yield about 300 gallons per minute.

3. *Wyoming-Camden Sewer and Water Authority.* A well water supply project to augment existing public supplies in Wyoming, New Castle County, Del. The new facility is expected to yield 400 gallons per minute.

4. *Village of Deposit.* A well water supply project to augment public water supplies in the village of Deposit, Broome and Delaware Counties, N.Y. The new facility is expected to yield 350 gallons per minute.

5. *Womelsdorf Sewer Authority.* A sewage collection and treatment project for the Borough of Womelsdorf, Berks County, Pa. Secondary treatment will be provided for an average flow of 300,000 gallons per day prior to discharge to the Tulpehocken Creek.

Documents relating to the above proposed additions to the Comprehensive Plan may be examined at the Commission's offices. All persons wishing to testify are requested to register in advance with the Secretary to the Commission; Telephone 609-883-9500.

W. BRINTON WHITALL,
Secretary.

AUGUST 11, 1967.

[F.R. Doc. 67-9632; Filed, Aug. 16, 1967; 8:45 a.m.]

[1] As this order to show cause does not constitute a final action and merely affords interested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR Part 385). The provisions of that part dealing with petitions for Board review will be applicable to any final action which may be taken by the staff in this matter under authority delegated in § 385.14(g).

[1] Agreements CAB 10973-A73 and A74.

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 17057, 17629; FCC 67-910]

AIKEN CABLEVISION, INC., AND HOME CATV CO., INC.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re petition of Aiken Cablevision, Inc., Aiken, S.C., Docket No. 17057, File No. CATV 100-19, for authority pursuant to § 74.1107 to operate CATV systems in North Augusta and Aiken, S.C.; and in re petition of Home CATV Co., Inc., city of Barnwell and town of Williston, S.C., Docket No. 17629, File No. CATV 100-145, for authority pursuant to § 74.1107 to operate CATV systems in the Augusta, Ga., television market.

1. Home CATV Co., Inc., proposes to operate two CATV systems in the city of Barnwell and the town of Williston, both Barnwell County, S.C. Home CATV proposes to carry the local signals of the two Augusta stations, Channels 6 (NBC, ABC) and 12 (CBS), and one Columbia, S.C., station, Channel 10 (NBC).[1] It is seeking to import the distant signals from Columbia: Channels 19 (CBS), 25 (ABC), and *35 (Educational); and from Charleston: Channels 2 (ABC), 4 (NBC), and 5 (CBS).[2]

2. The Augusta market has a total net weekly circulation of 186,500 television homes. The city of Augusta has a population of 70,626 and has Channels 6, 12, 26, and 54 assigned to it; also assigned within the market are Wrens, Ga.—*20; Aiken, S.C.—*44; and Allendale, S.C.—*14. Stations are operating on Channels 6, 12, and *20;[3] a construction permit has been granted for Channel *14; two applications have been filed for Channel 26; the one application for Channel 54 was withdrawn on June 23, 1967; Channel *44 is idle. Barnwell, 38 miles from Augusta and 10 miles from Williston, has a population of 4,568, while Williston, 32 miles from Augusta, has a population of 2,722. Neither of the communities is within the Augusta Urbanized Area or the Standard Metropolitan Statistical Area.

3. Two oppositions have been filed: Rust Craft Greeting Cards, Inc., licensee of Channel 12 (CBS), Augusta, states that the cumulative effect of CATV proposals in the Augusta market will be to erode the station's audience. Moreover, it challenges the duplication of network signals as not being within the contemplation of the Commission when it called for "multiple program choices" to be available. Augusta Telecasters, Inc., an applicant for Channel 26 in Augusta, claims that this proposal should be consolidated with a pending hearing in the same market, Cosmos Cablevision Corporation, 7 FCC 2d 223, 9 RR 2d 255.

4. On the facts presented in the petition and the opposing pleadings, we are unable to make the determination without hearing that importation of the requested distant signals would be consistent with the establishment and healthy maintenance of UHF development in the market. *Accordingly, it is ordered*, That the request for waiver is denied.

It is further ordered, That the request of Home CATV Co., Inc. (CATV 100-145), pursuant to § 74.1107 of the Commission's rules, is designated for hearing.

It is further ordered, That this proceeding is consolidated with, and upon the same issues as, the proceeding in Docket No. 17057.

Rust Craft Greeting Cards, Inc., and Augusta Telecasters, Inc., are already parties to the pending Augusta proceeding and need not be redesignated as parties. The burden of proof, as before, is upon the petitioner. A time and place for the hearing will be specified in another order.

Adopted: August 2, 1967.

Released: August 14, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[4]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-9678; Filed, Aug. 16, 1967; 8:49 a.m.]

[Docket Nos. 17607, 17608; FCC 67M-1370]

AMERICANA BROADCASTING CORP. AND LOYOLA UNIVERSITY

Order Continuing Prehearing Conference

In re applications of Americana Broadcasting Corp., New Orleans, La., Docket No. 17607, File No. BPH-5404; Loyola University, New Orleans, La., Docket No. 17608, File No. BPH-5466; for construction permits.

On the Hearing Examiner's own motion: *It is ordered*, That the prehearing conference heretofore scheduled for September 27, 1967, is postponed until October 3, 1967, at 9 a.m., in the offices of the Commission, Washington, D.C.

Issued: August 10, 1967.

Released: August 11, 1967.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-9679; Filed, Aug. 16, 1967; 8:49 a.m.]

[Docket Nos. 17617, 17618; FCC 67M-1371]

ATHENS BROADCASTING CO., INC., AND 3 J'S BROADCASTING CO.

Order Scheduling Hearing

In re applications of Athens Broadcasting Co., Inc., Athens, Tenn., Docket No. 17617, File No. BPH-5668; John P. Frew and Julia N. Frew doing business as 3 J's Broadcasting Co., Athens, Tenn., Docket No. 17618, File No. BPH-5768; for construction permits:

It is ordered, That Thomas H. Donahue shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on November 21, 1967, at 10 a.m.; and that a prehearing conference shall be held on October 16, 1967, commencing at 9 a.m.: *And, it is further ordered*, That all proceedings shall take place in the offices of the Commission, Washington, D.C.

Issued: August 10, 1967.

Released: August 11, 1967.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-9680; Filed, Aug. 16, 1967; 8:49 a.m.]

[Docket Nos. 17624, 17625; FCC 67M-1372]

FRED KAYSBIER AND SIERRA BLANCA BROADCASTING CO. (KRRR)

Order Scheduling Hearing

In re applications of Fred Kaysbier, Alamogordo, N. Mex., Docket No. 17624, File No. BP-16985; Edward D. Hyman trading as Sierra Blanca Broadcasting Co. (KRRR), Ruidoso, N. Mex., Docket No. 17625, File No. BP-17487; for construction permits:

It is ordered, That Basil P. Cooper shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on November 14, 1967, at 10 a.m.; and that a prehearing conference shall be held on October 19, 1967, commencing at 9 a.m.: *And, it is further ordered*, That all proceedings

[1] In a supplement, filed June 30, 1966, petitioner has stated that it will give carriage and nonduplication to any educational station placing a predicted Grade B or better contour over the communities of the systems.

[2] Petitioner originally requested permission to import the distant signal of Channel 8 (NBC), Savannah, Ga., but subsequently withdrew this request.

[3] The station is presently operating on Program Test Authority.

[4] Commissioners Bartley, Loevinger, and Wadsworth absent.

shall take place in the offices of the Commission, Washington, D.C.

Issued: August 10, 1967.

Released: August 11, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-9681; Filed, Aug. 16, 1967; 8:49 a.m.]

[Docket No. 17186; FCC 67M-1389]

VESTAL VIDEO, INC., AND EASTERN MICROWAVE, INC.

Order Continuing Hearing

In the matter of Vestal Video, Inc., Vestal, N.Y., complainant, v. Eastern Microwave, Inc., Syracuse, N.Y., defendant; Docket No. 17186.

Counsel for Eastern Microwave, Inc., has informally advised the Hearing Examiner that parties to this proceeding desire that the hearing now scheduled for September 25, 1967, be rescheduled to November 6, 1967;

It appearing, that good cause exists why said request should be granted:

Accordingly, it is ordered, That the hearing herein now scheduled for September 25, be and the same is hereby rescheduled for November 6, 1967, 10 a.m., in the Commission's offices, Washington, D.C.

Issued: August 9, 1967.

Released: August 11, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-9682; Filed, Aug. 16, 1967; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

NORTH CAROLINA SAVINGS & LOAN LEAGUE, INC.

Financial Responsibility To Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages; Notice of Application for Certificate [Casualty]

Notice is hereby given that pursuant to the provisions of section 2, Public Law 89-777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, Amendment 2 (46 CFR Part 540) the following persons have applied to the Federal Maritime Commission for a Certificate of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages:

North Carolina Savings & Loan League, Inc.

Dated: August 14, 1967.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-9683; Filed, Aug. 16, 1967; 8:49 a.m.]

NORTH CAROLINA SAVINGS & LOAN LEAGUE, INC.

Indemnification of Passengers for Nonperformance of Transportation; Notice of Application for Certificate [Performance]

Notice is hereby given that pursuant to the provisions of section 3, Public Law 89-777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20 (46 CFR Part 540) the following persons have applied to the Federal Maritime Commission for a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation:

North Carolina Savings & Loan League, Inc.

Dated: August 14, 1967.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-9684; Filed, Aug. 16, 1967; 8:50 a.m.]

NORTH ATLANTIC WESTBOUND FREIGHT ASSOCIATION

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Ronald A. Capone, Kirlin, Campbell & Keating, The Farragut Building, 900 17th Street NW., Washington, D.C. 20006.

Agreement 5850-7, between the member lines of the North Atlantic Westbound Freight Association, proposes (1) the revocation and cancellation of a pending modification, Agreement 5850-6, which is presently in docketed proceedings (Docket No. 67-2), and (2) amendments of the basic agreement to increase the amount of the admission fee from £1,000 to £1,750.

Dated: August 14, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-9685; Filed, Aug. 16, 1967; 8:50 a.m.]

RED SEA AND GULF OF ADEN/U.S. ATLANTIC AND GULF RATE AGREEMENT

Notice of a Petition Filed for Approval

Notice is hereby given that the following petition has been filed with the Commission for approval pursuant to section 14b of the Shipping Act, 1916, as amended (75 Stat. 762, 46 U.S.C. 814).

Interested parties may inspect a copy of the proposed contract form and of the petition at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to the proposed contract form and the petition including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the proposed contract form and of the petition (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of application to institute a dual rate system filed by:

Mr. James C. Pendleton, Secretary, Red Sea and Gulf of Aden/U.S. Atlantic and Gulf Rate Agreement, 26 Broadway, New York, N.Y. 10004.

Notice is hereby given that the member lines of the Red Sea and Gulf of Aden/U.S. Atlantic and Gulf Rate Agreement (Agreement No. 8558) have filed pursuant to section 14(b) of the Shipping Act, 1916, an exclusive patronage (dual rate) contract and an application for permission to institute a dual rate system for the movement of coffee from Red Sea and Gulf of Aden Ports to U.S. Atlantic and Gulf of Mexico Ports.

The application provides that contract rates shall be lower than the ordinary rates by a fixed percentage of 15 percent all in accordance with the terms and conditions described in the contract.

Dated August 14, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-9686; Filed, Aug. 16, 1967; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-3894 etc.]

ATLANTIC RICHFIELD CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

AUGUST 8, 1967.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 31, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however*, That pursuant to § 2.56, Part 2, Statement of General Policy and Interpretations, Chapter I of Title 18 of the Code of Federal Regulations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after April 15, 1965, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing such certificate application, or within the time fixed herein for the filing of protests or petitions to intervene the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G-3894 C 7-26-67	Atlantic Richfield Co., Post Office Box 2819, Dallas, Tex. 75221.	United Gas pipe Line Co., West Mustang Island Field, Nueces and San Patricio Counties, Tex.	16.0	14.65
G-6170 D 7-26-67	The Superior Oil Co. (Operator) et al., Post Office Box 1521, Houston, Tex. 77001 (partial abandonment).	Southern Natural Gas Co., Gwinville Field, Jefferson Davis and Simpson Counties, Miss.	(2)	-------
G-6200 E 6-19-67	Norval Ballard, Trustee (Operator) et al. (successor to Norval Ballard) (Operator) et al., City National Bldg., Oklahoma City, Okla. 73102.	Panhandle Eastern Pipe Line Co., Hugoton Field, Stevens County, Kans.	[3] 11.0	14.65
G-7526 C 6-9-67	Pan American Petroleum Corp. (Operator) et al., Post Office Box 808, Tulsa, Okla. 74102.	El Paso Natural Gas Company, Blanco and Flora Vista Fields, San Juan County, N. Mex.	18.0	15.025
G-10568 E 7-28-67	Dorothy M. Bumgarner (successor to Armer, Inc.), 1438 Spring Dr., Wichita, Kans. 67208.	Kansas-Nebraska Natural Gas Co., Inc., Camrick Field, Texas County, Okla.	16.0	14.65
G-11637 D 7-27-67	Gulf Oil Corp. (Operator) et al., Post Office Box 1589, Tulsa, Okla. 74102.	El Paso Natural Gas Co., Teague Ellenburger Field, Lea County, N. Mex.	Depleted	-------
G-13108 C 7-31-67	Aztec Oil & Gas Co., 2000 First National Bank Bldg., Dallas, Tex. 75202.	Southern Union Gathering Co., Basin Dakota Pool, San Juan County, N. Mex.	18.0	15.025
CI61-291 D 7-14-67	Atlantic Richfield Co.	Transwestern Pipeline Co., acreage in Beaver County, Okla.	(2)	-------
CI61-888 D 7-20-67	Jas. F. Smith (Operator) et al., Post Office Box 10005, Avonbell Station, Amarillo, Tex. 79105 (partial abandonment).	do	(2)	-------
CI61-1500 A 4-14-61	Sinclair Oil & Gas Co., [4] Post Office Box 521, Tulsa, Okla. 74102.	West Texas Gathering Co., Emperor (Devonian) Field, Winkler County, Tex.	16.5	14.65
CI64-1198 E 7-28-67	W. R. Hughey (successor to Pan American Petroleum Corp., 407 The Petroleum Bldg., Tyler, Tex. 75701.	Lone Star Gas Co., Penn-Griffith Field, Rusk County, Tex.	14.49	14.65
CI64-1244 C 7-31-67	Humble Oil & Refining Co. (Operator) et al., Post Office Box 2180, Houston, Tex. 77001.	Natural Gas Pipeline Co. of America, Sarita et al. Fields, Kenedy County, Tex.	16.0	14.65
CI65-54 C 7-26-67	Tenneco Oil Co. (Operator) et al., Post Office Box 2511, Houston, Tex. 77001.	Arkansas Louisiana Gas Co., Pine Hollow Field, Pittsburg County, Okla.	15.0	14.65
CI65-185 C 7-27-67	V. F. Neuhaus, c/o Robert L. Bradley, attorney, 2509 Humble Bldg., Houston, Tex. 77002.	Florida Gas Transmission Co., Garcia Field, Starr County, Tex.	15.0	14.65
CI65-536 C 7-28-67	Oklahoma Natural Gas Co., Post Office Box 871, Tulsa, Okla. 74102.	Arkansas Louisiana Gas Co., Cedars Field, La Flore County, Okla.	15.025	14.65
CI65-942 C 7-31-67	Pan American Petroleum Corp.	Northern Natural Gas Co., Northeast Catesby Field, Ellis County, Okla.	[3] 19.55	14.65
CI67-671 C 7-19-67	Bradco Oil & Gas Co. (Operator) et al., 2230 Bank of the Southwest Bldg., Houston, Tex. 77002.	South Texas Natural Gas Gathering Co., North Starks Field, Calcasieu Parish, La.	16.0	15.025
CI65-67 (CI65-1216) F 7-20-67	Delta Drilling Co. (Operator) et al. (successor to Humble Oil & Refining Co.), Post Office Box 2012, Tyler, Tex. 75702.	Northern Natural Gas Co., Ozona Area, Crockett County, Tex.	15.0	14.65
CI66-94 A 7-25-67	Shell Oil Co., 50 West 50th St., New York, N.Y. 10020.	Michigan Wisconsin Pipe Line Co., Eugene Island and South Marsh Island Areas, Offshore Louisiana.	19.5	15.025
CI66-98 B 7-20-67	American Petrofina Co. of Texas (Operator) et al., Walker W. Smith, attorney, Post Office Box 2159, Dallas, Tex. 75221.	Lone Star Gas Co., Katie East Hoxbar Field, Garvin County, Okla.	(7)	-------
CI66-94 A 7-27-67	Lone Star Producing Co., 301 South Harwood St., Dallas, Tex. 75201.	Panhandle Eastern Pipe Line Co., acreage in Woods County, Okla.	[3] 17.0	14.65
CI66-95 A 7-27-67	McCommons Oil Co. et al., 1001 Mercantile Securities Bldg., Dallas, Tex. 75201.	Natural Gas Pipeline Co. of America, acreage in Wise County, Tex.	15.0	14.65
CI66-96 (G-13666) (CP61-109) F 7-24-67	Pan American Petroleum Corp. (successor to Tenneco Oil Co.).	El Paso Natural Gas Co., Basin Dakota Field, San Juan County, N. Mex.	13.0	15.025
CI66-97 B 7-27-67	Sunray DX Oil Co., Post Office Box 2039, Tulsa, Okla. 74102.	United Gas Pipe Line Co., Burnell Field, Karnes County, Tex.	Depleted	-------
CI66-98 A 7-27-67	Texaco, Inc.	Southern Natural Gas Co., Knoxo Field, Walthall County, Miss.	20.5	15.025
CI66-99 (CI62-482) F 7-24-67	Petroleum, Inc. (successor to J. M. Huber Corp.), 300 West Douglas, Wichita, Kans. 67202.	Panhandle Eastern Pipe Line Co., Northwest Carthage Area, Texas County, Okla.	[3] 16.0	14.65
CI66-100 A 7-20-67	John L. Gillingham, 63 North Fourth Avenue, Clarion, Pa. 16214.	The Manufacturers Light & Heat Co., Porter Township, Clarion County, Pa.	20.0	15.325
CI66-101 B 8-1-67	D. N. Penton, et al. (successor to F. E. Jameson, et al.), Post Office Box 308, De Quincy, La. 70633.	Transcontinental Gas Pipe Line Corp., Bear Field, Beauregard Parish, La.	(8)	-------
CI66-102 (CI66-129) F 7-27-67	Texaco, Inc. (successor to Humble Oil & Refining Co.), Post Office Box 52332, Houston, Tex. 77052.	Southern Natural Gas Co., Knoxo Field, Walthall County, Miss.	[3] 24.0	14.65
CI66-103 A 7-28-67	Graham-Michaelis Drilling Co., 211 North Broadway, Wichita, Kans. 67202.	Northern Natural Gas Co., Camrick Field, Beaver County, Okla.	[3] 17.0	14.65
CI66-104 B 7-31-67	do	Kansas-Nebraska Natural Gas Co., Inc., Beauchamp Field, Stanton County, Kans.	(9)	-------

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
CI68-107 ..... A 7-31-67	Success Oil & Gas Co., Inc., c/o Lovell E. Hayden III, attorney, Post Office Box 1661, Monroe, La. 71201.	United Gas Pipe Line Co., Dehlco Field, Richland Parish, La.	18.0	14.025
CI68-108 ..... A 7-31-67	C. C. Harter, Jr., et al., 452 Rio Grande Bldg., Dallas, Tex. 75202.	Humble Gas Transmission Co., Hatch Bend Field and North Richland Area, Richland Parish, La.	18.5	14.025
CI68-109 ..... A 7-28-67	Jack E. Webber, Route No. 1, Morgansville, W. Va. 26404.	Pennzoil Co., Grant District, Doddridge County, W. Va.	15.0	15.325
CI68-110 ..... A 7-27-67	Beacon Supply Co., Post Office Drawer 951, Pampa, Tex. 79065.	Panhandle Eastern Pipe Line Co., acreage in Seward County, Kans.	18.0	14.65
CI68-111 ..... A 8-1-67	Hydroco Gas Supply Corp., 1620 Vaughn Plaza, Corpus Christi, Tex. 78401.	United Gas Pipe Line Co., Orange Grove Field, Jim Wells County, Tex.	15.0	14.65
CI68-112 ..... A 8-1-67	C. C. Winn, 900 Northeast Military Dr., San Antonio, Tex. 78209.	Oil Field Transportation, Inc., and Hydroco Gas Supply Corp., Orange Grove Field, Jim Wells County, Tex.	5.0	14.65

[1] Well ceased to produce in commercial quantities.
[2] An increase in rate to 12.0 cents is currently suspended in Docket No. RI67-321.
[3] Deletes production of casinghead gas from W½ of sec. 31; said gas does not qualify for connection to Buyer's system.
[4] The No. 1 Kenneck Wall is incapable of delivering gas at Buyer's line pressure and said well does not qualify for compression.
[5] By letter filed June 20, 1967, Applicant agreed to accept a permanent certificate containing conditions similar to those imposed by Opinion No. 468, as modified by Opinion No. 468-A.
[6] Includes 2.5¢ cents upward B.t.u. adjustment. Subject to upward and downward B.t.u. adjustment.
[7] High-pressure gas depleted.
[8] Subject to upward and downward B.t.u. adjustment.
[9] Partial successor in interest to Northwest Production Corp., Docket No. G-10666 and Texas Eastern Transmission Corp., Docket No. CP63-169. Tenneco never made certificate filings to cover subject acreage.
[10] Wells have ceased to produce and no further production is expected from subject property.
[11] Rate in effect subject to refund in Docket No. RI66-149.

[F.R. Doc. 67-9555; Filed, Aug. 16, 1967; 8:45 a.m.]

[Docket Nos. G-3894 etc.]

ATLANTIC RICHFIELD CO. ET AL.

Findings and Order After Statutory Hearing

AUGUST 9, 1967.

Findings and orders after statutory hearing issuing certificates of public convenience and necessity, reinstating certificate and FPC gas rate schedule, amending certificates, permitting and approving abandonment of service, terminating certificates, and accepting related rate schedules and supplements for filing.

Each of the Applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce, for permission and approval to abandon service, or a petition to amend an existing certificate authorization, all as more fully described in the respective applications and petitions (and any supplements or amendments thereto) which are on file with the Commission.

The Applicants herein have filed related FPC gas rate schedules and propose to initiate, abandon or add natural gas service in interstate commerce as indicated by the tabulation herein. All sales certificated herein are at rates either equal to or below the ceiling prices established by the Commission's statement of general policy No. 61-1, as amended, or involve sales for which permanent certificates have been previously issued; except that the sale from the Permian Basin area of Texas is authorized to be made at the applicable area base rate and under the conditions prescribed in Opinion Nos. 468 and 468-A.

Wilshire Oil Company of Texas, Applicant in Docket No. CI61-198, has filed an application requesting the Commission to reinstate the certificate of public convenience and necessity heretofore issued in said docket and terminated by order of November 1, 1966, in Docket Nos. G-3083 et al., concurrently with the granting of permission and approval in Docket No. CI67-259 to abandon the subject sale. Concurrently with the termination of the certificate in Docket No. CI61-198 the Commission accepted for filing a notice of cancellation of Applicant's FPC Gas Rate Schedule No. 5. Applicant has advised the Commission that the owner of a production payment which was an economic burden on the leasehold has relinquished such payment in exchange for an overriding royalty of lesser amount which, in effect, notwithstanding the small amount of production of gas obtained from the leasehold, renders the continuance of operation and sale of gas no longer uneconomic. Applicant therefore requests that the certificate heretofore issued in Docket No. CI61-198 and its FPC Gas Rate Schedule No. 5 be reinstated.

The Commission's staff has reviewed each application and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

After due notice, no petitions to intervene, notices of intervention, or protests to the granting of any of the respective applications or petitions in this order have been received.

At a hearing held on July 27, 1967, the Commission on its own motion received and made a part of the record in these proceedings all evidence, including the applications, amendments, and exhibits thereto, submitted in support of the respective authorizations sought herein, and upon consideration of the record.

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will therefore, be a "natural-gas company" within the meaning of said Act upon the commencement of the service under the respective authorizations granted hereinafter.

(2) The sales of natural gas hereinbefore described, as more fully described in the respective applications, amendments and/or supplements herein, will be made in interstate commerce, subject to the jurisdiction of the Commission, and such sales by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) The respective Applicants are able and willing properly to do the acts and to perform the services proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(4) The sales of natural gas by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefore should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the certificate heretofore issued in Docket No. CI61-198 and subsequently terminated should be reinstated and that the related rate schedule should also be reinstated.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the certificate authorizations heretofore issued by the Commission in Docket Nos. G-3894, G-16139, CI63-575, CI65-564, and CI66-788 should be amended as hereinafter ordered and conditioned.

(7) The sales of natural gas proposed to be abandoned by the respective Applicants, as hereinbefore described, all as more fully described in the respective applications and in the tabulation herein, are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act, and such abandonments should be permitted and approved as hereinafter ordered.

(8) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates of public convenience and necessity heretofore issued to the respective Applicants relating to the abandonments hereinafter permitted and approved should be terminated.

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the respective related rate schedules and supplements as designated in the tabulation herein should be accepted for filing as hereinafter ordered.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order, authorizing the sales by the respective Applicants herein of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary for such sales, all as hereinbefore described and as more fully described in the respective applications, amendments, supplements, and exhibits in this proceeding.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against the respective Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the respective contracts particularly as to the cessation of service upon termination of said contracts, as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificates aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The grant of the certificates issued herein on all applications filed after April 15, 1965, is upon the condition that no increase in rate which would exceed the ceiling prescribed for the given area by paragraph (d) of the Commission's statement of general policy No. 61-1, as amended, shall be filed prior to the applicable date, as indicated by footnote 8 in the attached tabulation.

(E) The initial rate for the sale authorized in Docket No. G-3894 shall be the applicable base area rate prescribed in Opinion No. 468, as modified by Opinion No. 468-A, as adjusted for quality, or the contract rate, whichever is lower; and no increase in rate in excess of said initial rate shall be filed before January 1, 1968.

(F) If the quality of the gas delivered by Applicant in Docket No. G-3894 deviates at any time from the quality standards set forth in Opinion No. 468, as modified by Opinion No. 468-A, so as to require a downward adjustment of the existing rate, a notice of change in rate shall be filed pursuant to the provisions of section 4 of the Natural Gas Act: *Provided, however*, That adjustments reflecting changes in B.t.u. content of the gas shall be computed by the applicable formula and charged without the filing of a notice of change in rate.

(G) Within 90 days from the date of initial delivery Applicant in Docket No. G-3894 shall file a rate schedule quality statement in the form prescribed in Opinion No. 468-A.

(H) The acceptance for filing of the related rate filing in Docket No. CI67-1732 is contingent upon Applicant's filing three copies of a billing statement as required by the regulations under the Natural Gas Act.

(I) The initial rate for the sale authorized in Docket No. CI63-575 shall be 15.0 cents per Mcf at 14.65 p.s.i.a., including tax reimbursement, plus B.t.u. adjustment; however, in the event that the Commission amends its policy statement No. 61-1, by adjusting the boundary between the Panhandle area and the "Other" Oklahoma area so as to increase the initial wellhead price for new gas in the area involved herein, Applicant thereupon may substitute the new rate reflecting the amount of such increase, and thereafter collect such new rate prospectively in lieu of the initial rate herein required.

(J) The certificates heretofore issued in Docket Nos. G-3894 and CI63-575 are amended by adding thereto authorization to sell natural gas to the same purchasers and in the same areas as covered by the original authorizations pursuant to the rate schedule supplements as indicated in the tabulation herein.

(K) The certificate heretofore issued in Docket No. CI65-564 is amended by deleting therefrom the interest of Mobil Oil Corp. and the related rate schedule is redesignated from Standard Oil Company of Texas, a division of Chevron Oil Co. (Operator), et al., to Standard Oil Company of Texas, a division of Chevron Oil Co.

(L) The certificates heretofore issued in Docket Nos. G-16139 and CI66-788 are amended by deleting therefrom authorization to sell natural gas from acreage assigned to Applicants in Docket Nos. CI67-1732 and CI67-1718, respectively.

(M) The certificate heretofore issued in Docket No. CI61-198 and the related rate schedule are reinstated, permission and approval to abandon the sale of natural gas issued in Docket No. CI67-259 are rescinded, and the acceptance for filing of Supplement No. 4 to Wilshire Oil Company of Texas FPC Gas Rate Schedule No. 5 is rescinded.

(N) Permission for and approval of the abandonment of service by the respective Applicants, as hereinbefore described, all as more fully described in the respective applications and in the tabulation herein are granted.

(O) Permission for and approval of the abandonment in Docket No. CI67-1729 shall not be construed to relieve Applicant of any refund obligation which may be ordered in the rate suspension proceedings pending in Docket Nos. RI66-127 and RI67-88.

(P) The certificates heretofore issued in Docket Nos. G-3555, G-4301, G-5617, G-12680, G-13321, G-13682, CI61-1715, CI62-1310, CI63-183, CI63-625, CI63-1467, CI64-901, CI64-1092, CI64-1185, CI64-1354, and CI66-363 are terminated.

(Q) The respective related rate schedules and supplements as indicated in the tabulation herein are accepted for filing, subject to the applicable Commission regulations under the Natural Gas Act to be effective on the dates as indicated in the tabulation herein.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
G-3894 ..... C 8-31-67 [1]	Atlantic Richfield Co.[2]	El Paso Natural Gas Co., Spraberry Trend Area, Reagan County, Tex.	Supplemental Agreement 4-11-67.[3]	28	31
CI61-198 ..... 5-26-67 [4]	Wilshire Oil Co. of Texas.	Panhandle Eastern Pipe Line Co., Bluebell Northwest Field, Seward County, Kans.	Contract 7-30-60	5	.....
			Letter 9-6-60	5	1
			Letter (undated)	5	2
			Assignment 1-20-62	5	3
			Notice of cancellation 5-19-66.	5	4
			Notice of reinstatement 5-24-67.[5]	5	5
CI63-575 ..... C 8-5-67	Humble Oil & Refining Co.	Michigan Wisconsin Pipe Line Co., Woodward Area, Major County, Okla.	Amendatory Agreement 5-4-67.[6]	314	6

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
C165-564 ..... 6-11-67 [2]	Hunt Oil Co.	Texas Eastern Transmission Corp., South Nome Field, Jefferson County, Tex.	Notice of cancellation 6-1-67 [3] [4]	41	10
C167-1697 ..... A 6-4-67 [5]	Winrod Gas Co., Inc. (formerly A. G. Hadford).	Consolidated Gas Supply Corp., Kanawha District, Nicholas County, W. Va.	Notice of cancellation 6-1-67 [3] [4]	1	4
C167-1704 ..... (C166-268) B 6-1-67	Glenn L. Haught et al. d.b.a. Osborn Gas Co.	Consolidated Gas Supply Corp., Murphy District, Ritchie County, W. Va.	Notice of cancellation 6-1-67 [3] [4]	8	1
C167-1706 ..... (C164-1062) B 6-1-67	Tarpon Oil Co. (successor to Gulf Oil Corp.).	Transwestern Pipeline Co., acreage in Lipscomb County, Tex.	Contract 6-19-56 [6] ..... Letter agreement 11-3-66 ..... Letter agreement 12-8-66 ..... Letter agreement 5-15-67 ..... Assignment 2-7-67 [7] [8]	1 2 2 2	1 2 3 4
C167-1708 ..... (C164-901) B 6-1-67	George W. Miller, et al.	Consolidated Gas Supply Corp., Troy District, Gilmer County, W. Va.	Notice of cancellation 6-1-67 [3] [4]	18	5
C167-1707 ..... (C163-143) B 6-1-67	Southern Triangle Oil Co., Inc.	Consolidated Gas Supply Corp., New Milton District, Doddridge County, W. Va.	Notice of cancellation 6-1-67 [3] [4]	8	6
C167-1708 ..... (C164-902) B 6-1-67	Neal Budder et al.	do.	Notice of cancellation 6-1-67 [3] [4]	8	7
C167-1709 ..... (C164-1110) B 6-1-67	Dorothea Webber (successor to Jack E. Webber et al.).	Consolidated Gas Supply Corp., Mead District, Tyler County, W. Va.	Notice of cancellation 6-1-67 [3] [4]	6	8
C167-1710 ..... (C164-1062) A 6-1-67 [9]	Dillon Management Corp. (Operator) et al.	United Transmission, a division of Allied Chemical Corp., North Port Neches Field, Orange County, Tex.	Notice of cancellation 6-1-67 [3] [4]	8	9
C167-1714 ..... (C163-428) B 6-1-67	Paul-Hardman Oil Operators (Operator) et al.	Ohio Service Gas Co., Brook Field, Barber County, Kans.	Notice of cancellation 6-26-67 [3] [4]	1	4
C167-1717 ..... A 6-26-67	Flag Oil Corp. of Delaware.	Arkansas Louisiana Gas Co., Kell County, Okla.	Contract 4-28-67 [3] ..... Contract 5-30-64 [3]	4	1
C167-1718 ..... (C165-788) F 6-26-67	Humble Oil & Refining Co. (successor to Edwin L. Cox).	Panhandle Eastern Pipe Line Co., Mocane-Laverne Field, Beaver County, Okla.	Contract 2-1-66 [3] ..... Assignment 1-1-67 [3] ..... Effective date: 1-1-67 [3] [10]	426 426 426	2 3 4
C167-1719 ..... (C-4301) B 6-1-67	Pan American Petroleum Corp. (Operator) et al.	Tennessee Gas Pipeline Co., a division of Tenneco, Inc., West Vidaurri Field, Hidalgo County, Tex.	Notice of cancellation 6-26-67 [3] [4]	170	10
C167-1720 ..... A 6-1-67	Shelly Oil Co.	Lone Star Gas Co., acreage in Stephens County, Okla.	Contract 4-19-67 [3]	228	1
C167-1721 ..... A 6-1-67 [9]	Shenandoah Oil Corp. (Operator) et al.	Northern Natural Gas Co., acreage in Kiowa County, Kans.	Contract 4-10-67 [3]	7	1
C167-1722 ..... B 6-24-67 [11]	R. B. Robertson, Agent.	The Manufacturers Light and Heat Co., Peltz-Bluebaugh-Rowe-Rhue, Armstrong County, Pa.	Notice of cancellation (undated) [3] [4]	(12)	
C167-1725 ..... (C161-1716) B 6-1-67	Floyd E. Emrick et al.	Consolidated Gas Supply Corp., Spencer District, Roane County, W. Va.	Notice of cancellation 6-1-67 [3] [4]	1	10
C167-1726 ..... (C163-1467) B 6-2-67	V-T Drilling Co., (Operator) et al.	Consolidated Gas Supply Corp., Troy District, Lewis County, W. Va.	Notice of cancellation 6-1-67 [3] [4]	1	1
C167-1727 ..... (C164-1354) B 6-2-67	Petroleum Promotions, Inc.	Consolidated Gas Supply Corp., Court House District, Lewis County, W. Va.	Notice of cancellation 6-1-67 [3] [4]	10	1

See footnotes at end of table.

[1] Jan. 1, 1968, moratorium provided by Opinion No. 468.
[2] By letter filed May 31, 1967, applicant accepts permanent authorization containing conditions similar to those imposed by Opinion No. 468, as modified by Opinion No. 468-A.
[3] Effective date: Date of initial delivery. (Applicant shall advise the Commission as to such date).
[4] Applicant is requesting reinstatement of its certificate and rate schedule and to resume a sale for which an abandonment was authorized on Nov. 1, 1966, in Docket No. CI67-256 (revised base arrangement makes sale economical).
[5] Effective date: Date of resumption of service.
[6] Amendment to the certificate filed to delete the interest of Mobil Oil Corp., a nonsignatory co-owner and to delete the term "(Operator) et al." from the rate schedule designation. Standard and Mobil are the only producers in the related rate filing. Mobil's letter dated Apr. 24, 1967, withdrawing authorization has been construed as an interest statement pursuant to sec. 154.91 and attached to the rate schedule as an exhibit.
[7] Jan. 1, 1968, moratorium pursuant to the Commission's statement of general policy No. 61-1, as amended.
[8] Ratifies contract dated Nov. 3, 1953, between the Ohio Oil Co., as seller and Tennessee Gas Pipeline Co., as buyer, currently on file as George Mitchell & Associates, Inc., Agent for Stephan C. Clark et al., FPC GRS No. 26 (dedicates acreage with various depth limitations).
[9] Basic contract ratified by Stephan C. Clark et al.
[10] Contract provides for a 1 year make-up Er gas paid for but not taken.
[11] Amends contract pricing provisions.
[12] Eliminates impermissible pricing provisions and provides for a rate of 15 cents for life of contract.
[13] Omitted.
[14] Omitted.
[15] Omitted.
[16] Production of gas no longer economically feasible.
[17] Effective date: Date of this order.
[18] Source of gas depleted.
[19] Between Flag Oil Corp. of Delaware and Arkansas Louisiana Gas Co. Adopts terms of Mar. 30, 1964, contract on file as Edwin L. Cox et al., FPC GRS No. 62.
[20] Assignment of ¼ interest in acreage from Edwin L. Cox to Applicant.
[21] No certificate or rate schedule filings were made for this sale under Manufacturers Contract No. L2430.
[22] 16.2 cents rate effective subject to refund in Docket No. RI67-98; 16 cents rate collected subject to refund in Docket No. RI66-127.
[23] On file as Gulf Oil Corp. FPC GRS No. 196.
[24] Assigns acreage from Gulf Oil Corp. to Applicant.

[F.R. Doc. 67-9556; Filed, Aug. 16, 1967; 8:45 a.m.]

PUBLIC LAND LAW REVIEW COMMISSION

ORGANIZATION, FUNCTIONS, AND AVAILABILITY OF RECORDS AND INFORMATION

ORGANIZATION AND FUNCTIONS

Sec.
1. Organization.
2. Functions.

RECORDS AND INFORMATION

11. Records available.
12. Requests for inspection or copying of records.
13. Exempted records.
14. Schedule of fees.
15. Administrative review.

AUTHORITY: Sections 1–15 issued pursuant to the act of Sept. 19, 1964 (78 Stat. 982, 43 U.S.C. secs. 1391–1400) and 5 U.S.C. sec. 552.

ORGANIZATION AND FUNCTIONS

SECTION 1. *Organization.* (a) The Public Land Law Review Commission was established by the Act of September 19, 1964 (78 Stat. 982, 43 U.S.C. sections 1391–1400), hereinafter referred to as the Organic Statute, and is composed of 19 members, six of whom are members of the Committee on Interior and Insular Affairs of the U.S. Senate appointed by the President of the Senate, six members of the Committee on Interior and Insular Affairs of the U.S. House of Representatives appointed by the Speaker of the House, and six persons from outside the Federal Government, appointed by the President of the United States. The 19th member is the Chairman elected by the 18 appointed members.

(b) To aid and advise the Commission in the performance of its functions the Organic Statute provides for an Advisory Council and for Governors' Representatives. The Advisory Council is composed of 25 persons selected by the Commission representative of various major citizens' groups interested in the public lands and eight liaison officers designated by interested Federal departments and agencies. Each of the Governors of the 50 States has designated a Representative to the Commission. The Advisory Council, at the call of the Chairman, meets no less than once each 6 months.

(c) The principal members of the staff of the Commission are: Director; Assistant Director (Administration); Assistant Director (Program); General Counsel and Chief, Legal Group; Chief, Resources and Evaluation Group; and Administrative Officer.

(d) The Commission has delegated, with power to redelegate, all its administrative authority, including the authority to obligate funds, to the Chairman, who has redelegated all such authority to the Director. The Director is responsible, among other things, for the conduct of the Commission's study program and supervision of the staff of the Commission.

SEC. 2. *Functions.* (a) The principal functions of the Commission pursuant to the Organic Statute are to (1) study existing statutes and regulations governing the retention, management, and disposition of the public lands; (2) review the policies and practices of the Federal agencies having administrative jurisdiction over such lands; (3) compile data necessary to understand and determine the various demands on the public lands; and (4) recommend to the Congress and the President such modifications in existing laws, regulations, policies, and practices concerning the public lands as will, in the judgment of the Commission, best serve to provide the maximum benefit for the general public. The particular lands with respect to which the Commission is required to perform the foregoing functions are those categories of land and interests in land owned by the United States and listed in section 10 of the Organic Statute.

(b) Since the functions of the Commission are advisory in nature, as indicated in (a) above, it does not ordinarily render decisions or issue regulations affecting the rights or privileges of the general public. Pursuant to 5 U.S.C. sec. 552, records of the Commission, where they may affect the general public, will be made available at the offices of the Commission at 1730 K Street NW., Washington, D.C. 20006.

RECORDS AND INFORMATION

SEC. 11. *Records available.* (a) As used herein, Commission "records" include all opinions, orders, manuals, papers, maps, files, letters, memoranda, studies, reports, information, or other documentary materials in being that have come into the possession of the Commission in the discharge of its official duties, except documents originating in other Federal agencies and books or other published materials, or such documentary materials as study reports which the Commission has determined to publish or, in the opinion of the Director, will be published by the Commission. Articles, objects, equipment, and other nondocumentary materials are not included within "records."

(b) All records of the Commission shall be open to inspection or copying unless the record requested falls within one or more of the exempted categories set forth in section 13 hereof.

SEC. 12. *Requests for inspection or copying of records.* (a) Any person desiring to inspect or copy records known or believed to be in the possession of the Commission shall apply in person or in writing to the Administrative Officer of the Commission at the offices of the Commission at 1730 K Street NW., Washington, D.C. 20006. Personal requests may be made between the hours of 9 a.m. and 5 p.m. on weekdays (holidays excluded). The request should identify with particularity the document desired. An index identifying the subject matter of the records of the Commission is kept on file at the Commission offices for inspection on request.

(b) Except as may be otherwise provided in specific instances, a fee shall be levied for all record searches requiring more than 15 minutes in accordance with the schedule of fees set out in section 14 hereof. Likewise, a fee will be charged for copies of records or any portion thereof. These fees shall be so computed as to obtain full cost recovery of searching and copying.

SEC. 13. *Exempted records.* No record shall be withheld from inspection or copying unless such denial is authorized under the applicable provisions of the Organic Statute or 5 U.S.C. section 552 (b). However, the fact that a record or portion thereof is within one of the exempted classes under 5 U.S.C. section 552(b) does not imply that inspection or copying will be arbitrarily denied. In each instance the right to access will be carefully balanced with the general public interest considerations underlying the exemption. The following list contains examples of records which may be withheld from the public.

(a) Records required by section 8 of the Organic Statute to be kept confidential, i.e., material voluntarily submitted by witnesses on a confidential basis for the use of the Commission, or material which the Commission has required a witness or Government agency to produce and which theretofore had been submitted to a Government agency on a confidential basis protected by statute.

(b) Records required by Executive order to be kept secret in the interest of the national defense or foreign policy.

(c) Records related solely to the internal personnel rules and practices of the Commission. This exemption includes those internal instructions to Commission personnel concerning the manner in which such personnel carry out their assigned functions and activities for which the Commission has responsibility.

(d) Records exempted by statute other than 5 U.S.C. section 552.

(e) Trade secrets and commercial or financial information obtained from any person and privileged or confidential. This exemption will assure the protection of information furnished to and accepted by the Commission or any other Federal agency on the understanding that it will not be made public and will be protected as a confidential communication. The exemption includes certain business sales statistics; manufacturing, production or operating costs, inventories, customer lists; scientific or manufacturing processes, techniques, developments and designs; and various communications privileged under law. Commercial or financial information concerning such confidential matters as cost breakdowns, past profit, or overhead rates furnished to the Commission in contract proposals will not be disclosed, but the exemption does not include prices quoted to the Commission for materials or services.

(f) Intraagency memoranda or letters which would not be available by law to a private party in litigation with the Commission. Records concerning an incomplete transaction, such as a contract under negotiation, are not available for inspection since premature disclosure could have adverse effects upon both public and private interests. Minutes of

executive sessions of the Commission, or of the Commission and its Advisory Council or Governors' Representatives will not be available. However, a record will be maintained of the final vote of each member of the Commission on each matter on which such a vote is taken, and upon written request to the Director, with respect to any such identified matter, information as to final votes will be made available.

(g) Personnel and medical files and similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. Among other things, it covers information given to the Commission in confidence and obtained from members of the public through questionnaires, surveys, and other inquiries. The names and duty stations of Federal employees are public information, but the public disclosure of employee home addresses and telephone numbers is not authorized.

(h) Geological and geophysical information and data (including maps) concerning wells. The explicit reference to wells does not preclude the exemption of similar data pertaining to other productive sites, such as mines, where the information has been obtained on a confidential basis.

SEC. 14. *Schedule of fees.* (a) Records search involving no more than 15 minutes will be made without charge. For searches requiring more than 15 minutes the charge will be at the rate of $2 for each half hour or fraction thereof after the first 15 minutes.

(b) Copying service will be performed at the following rates: The minimum charge will be $1. The fee for photocopying, including handling, will be at the rate of 35 cents per page.

(c) From time to time the Commission holds public meetings or hearings of which transcripts are prepared by reporters under contract with the United States. In such cases copies of material from such transcripts must be procured from such contract reporters.

SEC. 15. *Administrative review.* (a) In the event any record of the Commission is withheld from any person who applies therefor, administrative review of such withholding may be initiated by filing a written request for review within 30 days of the date of denial of the request. Review shall be made by the Director and requests for review shall be addressed to him at the offices of the Commission.

(b) The request for review shall set forth the circumstances of the denial and the reasons for appeal from the denial. No personal appearance, oral argument, or hearing will be involved.

(c) Decisions on review shall be in writing, shall briefly state the reasons for the decision, and shall be promptly communicated to the petitioner.

(d) All decisions on review by the Director shall be final and conclusive, and the applicant shall be presumed to have exhausted his administrative remedies. The petitioner may then file a complaint in a U.S. District Court of competent jurisdiction pursuant to 5 U.S.C. 552(a)(3).

MILTON A. PEARL,
Director.

[F.R. Doc. 67-9633; Filed, Aug. 16, 1967; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[70-4519]

MICHIGAN CONSOLIDATED GAS CO.

Notice of Proposed Issue and Sale of Notes to Banks

AUGUST 11, 1967.

Notice is hereby given that Michigan Consolidated Gas Co. ("Michigan"), 1 Woodward Avenue, Detroit, Mich. 48226, a gas utility subsidiary company of American Natural Gas Co., a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6 and 7 thereof as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Michigan proposes to issue and sell, from time to time commencing in September 1967 and in varying amounts as funds are required, its unsecured promissory notes in an aggregate face amount not exceeding $25 million to the following banks in the respective amounts shown:

First National City Bank, New York, N.Y.	$9,000,000
National Bank of Detroit, Mich.	9,000,000
Manufacturers Hanover Trust Co., New York, N.Y.	2,250,000
The Chase Manhattan Bank (National Association), New York, N.Y.	2,250,000
Manufacturers National Bank of Detroit, Mich.	1,250,000
The Detroit Bank & Trust Co., Detroit, Mich.	1,250,000
Total	25,000,000

Each note will be dated as of the date of issue, will mature November 30, 1968, and will bear interest at the prime rate in effect at First National City Bank, New York, N.Y., on the date of each borrowing, which interest rate will be adjusted to the prime rate in effect at such bank at the beginning of each 90-day period subsequent to the date of the first borrowing. There is no commitment fee, and the notes may be prepaid at any time without penalty. Michigan proposes to use the proceeds from the sale of the proposed notes to finance, in part, its construction costs, which for the year 1967 are estimated at $32,550,000. To the extent that the net proceeds from any permanent debt financing effected by Michigan prior to the maturity of the notes to be issued hereunder is not required for the retirement of such principal amount of debentures, the net proceeds will be applied in reduction of, or in total payment of, the notes to be issued hereunder and the lines of credit will be reduced by the amount of the notes prepaid.

Fees and expenses incident to the proposed transactions are estimated at $1,000, including legal fees of $500. The declaration states that no approval or consent of any regulatory body other than this Commission is necessary for the consummation of the proposed transactions.

Notice is further given that any interested person may, not later than September 6, 1967, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-9651; Filed, Aug. 16, 1967; 8:46 a.m.]

SUBSCRIPTION TELEVISION, INC.

Order Suspending Trading

AUGUST 11, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $1 par value of Subscription Television, Inc., New York, N.Y., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 14, 1967, through August 23, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-9652; Filed, Aug. 16, 1967; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1096]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

AUGUST 11, 1967.

The following applications are governed by Special Rule 1.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.24(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of § 1.247(d)(4) of the special rule, and shall include the certification required therein.

Section 1.247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 200 (Sub-No. 223), filed July 28, 1967. Applicant: RISS & COMPANY, INC., 106 West 10th Street, Wilmington, Del. Mailing address: Temple Building, 903 Grand Avenue, Kansas City, Mo. Applicant's representative: Ivan E. Moody, 12th Floor, Temple Building, 903 Grand Avenue, Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Drugs, medicines, cough drops, toilet preparations, and soap*, from Philadelphia and Hatboro, Pa., to Mount Clemens, Mich. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 531 (Sub-No. 235), filed July 27, 1967. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Post Office Box 14287, Houston, Tex. 77021. Applicant's representative: Wray E. Hughes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Long Beach, Calif., to Toledo, Ohio. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 1222 (Sub-No. 30), filed July 31, 1967. Applicant: THE REINHARDT TRANSFER COMPANY, a corporation, 1410 10th Street, Portsmouth, Ohio 45662. Applicant's representative: Robert H. Kinker, 711 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Knocked down fiber board cartons*, not corrugated, nested solid, from Portsmouth, Ohio, to points in Indiana and Kentucky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 3252 (Sub-No. 43), filed July 31, 1967. Applicant: PAUL E. MERRILL, doing business as MERRILL TRANSPORT CO., 1037 Forest Avenue, Portland, Maine. Applicant's representative: Francis E. Barrett, Jr., Investors Building, 536 Granite Street, Braintree, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber stock*, from Portland and Fryeburg, Maine, to points in New York, New Jersey, Pennsylvania, Delaware, Maryland, North Carolina, Virginia, Indiana, Kentucky, Ohio, and Michigan. NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Maine, or Boston, Mass.

No. MC 17683 (Sub-No. 23), filed July 27, 1967. Applicant: ELM CITY OIL CO., INC., 73 Emerald Street, Keene, N.H. 03431. Applicant's representative: Arthur A. Greene, Jr., 40 Stark Street, Manchester, N.H. 03101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* in tank vehicles, from Springfield and Holyoke, Mass., to points in Windham and Windsor Counties, Vt., and points in Cheshire, Sullivan, Hillsborough, and Grafton Counties, N.H. NOTE: If a hearing is deemed necessary, applicant requests it be held at Concord, N.H.

No. MC 33322 (Sub-No. 14), filed August 2, 1967. Applicant: STERLING E. APGAR, JOHN N. APGAR, RUSSELL I. APGAR AND DOROTHY E. APGAR, a partnership, doing business as APGAR BROS., 232 West Union Avenue, Bound Brook, N.J. Applicant's representative: William P. Sullivan, 1825 Jefferson Place NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and building materials* and *materials, equipment, and supplies* used in the manufacture, installation, or application of roofing and building materials, between Erie, Pa., and points within 10 miles thereof, on the one hand, and, on the other, points in Ohio, and points in Brooke, Hancock, Marshall, and Ohio Counties, W. Va., under contract with The Ruberoid Co. of South Bound Brook, N.J. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 39406 (Sub-No. 14), filed August 2, 1967. Applicant: CENTRAL MOTOR LINES, INCOPORATED, 324 North College Street, Post Office Box 1067, Charlotte, N.C. 28201. Applicant's representative: Leonard S. Cassell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the borough of Hatboro, Montgomery County, Pa., as an off-route point in connection with applicant's two presently authorized regular route operations as follows: (1) Between New York, N.Y., and North Augusta, S.C., and (2) between junction U.S. Highway 1 and U.S. Highway 130, near Milltown, N.J., and Easley, S.C. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

[1] Copies of Special Rule 1.247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

No. MC 41116 (Sub-No. 31), filed July 31, 1967. Applicant: FOGELMAN TRUCK LINE, INC., Post Office Box 603, Crowley, La. 70526. Applicant's representative: Austin L. Hatchell, 1102 Perry Brooks Building, Austin, Tex. 78701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer materials, acids, and chemicals*, including but not limited to *anhydrous ammonia, fertilizer solutions, insecticides, fungicides, herbicides, aqua ammonia, methanol, urea, and urea products*, from the plantsite of Gulf Oil Corp. (Faustina Works) at or near Donaldsonville, La., to points in Alabama, Arkansas, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee, and Texas under a continuing contract with Gulf Oil Corp., Chemical Department. NOTE: Applicant holds common carrier authority in MC 123993, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at New Orleans or Baton Rouge, La.

No. MC 42487 (Sub-No. 676), filed July 26, 1967. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: Robert C. Stetson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except liquid petroleum products, in bulk, in tank trucks and except household goods as defined in *Practices of Motor Carriers of Household Goods*, 17 M.C.C. 467, between Wells, Nev., and Salt Lake City, Utah, over U.S. Interstate Highway 80 (or U.S. Highway 40, on those portions of the route not presently designated as U.S. Interstate Highway 80), serving no intermediate points, and return over the same route. NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif., or Salt Lake City, Utah.

No. MC 48958 (Sub-No. 97), filed July 27, 1967. Applicant: ILLINOIS-CALIFORNIA EXPRESS, INC., 510 East 51st Avenue, Denver, Colo. 80216. Applicant's representative: Morris G. Cobb, 601 Ross Street, Post Office Box 9050. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, including classes A and B explosives, but excluding household goods as defined by the Commission, livestock, commodities in bulk, those of unusual value, those requiring special equipment, and those injurious or contaminating to other lading, between Albuquerque, N. Mex., and El Paso, Tex.; (1) from Albuquerque over U.S. Highway 85 to El Paso and return over the same route, and (2) from Albuquerque over Interstate Highway 25 (U.S. Highway 85) to junction U.S. Highway 70 at or near Las Cruces, N. Mex., thence over U.S. Highway 70 to junction Interstate Highway 10 at or near Las Cruces, N. Mex., thence over Interstate Highway 10 (U.S. Highway 85) to El Paso and return over the same route, serving no intermediate points, as alternate routes for operating convenience only in connection with applicant's present authority. NOTE: If a hearing is deemed necessary, applicant requests it be held at Santa Fe or Albuquerque, N. Mex., or El Paso, Tex.

No. MC 51146 (Sub-No. 59), filed July 31, 1967. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis. 54306. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such products* as are manufactured or distributed by manufacturers or converters of cellulose materials and products and paper and paper products (except commodities in bulk, in tank or hopper type equipment), from the plant and warehouse sites of Personal Products Co. and Cel Fibre, Inc., at or near Wilmington, Ill., to Kansas City, Mo., Omaha, Nebr., Pittsburgh, Pa., and points in Illinois, Indiana, Iowa, Kentucky, Lower Peninsula of Michigan, Minnesota, Missouri, Ohio, West Virginia, and Wisconsin, and (2) *returned and rejected shipments* of the above-described commodities, from the above-named destination area to the above-named origin points. NOTE: Applicant states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 52064 (Sub-No. 25), filed July 27, 1967. Applicant: S & C TRANSPORT CO., INC., 65 State Street, South Hutchinson, Kans. 67501. Applicant's representative: James F. Miller, 7501 Mission Road, Shawnee Mission, Kans. 66208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Products used in the agricultural, water treatment, food processing, wholesale grocery, and institutional supply industries when shipped in mixed truckloads with salt and salt products*, from the plantsite of Morton Salt Co., South Hutchinson, Kans., to points in Minnesota, Arkansas, Nebraska, Oklahoma, North Dakota, Wyoming, points in Colorado on and east of U.S. Highway 85, points in Curry, Bernalillo, Mora, Santa Fe, Colfax, Harding, Los Alamos, Taos, Quay, Guadalupe, Union, San Miguel, Torrance, and Rio Arriba Counties, N. Mex., and points in Cochran, Bailey, Randall, Roberts, Crosby, Swisher, Potter, Sherman, Wichita, Lubbock, Castro, Oldham, Dallas, Cottle, Hall, Gray, Ochiltree, Yoakum, Dickens, Briscoe, Carson, Hansford, Floyd, Collingsworth, Hartley, Foard, Terry, Motley, Childress, Wheeler, Lipscomb, Lamb, Armstrong, Hutchinson, Wilbarger, Lynn, Hale, Donley, Moore, Hockley, Parmer, Deaf Smith, Hemphill, Hardeman, Garza, and Kent Counties, Tex. NOTE: If a hearing is deemed necessary, applicant requests it be held at Wichita or Topeka, Kans.

No. MC 59120 (Sub-No. 29), filed July 31, 1967. Applicant: EAZOR EXPRESS, INC., Eazor Square, Pittsburgh, Pa. 15201. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, serving the plantsite of Pittsburgh Plate Glass Co. at or near Kebert Park, Pa. (approximately 10 miles south of Meadville, Pa., near U.S. Highway 19), as an off-route point in connection with carrier's authorized regular route operation between Pittsburgh, Pa., and Meadville, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 59583 (Sub-No. 112), filed August 1, 1967. Applicant: THE MASON & DIXON LINES, INCORPORATED, Eastman Road, Kingsport, Tenn. 37660. Applicant's representative: Clifford E. Sanders, 321 East Center Street, Kingsport, Tenn. 37660. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, serving the Argonne Industrial District located in points in Will and Du Page Counties, Ill., over U.S. Highway 41 between Chicago, Ill., and the junction of U.S. Highway 41 with U.S. Highway 52 near Fowler, Ind., as an off-route point in connection with applicant's presently authorized regular-route authority. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 61440 (Sub-No. 111), filed July 19, 1967. Applicant: LEE WAY MOTOR FREIGHT, INC., 3000 West Reno, Oklahoma City, Okla. 73106. Applicant's representative: David Wm. West, 363 North First Avenue, Phoenix, Ariz. 85003. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, between points within a 25-mile radius of Phoenix, Ariz. NOTE: Applicant states it would tack at Phoenix, Ariz., and points in California, Arizona, New Mexico, Texas, Colorado, Oklahoma, Kansas, Missouri, Illinois, Ohio, Pennsylvania, and West Virginia. Common control may be involved. Applicant also states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. MC 62826 (Sub-No. 20), filed August 3, 1967. Applicant: CAROLINA-NORFOLK TRUCK LINE, INC., 1405 Gordon Avenue, Richmond, Va. 23224. Applicant's representative: Francis W. McInerny, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle over regular routes, transporting: *General commodities*, except those of unusual value, dangerous explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, serving points in North Carolina located east or north of a line beginning at the North Carolina-Virginia State line over North Carolina Highway 186 to its intersection with U.S. Highway 158 at or near Belcross, thence over U.S. Highway 158 to its intersection with U.S. Highway 17 at or near Elizabeth City, thence southerly over U.S. Highway 17 to Washington, N.C., thence along the north shore of the Pamlico River to Pamlico Sound, thence through the Ocracoke Inlet to the Atlantic Ocean as off-route territory in connection with applicant's regular routes extending between Washington, N.C., over U.S. Highway 17, U.S. Highway 158 and North Carolina Highway 166 to the Virginia-North Carolina State line. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 65916 (Sub-No. 10), filed August 3, 1967. Applicant: WARD TRUCKING CORP., Ward Tower, Altoona, Pa. 16603. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, dangerous explosives, livestock, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving Kebert Park, Greenwood Township (Crawford County), Pa., as an off-route point in connection with applicant's regular route operations. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it b held at Washington, D.C., or Harrisburg, Pa.

No. MC 69116 (Sub-No. 109), filed July 31, 1967. Applicant: SPECTOR FREIGHT SYSTEM, INC., 205 West Wacker Drive, Chicago, Ill. 60606. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, livestock, household goods as described by the Commission, commodities in bulk, and those requiring special equipment, (1) between Port Huron, Mich., and Flint, Mich., over Michigan Highway 21, serving no intermediate points; (2) between Flint, Mich., and Grand Rapids, Mich., over Michigan Highway 21, serving no intermediate points; (3) between Battle Creek, Mich., and Lansing, Mich., over Michigan Highway 78 serving no intermediate points; and, (4) between Lansing, Mich., and Flint, Mich., over Michigan Highway 78 serving no intermediate points, as alternate routes for operating convenience only, in connection with applicant's authorized regular-route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 72907 (Sub-No. 19), filed August 3, 1967. Applicant: LIBERTY TRUCKING COMPANY, a corporation, 1401 West Fulton Street, Chicago, Ill. 60607. Applicant's representative: Nancy J. Johnson, 111 South Fairchild Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, serving Lake Mills, Wis., as an off-route point in connection with authorized regular route service on U.S. Highway 12 between Fort Atkinson and Madison, Wis. NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison or Milwaukee, Wis., or Chicago, Ill.

No. MC 76032 (Sub-No. 214), filed July 26, 1967. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, Colo. 80223. Applicant's representative: O. Russell Jones, 215 Lincoln Avenue, Post Office Box 2228, Santa Fe, N. Mex. 87501. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except classes A and B explosives, those of unusual value, livestock, farm products, grain and hay, fresh milk, fresh vegetables, perishable products which require refrigeration, lumber, in bulk, in truckloads, sand and gravel, coal in bulk, rock asphalt, commodities in bulk, corrosive acids, new automobiles, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading, between La Mar, Colo., and junction U.S. Highways 54 and 154 at or near Mullinville, Kans.; from La Mar over U.S. Highway 50 to Dodge City, Kans., thence over U.S. Highway 154 to junction U.S. Highway 54, at or near Mullinville, Kans., and return over the same route, as an alternate route for operating convenience only, in connection with applicant's presently authorized regular routes, serving no intermediate point. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 80428 (Sub-No. 63), filed July 31, 1967. Applicant: McBRIDE TRANSPORTATION, INC., Goshen, N.Y. Applicant's representative: Robert V. Giannini, 900 Midtown Tower, Rochester, N.Y. 14604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Poultry feed*, in bulk, from Chatham, N.Y., to points in Massachusetts, Connecticut, Vermont, and Rhode Island. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Albany, N.Y.

No. MC 81495 (Sub-No. 2), filed July 17, 1967. Applicant: GRAYPORT TRANSFER & STORAGE COMPANY, INC., 601 Ninth Street, Hoquiam, Wash. 98550. Applicant's representative: George Kargianis, 609 Norton Building, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in Grays Harbor County, Wash. NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash., or Portland, Oreg.

No. MC 85454 (Sub-No. 2) (Amendment), filed July 21, 1966, published in the FEDERAL REGISTER issue of September 1, 1966, amended and republished as amended, this issue. Applicant: BLACKWOOD'S MOTOR SERVICE, INC., 319 Pearl Street, Montgomery, Ill. 60538. Applicant's representative: George S. Mullins, 4704 West Irving Park Road, Chicago, Ill. 60641. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities*, (a) between points within 50 miles of Aurora, Ill., and (b) between points within 50 miles of Aurora, Ill., on the one hand, and, on the other, points in Illinois, (2) *general commodities* (except those of unusual value, and classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points within a 50-mile radius of Aurora, Ill. (except points in the Chicago, Ill., commercial zone, in Illinois), and points in Benton, Carroll, Cass, Clinton, Fountain, Howard, Jasper, Lake, La Porte, Newton, Porter, Pulaski, Starke, Tippecanoe, Tipton, Warren, and White Counties, Ind. NOTE: The purpose of this republication is to change the words in the territorial description to read "between" points in Illinois, etc., "and" points located in the Indiana counties named, rather that "from" and "to". Applicant conducts operations in Illinois pursuant to a certificate of registration in MC 85454 (Sub-No. 1). Since applicant now seeks to conduct operations in Indiana, it now seeks a certificate of public convenience and necessity. If a hearing is deemed necessary, applicant requests it to be held in Chicago, Ill.

No. MC 87720 (Sub-No. 68), filed July 28, 1967. Applicant: BASS TRANSPORTATION CO., INC., Old Croton Road, Flemington, N.J. 08822. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Rubber heels, taps, soles, and soling*, from Ripley, Miss., to Harrisburg, Pa., and Chelsea, Mass.; (2) *rubber belting, matting, stair treads, packing, hose, machine parts, rubber heels, taps, soles, and soling*, from Cambridge and Chelsea, Mass., to Atlanta, Ga., and Ripley, Miss., and (3) *materials and supplies used in the manufacture of rubber heels, soles, taps, and soling*

(other than bulk), from Chelsea, Stoughton, and Cambridge, Mass., and Pottstown, Pa., to Ripley, Miss., under contract with American Biltrite Rubber Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 95876 (Sub-No. 68), filed July 31, 1967. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, Minn. 56302. Applicant's representative: Donald A. Morken, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sectional wooden fencing, wood sections, wood posts, wood rails, and accessories* used in the installation thereof, from points in Amberg Township (Marinette County), Wis., to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, and Wyoming. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 96633 (Sub-No. 3), filed July 24, 1967. Applicant: UNITED DRAYAGE COMPANY, a corporation, 2425 Porter Street, Los Angeles, Calif. 90021. Applicant's representative: R. Y. Schureman, 1010 Wilshire Boulevard, Los Angeles, Calif. 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), between points in the county of Honolulu (Island of Oahu), Hawaii. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Honolulu, Hawaii.

No. MC 99892 (Sub-No. 2), filed July 31, 1967. Applicant: JOHN DONALD ROWE, 9879 San Fernando Road, Pacoima, Calif. 91331. Applicant's representative: R. Y. Schureman, 1010 Wilshire Boulevard, Los Angeles, Calif. 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, dry, in bulk, between points in California. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 102560 (Sub-No. 9), filed July 28, 1967. Applicant: FREILER INDUSTRIES, INC., Box 636, Amite, La. 70422. Applicant's representative: Harold R. Ainsworth, 2307 American Bank Building, New Orleans, La. 70130. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Steel and iron castings* (machined and unmachined), (2) *steel reinforcing bars, angles, channels, and beams;* (3) *wooden patterns for castings;* (4) *crated bolts, nuts, and bushings;* and (5) *bronze bearings and pillar blocks*, from the plantsite of Dibert, Bancroft & Ross Co., Ltd., located near Amite, La., to points in the United States (except Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 103880 (Sub-No. 401), filed July 28, 1967. Applicant: PRODUCERS TRANSPORT, INC., 215 East Waterloo Road, Akron, Ohio 44306. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Flint, Mich., to Toledo, Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio.

No. MC 103880 (Sub-No. 402), filed July 31, 1967. Applicant: PRODUCERS TRANSPORT, INC., 215 East Waterloo Road, Akron, Ohio 44306. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Chemicals and petroleum products*, in bulk, in tank vehicles, from Fort Wayne, Ind., to points in Michigan. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Detroit, Mich.

No. MC 103993 (Sub-No. 292), filed July 28, 1967. Applicant: MORGAN DRIVE AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Robert E. Tessar (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, from points in Humphrey County, Miss., to points in the United States (except Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss., or Memphis, Tenn.

No. MC 104149 (Sub-No. 182), filed August 2, 1967. Applicant: OSBORNE TRUCK LINE, INC., 501 North 31st Street, Birmingham, Ala. Applicant's representative: John P. Carlton, 327 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic pipe, plastic or iron connections, fittings, and accessories*, from the plantsite and/or warehouse facilities of the Clow Corp. at or near Lincoln, Talladega County, Ala., to points in Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia, and (2) *equipment, materials, and supplies* used in the manufacture, processing, and distribution of (1) above, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Atlanta, Ga.

No. MC 107002 (Sub-No. 340), filed August 7, 1967. Applicant: HEARIN-MILLER TRANSPORTERS, INC., Post Office Box 1123, Jackson, Miss. 39205. Applicant's representatives: Harold D. Miller, Jr., Post Office Box 222567, Jackson, Miss. 39205 and John J. Borth (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in packages and in drums, from Rogerslacy, Miss., to points in Alabama, Georgia, North Carolina, South Carolina, and Tennessee. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss., or Birmingham, Ala.

No. MC 107107 (Sub-No. 384), filed July 27, 1967. Applicant: ALTERMAN TRANSPORT LINES, INC., 2424 Northwest 46th Street, Miami, Fla. 33142. Applicant's representative: Ford W. Sewell (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts* as described in section A of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from Muncie and South Bend, Ind., to Miami, Fla. NOTE: If a hearing is deemed necessary, applicant requests it be held at Miami, Fla.

No. MC 107403 (Sub-No. 724), filed August 1, 1967. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: J. E. Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bauxite ore*, in bulk, from West Monroe, La., to Redwood, Miss. NOTE: If a hearing is deemed necessary, applicant requests it be held at Baton Rouge, La., or Washington, D.C.

No. MC 107496 (Sub-No. 579), filed July 31, 1967. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank or hopper type vehicles, from the plantsite of Chemplex Co., located at or near Clinton, Iowa, to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, New York, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Texas, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 107515 (Sub-No. 584), filed July 27, 1967. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 10799, Station A, Atlanta, Ga. 30310. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, (1) from Buffalo, Barber, and Fredonia, N.Y., to points in Michigan, Ohio, Indiana, and Illinois, and (2) from Fredonia, N.Y., to points in Georgia, Alabama, Florida, North Carolina, South Carolina, Tennessee, Mississippi, and

Kentucky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y., or Washington, D.C.

No. MC 107906 (Sub-No. 22), filed July 28, 1967. Applicant: TRANSPORT MOTOR EXPRESS, INC., Post Office Box 958, Fort Wayne, Ind. 46801. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving the site of the Pittsburgh Plate Glass Co. (Kebert Park) at or near Meadville, Pa., as an off-route point in connection with applicant's regular route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 108207 (Sub-No. 226), filed July 31, 1967. Applicant: FROZEN FOOD EXPRESS, INC., 318 Cadiz Street, Post Office Box 5888, Dallas, Tex. 75222. Applicant's representative: J. B. Ham (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products and articles distributed by meat packinghouses*, as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk in tank vehicles), from Fort Worth, Tex., to Muskogee, Okla. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Chicago, Ill.

No. MC 108449 (Sub-No. 267), filed August 3, 1967. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: Adolph J. Bieberstein, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, from the Williams Brothers Pipe Line Co. terminal located at or near Wausau, Wis., and points within 15 miles thereof to points in Minnesota, Wisconsin, and the Upper Peninsula of Michigan. NOTE: Applicant states it intends to tack at Minneapolis-St. Paul, Rochester, Wrenshall, and Duluth Petroleum Products terminal, Minn., to serve points in Iowa, North Dakota, and South Dakota, authorized in Subs 48, 183, and 242. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Minneapolis, Minn.

No. MC 108449 (Sub-No. 269), filed August 3, 1967. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: Adolph J. Bieberstein, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, (1) from the Williams Brothers Pipe Line Co. terminal located at or near St. Cloud, Minn., and points within 10 miles thereof to points in Minnesota, North Dakota, South Dakota, Wisconsin, and the Upper Peninsula of Michigan, and (2) from the William Brothers Pipe Line Co. terminal located at or near Spencer or Spirit Lake, Iowa, and points within 15 miles thereof to points in Iowa, Illinois, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin. NOTE: Applicant states tacking could be made at Superior, and Eau Claire, Wis., and Minneapolis-St. Paul, Minn., to serve the Upper Peninsula of Michigan and Iowa as authorized in certificate No. MC 108449, Sub 44. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Minneapolis, Minn.

No. MC 108449 (Sub-No. 270), filed August 3, 1967. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: Adolph J. Bieberstein, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, in bulk, from Welcome, Minn., and points within 5 miles thereof, to points in Iowa, Minnesota, North Dakota, South Dakota, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 109637 (Sub-No. 323), filed July 31, 1967. Applicant: SOUTHERN TANK LINES INC., 4107 Bells Lane, Louisville, Ky. 40211. Applicant's representative: G. R. Thim (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Calcium carbide* in bulk, in specially equipped container trailers, and in bulk, in tank, or covered hopper vehicles, from the plantsites of National Carbide Division of Air Reduction Co., Inc. at Louisville and Calvert City, Ky., to points in Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Michigan, Mississippi, Missouri, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Washington, D.C.

No. MC 109821 (Sub-No. 24), filed July 26, 1967. Applicant: H. W. TAYNTON COMPANY, INC., 40 Main Street, Wellsboro, Pa. 16901. Applicant's representative: Robert DeKroyft, 233 Broadway, New York, N.Y. 10007. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities requiring special equipment, and commodities in bulk, between Wellsboro and Pittsburgh, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Wellsboro, Pa.

No. MC 110420 (Sub-No. 539) (Amendment), filed April 3, 1967, published in the FEDERAL REGISTER issue of April 20, 1967, amended and republished as amended, this issue. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. 53105. Applicant's representative: Allan B. Torhorst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diammonium phosphate*, in bulk, in tank vehicles, from Riverdale, Ill., to points in Illinois, Indiana, Michigan, Ohio, and Wisconsin; (2) Des Moines and Dubuque, Iowa, to points in Iowa, Illinois, Wisconsin, North Dakota, South Dakota, Nebraska, Kansas, Minnesota, and Missouri; and (3) Colfax and Depue, Ill., to points in Illinois, Wisconsin, North Dakota, South Dakota, Nebraska, Kansas, Minnesota, Missouri, Michigan, Ohio, Indiana, and Iowa. NOTE: The purpose of this republication is to add the words "in bulk, in tank vehicles" to the commodity description and to add Colfax, Ill., as an origin point in (3) above. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 110683 (Sub-No. 33), filed July 20, 1967. Applicant: SMITH'S TRANSFER CORPORATION OF STAUNTON, VIRGINIA, Box 1000, Staunton, Va. 24401. Applicant's representative: Francis W. McInerny, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, classes A and B explosives, commodities in bulk and those requiring special equipment), (1) between Roanoke, Va., and Bristol, Va.-Tenn., from Roanoke over U.S. Highway 11 and/or Interstate Highway 81 to Bristol, Va.-Tenn., and return over the same route, (2) between Bristol, Va.-Tenn., and Pennington Gap, Va., from Bristol, Va.-Tenn., over U.S. Highway 58 to Dot, Va., thence over U.S. Highway 421 to Pennington Gap, Va., (3) between Abingdon, Va., and Big Stone Gap, Va., from Abingdon over U.S. Highway 19 and alternate U.S. Highway 58 to Big Stone Gap and return over the same route, and (4) from Norton, Va., over U.S. Highway 23 to Pound, Va., and return over the same route, serving all intermediate points on all of the foregoing routes, in (1), (2), (3), and (4) above, and off-route points in Smyth, Washington, Scott, Wise, and Lee Counties, Va. NOTE: Applicant states that it proposes to tack the authority sought with its present authority to serve Roanoke, Va. Applicant further states that it presently holds authority to serve all points on the routes and territories involved through Bluefield, Va.-W. Va., and the purpose of this application is to eliminate the requirement to observe Bluefield as a gateway. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111069 (Sub-No. 49), filed July 27, 1967. Applicant: COLDWAY CARRIERS, INC., Post Office Box 38, Clarksville, Ind. 47131. Applicant's representative: Rudy Yessin, Post Office Box 457,

Frankford, Ky. 40601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen, prepared foods* in vehicles equipped with mechanical refrigeration, from Cleveland, Ohio, to points in Pennsylvania, New York, Massachusetts, Rhode Island, Connecticut, New Jersey, Delaware, Maryland, Maine, Vermont, and the District of Columbia, under contract with Stouffer Foods Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Washington, D.C.

No. MC 111401 (Sub-No. 328), filed July 28, 1967. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, Okla. 73701. Applicant's representative: Alvin L. Hamilton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer materials, acids, and chemicals including but not limited to anhydrous ammonia, fertilizer solutions, insecticides, fungicides, herbicides, aqua ammonia, methanol, urea, and urea products*, in bulk, from the plantside of Gulf Oil Corp. (Faustina Works) at or near Donaldsonville, La., to points in Alabama, Arkansas, Mississippi, Missouri, Oklahoma, Tennessee, and Texas. NOTE: Applicant states it will tack at Donaldsonville, La., to serve points in its presently held authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City or St. Louis, Mo.

No. MC 111545 (Sub-No. 97) (Correction), filed July 3, 1967, published in FEDERAL REGISTER issue of July 20, 1967, and republished as corrected this issue. Applicant: HOME TRANSPORTATION COMPANY, INC., 1426 Franklin Road, S.E., Marietta, Ga. 30060. Applicant's representative: Robert E. Born (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, complete, knocked down, or in sections, (a) between points in North Carolina on the one hand, and, on the other, points in Tennessee, Kentucky, Illinois, Wisconsin, Michigan, Indiana, Ohio, West Virginia, Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Massachusetts, Rhode Island, Vermont, New Hampshire, Maine, and the District of Columbia, (b) between points in Georgia on the one hand, and, on the other, points in Illinois, Wisconsin, Michigan, Indiana, Ohio, Maryland, New Jersey, New York, Connecticut, Massachusetts, Rhode Island, Vermont, New Hampshire, and Maine, and (c) between points in Barbour County, Ala., on the one hand, and, on the other, points in Illinois, Wisconsin, Michigan, Indiana, Ohio, Maryland, New Jersey, New York, Connecticut, Massachusetts, Rhode Island, Vermont, New Hampshire, and Maine. NOTE: Applicant states with respect to paragraph (a) it would tack across the South Carolina State line serving between all points in North Carolina within 150 miles of Charlotte on the one hand, and, on the other, points in Tennessee, Kentucky, Illinois, Wisconsin, Michigan, Indiana, Ohio, West Virginia, Virginia, Delaware, Pennsylvania, New Jersey, New York, and the District of Columbia on such commodities requiring the use of special equipment, and with respect to paragraph (b) and (c) by tacking through a radius of 50 miles of either Atlanta, Cartersville, or Marietta, Ga., or Columbia, S.C., or through Charlotte, N.C., serving the States of Illinois, Wisconsin, Michigan, Indiana, Ohio, Pennsylvania, New Jersey, and New York, on such commodities which require the use of special equipment. Applicant states that it presently holds authority between points in Alabama, Florida, Georgia, Louisiana, Mississippi, and South Carolina and between points in those States on the one hand, and, on the other, points in North Carolina which could be tacked with the authority here sought. The purpose of this republication is to add an additional note erroneously omitted. Applicant states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 112713 (Sub-No. 103), filed July 31, 1967. Applicant: YELLOW TRANSIT FREIGHT LINES, INC., Box 8462, 92d at State Line, Kansas City, Mo. 64114. Applicant's representative: John M. Records (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plant of Game Time, Inc., located at Litchfield (Hillsdale County), Mich., as an off-route point in connection with applicant's regular route operations to and from Detroit, Mich. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing or Detroit, Mich.

No. MC 113828 (Sub-No. 134), filed August 4, 1967. Applicant: O'BOYLE TANK LINES, INCORPORATED, 4848 Cordell Avenue, Washington, D.C. 20014. Applicant's representative: William P. Sullivan, 1825 Jefferson Place, NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lime and limestone*, in bulk, from Austinville, Va., to points in North Carolina, and (2) *soda ash*, in bulk, from Saltville, Va., to points in the District of Columbia, Maryland, and New Jersey. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113362 (Sub-No. 137), filed August 2, 1967. Applicant: ELLSWORTH FREIGHT LINES, INC., 220 East Broadway, Eagle Grove, Iowa. Applicant's representative: William J. Boyd, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic pipe and tubing, plastic pipe fittings, and plastic articles*, from Franklin, Pa., to points in Indiana, Kentucky, and that part of Ohio on and west of Ohio Highway 4 from Sandusky, Ohio, to Marion, Ohio, thence along U.S. Highway 23 from Marion to the Ohio-Kentucky State line; and (2) *plastic articles*, from Franklin, Pa., to points in Illinois. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 114364 (Sub-No. 143), filed July 31, 1967. Applicant: WRIGHT MOTOR LINES, INC., Post Office Box 1191, Cushing, Okla. 74023. Applicant's representative: Marion F. Jones, 420 Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Salt and salt products*, in bags, containers and bulk, from Edith, Woods County, Okla., to points in Arkansas, Colorado, Kansas, Louisiana, Missouri, New Mexico, and Texas, and (2) *charcoal*, from Baron, Okla., to points in Arkansas, Arizona, Colorado, Kansas, Missouri, Nebraska, New Mexico, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., or Kansas City, Mo.

No. MC 114364 (Sub-No. 144), filed July 31, 1967. Applicant: WRIGHT MOTOR LINES, INC., Post Office Box 1191, Cushing, Okla. 74023. Applicant's representative: Marion F. Jones, 420 Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Utah, to points in Arizona, Arkansas, Colorado, Kansas, Missouri, New Mexico, Oklahoma, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz., or Salt Lake City, Utah.

No. MC 115162 (Sub-No. 149), filed August 3, 1967. Applicant: WALTER POOLE, doing business as POOLE TRUCK LINE, Post Office Box 310, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate, Suite 2025-2028, City Federal Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber* (a) from Ludlow, Ky., to points in Kentucky, Indiana, Illinois, Ohio, and Michigan, and (b) from Bellamy, Ala., to points in Mississippi; (2) *agricultural implements and tillage tools*, from Shadygrove, Pa., to Montgomery, Ala., (3) *foodstuffs*, canned and bottled, other than frozen, from Cade and Lozes, La., to points in Virginia, West Virginia, Maryland, Delaware, Pennsylvania, New York, New Jersey, Connecticut, Massachusetts, Rhode Island, Vermont, New Hampshire, Maine, and the District of Columbia, (4) *brick and clay products*, from the plantsite of Delta Macon Brick & Tile Co., located at or near Macon, Miss., and from the plantsite of Atlas Brick & Tile Co., located at or near Shuqualak, Miss., to points in Alabama, and (5) *fullers earth or ground clay*, from Quincy, Fla., to New Orleans, La. NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 115176 (Sub-No. 2), filed July 26, 1967. Applicant: MAYBELLE TRANSPORT COMPANY, a corporation, Post Office Box 573, Lexington, N.C. 27992. Applicant's representative: William P. Sullivan, 1825 Jefferson Place, NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, between the plantsite of the Albemarle Paper Co. at Lexington, N.C., and points in Virginia under a continuing contract or contracts with Albemarle Paper Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 115257 (Sub-No. 39), filed July 24, 1967. Applicant: SHAMROCK VAN LINES, INC., Post Office Box 5447, Dallas, Tex. 75222. Applicant's representative: Max G. Morgan, 450 American National Building, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crated new furniture*, between points in Shelby County, Tenn., on the one hand, and, on the other points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Massachusetts, Maryland, Michigan, New Hampshire, New Jersey, New York, Vermont, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Virginia, Wisconsin, West Virginia, Mississippi, Louisiana, Texas, Arkansas, Oklahoma, and the District of Columbia. NOTE: Applicant indicates it is possible to tack with Sub 25 certificate at points in Arkansas, Oklahoma, and Texas; Sub 30 certificate in South Carolina; Sub 29 certificate at points in North Carolina. There is a pending application in the Shamrock Sub 38 proceeding where it may be able to tack the authority sought there with the applied for authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 116273 (Sub-No. 96), filed July 31, 1967. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, Ill. 60650. Applicant's representative: Robert G. Paluch (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals* in bulk, in tank and hopper type vehicles, from the plantsite of Chemplex Co., at or near Clinton, Iowa, to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Texas, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin. NOTE: Applicant indicates tacking possibilities. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 117119 (Sub-No. 402), filed August 2, 1967. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. 72728. Applicant's representative: John H. Joyce, 26 North College, Fayetteville, Ark. 72702. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products, other than frozen, and potato chips*, from Memphis, Tenn., to points in California on and south of U.S. Highway 40. NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Washington, D.C.

No. MC 119164 (Sub-No. 24), filed July 31, 1967. Applicant: J-E-M TRANSPORTATION CO., INC., Post Office Box 1315, Syracuse, N.Y. 13201. Applicant's representative: Robert V. Gianniny, 900 Midtown Tower, Rochester, N.Y. 14604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, in tank and hopper type vehicles, from Syracuse (Solvay), N.Y., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, Pennsylvania, Rhode Island, Vermont, Illinois, and West Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 119493 (Sub-No. 34), filed July 31, 1967. Applicant: MONKEM COMPANY, INC., Post Office Box 1196, West 20th Street Road, Joplin, Mo. 64801. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer* and *fertilizer materials*, dry, in bulk or in packages, *insecticides, fungicides, herbicides*, in packages, from the plantsite of Gulf Oil Corp. (Faustina Works) located at or near Donaldsonville, La. to points in Alabama, Arkansas, Mississippi, Missouri, Oklahoma, Tennessee, Texas, and Louisiana. NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 121142 (Sub-No. 8) (Amendment), filed July 10, 1967, published FEDERAL REGISTER issue of August 10, 1967, amended and republished as amended, this issue. Applicant: J & G EXPRESS, INC., 489 Julienne Street, Jackson, Miss. 38202. Applicant's representative: James N. Clay III, 2700 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *General commodities* (except household goods as defined by the Commission, commodities in bulk and those of unusual value), (1) between Grenada, Winona, Valden, Durant, Goodman, Pickens, Canton, Madison, Ridgeland, and Jackson, Miss., on the one hand, and, on the other, points in Mississippi on and north of U.S. Highway 82 and on and west of Interstate Highway 55; and (2) *regular route*, serving Raymond and Flora, Miss., as off-route points in conjunction with its authorized regular route operations between Jackson and Holly Springs, Miss. NOTE: Applicant states that tacking could take place at Grenada, Miss., or on Mississippi Highway 7, north of Grenada where it is west of Interstate Highway 55 to join with the territory being sought. The purpose of this republication is to include Flora, Miss., as an off-route point to be served, thereby broadening the application. If a hearing is deemed necessary, applicant requests it be held at Greenwood or Greenville, Miss.

No. MC 123004 (Sub-No. 1), filed July 31, 1967. Applicant: THE LUPER TRANSPORTATION COMPANY, a corporation, 350 East 21st Street, Wichita, Kans. 67214. Applicant's representative: James F. Miller, 7501 Mission Road, Shawnee Mission, Kans. 66208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, between Gulfport, Miss., and Wichita, Kans. NOTE: Applicant is also authorized to conduct operations as a contract carrier in Permit No. MC 30451, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Wichita, Kans., Oklahoma City, Okla., or Gulfport, Miss.

No. MC 123245 (Sub-No. 3), filed August 3, 1967. Applicant: LEESER & STAUFFER TRUCK SERVICE, INC., Taylor, Mo. 65471. Applicant's representative: Leonard A. Jaskiewicz, 1155 15th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia* from the plantsite of American Cyanamid Co. at South River (Marion County), Mo., to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Nebraska, Ohio, South Dakota, and Wisconsin. NOTE: Applicant holds contract carrier authority under MC 113865 and Subs 8 and 9, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 123322 (Sub-No. 16), filed August 1, 1967. Applicant: BEATTY MOTOR EXPRESS, INC., Jefferson Avenue Extension, Washington, Pa. 15301. Applicant's representative: Harry M. Wick, Jr., 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass and glass products; and supplies and materials and equipment used or useful in the production, sale and distribution of such products* (except bulk raw materials), between Kebert Park, Greenwood Township, Crawford County, Pa., on the one hand, and, on the other, Cumberland, Md.; Crestline, Ohio; Shelby, Ohio; and Clarksburg, W. Va. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Harrisburg, Pa.

No. MC 123407 (Sub-No. 34), filed August 3, 1967. Applicant: SAWYER TRANSPORT, INC., 2424 Minnehaha Avenue, Minneapolis, Minn. 55404. Applicant's representative: Michael E. Miller, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition building board (including ceiling tile) and supplies and accessories* used in the installation thereof, from International Falls, Minn., to points in Indiana, Michigan, and Ohio. NOTE:

Applicant states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 123415 (Sub-No. 12), filed July 31, 1967. Applicant: JAMES STUFFO, INC., Box 1061, Merchantville, N.J. 08109. Applicant's representative: Raymond A. Thistle, Jr., Suite 1710, 1500 Walnut Street, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber*, from points in Virginia, South Carolina, and North Carolina, to the plantsite of C. Harvis Sons, Inc., located at or near Hurffville, N.J., and (2) *pallets* between points in New Jersey, Pennsylvania, New York, Connecticut, Maryland, Virginia, Rhode Island, Massachusetts, Delaware, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 124078 (Sub-No. 287), filed July 28, 1967. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, from Guntersville, Ala., to points in Mississippi, Florida, Georgia, South Carolina, North Carolina, Kentucky, Alabama, and Tennessee (except petroleum chemicals to Kingsport, Tenn.). NOTE: Applicant indicates it intends to tack Sub 225 at Lyles, Tenn., to serve points in New Jersey, Rhode Island, and Virginia.

No. MC 124078 (Sub-No. 288), filed July 31, 1967. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aqua ammonia, anhydrous ammonia, nitrogen fertilizer solutions, urea, nitric acid, and ammonium nitrate*, in bulk, in tank vehicles, from the plantsite of the Vistron Corp. located at Lima, Ohio, to points in Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio.

No. MC 124212 (Sub-No. 42), filed August 1, 1967. Applicant: MITCHELL TRANSPORT, INC., 21111 Chagrin Boulevard, Cleveland, Ohio 44122. Applicant's representative: J. A. Kundtz, 1050 Union Commerce Building, Cleveland, Ohio 44115. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from the plantsite of Lehigh Portland Cement Co., located at Union Bridge, Md., to points in West Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124212 (Sub-No. 43), filed August 2, 1967. Applicant: MITCHELL TRANSPORT, INC., 21111 Chagrin Boulevard, Cleveland, Ohio 44115. Applicant's representative: J. A. Kundtz, 1050 Union Commerce Building, Cleveland, Ohio 44115. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from the plantsite of Lehigh Portland Cement Co., located at Fogelsville, Pa., to points in Maryland. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124410 (Sub-No. 9), filed August 2, 1967. Applicant: ROBERT A. STATON, doing business as BOB STATON TRANSPORT CO., Junction U.S. Highways 36 and 65, Chillicothe, Mo. 64601. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, from the site of the Tuloma Gas Products Co. facility at or near Brunswick, Mo., to points in Kansas, Iowa, and Nebraska. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 124603 (Sub-No. 1), filed July 31, 1967. Applicant: FRANK P. BATTAGLIA AND THOMAS TORCHIA, a partnership, doing business as PRODUCE TRANSPORT DISPATCH, 526 Southeast Ninth Avenue, Portland, Oreg. 97214. Applicant's representative: Earle V. White, 2400 Southwest Fourth Avenue, Portland, Oreg. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Frozen fruits, berries, and vegetables*, from Woodburn, Salem, Harrisburg, and Eugene, Oreg., to points in and south of Sonoma, Napa, Yolo, Sacramento, San Joaquin, Mariposa, Madera, Fresno, Tulare, Kern, and San Bernardino Counties, Calif.; (b) *frozen fruits, berries, and vegetables*, from Portland, Forest Grove, Hillsboro, Gresham, and Stayton, Oreg., to points in and south of Sonoma, Napa, Yolo, Sacramento, San Joaquin, Mariposa, Madera, Fresno, Tulare, Kern, and San Bernardino Counties, Calif.; and (c) *avocado food dips and avocado halves, frozen*, from points in Los Angeles County, Calif., to Medford, Eugene, Salem, and Portland, Oreg., and Tacoma and Seattle, Wash. NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 125764 (Sub-No. 4), filed July 31, 1967. Applicant: LILAC CITY EXPRESS, INC., East 10222 Fourth Avenue, Spokane, Wash. 99206. Applicant's representative: Donald A. Ericson, 708 Old National Bank Building, Spokane, Wash. 99201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned and bottled foodstuffs, and paper bags*, from points in Orange County, Calif., Marion, Washington, and Multnomah Counties, Oreg., and Clark County, Wash., to points in Spokane County, Wash., under contract with United Retail Merchants Food Stores, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Spokane, Wash.

No. MC 126039 (Sub-No. 5), filed July 30, 1967. Applicant: MORGAN TRANSPORTATION SYSTEM, INC., U.S. Highways 6 and 15, New Paris, Ind. 46553. Applicant's representative: Walter P. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers and incidental parts*, between Ligonier, Ind., on the one hand, and, on the other, points in Illinois. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 126276 (Sub-No. 9), filed July 31, 1967. Applicant: FAST MOTOR SERVICE, INC., 12855 Ponderosa Drive, Palos Heights, Ill. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle over irregular routes, transporting: (1) *Glass containers, caps, covers, and disks for tops and jars*, from the plantsite of Ball Brothers Co., Inc., located at or near Okmulgee, Okla., to points in Louisiana and Jackson, Miss., and (2) *soda ash*, from Lake Charles and Baton Rouge, La., and Corpus Christi, Tex., to the plantsite of Ball Brothers Co., Inc., located at or near Okmulgee, Okla., under contract with Ball Brothers Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 127253 (Sub-No. 40), filed July 27, 1967. Applicant: R. A. CORBETT TRANSPORT, INC., 111 West Laurel Street, Post Office Box 86, Lufkin, Tex. 75902. Applicant's representative: Ewell H. Muse, Jr., 415 Perry Brooks Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Fertilizer, fertilizer materials, acids, and chemicals*, including but not limited to anhydrous ammonia, fertilizer solutions, insecticides, fungicides, herbicides, aqua ammonia, methanol, urea, and urea products, in bulk, from the plantsite of Gulf Oil Corp. (Faustina Works) located at or near Donaldsonville, La., to points in Alabama, Arkansas, Mississippi, Missouri, Oklahoma, Tennessee, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, St. Louis, Mo., or New Orleans, La.

No. MC 128254 (Sub-No. 2) (Amendment), filed April 5, 1967, published in FEDERAL REGISTER issue of April 20, 1967, amended July 27, 1967, and republished as amended, this issue. Applicant: THEODORE SAVAGE, 16061 Warren Lane, Huntington Beach, Calif. 92647. Applicant's representative: Ernest D. Salm, 3846 Evans Street, Los Angeles, Calif. 90027. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, limited to traffic having a prior or subsequent movement by air, between the terminal of W T C Air Freight located in Los Angeles, Calif., on the one hand, and, on the other, points in Orange County, Calif., located south of a line running east and west through El Toro and Newport Beach (including service at El Toro, and restricted against service at Newport Beach), and points in San Diego County, Calif., under contract with W T C Air Freight. NOTE: The purpose of this republication is to delete the Los Angeles International Airport, as previously published, and show "between the terminal of W T C Air Freight located in Los Angeles, Calif." If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 128486 (Sub-No. 1), filed July 31, 1967. Applicant: LILY TRANSPORT LINES, INC., 25 Denby Road, Boston, Mass. 02134. Applicant's representative: Frank J. Weiner, Investors Building, 536 Granite Street, Braintree, Mass. Authority sought to operate as a *contract carrier*, by motor vehicle over irregular routes, transporting: *Apple juice, and vinegars*, in bulk, in tank vehicles, from Highland, N.Y., and Buckfield, Maine, to Lawrence, Mass., under a continuing contract with Lincoln Foods, Inc., of Lawrence, Mass. NOTE: If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 128873 (Clarification), filed January 30, 1967, published FEDERAL REGISTER issue of February 24, 1967, and republished this issue as clarified at the initial hearing. Applicant: HOOPER OIL COMPANY, INC., 102 East Powell Street, Brownsville, Tenn. 38012. Applicant's representative: T. T. Hooper, Jr. (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Leola, Warren, Prescott, Malvern, and Sheridan, Ark., to Brownsville, Jackson, and Union City, Tenn., and points in that part of Tennessee west of the Tennessee River, under contract with Riddle Lumber Sales Co., Jackson, Tenn. An order of the Commission, Division 1, dated July 20, 1967, orders that the said proceeding be reopened for further hearing at a time and place to be hereafter fixed; and that notice of this application, as clarified at the initial hearing, and notice of the action taken in said order, be published in the FEDERAL REGISTER. NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis or Nashville, Tenn.

No. MC 129027 (Sub-No. 2), filed August 3, 1967. Applicant: WILLIAM V. DEMAIO, doing business as TALBOT MOTOR LINES, 236 Smithbridge Road, Rural Delivery 2, Glen Mills, Pa. 19342. Applicant's representative: Raymond A. Thistle, Jr., Suite 1710, 1500 Walnut Street, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products, and cardboard and cardboard products*, from the plantsite of Dee Paper Co., Inc., in Chester, Pa., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Kentucky, Louisiana, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, South Carolina, Tennessee, Virginia, West Virginia, Rhode Island, Indiana, Ohio, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 129046 (Sub-No. 3), filed August 3, 1967. Applicant: BURKS-PELZ TRANSFER, INC., 1724 West Franklin Street, Evansville, Ind. 47712. Applicant's representative: Louis J. Amato, Central Building, 1033 State Street, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages* in containers, (1) from Detroit, Mich., to Evansville, Ind., and Henderson, Ky., and (2) from Chicago, Ill., to Evansville, Ind. NOTE: Applicant holds contract carrier authority under MC 69876 and subs, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Louisville, Ky.

No. MC 129127 (Correction), filed May 22, 1967, published in FEDERAL REGISTER issue of June 15, 1967, and republished as corrected this issue. Applicant: DOROTHY D. BOYLAN, doing business as BOYLAN MOTOR LINE, 501 Harrison Avenue, Harrison, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Chemicals*, in containers, from Newark, Carteret, and Linden, N.J., and Long Island City, N.Y., to points in Nassau, Suffolk, Westchester, Orange, and Rockland Counties, N.Y., and New York, N.Y., and (2) *returned and damaged shipments* on return, under contract with Chemical Solvents Co., and Lacquer Specialties, Inc. NOTE: The purpose of this republication is to show *Lacquer Specialties, Inc.*, in lieu of Union Carbide Co. in (2) above. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 129142, filed July 31, 1967. Applicant: ALABAMA FOOD EXPRESS, INC., 130 Finley Avenue West, Birmingham, Ala. Applicant's representative: D. H. Markstein, Jr., 818 Massey Building, Birmingham, Ala. 35203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meat, frozen fish, frozen poultry, and packinghouse products*, as described in parts A, B, and C of appendix I to the report in 61 M.C.C. 209 and 766 in vehicles equipped with mechanical refrigeration, between points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and Nebraska. NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 129253 (Sub-No. 1), filed August 2, 1967. Applicant: P & H TRUCKING COMPANY, a corporation, 184 West 3300 South, Salt Lake City, Utah. Applicant's representative: Miss Irene Warr, 419 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plumbing, heating, and waterworks supplies and equipment*, between points in California, Utah, Arizona, Idaho, Wyoming, Nebraska, Colorado, New Mexico, Texas, and Nevada, under contract with Mountain States Supply, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 129279, filed July 25, 1967. Applicant: RYNONE INDUSTRIES, INC., North Chemung Street, Waverly, N.Y. 14892. Applicant's representative: Robert H. Griswold, Post Office Box 432, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Sayre, Pa., and Horseheads, N.Y., from Sayre over U.S. Highway 220 to junction New York Highway 17, thence over New York Highway 17 to Horseheads, and return over the same route; also from junction New York Highway 17 and New York Highway 17E over New York Highway 17E to Elmira, thence over New York local truck route through Elmira Heights to Horseheads, and return over the same route, serving intermediate points which are stations on the rail lines of Lehigh Valley Railroad Co., and serving South Waverly, Pa., as an off-route point, (2) between junction U.S. Highway 220 and New York Highway 17 and Van Etten, N.Y., from junction U.S. Highway 220 and New York Highway 17 over New York Highway 17 to junction New York Highway 34, thence over New York Highway 34 to Van Etten, and return over the same route, serving intermediate points which are stations on the rail lines of Lehigh Valley Railroad Co., and serving junction U.S. Highway 220 and New York Highway 17 for purposes of joinder only, (3) between junction New York Highways 17 and 34 and Owego, N.Y., over New York Highway 17, serving intermediate points which are stations on the rail line of Lehigh Valley Railroad Co. and serving junction New York Highways 17 and 34 for purposes of joinder only, and (4) between Sayre and Towanda, Pa., over U.S. Highway 22, serving intermediate points which are stations on the rail line of Lehigh Valley Railroad Co. Restriction: Service authorized shall be subject to the following condition: Shipments transported shall be limited to those having in addition to a motor carrier movement by carrier, an immediately prior or subsequent movement by rail. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 129284, filed July 26, 1967. Applicant: ORANGE TRANSFER & STORAGE, INC., 2890 Coolidge Avenue, Orlando, Fla. 32804. Applicant's representative: Paul F. Sullivan, Colorado Building, Suite 913, 1341 G Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, restricted to shipments moving in containers and having an immediately prior or subsequent movement by rail, motor, water, or air and moving on through bills of lading of forwarders,

operating under the section 402(b)(2) exemption, between points in Citrus, Hernando, Lake, Orange, Sumter, Alachua, Bradford, Clay, Dixie, Flagler, Gilchrist, Levy, Marion, Putnam, Seminole, St. Johns, and Volusia Counties, Fla. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Orlando, Fla.

No. MC 129286, filed July 24, 1967. Applicant: CARRICK MOVING & STORAGE, INC., 316 Railroad Street, Jacksonville, N.C. 28540. Applicant's representative: William P. Simpson, Pink Hill, N.C. 28572. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, in containers, incidental to handling and crating for exempt freight forwarders, between points in North Carolina. NOTE: If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C.

No. MC 129290, filed July 31, 1967. Applicant: MACKINAW TRUCKING COMPANY, a corporation, 1500 Pine Street, Essexville, Mich. 48732. Applicant's representative: Robert A. Sullivan, 1800 Buhl Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement* in bulk, in tank vehicles, from the plantsite of Aetna Portland Cement Co. at Essexville, Mich., to points in Indiana, Illinois, and Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., Chicago, Ill., or Washington, D.C.

No. MC 129291, filed July 24, 1967. Applicant: McDANIEL MOTOR EXPRESS, INC., 1115 Winchester Road, Lexington, Ky. 40505. Applicant's representative: George M. Catlett, 703–706 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment and those injurious or contaminating to other lading), between Lexington, Ky., and the plantsite of the Rockwell Standard Corp. near Winchester, Ky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lexington or Louisville, Ky.

No. MC 129292, filed July 31, 1967. Applicant: PORT LUBRICANTS CORPORATION, 1766 Meeting Street Road, Charleston, S.C. 29405. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum lubricating oils and petroleum stock oils*, in bulk, in tank vehicles, from Charleston, S.C., to points in North Carolina, Georgia, and Florida, under contract with Humble Oil & Refining Co., Houston, Tex. NOTE: Applicant states that delivery will be by metered delivery in quantities not to exceed 1,000 gallons per delivery. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C.

No. MC 129293, filed July 31, 1967. Applicant: STANLEY "G" ALEXANDER, doing business as ALEXANDER'S MOVING & STORAGE, 2510 South Harbor, Santa Ana, Calif. 92704. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in Los Angeles, Orange, and San Diego Counties, Calif. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles or San Francisco, Calif.

No. MC 129295, filed July 31, 1967. Applicant: WALLACE RODER, Route 2, Pittsville, Wis. 54466. Applicant's representative: Edward Solie, Executive Building, Suite 100, 4513 Vernon Boulevard, Madison, Wis. 53705. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal feeds and animal feed ingredients*, from Pittsville, Wis., to points in the Upper Peninsula of Michigan and Minnesota (excluding points in the Minneapolis-St. Paul commercial zone as defined by the Commission) and (2) *returned shipments of animal feeds and animal feed ingredients*, on return, under contract with Pittsville Fur Foods, Inc., Pittsville, Wis. NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 129297 (Sub-No. 1), filed August 1, 1967. Applicant: ASBESTOS EASTERN TRANSPORT, INC., 6500 Grande Allee Boulevard, St. Hubert, Quebec, Canada. Applicant's representative: Charles H. Trayford, 137 East 36th Street, New York, N.Y. 10016. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Manufactured wood products* such as but not limited to, *wooden boxes*, knocked down, *spindles or quills, pallets or skids, yard sticks, and paint paddles*, from ports of entry on the United States-Canada boundary line located at or near Norton, Derby Line, Beecher Falls, and Highgate Springs, Vt., Rouses Point and Champlain, N.Y., to points in Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, and New Jersey. NOTE: The above commodities, will originate at Danville, Quebec, and La Guadeloupe, Quebec. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 129299, filed August 2, 1967. Applicant: CAROLINA TRANSIT, INC., Camden, N.C. 27921. Applicant's representative: J. Ruffin Bailey, 10th Floor, Insurance Building, Post Office Box 2246, Raleigh, N.C. 27602. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Empty cans*, from Baltimore, Md., to Norfolk, Va., under contract with Century Brewery Corp. and Norfolk Coca-Cola Bottling Works, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Norfolk, Va., or Raleigh, N.C.

No. MC 129303, filed August 1, 1967. Applicant: GEORGE E. MURPHY, Route 3, Box 389, Pollack Avenue, Newburgh, Ind. 47630. Applicant's representative: Clifford E. Sanders, 321 East Center Street, Post Office Box G, Kingsport, Tenn. 37660. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cinder blocks, clay and clay products, shale and shale products, concrete and concrete products, and mortar mixes*, (1) from Fairdale, Ky., to points in Alexander, Clark, Clay, Clinton, Crawford, Cumberland, Edwards, Effingham, Fayette, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jasper, Jefferson, Johnson, Lawrence, Marion, Massac, Monroe, Perry, Pope, Pulaski, Randolph, Richland, St. Clair, Saline, Union, Wabash, Washington, Wayne, White, and Williamson Counties, Ill.; and Clay, Crawford, Daviess, Dubois, Floyd, Gibson, Greene, Harrison, Knox, Lawrence, Martin, Orange, Owen, Perry, Pike, Posey, Spencer, Sullivan, Vanderburgh, Vigo, and Warrick Counties, Ind.; and (2) from Evansville, Ind., to points in Alexander, Clark, Clay, Clinton, Crawford, Cumberland, Edwards, Effingham, Fayette, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jasper, Jefferson, Johnson, Lawrence, Marion, Massac, Monroe, Perry, Pope, Pulaski, Randolph, Richland, St. Clair, Saline, Union, Wabash, Washington, Wayne, White, and Williamson Counties, Ill.; and Allen, Ballard, Barren, Breckinridge, Bullitt, Butler, Caldwell, Calloway, Carlisle, Christian, Crittenden, Daviess, Edmonson, Fulton, Graves, Grayson, Hancock, Hardin, Hart, Henderson, Hickman, Hopkins, Jefferson, Livingston, Logan, Lyon, McCracken, McLean, Marshall, Meade, Muhlenberg, Ohio, Simpson, Todd, Trigg, Union, Webster, and Warren Counties, Ky., under contract with General Shale Products Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 129302, filed August 3, 1967. Applicant: WILLIAM A. JORDAN, doing business as JORDAN TRANSFER COMPANY, Post Office Box 358, West Point, Miss. 39773. Applicant's representative: Paul F. Sullivan, Suite 913, Colorado Building, 1341 G Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Clay, Lowndes, Oktibbeha, Noxubee, Winston, Attala, Choctaw, Webster, Grenada, Yalobusha, Calhoun, Chickasaw, Monroe, Itawamba, Pontotoc, Lafayette, Panola, Alcorn, Tishomingo, Prentiss, Lee, and Union Counties, Miss., restricted to shipments moving in containers and having an immediately prior or subsequent movement by rail, motor, water, or air and moving on through bills of lading of forwarders, operating under the section 402(b)(2) exemption. NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or Washington, D.C.

No. MC 129304, filed August 3, 1967. Applicant: ELEANOR M. ALEXANDER, doing business as COAST VAN & STORAGE, 2512 South Harbor, Santa Ana, Calif. 92704. Applicant's representative: Paul F. Sullivan, Suite 913, Colorado Building, 1341 G Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission restricted to shipments moving in containers and having an immediately prior or subsequent movement by rail, motor, water, or air and moving on through bills of lading of forwarders operating under the section 402(b)(2) exemption, between points in Los Angeles, Orange, and San Diego Counties, Calif. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., or Washington, D.C.

MOTOR CARRIERS OF PASSENGERS

No. MC 3647 (Sub-No. 397), filed July 28, 1967. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, 180 Boyden Avenue, Maplewood, N.J. 07040. Applicant's representative: Richard Fryling (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, express, and newspapers, in the same vehicle with passengers*, within Mount Laurel Township, N.J., from junction New Jersey Highway 73 and Interstate Highway 295, over Interstate Highway 295 to junction New Jersey Highway 38, and return over the same route, for operating convenience only in connection with presently authorized regular route operations, serving no intermediate points, except at the junction of the termini for joinder purposes only. NOTE: If a hearing is deemed necessary, applicant requests it be held at Camden, N.J., or Philadelphia, Pa.

No. MC 128891 (Sub-No. 2) (Correction), filed May 31, 1967, published FEDERAL REGISTER issue of June 22, 1967, and republished as corrected this issue. Applicant: ADVENTURELINES, INC., 14 Shelton Avenue, Trenton, N.J. 08618. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Passengers and their baggage*, in special operations, between points in Bucks County, Pa., east of County Route 532 and points in Mercer County, N.J., limited to passengers, boarding or alighting at Educational Testing Service, and (2) *passengers and their baggage*, in special operations, and round trip, from points in Mercer County, N.J., to points in New Jersey, New York, and Pennsylvania, and return. NOTE: The purpose of this republication is to correct (1) above. If a hearing is deemed necessary, applicant requests it be held at Trenton or Princeton, N.J.

APPLICATION FOR BROKERAGE LICENSE

No. MC 130039 (Correction), filed May 26, 1967, published FEDERAL REGISTER issue of June 29, 1967, and republished as corrected, this issue. Applicant: WILLIAM NEZOWY, doing business as ASTRO TRAVEL SERVICE, 1411 Walnut Street, Philadelphia, Pa. Applicant's representative: Alan Kahn, Suite 1920, Two Penn Center Plaza, John F. Kennedy Boulevard at 15th Street, Philadelphia, Pa. 19102. For a license (BMC–5) to engage in operations as a broker at Philadelphia, Pa., in arranging for transportation in interstate or foreign commerce of *individual passengers and groups of passengers and their baggage* in passenger motor vehicles, in special operations, in round trip tours, beginning and ending in points in Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pa., and Gloucester, Camden, and Burlington Counties, N.J., and extending to points in the United States including ports of entry on the international boundary line between the United States and Canada. NOTE: The purpose of this republication is to show Philadelphia, Pa., as the location of Broker's office, which was previously omitted.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAVE BEEN REQUESTED

No. MC 17002 (Sub-No. 42), filed July 31, 1967. Applicant: CASE DRIVEWAY, INC., 6001 U.S. Route 60, East, Huntington, W. Va. 25714. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New and used mining and tunneling machinery and parts thereof*, between points in Boyd County, Ky., on the one hand, and, on the other, points in Alabama, Arizona, Colorado, Idaho, Illinois, Michigan, Missouri, Montana, Nevada, New Jersey, New Mexico, New York, Ohio, Pennsylvania, Texas, Utah, Virginia, West Virginia, Wisconsin, and Wyoming. NOTE: Applicant states it would tack the proposed authority with its present authority at Boyd County, Ky., for through service between points in Kentucky, Ohio, Pennsylvania, West Virginia, and Virginia.

No. MC 114965 (Sub-No. 34), filed July 31, 1967. Applicant: CYRUS TRUCK LINES, INC., Box 327, Iola, Kans. 66749. Applicant's representative: Charles H. Apt, Box 328, Iola, Kans. 66749. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia* in bulk, in tank vehicles, from Trenton, Mo., to points in Iowa, Kansas, and Nebraska.

No. MC 129262 (Correction), filed July 20, 1967, published FEDERAL REGISTER issue of August 10, 1967, corrected and republished as corrected, this issue. Applicant: AYERS & MADDUX, INC., 510 East Olympic Boulevard, Los Angeles, Calif. 90015. Applicant's representative: Donald Murchison, 211 South Beverly Drive, Beverly Hills, Calif. 90212. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages and alcoholic liquors*, in bulk, in tank vehicles (with no authorization to transfer property from one vehicle to another), from ports of entry on the international boundary line between the United States and Mexico, to points in California, Michigan, Illinois, Ohio, and Connecticut. NOTE: The purpose of this republication is to add the destination State of Connecticut, which was inadvertently omitted in the previous publication.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-9596; Filed, Aug. 16, 1967; 8:45 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 14, 1967.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41098—*Sugar from Philadelphia, Pa.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2894), for interested rail carriers. Rates on sugar, beet or cane, in carloads, as described in the application, from Philadelphia, Pa., to Louisville, Ky., Chicago, Ill., and Cincinnati, Ohio. Grounds for relief—Market competition. Tariff—Supplement 64 to Traffic Executive Association-Eastern Railroads, agent, tariff ICC C-225.

FSA No. 41099—*Newsprint Paper from Saint John, N.B., Canada.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2893), for interested rail carriers. Rates on newsprint paper, in carloads, from Saint John, N.B., Canada, to Baltimore, Md. Grounds for relief—Barge competition. Tariff—Supplement 27 to Canadian Pacific Railway Co. tariff ICC E 2631.

FSA No. 41100—*Dry Fertilizers to Points in WTL Territory.* Filed by Western Trunk Line Committee, agent (No. A-2510), for interested rail carriers. Rates on dry fertilizers and dry fertilizer materials, in carloads, also kindred or related articles, from Transcona and North Transcona, Manitoba, Canada, to points in western trunkline territory. Grounds for relief—Market competition. Tariffs—Revised pages to Canadian National Railway Co. tariff ICC W. 766 and Canadian Pacific Railway Co. tariff ICC W. 1091.

FSA No. 41101—*Sugar to Neenah and Watertown, Wis.* Filed by Western Trunk Line Committee, agent (No. A-2511), for interested rail carriers. Rates on sugar, beet or cane, dry, in bulk in covered hopper cars or self-clearing permanently enclosed cars, in carloads, from specified points in Trans-Continental and western trunkline territories, to Neenah and Watertown, Wis. Grounds for relief—Market competition and rate relationship. Tariffs—Supplement 53 to Western Trunk Line Committee, agent, tariff ICC A-4481, Supplements 23 and 38 to Trans-Continental Freight Bureau, agent, tariffs ICC 1754 and 1741, respectively, also Supplement 130 to Agent V. P. Brown, tariff ICC 18.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-9671; Filed, Aug. 16, 1967; 8:48 a.m.]

[Notice 484]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 14, 1967.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 31321 (Sub-No. 9 TA), filed August 10, 1967. Applicant: SOUTHWESTERN TRANSFER COMPANY, INC., Post Office Box 1611, El Paso, Tex. 79948. Applicant's representative: Joe G. Fender, 802 Houston First Savings Building, Houston, Tex. 77002. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Such *commodities* as require special handling or special equipment by reason of size or weight, and *commodities* which do not require special handling, or the use of special equipment, when moving in the same shipment on the same bill of lading and for the same consignee as commodities which because of size or weight require special handling, or the use of special equipment, between points in Colorado and New Mexico; for 180 days. NOTE: Applicant will tack between Colorado and Arizona over New Mexico as gateway territory, utilizing the authority proposed to be required and applicant's present certificate MC 31321. Applicant will not tack the proposed extended authority with present authority to serve to and from points in Texas. Applicant will interline to and from California utilizing its present certificate MC 31321, as above indicated, interchanging in Arizona with Underhill Transfer Co., which holds certificate MC 32525 authorizing general commodities between points in California and Arizona within 25 miles of Yuma, Ariz. Supporting shippers: There are five shippers' supporting statements attached to application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or at the field office named below. Send protests to: Haskell E. Ballard, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 918 Tyler Street, Amarillo, Tex. 79101.

No. MC 63101 (Sub-No. 6 TA), filed August 10, 1967. Applicant: KEENE'S TRANSFER, INC., doing business as KEENE'S TRANSFER, 1019 East Avenue, Box 87, Tomah, Wis. 54660. Applicant's representative: John T. Porter, First National Bank Building, 1 South Pinckney Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiberglass plastic products, and supplies and materials* used in connection therewith, from Necedah, Wis., to points in the Chicago, Ill., commercial zone, as defined by the Commission; for 180 days. Supporting shipper: KenCo Plastics, Inc., Necedah, Wis. 54646. Send protests to: Barney L. Hardin, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 214 North Hamilton Street, Madison, Wis. 53703.

No. MC 115162 (Sub-No. 150 TA), filed August 10, 1967. Applicant: WALTER POOLE, doing business as POOLE TRUCK LINE, Post Office Box 310, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate, Suite 2023–27, City Federal Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick and clay products*, from the plantsite of Delta Macon Brick & Tile Co. at or near Macon, Miss., and the plantsite of Atlas Brick & Tile Co. at or near Shuqulak, Miss., to points in Alabama; for 180 days. Supporting shipper: Jenkins Brick Co., Post Office Box 91, Montgomery, Ala. 36101. Send protests to: B. R. McKenzie, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 823, 2121 Building, Birmingham, Ala. 35203.

No. MC 117392 (Sub-No. 7 TA), filed August 10, 1967. Applicant: FRANK W. EDMANDS, INC., 16 Woodbury Avenue, Saugus, Mass. 01906. Applicant's representative: Mary E. Kelley, 10 Tremont Street, Boston, Mass. 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rock salt*, in bulk, in dump vehicles, between points in Essex, Middlesex, Suffolk, Norfolk, Plymouth, Bristol, and Barnstable Counties, Mass.; for 150 days. Supporting shipper: International Salt Co., Clarks Summit, Pa. Send protests to: Maurice C. Pollard, District Supervisor, Bureau of Operations, Interstate Commerce Commission, John F. Kennedy Building, Government Center, Boston, Mass. 02203.

No. MC 128746 (Sub-No. 8 TA), filed August 10, 1967. Applicant: D'AGATA NATIONAL TRUCKING CO., 3240 South 61st Street, Philadelphia, Pa. 19153. Applicant's representative: G. Donald Bullock, Post Office Box 146, Wyncote, Pa. 19095. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from Latrobe, Pa., to Camden, N.J.; for 150 days. Supporting shipper: Hub Beer Distributors, Inc., Post Office Box 821, Camden, N.J. 08104. Send protests to: Peter R. Guman, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 900 U.S. Customhouse, Second and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 129280 (Sub-No. 1 TA), filed August 10, 1967. Applicant: EARL F. BELL, INC., 7008 Poplar Avenue, Takoma Park, Md. 20012. Applicant's representative: Earl F. Bell, Box 1399 Rockville, Md. 20850. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, plywood, and precut packages*, from Silver Spring, Md., to Chantilly, Fairfax County, Va.; and *rejected shipments* on return; under contract with Levitt & Sons, Inc.; for 150 days. Supporting shipper: Levitt & Sons, Inc., 3930 Walnut Street, Fairfax, Va. 22030. Send protests to: Robert D. Caldwell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1220, 12th and Constitution Avenue NW., Washington, D.C. 20423.

No. MC 129318 TA, filed August 10, 1967. Applicant: DAVID C. LOFTIN, doing business as ACME MOVING & STORAGE COMPANY, 105 Sioux Street, Post Office Box 1333, Dothan, Ala. 36301. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Houston, Dale, Henry, Barbour, Coffee, Geneva, Pike, and Covington Counties, Ala.; restricted to shipments having a prior or subsequent movement beyond said points in containers, and further restricted to pickup and delivery services incidental to and in connection with packing, crating, and containerization, or unpacking, uncrating and decontainerization of such shipments; under contract No. DABC 01–67–C–0125, awarded for the contract period January 1 to December 31, 1967, between applicant and the military establishment located at Fort Rucker, Ala.; for 180 days. Supporting shipper: None. Copy of contract is attached to application. Send protests to: B. R. McKenzie, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 823, 2121 Building, Birmingham, Ala. 35203.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67–9672; Filed, Aug. 16, 1967; 8:48 a.m.]

[Notice 29]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 14, 1967.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 279), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–69797. By order of August 14, 1967, the Transfer Board approved the transfer to Hopkins Motor Coach, Inc., Dover, Del., of the operating rights in certificate Nos. MC–115156 (Sub-No. 1) and MC–115156 (Sub-No. 2) issued February 20, 1962, and January 3, 1966, respectively to Philip R. Price, doing business as Price's Charter Service, Chance, Md., authorizing the transportation of: Passengers and their baggage, in the same vehicle, between specified points in Maryland. Charles Moran, 1329 E Street NW., Washington, D.C. 20004, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67–9673; Filed, Aug. 16, 1967; 8:48 a.m.]

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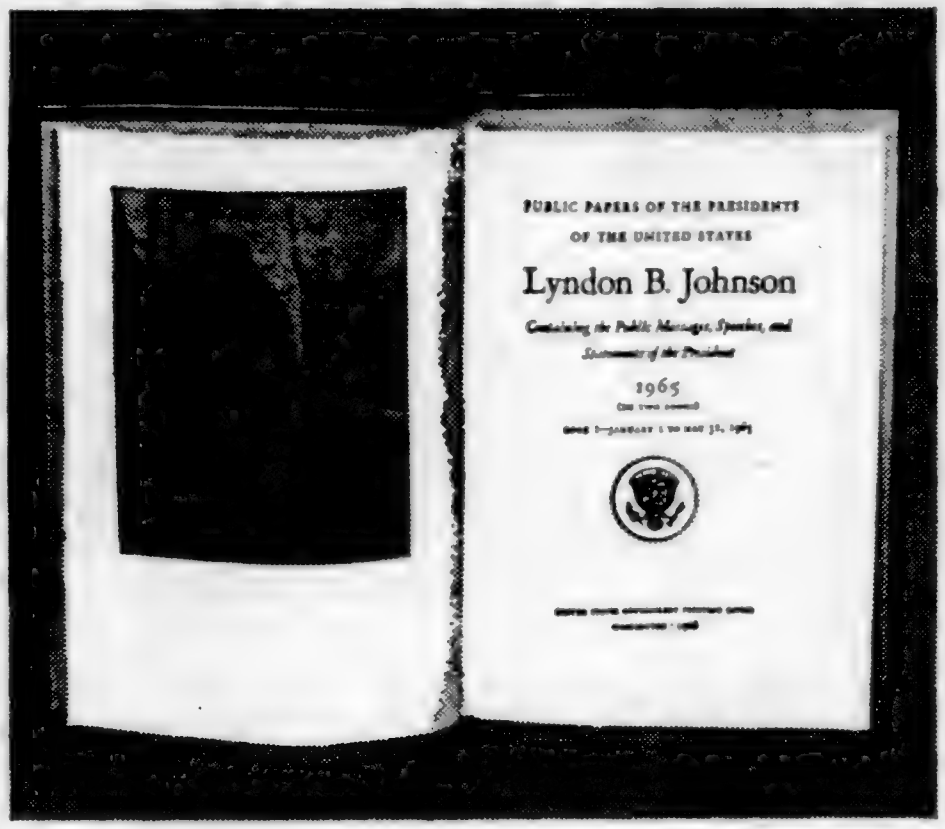
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VOLUME 32 • NUMBER 160

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Title 7—AGRICULTURE

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 125]

PART 1125—MILK IN PUGET SOUND, WASH., MARKETING AREA

Order Amending Order

§ 1125.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Puget Sound, Wash., marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than September 1, 1967. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator, Regulatory Programs, was issued April 7, 1967, and the decision of the Assistant Secretary containing all amendment provisions of this order was issued July 17, 1967. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective September 1, 1967, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (5 U.S.C. 553(d) (1966))

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in sec. 8(c)(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who participated in a referendum in which each individual producer had one vote and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the following provisions are substituted for specified order provisions as indicated below, and the handling of milk in the Puget Sound, Wash., marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby further amended, through December 31, 1969, as follows:

Class I base plan provisions. 1. Section 1125.110 is substituted for § 1125.17 as follows:

§ 1125.110 Production history base and Class I base.

(a) "Production history base" means a quantity of milk in pounds per day produced by a producer in a past period as computed pursuant to § 1125.120.

(b) "Class I base" means a quantity of milk in pounds per day as computed pursuant to § 1125.121 for which a producer may receive the base milk price.

2. Section 1125.111 is substituted for § 1125.18 as follows:

§ 1125.111 Base milk and excess milk.

(a) "Base milk" means:

(1) Milk received from a producer which is not in excess of his Class I base multiplied by the number of days in the month, except that if milk is received from a producer for only part of a month, base milk shall be milk received from such producer which is not in excess of his Class I base multiplied by the number of days of production of producer milk delivered during the month;

(2) Milk received from a producer to whom no Class I base has been issued, in the amount assigned pursuant to § 1125.122(b)(1); and

(3) Milk received from a producer to whom a Class I base has been issued, in the amount assigned pursuant to § 1125.122(b)(2).

(b) "Excess milk" means milk received from a producer during the month that is in excess of base milk received from such producer during the month.

3. Section 1125.22(k)(2) is substituted for the present § 1125.22(k)(2), as follows:

§ 1125.22 Duties.

* * * * * *

(k) * * *

(2) On or before the 13th day of each month, the weighted average and uniform prices computed pursuant to §§ 1125.71 and 1125.72, the location adjustment for excess milk computed pursuant to § 1125.81(a)(2), and the butterfat differential computed pursuant to § 1125.82, each applicable to milk received during the preceding month;

* * * * * *

4. In § 1125.35(a), subparagraph (7) is added as follows:

§ 1125.35 Handler report to producers.

(a) * * *

(7) The Class I and Class II prices for 3.5 percent milk, and the marketwide percentage of producer milk utilized in each class during the month.

* * * * * *

5. Section 1125.81(a)(2) is substituted for the present § 1125.81(a)(2) as follows:

§ 1125.81 Location adjustment to producers and on nonpool milk.

(a) * * *

(2) There shall be added to the uniform price for excess milk received from producers at plants located in District 1 or in the counties of Kitsap, Mason, or Pierce, a location adjustment not to exceed 25 cents per hundredweight, rounded to the nearest full cent, computed by dividing the amount computed

pursuant to § 1125.54(c) by the total hundredweight of excess milk received at such plants.

* * * * *

6. Sections 1125.120, 1125.121, 1125.122, 1125.123, and 1125.124 are substituted for §§ 1125.60 and 1125.61 as follows:

§ 1125.120 Computation of production history bases.

The market administrator shall determine production history bases computed as follows:

(a) For each producer who delivered milk on 120 days or more during the months of August through December 1966, such production history base shall be the highest of:

(1) The total pounds of producer milk delivered by such person to a handler on 120 days or more during the months of August 1966 through December 1966, inclusive, divided by the number of days from the date of his first delivery within such period to the end of such 5-month period;

(2) The amount similarly computed with respect to such person's deliveries, during the months of August 1965 through December 1965, inclusive; or

(3) The amount similarly computed with respect to such person's deliveries during the months of August 1964 through December 1964, inclusive.

(b) For each person who held designation as a producer-handler for 120 days or more in the months of August through December 1966, the production history base shall be the daily average of his own production of milk for 120 days or more in the months of August through December 1964, August through December 1965, and August through December 1966, whichever is highest.

(c) Each person who becomes a producer as a result of a plant to which he delivers milk becoming a pool plant under the order pursuant to § 1125.8 shall have a production history base computed as though his deliveries of Grade A milk to such plant in the prior periods used for determining bases specified in paragraph (a) of this section had been deliveries of producer milk.

(d) With respect to computation of such bases the following rules shall apply:

(1) If a producer operated more than one farm at the same time during any specified August–December period, a separate computation shall be made with respect to producer milk delivered from each such farm for such period except that only one computation shall be made with respect to milk production resources and facilities of a producer-handler specified in § 1125.14(b)(1);

(2) Only one base shall be allotted with respect to milk produced by one or more persons where the land, buildings and equipment used are jointly owned or operated.

(3) Deliveries of milk during the months of August through December 1966 from a farm currently operated by a person who since August 1, 1966, has received a base by transfer pursuant to § 1125.61(a) shall be considered to be deliveries of the current operator for purposes of computation of production history base, and no production history base shall be computed for any other person from deliveries of milk from such farm.

(4) Deliveries of milk from a farm for which the producer has lost a base pursuant to § 1125.61(b) since February 1, 1967, shall not be used to compute a production history base for such producer.

§ 1125.121 Computation of Class I base for producers with production history bases.

(a) Each producer for whom a production history base pursuant to § 1125.120 (a) or (b) may be computed and who delivered milk regularly to a handler in May 1967 shall be issued Class I base as follows:

(1) The total of the Class I bases to be issued to such persons shall be the sum of:

(i) The average daily dispositions pursuant to § 1125.41(a) of producer milk for the year 1966 multiplied by 1.20; and

(ii) The total of the average daily dispositions of milk of their own production for the year 1966 by any such persons then holding designation as producer-handlers, multiplied by 1.20.

(2) The Class I base for each such person shall be determined by multiplying his production history base by a percentage rounded to the third decimal place obtained by dividing the total of Class I bases pursuant to subparagraph (1) of this paragraph by the sum of the production history bases issued to such producers.

(b) The Class I base for each person to whom no Class I base has been issued pursuant to paragraph (a) or (c) of this section who held designation as a producer-handler in May 1967 which is no longer effective, and who has become a producer shall be the production history for such person computed pursuant to § 1125.120 (a) or (b), multiplied by the percentage specified in paragraph (a)(2) of this section. Such Class I base shall not be in effect for such person for any month for which such person holds designation as a producer-handler.

(c) The Class I base of each person for whom a production history base is determined pursuant to § 1125.120(c) shall be his production history base multiplied by the percentage specified in paragraph (a)(2) of this section.

§ 1125.122 Computation of base milk for new producers and hardship cases.

For each month a quantity of base milk shall be computed for each producer who does not hold a production history base pursuant to § 1125.120 and a quantity of additional base milk shall be computed for each producer to whom a "hardship" adjustment has been issued as follows:

(a) Compute the sum of:

(1) 1.20 times the pounds by which producer milk classified as Class I exceeds the sum of the following in the corresponding month of 1966:

(i) The pounds of producer milk classified as Class I;

(ii) The Class I disposition of producers with Class I bases who then held designation as producer-handlers; and

(iii) The Class I disposition of milk by pool plants described in § 1125.120(c); and

(2) The pounds by which the current monthly total of Class I bases issued to producers exceeds the total of base milk delivered pursuant to § 1125.111(a)(1) in the month.

(b) Assign the resulting pounds, if any, as base milk pro rata to:

(1) The pounds of milk delivered during the month by each producer without a daily base; and

(2) The pounds of milk delivered by a producer to whom a hardship adjustment is issued, that are the lesser of:

(i) The pounds of such adjustment times the number of days in the month; or

(ii) The pounds by which total deliveries of milk in the month by such producer exceed base milk pursuant to § 1125.111(a).

§ 1125.123 Base rules.

The following rules shall be observed in the determination of bases:

(a) A Class I base or a portion of a Class I base may be transferred from one person to another if the conditions listed below are met:

(1) The market administrator is notified in writing by the holder of the Class I base on or before the last day of the month of transfer of the name of the person to whom the Class I base is to be transferred, the effective date of the transfer and the amount of Class I base to be transferred if less than the entire Class I base held by the transferor;

(2) It is established to the satisfaction of the market administrator that the conveyance of such base is bona fide and not for the purpose of evading any provision of this order, and comes within the remaining provisions of this paragraph;

(3) A transfer may be made only to a producer (a person who is currently a producer on the market or who will become a producer under the terms of the order by the last day of the month of transfer);

(4) A transfer of Class I base may not be made in amounts of less than 100 pounds, or the entire base, whichever is smaller;

(5) A transfer of a portion of a Class I base shall be a partial transfer and shall be effective only on the first day of a month. A transfer where the transferee producer will combine the Class I base received with Class I base already held shall be considered a partial transfer;

(6) A transfer of a complete Class I base of a producer to a person who does not already hold a Class I base will be effective on the date of transfer of herd and farm, or on the date specified if no herd and farm is transferred;

(7) A person who has received Class I base by transfer pursuant to subparagraph (5) or (6) of this paragraph within the preceding 12-month period may not further transfer all or a portion of his Class I base except as permitted under the provisions of § 1125.124;

(8) A person who was issued hardship adjustment pursuant to the provisions of § 1125.124 may not transfer all or a portion of his Class I base to another person until 2 years after the hardship adjustment was issued. Such hardship adjustments are not transferable;

(9) Class I base issued pursuant to § 1125.121(c) may not be transferred in whole or in part for a period of 2 years after it was issued to any person other than a member of the baseholder's immediate family who continues delivery of producer milk from the same farm from which such baseholder delivered producer milk; and

(10) Class I base issued pursuant to 1125.121(b) may not be transferred in whole or in part unless such transfer is to a member of the baseholder's immediate family who continues delivery of producer milk from the same farm from which such baseholder delivered producer milk for a period of 2 years from the date upon which the producer to whom it was issued last held designation as a producer-handler.

(b) If a producer delivers milk for fluid use other than as diverted producer milk to a plant not regulated under this Part 1125, which is engaged in distribution of fluid milk products to wholesale or retail outlets or in supplying fluid milk products to a plant so engaged, such producer shall have his base milk reduced by an amount equal to his Class I base for each day's production from which any such deliveries were made to such nonpool plant during the month.

(c) A person who discontinues deliveries of producer milk for a period of 60 consecutive days after a Class I base is issued to him shall forfeit any Class I base held pursuant to the provisions of this order, except that a person entering military service may retain his Class I base until 1 year after being released from active military duty.

(d) As soon as production history bases and Class I bases are computed by the market administrator notice of the amount of each producer's production history base and Class I base shall be given by the market administrator to the producer, to the handler receiving such producer's milk, and to the cooperative association of which the producer is a member. Each handler, following receipt of such notice, shall promptly post in a conspicuous place in his plant a list or lists showing the Class I base of each producer whose milk is received at such plant.

(e) Only one quantity of base milk pursuant to either § 1125.111 (a) (1) or (3) shall be computed with respect to milk produced by one or more persons where the land, buildings and equipment used, are jointly owned or operated.

(f) A producer who transfers Class I base computed pursuant to § 1125.121 shall have his production history base reduced in the same proportion that the Class I base transferred was of the total Class I base held by the transferor producer.

(g) As a condition for designation as a producer-handler pursuant to § 1125.14, of any person who has held Class I base any time during the 12-month period preceding such designation or of any member of the immediate family of such a person, or of any affiliate of such a person, or of any business unit of which such a person is a part, such baseholder shall forfeit Class I base in an amount equal to the highest amount held at any time during such 12-month period.

§ 1125.124 Relief from hardship or inequity.

Requests of producers for relief from hardship or inequity arising under the provisions of § 1125.120 through § 1125.123 will be subject to the following:

(a) A producer may request review of the following circumstances because of alleged hardship or inequity:

(1) He was not issued a Class I base pursuant to § 1125.121;

(2) His production history base pursuant to § 1125.120 is alleged to not be representative of his level of milk production in the base period due to a loss of milk production beyond the control of the producer such as loss of buildings, herds, or other facilities by fire, flood, or storms, official quarantine, or military service of the producer or his son;

(3) Loss or potential loss of Class I base pursuant to § 1125.123 (b) or (c); and

(4) Inability to transfer base due to the provisions of § 1125.123(a) (7), (8), (9) or (10);

(b) The producer shall file with the market administrator a request in writing for review of hardship or inequity not later than 45 days after notice pursuant to § 1125.123(d) with respect to requests pursuant to paragraph (a)(1) or (2) of this section, or not later than 45 days after the occurrence with respect to requests pursuant to paragraph (a)(3) or (4) of this section, setting forth:

(1) Conditions that caused the alleged hardship or inequity;

(2) The extent of the relief or adjustment requested;

(3) The basis upon which the amount of adjustment requested was determined; and

(4) Reasons why the relief or adjustment should be granted.

(c) One or more Producer Base Committees shall be established and function as follows:

(1) Each Producer Base Committee shall consist of five producers appointed by the market administrator.

(2) Each committee shall review the requests for relief from hardship or inequity referred to it by the market administrator at a meeting in which the market administrator or his representative serves as recording secretary and at which the applicant may appear in person if he so requests.

(3) Recommendations with respect to each such request shall be endorsed at the meeting by at least three committee members and shall:

(i) With respect to requests pursuant to paragraph (a) (1), (3), or (4) of this section, either reject such request or indicate the nature and extent to which the producer shall be granted exception to the provisions involved and the effective date thereof.

(ii) With respect to requests pursuant to paragraph (a)(2) of this section, either reject the request or provide adjustment in the form of a daily quantity of "hardship" adjustment milk which when delivered in excess of such producer's Class I base, may be included in the computation of base milk pursuant to § 1125.122 and the effective date thereof. In considering such requests the loss of milk production due to the following shall not be considered a basis for hardship adjustment:

(a) Loss of milk due to mechanical failure of farm tank or other farm equipment; and

(b) Inability to obtain adequate labor to maintain milk production, except that hardship adjustment may be granted in the case of a producer or the son of a producer who entered into military service directly from employment in milk production;

(4) Recommendation of the Producer Base Committee shall:

(i) If to deny the request, be final upon notification to the producer, subject only to appeal by the producer to the Director, Dairy Division within 45 days after such notification; or

(ii) If to grant the request in whole or in part, be transmitted to the Director, Dairy Division, and shall become final unless vetoed by such Director within 15 days after transmittal.

(5) Committee members shall be reimbursed by the market administrator from the funds collected under § 1125.88 for their services at $20.00 per day or portion thereof, plus necessary travel and subsistence expenses incurred in the performance of their duties as committee members.

(d) The market administrator shall maintain files of all requests for alleviation of hardship and the disposition of such requests. These files shall be open to the inspection of any interested person during the regular office hours of the market administrator.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: September 1, 1967.

Signed at Washington, D.C., on August 15, 1967.

JOHN A. SCHNITTKER,
Acting Secretary.

[F.R. Doc. 67-9764; Filed, Aug. 17, 1967; 8:49 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1967—Crop Dry Edible Bean Supp.]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1967 Crop Dry Edible Bean Loan and Purchase Program

The General Regulations Governing Price Support for the 1964 and Subsequent Crops (Revision 1) (31 F.R. 5941) and the 1966 and Subsequent Crops Dry Edible Bean Supplement (31 F.R. 6904), which contain regulations of a general nature with respect to price support operations, are further supplemented for 1967 crop dry edible beans as follows:

Sec.
1421.2480 Purpose.
1421.2481 Availability.
1421.2482 Maturity of loans.
1421.2483 Support rates.

AUTHORITY: The provisions of this subpart issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 68 Stat. 1063, 15 U.S.C. 714c, 7 U.S.C. 1421, 1441.

§ 1421.2480 Purpose.

This supplement contains additional program provisions which together with the provisions of the General Regulations Governing Price Support for the 1964 and Subsequent Crops (Revision 1) and any amendments thereto or revisions therpof, and the 1966 and Subsequent Crop Dry Edible Bean Supplement and any amendments thereto, apply to loans and purchases for 1967 crop dry edible beans.

§ 1421.2481 Availability.

A producer desiring a price support loan must request a loan on his eligible beans on or before March 31, 1968. To obtain price support through a sale to CCC, a producer must give the appropriate ASCS county office notice of his intent to sell his eligible beans to CCC on or before the loan maturity date specified in § 1421.2481.

§ 1421.2482 Maturity of loans.

Unless demand is made earlier, loans on dry edible beans will mature on April 30, 1968.

§ 1421.2483 Support rates.

The support rate for beans placed under a loan other than a loan on beans stored commingled in an approved warehouse shall be the applicable basic support rate specified in paragraph (a) of this section for the county in which the beans were produced, adjusted as provided in paragraph (d) of this section. The support rate for loans on beans stored commingled in approved warehouse storage and for settlement of all loans and purchases shall be the applicable basic support rate specified in paragraph (a) of this section for the county in which the beans were produced, (1) adjusted in accordance with paragraphs (b), (c), and (d) this section, and (2) adjusted also, in the case of settlements, by such discounts as CCC may establish for class, grade, and quality factors not specified in this section which affect the value of the beans, such as (but not limited to) splits, damage, contrasting classes, and foreign material. The discounts established for the purposes of settlement will be based upon the market discounts for such factors at the time the beans are delivered to CCC, as determined by CCC. Producers may obtain schedules of such factors and discounts at ASCS county offices approximately one month prior to the loan maturity date. Except in the case of large lima beans, if the beans have been moved by truck to approved storage in a higher support rate county, or if the warehouse guarantees delivery by truck to approved storage or on track in a higher support rate county, the support rate shall be determined on the basis of the basic support rate specified in paragraph (a) of this section for the county in which the beans are stored or to which delivery is guaranteed, rather than the county in which the beans were produced. Settlement shall be made in accordance with the provisions of § 1421.72.

(a) *Basic county support rates.* The basic county support rates per 100 pounds net weight for beans of all classes grading U.S. No. 1 are as follows:

Class and area	Rate per 100 pounds U.S. No. 1 in jute bags
Pinto:	
Area I—In New Mexico, all counties except McKinley, Rio Arriba, San Juan, Taos and Valencia	$6.57
Area II—Kansas, Nebraska, Oklahoma, and Texas. In Colorado, the counties of Larimer, Boulder, Gilpin, Clear Creek, Jefferson, Teller, Fremont, Pueblo, Huerfano, and Las Animas and all counties east thereof in Colorado. In Wyoming, the counties of Goshen, Laramie, and Platte	6.47
Area III—In New Mexico, the counties of McKinley, and Valencia	6.37
Area IV—Arizona, California, South Dakota, and Utah. In Wyoming, all counties not in Area II. In Colorado, all counties not in Area II. In New Mexico, the counties of Rio Arriba, San Juan, and Taos	6.27
Area V—Idaho and Montana	6.17
Area VI—Washington	6.97
Area VII—Other States	6.07
Great Northern:	
Area I—Nebraska, Minnesota, and North Dakota. In Colorado, all counties east of 104° longitude. In Wyoming, the counties of Goshen, Laramie, and Platte	7.21
Area II—South Dakota. In Wyoming, all counties not in Area I	7.01
Area III—Montana and Idaho. In Oregon, Malheur County	6.91
Area IV—Other States and counties	6.71
Pea (Navy) and Medium White:	
Area I—Michigan, New York, Maine, Minnesota, and Wisconsin	6.66
Area II—Other States	6.15
Small White and Flat Small White	7.82
Dark Red Kidney	8.51
Light and Western Red Kidney	8.70
Pink	7.32
Small Red:	
Area I—Idaho and Colorado	7.47
Area II—Washington	7.37
Area III—Other States	7.42
Large Lima:	
Area I—In California, the counties of Monterey, San Luis Obispo, Santa Barbara, Ventura, Los Angeles, Orange, and San Diego	10.39
Area II—Other counties in California	10.24
Baby Lima	8.59

(b) *Premium.*

	Cents per 100 pounds
Grade U.S. CHP (Pea beans)	25
Grade U.S. CHP (all other beans)	10
Grade U.S. Extra No. 1	10

(c) *Discount.*

	Cents per 100 pounds
Grade U.S. No. 2	25
Paper package	09

(d) *Deduction for processing charges.* In the case of beans which have not been processed (i.e., commercially cleaned), the rate shall be reduced by the following amounts (except for beans stored comingled in an approved warehouse):

	Dollars per 100 pounds from U.S. No. 1 rate
All States except Michigan and New York	$1.00
Michigan, Pea beans only	1.00
Michigan, other classes	1.50
New York	2.00

Effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on August 14, 1967.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 67-9722; Filed, Aug. 17, 1967; 8:46 a.m.]

[CCC Grain Price Support Regs., 1967-Crop Rye Supp.]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1967-Crop Rye Loan and Purchase Program

WAREHOUSE CHARGES; CORRECTION

The September 8 date appearing in § 1421.2859 *Warehouse charges*, paragraph (a), published in the FEDERAL REGISTER on July 18, 1967, page 10502, is in error. The correct date is September 6.

The corrected line reads as follows:

Sept. 6—Oct. 3 1967 ..... 8 cents.

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on August 14, 1967.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 67-9724; Filed, Aug. 17, 1967; 8:46 a.m.]

Chapter XVIII—Farmers Home Administration, Department of Agriculture

SUBCHAPTER C—LOANS PRIMARILY FOR PRODUCTION PURPOSES

[FHA Instructions 441.5, 441.6]

PART 1833—ECONOMIC OPPORTUNITY LOANS TO INDIVIDUALS

A new Part 1833 consisting of Subparts A and B is added to Chapter XVIII, Title 7, Code of Federal Regulations (31 F.R. 14109), prescribing regulations for making Economic Opportunity loans to individuals. The new part reads as follows:

Subpart A—Loans to Farmers

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1833.2 Objectives.
1833.3 Definitions.
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1833.5 Relationship of Economic Opportunity and other FHA loans.
1833.6 Determining "reasonable assurance of repayment" for Economic Opportunity loans.
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1833.42 Security policies.
1833.43 Loan approval.
1833.44 Loan forms and routines.
1833.45 Approval or rejection.
1833.46 Loan closing.
1833.47 Revision in the use of Economic Opportunity loan funds.

AUTHORITY: The provisions of this Part 1833 issued under sec. 602, 78 Stat. 528, 42 U.S.C. 2942; Order of Director, Office of Economic Opportunity, 29 F.R. 14764; Orders of Secretary of Agriculture, 29 F.R. 16210, 32 F.R. 6650.

Subpart A—Loans to Farmers

§ 1833.1 General.

This subpart prescribed jointly by the Director, Office of Economic Opportunity, and the Secretary of Agriculture, includes the policies, procedures, and authorizations for making Economic Opportunity loans for agricultural and nonagricultural enterprises to low-income farm families under the provisions of section 302, Title III, of the Economic Opportunity Act of 1964.

§ 1833.2 Objectives.

The objectives of these loans are to improve the capacity of the applicant family through the acquisition and development of resources so as to produce and maintain a higher income and thereby generate at least a modest increase in their level of living and make some improvement in their financial situation. Loans to finance nonagricultural enterprises are intended to assist low-income farm families in establishing a new enterprise or expanding or reorganizing existing enterprises needed to supplement the earnings received from their farming operations.

(a) In areas in which approved community action programs are in operation or programs are in process of development, County Supervisors will carry on all Farmers Home Administration (FHA) activities in such a manner as to further implement such community action programs to the maximum extent possible. Therefore, in the making of each Economic Opportunity loan, the applicant will be encouraged to participate in and to make maximum use of the community action programs.

(b) State Directors will give preference in the use of Economic Opportunity loan funds to those counties that have approved community action programs.

(c) In order to determine whether the proposed loan will result in an increase in the capacity, income, and level of living as referred to in this paragraph, a careful analysis and comparison will be made of the family's situation for the year previous to their application for FHA assistance as reflected on Form FHA 410–1, "Application for FHA Services," and elsewhere in the borrower's case folder, for the first crop year after they receive FHA assistance as shown in Form FHA 431–2, "Farm and Home Plan," and for the typical year after they receive FHA assistance also shown on Form FHA 431–2.

§ 1833.3 Definitions.

(a) *Low-income farm family.* A low-income farm family means an established farm family with limited assets whose income now and recently from all sources is and was insufficient to:

(1) Provide the family with basic needs for a minimum level of living in their community.

(2) Pay necessary farm and other operating expenses.

(3) Meet required payments on their farm and other essential income producing property.

(b) *Established farm family.* An established farm family as used herein is a family that is farm oriented, has a farm background, has under lease or owns, or will have under lease or will own at the time of loan approval what is recognized as a farm in the community, and is producing at least a portion of their subsistence needs from crops or livestock.

§ 1833.4 Supervision.

The farm families who are to receive loans under this subpart are confronted with such problems as, very limited resources; low incomes; indebtedness beyond their present ability to repay; ineffective management of their operations, income, and credit; lack of management skills; and an unsatisfactory level of living. Therefore, these families will be provided intensive supervision in order that they may be properly assisted in overcoming their problems and thus improve their incomes, levels of living, and financial situations.

§ 1833.5 Relationship of Economic Opportunity and other FHA loans.

(a) Applicants for credit assistance from the FHA will be considered for the type of loan which will be most effective in assisting them to improve their farms, incomes, levels of living, and financial situations. Thus, first consideration will ordinarily be given to the making of other FHA loans to an applicant.

(b) When an applicant cannot qualify for other FHA loans or his needs cannot be fully met with such loans, consideration will be given to meeting as much of his needs as possible with an Economic Opportunity loan. Such a loan will enable many applicants to continue in farming and remain in their rural communities and in some instances improve their situations to the point where other FHA loans can be made to further assist them in also achieving the objectives for such loans.

(c) An Economic Opportunity loan may be made to an applicant simultaneously with an initial Operating loan under the provisions of § 1831.2(b) of this chapter, or an initial Emergency loan under Part 1832 of this chapter.

(d) An Economic Opportunity loan may be made simultaneously with an initial loan made under Part 1821 or Part 1822 of this chapter, or to a borrower indebted for any other FHA loan, provided the Economic Opportunity loan is made for purposes not authorized for the other loan(s).

§ 1833.6 Determining "reasonable assurance of repayment" for Economic Opportunity loans.

Before making an Economic Opportunity loan, it must be determined that there is "reasonable assurance of repayment." Repayment ability will be based on a farm and home plan showing the first year's operations as well as those for a typical year. Such plan will be developed with an agreed to by the applicant and should reflect sufficient income

to improve the level of living, pay operating expenses, make payments on debts as necessary to retain income producing property, and also repay the Economic Opportunity loan under the liberal terms authorized herein. "Reasonable assurance of repayment," as used herein, takes into consideration, among other things, the following factors:

(a) Economic Opportunity loans are made only to low-income farm families who are confronted with serious resource and other problems. Therefore, in order to reduce the relatively high risk involved in making a loan under these conditions, County Supervisors will help such families to exercise wise use of loan funds and will provide intensive supervision to help assure that the objectives of the loan will be achieved.

(b) Economic Opportunity loans are made primarily for purposes that will increase income and, therefore, will enhance the repayment ability of the applicant.

(c) Economic Opportunity loans generally will be scheduled for repayment over longer periods of time than other FHA loans thereby keeping annual installments at a modest level.

§ 1833.7 Eligibility.

To be eligible for an Economic Opportunity loan each applicant must:

(a) Be the head of an established low-income farm family or a legally competent member of the family who, after the loan is made, will be primarily responsible for the management and the operation of the farming or nonagricultural enterprise which contributes directly and substantially to the family income. For this purpose, an individual living alone is eligible as a family.

(b) Be an individual who has sufficient experience as an owner-operator of a farm, farm tenant, share cropper, or farm laborer, by having been reared on a farm, or has had sufficient experience or training which, with FHA supervision, will assure reasonable prospects of success in the farming operation or the nonagricultural enterprise in connection with which the loan will be made.

(c) Possess the character, ability, and industry necessary to carry out the proposed operations and in the opinion of the County Committee will honestly endeavor to carry out the undertaking required of him in connection with the loan.

(d) Be unable to finance the required adjustments and improvements in his farming operation or the needed nonagricultural enterprise through his own resources, income, FHA loans, and credit under reasonable rates and terms from other sources.

(e) Have reasonable prospects, with the assistance of a loan and the use of other available resources and supervision, of being able to generate at least a modest increase in his income and level of living and make some improvement in his financial situation.

(f) If funds are included in the loan for a nonagricultural enterprise, produce only goods or services from that enterprise for which there is a need that is not being adequately supplied by others in the community and for which there is a reasonably reliable market.

(g) Have such tenure on the farm to be operated as necessary to permit him to achieve the objectives of the loan as described in § 1833.2.

(h) Possess legal capacity to incur the obligations of the loan.

(i) Not be engaged in a larger than family-farming operation after the loan is made.

§ 1833.8 Certification of County Committee.

Before a loan is approved, the County Committee will certify on Form FHA 440–2, "County Committee Certification or Recommendation," that the applicant is eligible for a loan in accordance with the provisions of § 1833.7.

§ 1833.9 Loan purposes.

(a) Loans for agricultural purposes may include funds for the following:

(1) Purchase of livestock, poultry, fish, and farm equipment.

(2) Purchase of an undivided interest in farm equipment or facilities to be operated under a joint arrangement or as a group service.

(3) Purchase of feed, seed, fertilizer, and the payment of other essential farm operating expenses which will result in or contribute to the long-term improvement in the applicant's income as referred to in § 1833.2.

(4) Paying costs incident to expanding or adding farm enterprises or reorganising the farming system for more profitable operation.

(5) Purchase of livestock for subsistence needs, purchase of minimum essential home furnishings and equipment, and payment of minimum essential family subsistence expenses provided the objectives of the loan as described in § 1833.2 cannot otherwise be met and the amount of funds advanced for such purposes is an incidental part of the loan.

(6) Acquisition of memberships in farm purchasing and marketing and farm service-type cooperative associations or to purchase stock in such associations to enable the applicant to obtain services needed to improve his income and financial situation.

(7) Purchase, construction, alteration, repair, or relocation of essential buildings.

(8) Land and water development, use, and conservation essential to the operation of the farm including such things as fencing, drainage, irrigation, and the establishment and improvement of permanent hay or pasture.

(9) Purchase of real estate.

(10) Payment of debts secured by liens on real property or livestock and farm equipment. However, the amount advanced for payment of the debts may not exceed the normal value of the real property or market value of the livestock and farm equipment as determined by the County Supervisor and documented in Table A of Form FHA 431–2, minus the amount of any other indebtedness secured by liens on the property after the refinancing is accomplished.

(11) Purchase of a milk base either with or without cows where such action is necessary to assure the applicant a satisfactory market for his dairy products.

(12) Payment of expenses incident to loan closing.

(b) Loans for nonagricultural purposes may include funds for the following:

(1) Purchase of essential equipment, tools, facilities, animals, birds, and fish.

(2) Purchase, construction, alteration, repair, and relocation of buildings.

(3) Payment of necessary operating expenses, and the purchase of necessary inventory.

(4) Paying costs incident to establishing a new enterprise, expanding or reorganizing the enterprise for more profitable operation.

(5) Purchase of livestock for subsistence needs, purchase of minimum essential home furnishings and equipment, and payment of minimum essential family subsistence expenses provided that the objectives of the loan, as described in § 1833.2, cannot otherwise be met and the amount of funds advanced for such purposes is an incidental part of the loan.

(6) Purchase of real estate.

(7) Payment of debts secured by liens on real or chattel property used in a nonagricultural enterprise. However, the amount advanced for payment of the debts may not exceed the normal value of the real property or the market value of the chattel property as determined by the County Supervisor and documented in Table A of Form FHA 431–2, minus the amount of any other indebtedness secured by liens on the property after the refinancing is accomplished.

(8) Acquisition of membership or stock in cooperative associations financed under the provisions of Subpart D, Part 1823 of this chapter, and other cooperative associations providing similar services in the community.

(9) Purchase of a franchise, contract, or a privilege when such action is necessary for the enterprise.

(10) Purchase of an undivided interest in equipment or facilities to be operated under a joint arrangement.

(11) Payment of expenses incident to loan closing.

§ 1833.10 Limitations and special requirements.

(a) The amount of each loan will be limited to the needs of the applicant and his reasonable ability to pay. A loan may not be made which will result in a total principal and interest (calculated to the date of loan approval) balance outstanding for Economic Opportunity loans in excess of $3,500 to an individual or to a family.

(b) A joint loan may be made to two eligible applicants living together or separately, and operating jointly an agricultural or nonagricultural enterprise. When joint loans are made, both individuals will execute the application, payment authorization, notes, and other documents required in connection with making and closing the loan. A joint loan may not exceed the limitation set forth in paragraph (a) of this section.

(c) Separate loans may be made to eligible applicants who are engaged jointly in an agricultural or nonagricultural enterprise provided not more than two individuals are interested in the enterprise, and provided the applicants are not members of the same family.

(d) No loan will be made to finance any nonagricultural enterprise or facility used by the applicant in the production of industrial products in his home or on his premises for a manufacturer rather than in such manufacturer's place of business. This would not prohibit an applicant who is a bona fide independent producer from producing in his own home or on his premises products to be sold to a manufacturer, wholesaler, or retailer whether contracted for in advance or sold in some other manner.

§ 1833.11 Rates and terms.

(a) Interest will be charged at the rate of 4½ percent per annum. Interest will accrue from the date of the loan check on outstanding principal only and will not be compounded.

(b) Loans will be scheduled for repayment over the minimum period consistent with the applicant's reasonable ability to repay as determined by an analysis of the farm and home operations and the nonagricultural enterprise when such an enterprise is involved.

(1) Principal payments on such loans will be scheduled at least annually unless it is determined that income sufficient to meet the initial payment will not be received within 12 months from the date of the loan check in which case the initial payment may be scheduled on a date coinciding with the date the income is to be received, but not beyond the end of the second full year following the date of the loan. At least one payment will be scheduled during each 12-month period thereafter.

(2) When conditions warrant such action, principal payments may vary in amounts. For example, when an agricultural or nonagricultural enterprise is being expanded or added, a variable or graduated payment could be used if necessary.

(3) In no event will any payment be scheduled later than 15 years from the date of the loan check.

§ 1833.12 Nondiscrimination.

No person in the United States shall, on grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under the program authorized in this subpart.

§ 1833.13 Security policies.

Economic Opportunity loans will be made on the basis of the borrower's promissory note and loan agreement without taking other security except:

(a) When an Economic Opportunity loan is made to an FHA borrower or to an applicant who is also receiving another FHA loan and a significant amount of Economic Opportunity funds is used to acquire, improve, or refinance debts on property that is covered or will be covered by a lien securing the other FHA loan, all Economic Opportunity loans will be secured by lien on such property.

(1) In such cases when the other FHA loan is a direct loan, the notes for both the Economic Opportunity and the other FHA loans will be described in the same lien instrument. On the other hand, when the other FHA loan is insured, a separate lien instrument will be required for the Economic Opportunity loan. When separate lien instruments are taken, the lien securing the loan resulting in the larger investment in the security will be given priority.

(b) When a significant amount of Economic Opportunity loan funds is used to purchase or make repairs to licensed motor vehicles or motor boats, or to refinance debts thereon, liens normally will be taken on such property. This action is authorized because of the problems involved in transferring title to such property when the borrower refuses to do so and when it is necessary for the FHA to repossess and sell it in liquidation cases. Liens on motor vehicles will be taken in the same manner as for Operating loans. Liens on motor boats will be taken in accordance with instructions issued by the State Director.

§ 1833.14 Loan approval.

County Supervisors and Assistant County Supervisors, grade GS–7 and above, are authorized to approve loans made under this subpart.

§ 1833.15 Loan forms and routines.

(a) *Form FHA 410–1, "Application for FHA Services."* Applications for loans will be taken on Form FHA 410–1.

(b) *Form FHA 440–2, "County Committee Certification or Recommendation."* When the applicant is determined to be eligible for a loan, the County Committee will execute Form FHA 440–2 before the loan is approved.

(c) *Form FHA 431–2, "Farm and Home Plan."* Form FHA 431–2 will be developed with all applicants in the same manner as for other FHA loans to individuals. In addition, the actual columns in Tables B through K of that form will show the information for a typical year and the column headings will be changed accordingly. This, along with the information contained in Form FHA 410–1 and other information in the borrower's case folder, will assist the applicant and the County Supervisor in determining whether the objectives of the loan will be achieved.

(d) *Form FHA 431–4, "Business Analysis — Nonagricultural Enterprise."* This form will be developed with all applicants requesting loans for the financing of nonagricultural enterprises. The information contained in this form, along with that shown in the application and the farm and home plan, will assist the applicant and County Supervisor in determining whether the objectives of the loan will be achieved. The nonagricultural enterprise must return sufficient income to pay its operating expenses, depreciation, and make a reasonable contribution to the family's living expenses.

(e) *Form FHA 431–1, "Long-Time Farm and Home Plan."* Form FHA 431–1 may be used when necessary in planning long-time aims and objectives with applicants.

(f) *Form FHA 441–1, "Promissory Note."* The amount of each loan and the scheduled payments thereon will be in multiples of $10. Not more than four payments on a single note will be scheduled for any year. The time limitations for payment schedules prescribed in § 1833.11 run from the date of the loan check instead of the date of the note. Form FHA 441–1 will be dated as of the date of execution by the applicant. The requirements for the applicant's spouse to execute the note are the same as for loans made under Part 1831 of this chapter.

(g) *Form FHA 440–9, "Supplementary Payment Agreement."* This form will be used, as needed, when applicants and borrowers who will be receiving income from the nonagricultural enterprise, wages, and so forth, from which payments are to be made on the loan.

(h) *Form FHA 440–1, "Payment Authorization."* Form FHA 440–1 will be prepared for the total amount of the Economic Opportunity loan including the amount for both agricultural purposes and nonagricultural purposes when both purposes are included.

(i) *Immediate and future disbursement.* Loan funds may be disbursed in an immediate loan advance or in one or more future loan advances in the same manner as for loans made under Part 1831 of this chapter.

(j) *Loan agreement.* Form FHA 441–19, "Loan Agreement," will be used in lieu of other security instruments. It will be the County Supervisor's responsibility to see that the requirements in the loan agreement are carried out and to take any necessary actions as prescribed therein.

(k) *Voluntary debt adjustment.* Voluntary debt adjustment assistance will be provided when the adjustment of debts appears necessary to establish a sound financial position and operation. Form FHA 403–1, "Debt Adjustment Agreement," will be used to document satisfactory agreements for the adjustment of a debt.

(l) *Form FHA 441–10, "Nondisturbance Agreement."* Form FHA 441–10 will be used when necessary to obtain nondisturbance agreements from creditors of an applicant who are in a position to interfere with his operations.

§ 1833.16 Review and approval or rejection.

(a) *Approval of loans.* If a loan is approved, the loan approval official will date and sign Form FHA 440–1 and insert his title in the spaces designated for this purpose. The loan approval official also will prescribe any special conditions of approval.

(b) *Rejection of loans.* If a loan is rejected, the loan approval official will indicate the reasons for the rejection, in

detail. The County Supervisor will notify the applicant of the rejection and will return to him the original of Form FHA 441–1 and any executed security instruments.

§ 1833.17 Loan closing.

(a) *Check delivery.* County Office employees in bonded positions will receive and deliver loan checks. All loan checks will be deposited in supervised bank accounts except when all purchases are being made from one vendor at the same time and the loan check is endorsed payable to the vendor in the presence of an FHA employee. Form FHA 402–1, "Deposit Agreement," will be used for supervised bank accounts. Upon receipt of a loan check and if the depository bank does not require the applicant's endorsement for deposit, the County Supervisor will deposit the loan check in the supervised bank account and furnish the applicant a copy of the deposit slip. If the bank will not accept the loan check for deposit in a supervised bank account without the applicant's endorsement, the County Supervisor will retain the check and arrange with the applicant for a time and place for its deposit.

(b) *Fees.* Notary and other fees incident to all loan closing or servicing will be paid by the borrower from personal funds or from proceeds of the loan. Whenever cash is accepted by FHA personnel to be used to pay such fees, Form FHA 440–12, "Acknowledgment of Payment For Recording, Lien Search, and Releasing Fees," will be executed. FHA personnel who accept custody of such fees will make it clear to the borrower that the amount so accepted is not received by the Government as credit on the borrower's indebtedness but is accepted only for the purpose of paying such fees on behalf of the borrower.

§ 1833.18 Revision in the use of Economic Opportunity loan funds.

The County Supervisor is authorized to approve changes in the purposes for which loan funds are to be used provided such changes are for authorized purposes and will accomplish the purpose of the loan program. Documentation and routines when changes are made in the use of loan funds will be the same as for loans made under Part 1831 of this chapter.

Subpart B—Loans to Nonfarm Rural Families for Nonagricultural Enterprises

§ 1833.31 General.

This subpart prescribed jointly by the Director, Office of Economic Opportunity, and the Secretary of Agriculture, includes the policies, procedures, and authorizations for making Economic Opportunity loans for nonagricultural enterprises to low income rural families under the provisions of section 302, Title III, of the Economic Opportunity Act of 1964.

§ 1833.32 Objectives.

The objectives of these loans are to improve the capacity of the applicant family through the acquisition and development of resources so as to produce and maintain a higher income and thereby generate at least a modest increase in their level of living and make some improvement in their financial situation. Loans to finance nonagricultural enterprises are intended to assist low income rural families in establishing a new enterprise or expanding or reorganizing existing enterprises to supplement their earnings.

(a) In areas in which approved community action programs are in operation or programs are in the process of development, County Supervisors will carry on all Farmers Home Administration (FHA) activities in such a manner as to further implement such community action programs to the maximum extent possible. Therefore, in the making of each Economic Opportunity Loan the applicant will be encouraged to participate in and to make maximum use of the community action programs. State Directors will give preference in the use of Economic Opportunity loan funds to those counties that have approved community action programs.

(b) In order to determine whether the proposed loan will result in an increase in the capacity, income, and level of living as referred to in this paragraph, a careful analysis and comparison will be made of the family's situation for the year previous to their application for FHA assistance as reflected on Form FHA 410–1, "Application for FHA Services," Form FHA 410–2, "Supplement to Application for FHA Services (For Applicants Who Depend on Off-Farm Income)," and elsewhere in the borrower's case folder, and for the first year after they receive FHA assistance also shown on Form FHA 431–4, "Business Analysis—Nonagricultural Enterprise."

§ 1833.33 Definitions.

(a) *Rural family.* A rural family is one whose permanent place of abode is in the open country or in any place of less than 5,500 persons which is not a part of an urban area. It shall not include a family which:

(1) Lives in a closely settled area (where the principal land use and occupancy is residential or commercial) surrounding, adjacent to, or growing out of, a town, village, or place of more than 5,500 people. When determining whether a residential area is to be considered near to, or a part of, a place of 5,500 persons or more, minor open spaces due to physical barriers, commercial or industrial developments, parks, areas reserved for convenience or appearance, or narrow strips of cultivated land will be disregarded.

(2) Lives in a subdivision of substantial size which is being developed in a rural area, unless a large proportion of the residents will obtain most of their income from employment in the surrounding rural area.

(b) *Low-income rural family.* A low-income rural family means a family with limited assets whose income now and recently from all sources is and was insufficient to:

(1) Provide the family with basic needs for a minimum level of living in their community,

(2) Pay necessary business or other operating expenses, and

(3) Meet required payments on their essential income producing property.

§ 1833.34 Supervision.

The rural families who are to receive loans under this subpart are confronted with such problems as, very limited resources; low incomes; indebtedness beyond their present ability to repay; ineffective management of their operations, income, and credit; lack of management skills; and an unsatisfactory level of living. Therefore, these families will be provided intensive supervision in order that they may be properly assisted in overcoming their problems and thus improve their incomes, level of living, and financial situation.

§ 1833.35 Determining "reasonable assurance of repayment" for Economic Opportunity loans.

Before making an Economic Opportunity loan, it must be determined that there is "reasonable assurance of repayment." Repayment ability will be based on the information contained in Form FHA 431–3, "Family Budget," and Form FHA 431–4 showing the first year's operations as well as those for a typical year. Such information will be developed with and agreed to by the applicant and should reflect sufficient income to improve the level of living, pay operating expenses, make payments on debts as necessary to retain income producing property, and also repay the Economic Opportunity loan under the liberal terms authorized herein. "Reasonable assurance of repayment," as used herein, takes into consideration, among other things, the following factors:

(a) Economic Opportunity loans are to be made only to low income families who are confronted with serious resource and other problems. Therefore, in order to reduce the relatively high risk involved in making a loan under these conditions, County Supervisors will help such families to exercise wise use of loan funds and will provide intensive supervision to help assure that the objectives of the loan will be achieved.

(b) Economic Opportunity loans are made primarily for purposes that will increase income and, therefore, will enhance the repayment ability of the applicant.

(c) Economic Opportunity loans generally will be scheduled for repayment over longer periods of time than most other types of loans for similar purposes under the existing conditions thereby keeping annual installments at a modest level.

§ 1833.36 Eligibility.

To be eligible for an Economic Opportunity loan each applicant must:

(a) Be the head of a low income rural family or a legally competent member of the family who, after the loan is made, will be primarily responsible for the management and the operation of the enterprise which contributes directly and substantially to the family income. For this purpose an individual living alone is eligible as a family.

(b) Be an individual who has sufficient experience or training which, with FHA supervision, will assure reasonable prospects of success in the nonagricultural enterprise in connection with which the loan will be made.

(c) Possess the character, ability, and industry necessary to carry out the proposed operations and in the opinion of the County Committee will honestly endeavor to carry out the undertakings required of him in connection with the loan.

(d) Be unable to finance the needed nonagricultural enterprise through his own resources, income, or credit under reasonable rates and terms from other sources.

(e) Have reasonable prospects, with the assistance of a loan and the use of other available resources and supervision, of being able to generate at least a modest increase in his income and level of living and make some improvement in his financial situation.

(f) Produce only goods or services from the nonagricultural enterprise for which there is a need that is not being adequately supplied by others in the community and for which there is a reasonably reliable market.

(g) Possess legal capacity to incur the obligations of the loan.

§ 1833.37 Certification of County Committee.

Before a loan is approved, the County Committee will certify on Form FHA 440–2, "County Committee Certification or Recommendation," that the applicant is eligible for a loan in accordance with the provisions of § 1833.36.

§ 1833.38 Loan purposes.

(a) Loans for nonagricultural purposes may include funds for the following:

(1) Purchase of essential equipment, tools, facilities, animals, birds, and fish.

(2) Purchase, construction, alteration, repair, and relocation of buildings.

(3) Payment of necessary operating expenses and the purchase of necessary inventory.

(4) Paying costs incident to establishing a new enterprise, expanding the enterprise or reorganizing the enterprise for more profitable operation.

(5) The purchase of livestock for subsistence needs, the purchase of minimum essential home furnishings and equipment, and the payment of minimum essential family subsistence expenses provided the objectives of the loan cannot otherwise be met and that the amount of funds advanced for such purposes is an incidental part of the loan.

(6) Purchase of real estate.

(7) Payment of debts secured by liens on real or chattel property used in a nonagricultural enterprise. However, the amount advanced for payment of the debts may not exceed the normal value of the real property or the market value of the chattel property as determined by the County Supervisor and documented in Table A of Form FHA 431–3, minus the amount of any other indebtedness secured by liens on the property after the refinancing is accomplished.

(8) Acquisition of membership or stock in cooperative associations financed under the provisions of Subpart D, Part 1823 of this chapter, and other cooperative associations providing similar services in the community.

(9) The purchase of a franchise, contract or a privilege when such action is necessary for the enterprise.

(10) Purchase of an undivided interest in equipment or facilities to be operated under a joint arrangement.

(11) The payment of expenses incident to loan closing.

§ 1833.39 Limitations and special requirements.

(a) The amount of each loan will be limited to the needs of the applicant and his reasonable ability to pay. A loan may not be made which will result in total principal and interest (calculated to the date of loan approval) balance outstanding on Economic Opportunity loans in excess of $3,500 to an individual or to a family.

(b) A joint loan may be made to two eligible applicants living together or separately and operating jointly a nonagricultural enterprise. When joint loans are made, both individuals will execute the application, payment authorization, notes, and other documents required in connection with making and closing the loan. A joint loan may not exceed the limitation set forth in paragraph (a) of this section.

(c) Separate loans may be made to eligible applicants who are engaged jointly in a nonagricultural enterprise provided not more than two individuals are interested in the enterprise, and provided the applicants are not members of the same family.

(d) No loan will be made to finance any nonagricultural enterprise or facility used by the applicant in the production of industrial products in his home or on his premises for a manufacturer rather than in such manufacturer's place of business. This would not prohibit an applicant who is a bona fide independent producer from producing in his own home or on his premises products to be sold to a manufacturer, wholesaler, or retailer whether contracted for in advance or sold in some other manner.

§ 1833.40 Rates and terms.

(a) Interest will be charged at the rate of 4½ percent per annum. Interest will accrue from the date of the loan check on outstanding principal only and will not be compounded.

(b) Loans will be scheduled for repayment over the minimum period consistent with the applicant's reasonable ability to repay after taking into consideration the information shown on Form FHA 431–3, Form FHA 431–4, and other pertinent facts.

(1) Principal payments on such loans will be scheduled at least annually unless it is determined that income sufficient to meet the initial payment will not be received within 12 months from the date of the loan check, in which case the initial payment may be scheduled on a date coinciding with the date the income is to be received but not beyond the end of the second full year following the date of the loan. At least one payment will be scheduled during each 12-month period thereafter.

(2) When conditions warrant such action, principal payments may vary in amounts. For example, when a nonagricultural enterprise is being expanded or added, a variable or graduated payment could be used if necessary.

(3) In no event will any payment be scheduled later than 15 years from the date of the loan check.

§ 1833.41 Nondiscrimination.

No person in the United States shall, on grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under the program authorized in this subpart.

§ 1833.42 Security policies.

Economic Opportunity loans will be made on the basis of the borrower's promissory note and loan agreement without taking other security except:

(a) When an Economic Opportunity loan is made to an FHA borrower or to an applicant who is also receiving another FHA loan and a significant amount of Economic Opportunity funds is used to acquire, improve, or refinance debts on property that is covered or will be covered by a lien securing the other FHA loan, all Economic Opportunity loans will be secured by lien on such property.

(1) In such cases when the other FHA loan is a direct loan, the notes for both the Economic Opportunity and the other FHA loans will be described in the same lien instrument. On the other hand, when the other FHA loan is insured, a separate lien instrument will be required for the Economic Opportunity loan. When separate lien instruments are taken, the lien securing the loan resulting in the larger investment in the security will be given priority.

(b) When a significant amount of Economic Opportunity loans is used to purchase or make repairs to licensed motor vehicles or motor boats, or to refinance debts thereon, liens normally will be taken on such property. This action is authorized because of the problems involved in transferring title to such property when the borrower refuses to do so and when it is necessary for the FHA to repossess and sell it in liquidation cases. Liens on motor vehicles will be taken in the same manner as for loans made under Part 1831 of this chapter. Liens on motor boats will be taken in accordance with instructions issued by the State Director.

§ 1833.43 Loan approval.

County Supervisors and Assistant County Supervisors, grade GS–7 and above, are authorized to approve loans made under this subpart.

§ 1833.44 Loan forms and routines.

(a) *Form FHA 410–1, "Application for FHA Services."* Applications for loans will be taken on Form FHA 410–1 in the same manner as for other FHA loans to individuals.

(b) *Form FHA 410–2, "Supplement to Application for FHA Services (For Applicants Who Depend on Off–Farm Income)."* Applicants who are employed in other than their own nonagricultural enterprise will complete this form to show their employment record.

(c) *Form FHA 440–2, "County Committee Certification or Recommendation."* When the applicant is determined to be eligible for a loan, the County Committee will execute Form FHA 440–2 before the loan is approved.

(d) *Form FHA 431–3, "Family Budget."* This form will be developed with all applicants for whom loans are to be considered.

(e) *Form FHA 431–4, "Business Analysis—Nonagricultural Enterprise."* This form will be developed with all applicants for whom loans are to be considered. The information contained in this form, along with that shown in the application and other information in the loan docket, will assist the applicant and County Supervisor in determining whether the objectives of the loan will be achieved. The nonagricultural enterprise must return sufficient income to pay its operating expenses, depreciation, and make a reasonable contribution to the family's living expenses.

(f) *Form FHA 441–1, "Promissory Note."* The amount of each loan and the scheduled payments thereon will be in multiples of $10. Not more than four payments on a single note will be scheduled for any year. The time limitations for payment schedules prescribed in § 1833.40 run from the date of the loan check instead of the date of the note. Form FHA 441–1 will be dated as of the date of execution by the applicant. The requirements for the applicant's spouse to execute the note are the same as for loans made in accordance with Part 1831 of this chapter.

(g) *Form FHA 440–9, "Supplementary Payment Agreement."* This form will be used, as needed, when applicants and borrowers who will be receiving income from the nonagricultural enterprise, wages, and so forth, from which payments are to be made on the loan.

(h) *Form FHA 440–1, "Payment Authorization."* Form FHA 440–1 will be prepared for the total amount of the Economic Opportunity loan.

(i) *Immediate and future disbursement.* Loan funds may be disbursed in an immediate loan advance or in one or more future loan advances in the same manner as for loans made under Part 1831 of this chapter.

(j) *Form FHA 441–19, "Loan Agreement."* This form will be used in lieu of other security instruments. It will be the County Supervisor's responsibility to see that the requirements in the loan agreement are carried out and to take any necessary actions as prescribed therein.

(k) *Voluntary debt adjustment.* Voluntary debt adjustment assistance will be provided when the adjustment of debts appears necessary to establish a sound financial position and operation. Form FHA 403–1, "Debt Adjustment Agreement," will be used to document satisfactory agreements for the adjustment of a debt.

(l) *Form FHA 441–10, "Nondisturbance Agreement."* This form will be used when necessary to obtain nondisturbance agreements from creditors of an applicant who are in a position to interfere with his operations.

§ 1833.45 Approval or rejection.

(a) *Approval of loans.* If a loan is approved, the loan approval official will date and sign Form FHA 440–1 and insert his title in the spaces designated for this purpose. The loan approval official also will prescribe any special conditions of approval.

(b) *Rejection of loans.* If a loan is rejected, the loan approval official will indicate the reasons for the rejection, in detail in the loan docket or by memorandum. The County Supervisor will notify the applicant of the rejection and will return to him the original of Form FHA 441–1 and any executed security instruments.

§ 1833.46 Loan closing.

(a) *Check delivery.* County office employees in bonded positions will receive and deliver loan checks. All loan checks will be deposited in supervised bank accounts except when all purchases are being made from one vendor at the same time and the loan check is endorsed payable to the vendor in the presence of an FHA employee. Form FHA 402–1, "Deposit Agreement," will be used for supervised bank accounts. Upon receipt of a loan check and if the depository bank does not require the applicant's endorsement for deposit, the County Supervisor will deposit the loan check in the supervised bank account and furnish the applicant a copy of the deposit slip. If the bank will not accept the loan check for deposit in a supervised bank account without the applicant's endorsement, the County Supervisor will retain the check and arrange with the applicant for a time and place for its deposit.

(b) *Fees.* Notary and other fees incident to loan closing or servicing will be paid by the borrower from personal funds or from proceeds of the loan. Whenever cash is accepted by FHA personnel to be used to pay such fees, Form FHA 440–12, "Acknowledgement of Payment For Recording, Lien Search, and Releasing Fees," will be executed. FHA personnel who accept custody of such fees will make it clear to the borrower that the amount so accepted is not received by the Government as credit on the borrower's indebtedness but is accepted only for the purpose of paying such fees on behalf of the borrower.

§ 1833.47 Revision in the use of Economic Opportunity loan funds.

The County Supervisor is authorized to approve changes in the purposes for which loan funds are to be used provided such changes are for authorized purposes and will accomplish the purpose of the loan program. Documentation and routines when changes are made in the use of loan funds will be the same as for loans made under Part 1831 of this chapter.

Dated: August 11, 1967.

FLOYD F. HIGBEE,
Acting Administrator,
Farmers Home Administration.

[F.R. Doc. 67–9726; Filed, Aug. 17, 1967; 8:46 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Kofa Game Range, Ariz.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER:

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

ARIZONA

KOFA GAME RANGE

Public hunting of bighorn sheep and deer on the Kofa Game Range, Ariz., is permitted only on the area designated by signs as open to hunting. The bighorn sheep season is from November 25, through December 10, 1967, inclusive, and the deer season is from September 9, through September 25, 1967, inclusive, and from October 27, through November 12, 1967, inclusive. The open bighorn sheep and deer hunting area, comprising 660,041 acres is delineated on maps available at refuge headquarters, Yuma, Ariz., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103.

Hunting shall be in accordance with all applicable State regulations covering the hunting of bighorn sheep and deer subject to the following special condition:

(1) Bighorn sheep limited to 10 permits issued by the Arizona Game and Fish Department.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 10, 1967.

CLAUDE F. LARD,
Refuge Manager, Kofa Game Range, Yuma, Ariz.

AUGUST 8, 1967.

[F.R. Doc. 67–9707; Filed, Aug. 17, 1967; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 8318; Amdt. 549]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

ADF STANDARD INSTRUMENT APPROACH PROCEDURES

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 66 knots
					66 knots or less	More than 66 knots	
CGT VOR	Park Int	Via CGT, R 356° and bearing 138° from ID LOM.	3500	T–dn	800–1	800–1	800–1¼
				C–dn	400–1	400–1	400–1¼
				S–dn–32R	400–1	400–1	400–1
API VOR*	Park Int	Direct	3500	A–dn	800–2	800–2	800–2
Nibs Int	Park Int	Via API, R 068° and bearing 138° from ID LOM.	3500				
ORD VOR*	Park Int	Direct	3500				
OBK VOR*	Park Int	Direct	3500				
Park Int	ID LOM (final)	Direct	2300				
Lakewood Int	ORD VOR	Via OBK, R 272° and ORD VOR, R 068°.	3500				

Radar available.
Procedure turn E side of crs, 136° Outbnd, 316° Inbnd, 3500′ within 10 miles of Park Int.
Minimum altitude over ID LOM on final approach crs, 2300′; over Park Int on final approach crs, 2300′.
Crs and distance, ID LOM to airport 316°—6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6 miles after passing ID LOM, turn right to 356° heading, climb to 1500′, then make right-climbing turn to 3500′ and proceed to Evanston Int via ORD, R 075°.
NOTES: (1) Functioning VOR receiver required unless a radar vector to final approach crs is obtained. (2) LOM 32L named River Grove; LOM 32R named Indian. (3) *Requires holding pattern entry at Park Int during nonradar operation. (4) All transitions to Park Int except as noted.
CAUTION: Takeoffs on Runway 27 when weather is below 2000–3 will intercept ORD VOR, R 256° and climb to 2000′ before proceeding westbound. Takeoffs on Runway 32L when weather is below 2000–3 will intercept ORD VOR, R 306° and climb to 2000′ before proceeding westbound.
MSA within 25 miles of facility: 000°–090°—3100′; 090°–180°—3000′; 180°–270°—2400′; 270°–360°—2000′.

City, Chicago; State, Ill.; Airport name, Chicago-O'Hare International; Elev., 657′; Fac. Class., LOM; Ident., ID; Procedure No. NDB(ADF) Runway 32R, Amdt. 4; Eff. date, 9 Sept. 67; Sup. Amdt. No. ADF 6, Amdt. 3; Dated, 15 June 66

CVG VOR	RBn	Direct	2400	T–dn	200–1	200–1	200–1¼
Madeira RBn	RBn	Direct	2700	C–dn	400–1	400–1	400–1¼
Mount Healthy Int	RBn	Direct	2400	S–dn–6R	400–1	400–1	400–1
Warsaw Int	RBn	Direct	2400	A–dn	800–2	800–2	800–2
Raymond Int	RBn	Direct	2300				
Manchester Int	RBn (final)	Direct	2300				

Radar available.
Procedure turn S side of crs, 270° Outbnd, 090° Inbnd, 3400′ within 10 miles.
Minimum altitude over facility on final approach crs, 2300′.
Crs and distance, facility to airport, 090°—4.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles after passing URN RBn, climb to 2500′ on heading 120°, intercept R 080° CVG VOR, and proceed to Alexandria Int. Hold E, 1-minute right turns, 270° Inbnd.
MSA within 25 miles of facility: 000°–090°—2900′; 090°–180°—2300′; 180°–270°—2300′; 270°–360°—2300′.

City, Covington; State, Ky.; Airport name, Greater Cincinnati; Elev., 890′; Fac. Class., MHW; Ident., URN; Procedure No. NDB(ADF) Runway 9R, Amdt. Orig.; Eff. date, 9 Sept. 67

ADF STANDARD INSTRUMENT APPROACH PROCEDURES—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
SDF RBn	LK LOM	Direct	2200	T–dn	300–1	300–1	200–½
LOU VOR	LK LOM (final)	Direct	2200	C–dn	600–1	600–1	600–1½
Harbor Int	LK LOM	Direct	2200	S–dn–29	500–1	500–1	500–1
				A–dn	800–2	800–2	800–2

Radar available.
Procedure turn N side of crs, 110° Outbnd, 290° Inbnd, 2200′ within 10 miles of LOM.
Minimum altitude over facility on final approach crs, 2200′.
Crs and distance, facility to airport, 290°—4.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.6 miles after passing LK LOM, climb to 2500′ on heading 280°, intercept R 279° LOU VOR and proceed to Corydon Int. Hold W, 1-minute, right turns, 099° Inbnd.
ALTERNATE MISSED APPROACH: Within 4.6 miles after passing LK LOM, make left-climbing turn to 2100′, proceed direct to SD LOM. Hold N, 1-minute right turns, 18° Inbnd.
MSA within 25 miles of facility: 000°–090°—2500′; 090°–180°—2200′; 180°–270°—2300′; 270°–360°—3000′.

City, Louisville; State, Ky.; Airport name, Standiford Field; Elev., 497′; Fac. Class., LOM; Ident., LK; Procedure No. NDB (ADF) Runway 29, Amdt. 5; Eff. date, 9 Sept. 67; Sup. Amdt. No. ADF 2, Amdt. 4; Dated, 13 Aug. 66

2. By amending the following very high frequency omnirange (VOR) procedures prescribed in § 97.11(c) to read:

VOR STANDARD INSTRUMENT APPROACH PROCEDURES

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 55 knots	
Saginaw VORTAC	Hope Int	Direct	2300	T–dn	300–1	300–1	200–½
Edenville Int	Hope Int (final)	Direct	2300	C–dn	500–1	500–1	500–1½
R 212°, MBS VORTAC clockwise	Edenville Int	Via 23-mile DME Arc.	2300	A–dn	NA	NA	NA
R 016°, MBS VORTAC counterclockwise	Edenville Int	Via 23-mile DME Arc.	2300				

Procedure turn N side of crs, 137° Outbnd, 317° Inbnd, 2300′ within 10 miles of Hope Int.
Minimum altitude over Hope Int on final approach crs, 2300′.
Crs and distance, Hope Int to airport, 137°—5.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.6 miles after passing Hope Int, make left turn, climb to 2600′ and proceed to Wheeler Int via MBS, R 330°.
NOTES: (1) Use Saginaw, Mich. altimeter setting. (2) Dual VOR receivers or DME required.
MSA within 25 miles of facility: 000°–090°—2300′; 090°–180°—2700′; 180°–270°—2600′; 270°–360°—1900′.

City, Midland; State, Mich.; Airport name, Jack Barstow; Elev., 628′; Fac. Class., L-BVORTAC; Ident., MBS; Procedure No. VOR–1, Amdt. Orig.; Eff. date, 9 Sept. 6

ONT VOR	POM VOR	Direct	3500	T–dn	300–1	300–1	NA
Covina Int	POM VOR (final)	Direct	3000	C–dn*	500–1	500–1	NA
				S–dn–6	400–1	400–1	NA
				A–dn	800–2	800–2	NA

Radar available.
Procedure turn S side of crs, 236° Outbnd, 056° Inbnd, 3000′ within 10 miles.
Minimum altitude over facility on final approach crs, 3000′.
Crs and distance, facility to airport, 056°—5.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.2 miles after passing POM VOR, make immediate right climbing turn, climb direct to POM VOR at 3000′.
*CAUTION: Rapidly rising terrain to 4200′ at 3.5 miles N of airport.
MSA within 25 miles of facility: 000°–090°—11,100′; 090°–180°—4100′; 180°–270°—3000′; 270°–360°—9600′.

City, Upland; State, Calif; Airport name, Cable; Elev., 1460′; Fac. Class., L-BVORTAC; Ident., POM; Procedure No. VOR Runway 8, Amdt. 1; Eff. date, 9 Sept. 67; Sup. Amdt. No. VOR–1, Orig.; Dated, 18 Apr. 64

3. By amending the following very high frequency omnirange—distance measuring equipment (VOR/DME) procedures prescribed in § 97.15 to read:

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURES

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
PSK VORTAC	11-mile DME Fix, R 067° (final)	Direct	3500	T–d	300–1	300–1	NA
				C–d	900–1¼	900–1¼	NA
				S–d–7	900–1¼	900–1¼	NA
				A–dn	NA	NA	NA

Procedure turn S side of crs, 247° Outbnd, 067° Inbnd, 4500′ within 10 miles of R 067°, 11-mile DME Fix.
Minimum altitude over 11-mile DME Fix, R 067° on final approach crs, 3500′.
Crs and distance, 11-mile DME Fix, R 067° to airport, 067°—5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at the 15-mile DME Fix, R 067°, make a left-climbing turn to 5100′. Return to PSK VORTAC via R 067°; hold SW, 1-minute right turns, 031° Inbnd.
NOTE: Use Roanoke, Va., altimeter setting.
CAUTION: Mountainous terrain higher than airport in all directions.
MSA within 25 miles of facility: 000°–090°—6400′; 090°–180°—5000′; 180°–270°—5000′; 270°–360°—5100′.

City, Blacksburg; State, Va.; Airport name, VPI; Elev., 2110′; Fac. Class., H-BVORTAC; Ident., PSK; Procedure No. VOR/DME Runway 7, Amdt. Orig.; Eff. date, 9 Sept. 67

4. By amending the following instrument landing system procedures prescribed in § 97.17 to read:

ILS STANDARD INSTRUMENT APPROACH PROCEDURES

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 55 knots	
OBK VOR#	Park Int	Direct	3500	T–dn@	300–1	300–1	200–½
CGT VOR	Park Int	Via CGT, R 356° and SE crs IDN ILS.	3500	C–dn	400–1	500–1	400–1¼
				S–dn–32R$	300–½	300–½	200–½
Niles Int	Park Int	Via API, R 088° and SE crs IDN ILS.	3500	A–dn	600–2	600–2	600–2
ORD VOR#	Park Int	Direct	3500				
Park Int	OM (final)	Direct	2300				
Lakewood Int	ORD VOR	Via OBK, R 272° and ORD VOR, R 308°.	3500				

Radar available.
Procedure turn E side of crs, 128° Outbnd, 318° Inbnd, 3500′ within 10 miles of Park Int.
Minimum altitude over Park Int on final approach crs, 3500′.
Crs and distance, OM to airport 318°—6 miles.
Altitude of glide slope and distance to approach end of runway at LOM, 2300′—6 miles; at MM, 940′—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6 miles after passing OM, turn right to 335° heading, climb to 1500′, then make right-climbing turn to 3500′ and proceed to Evanston Int via ORD VOR, R 075°.
NOTES: (1) Functioning VOR receiver required unless radar operating. (2) Caution when conducting a parallel approach, parallel ILS Runways 23 L and R procedure must be used. (3) #Requires holding pattern entry at Park Int during nonradar operations. (4) All transitions to Park Int except as noted.
CAUTION: Takeoffs on Runway 27 when weather is below 2000–3 will intercept ORD VOR, R 256° and climb to 2000′ before proceeding westbound. Takeoffs on Runway 22L when weather is below 2000–3 will intercept ORD VOR, R 308° and climb to 2000′ before proceeding westbound.
'400–¾ required when glide slope not utilized, 400–½ with operative ALS, except for 4-engine turbojets.
@RVR 2400′ authorized Runways 32 L and R, 14 L and R, and 27.
$RVR 2400′. Descent below 867′ not authorized unless approach lights are visible.

City, Chicago; State, Ill.; Airport name, Chicago-O'Hare International; Elev., 667′; Fac. Class., ILS; Ident., I–IDN; Procedure No. ILS Runway 32R, Amdt. 2; Eff. date, 9 Sept. 67; Sup. Amdt. No. ILS–32R, Amdt. 1; Dated, 18 June 66

Canal Int	Indian OM (final when glide slope not utilized).	318°, 6.3	2300	T–dn@	800–1	300–1	200–½
Congress Int	River Grove OM (final when glide slope not utilized).	318°, 2.4	2300	C–dn	NA	NA	NA
				S–dn–32L, 32R#	200–½	200–½	200–½
				A–dn	600–2	600–2	600–2

Procedure turn not authorized. Radar required.
Crs., River Grove OM to 32L, 318°; Indian OM to 32R, 318°.
Runway 32L: Minimum at glide slope intercept Inbnd 3000′.
Runway 32R: Minimum at glide slope intercept Inbnd 4000′.
Altitude of glide slope and distance to approach end of runway at OM: 32L—2282′, 5.6 miles, 32R—2300′, 6 miles.
Altitude of glide slope and distance to approach end of runway at MM: 32L—857′, 0.6 mile; 32R—840′, 0.5 mile.
When advised by controller or if visual contact not established upon descent to authorized landing minimums or if landing not accomplished: Runway 32L—Turn left to 300° heading, climb to 1500′, then make left-climbing turn to 3500′ and proceed direct to DPA VOR. Runway 32R—Turn right to 335° heading, climb to 1500′, then make right-climbing turn to 3500′ and proceed to Evanston Int via ORD, R 075°. #Runway 32 L and 32R.—400–¾ required when glide slope not utilized, 400–½ with operative ALS except for 4-engine turbojets RVR 2400′. Descent below 867′ not authorized unless approach lights are visible.
NOTES: (1) Use of this procedure is mandatory when conducting a parallel ILS 32 L and R approach, and is authorized only when airborne 75 mc (or ADF) and localizer receiver are operating simultaneously. Radar fixes in lieu of Congress or Canal Ints will be provided on pilot's request. (2) When any required airborne receiver in note (1) is malfunctioning or a parallel approach is not desired, immediate notification of approach control is mandatory. (3) When advised that parallel operations are in progress, the pilot will check his authorization for Runways 32 L and R and be prepared to accept or reject approach to either.
@RVR 2400′ authorized Runways 32 L and R, 14 R and L, and 27.

City, Chicago; State, Ill; Airport name, Chicago-O'Hare International; Elev., 667′; Fac. Class., ILS; Ident., I–RVG and I–IDN; Procedure No. Parallel ILS 32 L and R, Amdt. 3; Eff. date, 9 Sept. 67; Sup. Amdt. No. Parallel ILS 32 L and R, Amdt. 1; Dated, 18 June 66

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Nabb VOR	LK LOM	Direct	2300	T–dn	300–1	300–1	300–1½
SDF LOM	LK LOM	Direct	2200	C–dn	600–1	600–1	600–1½
LOU VOR	LK LOM (final)	Direct	2100	S–dn–20	300–1⅛	300–1⅛	300–1⅛
Harbor Int	LK LOM	Direct	2300	A–dn	600–2	600–2	600–2
Henryville Int	LK LOM	Direct	3000	With glide slope inoperative:			
Martinsburg Int	LK LOM	Direct	3000	S–dn–20	400–1⅛	400–1⅛	400–1⅛
Bourbon Int	LK LOM	Direct	2500				
Shelby Int	LK LOM	Direct	2400				
Waterford Int	LK LOM	Direct	2400				

Radar available.
Procedure turn N side of crs, 119° Outbnd, 299° Inbnd, 2200′ within 10 miles of LOM.
Minimum altitude at glide slope intercepition Inbnd, 2100′.
Altitude of glide slope and distance to approach end of Runway 29 at OM, 2014′—4.6 miles; at MM, 707′—0.9 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.6 miles after passing LK LOM, climb to 2500′ on heading 360°, intercept R 279° LOU VOR and proceed to Corydon Int. Hold W 1-minute right turns, 099° Inbnd.
ALTERNATE MISSED APPROACH: Within 4.6 miles after passing LK LOM, make left-climbing turn to 2100′ direct to SD LOM. Hold N, 1-minute right turns, 180° Inbnd.
NOTE: Back crs unusable.
MSA within 25 miles of LOM: 000°–090°—2500′; 090°–180°—2200′; 180°–270°—2300′; 270°–360°—3000′.

City, Louisville; State, Ky.; Airport name, Standiford Field; Elev., 467′; Fac. Class., ILS; Ident., I-LKS; Procedure No. ILS Runway 29, Amdt. 4; Eff. date, 9 Sept. 67; Supp. Amdt. No. ILS–29, Amdt. 4, Dated, 10 Apr. 65

5. By amending the following radar procedures prescribed in § 97.19 to read:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
					Surveillance approach		
000°	360°	0–6 miles	1500	T–dn●	300–1	300–1	200–½
150°	300°	6–20 miles	1500	C–dn	600–1	600–1	600–1⅛
200°	150°	6–20 miles	1600	S–dn–9, 27, 36 R and L, 18 R and L. ✱–dn	500–1	500–1	500–1
					800–2	800–2	800–2
				A–dn			

All bearings and distances are from radar site located at Tampa International Airport with sector azimuths progressing clockwise.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished: Runway 9—climb to 1600′, turn left, proceed direct to TP LOM. Runways 36 R and L—climb to 1600′, proceed direct to TP LOM. Runway 27—climb to 1600′, proceed direct to PIE VORTAC. Runways 18 R and L—climb to 1600′, turn right, proceed direct to PIE VORTAC.
NOTES: (1) RADAR control will provide 1000′ vertical separation within a 3-mile radius of radio towers, 981′ 11.7 miles SE; 1135′, 15.7 miles SE; and 1540′ 17.7 miles SE. (2) ● RVR 2400′ authorized for takeoff Runway 18L. (3) ✱ 500–¼ authorized with operative HIRL, except for 4-engine turbojets Runways 36 L and R and 18 L and R. (4) ✱ 500–½ authorized with operative ALS, except for 4-engine turbojets Runway 18L.

City, Tampa; State, Fla.; Airport name, Tampa International; Elev., 27′; Fac. Class and Ident., Tampa Radar; Procedure No. 1, Amdt. Orig.; Eff. date, 9 Sept. 67

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601, Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on August 2, 1967.

WILLIAM G. SHREVE, Jr.,
Acting Director, Flight Standards Service.

[F.R. Doc. 67–9441; Filed, Aug. 17, 1967; 8:45 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. No. ER–504; Amdt. 5]

PART 221—CONSTRUCTION, PUBLICATION, FILING AND POSTING OF TARIFFS OF AIR CARRIERS AND FOREIGN AIR CARRIERS

Denied Boarding Compensation Tariffs

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 3d day of August 1967.

On January 10, 1967, the Board issued a notice of proposed rule making, EDR–109, Docket 16563 (32 F.R. 459), in which it proposed to issue a new Part 250 and to amend Part 221 so as to require carriers to file tariffs providing denied boarding compensation to such passengers.

In the light of the comments received and the findings set out in Regulation ER–503 published simultaneously herewith, the Board hereby amends Part 221 of the Economic Regulations (14 CFR Part 221) by amending § 221.38 (a) by adding a new subparagraph (7), effective October 17, 1967, as follows:

§ 221.38 Rules and regulations.

(a) *Contents.* * * *

(7) *Denied boarding compensation.* For carriers subject to Part 250, denied boarding compensation as specified in Part 250.

* * * * *

(Secs. 204(a), 416(a), Federal Aviation Act of 1958 (72 Stat. 743, 771; 49 U.S.C. 1324 and 1386) Interpret or apply secs. 102, 403, 404, 411, Federal Aviation Act of 1958 (72 Stat. 740, 758, 760, 769; 49 U.S.C. 1302, 1373, 1374, and 1381); secs. 3, 4, Administrative Procedure Act (81 Stat. 54; 80 Stat. 383; 5 U.S.C. 552, 553))

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 67–9741; Filed, Aug. 17, 1967; 8:47 a.m.]

[Reg. No. ER–503]

PART 250—PRIORITY RULES, DENIED BOARDING COMPENSATION TARIFFS AND REPORTS OF UNACCOMMODATED PASSENGERS

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 3d day of August 1967.

In a notice of proposed rule making published in the FEDERAL REGISTER on January 17, 1967 (32 F.R. 459) and circulated as EDR–109, Docket 16563, the Board proposed to amend Part 221 and to issue a new Part 250 of the Economic Regulations. The new part would require carriers to establish and file with the Board priority rules for determining which passengers holding confirmed reserved space shall be denied boarding on an oversold flight. In addition, the amendment to Part 221 and the new Part 250 would require carriers to file tariffs providing specified denied boarding compensation to such passengers. Finally, the new part would require carriers to file reports of unaccommodated passengers.

Interested persons were offered an opportunity by the notice to participate in the making of this rule through submission of written data, views, or arguments. Consolidated comments on behalf of 28 air carriers have been submitted by the Air Transport Association of America (ATA). In addition supplementary comments have been filed by certain air carriers,[1] and a number of comments have been received from members of the traveling public. Due consideration has been given to all relevant matter presented.

The Board has decided to adopt the rule with the modifications set forth below. Except as modified herein, the tentative findings set forth in the Explanatory Statement to the proposed rule (EDR–109, supra) are incorporated herein by reference and made final.

In considering the comments filed by ATA and supplementary comments filed by various air carriers, we are met at the outset with the contention that certain aspects of the proposed rule are beyond the scope of the Board's statutory authority. Specifically, the carriers claim that the Board's power to regulate denied boarding compensation derives solely from section 1002 of the Act. It is asserted that under sections 1002 (d) and (f) the Board can prescribe a rule, regulation, or practice affecting a rate, fare, or charge for interstate, overseas, or foreign air transportation, or the value of service thereunder, only if the Board, after notice and hearing, finds the present rule, regulation, or practice unlawful. Since no hearing has been held, it is argued that we cannot prescribe denied boarding compensation.

We do not agree. The fact that denied boarding compensation is the subject of tariff filings does not compel us to act only pursuant to the tariff and rate-fixing procedures of the Act. While tariff procedures undoubtedly are available and represent a convenient and logical method for setting forth the practices which the carriers follow with respect to reservations and denied boarding compensation, we would be empowered, in our judgment, to impose the requirements here involved by regulation which did not require the filing of tariffs. Furthermore, while the rate-fixing procedures of the Act also are available and appropriate for dealing with specific problems peculiar to individual carriers in relation to such practices, the problems with which we are here confronted go beyond the mere regulation of rates and practices affecting the value of services. We are here concerned with the broad problem of air carrier reservation procedures, including circumstances in which the carriers are utilizing a system of confirmed reservations notwithstanding their inability to assure that such reservations will in fact be honored. The problem thus cuts across a number of areas of Board jurisdiction and carrier responsibility, and the provisions and purposes of section 411 of the Act are involved to a far greater extent than are the rate-fixing ones. Section 411 precludes "unfair or deceptive practices or unfair methods of competition in air transportation or the sale thereof." This provision, the antidiscrimination provision, and the overall public interest provisions and purposes of the Act militate against a reservation system which leads members of the traveling public to believe that they have firm reservations when in fact they do not, without there being some adequate compensation features available to those persons whose reservations are not honored. The Board is not required to sit idly by and permit such a result. Neither does it believe that it is required to proceed by cumbersome evidentiary hearings to take the action here involved, particularly since the issues and action involved are largely ones of policy and judgment in future applications whose resolution does not turn upon findings of fact concerning disputed evidentiary matters. Nor is this result legally required because tariffs are involved. See American Airlines v. Civil Aeronautics Board, 359 F. 2d 624 (C.A.D.C., 1966), cert. denied, 385 U.S. 843.

Congress has given the Board not only a wide regulatory authority with respect to carrier practices, but the specific function of promoting adequate, economical, and efficient service by air carriers at reasonable charges, without unjust discriminations, undue preferences, or advantages, or unfair or destructive competitive practices. And, in addition, Congress has given the Board the power to classify carriers and service and the power to issue implementing rules and regulations.[2] See American Airlines v. Civil Aeronautics Board, supra. On the other hand, the carriers have the duty, under section 404(a), to enforce just and reasonable classifications, rules, regulations and practices relating to interstate and overseas air transportation, and section 404(b) proscribes unjust discrimination.

In our opinion the action proposed is clearly within our rule making powers under sections 204(a) and 416(a). We are here basically concerned with the policy the Board should adopt with respect to the reservations practices of route carriers which operate flights to and from the contiguous States. Thus, unlike adjudication, we are not evaluating a respondent's past conduct or determining past and present rights and liabilities, and the issues do not relate to evidentiary facts, but to policymaking conclusions to be drawn from the facts.

The facts to which our policy is directed have been set out in EDR–109. There, we noted the dimensions of the oversales problem and the reservations practices of the carriers which contribute to it. It was concluded that the present reservations system of the carriers is designed to provide maximum benefits to the traveling public and to reduce the carriers' reservations costs. However, it was concluded that these ends are achieved at a price of substantial inconvenience and hardship to those relatively few passengers who are oversold and denied boarding although holding confirmed reservations. Under these circumstances two policy avenues were open to the Board. It could reduce oversales by closely regulating the details of the reservations systems of the carriers with the inevitable result of curtailing the present flexibility by which passengers make, change and cancel reservations. No carrier suggests that this course should be taken by the Board, and several comments state that the present proposal is preferable to our earlier proposal which would have placed severe restrictions on existing reservations practices.[3] The second policy course

[1] Eastern Air Lines, Lake Central Airlines, Mohawk Airlines, Northwest Airlines, Pan American World Airways, Trans Caribbean Airways, Trans-Texas Airways, Trans World Airlines, and United Air Lines.

[2] Section 204(a) provides: "The Board is empowered to perform such acts, to conduct such investigations, to issue and amend such orders, and to make and amend such general or special rules, regulations, and procedure, pursuant to and consistent with the provisions of this Act, as it shall deem necessary to carry out the provisions of, and to exercise and perform its powers and duties under this Act."

Section 416(a) provides: "The Board may from time to time establish such just and reasonable classifications or groups of air carriers for the purposes of this title as the nature of the services performed by such air carriers shall require; and such just and reasonable rules and regulations, pursuant to and consistent with the provisions of this title, to be observed by each such class or group, as the Board finds necessary in the public interest."

[3] EDR–95, Oct. 12, 1965.

is that which has been followed: To take positive steps to assure prompt, effective and adequate compensation to passengers who are denied boarding and to refrain from detailed regulation of the carriers' reservations practices. Clearly, commensurate with our responsibilities, a third policy avenue was not open: To do nothing. Certainly we cannot properly tolerate a system which represents to the public a commitment that a passenger has a firm reservation when that commitment is not honored upwards of 50,000 times a year and the passengers holding these unhonored reservations are offered little or no compensation.

We further emphasize that the facts upon which our policy is based are not contested nor are there any issues involved which are of a type which could be resolved in an evidentiary hearing. And in this connection we point out that neither ATA nor any carrier has stated what kinds of facts they propose to adduce at an oral hearing, and by what witnesses, nor is there any proffer as to particular lines of cross-examination which required explanation at an oral hearing.[4]

Moreover, there has been no refutation of the Board's findings in EDR–109 that the compensation provided in carriers' present tariffs for failure to accommodate passengers with confirmed reserved space "falls far short of being adequate"[5] and that it is not completely equitable in view of its being primarily limited to domestic transportation. Thus, ATA does not claim that the existing tariff is adequate. Instead, it claims that the objective of "prompt, effective and adequate compensation to oversold passengers" is accomplished "under existing rules and practices." The "practices" referred to,[6] however, vary from carrier to carrier, are conducted on an ad hoc basis depending upon the situation, and are not obligatory. We cannot accept the voluntary provision of amenities by air carriers to some oversold passengers as a substitute for requiring air carriers to offer prompt, effective and adequate monetary compensation to all oversold passengers.[7]

In their separate comments, the only carriers which appear to defend the present level of the denied boarding compensation tariff are TWA and United. TWA believes that, although the statistics show that those accepting denied boarding compensation received only an average of $20, "it can be argued equally well from these statistics that the vast majority of oversale passengers deemed the existing compensation to be adequate" and United states that from all the evidence the Board has before it, "it could equally as well conclude that the oversold passenger has been compensated too handsomely."

We cannot agree. An average payment of $20 for a carrier's failure to provide a passenger with confirmed reserved space is, on its face, a mere token which cannot reasonably be considered adequate to compensate a passenger for the inconvenience, distress, and, in many cases, hardship and monetary loss resulting from an oversale. And clearly no inference can be drawn from the fact that passengers in the main accept what is offered to them rather than engage in costly litigation with the carrier.

For the reasons set forth, we conclude that it is within the Board's rule making powers to require carriers to file denied boarding compensation tariffs at a level prescribed by the Board, as well as to require the filing of priority rules and reports of unaccommodated passengers. We further conclude that the rule as proposed, except for the modifications hereinafter set forth, is necessary to give effect to the Board's policy that air carriers conducting flights to and from the contiguous States shall be required to offer prompt, effective and adequate compensation to oversold passengers.

We have, however, given careful consideration to the views of the carriers and the public as submitted in their comments on EDR–109 concerning implementation of our policy. Set forth below is our disposition of the significant matters raised.

We deal first with the suggestion of Northwest, Pan American, and TWA that the rule should not apply to international routes.[8] These carriers argue that, since foreign air carriers do not offer denied boarding compensation, U.S. flag carriers would be at a competitive disadvantage if they were required to do so. And TWA states that, if the Board wishes to consider denied boarding compensation in international air transportation at all, then it should consider such only with a view to equal treatment of United States and foreign flag carriers.[9]

In our view, the above comments do not justify excepting foreign air transportation by U.S. air carriers from application of the requirement to provide adequate compensation to oversold passengers. Far from being a competitive disadvantage, it would appear to us that if U.S.-flag carriers do provide denied boarding compensation and their foreign competitors do not, the competitive disadvantage lies with the latter. Furthermore, once U.S.-flag carriers are known to provide denied boarding compensation and foreign air carriers do not, competitive pressures may well force the latter to provide equal or substantially equal treatment to oversold passengers. Finally, the per carrier expense of denied boarding payments has not been shown, or even alleged, to be of such magnitude as to affect the relative operating costs of U.S.-flag carriers vis-a-vis their foreign competitors.

In this latter connection we point out that the cost of denied boarding compensation to the carriers as a whole will be of relatively minor proportion. In 1966, according to ATA, the domestic trunk and local service airlines boarded some 95 million passengers, and the estimated 50,000 oversold passengers represented only five one-hundredths of 1 percent of the passengers boarded. It is clear that we are dealing with a minimal cost item relative to total revenues.

Turning to other aspects of the rule, it was proposed that the required tariffs provide for compensation to be paid a passenger holding confirmed reserved space at the rate of 200 percent of the value of the first remaining flight coupon with a $50 minimum and a $200 maximum. ATA and carriers commenting on the level of compensation are unanimously of the belief that it is excessive. ATA states, however, that it may well be that a case can be made for a rate in the range of 100 percent of the fare with no maximum for flights within the continental United States, and maintains that the proposed $50 minimum would be particularly harsh on local service carriers. Eastern opposes the $50 minimum, and asserts that 100 percent of the value of the first remaining flight coupon with a $25 minimum and a $200 maximum, plus full amenities where warranted, is a more realistic level.[10] Northwest argues that if such a requirement is imposed on foreign air transportation, the maximum should not be more than $100, and TWA believes that an international oversale "penalty" should not in any event exceed 50 percent of the first remaining flight coupon and that a maximum limit of $150 would be more than equitable.[11]

The level of compensation to be provided oversold passengers must be determined on the basis of reasonable and responsible judgment in the light of comment offered on the proposal and the attendant facts of record. On balance we are persuaded that the appropriate level of compensation would be 100 percent of the first remaining flight coupon with a maximum of $200 and a minimum of $25.

Compensation at the rate of 100 percent of the value of the first remaining flight coupon, as suggested by ATA and certain carriers, is equal to the amount invested by the passenger and represents the value of the transportation which the carrier failed to provide under its commitment to the passenger. Therefore, we believe that this level would in a general way make the passenger "whole" for the damage suffered by him, would be high enough, in our view, to provide adequate compensation to passengers accepting it and still not be so high as to invite abuses by some passengers.

While Eastern agrees that a $200 maximum would be appropriate, Northwest and TWA oppose this maximum for international travel.[12] The latter argues that the maximum, as well as the percentage rate, for international travel should be below domestic standards, as the inconvenience tends to be less for international travelers.

We agree that delays for international travelers are of generally less significance than for domestic travelers. Because of the length of transit, time differentials, customs clearance requirements, and extended stays abroad which are usual in international travel, these travelers ordinarily do not budget their time so tightly as in the case of domestic travelers, and a delay of a few hours occasioned by denied boarding would not cause undue hardship. We shall recognize these differences in international travel by revising the proposed rule to provide that, in foreign air transportation a passenger shall not be eligible for compensation if the carrier arranges for alternate means of transportation, which, at the time such arrangement is made, is planned to arrive at the passenger's next point of stopover earlier than, or not later than 4 hours after, the time the flight, for which confirmed reserved space is held, is planned to arrive. In view of this revision, there is no justification for compensating eligible denied boarding passengers in foreign air transportation at a lower level than domestic passengers.

With respect to the proposed $50 minimum, it is contended that it would be particularly harsh on local service carriers and on trunklines with respect to short-hauls, since it could result in payments up to 500 percent of the fare in principal local service markets and over 300 percent in certain short-haul trunk markets.

In light of these comments we have decided to revise the minimum to $25. Under this minimum, payments of more than 200 percent of the flight coupon will result only where its value is less than $12.50. At the same time a $25 minimum gives recognition to the fact that compensation directly geared to the value of a flight coupon in this limited category would not be adequate.

As indicated above, in international travel the "one-hour rule" respecting arrangement of alternate means of transportation to passengers will be revised to 4 hours. In addition, the final rule will provide that, with respect to interstate and overseas air transportation, a passenger shall not be eligible for compensation if the carrier arranges for alternate means of transportation, which, at the time such arrangement is made, is planned to arrive at the passenger's next point of stopover, earlier or not later than two hours after, the time the flight, for which confirmed reserved space is held, is planned to arrive.

In our opinion the proposed 1-hour rule would be too restrictive. As a practical matter there would be relatively few opportunities for carriers to provide alternate transportation under these conditions. A 2-hour provision will give the carriers flexibility in arranging alternate transportation for the passengers' benefit and a 2-hour delay at a stopover point should not, in general, cause undue inconvenience to passengers. Furthermore, ATA points out that where a passenger must make a connection with another flight requiring for example a 2-hour stopover, if the carrier arranges alternate transportation which would permit him to make the connection he would not be inconvenienced. Nevertheless, despite the lack of inconvenience to the passenger, he would be eligible for compensation under a 1-hour rule if the alternate flight reached the stopover point more than 1 hour after the planned arrival of the flight on which he had been originally booked. For the above reasons, the proposed rule will be revised in the manner indicated.

The proposed rule did not provide an exception for eligibility for denied boarding compensation where the flight on which the passenger holds confirmed reserved space is unable to accommodate him because of (1) extraordinary fuel requirements, (2) reduction in allowable takeoff or landing weight for reasons beyond the carrier's control, or (3) substitution of equipment of lesser capacity when required by operational and/or safety reasons. These exceptions are contained in the carriers' present denied boarding compensation tariff, and ATA, TWA, Trans Caribbean, and Trans-Texas contend that the rule should include them.[13] ATA believes that to require the payment of denied boarding compensation under the three situations described above would be a retrograde step not in the public interest. ATA states that the practicalities of air transportation sometimes make the aircraft scheduled for a particular flight unavailable for such reasons as mechanical problems or because it is grounded by weather at some other airport. When this occurs, and the only available airplane is one of smaller capacity, ATA contends that it is in the public interest to substitute the smaller airplane, and carry as many passengers as it will accommodate rather than to cancel the flight, and the same considerations apply where it is necessary to block seats because of weather or fuel requirements.

We have determined to revise the rule only to provide an exception for the case of substitution of equipment of lesser capacity when required by operational and/or safety reasons.

While the carriers cannot predict that circumstances on a particular flight will require the blocking of seats because of weather or fuel requirements, they can predict that such conditions will arise from time to time, particularly at certain stations. By accepting reservations up to 100 percent of the seats on the aircraft, the carriers in effect gamble that these circumstances will not occur on a particular flight. This policy, which is under the control of the carriers, inevitably produces oversales. Such oversales, moreover, could be substantially eliminated by accepting reservations for something less than the total number of seats. While the present policy may well be the most economic, we see no reason why it should in effect be subsidized by the oversold passenger. We shall not, therefore, adopt the first two exceptions suggested above.

The exception with respect to substitution of equipment does, however, have merit. While the blocking of space to reduce takeoff weight to an allowable level would normally affect comparatively few passengers on any given flight, the substitution of equipment of lesser capacity because of mechanical failure, for example, may require a large number of passengers to be denied boarding with a consequent substantial loss to the carrier were it required to pay denied boarding compensation. Further, unlike the case of payload restrictions, denied boardings arising from aircraft substitutions are more truly beyond the carriers' control, since they could not reasonably be expected to withhold from advance sale the very large number of seats that would be required to reasonably insure against the possibility of oversales. Also, in the case of equipment substitutions, economic pressures might well force the carrier to cancel the flight altogether rather than pay compensation to passengers denied boarding because of the substitution. Accordingly, we believe that it would be in the

[4] See American Airlines, Inc. v. Civil Aeronautics Board, supra, 359 F. 2d at 633.

[5] Eastern specifically agrees with this finding.

[6] ATA states that "the carriers generally absorb the costs of such amenities as overnight hotel accommodation in those rare instances where the oversold passenger cannot be boarded until the next day, local and long distance phone calls or telegrams to advise of changed arrival time, meals, ground transportation, and even the chartering of air taxi planes to facilitate movement of the passenger." ATA adds: "For representative carriers, the annual costs of such amenities approximate the amounts paid out as denied boarding compensation."

[7] On the other hand, the requirement that carriers provide denied boarding compensation to oversold passengers is not intended to preclude carriers from according these amenities to passengers.

[8] Trans Caribbean requests that the New York-San Juan market also be excluded from the provisions of the rule until such time as "more realistic" provisions can be worked out to cure the related problems in the market. In support, it relies on extreme peaking problems and a high level of no-shows and multiple bookings during peak times. Far from furnishing a reason for excluding the New York-San Juan market, the matters cited by Trans Caribbean illustrate that this is a market where the oversales problem is particularly acute and the rule needed. Furthermore, no-shows and multiple bookings are within the capacity of the carrier to control.

[9] TWA also contends that the rule would require modification of various IATA resolutions, particularly Resolution 278, and that the Board should take this factor into account. We are not convinced that modification of any IATA resolution would be required. But if such were the case, it would pose no obstacle to promulgation of the rule.

[10] Mohawk also supports compensation at the rate of 100 percent of the first remaining flight coupon with a $25 minimum.

[11] TWA advocates a domestic "penalty" of 100 percent of the first remaining coupon and a $150 maximum.

[12] In addition, Pan American believes that the temptation to fraud inherent in a proposal that would pay $200 to a passenger with a ticket showing a confirmed reservation for which no record could be located would be greater in foreign air transportation because of the greater value in many countries of $200 in U.S. currency.

[13] Eastern, however, endorses the deletion of these exceptions.

general interest of the traveling public to permit this exception to eligibility for denied boarding compensation. We shall be prepared, however, to eliminate this exception should we find that abuses have occurred.

Section 250.7 of the proposed rule[14] would require every carrier to tender a passenger eligible for denied boarding compensation, on the day and place the denied boarding occurs, a draft for the appropriate amount of compensation, with the reverse side of the draft including a release from liability when the draft is endorsed by the passenger, provided that the draft is endorsed and paid within 30 days of the date on which the denied boarding occurs. ATA objects to the requirement of release from liability if the draft is endorsed and paid within 30 days. It states that most carriers regard the existing tariff which "contemplates"[15] the transaction being completed at the time of denied boarding as a cleaner and more expeditious way to handle oversale incidents. TWA and Trans Caribbean also oppose the 30-day period, while Eastern believes it reasonable. And Mohawk does not oppose it, but states that it will petition for relief if at some later date it finds such time lag to be burdensome.

In our opinion, it would be manifestly unfair to require passengers to make a decison, immediately after being denied boarding, as to whether to accept compensation as liquidated damages for all damages incurred by the passenger as a result of the carrier's failure to provide the passenger with confirmed reserved space. Passengers who are denied boarding should instead be given the opportunity of making the election after the consequences of denied boarding have occurred and are known to them. We believe the 30-day limit will insure this result without undue delay in settling the incident.

In addition to the comments noted above, ATA states, with respect to the requirement that tender of the draft be made at the time and place the denied boarding occurs, that in some situations it has been found that it better suits the passenger's convenience if this is done at the point of destination.[16] (For example, even the few minutes required to complete the compensation transaction might cause the passenger to miss, or to risk missing, an alternative flight.) According to ATA, some carriers feel a minor rewording of the present rule may be in order to cover such situations.

We agree with ATA that where a carrier arranges alternate means of transportation for an oversold passenger it may be impossible to prepare and tender the draft prior to departure time. Accordingly, the rule will be changed by adding a proviso that where a carrier arranges, for the passenger's convenience, alternate means of transportation which departs before the draft can be prepared and tendered the passenger, tender shall be made by mail or other means within 24 hours after the time the denied boarding occurs.

In addition, Trans Caribbean states that the rule raises substantial questions of administration, since it is not always possible for ticket counter personnel to tell whether a passenger holding an apparently valid ticket but whose name is not on the reservation list actually holds a valid confirmed reservation. According to the carrier, the most common example of this problem is the returning passenger who has not reconfirmed his reservation.

We find that Trans Caribbean's contention is without substantial merit. Section 250.4, of the rule specifies that denied boarding compensation tariffs apply "to a passenger holding confirmed reserved space who presents himself for carriage at the appropriate time and place, having complied fully with the carrier's requirements as to ticketing, check-in and reconfirmation procedures and being acceptable for transportation under the carrier's tariff * * *." We note that Trans Caribbean is the only carrier mentioning the problem referred to, and we are not persuaded that it is not within the control of the carrier.

Section 250.8 of the proposed rule provides that every carrier shall furnish passengers who are denied boarding, immediately after the denied boarding occurs, a written statement explaining the terms, conditions and limitations of the denied boarding compensation. Such a statement was to have included certain specified language. ATA, Eastern, and TWA contend that the specified language is lengthy and somewhat confusing.

We have decided to accord to the carriers the option of using a statement containing the prescribed language or of using a statement of their own making: *Provided*, That it includes the substance of the prescribed language and it is submitted to and approved by the Board prior to its use. Concurrently with the issuance of the instant rule, we are issuing a final rule amending Part 385 by delegating to the Director, Bureau of Operating Rights, the authority to approve or disapprove the statement.

Finally, § 250.9 of the proposed rule would require carriers to file with the Board reports of unaccommodated passengers. ATA and TWA, while otherwise not objecting to the proposal, take the position that reports by U.S.-flag carriers in competitive markets with foreign-flag carriers should be withheld from public disclosure. We agree, and the final rule will provide that reports filed covering international services shall be withheld from public disclosure. Disclosure of such information would adversely affect the interest of these carriers, since it would enable foreign air carriers to have access to it for competitive reasons, and disclosure is not required in the interest of the public.

Accordingly, the Civil Aeronautics Board hereby amends the Economic Regulations, effective October 17, 1967, by adding a new Part 250 to read as follows:

Sec.
250.1 Definitions.
250.2 Applicability.
250.3 Priority rules.
250.4 Filing of denied boarding compensation tariffs.
250.5 Amount of denied boarding compensation.
250.6 Exceptions to eligibility for denied boarding compensation.
250.7 Denied boarding compensation as liquidated damages.
250.8 Denied boarding compensation drafts.
250.9 Written explanation of denied boarding compensation.
250.10 Reports of unaccommodated passengers.

AUTHORITY: The provisions of this Part 250 issued under secs. 204(a) and 416(a), 72 Stat. 743 and 771; 49 U.S.C. 1324 and 1386. Interpret or apply secs. 102, 403, 404, and 411 of the Federal Aviation Act of 1958, 72 Stat. 240, 758, 760, and 769; 49 U.S.C. 1302, 1373, 1374, and 1381; and secs. 3 and 4 of the Administrative Procedure Act, 81 Stat. 54, 80 Stat. 383; 5 U.S.C. 552 and 553.

§ 250.1 Definitions.

For the purpose of this part:

"Carrier" means an air carrier, except a helicopter operator or an air carrier conducting intra-Alaska service exclusively, holding a certificate issued by the Board pursuant to section 401(d) (1) and (2) of the Act, authorizing the transportation of persons.

"Confirmed reserved space" means space on a specific date and on a specific flight and class of service of a carrier which has been requested by a passenger and which the carrier or its agent has verified, by appropriate notation on the ticket, as being reserved for the accommodation of the passenger.

"Stopover" means a deliberate interruption of a journey by the passenger, agreed to in advance by the carrier, at a point between the place of departure and the place of destination.

"Value of the first remaining flight coupon" means the applicable one-way fare, including any surcharge, less any applicable discount.

§ 250.2 Applicability.

This part applies to all carriers as defined in § 250.1 and applies to flights or portions of flights originating or terminating in the United States, its territories or possessions, but excludes flights originating and terminating within the State of Alaska.

§ 250.3 Priority rules.

Every carrier shall establish priority rules and criteria for determining which passengers holding confirmed reserved space shall be denied boarding on an oversold flight. Every carrier shall file with the Board two copies of such rules and criteria, including that portion of its company manual instructing employees on the order of boarding priorities in case of an oversold flight. Such rules and criteria shall not make, give or cause any undue or unreasonable preference or advantage to any particular person or subject any particular person to any unjust discrimination of any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

§ 250.4 Filing of denied boarding compensation tariffs.

Subject to the exceptions provided in § 250.6, every carrier shall file tariffs providing compensation to a passenger holding confirmed reserved space who presents himself for carriage at the appropriate time and place, having complied fully with the carrier's requirements as to ticketing, check-in and reconfirmation procedures and being acceptable for transportation under the carrier's tariff, and the flight for which the passenger holds confirmed reserved space is unable to accommodate the passenger and departs without him.

NOTE: See § 221.38(a)(7) of this chapter.

§ 250.5 Amount of denied boarding compensation.

Subject to the exceptions provided in § 250.6, the tariffs required by this part shall provide for compensation to be paid a passenger holding confirmed reserved space, as described in § 250.4, at the rate of 100 percent of the value of the first remaining flight coupon with a $25 minimum and a $200 maximum.

§ 250.6 Exceptions to eligibility for denied boarding compensation.

A passenger shall not be eligible for denied boarding compensation if:

(a) The flight for which the passenger holds confirmed reserved space is unable to accommodate him because of: (1) Government requisition of space; or (2) substitution of equipment of lesser capacity when required by operational and/or safety reasons; or

(b) The carrier arranges for alternate means of transportation, which, at the time such arrangement is made, is planned to arrive at the passenger's next point of stopover earlier than, or not later than two hours after, the time the flight, for which confirmed reserved space is held, is planned to arrive in the case of interstate and overseas air transportation, or 4 hours after such time in the case of foreign air transportation; or

(c) The passenger is accommodated on the flight for which he holds confirmed reserved space, but is offered accommodations or is seated in a section of the aircraft other than that specified in his ticket at no extra charge: *Provided*, That a passenger seated in a section for which a lower fare is charged shall be entitled to an appropriate refund.

§ 250.7 Denied boarding compensation as liquidated damages.

The tariffs required by this part shall specify that the carrier will tender, on the day and place the denied boarding occurs, compensation in the amount specified above, which, if accepted by the passenger, shall constitute liquidated damages for all damages incurred by the passenger as a result of the carrier's failure to provide the passenger with confirmed reserved space.

§ 250.8 Denied boarding compensation drafts.

Every carrier shall tender to a passenger eligible for denied boarding compensation, on the day and place the denied boarding occurs, a draft for the appropriate amount of compensation provided in § 250.5, and the reverse side of such draft shall include a release stating that when the draft is endorsed by the passenger, the passenger thereby relieves the carrier from liability for all claims for damages which might accrue to the passenger as a result of the carrier's failure to provide the passenger with space on the flight in question, provided that the draft is endorsed and paid within 30 days of the date on which the denied boarding occurs: *Provided, however*, That where a carrier arranges, for the passenger's convenience, alternate means of transportation which departs before the draft can be prepared and tendered the passenger, tender shall be made by mail or other means within 24 hours after the time the denied boarding occurs.

§ 250.9 Written explanation of denied boarding compensation.

Every carrier shall furnish passengers who are denied boarding on flights on which they hold confirmed reserved space, immediately after the denied boarding occurs, a written statement explaining the terms, conditions and limitations of the denied boarding compensation provided by this part. Each carrier shall, prior to the effective date of this rule, file three copies of the statement with the Bureau of Operating Rights, and the statement shall include the language hereinafter set forth: *Provided, however*, That where a carrier desires to use a statement of its own making which contains the substance of the following language, it may do so after it has submitted the statement to the Board and the Board has approved it.

Tariffs filed by this carrier with the Civil Aeronautics Board provide denied boarding compensation to a passenger holding confirmed reserved space where the flight for which the passenger holds such space is unable to accommodate him and departs without him.

Passengers eligible for denied boarding compensation shall be compensated at the rate of 100 percent of the value of the first remaining flight coupon on their tickets with a $200 maximum and a $25 minimum. The carrier is required to tender to each such passenger, on the day and place the denied boarding occurs, a draft in the amount specified above which, if endorsed and paid within 30 days, shall relieve the carrier from liability for all claims for damages which might accrue to the passenger as a result of the carrier's failure to provide the passenger with space on the flight in question. Where, however, the carrier arranges, for the passenger's convenience, alternate means of transportation which departs before the draft can be prepared and tendered the passenger, tender will be made by mail or other means within 24 hours after the time the denied boarding occurs.

In order to qualify for such compensation a passenger must have complied fully with the carrier's requirements as to ticketing, check-in and reconfirmation procedures and be acceptable for transportation under the carrier's tariff. However, a passenger is not eligible for compensation if (a) the flight for which the passenger holds confirmed reserved space is unable to accommodate him because of Government requisition of space or substitution of equipment of lesser capacity for operational and/or safety reasons; (b) the carrier arranges for alternate means of transportation, which, at the time such arrangement is made, is planned to arrive at the passenger's next point of stopover earlier than, or not later than 2 hours after, the time the flight, for which confirmed reserved space is held, is planned to arrive in the case of interstate and overseas transportation, or 4 hours after such time in the case of foreign air transportation; or (c) the passenger is accommodated on the flight for which he holds confirmed reserved space, but is offered accommodations or is seated in a section of the aircraft other than that specified in his ticket at no extra charge: *Provided*, That a passenger seated in a section for which a lower fare is charged shall be entitled to an appropriate refund.

§ 250.10 Reports of unaccommodated passengers.

Carriers shall file reports with the Bureau of Accounts and Statistics, in CAB Form 250 (Appendix A of this part),[1] with respect to the applicable markets specified hereinafter, of the total number of revenue passengers boarded and the number of unaccommodated passengers in three categories: denied boarding on aircraft, downgrades and upgrades. The markets for which such reports shall be filed are those for which on-time reporting is filed in accordance with Part 234 of the Board's Economic Regulations and, in addition, New York-San Juan. Local service carriers shall, in addition to reports which may be required by Part 234, file such data for the five top-ranking markets of each. The reports shall cover the third month in each calendar quarter and shall be filed within 45 days after the month covered by the report. In addition, carriers shall file, on a monthly basis, the information requested in Appendix B of this part (CAB Form 251).[1] These reports may be on a system basis or limited to those stations accounting for 67 percent of the carrier's total enplanements, or the top 15 stations, whichever number is greater. The information in Item 4 shall be limited to the passengers enplaned at the reported stations and not the system total. Further, a list of the stations included should be appended to each report. These reports are to be submitted within 30 days after the month covered by the report. Those carriers with both domestic and international operations shall file separate reports for each. Reports covering international operations shall be withheld from public disclosure.

NOTE: The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary*.

[F.R. Doc. 67-9739; Filed, Aug. 17, 1967; 8:50 a.m.]

[1] Appendices A and B filed as part of the original document.

[14] Sec. 250.7, 250.8, and 250.9 of the proposed rule referred to herein are recodified in the final rule as §§ 250.8, 250.9, and 250.10, respectively.

[15] There is no time limit specified in the existing tariff.

[16] It is noted, however, that the point of destination could well be a station not served by the carrier required to make the tender.

SUBCHAPTER E—ORGANIZATION REGULATIONS

[Reg. No. OR-32; Amdt. 1]

PART 385—DELEGATIONS AND REVIEW OF ACTION UNDER DELEGATION; NONHEARING MATTERS

Delegation to Director, Bureau of Operating Rights

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 3d day of August 1967.

Concurrently herewith the Board is adopting an amendment to Part 221 (Construction, Publication, Filing and Posting of Tariffs of Air Carriers and Foreign Air Carriers) and a new Part 250 (Priority Rules, Denied Boarding Compensation Tariffs and Reports of Unaccommodated Passengers). In the Preamble to new Part 250, the Board provided that copies of the written statement explaining the terms, conditions, and limitations of denied boarding compensation, filed by carriers pursuant to § 250.9, shall be submitted for examination and approval. It further stated that it would, by concurrent amendment of Part 385, delegate to the Director, Bureau of Operating Rights, the authority to approve or disapprove the statement. The amendment herein gives effect to this determination.

Since this amendment is a rule of internal agency organization and procedure, notice and public procedure are not required, and the rule may be made effective on less than 30 days' notice.

Accordingly, the Civil Aeronautics Board hereby amends Part 385 of its Organization Regulations (14 CFR Part 385) by adding a new paragraph (u) to § 385.13, effective October 17, 1967, to read as follows:

§ 385.13 Delegation to the Director, Bureau of Operating Rights.

* * * * *

(u) Approve or disapprove written statements filed by air carriers pursuant to § 250.9 of this chapter (Economic Regulations) explaining the terms, conditions, and limitations of denied boarding compensation provided by Part 250 of this chapter.

(Sec. 204(a), 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply sec. 1001, 72 Stat. 788; 49 U.S.C. 1481, and Reorganization Plan No. 3 of 1961, 26 F.R. 5969)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 67-9740; Filed, Aug. 17, 1967; 8:47 a.m.]

Title 12—BANKS AND BANKING

Chapter I—Bureau of the Comptroller of the Currency, Department of the Treasury

PART 1—INVESTMENT SECURITIES REGULATION

Redevelopment Agency of City of Vallejo Marina Vista Project Area Parking Lease Revenue Bonds

§ 1.190 Redevelopment Agency of the City of Vallejo Marina Vista Project Area Parking Lease Revenue Bonds.

(a) *Request.* The Comptroller of the Currency has been requested to rule that the $415,000 Marina Vista Project Area Parking Lease Revenue Bonds of the Redevelopment Agency of the City of Vallejo are eligible for purchase, dealing in, underwriting, and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The Redevelopment Agency of the City of Vallejo is a public body, corporate and politic, created under the Community Redevelopment Law of the State of California. Under the law, the Agency has power to issue bonds for any of its corporate purposes. It is engaged in the redevelopment of the Marina Vista Project Area of the City of Vallejo and has resolved to issue these bonds to finance the acquisition of facilities for free off-street public parking for the benefit of the project area.

(2) The parking facilities acquired will be leased to the City of Vallejo, which has agreed to pay as rental to the Agency an amount sufficient to pay the principal of and interest on the bonds and any expenses of the Agency for insurance, taxes, or assessments relating to the parking facilities. The City, which possesses general powers of taxation, has thus committed its faith and credit in support of the bonds.

(c) *Ruling.* It is our conclusion, therefore, that the $415,000 Marina Vista Project Area Parking Lease Revenue Bonds of the Redevelopment Agency of the City of Vallejo are general obligations of a State or a political subdivision thereof under paragraph Seventh of 12 U.S.C. 24, and as such are eligible for purchase, dealing in, underwriting and unlimited holding by national banks.

Dated: August 14, 1967.

[SEAL] WILLIAM B. CAMP, *Comptroller of the Currency.*

[F.R. Doc. 67-9729; Filed, Aug. 17, 1967; 8:46 a.m.]

PART 1—INVESTMENT SECURITIES REGULATION

San Carlos Civic Center Authority Lease Revenue Bonds

§ 1.192 San Carlos Civic Center Authority Lease Revenue Bonds.

(a) *Request.* The Comptroller of the Currency has been requested to rule that the $1,900,000 San Carlos Civic Center Authority 1967 Revenue Bonds, are eligible for purchase, dealing in, underwriting, and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The San Carlos Civic Center Authority is a public entity created under the laws of the State of California by an agreement between the City of San Carlos and the County of San Mateo. The Authority is empowered by the agreement to acquire, construct, and lease certain public buildings and to issue bonds to finance such projects. It is issuing these bonds to acquire an existing public library, now owned by the County, which will be leased back to the County, and to construct a civic center complex to house all departments of the City government which will be leased to the City.

(2) Under the agreement, the County has unconditionally promised to pay certain fixed annual rentals to the Authority and the City has unconditionally promised to pay annual rentals to the Authority in an amount, which when added to the rental payments of the County, will be sufficient to meet annual interest and principal payments on these bonds as well as other necessary expenses. The City, which possesses general powers of taxation has thus committed its faith and credit in support of the bonds.

(c) *Ruling.* It is our conclusion, therefore, that the $1,900,000 San Carlos Civic Center Authority 1967 Revenue Bonds, are general obligations of a State or a political subdivision thereof under paragraph Seventh of 12 U.S.C. 24 and, as such, are eligible for purchase, dealing in, underwriting and unlimited holding by national banks.

Dated: August 14, 1967.

[SEAL] WILLIAM B. CAMP, *Comptroller of the Currency.*

[F.R. Doc. 67-9730; Filed, Aug. 17, 1967; 8:47 a.m.]

PART 1—INVESTMENT SECURITIES REGULATION

Thomaston-Upson County Office Building Revenue Bonds

§ 1.191 Thomaston-Upson County Office Building Revenue Bonds.

(a) *Request.* The Comptroller of the Currency has been requested to rule that the $390,000 Thomaston-Upson County Office Building Authority Revenue Bonds, Series 1967, are eligible for purchase, dealing in, underwriting, and unlimited holding by national banks pursuant to paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* The Thomaston-Upson County Office Building Authority is a public corporation and instrumentality of the State of Georgia created by an amendment to the Constitution of the State of Georgia for the purpose of acquiring, constructing, equipping, maintaining and operating self-liquidating projects embracing buildings and facilities for use by the City of Thomaston and for use by such other agencies and political subdivisions of the State of Georgia or the Government of the United States as may contract with the Authority for the use of such facilities. The Authority is issuing these bonds to finance the construction of a county jail and of a new county office building and additions and improvements to the present Upson County Building which will be leased to Upson County. Under the lease rental agreement, the County agrees to levy an annual ad valorem tax on all taxable property within the County at such rates as may be necessary to make the rental payments to enable the Authority to pay the principal of and interest on the bonds as the same shall mature and acknowledges that the obligation to make the payments required shall be deemed to be a general obligation of the County.

(c) *Ruling.* It is our conclusion, therefore, that the $390,000 Thomaston-Upson County Office Building Authority Revenue Bonds, Series 1967, are general obligations of a State or political subdivision thereof under paragraph Seventh of 12 U.S.C. 24, and as such are eligible for purchase, dealing in, underwriting, and unlimited holding by national banks.

Dated: August 14, 1967.

[SEAL] WILLIAM B. CAMP, *Comptroller of the Currency.*

[F.R. Doc. 67-9728; Filed, Aug. 17, 1967; 8:47 a.m.]

PART 1—INVESTMENT SECURITIES REGULATION

Los Angeles County-West Covina Civic Center Authority Citrus District Courthouse Revenue Bonds

§ 1.193 Los Angeles County-West Covina Civic Center Authority Citrus District Courthouse Revenue Bonds.

(a) *Request.* The Comptroller of the Currency has been requested to rule that the $1,600,000 Los Angeles County-West Covina Civic Center Authority, Citrus District Courthouse Revenue Bonds are eligible for purchase, dealing in, underwriting, and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The Los Angeles County-West Covina Civic Center Authority is a public entity created under the laws of the State of California by an agreement between the County of Los Angeles and the City of West Covina. Under this agreement, the Authority is empowered to acquire land and construct and lease public buildings and to issue bonds to finance such projects. The Authority is issuing these bonds to finance such projects. The Authority is issuing these bonds for the purpose of constructing public buildings which will be leased to the County.

(2) Under the lease-rental agreement the County has unconditionally promised to pay annual rentals to the Authority in an amount sufficient to meet annual interest and principal payments on these bonds as well as other necessary expenses. The County, which possesses general powers of taxation, has thus committed its faith and credit in support of the bonds.

(c) *Ruling.* It is our conclusion, therefore, that the $1,600,000 Los Angeles County-West Covina Civic Center Authority, Citrus District Courthouse Revenue Bonds are general obligations of a State or a political subdivision thereof under paragraph Seventh of 12 U.S.C. 24 and, as such, are eligible for purchase, dealing in, underwriting, and unlimited holding by national banks.

Dated: August 14, 1967.

[SEAL] WILLIAM B. CAMP, *Comptroller of the Currency.*

[F.R. Doc. 67-9731; Filed, Aug. 17, 1967; 8:47 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 67-194]

PART 1—GENERAL PROVISIONS

Field Audit Staff and Customs Agency Service

The purpose of the following amendments to the Customs Regulations is to effect changes in the organization of the Field Audit Staff and the Customs Agency Service.

Audit activities in Customs Region No. 5, with headquarters at New Orleans, La., presently under the jurisdiction of the Director, Field Audit, Miami, Fla., are being assigned to the office of the Director, Field Audit, Houston, Tex. To reflect this change the table in § 1.4a of the Customs Regulations is amended as follows:

1. The column headed "Audit Office" is amended by moving the word "Branch" from its present position below "Miami" to a position below "Houston."

2. The column headed "Address" is amended by moving the address "U.S. Customhouse, New Orleans, La. 70130" from its present position below the address of the Miami Audit office to a position below the address of the Houston Audit office.

3. The column headed "Customs Regions" is amended by deleting "and V" in the line opposite the address of the Miami Audit office, and by adding "V and" before "VI" in the line opposite the address of the Houston Audit office.

(R.S. 251, sec. 624, 46 Stat. 759; 5 U.S.C. 301, 19 U.S.C. 66, 1624)

The offices of the Customs Agent in Charge, New Orleans, La., and the Customs Agent in Charge, Mobile, Ala., in Customs Agency Service Region No. 2 are being transferred to Region No. 3 under the jurisdiction of the Supervising Customs Agent, Houston, Tex.

The geographical jurisdiction of the Customs Agents in Charge, Mobile, Ala., and Jacksonville, Fla., is changed to divide the northern part of the State of Florida at the east bank of the Ochlockonee River.

The Republic of Cuba has been removed from the jurisdiction of the Supervising Customs Agent, Miami, Fla.

The jurisdiction of the Senior Customs Representative, Mexico City, has been extended to include all other Latin American countries.

The geographical jurisdiction of the Senior Customs Representatives at Paris, France, and Frankfurt, Germany, has been changed. The Senior Customs Representative, Paris, France, has been assigned complete jurisdiction of customs investigations in Belgium.

The jurisdiction of the Senior Customs Representative, Hong Kong, B.C.C., has been extended to include a larger area in the Far East.

To reflect the changes in the Customs Agency Service the table in § 1.5 is amended as follows:

1. In Customs Agency Service Region No. 2 make the following changes:

In the column headed "Area of jurisdiction (Customs districts and foreign countries)" the area of jurisdiction of the Supervising Customs Agent, Miami, is amended by deleting "the republic of Cuba."

Under "Customs Agency Service Suboffices" the column headed "Headquarters" is amended by deleting therefrom "Customs Agent in Charge, Mobile" and "Customs Agent in Charge, New Orleans."

In the column headed "Geographical jurisdiction" the geographical jurisdiction of the Customs Agent in Charge, Jacksonville is amended to read as follows:

That part of the State of Georgia extending south of a line drawn from Brunswick along U.S. Route 84 to Waycross and along Route 82 to the Alabama border; and that part of northern Florida lying east of the east bank of the Ochlockonee River and bounded on the south by a line drawn from Cedar Key to Ocala to Daytona Beach.

The column "Geographical jurisdiction" also is amended by deleting therefrom the descriptions of the geographical jurisdiction of the Customs Agents in Charge, Mobile and New Orleans.

2. In Customs Agency Service Region No. 3 make the following changes:

Under "Customs Agency Service Suboffices" the column headed "Headquarters" is amended by inserting below "Senior Customs Representative, Mexico

City" the words "Customs Agent in Charge, Mobile" and immediately following the words "Customs Agent in Charge, New Orleans."

In the column headed "Geographical jurisdiction" the geographical jurisdiction of the Senior Customs Representative, Mexico City, is amended to read:

The Republic of Mexico and all other Latin American Countries.

The column headed "Geographical jurisdiction" also is amended by inserting below "The republic of Mexico" a description of the geographical jurisdiction of the Customs Agent in Charge, Mobile, reading:

The State of Alabama; that part of the State of Mississippi lying south of 31° north latitude; that portion of Tennessee east of the western crossing of the Tennessee River; and that part of the State of Florida lying west of the east bank of the Ochlockonee River.

and immediately following a description of the geographical jurisdiction of the Customs Agent in Charge, New Orleans, reading:

All the States of Louisiana (except the parishes of Cameron and Calcasieu), Mississippi (except that part lying south of 31° north latitude), and Arkansas; and that portion of Tennessee west of the western crossing of the Tennessee River.

3. In Customs Agency Service Region No. 6 the geographical jurisdiction of the Senior Customs Representative, Paris, France, is amended to read:

France, Luxembourg, Monaco, Belgium.

and the geographical jurisdiction of the Senior Customs Representative, Frankfurt, Germany, is amended to read:

The Netherlands, Denmark, Norway, Sweden, Finland, Germany, Austria, Liechtenstein.

4. In Customs Agency Service Region No. 7 the geographical jurisdiction of the Regional Customs Representative, Tokyo, Japan, is amended to read:

That part of the Far East north of Okinawa, and Okinawa.

and the geographical jurisdiction of the Senior Customs Representative, Hong Kong, B.C.C., is amended to read:

Australia and New Zealand; that part of the Far East south of Hong Kong; Hong Kong and Taiwan.

(R.S. 251, sec. 624, 46 Stat. 759; 5 U.S.C. 301, 19 U.S.C. 66, 1624)

These amendments shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

Approved: August 10, 1967.

MATTHEW J. MARKS,
Acting Assistant Secretary of the Treasury.

[F.R. Doc. 67-9732; Filed, Aug. 17, 1967; 8:47 a.m.]

[T.D. 67-196]

PART 12—SPECIAL CLASSES OF MERCHANDISE

Entry of Motor Vehicles and Motor Vehicle Engines Under Motor Vehicle Air Pollution Control Act [1]

Under the provisions of the Motor Vehicle Air Pollution Control Act (Title II of the Clean Air Act, as added by Public Law 89-272), 42 U.S.C. 1857, et seq., the Department of Health, Education, and Welfare, in 45 CFR, Part 85 has promulgated regulations which prescribe standards for the prevention or control of air pollution that must be met by certain new motor vehicles or new motor vehicle engines. These regulations are applicable to new motor vehicles and new motor vehicle engines beginning with the model year 1968.

The importation into the United States for sale or resale of any new motor vehicle or new motor vehicle engine manufactured after the effective date of regulations under the Motor Vehicle Air Pollution Control Act is prohibited unless such motor vehicle or engine is in conformity with the standards so prescribed. To prescribe regulations providing for the admission or refusal of new motor vehicles or new motor vehicle engines subject to standards promulgated under the provisions of the Motor Vehicle Air Pollution Control Act which are offered for importation into the United States, Part 12 is amended to add a new center head and section as follows:

NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES

§ 12.73 Motor vehicle air pollution control.

(a) *Standards prescribed by the Department of Health, Education, and Welfare.* Certain new motor vehicles or new motor vehicle engines are subject to the standards prescribed by the Secretary of Health, Education, and Welfare under section 202 of the Motor Vehicle Air Pollution Control Act (42 U.S.C. 1857f-1),[2] as set forth in regulations in 45 CFR Part 85. A new motor vehicle or a new motor vehicle engine subject to such standards is not permitted entry into the United States unless it is in all material respects the same construction as a test vehicle or engine which has been certified to be in conformity with such standards or otherwise approved by the Secretary of Health, Education, and Welfare, in accordance with said regulations in 45 CFR Part 85.

(b) *Requirements for entry and release.* Each motor vehicle or motor vehicle engine offered for importation (other than for personal use by the importer) into the customs territory of the United States shall be refused entry unless there is filed with the entry, in duplicate, a declaration verified by the importer or consignee which identifies it and affirms that:

(1) Such motor vehicle or motor vehicle engine is not subject to the Motor Vehicle Air Pollution Control Act for reasons specified in the declaration (e.g., the vehicle or engine was manufactured prior to Mar. 30, 1966, the effective date of the regulations promulgated in 45 CFR Part 85; the vehicle or engine is not "new" within the meaning of section 208(3) of the Motor Vehicle Air Pollution Control Act; the vehicle or engine is a pre-1968 year model; etc.); or

(2) Such motor vehicle or motor vehicle engine is in all material respects the same construction as a test vehicle or engine;

(i) For which a certificate of conformity identified by number and date has been issued in accordance with regulations in 45 CFR Part 85, or for which a determination of conformity has been made under such part, by the Secretary of Health, Education, and Welfare, and is being entered during a period for which such determination or certification is valid; or

(ii) For which application for a determination or certification of conformity is pending before the Secretary of Health, Education, and Welfare, in accordance with regulations in 45 CFR Part 85; or

(3) The importer or consignee has undertaken, in accordance with 45 CFR 85.203(a), to bring any motor vehicles or motor vehicle engines identified as part of the entry and subject to the Motor Vehicle Air Pollution Control Act into conformity with a test vehicle or engine approved or certified in accordance with 45 CFR Part 85, or for which application for such approval or certification is pending.

No written declaration shall be required under this paragraph for the importation of an individual motor vehicle or motor vehicle engine unless the district director of customs has reason to believe that the importation is being made for purposes of resale and not for the personal use of the importer. The duplicate copy of any declaration filed under this paragraph shall be forwarded by the district director of customs directly to the Surgeon General, Department of Health, Education, and Welfare, Washington, D.C.

(c) *Release under bond.* If a declaration filed in accordance with paragraph (b) of this section states that the entry is being made under circumstances described in paragraph (b) (2) (ii) or (3) of this section, the entry shall be accepted only if the importer gives a bond on customs Form 7551, 7553, or 7595 for the production of a statement certifying in accordance with 45 CFR 85.203(c) that the motor vehicles or motor vehicle engines described in the declaration filed by the importer conform in all material respects with a test vehicle or engine which has been certified or approved for a period during which the entry of such vehicles or engines is made. The bond shall be in the amount required under § 25.4(a) of this chapter. Within 90 days after such entry, or such additional period as the district director of customs may allow for good cause shown, the importer or consignee shall deliver to the district director the certified statement described in this paragraph. If the certified statement described in this paragraph is not delivered to the district director of customs for the port of entry of such vehicles or engines within 90 days of the date of entry or such additional period as may be allowed by the district director, for good cause shown, the importer or consignee shall deliver or cause to be delivered to the district director of customs those motor vehicles or motor vehicle engines which were released in accordance with this paragraph. In the event that any such motor vehicle or motor vehicle engine is not redelivered within 5 days following the date specified in the preceding sentence, liquidated damages shall be assessed in the full amount of a bond given on Form 7551. When the transaction has been charged against a bond given on Form 7553 or 7595, liquidated damages shall be assessed in the amount that would have been demanded under the preceding sentence if the merchandise had been released under a bond given on Form 7551.

(d) *Merchandise refused entry.* If a new motor vehicle or new motor vehicle engine is denied entry under the provisions of paragraph (b) or (c) of this section, the district director of customs shall refuse to release the merchandise for entry into the United States and shall issue a notice of such refusal to the importer.

(e) *Disposition of merchandise refused entry into the United States; redelivered merchandise.* New motor vehicles or new motor vehicle engines which are denied entry under paragraph (b) or (c) of this section or which are redelivered in accordance with paragraph (c) of this section and which are not exported under customs supervision within 90 days from the date of notice of refusal of admission or date of redelivery shall be disposed of under customs laws and regulations: *Provided, however,* That any such disposition shall not result in an introduction into the United States of a new motor vehicle or new motor vehicle engine in violation of the Motor Vehicle Air Pollution Control Act. (Sec. 484, 46 Stat. 722, as amended, sec. 203, 79 Stat. 993; 19 U.S.C. 1484, 42 U.S.C. 1857f-2.)

(R.S. 251, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

Since motor vehicles and motor vehicle engines subject to the standards prescribed in 45 CFR Part 85 may now be in transit to U.S. ports for entry, it is important that these regulations be put in effect at the earliest possible date. It is therefore found that notice and public procedure under 5 U.S.C. 553 is impracticable and good cause is found for adopting these regulations effective upon publication in the FEDERAL REGISTER.

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

Approved: July 31, 1967.

TRUE DAVIS,
Assistant Secretary of the Treasury.

Approved: August 14, 1967.

JOHN W. GARDNER,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 67-9719; Filed, Aug. 17, 1967; 8:46 a.m.]

[1] See also 45 CFR Part 85, F.R. Doc. 67-9718, infra.

[2] As defined in the Motor Vehicle Air Pollution Control Act, a new motor vehicle or new motor vehicle engine is one the equitable or legal title to which has never been transferred to an ultimate purchaser; and an ultimate purchaser is the first person who in good faith purchases such new motor vehicle or new engine for purposes other than resale. (42 U.S.C. 1857f-7 (3), (5))

Title 45—PUBLIC WELFARE

Subtitle A—Department of Health, Education, and Welfare, General Administration

PART 85—CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES

Subpart—Importation of New Motor Vehicles or New Motor Vehicle Engines [1]

The following regulations establish procedures for the importation of new motor vehicles and new motor vehicle engines into the United States pursuant to section 203(b)(2) of the Clean Air Act. Copies of proposed procedures were forwarded on June 13, 1967, to representatives of all foreign manufacturers known to be importing automobiles into the United States, together with notice of a meeting affording them an opportunity to discuss the proposal with representatives of the Department of Health, Education, and Welfare. The meeting was held on July 24, 1967, and the regulations set forth below incorporate procedures agreed upon by this Department and those persons who submitted written or oral comments.

The importation of vehicles and engines subject to the Clean Air Act is prohibited unless such vehicles and engines conform to the applicable standards which were published effective March 30, 1966 (31 F.R. 5170). The regulations below establish procedures for the entry of vehicles and engines which presently conform to such standards as well as those which this Department determines will be brought into conformity with such standards subsequent to entry.

Since failure to adopt the necessary procedures promptly would work to the detriment of those affected by them, the Department finds that it is in the public interest and that good cause exists for the adoption of these regulations effective immediately upon publication in the FEDERAL REGISTER. To insure that all parties and interests may participate in the further formulation of the regulations, interested persons are invited to submit data, views, comments, or arguments concerning the regulations hereby promulgated within 30 days after the publication of this document in the FEDERAL REGISTER in writing by mail to the Secretary, Health, Education, and Welfare, Attention: National Center for Air Pollution Control, Washington, D.C. 20201. Consideration will be given such submissions with a view to making any amendments to the regulations that are found to be necessary or desirable as fully as though such submissions had been received in response to a proposal.

Subpart—Importation of New Motor Vehicles or New Motor Vehicle Engines

Sec.
85.200 Applicability.
85.201 Determination of conformity of new motor vehicles and new motor vehicle engines not covered by certification.
85.202 Admission of new motor vehicles and new motor vehicle engines covered by certification or determination of conformity.
85.203 Admission of new motor vehicles and new motor vehicle engines not covered by certification or determination of conformity at the time of entry.
85.204 Notice to Customs officials.

AUTHORITY: The provisions of this subpart issued under sec. 203, 79 Stat. 993, 42 U.S.C. 1857f-2.

§ 85.200 Applicability.

The provisions of this subpart are applicable to new motor vehicles and new motor vehicle engines which are subject to the standards prescribed in this part and are offered for importation into the United States by a manufacturer for sale or resale. As used in this subpart, the term United States means the customs territory of the United States as defined in 19 U.S.C. 1202 and the Virgin Islands, Guam, and American Samoa.

[1] See also 19 CFR Part 12, F.R. Doc. 67-9719, supra.

§ 85.201 Determination of conformity of new motor vehicles and new motor vehicle engines not covered by certification.

(a) Any manufacturer of new motor vehicles or new motor vehicle engines not covered by a certificate of conformity issued under § 85.62, who desires to import such vehicles or engines into the United States for sale or resale, may submit a request meeting all the requirements of § 85.61(b), for a determination by the Secretary whether the vehicle or engine is in conformity with the standards prescribed in this part.

(b) If, after a review of the test reports and data submitted by the manufacturer and data derived from such additional testing as the Surgeon General may conduct, the Secretary determines that the new motor vehicle or new motor vehicle engine conforms to the regulations of this part, he will issue a determination to such effect with respect to such vehicle or engine: *Provided*, That such determination for the purpose of the preceding proviso shall be for a period of not less than 1 model year as the Secretary may prescribe, and may be made upon such terms as he may deem necessary to assure that any new motor vehicle or new motor vehicle engine meeting the requirements of the preceding proviso will meet the requirements of this part relating to durability and performance.

§ 85.202 Admission of new motor vehicles and new motor vehicle engines covered by certification or determination of conformity.

(a) Any new motor vehicle or new motor vehicle engine which is in all material respects substantially the same construction as the test vehicle or engine for which a certificate of conformity has been issued under § 85.62 or, with respect to which a determination of conformity has been made under § 85.201, shall be deemed to be in conformity with the regulations prescribed in this part and shall not be refused admission into the United States under section 203(b)(2) of the Act, if the entry documents contain a declaration by the manufacturer that such a certificate or determination of conformity has been issued, giving the number and date thereof, and that the new motor vehicle or new motor vehicle engine for which entry is requested is in all material respects the same construction as the test vehicle or engine for which the certificate or determination was issued, and is being entered during the period for which the certificate or determination is effective.

§ 85.203 Admission of new motor vehicles and new motor vehicle engines not covered by certification or determination of conformity at the time of entry.

Any new motor vehicle or new motor vehicle engine which is not in all material respects the same construction as a test vehicle or engine for which a certificate of conformity has been issued or for which a determination of conformity has been made, shall be conditionally admitted in accordance with 19 CFR 12.73(c), but shall be refused final admission into the United States under section 203(b)(2) of the Act, unless:

(a) Not later than 5 days following such conditional admission the Secretary has received a written request submitted by the manufacturer and containing any of the following information and agreements that may be applicable:

(1) A statement that the vehicles or engines are in conformity with a test vehicle or engine for which an application is pending before the Secretary.

(2) A statement specifying the modifications or alterations which are necessary to bring the vehicles or engines into conformity with the regulations, together with assurances satisfactory to the Secretary that such alterations will in fact be accomplished.

(3) The place and date by which the modifications or alterations will be accomplished, said date to be no greater than 75 days from the date of entry.

(4) The place(s) where such vehicles will be stored until a determination of conformity has been made.

(5) An acknowledgement of responsibility for the custody of the vehicles or engines until such time as the Secretary notifies the manufacturer that the vehicles conform to the regulations in this part.

(6) Authorizations for representatives of the Department of Health, Education, and Welfare to inspect the vehicles or engines at any reasonable time for the purpose of making a determination of conformity.

(b) The bonding and entry requirements of the Secretary of the Treasury set forth in 19 CFR 12.73 have been met; and

(c) The Secretary issues to the manufacturer a statement certifying that the vehicles or engines are in conformity with a test vehicle or engine which has been certified or approved for a period during which the entry is made.

§ 85.204 Notice to Customs officials.

The Surgeon General will notify the Commissioner of Customs and the Governors of the Virgin Islands, Guam, and American Samoa of the issuance of certificates of conformity, determinations of conformity, and certifications issued under § 85.203(c).

Dated: July 28, 1967.

[SEAL] JOHN W. GARDNER, *Secretary.*

[F.R. Doc. 67-9718; Filed, Aug. 17, 1967; 8:46 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[3d Rev. S.O. 935-A]

PART 195—CAR SERVICE

Appointment of Embargo Agents

At a session of the Interstate Commerce Commission, Division 3, held in Washington, D.C., on the 4th day of August 1967.

Upon further consideration of Third Revised Service Order No. 935 (32 F.R. 5931) and good cause appearing therefor:

It is ordered, That § 195.935 *Service Order No. 935* (Appointment of embargo agents) be, and it is hereby, vacated and set aside.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That this order shall become effective at 11:59 p.m., August 16, 1967; that copies of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of the order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 3.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-9745; Filed, Aug. 17, 1967; 8:48 a.m.]

[S.O. 995]

PART 195—CAR SERVICE

Appointment of Embargo Agents

At a session of the Interstate Commerce Commission, Division 3, held in Washington, D.C., on the 4th day of August 1967.

It appearing, that the matter of car service (sec. 1, pars. 10–17, inclusive, of the Interstate Commerce Act) being under consideration, it is the opinion of the Commission that whenever any carrier by railroad, subject to Part I of the Interstate Commerce Act, is unable to control freight traffic movements, because car accumulations, threatened congestions, or other interferences of a temporary nature compel restrictions against car movements, car service will be promoted in the interest of the public and the commerce of the people by the appointment of agents with authority to direct the placement of embargoes; that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 195.995 Service Order No. 995.

(a) Appointment of embargo agents: R. D. Pfahler, Director, and N. Thomas Harris, Assistant Director, Bureau of Operations, Interstate Commerce Commission, Washington, D.C., are hereby appointed agents of the Interstate Commerce Commission and vested with authority to direct the placement of embargoes by railroads at such points where freight cars are being unduly delayed due to accumulations, congestions, or emergency situations.

(b) Embargoes placed under this order shall be at the direction of the agents of the Commission and shall be published through the Association of American Railroads, Car Service Division, and in conformity with the Association of American Railroads' "Instructions to Govern the Placing and Handling of Embargoes" and "Code of Car Service and Per Diem Rules—Freight."

(c) Application: The provisions of this order shall apply to cars moving in intrastate and foreign commerce as well as interstate commerce.

(d) Rules, regulations, and practices suspended: The operation of all rules, regulations, and practices insofar as they conflict with the provisions of this order, is hereby suspended.

(e) Effective date: This order shall become effective at 11:59 p.m., August 16, 1967.

(f) Expiration date: The provisions of this order shall expire at 11:59 p.m., December 31, 1967, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 3.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-9746; Filed, Aug. 17, 1967; 8:48 a.m.]

[4th Rev. S.O. 562-A]

PART 197—ROUTING OF TRAFFIC

Rerouting of Traffic; Appointment of Agents

At a session of the Interstate Commerce Commission, Division 3, held in Washington, D.C., on the 4th day of August 1967.

Upon further consideration of Fourth Revised Service Order No. 562 (32 F.R. 5931) and good cause appearing therefor:

It is ordered, That § 197.562 *Service Order No. 562* (Rerouting traffic—appointment of agents) be, and it is hereby, vacated and set aside.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That this order shall become effective at 11:59 p.m., August 16, 1967; that copies of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of the order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 3.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-9748; Filed, Aug. 17, 1967; 8:48 a.m.]

[S.O. 994]

PART 197—ROUTING OF TRAFFIC

Rerouting of Traffic; Appointment of Agents

At a session of the Interstate Commerce Commission, Division 3, held in Washington, D.C., on the 4th day of August 1967.

It appearing, that the matter of car service (sec. 1, pars. 10–17, inclusive, of the Interstate Commerce Act) being under consideration, it is the opinion of the Commission that whenever any carrier by railroad, subject to Part I of the Interstate Commerce Act, is, for any reason, unable to transport traffic offered, car service will be promoted in the interest of the public and the commerce of the people by the appointment of agents with authority to reroute and divert such traffic; that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

§ 197.994 Service Order No. 994.

(a) *Rerouting of traffic—appointment of agents.* R. D. Pfahler, Director, and N. Thomas Harris, Assistant Director, Bureau of Operations, Interstate Commerce Commission, Washington, D.C., are hereby appointed agents of the Interstate Commerce Commission and vested with authority to authorize diversion and rerouting of loaded and empty freight cars from and to any point in the United States whenever, in their opinion, an emergency exists whereby any railroad is unable to move traffic currently over its lines.

(b) *Application.* The provisions of this order shall apply to shipments moving in intrastate commerce as well as to those moving in interstate commerce.

(c) *Effective date.* This order shall become effective at 11:59 p.m., August 16, 1967.

(d) *Expiration date.* This order shall expire at 11:59 p.m., December 31, 1967, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 3.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-9747; Filed, Aug. 17, 1967; 8:48 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER E—DEFENSE CONTRACTING

PART 163—DEFENSE CONTRACT FINANCING REGULATIONS

Miscellaneous Amendments

The following amendments to this Part 163 are issued by direction of the Assistant Secretary of Defense (Installations and Logistics) pursuant to authority contained in Department of Defense Directive No. 4105.30, dated March 11, 1959 (24 F.R. 2260), as amended, and 10 U.S.C. 2202.

1. Sections 163.2, 163.3, 163.4, 163.6, 163.12–3, 163.16, 163.17, 163.26, 163.30, and 163.31 are revised to read as follows:

§ 163.2 Purposes.

This part is intended to (a) state basic contract financing policy, (b) assure proper uniformity in policies procedures and forms, (c) provide for application of the fundamental management principle of internal check and balance, (d) insure that the need for advance or progress payments by contractors will not be treated as a handicap in awarding contracts, (e) facilitate and accelerate the making of progress payments requested by small business concerns under Government contracts, and (f) emphasize the usefulness and desirability of providing proper contract financing assistance to small business concerns. In addition, Subpart F of this part provides for the prompt ascertainment and timely collection of contract debts owed to the Department of Defense, provides an inducement for prompt payment by requiring the charging of interest on such indebtedness, states policies governing postponement of payments and covers compromises and other actions on certain claims pursuant to the Federal Claims Collection Act of 1966.

§ 163.3 Application.

This part supersedes all regulations, directives, procedures, and instructions inconsistent herewith. This part applies throughout the Department of Defense. Within this part, the words "Department," "Military Department," "Procuring Activity," and "Secretary," have the same meanings as those defined in §§ 1.201–5, 1.201–6, 1.201–14, and 1.201–15 of this chapter.

§ 163.4 Implementation.

Changes and additions for this part will be developed within the Contract Finance Committee, in the manner contemplated by §§ 163.12–3 and 163.32.

§ 163.6 Guaranteed loans—authority.

(a) Under section 301(a) of the Defense Production Act of 1950, as amended, and section 301 of Executive Order No. 10480, as amended by Executive Order No. 11062, and DoD Directive No. 5100.34, the Department of the Army, the Department of the Navy, the Department of the Air Force, and the Defense Supply Agency, among others, are designated as "guaranteeing agencies," and authorized by section 302(a) of Executive Order No. 10480 "to guarantee in whole or in part any public or private financing institution (including any Federal Reserve Bank), by commitment to purchase, agreement to share losses, or otherwise, against loss of principal or interest on any loan * * * which may be made by such financing institution for the purpose of financing any contractor, subcontractor, or other person in connection with the performance of any contract or other operation deemed by the guaranteeing agency to be necessary to expedite production and deliveries or services under Government contracts for the procurement of materials or the performance of services for the national defense, or for the purpose of financing any contractor, subcontractor, or other person in connection with or in contemplation of the termination, in the interest of the United States of any contract made for the national defense."

(b) As defined in section 702(d) of the Defense Production Act of 1950, as amended, "the term 'national defense' means programs for military and atomic energy production or construction, military assistance to any foreign nation, stockpiling, and directly related activity."

§ 163.12–3 Responsibility—administration—Contract Finance Committee.

(a) The responsibility for insuring uniform administration of financing in accordance with directions shall be in the Assistant Secretary of Defense (Installations and Logistics). Specific cases need not be referred to the Office of the Assistant Secretary (Installations and Logistics), unless policy or important procedural problems are involved, and the day-to-day financing operations shall be the responsibility of the Military Departments and the DSA.

(b) Responsibility for financing in each Department shall be in the Under or Assistant Secretary responsible for the comptroller function, with the focal point of such activities at Departmental headquarters although contract financing offices may be established at the operational level determined by that Department.

(c) There shall be a Contract Finance Committee composed of a representative of the Assistant Secretary of Defense (Installations and Logistics) as Chairman, a representative of the Assistant Secretary of Defense (Comptroller) and two representatives of each Military Department and the DSA (one representing procurement and one representing the contract finance office), which Committee shall meet upon call by the Chairman, upon his initiative or when requested by a member of the Committee. This Committee shall advise and assist the Assistant Secretary of Defense (Installations and Logistics) in assuring proper and uniform application of policies and the development of procedures and forms, and may from time to time recommend to the Secretary of Defense through the Assistant Secretary of Defense (Installations and Logistics) such further policy directives on the subject of financing as may appear desirable. This Committee shall be responsible also for the formulation, revision and promulgation of uniform regulations on contract financing (§ 163.32). For matters involving guaranteed loans, a representative of the Board of Governors of the Federal Reserve System may be invited to meet with the Committee. The Committee also may from time to time secure the advice of representatives of other branches of the Government and other persons and may invite such representatives and persons to its meetings.

§ 163.16 Uniformity.

Uniform financing policies and, so far as practicable, uniform procedures and standard forms are to be used by the Departments and, to the extent mutually agreed upon by the Departments, facilities and personnel are to be used in common.

§ 163.17 Small business.

Immediate and continuing attention must be given at all levels to insure that constructive measures will be taken to facilitate and accelerate necessary contract financing assistance to small business concerns. Every reasonable effort must be made to assist small business concerns in the resolution of their problems relative to the financing of contract performance, including any cases in which it may be reasonably necessary to increase the rate for progress payments and to assist them in understanding and complying with the requirements of performance as to payment forms, inspection and cost accounting. However, the issuance of a certificate of competency by the Small Business Administration shall not be considered as a requirement that contract financing must be provided by a Department.

§ 163.26 Coordination before contract award.

For effective application of the principles stated in § 163.24, each purchasing office should be staffed with, or have available and use the services of persons qualified and competent to evaluate credit and financial problems. Among other things, the duties of such persons would be to arrange, prior to contract awards, and so far as practicable, prior to subcontract arrangements, that financing for performance of contemplated contracts and subcontracts is reasonably assured prior to or contemporaneously with the making of contracts. In those exceptional cases where there is substantial doubt that a prospective contractor has the financial capacity or credit resources essential to the performance of the contemplated contract, the interested procuring activity, after having determined that no satisfactory alternative sources of supply are readily available on terms equally as favorable to the Government, should prior to placement of the contract, consult with the appropriate contract financing office of the interested Department, to determine whether financing can prudently be arranged. These contract financing officers are the Director of Contract Financing Office of the Comptroller of the Army; the Director of Contract Financing, Office of the Comptroller of the Navy; the Deputy Comptroller of the Air Force; and the Comptroller, Defense Supply Agency. For other Departments (§ 1.201–5 of this chapter), the contract financing office will be within the office of the Agency Comptroller. In such consultation it should be resolved, if placement of the contract is deemed beneficial to the interests of the Government, whether and by what means financing should be provided.

§ 163.30 Report of adverse developments—prompt decisions.

When materially adverse developments concerning a borrower having a guaranteed loan, or concerning a contractor having advance payments or progress payments, become known to a procuring or contract administration activity, pertinent facts, including report of remedial or protective action taken or proposed, should be reported by the procuring or contract administration activity to the contract financing office of the Department principally concerned with the contract financing, so that timely appropriate protective or remedial action may be taken by coordinated action of all concerned. However, the filing of such reports shall not relieve the personnel responsible for administration of the contract from taking such action as is deemed proper, prudent, and beneficial to the Government. When there are reasons to doubt the prudence of continuing progress payments or advance payments in cases involving performance difficulties or financial deterioration, decision must be made promptly and with proper regard to the harmful effects of delay on the continued operation of the contractors concerned.

§ 163.31 Reports.

Each Department shall submit reports of financing activities at such times and in such form as may be prescribed by the Assistant Secretary of Defense (Installations and Logistics) and approved by or for the Assistant Secretary of Defense (Comptroller).

2. Sections 163.32, 163.33, 163.33a–3, and 163.38 are revised; § 163.38–1 is revoked; and §§ 163.40, 163.40–1, 163.40–2, and 163.42 are revised, as follows:

§ 163.32 Deviations—amendments.

Actions in the exercise of the judgment and discretion allowed by these regulations are not deviations. Actions contrary to or inconsistent with or varying from these regulations would be deviations. Deviations will be permitted only when necessary in exceptional circumstances, after (a) the proposed deviation has been presented to the Contract Finance Committee, (b) the recommendations of that Committee have been obtained, and (c) the approval of the Assistant Secretary of Defense (Installations and Logistics) or his designated representative has been given. The above procedure will be followed also for amendments to this part (see § 1.163.4.) The provisions of Subchapter A of this chapter pertaining to deviations (§§ 1.109–2 and 1.109–3 of this chapter) and to amendments (§ 1.105 of this chapter) do not apply to these contract financing regulations.

§ 163.33 Interpretations.

It is important that this part and the clauses set forth herein be applied fairly and uniformly for all contractors. When a serious question of interpretation or application of this part arises within a procuring activity, and is regarded as being of general importance, if the circumstances reasonably permit the obtaining of an advance opinion on the question from Departmental headquarters, the question should be presented, through procurement channels, to the procurement policy office at headquarters of the Department primarily interested. If the circumstances do not reasonably permit request for advance opinion, report of an interpretation made (if regarded as important and of general interest for uniform application or interpretation of this part) should be made to the appropriate one of the Departmental headquarters procurement policy offices. Those offices are expected to take appropriate and timely action to obtain the views of interested offices of the other Departments, including the contract financing offices (§ 163.26). When questions submitted are considered to be of importance in the general interest of uniformity and of fair and effective administration of this part, appropriate revision of this part will be considered in the manner outlined in § 163.4. In period between any amendments of this part, it is contemplated that information on important interpretations of general interest, reported to or made at Departmental headquarters, will be made available to procuring activities for dissemination to interested purchasing offices.

§ 163.33a–3 Guaranteed loans for foreign contract performance.

When contracts or subcontracts are to be performed in a foreign country, financing by means of loans guaranteed by the Departments seldom will be practicable because of difficulties of loan administration and enforcement. When loans are to be utilized for financing of such contracts or subcontracts, it is considered generally preferable that the loans be provided within the internal financial system of the foreign country concerned, without Department guarantee.

§ 163.38 Loan guarantees to other Government agencies.

Loan guarantees are not issued to other Departments or Agencies of the Government.

§ 163.38–1 Other Government agencies. [Revoked]

§ 163.40 Guaranteeing agency.

Where a prospective borrower under a V-loan has defense contracts or subcontracts in which more than one of the guaranteeing agencies are interested, the guaranteeing agency in such case will be in general that agency which, as of the time of the application for the guarantee, has the preponderance of interest in such contracts and subcontracts on the basis of the dollar amount of the prospective borrower's unfilled and unpaid balances of such contracts and subcontracts and estimated claims under terminated contracts (exclusive of contracts with advance payments, if such advance payments are not to be liquidated by the proposed guaranteed loan). If the application is approved and a guarantee agreement is executed on behalf of such agency having the preponderance of interest, that agency will bear all losses and expenses and receive all revenues under such guarantee without allocation to other agencies of the Government. In this connection, among the Military Departments (§ 1.201–5 of this chapter), single service procurement contracts are deemed those of the purchasing department. In exceptional cases, one Department may act for others, and sharing arrangements are permitted.

§ 163.40–1 Effect on preponderance of progress payments or denial of certificate of eligibility.

Among the Departments, the determination of preponderance of interest, under § 163.40, is made without regard to the existence of progress payments on particular contracts, and without regard to the issuance or nonissuance of certificates of eligibility on particular contracts.

§ 163.40–2 Shifting of preponderance.

During the course of a guaranteed loan, preponderance of interest in the borrower's defense production contracts may shift from one of the Departments, as guaranteeing agency, to another Department. When such preponderance has shifted materially so that substantial preponderance is in one of the Departments other than the guaranteeing agency, action on requests for increases in the amount of guaranteed loans, and on requests for extension of maturity for a period of more than 6 months, ordinarily will be taken by the Department then having such preponderance of interest. However, in the above situation, action will be taken by the Department which has guaranteed the loan, if the loan is in distress, with fairly foreseeable losses, and the requested extension or increase is for the purpose of orderly liquidation of the loan in a manner designed to reduce the amount of the loss. If such a loan is not in distress, and losses are not fairly foreseeable, and the greater part of the borrower's defense production contracts are determined to be eligible for a continuing guaranteed loan, and the circumstances of the case are such that favorable action would have been taken by the then guaranteeing agency if it had remained preponderantly interested in the borrower's defense production contracts, similar favorable action will be taken by

the Department then having such preponderance of interest. In these cases, while new application for guarantee is required, the file of the contract financing office which has authorized the existing guarantee will be transferred to the contract financing office of the Department then having preponderant interest in the case, and the information to be submitted with the application need be only current financial information, data concerning the borrower's defense production contracts, and other pertinent facts concerning the borrower and his operations, to the extent necessary to supplement and bring up to date the information previously furnished to the guarantor. In order not to disturb or impair any security for the existing loan, and for the convenience of all concerned, it is preferable that the new guarantee merely replace the former guarantee, with appropriate recitals as to cancellation of the former guarantee, and with appropriate revision of the existing loan agreement and of such collateral security instruments as may require revision.

§ 163.42 Asset formula.

It is the policy of the guaranteeing agencies that borrowings under guaranteed loans made primarily for working capital purposes should be limited, in accordance with an asset formula, to amounts which do not exceed specified percentages (90 percent or less) of the borrower's investment in defense production contracts. The formula may include all items for which the borrower would be entitled to payment on performance or termination of defense contracts, but would not include any amounts (for which no work has been done nor expenditures made by the borrower) to become due as the result of later performance under the borrower's contracts. However, any such asset formula would be subject to relaxation in appropriate cases to the extent and for the time actually necessary for contract performance where the contractor's working capital and credit are inadequate. This "asset formula" does not include "cash collateral" or bank deposit balances. When progress payments are involved, they are deducted last, to produce a safer borrowing base.

3. Paragraph (a) in § 163.49 is revised; and §§ 163.56–1, 163.62–1, 163.70, 163.72, 163.74, 163.77, 163.78–1, 163.78–7, and 163.79 are revised, as follows:

§ 163.49 Procedure for certificate of eligibility.

* * * * *

(a) As indicated in § 163.48(b), the determination in the certificate of eligibility is based upon giving full weight to practical considerations. It is also intended that in determining whether the materials or services can be procured readily from an alternative source without prejudice to the national defense, due consideration will be given to the effect of the use of alternative sources on established major policies affecting procurement, such as those relating to the mobilization base. If the reletting of contracts with other sources would involve conflict with any of such policies, such reletting in conflict with any such policy should be deemed prejudicial to the national defense. Also, in considering the practicability of alternative sources, in addition to the considerations outlined above, regard should be given to the question whether such potential alternate sources would require Government financing by progress payments, or advance payments, or Government supported financing by means of a guaranteed loan. If such financing would be required for alternative sources, such alternate sources may be fairly considered not "readily available" within the meaning of the certificate of eligibility.

* * * * *

§ 163.56–1 Delegation of authority.

The authority in each case to make findings and determinations with respect to advance payments and to approve contract provisions for advance payments, or to authorize the terms and conditions thereof, may be delegated within each Department no further than, to the Comptroller of the Army (and an alternate within his office) in the Department of the Army; to the Director of Contract Financing (and an alternate within his office) in the Department of the Navy; to the Deputy Comptroller of the Air Force (and an alternate responsible to such Deputy Comptroller); and to the Comptroller, Defense Supply Agency, or an alternate responsible to him. For other Departments (§ 1.201–5 of this chapter), this delegation of advance payment authority may be only to the Comptroller of the Agency, or an alternate responsible to him. However, to the extent deemed necessary or prudent and efficient under exceptional circumstances, further delegations of this advance payment authority may be made with the approval of the Assistant Secretary of Defense (Installations and Logistics).

§ 163.62–1 Action by contracting officer—disapproval.

If the contracting officer determines that the requested advance payment should be disapproved, the contractor's request, information submitted, report of investigation (if any), and statement of reasons for adverse determination should be sent forward immediately to the appropriate contract financing office (§ 163.26). This information may be useful in connection with existing or prospective arrangements for other financing, and for such further action as may be appropriate to enhance uniform application of this part.

§ 163.70 Percentage or stage of completion.

Progress payments based on a percentage or stage of completion will be confined to contracts for construction (§ 10.101–6 of this chapter), shipbuilding and ship conversion, alteration or repair. For all other contracts, including any separate contracts for engines, machinery, equipment, or other components for ships, the only types of progress payment provisions will be those based on costs, as authorized herein. However, on existing contracts which provide for progress payments based on a percentage or stage of completion, it is not required that provision for progress payments based on costs be substituted in connection with future amendments, supplements, or modifications, if such substitution is found impracticable.

§ 163.72 Customary progress payments—standards.

(a) Certain types of contracts involve a long "lead time" or preparatory period, normally approximating 6 months or more between the beginning of work and the first delivery, and may require contractor's predelivery expenditures that will have a material impact on the contractor's working funds. Familiar examples include, among others, contracts for aircraft, engines, complex items of electrical or electronics equipment, heavy handling equipment, production machines and equipment, tanks and other items of heavy ordnance.

(b) Progress payments have been traditional and customary on this class of contracts, on the basis of a percentage of total costs or of direct labor and material costs.

(c) Percentages for customary progress payments shall be not more than 70 percent of total costs or 85 percent of direct labor and material costs of the work done under the undelivered portion of the contract, except that for negotiated contracts with small business concerns and for procurement by "Small Business Restricted Advertising" or pursuant to § 163.73–3, these percentages may be 75 percent of total costs or 90 percent of direct labor and material costs whenever deemed reasonably necessary. Higher percentages will be regarded as unusual, and not within the category of customary progress payments.

(d) The long lead time or preparatory period in these cases, and the accompanying predelivery expenditures that may have a material impact on the contractor's working funds, are regarded as making these customary progress payments reasonably necessary, and as making the general preference for private financing not applicable to this class of cases. Provision for customary progress payments will be made as a matter of course when requested by contractors who are known (from experience or adequate preaward investigation) to be reliable, competent, capable of satisfactory performance, in satisfactory financial condition, and to have an adequate accounting system and controls. In such cases, it is not necessary to require projections of cash receipts and expenditures or other demonstration of actual reasonable need for progress payments. However, in order to minimize administrative effort and expense, progress payments will be discouraged on relatively small contracts of the stronger and larger contractors who are not small business concerns, e.g., contracts for less than $1,000,000, unless the circumstances of a group of such contracts, for contemporaneous performance, make such contracts the approximate equivalent of a larger contract that would have a material impact on the contractor's working funds. If a small business concern, and the contract involved, meet the above standards for customary progress payments, the smallness of the contract shall not deter the making of provision for customary progress payments to such small business concerns.

(e) Progress payments, at standard percentages, may be provided on letter contracts without regard to the length of lead time (§ 163.84).

§ 163.74 Unusual progress payments—standards—procedure.

(a) Progress payments based on costs, other than progress payments of the class and within the limits set forth in §§ 163.72 and 163.73, will be regarded as unusual, and will require special approval. This is deemed necessary for the purpose of minimizing risks, and in order to establish and maintain the greatest practicable uniformity with regard to such progress payments within and among the Departments. Any contractor seeking provision for progress payments that is "unusual," within the meaning of this part, will be required to demonstrate fully his actual need therefor, with due regard to the preference for private financing, including guaranteed loans. Requests for "unusual" progress payments shall be approved only under exceptional circumstances and must have the specific approval of the Head of a Procuring Activity (§ 1.201–7 of this chapter) or of a general or flag officer designated for that purpose.

(b) Such cases must involve a preparatory period requiring contractor's predelivery expenditures that are large in relation to the contract price and in relation to the contractor's working capital and credit. Contract provisions for progress payments in this category will be only supplementary to private financing, including guaranteed loans, in amounts necessary for contract performance. The percentage rates and costs bases for progress payments in this category will be determined on a minimum basis commensurate with the contractor's production schedule requirements and minimum inventory lead time, with due regard to the contractor's projected cash needs, cash resources and their planned application.

(c) All requests involving progress payments at rates exceeding 85 percent (or 90 percent for small business concerns) of direct labor and material costs or exceeding 70 percent (or 75 percent for small business concerns) of total costs, if regarded favorably by the Head of a procuring Activity (§ 1.201–7 of this chapter) or by a specially designated general or flag officer within a procuring activity, will be forwarded, with supporting information, for approval of a designated office or person at Departmental Headquarters of the Department directly concerned. Such office or person may be the contract financing office at Departmental headquarters or such person or persons, located at Departmental headquarters and responsible to the Under or Assistant Secretary responsible for the comptroller function, as may be designated for this purpose by such Under or Assistant Secretary. Such requests, before approval, will be coordinated speedily with representatives of the other Departments and of the Assistant Secretary of Defense (Installations and Logistics). Progress payments at standards rates (§ 163.72) on letter contracts are not deemed unusual.

§ 163.77 Advance payments.

When advance payments and progress payments are authorized in the same contract, progress payment percentages will not exceed the standard percentages mentioned in §§ 163.72 and 163.73.

§ 163.78–1 Progress payments.

See § 163.11. The term "progress payments" must be distinguished from "partial payments." The term "partial payments" describes only (a) payments for partial deliveries accepted by the Government under a contract, or (b) specified payments for significant "milestones" of accomplished performance, and (c) partial payments on contract termination claims.

§ 163.78–7 Contract price.

The term "contract price" means the total amount fixed by the contract (other than any portion of the contract specifically providing for cost reimbursement only), as amended, to be paid for complete performance of the contract. If the contract provides for escalation or for redetermination of price, this term means the initial price until changed and not the ceiling price. If the contract is of the incentive type, the term means the ceiling or maximum price. For letter contracts and similar preliminary contractual instruments, this term means the maximum expenditure authorized by the contract, as amended.

§ 163.79 Contract clauses.

One of the following Progress Payments clauses shall be used whenever progress payments are to be made to a contractor based upon a percentage of costs.

4. Paragraph (c) of § 163.81–2 is revised; §§ 163.85, 163.85–1, 163.85–2, 163.85–3, 163.85–4, 163.85–5, and 163.85–6 are revoked; and in § 163.86, paragraph (a) is revised, as follows:

§ 163.81–2 Alternate method.

* * * * *

(c) With regard only to items for which final prices have been established under contracts, progress payment liquidation percentages conforming to the standards stated in paragraph (a) of this section, but less than the minimum liquidation percentages stated and outlined in paragraph (b) of this section (e.g., less than 70 percent when progress payments are based on 75 percent of total costs or less than 65.3 percent when progress payments are based on 70 percent of total costs) may be established by amendment of contracts, or initially on firm fixed price contracts only, upon submission of satisfactory information by the contractor showing separately (1) the cost of items that have been delivered, accepted, and invoiced, (2) the cost of work not delivered, accepted, and invoiced, (3) the estimated costs of completion, and (4) for amendments, an applicable profit on the items for which final prices have been established that is higher than the amount of profit permitted to be released by application of the progress payment liquidation percentage then specified in the contract.

* * * * *

§ 163.85 Transition. [Revoked]

§ 163.85–1 Separate contracts. [Revoked]

§ 163.85–2 Existing indefinite quantity contracts. [Revoked]

§ 163.85–3 Supplements, amendments, and modifications—when new clause not required. [Revoked]

§ 163.85–4 Supplements, amendments, and modifications—gradual operation of new clause. [Revoked]

§ 163.85–5 Supplements, amendments, and modifications concerning progress payments. [Revoked]

§ 163.85–6 Amendments reducing the rate of progress payments. [Revoked]

§ 163.86 Contracting financing office clearance.

* * * * *

(a) Those involving progress payments at rates exceeding 85 percent of direct labor and material costs or exceeding 70 percent of total costs, except as authorized by §§ 163.72 and 163.73;

* * * * *

5. Sections 163.88, 163.92, 163.92–1, 163.93–3, 163.96, 163.97, 163.98, and 163.98–1 are revised to read as follows:

§ 163.88 Contractor's request.

All invoices for progress payments on contracts containing the Progress Payment clause set out in § 163.79, and on contracts containing any deviation from that clause approved pursuant to §§ 163.86 and 163.87, will be supported by the Contractor's Request for Progress Payment (DD Form 1195) with any supporting information that may be reasonably required. The use of this form is subject to the instructions set forth on the reverse thereof.

§ 163.92 Maximum unliquidated amount.

In all cases where the contract price is sufficient to cover all costs of complete performance, and liquidation of progress payments is effected in accordance with § 163.79–1(b) or § 163.79–2(b), the amount of unliquidated progress payments will never exceed the maximum limit provided by § 163.79–1(a)(3)(i) or § 163.79–2(a)(3)(i), unless liquidation percentages have been based on cost estimates that are less than actual costs. In such cases, if the contract involves a profit to the contractor, the actual unliquidated progress payment amount

will always be less than the maximum limit stated in § 163.79–1(a)(3)(i) and § 163.79–2(a)(3)(i) after the first delivery payment unless liquidation percentages have been based on cost estimates that are less than actual costs. So long as performance is satisfactory and there is no reason to believe that the contract will involve a loss to the contractor or that a liquidation rate fixed pursuant to § 163.81–2 or § 163.79–2(b) is too low, there will be no need or reason to verify the relationship of the amount of unliquidated progress payments to the maximum limit prescribed by § 163.79–1(a)(3)(i) and § 163.79–2(a)(3)(i). However, when the rate or quality of performance is unsatisfactory, or the rate of rejections is unduly high, or there is excessive wastage or spoilage, or it appears that unduly low costs have been attributed by the contractor to delivered items, or a loss to the contractor is otherwise indicated, or that the liquidation rate is too low, careful examination should be made to determine whether or not the unliquidated progress payments exceed the maximum amount permitted by § 163.79–1(a)(3)(i) or § 163.79–2(a)(3)(i). The services of the cognizant audit agency should be utilized to the fullest extent available, together with the services of qualified cost analysis and engineering personnel as required. See § 163.88 and section III, General Instructions, DD Form 1195.

§ 163.92–1 Quarterly statements on price revision contracts.

Many price revision contracts now contain the payment limitation provisions required by Department of Defense Directive No. 4105.7 and substantially as set forth in §§ 7.108 and 7.109 of this chapter. Quarterly statements submitted by contractors pursuant to those contract provisions should be compared from time to time with the Contractor's Request for Progress Payments in order to assure so far as reasonably possible that costs attributed to delivered items on the quarterly statements are excluded from the costs set forth as the basis for unliquidated progress payments on the DD Form 1195. If there is apparent disparity, request for completion of section III of the DD Form 1195 (§ 163.88) would be appropriate.

§ 163.93–3 Excessive inventory.

When inventory allocated to the contract is found substantially to exceed reasonable requirements (§ 163.79–1(c)(3) and § 163.79–2(c)(3)), the simplest form of adjustment to correct or avoid overpayment will be to eliminate the costs of such excess inventory from the costs shown in item 7 of the contractor's request set out in DD Form 1195. If that is not regarded as sufficient in a particular case, or if the adjustment in item 7 of the request will not accomplish full correction, additional deductions, to the extent necessary for the correction, should be made, to liquidate progress payments, incident to billings for payments other than progress payments. Transfer of such excess inventory from the contract should also be required. The expression "reasonable requirements" includes a reasonable accumulation of inventory for future use to assure continuity of operations.

§ 163.96 Amendments to provide progress payments.

There should be ordinarily no occasion to amend contracts to provide for progress payments unless there has been material change from the circumstances contemplated by the parties when invitations for bids were issued or the contract was entered into without progress payment provisions. However, cases do occur (a) in which the actual lead time or preparatory period between the beginning of work and the first delivery substantially exceeds the estimated lead time and in fact runs or will run over 6 months (§ 163.72) or (b) in which unusual circumstances bring about unexpected substantial accumulation of predelivery costs having material impact on the contractor's working funds (§ 163.74). These cases may arise from occurrences such as (1) uncertainties or errors in specifications, (2) contract change notices, (3) Government delays in testing, inspection, furnishing of material or equipment, furnishing of stock numbers, packaging or shipping instructions or shipping documents, or completion of contract supplements, (4) stretch-outs or stop-work orders, (5) performance difficulties of subcontractors and suppliers, and (6) causes beyond the control and without the fault or negligence of the contractor, of the kinds mentioned in § 8.707(c) of this chapter. In these kinds of cases, requests of contractors for amendments to provide progress payments should be considered promptly, in the light of the circumstances then existing. If the circumstances then existing approximate conditions under which progress payments would have been properly provided in conformity with this part at contract inception, if the new circumstances had been foreseen, progress payments should be provided by amendment. In this connection, see particularly §§ 163.15, 163.17, 163.18, 163.19, 163.20, 163.23, 163.23–1, 163.74, and 163.97. In conformity with the standards and procedures of § 7.505 of this chapter, unusual progress payments may be provided by amendment.

§ 163.97 Consideration for amendments providing for progress payments.

Contracts may not be modified except in the interest of the Government. Contracts may be amended to provide for progress payments or larger progress payments only when the amendment provides new and valuable consideration moving to the Government. Appropriate price reduction may provide this consideration. In the varying circumstances of individual cases, the consideration for progress payments need not necessarily be monetary. Agreements by the contractor, incorporated in such an amendment, for the benefit of and substantially advantageous to the Government, may constitute sufficient consideration for an amendment providing for progress payments. When estimated financing costs have been included as an element (whether or not identified) in the contract price, it is fair to expect elimination of the applicable portion of that element of the price when progress payments or larger progress payments are provided by amendment. The fair and reasonable consideration for the progress payment amendment should approximate in a value as nearly as practically ascertainable the amount by which the contract price would have been smaller if a progress payment clause, or the amended larger progress payment clause, had been contained in the contract in the first instance. In the absence of definite information on this point, pertinent factors for estimating the fair and reasonable amount of consideration would include (a) the amounts of progress payments expected to be outstanding for estimated periods of time, (b) the cost of equivalent working funds to the contractor, and (c) the estimated profit rate expected to be earned by contract performance. If not accomplished by a contract price reduction, other concessions or agreement by the contractor, advantageous to the Government and incorporated in the amendment, may be fairly evaluated and accepted as being of value reasonably equivalent to a price reduction. This consideration should be such as is fair, equitable and reasonable in the light of the circumstances of each case. See § 163.96. This consideration should be for the progress payment amendment, and there shall be no provision for interest or other specific charge for progress payments, or for a reduction in payments after the progress payment amendment (other than any agreed discount for prompt payment) by reason of the making of progress payments.

§ 163.98 Scope.

This subpart provides uniform policies and procedure for the ascertainment and collection of contract debts, for the charging of interest thereon, for deferral of payments, for compromise and termination of certain claims, and for reporting of contractor bankruptcies. Except as specified herein, it applies to all indebtedness arising in connection with contracts for procurement of property or services, contracts for sale or use of Government property, and from charges for Government services.

§ 163.98–1 Exclusion and limitation.

This subpart does not apply to claims of the Government against military or civilian employees or their dependents, arising in connection with current or past employment by the Government. Its provisions concerning interest and deferral of payments and compromise or termination of certain claims do not apply to indebtedness resulting from statutory renegotiation, nor to claim against common carriers for transportation overcharges or freight or cargo loss or damage.

6. In § 163.99, paragraphs (i) and (j) are revised and paragraphs (k) and (l) are revoked; and §§ 163.101–4, 163.101–5, 163.102, 163.106–2, 163.107, 163.109, and 163.109–1 are revised, as follows:

§ 163.99 Examples.

* * * * *

(i) Delinquency in payment called for by agreement or arrangement for deferral or postponement of payments;

(j) Statutory renegotiation. See § 163.98–1.

(k) [Revoked]

(l) [Revoked]

§ 163.101–4 Records after transfer.

(a) Upon transfer of a case to the contract financing office (§ 163.109), the debt record maintained by a contracting officer shall be closed by appropriate reference to the date of transfer.

(b) When a disbursing officer is primarily responsible for collection (§ 163.100), he should maintain his record of the debt until he receives payment or is advised of collection.

(c) In all cases transferred to a contract financing office (§ 163.109), that office shall establish and maintain an accounts receivable record showing all pertinent information relating to the debt, including an indebtedness and payment record reflecting current status, to be closed upon collection or compromise, or referral of the case to the General Accounting Office or to the Department of Justice.

§ 163.101–5 Deferral request records and copies.

When the contract financing office enters into a deferral agreement (§ 163.109) or a compromise (§ 163.123), it will furnish copies to the appropriate contracting officer and disbursing officer when deemed necessary. When the contract financing office denies a deferral request, or does not reach agreement with a contractor on a deferment, it will give timely notice to the appropriate contracting officer and disbursing officer when deemed necessary.

§ 163.102 Cash collection—non-postponement.

Except as expressly authorized in this subpart (§§ 163.112, 163.113, 163.114, 163.121, and 163.123), there shall be no postponement of payment of indebtedness, or compromise of indebtedness, and amounts due shall be paid in one sum upon demand, in cash or by credit against existing unpaid billings due to the contractor.

§ 163.106–2 Special demand by contract financing office.

If no previous demand has given notice of interest charge, the first demand made by the contract financing office (§ 163.26) will give notice of interest charge to be effective from the initial demand previously made, on amounts not paid before the expiration of 30 days after the date of the first demand.

§ 163.107 Reduction of amount—interest.

When, after demand giving notice of interest charge, the amount demanded is reduced to a lesser amount, or the debt demanded is replaced by a lesser debt, interest shall be charged on the reduced or substituted lesser amount at 6 percent per annum from the date specified by the first demand made for payment of the higher amount. No agreement may be made to the contrary.

§ 163.109 Transfer to contract financing office.

(a) Transfer of the case will be made to the contract financing office (1) upon receipt of a contractor's request for deferral, or (2) whether or not postponement is requested, upon the expiration of 45 days without full collection after the date of demand, as herein provided. Transfer shall be to the contract financing office of the Department within which its Procuring Activity awarded the contract, i.e., the contract financing office of the Procuring Department, except that debts (§ 163.98) originating in DCAS shall be transferred to the contract financing office of DSA (§ 163.26). When a contract financing office receives a case involving a contract awarded by a Procuring Activity of another Department, it shall promptly notify the contract financing office of the Procuring Department.

(b) Deferment requests, with appropriate supporting information will be sent forward as speedily as possible to the contract financing office (§ 163.26) of the Department concerned for appropriate action. In connection with transmittal of a deferment request, or if payment is not made and withholdings have not resulted in full collection within 45 days after the date of demand (except the demands mentioned in § 163.105) the case file, and accountability, will be transferred to the contract financing office (§ 163.26) of the military department which established the debt. The case file submitted shall contain adequate identifying and explanatory information, including relevant memoranda and correspondence, accounting data, amounts and dates of any collections, name and location of disbursing office and of assignee, date of filing of appeal, if any, information on hand concerning financing condition of the contractor, contractor's deferment proposal, if any, and recommendations for action on the deferment proposal. After this transfer, the contract financing office will have full responsibility for collection action, but this transfer shall not operate to relieve a certifying or disbursing officer of liability for overpayments or illegal payments as fixed under applicable law. Such transfer will be accomplished by the office having primary responsibility regarding the debt (§ 163.100).

(c) When a debt has been transferred to the contract financing office by the office having primary responsibility, all subsequent debts of the same contractor, for which that same office has primary responsibility, shall also be transferred immediately by that office to the same contract financing office, unless there is assurance of prompt payment in full.

§ 163.109–1 Small amounts.

The transfers required by § 163.109 will not be made for amounts less than $50.00. However, it is incumbent on contracting officers and disbursing officers to effect collection whenever and by such means as are practicable. (See § 163.101.)

7. Section 163.119 is revised; new paragraph (c) is added to § 163.119–1; §§ 163.120 and 163.121 are revised; and new §§ 163.123, 163.123–1, and 163.124 are added, as follows:

§ 163.119 Exceptions to interest clause requirement.

Contract provision for interest need not be included in (a) small purchases (see Subpart F, Part 3 of this chapter); (b) purchases described in §§ 16.303, 16.304, 16.501, and 16.504 of this chapter, or in Part 5 of this chapter; (c) purchases under indefinite delivery type contracts existing before the effective date of this subpart; (d) amendments of contracts existing before the effective date of this subpart; or (e) contracts with agencies of the U.S. Government, foreign governments or agencies thereof, State or local governments or agencies thereof, or nonprofit contracts with nonprofit educational or research institutions. Further exceptions may be established by the Contract Finance Committee (§ 163.12–3), with the approval of the Assistant Secretary of Defense (Installations and Logistics) or his representative.

§ 163.119–1 Further exceptions.

* * * * *

(c) Transportation contracts with common carriers for common carrier services, e.g., common carrier transportation services procured by transportation requests, transportation warrants, bills of lading, and similar transportation forms (§ 1.102 of this chapter).

§ 163.120 Exemptions from administrative interest charge.

Contractors and contracts mentioned in § 163.119(e), and other contractors in exceptional circumstances, may be exempted from the administrative interest charges required by this subpart when so agreed by the Contract Finance Committee (§ 163.12–3) with the approval of the Assistant Secretary of Defense (Installations and Logistics) or his representative.

§ 163.121 Responsibilities.

(a) The contract financing office (§ 163.26) of each military department, will take appropriate actions to effect collection of debts referred to it, including administration of deferment agreements, to cause debts to be listed on the consolidated list of contractors indebted to the United States, commonly known as the "Hold-up List," to remove names from the "Hold-up List," to determine administrative uncollectibility, and to refer debts to the General Accounting Office or the Department of Justice as appropriate. Within each Department, no arrangement for postponement or deferral of payments may be made without the approval of the contract financing office. Acting in conformity to the standards stated in this subpart those offices may approve or deny deferment proposals transmitted to them or made di-

rectly to them by contractors, or approve such proposals on prescribed conditions.

(b) Responsibility for assuring effective administration in accordance with this subpart shall be in the Assistant Secretary of Defense (Installations and Logistics). Responsibility for effective administration under this subpart in each Department shall be in the Under or Assistant Secretary responsible for the comptroller function. The Contract Finance Committee (§ 163.12–3) shall advise and assist the Assistant Secretary of Defense (Installations and Logistics) in assuring proper application of policies and the development of procedures hereunder, and in the formulation of such further instructions on this subject as may appear desirable. That Committee is responsible for this part and will develop and promulgate herein supplemental instructions on this subject.

(c) Reports will be made by each Department in connection with the subject matter of this subpart at such times and in such form as may be prescribed or approved by the Assistant Secretary of Defense (Comptroller) and the Assistant Secretary of Defense (Installations and Logistics).

§ 163.123 Compromise.

The Federal Claims Collections Act of 1966 (P.L. 89–508, 80 Stat. 308), July 19, 1966, authorizes the compromise of certain claims that do not exceed $20,000. This statute also authorizes termination or suspension of collection action on such claims. Actions under this statute must conform to standards prescribed jointly by the Attorney General of the United States and the Comptroller General of the United States. These controlling standards have been established by joint regulations published in the FEDERAL REGISTER of October 15, 1966, pages 13381–13385, Title 4, Chapter II, entitled, "Joint Regulations Prescribing Standards for Administrative Collection, Compromise, Termination of Agency Collection Action, and Referral to General Accounting Office, and to Department of Justice for Litigation, of Civil Claims by Government for Money or Property."

§ 163.123–1 Delegation.

Department of Defense Authority under the above statute and joint regulations (§ 163.123) has been delegated to the Departments (§ 163.3). Within each Department, for those debts covered by this subpart (§163.98) authority to act in conformity to the cited statute and joint regulations has been delegated to the contract financing office (§ 163.26).

§ 163.124 Bankruptcy reporting.

For those debts covered by this subpart (§ 163.98), claims in bankruptcy or insolvency, or in proceedings for reorganization or rearrangement will be furnished to the Department of Justice. These claims are (a) those which have been transferred to a contract financing office (§ 163.109), (b) those on their way to a contract financing office at inception of bankruptcy or insolvency proceedings, (c) those pending and not forwarded to a contract financing office at inception of bankruptcy or insolvency proceedings, and (d) those which are the consequence of bankruptcy or insolvency proceedings. Proof of claim, with pertinent supporting data and documentation shall be furnished to the Department of Justice by the contract financing office (§ 163.26) or by such other office or offices as may be designated within a Department. Information will be supplied to the contract financing office by the office of origin of a debt as soon as possible after the beginning of proceedings for bankruptcy, insolvency, reorganization, or rearrangement. Information, reports, and proof of claim under this paragraph are not expected on debts of less than $150.

[Rev. 22, Appendix E, ASPR, Apr. 3, 1967] (Sec. 2202, 70A Stat. 120; 10 U.S.C. 2202. Interpret or apply sec. 301, 702(d), 64 Stat. 800, 816, as amended, secs. 2307, 7364, 70A Stat. 131, 455, as amended, sec. 1, 72 Stat. 972; 50 U.S.C. App. 2091, 2153(d), 10 U.S.C. 2307, 7364, 50 U.S.C. 1431, E.O. 10480, 18 F.R. 4939, 3 CFR, 1953 Supp., E.O. 10789, 23 F.R. 8897, unless otherwise noted)

KENNETH G. WICKHAM,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 67–9706; Filed, Aug. 17, 1967, 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 729]

PEANUTS

Proposed Proclamation Regarding 1968 National Marketing Quota, National Acreage Allotment, and Apportionment of National Acreage Allotment (Less Reserve for 1968 New Farms) to States

The Secretary of Agriculture is required by section 358(a) of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1358(a)), to proclaim, between July 1 and December 1 of each calendar year, the amount of the national marketing quota for peanuts for the crop produced in the next succeeding calendar year. The amount of such quota is the total quantity of peanuts which will make available for marketing a supply of peanuts from the crop with respect to which the quota is proclaimed equal to the average quantity of peanuts harvested for nuts during the 5 years immediately preceding the year in which such quota is proclaimed, adjusted for current trends and prospective demand conditions.

Section 358(a) of the act further provides that the national marketing quota for peanuts shall be converted to a national acreage allotment by dividing such quota by the normal yield per acre of peanuts for the United States determined by the Secretary on the basis of the average yield per acre of peanuts in the 5 years preceding the year in which the quota is proclaimed, with such adjustment as may be found necessary to correct for trends in yields and for abnormal conditions of production affecting yields.

Section 358(a) of the act also requires that the national marketing quota be a quantity of peanuts sufficient to provide a national acreage allotment of not less than 1,610,000 acres.

Section 358(c)(1) of the act (7 U.S.C. 1358(c)(1)) provides that the national acreage allotment for any year, less the acreage to be allotted to new farms under section 358(f) of the act (7 U.S.C. 1358(f)), shall be apportioned among the States on the basis of their shares of the national acreage allotment for the most recent year in which such apportionment was made. Pursuant to this provision of the Act, the national acreage allotment for the 1968 crop of peanuts will be apportioned to States on the basis of their shares of the 1967 national acreage allotment.

Before any action is taken with respect to proclaiming the national marketing quota, establishing the national acreage allotment, apportioning the national acreage allotment (less reserve) among the States, or determining the percentage of the national acreage allotment to be reserved for new farms, consideration will be given to any data, views, and recommendations relating thereto which are submitted in writing to the Director, Policy and Program Appraisal Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250.

All written submissions must be postmarked not later than 30 days after publication of this notice in the FEDERAL REGISTER.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Signed at Washington, D.C., on August 11, 1967.

E. A. JAENKE,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 67–9721; Filed, Aug. 17, 1967; 8:46 a.m.]

Consumer and Marketing Service

[7 CFR Part 927]

BEURRE D'ANJOU, BEURRE BOSC, WINTER NELIS, DOYENNE DU COMICE, BEURRE EASTER, AND BEURRE CLAIRGEAU VARIETIES OF PEARS GROWN IN OREGON, WASHINGTON, AND CALIFORNIA

Expenses and Fixing of Rate of Assessment for 1967–68 Fiscal Period and Carryover of Unexpended Funds

Consideration is being given to the following proposals submitted by the Control Committee, established pursuant to the marketing agreement, as amended, and Order No. 927, as amended (7 CFR Part 927), regulating the handling of Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in Oregon, Washington, and California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(1) That expenses that are reasonable and necessary to be incurred by the Control Committee, during the period July 1, 1967, through June 30, 1968, will amount to $41,635.38.

(2) That the rate of assessment for such period, payable by each handler in accordance with § 927.41 be fixed at one cent ($0.01) per standard western pear box of pears, or an equivalent quantity of pears in other containers or in bulk.

(3) That unexpended funds in excess of expenses incurred during the fiscal period ended June 30, 1967, in the amount of $13,024.72, be carried over as a reserve in accordance with § 927.42 of the said marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals shall file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: August 14, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67–9725; Filed, Aug. 17, 1967; 8:46 a.m.]

[7 CFR Part 1133]

MILK IN INLAND EMPIRE MARKETING AREA

Notice of Proposed Suspension of Certain Provisions of Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as ameneded (7 U.S.C. 601 et seq.), the suspension of certain provisions of the order regulating the handling of milk in the Inland Empire marketing area is being considered for the period of September, October, and November 1967.

The provisions proposed to be suspended are: In paragraph (c) of § 1133.12 (producer milk definition), the provision: "15 percent in the months of September, October, and November," where such provision appears in both subparagraphs (1) and (2) of such paragraph. The provisions relate to the limit on diverting the milk of producers in each of the months of September through November.

The proposed suspension would permit handlers to divert producer milk from a pool plant to a nonpool plant during the months of September through November 1967 without limit. The order presently provides for diversion not in excess of 15 percent for each of the months during the period September through November.

A cooperative association representing a substantial number of producers supplying the market has requested this suspension pending the issuance of a

final order on amendments considered at a public hearing held at Spokane, Wash., on July 25, 1967. One of the proposals considered at the hearing concerned diversion limits.

Proponent stated that marketing conditions which necessitated suspension of the diversion provisions for the period April through July 1967 (32 F.R. 6341) will continue to exist for the period September through November 1967. Producer deliveries have increased in recent months more than usual for the season. It is expected, therefore, that milk in excess of 15 percent (as required for each of the months of September through November) of that delivered to pool plants will need to be diverted to nonpool plants for manufacture into butter, cheese, nonfat dry milk, etc.

The proposed suspension will permit dairy farmers who have supplied the fluid milk requirements of the market to continue as producers under the order.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112–A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 3 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Signed at Washington, D.C., on August 14, 1967.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 67–9763; Filed, Aug. 17, 1967; 8:49 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 91]

[Docket No. 8340; Notice 67–37]

PRIORITY HANDLING REPORTS

Compliance With ATC Clearance and Instructions

The Federal Aviation Administration (FAA) is considering amending Part 91 of the Federal Aviation Regulations to provide that the report, presently required from a pilot who is given priority by air traffic control in an emergency, be submitted only upon the request of ATC.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in the notice may be changed in the light of comments received. All comments submitted will be available in the Rules Docket for examination by interested persons, both before and after the closing date for comments.

Section 91.75(d) currently requires a pilot in command who is given priority by ATC in an emergency to submit a detailed report of the emergency to the nearest FAA Regional Office within 48 hours.

The requirement for submitting this report was inserted into the air traffic rules in 1947 to minimize the practice of a pilot declaring an emergency in order to receive preferential handling by ATC. At this time turbojet aircraft were being introduced into the air traffic control system and pilots of those aircraft often declared emergencies in order to obtain priorities.

Since 1947, various factors have changed. Advancements in turbojet operational capability (especially fuel management), improved pilot familiarization, and improved procedures for handling these aircraft have made priority emergencies virtually nonexistent.

On August 23, 1966, the U.S. Air Force requested an exemption from § 91.75(d) citing as a primary reason the fact that, in many instances, ATC may grant a pilot priority and not inform the pilot. This regulation requires a pilot to file a report whether or not he may be aware that he has received priority handling. Therefore, it appears that the basis for the Air Force request is applicable to other pilots also. Since the need for the regulation has lessened proportionately with the decrease in priority emergencies, it now appears desirable to require priority reports only upon request of the ATC facility involved. This would reflect the diminishing basis for the requirement and avoid the incongruity of automatically requiring a report from a pilot receiving priority handling who may not be aware of the service received.

In consideration of the foregoing, it is proposed to amend paragraph (d) of § 91.75 to read as follows:

§ 91.75 Compliance with ATC clearances and instructions.

* * * * *

(d) Each pilot in command who (though not deviating from a rule of this subpart) is given priority by ATC in an emergency, shall, if requested by ATC, submit a detailed report of that emergency within 48 hours to the chief of that ATC facility.

This amendment is proposed under the authority of sections 307 and 313 of the Federal Aviation Act of 1958 (49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on August 10, 1967.

ARCHIE W. LEAGUE,
Director, Air Traffic Service.

[F.R. Doc. 67–9717; Filed, Aug. 17, 1967; 8:46 a.m.]

ATOMIC ENERGY COMMISSION

[10 CFR Part 70]

SPECIAL NUCLEAR MATERIAL

Withdrawal of Notice of Proposed Rule Making

On March 5, 1963, the Atomic Energy Commission published for public comment in the FEDERAL REGISTER (28 F.R. 2111) a proposed revision of its regulation 10 CFR Part 70 which, among other things, would have added criticality considerations and other licensing criteria to the regulations applicable to licensing of special nuclear material. In consideration of the comments received and further study of the problem, the notice of proposed rule making, published in the FEDERAL REGISTER on March 5, 1963 (28 F.R. 2111), entitled "'Licensing of Special Nuclear Material' to Add Criticality Considerations and Other Licensing Criteria" is hereby withdrawn. The Commission is developing another revision of Part 70 which will, among other things, reflect its consideration of the comments received on the notice which is being withdrawn.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Issued at Germantown, Md., this 7th day of August 1967.

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary.

[F.R. Doc. 67–9705; Filed, Aug. 17, 1967; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 89]

[Docket No. 17581; FCC 67–961]

SPECIAL RADIO SERVICE

Eligibility of Medical Associations; Order Extending Time for Filing Comments

In the matter of amendment of § 89.507 of the Commission's rules to make medical associations eligible for authorization in the Special Radio Service.

1. The National Association of Radiotelephone Systems (NARS) has requested the Commission to extend the time for filing comments in the above-captioned matter. Comments are required to be filed on or before August 14, 1967. NARS has asked that the comment date be extended to October 2, 1967, and that reply comments be extended from August 24, 1967, to October 16, 1967. In support of the requested extension NARS states that it is interested in the subject rule making; that it considers private cooperative systems to be "violative of the Communications Act and Regulations * * * and, if tolerated, * * * will drive the regulated carrier out of business * * *"; that its annual national convention will be held September 10–13, 1967; and, that the extension would provide an adequate opportunity for discussion and deliberation of this proceeding and the preparation of appropriate pleadings based upon recommendations of the annual convention.

2. On August 10, 1967, Allied Telephone Companies Association (Allied) also requested extension of the filing date to September 15, 1967. Allied states that its board of directors would meet on August 11, 1967, to determine the Association's position with respect to this proceeding and that it needs the additional time to prepare its comments thereafter.

3. The notice in this proceeding was issued on July 10, 1967. NARS has not shown that the time allotted has not been sufficient for preparation of its comments. It is clear that NARS has an established policy with respect to the issues, and has not shown that it needs policy guidance thereon from the national convention. It is noted that the NARS convention has been scheduled well in advance and the Commission cannot be expected to schedule the flow of its rule making proceeding to accommodate industry association conventions, absent a good showing that new and otherwise unobtainable information would develop in such conventions.

4. Nor has Allied justified its request. The basic policy decision was to be made by its board of directors on August 11, 1967, and Allied has not shown that it needs more than a month thereafter to prepare and file its comments.

5. On the other hand, there is a need to conclude the instant proceeding as soon as possible because, among other reasons, there are pending applications to be disposed and there are a number of systems in operation for which future plans cannot be made until a decision in this matter is reached.

6. Accordingly, the requests of NARS and Allied are denied. However, the filing date will be extended for a period of two weeks to permit them to file their comments.

7. In view of the foregoing: *It is ordered*, That the time for filing comments in the above-captioned proceeding is extended from August 14, 1967, to August 28, 1967, and the time for filing reply comments from August 24, 1967, to September 7, 1967.

Adopted: August 14, 1967.

Released: August 15, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67–9755; Filed, Aug. 17, 1967; 8:48 a.m.]

[1] Commissioner Cox dissenting; Commissioners Wadsworth and Johnson absent.

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 424]

[No. 32464]

CARRIERS BY INLAND AND COASTAL WATERWAYS

Uniform System of Accounts

AUGUST 1, 1967.

Notice is hereby given pursuant to the provisions of section 4(a) of the Administrative Procedure Act that the Commission has under consideration proposed amendments of the Uniform System of Accounts for Carriers by Inland and Coastal Waterways, to be effective as of January 1, 1967, with regard to the accounting treatment of extraordinary and prior period items in the determination of net income.

The proposed regulations would (a) generally require that items affecting net income be recorded in appropriate profit and loss accounts, rather than by direct entry to retained income account, and (b) explain, definite, and provide accounts and categories for ordinary income, extraordinary items, prior period items, and applicable income taxes.

The revised rules herein proposed will have several notable advantages over current regulations which conditionally permit direct entry to retained income. Moreover, in asserting more objective criteria with respect to determination of materiality than presently exist, the proposed changes are intended to minimize the need to interpret existing regulations.

The detailed statement of proposed rule set forth below completely states the proposed revisions to the applicable parts of the Uniform System of Accounts for Carriers by Inland and Coastal Waterways, considered necessary to accomplish the stated objectives.

All carriers affected by the proposed rules and other interested parties who desire to do so should submit written views and comments for consideration, as soon as possible, and not later than September 15, 1967. The Commission will consider all such responses and representations before deciding this matter, after which such order as may be found appropriate will be entered. An original and three copies of any such response should be submitted.

Notice shall be given Carriers by Inland and Coastal Waterways hereby affected and to the general public by depositing this notice in the office of the Secretary of the Commission at Washington, D.C., and by filing this notice with the Director, Office of the Federal Register.

(Sec. 313, 54 Stat. 944, as amended; 49 U.S.C. 913)

By the Commission, Division 2.

[SEAL] H. NEIL GARSON,
Secretary.

DETAILED STATEMENT OF PROPOSED RULE

I. INSTRUCTIONS DELETED AND AMENDED

Item No. 1. Instruction "2 Definitions", is amended by adding the following after the last sentence of paragraph (k): "See instructions 3 and 4."

Item No. 2. Instruction "4 Delayed items and adjustments", is revised as follows:

4 Extraordinary and prior period items.

(a) All items of profit and loss recognized during the year are includible in ordinary income except nonrecurring items which in the aggregate for the same class are both material in relation to operating revenues and ordinary income for the year and are clearly not identified with or do not result from the usual business operations of the year. Important items of the kind which occur from time to time and which, when material in amount, are to be excluded from ordinary income are those resulting from unusual sales of property and investment securities other than temporary cash investments; from wars and similar calamities and catastrophes, which are not a recurrent hazard of the business and which are not usually covered by insurance; from change of accounting principles; and from prior period items (other than ordinary adjustments of a recurring nature). Material items are those which, unless excluded from ordinary income, would distort the accounts and impair the significance of ordinary income for the year. Items so excludible from ordinary income are to be entered directly in the income accounts provided for extraordinary and prior period items upon approval of the Commission.

Adjustments constituting items of customary business activities or corrections or refinements resulting from the natural use of estimates inherent in the accounting process, including those arising from disposal of a unit of property sold or retired in the regular course of business operations, shall not be considered extraordinary or prior period items regardless of size.

(b) In determining materiality, items of a similar nature should be considered in the aggregate; dissimilar items should be considered individually. As a general standard, an item to qualify for inclusion as an extraordinary or prior period item, shall exceed 1 percent of total water-line operating revenues and ten percent of ordinary income for the year.

(c) Ordinary delayed items and adjustments arising during the current year which are applicable to or related to transactions of prior years shall be included in the same accounts which would have been charged or credited had the item been taken up or adjusted in the period to which it pertained. Ordinary delayed items exclude items of the character described in paragraph (a).

Item No. 3. Instruction "11 Depreciation accounting" is amended by revising the last sentence of paragraph (e) and the text of paragraphs (f) and (g) as follows:

(e) * * * Any differences between the service value of the particular unit or item retired and the amount charged to account 150 shall be included in the appropriate income account.

(f) *Insurance recoverable.* When amounts are recoverable from insurance companies or chargeable to the insurance reserve in connection with retirement of depreciable property, the difference between the insurance recoverable and the net book value of the property (book cost less recorded depreciation) shall be included in the appropriate income account.

(g) *Inadequate or excessive balance.* A carrier may request, or the Commission may direct, that special accounting be applied in situations causing undue inflation or deflation of depreciation reserves. A carrier's request for special accounting shall contain full particulars concerning the situation, including the basis for its proposal. Alternative accounting techniques shall be applied to the extent approved or directed by the Commission.

Item No. 4. Instruction "23 Book cost of securities owned" is amended by revising the last sentence of paragraph (b) as follows:

(b) * * * The amount of such adjustment shall be charged to account 527, "Miscellaneous income charges", or account 570, "Extraordinary items", as appropriate.

Item No. 5. Instruction "27 Discount, premium, and expense on long-term debt" is amended by revising paragraph (d) as follows:

(d) Except as otherwise provided in this instruction, the balance in each account shall be carried until the reacquirement of the securities to which it relates at which time the proportion (based on the relation of the amount reacquired to the total outstanding before reacquirement) of the balance in the account for the particular class of long-term debt reacquired shall be closed to account 507, "Miscellaneous income", account 527, "Miscellaneous income charges", or account 570, "Extraordinary items", as appropriate.

Item No. 6. Instruction "44 Cost of construction" is amended by revising the second sentence of paragraph (g) as follows:

(g) * * * Such costs shall be included in the cost of the work in connection with which the injury or damage occurs, except that unusual losses that result in the destruction of units that have to be entirely replaced prior to completion of the projects shall be charged to account 525, "Losses from sale or disposition of property", or account 570, "Extraordinary items", as appropriate; * * *

Item No. 7. Instruction "47 Retirements and replacements" is amended by revising the last sentence of paragraph (b)(2), the last two sentences of paragraph (c) and all of paragraph (d) as follows:

(b) * * *

(2) * * * If retired property is held by the carrier for other than water-line service, its appraised value shall be included in account 160, "Noncarrier physical property", provided the appraised value shall not exceed the net book value (book cost less recorded depreciation) of such retired property.

(c) *Land retired.* * * * If the land is sold, the necessary adjustment between the book cost and the sale price shall be included in account 508, "Profits from sale or disposition of property", account 525, "Losses from sale or disposition of property", or account 570, "Extraordinary items", as appropriate. If the land is retained, the lesser of its appraised value or book cost shall be charged to account 160, "Noncarrier physical property", and the necessary adjustment included in account 525, or account 570, as appropriate.

(d) *Sale of property.* In case carrier or noncarrier depreciable property is sold or otherwise disposed of and the net proceeds realized, including insurance and salvage, are in excess of the net book value (book cost less recorded depreciation), such excess shall be credited to account 508, "Profits from sale or disposition of property", or account 570, "Extraordinary items", as appropriate.

Item No. 8. The text of instruction "52 Purpose of retained income account" is revised as follows:

52 Purpose of retained income account.

The retained income accounts are designed to show the changes in retained income during each calendar year as affected by the balance of the income account as reported for the period; by any disposition of retained income made solely at the option of the carrier; and, when authorized by the Commission, other items.

Item No. 9. Instruction "61 Purpose of income accounts" as amended by revising paragraphs (a) and (b) as follows:

The income accounts are designed to show as nearly as practicable for each calendar year the amount of money that a carrier becomes entitled to receive for transportation services rendered, the income accrued upon investments in securities and noncarrier property, the accrued costs payable for the transportation services rendered; the amounts accrued for taxes, for use of moneys, for use of properties of others, and for extraordinary and prior period items. See instruction 4.

II. TEXTS OF BALANCE SHEET ACCOUNTS DELETED AND AMENDED

Item No. 1; Account 115 Material and supplies. The text of this account is amended by revising paragraph (d) as follows:

(d) Reusable material recovered in connection with maintenance work or the demolishing of fixed improvements or equipment shall be charged to this account at amounts not to exceed cost, estimated if not known. Scrap and nonusable materials shall be carried at estimated salvage value; when sold or disposed of, the difference between proceeds and recorded values shall be adjusted (as far as practicable) through the accounts which were credited when the material was recovered and taken into this account.

Item No. 2; Account 147 Land. The text of this account is amended by revising paragraph (b) as follows:

(b) Proceeds from the sale of timber, mineral deposits or improvements purchased with land, less the cost of removal, shall be credited to this account up to the amount of the purchase price allocated as their cost. Any excess shall be credited to account 507, "Miscellaneous income", or, when qualifying as extraordinary pursuant to instruction 4, shall be included in account 570, "Extraordinary items".

Item No. 3; Account 150 Depreciation reserve; transportation property. The text of this account is amended by revising the second sentence of paragraph (a) as follows:

(a) * * * It shall also include other entries which may be authorized by the Commission; see instruction 11. * * *

Item No. 4; Account 161 Depreciation reserve; noncarrier physical property. The text of this account is amended by revising the last sentence of paragraph (b) as follows:

(b) * * * In case the net proceeds realized, including insurance and salvage, are in excess of the net book value (book cost less recorded depreciation), such excess shall be credited to account 508, "Profits from sale or disposition of property", or account 570, "Extraordinary items", as appropriate.

Item No. 5; Account 174 Debt discount and expense. The text of this account is amended by revising paragraph (b) as follows:

(b) When an issue of debt securities, or any part thereof, is refunded and at the date of refunding there is a balance of unamortized discount and expense relating thereto, such amount, together with any premium paid in retiring the debt, shall be charged to account 527, "Miscellaneous income charges", or account 570, "Extraordinary items", as appropriate.

Item No. 6; Account 175 Other deferred debits. The text of paragraph (a) of this account is amended by revising the third tabulated item as follows:

Balance in account 601, "Material and stores expenses";

Item No. 7; Account 190 Reacquired and nominally issued long-term debt. The text of this account is amended by revising paragraph (b) as follows:

(b) The difference between the par value of long-term debt and the amount paid therefor, including commissions and expenses in connection with its reacquisition and the portion of unamortized premium, discount, and expense relating to the long-term debt reacquired shall be included in account 507, "Miscellaneous income", account 527, "Miscellaneous income charges", or account 570, "Extraordinary items", as appropriate.

Item No. 8; Account 231 Premium on long-term debt. The text of this account is amended by revising paragraph (b) as follows:

(b) When an issue of debt securities, or any part thereof, is refunded and at the date of refunding there is a balance of unamortized premium relating thereto, such amount shall be credited to account 507, "Miscellaneous income", or account 570, "Extraordinary items", as appropriate.

Item No. 9; Account 232 Other deferred credits. The text of paragraph (a) of this account is revised by deleting the second tabulated item.

Item No. 10; Account 280 Retained income—unappropriated. The text of this account is amended by revising paragraph (b) as follows:

(b) The balance of all retained income accounts (281 to 287, inclusive) shall be closed into this account at the end of each calendar year.

Item No. 11. The system of accounts, following the caption "Retained Income Accounts", is revised by deleting the following account numbers, titles and texts:

282 Profits from unusual sales of property.
284 Losses from unusual sales of property.
288 Federal income taxes assigned to retained income.

Item No. 12; Account 283 Miscellaneous credits. The text of this account is revised as follows:

283 Miscellaneous credits.

This account shall include other credit adjustments, net of assigned income taxes, not provided for elsewhere in this system, but only after such inclusion has been authorized by the Commission.

Item No. 13; Account 285 Miscellaneous debits. The text of this account is revised as follows:

285 Miscellaneous debits.

(a) This account shall include losses from resale of reacquired capital stock, and charges which reduce or write off discount on capital stock issued by the company, but only to the extent that such charges exceed credit balances in paid-in surplus for shares reacquired.

(b) This account shall also include other debit adjustments, net of assigned income taxes, not provided for elsewhere in this system, but only after such inclusion has been authorized by the Commission.

III. TEXTS OF INCOME ACCOUNTS REVISED AND AMENDED

Item No. 1; Account 504 Interest income. The text of this account is amended by revising the last sentence of paragraph (b) as follows:

(b) * * * Any discount or premium remaining unextinguished upon the maturity and satisfaction of such securities shall be cleared to account 507, "Miscellaneous income", or to account 527, "Miscellaneous income charges", as appropriate.

Item No. 2; Account 507 Miscellaneous income. The list of items following the text of this account is revised as follows:

ITEMS

1. Profits from sale of securities, including temporary cash investments.
2. Proceeds from the sale of timber or improvements purchased with the land, or mineral deposits, in excess of the cost thereof including cost of recovery.
3. Credits resulting from adjustments required to bring to par long-term obligations issued or assumed by the carrier and reacquired at a cost less than par value.
4. Unamortized premium on long-term debt reacquired before maturity.
5. Profits derived from conversion of money of a foreign country into U.S. money.
6. Fees collected in connection with the exchange of coupon bonds for registered bonds.
7. Cancellation of liability accounts (including unclaimed wages) or erroneous collections (except unrefundable revenue overcharges) written off because of carrier's inability to locate the creditor or payee.
8. Recovery of fines previously charged to account 527, "Miscellaneous income charges".
9. Remittances received from anonymous sources.

When the profits, proceeds or adjustments resulting from any of the first four items are of amounts sufficiently large to constitute extraordinary items, pursuant to instruction 4, such profits, proceeds or adjustments shall be credited to account 570, "Extraordinary items".

Item No. 3; Account 508 Profits from sale or disposition of property. The text of this account is amended by deleting the last sentence and adding the following new paragraph:

When the profit from the sale of carrier and noncarrier property is of an amount sufficiently large to constitute an extraordinary item, pursuant to instruction 4, such profit shall be credited to account 570, "Extraordinary items".

Item No. 4; Account 525 Losses from sale or disposition of property. The text of this account is amended by deleting the last sentence and adding the following new paragraph:

When the loss from the sale of carrier and noncarrier property is of an amount sufficiently large to constitute an extraordinary item, pursuant to instruction 4, such loss shall be charged to account 570, "Extraordinary items".

Item No. 5; Account 527 Miscellaneous income charges. The list of items following the text of this account is revised as follows:

ITEMS OF EXPENSE

1. Losses resulting from revaluation or sale of securities of others held as investments.
2. Debits resulting from adjustments required to bring to par long-term debt obligations issued or assumed by the carrier and reacquired at a cost exceeding par value.
3. Unextinguished discounts and expenses on funded debt reacquired before maturity.
4. Loss on funds due to bank failures.
5. Book cost (in excess of reserve provisions) of improvements on leased property at time of reversion to lessor.
6. Payments of liabilities previously written off.
7. Penalties and fines for violations of the Interstate Commerce Act, and other Federal or state laws, when not specifically provided for elsewhere.
8. Calls for bids in accordance with provisions of mortgages.
9. Cost of advertising bonds drawn for redemption.
10. Losses due to conversion of money of a foreign country into U.S. money.
11. Premiums on bonds to assure performance of agreements when chargeable to income accounts.
12. Taxes on interest on carrier's funded debt paid at the source under tax-free covenants.
13. Trusts, current expenses of maintaining and administering.
14. Trustee's commissions and fees for paying out bond interest and expense including registrars' fees connected with such payments.

When the losses or adjustments resulting from any of the first four items are of amounts sufficiently large to constitute extraordinary items, pursuant to instruction 4, such losses or adjustments shall be charged to account 570, "Extraordinary items".

Item No. 6; Account 532 Income taxes. The title, text and note following the text of this account are revised as follows:

532 Income taxes on ordinary income.

(a) This account shall include accruals for Federal and state income taxes, when not in lieu of a property tax, applicable to ordinary income. See the texts of account 590, "Income taxes on extraordinary and prior period items", account 283, "Miscellaneous credits", and account 285, "Miscellaneous debits", for recording other income tax consequences.

Details pertaining to the tax consequences of other unusual and significant items, and also cases where tax consequences are disproportionate to related amounts included in income accounts, shall be submitted to the Commission for consideration and decision as to proper accounting.

(b) Federal income taxes which are refundable or reduced as the result of a carry-back or carry-forward of operating loss shall be credited to this account, if a carry-back, in the year in which the loss occurs, or if a carry-forward, in the year in which such loss is applied to reduce taxes. However, when the amount constitutes an extraordinary item pursuant to instruction 4, it shall be included in account 580, "Prior period items".

Item No. 7. The system of accounts, following the text of account 532, "Income taxes on ordinary income", is amended by adding the following caption, account numbers, titles and texts:

EXTRAORDINARY AND PRIOR PERIOD ITEMS

570 Extraordinary items (net).

(a) This account shall include extraordinary items accounted for during the current accounting year in accordance with the text of instruction 4, upon approval of the Commission. Among the items which shall be included in this account are:

Net gain or loss on sale of (a) property and equipment, or (b) timber, mineral deposits or improvements purchased with land.
Net gain or loss on sale of securities acquired for investment purposes, and charges to write down the ledger value of such securities because of impairment of value.
Changes in application of accounting principles.

(b) Income tax consequences of charges and credits to this account shall be recorded in account 590, "Income taxes on extraordinary and prior period items".

(c) This account shall be maintained in a manner sufficient to identify the nature and gross amount of each debit and credit.

580 Prior period items (net).

(a) This account shall include unusual delayed items accounted for during the current accounting year in accordance with the text of instruction 4, upon approval of the Commission. Among the items which shall be included in this account are:

Unusual adjustments, refunds, or assessments of Federal income taxes of prior years.
Similar items representing transactions of prior years which are not identifiable with or do not result from business operations of the current year.

(b) Income tax consequences of charges and credits to this account shall be recorded in account 590, "Income taxes on extraordinary and prior period items".

(c) This account shall be maintained in a manner sufficient to identify the nature and gross amount of each debit and credit.

590 Income taxes on extraordinary and prior period items.

This account shall include the estimated income tax consequences (debit or credit) assignable to the aggregate of items of both taxable income and deductions from taxable income which, for accounting purposes, are classified as "unusual and extraordinary", and are recorded in accounts 570, "Extraordinary items", and 580, "Prior period items".

IV. INCOME STATEMENT AMENDED

Item No. 1; Form of income statement. This caption is designated 599 Form of Income Statement.

Item No. 2. The following centered caption is added after the opening paragraph, above "I. Water-line operating income":

ORDINARY ITEMS

Item No. 3. Under "III. Miscellaneous deductions from income:", after "Total income deductions", the line item "Net income before fixed charges [1]" is revised as follows:

Ordinary income before fixed charges [1]_____

Item No. 4. Under "IV. Fixed charges:", after "Total fixed charges", the line item "Net income before provision for income taxes" is revised as follows:

Ordinary income before provision for income taxes [1] _____

Item No. 5. After "V. Provision for income taxes:" all line items are deleted and the following are added:

532. Income taxes on ordinary income_____
Ordinary income [1]_____

EXTRAORDINARY AND PRIOR PERIOD ITEMS [1]

570. Extraordinary item (net)_____
580. Prior period items (net)_____
590. Income taxes on extraordinary and prior period items_____
Total extraordinary and prior period items_____
Net income [1]_____

V. MISCELLANEOUS AMENDMENTS

Item No. 1. The list of instructions, accounts and financial statements is amended to the following extent:

(a) The title of instruction "4 Delayed items and adjustments" is changed to:

4 Extraordinary and prior period items.

(b) The number "299" is prefixed to "Form of balance sheet statement."

(c) The following account numbers and titles are deleted:

262 Profits from unusual sales of property.
264 Losses from unusual sales of property.
268 Federal income taxes assigned to retained income.

(d) The caption "Ordinary Items" is added directly below "Income Accounts."

(e) The number "399" is prefixed to Condensed Revenue Accounts for Small Carriers.

(f) The number "499" is prefixed to Condensed Expense Accounts for Small Carriers.

(g) The title of "532 Income taxes" is changed to:

532 Income taxes on ordinary income.

(h) The following caption and line items are added after "532 Income taxes on ordinary income":

EXTRAORDINARY AND PRIOR PERIOD ITEMS

570 Extraordinary items (net).
580 Prior period items (net).
590 Income taxes on extraordinary and prior period items.

(i) The number "599" is prefixed to "Form of Income Statement."

Item No. 2. In the system of accounts, following the text of account 280, "Retained income—unappropriated", and below "Balance Sheet Statement", the following account number and title are added:

299 Form of balance sheet statement.

Item No. 3. After the note following the text of account 287, "Dividend appropriations of retained income", below caption "Income Accounts", the following caption is added:

ORDINARY ITEMS

Item No. 4. In the system of accounts, following the text of account 355, "Interdepartmental credits", and below the caption "Small carriers", the following account number and title are added:

399 Condensed revenue accounts for small carriers.

Item No. 5. In the system of accounts, following the text of account 495, "Interdepartmental debits", and below the caption "Small Carriers", the following account number and title are added:

499 Condensed expense accounts for small carriers.

[F.R. Doc. 67-9791; Filed, Aug. 17, 1967; 8:50 a.m.]

[1] If a loss or a debit show the amount in parenthesis.

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Bureau Order No. 551, Amdt. 111]

CENTRAL OFFICE PERSONNEL AND AREA DIRECTORS

Delegation of Authority

AUGUST 10, 1967.

Order 551 (an order by which the Commissioner of Indian Affairs delegates authority to Bureau officials), as amended, is further amended as hereinafter indicated:

1. In section 2, paragraph (a) is revised to include the Director of Administration and the Director of Engineering among those officials authorized to exercise, within the scope of their functional responsibilities, any and all authority conferred upon the Commissioner of Indian Affairs by the Secretary of the Interior. As so revised, section 2 reads as follows:

SEC. 2. *Authority of Central Office personnel.* (a) The Deputy Commissioner may exercise any and all authority conferred upon the Commissioner of Indian Affairs by the Secretary of the Interior. The Assistant Commissioners, the Director of Administration, the Director of Engineering, and those persons designated to act in their place during their absence may exercise, within the scope of their functional responsibilities, any and all authority conferred upon the Commissioner of Indian Affairs by the Secretary of the Interior.

* * * * *

2. In section 3, paragraph (b) is revised to delete the language therein concerning the execution of contracts, as all authority with respect to the function referred to by that language is contained in Order 566. As so revised, section 3 reads as follows:

SEC. 3. *Authority of Area Directors.*

* * * * *

(b) The Assistant Area Director and the Area Administrative Officer under the general direction and supervision of the Area Director may severally exercise all the power and authority of the Area Director.

* * * * *

ROBERT L. BENNETT,
Commissioner.

[F.R. Doc. 67-9709; Filed, Aug. 17, 1967; 8:45 a.m.]

Bureau of Land Management

[N-1519]

NEVADA

Notice of Proposed Withdrawal and Reservation of Lands

AUGUST 10, 1967.

The Atomic Energy Commission has filed the above application for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including permits or leases under the Taylor Grazing Act and the mining and mineral leasing laws.

The applicant desires the land for the location of a seismic instrumentation station in connection with underground nuclear detonations.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 3008, Federal Building, 300 Booth Street, Reno, Nev.

The Department's regulations (43 CFR 2311.1-3(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN, NEVADA

T. 30 N., R. 42 E.,
A parcel of land in unsurveyed sec. 35 more particularly described as follows:
Beginning at the corner common to secs. 26, 27, 34, 35;
Thence S. 89°56'52" E., 2,152.76 feet, to a point on the south section line of sec. 26;
Thence S. 0°57'57" W., approximately 1,655 feet, along the center line of Sierra Pacific Power Co.'s right-of-way to power pole No. 45088;
Thence S. 0°57'57" W., 56.4 feet, to a point on the center line of said right-of-way;
Thence S. 89°3'3" E., 20 feet, to corner No. 1, the true point of beginning;
Thence N. 0°57'57" E., 200 feet, to corner No. 2;
Thence S. 89°3'3" E., 200 feet, to corner No. 3;
Thence S. 0°57'57" W., 200 feet to corner No. 4;
Thence N. 89°3'3" W., 200 feet, to corner No. 1, the true point of beginning.

The area described contains 0.91 acres.

ROLLA E. CHANDLER,
Land Office Manager.

[F.R. Doc. 67-9710; Filed, Aug. 17, 1967; 8:45 a.m.]

Fish and Wildlife Service

[Docket No. C-372]

RALPH WALTER HAZARD

Notice of Loan Application

AUGUST 14, 1967.

Ralph Walter Hazard, 212 Mohawk Road, Santa Barbara, Calif. 93105, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 45.1-foot, registered length wood vessel to engage in the fishery for sole, hake, rockfishes, lingcod, California halibut, shrimp, pompano, perch, and sablefish.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised Aug. 11, 1965) that the above entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

J. L. MCHUGH,
Acting Director,
Bureau of Commercial Fisheries.

[F.R. Doc. 67-9708; Filed, Aug. 17, 1967; 8:45 a.m.]

Office of the Secretary

AUBURN RANCHERIA IN CALIFORNIA

Notice of Termination of Federal Supervision Over Property and Individual Members Thereof

Notice is hereby given that the Indians named below and the dependent members of their immediate families named below who are not members of any other tribe or band of Indians are no longer entitled to any of the services performed by the United States for Indians because of their status as Indians; that all statutes of the United States which affect Indians because of their status as Indians shall be inapplicable to them, and the laws of the several States shall apply to them in the same manner as they apply to other citizens within their jurisdiction. Title to the land on the Auburn Rancheria has passed from the U.S. Government under distribution plan dated August 28, 1959, for the above-named rancheria.

AUBURN RANCHERIA

All those certain lots, pieces or parcels of land, situate, lying and being in the County of Placer, State of California, and bounded and particularly described as follows, to wit:

The E½NW¼ of the SE¼ of sec. 21, T. 12 N., R. 8 E., M.D.B. & M.; and

The W½NW¼SE¼ of sec. 21, T. 12 N., R. 8 E., M.D.M.

Name	Birthdate	Address
Cleve Rey	2-26-1907	Route 3, Auburn, Calif.
Victor Williams	3-14-1914	Route 3, Box 3030, Auburn, Calif.
Agnes V. Williams	2-26-1916	Do.
Victor Williams, Jr.	6-13-1940	Do.
Virginia Williams	7-19-1942	Do.
Blanche Williams	3- 9-1946	Do.
John Williams	3-26-1948	Do.
Janis Williams	5- 8-1956	Do.
Viola Murray	4-21-1891	Route 3, Auburn, Calif.
Jack T. Starkey	12-26-1909	Do.
Dearstine E. Starkey	6-10-1907	Do.
Harold S. Starkey	3-25-1945	Do.
Henry M. Starkey	3- 4-1943	Do.
Cecil R. Rey	8-26-1914	Do.
Violet A. Rey	9-22-1912	Do.
Leroy M. Rey	10-18-1940	Do.
Richard R. Rey	8-10-1942	Do.
Carolyn A. Rey	3-26-1944	Do.
Donald S. Rey	9- 8-1946	Do.
Dwight A. Rey	9- 7-1953	Do.
Eunice Jordan	5-24-1918	Post Office Box 46, Colfax, Calif.
Tom C. Cooper	8-19-1940	Route 3, Box 3029, Auburn, Calif.
Fred J. Cooper	7-26-1941	Post Office Box 46, Colfax, Calif.
Cleveland R. Adams	2-19-1906	Box 3027, Route 3, Auburn, Calif.
Jon Lindsey	7-18-1957	Do.
Dolly S. Suehead	1- 8-1928	Route 3, Auburn, Calif.
Jerry G. Suehead	6- 9-1949	Do.
Billy W. Suehead	5-15-1952	Do.
Owen P. Suehead	1- 8-1954	Do.
Barbara C. Suehead	5-10-1955	Do.
John O. Suehead	9-29-1957	Do.
Carl Moman	5- 1-1915	Do.
Doyetta Sue Moman	2-25-1948	Do.
Comas D. Moman	2-28-1952	Do.
Ronald D. Moman	5-14-1953	Do.
Carl E. Moman	2- 8-1956	Do.
Ray A. Smith	2- 8-1800	Do.
Carolyn Camp	1-15-1926	General Delivery, Auburn, Calif.
Preston Camp	4-25-1945	Do.
Jessica Camp	4-25-1949	Do.
Joyce Camp	6- 9-1950	Do.
Thomas Camp	6- 9-1950	Do.
Christine Camp	11-13-1951	Do.
James Camp	1- 2-1954	Do.
Michael Camp	12-28-1954	Do.
Myrle Starkey	10-16-1883	Route 3, Auburn, Calif.
Ruth May Starkey	12-26-1941	Do.
Wilfred H. Starkey	12-29-1937	Do.
Amber Starkey	10- 1-1957	Do.
Elda Starkey	2- 4-1959	Do.
Guy Wallace	5-25-1906	Post Office Box 201, Newcastle, Calif.
B. J. Frost	8-13-1884	Route 3, Auburn, Calif.
Mary Frost	11-30-1886	Do.
John Hill	6-26-1923	Post Office Box 3, Fort Duchesne, Utah.
Marcella Phyllis Hill	6-25-1924	Do.
Frank Lewis Hill	4-15-1943	Do.
John W. Hill III	10-29-1946	Do.
Robert J. Hill	8-31-1949	Do.
Judith Lydia Hill	4- 9-1952	Do.
Aileen W. Whitehouse	2- 7-1932	1166½ Park Avenue, Alameda, Calif.
Pamela Whitehouse	10- 2-1955	Do.
Robert F. Whitehouse, Jr.	11- 7-1956	Sonoma State Hospital, Eldridge, Calif.
Gene R. Whitehouse	7-31-1958	1166½ Park Avenue, Alameda, Calif.
Earl L. Taylor	12-12-1907	Route 3, Box 3085, Auburn, Calif.
Audrey Taylor	10-26-1912	Do.
Alvin Wallace	1- 9-1923	423 Finley Street, Auburn, Calif.
Nina M. Wallace	2-24-1924	Do.
April P. Wallace	12-21-1947	Do.
Alan Wallace	6- 8-1949	Do.
Albert B. Wallace	8- 1-1958	Do.
James N. Rey, Sr.	3- 1-1923	Route 3, Box 3105, Auburn, Calif.
Loraine I. Rey	8-24-1923	Do.
Susana D. Rey	6- 3-1948	Do.
James N. Rey	4-13-1949	Do.
Robert L. Rey	4-21-1956	Do.
Douglas R. Rey	11- 1-1957	Do.
Lawrence Leggett	2-17-1917	Route 3, Box 3029-A, Auburn, Calif.
Blanche Leggett	11-20-1918	Do.
Clifford Leggett	10-18-1946	Do.
Doris Leggett	1-27-1948	Do.
Ernest M. Leggett	2-18-1950	Do.
Lawrence G. Leggett, Jr.	12-22-1952	Do.
Sylvia M. Leggett	8-16-1954	Do.

This notice is issued pursuant to the act of August 18, 1958 (72 Stat. 619), amended August 11, 1964 (78 Stat. 390), including the provisions in the 1964 act that this notice affects only Indians who received any part of the assets of the rancheria and the dependent members of their immediate families who are not members of any other tribe or band of Indians; and that all restrictions and tax exemptions applicable to trust or restricted lands or interests therein owned by the Indians who are affected by this notice are terminated.

This notice becomes effective as of the date of publication in the FEDERAL REGISTER.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

AUGUST 11, 1967.

[F.R. Doc. 67-9650; Filed, Aug. 17, 1967; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 18387; Order No. E-25524]

ANTILLES AIR BOATS, INC.

Order Granting Exemption

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 14th day of August 1967.

Application of Antilles Air Boats, Inc., for an exemption from the maximum takeoff weight limitation of Part 298 of the Economic Regulations.

On June 30, 1967, Antilles Air Boats, Inc. (Antilles), filed a petition in Docket 18387 for reconsideration of Order E-25287, adopted June 13, 1967, which denied Antilles' application requesting exemption authority to operate a 47-passenger VS-44A Sikorsky Seaplane between the harbors of Charlotte Amalie, St. Thomas, and Christiansted, St. Croix, U.S. Virgin Islands, and between the harbors of Charlotte Amalie, St. Thomas, and Old San Juan, Puerto Rico. Antilles requests reconsideration only insofar as that order denies Antilles an exemption to the extent necessary to permit it to operate a VS-44A seaplane between the harbors of Charlotte Amalie, St. Thomas, and Christiansted, St. Croix.

In support of its petition for reconsideration, Antilles alleges in pertinent part that airboats serve the public convenience and necessity between St. Thomas and St. Croix in a way that is impossible for land-based, airport-bound aircraft. A passenger's transit time between Charlotte Amalie and Christiansted is 25 minutes by airboat, compared with 2 hours by land plane including ground transportation. The carrier also states that such commuter scheduling and commuter convenience between the downtown harbors of the two principal cities, with their community of interest in government and commerce, is a "needed service" which the certificated carriers, Pan American World Airways, Inc. (PAA), and Caribbean Atlantic Airways, Inc. (Caribair), do not, and are unwilling or unable to provide. Antilles points out that neither PAA nor Caribair provides turnaround service, so that there is no reliability regarding the number of seats which will be available on each local flight and reliability of departure times is diminished by mechanical failures, weather conditions, and airport congestion in other places. In addition, Antilles alleges that the flight times of PAA and Caribair are not appropriate for commuting between the two islands. Finally, Antilles notes that the use of the 47-passenger seaplane to relieve congestion in commuter hours is absolutely necessary for it to meet the service demands which the public has placed on it; otherwise, the multiple-aircraft operations which it would have to undertake, with flights a few minutes apart, would put ramp facilities beyond saturation, causing delays and degradation of service.

The government of the U.S. Virgin Islands filed an answer supporting Antilles' petition. Caribair filed an answer opposing Antilles' petition on the grounds that the petition alleges no new facts or circumstances that were not previously considered by the Board and that Antilles has not presented an estimate of the feasibility of its proposed service.

Upon consideration of the pleadings and all relevant facts, we have decided, on reconsideration, to grant Antilles exemption authority to the extent necessary to permit it to operate one 47-passenger VS-44A seaplane between the harbors of Charlotte Amalie, St. Thomas, and Christiansted, St. Croix. Antilles' harbor-to-harbor proposal is, in our judgment, a highly specialized and distinctive service which will provide significant benefits to the traveling public in the St. Thomas-St. Croix market. The nonstop distance between St. Thomas and St. Croix is 46 miles with the airport at St. Thomas being 2 miles from the main city of Charlotte Amalie while the airport at St. Croix is on the opposite side of the island, 9 miles from the city of Christiansted. Antilles will use the downtown harbors of the two cities and thus will provide a convenience not available from the airport to airport operations. Antilles presently operates 19 round-trip turnaround flights harbor-to-harbor daily in this market and is the principal carrier. The limited authority requested herein will merely permit Antilles to improve its service in a market in which it is already the dominant carrier. Finally, we note that neither PAA nor Caribair, the certificated carriers in this market, provide turnaround service such as Antilles presently provides and would improve with the authority requested herein. In sum, we think the unique convenience of turnaround scheduling of harbor-to-harbor service in this market is of such benefit to the traveling public that the grant of this limited exemption to Antilles to improve its present service is warranted.[1]

In reaching its conclusion, the Board has taken into account the limited nature of the request and the relatively small size of the applicant's operations as considerations which warrant use of its exemption power. To require the applicant to engage in a certification proceeding in order to conduct the service authorized herein would subject it to a financial burden wholly disproportionate to its operations, and would be an undue burden on the carrier and not in the public interest.

Upon consideration of the foregoing, the Board finds that the enforcement of section 401 of the Act and Part 298 of the Board's Economic Regulations, insofar as they would otherwise prevent Antilles from engaging in the air transportation hereinafter permitted, would be an undue burden on Antilles by reason of the limited extent of, and unusual circumstances affecting, its operations, and is not in the public interest.

Accordingly, it is ordered:

1. That Antilles Air Boats, Inc., be and it hereby is temporarily exempted from provisions of section 401 of the Federal Aviation Act of 1958, as amended, and Part 298 of the Board's Economic Regulations to the extent necessary to permit Antilles to operate a 47-passenger VS-44A seaplane between the harbors of Charlotte Amalie, St. Thomas, and Christiansted, St. Croix: *Provided:* That in the conduct of the service authorized herein Antilles shall be deemed an air taxi operator within the meaning of Part 298 of the Board's Economic Regulations, and shall comply with and be subject to the provisions of said part;

2. That within 10 days of the effective date of the exemption granted herein, Antilles shall comply with the insurance requirements of §§ 208.11–208.13 of the Economic Regulations with respect to any air transportation performed pursuant to this order; and certificates of insurance reflecting compliance with this requirement throughout the effectiveness of this exemption authority shall be filed in this docket by Antilles; and

3. That this order may be amended or revoked at any time in the discretion of the Board without hearing.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 67-9742; Filed, Aug. 17, 1967; 8:47 a.m.]

[1] Our limited award to Antilles will not, however, have any impact on or in any way prejudice our decision in the Puerto Rico-Virgin Islands Service Case, Docket 14643. Unlike the Virgin Islands Case proposals, Antilles operates a totally different harbor-to-harbor service, and, in addition, the proposals in the certificate proceeding do not involve turnaround service.

[Docket No. 17286]

BRITISH EAGLE INTERNATIONAL AIRLINES, LTD.

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled proceeding is assigned to be held on September 6, 1967, at 10 a.m., e.d.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the Board.

Dated at Washington, D.C., August 15, 1967.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 67-9743; Filed, Aug. 17, 1967; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 17637, 17638; FCC 67-917]

K.C.O.D. BROADCASTING CORP. AND BAPTIST BIBLE COLLEGE

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of K.C.O.D. Broadcasting Corp., Springfield, Mo., requests: 97.3 mc, No. 247; 49.4 kw; 190 feet, Docket No. 17637, File No. BPH-5643; Baptist Bible College, Springfield, Mo., requests: 97.3 mc, No. 247; 100 kw (horizontal), 100 kw (vertical); 481.85 feet, Docket No. 17638, File No. BPH-5686; for construction permits.

1. The Commission has under consideration the above captioned and described applications which are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference.

2. From the information in its application, K.C.O.D. Broadcasting Corp. requires a total of $53,161 to construct and operate for 1 year without revenue. To meet this requirement it shows $27,800 in pledges. Adequate substantiation, however, has not been provided for the additional amount anticipated from first-year revenues. Accordingly, an issue will be specified to determine the availability of the additional $25,361 required.

3. Information submitted in the K.C.O.D. Broadcasting Corp. application does not provide a basis for determining what steps, if any, have been taken to ascertain the programing needs and interests of Springfield and the proposed service area. A mere statement of long-time residence in the area is inadequate for this purpose, and a "Suburban" issue against K.C.O.D. Broadcasting Corp. will be specified.

4. Although both applicants propose specialized programing, comparison of the programing proposals is not appropriate since both propose predominantly religious programing. Since both applicants are silent on the matter, issues will be specified to determine whether the proposed facilities would be available for the presentation of views of other religious groups—see George E. Borst et al., FCC 65-207, 4 RR 2d 697 (1965).

5. Data submitted by the applicants indicate that there would be a significant difference in the size of the areas and populations which would receive service from the proposals. Consequently, for the purposes of comparison, the areas and populations within the 1 mv/m contours together with the availability of other FM services of 1 mv/m or greater intensity in such areas will be considered under the comparative issue, for the purpose of determining whether a comparative preference should accrue to either of the applicants.

6. Except as indicated below, the applicants are qualified to construct and operate as proposed. However, because of their mutual exclusivity, the Commission is unable to make the statutory finding that a grant of the applications would serve the public interest, convenience and necessity, and is of the opinion that the applications must be designated for hearing on the issues set forth below.

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether K.C.O.D. Broadcasting Corp. has available to it the additional $25,361 required to construct and operate for 1 year without revenue

and thus demonstrate its financial qualifications.

2. To determine K.C.O.D. Broadcasting Corp.'s efforts to ascertain the programing needs and interests of the area to be served and the manner in which K.C.O.D. Broadcasting Corp. proposes to meet such needs and interests.

3. To determine whether and under what circumstances the facilities proposed by K.C.O.D. Broadcasting Corp. would be available for the presentation of programs by other religious groups.

4. To determine whether and under what circumstances the facilities proposed by Baptist Bible College, Inc., would be available for the presentation of programs by other religious groups.

5. To determine which of the proposals would better serve the public interest.

6. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the applications should be granted.

It is further ordered, That to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.221 (c) of the Commission's rules, in person or by attorney shall, within twenty (20) days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: August 2, 1967.

Released: August 15, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-9756; Filed, Aug. 17, 1967; 8:48 a.m.]

[Docket Nos. 17650, 17651; FCC 67-931]

LOCKHEED AIRCRAFT CORP. AND JIMSAIR, INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Lockheed Aircraft Corp., Burbank, Calif., Docket No. 17650, File No. 106-A-L-47; Jimsair, Inc., San Diego, Calif., Docket No. 17651, File No. 26-A-L-47; for Aeronautical Advisory Station to serve the San Diego International Airport, San Diego, Calif.

1. The Commission's rules (§ 87.251 (a)) provide that only one aeronautical advisory station may be authorized to operate at a landing area. The above-captioned applications both seek Commission authority to operate an aeronautical advisory station at the San Diego International Airport, San Diego, Calif., and, therefore, are mutually exclusive. Inasmuch as the applications are mutually exclusive, it is necessary to designate the applications for hearing. Except for the issues specified herein each applicant is otherwise qualified.

2. In view of the foregoing: *It is ordered*, That pursuant to the provisions of section 309(e) of the Communications Act of 1934, as amended, that the above-captioned applications are hereby designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order on the following issues:

(a) To determine which applicant would provide the public with better aeronautical advisory service based on the following considerations:

(1) Location of the fixed-base operation and proposed radio station in relation to the landing area and traffic patterns;

(2) Hours of operation;

(3) Personnel available to provide advisory service;

(4) Experience of applicant and employees in aviation and aviation communications;

(5) Ability to provide information pertaining to primary and secondary communications as specified in § 87.257 of the Commission's rules;

(6) Proposed radio system including control and dispatch points; and

(7) The availability of the radio facilities to other fixed-base operators.

(b) To determine in light of the evidence adduced on the foregoing issues which, if either, of the applications should be granted.

3. *It is further ordered*, That to avail themselves of an opportunity to be heard Lockheed Aircraft Corp. and Jimsair, Inc., pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order file with the Commission, in triplicate, a written appearance stating an intention to appear on the date set for hearing and present evidence on the issues specified in this order.

Adopted: August 9, 1967.

Released: August 15, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-9757; Filed, Aug. 17, 1967; 8:48 a.m.]

[Docket Nos. 17656-17658; FCC 67-950]

MONTANA NETWORK ET AL.

Memorandum Opinion and Order; Designating Applications for Consolidated Hearing on Stated Issues

In re applications of: The Montana Network, Lewistown, Mont., Docket No. 17656, File No. BPTTV-2738; Crain-Snyder Television, Inc., Lewistown, Mont., Docket No. 17657, File No. BPTTV-2742; Snyder & Associates, Inc., Lewistown, Mont., Docket No. 17658, File No. BPTTV-2807; for Construction Permits for New VHF Television Broadcast Translator Stations.

1. The Commission has before it for consideration the above-captioned applications, each requesting a construction permit for a new 100-watt VHF television broadcast translator station to operate on assigned Channel 13 in Lewistown, Mont. The Montana Network (BPTTV-2738) proposes to rebroadcast its Station KOOK-TV, Channel 2, Billings, Mont. (CBS, ABC); Crain-Snyder Television, Inc. (BPTTV-2742), proposes to rebroadcast its Station KULR-TV, Channel 8, Billings, Mont. (NBC); and Snyder & Associates (BPTTV-2807) proposes to rebroadcast its Station KRTV, Channel 3, Great Falls, Mont. (NBC). Lewistown is not within the predicted Grade B contour of any television broadcast station. Television service is provided to the community by two community-type UHF translator stations licensed to Central Montana TV Association[1] and a community antenna television (CATV) system operated by Perfect TV, serving approximately 1,900 subscribers.[2]

2. The three applications before us each specifies operation on output Channel 13, which is an assigned and unused channel allocated in the Television Table of Assignments (§ 73.606 of the Commission's rules) with power of 100 watts, pursuant to § 74.702(g) of the Commission's rules. They are, therefore, mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference. Prior to the Commission's authorization of high power translators operating on assigned but unused television broadcast channels,[3] problems of mutual exclusivity between translators were rare and caused little concern to the Commission. This case is the first where we have been required to designate the applications for hearing and we believe that it would be appropriate at this time to state our policy in handling mutually exclusive applications for facilities such as these.

3. Mutually exclusive applications for 100-watt translators on assigned channels present two unique problems. First, it is difficult to frame issues for a hearing which will provide a realistic basis for decision because the Commission's usual comparative criteria have been developed in contests between applicants for stations capable of local program origination. Here, however, there appears to be little basis upon which the proposals may be meaningfully compared. The second problem is that a hearing would tend to defeat the Commission's purposes in authorizing high power translators on assigned channels because the Commission intended to provide a simple and inexpensive means of utilizing unused television channels in order to provide early television service to small markets until such time as regular television broadcast stations could be authorized on the channels. If the early inauguration of new television broadcast service were to be delayed because of a comparative hearing for the translators, this purpose would be largely defeated.

4. The persons most concerned with the early inauguration of the proposed new television translator service are, of course, the residents of the area to be served. In making our comparative evaluation, we will consider such factors as the television service presently available off-the-air (i.e., for which of the competing services is there the greatest need), the extent to which the competing applicants would meet the local tastes, needs and interests of the community, and the extent to which each of the applicants would offer the prospect of eventual operation of a regular television broadcast station on the channel. We will give great weight to the expressed preferences of the local residents and we intend to afford the applicants wide latitude in the evidence which may be offered.

5. We find each of the applicants qualified to construct, own and operate the proposed new television broadcast translator station. The applications are, however, mutually exclusive and the Commission is therefore unable to make the statutory finding that grant of the applications would serve the public interest, convenience, and necessity and is of the opinion that the applications must be designated for hearing in a consolidated proceeding upon the issues set forth below. In view of the unusual nature of this proceeding; i.e., a comparative hearing on television translator applications, and in order to minimize the delay inherent in a comparative proceeding, we direct the examiner and the applicants to explore every possibility for the submission of the case in written form, including the use of a stipulated statement of the facts and of the testimony and other evidence with respect to the issues specified herein.

Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications of the Montana Network, Crain-Snyder Television, Inc., and Snyder & Associates, Inc., are designated for hearing in a consolidated proceeding upon the following issues:

1. To determine, on a comparative basis, which of the proposals would best meet the programing tastes, needs and interests of the community.

2. To determine which of the applicants offers the best prospect for eventual construction and operation of a regular television broadcast station on the channel in Lewistown.

3. To determine which of the proposals would best serve the public interest.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

It is further ordered, That the hearing hereby ordered shall be held at a time and before a hearing examiner to be specified in a subsequent order.

It is further ordered, That this proceeding shall be expedited to the extent possible consistent with requirements of procedural due process.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) off the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: August 9, 1967.

Released: August 15, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[4]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-9758; Filed, Aug. 17, 1967; 8:49 a.m.]

[Docket No. 17635; FCC 67M-1365]

T. J. SHRINER

Order Scheduling Hearing

In re application of T. J. Shriner, Bellaire, Tex., Docket No. 17635, File No. BP-12137, for construction permit:

It is ordered, That Jay A. Kyle shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on November 8, 1967, at 10 a.m.; and that a prehearing conference shall be held on October 16, 1967, commencing at 9 a.m.: *And, it is further ordered*, That all proceedings shall take place in the offices of the Commission, Washington, D.C.

Issued: August 11, 1967.

Released: August 14, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-9760; Filed, Aug. 17, 1967; 8:49 a.m.]

[Docket No. 17634; FCC 67-914]

VOICE OF THE NEW SOUTH, INC. (WNSL)

Order Designating Application for Hearing on Stated Issues

In re application of Voice of the New South, Inc. (WNSL), Laurel, Miss., has: 1260 kc, 5 kw, day, requests: 1260 kc, 500 w, 5 kw-LS, DA-N, U, Docket No. 17634, File No. BP-16819, for construction permit.

1. The Commission has before it for consideration the above application seeking nighttime operation for Station WNSL.

2. According to the applicant's data, the proposed RSS nighttime limitation contour (21.67 mv/m) would cover only about 60 percent of the city of Laurel. Thus, the proposal does not meet the requirements § 73.30(c) of the Commission's rules. In its latest amendment, the applicant requested a waiver of that section, alleging, inter alia, that the proposal would provide a first primary nighttime service to 2,681 persons residing in an area of 0.73 square mile within the city limits of Laurel (population 27,889) and a first primary nighttime service to rural areas (16.22 square miles) having a population of 875.

3. The Commission has carefully considered the grounds and data submitted in support of the waiver request, but is

[1] Commissioners Bartley, Loevinger, and Wadsworth absent.

[1] Commissioners Loevinger, Johnson, and Wadsworth absent.

[1] Station K70CK, rebroadcasting Station KFBB-TV, Channel 5, Great Falls, Mont (ABC, CBS), and Station K74BL, rebroadcasting Station KULR-TV, Channel 8, Billings, Mont. (NBC), Crain-Snyder Television's Station KULR-TV is, therefore, presently carried in Lewistown by translator.

[2] According to the Commission's information, this is a five-channel system carrying Stations KOOK-TV and KRTV by off-the-air pickup and four Salt Lake City, Utah, stations by microwave relay; KCPX-TV, Channel 4 (ABC); KSL-TV, Channel 5 (CBS); and KUTV, Channel 2 (NBC) and KUED, Channel 7, on a shared basis. The Montana Network and Snyder & Associates stations are, therefore, presently available in Lewistown by the CATV system.

[3] Report and order in Docket No. 15858, 1 FCC 2d 15, 5 RR 2d 1702.

[4] Commissioners Loevinger, Johnson, and Wadsworth absent.

unable at this time to conclude that a waiver would serve the public interest, and is of the opinion that the matter should be fully explored in an evidentiary hearing.

4. In view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject application would serve the public interest, convenience, and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below.

Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WNSL and the availability of other primary service to such areas and populations.

2. To determine whether the proposed operation of Station WNSL meets the requirements of § 73.30(c) of the Commission's rules, and, if not, whether circumstances exist which would warrant a waiver of said section.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the application would serve the public interest, convenience and necessity.

It is further ordered, That, to avail itself of the opportunity to be heard, the applicant herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: August 2, 1967.

Released: August 14, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 67-9761; Filed, Aug. 17, 1967; 8:49 a.m.]

[1] Commissioners Bartley, Loevinger, and Wadsworth absent.

FEDERAL MARITIME COMMISSION

ASTRON FORWARDING CO., INC., ET AL.

Independent Ocean Freight Forwarder Licenses and Applicants Therefor

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders, pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C. 20573.

Astron Forwarding Company, Inc., 75 Market Street, Post Office Box 161, Oakland, Calif. 94604; Lester A. Dent, president, director; Frank A. Consul, vice president, director and secretary-treasurer; Anthony Consul, director; James Dent, director.

Suarez Shipping Services, Inc., Post Office Box 23, Miami International Airport, Miami, Fla. 33148; Julio Suarez, president; Pedro Ruiz, treasurer-secretary; Robert J. Lewison, vice president.

Par-Go Van Lines, Inc., 2516 Ingleside Road, Norfolk, Va.; Richard Maher, president; Patricia G. Maher, secretary.

NEW APPLICANTS LICENSED

Overseas Expediters, Inc., 26 Stone Street, New York, N.Y. 10004; license No. 1163, issued June 27, 1967.

Luis A. Ayala Parsi, Post Office Box 803, Ponce, P.R. 00731; license No. 1164, issued July 17, 1967.

Melvin Export Shipping Service, (Mrs. Lillian Melvin, d.b.a.), North Miami, Dade County, Fla.; license No. 1165, issued July 25, 1967.

Paulssen & Guice, Ltd., 11 Broadway, New York, N.Y. 10004; license No. 1166, issued Aug. 1, 1967.

A & F Forwarding, Inc., 27 Whitehall Street, New York, N.Y. 10004; license No. 1167, issued Aug. 1, 1967.

GRANDFATHERS LICENSED

H. P. Lambert & Co., 148 State Street, Room 315, Boston, Mass. 02109; license No. 670, issued June 26, 1967.

Cuban American Forwarders Co., Inc., 95 Broad Street, New York, N.Y. 10004; license No. 625, issued July 17, 1967.

Jahrett Shipping, Inc., 95 Broad Street, New York, N.Y. 10004; license No. 545, issued July 13, 1967.

Railway Express Agency, Inc., 219 East 42d Street, New York, N.Y.; license No. 568, issued July 5, 1967.

Notice is hereby given of changes in the following independent ocean freight forwarder licenses.

CHANGE OF NAME

Chatham Service Corp. (Southeastern Maritime Co., d.b.a.) to Chatham Service Corp., 310 East Bay Street, Savannah, Ga. 31402; license No. 1066.

Interstate Auto Shippers, Inc., to General American Shippers, Inc., 205 West 34th Street, New York, N.Y. 10001; license No. 708.

Nettles & Co. (Lee Nettles, d.b.a.) to Nettles & Co., Inc., 327 South La Salle Street, Chicago, Ill. 60604; license No. 1153.

Notice is hereby given of changes in the following applications for independent ocean freight forwarder licenses filed pursuant to section 44, Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

Continental Island Freight Forwarders, Inc., Biscayne Terrace Hotel, Suite 208, Miami, Fla. 33132; new applicant, denied May 30, 1967.

Pan African Shipping Corp., 6 State Street, New York, N.Y. 10004; new applicant, withdrawn June 8, 1967.

Hy Turret aka Hyman Turetsky, 121-48 236th Street, Rosedale, N.Y. 11422; new applicant, dismissed June 22, 1967.

Muskegon Forwarding Co., The Mart, Post Office Box 831, Muskegon, Mich. 49443; new applicant, denied Aug. 6, 1967.

Notice is hereby given of the cancellation of the following independent ocean freight forwarder licenses.

Atlantis Shipping Co., Ltd., 85 Broad Street, New York, N.Y.; license No. 357, canceled June 27, 1967.

Wm. A. Hausman Co., Inc., 87 Marion Street Viaduct, Seattle, Wash. 98104; license No. 592, canceled Aug. 8, 1967.

Lansen-Naeve Corp., 11 Broadway, New York, N.Y. 10004; license No. 193, canceled July 29, 1967.

Dated: August 15, 1967.

THOMAS LISI, *Secretary.*

[F.R. Doc. 67-9762; Filed, Aug. 17, 1967; 8:49 a.m.]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.; Temporary Reg. D-5]

SECRETARY OF THE TREASURY

Delegation of Authority Regarding Control of Violations of Law

1. *Purpose.* This regulation delegates authority to the Secretary of the Treasury to assist in controlling violations of law at U.S. Treasury locations.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, and the Act of June 1, 1948 (62 Stat. 281), as amended, authority is hereby delegated to the Secretary of the Treasury to appoint uniformed guards as special policemen and to make all needful rules and regulations for the protection of Treasury Building and Treasury Annex, Washington, D.C.; Bureau of Engraving and Printing and Bureau of Engraving and Printing Annex, Washington, D.C.; U.S. Mint, Denver, Colo.; U.S. Bullion Depository, Fort Knox, Ky.; U.S. Assay Office, 32 Old Slip, New York, N.Y.; U.S. Mint, 16th and Spring Garden Streets, Philadelphia, Pa.; U.S. Assay Office, 155 Hermann Street, San Francisco, Calif.; and U.S. Bullion Depository, West Point, N.Y., over which the United States has exclusive or concurrent legislative jurisdiction.

b. The Secretary of the Treasury may redelegate this authority to any officer or employee of the Department of the Treasury.

c. This authority shall be exercised in accordance with the limitations and requirements of the above cited Acts, and the policies, procedures, and controls prescribed by the General Services Administration.

Dated: August 11, 1967.

LAWSON B. KNOTT, JR., *Administrator of General Services.*

[F.R. Doc. 67-9727; Filed, Aug. 17, 1967; 8:46 a.m.]

[Federal Property Management Regs.; Temporary Reg. D-6]

SECRETARY OF COMMERCE

Delegation of Authority Regarding Control of Violations of Law

1. *Purpose.* This regulation delegates authority to the Secretary of Commerce to assist in controlling violations of law at the U.S. Merchant Marine Academy, Kings Point, N.Y., and at National Bureau of Standards installations.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, and the Act of June 1, 1948 (62 Stat. 281), as amended, authority is hereby delegated to the Secretary of Commerce to appoint uniformed guards as special policemen and to make all needful rules and regulations for the protection of those parcels of property at the U.S. Merchant Marine Academy, Kings Point, N.Y., and at National Bureau of Standards installations which are not protected by General Services Administration guards, and over which the Federal Government has exclusive or concurrent jurisdiction.

b. The Secretary of Commerce may redelegate this authority to any officer or employee of the Department of Commerce.

c. This authority shall be exercised in accordance with the limitations and requirements of the above cited Acts, and policies, procedures, and controls prescribed by the General Services Administration.

4. *Effect on other issuances.* The regulation supersedes Delegations of Authority Nos. 266, dated July 13, 1956, and 413, dated May 18, 1962.

Dated: August 15, 1967.

LAWSON B. KNOTT, JR., *Administrator of General Services.*

[F.R. Doc. 67-9738; Filed, Aug. 17, 1967; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

CODITRON CORP.

Order Suspending Trading

AUGUST 14, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $3 par value, of Coditron Corp., New York, N.Y., otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 14, 1967, through August 23, 1967.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-9744; Filed, Aug. 17, 1967; 8:48 a.m.]

[70-4524]

DELMARVA POWER & LIGHT CO.

Notice of Proposed Issue and Sale of First Mortgage and Collateral Trust Bonds at Competitive Bidding

AUGUST 14, 1967.

Notice is hereby given that Delmarva Power & Light Co. ("Delmarva"), 600 Market Street, Wilmington, Del. 19899, a registered holding company and a public-utility company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating sections 6 and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

Delmarva proposes to issue and sell, subject to the competitive bidding requirements of Rule 50, $25 million principal amount of first mortgage and collateral trust bonds, ——% series due September 1, 1997. The interest rate (which shall be a multiple of one-eighth of 1 percent) and the price to Delmarva, exclusive of accrued interest (which shall be not less than 100 percent nor more than 102.75 percent of the principal amount thereof), for the bonds will be determined by the competitive bidding. The bonds will be issued under a mortgage and deed of trust, dated October 1, 1943, between Delmarva and the Chemical Bank New York Trust Co., trustee, as heretofore supplemented and as to be further supplemented by a 34th supplemental indenture to be dated September 1, 1967.

Delmarva will apply the proceeds from the sale of bonds toward the cost of its own construction program and that of its subsidiary companies including the payment of short-term notes due banks issued for construction purposes prior to such sale. The system construction program during 1967 and 1968 is estimated at $73,288,000.

It is represented that the issuance of the bonds is subject to the approval of The Public Service Commission of Delaware and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. A statement of the fees and expenses to be incurred by Delmarva in connection with the sale of the bonds will be supplied by amendment.

Notice is further given that any interested person may, not later than September 5, 1967, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-9713; Filed, Aug. 17, 1967; 8:45 a.m.]

[812-2159]

HAMILTON MANAGEMENT CORP.

Notice of Filing of Application for Exemption

AUGUST 14, 1967.

Notice is hereby given that Hamilton Management Corp. ("Applicant"), 777 Grant Street, Denver, Colo. 80217, a Delaware corporation, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting three companies, International Balanced Fund, Inc., International

Growth Fund, Inc., and International Income Fund, Inc. ("the new funds"), of which Applicant is the investment adviser and sole stockholder, from the provisions of sections 10(a), 15(a), 15(c), 30(b)(1), 30(b)(2), 30(d), and 32(a) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant, a wholly owned subsidiary of International Telephone and Telegraph Corp., is primarily engaged in the business of rendering investment advice to Hamilton Funds, Inc., a registered diversified open-end management investment company, and of underwriting and distributing the securities of Hamilton Funds, Inc., and Hamilton Fund, a unit investment trust. The new funds were incorporated under the laws of the State of Delaware on May 1, 1967. Each is registered under the Act as a diversified open-end management investment company although none intends to make a public offering of its securities for several years.

Applicant requests that each such new fund be granted the following exemptions to remain in effect with respect to each only so long as each does not make a public offering of its securities and Applicant remains its sole stockholder:

Exemption from section 10(a), insofar as it requires that no more than 60 percent of the members of the Board of Directors of each such new fund be persons who are investment advisers of, affiliated persons of an investment adviser of, or officers or employees of such company;

Exemption from sections 15(a) and 15(c), insofar as they require approval of the investment advisory contract, at least annually, by vote of a majority of the outstanding voting securities of the company or by a majority of the unaffiliated directors of the company;

Exemption from sections 30(b)(1) and 30(b)(2), insofar as they require (1) the filing of information and documents with the Commission on a semiannual or quarterly basis, and (2) the filing with the Commission of copies of every periodic or interim report or similar communication containing financial statements and transmitted to the company's stockholder; and

Exemption from section 32(a) insofar as it requires the selection of an independent public accountant by the unaffiliated directors of the registered company.

Applicant represents that so long as the new funds make no public offering of their securities and so long as they have only one stockholder, there is no public interest to be protected and, consequently, the new funds should be exempt from the above-listed provisions of the Act.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security, or transaction from any provision of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than August 31, 1967, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67–9714; Filed, Aug. 17, 1967; 8:45 a.m.]

[File No. 1–4079]

TEL-A-SIGN, INC.

Order Suspending Trading

AUGUST 14, 1967.

The common stock of Tel-A-Sign, Inc., being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934, and being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such security on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 15, 1967, through August 24, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67–9715; Filed, Aug. 17, 1967; 8:45 a.m.]

[70–4521]

WEST TEXAS UTILITIES CO. AND CENTRAL AND SOUTH WEST CORP.

Notice of Proposed Amendment of Articles of Incorporation

AUGUST 14, 1967.

Notice is hereby given that Central and South West Corp. ("Central"), 902 Market Street, Wilmington, Del. 19899, a registered holding company and its electric utility subsidiary company, West Texas Utilities Co. ("West Texas"), 1062 North Third Street, Abilene, Tex. 79604, have filed a joint application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating sections 6(a), 7, 9, 10, and 12(f) of the Act and Rules 20 and 50 of the general rules as applicable to the proposed transactions. All interested persons are referred to the application-declaration which is summarized below, for a complete statement of the proposed transactions.

West Texas proposes to change, by amendment to its Articles of Incorporation, the 2,800,000 authorized shares of its common stock of the par value of $10 each, both issued and unissued, into 2,800,000 shares of common stock of the par value of $15 each and to transfer from earned surplus to the common stock capital account the sum of $12,375,000—the equivalent of $5 for each of the 2,475,000 shares of common stock ($10 par value) now outstanding.

At June 30, 1967, the common stock capital and the earned surplus of Southwestern amounted to $24,750,000 and $23,391,152, respectively. Giving effect to the proposed transfer, common stock capital would be increased to $37,125,000 and earned surplus would be reduced to $11,016,152. The transactions are proposed for the principal purpose of effectuating a permanent capitalization of a portion of the company's earned surplus. Each of the outstanding common shares having a par value of $10 will, after the proposed transactions, constitute a common share having a par value of $15.

The affirmative vote of the holders of at least two-thirds of the outstanding shares of common stock is required to adopt the proposed amendments. Central, owner of all of the common stock of West Texas, proposes to give and execute its consent in writing to the adoption of the proposed amendments to the Articles of Incorporation.

Fees and expenses in connection with the proposed transactions to be paid by West Texas are estimated not to exceed $1,500, including legal fees of $1,000. It is stated that no State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than September 5, 1967, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67–9716; Filed, Aug. 17, 1967; 8:45 a.m.]

TARIFF COMMISSION

[APTA–W–16; TC Publication 212]

CERTAIN WORKERS OF EATON YALE & TOWNE'S STAMPING DIVISION PLANT, CLEVELAND, OHIO

Report to Automotive Agreement Adjustment Assistance Board in Adjustment Assistance Case

AUGUST 15, 1967.

The Tariff Commission today reported to the Automotive Agreement Adjustment Assistance Board the results of its investigation No. APTA–W–16, conducted under section 302(e) of the Automotive Products Trade Act of 1965. The Commission's report contains factual information for use by the Board, which determines the eligibility of the workers concerned to apply for adjustment assistance. The workers in this case were employed in the Cleveland, Ohio, Stamping Division plant of Eaton Yale & Towne, Inc.

Only certain sections of the Commission's report can be made public since much of the information it contains was received in confidence. Publication of such information would result in the disclosure of certain operations of individual firms. The sections of the report that can be made public are reproduced on the following pages.

Introduction. In accordance with section 302(e) of the Automotive Products Trade Act of 1965 (79 Stat. 1016), the U.S. Tariff Commission herein reports the results of an investigation (APTA–W–16) concerning the possible dislocation of certain workers engaged in the production of miscellaneous automotive stampings at the Cleveland, Ohio, plant of the Eaton Stamping Division, Eaton Yale & Towne, Inc. The Commission instituted the investigation on June 27, 1967, upon receipt of a request for investigation on June 26, 1967, from the Automotive Assistance Committee of the Automotive Agreement Adjustment Assistance Board. Public notice of the investigation was given in the FEDERAL REGISTER (32 F.R. 9596) on July 1, 1967.

The Automotive Assistance Committee's request for the investigation resulted from a petition for determination of eligibility to apply for adjustment assistance that was filed with the Assistance Board on June 21, 1967, by the International Union, United Automobile Aerospace & Agricultural Implement Workers of America (U.A.W.) and its Local No. 307, on behalf of a group of workers at the Cleveland plant of the Eaton Stamping Division of Eaton Yale & Towne, Inc. Neither the petitioners nor any other party requested a hearing before the Commission, and none was held.

The petition alleged that the transfer of the production of automotive stampings from the Cleveland plant to the Eaton Spring Division plant in Detroit, Mich., resulted in the permanent layoff of 65 workers between April 15, 1967, and May 24, 1967. The petition further alleged that the transfer would not have occurred if the Eaton Spring Division had not moved its flat leaf spring operation from Detroit to Chatham, Ontario, leaving space vacant at the Detroit plant. The petition attributed the aforementioned transfer of production and layoff of 65 employees at the Cleveland plant to the United States-Canadian Trade Agreement Concerning Automotive Products, signed January 16, 1965.

The information reported herein was obtained from a variety of sources, including Eaton Yale & Towne, Inc., the International Union, U.A.W., and its Local 307, the Commission's files, and through fieldwork by members of the Commission's staff.

Investigation No. APTA–W–7; Automotive flat leaf springs. The present investigation (APTA–W–16) is related to an earlier investigation (APTA–W–7) that had been completed by the Commission on March 30, 1967. In investigation No. APTA–W–7, a petition was filed by the U.A.W. with the Automotive Agreement Adjustment Assistance Board alleging that a permanent layoff of workers at the Eaton Yale & Towne Detroit spring plant had resulted from the transfer of the production of automotive flat leaf springs from Detroit to Eaton's newly established plant in Chatham, Ontario.

On March 30, 1967, the Tariff Commission presented its report on APTA–W–7 to the Adjustment Assistance Board.[1] On April 14, 1967, the Board reported its determination that the workers of the leaf spring department at Eaton's Detroit plant, who had become unemployed or underemployed after January 7, 1967, had been dislocated primarily as a result of the United States-Canadian Automotive Products Agreement and were thus eligible to apply for adjustment assistance.[2]

The automotive product involved—miscellaneous metal stampings. The products involved in this investigation are those automotive stampings which were produced at the Eaton Stamping Division plant in Cleveland, the production of which was shifted to the Eaton Spring Division plant in Detroit. These products consist primarily of radiator and fuel tank caps, filler necks, bumper guards, arm rest assemblies, and hubcaps for trucks.

The aforementioned articles are dutiable under item 692.27 of the Tariff Schedules of the United States at 8.5 percent ad valorem unless they are Canadian articles for use as "original motor-vehicle equipment", in which event they are entered duty free under item 692.28.

Eaton Yale & Towne, Inc., and its Eaton Stamping Division. Eaton Yale & Towne, Inc., with headquarters in Cleveland, Ohio, is a large diversified corporation doing business through numerous divisions, subsidiaries, and foreign affiliates. Its net sales in 1966 were valued at $796 million; approximately 50 percent of this total was accounted for by the sale of passenger car products and components for trucks and off-the-highway vehicles. Other important segments of the corporation's business include materials handling and construction equipment, and locks and builder's hardware.

The Eaton Stamping Division of Eaton Yale & Towne, Inc., was a single plant division with its plant and headquarters in Cleveland. The Division was formed as a successor to the Easy-On Cap. Co., whose assets were acquired by Eaton in the early 1930's. The Cleveland plant contains 197,000 square feet of manufacturing space and 35,000 square feet of office space. It is a single-story masonry structure which is about 40 years old.

* * * * * *

By direction of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 67–9735; Filed, Aug. 17, 1967; 8:47 a.m.]

[1] U.S. Tariff Commission, APTA–W–7: Automotive Flat Leaf Springs; Certain Workers of Eaton Yale & Towne Inc., Eaton Spring Division, Detroit, Michigan Plant (March 1967).

[2] Automotive Agreement Adjustment Assistance Board, Summary of Final Determinations and Notice of Certification (April 1967).

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 15, 1967.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41102—*Processed clay to Cherokee, Ala., and Yazoo City, Miss.* Filed by Southwestern Freight Bureau, agent (No. B-8998), for interested rail carriers. Rates on processed clay, in carloads, from specified points in Louisiana and Texas, to Cherokee, Ala., and Yazoo City, Miss., and stations taking same rates.

Grounds for relief—Market competition.

Tariff—Supplement 31 to Southwestern Freight Bureau, agent, tariff ICC 4628.

FSA No. 41103—*Petroleum residual fuel oil to Lake, Wis.* Filed by Southwestern Freight Bureau, agent (No. B-9001), for interested rail carriers. Rates on petroleum residual fuel oil, in tank carloads, from points in Kansas, Louisiana, Missouri, Oklahoma, and Texas, to Lake, Wis.

Grounds for relief—Market competition.

Tariff—Supplement 459 to Southwestern Freight Bureau, agent, tariff ICC 4279.

FSA No. 41104—*Soda ash from Saltville, Va.* Filed by O. W. South, Jr., agent (No. A5052), for interested rail carriers. Rates on soda ash (other than modified soda ash), in bulk, in cars or in bulk, in bags, or barrels, in carloads, minimum 100,000 pounds, from Saltville, Va., to Memphis, Tenn.

Grounds for relief—Market competition.

Tariff—Supplement 93 to Southern Freight Association, agent, tariff ICC S-517.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-9749; Filed, Aug. 17, 1967; 8:46 a.m.]

[Notice 24]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 15, 1967.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 279), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-68887. By order of August 10, 1967, the Transfer Board approved the transfer to Whitney Tank Lines, Inc., Tampa, Fla., of certain operating rights of McKenzie Tank Lines, Inc., Tallahassee, Fla., specifically, a portion of the operating rights in certificate No. MC-112520 (Sub-No. 61), issued March 21, 1963, the entire operating rights in certificate No. MC-112520 (Sub-No. 107), issued March 4, 1966, a portion of the operating rights in certificate No. MC-112520 (Sub-No. 115), issued March 10, 1967, and the entire operating rights in certificate No. MC-112520 (Sub-No. 139), issued November 28, 1966, authorizing the transportation over irregular routes, of phosphoric acid, in bulk, in tank vehicles, from Bonnie, Brewster, and Tampa, Fla., to Mobile, Ala.; phosphate, phosphate products, and phosphate byproducts, in bulk, in tank or hopper vehicles, from points in Polk County, Fla., to points in Hillsboro County, Fla.; phosphate rock, diammonium phosphate, superphosphate, triple-superphosphate, hydrofluosilicic acid, phosphate acid, and phosphatic feed supplements, in bulk, in tank and hopper-type vehicles, from points in Citrus and Marion (Counties) south of the Cross Florida Canal, Pinellas, Hillsborough, Manatee, Polk, Pasco, Hardee, Sarasota, Orange, Hernando, Charlotte, Lee, De Soto, Highlands, Okeechobee, Indian River, Brevard, and Osceola Counties, Fla., to points in Florida, Alabama, and Georgia, as restricted, and superphosphoric acid, in bulk, in tank vehicles, from points in Polk County, Fla., to Fremont, Nebr. Dan R. Schwarts, 1730 American Heritage Life Building, Jacksonville, Fla. 32202, attorney for applicants.

No. MC-FC-69744. By order of August 9, 1967, the Transfer Board approved the transfer to Boward Moving & Storage, Inc., Staunton, Va., of the operating rights of Meadows Transfer, Inc., Harrisonburg, Va., in certificate No. MC-109325, issued August 12, 1959, authorizing the transportation, over irregular routes, of household goods, between Harrisonburg, Va., to points in Virginia within 25 miles of Harrisonburg, on the one hand, and, on the other, points in Virginia, Ohio, North Carolina, Maryland, Pennsylvania, West Virginia, and the District of Columbia. M. Bruce Morgan, 201 Azar Building, Glen Burnie, Md. 21061, attorney for applicants.

No. MC-FC-69759. By order of August 9, 1967, the Transfer Board approved the transfer to Guy E. Wilson, Inc., 156 Porter Place, Rutland, Vt., of the operating rights in permit No. MC-107481 (Sub-No. 1), issued May 10, 1951, to Guy E. Wilson, 156 Porter Place, Rutland, Vt., authorizing the transportation of such merchandise as is dealt in by retail and chain grocery and food business houses, and equipment, materials, and supplies used in the conduct of such business, over irregular routes, from Waterford, N.Y., to all points in Vermont.

No. MC-FC-69830. By order of August 9, 1967, the Transfer Board approved the transfer to Balboa Warehouse Corp., doing business as Pacific Transfer Van & Truck Co., San Diego, Calif., of the operating rights in certificate No. MC-72715, issued May 22, 1942, to R. S. Stowell, doing business as Western Parcel Service, San Diego, Calif., authorizing the transportation of: General commodities, with the usual exceptions, between points in San Diego, Calif. Daniel W. Baker, 405 Montgomery Street, San Francisco, Calif, 94104, attorney for transferee. George Ritner, 411 Broadway, San Diego, Calif. 92101, attorney for transferor.

No. MC-FC-69831. By order of August 9, 1967, the Transfer Board approved the transfer to Dave's Trucking Co., Inc., Port Chester, N.Y., of the operating rights in certificate No. MC-2923, issued June 13, 1960, to David Azorsky and Joseph Wein, doing business as Dave's Trucking Co., Port Chester, N.Y., authorizing the transportation of: General commodities, with the usual exceptions, between specified points in New York, New Jersey, and Connecticut. Charles H. Trayford, 137 East 36th Street, New York, N.Y. 10016, and Paul Archer, Northcourt Building, White Plains, N.Y. 10601, attorneys for applicants.

No. MC-FC-69835. By order of August 9, 1967, the Transfer Board approved the transfer to J. Rollman & Son, Inc., Lititz, Pa., of the operating rights in certificates Nos. MC-17131 and MC-17131 (Sub-No. 1), issued August 22, 1961, and April 6, 1964, respectively, to Luke B. Hollinger, Lancaster, Pa., authorizing the transportation, over irregular routes, of fertilizer and lumber between Bowmansville, Pa., and points within 15 miles of Bowmansville, on the one hand, and, on the other, Baltimore, Md., and cabbage, farm machinery, equipment, and parts thereof, fertilizer, flour, general commodities, with exceptions, hay and straw, lumber, and potatoes from and to various points in Pennsylvania, Maryland, Ohio, New Jersey, Delaware, and the District of Columbia; and over regular routes, fertilizer from Baltimore, Md., to Strasburg, Pa., serving certain intermediate and off-route points. Christian V. Graf, 407 North Front Street, Harrisburg, Pa., attorney for applicants.

No. MC-FC-69842. By order of August 9, 1967, the Transfer Board approved the transfer to Bob Hilmer, doing business as Hilmer Truck Lines, Dysart, Iowa, of the operating rights in permits Nos. MC-126548 (Sub-No. 1) and MC-126548 (Sub-No. 4) issued October 11, 1965, and December 21, 1965, respectively, to Robert R. Reed, Grinnell, Iowa, authorizing the transportation of: Lumber, boards, pallets, and skids, from Belle Plaine, Iowa, to points in Indiana, Ohio, Illinois, and Wisconsin. Kenneth F. Dudley, Post Office Box 279, Ottumwa, Iowa 52501, representative for applicants.

No. MC-FC-69845. By order of August 9, 1967, the Transfer Board approved the transfer to Ralph Guggenheim, Willseyville, N.Y., of the certificate in No. MC-127301, issued February 23, 1966, to Roy G. Grover, doing business as Grover Trucking, Willseyville, N.Y., authorizing the transportation of: Building materials, from the site of the Wickes Corp., approximately 10 miles west of Endicott, N.Y., to points in Bradford, Lackawanna, Susquehanna, Wayne, and Wyoming Counties, Pa. Raymond A. Richards, 23 West Main Street, Webster, N.Y. 14580, representative for applicants.

No. MC-FC-69846. By order of August 9, 1967, the Transfer Board approved the transfer to Service Transfer, Inc., Sitka, Alaska, of the certificate in No. MC-124128 (Sub-No. 1) and MC-124128 (Sub-No. 2), issued March 18, 1965, and July 28, 1965, respectively, to Keith B. Snowden, doing business as Service Transfer, Sitka, Alaska, authorizing the transportation of: General commodities, excluding commodities in bulk and other specified commodities, between points in Alaska south and east of the United States-Canada boundary line north of Haines, Alaska, and between points on Baranof Island, Alaska. N. C. Banfield, 311 Franklin Street, Juneau, Alaska 99801, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-9750; Filed, Aug. 17, 1967; 8:48 a.m.]

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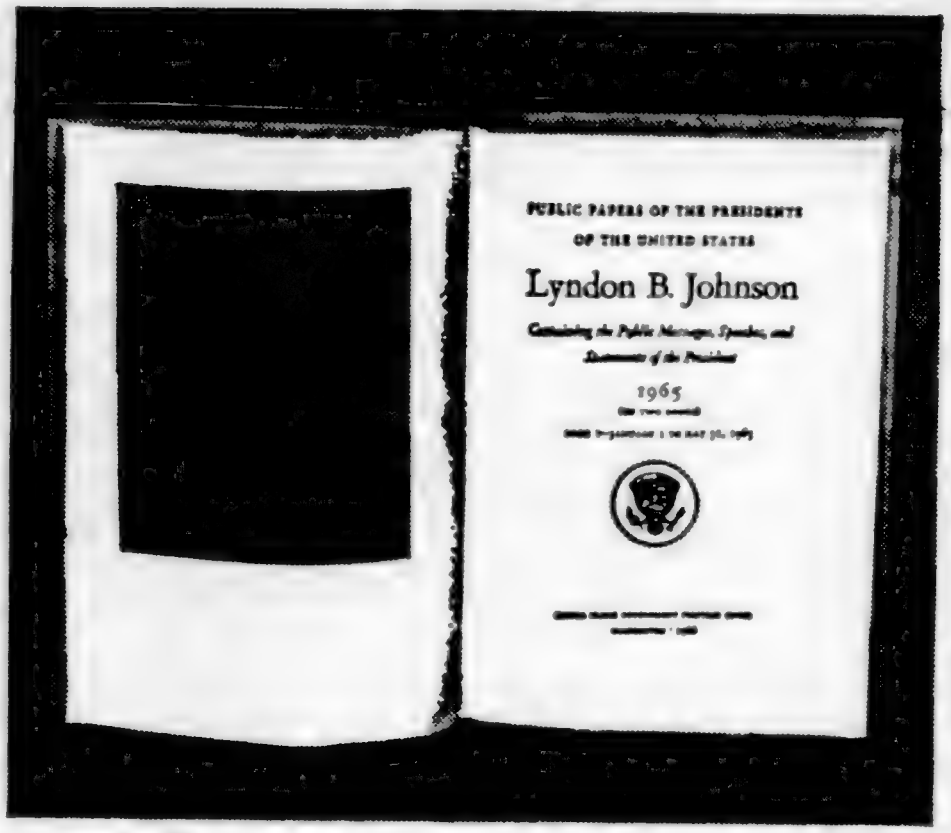
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Pages 11977–12029

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Agricultural Stabilization and Conservation Service
Business and Defense Services Administration
Civil Aeronautics Board
Civil Service Commission
Consumer and Marketing Service
Customs Bureau
Federal Communications Commission
Federal Maritime Commission
Federal Power Commission
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Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Commerce

Section 213.3114 is amended to show that full-time employment of supervisors, assistant supervisors, supervisors' clerks and enumerators under Schedule A may be extended for an additional year with prior Commission approval. Effective on publication in the FEDERAL REGISTER, subparagraph (1) of paragraph (d) of § 213.3114 is amended as set out below.

§ 213.3114 Department of Commerce.

* * * * *

(d) *Bureau of the Census.*

(1) Supervisors, assistant supervisors, supervisors' clerks, and enumerators in the field service for temporary, part-time, or intermittent employment, for not to exceed 1 year: *Provided*, That such appointments may be extended for additional periods of not to exceed one year each; but that prior Commission approval is required for extension of full-time employment for longer than 1 year.

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-9802; Filed, Aug. 18, 1967; 8:48 a.m.]

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Commuted Travel Time Allowances

Pursuant to the authority conferred upon the Director of the Plant Quarantine Division by § 354.1 of the regulations concerning overtime services relating to imports and exports, effective July 31, 1966 (7 CFR 354.1), administrative instructions (7 CFR 354.2), prescribing the commuted travel time that shall be included in each period of overtime or holiday duty are hereby revised to read as follows:

§ 354.2 Administrative instructions prescribing commuted travel time.

Certain periods of overtime and holiday duty, as defined in § 354.1 shall, in addition, include a commuted travel time period for the respective areas in which employees are located, if such travel is performed solely on account of overtime or holiday service. The prescribed commuted travel time periods are as follows:

WITHIN METROPOLITAN AREA

ONE HOUR

Aguadilla, P.R.
Alexander Hamilton Airport, St. Croix, A.V.I.
Anchorage, Alaska.
Andrews AFB, Md.
Astoria, Oreg.
Atlanta, Ga.
Baton Rouge, La.
Blaine, Wash.
Brownsville, Tex.
Calexico, Calif.
Cape Canaveral, Fla.
Charlotte Amalie, St. Thomas, A.V.I.
Christiansted, St. Croix, A.V.I.
Corpus Christi, Tex.
Dallas, Tex.
Del Rio, Tex.
Douglas, Ariz.
Dover, Del.
Dulles International Airport, Loudoun County, Va.
Duluth, Minn.
Eagle Pass, Tex.
El Paso, Tex.
Ferry Beach, Bermuda.
Fort Lauderdale, Fla.
Frederiksted, St. Croix, A.V.I.
Galveston, Tex.
Hidalgo, Tex.
Hilo, Hawaii.
Kahalui, Maui, Hawaii.
Key West, Fla.
Laredo, Tex.
McChord, AFB, Wash.
Memphis, Tenn.
Mobile, Ala.
Nassau, The Bahamas.
Nogales, Ariz.
Norton AFB, Calif.
Patrick AFB, Fla.
Pensacola, Fla.
Port Allen, La.
Port Arthur, Tex.
Port Everglades, Fla.
Presidio, Tex.
Progreso, Tex.
Ramey AFB, P.R.
Rome, Tex.
Rouses Point, N.Y. (including Champlain, N.Y., and Alburg, Vt.).
San Antonio, Tex.
San Diego, Calif.
San Juan, P.R.
San Luis, Ariz.
San Pedro, Calif.
San Ysidro, Calif.
Savannah, Ga.
Seattle, Wash. (other than SEA-TAC Airport and Point Wells).
Superior, Wis.
Travis AFB, Calif.
West Palm Beach, Fla.
Wilmington, N.C.

TWO HOURS

Buffalo, N.Y.
Cleveland, Ohio.
Charleston, S.C.
Edmonds, Wash.
Honolulu, Hawaii.
Houston, Tex.
Jacksonville, Fla.
Lihue, Kauai, Hawaii.
McGuire AFB, Wrightstown, N.J.
Miami, Fla.
Milwaukee, Wis.
Minneapolis-St. Paul, Minn.
New Orleans, La.
Norfolk-Newport News, Va.
Point Wells, Wash.
Portland, Oreg.
St. Petersburg, Fla.
San Francisco, Calif. (including Oakland, and Alameda, Calif.).
San Pedro, Calif. (including Los Angeles, Los Angeles Harbor, Los Angeles International Airport, Long Beach Harbor and Long Beach Municipal Airport, Calif.).
SEA–TAC Airport, Wash.
Tampa, Fla.
Tecate, Calif.
Toledo, Ohio.
Vancouver, Wash.

THREE HOURS

Baltimore, Md.
Boston, Mass.
Chicago, Ill.
Detroit, Mich. (including Detroit Metropolitan Airport at Inkster, Mich.).
Jamaica, Long Island, N.Y.
New York, N.Y.
Philadelphia, Pa.

OUTSIDE METROPOLITAN AREA

ONE HOUR

Alamo, Tex. (served from Hidalgo, Tex.).
Brown Field, Calif. (served from San Ysidro, Calif.).
Corpus Christi Naval Air Station (served from Corpus Christi, Tex.).
Falcon Heights, Tex. (served from Roma, Tex.).
Fort Lewis, Wash. (served from McChord AFB, Wash.).
Greater Southwest International Airport (served from Dallas, Tex.).
Gregory, Tex. (served from Corpus Christi, Tex.).
McAllen, Tex. (served from Hidalgo, Tex.).
Mission, Tex. (served from Hidalgo, Tex.).
Olympia, Wash. (served from McChord AFB, Wash.).
Pharr, Tex. (served from Hidalgo, Tex.).
Rio Grande City, Tex. (served from Roma, Tex.).
San Juan, Tex. (served from Hidalgo, Tex.).
Tacoma, Wash. (served from McChord AFB, Wash.).
Texas City, Tex. (served from Galveston, Tex.).

TWO HOURS

Akron, Ohio (served from Cleveland, Ohio).
Andrade, Calif. (served from Calexico, Calif.).
Aransas Pass, Tex. (served from Corpus Christi, Tex.).
Arlington and Alexandria, Va. (served from Andrews AFB, Md., or Dulles International Airport, Va.).
Barbers Point NAS, Hawaii (served from Honolulu, Hawaii).
Beaumont, Tex. (served from Port Arthur, Tex.).
Belle Chasse, La. (including NAS) (served from New Orleans, La.).
Bellingham, Wash. (served from Blaine, Wash.).
Braithwaite, La. (served from New Orleans, La.).

Burnside, La. (served from Baton Rouge, La.).
Camp Pendleton USMC, Oceanside, Calif. (served from San Diego, Calif.).
Chateaugay, N.Y. (including Churubusco and Cannon Corners, N.Y., served from Rouses Point, N.Y.).
Columbia City, Oreg. (served from Portland, Oreg.).
Crockett, Calif. (served from San Francisco, Calif.).
Donna, Tex. (served from Hidalgo, Tex.).
Edinburg, Tex. (served from Hidalgo, Tex.).
Edmonds, Wash. (served from Seattle, Wash.).
El Segundo, Calif. (served from San Pedro, Calif.).
Fairport Harbor, Ohio (served from Cleveland, Ohio).
Ferndale, Wash. (served from Blaine, Wash.).
Geismar, La. (served from Baton Rouge, La.).
George AFB, Calif. (served from Norton AFB, Calif.).
Good Hope, La. (served from New Orleans, La.).
Hamilton AFB, Novato, Calif. (served from San Francisco, Calif.).
Harbor Island, Tex. (served from Corpus Christi, Tex.).
Harlingen, Tex. (served from Brownsville, Tex.).
Kaneohe MCAS, Hawaii (served from Honolulu, Hawaii).
Kelly AFB, San Antonio, Tex.
Kenosha, Wis. (served from Milwaukee, Wis.).
La Feria, Tex. (served from Hidalgo, Tex.).
Lakehurst NAS, N.J. (served from McGuire AFB, Wrightstown, N.J.).
Lewiston, N.Y. (served from Buffalo, N.Y.).
Loraine, Ohio (served from Cleveland, Ohio).
Lynden, Wash. (served from Blaine, Wash.).
Marathon, Fla. (served from Key West, Fla.).
March AFB, Calif. (served from Norton AFB, Calif.).
Marine Corps Air Facility, N.C. (served from Wilmington, N.C.)
Martinez, Calif. (served from San Francisco, Calif.).
Meacham Field, Tex. (served from Dallas, Tex.).
Melbourne, Fla. (served from Port Canaveral, Fla.).
Mercedes, Tex. (served from Hidalgo, Tex.).
Moffett Field NAS, Sunnyside, Calif. (served from San Francisco, Calif.).
Niagara Falls, N.Y. (served from Buffalo, N.Y.).
Orange, Tex. (served from Port Arthur, Tex.).
Paine Field and Snohomish County Airport, Wash. (served from Seattle, Wash.).
Pittsburg, Calif. (served from San Francisco, Calif.).
Plaquemine, La. (served from Baton Rouge, La.).
Plattsburgh, N.Y. (served from Rouses Point, N.Y.).
Port Chicago, Calif. (served from San Francisco, Calif.).
Port Isabel, Tex. (served from Brownsville, Tex.).
Progreso, Tex. (served from Brownsville or Hidalgo, Tex.).
Racine, Wis. (served from Milwaukee, Wis.).
Randolph AFB, San Antonio, Tex. (served from San Antonio, Tex.).
Redwood City, Calif. (served from San Francisco, Calif.).
Richmond, Calif. (served from San Francisco, Calif.).
Rockport, Tex. (served from Corpus Christi, Tex.).
Rodeo, Calif. (served from San Francisco, Calif.).
St. Albans, Vt. (including Highgate Springs and Morses Line, Vt., served from Rouses Point, N.Y.).
St. Helens, Oreg. (served from Portland, Oreg.).
St. Rose, La. (served from New Orleans, La.)
Schofield Barracks, Wahiawa, Oahu, Hawaii (served from Honolulu, Hawaii).
Seal Beach, Calif. (served from San Pedro, Calif.).
SEA-TAC Airport, Wash. (served from McChord AFB, Wash.).
Sumas, Wash. (served from Blaine, Wash.).
Sunny Point Army Terminal, Southport, N.C. (served from Wilmington, N.C.).
Vallejo, Calif. (served from San Francisco, Calif.).
Weslaco, Tex. (served from Hidalgo, Tex.).
Westport, Oreg. (served from Astoria, Oreg.).
Willapa Bay, Wash. (served from Astoria, Oreg.).

THREE HOURS

Andrews AFB, Md. (served from Dulles International Airport, Va.).
Annapolis, Md. (served from Baltimore, Md.).
Antioch, Calif. (served from San Francisco, Calif.).
Atlantic City, N.J. (served from Philadelphia, Pa.).
Baytown, Tex. (served from Houston, Tex.).
Beaufort, S.C. (served from Charleston, S.C.).
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Bursa, La. (served from New Orleans, La.).
Burbank, Calif. (served from San Pedro, Calif.).
Burlington, N.J. (served from Philadelphia, Pa.).
Camp Lejeune, N.C. (served from Wilmington, N.C.).
Carswell Field, Fort Worth, Tex. (served from Dallas, Tex.).
Cherry Point, N.C. (served from Wilmington, N.C.).
Chester, Pa. (served from Philadelphia, Pa.).
Destrehan, La. (served from New Orleans, La.)
Dulles International Airport, Va. (served from Andrews AFB, Md. or Baltimore, Md.).
Eglin AFB, Fla. (served from Pensacola, Fla.).
Elizabeth City, N.C. (served from Wilmington, N.C.).
El Toro MCAS, Calif. (served from Norton AFB, or San Pedro, Calif.).
England AFB, La. (served from Baton Rouge, La.).
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Longview, Wash. (served from Astoria or Portland, Oreg.).
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Marcus Hook, Pa. (served from Philadelphia, Pa.).
Mather Field AFB, Calif. (served from Travis AFB, Calif.).
Mayaguez, P.R. (served from Ramey AFB, P.R.).
McChord AFB, Wash. (served from Seattle, Wash.).
McClellan AFB, Calif. (served from Travis AFB, Calif.).
Monroe, Mich. (served from Detroit, Mich.).
Norco, La. (served from New Orleans, La.).
Olympia, Wash. (served from Seattle, Wash.).
Ontario, Calif. (served from San Pedro, Calif.).
Ostrica, La. (served from New Orleans, La.).
Pascagoula, Miss. (served from Mobile, Ala.).
Paulsboro, N.J. (served from Philadelphia, Pa.).
Pope AFB, N.C. (served from Wilmington, N.C.).
Port Sulphur, La. (served from New Orleans, La.).
Quantico Marine Corps Air Station, Va. (served from Andrews AFB, Md., or Dulles International Airport, Chantilly, Va.).
Rainier, Oreg. (served from Portland, Oreg.).
Raymond, Wash. (served from Astoria, Oreg.).
Roosevelt Roads, P.R. (served from San Juan, P.R.).
St. Marys, Ga. (served from Jacksonville, Fla.).
Seymour-Johnson AFB, N.C. (served from Wilmington, N.C.).
Silver Bay, Minn. (served from Duluth, Minn.).
Stockton, Calif. (served from Travis AFB, Calif.).
Tacoma, Wash. (served from Seattle, Wash.).
Toledo, Ohio (served from Detroit, Mich.).
Trenton, N.J. (served from McGuire AFB, Wrightstown, N.J.).
Tullytown, Pa. (served from Philadelphia, Pa.).
Tucson, Ariz. (served from Nogales, Ariz.).
Wilmington, Del. (served from Philadelphia, Pa.).
Any undesignated Alabama port served from Mobile, Ala.
Any undesignated Arizona port served from Nogales, Ariz.
Any undesignated Arkansas port served from Memphis, Tenn., or Atlanta, Ga.
Any undesignated California port served from San Diego, San Pedro, or San Francisco, Calif.
Any undesignated Delaware or Maryland port served from Dover, Del.
Any undesignated Florida port served from Jacksonville, Fla.
Any undesignated Georgia port served from Atlanta, or Savannah, Ga.
Any undesignated Hawaii port served from Hilo, Hawaii.
Any undesignated Maryland or Virginia port served from Andrews AFB, Md., or Dulles International Airport, Va.
Any undesignated Mississippi port served from Mobile, Ala.
Any undesignated New Hampshire port served from Rouses Point, N.Y.
Any undesignated New Mexico port served from El Paso, Tex.
Any undesignated New York port served from Buffalo or Rouses Point, N.Y.
Any undesignated North Carolina port served from Wilmington, N.C.
Any undesignated Ohio port served from Cleveland, or Toledo, Ohio.
Any undesignated Oregon port served from Astoria or Portland, Oreg.
Any undesignated South Carolina port served from Charleston, S.C.
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Any undesignated Washington port served from Astoria or Portland, Oreg., or from Seattle, Wash.
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Anacortes, Wash. (served from Blaine, or Seattle, Wash.).
Barksdale AFB, La. (served from Baton Rouge, La.).
Bradwood, Oreg. (served from Portland, Oreg.).
Brunswick, Ga. (served from Savannah, Ga.).
Cambridge, Md. (served from Baltimore, Md.).
Davis-Monthan AFB, Tucson, Ariz. (served from Nogales, Ariz.).
Davisville, R.I. (served from Boston, Mass.).
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Providence, R.I. (served from Boston, Mass.).
Quonset Point, R.I. (served from Boston, Mass.).
Rochester, N.Y. (served from Buffalo, N.Y.).
Roosevelt Town, N.Y. (served from Rouses Point, N.Y.).
Salisbury, Md. (served from Baltimore, Md.).
Venice, La. (served from New Orleans, La.).
Westport, Oreg. (served from Portland, Oreg.).

FIVE HOURS

Astoria, Oreg. (served from Portland, Oreg.).
Ault Field, Wash. (served from Seattle, Wash.).
Bay City, Mich. (served from Detroit, Mich.).
Bellingham, Wash. (served from Seattle, Wash.).
Boca Grande, Fla. (served from Tampa, Fla.).
Ferndale, Wash. (served from Seattle, Wash.).
Fort Myers, Fla. (served from Tampa, Fla.).
Indianapolis, Ind. (served from Chicago, Ill.).
Louisville, Ky. (served from Toledo, or Cleveland, Ohio).
McCoy AFB, Fla. (served from Tampa, Fla.).
Newport, R.I. (served from Boston, Mass.).
Ogdensburg, N.Y. (served from Rouses Point, N.Y.).
Panama City, Fla. (served from Pensacola, Fla.).
Phoenix, Ariz. (served from Nogales, Ariz.).
Pittsburgh, Pa. (served from Cleveland, Ohio).
Saginaw, Mich. (served from Detroit, Mich.).
Sanford NAS, Fla. (served from Tampa, Fla.).

SIX HOURS

Apalachicola, Fla. (served from Pensacola, Fla.).
Cincinnati, Ohio (served from Toledo, Ohio).
Columbus, Ohio (served from Cleveland, Ohio).
Des Moines, Iowa (served from Chicago, Ill.).
Grays Harbor, Wash. (served from Seattle, Wash.).
Green Bay, Wis. (served from Milwaukee, Wis.).
Kansas City, Mo. (served from Chicago, Ill.).
Lockbourne AFB, Ohio (served from Cleveland, Ohio).
Muskegon, Mich. (served from Detroit, Mich.).
Omaha, Nebr. (served from Chicago, Ill.).
Oswego, N.Y. (served from Buffalo, N.Y.).
Port Angeles, Wash. (served from Seattle, Wash.).
Port St. Joe, Fla. (served from Pensacola, Fla.).
St. Louis, Mo. (served from Chicago, Ill.).
South Haven, Mich. (served from Detroit, Mich.).
Syracuse, N.Y. (served from Buffalo, N.Y.).
Walker AFB, Roswell, N. Mex. (served from El Paso, Tex.).
Willapa Bay, Wash. (served from Seattle, Wash.).
Windsor Locks, Conn. (served from Boston, Mass.).

(64 Stat. 561)

These revised administrative instructions shall be effective on and after August 19, 1967, on which date they shall supersede 7 CFR 354.2 effective January 27, 1966, as amended.

The purposes of this revision are to add to the "One Hour, Within Metropolitan Area" list the item "San Diego, Calif." and to delete from said list "Long Beach Harbor, Calif." and "Los Angeles Harbor, San Pedro, Calif."; to add to the "Two Hours, Within Metropolitan Area" list the items "San Francisco, Calif. (including Oakland, and Alameda, Calif.)" and "San Pedro, Calif. (including Los Angeles, Los Angeles Harbor, Los Angeles International Airport, Long Beach Harbor and Long Beach Municipal Airport, Calif.)"; and to delete from the said list "Long Beach Municipal Airport, Calif.", "Los Angeles International Airport, Calif." and "San Francisco, Calif."; to add to the "Two Hours, Outside Metropolitan Area" list the items "Camp Pendleton USMC, Oceanside, Calif. (served from San Diego, Calif.)", "Crockett, Calif. (served from San Francisco, Calif.)", "El Segundo, Calif. (served from San Pedro, Calif.)", "Hamilton AFB, Novato, Calif. (served from San Francisco, Calif.)", "Martinez, Calif. (served from San Francisco, Calif.)", "Moffett Field NAS, Sunnyside, Calif. (served from San Francisco, Calif.)", "Pittsburg, Calif. (served from San Francisco, Calif.)", "Port Chicago, Calif. (served from San Francisco, Calif.)", "Redwood City, Calif. (served from San Francisco, Calif.)", "Richmond, Calif. (served from San Francisco, Calif.)", "Rodeo, Calif. (served from San Francisco, Calif.)", "Seal Beach, Calif. (served from San Pedro, Calif.)", and "Vallejo, Calif. (served from San Francisco, Calif.)"; to add to the "Three Hours, Outside Metropolitan Area" list the items "Antioch, Calif. (served from San Francisco, Calif.)", "Burbank, Calif. (served from San Pedro, Calif.)", "Ontario, Calif. (served from San Pedro, Calif.)", and "Any undesignated California port served from San Diego, San Pedro, or San Francisco, Calif." and to delete from the said list "March Field, Calif. (served from Norton AFB, Calif.)"; to add to the "Five Hours, Outside Metropolitan Area" list the items "Indianapolis, Ind. (served from Chicago, Ill.)" and "Louisville, Ky. (served from Toledo, or Cleveland, Ohio)" and to delete from the said list "George AFB, Victorville, Calif."; to add to the "Six Hours, Outside Metropolitan Area" list the items "Des Moines, Iowa (served from Chicago, Ill.)", "Kansas City, Mo. (served from Chicago, Ill.)", "Omaha, Nebr. (served from Chicago, Ill.)", and "St. Louis, Mo. (served from Chicago, Ill.)"; and to combine into a single list all existing amendments of these administrative instructions.

These commuted travel time periods have been established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such overtime or holiday duty when such travel is performed solely on account of such overtime or holiday duty. Such establishment depends upon facts within the knowledge of the Plant Quarantine Division. It is to the benefit of the public that these instructions be made effective at the earliest practicable date. Accordingly, pursuant to the provisions of 5 U.S.C. 553, it is found upon good cause that notice and public procedure on these instructions are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making these instructions effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 15th day of August 1967.

[SEAL] F. A. JOHNSTON,
Director, Plant Quarantine Division.

[F.R. Doc. 67-9808; Filed, Aug. 18, 1967; 8:48 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Valencia Orange Reg. 216]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.516 Valencia Orange Regulation 216.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 17, 1967.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period August 20, 1967, through August 26, 1967, are hereby fixed as follows:

(i) District 1: 140,000 cartons;

(ii) District 2: 560,000 cartons;

(iii) District 3: unlimited movement.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 18, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-9879; Filed, Aug. 18, 1967; 11:20 a.m.]

[Lemon Reg. 281]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.581 Lemon Regulation 281.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 15, 1967.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period August 20, 1967, through August 26, 1967, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 232,500 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 16, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-9820; Filed, Aug. 18, 1967; 8:49 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

PART 262—RULES OF PROCEDURE

1. Effective immediately, Part 262 is revised to read as follows:

Sec.
262.1 Basis and scope.
262.2 Procedure for regulations.
262.3 Applications.
262.4 Adjudication with formal hearing.
262.5 Appearance and practice.
262.6 Forms.

AUTHORITY: The provisions of this Part 262 issued under sec. 552, Title 5, United States Code.

§ 262.1 Basis and scope.

This part is issued pursuant to section 552 of Title 5 of the United States Code, which requires that every agency shall publish in the FEDERAL REGISTER statements of the general course and method by which its functions are channeled and determined and rules of procedure and descriptions of forms available or the places at which forms may be obtained.

§ 262.2 Procedure for regulations.

(a) *Notice.* Notices of proposed regulations of the Board or amendments thereto are published in the FEDERAL REGISTER, except as specified in paragraph (e) of this section or otherwise excepted by law. Such notices include a statement of the terms of the proposed regulations or amendments and a description of the subjects and issues involved; but the giving of such notices does not necessarily indicate the Board's final approval of any feature of any such proposal. The notices also include a reference to the authority for the proposed regulations or amendments and a statement of the time, place, and nature of public participation.

(b) *Public participation.* The usual method of public submission of data, views, or arguments is in writing. It is ordinarily preferable that they be sent to the appropriate Federal Reserve Bank, which forwards them to the Board. The locations of the 12 Federal Reserve Banks and the boundaries of the Federal Reserve districts are shown in Appendix A to the Board's Rules of Organization.[1]

(c) *Preparation of draft and action by Board.* In the light of consideration of all relevant matter presented or ascertained, the Legal Division, in collaboration with other Divisions of the Board's staff, prepares drafts of proposed regulations or amendments, and the staff submits them to the Board. The Board takes such action as it deems appropriate in the public interest. Any other documents that may be necessary to carry out any decision by the Board in the matter are usually prepared by the Legal Division, in collaboration with the other Divisions of the staff.

(d) *Effective dates.* Any substantive regulation or amendment thereto issued by the Board is published not less than 30 days prior to the effective date thereof, except as specified in paragraph (e) of this section or as otherwise excepted by law.

(e) *Exceptions as to notice or effective date.* In certain situations, notice and public participation with respect to proposed regulations may be impracticable, unnecessary, contrary to the public interest, or otherwise not required in the public interest, or there may be reason and good cause in the public interest why the effective date should not be deferred for 30 days. The reason or reasons in such cases usually are that such notice, public participation, or deferment of effective date would prevent the action from becoming effective as promptly as necessary in the public interest, would permit speculators or others to reap unfair profits or to interfere with the Board's actions taken with a view to accommodating commerce and business and with regard to their bearing upon the general credit situation of the country, would provoke other consequences contrary to the public interest, would unreasonably interfere with the Board's necessary functions with respect to management or personnel, would not aid the persons affected, or would otherwise serve no useful purpose. The following may be mentioned as some examples of situations in which advance notice or deferred effective date, or both, will ordinarily be omitted in the public interest: The review and determination of discount rates established by Federal Reserve Banks, and changes in general requirements regarding reserves of member banks, maximum interest rates on time and savings deposits, or credit for purchasing or carrying securities.

[1] See F.R. Doc. 67-9712, Federal Reserve System, in Notices section, *infra*.

§ 262.3 Applications.

(a) *Form.* Any application, request, or petition (hereafter referred to as "application") for the approval, authority, determination, or permission of the Board with respect to any action for which such approval, authority, determination, or permission is required by law or regulation of the Board (including actions authorized to be taken by a Federal Reserve Bank or others on behalf of the Board pursuant to authority delegated under Part 265) shall be submitted in accordance with the pertinent form, if any, listed in § 262.6. Copies of any such form and details regarding information to be included therein may be obtained from any Federal Reserve Bank. Any application for which no form is listed in § 262.6 should be signed by the person making the application or by his duly authorized agent, should state the facts involved, the action requested, and the applicant's interest in the matter, and should indicate the reasons why the application should be granted. Applications for access to, or copying of, records of the Board should be submitted as provided in § 261.4(d) of this chapter.

(b) *Procedure.* Any application should be sent to the Federal Reserve Bank of the district in which the person making the application is located, and that Bank will forward it to the Board when appropriate. The Reserve Bank makes such investigation as may be necessary and reports the relevant facts, with its recommendation, to the Board.

(c) *Comments by staff.* In the light of consideration of all relevant matter presented or ascertained, the Board's staff prepares and submits to the Board comments on the subject. The Board in due course takes such action as it deems appropriate in the public interest. Such documents as may be necessary to carry out any decision by the Board are prepared by the Board's staff. With respect to actions taken by a Federal Reserve Bank on behalf of the Board under delegated authority, statements and necessary documents are prepared by the staff of such Federal Reserve Bank.

(d) *Notice of granting or denial.* Prompt notice is given to the applicant of the granting or denial in whole or in part of any application. In the case of a denial, except in affirming a prior denial or where the denial is self-explanatory, such notice is accompanied by a simple statement of the grounds for such action.

(e) *Action at Board's initiative.* When the Board, without receiving an application, takes action with respect to any matter as to which opportunity for hearing is not required by statute or Board regulation, similar procedure is followed, including investigations, reports, and recommendations by the Board's staff and by the Reserve Banks, where appropriate.

(f) *Bank holding company and merger applications.* In addition to procedures applicable under other provisions of this part, the following procedures are applicable in connection with the Board's consideration of applications under section 3 of the Bank Holding Company Act of 1956 (12 U.S.C. 1842), hereafter called "holding company applications," and of applications under section 18(c) of the Federal Deposit Insurance Act (12 U.S.C. 1828), hereafter called "merger applications." Unless otherwise indicated, these procedures apply to both types of applications.

(1) The Board issues each week a list that identifies holding company and merger applications received during the preceding week. Notice of receipt of each holding company application is published in the FEDERAL REGISTER as provided in § 222.4(e)(2) of this chapter (Regulation Y).

(2) If a hearing is required by law or if the Board determines that a hearing for the purpose of taking evidence is desirable, the Board issues an order for such a hearing, and notice thereof is published in the FEDERAL REGISTER. Any such hearing is conducted by a hearing examiner or hearing officer in accordance with the Board's Rules of Practice for Formal Hearings (Part 263 of this chapter) and, unless otherwise ordered by the Board, is public.

(3) In any case in which a formal hearing is not ordered by the Board, the Board may afford the applicant and other properly interested persons (including Governmental agencies) an opportunity to present views orally before the Board or its designated representative. Unless otherwise ordered by the Board, any such oral presentation is public and notice of such public proceeding is published in the FEDERAL REGISTER.

(4) The Board's action on an application is embodied in an Order that indicates the votes of members of the Board and is accompanied by a Statement of the reasons for the Board's action. Both the Order and accompanying Statement are released to the press. Normally, the Statement is issued at the time of issuance of the Order; where this is not practicable, the Statement is issued as promptly as possible. Each such Order is published in the FEDERAL REGISTER; and the Order and Statement are published in the next succeeding issue of the Federal Reserve Bulletin.

(5) (i) Each Order of the Board approving a holding company application includes, pursuant to the Act approved July 1, 1966 (12 U.S.C. 1849(b)), a requirement that the transaction approved shall not be consummated before the thirtieth calendar day following the date of such Order.

(11) Each Order of the Board approving a merger application includes, pursuant to the Act approved February 21, 1966 (12 U.S.C. 1828(c)(1)(6)), a requirement that the transaction approved shall not be consummated before the thirtieth calendar day following the date of such Order, except as the Board may otherwise determine pursuant to emergency situations as to which the Act permits consummation at earlier dates.

(iii) Each Order approving an application also includes, as a condition of approval, a requirement that the transaction approved shall be consummated within three months and, in the case of acquisition by a holding company of stock of a newly organized bank, a requirement that such bank shall be opened for business within six months, but such periods may be extended for good cause by the Board (or by the appropriate Federal Reserve Bank where authority to grant such extensions is delegated to the Reserve Bank).

(6) After action by the Board on an application, the Board will not grant any request for reconsideration of its action unless the request presents relevant facts that, for good cause shown, were not previously presented to the Board, or unless it otherwise appears to the Board that reconsideration would be appropriate.

(7) Unless the Board shall otherwise direct, each holding company and merger application is made available for inspection by the public except for portions thereof as to which the Board determines that nondisclosure is warranted under section 552(b) of Title 5 of the United States Code.

§ 262.4 Adjudication with formal hearing.

In connection with adjudication with respect to which a hearing is required by law or is ordered by the Board, the procedure is set forth in Part 263 of this chapter, entitled "Rules of Practice for Formal Hearings".

§ 262.5 Appearance and practice.

Appearance and practice before the Board in all matters are governed by § 263.3 of this chapter.

§ 262.6 Forms.

The following forms, which are available at the Federal Reserve Banks, shall be used for the purposes indicated:

Form	
30	Application for Federal Reserve Bank Stock—Organizing National Bank.
30a	Application for Federal Reserve Bank Stock—Nonmember State Bank Converting into National Bank.
56	Application for Adjustment in Holdings of Federal Reserve Bank Stock (Except by Mutual Savings Banks).
56a	Application of Mutual Savings Bank for Adjustment in Holdings of Federal Reserve Bank Stock.
70	Application for Prior Written Consent to Effect a Merger or Other Transaction Pursuant to Section 18(c) of the Federal Deposit Insurance Act (Resulting Bank to be a State Member Bank).
83	Application for Membership in the Federal Reserve System (Cover Sheet).
83A	Application for Membership in the Federal Reserve System (State Banks except Mutual Savings Banks)
83B	Application for Membership in the Federal Reserve System (Mutual Savings Banks Authorized to Purchase Stock in Federal Reserve Bank).
83C	Application for Membership in the Federal Reserve System (Mutual Savings Banks Not Permitted to Subscribe for Stock in Federal Reserve Bank).
83D	Application for Stock in the Federal Reserve Bank (Mutual Savings Bank Admitted to Membership upon Deposit of Appropriate Amount with Federal Reserve Bank and Now Permitted to Subscribe for Federal Reserve Bank Stock under Laws under Which Organized).
83E	Certificate of Directors and Cashier.
86	Application for Cancellation of Federal Reserve Bank Stock—Liquidating Member Bank
86a	Application for Cancellation of Federal Reserve Bank Stock—Member Bank Merging or Consolidating with Nonmember Bank.
86b	Application for Cancellation of Federal Reserve Bank Stock—Converting National Bank
87	Application for Cancellation of Federal Reserve Bank Stock—Insolvent Member Bank
105	Report of Condition of State Member Bank
105e	(Form 105e)—Report of Condition of State Member Bank (Publisher's Copy)
107	Report of Income and Dividends of State Member Bank (Calendar Year)
107b	Report of Income and Dividends of State Member Bank (6-Month Period)
151	Articles of Association—Corporation To Do Business under Section 25(a) of the Federal Reserve Act
152	Organization Certificate—Corporation To Do Business under Section 25(a) of the Federal Reserve Act
220	Report of an Affiliate of a State Member Bank
220a	Report of an Affiliate of a State Member Bank (Publisher's Copy)
240	Report of Member Firm of a National Securities Exchange
314	Report of Condition by Foreign Banking Corporation (Semiannual)
414	Computation of Reserve To Be Carried With Federal Reserve Bank by Member Bank
F-1	Registration Statement for Securities of a Bank
F-2	Annual Report
F-3	Current Report
F-4	Quarterly Report
F-5	Proxy Statement; Statement Where Management Does Not Solicit Proxies
F-6	Statement in Election Contest
F-7	Initial Statement of Beneficial Ownership of Securities
F-8	Statement of Changes in Beneficial Ownership of Securities
F-9	Financial Statements
F-10	Registration Statement for Additional Classes of Securities of a Bank
F-20	Amendment to Registration Statement or Periodic Report of Bank
T-1	Agreement, Resolution, Certificate—to Qualify under Section 8(a) of the Securities Exchange Act of 1934
T-2	Agreement, Resolution, Certificate—to qualify under Section 8(a) of the Securities Exchange Act of 1934 (Bank with Principal Place of Business outside 50 States of United States)
Y-1	Application for Prior Approval of Action to Become a Bank Holding Company Pursuant to Section 3(a)(1) of the Bank Holding Company Act of 1956
Y-1A	Certificate of Directors or Other Governing Body Authorizing Application Pursuant to Section 3(a)(1) of the Bank Holding Company Act of 1956
Y-2	Application for Prior Approval of Acquisition of Bank Shares Pursuant to Section 3(a)(3) of the Bank Holding Company Act of 1956
Y-2A	Certificate of Directors or Other Governing Body Authorizing Application Pursuant to Section 3(a)(3) of the Bank Holding Company Act of 1956
Y-5	Registration Statement of Bank Holding Company Pursuant to Section 5(a) of the Bank Holding Company Act of 1956
Y-6	Annual Report of Bank Holding Company Pursuant to the Bank Holding Company Act of 1956

2.a. This action is pursuant to and in accordance with the provisions of section 552 of Title 5 of the United States Code.

b. The provisions of section 553 of Title 5, United States Code, relating to notice and public participation and to deferred effective dates, are not followed in connection with the adoption of this action, because the rules involved are procedural in nature and accordingly do not constitute substantive rules subject to the requirements of such section.

Dated at Washington, D.C., the 9th day of August, 1967.

By order of the Board of Governors.

[SEAL] KENNETH A. KENYON, *Assistant Secretary.*

[F.R. Doc. 67-9711; Filed, Aug. 18, 1967; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board

SUBCHAPTER D—SPECIAL REGULATIONS

[Reg. No. SPR-19]

PART 378—INCLUSIVE TOURS BY SUPPLEMENTAL AIR CARRIERS, CERTAIN FOREIGN AIR CARRIERS, AND TOUR OPERATORS

Amendment Extending Prior-Approval Requirement

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 10th day of August 1967.

In SPDR-8 (Docket 18487), dated May 1, 1967, and published at 32 F.R. 6847, the Board gave notice that it had under consideration an amendment to Part 378 which would extend the requirement of prior approval of all inclusive tour charters through December 31, 1968. The Board tentatively found that experience to date under the prior-approval procedure was so limited that the Board should continue, for at least an additional year, to exercise control over inclusive tours before granting a blanket exemption to tour operators.

Only World Airways, Inc. (World), a supplemental air carrier, and American International Travel Service, Inc. (AITS), a tour operator, responded to the proposal. Neither opposes extension of the prior-approval procedure, but each suggests additional substantive changes in the regulation governing inclusive tours. World proposes that an application for a Statement of Authorization should be automatically approved if the Board does not act within a specified period; *e.g.*, 15 or 30 days of the filing of an application; AITS requests that the Board establish two classes of tour operators based on experience and financial fitness. One class would be required to obtain prior approval of all their inclusive tour charters. The requirements for qualification of this class would include a modest showing of experience and modified bonding requirements. The second class of tour operators would consist of those which establish their financial fitness and successful experience and post a very large bond in the form set forth in the appendix to Part 378. The latter would receive operating authority valid until May 13, 1971, subject to the filing of quarterly financial statements showing continuing financial fitness.

World's proposal presents a number of practical problems at the present time. Unfortunately too many applications for inclusive tour authorization are incomplete in one or more requirements and require considerable analysis before approval can be granted or denied. The Board recognizes the necessity and desirability for ample lead time to merchandise tours after Board approval is granted. This problem can be alleviated by the early submission of inclusive tour requests and by the applicants' careful attention to the specific requirements of Part 378. As the tour operators, the carriers and the Board itself gain experience with processing these applications, greater expedition will result. The Board continually re-evaluates its internal procedures to that end.

AITS' proposals go to the financial fitness of tour operators and the bonding requirements of Part 378, matters beyond the scope of the present rule-making proceeding. As the Board has previously indicated, we are studying the present bonding requirements and we contemplate that possible modifications will be handled in a separate rule-making proceeding at an early date.

We shall therefore amend Part 378 as proposed in SPDR-8.

In consideration of the foregoing, the Board hereby amends Part 378 of the Special Regulations (14 CFR Part 378), effective September 18, 1967, as follows:

1. Amend § 378.10 to read:

§ 378.10 Requirement of a Statement of Authorization.

No inclusive tour or series of tours scheduled to commence on or before December 31, 1968, shall be operated, nor shall any tour operator sell or offer to sell, solicit, or advertise such tour or tours, unless there shall be in effect a Statement of Authorization issued by the Board authorizing the specific tour or series of tours.

2. Amend paragraph (a) of § 378.18 to read:

§ 378.18 Procedure applicable to periods on or after January 1, 1969.

(a) No inclusive tour or series of tours scheduled to commence on or after January 1, 1969, shall be operated, nor shall any tour operator sell or offer to sell, solicit, or advertise such tour or tours, unless there is on file with the Board a Tour Prospectus satisfying the requirements of § 378.13. If a series of tours is to be operated for one tour operator pursuant to one charter contract, the Prospectus may cover the entire series, provided the elapsed time between the commencement of the first tour and the completion of the last tour shall not be over 180 days. The Tour Prospectus shall be filed at least 60 days before commencement of the tour or tours. Late filing of the Prospectus will not be permitted except for good cause shown.

* * * * *

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 67-9798; Filed, Aug. 18, 1967; 8:47 a.m.]

SUBCHAPTER E—ORGANIZATION REGULATIONS

[Reg. No. OR-23]

PART 385—DELEGATIONS AND REVIEW OF ACTION UNDER DELEGATION; NONHEARING MATTERS

Delegation To Issue Statements of Authorization for Inclusive Tours

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 15th day of August 1967.

This amendment is being issued concurrently with SPR-19, which extends the prior-approval requirement for inclusive tour charters through December 31, 1968. The Board has determined that processing of applications for Statements of Authorization to conduct inclusive tours which meet the requirements of Part 378 and established precedent can be expedited by delegating the Board's function of approving such applications to the Director of the Bureau of Operating Rights.

Since this amendment is a rule of agency organization and procedure, notice and public procedure hereon are not required and the amendment may be made effective immediately.

Accordingly, the Board hereby amends Part 385 (14 CFR Part 385) by adding paragraph (v) to § 385.13, effective August 15, 1967, to read as follows:

§ 385.13 Delegation to the Director, Bureau of Operating Rights.

* * * * *

(v) Approve applications for a Statement of Authorization to conduct inclusive tours filed pursuant to Part 378 of this chapter (Special Regulations), which meet the requirements of Part 378 and established Board precedent.

(Secs. 204(a) and 1001 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 788; 49 U.S.C. 1324, 1481, and Reorganization Plan No. 3 of 1961, 75 Stat. 837, 26 F.R. 5989.)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 67-9799; Filed, Aug. 18, 1967; 8:47 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 67-197]

PART 1—GENERAL PROVISIONS

Ports of Entry

Carriers with truck terminals located outside the port limits of Pittsburgh, Pa., are experiencing delays in the release of bonded merchandise, with resulting delays in delivering shipments to consignees. In order to provide better customs service at these truck terminals and in other areas where there has been an increase in customs activities, it has been decided to extend the port limits of Pittsburgh, Pa.

Accordingly, by virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623 (19 U.S.C. 2), which was delegated to the Secretary of the Treasury by the President in Executive Order No. 10289, September 17, 1951 (3 CFR, Ch. II), and pursuant to authorization given to me by Treasury Department Order No. 190, Rev. 4 (30 F.R. 15769), the geographic limits of the customs port of Pittsburgh, Pa., in the Philadelphia, Pa., district (Region III), comprising all of Allegheny County and a portion of Westmoreland County as described in Treasury Decision 66-220, are extended to include all of Allegheny County and that part of Westmoreland County in the State of Pennsylvania described as follows:

Commencing at the point of intersection of the Pennsylvania Turnpike and the Allegheny-Westmoreland County line; thence southeasterly along the Pennsylvania Turnpike to the northern boundary of North

Huntingdon Township; thence southeasterly along said boundary of North Huntingdon Township to the point of junction of said boundary with Township Route T799; thence southeasterly along Township Route T799 to the point of junction with Route U.S. 30; thence westerly along Route U.S. 30 to the point of junction with legislative Route 64103; thence southwesterly along legislative Route 64103 to the point of intersection with Township Route T647; thence westerly along Township Route T647 to the point of junction with the North Huntingdon Township line; thence along the southern boundary of North Huntingdon Township to the Allegheny-Westmoreland County line; thence north along the Allegheny-Westmoreland County line to the point of beginning.

Section 1.2(c) of the Customs Regulations is amended by substituting "(including the territory described in T.D. 67-197)", for "(including the territory described in T.D. 66-220)" after "Pittsburgh, Pa.," in the column headed "Ports of entry" in the Philadelphia, Pa., district (Region III).

(80 Stat. 379, sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, as amended, R.S. 251, sec. 624, 46 Stat. 759; 5 U.S.C. 301, 19 U.S.C. 1, 2, 66, 1624)

[SEAL] MATTHEW J. MARKS,
Acting Assistant Secretary of the Treasury.

AUGUST 14, 1967.

[F.R. Doc. 67-9803; Filed, Aug. 18, 1967; 8:48 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in the Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

BUQUINOLATE

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by The Norwich Pharmacal Co., Post Office Box 191, Norwich, N.Y. 13815, and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use of buquinolate (ethyl-4-hydroxy - 6,7-diisobutoxy - 3-quinolinecarboxylate) as an aid in the prevention of coccidiosis caused by the organism *E. maxima*. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), § 121.291 (a) is amended by changing the text in the fourth column of the table to read as follows:

§ 121.291 Buquinolate (ethyl-4-hydroxy-6,7-diisobutoxy-3-quinoline-carboxylate).

(a) * * *

Principal ingredient	Grams per ton	Limitations	Indications for use
Buquinolate..	* * *	* * *	As an aid in the prevention of coccidiosis caused by *E. tenella*, *E. necatrix*, *E. maxima*, and *E. acervulina*.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: August 14, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-9806; Filed, Aug. 18, 1967; 8:48 a.m.]

SUBCHAPTER C—DRUGS

PART 148n—OXYTETRACYCLINE

Oxytetracycline Hydrochloride

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357), and delegated by him to the Commissioner of Food and Drugs (21 CFR 2.120), § 148n.2 *Oxytetracycline hydrochloride* is amended to raise the maximum allowable moisture content for the drug by changing in paragraph (a)(1)(vi) the portion that reads "than 1.5 percent" to read "than 2.0 percent."

Since this order merely changes the maximum moisture content for the subject drug without affecting its safety, efficacy, or stability, notice and public procedure and delayed effective date are not prerequisites to this promulgation.

Effective date. This order shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: August 14, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-9804; Filed, Aug. 18, 1967; 8:48 a.m.]

Title 29—LABOR

Chapter XIII—Bureau of Labor Standards, Department of Labor

PART 1500—CHILD LABOR REGULATIONS, ORDERS, AND STATEMENTS OF INTERPRETATION

State Certificates of Age

The age, employment, or working certificates or permits of several States are designated in 29 CFR 1500.21 as having the same force and effect as Federal certificates of age issued under section 3(l) of the Fair Labor Standards Act of 1938 (52 Stat. 1061 as amended; 29 U.S.C. 203).

In a document promulgated on June 30, 1966, and published in the FEDERAL REGISTER on July 8, 1966 (31 F.R. 9348), it was provided that these designations would expire on June 30, 1967.

Pursuant to section 3(l) and section 11(b) of the Fair Labor Standards Act of 1938 (52 Stat. 1061 and 1066 as amended; 29 U.S.C. 203 and 211), and Reorganization Plan No. 2 of 1946 (3 CFR 1943–1948 Comp., p. 1064), I hereby extend the designations contained in 29 CFR 1500.21 until June 30, 1968.

Signed at Washington, D.C., this 14th day of August, 1967.

W. WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 67-9776; Filed, Aug. 18, 1967; 8:45 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 7—SPECIAL REGULATIONS RELATING TO PARKS AND MONUMENTS

Fire Island National Seashore; Vehicular Use

On page 10803 of the FEDERAL REGISTER of July 22, 1967, there was published a notice and text of a proposed amendment to Part 7, Chapter I, Title 36, Code of Federal Regulations. As stated in that notice, the purpose of this amendment is to protect the Federal lands and interests in lands within the Fire Island National Seashore, to protect members of the public using such properties and to provide for such limited use of Seashore lands by motor vehicles for recreational and other purposes as will not conflict with conservation of the natural resources of the area.

Interested persons were given a period of 15 days within which they could submit written comments, suggestions, or objections to the proposed amendment. An overwhelming number of the comments received were from persons who favored strict limitations upon vehicle use within the Seashore. A number of communications were received from persons and organizations who objected to portions of the proposed regulations and suggested amendments thereto. To the extent the comments and suggestions were appropriate and consistent with the objectives stated in the notice and the act authorizing establishment of the Seashore, they are reflected in the regulations which are hereby adopted.

There is a great urgency that these regulations be placed into effect immediately because the season of heaviest visitor use is already underway. During this time, particularly, restrictions on the use of vehicles are needed to provide for the safety of people using the Seashore and to assure preservation of the area's unique natural values. The effectiveness of these regulations during the current season of heavy use will be evaluated and if changes are found necessary, amendments will be proposed before the next season. In view of the pressing need for vehicular controls at the Fire Island National Seashore, the following regulations shall become effective upon the date they are published in the FEDERAL REGISTER.

STEWART L. UDALL,
Secretary of the Interior.

AUGUST 17, 1967.

Part 7 of Chapter I, Title 36 of the Code of Federal Regulations, is amended by the addition of a new section reading as follows:

§ 7.20 Fire Island National Seashore.

(a) *Operation of motor vehicles*—(1) *Definitions.* The following terms or phrases, when used in this section, have the meanings hereinafter respectively ascribed to them:

(i) *Seashore lands.* Any lands owned or hereafter acquired by the United States or in which the United States possesses or hereafter acquires a proprietary interest.

(ii) *Motor vehicle.* Any self-propelled land vehicle.

(iii) *Official vehicle.* Any motor vehicle while used on official business of the U.S. Government, the State of New York, the County of Suffolk and of towns, villages, and communities situated on Fire Island.

(iv) *Public utility vehicle.* Any vehicle owned or operated by a public utility or a public service company enfranchised or licensed to supply Fire Island residents with electricity, water, or telephone service.

(v) *Service vehicle.* Any vehicle owned or operated by or on behalf of an individual, partnership, or corporation engaged in the business of furnishing construction, maintenance, or repair services, including, but not limited to, building, plumbing, installation or repair of household appliances, carpentry, painting, landscaping, garbage collection and delivery service.

(vi) *Emergency vehicle.* Any hearse, fire engine, and any motor vehicle while engaged in transporting, or bringing medical assistance to sick or injured persons.

(vii) *School bus.* Any motor vehicle owned or operated by or on behalf of a school district or other public or private entity maintaining elementary or secondary schools, while in use for transporting elementary or secondary school children and their teachers to and from school activities.

(viii) *Dune crossing.* An access way over a primary or transverse dune designated and marked as a dune crossing.

(ix) *Superintendent.* The Superintendent of the Fire Island National Seashore or his authorized representative.

(2) *Permits.* No motor vehicles, other than official vehicles, emergency vehicles, and school buses, shall be operated across Seashore lands, except under permit issued by the Superintendent.

(i) No permit shall be issued for any motor vehicle having a manufacturer's rated capacity in excess of 1 ton: *Provided*, That application may be made to the Superintendent for a special trip permit for a vehicle of greater capacity to carry heavier loads for which water transportation is not available or feasible.

(ii) No permit shall be issued for any motor vehicle not equipped, in the judgment of the Superintendent, to travel over sand.

(iii) Permits may be issued for periods of 1 day or longer, depending upon the reasonable requirements of the applicant, but not to extend beyond December 31 of the year of issuance.

(iv) Special permits may be issued to those persons who have satisfied the Superintendent that, by reason of their advanced age or infirmity, they require the use of a motor vehicle.

(v) The Superintendent is authorized to establish a system of permits consistent with the requirements of these regulations. Permits shall be displayed at all times in such manner as to be readily visible on any motor vehicle.

(3) *Authorized and Prohibited Travel.* (i) Travel on Seashore lands by official vehicles, emergency vehicles, and schoolbuses is permitted at all times.

(ii) Travel on Seashore lands by service vehicles between Robert Moses State Park and the westerly boundary of Smith Point County Park is permitted, except that during the period of June 1 through September 15 such travel shall be restricted to the hours between 5 p.m. of 1 day and 10 a.m. of the following day.

(iii) Travel on Seashore lands by public utility and bottled gas delivery vehicles while used for the installation, maintenance and repair of facilities is permitted only upon the issuance by the Superintendent of a special use permit prescribing such terms and conditions respecting the use of Seashore lands as the Superintendent may determine necessary for the protection of the Seashore and members of the public.

(iv) Travel on Seashore lands by all other vehicles between Robert Moses State Park and the easterly boundary of Ocean Ridge is permitted, except that during the period of June 1 through September 15 such travel shall be restricted to the hours between 7 a.m. and 10 a.m. and between 5 p.m. and 7 p.m.

(v) Travel on Seashore lands by all other vehicles between the easterly boundary of Ocean Ridge and the westerly boundary of Smith Point County Park is prohibited, except under prior existing rights of ingress and egress.

(vi) Any motor vehicle having a valid permit may be operated at all times on Seashore lands lying between the easterly boundary of Smith Point County Part and Moriches Inlet.

(4) *Rules of travel.* (i) So far as practicable, vehicles shall be operated in established tracks. When two vehicles approach from opposite directions in the same track, the operator with the water to his left shall yield by turning out of the track to the right.

(ii) No vehicle shall be parked closer than ten (10) feet or farther than twenty (20) feet from the established track or designated route.

(iii) No person shall operate a motor vehicle on Seashore lands at a speed greater than is reasonable and prudent, having regard to the safety and welfare of others, and to the objective of causing minimum damage to beach or other areas in which such vehicle is operated, and not in any event to exceed twenty-five (25) miles per hour.

(iv) No motor vehicle shall be operated on any portion of a dune except at posted dune crossings.

(v) The Superintendent may designate routes of travel across Seashore lands by the posting of appropriate signs. Where routes are so designated, vehicles shall be operated only within the designated routes.

(vi) No motor vehicle shall be operated by other than the holder of a valid operator's license.

(vii) No person who is under the influence of intoxicating liquor shall operate a motor vehicle on Seashore lands.

(viii) In an emergency, the Superintendent may suspend, for such period or periods as he shall deem advisable, any or all of the foregoing restrictions on vehicular travel, and he may announce such suspension by whatever means are available. In the event of high winds and waves, storms, or other adverse weather conditions, the Superintendent may close all or any portion of the Seashore lands to vehicular travel for such period as he shall deem advisable in the interests of public safety.

(5) *Violations.* Violation of any of the foregoing regulations shall be punishable as provided by law. The Superintendent

may, furthermore, suspend or revoke any permit for violation of any of the foregoing regulations. Failure to operate a motor vehicle in conformance with the terms of a permit shall be deemed a violation of the regulations in this part.

[F.R. Doc. 67-9677; Filed, Aug. 18, 1967; 10:35 a.m.]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER F—QUARANTINE, INSPECTION, LICENSING

PART 77—FACILITIES USED FOR AIR POLLUTION CONTROL; CERTIFICATIONS FOR INVESTMENT TAX CREDIT PURPOSES

On February 22, 1967, notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 3169) which set forth the text of regulations, proposed to be adopted as Part 77, establishing the procedure and requirements for obtaining the Secretary's certifications pursuant to section 48(h)(12)(C)(ii) of the Internal Revenue Code of 1954, as added by Public Law 89-800.

Pursuant to the above notice, a number of comments have been received from interested persons, and due consideration has been given to all relevant matter presented. In addition, the enactment of Public Law 90-26 which ended the suspension period for the investment tax credit on March 9, 1967, has rendered unnecessary some of the provisions in the proposed rules.

In light of the above, a number of revisions have been made in the rules as proposed, principally with respect to those criteria which the Secretary will consider in determining whether a facility is in compliance with the general policies of the United States as set forth in § 77.7(a) and with respect to advice on the certifications of proposed facilities.

In accordance with the statement in the notice of proposed rule making, Part 77, as set forth below, is hereby adopted effective on publication.

Sec.
77.1 Applicability.
77.2 Definitions.
77.3 Requirements for certification.
77.4 General provisions.
77.5 Applications.
77.6 State certification.
77.7 General policies.

AUTHORITY: The provisions of this Part 77 issued under sec. 301, 80 Stat. 378; 5 U.S.C. 301.

§ 77.1 Applicability.

The regulations of this part apply to certifications by the Secretary pursuant to section 48(h)(12)(C)(ii) of the Internal Revenue Code of 1954, as amended (26 U.S.C. 48(h)(12)(C)(ii)).

§ 77.2 Definitions.

As used in this part, all terms not defined herein shall have the meaning given them in the Act.

(a) "Act" means the Clean Air Act, as amended (42 U.S.C. 1857 et seq.).

(b) "Secretary" means the Secretary of Health, Education, and Welfare.

(c) "Surgeon General" means the Surgeon General of the Public Health Service.

(d) "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

(e) "State air pollution control agency" means a single State agency designated by the Governor of that State as the official State air pollution control agency for purposes of the Act as provided in section 302(b)(1) of the Act.

(f) "Applicant" means any person who files an application with the Surgeon General for certification that a facility is in compliance with the applicable regulations of Federal agencies and the general policies of the United States for cooperation with the States in the prevention and abatement of air pollution under the Act.

(g) "Facility" means property for which certification is sought under this part.

§ 77.3 Requirements for certification.

The Surgeon General will certify a facility if he determines that such facility is in compliance with the applicable regulations of Federal agencies, if any, the general policies of the United States for cooperation with the States in the prevention and abatement of air pollution under the Act as set forth in § 77.7, and if the applicant complies with all the other requirements of this part.

§ 77.4 General provisions.

(a) An applicant shall file a separate application in accordance with this part for each facility.

(b) Applications shall be submitted to the National Center for Air Pollution Control, Public Health Service, Washington, D.C. 20201, through the State air pollution control agency.

(c) A copy of each application submitted to a State air pollution control agency shall be forwarded by the applicant to the National Center for Air Pollution Control at the time such application is submitted to the State agency.

(d) An amendment to an application shall be submitted in the same manner as the original application and shall be considered a part of the original application.

(e) No certification will be made by the Surgeon General for any facility prior to the time it is placed into operation and the application, or amended application, in connection with such facility so states.

(f) No certification will be made for any facility unless the application or amended application is accompanied by a certification of the State air pollution control agency in accordance with § 77.6.

(g) If the facility is certified by the Surgeon General, notice of certification will be issued and forwarded to the applicant. If the facility is denied certification, the Surgeon General will advise the applicant in writing of the reasons therefor.

(h) Notice of actions taken under paragraph (g) of this section will be given to the appropriate State air pollution control agency.

§ 77.5 Applications.

Applications for certification under this part shall be submitted on such forms as the Surgeon General may prescribe, shall be signed by the applicant or agent thereof, and, in addition to any other information which the Surgeon General may reasonably require, shall include the following:

(a) Name, address, and Internal Revenue identifying number of the applicant;

(b) Type and narrative description of the facility for which certification is sought, including a copy of schematic or engineering drawings;

(c) Address of facility location;

(d) A general description of the operation in connection with which such facility is used and a description of the specific process or processes whose emissions are controlled by the facility;

(e) Description of the effect of such facility in terms of type and quantity of pollutants or contaminants removed, altered, or disposed of by such facility when plant or process is in full operation;

(f) Identification of the applicable State and local air pollution control requirements and standards;

(g) Date when such facility is placed in operation.

§ 77.6 State certification.

The certification of the State air pollution control agency in accordance with 26 U.S.C. 48(h)(12)(C)(ii) that the facility described in such application is in conformity with the State program or requirements for control of air pollution shall be executed by an agent or officer authorized to act on behalf of the State air pollution control agency and accompanied by evidence of such authority.

§ 77.7 General policies.

(a) The general policies of the United States for cooperation with the States in the prevention and abatement of air pollution under the Act are to cooperate with and to assist the States and local governments in improving and protecting the Nation's air resources by the prevention and abatement of conditions which cause or contribute to or which are likely to cause or to contribute to air pollution which endangers the health or welfare of any persons.

(b) In determining whether a facility complies with these general policies the Surgeon General will take into consideration the following:

(1) Recommendations issued pursuant to sections 103(e) and 105 of the Act which are applicable to facilities of the same type and located in the area to which the recommendations are directed.

(2) Whether the facility in operation meets local government requirements for control of air pollution, including emission standards, applicable to the facility.

Dated: August 14, 1967.

[SEAL] JOHN W. GARDNER, *Secretary.*

[F.R. Doc. 67-9606; Filed, Aug. 18, 1967; 8:48 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 16776; FCC 67-957]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

PART 74—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST SERVICES

Frequency Allocations and Assignment

In the matter of amendment of Parts 2 and 74 of the Commission's rules with respect to the 150.8-162 Mc/s band to allocate presently unassignable spectrum to the land mobile services by adjustment of certain of the band edges, Docket No. 16776.

Report and order. 1. Notice of proposed rule making in the above-entitled matter was adopted by the Commission on July 20, 1966, and duly published in the FEDERAL REGISTER on July 27, 1966 (31 F.R. 10133). Interested parties were invited to file comments on or before September 1, 1966, and reply comments on or before September 15, 1966. In response to a petition by National Association of Radiotelephone Systems the Commission extended the time for filing reply comments to September 30, 1966. Comments were received from the following parties:

New York State Telephone Association, Inc.
Radio Specialists Co.
Central Committee on Communication Facilities of the American Petroleum Institute.
American Telephone & Telegraph Co.
GT&E Service Corp.
Professional & Sales Answering Service.
Southern California Radio Taxicab Association.
United States Independent Telephone Association.
National Committee for Utilities Radio.
National Association of Radiotelephone Systems.
Motorola, Inc.
The Western Union Telegraph Co.
Electronic Industries Association.

Reply comments were filed by National Association of Radiotelephone Systems.

2. In its notice, the Commission proposed to allocate to various land mobile radio services 210 kc/s of unused spectrum in the 150.8-162 Mc/s band. This spectrum materialized as a result of previous channel splitting in that band. By adjusting certain band edges, seven (7) clear channels, each 30 kc/s wide, would be made available to the land mobile services. It was proposed to allocate the seven channels as follows:

(1) Three 30 kc/s channels, centered on frequencies 152.480, 157.740 and 158.460 Mc/s, to the Industrial Radio Service;

(2) Four 30 kc/s channels, centered on frequencies 152.240, 152.840, 158.100 and 158.700 Mc/s, to the Domestic Public Land Mobile Radio Service.

In addition, Part 74 and footnote NG4 of the Table of Frequency Allocations in Part 2 would be amended to permit continued operation of remote pickup stations in the 152.84-153.38 Mc/s portion of the spectrum, but on a noninterference basis to domestic public operations in addition to services already protected.

3. A number of comments were prompted by a suggestion in the notice that the four domestic public frequencies might be apportioned equally among wireline and nonwireline common carriers. Since this subject is being examined in detail in Docket 16775, those comments will be considered in that proceeding. Similarly, comments concerning the further apportionment and/or use of frequencies herein allocated to the Industrial Service will be disposed of in Docket 16777.

4. In general, the comments concurred in the proposed frequency allocation with the belief that its adoption would promote better utilization in this region of the spectrum. Representatives of private land mobile interests expressed their encouragement at the prospect of an additional 90 kc/s of spectrum. Comments from the common carriers confirmed their need for the new channels to accommodate increasing demands for public service.

5. While no one objected to the proposals, Southern California, Radio Taxicab Association requested that the Commission consider and weigh the frequency needs of the Taxicab Service in the matter of allocation of the 150 Mc/s "guard band" channels. That the Commission recognizes and is very much concerned over the frequency shortage in all of the land mobile radio services, including the Taxicab Service, is manifest in the numerous studies and other docket proceedings presently under way in an attempt to relieve the situation. Unfortunately, the relatively small, though valuable, frequency segments involved in this proceeding if designated for ordinary land mobile operations could afford only brief and minor transient relief to the over all frequency problem. It is primarily for this reason that the Commission has been intent upon finding an allocation scheme that will permit a more efficient and effective utilization of the frequencies in the public interest. To make this determination, all of the factors and petitions relevant to the use of the channels have been carefully considered by the Commission, first in preparation of the proposal and now in the finalization of the rules. As a result of those considerations and in view of generally favorable public response to the notice, it has been decided herein to make the frequencies available for assignment in the Industrial and Domestic Public Radio Services for types of operations to be determined in related Dockets 16777 and 16778.

6. Therefore, since the factors leading to the proposed frequency allocation have remained essentially unaltered and the Commission believes that such action is consistent with public interest, convenience and necessity, the rule amendments are being adopted as proposed.

7. In view of the foregoing: *It is ordered,* Pursuant to the authority contained in sections 4(i) and 303 of the Communications Act of 1934, as amended, that effective September 22, 1967, Parts 2 and 74 of the Commission's rules are amended as set forth below.

8. *It is further ordered,* That the proceedings in Docket 16776 are hereby terminated.

(Secs. 4, 303, 48 Stat., as amended 1066, 1082; 47 U.S.C. 154, 303)

Adopted: August 9, 1967.

Released: August 16, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

I. Part 2 of the Commission's rules is amended as follows:

In § 2.106, The Table of Frequency Allocations is amended in respect to the frequency bands 152-153.7325 Mc/s and 157.45-159.48 Mc/s as follows, and footnote NG4 is amended as set forth below:

[1] Commissioners Loevinger, Wadsworth, and Johnson absent.

Band (Mc/s)	Service	Class of station	Frequency (Mc/s)	Nature of services
7	8	9	10	11
• • •	• • •	• • •	• • •	• • •
152–152.255	LAND MOBILE.	Base, Land mobile.		DOMESTIC PUBLIC.
152.255–152.405	LAND MOBILE.	Base, Land mobile.		LAND TRANSPORTATION. (NG38)
152.405–152.495	LAND MOBILE.	Base, Land mobile.		INDUSTRIAL.
152.495–152.855	LAND MOBILE.	Base, Land mobile.		DOMESTIC PUBLIC. (NG4)
152.855–153.7325	LAND MOBILE.	Base, Land mobile.		INDUSTRIAL. (NG4)
• • •	• • •	• • •	• • •	• • •
157.45–157.725	LAND MOBILE.	Base, Land mobile.		LAND TRANSPORTATION. (NG5) (NG38)
157.725–157.755	LAND MOBILE.	Base, Land mobile.		INDUSTRIAL.
157.755–158.115	LAND MOBILE.	Base, Land mobile.		DOMESTIC PUBLIC.
158.115–158.475	LAND MOBILE.	Base, Land mobile.		INDUSTRIAL.
158.475–158.715	LAND MOBILE.	Base, Land mobile.		DOMESTIC PUBLIC.
158.715–159.45	LAND MOBILE.	Base, Land mobile.		PUBLIC SAFETY.

• • • • • • • • •

NG4 The use of the frequencies in the band 152.84–153.38 Mc/s may be authorized, in any area, to remote pickup broadcast base and mobile stations on the condition that harmful interference will not be caused to stations operating in accordance with the Table of Frequency Allocations.

II. Part 74 of the Commission's rules is amended as follows:

In § 74.402(a), footnote 3 is amended to read as follows:

[3] Subject to the condition that no harmful interference is caused to stations operating in accordance with the Table of Frequency Allocations.

[F.R. Doc. 67-9751; Filed, Aug. 18, 1967; 8:45 a.m.]

[Docket No. 16777; FCC 67-988]

PART 91—INDUSTRIAL RADIO SERVICES

Frequencies Available

In the matter of amendment of Part 91 of the Commission's rules to allocate certain unassigned band-edge frequencies in the 150.8–162 Mc/s band, Docket No. 16777; petition of the Forest Industries Radio Communications for assignment of additional frequency space to the Forest Products Radio Service in the 150 Mc/s bands, RM–707; petition of Special Industrial Radio Service Association, Inc., for allocation of additional frequencies to the Special Industrial Radio Service in the 150 Mc/s bands, RM–752; petition of National Committee for Utilities Radio for amendment of Parts 21, 89, 91, and 93 of the Commission's rules to allocate certain frequencies in the 150–162 Mc/s bands, RM–884.

Report and order. 1. On July 22, 1966, the Commission issued its notice of proposed rule making in the above-entitled proceeding which was published in the FEDERAL REGISTER on July 27, 1966, 31 F.R. 10136. The time for filing comments and reply comments has expired. All comments filed have been carefully considered.

2. In its Report and Order in Docket 16776, adopted today, the Commission allocated the channels 152.48, 157.74, and 158.46 Mc/s to the private land mobile radio services. The objective of the instant proceeding is to allocate this spectrum to a specific use. In the Notice we propose to divide the 90 kc/s of spectrum space into 9 channels of 10 kc/s each and to make these channels available for one-way paging communications in the Industrial Radio Services. In addition to comments on this proposal, information was specifically requested on the availability of equipment to be used on these frequencies as proposed.

3. Comments were filed by Radio Systems, Inc., Forest Industries Radio Communications Association (FIRCA), NAM Communications Committee (NAM), The Land Mobile Communications Section of the Electronic Industries Association (EIA), Central Committee on Communication Facilities of the American Petroleum Institute (API), Special Industrial Radio Services Association (SIRSA), National Association of Business and Educational Radio, Inc. (NABER), National Committee for Utilities Radio (NCUR), Albertson Communications, Inc., Pattersonville Telephone Co., and by the American Telephone and Telegraph Co. (AT&T). NABER also filed reply comments.

4. The first basic issue raised by the comments was whether the 90 kc/s of space under consideration should be made available for paging communications or whether it should be allocated in one or more of the private land mobile services for two-way use. SIRSA, FIRCA, and NCUR urged that this space should be allocated to the coordinated Industrial Services for two-way base-mobile communications. All others agreed with our proposal to make it available for paging. SIRSA, FIRCA, and NCUR argued primarily that there is no present requirement for paging in the services they represent (the Special Industrial, Forest Products, and Power Radio Services, respectively) although these services need additional frequencies for normal base/mobile communications. Those who supported our proposal stated that there is a growing need for comunications with individuals on the move, especially in certain industries such as manufacturing and in many service organizations, and indicated that the potential exists for expanded use of paging communications. For example, NAM detailed extensive use of paging in the aircraft and automobile manufacturing industries to contact key personnel on the move, and NABER pointed out that IBM now operates nearly 7,000 paging units in 66 major cities and that it plans to expand this operation to a total of 150 cities. Further, all agreed that paging systems, now operated on two-way radio channels, are not compatible with two-way systems on the same frequency in the same area. For this reason, it was suggested that eventually all exclusively paging systems should be confined to specific frequencies and that our proposal would be a good step in that direction.

5. We have considered all of the arguments on this issue and we conclude that the 90 kc/s of space under consideration should be allocated for one-way paging use, both tone alert and tone alert with voice message. SIRSA, FIRCA, and NCUR presented basically the same arguments contained in their respective petitions which were considered when the Notice in this proceeding was adopted. The Commission is aware of the needs of the land mobile services for additional frequencies. However, we believe that the allocation of this spectrum to one-way paging would result in the overall benefit of the land mobile radio services. First, it is undisputed that there is a growing need for one-way paging for which some provisions should be made. Also, as pointed out in the comments, operation of a busy one-way paging system on a two-way frequency makes it practically useless for two-way operations in the same area. Experience gained from one-way paging uses on regular two-way frequencies indicates a growing conflict between these two types of users. Thus, the availability of frequency space for one-way paging systems would permit existing and future licensees to establish paging operations on these frequencies thus providing some measure of relief for two-way frequencies they now occupy. The Commission realizes that the space under consideration would not be adequate to satisfy all paging needs. However, other sources for additional frequency space will be explored in the near future. At that time, consideration will be given to confining all one-way paging systems to frequencies designated for that purpose, as urged in the comments. In the meantime, this heretofore unused spectrum should accommodate part of existing one-way paging requirements.

6. The comments, especially those of the EIA and others, opposed our proposal to divide the 90 kc/s of spectrum into 9 channels. They argued that operation of paging systems on 10 kc/s channels with equipment currently available would cause destructive interference not only to paging systems in adjacent frequencies but also to existing two-way systems on adjacent two-way channels. The pointed out that the current technical standards for the 150–162 Mc/s band and available equipment are designed for operation on 30 kc/s and recommended that, since the 90 kc/s of spectrum space consists of 3 separate segments interspersed between frequencies now used in other services, it should be divided into 3 separate assignable channels. In view of these comments, each of the 30 kc/s spaces will be made assignable as one channel. However, we will periodically review this matter to determine whether special technical standards for one-way paging should be established.

7. NAM requested that two-thirds of the spectrum space under consideration, or 6 out of the proposed 9 channels, should be allocated to the Manufacturers Radio Service to meet the growing need for paging communications in sprawling manufacturing plants. We recognize the growing need for one-way paging in the manufacturing industry. However, as noted above, the requirements for paging communications are not confined to the manufacturing industry. Indeed, city-wide or even areawide paging systems, such as those operated by IBM, for which these frequencies are well suited, are licensees in the Business Radio Service. Accordingly, we have concluded that these frequencies should be allocated to the Business Radio Service in order to make them broadly available. Manufacturers, of course, will have access to these frequencies, although not exclusively as suggested by NAM.

8. SIRSA suggested that if the Commission concludes that the frequencies in question should be allocated for paging, two-way systems in the Special Industrial Radio Service and other coordinated services should be permitted to share this spectrum with paging systems. It argued that paging systems most likely would be operated in urban areas, while some of the categories of industries eligible in the Special Industrial Radio Service operate principally in rural areas and can use these frequencies without conflict with paging systems in urban areas. For the reasons stated above, we think that these frequencies should be allocated primarily for paging communications and indications are that they will be used extensively for that purpose in most areas of the country. However, we do want to encourage their fullest possible use. Accordingly, we will also make them available to the Special Industrial Radio Service and to the Forest Products Radio Service (where operations are also conducted in rural areas) on a secondary basis subject to no protection from interference from paging systems. Our experience has indicated the undesirability of permitting one-way paging and two-way systems to share frequencies. To insure that new one-way paging systems are installed on appropriately designated frequencies and to protect lower power plant area and city one-way paging systems from higher power voice two-way systems, users in the Special Industrial and Forest Products Radio Services will be required to protect one-way paging from any harmful interference.

9. In view of the limited number of frequencies, it is expected that licensees will cooperate in their selection of frequencies, will share one-way paging systems, and will employ and coordinate the use of audio tones used for selective signaling. These methods should result in the more effective use of the limited frequencies. However, pending further study, we will not impose these requirements now. NAM also suggested that provisions should be made for authority to operate paging systems with carrier controlled relays, and to exempt paging operations on these frequencies from the control point and attended operation requirements of § 91.107 of the rules. We recognize that special rules, perhaps including those suggested by NAM, may be required to govern one-way paging operations. However, we believe that such rules should be considered thoroughly in another proceeding so that all interested persons would have an opportunity to comment thereon.

10. In the interim, we think that we should establish power limitations for paging systems to be operated on the frequencies made available herein. Some of those who filed comments addressed themselves to this matter. API, for example, suggested that we limit the maximum permissible power on these frequencies to approximately 30 watts input. NAM suggested a maximum power in the order of 100 watts. We believe that current paging requirements will be met best by imposing different power limitations on each of the frequencies. As noted above, there are in operation now paging systems covering entire metropolitan areas. To accommodate those and others like them, we propose to permit a maximum of 600 watts on one of the frequencies. On the remaining two frequencies we will permit 120 and 30 watts maximum power, respectively, which, we think, is adequate for most one-way paging operations within city and plant areas. In either case, however, existing rules (see § 91.106(a)) require licensees to use no more power than they need for adequate coverage and licensees of paging systems are subject to this requirement.

11. *Accordingly, it is ordered*, Pursuant to authority contained in sections 4(i) and 303 of the Communications Act of 1934, as amended, that, effective September 22, 1967, Part 91 of the Commission's rules is amended as shown below.

12. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended 1066, 1082; 47 U.S.C. 154, 303)

NOTE: Rules changes herein will be covered by T.B. V(64)–15.

Adopted: August 9, 1967.

Released: August 16, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

Part 91 of the Commission's rules is amended as follows:

1. In § 91.354 the Frequency Table in paragraph (a) is amended in part by the addition of the following frequencies in appropriate numerical sequence, and paragraph (b) is amended by adding subparagraph (21) as follows:

§ 91.354 Frequencies available.

(a) • • •

FOREST PRODUCTS RADIO SERVICE FREQUENCY TABLE

Frequency or band	Class of station(s)	Limitations
• • •	• • •	• • •
152.48	Base or mobile	21
• • •	• • •	• • •
157.74	Base or mobile	21
• • •	• • •	• • •
158.46	do	21

• • • • • • • • •

(b) • • •

(21) This frequency is available in this service on a secondary basis to one-way paging communications authorized in the Business Radio Service and is also available on the same basis in the Special Industrial Radio Service. Operations on this frequency must cause no harmful interference to one-way paging systems licensed in the Business Radio Service.

2. In § 91.504 the Frequency Table in paragraph (a) is amended in part by the addition of the following frequencies in appropriate numerical sequence, and paragraph (b) is amended by adding subparagraph (19) as follows:

§ 91.504 Frequencies available.

(a) • • •

SPECIAL INDUSTRIAL RADIO SERVICE FREQUENCY TABLE

Frequency or band	Class of station(s)	General reference	Limitations
• • •	• • •	• • •	• • •
152.48	do	do	19
• • •	• • •	• • •	• • •
157.74	do	do	19
• • •	• • •	• • •	• • •
158.46	do	Permanent use	19

• • • • • • • • •

[1] Commissioner Cox concurring and issuing a statement filed as part of the original document; Commissioners Loevinger, Wadsworth, and Johnson absent.

(b) • • •

(19) This frequency is available in this Service on a secondary basis to one-way paging communications authorized in the Business Radio Service and is also available on the same basis in the Forest Product Radio Service. Operations on this frequency must cause no harmful interference to one-way paging systems licensed in the Business Radio Service.

• • • • • •

3. In § 91.554 the Frequency Table in paragraph (a) is amended in part by the addition of 152.480, 157.740 and 158.460 Mc/s in appropriate numerical sequence, and paragraph (b) is amended by adding subparagraphs (25), (26), (27), and (28) as follows:

§ 91.554 Frequencies available.

(a) • • •

BUSINESS RADIO SERVICE FREQUENCY TABLE

Frequency or band	Class of station(s)	General reference	Limitations
• • •	• • •	• • •	• • •
152.480	Base	One-way paging	25, 26.
154.540	Base or mobile	Permanent use	10, 11.
• • •	• • •	• • •	• • •
157.740	Base	One-way paging	25, 26, 28.
158.460	do	do	26, 27, 28.

• • • • • •

(b) • • •

(25) This frequency will be assigned only for one-way paging communications to mobile receivers. A2, A3, F2, or F3 emissions may be authorized. Transmissions for the purpose of activating or controlling remote objects on this frequency is not authorized.

(26) Operation on this frequency is limited to 120 watts to the final radio frequency stage.

(27) Operation on this frequency is limited to 30 watts to the final radio frequency stage.

(28) This frequency will not be assigned to stations for use at temporary unspecified locations.

[F.R. Doc. 67-9752; Filed, Aug. 18, 1967; 8:45 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission and Department of Transportation

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Ex Parte No. 343]

PART 191—LOCOMOTIVE INSPECTION OTHER THAN STEAM LOCOMOTIVE RULES

Miscellaneous Amendments

AUGUST 15, 1967.

The Federal Railroad Administrator at his office in Washington, D.C., on the 5th day of August A.D. 1967.

Upon consideration of the record in the above-entitled proceeding, including the Interstate Commerce Commission's Decision and Order of March 6, 1967, which was served on March 17, 1967, and the petitions for reconsideration of said Decision and Order filed by the Association of American Railroads and the railway labor organizations and their respective replies thereto;

It appearing, that said order was stayed by the timely filing of petitions for reconsideration and that notice of such stay was published in the FEDERAL REGISTER on June 6, 1967; and

It appearing, that the petitions for reconsideration filed by railway labor organizations and the Association of American Railroads do not show any material errors of fact or law in the determinations made by the Interstate Commerce Commission in its Decision and Order of March 6, 1967; therefore

I find, that the evidence considered in the light of the petitions for reconsideration and replies thereto does not warrant a result different from that reached by the Interstate Commerce Commission, except for the deletion of the phrase "the function of which is to apply or release the airbrakes" in § 191.208(c), and that the Decision and Order of the Interstate Commerce Commission, of March 6, 1967, being proper and correct in all material respects, should be and they are hereby affirmed and adopted, as corrected; and

It is ordered, That the petitions for reconsideration be and they are hereby denied, and

It is further ordered, That the Administration's Rules and Instructions for Inspection and Testing of Locomotives Other Than Steam be, and they are hereby amended or deleted, as shown below; and

It is further ordered, That the effective date of the amendments to, or deletions of, rules as indicated in the Appendix, shall become effective 60 days from the date of service of this order;

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy in the Office of the Director of the Bureau of Railroad Safety and by filing it with the Director, Office of the Federal Register.

[SEAL] A. SCHEFFER LANG, *Administrator*.

§ 191.201 Locomotive unit.

• • • • • •

(b) *Marking front.* The letter "F" shall be legibly shown on each side of every locomotive unit near the end, which, for identification purposes, will be known as the front end. The unit number shall be legibly shown on each side of every locomotive unit and shall be shown on the specification card, Form No. 4–A.

• • • • • •

BRAKE EQUIPMENT: AIR BRAKES

§ 191.206 Main reservoir tests.

(c) *Telltale holes.* Each main reservoir of the type described in the note below, hereafter put into service may be drilled over its entire surface with telltale holes made by a standard three-sixteenths inch drill, which holes shall be spaced not more than twelve inches apart, measured both longitudinally and circumferentially, and drilled from the outer surface to an extreme depth determined by the formula

$$D=\frac{6PR}{S-0.6P}$$

where D=extreme depth of telltale holes in inches but in no case less than one-sixteenth inch; P=certified working pressure in pounds per square inch; S=one-fifth of the minimum specified tensile strength of the material in pounds per square inch; and R=inside radius of the reservoir in inches. One row of holes shall be drilled lengthwise of the reservoir on a line intersecting the drain opening. No reservoir so drilled needs to be subjected to the requirement of paragraph (a) or (b), except the requirement for a hydrostatic test before being put in service. Whenever any such telltale hole shall have penetrated the interior of any such reservoir, the reservoir shall be permanently withdrawn from service. At the option of the carrier, such drilling may be applied to any reservoir now in service, in lieu of the tests provided for by paragraphs (a) and (b) of this section, but not without the said hydrostatic test after first being drilled.

NOTE: Paragraph (c) applies only to welded reservoirs originally constructed to withstand at least five times the maximum working pressure fixed by the chief mechanical officer of the railroad desiring to come within the terms of such paragraph, as evidenced by a manufacturer's certificate to that effect filed with the Commission.

§ 191.208 Cleaning.

(a) The filtering devices or dirt collectors located in the main reservoir supply line to the air brake system must be cleaned, repaired, or replaced as often as conditions require to maintain them properly in a safe and suitable condition for service, and not less frequently than once each 6-month period.

(b) Brake cylinder relay valve portions, main reservoir safety valves, brake pipe vent valve portions, and feed and reducing valve portions in the air brake system (including related dirt collectors and filters) must be cleaned, repaired, and tested as often as conditions require to maintain them properly in a safe and suitable condition for service, and not less frequently than once each 12-month period.

(c) All other valves and valve portions in the air brake system (including related dirt collectors and filters) must be cleaned, repaired, and tested as often as conditions require to maintain them properly in a safe and suitable condition for service, and not less frequently than once each 24-month period.

(d) The date of testing or cleaning, and the initials of the shop or station at which the work is done, shall be legibly stenciled in a conspicuous place on the parts, or placed on a card displayed under transparent cover in the cab of each locomotive unit.

DRAWGEAR BETWEEN LOCOMOTIVE UNITS, CONNECTIONS BETWEEN TRUCKS AND DRAFTGEAR

§ 191.212 General provisions.

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(c) *Removal of drawbars and pins.* Lost motion in drawbars and pins when used between units or trucks shall not exceed one-half inch at each pin, and shall be checked by tramming.

(d) *Removal of drawbars and pins.* Lost motion in articulated connections when used between units or trucks shall not exceed one-half inch at each pin, and shall be checked by tramming.

• • • • • •

ELECTRICAL EQUIPMENT

§ 191.247 Jumpers; cable connections.

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(b) *Tests; record.* Cable connections between units and jumpers that carry current having a potential of 600 volts or more shall be thoroughly cleaned, inspected, and tested as often as conditions require to maintain them in safe and suitable condition for service, but not less frequently than every 3 months, by immersing the cable portion in water and subjecting each conductor with another, and with the water, to a difference in potential of not less than one and three-fourths times the normal working voltages for not less than one minute. Date and place of inspection and test shall be legibly marked on the jumper or cable or on a tag securely attached thereto.

• • • • • •

PERIODICAL REPORTS

§ 191.331 Monthly locomotive unit inspection and report.

(a) *30-day locomotive unit inspection and report.* Not less than once every 30 days a report shall be made on Form 1–A, covering each locomotive unit in use, which shall show the condition of the unit as determined by an inspection made in accordance with the law and these rules and instructions. The railroad may perform the inspection required by this rule within the 5 days next following the expiration of the 30-day period, if conditions beyond the control of the railroad render such additional time necessary; and in that event proper notation shall be made on the reverse of the report on Form 1–A. The report shall be prepared on a good grade of pale blue paper, size 6 x 9 inches, and subscribed and sworn to, before an officer authorized to administer oaths, by the inspectors who made the inspection, and by the officer in charge. A duplicate copy of this report shall be filed in the office of the mechanical officer having charge of the locomotive and within 10 days after each inspection one copy shall be transmitted to the U.S. District Inspector.

(b) *Cab report.* A copy of the last inspection report shall be displayed under transparent cover in a conspicuous place in the cab of each unit. This copy must be a duplicate in all ways of the report filed with the district inspector, except it need not be sworn to, and in the event this copy is destroyed or becomes lost or illegible it may be replaced by a conformed copy.

(c) *Out of service report.* When a locomotive is withheld from service for 30 or more consecutive days or was out of service when it would otherwise be due for inspection, an out-of-service report covering such unit shall be made on the reverse of Form 1–A. The out-of-service time shall be totalled and recorded on the reverse of Form 1–A and the interval prescribed for any particular test or inspection required by these rules may then be extended by the number of such consecutive out-of-service days recorded since the date of the last previous test or inspection, except as provided in paragraph (d) of this section. The report shall be made on each date on which an inspection or test would have been due except for the extension and shall show the name of the railroad, the place where made, the initials and number of the unit, the place where unit is out of service, and the reason for being out of service.

(d) *Out-of-service report when filed.* The out-of-service report shall be transmitted to the United States District Inspector in charge within 10 days after the 30-day inspection period for which it is to cover. One copy of the report will be retained in the office of the mechanical officer having charge of the locomotive. It need not be sworn to but must be signed by the officer in charge of the locomotive unit. When out-of-service report has been filed, an inspection must be made and report made on Form 1–A before the unit is again returned to service.

§ 191.334 Extensions.

(a) *Automatic extensions for time out of service.* The time for making inspections and tests on units and boilers which are out of service for 30 or more consecutive days may be extended without application as hereinafter provided. Time out of service shall be properly accounted for by out-of-service reports and notations made on the back of each subsequent inspection report and cab card for time claimed out of service. Less than 30 days out of service will not be counted toward extensions.

(b) [Deleted]

(c) [Deleted]

(d) [Deleted]

(e) [Deleted]

(f) [Deleted]

[F.R. Doc. 67-9807; Filed, Aug. 18, 1967; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Subpart 2244]

OIL SHALE LANDS

Exchanges; Further Extension of Time For Filing Comments

Basis and purpose. Notice is hereby given that the time previously extended by notice published at 32 F.R. 8622 on June 15, 1967, for submitting comments to the Director, Bureau of Land Management, Department of the Interior, Washington, D.C. 20240, on the proposed amendments to the regulations regarding exchanges of privately owned lands under the Taylor Grazing Act, published at 32 F.R. 7086 on May 10, 1967, is hereby further extended until close of business on October 16, 1967.

STEWART L. UDALL,
Secretary of the Interior.

AUGUST 14, 1967.

[F.R. Doc. 67-9772; Filed, Aug. 18, 1967; 8:45 a.m.]

[43 CFR Part 3170]

OIL SHALE

Further Extension of Time for Filing Comments

Basis and purpose. Notice is hereby given that the time, previously extended by notice published at 32 F.R. 8622 on June 15, 1967, for submitting comments to the Director, Bureau of Land Management, Department of the Interior, Washington, D.C. 20240, on the proposed amendments to the regulations regarding the leasing of oil shale lands published at 32 F.R. 7085 on May 10, 1967, is hereby further extended until the close of business on October 16, 1967.

STEWART L. UDALL,
Secretary of the Interior.

AUGUST 14, 1967.

[F.R. Doc. 67-9773; Filed, Aug. 18, 1967; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 817]

REQUIREMENTS RELATING TO BRINGING OR IMPORTING SUGAR, OR LIQUID SUGAR INTO CONTINENTAL UNITED STATES

Notice of Proposed Rule Making

Notice is hereby given that the Secretary of Agriculture pursuant to authority vested in him by the Sugar Act of 1948, as amended (61 Stat. 922, as amended) is considering amendment of Sugar Regulation 817 (29 F.R. 6477, 12452; 30 F.R. 15316; 31 F.R. 8536, 16518, 32 F.R. 10345).

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed regulation shall file the same in duplicate with the Director of the Sugar Policy Staff, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 15 days after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

The proposed amendment, which would revise and consolidate Sugar Regulation 817 and make several changes in the requirements relating to bringing or importing sugar into the continental United States, is set forth essentially in form and language appropriate for issuance if adopted by the Secretary as follows:

Basis and purpose and bases and considerations. The regulations contained in §§ 817.1 through 817.12 are issued pursuant to section 403(a) of the Sugar Act of 1948, as amended (61 Stat. 922, as amended) hereinafter called the Act.

This revision of Sugar Regulation 817 supercedes the revision which became effective May 19, 1964, and amendments thereto. The purpose of this revision is to consolidate and clarify the regulation by deleting parts which are no longer applicable, to make minor clarifying changes in wording and to make additions necessitated by the 1965 amendments to the Sugar Act. Procedural requirements are amended in the following respects and for the reasons given in the paragraphs that follow.

Section 817.2(f) is changed to redefine "Collector" of Customs to mean the "District Collector of Customs", to conform with the recent reorganization of the Bureau of Customs. In paragraph (j) of § 817.2 the term "sugar" has been redefined to also mean "liquid sugar". This will eliminate much repetition by using the word "sugar" in the many places where "sugar and liquid sugar" were formerly used. Paragraph (m), (n), and (o) have been added to § 817.2 to define "port of departure", "producing area" and "release" in order to carry out effectively the quota provisions of the Act.

Paragraph (f) of § 817.3 has been amended to clarify the requirement that sugar which is manipulated or used in the manufacture of a product under customs custody or in a Foreign Trade Zone for subsequent entry into the continental United States must be either charged to a direct-consumption quota or put under bond for quota-exempt use pursuant to provisions of this Part 817.

Paragraph (d) of § 817.4 which permits the acceptance of applications for importation by telegram has been amended by setting forth the condition under which such applications will be approved as preventing delay in unlading a carrier.

Section 817.5 is changed so that raw sugar produced from sugarcane grown in Hawaii, coming into the port of San Francisco for further processing, may be released by the Collector without authorization from the Secretary except when advised to the contrary.

The provision in § 817.6(b) that establishes priority of approval of SU-3 and set-aside applications that become eligible for approval at the same time where the quantity applied for exceeds the quantity available for authorization has been changed as follows: Such remaining quantity available for authorization on SU-3's shall be apportioned equally among applications but no application will be approved for a quantity larger than that applied for. Such remaining quantity available for authorization on set-aside of quota applications shall be allocated if possible on the basis of agreement among applicants, otherwise allocations will be apportioned among the applicants in the same manner as quantities pursuant to SU-3 applications.

Paragraph (a) of § 817.7 has been expanded to permit the commingling of sugar on a carrier from more than one producing area, provided, that arrangements in writing have been made to furnish documents to the Sugar Quota Group that will provide a basis for determining the proper charges to the quotas of the respective producing areas.

Section 817.8 which includes a summary of the authorizations for sugar to be brought into the United States for purposes other than to fill current quotas is amended as follows: (1) Paragraph (b)(3) on the Distillation of Alcohol is expanded to include production of alcohol (other than by distillation) pursuant to 1965 Sugar Act Amendments; (2) paragraph (b)(4) is changed to regulate the importation of livestock feed products that contain large and abnormal amounts of sugar. Sugar is now being entered into a Foreign Trade Zone mixed therein with grain products and Knolin (clay product) and subsequently entered in the form of a mixture for livestock feed. It is our understanding that the sugar in this type of product could be separated quite readily, therefore such products should be subjected to appropriate regulations to reduce the likelihood of the sugar being used for quota purposes; (3) paragraph (c) has been amended to permit the release under bond for refining and storage the remaining portion of the last cargo imported under a quarterly quota limitation. This provision was included in Sugar Regulation 811 for 1967.

Section 817.9 on bonds to cover releases has been amended as follows: Paragraphs (a), (b), and (d) have been revised to include sugar used in the production of alcohol (other than by distillation) for purposes other than human food use as contained in the Sugar Act Amendments of 1965, paragraph (e)(2) has been revised to provide for a separate Certificate of Use for sugar used in the distillation and production of alcohol and paragraph (e) has been further amended by adding a new subparagraph (4) which provides that each refiner holding over-quota sugar in inventory under bond for refining and storage pending availability of a quota shall upon request by the Secretary supply information necessary to determine that such refiner has met the inventory requirements pursuant to the bond obligation.

Pursuant to the authority vested in the Secretary of Agriculture by section 403(a) of the Act, Part 817 is revised and amended to read as follows:

Sec.
817.1 Purpose and persons affected.
817.2 Definitions.
817.3 Restrictions on importing sugar and liquid sugar.
817.4 Application by importer.
817.5 Release by a Collector.
817.6 Specific authorization for release.
817.7 Applicable quota and allotment.
817.8 Authorization for purposes other than to fill current quotas.
817.9 Bonds to cover releases.
817.10 Sugar-containing products and mixtures.
817.11 Records and reports.
817.12 Delegation of authority.

AUTHORITY: The provisions of this Part 817 issued under sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interpret or apply secs. 101, 202, 205, 209, 211, 212; 61 Stat. 922, as amended, 924, as amended, 926, as amended, 928; 7 U.S.C. 1101, 1112, 1115, 1121, 1122.

§ 817.1 Purpose and persons affected.

(a) Under authority contained in the Sugar Act of 1948, as amended (61 Stat. 922, as amended) and subject to the provisions contained in Part 811 of this chapter, the regulations in this part establish the procedures applicable to (1) importing or bringing sugar into the continental United States from all domestic offshore areas and foreign countries, (2) importing or bringing sugar in a sugar-containing product or mixture into the United States, Hawaii, or Puerto Rico, and (3) reporting the applicable evaluation provided for in Part 810 of this chapter and the subsequent processing and movement of imported sugar.

(b) Persons affected by the provisions of this part include importers, mainland refiners, allottees of offshore domestic sugar quotas, shipping companies engaged in the transportation of sugar to ports in the continental United States, persons otherwise engaged in the movement of sugar in interstate or foreign commerce and surety companies undertaking obligations with respect to offshore sugar.

§ 817.2 Definitions.

As used in this part:

(a) The term "Act" means the Sugar Act of 1948, as amended (61 Stat. 922).

(b) The term "person" means an individual, partnership, corporation, association, estate, trust, or other business enterprise or legal entity, and, wherever applicable, any unit, instrumentality, or agency of a government, domestic or foreign.

(c) The term "Department" means the U.S. Department of Agriculture.

(d) The term "Secretary" means the Secretary of Agriculture or any officer or employee of the Department to whom the Secretary has delegated the authority or to whom authority may hereafter be delegated to act in his stead.

(e) The term "Sugar Quota Group" means the Sugar Quota Group of the Policy and Program Appraisal Division, Agricultural Stabilization and Conservation Service of the Department, Washington, D.C. 20250, or any other organizational unit within the Department to which administration of the Quota and Allotment provisions of the Sugar Act may hereafter be delegated.

(f) The term "Collector" means the District Director, U. S. Bureau of Customs for the Customs Region in which the port of entry is located, except that for Region II, such term means the Regional Commissioner or the appropriate Assistant Regional Commissioner.

(g) The terms "import," "importation" and "importing" mean the act of bringing sugar into the continental United States (including Alaska) from either an insular domestic area or a foreign country. For purposes of the regulations of this part, the time of importation shall not be earlier than the time and date that a carrier arrives within the port limit of a Customs port or point of entry as shown by the log of the carrier with intent to therein unlade, except when such time and date is in conflict with official records of the Customs port of arrival in which event the time and date shown by Customs records shall govern.

(h) The term "importer" means any person who brings or imports sugar or liquid sugar into the continental United States from either an offshore domestic area or a foreign country including but not limited to the owner, consignor, consignee, transferee, or purchaser of such sugar or the broker acting in behalf of such person.

(i) The term "refiner" means any person who subjects offshore sugar or liquid sugar to processes as provided in Part 810 of this subchapter.

(j) The terms "sugars," "sugar," "raw sugar," "direct-consumption sugar" and "liquid sugar" have the meanings ascribed to each in section 101 (b), (c), (d), (e), and (f), respectively, of the Act subject to the provisions of Part 810 of this subchapter with respect to the distinction between raw and direct-consumption sugar. The term "Sugar" also shall mean "liquid sugar".

(k) The term "quota" means any quota, direct-consumption limitation within a quota, proration or allotment of either a quota or direct-consumption limitation, or any quantity authorized for purchase and importation from foreign countries established by the Secretary in Part 811 of this subchapter pursuant to the Act.

(l) The term "allotment" means any allotment of any quota made by the Secretary pursuant to section 205(a) of the Act.

(m) The term "port of departure" means the port of departure in the producing area, except that where sugar is from a country or area having no seaport of its own and the sugar must be transported to another country or area for marine shipment, the term means the port at which the sugar is placed on a carrier for shipment to the continental United States.

(n) The term "producing area" means the country or area in which the sugarcane or sugar beets from which the sugar was produced were grown.

(o) The term "release" means the act on the part of a Collector permitting a carrier to be unloaded and the sugar to be imported.

§ 817.3 Restrictions on importing sugar and liquid sugar.

(a) Any person is hereby prohibited from importing at any one time more than 100 pounds of sugar except pursuant to the provisions of this part.

(b) Sugar shall be imported only at Customs ports of entry.

(c) Subsequent provisions of this part do not apply to operators of common carriers importing a quantity of sugar no larger than reasonably required for consumption by passengers and crew to the termination of a trip beginning in an insular area or foreign country.

(d) A copy of the carrier's manifest, bills of lading, or other shipping documents covering all sugar in a shipment must be submitted to the Collector before delivery to the consignee of sugar for direct-consumption or within 72 hours after the beginning of unlading of sugar which is to be further refined.

(e) In any case in which the Collector is not authorized pursuant to § 817.5 to permit the release of any sugar at the time of arrival at the port of entry, he shall take custody of such sugar whether of domestic or foreign origin and shall retain custody, at the risk and expense of the consignee or owner, until authorized to permit release thereof in accordance with § 817.5. In taking and retaining custody pursuant to the regulations of this part of sugar of foreign origin, the Collector shall be governed by the provisions of §§ 4.37, 4.38, 19.1 through 19.9 and 19.12 of Chapter I, Title 19, Code of Federal Regulations, which are made applicable to such custody by reference as fully as if set forth in full herein. In taking and retaining custody of sugar of domestic origin, pursuant to the regulations of this part, the Collector shall place and hold such sugar in a public warehouse or in a private warehouse: *Provided*, That if

sugar is retained in custody in a private warehouse, it shall be either (1) segregated from all other sugar or (2) if commingled with other sugar, additions to or withdrawals from the unsegregated mass shall be made only in the presence of a Customs officer.

(f) (1) Sugar may be unladed from a carrier and placed in Customs custody for manipulating therein or brought into a Foreign Trade Zone for manipulating therein or manufacturing therein another product—for subsequent entry into and consumption in the continental United States—only if such sugar is authorized for entry within an applicable quota or pursuant to § 817.8 or § 817.10.

(2) Any quantity of sugar of any origin removed from a carrier and placed in the custody of a Collector or in a Foreign Trade Zone shall be reported within 24 hours from the time such sugar is removed from the carrier. Such report shall be made by the importer who shall furnish all information required pursuant to paragraph (a) of § 817.4. The report shall be made on appropriate copies of the "Sugar Quota Clearance Record" and must be submitted to the Collector for confirmation and transmittal to the Sugar Quota Group.

(g) Sugar released by a Collector pursuant to § 817.5 for further processing shall not be delivered for direct-consumption without prior authorization by the Secretary. The application for such authorization (change of purpose) must be made on appropriate copies of the "Sugar Quota Clearance Record," and must show all of the information specified in paragraph (a) of § 817.4 and shall be submitted to the Sugar Quota Group.

§ 817.4 Applications by importer.

(a) A separate application for specific authorization by the Secretary pursuant to § 817.6 for release of sugar by a Collector must be submitted to the Sugar Quota Group as provided in this section on appropriate copies of Form SU–3 entitled "Sugar Quota Clearance Record" not more than 10 days prior to the departure date stated thereon, showing the following information regarding the sugar to be delivered to a single refinery or importer from each cargo:

(1) Port and date of arrival: If the port is not known when the application is submitted, this information must be supplied before a Collector will be authorized to release the sugar.

(2) Name or other specific identification of the carrier.

(3) Name of the producing area, the port of departure, the date the carrier is expected to depart from such port, and if from Puerto Rico, or any area when the applicable quota or portion thereof is allotted, name of the processor of the sugar from sugarcane, and for direct-consumption sugar, the name of the refiner, if a person other than the processor.

(4) Name and address of the person to whom delivery is to be made from the importing carrier. If not known when an application is submitted, this information must be supplied before a Collector will be authorized to release the sugar.

(5) Separate quantities in pounds if crystalline, or in gallons if liquid, to be imported as shown on the application: (i) For further processing; (ii) for direct-consumption; (iii) subject to a separate quota or allotment; and (iv) for a purpose other than to fill a current quota.

(6) Name, address and authorized signature of the applicant.

(b) Any application made pursuant to paragraph (a) of this section constitutes a representation by the applicant that at the time the application is made:

(1) He has control of the quantity of sugar which is subject to shipment as specified;

(2) Firm commitment has been made by the shipping company for shipment as described on the application; and

(3) The date of departure of the carrier stated on the application is (i) the date specified to the applicant or shipper by the Master, Owner or Agent of such carrier as the expected departure date, or (ii) the date the shipper expects the carrier to depart based on the date the carrier will be available for loading as specified by the Master, Owner, or Agent of such carrier, plus the normally required loading time.

(c) The application specified in paragraph (a) of this section shall be submitted to the Sugar Quota Group for the issuance of an authorization by the Secretary to the appropriate Collector for the release of sugar as provided in § 817.5.

(d) The specific authorization by the Secretary required pursuant to § 817.5 may be issued prior to the receipt of an application and appropriate copies of the "Sugar Quota Clearance Record" provided (1) such authorization is necessary to avoid a delay in unlading a carrier that has arrived in port, or the arrival of which is imminent, and (2) all of the information required pursuant to paragraph (a) of this section is transmitted to the Sugar Quota Group by telegram and the required application is being mailed the same day.

(e) (1) With respect to importations of sugar from foreign countries, application for set-aside of quota or quota proration for the importation of a specified quantity of sugar may be made to the Sugar Quota Group and approved, as provided in this subparagraph (1). Such application for set-aside shall be in the form of a Set-Aside Application and Agreement Form SU–8–A as hereafter set forth. The submission of a Set-Aside Application does not relieve the applicant of the necessity of submitting an application for authorization for release of sugar as required under paragraph (a) of this section. Any application for set-aside of quota or quota proration submitted pursuant to this subparagraph (1) covering a quantity of sugar to be imported within a quota or quota proration established in Part 811 of this chapter for a specified foreign country, or a quantity of sugar to be imported within a quota deficit quantity established for allocation or allocated in Part 811 of this chapter may be approved by the Secretary, except as limited by any time periods specified in Part 811 of this chapter, not more than 75 days prior to the first day of the 3-month importation period stated in the Set-Aside Application and Agreement. During the period from the date of approval of a set-aside application through the 15th day after the end of the importation period stated therein, both dates inclusive, and subject to the terms and conditions of such Application and Agreement, the quota and quota proration designated in the application shall be set aside to the extent of the quantity of sugar approved for set-aside under such Application and Agreement. A sugar quota set-aside agreement would not be effective to reserve a quota in the event that the President acting under section 202(d)(1)(B) of the Act withholds or suspends the quota applicable to the sugar covered by the set-aside agreement, since the agreement is necessarily based on there being a quota in effect at the time of importation.

(2) Set-Aside Applications and Agreements submitted pursuant to subparagraph (1) of this paragraph shall be submitted in duplicate on Form SU–8–A to provide the following information and certification:

SUGAR QUOTA SET-ASIDE APPLICATION AND AGREEMENT

I, _____ of
(Name of applicant)

_____
(Street address) (City) (State)

hereby certify that as owner, or as agent or broker for the owner, I have under my sole control _____ short tons (commercial weight) of sugar in _____
(Name of country)

and I hereby make application under the provisions of § 817.4(e)(1) of Sugar Regulation 817 for the set-aside of that quantity of the quota or quota proration for such country established in Sugar Regulation 811.

I agree that in consideration of the approval of this application I will import the sugar into the continental United States during the 3-month importation period specified in this agreement in accordance with the provisions of this agreement and applicable provisions of Sugar Regulation 817 and 811.

It is hereby agreed by and between the United States of America and the undersigned that the failure to import the quantity of sugar approved for set-aside of quota or quota proration pursuant to this application will substantially damage the program established under the Sugar Act of 1948, as amended, for providing supplies of sugar to be consumed at prices that will not be excessive to consumers in the United States; that the amount of such damages is very difficult to accurately estimate; that the undersigned will pay liquidated damages to the United States of 0.50 cent per pound for each pound of sugar approved for set-aside of quota or quota proration under this application which is not imported into the continental United States on or before the 15th day after the end of the importation period stated in this application, except that no liquidated damages shall be paid (i) for a quantity of sugar not imported which is within an allowance for normal shipping losses and normal loading variations equal to the smaller of 11 per centum of the quantity imported (commercial weight) or 5,000 tons, and (ii) for sugar not imported with respect to which the applicant, within a period of time prescribed by the Administrator, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, furnishes evidence satisfactory to the Administrator that importation within the period ending 15 days after the end of the importation period stated in this application was prevented by disasters at sea, acts of God, strikes so extensive and of such duration as to prevent such importation, or the occurrence of an insuperable and extraordinary interference which could not have been foreseen or prevented by the applicant's exercise of prudence, diligence, and care.

I further certify that I have arranged for and will deposit an irrevocable letter of credit within 3 business days after the approval date of this application and agreement expiring no earlier than 60 days after the end of the importation period stated in this agreement, issued by _____
(Name and address of bank)
in an amount not less than an amount determined by multiplying the total number of tons stated in this application by 2,000 and multiplying the product thereof by 0.5 cent. It is further agreed that such letter of credit shall authorize the Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, to draw upon the letter of credit on the basis of a written statement signed by the Administrator, Agricultural Stabilization and Conservation Service, or his authorized representative, which sets forth that a specified amount is due as liquidated damages under the terms and conditions of this Application and Agreement. It is further agreed that if such letter of credit or a wire notice from a U.S. bank of the issuance of such letter of credit, as described above is not received by the Agricultural Stabilization and Conservation Service within 3 business days after the approval date of this Application and Agreement as furnished to the applicant from the Sugar Quota Group, any approval of this Application and Agreement will be canceled and this Application and Agreement shall be null and void.

In the event the full quantity applied for cannot be approved, I will accept a smaller quantity of not less than _____ short tons, commercial weight.

Importation period: The sugar covered by this agreement will be imported during the 3-month period beginning _____ (Date) and ending _____ (Date).

Solely for the general guidance of the U.S. Department of Agriculture, I anticipate that the sugar will arrive as follows:

Month	*Short tons, commercial weight*
_____	_____
_____	_____
_____	_____

Signed _____
Title _____

Date _____

Approved as Set-Aside No. _____, for _____ short tons (commercial weight), on _____ (Date)

By _____
(Head, Sugar Quota Group)

(f) (1) Any application made pursuant to this section for authorization for release, pursuant to § 817.5 of sugar to be imported within a quota for foreign countries shall contain the following certification by the applicant, except that the last sentence may be omitted if not applicable:

The applicant certifies that the sugar identified herein was produced from (sugarcane) (sugar beets) grown in the producing area identified herein, and that this sugar is to be imported within the quota established for such area in Sugar Regulation 811. The sugar covered by this application is being imported under application for set-aside number _____ approved _____; and such quantity (does) (does not) fully discharge the obligation to import under the terms of that set-aside agreement.

(2) Any application made pursuant to this section for a purpose stated in § 817.8 shall contain the applicant's agreement and certification as follows, except that the last sentence may be omitted if the sugar is to be further refined or improved in quality:

This application is made subject to the conditions of bond on Form SU–17 number _____ (Insert bond number, if already approved) on which _____ (Insert name of bond principal), and _____ of _____ (Address of surety) is surety, under which all of the sugar authorized on this application to be brought or imported into the continental United States is to be _____ (Insert one of the purposes stated in paragraph (b) of § 817.8)

The applicant certifies that the sugar covered by this application was produced from (sugarcane) (sugar beets) grown in the producing area as identified on the application. The applicant further certifies that the sugar is not to be further refined and that the identical sugar will be ultimately delivered to the person who will use such sugar or an equivalent quantity, for the stated quota-exempt purpose.

(g) (1) Within 30 days after release by the Collector pursuant to § 817.5, of sugar declared to be for further processing, the results of weights, samples and tests and the name of the person retaining the reserve portion of each sample as provided for in Part 810 of this subchapter shall be reported to the Sugar Quota Group on the applicable copy of the "Sugar Quota Clearance Record," Form SU–3, or a duplicate of such copy, together with information specified in paragraph (a) of this section. The period within which the report required pursuant to this paragraph must be made may be extended for good cause shown with respect to a specified shipment upon request to and approval by the Secretary.

(2) Within 60 days after release by the Collector pursuant to § 817.5 of sugar declared to be for direct-consumption, the weight of such sugar actually imported into the continental United States and the polarization of such sugar shall be reported to the Sugar Quota Group on the applicable copy of the "Sugar Quota Clearance Record," Form SU–3, or a duplicate of such copy together with the information specified in paragraph (a) of this section. For the purpose of such report, the polarization of such sugar shall be reported as 100° polarization unless the sugar is actually subjected in the continental United States to the applicable sampling, testing and evaluation as provided in §§ 810.6, 810.7 and 810.8 of this subchapter. For the purpose of such report, the weight reported on sugar imported from foreign countries shall be the weight of such sugar determined by the Collector at the time of unlading or entry of such sugar and on sugar brought into the continental United States from domestic areas shall be the weight of such sugar determined by the importer and the carrier of such sugar for purposes of settlement with the carrier.

§ 817.5 Release by a Collector.

A Collector may release sugar from any area for any purpose only upon specific authorization by the Secretary pursuant to § 817.6 with respect to each application, required under § 817.4, except that the quantities for which no application is required pursuant to § 817.3 may be released by a Collector at any time, and except that raw sugar produced from sugarcane grown in Hawaii coming to the port of San Francisco for further processing may be released by the Collector without authorization by the Secretary, unless the Collector is notified by the Department not to release such sugar thereafter without authorization by the Secretary. Unless instructed to the contrary on Form SU–3–B, Collectors may release without further authorization, sugar in excess of the quantity authorized on a specific authorization, within a tolerance not to exceed the smaller of 1 percent of the authorized quantity or 4,000 pounds.

§ 817.6 Specific authorization for release.

(a) *Time of issue and duration of validity.* Specific authorizations by the Secretary for release by a Collector will be issued no more than 5 days prior to the stated date of departure of the carrier on which the sugar is to be shipped. The authorization shall be valid for the period specified thereon, subject to extension by the Secretary for good cause. In case the port of arrival or the name of the receiver is not known when the application becomes eligible pursuant to paragraph (b) of this section, the authorization will not be transmitted to the Collector until all the information required by paragraph (a) of § 817.4 is received by the Sugar Quota Group.

(b) *Order of eligibility of applications for authorizations for release of sugar and for the set-aside of quantities for future release.* The order of eligibility for authorization or approval of applications provided for in this paragraph (b) is subject to such modifications as are specified in Part 811 of this chapter. An application on "Sugar Quota Clearance Record," Form SU–3 for authorization to a Collector for the release of sugar which is not being imported under an application for set-aside approved under § 817.4 (e) shall become eligible for authorization at 12:01 a.m. on the fifth calendar

day prior to the date stated on the application as the date of departure of the shipment of sugar from the producing area or at the time of receipt of the application, whichever time occurs later. An application for set-aside submitted pursuant to § 817.4(e) shall become eligible for approval at 12:01 a.m. on the first day that such application for set-aside may be approved as provided in § 817.4(e), or at the time of receipt of the application, whichever time occurs later. The Secretary shall authorize the release by the Collector of sugar not being imported under an application for set-aside and approve applications for set-aside in the same order as such applications for release or set-aside become eligible for authorization or approval. If an application for the release of sugar and an application for set-aside applicable to the same quota become eligible for authorization and approval at the same time, the application for release of sugar shall have priority. If two or more applications for the release of sugar applicable to the same quota become eligible for authorization at the same time, such applications shall be authorized in the order of the date of departure stated thereon, earliest first. If two or more such applications state the same dates of departure and the unfilled balance of the quota or quota proration is less than the total quantity of sugar covered by such applications, the quantity authorized for release under each such application shall be authorized in the order of the date of arrival stated thereon, earliest first, and if any applications then remain having the same date of arrival the authorizations will be made as follows: An equal share of the quota balance shall be calculated by dividing such balance by the total number of such applications. All such applications that cover a quantity in each application less than such equal share shall be approved. The total of such approved quantities shall be deducted from the quota balance. The remaining quota shall be divided equally among the remaining applications but not to exceed the quantity applied for in any such applications, and the quantity assigned to each such remaining application as a result of such division shall be authorized for release under such application. If two or more applications for set-aside received from separate applicants become eligible at the same time and the unfilled balance of the quota or quota proration is less than the total quantity of sugar covered by such applications, no approvals will be made until the applicants have been consulted and agreement between them has been reached as to the quantities to be approved for each application. If the Secretary determines that such an agreement has not been reached by a date specified by him in writing to the applicants, the quantity to be approved under each application shall be determined by the same method described above for issuing authorizations when applications for release have the same date of arrival.

(c) *Substitution.* Release of a quantity of sugar subject to a quota or allotment may be authorized by the Secretary after such quota or allotment has been filled, provided an equivalent quantity of sugar previously released pursuant to § 817.5 within the same quota or allotment has been delivered into the custody of a Collector. The Collector shall retain custody of such equivalent quantity of sugar in accordance with § 817.3(e) until released pursuant to § 817.5.

(d) *Importation for quota-exempt purposes.* Authorization may be issued by the Secretary on applications for release of sugar in excess of the applicable quota or not covered by a quota for the purposes stated in sections 211 and 212 of the Act subject to the limitations specified in those sections and the conditions established in § 817.8.

(e) *Extent of authorizations.* Except as provided in paragraphs (c) and (d) of this section, no authorization shall be issued pursuant to paragraph (a) of this section and no application for set-aside shall be approved as provided in § 817.4 (e) when the quantity of sugar released for consumption in the continental United States, together with the quantity covered by valid authorizations for release or applications for set-aside issued or approved hereunder, equals the applicable quota.

(f) *Denial of authorizations and approval of applications for set-aside.* Authorizations on applications for release of sugar and approval of applications for set-aside may be denied if the applicant has failed to report in the manner and within the time prescribed in this part with respect to shipments previously imported or quantities covered by approved applications for set-aside and shipped to the continental United States, or if any information on an application or set-aside agreement previously submitted and approved is determined not to have been substantially correct, and the applicant fails to submit information satisfactory to the Administrator Agricultural Stabilization and Conservation Service that the incorrectness was due to causes beyond the control of the applicant or due to honest error.

§ 817.7 Applicable quota, quota proration, allocation, quantity, and allotment.

(a) Sugar imported other than as provided in § 817.8 shall be subject to any quota, proration of a quota or allocation for the producing area as shown on the application provided for in § 817.4, except that application may be made to import sugar pursuant to section 202(d)(2)(A) of the Act within the quantity available for foreign countries as a group and except that if the Secretary determines that the producing area shown on the application is incorrect, such sugar shall be subject to any quota, proration or allocation for the correct producing area as determined by the Secretary. Sugar from more than one producing area may not be commingled on the same carrier unless arrangements in writing have been made to furnish documents to the Sugar Quota Group that will provide a basis for satisfactorily and properly effecting the charges to the quotas of the respective producing areas.

(b) *Allotment.* (1) When the quota which is applicable pursuant to paragraph (a) of this section has been allotted pursuant to section 205(a) of the Act, the sugar imported pursuant to the application shall be subject to the allotment made to the person named thereon as the allottee if the application is made by (i) such allottee; (ii) a person authorized by the allottee by letter to the Sugar Quota Group to make such representations on behalf of the allottee for all or a specified portion of his allotment for the designated year, or (iii) an applicant who purchased the sugar from the allottee or a person holding an authorization under subdivision (ii) of this subparagraph. The quantity of sugar stated on an application as subject to the allotment of the allottee named thereon shall not exceed the supply of sugar processed by such allottee which was not previously marketed pursuant to Part 816 of this subchapter or previously imported or applied for pursuant to this part.

(2) Nothing in this paragraph shall preclude the Secretary from applying imported sugar to fill the allotment of the allottee who processed such sugar in any case where he determines that the foregoing provisions of this paragraph have been evaded, not complied with or are inapplicable. The term "processed" as used in this paragraph means the production of sugar from sugarcane or the production of direct-consumption sugar from raw sugar.

(c) *Quantity and time of effect.* (1) Each quantity authorized for release pursuant to § 817.6 and each quantity covered by an application for set-aside approved pursuant to § 817.4(e) shall be effective for filling the applicable quota as established in Part 811 of this subchapter at the time the applicable authorization is issued or application for set-aside is approved. Each quantity of sugar produced from sugarcane grown in Hawaii coming to the port of San Francisco and released by the Collector without authorization by the Secretary to the Collector as provided in § 817.5 shall be effective for filling the Hawaiian quota at the time the authorization is issued to the importer. For the purposes of this paragraph the raw value of the authorized quantity shall be estimated by considering the relationship between other authorized quantities for recent shipments from the same producing area and the raw values thereof determined as provided in Title I of the Act on the basis of weights and tests determined pursuant to Part 810 of this subchapter and such other factors as the Secretary deems applicable.

(2) Upon receipt of and on the basis of the report required pursuant to § 817.4 (g) for raw sugar or direct-consumption sugar covering an application initially

given effect pursuant to subparagraph (1) of this paragraph, the quantity effective for filling the applicable quota shall be the quantity of sugar imported pursuant to the authorization represented by either raw or direct-consumption sugar, determined as prescribed in Part 810 of this subchapter to the extent of its raw value, as defined in Title I of the Act and as finally computed from the weights and tests determined pursuant to Part 810 of this subchapter, except that the raw value of liquid sugar imported from Puerto Rico shall be computed by multiplying the total sugar content thereof by the factor 1.07.

(3) Whenever the Secretary determines that (i) a default in a condition of a bond accepted pursuant to § 817.9 has occurred or, (ii) a quantity of sugar authorized for release for importation as raw sugar is direct-consumption sugar pursuant to § 810.5(c) of this subchapter by virtue of its use for which authorization pursuant to § 817.3(g) was not granted, or (iii) a quantity of sugar has been imported without authorization for release as required pursuant to § 817.5, the quantity of sugar involved in such default, change of purpose, or importation without authorization shall be applied to the applicable quota or allotment in effect for the year in which the importation occurred after all importations made in accordance with the regulations of this part to which the same quota and allotment were applicable have been applied thereto.

§ 817.8 Authorization for purposes other than to fill current quotas.

(a) Upon fulfillment of the requirements of §§ 817.3 and 817.4 and the applicable provisions of this section and § 817.9, the authorization required pursuant to § 817.5 may be given to the Collector to release sugar for importation for the purposes specified in this section without effect on a quota at the time of importation, except that sugar may not be imported pursuant to this section from any country with which the United States is not in diplomatic relations or from any country whose quota has been withheld or suspended by the President pursuant to section 202(d)(1)(B) of the Act. Accordingly, the application required by § 817.4 must show that the sugar covered by such application was produced from sugar beets or sugarcane grown in the producing area as identified on the application.

(b) Sugar may be released for importation by or delivery to the principal on a bond accepted pursuant to § 817.9 to fulfill the following purposes:

(1)(i) Entries of sugar processed from sugarcane grown in Hawaii or Puerto Rico consigned to a continental United States refiner for the express purpose or refining and/or repackaging for subsequent return of an equivalent quantity to the producing area for consumption therein, and (ii) exportations as sugar within the provisions of section 313 of the Tariff Act of 1930, as amended, or direct shipment (otherwise than under the provisions of section 313 of the Tariff Act of 1930, as amended) as sugar by the importer or refiner to a territory or possession of the United States, excluding the Virgin Islands. (Sugar shipped to Hawaii or Puerto Rico is subject to the provisions of section 211(c) of the Act and the applicable provisions of regulations of the Secretary establishing (a) sugar requirements and quotas for Hawaii and Puerto Rico, (b) allotments of sugar quotas for Hawaii and Puerto Rico, and (c) requirements relating to the marketing of sugar for consumption in Hawaii and Puerto Rico. Section 209(e) of the Act prohibits the importation into the Virgin Islands for consumption therein of any sugar in excess of 100 pounds in any calendar year produced from sugarcane or sugar beets grown in any area other than Puerto Rico, Hawaii or the continental United States.)

(2) Manufacture and exportation of other articles within the provisions of section 313 of the Tariff Act of 1930, as amended.

(3) Distillation of alcohol, including all polyhydric alcohols, or production (other than by distillation) of alcohol, including all polyhydric alcohols, but not including any such alcohol or resulting byproducts for human food consumption.

(4) Sugar for livestock feed or for the production of livestock feed. For the purposes of the regulations of this part:

(i) "Livestock" shall mean horses, mules, cattle, swine, sheep, goats, poultry, and honey bees;

(ii) "Sugar for livestock feed" shall mean sugar used for feeding livestock by the person who received such sugar, excluding any sugar received as an ingredient of a mixture or product;

(iii) "Sugar for the production of livestock feed" shall mean sugar, excluding any sugar contained as an ingredient of a mixture or product, put into a mixing or manufacturing process that produces only feed for livestock; and

(iv) "Sugar for livestock feed or for the production of livestock feed" also means any livestock feed product containing sugar in excess of 50 percent by weight or value entering the United States or Puerto Rico for use as livestock feed from a foreign country, a Foreign Trade Zone, or from Customs Custody, and such product shall be subject to the provisions of this part.

(c) The remaining portion of the single shipment of raw sugar of which a portion is authorized for importation pursuant to § 817.6 as the final quantity to fill the applicable calendar year quota or the applicable quarterly limitation, may be authorized for release for importation by or delivery to a refiner who is the principal on a bond accepted pursuant to § 817.9 under which the principal is obligated to hold the sugar so imported or an equivalent quantity at the refinery, at which such sugar was received until release within the applicable quota or allotment is authorized by the Secretary: *Provided*, That the remaining portion of the single shipment so authorized for release shall be limited to the smaller of either 5 percent of the applicable calendar year quota or 5,000 short tons, raw value, or the smaller of 10 percent of the applicable quarterly limitation or 5,000 short tons, raw value.

(d) Whenever the Secretary has given public notice that such action will not interfere with the effective administration of the Act, raw sugar may be authorized for release for importation by or delivery to a refiner who is the principal on a bond accepted pursuant to § 817.9 under which the principal is obligated to hold the sugar or an equivalent quantity subject to such conditions as may be specified in such notice until release within the applicable quota or allotment is authorized by the Secretary.

(e) Upon fulfillment of the requirements of §§ 817.3 and 817.4 the authorization required pursuant to § 817.5 may be issued to the Collector for the release of sugar for purposes stated in section 212 of the Act other than those specified in paragraph (b) of this section, within the limitations specified in such section 212 of the Act.

§ 817.9 Bonds to cover releases.

(a) No authorization for the purposes specified in § 817.8 (b), (c), and (d) shall be issued nor shall a Notice of Delivery which covers the delivery of a quantity of sugar to the principal of another bond be accepted until the Secretary has accepted a bond meeting the requirements of this section. The Secretary may accept a bond to cover importations or deliveries which may be made during the period of time specified in the bond or for a specified importation or delivery.

(b) *Principal and surety.* Any person having an interest therein may be the principal on the bond covering sugar to be exported with benefit of drawback of duty, or covering sugar for the distillation or production of alcohol other than by distillation, including all polyhydric alcohols. Only the importer or refiner may be the principal on a bond to cover sugar to be shipped to a territory or possession of the United States or used for livestock feed, or for the production of livestock feed. Only a refiner may be the principal on a bond covering sugar to be imported for further processing as provided for in § 817.8 (c) and (d). The surety or sureties shall be among those listed by the Secretary of the Treasury as acceptable on Federal bonds.

(c) *Obligation*—(1) *Establishment and effective date.* The obligation under the bond shall be made effective and be established by: (i) The Secretary's issuance of the authorization required pursuant to § 817.5 for release of the sugar by the Collector; or (ii) the Secretary's acceptance of a Notice of Delivery covering a quantity of sugar delivered by the principal of a bond to the principal of another bond pursuant to subparagraph (1)(iii) of paragraph (d) of this section, such Notice of Delivery to be executed jointly by the principals of the two bonds involved on a form prescribed by the Secretary.

(2) *Monetary amount.* The monetary amount of the obligation under the bond shall not be less than the sum of the amounts applicable to all quantities of sugar covered at any one time thereunder by virtue of the issuance of authorizations required pursuant to § 817.5 for release of sugar by the Collector or acceptance of Notices of Delivery, and such obligations shall be effective whether or not the surety receives notice from the Secretary of the issuance of such an authorization or the acceptance of a Notice of Delivery. The monetary amount applicable to each quantity of sugar covered by each authorization for release of sugar by the Collector or by each Notice of Delivery, and made subject to a bond accepted under this Part shall be the "spot" quotation per pound of raw sugar deliverable on the New York Coffee and Sugar Exchange under Contract No. 10 as established by that Exchange for the last business day before the date of application to the Secretary for the issuance of such authorization, or before the delivery date or the last date of the delivery period shown on such Notice of Delivery multiplied by the weight in pounds of such quantity of sugar. The amount applicable to each quantity of liquid sugar covered by each authorization for release of liquid sugar by the Collector or by each Notice of Delivery shall be computed upon the basis of the same price per pound, ascertained as heretofore stated in this paragraph, multiplied by the pounds of the "total sugar content," as defined in section 101(l) of the Act, of such quantity of liquid sugar. The quantity of sugar covered by each authorization required pursuant to § 817.5 for release by the Collector or by each Notice of Delivery shall be the quantity stated in the Notice of Delivery or in the application submitted on the Sugar Quota Clearance Record, or the quantity stated in the report made to and received by the Sugar Quota Group in accordance with § 817.4(g) if differing from the quantity stated in the authorization for release of sugar by the Collector.

(d) *Conditions.* Any bond accepted pursuant to this part shall provide for the following conditions to apply to sugar authorized to be release by the Collector pursuant to the provisions of § 817.8.

(1) Consistent with the certification required pursuant to § 817.4(f)(2), the identical sugar, or the raw value equivalent of the sugar, authorized under the bond to be imported for the purpose of exporting sugar shall be:

(i) Exported within 6 months after the date of importation with drawback of duty subsequently allowed pursuant to section 313 of the Tariff Act of 1930, as amended, as evidenced by the reports of such exportation and allowance from the principal and the Collector as provided for in paragraph (e) of this section;

(ii) Shipped within 6 months after the date of importation to a territory or possession of the United States other than the Virgin Islands as evidenced by the report by the principal of such shipment as provided for in paragraph (e) of this section, or

(iii) Delivered within 6 months after the date of importation to the principal on another bond accepted pursuant to this section.

(2) Consistent with the certification required pursuant to § 817.4(f)(2), the identical sugar, or the raw value equivalent of the sugar, authorized under the bond to be imported, or authorized to be delivered subsequent to importation under another bond, for the manufacture of products to be exported, shall be exported in manufactured products within 3 years after the date of importation of the sugar with drawback of duty subsequently allowed pursuant to section 313 of the Tariff Act of 1930, as amended, as evidenced by the reports of such exportation and allowance of drawback by the principal and the Collector, as provided for in paragraph (e) of this section;

(3) Consistent with the certification required pursuant to § 817.4(f)(2), the identical sugar, or the raw value equivalent of the sugar, authorized under a bond to be imported for the distillation or production of alcohol or for livestock feed, or for the production of livestock feed, shall be so used within 1 year after the date of importation as subsequently evidenced by a certificate of use as provided for in paragraph (e) of this section. The use of sugar for livestock feed or the production of livestock feed shall be as provided in § 817.8(b)(4).

(4) The raw value equivalent of the raw sugar authorized under a bond to be imported by or delivered to a refiner pursuant to the provisions of § 817.8(c) shall be held at the refinery at which such sugar was received until release of such sugar within the applicable quota is authorized by the Secretary.

(5) The raw value equivalent of the raw sugar authorized under a bond to be imported by or delivered to a refiner pursuant to the provisions of § 817.8(d) shall be held by the refiner subject to such conditions as may be specified in the public notice given by the Secretary authorizing the release for importation of sugar for the purpose specified in paragraph (d) of § 817.8.

(6) Any bond furnished pursuant to this part shall provide that the obligation established thereunder will remain in full force and effect until the Secretary notifies the principal and surety of release thereof. The Secretary may release all or any part of the monetary amount of the obligation of the bond which is applicable to the quantity of sugar covered by an issued authorization for release thereof by a Collector or by an accepted Notice of Delivery with respect to which quantity either the applicable conditions set forth in subparagraphs (1) through (5) of this paragraph have been fulfilled, or another bond has been accepted: *Provided*, That, nothing in this section shall preclude the Secretary from: (i) Accepting evidence other than that provided for in subparagraphs (1), (2), and (3) of this paragraph to establish that any of the conditions provided in such subparagraphs have been fulfilled, or (ii) determining that any of the conditions provided in subparagraphs (1) through (5) of this paragraph have been fulfilled by virtue of the destruction or other disposition of sugar having an effect for quota purposes as if the applicable conditions set forth in such subparagraphs have been fulfilled, or (iii) extending at his discretion the time for fulfillment of any of the conditions set forth in subparagraphs (1) through (5) of this paragraph upon the written request of and for good cause shown by the principal named on the bond and without notice to the surety on such bond.

(7) Upon default in any applicable condition heretofore set forth, and the expiration of any extension of time for fulfillment thereof that may be granted in writing by the Secretary, payment shall be made to the United States of America of a sum equal to the full amount of the obligation determined as prescribed in paragraph (c) of this section which is applicable to the quantity of sugar covered by an authorization for release of sugar by the Collector or by a Notice of Delivery, and with respect to which quantity the default occurred in whole or in part.

(8) The payment or the acceptance of any payment made to the United States of America pursuant to this paragraph shall not be deemed to preclude or to constitute a waiver of recovery of any forfeiture, penalty or liability provided for by the Act or any other provision of law.

(e) *Reports of evidence that conditions of bond have been fulfilled.* (1) All principals on bonds given for the purpose specified in § 817.8(b) (1) or (2) shall, by the 10th of each month, submit a report to the Sugar Quota Group showing the following information: (i) With respect to allowances of drawback of duty for exportations for which drawback of duty was allowed in the month preceding the month in which the report is submitted, the identity, by number, of the bond to which the exported quantity of sugar should apply, the date of exportation of the sugar, the quantity of sugar exported or used in the manufacture of the exported sugar or the sugar used in the manufacture of the exported articles, the port and date of entry or withdrawal of the sugar designated as a basis for drawback of duty and the consumption entry or warehouse withdrawal number, the country of origin of the sugar designated as a basis for drawback of duty, and the quantity and polarization or, if liquid sugar, the total sugar content of the designated liquid sugar on which drawback of duty was allowed; and (ii) with respect to sugar shipped to a territory or possession of the United States within the preceding month; the identity, by number, of the bond to which the shipped quantity of sugar should apply, the date of shipment and the destination of the sugar and the producing area of the shipped sugar.

(2) The principal on a bond given for a purpose specified in § 817.8(b) (3) or (4) shall transmit to the Sugar Quota Group no later than 30 days after the 1-year use period provided for in § 817.9 (d)(3) or authorized extension thereof, certificates executed by the persons who used the sugar showing the following information on forms prescribed by the Secretary as follows:

(i) In the case of use for distillation or production of alcohol, Form SU–23A:

The undersigned hereby certifies that between _____, 19__ and _____, 19__, he has used the following quantity or quantities of liquid or crystalline sugar for the purpose or purposes indicated:

[Pounds]

Use	Liquid	Crystalline	
	Sugar content	Actual weight	Raw value weight
(1) Used for distillation of alcohol			
(2) Used for production of alcohol (other than by distillation) for other than human food consumption			

The undersigned further certifies that the quantity of sugar shown on this certification of use does not include any sugar previously covered by another U.S. Department of Agriculture Certificate of Use; that the quantity shown on this certificate does not include any sugar previously credited or subsequently to be credited against an obligation on a bond covering sugar exported in a sugar-containing product and that none of the sugar shown on this certificate was used in the production (other than by distillation) of alcohol, including any resulting byproducts, for human food consumption.

(ii) In case of use for livestock feed or production of livestock feed, Form SU–23:

The undersigned certifies that between _____, 19__ and _____, 19__, he
(Date) (Date)
has used the following quantity or quantities of sugar for the purpose or purposes as stated below:

	Pounds
(1) Use to feed livestock	_____
(2) Used in the production of livestock feed:	
(a) For his subsequent use in feeding livestock	_____
(b) For subsequent sale to others for feeding livestock	_____

The undersigned further certifies that each quantity of sugar shown in this Certificate of Use does not include a quantity of sugar previously covered by another U.S. Department of Agricultural Certificate of Use; that any quantity of sugar shown on this certificate used to feed livestock or for the production of livestock feed does not include any sugar contained as an ingredient of a mixture or product at the time such sugar was received except sugar imported as a livestock feed product containing sugar in excess of 50 percent by weight or value; that such sugar was either fed to livestock by the person receiving it or was put into a mixing or manufacturing process that produces only feed for livestock; and that the term "livestock" as used throughout this certificate means horses, mules, cattle, swine, sheep, goats, poultry, and honeybees.

Each certificate shall be endorsed by the principal of the bond acknowledging that the use of the sugar, to which the certificate applies, is to apply to the fulfillment of the conditions of the bond on which he is the principal and the bond shall be identified on the endorsement.

(3) Each Collector shall, by the 10th of each month report all allowances of drawback in the preceding month which were based on exportations of sugar or manufactured sugar-containing articles. Such report shall show the following information: The person who manufactured the exported product and the date of exportation; and with respect to the sugar designated as a basis for the claim for drawback of duty, the date and port of entry or withdrawal, the consumption entry or warehouse withdrawal number (if warehouse withdrawal numbers of a separate series are not assigned, the warehouse entry number should be furnished), the producing area, the quantity and polarization or, if liquid sugar, the total sugar content, on which drawback was allowed.

(4) Each refiner who is a principal on a bond given for the purpose specified in either paragraph (c) or (d) of § 817.8 shall furnish to the Secretary at his request such information as the Secretary requires to determine that such refiner has met the inventory requirements pursuant to the applicable bond obligation.

§ 817.10 Sugar-containing products and mixtures.

NOTE: The basis and purpose and bases and considerations for this § 817.10 have been set forth fully in the FEDERAL REGISTER at 31 F.R. 16518 and 31 F.R. 9495.

(a) The importation or bringing into the continental United States, Hawaii, or Puerto Rico of any sugar-containing product or mixture shall not be subject to any import quantity limitations pursuant to the provisions of this part unless and until the Secretary has made effective a determination that the prospective importation of such sugar-containing product or mixture will substantially interfere with the attainment of the objectives of the Act. A proceeding to make a determination required by this section as well as any amendment or repeal thereof will be instituted by the Secretary either upon the Secretary's own initiative, or upon the written petition of an interested person if the Secretary has reasonable grounds to believe, on the basis of information accompanying the petition and other information available to him, that there may be a substantial interference with attainment of the objectives of the Act. Petitions should be submitted to the Director, Sugar Policy Staff, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250. A proceeding to make a determination that the importation or bringing into the continental United States, Hawaii, or Puerto Rico of a sugar-containing product or mixture will or will not substantially interfere with the attainment of the objectives of the Act, or an amendment or repeal of such a determination, shall be instituted by publishing a notice of the proposed rule making, and affording interested persons an opportunity to submit written data, views, and arguments and to submit the same orally if provision is made therefore in the notice. The determination shall be published in the FEDERAL REGISTER. A determination may pertain to one or more sugar-containing products or mixtures or a group of similar sugar-containing products or mixtures. In making a determination that the bringing in or importing of a sugar-containing product or mixture will or will not substantially interfere with the attainment of the objectives of the Act, the Secretary shall give consideration to (1) the total sugar content of the product or mixture in relation to other ingredients therein or to the sugar content of other products or mixtures for similar use; (2) the costs of the mixture in relation to the costs of its ingredients for use in the continental United States, Hawaii, or Puerto Rico; (3) the present or prospective volume of importations relative to past importations of the product or mixture; (4) whether it will be marketed to the ultimate consumer in the identical form and package in which it is imported or the extent to which it is to be further subjected to processing or mixing with similar or other ingredients; and (5) other pertinent information. Information relating to the above listed factors should accompany any petition to the Secretary to institute a proceeding as provided in this section or shall be furnished by persons having such information upon request by the Secretary.

(b) If the Secretary has determined pursuant to paragraph (a) of this section that the prospective importation or bringing into the continental United States, Hawaii, or Puerto Rico of a sugar-containing product or mixture will substantially interfere with the attainment of the objectives of the Act, a total quantity of such sugar-containing product or mixture shall not be brought or imported into the continental United States, Hawaii, or Puerto Rico in any one year from any one country or area in excess of the quantity which the Secretary determines will not so interfere, but not less than (1) the average annual importations of the product or mixture from the country or area during the most recent 3 consecutive years for which reliable data are available; or (2) 100 short tons, raw value, of sugar content of the product or mixture from any one country or area in the event that no reliable data of quantities imported or brought in from the country or area for 3 consecutive years are available. Persons having information or data of quantities of a sugar-containing product or mixture imported or brought in during any of the most recent 3 consecutive years from a country or area may submit such information or data to the Director, Sugar Policy Staff, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250, for consideration of its reliability for use.

(c) (1) Any sugar-containing product or mixture as to which the Secretary has determined that the actual or prospective importation or bringing thereof into

the continental United States, Hawaii, or Puerto Rico will substantially interfere with the attainment of the objectives of the Act, shall not be imported or brought into the continental United States, Hawaii, or Puerto Rico until a release directed to the Collector has been obtained by the importer from the Secretary. If the Secretary or his delegate determines that the release of the product is permissible in accordance with limitations provided in paragraph (d) of this section such release will be issued upon application to the Sugar Quota Group, Policy and Program Appraisal Division, ASCS, U.S. Department of Agriculture, Washington, D.C. 20250, in quintuplicate on a prescribed form designated as Form SU–9A. Application forms will be available from the above mentioned source and at all Customs Houses, and will provide for the following information regarding the product to be imported on each carrier:

The name and address of the importer.
The name of the carrier which is to transport the product to the U.S. port or point of entry.
The port or point of departure of such carrier.
The date of departure from such point or port.
The port or point of entry.
The date of arrival.
The quantity of product to be imported (total pounds or gallons).
The country of origin (where manufactured).
The name of the product.
Whether the identical product as packaged will be marketed to the ultimate consumer.
The percentage of sugar and each other ingredient in the product including moisture.
A certification that the information contained in the application is true and correct to the best of the importer's knowledge and belief and that he will furnish the Department within 30 days after importation the consumption entry or warehouse withdrawal number, the actual weight entered, and verification of the composition of the product.
The date submitted, signature and title of the person signing the application.

(2) An application for issuance of an authorization to a Collector for the release of a sugar-containing product or mixture shall become eligible for authorization at 12:01 a.m. of the fifth day prior to the date of departure of the shipment as stated on the application, or at the time of receipt of the application whichever time occurs later. An authorized application shall be canceled if the covered shipment does not leave the port or point of departure on or before the fifth day after the scheduled departure date as stated on such application, or if a duty-paid entry on such shipment is not made at the port of entry on or before 15 days after the scheduled arrival date as stated on such application, except that the period during which the application is valid may be extended by the Secretary. The entire quantity of an importer's shipment scheduled to depart on a carrier from the same port of departure, on the same date of departure, and having the same destination, must be covered by one application. The Secretary shall authorize applications for the release of sugar-containing products by the Collector in the same order as such applications become eligible for authorization or approval. If two or more applications covering products from the same country become eligible for authorization at the same time, such applications shall be authorized in the order of the date of departure, earliest first. If two or more applications for release submitted by different applicants become eligible for authorization at the same time and have the same date of departure and the quantity permissible for importation within the limitations provided in paragraph (d) of this section is less than the total quantity covered by such applications, the quantity authorized for release under each such application shall be determined as follows. An equal share of the quantity permissible for importation shall be calculated by dividing such quantity by the total number of such applications. All such applications that cover a quantity in each application less than such equal share shall be approved and the quantities stated therein shall be authorized for release. The total of the quantities covered by such approved applications shall be deducted from the quantity permissible for importation, the remainder shall be divided equally among the remaining applications but not to exceed the quantity applied for in any such application, and the quantity assigned to each such remaining application as a result of such division shall be authorized for release under such application.

(3) An application made pursuant to this section constitutes a representation by the applicant that at the time the application is made:

(i) He has control of the quantity of the product which is subject to shipment as specified;

(ii) Firm commitment has been made by the shipping company for shipment as described on the application; and

(iii) The date of departure of the carrier stated on the application is (a) the date specified to the applicant or shipper by the Master, Owner or Agent of such carrier as the expected departure date, or (b) the date the shipper expects the vessel to depart based on the date the carrier will be available for loading as specified by the Master, Owner or Agent of such carrier plus the normally required loading time.

(4) Authorizations of applications for the release of the sugar-containing product may be denied if the applicant has failed to report in the manner and within the time prescribed in this section with respect to a previous importation or if any information on an application previously submitted and approved is determined not to have been substantially correct, and the applicant fails to submit information satisfactory to the Administrator, Agricultural Stabilization and Conservation Service that the incorrectness was due to cause beyond the control of the applicant or due to honest error.

(d) It is hereby determined upon the basis and considerations set forth in F.R. Doc. 66–7654 (31 F.R. 9495) and 66–13856 (31 F.R. 16518) that prospective importation into the continental United States, Hawaii, and Puerto Rico of the following described sugar-containing products or mixtures will substantially interfere with the attainment of the objective of the Act and shall be subject to the import limitations provided in this paragraph (d) of this section: Products or mixtures which (1) contain more than 25 percent sugar expressed as a percent of the total weight of solids (excluding moisture and volatile matter); (2) contain solid ingredients other than sugar consisting principally of either butterfat or flour or both; and (3) either are to be further subjected to processing or mixing with similar, or other ingredients, or are not to be marketed to the ultimate consumer in the identical form and package in which imported. The total quantity of all such products or mixtures which may be imported during the calendar year 1967 from each of the following countries shall not exceed the amount stated as follows for such country, except that the total quantity of products or mixtures containing butterfat which may be imported from a foreign country is also subject to the quantity import limitations on butterfat containing products imposed by Presidential Proclamations issued pursuant to section 22 of the Agricultural Adjustment Act, as amended (7 U.S.C. 624).

Country	Pounds
Australia	14,090,000
Austria	827,000
Belgium	14,090,000
Canada	11,650,000
Denmark	1,926,000
Sweden	397,000
United Kingdom	2,159,000
Any other country	(1)

[1] 100 short tons, raw value, or sugar content (dry basis), the equivalent of 187,000 pounds, refined sugar.

None of the described products or mixtures shall be imported except pursuant to the procedural requirements contained in paragraph (c) of this § 817.10.

§ 817.11 Records and reports.

(a) For the purposes of this part, any quantities of sugar imported as crystalline sugar which are subsequently converted into and marketed as liquid sugar shall be reported subsequent to such conversion as the quantities of crystalline sugar so converted and the raw value thereof shall be determined as prescribed in paragraph (1), (2), or (3) of section 101(h) of the Act, applicable to the crystalline sugar so converted. Liquid sugar, exclusive of that imported as liquid sugar, for which the quantities of converted crystalline sugar are unknown shall be reported in terms of the total sugar content and the raw value thereof shall be determined by multiplying the total sugar content by the factor 1.07.

(b) Each person subject to the provisions of this part shall keep and preserve, for a period of 2 years following the end of the calendar year in which the sugar was imported into the continental United States, an accurate record of the receipt, processing and movement of such sugar and of all tests, gallonages and weights pertaining thereto, except that all records relating to the receipt and disposition of sugar authorized for release pursuant to § 817.8 shall be kept and preserved for a period of 2 years following the end of the calendar year in which the sugar was disposed of pursuant to the requirements of § 817.9(d). Upon request by any authorized employee of the Department, such records shall be made freely available for examination by such employee during the regular working hours of any business day.

(c) Each person subject to the provisions of this part shall make application for authorizations provided for in this part and shall report information as and when required by the Secretary on forms specified by him and approved by the Bureau of the Budget under the Federal Reports Act of 1942. In addition to the applications, authorizations and reports otherwise specifically referred to in this part, this requirement shall include, but is not necessarily limited to, the information prescribed on Form SU–73 or Form SU–74 for refiners, or on Form SU–75 for other importers. The following described forms are available for use in accordance with the provisions of the regulations in this Part 817, and all may be obtained at the office of the Sugar Quota Group, Policy and Program Appraisal Division, Agricultural Stabilization and Conservation Service, Room 6622 South Building, United States Department of Agriculture, Washington, D.C. 20250. In addition, Forms SU–3, SU–8A and SU–9A are generally available at Customs Houses at principal ports of entry.

FORMS

SU–3—Sugar Quota Clearance Record.
SU–8A—Sugar Quota Set-Aside Application and Agreement.
SU–9A—Application for Release of a Sugar Containing Product or Mixture.
SU–17—Bond for Entry of Sugar Without Charge to Quota.
SU–18—Notice of Delivery of Quota-Exempt Sugar for Manufacture of Articles for Export.
SU–19—Monthly Report of Drawback Allowances.
SU–20—Report of Exportations and Allowances of Drawback to Fulfill Conditions of Bonds.
SU–20–1—Report of Shipments to Territories or Possessions in Fulfillment of Conditions of Bonds.
SU–23—Certificate of Use of Sugar for Livestock Feeding or Production of Livestock Feed.
SU–23–A—Certificate of Use of Sugar for Distillation or Production of Alcohol.
SU–24—Certification of Inventory of Over-Quota Sugar.
SU–63—Destination by States of Sugars Delivered for Direct Consumption.
SU–64—Sugar Deliveries by Type of Buyer.
SU–64–A—Dextrose Sales, Domestic, by Type of Buyer.
SU–73—Sugar Production and Movement Report—Refiners Who Also Process Mainland Sugarcane.
SU–74—Sugar Production and Movement Report—Refiners Who Do Not Process Mainland Sugarcane.
SU–75—Sugar Receipts and Movement Report (Importers Who Do Not Operate Refineries).

(d) Each person subject to the provisions of this part who applies for a set-aside which has been approved pursuant to § 817.4(e) shall report any quantity of sugar which has been shipped and which is to be imported into the continental United States under such application. Such report shall be made within 2 days after the date of departure of the sugar from the area of origin and shall show the date of departure, the quantity of sugar shipped and the expected date of arrival. An application for authorization for release of sugar as provided for in § 817.4(a) may be submitted within the same time limitation in lieu of the report required by this paragraph.

§ 817.12 Delegation of authority.

The Director, or Deputy Director, of the Sugar Policy Staff, the Director, Deputy Director of the Policy and Program Appraisal Division, or the Head, Sugar Quota Group of that Division (or any person in such division designated in writing by the Director), Agricultural Stabilization and Conservation Service of the Department, is hereby authorized to act on behalf of the Secretary in administering §§ 817.1 through 817.11 except as otherwise provided for in paragraph (e) of § 817.4, paragraph (f) of § 817.6 and paragraph (d) of § 817.8.

NOTE: The reporting and/or recordkeeping requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Signed at Washington, D.C., this 15th day of August 1967.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 67–9720; Filed, Aug. 18, 1967; 8:45 a.m.]

Consumer and Marketing Service

[7 CFR Part 1032]

MILK IN SOUTHERN ILLINOIS MARKETING AREA

Termination of Proceeding To Suspend Certain Provision of Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), notice of proposed rule making was issued by the Deputy Administrator, Regulatory Programs, on July 13, 1967, with respect to proposed suspension of a certain provision of the order regulating the handling of milk in the Southern Illinois marketing area. Interested persons were invited to submit views, data or arguments to the Hearing Clerk not later than July 22 in connection with the proposed suspension.

The provision in § 1032.14(b)(2) proposed to be suspended reads, "on any day during the months of May and June and in any other month for not more than 8 days of production of producer milk by such producer". Such provision relates to the diversion of producer milk by handlers from a pool plant to a nonpool plant.

On the basis of all facts available to the Department, including written views, data and arguments submitted by interested parties, it appears that the pool plants involved can handle the volume of milk on the market during the month of August under the existing diversion provisions of the order and still retain their pool status. Therefore, it appears that the proposed suspension is not needed for the month of August 1967.

It is hereby found and determined that the proposed suspension for the month of August 1967, of the aforesaid provision of the order relating to the diversion of milk should not be effectuated; and the proceeding begun in this matter on July 13, 1967, should be and is hereby terminated.

Signed at Washington, D.C., on August 16, 1967.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 67–9809; Filed, Aug. 18, 1967; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 21]

[Docket No. 16778; FCC 67–959]

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

Allocation of Presently Unassignable Spectrum by Adjustment of Certain of the Band Edges

1. On July 20, 1966, the Commission issued a notice of inquiry in the above-entitled matter which was duly published in the FEDERAL REGISTER (31 F.R. 10135, July 27, 1966). Comments were solicited concerning the manner in which the frequency pairs 152.840/158.100 Mc/s and 152.240/158.700 Mc/s should be established for use respectively by wireline common carriers and non-wire-line common carriers in the Domestic Public Land Mobile Radio Service. Comments, data, views, and arguments thereon were due on September 30, 1966, and reply comments were due on October 31, 1966. On October 25, 1966, the Commission received and on October 31, 1966, granted the Radio Relay Corp. "Petition for Extension of Time" to November 15, 1966, to file reply comments in this proceeding. This action was published in the FEDERAL REGISTER (31 F.R. 14318, Nov. 5, 1966).

2. Written comments were filed by Allied Telephone Co. Association (Allied), American Telephone & Telegraph Co. (AT & T), GT & E Service Corp. (GT & E), National Association of Radiotelephone Systems (NARS), National Committee for Utilities Radio (NCUR), United States Independent Telephone Association (USITA), and the Western Union Telegraph Co. (Western Union). Reply comments were filed by Aircall New York Corp. (Aircall), American

Telephone & Telegraph Co. (AT & T), Page Call, Inc. (Page Call), Radio Relay Corp. (Radio Relay), and George W. Smith (Smith). Additionally, on January 18, 1967, AT & T submitted a "Petition for Leave to File Response Comments" which accompanied the petition. Good cause having been shown therein, the "Response to Reply Comments" is accepted for filing.

3. In Docket No. 16778 and in Docket No. 16776,[1] which is closely related thereto, the Commission's proposal to allocate the 30 kc/s frequency pair 152.240/158.700 Mc/s for use by non-wire-line carriers was not opposed in any filing, and the proposed common carrier allocations were supported in whole or in part by the Electronic Industries Association's Land Mobile Communications Section, as well as by Motorola, Inc., NARS, NCUR, New York State Telephone Association, Professional Sales and Answering Service, and the United States Independent Telephone Association (USITA). Such proposed allocations to common carriers were also supported in whole or in part in Docket No. 16778 filings by Allied, AT&T, GT&E, NARS, Radio Relay, and Western Union. No oppositions to the proposed frequency allocations were filed therein.

4. Comments, filed by NARS and Smith, requesting the Commission to take action with regard to frequency allocation of the frequency pair 454.00/459.00 Mc/s and frequencies in the 35–44 Mc/s band are beyond the scope of this proceeding and therefore are not considered herein. Reallocation of Domestic Public Land Mobile Radio Frequency Allocations in the 35–44 Mc/s band is the subject of a pending rule making petition (RM–1069) filed by Special Industrial Radio Service Association (SIRSA). Persons wishing to bring such matters before the Commission are referred to the provisions of Subpart C of Part 1 of the Commission's Rules which deals with rule making proceedings.

5. Comments filed with respect to the manner in which the frequencies 152.240 Mc/s and 158.700 Mc/s should be utilized by non-wire-line common carriers did not advocate that those frequencies should be dedicated exclusively to one-way signaling (radio paging) service. In fact, NARS opposed an exclusive allocation to either the one-way or two-way land mobile service. The consensus of filings appeared to favor such frequencies being dedicated to two-way land mobile service plus one-way signaling service. NARS also recommended that secondary use of such frequencies by non-wire-line carriers be provided for in the Rural Radio Service. Such recommendations are embodied in the notice of proposed rule making which is being adopted herein. We believe it desirable to also provide in our proposal for the secondary Rural Radio Service use, by wire-line common carriers, of the frequency pair 152.840/158.100 Mc/s whose primary use is being dedicated to the domestic public land mobile radio service.

6. Wire-line common carriers filed no comments with regard to the specific uses to be permitted non-wire-line carriers on the frequency pair 152.240/158.700 Mc/s. However, numerous wire-line and non-wire-line common carriers expressed views as to what usage wireline common carriers should be permitted to make of the frequency pair 152.840/158.100 Mc/s in the domestic public land mobile radio service. AT&T, GT&E, and Western Union advocated that the frequencies be designated exclusively for one-way signaling (radio paging) service, and USITA requested that the frequencies be made available for both one-way signaling and two-way land mobile service. Aircall, Page Call, Radio Relay, and Smith expressed strong opposition to permitting the wire-line carriers to use such frequencies exclusively for one-way signaling service.

7. The wire-line carriers do not render one-way service exclusively on any channel in the greater Los Angeles area. Smith, who operates a one-way signaling system at Santa Ana, Calif., indicates that since there are already four frequencies allocated for the exclusive use of common carrier one-way signaling service in the 35–44 Mc/s band, which are licenseable to wire-line as well as non-wire-line common carriers, it would be unfair to unbalance the present competitive position between non-wire-line carriers and wire-line carriers by permitting the latter to use the additional frequencies 152.840 Mc/s and 158.100 Mc/s exclusively for radio paging when comparable provision is not being made for the non-wire-line carriers. We note, however, that Smith was offered an opportunity in response to our notice of inquiry to recommend that the non-wire-line carrier pair of frequencies (152.240 Mc/s and 158.700 Mc/s) be designated exclusively for one-way signaling service; but he did not do so. Smith further argues that the wire-line carriers should render their one-way signaling service on the frequencies allocated for two-way service. However, he does not make adequate allowance for the fact that the wire-line carriers' land mobile radio channels in many areas (e.g., the Los Angeles area) are overloaded with two-way land mobile traffic and therefore it is not practicable to render any substantial amount of one-way signaling service on those channels; there are hundreds of persons who have been on waiting lists for two-way service for years, but have not been able to subscribe to such service offering of wire-line carriers because of frequency shortages. Although we do not quarrel with Smith's contention that it is technologically possible to integrate one-way and two-way communications service on the same radio channel, it is not feasible to do so practicably where heavy requirements for both types of service must be satisfied. In any event Smith, as well as other interested parties, will have ample opportunity to address this matter in response to our questions regarding the basic policy of making the frequencies in question available to wire-line carriers and the competitive effects of such policy set forth in paragraph 16, below.

8. Smith alleges that wire-line carriers have 33 pairs of frequencies available for rendering one-way signaling service on a secondary basis and an additional four frequencies on an exclusive basis for such service whereas non-wire-line carriers have only four frequencies. It is to be noted, however, that the four frequencies mentioned are allocated exclusively for one-way signaling service and are equally assignable to wire-line and non-wire-line carriers on a shared basis, provided the systems sharing such frequencies do not cause harmful interference to each other. (We note that in the greater Los Angeles area, four frequencies are preempted from further assignment by their use at Long Beach by American Mobile Radio, Inc. (35.58 Mc/s), at Los Angeles by Mobilfone, Inc. (43.22 Mc/s and 43.58 Mc/s), and at Santa Ana by Smith (35.22 Mc/s)). The following facts are pertinent: (1) only the base station half of the 33 pairs may be used for one-way signaling as an adjunct to the two-way service; (2) 10 of these pairs are assignable only in accordance with a prescribed geographical zone allocation plan under which only one pair is assignable to each of the 10 zones which cover the 48 contiguous States and the District of Columbia; and (3) six of the pairs of frequencies in the 450–460 Mc/s band are not assignable to the land mobile radio service because of their reservation for domestic public air/ground radiotelephone service. Further, the imbalance is not as great as Smith would have us believe since he does not mention that there are also 14 pairs of frequencies presently allocated for the exclusive use of non-wire-line carriers for two-way service and that they may provide one-way service on the base station half of each frequency pair as an adjunct to the two-way service.

9. Page Call, Aircall, and Radio Relay allege that there is no need to expand the capacity for one-way signaling in the greater New York, N.Y.-Newark, N.J., area by providing the frequencies 152.840 Mc/s and 158.100 Mc/s exclusively for one-way signaling service by wireline carriers. We note that the four channels which are allocated exclusively for one-way service in the 35–44 Mc/s band are already implemented by these non-wire-line carriers in this area (viz. Aircall on 43.58 Mc/s at New York; Page Boy, Inc., on 35.22 Mc/s at New York; Radio Relay on 43.22 Mc/s at New York; and Page Call on 35.58 Mc/s at Newark) and, that because of the clear-channel concept of common carrier services, they are not assignable to other radio systems in the area due to considerations of harmful interference which would stem therefrom. Furthermore, as set forth below, public acceptance of the 150 Mc/s service supports the proposal herein.

[1] Docket 16778 deals with the amendment of Part 2 of the Commission's rules concerning the allocation of presently unassignable spectrum to the land mobile services by adjustment of certain of the band edges in the 150.8–162 Mc/s band and disposition of rule making petitions pertinent thereto.

10. In support of its contention that non-wire-line carriers have ample capacity to meet the need for one-way signaling service, Radio Relay calls attention to what it alleges is the limited subscriber handling capacity (3,200 users) of the AT&T (Bell Telephone System) developmental 150 Mc/s band "Bellboy" system. AT&T advises, however, that the system is presently being redesigned to provide capacity for 6,500 users. There are no data available which indicate the number of subscribers Radio Relay can now accommodate. It alleges, however, that it is "in the process of developing and packaging digital circuitry which will make it feasible to serve (32,768) customers with a peak backup of no more than 10 minutes." However, the 10 minutes peak waiting time is dependent upon Radio Relay being able to distribute its traffic load equally among each of the eight base stations in its radio system complex and to operate each station independently and concurrently. We note, however, that a filing on September 23, 1965, by Radio Relay in connection with its Station KEC745 shows that it is unable to operate all of its stations concurrently because to do so would result in interference within its own system. Instead, the eight stations are arranged in two coordinated groups which are operated sequentially. On this basis it appears that, for the 5 percent peak system activity assumed by Radio Relay, a system with 32,768 subscribers would experience a waiting time of over 31 minutes.

11. In a report, filed with the Commission on December 8, 1964, concerning the operation of its one-way signaling system (Station KEC745), Radio Relay stated:

> It was then decided to determine the times when a person was most likely to be paged, with the following conclusions:
>
> 1. The maximum possibility of a person being paged would occur when he was away from his office.
>
> 2. When a user was at another office or place of business, a spectators sport or the theater.
>
> 3. When he was in transit or another form of public movement.

This report shows the importance of reaching subscribers when they are within buildings.

12. Radio Relay in its filings in this proceeding contends, through information developed by others, that station area coverage at 35 Mc/s is superior to coverage at 150 Mc/s. We do not dispute such representation inasmuch as area coverage is normally determined by tests and measurements made outdoors. However, in its comments, Radio Relay does not conclusively show that radio signal building penetration at 35 Mc/s is better than at 150 Mc/s, nor does it discount the degraded radio system performance in the 35–44 Mc/s band when long range skip interference is present. Such interference follows the 11-year sunspot cycle and such phenomenon does not manifest itself at 150 Mc/s. Similarly, Smith's allegation that penetration of radio signals at 35 Mc/s is equal to that in the 150 Mc/s band is not supported by substantial evidence. On the other hand, AT&T's representation that signal penetration is better at 150 Mc/s than at 35 Mc/s is substantiated by extensive tests. In review of the foregoing, there is ample ground for the proposal herein that frequencies in the 150 Mc/s band be allocated for one-way signaling.

13. In addressing ourselves further to the question of need to provide for the establishment of additional one-way signaling facilities in the Domestic Public Land Mobile Radio Service, we note that in connection with its application (File No. 7182–C2–P–65) for a construction permit to add an eighth transmitter location to its Station KEC745, Radio Relay filed (September 2, 1965) an "Opposition to petition to deny and request for immediate grant without hearing; and alternative request for consolidated hearing" wherein it alleges that major cities like New York had a definite need for additional one-way facilities.

14. Another factor to be considered in connection with our notice of proposed rule making is the actual experience which the developmental one-way signaling stations in the 150 Mc/s band have had in attracting customers. Such stations are being operated by Pacific Northwest Bell Telephone Co. (Station KON 911 at Seattle, Wash.) and by the Chesapeake & Potomac Telephone Co. (Station KGC 590 at Washington, D.C.). The Seattle station commenced on April 10, 1962, and after 56 months of operation was serving 1,882 subscriber units. It is to be noted that Tele-Comm, Inc., a non-wire-line carrier, licensed to operate Station KOP 253 on 35.22 Mc/s on August 1, 1963, but had not rendered any one-way signaling service to subscribers as late as December 1966. The Washington, D.C., Bell station commenced on September 9, 1963, and 39 months thereafter was serving 2,957 subscriber units. On the other hand, Contact of Washington, Inc., nonwire carrier in Washington, D.C., was licensed to operate station KGA 806 on 45.58 Mc/s on October 7, 1953, and by the end of 1966 was serving 21 subscribers.

15. The foregoing experience indicates that service in the 150 Mc/s band by wire-line carriers is acceptable to users and has enjoyed substantial growth. We feel, therefore, that there is ample basis for the issuance of the notice of proposed rule making insofar as it relates to the assignment of two frequencies in the 150 Mc/s band to be used exclusively by common carriers in the landline message telephone service for providing a one-way signaling service.

16. Before reaching a final determination with respect to the aforementioned assignment of frequencies to wire-line carriers, we feel that respondents to our proposed rule making should be given an opportunity to address themselves to a basic policy question. This relates to the question of whether wire-line carriers should be permitted to provide a one-way signaling service by means of frequencies exclusively assigned to them for this purpose in the 150 Mc/s band. Specifically, we request that interested parties address themselves to the following issues:

a. Would such assignment result in a departure from the normal and historic two-way service provided by the landline carriers?

b. What effect, if any, would such assignment have on the ability of non-wire-line carriers to compete with wire-line carriers in the provision of one-way service?

c. In light of answers to the two foregoing questions, should the Commission make an assignment of two frequencies in the 150 Mc/s band to wire-line carriers to be used exclusively in providing a one-way signaling service or would the public interest better be served by not making any assignment of these frequencies to wire-line carriers?

17. NCUR's comments requested the Commission to provide sufficient safeguards to prevent "splatter" interference to the Power Radio Service operations on the frequency 158.13 Mc/s, which is allocated to that service (cf. § 91.254). The Commission is satisfied that with 30 kc/s channel spacing between assigned frequencies, using voice modulation or tone signaling, interference-free operation is feasible within the same geographic area. Since the nearest frequency to 158.13 Mc/s which we are proposing to make available for assignment in the Domestic Public Land Mobile Radio Service is 158.100 Mc/s, the 30 kc/s spacing between channels is maintained and we see no special need for concern, particularly where modulating signal levels can be properly set and maintained at a constant level. As determined by AT&T from tests which they have conducted in Washington, D.C., the signal splatter from one channel into an adjacent channel is attributable to internal transmitter noise modulation and not to the audio modulating frequencies below 3,000 cycles per second which are used therein. Such transmitter noise is present to varying degrees in all transmitting equipment. Special treatment usually is required to reduce its level to that desired by AT&T for its Washington, D.C., operation.

18. The proceedings in the notice of inquiry phase in Docket No. 16778 are hereby terminated and the proposed amendments to Part 21 of the Commission's rules appended hereto are issued under the authority contained in section 4(i) and 303 of the Communications Act of 1934, as amended.

19. Any interested person who is of the opinion that the proposed amendments should not be adopted or should not be adopted in the form set forth herein, and any person desiring to support this proposal may file with the Commission on or before September 22, 1967, a written statement or brief setting forth his comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. All relevant and timely comments will be considered before final action is taken in this matter. In reaching its decision, the Commission may also take into account any other relevant in-

formation before it, in addition to the specific comments invited by this notice. If comments are submitted warranting oral argument, notice of the time and place of such oral argument will be given.

20. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, and comments filed shall be furnished the Commission.

Adopted: August 8, 1967.

Released: August 16, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

1. It is proposed to amend § 21.501 of the Commission's rules by addition to paragraph (c) the frequency pair 152.24/158.70 Mc/s for use of non-wire-line common carriers in providing one-way signaling and two-way communication service, and by addition of new paragraph (h) to designate the frequencies 152.84 Mc/s and 158.10 Mc/s for use exclusively for one-way signaling by wire-line common carriers. The present text of paragraph (h) is being deleted because no station assignments exist in the 890–902 Mc/s band in this service. As amended, § 21.501 will read as follows:

§ 21.501 Frequencies.

. . . . .

(c) For assignment to stations of communication common carriers not also engaged in the business of providing a public landline message telephone service for General and Dispatch Communications (provided that Signaling Communications may also be furnished by any facility rendering such General or Dispatch service):

Base station frequencies (Mc/s)	*Mobile, dispatch and auxiliary test station frequencies (Mc/s)*
152.06	158.40
152.09	158.52
152.09	158.55
152.12	158.58
152.15	158.61
152.18	158.64
152.21	158.67
152.24	158.70
454.06	459.06
454.10	459.10
454.15	459.15
454.20	459.20
454.25	459.25
454.30	459.30
454.35	459.35

. . . . .

(h) For assignment to base stations of communication common carriers engaged also in the business of affording public landline message telephone service, for use exclusively in providing a one-way signaling service to mobile receivers:

152.84 Mc/s	158.10 Mc/s

. . . . .

2. It is proposed to amend § 21.601(a) of the Commission's rules by addition of the frequencies 152.84 Mc/s, 158.10 Mc/s, and 158.70 Mc/s to read as follows:

§ 21.601 Frequencies.

(a) The following frequencies are available primarily to the Domestic Public Land Mobile Radio Service and on a secondary basis to stations in the Rural Radio Service, provided no harmful interference is caused to stations in the Domestic Public Land Mobile Radio Service:

Central office and interoffice station frequencies (Mc/s)	*Rural subscriber and interoffice station frequencies (Mc/s)*
152.51[1]	[1] 157.77
152.54[1]	[1] 157.80
152.57[1]	[1] 157.83
152.60[1]	[1] 157.86
152.63[1]	[1] 157.89
152.66[1]	[1] 157.92
152.69[1]	[1] 157.95
152.72[1]	[1] 157.98
152.75[1]	[1] 158.01
152.78[1]	[1] 158.04
152.81[1]	[1] 158.07
152.84[1]	[1] 158.10
	[1] 158.40
	[1] 158.52
	[1] 158.55
	[1] 158.58
	[1] 158.61
	[1] 158.64
	[1] 158.67
	[1] 158.70
	[1] 459.06
	[1] 459.10
	[1] 459.15
	[1] 459.20
	[1] 459.25
	[1] 459.30
	[1] 459.35
454.40[1]	[1] 459.40
454.45[1]	[1] 459.45
454.50[1]	[1] 459.50
454.55[1]	[1] 459.55
454.60[1]	[1] 459.60
454.65[1]	[1] 459.65
454.70[1 2]	[1 2] 459.70
454.75[1 2]	[1 2] 459.75
454.80[1 2]	[1 2] 459.80
454.85[1 2]	[1 2] 459.85
454.90[1 2]	[1 2] 459.90
454.95[1 2]	[1 2] 459.95

[1] This frequency is available for assignment only to stations of communication common carriers engaged also in the business of affording public landline message telephone service.

[2] This frequency is available for assignment only to stations of communication common carriers not also engaged in the business of providing a public landline message telephone service.' (NOTE: There is pending, in Docket 13847, a proposal to delete frequencies available for central office and interoffice stations for miscellaneous common carriers and to retain the frequencies for rural subscriber stations as designated by this footnote designator 2.)

[3] Pending promulgation of rules and regulations to govern the public air-ground radiotelephone service, and subject to further Order of the Commission, frequencies in the 454.675–455.000 Mc/s and 459.675–460.000 Mc/s bands are not available for operation of new radio facilities in the Rural Radio Service. In the interim, the authorizations of stations using such frequencies may be renewed, subject to Commission determination relative to use of such frequencies by the public air-ground radiotelephone service.

[F.R. Doc. 67-9753; Filed, Aug. 18, 1967; 8:45 a.m.]

[1] Commissioner Cox abstaining from voting; Commissioners Loevinger, Wadsworth, and Johnson absent.

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 114]

[No. 34861]

UNIFORM SYSTEM OF ACCOUNTS FOR ELECTRIC RAILWAYS

Notice of Proposed Rule Making

AUGUST 11, 1967

Notice is hereby given pursuant to the provisions of section 4(a) of the Administrative Procedure Act that the Commission has under consideration proposed amendments of the Uniform System of Accounts for Electric Railways, to be effective as of January 1, 1967, with regard to the accounting treatment of extraordinary and prior period items in the determination of net income.

The proposed regulations would (a) generally require that items affecting net income be recorded in appropriate profit and loss accounts, rather than by direct entry to earned surplus account, and (b) explain, define and provide accounts and categories for ordinary income, extraordinary items, prior period items and applicable income taxes.

The revised rules herein proposed will have several notable advantages over current regulations which conditionally permit direct entry to earned surplus. Moreover, in asserting more objective criteria with respect to determination of materiality than presently exist, the proposed changes are intended to minimize the need to interpret existing regulations.

The Detailed Statement of Proposed Rule contained in the appendix below completely states the proposed revisions to the applicable parts of the Uniform System of Accounts for Electric Railways, considered necessary to accomplish the stated objectives.

All carriers affected by the proposed rules and other interested parties who desire to do so should submit written views and comments for consideration, as soon as possible, and not later than September 30, 1967. The Commission will consider all such responses and representations before deciding this matter, after which such order as may be found appropriate will be entered. An original and three copies of any such response should be submitted.

Notice shall be given Electric Railways hereby affected and to the general public by depositing this Notice in the office of the Secretary of the Commission at Washington, D.C., and by filing this Notice with the Director, Office of the Federal Register.

(13, 20, 24 Stat. 383, as amended; 49 U.S.C. 12, 20)

By the Commission, division 2.

[SEAL] H. NEIL GARSON,
Secretary.

APPENDIX

DETAILED STATEMENT OF PROPOSED RULE

I. The Table of Contents is amended as follows:

(a)

	From	*To*
	CHANGE	
114.01–6	Delayed items.	114.01–6 Extraordinary and prior period items.
114.02–3	Delayed items.	114.02–3 Extraordinary and prior period items.
114.03–2	Delayed items.	114.03–2 Extraordinary and prior period items.
114.306	Miscellaneous credits.	114.306 Other credits to earned surplus.
114.317	Miscellaneous debits.	114.317 Other debits to earned surplus.

(b) The following lines are deleted:

114.51–2 Retirements; power.
114.212–1 Delayed income credits.
114.226 Income applied to sinking and other reserve funds.
114.227 Income appropriated for investment in physical property.
114.228 Miscellaneous appropriations of income.
114.229 Delayed income debits.
114.312 Stock discount extinguished through surplus.
114.419 Retirements.

(c) After Income Accounts add:

ORDINARY ITEMS

(d) The following lines are added after § 114.225:

EXTRAORDINARY AND PRIOR PERIOD ITEMS

114.270 Extraordinary items (net).
114.280 Prior period items (net).
114.290 Income taxes on extraordinary and prior period items.

II. Operating expenses; instructions and Accounts Amended:

Item No. 1. Section 114.01–6 is revised to read as follows:

§ 114.01–6 Extraordinary and prior period items.

(a) All items of profit and loss recognized during the year are includible in ordinary income except nonrecurring items which in the aggregate for the same class are both material in relation to operating revenues and ordinary income, and are clearly not identified with or do not result from the usual business operations for the year. Important items of the kind which occur from time to time and which, when material in amount, are to be excluded from ordinary income are those resulting from unusual sales of property and investment securities other than temporary cash investments, from company bonds, reacquired, from change in the application of accounting principles, and from prior period items (other than ordinary adjustments of a recurring nature). Material items are those which, unless excluded from ordinary income, would distort the accounts and impair the significance of ordinary income for the year. Items so excludible from ordinary income accounts provided for extraordinary and prior period items upon approval of the Commission.

(b) Adjustments, constituting items of a character typical of customary business activities or representing corrections or refinements resulting from the natural use of estimates inherent in the accounting process, shall not be considered extraordinary or prior period items regardless of amount.

(c) In determining materiality, items of a similar nature should be considered in the aggregate; dissimilar items should be considered individually. As a general standard, an item to qualify for inclusion as an extraordinary or prior period item shall exceed one percent of total operating revenues and ten percent of ordinary income for the year.

(d) Ordinary delayed items and adjustments arising during the current year which are applicable to or related to transactions of prior years shall be included in the same accounts which would have been charged or credited if the item had been taken up or adjusted in the period to which it pertained. Ordinary delayed items excludes items of the character described in paragraph (a).

Item No. 2. The first sentence of § 114.01–8 *Salvage and value of material removed*, is revised to read as follows: "As used in this system of accounts, the terms 'salvage' and 'value of material removed' include the value of the carrier (not to exceed cost, estimated if not known), recovered or removed in the process of repairing, renewing, replacing or abandoning roadway, structures, and equipment."

Item No. 3. The last sentence of § 114.01–9, "Insurance recovered" is deleted.

Item No. 4. Section 114.01–10 *Property retired*, is amended by revising the first sentence of the second paragraph as follows: "When the amount chargeable to operating expenses in connection with the retirement of nondepreciable property is so material that its inclusion would distort the ordinary income for the year, the service value shall be recorded in account 270, 'Extraordinary items', when authorized by the Commission. See instruction 1–6."

Item No. 5. The last sentence of the second paragraph of § 114.01–14 *Depreciation*, is revised as follows: "The carrier may request, or the Commission may direct, that special accounting be applied in situations causing undue inflation or deflation of depreciation reserves, such as premature or unusual retirements or sales of depreciable property, or related insurance recoveries. A carrier's request for special accounting shall contain full particulars concerning the situation, including the basis for its proposal. Alternative accounting techniques shall be applied to the extent approved or directed by the Commission."

Item No. 6. Section 114.26–2 *Retirements; way and structures*, is revised to read as follows:

§ 114.26–2 Retirements; way and structures.

(a) This account shall include the service value of nondepreciable way and structure retired and not replaced, the ledger value of which is credited to account 401, "Road and equipment". It shall also include the service value of nondepreciable property which the carrier has been authorized by the Commission to charge to operating expenses in anticipation of its ultimate retirement from service.

(b) When the amounts referred to in paragraph (a) of this account are sufficiently large to constitute an extraordinary item, pursuant to section 114.01–6, they shall be credited to account 270, "Extraordinary items".

Item No. 7. Section 114.51–2 *Retirements; power*, is deleted.

Item No. 8. Section 114.0–7 *Accounts for small carriers, Class II*, is amended by deleting line 51–2, "Retirements—Power."

Item No. 9. Section 114.0–8 *Accounts for small carriers, Class III*, is amended by deleting line 51–2, "Retirements—Power."

III. Operating revenues; instructions amended:

Item No. 1. Section 114.02–3 is revised as follows:

§ 114.02–3 Extraordinary and prior period items.

See § 114.01–6 *Extraordinary and prior period items.*

IV. Income instructions and accounts amended:

Item No. 1. Section 114.03–2 is revised as follows:

§ 114.03–2 Extraordinary and prior period items.

See § 114.01–6 *Extraordinary and prior period items.*

Item No. 2. The last sentence of § 114.03–4 *Income from sinking and reserve funds*, is deleted.

Item No. 3. Section 114.03–6 *Form of income statement*, is amended as follows:

(a) Add the caption "Ordinary Items" above "Operating Income".

(b) Delete line 212–1, "Delayed income credits" and line 229, "Delayed income debits".

(c) Delete all lines between "Total deductions from gross income", and "Income Accounts" and add the following line items:

ORDINARY INCOME

EXTRAORDINARY AND PRIOR PERIOD ITEMS

270 Extraordinary items (net)
280 Prior period items (net)
290 Income taxes on extraordinary and prior period items.
Total extraordinary and prior period items.
Net income (or loss).

Item No. 4. Above § 114.201 *Railway operating revenues*, add center caption "Ordinary Items" between "Income Accounts" and "Credit".

Item No. 5. Section 114.212 *Miscellaneous income*, is amended by adding the following: Among the items which shall be included in this account are:

Profits from sale or transfer of land.
Profits from sale of investment securities.
Profits for sale or retirement of property assignable to account 404, "Miscellaneous physical property".
Unreleased premiums on funded debt securities reacquired before maturity.

Cancellation of balance sheet accounts representing unclaimed wages and vouchered accounts written off because of inability to locate creditors.

Credit from adjustments to bring funded debt securities issued or assumed to par when reacquired at less than par.

Collection of old accounts previously written off to profit and loss.

When the profits or adjustments resulting from any of the first four items are of an amount sufficiently large to constitute extraordinary items, pursuant to instruction 1–6, such profit or proceeds shall be credited to account 270, "Extraordinary Items."

Item No. 6. Section 114.213–1 *Delayed income credits*, is deleted.

Item No. 7. The first paragraph of § 114.215 *Taxes assignable to transportation operations*, is designated paragraph (a) and the next two paragraphs are revised to read as follows:

• • • • •

(b) The taxes on leased property shall be included in this account by the carrier obligated to assume such expenses under the terms of the lease.

(c) Monthly accruals of income taxes applicable to ordinary income shall be included in this account. See texts of account 290, "Income taxes on extraordinary and prior period items", account 306, "Other credits to earned surplus", and account 317, "Other debits to earned surplus", for recording other income tax consequences.

(d) Details pertaining to the income tax consequences of other unusual and significant items, and also cases where tax consequences are disproportionate to related amounts included in income accounts, shall be submitted to the Commission for consideration and decision as to proper accounting.

(e) Income taxes which are refundable or reduced as the result of carry-back or carry-forward of operating loss shall be credited to this account, if a carry-back, in the year in which the loss occurs, or if a carry-forward, in the year in which such loss is applied to reduce taxes. However, when the amount constitutes an extraordinary item, pursuant to section 114.01–6, it shall be included in account 280, "Prior period items".

Item No. 8. Section 114.225 *Miscellaneous debits*, is amended by adding the following: "Among other items which shall be included in this account are:

Losses from sale or transfer of land.

Losses from sale of investment securities.

Losses from sale or retirement of property assignable to account 404, "Miscellaneous physical property".

Unextinguished discount on funded debt securities reacquired before maturity.

Debits from adjustments to bring funded debt securities issued or assumed to par when reacquired at less than par.

Payment of old accounts previously written off to profit and loss.

When the profits or adjustments resulting from any of the first four tabulated items are of an amount sufficiently large to constitute extraordinary items, pursuant to instruction 1–6, such profits or proceeds shall be credited to account 270, "Extraordinary items"."

Item No. 9. Sections 114.226 to 114.229 are deleted.

Item No. 10. The system of accounts following § 114.225 is amended by adding the following:

EXTRAORDINARY AND PRIOR PERIOD ITEMS

§ 114.270 Extraordinary items (net).

(a) This account shall include extraordinary items accounted for during the current accounting year in accordance with § 114.01–6, upon approval of the Commission. Among the items which shall be included in this account are:

Net gain or loss on sale of land used for transportation purposes and of noncarrier property.

Net gain or loss on sale of securities acquired for investment purposes, and charges to write down the ledger value of such securities because of impairment of value.

Net gain or loss on reacquisition of company bonds.

Loss on retirement of transportation property because of abandonment or other cause for which depreciation reserve has not been provided.

Changes in application of accounting principles.

(b) Income tax consequences of charges and credits to this account shall be included in account 290, "Income taxes on extraordinary and prior period items".

(c) This account shall be maintained in a manner sufficient to identify the nature and gross amount of each debit and credit.

§ 114.280 Prior period items (net).

(a) This account shall include unusual delayed items accounted for during the current accounting year in accordance with the text of § 114.01–6, upon approval of the Commission. Among the items which shall be included in this account are:

Unusual adjustments, refunds or assessments of income taxes of prior years.

Unusual adjustments of reserves of prior years determined to be excessive or deficient.

Similar items representing transactions of prior years which are not identifiable with or do not result from business operations of the current year.

(b) Income tax consequences of charges and credits to this account shall be included in account 290, "Income taxes on extraordinary and prior period items".

(c) This account shall be maintained in a manner sufficient to identify the nature and gross amount of each debit and credit.

§ 114.290 Income taxes on extraordinary ... and prior period items.

This account shall include the estimated income tax consequences (debit or credit) assignable to the aggregate of items of both taxable income and deductions from taxable income which, for accounting purposes, are classified as unusual and extraordinary and are includible in account 270, "Extraordinary items", or 280 "Prior period items", as appropriate.

V. Earned surplus instructions and accounts amended:

Item No. 1. Section 114.306 *Miscellaneous credits*, is revised to read as follows:

§ 114.306 Other credits to earned surplus.

(a) This account shall include other credit adjustments, net of assigned income taxes, not provided for elsewhere in this system but only after such inclusion has been authorized by the Commission.

(b) The records supporting entries in this account shall be so maintained that an analysis thereof may be readily made available.

Item No. 2. Section 114.312 *Stock discount extinguished through surplus*, is deleted.

Item No. 3. Section 114.317 *Miscellaneous debits*, is revised to read as follows:

§ 114.317 Other debits to earned surplus.

(a) This account shall include (1) losses on resale of reacquired capital stock, (2) charges which reduce or write off discount on capital stock issued by the company, and (3) in pooling of equity interests situations, the excess of the value of the surviving company's capital stock over the aggregate total of the capital stock of the separate companies before such merger or consolidation, but only to the extent that capital surplus is not available for such purposes. (See § 114.05–2.)

(b) This account shall include other debit adjustments, net of assigned income taxes, not provided for elsewhere in this system, but only after such inclusion has been authorized by the Commission.

(c) The records supporting entries in this account shall be so maintained that an analysis thereof may be readily made available.

VI. General balance sheet instructions and accounts amended:

Item No. 1. The first sentence of the second paragraph of § 114.05–2 *Discount and premium on capital stock*, is revised to read as follows: "Entries in these accounts representing discounts shall be carried therein until offset (a) by premiums realized on subsequent sales of the same class of stock, (b) by assessments levied on the stockholders, (c) by charges to account 448, 'Unearned surplus', to the extent of the credit balance carried therein, (d) by charges to account 317, 'Other debits to earned surplus'; or discount may be retained in account 423–1, 'Discount on capital stock', until the stock to which the discount applies is reacquired or retired."

Item No. 2. The last sentence of the fourth paragraph of § 114.05–2 *Discount and premium on capital stock*, is revised to read as follows: "*Provided, however*, That the excess of a debit over the balance carried in unearned surplus shall be charged to account 317, 'Other debits to earned surplus'."

• • • • •

Item No. 3. The fourth paragraph of § 114.05–3 is revised to read as follows:

Except as provided in this section, the balance in each of the discount, expense, and premium accounts shall be carried therein until the reacquirements of the securities to which they relate, at which time the proportion (based on the ratio of the amount of funded debt reacquired to the actual outstanding before reacquirement) of discount, expense, and premium for the class of funded debt reacquired shall be cleared to account 212, "Miscellaneous income", account 225, "Miscellaneous debits", or to account 270, "Extraordinary items", as appropriate, in accordance with the text of these accounts.

Item No. 4. Section 114.05–7 *Form of general balance sheet statements*, is amended by deleting line 419, "Retirements".

Item No. 5. The note to § 114.401–3 *Reserve for depreciation—Road and equipment*, is deleted and the following paragraph is added:

A carrier may request, or the Commission may direct, that special accounting be applied in situations causing undue inflation or deflation of depreciation reserves, such as premature or unusual retirements or sales of depreciable property, or related insurance recoveries. A carrier's request for special accounting shall contain full particulars concerning the situation, including the basis for its proposal. Alternative accounting techniques shall be applied to the extent approved or directed by the Commission.

Item No. 6. The second paragraph of § 114.406–1 is revised to read as follows: "When such investments are written down, written off, sold, or otherwise disposed of at a loss, the losses sustained shall be charged to this account to the extent of the total credit balance in the account and the remainder, if any, shall be charged to account 225, 'Miscellaneous debits', or account 270, 'Extraordinary items', as appropriate."

Item No. 7. The second paragraph of § 114.418 *Discount on funded debt*, is revised to read as follows:

• • • • •

When an issue of funded debt, or any part thereof, is canceled and at the date of cancellation there is a balance of unamortized discount and expense relating thereto, the amount of such balance, together with any premium paid in retiring the debt, shall be charged to account 225, "Miscellaneous debits", or account 270, "Extraordinary items", as appropriate.

Item No. 8. Section 114.419 *Retirements*, is deleted.

Item No. 9. NOTE D of § 114.423 *Capital stock*, is revised to read as follows:

• • • • •

NOTE D: When par value capital stock is exchanged for capital stock without par value, any sums resting in discount, expense, and premium accounts with respect thereto shall be charged to account 448–1, "Paid-in surplus": *Provided*, That any debit in excess of the credit balance carried in that account shall be included in account 317, "Other debits to earned surplus".

Item No. 10. The second paragraph of § 114.440 *Premium on funded debt*, is revised to read as follows:

• • • • •

When an issue of funded debt or any part thereof is cancelled and at the date of cancellation there is a balance of unamortized premium relating thereto, the amount of such balance shall be credited to account 212, "Miscellaneous income", or account 270, "Extraordinary items", as appropriate.

VII. Road and equipment instructions and accounts amended:

Item No. 1. The first paragraph of § 114.06–7 *Land sold or reclassed*, is revised to read as follows:

If any land the cost of which has been included in these accounts is sold, the appropriate account shall be credited with the amount at which such property stands charged therein at the time of the disposal, and the difference between the amount thus credited and the amount received from the sale or disposal of the property shall be included in account 212, "Miscellaneous income", account 225, "Miscellaneous debits", or account 270, "Extraordinary items", pursuant to § 114.01–6, as appropriate.

• • • • •

Item No. 2. The last sentence of Note B of § 114.501 *Engineering*, is amended to read as follows:

• • • • •

NOTE B: • • • If the project is continued, expenditures for all surveys in connection therewith shall then be transferred to this account, and, if abandoned, to appropriate income accounts.

[F.R. Doc. 67–9797; Filed, Aug. 18, 1967; 8:47 a.m.]

FEDERAL REGISTER, VOL. 32, NO. 161—SATURDAY, AUGUST 19, 1967

Notices

DEPARTMENT OF STATE

Agency for International Development

HOUSING GUARANTY PROGRAM

Reopening

AUGUST 19, 1967.

The Foreign Assistance Act ("FAA") of 1966 directed that additional authority to issue housing guaranties provided by that statute be utilized by the Agency for International Development (A.I.D.) for pilot demonstration projects in Latin American countries. Guaranties are issued to eligible investors against loss of loan investments pursuant to section 224 of the Foreign Assistance Act of 1961, as amended. This announcement is intended to describe the Pilot Demonstration Program (Program), and outline the more important A.I.D. policies which govern its operation. The present Announcement is also intended to serve as a notification that A.I.D. will again accept applications for housing guaranties. Acceptance of applications by A.I.D. under the present Program will be limited to pilot demonstration projects, in accordance with the policies and criteria set forth below.

I. *The Program*—A. *General.* 1. The Program is an integral part of the Alliance for Progress. Accordingly, A.I.D. intends to utilize the guaranty authority, to the maximum extent possible, to support those projects which are most responsive to the Alliance objective of achieving qualitative and quantitative improvements in the home construction and finance industries throughout the hemisphere. Therefore, in evaluating applications, special consideration will be given to projects which will contribute to these goals. A.I.D. seeks to encourage the use of significantly better financing, marketing, management and building techniques to meet these objectives, and will entertain proposals employing improvements and/or innovations in methods, materials and design in home and community planning and construction which will result in reduced initial costs and carrying charges and improved housing while at the same time being consistent with sound underwriting criteria.

2. Projects will be selected competitively, and all eligible applications submitted prior to the terminal dates described in Section B, paragraph 2, below will be subjected to competitive evaluation.

3. Total guaranty authority now available for this program was determined in accordance with the guidelines provided by the President's Balance of Payments Committee.

B. *Eligible countries.* 1. The countries for which applications will be accepted by A.I.D. under the Program are limited to the following: British Honduras, Jamaica, Panama, Peru, and Venezuela.

2. Applications under the Program will be accepted by A.I.D. only at the office of the A.I.D. Mission (or in British Honduras at the U.S. Consulate) in the country for which the application is intended and only during the first 15 days of the month in which applications are due, in accordance with the schedule which follows:

Country	Terminal date
Panama	Jan. 15, 1968
British Honduras	Feb. 15, 1968
Jamaica	Mar. 15, 1968
Peru	Apr. 15, 1968
Venezuela	May 15, 1968

Applications will be accepted during ordinary business hours Monday through Friday from the first day of the month until close of business on the terminal dates shown.

3. The available authority has tentatively been distributed as follows:

Panama	$6,000,000
British Honduras	1,000,000
Jamaica	6,000,000
Peru	9,000,000
Venezuela	9,000,000

4. AID reserves the right to change the participating countries and/or the distribution of resources at its sole discretion.

C. *Eligible Projects*—1. *Program Category.* Eligible applications under the Program will be limited to Pilot Demonstration Projects, more fully described in paragraph 2e. below.

2. *Eligibility criteria*—a. *Joint venture.* The application must propose sponsorship by a bonafide joint venture between United States and host country entities. The application should expressly state the division of responsibilities envisioned, stock ownership proposed, and any other information which would help explain how the joint venture would operate. The U.S. partner must have proven experience in comparable residential development. Particular attention in the application should be devoted to the exact participation of each partner to the joint venture.

b. *Limit on applications.* No applicant may file more than one application in any one country.

c. *Applications previously submitted.* Applications previously submitted under earlier housing guaranty programs and not approved must be resubmitted utilizing the present form of application. Such applications must meet all requirements of this Program.

d. *Sales price.* The maximum sales price of any dwelling unit shall not exceed $7,500 taking into consideration that this ceiling must also provide for all anticipated price increases resulting from increased material and labor cost during the construction of the project.

e. *Pilot demonstration features.* (i) All projects submitted must demonstrate a contribution to the advancement of housing and/or community development in the locality for which it is proposed. This advancement may be in land planning, design, construction, building materials, production techniques, use of manpower, marketing procedures, financing, community planning or organization, or such other demonstration features as may be responsive to the Program objectives.

(ii) A.I.D. continues to consider as one of its most important goals the development of institutions in Latin America which will participate in the Alliance for Progress by helping in the economic and social development of the hemisphere. Accordingly, pilot demonstration projects which will also promote the development of trade unions, cooperatives and mortgage credit institutions, or which provide for financial participation of local institutions, as lenders or guarantors, will be welcomed under this program.

f. *Bonding and warranties.* (i) Sponsors will be required to provide surety that if a project is terminated prematurely, it will be done in an orderly fashion. This will require that work begun be completed and that all financial obligations of the Sponsor be satisfied. This surety may be in the form of a payment bond or a bank guaranty in an amount not less than 10 percent of the cost of the project, or if neither payment bonds nor bank guaranties are available, in such other form as may be acceptable to A.I.D.

(ii) Sponsors will also be required to escrow 2.7 percent of the sales price for a 12-month period after the closing of each house to insure that the Sponsor meets the conditions of his warranties.

g. *Applications.* All applications must be submitted in the English language. All exhibits must be submitted in English, or must be accompanied by English translations. Five complete sets of applications and exhibits must be submitted.

II. *General information.* An explanation of the terminology used in the Contract of Guaranty and other documents may be helpful to those unfamiliar with the Program.

A. *Sponsor.* The Sponsor normally develops a project, submits it to A.I.D. for review and is responsible, once the project is determined to be eligible for guaranty coverage, to see it through to completion. The Sponsor will normally be an individual or entity with considerable experience in organizing and carrying out large scale residential construction projects. All Sponsors shall:

1. Be joint ventures of United States and Latin American individuals or entities, which entities shall be substantially beneficially owned by United States or Latin American citizens.

2. Demonstrate actual experience and present capacity in developing housing projects and financial capacity to complete the proposed project.

3. Certify that they are not presently barred from doing business with the Federal Housing Administration or other agencies of the U.S. Government.

4. Demonstrate ability to secure construction financing without an A.I.D. guaranty of such construction financing.

5. Furnish warranties against construction defects for not less than 1 year from completion of construction of the respective dwellings. (A.I.D. may require more extensive warranties depending on normal practice in the countries in which the projects are located.)

B. *The investor.* 1. Section 223(c) of the Foreign Assistance Act of 1961, as amended, defines "eligible U.S. Investors" as follows:

"(c) the term 'eligible United States investors' means United States citizens, or corporations, partnerships, or other associations created under the laws of the United States or any State or territory and substantially beneficially owned by United States citizens, as well as foreign corporations, partnerships, or other associations: *Provided*, That the eligibility of a foreign corporation shall be determined without regard to any shares, in aggregate less than 5 per centum of the total of issued and subscribed share capital, required by law to be held by persons other than the United States owners."

2. Investors in the Program to date have included insurance companies, commercial banks, and the trustees of the pension and retirement funds of the AFL/CIO unions. Pursuant to the Housing Act of 1965, the U.S. Federal savings and loan associations are now able to participate. It is also understood that action by various state legislatures or state supervisory agencies now permits or soon will permit a substantial number of state chartered savings and loan associations to enjoy a similar status.

3. Sponsors are not required to provide evidence of the availability of a long-term investor at the time of applications. The first contact between the sponsor and investor need not take place until A.I.D. has completed its evaluation and issued a Letter of Advice to the successful applicants.

C. *The investment.* 1. The investment must be in the form of a long-term (usually at least 15 years) dollar loan to provide mortgage financing for a home ownership program. The monthly payments on the mortgages, together with the mortgage financing, down payments and closing costs should produce funds adequate to cover all project costs. Investments in rental projects are not eligible.

2. The rate of interest to the investor is governed by the provisions of the Foreign Assistance Act of 1961, as amended, which are as follows: "Section 222(h). In the case of any loan investment for housing guaranteed under * * * this Act * * * the Administrator of the Agency for International Development shall prescribe the rate of interest allowable to the eligible U.S. investor, which rate shall not be less than one-half of one per centum above the then current rate of interest applicable to housing mortgages insured by the Department of Housing and Urban Development. In no event shall the Administrator prescribe an allowable rate of interest which exceeds by more than one per centum the then current rate of interest applicable to housing mortgages insured by such Department."

3. The Administrator of A.I.D. has fixed the interest rate at not more than one-half of 1 percent above the ceiling applicable at the time the guaranty is authorized by A.I.D.

4. The present maximum yield to the investor permitted under the Program is 6½ percent per annum. This yield will be adjusted periodically pursuant to section 222(h) quoted in paragraph C.2 above.

5. The typical investment to date has been made for a 20-year term. Henceforth, A.I.D. is prepared to evaluate on a case by case basis the possibility of extending the amortization period beyond 20 years but not to exceed 25 years in order that lower income families may be able to share in the benefits of the program.

6. The amount of the A.I.D. guaranty is limited to a maximum of $3 million per project. The minimum total project cost will be $1 million.

7. A.I.D. reserves the right to increase or decrease the amount of guaranty authorization requested.

D. *The Administrator.* 1. A.I.D. analyses potential administrators in each country and will select the administrator for projects under the Program.

2. The administrator must be located within the country and preferably in the city in which the project is located. Individual mortgages financed from the proceeds of a guarantied investment may not be held or serviced by an investor or institution located within the United States.

3. The competence of the administrator is basic to the success of the project since it has primary responsibility to inspect and otherwise supervise the project from its inception through the servicing of the individual mortgages until they are completely paid off.

E. *Fees, reserves and other charges*—1. *Fees*—a. *Application fees*—(i) *Submission Fee.* Each application must be accompanied by a Submission Fee in the amount of one thousand dollars ($1,000). This fee shall be paid in the form of a certified check payable in U.S. dollars drawn on a U.S. bank and made payable to the Agency for International Development. This fee will become non-refundable upon acceptance of the application as described in Part III, Section A.

(ii) *Acceptance fee.* Upon issuance by A.I.D. of a "Letter of Advice" to the applicant in which the amount of guaranty authorized by A.I.D. will be stated, along with other conditions of the authorization, an Acceptance Fee shall become due and payable. This fee shall be in the amount of two dollars ($2) per one thousand dollars ($1,000) of the amount of the guaranty authorized.

b. *A.I.D. guaranty fee.* The A.I.D. guaranty fee is based upon the unpaid principal balance of the guarantied loan investment and is payable monthly as follows:

(i) One-half of one percent per annum where repayment of the loan in U.S. dollars has been guarantied by the government of the country in which the project is located.

(ii) One percent per annum where mortgages are insured in local currency by a government mortgage insurance institution, housing agency or other public or private institution acceptable to A.I.D. of the country in which the project is located.

(iii) Two percent per annum in all other cases.

c. *Inspector's fee.* Each sponsor of an approved project will be required to place in escrow, with the administrator at the time that the guaranty contracts for the project are signed (and to maintain such escrow fund with monthly deposits), an amount equal to the sum of three months salary for the certifying project inspector. These sums will constitute a project charge, which will be incorporated in the sales price and will be recoverable by the sponsor as stages of the project are completed.

d. *Reserves.* (i) A.I.D. requires that reserves be established to cover defaults by individual mortgagors as well as maintenance of value of local currencies. These reserves are established through an initial payment by the mortgagor at the time the mortgages are closed plus the payment of a fixed monthly charge, as part of the home purchaser's monthly payments. The amounts of such charges vary from country to country. Further information will be available from the A.I.D. Missions in the respective countries and from the U.S. consulate in British Honduras.

(ii) A.I.D. will require, wherever appropriate, adjustable mortgage payments by homeowners. Adjustable mortgages are normally based on a formula which adjusts the outstanding mortgage balance periodically in accordance with a reliable index which reflects the trend of internal costs and prices in a particular country.

(iii) A.I.D. may also require, in certain situations, a guaranty of repayment of the investment in U.S. dollars by the government of the country in which the project is located.

e. *Other charges.* There are many cost variables both within a country and among countries. It is therefore suggested that applicants use ten percent (10%) interest per annum as the sum of applicable charges when estimating the homeowners' monthly payments, unless more accurate figures are available for the particular project.

F. *Establishing sales prices.* 1. A.I.D. will evaluate proposed selling prices on the basis of estimates submitted by the applicant and reviewed by or on behalf of A.I.D.

2. The sponsor should consult the local USAID Mission or the U.S. Consulate in British Honduras regarding the appropriate level of sales prices and should be prepared to demonstrate the existence of an unserved market in the income group for which the project is intended.

3. A.I.D. will give special consideration to those projects having sales prices substantially below the $7,500 ceiling price.

G. Community facilities. 1. All applications should carefully consider the basic needs of a community over and above that for improved housing. A.I.D. will, therefore, carefully evaluate the sponsor's effort to assure that education, transportation, recreation, shopping, health facilities and other basic community necessities are provided.

2. A.I.D. will consider inclusion of the cost of community facilities, such as a community center, as part of the cost of the project, providing it can be demonstrated that such facilities add to the value of the dwelling.

3. As an essential element in sound community planning, applications must incorporate proposals governing the use of protective covenants and community organizations to control the uses of and alterations to the dwellings, as well as other arrangements necessary to maintain the standards of the community. Such arrangements shall also commit the sponsor or builder to remain responsible for the maintenance and operation of utilities and facilities until such responsibility is legally assumed by another acceptable entity.

III. Processing of applications—A. Preadmission stage. 1. The primary contact for a potential sponsor is the United States A.I.D. Mission ("USAID") (or in British Honduras, the Consulate) situated in the country in which the proposed project is located. The sponsor should establish that the USAID has no objection to the submission of the application for the proposed project before developing the application. USAID will advise what additional conditions, if any, apply in the particular country. As stated in Part I, Section E, paragraph 2, above, applications will be accepted only at the USAID office in the country where the project is proposed and at the U.S. Consulate in British Honduras.

2. Mission and consular personnel will be available to provide general guidance to prospective applicants from the date hereof until the due date stipulated in Part I, Section B above.

3. At the time applications are submitted, USAID personnel will review applications for completeness and will advise the applicant in writing that the application is complete or will advise what items are missing. USAID personnel will finish their review for completeness as soon as possible.

4. Any applicant whose application is found to be incomplete will be given 15 days from the date of notification of same in which to provide the missing information. If, after this 15-day period, the USAID personnel determine the application still to be incomplete, it shall then be rejected in writing and may not be resubmitted. All applications so rejected by A.I.D. shall be returned to the applicant together with the Submission Fee described in Part II, Section K, paragraph 1a.(1), above. This is the only condition under which the Submission Fee will be returned to the applicant.

B. Prefeasibility review. 1. All applications accepted by A.I.D. pursuant to Section A above, will be subjected to competitive evaluation in two stages. During the first, or prefeasibility review, all applications will be reviewed by A.I.D., and those projects considered most responsive to A.I.D.'s objectives will be selected for more exhaustive (feasibility) studies. A.I.D. expects to complete the first stage processing within 120 days of the final date applications are accepted in a particular country. Applicants shall be notified in writing of the disposition of their application at this point.

2. During prefeasibility review, the applicant will be expected to have an authorized representative available in the country in which the proposed project is located to provide A.I.D. representatives with such clarifications as may be requested.

C. Feasibility review. 1. All applications considered feasible as a result of the prefeasibility review shall be subject to a second or feasibility review. This review will include full local investigations of each project.

2. A.I.D. is privileged to be able to avail itself of the cumulative skills, experience and personnel of the Federal Housing Administration (FHA) through FHA's International Division which, under contract with A.I.D. provides technical and staff services to the A.I.D. Housing and Urban Development Division in the administration of the Housing Investment Guaranty Program. The FHA will send a team of men to investigate each project selected for Feasibility Review. The technical judgments of the FHA shall serve as guides for A.I.D. in fulfillment of its housing guaranty responsibilities.

3. A.I.D. will also make use of the skills of its own personnel and such other consultants it considers necessary to investigate and evaluate each project.

4. As in prefeasibility review, the applicant will be expected to have an authorized representative available in the country in which the project is to be located to provide A.I.D. representatives with such additional information and clarifications as may be required.

D. Acceptance. After feasibility reviews are completed, A.I.D. will select the successful projects, and issue letters of advice. Applicants not selected will be notified in writing. All decisions by A.I.D. are final.

IV. A closing note. The success of the Program is a key element of the Alliance for Progress. The staff of A.I.D. will furnish all possible assistance to applicants in order to insure submission of the best possible applications and the ultimate development of the finest and most creative group of projects.

JAMES FOWLER,
Deputy U.S. Coordinator, Alliance for Progress.

[F.R. Doc. 67-9330; Filed, Aug. 18, 1967; 8:46 a.m.]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. B-418]

HAROLD A. LOFTES

Notice of Loan Application

AUGUST 15, 1967.

Harold A. Loftes, 16 Tarlton Road, Wakefield, R.I. 02879, has applied for a loan from the Fisheries Loan Fund to aid in financing the construction of a new 60-foot L.O.A. steel stern dragger to engage in the fishery for red hake, flounders, and fish for industrial uses.

Notice is hereby given pursuant to the provisions of Public Law 88-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised Aug. 11, 1965) that the above entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

H. E. CROWTHER,
Director, Bureau of Commercial Fisheries.

[F.R. Doc. 67-9771; Filed, Aug. 18, 1967; 8:46 a.m.]

National Park Service

[Order No. 44]

DEPUTY ASSOCIATE DIRECTOR, NATIONAL PARK SERVICE AND REGIONAL DIRECTOR, NATIONAL CAPITAL REGION

Redelegation of Authority Relating to District of Columbia Zoning Commission

The authority delegated by the Secretary of the Interior to the Director, National Park Service to serve as a member of the Zoning Commission of the District of Columbia is hereby redelegated to Deputy Associate Director J. E. N. Jensen, National Park Service, and to Regional Director T. Sutton Jett, National Capital Region, as his first alternate in the event of his inability to serve.

Order No. 30 of June 22, 1964, which delegated the above authority to the Regional Director, National Capital Region is rescinded.

(Act of March 1, 1920, 41 Stat. 500; Section 2 of Reorganization Plan No. 3 of 1950; DM 245.1, 27 F.R. 6395)

Dated: August 7, 1967.

GEORGE B. HARTZOG, Jr.,
Director, National Park Service.

[F.R. Doc. 67-9774; Filed, Aug. 18, 1967; 8:45 a.m.]

[Order No. 45]

DEPUTY ASSOCIATE DIRECTOR, NATIONAL PARK SERVICE, REGIONAL DIRECTOR, NATIONAL CAPITAL REGION, AND ASSOCIATE REGIONAL DIRECTOR, NATIONAL CAPITAL REGION

Redelegation of Authority Relating to National Capital Planning Commission

The authority vested in the Director of the National Park Service to serve as an ex officio member of the National Capital Planning Commission is hereby redelegated to the following officials of the National Park Service:

1st Alternate—Deputy Associate Director J. E. N. Jensen.
2d Alternate—Regional Director T. Sutton Jett, National Capital Region.
3d Alternate—Associate Regional Director, Robert C. Horne, National Capital Region.

(Act of July 19, 1952; 66 Stat. 781)

Dated: August 7, 1967.

GEORGE B. HARTZOG, Jr.,
Director, National Park Service.

[F.R. Doc. 67-9775; Filed, Aug. 18, 1967; 8:45 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

ILLINOIS STATE UNIVERSITY ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C.

A copy of each comment filed with the Director of the Office of Scientific and Technical Equipment must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No.: 68-00034-01-77030 Applicant: Illinois State University, Normal, Ill. 61761. Article: Nuclear Magnetic Resonance Spectrometer. Manufacturer: Hitachi Ltd., Japan. Intended use of article: Low temperature studies of small chemical shift temperature coefficients, thermodynamic and kinetic studies of conformational changes, to be routinely operated by undergraduate students. Application received by Commissioner of Customs: July 17, 1967.

Docket No.: 68-00048-00-46040 Applicant: Iowa State University, of Science and Technology, Purchasing Department, Ames, Iowa 50010. Article: Electronic Image Transmission System for Siemens Electron Microscope. Manufacturer: Siemens Aktiengesellschaft. Intended use of article: Accessory for Siemens Electron Microscope. Application received by Commissioner of Customs: July 26, 1967.

Docket No.: 68-00049-33-46040 Applicant: Research Foundation of the State University of New York, 3435 Main Street, Buffalo, N.Y. 14214. Article: Ultra High Resolution Electron Microscope. Manufacturer: Hitachi Ltd., Japan. Intended use of article: The instrument is to be used in current research projects in three areas: (1) macromolecular and biological specimen staining, developmental methodology (2) determination of organization of macromolecules in supramacromolecular assemblies and paracrystalline arrays. (3) Study of ultrastructure of cells and cellular organelles. Application received by Commissioner of Customs: July 26, 1967.

Docket No.: 68-00040-33-46040 Applicant: University of Hawaii, Pacific Biomedical Research Center, Honolulu, Hawaii. Article: Electron Microscope, Philips EM-300. Manufacturer: N. V. Philips Glasilampen Fabrieken, Holland. Intended Use of Article: Research on the structural basis of motility in cilia. Application Received by Commissioner of Customs: July 21, 1967.

Docket No.: 68-00045-01-77040 Applicant: University of Kentucky, Room 120, Chemistry-Physics Building, Lexington, Ky. 40506. Article: Double Focusing Mass Spectrometer RMU-6E. Manufacturer: Hitachi Ltd., Japan. Intended Use of Article: Instrument to be used as a principal instrument in the Mass Spectrometry Center. This center will provide services of analytical and research functions. Application Received by Commissioner of Customs: July 25, 1967.

Docket No.: 68-00046-33-46040 Applicant: University of Alabama Medical Center, 1919 Seventh Avenue South, Birmingham, Ala. 35233. Article: Ultra-high resolution Electron Microscope. Manufacturer: Hitachi, Ltd., Japan. Intended Use of Article: Instrument to be used to study fine structure of cells and tissues. Application received by Commissioner of Customs: July 25, 1967.

Docket No.: 68-00047-65-46040 Applicant: University of Kentucky Department of Metallurgical Engineering, Anderson Hall, Lexington, Ky. 40506.

Article: HU-125 High Resolution Electron Microscope. Manufacturer: Hitachi, Ltd., Japan. Intended Use of Article: Instrument will be used in the investigation aimed at relating mechanical properties to the defect structure of aluminum, titanium and copper base alloys. Application Received by Commissioner of Customs: July 25, 1967.

CHARLEY M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 67-9766; Filed, Aug. 18, 1967; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 16650; Order No. E-25627]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Worldwide Cargo Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 15th day of August 1967.

Pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, there have been filed agreements between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the traffic conferences of the International Air Transport Association (IATA), adopted at meetings held in San Juan, P.R., in April and May 1967. The agreements, which have been designated the CAB Agreements 19622[1] and 19632,[2] are intended to be effective for a 2-year period from October 1, 1967.

The agreements relate solely to cargo matters and encompass the bulk of the rate resolutions adopted at San Juan.[3] In general terms, the agreements propose cargo rates to apply worldwide, a revised container program, reduced rate trans-

[1] R-4.
[2] R-1 through R-62 except those portions of R-8 and R-4 acted upon in Orders E-25341 and E-25412, and R-10 through R-12.
[3] All other rates resolutions were adopted for early effectiveness and were acted upon in Order E-25301, dated June 15, 1967.

portation for cargo agents and, in addition, the readoption or revalidation, with limited amendments generally of a clarifying or technical character, of resolutions previously approved.

The general trend of the rates proposed by the agreements on major routes in air transportation is downward except in the Western Hemisphere. In this area, the general cargo rate structure will be revised by the elimination of rates and weight breaks at the 200- and 400-kilogram breakpoints. Current rates at other breakpoints, however, will be retained. Insofar as specific commodity rates are concerned a few rates will be canceled and the minimum weight requirements for some items will be increased, generally from 45 to 100 kilograms.

On the North Atlantic, the general cargo rates will be reduced by about 11 percent for shipments of 200 kilograms to about 13 percent for shipments of 500 kilograms and over. Overall, adjustments proposed by the agreement in the specific commodity rate structure are relatively few. Some rates will be canceled, minimum weight requirements for some items will be increased, and a few additional reduced rates will be offered, including reduced rates to apply in both directions for chemicals, westbound for books, and eastbound for nuclear reactor parts.

Revisions proposed in the North/Central Pacific routes will provide across-the-board cuts in general cargo rates. Reductions based on San Francisco-Tokyo will range from about 5 percent for shipments under 45 kilograms to 9 percent for shipments of 500 kilograms and over. These will be coupled with the introduction of reduced rates for a number of commodities. Outbound reduced rates, West Coast to Tokyo, will be offered under two very broad commodity descriptions encompassing a substantial portion of traffic that now moves by air to Tokyo. One description includes office and business machinery, machinery and tools and surface vehicles, and the other covers electrical equipment. Rates under these descriptions will provide reductions of about 23 percent for items now moving under the general cargo rates.

While the agreements incorporate some reductions of cargo traffic moving via the North/Central Pacific, we would observe that the rate levels remain higher than those applicable via the North Atlantic; but, there is no indication that transportation costs are higher. We are approving these agreements since they do embrace reductions. This is a step in the right direction. However, the Board believes that further reductions are warranted, and expects that future IATA negotiations will be directed toward achieving this objective.

The agreements also propose more attractive rates for shipments moving via the South Pacific. Northbound general cargo rates heretofore have provided one break at 45 kilograms with a 25-percent discount from the under-45 kilogram rates. These will be conformed with the pattern that applies southbound. This includes additional weight breaks at 100 kilograms and at increments of 100 kilograms through 500 kilograms. Rates under the revised scale will provide reductions up to 14 percent for shipments of 500 kilograms and over.

For the most part, minimum charges in the Western Hemisphere, which generally range from $10 to $19 between specified points or areas, will remain unchanged. The minimum charge between points not now specified will be increased from $8 to $10. Current minimum charges between Houston/New Orleans/San Antonio and Mexico City will be reduced from $10 to $8. Minimum charges on the North Atlantic will be increased by $3 except from the Middle East where they will remain the same. They will result in a charge to/from New York/Boston/San Juan of $18 and to/from interior U.S. points of $21.

Reductions proposed will, in many instances, be greater than those commented on above when coupled with revisions in the container program. Basically, the revised rules provide that the charges for containerized shipments shall be based on the net weight of the consignment less a discount related to the size of the container, instead of a discount based on gross weight as provided under current rules. The discount, which will increase as the size of the container increases, may not exceed 10 percent of the charges applicable to the net weight. Allowances will range from $4 for a 17.97-cubic-foot container to $165.08 for a 494.29-cubic-foot container, and these will apply to 17 standard-size containers. But a 2-year phaseout period for other containers now registered will permit application of the full allowance for the first year and one-half for the second year.

Resolutions governing the charges for the carriage of animals have been revised to establish, within the framework of one resolution, worldwide rates to apply to the carriage of animals. Insofar as air transportation is concerned and in general terms, the agreement would, with limited revisions, extend to the Western Hemisphere and the Pacific, charges that have been approved for the carriage of animals via the North Atlantic; namely, the applicable under-45-kilogram rate without further discounts for larger volume shipments. Exceptions include baby poultry (under 72 hours old), fish, frogs, microbes, and insects which may (under the current agreement) move under the under-45-kilogram or the 45-kilogram rates, and monkeys and primates which are not subject to the current agreement. Revisions, while retaining the current rates for baby poultry, would eliminate the 45-kilogram rate for shipments of fish, frogs, microbes, and insects and would specifically provide for the carriage of monkeys and primates via the North Atlantic and Pacific at the applicable general cargo rates.[4] By the terms of the resolution, provision is specifically made for the departure from the minimums prescribed by use of rates established under specific commodity rate resolutions.

Consumer complaints have been filed by several U.S. firms[5] alleging that the resolution proposes increases, principally for import shipments of birds and fish from the Orient, that are unwarranted. In general, the complainants contend that in light of improved handling techniques, packaging and communication, shipments of birds or fish should be no more costly to the carriers than shipments of baby poultry which has the benefit of the 45-kilogram rate, or monkeys which may move under the general cargo rates. Correspondence has also been received from firms in foreign countries relating generally to alleged increased costs for shipments of birds to the United States. Data and comments received generally assume that current rates, particularly those that apply under specific commodity rate resolutions, will no longer be available. The supporting data supplied fail to show that the instant resolution will result in actual increases for traffic now carried. Moreover, the carriers have specifically retained the flexibility to establish rates to protect the traffic they are now carrying and to establish additional rates in particular markets where special rates are demonstrated to be economically feasible. If at some time in the future it is demonstrated that the resolution results in exorbitant charges, the Board will have ample opportunity to review its approval and modify it accordingly.

The Board has deferred action on an earlier application for approval of an agreement providing reduced-fare transportation for cargo agents, pending revisions which would bring the travel allowance proposed more in line with the business needs of the carriers and agents. The San Juan resolutions, which we are herein approving, permit the carriers collectively to provide two trips per year for each approved agency location at a 75-percent discount for agents located in the United States.[6] The rates that will apply to U.S.-based cargo agents are substantially similar to those applicable to passenger sales agents, including a

[4] Insofar as the carriage of monkeys and primates to/from India/Pakistan and Far East points via the Atlantic is concerned, the agreement would maintain the current under-45-kilogram rate which the Board has previously found unacceptable and we are maintaining our outstanding condition that the rates shall not be applicable in air transportation.

[5] Exceptions relate to charges for baby poultry and monkeys and primates which will not be subject to the basic resolution in the Western Hemisphere.

[5] Aquarium Supply Co., Tampa Livestock Distributors, Inc., Allied American Bird Co., and the Star Bird Co.

[6] The quota for agents located in other countries will be calculated on the basis of two trips per year per carrier per location.

conference-administered feature, a 12-month employment eligibility requirement, and a certification that the passes will be used for education and market development purposes.

A new resolution provides for a Worldwide Air Cargo Commodity Classification (WACCC) to replace the present system of numbering specific commodities. The new system is based on the existing United Nations Standard International Trade Classification (SITC), and provision is made for full transition to the new system by September 1, 1968. The new system is designed to lead to more precise descriptions and thereby overcome to a considerable degree problems or erroneous rating, and to facilitate an interchange of statistical information. We would observe, however, that the listing which is presented as part of the agreement departs from the SITC in a number of instances by the inclusion of generic groupings and in an overlapping of items between groups. Therefore, approval herein should in no way be construed as an approval of the commodity descriptions or as authority to depart from the provisions of Part 221 of the Board's Economic Regulations which govern the filing of tariffs.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, makes the following findings:

1. The Board finds, on the basis of all facts presently known, that those resolutions set forth in Appendix A[1] and contained in Agreements CAB 19622 and 19632 do not affect air transportation within the meaning of the Act.

2. The Board does not find those resolutions set forth in Appendix B[1] and contained in Agreement CAB 19632 to be adverse to the public interest or in violation of the Act.

3. The Board does not find those resolutions set forth in Appendix C[1] and contained in Agreement CAB 19632, to be adverse to the public interest or in violation of the Act: *Provided*, That approval is subject to the conditions specified with respect to each.

4. The Board finds that the petitions filed by Aquarium Supply Co., Tampa Livestock Distributors, Inc., Allied American Bird Co., and the Star Bird Co. should be dismissed.

Accordingly, it is ordered, That:

1. Jurisdiction is disclaimed with respect to those portions of Agreements CAB 19622 and 19632 set forth in finding paragraph 1;

2. That portion of Agreement CAB 19632, set forth in finding paragraph 2 is approved;

3. That portion of Agreement CAB 19632 set forth in finding paragraph 3 is approved subject to the conditions stated therein; and

4. The petitions filed by Aquarium Supply Co., Tampa Livestock Distributors, Inc., Allied American Bird Co., and the Star Bird Co. are dismissed.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and 19 copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 67-9800; Filed, Aug. 18, 1967; 8:47 a.m.]

[1] Appendices A, B, and C filed as part of the original document.

CIVIL SERVICE COMMISSION

COMPUTER PROGRAMER, COMPUTER SYSTEMS ANALYST, COMPUTER EQUIPMENT ANALYST, AND COMPUTER SPECIALIST

Manpower Shortage

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission has found, effective August 11, 1967, that there is a manpower shortage for the positions of Computer Programer, Computer Systems Analyst, Computer Equipment Analyst, and Computer Specialist, GS-334-9/15, nationwide.

The appointees to these positions may be paid for the expense of travel and transportation to the first post of duty.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-9801; Filed, Aug. 18, 1967; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

AEGEAN CRUISES, S.A. (EPIROTIKI LINES) "M.T.S. ARGONAUT"

Financial Responsibility To Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages; Notice of Application for Certificate (Casualty)

Notice is hereby given that pursuant to the provisions of section 2, Public Law 89-777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, Amendment 2 (46 CFR Part 540) the following persons have applied to the Federal Maritime Commission for a Certificate of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages:

Aegean Cruises, S.A. (Epirotiki Lines) "M.T.S. Argonaut".

Dated: August 16, 1967.

THOMAS LISI, *Secretary.*

[F.R. Doc. 67-9784; Filed, Aug. 18, 1967; 8:46 a.m.]

AEGEAN CRUISES, S.A. (EPIROTIKI LINES) "M.T.S. ARGONAUT"

Indemnification of Passengers for Nonperformance of Transportation; Notice of Application for Certificate (Performance)

Notice is hereby given that pursuant to the provisions of section 3, Public Law 89-777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20 (46 CFR Part 540) the following persons have applied to the Federal Maritime Commission for a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation:

Aegean Cruises, S.A. (Epirotiki Lines) "M.T.S. Argonaut".

Dated: August 16, 1967.

THOMAS LISI, *Secretary.*

[F.R. Doc. 67-9785; Filed, Aug. 18, 1967; 8:46 a.m.]

A. P. MOLLER-MAERSK LINE AND KAWASAKI KISEN KAISHA, LTD.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. A. A. De Giglio, "K" Line New York, Inc., 29 Broadway, New York, N.Y. 10006.

Agreement 9471-1, between A. P. Moller-Maersk Line and Kawasaki Kisen Kaisha, Ltd., modifies the basic transshipment agreement between these two lines as follows:

(1) Local freight rates paid by the initial carrier (Moller-Maersk) to local carriers for transportation between Indonesian ports shall not be included in the through rates for apportionment purposes.

(2) Delivering carrier (K Line) shall receive a minimum of $22 per revenue ton on through revenue.

(3) Provides that when the initial carrier pays local freight to local carriers,

documents evidencing such payment must be furnished the delivering carrier.

(4) Provides that delivering carriers share of transshipment expenses shall not exceed $2 per revenue ton.

Dated: August 16, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-9786; Filed, Aug. 18, 1967; 8:46 a.m.]

AMERICAN WEST AFRICAN FREIGHT CONFERENCE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. John K. Cunningham, Chairman, American West African Freight Conference, 80 Broad Street, New York, N.Y. 10004.

Agreement 7636-22, among the member lines to the American West African Freight Conference, modifies the basic agreement by extending the termination date of the Conference's Neutral Body self-policing system from November 30, 1967 to November 30, 1968.

Dated: August 16, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-9787; Filed, Aug. 18, 1967; 8:46 a.m.]

CONTINENTAL NORTH ATLANTIC WESTBOUND FREIGHT CONFERENCE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Burton H. White, Burlingham Underwood Barron Wright & White, 25 Broadway, New York, N.Y. 10004.

Agreement 8210-6, between the member lines of the Continental North Atlantic Westbound Freight Conference, modifies the basic agreement to provide that any Conference member which is also a party to Agreement 9486, as amended, (1) shall be entitled to represent Wallenius Line solely in respect to set-up, packed or unpacked automobiles, trucks and house trailers and permit its agents, operators or managers to do so, and (2) may charter to Wallenius Line, on any terms which may be agreed upon between them, space in any vessel operated under authority of such Agreement for the carriage only of set-up, packed or unpacked automobiles, trucks and house trailers.

Dated: August 16, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-9788; Filed, Aug. 18, 1967; 8:46 a.m.]

JAVA-NEW YORK RATE AGREEMENT

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Elkan Turk, Jr., Esq., Burlingham Underwood Barron Wright & White, 25 Broadway, New York, N.Y. 10004.

Agreement 90-11, between member lines of the Java New York Rate Agreement, modifies the basic conference agreement 90, as amended, (1) by adding to Clause 2 therein a new subdivision (h) which provides for a new category of membership entitled "Associate Members" for common carriers by water which do not serve the trade covered by Agreement 90, as amended, direct but offer sailings from Singapore with transshipped Indonesian cargo to destination ports within the scope of the agreement; (2) specifying the limited voting rights and provisions of the agreement applicable to Associate Members; and (3) amending Clause 10 to provide for limited voting rights of full members who discontinue service from loading ports within the scope of the conference agreement, but maintain service from Singapore to destination ports within the scope of the conference agreement.

Dated: August 16, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-9789; Filed, Aug. 18, 1967; 8:46 a.m.]

STATES MARINE LINES, INC., ET AL.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. J. D. Kenny, States Marine Lines, 90 Broad Street, New York, N.Y. 10004.

Agreement 9483-1, between States Marine Lines, Inc., Global Bulk Transport, Inc., and Lykes Bros. Steamship Co., Inc., amends the basic transshipment agreement 9483 to permit transshipment by the parties in Hong Kong and the addition of the Philippine Islands to the geographic scope of the agreement.

Dated: August 16, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-9790; Filed, Aug. 18, 1967; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. RP68-1, RP66-4]

FLORIDA GAS TRANSMISSION CO.

Notice of Extension of Time

AUGUST 14, 1967.

On August 11, 1967, staff counsel filed a request for an extension of time within which to file notices of intervention and petitions to intervene in the above-designated matter. Staff counsel states that several customers of Florida Gas Transmission Co. were apparently inadvertently not served with a copy of the Commission's order issued July 19, 1967, consolidating these proceedings.

Upon consideration of the above, notice is hereby given that the time is extended to and including September 6, 1967, within which notices of intervention and petitions to intervene may be filed.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 67-9767; Filed, Aug. 18, 1967; 8:45 a.m.]

[Docket No. CP68-40]

FLORIDA GAS TRANSMISSION CO.

Notice of Application

AUGUST 11, 1967.

Take notice that on August 7, 1967, Florida Gas Transmission Co. (Applicant), Post Office Box 44, Winter Park, Fla. 32789, filed in Docket No. CP68-40 a "budget-type" application pursuant to subsection (c) of section 7 of the Natural Gas Act, as implemented by subsection (c) of § 157.7 of the regulations under the Act, for a certificate of public convenience and necessity authorizing the construction and operations of certain natural gas sales and transportation facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate, during the 12-month period following the granting of the authorization sought herein, various gas sales and transportation facilities as follows:

(1) For the transportation and sale of volumes of natural gas previously authorized for transportation or sale to existing distributors;

(2) For direct sales of natural gas to consumers located outside the franchise area of any local distributor; and

(3) Miscellaneous rearrangements of existing pipeline facilities of Applicant.

Applicant states that deliveries to any one distributor or consumer, through the facilities proposed to be installed, will not exceed 100,000 Mcf annually, and such natural gas will not be used by any distributor or consumer for boiler fuel purposes as defined by the Commission.

The total estimated cost of Applicant's proposed construction is not to exceed $300,000 and will be financed with internally generated funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before September 7, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 67-9768; Filed, Aug. 18, 1967; 8:45 a.m.]

[Docket No. RI68-60]

HUNT INDUSTRIES (OPERATOR) ET AL.

Order Providing for Hearing on and Suspension of Proposed Change in Rate

AUGUST 14, 1967.

Hunt Industries (Operator) et al. (Hunt)[1] tendered for filing a proposed change in their presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge is contained in the following designated filing:

Description: Notice of Change, dated June 30, 1967.

Purchaser and producing area: Montana-Dakota Utilities Co. (North Tioga Area, Burke County, N. Dak.).

Rate schedule designation: Supplement No. 2 to Hunt's FPC Gas Rate Schedule No. 6.

Effective date: August 24, 1967.[2]

Amount of annual increase: $650.

Effective rate: 16.0¢ per Mcf.[3]

Proposed rate: 17.0¢ per Mcf.[4]

Pressure base: 14.73 p.s.i.a.

Hunt's proposed periodic rate increase from 16.0 cents to 17.0 cents per Mcf, totaling $650 annually, is for a sale of gas to Montana-Dakota Utilities Co. in Burke County, N. Dak. The Commission's Statement of General Policy No. 61-1 did not prescribed ceiling rates in North Dakota. Consequently no formal guideline prices exist in the area. However, the proposed rate exceeds the highest rate permanently certificated in this area, which is 16.0 cents per Mcf. We therefore conclude that the proposed rate should be suspended for 5 months from August 24, 1967, the proposed effective date, as hereinafter ordered.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change, and that Supplement No. 2 to Hunt's FPC Gas Rate Schedule No. 6 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 2 to Hunt's FPC Gas Rate Schedule No. 6.

(B) Pending such hearing and decision thereon, Supplement No. 2 to Hunt's FPC Gas Rate Schedule No. 6 is hereby suspended and the use thereof deferred until January 24, 1968, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8

[1] Address is: 1401 Elm St., Dallas, Tex. 75202. Attention: Donald K. Young, Esquire.

[2] The stated effective date is the effective date proposed by Respondent.

[3] Initial rate.

[4] Periodic rate increase.

and 1.37(f)) on or before October 4, 1967.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 67-9780; Filed, Aug. 18, 1967; 8:46 a.m.]

[Docket No. CP67-237]

LONE STAR GAS CO.

Notice of Petition To Amend

AUGUST 14, 1967.

Take notice that on August 1, 1967, Lone Star Gas Co. (Petitioner), 301 South Harwood Street, Dallas, Tex. 75201, filed in Docket No. CP67-237 a petition to amend the order issued by the Commission May 2, 1967, by authorizing Petitioner to put back in service a portion of pipeline presently abandoned, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the above-mentioned order, Petitioner was permitted to abandon certain natural gas pipeline facilities since they were no longer needed or required as the supplies of natural gas connected thereto had become depleted. By the instant filing, Petitioner seeks authorization to place back in service approximately 9,562 feet of 6-inch pipeline, Line GDH-B, for the purpose of making a sale of natural gas to an oil field rate customer. Petitioner states that it is necessary to use the pipeline segment described above for the purpose of rendering the service proposed and Petitioner therefore requests the Commission to amend the above-mentioned order as requested.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before September 11, 1967.

KENNETH F. PLUMB, *Acting Secretary.*

[F.R. Doc. 67-9769; Filed, Aug. 18, 1967; 8:45 a.m.]

[Docket No. RI68-50]

MIDWEST OIL CORP.

Order Providing for Hearing on and Suspension of Proposed Change in Rate

AUGUST 14, 1967.

On July 18, 1967, Midwest Oil Corp. (Midwest),[1] tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated July 11, 1967.

Purchaser and producing area: Panhandle Eastern Pipe Line Co. (Joy, Littlehawk, Hunter, and Joy-Foster Units, Dewey County, Okla.) (Oklahoma "Other" Area).

Rate schedule designation: Supplement No. 4 to Midwest's FPC Gas Rate Schedule No. 27.

Effective date: August 18, 1967.[2]
Amount of annual increase: $238.
Effective rate: 15.495 cents per Mcf.[3][4]
Proposed rate: 17.561 cents per Mcf.[3][4]
Pressure base: 14.65 psia.

Midwest proposes a rate increase from 15.0 cents to a contractually due rate of 17.0 cents per Mcf (plus Btu adjustment) for its sales of gas to Panhandle Eastern Pipe Line Co. from the Joy, Littlehawk, Hunter, and Joy-Foster Units, Dewey County, Okla. (Oklahoma "Other" Area). The instant increase amounts to $238 annually. Since Midwest's proposed 17.0 cents (plus Btu adjustment) rate exceeds the area increased rate ceiling of 11.0 cents per Mcf for the Oklahoma "Other" Area as announced in the Commission's Statement of General Policy No. 61-1, as amended, we conclude that it should be suspended for 5 months from August 18, 1967, the proposed effective date, as hereinafter ordered.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change, and that Supplement No. 4 to Midwest's FPC Gas Rate Schedule No. 27 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. D, a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 4 to Midwest's FPC Gas Rate Schedule No. 27.

(B) Pending such hearing and decision thereon, Supplement No. 4 to Midwest's FPC Gas Rate Schedule No. 27 is hereby suspended and the use thereof deferred until January 18, 1968, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before October 4, 1967.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 67-9779; Filed, Aug. 18, 1967; 8:46 a.m.]

[Docket No. RI67-456]

OKLAHOMA NATURAL GAS CO.

Order Amending Order Providing for Hearings on and Suspension of Proposed Changes in Rates To Permit Substitute Rate Filing

AUGUST 14, 1967.

On June 1, 1967, Oklahoma Natural Gas Co. (Oklahoma Natural) filed with the Commission a proposed change in rate from 17.0 cents to 18.0 cents per Mcf, which pertains to its jurisdictional sales of natural gas from the Northeast Ivanhoe Field, Beaver County, Okla. (Oklahoma "Other" Area), to Northern Natural Gas Co. The Commission by order issued June 16, 1967, suspended for 5 months Oklahoma Natural's rate filing until December 1, 1967, and thereafter until made effective in the manner prescribed by the Natural Gas Act. Oklahoma Natural's suspended rate increase has not been made effective pursuant to section 4(e) of the Natural Gas Act.

On July 17, 1967, Oklahoma Natural submitted an amended notice of change in rate, designated as Supplement No. 1 to Supplement No. 1 to Oklahoma Natural's FPC Gas Rate Schedule No. 27, amending Supplement No. 1 to its aforementioned rate schedule to provide for a rate increase to 18.015 cents instead of the 18.0 cents per Mcf rate filed on June 1, 1967. Oklahoma Natural's amended filing to the 18.015 cents rate includes partial reimbursement of the 0.02 cent increase in Excise Tax imposed by House Bill No. 782 in the State of Oklahoma. Such tax became effective on July 1, 1967. The proposed tax portion of the increase amounts to $44 annually.

Oklahoma Natural's proposed rate of 18.015 cents per Mcf exceeds the area ceiling of 11.0 cents per Mcf for increased rates in the Oklahoma "Other" Area as announced in the Commission's Statement of General Policy No. 61-1, as amended, as did the previously suspended rate in said docket. Since Oklahoma Natural's corrective rate filing includes partial reimbursement of the tax increase imposed by the State of Oklahoma, we believe that it would be in the public interest to accept the corrected rate filing subject to the suspension proceeding in Docket No. RI67-456, with the suspension period of such corrective rate filing to terminate concurrently with the suspension period (December 2, 1967) of the original filing in said docket.

Oklahoma Natural requests a retroactive effective date of July 1, 1967, the date the Oklahoma tax increase became effective, for its corrective rate filing. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Oklahoma Natural's proposed rate filing and such request is denied.

The Commission finds: Good cause exists for amending the Commission's order issued June 16, 1967, in Docket No. RI67-456, to the extent hereinafter provided.

The Commission orders:

(A) The suspension order issued June 16, 1967, in Docket No. RI67-456, is amended only so far as to permit the 18.015 cents per Mcf rate contained in Supplement No. 1 to Supplement No. 1 to Oklahoma Natural's FPC Gas Rate Schedule No. 27 to be filed to supersede the 18.0 cents per Mcf rate provided in Supplement No. 1 to Oklahoma Natural's FPC Gas Rate Schedule No. 27, subject to the suspension proceeding in Docket No. RI67-456. The suspension period for such substitute filing shall terminate concurrently with the suspension period (Dec. 2, 1967) presently in effect in said docket.

(B) In all other respects, the order issued by the Commission on June 16, 1967, in Docket No. RI67-456, shall remain unchanged and in full force and effect.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 67-9781; Filed, Aug. 18, 1967; 8:46 a.m.]

[Docket No. E-7365]

PACIFIC POWER & LIGHT CO.

Notice of Application

AUGUST 14, 1967.

Take notice that on July 28, 1967, Pacific Power & Light Co. (Applicant) of Portland, Oreg., filed an application seeking authority pursuant to section 203 of the Federal Power Act to acquire all of the electric distribution system and associated facilities of the Walla Walla City County Airport Board, Walla Walla, Wash., (Board). The Board is a municipal body engaged in the operation of airport facilities in the City of Walla Walla, Wash.

The facilities to be acquired consist of all the overhead and associated underground electric distribution system, including street lighting facilities but excepting facilities used to light runways and taxi strips, belonging to the Board and located at the City-County Airport in Walla Walla. The consideration to be paid by Applicant for these facilities is the sum of $95,000.

With respect to energy supplied to the Board, Applicant will continue to provide said energy at rates set forth in that certain agreement between the Board and Applicant dated January 15, 1955, except that such rates shall be subject to change to correspond with percentages of any increase or decrease and revisions made in Applicant's applicable General Service Schedule filed with and approved by the Washington Utilities and Transportation Commission.

There will be no change in rates to customers other than the Board located on the airport property. These customers presently are billed under the rates of Applicant applicable to customers requiring similar service in the metropolitan area of Walla Walla on file with the Washington Utilities and Transportation Commission.

Any person desiring to be heard or to make any protest with reference to said application should, on or before September 7, 1967, file with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and is available for public inspection.

KENNETH F. PLUMB, *Acting Secretary.*

[F.R. Doc. 67-9782; Filed, Aug. 18, 1967; 8:46 a.m.]

[Docket No. RI68-10]

TAMARACK PETROLEUM CO., INC.

Order Accepting Contract and Agreements, Providing for Hearing on and Suspension of Proposed Change in Rate; Correction

AUGUST 2, 1967.

In the order "Order Accepting Contract and Agreements, Providing for Hearing on and Suspension of Proposed Change in Rate," issued July 21, 1967, and published in the FEDERAL REGISTER, August 1, 1967 (F.R. Doc. 67-8773, 32 FR. 11182), Docket No. RI68-10, under column headed "Rate Sched. No." on lines 3 and 4, change Rate Schedule No. 16 to read Rate Schedule No. 13.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 67-9783; Filed, Aug. 18, 1967; 8:46 a.m.]

[Docket No. CP68-41]

TENNESSEE GAS PIPELINE CO.

Notice of Application

AUGUST 11, 1967.

Take notice that on August 8, 1967, Tennessee Gas Pipeline Co., a division of Tenneco, Inc. (Applicant), Post Office Box 2511, Houston, Tex. 77001, filed in Docket No. CP68-41 an application pursuant to subsection (c) of section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities and the sale and delivery of quantities of natural gas to a resale customer, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate approximately 1,175 feet of 20-inch pipeline and to enlarge an existing meter station. Applicant also seeks authorization to sell and deliver to Trunkline Gas Co. (Trunkline), pursuant to a gas sales contract between Applicant and Trunkline, dated July 13, 1967, a quantity of 127.75 million Mcf of natural gas over a 3-year period from November 1, 1967, to November 1, 1970. Applicant states that Trunkline has indicated that it requires the volumes of natural gas in order to assure an adequate gas supply in meeting its existing markets while it acquires other supplies of natural gas to meet its growing market requirements. Applicant states that it has the deliverability to perform the service proposed above and that the rendition of such proposed service will not affect its ability to render service to its existing customers.

Applicant states that the total cost of the facilities proposed above will be approximately $196,344 and that Applicant and Trunkline will share equally the cost of the 20-inch pipeline. Applicant will finance its share of the costs through funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before September 8, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB, *Acting Secretary.*

[F.R. Doc. 67-9770; Filed, Aug. 18, 1967; 8:45 a.m.]

[1] Address is: 1700 Broadway, Denver, Colo. 80202.

[2] The stated effective date is the effective date proposed by Respondent.

[3] Base rate subject to upward and downward Btu adjustment for gas containing more or less than 1,000 Btu's per cubic foot.

[4] Includes base rate of 15.0 cents plus 0.495 cent upward Btu adjustment before increase and 17.0 cents plus 0.561 cent upward Btu adjustment after increase. Present Btu content of gas is 1,033 Btu's per cubic foot.

SECURITIES AND EXCHANGE COMMISSION

[70-4522]

APPALACHIAN POWER CO.

Notice of Proposed Issue and Sale of Notes to Banks

AUGUST 15, 1967.

Notice is hereby given that Appalachian Power Co. ("Appalachian"), 40 Franklin Road, Roanoke, Va. 24011, an electric utility company and a subsidiary company of American Electric Power Co., Inc., a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6 and 7 thereof as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Appalachian proposes to issue and sell to a group of 10 banks, from time to time prior to December 31, 1968, up to an aggregate of $48,500,000 of promissory notes outstanding at any one time. The notes will be dated in each case as of the date of the borrowings and will mature not more than 270 days after the date of issuance. They will bear interest from the date thereof at the then current prime credit rate (presently 5½ percent per annum) and will be prepayable at any time, in whole or in part, without premium. Appalachian requests the Commission's approval for the issue and sale of such amount of notes not exempted pursuant to the first sentence of section 6(b) of the Act.

The aggregate line of credit established with each of the ten banking institutions is as follows:

First National City Bank, New York, N.Y.	$7,275,000
Irving Trust Co., New York, N.Y.	7,275,000
Manufacturers Hanover Trust Co., New York, N.Y.	5,820,000
Continental Illinois National Bank and Trust Co., Chicago, Ill.	5,820,000
Morgan Guaranty Trust Co., of New York, New York, N.Y.	5,336,000
Chase Manhattan Bank, New York, N.Y.	4,850,000
Mellon National Bank and Trust Co., Pittsburgh, Pa.	4,850,000
Bankers Trust Co., New York, N.Y.	2,425,000
Chemical Bank New York Trust Co., New York, N.Y.	2,425,000
Northern Trust Co., Chicago, Ill.	2,425,000
Total	48,500,000

The proceeds from the issue and sale of the notes will be used by Appalachian to reimburse its treasury for past expenditures in connection with its construction program, to pay part of the cost of its future construction program, which is estimated at $107 million for the second half of 1967 and 1968, and for other corporate purposes. All of Appalachian's notes payable to banks outstanding at the time of its next permanent financing, expected before the end of 1968, will be paid from the proceeds of such financing.

The declaration states that expenses incident to the proposed transactions are estimated not to exceed $500. It is represented that the proposed transactions will be authorized by the Virginia State Corporation Commission and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than September 6, 1967, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-9777; Filed, Aug. 18, 1967; 8:46 a.m.]

[70-4523]

INDIANA & MICHIGAN ELECTRIC CO.

Notice of Proposed Issue and Sale of Notes to Banks

AUGUST 15, 1967.

Notice is hereby given that Indiana & Michigan Electric Co. ("Indiana"), 2101 Spy Run Avenue, Fort Wayne, Ind. 46805, a public-utility subsidiary company of American Electric Power Co., Inc., a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6 and 7 thereof as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of proposed transactions.

Indiana proposes to issue and sell to a group of ten banks, from time to time prior to December 31, 1968, up to an aggregate of $34,525,000 of promissory notes outstanding at any one time. The notes will be dated in each case as of the date of the borrowings and will mature not more than 270 days after the date of issuance. The notes will bear interest from such date at the then current prime credit rate (presently 5½ percent per annum) and will be prepayable at any time, in whole or in part, without premium. Indiana requests the Commission's approval for the issue and sale of such amount of notes not exempted pursuant to the first sentence of section 6(b) of the Act.

The aggregate line of credit established with each of the ten banking institutions is as follows:

First National City Bank, New York, N.Y.	$5,180,000
Irving Trust Co., New York, N.Y.	5,175,000
Manufacturers Hanover Trust Co., New York, N.Y.	4,140,000
Continental Illinois National Bank and Trust Co., Chicago, Ill.	4,140,000
Morgan Guaranty Trust Co. of New York, New York, N.Y.	3,800,000
Chase Manhattan Bank, New York, N.Y.	3,450,000
Mellon National Bank and Trust Co., Pittsburgh, Pa.	3,450,000
Bankers Trust Co., New York, N.Y.	1,730,000
Chemical Bank New York Trust Co., New York, N.Y.	1,730,000
Northern Trust Co., Chicago, Ill.	1,730,000
Total	34,525,000

The proceeds from the issue and sale of the notes will be used by Indiana to reimburse its treasury for past expenditures in connection with its construction program, to pay part of the cost of its future construction program, which is estimated at approximately $82,000,000 for the second half of 1967 and 1968, and for other corporate purposes. All of Indiana's notes payable to banks outstanding at the time of its next permanent financing, expected before the end of 1968, will be paid from the proceeds of such financing.

The declaration states that no fees or expenses are to be paid or incurred by Indiana or any associate company in connection with the proposed transactions. It is also stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than September 6, 1967, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-9778; Filed, Aug. 18, 1967; 8:46 a.m.]

FEDERAL RESERVE SYSTEM

RULES OF ORGANIZATION OF THE BOARD OF GOVERNORS

Effective immediately, the Rules of Organization of the Board of Governors of the Federal Reserve System are as follows:

SECTION 1. *Basis and scope.* These Rules are issued by the Board of Governors of the Federal Reserve System (the "Board") pursuant to the requirement of section 552 of Title 5 of the United States Code that each agency shall publish in the FEDERAL REGISTER a description of its central and field organization.

SEC. 2. *Composition and location*—(a) *Governors, Chairman, Vice Chairman.* The Board consists of seven members appointed by the President, by and with the advice and consent of the Senate, for 14-year terms. The members of the Board are required by law to devote their entire time to the business of the Board. One of them is designated by the President as Chairman and one as Vice Chairman, to serve as such for terms of four years. At meetings, the Chairman presides or, in his absence, the Vice Chairman presides. In the absence of the Chairman and Vice Chairman, the Board elects a member to act as Chairman Pro Tempore. The Chairman of the Board, subject to its supervision, is its active executive officer. The Board usually meets daily to consider matters relating to monetary and credit policies, regulatory and supervisory duties with which it has been charged by the Congress, and administrative and other questions arising in the conduct of the work of the Board.

(b) *Location and business hours.* The principal offices of the Board are in the Federal Reserve Building, 20th Street and Constitution Avenue NW., Washington, D.C. 20551. The Board's regular business hours are from 8:45 a.m. to 5:15 p.m. each weekday except Saturday; but such business hours may be changed from time to time.

SEC. 3. *Central organization.* The Board's central organization consists of the members of the Board and the following Divisions and officials:

(a) *Office of the Secretary* is headed by the Board's Secretary, who acts as the administrative officer of the Board in its relations with the Divisions of its staff, with the Federal Reserve Banks, and with the general public. This Office clears and conducts official correspondence of the Board and is charged with responsibility for maintaining and providing reference service to the official records of the Board and the Federal Open Market Committee.

(b) *Legal Division,* headed by the Board's General Counsel, advises and assists the Board with respect to legal matters, including legislation, regulations, interpretations, opinions, applications, hearings, orders, and litigation.

(c) *Division of Research and Statistics,* headed by a Director, provides the Board, the Federal Open Market Committee, and other System officials with the economic information needed for current operations and the formulation of credit and monetary policies; and prepares, publishes, and interprets a variety of statistical series in the financial and nonfinancial fields.

(d) *Division of International Finance,* headed by a Director, advises and assists the Board on international financial and economic matters and conducts research in this field. It carries on staff work in connection with the supervision of foreign operations of the Federal Reserve System and the membership of the Chairman of the Board on the National Advisory Council on International Monetary and Financial Policies.

(e) *Division of Bank Operations,* headed by a director, advises and assists the Board with respect to matters concerning the operation of the Federal Reserve Banks and the printing, issue, and redemption of Federal Reserve notes; collects and prepares data regarding the condition, operations, expenses, and earnings of Reserve Banks; and maintains liaison with the Treasury Department and other Government agencies on fiscal agency operations of Reserve Banks.

(f) *Division of Examinations,* headed by a Director, periodically examines the Federal Reserve Banks and reviews and appraises their audit activities; coordinates the bank supervisory functions of the System and evaluates the examination procedures of the Reserve Banks; exercises general supervision of the commercial and fiduciary activities of State member banks; administers the supervisory features of laws and regulations relating to affiliates and bank holding companies; supervises various foreign banking activities of member banks and foreign banking and financing corporations; administers the public disclosure provisions of the Securities Exchange Act of 1934, as amended, in their application to State member banks; processes and presents to the Board applications filed pursuant to the Bank Holding Company Act and the Bank Merger Act and various other applications submitted under the provisions of the Federal Reserve Act or related statutes; and advises the Board regarding developments in banking and bank supervisory policies and procedures.

(g) *Division of Personnel Administration,* headed by a Director, is responsible for the administration of the Board's personnel program, serves as the Board's security office, and advises and assists the Board on personnel matters pertaining to the Federal Reserve Banks.

(h) *Division of Administrative Services,* headed by a Director, serves as the central procurement, duplicating, communications, and service unit of the Board and advises and assists the Board with respect to such matters. It also performs various administrative functions, including the distribution of Board publications and the operation of the Board's building and other facilities.

(i) *Office of the Controller,* headed by the Board's Controller, is responsible for maintaining an effective internal financial management system, including budgeting, accounting, reporting, internal and contract auditing, and operational analyses; determining assessments on the Federal Reserve Banks for funds to cover expenses of the Board; receiving and disbursing the Board's funds; and handling reimbursement to the Treasury Department for the printing, issuance, and redemption of Federal Reserve notes.

(j) *Office of Defense Planning,* headed by a Coordinator, is responsible for the development of the Board's defense emergency planning program, the coordination of that program with those of the Federal Reserve Banks and of other Government departments and agencies, and promotion of the commercial bank preparedness program.

(k) *Division of Data Processing,* headed by a Director, provides systems analysis, programming, and other data processing support for the Board and its

staff; schedules and operates the Board's electronic and automatic data processing equipment; collects and processes statistical information on banking developments; advises on statistical methods and statistical operations; and advises on the design of and prepares graphic displays in connection with economic analyses and presentations.

(l) *Other personnel.* In addition to the Divisions mentioned above, the staff of the Board includes Advisers and Assistants to the Board and a Legislative Counsel. The Federal Reserve Bulletin is issued monthly under the direction of a Staff Editorial Committee. The Board does not employ hearing officers as regular members of its staff; but, in accordance with applicable provisions of law and in individual cases as the need may arise, the Board obtains and utilizes hearing officers, whose functions in such capacity are appropriately separated, as required by law, from investigative and prosecuting functions of the staff.

SEC. 4. *Field organization*—(a) *Federal Reserve Banks.* The United States is divided into 12 Federal Reserve districts. In one city in each Federal Reserve district there is located a Federal Reserve Bank, and in 10 of the districts there are one or more branches of the Federal Reserve Bank in other cities. Each Federal Reserve Bank is a separate legal entity, created pursuant to the Federal Reserve Act and operating under the general supervision of the Board. The locations of the 12 Federal Reserve Banks and their 24 branches and the boundaries of the Federal Reserve district and branch territories are shown in the Appendix. Each Federal Reserve Bank, in addition to its other duties, carries out local functions for the Board pursuant to instructions of the Board, and in many matters acts as the Board's field representative in the Bank's district. It assists in the regional administration of the Board's regulations and policies, keeps the Board informed of local conditions, and recommends such actions as it thinks appropriate in particular cases. In general, persons concerned with Federal Reserve matters should deal in the first instance with the Federal Reserve Bank of the appropriate district or a Branch thereof, and the Board requests all persons to follow this procedure.

(b) *Federal Reserve Agents.* At each Federal Reserve Bank, one of the three directors of the Bank appointed by the Board is designated by the Board as Chairman of the Board of Directors of the Bank and as Federal Reserve Agent. He acts as the Board's official representative and maintains a local office of the Board on the premises of the Federal Reserve Bank.

SEC. 5. *Delegations of authority.* The Board does not delegate any of its functions relating to rule-making or pertaining principally to monetary or credit policies or involving any questions of general policy. However, the Board delegates certain of its supervisory and other functions prescribed by statute or regulations of the Board to its members or employees or to the Federal Reserve Banks as provided in its Rules Regarding Delegation of Authority (12 CFR 265). In addition, the Board delegates to the Federal Reserve Banks certain functions not provided for by statute or regulations of the Board, including authority to extend the time within which certain transactions may be consummated, such as acquisitions of shares by bank holding companies, filing of annual reports by bank holding companies, establishments of branches by member banks and by foreign banking and financing corporations, and accomplishment of membership of State banks in the Federal Reserve System.

Dated at Washington, D.C., the 9th day of August 1967.

By order of the Board of Governors.

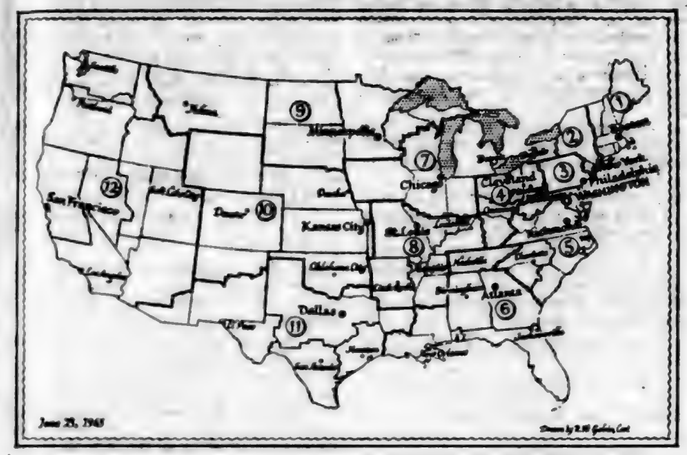
[SEAL] KENNETH A. KENYON, *Assistant Secretary*

APPENDIX

LIST OF FEDERAL RESERVE BANKS AND BRANCHES

Federal Reserve Bank	Address
Boston	30 Pearl St. (Boston, Mass. 02106)
New York	33 Liberty St. (New York, N.Y. 10045)
Buffalo Branch	160 Delaware Ave. (Buffalo, N.Y. 14240)
Philadelphia	925 Chestnut St. (Philadelphia, Pa. 19101)
Cleveland	1455 East Sixth St. (Post Office Box 6387, Cleveland, Ohio 44101)
Cincinnati Branch	105 West Fourth St. (Post Office Box 999, Cincinnati, Ohio 45201)
Pittsburgh Branch	717 Grant St. (Post Office Box 867, Pittsburgh, Pa. 15230)
Richmond	100 North Ninth St. (Richmond, Va. 23213)
Baltimore Branch	114–120 East Lexington St. (Baltimore, Md. 21203)
Charlotte Branch	401 South Tryon St. (Charlotte, N.C. 28201)
Atlanta	104 Marietta St. NW. (Atlanta, Ga. 30303)
Birmingham Branch	1801 Fifth Ave., North (Post Office Box 2574, Birmingham, Ala. 35203)
Jacksonville Branch	515 Julia St. (Post Office Box 929, Jacksonville, Fla. 32201)
Nashville Branch	301 Eighth Ave., North (Nashville, Tenn. 37203)
New Orleans Branch	525 St. Charles Ave. (Post Office Box 61630, New Orleans, La. 70160)
Chicago	230 South La Salle St. (Post Office Box 834, Chicago, Ill. 60690)
Detroit Branch	160 Fort St., West (Post Office Box 1059, Detroit, Mich. 48231)
St. Louis	411 Locust St. (Post Office Box 442, St. Louis, Mo. 63166)
Little Rock Branch	121 West Third St. (Post Office Box 1261, Little Rock, Ark. 72203)
Louisville Branch	410 South Fifth St. (Post Office Box 809, Louisville, Ky. 40201)
Memphis Branch	170 Jefferson St. (Post Office Box 407, Memphis, Tenn. 38101)
Minneapolis	73 South Fifth St. (Minneapolis, Minn. 55440)
Helena Branch	400 North Park Ave. (Helena, Mont. 59601)
Kansas City	925 Grand Ave. (Federal Reserve Station, Kansas City, Mo. 64198)
Denver Branch	1111 17th St. (Denver, Colo. 80217)
Oklahoma City Branch	226 Northwest Third St. (Post Office Box 25129, Oklahoma City, Okla. 73125)
Omaha Branch	102 South 17th St. (Omaha, Nebr. 68102)
Dallas	400 South Akard St. (Station K, Dallas, Tex. 75222)
El Paso Branch	301 East Main St. (Post Office Box 100, El Paso, Tex. 79999)
Houston Branch	1701 San Jacinto St. (Post Office Box 2578, Houston, Tex. 77001)
San Antonio Branch	210 West Nueva St. (Post Office Box 1471, San Antonio, Tex. 78296)
San Francisco	400 Sansome St. (San Francisco, Calif. 94120)
Los Angeles Branch	409 West Olympic Blvd. (Post Office Box 2077, Los Angeles, Calif. 90054)
Portland Branch	915 Southwest Stark St. (Post Office Box 3436, Portland, Oreg. 97208)
Salt Lake City Branch	120 South State St. (Post Office Box 780, Salt Lake City, Utah 84110)
Seattle Branch	1015 Second Ave. (Post Office Box 3567, Seattle, Wash. 98124)

BOUNDARIES OF FEDERAL RESERVE DISTRICTS AND THEIR BRANCH TERRITORIES



THE FEDERAL RESERVE SYSTEM

Legend

—— Boundaries of Federal Reserve Districts —— Boundaries of Federal Reserve Branch Territories

○ Board of Governors of the Federal Reserve System

● Federal Reserve Bank Cities • Federal Reserve Branch Cities

[F.R. Doc. 67-9712; Filed, Aug. 18, 1967; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 9, 1967.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41095—*Chlorine to Charlotte and Chemway, N.C.* Filed by O. W. South, Jr., Agent (No. A5051), for interested rail carriers. Rates on chlorine, in tank-car loads, from Hopewell and Saltville, Va., to Charlotte and Chemway, N.C.

Grounds for relief—Market competition.

Tariff—Supplement 91 to Southern Freight Association, Agent, tariff ICC S–517.

FSA No. 41096—*Building Boards from Cody, Wyo.* Filed by Western Trunk Line Committee, Agent (No. A–3512), for interested rail carriers. Rates on building, wall, or insulating boards, in carloads, from Cody, Wyo., to points in western trunkline territory.

Grounds for relief—Market competition, modified short-line distance formula and grouping.

Tariff—Supplement 1 to Western Trunk Line Committee, Agent, tariff ICC A–4674.

FSA No. 41097—*Liquefied Petroleum Gas from Melstone, Mont.* Filed by Trans-Continental Freight Bureau, Agent (No. 445), for interested rail carriers. Rates on liquefied petroleum gas, in tank-car loads, from Melstone, Mont., to points in southwestern and western trunkline territories.

Grounds for relief—Market competition.

Tariff—Supplement 38 to Trans-Continental Freight Bureau, Agent, tariff ICC 1741.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-9792; Filed, Aug. 18, 1967; 8:47 a.m.]

[S.O. 994; ICC Order 1]

CHICAGO, ROCK ISLAND, AND PACIFIC RAILROAD CO.

Rerouting and Diversion of Traffic

In the opinion of R. D. Pfahler, Agent, the Chicago, Rock Island, and Pacific Railroad Co. is unable to transport traffic routed over its line between Shumaker, Ark., and Shumaker Ordnance Plant, Ark., because of track conditions.

It is ordered, That:

(a) Rerouting traffic: The Chicago, Rock Island, and Pacific Railroad Co. is unable to transport traffic routed over its line between Shumaker, Ark., and Shumaker Ordnance Plant, Ark., because of track conditions. This carrier and its connections are hereby authorized to reroute or divert such traffic over any available route to expedite the movement. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 11:59 p.m., August 16, 1967.

(g) Expiration date: This order shall expire at 11:59 p.m., September 30, 1967, unless otherwise modified, changed or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as Agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., August 16, 1967.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 67-9793; Filed, Aug. 18, 1967; 8:47 a.m.]

[S.O. 994; ICC Order 2]

FRANKFORT & CINCINNATI RAILROAD CO.

Rerouting and Diversion Traffic

In the opinion of R. D. Pfahler, Agent, the Frankfort & Cincinnati Railroad Co. is unable to transport traffic routed over its line because of work stoppage and having placed an embargo on all freight destined to stations on its line from Hailey, Ky., to Paris, Ky., inclusive.

It is ordered, That:

(a) Rerouting traffic. Because of work stoppage and having placed an embargo, the Frankfort & Cincinnati Railroad Co. being unable to transport traffic in accordance with shippers' routing, is hereby authorized to reroute or divert such traffic over any available route to expedite the movement. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained. The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted before the rerouting or diversion is ordered.

(c) Notification to shippers. Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 11:59 p.m., August 16, 1967.

(g) Expiration date: This order shall expire at 11:59 p.m., October 31, 1967, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as Agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., August 16, 1967.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 67-9794; Filed, Aug. 18, 1967; 8:47 a.m.]

[S.O. 994; ICC Order 3]

SOUTHERN INDUSTRIAL RAILROAD, INC.

Rerouting and Diversion of Traffic

In the opinion of R. D. Pfahler, Agent, the Southern Industrial Railroad, Inc., is unable to transport traffic routed over its line via Moravia and Trask, Iowa, because of track conditions.

It is ordered, That:

(a) Rerouting traffic: The Southern Industrial Railroad, Inc., and its connections, being unable to transport traffic routed over its line via Moravia and Trask, Iowa, because of track conditions, are hereby authorized to reroute or divert such traffic over any available route to expedite the movement. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 11:59 p.m., August 16, 1967.

(g) Expiration date: This order shall expire at 11:59 p.m., August 31, 1967, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as Agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., August 16, 1967.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 67-9795; Filed, Aug. 18, 1967; 8:47 a.m.]

[S.O. 994; ICC Order 4]

CHICAGO, BURLINGTON & QUINCY RAILROAD CO.

Rerouting and Diversion of Traffic

In the opinion of R. D. Pfahler, Agent, the Chicago, Burlington & Quincy Railroad Co. is unable to transport traffic to and from Savannah, Missouri, because of damage to a bridge at Rosendale, Mo.

It is ordered, That:

(a) Rerouting traffic: The Chicago, Burlington & Quincy Railroad Co., being unable to transport traffic to and from Savannah, Missouri, because of damage to a bridge at Rosendale, Mo., that carrier and its connections are hereby authorized to reroute or divert such traffic over any available route to expedite the movement. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 11:59 p.m., August 16, 1967.

(g) Expiration date: This order shall expire at 11:59 p.m., October 31, 1967, unless otherwise modified, changed or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as Agent of all railroads subscribing to the car service and per diem agreement under the terms of the agreement and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., August 16, 1967.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 67-9796; Filed, Aug. 18, 1967; 8:47 a.m.]

[Notice 25]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 16, 1967.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 279), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-69482. By order of August 4, 1967, Division 3, acting as an appellate division, approved the transfer to McGuire Lumber & Supply, Inc., Wylliesburg, Va., of the operating rights in certificate No. MC-16672, issued August 16, 1961, to the Tobacco Trail Transport, Inc., La Plata, Md., authorizing the transportation, over irregular routes, of lumber from South Boston, Va., and points within 35 miles thereof, to Pittsburgh, Pa., and points in Pennsylvania, Ohio, and West Virginia within 75 miles of Pittsburgh, restricted against transportation from Drakes Branch, Va., to Pittsburgh, Pa., and points in Pennsylvania and West Virginia within 75 miles of Pittsburgh. William Graham Boyce, Jr., 1520 Fidelity Building, Baltimore, Md., attorney for transferor.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-9836; Filed, Aug. 18, 1967; 8:49 a.m.]

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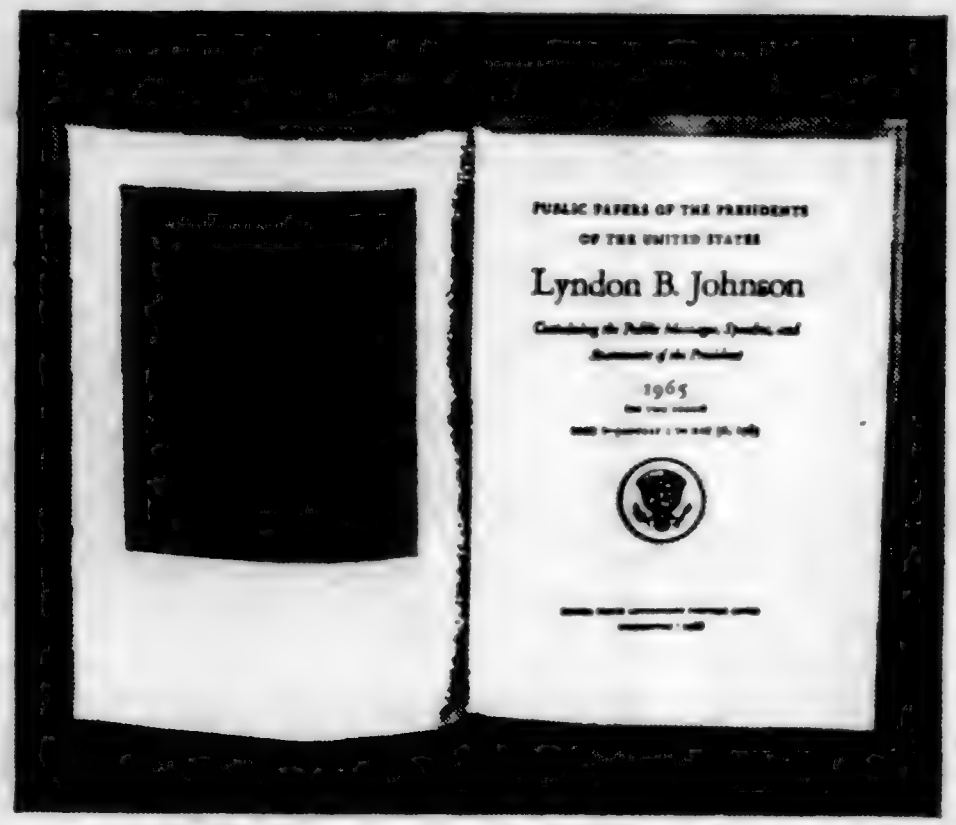
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162

FEDERAL REGISTER

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THE UNIVERSITY OF MICHIGAN

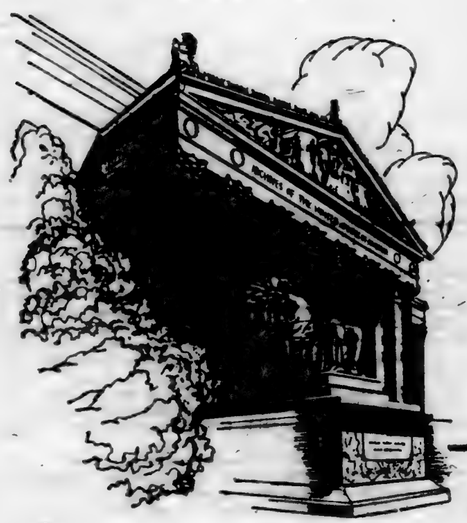
AUG 29 1967

MAIN READING ROOM

Agencies in this issue—

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Atomic Energy Commission
Civil Aeronautics Board
Commerce Department
Commodity Credit Corporation
Consumer and Marketing Service
Federal Aviation Administration
Federal Communications Commission
Fish and Wildlife Service
Food and Drug Administration
Health, Education, and Welfare Department
Interior Department
Interstate Commerce Commission
Land Management Bureau
National Park Service
Securities and Exchange Commission

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Title 3—THE PRESIDENT

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THIRTIETH ANNIVERSARY OF THE BONNEVILLE PROJECT ACT

By the President of the United States of America

A Proclamation

Until the 20th of August 1937, the great Columbia River System was an untamed, untapped resource.

On that day, President Franklin D. Roosevelt signed the Bonneville Project Act—and a new era began in the Pacific Northwest.

Within a few years after its creation, the Bonneville system was providing power for the aircraft factories, the shipyards, and other critical industries of World War II.

Now, thirty years later, the Bonneville Power Administration is the Nation's largest hydroelectric utility. It utilizes twenty-one Federal dams, and nine more are under construction.

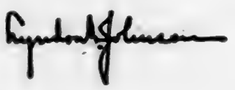
Today—through the facilities of the Bonneville Power Administration—Pacific Northwest families use more than ten times as much electricity as they did in 1940.

In the future, Bonneville will play a central role in complex power systems extending from the Canadian Treaty dams in British Columbia to Southern California and Arizona.

It is appropriate that Americans should celebrate the thirtieth anniversary of an Act that has contributed so greatly to our economic development.

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby proclaim August 20, 1967, as Bonneville Project Day. I urge State and local public officials, industrial leaders, the press, and all private citizens in the Pacific Northwest and around the Nation to join in observing the Bonneville anniversary.

IN WITNESS WHEREOF, I have hereunto set my hand this eighteenth day of August in the year of our Lord nineteen hundred and sixty-seven, and of the Independence of the United States of America the one hundred and ninety-second.



THE WHITE HOUSE

[F.R. Doc. 67-9915; Filed, Aug. 21, 1967; 9:52 a.m.]

Executive Order 11367

PLACING AN ADDITIONAL POSITION IN LEVEL IV OF THE FEDERAL EXECUTIVE SALARY SCHEDULE

By virtue of the authority vested in me by section 5317 of title 5 of the United States Code, as amended, and as President of the United States, section 1 of Executive Order No. 11248 of October 10, 1965, as amended, is further amended by adding thereto the following:

(5) Assistant Director for Executive Management, Bureau of the Budget, Executive Office of the President.

THE WHITE HOUSE,
August 18, 1967.

[F.R. Doc. 67-9916; Filed, Aug. 21, 1967; 9:52 a.m.]

Rules and Regulations

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER B—HUNTING AND POSSESSION OF WILDLIFE

PART 10—MIGRATORY BIRDS

Open Seasons, Bag Limits, and Possession of Certain Migratory Game Birds

Section 10.53(b) of Title 50 CFR is revised to read as follows:

§ 10.53 Seasons and limits on waterfowl, coots, and Wilson's snipe.

• • • • •

(b) (1) A special open season for taking scoter, eider, and old-squaw ducks is prescribed during the period between September 25 and January 10 in all coastal waters and all waters of rivers and streams lying seaward from the first upstream bridge in the States of Maine, Massachusetts, New Hampshire, Rhode Island, and Connecticut; and in those coastal waters of New York State lying in Long Island and Block Island Sounds and the waters of Gardiner's Bay lying east of a line from the Long Beach Bay lighthouse to the most easterly point of Ram Head on Shelter Island to the Cedar Point light; including any coastal waters of New York lying south of Long Island; and the States of New Jersey, Maryland, and North Carolina in any waters of the Atlantic Ocean and/or in any tidal waters of any bay which are separated by at least 1 mile of open water from any shore, island and emergent vegetation: *Provided*, That any such areas have been described, delineated, and designated as special sea duck hunting areas under the hunting regulations adopted by the respective States. The daily shooting hours are from one-half hour before sunrise until sunset, and the daily bag limit is seven and the possession limit is 14, singly or in the aggregate of these species. In all other areas of these States and in all other States in the Atlantic Flyway, scoter, eider, and old-squaw ducks may be taken only during the open season for taking other ducks. During the open season on other ducks in all States in the Atlantic Flyway, a daily bag limit of seven and a possession limit of 14 scoter, eider, and old-squaw ducks, singly or in the aggregate of these species, are permitted in addition to the basic daily bag and possession limits prescribed for other ducks.

(2) Notwithstanding the provisions of § 10.3(b)(4), the shooting of crippled waterfowl from a motorboat under power will be permitted on those coastal water areas open to sea duck hunting during the special open season and all waters of rivers and streams lying seaward from the first upstream bridge in the States of Maine, Massachusetts, New Hampshire, Rhode Island, and Connecticut; and in those coastal waters of New York State lying in Long Island and Block Island Sounds and the waters of Gardiner's Bay lying east of a line from the Long Beach Bay lighthouse to the most easterly point of Ram Head on Shelter Island to the Cedar Point light, including any coastal waters of New York State lying south of Long Island; and the States of New Jersey, Maryland, and North Carolina, under the following conditions: Any person who cripples any migratory waterfowl while shooting from a fixed position may, within a 200-yard radius of such fixed position, pursue, shoot, and retrieve such crippled waterfowl from a motorboat under power.

• • • • •

This revision relieves an existing restriction and shall become effective on date of publication in the FEDERAL REGISTER.

JOHN S. GOTTSCHALK,
Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 17, 1967.

[F.R. Doc. 67-9844; Filed, Aug. 21, 1967; 8:48 a.m.]

SUBCHAPTER C—THE NATIONAL WILDLIFE REFUGE SYSTEM

PART 32—HUNTING

Wapanocca National Wildlife Refuge, Ark.

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Migratory Bird Conservation Act of February 18, 1929, as amended (45 Stat. 1222, 16 U.S.C. 715), and the Endangered Species Preservation Act of October 15, 1966 (80 Stat. 926, 16 U.S.C. 668aa), it is proposed to amend 50 CFR 32.11 by the addition of Wapanocca National Wildlife Refuge, Ark., to the list of areas open to the hunting of migratory game birds, as legislatively permitted.

It has been determined that the regulated hunting of migratory game birds may be permitted as designated on Wapanocca National Wildlife Refuge without detriment to the objectives for which the area was established.

Notice and public procedure on this amendment are deemed contrary to the public interest because of the proximity of the migratory game bird season in the State of Arkansas. Since the amendment benefits the public by allowing migratory game bird hunting on Wapanocca National Wildlife Refuge, it shall become effective upon publication in the FEDERAL REGISTER.

Section 32.11 is amended by the addition of the following area as one where hunting of migratory game birds is authorized:

§ 32.11 List of open areas; migratory game birds.

• • • • •

ARKANSAS

WAPANOCCA NATIONAL WILDLIFE REFUGE

• • • • •

JOHN S. GOTTSCHALK,
Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 17, 1967.

[F.R. Doc. 67-9812; Filed, Aug. 21, 1967; 8:45 a.m.]

PART 32—HUNTING

Washita National Wildlife Refuge, Okla.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

OKLAHOMA

WASHITA NATIONAL WILDLIFE REFUGE

The public hunting of quail and rabbits on the Washita National Wildlife Refuge, Okla., is permitted only on the areas designated by signs as open to hunting. This open area, comprising 1,560 acres, is delineated on maps available at refuge headquarters, Butler, Okla., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103.

Upland game hunting shall be in accordance with all applicable State regulations governing the hunting of quail and rabbits subject to the following special conditions:

(1) The open season for quail hunting on the refuge extends from November 20, 1967, through January 15, 1968, inclusive.

(2) The open season for rabbit hunting on the refuge extends from November 20, 1967, through January 15, 1968, inclusive. Hunting will be permitted only on Tuesdays, Thursdays, Saturdays, and national holidays.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 15, 1968.

LESLIE F. BEATY,
Refuge Manager, Washita National Wildlife Refuge, Butler, Okla.

AUGUST 4, 1967.

[F.R. Doc. 67-9013; Filed, Aug. 21, 1967; 8:45 a.m.]

PART 32—HUNTING

Necedah National Wildlife Refuge, Wis.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

WISCONSIN

NECEDAH NATIONAL WILDLIFE REFUGE

Public hunting of deer, coyote, fox, skunk, and raccoon on the Necedah National Wildlife Refuge, Wis., is permitted with bow and arrow from September 23 through November 12, 1967, and December 2 through December 31, 1967, and with firearms from November 18 through November 26, 1967, but only on those areas designated by signs as open to hunting. These open areas, comprising approximately 39,500 acres are delineated on a map available at the refuge headquarters, Necedah, Wis., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special condition:

(1) The carrying of firearms by bow hunters is prohibited.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1967.

EDWARD J. COLLINS,
Refuge Manager, Necedah National Wildlife Refuge, Necedah, Wis.

AUGUST 15, 1967.

[F.R. Doc. 67-9014; Filed, Aug. 21, 1967; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 15894; FCC 67-950]

PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

Authorization of Facilities; Memorandum Opinion and Order

In the matter of amendment of §§ 21.503 and 21.504(a) of the Commission's rules concerning the authorization of facilities in the 35–44 Mc/s, 152–162 Mc/s and 450–460 Mc/s bands allocated to the Domestic Public Land Mobile Radio Service.

1. On November 16, 1964, the Commission issued a notice of proposed rule making in the above-entitled matter which was duly published in the FEDERAL REGISTER (29 F.R. 15584, Nov. 20, 1964). It was proposed therein to amend certain sections of Part 21 of the Commission's rules and regulations to readjust the location of radio signal field strength contours within which base stations in various frequency bands in the Domestic Public Land Mobile Radio Service will be afforded protection from harmful cochannel electrical interference and within which consideration will be accorded claims of competitive economic injury. Comments were invited regarding these proposals on or before December 23, 1964, and January 22, 1965, was fixed as the date by which comments or briefs in reply should be submitted. Upon good cause shown in National Mobile Radio System's "Petition for Extension of Time" (filed Dec. 22, 1964), these filing dates were respectively extended to February 24, 1965 and March 22, 1965, by Commission order issued January 4, 1965, and published in the FEDERAL REGISTER (30 F.R. 155, Jan. 7, 1965). Written comments, which are hereinafter considered, were filed by American Telephone and Telegraph Co. (AT&T) and National Mobile Radio System (NMRS).

2. Both AT&T and NMRS comments strongly supported the Commission's rule making proposal. Generally, both desire assurance that proposed rules will be administered judiciously and that departures from these rules may be allowed for good cause in any specific case if the public interest, convenience and necessity would be served thereby.

3. Inasmuch as the proposed rule changes (§§ 21.503 and 21.504(a)) are intended to apply equally to miscellaneous common carriers and to wireline telephone companies, AT&T pointed out the propriety of also amending related § 21.502 to make it applicable to all common carriers in the Domestic Public Land Mobile Radio Service in lieu of its present limited applicability to miscellaneous common carriers only. The AT&T recommendation is accepted and § 21.502 is accordingly amended herein. In its comments directed at proposed § 21.503, AT&T indicated a need to amend the proposed rules to enable cochannel stations to be authorized at mileage separations less than those tabulated in § 21.503 in cases where transmitting antennas are employed, which do not have uniform radiation characteristics in all directions in the horizontal plane. We agree in principle and therefore § 21.502 is also amended to show that the classification of a base station in any specific direction is dependent upon the combination of effective radiated power and the transmitting antenna height above average terrain in that direction. Thus, a base station using an antenna with a directional radiation pattern is a station of changing classification, the class changing with changes in the azimuth of the radiated signal. Since the rule modifications herein being made in § 21.502 are directly related to the matter under consideration in this proceeding and are editorial in nature, public rule making procedure is not required with regard to § 21.502 prior to adoption of the changes indicated.

4. In commenting on proposed § 21.503, AT&T expressed concern that no deviation from the tabulated minimum mileage separations specified therein could be permitted except in situations where unusual propagation conditions are involved. We do not agree. Consideration will be given to requests for short-spacing between cochannel base stations where the applicant can conclusively show that service required to be rendered cannot be provided in conformity with engineering criteria specified by the rules and that the authorization of the short-spaced station will be in the public interest, convenience and necessity. Because the factors in support of any requests for short-spaced station authorizations vary considerably from case to case, it is not practicable to set forth in a rule the situations where short-spacing will be permitted. Each case must be judged upon its own merit and will be considered only in instances where an appropriate request for rule waiver is submitted in compliance with § 21.20(b).

5. NMRS in its request urges that the Commission set forth a declaration of policy in specific language in the proposed rule amendments to indicate "its willingness to consider other engineering criteria in individual cases, which clearly justify determinations at variance from the criteria of the Carey Report". Further, with respect to the proposed § 21.504, NMRS suggests that where a more reliable technical standard (for defining the service areas of a base station for purposes of affording protection against harmful cochannel electrical interference and for defining the area within which consideration will be accorded claims of competitive economic injury) can be demonstrated, the Commission should be receptive to such a showing, provided it does not depend solely upon the preference or unexplained conclusions of the carrier. The NMRS proposal for a Commission declaration of policy with respect to these matters is rejected in light of the provisions of § 21.20(b) which assures that consideration will be given to all requests for rule waivers which are properly made. However, to be meaningful, we expect such requests to be supported by extensive quantitative engineering field strength measurement data gathered over a significant geographic area and covering a substantial time period within each of the four seasons of the year. We wish to stress that requests for waivers of our rules should be submitted only in the most exceptional circumstances.

6. AT&T pointed out the desirability of incorporating into § 21.504 the radio wave propagation curves upon which the instant rule making is predicated. We concur, and § 21.504(b) is herein amended accordingly.

7. The instant rule making did not propose to amend § 21.506 to effect a change in the maximum permissible effective radiated power of base stations. Therefore, AT&T's request in the proceeding that the maximum permissible effective radiated power for base stations in the 450–460 Mc/s band be raised to provide communication range equivalent to that obtainable from a base station operating with 500 watts effective radiated power in the 152–162 Mc/s band is beyond the scope of this proceeding. Similarly, AT&T's recommendation that the 43 decibels above one microvolt per meter service contour for base stations providing one-way signaling service be made applicable to the 35–44 Mc/s band only is also outside the scope of the instant proceeding. Accordingly, such request and recommendation are not considered herein. We do not mean to suggest that we would not give favorable consideration to constructive proposals submitted in an appropriate rule making petition proposing higher power and other field strengths for certain bands of frequencies provided that sufficient engineering data is supplied to support such a proposal.

8. In connection with the adoption of the attached Memorandum Opinion and Order, the Commission notes that Working Group No. 5 of the Advisory Committee for Land Mobile Radio Services has compiled a report which contains, among other things, radio wave propagation charts that are not in exact agreement with the charts which we are now adopting for Part 21 of our rules. When that report is filed with the Commission, it will be given due consideration in determining whether further amendment of Part 21 is necessary. However, we believe that the adoption of the Part 21 rule changes proposed at this time will not be an obstacle in further rule changes should this appear desirable.

9. Authority for the amendments adopted herein is contained in sections 4(i), 4(j), 303(r), and 409(c) of the Communications Act of 1934, as amended. *Accordingly, it is ordered*, Effective September 22, 1967, that §§ 21.502, 21.503, 21.504(a) and 21.504(b) of the rules and regulations are amended as set forth below, and that this proceeding is terminated.

(Secs. 4, 303, 409, 48 Stat. as amended, 1066, 1082, 1096; 47 U.S.C. 154, 303, 309)

Adopted: August 9, 1967.

Released: August 15, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

1. Section 21.502 is amended to read as follows:

§ 21.502 Classification of base stations.

Base stations in the Domestic Public Land Mobile Radio Service shall be classified, as set forth below, according to their transmitting antenna height above average terrain in any particular direction and according to their effective radiated power in the horizontal plane of the antennas in that direction.

Antenna height above average terrain (feet)	Class of station				
400 to 500	C	B	B	A	A
300 to 400	C	C	B	B	A
200 to 300	D	C	C	B	B
100 to 200	D	D	C	C	B
0 to 100	E	D	D	C	C
	30	60	120	250	500
	Effective radiated power (watts).				

2. Section 21.503 is amended to read as follows:

§ 21.503 Geographical separation of co-channel stations.

(a) Base stations engaged in two-way communications, employing frequency modulation or phase modulation and operating cochannel in this service, shall normally be separated by not less than the distances shown below:

Class of station in the band 35–44 Mc/s	Minimum mileage separation between co-channel stations				
A	105				
B	99	92			
C	93	87	76		
D	88	81	70	68	
E	82	75	65	52	40
	A	B	C	D	E
	Class of station				

Class of station in the band 152–162 Mc/s	Minimum mileage separation between co-channel stations				
A	83				
B	78	72			
C	73	67	55		
D	69	62	54	43	
E	65	59	50	39	29
	A	B	C	D	E
	Class of station				

Class of station in the band 450–460 Mc/s	Minimum mileage separation between co-channel stations				
A	73				
B	68	59			
C	66	56	43		
D	63	53	41	38	
E	60	51	38	35	27
	A	B	C	D	E
	Class of station				

(b) In any particular case, where it appears that unusual radio wave propagation conditions are involved, the Commission may require greater separation than indicated in the tables in paragraph (a) of this section, or make assignments at lesser station spacing. Reference may be made to § 73.611(d) of this chapter for methods of computing mileage separation between station locations.

3. Section 21.504 is amended to read as follows:

§ 21.504 Service area of base station.

(a) The limits of reliable service area of a base station engaged in two-way communication service with mobile stations are considered to be described by a field strength contour of 31 decibels above one microvolt per meter for stations operating on frequencies in the 35–44 Mc/s band, 37 decibels above one microvolt per meter for stations operating on frequencies in the 152–162 Mc/s band, and 39 decibels above one microvolt per meter for stations operating on frequencies in the 450–460 Mc/s band. The limits of reliable service area of a base station engaged in one-way signaling service is considered to be 43 decibels above one microvolt per meter. Service within such areas is generally expected to have an average reliability of not less than 90 percent.

(b) The field strength contours described in paragraph (a) of this section shall be regarded as determining the limits of the reliable service area of the related base stations for the purpose of providing protection to such stations from co-channel electrical harmful interference and defining the area within which consideration will be accorded claims of economic competitive injury. The following F(50,50) radio wave propagation charts shall be used in connection with making such determinations, and shall be used in combination with the following F(50,10) radio wave propagation charts in the determination of areas of harmful interference between co-channel stations:

[1] Commissioners Loevinger, Wadsworth, and Johnson absent.

Figure 1 (§21.304(b))

35 – 162 Mc/s FIELD STRENGTH F(50,50)

H_1 AS INDICATED H_r = 6 FEET

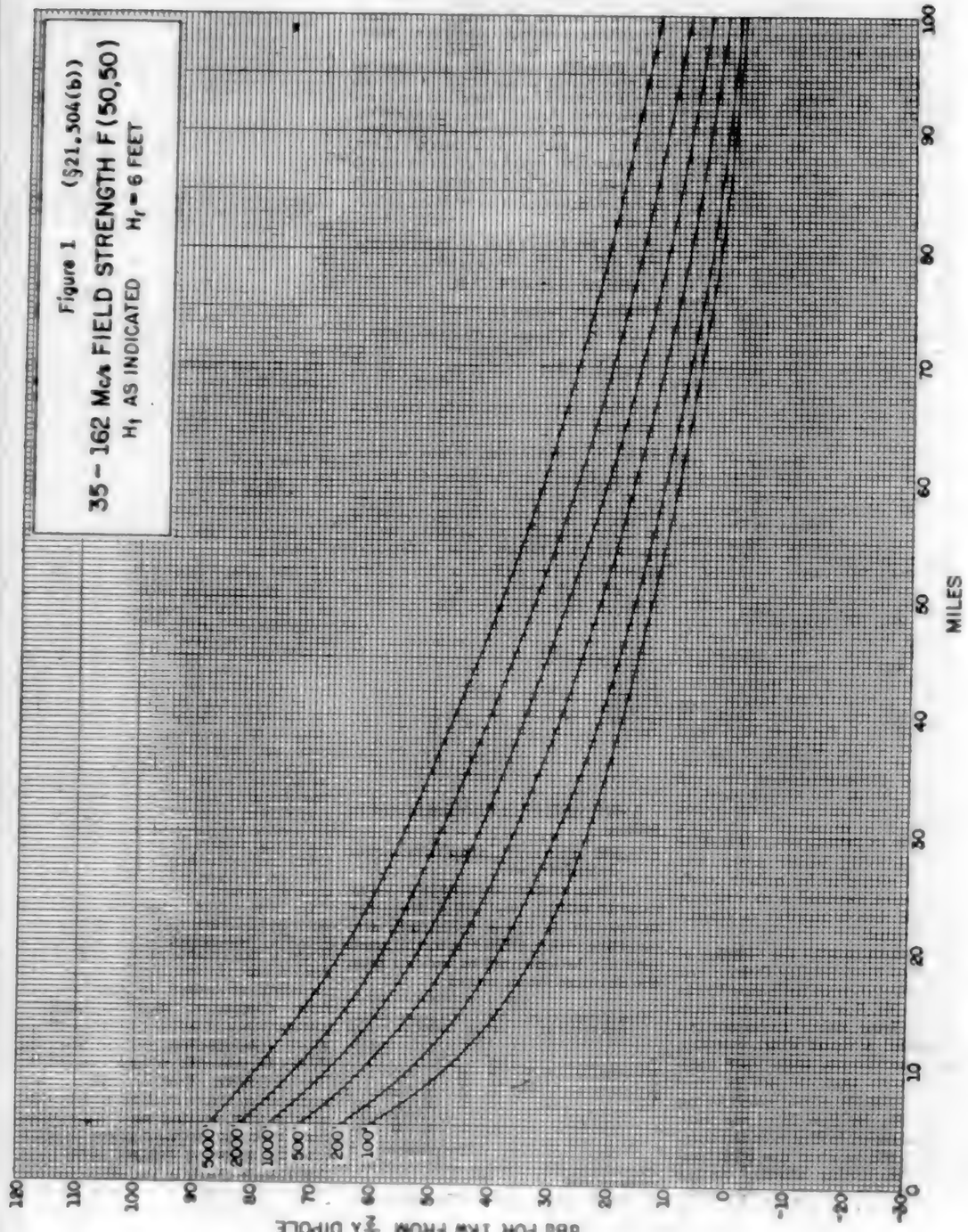


Figure 2 (§21.304(b))

35 – 162 Mc/s FIELD STRENGTH F(50,10)

H_1 AS INDICATED H_r = 6 FEET

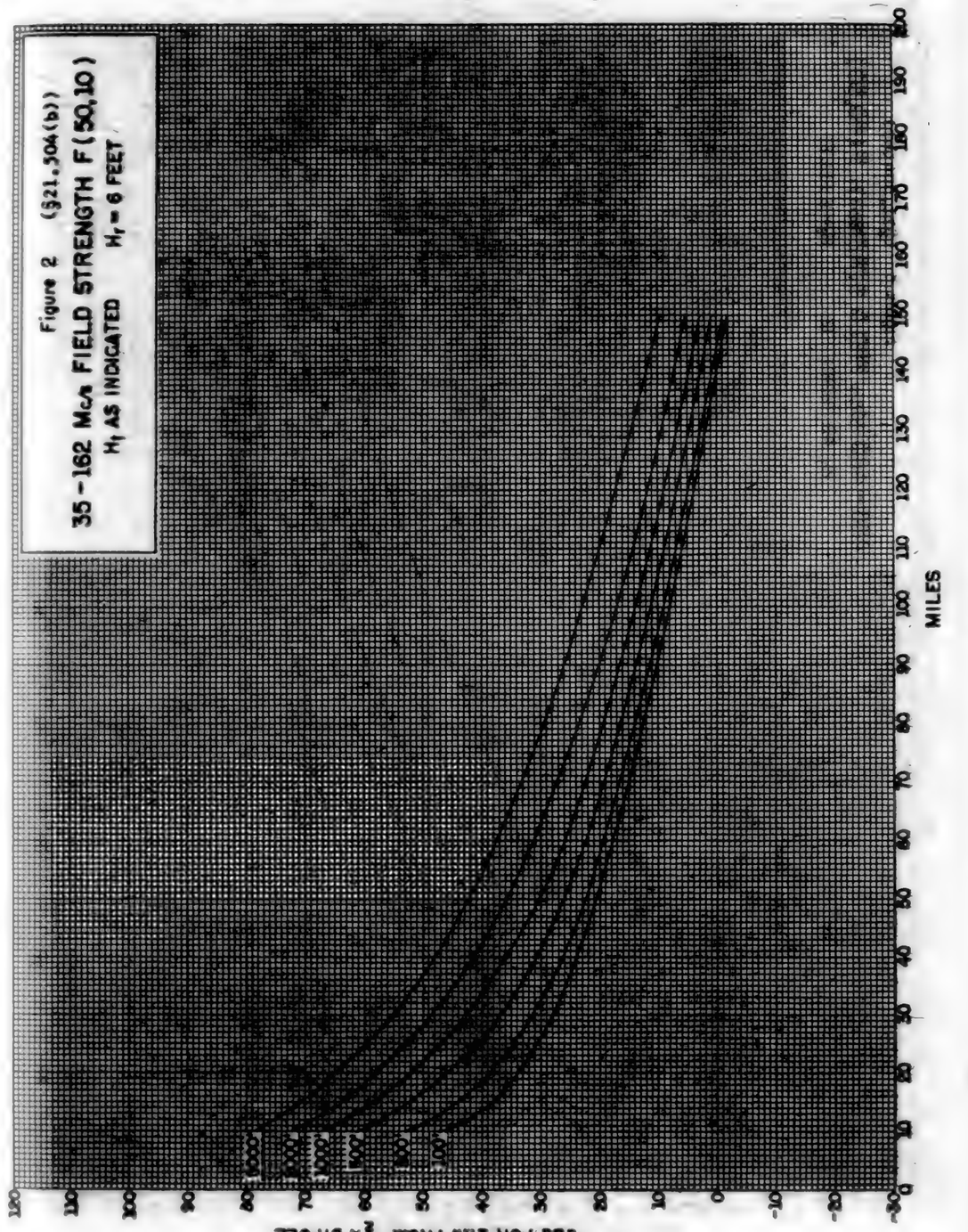


Figure 3 (§21.304(b))

450–460 Mc/s FIELD STRENGTH F(50,50)

H_t AS INDICATED H_r=6 FEET

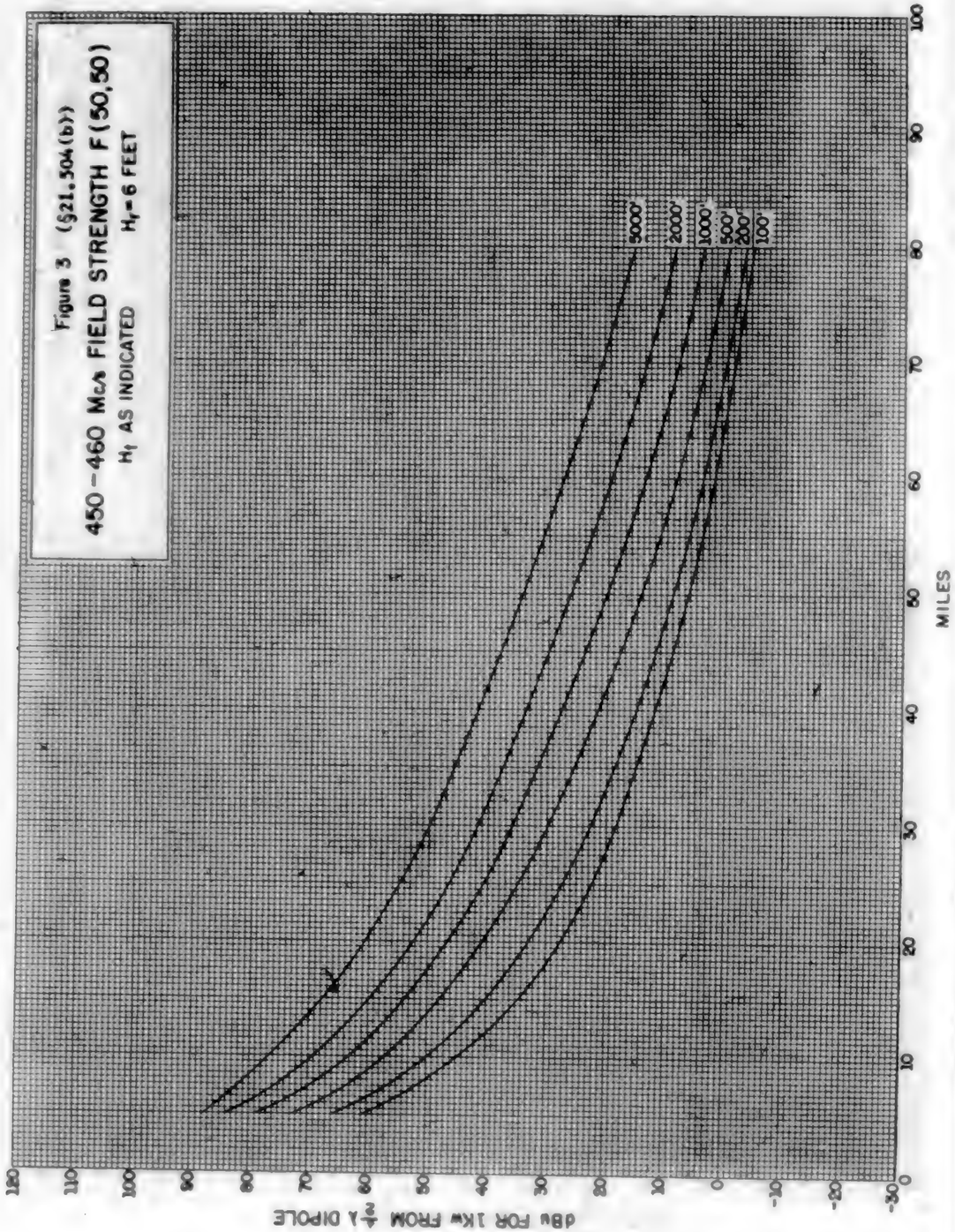
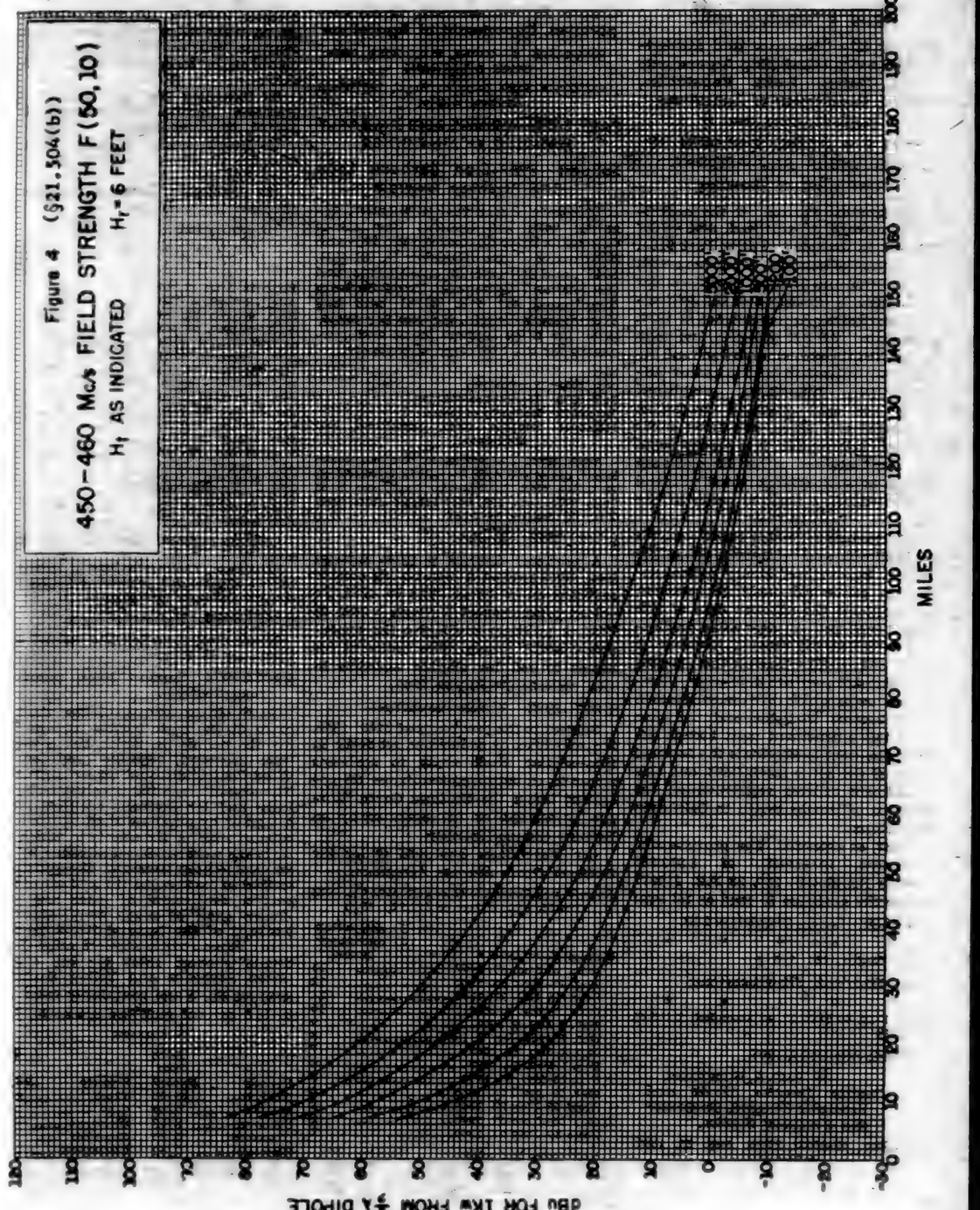


Figure 4 (§21.304(b))

450–460 Mc/s FIELD STRENGTH F(50,10)

H_t AS INDICATED H_r=6 FEET



[F.R. Doc. 67-9754; Filed, Aug. 21, 1967; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lemon Reg. 280, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553 (1966)) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b)(1)(ii) of § 910.580 (Lemon Regulation 280, 32 F.R. 11697) are hereby amended to read as follows:

§ 910.580 Lemon Regulation 280.

* * * * *

(b) *Order.* (1) * * *

(ii) District 2: 279,000 cartons;

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 17, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-9642; Filed, Aug. 21, 1967; 8:47 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1967-Crop Soybean Supp.]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1967-Crop Soybean Loan and Purchase Program

This annual crop year supplement, together with the General Regulations Governing Price Support for the 1964 and Subsequent Crops (Revision 1) (31 F.R. 5941), and any amendments thereto, and the 1966 and Subsequent Crops Soybean Supplement (31 F.R. 6013), and any amendments thereto, contain the provisions for price support loans and purchases for the 1967-crop of soybeans.

Sec.
1421.2971 Availability.
1421.2972 Warehouse charges.
1421.2973 Maturity of loans.
1421.2974 Support rates, premiums, and discounts.

AUTHORITY: The provisions of this subpart issued under sec. 4, 62 Stat. 1070 as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 203, 301, 401, 63 Stat. 1054; 7 U.S.C. 1446(d), 1447,1421.

§ 1421.2971 Availability.

A producer desiring a price support loan must request a loan on his eligible soybeans on or before June 30, 1968. To obtain price support through a sale to CCC, a producer must give the appropriate ASCS county office notice of his intent to sell his eligible soybeans to CCC on or before July 31, 1968.

§ 1421.2972 Warehouse charges.

Subject to the provisions of § 1421.2958, the schedules of deductions set forth in this section shall apply to soybeans stored in an approved warehouse (i) operating under the Uniform Grain Storage Agreement, or (ii) operated by an Eastern common carrier.

(a) *Warehouses approved under the Uniform Grain Storage Agreement.*

SCHEDULE OF DEDUCTIONS FOR STORAGE CHARGES FOR MATURITY DATE OF JULY 31, 1968

Storage start date: [1]	Deduction (cents per bushel)
Prior to Aug. 17, 1967	13
Aug. 17–Sept. 13, 1967	12
Sept. 14–Oct. 11, 1967	11
Oct. 12–Nov. 8, 1967	10
Nov. 9–Dec. 6, 1967	9
Dec. 7, 1967–Jan. 3, 1968	8
Jan. 4–Jan. 31, 1968	7
Feb. 1–Feb. 28, 1968	6
Feb. 29–Mar. 27, 1968	5
Mar. 28–April 24, 1968	4
April 25–May 22, 1968	3
May 23–June 19, 1968	2
June 20–July 31, 1968	1

[1] All dates inclusive.

(b) *Warehouses operated by Eastern common carriers.* (1) Eligible soybeans stored in the following approved Eastern common carrier warehouses may be placed under loan or offered for sale to CCC:

(i) Canadian National Railway Co., Portland Elevator, Warehouse Code 9–2101, Portland, Maine.

(ii) Pennsylvania Railroad Co., Canton Elevator, Warehouse Code 9–2151, Baltimore, Md.

(2) Schedule of deductions for storage charges:

Maturity date of July 31, 1968 [1]

	Deduction (cents per bushel) [2]
Prior to Aug. 17, 1967	18
Aug. 17–Sept. 5, 1967	17
Sept. 6–Sept. 25, 1967	16
Sept. 26–Oct. 15, 1967	15
Oct. 16–Nov. 4, 1967	14
Nov. 5–Nov. 24, 1967	13
Nov. 25–Dec. 14, 1967	12
Dec. 15, 1967–Jan. 3, 1968	11
Jan. 4–Jan. 23, 1968	10
Jan. 24–Feb. 12, 1968	9
Feb. 13–Mar. 3, 1968	8
Mar. 4–Mar. 23, 1968	7
Mar. 24–Apr. 12, 1968	6
Apr. 13–May 2, 1968	5
May 3–May 22, 1968	4
May 23–June 11, 1968	3
June 12–July 1, 1968	2
July 2–July 31, 1968	1

[1] Storage commence date, all dates inclusive.

[2] Deduction shall be reduced by 2 cents per bushel if producer presents evidence that elevation charges were prepaid.

§ 1421.2973 Maturity of loans.

Loans mature on demand but not later than July 31, 1968.

§ 1421.2974 Support rates, premiums and discounts.

Farm-stored soybean loans shall be made at the basic county support rate for the county in which the soybeans were produced, adjusted only for the Weed Control discount where applicable. The support rate for warehouse-storage loans and for soybeans acquired under a loan or by purchase shall be the basic support rate for the county in which the soybeans were produced adjusted by the applicable premiums and discounts prescribed in paragraphs (b) and (c) of this section. Settlement of loans and purchases shall be made as provided in § 1421.72 of the General Regulations.

(a) *Basic county support rates.* Basic county support rates for the classes Green Soybeans and Yellow Soybeans grading No. 2 and containing from 13.8 to 14.0 percent moisture are as follows:

ALABAMA

County	Rate per Bushel	County	Rate per Bushel
Baldwin	$2.55	Clark	$2.52
Blount	2.50	Clay	2.50
Calhoun	2.50	Cleburne	2.50
Cherokee	2.50	Conecuh	2.51
Choctaw	2.50	Covington	2.50

ALABAMA—Continued

County	Rate per Bushel	County	Rate per Bushel
Cullman	$2.49	Marshall	$2.50
DeKalb	2.50	Mobile	2.50
Escambia	2.55	Monroe	2.50
Etowah	2.50	Morgan	2.49
Jackson	2.50	Randolph	2.50
Jefferson	2.49	St. Clair	2.49
Lauderdale	2.49	Talladega	2.50
Lawrence	2.48	Washington	2.52
Limestone	2.49	Wilcox	2.50
Madison	2.50	All other counties	2.45
Marengo	2.50		

ARIZONA

All counties	$2.36

ARKANSAS

Arkansas	$2.54	Lawrence	$2.52
Ashley	2.51	Lee	2.54
Baxter	2.48	Lincoln	2.53
Benton	2.44	Little River	2.46
Boone	2.46	Logan	2.46
Bradley	2.50	Lonoke	2.53
Calhoun	2.49	Madison	2.45
Carroll	2.45	Marion	2.47
Chicot	2.52	Miller	2.46
Clark	2.48	Mississippi	2.54
Clay	2.53	Monroe	2.54
Cleburne	2.50	Montgomery	2.46
Cleveland	2.51	Nevada	2.47
Columbia	2.48	Newton	2.46
Conway	2.49	Ouachita	2.49
Craighead	2.54	Perry	2.49
Crawford	2.45	Phillips	2.54
Crittenden	2.54	Pike	2.49
Cross	2.54	Poinsett	2.54
Dallas	2.49	Polk	2.48
Desha	2.54	Pope	2.49
Drew	2.52	Prairie	2.53
Faulkner	2.50	Pulaski	2.51
Franklin	2.48	Randolph	2.53
Fulton	2.50	St. Francis	2.54
Garland	2.49	Saline	2.49
Grant	2.51	Scott	2.45
Greene	2.53	Searcy	2.48
Hempstead	2.48	Sebastian	2.45
Hot Spring	2.49	Sevier	2.45
Howard	2.45	Sharp	2.51
Independence	2.52	Stone	2.50
Izard	2.50	Union	2.49
Jackson	2.53	Van Buren	2.49
Jefferson	2.53	Washington	2.45
Johnson	2.47	White	2.53
Lafayette	2.48	Woodruff	2.53
		Yell	2.47

CALIFORNIA

All counties	$2.36

DELAWARE

Kent	$2.51	Sussex	$2.50
New Castle	2.50		

FLORIDA

Escambia	$2.57	All other counties	$2.45
Okaloosa	2.47		
Santa Rosa	2.49		

GEORGIA

All counties	$2.49

ILLINOIS

Adams	$2.52	Coles	$2.56
Alexander	2.53	Cook	2.57
Bond	2.55	Crawford	2.54
Boone	2.53	Cumberland	2.56
Brown	2.53	De Kalb	2.55
Bureau	2.53	De Witt	2.56
Calhoun	2.53	Douglas	2.56
Carroll	2.53	Du Page	2.56
Cass	2.54	Edgar	2.56
Champaign	2.56	Edwards	2.53
Christian	2.56	Effingham	2.56
Clark	2.55	Fayette	2.56
Clay	2.54	Ford	2.56
Clinton	2.53	Franklin	2.51

ILLINOIS—Continued

County	Rate per Bushel	County	Rate per Bushel
Fulton	$2.50	Mercer	$2.50
Gallatin	2.50	Monroe	2.52
Greene	2.54	Montgomery	2.55
Grundy	2.56	Morgan	2.53
Hamilton	2.51	Moultrie	2.56
Hancock	2.50	Ogle	2.56
Hardin	2.50	Peoria	2.54
Henderson	2.53	Perry	2.52
Henry	2.53	Piatt	2.56
Iroquois	2.56	Pike	2.53
Jackson	2.53	Pope	2.53
Jasper	2.55	Pulaski	2.51
Jefferson	2.50	Putnam	2.52
Jersey	2.53	Randolph	2.53
Jo Daviess	2.51	Richland	2.55
Johnson	2.51	Rock Island	2.53
Kane	2.55	St. Clair	2.54
Kankakee	2.55	Saline	2.53
Kendall	2.54	Sangamon	2.55
Knox	2.54	Schuyler	2.53
Lake	2.53	Scott	2.54
LaSalle	2.56	Shelby	2.56
Lawrence	2.52	Stark	2.54
Lee	2.56	Stephenson	2.51
Livingston	2.56	Tazewell	2.55
Logan	2.56	Union	2.53
McDonough	2.55	Vermilion	2.56
McHenry	2.54	Wabash	2.51
McLean	2.56	Warren	2.53
Macon	2.56	Washington	2.53
Macoupin	2.55	Wayne	2.52
Madison	2.54	White	2.50
Marion	2.56	Whiteside	2.53
Marshall	2.53	Will	2.56
Mason	2.54	Williamson	2.51
Massac	2.49	Winnebago	2.52
Menard	2.56	Woodford	2.55

INDIANA

Adams	$2.51	Lawrence	$2.51
Allen	2.52	Madison	2.50
Bartholomew	2.50	Marion	2.51
Benton	2.53	Marshall	2.52
Blackford	2.50	Martin	2.51
Boone	2.51	Miami	2.50
Brown	2.50	Monroe	2.51
Carroll	2.52	Montgomery	2.52
Cass	2.51	Morgan	2.51
Clark	2.48	Newton	2.52
Clay	2.52	Noble	2.52
Clinton	2.52	Ohio	2.48
Crawford	2.48	Orange	2.49
Daviess	2.51	Owen	2.51
Dearborn	2.48	Parke	2.52
Decatur	2.50	Perry	2.48
De Kalb	2.52	Pike	2.50
Delaware	2.50	Porter	2.56
Dubois	2.49	Posey	2.50
Elkhart	2.52	Pulaski	2.54
Fayette	2.50	Putnam	2.52
Floyd	2.48	Randolph	2.50
Fountain	2.52	Ripley	2.48
Franklin	2.49	Rush	2.50
Fulton	2.52	St. Joseph	2.52
Gibson	2.51	Scott	2.48
Grant	2.50	Shelby	2.50
Greene	2.52	Spencer	2.48
Hamilton	2.51	Starke	2.54
Hancock	2.50	Steuben	2.52
Harrison	2.48	Sullivan	2.52
Hendricks	2.51	Switzerland	2.48
Henry	2.50	Tippecanoe	2.53
Howard	2.51	Tipton	2.52
Huntington	2.51	Union	2.50
Jackson	2.50	Vanderburgh	2.50
Jasper	2.53	Vermillion	2.55
Jay	2.50	Vigo	2.54
Jefferson	2.48	Wabash	2.50
Jennings	2.48	Warren	2.55
Johnson	2.50	Warrick	2.49
Knox	2.52	Washington	2.48
Kosciusko	2.52	Wayne	2.50
Lagrange	2.52	Wells	2.51
Lake	2.57	White	2.54
La Porte	2.54	Whitley	2.52

IOWA

County	Rate per Bushel	County	Rate per Bushel
Adair	$2.46	Jefferson	$2.46
Adams	2.46	Johnson	2.50
Allamakee	2.47	Jones	2.50
Appanoose	2.47	Keokuk	2.49
Audubon	2.48	Kossuth	2.46
Benton	2.50	Lee	2.50
Black Hawk	2.49	Linn	2.50
Boone	2.47	Louisa	2.50
Bremer	2.47	Lucas	2.47
Buchanan	2.49	Lyon	2.44
Buena Vista	2.46	Madison	2.46
Butler	2.47	Mahaska	2.48
Calhoun	2.46	Marion	2.48
Carroll	2.46	Marshall	2.48
Cass	2.48	Mills	2.44
Cedar	2.50	Mitchell	2.48
Cerro Gordo	2.48	Monona	2.44
Cherokee	2.48	Monroe	2.47
Chickasaw	2.48	Montgomery	2.44
Clarke	2.46	Muscatine	2.51
Clay	2.46	O'Brien	2.45
Clayton	2.49	Osceola	2.45
Clinton	2.51	Page	2.44
Crawford	2.45	Palo Alto	2.46
Dallas	2.47	Plymouth	2.44
Davis	2.48	Pocahontas	2.46
Decatur	2.48	Polk	2.48
Delaware	2.49	Pottawattamie	2.44
Des Moines	2.50	Poweshiek	2.49
Dickinson	2.45	Ringgold	2.45
Dubuque	2.49	Sac	2.46
Emmet	2.45	Scott	2.51
Fayette	2.48	Shelby	2.45
Floyd	2.46	Sioux	2.44
Franklin	2.47	Story	2.48
Fremont	2.44	Tama	2.49
Greene	2.46	Taylor	2.45
Grundy	2.48	Union	2.45
Guthrie	2.46	Van Buren	2.49
Hamilton	2.47	Wapello	2.48
Hancock	2.46	Warren	2.47
Hardin	2.48	Washington	2.49
Harrison	2.44	Wayne	2.47
Henry	2.49	Webster	2.47
Howard	2.46	Winnebago	2.46
Humboldt	2.46	Winneshiek	2.47
Ida	2.48	Woodbury	2.44
Iowa	2.50	Worth	2.46
Jackson	2.51	Wright	2.47
Jasper	2.49		

KANSAS

County	Rate per Bushel	County	Rate per Bushel
Allen	$2.49	Linn	$2.44
Anderson	2.49	Lyon	2.41
Atchison	2.44	Marion	2.40
Bourbon	2.49	Marshall	2.41
Brown	2.48	McPherson	2.39
Butler	2.40	Miami	2.44
Chase	2.40	Mitchell	2.39
Chautauqua	2.39	Montgomery	2.49
Cherokee	2.49	Morris	2.41
Clay	2.41	Nemaha	2.42
Cloud	2.40	Neosho	2.41
Coffey	2.42	Osage	2.42
Cowley	2.39	Osborne	2.38
Crawford	2.42	Ottawa	2.40
Dickinson	2.40	Pottawatomie	2.42
Doniphan	2.44	Reno	2.38
Douglas	2.43	Republic	2.40
Elk	2.40	Rice	2.38
Ellsworth	2.38	Riley	2.42
Franklin	2.43	Russell	2.38
Geary	2.41	Saline	2.39
Greenwood	2.41	Sedgwick	2.39
Harper	2.38	Shawnee	2.43
Harvey	2.39	Smith	2.38
Jackson	2.43	Sumner	2.38
Jefferson	2.42	Wabaunsee	2.42
Jewell	2.38	Washington	2.41
Johnson	2.44	Wilson	2.40
Kingman	2.38	Woodson	2.41
Labette	2.41	Wyandotte	2.44
Leavenworth	2.44	All other counties	2.37
Lincoln	2.39		

KENTUCKY

County	Rate per Bushel	County	Rate per Bushel
Ballard	$2.50	Hickman	$2.50
Boone	2.48	Jefferson	2.49
Bracken	2.48	Kenton	2.48
Breckenridge	2.48	Livingston	2.49
Bullitt	2.48	Marshall	2.48
Campbell	2.48	McCracken	2.49
Carlisle	2.50	McLean	2.48
Carroll	2.48	Meade	2.48
Crittenden	2.49	Oldham	2.48
Daviess	2.49	Owen	2.48
Franklin	2.48	Pendleton	2.48
Fulton	2.50	Scott	2.48
Gallatin	2.48	Shelby	2.48
Grant	2.48	Spencer	2.48
Graves	2.48	Trimble	2.48
Grayson	2.48	Union	2.49
Hancock	2.48	Webster	2.48
Hardin	2.48	Woodford	2.48
Henderson	2.49	All other counties	2.47
Henry	2.48		

LOUISIANA

Parish	Rate per Bushel	Parish	Rate per Bushel
East Carroll	$2.49	Richland	$2.48
Franklin	2.47	Tensas	2.47
Madison	2.48	West Carroll	2.49
Morehouse	2.49	All other parishes	2.48
Ouachita	2.48		

MARYLAND

County	Rate per Bushel	County	Rate per Bushel
Anne Arundel	$2.51	Prince Georges	$2.51
Baltimore	2.51	Queen Annes	2.51
Calvert	2.51	St. Marys	2.50
Caroline	2.51	Somerset	2.51
Cecil	2.51	Talbot	2.51
Charles	2.50	Wicomico	2.53
Dorchester	2.51	Worcester	2.51
Hartford	2.51	All other counties	2.49
Howard	2.51		
Kent	2.51		

MICHIGAN

Allegan	$2.46	Lapeer	$2.46
Arenac	2.44	Lenawee	2.52
Barry	2.46	Livingston	2.48
Bay	2.44	Macomb	2.48
Berrien	2.50	Mecosta	2.44
Branch	2.50	Midland	2.44
Calhoun	2.48	Monroe	2.53
Cass	2.50	Montcalm	2.44
Clare	2.44	Muskegon	2.44
Clinton	2.46	Newaygo	2.44
Eaton	2.47	Oakland	2.46
Genesee	2.46	Oceana	2.44
Gladwin	2.44	Ottawa	2.45
Gratiot	2.44	Saginaw	2.44
Hillsdale	2.51	St. Clair	2.47
Huron	2.44	St. Joseph	2.50
Ingham	2.48	Sanilac	2.45
Ionia	2.46	Shiawassee	2.46
Isabella	2.44	Tuscola	2.45
Jackson	2.49	Van Buren	2.47
Kalamazoo	2.47	Washtenaw	2.50
Kent	2.48	Wayne	2.51

MINNESOTA

Aitkin	$2.40	Clearwater	$2.37
Anoka	2.45	Cottonwood	2.45
Becker	2.38	Crow Wing	2.40
Benton	2.43	Dakota	2.47
Big Stone	2.42	Dodge	2.48
Blue Earth	2.49	Douglas	2.41
Brown	2.48	Faribault	2.48
Carlton	2.42	Fillmore	2.48
Carver	2.46	Freeborn	2.48
Cass	2.40	Goodhue	2.47
Chippewa	2.44	Grant	2.41
Chisago	2.45	Hennepin	2.46
Clay	2.38	Houston	2.48

MINNESOTA—Continued

County	Rate per Bushel	County	Rate per Bushel
Hubbard	$2.38	Pope	$2.43
Isanti	2.44	Ramsey	2.46
Jackson	2.46	Red Lake	2.38
Kanabec	2.43	Redwood	2.46
Kandiyohi	2.43	Renville	2.46
Kittson	2.35	Rice	2.48
Lac qui Parle	2.44	Rock	2.45
Le Sueur	2.49	Roseau	2.35
Lincoln	2.44	Scott	2.47
Lyon	2.45	Sherburne	2.44
McLeod	2.46	Sibley	2.47
Mahnomen	2.37	Stearns	2.43
Marshall	2.35	Steele	2.48
Martin	2.47	Stevens	2.43
Meeker	2.45	Swift	2.43
Mille Lacs	2.43	Todd	2.41
Morrison	2.41	Traverse	2.41
Mower	2.48	Wabasha	2.47
Murray	2.45	Wadena	2.39
Nicollet	2.49	Wasaca	2.48
Nobles	2.46	Washington	2.46
Norman	2.37	Watonwan	2.48
Olmsted	2.46	Wilkin	2.39
Otter Tail	2.39	Winona	2.47
Pennington	2.36	Wright	2.45
Pine	2.43	Yellow Medicine	2.45
Pipestone	2.44		
Polk	2.36		

MISSISSIPPI

Benton	$2.54	Panola	$2.56
Bolivar	2.55	Pontotoc	2.53
Calhoun	2.53	Quitman	2.56
Carroll	2.53	Sharkey	2.55
Coahoma	2.56	Sunflower	2.56
De Soto	2.56	Tallahatchie	2.56
Grenada	2.55	Tate	2.56
Holmes	2.53	Tippah	2.53
Hinds	2.53	Tunica	2.56
Humphreys	2.55	Union	2.53
Issaquena	2.54	Warren	2.53
Lafayette	2.54	Washington	2.55
Leflore	2.55	Yalobusha	2.55
Madison	2.53	Yazoo	2.54
Marshall	2.55	All other counties	2.52
Montgomery	2.53		

MISSOURI

Adair	$2.48	Franklin	$2.48
Andrew	2.48	Gasconade	2.47
Atchison	2.46	Gentry	2.45
Audrain	2.50	Greene	2.44
Barry	2.43	Grundy	2.46
Barton	2.43	Harrison	2.45
Bates	2.46	Henry	2.45
Benton	2.46	Hickory	2.45
Bollinger	2.51	Holt	2.45
Boone	2.48	Howard	2.47
Buchanan	2.45	Howell	2.46
Butler	2.52	Iron	2.47
Caldwell	2.45	Jackson	2.45
Callaway	2.48	Jasper	2.43
Camden	2.46	Jefferson	2.48
Cape Girardeau	2.53	Johnson	2.45
Carroll	2.46	Knox	2.50
Carter	2.48	Laclede	2.45
Case	2.45	Lafayette	2.45
Cedar	2.44	Lawrence	2.43
Charlton	2.47	Lewis	2.52
Christian	2.44	Lincoln	2.50
Clark	2.51	Linn	2.47
Clay	2.45	Livingston	2.46
Clinton	2.45	McDonald	2.43
Cole	2.47	Macon	2.48
Cooper	2.47	Madison	2.48
Crawford	2.47	Maries	2.46
Dade	2.43	Marion	2.52
Dallas	2.45	Mercer	2.46
Daviess	2.45	Miller	2.46
DeKalb	2.45	Mississippi	2.55
Dent	2.46	Moniteau	2.47
Douglas	2.45	Monroe	2.50
Dunklin	2.55	Montgomery	2.49
		Morgan	2.46

MISSOURI—Continued

County	Rate per Bushel	County	Rate per Bushel
New Madrid	$2.55	St. Francois	$2.48
Newton	2.43	St. Louis	2.49
Nodaway	2.45	Ste. Genevieve	2.46
Oregon	2.47	Saline	2.46
Osage	2.47	Schuyler	2.48
Ozark	2.45	Scotland	2.49
Pemiscot	2.55	Scott	2.54
Perry	2.50	Shannon	2.46
Pettis	2.46	Shelby	2.50
Phelps	2.48	Stoddard	2.54
Pike	2.52	Stone	2.44
Platte	2.45	Sullivan	2.47
Polk	2.45	Taney	2.45
Pulaski	2.46	Texas	2.46
Putnam	2.47	Vernon	2.44
Ralls	2.52	Warren	2.48
Randolph	2.48	Washington	2.47
Ray	2.46	Wayne	2.50
Reynolds	2.47	Webster	2.45
Ripley	2.50	Worth	2.45
St. Charles	2.49	Wright	2.45
St. Clair	2.45		

NEBRASKA

Adams	$2.37	Merrick	$2.38
Antelope	2.38	Nance	2.38
Boone	2.38	Nemaha	2.41
Boyd	2.37	Nuckolls	2.38
Burt	2.42	Otoe	2.42
Butler	2.41	Pawnee	2.41
Cass	2.42	Pierce	2.39
Cedar	2.40	Platte	2.40
Clay	2.38	Polk	2.40
Colfax	2.41	Richardson	2.41
Cuming	2.41	Saline	2.40
Dakota	2.41	Sarpy	2.43
Dixon	2.41	Saunders	2.43
Dodge	2.43	Seward	2.40
Douglas	2.43	Stanton	2.40
Fillmore	2.39	Thayer	2.39
Gage	2.40	Thurston	2.41
Hall	2.37	Washington	2.42
Hamilton	2.38	Wayne	2.40
Jefferson	2.40	Webster	2.37
Johnson	2.41	York	2.39
Knox	2.39	All other counties	2.36
Lancaster	2.41		
Madison	2.39		

NEW JERSEY

Atlantic	$2.47	Mercer	$2.47
Burlington	2.48	Middlesex	2.47
Camden	2.49	Monmouth	2.47
Cape May	2.47	Ocean	2.47
Cumberland	2.49	Salem	2.50
Gloucester	2.50	Somerset	2.46
Hunterdon	2.46	Warren	2.46

NEW MEXICO

All counties	$2.36

NEW YORK

All counties	$2.40

NORTH CAROLINA

Beaufort	$2.53	Harnett	$2.51
Bertie	2.53	Hertford	2.53
Bladen	2.50	Hoke	2.50
Brunswick	2.50	Hyde	2.53
Camden	2.53	Johnston	2.52
Carteret	2.52	Jones	2.53
Chatham	2.51	Lee	2.50
Chowan	2.53	Lenoir	2.52
Columbus	2.50	Martin	2.53
Craven	2.52	Nash	2.53
Cumberland	2.50	New Hanover	2.50
Currituck	2.53	Northampton	2.53
Dare	2.53	Onslow	2.51
Duplin	2.51	Pamlico	2.52
Durham	2.51	Pasquotank	2.53
Edgecombe	2.53	Pender	2.50
Franklin	2.51	Perquimans	2.53
Gates	2.53	Pitt	2.52
Greene	2.52	Robeson	2.50
Halifax	2.53	Sampson	2.51

NORTH CAROLINA—Continued

County	Rate per Bushel	County	Rate per Bushel
Scotland	$2.50	Washington	$2.53
Tyrrell	2.53	Wayne	2.52
Vance	2.50	Wilson	2.52
Wake	2.52	All other counties	2.49
Warren	2.51		

NORTH DAKOTA

Barnes	$2.34	Sargent	$2.34
Cass	2.35	Steele	2.34
Grand Forks	2.35	Traill	2.35
Ransom	2.34	Walsh	2.34
Richland	2.35	All other counties	2.33
Pembina	2.34		

OHIO

Adams	$2.47	Licking	$2.50
Allen	2.53	Logan	2.52
Ashland	2.51	Lorain	2.52
Ashtabula	2.52	Lucas	2.54
Athens	2.48	Madison	2.50
Auglaize	2.52	Mahoning	2.51
Belmont	2.49	Marion	2.53
Brown	2.47	Medina	2.51
Butler	2.49	Meigs	2.47
Carroll	2.50	Mercer	2.51
Champaign	2.51	Miami	2.50
Clark	2.49	Monroe	2.46
Clermont	2.48	Montgomery	2.48
Clinton	2.48	Morgan	2.49
Columbiana	2.50	Morrow	2.52
Coshocton	2.50	Muskingum	2.50
Crawford	2.53	Noble	2.49
Cuyahoga	2.52	Ottawa	2.54
Darke	2.50	Paulding	2.52
Defiance	2.53	Perry	2.49
Delaware	2.51	Pickaway	2.49
Erie	2.54	Pike	2.47
Fairfield	2.49	Portage	2.51
Fayette	2.48	Preble	2.48
Franklin	2.50	Putnam	2.53
Fulton	2.53	Richland	2.52
Gallia	2.47	Ross	2.48
Geauga	2.52	Sandusky	2.54
Greene	2.46	Scioto	2.47
Guernsey	2.50	Seneca	2.53
Hamilton	2.48	Shelby	2.51
Hancock	2.50	Stark	2.50
Hardin	2.53	Summit	2.51
Harrison	2.50	Trumbull	2.51
Henry	2.53	Tuscarawas	2.50
Highland	2.47	Union	2.52
Hocking	2.48	Van Wert	2.52
Holmes	2.50	Vinton	2.48
Huron	2.53	Warren	2.48
Jackson	2.47	Washington	2.48
Jefferson	2.50	Wayne	2.50
Knox	2.50	Williams	2.52
Lake	2.52	Wood	2.54
Lawrence	2.47	Wyandot	2.53

OKLAHOMA

Adair	$2.43	Nowata	$2.38
Cherokee	2.42	Osawa	2.41
Choctaw	2.40	Pittsburgh	2.39
Craig	2.40	Pushmataha	2.40
Delaware	2.43	Rogers	2.38
Haskell	2.41	Sequoyah	2.43
Latimer	2.41	Tulsa	2.38
LeFlore	2.43	Wagoner	2.41
Mayes	2.41	Washington	2.38
McCurtain	2.43	All other counties	2.37
McIntosh	2.39		
Muskogee	2.41		

PENNSYLVANIA

All counties	$2.45

SOUTH CAROLINA

Abbeville	$2.51	Bamberg	$2.53
Aiken	2.52	Barnwell	2.52
Allendale	2.50	Beaufort	2.53
Anderson	2.50	Berkeley	2.52

SOUTH CAROLINA—Continued

County	Rate per Bushel	County	Rate per Bushel
Calhoun	$2.52	Kershaw	$2.51
Charleston	2.53	Lancaster	2.50
Cherokee	2.51	Laurens	2.51
Chester	2.50	Lee	2.51
Chesterfield	2.50	Lexington	2.52
Clarendon	2.52	Marion	2.50
Colleton	2.53	Marlboro	2.50
Darlington	2.50	McCormick	2.51
Dillon	2.50	Newberry	2.51
Dorchester	2.53	Oconee	2.50
Edgefield	2.53	Orangeburg	2.52
Fairfield	2.51	Pickens	2.50
Florence	2.50	Richland	2.52
Georgetown	2.51	Saluda	2.51
Greenville	2.51	Spartanburg	2.51
Greenwood	2.51	Sumter	2.52
Hampton	2.53	Union	2.51
Horry	2.50	Williamsburg	2.51
Jasper	2.53	York	2.50

SOUTH DAKOTA

Aurora	$2.36	Jerauld	$2.36
Beadle	2.36	Kingsbury	2.37
Bon Homme	2.36	Lake	2.36
Brookings	2.39	Lincoln	2.41
Brule	2.36	McCook	2.38
Charles Mix	2.36	Miner	2.37
Clay	2.39	Minnehaha	2.40
Codington	2.37	Moody	2.39
Davison	2.36	Roberts	2.37
Deuel	2.40	Sanborn	2.36
Douglas	2.36	Turner	2.39
Grant	2.40	Union	2.41
Hamlin	2.37	Yankton	2.38
Hanson	2.37	All other counties	2.35
Hutchinson	2.36		

TENNESSEE

Benton	$2.48	Lake	$2.52
Bledsoe	2.48	Lauderdale	2.52
Bradley	2.48	Lincoln	2.48
Campbell	2.47	McMinn	2.47
Carroll	2.49	McNairy	2.49
Chester	2.50	Macon	2.47
Claiborne	2.47	Madison	2.50
Clay	2.47	Marion	2.49
Coffee	2.48	Meigs	2.48
Crockett	2.51	Montgomery	2.47
Decatur	2.48	Moore	2.48
Dyer	2.52	Obion	2.51
Fayette	2.51	Perry	2.47
Fentress	2.47	Pickett	2.47
Franklin	2.49	Rhea	2.48
Gibson	2.51	Robertson	2.47
Giles	2.47	Scott	2.47
Grundy	2.48	Sequatchie	2.49
Hamilton	2.49	Shelby	2.52
Hancock	2.47	Stewart	2.47
Hardeman	2.50	Sullivan	2.47
Hardin	2.48	Sumner	2.47
Hawkins	2.47	Tipton	2.52
Haywood	2.51	Trousdale	2.47
Henderson	2.49	Wayne	2.47
Henry	2.49	Weakley	2.50
Houston	2.47	All other counties	2.46
Humphreys	2.47		
Johnson	2.47		

TEXAS

All counties	$2.41

VIRGINIA

Accomack	$2.51	Hampton City	$2.51
Brunswick	2.51	Hanover	2.51
Caroline	2.51	Henrico	2.51
Charles City	2.51	Isle of Wight	2.53
Chesapeake City	2.53	James City	2.51
Chesterfield	2.51	King George	2.51
Dinwiddie	2.51	King and Queen	2.51
Essex	2.51	King William	2.51
Gloucester	2.51	Lancaster	2.51
Greensville	2.51		

VIRGINIA—Continued

County	Rate per Bushel	County	Rate per Bushel
Middlesex	$2.51	Richmond	$2.51
Mathews	2.51	Southampton	2.53
Nansemond	2.53	Surrey	2.53
New Kent	2.51	Sussex	2.51
Newport News City	2.51	Virginia Beach	2.53
Northampton	2.51	Westmoreland	2.51
Northumberland	2.51	York	2.51
Prince George	2.51	All other counties	2.49

WEST VIRGINIA

All counties	$2.45

WISCONSIN

Adams	$2.45	Marquette	$2.46
Barron	2.42	Milwaukee	2.49
Brown	2.44	Monroe	2.44
Buffalo	2.43	Oconto	2.48
Burnette	2.41	Oneida	2.41
Calumet	2.45	Outagamie	2.44
Chippewa	2.42	Ozaukee	2.48
Clark	2.42	Pepin	2.43
Columbia	2.47	Pierce	2.43
Crawford	2.46	Polk	2.42
Dane	2.48	Portage	2.44
Dodge	2.48	Price	2.41
Door	2.43	Racine	2.50
Douglas	2.41	Richland	2.46
Dunn	2.43	Rock	2.50
Eau Claire	2.44	Rush	2.41
Fond du Lac	2.47	St. Croix	2.42
Grant	2.47	Sauk	2.46
Green	2.49	Sawyer	2.41
Green Lake	2.46	Shawano	2.43
Iowa	2.47	Sheboygan	2.47
Jackson	2.44	Taylor	2.41
Jefferson	2.49	Trempealeau	2.43
Juneau	2.45	Vernon	2.45
Kenosha	2.51	Walworth	2.50
Kewaunee	2.43	Washburn	2.41
La Crosse	2.44	Washington	2.48
Lafayette	2.45	Waukesha	2.49
Langlade	2.42	Waupaca	2.44
Lincoln	2.41	Waushara	2.45
Manitowoc	2.45	Winnebago	2.45
Marathon	2.42	Wood	2.44
Marinette	2.42		

(b) *Premium*—(1) *Low moisture.*

Percent	Cents per bushel
12.2 or less	+4
12.8 through 12.7	+3
12.8 through 13.2	+2
13.3 through 13.7	+1
13.8 through 14.0	0

(2) *Low foreign material.*

	Cents per bushel
1.0 percent or less	+2

(c) *Discounts*—(1) *Class.*

Class	Cents per bushel
Black	−25
Brown	−25
Mixed	−25

(2) *Test weight per bushel.*

Pounds	Cents per bushel
58.0 through 58.9	−½
52.0 through 52.9	−1
51.0 through 51.9	−1½
50.0 through 50.9	−2
49.0 through 49.9	−2½

(3) *Splits.*

Percent	Cents per bushel
30.1 through 35.0	—½
25.1 through 30.0	—1
30.1 through 35.0	—1½
35.1 through 40.0	—2

(4) *Damaged kernels.*[1]

Heat percent	Total percent	Cents per bushel
0.6 through 0.7	3.1 through 4.0	—½
0.8 through 1.0	4.1 through 5.0	—1
1.1 through 1.5	5.1 through 6.0	—1½
1.6 through 2.1	6.1 through 7.0	—2
2.2 through 3.0	7.1 through 8.0	—2½

(5) *Foreign material.*

Percent	Cents per bushel
2.1 through 2.5	—1
2.6 through 3.0	—2
3.1 through 3.5	—3
3.6 through 4.0	—4
4.1 through 4.5	—5
4.6 through 5.0	—6

(6) *Weed control laws.*

	Cents per bushel
(Where required by § 1421.74)	—10

(7) *Other factors.* CCC may establish discounts for other quality factors not specified above which affect the value of the soybeans, such as (but not limited to) moisture, musty, stained, sour, purple mottled, and heating. The discounts established will be based upon the market discounts for the factors at the time the soybeans are delivered to CCC, as determined by CCC. Producers may obtain schedules of such factors and discounts at ASCS county offices approximately one month prior to the loan maturity date.

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on August 11, 1967.

E. A. JAENKE,
Acting Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 67-9723; Filed, Aug. 21, 1967; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 8212; Amdt. 39-467]

PART 39—AIRWORTHINESS DIRECTIVES

Ratier-Figeac Model FH 76-1-07 Propellers

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring the replacement of the bronze actuator socket with a steel actuator socket on Ratier-Figeac Model FH 76-1-07 propellers was published in 32 F.R. 8681.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

RATIER-FIGEAC. Applies to Model FH 76-1-07 propellers installed on Pilatus PC-6A Series aircraft.

Compliance required within the next 200 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent jamming of the pitch change actuator, replace the bronze actuator socket, P/N FH 76-1-120-02, with a steel actuator socket, P/N FH 76-1-120-02, in accordance with Ratier Figeac Service Bulletin 61-45, dated October 1966, or later SGAC-approved issue, or an FAA-approved equivalent.

This amendment becomes effective August 22, 1967.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on August 14, 1967.

EDWARD C. HODSON,
Acting Director,
Flight Standards Service.

[F.R. Doc. 67-9823; Filed, Aug. 21, 1967; 8:46 a.m.]

[Airspace Docket No. 67-EA-23]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 8978 of the FEDERAL REGISTER for June 23, 1967, the Federal Aviation Administration published proposed regulations which would designate a 700-foot floor transition area over Concord Airpark, Painesville, Ohio.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., October 12, 1967.

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on August 7, 1967.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700-foot floor transition area for Painesville, Ohio, described as follows:

PAINESVILLE, OHIO

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 41°40'00" N., 81°12'00" W., of Concord Airpark, Painesville, Ohio; within 2 miles each side of the Runway 13 centerline extended from the 5-mile radius area to 6 miles southeast of the end of the runway; within 2 miles each side of the Runway 20 centerline extended from the 5-mile radius area to 7 miles south of the end of the runway and within 2 miles each side of the Chardon VOR 350° radial extending from the 5-mile radius area to the VOR, excluding those portions within the Willoughby, Ohio, and Chagrin Falls, Ohio, transition areas.

[F.R. Doc. 67-9824; Filed, Aug. 21, 1967; 8:46 a.m.]

[Docket No. 8347; Amdts. 185-2, 187-3]

PART 185—TESTIMONY BY EMPLOYEES AND PRODUCTION OF RECORDS IN LEGAL PROCEEDINGS

PART 187—FEES FOR COPYING AND CERTIFYING RECORDS

Public Availability of Information

The purpose of this rule-making action is to effect the changes in the Federal Aviation Regulations made necessary by the taking effect of the "public information act" (5 U.S.C. sec. 552, as revised by P.L. 90-23) on July 4, 1967, and of the Department of Transportation regulation implementing that act, 49 CFR Part 7, entitled Public Availability of Information.

The Department regulation applies to all "operating administrations" of the Department of Transportation, including the Federal Aviation Administration. Subpart H of the Department regulation contains a schedule of fees. Additional rules applicable to FAA only are set forth in Appendix C to 49 CFR Part 7.

The Department regulation does not cover the subject-matter of FAR Part 185, Testimony by FAA Employees and Production of Records in Legal Proceedings. However because of the affinity of this subject-matter to public availability of information, it is necessary to make certain changes in Part 185 to ensure uniformity of policy in the application of Part 185 and the Department regulation. At the same time NAFEC Counsel is being authorized to perform legal functions under Part 185.

Part 187 is amended to limit its applicability to services for which fees are not prescribed in other parts of this chapter or in the Department regulation, 49 CFR Part 7. The Department regulation only covers fees for services incidental to making information available to the public. Thus it does not prescribe fees for licenses or services incidental to licensing or other FAA programs. The $2 fee now prescribed in § 187.3(b) for certain duplicate originals of certificates is also prescribed in other provisions of this chapter (see, e.g., §§ 47.17, 61.13, 63.16, 65.16, and 143.8).

It follows that Part 187 may now be limited to prescribing residuary fees for replacements, duplicates, or facsimiles of licenses for which fees are not otherwise specifically prescribed, and fees for copies of documents requested for purposes other than those dealt with in 49 CFR Part 7. The fees for copies of licenses are at the same level as at present, and the amounts of the other fees are the same as those in 49 CFR Part 7.

[1] Use column which yields the higher applicable discount.

This rule-making action is taken under the authority of Title V of the Independent Offices Appropriations Act of 1952 (65 Stat. 290) and secs. 301(c), 302(f), 303 (d), 305, 307(b), 313(a), and 314 of the Federal Aviation Act of 1958 (49 U.S.C. 1341(c), 1343(d), 1344, 1346, 1348(b), 1354(a), and 1355). Since this action relates to agency organization, management, and personnel, and to public property, notice of rule making and public procedure thereon are not required and the action may be made effective less than 30 days after its publication.

In consideration of the foregoing, effective August 22, 1967.

1. Part 185 of the Federal Aviation Regulations (14 CFR Part 185) is amended—

a. By amending § 185.1 to read as follows:

§ 185.1 Scope.

This part prescribes the rules of the Federal Aviation Administration with respect to testimony of its employees and the release or disclosure of FAA materials and records, in legal proceedings, and the serving of legal process and pleadings.

b. By amending the first sentence of the introductory text of § 185.3 to read as follows:

§ 185.3 Deviation from policy.

Only the General Counsel, the appropriate Regional Counsel, the Aeronautical Center Counsel, or NAFEC Counsel, may grant permission to deviate from a policy prescribed in this part. * * *

* * * * *

§ 185.9 [Amended]

c. By amending § 185.9 by deleting the words "or the Chief Counsel of the Aeronautical Center" wherever they occur, and inserting in place thereof the words "the Aeronautical Center Counsel, or NAFEC Counsel".

d. By amending § 185.9(b) by deleting the words "the release of which is prohibited by standard Agency practices" and inserting in place thereof the words "which are not available for public disclosure".

e. By amending the last sentence of § 185.11(a) to read as follows:

§ 185.11 Legal proceedings between private litigants: factual testimony.

(a) * * * However, he must obtain the permission of the General Counsel, the appropriate Regional Counsel, the Aeronautical Center Counsel, or NAFEC Counsel, before disclosing any information that is made unavailable by law or under Part 7 of the Regulations of the Secretary of Transportation entitled "Public Availability of Information" (49 CFR Part 7).

* * * * *

f. By amending § 185.15 to read as follows:

§ 185.15 Legal proceedings between private litigants: disclosure of FAA materials and records.

(a) Copies of any FAA materials or records available for public inspection under Part 7 of the Regulations of the Secretary of Transportation (49 CFR Part 7) are made available to litigants upon request under that part. It is not necessary to subpoena them.

(b) If an employee receives a subpoena or request to produce FAA materials or records in court he shall refer it to the General Counsel, the appropriate Regional Counsel, the Aeronautical Center Counsel, or NAFEC Counsel. If the request or subpoena calls for producing documents the release of which is authorized, counsel shall advise that the request or subpoena be honored.

(c) An FAA employee may not produce an FAA document or record in court except upon a clearance from the General Counsel, the appropriate Regional Counsel, the Aeronautical Center Counsel, or NAFEC Counsel. If an FAA employee is served with a subpoena calling for producing FAA records under his actual control but that are not made available for disclosure under 5 U.S.C. section 552 or other law and Subpart F of 49 CFR Part 7, the General Counsel, Regional Counsel, the Aeronautical Center Counsel, or NAFEC Counsel, as appropriate, shall request the cooperation of the local U.S. attorney and shall attempt to have the subpoena withdrawn or vacated. If this cannot be done, the employee shall appear at the time and place specified in the subpoena, accompanied by an FAA or Department of Transportation or Department of Justice attorney, as appropriate, and explain to the court that a provision of law or a regulation prohibits him from producing the documents or records, whether in answer to a subpoena or otherwise.

(d) If an FAA employee who follows the procedure set forth in paragraph (c) of this section is ordered to show cause why he should not be cited for contempt of court, the FAA or Department of Transportation requests the Department of Justice to represent the employee.

g. By conforming the references to §§ 185.1 and 185.15 in the Table of Contents to their headings as amended herein.

2. Part 187 of the Federal Aviation Regulations (14 CFR Part 187) is amended to read as follows:

Sec.
187.1 Scope.
187.3 Duplicates of licenses.
187.7 Copies; seal.
187.15 Payment of fees.

AUTHORITY: The provisions of this Part 187 issued under Title V, Independent Offices Appropriations Act of 1952 (65 Stat. 290); secs. 301(c), 302(f), 303(d), 305, 307(b), 313(a), 314, Federal Aviation Act of 1958; 49 U.S.C. 1341(c), 1343(d), 1344, 1346, 1348(b), 1354(a), 1355.

§ 187.1 Scope.

This part prescribes fees only for FAA services for which fees are not prescribed in other parts of this chapter or in 49 CFR Part 7. The fees for services furnished in connection with making information available to the public are prescribed exclusively in 49 CFR Part 7.

§ 187.5 Duplicates of licenses.

The fee for furnishing to a person entitled thereto a replacement, duplicate, or facsimile of a certificate or other document evidencing a license, for which a fee is not specifically provided elsewhere in this chapter, is $2.

§ 187.7 Copies; seal.

The fees for furnishing photostatic or similar copies of documents and for affixation of the seal for a certification or validation are the same as those provided in Subpart H of 49 CFR Part 7.

§ 187.15 Payment of fees.

The fees prescribed in this part may be paid by check, draft, or money order payable to the Federal Aviation Administration.

Issued in Washington, D.C., on August 15, 1967.

WILLIAM F. MCKEE,
Administrator.

[F.R. Doc. 67-9825; Filed, Aug. 21, 1967; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 51]

FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS

Inspection, Certification, and Standards; Notice of Proposed Rule Making

Notice is hereby given that the U.S. Department of Agriculture is considering the revision of Regulations (Inspection, Certification, and Standards) Fresh Fruits, Vegetables and other products[1] (7 CFR 51.1–51.61).

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposal should file the same in duplicate, not later than September 15, 1967, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, where they will be available for public inspection during official hours of business (par. (b) of § 1.27, as amended at 29 F.R. 7311).

Statement of considerations leading to the proposed revision of the regulations. These regulations were last revised January 4, 1967, but there have been five amendments since that date, the most recent in 1962. The proposed revision would bring the regulations in line with current practices and would incorporate the several amendments.

Most of the changes proposed are in the interest of clarity and would not affect present policies and procedures of the Department. Proposed additions to the regulations would include:

(1) Expansion of § 51.50 *Operations and operating procedure*, which is a part of the requirements for plants operating under continuous inspection on a contract basis. Provisions which are normally part of the contract would be included in this section for ready reference by those who are interested in continuous inspection.

(2) A small package fee rate for Inspection Service has been used for many years, primarily for small lots moving to Canada and for other small lots where no detailed inspection reports are required. These fees would be added to paragraph (d) of § 51.38.

(3) Section 51.52 would authorize the Administrator to issue licenses permitting the manufacture, identification, distribution, and sale of any official device designated as a USDA color standard, defect guide or other similar aid.

The proposed regulations, as revised, are as follows:

ADMINISTRATIVE

Sec.
51.1 Administration of Regulations.

DEFINITIONS

51.2 Terms defined.
51.3 Designation of official certificates, memoranda, marks other identifications and devices for purposes of the Agricultural Marketing Act.

INSPECTION SERVICE

51.4 Where inspection service is offered.
51.5 Who may obtain inspection service.
51.6 How to make applications.
51.7 Form of application.
51.8 Filing of application.
51.9 When application may be rejected.
51.10 When application may be withdrawn.
51.11 Authority to request inspection.
51.12 Accessibility of products.
51.13 Basis of service.
51.14 Order of inspection service.
51.15 Financial interest of inspector.
51.16 Postponing inspection service.
51.17 Official sampling.
51.18 Certificate forms.
51.19 Issuance of certificates.
51.20 Issuance of corrected certificates.
51.21 Disposition of inspection certificates.
51.22 Disposition of samples.
51.23 Report of inspection results prior to issuance of formal report.

APPEAL INSPECTION

51.24 When appeal inspection may be requested.
51.25 Where to file for an appeal inspection and information required.
51.26 Record of filing time.
51.27 When appeal inspection may be refused.
51.28 When an application for an appeal inspection may be withdrawn.
51.29 Order in which made.
51.30 Who shall perform appeal inspections.
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LICENSING OF INSPECTORS

51.32 Who may be licensed.
51.33 Application to become a licensed inspector.
51.34 Suspension or revocation of license of licensed inspector.
51.35 Surrender of license.
51.36 Renewal of license.

SCHEDULE OF FEES AND CHARGES AT DESTINATION MARKETS

51.37 Amount of fees, rates and charges.
51.38 Basis for charges.
51.39 Fees for appeal inspections.
51.40 Traveling, and other expenses.
51.41 Fees for additional copies of inspection certificates.
51.42 Charges for inspection services on a contract basis.
51.43 How fees shall be paid.
51.44 Disposition of fees.

SCHEDULE OF FEES AND CHARGES AT SHIPPING POINT

51.45 Fees and charges at shipping point.

MISCELLANEOUS

Sec.
51.46 Denial of inspection service.
51.47 Political activity.
51.48 Inspector's identification.
51.49 Approved identifications.
51.50 Custody of official inspection marking devices.
51.51 Prohibited uses of approved identification.
51.52 Licensing and identification of certain official devices.

REQUIREMENTS FOR PLANTS OPERATING UNDER CONTINUOUS INSPECTION ON A CONTRACT BASIS

51.53 Continuous inspection.
51.54 Plant survey.
51.55 Premises.
51.56 Buildings and structures.
51.57 Facilities.
51.58 Equipment.
51.59 Operations and operating procedures.
51.60 Termination of contracts.
51.61 Congressional interest in contracts.

AUTHORITY: The provisions of this subpart issued under secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended; 7 U.S.C. 1622, 1624.

§ 51.1 Administration of regulations.

The Administrator, Consumer and Marketing Service, U.S. Department of Agriculture, is charged with the administration of the regulations in this part, except at his discretion, he may delegate any or all such functions to any other officer or employee of the Consumer and Marketing Service of the Department.

DEFINITIONS

§ 51.2 Terms defined.

Words in the regulations in this part in the singular form shall be deemed to import the plural, and vice versa, as the case may demand. For the purposes of the regulations in this part, unless the context otherwise requires, the following terms shall have the following meanings:

(a) *Act.* "Act" means the applicable provisions of the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq.) as amended (7 U.S.C. 1621 et seq.), or any other act of Congress conferring like authority.

(b) *Administrator.* "Administrator" means the Administrator of Consumer and Marketing Service.

(c) *Applicant.* "Applicant" means any interested party who has applied for inspection service under the regulations in this part.

(d) *Condition.* "Condition" means the relative degree of soundness of a product which may affect its merchantability and includes those factors which are subject to change and may result from, but not necessarily limited to, age, improper handling, storage or lack of refrigeration. Examples of condition factors include maturity or stage of ripeness; state of freshness, such as crispness, tenderness, or toughness; wilting; shriveling or flabbiness; mechanical injuries resulting from improper handling after packing; progressive pathological, physiological, and virus diseases, including fungal and bacterial rots; and freezing damage which may occur in transit or storage; or any other factor which may occur, develop, or progress in the marketing channels.

(e) *Consumer and Marketing Service.* "Consumer and Marketing Service" means the Consumer and Marketing Service of the Department.

(f) *Department.* "Department" means the U.S. Department of Agriculture.

(g) *Grade.* "Grade" means a class or rank of quality.

(h) *Inspector.* "Inspector" means any employee of the Department authorized by the Secretary or any other person licensed by the Secretary, to investigate, sample, inspect, and certify, in accordance with the regulations in this part, to any interested party the quality, quantity and/or condition of any fresh product covered in this part, and to perform related duties in connection with the inspection service.

(i) *Inspection Service.* "Inspection Service" means:

(1) The Service established and conducted under the regulations in this part for the determination and certification or other identification as to the grade, the quality and/or condition of fresh fruits or vegetables and related products including the condition of container.

(2) Performance by an inspector of any related services such as reporting the temperatures of loads or lots of fresh products.

(3) To observe conditions under which a product is being packed, to observe plant sanitation as a prerequisite to inspection of the packed product either on a continuous or periodic basis, or checkload the inspected product in connection with the marketing of the product.

(4) The issuance of inspection certificates or reports relating to subparagraphs (1), (2), and (3) of this paragraph.

(j) *Interested party.* "Interested party" means any person who has a financial interest in the product for which inspection is requested.

(k) *Lot.* "Lot" means any number of containers which contain a product of the same kind located in the same conveyance, warehouse, packing house or on the same dock or platform and which are available for inspection at the same time: *Provided*, That:

(1) Products which are different from each other as to grade, variety, size, condition, identification marks, or other factors may be deemed to be separate lots;

(2) If the applicant requests more than one inspection certificate covering different portions of the same lot, the quantity of the lot covered by each certificate shall be deemed to be a separate lot; and,

(3) If said product is packed in more than one size or type of container, each such size or type may be deemed to be a separate lot.

(l) *Person.* "Person" means any individual, partnership, association, business trust, corporation, any organized group of persons (whether incorporated or not), the United States (including, but not limited to, any corporate agencies thereof), and any State, county, or municipal government, any common carrier, and any authorized agent of any of the foregoing.

(m) *Packing plant.* "Packing plant" means the premises, buildings, structures, and equipment including but not limited to, machines, utensils, fixtures, employed or used with respect to preparation and packing the product.

(n) *Quality.* "Quality" means the combination of the inherent properties or attributes of a product which determines its relative degree of excellence.

(o) *Regulations.* "Regulations" means the regulations in this subpart.

(p) *Sample.* "Sample" means any number of sample units to be used for inspection.

(q) *Sample Unit.* "Sample Unit" means a container and/or its entire contents, a portion of the contents of a container or other unit of a commodity, or a composite mixture of a commodity to be used for inspection.

(r) *Sampling.* "Sampling" means the act of slecting samples of a commodity for the purpose of inspection under the regulations in this part.

(s) *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the Consumer and Marketing Service to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 51.3 Designation of official certificates, memoranda, marks, other identifications and devices for purposes of the Agricultural Marketing Act.

Subsection 203(h) of the Agricultural Marketing Act of 1946, as amended by Public Law 272, 84th Congress, provides criminal penalties for various specified offenses relating to official certificates, memoranda, marks or other identifications, and devices for making such marks or identifications, issued or authorized under section 203 of said act, and certain misrepresentations concerning the inspection or grading of agricultural products under said section. For the purpose of said subsection and the provisions in this part, the terms listed below shall have the respective meanings specified:

(a) *Inspection certificate.* "Inspection certificate" means any form of certification, either written or printed, used under this part to certify with respect to the inspection, identification, class, grade, quality, size, quantity, or condition of products (including the compliance of products with applicable specifications).

(b) *Official memorandum.* "Official memorandum" means any initial record of findings made by an authorized person in the process of grading, inspecting, or sampling pursuant to this part, any processing or plant-operation report made by an authorized person in connection with grading, inspection, or sampling under this part, and any report made by an authorized person of services performed pursuant to this part.

(c) *Official mark.* "Official mark" means the grade mark, inspection mark, combined form of inspection and grade mark, and any other mark, or any variations in such marks, including those prescribed in § 51.49, approved by the Administrator and authorized to be affixed to any product, or affixed to or printed on the packaging material of any product, stating that the product was graded or inspected, or both, or indicating the appropriate U.S. grade or condition of the product, or for the purpose of maintaining the identity of products graded or inspected, or both, under this part.

(d) *Official identification.* "Official identification" means any United States (U.S.) standard designation of class, grade, quality, size, quantity, or condition specified in this Part or any symbol, stamp, label or seal indicating that the product has been graded or inspected and/or indicating the class, grade, quality, size, quantity, or condition of the product approved by the Administrator and authorized to be affixed to any product, or affixed to or printed on the packaging material of any product.

(e) *Official device.* "Official device" means a stamping appliance, branding device, stencil, printed label, or any other mechanically or manually operated tool that is approved by the Administrator for the purpose of applying any official mark or other identification to any product or the packaging material thereof; or any device approved and designated by the Administrator as a USDA official device for use as a color standard, defect guide, or other similar aid to interpret the United States Department of Agriculture grade standards and to facilitate conduct of the Inspection Service.

INSPECTION SERVICE

§ 51.4 Where inspection service is offered.

Products will be inspected at appropriate points indicated in paragraphs (a), (b), and (c) of this section whenever inspectors are available.

(a) *Shipping points.* Inspection service is available in all areas covered by cooperative agreements with States or other cooperating bodies which provide for this inspection work pursuant to authority contained in any Act of Congress, or may be provided in any other area which is not covered by a cooperative agreement if the Administrator determines that it is practicable to provide inspection service.

(b) *Destination markets.* Inspection is available in all central markets in which an inspection office is located.

(c) *Other destination points.* Inspection may be made at any point which may be conveniently reached from any terminal market in which an inspection office is located to the extent inspection personnel is available.

(d) *Addresses of offices.* Any prospective applicant may obtain an up-to-date list of inspection offices by addressing an inquiry to Fresh Products Standardization and Inspection Branch, Fruit and

[1] Among such other products are the following: Raw nuts, Christmas trees and greens; flowers and flower bulbs; and onion sets.

[2] None of the requirements in the regulations of this part shall excuse failure to comply with any Federal, State, county, or municipal laws applicable to products covered in the regulations in this part.

Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

§ 51.5 Who may obtain inspection service.

An application for inspection service may be made by any interested party, including, but not limited to, the United States and any instrumentality or agency thereof, any State, county, municipality, or common carrier, and any authorized agent in behalf of the foregoing.

§ 51.6 How to make application.

An application for inspection service may be filed in an office of inspection at any market referred to in § 51.4 (b), (c), or (d) or with any inspector. It may be made in writing, orally, by telegraph, or by telephone. If made orally or by telephone, the inspector may require that it be confirmed by applicant in writing or by telegraph. An application may be made for one or more lots, or it may be in the nature of a blanket application for inspection of all designated lots of a given commodity within a particular period, or for all designated lots loaded or received at a specified point.

§ 51.7 Form of application.

Each application for inspection service shall state (a) the name and address of the applicant and the name and capacity of the person, if any, making the application in his behalf; (b) the name and address of the shipper; (c) the kind and quantity of the products involved; (d) the interest of the applicant therein; (e) the identification of the products by (1) grade, brand, or other marks, if practicable, (2) car number of carrier or number of truck or name of boat, if practicable, and (3) the name and location of the store, warehouse, or other place where the products are located; (f) the particular quality or condition concerning which inspection is requested, to which may be added the time and place at which it is desired that the inspection be made; (g) when the lot is to be inspected in a receiving market, the name and address of the receiver; (h) the name of the shipping point and of the destination, when known; and (i) such other information as may be necessary for identification of the product, or as may be required by the inspector or the Administrator.

§ 51.8 Filing of application.

An application shall be regarded as filed only when made at the office of inspection nearest the place where the commodity is located. A record showing the date and time of filing shall be made and kept in such office.

§ 51.9 When application may be rejected.

An application may be rejected by the inspector in charge of the appropriate office of inspection if the applicant objects to the inspector cutting an adequate number of specimens to determine the interior quality or condition of the product to be inspected, or for failure of the applicant (a) to observe the regulations of this part, (b) to furnish necessary information or to make the commodity reasonably available or accessible for inspection, (c) to pay for previous inspection services rendered, or (d) when it appears that to perform the inspection and certification service would not be to the best interest of the Government. Such applicant shall be notified promptly of the reason for such rejection.

§ 51.10 When application may be withdrawn.

An application may be withdrawn by the applicant at any time before the inspection is performed: *Provided*, That the applicant shall pay any travel expenses, telephone, telegraph, or other expenses which have been incurred by the Inspection Service in connection with such application.

§ 51.11 Authority to request inspection.

Proof of the interest of an applicant in the product involved, or of the authority of any person applying for inspection in behalf of another may be required, at the discretion of the inspector.

§ 51.12 Accessibility of products.

The applicant shall cause the products for which inspection is requested to be made reasonably accessible for sampling or inspection and to be so placed as to disclose their quality or condition. Samples of the products drawn for examination shall be inspected only under such conditions as, in the opinion of the inspector, will permit a true and correct determination to be made of their quality or condition.

§ 51.13 Basis of service.

Inspection and certification service for quality and/or condition shall be based upon the appropriate standards promulgated by the U.S. Department of Agriculture, applicable standards prescribed by the laws of the State where the particular product was produced, specifications of any governmental agency, written buyer and seller contract specifications, or any written specification by an applicant which is approved by the Administrator: *Provided*, That if such product is regulated pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), or the comparable laws of any State, such inspection and certification shall be on the basis of the standards, if any, prescribed in, or pursuant to, the marketing order and/or agreement effective thereunder.

§ 51.14 Order of inspection service.

Inspection service shall be performed, insofar as practicable, in the order of which applications are received, except that precedence shall be given (a) to the inspection of lots involved in complaints filed pursuant to the Perishable Agricultural Commodities Act, 1930 (U.S.C. 449a et seq.), and (b) to appeal inspections. Precedence may also be given to applications made on behalf of the Federal or State Government.

§ 51.15 Financial interest of inspector.

No inspector shall inspect any product in which he is directly or indirectly financially interested.

§ 51.16 Postponing inspection service.

If the inspector has reason to believe that, because of latent defects due to climatic or other conditions, he is unable to determine the true quality or condition of the product, he shall postpone examination for such period as may, in his judgment, be reasonably necessary to enable him to determine its true quality or condition. Inspection shall also be postponed by the inspector, unless otherwise directed by the applicant, if in his judgment examination of the product when exposed to low temperatures may result in damage to the product.

§ 51.17 Official sampling.

Samples may be officially drawn by any duly authorized inspector and delivered, or shipped, for analysis and certification to the nearest designated market or to such market as shall be directed by the Administrator. The container in which such samples are delivered, or shipped, shall contain a statement, signed by the inspector who drew the samples, showing the time and place of the sampling and the brands or other identifying marks of the containers from which the samples were drawn. The certificate based on such samples shall show the time and place of drawing the samples, and the name of the inspector by whom they were drawn.

§ 51.18 Certificate forms.

Certificates shall be issued on forms approved by the Administrator.

§ 51.19 Issuance of certificates.

The inspector shall sign and issue a separate certificate for each lot inspected by him, except that when an application covers a number of lots a single certificate may be issued to cover all such lots: *Provided*, That (a) another employee of the Inspection Service may sign any such certificate covering any product inspected by an inspector when given power of attorney by such inspector and authorized by the Administrator, to affix the inspector's signature to an inspection certificate which has been prepared in accordance with the facts set forth in the notes, made by the inspector, in connection with the inspection; when (b) inspection is made by any person for the purpose of determining whether food products for use by such applicant comply with contract specifications therefor, a formal certificate need not be issued, but, the fact of such compliance or noncompliance may be indicated by affixing an appropriate stamp or mark on such products or the containers thereof, at the discretion of the inspector.

§ 51.20 Issuance of corrected certificates.

A corrected inspection certificate may be issued by the inspector who issued the original certificate after distribution of a certificate if errors, such as incorrect dates, grade statements, lot or car numbers, identification marks, types of containers, sizes, weights, quantities, or errors in any other pertinent information require the issuance of a corrected certificate. Whenever a corrected certificate is issued, such certificate shall supersede the inspection certificate which was issued in error and the superseded certificate shall become null and void after the issuance of the corrected certificate.

§ 51.21 Disposition of inspection certificates.

(a) The original certificate, and not to exceed four copies (if requested by applicant prior to issuance), shall be delivered or mailed promptly to the applicant or to a person designated by him. One copy shall be filed in the office of the inspector when the inspection is made by a Federal Government employee, otherwise, it shall be filed in the appropriate office of the cooperating Federal-State Inspection Agency. Unless otherwise directed by the Administrator, two copies of each official certificate issued on products received in destination markets shall be forwarded to the Administrator to be kept on file in Washington and no copies of official certificates issued at shipping point need be so forwarded. In the case of any product covered by a marketing agreement and/or order effective pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), at least one copy of each certificate covering the inspection of such product shall, on request, be delivered to the administrative agency established thereunder, subject to such terms and conditions as the Administrator may prescribe. Copies may be furnished to other interested parties as outlined in § 51.41.

§ 51.22 Disposition of samples.

If it is necessary to take samples of the product to the inspection office for further examination, the inspector, after completion of inspection of such samples shall dispose of them or any usable portion as follows: (a) Ascertain from the applicant if the owner wants the samples returned to him at his expense, (b) if he does not want them returned at his expense, give them to a nonsectarian charitable organization or, (c) if they have a substantial monetary value, sell them and remit the proceeds to the Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, or if applicable, to the cooperating State Agency. Such proceeds shall be deposited to the credit of the Inspection Trust Fund, Federal or cooperating agency, whichever is applicable.

§ 51.23 Report of inspection results prior to issuance of formal report.

Upon request of an applicant, all or any part of the contents of a certificate covering an inspection requested by him may be telegraphed or telephoned to him, or to any person designated by him, at his expense. If the application for such information is received after the certificate has been issued, it will be considered as an application for an extra copy of the certificate, and the fees prescribed in § 51.41 shall apply.

Appeal Inspection

§ 51.24 When appeal inspection may be requested.

An application for appeal inspection may be made by any financially interested person who is dissatisfied with the results of an inspection as stated in an inspection certificate, if the lot can be positively identified by the Inspection Service as the lot which was previously inspected.

§ 51.25 Where to file for an appeal inspection and information required.

An appeal inspection may be obtained by the applicant, or other person financially interested in the product, by filing a request (a) with the Inspection Office nearest the point where the product is located, or (b) with the inspector who made the original inspection, or (c) with any district supervisory inspection office, or (d) with the Administrator. The application for the appeal inspection shall state the reasons therefor, and shall be accompanied by a copy of any previous inspection certificate or inspection report, and any other information which the applicant received regarding the quality or condition of the product at the time of the original inspection. Such application may be made orally (in person or by telephone), in writing, or by telegraph. If made orally, written confirmation shall be made promptly.

§ 51.26 Record of filing time.

A record showing the date and time of filing an application for appeal inspection shall be made promptly by the receiving office.

§ 51.27 When appeal inspection may be refused.

An application for an appeal inspection may be refused if: (a) The reasons for the appeal inspection are frivolous or not substantial; (b) the quality or condition of the product has undergone a material change since the inspection covering the product on which the appeal inspection is requested; (c) the lot in question is not, or cannot be, made accessible for the inspection; (d) the lot relative to which appeal inspection is requested cannot be identified positively by the inspector as the lot which was previously inspected; or (e) there is noncompliance with the regulations in this part. Such an applicant shall be notified promptly of the reason for refusal.

§ 51.28 When an application for an appeal inspection may be withdrawn.

An application for appeal inspection may be withdrawn by the applicant at any time before the appeal inspection is performed: *Provided*, That the applicant shall pay any travel expenses, telephone, telegraph or other expenses which have been incurred by the Inspection Service in connection with such application.

§ 51.29 Order in which made.

Appeal inspections shall be made, as soon as practicable, following the time requested by the applicant and in the order in which applications are received. They shall take precedence over all other pending applications, except applications for inspections covering lots involved in complaints filed pursuant to the Perishable Agricultural Commodities Act, 1930 as amended (7 U.S.C. 499a et seq.).

§ 51.30 Who shall perform appeal inspections.

Appeal inspections shall be performed by an inspector or inspectors authorized for this purpose by the Administrator and whenever practical, such appeal inspections shall be made by two inspectors.

§ 51.31 Appeal inspection certificate.

After an appeal inspection has been completed, an appeal inspection certificate shall be issued showing the results of such appeal inspection; and such certificate shall supersede the inspection certificate previously issued for the product involved. Each appeal inspection certificate shall clearly identify the number and date of the inspection certificate which it supersedes. The superseded certificate shall become null and void upon the issuance of the appeal inspection certificate and shall no longer represent the quality described therein. The inspector or inspectors issuing an appeal inspection certificate shall sign the certificate and forward notice of such issuance to such persons as considered necessary to prevent misuse of the superseded certificate if the original and all copies of such superseded certificate have not previously been delivered to the inspector or inspectors issuing the appeal inspection certificate. The provisions in the regulations in this part concerning forms of certificates and issuance of certificates, shall apply to appeal inspection certificates, except that copies of such appeal inspection certificates shall be furnished all interested parties who receive copies of the superseded certificate.

Licensing of Inspectors

§ 51.32 Who may be licensed.

Persons who are employed by a cooperative Federal-State Inspection Agency and possess adequate qualifications, as determined by such examinations as the Administrator may consider to be appropriate, may be licensed as inspectors of products which may be inspected under the regulations in this part. Such license shall bear the printed signature of the Secretary and shall be countersigned by an authorized employee of the Department. A licensed inspector shall perform his duties pursuant to these regulations as directed by the Administrator.

§ 51.33 Application to become a licensed inspector.

Application to become a licensed inspector shall be made to the Administrator on forms furnished for that purpose. Each such application shall be filed in and signed by the applicant in his own handwriting, and the application shall contain or be accompanied by:

(a) A statement of present address, age, height, and weight of the applicant;

(b) A statement showing education and present and previous occupations, together with names of all employers for whom he has worked with periods of service, during the last 5 years previous to the date of his application;

(c) A statement by the applicant that he agrees to comply with all terms and conditions of the regulations in this part relating to the duties of inspectors; and

(d) Such other information as may be required by the Administrator.

§ 51.34 Suspension or revocation of license of a licensed inspector.

Pending final action by the Secretary, the Administrator may, whenever he deems such action necessary, suspend the license of any licensed inspector issued pursuant to the regulations in this part by giving notice of such suspension to the respective licensee, accompanied by a statement of the reasons therefor. Within 10 days after the receipt of the aforesaid notice and statement of the reasons by such licensee, he may file an appeal, in writing, with the Secretary, supported by any argument or evidence that he may wish to offer as to why his license should not be suspended or revoked. After the expiration of the aforesaid 10-day period and consideration of such argument and evidence, the Secretary will take such action as he deems appropriate with respect to such suspension or revocation. When no appeal is filed within the prescribed 10 days, the license shall be automatically revoked.

§ 51.35 Surrender of license.

Upon termination of his services as a licensed inspector, or suspension or revocation of his license, a licensee shall surrender his license immediately to the office of inspection serving the area in which he is located. These same provisions shall apply in case of an expired license.

§ 51.36 Renewal of license.

An expired license may be renewed by the issuance of a new license: *Provided*, That the person seeking renewal of his license is employed by the cooperating agency and his past performance as a licensed inspector has been satisfactory.

SCHEDULE OF FEES AND CHARGES AT DESTINATION MARKETS

§ 51.37 Amount of fees, rates, and charges.

For each lot of products inspected, a fee and expenses, determined in accordance with §§ 51.38 to 51.40 shall be paid by the applicant.

§ 51.38 Basis for charges.[1]

(a) The fee for each lot of products inspected by an inspector acting exclusively for the Department, except for peanuts, pecans and other nuts, shall be on the following basis:

(1) Quality and condition inspections:

(i) $15 for each over one-half carlot equivalent of an individual product up to a full carlot.

(ii) $12 for each half carlot equivalent or less of an individual product.

(iii) $30 maximum for inspection of each carlot equivalent when more than one kind of product is involved.

(2) Condition inspection only:

(i) $12 for each over one-half carlot equivalent of an individual product up to a full carlot.

(ii) $10 for each half carlot equivalent or less of an individual product.

(iii) $24 maximum for inspection of each carlot equivalent when more than one kind of product is involved.

(3) When any lot involved is in excess of a carlot equivalent, the quantity shall be calculated in terms of carlot and fractions thereof of the customary carlot quantity for such carlots and carlot inspection fee rates: *Provided*, That such fractions shall be calculated in terms of fourths or next higher fourths.

(b) The base fee for peanuts (shelled), pecans or other nuts shall be 60 cents per ton: *Provided*, That the minimum fee shall be $12 per lot, the different grades and varieties of peanuts shall be considered separate lots, and the fee for Farmers' stock peanuts (unshelled) shall be $1.65 per ton.

(c) When inspections are made and the products inspected cannot readily be calculated in terms of carlots, or when the services rendered are such that a charge on the carlot or other unit basis would be inadequate or inequitable, charges for inspection may be based on the time consumed by the inspector in connection with such inspections, computed at the rate of $6 per hour.

(d) Not withstanding the fee rates prescribed in the preceding paragraphs, fees and charges for the inspection of small lots where detailed reports of inspection are not normally required,[2] the following rates may be applied:

1 to 25 packages inclusive	$3.25
26 to 50 packages inclusive	4.25
51 to 150 packages inclusive	6.00
151 to ½ customary carlot equivalent	9.00

(e) Whenever inspections are performed at the request of the applicant on Saturdays, Sundays, holidays or at any other periods which are outside the inspector's regular scheduled workweek, the charge for inspection service shall be $3 per hour or portion thereof per inspector in addition to the regular commercial lot or hourly fees specified in this subpart.

§ 51.39 Fees for appeal inspections.

The fee to be charged for appeal inspections on all products shall be at the same rate as those set forth in this part except that when it is found that there was a material error in the determination based upon the original inspection, no fee will be charged, and except that appeal inspection for Government Agencies shall be on the hourly basis prescribed in this part, plus traveling and other expenses authorized to be charged by the provisions in this part.

§ 51.40 Traveling and other expenses.

Costs including travel incurred by the Consumer and Marketing Service in providing inspection service at a place where no inspector is located or costs in appeal inspections requiring a second inspector may be charged to the applicant. These charges shall be included with the fee for inspection on the bill furnished the applicant.

§ 51.41 Fees for additional copies of inspection certificates.

Additional copies of any inspection certificate other than those provided for in § 51.21, may be supplied to any interested party upon payment of a fee of $2.25 for each set of 5, or less, copies.

§ 51.42 Charges for inspection services on a contract basis.

Irrespective of fees and charges prescribed in the foregoing sections, the Administrator may enter into contracts with applicants to perform inspection services pursuant to the regulations in this part and other requirements as prescribed by the Administrator in such contract, and the charges for such inspection services provided for in such contracts shall be on such basis as will reimburse the Consumer and Marketing Service of the Department for the full cost of conducting such inspection service, including an appropriate overhead charge to cover as nearly as practicable administrative overhead expenses, as may be determined by the Administrator.

§ 51.43 How fees shall be paid.

Fees shall be paid by the applicant in accordance with the directions on the fee bill furnished him by the billing office, and in advance, if required by the inspector.

§ 51.44 Disposition of fees.

(a) The fees collected for services rendered shall be disposed of as follows:

(1) Fees for inspections made by inspectors acting exclusively for the Consumer and Marketing Service shall be remitted promptly to the Consumer and Marketing Service.

(2) Fees for inspections made by an inspector acting under a cooperative agreement with a State or other organization shall be disposed of in accordance with the terms of such agreement. Such portion of the fees collected under a cooperative agreement with a State or other cooperating bodies as may be due the United States shall be remitted to the Consumer and Marketing Service.

(b) Fees and charges collected pursuant to §§ 51.40 to 51.41 shall be remitted to the Consumer and Marketing Service.

(c) Fees and charges collected pursuant to § 51.42 shall be disposed of in accordance with the terms of the contract.

[1] Carlot equivalent shall be based on the customary quantity of a product loaded in common carrier railcars.

[2] For example the inspection of small lots for export to Canada or delivery to private and public institutions.

SCHEDULE OF FEES AND CHARGES AT SHIPPING POINT AREAS

§ 51.45 Fees and charges at shipping point areas.

Fees for inspection performed under cooperative agreements pursuant to authority contained in any Act of Congress shall be those provided by such agreements.

MISCELLANEOUS

§ 51.46 Denial of inspection service.

Any or all benefits of the act may be denied any person for any of the following reasons: (a) Any willful misrepresentation or deceptive or fraudulent practice made or committed by any person in connection with the making or filing of an application for inspection service; (b) any fraudulent or unauthorized use, alteration, or imitation of any certificate issued pursuant to the regulations; (c) any interference with or obstruction of any inspector or official sampler in the performance of his duties, by intimidation, threat, assault or any other improper means; or (d) any willful violation of the regulations may be deemed sufficient cause for debarring the person found guilty thereof from any or all benefits of the acts, after notice and opportunity for hearing has been accorded him. The rules of practice governing withdrawal of Inspection and Grading Services, Part 50, of this chapter, shall govern the proceedings pursuant to this section.

§ 51.47 Political activity.

All inspectors are forbidden, during the period of their respective appointments or while holding a valid inspectors' license to take an active part in political campaigns and a violation by a licensee shall constitute grounds for revocation of his license. All Federal employees are subject to the applicable provisions of the Department's administrative regulations relating to political activity.

§ 51.48 Inspectors' identification.

Each inspector shall have in his possession at all times, and present upon request, while on duty, the means of identification furnished by the Department to such person.

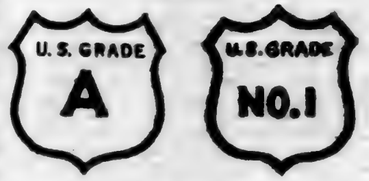
§ 51.49 Approved identifications.

(a) *Grade marks.* The approved shield mark with the appropriate U.S. grade designation may be used on containers, labels or otherwise indicated on the package when: (1) The product has been packed under continuous inspection as provided by the Inspection Service, (2) the plant in which the product is packed is maintained under good commercial sanitary practices, and (3) the product has been certified by an inspector as meeting the requirements of U.S. Grade A, U.S. Grade No. 1, or a higher U.S. grade as shown within the shield. The shields with approved grade designation for use shall be similar in form and design to the examples in figures 1 and 2 of this section.



Shield using red, white and blue background.

FIGURE 1.



Shields with plain background.

FIGURE 2.

(b) *Inspection legends.* The approved continuous inspection legends may be used on containers, labels or otherwise indicated on the package when: (1) The product has been packed under continuous inspection provided by the Inspection Service; (2) the plant in which the product is packed is maintained under good commercial sanitary practices; and (3) the product meets the requirements of such quality, grade, or specification as may be approved by the Administrator. The continuous inspection legends approved for use shall be similar in form and design to the examples in figures 3 and 4.



FIGURE 3.

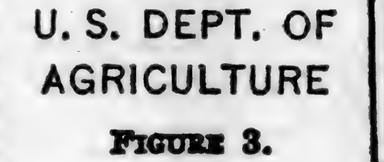


FIGURE 4.

(c) *Combined grade and inspection legends.* The grade marks set forth in paragraph (a) of this section and illustrated by figures 1 and 2 of this section and the inspection legends set forth in paragraph (b) of this section and illustrated by figures 3 and 4 of this section may be combined into a consolidated grade and inspection legend for use on products which meet the requirements of both of these paragraphs. See figure 5.



FIGURE 5.

(d) *Other identification marks.* Products may be inspected on a lot inspection basis as provided in this part and identified by an official inspection mark similar in form and design to figure 6 of this section. The use of this mark or other comparable identification marks may be required by the Administrator whenever he determines that such identification is necessary in order to maintain the identity of lots which have been inspected and certified.

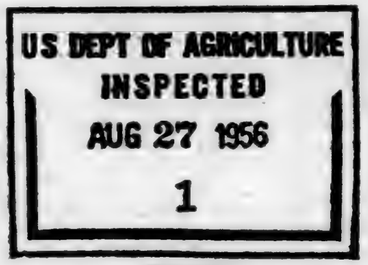


FIGURE 6.

§ 51.50 Custody of official inspection marking devices.

All official inspection marking devices as shown in figure 6 of § 51.49 shall be kept in the custody of the Consumer and Marketing Service and accurate records shall be kept of these devices. Each inspection office shall keep a record of the devices assigned to it. Such devices shall be distributed only to authorized

employees of the Department who shall keep the devices in their official possession or control at all times and keep complete records of such devices.

§ 51.51 Prohibited uses of approved identification.

No label or advertising material used on, or in conjunction with any product, shall bear a brand name, trademark, product name or any other descriptive material that incorporates, resembles, simulates, or alludes to any official U.S. Department of Agriculture grade mark, grade statement, continuous inspection legend, sampling mark or sampling statement, or combination of one or more thereof.

§ 51.52 Licensing and identification of certain official devices.

The Administrator may issue licenses permitting the manufacture, identification, distribution, and sale of any official device designated as a USDA color standard, defect guide or other similar aid under such terms and conditions as may be specified by the Administrator. Licenses shall be available to all persons meeting conditions prescribed by the Administrator, shall be nonexclusive, and shall be revocable for cause. No person shall manufacture, identify, distribute or sell any such official device except at the direction of or under license from the Administrator. Such official devices may be marked, tagged or otherwise designated with the prefix "USDA" together with other identifying words or symbols, as prescribed by the license.

REQUIREMENTS FOR PLANTS OPERATING UNDER CONTINUOUS INSPECTION ON A CONTRACT BASIS

§ 51.53 Continuous inspections.

Continuous inspection service which is associated with the use of the approved shield showing the U.S. grade, the approved continuous inspection legend, or both, on the container may be furnished whenever inspectors are available, the facilities and conditions are satisfactory for the conduct of the service, and there is a signed contract between the applicant and the Department or a cooperative Federal-State Inspection Agency in which it is agreed that such service will be conducted subject to regulations governing the inspection and certification of fresh fruits, vegetables, and other products, contained in this part and any additional and supplemental instructions issued by the Department or such instructions issued by a cooperating agency which are not inconsistent with those issued by the Department.

§ 51.54 Plant survey.

Prior to the inauguration of continuous Federal or Federal-State Inspection Service on a contract basis, the Administrator will make or cause to be made a survey and inspection where such service is to be performed to determine whether the premises, plant and facilities are suitable and adequate for the performance of such service in accordance with the regulations in this part, including, but not limited to requirements contained in §§ 51.54 through 51.62.

§ 51.55 Premises.

The premises shall be free from conditions objectionable to packing operations, including, but not limited to litter, waste and refuse within the immediate vicinity of the plant buildings, excessively dusty roads, yards or parking lots, and poorly drained areas.

§ 51.56 Buildings and structures.

The packing plant buildings shall be properly constructed and maintained in a sanitary condition, including, but not limited to the following requirements:

(a) There shall be sufficient light consistent with the use to which the particular portion of the building is devoted and to permit efficient cleaning. The grading belts and bins shall be provided with sufficient proper nonglaring light to insure adequacy of grading and inspection operations;

(b) If the product is washed there shall be ample supply of water of a safe and sanitary quality with adequate facilities for its distribution throughout the plant and washing machinery;

(c) There shall also be an efficient waste disposal and plumbing system maintained in good repair;

(d) Each room in which the product is graded or stored shall be designed and constructed as to insure operating conditions of a clean and orderly character and shall be maintained in a clean and sanitary manner.

(e) Every practical precaution shall be taken to exclude dogs, cats, rodents and other vermin from the rooms in which the products are to be graded or stored.

§ 51.57 Facilities.

Each packing plant shall be equipped with adequate sanitary facilities and accommodations, including but not being limited to the following:

(a) There shall be a sufficient number of adequately lighted toilet rooms, ample in size and conveniently located. Toilet rooms shall be adequately screened and equipped with self-closing doors, and shall have independent outside ventilation.

(b) Adequate lavatory accommodations and supplies shall be placed at such locations in or near toilet rooms as to insure the cleanliness of each person who grades or handles the product to be inspected.

(c) Suitable facilities for cleaning shall be provided at convenient locations in the plant.

§ 51.58 Equipment.

All equipment used for receiving, washing, grading, packaging or storing shall be of such design, material and construction that it may be kept clean.

§ 51.59 Operations and operating procedures.

(a) The inspector shall refuse to permit the use of the official shield with grade mark or continuous inspection legend on packages if the produce is from a field or orchard having a disease or other condition which may not be apparent on individual specimens at packing time but which may cause the product to materially decrease in quality after packing.

(b) All products which are certified shall be subjected to continuous inspection throughout the packing operations.

(c) The inspectors are available for consultation purposes but shall not become involved in plant operations.

(d) The Inspection Service will not be responsible for damages occurring through any act of commission or omission on the part of its inspectors when engaged in rendering continuous inspection service; for packing errors or misbranding of products; or for failure to supply enough inspectors during any period of service provided under the contract.

(e) The applicant for continuous inspection shall:

(1) Conform to all applicable regulations under which the continuous inspection service is conducted.

(2) Use only raw material which has been handled or stored under conditions which insures its suitability for packing; maintain the plant designated herein in such sanitary condition and to employ such methods of handling raw materials for packing as may be necessary to conform to the sanitary requirements prescribed in this part.

(3) Not permit any of his marks or labels or buyers' and distributors' marks or labels applied by him on which reference is made to continuous inspection to be used on any product not packed under this continuous inspection service; or permit any of his marks or labels or buyers' and distributors' marks or labels applied by him on which reference is made to any U.S. Grade to be used on any product which does not meet the requirements of such grade; or to supply labels bearing reference to continuous inspection service to another plant unless the products to which such labels are to be applied have been packed under continuous inspection.

(4) Furnish any reports of packaging and output of products inspected, as may be requested by the inspection agencies.

(5) Make available to inspectors adequate office space in the designated plant and furnish suitable desks and office equipment for the proper care of inspection records.

(6) Make his laboratory or other facilities and necessary equipment available for the use of inspectors in making inspection of samples.

(7) Furnish if required, such stenographic and clerical assistance as may be necessary in the typing of certificates and reports and the handling of official correspondence, as well as the labor incident to drawing of samples and facilitating adequate inspection procedure when necessary.

(8) Submit to the Consumer and Marketing Service, through the inspector assigned to the plant or other representative of the Inspection Service for approval prior to use, copies or proof of each packer's or distributor's label bearing or referring in any manner to official identification of the designated packaged products hereunder.

(9) Not make deceptive, fraudulent, or unauthorized use in his advertising, or otherwise, of the continuous inspection service, the inspection certificates or reports issued, or the containers on which the shield of the Department is identified, in connection with the sale of any of the packaged products; and to submit to the Consumer and Marketing Service through the inspector assigned to the plant or other representative of the Inspection Service, for approval to use any proposed advertising in which reference is made to the Inspection Service.

§ 51.60 Termination of contracts.

In case the applicant wishes to terminate the contract he agrees either to continue the service until all unused containers, labels and advertising material on hand or in the possession of his supplier bearing the Department shield, or reference to continuous inspection service have been used, or to destroy such containers, labels and advertising material, or to obliterate the Department shield and all other reference to the continuous inspection service on said containers, labels, and advertising material, or otherwise furnish assurance satisfactory to the Consumer and Marketing Service that such containers, labels and advertising material will not be used in violation of the terms and conditions of this agreement. In case the continuous inspection service is terminated for cause by the Consumer and Marketing Service, the applicant agrees to destroy all unused containers, labels and advertising material on hand bearing the Department shield, or reference to continuous inspection service, or to obliterate the Department shield, and all reference to the continuous inspection service on said containers, labels and advertising material or otherwise furnish assurance satisfactory to the Consumer and Marketing Service that such containers, labels and advertising material will not be used in violation of the terms and conditions of the agreement.

§ 51.61 Congressional interest in contracts.

No member of, or delegate to Congress, or Resident Commissioner, shall be admitted to any share or part of any contract provided for in the regulations in this subpart or to any benefit that may arise therefrom, but this provision shall not be construed to extend to such contract if made with a corporation for its general benefit, and shall not extend to any benefits that may accrue from the contract to a member of, or delegate to Congress, or a Resident Commissioner in his capacity as a farmer.

Dated: August 15, 1967.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 67-9705; Filed, Aug. 21, 1967; 8:45 a.m.]

[7 CFR Part 1125]

[Docket No. AO 236-A16]

MILK IN PUGET SOUND, WASH., MARKETING AREA

Notice of Extension of Time for Filing Exceptions to Recommended Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Puget Sound, Wash., marketing area, which was issued August 7, 1967 (32 F.R. 11567), is hereby extended to September 9, 1967.

Signed at Washington, D.C., on August 17, 1967.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 67-9643; Filed, Aug. 21, 1967; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[43 CFR Part 23]

MINED LAND RECLAMATION

Notice of Extension of Time for Comments

On July 20, 1967 there was published in the FEDERAL REGISTER (vol. 32, No. 139, pp. 10656–58) as a notice of proposed rule making a proposed new Part 23 to Title 43, Code of Federal Regulations, relating to the protection and reclamation of surface mined lands.

That notice afforded all interested parties 30 days from the date of publication within which to submit to the Secretary of the Interior written comments, suggestions, or objections with respect to the proposed regulations.

In view of the widespread interest shown in the proposed regulations and in view of requests received for an extension of time within which to submit comments it appears appropriate, in the circumstances, to grant the requests for such an extension.

Therefore, notice is hereby given that all interested persons are afforded an extension of time until the close of office hours on Friday, October 20, 1967 within which to submit to the Secretary of the Interior, Washington, D.C., written comments, suggestions or objections with respect to the proposed regulations.

STEWART L. UDALL,
Secretary of the Interior.

AUGUST 16, 1967.

[F.R. Doc. 67-9818; Filed, Aug. 21, 1967; 8:45 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

[15 CFR Part 10]

PROCEDURES FOR DEVELOPMENT OF VOLUNTARY PRODUCT STANDARDS

Notice of Proposed Rule Making

The Department of Commerce proposes to amend its procedures for the development of voluntary product standards in order to provide a more effective program.

Interested parties may participate in the proposed rule-making by submitting written comments or suggestions, in duplicate, to the Office of the General Counsel, U.S. Department of Commerce, Washington, D.C. 20230. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposal.

A public docket will be available for examination by interested parties at the Central Reference and Records Inspection Facility of the Department of Commerce, Room 2122, Main Commerce Building, 14th Street between Pennsylvania Avenue and Constitution Avenue NW., Washington, D.C.

The following proposals are under consideration:

1. Amend § 10.2 by revising paragraph (a) to read as follows:

§ 10.2 Development of proposed standard.

(a) The proposed standard as submitted to the Department shall in the Department's judgment—

(1) Be based on adequate technical information,

(2) Include test methods or inspection procedures which permit any competent testing facility to determine conformance or non-conformance with the standard, whenever pertinent,

(3) Be not contrary to law or the public interest,

(4) Reasonably be expected to be generally acceptable by producers, distributors, consumers and users of the product,

(5) Be technically sound,

(6) Be in the proper form, and

(7) Include performance criteria when the proposed standard relates to quality, to the extent feasible.

* * * * *

2. Revise § 10.5 to read as follows:

§ 10.5 Procedure for acceptance of recommended standard.

(a) Upon receipt from the Committee of a recommended standard and report,

the Department shall give appropriate public notice and distribute the recommended standard for acceptance unless—

(1) Upon a showing by any member of the Committee who has voted to oppose the recommended standard on the basis of an unresolved objection, the Department determines that if such objection were not resolved, the recommended standard—

(i) Would be contrary to the public interest, if published;

(ii) Would be technically inadequate; or

(iii) Would be inconsistent with law or established public policy.

(2) The Department determines that all criteria and procedures set forth herein have not been met satisfactorily or that there is legal objection to the recommended standard.

(b) Distribution for acceptance or rejection for purposes of determining general concurrence will be made to a list compiled by the Department, which shall be representative of producers, distributors, users, consumers, appropriate testing laboratories, and interested State and Federal agencies.

(c) Distribution for comment also will be made to any party filing a written request with the Department.

(d) The Department will analyze the responses and if such analysis indicates that the recommended standard is supported by a consensus, then it will be published as a product standard by the Department.

(e) For the purpose of these procedures the following definitions shall apply:

(1) Consensus means general concurrence and, in addition, no substantive objection deemed valid by the Department.

(2) General concurrence means not less than 80 percent acceptance among those responding to the distribution for acceptance or rejection under paragraph (b) of this section in each of the following segments:

(i) Producers both by number and by estimated volume of production;

(ii) Distributors; and

(iii) Users, consumers and general interest groups.

(3) Substantive objection means an objection on grounds that one or more of the criteria set forth in § 10.2(a) has not been satisfied.

3. Amend Part 10 by adding a new § 10.5a to read as follows:

§ 10.5a Procedure when a recommended standard is not supported by a consensus.

If the Department determines that a recommended standard is not supported by a consensus, the Department may:

(a) Return the recommended standard to the Standard Review Committee for further action, with or without suggestions;

(b) Terminate the development of the recommended standard under these procedures;

(c) Publish a voluntary standard on its own initiative after a rule-making proceeding as provided by 5 U.S.C. 553 where there is not less than 66⅔ percent concurrence within each segment of the industry and upon a determination by the Secretary that the public interest would suffer if a voluntary standard or a revised voluntary standard, as the case may be, is not published. Such a standard may be based upon the recommended standard that was not supported by a consensus as well as any other relevant information. Any standard so published may be amended, revised, or withdrawn by the Department after appropriate rule-making proceeding under 5 U.S.C. 553.

(d) Report the failure to achieve consensus on the recommended standard to Congress with appropriate recommendations.

These proposals are issued under the authority of the Act of March 3, 1901, chapter 872, section 2, 31 Stat. 1449; as amended by the Act of July 22, 1956, chapter 486, section 1, 64 Stat. 371 (15 U.S.C. 272); Reorganization Plan No. 3 of 1946, Part VI.

Issued in Washington, D.C., on August 19, 1967.

ALLEN V. ASTIN,
Acting Assistant Secretary for Science and Technology.

[F.R. Doc. 67-9883; Filed, Aug. 21, 1967; 10:30 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 1]

DRUGS, DEVICES, AND COSMETICS

Statements Required on Labels

Section 4 of the Fair Packaging and Labeling Act (Public Law 89-755) authorizes the Secretary of Health, Education, and Welfare to promulgate regulations prescribing additional requirements pertaining to the declaration of net quantity of contents, identity of the commodity, and name and place of business of manufacturer, packer, or distributor on labels of foods, drugs, devices, and cosmetics distributed in interstate commerce. Regulations governing certain aspects of these same declarations have been previously promulgated (21 CFR Parts 1, 5) under the authority of the Federal Food, Drug, and Cosmetic Act.

In a notice of proposed rule making published in the FEDERAL REGISTER of March 17, 1967 (32 F.R. 4172), changes were proposed in the existing regulations pertaining to required label statements for foods. Also in that notice, an exempting procedure was proposed pertaining to required label statements for foods, drugs, devices, and cosmetics. These proposed amendments were acted upon in the order published in the FEDERAL REGISTER of July 21, 1967 (32 F.R. 10729), which established an exempting procedure for foods, drugs, devices, and cosmetics; set forth the requirements for label statements for foods; and established certain exemptions for foods. In the same issue of the FEDERAL REGISTER, a statement of policy (21 CFR 3.87) was published pertaining to the utilization of packages and labels not in compliance with labeling requirements of the Fair Packaging and Labeling Act.

Having ordered changes in the required label statements for foods, the Commissioner of Food and Drugs now proposes the following amendments regarding label statements for drugs, devices, and cosmetics.

Accordingly, pursuant to the provisions of the Fair Packaging and Labeling Act (secs. 4, 6, 80 Stat. 1297, 1299, 1300; 15 U.S.C. 1453, 1455) and the authority provided in the Federal Food, Drug, and Cosmetic Act (secs. 502 (b), (c), 602 (b), (c), 701, 52 Stat. 1050, 1054, 1055, as amended; 21 U.S.C. 352 (b), (c), 362 (b), (c), 371), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), it is proposed that Part 1 be amended:

1. By adding new § 1.101a, as follows:

§ 1.101a Drugs and devices in package form; principal display panel.

The term "principal display panel" as it applies to drugs and devices in package form and as used in this part, means the part of a label that is most likely to be displayed, presented, shown, or examined under customary conditions of display for retail sale. The principal display panel shall be large enough to accommodate all the mandatory label information required to be placed thereon by this part with clarity and conspicuousness and without obscuring designs, vignettes, or crowding. Where packages bear alternate principal display panels, information required to be placed on the principal display panel shall be duplicated on each principal display panel. For the purpose of obtaining uniform type size in declaring the quantity of contents for all packages of substantially the same size, the term "area of the principal display panel" means the area of the side or surface that bears the principal display panel, which area shall be:

(a) In the case of a rectangular package where one entire side properly can be considered to be the principal display panel side, the product of the height times the width of that side;

(b) In the case of a cylindrical or nearly cylindrical container, 40 percent of the product of the height of the container times the circumference;

(c) In the case of any other shape of container, 40 percent of the total surface of the container.

In determining the area of the principal display panel, exclude flanges at tops and bottoms of cans and shoulders and necks of bottles or jars. In the case of cylindrical or nearly cylindrical containers, information required by this part to appear on the principal display panel shall appear within that 40 percent of the circumference which is most likely to be displayed, presented, shown, or examined under customary conditions of display for retail sale.

2. By revising § 1.102 and adding new §§ 1.102a, 1.102b, 1.102c, and 1.102d, as follows:

§ 1.102 Prescription and insulin-containing drugs in package form; labeling re identity.

(a) The principal display panel of prescription and insulin-containing drugs in package form shall bear as one of its principal features a statement of the identity of the drug.

(b) Such statement of identity shall be in terms of the established name of the drug. An insulin-containing drug shall be further identified by placement on the outside container or wrapper of the package, and on the label of the immediate container, of the distinguishing color(s) required by § 164.7 of this chapter. In the case of a prescription drug that is a mixture and that has no established name, the requirement for statement of identity shall be deemed to be satisfied by a listing of the quantitative ingredient information as prescribed by § 1.104.

(c) The statement of identity shall be presented in bold type on the principal display panel, shall be in a size reasonably related to the most prominent printed matter on such panel, and shall be in lines generally parallel to the base on which the package rests as it is designed to be displayed. The statement of identity of a prescription drug shall also comply with the placement, size, and prominence requirements of § 1.104.

§ 1.102a Over-the-counter drugs and devices in package form; labeling re identity.

(a) The principal display panel of an over-the-counter drug or device in package form shall bear as one of its principal features a statement of the identity of the commodity.

(b) Such statement of identity shall be in terms of the established name of the drug or common name of the device. In the case of an over-the-counter drug that is a mixture and that has no established name, this requirement shall be deemed to be satisfied by a statement of the general pharmacological category of the drug (for example, antacid, analgesic, etc.) supplemented by a listing of each active ingredient contained therein. Such statement and listing shall be placed in direct conjunction with the most prominent display of the proprietary name or designation.

(c) The statement of identity shall be presented in bold type on the principal display panel, shall be in a size reasonably related to the most prominent printed matter on such panel, and shall be in lines generally parallel to the base on which the package rests as it is designed to be displayed.

§ 1.102b Drugs and devices in package form; labeling re name and place of business of manufacturer, packer, or distributor.

(a) The label of a drug or device in package form shall specify conspicuously the name and place of business of the manufacturer, packer, or distributor.

(b) The requirement for declaration of the name of the manufacturer, packer, or distributor shall be deemed to be satisfied, in the case of a corporation, only by the actual corporate name which may be preceded or followed by the name of the particular division of the corporation. In the case of an individual, partnership, or association, the name under which the business is conducted shall be used.

(c) Where a drug or device is not manufactured by the person whose name appears on the label, the name shall be qualified by a phrase that reveals the connection such person has with such drug or device; such as, "Manufactured for and packed by _____," "Distributed by _____," or any other wording that expresses the facts.

(d) The statement of the place of business shall include the street address, city, State, and ZIP Code; however, the street address may be omitted if it is shown in a current city directory or telephone directory.

(e) If a person manufactures, packs, or distributes a drug or device at a place other than his principal place of business, the label may state the principal place of business in lieu of the actual place where such drug or device was manufactured or packed or is to be distributed, unless such statement would be misleading.

§ 1.102c Prescription and insulin-containing drugs in package form; labeling re declaration of net quantity of contents.

(a) The label of a prescription or insulin-containing drug in package form shall bear a declaration of the net quantity of contents. This shall be expressed in the terms of weight, measure, numerical count, or a combination of numerical count and weight or measure. The statement of quantity of drugs in tablet, capsule, ampule, or other unit dosage form shall be expressed in terms of numerical count; the statement of quantity for drugs in other dosage forms shall be in terms of weight if the drug is solid, semisolid, or viscous, or in terms of fluid measure if the drug is liquid. When the drug quantity statement is in terms of the numerical count of the drug units, it shall be augmented when necessary to give accurate information as to the quantity of such drug in the package. Such combined statement (in terms, manner, or form that are not misleading) shall give the weight or measure of the drug units or the quantity of each active ingredient in each drug unit or, when quantity does not accurately reflect drug potency, a statement of the drug potency.

(b) Statements of weight of the contents shall in the case of prescription drugs be expressed in terms of avoirdupois pound, ounce, and grain or of kilogram, gram, and subdivisions thereof. A statement of liquid measure of the contents shall in the case of prescription drugs be expressed in terms of the U.S. gallon of 231 cubic inches and quart, pint, fluid-ounce, and fluid-dram subdivisions thereof, or of the liter and milliliter, or cubic centimeter, and shall express the volume at 68° F. (20° C.). A statement of the liquid measure of the contents in the case of insulin-containing drugs shall be expressed in terms of the liter and milliliter, or cubic centimeter, and shall express the volume at 68° F. (20° C.).

(c) The declaration shall contain only such fractions as are generally used in expressing the quantity of the drug. A common fraction shall be reduced to its lowest terms; a decimal fraction shall not be carried out to more than three places, except in the case of a statement of the quantity of an active ingredient in a unit of a drug.

(d) The declaration shall appear as a distinct item on the principal display panel of the label; with respect to packages bearing alternate principal display panels, it shall be duplicated on each principal display panel.

(e) The declaration shall accurately reveal the quantity of drug in the package exclusive of wrappers and other material packed therewith.

(f) A statement of the quantity of a prescription or insulin-containing drug in terms of weight or measure applicable to such drug, under the provisions of paragraph (a) of this section, shall express with prominence and conspicuousness the number of the largest whole unit, as specified in paragraph (b) of this section, that are contained in the package. Any remainder shall be expressed in terms of common or decimal fractions of such unit or in terms of the next smaller whole unit and common or decimal fractions thereof.

(g) The declaration of net quantity of contents shall express an accurate statement of the quantity of contents of the package. Reasonable variations caused by loss or gain of moisture during the course of good distribution practice or by unavoidable deviations in good manufacturing practice will be recognized. Variations from stated quantity of contents shall not be unreasonably large. In the case of a drug in ampules, the declaration shall be considered to express the minimum quantity and, if the drug is a liquid, the variation above the stated measure shall comply with the excess volume prescribed by the National Formulary or the United States Pharmacopeia for filling of ampules.

(h) A drug shall be exempt from compliance with the net quantity declaration required by this section if it is an ointment labeled "sample," "physician's sample," or a substantially similar statement and the contents of the package do not exceed 8 grams.

§ 1.102d Over-the-counter drugs and devices in package form; labeling re declaration of net quantity of contents.

(a) The label of an over-the-counter drug or device in package form shall bear a declaration of the net quantity of contents. This shall be expressed in the terms of weight, measure, numerical count, or a combination of numerical count and weight, measure, or size. The statement of quantity of drugs in tablet, capsule, ampule, or other unit form and

the quantity of devices shall be expressed in terms of numerical count; the statement of quantity for drugs in other dosage forms shall be in terms of weight if the drug is solid, semisolid, or viscous, or in terms of fluid measure if the drug is liquid. When the drug quantity statement is in terms of the numerical count of the drug units, it shall be augmented when necessary to give accurate information as to the quantity of such drug in the package. Such combined statement (in terms, manner, or form that are not misleading) shall give the weight or measure of the drug units or the quantity of each active ingredient in each drug unit (for example, "100 tablets, 5 grains each") or, when quantity does not accurately reflect drug potency, a statement of drug potency; provided that:

(1) In the case of a firmly established, general consumer usage and trade custom of declaring the quantity of a drug or device in terms of linear measure or measure of area, such respective term may be used. Such term shall be augmented when necessary for accuracy of information by a statement of the weight, measure, or size of the individual units or of the entire drug or device; for example, the net quantity of adhesive tape in package form shall be expressed in terms of linear measure augmented by a statement of its width.

(2) If the declaration of contents for a device by numerical count does not give accurate information as to the quantity of the device in the package, it shall be augmented by such statement of weight, measure, or size of the individual units or of the total weight, measure, or size of the device as will give such information; for example, "100 tongue depressors, adult size," "1-5 cc. hypodermic syringe," "1 finger splint, small size," etc.

Whenever the Commissioner determines for a specific packaged drug or device that an existing practice of declaring net quantity of contents by weight, measure, numerical count, or a combination of these does not facilitate value comparisons by consumers, he shall by regulation designate the appropriate term or terms to be used for such article.

(b) Statements of weight of the contents shall be expressed in terms of avoirdupois pound and ounce. A statement of liquid measure of the contents shall be expressed in terms of the U.S. gallon of 231 cubic inches and quart, pint, and fluid-ounce subdivisions thereof, and shall express the volume at 68° F. (20° C.).

(c) The declaration may contain common or decimal fractions. A common fraction shall be in terms of halves, quarters, eighths, sixteenths, or thirty-seconds; except that if there exists a firmly established, general consumer usage and trade custom of employing different common fractions in the net quantity declaration of a particular commodity, they may be employed. A common fraction shall be reduced to its lowest terms; a decimal fraction shall not be carried out to more than two places. A statement that includes small fractions of an ounce shall be deemed to permit smaller variations than one which does not include such fractions.

(d) The declaration shall be located on the principal display panel of the label, and with respect to packages bearing alternate principal panels it shall be duplicated on each principal display panel.

(e) The declaration shall appear as a distinct item on the principal display panel, shall be separated (by at least a space equal to the height of the lettering used in the declaration) from other printed label information appearing above or below the declaration and (by at least a space equal to twice the width of the letter "N" of the stype of type used in the quantity of contents statement) from other printed label information appearing to the left or right of the declaration. It shall not include any term qualifying a unit of weight, measure, or count (such as "giant pint" and "full quart") that tends to exaggerate the amount of the drug in the container. It shall be placed on the principal display panel within the bottom 30 percent of the area of the label panel in lines generally parallel to the base on which the package rests as it is designed to be displayed; provided that on packages having a principal display panel of 5 square inches or less, the requirement for placement within the bottom 30 percent of the area of the label panel shall not apply when the declaration of net quanity of contents meets the other requirements of this part.

(f) The declaration shall accurately reveal the quantity of drug or device in the package exclusive of wrappers and other material packed therewith; provided that in the case of drugs packed in containers designed to deliver the drug under pressure, the declaration shall state the net quantity of the contents that will be expelled when the instructions for use as shown on the container are followed. The propellant is included in the net quantity declaration.

(g) The declaration shall appear in conspicuous and easily legible boldface print or type in distinct contrast (by typography, layout, color, embossing, or molding) to other matter on the package; except that a declaration of net quantity blown, embossed, or molded on a glass or plastic surface is permissible when all label information is so formed on the surface. Requirements of conspicuousness and legibility shall include the specifications that:

(1) The ratio of height to width (of the letter) shall not exceed a differential of 3 units to 1 unit (no more than 3 times as high as it is wide).

(2) Letter heights pertain to upper case or capital letters. When upper and lower case or all lower case letters are used, it is the lower case letter "o" or its equivalent that shall meet the minimum standards.

(3) When fractions are used, each component numeral shall meet one-half the minimum height standards.

(h) The declaration shall be in letters and numerals in a type size established in relationship to the area of the principal display panel of the package and shall be uniform for all packages of substantially the same size by complying with the following type specifications:

(1) Not less than one-sixteenth-inch in height on packages the principal display panel of which has an area of 5 square inches or less.

(2) Not less than one-eighth-inch in height on packages the principal display panel of which has an area of more than 5 but not more than 25 square inches.

(3) Not less than three-sixteenths-inch in height on packages the principal display panel of which has an area of more than 25 but not more than 100 square inches.

(4) Not less than one-fourth inch in height on packages the principal display panel of which has an area of more than 100 square inches, except not less than one-half inch in height if the area is more than 400 square inches.

Where the declaration is blown, embossed, or molded on a glass or plastic surface rather than by printing, typing, or coloring, the lettering sizes specified in subparagraphs (1) through (4) of this paragraph shall be increased by one-sixteenth of an inch.

(i) On packages containing less than 4 pounds or 1 gallon and labeled in terms of weight or fluid measure:

(1) The declaration shall be expressed both in ounces, with identification by weight or by liquid measure and, if applicable (1 pound or 1 pint or more) followed in parentheses by a declaration in pounds for weight units, with any remainder in terms of ounces or common or decimal fractions of the pound (see examples set forth in paragraphs (k) (1) and (2) of this section), or in the case of liquid measure, in the largest whole units (quarts, quarts and pints, or pints, as appropriate) with any remainder in terms of fluid ounces or common or decimal fractions of the pint or quart (see examples set forth in paragraphs (k) (3) and (4) of this section). If the net weight of the package is less than 1 ounce avoirdupois or the net fluid measure is less than 1 fluid ounce, the declaration shall be in terms of common or decimal fractions of the respective ounce and not in terms of drams.

(2) The declaration may appear in more than one line. The term "net weight" shall be used when stating the net quantity of contents in terms of weight. Use of the terms "net" or "net contents" in terms of fluid measure or numerical count is optional. It is sufficient to distinguish avoirdupois ounce from fluid ounce through association of terms; for example, "Net wt. 6 oz." and "Net contents 6 fl. oz."

(j) On packages containing 4 pounds or 1 gallon or more and labeled in terms of weight or fluid measure, the declaration shall be expressed in pounds for weight units with any remainder in terms of ounces or common or decimal fractions of the pound; in the case of fluid measure, it shall be expressed in the largest whole unit (gallons, followed by common or decimal fractions of a gallon or by the next smaller whole unit or units (quarts or quarts and pints)) with any remainder in terms of fluid ounces or common or decimal fractions of the pint or quart (see paragraph (k)(5) of this section).

(k) Examples:

(1) A declaration of 1½ pounds weight shall be expressed as "Net Wt. 24 oz. (1 lb. 8 oz.)," "Net Wt. 24 oz. (1½ lb.)" or "Net Wt. 24 oz. (1.5 lb.)."

(2) A declaration of three-fourths pound avoirdupois weight shall be expressed as "Net Wt. 12 oz."

(3) A declaration of 1 quart liquid measure shall be expressed as "Net contents 32 fl. oz. (1 qt.)" or "32 fl. oz. (1 qt.)."

(4) A declaration of 1¾ quarts liquid measure shall be expressed as "Net contents 56 fl. oz. (1 qt. 1½ pt.)" or "Net contents 56 fl. oz. (1 qt. 1 pt. 8 oz.)" but not in terms of quart and ounce such as "Net 56 fl. oz. (1 qt. 24 oz.)."

(5) A declaration of 2½ gallons liquid measure shall be expressed as "Net contents 2 gal. 2 qt.," or "Net contents 2.5 gallons" and not as "2 gal. 4 pt."

(l) For quantities, the following abbreviations and none other may be employed (periods and plural forms are optional):

gallon gal.	microgram mcg.
quart qt.	milliliter ml.
pint pt.	cubic centimeter cc.
ounce oz.	yard yd.
pound lb.	feet or foot ft.
grain gr.	fluid fl.
kilogram Kg.	square sq.
gram Gm.	weight wt.
milligram mg. or mgm.	

(m) On packages labeled in terms of linear measure, the declaration shall be expressed both in terms of inches and, if applicable (1 foot or more), the largest whole units (yards, yards and feet, feet). The declaration in terms of the largest whole units shall be in parentheses following the declaration in terms of inches and any remainder shall be in terms of inches or common or decimal fractions of the foot or yard. Examples are "86 inches (2 yd. 1 ft. 2 inches)," "90 inches (2½ yd.)," "30 inches (2.5 ft.)," etc.

(n) On packages labeled in terms of area measure, the declaration shall be expressed both in terms of square inches and, if applicable (1 square foot or more), the largest whole square unit (square yards, square yards and square feet, square feet). The declaration in terms of the largest whole units shall be in parentheses following the declaration in terms of square inches and any remainder shall be in terms of square inches or common or decimal fractions of the square foot or square yard; for example, "158 sq. inches (1 sq. ft. 14 sq. inches)."

(o) Nothing in this section shall prohibit supplemental statements at locations other than the principal display panel(s) describing in nondeceptive terms, the net quantity of contents: *Provided*, That such supplemental statements of net quantity of contents shall not include any term qualifying a unit of weight, measure, or count that tends to exaggerate the amount of the drug or device contained in the package; for example, "giant pint" and "full quart." Dual or combination declarations of net quantity of contents as provided for in paragraphs (a) and (l) of this section are not regarded as supplemental net quantity statements and shall be located on the principal display panel.

(p) A separate statement of net quantity of contents in terms of the metric system of weight or measure is not regarded as a supplemental statement and an accurate statement of the net quantity of contents in terms of the metric system of weight or measure may also appear on the principal display panel or on other panels.

(q) The declaration of net quantity of contents shall express an accurate statement of the quantity of contents of the package. Reasonable variations caused by loss or gain of moisture during the course of good distribution practice or by unavoidable deviations in good manufacturing practice will be recognized. Variations from stated quantity of contents shall not be unreasonably large.

(r) A drug shall be exempt from compliance with the net quantity declaration required by this section if it is an ointment labeled "sample," "physician's sample," or a substantially similar statement and the contents of the package do not exceed 8 grams.

3. By adding new § 1.201a, as follows:

§ 1.201a Cosmetics in package form; principal display panel.

The term "principal display panel" as it applies to cosmetics in package form and as used in this part, means the part of a label that is most likely to be displayed, presented, shown, or examined under customary conditions of display for retail sale. The principal display panel shall be large enough to accommodate all the mandatory label information required to be placed thereon by this part with clarity and conspicuousness and without obscuring designs, vignettes, or crowding. Where packages bear alternate principal display panels, information required to be placed on the principal display panel shall be duplicated on each principal display panel. For the purpose of obtaining uniform-type size in declaring the quantity of contents of all packages of substantially the same size, the term "area of the principal display panel" means the area of the side or surface that bears the principal display panel, which area shall be:

(a) In the case of a rectangular package where one entire side properly can be considered to be the principal display panel side, the product of the height times the width of that side;

(b) In the case of a cylindrical or nearly cylindrical container, 40 percent of the product of the height of the container times the circumference;

(c) In the case of any other shape of container, 40 percent of the total surface of the container.

In determining the area of the principal display panel, exclude flanges at tops and bottoms of cans and shoulders and necks of bottles or jars. In the case of cylindrical or nearly cylindrical containers, information required by this part to appear on the principal display panel shall appear within that 40 percent of the circumference which is most likely to be displayed, presented, shown, or examined under customary conditions of display for retail sale.

4. By revising § 1.202 and adding new §§ 1.202a and 1.202b, as follows:

§ 1.202 Cosmetics in package form; labeling re identity.

(a) The principal display panel of a cosmetic in package form shall bear as one of its principal features a statement of the identity of the commodity.

(b) Such statement of identity shall be in terms of:

(1) The common or usual name of the cosmetic (for example "shampoo," "cologne," "lipstick," "perfume," "bath powder," etc.); or, in the absence thereof,

(2) A statement of functional characterization of the cosmetic that includes the intended cosmetic effect and the part of the body involved (for example "eyeliner eyebrow pencil," "after shave skin bracer," "nail enamel," "hand care lotion," etc.); or in lieu thereof,

(3) An appropriate illustration or vignette depicting the intended cosmetic effect and the part of the body involved.

(c) The statement of identity shall be presented in bold type on the principal display panel, shall be in a size reasonably related to the most prominent printed matter on such panel, and shall be in lines generally parallel to the base on which the package rests as it is designed to be displayed.

§ 1.202a Cosmetics in package form; labeling re name and place of business of manufacturer, packer, or distributor.

(a) The label of a cosmetic in package form shall specify conspicuously the name and place of business of the manufacturer, packer, or distributor.

(b) The requirement for declaration of the name of the manufacturer, packer, or distributor shall be deemed to be satisfied, in the case of a corporation, only by the actual corporate name, which may be preceded or followed by the name of the particular division of the corporation. In the case of an individual, partnership, or association, the name under which the business is conducted shall be used.

(c) Where the cosmetic is not manufactured by the person whose name appears on the label, the name shall be qualified by a phrase that reveals the connection such person has with such cosmetic; such as, "Manufactured for and packed by ----------," "Distributed by ----------," or any other wording that expresses the facts.

(d) The statement of the place of business shall include the street address, city, State, and ZIP Code; however, the street address may be omitted if it is shown in a current city directory or telephone directory.

(e) If a person manufactures, packs, or distributes a cosmetic at a place other than his principal place of business, the label may state the principal place of business in lieu of the actual place where such cosmetic was manufactured or

packed or is to be distributed, unless such statement would be misleading.

§ 1.302b Cosmetics in package form; labeling re declaration of net quantity of contents.

(a) The label of a cosmetic in package form shall bear a declaration of the net quantity of contents. This shall be expressed in terms of weight, measure, numerical count, or a combination of numerical count and weight or measure. The statement shall be in terms of fluid measure if the cosmetic is liquid, or in terms of weight if the cosmetic is solid, semisolid, or viscous, or a mixture of solid and liquid. If there is a firmly established, general consumer usage and trade custom of declaring the net quantity of a cosmetic by numerical count, linear measure, or measure of area, such respective term may be used. If there is a firmly established, general consumer usage and trade custom of declaring the contents of a liquid cosmetic by weight, or a solid, semisolid, or viscous cosmetic by fluid measure, it may be used. Whenever the Commissioner determines for a specific packaged cosmetic that an existing practice of declaring net quantity of contents by weight, measure, numerical count, or a combination of these does not facilitate value comparisons by consumers, he shall by regulation designate the appropriate term or terms to be used for such cosmetic.

(b) Statements of weight shall be in terms of avoirdupois pound and ounce. Statements of fluid measure shall be in terms of the U.S. gallon of 231 cubic inches and quart, pint, and fluid-ounce subdivisions thereof and shall express the volume at 68° F. (20° C.).

(c) When the declaration of quantity of contents by numerical count, linear measure, or measure of area does not give accurate information as to the quantity of cosmetic in the package, it shall be augmented by such statement of weight, measure, or size of the individual units or the total weight or measure of the cosmetic as will give such information.

(d) The declaration may contain common or decimal fractions. A common fraction shall be in terms of halves, quarters, eighths, sixteenths, or thirty-seconds; except that if there exists a firmly established, general consumer usage and trade custom of employing different common fractions in the net quantity declaration of a particular commodity, they may be employed. A common fraction shall be reduced to its lowest terms; a decimal fraction shall not be carried out to more than two places. A statement that includes small fractions of an ounce shall be deemed to permit smaller variations than one which does not include such fractions.

(e) The declaration shall be located on the principal display panel of the label; with respect to packages bearing alternate principal display panels, it shall be duplicated on each principal display panel; *Provided*, That:

(1) The principal display panel of a cosmetic marketed in a "boudoir-type" container including decorative cosmetic containers of the "cartridge," "pill box," "compact," or "pencil" variety, and those with a capacity of one-fourth ounce or less, may be considered to be a tear-away tag or tape affixed to the decorative container and bearing the mandatory label information as required by this part, but the type size of the net quantity of contents statement shall be governed by the dimensions of the decorative container; and

(2) The principal display panel of a cosmetic marketed on a display card to which the immediate container is affixed may be considered to be the display panel of the card, and the type size of the net quantity of contents statement is governed by the dimensions of the display card.

(f) The declaration shall appear as a distinct item on the principal display panel, shall be separated (by at least a space equal to the height of the lettering used in the declaration) from other printed label information appearing above or below the declaration and (by at least a space equal to twice the width of the letter "N" of the style of type used in the quantity of contents statement) from other printed label information appearing to the left or right of the declaration. It shall not include any term qualifying a unit of weight, measure, or count (such as "giant pint" and "full quart") that tends to exaggerate the amount of the cosmetic in the container. It shall be placed on the principal display panel within the bottom 30 percent of the area of the label panel in lines generally parallel to the base on which the package rests as it is designed to be displayed; provided that:

(1) On packages having a principal display panel of 5 square inches or less, the requirement for placement within the bottom 30 percent of the area of the label panel shall not apply when the declaration of net quantity of contents meets the other requirements of this part; and

(2) In the case of a cosmetic that is marketed with both outer and inner retail containers bearing the mandatory label information required by this part, and the inner container is not intended to be sold separately, the net quantity of contents placement requirement of this section applicable to such inner container is waived.

(g) The declaration shall accurately reveal the quantity of cosmetic in the package exclusive of wrappers and other material packed therewith; provided that in the case of cosmetics packed in containers designed to deliver the cosmetic under pressure, the declaration shall state the net quantity of the contents that will be expelled when the instructions for use as shown on the container are followed. The propellant is included in the net quantity declaration.

(h) The declaration shall appear in conspicuous and easily legible boldface print or type in distinct contrast (by typography, layout, color, embossing, or molding) to other matter on the package; except that a declaration of net quantity blown, embossed, or molded on a glass or plastic surface is permissible when all label information is so formed on the surface. Requirements of conspicuousness and legibility shall include the specifications that:

(1) The ratio of height to width (of the letter) shall not exceed a differential of 3 units to 1 unit (no more than 3 times as high as it is wide).

(2) Letter heights pertain to upper case or capital letters. When upper and lower case or all lower case letters are used, it is the lower case letter "o" or its equivalent that shall meet the minimum standards.

(3) When fractions are used, each component numeral shall meet one-half the minimum height standards.

(i) The declaration shall be in letters and numerals in a type size established in relationship to the area of the principal display panel of the package and shall be uniform for all packages of substantially the same size by complying with the following type specification:

(1) Not less than one-sixteenth inch in height on packages the principal display panel of which has an area of 5 square inches or less.

(2) Not less than one-eighth inch in height on packages the principal display panel of which has an area of more than 5 but not more than 25 square inches.

(3) Not less than three-sixteenth inch in height on packages the principal display panel of which has an area of more than 25 but not more than 100 square inches.

(4) Not less than one-fourth inch in height on packages the principal display panel of which has an area of more than 100 square inches, except not less than one-half inch in height if the area is more than 400 square inches.

Where the declaration is blown, embossed, or molded on a glass or plastic surface rather than by printing, typing, or coloring, the lettering sizes specified in subparagraphs (1) through (4) of this paragraph shall be increased by one-sixteenth of an inch.

(j) On packages containing less than 4 pounds or 1 gallon and labeled in terms of weight or fluid measure:

(1) The declaration shall be expressed both in ounces, with identification by weight or by liquid measure and, if applicable (1 pound or 1 pint or more) followed in parentheses by a declaration in pounds for weight units, with any remainder in terms of ounces or common or decimal fractions of the pound (see examples set forth in paragraphs (m) (1) and (2) of this section), or in the case of liquid measure, in the largest whole units (quarts, quarts and pints, or pints, as appropriate) with any remainder in terms of fluid ounces or common or decimal fractions of the pint or quart (see examples in paragraphs (m) (3) and (4) of this section). Net weight or fluid measure of less than one ounce shall be expressed in common or decimal fractions of the respective ounce and not in drams.

(2) The declaration may appear in more than one line. The term "net weight" shall be used when stating the net quantity of contents in terms of weight. Use of the terms "net" or "net contents" in terms of fluid measure or numerical count is optional. It is sufficient to distinguish avoirdupois ounce from fluid ounce through association of terms; for example, "Net wt. 6 oz." and "Net contents 6 fl. oz."

(k) On packages containing 4 pounds or 1 gallon or more and labeled in terms of weight or fluid measure, the declaration shall be expressed in pounds for weight units with any remainder in terms of ounces or common or decimal fractions of the pound; in the case of fluid measure, it shall be expressed in the largest whole unit (gallons, followed by common or decimal fractions of a gallon or by the next smaller whole unit or units (quarts or quarts and pints)) with any remainder in terms of fluid ounces or common or decimal fractions of the pint or quart (see example in paragraph (m) (5) of this section).

(l) [Reserved]

(m) Examples:

(1) A declaration of 1½ pounds weight shall be expressed as "Net Wt. 24 oz. (1 lb. 8 oz.)," "Net Wt. 24 oz. (1½ lb.)," or "Net Wt. 24 oz. (1.5 lb.)."

(2) A declaration of three-fourths pound avoirdupois weight shall be expressed as "Net Wt. 12 oz."

(3) A declaration of 1 quart liquid measure shall be expressed as "Net contents 32 fl. oz. (1 qt.)."

(4) A declaration of 1¾ quarts liquid measure shall be expressed as "Net contents 56 fl. oz. (1 qt. 1½ pt.)" or "Net contents 56 fl. oz. (1 qt, 1 pt. 8 oz.)" but not in terms of quart and ounce such as "Net contents 56 fl. oz. (1 qt. 24 oz.)."

(5) A declaration of 2½ gallons liquid measure shall be expressed in the alternative as "Net contents 2 gal. 2 qt." and not as "2 gal. 4 pt."

(n) For quantities, the following abbreviations and none other may be employed (periods and plural forms are optional):

weight wt.	gallon gal.
square sq.	quart qt.
fluid fl.	pint pt.
feet or foot ft.	ounce oz.
yard yd.	pound lb.

(o) On packages labeled in terms of linear measure, the declaration shall be expressed both in terms of inches and, if applicable (1 foot or more), the largest whole units (yards, yards and feet, feet). The declaration in terms of the largest whole units shall be in parentheses following the declaration in terms of inches and any remainder shall be in terms of inches or common or decimal fractions of the foot or yard. Examples are "86 inches (2 yd. 1 ft. 2 inches)," "90 inches (2½ yd.)," "30 inches (2.5 ft.)," etc.

(p) On packages labeled in terms of area measure, the declaration shall be expressed in terms of square inches and, if applicable (one square foot or more), the largest whole square unit (square yards, square yards and square feet, square feet). The declaration in terms of the largest whole units shall be in parentheses following the declaration in terms of square inches and any remainder shall be in terms of square inches or common or decimal fractions of the square foot or square yard; for example, "158 sq. inches (1 sq. ft. 14 sq. inches)," etc.

(q) Nothing in this section shall prohibit supplemental statements at locations other than the principal display panel(s) describing in nondeceptive terms the net quantity of contents: *Provided*, That such supplemental statements of net quantity of contents shall not include any term qualifying a unit of weight, measure, or count that tends to exaggerate the amount of the cosmetic contained in the package; for example, "giant pint" and "full quart." Dual or combination declarations of net quantity of contents as provided for in paragraphs (a), (c), and (j) of this section (for example, a combination of net weight plus numerical count) are not regarded as supplemental net quantity statements and shall be located on the principal display panel.

(r) A separate statement of the net quantity of contents in terms of the metric system is not regarded as a supplemental statement and an accurate statement of the net quantity of contents in terms of the metric system of weight or measure may also appear on the principal display panel or on other panels.

(s) The declaration of net quantity of contents shall express an accurate statement of the quantity of contents of the package. Reasonable variations caused by loss or gain of moisture during the course of good distribution practice or by unavoidable deviations in good manufacturing practice will be recognized. Variations from stated quantity of contents shall not be unreasonably large.

Any interested person may, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written comments, preferably in quintuplicate, on this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: August 10, 1967.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 67-9833; Filed, Aug. 21, 1967; 8:47 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 8344]

AIRWORTHINESS DIRECTIVES

British Aircraft Corporation Model BAC 1-11 203/AE, 204/AF, and 212/AR Airplanes

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to BAC 1-11 203/AE, 204/AF, and 212/AR airplanes. There have been reports of fuel leakage from the fuselage fuel feed pipe shroud following the assembly of the coupling at Station 630 which is within the pressurized area. Since this condition is likely to exist or develop in other airplanes of the same type design, the proposed airworthiness directive would require the relocation of the coupling by moving the joint forward into the undercarriage bay.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before September 21, 1967, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

BRITISH AIRCRAFT. Applies to Model BAC 1-11 203/AE, 204/AF and 212/AR airplanes.

Compliance required within the next 3,000 hours' time in service after the effective date of this AD, unless already accomplished. To avoid the possibility of a fuel leak within the pressurized area, relocate the left and right fuel line couplings from Station 630 to a point 3 inches forward, in accordance with British Aircraft Corporation BAC 1-11 Service Bulletin No. 28-PM 2914, dated May 12, 1967, or later ARB-approved issue, or an equivalent approved by the Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East Region.

Issued in Washington, D.C., on August 14, 1967.

JAMES F. RUDOLPH,
Director, Flight Standards Service.

[F.R. Doc. 67-9826; Filed, Aug. 21, 1967; 8:46 a.m.]

[14 CFR Part 39]

[Docket No. 8345]

AIRWORTHINESS DIRECTIVES

Avions Marcel Dassault Fan Jet Falcon Airplanes, Serial Nos. 1 Through 24

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Avions Marcel Dassault Fan Jet Falcon

airplanes, Serial Nos. 1 through 24. There have been instances of the ignition of the gases emitted by the batteries installed in these airplanes due to the accumulation of the gases in the battery cases, which have resulted in the distortion of the battery cases and covers. Since this condition is likely to exist or develop in other airplanes of the same type, the proposed airworthiness directive would require the incorporation of Avions Marcel Dassault Modification No. M.602 in order to provide inflight battery case ventilation.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before September 21, 1967, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

AVIONS MARCEL DASSAULT. Applies to Fan Jet Falcon airplanes, Serial Nos. 1 through 24.

Compliance required within the next 200 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent the accumulation of an explosive mixture of gases in the battery case, provide inflight battery case ventilation by incorporating Avions Marcel Dassault Modification No. M.602, as described by Avions Marcel Dassault Service Bulletin No. 108 (24-4), dated March 17, 1967, or later SGAC-approved revision, or an equivalent approval by the Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East Region.

Issued in Washington, D.C., on August 14, 1967.

EDWARD C. HODGSON,
Acting Director,
Flight Standards Service.

[F.R. Doc. 67-9237; Filed, Aug. 21, 1967; 8:46 a.m.]

[14 CFR Part 39]

[Docket No. 8946]

AIRWORTHINESS DIRECTIVES

British Aircraft Corporation Model BAC 1-11 200 and 400 Series Airplanes

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to BAC 1-11 200 and 400 Series airplanes. An investigation of the effect of the geometry change brought about by the incorporation of BAC Modification PM 1558 part (c) disclosed that the lower sidestay pin retaining bolt, P/N AC43-267, which was introduced by this modification is of too small a diameter and is subject to fatigue damage. Since this condition is likely to exist or develop in other airplanes of the same type design, the proposed airworthiness directive would require the periodic inspection of retaining bolt P/N AC43-267 and its replacement at intervals not to exceed 15,000 landings, until it is replaced with a new type bolt, P/N AC43-399, which does not have a service life limitation.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before September 21, 1967, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

BRITISH AIRCRAFT. Applies to model BAC 1-11 200 and 400 Series Airplanes which incorporate Modification PM 1558 part (c). Compliance required as indicated unless already accomplished.

To prevent fatigue damage of the lower sidestay pin retaining bolt, P/N AC43-267, accomplish the following:

(a) Within the next 200 landings after the effective date of this AD or before the accumulation of 5,000 landings, whichever occurs later, and thereafter at intervals not to exceed 5,000 landings from the last inspection, inspect the main landing gear lower sidestay retaining bolts, P/N AC43-267, for cracks, using the magnetic particle procedure or an FAA-approved equivalent, in accordance with British Aircraft Corp. BAC 1-11 Alert Service Bulletin 32-A-PM 2000, Issue 1, dated April 14, 1967, or later ARB-approved issue, or an FAA-approved equivalent.

(b) If defective retaining bolts, P/N AC43-267, are found during the inspection required by paragraph (a), before further flight replace the bolts with serviceable bolts of the same part number or new bolts, P/N AC43-399, in accordance with BAC 1-11 Service Bulletin No. 32-PM 2000, Revision 1, dated April 10, 1967, or later ARB-approved issue, or an FAA-approved equivalent.

(c) Before the accumulation of 15,000 landings, replace retaining bolts, P/N AC43-267, with serviceable bolts of the same part number or new bolts, P/N AC43-399. If bolts P/N AC43-267 are used as replacement bolts, inspect the bolts at intervals not to exceed 5,000 landings in accordance with paragraph (a) and replace the bolts at intervals not to exceed 15,000 landings.

(d) The repetitive inspections and replacements required by paragraphs (a) and (c) may be discontinued after the new bolts, P/N AC43-399, are installed. Retaining bolt P/N AC43-399 does not have a service life limitation.

(e) For the purpose of complying with this AD, subject to acceptance by the assigned FAA maintenance inspector, the number of landings may be determined by dividing each airplane's hours' time in service by the operator's fleet average time from takeoff to landing for the airplane type.

Issued in Washington, D.C., on August 14, 1967.

EDWARD C. HODGSON,
Acting Director,
Flight Standards Service.

[F.R. Doc. 67-9236; Filed, Aug. 21, 1967; 8:46 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Fairbanks 532]

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

AUGUST 15, 1967.

The U.S. Department of Commerce, Environmental Science Services Administration, Washington Science Center, has filed an application, Serial Number Fairbanks 532, for withdrawal of the lands described below presently reserved under PLO's No. 882 and No. 1760, known as the "Fairbanks Weather Station Annex." These lands have been and will be withdrawn from all forms of appropriation under the public land laws, including the mining laws, mineral leasing laws, grazing laws and disposal of materials under the Materials Act of 1947 as amended. The applicant desires the land for use by the Coast and Geodetic Survey to improve and accelerate the geophysical observation program in Alaska.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the manager, Fairbanks District and Land Office, Bureau of Land Management, Department of the Interior, Post Office Box 1150, Fairbanks, Alaska 99701.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources.

He will also consider adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration of the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested. The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

FAIRBANKS MERIDIAN

T. 1 N., R. 1 W.,
Sec. 15, SW¼NW¼SW¼;
Sec. 16, all;
Sec. 17, SE¼.
T. 1 S., R. 1 E.,
Sec. 16, lots 1, 2, 3, 7, 8 and SE¼NE¼.
T. 1 N., R. 1 E.,
Sec. 33, all.

The above area totals 1862.54 acres.

CURTIS V. MCVEE,
Acting State Director.

[F.R. Doc. 67-9241; Filed, Aug. 21, 1967; 8:47 a.m.]

National Park Service

[Order No. 29, Amdt. 1]

CHIEF, DIVISION OF LANDS AND WATER RIGHTS

Delegation of Authority

Delegation. Order No. 29 approved September 13, 1963, and published in 28 F.R. 10306, September 20, 1963, set forth in sections (1), (2), and (3) certain authority delegated to the Chief, Division of Lands. This amendment is for the purpose of correcting the title of the official to whom authority is delegated from Chief, Division of Lands to Chief, Division of Land and Water Rights and for the purpose of adding section (4) as shown below:

(4) Execution, approval, and administration of contracts not in excess of $200,000 for appraisals, surveys and other services related to and required in the performance of his official functions, in conformity with statutory authority and applicable regulations and subject to the availability of funds.

(245 DM 1, 27 F.R. 6395; 5 U.S.C., sec. 22; sec. 2 of Reorganization Plan No. 3 of 1950)

Dated: August 4, 1967.

GEORGE B. HARTZOG, Jr.,
Director.

[F.R. Doc. 67-9815; Filed, Aug. 21, 1967; 8:45 a.m.]

[Order 41]

SUPERVISORY ARCHEOLOGIST

Delegation of Authority Regarding Execution of Contracts for Supplies, Equipment or Services

Delegation. The Supervisory Archeologist of the Southeast Archeological Center located at Macon, Ga., may execute and approve contracts and purchase orders not in excess of $200,000 for supplies, equipment or services in conformity with applicable regulations and statutory authority and subject to the availability of appropriations.

(245 DM 1, 27 F.R. 6395; 5 U.S.C. sec. 22; sec. 2 of the Reorganization Plan No. 3 of 1950)

Dated: August 1, 1967.

CHARLES B. HARTSOG, Jr.,
Director.

[F.R. Doc. 67-9816; Filed, Aug. 21, 1967; 8:45 a.m.]

[Order No. 42]

CHIEFS, OFFICES OF DESIGN AND CONSTRUCTION

Delegation of Authority Regarding Execution, Approval, and Administration of Contracts

1. The Chiefs, Offices of Design and Construction, are authorized to execute, approve and administer contracts not in excess of $200,000 for architectural, landscape architectural, and engineering services and for construction in conformity with applicable policies, regulations, and statutory authorities and subject to availability of appropriated funds.

2. Redelegation: The Chiefs, Office of Design and Construction, may redelegate all or part of their contracting authority to the staff officials of the Office of Design and Construction who have direct responsibility for the construction contract program within the area served by the Office.

3. Revocation: This order revokes Orders 23 (27 F.R. 1581, Feb. 20, 1962), 25 (27 F.R. 1581, Feb. 20, 1962), and 33 (31 F.R. 769, Jan. 20, 1966).

(205 DM 11.1; 26 F.R. 11746)

Dated: August 4, 1967.

GEORGE B. HARTZOG, Jr.,
Director.

[F.R. Doc. 67-9817; Filed, Aug. 21, 1967; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

CHEVRON CHEMICAL CO.

Notice of Withdrawal of Petition Regarding Pesticides

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), the following notice is issued:

In accordance with § 120.8 *Withdrawal of petitions without prejudice* of the pesticide regulations (21 CFR 120.8), Chevron Chemical Co., Ortho Division, 940 Hensley Street, Richmond, Calif. 94804, has withdrawn its petition (PP 6F0492), notice of which was published

in the FEDERAL REGISTER of June 15, 1966 (31 F.R. 8380), proposing the establishment of tolerances for residues of the fungicide *cis-N*[(1,1,2,2-tetrachloroethyl) thio]-4-cyclohexene-1,2-dicarboximide in or on the raw agricultural commodities named:

50 parts per million in or on cherries (sour).
30 parts per million in or on apricots, nectarines, and peaches.
10 parts per million in or on tomatoes.
5 parts per million in or on cucumbers, melons, cherries (sweet), plums, and prunes.
0.1 part per million in or on cottonseed.

Dated: August 15, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-9831; Filed, Aug. 21, 1967; 8:46 a.m.]

STAUFFER CHEMICAL CO.

Notice of Withdrawal of Petition Regarding Pesticides

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), the following notice is issued:

In accordance with § 120.8 *Withdrawal of petitions without prejudice* of the pesticide regulations (21 CFR 120.8), the Stauffer Chemical Co., 1200 South 47th Street, Richmond, Calif. 94804, has withdrawn its petition (PP 7F0523), notice of which was published in the FEDERAL REGISTER of August 25, 1966 (31 F.R. 11241), proposing the establishment of tolerances for residues of the insecticide *N*-(mercaptomethyl)-phthalimide *S*-(*O,O*-dimethyl phosphorodithioate) in or on raw agricultural commodities as follows: 40 parts per million in or on alfalfa; 10 parts per million in or on apples, apricots, peaches, pears, and nectarines; 5 parts per million in or on cherries, plums, and prunes; and 0.1 part per million in or on meat and meat fat of cattle, goats, hogs, and sheep.

Dated: August 15, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-9832; Filed, Aug. 21, 1967; 8:47 a.m.]

Office of the Secretary

PUBLIC HEALTH SERVICE

Statement of Organization and Delegations of Authority

Effective August 15, 1967, Part 4 of the Statement of Organization and Delegations of Authority of the Department (32 F.R. 9739) are hereby amended as follows:

In section 4-C *Delegations of authority:*

Item (15) is deleted.

Item (16) is amended to read as follows:

The functions under Title II and the functions relating to grants for the construction of and the initial cost of professional and technical personnel for community mental health centers under Title IV of the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 as amended (42 U.S.C. 2661 et seq.).

Approved: August 15, 1967.

[SEAL] JOHN W. GARDNER,
Secretary.

[F.R. Doc. 67-9834; Filed, Aug. 21, 1967; 8:47 a.m.]

SOCIAL AND REHABILITATION SERVICE

Statement of Organization and Delegations of Authority

Effective August 15, 1967, Part 5 (22 F.R. 1045), Part 9 (32 F.R. 10013), and Part 12 (32 F.R. 10473) of the Statement of Organization and Delegations of Authority of the Department, as amended, are hereby superseded, and Part 7 is hereby added to read as follows:

SEC. 7.00 *Mission.* The Social and Rehabilitation Service administers the Federal Government programs of providing technical and financial support to States, local communities, other organizations and individuals in the provision of social, rehabilitation, income maintenance and other necessary services to the aged and aging, children and youth, the disabled, and families in need.

SEC. 7.10 *Organization.* (a) The Social and Rehabilitation Service, under the supervision and direction of the Administrator, Social and Rehabilitation Service, consists of:

OFFICE OF THE ADMINISTRATOR

Immediate Office of the Administrator.
Deputy Administrator (Operations).
Deputy Administrator (Plans and Research).
Assistant Administrator (States Relations).
Office of Program Planning.
Office of Research and Demonstrations.
Office of Administration.
Rehabilitation Services Administration.
Children's Bureau.
Administration on Aging.
Medical Services Administration.
Assistance Payments Administration.

(b) Order of succession: During the absence or disability of the Administrator, Social and Rehabilitation Service, or in the event of a vacancy in that office, the first official listed below who is available shall act as Administrator, except during a period of planned absence for which a different order has been designated under (2) below:

(1) (a) Deputy Administrator (Operations).

(b) Deputy Administrator (Plans and Research).

(c) Assistant Administrator (States Relations).

(2) For a planned period of absence, the Administrator may specify a different order of succession.

SEC. 7.20 *Functions.* (a) Except as provided in section 2-30 and section 7-30 of this Statement, the Administrator shall exercise:

(1) The functions vested in the Secretary by Titles I, IV, V, X, XIV, and XVI of the Social Security Act, as amended (42 U.S.C. 301-306, 601-609, 701-731, 1201-1206, 1351-1355, 1381-1385), by Title XIX of the Act, as amended (42 U.S.C. 1396-1396d), subject to 1-965.30 of this Statement, by Title XVIII of the Act, as amended (42 U.S.C. 1395-1395ll), to the extent of the responsibilities assigned by section 1-965.20(c) of this Statement, and by Titles VII and XI of the Act, as amended (42 U.S.C. 902-907, 1301-1318), insofar as the provisions of such titles pertain to the mission of the Social and Rehabilitation Service as described in section 7.00 of this statement.

(2) The functions vested in the Secretary relating to the mission of the Social and Rehabilitation Service, as described in section 7.00 of this statement, under the Social Security Act which are not contained in the Act but which are contained in the following cited Acts:

(a) Section 618 of the Revenue Act of 1951, 65 Stat. 569, as amended by Public Law 86-778, section 603, 74 Stat. 992, and Public Law 87-543, sec. 141(e), 76 Stat. 205 (relating to public access to records of public assistance disbursements).

(b) Section 9 of the Act of April 19, 1950, Public Law 474, 81st Congress (relating to Navajo and Hopi Indians).

(c) Public Welfare Amendments of 1962, Public Law 87-543, 76 Stat. 172, sections 104(b), 105(c), and 141 (b) and (f).

(d) The Labor-Federal Security Appropriation Act, 1953, Public Law 452, 82d Congress, 2d Session, 66 Stat. 368, providing restriction on availability of allotments under Title V of the Social Security Act.

(e) Social Security Amendments of 1965, Public Law 89-97, 79 Stat. 286, sections 121(b), 406 and 407.

(f) Public Law 90-36, section 2 (extending certain authority in the public assistance programs until July 1, 1968).

(3) The functions vested in the Secretary by the Juvenile Delinquency and Youth Offenses Control Act of 1961 (Public Law 87-274, as amended, 42 U.S.C. 2541-2548).

(4) The functions vested in the Secretary by Public Law 86-571 (24 U.S.C. 321-329) (pertaining to hospitalization of mentally ill nationals returned from foreign countries) with the exception of the issuance of regulations under section 1(d)(2) (24 U.S.C. 321(d)(2)). (In exercising this authority, the Administrator shall work with the Surgeon General, Public Health Service, in arranging for appropriate use of its resources to provide the most effective and economical administration of this law.)

(5) The functions vested in the Secretary by letter dated September 1, 1960, to the Secretary of the Treasury from the Director, Bureau of the Budget, authorizing the carrying out of programs under section 104(k) (now sec. 104(b)

)) of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1704(b)(3)), insofar as this authority pertains to the mission of the Social and Rehabilitation Service as described in section 7.00 of this statement: *Provided,* That this authority shall be exercised in accordance with applicable policies and procedures established by appropriate authorities to ensure consistency with basic foreign policy and with related Federal programs.

(6) The functions vested in the Secretary by section 4 of the International Health Research Act of 1960, Public Law 86-610, 74 Stat. 364, 22 U.S.C. 2102, with respect to responsibilities relating to the mission of the Social and Rehabilitation Service as described in section 7.00 of this statement: *Provided, however,* That such authority, with respect to the exercise of responsibilities under the entitled "An Act to Establish in the Department of Commerce and Labor a Bureau to be known as the Children's Bureau" (42 U.S.C. Chapter 6), shall be administered under the Administrator's supervision and direction through the Children's Bureau; provided further that this authority shall be exercised in accordance with applicable policies and procedures established by appropriate authorities to ensure consistency with basic foreign policy and with related Federal programs.

(7) The functions under Executive Order 11001, sections 3(g), (4), and those portions of sections 6, 7, 9, 10, 11, and 12 pertaining to emergency welfare and the development of preparedness programs covering rehabilitation of disabled survivors. In the performance of these emergency functions the Administrator shall coordinate the health activities of the Children's Bureau and the Rehabilitation Services Administration with the Surgeon General, Public Health Service, in order that preemergency plans shall be developed in consonance with postattack organizational plans and structure of the Department for the Emergency Health Services.

(8) The functions under the Migration and Refugee Assistance Act of 1962, Public Law 87-510, 76 Stat. 121, 22 U.S.C. 2601 delegated to the Secretary by Executive Order 11077 of January 22, 1963, effective as of July 1, 1962.

(9) The functions under the Economic Opportunity Act of 1964, Public Law 88-452, 78 Stat. 508 as amended, 42 U.S.C. 2701-2967, delegated to the Secretary pursuant to the Delegation of Authorities from the Director, Office of Economic Opportunity, dated October 24, 1964 (29 F.R. 14764, Oct. 29, 1964), pertaining to (a) the authority delegated to the Secretary under Title V, Work Experience Programs; and (b) the authority delegated to the Secretary contained in section 602 of such Act, to the extent the Administrator may deem such authority to be necessary or appropriate for carrying out such functions in exercise of the authority indicated in (a) above; provided (1) that such authority shall be exercised pursuant to policies, standards, criteria, and procedures jointly prescribed by the Director, Office of Economic Opportunity, and the Administrator; (2) that in exercising such authorities, preference shall, to the extent feasible, be given to programs and projects which are components of a community action program pursuant to Title II, Part A, of such Act; and (3) that such authorities shall be exercised subject to the reporting and coordination provisions of section 611 of such Act.

(10) Functions vested in the Secretary by the Vocational Rehabilitation Act, as amended (29 U.S.C. ch. 4).

(11) Functions of the Secretary as Chairman of the National Advisory Council on Vocational Rehabilitation and the National Advisory Council on Correctional Manpower and Training.

(12) Functions of the Secretary under the proviso of Public Law 88-605 under the heading, Vocational Rehabilitation Administration-Research and Training, relating to the recognition of contributed funds from private sources which are earmarked for the establishment of a particular rehabilitation facility or workshop under a State plan for vocational rehabilitation services.

(13) Functions under section 9 of the Federal Employees' Compensation Act, as amended (5 U.S.C. 759), retained in the Federal Security Administrator by Reorganization Plan No. 10 of 1950, and transferred to the Secretary by Reorganization Plan No. 1 of 1953.

(14) Functions transferred by Reorganization Plan No. 2 of 1946 and Reorganization Plan No. 1 of 1963, to the Secretary from the Office of Education and Commissioner of Education under the Act of June 20, 1936, 49 Stat. 1559 (Randolph-Sheppard Act, 20 U.S.C. ch. 6A).

(15) Functions vested in the Secretary by amendments to the statutes cited in Items 10-14, above, enacted subsequent to Reorganization Plan No. 1 of 1963.

(16) Authority vested in the Secretary under sections 637 and 654(a) of the Public Health Service Act, as amended, to approve applications and requests relating to rehabilitation facilities.

(17) The functions vested in the Secretary and the Administration on Aging by the Older Americans Act of 1965, as amended (42 U.S.C. 3001-3053).

(18) The functions under Title XVII of the Social Security Act, as amended (42 U.S.C. 1391 et seq.), relating to grants to States for planning comprehensive action to combat mental retardation.

(19) The functions under Parts B and C of Title I and the functions relating to grants for the construction of facilities for the mentally retarded of Title IV of the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963, as amended (42 U.S.C. 2661 et seq.).

(20) Such of the authority under the Public Health Service Act, as amended, as is necessary to carry out the functions exercised, as of August 1, 1967, by the Division of Mental Retardation, Bureau of Health Services, Public Health Service, more particularly for the following purposes under the following sections of that Act:

(a) Section 301 (d) and (h), 42 U.S.C. 241 (d) and (h), to make grants for research or research training projects in the field of mental retardation recommended by the appropriate National Advisory Health Council; and

(b) Section 303(a), 42 U.S.C. 242(a), to make hospital improvement project grants, including institutional improvement project grants and inservice training project grants to hospitals or other institutions for the mentally retarded (such grants to be made only upon the recommendation of the National Advisory Mental Health Council and to be paid in advance or by way of reimbursement as may be determined by, and on such conditions as found necessary by, the Administrator of Social and Rehabilitation Service).

(b) The functions performed by the Children's Bureau under the Act of April 9, 1912, as amended, shall continue to be performed by the Chief of the Children's Bureau under the supervision and direction of the Administrator, Social and Rehabilitation Service.

(c) Continuation of other delegations: All other delegations heretofore made to the Commissioner of Welfare and the Commissioner of Vocational Rehabilitation shall be deemed to have been made to the Administrator, Social and Rehabilitation Service and all delegations to the Commissioner on Aging and the Chief of the Children's Bureau to have been made to the Administrator, Social and Rehabilitation Service and redelegated to the Commissioner on Aging and the Chief of the Children's Bureau, and all redelegations to any officer or employee of any of these former organizations shall be deemed to be continued in effect in them or their successors or in the officer or employee most closely identified with the former function.

(d) Advisory functions. All functions of committees (including councils, boards, and other advisory bodies) established as of August 15, 1967, serving in an advisory capacity to the Welfare Administration, the Vocational Rehabilitation Administration, and the Administration on Aging, are continued and revested in such committees.

SEC. 7.30 *Limitations on authority.* (a) The authority to appoint members to the Advisory Council on Public Welfare, the National Advisory Council on Vocational Rehabilitation, the National Policy and Performance Council, the National Commission on Architectural Barriers to Rehabilitation of the Handicapped, the National Advisory Council on Correctional Manpower and Training, and the Advisory Committee on Older Americans shall be exercised only by the Secretary.

(b) No State plan or amendment thereto submitted pursuant to any statute administered by the Social and Rehabilitation Service shall be finally disapproved without prior consultation and discussion by the Administrator with the Secretary.

(c) An application for designation as a State licensing agency under the Act of June 30, 1936, as amended (Randolph-Sheppard Act, 20 U.S.C. ch. 6A), shall

not be disapproved, nor shall a designation made pursuant to that Act be revoked without prior consultation and discussion by the Administrator with the Secretary.

SEC. 7.40 *Delegations of authority.* Authority contained in section 7.20 of this Statement may be redelegated by the Administrator to such officers and employees of the Social and Rehabilitation Service as he may deem appropriate.

SEC. 7.50 *Continuation of regulations.* All regulations, rules, orders or statements of policy or interpretation heretofore issued with respect to the Welfare Administration, the Vocational Rehabilitation Administration, and the Administration on Aging, are continued in full force and effect.

Approved: August 15, 1967.

[SEAL] JOHN W. GARDNER,
Secretary.

[F.R. Doc. 67-9835; Filed, Aug. 21, 1967; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-292]

GENERAL ELECTRIC TECHNICAL SERVICES CO., INC.

Notice of Issuance of Facility Export License

Please take notice that no request for a formal hearing having been filed following publication of notice of proposed action in the FEDERAL REGISTER on June 28, 1967 (32 F.R. 9178), the Atomic Energy Commission has issued License No. XR-66 to General Electric Technical Services Co., Inc., a wholly owned subsidiary of the General Electric Co., authorizing the export of a 439,300-kilowatt electrical, boiling water reactor to the Tokyo Electric Power Co., Inc., Tokyo, Japan. The export of this reactor to Japan is within the scope of and consistent with the terms of the present Agreement for Cooperation between the Governments of the United States and Japan.

Dated at Bethesda, Md., this 11th day of August 1967.

For the Atomic Energy Commission.

EBER R. PRICE,
Director, Division of State and Licensee Relations.

[F.R. Doc. 67-9810; Filed, Aug. 21, 1967; 8:45 a.m.]

[Docket No. 50-291]

WESTINGHOUSE ELECTRIC INTERNATIONAL CO.

Notice of Issuance of Facility Export License

Please take notice that no request for a hearing having been filed following publication of notice of proposed action in the FEDERAL REGISTER on June 28, 1967 (32 F.R. 9179), the Atomic Energy Commission has issued License No. XR-67 to Westinghouse Electric International Co., a division of the Westinghouse Electric Corp., authorizing the export of a 340,790-kilowatt electrical, nuclear power reactor to the Kansai Electric Power Co., Osaka, Japan. The export of this reactor to Japan is within the scope of and consistent with the terms of the present Agreement for Cooperation between the Governments of the United States and Japan.

Dated at Bethesda, Md., this 11th day of August 1967.

For the Atomic Energy Commission.

EBER R. PRICE,
Director, Division of State and Licensee Relations.

[F.R. Doc. 67-9811; Filed, Aug. 21, 1967; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 18919; Order E-25536]

AMERICAN AIRLINES, INC., ET AL.

Order of Investigation and Suspension Regarding Proposed Increased Rates on Baby Poultry

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 16th day of August 1967.

By tariff revisions bearing various posting dates in July 1967, and marked to become effective September 1, 1967, American Airlines, Inc. (American), Trans World Airlines, Inc. (TWA), and United Air Lines, Inc. (United), propose to increase their rates on baby poultry. The Flying Tiger Line, Inc. (Tiger), by tariff filed August 8, 1967, to become effective September 7, 1967, proposes the same increase. The proposals, applicable to the entire systems of the various carriers, will raise the rates from the current levels of 175 percent of the applicable general commodity rates to 250 percent.

The justification presented by the carriers is essentially that (1) because of stacking losses, the current rates for baby poultry yield lower revenues per pallet or other type of container placed in the belly compartment of the aircraft than any other commodity; (2) even at the proposed increase in rates the revenue per pallet will rise only to the level of the lowest yield commodities; and (3) because of the perishability and certain other characteristics of the commodity, handling costs are high.

The carriers also refer to meetings they held with shippers of baby poultry subsequent to the Board's suspension of rate increases on baby poultry (identical to the current proposals), Order E-24210, September 22, 1966. These meetings were held, at the carriers' suggestion, to solve the physical problems relating to the transportation of baby poultry. According to the carriers' statement, the shippers asserted at the first meeting that they were committed to orders and prices for baby poultry through August 1967. Thereupon, the carriers withdrew their filings and the Board, at their request, dismissed the investigation. A further carrier-shipper meeting was reportedly held at which an agreement was reached as to the proper method of handling baby poultry on the ground. It is asserted that certain revisions in procedures were established, especially a reduction in the transit time and an increase in the number of boxes to be loaded on pallets.

American asserts that, based upon a traffic survey for February and May 1967, it is carrying 312,000 pounds of baby poultry annually yielding revenues of $52,000. The proposed increase, it adds, will result in annual revenues of $75,000, on the basis of the same traffic volume.

Complaints requesting investigation and suspension of the proposed rates of American, TWA, and United were received from the American Poultry and Hatchery Federation, The National Turkey Federation, and the Secretary of Agriculture.[1] Certain of these complaints requesting suspension of the filing of TWA and United were untimely,[2] and can be considered as requests for investigation only.

The complaints assert that the proposals involve sharp increases in rates but have not been fully justified. The complainants contend that data on costs, earnings, rate of return, need of the carriers for increased revenue, and other related data are essential to support the increases proposed but that such data have not been advanced. The complaints also assert that the proposed increases would substantially burden producers and shippers.

Upon consideration of the complaints and other relevant matters, the Board finds that the carriers' proposals may be unjust, unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, or otherwise unlawful, and should be investigated. The Board, by Order E-24210, supra, suspended and set for investigation the identical proposal filed by American, TWA, United, and Continental. The carriers' justification was essentially the same as that submitted in support of their current proposals. However, certain of the carriers also claimed high claim losses as a reason for the previous filing. The Board based the foregoing action chiefly on the ground that the carriers' justification was not adequate to support the increase proposed, which amounted to 43 percent above previous levels. The Board stated that the carriers' cost justification was deficient or altogether lacking.

In support of their current proposals, the carriers again present no cost figures, merely stating that large stacking losses and the perishable nature of baby poultry justify higher rates. They present a number of comparisons indicating that revenue per pallet from baby poultry at current rates are below revenues per pallet from rates for general commodities, for certain broad specific commodity groups, and for certain low-rated commodities. It is also shown that, even at the proposed rates, the revenues per pallet would generally be below those produced by other commodities. However, the amount of revenues produced by the carriage of other commodities is not a valid standard of reasonableness. The current cargo rate structure contains a wide range of rates for various commodities which are both above and below the general commodity rate. Mere reference to another rate or the revenues produced by it does not demonstrate the reasonableness of the proposed rate. Neither does such a comparison provide a justification for a 43 percent increase in rates, which are already 75 percent above the general commodity rates, which have existed for 6 years, and on which numerous shippers have relied in the conduct of their businesses.

The carriers also refer to certain discussions held with shippers to agree upon improved methods of handling baby poultry. The Board is aware that such meetings were held at the carriers' suggestion and that the carriers withdrew the rates proposed about a year ago, leading to the dismissal of the investigation instituted in Order E-24210, supra. However, neither the shippers nor the carriers have submitted any statements to the Board as to any agreements reached. While the carriers assert that they have agreed to improve their procedures of transporting baby poultry, it appears from the shippers' complaints that the objections of the latter to rate increases still exist.

In view of the insufficient justification for, and the extent of, the proposed increase in rates, the Board has decided to suspend the proposals pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof:

It is ordered, That:

1. An investigation be instituted to determine whether the ratings described in Appendix A below, and rules, regulations, and practices affecting such ratings, are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful ratings, and rules, regulations, or practices affecting such ratings;

2. Pending hearing and decision by the Board, the ratings described in Appendix A below are suspended and their use deferred to and including November 29, 1967, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The complaints by the American Poultry and Hatchery Federation in Docket 18888, the National Turkey Federation in Docket 18889, and the Secretary of Agriculture in Docket 18890 are dismissed, except to the extent granted herein;

4. The proceeding herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated; and

5. Copies of this order shall be filed with the tariffs, and served upon American Airlines, Inc., the Flying Tiger Line, Inc., Trans World Airlines, Inc., United Air Lines, Inc., American Poultry and Hatchery Federation, National Turkey Federation, and the Secretary of Agriculture, which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

APPENDIX A—TARIFF CAB NO. 8 (AGENT J. ANTELLO SERIES) ISSUED BY AIRLINE TARIFF PUBLISHERS, INC., AGENT

On 94th revised page 204: In Item No. 120, the Exception Rating to General Commodity Rates of 250 percent (of the general commodity rate) applicable to "Poultry, Baby" for account of "AA."

On 95th revised page 204: In Item No. 120, the Exception Rating to General Commodity Rates of 250 percent (of the general commodity rate) applicable to "Poultry, Baby" for account of "AA" and "FT."

On 93d revised page 205: In Item No. 520, the Exception Rating to General Commodity Rates of 250 percent (of the general commodity rate) applicable to "Poultry, Baby" for account of "TW."

On 94th revised page 205: In Item No. 520, the Exception Rating to General Commodity Rates of 250 percent (of the general commodity rate) applicable to "Poultry, Baby" for account of "TW" and "UA."

[F.R. Doc. 67-9839; Filed, Aug. 21, 1967; 8:47 a.m.]

[Docket No. 15489, etc.]

REOPENED PACIFIC NORTHWEST-SOUTHWEST SERVICE INVESTIGATION

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that public hearings in the Reopened Pacific Northwest-Southwest Service Investigation will be held on September 20, 1967, at 10 a.m., local time, in Room 105, State Office Building Auditorium, State Capitol, Salt Lake City, Utah, before Examiner Ross I. Newmann, for the purpose of enabling the civic parties to present their factual evidence. Unless special permission is obtained from the Examiner, each civic party shall present its case in Salt Lake City.

Notice is further given that any person, other than a party of record, may appear at this session and present factual evidence which is relevant to the issues in accordance with Rule 14 of the Board's rules of practice. All such participants should promptly notify the Examiner of their desire to be heard.

At the conclusion of the Salt Lake City session, the hearing will be moved to Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., where the airline and government parties will present their cases, beginning at 10 a.m., e.d.t., on October 3, 1967.

For details of the issues involved in this proceeding, interested persons are referred to the Board's opinion and order, dated April 11, 1967, Order E-24970; Order E-25266, dated June 7, 1967; Order E-25342, dated June 23, 1967; and Order E-25461, dated July 27, 1967; the prehearing conference report, served on June 9, 1967; the supplemental prehearing conference report, served on June 23, 1967; and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., August 16, 1967.

[SEAL] ROSS I. NEWMANN,
Hearing Examiner.

[F.R. Doc. 67-9840; Filed, Aug. 21, 1967; 8:47 a.m.]

[Docket No. 18595]

ALM DUTCH ANTILLEAN AIRLINES

Notice of Further Postponement of Hearing

Notice is given herewith, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that public hearing in the above-entitled proceeding heretofore reassigned to be held on August 23, 1967, is hereby postponed until further notice.

Dated at Washington, D.C., August 17, 1967.

[SEAL] RICHARD A. WALSH,
Hearing Examiner.

[F.R. Doc. 67-9917; Filed, Aug. 21, 1967; 9:58 a.m.]

SECURITIES AND EXCHANGE COMMISSION

INTERAMERICAN INDUSTRIES, LTD.

Order Suspending Trading

AUGUST 16, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the capital stock of Interamerican Industries, Ltd., Calgary, Alberta, Canada, being traded in the United States otherwise than on a national securities exchange is required

[1] The complaints against Tiger's filing are due not later than Aug. 18, 1967.

[2] Under the Board's Procedural Regulations 14 CFR 302.505, a complaint requesting suspension of any tariff ordinarily will not be considered unless filed within 12 days after posting date if such a date is indicated. Our rule also states that, in an emergency satisfactorily shown by complainant, and within the time limits provided, a telegraphic complaint may be submitted stating the grounds relied on but this complaint must immediately be confirmed by a complaint properly filed.

All of the complaints were late for TWA's filing, which was posted on July 18, 1967. The complaints were due July 31, 1967, but were filed on Aug. 8, 1967. Two of the complaints, first submitted in telegraphic form, were untimely (those of the American Poultry and Hatchery Federation and the National Turkey Federation) for United's filing inasmuch as they did not satisfactorily show the existence of an emergency.

in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in the United States in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 17, 1967, through August 26, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-9019; Filed, Aug. 21, 1967; 8:45 a.m.]

[81-79]

NATIONAL DOLLAR STORES, LTD.

Notice of and Order for Hearing on Application for Exemption

AUGUST 16, 1967.

Notice is hereby given that the National Dollar Stores, Ltd. (applicant), San Francisco, Calif., has filed an application with the Securities and Exchange Commission (Commission) pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended (Exchange Act), for a finding that by reason of the small number of public investors in applicant and the limited amount of trading interest in the securities of applicant, as well as other facts pertaining to the close association between the investors and applicant and the availability of information from the applicant's annual reports, an exemption from the registration provisions of section 12(g) of the Exchange Act would not be inconsistent with the public interest or the protection of investors. Exemption from section 12(g) will have the additional effect of exempting applicant from sections 13 and 14 of the Exchange Act and any officer, director or beneficial owner of more than 10 percent of applicant's equity securities from section 16 of the Exchange Act.

Section 12(g) of the Exchange Act requires the registration of the equity securities of every issuer engaged in interstate commerce, or in a business affecting interstate commerce, or whose securities are traded by use of the mails or any means or instrumentality of interstate commerce, with certain exceptions, set forth therein, within 120 days of the last day of its first fiscal year on which each issuer has total assets exceeding $1 million, and a class of equity security held of record by 500 or more persons.

Section 12(h) of the Exchange Act empowers the Commission upon application of an interested person, by order after notice and opportunity for hearing, to exempt in whole or in part any issuer from the registration provisions of section 12(g) of the Exchange Act or from the periodic reporting and proxy soliciting provisions of sections 13 and 14 of the Exchange Act and from the reporting and trading provisions of section 16 of the Exchange Act, if the Commission finds, by reason of the number of investors, amount of trading interest in the securities, the nature and extent of the activities of the issuer, income or assets of the issuer, or otherwise that such exemption is not inconsistent with the public interest or the protection of investors.

The applicant's application states in part:

1. That applicant (formerly the National Dollar Stores, formerly China Toggery, Joe Shoong Co., Inc.), a California company with its principal place of business at 929 Market Street in San Francisco, was incorporated in 1921, and its principal business is the operation of department stores, which sell clothes and other dry goods.

2. That in 1966 applicant operated 39 stores in California; two stores in Arizona; two stores in Texas; three stores in Hawaii; and one store in Nevada. Applicant also holds various securities and real property for investment.

3. That applicant is a 100-percent owner of N.D.S. Development Corp., which is applicant's sole subsidiary.

4. That the authorized capital of applicant consists of 30,000 common shares, par value $100, of which there are 10,000 shares outstanding.

5. That applicant's only public offering occurred in 1928, at which time a limited number of shares of its common stock were sold to members of the Chinese community located principally in the San Francisco area.

6. That after 1929, the custom developed that when a shareholder of applicant's stock wished to sell all or part of his holding, he would make his wish known to the applicant or to Joe Shoong, founder and principal executive officer of the applicant. Joe Shoong would find purchasers for the shares, usually from among the employees of the applicant who usually were members of the Chinese community in San Francisco. Since the employees generally purchased only one share of stock, a substantial number of the employees of applicant held a single share of the applicant.

7. That as of January 31, 1967, the applicant had a total of 599 shareholders of record of which 456 shareholders were residents of the United States. It is the applicant's contention that the existence of fewer than 500 shareholders of record who are U.S. residents excludes the applicant from the requirements of section 12(g) of the Exchange Act in accordance with the intent of Congress.

8. That there is a lack of public interest in the securities of the applicant. In 1961, there were twenty (20) transfers involving the applicant's stock, and of the 20, five involved one share of stock, six involved two shares of stock, two involved four shares of stock, and two involved five shares of stock. There were only five transactions in the applicant's stock in 1961 involving more than five shares of stock. In 1966 there were only twenty-one (21) transfers, involving a total of 63 shares.

9. That relatively few of the investors in the applicant's stock have not been directly associated with the applicant or personally familiar with its operations.

10. That relatively few of the transactions of the applicant's stock have involved brokers. Consequently, one of the reasons for requiring registration, that is, dissemination of corporate information to the brokers and dealers, is lacking.

11. That Shoong Investment Co., an owner of 47.7 percent of the applicant's outstanding stock, is the only shareholder of record who owns more than 10 percent of the outstanding stock as of January 31, 1967.

12. That the applicant holds an annual shareholders' meeting in March of each year. Preceeding each meeting, notice is given to all shareholders of record. Also, an annual report, including financial statements, is submitted to all of the shareholders of record. The financial statements are certified by the applicant's independent public accountant who, in recent years, has been the firm of Arthur Andersen & Co.

For a more detailed statement of the information presented in the application all persons are hereby referred to the above captioned application which is on file in the offices of the Commission at 500 North Capitol Street, Washington, D.C.

It is ordered, Pursuant to section 12(h) of the Exchange Act, that a hearing on the aforesaid application be held at 10 a.m., P.d.s.t., September 19, 1967, at the regional office of the Commission, 450 Golden Gate Avenue, San Francisco, Calif. 94102. Any person desiring to be heard or otherwise wishing to participate in this proceeding is directed to file with the Secretary of the Commission, 500 North Capitol Street, Washington, D.C., his application as provided by Rule 9(c) of the Commission's rules of practice, on or before the date provided in said rule, setting forth any issues of fact or law which he desires to controvert or any additional issues which he deems raised by this notice and order or by such application.

It is further ordered, That these proceedings shall be presided over by a hearing officer to be designated by further order, who is authorized to perform all the duties of a hearing officer as set forth in the Commission's rules of practice or as otherwise authorized by law.

The Division of Corporation Finance has advised the Commission that it has made a preliminary examination of the application, and that upon the basis thereof the following matters and questions are presented for consideration without prejudice to its specifying additional matters and questions upon further examination:

1. Whether the fact that the applicant has less than 500 shareholders of record who are U.S. residents is a reason to justify the requested exemption;

2. Whether the amount of trading interest, actual or potential, in applicant's securities is sufficiently limited to justify the requested exemption;

3. Whether adequate information is and will be available to investors concerning the financial and business affairs of applicant, the management of applicant, the principal holders of securities of applicant, and the nature and description of applicant's securities; and

4. Generally, whether the requested exemption is consistent with the public interest and with the protection of investors.

It is further ordered, That at the aforesaid hearing attention be given to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing a copy of this notice and order by registered mail to the National Dollar Stores, Ltd., and its attorneys and that notice to all other persons be given by publication of this notice and order in the FEDERAL REGISTER, and that a general release of this Commission in respect of this notice and order be distributed to the press and mailed to those persons whose names appear on the mailing list for releases.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-9020; Filed, Aug. 21, 1967; 8:46 a.m.]

[File No. 1-1277]

PENROSE INDUSTRIES CORP.

Orders Suspending Trading

AUGUST 16, 1967.

The common stock $2 par value, of Penrose Industries Corp., being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and the 5 percent cumulative convertible preferred stock, $20 par value of Penrose Industries Corp., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 17, 1967, through August 26, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-9021; Filed, Aug. 21, 1967; 8:46 a.m.]

[70-4525]

POTOMAC EDISON CO.

Notice of Proposed Issue and Sale of Notes to Bank

AUGUST 16, 1967.

Notice is hereby given that the Potomac Edison Co. ("Potomac"), 55 East Washington Street, Hagerstown, Md. 21740, a Maryland corporation and an electric utility subsidiary company of Allegheny Power System, Inc. ("APS"), a registered holding company, has filed with this Commission a declaration pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 thereof and Rule 50(a)(2) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Potomac proposes to issue and sell from time to time prior to October 1, 1968, to Chemical Bank New York Trust Co., New York, N.Y., not for resale to the public, up to an aggregate of $7,500,000 principal amount of its promissory notes, each of which will be sold at its principal amount, will mature not later than 12 months from the date of its issue, will be prepayable at any time without penalty, and will bear interest at the New York commercial bank prime rate in effect on the date of its issue.

The net proceeds from the proposed notes will be used to provide funds for the construction program of Potomac and its subsidiaries, and to repay other short-term bank borrowings incurred therefor under the exemption afforded by the first sentence of section 6(b) of the Act. Construction costs for 1967 and 1968 are estimated at $63 million. The declaration represents that the net proceeds from any permanent debt financing effected prior to the maturity of any of the proposed notes will be applied, to the extent necessary, to the payment of all such notes then outstanding and thereafter no further notes will be issued pursuant to this declaration.

It is stated that no fees or expenses, other than ordinary expenses not to exceed $500.00, will be incurred in connection with the proposed transactions. It is further stated that no State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than September 12, 1967, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-9022; Filed, Aug. 21, 1967; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 435]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 17, 1967.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 10761 (Sub-No. 219 TA), filed August 14, 1967. Applicant: TRANS-AMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit, Mich. 48209. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles and equipment, materials and supplies* used in the manufacture or processing of iron or steel articles, (1) serving Louisiana, Mo., Carlinville, Centralia, Irvington, and Sparta, Ill., as off-route points in connection with carrier's present authority to serve St. Louis, Mo., and (2) serving Clarksville, Ohio, as an off-route point in connection with carrier's present authority to serve Cincinnati, Ohio, for 180 days. NOTE: Carrier plans to tack this authority at St. Louis, Mo. and Cincinnati, Ohio, with its presently held authority. Supporting shipper: Valley

Steel Products Co., 166 South Ninth, St. Louis, Mo. 63102. Send protests to: District Supervisor Gerald J. Davis, Bureau of Operations, Interstate Commerce Commission, 1110 Broderick Tower, 10 Witherell, Detroit, Mich. 48226.

No. MC 107496 (Sub-No. 862 TA), filed August 14, 1967. Applicant: RUAN TRANSPORT CORPORATION, Third and Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silica sand*, in bulk, in pneumatic tank vehicles, from Hanover, Wis., and points within 5 miles thereof, to Rockford, Belvidere, North Chicago, Galena, and East Dubuque, Ill., for 180 days. Supporting shipper: Lyle T. Manley Co., Inc., Hanover, Wis. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 227 Old Federal Office Building, Des Moines, Iowa 50309.

No. MC 110988 (Sub-No. 241 TA), filed August 14, 1967. Applicant: KAMPO TRANSIT, INC., 200 West Cecil Street, Neenah, Wis. 54956. Applicant's representative: David A. Petersen (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lignin liquor (spent sulphite liquor)*, from Oconto Falls, Wis., to points in Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, New York, North Dakota, Ohio, Pennsylvania, South Dakota; and to Wisconsin for subsequent rail movement beyond, for 180 days. Supporting shipper: Scott Paper Co., Philadelphia, Pa. 19113. Send protests to: District Supervisor, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 111401 (Sub-No. 233 TA), filed August 14, 1967. Applicant: GREEN-DYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, Okla. 73701. Applicant's representative: Alvin Hamilton, Enid, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer ingredients, and fertilizer compounds*, dry and in bulk, from Etter, Tex., to points in Oklahoma, for 180 days. Supporting shipper: Phillips Petroleum Co., Bartlesville, Okla. Send protests to: C. L. Phillips, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 350 American General Building, 210 North West Sixth, Oklahoma City, Okla. 73102.

No. MC 112184 (Sub-26 TA), filed August 14, 1967. Applicant: THE MANFREDI MOTOR TRANSIT COMPANY, a corporation, Route 87, Newbury, Ohio 44065. Applicant's representative: J. J. Kuhner, 21111 Chagrin Boulevard, Cleveland, Ohio, and John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paints, stains, and varnishes*, in bulk, in tank vehicles, from Cleveland, Ohio, to Belvidere, Ill; for 180 days. Supporting shipper: Pittsburgh Plate Glass Co., 1 Gateway Center, Pittsburgh, Pa. 15222. Send protests to: District Supervisor G. J. Baccei, Interstate Commerce Commission, Bureau of Operations, 435 Federal Building, 215 Superior Avenue, Cleveland, Ohio 44114.

No. MC 119530 (Sub-No. 2 TA), filed August 11, 1967. Applicant: L. A. LAMBRECHT TRUCKING CO., Post Office Box 273, Sterling, Ill. 61081. Applicant's representative: Kenneth F. Dudley, 901 South Madison Avenue, Post Office Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products* from Sterling and Rock Falls, Ill., to points in Indiana and Wisconsin, those in that part of Minnesota on and south of U.S. Highway 14; and those in Missouri on and north of a line beginning at St. Louis, Mo., and extending along U.S. Highway 66 to Lebanon, Mo., thence along Missouri Highway 5 to Camdenton, Mo., and thence along U.S. Highway 54 to the Missouri-Kansas State line; for 180 days. Supporting shipper: Northwestern Steel & Wire Co., Sterling, Ill. 61081. Send protests to: Andrew J. Montgomery, District Supervisor, Interstate Commerce Commission, Bureau of Operations, U.S. Courthouse and Federal Office Building, Room 1086, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 120449 (Sub-4 TA), filed August 14, 1967. Applicant: PETER P. DeCASPER, JR., AND HERMAN DeCASPER, a partnership, doing business as DeCasper Delivery, 3 River Street, Post Office Box 230, Bradford, Pa. 16701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty composite fiberboard cans*, set up, with or without metal tops or bottoms, from Bradford, Pa., to Erie, Pa., to site of Norfolk & Western Railroad ramp for subsequent rail service; for 150 days. Supporting shipper: R. C. Can Co., 125 Bolivar Drive, Bradford, Pa. 16701. Send protests to: Frank L. Calvary, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2109 Federal Building, Pittsburgh, Pa. 15222.

No. MC 125161 (Sub-7 TA), filed August 14, 1967. Applicant: UNITED FREIGHTWAYS, INC., 671 Chestnut Street, North Andover, Mass. 01845. Applicant's representative: George C. O'Brien, 33 Broad Street, Boston, Mass. 02109. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fishmeal*, in bulk, from Point Judith and Peacedale, R.I., to Portland, Maine; Concord, Greenfield, and Manchester, N.H.; Brattleboro, Richford, and St. Albans, Vt.; Greenfield, Marlboro, Fitchburg, Taunton, West Springfield, and Wrentham, Mass.; Manchester, Montville, and Yantic, Conn.; Albany, Cayuga, and Waverly, N.Y.; Greenville, Gettysburg, and Winfield, Pa.; for 180 days. Supporting shipper: Boston Feed Supply, 177 Milk Street, Boston, Mass. 02109. Send protests to: District Supervisor Maurice C. Pollard, Interstate Commerce Commission, Bureau of Operations, John F. Kennedy Building, Government Center, Boston, Mass. 02203.

No. MC 126281 (Sub-1 TA), filed August 14, 1967. Applicant: BERGEN-PASSAIC AIR EXPRESS, INC., 124 East Columbia Avenue, Palisades Park, N.J. 07650. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* warehoused by and shipped from the facilities of Minnesota Mining & Manufacturing Co. located at Ridgefield, N.J., to points in Rockland and Westchester Counties, N.Y., and points in Connecticut; for 150 days. Supporting shipper: Minnesota Mining & Manufacturing Co. (3M Company), 700 Grand Avenue, Ridgefield, N.J. 07657. Send protests to: District Supervisor Joel Morrows, Bureau of Operations, Interstate Commerce Commission, 1060 Broad Street, Newark, N.J. 07102.

No. MC 129214 (Sub-No. 2 TA), filed August 11, 1967. Applicant: CAVIN TRUCKING COMPANY, INC., Post Office Box 206, Wild Rose, Wis. 54984. Applicant's representative: Edward Solie, 4513 Vernon Boulevard, Madison, Wis. 53705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Shavings and sawdust*, in bulk, from Wild Rose, Wis., to Rockford, Ill., and points within 5 miles thereof; for 180 days. Supporting shipper: Kieckhefer Boxes, Inc., Wild Rose, Wis. 54984. Send protests to: Barney L. Hardin, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 314 North Hamilton Street, Madison, Wis. 53703.

No. MC 129223 (Sub-No. 1 TA), filed August 11, 1967. Applicant: LESLIE A. PHILLIPS, 2836 Cogswell Road, El Monte, Calif. 91732. Applicant's representative: Ernest D. Salm, 3846 Evans Street, Los Angeles, Calif. 90027. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wheelless campers* designed to be mounted on a motor vehicle, from South El Monte and Industry, Calif., to points in Arizona, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, and Washington over irregular routes; for 180 days. Supporting shippers: Tear Drop, Inc., 2200 North Merced Avenue, South El Monte, Calif. 91733; Royal Coachman, Will-Bar Industries, Inc., 10915 East Rush Street, South El Monte, Calif. 91733. Send protests to: Wm. J. Huetig, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 7708, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 129323 TA, filed August 11, 1967. Applicant: MERCHANTS MOVING COMPANY OF FAYETTEVILLE, INC., 501 Emmett Street, Fayetteville, N.C. 28301. Applicant's representative: Robt. J. Gallagher, Professional Building, 66 Central Street, Wellesley, Mass. 02181. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in

North Carolina, restricted to shipments moving on the through bill of lading of a forwarder operating under section 402 (b)(2) exemption, and having an immediate, prior or subsequent line haul movement by rail, motor, water, or air. The proposed service is limited to providing a local service for a forwarder of used household goods; for 180 days. Supporting shipper: Rocky Ford Moving Vans, Inc., 510 South Big Spring, Post Office Box 11, Midland, Tex. 79701. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Post Office Box 10885, Cameron Village Station, Raleigh, N.C., 27605.

No. MC 129324 TA, filed August 14, 1967. Applicant: TAYLOR MOORE'S EXPRESS COMPANY, 9 Hillcrest Lane, Willingboro, N.J. 08046. Applicant's representative: Raymond A. Thistle, Jr., Suite 1710, 1500 Walnut Street, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refrigerated food and food products*, from Philadelphia, Pa., to points in Camden, Burlington, Atlantic, and Cape May, Counties, N.J.; for 180 days. Supporting shippers: Pierce & Reese, 130–132 North Delaware Avenue, Philadelphia, Pa.; Stein Henry Co., 146 West Laurel Street, Philadelphia, Pa., 19123; Kaplan's Prime Meats, Inc., 982–88 North Delaware Avenue, Philadelphia, Pa. 19139; Milden & White, Inc., 1224 North Ninth Street, Philadelphia, Pa. 19122; Geo L. Wells, Inc., 402–404 North Second Street, Philadelphia, Pa. 19123; Diamond Meat Co., Inc., 2060–66 East Tioga Street, Philadelphia, Pa. 19134. Send protests to: District Supervisor Raymond T. Jones, 410 Post Office Building, Interstate Commerce Commission, Bureau of Operations, 402 East State Street, Trenton, N.J. 08608.

No. MC 129327 TA, filed August 14, 1967. Applicant: BILL WALLER, doing business as BILL WALLER TRUCKING COMPANY, Route 2, Jonesboro, Tenn. 37659. Applicant's representative: Jackson C. Raulston, 129 East New Street, Kingsport, Tenn. 37660. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bread, pies, cakes and other bakery products and raw materials* used by bakeries, from Kingsport, Tenn., to points in North Carolina, Virginia, West Virginia, Georgia, South Carolina, and Kentucky; for 150 days. Supporting shipper: Modern Bakery, Inc., Kingsport, Tenn. Send protests to: J. E. Gamble, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 706 U.S. Courthouse, Nashville, Tenn. 37203.

MOTOR CARRIERS OF PASSENGERS

No. MC 228 (Sub-62 TA), filed August 14, 1967. Applicant: HUDSON TRANSIT LINES, INC., 17 Franklin Turnpike, Mahwah, N.J. 07430. Applicant's representative: John R. Sims, Jr., 1700 Pennsylvania Avenue NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers, and their baggage, express* and *newspapers* in the same vehicle, between junction U.S. Highway 209 and U.S. Highway 44 at or near Kerhonkson, N.Y., and junction Interstate Highway 87 and New York Highway 17K (Interchange 17) at or near Newburgh, N.Y., serving all intermediate points. From junction U.S. Highway 209 and U.S. Highway 44 at or near Kerhonkson, N.Y., over U.S. Highway 44 to its junction with New York Highway 299, thence over New York Highway 299 to its junction with Interstate Highway 87, at Interchange 18, near New Paltz, N.Y., thence over Interstate Highway 87 to Junction Interstate Highway 87 and New York State Highway 17K (Interchange 17) at or near Newburgh, N.Y., and return over the same route. Between Accord, N.Y., and Ulster County Community College, at or near Stone Ridge, N.Y., serving all intermediate points: From Accord, over U.S. Highway 209 to junction U.S. Highway 209 and County Road 72, at or near Stone Ridge, thence over County Road 72 (a distance of approximately 1 mile) to the entrance of Ulster County Community College, and return over the same route; for 180 days. Supporting shipper: There are 12 individual bus passengers whose names and addresses are on file in the Newark, N.J., ICC office or the Washington, D.C., office, supporting this application. NOTE: Applicant intends to tack this authority. Send protests to: District Supervisor Joel Morrows, Interstate Commerce Commission, Bureau of Operations, 1060 Broad Street, Room 363, Newark, N.J. 07102.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-9837; Filed, Aug. 21, 1967; 8:47 a.m.]

[Notice 26]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 17, 1967.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 279), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–69675. By order of August 14, 1967, the Transfer Board approved the transfer to David W. Dodson and Karl D. Crawford, a partnership, doing business as A-Emergency Tow Service, 3280 Oak Street, Kansas City, Mo., of the certificate in No. MC–116178 (Sub-No. 1), issued September 9, 1958, to Ervin Davis, doing business as A-Emergency Tow Service, 3280 Oak Street, Kansas City, Mo., authorizing the transportation of: Wrecked, damaged or disabled motor vehicles and trailers, and replacement motor vehicles and trailers to points of wreck, damage or disablement, by the use of wrecking equipment only, between points in Iowa, Kansas, Missouri, Nebraska, and Oklahoma.

No. MC–FC–69837. By order of August 14, 1967, the Transfer Board approved the transfer to Wilson Fore Trucking Co., a corporation, Post Office Box 606, Healdton, Okla., of the operating rights in certificate No. MC–58751 (Sub-No. 3), issued August 4, 1964, to Wilson Fore, Post Office Box 606, Healdton, Okla., authorizing transportation, over irregular routes, of oilfield equipment and supplies, and commodities, the transportation of which because of their size or weight requires the use of special equipment or handling, and parts thereof, between points in 18 specified counties in Oklahoma with exceptions.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-9838; Filed, Aug. 21, 1967; 8:47 a.m.]

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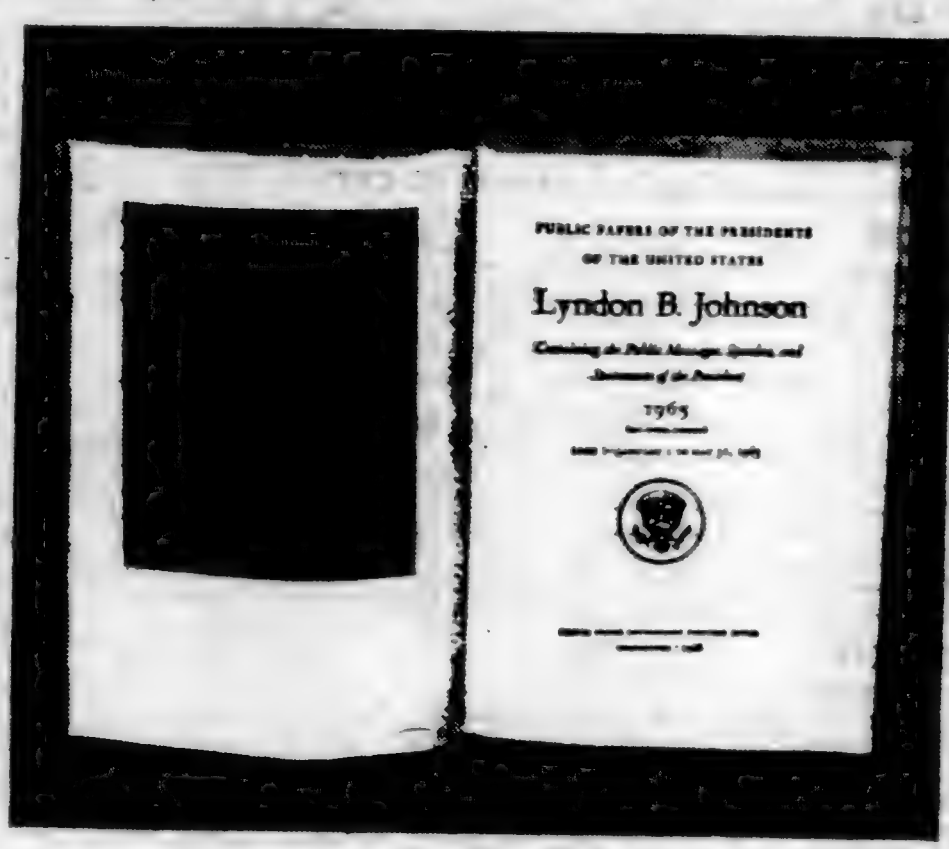
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Title 7—AGRICULTURE

Chapter II—Consumer and Marketing Service (Consumer Food Programs), Department of Agriculture

[Amdt. 7]

PART 210—NATIONAL SCHOOL LUNCH PROGRAM

Reimbursement Payments

Section 210.10 of the regulations for the operation of the National School Lunch Program (28 F.R. 1247), as amended (28 F.R. 11531, 29 F.R. 311, 29 F.R. 14619, 30 F.R. 15402, 31 F.R. 14924, 32 F.R. 33), is hereby revised as follows:

§ 210.10 Reimbursement payments.

(a) Reimbursement shall be paid only in connection with lunches meeting the requirements of § 210.9. The maximum rate of reimbursement shall be 9 cents for a Type A lunch, except that not to exceed 7 cents may be paid if the Type A lunch does not include milk; and the maximum rate of reimbursement shall be 2 cents for a Type C lunch: *Provided, however,* That State Agencies, or CFPDO where applicable, are authorized to reimburse from general cash-for-food assistance funds, at rates not to exceed 15 cents for a Type A lunch and 13 cents for a Type A lunch which does not include milk, schools which have a high proportion of children unable to pay for their lunches and for which it is determined that additional financial assistance is needed in order that they can meet program requirements.

(b) State Agencies, or CFPDO where applicable, are authorized to reimburse from special cash-for-food assistance funds, at rates not to exceed 15 cents for a Type A lunch and 13 cents for a Type A lunch which does not include milk, schools which have been selected for participation on the basis of the following factors: (1) The economic condition of the area from which such schools draw attendance; (2) the need of pupils in such schools for free and reduced-price lunches; (3) the percentage of free and reduced-price lunches being served in such schools to their pupils; (4) the prevailing price of lunches in such schools as compared with the average prevailing price of lunches served in the State under the National School Lunch Act; and (5) the need of such schools for additional assistance as reflected by the financial position of the school lunch programs in such schools.

(c) State Agencies, or CFPDO where applicable, may at their option approve schools meeting the criteria in paragraph (b) of this section for reimbursement at rates not to exceed 9 cents per lunch from general cash-for-food assistance funds on all lunches served and additional assistance from special cash-for-food assistance funds not to exceed 15 cents per lunch on all free or reduced-price lunches served in such schools to needy children.

(d) In agreements with schools, the State Agency, or CFPDO where applicable, shall assign rates of reimbursement within the maximum rates, and any variation between schools in the assigned rates for particular lunch types shall reflect the relative needs of the schools as determined by the State Agency, or CFPDO where applicable. Assigned rates may be changed by the State Agency, or CFPDO where applicable. Notice of any change shall be given to the schools.

(e) Schools shall be reimbursed on the basis of the number of lunches served to children times the assigned rate, except that the last claim from a school each fiscal year may be paid at a rate in excess of the assigned rate or the maximum rate: *Provided, however,* That the total reimbursement to a school during any fiscal year shall not exceed the lesser of (1) an amount equal to the number of lunches served to children during the fiscal year times the maximum rate, or (2) the cost of obtaining food.

This amendment shall be effective upon publication.

Approved August 17, 1967.

[SEAL] RODNEY E. LEONARD,
Deputy Assistant Secretary.

[F.R. Doc. 67-9906; Filed, Aug. 22, 1967; 8:49 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 10]

PART 728—WHEAT

Apportionment of 1968 State Acreage Allotment to Counties

Correction

In F.R. Doc. 67-9280, appearing at page 11609 of the issue for Friday, August 11, 1967, the entry for Fulton County, Ark., in § 728.347, should read "72" instead of "71".

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

PART 921—FRESH PEACHES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Expenses and Rate of Assessment

On July 19, 1967, notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 10579) regarding proposed expenses and the related rate of assessment for the period April 1, 1967, through March 31, 1968, and on August 4, 1967, notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 11333) regarding the approval of carryover of unexpended funds from the fiscal period ended March 31, 1967, pursuant to the marketing agreement and Order No. 921 (7 CFR Part 921) regulating the handling of fresh peaches grown in designated counties in Washington. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notices which were submitted by the Washington Fresh Peach Marketing Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 921.207 Expenses and rate of assessment.

(a) Expenses: Expenses that are reasonable and likely to be incurred by the Washington Fresh Peach Marketing Committee during the period April 1, 1967, through March 31, 1968, will amount to $6,854.

(b) Rate of assessment: The rate of assessment for said period, payable by each handler in accordance with § 921.41, is fixed at $0.60 per ton of fresh peaches.

(c) Unexpended assessment funds, in excess of expenses incurred during the fiscal period ended March 31, 1967, shall be carried over as a reserve in accordance with the applicable provisions of § 921.42 of said marketing agreement and order.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of the current crop of peaches grown in the designated counties in Washington are now being made; (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable peaches handled during the aforesaid period; and (3) such period began on April 1, 1967, and said rate of assessment will automatically apply to all such peaches beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 18, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-9907; Filed, Aug. 22, 1967; 8:49 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER A—ARMED SERVICES PROCUREMENT REGULATIONS

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

The following amendments to this subchapter are issued by direction of the Assistant Secretary of Defense (Installations and Logistics) pursuant to authority contained in Department of Defense Directive No. 4105.30, dated March 11, 1959 (24 F.R. 2260), as amended, and 10 U.S.C. 2202.

PART 1—GENERAL PROVISIONS

1. In § 1.701–1, paragraph (a) (2) and (c) are revised; in § 1.701–4, the table therein is amended by changing the listings under Major Groups 29, 30, and 37; paragraph (b) (3) in § 1.704–3 is revised; and paragraph (c) in § 1.706–6 is revised, as follows:

§ 1.701–1 Small business concern.

(a) * * *

(2) *Industry small business size standards.* In addition to being independently owned and operated, and not dominant in the field of operation in which it is bidding on Government contracts, a small business concern in order to qualify as such must meet the criteria established for the industries set forth below. Annual sales or annual receipts, as used throughout this subpart, means the annual sales or annual receipts, less returns and allowances, of a concern and its affiliates during its most recently completed fiscal year.

(i) *Construction industries.* For construction, alteration, or repair (including painting and decorating), of buildings, bridges, roads, or other real property, the average annual receipts of the concern and its affiliates for its preceding 3 fiscal years must not exceed $7,500,000, except that if the concern is located in Alaska, such receipts must not exceed $9,375,000. For dredging, the average annual receipts of the concern and its affiliates for its preceding 3 fiscal years must not exceed $5 million, except that if the concern is located in Alaska, such receipts must not exceed $6,250,000.

(ii) *Manufacturing industries*—(a) *Food canning and preserving industry.* For food canning and preserving, the number of employees of the concern and its affiliates must not exceed 500 persons, exclusive of "agricultural labor" as defined in 26 U.S.C. 3306(k).

(b) *Refined petroleum products.* Any concern bidding on a contract for a refined petroleum product other than Paving mixture and blocks, Asphalt felts and coatings, Lubricating oils and greases, or Products of petroleum and coal, not elsewhere classified, is classified as small if (1) (i) its number of employees does not exceed 1,000 persons; (ii) it does not have more than 30,000 barrels-per-day crude oil or bona fide feed stock capacity from owned or leased facilities; and (iii) the product to be delivered in the performance of the contract will contain at least 90 percent components refined by the bidder from either crude oil or bona fide feed stocks: *Provided*, however, That a petroleum refining concern which meets the requirements in (i) and (ii) of this subdivision may furnish the product of a refinery not qualified as small business if such product is obtained pursuant to a bona fide exchange agreement, in effect on the date of the bid or offer, between the bidder or offeror and the refiner of the product to be delivered to the Government which requires exchanges in a stated ratio on a refined petroleum product basis, and precludes a monetary settlement, and that the products exchanged for the products offered meet the requirement in (iii) of this subdivision: *And provided further*, That the exchange of products for products to be delivered to the Government will be completed within 90 days after expiration of the delivery period under the Government contract; or (2) its number of employees does not exceed 500 persons and the product to be delivered to the Government has been refined by a concern which qualifies under (1) of this subdivision.

(c) *Pneumatic tires.* For passenger cars, motorcycles, truck, bus, and off-the-road pneumatic tires, a concern is classified as small when bidding on a contract for the above listed items: *Provided*, That (1) the value of the above types of pneumatic tires which it manufactured in the United States during the preceding calendar year is more than 50 percent of the value of its total worldwide manufacture, (2) the value of these pneumatic tires which it manufactured worldwide during the preceding calendar year was less than 5 percent of the value of all such tires manufactured in the United States during said period, and (3) the value of the principal products which it manufactured or otherwise produced or sold worldwide during the preceding calendar year is less than 10 percent of the total value of such products manufactured or otherwise produced or sold in the United States during said period.

(d) *Passenger cars.* A company is classified as small if it is bidding on a contract for passenger cars: *Provided*, That (1) the value of the passenger cars which it manufactured or otherwise produced in the United States during the preceding calendar year is more than 50 percent of the value of its total worldwide manufacture or production of such passenger cars, (2) the value of the passenger cars which it manufactured or otherwise produced during the preceding calendar year was less than 5 percent of the total value of all such cars manufactured or produced in the United States during the said period, and (3) the value of the principal products which it manufactured or otherwise produced or sold during the preceding calendar year is less than 10 percent of the total value of such products manufactured or otherwise produced or sold in the United States during said period.

(e) *Manufacturing industries listed in § 1.701–4.* For a product classified within an industry listed in § 1.701–4 the number of employees of the concern and its affiliates must not exceed the small business size standard established therein for that industry.

(f) *Manufacturing industries not listed in § 1.701–4.* For a product classified within an industry not set forth in this section or in § 1.701–4, the number of employees of the concern and its affiliates must not exceed 500 persons.

(iii) *Nonmanufacturing industries.* For a product not manufactured by the concern submitting a bid or proposal, other than for a construction or service contract, the number of employees of that concern must not exceed 500 persons, and in the case of a procurement set aside for small business (see § 1.706) or involving equal low bids (see § 2.407–6 of this chapter), or otherwise involving the preferential treatment of small business, it must agree to furnish in the performance of the contract end items manufactured or produced in the United States, its possessions, or Puerto Rico, by small business concerns. However, if the goods to be furnished are wool, worsted, knitwear, duck, or webbing, nonmanufacturers (dealers and converters), shall furnish such products which have been manufactured or produced by a small weaver (small knitter for knitwear) and, if finishing is required, by a small finisher. If the product to be furnished is thread, nonmanufacturers (dealers and converters) shall furnish thread which has been finished by a small finisher. ("Finishing of thread is defined as all "dyeing, bleaching, glazing, mildew proofing, coating, waxing, and other applications required by the pertinent specification, but excluding mercerizing, spinning, throwing, or twisting operations.")

(iv) *Service industries.* (a) For services not elsewhere defined in this part, the average annual sales or receipts of the concern and its affiliates for the preceding 3 fiscal years must not exceed $1 million ($1,250,000 is located in Alaska).

(b) Any concern bidding on a contract for engineering services (other than marine engineering services), motion picture production, or motion picture services is classified as small if its average annual sales or receipts for its preceding 3 fiscal years do not exceed $5 million ($6,250,000 if located in Alaska).

(c) Any concern bidding on a contract for naval architectural and marine engineering services is classified as small if its average annual sales or receipts for its preceding 3 fiscal years do not exceed $6 million.

(d) Any concern bidding on a contract for janitorial and custodial services is classified as small if its average annual sales or receipts for its preceding 3 fiscal years do not exceed $3 million ($3,750,000 if located in Alaska).

(e) Any concern bidding on a contract for base maintenance is classified as small if its average annual sales or receipts for its preceding 3 fiscal years do not exceed $5 million ($6,250,000 if located in Alaska). Base maintenance is defined in footnote at the end of this section.

(f) Any concern bidding on contracts for marine cargo handling services is classified as small if its annual sales or receipts do not exceed $5 million for the preceding 3 fiscal years.

(v) *Transportation industries*—(a) *General.* Except as provided in (b) and (c) of this subdivision, for passenger or freight transportation the number of employees of the concern and its affiliates must not exceed 500 persons.

(b) *Air transportation.* For air transportation, the number of employees of the concern and its affiliates must not exceed 1,000 persons.

(c) *Trucking (local and long distance) warehousing, packing and crating, and/or freight forwarding.* For trucking (local and long distance), warehousing, packing and crating, and/or freight forwarding, the annual receipts of the concern and its affiliates must not exceed $3 million except that if the concern is located in Alaska, such receipts must not exceed $3,750,000. No such concern, however, will be denied small business status for the purpose of Government procurement solely because of its contractual relationship with a large interstate van line if the concern's annual receipts have not exceeded $3 million during its most recently completed fiscal year ($3,750,000 if located in Alaska).

(vi) *Research, development or testing industries.* For research, development, or testing, which requires delivery of a manufactured product, a concern must (a) qualify as a small business manufacturer within the meaning of subdivision (ii) of this subparagraph for the industry in which the product is classified, or (b) qualify as a small business nonmanufacturer within the meaning of subdivision (iii) of this subparagraph. For research, development, or testing, which does not require delivery of a manufactured product, the number of employees of the concern and its affiliates must not exceed 500 persons.

* * * * *

(c) *Affiliates.* Business concerns are affiliates of each other when either directly or indirectly (1) one concern controls or has the power to control the other or (2) a third party controls or has the power to control both. In determining whether concerns are independently owned and operated and whether or not affiliation exists, consideration is given to all appropriate factors including common ownership, common management, and contractual relationships: *Provided, however*, That restraints imposed on a franchisee by its franchise agreement shall not be considered in determining whether the franchisor controls or has the power to control and, therefore, is affiliated with the franchisee, if the franchisee has the right to profit from his effort, commensurate with ownership, and bears the risk of loss or failure.

* * * * *

§ 1.701–4 Manufacturing industry employment size standards.

* * * * *

Classification code and industry	Employment size standard (number of employees
* * * * *	
MAJOR GROUP 29—PETROLEUM REFINING AND RELATED INDUSTRIES	
2952 Asphalt felts and coatings	750
MAJOR GROUP 30—RUBBER AND MISCELLANEOUS PLASTICS PRODUCTS	
3011 Aircraft tire and all inner tubes	1,000
3021 Rubber footwear	1,000
3031 Reclaimed rubber	750
* * * * *	
MAJOR GROUP 37—TRANSPORTATION EQUIPMENT	
3717 Motor vehicles and parts except passenger cars[1]	1,000
3721 Aircraft[2]	1,500
3722 Aircraft engines and engine parts[3]	1,000
3728 Aircraft propellers and propeller parts	1,000
3729 Aircraft parts and auxiliary equipment, not elsewhere classified[4]	1,000
3731 Shipbuilding and repairing[5]	1,000
3741 Locomotives and parts	1,000
3743 Railroad and street cars	750
* * * * *	

[1] The three Standard Industrial Classification industries (3711, 3712, and 3714) have been combined because of a major problem of defining the reporting unit in terms of these industries. This difficulty arises from the fact that many large establishments have integrated operations which include the production of parts and bodies and the assembly of complete vehicles at the same location.

[2] Includes maintenance as defined in the Federal Aviation Regulations (14 CFR 1.1) but excludes contracts solely for preventive maintenance as defined in 14 CFR 1.1. As defined in the Federal Aviation Regulations:

"'Maintenance' means inspection, overhaul, repair, preservation, and the replacement of parts but excludes preventive maintenance."

"'Preventive maintenance' means simple or minor preservation operations and the replacement of small standard parts not involving complex assembly operations."

[3] Guided missile engines and engine parts are classified in SIC 3722. Missile control systems are classified in SIC 3662.

[4] Shipbuilding and repairing industry includes establishments primarily engaged in building and repairing all types of ships, barges, canal boats, and lighters, of 5 gross tons and over, whether propelled by sail or motor power or towed by other craft. Establishments primarily engaged in fabrication or repairing structural assemblies or components for ships, or subcontractors engaged in ship painting, joinery, carpentry work, electrical wiring installation, etc., are not included. The size standard for Boatbuilding and Repairing (establishments primarily engaged in building and repairing all types of boats, except rubber boats, under 5 gross tons) is 500.

§ 1.704–3 Small business specialists.

* * * * *

(b) * * *

(2) Prior to issuance of solicitations or contract modifications for additional supplies or services in excess of $2,500, he shall determine that small business concerns will receive adequate consideration including initiation of set-asides (§ 1.706). This determination may be made jointly with the contracting officer or may be in the form of a recommendation to him. Disagreements between the small business specialist and the contracting officer shall be resolved by the appointing authority or his designee, whose decision shall be final. (See § 1.308 as to the required record of contract actions.)

* * * * *

§ 1.706–6 Partial set-asides.

* * * * *

(c) (1) In advertised procurements involving partial set-asides for small business, each invitation for bids shall contain substantially the following notice. The applicable size standards shall be set forth in the schedule. In negotiated procurements, the notice shall be appropriately modified for use with requests for proposals.

NOTICE OF PARTIAL SMALL BUSINESS SET-ASIDE (JUNE 1967)

(a) *General.* A portion of this procurement, as identified elsewhere in the schedule, has been set aside for award only to one or more small business concerns. Negotiations for award of this set-aside portion will be conducted only with responsible small business concerns who have submitted responsive bids on the non-set-aside portion at a unit price within 120 percent of the highest unit price at which an award is made on the non-set-aside portion. Negotiations shall be conducted with such small business concerns in the following order of priority:

Group 1. Small business concerns which are also persistent labor surplus area concerns.

Group 2. Small business concerns which are also substantial labor surplus area concerns.

Group 3. Small business concerns which are not labor surplus area concerns. Within each of the above groups, negotiations with such concerns will be in the order of their bids on the non-set-aside portion, beginning with the lowest responsive bid. The set-aside shall be awarded at the highest unit price awarded on the non-set-aside portion, adjusted to reflect transportation and other cost factors which are considered in evaluating bids on the non-set-aside portion, except where a responsive bid has been submitted on the non-set-aside portion at a unit price which when so adjusted is lower than the adjusted highest unit price awarded on the non-set-aside portion but could not be accepted because of quantity limitations or other consideration (such as the bidder's responsibility). In the latter case if the quantity limitation or other considerations do not preclude consideration of the unit price of such unaccepted bid at the time of negotiation for the set-aside portion, a quantity of the set-aside portion equal to the quantity of such unaccepted bid shall be offered to eligible concerns in their order of priority at the adjusted unit price of such unaccepted bid. If no eligible bidder will take the entire quantity so offered at the adjusted unit price of the unaccepted bid, then all eligible concerns in their order of priority shall be offered any lesser portion at the same price. (In the event more than one such unaccepted bid is involved, the same procedure shall be applied successively to each

such bid on negotiation for the set-aside portion.) Subject to the conditions set forth below any remaining quantity of the set-aside portion shall be offered to eligible concerns in their order of priority at the adjusted highest unit price awarded on the non-set-aside portion. If such an unaccepted bid is submitted by a concern eligible to participate in the set-aside, such concern must accept a quantity of the set-aside portion equal to the quantity of the unaccepted bid at the adjusted unit price of the unaccepted bid before any portion of the set-aside may be awarded to that concern at a higher price. If such an unaccepted bid is submitted by a concern not eligible to participate in the set-aside, a quantity of the set-aside portion equal to the unaccepted bid must be awarded at the adjusted unit price of such unaccepted bid before any portion of the set-aside is awarded to any eligible concern at a higher price. The Government reserves the right not to consider token bids or other devices designed to secure an unfair advantage over other bidders eligible for the set-aside portion. The partial set-aside of this procurement for small business concerns is based on a determination by the Contracting Officer that it is in the interest of maintaining or mobilizing the Nation's full productive capacity, or in the interest of war or national defense programs, or in the interest of assuring that a fair portion of Government procurement is placed with small business concerns.

(b) *Definitions.* (1) A "small business concern" is a concern, including its affiliates, which is independently owned and operated, is not dominant in the field of operation in which it is bidding on Government contracts, and can further qualify under the criteria set forth in regulations of the Small Business Administration (Code of Federal Regulations, Title 13, sec. 121.3–8). In addition to meeting these criteria, a manufacturer or a regular dealer submitting bids or proposals in his own name must agree to furnish in the performance of the contract end items manufactured or produced in the United States, its possessions, or Puerto Rico, by small business concerns: *Provided*, That this additional requirement does not apply in connection with construction or service contracts.

(2) A "labor surplus area" is a geographical area which is:

(i) classified by the Department of Labor as an "Area of Substantial Unemployment" (herein referred to as an area of substantial labor surplus) and listed as such by that Department in its publication "Area Trends in Employment and Unemployment"; or

(ii) Classified by the Department of Labor as "Area of Persistent Unemployment" (herein referred to as an area of persistent labor surplus) and listed as such by that Department in its publication "Area Trends in Employment and Unemployment"; or

(iii) Not classified as in (i) or (ii) above, but which is individually certified as an area of persistent or substantial unemployment by the Department of Labor at the request of a prospective contractor.

(3) Labor surplus area concern includes—

(i) Persistent labor surplus area concerns which agree to perform or cause to be performed any contracts awarded to them as labor surplus area concerns substantially in "Areas of Persistent Labor Surplus" (also called "Areas of Persistent Unemployment"); and

(ii) Substantial labor surplus area concerns which agree to perform or cause to be performed any contracts awarded to them as labor surplus area concerns substantially in "Areas of Substantial Labor Surplus."

A concern shall be deemed to perform a contract substantially in "Areas of Persistent Labor Surplus" (also called "Areas of Persistent Unemployment") if the cost that it incurs on account of manufacturing or production (by itself or its first-tier subcontractors) in such areas amount to more than 50 percent of the contract price. A concern shall be deemed to perform a contract substantially in "Areas of Substantial Labor Surplus" if the costs that it incurs on account of manufacturing or production (by itself or its first-tier subcontractors) in such areas or in "Areas of Persistent Labor Surplus" (also called "Areas of Persistent Unemployment") amount to more than 50 percent of the contract price.

(4) "Unit price" shall include evaluation factors added for the rent-free use of Government property.

(c) *Identification of areas of performance.* Each bidder desiring to be considered for award as a small business labor surplus area concern on the set-aside portion of this procurement shall identify in his bid the geographical areas in which he proposes to perform, or cause to be performed, a substantial proportion of the production of the contract. If the Department of Labor classification of any such area changes after the bidder has submitted his bid, the bidder may change the areas in which he proposes to perform: *Provided*, That he so notifies the Contracting Officer before award of the set-aside portion. Priority for negotiation will be based upon the labor surplus classification of the designated production areas as of the time of the proposed award.

(d) *Agreement.* The bidder agrees that, if awarded a contract as a small business persistent labor surplus area concern under the set-aside portion of this procurement, he will perform, or cause to be performed, a substantial proportion of the production in areas classified at the time of award, or at the time of performance of the contract, as persistent labor surplus areas; and that if awarded a contract as a small business substantial labor surplus area concern under the set-aside portion of this procurement, he will perform, or cause to be performed, a substantial proportion of the production in areas classified at the time of award, or at the time of performance of the contract, as persistent labor surplus areas.

(2) In requirements contracts involving a partial small business set-aside, add the following to the above clause.

(e) *Requirements contract.* Only one award will be made for each item or subitem of the non-set-aside portion and only one award will be made for each item or sub-item of set-aside portion. For the purpose of equitably distributing orders in accordance with this "Notice of Partial Small Business Set-Aside," the Government will apportion the quantities to be ordered as equally as possible between the non-set-aside Contractor and the set-aside Contractor to whom the awards are made.

* * * * *

2. Sections 1.707–3(c), 1.707–4(a), 1.801–1, 1.801–2, and 1.803(a)(4) are revised; paragraph (b) in § 1.804–2 is revised; in § 1.805–3(b), the clause heading and clause paragraph (b) are revised; and § 1.1604(g) is revised, as follows:

§ 1.707–3 Required clauses.

* * * * *

(c) The "Small Business Subcontracting Program (Maintenance, Repair and Construction)" clause below shall be included in all contracts for maintenance, repair and construction work which may exceed $500,000, which contain the clause required in paragraph (a) of this section and which in the opinion of the purchasing activity, offer substantial subcontracting possibilities.

SMALL BUSINESS SUBCONTRACTING PROGRAM (MAINTENANCE, REPAIR AND CONSTRUCTION) (JUNE 1967)

(a) The Contractor agrees to establish and conduct a small business subcontracting program which will enable small business concerns to be considered fairly as subcontractors, including suppliers, under this contract. In this connection, the Contractor shall designate an individual to (i) maintain liaison with the Government on small business matters, and (ii) administer the Contractor's Small Business Subcontracting Program.

(b) Notwithstanding the instructions on DD Form 1140–1, prior to completion of the contract and as soon as the final information is available, the Contractor shall submit a one-time completed DD Form 1140–1 to the Government addressees prescribed thereon. The DD Form 1140–1 shall show the prime contract number in lieu of identifying a quarterly report period. This subparagraph (b) is not applicable if the Contractor is a small business concern.

(c) The Contractor further agrees (i) to insert the "Utilization of Small Business Concerns" clause in subcontracts which offer substantial subcontracting opportunities, and (ii) to insert in each such subcontract exceeding $500,000 a clause conforming substantially to the language of this clause except that subcontractors shall submit DD Form 1140–1 direct to the Government addressees prescribed on the Form. The Contractor will notify the Contracting Officer of the name and address of each subcontractor that will be required to submit a report on DD Form 1140–1.

§ 1.707–4 Responsibility for reviewing the subcontracting program.

(a)(1) Except in contracts for maintenance, repair and construction work, only one Department shall be responsible for reviewing a contractor's Small Business Subcontracting Program. Subject to paragraph (b) of this section, such review shall be the responsibility of:

(i) The Department previously assigned specific contractors by the Director for Small Business Policy of the Department of Defense; or

(ii) If subdivision (i) of this subparagraph is inapplicable, the responsibility shall be assigned through coordinated action of the Director of Small Business Policy of the Department of Defense and the Small Business Advisors of the Departments.

(2) In contracts for maintenance, repair and construction (see § 1.707–3(c)), the contracting officer awarding the contract shall be responsible for reviewing the contractor's Small Business Subcontracting Program.

* * * * *

§ 1.801–1 Labor surplus area concern.

Labor surplus area concern includes:

(a) Persistent labor surplus area concerns which will perform or cause to be performed any contracts awarded to them as labor surplus area concerns substantially in "Areas of Persistent Labor Surplus"; and

(b) Substantial labor surplus area concerns which will perform or cause to be performed any contracts awarded to them as labor surplus area concerns substantially in "Areas of Substantial Labor Surplus."

A concern shall be deemed to perform a contract substantially in "Areas of Persistent Labor Surplus" (also called "Areas of Persistent Unemployment") if the cost that it incurs on account of manufacturing or production (by itself or its first-tier subcontractors) in such areas amount to more than 50 percent of the contract price. A concern shall be deemed to perform a contract substantially in "Areas of Substantial Labor Surplus" if the costs that it incurs on account of manufacturing or production (by itself or its first-tier subcontractors) in such areas or in "Areas of Persistent Labor Surplus" (also called "Areas of Persistent Unemployment") amount to more than 50 percent of the contract price.

Example A. ABC Company, manufacturing in a full employment area, bids on a contract at $1,000. ABC Company will incur the following costs:

Direct labor	$200
Overhead	200
Purchase of materials from XYZ, which manufactures the materials in a labor surplus area	510

ABC Company qualifies as a labor surplus area concern.

Example B. DEF Company, manufacturing in a labor surplus area, bids on a contract at $1,000. DEF Company will incur the following costs:

Direct labor	200
Overhead	200
Purchase of materials from UVW, which is located in a labor surplus area but which merely distributes the materials from stocks on hand [the materials having been manufactured by UVW's supplier]	550

DEF Company does not qualify as a labor surplus area concern regardless of whether UVW's supplier manufactures in a labor surplus area.

Example C. GHI Company, manufacturing in a labor surplus area, bids on a contract at $1,000. GHI Company will incur the following costs:

Direct labor	200
Overhead	276
Purchase of materials from RST, which manufactures the materials in a full employment area	425

GHI Company qualifies as a labor surplus area concern.

§ 1.801–2 Labor surplus area.

Labor surplus area means a geographic area which at the time of award is:

(a) Classified by the Department of Labor as an "Area of Substantial Unemployment" (herein referred to as an area of substantial labor surplus) and listed as such by that Department in its publication "Area Trends in Employment and Unemployment"; or

(b) Classified by the Department of Labor as an "Area of Persistent Unemployment" (herein referred to as an area of persistent labor surplus) and listed as such by that Department in its publication "Area Trends in Employment and Unemployment"; or

(c) Not classified as in paragraph (a) or (b) of this section, but which is individually certified as an area of persistent or substantial unemployment by the Department of Labor at the request of a prospective contractor.

§ 1.803 Application of policy.

(a) * * *

(4) Department of Labor certification (see § 1.801–2(c)) shall be considered conclusive with respect to the particular procurement concerned;

* * * * *

§ 1.804–2 Set-aside procedure.

* * * * *

(b)(1) In advertised procurements involving set-asides pursuant to this subpart, each invitation for bids shall contain substantially the following notice. In negotiated procurements, the notice shall be appropriately modified for use with requests for proposals. The notice shall be made a part of each contract under the set-aside portion of the procurement.

NOTICE OF LABOR SURPLUS AREA SET-ASIDE (JUNE 1967)

(a) *General.* A portion of this procurement, as identified elsewhere in the schedule, has been set aside for award only to one or more labor surplus area concerns, and, to a limited extent, to small business concerns which do not qualify as labor surplus area concerns. Negotiations for award of the set-aside portion will be conducted only with responsible labor surplus area concerns (and small business concerns to the extent indicated below) who have submitted responsive bids or proposals on the non-set-aside portion at a unit price no greater than 120 percent of the highest unit price at which an award is made on the non-set-aside portion. Negotiations for the set-aside portion will be conducted with such bidders in the following order of priority:

Group 1. Persistent labor surplus area concerns which are also small business concerns.

Group 2. Other persistent labor surplus area concerns.

Group 3. Substantial labor surplus area concerns which are also small business concerns.

Group 4. Other substantial labor surplus area concerns.

Group 5. Small business concerns which are not labor surplus area concerns.

Within each of the above groups, negotiations with such concerns will be in the order of their bids on the non-set-aside portion, beginning with the lowest responsive bid. The set-aside portion shall be awarded at the highest unit price awarded on the non-set-aside portion, adjusted to reflect transportation and other cost factors which are considered in evaluating bids on the non-set-aside portion except where a responsive bid has been submitted on the non-set-aside portion at a unit price which when so adjusted is lower than the adjusted highest unit price awarded on the non-set-aside portion but could not be accepted because of quantity limitations or other consideration (such as the bidder's responsibility). In the latter case if the quantity limitation or other considerations do not preclude consideration of the unit price of such unaccepted bid at the time of negotiation for the set-aside portion, a quantity of the set-aside portion equal to the quantity of such unaccepted bid shall be offered to eligible concerns in their order of priority at the adjusted unit price of such unaccepted bid. If no eligible bidder will take the entire quantity so offered at the adjusted unit price of the unaccepted bid, then all eligible concerns in their order of priority shall be offered any lesser portion at the same price. (In the event more than one such unaccepted bid is involved, the same procedure shall be applied successively to each such bid on negotiation for the set-aside portion.) Subject to the conditions set forth below any remaining quantity of the set-aside portion shall be offered to eligible concerns in their order of priority at the adjusted highest unit price awarded on the non-set-aside portion. If such an unaccepted bid is submitted by a concern eligible to participate in the set-aside, such concern must accept a quantity of the set-aside portion equal to the quantity of the unaccepted bid at the adjusted unit price of the unaccepted bid before any portion of the set-aside may be awarded to that concern at a higher price. If such an unaccepted bid is submitted by a concern not eligible to participate in the set-aside, a quantity of the set-aside portion equal to the quantity of the unaccepted bid must be awarded at the adjusted unit price of such unaccepted bid before any portion of the set-aside is awarded to any eligible concern at a higher price. The Government reserves the right not to consider token bids or other devices designed to secure an unfair advantage over overbidders eligible for the set-aside portion.

(b) *Definitions.* (1) The term "labor surplus area" means a geographical area which is a persistent labor surplus area or a substantial labor surplus area, or both, as defined below:

(i) "Persistent labor surplus area" means an area which (A) is classified by the Department of Labor as an "Area of Persistent Labor Surplus" (also called "Area of Persistent Unemployment") and is listed as such by that Department in conjunction with its publication "Area Trends in Employment and Unemployment," or (B) is certified as an area of persistent labor surplus by the Department of Labor pursuant to a request by a prospective Contractor.

(ii) "Substantial labor surplus area" means an area which (A) is classified by the Department of Labor as an "Area of Substantial Labor Surplus" (also called "Area of Substantial Unemployment") and which is listed as such by that Department in conjunction with its publication "Area Trends in Employment and Unemployment," or (B) is certified as an area of substantial labor surplus by the Department of Labor pursuant to a request by a prospective Contractor.

(2) The term "labor surplus area concern" includes persistent labor surplus area concerns and substantial labor surplus area concerns as defined below:

(i) "Persistent labor surplus area concern" means a concern that agrees to perform, or cause to be performed, a substantial proportion of a contract in persistent labor surplus areas. A concern shall be deemed to perform a substantial proportion of a contract in persistent labor surplus areas if the costs that the concern will incur on account of manufacturing or production performed in such areas (by itself or its first-tier subcontractors) amount to more than 50 percent of the contract price.

(ii) "Substantial labor surplus area concern" means a concern that agrees to perform, or cause to be performed, a substantial proportion of a contract in substantial labor surplus areas. A concern shall be deemed to perform a substantial proportion of a contract in substantial labor surplus areas if the costs that the concern will incur on account of manufacturing or production performed in substantial and persistent labor surplus areas (by itself or its first-tier subcontractors) amount to more than 50 percent of the contract price.

(3) A "small business concern" is a concern, including its affiliates, which is

independently owned and operated, is not dominant in the field of operation in which it is bidding on Government contracts, and can further qualify under the criteria set forth in regulations of the Small Business Administration (Code of Federal Regulations, Title 13, § 121.3–8). In addition to meeting these criteria, a manufacturer or a regular dealer submitting bids or proposals in his own name must agree to furnish in the performance of the contract end items manufactured or produced in the United States, its possessions, or Puerto Rico, by small business concerns: *Provided*, That this additional requirement does not apply in connection with construction or service contracts.

(4) "Unit price" shall include evaluation factors added for the rent-free use of Government property.

(c) *Identification of areas of performance.* Each bidder desiring to be considered for award as a labor surplus area concern on the set-aside portion of this procurement shall identify in his bid the geographical areas in which he proposes to perform, or cause to be performed, a substantial proportion of the production of contract. If the Department of Labor classification of any such area changes after the bidder has submitted his bid, the bidder may change the areas in which he proposes to perform: *Provided*, That he so notifies the Contracting Officer before award of the set-aside portion. Priority for negotiation will be based upon the labor surplus classification of the designated production areas as of the time of the proposed award.

(d) *Agreement.* The bidder agrees that, if awarded a contract as a persistent labor surplus area concern under the set-aside portion of this procurement, he will perform, or cause to be performed, a substantial proportion of the production in areas classified at the time of award, or at the time of performance of the contract, as persistent labor surplus areas; and that if awarded a contract as a substantial labor surplus area concern under the set-aside portion of this procurement, he will perform, or cause to be performed, a substantial proportion of the production in areas classified at the time of award, or at the time of performance of the contract, as persistent labor surplus areas.

(2) In requirements contracts involving a labor surplus area set-aside, add the following to the above clause:

(e) *Requirements contract.* Only one award will be made for each item or subitem of the non-set-aside portion and only one award will be made for each item or subitem of the set-aside portion. For the purpose of equitably distributing orders in accordance with this "Notice of Labor Surplus Area Set-Aside," the Government will apportion the quantities to be ordered as equally as possible between the non-set-aside Contractor and the set-aside Contractor to whom the awards are made.

* * * * *

§ 1.805–3 Required clauses.

* * * * *

(b) * * *

LABOR SURPLUS AREA SUBCONTRACTING PROGRAM (JUNE 1967)

* * * * *

(b) A "labor surplus area concern" is a concern which will perform, or cause to be performed, a substantial proportion of any contract awarded to it in "Areas of Persistent Labor Surplus" or in "Areas of Substantial Labor Surplus," as designated by the Department of Labor. A concern shall be deemed to perform a substantial proportion of a contract in a labor surplus area if the costs that the concern will incur on account of manufacturing or production (by itself or its first-tier subcontractors) in such areas amount to more than 50 percent of the price of such contract.

* * * * *

§ 1.1604 Processing novation agreements and change of name agreements.

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(g) After execution and distribution of an agreement, an administrative change (Standard Form 30) shall be prepared by the processing activity incorporating a summary of the agreement and attaching thereto a complete list of the contracts affected. For single service agreements, three copies of the Standard Form 30 shall be furnished for each contract to the procuring activities concerned, and for multiservice agreements, to the appropriate addressee listed in § 1.1604(c).

* * * * *

3. Subpart Q is revised to read as follows:

Subpart Q—Value Engineering

Sec.

1.1701 Policy.
1.1702 Types of value engineering provisions.
1.1702–1 Incentives.
1.1702–2 Program requirement.
1.1702–3 Use of incentive and program clauses.
1.1703 Types of savings to be shared with the contractor.
1.1703–1 General.
1.1703–2 Instant contract savings.
1.1703–3 Future acquisition savings.
1.1703–4 Collateral savings.
1.1704 Percentages of contractor sharing.
1.1704–1 General.
1.1704–2 Value engineering incentive percentages.
1.1704–3 Value engineering program requirement percentage.
1.1705 Other considerations.
1.1705–1 Submission of identical value engineering change proposals under more than one contract.
1.1705–2 Revision of performance incentive provisions.
1.1705–3 Cost allowability.
1.1705–4 Effect of value engineering payments.
1.1706 Evaluation and acceptance.
1.1707 Value engineering clauses.
1.1707–1 The basic clause.
1.1707–2 Instant contract sharing provisions (clause paragraph (d)).
1.1707–3 Future acquisition sharing provisions (clause paragraph (j)).
1.1708 Instant contract only sharing provision.
1.1709 Exclusion of collateral savings provision.
1.1710 Royalty payment notice for future acquisition contract documents.

AUTHORITY: The provisions of this Subpart Q issued under sec. 2202, 70A Stat. 120; 10 U.S.C. 2202. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 1.1701 Policy.

(a) Value engineering is concerned with the elimination or modification of anything that contributes to the cost of a contract item or task but is not necessary for needed performance, quality, maintainability, reliability, or interchangeability. Specifically, value engineering as contemplated by this part constitutes a systematic and creative effort, not required by any other provision of the contract, directed toward analyzing each contract item or task to ensure that its essential function is provided at the lowest over-all cost. Over-all cost may include, but need not be limited to, the costs of acquiring, operating, and logistically supporting an item or system.

(b) In order to realize fully the cost reduction potential of value engineering, provisions which encourage or require value engineering shall be incorporated in all contracts, including letter contracts, of sufficient size and duration to offer reasonable likelihood for cost reduction. All such provisions shall offer the contractor a share in cost reductions ensuing from change proposals he submits under such contracts. While most proposals will result from the contractor's value engineering efforts, any proposal submitted by the contractor which meets the documentation and other requirements of the value engineering clauses may be rewardable. In addition, the value engineering provisions are intended to induce major prime contractors to encourage subcontractors to utilize value engineering techniques. Finally, to realize the cost reduction potential of value engineering, it is imperative that value engineering change proposals be processed by all parties as expeditiously as possible.

(c) In addition to the value engineering potential noted above (cost reductions resulting from contract change proposals), it is recognized that a contractor may develop a value engineering-type proposal with regard to a weapon system or end item for which he does not have a current contract, e.g., where the contractor originally developed and produced a weapon system, it is now operational, and the contractor no longer has a production or other contract therefor. In such a case, the value engineering proposal would not come within the provisions of this subpart. Nevertheless, it is desirable that the potential cost reductions resulting from unsolicited proposals not within the scope of value engineering clauses under current contracts be realized by the Government. Accordingly, nothing in this subpart shall be construed to preclude the purchase of unsolicited proposals on a case-by-case basis or other special contractual arrangements, pursuant to Subpart B, Part 9 of this chapter, or 10 U.S.C. 2386, which are necessary to induce contractors to develop such proposals and make them available to the Government.

§ 1.1702 Types of value engineering provisions.

§ 1.1702–1 Incentives.

(a) A Value Engineering Incentive clause permits the contractor to share in cost reductions that ensue from change proposals he submits. Many types of contracts, when properly used, provide the contractor with an incentive to control and reduce costs while performing within the specifications and other contract requirements. However, the practice of reducing the contract price (or fee in the case of cost-reimbursement type contracts) under the Changes clause tends to discourage contractors from submitting cost reduction proposals requiring a change to the specifications or other contract requirements even though such proposals could be beneficial to the Government. The objective of a value engineering incentive provision is to encourage the contractor to submit such cost reduction proposals. To be acceptable, a value engineering change proposal must involve some change in the contract specifications, purchase description, or statement of work; this may include the elimination or modification of any requirements found to be in excess of actual needs in the areas of, for example, design, components, materials, material processes, tolerances, packaging requirements, technical data requirements, or testing procedures and requirements, and consequent reduction in the contract cost. Furthermore, even when the contract cost may be increased, the incentive provisions encourage contractors to submit value engineering change proposals that are likely to lead to overall savings resulting from significant net reductions in collateral costs of Government-furnished property, operational requirements or logistic support requirements.

(b) Value engineering proposals which satisfy the above requirements shall not be rejected on the ground that they also involve a termination, in whole or in part, of contract line items; moreover, the cost savings resulting from such quantitative reductions shall be shared with the contractor. On the other hand, contractor proposals which concern the quantitative requirements of the Government but do not satisfy the above criteria are not within the intent of the value engineering provisions, and the contractor will not share under this subpart in savings resulting solely from such quantitative proposals.

(c) In all cases, the contractor's share in overall cost savings resulting from the Government's acceptance of a cost reduction proposal shall be determined as provided in the Value Engineering Incentive clause.

§ 1.1702–2 Program requirement.

A Value Engineering Program Requirement clause obligates the contractor to engage in value engineering of the scope and at the level of effort required by the Government as an item of work in the contract schedule. In addition, the clause contains value engineering incentive features which provide for the contractor to share in savings resulting from the acceptance of any value engineering change proposals (as described in § 1.1702–1), whether or not such proposals result from the value engineering program requirement (except when the contract also includes the Incentive clause in accordance with § 1.1702–3(d)). The principal reason for requiring a value engineering program is to get early results (i.e., in the initial stages of design, development, or production), so that specifications, drawings, and production methods will reflect the full benefit of value engineering. The value engineering program requirement, which shall be set forth in the contract schedule as a line item and separately priced, may apply to all or selected phases of contract performance and should be tailored to the particular contract situation.

§ 1.1702–3 Use of incentive and program clauses.

(a) Except as provided in subparagraphs (1) through (6) of this paragraph, a Value Engineering Incentive clause in accordance with § 1.1707 shall be included in all contracts in excess of $100,000, and may in the discretion of the contracting officer be included in contracts not in excess of $100,000:

(1) In cost-reimbursement type contracts other than cost-plus-incentive-fee contracts;

(2) Where this would be inconsistent with a value engineering program requirement included in accordance with paragraph (b) of this section;

(3) Where the design and cost of the item or class of items being procured are primarily controlled by the commercial market;

(4) When the Head of the Procuring Activity has determined that value engineering offers no potential for cost reduction;

(5) In (i) time and material or labor hour contracts, (ii) contracts for architect-engineering, engineering services, research, or exploratory development, (iii) contracts containing provisions for product or component improvement, or (iv) contracts for the production of items with respect to which there is a concurrent contract for product or component improvement—unless, in any of these cases, the contracting officer affirmatively determines that the contract has a clear potential for value engineering cost reductions and that a Value Engineering Incentive clause will provide an effective stimulus to the contractor; or

(6) In contracts for the concept formulation, preliminary design, and contract or system definition phases of a weapon system development program.

(b) (1) Except as provided in subparagraph (2) of this paragraph, a Value Engineering Program Requirement clause in accordance with § 1.1707 shall be included in the following types of contracts if they are in excess of $1 million—and may be included in these types of contracts if they are not in excess of $1 million—unless the Head of a Procuring Activity has determined with respect to a particular contract or class of contracts that the potential for cost reduction does not justify the effort involved in the establishment of a special value engineering program:

(i) Cost-plus-a-fixed-fee contracts;

(ii) Cost-plus-incentive-fee and negotiated fixed-price type contracts for the concept formulation, preliminary design, and contract definition or system definition phases of a weapon system development program—if the contracting officer determines that the contract has a clear potential for value engineering that will be realized only by inclusion of a program requirement;

(iii) In place of the value engineering incentive clause in cost-plus-incentive-fee and negotiated fixed-price type contracts with respect to which the contracting officer determines that the lack of firm specifications, of a precise purchase description, or of a detailed statement of work would be likely to render a value engineering incentive provision incapable of realizing the contract's potential for value engineering cost reduction.

(2) A Value Engineering Program Requirement clause shall not be included in the following types of contracts:

(i) Contracts for architect-engineering, construction, basic research, or exploratory development—unless the contracting officer affirmatively determines that the contract has a clear potential for value engineering cost reductions;

(ii) Contracts containing provisions for product or component improvement or contracts for the production of items with respect to which there is a concurrent contract for product or component improvement—unless the program is restricted to areas not covered by the product or component improvement provisions or contract;

(iii) Contracts for the concept formulation, preliminary design, and contract definition or system definition phases of a weapon system development program—unless the contracting officer determines that the contract has a clear potential for value engineering that will be realized only by inclusion of a program requirement; or

(iv) Formally advertised contracts, or negotiated contracts where award will be made solely on the basis of price competition.

(c) With respect to product or component improvement, if the Head of a Procuring Activity affirmatively determines with respect to a particular contract or class of contracts (e.g., engine production contracts) that a value engineering effort offers greater potential benefits to the Government than product or component improvement effort, a value engineering incentive or program requirement clause shall be included (if authorized by paragraph (a) or (b) of this section) in place of any product or component improvement provisions and instead of any separate contracts for product or component improvement.

(d) When a Value Engineering Program Requirement clause is to be included in the contract and the program requirement is restricted to clearly defined phases of the contract work, a Value Engineering Incentive clause shall also be included in the contract if otherwise authorized by paragraph (a) of this section. The Value Engineering Incentive clause is restricted to those phases of the contract work not covered by the program requirement.

§ 1.1703 Types of savings to be shared with the contractor.

§ 1.1703–1 General.

(a) One of the key problems in exploiting the very large cost reduction potential of value engineering is that of making contractual arrangements that

give the contractor an effective incentive to perform value engineering successfully. An effective incentive arrangement must include three principal elements: first, the contractor must be assured of a fair proportion of any savings realized by the Government as a result of his change proposal; second, he must be assured that this proportion will be applied to a substantial base; and third, he must be assured of an objective evaluation and expeditious processing of his change proposal. Sections 1.1703–2 through 1.1703–4 explain the various types of savings to be shared with the contractor and the different incentive arrangements to accomplish such sharing. Normally, the value engineering clause in a particular contract will provide for the contractor to share in savings realized on the instant contract on future acquisitions within a specified period of time, and in the area of reduced collateral costs.

(b) In choosing an appropriate incentive arrangement, it is Department of Defense policy to provide the contractor with substantial financial incentives to undertake value engineering. This policy reflects the premises that the Government will benefit from any value engineering savings, that definitely assured savings from successful value engineering are likely to be only a part of the overall savings, and that a strong incentive tied to definitely assured savings will induce maximum contractor efforts to realize the full savings potential of value engineering.

§ 1.1703–2 Instant contract savings.

(a) Every value engineering clause shall provide for contractor participation in cost savings realized under the instant contract—i.e., the contract under which the value engineering change proposal was submitted—as a result of the contractor's value engineering change proposal.

(b) For purposes of computing the contractor's share under the instant contract sharing provisions in clause paragraph (d), the "instant contract" shall not include any supplemental agreements to or other modifications of the instant contract, executed subsequent to the acceptance of the particular value engineering change proposal, by which the Government increases the quantity of any item or adds any item, nor shall it include any extension of the instant contract by exercise of an option subsequent to acceptance of the proposal. Such supplemental agreements, modifications, and extensions shall be considered as "future contracts" with respect to which the contractor will share under the future acquisition savings provisions in clause paragraph (j).

(c) Where the contract involved is an estimated requirements or other indefinite quantity type contract, the "instant contract," for purposes of computing the contractor's share under the instant contract sharing provisions in clause paragraph (d), shall include only those orders actually placed by the Government up to the time the particular value engineering change proposal is accepted. All orders placed subsequent to the acceptance of the particular change proposal shall be considered "future contracts" with respect to which the contractor will share under the future acquisition savings provisions in clause paragraph (j).

(d) With respect to orders placed by the Government pursuant to a basic ordering agreement, each order is a separate contract. Accordingly, for purposes of determining the contractor's share under the instant contract sharing provisions in clause paragraph (d), the "instant contract" shall be the order under which the particular value engineering change proposal is submitted. Other orders under the same agreement shall be considered either existing contracts (if awarded prior to acceptance of the proposal) or future contracts (if awarded after acceptance of the proposal), with respect to which the contractor will share under the future acquisition savings provisions in clause paragraph (j).

(e) Where the contract involved is a multiyear contract, the Government is contractually bound for the total multiyear quantity (subject to cancellation). Accordingly, for purposes of determining the contractor's share under the instant contract sharing provisions in clause paragraph (d) the "instant contract" shall be the entire contract for the total multiyear quantity.

(f) The value engineering clauses provide that the contractor and the Government will share in the cost savings realized on the "instant contract" as a result of the contractor's value engineering change proposal. In general, the cost savings to be shared will be determined by subtracting from the total decrease in contract price (or target cost) the sum of (1) the contractor's costs of developing the value engineering proposal, insofar as such are properly direct charges under the contract involved and (2) the contractor's cost of implementing the change. For purposes of the above determination, deductible development costs will normally include those incurred after the contractor has identified a specific value engineering project. Developmental costs shall not be deductible where they are otherwise reimbursable under the contract (i.e., directly pursuant to a Program Requirement clause or indirectly through overhead accounts). Implementation costs are considered to be those costs of incorporating a change which are incurred after the value engineering proposal has been accepted by the Government.

(g) Where the contract involved is a service contract, contractor proposals which eliminate, modify, or substitute new procedures for, contractually required work procedures shall qualify for instant contract savings sharing. Where the service contract is a time and material or labor-hour contract, the "effect of the proposal on the contractor's cost of performance," for purposes of the instant contract sharing paragraph (d) of the clause, shall be determined by (1) multiplying the time per item saved by the elimination, modification, or substitution by the labor hour rate agreed upon for the workers involved, and then (2) multiplying the result by the number of items over which the task has been deleted, and (3) taking into account in the usual manner the contractor's cost of developing the proposal and of implementing the change. (The result under (1) above would be the unit cost reduction for purposes of determining future acquisition savings.)

§ 1.1703–3 Future acquisition savings.

(a) *General.* (1) In addition to providing for contractor sharing in savings realized under the instant contract, value engineering clauses normally shall provide for sharing with the contractor savings on future acquisitions of the item, components, system, or task incorporating the value engineering change, by means of (i) "royalty" payments on actual future procurements within a stated period, or (ii) a "lump sum" payment based on estimated savings on additional quantities expected to be procured subsequently. (See paragraphs (c) and (d) of this section for proper uses of the estimated requirements ("lump sum") and "royalty" sharing methods.) The extension of contractor sharing to future acquisition savings is based on the fact that the value engineering cost savings on a single contract usually represent only a small fraction of the full savings and thus may not provide a sufficient incentive. Nevertheless, in some contracts—for example, those involving more than one year of production of substantial quantities—it may be appropriate to restrict contractor participation to cost savings under that contract. In such cases, if the contracting officer makes an affirmative determination that sharing of savings under only the instant contract will provide an effective value engineering incentive to the contractor, then contractor participation may be limited to cost savings under that contract (see § 1.1708).

(2) The length of the sharing period and the types of sharing arrangements may vary with the circumstances and the incentive for value engineering required in the particular procurement. In negotiated procurements, discussions with the prospective contractors may be beneficial in selecting the most suitable sharing period and method.

(b) *Selecting period for sharing future acquisition savings.* The length of the specified period of sharing future acquisition savings, upon which the estimated requirements or the "royalty" period will be based, shall be at least one year, and may be as much as three years, from the scheduled completion of deliveries under the instant contract or the acceptance of the cost reduction proposal, whichever is later, as determined appropriate by the contracting officer to induce a significant value engineering effort. Circumstances such as the following will normally warrant selection of a period longer than one year:

(1) Acquisition of the item in the future will involve an extended period of manufacture, so that few, if any, deliveries of the item may be expected in the first year or so of performance under a future contract;

(2) Current contract volume is for limited quantities, but increased production quantities are expected in following years, so that potential savings will increase progressively in succeeding years;

(3) Use of the item being procured or its relationship to other items or systems may require such an extensive period of test and evaluation before any proposed change could be accepted that substantial cost savings under the instant contract are unlikely; or

(4) Complexity of the item being procured would require high initial implementation costs to incorporate a proposed change, so that a substantial incentive would be required in order to encourage change proposals.

(c) *Estimated requirements ("lump sum") sharing method.* Consideration of the following factors, among others, may influence the determination to use the "lump-sum" sharing method, based on estimating future requirements:

(1) The quantity of items to be procured by the contracting Department for the sharing period to be used can be estimated with a reasonable degree of certainty at the time the solicitation for the current contract is prepared, for example—

(i) Where the contract is for items set forth in the Department of Defense Five Year Force Structure and Financial Program; or

(ii) Where extensive historical data exist which indicate stability of requirements over an extended period and from which future requirements can be predicted with reasonable accuracy;

(2) The disclosure of the estimated future requirements would not compromise national security;

(3) Requirements will be procured through a large number of contracts, e.g., a common item with multiple sources where each contract will be for the supply of only a small portion of total requirements;

(4) An identical item is procured by more than one procuring activity or purchasing office so that administrative costs, such as costs of maintaining records of actual purchases, would substantially diminish the overall savings to the Government.

When this estimated future requirements method of sharing future acquisition savings is to be used, the contracting officer shall set forth the estimated requirements for the sharing period in the value engineering clause. In computing these requirements, the quantities to be procured shall be limited to procurements by the contracting Department or procuring activity (where all or practically all of the requirements will be purchased by a particular procuring activity) for substantially the same end item as that called for under the instant contract, and shall be estimated over a one- to three-year period, as considered appropriate in accordance with paragraph (b) of this section. When the estimated requirements represent quantities to be procured by more than one procuring activity, particular care shall be exercised at the time a value engineering change proposal is accepted to assure that copies of the acceptance are expeditiously furnished to all procuring activities involved, so that they may reflect the change in their contracts and thereby avoid duplicate payment to contractors of savings already shared on quantities included in the estimated requirements. The procedures to be followed in determining and paying the contractor's savings share based on estimating future requirements are set forth in the value engineering clause (see § 1.1707–3(a)).

(d) *Royalty sharing method.* The "royalty" sharing method may be more appropriate than estimating future requirements ("lump sum" method) when:

(1) The contracting Department's future requirements for the sharing period cannot be estimated with the degree of certainty required by paragraph (c) of this section, e.g., where historical data indicate that annual requirements may fluctuate widely;

(2) The disclosure of the estimated future requirements would compromise national security;

(3) The use of the item makes it probable that the requirements for the item being procured may substantially change or be canceled by changes in defense concepts and programs;

(4) The item being procured is characterized by a limited number of sources and is centrally procured by a single purchasing office so that records of future procurements can be collected and maintained economically; or

(5) The item being procured is a product of a rapidly developing technology, so that the usefulness of any value engineering change to current specifications may be of relatively short duration.

When the "royalty" sharing method is determined to be appropriate the "royalty" period shall be specified in the value engineering clause. Instructions with the clause provide that when production of the item involves an unusually extended period of time (e.g., ship construction), the clause may be changed to provide that only the date of award of future contracts for the item, rather than the scheduled delivery dates thereunder, must fall within the sharing period in order for the contractor to receive royalties for items accepted by the Government under such future contracts. The procedures to be followed in determining and paying the contractor's "royalty" share are set forth in the value engineering clause (see § 1.1707–3(b)).

§ 1.1703–4 Collateral savings.

In addition to contractor sharing in instant contract and future acquisition savings, the value engineering clause normally shall provide for contractor participation in any ascertainable net reduction in the Government's over-all projected costs including but not limited to cost of operation, maintenance, logistic support, and Government-furnished property, where such collateral savings result from the change proposal submitted by the contractor. This additional incentive enables the contractor to share in collateral savings (less any increase in acquisition costs) whether or not there is any change in the acquisition cost of the item. However, when the Head of the Procuring Activity or his designee determines that the item or class of items being procured offers no reasonable potential for significant collateral savings, the collateral savings provision may be omitted from a contract or class of contracts.

§ 1.1704 Percentage of contractor sharing.

§ 1.1704–1 General.

The precise extent to which the contractor should share savings resulting from decreases in his cost of performance and in future acquisition costs must be tailored to the particular procurement. For advertised contracts, the percentages of contractor sharing shall be stated in the Value Engineering Incentive clause in the invitation for bids. For negotiated contracts, the percentages of contractor sharing shall be stated in the value engineering clause in the request for proposals, although the percentages may be a subject of negotiation prior to award. In two-step formal advertising, although discussion of the appropriate percentages of contractor sharing is permissible in connection with step one, the percentages shall be specified in the Value Engineering Incentive clause in the invitation for bids that is issued at the beginning of step two.

§ 1.1704–2 Value engineering incentive percentages.

(a) *Instant contract savings.* In firm fixed-price contracts, fixed-price contracts providing for escalation, and fixed-price contracts providing for prospective redetermination, the contractor's share in the cost reduction on the instant contract normally should be 50 percent and in no event shall be greater than 75 percent; however, if such contracts are not awarded on the basis of adequate price competition, a contractor's share of less than 50 percent may be appropriate. In an incentive-type contract, if it is determined that costs and savings can be estimated with reasonable accuracy, the contractor's share may be as much as 50 percent; if costs and savings cannot be estimated with reasonable accuracy, his share should be in accordance with the maximum overall cost incentive sharing rate of the contract.

(b) *Future acquisition savings.* Where the value engineering clause provides for contractor sharing in future acquisition savings, the contractor's percentage share should normally be significantly less than his percentage share on the instant contract and shall never exceed it. Normally, the percentage share in future acquisition savings should be from 20 to 40 percent. Other things being equal, a longer period of sharing future acquisition savings (see § 1.1703–3(b)) should make for a lower percentage

share, and vice versa, within the 20–40 percent range.

(c) *Collateral savings.* When a collateral savings provision is included in any contract, the contractor's percentage share of collateral savings in such areas as Government-furnished property (other than Government-furnished material under the instant contract), operations, and logistic support shall be 10 percent of projected savings which it is estimated will accrue to the Government during an average or typical year's use of the item incorporating the change. The contracting officer's determination of the amount of projected collateral savings shall be final and shall not be subject to the Disputes clause. With respect to savings due to a reduction in the amount of Government-furnished material under the instant contract, the contractor's share shall be the same as his share in instant contract savings.

§ 1.1704–3 Value engineering program requirement percentages.

(a) *Instant contract savings.* In a fixed-price type contract other than an incentive contract, the contractor's share in the cost reduction on the instant contract may be as much as 25 percent. In an incentive-type contract, if it is determined that costs and savings can be estimated with reasonable accuracy, the contractor's share in the cost reduction on the instant contract may be as much as 25 percent; if costs and savings cannot be estimated with reasonable accuracy, his share should be in accordance with the maximum overall cost incentive sharing rate of the contract. In cost-plus-a-fixed-fee contracts, the contractor's share of the savings should normally be 10 percent and shall not exceed this figure.

(b) *Future acquisition savings.* Where the clause provides for contractor sharing in future acquisition savings, the contractor's percentage share should normally be significantly less than his percentage on the instant contract and shall never exceed it. In a fixed-price type or cost-plus-incentive-fee contract, a percentage of from 10 to 20 percent would be appropriate. In a cost-plus-a-fixed-fee contract, 5 percent is normal.

(c) *Collateral savings.* See § 1.1704–3(c).

§ 1.1705 Other considerations.

§ 1.1705–1 Submission of identical value engineering change proposals under more than one contract.

Contractors should be encouraged to submit cost reduction proposals under any of their contracts where the likelihood of savings is present even though an identical proposal may have been accepted under another contract with the contractor or another contractor. When identical value engineering change proposals are submitted under more than one contract for substantially the same items, either with the same contractor or with different contractors, and both are accepted, the value engineering clauses provide that (a) instant contract savings shall be paid under each contract, (b) future acquisition savings shall be paid under each contract, (c) future acquisition savings and collateral savings will be paid only to the extent provided for by the contract under which the proposal is first received by the contracting officer and not pursuant to the other contract, and (d) the royalty sharing provision (if any) in the contract under which the proposal is first received will nevertheless not operate with respect to the other contract under which the Government accepts the proposal and pays instant contract savings.

§ 1.1705–2 Revision of performance incentive provisions.

When a value engineering clause is to be included in a contract that will also include performance incentives, the contract shall include an appropriate provision to permit equitable revisions to the performance incentive provisions in the event that a cost reduction proposal is accepted and utilized which substantially affects the basis for computing the performance incentive.

§ 1.1705–3 Cost allowability.

(a) *General.* Since the Value Engineering Incentive clause does not require the contractor to perform value engineering, the inclusion of such a clause should not in itself increase costs to the Government. In contracts containing the Value Engineering Program Requirement clause, the same principle applies except to the extent that the contractor is required to perform value engineering.

(b) *Cost-type contracts.* In accordance with paragraph (a) of this section, value engineering shall not be allowed as a direct charge against cost-type contracts containing the Incentive clause, and shall be allowed as a direct charge against cost-type contracts containing the Program Requirement clause only to the extent proper to cover the required value engineering program. In either case, the cost of value engineering is an allowable indirect charge to the extent that, under Part 15 of this chapter, it is reasonable in the conduct of the contractor's business as a whole and allocable to the particular contract.

(c) *Negotiated fixed-price type contracts.* With respect to negotiated fixed-price type contracts, the normal price negotiation policies and techniques in Subpart H, Part 3 of this chapter, shall be followed in determining whether and to what extent the cost of value engineering may be included in the contract price.

(d) *Developmental costs.* Notwithstanding the provisions of paragraphs (b) and (c) of this section, developmental costs of successful value engineering proposals shall be deductible from overall cost savings in accordance with § 1.1703–2(f) and the provisions of the applicable instant contract sharing provision in § 1.1707–2.

§ 1.1705–4 Effect of value engineering payments.

The sharing of cost savings with a contractor under a value engineering incentive or program arrangement constitutes payment for services rendered and does not constitute profit or fee for purposes of the statutory limitations imposed by 10 U.S.C. 2306(d).

§ 1.1706 Evaluation and acceptance.

(a) The expeditious processing of, evaluation of, and determination as to the acceptability of any value engineering change proposal under a contract (including the determination as to which clause is applicable if the contract contains both a Value Engineering Incentive and a Value Engineering Program Requirement clause) shall be the responsibility of the contracting officer, whose decision shall be final and shall not be subject to the Disputes clause of the contract.

(b) If the contract contains both a Value Engineering Incentive and a Value Engineering Program Requirement clause and the contracting officer determines that a proposal submitted pursuant to the Incentive clause is within the scope of the value engineering program, that proposal shall be treated for all purposes as if it had been submitted pursuant to the Program Requirement clause.

(c) When it is determined that acceptance of a value engineering change proposal will result in overall cost reduction to the Government, the contracting officer shall accept the proposal by giving the contractor written notice thereof reciting acceptance pursuant to the value engineering clause. Where performance under the contract has not yet been completed and application of the proposed changes to the remaining performance is advisable and appropriate, the written notice of acceptance may be given by issuance of a change order. Insufficient time to evaluate and implement a proposal prior to completion of performance of the contract under which it was submitted shall not be a cause for rejection. In such cases, where future acquisition savings or collateral savings would result from incorporating the changes into the requirements, the contracting officer should accept the proposal for incorporation into future procurements by giving written notice of acceptance to the contractor, and the contract shall be modified accordingly.

(d) Before accepting a cost reduction proposal under a value engineering clause providing for contractor sharing in collateral savings or in future acquisition savings based on estimated requirements, the contracting officer must make sure that sufficient funds are available for expenditure under the instant contract to cover any increase in the contract price which will result from such acceptance. When necessary, the contract under which the proposal was accepted shall be modified to provide funds sufficient to cover the savings sharing payments to the contractor.

(e) When a cost reduction proposal has been accepted under a value engineering clause providing for contractor sharing in future acquisition savings on a "royalty" basis, any appropriation under which a contract is awarded incorporating the proposal must provide funds sufficient to cover the royalty payments which will accrue as a result of the deliveries under the later contract. Although the royalty payments will be made pursuant to the contract under which the cost reduction proposal was accepted, they shall be made from the appropriation supporting the succeeding contract which incorporates the value engineering change.

§ 1.1707 Value engineering clauses.

The appropriate form of the basic clause in § 1.1707–1 shall be used, with the appropriate instant contract sharing provision from § 1.1707–2 and the appropriate future acquisition sharing provision from § 1.1707–3 inserted.

§ 1.1707–1 The basic clause.

(a) *Value engineering incentive.*

VALUE ENGINEERING INCENTIVE (JUNE 1967)

(a) (1) This clause applies to those cost reduction proposals initiated and developed by the Contractor for changing the drawings, designs, specifications, or other requirements of this contract. This clause does not, however, apply to any such proposal unless it is identified by the Contractor, at the time of its submission to the Contracting Officer, as a proposal submitted pursuant to this clause. Furthermore, if this contract also contains a "Value Engineering Program Requirement" clause, this clause applies to any given value engineering change proposal only to the extent the Contracting Officer affirmatively determines that it resulted from value engineering efforts clearly outside the scope of the program requirement; to the extent the Contracting Officer does not affirmatively so determine, the proposal shall be considered for all purposes as having been submitted pursuant to the Value Engineering Program Requirement clause, even if it was purportedly submitted pursuant to this clause.

(2) The cost reduction proposals contemplated are those that:

(i) Would require, in order to be applied to this contract, a change to this contract; and

(ii) Would result in savings to the Government by providing—

(A) A decrease in the cost of performance of this contract, without impairing any of the items' essential functions and characteristics such as service life, reliability, economy of operation, ease of maintenance, and necessary standardized features, or

(B) Items, regardless of the acquisition cost, producing a net reduction in the cost of Government-furnished property, operations, maintenance, or other areas which exceeds any increased acquisition cost, without impairing any of the items' essential functions and characteristics.

(b) As a minimum, the following information shall be submitted by the Contractor with each proposal:

(i) A description of the difference between the existing contract requirement and the proposed change, and the comparative advantages and disadvantages of each;

(ii) An itemization of the requirements of the contract which must be changed if the proposal is adopted, and a recommendation as to how to make each such change (e.g., a suggested revision);

(iii) An estimate of the reduction in performance costs, if any, that will result from adoption of the proposal, taking into account the costs of development and implementation by the Contractor (including any amount attributable to subcontracts in accordance with paragraph (e) below) and the basis for the estimate;

(iv) A prediction of any effects the proposed change would have on collateral costs to the Government such as Government-furnished property costs, costs of related items, and costs of maintenance and operation;

(v) A statement of the time by which a change order adopting the proposal must be issued so as to obtain the maximum cost reduction during the remainder of this contract, noting any effect on the contract completion time or delivery schedule; and

(vi) The dates of any previous submissions of the proposal, the numbers of the Government contracts under which submitted, and the previous actions by the Government, if known.

(c) (1) Cost reduction proposals shall be submitted to the Procuring Contracting Officer (PCO). When the contract is administered by other than the procuring activity, a copy of the proposal shall also be submitted to the Administrative Contracting Officer (ACO). Cost reduction proposals shall be processed expeditiously; however, the Government shall not be liable for any delay in acting upon any proposal submitted pursuant to this clause. The Contractor does have the right to withdraw, in whole or in part, any value engineering change proposal not accepted by the Government within the period specified in the proposal. The decision of the Contracting Officer as to the acceptance of any such proposal under this contract (including the decision as to which clause is applicable to the proposal if this contract contains both a "Value Engineering Incentive" and a "Value Engineering Program Requirement" clause) shall be final and shall not be subject to the "Disputes" clause of this contract.

(2) The Contracting Officer may accept, in whole or in part, either before or within a reasonable time after performance has been completed under this contract, any cost reduction proposal submitted pursuant to this clause by giving the Contractor written notice thereof reciting acceptance under this clause. Where performance under this contract has not yet been completed, this written notice may be given by issuance of a change order to this contract. Unless and until a change order applies a value engineering change proposal to this contract, the Contractor shall remain obligated to perform in accordance with the terms of the existing contract. If a proposal is accepted after performance under this contract has been completed, the adjustment required shall be effected by contract modification in accordance with this clause.

(3) If a cost reduction proposal submitted pursuant to this clause is accepted by the Government, the Contractor is entitled to share in instant contract savings, collateral savings, and future acquisition savings not as alternatives, but rather to the full extent provided for in this clause.

(4) Contract modifications made as a result of this clause will state that they are made pursuant to it.

(d) [Insert the appropriate instant contract sharing provision from § 1–1707.3.]

(e) The Contractor will use his best efforts to include appropriate value engineering arrangements in any subcontract which, in the judgment of the Contractor, is of such a size and nature as to offer reasonable likelihood of value engineering cost reductions. For the purpose of computing any equitable adjustment in the contract price under paragraph (d) above, the Contractor's cost of development and implementation of a cost reduction proposal which is accepted under this contract shall be deemed to include any development and implementation costs of a subcontractor and any value engineering incentive payments to a subcontractor, or cost reduction shares accruing to a subcontractor, which clearly pertain to such proposal and which are incurred, paid, or accrued in the performance of a subcontract under this contract. However, no such payment or accrual to a subcontractor will be permitted, either as a part of the Contractor's development or implementation costs or otherwise, to reduce the Government's share on additional purchases as contemplated by paragraph (j) (if included) of this clause.

(f) (1) In the event that an accepted cost reduction proposal results in a projected net reduction in ascertainable costs in such areas as Government-furnished property (other than Government-furnished material under this contract), operations, or logistic support which exceeds any increase in acquisition cost, the contract price or fee, as applicable, shall be increased by ten percent (10%) of the projected net reduction in ascertainable collateral costs, i.e., collateral savings, estimated to accrue to the Government during an average or typical year of use of the item in which the change is incorporated. The determination of the amount of collateral savings, if any, will be made solely by the Government and shall not be subject to the "Disputes" clause of this contract.

(2) In the event that an accepted cost reduction proposal results in a net reduction in the amount of Government-furnished material under this contract, involving savings to the Government in excess of any increase in cost of performance of this contract, then in addition to any adjustment made pursuant to the "Changes" clause by reason of such increase, the contract price or fee, as applicable, shall be increased by ____ percent (____%)* of the net savings estimated to accrue to the Government in the acquisition of the items under this contract. If the proposal results in a decrease in the cost of performance as well as a net reduction in the amount of Government-furnished material under this contract, an appropriate adjustment in the contract price shall be made pursuant to paragraph (d) in addition to the adjustment provided for by this paragraph (f).

(g) (1) A cost reduction proposal identical to one submitted under any other contract with the Contractor or another contractor may also be submitted under this contract.

(2) If the Contractor submits under this clause a proposal which is identical to one previously received by the Contracting Officer under a different contract with the Contractor or another contractor for substantially the same items and both proposals are accepted by the Government, the Contractor shall share instant contract savings realized under this contract, pursuant to paragraph (d) of this clause, but he shall not share collateral savings or future acquisition savings pursuant to paragraphs (f) and (j) (if included) of this clause.

(h) The Contractor may restrict the Government's right to use any sheet of a value engineering proposal or of the supporting data, submitted pursuant to this clause, in accordance with the terms of the following legend if it is marked on such sheet:

This data furnished pursuant to the Value Engineering clause of contract ——— shall not be disclosed outside the Government, or duplicated, used, or disclosed, in whole or in part, for any purpose other than to evaluate a value engineering proposal submitted under said clause. This restriction does not limit the Government's right to use information contained in this data if it is or has been obtained, or is otherwise available, from the Contractor or from another source, without limitations. If such a proposal is accepted by

*Insert the appropriate percentage, i.e., the Contractor's share, as determined for instant contract sharing under paragraph (d),

the Government under said contract after the use of this data in such an evaluation, the Government shall have the right to duplicate, use, and disclose any data reasonably necessary to the full utilization of such proposal as accepted, in any manner and for any purpose whatsoever, and have others so do.

In the event of acceptance of a value engineering proposal, the Contractor hereby grants to the Government all rights to use, duplicate or disclose, in whole or in part, in any manner and for any purpose whatsoever, and to have or permit others to do so, any data reasonably necessary to fully utilize such proposal.

(i) (1) For purposes of sharing under paragraph (d) above, the term "instant contract" shall not include any supplemental agreements to or other modifications of the instant contract, executed subsequent to acceptance of the particular value engineering change proposal, by which the Government increases the quantity of any item or adds any item, nor shall it include any extension of the instant contract through exercise of an option (if any) provided under this contract after acceptance of the proposal. Such supplemental agreements, modifications, and extensions shall be considered "future contracts" within paragraph (j) (if included) of this clause.

(2) If this contract is an estimated requirements or other indefinite quantity type contract, the term "instant contract" for purposes of sharing under paragraph (d) above shall include only those orders actually placed by the Government up to the time the particular value engineering change proposal is accepted. All orders placed subsequent to the acceptance of the particular change proposal shall be considered "future contracts" within paragraph (j) (if included) of this clause.

(3) If this clause is included in a basic ordering agreement, the "instant contract" for purposes of sharing under paragraph (d) above shall be the order under which the particular value engineering change proposal is submitted. Other orders under the same agreement shall be considered either "existing contracts" (if awarded prior to acceptance of the proposal) or "future contracts" (if awarded after acceptance of the proposal), within paragraph (j) (if included) of this clause.

(4) If this contract is a multiyear contract, the "instant contract" shall be the entire contract for the total multiyear quantity.

(j) [Where future acquisition savings are to be shared with the contractor, insert the appropriate future acquisition sharing provision from § 1.1707–9.]

(b) *Value engineering program requirement.*

VALUE ENGINEERING PROGRAM REQUIREMENT
(JUNE 1967)

(a) (1) The Contractor shall engage in a value engineering program in accordance with MIL–V–38000, shall submit progress reports thereon as specified in the Schedule, and shall submit to the Contracting Officer any cost reduction change proposals resulting from the required program. This clause applies to all cost reduction proposals initiated and developed by the Contractor for changing the drawings, designs, specifications, or other requirements of this contract, whether or not such proposals result from the value engineering program requirement. This clause does not, however, apply to any such proposal unless it is identified by the Contractor, at the time of its submission to the Contracting Officer, as a Value Engineering change proposal, nor to any given value engineering change proposal to the extent the Contracting Officer determines the proposal to be rewardable under the "Value Engineering Incentive" clause (if any) of this contract.

(2) through (j) [Same as (a)(2) through (j) of Value Engineering Incentive clause in § 1–1707.1 (a) above.]

§ 1.1707–2 Instant contract sharing provisions (clause paragraph (d)).

The appropriate one of the instant contract sharing provisions in paragraphs (a) through (f) of this section shall be inserted as paragraph (d) of the Value Engineering Incentive clause or Value Engineering Program Requirement clause in § 1.1707–1.

(a) *Firm fixed-price contracts and fixed-price contracts providing for escalation.* Insert the following as paragraph (d) of the Value Engineering Incentive clause or Value Engineering Program Requirement clause in § 1.1707–1.

(d) If a cost reduction proposal submitted pursuant to this clause is accepted and applied to this contract, an equitable adjustment in the contract price and in any other affected provisions of this contract shall be made in accordance with this clause and the "Termination for Convenience," "Changes," or other applicable clause of this contract. The equitable adjustment shall be established by determining the effect of the proposal on the Contractor's cost of performance, taking into account the Contractor's cost of developing the proposal, insofar as such is properly a direct charge not otherwise reimbursed under this contract, and the Contractor's cost of implementing the change (including any amount attributable to subcontracts in accordance with paragraph (e) below). When the cost of performance of this contract is decreased as a result of the change, the contract price shall be reduced by ____ percent (——%)* of the total estimated decrease in the Contractor's cost of performance. When the cost of performance of this contract is increased as a result of the change, the equitable adjustment increasing the contract price shall be in accordance with the "Changes" clause rather than under this clause, but the resulting contract modification shall state that it is made pursuant to this clause. (JUNE 1967)

(b) *Fixed-price contracts providing for prospective price redetermination.* Insert the following as paragraph (d) of the Value Engineering Incentive clause or Value Engineering Program Requirement clause in § 1.1707–1.

(d) If a cost reduction proposal submitted pursuant to this clause is accepted and applied to this contract, an equitable adjustment in the contract price and in any other affected provisions of this contract shall be made in accordance with this clause and the "Termination for Convenience," "Changes," or other applicable clause of this contract. The equitable adjustment shall be established by determining the effect of the proposal on the Contractor's cost of performance, taking into account the Contractor's cost of developing the proposal, insofar as such is properly a direct charge not otherwise reimbursed under this contract and the Contractor's cost of implementing the change (including any amount attributable to subcontracts in accordance with paragraph (e) below). When the cost of performance of this contract is decreased as a result of the change, the contract price shall be reduced by ____ percent (——%)* of the total estimated decrease in the Contractor's cost of performance attributable to the period for which the price has been established; then in any redetermination of price, under the "Price Redetermination" clause of this contract, having an effective date subsequent to the effective date of any change order or notice of partial termination issued pursuant to this clause, the redetermined price shall not be reduced as a consequence of such change order or notice of partial termination by more than ____ percent (——%)* of the estimated decrease in that part of the Contractor's cost of performance which is attributable to the partinent price redetermination period. When the cost of performance of this contract is increased as a result of the change, the equitable adjustment increasing the contract price shall be in accordance with the "Changes" clause rather than under this clause, but the resulting contract modification shall state that it is made pursuant to this clause. (JUNE 1967)

(c) *Fixed-price incentive (firm target) contracts.* Insert the following as paragraph (d) of the Value Engineering Incentive clause or Value Engineering Program Requirement clause in § 1.1707–1.

(d) If a cost reduction proposal submitted pursuant to this clause and affecting any of the items described in paragraph (a) of the "Incentive Price Revision (Firm Target)" clause of this contract is accepted and applied to this contract, an equitable adjustment in the total target price of such items and in any other affected provisions of this contract shall be made in accordance with this clause and the "Termination for Convenience," "Changes," or other applicable clause of this contract. The equitable adjustment in such total target price shall be established by determining the effect of the proposal on the Contractor's cost of performance, taking into account the Contractor's cost of developing the proposal, insofar as such is properly a direct charge not otherwise reimbursed under this contract, and the Contractor's cost of implementing the change (including any amount attributable to subcontracts in accordance with paragraph (e) below). When the cost of performance of this contract is decreased as a result of the change, (i) the total target cost of the affected items shall be reduced by the full amount of the total estimated decrease in the Contractor's cost of performance, (ii) the total target profit relating to such items shall be increased by ____ percent (——%)** of the total estimated decrease, and (iii) the maximum dollar limit on the total final price of such items shall be decreased by ____ percent (——%)* of the total estimated decrease. When the cost of performance of this contract is increased as a result of the change, the equitable adjustment increasing the contract price shall be in accordance with the "Changes" clause rather than under this clause, but the resulting contract modification will state that it is made pursuant to this clause. (JUNE 1967)

(d) *Fixed-price incentive (successive targets) contracts.* Insert the following as paragraph (d) of the Value Engineering Incentive clause or Value Engineering Program Requirement clause in § 1.1707–1.

(d) If a cost reduction proposal submitted pursuant to this clause and affecting any of

*Insert the appropriate percentage, i.e., the Government's share (see § 1.1704).

**Insert the appropriate percentage, i.e., the Contractor's share (see § 1.1704).

the items described in paragraph (a) of the "Incentive Price Revision (Successive Targets)" clause of this contract is accepted and applied to this contract, an equitable adjustment in the total initial or firm target price of such items and in any other affected provisions of this contract shall be made in accordance with this clause and the "Termination for Convenience," "Changes," or other applicable clause of this contract. The equitable adjustment shall be established by determining the effect of the proposal on the Contractor's cost of performance, taking into account the Contractor's cost of developing the proposal, insofar as such is properly a direct charge not otherwise reimbursed under this contract, and the Contractor's cost of implementing the change (including any amount attributable to subcontracts in accordance with paragraph (e) below). When the cost of performance of this contract is decreased as a result of the change, the total target cost shall be reduced by the full amount of the total estimated decrease in the Contractor's cost of performance, and the minimum, target, maximum fees shall be increased by ____ percent (——%)* of the total estimated decrease. When the cost of performance of the contract is increased as a result of the change, the equitable adjustment shall be in accordance with the "Changes" clause rather than under this clause, but the resulting contract modification shall state that it is made pursuant to this clause. (JUNE 1967)

(f) *Cost-plus-a-fixed-fee Contracts.* Insert the following as paragraph (d) of the Value Engineering Program Requirement clause in § 1.1707–1.

(d) If a cost reduction proposal submitted pursuant to this clause is accepted and applied to this contract, an equitable adjustment in the fixed fee and in any other affected provisions of this contract shall be made in accordance with this clause and the "Termination," "Changes," or other applicable clause of this contract. The equitable adjustment shall be established by determining the effect of the proposal on the Contractor's cost of performance, taking into account the Contractor's cost of developing the proposal, insofar as such is properly a direct charge not otherwise reimbursed under this contract, and the Contractor's cost of implementing the change (including any amount attributable to subcontracts in accordance with paragraph (e) below). When the cost of performance of this contract is decreased as a result of the change, the fixed fee shall be increased by ____ percent (——%)* of the total estimated decrease in the Contractor's cost of performance. When the cost of performance of this contract is increased as a result of the change, the equitable adjustment shall be in accordance with the "Changes" clause rather than under this clause, but the resulting contract modification shall state that it is made pursuant to this clause. (JUNE 1967)

§ 1.1707–3 Future acquisition sharing provisions (clause paragraph (j)).

The appropriate one of the future acquisition sharing provisions in paragraph (a) or (b) of this section shall be inserted as paragraph (j) of the Value Engineering Incentive clause or Value Engineering Program Requirement clause in § 1.1707–1.

(a) *Estimated requirements ("lump sum") sharing provisions.* Where the estimated requirements ("lump sum") sharing method is to be used, insert the following provision as paragraph (j) of the Value Engineering Incentive clause or Value Engineering Program Requirement clause in § 1.1707–1.

(j) (1) If a cost reduction proposal is accepted under this clause, the Contractor will be paid (in addition to any adjustment under (d) and (f) (if included) above) a reward share of estimated savings to the Government to be realized on additional Government purchases of items utilizing the cost reduction proposal. The number of such items which the Government foresees it will purchase under other contracts is ____ (____).** The Contractor's reward share will be ____ percent (____%)*** of the estimated savings to the Government. The estimated savings will be arrived at by:

(i) Multiplying (A) the unit cost reduction under this contract* (without deducting any cost of implementation) by (B) the aforesaid number of items which the Government foresees it will purchase under other contracts, and then

(ii) Subtracting the sum of—

(A) The net increases in ascertainable collateral costs to the Government which the Contracting Officer estimates must reasonably be incurred as a result of application of the cost reduction proposal to this and other contracts, plus

(B) Any predictable costs of implementing the cost reduction proposal which the Contracting Officer estimates must reasonably be incurred in its application to other contracts with the Contractor or other contractors, plus

(C) The amount of any increase in the contract price under (d) above which results from application of the cost reduction proposal to this contract.

(2) For the purpose of this paragraph (j), the unit cost reduction* under this contract shall be the Contracting Officer's estimate of the effect which the value engineering change would have had on the Contractor's cost of performance (as well as on the cost of the items to the Government, where the change involves reduction in the amount of Government-furnished material under this contract) if the change had been included in the original specifications under this contract (this estimate should not take into account any costs of developing the proposal or implementing the change), divided by the number of units called for under this contract.

(3) The Contractor's reward share, if any, will be determined promptly after acceptance of each cost reduction proposal and the contract price will be increased accordingly.

(b) *Royalty sharing provision.* Where the royalty sharing method is to be used, insert the following as paragraph (j) of the Value Engineering Incentive clause or Value Engineering Program Requirement clause in § 1.1707–1.

(j) (1) If a cost reduction proposal is accepted under this clause, the Contractor will

*Insert the appropriate percentage, i.e., the Contractor's share (see § 1.1704).

**Insert the number of units that it is estimated will be purchased during the sharing period (see § 1.1703–8(c)).

***Insert the appropriate percentage, i.e., the Contractor's proportion of estimated savings on additional purchases, in accordance with § 1.1704.

*Whenever, in the judgment of the Contracting Officer, the unit costs under the instant contract will not be fairly representative of the unit costs to be expected under future contracts (as will generally be the case with developmental contracts and may be the case with initial production contracts), this paragraph should be modified by deleting "under this contract" in (j)(1)(A) and by changing the text of (j)(2) to read as follows:

(2) For the purpose of this paragraph (j), the unit cost reduction will be the average amount of the decrease in unit cost of performance (as well as in unit cost to the Government, where the change involves a reduction in Government-furnished material) which the Contracting Officer estimates will result from the utilization of the cost reduction proposal on future purchases of the item.

*Insert the appropriate percentage, i.e., the Contractor's share (see § 1.1704).

**Insert the appropriate percentage, i.e., the Government's share (see § 1.1704).

be paid (in addition to any adjustment under paragraphs (d) and (f) (if included) above) a royalty share of savings realized by the Government on future purchases, if any, of items utilizing the cost reduction proposal. The Contractor's royalty share will be _____ percent (——%)* of the unit cost reduction under this contract** (without deducting any cost of development or implementation) multiplied by the quantity of _____*** which

(i) utilize the cost reduction proposal pursuant to the specifications or other provisions of any other contract of the _____**** which is awarded after acceptance of the cost reduction proposal and

(ii) are originally scheduled for delivery not later than _____ (_____) years***** after either the last originally scheduled delivery date for any such item under this contract or the date of acceptance of the cost reduction proposal whichever is later,****** and

However, if (iii) are accepted by the Government under such other contracts, application of the cost reduction proposal reasonably requires the incurrence of any net increase in ascertainable collateral costs to the Government in connection with this or future contracts with the Contractor or other contractors or any predictable implementation costs for future contracts with the Contractor or other contractors, or if application of the cost reduction proposal to this contract results in an increase in the contract price under paragraph (d) above, then the sum of such collateral costs, implementation costs, and price increase will be determined promptly after acceptance of the cost reduction proposal. Then the estimated savings on future contracts (unit cost reduction under the instant contract multiplied by quantity affected under the future contract to which the royalty sharing under this paragraph (j)(1) applies) shall be successively credited against the sum of such collateral costs, implementation costs, and price increase so that no amount shall be payable under this paragraph (j)(1) unless and until the amounts so credited equal such sum.

(2) For purposes of determining the Contractor's royalty share under (1) above, the "unit cost reduction"* under this contract is the Contracting Officer's estimate of the effect which the value engineering change would have had on the Contractor's cost of performance (as well as on the cost of the items to the Government, where the change involves reduction in the amount of Government-furnished material under this contract) if the change had been included in the original specifications under this contract (this estimate shall not take into account any costs of developing or implementing the change), divided by the number of units called for under this contract.

(3) If a cost reduction proposal is accepted under this clause, the Contractor will also be paid a royalty share of savings realized by the Government on existing contracts, if any, utilizing the cost reduction proposal. This royalty share will be ____ percent (__%)** of the unit cost reduction under each contract of the _____*** which is in existence at the time of acceptance of the cost reduction proposal, multiplied by the quantity of _____**** which

(i) Utilize the cost reduction proposal pursuant to the specifications or other provisions of such existing contracts, and

(ii) Are accepted by the Government under such existing contracts.

(4) For purposes of determining the Contractor's royalty share under (3) above, the "unit cost reduction" under each existing contract is the total amount of the decrease in cost of performance of that contract (as well as in the cost of the items to the Government, where the change involves a reduction in Government-furnished material under that contract) which the Contracting Officer estimates will actually result from utilization of the cost reduction proposal on that contract, divided by the total number of items on which the cost reduction proposal is actually utilized under that contract.

(5) The amount of the unit cost reduction will be determined promptly after acceptance of each cost reduction proposal.

(6) The royalty shares to which the Contractor is entitled under (1) above shall be paid by the Government to the Contractor at the time the future contract is awarded, on the express condition that to the extent that the Government does not, in fact, receive delivery of and accept all items on which the royalty share is paid, the Contractor warrants that he will reimburse the Government the proportionate share of his royalty payment.* The royalty shares to which the Contractor is entitled under (3) above shall be paid by the Government to the Contractor from time to time and in reasonable increments as they accumulate and no payable amount will remain unpaid for more than six (6) months.

(7) Notwithstanding any other provision of this paragraph (j), the Contractor shall not be paid a royalty share of savings realized on those future or existing contracts for substantially the same items under which an identical cost reduction proposal is submitted by this Contractor or another contractor and accepted by the Government.

§ 1.1706 Instant contract only sharing provision.

(a) When contractor participation in cost savings is to be limited to savings under the instant contract only (see § 1.1703-3(a)(i)), the appropriate value engineering clause in § 1.1707 shall be modified by deleting the last sentence of paragraph (a) thereof and by modifying the appropriate paragraph (d) thereof to provide that the contractor's share in savings resulting from decreases in the contractor's cost of performance shall be computed on the total estimated decrease in the cost of performance after deducting any net increase in ascertainable collateral costs to the Government which must reasonably be incurred as a result of application of the cost reduction proposal to this contract.

(b) *Example 1:* If clause paragraph (d) in § 1.1707-2(a) is used (firm fixed-price contract or fixed-price contract providing for escalation), language such as the following shall be substituted for the third sentence thereof:

When the cost of performance of this contract is decreased as a result of the change, the contract price shall be reduced by the following amount: the total estimated decrease in the Contractor's cost of performance less ____ percent (——%)* of the difference between the amount of such total estimated decrease and any net increase in ascertainable collateral costs to the Government which must reasonably be incurred as a result of application of the cost reduction proposal to this contract.

(c) *Example 2:* If clause paragraph (d) in § 1.1707-2(c) is used (fixed-price incentive (firm target), contract), language such as the following shall be substituted for the third sentence thereof:

When the cost of performance of this contract is decreased as a result of the change, (i) the total target cost of the affected items shall be reduced by the full amount of the total estimated decrease in the Contractor's cost of performance, (ii) the total target profit relating to such items shall be increased by ____ percent (——%)* of the difference between the total estimated decrease and any net increase in ascertainable collateral costs to the Government which must reasonably be incurred as a result of application of the cost reduction proposal to this contract, and (iii) the maximum dollar limit on the total final price of such items shall be decreased by ____ percent (——%)** of the total estimated decrease.

§ 1.1709 Exclusion of collateral savings provision.

Where the Head of the Procuring Activity or his designee has determined that the item or class of items being procured offers no reasonable potential for significant collateral savings, the Value Engineering clause in § 1.1707 shall be modified by deleting subparagraph (a)(2)(ii)(B) and paragraph (f) thereof.

§ 1.1710 Royalty payment notice for future acquisition contract documents.

In order to provide guidance on the proper citation of appropriations, insert the following notice on the contract documents covering each additional purchase of items on which royalty payments will be payable, in accordance with a Value Engineering Incentive or Value Engineering Program Requirement clause prescribing the "royalty" method for sharing future acquisition savings. The notice should be inserted directly following the citation of appropriation and accounting data or, if space does not permit such insertion, the notice should be referred to there.

Notice of value engineering royalty payments. Award of this contract* obliges the Government to pay "royalties," in accordance with the Value Engineering provisions of Contract No. _____,** to the Contractor under that contract. These royalty payments, which are a share of the value engineering savings realized by the Government on this contract as a result of utilizing cost reduction proposals submitted under such Value Engineering provisions, are to be made from appropriations currently available for the procurement of items under this contract in the manner provided by such Value Engineering provisions. To the extent that the Government does not, in fact, receive delivery of and accept all items on which the royalty share is paid, the Government is entitled to reimbursement of a proportionate share of the royalty payment from the Contractor to whom it was paid.

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*Insert the appropriate percentage, i.e., the Contractor's proportion of savings on additional purchases, in accordance with 1-1704.

**Whenever, in the judgment of the Contracting Officer, the unit costs under the instant contract will not be fairly representative of the unit costs to be expected under future contracts (as will generally be the case with developmental contracts and may be the case with initial production contracts), this paragraph should be modified by deleting "under this contract" from the second sentence of paragraph (j)(1) and by changing the first sentence of (j)(2) to read as follows:

For purposes of determining the Contractor's royalty share under (1) above, the unit cost reduction will be the average amount of the decrease in unit cost of performance (as well as in unit cost to the Government, where the change involves a reduction in Government-furnished material) which the Contracting Officer estimates will result from the utilization of the cost reduction proposal on future purchases of the item.

***Insert the types of items considered by the Government to be substantially the same end items as those purchased under this contract.

****Insert the appropriate contracting Department or procuring activity (or activities).

*****Insert the length of time of the royalty period, e.g., the appropriate number of years in accordance with 1-1708.3(b).

******Where the contract is for items which characteristically require an unusually extended period of time for production (e.g., ship construction), it may be necessary, in order to provide sufficient incentive under the royalty sharing provision, to provide for a royalty on items accepted under all contract awarded within the sharing period, even if the scheduled delivery date is outside the sharing period. Accordingly, if the contracting officer determines this to be the case, he may delete the following words from (i) and (ii)—"after acceptance of the cost reduction proposal, and (ii) are originally scheduled for delivery"—and renumber (iii) as (ii).

*(See Footnote **, under (i) above.)

**Insert the appropriate percentage, i.e., the contractor's proportion of savings on additional purchases, in accordance with 1-1704.

***Insert the appropriate contracting Department or procuring activity (or activities).

****Insert the types of items considered by the Government to be substantially the same end items as those purchased under this contract.

*When the contracting officer, in his discretion, believes it preferable in order best to protect the interests of the Government, he may delete this sentence and add "(i) and" before "(3)" in the next sentence.

*Insert the appropriate percentage, i.e., the contractor's share (see § 1.1704).

**Insert the appropriate percentage, i.e., the Government's share (see § 1.1704).

When applicable (see clause paragraph (j)(6), footnote, in § 1.1707-3(b)), change "Award of this contract" to "Acceptance of items under this contract" and delete the last sentence of this notice.

**Insert the number of the contract under which the pertinent Value Engineering change proposal was accepted.

PART 3—PROCUREMENT BY NEGOTIATION

5. A new subparagraph (66) is added to § 3.501(b); § 3.808-2(b)(1) is revised; and new paragraph (f) is added to § 3.808-4, as follows:

§ 3.501 Preparation of request for proposals or request for quotations.

• • • • • •

(b) • • •

(66) To insure timely distribution of Material Inspection and Receiving Reports (DD Forms 250), the name and address of the Status Control Activity/Inventory Control Manager and the purchasing office (when other than the purchasing office issuing the contract) shall be included in the contract schedule or as an attachment to the contract.

• • • • • •

§ 3.808-2 Weighted guidelines method.

• • • • • •

(b) *Exceptions.* (1) Under the following circumstances, other methods for establishing profit objectives may be used. Generally, it is expected that such methods will accomplish the two features of the weighted guidelines methods set forth in paragraph (a)(1) of this section. These circumstances are:

(i) Architect-engineering contracts;

(ii) Personal or professional service contracts;

(iii) Management contracts, e.g., for maintenance or operation of Government facilities;

(iv) Termination settlements;

(v) Engineering services, labor-hour, time-and-material, and overhaul contracts providing for payment on a man-hour, man-day or man-month basis, and where the contribution by the contractor constitutes the furnishing of personnel rather than the output of an integrated research, engineering, or manufacturing organization; and

(vi) Cost-reimbursement construction contracts.

• • • • • •

§ 3.808-4 Profit factors.

• • • • • •

(f) The weighted guidelines method was designed for arriving at profit or fee objectives for other than nonprofit organizations. However, if appropriate adjustments are made to reflect differences between profit and nonprofit organizations, the weighted guidelines method can be used as a basis for arriving at fee objectives for nonprofit organizations. Therefore, the policy of the Department of Defense is to use the weighted guidelines method, as modified in subparagraph (2) of this paragraph, to establish fee objectives which will stimulate efficient contract performance and attract the best capabilities of nonprofit organizations to defense oriented activities. The modifications should not be applied as deductions against historical fee levels, but rather, to the fee objective for such a contract as calculated under the weighted guidelines method.

(1) For purposes of this paragraph, nonprofit organizations are defined as those business entities organized and operated exclusively for charitable, scientific or educational purposes, no part of the net earnings of which inure to the benefit of any private shareholder or individual, no substantial part of the activities of which is carrying on propaganda or otherwise attempting to influence legislation or participating in any political campaign on behalf of any candidate for public office, and which are exempt from Federal income taxation under Section 501 of the Internal Revenue Code.

(2) For contracts with nonprofit organizations where fees are involved, the following adjustments are required in the weighted guidelines method.

(i) A special factor of —3% shall be assigned in all cases.

(ii) The weight range under "Contractor's Assumption of Contract Cost Risk" shall be —2% to —1% in lieu of 0% to 7% for contracts with those nonprofit organizations or elements thereof identified by the Secretary of Defense or the Secretary of a Department (or their respective designees) as receiving sustaining support on a cost-plus-a-fixed-fee basis from a particular Department or Agency of the Department of Defense.

(iii) The weight ranges for "Record of Contractor's Performance" and "Selected Factors" shall be halved, i.e., —1% to +1% rather than —2% to +2%. The purpose of this accommodation is to maintain the internal scale of the weighted guidelines when one or both of the adjustments indicated above are applied.

PART 4—SPECIAL TYPES AND METHODS OF PROCUREMENT

6. Section 4.117 is revised to read as follows:

§ 4.117 Contractor performance evaluation program.

The Contractor Performance Evaluation Program is a procedure for determining and recording the effectiveness of advanced-development (with measurable contractual commitments), engineering-development, and operational-systems-development and production contractors in meeting the performance, schedule, and cost provisions of their contracts. The program requires project managers within the Military Departments to submit periodic Contractor Performance Evaluation Reports (see DD Form 1446 series) for all such development contracts whose projected cost for a single year will exceed $2 million or whose projected overall cost will exceed $10 million and for all production contracts that follow or are concurrent with the development contracts evaluated (until firm specifications susceptible to price competition are in use), if the projected costs exceeds $5 million for a single year or if the projected overall cost

exceeds $20 million. After review or certification by the appropriate Departmental Contractor Performance Evaluation Group (see DD Form 1447 series), the report is submitted to the contractor and then transmitted, with the contractor's comments, to the Director of Contractor Performance Evaluation, Office of the Assistant Secretary of Defense (Installations and Logistics), for storage in a central data bank and use by Source Selection Advisory Councils or other persons or groups acting in similar capacity, contracting officers in determining fees or profits and the Renegotiation Board (see § 1.319(f)). The central data bank is maintained at the Defense Documentation Center of the Defense Supply Agency, Cameron Station, Alexandria, Va. 22314. Detailed procedures for this program are set forth in the Department of Defense Guide to Contractor Performance Evaluation (Development and Production).

§ 4.502 [Amended]

7. In § 4.502, the reference "§ 6.101(c)" is changed to read "§ 6.001(c)".

8. Section 4.503–1 is revised; the first sentence of § 4.503–5 is revised; §§ 4.507–2 and 4.507–3 are revised; and § 4.507–4 is revoked, as follows:

§ 4.503–1 General.

Procedures for procurement by barter are set forth below. These procedures are also authorized for use when a purchasing office elects to utilize barter in connection with procurement of a foreign end product (see §§ 6.001(a) and 6.101 (a) and (c) of this chapter) from sources (contractors) within the United States for use outside the United States in anticipation of or in connection with authorization for foreign end product purchase under applicable balance of payment directives. In such instances, these procedures shall be used as a guide, adapted to the extent appropriate for the particular procurement.

§ 4.503–5 Step four—invitations for bids and request for proposals.

Upon receipt of approval from the CCC, the purchasing office shall issue an invitation for bids or a request for proposals, furnishing telegraphic notice thereof to the CCC. * * *

§ 4.507–2 Description.

The principal distinguished features of these special barter payment arrangements are:

(a) Contracting for supplies and services is effected by procuring activities in the same manner as if there were no special barter arrangements;

(b) Defense suppliers have no payment arrangements with barter contractors;

(c) Defense suppliers will not assign to the CCC monies due or to become due under contracts;

(d) Barter contractors are selected by the CCC;

(e) Barter transactions proceeds are provided by the interested barter contractor to the disbursing officer to effect payments to defense suppliers;

(f) Payment arrangements between the procurement agency and the barter contractor is made a part of the contract between the barter contractor and CCC; and

(g) As barter transaction proceeds are deposited to the account of the military disbursing officer, equivalent amounts are immediately remitted by the military disbursing officer to the CCC.

§ 4.507–3 Other requirements.

Each service will submit to CCC an annual schedule of barter payment arrangement requirements by country and by recommended time phasing and will further state:

(a) That the contemplated procurement of supplies and services appear susceptible to barter;

(b) That it has been or will be properly determined that all supplies or services to be procured under separate agreement are not returnable to the United States for procurement under applicable balance of payments directives;

(c) That the CCC, by open competition, select a barter contractor who will provide a stated amount of dollars (and no other currency) to the military disbursing officer and who will receive for export surplus agricultural commodities from the CCC; that it will further be the responsibility of the contracting officer or disbursing officer to instruct the barter contractor where and how to make the necessary monthly payments;

(d) That the dollars to be provided by the barter contractor will be made available in stated monthly installments and will be deposited into a depository selected by the military disbursing officer (Withdrawals from this depository will be made only by or on the direction of a designated military disbursing officer without restriction for payment of materiel and services earned by and payable to defense suppliers.); and

(e) That the designated military disbursing office will pay to the Treasurer of the Commodity Credit Corporation by check, at the time funds are received by the military disbursing office from the barter contractor, an amount equal to the sum of the funds so received.

§ 4.507–4 Agreement with CCC. [Revoked]

PART 5—INTERDEPARTMENTAL AND COORDINATED PROCUREMENT

9. New § 5.1107–4 is added, as follows:

§ 5.1107–4 Authorization for exceeding MIPR estimates.

Each MIPR shall indicate on its face whether or not the total MIPR estimate may be exceeded by the purchasing office, and if affirmative, by what amount. The aditional amount shall not be more than $20,000, or 10 percent of the total estimated MIPR amount, whichever is less.

PART 7—CONTRACT CLAUSES

10. Sections 7.104–45, 7.203–27, 7.204–32, 7.303–32, 7.402–28, 7.606–11, 7.702–42, 7.703–34, 7.704–27, and 7.1102–2(b)(2) are revised to read as follows:

§ 7.104–45 Value engineering program requirement.

In accordance with the requirements of § 1.1702 of this chapter, insert the clause set forth in § 1.1707–1(b) of this chapter.

§ 7.203–27 Payment for overtime premiums.

In accordance with the requirements of § 12.102 of this chapter, insert the contract clause set forth in § 12.102–6 of this chapter.

§ 7.204–32 Value engineering.

In accordance with the requirements of § 1.1702 of this chapter, insert the applicable clause set forth in § 1.1707 of this chapter.

§ 7.303–32 Value engineering program requirement.

In accordance with the requirements of § 1.1702 of this chapter, insert the clause set forth in § 1.1707–1(b) of this chapter.

§ 7.402–28 Payment for overtime premiums.

In accordance with the requirements of § 12.102 of this chapter, insert the contract clause set forth in § 12.102–6 of this chapter.

§ 7.606–11 Payment for overtime premiums.

In accordance with the requirements of § 12.102 of this chapter, insert the clause set forth in § 12.102–6 of this chapter.

§ 7.702–42 Payment for overtime premiums.

In accordance with the requirements of § 12.102 of this chapter, insert the contract clause set forth in § 12.102–6 of this chapter.

§ 7.703–34 Payment for overtime premiums.

In accordance with the requirements of § 12.102 of this chapter, insert the contract clause set forth in § 12.102–6 of this chapter.

§ 7.704–27 Payment for overtime premiums.

In accordance with the requirements of § 12.102 of this chapter, insert the contract clause set forth in § 12.102–6 of this chapter.

§ 7.1102–2 Requirements contracts.

* * * * *

(b) Requirements.

* * * * *

(2) When subsistence requirements for both troop issuance and resale have been included in the same Schedule and it is contemplated that similar products will be procurred on a "brand name" basis, include the following paragraph (h) in the clause set forth above:

(h) The requirements referred to in this contract are for items to be manufactured according to Government specifications, and notwithstanding anything to the contrary

stated herein, the Government may procure similar products by "brand name" for resale purposes from other sources.

* * * * *

PART 9—PATENTS, DATA, AND COPYRIGHTS

11. Section 9.202–3(b) is revised to read as follows:

§ 9.202–3 Procedure.

* * * * *

(b) *Establishing the Government's rights to use technical data acquired.* All technical data specified in a contract or subcontract for delivery thereunder shall be acquired subject to the rights established in the appropriate Rights in Technical Data clauses set forth in this subpart. Except as provided in § 1.1707 and subpart I, Part 18 of this chapter, no other clauses, directives, standards, specifications or other implementation shall be included, directly or by reference, to enlarge or diminish such rights. The Government's acceptance of technical data subject to limited rights does not impair any rights in such data to which the Government is otherwise entitled or impair the Government's right to use similar or identical data acquired from other sources.

* * * * *

PART 10—BONDS, INSURANCE, AND INDEMNIFICATION

12. Section 10.201–2(d) is revised to read as follows:

§ 10.201–2 Individual sureties.

* * * * *

(d) *Justification.* The contracting officer, in evaluating bonds and consents of surety underwritten by individual sureties, must first ascertain that all documents, including the Affidavits of Individual Surety required by Instruction No. 4b on the reverse of Standard Form 24, "Bid Bond," and Instruction No. 3b on the reverse of Standard Form 25, "Performance Bond," and Standard Form 25–A, "Payment Bond," have been completely filled out and are properly executed. The contracting officer must next ascertain that each individual surety, underwriting a bond or consent of surety which increases the penal amount of a bond previously furnished, justifies his net worth "in a sum not less than the penalty of the bond" as required by Instruction No. 3 on the reverse of Standard Form 28, "Affidavit of Individual Surety." Since individual sureties are jointly and severally liable in the event of default by the principal, each individual surety must list on Standard Form 28 a net worth at least equal to the total penal amount of the bond or consent of surety. Example: If performance and payment bonds on a construction contract have penal amounts of $4,000 and $2,000, respectively, each individual surety must show a net worth of at least $6,000 to have the contracting officer accept his underwriting of such bonds. Normally net worth will be the amount indicated by the individual surety on line g, block 7, of Standard Form 28. However, the contracting officer is expected to consider all relevant information furnished by the individual surety on Standard Form 28 and make an independent determination of the individual surety's net worth based on the contracting officer's own best judgment. Example: Normally the "fair value" of real estate is a more realistic figure than the "assessed value" for taxation purposes. However, there may be situations where the reverse is true, for the purpose of determining net worth, in which case the contracting officer may determine net worth is a figure than that entered on line g, block 7 of Standard Form 28. The contracting officer also should scrutinize closely the information entered in block 10 on Standard Form 28 as the amount of outstanding bond obligation of an individual surety may have a substantial bearing on the financial position of such individual surety. The contracting officer may determine that the total amount entered in block 10 should be deducted from the net worth figure entered on line g, block 7, to arrive at a more realistic net worth or he may determine to deduct nothing, or only a portion of the amount entered in block 10 if upon inquiry he discovers that the contracts on which the bonds were written are completed in part and suppliers and materialmen paid in part. Affidavits should be scrutinized closely by a contracting officer in any case where an individual surety is underwriting a bond for a principal for whom that surety has underwritten other outstanding bonds. If the contracting officer cannot make a determination of net worth on the basis of information furnished on Standard Form 28, he should require the individual surety to furnish additional information. As a general rule, the contracting officer should not require extrinsic evidence of an individual surety's net worth (other than Standard Form 28) unless Standard Form 28 is not filled out completely or properly, or unless the contracting officer has reason to believe that the individual surety's statements on Standard Form 28 do not reflect his true net worth.

* * * * *

PART 11—TAXES

13. In § 11.403–1, the first sentence of paragraph (a) is revised to read as follows:

§ 11.403–1 General.

(a) *Use of clauses.* Tax agreements have been made with Belgium, Republic of China, Denmark, France, Federal Republic of Germany (including West Berlin), Greece, Iceland, Italy, Japan, Republic of Korea, Luxembourg, the Netherlands, Norway, the Philippines, Portugal, Spain, Turkey, the United Kingdom, and Yugoslavia, under which the United States expenditures for the common defense are exempt from certain specified taxes of the countries in which these expenditures are made. * * *

PART 12—LABOR

14. Sections 12.102, 12.102–1, 12.102–2, 12.102–3, 12.102–4, 12.102–5, and 12.102–6 are revised, and new § 12.102–7 is added, as follows:

§ 12.102 Overtime.

§ 12.102–1 Definitions.

As used throughout §§ 12.102–12.102–7:

(a) "Normal workweek" and "normal workday" mean, generally, a workweek of 40 hours and a workday of 8 hours, respectively: *Provided*, That in any area outside the United States, its possessions, and Puerto Rico, a workweek longer than 40 hours, or a workday longer than 8 hours, will be considered normal (1) if such workweek or workday does not exceed that which is normal for such area, as determined by local custom, tradition, or law and (2) if hours worked in excess of 40 in such workweek, or 8 in such workday, are not compensated at a premium rate of pay.

(b) "Overtime" means time worked by a contractor's employee in excess of the employee's normal workweek or normal workday.

(c) "Overtime premium" means the difference between the contractor's regular rate of pay to an employee for the shift involved and the higher rate paid for overtime. It does not include shift premium which is the difference between the compensation paid to an employee at the contractor's regular rate of pay for the base shift and that paid at the regular rate of pay for extra-pay shift work.

§ 12.102–2 Policy.

It is the policy of the Department of Defense that all contracts will be performed, so far as practicable, without the use of overtime, particularly as a regular employment practice, except where lower overall costs to the Government will result. Contractors should utilize whatever work schedule results in the lowest overall cost to the Government consistent with contract delivery and performance requirements. Extra-pay shifts and multi-shift work should be scheduled, as required, to achieve these objectives. In the negotiation of contracts, overtime premiums will be recognized in establishing a fixed price or estimated cost only to the extent consistent with the needs of the Government for the supplies or services being procured.

§ 12.102–3 Approval of overtime premiums.

(a) Approval of overtime premiums is required:

(1) By the contracting officer under time and material and labor-hour contracts (see paragraph (a)(3) of the clause set forth in § 7.901–6 of this chapter); and

(2) By the approving official (see § 12.102–4(e)), (i) prior to execution of cost reimbursement type contracts containing the clause set forth in § 12.102–6, for any overtime to be included in paragraph (d) of the clause, and (ii) prior to modification of such a contract

for any increase in the overtime included in paragraph (d) of the clause.

(b) Approval of overtime premiums under contracts other than those referenced in paragraph (a) of this section shall not be required.

§ 12.102–4 Approval of overtime premiums in certain cost-reimbursement type contracts.

(a) To prevent uneconomic use of overtime, at Government expense, the clause set forth in § 12.102–6 shall be included in all cost-reimbursement type contracts in excess of $100,000, except cost-reimbursement type contracts for the operation of vessels and cost-plus-incentive-fee contracts having a cost incentive which provides for a swing from target fee of at least ±3 percent and a contractor's share of cost of at least 10 percent. Whenever this clause is used, the procedural requirements of this section shall be followed.

(b) An amount for overtime premiums at Government expense may be included in paragraph (d) of the clause set forth in § 12.102–6 when the use of overtime has been approved by an official designated as provided in paragraph (e) of this section. Only overtime premiums for work in those departments, sections, etc., of the contractor's plant which have been individually evaluated and the necessity for overtime confirmed, will be considered for approval, and then only for overtime premiums not reimbursable under the exceptions contained in paragraph (a) (ii) of the clause. Approval may be granted when such official determines in writing that overtime is necessary:

(1) To meet delivery or performance schedules, and such schedules are determined to be consistent with essential military objectives;

(2) To make up for delays beyond the control and without the fault or negligence of the contractor; or

(3) To eliminate foreseeable production bottlenecks of an extended nature which cannot be eliminated in any other way.

(c) When, during negotiation, it becomes apparent that overtime will be required during the performance of the contract and the contract will contain the clause in § 12.102–6, the PCO shall secure from the contractor a request substantially in accordance with the request procedures in paragraph (c) of such provision for all overtime to be used during the life of the contract, to the extent that it can be estimated with reasonable certainty. If the contemplated overtime premium could affect the costing of other work performed by the contractor or is significant in amount, the PCO may avail himself of the advisory services of the cognizant Defense Contract Audit Agency office to determine the proper accounting treatment of such premium. The PCO shall request from the appropriate official designated, as provided in paragraph (e) of this section, approval for overtime premiums at Government expense. Upon receipt of such approval, the PCO shall complete paragraph (d) of the clause.

(d) During contract performance, requests for overtime, submitted pursuant to the clause in § 12.102–6, will be submitted to the ACO who shall evaluate the need for such overtime and forward the request, with his comments, as expeditiously as possible to the PCO. Thereupon, the PCO, if he desires that the requested overtime be approved in whole or in part, shall, unless a prior authorization is sufficient to cover the overtime requested, request the approval of the appropriate official designated as provided in paragraph (e) of this section and, as expeditiously as possible, modify paragraph (d) of the clause to reflect the approval.

(e) The Director of Procurement, Office of the Assistant Secretary of the Army (Installations and Logistics), for the Army; the Deputy Chief of Naval Material (Procurement), for the Navy; the Director of Procurement Policy, Headquarters, USAF, for the Air Force; and the Executive Director for Procurement and Production, for the Defense Supply Agency, are authorized, without power of delegation, to designate without power of redesignation, officers and civilian officials for the purpose of approving overtime premiums at Government expense. Such approval may be for an individual contract, project, or program, or for a plant, division, or company, as most practicable, and shall ordinarily be prospective, but may be retroactive when justified by the circumstances. Where two or more purchasing offices have current contracts at a single facility, and the approval of overtime by one purchasing office will affect the performance or cost of contracts of another, the approving official will obtain the concurrence of other appropriate approving officials and seek agreement as to the contracts under which overtime premiums will be approved. If the approving officials do not agree within a reasonable time as to the action to be taken, a decision shall be obtained through normal channels. Ordinarily, in the absence of evidence to the contrary, a purchasing office may rely on the contractor's statement that such approval will not affect the performance, or payments in connection with any contract of another purchasing office.

§ 12.102–5 Contract administration.

(a) The cost of overtime premiums under the clause set forth in § 12.102–6, and all overtime premiums under cost-reimbursement type contracts which do not contain the clause set forth in § 12.102–6, shall be allowed only to the extent the amount thereof is reasonable and properly allocable to the work under the contract, in accordance with § 15.201 of this chapter.

(b) In administration of contracts under which overtime has been approved pursuant to § 12.102–4, the ACO and the cognizant audit activity shall review periodically the use of such overtime to assure that it is reasonable and properly allocable to work under the contract.

§ 12.102–6 Payment of overtime premiums clause.

The following clause shall be used when required by § 12.102–4(a).

PAYMENT FOR OVERTIME PREMIUMS (JUNE 1967)

(a) Allowable cost shall not include any amount on account of overtime premiums except when (i) specified in (d) below or (ii) paid for work—

(A) Necessary to cope with emergencies such as those resulting from accidents, natural disasters, breakdowns of production equipment, or occasional production bottlenecks of a sporadic nature;

(B) By indirect labor employees such as those performing duties in connection with administration, protection, transportation, maintenance, standby plant protection, operation of utilities, or accounting;

(C) In the performance of tests, industrial processes, laboratory procedures, loading or unloading of transportation media, and operations in flight or afloat, which are continuous in nature and cannot reasonably be interrupted or otherwise completed; or

(D) Which will result in lower overall cost to the Government.

(b) The cost of overtime premiums otherwise allowable under (a) above shall be allowed only to the extent the amount thereof is reasonable and properly allocable to the work under this contract.

(c) Any request for overtime, in addition to any amount specified in (d) below, will be for all overtime which can be estimated with reasonable certainty shall be used for the remainder of the contract, and shall contain the following:

(i) Identification of the work unit, such as the department or section in which the requested overtime will be used, together with present workload, manning and other data of the affected unit, sufficient to permit an evaluation by the Contracting Officer of the necessity for the overtime;

(ii) The effect that denial of the request will have on the delivery or performance schedule of the contract;

(iii) Reasons why the required work cannot be performed on the basis of utilising multi-shift operations or by the employment of additional personnel; and

(iv) The extent to which approval of overtime would affect the performance or payments in connection with any other Government contracts, together with any identification of such affected contracts.

(d) The Contractor is authorized to perform overtime, in addition to that performed under (a)(ii), to the extent that the overtime premium does not exceed *_____

*Insert the amount, in dollars, agreed to during negotiations as representing the overtime premiums applicable to overtime not reimbursable under the exceptions contained in (a) (ii) of the clause. If it was agreed that the contract could be performed without the use of additional overtime, insert "Zero."

§ 12.102–7 Construction contracts.

See § 18.111 of this chapter regarding expediting actions involving additional costs.

15. The introductory text of § 12.302 is revised, and §§ 12.302(a) and 12.306 are revised, as follows:

§ 12.202 Applicability.

The requirement set forth in § 12.201 applies, except as stated below, to all contracts involving the employment of labor within the United States. The requirement does not prohibit the employment of persons on parole or probation, Federal prisoners authorized by the Attorney General under 18 U.S.C. 4082(c)(2) to work at paid employment during the term of their imprisonment, or persons who have been pardoned or who have served their terms. Furthermore, the requirement does not apply to the following kinds of contracts:

* * * * *

§ 12.302 Applicability.

* * * * *

(a) Contracts (or portions thereof) to be performed in a foreign country or within territory under the jurisdiction of the United States other than the following: a State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Outer Continental Shelf Lands defined in the Outer Continental Shelf Lands Act, American Samoa, Guam, Wake Island, Eniwetok Atoll, Kwajalein Atoll, Johnston Island and the Canal Zone, to the extent that such contracts (or portions thereof) may require or involve the employment of laborers or mechanics there;

* * * * *

§ 12.306 Variations and tolerances.

(a) *Firefighters and fireguards.* The following variation in the application of the Contract Work Hours Standards Act to firefighters and fireguards has been authorized by the Solicitor of Labor (see 29 CFR 5.14(d)):

A workday consisting of a fixed and recurring 24-hour period commencing at the same time on each calendar day may be used in lieu of the calendar day in applying the daily overtime provisions of the Act to the employment of firefighters or fireguards under the following conditions:

(i) Where such employment is under a platoon system requiring such employees to remain at or within the confines of their post of duty in excess of eight hours per day in a standby or on-call status; and

(ii) If the use of such alternate 24-hour day has been agreed upon between the employer and such employees or their authorized representatives before performance of the work; and

(iii) Provided, That in determining the daily and weekly overtime requirements of the Act in any particular worksheet of any such employee whose established worksheet begins at an hour of the calendar day different from the hour when such agreed 24-hour day commences, the hours worked in excess of 8 hours in any such 24-hour day shall be counted in the established workweek (of 168 hours commencing at the same time each week) in which such hours are actually worked.

Contractors employing firefighters and fireguards may therefore satisfy their obligations under the Contract Work Hours Standards Act by employing such employees in compliance with either the express requirements of § 12.303 or the foregoing variation.

(b) *Eniwetok, Kwajalein and Johnston Island.* Work performed on Eniwetok Atoll, Kwajalein Atoll and Johnston Island is covered by the following tolerance granted by the Solicitor of Labor by letter dated January 20, 1967, to the Department of Defense.

Beginning February 1, 1967, and ending January 31, 1969, the employment in excess of forty hours per week of laborers and mechanics engaged in work on contracts subject to the Contract Work Hours Standards Act on Eniwetok Atoll, Kwajalein Atoll, and Johnston Island shall not be deemed to result in any liability for unpaid damages under the Contract Work Hours Standards Act on the part of any contractor or subcontractor employing such employees, so long as such employees at work in such locations are paid overtime wages at the required rates for all hours worked on such contracts in any workweek in excess of 8 in any workday or in excess of 44 in the workweek during the period from February 1, 1967, through January 31, 1968, inclusive, and in excess of 8 in any workday or in excess of 42 in the workweek during the period beginning February 1, 1968, and ending January 31, 1969, and provided such employees are paid such overtime compensation as may be required by any other applicable law or collective bargaining agreement.

A notice of this tolerance, which constitutes an exception as provided in the § 12.303 clause shall be included in all solicitations involving affected work.

PART 16—PROCUREMENT FORMS

16. In § 16.102–2, paragraphs (c)(2)(x) and (d) are revised; § 16.103 (a) and (d) is revised; new §§ 16.200, 16.201, and 16.202 are added; and § 16.401–1(i) is revised, as follows:

§ 16.102–2 Award/Contract (Standard Form 26).

* * * * *

(c) *Short form negotiated supply and services contracts.* * * *

(2) * * *

(x) Where inspection and acceptance are at origin, where contract administration is performed at origin, where delivery at multiple destinations is required, or where otherwise appropriate, the material inspection and receiving clause (see § 7.104–62 of this chapter) may be inserted in the schedule.

* * * * *

(d) Long form negotiated supply and services contracts. (1) Except as provided in paragraphs (b) and (c) of this section, Award/Contract (Standard Form 26) shall be used with Standard Form 32 (General Provisions (Supply Contract)) (see § 16.205) or with required nonpersonal services clauses, and any other forms containing contract provisions which are prescribed by this subchapter or Departmental procedures, for entering into negotiated fixed-price contracts to which Subpart A, Part 7 of this chapter is applicable.

(2) Except as provided in paragraph (b) of this section, Award/Contract (Standard Form 26) shall be used with DD ASPR Form 748 (General Provisions—Cost Reimbursement Supply Contracts) (see § 16.204) and any other forms containing contract provisions which are prescribed by this subchapter or Departmental procedures for entering into negotiated cost-reimbursement type contracts to which Subpart B, Part 7 of this chapter is applicable.

* * * * *

§ 16.103 Amendment of solicitation/modification of contract (Standard Form 30).

* * * * *

(a) *General.* This section prescribes a single form for (1) amendment of solicitations (whether advertised or negotiated), and (2) modification of contracts (including purchase and delivery orders entered into on DD Form 1155 (see § 3.608–4 of this chapter.) Use of this form is optional for amendment of solicitation for the procurement of construction.

* * * * *

(d) *Modification of construction contracts.* When used to modify a contract for construction, this form may be altered to provide for the contractor's written acknowledgment of the change orders. (See § 16.405–3 for instructions relative to modifying a contract for construction.)

§ 16.200 Scope of subpart.

This subpart prescribes additional forms for use where appropriate in conjunction with negotiated procurements for supplies or services.

§ 16.201 Contractor Performance Evaluation Report (DD Form 1446 Series).

DD Form 1446 Series and DD Form 1447 are prescribed for use in accordance with § 4.117 of this chapter.

§ 16.202 Contractor Cost Reduction Program Report (DD Form 1514).

DD Form 1514 is prescribed for use in accordance with § 3.101 of this chapter.

§ 16.401–1 General.

* * * * *

(i) Standard Form 30—Amendment of Solicitation/Modification of Contract. (The use of this form is optional for amendment of a solicitation.)

* * * * *

17. New § 16.405–1 is added; § 16.405–3 is revised; and new §§ 16.604, 16.803–3, and 16.803–4 are added, as follows:

§ 16.405–1 Performance Evaluation—Architect-Engineer Professional Services Contractor (DD Form 1413).

DD Form 1413 is prescribed for use in accordance with § 18.403–4 of this chapter.

§ 16.405–3 Contract modification forms.

(a) *Modifications pursuant to provisions of contract.* Modifications affecting the price or time for performance of a construction contract may be made pursuant to the "Changes," "Changed Conditions" and "Termination for Default—Damages for Delay-Time Extensions" clauses of the contract and shall be accomplished on Standard Form 30. Although such modifications may be issued unilaterally by the contracting officer, usually an agreement with the contractor

is obtained prior to the issuance of the formal contract modification. The reason for the proposed modification should be stated e.g., reasons for changes, existence of changed conditions, causes of delay and excusability. If the modification is pursuant to the "Changes" clause, the details of the change should be set forth. If the time of performance is increased or decreased, the extension or decrease should be stated definitely or a statement made that the time for performance remains unchanged. If the contract price is increased or decreased the increase or decrease should be stated definitely or a statement made that the contract price remains unchanged. The contractor should be requested to indicate his acceptance on Standard Form 30. Three copies of Standard Form 30 should be sent to the contractor with instructions to return the original and one copy.

(b) *Supplemental agreements.* Amendment of Solicitation/Modification of Contract (Standard Form 30) shall be used to formalize contract modifications providing for work not within the scope of the contract except that provision shall be made for consent of surety in accordance with the format set forth in § 10.111–2 of this chapter.

§ 16.604 Requisition and Invoice/Shipping Document (DD Form 1149).

DD Form 1149 is prescribed for use in accordance with § 5.1108–1 of this chapter.

§ 16.803–3 Service contracts.

(a) *Notice of intention to make a service contract and response to notice (Standard Form 98).* Standard Form 98 is prescribed for use in accordance with § 12.1005(a) of this chapter.

(b) *Notice of award of contract (Standard Form 99).* Standard Form 99 is prescribed for use in accordance with § 12.1005(b)(2) of this chapter.

§ 16.803–4 Employer Information Report EEO–1 (Standard Form 100).

Standard Form 100 is prescribed for use in accordance with § 12.806–4 of this chapter.

PART 18—PROCUREMENT OF CONSTRUCTION AND CONTRACTING FOR ARCHITECT-ENGINEER SERVICES

18. Section 18.206 and the introductory text of § 18.211 are revised, as follows:

§ 18.206 Amendment of invitation for bids.

See §§ 2.208, 16.401–1(i), and 18.704–2 of this chapter. When an amendment will require additional time for bidders to prepare bids, the time for bidding shall be appropriately extended, except in emergencies, and consideration shall be given to notifying bidders by telephone or telegraph of the forthcoming amendment to minimize disruption of their bid preparations. Where such an amendment is issued within a period of ten days prior to the date set for bid opening, a minimum of ten days lead time except in emergencies, shall be allowed prospective bidders to prepare new or revised bids. The nature of any emergency preventing a ten day lead time will be documented.

§ 18.211 Notice of award.

Award shall be made to the successful bidder as provided in § 2.407–1 of this chapter. If a notice of award is issued, it shall:

* * * * *

[Rev. 23, ASPR, June 1, 1967] (Sec. 2202, 70A Stat. 120; 10 U.S.C. 2202. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314)

KENNETH G. WICKHAM,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 67–9849; Filed, Aug. 22, 1967; 8:46 a.m.]

SUBCHAPTER F—RECORDS

[OASD (Admin) Instruction 73]

PART 286a—AVAILABILITY OF INFORMATION TO THE PUBLIC

The Deputy Assistant Secretary of Defense (Administration) approved the following on August 14, 1967:

Sec.
286a.1 Purpose.
286a.2 Scope.
286a.3 Policy.
286a.4 Responsibilities.
286a.5 Methods by which information shall be made available to the public.
286a.6 Procedures.
286a.7 Documentary material which may be withheld from public disclosure.
286a.8 Information to be published in the FEDERAL REGISTER.
286a.9 Informational material which will be available for inspection and copying.
286a.10 Definition of a record.
286a.11 Identification and marking "For Official Use Only".

AUTHORITY: The provisions of this Part 286a issued under sec. 301, 552, Title 5, United States Code.

§ 286a.1 Purpose.

The purpose of this part is to implement the provisions of DoD Directive 5400.7 (32 F.R. 9605) and to establish policies and procedures governing the availability of information to the public.

§ 286a.2 Scope.

(a) This part is applicable to all organizational entities of the Office of the Secretary of Defense, the Organization of the Joint Chiefs of Staff and to other activities assigned to OSD for administrative support and governs the release of all records in the custody of these organizations, wherever located. It applies only to releasing information to the general public and is not applicable to request from:

(1) Members of Congress
(2) General Accounting Office
(3) Other Federal agencies and the courts for release and authentication of records

(b) This part will not be interpreted to conflict with or abrogate any responsibilities assigned to the Assistant Secretary of Defense (Public Affairs), ASD (PA).

§ 286a.3 Policy.

(a) The maximum amount of information concerning operations and activities shall be made available to the public, consistent with the provisions of this part.

(b) Records and other documents or related material shall be withheld from the public only if authorized by § 286a.7.

(c) Unclassified information within a category normally exempt from public disclosure shall be made available to the public when its release is consistent with statutory requirements and when it is determined that no significant purpose would be served by withholding the information.

§ 286a.4 Responsibilities.

(a) The requester is responsible for:

(1) Describing the record sought with sufficient particularity to enable the information or record to be located with a reasonable amount of effort.

(2) Paying all costs associated with locating and producing copies of requested informational materials, if appropriate.

(3) Complying with the procedures, as provided for in this instruction, for inspecting and copying material and/or obtaining copies of requested records.

(b) The Office of the Assistant Secretary of Defense (Administration) is responsible for:

(1) Establishing a suitable facility where the public may inspect and copy informational material.

(2) Indexing and making available for inspection and copying all material published or referenced in the FEDERAL REGISTER and the informational materials as required by § 286a.5(b).

(3) Serving as the central contact office for the receipt of all written or in-person requests for records and/or inspection and copying of material.

(4) Forwarding requests, received from organizational entities, to have material referenced in the FEDERAL REGISTER, to the Director of the Federal Register.

(5) Forwarding requests for information from the public to the appropriate organizational entity having primary responsibility for the material.

(6) Collecting any fees entailed in searching for and reproducing requested materials.

(c) Heads of organizational entities are responsible for:

(1) Making the initial determination, in conjunction with the Office of the General Counsel, as to the availability of any record requested by the public.

(2) Ensuring that informational material or records that are exempt from public disclosure are properly identified and protected.

(3) Consulting with other agencies, components, or organizational entities which have a significant interest in the content of the requested document before determining whether to make available.

(4) Advising OASD(PA) in advance whenever a record containing potentially newsworthy material is to be released or to withhold any record when it is likely that the withholding action will be contested. Additionally, OASD(PA) will be advised of all requests received from news media for release of records.

(5) Referring requests for a record originated by another agency, component or organizational entity directly to that agency, component or organizational entity.

(6) Referring requests for material primarily concerning a Member of Congress or a Congressional Committee to the Assistant to the Secretary of Defense (Legislative Affairs) for appropriate handling.

(7) Forwarding requests for informational materials received from the public and which have not been processed through the OASD(A), to the Director, Correspondence and Directives Division for appropriate control and distribution.

(d) The Office of the Assistant Secretary of Defense (Public Affairs) is responsible for providing guidance to organizational entities on public information policies as assigned by DoD Directive 5122.5 (26 F.R. 7111).

(e) The Office of the General Counsel is responsible for serving as the appellate level within OSD in those instances in which the requester seeks reconsideration of a previously denied request or initiates legal action to compel the release of a record.

§ 286a.5 Methods by which information shall be made available to the public.

Essentially, DoD Directive 5400.7 established three methods by which information, which must be published or disclosed, will be made available to the public. For ease of reference, these three methods are:

(a) *Publication in the Federal Register.* (1) Subject to the exemptions as provided for in § 286a.7 and in accordance with the provisions of this part and OSD Administrative Instruction 41, "DoD Directives System—Preparation and Processing of Directives System Issuances",[1] each organizational entity, covered by this part, shall publish in the FEDERAL REGISTER, unless already available to affected persons elsewhere in published form and incorporated by reference in the FEDERAL REGISTER, an informative, current description for the guidance of the public, of where, how and by what authority it performs any of its functions. In deciding which information to publish in the FEDERAL REGISTER consideration shall be given to the fundamental objective of informing all interested persons of how to deal effectively with the organizational entity. Section 286a.8 lists the kinds of information that must be published or referenced in the FEDERAL REGISTER.

(2) No member of the general public can be required to resort to, or be adversely affected by, any material not published as required by § 286a.8 unless he has an actual and timely notice of the content of that material.

(b) *Making information available for inspection and copying at an appropriate location.* Subject to the exemptions set forth in § 286a.7, the information as described in § 286a.9 will be available for public inspection and copying in Room 3D949, the Pentagon.

(c) *Request for a record from the public.* (1) Subject to the exemptions set forth in § 286a.7 and the procedural requirements of § 286a.6, any record in the possession of an organizational entity shall be made available upon the request of any person. Copies of records which are published in accordance with § 286a.6 (a) or made available for inspection and copying in accordance with paragraph (b) of this section shall also be given to those who request them, where practicable. For the definition of the term "record", see § 286a.10.

(2) In order for a record to be considered "identifiable" it must exist at the time of the request. There is no obligation to "create" a record for the purpose of satisfying a request for information. When the information requested exists in the form of records at more than one location, normally the applicant will be informed of the cost of compiling the records, and given the option of either paying the compilation costs or of going directly to the designated sources for obtaining the information. Only if compiling records is not burdensome or disruptive to the operations of the Office of the Secretary of Defense will the agency be required to project the cost of and actually undertake compilation.

(3) Each organizational entity should avoid creating procedural obstacles when internal Department of Defense organizational questions arise, particularly where reorganization or transfer of functions contributes to an improperly directed request. Personnel shall make all reasonable efforts to assist private persons in directing requests for information to the appropriate authorities.

§ 286a.6 Procedures.

(a) FEDERAL REGISTER:

(1) The head of the organizational entity will:

(i) Forward material which is to be published in the FEDERAL REGISTER § 286a.8 in accordance with OSD Administrative Instruction No. 41.

(ii) Submit requests to have material referenced in the FEDERAL REGISTER to the Director, Correspondence and Directives Division.

(2) The Director, Correspondence and Directives Division, will:

(i) Provide assistance to organizational entities in accordance with OSD Administrative Instruction No. 41.

(ii) Forward requests to have material referenced in the FEDERAL REGISTER to the Director of the Federal Register.

(b) Information available for inspection and copying:

(1) The head of the organizational entity will:

(i) Review all informational materials as described in § 286a.9 and determine which should be available for public inspection and copying.

(ii) Transmit selected material to the Director, Correspondence and Directives Division.

(2) The Director, Correspondence and Directives Division, will index and maintain the material.

(3) The requester will:

(i) Submit in person or by mail a request to inspect and copy material, as provided for in § 286a.9, and/or material published in the FEDERAL REGISTER, to the Director, Correspondence and Directives Division, OASD(A), Room 3D949, the Pentagon, Washington, D.C. 20301.

(ii) Pay the Director, Correspondence and Directives Division, the cost of reproducing or locating any referenced material, if copies are requested, in accordance with the established fee schedule, DoD Instruction 7230.7 (32 F.R. 8025).

(4) The Director, Correspondence and Directives Division, will:

(i) Provide the requested material to the requester when personal inspection and copying is to be made at the Inspection and Copying Facility.

(ii) Notify the requester of the cost of providing the material, if the request was submitted by mail.

(5) The requester will:

(i) When in person request is made, inspect and/or copy requested material in Room 3D949, the Pentagon.

(ii) Forward the fee to the Director, Correspondence and Directives Division, OASD(A), the Pentagon, Washington, D.C. 20301, when the request was submitted by mail.

(6) The Director, Correspondence and Directives Division, will:

(i) Reproduce copies of any requested material made by in-person requesters and collect authorized fee if appropriate.

(ii) Reproduce copies of requested material and forward them to the requester.

(iii) Deposit the collected fees with the Director, Budget and Finance Division, OASD(A) in accordance with instructions issued by that office.

(c) Upon the request of any person for a record:

(1) The requester will submit a request in person or by mail, in order to obtain a copy of a record, to the Director, Correspondence and Directives Division, Office of the Assistant Secretary of Defense (Administration), Room 3D949, the Pentagon, Washington, D.C. 20301.

(2) The Director, Correspondence and Directives Division, will:

(i) Return the request to the requester if the record sought has not been sufficiently described to permit identification, and provide the requester with a brief explanation of the nature of the inadequacy.

(ii) Refer any request for a record originated by another DoD component or Federal agency to that component or agency and inform the requester.

(iii) Forward identifiable requests to the organizational entity having primary interest.

(iv) Maintain a control system on requests to insure that requests are an-

[1] Filed as part of original document.

swered within a reasonable period of time.

(3) The head of the organizational entity, will:

(i) Determine, in conjunction with the Office of the General Counsel, whether or not requested records can be released.

(ii) Coordinate with OASD (Public Affairs), as required by § 286a.4(c)(4).

(iii) Forward any request for a record originated by another agency, component, or organizational entity directly to that agency, component, or organizational entity and provide the Director, Correspondence and Directives Division, a copy of the transmittal memorandum.

(iv) Consult with other agencies, components or organizational entities, having a significant interest in the content of the requested record prior to determining its availability.

(v) Forward records to the Director, Correspondence and Directives Division, for transmittal to the requester, or in cases where a burdensome search is involved, forward an estimate of the time required to locate and obtain the records.

(vi) Notify the Director, Correspondence and Directives Division, in writing, citing the specific exemption (§ 286a.7), for withholding a record from public disclosure.

(vii) Identify those records which are exempt from public disclosure and when deemed necessary annotate records with proper marking (§ 286a.11).

(4) The Director, Correspondence and Directives Division, will:

(i) Notify the requester that the record is available upon payment of any charge, as authorized by DoD Instruction 7230.7 (32 F.R. 6025), entailed in locating or reproducing the record. This fee shall be paid prior to the release of the record and can be paid either by check payable to "The Treasurer of the United States" or in cash.

(ii) Inform the requester of the specific exemption under which the requested record is considered unavailable.

(5) The requester will:

(i) Forward the fee, if appropriate, to the Director, Correspondence and Directives Division, OASD(A), the Pentagon, Washington, D.C. 20301.

(ii) If desirable, personally examine the record in Room 3D949, the Pentagon. A fee will only be assessed for those costs entailed in locating the record or in reproducing the record if copies are requested.

(iii) Submit a written appeal for reconsideration on a denial of a record to the Director, Correspondence and Directives Division, OASD(A), the Pentagon, Washington, D.C. 20301.

(6) The Director, Correspondence and Directives Division, will:

(i) Forward the record to the requester upon receipt of the fee or in cases where the requester has indicated the willingness to pay the cost associated with the locating and compiling of the record, notify the organizational entity to locate and compile the record.

(ii) Forward appeals to the Office of the General Counsel, OSD.

(iii) Deposit the collected fee with the Director, Budget and Finance Division, OASD(A) in accordance with instructions issued by that office.

(7) The Office of the General Counsel will:

(i) Consult with the Head of the Organizational Entity involved and jointly determine the disposition of the appeal.

(ii) Notify the originator of the appeal as to the final decision.

(iii) Provide an information copy of the final decision to the Director, Correspondence and Directives Division and the OASD(PA).

§ 286a.7 Documentary material which may be withheld from public disclosure.

(a) Documentary material which would otherwise have to be made available under § 286a.5 may be withheld from public disclosure if it comes within a specific exemption as listed below. Even exempted material, however, should be made available upon request of any member of the public, if in the judgment of the releasing authority, no significant purpose would be served by withholding it under an applicable exemption and its release is not inconsistent with statutory requirements.

(b) The following types of records may be withheld from public disclosure:

(1) Those requiring protection in the interest of national defense or foreign policy under the provisions of DoD Directive 5210.47, "Security Classification of Official Information", December 31, 1964 *, or by Executive order.

(2) Those containing rules, regulations, orders, manuals, directives, and instructions relating to the internal personnel rules or to the internal practices. Examples include:

(i) Operating rules, guidelines and manuals for DoD investigators, inspectors, auditors, or examiners, and schedules or methods which cannot be disclosed to the public without substantial prejudice to the effective performance of a significant function of the Department of Defense. Some of these materials would reveal:

(*a*) Negotiating and bargaining techniques.

(*b*) Bargaining limitations and positions.

(*c*) Inspection schedules and methods.

(*d*) Audit schedules and methods.

(ii) Personnel and other administrative matters such as examination questions and answers used in training courses or in the determination of the qualifications of candidates for employment, entrance to duty, advancement or promotion.

(3) Those containing information which statutes authorize or require be withheld from the public. The authorization or requirement may be found in the terms of the statute itself or in Executive orders or regulations authorized by, or in implementation of, the statute. Examples include:

(i) Trade, technical and financial information provided in confidence by businesses.

(ii) National Security Agency information.

(iii) Any records containing information relating to inventions which are the subject of patent applications on which Patent Secrecy Orders have been issued.

(4) Those containing information which are received from anyone including an individual, a foreign nation, an international organization, a State or local government, a corporation, or any other organization with the understanding that it will be retained on a privileged or confidential basis or similar commercial or financial records which the organizational entity develops internally if they are in fact the kinds of records which are normally considered privileged or confidential. Such records include documents containing:

(i) Information customarily considered privileged or confidential under the rules of evidence in the Federal courts, such as information coming within the doctor-patient, lawyer-client and priest-penitent privileges.

(ii) Commercial or financial information received in confidence in connection with loans, bids, or proposals, as well as other information received in confidence or privileged, such as trade secrets, inventions, and discoveries, or other proprietary data.

(iii) Statistical data and commercial or financial information concerning contract performance, income, profits, losses and expenditures, if received in confidence from a contractor or potential contractor.

(iv) Information such as research data, formulae, designs, drawings, and other technical data and reports which

(*a*) Are significant as items of valuable property acquired in connection with research, grants, or contracts.

(*b*) Would likely be held in confidence if owned by private parties.

(v) Personal statements given in the course of inspections or investigations, where such statements are received in confidence from the individual and retained in confidence.

(vi) Information obtained by the government through questionaires or other inquiries and which would not be customarily released to the public by the person from whom it was obtained, such as release of information sought for the purpose of solicitation.

(5) Except as provided in subdivision (ii) of this subparagraph, internal communications within and among agencies and components.

(i) Examples include:

(*a*) Staff papers containing staff advice, opinions or suggestions.

(*b*) Information received or generated by a component preliminary to a decision or action including draft versions of documents where premature disclosure would harm the authorized appropriate purpose for which the records are being used.

(*c*) Advice, suggestions, or reports prepared on behalf of the Department of Defense by boards, committees, counsels, groups, panels, conferences, commissions, task forces, or other similar groups that are formed by a component to obtain advice and recommendations.

(*d*) Records of DoD component evaluation of contractors and their products which in effect constitute recommendations or advice and could be used improperly to the advantage or to the detriment of private interests.

(*e*) Advance information on such matters as proposed plans to procure, lease, or otherwise acquire and dispose of materials, real estate, facilities, or functions when such information would provide undue or unfair competitive advantage to private personal interests.

(*f*) Records which are exchanged among agency personnel or within and among components or agencies preparing for anticipated legal proceedings before any federal, state or military court or before any regulatory body.

(*g*) Reports of inspection, audits, investigations, or surveys which pertain to safety, security, or the internal management, administration, or operation of the Department of Defense.

(ii) If any such intra- or inter-agency information requested would routinely be made available through the discovery process in the course of litigation with the agency, then it should not be withheld from the general public. If, however, the information would only be made available through the discovery process by special order of the court based on the particular needs of a litigant balanced against the interests of the agency in maintaining its confidentiality, then the record or document should not be made available to a member of the general public.

(6) Information in personnel and medical files, as well as information in similar files that, if disclosed to a member of the public would result in a clearly unwarranted invasion of personal privacy.

(i) Examples of files similar to personnel and medical files include:

(*a*) Those compiled to evaluate or adjudicate the suitability of candidates for civilian employment and the eligibility of individuals, civilian, military, or industrial, for security clearances.

(*b*) Files containing reports, records, and other material pertaining to personnel matters in which administrative action including disciplinary action may be taken.

(ii) In determining whether the release of information would result in a clearly unwarranted invasion of privacy, consideration should be given, in cases such as those involving alleged misconduct, to the relationship of the alleged misconduct to an individual's official duties, the amount of time which has passed since the alleged misconduct and the degree to which the individual's privacy has already been invaded. Thus, the release of information concerning alleged misconduct which is closely related to official duties, which has occurred recently, and which has already been exposed to the public is less likely to constitute a clearly unwarranted invasion of personal privacy.

(iii) When the sole and exclusive basis for withholding information is protection of the personal privacy of an individual, the information should not be withheld from him or from his designated legal representative. An individual's personnel, medical, or similar files may be withheld from him or from his designated legal representative for reasons other than the protection of his personal privacy when valid Civil Service Commission regulations or other valid regulations so authorize.

(iv) In applying the standard of a clearly unwarranted invasion of personal privacy, the individual's right of privacy should be balanced against the public right to know. An invasion of privacy need not be seriously harmful in order to qualify as clearly unwarranted. If the release of information does not increase public understanding of governmental activity, the invasion is more likely to qualify as unwarranted.

(7) Investigatory files, compiled for the purpose of enforcing civil, criminal, or military law, including Executive orders, or regulations validly adopted pursuant to law (5 U.S.C. 301).

(i) Examples include:

(*a*) Statements of witnesses and other material based on the information developed during the course of the investigation and all materials prepared in connection with related Government litigation or adjudicative proceedings.

(*b*) Lists of firms or individuals suspended under procurement regulations when the lists are compiled in connection with investigations or irregularities.

(ii) The right of individual litigants to investigatory files currently available by law is not diminished.

(8) Those contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of any agency responsible for the regulation or supervision of financial institutions.

(9) Those containing geological and geophysical information and data (including maps) concerning wells.

§ 286a.8 Information to be published in the Federal Register.

(a) The central and field organization of the organization and the established places at which, the officers from whom, and the methods whereby the public may secure information, make submittals or requests, or obtain decisions.

(b) The procedures by which the organizational entity conducts its business with the public, both formally and informally.

(c) The rules of procedure which must be followed, the description of forms which must be completed, the source from which forms may be obtained, and instructions on the scope and content of papers, reports or examinations required to be submitted pursuant to such rules of procedure.

(d) Directives, instructions, regulations, manuals, policy memoranda, statements or interpretations of policies and other substantive rules of general applicability affecting the public.

(e) The requirement for publication in the FEDERAL REGISTER may be satisfied by reference in the FEDERAL REGISTER to other publications readily available to the class of persons affected and containing the information which must otherwise be published in the FEDERAL REGISTER.

(1) In order to be eligible for incorporation by reference the matter must be in the nature of published data, criteria, standards, specifications, techniques, illustrations, or other published information reasonably available to members of the class affected thereby.

(2) Incorporation by reference is not acceptable as a complete substitute for promulgating in full, text material required to be published by this Instruction.

(3) Incorporation by reference is acceptable as a means of avoiding unnecessary repetition within the promulgated document of published information already reasonably available to the class affected. Examples include:

(i) Construction standards promulgated by a professional association of architects, engineers, or builders.

(ii) Code of ethics promulgated by professional organizations.

(iii) Forms and formats publicly or privately published and readily available to the persons required to use them.

§ 286a.9 Informational material which will be available for inspection and copying.

The following information, subject to the exemptions set forth in § 286a.7 will be made available for public inspection and copying.

(a) Final opinions (including concurring and dissenting opinions) and orders in adjudications that may be cited, used, or relied upon as precedents in future adjudications.

(b) Statements of policy and interpretations of less than general applicability affecting the public but not published in the FEDERAL REGISTER.

(c) Administrative staff manuals and instructions, or portions thereof, which establish Department of Defense policy or interpretations of policy that are determinative of the rights of members of the public. This provision does not apply to instructions for employees on the tactics and techniques to be used in performing their duties, or to instructions relating only to the internal management of the agency. Examples of manuals and instructions not normally made available are:

(1) Those issued for audit and inspection purposes or those which prescribe operational tactics, standards of performance, or criteria for defense, prosecution, or settlement of cases.

(2) Operations and maintenance manuals and technical information concerning munitions, equipment and systems.

(d) Identifying details which if revealed would create a clearly unwarranted invasion of personal privacy may be deleted from any final opinion, order, statement of policy, interpretation, staff manuals, or instruction, made available

* Filed as part of original document. Copies available in 3B200, Pentagon, 20301.

for inspection and copying. In every such case, the justification for the deletion must be fully explained in writing. However, on organizational entity may publish in the FEDERAL REGISTER a description of the basis upon which it will delete identifying details of particular types of documents in order to avoid clearly unwarranted invasions of privacy. In appropriate cases the component may refer to this description rather than write a separate justification for the deletion.

(e) No order, opinion, statement of policy, interpretation, staff manual, or instruction issued, promulgated, or adopted after July 4, 1967, which is not indexed and either made available or published, may be relied upon, used, or cited as precedent against any member of the public unless he has actual and timely notice of its terms. If the order, opinion, statement of policy, interpretation, staff manual, or instruction was issued, promulgated, or adopted before July 4, 1967, it need not be indexed but must be made available in accordance with § 286a.5.

(1) In determining whether an order, opinion, statement of policy, interpretation, staff manual or instruction is likely to be used or relied upon as precedent, the primary test shall be whether it is intended to provide binding guidance for decisions or evaluations by subordinates or for future decisions by the same authority in adjudications of cases affecting the public, where similar facts or issues are presented.

(2) With regard to the precedential effect of an adjudication, opinions and orders of the Boards of Review exemplify the type that shall be made available for inspection and copying, since they may be relied upon, used or cited in future adjudications. By contrast, orders and opinions resulting from adjudications in subject areas such as those involving internal personnel (including military personnel) proceedings and security proceedings are not required to be made available to the general public for inspection and copying since they are not relied upon, used or cited in future adjudications.

§ 286a.10 Definition of a record.

(a) In determining whether documentary material qualifies as a "record", consideration should be given to the following definition of a record as used for records disposal purposes:

(b) "[It] includes all books, papers, maps, photographs, or other documentary materials, regardless of physical form or characteristics, made or received by any agency of the United States Government in pursuance of federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government or because of the informational value of data contained therein."

(1) The term "records" does not include objects or articles such as structures, furniture, paintings, sculpture, three-dimensional models, vehicles equipment, etc., whatever their historical value or value as "evidence".

(2) Records are not limited to permanent or historical documents but include contemporaneous documents as well.

(3) The term "records" is to be construed with the purposes of freedom of information in mind, so as to include all data relevant to governmental activity which may reasonably be so designated.

§ 286a.11 Identification and marking "For Official Use Only".

(a) Records which are not classified under DoD Directive 5210.47, authorized by § 286a.7 and this part to be withheld from general public disclosure and which for a significant reason should not be given general circulation shall be considered as being "For Official Use Only" (FOUO).

(b) The marking or absence of the marking "For Official Use Only" does not relieve the head of the organizational entity of his responsibility to review the requested record for the purpose of determining whether an exemption under § 286a.7 is applicable.

(c) A record that is considered "For Official Use Only" may be marked "For Official Use Only" when such marking is deemed necessary to ensure that all persons having access to the record are aware that it should not be publicly released and should not be handled indiscriminately. Individual folders, records, and files covering specific kinds of subject matter, normally falling within the exemptions of § 286a.7, such as personnel and medical files, bids, proposals, and the like, which are covered by rules and regulations specifying what may be released publicly, do not require the "FOUO" marking unless transmitted under circumstances where marking is essential to ensure protection of the information involved.

(d) The marking shall not be used on records which are classified under DoD Directive 5210.47, but, if otherwise proper under this part, may be applied to information or material which has been declassified.

(e) Information contained in a technical document for which a determination has been made that a distribution statement is appropriate shall not be marked "FOUO". DoD Directive 5200.20, "Distribution Statements (other than Security) on Technical Documents", March 29, 1965.[1]

(f) Material which is considered "For Official Use Only" must be safeguarded from general disclosure irrespective of whether the material is physically marked with the term "For Official Use Only".

(g) Whenever necessary to assure proper understanding, individual paragraphs which contain FOUO information shall be marked with the symbol "FOUO". In classified documents, this marking should be applied only to paragraphs which contain FOUO information and do not contain classified information.

(h) Supplementary instructions regarding markings, safeguarding, and transmitting FOUO material may be issued by the Assistant Secretary of Defense (Administration).

MAURICE W. ROCHE,
Director, Correspondence and Directives Division.

[F.R. Doc. 67-9886; Filed, Aug. 22, 1967; 8:48 a.m.]

Title 12—BANKS AND BANKING

Chapter VI—Farm Credit Administration

SUBCHAPTER D—FEDERAL INTERMEDIATE CREDIT BANKS AND PRODUCTION CREDIT ASSOCIATIONS

PART 640—FEDERAL INTERMEDIATE CREDIT BANKS

Subpart B—Loans and Discounts

NOTES GIVEN TO MERCHANTS NOT ELIGIBLE

Part 640 of Title 12 of the Code of Federal Regulation is amended by revoking § 640.227 *Notes given to merchants not eligible* (31 F.R. 16249).

(Sec. 209, 42 Stat. 1459, as amended; 12 U.S.C. 1101)

HAROLD T. MASON,
Acting Governor,
Farm Credit Administration.

[F.R. Doc. 67-9888; Filed, Aug. 22, 1967; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 7723; Amdt. No. 37-13]

PART 37—TECHNICAL STANDARD ORDER AUTHORIZATION

Turn-and-Slip Indicator—TSO—C3b

The purpose of this amendment is to revise the Technical Standard Order (TSO) for "Turn-and-Bank Indicator" contained in § 37.113 of the Federal Aviation Regulations. This action was published as a Notice of Proposed Rule Making (31 F.R. 14599, November 16, 1966) and circulated as Notice No. 66-39 dated November 7, 1966.

Notice 66-39 proposed to amend TSO-C3a by adopting the industry-accepted title "Turn-and-Slip Indicator" and by making other changes with regard to the indicator face, power variations, radio interference and magnetic disturbance limitations, and performance standards relating to instrument sensitivity and environmental conditions. The Notice also proposed to add a safeguard against fire hazards due to improper operation of the instrument and further to delete from the present TSO as being unnecessary, standards relating to qualification testing, dual markings, dielectric standards, and case leakage.

A number of comments were received in response to the Notice. These generally favored the proposed action, although in some instances they contained recommendations for further changes. The comments, together with the changes to the proposal resulting therefrom are discussed in detail hereinafter.

One commentator noted that instruments meeting this technical standard order would probably be too expensive for most general aviation airplanes and would be of much higher quality than necessary. It was this commentator's concern that if the FAA were to use this TSO as a guide in certifying turn-and-slip indicators approved as part of the airplane type design, the cost effect would be the same as if all indicators were required to be TSO-approved in the first place.

In this connection, the applicability paragraph, § 37.113(a) of the proposal, makes it clear that the standards set forth in the TSO are those that an instrument must meet in order to be identified with the applicable TSO marking. Furthermore, FAR § 21.306 provides that articles (i.e., materials, parts or appliances) may be approved, among other ways, either under a TSO or in conjunction with the type certification procedures for a product. These are separate and distinct methods of approval. Approval of an instrument in conjunction with the type certification of an aircraft does not require a showing of compliance with the TSO applicable to that instrument.

It was recommended that the data requirements proposed in § 37.113(c) be amended to require the manufacturer to submit his overhaul manual and parts lists in addition to the items there stated. Such a requirement, while it may have merit, would present a substantive change which is beyond the scope of the Notice. However, it might well be considered as a general requirement having potential applicability to all TSO's. Accordingly, while the recommendation must be rejected insofar as the present rule-making action is concerned, it is being given further consideration by the FAA.

In response to various recommendations, section 1, Purpose, of the TSO has been rewritten, following the format of other recently issued TSO's to state more clearly that the TSO provides standards applicable to the indicators which are to be approved under the TSO. Insofar as the proposed section 1 contained information relative to turn-and-slip indicator usage as an aid to the pilot, such information has been incorporated into the section of the TSO covering its scope.

With reference to the clause in proposed section 3.2(a) that would permit an indicator means other than a pointer, one commentator suggested it be rewritten since section 3.3(f)(1) was limited to a pointer. Another commentator wanted to know what means other than a pointer may be used, and requested definition of "conforming to the standards of this TSO".

The FAA agrees with the first of the foregoing comments to the extent that proposed section 3.3(f)(1) seemingly excluded any means other than a pointer. Such, however, was not the intent, and section 3.2(a) was purposely drafted to allow industry to develop improved presentations through the use of indices other than conventional pointer-ball arrangements. Suitable changes, as discussed below, have been made to proposed section 3.3(f)(1) [now section 3.3(e)(1)] to bring it into conformity with the broader intent of section 3.2(a). With regard to the other comments, the FAA does not wish to prescribe or limit the means that would be acceptable in meeting the intent of the TSO. The FAA encourages the development of new, presently undefined and, hopefully, superior presentations. However, any such new indicating means must also be shown to meet all of the applicable requirements of the TSO, in other words, must conform to the standards of this TSO.

A number of comments were directed to the power variation requirements proposed in section 3.2(b). With respect to the request that we clarify "rated D.C. voltage", it should be pointed out that it was intended that the applicant would select the voltage for which his instrument is rated and which would be marked on the instrument name plate and set forth in the required operating instructions and equipment limitations. This would constitute the rated voltage and would inform the user concerning the need for compatibility in the electrical system to assure a supply of properly rated power to the terminals of the instrument. In this connection, section 37.113(b) has been revised to make it clear that voltage is included in the electrical rating required to be marked on instruments.

Another commentator stated that the term "function properly" as used in section 3.2(b) and the term "must function" as used in section 4 should be defined more clearly and asked what degree of accuracy this means. Although these terms are used in the current TSO, the FAA agrees that the requirement could be expressed more clearly. In this regard, the requirements of sections 3.2(b) and 4 have been changed to make it clear that the terms "function properly" and "must function" mean that the instrument must provide reasonably reliable and useful indications of aircraft turning and slip motions under the extremes of the power variation and environmental conditions specified in these sections.

Changes to the numerical values of the permissible electrical power variations proposed in section 3.2(b) were also recommended on the ground that such changes would bring the requirements into agreement with military standards alleged to reflect the capability of present day electrical systems. The comment, however, presented no justification for the recommendation nor is the FAA aware of any compelling reasons to change the standard to agree with the military specification. The power variation limits as proposed are consistent with limits used throughout the TSO system and are being retained.

Comments were also received recommending that the term "proper operation" as used in connection with the requirement covering power malfunction indication in proposed section 3.2(c), be defined. It was suggested that reference to the power variations set forth in proposed section 3.2(b) should be used to establish the power level for proper operation. It was intended that power malfunction indication be given when power levels drop below the value required for dependable indications of aircraft motions (i.e., the power limits set forth in section 3.2(b)). Accordingly, section 3.2(c) has been amended to make it clear that the warning indication of power insufficiency must appear when power being supplied is below the lower limits stated in section 3.2(b). The FAA likewise agrees with a further suggestion that the first sentence of section 3.2(c) be deleted inasmuch as means for indicating adequacy of power in Type I instruments are usually part of a system installation provided by the aircraft manufacturer rather than an integral part of the instrument itself. The FAA does not agree, however, with another contention that power malfunction indicators, in all but AC-powered instruments, are of insufficient value to warrant their cost. It was the position of this commentator that power loss is only one possible mode of failure, others being spin bearing or motor brush failure, and that the best indication of failure, regardless of mode, is a "dead needle". We might agree that if all failures were of the type that produced instantaneous stoppage of gyros, a dead needle might provide adequate warning. However, the intent of section 3.2(c), as the catchline suggests, is to provide indication of power malfunction in which case there would be a slow, probably imperceptible, loss of gyro performance during a relatively long "run down" time which could produce improper indications before the needle actually goes dead.

With respect to the proposed section 3.3 design requirements, one commentator recommended addition of a standard that would specify the direction of rotor rotation. The commentator, however, presented no substantiation or theory that would relate the direction of rotation to improved performance or more reliable indications. Standards for turn-and-bank indicators to date have not specified the direction of rotation and the FAA is not aware that the direction of rotation is significant insofar as safe operation of the instrument is concerned. The recommendation has, therefore, not been accepted.

The FAA must reject a suggestion that the maximum operating temperature of external surfaces be limited to 200° F. instead of 200° C. as proposed. No reasons or substantiating data were presented to support the more severe standard, and the FAA believes that 200° C. is adequate to protect against ignition of fluids and vapors likely to be liberated in the cockpit.

With reference to the radio interference design requirements, one commentator noted that proposed section 3.3(b) and Figure 1 did not specify the conditions under which the conducted

and radiated noise levels were to be measured and, in fact, that there are many ways in which to make the measurements and yet remain within limiting values. Further investigation also indicates that the criteria as it was proposed is frequency-limited to 25 MCS and affords no protection to aeronautical equipment operating above that value. The FAA, therefore, believes that the matter requires further study in order to develop a more effective standard that will be applicable to all aircraft instruments and equipment. Proposed 3.3(b) and Figure 1 have, accordingly, been deleted and succeeding paragraphs redesignated.

The FAA agrees with a recommendation that the field intensity and size of magnet, required to measure magnetic effect, be specified, and section 3.3(c) has been amended accordingly. However, an accompanying suggested detailed test procedure in this regard is not required and has not been adopted.

While there may be some merit in a recommendation that would permit a 20-degree visibility limit for instruments using wedge lighting, the 30-degree criteria has been the standard for many years and is applicable to all instruments. While in certain instances, 30 degrees may be determined to be overly restrictive, any change in this regard must be considered with a view towards its applicability to all instruments and is, therefore, beyond the scope of this particular rule-making action. Section 3.3 (d), [now section 3.3(c)], has been retained as proposed.

A number of comments were directed toward the slip indicator damping characteristics proposed in section 3.3(e)(1) [now section 3.3(d)(1)]. One commentator stated his belief that since the 0.2 second response time was indicative of aircraft capable of high roll rates, there was need for a damping fluid having a smaller range of viscosity. In this connection, however, the 0.2 second response time, which corresponds to an airplane roll rate of 60 degrees per second, continues the existing standard of many years which has been found reasonable based on all available test data. Moreover, manufacturers have never indicated a problem with respect to obtaining suitable fluids. With respect to the low temperature damping characteristics, the FAA agrees with other comments pointing up the incompleteness of the standard as proposed. As proposed, section 3 requires that with the slip indicator exposed to a temperature of −30° C., the time for the slip indicator to move from the zero position to the rest position must not exceed 4 seconds. It was suggested that a more valid test would result if the regulation required that the instrument be exposed without operating to a temperature of −30° C. for 3 hours. The FAA is aware that the temperature of the instrument must be −30° C. in order to obtain the test data desired and this is what was intended by the proposal. Therefore, rather than establish a time limit for cold soaking, the FAA considers it appropriate to clarify the requirement by specifying that the test must be conducted with the temperature stabilized at −30° C. The FAA does not agree with a final comment that soak temperatures depend on instrument location since the purpose of the requirement is to ensure proper operation in an aircraft immediately following lengthy parking during low temperature conditions.

One of the comments concerning the turn indicator characteristics set forth in proposed section 3.3(f) [now section 3.3(e)], pointed out that the proposal would tend to restrict development of new and different presentations that may prove better than existing displays. It was this commentator's suggestion that actual deflection dimensions be left open but that the tolerances for the deflection at specific turn rates should apply. In this connection it was earlier noted in the discussion of section 3.2(a) that the intent was to encourage development of devices other than conventional pointer-ball arrangements. Accordingly, section 3.3(f)(1) [now section 3.3(e)(1)] has been amended to delete the restrictive words "pointer" and "needle", and to add a provision for instruments that may have new display features.

The FAA has rejected a recommendation that proposed section 3.3(f)(1) include a requirement that the instrument have the inscription "2 min turn" or "4 min turn", as appropriate, placed on the dial face. Such a requirement is not necessary in the interest of safety and would result in dial clutter which could be distracting during emergency situations. Likewise, no action has been taken on a suggestion that bank angle be included as part of the turn indicator sensitivity requirement since it is not justified by any safety considerations. If there is a bank angle limitation on a particular instrument calibration, that limitation would appear in the information furnished by the manufacturer under § 37.113(c)(2).

Two commentators took exception to the proposed damping requirements of section 3.3(f)(2) [now section 3.3(e)(2)]. One expressed the thought that the standard should not give specific numbers in order that future instruments could have the damping or time constants tailored to fit specific aircraft types. The other simply said that "most pilots" prefer a 4- to 10-second time period, instead of the 2 to 4 seconds as proposed. The FAA agrees with neither of these views. The values proposed permit a sufficiently wide range of instrument damping to accommodate all current and foreseeable aircraft using this type instrument. Limits of some finite value are needed to ensure that safe and usable indications are displayed to the pilot under a variety of operational conditions. Heavy damping up to 10 seconds could make the instrument so sluggish that it would be virtually useless to the pilot of a modern airplane. The 2- to 4-second range has proven satisfactory in FAA type certification testing and operational experience of all kinds, and we have been furnished no data to substantiate the longer times.

We agree with one comment to the effect that proposed section 3.3(f)(3)(i) and (ii) [now section 3.3(e)(3)(i) and (ii)] are ambiguous as to their requirement for an adequate indication when the instrument is started under reduced power. Therefore, to clarify this matter, the note following these two subparagraphs has been amended to correlate the reduced power conditions stated in section 3.3(e)(3) specifically with the sensitivity and damping requirements of section 3.3(e)(1) and (2).

It was noted earlier in connection with slip indicator low temperature damping characteristics that instrument location has no bearing on the required soak temperature which is set at −30° C. For consistency, and since there is no sound reason for distinguishing pressurized and unpressurized areas insofar as environmental temperature conditions are concerned, section 4.1(a) has been further amended to provide a uniform −30° C. functioning limit applicable to all instruments qualified under this TSO.

Several commentators noted the typographical error in the value of maximum acceleration for turbine engine powered aircraft in section 4.1(c) which has been corrected to read 0.25g.

The FAA does not agree with the recommendation that section 5 be rewritten to delete the requirement for demonstration of conformity with all the performance standards of section 3. No reason was given for this recommendation. However, in response to a further comment, proposed section 5 has been amended to clarify the relation between compliance testing and the environmental conditions specified in section 4.

After further consideration of section 6, Individual Performance Tests, the FAA believes it unnecessary to require that each instrument off a production line be tested for compliance with visibility requirements and with slip indicator and turn indicator characteristics requirements where a system of quality control would assure such compliance. Accordingly, section 6 has been relaxed to require tests or checks as necessary to assure that individual instruments function properly and meet the minimum performance requirements.

Other minor changes of an editorial or clarifying nature have been made to the TSO as it was proposed. They are not substantive, however, and do not impose any additional burden on regulated persons.

Interested persons have been afforded the opportunity to participate in the making of this amendment and all relevant material submitted has been fully considered.

This amendment is made under the authority of sections 313(a) and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), and 1421).

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (23 F.R. 6469), § 37.113 of Part 37 of the Federal Aviation Regulations is amended to read as hereinafter set forth, effective September 22, 1967.

Issued in Washington, D.C., on August 16, 1967.

JAMES F. RUDOLPH,
Director,
Flight Standards Service.

§ 37.113 Turn-and-slip indicator (TSO–C3b).

(a) *Applicability.* This TSO prescribes the minimum performance standards that instruments measuring rate-of-turn and slip (formerly turn-and-bank indicators) must meet in order to be identified with the applicable TSO marking. New models of equipment that are to be so identified and that are manufactured on or after the effective date of this section, must meet the minimum performance standards set forth at the end of this section.

(b) *Marking.* In addition to the markings required by § 37.7, the equipment must also be marked with the instrument's operational power rating (electrical voltage and frequency, air pressure).

(c) *Data requirements.* In accordance with § 37.5, the manufacturer must furnish the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Administration, in the region in which the manufacturer is located the following technical data:

(1) Seven copies of the manufacturer's operating instructions, equipment limitations, installation procedures (including applicable instrument mounting angle restrictions).

(2) Information regarding specialised procedures employed in the calibration of the instrument, such as the instrument slip angle.

(3) One copy of the manufacturer's test report.

(d) *Previously approved equipment.* Turn-and-slip indicators (formerly identified as turn-and-bank indicators), approved prior to the effective date of this section may continue to be manufactured under the provisions of the original approval.

FEDERAL AVIATION ADMINISTRATION STANDARD

TURN-AND-SLIP INDICATOR

1. *Purpose.* This document provides minimum performance standards and test procedures for turn-and-slip indicators which are to be approved under this TSO.

2. *Scope.* This standard covers instruments incorporating or utilizing components that can sense aircraft angular motions and lateral accelerations to indicate aircraft flight path information in regard to rate-of-turn and slip motions. It provides for three basic type of turn-and-slip indicators as follows:

Type I—Driven by air pressure;

Type II—Driven electrically by Direct Current; and

Type III—Driven electrically by Alternating Current.

3. *Performance requirements.*

3.1 *General.*

(a) *Materials.* Materials must be of a quality demonstrated to be suitable and dependable for use in aircraft instruments.

(b) *Environmental conditions.* The instrument must be capable of performing its intended function and not be adversely affected during or following prolonged exposure to the environmental conditions as stated under § 4. Where optional environmental conditions are set forth in the condition selected must be declared as an equipment limitation.

3.2 *Detail requirements.*

(a) *Indicating means.* Rate-of-turn may be indicated by means of a pointer, deflecting in the direction of turn, or by any other means conforming to the standards of this TSO. Slip may be indicated by means of a ball, free to move in a curved transparent tube, or any other means conforming to the standards of this TSO.

(b) *Power variation.* The instrument must provide reasonably reliable and useful indications of aircraft turning and slip motions when operating under rated power conditions with variation of—

(1) Plus or minus 30 percent of rated differential air pressure;

(2) Plus or minus 15 percent of rated DC voltage; or

(3) Plus or minus 10 percent of rated AC voltage and ±5 percent of rated frequency.

(c) *Power malfunction indication.* For Types II and III indicators, means must be incorporated in the instrument to indicate when the electrical power being supplied is outside the lower limit of power variations specified in paragraph (b) of this section. Power malfunction must be indicated in a positive manner.

3.3 *Design requirements.*

(a) *Fire hazard.* The instrument must be designed to safeguard against fire hazards to the aircraft in the event of malfunction or failure. Under normal conditions, the maximum operating temperature of external surfaces of the instrument must not exceed 200° C. due to self-heating.

(b) *Magnetic effect.* The instrument must not generate an electromagnetic field which will introduce a magnetic course error corresponding to a maximum of 5 degrees deflection of a free magnet approximately 1½ inches long, in a magnetic field with a horizontal intensity of 0.18±0.01 gauss when the instrument is held in various positions on an east-west line with its nearest part 12 inches from the center of the magnet.

(c) *Visibility.* Turn-and-slip indications must be visible from any point within the frustum of a cone, the side of which makes an angle of at least 30 degrees with the perpendicular to the dial and the small diameter of which is the aperture of the instrument case. The distance between the dial and the cover glass must be a practical minimum. At the extreme positions of the slip indicator, at least ⅞ of the indicator must be visible from a point 12 inches directly in front of the zero position.

(d) *Slip indicator characteristics.* The slip indicator must operate freely when the instrument is rotated about its longitudinal axis with the dial vertical. The range of slip angle indications must be at least 8 degrees either side of vertical. With the instrument in its normal position for mounting, the position of the indicator must be zero ±⅛ inch.

(1) *Damping.* While operating at room temperature, the time for the slip indicator to move from the zero position of the slip indication to the rest position must not be less than 2.2 seconds following a sudden rotation of the instrument from a position of 12 degrees bank through the vertical to 12 degrees opposite bank. With the temperature of the instrument stabilized at −30° C. this time must not exceed 4 seconds.

(2) *Slip indicator filling.* Instruments using a liquid as a damping medium for the slip indicator must be so designed and filled that no part of an air bubble will be visible from a point 12 inches directly in front of the instrument when the instrument is rotated to an angle of roll of 45°.

(e) *Turn indicator characteristics.*

(1) *Sensitivity.*

(i) When the instrument is operating at room temperature under rated power and subjected to the turning rates specified in Column A, the turn indicator deflection, in inches, must be within the limits of either Column B or C. The indicator movement must be smooth.

Column A	Column B	Column C
Rate of turn (degrees per minute)	Deflection of indicator (inches)	
0	0±0.015	0±0.015
30	1/16±1/64	1/16±1/64
60	1/8±1/32	1/8±1/32
180	3/8±1/16	3/8±1/16
360	7/8±1/16	7/8±1/16

NOTE.—Column B values pertain to instruments set to indicate a standard rate of turn (180° per minute) with one indicator unit deflection. Column C provides double this displacement for instruments providing increased sensitivity.

(ii) For instruments possessing display features such that the dimensional characteristics prescribed by Columns B and C of subparagraph (1) do not apply, the applicant may demonstrate that the instrument can reliably indicate the prescribed rates of turn (Column A) with clarity and accuracy equivalent to that specified in Column B or C.

(2) *Damping.* The time for the turn indicator or index to return to the zero mark without crossing the zero mark must be at least 2, but not more than 4 seconds, when the instrument is—

(i) Suddenly stopped after being rotated about its vertical axis at a rate that causes full-scale pointer or index deflection; and

(ii) Operated at room temperature under rated power in a normal attitude position.

(3) *Turn indicator starting.* When started by the application of the instrument's rated power, rated performance must be reached in 3 minutes or less. When started under reduced power—

(i) For Type I indicators, the gyro must start to rotate and continue to run on a pressure differential not to exceed 50 percent of rated value. After no more than 5 minutes operation at this reduced power, the instrument must be able to provide an adequate indication of aircraft turning motions.

(ii) For Types II and III indicators, the gyro must start to rotate and continue to run on an applied power not to exceed 80 percent of the rated voltage and at rated frequency. After no more than 5 minutes' operation at this reduced power, the instrument must be able to provide an adequate indication of aircraft turning motions.

NOTE.—When the instrument is operated under the reduced power conditions of § 3.3(e)(3), the sensitivity and damping requirements of § 3.3(e)(1) and (2) do not apply.

4. *Environmental conditions.* The following ranges of environmental conditions are appropriate:

(a) *Temperature.* The instrument must provide reasonably reliable and useful indications of aircraft turn-and-slip motions over the range of ambient temperature of −30° C. to 50° C. and must not be adversely affected by exposure to temperatures of −65° C. to 70° C.

(b) *Altitude.* The instrument must provide reasonably reliable and useful indications of aircraft turn-and-slip motions from −1,000 feet standard altitude up to the maximum declared operating altitude. It must not be

adversely affected following exposure to extremes in ambient pressure of 50 and 3 inches of mercury absolute.

(c) *Vibration.* The instrument must provide reasonably reliable and useful indications of aircraft turn-and-slip motions and must not be adversely affected when subjected to vibrations as follows:

Instrument panel mounted (vibration isolated)	Frequency cycles per second	Maximum double amplitude (inches)	Maximum acceleration
Reciprocating engine-powered aircraft	5–80	0.030	1.5g
Turbine engine-powered aircraft	5–55 55–1,000	0.030	0.25g

(d) *Humidity.* The instrument must provide reasonably reliable and useful indications of aircraft turn-and-slip motions and must not be adversely affected following exposure to any relative humidity in the range of 0 to 95 percent at a temperature of approximately 70° C.

5. *Compliance testing.* As evidence of compliance with this standard, the manufacturer must perform evaluation tests on prototype instruments to demonstrate proper design, reliability in performance of its intended functions, and conformity with all of the performance standards of section 3. Tests must be performed to demonstrate compliance with the environmental conditions specified in § 4.

6. *Individual performance tests.* The manufacturer must conduct tests or checks of each instrument as may be necessary to assure that it will function properly and will individually meet the minimum performance requirements of section 3.3(c), 3.3(d), and 3.3(e) (1) and (2) of this TSO.

[F.R. Doc. 67–9871; Filed, Aug. 22, 1967; 8:47 a.m.]

[Docket No. 8015; Amdt. 39–466]

PART 39—AIRWORTHINESS DIRECTIVES

Allison-Aero Products Models A6441FN–606, A6441FN–606A Propellers

Paragraph (b) of Amendment 39–439 (32 F.R. 9219), AD 67–20–1 requires, on or before November 1, 1967, modification of Allison-Aero Products Models A6441FN–606 and A6441FN–606A propellers by the replacement of the master gear retention bolts with higher strength bolts bearing Part No. 6859722.

Subsequent to the issuance thereof, it has come to the attention of the Federal Aviation Administration that the replacement bolts, Part No. 6859722, have a larger diameter washer face than the original bolts, which, when installed as required by AD 67–20–1, can cause interference between the washer face on the bolt head, and the adjacent corner radius on the bolt mounting flange of the pitch lock housing. Since this condition can increase stress in the replacement bolts resulting from asymmetrical loading, the manufacturer has issued Commercial Propeller Bulletin No. 63–317 requesting operators to substitute Part No. 6859722 bolts with Part No. 6859881 bolts. These latter bolts have a smaller diameter washer face to avoid interference. The manufacturer advises that Part No. 6859881 bolts will be available in sufficient quantities to meet the schedules of the operators of the propellers in question by November 1, 1967, and that the operators have agreed to install these bolts on or before November 1, 1967. Amendment of paragraph (b) of AD 67–20–1 is now required in order to make installation of Part No. 6859881 bolts mandatory.

Since immediate action is required in the interest of safety, compliance with the notice and public procedure provisions of the Administrative Procedures Act is not practicable, and good cause exists for making this amendment effective in less than thirty (30) days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39–439 (32 F.R. 9219) AD 67–20–1, is amended as follows:

Revise Paragraph (b) so that it now reads as follows:

(b) On or before November 1, 1967, remove the eight master gear retention bolts and install eight P/N 6859881 bolts as replacements, as outlined in Allison's Commercial Propeller Bulletin, CPB No. 63–317.

This amendment becomes effective August 23, 1967.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, and 1423)

Issued in Kansas City, Mo., on August 15, 1967.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 67–9869; Filed, Aug. 22, 1967; 8:46 a.m.]

[Airspace Docket No. 67–CE–68]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

On Pages 8301 and 8302 of the FEDERAL REGISTER dated June 9, 1967, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend Section 71.171 of Part 71 of the Federal Aviation Regulations so as to alter the control zone at Flint, Mich.

Interested persons were given 45 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0001 e.s.t., October 12, 1967.

This amendment is made under the authority of section 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Kansas City, Mo., on August 3, 1967.

EDWARD C. MARSH,
Director, Central Region.

Redesignate the Flint, Mich., control zone as that airspace within a 5-mile radius of Flint, Mich., Bishop Airport (latitude 42°57′55″ N., longitude 83°-44′30″ W.), and within 2 miles each side of the Flint VORTAC 052°, 075°, 187°, 219°, 280° and 351° radials extending from the 5-mile radius zone to 8 miles NE, E, S, SW, W, and N of the VORTAC.

[F.R. Doc. 67–9860; Filed, Aug. 22, 1967; 8:46 a.m.]

[Airspace Docket No. 67–SO–66]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

On July 7, 1967, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (32 F.R. 9986) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Fort Stewart, Ga., control zone.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.d.s.t., October 12, 1967, as hereinafter set forth.

In § 71.171 (32 F.R. 2071), the Fort Stewart, Ga., control zone is amended to read:

FORT STEWART, GA.

Within a 5-mile radius of Liberty AAF (lat. 31°53′20″ N., long. 81°33′45″ W.); within a 1.5-mile radius of Liberty County Airport (lat. 31°47′22″ N., long. 81°38′15″ W.); within 2 miles each side of the 231° bearing from the Liberty RBN, extending from the 5-mile radius zone to 8 miles southwest of the RBN; within 2 miles each side of the 049° bearing from the Stewart RBN, extending from the 5-mile radius zone to 8 miles northeast of the RBN.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Georgia, on August 10, 1967.

GORDON A. WILLIAMS, Jr.,
Acting Director, Southern Region.

[F.R. Doc. 67–9861; Filed, Aug. 22, 1967; 8:46 a.m.]

[Airspace Docket No. 67–SW–31]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zones

On June 17, 1967, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (32 F.R. 8722) stating that the Federal Aviation Administration proposed to alter the Dallas, Tex. (Love Field), and (Redbird Airport) control zones.

Interested parties were afforded an opportunity to participate in the rule making through submission of comments. All comments we received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., October 12, 1967, as hereinafter set forth.

In § 71.171 (32 F.R. 2067) the Dallas, Tex. (Love Field), control zone is amended, in part, by deleting "• • • within 2 miles each side of the Addison VOR 334° radial, extending from the arc of a 5-mile radius circle centered at Addison Airport to 6 miles northwest of the VOR; and within 2 miles each side of the 159° bearing from the Duncanville RBN, extending from the arc of a 5-mile radius circle centered at Redbird Airport to 6 miles south of the RBN;" and substituting therefor, "• • • within 2 miles each side of the Addison VOR 334° radial, extending from the arc of a 5-mile radius circle centered at Addison Airport to 6 miles northwest of the VOR; within 2 miles each side of the Love Field No. 2 ILS localizer southeast course, extending from the arc of a 5-mile radius circle centered at Love Field to the Runway 31L OM; and within 2 miles each side of the 159° bearing from the Duncanville RBN, extending from the arc of a 5-mile radius circle centered at Redbird Airport to 8 miles south of the RBN; • • •."

In § 71.171 (32 F.R. 2067) the Dallas, Tex. (Redbird Airport), control zone is amended, in part, by deleting "• • • and within 2 miles each side of the 159° bearing from the Duncanville RBN, extending from the 5-mile radius zone to 6 miles south of the RBN; • • •" and substituting therefor, "• • • and within 2 miles each side of the 159° bearing from the Duncanville RBN, extending from the 5-mile radius zone to 8 miles south of the RBN; • • •."

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Fort Worth, Tex., on August 10, 1967.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 67–9863; Filed, Aug. 22, 1967; 8:46 a.m.]

[Airspace Docket No. 67–EA–6]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On page 6946 of the FEDERAL REGISTER for May 4, 1967, the Federal Aviation Administration published a rule which altered the Presque Isle, Maine, control zone and 700-foot-floor transition area and was made effective on April 27, 1967.

In the publication of the rule however and probably because of misleading verbiage in the preamble, the rule was published in the Proposed Rule Making section of the FEDERAL REGISTER instead of the Rules and Regulations section.

Since this republication is clarifying in nature, there is no substantial effect upon the public and therefore notice and procedure may be dispensed with and the amendment may be made effective in less than 30 days.

In view of the foregoing the amendment is hereby re-adopted effective upon publication in the FEDERAL REGISTER.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on August 8, 1967.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete in the Presque Isle, Maine, control zone all after the word "Sprague ville" and insert in lieu thereof "RBN 169° bearing extending from the 5-mile radius zone to 7 miles south of the RBN. This control zone is effective from 0600 to 2000 hours local time, Sunday through Friday; 0600 to 1730 hours, local time Saturday; and during specific times established in the Notices to Airmen."

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete in the Presque Isle, Maine, Transition Area the phrase "Spragueville R.R. south course extending from the 8-mile radius area to 8 miles south of the R.R.", and insert in lieu thereof "Spragueville RBN 169° bearing extending from the 8-mile radius area to 8 miles south of the RBN."

[F.R. Doc. 67–9865; Filed, Aug. 22, 1967; 8:46 a.m.]

[Airspace Docket No. 67–WE–38]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On July 8, 1967, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (32 F.R. 10163) which would amend Part 71 of the Federal Aviation Regulations by altering the controlled airspace in the Yuma, Ariz., area. Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed airspace actions.

One objection to the proposed airspace actions was received from the Department of Airports, County of Riverside; however, this objection was subsequently withdrawn.

Subsequent to the publication of the Notice of Proposed Rule Making, it was determined that the geographic coordinates of the Yuma MCAS/Yuma International Airport, Yuma, Ariz., had changed. Since this change is minor in nature, notice and public procedure hereon are unnecessary, and the new coordinates are incorporated in the Final Rule.

In consideration of the foregoing, the proposed regulations are hereby adopted subject to the following changes:

In the text of the descriptions of the Yuma, Ariz., control zone and transition area delete "(latitude 32°39′23″ N., longitude 114°36′20″ W.)", and substitute "(latitude 32°39′10″ N., longitude 114°-36′20″ W.)" therefor.

Effective date. These amendments shall be effective 0001 e.s.t., November 9, 1967.

Issued in Los Angeles, Calif., on August 14, 1967.

ARVIN O. BASNIGHT,
Director, Western Region.

In § 71.171 (32 F.R. 2147) the Yuma, Ariz., control zone is amended as follows:

YUMA, ARIZ.

Within a 5-mile radius of Yuma MCAS/Yuma International Airport within 2 miles each side of the Yuma VORTAC 181° radial extending from the 5-mile radius zone to 2 miles south of the VORTAC, and within 2 miles each side of the 046° bearing from the MCAS Yuma RBN, extending from the 5-mile radius zone to 8 miles northeast of the RBN.

In § 71.181 (32 F.R. 2273) the Yuma, Ariz., transition area is amended as follows:

YUMA, ARIZ.

That airspace extending upward from 700 feet above the surface, within an 11-mile radius of Yuma MCAS/Yuma International Airport within 2 miles each side of the Yuma VORTAC 181° radial, extending from the 11-mile radius area to 21 miles south of the VORTAC; that airspace extending upward from 1,200 feet above the surface, within 18 miles west and 11 miles east of the Yuma VORTAC 351° radial, extending from the north edge of V–66 to 20 miles north of the VORTAC, within 5 miles north and 8 miles south of the Yuma VORTAC 067° radial, extending from the VORTAC to 14 miles east of the VORTAC, within 11 miles east and 8 miles west of the Yuma VORTAC 196° radial, extending from the VORTAC to the United States/Mexico border; and that airspace northwest of Yuma, extending upward from 4,000 feet MSL, bounded on the north by the arc of an 18-mile radius circle centered on the Blythe, Calif., Airport (latitude 33°37′15″ N., longitude 114°43′00″ W.), on the east by the west edge of V–135, on the south by the north edge of V–66, and on the northwest and west by lines 5 miles northwest and west of and parallel to the Imperial and Blythe, Calif., VORTAC's, 064° and 187° radials respectively; excluding that portion outside the United States.

[F.R. Doc. 67–9864; Filed, Aug. 22, 1967; 8:46 a.m.]

[Airspace Docket No. 66–EA–10]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On page 4345 of the FEDERAL REGISTER for March 23, 1966, the Federal Aviation Administration promulgated a rule which altered the Rutland, Vt., 700-foot-floor transition area and was made effective on March 23, 1966, the date of publication in the FEDERAL REGISTER.

In the publication of the rule however and probably because of misleading verbiage in the preamble, the rule was published in the Proposed Rule Making section of the FEDERAL REGISTER instead of the Rules and Regulations section.

Since this republication is clarifying in nature, there is no substantial effect

upon the public and therefore notice and procedure may be dispensed with and the amendment may be made effective in less than 30 days.

In view of the foregoing the amendment is hereby re-adopted effective upon publication in the FEDERAL REGISTER.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y. on August 8, 1967.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete in the text of the 700-foot floor Rutland, Vt., transition area, the phrase, "43°31'46" N., 72°56'54" W. of Rutland Airport, Rutland, Vt., and within 2 miles each side of the Rutland 158° bearing extending from the 5-mile radius area to the RBN.", and insert in lieu thereof, the phrase, "43°31'55" N., 72°57'00" W. of Rutland Airport, Rutland, Vt., and within 5 miles east and 8 miles west of a 344° bearing from Rutland, Vt., RBN extending from the RBN to 12 miles north of the RBN."

[F.R. Doc. 67-9865; Filed, Aug. 22, 1967; 8:46 a.m.]

[Airspace Docket No. 67-CE-80]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On Pages 4428 and 4429 of the FEDERAL REGISTER dated March 23, 1967, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Peru, Ind.

Interested persons were given 45 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the amendment as so proposed is hereby adopted, subject to the following changes:

(1) The Bunker Hill AFB coordinates recited in the Peru, Ind., transition area redesignation as "latitude 40°39'38" N., longitude 86°08'31" W." are changed to read "latitude 40°39'40" N., longitude 86°08'30" W."

(2) The Logansport, Ind., Municipal Airport coordinates recited in the Peru, Ind., transition area redesignation as "latitude 40°42'40" N., longitude 86°22'-35" W." are changed to read "latitude 40°42'35" N., longitude 86°22'45" W."

These amendments shall be effective 0001 e.s.t., October 12, 1967.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348)

Issued in Kansas City, Mo., on August 3, 1967.

JOHN A. HARGRAVE,
Acting Director, Central Region.

Redesignate the Peru, Ind., transition area as that airspace extending upward from 700 feet above the surface within a 15-mile radius of Bunker Hill AFB, Peru, Ind. (latitude 40°39'40" N., longitude 86°08'30" W.); within 8 miles southeast of the Kokomo, Ind., VORTAC 040° radial extending from the VORTAC to 12 miles northeast of the VORTAC; within 5 miles southwest and 8 miles northeast of the Kokomo VORTAC 131° radial extending from the VORTAC to 12 miles southeast of the VORTAC; within a 5-mile radius of Logansport, Ind., Municipal Airport (latitude 40°42'-35" N., longitude 86°22'45" W.); and that airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at latitude 40°07'00" N., longitude 86°00'-00" W.; to latitude 40°07'00" N., longitude 86°33'00" W.; to latitude 41°00'00" N., longitude 86°33'00" W.; to latitude 41°00'00" N., longitude 85°50'00" W.; to latitude 40°30'00" N., longitude 85°50'-00" W.; thence to point of beginning, excluding the portion that coincides with the Marion, Ind., transition area.

[F.R. Doc. 67-9866; Filed, Aug. 22, 1967; 8:46 a.m.]

[Airspace Docket No. 67-SO-68]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On July 11, 1967, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (32 F.R. 10212), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Birmingham, Ala., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.d.s.t., October 12, 1967, as hereinafter set forth.

In § 71.181 (32 F.R. 2148) the Birmingham, Ala. 1200-foot transition area (32 F.R. 3675) is amended as follows: "* * * thence southwest along the southeast boundary of V-209 to a 19-mile radius arc centered on the Tuscaloosa, Ala., VOR; thence clockwise along this arc to long. 87°30'00" W.; thence north along long. 87°30'00" W. to point of beginning, excluding that portion that coincides with R-2101 and the Gadsden, Ala., transition area * * *." is deleted and "* * * thence southwest along the southeast boundary of V-209 to long. 88°00'00" W.; thence north along long. 88°00'00" W., to the north boundary of V-18; thence northeast along the north boundary of V-18 to a 19-mile radius arc centered on the Tuscaloosa, Ala., VORTAC; thence clockwise along this arc to long. 87°30'00" W.; thence north along long. 87°30'00" W. to point of beginning, excluding that portion that coincides with R-2101 and the Gadsden, Ala., transition area * * *" is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on August 10, 1967.

GORDON A. WILLIAMS, JR.,
Acting Director, Southern Region.

[F.R. Doc. 67-9867; Filed, Aug. 22, 1967; 8:46 a.m.]

[Airspace Docket No. 67-CE-60]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On Page 8303 of the FEDERAL REGISTER dated June 9, 1967, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate the transition area at Perryville, Mo.

Interested persons were given 45 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0001 e.s.t., October 12, 1967.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348)

Issued in Kansas City, Mo. on August 3, 1967.

EDWARD C. MARSH,
Director, Central Region.

Designate the Perryville, Mo., transition area as that airspace extending upward from 700 feet above the surface within an 8-mile radius of Perryville, Mo., Municipal Airport (latitude 37°51'-55" N., longitude 89°51'45" W.) and within 2 miles each side of the Farmington, Mo., VORTAC 057° radial extending from the 8-mile radius area to 15 miles northeast of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within an area beginning at the intersection of lines 5 miles southwest of and parallel to the Farmington VORTAC 336° and 120° radials, thence northwest along a line 5 miles southwest of and parallel to the Farmington VORTAC 336° radial to and clockwise along the arc of a 13-mile radius circle centered on the Farmington VORTAC, to and northwest along a line 5 miles southwest of and parallel to the Farmington VORTAC 120° radial, to the point of beginning, and within 5 miles each side of the Farmington VORTAC 057° radial extending from the 13-mile radius area to 15 miles northeast of the VORTAC.

[F.R. Doc. 67-9868; Filed, Aug. 22, 1967; 8:46 a.m.]

[Airspace Docket No. 67-CE-81]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On Pages 8302 and 8303 of the FEDERAL REGISTER dated June 9, 1967, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Lawrence, Kans.

Interested persons were given 45 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the amendment as so proposed is hereby adopted, subject to the following change: The Lawrence Municipal Airport coordinates recited in the Lawrence, Kans., transition area designation as "latitude 39°00'00" W., longitude 95°13'00" N." are changed to read "latitude 39°00'35" N., longitude 95°13'00" W."

This amendment shall be effective 0001 e.s.t., October 12, 1967.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on August 4, 1967.

DANIEL E. BARROW,
Acting Director, Central Region.

Designate the Lawrence, Kans., transition area as that airspace extending upward from 700 feet above the surface within a 5-mile radius of Lawrence Municipal Airport (latitude 39°00'35" N., longitude 95°13'00" W.); and within 2 miles each side of the Topeka, Kans., VORTAC 117° radial extending from the 5-mile radius area to 13 miles southeast of the VORTAC.

[F.R. Doc. 67-9869; Filed, Aug. 22, 1967; 8:46 a.m.]

[Airspace Docket No. 67-WE-88]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Amendment to Federal Register Document

On June 9, 1967, F.R. Doc. 67-6443 was published in the FEDERAL REGISTER (32 F.R. 8302) amending Part 71 of the Federal Aviation Regulations by redesignating the Boise, Idaho, transition area. This action will be effective October 12, 1967.

As a result of renumbering of certain airways in the Boise area, V-138 was redesignated V-508; however, V-138 was used to designate a portion of the Boise, Idaho, transition area. Accordingly, action is taken herein to amend the FEDERAL REGISTER document to reflect the correct airway number.

Since this amendment is editorial in nature, notice and public procedure hereon are unnecessary, and it may be made effective immediately.

In consideration of the foregoing, F.R. Doc. 67-6443 is amended, effective upon publication in the FEDERAL REGISTER, as hereinafter set forth:

Delete "* * * V-138 * * *" in the text describing that portion of the Boise, Idaho, transition area floored at 9,000 feet MSL, and substitute "* * * V-508 * * *" therefor.

Issued in Los Angeles, Calif., on August 14, 1967.

LEE E. WARREN,
Acting Director, Western Region.

In § 71.171 (32 F.R. 2180) the Boise, Idaho, transition area is amended by deleting all after "* * * 55 miles northwest of the VORTAC;" and substituting therefor, "and that airspace northwest of Boise bounded on the northwest by the McCall, Idaho VORTAC 221° radial, on the east by the west edge of V-253 and on the southwest by a line 8 miles northwest of and parallel to the Boise VORTAC 319° radial; that airspace southeast of Boise extending upward from 9,000 feet MSL bounded on the north by the south edge of V-500 on the east by the west edge of V-293 and on the southwest by the northeast edge of V-4; and that airspace extending upward from 10,500 feet MSL southeast of V-507, within 5 miles each side of the Rome, Oreg., VORTAC 056° radial extending from 46 miles northeast of the VORTAC to the Boise 40-mile radius area".

[F.R. Doc. 67-9870; Filed, Aug. 22, 1967; 8:47 a.m.]

[Airspace Docket No. 67-SO-18]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 75—ESTABLISHMENT OF JET ROUTES

Alteration of Federal Airways and Jet Routes Designation of Control Area

On July 18, 1967, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (32 F.R. 10516) stating that the Federal Aviation Administration was considering amendments to Parts 71 and 75 of the Federal Aviation Regulations that would alter VOR Federal airway Nos. 7, 22, 35, 97, and 241, and Jet Route No. 2. In addition, it was proposed to designate control areas for those portions of Jet Route Nos. 41 and 43 that extend outside the United States. These actions are necessary due to the relocation of the Tallahassee, Fla., VORTAC and the Albany, Ga., VOR, to be effective October 12, 1967.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

As stated in the notice, the agency was considering excluding the airspace of V-7 between the main and alternate airway from Cross City, Fla., to Dothan, Ala. This would eliminate a dual designation of 1,200 feet AGL airspace with the Tallahassee, Fla., transition area. Subsequent to publication of the Notice, it was determined that it would be more advantageous from a records keeping and aeronautical charting standpoint to retain the 1,200 feet AGL control area in the airway description and revoke the 1,200 feet AGL portion of the transition area. Accordingly, action is taken herein to retain this control area in the description of V-7. Action to revoke the 1,200 feet AGL portion of the Tallahassee transition area is being processed as Airspace Docket No. 67-SO-58.

Since the altered description of V-7 is editorial in nature and will result in no change in assigned airspace, the Administrator has determined that Notice and public procedure thereon is unnecessary.

In consideration of the foregoing, Parts 71 and 75 of the Federal Aviation Regulations are amended, effective 0001 EST, October 12, 1967, as hereinafter set forth.

1. Section 71.123 (32 F.R. 2009, 5412, 7125) is amended as follows:

a. In V-7 all between "12 AGL Cross City, Fla.;" and "12 AGL Dothan, Ala.," is deleted and "12 AGL Greenville, Fla.;" is substituted therefor.

b. In V-22 all after "12 AGL Marianna, Fla.;" is deleted and "12 AGL Tallahassee, Fla.; 12 AGL Greenville, Fla.; 18 miles, 6 miles wide, 12 AGL Taylor, Fla.; 12 AGL Jacksonville, Fla." is substituted therefor.

c. In V-35 all between "INT St. Petersburg 316° and Cross City 185° radials;" and "12 AGL Athens, Ga.;" is deleted and "12 AGL Greenville, Fla.; 12 AGL Albany, Ga., including a 12 AGL west alternate via Tallahassee, Fla.; 12 AGL Macon, Ga., including a 12 AGL west alternate via INT Albany 013° and Macon 227° radials;" is substituted therefor.

d. In V-97 all between "12 AGL Tallahassee, Fla.," and "12 AGL INT Atlanta 007°" is deleted and "including a 12 AGL east alternate from INT LaBelle 313° and Lakeland, Fla., 175° radials to INT St. Petersburg 331° and Lakeland 307° radials via Lakeland and from INT of St. Petersburg 331° and Cross City, Fla., 201° radials to Tallahassee, via Cross City and also a 12 AGL west alternate from St. Petersburg to INT St. Petersburg 331° and Cross City 201° radials via INT St. Petersburg 316° and Cross City 201° radials; 12 AGL Albany, Ga.; 12 AGL Atlanta, Ga., including a 12 AGL east alternate via INT Albany 013° and Rex, Ga., 174° radials and the INT of Rex 174° and Atlanta 147° radials;" is substituted therefor, and "The portion outside the United States has no upper limit." is deleted from the end of the description.

e. In V-241 "and Atlanta 174° radials." is deleted and "and Atlanta 175° radials." is substituted therefor.

2. Section 71.161 (32 F.R. 2062) is amended as follows:

J-41 "From Key West, Fla., to Tallahassee, Fla.," is added.

J-43 is amended to read as follows:

J-43 From St. Petersburg, Fla., to Tallahassee, Fla.

3. Section 75.100 (32 F.R. 2341, 7820) is amended as follows:

In J–2 "Tallahassee, Fla., 288° radials;" is deleted and "Tallahassee, Fla., 290° radials;" is substituted therefor.

(Sec. 307(a) and 1110 of the Federal Aviation Act of 1958; 49 U.S.C. 1348 and 1510 and Executive Order 10854; 24 F.R. 9565)

Issued in Washington, D.C., on August 18, 1967.

T. McCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67–9013; Filed, Aug. 22, 1967; 8:50 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[10 Gen. Rev. of Export Regs., Amdt. 37]

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

General Policy of Denial; Copper Commodities

Part 373 of the Code of Federal Regulations is amended as set forth below.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4027, 3 CFR 1959–1963 Comp.; E.O. 11038, 27 F.R. 7003, 3 CFR 1959–1963 Comp.)

Effective date: August 18, 1967.

RAUER H. MEYER,
Director, Office of Export Control.

Purpose and effect of amendment. In order to assist copper producers whose operations are being hampered by copper industry strikes in which they are not involved, the Export Regulations are revised to modify the general policy of denial in effect with respect to exports of unrefined copper commodities. The Export Regulations now provide that an application for a license to export to Country Groups T and V unrefined copper commodities submitted by, or on behalf of, a producer may be approved where the unrefined copper is to be exported for the purpose of being refined abroad, and the refined copper produced from these commodities by the foreign refinery, less the charges made by the foreign refinery, or an equivalent amount of refined copper will be imported into the United States for consumption. Quantities of unrefined copper that cannot be exported for the above purpose, not to exceed eighty percent of the remainder of a producer's monthly production, may be licensed for export and consumed abroad.

If strike conditions prevail in the domestic copper industry after November 15, 1967 which make copper processing facilities unavailable to producers, consideration will be given to approval of applications for licenses to export one hundred percent of current production of unrefined copper commodities.

A person or firm participating in exports under the provisions of the revised Export Regulations is required to forward each week a report of his current production and stock level(s) for unrefined copper commodities to the Office of Export Control.[1]

Accordingly, the Export Regulations are amended in the following respects:

Section 373.20(a)(2), "Exceptions to General Policy of Denial," is redesignated § 373.20(a)(2)(i), "Shipments Not Commercially Processable in the United States." Paragraphs (a)(2)(i), (ii), and (iii) are redesignated paragraphs (a)(2)(i)(a), (b), and (c).

2. The following § 373.20(a)(2)(ii) is added:

(ii) *Shipments for which processing facilities are not available due to strike conditions.—(a) Unrefined copper commodities to be refined abroad and returned.* Consideration will be given to approval of applications received from, or on behalf of, copper producers covering the proposed export to Country Groups T and V of commodities described in subparagraph (1) of this paragraph where the refined copper produced abroad from these commodities, less the customary charges made by the foreign refinery, or an equivalent amount of refined copper will be imported into the United States for consumption. Such applications shall cover commodities which cannot be processed commercially in the United States due to the unavailability of processing facilities caused by strike conditions in the domestic copper industry. An application for a license to export unrefined copper commodities under the provisions of this § 373.20(a)(2) shall include the following certification:

I (We) certify that there are no domestic facilities available for processing the commodities described on this application. The refined copper produced from these commodities, less the customary charges made by the foreign refinery, or an equivalent amount of refined copper will be imported into the United States for consumption.

(b) Other exports of unrefined copper commodities. Where an applicant is unable to export all of his production of the commodities described in subparagraph (1) of this section for the months of July, August, September, and/or October 1967 under the provisions of subdivision (i) of this subparagraph (2), consideration will be given to approval of applications for licenses to export no more than 80 percent of the remainder of each month's production to Country Groups T and V. Such applications shall include the following certification:

I (We) certify that I (we) have exported (or am (are) exporting) unrefined copper commodities in accordance with the provisions of § 373.20(a)(2) of the *Comprehensive Export Schedule* and that I (we) am (are) unable to negotiate a contract under which the commodities described on this application could be exported under the provisions of § 373.20(a)(2). There are no domestic facilities available for processing the commodities described on this application.

Where an applicant is unable to export any of his production of the commodities described in subparagraph (1) of this paragraph for the months of July, August, September, and/or October 1967 under the provisions of subdivision (i) of this subparagraph (2), consideration will be given to approval of applications for licenses to export no more than 80 percent of each month's production to Country Groups T and V. Such applications shall include the following certification:

I (We) certify that I (we) have not exported unrefined copper commodities in accordance with the provisions of § 373.20(a)(2) of the *Comprehensive Export Schedule* and that I (we) am (are) unable to negotiate a contract under which the commodities described on this application could be exported under the provisions of § 373.20(a)(2). There are no domestic facilities available for processing the commodities described on this application.

If strike conditions prevail in the domestic copper industry after November 15, 1967 which make copper processing facilities unavailable to producers, consideration will be given to approval of applications for licenses to export to Country Groups T and V 100 percent of current production of commodities described in subparagraph (1) of this paragraph.

(c) Reporting requirement. A person or firm participating in exports under the provisions of this § 373.20(a)(2) shall forward each week a report of his current production and stock levels for the commodities described in subparagraph (1) of this paragraph to the Office of Export Control (Attn: 862), U.S. Department of Commerce, Washington, D.C. 20230.

[F.R. Doc. 67–9885; Filed, Aug. 22, 1967; 8:47 a.m.]

[1] The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

NONDUPLICATION OF SCHOOL BENEFITS

In § 3.667, paragraph (c) is amended and paragraph (f) is added to read as follows:

§ 3.667 School attendance.

* * * * *

(c) *Ending dates.* Except as provided in paragraph (b) of this section, benefits may be authorized through the last day of the month in which a course was or will be completed. (38 U.S.C. 3012(b)(7))

* * * * *

(f) *Nonduplication.* Pension, compensation or dependency and indemnity compensation may not be authorized:

(1) After a child has elected to receive educational assistance under 38 U.S.C. chapter 35 (see § 3.707 and § 21.3023 of this chapter); or

(2) Based on an educational program in a school where the child is wholly supported at the expense of the Federal Government, such as a service academy.

(72 Stat. 1114; 38 U.S.C. 210)

This VA Regulation is effective date of approval.

Approved: August 16, 1967.

By direction of the Administrator.

[SEAL] CYRIL F. BRICKFIELD,
Deputy Administrator.

[F.R. Doc. 67–9880; Filed, Aug. 22, 1967; 8:47 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 742—CODE OF ETHICAL CONDUCT

Subpart E—Employees Required To Submit Statements

In F.R. Doc. 67–9564 appearing at page 11793 in the issue for Wednesday, August 16, 1967, the words "Executive Assistant to the Deputy Postmaster General in § 742.735–52(d)(2)" are corrected to read "Executive Assistants to the Deputy Postmaster General."

(5 U.S.C. 301, 39 U.S.C. 501)

TIMOTHY J. MAY,
General Counsel.

AUGUST 17, 1967.

[F.R. Doc. 67–9858; Filed, Aug. 22, 1967; 8:46 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 6—Department of State

[Dept. Reg. 108.565]

PART 6–1—GENERAL

PART 6–75—DELEGATIONS OF PROCUREMENT AUTHORITY

Miscellaneous Amendments

Parts 6–1 and 6–75, Chapter 6, Title 41 of the Code of Federal Regulations are amended as follows:

1. Part 6–1, § 6–1.258 is amended to read:

§ 6–1.258 Service contracts.

§ 6–1.258–1 Nonpersonal service contracts.

(a) Nonpersonal service contracts are those providing for services to be rendered to the Government, by individuals or organizations, under which:

(1) The Government does not directly supervise the maner of performance of the work and, in the case of organizations, does not reserve the right of selection or dismissal of individual employees; and

(2) The services are of such a nature that:

(i) They are not usually performed by employees; or

(ii) they may be more practicably and economically procured by contract.

(b) The types of services that are usually rendered by employees may vary from country to country. Therefore Contracting Officers, both within and outside the United States, should consult their respective Personnel units for guidance in making this determination.

§ 6–1.258–2 Personal service contracts.

(See section 912.7–2a, Volume 3, Foreign Affairs Manual.)

(63 Stat. 111, 377 as amended; 22 U.S.C. 2658, 40 U.S.C. 471 note)

2. Part 6–75, § 6–75.205, paragraph (a) is amended to read:

§ 6–75.205 Diplomatic and consular posts located outside the United States.

(a) The authority to execute, award, and administer contracts for the expenditure of funds involved in the acquisition of supplies, equipment, publications, and nonpersonal services, and for the sale of personal property is delegated to the Chief of Mission, Principal Officer, Administrative Officer, and General Services Officer.

* * * * * *

(Act of May 26, 1949 (63 Stat. 111; 22 U.S.C. 2658, 22 U.S.C. 811a), as amended; General Services Administration Delegation of Authority No. 410, March 30, 1962)

IDAR RIMESTAD,
Deputy Under Secretary for Administration.

JULY 11, 1967.

[F.R. Doc. 67–9878; Filed, Aug. 22, 1967; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Parts 8, 25]

CUSTOMS INVOICES

Requirements for Entry of Imported Merchandise; Production of Missing Documents

On February 27, 1965, notice was published in the FEDERAL REGISTER (30 F.R. 2616) that interested parties would be afforded an opportunity to be heard with regard to revisions of the special customs invoice (customs Form 5515) which were to become effective July 1, 1965.

A public hearing was held on March 30, 1965, and on April 27, 1965, a notice was published in the FEDERAL REGISTER (30 F.R. 5863) that the Bureau had determined that further revision of the form was desirable and that pending such further revision, the unrevised edition of customs Form 5515 would be acceptable. The July 1, 1965, effective date for the use of the revised customs Form 5515 was thus suspended pending further consideration.

After careful consideration of all submissions received and all views and comments expressed at the hearing, it has been decided to dispense with the special customs invoice (customs Form 5515) and require in its place a "Customs Invoice" which shall consist of a commercial invoice setting forth all information required by section 481(a) of the Tariff Act of 1930 (19 U.S.C. 1481(a)) and on which there shall be endorsed certain certifications required to be made by the seller or shipper and by the purchaser or consignee or their agents.

It is also proposed to provide that the time allowed for the production of a required customs invoice or a commercial invoice not produced on the date of entry be 60 days instead of 6 months as now allowed for the production of special customs or commercial invoices, and to increase the minimum amount of liquidated damages which may be assessed for nonproduction of the required invoice from $25 to $100.

Accordingly, notice is hereby given that under the authority of sections 623, 624, 481, 484 of the Tariff Act of 1930, as amended (19 U.S.C. 1623, 1624, 1481, 1484), it is proposed to amend the regulations as set forth in tentative form below:

§ 8.9 Entry without required invoice.

If an invoice required under § 8.15 is not available in proper form at the time of entry, the entry shall be accepted only if—

* * * * *

(c) Such person or his agent gives a bond on customs Form 7551 or 7553, or other appropriate form, for the production of the required invoice within 60 days from the date of entry of the merchandise."

§ 8.13 Customs invoice; incomplete invoice; general requirements supplemented.

(a) A customs invoice shall be a commercial invoice executed by the seller or shipper (or the agent of either) setting forth the information pertaining to the transaction in the detail specified in paragraph (b) of this section. The purchaser (or his agent), or the consignee (or his agent) of merchandise obtained otherwise than by purchase or agreement to purchase, shall certify that such invoice is complete and correct and that there is no other invoice differing from the invoice so certified. When any such invoice is signed by an agent, he shall state thereon the name of his principal.

(b) Every customs invoice shall set forth:

(1) The name and address of the seller or person from whom the goods were obtained, and of the purchaser or consignee.

(2) The name and address of the manufacturer or producer whenever such goods are sold or offered for sale for exportation to the United States by the said manufacturer or producer, and the said manufacturer or producer is not the seller or shipper named on the invoice.

(3) The date when and the city and country where the goods were sold or shipped, and the port of entry to which the merchandise is destined.

(4) A complete description of the merchandise including:

(i) Quantity, quality, and type.

(ii) Manufacturer's or seller's numbers or symbols, if any.

(iii) Importer's or purchaser's numbers or symbols, if any.

(iv) Marks and numbers on shipping packages.

(v) Contents of each individual package.

(5) Invoice unit price, or in the case of nonpurchased goods, the value for each item or in the absence of such value, the unit price that the manufacturer, seller, shipper, or owner would have received, or was willing to receive, for the goods in the currency of the purchase or transaction.

(i) All discounts granted.

(ii) All commissions paid or agreed to be paid.

(iii) The currency of the transaction, and the rate of exchange if fixed or agreed.

(6) Invoice totals and an itemized statement of packing costs and all other costs, charges, and expenses, stating whether they are included in such invoice total.

(7) All rebates, drawbacks, bounties, or other grants allowed upon exportation of the goods, separately itemized, and stating by whom granted.

(8) The current unit price at which the goods are being sold in the home market, if different from invoice prices. (See certificate under § 8.14(a).)

(9) The current price at which the goods are being sold for export to the United States, if different from invoice prices. (See certificate under § 8.14(a).)

* * * * *

Part 8 is amended to add a new § 8.14 as follows:

§ 8.14 Customs invoice certification.

(a) A customs invoice shall have endorsed thereon the following certificate signed and dated by the seller or shipper or the agent of either:

I certify that all statements contained herein are complete and correct and represent the complete transaction and that there is no separate or different invoice. Unless otherwise noted herein, the goods have been sold or agreed to be sold; no rebates, bounties, drawbacks or other grants are to be received; and the current home market and current export price(s) are no different than the invoice price(s).

Signature of seller or shipper or agent of either

Date

(b) A customs invoice shall have the following certificate endorsed thereon or attached thereto, signed and dated by the purchaser or his agent, for merchandise obtained by purchase or agreement to purchase, or by the consignee or his agent, for merchandise obtained otherwise than by purchase or agreement to purchase:

I certify that I have read the certificate of the seller or shipper endorsed on this invoice and have no reason to believe that the statements contained therein are not correct and complete. I further certify that I am familiar with the provisions of section 8.14(c) of the Customs Regulations (19 CFR 8.14(c)); that from my personal knowledge of this transaction, except as disclosed on the invoice or set forth immediately below, there were no (1) discounts or additions, (2) commissions, (3) assists, (4) special relationships, or (5) special considerations of any kind, whether written, oral, explicit or implicit, as defined in that section. This merchandise was obtained by ☐ purchase or agreement to purchase ☐ otherwise than by purchase or agreement to purchase.

Signature of purchaser or consignee or agent of either

Date

(c) A full disclosure of the following items, insofar as they may relate to the price(s) shown in the invoice, must be made:

(1) *Discounts or additions.* Any reductions from or additions to the normal, base gross, list or other price that were used in arriving at the invoice price(s) which are not clearly evident from the invoice.

(2) *Commissions.* Any commission of whatever nature paid or agreed to be paid to any party in connection with the transaction(s).

(3) *Assists.* Any material, labor, tools of production, or other consideration of determinable value furnished to the manufacturer or seller by the purchaser or any other party to the transaction.

(4) *Special relationship.* Any special relationship such as common ownership or control, exclusive agency, or distributorship.

(5) *Special considerations.* Any warranty, guarantee, advertising or other special allowance, royalties, patents, or other factors.

Section 25.17(b) is amended to read as follows:

§ 25.17 Nonproduction of documents; failure to redeliver packages; sums to be collected.

* * * * *

(b) When a required customs invoice or commercial invoice is not produced on the date of entry or within 60 days thereafter, unless such production is waived under the provisions of § 8.15(d) of this chapter, the bond charge for the production thereof may be canceled upon the payment of $100 liquidated damages, provided the person who made the entry submits an application for relief from the full amount of the charge, explaining in detail why the customs invoice or commercial invoice could not be produced within the prescribed period, and the district director of customs is satisfied by such application or otherwise that the failure to produce the invoice within the prescribed period was due to causes wholly beyond the control of the person making the entry and not to any purpose of the foreign seller or shipper to withhold information required by law, regulation, or special instruction to be shown on the invoice.

* * * * *

Title 19, Chapter I of the Code of Federal Regulations, will be further amended to substitute the words "customs invoice" for the words "special customs invoice" wherever the latter term is used therein and to delete references therein to customs Form 5515, Special Customs Invoice. Additionally, it is proposed to delete § 8.13 (f) and (i).

Prior to final action on the proposal, consideration will be given to relevant data, views, or arguments which are submitted in writing to the Commissioner of Customs, Washington, D.C. 20226, and received not later than 60 days from the date of publication of this notice in the FEDERAL REGISTER. No hearings will be held.

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

Approved: August 7, 1967.

MATTHEW J. MARKS,
Acting Assistant Secretary of the Treasury.

[F.R. Doc. 67-9905; Filed, Aug. 22, 1967; 8:49 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 512]

REVIEW COMMITTEES FOR PUERTO RICO AND THE VIRGIN ISLANDS

Notice of Proposed Rule Making

Under authority provided in the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U.S.C. 201), Reorganization Plan No. 6 of 1950 (3 CFR, 1949–1953 Comp., p. 1004), and Secretary's Order No. 16–67, 29 CFR Part 512 is proposed to be revised in the manner set forth below. The purpose of the proposed revision is to adapt the procedures set forth in the current Part 512 to the provisions of the Fair Labor Standards Amendments of 1966 (P.L. 89–601) for minimum wage increases to become effective during 1968 in industries operating in Puerto Rico and the Virgin Islands.

Interested persons may submit written data, views, and arguments concerning the proposed revision within 30 days of its publication in the FEDERAL REGISTER. Such submissions may be filed with the Administrator, Wage and Hour and Public Contracts Divisions, United States Department of Labor, 14th Street and Constitution Avenue NW., Washington, D.C. 20210.

The revised 29 CFR Part 512 would read as follows:

PART 512—REVIEW COMMITTEES FOR PUERTO RICO AND THE VIRGIN ISLANDS

Sec.
512.1 Scope and application.
512.2 Statutory requirements prerequisite for appointment of review committees.
512.3 Industry.
512.4 Publication.
512.5 Identification and filing date.
512.6 Majority of employees in the industry.
512.7 Information to be submitted.
512.8 Financial information.
512.9 Payroll and employment data.
512.10 Other information.
512.11 Action on application.
512.12 Review committee procedure.
512.13 Effective date of the 28 per centum increase or the review committee wage order.
512.14 Surety undertaking.
512.15 Information previously submitted.

AUTHORITY: The provisions of this Part 512 issued under sec. 6, 52 Stat. 1062, as amended; 29 U.S.C. 206; 5 U.S.C. 301.

§ 512.1 Scope and application.

Section 6(c)(2)(B) of the Fair Labor Standards Act of 1938, as amended, requires, with respect to employees in Puerto Rico and the Virgin Islands, that, effective April 2, 1968, the rate or rates applicable to them under the latest industry wage order issued prior to February 1, 1967, be increased by 28 per centum, unless such rate or rates are superseded by a rate or rates prescribed in a wage order issued pursuant to the recommendations of a review committee appointed under section 6(c)(2)(C). The regulations in this part provide the procedure for applications for the appointment of such review committees, as well as the procedure to be observed by such committees in the conduct of investigations and hearings and in formulating their recommendations, and the procedure for the promulgation of wage orders giving effect to their recommendations.

§ 512.2 Statutory requirements prerequisite for appointment of review committees.

Under the terms of the governing statute, authority to appoint a review committee for the purpose provided in § 512.1, arises only where application is made to the Secretary of Labor in writing, by any employer or group of employers employing a majority of the employees in an industry in Puerto Rico or the Virgin Islands, for the appointment of a review committee to recommend the minimum rate or rates to be paid such employees in lieu of the rate or rates resulting from the percentage increase described in § 512.1. Such application shall be filed neither earlier than December 3, 1967 nor later than February 1, 1968. Appointment of a review committee pursuant to such application is authorized only if the Secretary of Labor has reasonable cause to believe, on the basis of financial and other information contained in the application, that compliance with the increase of 28 per centum referred to in § 512.1 will substantially curtail employment in such industry. The governing statute provides that the Secretary's decision on such application shall be final.

§ 512.3 Industry.

Only one application for each industry shall be received. The definition of each industry shall conform to one of the definitions under the first section entitled "Definition," in Parts 601 to 699, both inclusive, and Part 720 of this chapter, excluding, however, Parts 694, 695, and 697 of this chapter. In the case of industries in the Virgin Islands, the definition of an industry shall conform to one of the lettered paragraphs of § 694.1 of this chapter. Every employer who joins a group of employers in filing an

application must sign it. Signers on behalf of business organizations should be the employer's chief executive officer in charge of all its operations in the industry in Puerto Rico or the Virgin Islands, as the case may be, or an officer with supervisory authority over such chief executive. Each such application should be complete in one document. Where, however, substantial reason compels a particular employer to join a group of employers in filing an application by a separate document and if it meets the requirements provided in §§ 512.3 to 512.9, it will be received, considered, together with the presentation of the other employers in the group, and the employer will be accorded status as an applicant under § 512.13.

§ 512.4 Publication.

Each application and the financial and other information contained therein shall become a matter of public record. Such documents will, upon appointment of the review committee, be referred to it in accordance with section 5(d) of the Fair Labor Standards Act of 1938.

§ 512.5 Identification and filing data.

Each application shall separately state for each employer participating in it, his name and address (in Puerto Rico or the Virgin Islands as the case may be), the products produced and services rendered by the employees to whom the application relates, and the applicable wage order and any classification or classifications applicable to such employees, all as defined in Parts 681 through 699, both inclusive, and Part 720 of this chapter. The application shall be filed during the period prescribed by § 512.2. No clarification, supplemental, or additional data filed outside the period prescribed by § 512.2 may be considered. If the application is sent by airmail between Puerto Rico or the Virgin Islands and the mainland, such filing shall be deemed timely if postmarked within the period prescribed by § 512.2. The original and two copies of the application shall be filed at the Office of the Administrator of the Wage and Hour Division, U.S. Department of Labor, Washington, D.C. 20210, and one copy shall be filed at the Office of the Regional Director of the Wage and Hour Division, U.S. Department of Labor, Seventh Floor, Condominio San Alberto Building, 1200 Ponce de Leon Avenue, Santurce, P.R. 00908.

§ 512.6 Majority of employees in the industry.

In order to provide the information necessary to determine whether the employer or employers applying for appointment of a review committee employ a majority of the employees in the industry, the application shall show the number of employees subject to the wage order for such industry who are employed by each such employer for the payroll week which includes November 12, 1967. In addition to this information, such information on employment during another specific payroll week may be submitted if the application shows that employers employing a majority of the employees in the industry and participating in the application agree upon such week as the most recent payroll week considered to be normal, and if the application presents facts which establish that employment during such other week is, because of factors such as seasonality or temporary abnormal conditions, more representative than the employment during the week which includes November 12, 1967. The name and address of each employing establishment in the industry which has not joined in the application shall also be stated, together with the estimated number of employees employed by it in the workweek which includes November 12, 1967, and such other week as may be selected for counting employees of employers joining in the application. Employers filing information on employment in establishments operated by other employers in their industry who have not joined in the application shall supply the best information they are able to discover on this question and identify its source.

§ 512.7 Information to be submitted.

The application shall set forth separately for each employer participating in such application the financial and other information with respect to his operations which he relies upon to establish reasonable cause for believing that compliance with the minimum wage rate or rates resulting from the percentage increase referred to in § 512.1 will substantially curtail employment in the industry. If such information is not set forth in such pertinent detail as will permit the Secretary to conclude that there is reasonable cause to believe that such curtailment of employment will result, he is not authorized to appoint a review committee. It is therefore recommended that each application contain information in at least the detail required by Part 511 of this chapter as a prerequisite to becoming a party to a proceeding before a special industry committee.

§ 512.8 Financial information.

With respect to financial information, each application shall provide pertinent, unabridged profit and loss statements and balance sheets for a representative period of years (not less than three) covering the operations of each employer in the industry joining in such application, and include the most recent year or fraction thereof for which such data are available. Such financial statements (except those relating to the most recent fiscal period that are for less than a full fiscal year and those that are for a year ending less than 90 days prior to the filing of the application) shall be certified by an independent certified public accountant, or verified by the employer to whom they relate, as conforming to, and being consistent with, the corresponding income tax returns covering the same years, so that the application presents all the detail in such returns that is pertinent to the question of whether the 28 per centum increase referred to in § 512.1 will substantially curtail employment in the industry. The names of individuals or business organizations with whom transactions were accomplished, and minor details which are not pertinent to the appointment of a review committee, need not be revealed.

§ 512.9 Payroll and employment data.

Each applicant shall present separately for each participating employer payroll data for the week or weeks identified in § 512.6 showing the following information for all employees employed by him in the industry in classifications subject to the 28 per centum increase referred to in § 512.1: (a) For employees other than learners and apprentices working under special minimum wage certificates and homeworkers—(1) the number of employees paid minimum wages and (2) the number of employees in each interval of straight-time earnings (the intervals should be 2½ cents and the lowest interval should begin with and include the lowest appropriate multiple of 5 cents); (b) for learners and apprentices—the number of employees in each straight-time interval of earnings; and (c) for homeworkers—(1) the number of homeworkers and (2) the total amount of wages paid to homeworkers. In addition to the foregoing, there shall be submitted for each participating employer for every worker employed by him, on one of the copies to be filed with the Administrator pursuant to § 512.5, the following: The wage rate at which the worker is employed, his hours worked in the workweek, his total earnings, and his straight-time hourly earnings as computed from the weekly straight-time earnings and hours of work. In reporting payroll data on homeworkers, only the number of homeworkers and the total amount paid to each need be shown. Those employees who are learners or apprentices working under special certificates shall be identified as such in the data. In addition to the foregoing payroll data, there should be stated for each participating employer the number of employees other than learners and apprentices and homeworkers, the number of learners and apprentices, and the number of homeworkers employed by him in the workweeks which included the following dates: August 12, 1965, November 12, 1965, February 12, 1966, May 12, 1966, August 12, 1966, November 12, 1966, February 12, 1967, May 12, 1967, August 12, 1967 and November 12, 1967.

§ 512.10 Other information.

Other information which the participants in the application deem necessary or appropriate for consideration on the question of whether the 28 per centum wage increase referred to in § 512.1 will substantially curtail employment in the industry shall be supplied in the application. Among the types of data which may be considered pertinent, are those revealing (a) employment and labor conditions and trends in Puerto Rico or the Virgin Islands, as the case may be, and on the mainland, particularly after the effective date of the most recent applicable wage order, including such items as present and past employment, present wage rates, perquisites, and fringe benefits, changes in average hourly earnings or wage structure, provisions of collective bargaining agreements, hours of work, labor turnover, absenteeism, productivity, learning periods, rejection rates and similar factors; (b) market conditions and trends in Puerto Rico or the Virgin Islands, as the case may be and on the mainland, including changes in the volume and value of production, market outlets, price changes, style factors, consumer demand, and similar marketing factors; (c) comparative production costs in Puerto Rico or the Virgin Islands, as the case may be, with such costs on mainland and in foreign countries, together with the conditions responsible for the differences.

§ 512.11 Action on application.

Each application under this part will be considered promptly after receipt, and decisions thereon will be promptly communicated to employers participating in the application. On approval of any such application, an order of appointment of a review committee for the industry to which it relates will be published in the FEDERAL REGISTER. Approval of an application shall not, in proceedings before a review committee, be considered as evidence that any specific rate or rates which may be applicable or may be made applicable under any provision of the Act to employees in the industry concerned will or will not cause substantial curtailment of employment therein.

§ 512.12 Review committee procedure.

The provisions of sections 5 and 8 of the Fair Labor Standards Act of 1938 relating to special industry committees are applicable to review committees appointed pursuant to this part. Part 511 of this chapter, entitled "Wage Order Procedure for Puerto Rico, the Virgin Islands, and American Samoa" shall govern the procedure of review committees and the general method for issuance of wage orders pursuant to their recommendations, except insofar as Part 511 of this chapter may be inconsistent with this part or the Fair Labor Standards Amendments of 1966 (Public Law 89-601).

§ 512.13 Effective date of the 28 per centum increase or the review committee wage order.

Except as provided in § 512.14, the 28 per centum increase in minimum wage rates or the superseding minimum rate or rates prescribed in a wage order issued pursuant to the recommendations of a review committee, as referred to in § 512.1, shall become effective April 2, 1968, and shall remain in effect only for so long as and insofar as such minimum wage rate or rates have not been superseded by a wage order fixing a higher minimum wage rate or rates (but not in excess of $1.60 an hour) hereafter issued by the Secretary of Labor pursuant to the recommendations of a special industry committee. However, no special industry committee shall hold any hearing within 1 year after a minimum wage rate or rates for an industry have been recommended to the Secretary by a review committee to be paid in lieu of the rates increased by 28 percent, as referred to in § 512.1.

§ 512.14 Surety undertaking.

(a) *Eligibility for relief.* In the event a review committee has been appointed as provided in § 512.11 and its deliberations have not resulted in a wage order effective on or before the effective date referred to in § 512.13, the 28 per centum increase shall go into effect on the effective date prescribed in that section, except with respect to the employees of an employer who filed a timely application under § 512.5 to the extent that he qualifies for relief under paragraph (b) of this section.

(b) *Conditions of relief.* Each employer eligible for relief as provided in paragraph (a) of this section is hereby relieved, subject to the following conditions, from the obligation to pay the 28 per centum wage increase referred to in § 512.1 until the effective date of the wage order for his industry recommended by the review committee appointed under § 512.11. Such relief shall begin when, and continue as long as, the following conditions are complied with:

(1) He shall file with the Secretary of Labor a bond enforceable by the Secretary of Labor in the district court of the United States for the District of Columbia or for the district of Puerto Rico by service of process on a public officer in the District of Columbia or in Puerto Rico who is, by irrevocable appointment in the undertaking, authorized to receive service of process on the employer's behalf in any judicial proceeding to enforce the bond. The condition of the bond shall be such that liability for the amount of the undertaking may be avoided only if there is payment to each of his employees of an amount equal to the difference between the wages they actually receive and the wages provided in the wage order made on recommendation of the review committee.

(2) The liability in such a bond shall be fully joined by a corporate surety identified currently by the Secretary of the Treasury under sections 6 through 13 of Title 6 of the United States Code as an acceptable surety on Federal bonds who is licensed to transact a surety business and has a process agent, both in the District of Columbia and in Puerto Rico.

(3) The employer shall file with the Secretary of Labor a weekly report showing the cumulative difference between the total amount of wages he has paid to his employees through the end of the preceding workweek and the total wages his employees will be entitled to receive if the review committee recommends an increase of 28 per centum.

(4) The relief shall not be effective for any period after the cumulative difference reported under subparagraph (3) of this paragraph exceeds 75 per centum of the amount of the undertaking, nor after the Secretary of Labor advises the employer that in his opinion the amount of the undertaking is inadequate to give satisfactory assurance that the employees whose wages are affected by the relief will ultimately receive the total compensation for their work to which they will be entitled.

(5) The condition of the bond shall also require that sums due employees who cannot be located within 3 years after the effective date of the wage order recommended by the review committee shall be payable to the Secretary of Labor to be covered into the Treasury of the United States as miscellaneous receipts.

§ 512.15 Information previously submitted.

Where financial information required to be included in a petition has previously been submitted to the Wage and Hour and Public Contracts Divisions in the form required by § 512.8, the petitioner may request that it be permitted to exclude such information, setting forth the date and circumstances of such prior submission. Such request, however, must be made and granted before a petition omitting the required information may be filed, and will not authorize a petition subsequent to February 1, 1968.

Signed at Washington, D.C., this 14th day of August 1967.

THOMAS R. DONAHUE,
Assistant Secretary for Labor-Management Relations.

[F.R. Doc. 67-9857; Filed, Aug. 22, 1967; 8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 67-WE-53]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations which would alter the controlled airspace in the Denver, Colo., terminal area.

Interested persons may participate in the proposed rule-making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice

in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 9651 West Manchester Avenue, Los Angeles, Calif. 90045.

The proposed control zone extension is required to provide protection for aircraft executing a new radar approach procedure to Buckley Field ANGB for that portion of the approach conducted below 1,000 feet above the surface.

The additional proposed 700-foot transition area is required to avoid unnecessary altitude restrictions currently required by the present lack of controlled airspace. In addition, it would allow random vectoring and facilitate radar handoffs of arriving and departing aircraft in the terminal area, thus permitting maximum utilization of radar capabilities and more efficient control of IFR traffic.

The 7,500-foot MSL floor portion of the transition area NE of Greeley, Colo., is being incorporated into the description of the Denver transition area, since this portion of airspace is part of the Denver control area extension that is being revoked.

The additional segments of airspace west of Denver floored at MSL altitudes are proposed to provide greater flexibility of Denver Center radar vectoring in this area.

In view of the foregoing, the FAA proposes the following airspace actions:

In § 71.171 (32 F.R. 2088) the Denver, Colo., control zone is amended to read as follows:

DENVER, COLO.

Within a 9-mile radius of Stapleton Municipal Airport (latitude 39°46'30" N., longitude 104°52'40" W.), within a 9-mile radius of Buckley ANGB Airport (latitude 39°42'05" N., longitude 104°45'10" W.), and within 2 miles each side of the 181° bearing from Buckley ANGB, extending from the 9-mile radius zone to 13 miles southeast of Buckley ANGB, excluding the portion within a 1-mile radius of Skyline Airport (latitude 39°46'37" N., longitude 104°36'57" W.).

In § 71.165 (32 F.R. 2069) the Denver, Colo., control area extension is revoked.

In § 71.181 (32 F.R. 2177) the Denver, Colo., transition area is amended to read as follows:

DENVER, COLO.

That airspace extending upward from 700 feet above the surface, within an arc of a 20-mile radius circle centered on Stapleton Airport (latitude 39°46'30" N., longitude 104°-52'40" W.) extending clockwise between the 258° and 078° bearings from Stapleton Airport, within an arc of a 27-mile radius circle centered on Stapleton Airport extending clockwise between the 078° and 180° bearings from Stapleton Airport, within an arc of a 30-mile radius circle centered on Stapleton Airport extending clockwise between the 160° and 182° bearings from Stapleton Airport, and within an arc of a 24-mile radius circle centered on Stapleton Airport extending clockwise between the 182° and 208° bearings from the Stapleton Airport; that airspace extending upward from 1,200 feet above the surface bounded on the north by latitude 40°30'00" N., on the east by longitude 104°00'00" W., on the south by latitude 39°05'00" N., and on the west by longitude 105°30'00" W.; that airspace NE of Greeley, Colo., extending upward from 7,500 feet MSL bounded on the northeast by V-122, on the SE by V-160, on the south by latitude 40°30'00" N., and on the northwest by V-307, and that airspace east of Denver bounded on the northwest by V-109, on the northeast by V-123, on the east by V-165, on the south by latitude 39°05'00" N., and on the west by longitude 104°00'00" W.; that airspace west of Denver extending upward from 11,500 feet MSL, bounded on the north by latitude 40°30'00" N., on the east by longitude 105°30'00" W., on the south by latitude 39°05'00" N., on the west by longitude 105°33'00" W.; that airspace extending upward from 12,700 feet MSL bounded on the north by latitude 40°30'00" N., on the east by longitude 105°23'00" W. to latitude 39°20'00" N., thence direct latitude 39°30'00" N., longitude 105°30'00" W., and on the west by longitude 105°30'00" W; and that airspace extending upward from 13,700 feet MSL bounded on the north by latitude 40°30'00" N., on the east by longitude 105°23'00" W. to latitude 39°30'00" N., thence direct to latitude 39°30'00" N., longitude 105°23'00" W., thence direct latitude 39°05'00" N., longitude 105°23'00" W., thence direct latitude 39°44'00" N., longitude 105°38'00" W., thence direct latitude 40°-30'00" N., longitude 105°33'00" W., excluding the airspace within Federal airways and the Greeley, Colo., transition area.

These amendments are proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348).

Issued in Los Angeles, Calif., on August 14, 1967.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 67-9873; Filed, Aug. 22, 1967; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-CE-94]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Fargo, N. Dak.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

Conventional and jet aircraft operations are on the increase in the Fargo, N. Dak., terminal area. In order to adequately control and expedite air traffic operating in this terminal area additional holding fixes must be established and more transition routes to and from these fixes must be provided. Therefore, it is necessary to alter the 1,200-foot floor transition area at Fargo to encompass these holding patterns and routes. The present Fargo control zone and 700-foot floor transition area will not be changed as a result of this proposal.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (32 F.R. 2148), the following transition area is amended to read:

FARGO, NORTH DAKOTA

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Hector Field (latitude 46°55'05" N., longitude 96°48'00" W.); within 2 miles each side of the Fargo ILS localizer north course, extending from the 7-mile radius area to 8 miles north of the RBN; within 2 miles each side of the Fargo VORTAC 007° radial, extending from the 7-mile radius area to 24 miles north of the VORTAC; and within 5 miles west and 8 miles east of the Fargo ILS localizer south course, extending from 5 miles north to 12 miles south of the LOM; and that airspace extending upward from 1,200 feet above the surface within a 35-mile radius of the Fargo VORTAC; within a 26-mile radius of the Fargo VORTAC, extending from a line 9 miles west of and parallel to the Fargo VORTAC 348° radial, clockwise to a line 5 miles east of and parallel to the Fargo VORTAC 094° radial; and within 10 miles east and 7 miles west of the Fargo VORTAC 187° radial, extending from the 35-mile radius area to 56 miles south of the VORTAC.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on August 7, 1967.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 67-9874; Filed, Aug. 22, 1967; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-CE-95]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Eau Claire, Wis.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

A new special ADF instrument approach procedure has been developed for Eau Claire Municipal Airport. In addition, the northeast/southwest runway (4/22) has been extended to a length of 7,300 feet. Therefore, it is necessary to alter the 700-foot floor transition area at Eau Claire to provide protection for aircraft executing the new special instrument approach procedure and departing the airport during climb to 1,200 feet above the surface. The present Eau Claire control zone and 1,200-foot floor transition area will not be changed as a result of this proposal.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (32 F.R. 2148), the following transition area is amended to read:

EAU CLAIRE, WIS.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Eau Claire Municipal Airport (latitude 44° 51'47" N., longitude 91°29'13" W.); and within 2 miles each side of the Eau Claire VORTAC 011° radial, extending from the 9-mile radius area to 8 miles north of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 8 miles south and 5 miles north of the 274° bearing from Eau Claire Municipal Airport, extending from the airport to 12 miles west of the airport and within the arc of a 14-mile radius circle centered on the Eau Claire VORTAC, extending from the Eau Claire VORTAC 288° radial clockwise to the Eau Claire VORTAC 091° radial.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on August 4, 1967.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 67-9875; Filed, Aug. 22, 1967; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-SW-84]

TRANSITION AREAS

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter the Alexandria, La., and Jasper, Tex., transition areas.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal Docket will also be available for examination at the Office of the Chief, Air Traffic Division.

On April 1, 1967, a final rule was published in the FEDERAL REGISTER (32 F.R. 5465) amending Part 71 by redesignating in § 71.181 (32 F.R. 2149) the Alexandria, La., transition area, effective 0001 e.s.t. May 25, 1967. The 1,200-foot portion of the transition area is described, in part, "* * * counterclockwise along the arc of a 25-mile radius circle centered at lat. 29°54'40" N., long. 94°02'40" W., to long. 94°06'00" W., to lat. 30°37'00" N., long. 94°11'00" W., to lat. 30°44'00" N., long. 93°51'00" W. * * *."

On June 17, 1967, a final rule was published in the FEDERAL REGISTER (32 F.R. 8709) amending Part 71 by designating in § 71.181 (32 F.R. 2148) the Jasper, Tex., transition area, effective 0001 e.s.t. August 17, 1967. On July 20, 1967, a corrected description was published in the FEDERAL REGISTER (32 F.R. 10644). The 1,200-foot portion of the transition area is described as that airspace extending upward from 1,200 feet above the surface within an area bounded by a line beginning at lat. 30°37'00" N., long. 94°11'00" W. to lat. 30°54'20" N., long. 94°24'45" W. to and counterclockwise along the arc of a 35-mile radius circle centered at the Lufkin VORTAC to lat. 31°07'00" N., to lat. 31°08'00" N., long. 94°02'00" W. to lat. 30°44'00" N., long. 93°51'00" W. to point of beginning.

Subsequently, this agency proposed relocation of the Beaumont, Tex., VOR/DME to a site on the Jefferson County Airport [Airspace Docket No. 67-SW-81 (32 F.R. 8722)] which will require a slight change in V-269E [Airspace Docket No. 67-SW-30 (32 F.R. 10663)]. This airway is the western boundary for the Alexandria, La., and Jasper, Tex., 1,200-foot transition areas.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

(1) In § 71.181 (32 F.R. 2149), the Alexandria, La., transition area 1,200-foot portion is altered by substituting "* * * lat. 30°16'20" N., long. 94°05'10" W. to lat. 30°35'45" N., long. 94°14'15" W. * * *" for "* * * long. 94°06'00" W. to lat. 30°37'00" N., long. 94°11'00" W. * * *."

(2) In § 71.181 (32 F.R. 2148), the Jasper, Tex., transition area 1,200-foot portion is altered by substituting "* * * lat. 30°35'45" N., long. 94°14'15" W. to lat. 30°46'20" N., long. 94°19'15" W. to lat. 30°54'10" N., long. 94°25'20" W., * * *" for "* * * lat. 30°37'00" N., long. 94°11'00" W. to lat. 30°54'20" N., long. 94°24'45" W. * * *."

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Fort Worth, Tex., on August 10, 1967.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 67-9876; Filed, Aug. 22, 1967; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 21, 74, 91]

[Docket No. 15971]

COMMUNITY ANTENNA TELEVISION SYSTEMS

Distribution of Television Broadcast Signals and Related Matters; Order Extending Time for Filing Comments and Reply Comments

In the matter of amendments of Parts 21, 74 (proposed Subpart J), and 91 to adopt rules and regulations relating to the distribution of television broadcast signals by community antenna television systems, and related matters; Docket No. 15971.

1. In a Further Notice of Proposed Rule Making and Notice of Inquiry, adopted on June 14, 1967 (8 FCC 2d 569), August 25 and September 25, 1967, were designated as the dates for filing comments and reply comments respectively.

2. The National Community Television Association (NCTA) and Bonneville International Corp. (BIC) have moved that the time for comment be extended 90 days to November 23, 1967, and that the date for filing reply comments be extended to December 26, 1967. Both NCTA and BIC refer to the complexity of the proceeding and urge that more meaningful comments would be presented by allowing additional time.

3. We are of the view that good cause has been shown for an extension of time, in view of the importance and scope of this proceeding. However, we do not feel that an additional 90 days is necessary or would be appropriate. A 60-day extension appears to be ample. *Accordingly, it is ordered*, That the time for filing comments herein is extended to October 24, 1967, and the time for filing reply comments is extended to November 24, 1967.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules and regulations.

Adopted: August 17, 1967.

Released: August 18, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-9901; Filed, Aug. 22, 1967; 8:49 a.m.]

Notices

DEPARTMENT OF DEFENSE

Office of the Secretary

DEFENSE COMMUNICATIONS AGENCY

Mission, Organization and Functions

The following Defense Communications Agency policies have been approved by the Director, Defense Communications Agency.

1. *General—a. Creation and authority.* The Defense Communications Agency (DCA) was established on May 12, 1960, as an agency of the Department of Defense under the direction, authority, and control of the Secretary of Defense through the Joint Chiefs of Staff.

b. *Mission.* DCA is responsible for:

(1) The operational and management direction of the Defense Communications System (DCS) which includes all Department of Defense worldwide, long-haul, Government-owned and leased, point-to-point circuits, terminals, control facilities, and tributaries required to provide communications.

(a) from the President to and from the Secretary of Defense, the Joint Chiefs of Staff, and other governmental agencies,

(b) from the Secretary of Defense and the Joint Chiefs of Staff to and between the Military Departments and the Unified and Specified Commands,

(c) from the Military Departments to and between their major commanders and subordinate fixed headquarters, and

(d) from Unified and Specified Commands, to and between their component and subordinate commands;

(2) Systems engineering and technical supervision of the implementation of technical support for the National Military Command System and of each related system;

(3) The integration between the ground and space borne elements of defense communication satellite systems and between these systems and the existing and expanding global DCS in order to ensure compatibility of satellite equipments with their counterparts on the ground and of such ground equipment with the elements of the DCS.

c. *Organization.* The DCA consists of a Headquarters, located at the Navy Service Center, Eighth Street and South Courthouse Road, Arlington, Va., and various field activities. The Defense Communications Agency Operations Center, collocated with the Headquarters, exercises operational direction over all elements of the DCS through the Area Communications Centers. There are four Area activities located in close proximity to the Unified and Specified Commands in Alaska, Colorado, Hawaii, and Germany. Eight DCA Region activities, reporting to the Area activities, are located in Japan, Philippines, South Vietnam, Panama, Canada, United Kingdom, Spain, and Turkey. The Defense Commercial Communications Office, Scott Air Force Base, Ill., procures, accounts and pays for leased communications facilities, services, and equipment for the Department of Defense and, as directed by the Secretary of Defense, other Government agencies. The Defense Communications Engineering Office, collocated with the Headquarters, provides engineering advice, service and support and translates approved system/project plans into management/engineering plans for the improvement, expansion and modernization of the DCS. The National Military Command System Support Center, located in Washington, D.C., provides Automatic Data Processing service to the command centers of the National Military Command System and other elements of the Department of Defense. The White House Communications Agency provides telecommunication and other related support to the President of the United States and to other elements related to the President.

2. *Functions—a. Director.* The Director exercises world-wide direction and control of the DCA in the performance of all assigned responsibilities. The Director is responsible to the Secretary of Defense through the Joint Chiefs of Staff.

b. *Deputy Director.* The Deputy Director is the General/Flag Officer next in seniority to the Director assigned to Headquarters, DCA and serves in this capacity as an additional duty. He provides for the continuity of operation of the Agency and serves as principal point of contact in the Director's absence between the Agency and Offices of the Secretary of Defense, the Joint Staff, and staffs of the Unified and Specified Commands.

c. *Executive Officer.* The Executive Officer performs administrative coordination and review functions for the Director; coordinates the activities of the Headquarters; maintains a Management Information Center and coordinates program management reviews; represents the Director on special project assignments.

d. *Office of Counsel.* The Counsel serves as counsel to and represents the Director and all echelons of the DCA, Headquarters and field activities in legal matters pertaining to procurement administration, legislation, labor relations and international logistics. Acts as Deputy Contracts Compliance Officer.

e. *Office of the Inspector General.* The Inspector General inquires into and reports upon any matter which pertains to the performance of mission and the state of efficiency and economy of the Agency. Formal inspections and surveys are conducted as directed by the Director.

f. *Information Services Office.* The Information Services Officer has the following functions:

(1) Serve as the principal point of contact for DCA with the Office of the Assistant Secretary of Defense, (Public Affairs) on public information and community relations matters.

(2) Serve as the focal point for processing and approval of all material proposed for publication in commercial and/or trade journals.

(3) Establish and maintain an office of record for classified and unclassified speeches and briefings given by the Director and other DCA officials.

(4) Serve as the principal point of contact in DCA for the coordination of requests for inter/intra-agency exhibits or speaking engagements and briefings by DCA personnel for military, professional, scientific, and educational groups.

(5) Prepare and disseminate informational material, news releases, and photographs to news media, industry/professional and scientific organizations, and other government organizations.

g. *Secretariat, Military Communications-Electronics Board.* The Secretariat provides staff support to the Chairman, Military Communications-Electronics Board.

h. *Administrative Services.* The Administrative Services organization advises and assists the Director, DCA in the formulation and execution of the administrative policies and procedures for the general operation of the DCA; directs the development and implementation of a comprehensive and responsive personnel management program; formulates and implements security policies within the Agency and performs security review of the DCA public affairs program; provides procurement and contracting services for the Agency; provides supply and services support to the Headquarters and collocated field activities; plans for and supervises the effective utilization of all assigned buildings for use by the Headquarters and collocated field activities as office and operational area. The Administrative Services organization includes the Office of Administrative Services, the Administrative Division, the Military Personnel Division, the Supply and Services Division, the Security Division, the Civilian Personnel Division, and the Contract Management Division.

i. *Comptroller.* The Comptroller advises and assists the Director, DCA in the formulation, establishment, analysis, and appraisal of DCA objectives, plans, and policies; exercises primary responsibility for the preparation, defense, and administration of Five Year Defense Plan (FYDP) programs and budgets of the DCA; directs the review and monitoring of the command, control, and communications programs and budgets of

the Military Departments to assure that actions programed and budgeted are in accord with the policies and objectives of the DCA; as the Senior Policy Official monitors Automatic Data Processing systems and programs for Automatic Data Processing Equipment for the DCA; reviews and monitors the development and maintenance of the data processing support program for the DCA; advises and assists the Director in his management program to assure that his management objectives are fulfilled; develops policies and objectives in the areas of organization and manpower and provides a positive control of the manpower resources for the DCA; directs the development and application of DCA cost analysis information system; advises and assists the Director in arriving at cost effectiveness judgments on current and DCA managed programs. Directs the review and evaluation of General Accounting Office audit reports dealing with Department of Defense telecommunications matters, and audit reports on DCA prepared by the Office of the Secretary of Defense (Deputy Comptroller) Internal Auditor; prepares and/or coordinates comments in reply to such reports; and initiates corrective action as appropriate. The Comptroller organization includes the Office of the Comptroller, the Review and Analysis Division, the Management Services Division, the Budget and Financial Services Division, the Organization and Manpower Division, and the Cost Analysis Office.

j. Deputy Director for Defense Communications System (DCS). The Deputy Director for DCS is responsible to the Director, DCA for ensuring that the DCS will be so established, improved and operated as to meet the long-haul, point-to-point telecommunications requirements of the Department of Defense and, as directed, other Government agencies. The Deputy Director, DCS has one staff organization, the Management Support Office. There are three subordinate line offices, each headed by an Assistant Deputy Director.

(1) *Office of DCS Plans and Policy.* The Office of DCS Plans and Policy develops system and project plans, establishes policy, objectives and standards; and coordinates research and development for extending, expanding and modernizing the DCS and related special systems and networks to meet requirements imposed upon the system. The Office of DCS Plans and Policy includes the Plans Division, Washington Complex Division, Requirements Division, Research and Development Division, Standards Division, and the Commercial Policy Office.

(2) *Office of DCS Program Implementation.* The Office of DCS Program Implementation exercises staff supervision over the development and preparation of management/engineering plans based upon approved system/project plans. He monitors and guides all phases of implementation of approved plans and projects. The Office of DCS Program Implementation includes the Defense Special Security Communications System Division, the Project Management Offices for Automatic Voice Network (AUTOVON), Automatic Digital Network (AUTODIN), Automatic Secure Voice Network (AUTOSEVCOM), Communications Systems and Satellite Communications, the Satellite Communications Field Offices, and the Command, Control and Communications Program Review Office. The Assistant Deputy Director, DCS Program Implementation also serves as the Chief, Defense Communications Engineering Office.

(3) *Office of DCS Operations.* The Office of DCS Operations exercises operational and management direction over the DCS, provides staff supervision over the White House Communications Agency, and supervises the DCS Operations Center Complex (DOCC). The Office of DCS Operations includes the Operations Division, Communications Services Division, Analysis and Evaluation Division, Operations Research Office, and Data Processing Division.

k. Deputy Director for National Military Command System Technical Support (NMCSTS). The Deputy Director for NMCSTS is responsible to the Director, DCA to provide system engineering and technical implementation supervision to the National Military Command System (NMCS). The Deputy Director, NMCSTS has two staff organizations, the Administrative Office and the Program Control Office. There are three subordinate line offices, each headed by an Assistant Deputy Director.

(1) *Office of NMCS Systems.* The Office of NMCS Systems performs appropriately assigned tasks for the NMCS in the functional areas of system planning, system development, technical design and systems integration. The Office of NMCS Systems includes the Plans Division and the Design Division.

(2) *Office of NMCS Engineering.* The Office of NMCS Engineering performs appropriately assigned tasks relating to engineering matters and technical supervision of implementation of equipment and facilities applicable to the NMCS. The Office of NMCS Engineering includes the Technical Support Division, the Computer and Display Division, and the Implementation Division.

(3) *Office of NMCS, Test, Evaluation and Doctrine.* The Office of NMCS Test, Evaluation and Doctrine performs appropriately assigned tasks relating to technical test, evaluation and doctrine matters applicable to the NMCS. The Office of NMCS Test, Evaluation and Doctrine consists of the Test and Evaluation Division and the Doctrine Division.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division OASD (Administration).

[F.R. Doc. 67-9687; Filed, Aug. 22, 1967; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[A 1194]

ARIZONA

Order Providing for Opening of Public Lands

1. In an exchange of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1272), as amended by Section 3 of the Act of June 26, 1936 (49 Stat. 1976; 43 U.S.C. 315g), the following described lands have been reconveyed to the United States under serial number Arizona 04783:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 12 S., R. 29 E.,
Sec. 29, SE¼SW¼.

The area described includes 40 acres.

2. The lands are located in Cochise County approximately 5 miles northeast of Bowie, Ariz. Topography is moderately flat to flat desert land. Soils are fine sandy and silty loam. Vegetation consists of creosote bush, snake weed, and burrow weed with some perennial and annual grasses. The lands have value for watershed, grazing, and wildlife which can best be managed under the principles of multiple use.

3. Subject to valid existing rights, the provisions of the present multiple use classification A 467 published April 27, 1967 (32 F.R. 6536), and the requirements of applicable law, this land will be opened to application, petition, location, and selection. Any petition-application that is filed for classification will be considered on its merits in accordance with existing law and regulations.

4. This order shall become effective at 10 a.m. on September 10, 1967.

5. Inquiries concerning these lands shall be addressed to U.S. Bureau of Land Management, Arizona Land Office, Room 3022, Federal Building, Phoenix, Ariz. 85025.

FRED S. WEILER,
State Director.

AUGUST 14, 1967.

[F.R. Doc. 67-9688; Filed, Aug. 22, 1967; 8:45 a.m.]

[U-0130876, U-0146308—U-0146545310, Incl.]

UTAH

Notice of Proposed Classification

AUGUST 15, 1967.

Pursuant to section 2 of the Act of September 19, 1964 (43 U.S.C. 1412), notice is hereby given of a proposal to classify the lands described below under section 7 of the Act of June 28, 1934 (48 Stat. 1273; 43 U.S.C. 315f), as amended, as proper for selection by and transfer to the State of Utah in satisfaction in part of the State's outstanding land grant accorded them under the provisions of sections 2275 and 2276 of the Revised Statutes (43 U.S.C. 851; 852), as amended. The selection is made as indemnity for an equal acreage of mineral land lost to the State by reservation or appropriation of what would have been school sections in place when surveyed. Title will pass subject to all valid existing rights. If the proposal is effected, the State of Utah will obtain title to both the surface and the mineral estates owned by the United States in these lands.

The selected lands include 4,160 acres and are located 4 miles south of Crescent Junction in Grand County.

Available information indicates that these lands meet the criteria for classification for selection by the State as provided for in 43 CFR 2410.1-1(a)(2) and 43 CFR 2410.1-3(c). The lands are not required for public programs and their selection by the State will not interfere with administration of other public lands. The area represents a reasonable management unit and the State will recognize existing uses in determining future management programs if the selection is consumated.

Information concerning this proposal is available at the Bureau's Monticello District Office, 283 South First West, Monticello, Utah, or the office of the State Director, Federal Building, 125 South State, Salt Lake City, Utah. For a period of 60 days from the date of this publication, interested parties may submit comments to the District Manager or the State Director.

The lands affected by this proposal are located in Grand County and are described as follows:

SALT LAKE MERIDIAN, UTAH

T. 22 S., R. 19 E.,
Sec. 21, E½;
Sec. 22, all;
Sec. 23, all;
Sec. 24, all;
Sec. 25, all;
Sec. 26, all;
Sec. 27, all.

The area described aggregates 4,160 acres.

R. D. NIELSON,
State Director.

[F.R. Doc. 67-9654; Filed, Aug. 22, 1967; 8:45 a.m.]

[N-1333]

NEVADA

Notice of Termination of Proposed Withdrawal and Reservation of Lands

AUGUST 15, 1967.

Notice of a Federal Aviation Administration application, N-1333, for withdrawal and reservation of lands for proper operation of facilities on the land, was published as F.R. Doc. No. 67-7826, on pages 9998 and 9999 of the issue for July 7, 1967. The applicant agency has canceled its application involving the lands described in the FEDERAL REGISTER publication referred to above. Therefore, pursuant to the regulations contained in 43 CFR, Part 2311, such lands, at 10 a.m. on August 25, 1967, will be relieved of the segregative effect of the above-mentioned application.

ROLLA E. CHANDLER,
Land Office Manager.

[F.R. Doc. 67-9655; Filed, Aug. 22, 1967; 8:45 a.m.]

[Colorado 2100]

COLORADO

Notice of Classification of Public Lands for Multiple Use Management

AUGUST 14, 1967.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18), and to the regulations in 43 CFR Parts 2410 and 2411, the public lands within the areas described below, together with any lands therein that may become public lands in the future are hereby classified for multiple use management. Publication of this notice segregates all the described lands from appropriation only under the agricultural land laws (43 U.S.C. Parts 7 and 9, 25 U.S.C. 334) and from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171). The described lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. No protests or objections were received following publication of a notice of proposed classification (32 F.R. 8384), or at the public hearing at Walden, Colo., which was held on July 19, 1967. Therefore, no changes have been made in the list of lands included in the classification. The record showing the comments received and other information is on file and can be examined in the Glenwood Springs District Office, Glenwood Springs, Colo. The public lands affected by this classification are located within the following described area and are shown on a map designated by Serial Number C-2100 in the Glenwood Springs District Office, Glenwood Village Inn, Post Office Box 1009, Glenwood Springs, Colo. 81601, and at the Land Office of the Bureau of Land Management, Room 15019, Federal Building, 1961 Stout Street, Denver, Colo. 80202.

SIXTH PRINCIPAL MERIDIAN, COLORADO

JACKSON COUNTY

T. 7 N., R. 77 W.,
Secs. 31 and 32.
T. 6 N., R. 78 W.,
Secs. 1 to 7, inclusive.
T. 7 N., R. 78 W.,
Secs. 5 to 7, inclusive, and sec. 9;
Secs. 17 to 20, inclusive;
Secs. 29 to 35, inclusive.
T. 8 N., R. 78 W.,
Secs. 2 to 5, inclusive;
Secs. 8 to 11, inclusive;
Secs. 14 and 15;
Secs. 18 to 20, inclusive;
Secs. 29 to 34, inclusive.
T. 9 N., R. 78 W.,
Secs. 4 to 11, inclusive;
Secs. 13 to 30, inclusive;
Secs. 32 to 35, inclusive.
T. 10 N., R. 78 W.,
Sec. 7;
Secs 17 to 19, inclusive;
Secs. 30 and 31.
T. 6 N., R. 79 W.,
Secs. 1 and 12.
T. 7 N., R. 79 W.,
Secs. 1 to 4, inclusive;
Secs. 6 and 7;
Secs. 9 to 15, inclusive;
Secs. 24, 25, and 26.
T. 8 N., R. 79 W.,
Secs. 6, 7, 8, and 9;
Sec. 13;
Secs. 17 to 22, inclusive;
Sec. 24;
Secs. 27 and 28;
Secs. 30 and 31;
Secs. 33 and 34.
T. 9 N., R. 79 W.,
Secs. 1 to 4, inclusive;
Secs. 6 and 7;
Secs. 9 to 15, inclusive;
Secs. 18, 19, and 20;
Secs. 23, 24, and 25;
Secs. 29, 30, and 31.
T. 10 N., R. 79 W.,
Secs. 1, 2, and 3;
Secs. 8, 9, and 10;
Secs. 12 to 20, inclusive;
Secs. 22, 23, and 24;
Secs. 26 to 34, inclusive.
T. 11 N., R 79 W.,
Sec. 2;
Sec. 11;
Secs. 14 and 15;
Sec. 17;
Secs. 20 to 23, inclusive;
Secs. 27, 28, and 29;
Secs. 33, 34, and 35.
T. 7 N., R. 80 W.,
Secs. 1 to 4, inclusive.
T. 8 N., R. 80 W.,
Sec. 1;
Secs. 5 to 12, inclusive;
Secs. 14 to 31, inclusive;
Secs. 33 to 36, inclusive.
T. 9 N., R. 80 W.,
Secs. 1 to 8, inclusive;
Secs. 10 to 15, inclusive;
Secs. 17 to 24, inclusive;
Secs. 26, 27, and 28;
Secs. 31 to 36, inclusive.
T. 10 N., R. 80 W.,
Secs. 3 to 8, inclusive;
Sec. 10;
Secs. 14 to 23, inclusive;
Secs. 25 and 26.
T. 11 N., R. 80 W.,
Sec. 11;
Secs. 13 to 24, inclusive;
Secs. 26 to 35, inclusive.
T. 12 N., R. 80 W.,
Secs. 27 and 28;
Secs. 32 to 34, inclusive.
T. 8 N., R. 81 W.,
Secs. 12 and 13;
Sec. 25.
T. 9 N., R. 81 W.,
Sec. 1;
Sec. 12.
T. 10 N., R. 81 W.,
Secs. 6 and 7;
Secs. 17, 18, 19, and 20.
T. 11 N., R. 81 W.,
Secs. 2 to 15, inclusive;
Secs. 18 and 19;
Secs. 23, 24, and 25;
Secs. 30 and 31.
T. 12 N., R. 81 W.,
Secs. 19 to 23, inclusive;
Secs. 26 to 35, inclusive.

T. 10 N., R. 82 W.,
Sec. 1;
Sec. 12.
T. 12 N., R. 82 W.,
Sec. 24;
Sec. 26.

The public lands in the areas described aggregate approximately 127,215 acres.

4. For a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER, interested parties may submit comments to the Secretary of the Interior, LLM, 721, Washington, D.C. 20240 (43 CFR 2411.1-2(d)).

E. I. ROWLAND,
State Director.

[F.R. Doc. 67-9856; Filed, Aug. 22, 1967; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

NORTH DAKOTA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of North Dakota a natural disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

NORTH DAKOTA

Barnes.	Ransom.
Burke.	Renville.
Burleigh.	Sargent.
Divide.	Sheridan.
McHenry.	Ward.
McIntosh.	Wells.
Mountrail.	Williams.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1968, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 16th day of August 1967.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67-9905; Filed, Aug. 22, 1967; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

[DO 188-12]

BUREAU OF INTERNATIONAL COMMERCE

Public Information

This material further amends the material appearing at 30 F.R. 2041 of February 13, 1965; 31 F.R. 4169 of March 9, 1966.

A. *Purpose.* The purpose of this document is to describe, in general, the public information services of the Bureau of International Commerce (BIC), to describe the places at which, and the methods whereby, the public may obtain information, to inform the public as to the sources or availability of rules, regulations, procedures, instructions, forms, or other requirements established by the Bureau of International Commerce which affect the public, and otherwise to comply with the requirements of section 552, Title 5, U.S.C., as amended by Public Law 90-23, June 5, 1967 (81 Stat. 54), (hereinafter referred to as the Act).

B. *Public Information Services.* .01 BIC provides business and industry with a wide range of information and analyses on international business. Included is information on:

Exports and imports (e.g., Foreign trade statistics).
Foreign countries, potential markets, names of potential buyers and sellers.
Foreign tariffs, quotas, exchange controls and other customs regulations and procedures.
Foreign taxes.
Foreign transport systems and insurance activities.
Foreign patent, trademark and copyright laws and regulations.
Foreign government procurement in the United States.
Government export financing facilities.
Operations of the Export-Import Bank.
Foreign Credit Insurance Association insurance against commercial and political risks abroad.
Procedures for prosecuting ocean freight rate complaints.
Export documentation and shipping.
International Commercial arbitration.
Procedures for obtaining reductions in the trade restrictions of foreign countries.
Procedures for obtaining import protection.

.02 Publications of the Bureau are listed in the "Annual Catalog of Commerce Publications" and the weekly "Business Service Checklist," both of which are available from the Field Offices of the Office of Field Services, or the U.S. Department of Commerce, Washington, D.C. In addition BIC publishes a "Semi-annual Checklist of International Business Publications," which can be obtained from the U.S. Department of Commerce or the Field Offices of the Office of Field Services, Department of Commerce.

C. *Guide to Published Rules and Regulations*—.01 *Export control.* Rules and regulations pertaining to export control, including license application procedures, administrative reviews and appeals, and general information on the scope of export control by the Department of Commerce may be found in Title 15, Code of Federal Regulations, Parts 368-399. The rules and regulations are also contained in the Comprehensive Export Schedule which may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 or from the Field Offices of the Office of Field Services, Department of Commerce.

.03 *Foreign-Trade Zones.* Rules and regulations concerning the activities of the Foreign-Trade Zones Board (as established by the Foreign-Trade Zones Act of 1934-48 Stat. 998-1003; 19 U.S.C. 81a-81u), the application for granting of zones, and the operation and maintenance of the zones are found in 15 CFR Part 400. Bureau of Customs regulations relating to foreign-trade zones are found in 19 CFR 30.

.03 *China Trade Act.* Rules and regulations for corporations organized under the China Trade Act (42 Stat. 854; 15 U.S.C. 141-42) are found in 15 CFR Part 302.

.04 *Mobile Trade Fairs.* Rules concerning requests for assistance by mobile trade fair operators under the Mobile Trade Fairs Act of 1962 (46 U.S.C. 1122b) are found in 15 CFR Part 365. The regulations state where one can apply for assistance, what information must be contained in the application, and the criteria used by the Department of Commerce in evaluating each application.

.05 *Other International Trade Promotion Programs.* Application procedures, selection criteria and other rules and regulations pertaining to Government-organized trade missions, industry organized-Government approved trade missions, U.S. Trade Centers, and American Weeks may be obtained from the Office of International Trade Promotion, Bureau of International Commerce, U.S. Department of Commerce, Washington, D.C. 20230.

D. *Submission of Requests and Applications.* The established places at which and the methods whereby the public may make any submittals, applications, or requests concerning the programs listed in section C of this document are found in the rules and regulations cited therein.

E. [Reserved].

F. *Inspection and Copying of Opinions and Orders.* All final opinions and orders made in the adjudication of cases, statements of policy and interpretations not published in the FEDERAL REGISTER, administrative staff manuals and instructions to staff that affect a member of the public, and any other materials required to be made available for public inspection and copying under section 552(a)(2) are made available for such purposes in the Central Reference and Records Inspection Facility of the Department of Commerce, Room 2122, Main Commerce Building, 14th Street between Pennsylvania Avenue and Constitution Avenue NW., Washington, D.C. 20230. Rules concerning the use of this facility are contained in Part 4, Title 15, Code of Federal Regulations, or may be obtained from the facility.

G. *Inspection of Bureau Records.* Pursuant to section 552(a)(3) of the Act, rules for persons desiring to inspect records not available to the public as part of the regular public information services of the Bureau of International Commerce are contained in Part 4, Title 15, Code of Federal Regulations. Applications are available from the Central Reference and Records Inspection Facility of the Department of Commerce, or from the Field Offices of the Office of Field Services, Department of Commerce.

Dated: August 16, 1967.

LAWRENCE E. IMHOFF,
Acting Assistant Secretary for Administration.

[F.R. Doc. 67-9846; Filed, Aug. 22, 1967; 8:45 a.m.]

[DO 90-B]

NATIONAL BUREAU OF STANDARDS

Public Information

This material further amends the material appearing at 31 F.R. 8063 of June 8, 1966; 31 F.R. 8961 of June 29, 1966; 32 F.R. 6529 of April 27, 1967; and 32 F.R. 11811 of August 16, 1967.

A. *Purpose.* The purpose of this document is to describe, in general, the public information services of the National Bureau of Standards ("NBS"), to describe the places at which, and the methods whereby, the public may obtain information, to inform the public as to the sources or availability of rules, regulations, procedures, instructions, forms, reports, or other requirements established by the National Bureau of Standards which affect the public, and otherwise to comply with the requirements of section 552, Title 5, U.S.C., as amended by Public Law 90-23, June 5, 1967 (81 Stat. 54).

B. *Public Information Services*—1. *Publications of the Bureau of Standards.* a. The "Journal of Research of the National Bureau of Standards" is the chief periodical of the bureau devoted to reporting the results of its scientific activities. It is published in three sections, each of which is available separately: "Physics and Chemistry," "Mathematics and Mathematical Physics," and "Engineering and Instrumentation." The Bureau also publishes a monthly "Technical News Bulletin," and an annual report, entitled "Technical Highlights of the National Bureau of Standards."

b. The Bureau also publishes a number of nonperiodical series, covering its major fields of activity. These include the "Applied Mathematics Series," "National Standard Reference Data Series," "Building Science Series," "Technical Notes," "Product Standards," "Miscellaneous Publications," "Handbooks, and Monographs."

c. The various publications of the Bureau are listed in NBS Circular 460, NBS Miscellaneous Publication 240, and the Catalog of Commerce Publications, and in the supplements to these volumes. They are also listed, as published, in the "Business Services Checklist" of the Department of Commerce.

d. Information as to prices, frequency of issue, or other matters concerning NBS publications should be addressed to the Office of Technical Information and Publications, National Bureau of Standards, Washington, D.C. 20234. The telephone number of this Office is 921-2431; Area code 301. Subscriptions to periodicals, and purchases of other NBS publications, should be directed to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Many NBS publications are available at or through the Field Offices of the Office of Field Services, Department of Commerce, which are located in some forty major cities.

2. *Clearinghouse for Federal Scientific and Technical Information.* a. The Clearinghouse, a constituent of the NBS Institute for Applied Technology, is the major center for collecting and disseminating reports of completed research and development projects in the physical sciences, engineering, and technology, which have been conducted or supported by the Federal Government. (See section 9.03 of D.O. 90-B). The Center publishes, bimonthly, the "U.S. Government Research and Development Reports" (USGRDR) which describes each document released through the Clearinghouse, by subject, and the "Government-Wide Index to Federal Research and Development Reports" (GWI), which indexes each document listed in USGRDR by subject, author, source, report number and contract number. The Fast Announcement Service (FAS), brings selected R. & D. reports to the immediate attention of the public. The Clearinghouse also publishes, semimonthly, "Technical Translations," which announces translations of foreign technical literature financed by the Federal Government, which are available for purchase from the Clearinghouse, and lists translations available from other sources such as the Special Libraries Association.

b. Copies of documents available from the Clearinghouse are priced, with few exceptions, at $3 for a paper copy and 65 cents for microfiche. Prepaid document coupons in these denominations are available from the Clearinghouse. Information about other prices, about subscriptions to the above periodicals, about the availability of reports and documents, or about other Clearinghouse services and activities should be addressed to: Clearinghouse for Federal Scientific and Technical Information, 5285 Port Royal Road, Springfield, Va. 22151. Telephone 321-8500; Area Code 703.

3. *Office of Standard Reference Data.* a. As the program management vehicle of the National Standard Reference Data System, the Office of Standard Reference Data is concerned with the production and dissemination of compilations of critically evaluated data in the physical sciences. The System contains a network of 36 information and data centers which provide referral, reference, documentation, and data to the American technical community. Within the Office of Standard Reference Data, the Information Services Operation serves as the direct point of contact between the users and the Standard Reference Data System as a whole. (See section 7.03 of D.O. 90-B.)

b. Based on a data file of compilations of critically evaluated data produced throughout the world, the Information Services Operation will ultimately provide (1) referral service, which refers requests for data on specific subjects to information or data centers specializing in those subjects; (2) reference service, which provides literature references indicating where requesters might locate relevant data; (3) document service, which provides copies of documents in response to inquiries; and (4) data service, which provides detailed data as required to respond fully to requests for information. The "NSRDS News", a monthly newsletter, provides information about activities of the data centers, periodic lists of new compilations of data, and announcements of conferences and meetings of interest to users of numerical data.

c. Most of the data compilations can be obtained directly from the Government Printing Office. Information on the System, lists of compilation titles, and details of the information services provided can be obtained by writing to: Information Services Operation, Office of Standard Reference Data, National Bureau of Standards, Washington, D.C. 20234. Telephone 921-2643; Area code 301.

4. *Other information services*—a. *General information on the mission and operation of NBS.* Address inquiries to the Office of Public Information, National Bureau of Standards, Washington, D.C. 20234. Telephone 921-2431; Area code 301.

b. *Information on NBS technical programs and publications.* Address inquiries to the Office of Technical Information and Publications, National Bureau of Standards, Washington, D.C. 20234. Telephone 921-2316; Area code 301.

c. *Information on NBS activities at Boulder, Colo.* Address inquiries to the Technical Information Office, National Bureau of Standards, Boulder, Colo. 80302. Telephone 447-5245; Area code 303.

d. *Information on filing claims against NBS (Washington and Boulder).* Address inquiries to the Safety Office, National Bureau of Standards, Washington, D.C. 20234. Telephone 921-2600; Area code 301.

C. *Guide to Published Rules and Regulations*—1. Rules with respect to National Bureau of Standards services available to the public are contained in Chapter II, Title 15 of the Code of Federal Regulations. Specifically, the following Parts of Chapter II, 15 CFR, contain rules and regulations affecting the public:

a. Part 200 describes Bureau policies as to its measurement services, including calibrations and tests, and the procedures for requesting these services.

b. Parts 201, 202, 203, 205, 206, and 210 describe the various measurement services, including calibrations and tests, that are available and the costs thereof.

c. Part 230 lists standard reference materials issued by NBS and describes the procedure for ordering these materials.

d. Part 235 lists NBS motion picture films and prescribes the procedure for ordering them.

e. Part 340 describes the standards applicable to barrels and other containers for lime.

f. Part 341 describes the standards applicable to barrels for fruits, vegetables and other dry commodities, and for cranberries.

g. Part 255 describes the types of NBS fellowships in laboratory standardization and testing, and lists the qualifications needed to obtain such fellowships.

h. Part 256 describes policies and procedures concerning the Research Associate Program at NBS.

i. Part 260 describes the standard for devices to permit the opening of household refrigerator doors from the inside.

2. Certain authority for administering the operations of the voluntary standards program of the Department of Commerce has been delegated to the National Bureau of Standards. Part 10 of Title 15, CFR, sets forth procedures for the development of voluntary proposals for the development of voluntary product standards.

D. *Submission of Requests and Applications*—1. The rules and regulations of the National Bureau of Standards, as cited in section C of this document, describes the procedures and identify the established places to which all requests for the various services provided by the bureau are to be submitted.

2. Any member of the public desiring to make any other type of submittal or request should direct such submittal or request to the Director, National Bureau of Standards, Washington, D.C. 20234.

E. *Final Delegations of Authority*. The Director, National Bureau of Standards, has made no delegation or redelegation of authority to officers or employees of the bureau to take final actions, or make final decisions, with respect to requirements, submissions, or other matters arising under its published rules and regulations.

F. *Inspection and Copying of Opinions and Orders*—All final opinions of the National Bureau of Standards made in the adjudication of cases, statements of policy and interpretations not published in the FEDERAL REGISTER, administrative staff manuals and instructions to staff that affect a member of the public, and any other materials required to be made available for public inspection and copying by 5 U.S.C. 552(a)(2), are made available for such purposes at the Central Reference and Records Inspection Facility of the Department of Commerce, Room 3122, Commerce Building, 14th Street between Constitution Avenue and E Street NW., Washington, D.C. 20230. Rules prescribing public use of this facility are contained in Part 4, Title 15, Code of Federal Regulations, and may also be obtained from the facility.

G. *Inspection of Bureau Records*. Rules for persons desiring, pursuant to 5 U.S.C. 552(a)(3), to inspect records of the National Bureau of Standards which are not available to the public as part of the regular public information services of the Bureau, are contained in Part 4, Title 15, Code of Federal Regulations. Application forms and instructions are available from the Central Reference and Records Inspection Facility of the Department of Commerce, or from any Field Office of the Office of Field Services, Department of Commerce.

Dated: July 25, 1967.

LAWRENCE E. IMHOFF,
Acting Assistant Secretary, for Administration.

[F.R. Doc. 67-9847; Filed, Aug. 22, 1967; 8:45 a.m.]

[DO 182-B]

OFFICE OF EXPORT CONTROL, BUREAU OF INTERNATIONAL COMMERCE

Public Information

This material further amends the material appearing at 30 F.R. 2041 of February 13, 1965; 31 F.R. 4169 of March 9, 1966; and August 23, 1967.

A. *Purpose*. The purpose of this document is to further describe the central and field organization of the Office of Export Control and, in general, the public information services of the Office of Export Control, to describe the places at which, and the methods whereby, the public may obtain information, to inform the public as to the sources or availability of rules, regulations, procedures, instructions, forms, reports, or other requirements established by the Office of Export Control which affect the public, and otherwise to comply with the requirements of section 552, Title 5, U.S.C., as amended by Public Law 90-23, June 5, 1967 (81 Stat. 54), (hereinafter referred to as the Act).

B. *Central and Field Organization*. .01 The Office of Export Control in the Bureau of International Commerce, U.S. Department of Commerce, Washington, D.C. 20230, is the agency authorized to administer the Export Control Act of 1949, as amended (50 U.S.C. App. 2021-2032). Under this Act, the Office of Export Control administers a program to (a) control exports to all destinations to prevent Communist-dominated foreign countries from obtaining U.S. commodities or technical data that would contribute significantly to their military or economic potential to the detriment of the security or welfare of the United States, (b) protect the domestic economy from the excessive drain of scarce materials, (c) further the foreign policy of the United States, and (d) prevent the use of restrictive trade practices or boycotts by foreign countries which would restrict American trade with friendly countries.

.02 The Office of Export Control has jurisdiction under the Export Control Act of 1949, as amended, over the export of all commodities and technical data except for controls over certain specified commodities and related technical data exercised by other agencies. (For example, the Department of State has licensing jurisdiction over arms, ammunition, and implements of war, while the Atomic Energy Commission has jurisdiction over fissionable material.)

.03 The Office of Export Control is authorized to issue all licenses, authorizations, rules, regulations, orders, opinions, and directives relating to the administration and enforcement of the Export Control Act of 1949, as amended. The Export Regulations are published in the FEDERAL REGISTER and are codified in the Code of Federal Regulations (15 CFR 368-399). The Comprehensive Export Regulations Service, comprising the Comprehensive Export Schedule and Supplementary Current Export Bulletins, is an official issuance of the Office of Export Control. It is a loose-leaf compilation of Export Control Regulations which are published in the FEDERAL REGISTER and also includes instructions, interpretations and explanatory material relating to export control.

.04 A Director heads the Office of Export Control and has a Deputy and an Assistant Director who assist in the administration of the Act. The Office consists of seven organizational divisions, each of which is headed by a Division Director. The seven divisions are the Policy Planning Division, the Production Materials and Consumer Products Division, the Capital Goods Division, the Scientific and Electronic Equipment Division, the Technical Data and Services Division, the Investigations Division, and the Operations Division. Also, the Field Offices of the Office of Field Services, Department of Commerce are staffed with personnel experienced in U.S. export controls. The location of these Field Offices is shown in Department Order 168, "Office of Field Services."

.05 The Policy Planning Division develops recommendations of export control policies to be followed toward specific countries and over specific commodities. It also recommends disposition of certain license applications which involve policy or security problems. Included in the specific functions of this division are the initiation, coordination, and evaluation of studies to establish appropriate levels of control, and to carry out the objectives of the Mutual Defense Assistance Control Act of 1951, as amended, 22 U.S.C. 1611 (Battle Act).

.06 *Licensing Divisions*. a. There are four licensing divisions assisting in the administration of export controls over technical data or certain specified commodities listed in the Commodity Control List (CCL). The CCL is a numerical listing by Export Control Commodity Number of all commodities for which export licensing authority is exercised by the Department of Commerce. This CCL is maintained on a current basis through the periodic issuance of Current Export Bulletins, supplements to the Comprehensive Export Schedule.

b. Included in the functions of the licensing divisions with respect to their individual areas of responsibility are all actions on applications for licenses to export or reexport and related matters, as well as the preparation of technical analyses of information within their area of responsibility in order to recommend changes in export control policies, criteria, and regulations. Each division also participates in interagency and Government-industry committee activities regarding export control problems and renders assistance to industry and other government agencies on mutual problems. Three divisions in the Office of Export Control are responsible for the licensing of certain specified commodities and one division is responsible for the licensing of all technical data and services.

c. The Production Materials and Consumer Products Division has licensing jurisdiction over materials and products such as fuels, chemicals, agricultural products, and metals.

d. The Capital Goods Division has licensing jurisdiction over capital equipment such as metalworking, transportation, general production, and industrial equipment.

e. The Scientific and Electronic Equipment Division has licensing jurisdiction over equipment such as computers, electronic components, communications and navigation equipment, and laboratory instruments.

f. The Technical Data and Services Division has licensing jurisdiction over all technical data and services. The Technical Data and Services Division also assists the Department of State in the conduct of the East-West Exchange program.

.07 The Investigations Division develops intelligence information regarding areas of possible violation, investigates suspected violations, and prepares compliance cases for referral through the Department of Commerce Office of General Counsel, to the Compliance Commissioner.

.08 The Operations Division has a wide variety of administrative functions which include:

(a) Processing incoming license applications and other correspondence.

(b) Preparing export license documents and other export control documents.

(c) Issuing Import Certificates.

(d) Preparing analytical and statistical surveys and reports on export controls.

(e) Performing Bureau of Budget clearance activities regarding control of reporting requirements, on behalf of the entire Bureau of International Commerce. Also performing activities on behalf of the Bureau of International Commerce in the coordination of emergency planning.

(f) Reviewing licensing activities to assure consistent compliance with established policies and standards.

(g) Processing reports of foreign restrictive trade practices or boycotts against friendly foreign countries.

(h) Conducting export control liaison activities with the Bureau of Customs, Treasury Department, and with the Post Office Department.

(i) Developing and publishing export control regulations and procedures including instructions for customs offices and foreign service posts relating to export controls.

(j) Maintaining an Exporters Service Section offering a variety of services to assist the public and serving as the information office with respect to the export control program. The Exporters Service Section is described in paragraph C.01 of this Appendix.

.09 A work flow chart detailing the manner in which an export license application is processed is available upon request to Exporters Service Section, Office of Export Control, U.S. Department of Commerce, Washington, D.C. 20230.

C. *Public Information Services*—.01 *Services to assist exporters*. a. The Exporters Service Section of the Operations Division, Office of Export Control, is located in the Department of Commerce Building, Washington, D.C., and offers assistance to the public with respect to the provisions of the Export Control Act of 1949, as amended, and related rules, regulations, and procedures. A request for assistance of the Exporters Service Section should be directed in person, by telephone, or through correspondence to the Chief of the Exporters Service Section, Office of Export Control, U.S. Department of Commerce, Washington, D.C. 20230. The Exporters Service Section usually is able to render the assistance requested immediately, but in the event that further consultation with other technical or executive personnel is found necessary, the Exporters Service Section will promptly arrange an appropriate appointment. The Exporters Service Section offers the following services:

(1) Explains and interprets export control regulations and policies.

(2) Provides information regarding status of license applications and other export control actions.

(3) Secures expeditious action on any export control licensing material whenever priority action is warranted.

(4) Assists in clearance of authorized exports through customs.

(5) Assists in obtaining U.S. Import Certificates for importers.

(6) Answers questions regarding commodity classifications.

(7) Provides forms, informational publications, and assists the Department's Central Reference and Records Inspection Facility in making available for public inspection and copying export control records, letters, memoranda, forms or other documents in accordance with the Act.

(8) Provides information as to whether a validated license is required for a particular exportation. Information will not be given as to whether the license will be issued.

(9) Provides information regarding the status of a pending application, inquiry, correspondence, or other action.

(10) Assists in obtaining expeditious action on any pending license application or other export control action provided that the request for such action is justified by the existence of an emergency that might result in an undue hardship unless the expeditious action is granted.

b. The Field Offices of the Office of Field Services, Department of Commerce, the locations of which are shown in Department Order 168, are staffed with personnel experienced in U.S. export controls. If export control assistance is needed or information is desired, the export control consultant in the nearest Field Office should be contacted. Among the services which the Field Offices will attempt to render upon request are:

(1) Explaining and interpreting export control regulations and policies.

(2) Securing expeditious action on a license application or any other export control function whenever priority action is warranted.

(3) Obtaining an extension of the validity period of an export license or making certain other amendments to an export license.

(4) Assisting in clearing shipments through U.S. customs.

(5) Issuing or assisting in the issuance of U.S. import certificates.

(6) Assisting in solving commodity classification problems.

(7) Providing export control forms and informational publications.

.02 *Publications*. The following are Export Control publications available to the public at the places noted for each:

(a) Comprehensive Export Schedule. (Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, and the Office of Export Control, U.S. Department of Commerce, Washington, D.C. 20230, at $7 per year for domestic addresses and $9 per year for foreign addresses.)

(b) Current Export Bulletin. (Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, and the Office of Export Control, U.S. Department of Commerce, Washington, D.C. 20230 (included with subscriptions to Comprehensive Export Schedule), single copies also available from Room 0643 (Attention: 918), U.S. Department of Commerce Building, Washington, D.C. 20230, at 25 cents per copy.)

(c) A Summary of U.S. Export Control Regulations. (Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, and the Office of Export Control, U.S. Department of Commerce, Washington, D.C. 20230, at 20 cents per copy.)

(d) Quarterly Report on Export Control. (Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, and the Office of Export Control, U.S. Department of Commerce, Washington, D.C. 20230, at 25 cents per copy.)

(e) Daily List of Export Licenses Approved and Reexportations Authorized. (Available from the Office of Administrative Operations, U.S. Department of Commerce, Washington, D.C. 20230, at $37.50 per year.)

(f) Why We Have Export Control. (Available from the Office of Export Control, U.S. Department of Commerce, Washington, D.C. 20230, free of charge.)

(g) The Carrier's Role in Export Control. (Available from the Office of Export Control, U.S. Department of Commerce, Washington, D.C. 20230, free of charge.)

(h) Boycotts or Other Restrictive Trade Practices Imposed by Foreign Countries. (Available from the Office of Export Control, U.S. Department of Commerce, Washington, D.C. 20230, free of charge.)

(i) Highlights of United States Export Controls. (Available from the Office of Export Control, U.S. Department of Commerce, Washington, D.C. 20230, free of charge.)

(j) Digest of Export Regulations. (Available from the Office of Export Control, U.S. Department of Commerce, Washington, D.C. 20230, free of charge.)

(k) Export Control of Technical Data. (Available from the Office of Export Control, U.S. Department of Commerce, Washington, D.C. 20230, free of charge.)

(l) Denial and Probation Orders Currently Affecting Export Privileges. (Available from the Office of Export Control, U.S. Department of Commerce, Washington, D.C. 20230, free of charge.)

D. *Guide to Published Rules and Regulations.* The rules and regulations issued under the Export Control Act of 1949, as amended, are contained in Title 15, Code of Federal Regulations, Sections 368–399. The rules and regulations are also contained in the Comprehensive Export Schedule which may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402; from the Field Offices of the Office of Field Services, Department of Commerce; or from Room 6043 (Attn: 916), U.S. Department of Commerce Building, 14th Street and Constitution Avenue NW., Washington, D.C. 20230. Amendments to the rules and regulations are published in the FEDERAL REGISTER and in Current Export Bulletins which may be purchased and subscribed to at the above-mentioned places.

E. *Submission of Requests and Applications.* .01 The established places at which and the methods whereby the public may make submittals, applications, or requests concerning the programs of the Office of Export Control are found in the rules and regulations cited in section D of this document.

.02 The forms affecting the public pursuant to the U.S. Export Control Regulations are identified in the Code of Federal Regulations and the Comprehensive Export Schedule. These forms may be obtained from the Office of Export Control, U.S. Department of Commerce, Washington, D.C. 20230, or as otherwise provided in the regulations. The regulations also state where the forms are to be submitted. The forms are:

(a) Application Processing Card, Form FC–420 (2–65).

(b) Application for Export License, Form FC–419 (Rev. Jan. 1966).

(c) Export License, Form FC–628 (Rev. January 1966).

(d) Request for and Notice of Amendment Action, Form IA–763 (Rev. 12–15–65).

(e) Shipper's Export Declaration, Form 7525–V (Rev. July 1962).

(f) Power-of-Attorney Forms.

(g) Acknowledgement Forms for Use with Power-of-Attorney.

(h) Authorization to Dispose of Commodities Exported for Exhibition, Demonstration, or Testing Purposes, Form IA–L–196 (1–4–65).

(i) Single Transaction Statement by Consignee and Purchaser, Form FC–482 (4–1–65).

(j) Multiple Transactions Statement by Consignee and Purchaser, Form FC–843 (1–12–56).

(k) Notice of Retained Samples, Form IT–915 (6–19–53).

(l) U.S. Import Certificate and Supporting Form FC–627, Import Certificate Cross Reference Card, Form FC–626 (10–24–55).

(m) U.S. Delivery Verification, Form FC–908 (11–1–63).

(n) Notification of Delivery Verification Requirement, Form IA–863 (4–1–65).

(o) Status Request on Export License Application, Form IA–743–A (2–15–67).

(p) Request for and Notice of Approval for Reexportation, Form IT–917 (1–1–65).

(q) Application for and Notice of Extension of Project License, Form FC–957 (1–1–65).

(r) Statement by Ultimate Consignee in Support of Project License Application, Form FC–988.

(s) Statement by Foreign Importer of Aircraft or Vessel Repair Parts, Form FC–43 (Rev. 3–1–65).

(t) Request for Authorization to Distribute United States Origin Commodities Stocked Abroad to Approved Customers, Form FC–143 (1–1–65).

(u) Multiple Transactions Statement by Customer of Distributor of U.S. Commodities Stocked Abroad, Form FC–243 (8–63).

(v) U.S. Exporter's Report of Request Received for Information, Certification, or Other Action Indicating a Restrictive Trade Practice or Boycott Against a Foreign Country, Form IA–1014 (9–23–65).

F. [Reserved.]

G. *Inspection and Copying of Opinions and Orders.* All final opinions and orders made in the adjudication of cases, statements of policy and interpretations not published in the FEDERAL REGISTER, administrative staff manuals and instructions to staff that affect a member of the public, and any other materials required to be made available for public inspection and copying under section 552(a)(2) are made available for such purposes in the Central Reference and Records Inspection Facility of the Department of Commerce, Room 2122, Main Commerce Building, 14th Street between Pennsylvania Avenue and Constitution Avenue NW., Washington, D.C. 20230. Rules concerning the use of this Facility are contained in Part 4, Title 15, Code of Federal Regulations, or may be obtained from the Facility.

H. *Inspection of Bureau Records.* Pursuant to section 552(a)(3) of the Act, rules for persons desiring to inspect records not available to the public as part of the regular public information services of the Office of Export Control, Bureau of International Commerce, are contained in Part 4, Title 15, Code of Federal Regulations. Applications are available from the Central Reference and Records Inspection Facility of the Department of Commerce, or from the Field Offices of the Office of Field Services, Department of Commerce.

Dated: August 15, 1967.

LAWRENCE E. IMHOFF,
Acting Assistant Secretary.

[F.R. Doc. 67-9848; Filed, Aug. 22, 1967; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-298]

CONSUMERS PUBLIC POWER DISTRICT

Notice of Receipt of Application for Construction Permit and Facility License

Consumers Public Power District, 1452 25th Avenue, Columbus, Nebr., pursuant to section 104(b) of the Atomic Energy Act of 1954, as amended, has filed an application, dated July 26, 1967, for authorization to construct and operate a single cycle, forced circulation, boiling water nuclear reactor at the applicant's Cooper Nuclear Station. The 1,090-acre site is located on the west bank of the Missouri River near the village of Brownville, Nemaha County, Nebr. Lincoln, Nebr., is 60 miles west-northwest of the site and St. Joseph, Mo., is 60 miles southeast of the site.

The proposed reactor is designed for initial operation at approximately 2,381 thermal megawatts with a net electrical output of approximately 778 megawatts.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 16th day of August 1967.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 67-9845; Filed, Aug. 22, 1967; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 18760]

AEROLINEAS ARGENTINAS

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding is assigned to be held on August 29, 1967, at 3 p.m., e.d.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned examiner.

Dated at Washington, D.C., August 16, 1967.

[SEAL] JOSEPH L. FITZMAURICE,
Hearing Examiner.

[F.R. Doc. 67-9881; Dated, Aug. 22, 1967; 8:47 a.m.]

[Docket No. 17548 etc.; Order E-25541]

INTERSTATE AIRMOTIVE, INC.

Order Instituting Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 17th day of August 1967.

Applications of Interstate Airmotive, Inc., Dockets 17548 and 17549, for supplemental air authority; application of Interstate Airmotive, Inc., Docket 18152, for temporary exemption to provide limited supplemental air services; applications of Interstate Airmotive, Inc., Dockets 18168 and 18169, for exemptions pursuant to section 416(b) of the Federal Aviation Act of 1958, as amended; St. Louis limited supplemental air service investigation, Docket 18922.

Interstate Airmotive, Inc. (Interstate), a fixed-base operator operating out of Lambert Field, St. Louis, presently owns 5 DC–3 aircraft as well as approximately 20 small aircraft and holds a commercial license from the Federal Aviation Administration issued pursuant to Part 121 of the Federal Air Regulations which allows it to operate large DC–3 aircraft in contract or noncommon carrier operations.

In July of 1966 Interstate filed applications for domestic and international supplemental air carrier authority (Dockets 17548 and 17549) together with a motion to consolidate such application into the then pending Reopened Supplemental Proceeding, Docket 13795, et al.; the Board subsequently denied this motion.[1] Thereafter, on January 30, 1967, Interstate filed an application for an exemption in Docket 18152 for temporary authority to perform supplemental services with twin-engined piston aircraft on a year-to-year basis serving persons located within its home State, Missouri, and contiguous States. In the alternative, Interstate requests that the Board establish a new classification of air carriers to be designated as "Limited Supplemental Air Carriers" to perform special supplemental air services within a limited geographical area with twin-engine aircraft with a capacity of 44–46 passengers. Four supplemental air carriers have filed answers opposing the request for an exemption citing, among other things, Public Law 87–528 as a bar to the grant of supplemental services by way of exemption.[2]

On May 23, 1967, the Air Board of the Chamber of Commerce of Metropolitan St. Louis (Air Board) filed a letter with the Board expressing its support for Interstate's application in Docket 18152 for temporary authority to perform limited supplemental air transportation. The Air Board states that the limited authority sought would provide a valuable service to many businesses, colleges, individuals, universities and similar organizations located in and around St. Louis and points to the fact that despite the certification in 1966 of 10 supplemental air carriers, service voids have developed particularly with respect to charter services with twin-engine piston aircraft. The Air Board maintains that these voids developed principally because the existing supplemental carriers have a "great tendency to provide a majority of civil charter services to those metropolitan areas nearest their primary bases of operation," and also because almost all of these carriers have phased out, or are in the process of phasing out, their twin-engine aircraft in favor of the larger four-engine piston and four-engine jet aircraft. The Air Board states in this connection that St. Louis is one of those areas which receives practically no supplemental air service of any meaningful size in relation to its commercial and industrial importance,[3] and further, that there is a great need and demand in the area for charter services to groups of 40 and under—a need that Interstate has been unable to provide because of the lack of necessary economic Board authority.

On May 31, 1967, Interstate filed an amended application in Docket 18152 which it states should take the place of its original application. Interstate requests authority to engage in air transportation as a "Limited Supplemental Air Carrier" on a temporary basis and on a limited extent subject to certain terms and conditions.[4] On August 3, 1967, Interstate moved to expedite proceedings on this application.

In essence, the carrier makes the same arguments in support of its amended application that it advanced originally. In addition, the carrier filed certain specific information bearing on its request. For example, Interstate supplied numerous letters from persons requesting its service, and other data supporting a need for the service.

Capitol, Purdue, and American Flyers filed answers in opposition to the amended application in which they reiterate the arguments they advanced in opposition to Interstate's original application.

We have carefully examined the various pleadings as well as other pertinent data of which we may take official notice and have decided to institute an investigation to determine whether there is a need for a limited type of supplemental services to be performed for small or medium-sized charter groups moving to or from the St. Louis area, and if so, whether the Board should authorize such services by temporary certificate subject to the terms, conditions and limitations described below.

We do not believe that a full hearing on the broad supplemental authority requested in Dockets 17548 and 17549 is warranted at this time, in view of the recently completed omnibus supplemental investigation.[5] However, the information currently before us indicates that there may well be a public need for a limited type of supplemental charter services in and around the St. Louis area.

It would appear that a service gap may be developing between air taxi services provided with 4- and 5-place aircraft and those provided by the existing supplemental carriers, who, like the scheduled operators, are abandoning their relatively low-capacity piston aircraft for higher-capacity turboprop and pure jet aircraft.[6] This need for charter services to groups appears to be present in the St. Louis area. The fact that no supplemental carrier is presently based at St. Louis, plus the fact that numerous smaller charter groups have sought the services of Interstate in the past,[7] tends to bear this out.

We will limit the geographic scope of any authority to be granted in this investigation to charter flights which originate or terminate at points within 250 air miles of Lambert Field, St. Louis, and serve only points in the continental United States (excluding Hawaii and Alaska) and Canada. In view of the novelty of the concept, any authority granted will be for single-entity and pro rata charters only, and will be limited to a temporary experimental period whose duration will be determined at the hearing. It is also our intention to impose such certificate restrictions—whether on the size of the charter groups which may be transported, the seating capacity of the aircraft which may be employed, or otherwise—as may prove necessary to insure that the service rendered will

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[1] Order E–24068, Aug. 16, 1966.

[2] In February 1967, Interstate filed applications in Docket 18168 and 18169 for an exemption to carry numerous fishing groups to Canadian points. These applications were opposed by Purdue which asked for "first refusal" rights. Interstate in its reply indicated that it had no objection to affording Purdue "first refusal" rights.

[3] No supplemental carrier's present base of operations is located at St. Louis.

[4] Interstate requests authority on a temporary, year-to-year basis to operate services with twin-engine aircraft in and around St. Louis, Mo., and its environs. In the latter connection, Interstate suggests several alternatives: Authority limited to (1) the State of Missouri and nine specified States surrounding Missouri, (2) serve persons or parties within a 500-mile radius from St. Louis, or (3) a 300-mile radius from St. Louis.

[5] The Board's decisions in the Supplemental Air Carrier Investigation, Docket 13795, et al., were served in March and September 1966 (Orders E–23350 and E–24237). The record in that case was reopened for further hearings on several applications for supplemental authority and this matter is awaiting Board decision.

[6] This is shown by the marked change in the makeup of the supplemental air carrier industry's fleet which has occurred since the 1950's. For example, in 1966 only 16 of the total of 201 aircraft operated by the supplementals were DC–3's; the supplementals now operate over 20 large jet and turbojet aircraft and have approximately 40 pure jets on order.

[7] See, for example Order E–25278, June 12, 1967.

meet, and be limited to, the needs of small- or medium-sized charter groups which we tentatively identify as being those groups which have in the neighborhood of 50 members, or less. The exact form of the restrictions to be imposed will, again, be determined at the hearing. The limitations and restrictions outlined above are warranted by the experimental nature of the program and the need to insure that the services authorized are suitably designed to meet the limited service requirements which may be found to exist.[3]

We shall consolidate into this investigation Interstate's applications in Dockets 17548, 17549, and 18152 to the extent that they conform with the issues delineated above. We shall also deny Interstate's requests for exemptions in Dockets 18152, 18168, and 18169. We believe that under the circumstances the proper way to authorize the type of services requested in these applications is through the issuance of temporary certificates authorizing limited supplemental service of the type described above, rather than by issuing exemptions permitting broad-based operations.[4] Upon the basis of the foregoing we conclude that grant of an exemption would not be consistent with the public interest within the meaning of section 416 of the Act.

Accordingly, it is ordered, That:

1. An investigation be and it hereby is instituted to be referred to as the St. Louis Limited Supplemental Air Service Investigation, Docket 18922, to determine:

(a) whether the public convenience and necessity require the issuance pursuant to section 401(d)(3) of the Act of a temporary certificate of public convenience and necessity to any carrier or carriers to engage in supplemental air transportation limited to single-entity and pro rata charter flights which originate or terminate at points within 250 air miles of Lambert Field, St. Louis, and serve only points in the continental United States (excluding Hawaii and Alaska) and Canada;

(b) what terms, conditions, and limitations are required by the public interest to insure that the service rendered under any such certificate will meet, and be limited to, the needs of small and medium-sized charter groups as hereinbefore tentatively defined; and

(c) what other terms, conditions, and limitations are required by the public interest;

2. Interstate's applications in Dockets 17548, 17549, and 18152, to the extent that they seek authority consistent with the issues delineated herein, be and they hereby are consolidated into the investigation instituted herein;

3. To the extent not consolidated herein, (a) the applications of Interstate in Dockets 17548 and 17549 be and they hereby are dismissed and (b) the application in Docket 18152 be and it hereby is denied;

4. The applications of Interstate for an exemption filed in Dockets 18168 and 18169 be and they hereby are denied; and

5. Interstate Airmotive, Inc., be and it hereby is made a party to this investigation.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 67-9862; Filed, Aug. 22, 1967; 8:47 a.m.]

[3] Whether more stringent limitations should be imposed on the geographic scope of any authority to be granted, the maximum size of the groups to be carried, etc., than those indicated above, will of course be at issue in the proceeding.

[4] The Board has consistently refused to grant exemptions to air taxi operators to allow them to provide extensive services with large aircraft unless such services are keyed to a particular market; as a matter of fact, the Board has refused to issue exemptions permitting the same type of limited DC-3 services that are the subject of the investigation instituted herein. See for example, the Board's denial of the applications of Starflight and East Hampton, Orders E-24497 and E-13982, respectively.

SECURITIES AND EXCHANGE COMMISSION

DYNA RAY CORP.

Order Suspending Trading

AUGUST 17, 1967.

It appearing to the Securities Exchange Commission that the summary suspension of trading in the common stock of Dyna Ray Corp. and all other securities of Dyna Ray Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 17, 1967 through August 26, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-9904; Filed, Aug. 22, 1967; 8:48 a.m.]

CIVIL SERVICE COMMISSION

ENGINEER AND ARCHITECTURE OCCUPATIONAL CATEGORIES PFS LEVELS 5 THROUGH 13, NATIONWIDE

Notice of Adjustment of Minimum Rates and Rate Ranges

Under authority of 5 U.S.C. 5303 and Executive Order 11073, the Civil Service Commission has increased the minimum salary rates and rate ranges for PFS-5 through 13 in the following occupations:

Occupational code	Occupational field
801	General Engineer.
808	Safety Engineer.
806	Materials Engineer.
808	Architect.
830	Mechanical Engineer.
850	Electrical Engineer.
855	Electronic Engineer.
890	Industrial Engineer.

The new rate ranges are as follows:

PER ANNUM RATES

Level	1	2	3	4	5	6	7	8	9	10	11	12
PFS-5	86,461	86,803	86,845	87,484	87,226	87,416	87,607	87,798	87,989	88,180	86,371	88,562
PFS-6	7,126	7,321	7,694	7,737	7,942	8,142	8,346	8,549	8,753	8,955	9,156	9,361
PFS-7	7,852	8,071	8,289	8,507	8,726	8,943	9,160	9,378	9,597	9,815	10,033	
PFS-8	8,628	8,868	9,095	9,323	9,548	9,776	9,998	10,228	10,453	10,683		
PFS-9	9,495	9,736	9,976	10,218	10,456	10,696	10,936	11,176	11,416	11,656		
PFS-10	10,709	10,949	11,189	11,429	11,669	11,909	12,149	12,389	12,629	12,869		
PFS-11	10,451	10,700	11,111	11,488	11,741	11,996	12,251	12,506	12,761	13,016		
PFS-12	11,243	11,500	11,857	12,214	12,571	12,928	13,285	13,642	14,019	14,356		
PFS-13	11,988	12,262	12,641	12,930	13,219	13,508	13,797	14,086	14,375	14,664		

[1] Corresponding statutory rate: PFS-5—Fifth; PFS-6—Sixth; PFS-7—Seventh; PFS-8—Fifth; PFS-9—Seventh; PFS-10—Sixth; PFS-11—Fifth; PFS-12—Fourth; PFS-13—Second.

Geographic coverage: Nationwide.

The effective date is the first day of the first pay period beginning on or after August 12, 1967.

All new employees in the specified occupations will be hired at the new minimum rates.

As of the effective date, pay adjustments will be processed to increase the pay of employees on the rolls in the affected occupations. An employee who immediately prior to the effective date was receiving basic compensation at one of the rates of the statutory rate range shall receive compensation at the corresponding numbered rate authorized by this notice on and after such date. The pay adjustment will not be considered an equivalent increase within the meaning of 39 U.S.C. 3562.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-9884; Filed, Aug. 22, 1967; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Canadian Change List No. 259]

CANADIAN BROADCAST STATIONS

List of Changes, Proposed Changes, and Corrections in Assignments

JULY 31, 1967.

Notification under the provision of Part III, section 2 of the North American Regional Broadcasting Agreement; list of changes, proposed changes and corrections in assignment of Canadian Broadcast Stations modifying appendix containing assignments of Canadian Stations (Mimeograph No. 47214-3) attached to the recommendation of the North American Regional Broadcasting Agreement Engineering Meeting.

Call letters	Location	Power kw	Antenna	Schedule	Class	Expected date of commencement of operation
		620 kilocycles				
CKOV (PO: 630 kc 1 kw ND).	Kelowna, British Columbia.	5kwD/1kwN	ND	U	III	E.I.O. 7-30-68.
CBU (PO: 690 kc 10 kw DA-1).	Vancouver, British Columbia.	690 kilocycles 50kw	DA-1	U	II	E.I.O. 7-30-68.
CJVO (reduction in power from that notified on List No. 224).	Langley, British Columbia.	690 kilocycles 5kw	DA-2	U	II	E.I.O. 7-30-68.
	Winnipeg, Manitoba	810 kilocycles 10kw	DA-1	U	II	E.I.O. 7-30-68.
CFAM (PO: 1230 kc 10 kw D/5 kw N DA-2).	Altona, Manitoba	880 kilocycles 10 kw	DA-2	U	III	E.I.O. 7-30-68.
	Edson, Alberta	970 kilocycles 10kw	DA-1	U	III	E.I.O. 7-30-68.
CJLR (change in radiation pattern PO 1050 kc 10 kw N DA-2).	Quebec, Province of Quebec.	1050 kilocycles 10kw	DA-2	U	II	E.I.O. 7-30-68.
	Les Maganite, Province of Quebec.	1540 kilocycles 1kwD/ 0.25kwN	DA-D ND-N	U	IV	E.I.O. 7-30-68.
CKNR (assignment of call letters. Now in operation).	Elliot Lake, Ontario	1540 kilocycles 0.25kw	ND	U	IV	
CHOO (assignment of call letters).	Ajax, Ontario	1580 kilocycles 10kw	DA-1	U	III	

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 67-9889; Filed, Aug. 22, 1967; 8:48 a.m.]

[FCC 67-970]

COMPOSITE WEEK FOR PROGRAM LOG ANALYSIS

The following dates will constitute the composite week for use in the preparation of program log analyses submitted with applications for AM, FM, and TV station licenses which have termination dates in 1968.

Sunday, February 25, 1967.
Monday, March 13, 1967.
Tuesday, December 6, 1966.
Wednesday, May 31, 1967.
Thursday, July 13, 1967.
Friday, January 6, 1967.
Saturday, April 22, 1967.

Adopted: August 16, 1967.

Released: August 17, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 67-9890; Filed, Aug. 22, 1967; 8:48 a.m.]

[1] Commissioners Wadsworth and Johnson absent.

[Docket No. 17483; FCC 67M-1407]

BRAUN BROADCASTING CO., INC. (KOAD)

Order Continuing Prehearing Conference

In re application of Braun Broadcasting Co., Inc. (KOAD), Lemoore, Calif., Docket No. 17433, File No. BP-16309, for Construction Permit.

The Hearing Examiner having under consideration the informal request for cancelling the hearing presently scheduled for September 7, 1967, and the scheduling of a further prehearing conference;

It is ordered, That the said request is granted. The hearing herein presently scheduled for September 7, 1967 is cancelled and a further prehearing conference is scheduled for the date of September 20, 1967 commencing at 9 a.m. in the offices of the Commission at Washington, D.C.

Issued: August 17, 1967.

Released: August 18, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 67-9891; Filed, Aug. 22, 1967; 8:48 a.m.]

[Docket No. 17639; FCC 67M-1396]

CAPE FEAR BROADCASTING CO. (WFNC)

Order Scheduling Hearing

In re application of Cape Fear Broadcasting Co. (WFNC) Fayetteville, N.C., Docket No. 17633, File No. BP-17017, for Construction Permit.

It is ordered, That James D. Cunningham shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on October 25, 1967, at 10 a.m.; and that a prehearing conference shall be held on September 14, 1967, commencing at 9 a.m.: *And, it is further ordered*, That all proceedings shall take place in the Offices of the Commission, Washington, D.C.

Issued: August 15, 1967.

Released: August 16, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 67-9892; Filed, Aug. 22, 1967; 8:48 a.m.]

[Docket Nos. 17648, 17649]

EL CAMINO BROADCASTING CORP. AND SOUTH COAST BROADCASTING CO.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of El Camino Broadcasting Corp., San Clemente, Calif., requests: 107.9 mc, No. 300; 28.66 kw; 430 feet, Docket No. 17648, File No. BPH-5566; Leon Hysen, Charles W. Jobbins, and Leon F. Westendorf, doing business as South Coast Broadcasting Co., San Clemente, Calif., requests: 107.9 mc, No. 300; 49.8 kw; 500 feet, Docket No. 17649, File No. BPH-5756; for construction permits.

1. The Commission, by the Chief, Broadcast Bureau, under delegated authority considered the above captioned and described applications for construction permits.

2. These applications are mutually exclusive in that operation by the applicants as proposed would cause mutually destructive interference.

3. The areas and populations to be served are markedly different in size and for the purposes of comparison, the areas and populations within the respective 1 mv/m contours together with the availability of other FM services of at least 1 mv/m in such area will be considered under the standard comparative issue for the purpose of determining whether

a comparative preference should accrue to either of the applicants.

4. Each of the applicants is qualified to construct and operate as proposed. However, because of their mutual exclusivity the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that they must be designated for hearing in a consolidated proceeding on the issues set forth below.

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine which of the proposals would better serve the public interest.

2. To determine, in the light of the evidence adduced pursuant to the foregoing issue, which of the applications for construction permit should be granted.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: August 15, 1967.

Released: August 18, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-9893; Filed, Aug. 22, 1967; 8:48 a.m.]

[Docket Nos. 17637, 17638; FCC 67M-1394]

K.C.O.D. BROADCASTING CORP. AND BAPTIST BIBLE COLLEGE

Order Scheduling Hearing

In re applications of K.C.O.D. Broadcasting Corp., Springfield, Mo., Docket No. 17637, File No. BPH-5643; Baptist Bible College, Springfield, Mo., Docket No. 17638, File No. BPH-5686; for construction permits.

It is ordered, That Millard F. French shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on November 7, 1967 at 10 a.m.; and that a prehearing conference shall be held on October 2, 1967, commencing at 9 a.m.: *And it is further ordered*, That all proceedings shall take place in the offices of the Commission, Washington, D.C.

Issued: August 15, 1967.

Released: August 16, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-9895; Filed, Aug. 22, 1967; 8:48 a.m.]

[Docket No. 17659; FCC 67M-1395]

KING'S GARDEN, INC.

Order Scheduling Hearing

In re application of King's Garden, Inc., Seattle, Wash., Docket No. 17659, File No. BPCT-3875; for a Construction Permit for a New Television Broadcast Station (Channel 22).

It is ordered, That James D. Cunningham shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on October 18, 1967, at 10 a.m.; and that a prehearing conference shall be held on September 13, 1967, commencing at 9 a.m.; *And it is further ordered*, That all proceedings shall take place in the Offices of the Commission, Washington, D.C.

Issued: August 16, 1967.

Released: August 16, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-9895; Filed, Aug. 22, 1967; 8:48 a.m.]

[Docket No. 17659; FCC 67-951]

KING'S GARDEN, INC.

Order Designating Application for Hearing on Stated Issues

In re application of: King's Garden, Inc., Seattle, Wash., Docket No. 17659, File No. BPCT-3875, for a construction permit for a new television broadcast station.

1. The Commission has before it for consideration the above-captioned application, requesting a construction permit for a new television broadcast station to operate on Channel 22, Seattle, Wash.

2. With respect to the issues set forth below, the following considerations are pertinent:

(a) Based on information contained in the application, cash of approximately $303,000[1] will be needed for the construction and first-year operation of the proposed station. To meet these cash requirements, the applicant relies upon "donations and funds generated by the business activities of the applicant and the assets of the corporation."[2] The applicant claims to have received donations of $1,443,185, during the period 1959–1965, and to have a net worth of $3,776,322.26. However, the applicant's balance sheet does not indicate current and liquid assets (as defined in Section III, Paragraph 4(d), FCC Form 301) in excess of current liabilities sufficient to meet a commitment of $303,000. It cannot be determined, therefore, that the applicant is financially qualified.

(b) The applicant proposes to locate its main studio outside of the limits of the principal community, at the transmitter site. There is, however, no request, pursuant to § 73.613(b) of the Commission's rules, to allow location outside of Seattle, Wash., nor is there any justification provided, and consequently, an issue must be specified.

3. The applicant intends to mount the proposed antenna atop the existing antenna structure of Standard Radio Broadcast Station KGDN, Edmonds, Wash. In the event of a grant, it will be made subject to the condition that construction shall not be commenced until an appropriate application for modification of the facilities of Station KGDN has been filed and granted.

4. Except as indicated by the issues set forth below, the applicant is qualified to construct, own and operate the proposed new television broadcast station, The Commission is, however, unable to make the statutory finding that a grant of the application would serve the public interest, convenience and necessity, and is of the opinion that it must be designated for hearing on the issues set forth below.

Accordingly, it is ordered, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned application of the King's Garden, Inc., is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether the applicant has sufficient current and liquid assets in excess of current liabilities to construct and operate the proposed station for 1 year.

2. To determine whether, in view of the evidence adduced pursuant to the foregoing, the applicant is financially qualified.

3. To determine whether there is good cause for locating the proposed main studio outside of the principal community and that to do so would be consistent with the operation of the station in the public interest.

4. To determine whether, in the light of the evidence adduced pursuant to the foregoing issues, a grant of the application would serve the public interest.

[1] Consisting of: down payment to RCA ($66,444); first-year's payments to RCA ($51,866); interest ($1,989); building ($10,000); miscellaneous expenses ($5,000); and estimated cost of operation ($147,000).

[2] The "business activities" of the applicant presumably refers to profits from the operation of Radio Station KGDN (AM) and KGFM-FM, Edmonds, Wash., which, according to the applicant, amounted to about $54,000 in 1965. Nothing is known about the "donations".

It is further ordered, That in the event of a grant of the application, it shall be subject to the following condition: "Construction shall not commence until an appropriate application to make necessary changes in the antenna system of Station KGDN has been filed and granted."

It is further ordered, That, to avail itself of the opportunity to be heard, the applicant herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall within twenty (20) days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594(a) of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: August 9, 1967.

Released: August 15, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-9896; Filed, Aug. 22, 1967; 8:47 a.m.]

[Docket Nos. 17650, 17651; FCC 67M-1397]

LOCKHEED AIRCRAFT CORP. AND JIMSAIR, INC.

Order Scheduling Hearing

In re applications of Lockheed Aircraft Corp., Burbank, Calif., Docket No. 17650, File No. 106-A-L-47; Jimsair, Inc., San Diego, Calif., Docket No. 17651, File No. 38-A-L-47; For Aeronautical Advisory Station to serve the San Diego International Airport, San Diego, Calif.

It is ordered, That Forest L. McClenning shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on November 15, 1967, at 10 a.m.; and that a prehearing conference shall be held on September 28, 1967, commencing at 9 a.m.: *And, it is further ordered*, That all proceedings shall take place in the Offices of the Commission, Washington, D.C.

Issued: August 16, 1967.

Released: August 17, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-9897; Filed, Aug. 22, 1967; 8:49 a.m.]

[1] Commissioners Loevinger, Wadsworth, and Johnson absent.

[Docket Nos. 17655–17658; FCC 67M-1396]

MONTANA NETWORK ET AL.

Order Scheduling Hearing

In re applications of The Montana Network, Lewistown, Mont., Docket No. 17656, File No. BPTTV-2738; Crain-Snyder Television, Inc., Lewistown, Mont., Docket No. 17657, File No. BPTTV-2742; Snyder & Associates, Inc., Lewistown, Mont., Docket No. 17658, File No. BPTTV-2807; for construction permits for new VHF television broadcast translator stations.

It is ordered, That Charles J. Frederick shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on September 19, 1967, at 10 a.m.; and that a prehearing conference shall be held on September 1, 1967, commencing at 10 a.m.: *And it is further ordered*, That all proceedings shall take place in the offices of the Commission, Washington, D.C.

Issued: August 16, 1967.

Released: August 17, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-9898; Filed, Aug. 22, 1967; 8:49 a.m.]

[Docket No. 17657; FCC 67M-1399]

AMERICAN TELEPHONE AND TELEGRAPH CO. AND WESTERN UNION TELEGRAPH CO.

Order Regarding Procedural Dates

In the matter of TELPAK tariff sharing provisions of American Telephone and Telegraph Co. and the Western Union Telegraph Co.

The Chief Hearing Examiner having under consideration a motion in behalf of the American Telephone and Telegraph Co., filed August 16, 1967, for changes in certain procedural dates heretofore prescribed in the above-entitled proceeding;

It appearing, that good and sufficient cause, viz, an emergency situation, is shown in support of the instant pleading, and that all parties to the proceeding have indicated that they do not oppose the changes sought by the moving party;

It is ordered, That the motion is granted, and that the date for exchange of respondents' direct case testimony is changed from August 21, 1967, to October 9, 1967, and that the date for commencement of the hearing in the proceeding and for exchange of the intervenors' direct case presentation is changed from September 15, 1967, to October 30, 1967.

Issued: August 16, 1967.

Released: August 17, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-9899; Filed, Aug. 22, 1967; 8:49 a.m.]

[Docket No. 17694; FCC 67M-1392]

VOICE OF THE NEW SOUTH, INC. (WNSL)

Order Scheduling Hearing

In re application of Voice of the New South, Inc. (WNSL), Laurel, Miss., Docket No. 17634, File No. BP-16819, for construction permit.

It is ordered, That H. Gifford Irion shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on November 15, 1967, at 10 a.m.; and that a prehearing conference shall be held on September 28, 1967, commencing at 9 a.m.: *And it is further ordered*, That all proceedings shall take place in the offices of the Commission, Washington, D.C.

Issued: August 15, 1967.

Released: August 16, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-9900; Filed, Aug. 22, 1967; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

A/B ATLANTTRAFIK (ATLANTTRAFIK EXPRESS SERVICE) AND SEATRAIN LINES, INC.

Notice of Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington Office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Joseph Hodgson, Jr., General Traffic Manager, Seatrain Lines, Inc., 595 River Road, Edgewater, N.J. 07020.

Agreement 9852, between A/B Atlanttrafik (Atlanttrafik Express Service) and Seatrain Lines, Inc., establishes a through billing arrangement for the movement of general cargo from Puerto Rico to ports in Australia (including Tasmania), Cook Islands, Fiji Islands, New Caledonia, Territories of Papua and New

Guinea, New Hebrides, Norfolk Island, British Samoa, Solomon Islands, Tahiti, Thursday Island, Tonga Islands, Gilbert and Ellice Islands, with transshipment at the port of New York, N.Y., in accordance with the terms set forth in the Agreement.

Dated: August 18, 1967.

By Order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-9902; Filed, Aug. 22, 1967; 8:49 a.m.]

FEDERAL TRADE COMMISSION

GRADING AND GRADE-MARKING OF SOFTWOOD LUMBER

Notice of Closing of Record of Hearings Held March 13–15

Public hearings were held on March 13–15, 1967, before the full Commission to inquire into the grading and grade-marking of softwood lumber. Notices of the hearings were published in the FEDERAL REGISTER issued November 22, 1966, 31 F.R. 14800, and December 16, 1966, 31 F.R. 16171.

Notice was published on May 26, 1967 in the FEDERAL REGISTER (32 F.R. 7726) that the Commission had extended the closing date for submission of written views concerning the subject matter of those hearings until a date to be established by further order of the Commission.

Notice is hereby given that on September 30, 1967, the Commission will close the record for submission of written views concerning the subject matter of the March 13–15, 1967 hearings.

Issued: August 18, 1967.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc 67-9903; Filed, Aug. 22, 1967; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI 67-423 etc.]

HUNT OIL CO. ET AL.

Order Permitting Rate Filing, Accepting Rate Filings, Providing for Hearings on and Suspension of Proposed Changes in Rates

AUGUST 14, 1967.

Hunt Oil Co., et al., Docket Nos. RI67-423, et al., Hassle Hunt Trust (Operator) et al., Docket No. RI67-425.

In F.R. Doc. 67-8949 appearing at page 11242 of the issue for Wednesday, August 2, 1967, under column headed "Purchaser and Producing Area," opposite Hassle Hunt Trust Rate Schedule No. 29, insert "Texas Gas Transmission Corp." in lieu of "Tennessee Gas Pipe Line Co., a division of Tenneco, Inc."

Issued: June 7, 1967.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 67-9850; Filed, Aug. 22, 1967; 8:45 a.m.]

[Docket Nos. RI68-16 etc.]

TEXACO, INC., ET AL.

Order Accepting Contract Agreement, Providing for Hearings on and Suspension of Proposed Changes in Rates

AUGUST 14, 1967.

Texaco, Inc., Docket Nos. RI68-16 et al., Columbian Fuel Corp., Docket No. RI68-17.

In F.R. Doc. 67-9179, appearing at page 11494 of the issue for Wednesday, August 9, 1967, under column headed "Rate in Effect", relating to Supplement No. 8 to Columbian Fuel's Rate Schedule No. 8, delete reference "21".

July 27, 1967.

Delete footnote 21 in its entirety.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 67-9861; Filed, Aug. 22, 1967; 8:45 a.m.]

[Docket No. RI67-439, RI67-440]

GRAMPIAN COMPANY, LTD. AND RUTH PHILLIPS BISIKER

Order Accepting Decreased Rate Filings, Permitting Withdrawal of Suspended Rate Supplements and Terminating Proceeding

AUGUST 15, 1967.

On May 25, 1967, Grampian Co., Ltd. (Grampian), and Ruth Phillips Bisiker (Bisiker) tendered for filing proposed rate increases from 10.819792 cents to 15.513310 cents per Mcf, amounting to $21,590 annually, for natural gas sales made to Natural Gas Pipeline Co. of America from acreage in the LaGloria Area, Jim Wells and Books Counties, Tex. (Railroad District No. 4). The rate filings were designated as Supplement No. 9 to Grampian's Rate Schedule No. 3 and Supplement No. 8 to Bisiker's FPC Gas Rate Schedule No. 3. The proposed rate increases were suspended by the Commission's order issued June 16, 1967, in Docket Nos. RI67-439 and RI67-440, respectively, until November 25, 1967, and thereafter until made effective in the manner prescribed by the Natural Gas Act since such rates exceeded the applicable area increased ceiling level of 14.0 cents per Mcf as announced in the Commission's Statement of General Policy No. 61-1, as amended.

Grampian and Bisiker have now submitted amended rate change filings, as set forth in Appendix "A" hereof, proposing a "fractured" rate of 14.0 cents per Mcf in lieu of the suspended rate of 15.513310 cents to which they are contractually entitled. The amended increases to 14.0 cents amount to $14,629 annually, reflecting a decrease of $6,961 from the previously suspended increases. Grampian and Bisiker state that they are limiting their increase so as not to exceed the area increased ceiling rate and that they are waiving their rights to file further rate increases to which they may be entitled to under their rate schedules for the remainder of the relevant contract escalation period which expires in Grampian's case on March 26, 1969, and in Bisiker's case on May 14, 1969, but reserving their rights to file for any increase up to the area rate level which might in the future be established by the Commission and for increases due to any change in tax reimbursement. The proposed 14.0-cent rates do not exceed the applicable area increased ceiling level and since Grampian and Bisiker are waiving their rights to file for the highest contractually provided for rate as stated above, we conclude that the amended rate changes should be accepted for filing effective as of August 21, 1967, the date of expiration of the statutory notice; the prior increases designated as Supplement Nos. 9 and 8 to Grampian and Bisiker's FPC Gas Rate Schedule No. 3, respectively, should be permitted to be withdrawn, and the related suspension proceedings in Docket Nos. RI67-339 and RI67-440 should be terminated.

The Commission finds: Good cause exists for accepting for filing the decreased rate changes listed in Appendix "A" hereof to become effective as of August 21, 1967, the date of expiration of the statutory notice; for permitting the withdrawal of Supplement Nos. 9 and 8 to Grampian and Bisiker's FPC Gas Rate Schedule No. 3, respectively, and for terminating the related suspension proceedings in Docket Nos. RI67-439 and RI67-440.

The Commission orders:

(A) Grampian and Bisiker's proposed 14.0-cent decreased rates contained in Supplement Nos. 10 and 9 to their FPC Gas Rate Schedule No. 3, respectively, are accepted for filing and permitted to become effective on August 21, 1967, the date of expiration of the statutory notice.

(B) Supplement Nos. 9 and 8 to Grampian and Bisiker's FPC Gas Rate Schedule No. 3, respectively, are permitted to be withdrawn and the related suspension proceedings in Docket Nos. RI67-439 and RI67-440 are terminated.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual decrease	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed decreased rate	Rate in effect subject to refund in docket Nos.
RI67-439	Grampian Co., Ltd., Suite 1800, 1607 Main St., Dallas, Tex. 75201, Attn.: Cecil L. Smith, Esq.	3	[1] 10	Natural Gas Pipeline Co. of America (La Gloria Area, Jim Wells and Brooks Counties, Tex.) (RR. District No. 4).	[2] $3,498	7-21-67	[4] 8-21-67		[3] 10.819792	[5] [6] 14.00000	RI67-436
RI67-440	Ruth Phillips Bisiker, Suite 1800, 1607 Main St., Dallas, Tex. 75201, Attn.: Cecil L. Smith, Esq.	3	[7] 9	do	[8] 11,131	7-21-67	[4] 8-21-67		[9] 10.819792	[5] [10] 14.00000	RI67-440.

[1] Producer also waives its right to file for further rate increases under its rate schedule for the duration of the current escalation period which expires Mar. 26, 1969.
[2] Previous rate increase to 15.513310 cents was suspended in Docket No. RI67-439 until Nov. 25, 1967.
[3] Reflects a decrease of $1,095 annually from the previously reported amount of $5,163.
[4] The stated effective date is the first day after expiration of the statutory notice.
[5] "Fractured" rate increase. Producer is contractually due a rate of 15.513310 cents per Mcf.
[6] Pressure base is 14.65 p.s.i.a.
[7] Previous rate increase to 15.513310 cents was suspended in Docket No. RI67-440 until Nov. 25, 1967.
[8] Producer also waives her right to file for further rate increases under her rate schedule for the duration of the current escalation period which expires on May 14, 1969.
[9] Reflects a decrease of $5,296 annually from the previously reported amount of $16,477.
[10] Pressure base is 14.65 p.s.i.a.

[F.R. Doc. 67-9862; Filed, Aug. 22, 1967; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

AUGUST 18, 1967.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41106—*Decyl alcohol to Chicago, Ill.* Filed by O. W. South, Jr., agent (No. A5053), for and on behalf of Illinois Central Railroad Co. Rates on decyl alcohol, other than perfumery grade, in tank carloads, subject to Rule 35, but not less than 65,000 pounds per car, from Baton Rouge and New Orleans, La., to Chicago, Ill.

Grounds for relief—Rate relationship.

Tariff—Supplement 65 to Southern Freight Association, agent, tariff ICC S-470.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-9912; Filed, Aug. 22, 1967; 8:50 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

AUGUST 18, 1967.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. MC 1646, Sub 1, filed July 31, 1967. Applicant: MID-STATE EXPRESS, INC., 531 Woodycrest Avenue, Nashville, Tenn. Applicant's representative: Walter Harwood, 515 Nashville Bank & Trust Building, Nashville, Tenn. 37201. Certificate of public convenience and necessity sought to operate a freight service as follows: *General commodities*, except used household goods, commodities in bulk, and articles requiring special equipment, between Manchester, Tenn., and Smartt, Tenn., from Manchester via Tennessee Highway 55 to Smartt and return over the same route, serving all intermediate points—to be tacked to and used in conjunction with all of applicant's present certificate. Both intrastate and interstate authority is sought.

HEARING: Monday, September 25, 1967, 9:30 a.m. at Cordell Hull Building, C-1-110, Nashville, Tenn. Requests for procedural information, including the time for filing protests, concerning this application, should be addressed to the Tennessee Public Service Commission, Cordell Hull Building, Nashville, Tenn., and should not be directed to the Interstate Commerce Commission.

State Docket No. MC 20340 (Correction), filed August 1, 1967, published FEDERAL REGISTER issue of August 16, 1967, and republished as corrected this issue. Applicant: M & V EXPRESS, INC., 327 North Madison Street, Tulsa, Okla. Applicant's representative: L. E. Chenoweth, 2010 South Braden Street, Tulsa, Okla. Certificate of public convenience and necessity sought to operate a freight service over regular route as follows: Transportation of *Class "A" motor carrier freight, general commodities* (which shall include all kinds of goods, wares and merchandise) from Tulsa, Okla. to Vinita, Okla. via U.S. Highway 66, serving no intermediate points, thence over U.S. Highways 66 and 69 to the Kansas-Oklahoma State Line, serving all intermediate points, and return over the same routes, from Tulsa, Okla. to Oklahoma-Missouri border and return via U.S. Interstate Highway I-44 as an alternate route only. Both intrastate and interstate authority sought.

HEARING: Monday September 18, 1967, at the Oklahoma Corporation Commission Hearing Room, Oklahoma City, Okla., at 9 a.m.

Requests for procedural information, including the time for filing protests, concerning this application, should be addressed to the Oklahoma Corporation Commission, Jim Thorpe Building, Oklahoma City, Okla. 73105, and should not be directed to the Interstate Commerce Commission. NOTE: The purpose of this republication is to show a regular route, and to redescribe the commodity description.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-9911; Filed, Aug. 22, 1967; 8:50 a.m.]

[Notice 480]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

AUGUST 18, 1967.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c)(8)) and notice thereof to all inter-

ested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 2229 (Deviation No. 14), RED BALL MOTOR FREIGHT, INC., 3177 Irving Boulevard, Post Office Box 10837, Dallas, Tex. 75207, filed August 7, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Vernon, Tex., over U.S. Highway 283 to junction U.S. Highway 62 at Altus, Okla., thence over U.S. Highway 62 to junction U.S. Highway 83, thence over U.S. Highway 83 to junction Texas Highway 256, thence over Texas Highway 256 to Memphis, Tex., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) Between Childress, Tex., and Vernon, Tex., over U.S. Highway 287, and (2) between Amarillo, Tex., and Childress, Tex., over U.S. Highway 287.

No. MC 2229 (Deviation No. 15), RED BALL MOTOR FREIGHT, INC., 3177 Irving Boulevard, Post Office Box 10837, Dallas, Tex. 75207, filed August 7, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Childress, Tex., over U.S. Highway 83 to junction Texas Highway 256, thence over Texas Highway 256 to Memphis, Tex., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: Between Amarillo, Tex., and Childress, Tex., over U.S. Highway 287.

No. MC 2229 (Deviation No. 16), RED BALL MOTOR FREIGHT, INC., 3177 Irving Boulevard, Post Office Box 10837, Dallas, Tex. 75207, filed August 7, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Childress, Tex., over U.S. Highway 83 to junction Texas Highway 203 approximately 2 miles north of Wellington, Tex., thence over Texas Highway 203 to Hadley, Tex., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: between Amarillo, Tex., and Childress, Tex., over U.S. Highway 287.

No. MC 2250 (Deviation No. 1), MARIE MORRIS, DBA VANDALIA TRANSFER CO., Vandalia, Ill. 62471, filed August 7, 1967. Carrier's representative: R. W. Burgess, 8514 Midland Boulevard, St. Louis, Mo. 63114. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 40 and Interstate Highway 70 over Interstate Highway 70 to junction Interstate Highway 270, thence over Interstate Highway 270 to junction with Riverview Drive, in St. Louis, Mo., thence over Riverview Drive to Hall Street, thence over Hall Street to carrier's terminal in St. Louis, Mo., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: Between Mulberry Grove, Ill., and St. Louis, Mo., over U.S. Highway 40.

No. MC 79437 (Deviation No. 1), Y.R.L.P. SERVICE, INC., Post Office Box 778, River Road, East Liverpool, Ohio 43920, filed August 14, 1967. Carrier's representative: James R. Stiverson, 50 West Broad Street, Columbus, Ohio 43215. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Youngstown, over Ohio Highway 18 (as access road) to junction Interstate Highway 80S, thence over Interstate Highway 80S to junction Interstate Highway 76, thence over Interstate Highway 76 to junction U.S. Highway 30, thence over U.S. Highway 30 (as access road) to Pittsburgh, Pa., with the following access roads (1) from Youngstown, Ohio over Ohio Highway 7 to junction Interstate Highway 80S, (2) from junction Interstate Highway 80S and U.S. Highway 19 over U.S. Highway 19 to Pittsburgh, Pa., (3) from junction Interstate Highway 80S and Pennsylvania Highway 8 over Pennsylvania Highway 8 to Pittsburgh, Pa., (4) from junction Interstate Highway 80S and Pennsylvania Highway 28 over Pennsylvania Highway 28 to Pittsburgh, Pa., and (5) from junction Interstate Highways 80S and 76 over Interstate Highway 76 to Pittsburgh, Pa., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Youngstown, Ohio, over Ohio Highway 7 to junction Ohio Highway 165, thence over Ohio Highway 165 to junction Ohio Highway 14, thence over Ohio Highway 14 to the Ohio-Pennsylvania State line, thence over Pennsylvania Highway 51 to Pittsburgh, Pa., also from junction Pennsylvania Highways 51 and 65 over Pennsylvania Highway 65 to Pittsburgh, Pa., and return over the same routes.

MOTOR CARRIER OF PASSENGERS

No. MC 1515 (Deviation No. 396), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio 44113, filed August 7, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express*, and *newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From Youngstown, Ohio, over U.S. Highway 62 to junction Interstate Highway 80 just north of Hubbard, Ohio, thence over Interstate Highway 80 to Exit 15 of Interstate Highway 80 (northwest of Reynoldsville, Pa.), thence over Pennsylvania Highway 310 to junction U.S. Highway 322, thence over U.S. Highway 322, to junction U.S. Highway 119, thence over U.S. Highway 119 to junction U.S. Highway 219, thence over U.S. Highway 219 to junction Pennsylvania Highway 255, in DuBois, Pa., thence over Pennsylvania Highway 255 to Exit 17 of Interstate Highway 90 (southwest of Sabula, Pa.), thence over Interstate Highway 80 to Exit 23 (approximately 3 miles north of Milesburg, Pa.), thence over U.S. Highway 220 via Lock Haven, Pa., to junction U.S. Highway 15 in Williamsport, Pa., thence over U.S. Highway 15 to Exit 30N of Interstate Highway 80 (approximately 2 miles south of White Deer, Pa.), thence over Interstate Highway 80 to junction U.S. Highway 46, approximately 3 miles northwest of Delaware, N.J., (2) from Warren, Ohio, over Ohio Highway 82 to junction Ohio Highway 7, thence over Ohio Highway 7 to junction Interstate Highway 80, near Hubbard, Ohio, (3) from Exit 36 to Interstate Highway 80 near Berwick, Pa., over U.S. Highway 11 to Kingston, Pa., thence over U.S. Highway 309 to Wilkes-Barre, Pa., and (4) from interchange of Interstate Highway 80 and Interstate Highway 81 over Interstate Highway 81 to Scranton, Pa., and return over the same routes, for operating convenience only.

The notice indicates that the carrier is presently authorized to transport passengers and the same property over pertinent service routes as follows: (1) From Scranton, Pa., over Pennsylvania Highway 307 to junction U.S. Highway 611 at Daleville Junction, Pa., thence over U.S. Highway 611 (including relocation of U.S. Highway 611 between Ells Corner and Tobyhanna, Pa.), via Mount Pocono and Stroudsburg, Pa., to junction U.S. Highway 46, thence over U.S. Highway 46 via Buttzville, N.J., to Pine Brook, N.J., thence over Bloomfield Avenue to Newark, N.J., (2) from Pine Brook, N.J., over U.S. Highway 46 to junction Fairfield Road, Singac, N.J., (3) from junction New Jersey Highway S-3 and New Jersey Highway 3 over New Jersey Highway 3 to junction Depressed Highway, North Bergen, N.J., thence over Depressed Highway via Union City to Weehawken, N.J., (4) from Cleveland, Ohio, over Ohio Highway 176 to junction Rockside Road, thence over Rockside Road to junction U.S. Highway 21, thence over U.S. Highway 21 to junction Ohio Highway 176, thence over Ohio Highway 176 to junction Ohio Highway 18, thence over Ohio Highway 18 to Akron, Ohio, (5) from Wilkes-Barre, Pa., over Pennsylvania Highway 115 to Kingston, Pa., thence over U.S. Highway 11 via West Pittston and Scranton to Hallstead, Pa., (6) from New York, N.Y., through the Lincoln Tunnel to the Lincoln Tunnel Plaza in Weehawken, N.J., thence over the elevated express highway and the depressed highway to junction New Jersey Highway 3.

Thence over New Jersey Highway 3 to Secaucus, N.J., (7) from New York, N.Y., through the Lincoln Tunnel and over New Jersey Highway 3 to junction U.S. Highway 1, thence over U.S. Highway 1 (Tonnelle Avenue) to junction U.S. Highway 1 and New Jersey Highway 1 at the traffic circle, (8) from junction New Jersey Highways 3 and S-3 over New Jersey Highway S-3 to junction U.S. Highway 46, thence over U.S. Highway 46 to junction Fairfield Road, near Fairfield, N.J., (9) from Newark, N.J., over U.S. Highway 22 via Somerville, N.J., to Lewiston, Pa., thence over U.S. Highway 322 to Martha Furnace, Pa., thence over U.S. Highway 220 to Hollidaysburg, Pa., thence over U.S. Highway 22 to Pittsburgh, Pa., thence over Pennsylvania Highway 88 via Ambridge, Pa., to Rochester, Pa., (10) from New York, N.Y., over U.S. Highway 1 via Newark and Trenton, N.J., to Philadelphia, Pa. (also from Newark over New Jersey Highway 27 to Princeton, N.J., thence over U.S. Highway 206 to Trenton, N.J., thence as specified above to Philadelphia), thence over unnumbered highway to Ardmore, Pa., thence over U.S. Highway 30 via Paoli, Pa., to Bedford, Pa., (11) from East Stroudsburg, Pa., over U.S. Highway 611 via Stroudsburg, Pa., to Daleville, Pa., thence over Pennsylvania Highway 502 to junction Pennsylvania Highway 307, thence over Pennsylvania Highway 307 to Scranton, Pa., thence over U.S. Highway 11 to Northumberland, Pa., (12) from Swiftwater, Pa., over Pennsylvania Highway 940 to Blakeslee, Pa.

Thence over Pennsylvania Highway 115 to Kingston, Pa., (13) from Armagh, Pa., over Pennsylvania Highway 56 to junction U.S. Highway 220, thence over U.S. Highway 220 to Bedford, Pa., (14) from Northumberland, Pa., over Pennsylvania Highway 14 to Clarks Ferry, Pa., (15) from Northumberland, Pa., over U.S. Highway 11 to Amity Hall, Pa., (16) from Rochester, Pa., over Pennsylvania Highway 18 to Beaver Falls, Pa., thence over Pennsylvania Highway 588 to junction Pennsylvania Highway 51, thence over Pennsylvania Highway 51 to the Pennsylvania-Ohio State line, thence over Ohio Highway 165 to East Palestine, Ohio, thence over Ohio Highway 170 to Unity, Ohio, thence over Ohio Highway 14 to Columbiana, Ohio, (17) from Youngstown, Ohio, over Ohio Highway 18 to Bellevue, Ohio, (18) from Cleveland, Ohio, over Ohio Highway 87 to junction U.S. Highway 422, thence over U.S. Highway 422 to junction relocated U.S. Highway 422 and old U.S. Highway 422 (south of Parkman, Ohio), thence over relocated U.S. Highway 422, to junction old U.S. Highway 422 (north of Warren, Ohio), thence over U.S. Highway 422 to Youngstown, Ohio, thence over Ohio Highway 7 to North Lima, Ohio, (19) from Blakeslee Corner, Pa., over Pennsylvania Highway 115 to Saylorsburg, Pa., thence over Pennsylvania Highway 13 to Stockertown, Pa., thence over Pennsylvania Highway 115 to Easton, Pa., (20) from Harrisburg, Pa., over U.S. Highway 11 to Middlesex, Pa.

Thence over the Pennsylvania Turnpike to Irwin, Pa., thence over U.S. Highway 30 to Pittsburgh, Pa., (21) from New York, N.Y. through the Lincoln Tunnel and over New Jersey Highway 3 to junction U.S. Highway 1, thence over U.S. Highway 1 (Tonnelle Avenue) to junction U.S. Truck Highway 1, at the traffic circle under the Pulaski Skyway in Jersey City, N.J., (22) from Wilkes-Barre, Pa., over unnumbered highway to Pittston, Pa., (23) from Harrisburg, Pa., across the Susquehanna River thence over U.S. Highway 11 to junction U.S. Highway 22, (24) from Dupont, Pa., over Pennsylvania Highway 315 to Wilkes-Barre, Pa., (25) from Carlisle Interchange at Middlesex over the Pennsylvania Turnpike to King of Prussia, thence over Pennsylvania Highway 23 to Philadelphia, Pa., (26) from junction U.S. Highways 11 and 15 over U.S. Highway 15 to junction with the Pennsylvania Turnpike at Gettysburg Pike Interchange, (27) from junction U.S. Highway 30 and Pennsylvania Turnpike, over the Pennsylvania Turnpike to junction U.S. Highway 22, (28) from junction U.S. Highway 22 and Penn-Lincoln Parkway over the Penn-Lincoln Parkway to Pittsburgh, Pa., (29) from Lincoln Tunnel Interchange over the New Jersey Turnpike to the Delaware Memorial Bridge Interchange, (30) from junction U.S. Highway 1 and New Jersey Highway 3 over New Jersey Highway 3 via Lincoln Tunnel Interchange to the New Jersey Turnpike, (31) from Philadelphia, Pa., over city streets and the Delaware River Bridge to Camden, N.J.

Thence over New Jersey Highway 38 to junction New Jersey Highway 73, thence over New Jersey Highway 73 via Camden-Philadelphia Interchange to the New Jersey Turnpike, (32) from the Pennsylvania-Ohio State line at the junction of the Ohio and Pennsylvania Turnpikes over the Ohio Turnpike to junction Ohio Highway 18, (33) from junction U.S. Highway 22 and the Pennsylvania Turnpike over the Pennsylvania Turnpike to the Pennsylvania-Ohio State line (Gateway Interchange), (34) from Pittsburgh, Pa., over U.S. Highway 19 to junction Pennsylvania Turnpike, (35) from Cleveland, Ohio, over new U.S. Highway 21 (Willow Freeway) to junction Rockside Road, just north of Independence, Ohio, (36) from junction Ohio Turnpike and Ohio Highway 18 over the Ohio Turnpike to the Ohio-Indiana State line, and (37) from junction Northeast segment of the Pennsylvania Turnpike system and the Pennsylvania Turnpike over the eastern extension of the Pennsylvania Turnpike via the Delaware River Bridge near Edgeley, Pa., and Florence, N.J., to junction connecting segment of the New Jersey Turnpike, thence over connecting segment of the New Jersey Turnpike to New Jersey Turnpike at Interchange No. 6 thereof, and return over the same routes.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-9910; Filed, Aug 22, 1967; 8:50 a.m.]

[Notice 1007]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

AUGUST 18, 1967.

The following publications are governed by Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER issue of April 20, 1966, which became effective May 20, 1966.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 55236 (Sub-No. 152) (Republication), filed July 14, 1967, published in the FEDERAL REGISTER issues of July 27, 1967, and August 10, 1967, and republished this issue. Applicant: OLSON TRANSPORTATION COMPANY, a corporation, 1970 South Broadway, Green Bay, Wis. 54306. Applicant's representative: K. L. Laird (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Muskegon, Mich., and within 5 miles thereof, to points in Iowa, Missouri, Kansas, Nebraska, and Minnesota (except St. Paul, Minn.). NOTE: The purpose of this republication is to reflect the hearing information.

HEARING: September 22, 1967, in Room 215, Federal Building, 326 West Allegan Street, Lansing, Mich., before Examiner Charles W. Bennett.

No. MC 9148 (Sub-No. 16) (Republication), filed September 23, 1966, published FEDERAL REGISTER issue of October 13, 1966, and republished this issue. Applicant: DEAN THORNTON, doing business as KEYSTONE TRUCKING COMPANY, Main Street, Rushford, N.Y. 14777. Applicant's representative: Raymond A. Richards, 26 Curtice Park, Webster, N.Y. 14580. By application filed September 23, 1966, applicant seeks a certificate of public convenience and necessity authorizing operation in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of (1) processed popcorn prod-

ucts; chips, twists, or puffs; popped corn; fried pork skins, from the plantsites and facilities of Popped-Right Corn Co. at points in Marion and Wyandot Counties, Ohio, to points in Connecticut, Maine, Massachusetts, New Jersey, New Hampshire, New York, Pennsylvania, Rhode Island, and Vermont; and (2) iron and steel rust preventing or removing compound (other than petroleum), metal cutting, drawing, and drilling compounds (other than petroleum), brake fluid (other than petroleum), cleaning, washing, and scouring compound, petroleum tar, petroleum wax, petroleum oil, compounded oil and greases and lubricating greases, vehicle body sealer, sound deadening compound, and oil emulsions, all in containers, and petroleum and petroleum products as described in appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, except in bulk, and related advertising material, (a) from Buffalo, N.Y., and Emlenton and Farmers Valley, Pa., to points in Illinois, except Chicago, and all points in Indiana, restricted however to traffic originating at the facilities of Quaker State Oil Refining Corp. at the points named and destined to points in the named destination States and (b) from Warren, Pa., to points in Connecticut, Massachusetts, New Jersey, New Hampshire, New York, Rhode Island, Vermont, and those points in Maine on and south of Maine Highway 25, including Portland, Maine, and the Portland, Maine, commercial zone.

The application was referred to Examiner Richard A. White for hearing and the recommendation of an appropriate order thereon. Hearing was held on May 4, 1967, at Buffalo, N.Y. A Report and Order of the Commission, division 1, served June 15, 1967, which became effective July 17, 1967, served July 25, 1967, as amended, finds that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle, in interstate or foreign commerce, over irregular routes, of (1) *iron and steel rust preventing or removing compounds* (other than petroleum), *metal cutting, drawing and drilling compounds* (other than petroleum), *brake fluid* (other than petroleum), *cleaning, washing, and scouring compounds, petroleum tar, compounded oil and greases and lubricating greases, vehicle body sealer, sound deadening compound, and oil emulsions*, in containers, and *petroleum and petroleum products* as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in containers, and *related advertising material*, (a) from Buffalo, N.Y., and Emlenton and Farmers Valley, Pa., to points in Illinois except Chicago, Ill., and points in Indiana, restricted to traffic originating at the facilities of Quaker State Oil Refining Corporation at the named origins and destined to points in the named destination States, and (b) from Warren, Pa., to points in Connecticut, Massachusetts, New Jersey, New Hampshire, New York, Rhode Island, Vermont, and those points in Maine on and south of Maine Highway 25, including Portland, Maine, and the commercial zone thereof; and (2) *popcorn, corn chips, corn twists, corn puffs, and fried pork skins, and raw corn* when transported at the same time and in the same vehicle with popcorn, corn chips, corn twists, corn puffs, and fried pork skins, from the plantsites and facilities of Popped-Right Corn Co. in Marion and Wyandot Counties, Ohio, to points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont; and that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 38222 (Sub-No. 10) (Republication), filed July 19, 1966, published FEDERAL REGISTER issues of August 18, 1966, and July 6, 1967, and republished this issue. Applicant: JOHN L. FANSHAW, Jr., doing business as CREWE TRANSFER, Crewe, Va. Applicant's representative: John C. Goddin, Insurance Building, 10 South 10th Street, Richmond, Va. In the above-entitled proceeding an order was entered May 19, 1967, and served June 21, 1967, by Operating Rights Board No. 1, which found that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of (1) wearing apparel from Emporia and Lawrenceville, Va., to Crewe, Va., and (2) materials and supplies used in the manufacture of wearing apparel from Crewe, Va., to Emporia and Lawrenceville, Va.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. That by petition filed July 20, 1967, applicant requests that the prior order be amended so as to authorize the operation described below. A Supplemental order of the Commission, Operating Rights Board, dated July 31, 1967, and served August 9, 1967, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of *wearing apparel and materials and supplies* used in the manufacture of wearing apparel, between Emporia and Lawrenceville, Va., on the one hand, and, on the other, Crewe, Va.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commissions' rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 121120 (Sub-No. 2) (Republication), filed July 6, 1965, published FEDERAL REGISTER issue of July 29, 1965, and republished this issue. Applicant: RAPID DELIVERY SERVICE, INC., 3960 Northeast Fifth Terrace, Fort Lauderdale, Fla. Applicant's representative: Alan B. Brody, Suite 410, Ainsley Building, Miami, Fla. 33132. In the above-entitled proceeding, the examiner recommended the granting to applicant a certificate of public convenience and necessity authorizing operation in interstate or foreign commerce, over irregular routes, of general commodities, except those of unusual value, classes A and B explosives, household goods, as defined by the Commission, motion picture films, newspapers and magazines, commodities which because of their size require special equipment, commodities in bulk (not including wearing apparel loose on hangers), and those injurious or contaminating to other lading, (1) between points in Dade, Broward, Collier, Palm Beach, Hendry, Lee, Charlotte, Glades, Martin, St. Lucie, Okeechobee, Highlands, De Soto, Hardee, Sarasota, Manatee, Pinellas, Hillsborough, Polk, Osceola, Indian River, Brevard, Orange, Seminole, Sumter, Pasco, Hernando, Citrus, Marion, Volusia, Flagler, Putnam, Alachua, Bradford, Clay, St. Johns, Duval, and Nassau Counties, Fla., subject to the following restrictions:

(a) No service shall be rendered in the transportation of any package or article weighing more than 100 pounds and each package or article shall be considered as a separate and distinct shipment; and (b) no service shall be provided in the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor at one location to one consignee at one location on any one day; and (2) wearing apparel, on hangers, together with accessories, piece goods and cut materials, and supplies used in the conduct of retail wearing apparel stores, in cartons, in mixed loads with wearing apparel on hangers, from Jacksonville, Fla., to points in Dade, Broward, Collier, Palm Beach, Hendry, Lee, Charlotte, Glades, Martin, St. Lucie, Okeechobee, Highlands, De Soto, Hardee, Sarasota, Manatee, Pinellas, Hillsborough, Polk, Osceola, Indian River, Brevard, Orange, Seminole, Sumter, Pasco, Hernando, Citrus, Marion, Volusia, Flagler, Putnam, Alachua, Bradford, Clay, St. Johns, Duval, and Nassau Counties, Fla. A report of the Commission, Review Board Number 2, decided August 4, 1967, and served August 15, 1967, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of *general commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, and motion picture films, newspapers, and magazines), moving in express service, between points in Alachua, Bradford, Brevard, Broward, Charlotte, Citrus, Clay, Collier, Dade, De Soto, Duval, Flagler, Glades, Hardee, Hendry, Hernando, Highlands, Hillsborough, Indian River, Lake, Lee, Manatee, Marion, Martin, Nassau, Okeechobee, Orange, Osceola, Palm Beach, Pasco, Pinellas, Polk, Putnam, St. Johns, St. Lucie, Sarasota, Seminole, Sumter, and Volusia Counties, Fla., subject to the following restrictions:

(a) No service shall be provided in the transportation of any package or article weighing more than 100 pounds, and each package or article shall be considered as a separate and distinct shipment, and (b) no service shall be provided in the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor at one location to one consignee at one location on any one day; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; and that applicant should request in writing the coincidental cancellation of its certificate of registration in No. MC 121120 (Sub-No. 1) issued December 18, 1963. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 128947 (Republication), filed March 15, 1967, published FEDERAL REGISTER issue of April 6, 1967 and republished this issue. Applicant: CLEVELAND BULK TRANSFER, INC., 10655 Royalton Road, North Royalton, Ohio 44133. Applicant's representative: Frank J. Kerwin, Jr., 900 Guardian Building, Detroit, Mich. 48226. By application filed March 15, 1967, applicant seeks a permit authorizing operations, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of automobile bodies, wrecked or scrapped, not on their own wheels, and not bundled, for remelting purposes, (1) from points in Ohio to Detroit, Mich., and points in its commercial zone, and (2) from the ports of entry on the international boundary line between the United States and Canada located at or near Port Huron and Detroit, Mich., to Detroit, Mich. and points in its commercial zone, under contract with Luria Brothers & Co., Inc. An Order of the Commission, Operating Rights Board, dated July 31, 1967, and served August 10, 1967, finds that operation by applicant, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of *automobiles*, wrecked or scrapped, (1) from points in Ohio, to Detroit, Mich., and (2) from those ports of entry on the International Boundary line between the United States and Canada located at or near Port Huron and Detroit, Mich., to Detroit, Mich., under a continuing contract with Luria Brothers & Co., Inc., of Detroit, Mich., will be consistent with the public interest and national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 128962 (Republication), filed March 23, 1967, published FEDERAL REGISTER issue of April 20, 1967, and republished this issue. Applicant: FRED H. LORENZEN, doing business as A. V. PRICE TRANSFER COMPANY, 1631 Ronan Avenue, Wilmington, Calif. 90746. Applicant's representative: R. Y. Schureman, 1010 Wilshire Boulevard, Los Angeles, Calif. 90017. By application filed March 23, 1967, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of baggage and personal effects of steamship passengers, between points in the Los Angeles Harbor commercial zone, California, on the one hand, and, on the other, points in Los Angeles, Orange, Riverside, San Bernardino, San Diego, Santa Barbara, and Ventura Counties, Calif. An order of the Commission, Operating Rights Board dated July 31, 1967, and served August 9, 1967, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, of *baggage and personal effects of passengers* having a prior or subsequent movement by water, between points in the Los Angeles Harbor commercial zone, California, as defined by the Commission, on the one hand, and, on the other, points in Los Angeles, Orange, Riverside, San Bernardino, San Diego, Santa Barbara, and Ventura Counties, Calif.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the Federal Register and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

NOTICES OF FILING OF PETITIONS

No. MC 30451 (Sub-No. 22) (Notice of filing of petition to modify permit), filed July 31, 1967. Petitioner: THE LUPER TRANSPORTATION COMPANY, 350 east 21st Street, Wichita, Kans. 67214. Petitioner's representative: James F. Miller (same address as above). Petitioner states that it holds a permit authorizing the transportation, over irregular routes, of: Meats, meat products and meat byproducts, dairy products, and articles distributed by meat packinghouses, as described in sections A, B, and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, from Wichita, Kans., to points in Alabama, Florida, Georgia, and Tennessee (except Memphis, Tenn.), with no transportation for compensation on return except as otherwise authorized, limited to a transportation service to be performed, under a continuing contract or contracts, with Cudahy Packing Co., of Wichita, Kans. By the instant petition, petitioner desires to add an additional contracting shipper, the Sunflower Packing Co. of Wichita, Kans. Any interested person desiring to participate may file an original and six copies of his written representations, views or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER. Petitioner shall within a period of 30 days from the date of this publication, file verified statements in support of the petition (including appropriate evidence of shipper support for the modification proposed).

No. MC-118412 (In the matter of alleged forgery of applicant's signature). Petitioner: WM. PRESTON O'CONNOR, doing business as FRIGID FREIGHT-

WAYS, Chicago, Ill. Petitioner's representative: Wm. Preston O'Connor, 3004 South Wabash Street, Chicago, Ill. As a result of a written request dated January 8, 1969, ostensibly in the name of applicant, William Preston O'Connor, by order of January 19, 1969, the application in the above-entitled proceeding (for "grandfather" authority under section 7 of the Transportation Act of 1958 to continue to operate as a common carrier by motor vehicle, over irregular routes, of frozen fruits, frozen berries, frozen vegetables, cocoa beans, coffee beans, tea, bananas, and wool imported from any foreign country, between points in Connecticut, Colorado, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, South Dakota, Wisconsin, Arizona, New Mexico, California, Utah, Nevada, North Dakota, Montana, Idaho, Washington, Oregon, Delaware, Maryland, and the District of Columbia) was dismissed. By letter filed July 18, 1967, together with a supporting affidavit, applicant William Preston O'Connor advises this Commission that he did not request dismissal of the application, alleging that his name was forged to the letter request for dismissal. By order dated August 11, 1967, by the Commission, Commissioner Murphy, applicant's letter-affidavit of July 18, 1967, was designated for handling under the modified procedure solely for the purpose of determining the validity of the letter request of January 8, 1969, for dismissal of the application in the proceeding. The said order fixes September 18, 1967, on or before which William Preston O'Connor is required to show cause in writing, verified under oath, why the order of January 19, 1969, should be vacated and set aside, and also provides that parties to the proceeding and other interested persons may file verified statements supporting or opposing applicant's position within 30 days after the filing of applicant's verified statements. The said order also directs the Bureau of Enforcement, Interstate Commerce Commission, to participate in the proceeding.

No. MC 125022 (Notice of filing of petition for modification of permit), filed July 31, 1967. Petitioner: MERCURY PRODUCE EXPRESS, LTD., 2916 Norland Avenue, Burnaby, British Columbia, Canada. Petitioner's representative: Thomas R. Kerr, 140 Montgomery Street, San Francisco, Calif. 94104. Petitioner states it holds a Permit in No. MC 125022 authorizing the transportation by motor vehicle, in interstate or foreign commerce, over irregular routes, of such commodities as are dealt in by wholesale, retail, and general grocery and food business houses, and, in connection therewith, equipment, materials, and supplies used in the conduct of such businesses, and commodities which are exempt from economic regulation, when moving in mixed shipments with the commodities specified above, from points in California, Oregon, and Washington, to ports of entry on the United States–Canada boundary line in Washington, Idaho, and Montana, with no transportation for compensation on return except as otherwise authorized, restricted to contracts with the following shippers: James Brothers Food, Ltd., Vancouver, British Columbia, Canada, J. K. Preinwerk Co., Vancouver, British Columbia, Canada, and Kelly Douglas & Co., Ltd., Vancouver, British Columbia, Canada. By the instant petition, petitioner requests that Kelley Douglas & Co., Ltd., be removed as one of the shippers that applicant may contract with, and that MacDonald's Consolidated, Ltd., be added to the permit in place of Kelly Douglas; that Koffman Food Importers, Ltd., be added to the list of shippers with which applicant may contract; and that Oppenheimer Bros. & Co. be added to the list of shippers with which applicant may contract. Any interested person desiring to participate may file an original and six copies of his written representations, views or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 22167 (Sub-No. 23), filed July 24, 1967. Applicant: CONSOLIDATED COPPERSTATE LINES, a corporation, 1220 West Washington Boulevard, Montebello, Calif. 90640. Applicant's representative: Hane Burch, 411 North Central, First National Bank Building, Phoenix, Ariz. 85004. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except livestock), between Flagstaff and Kingman, Ariz., serving all intermediate points between Kingman and Ashfork, Ariz., on the one hand, and, on the other, points east of Ashfork on Highway 66 to Flagstaff, and points within 25 miles of Flagstaff with no service between Flagstaff and Ashfork. NOTE: This application is directly related to MC–F–9836, published in the FEDERAL REGISTER, August 2, 1967. If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. MC 109672 (Sub-No. 10), filed August 2, 1967. Applicant: BOYCE MOTOR LINES, INC., Lake Shore Drive, Canandaigua, N.Y. 14424. Applicant's representative: Herbert M. Canter, 345 South Warren Street, Syracuse, N.Y. 13202. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) regular route: Between Rochester and Syracuse, N.Y., as follows: (a) From Rochester over New York Highway 31 to junction New York Highway 31B, thence over New York Highway 31B to junction New York Highway 5, thence over New York Highway 5 to Syracuse, (b) from Rochester over New York Highway 96 to Waterloo, thence over New York Highway 5 to Syracuse, (c) from Rochester over New York Highway 96 to junction New York Highway 332, thence over New York Highway 332 to Canandaigua, thence over New York Highway 5 to Syracuse, serving all intermediate points, and with service to, from and between all points in the commercial zones of Syracuse, Rochester, and Auburn, and (d) over the New York State Thruway for operating convenience only and (2) irregular route: *Nursery stock*, from points in Wayne County, N.Y., to points in Broome, Chemung, Erie, Fulton, Genesee, Livingston, Madison, Montgomery, Oneida, Saratoga, and Ulster Counties, N.Y. NOTE: This application is a matter directly related to MC–F–9845, published in the FEDERAL REGISTER issue August 16, 1967. It seeks to convert the certificate of registration of G & N Motor Express, Inc., in MC–1401, Sub-2, into a certificate of public convenience and necessity. Control of the authorities and properties of G & N Motor Express, Inc., is being sought permanently in the above referenced BMC–44 application and temporary authority to control and operate the same through stock control is being sought on a concurrently filed BMC–48 application. No duplicating authority sought. Applicant intends to tack the authority sought herein with its existing authorities. If a hearing is deemed necessary, applicant requests it be held at Syracuse or Rochester, N.Y.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under Sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–9735 (Correction) (BRUCE MOTOR FREIGHT, INC.—CONTROL—HAWKEYE MOTOR EXPRESS, INC.), published in the May 3, 1967, issue of the FEDERAL REGISTER, on page 6818. The authority sought is for merger also and should read BRUCE MOTOR FREIGHT, INC., *control and merge* the operating rights and property of HAWKEYE MOTOR EXPRESS, INC., in lieu of control only.

No. MC–F–9851. Authority sought for purchase by REED LINES, INC., Box 285, Woodburn, Ind. 46797, of a portion of the operating rights of MOTORWAY CORPORATION (WARREN H. BOCK, TRUSTEE IN BANKRUPTCY), Spitzer Building, Toledo, Ohio 43604, and for acquisition by GLENN W. REED, 634 Ralston Avenue, Defiance, Ohio, of control of such rights through the purchase. Applicants' attorney: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Operating rights sought to be transferred: *Glass containers* and *caps, covers, disks or tops therefor*, as a *common carrier* over irregular routes, from Gas City, Ind., to certain specified points in New York; *glass containers, caps, covers, disks and tops*, and *fibreboard boxes*, corrugated or knocked down flat, from Fairmont, W. Va., to points in Pennsylvania (with exception), Kentucky, Indiana, and the Lower Peninsula of Michigan, from Gas City, Ind., to points in Pennsylvania; *glass containers, glass bottles*, and *glass jars*, with or without caps, covers, tops, or stoppers, *glassware*, other than *cut, caps, covers, tops*, and *stoppers* for glass containers, and *boxes and containers*, wooden or corrugated paper, set up or knocked down, from certain specified points in Pennsylvania, to points in Ohio, West Virginia, Kentucky, Indiana, Illinois, the Lower Peninsula of Michigan, St. Louis County, Mo., and St. Louis, Mo.; *machinery, equipment, materials, and supplies* used or useful in the manufacture of the commodities specified next above, from points in Ohio, West Virginia, Kentucky, Indiana, Illinois, the Lower Peninsula of Michigan, St. Louis County, Mo., and St. Louis, Mo., to certain specified points in Pennsylvania; *glass bottles, glass jars*, and *caps, covers, disks and tops therefor*, and *fibreboard boxes*, from Fairmont, W. Va., to St. Louis, Mo., and points in St. Louis County, Mo., and Illinois, from Gas City, Ind., to certain specified points in New York; *glass blocks* and *materials* used in the installation thereof, from Muncie, Ind., to points in Pennsylvania and New York; *agricultural, garden, and lawn seed, fence, fence post, fence materials, cod liver oil, insecticides*, and *fertilizer*, from Columbus and Cincinnati, Ohio, to certain specified points in West Virginia, Kentucky, Indiana, and Pennsylvania; *seed, fence, fence posts and other fence materials, cod liver oil, insecticides*, and *fertilizer*, from Columbus, Ohio, to certain specified points in West Virginia; *fence, fence posts, fence materials, cod liver oil, insecticides*, and *fertilizer*, from points in Franklin and Hamilton Counties, Ohio, to points in New York, New Jersey, West Virginia, Indiana, Pennsylvania, Maryland, and Kentucky; *agricultural, garden, and lawn seed, display cases for seed*, and *empty containers for seeds*, between points in Franklin and Hamilton Counties, Ohio, on the one hand, and, on the other, points in New York, New Jersey, West Virginia, Indiana, Pennsylvania, Maryland, and Kentucky; *Oleomargarine, salad dressing, lard substitutes, cooking oils*, and *vegetables stearine*, from Columbus, Ohio, to Johnstown and Altoona, Pa., and Fairmont, W. Va.,; *poultry equipment* and *dairy equipment*, from points in Brooke County, W. Va., to points in Ohio, with restriction; *building, paving, or roofing materials*, restricted against the transportation of any shipments in bulk, in tank vehicles, *asbestos building, roofing, or sheathing paper*, including felt paper not saturated, not coated nor corrugated, *asbestos wallboard*, plain or polished, not ornamented, painted, glazed, enameled nor shaped, *asphalt* (asphaltum), petroleum or byproduct, liquid or solid, other than paint, stain or varnish or roofing asphalt, *boards*, asphalt composition, paving or flooring, *board*, wall or ceiling, fibreboard or pulpboard, *carpet lining*, paper, including felt paper, plant, other than indented, *cotton cloth*, saturated or coated with asphalt, *eave filler strips or flashing blocks*, asphalt composition, *felt or paper*, building, roofing or sheathing, (including felt or paper, building or sheathing, in multiple-ply sheets), *felt or paper* (sound-deadening material), saturated or coated with asphalt, pitch, or similar materials and surfaced or not surfaced with talc, mica, soapstone, crushed slate, vermiculite, or similar materials, *flashing, or water or vapor barrier or insulating material*, aluminum, copper or lead combined with asphalt, fabric fibres, paper or asbestos felt, *gravel, paving joints*, expansion, asphalt, asphalt base or rubber composition, *roof coating* (not paint nor stain), having asphalt, pitch, tar or rosin base, *roofing asphalt*, roofing, composition, or prepared, *roofing granules*, consisting of crushed stone, slate, slag, gravel or iron ore tailings, *roofing pitch, roofing tar or cement, shingles*, asphalt, *shingles*, asphalt, with wood base, *shingles*, hard asbestos (artificial stone shingles or slates), *shingles*, siding or roofing, asbestos and wallboard (fibreboard or pulpboard) combined, *siding, siding*, asphalt composition, or fibreboard faced or coated with asphalt and roofing granules, or fibreboard faced or coated with resin composition, *slag, wallboard, building board or insulating board*, asbestos and woodpulp or fibreboard combined, from Franklin, Ohio, to points in West Virginia (with exceptions), and Pennsylvania (with exceptions). Vendee is authorized to operate as a *common carrier* in Connecticut, Delaware, Florida, Illinois, Indiana, Kentucky, Louisiana, Maine, Mississippi, Tennessee, Virginia, West Virginia, Ohio, Pennsylvania, Wisconsin, Michigan, New York, New Jersey, Vermont, New Hampshire, Massachusetts, Maryland, Rhode Island, Arkansas, Missouri, Iowa, and Minnesota, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–9852. Authority sought for control by SPECTOR FREIGHT SYSTEM, INC., 205 West Wacker Drive, Chicago, Ill. 60606, of VIKING FREIGHT COMPANY, 1525 South Broadway, St. Louis, Mo. 63104, and for acquisition by SPECTOR INDUSTRIES, INC., and in turn by W. STANHAUS, both also of Chicago, Ill., of control of VIKING FREIGHT COMPANY through the acquisition by SPECTOR FREIGHT SYSTEM, INC. Applicants' attorneys: Axelrod, Goodman & Steiner, 39 South La Salle Street, Chicago, Ill. 60603, and G. M. Rebman, 314 North Broadway, St. Louis, Mo. Operating rights sought to be controlled: *General commodities*, with certain specified exceptions, and numerous other specified commodities, as a *common carrier* over regular and irregular routes, from, to, and between specified points in the States of Missouri, Illinois, Tennessee, Arkansas, Indiana, Ohio, Kentucky, Oklahoma, Texas, Mississippi, Louisiana, and Alabama, with certain restrictions, serving various intermediate and off-route points, numerous alternate routes for operating convenience only, as more specifically described in Docket No. MC–35484 and subnumbers thereunder. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating, in full, the entirety, thereof. SPECTOR FREIGHT SYSTEM, INC., is authorized to operate, as a *common carrier* in Missouri, Massachusetts, Indiana, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Illinois, Maryland, Ohio, Wisconsin, Minnesota, Kansas, Colorado, Iowa, Nebraska, Oklahoma, Texas, Delaware, and Michigan and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–9853. Authority sought for purchase by GETTER TRUCKING, INCORPORATED, Highway 2 East, Cut Bank, Mont. 59427, of a portion of the operating rights of L. C. JONES TRUCKING COMPANY, Post Office Box 9512, Houston, Tex. 77011, and for acquisition by RALPH E. GETTER, and THOMAS I. GETTER, Box 1777, Gillette, Wyo. 82716, Post Office Box 806, Cut Bank, Mont. 59427, of control of such rights through the purchase. Applicants' representative: Ralph E. Getter, Post Office Box. 806, Cut Bank, Mont. 59427. Operating rights sought to be transferred: *Machinery* and *equipment* used in or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of sulphur and its products, and *materials and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage transmission and distribution of sulphur and its products, when moving to or from exploration, drilling, production, job, construction and plant (including refining, manufacturing, and processing plant) sites, or storage sites, as a *common carrier* over irregular routes between certain specified points in North Dakota, on the one hand, and, on the other, points in Wyoming, between points in Oklahoma, on the one hand, and, on the other, points in North Dakota, *machinery, equipment, materials and supplies* used in, or in connection with, the drilling of water wells, between points in Louisiana, between points in Wyoming, between points in Louisiana and Wyoming, on the one hand, and, on the other, points in Colorado, Kansas, New Mexico, Oklahoma, and Texas, between points in Arkansas, on the one hand, and, on the other, points in Louisiana, between points in Oklahoma, on the one hand, and, on the other, points in Mississippi, subject to the restriction that carrier shall not transport any traffic between points in Colorado, Kansas, Louisiana, New Mexico, Texas, Wyoming, and Arkansas, on the one hand, and, on the other, points in Mississippi, between points in Montana and Utah, on the one hand, and, on the other, points in Kansas, Oklahoma, and Texas, between cer-

tain specified points in North Dakota, South Dakota, and Montana, to the United States-Canada boundary line, between points in the territory described immediately above, on the one hand, and, on the other, points in Wyoming, between points in Nebraska and certain specified points in Colorado, between points in Oklahoma, on the one hand, and, on the other, points in Nebraska, North Dakota, and South Dakota, from points in Oklahoma and Texas to points in Pennsylvania and West Virginia, and from points in Pennsylvania to points in Oklahoma and Texas. Vendee is authorized to operate as a *common carrier* in Montana, Wyoming, North Dakota, and South Dakota. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–9854. Authority sought for purchase by SHANAHAN MOTOR LINES, INC., 1600 South Delaware Avenue, Philadelphia, Pa. 19148, of the operating rights of EAGLE TRANSFER CO., 325 Spring Garden Street, Philadelphia, Pa. 19123, and for acquisition by TIMOTHY J. SHANAHAN III, of control of such rights through the purchase. Applicants' attorney: Jacob J. Siegal, 1500 Walnut Street, Philadelphia, Pa. 19102. Operating rights sought to be transferred: *General commodities*, excepting among others, commodities in bulk, but not excepting, household goods, as a *common carrier*, over a regular route, between Wilmington, Del., and Philadelphia, Pa., between the fixed termini, serving all intermediate and certain off-route points; *household goods*, over irregular routes, between Wilmington, Del., on the one hand, and points in New Jersey, New York, Delaware, Maryland, Pennsylvania, and Washington, D.C., on the other; and *meats, meat products, and meat byproducts*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 MCC 209 and 766 (except those in bulk, in tank vehicles), from Wilmington, Del., to certain specified points in Pennsylvania, with restriction. Vendee is authorized to operate as a *common carrier* in Pennsylvania, New York, New Jersey, Delaware, Maryland, Connecticut, Massachusetts, Rhode Island, Virginia, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–9855. Authority sought for control and merger by WESTERN OIL TRANSPORTATION COMPANY, INCORPORATED, Post Office Box 3120, Midland, Tex. 79704, of the operating rights and property of PETROLEUM TRANSPORT COMPANY, Post Office Box 3120, Midland, Tex. 79704, and for acquisition by THE PERMIAN CORPORATION, Post Office Box 3119, Midland, Tex., and, in turn by OCCIDENTAL PETROLEUM CORPORATION, 10889 Wilshire Boulevard, Los Angeles, Calif., of control of such rights and property through the transaction. Applicants' attorney: O. Russell Jones, Post Office Box 2228, Santa Fe, N. Mex. 87501. Operating rights sought to be controlled and merged: *Crude oil*, in bulk, in tank vehicles, as a *common carrier*, over irregular routes, between points in Wyoming, from points in the Ash Creek Oil Field in Big Horn County, Mont., and Sheridan County, Wyo., to Billings, Mont., and Midwest and Casper, Wyo.; and *petroleum crude oil*, in bulk, in tank vehicles, from certain specified points in Nebraska, to certain specified points in Kansas. WESTERN OIL TRANSPORTATION COMPANY, INCORPORATED, is authorized to operate as a *common carrier* in New Mexico and Texas. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–9856. Authority sought for control and merger by MICHIGAN EXPRESS, INC., 1122 Freeman Avenue, Grand Rapids, Mich. 49502, of the operating rights and property of CUSHMAN MOTOR DELIVERY COMPANY, 1480 West Kinzie Street, Chicago, Ill. 60622, and for acquisition by VOTING TRUST OF TIMMER ESTATE (B. E. TIMMER, G. W. RYKSE AND C. E. THORSQUIST, TRUSTEES), 3003 East Fulton Road, Grand Rapids, Mich., 1334 Sprucewood Drive, Grand Rapids, Mich., and Pineycrest, Fruitport, Mich., respectively, of control of such rights and property through the transaction. Applicants' attorneys: Axelrod, Goodman & Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Operating rights sought to be controlled and merged: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Ypsilanti, Mich., and Wyandotte, Mich., serving no intermediate points, between Detroit, Mich., and the Chrysler Corp. Tank Arsenal, serving all intermediate points; over numerous alternate routes for operating convenience only; *general commodities*, excepting, among others, commodities in bulk, but not excepting, household goods, between Chicago, Ill., and junction U.S. Highways 41 and 6 and Indiana Highway 152, serving all intermediate points on the Calumet–Tri-State Expressway; over numerous alternate routes for operating convenience only; *general commodities*, excepting as next above, over regular and irregular routes, (1) In the commercial areas of Chicago, Cincinnati, Dayton, Indianapolis, Detroit, and Milwaukee as stated in appendix I, over irregular routes; (2) between all points within the area bounded as follows: Commencing at junction U.S. Highway 41 and 30 over U.S. Highway 30 to junction Illinois Highway 31, thence over Illinois Highway 31 to junction U.S. Highway 30, thence over U.S. Highway 30 to junction U.S. Highway 41, north of Chicago, including all points on highways and that portion of the commercial zone of Chicago in Indiana within this area, over irregular routes; (3) between all points on regular routes stated in appendix II over said routes, including commercial areas stated in appendix I of the States of Illinois, Indiana, Kentucky, Michigan, Ohio, and Wisconsin, with exceptions; also serving points between junction Interstate Highway 94 (formerly portion of U.S. Highway 12) and Michigan Highway 40 over Michigan Highway 40 to Niles, and (4) between points in commercial and suburban areas stated in the findings 1 and 2 above, and all points on regular routes, on the one hand, and certain specified points in Ohio, and Coal City, Ill., on the other, limited to truckloads only, over irregular routes; (Appendix I Points included in suburban areas (1) with Milwaukee, Wis., certain specified suburban and intermediate points, (2) with Chicago, Ill., certain specified suburbs in Illinois and Indiana, and intermediate points, (3) with Cincinnati, Ohio, certain specified suburban and intermediate points; also certain specified points in Kentucky, (4) with Detroit, Mich., certain specified suburban and intermediate points;) (Appendix II Regular Routes, Route 1, between Chicago, Ill., and Milwaukee, Wis., Route 2, between Chicago, Ill., and certain specified points in Michigan, Route 3, between Chicago, Ill., and Cincinnati, Ohio, Route 4, between Chicago, Ill., and Dayton, Ohio;) *iron and steel* and *articles* made thereof, over irregular routes, between Detroit, Mich., and Warren and Youngstown, Ohio; *roofing* and *roofing materials*, between Cleveland, Ohio, on the one hand, and, on the other, certain specified points in Michigan (except Detroit); and *road finishing machines*, from Warren, Ohio, to points in Michigan. MICHIGAN EXPRESS, INC., is authorized to operate as a *common carrier* in all States in the United States (except Alaska and Hawaii) and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–9857. Authority sought for purchase by INTERLINES-BLANKENSHIP MOTOR EXPRESS, 2600 Eighth Street, Berkeley, Calif. 94710, of the operating rights and property of LOM THOMPSON, doing business as THOMPSON TRUCK LINES, 1315 South Fourth Street, El Centro, Calif. 92243, and for acquisition by M. D. GILLARDY, L. A. DORE, JR., and E. R. PRESTON, all also of Berkeley, Calif., of control of such rights and property through the purchase. Applicants' attorneys: Bertram S. Silver, 140 Montgomery Street, San Francisco, Calif. 94104, and Frank Turcotte, Suite 6, 73640 Highway 111, Palm Desert, Calif. 92260. Operating rights sought to be transferred: *Farm products, fertilizer, prepared animal and poultry foods, farm machinery, bale ties*, and *petroleum products*, in drums and cases, as a *common carrier*, over regular routes, between Winterhaven, Calif., and Los Angeles, Calif., serving all intermediate points, and off-route points within 50 miles of Los Angeles, points in California within 50 miles of Yuma, Ariz., and points in California within 25 miles of certain specified routes; and under a certificate of registration, in No. MC–92234, Sub-4, covering the transportation of general commodities, as a common carrier, in intrastate commerce, within the State of California. Vendee is authorized to operate under a certificate of registration within the State of California. Application has been filed for temporary authority under section 210a(b). NOTE: See also MC–F–9859 (INTERLINES-BLANKENSHIP MOTOR EXPRESS—Purchase—SAN DIEGO-IMPERIAL EXPRESS, INC.), published this same issue.

No. MC–92327, Sub-4 is a matter directly related, also including a motion to dismiss.

No. MC–F–9858. Authority sought for purchase by ALL-AMERICAN TRANSPORT, INC., 1500 Industrial Avenue, Post Office Box 769, Sioux Falls, S. Dak., of the operating rights and property of DENNIS TRUCK LINE, INC., 1500 West 33d Street, Chicago, Ill. 60608, and for acquisition by BUFFALO EXPRESS, INC., and, in turn by H. LAUREN LEWIS, both also of Sioux Falls, S. Dak., of control of such rights and property through the purchase. Applicants' attorneys: Axelrod, Goodman & Steiner, 39 South La Salle Street, Chicago, Ill. 60603, and Peter V. Fazio, 111 West Monroe Street, Chicago, Ill. 60603. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Chicago, Ill., and Cincinnati, Ohio, and Louisville, Ky., serving certain intermediate points, unrestricted; and to and from intermediate and off-route points in the Chicago, Ill., commercial zone, as defined by the Commission in 1 M.C.C. 673, and those in the Cincinnati, Ohio, commercial zone, as defined by the Commission in 26 M.C.C. 49 and 41 M.C.C. 227, restricted against the transportation of malt beverages and empty malt beverage containers; between Hammond, Ind., and the junction of U.S. Highways 41 and 6 and Indiana Highway 152, serving no intermediate points; over one alternate route for operating convenience. Vendee is authorized to operate as a *common carrier* in Minnesota, South Dakota, Iowa, Nebraska, Illinois, North Dakota, and Wisconsin. Application has been filed for temporary authority under section 210a (b). NOTE: F.D. 24699 is a matter concurrently filed.

No. MC–F–9859. Authority sought for purchase by INTERLINES-BLANKENSHIP MOTOR EXPRESS, 2600 Eighth Street, Berkeley, Calif. 94710, of the operating rights and property of SAN DIEGO-IMPERIAL EXPRESS, INC., 1950 Newton Street, San Diego, Calif., and for acquisition by M. D. GILARDY, L. A. DORE, JR., and E. R. PRESTON, all also of Berkeley, Calif., of control of such rights and property through the purchase. Applicants' attorneys: Bertram S. Silver, 140 Montgomery Street, San Francisco, Calif. 94104, and Frank Turcotte, Suite 6, 73640 Highway 111, Palm Desert, Calif. 92260. Operating rights sought to be transferred: Under a certificate of registration, in No. MC–121243 Sub 1, covering the transportation of general commodities, as a common carrier in intrastate commerce, within the State of California. Vendee is authorized to operate under a certificate of registration within the State of California. Application has been filed for temporary authority under section 210a(b). NOTE: See also MC–F–9857 (INTERLINES-BLANKENSHIP MOTOR EXPRESS—PURCHASE-LOM THOMPSON), published this same issue.

No. MC–92327 Sub 4 is a matter directly related, also including a motion to dismiss.

No. MC–F–9861. Authority sought for control and merger by HYMAN FREIGHT TRANSIT, INC., 2690 Prior Avenue North, St. Paul, Minn. 55113, of the operating rights and property of (1) HYMAN TRANSPORTATION COMPANY, 2690 Prior Avenue North, St. Paul, Minn. 55113, and (2) EUGENE PIKOVSKY, doing business as FREIGHT TRANSIT CO., 2690 Prior Avenue North, St. Paul, Minn. 55113, and for acquisition by EUGENE PIKOVSKY, also of St. Paul, Minn., of control of such rights and property through the transaction. Applicants' attorney: Donald Morken, 1000 First National Bank Building, Minneapolis, Minn. 55402. Operating rights sought to be controlled and merged: (1) *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Sisseton, S. Dak., and St. Paul, Minn., between Aberdeen, S. Dak., and Granville, S. Dak., serving certain intermediate and off-route points; between Watertown, S. Dak., and Sisseton, S. Dak., serving certain intermediate points and the off-route point of Ortley, S. Dak., with restriction; between St. Paul, Minn., and Redfield, S. Dak., serving certain intermediate and off-route points, between St. Paul, Minn., and Aberdeen, S. Dak., serving all intermediate points in South Dakota, and serving certain intermediate and off-route points in Minnesota, between Watertown, S. Dak., and Webster, S. Dak., serving the intermediate points of Florence and Wallace, S. Dak., between Watertown, S. Dak., and Toronto, S. Dak., serving certain intermediate points and the off-route point of Gary, S. Dak., between Redfield, S. Dak., and Aberdeen, S. Dak., over an alternate route, serving no intermediate points; over four alternate routes for operating convenience only, as points of joinder only; *general commodities*, except those of unusual value, and except dangerous explosives, alcoholic beverages, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment, between Aberdeen, S. Dak., and St. Paul, Minn., serving certain intermediate and off-route points; *general commodities*, except livestock, intoxicating liquors, and dangerous explosives, between South St. Paul, Minn., and Butler, S. Dak., serving certain intermediate and off-route points; *general commodities*, except those of unusual value, and except livestock, intoxicating liquors, dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading, between Britton, S. Dak., and junction unnumbered highway and U.S. Highway 12 near Bristol, S. Dak., serving certain intermediate and off-route points; *general commodities*, excepting, among others, household goods and commodities in bulk, over irregular routes, between Watertown, S. Dak., on the one hand, and, on the other, certain specified points in Minnesota, between points in the Minneapolis-St. Paul, Minn. commercial zone, as defined by the Commission, and Chemolite Siding, Minn., on the one hand, and, on the other, the site of the Twin City Ordnance Plant, in Mounds View Township, Ramsey County, Minn., between certain specified points in Minnesota, between points in the Minneapolis-St. Paul, Minn., commercial zone, as defined by the Commission, and Chemolite (formerly Scotchlite), Minn.; *general commodities*, excepting, among others, commodities in bulk, but not excepting household goods, between Wilmot, S. Dak., on the one hand, and, on the other, points in Minnesota, between points within 15 miles of Wilmot, S. Dak. (except Twin Brooks, S. Dak.), on the one hand, and, on the other, points in Minnesota; *tanks* and *machinery*, from Stillwater, Minn., to certain specified points; *household goods* as defined by the Commission, *farm machinery, agricultural products*, and *livestock*, between points in that part of South Dakota east of U.S. Highway 281, and north of U.S. Highway 212, including points on the indicated portions of the highways specified, on the one hand, and, on the other, points in Minnesota, and Iowa; *livestock* and *farm products*, between certain specified points in South Dakota, on the one hand, and, on the other, points in Minnesota, and certain specified points in Iowa; *canned goods*, from Marshalltown, Iowa, to Watertown, S. Dak.; *binding twine*, from Stillwater, Minn., to points in South Dakota, as specified next above; *bakery goods*, from Sioux City, Iowa, to Watertown, S. Dak; *household goods* as defined by the Commission, between points in that part of South Dakota north of U.S. Highway 16, and east of U.S. Highway 83, on the one hand, and, on the other, points in North Dakota, Minnesota, Wisconsin, Illinois, Iowa, and Nebraska; and *mail-order house catalogs*, between Watertown, S. Dak., on the one hand, and, on the other, points in South Dakota and Minnesota within 100 miles of Watertown, S. Dak.; and (2) *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Minneapolis, Minn., and Keokuk, Iowa, serving all intermediate points in Iowa on U.S. Highway 218 between Charles City, Iowa, and Keokuk, Iowa, including Charles City, and the off-route points of Chemolite, Minn., between Mount Pleasant, Iowa, and Keokuk, Iowa, serving all intermediate points; *general commodities*, excepting, among others, household goods and commodities in bulk, over irregular routes, between Council Bluffs, Iowa, and points in Iowa within 2 miles of Council Bluffs, and Omaha, Nebr, between Chemolite, Minn., and points in Minneapolis-St. Paul, Minn., commercial zone as defined by the Commission, on the one hand, and, on the other, points in Iowa; with

restriction; *animal and poultry feed ingredients*, from the site of the Allied Chemical and Dye Corp. plant near La Platte, Nebr., to Minneapolis, Minn.; and *glass containers* and *closures thereof*, and *knocked-down corrugated paper boxes* when moving incidental to or in mixed loads with such glass containers and closures, from Valley Park (near Shakoppe), Minn., to points in Iowa, except Sioux City and Madison City. Application has not been filed for temporary authority under section 210a(b). NOTE: See also MC-F-9862 (EUGENE PIKOVSKY—PURCHASE—TRI STATE MOTOR EXPRESS, INC.), published this same issue.

No. MC-F-9862. Authority sought for purchase by EUGENE PIKOVSKY, doing business as FREIGHT TRANSIT CO., 2600 Prior Avenue North, St. Paul, Minn. 55113, of the operating rights and property of TRI STATE MOTOR EXPRESS, INC., 2510 North Eleventh Street, Omaha, Nebr. Applicants' attorney: Donald A. Morken, 1000 First National Bank Building, Minneapolis, Minn. 55402. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Wakefield, Nebr., and Sioux City, Iowa, serving all intermediate points; and the off-route points within 15 miles of Wakefield, Nebr., between Wakefield, Nebr., and Omaha, Nebr., serving the intermediate and off-route points of Council Bluffs, Iowa, and those within 15 miles of Wakefield, Nebr.; over one alternate route for operating convenience only; *livestock, agricultural commodities*, and *machinery*, between Yankton, S. Dak., and Wakefield, Nebr., serving the intermediate and off-route points within 15 miles of Wakefield, Nebr; and *livestock, agricultural commodities, household goods*, and *emigrant movables*, over irregular routes, between Wakefield, Nebr., excepting, among others, house-Nebr., and points within 15 miles of Wakefield Nebr., on the one hand, and, on the other, points in Iowa. Vendee is authorized to operate as a *common carrier* in Minnesota, Iowa, and Nebraska. Application has not been filed for temporary authority under section 210a(b). NOTE: See also MC-F-9861 (HYMAN FREIGHT TRANSIT, INC.—CONTROL & MERGER—HYMAN TRANSPORTATION CO., & EUGENE PIKOVSKY), published this same issue.

No. MC-F-9863. Authority sought for purchase by HARVEY R. SHIPLEY & SONS, INC., Route 140, Finksburg, Md. 21048, of a portion of the operating rights of MINERAL TRANSPORT, INC., R.F.D. No. 6, Gettysburg, Pa. 17325, and for acquisition by NORMAN E. SHIPLEY, Finksburg, Md. 21048, HERBERT R. SHIPLEY, R.F.D. No. 6, Westminster, Md. 21157, FLOYD K. SHIPLEY, and HARVEY R. SHIPLEY, both of R.F.D. No. 7, Westminster, Md. 21157, of control of such rights through the purchase. Applicants' representative: Donald E. Freeman, Post Office Box 806, Westminster, Md. 21157. Operating rights sought to be transferred: *Sand*, in bulk, as a *common carrier*, over irregular routes, from points in Adams County, Pa., except the Borough of Gettysburg, to certain specified points in Maryland; and *crushed stone*, from points in Carroll County, Md., to points in Adams County, Pa., except the Borough of Gettysburg, from points in Adams County, Pa., except the Borough of Gettysburg, to points in Washington County, Md., from points in Adams County, Pa., to points in Carroll and Frederick Counties, Md. Vendee is authorized to operate as a *common carrier* in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9864. Authority sought for purchase by BILYEU REFRIGERATED TRANSPORT CORPORATION, 2105 East Dale, Springfield, Mo., of a portion of the operating rights of WILSON FREIGHT COMPANY, 3636 Follett Avenue, Cincinnati, Ohio 45223, and for acquisition by BILYEU MOTOR CORP., and in turn by BILL BILYEU, both also of Springfield, Mo., of control of such rights through the purchase. Applicants' attorneys: Lester M. Bridgeman and Nancy Pyeatt, both of 1000 Woodward Building, Washington, D.C. 20005, and Harry C. Ames, Jr., Transportation Building, Washington, D.C. 20006. Operating rights sought to be transferred: (This authority was granted pursuant to the report and order in MC-F-9203 dated January 13, 1967, and consummated May 21, 1967. The certificate has not been issued yet.) *General commodities*, except those of unusual value, and except dangerous explosives, livestock, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 MCC 467, commodities in bulk, and those injurious or contaminating to other lading as a *common carrier* over regular routes, between Wichita, Kans., and Springfield, Mo., serving no intermediate points. Vendee is authorized to operate as a *common carrier* in Kansas, Missouri, Louisiana, Alabama, Iowa, Florida, Georgia, Oklahoma, Minnesota, Arkansas, Nebraska, Massachusetts, Maine, Connecticut, Vermont, New Hampshire, Rhode Island, New York, New Jersey, Delaware, Maryland, Pennsylvania, West Virginia, Virginia, South Carolina, North Carolina, Illinois, Indiana, Kentucky, Michigan, Mississippi, Ohio, Tennessee, Texas, Wisconsin, North Dakota, South Dakota, Colorado, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-9865. Authority sought for control and merger by CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025, of the operating rights and property of AETNA FREIGHT LINES, INC., 218 West Ann Street, Los Angeles, Calif. 90012, and for acquisition by CONSOLIDATED FREIGHTWAYS, INC., 1530 Russ Building, San Francisco, Calif., of control of such rights and property through the transaction. Applicants' attorneys: Eugene T. Liipfert, 1035 University Building, North, Washington, D.C., and Robert C. Stetson, 175 Linfield Drive, Menlo Park, Calif. Operating rights sought to be controlled and merged: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over irregular routes, from points in the Los Angeles, Calif., commercial zone, as defined by the Commission, to points in the Los Angeles Harbor, Calif., commercial zone, as defined by the Commission; and *washing powder, soap, toilet preparations, electric storage batteries, lead storage battery plates*, and *rubber tires*, from points in the Los Angeles, Calif., commercial zone, as defined by the Commission, to points in the San Francisco, Calif., commercial zone, as defined by the Commission; with restriction; and under a certificate of registration, in No. MC-99196 Sub-4, covering the transportation of general commodities, as a common carrier, in intrastate commerce, within the State of California. CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, is authorized to operate as a *common carrier* in Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Wyoming, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, and the District of Columbia. Application has been filed for temporary authority under section 210a(b). NOTE: No. MC-42487, Sub 678, is a matter directly related, and F.D. 24704 simultaneously filed.

No. MC-F-9866. Authority sought for purchase by M AND M HEAVY HAULERS CORP., 1240 Emmitt Road, Akron, Ohio 44306, of a portion of the operating rights of KREITZ MOTOR EXPRESS, INC., 717 Tulpehocken Street, Reading, Pa. 19603, and for acquisition by W. E. WHITE and R. H. WHITE, both also of Akron, Ohio, of control of such rights through the purchase. Applicants' attorneys: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215, and James W. Hagar, 100 Pine Street, Harrisburg, Pa. 17108. Operating rights sought to be transferred: *Machinery*, as a *common carrier* over irregular routes between points in Chester County, Pa., on the one hand, and, on the other, points in Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Maryland, Virginia, North Carolina, Ohio, and the District of Columbia. Vendee is authorized to operate as a *common carrier* in Ohio, Pennsylvania, and West Virginia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9867. Authority sought for control by LEONARD BROS. TRUCKING CO., INC., 2595 Northwest 20th Street, Miami, Fla. 33142, of SOUTHWESTERN TRANSFER CO., INC., 8514 La Sala Grande NE., Albuquerque, N. Mex. 87111, and for acquisition by ARMLON LEONARD, also of Miami, Fla., of control of SOUTHWESTERN TRANSFER CO., INC., through the acquisition by LEONARD BROS. TRUCKING CO., INC. Applicant's attorney and representative: William O. Turney, 2001 Massachusetts Avenue NW., Washington, D.C. 20036, and Alfred H. McRae, Bank of New Mexico Building, Albuquerque, N. Mex. 87103. Operating rights sought to be controlled: *Mine machinery, ranch and farm equipment*, and *contractors' equipment, machinery, materials, and supplies*, as a *common carrier* over irregular routes, between El Paso, Tex., and points within 50 miles thereof, on the one hand, and, on the other, points in New Mexico; *commodities*, the transportation of which because of size or weight requires the use of special equipment, and *related machinery parts* and *related contractors' materials and supplies* when their transportation is incidental to the transportation by carrier of commodities which by reason of size or weight require special equipment, and *road construction machinery and equipment*, between points in Arizona and New Mexico, and those in Texas west of the eastern boundary lines of Lipscomb, Hemphill, Wheeler, Collingsworth, Hall, Motley, Dickens, Kent, Scurry, Howard, Glasscock, Reagan, Crockett, and Val Verde Counties, Tex.; and *machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, and *machinery, equipment, materials, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines including the stringing and picking up thereof, and *such other commodities* as require specialized handling or rigging because of size or weight, between points in Texas. LEONARD BROS. TRUCKING CO., INC., is authorized to operate as a *common carrier* in Florida, Alabama, Delaware, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, Connecticut, Maine, Massachusetts, Michigan, Missouri, New Hampshire, Rhode Island, Vermont, Wisconsin, California, Utah, Washington, Nebraska, Kansas, New Mexico, Oklahoma, Colorado, Nevada, Arizona, Arkansas, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9868. Authority sought for control by BRUCE MOTOR FREIGHT, INC., 3920 Delaware Avenue, Des Moines, Iowa 50313, of ZIPFRIN TRUCK LINES, INC., 1120 South Division Street, Indianapolis, Ind. 46221, and for acquisition by E. W. HARLAN, also of Des Moines, Iowa, CHARLES F. ILES, HAROLD E. McKINNEY, both of 214 15th Street, Des Moines, Iowa, and R. A. BROWN, SR., Post Office Box S, Bettendorf, Iowa, of control of ZIPFRIN TRUCK LINES, INC., through the acquisition by BRUCE MOTOR FREIGHT, INC. Applicants' attorney: Homer E. Bradshaw, 11th Floor, Des Moines Building, Des Moines, Iowa 50309. Operating rights sought to be controlled: *General commodities*, except those of unusual value, explosives, inflammable articles, livestock, and commodities in bulk, between Plymouth, Ind., and junction U.S. Highway 31 and Indiana Highway 9, serving all intermediate points, and the off-route point of Tipton, Ind., between Chicago, Ill., and Cincinnati, Ohio, serving all intermediate points, and the off-route points of Riverdale, Ill., and Whiting and Gary, Ind.; between Indianapolis, Ind., and Cincinnati, Ohio, between Indianapolis, Ind., and Muncie, Ind., serving all intermediate points; between Indianapolis, Ind., and Marshall, Ill., serving all intermediate points, and the off-route point of Greencastle, Ind., between Indianapolis, Ind., and Vincennes, Ind., serving all intermediate points, and the off-route point of Martinsville, Ind., between Indianapolis, Ind., and Fort Wayne, Ind., serving all intermediate points, and the off-route points of Frankton and Elwood, Ind., between Oxford, Ohio, and Cincinnati, Ohio, serving all intermediate points; between Chicago, Ill., and Indianapolis, Ind., between Joliet, Ill., and Plymouth, Ind., between junction U.S. Highway 31 and Indiana Highway 38, northwest of Noblesville, Ind., and junction Indiana Highways 1 and 44 at Connersville, Ind., between Greenville, Ohio, and junction U.S. Highways 40 and 35, east of Richmond, Ind., serving no intermediate points; between Indianapolis, Ind., and Louisville, Ky., serving all intermediate points on portions of U.S. Highways 31, 31W, and 31E authorized; between Seymour, Ind., and junction U.S. Highways 31 and 31-A, north of Columbus, Ind., between Seymour, Ind., and junction U.S. Highways 50 and 31, east of Seymour, serving all intermediate points; over numerous alternate routes for operating convenience only; *general commodities*, except household goods as defined by the Commission, commodities in bulk, and those exceeding ordinary equipment and loading facilities, between Chicago, Ill., and Milwaukee, Wis., serving all intermediate points, and points in the Chicago, Ill., commercial zone as defined by the Commission, over one alternate route for operating convenience only; *general commodities*, between Versailles, Ind., and junction U.S. Highways 50 and 31, between junction U.S. Highway 52 and Indiana Highway 28, and junction Indiana Highways 28 and 9, between Peru, Ind., and Marion, Ind., between New Castle, Ind., and Muncie, Ind., serving no intermediate points; and *general commodities*, except livestock, classes A and B explosives, inflammable articles, commodities in bulk, and those of unusual value, between Chicago, Ill., and junction U.S. Highways 41 and 6 and Indiana Highway 152, serving all intermediate points on the Calumet-Tri-State Expressway. BRUCE MOTOR FREIGHT, INC., is authorized to operate as a *common carrier* in Minnesota, Iowa, Missouri, Kansas, Illinois, Wisconsin, and Indiana. Application has been filed for temporary authority under section 210a(b).

MOTOR CARRIER OF PASSENGERS

No. MC-F-9860. Authority sought for control by TRANSCONTINENTAL BUS SYSTEM, INC., 315 Continental Avenue, Dallas, Tex. 75207, of EDWARDS MOTOR TRANSIT COMPANY, 56 East Third Street, Williamsport, Pa. Applicants' attorneys: Carl B. Callaway, D. Paul Stafford, and Warren A. Goff, all of 315 Continental Avenue, Dallas, Tex. 75207. Operating rights sought to be controlled: Passengers and their baggage, and express, mail, and newspapers, in the same vehicle with passengers, as a *common carrier*, over regular routes, between New York, N.Y., and Cleveland, Ohio, serving all intermediate points; between New York, N.Y., and Jersey City, N.J., serving no intermediate points, with restrictions; between Bellefonte, Pa., and State College, Pa., serving the intermediate points of Rockview and Lemont, Pa.; between Shippenville, Pa., and Kossuth, Pa., between Indiana, Pa., and Clearfield, Pa., between Williamsport, Pa., and Elmira, N.Y., between Pittsburgh, Pa., and Buffalo, N.Y.; between Ashland, Pa., and Pottsville, Pa., with restrictions; between junction Pennsylvania Highways 45 and 145, at or near Lehigh Cap, Pa., and Philadelphia, Pa., with restrictions; between Shamokin, Pa., and Allentown, Pa.; serving all intermediate points; passengers and their baggage, and express, mail and newspapers, in the same vehicle, between Martha Furnace, Pa., on the one hand, and, on the other, State College, Pa.; passengers and their baggage and express and newspapers in the same vehicle with passengers, between Sunbury, Pa., and Milton, Pa., between Milton, Pa., and Hazelton, Pa., serving all intermediate points; over numerous alternate routes for operating convenience only. TRANSCONTINENTAL BUS SYSTEM, INC., is authorized to operate as a *common carrier* in Illinois, Missouri, Kansas, California, Texas, Oklahoma, Utah, Arizona, New Mexico, Colorado, Nebraska, Arkansas, and Iowa. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 67-9909; Filed, Aug. 22, 1967; 8:50 a.m.]

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Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

SUBCHAPTER K—FEDERAL SEED ACT

PART 201—FEDERAL SEED ACT REGULATIONS

Miscellaneous Amendments of Joint Regulations of the Secretary of the Treasury and Secretary of Agriculture

On January 17, 1967, there was published in the FEDERAL REGISTER (32 F.R. 454) a notice of rule making and hearing with respect to proposed amendments to the rules and regulations (7 CFR Part 201, as amended) under the Federal Seed Act, as amended (7 U.S.C. 1551 et seq.). On February 8, 1967, there was published in the FEDERAL REGISTER (32 F.R. 2644) a notice of extension of the hearing. After consideration of all relevant matters presented at the hearing and in writing, pursuant to said notice, and under authority of section 402 of the Federal Seed Act (7 U.S.C. 1592) the proposed amendments are adopted as set forth below.

1. Section 201.208(a) is amended by deleting "Mustard" and inserting in alphabetical order "Mustard, India" and by adding in alphabetical order the following names:

Broadbean.	Pepper.
Guar.	Pumpkin.
Lentil.	Rape, annual.
Lettuce.	Rape, bird.
Lupine.	Rape, turnip.
Millet, foxtail.	Rape, winter.
Millet, proso.	Sorghum.
Parsley.	Vetch.
Pea.	Watermelon.
Pea, field.	

2. Section 201.218 is amended by inserting before the proviso the following ", except for those lots not tested for pure live seed due to application of statistical inspection techniques as provided in section 302(a) of the Act,".

3. Section 201.221 is amended as follows:

a. In paragraph (c) delete the last sentence, including the declaration form, and substitute the following: "The declaration required to be filed shall be substantially as shown in paragraph (d) of this section."

b. A new paragraph (d) is added as follows:

(d) *Seed for seed production only.* Any lot of seed imported for sowing for seed production only, by or for the importer or consignee, and not to be sold within the United States is not subject to the prohibition against the importation of seed that is (1) adulterated or unfit for seeding purposes because of low pure live seed, or (2) required to be stained: *Provided*, That a declaration is filed by the importer with the Seed Branch, Grain Division, Consumer and Marketing Service, U.S. Department of Agriculture, substantially as specified below:

DECLARATION

SEED FOR EXPERIMENTAL OR BREEDING PURPOSES OR SEED FOR SEED PRODUCTION ONLY

The undersigned declares: That he is a resident of _____; that he is (Street, city, and State)
(owner of) (employed by) the firm of _____ (as a _____); that he (is) (represents) the (owner) (consignee) of the _____ pounds of _____ seed offered for importation at _____ under entry No. _____ (Kind of seed) (Port of entry)
and contained in _____ bags or containers marked _____ as described in invoice No. _____ dated _____; that said seed is being imported for (making selections, crosses, or tests, or for other experimental or breeding purposes) or (seed production only) and will not be sold.

Signed _____

Date: _____

4. Section 201.221a, *Table 4*, is amended as follows:

a. Change "Table 4" to read "Table 5" and in the first column under "Agricultural seed" and "Vegetable seed" delete the following names of kinds of seed wherever they appear and delete the numbers with respect thereto in the other columns.

Bentgrass or.	Sweetclover or.
Mustard.	Vetch or.
Panicgrass.	Wheat or.

b. Insert the following in proper order with respect to

"AGRICULTURAL SEEDS"

Barrelclover	25	100
Bluegrass, Nevada	25	100
Mustard, India	25	100
Panicgrass, blue	25	100

c. Insert the following in proper order with respect to—

"VEGETABLE SEEDS"

Bean, garden	100	500
Mustard, India	25	100

5. Section 201.222 is amended as follows:

a. Reword the section heading to read "Declaration of purpose; labeling as to kind, variety, hybrid, and treatment."

b. Delete the name "Mustard" in paragraph (b) and insert "Mustard, India".

c. Delete paragraph (b) and add in alphabetical order the kinds of seeds listed in present (b) to the list in paragraph (a).

d. Delete the existing paragraph (e) and add new paragraphs (e) and (f) as follows:

(e) The invoice and any other labeling pertaining to agricultural or vegetable seed offered for importation shall bear the lot identification, the name of each kind and variety of vegetable seed present, or kind or kind and variety of agricultural seed present, in excess of 5 percent of the whole, and the designation "hybrid" when it is hybrid seed as defined under § 201.2(y).

(f) Any agricultural seed or mixture thereof or any vegetable seed or mixture thereof offered for importation for seeding purposes that has been treated shall be labeled as provided in § 201.31(a) of the regulations of the Secretary of Agriculture.

The amendments are substantially the same as those set forth in the notice of proposed rule making. Therefore, pursuant to administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that further notice of rule making and public procedure on the amendments are unnecessary.

Effective date. The amendments of the regulations as hereby adopted shall become effective 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 18th day of August 1967.

JOSEPH W. BARR,
Acting Secretary of the Treasury.

GEORGE L. MEHREN,
Assistant Secretary of Agriculture.

[F.R. Doc. 67-9980; Filed, Aug. 23, 1967; 8:49 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

PART 922—APRICOTS GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Expenses and Rate of Assessment

On July 19, 1967, notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 10579) regarding proposed expenses and the related rate of assessment for the period April 1, 1967, through March 31, 1968, and on August 4, 1967, notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 11333) regarding the approval of carryover of unexpended funds from the fiscal period ended March 31, 1967, pursuant to the marketing agreement, as amended, and Order No. 922, as amended (7 CFR Part 922), regulating the handling of apricots grown in designated counties in Washington. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of

all relevant matters presented, including the proposals set forth in such notices which were submitted by the Washington Apricot Marketing Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 922.207 Expenses and rate of assessment.

(a) Expenses: Expenses that are reasonable and likely to be incurred by the Washington Apricot Marketing Committee during the period April 1, 1967, through March 31, 1968, will amount to $3,644.

(b) Rate of assessment: The rate of assessment for said period, payable by each handler in accordance with § 922.41, is fixed at $0.50 per ton of apricots.

(c) Unexpended assessment funds, in excess of expenses incurred during the fiscal period ended March 31, 1967, shall be carried over as a reserve in accordance with the applicable provisions of § 922.42 of said marketing agreement and order.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of the current crop of apricots grown in the designated counties in Washington are now being made; (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable apricots handled during the aforesaid period; and (3) such period began on April 1, 1967, and said rate of assessment will automatically apply to all such apricots beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 18, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-9068; Filed, Aug. 23, 1967; 8:49 a.m.]

PART 923—SWEET CHERRIES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Expenses and Rate of Assessment

On July 19, 1967, notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 10579) regarding proposed expenses and the related rate of assessment for the period April 1, 1967, through March 31, 1968, and on August 4, 1967, notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 11333) regarding the approval of carryover of unexpended funds from the fiscal period ended March 31, 1967, pursuant to the marketing agreement and Order No. 923 (7 CFR Part 923) regulating the handling of sweet cherries grown in designated counties in Washington. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notices which were submitted by the Washington Cherry Marketing Committee (established pursuant to said marketing agreement and order) it is hereby found and determined that:

§ 923.207 Expenses and rate of assessment.

(a) Expenses: Expenses that are reasonable and likely to be incurred by the Washington Cherry Marketing Committee during the period April 1, 1967, through March 31, 1968, will amount to $12,484.

(b) Rate of assessment: The rate of assessment for said period, payable by each handler in accordance with § 923.41 is fixed at $0.80 per ton of sweet cherries.

(c) Unexpended assessment funds, in excess of expenses incurred during the fiscal period ended March 31, 1967, shall be carried over as reserve in accordance with the applicable provisions of § 923.42 of said marketing agreement and order.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of the current crop of sweet cherries grown in the designated counties in Washington are now being made; (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable cherries handled during the aforesaid period; and (3) such period began on April 1, 1967, and said rate of assessment will automatically apply to all such cherries beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 18, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-9069; Filed, Aug. 23, 1967; 8:49 a.m.]

PART 980—VEGETABLES; IMPORT REGULATIONS

Onions

Findings. (a) Notice of rule making regarding proposed restrictions on the importation of onions into the United States to be made effective under section 8e–1 of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 608e–1), was published in the August 3, 1967, FEDERAL REGISTER (32 F.R. 11281). The notice afforded interested persons an opportunity to file data, views, or arguments in regard thereto not later than the 15th day after publication. None was filed. After consideration of all relevant matters, including the proposal set forth in the aforesaid notice, and other available information, it is hereby found that the proposal as published in the notice should be issued and that such restrictions on the importation of onions, as hereinafter provided, comply with the grade, size, quality and maturity requirements applicable to onions produced in the United States, and effective under Marketing Order No. 958 (7 CFR Part 958) regulating the handling of onions grown in designated counties of Idaho and eastern Oregon. This regulation is subject to amendment with adequate notice as domestic regulations are changed.

(b) It is hereby further found that good cause exists for not postponing the effective date of this regulation beyond the time specified (5 U.S.C. 553) in that (1) the requirements established by this regulation are mandatory under section 8e–1 of the act; (2) all known onion importers were notified of the proposed regulation; and (3) notice hereof was published in the August 3, 1967, FEDERAL REGISTER (32 F.R. 11281), and such notice is determined to be reasonable.

§ 980.106 Onion import regulation.

Except as otherwise provided, during the period September 1, 1967, through June 15, 1968, no person may import dry onions of the yellow or white varieties unless such onions are inspected and meet the requirements of this section.

(a) *Minimum grade and size requirements*—(1) *yellow varieties*—(i) *Grade.* U.S. No. 2 or better grade.

(ii) *Size.* 2 inches minimum diameter.

(2) *White varieties*—(i) *Grade.* U.S. No. 2 or better grade.

(ii) *Size.* 1 inch minimum diameter.

(b) *Condition.* Due consideration shall be given to the time required for transportation and entry of onions into the United States. Onions with transit time from country of origin to entry into the United States of 10 or more days may be entered if they meet an average tolerance for decay of not more than 5 percent, provided they also meet the other requirements of this section.

(c) *Minimum quantity.* Any importation which in the aggregate does not exceed 100 pounds in any day, may be imported without regard to the provisions of this section.

(d) *Plant quarantine.* Provisions of this section shall not supersede the restrictions or prohibitions on onions under the Plant Quarantine Act of 1912.

(e) *Designation of Governmental inspection service.* The Federal or the Federal-State Inspection Service, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, and the Fruit and Vegetable Division, Production and Marketing Branch, Canada Department of Agriculture, are designated as governmental inspection services for certifying the grade, size, quality and maturity of onions that are imported into the United States under the provisions of section 8e–1 of the act.

(f) *Inspection and official inspection certificates.* (1) An official inspection certificate certifying the onions meet the U.S. import requirements for onions under section 8e–1 (7 U.S.C. 608e), issued by a designated governmental inspection service and applicable to a specific lot is required on all imports of onions.

(2) Inspection and certification by the Federal or Federal-State Inspection Service will be available and performed in accordance with the rules and regulations governing certification of fresh fruits, vegetables and other products (Part 51 of this title). Each lot shall be made available and accessible for inspection as provided therein. Cost of inspection and certification shall be borne by the applicant.

(3) Since inspectors may not be stationed in the immediate vicinity of some smaller ports of entry, importers of onions should make advance arrangements for inspection by ascertaining whether or not there is an inspector located at their particular port of entry. For all ports of entry where an inspection office is not located, each importer must give the specified advance notice to the applicable office listed below prior to the time the onions will be imported.

Ports	Office	Advance notice
All Texas points.	W. T. McNabb, Post Office Box 111, 223 McClendon Bldg., 304 East Jackson St., Harlingen, Tex. 78550 (Phone—415—Garfield 3-6964-7260).	1 day.
All Arizona points.	R. H. Bertelsen, 128 Grand Ave., Post Office Box 1314, Nogales, Ariz. 85621 (Phone—282—Advance 7-2022).	Do.
All California points.	Carley D. Williams, 201 Wholesale Terminal Bldg., 784 South Central Ave., Los Angeles, Calif. 90021 (Phone—213-628-6756).	5 days.
All Hawaii points.	Stevenson Ching, 1428 South King St., Pawaa Substation, Post Office Box 9625, Honolulu, Hawaii 96814 (Phone—6-5021).	1 day.
New York City.	Edward J. Baller, 346 Broadway, Room 809, New York, N.Y. 10013 (Phone—212-264-1130).	Do.
New Orleans.	Pascal J. Lamarca, 2027 Federal Office Bldg., 701 Loyola Ave., New Orleans, La. 70113 (Phone—504-527-6742-6747).	Do.
All other points.	D. S. Matheson, Fruit and Vegetable Division, Consumer and Marketing Service, Washington, D.C. 20250 (Phone—388-Dudley 9-5870).	5 days.

(4) Inspection certificates shall cover only the quantity of onions that is being imported at a particular port of entry by a particular importer.

(5) In the event the required inspection is performed prior to the arrival of the onions at the port of entry, the inspection certificate that is issued must show that the inspection was performed at the time of loading such onions for direct transportation to the United States; and if transportation is by water, the certificate must show that the inspection was performed at the time of loading onto the vessel.

(6) Each inspection certificate issued with respect to any onions to be imported into the United States shall set forth, among other things:

(i) The date and place of inspection;

(ii) The name of the shipper, or applicant;

(iii) The commodity inspected;

(iv) The quantity of the commodity covered by the certificate;

(v) The principal identifying marks on the containers;

(vi) The railroad car initials and number, the truck and trailer license number, the name of the vessel, or other identification of the shipment; and

(vii) The following statement, if the facts warrant:

Meets U.S. import requirements under section 8e–1 of the Agricultural Marketing Agreement Act.

(g) *Reconditioning prior to importation.* Nothing contained in this part shall be deemed to preclude any importer from reconditioning prior to importation any shipment of onions for the purpose of making it eligible for importation.

(h) *Definitions.* For the purpose of this section, "Onions" means all varieties of Allium cepa marketed dry, except dehydrated, canned and frozen onions, onion sets, green onions, and pickling onions. Onions commonly referred to as "braided" that is, with tops, may be imported if they meet the grade and size requirements except for top length. The terms "U.S. No. 1," and "U.S. No. 2" shall have the same meaning as set forth in the U.S. Standards for Grades of Onions (Other than Bermuda-Granex and Creole Types), §§ 51.2830–51.2854 of this title. Tolerances for size shall be those in the U.S. Standards. Onions meeting the requirements of Canada No. 1 and No. 2 grades shall be deemed to comply with the requirements of U.S. No. 1 and U.S. No. 2 grades. "Importation" means release from custody of the U.S. Bureau of Customs.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 18, 1967, to become effective September 1, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-9070; Filed, Aug. 23, 1967; 8:49 a.m.]

PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Order Amending Order, as Amended, Regulating Handling

It is hereby ordered that on and after the effective date hereof all handling of raisins produced from grapes grown in California shall be in conformity to, and in compliance with, the Order Regulating the Handling of Raisins Produced from Grapes Grown in California, as amended (Order No. 989, as amended; 7 CFR Part 989), and as further amended by the "Order Amending the Order, as Amended, Regulating the Handling of Raisins Produced from Grapes Grown in California" which was approved to and made a part of the decision of the Secretary of Agriculture, issued July 21, 1967 (F.R. Doc. 67-8965; 32 F.R. 11226), with respect to proposed amendment of the marketing agreement, as amended, and order, as amended, regulating the handling of such raisins. All of the findings, determinations, terms, and conditions of the aforesaid amendatory order shall be, and the same hereby are, the findings, determinations, terms, and conditions of this order as if set forth in full herein. It is hereby further ordered that, for convenient reference, there be set forth hereinafter in amended form, as applicable, the various texts of the codified portion of said Order No. 989, as amended (7 CFR Part 989) and as further amended by the aforesaid amendatory order, together with the aforesaid findings and determinations as herein supplemented.

§ 989.0 Findings and determinations.

(a) *Previous findings and determinations.* The findings and determinations hereinafter set forth are supplementary, and in addition, to the findings and determinations made in connection with the issuance of the order and each previously issued amendment thereof; and all of said prior findings and determinations are hereby ratified and affirmed. (For prior findings and determinations, see 14 F.R. 5136; 20 F.R. 4435; 21 F.R. 8182; 25 F.R. 12814; 28 F.R. 9482.)

(b) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held in Fresno, Calif., on April 24–27, 1967, on a proposed amendment of the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California. On the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order, as amended and as hereby further amended, regulates the handling of raisins produced from grapes grown in California in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) There are no differences in the production and marketing of raisins in the production area covered by the order, as amended and as hereby further amended, which require different terms applicable to different parts of such area;

(4) The said order, as amended and as hereby further amended, is limited in application to the smallest regional production area which is practicable, consistently with carrying out the declared

policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act; and

(5) All handling of raisins produced from grapes grown in California is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

(c) *Additional findings.* It is hereby further found, for the reasons hereinafter set forth, that good cause exists for making the provisions of this amendatory order effective on the date hereinafter specified rather than postponing the effective date thereof until 30 days after such publication in the FEDERAL REGISTER (5 U.S.C. 553). The amendatory order changes the method of volume regulation and requires the committee to hold its first marketing policy meeting on or before September 1. In lieu of both reserve and surplus tonnage raisins being held for the account of the committee, all raisins so held would be designated as reserve tonnage raisins and there would be greater flexibility as to their disposition and opportunity to effectuate the declared policy of the act. Also, provision is made for a representative of the newly formed cooperative bargaining association to participate in committee actions such as that on marketing policy and opportunity should be afforded the Secretary to appoint such a representative. In addition, the amendatory order provides other improvements in program operations and procedures and, in some instances, requires implementation by rule making to be adequately prepared for the beginning deliveries, in September, of the 1967 crop. Hence, to permit compliance with, and maximum benefit from, the new or revised provisions, it is necessary that the amendatory order become effective as hereinafter specified.

(d) *Determinations.* It is hereby determined that:

(1) The "Marketing Agreement, as Amended, Regulating the Handling of Raisins Produced from Grapes Grown in California," upon which the aforesaid public hearing was held, has been signed by handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping raisins covered by the said order as amended and as hereby further amended) who, during the period July 1, 1966, through June 30, 1967, handled not less than 50 percent of the volume of such raisins covered by the said order, as amended and as hereby further amended; and

(2) The issuance of this amendatory order, amending the aforesaid order, as amended, is favored or approved by at least two-thirds of the producers who participated in a referendum on the question of its approval and who during the period July 1, 1966, through June 30, 1967 (which has been determined to be a representative period), have been engaged, within the State of California, in the production for market of grapes which were sun-dried or dehydrated by artificial means until they became raisins, such producers having also produced for market at least two-thirds of the volume of such commodity represented in the referendum.

It is, therefore, ordered. That, on and after the effective date hereof, all raisins held for the account of the committee as surplus tonnage raisins shall be redesignated as reserve tonnage raisins and all handling of raisins produced from grapes grown in California, including the carryover from crops prior to 1967, shall be in conformity to, and in compliance with, the terms and conditions of the said order, as amended, and as hereby further amended as follows:

1. Immediately after § 989.12, the following new section, § 989.12a *Cooperative bargaining association*, is added:

§ 989.12a Cooperative bargaining association.

"Cooperative bargaining association" means a nonprofit cooperative association of raisin producers engaged within the area in bargaining with handlers as to price and otherwise arranging for the sale of natural condition raisins of its members.

2. Section 989.13 *Processor* is revised to read:

§ 989.13 Processor.

"Processor" means any person who receives or acquires natural condition raisins (as defined in paragraph (f) of § 989.59), or raisin residual material and uses them or it within the area, with or without other ingredients, in the production of a product other than raisins, for market or distribution.

3. Section 989.14 *Packer* is revised to read:

§ 989.14 Packer.

"Packer" means any person who, within the area, stems, sorts, cleans, or seeds raisins, grades stemmed raisins, or packages raisins for market as raisins: *Provided*, That:

(a) No producer with respect to the raisins produced by him, and no group of producers with respect to raisins produced by the producers comprising the group, and not otherwise a packer, shall be deemed a packer if he or it sorts or cleans (with or without water) such raisins in their unstemmed form;

(b) Any dehydrator shall be deemed to be a packer, with respect to raisins dehydrated by him, only if he stems, cleans with water subsequent to such dehydration, seeds or packages them for market as raisin;

(c) The committee may, with the approval of the Secretary restrict the exceptions as to permitted cleaning if necessary to cause delivery of sound raisins; and

(d) No person shall be deemed a packer by reason of the fact he repackages for market, with or without additional preparation) packed raisins which, in the hands of a previous holder, have been inspected and certified as meeting the applicable minimum grade standards for packed raisins.

4. Paragraph (b) of § 989.24 is revised to read:

§ 989.24 Standard raisins and offgrade raisins.

* * * * *

(b) "Offgrade raisins" means raisins which do not meet the then effective minimum grade and condition standards for natural condition raisins: *Provided*, That raisins which are certified as offgrade raisins shall continue to be such until successfully reconditioned or for purposes of disposition become "other failing raisins" pursuant to § 989.59(f).

5. Section 989.26 *Establishment and membership* is revised to read:

§ 989.26 Establishment and membership.

A Raisin Advisory Board is hereby established consisting of 46 members, of whom 35 shall represent producers, eight shall represent handlers, two shall represent dehydrators, and one shall represent the cooperative bargaining association(s). The dehydrator members shall represent all dehydrators within the area and shall be selected from dehydrators as provided in § 989.29(b)(4). The handler members of the board shall include the following: (a) One member selected from and representing handlers doing business as cooperative marketing associations, or cooperative marketing organizations engaged in the business of packing raisins, each of which acquired not less than 10 percent of the total raisin acquisitions during the 12-month period preceding the then current crop year; (b) two members selected from and representing the three handlers other than cooperatives, who acquired the largest percentages of the total raisin acquisitions during the 12-month period preceding the then current crop year; (c) one member selected from and representing the two handlers, other than cooperatives, who acquired the next largest percentages of the total raisin acquisitions during the 12-month period preceding the then current crop year; (d) two members selected from and representing the five handlers, other than cooperatives, who acquired the next largest percentages of the total raisin acquisitions during the 12-month period preceding the then current crop year; and (e) two members selected from and representing all other handlers, including cooperatives each of which acquired less than 10 percent of the total raisin acquisitions during the 12-month period preceding the then current crop year, and including all processors. The producer members shall be selected in the number and for the districts as designated in § 989.96 (Exhibit A), or as such number or districts may be changed pursuant to § 989.26b. For each member of the board there shall be an alternate member who shall have the same qualifications as the member for whom he is an alternate.

6. Section 989.27 *Eligibility* is revised to read:

§ 989.27 Eligibility.

No person shall be selected or continue to serve as a member or alternate member of the board, who is not actively engaged in the business of the group which he represents, either in his own behalf, or as an officer, agent, or employee of a business unit engaged in such business: *Provided*, That, any handler eligible to represent a particular size group shall continue to represent for the entire term the size group for which he was selected. The committee shall certify during April of each crop year each member's and alternate member's eligibility to continue to serve on the board.

7. Section 989.28 *Term of office* is revised to read:

§ 989.28 Term of office.

(a) *Producer members.* The term of one-third or approximately one-third of the producer members and producer alternate members of the board shall end on April 30 each year, but each such member and alternate member shall continue to serve until his respective successor is selected and has qualified. The producer members and producer alternate members of the board shall serve for terms of 3 years beginning May 1 and ending April 30 of the third following year.

(b) *Handler, dehydrator, and cooperative bargaining association members.* The handler, dehydrator, and cooperative bargaining association members, and their respective alternates, shall each serve for terms of 1 year, beginning May 1 and ending April 30 of the following year, but each shall continue to serve until his respective successor is selected and has qualified.

8. Paragraph (a) and subparagraphs (1) and (2) of paragraph (b) of § 989.29 *Initial members and nomination of successor members* are revised to read:

§ 989.29 Initial members and nomination of successor members.

(a) *Initial members.* Members and alternate members of the board serving immediately prior to the effective date of this amended subpart shall, if thereafter they are also eligible, continue to serve on the board for their specified terms of office and until their respective successors have been selected and have qualified.

(b) *Nomination for successor members.* Nominations for successor members and alternate members of the board shall be made as set forth in subparagraphs (1) to (6) of this paragraph.

(1) The board shall give reasonable publicity of a meeting or meetings of producers, handlers and dehydrators, and if applicable, cooperative bargaining association(s), for the purpose of making nominations for member and alternate member positions to be filled on the board: *Provided*, That with respect to producer members and producer alternate members, a meeting or meetings shall be held in each district for which nominations are to be made to fill producer member and producer alternate member positions on the board: *And provided further*, That member and alternate member nominations of handlers, dehydrators, and cooperative bargaining association(s) may be made to the board by mail in lieu of meetings.

(2) Only producers as defined in § 989.11, engaged as such with respect to the most recent grape crop in the particular district for which nominations are to be made, may nominate, or vote for, any producer member or producer alternate member for such district. Any producer so engaged with respect to the most recent grape crop in the particular district for which nominations are to be made, may be nominated to represent said district as a producer member or producer alternate member of the board; in the event any of such nominees are engaged as producers in more than one district, he may be a nominee for only one district. One or more eligible producers for each producer member position to be filled on the board may be proposed for nomination and one or more eligible producers for each alternate member position to be filled may be proposed for nomination. Each producer shall cast only one vote with respect to each position for which nomination is to be made. The person receiving a majority of the votes with respect to each producer member or producer alternate member position shall be the persons to be certified to the Secretary as the nominee for each such position. In the event no person receives a majority, there shall be a runoff vote between the two persons receiving the largest number of votes. The eligibility of each producer voting in a nomination meeting shall be certified by the committee, during or after the meeting, and, in the event one or more who voted was not eligible and this may have affected the result of any nomination vote, another meeting with respect to such nomination shall be held.

* * * * *

9. Section 989.30 *Selection* is revised to read:

§ 989.30 Selection.

The Secretary shall select producer, handler, dehydrator, and cooperative bargaining association members and alternate members in the numbers specified in § 989.26, or pursuant to § 989.26a or § 989.26b, as applicable, and with the qualifications specified in § 989.27. Such selections may be made from the nominations certified pursuant to § 989.29 or from other eligible producers, handlers, dehydrators, or cooperative bargaining association officers or employees.

10. Section 989.35 *Meetings* is revised to read:

§ 989.35 Meetings.

The board shall meet at the call of its chairman or its vice chairman when acting as chairman, or at the call of any three members. Reasonable advance notice of each meeting shall be given by mail or other appropriate means to each member and alternate member and such notice shall be given widespread publicity as is practicable. The notice of each meeting shall specify the time, place, and general purpose thereof.

11. Section 989.36 *Duties* is revised to read:

§ 989.36 Duties.

The duties of the board shall consist of the conducting of meetings for the purpose of making nominations for membership on the board and the certifying of nominations made for such purpose to the Secretary, the making of nominations to the Secretary for member and alternate member positions on the committee, the making of recommendations to the committee with respect to marketing policy, the free and reserve percentages, and other operational matters as it deems proper or as the committee may request.

12. Section 989.39 *Establishment and membership* is revised to read:

§ 989.39 Establishment and membership.

A Raisin Administrative Committee is hereby established to administer the terms and provisions of this part. Such committee shall consist of 15 members, of whom eight shall represent producers, five shall represent handlers, one shall represent dehydrators, and one shall represent the cooperative bargaining association(s). The producer members shall be selected to represent such district or groups of districts as the committee may establish with the approval of the Secretary. Of the five handler members, one shall be selected from and represent each of the following divisions: (a) The handlers doing business as cooperative marketing associations, or cooperative marketing organizations engaged in the business of packing raisins, each of which acquired not less than 10 percent of the total raisin acquisitions during the 12-month period preceding the then current crop year; (b) the three handlers, other than cooperatives, who acquired the largest percentages of total raisin acquisitions during the 12-month period preceding the then current crop year; (c) the two handlers, other than cooperatives, who acquired the next largest percentages of total raisin acquisitions during the 12-month period preceding the then current crop year; (d) the five handlers, other than cooperatives, who acquired the next largest percentages of the total raisin acquisitions during the 12-month period preceding the then current crop year; and (e) all other handlers, including cooperatives each of which acquired less than 10 percent of the total raisin acquisitions during the 12-month period preceding the then current crop year, and including all processors. For each member of the committee there shall be an alternate member who shall have the same qualifications as the member for whom he is an alternate.

13. Section 989.39b *Changes in producer representation* is revised to read:

§ 989.39b Changes in producer representation.

The Secretary, on recommendation of the committee, may change the total number of producer members on the committee and may change the number of producer members which shall be selected to represent particular districts or groups of districts. In making any such change consideration shall be given to such factors as changes in producer and handler membership in the board, representation of the several producing districts, maintenance of producer positions as majority of the committee, and geographical shifts in the number of producers and in raisin production within the area.

14. Section 989.40 *Eligibility* is revised to read:

§ 989.40 Eligibility.

No person shall be selected or continue to serve as a member or alternate member of the committee, who is not actively engaged in the business of the group which he represents, either in his own behalf, or as an officer, agent, or employee of a business unit engaged in such business: *Provided*, That any handler eligible to represent a particular size group at the time of his selection who later fails in a different size group shall continue to represent for the entire term the size group for which he was selected.

15. Section 989.42 *Nomination* is revised to read:

§ 989.42 Nomination.

(a) *Producer members.* The producer members of the board, and producer alternate members when acting as members, shall nominate from among the producer members and producer alternate members of the board the required number of persons for producer member positions on the committee and an alternate for each person.

(b) *Handler members.* The handler members of the board and handler alternate members when acting as members, shall nominate from among the handler members and alternate members of the board, the required number of persons for handler member positions on the committee, and an alternate for each such person. Nomination for each of the handler groups specified in § 989.39, or pursuant to § 989.39a, as applicable, shall be made by and from handlers, employees, representatives or agents of handlers falling within each such group.

(c) *Dehydrator members.* The dehydrator members of the board, and dehydrator alternate members when acting as members, shall nominate from among the dehydrator members and dehydrator members of the board one person for the dehydrator member position on the committee and an alternate for such person.

(d) *Cooperative bargaining association member.* The cooperative bargaining association(s) member and alternate member on the board shall be the association nominees for member and alternate member of the committee.

(e) *Initial members.* Members and alternate members of the committee serving immediately prior to the effective date of this amended subpart shall, if thereafter they are also eligible, continue to serve on the committee as the initial members and alternate members of the committee for their specified terms of office and until their respective successors have been selected and have qualified.

(f) *Successor members.* Nominations for successor members and alternate members of the committee shall be certified by the board to the Secretary annually within 30 days following the selection by the Secretary of board members.

16. Section 989.43 *Selection* is revised to read:

§ 989.43 Selection.

The Secretary shall select producer, handler, dehydrator, and cooperative bargaining association members and alternate members of the committee in the numbers specified in § 989.39 or pursuant to § 989.39 (a) or (b), as applicable, and with the qualifications specified in § 989.40. Such selections may be made from the nominations certified pursuant to § 989.42, or from any other eligible producers, handlers, dehydrators, or cooperative bargaining association officers or employees.

17. Section 989.54 *Marketing policy* is revised to read:

§ 989.54 Marketing policy.

(a) *Desirable free tonnage.* On or before September 1 of each crop year the committee shall review shipment data and other matters relating to tons of raisins which can be sold as the free tonnage of any varietal type. This tonnage to be sold in the ensuing crop year shall be designated as "desirable free tonnage." Until changed by the committee, with the approval of the Secretary, the desirable free tonnage shall be 140,000 tons for Natural Thompson Seedless raisins.

(b) *Free and reserve percentages.* On or before October 5 of each crop year (except that this date may be extended by the committee not more than 5 days if warranted by a late crop) the committee shall recommend to the Secretary a preliminary free tonnage percentage which will release not less than 65 percent of the desirable free tonnage established for any varietal type. Upon a committee determination that field prices are firmly established and open price contracts have been closed as to price on at least 65 percent of the tonnage acquired by packers not marketing cooperatives, or such other percent as is recommended by the committee and approved by the Secretary, but no later than February 15, the committee shall recommend to the Secretary a free percentage which will tend to release the full desirable free tonnage. Prior to February 15, an interim change of percentage may be made to release less than the full tonnage. The difference between any preliminary or final free tonnage percentage and 100 percent shall be the reserve percentage. In developing its free and reserve percentages for any varietal type, the committee shall consider and report to the Secretary on the following factors:

(1) The estimated tonnage held by producers, handlers, and for the account of the committee at the beginning of the crop year;

(2) The expected general quality and any modifications of the minimum grade standards;

(3) The estimated tonnage of standard and offgrade raisins which will be produced;

(4) If different than the desirable free tonnage, the estimated trade demand for raisins in free tonnage outlets;

(5) An estimated desirable carryout at the end of the crop year for free tonnage and, if applicable, for reserve tonnage;

(6) The estimated market requirements for raisins outside free tonnage outlets, considering the estimated world raisin supply and demand situation;

(7) Current prices being received and the probable general level of prices to be received for raisins by producers and handlers;

(8) The trend and level of consumer income;

(9) Any prohibition of trade practices, pursuant to § 989.62, intended for the crop year; and

(10) Any other pertinent factors bearing on the marketing of raisins including the estimated supply of and demand for other varietal types and regulations applicable thereto.

(c) *Modification.* In the event the committee subsequently deems it advisable to modify its marketing policy on any crop, because of national emergency, crop failure or other major change in economic conditions, it shall hold a meeting for that purpose, and file a report thereof with the Secretary within 5 days (exclusive of Saturdays, Sundays, and holidays) after the holding of such meeting, which report shall show each modification, the bases therefor, as well as the recommendation of the board.

(d) *Verbatim record.* The committee shall file with its report to the Secretary a verbatim record of that portion of its meeting or meetings relating to its marketing policy.

(e) *Publicity and notice.* The committee shall promptly give reasonable publicity to producers, dehydrators, handlers, and the cooperative bargaining association(s) of each meeting to consider a marketing policy or any modification thereof, and each such meeting shall be open to them. Similar notice shall be given to producers, dehydrators, handlers, and the cooperative bargaining association(s) of each marketing policy report or modification thereof, filed with the Secretary and of the Secretary's action thereon. Copies of all marketing policy reports shall be maintained in the office of the committee, where they shall be made available for examination by any producer, dehydrator, handler, or cooperative bargaining association representative. The committee shall notify handlers, dehydrators, and cooperative bargaining association(s) of the Secretary's action on percentages by registered or certified mail.

18. Section 989.55 *Modification* is revised to read:

§ 989.55 Regulation by the Secretary.

(a) Whenever the Secretary finds from the recommendation and supporting information supplied by the committee, or from other available information, that to designate or modify the percentages for any varietal type of standard raisins acquired by handlers during any crop year which shall be free tonnage and reserve tonnage, respectively, would tend to effectuate the declared policy of the act, he shall designate such percentages and such modifications thereof as are consistent with § 989.54(b). In the event the Secretary subsequently finds from the recommendations and supporting information supplied by the committee, or from any other available information, that modification, suspension, or termination of any such designation will tend to effectuate the declared policy of the act, he shall so modify, suspend, or terminate such designation. No such modification shall decrease the free percentage initially designated by the Secretary. The Secretary shall notify the committee promptly of each such percentage fixed.

§ 989.56 [Deleted]

19. Section 989.56 *Verbatim record* is deleted.

§ 989.57 [Deleted]

20. Section 989.57 *Publicity and notice* is deleted.

21. In paragraph (d) of § 989.58, subparagraph (1) is revised and a new subparagraph, subparagraph (3) is added to read:

§ 989.58 Natural condition raisins.

* * * * *

(d) *Inspection and certification.* (1) Each handler shall cause an inspection and certification to be made of all natural condition raisins acquired or received by him, except with respect to: (i) An interplant or interhandler transfer of offgrade raisins as described in paragraph (e)(2) of this section, unless such inspection and certification are required by rules and procedures made effective pursuant to this amended subpart; (ii) an interplant or interhandler transfer of free tonnage raisins as described in § 989.59(e); (iii) raisins received from a dehydrator which have been previously inspected pursuant to subparagraph (2) of this paragraph; (iv) any raisins for which minimum grade and condition standards are not then in effect; (v) raisins received from a cooperative bargaining association which have been inspected and are in compliance with requirements established pursuant to subparagraph (3) of this paragraph; and (vi) any raisins, if permitted in accordance with such rules and procedures as the committee may establish with the approval of the Secretary, acquired or received for disposition in eligible nonnormal outlets. The handler shall be reimbursed by the committee for inspection costs incurred by him and applicable to pool tonnage held for the account of the committee. Except as otherwise provided in this section, prior to blending raisins, acquiring raisins, storing raisins, reconditioning raisins, or acquiring raisins which have been reconditioned, each handler shall obtain an inspection certification showing whether or not the raisins meet the applicable grade and condition standards: *Provided*, That these requirements shall not preclude fumigation by the handler prior to completion of inspection and certification in accordance with such rules and procedures as the committee shall establish with the approval of the Secretary. The handler shall submit or cause to be submitted to the committee a copy of such certification, together with such other documents or records as the committee may require. Such certification shall be issued by inspectors of the Processed Products Standardization and Inspection Branch of the U.S. Department of Agriculture, unless the committee determines, and the Secretary concurs in such determination, that inspection by another agency would improve the administration of this amended subpart. The committee may require that raisins held on memorandum receipt be reinspected and certified as a condition for their acquisition by a handler.

* * * * *

(3) The committee may, in accordance with rules and the procedures established with the approval of the Secretary, authorize handlers to receive or acquire without further inspection and certification, natural condition raisins, standard or offgrade, which have been inspected, certified and held, in compliance with committee requirements, at a receiving station of a cooperative bargaining association.

* * * * *

22. Paragraphs (c) and (f) of § 989.59 are revised to read:

§ 989.59 Regulation of the handling of raisins subsequent to their acquisition by handlers.

* * * * *

(c) *Publicity and notice.* The committee shall give prompt and reasonable notice to producers, dehydrators, handlers, and the cooperative bargaining association(s) of each recommendation submitted by it to the Secretary and of each regulation issued by the Secretary. Notice of such regulation shall be given to all handlers of record by registered or certified mail.

* * * * *

(f) *Disposition of offgrade raisins, other failing raisins, and raisin residual material in eligible nonnormal outlets.* Any offgrade raisins, except those returned unstemmed to the tenderer or successfully reconditioned, and any raisin residual material (including defective raisins, stemmer waste, sweepings, and other residue) which may be received or acquired by a handler or accumulated by a handler from reconditioning raisins or from processing standard raisins, and other failing raisins, shall be disposed of or marketed by the handler, without further inspection, in eligible nonnormal outlets: *Provided*, That no packer shall be precluded from recovering raisins from such accumulations or acquisitions: *Provided further*, That whenever the Secretary concludes, on the basis of a recommendation of the committee, that to specify one or more nonnormal outlets as ineligible for any class of such receipts, acquisitions, or accumulations will tend to effectuate the declared policy of the act, he shall specify such ineligible outlets and prohibit the shipment thereto or final disposition therein of such class by handlers as well as the receipt and use thereof by processors: *And provided further*, That no processor who is a distiller shall be precluded from receiving or using for distillation (i) the standard raisins which subsequently fail to meet the said applicable standards, (ii) the raisin residual material accumulated from processing standard raisins, or (iii) the raisin residual material referable to the standard raisin equivalent recovered in reconditioning; and any handler may ship such raisins and raisin residual material to such processor. For the purposes of disposition and reporting, "other failing raisins" means any raisins received or acquired by a handler either as standard raisins or offgrade raisins, which are processed to a point where they qualify as packed raisins but fail to meet the applicable minimum grade standards for packed raisins. The committee shall establish, with the approval of the Secretary, such rules and procedures as may be necessary to insure adequate control over the offgrade raisins and raisin residual material subject to this paragraph. Such rules may include a requirement that the disposition and use of all or any class of offgrade raisins or raisin residual material be confined to the area. The provisions of this paragraph are not intended to excuse any failure to comply with all applicable food and sanitary rules and regulations of city, county, State, Federal or other agencies having jurisdiction.

* * * * *

§ 989.63 [Deleted]

23. Section 989.63 *Recommendation for designation of percentages* is deleted.

§ 989.64 [Deleted]

24. Section 989.64 *Regulation by the Secretary* is deleted.

25. Section 989.66 *Reserve and surplus tonnage generally* is revised to read:

§ 989.66 Reserve tonnage generally.

(a) The standard raisins acquired by a handler which are designated as reserve tonnage shall be held by him for the

account of the committee and subject to the applicable restrictions of this part.

(b) (1) Each handler shall hold in storage all reserve tonnage acquired by him until he has been relieved of such responsibility by the committee, either by delivery to the committee, or otherwise. Such handler shall store such reserve without addition of moisture and in such manner as will maintain the raisins tonnage raisins in natural condition in the same condition as when he acquired them, except for normal and natural deterioration and shrinkage, and except for loss through fire, acts of God or other conditions beyond the handler's control: *Provided*, That in the case of Layer Muscat raisins, the committee may permit handlers to satisfy the applicable reserve tonnage obligations with residual Muscat raisins obtained by them in layering operations subject to such safeguards as it may prescribe.

(2) Reserve tonnage acquired or held by a handler shall be stored separate and apart from other raisins to such extent and identified in such manner as the committee shall specify in its rules and procedures with the approval of the Secretary.

(3) Each handler may, under the direction and supervision of the committee, substitute for any quantity of reserve tonnage raisins a like quantity of free tonnage raisins of like quality and varietal type and of the same or more recent year's production. Each such handler shall give the committee reasonable advance notice of his intention to substitute, the exact location of the raisins for which substitution is to be made, and arrange with the committee a mutually satisfactory time for the substitution.

(4) The committee may, after giving reasonable notice, require a handler to deliver to it, or to anyone designated by it, at such handler's warehouse or at such other place as the raisins may be stored, part or all of the reserve tonnage raisins held by him. The committee may require that such delivery consist of natural condition raisins, or it may arrange for such delivery to consist of packed raisins.

(c) Each handler shall, at all times, hold in his possession or under his control reserve tonnage referable to his acquisitions of standard raisins, less any quantity of such reserve tonnage released to him by a change of persentages, delivered by him pursuant to instructions of the committee, or sold to him by the committee.

(d) Reserve tonnage raisins delivered by any handler to the committee, or to any person designated by it, whether in the form of natural condition raisins or packed raisins shall meet the applicable minimum grade or grade and condition standards, except for normal and natural deterioration. The committee shall have the authority to require, in its discretion and at its expense, such reinspection and certification of reserve pool tonnage raisins as it may deem necessary.

(e) In the event the committee offers to handlers reserve tonnage raisins for contract packing or for sale in export, as provided in § 989.67, each handler shall be given the opportunity to pack or purchase his share of each offer.

(f) Handlers shall be compensated for receiving, storing, handling and inspection of that tonnage of reserve raisins determined by the final reserve percentage of a crop year and held by them for the account of the committee, in accordance with a schedule of payments established by the committee and approved by the Secretary. A box rental shall be paid by the committee to producers or handlers for boxes used in storing reserve tonnage raisins beyond the crop year of acquisition in accordance with a rental schedule established by the committee and approved by the Secretary. The handler compensation shall be reviewed annually and shall be paid, as to the amount determined to be earned and unpaid, as soon as practicable after the end of the second quarter of the crop year and quarterly thereafter. Any handler may request the committee, by registered or certified mail, at any time after July 15 of a crop year to remove reserve tonnage raisins of the current crop year which remain in his possession. At any time in a crop year, a handler may request removal of reserve tonnage raisins of the prior crop year. In each instance, he may request that the committee provide the necessary containers for any such removal. When so requested as to current crop year raisins, the committee shall make the removal, the availability of containers, storage space and time of request permitting, by September 15 of the subsequent crop year, and as to raisins of the prior crop year, within 30 days, supplying the necessary containers if so requested. If any handler makes such a request, the committee shall immediately give notice thereof to the Secretary.

(g) The committee shall have the authority, in its discretion, to obtain loans, nonrecourse or otherwise, on any part of the reserve tonnage not subject to release as desirable free tonnage and to pledge or hypothecate the raisins on which such loans are obtained as security therefor: *Provided*, That in every such case, there shall be included in the loan agreement a provision to the effect that, in case the lender obtains possession or control of such raisins, he will dispose of them in such a manner as will not tend to defeat the objectives of this amended subpart. The net proceeds of any such loan shall be distributed by the committee pursuant to paragraph (h) of this section.

(h) The net proceeds from the disposition of reserve tonnage raisins of any varietal type shall be distributed by the committee to the respective producers, or their successor in interest thereto, on the basis of the volume of their respective contributions to the reserve tonnage of such varietal type. Distribution of the proceeds in connection with the reserve tonnage contributed by a nonprofit cooperative marketing association which has authority to market the raisins of its members and to allocate the proceeds therefrom to such members shall be made to such association. Advance or progress payments may be made by the committee, in conformity with the provisions of this paragraph, as sufficient funds become available.

26. Section 989.67 *Special provisions relating to reserve tonnage* is revised to read:

§ 989.67 Disposal of reserve raisins.

(a) The committee shall dispose of all reserve tonnage raisins in such a manner as to achieve, as nearly as may be practicable, complete disposal of such raisins by November 1 of the subsequent crop year. Any reserve tonnage raisins held unsold by the committee on November 1 of the subsequent crop year shall be physically disposed of promptly in any available outlet not competitive with normal market channels for free tonnage raisins or sales of new crop reserve tonnage raisins in export: *Provided*, That, whenever the Secretary approves of a finding by the committee or finds, on the basis of information otherwise available to him that because of national emergency, crop failure or other major change in economic conditions, retention of reserve tonnage raisins carried over is warranted, the foregoing requirements as to disposal shall not apply and such carried over raisins may be disposed of in any outlet recommended by the committee and approved by the Secretary.

(b) Reserve tonnage raisins shall be disposed of by the committee: (1) By sale to handlers for sale in specified outlets or for resale to exporters for sale in export outlets; (2) by direct sale to any agency of the U.S. Government for noncompetitive use; (3) by direct sale to foreign government agencies or foreign importers in any country not

listed pursuant to paragraph (c) of this section or where the procurement of raisins is so regulated as to preclude purchases from domestic handlers; (4) by gift; and (5) by any other means consistent with the provisions of this section, and in outlets noncompetitive with those for free tonnage raisins.

(c) The committee shall sell reserve raisins to handlers for export sale to countries on a list established by the Secretary, on the basis of the recommendation of the committee or from other available information. The recommended list shall be submitted by the committee to the Secretary at the time it submits its recommendation as to volume percentages, and in recommending such list the committee shall give consideration to the pertinent factors enumerated in § 989.54. The list shall not be changed except upon approval by the Secretary of a recommendation by the committee subsequent to its review of such pertinent factors. No country may be removed from the list unless a finding is made by the committee that such removal and subsequent direct sale by the committee shall not lead to disruption of sales of reserve tonnage raisins by handlers in other countries on the list and a further finding that, although handlers have been able to offer reserve tonnage raisins at competitive prices to the country to be removed, there remains an unfulfilled demand in such country which has not been supplied by handlers and which could be supplied by the committee at the same prices by means of direct sale. No country may be added to the list unless a finding is made by the committee that such addition represents a practical means of making sales of reserve raisins to such country.

(d) (1) Reserve tonnage raisins shall be sold to handlers at prices and in a manner intended to maximize producer returns and achieve complete disposition of such raisins by or before November 1 of the subsequent crop year. No offer shall be made until 5 days (exclusive of Saturdays, Sundays, and holidays) have elapsed from the time it files with the Secretary complete information as to varietal type, quantity, and price involved in such offer, and the Secretary may disapprove the offer or any term thereof: *Provided*, That, at any time prior to the expiration of the 5-day period, the offer may be made to handlers upon the committee receiving from the Secretary notice that he does not disapprove the making of the offer. Subject to the same conditions as are set forth in the preceding sentence with respect to the making of such offer, the committee may withdraw an offer to sell reserve tonnage raisins to handlers or may extend the offer period but not when such extensions would deprive one or more handlers of any opportunity to purchase raisins. If the committee includes in its terms of sale the minimum packer resale prices (effective pursuant to provisions of its export sales agreement with packers) it shall review annually the costs which determine the spread between the committee's sale price of natural condition raisins and the packer's resale price of packed raisins and make such adjustments as it concludes are appropriate.

(2) An offer of reserve tonnage for export may be either an open-as-to-tonnage offer to handlers to purchase at a price and to export reserve tonnage each holds for the account of the committee, consistent with the probable final reserve percentage, or may be an offer of a specific tonnage. If the former, and a handler has insufficient reserve tonnage to meet his needs, the committee may accept arrangements with other handlers to supply reserve tonnage. If the latter, each handler's share of the reserve tonnage offered prior to November 1 of any crop year shall be determined as the same proportion of the quantity offered that the free tonnage raisins acquired by him during the preceding crop year is of the free tonnage raisins acquired by all handlers during the preceding crop year who remain handlers. Subsequent to October 31, each handler's share shall be determined as the same proportion of the quantity offered that the free tonnage raisins acquired by the handler during the then current crop year is of the total free tonnage raisins acquired by all handlers during the then current crop year. With respect to any offer other than the initial offer, each handler's share of the total quantity offered as of that date (the then current offer plus all prior offers of that crop year) shall first be determined by the appropriate formula. His share of the current offer shall then be determined by subtracting from his share of the total quantity offered, the total of his share of prior offers from the beginning of the crop year. If any handler did not acquire raisins during the preceding crop year, the basis for his share of any quantity of reserve tonnage raisins offered prior to November 1 shall be his acquisitions of free tonnage raisins during the then current crop year. The current free tonnage acquisitions of all such new handlers shall, for the purposes of determining the shares of all handlers prior to November 1 be added to the total acquisitions of free tonnage raisins during the preceding crop year of all handlers in business at the time the offer is made.

(3) At any time during a crop year when there is an accumulation of unsold reserve tonnage raisins previously offered by the committee for sale to handlers for resale in export, the committee may make a special offer to sell such unsold tonnage, or any portion thereof, to handlers for such resale. Each handler's share of any such offer shall be determined as the same proportion of the quantity offered that the free tonnage raisins acquired by him during the then current crop year is of the total free tonnage raisins acquired by all handlers during such year. The committee may provide with respect to such a special offer that any reserve tonnage unpurchased at the end of the share reservation period will be reoffered to handlers without regard to shares and that approval for handler's applications for purchase may be made in the same order in which the applications are received by the committee. The committee may allocate and deliver to any handler, holding insufficient special offer tonnage, sufficient such tonnage to fulfill his purchase in such a special offer and his purchase in any reoffer. The cost of transporting any such reserve tonnage raisins from one handler to another shall be paid by the committee from reserve pool funds.

(4) Whenever essentially all of the reserve tonnage raisins have been offered and any unpurchased or unoffered tonnage is offered to handlers, approval of applications may be made in the same order in which the applications are filed with the committee.

(5) Whenever a handler's share or allocation pursuant to this subparagraph is less than or exceeds his holdings of reserve tonnage by a minor quantity, the committee may adjust the handler's share or allocation so as to avoid the cost of the physical transfer. The maximum quantity by which a handler's share or allocation may be so allocated shall be prescribed in rules and procedures which the committee shall establish with the approval of the Secretary.

(e) The committee may sell reserve tonnage raisins as provided in paragraph (b) (2) of this section only when such country is not included in the list of specified countries established pursuant to paragraph (c) of this section and may sell reserve tonnage raisins to foreign government agencies of foreign importers in any country removed from such list. No agreement to sell reserve tonnage raisins shall be entered into by the committee until 5 days (exclusive of Saturdays, Sundays, and holidays) have elapsed from the time it files with the Secretary complete information as to varietal type, quantity, price and foreign country involved in any such proposed sale, and the Secretary may disapprove such sale

or any term thereof: *Provided*, That, at any time prior to the expiration of the 5-day period, the sale may be made upon the committee receiving from the Secretary notice that he does not disapprove the making of the sale.

(f) Whenever the committee determines, prior to the beginning of a crop year, that the orderly disposition of reserve tonnage of that crop year would be promoted by the committee replacing any portion of or all handler export shipments of free tonnage raisins, to other than free tonnage outlets, made prior to the committee's first offer to sell reserve tonnage, but after September 1 it may do so and may specify such requirements and conditions as are necessary to carry out the replacement consistent with the objectives of this amended subpart. The committee may establish a price for such replacement tonnage which is higher, the same as, or lower than that for reserve tonnage in the first offer of the crop year and shall announce such replacement tonnage price prior to or at the beginning of the crop year. Any such replacement offer by the committee shall be governed by those provisions of paragraph (d)(1) of this section which prescribe prior action by the Secretary on committee offers to sell tonnage to handlers.

(g) The committee may refuse to sell reserve tonnage raisins for export: (1) To any handler who is in default on any previous purchase of reserve tonnage raisins from the committee; (2) to any handler currently not in compliance with the provisions of a sales agreement covering reserve tonnage raisins, executed by such handler with the committee; or (3) to any handler who signifies an intention to sell reserve tonnage to or through any person who has previously failed to complete a sale of reserve tonnage raisins to a foreign buyer and such raisins remain to be exported and remain unsold to any foreign buyer in an eligible export market.

(h) Each packer's share of an offer of reserve tonnage raisins for contract packing shall be determined as the same proportion that the reserve tonnage raisins acquired by him is of the reserve tonnage raisins acquired by all packers. In the event that any packer fails to contract for packing any or all of his share of any offer, the remaining portion thereof shall be reoffered by the committee to all packers who contracted for packing all of their respective shares, in proportion to their respective acquisitions: *Provided*, That, if such amount which packers fail to contract for packing does not exceed 250 tons, or if it is necessary to deviate from the foregoing in order to meet terms and conditions of shipment, the committee may, in its discretion, allocate such reserve tonnage raisins among packers as it deems appropriate, but the shares of packers in subsequent offers or reoffers shall be adjusted accordingly.

(i) In the event the committee determines that the applicable procedures as specified in paragraphs (d) and (h) of this section will not provide an allocation for handlers which is suitable for a particular situation, the committee, with the approval of the Secretary, may establish such modifications of procedures, consistent with § 989.66(e), as will facilitate the disposition of reserve tonnage through handlers.

(j) The committee shall not sell reserve tonnage of any varietal type to handlers to provide them with raisins to sell as free tonnage unless it finds, and the Secretary approves, that because of national emergency, crop failure, major change of economic conditions or an inadequate carryover for September shipment the free tonnage outlets cannot be reasonably well supplied by the tonnage released to the industry as a whole by the final free percentage for that varietal type. Any quantities made available for such sale to handlers shall be offered to them in the same manner as in paragraph (d)(1) of this section, with shares determined pursuant to paragraph (h) of this section. However, such raisins shall not be sold at a price below that which the committee concludes reflects the average price received by producers for free tonnage of the same varietal type purchased by handlers during the current crop year up to the time of any offer for sale of reserve tonnage by the committee, to which shall be added the costs incurred by the committee on account of the receiving, inspecting, storing, insuring, and holding of said raisins: *Provided*, That, where the outlook for the next crop year or other factors have caused a downward trend in the prices received by producers for free tonnage packed raisins, reserve tonnage may be sold to handlers at the currently prevailing or the approximate computed field price for free tonnage raisins, as determined by the committee.

§ 989.68 [Deleted]

27. Section 989.68 *Disposal of surplus raisins* is deleted.

28. Section 989.69 *Substitution for Layer Muscats* is revised to read:

§ 989.69 Substitution for Layer Muscats.

A handler may substitute an equal quantity of natural (sun-dried) Muscat or Valencia raisins for any portion or all of the reserve tonnage referable to his acquisitions of Layer Muscat raisins: *Provided*, That he shall have made arrangements satisfactory to each producer of the Layer Muscat raisins for such substitution. The handler shall report promptly to the committee any such substitution.

29. Section 989.71 *Disposition of unsold reserve and surplus tonnage in above parity situations* is revised to read:

§ 989.71 Disposition of unsold reserve tonnage in above parity situations.

In the event that the Secretary should find, during a crop year when reserve tonnage percentages have been designated and are in effect pursuant to this part, that the estimated season average price for raisins for that crop year will be in excess of the price level contemplated by the provisions of section 2(1) of the act, he shall issue an order providing for the orderly disposition of the unsold reserve tonnage then on hand, in such outlets, at such times, and in accordance with such terms and conditions, as he may determine to be appropriate in the circumstances. In determining the liquidation procedures and terms, the Secretary shall give consideration to the data and recommendations, if any, which may be submitted by the committee.

30. Paragraph (b) of § 989.73 is revised to read:

§ 989.73 Reports.

* * * * *

(b) *Acquisition reports.* Each handler shall submit to the committee in accordance with such rules and procedures as are prescribed by the committee, with the approval of the Secretary, certified reports, for such periods as the committee may require, with respect to his acquisitions of each varietal type of raisins during the particular period covered by such report, which report shall include, but not be limited to: (1) The total quantity of standard raisins acquired; (2) the quantity of reserve tonnage referable to his acquisitions of standard raisins; (3) the locations of such reserve tonnages; (4) the total quantity of offgrade raisins acquired pursuant to § 989.59(e)(1)(i); and (5) cumulative totals of such acquisitions

from the beginning of the then current crop year to and including the end of the period for which the report is made. Upon written application made to the committee, a handler may be relieved of submitting such reports after completing his packing operations for the season. Upon request of the committee, each handler shall furnish to the committee, in such manner and at such times as it may require, the name and address of each person from whom he acquired raisins and the quantity of each varietal type of raisins acquired from each such person.

* * * * * *

31. Section 989.79 *Expenses* is revised to read:

§ 989.79 Expenses.

The committee is authorized to incur such expenses (other than those specified in § 989.82) as the Secretary finds are reasonable and likely to be incurred by it during each crop year, for the maintenance and functioning of the committee and the board and for such purposes as he may, pursuant to this subpart, determine to be appropriate. The funds to cover such expenses shall be obtained by levying assessments as provided in § 989.80. The committee shall file with the Secretary for each crop year a proposed budget of these expenses and a proposal as to the assessment rate to be fixed pursuant to § 989.80, together with a report thereon. Such filing shall be not later than October 5 of the crop year, but this date may be extended by the committee not more than 5 days if warranted by a late crop. Also it shall file at the same time a proposed budget of the expenses likely to be incurred during the crop year in connection with reserve raisins held for the account of the committee, exclusive of the receiving, storing, and handling expenses which are covered by a schedule of payments to handlers effective pursuant to § 989.66(f) or any rules and procedures established by the committee, and exclusive of any expenses it may incur in connection with the disposition of such raisins and which are unknown at the time. The said report shall also cover this proposed budget.

32. Paragraphs (a) and (b) of § 989.80 are revised to read:

§ 989.80 Assessments.

(a) Each handler shall, with respect to free tonnage acquired by him, and any reserve tonnage released or sold to him for use in free tonnage outlets, pay to the committee, upon demand, his pro rata share of the expenses (exclusive of expenses for receiving, handling, holding or disposing of reserve pool tonnage) which the Secretary finds will be incurred, as aforesaid, by the committee during each crop year. Such handler's pro rata share of such expenses shall be equal to the ratio between the total free tonnage acquired by such handler plus any reserve tonnage released or sold to him for use as free tonnage, during the applicable crop year and the total free tonnage acquired by all handlers plus all reserve tonnage released or sold to all handlers for use as free tonnage, during the same crop year: *Provided*, That (1) in computing the total free tonnage acquired by a particular handler, there shall be excluded all standard raisins (recovered by the reconditioning of offgrade raisins) acquired by the handler and which comprise the assessable portion of another handler pursuant to paragraph (b) of this section, and (2) the computation of the total free tonnage acquired by all handlers shall not be similarly reduced.

(b) Each handler who reconditions offgrade raisins but does not acquire the standard raisins recovered therefrom shall, with respect to his assessable portion of all such standard raisins, pay to the committee, upon demand, his pro rata share of the expenses which the Secretary finds will be incurred by the committee each crop year. Such handler's pro rata share of such expenses shall be equal to the ratio between the handler's assessable portion (which shall be a quantity equal to the free tonnage portions of such handler's standard raisins which are acquired by some other handler or handlers) during the applicable crop year and the total free tonnage acquired by all handlers, plus all reserve tonnage released or sold to all handlers for use as free tonnage, during the same crop year.

* * * * * *

33. Section 989.82 *Expenses of reserve and surplus raisin operations* is revised to read:

§ 989.82 Expenses of reserve raisin operations.

The committee is authorized to incur such expenses as are reasonable and are necessary in discharging its obligations, pursuant to this part, with respect to the receiving, handling, holding, or disposing of any quantity of reserve pool raisins held for the account of the committee. The committee is authorized to pay any taxes assessed against raisins held by or for the account of the committee on the first Monday in March, in the reserve pool established pursuant to this subpart: *Provided*, That any equity holder may pay his own taxes upon giving notice to the committee on or before May 1 of each year of his intention to do so. All pool expenses shall be deducted from the proceeds obtained by the committee from the sale or other disposal of such reserve raisins held for the account of the committee.

34. Section 989.84 *Disposition limitation* is revised to read:

§ 989.84 Disposition limitation.

No handler shall dispose of free or reserve tonnage raisins, offgrade raisins, or other failing raisins (as defined in § 989.59(f)), except in accordance with the provisions of this subpart or pursuant to regulations issued by the committee.

35. Paragraphs (b), (c), (d), (e), (f), and (g) of § 989.96 are revised and a new paragraph, paragraph (h) is added to read:

§ 989.96 Exhibit A; producer members of the Raisin Advisory Board.

* * * * *

(b) One member for District No. 16 (Kings, Monterey, and San Benito Counties).

(c) One member for District No. 17 (Tulare and Inyo Counties).

(d) One member for District No. 18 (Kern, San Bernardino, Riverside, Imperial, San Diego, Orange, Los Angeles, Ventura, Santa Barbara, and San Luis Obispo Counties).

(e) One member for District No. 19 (Madera and Mono Counties).

(f) One member for District No. 20 (Merced, Tuolumne, and Mariposa Counties).

(g) One member for District No. 21 (Stanislaus, San Joaquin, Santa Clara, San Francisco, San Mateo, Santa Cruz, Alameda, Contra Costa, Calaveras, Alpine, Marin, Solano, Sacramento, Amador, Eldorado, Placer, Nevada, Sutter, Yolo, Napa, Sonoma, Mendocino, Lake, Colusa, Yuba, Sierra, Plumas, Modoc, Siskiyou, Del Norte, Humboldt, and Trinity Counties).

(h) The remaining members shall be allocated to the districts so as to achieve, as nearly as practicable, representation by each member of one thirty-fifth of the total raisins production or total number of producers or such other fraction as may result from changes pursuant to § 989.25b.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 21, 1967, to become effective August 28, 1967.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 67-9937; Filed, Aug. 23, 1967; 8:50 a.m.]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 84]

PART 1034—MILK IN MIAMI VALLEY, OHIO, MARKETING AREA

Order Amending Order

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AUTHORITY: The provisions of this Part 1034 issued under sections 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

§ 1034.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Miami Valley, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 2 cents per hundredweight or such amount not to exceed 2 cents per hundredweight as the Secretary may prescribe, with respect to:

(i) Receipts of producer milk (including such handler's own production);

(ii) Other source milk allocated to Class I pursuant to § 1034.45(a) (4) and (8) and the corresponding steps of § 1034.45(b); and

(iii) Packaged Class I milk disposed of from partially regulated distributing plants as route disposition in the marketing area that exceeds the hundredweight of Class I milk received during the month at such plants from pool plants and other order plants.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than September 1, 1967. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator, Regulatory Programs, was issued June 8, 1967, and the decision of the Assistant Secretary containing all amendment provisions of this order was issued August 7, 1967. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. There are only two known handlers for which this order may represent initial regulation. In the event such handlers come under the regulation, they will have until October 7, 1967, to become fully acquainted with the reporting and accounting requirements of the order prior to making their first receipts and utilization reports to the market administrator. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective September 1, 1967, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER.

(Sec. 553(d), Administrative Procedure Act, 5 U.S.C. 551–559)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Miami Valley, Ohio, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

DEFINITIONS

§ 1034.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 1034.2 Secretary.

"Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States authorized to exercise the powers or to perform the duties of the Secretary of Agriculture.

§ 1034.3 Department.

"Department" means the U.S. Department of Agriculture or any other Federal agency authorized to perform the price reporting functions of the U.S. Department of Agriculture.

§ 1034.4 Person.

"Person" means any individual, partnership, corporation, association, or other business unit.

§ 1034.5 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act";

(b) To have full authority in the sale of milk of its members and is engaged in making collective sales of or marketing milk or milk products for its members; and

(c) To have all of its activities under the control of its members.

§ 1034.6 Miami Valley, Ohio, marketing area.

The "Miami Valley, Ohio, marketing area", hereinafter called the "marketing area", means all the territory geographically within the places listed below, including all premises wholly or partly therein occupied by government (municipal, State, or Federal) reservations, installations, institutions, or other similar establishments:

OHIO COUNTIES

Champaign.
Clark.
Clinton (except Clark, Green, Jefferson, and Washington Township).
Greene.
Miami.
Montgomery.
Preble.

§ 1034.7 Producer.

"Producer" means any person, except a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk in compliance with inspection requirements of a duly constituted health authority for fluid consumption in the marketing area which milk is (a) received at a pool plant, or (b) diverted as producer milk pursuant to § 1034.15. "Producer" shall not include any such person with respect to milk which is fully subject to the class pricing and producer payment provisions of another order issued pursuant to the Act.

§ 1034.8 Handler.

"Handler" means:

(a) Any person who operates one or more pool plants;

(b) Any cooperative association with respect to producer milk diverted from a pool plant to another pool plant or to a nonpool plant;

(c) Any cooperative association with respect to producer milk it delivered directly from the farm to the pool plant of another handler in a tank truck or trailer owned or operated by, or under contract to, such cooperative association for its account;

(d) Any person who operates a partially regulated distributing plant;

(e) A producer-handler; and

(f) Any person who operates an other order plant described in § 1034.61.

§ 1034.9 Producer-handler.

"Producer-handler" means any person who meets all of the following conditions:

(a) Operates a dairy farm and a distributing plant in which milk from his own production is processed and packaged and from which route disposition is made within the marketing area;

(b) Receives from pool plants or other order plants during the month fluid milk products of not more than 2,500 pounds;

(c) Has route disposition consisting only of skim milk and butterfat obtained from pool plants or other order plants in the form of fluid milk products or from his own production;

(d) Receives no milk from other dairy farmers; and

(e) The maintenance, care and management of the herd(s) and other resources necessary to the production, processing and packaging of own-farm milk are the personal enterprise and risk of such person.

§ 1034.10 Plant.

"Plant" means the land and buildings together with their surroundings, facilities, and equipment constituting a single operating unit or establishment which is operated exclusively by one or more persons and used for the bulk handling or processing of milk or milk products.

§ 1034.11 Distributing plant.

"Distributing plant" means a plant which is approved by any duly constituted health authority for the processing or packaging of milk for fluid consumption in the marketing area and from which during the month route disposition is made.

§ 1034.12 Supply plant.

"Supply plant" means a plant in which some milk approved by any duly constituted health authority for fluid consumption in the marketing area is assembled and shipped in bulk as a fluid milk product to a distributing plant.

§ 1034.13 Pool plant.

"Pool plant" means a plant specified in paragraph (a), (b), or (c) of this section, except the plant of a producer-handler or a plant exempt pursuant to § 1034.61.

(a) A distributing plant from which during the month:

(1) Route disposition made within the marketing area is at least 15 percent of its total route disposition; and

(2) At least 50 percent of the total receipts of Grade A milk at such plant from dairy farmers, other plants (excluding receipts of bulk fluid milk products from other plants which are assigned as Class II milk pursuant to § 1034.45(a) (5) (i) and (iii) and (10)), and cooperatives as handlers pursuant to § 1034.8, including any such milk diverted to other plants pursuant to § 1034.15 by the handler operating such plant, is route disposition during each of the months of August through January, at least 45 percent February and March, and at least 40 percent during other months, except that a plant which qualifies as a pool plant by complying with the preceding requirements of this subparagraph during the immediately preceding month shall continue to be a pool plant during the current month even if the minimum percentage requirement for the current month is not met.

(b) A supply plant from which during the month the volume of fluid milk products shipped to and received at plants qualified pursuant to paragraph (a) of this section and route disposition from such plant within the marketing area, if any, is not less than 50 percent of the volume of Grade A milk received from dairy farmers at such plant (including receipts from a handler pursuant § 1034.8 (c) but not receipts of other milk on diversion pursuant to § 1034.15). Any supply plant which is qualified by reason of meeting the required percentage of this paragraph during the months of August through March shall continue to be so qualified for the following months of April through July even if the required percentage pursuant to this paragraph is not met in the latter months, unless such operator requests the market administrator in writing that such plant should not be so qualified, such revised status to be effective the first month following such notice and thereafter until the plant requalifies under this section on the basis of shipments.

(c) A plant, other than a distributing plant, operated by a cooperative association if, during the month, more than 50 percent of the total milk supply of producer members of such cooperative association is shipped to one or more distributing plants of other handlers qualified under paragraph (a) of this section either from such plant of the cooperative association or pursuant to § 1034.8(c), except that on written request for nonpool status made to the market administrator prior to the beginning of any month, the plant shall be a nonpool plant for such month and for each of the succeeding 11 months in which it does not qualify pursuant to paragraph (a) or (b) of this section on the basis of shipments.

§ 1034.14 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant from which there is route disposition in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant and from which fluid milk products are shipped to a pool plant.

§ 1034.15 Producer milk.

"Producer milk" means all skim milk and butterfat contained in milk of any producer, other than milk received at a pool plant by diversion from a plant at which such milk would be fully subject to pricing and pooling under the terms and provisions of another order issued pursuant to the Act, which is:

(a) Received during the month at one or more pool plants;

(b) Diverted during the month by a handler from a pool plant to another pool plant; or

(c) Diverted by a handler from a pool plant to a nonpool plant for not more than one-third of the days of delivery during any month from August through March, and for not more than two-thirds of the days of delivery during any month from April through July. Producer milk diverted by a handler shall be priced at the location of the plant to which diverted;

(d) Received by a cooperative association in its capacity as a handler pursuant to § 1034.8(c), in addition to that pursuant to paragraph (a) of this section; and

(e) Delivered in a farm tank pickup truck, except that delivered by a cooperative association as a handler pursuant to § 1034.8(c), to more than one pool plant shall be deemed to have been received at the first pool plant where any of the milk is withdrawn from the tank truck.

§ 1034.16 Fluid milk product.

"Fluid milk product" means milk, skim milk, flavored or cultured milk or skim milk, buttermilk, concentrated milk, sweet or sour cream, and any fluid mixtures of cream and milk or skim milk, including prepared milk shake mixes containing less than 15 percent total milk solids. The term includes these products in fluid, frozen (except cream), fortified or reconstituted form, but does not include sterilized cream in hermetically sealed metal or glass containers, eggnog, ice cream mix, or other frozen dessert mixes, aerated cream products, storage cream, cultured sour mixtures disposed of as other than sour cream unless labeled as a Grade A product, and evaporated or condensed milk or skim milk in either plain or sweetened form.

§ 1034.17 Other source milk.

"Other source milk" means all skim milk and butterfat contained in or represented by:

(a) Receipts during the month in the form of fluid milk products except: (1) Producer milk (including own farm production), (2) fluid milk products received from other pool plants either by transfer or diversion, and (3) sterilized cream received and disposed of in the same hermetically sealed metal or glass container;

(b) Products other than fluid milk products from any source (including those produced at the plant) which are reprocessed, repackaged, converted into or combined with another product during the month; and

(c) Any disappearance of nonfluid milk products not otherwise accounted for.

§ 1034.18 Route disposition.

"Route disposition" means a delivery (including that custom-packaged for another person, and disposition from a plant store or through vendor or vending machines) of any fluid milk product to a retail or wholesale outlet either directly or through a distribution point other than a plant.

Market Administrator

§ 1034.20 Designation.

The agency for the administration of this part shall be a market administrator, appointed by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal by the Secretary.

§ 1034.21 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend to the Secretary amendments thereto.

§ 1034.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part. His duties shall include but not be limited to those specified in this section.

(a) Within 30 days following the date on which he enters upon his duties execute and deliver to the Secretary a bond effective as of the date on which he enters upon his duties as market administrator and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary.

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions of this part.

(c) Obtain a bond in a reasonable amount, and with satisfactory surety therein, covering each employee who handles funds entrusted to the market administrator.

(d) Pay, out of the funds provided by § 1034.88, the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 1034.87) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties.

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and, upon request by the Secretary, surrender the same to his successor or to such other person as the Secretary may designate.

(f) Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, the name of any person who, within 2 days after the day upon which he is required to perform such acts, has not made (1) reports pursuant to §§ 1034.30 and 1034.32 or (2) payments pursuant to §§ 1034.80, 1034.84, 1034.86, 1034.87, and 1034.88.

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as the Secretary may request.

(h) Verify handlers' reports and payments to the extent necessary, by any appropriate means including audit of the handler's records and, if made available of the records of any other person upon whose utilization the classification of skim milk or butterfat depends.

(i) Publicly announce (by posting in a conspicuous place in his office and by such other means as he deems appropriate):

(1) On or before the sixth day of each month the minimum price for Class I milk pursuant to § 1034.51 and the Class I butterfat differential pursuant to § 1034.53(a) both for the current month, and the minimum price for Class II milk pursuant to § 1034.52 and the Class II butterfat differential pursuant to § 1034.53(b) both for the preceding month.

(2) On or before the 12th day after the end of each month the uniform price computed pursuant to § 1034.71 and the butterfat differential computed pursuant to § 1034.61 for such month.

(j) Notify on or before the 13th day after the end of each month each handler who reported pursuant to § 1034.30 of:

(1) The amount and value of such handler's milk in each class computed pursuant to § 1034.45 and § 1034.70;

(2) The uniform price computed pursuant to § 1034.71; and

(3) The amount to be paid by such handler pursuant to §§ 1034.82, 1034.84, 1034.87, and 1034.88 and the amount, if any, due such handler pursuant to § 1034.85.

(k) On or before the 12th day after the end of each month report to each cooperative association for such month with respect to each pool plant, the utilization on a pro rata basis of producer milk, payment for which is to be made to such cooperative association pursuant to § 1034.80.

(l) Whenever required for purpose of allocating receipts from other order plants pursuant to § 1034.45(a)(9) and the corresponding step of § 1034.45(b), the market administrator shall estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose.

(m) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products from an other order plant, the classification to which such receipts are allocated pursuant to § 1034.46 pursuant to such report, and thereafter any change in such allocation required to correct errors disclosed in verification of such report.

(n) Furnish to each handler operating a pool plant who has shipped fluid milk products to an other order plant, the classification to which the skim milk and butterfat in such fluid milk products were allocated by the market administrator of the other order on the basis of the report of the receiving handler; and, as necessary, any changes in such classification arising in the verification of such report.

(o) Prepare and make available for the benefit of producers, handlers and consumers, statistics and information concerning the operation of this part which do not reveal confidential information.

Reports, Records and Facilities

§ 1034.30 Reports of receipts and utilization.

On or before the seventh day of each month the following handlers shall report for the preceding month to, and in detail on forms prescribed by, the market administrator as follows:

(a) Each handler who operates a pool plant(s) shall report for each such plant:

(1) Receipts of skim milk and butterfat in:

(i) Producer milk (including own farm production) received;

(ii) Fluid milk products received from other pool plants;

(iii) Other source milk, with the identity of each source;

(2) Inventories of fluid milk products on hand at the beginning of the month in bulk and in packaged form, separately;

(3) The utilization or disposition of all receipts required to be reported, including separate data relative to:

(i) Bulk fluid milk products on hand at the end of the month;

(ii) Packaged fluid milk products on hand at the end of the month; and

(iii) Route disposition inside and outside the marketing area; and

(4) Such other information with respect to receipts and utilization as the market administrator may request;

(b) Each cooperative association shall report with respect to producer milk for which it is the handler but not otherwise reported under paragraph (a) of this section or § 1034.46(b):

(1) Receipts of skim milk and butterfat in producer milk;

(2) The utilization of skim milk and butterfat handled;

(3) The quantities of skim milk and butterfat caused to be delivered to pool plants of other handlers or to nonpool plants;

(4) Such other information with respect to the receipts and utilization of milk as the market administrator may request; and

(c) Each handler who operates a partially regulated distributing plant shall report for such plant the information required by paragraph (a) of this section, except that receipts of milk approved by any duly constituted health authority for fluid consumption in the marketing area shall be reported as if producer milk. Such report shall include separate data on route disposition in the marketing area.

§ 1034.31 Other reports.

(a) Each producer-handler and each handler exempt pursuant to §§ 1034.61 and 1034.62(b) shall make reports to the market administrator at such time and in such manner as the market administrator may request.

§ 1034.32 Payroll reports.

(a) Each handler pursuant to § 1034.8 (a), (b), or (c) shall submit to the market administrator on or before the 20th day after the end of the month, his producer payroll for that month which shall show for each producer:

(1) The daily and total pounds of milk received from such producer with the average butterfat test thereof; and

(2) The net amount of such handler's payments to such producer with the price, deductions and charges involved.

(b) Each handler operating a partially regulated distributing plant shall report to the market administrator on or before the 20th day after the end of the month the same information as is required pursuant to paragraph (a) of this section of a handler operating a pool plant if he wishes his obligation under § 1034.62 to be computed according to § 1034.62(a). Such report shall include payments to dairy farmers delivering Grade A milk.

§ 1034.33 Records and facilities.

Each handler, including any partially regulated handler, shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations, together with such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) Receipts of producer milk and other source milk and the utilization of such receipts at each of his plants;

(b) Weights and tests for butterfat and other content of all milk, skim milk, cream, and other milk products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all milk products on hand at the beginning and end of each month at each plant; and

(d) Payments to producers, other dairy farmers, and cooperative associations including the amount and nature of any deductions made and the disbursement of money so deducted.

§ 1034.34 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the month to which such books and records pertain. If, within such 3-year period, the market administrator notifies the handler in writing that the retention of such books and records or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

Classification

§ 1034.40 Skim milk and butterfat to be classified.

All skim milk and butterfat required to be reported pursuant to §§ 1034.30 and 1034.31 shall be classified by the market administrator as Class I milk or Class II milk subject to the conditions of this section and §§ 1034.41 through 1034.46. When nonfat milk solids derived from nonfat dry milk, condensed skim milk or any other product condensed from milk or skim milk are utilized or unaccounted for by the handler, the total pounds of skim milk classified shall reflect a volume equivalent to the skim milk used to produce such nonfat milk

solids, except that if the solids are utilized to fortify fluid milk products the actual weight of any such product shall be included in classifying the total product weight.

§ 1034.41 Classes of utilization.

The classes of utilization of milk shall be as follows:

(a) *Class I milk.* Class I milk means skim milk (except as provided for fortified fluid milk products pursuant to § 1034.40) and butterfat:

(1) Disposed of in the form of fluid milk products other than those specified pursuant to paragraphs (b) (2), (3), and (4);

(2) In inventory of fluid milk products in packaged form on hand at the end of the month; and

(3) Not accounted for as Class II milk.

(b) *Class II milk.* Class II milk means skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product;

(2) Disposed of and used for livestock feed or as skim milk dumped;

(3) Contained (skim milk only) in that portion of fortified fluid milk products not classified as Class I milk pursuant to paragraph (a) of this section;

(4) Contained in inventory of bulk fluid milk products on hand at the end of the month;

(5) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1034.42(c) (1) and (3); and

(6) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1034.42(c)(2).

§ 1034.42 Shrinkage.

Skim milk and butterfat, respectively, at each pool plant to be classified as Class II milk pursuant to § 1034.41(b) (5) and (6) shall be computed as follows:

(a) If the sum of the quantities of skim milk and butterfat, respectively, classified as Class I and Class II milk pursuant to § 1034.41 (a) and (b) (1), (2), (3), and (4) equals or exceeds the receipts of skim milk and butterfat, respectively, required to be reported pursuant to § 1034.30, no skim milk or butterfat, respectively, shall be classified as Class II milk pursuant to § 1034.41(b) (5) and (6);

(b) Compute the total shrinkage of skim milk and butterfat; and

(c) Subject to the conditions of subparagraph (3) of this paragraph, pro rate the resulting amounts between the quantities specified in subparagraphs (1) and (2) of this paragraph. The amounts assigned to the quantities in subparagraph (1) of this paragraph shall not exceed 2.5 percent of such quantities and the amounts assigned to the other source milk included in subparagraph (2) of this paragraph shall equal the actual shrinkage allocated to these quantities.

(1) The receipts of producer milk at such plant less transfers of fluid milk products in bulk form to other pool plants; plus 60 percent of the fluid milk products transferred in bulk to other pool plants; and plus 40 percent of the fluid milk products received in bulk from other pool plants and other order plants, exclusive of the quantities from other order plants for which Class II utilization was requested by the operator of such plant and the handler;

(2) Other source milk in the form of fluid milk products exclusive of that specified in subparagraph (1) of this paragraph; and

(3) If settlement by a handler on milk received from a cooperative association pursuant to § 1034.8(c) is made on the basis of weights and butterfat tests determined at the farm and the market administrator is so notified of such basis of settlement by the date the handler is required to submit his monthly report pursuant to § 1034.30, 2.5 percent shrinkage shall be allowed the handler with respect to all such milk, otherwise to 60 percent of such receipts and the balance (computed at the 2.5 percent rate) to the cooperative association supplying the milk.

§ 1034.43 Transfers.

Skim milk or butterfat in the form of a fluid milk product disposed of by a handler from a pool plant shall be classified:

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred or diverted to another pool plant, subject to the following conditions:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1034.45 (a) (9) and (b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1034.45(a)(4), the skim milk and butterfat so transferred or diverted shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1034.45 (a) (9) and (b), the skim milk and butterfat so transferred or diverted up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant.

(4) If the movement is from a pool distributing plant to a pool supply plant, it shall be considered Class II utilization to the extent such utilization is available at the receiving plant.

(b) As Class I milk, if moved to a producer-handler or a plant exempt pursuant to § 1034.60(b);

(c) As Class I milk, if transferred or diverted in bulk to a nonpool plant that is neither an other order plant, nor a producer-handler plant, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1034.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant in excess of receipts of packaged fluid milk products from all pool plants and other order plants:

(i) Route disposition in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of fluid milk products for such nonpool plant;

(ii) Class I utilization in excess of that assigned pursuant to subdivision (i) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply of fluid milk products for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iii) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred shall be classified as Class II milk; and

(d) As follows, if transferred to an other order plant in excess of receipts from such plant in the same category as described in subparagraph (1), (2), or (3) of this paragraph:

(1) If transferred in consumer packages, classification shall be in the classes to which allocated as a fluid milk product under the other order;

(2) If transferred in bulk form, classification shall be in the classes to which allocated as a fluid milk product under the other order (including allocation under the conditions set forth in subparagraph (3) of this paragraph);

(3) If the operators of both the transferor and transferee plants so request in the reports of receipts and utilization filed with their respective market administrators, transfers in bulk form shall be classified as Class II to the extent of the Class II utilization (or comparable utilization under such other order) available for such assignment pursuant to the allocation provisions of the transferee order;

(4) If the classification to which allocated under the other order is not available to the market administrator for purposes of establishing classifica-

tion pursuant to this paragraph, classification shall be as Class I, subject to adjustment when such information is available;

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified as Class II; and

(6) If the form in which any fluid milk product is transferred to an other order plant is not defined as a fluid milk product under such other order, classification shall be in accordance with the provisions of § 1034.41.

§ 1034.44 Computation of the skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and other obvious errors the report of receipts and utilization for each pool plant and shall compute the pounds of butterfat and skim milk in Class I milk and Class II milk at each such plant.

§ 1034.45 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1034.44, the market administrator shall determine, for each pool plant, the classification of producer milk received thereat. In making the allocations for this purpose under paragraphs (a) and (b) of this section, any subtractions of receipts of skim milk or butterfat (except other source milk received as cottage cheese curd to be subtracted pursuant to subparagraph (4) (i) of this paragraph) to begin with Class II milk shall be made in series starting with skim milk and butterfat other than that used to produce cottage cheese, then skim milk and butterfat used to produce cottage cheese prior to any such subtractions from Class I milk.

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1034.41(b)(5);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Except for the first month this order is effective with respect to each handler, subtract from the remaining pounds of skim milk in Class I, the pounds of skim milk in inventory of fluid milk products in packaged form on hand at the beginning of the month;

(4) Subtract successively from the pounds of skim milk remaining in each class in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product, provided that any such milk received as cottage cheese curd shall be subtracted directly from the handler's cottage cheese utilization.

(ii) Receipts of fluid milk products for which Grade A certification is not established or which are from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler as defined under this or any other Federal order; and

(iv) Receipts of fluid milk products from a plant exempt pursuant to § 1034.60(b);

(5) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II:

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants for which the handler requests Class II utilization (other than cottage cheese manufacture) but not in excess of the pounds of skim milk remaining in such Class II uses;

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants which are in excess of the pounds of skim milk determined as follows:

(a) Multiply the pounds of skim milk remaining in Class I milk (excluding Class I transfers between pool plants of the handler) at all pool plants of the handler by 1.25;

(b) Subtract from the result the sum of the pounds of skim milk at all such pool plants in producer milk, in receipts from other pool handlers and in receipts in bulk order from other order plants; and

(c) (1) Multiply any resulting plus quantity by the percentage that receipts of skim milk in fluid milk products from unregulated supply plants remaining at this plant is of all such receipts remaining at all pool plants of such handler, after any deductions pursuant to subdivision (i) of this subparagraph;

(2) Should such computation result in a quantity to be subtracted from Class II, which is in excess of the pounds of skim milk remaining in Class II, the pounds of skim milk in Class II shall be increased to the quantity to be subtracted and the pounds of skim milk in Class I shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made;

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant in excess of similar transfers to such plant, but not in excess of the pounds of skim milk remaining in Class II milk, if Class II utilization was requested by the operator of such plant and the handler;

(6) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of bulk fluid milk products (and for the first month the order is effective with respect to each handler, the pounds of fluid milk products in packaged form) on hand at the beginning of the month;

(7) Add to the remaining pounds of skim milk in Class II milk, the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(8) (i) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class in all pool plants of the receiving handler, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraph (5) (i) or (ii) of this paragraph;

(ii) Should such proration result in the amount to be subtracted from any class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made;

(9) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraph (5) (iii) of this paragraph pursuant to the following procedure:

(i) Subject to the provisions of subdivisions (ii) and (iii) of this subparagraph, such subtraction shall be pro rata to whichever of the following represents the higher proportion of all Class II milk:

(a) The estimated utilization of skim milk in each class, by all handlers, as announced for the month pursuant to § 1034.22(I); or

(b) The pounds of skim milk in each class remaining at all pool plants of the handler;

(ii) Should proration pursuant to subdivision (i) of this subparagraph result in the total pounds of skim milk to be subtracted from Class II at all pool plants of the handler exceeding the pounds of skim milk remaining in Class II at such plants, the pounds of such excess shall be subtracted from the pounds of skim milk remaining in Class I after such proration at the pool plants at which received;

(iii) Except as provided in subdivision (ii) of this subparagraph, should proration pursuant to either subdivision (i) or (ii) of this subparagraph result in the amount to be subtracted from any class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class

other pool plant of such handler at which such adjustment can be made;

(10) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from pool plants of other handlers according to the classification assigned pursuant to § 1034.43(a); and

(11) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage".

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

§ 1034.46 Responsibility of handlers.

(a) Except as provided in paragraph (b) of this section, all skim milk and butterfat shall be classified as Class I milk unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Producer milk in bulk delivered by a cooperative association as a handler under § 1034.8(c) to the pool plant of another handler, or caused to be diverted by the cooperative association from one pool plant to another, shall be classified according to use or disposition at the receiving plant, and the value thereof at the class prices shall be included in the net pool obligation computed for such handler pursuant to § 1034.70. For purposes of location adjustments pursuant to § 1034.54 and administrative expense pursuant to § 1034.88, such milk shall be treated as producer milk of the receiving handler.

(c) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

Minimum Prices

§ 1034.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the simple average of the daily wholesale selling prices (using the midpoint of any range as one price) per pound of Grade A (92-score) bulk creamery butter at Chicago, as reported for the month by the Department (hereinafter referred to as the Chicago butter price). The basic formula price shall be rounded to the nearest full cent. For the purpose of computing Class I prices from the effective date hereof through April 1968, the basic formula price shall be not less than $4.05.

§ 1034.51 Class I milk prices.

Subject to the provisions of § 1034.53 the price per hundredweight for Class I milk for the month shall be determined by the market administrator as follows:

(a) Add $1.24, plus 20 cents through April 1968, to the basic formula price for the preceding month plus or minus a "supply-demand adjustment" of not more than 39 cents computed as follows:

(1) Divide the aggregate pounds of producer milk in Class I milk (including inventory except as provided in subparagraph (3) of this paragraph, and "overage", but adjusted to eliminate duplications due to interhandler and intermarket plant transfers) under this part and Part 1033 of this chapter (Greater Cincinnati order) for the second, third, and fourth months preceding by the aggregate pounds of producer milk receipts under such parts for the same months, multiply the result by 100 and round to the nearest whole number. The result shall be known as the "Class I utilization percentage";

(2) For each full percentage point that the Class I utilization percentage is above the applicable maximum standard utilization percentage listed below increase the Class I price differential by 3 cents; and for each full percentage point that the Class I utilization percentage is below the applicable minimum standard utilization percentage listed below decrease such differential by 3 cents.

Month for which price is being computed	Preceding months used in computation	Standard utilization percentage	
		Minimum	Maximum
January	Sept., Oct., Nov.	66	69
February	Oct., Nov., Dec.	68	71
March	Nov., Dec., Jan.	69	72
April	Dec., Jan., Feb.	68	71
May	Jan., Feb., Mar.	68	71
June	Feb., Mar., Apr.	69	69
July	Mar., Apr., May	60	63
August	Apr., May, June	54	57
September	May, June, July	52	55
October	June, July, Aug.	53	56
November	July, Aug., Sept.	58	61
December	Aug., Sept., Oct.	62	65

(3) For the third month this subparagraph is effective, the monthly ending inventory of packaged fluid milk products for the month preceding such month shall be deducted in computing the 3 months' Class I milk total under subparagraph (1) above and the same adjusted monthly Class I milk total shall be used in the two successive 3 months' Class I milk total in subparagraph (1).

§ 1034.52 Class II milk prices.

Subject to the provisions of § 1034.53, the prices per hundredweight for Class II milk for the month shall be computed by the market administrator as follows:

(a) Except as provided in paragraph (b) of this section, the amount for the month computed pursuant to § 1034.50, but not more than the sum of the amounts computed pursuant to subparagraphs (1) and (2) of this paragraph (rounded to nearest cent), plus 10 cents:

(1) From the Chicago butter price computed pursuant to § 1034.50, subtract 3 cents and multiply by 4.2; and

(2) From the weighted average of carlot prices per pound of spray process nonfat dry milk for human consumption f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents and multiply by 8.2.

(b) For skim milk in producer milk used to produce cottage cheese the amount computed for the month pursuant to paragraph (a) of this section plus 20 cents.

§ 1034.53 Butterfat differentials to handlers.

(a) Class I price. Multiply the Chicago butter price computed pursuant to § 1034.50 for the immediately preceding month by 0.120.

(b) Class II price. Multiply the Chicago butter price for the month by 0.115.

§ 1034.54 Location adjustment to handlers.

(a) The price for Class I milk at a plant located outside the marketing area and more than 50 miles by the shortest hard-surface highway distance as determined by the market administrator from the nearest of the main post offices of Dayton, Piqua, Springfield, Urbana, or Wilmington, Ohio, shall be the price computed pursuant to § 1034.51(a) reduced according to the rates set forth in the following schedule for the distance of the plant from such nearest basing point:

Distance from basing point	Rate per hundredweight (cents)
Less than 50 miles	0
More than 50 miles but not more than 60 miles	9.0
For each additional 10 miles or fraction thereof in excess of 60 miles, an additional	1.8

(b) Fluid milk products received by a handler at a pool plant from another pool plant shall be assigned for Class I location adjustment credit, at the appropriate distance rate as set forth in paragraph (a) of this section, in a volume not in excess of 110 percent of Class I milk (exclusive of producer milk diverted as Class I milk to nonpool plants) at the transferee plant less the sum of receipts at such plant directly from producers and Class I milk assigned to receipts from other order plants and unregulated supply plants. Such assignments shall be made first to transferor plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply. If a pool distributing plant has direct receipts from producers less than 110 percent of Class I milk at such plant any bulk transfers to such plant from another pool plant to which a location credit applies shall be assigned to the Class I disposition at the transferee plant prorated with the sum of receipts at such plant of producer milk and the pounds assigned as Class I to receipts from other order plants and unregulated supply plants.

§ 1034.55 Use of equivalent prices.

If for any reason a price quotation or factor required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price or factor determined by the Secretary to be equivalent to the price or factor which is required.

Application of Provisions

§ 1034.60 Producer-handlers and Governmental Agencies.

(a) Sections 1034.40 through 1034.55 and §§ 1034.61 through 1034.88 shall not apply to a producer-handler.

(b) None of the provisions of this part except § 1034.14 shall apply to a plant operated by a governmental agency.

§ 1034.61 Plants subject to other Federal orders.

The provisions of this part other than §§ 1034.30, 1034.31, 1034.32, 1034.33, and 1034.34 shall not apply to:

(a) A distributing plant during any month in which the milk at such plant would be subject to the classification and pricing provisions of another order issued pursuant to the Act, unless such plant qualified as a pool plant pursuant to § 1034.13(a) and a greater volume of fluid milk products is disposed of from such plant to retail or wholesale outlets in the Miami Valley, Ohio, marketing area and to pool plants under this part than in the marketing area and to pool plants regulated by such other order during the current month and each of the three months immediately preceding.

(b) A supply plant meeting the requirements of § 1034.13(b) which also continues to have pool plant status under another Federal order.

§ 1034.62 Obligation of a handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month either of the amounts (at the handler's election) calculated pursuant to paragraph (a) or (b) of this section. If the handler fails to report pursuant to §§ 1034.30 and 1034.32 the information necessary to compute the amount specified in paragraph (a) of this section, he shall pay the amount computed pursuant to paragraph (b) of this section.

(a) An amount computed as follows:

(1) (i) The obligation that would have been computed pursuant to § 1034.70 had such plant been a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant, transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order is so allocated to Class I milk. There shall be included in the obligation so computed a charge in the amount specified in § 1034.70(f) and a credit in the amount specified in § 1034.84(b)(2) with respect to receipts from an unregulated supply plant, unless an obligation with respect to such plant is computed as specified in subdivision (ii) of this subparagraph.

(ii) If the operator of the partially regulated distributing plant so requests, and provides with his reports pursuant to §§ 1034.30 and 1034.32, similar reports with respect to the operations of any other nonpool plant which serves as a supply plant for such partially regulated distributing plant by shipments to such plant during the month equivalent to the requirements of § 1034.13(b), with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification of such reports, there will be added the amount of the obligation computed at such nonpool supply plant in the same manner and subject to the same conditions as for the partially regulated distributing plant.

(2) From this obligation there will be deducted the sum of:

(i) The gross payments made by such handler for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a supply plant(s) included in the computations pursuant to subparagraph (1) of this paragraph; and

(ii) Any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as route disposition (other than to pool plants) in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location (not to be less than the Class II price).

Determination of Prices to Producers

§ 1034.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each pool handler during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class for such handler, as computed pursuant to § 1034.45(c), by the applicable class prices (adjusted pursuant to §§ 1034.53 and 1034.54) and add the resulting amounts.

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1034.45(a)(11) and the corresponding step of § 1034.45(b) by the applicable class prices.

(c) Add the amount obtained from multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1034.45(a)(6) and the corresponding step of § 1034.45(b).

(d) Add an amount determined by multiplying the difference between the Class I price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1034.45(a)(3) and the corresponding step of § 1034.45(b). If the Class I price for the current month is less than the Class I price for the preceding month the result shall be a minus amount.

(e) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1034.45(a)(4) and the corresponding step of § 1034.45(b).

(f) Add an amount equal to the value at the Class I price adjusted for location (in the manner provided pursuant to § 1034.54) of the nearest nonpool plant(s) from which an equivalent volume was received, with respect to skim milk and butterfat subtracted from Class I pursuant to § 1034.45(a)(8) and the corresponding step of § 1034.45(b).

(g) Add, with respect to a cooperative association which is allocated shrinkage of skim milk or butterfat pursuant to § 1034.42(c)(3), an amount computed by multiplying hundredweight of such shrinkage by the Class II milk price (adjusted pursuant to §§ 1034.53 and 1034.54).

§ 1034.71 Computation of uniform price.

For each month the market administrator shall compute the uniform price per hundredweight of producer milk, of 3.5 percent butterfat content, as follows:

(a) Combine into one total the values computed pursuant to § 1034.70 for all handlers, except those of handlers who failed to make payments required pursuant to §§ 1034.30 and 1034.34 for the preceding month;

(b) Add an amount equal to the sum of the location differential adjustments computed pursuant to § 1034.82;

(c) Subtract, if the weighted average butterfat test of all producer milk is greater than 3.5 percent, or add if the

weighted average butterfat test of such milk is less than 3.5 percent an amount computed by multiplying the difference between such weighted average butterfat test and 3.5 by the butterfat differential computed pursuant to § 1034.81;

(d) Add an amount representing not less than one-half the unobligated balance in the producer-settlement fund;

(e) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1034.70(f);

(f) Subtract not less than 4 cents nor more than 5 cents per hundredweight. The result shall be the "weighted average price" and, except for the months specified below, shall be the "uniform price" for milk received from producers;

(g) For the months specified in paragraphs (h) and (i) of this section, subtract from the amount resulting from the computation pursuant to paragraphs (a) through (d) of this section an amount computed by multiplying the hundredweight of milk specified in paragraph (e)(2) of this section by the weighted average price;

(h) Subtract for each of the months of April, May, June, and July an amount computed by multiplying the total hundredweight of producer milk for such month by the following amounts: 20 cents in April, 25 cents in May and June, and 20 cents in July;

(i) Add for each of the months of September, October, November, and December, 20, 30, 30, and 20 percent, respectively, of the obligated balance in the producer-settlement fund pursuant to § 1034.83(b) on August 31, immediately preceding;

(j) Divide the resulting sum by the total hundredweight of producer milk included in these computations; and

(k) Subtract not less than 4 cents nor more than 5 cents per hundredweight. The result shall be the "uniform price" for milk received from producers.

PAYMENTS

§ 1034.80 Time and method of payment for producer milk.

(a) Except as provided in paragraphs (b), (c), and (d) of this section, each handler shall make payment for producer milk received during the month as follows:

(1) On or before the 27th day of each month to each producer who did not discontinue shipping milk to such handler before the 16th day of the month not less than the Class II price for the preceding month computed to the nearest 50 cents multiplied by the hundredweight of milk received from such producer during the first 15 days of the month, less proper deductions authorized by such producer to be made from payments due pursuant to this subparagraph;

(2) On or before the 17th day of the following month to each producer, not less than the uniform price, adjusted by the butterfat and location differentials to producers, multiplied by the hundredweight of milk received from such producer during the month, subject to the following adjustments:

(i) Less payments made to such producer pursuant to subparagraph (1) of this paragraph;

(ii) Less marketing service deductions made pursuant to § 1034.87;

(iii) Plus or minus adjustments for errors made in previous payments made to such producer; and

(iv) Less proper deductions authorized in writing by such producer.

(3) If by such date for final payment, such handler has not received full payment from the market administrator pursuant to § 1034.86 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payments to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after the receipt of the balance due from the market administrator;

(b) Payments required in paragraph (a) of this section shall be made to a cooperative association, qualified under § 1034.8, or its duly authorized agent, with respect to milk of producers which the market administrator determines have authorized such cooperative association to collect payment for their milk and the cooperative association has presented the handler with a written request for such payments. Payments to the cooperative association under this paragraph shall be made 1 day in advance of the applicable payment dates in paragraph (a), subject to the condition that the association has provided the handler with a written promise to reimburse the handler the amount of any actual loss incurred by such handler because of any improper claim on the part of the cooperative association;

(c) On or before the 15th day of the following month, each handler shall pay to each cooperative association for milk the handler receives during the month from a pool plant operated by such association, not less than the minimum prices for milk in each class, subject to the applicable location and butterfat differentials;

(d) On or before the 15th day of the following month, each handler, in his capacity as operator of a pool plant, who receives milk for which a cooperative association is the handler during the month pursuant to § 1034.8(c) shall pay such cooperative association for such milk at the uniform price, adjusted by applicable butterfat and location differentials; and

(e) None of the provisions of this section shall be construed to restrict any cooperative association qualified under section 8c(5)(F) of the Act from making payment for milk to its member producers in accordance with such provision of the Act.

§ 1034.81 Butterfat differential to producers.

The uniform price for producer milk shall be increased or decreased for each one-tenth of 1 percent that the butterfat content of such milk is above or below 3.5 percent, respectively, at the rate determined by multiplying the pounds of butterfat in producer milk allocated to Class I and Class II milk pursuant to § 1034.46 by the respective butterfat differential for each class, dividing the sum of such values by the total pounds of such butterfat and rounding the resultant figure to the nearest one-tenth cent.

§ 1034.82 Location differentials to producers and on nonpool milk.

(a) For the purposes of § 1034.71, the uniform price at a pool plant shall be reduced on the basis of the applicable amount or rate for the location of such pool plant pursuant to § 1034.54;

(b) For the purpose of computations pursuant to § 1034.84 the weighted average price shall be adjusted on the basis of the applicable amount or rate pursuant to § 1034.54, applicable at the location of the nonpool plant from which the milk was received.

§ 1034.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund", which shall function as follows:

(a) All payments made by handlers pursuant to §§ 1034.80, 1034.84, and 1034.86 shall be deposited in such fund and out of which shall be made all payments pursuant to §§ 1034.85 and 1034.86, except that any payments due to any handler shall be offset by any payments due from such handler; and

(b) All amounts subtracted pursuant to § 1034.71(h) shall be deposited in this fund and set aside as an obligated balance until withdrawn to effectuate § 1034.80 in accordance with the requirements of § 1034.71(i).

§ 1034.84 Payments to the producer-settlement fund.

On or before the 14th day of the following month each handler, including a cooperative association which is a handler, shall pay to the market administrator the amount, if any, by which the total amount specified in paragraph (a) of this section exceeds the amount specified in paragraph (b) of this section:

(a) The sum of the net pool obligation computed pursuant to § 1034.70 for such handler for the month; and

(b) The sum of:

(1) The value of producer milk received by such handler at the applicable uniform price specified in § 1034.71 (in the case of a cooperative association as a pool handler pursuant to § 1034.8(c) the value of milk so delivered to the pool plant of another handler shall be computed as a receipt of the latter); and

(2) The value at the weighted average price(s) applicable at the location of the plant(s) from which received (not to be less than the value at the Class II price) with respect to other source milk for which a value is computed pursuant to § 1034.70(f).

§ 1034.85 Payments out of the producer-settlement fund.

On or before the 16th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1034.84(b) exceeds the amount computed pursuant to § 1034.84(a). The market administrator shall offset any payment due any handler against any payments due from such handler.

§ 1034.86 Adjustments of errors.

Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses adjustments to be made, for any reason, which results in monies due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any such amount due, and payment thereof shall be made on or before the next date for making payments set forth in the provision under which such error occurred.

§ 1034.87 Marketing services.

(a) *Deductions.* Except as set forth in paragraph (b) of this section, each handler shall deduct an amount not exceeding 6 cents per hundredweight, or such lesser amount as the Secretary from time to time may prescribe, from the payments made pursuant to § 1034.80, with respect to all milk received by such handler during each month from producers (not including such handler's own production) and from associations of producers, and shall pay such deductions to the market administrator on or before the 14th day after the end of such month. Such moneys shall be used by the market administrator to verify weights, samples, and tests of such milk received by handlers and to provide such producers and associations of producers with market information, such services to be performed in whole or in part by the market administrator or by an agent engaged by him and responsible to him.

(b) *By cooperative associations.* In the case of producers for whom a cooperative association is actually performing as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as authorized by such producers and, on or before the 16th day after the end of the month, pay over such deductions to the cooperative association rendering such services.

§ 1034.88 Expense of administration.

As his prorata share of the expense of administration of the order, each handler (excluding a cooperative association in its capacity as a handler pursuant to § 1034.8(c) with respect to milk delivered to pool plants) shall pay to the market administrator on or before the 14th day after the end of the month, 2 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to:

(a) Producer milk (including such handler's own production);

(b) Other source milk allocated to Class I pursuant to §§ 1034.45(a)(4) and 1034.45(a)(8) and the corresponding steps of § 1034.45(b); and

(c) Packaged Class I milk disposed of from partially regulated distributing plants as route disposition in the marketing area that exceeds the hundredweight of Class I milk received during the month at such plants from pool plants and other order plants.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1034.90 Effective time.

The provisions of this part, or any amendments to its provisions, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 1034.91 Suspension or termination.

The Secretary may suspend or terminate this part or any provision of this part, whenever he finds that it obstructs, or does not tend to effectuate the declared policy of the Act. This part shall terminate, in any event, whenever the provisions of the Act authorizing it cease to be in effect.

§ 1034.92 Continuing power and duty of the market administrator.

(a) If, upon the suspension or termination of any or all provisions of this part, there are any obligations arising under this part, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination. Any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(b) The market administrator, or such other person as the Secretary may designate, shall (1) continue in such capacity until discharged by the Secretary, (2) from time to time account for all receipts and disbursements, and when so directed by the Secretary, deliver all funds or property on hand, together with the books and records of the market administrator, or such person, to such person as the Secretary may direct, and (3) if so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant hereto.

§ 1034.93 Liquidation after suspension or termination.

Upon the suspension or termination of any or all provisions of this part, the market administrator, or such person as the Secretary may designate shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1034.100 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the 2-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said 2-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which all such books and records pertaining to such obligations are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact,

material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or 2 years after the end of the month during which the payment (including deduction or set off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

§ 1034.101 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 1034.102 Separability of provisions.

If any provision of this part, or the application thereof to any person or circumstances, is held invalid, the remainder of the part and the application of such provision to other persons or circumstances shall not be affected thereby.

Effective date: September 1, 1967.

Signed at Washington, D.C., on August 21, 1967.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 67-9061; Filed, Aug. 23, 1967; 8:49 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1967-Crop Dry Edible Bean Supp.]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1967 Crop Dry Edible Bean Loan and Purchase Program

Correction

In F.R. Doc. 67-9722 appearing at page 11928 in the issue of Friday, August 18, 1967, the authority citation is corrected to read as follows:

AUTHORITY: The provisions of this subpart issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 201, 401, 63 Stat. 1053, 15 U.S.C. 714c, 7 U.S.C. 1421, 1441.

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Proposed Trade Association Discussion Seeking Firm Price Guarantees From Suppliers

§ 15.137 Proposed trade association discussion seeking firm price guarantees from suppliers.

(a) The Commission was requested to render an advisory opinion with respect to the legality of a user's trade association discussing and seeking a "guarantee that a quoted price will remain firm for a definite number of days" from individual suppliers or from their national association.

(b) It was represented that the product constitutes about 30 percent of the cost of doing business and that while some users buy direct, others purchase from intermediate suppliers. Regardless of the supply source, product suppliers change prices without notice and will not guarantee firm prices unless the purchase contract calls for a large quantity of the product. As users' customers demand firm price quotations on their needs and because of the normal time lapse between a quotation and actual product purchase, an interim price increase by producers results in a lessening of the users' profit. The Association added that there is no agreement not to do business with those producers who decline to guarantee firm prices, but that individual users will continue to bargain for concessions as they do at present.

(c) The Commission advised that it could neither approve nor sanction the proposed industry discussions. Though such discussion might be motivated by a purpose to remove evils affecting the industry, it appears to go further than is reasonably necessary to accomplish the desired result. Even if the discussions were accompanied by disclaimers, there is implicit therein too grave a danger that it would serve as advice whereby the concerted power of members of the local association, and even of the national association, might be brought to bear to coerce the producers, or their association, to conform pricing policies to the standard desired, or at the very least as an invitation to enter into agreements among themselves to do so.

(38 Stat. 717, as amended; 15 U.S.C. 41-58)

Issued: August 23, 1967.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 67-9068; Filed, Aug. 23, 1967; 8:48 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Use of Symbols and Names Having Fur-Bearing Animal Connotations in Labeling Textile Fiber Products

§ 15.138 Use of symbols and names having fur-bearing animal connotations in labeling textile fiber products.

(a) The Commission was requested to render an opinion with respect to the labeling of textile fiber products manufactured so as to simulate a fur or fur product.

(b) The requesting party proposed using a label which would bear the depiction of a fur-bearing animal commercially used in fur products, a trade name and trademark having a fur-bearing animal connotation, and the required fiber content disclosures.

(c) The Commission pointed out that the rules and regulations promulgated under authority of the Textile Fiber Products Identification Act provide, in Rule 9, that the label of a textile fiber product shall not contain a name, word, depiction, descriptive matter, or other symbol which connotes or signifies a fur-bearing animal, unless such product is a fur product within the meaning of the Fur Products Labeling Act. Subject to this proviso, a textile fiber product may not be described on the label with the name or part of a name of a fur-bearing animal, whether as a single or combination word similar to a fur-bearing animal name, for example, "Broadtail".

(d) The rules permit the nondeceptive use on textile fiber products of fur-bearing animal names but only where the animal fur is not commonly or commercially used in fur products, as for example, "Bear". Further, the rules do not prevent nor prohibit the nondeceptive use of a trademark or trade name containing the name, symbol, or dipiction of a fur-bearing animal unless "the textile fiber product in connection with which such trademark or trade name is used simulates a fur or fur product."

(e) The Commission advised that it would not be proper, in the labeling of textile fiber products, to use a label bearing the depiction of a fur-bearing animal nor a trademark and trade name having fur-bearing animal connotations. Such labeling, with or without the required fiber content disclosures, of a textile fiber product manufactured so as to simulate the fur of an animal commonly or commercially used in fur products would have the tendency and capacity of inducing prospective customers into the mistaken belief that the textile fiber product to which such label is affixed contains the fur of the animal depicted or fur fibers from such animal.

(38 Stat. 717, as amended; 15 U.S.C. 41-58; 72 Stat. 1717; 15 U.S.C. 70; 65 Stat. 175; 15 U.S.C. 68)

Issued: August 23, 1967.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 67-9064; Filed, Aug. 23, 1967; 8:48 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter II—Tennessee Valley Authority

PART 300—ETHICAL AND OTHER CONDUCT STANDARDS AND RESPONSIBILITIES OF EMPLOYEES AND SPECIAL GOVERNMENT EMPLOYEES

Subpart B—Ethical and Other Conduct Standards and Responsibilities of Employees

INDEBTEDNESS

Section 300.735-16 is revised to read as follows:

§ 300.735-16 Indebtedness.

An employee shall pay each just financial obligation in a proper and timely manner, especially one imposed by law such as Federal, State, or local taxes. For the purpose of this section, a "just financial obligation" means one acknowledged by the employee or reduced to judgment by a court, and "in a proper and timely manner" means in a manner which TVA determines does not, under the circumstances, reflect adversely on TVA as his employer. In the event of a dispute between an employee and an alleged creditor, this section does not require TVA to determine the validity or amount of the disputed debt.

This amendment was approved by the Civil Service Commission on July 14, 1967, to be effective upon publication in the FEDERAL REGISTER.

Dated: August 18, 1967.

TENNESSEE VALLEY AUTHORITY,
L. J. VAN MOL,
General Manager.

[F.R. Doc. 67-9060; Filed, Aug. 23, 1967; 8:50 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 67-209]

PART 8—LIABILITY FOR DUTIES; ENTRY OF IMPORTED MERCHANDISE

PART 17—PROTESTS AND REAPPRAISEMENTS

Power of Attorney To File Protest

Sections 8.19(a) and 17.2(a) of the Customs Regulations were amended by T.D. 66-73 (31 F.R. 5439), to carry out the purposes of the Agency Practice Act, Public Law 83-332, approved November 8, 1965. Notice of a proposal to amend these sections to implement further the Agency Practice Act was published in the FEDERAL REGISTER on June 17, 1967 (32 F.R. 8719).

The purpose of the amendments proposed is to provide a more appropriate procedure in circumstances where an attorney at law signs a protest on behalf of the principal, and where the authorization of a person other than a licensed broker or an attorney at law to sign a protest on behalf of a principal has not been established.

Careful consideration having been given to the comments received, the amendments as proposed, with the addition of a statement clarifying the authority of employees of customhouse brokers to act in their behalf in filing protests, are hereby adopted as follows:

§ 8.19 [Amended]

Section 8.19(a) is amended by deleting the second, third, and fourth sentences and substituting the following: "A separate power of attorney shall not be required with a protest signed as agent or attorney for the principal by an attorney at law or as agent or attorney in fact for the principal by a licensed customhouse broker or an employee of such broker acting in his behalf. The signing of a protest by a broker, or an employee in his behalf, shall be considered a declaration by the broker that he, or the employee signing in his behalf, is authorized to sign and file the protest for the principal. The signing of a protest by an attorney shall be considered a declaration by him that he is currently a member in good standing of the highest court of a State, possession, territory, commonwealth, or the District of Columbia and has been authorized to sign and file the protest for the principal."

(R.S. 251, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

Section 17.2(a) is amended to read as follows:

§ 17.2 Power of attorney to file protest.

(a) Except as provided in § 8.19(a) of this chapter and as hereinafter provided in this paragraph, no protest signed by an agent shall be granted or denied by the district director of customs unless there has been filed or is filed with the protest a power of attorney on customs Form 5296 or 5296-A or other form as explicit in its terms as is the prescribed customs form, authorizing such agent or attorney to make, sign, and file the protest. Such powers of attorney issued by a partnership shall be limited to a period not to exceed 2 years from the date of receipt thereof by the district director of customs. All other powers of attorney may be granted for an unlimited period. Any power of attorney shall be subject to revocation at any time by written notice given to and received by the district director of customs. If a protest is filed by a person purporting to be an agent for the protesting party, and such person is not named in a power of attorney as required by this section and has not qualified within an exception provided in § 8.19(a) of this chapter, such protest shall be deemed not filed and shall be returned to the purported agent without being numbered or stamped with the date of receipt. Any party identified as the principal in a protest returned in accordance with the preceding sentence shall be notified of such return and the reasons therefor. Return of a protest deemed not filed in accordance with this paragraph shall not toll the running of the period for filing a protest prescribed by section 514, Tariff Act of 1930.

* * * * *

(Secs. 514, 515, 624, 46 Stat. 734, 759; 19 U.S.C. 1514, 1515, 1624)

This amendment shall become effective 30 days after its publication in the FEDERAL REGISTER.

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved: August 16, 1967.

MATTHEW J. MARKS,
Acting Assistant Secretary of the Treasury.

[F.R. Doc. 67-9068; Filed, Aug. 23, 1967; 8:50 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter V—Bureau of Employment Security, Department of Labor

PART 604—POLICIES OF THE UNITED STATES EMPLOYMENT SERVICE

Employment Counseling

Pursuant to authority in section 12 of the Wagner-Peyser Act (29 U.S.C. 49k), Reorganization Plan No. 2 of 1949 (3 CFR 1949-53 Comp., p. 998), and 20 CFR 602.21, I hereby amend 20 CFR 604.3 as set forth below.

As this amendment provides only general statements of policy, notice of proposed rule making, public participation in its adoption, and delay in effective date are exempted from the requirements of section 4 of the Administrative Procedure Act (5 U.S.C. 553). I do not believe such procedures will serve a useful purpose here. Accordingly, the amendment shall become effective immediately.

As amended § 604.3 reads as follows:

§ 604.3 Employment counseling.

It is the policy of the U.S. Employment Service:

(a) To seek out those who may benefit from counseling, and to provide employment counseling service for any applicant of employable age who desires and can benefit from such assistance;

(b) To counsel with an understanding of the interrelationship of vocational problems and psychosocial problems and to provide for services to enhance employability or to plan for meaningful use of an individual's time;

(c) To use tests and techniques developed or approved by the U.S. Employment Service and to purchase additional testing and appraisal services when needed;

(d) To provide information about training or services of other agencies with the understanding that the individual is free to make his own selection;

(e) To refer to other community resources for services which will improve the individual's employability and for services which the public employment service is not equipped to provide;

(f) To cooperate with schools, community organizations, and other public agencies providing counseling and guidance services to:

(1) Provide maximum service to individuals and avoid duplication by establishing and maintaining procedures for referral of individuals between agencies and by providing for exchange of information about the applicant;

(2) Provide for exchange of occupational, research, appraisal, and related counseling information and techniques;

(3) Undertake cooperative projects of mutual benefit;

(g) To stimulate development of community resources to provide applicants with additional services not presently available;

(h) To provide basic counselor training to all new counseling staff and to promote graduate academic training, at institutions of higher learning, for all counseling staff;

(i) To report counseling interviews only when carried out by qualified counseling staff.

(48 Stat. 117, as amended; 29 U.S.C. 49k)

Signed at Washington, D.C., this 17th day of August 1967.

ROBERT C. GOODWIN,
Administrator,
Bureau of Employment Security.

[F.R. Doc. 67-9944; Filed, Aug. 23, 1967; 8:47 a.m.]

Title 29—LABOR

Chapter IV—Office of Labor-Management and Welfare-Pension Reports, Department of Labor

SUBCHAPTER B—WELFARE PENSION REPORTS

PART 460—FILING OF DESCRIPTION OF EMPLOYEE WELFARE OR PENSION BENEFIT PLANS—ANNUAL REPORTS

Filing of Plan Description Amendments

On February 9, 1967, notice was published in the FEDERAL REGISTER (32 F.R. 2708) of a proposed amendment to 29 CFR 460.5 which would prescribe a new form (Form D–1A) for use in reporting amendments to Plan Descriptions required under section 6 of the Welfare and Pension Plans Disclosure Act, as amended (72 Stat. 999, 76 Stat. 36; 29 U.S.C. 305). Heretofore amendments to Welfare and Pension Benefit Plans have been filed by submitting a new plan description (Form D–1), or by identifying amendments without use of a form. The Form D–1A is intended for use in submitting amendments to a plan where the administrator does not choose to use Form D–1.

Interested persons were accorded 30 days from the date of publication of notice in the FEDERAL REGISTER to offer comments. One comment received pointed out that under the proposed regulation it would appear to be necessary to resubmit copies of all the instruments under which the plan is currently being operated if the Form D–1 is used in reporting plan amendments. This was not the intention of the proposal, and in order to clarify the regulation, paragraph (b) of § 460.5 is modified to state that unless the documents already on file have since been amended, they need not be resubmitted.

Accordingly, pursuant to sections 5 and 6 of the Welfare and Pension Plans Disclosure Act (72 Stat. 999; 76 Stat. 36; 29 U.S.C. 304, 305), and under the authority of Secretary's Order No. 24–63 (28 F.R. 9172), and Secretary's Order No. 25–63 (28 F.R. 9173), § 460.5, of 29 CFR Part 460 is hereby amended to read as follows:

§ 460.5 Time for filing Plan Description amendments.

Copies of the descriptions of such plans shall be filed with and received by the Office of Labor-Management and Welfare-Pension Reports, U.S. Department of Labor, Washington, D.C. 20210, within 90 days after the time the plan becomes subject to the requirements of the Act. Whenever any such plan is amended to reflect a change in the information provided by the original Form D–1 required by § 460.3, other than information that is also required to be included in annual reports under section 7 of the Act, the amendment shall be reported to the Office of Labor-Management and Welfare-Pension Reports within sixty (60) days after it has been effectuated, by:

(a) Submitting one copy of the Department of Labor Form D–1A, entitled "Employee Welfare or Pension Benefit Plan Amendment Form," in accordance with the instruction contained therein; or

(b) Submitting one copy of a completed Department of Labor Form D–1, incorporating all current information required therein. When Form D–1 is used to report plan amendments, all documents or other materials under which the plan is currently being operated should be listed in item 12 of the Form, but submit one copy of only the documents or materials containing the amendment(s) being reported. Identify any documents or materials on the list which are not being submitted by placing the phrase "not amended" in parenthesis after each such document so listed.

This amendment shall take effect September 1, 1967.

Signed at Washington, D.C., this 14th day of August 1967.

THOMAS R. DONAHUE,
Assistant Secretary of Labor
for Labor-Management Relations.

[F.R. Doc. 67-9945; Filed, Aug. 23, 1967; 8:47 a.m.]

Chapter V—Wage and Hour Division, Department of Labor

PART 681—HOMEWORKERS IN CERTAIN INDUSTRIES IN PUERTO RICO

Minimum Piece Rate Increases

Pursuant to authority in section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206), Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and Order No. 16–67 of the Secretary of Labor, 29 CFR 681.9 (b) and (c) is amended as set out below.

This amendment merely articulates proportional increases in the minimum piece rates which another section of the part already requires to be paid by reason of increases in hourly rates which are in effect under section 6(c) (2) of the Act. For this reason, it is hereby found that notice and public procedure thereon are unnecessary. In addition, and for the same reason, good cause is found to provide no delay in the effective date. The amendment is effective immediately.

As amended, 29 CFR 681.9 (b) and (c) reads as follows:

§ 681.9 Minimum piece rates prescribed by the Administrator.

* * * * *

(b) *Piece rate for hand-braiding leather buttons.* A minimum piece rate of 51 cents a gross shall be paid to homeworkers in Puerto Rico engaged in the hand-braiding of leather buttons, 24 to 30 ligne by the following method: Tying a braided knot around the tip of a finger, bringing the knot into a rounded button shape by pulling the ends of the strip, forming the button shank from the prepared shank end of the strip, and trimming the loose end by cutting off the excess leather; all operations to be performed upon undegreased leather strips, each of which has been cut in advance to suitable dimensions so that one end may be formed into the button shank and the remainder braided to become the rounded button.

(c) *Piece rates for the hand-lacing of leather wallets, leather wallet covers, and plastic wallets.* A minimum piece rate of 1.20 cents per dozen stitches shall be paid to homeworkers in Puerto Rico engaged in the hand-lacing, single stitch, with plastic lacing material, of leather wallets and leather wallet covers; a minimum piece rate of 2.95 cents per dozen stitches shall be paid to homeworkers in Puerto Rico engaged in the hand-lacing, double stitch, with plastic lacing material, of leather wallets and leather wallet covers; and a minimum piece rate of 3.68 cents per dozen stitches shall be paid to homeworkers in Puerto Rico engaged in hand-lacing, double stitch, with plastic lacing material, of plastic wallets.

(29 U.S.C. 206, 3 CFR 1949–53 Comp., p. 1004; Secretary's [of Labor] Order 16–67)

Signed at Washington, D.C., this 16th day of August 1967.

THOMAS R. DONAHUE,
Assistant Secretary for
Labor-Management Relations.

[F.R. Doc. 67-9965; Filed, Aug. 23, 1967; 8:48 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER B—PERSONNEL: MILITARY AND CIVILIAN

PART 40—STANDARDS OF CONDUCT

Miscellaneous Amendments

The following amendments to §§ 40.735–5(b)(14); 40.735–6; 40.735–14(a)(1) to (4); 40.735–14(b); 40.735–14(l); 40.735–14(m); and Appendix B of Part 40 have been approved by the Civil Service Commission on July 31, 1967, and by the Deputy Secretary of Defense on August 8, 1967.

§ 40.735–5 Gratuities.

* * * * *

(b) * * *

(14) Receipt of bona fide reimbursement, not prohibited by law, from other than defense contractors, for actual expenses of travel and other necessary subsistence for which no Government payment or reimbursement is made. However, an employee may not be reimbursed, nor may payments be made on his behalf, for excessive personal living expenses, gifts, entertainment, or other personal benefits, nor may an employee be reimbursed from a private source for travel on official business under agency orders except pursuant to 5 U.S.C. 4111 or other applicable statutory authority.

§ 40.735–6 Prohibition of contributions or presents to superiors.

DoD personnel shall not solicit a contribution from other officers or employees for a gift to an official superior, make a donation as a gift to an official superior, or accept a gift from an officer or employee receiving less pay than themselves (5 U.S.C. 7351). However, this section does not prohibit a voluntary gift of nominal value or donation in nominal amount made on a special occasion such as marriage, illness or retirement.

§ 40.735–14 Statement of employment and financial interests.

(a) *DoD personnel required to submit statements.* (1) Employees paid at a level of the Executive Schedule in subchapter II of chapter 53 of title 5, United States Code.

(2) Board members of the Armed Service Boards of Contract Appeals.

(3) DoD personnel classified at GS–13 or above under section 5332 of title 5, United States Code, or at a comparable pay level under another authority, or members of the military in the rank of Lieutenant Colonel, Commander or above whose basic duties and responsibilities require the incumbent to exercise judgment in making a Government decision or in taking Government action in regard to administering or monitoring grants or subsidies.

(4) DoD personnel classified at GS–13 or above under section 5332 of title 5, United States Code, or at a comparable pay level under another authority, or members of the military in the rank of Lieutenant Colonel, Commander or above whose basic duties and responsibilities require the incumbent to exercise judgment in making a Government decision or in taking Government action in regard to:

(i) *Contracting or procurement.* For the purpose of this section "contracting or procurement" is defined as executing or approving the award of contracts.

(ii) *Auditing.* Auditing private or other non-Federal enterprise including the supervision of auditors engaged in audit activities or the participating in the development of policies and procedures for performing such audits, including the authorization and monitoring of grants to institutions or other non-Federal enterprise.

(iii) *Other.* Activities in which the final decision or action has a significant economic impact on the interests of any non-Federal enterprise.

(b) *Review of positions.* Each DoD component shall review its positions in paragraph (a) (3) and (4) of this section, both military and civilian, and include in each military and civilian position description, or similar documents describing the duties and responsibilities of the position, a statement as to whether the incumbent of the position must file a statement of employment and financial interests as required by this section. This determination will be reviewed at least annually. The review may be accomplished at the time performance, efficiency or effectiveness ratings are given; or incident to other currently prescribed annual reviews. Incumbents of positions identified as involving any of the functions described in paragraph (a) (3) and (4) of this section shall be required to comply with the filing requirements of this section. Any individual who believes that his position has been improperly included in either paragraph (a) (3) or (4) of this section may request a review of the decision requiring him to file a statement through the established grievance or complaint procedures of the department or agency.

* * * * *

(l) *Supplementary statements.* Changes in or additions to the information contained in an employee's statement of employment and financial interests shall be reported in a supplementary statement as of June 30 each year. Even though no changes or additions occur a negative report is required. Notwithstanding the filing of the annual report, DoD personnel shall at all times avoid acquiring a financial interest that could result, or taking action that would result, in a violation of the conflict-of-interest provisions of 18 U.S. Code 208 or this part.

* * * * *

(m) *Confidentiality of employees' statements.* An agency shall hold each statement of employment and financial interests, and each supplementary statement, in confidence. An agency may not disclose information from a statement except as the agency head or the Civil Service Commission may determine for good cause. Persons designated to review the statements are responsible for maintaining the statements in confidence and shall not allow access to, or allow information to be disclosed from the statement except to carry out the purpose of this part.

APPENDIX B—DIGEST OF CONFLICT OF INTEREST LAWS

* * * * *

(D) OTHER RELATED LAWS APPLICABLE TO ALL DEPARTMENT OF DEFENSE PERSONNEL

* * * * *

K. The prohibitions against disloyalty and striking (See 5 U.S.C. 7311, 18 U.S.C. 1918).

* * * * *

H. The provision relating to the habitual use of intoxicants to excess (See 5 U.S.C. 7352).

I. The prohibition against the misuse of a Government vehicle (See 31 U.S.C. 638a(c)).

* * * * *

K. The prohibition against the use of deceit in an examination or personnel action in connection with Government employment (See 18 U.S.C. 1917).

* * * * *

Q. The prohibitions against political activities in subchapter III of chapter 73 of title 5, United States Code (5 U.S.C. 7321–7327) and 18 U.S.C. 602, 603, 607, and 608. (Civilian employees.)

R. The prohibitions against an employee (including a special Government employee) who is required to register under the Foreign Agents Registration Act of 1938 (18 U.S.C. 219) serving the Government. The criminal

penalties of this section do not apply to a special Government employee in any case in which the department head sends a certificate to the Attorney General that his employment by the U.S. Government is in the national interest. The section does not apply to retired regular officers or to reserves who are not on active duty or who are on active duty for training.

Effective date. These amendments shall become effective on August 9, 1967. Two copies of implementing regulations of the military departments and Defense agencies will be submitted to the General Counsel, DoD, for approval prior to promulgation, and no later than 60 days from the date these amendments are published.

MAURICE W. ROCHE,
Director, Correspondence and Directive Division, OASD (Administration).

[F.R. Doc. 67-9950; Filed, Aug. 23, 1967; 8:48 a.m.]

Title 45—PUBLIC WELFARE

Chapter VIII—Civil Service Commission

PART 801—VOTING RIGHTS PROGRAM

Appendix A; Mississippi

Appendix A to Part 801 is amended as set out below to show, under the heading "Dates, Times, and Places for Filing," a change in the place for filing in Wilkinson County, Mississippi:

MISSISSIPPI

County; place for filing; beginning date					
•	•	•	•	•	•

Wilkinson: (1) Woodville—Post Office Building; August 8, 1967, to August 24, 1967; (2) Woodville—Odd Fellows Building; August 24, 1967.

(Secs. 7 and 9 of the Voting Rights Act of 1965; P.L. 89-110)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-10062; Filed, Aug. 23, 1967; 9:35 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 0—COMMISSION ORGANIZATION

Miscellaneous Amendments

In the matter of editorial amendment of Part 0, Rules and Regulations.

1. In an order released July 18, 1967, the Commission adopted rules implementing the Public Information Act of 1966, P.L. 89-487 (FCC 67-837, 32 F.R. 10568, July 19, 1967).

2. In that order, inter alia, the provisions of § 0.2 were rearranged and now appear in §§ 0.1, 0.2, and 0.4. It is therefore appropriate that § 0.2 be deleted. This and other editorial changes in the rules, as adopted in that order, are set forth below.

3. Authority for these amendments is set forth in sections 4(i), 5, and 303(r) of the Communications Act of 1934, as amended, and in § 0.261(a) of the Commission's rules, 47 CFR 0.261(a). Because these amendments are editorial in nature, compliance with the notice and effective date provisions of section 4 of the Administrative Procedure Act is unnecessary.

In view of the foregoing: *It is ordered*, Effective August 24, 1967, That Part 0 of the rules and regulations is amended as set forth below.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303.)

Released: August 21, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

Part 0 of Title 47 of the Code of Federal Regulations is amended as follows:

§ 0.2 [Deleted]

1. Section 0.2 is deleted.

§ 0.406 [Amended]

2. Section 0.406(b)(7) is corrected by substituting the term "Federal Aviation Administration" for the term "Federal Aviation Agency."

3. In paragraph (c) of § 0.423, subparagraphs (15) and (16) are corrected to read as follows:

§ 0.423 Information bulletins.

• • • • • •

(c) • • •

(15) Use of the Same Transmitting Equipment by More than One Station Licensee in the Public Safety, Industrial and Land Transportation Radio Services (SS Bulletin No. 1006 a).

(16) Ship Radiotelephone and Radar (SS Bulletin No. 1007).

• • • • • •

§ 0.457 [Amended]

4. In § 0.457, citations to Title 5 of the United States Code are corrected as follows:

(1) In the italicized heading of § 0.457 (a), "5 U.S.C. 552(c)(1)" is corrected to read "5 U.S.C. 552(b)(1)".

(2) In the italicized heading of § 0.457 (b), "5 U.S.C. 552(c)(2)" is corrected to read "5 U.S.C. 552(b)(2)".

(3) In the italicized heading of § 0.457 (c), "5 U.S.C. 552(c)(3)" is corrected to read "5 U.S.C. 552(b)(3)".

(4) In the italicized heading of § 0.457 (d) and in the first sentence of that paragraph, "5 U.S.C. 552(c)(4)" is corrected to read "5 U.S.C. 552(b)(4)".

(5) In the italicized heading of § 0.457 (e), "5 U.S.C. 552(c)(5)" is corrected to read "5 U.S.C. 552(b)(5)".

(6) In the italicized heading of § 0.457 (f), "5 U.S.C. 552(c)(6)" is corrected to read "5 U.S.C. 552(b)(6)".

[F.R. Doc. 67-9982; Filed, Aug. 23, 1967; 8:50 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Monte Vista National Wildlife Refuge, Colo., and Bitter Lake National Wildlife Refuge, N. Mex.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of the adoption of the Federal migratory game bird regulations to and including the establishment of State hunting seasons makes it impracticable to give public notice of proposed rule making.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

COLORADO

MONTE VISTA NATIONAL WILDLIFE REFUGE

Public hunting of ducks and coots on the Monte Vista National Wildlife Refuge, Colo., by a special experimental early season, is permitted from October 1 through October 18, 1967, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 3,814 acres, is delineated on maps available at refuge headquarters, Monte Vista, Colo., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks and coots subject to the following special condition:

(1) Dogs—Not to exceed two dogs per hunter may be used only to retrieve wounded or dead ducks.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 18, 1967.

NEW MEXICO

BITTER LAKE NATIONAL WILDLIFE REFUGE

Public hunting of teal ducks on the Bitter Lake National Wildlife Refuge, N. Mex., is permitted from September 22 through September 30, 1967, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 2,321 acres, is delineated on maps available at refuge headquarters, Roswell, N. Mex., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with applicable State and Federal regulations covering the hunting of teal ducks during this experimental season.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 30, 1967.

WILLIAM T. KRUMMES,
Regional Director, Albuquerque, N. Mex.

AUGUST 16, 1967.

[F.R. Doc. 67-9920; Filed, Aug. 23, 1967; 8:45 a.m.]

PART 32—HUNTING

Tamarac National Wildlife Refuge, Minn.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

MINNESOTA

TAMARAC NATIONAL WILDLIFE REFUGE

Public hunting of pheasants, ruffed grouse, gray and fox squirrels, cottontail, jack and snowshoe rabbits and raccoons on the Tamarac National Wildlife Refuge, Minn., is permitted only on the area designated by signs as open to hunting. This open area comprising 12,000 acres is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408.

Hunting shall be in accordance with all applicable State regulations during the seasons specified below. The hunting of upland game species as may be otherwise authorized by Minnesota State regulations is prohibited.

Open seasons: Pheasants—12:00 noon October 28, 1967, through November 5, 1967. Ruffed grouse—October 7, 1967, through November 5, 1967. Gray and fox squirrels—September 30, 1967, through December 31, 1967. Cottontail, jack and snow shoe rabbits—September 30, 1967, through March 1, 1968.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through March 1, 1968.

NELIUS B. NELSON,
Refuge Manager, Tamarac National Wildlife Refuge, Rochert, Minn. 56578.

AUGUST 18, 1967.

[F.R. Doc. 67-9921; Filed, Aug. 23, 1967; 8:45 a.m.]

PART 32—HUNTING

Hart Mountain National Antelope Refuge, Oreg.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

OREGON

HART MOUNTAIN NATIONAL ANTELOPE REFUGE

Public hunting of deer, during the archery season from August 26 through September 17, 1967, and the Hart Mountain Trophy Buck season from September 30 through October 22, 1967, on the Hart Mountain National Antelope Refuge, Oreg., is permitted only on the area designated by signs as open to hunting. This open area, comprising 239,000 acres, is designated on a map available at the refuge headquarters or from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208.

Hunting of deer is permitted in accordance with all applicable State regulations, except that the following special conditon shall apply: Camping is permitted at designated areas only.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 22, 1967.

PAUL T. QUICK,
Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 22, 1967.

[F.R. Doc. 67-9990; Filed, Aug. 23, 1967; 8:50 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Nontaxable Exchanges of Certain United States Obligations

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any written comments or suggestions submitted after August 1, 1967, not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] WILLIAM H. SMITH,
Acting Commissioner of Internal Revenue.

In order to conform the INCOME TAX Regulations (26 CFR Part 1) to sections 102 and 201 of the Act of September 22, 1959 (Public Law 86-346, 73 Stat. 621, 622), relating to certain exchanges with the United States of obligations of the United States issued under the Second Liberty Bond Act, such regulations are amended as follows, effective for taxable years ending after September 22, 1959:

PARAGRAPH 1. Section 1.454 is amended by revising section 454(c) and by adding an historical note as follows:

§ 1.454 Statutory provisions; obligations issued at discount.

SEC. 454. *Obligations issued at discount.*
* * *

(c) *Matured U.S. savings bonds.* In the case of a taxpayer who—

(1) Holds a series E U.S. savings bond at the date of maturity, and

(2) Pursuant to regulations prescribed under the Second Liberty Bond Act (A) retains his investment in such series E bond in an obligation of the United States, other than a current income obligation, or (B) exchanges such series E bond for another nontransferable obligation of the United States in an exchange upon which gain or loss is not recognized because of section 1037 (or so much of section 1031 as relates to section 1037), the increase in redemption value (to the extent not previously includible in gross income) in excess of the amount paid for such series E bond shall be includible in gross income in the taxable year in which the obligation is finally redeemed or in the taxable year of final maturity, whichever is earlier. This subsection shall not apply to a corporation, and shall not apply in the case of any taxable year for which the taxpayer's taxable income is computed under an accrual method of accounting or for which an election made by the taxpayer under subsection (a) applies.

[Sec. 454 as amended by sec. 102, Act of Sept. 22, 1959 (Pub. Law 86-346, 73 Stat. 621)]

PAR. 2. Section 1.454-1 is amended by revising paragraphs (a) and (c) to read as follows:

§ 1.454-1 Obligations issued at discount.

(a) *Non-interest-bearing obligations issued at discount*—(1) *Election to include increase in income currently.* If a taxpayer owns—

(i) A non-interest-bearing obligation issued at a discount and redeemable for fixed amounts increasing at stated intervals, or

(ii) An obligation of the United States, other than a current income obligation, in which he retains his investment in a matured series E U.S. savings bond, or

(iii) A nontransferable obligation (whether or not a current income obligation) of the United States for which a series E U.S. savings bond was exchanged (whether or not at final maturity) in an exchange upon which gain is not recognized because of section 1037 (a) (or so much of section 1031(b) as relates to section 1037),

and if the increase, if any, in redemption price of such obligation described in subdivision (i), (ii), or (iii) of this subparagraph during the taxable year (as described in subparagraph (2) of this paragraph) does not constitute income for such year under the method of accounting used in computing his taxable income, then the taxpayer may, at his election, treat the increase as constituting income for the year in which such increase occurs. If the election is not made and section 1037 (or so much of section 1031 as relates to section 1037) does not apply, the taxpayer shall treat the increase as constituting income for the year in which the obligation is redeemed or disposed of, or finally matures, whichever is earlier. Any such election must be made in the taxpayer's return and may be made for any taxable year. If an election is made with respect to any such obligation described in subdivision (i), (ii), or (iii) of this subparagraph, it shall apply also to all other obligations of the type described in such subdivisions owned by the taxpayer at the beginning of the first taxable year to which the election applies, and to those thereafter acquired by him, and shall be binding for the taxable year for which the return is filed and for all subsequent taxable years, unless the Commissioner permits the taxpayer to change to a different method of reporting income from such obligations. See section 446(e) and paragraph (e) of § 1.446-1, relating to requirement respecting a change of accounting method. Although the election once made is binding upon the taxpayer, it does not apply to a transferee of the taxpayer.

(2) *Amount of increase in case of non-interest-bearing obligations.* In any case in which an election is made under section 454, the amount which accrues in any taxable year to which the election applies is measured by the actual increase in the redemption price occurring in that year. This amount does not accrue ratably between the dates on which the redemption price changes. For example, if two dates on which the redemption price increases (February 1 and August 1) fall within a taxable year and if the redemption price increases in the amount of 50 cents on each such date, the amount accruing in that year would be $1 ($0.50 on February 1 and $0.50 on August 1). If the taxpayer owns a non-interest-bearing obligation of the character described in subdivision (i), (ii), or (iii) of subparagraph (1) of this paragraph acquired prior to the first taxable year to which his election applies, he must also include in gross income for such first taxable year (i) the increase in the redemption price of such obligation occurring between the date of acquisition of the obligation and the first day of such first taxable year and (ii), in a case where a series E bond was exchanged for such obligation, the increase in the redemption price of such series E bond occurring between the date of acquisition of such series E bond and the date of the exchange.

(3) *Amount of increase in case of current income obligations.* If an election is made under section 454 and the taxpayer owns, at the beginning of the first taxable year to which the election applies, a current income obligation of the character described in subparagraph (1) (iii) of this paragraph acquired prior to such taxable year, he must also include in gross income for such first taxable year the increase in the redemption price of the series E bond which was surrendered to the United States in exchange for such current income obligation; the amount of the increase is that occurring between the date of acquisition of the series E bond and the date of the exchange.

(4) *Illustrations.* The application of this paragraph may be illustrated by the following examples:

Example (1). Throughout the calendar year 1954, a taxpayer who uses the cash receipts and disbursements method of accounting holds series E U.S. savings bonds having a maturity value of $5,000 and a redemption value at the beginning of the year 1954 of $4,050 and at the end of the year 1954 of $4,150. He purchased the bonds on January 1, 1949, for $3,750, and holds no other obligation of the type described in this section. If the taxpayer exercises the election in his return for the calendar year 1954, he is required to include $400 in taxable income with respect to such bonds. Of this amount, $300 represents the increase in the redemption price before 1954 and $100 represents the increase in the redemption price in 1954. The increases in redemption value occurring in subsequent taxable years are includible in gross income for such taxable years.

Example (2). In 1958 B, a taxpayer who uses the cash receipts and disbursements method of accounting and the calendar year as his taxable year, purchased for $7,500 a series E United States savings bond with a face value of $10,000. In 1965, when the stated redemption value of the series E bond is $9,760, B surrenders it to the United States in exchange solely for a $10,000 series H U.S. current income savings bond in an exchange qualifying under section 1037(a), after paying $240 additional consideration. On the exchange of the series E bond for the series H bond in 1965, B realizes a gain of $2,260 ($9,760 less $7,500), none of which is recognized for that year by reason of section 1037(a). B retains the series H bond and redeems it at maturity in 1975 for $10,000, but in 1966 he exercises the election under section 454(a) in his return for that year with respect to five series E bonds he purchased in 1960. B is required to include in gross income for 1966 the increase in redemption price occurring before 1966 and in 1966 with respect to the series E bonds purchased in 1960; he is also required to include in gross income for 1966 the $2,260 increase in redemption price of the series E bond which was exchanged in 1965 for the series H bond.

* * * * *

(c) *Matured U.S. savings bonds*—(1) *Inclusion of increase in income upon redemption or final maturity.* If a taxpayer (other than a corporation) holds—

(i) A matured series E U.S. savings bond,

(ii) An obligation of the United States, other than a current income obligation, in which he retains his investment in a matured series E U.S. savings bond, or

(iii) A nontransferable obligation (whether or not a current income obligation) of the United States for which a series E U.S. savings bond was exchanged (whether or not at final maturity) in an exchange upon which gain is not recognized because of section 1037(a) (or so much of section 1031(b) as relates to section 1037(a)),

the increase in redemption price of the series E bond in excess of the amount paid for such series E bond shall be included in the gross income of such taxpayer for the taxable year in which the obligation described in subdivision (i), (ii), or (iii) of this subparagraph is redeemed or disposed of, or finally matures, whichever is earlier, but only to the extent such increase has not previously been includible in the gross income of such taxpayer or any other taxpayer. If such obligation is partially redeemed before final maturity, or partially disposed of by being partially reissued to another owner, such increase in redemption price shall be included in the gross income of such taxpayer for such taxable year on a basis proportional to the total denomination of obligations redeemed or disposed of. The provisions of section 454 (a) and of this subparagraph shall not apply in the case of any taxable year for which the taxpayer's taxable income is computed under an accrual method of accounting or for a taxable year for which an election made by the taxpayer under section 454(a) and paragraph (a) of this section applies. For rules respecting the character of the gain realized upon the disposition or redemption of an obligation described in subdivision (iii) of this subparagraph, see paragraph (b) of § 1.1037-1.

(2) *Illustrations.* The application of this paragraph may be illustrated by the following examples, in which it is assumed that the taxpayer uses the cash receipts and disbursements method of accounting and the calendar year as his taxable year:

Example (1). On June 1, 1941, A purchased for $375 a series E U.S. savings bond which was redeemable at maturity (10 years from issue date) for $500. At maturity of the bond, A exercised the option of retaining the matured series E bond for the 10-year extended maturity period. On June 2, 1961, A redeemed the series E bond, at which time the stated redemption value was $674.80. A never elected under section 454(a) to include the annual increase in redemption price in gross income currently. Under section 454(c), A is required to include $299.60 ($674.60 less $375) in gross income for 1961 by reason of his redemption of the bond.

Example (2). The facts are the same as in example (2) in paragraph (a)(4) of this section. On redemption of the series H bond received in the exchange qualifying under section 1037(a), B realizes a gain of $2,260, determined as provided in example (5) in paragraph (b)(4) of § 1.1037-1. None of this amount is includible in B's gross income for 1975, such amount having already been includible in his gross income for 1966 because of his election under section 454(a).

Example (3). C, who had elected under section 454(a) to include the annual increase in the redemption price of his non-interest-bearing obligations in gross income currently, owned a $1,000 series E U.S. savings bond, which was purchased on October 1, 1949, for $750. C died on February 1, 1955, when the redemption value of the bond was $820. The bond was immediately reissued to D, his only heir, who has not made an election under section 454(a). On January 15, 1960, when the redemption value of the bond is $1,000, D surrenders it to the United States in exchange solely for a $1,000 series H U.S. savings bond in an exchange qualifying under the provisions of section 1037(a). For 1960 D properly does not return any income from the exchange of bonds, although he returns the interest payments on the series H bond for the taxable years in which they are received. On September 1, 1964, prior to maturity of the series H bond, D redeems it for $1,000. For 1964, D must include $180 in gross income under section 454(c) from the redemption of the series H bond, that is, the amount of the increase in the redemption price of the series E bond ($1,000 less $820) occurring between February 1, 1955, and January 15, 1960, the period during which he owned the series E bond.

PAR. 3. Section 1.1031(a)-1 is amended by revising paragraph (d) to read as follows:

§ 1.1031(a)-1 Property held for productive use in trade or business or for investment.

* * * * *

(d) Gain or loss is recognized if, for instance, a taxpayer exchanges (1) Treasury bonds maturing March 15, 1958, for Treasury bonds maturing December 15, 1968, unless section 1037(a) (or so much of section 1031 as relates to section 1037(a)) applies to such exchange, or (2) a real estate mortgage for consolidated farm loan bonds.

PAR. 4. Section 1.1031(b) is amended to read as follows:

§ 1.1031(b) Statutory provisions; exchange of property held for productive use or investment; gain from exchanges not solely in kind.

SEC. 1031. *Exchange of property held for productive use or investment.* * * *

(b) *Gain from exchanges not solely in kind.* If an exchange would be within the provisions of subsection (a), of section 1035(a), of section 1036(a), or of section 1037(a), if it were not for the fact that the property received in exchange consists not only of property permitted by such provisions to be received without the recognition of gain, but also of other property or money, then the gain, if any, to the recipient shall be recognized, but in an amount not in excess of the sum of such money and the fair market value of such other property.

[Sec. 1031 (b) as amended by sec. 201(c), Act of Sept. 22, 1959 (Pub. Law 86-346, 73 Stat. 624)]

PAR. 5. Section 1.1031(b)-1 is amended by revising paragraphs (a) and (b) to read as follows:

§ 1.1031(b)-1 Receipt of other property or money in tax-free exchange.

(a) If the taxpayer receives other property (in addition to property permitted to be received without recognition of gain) or money—

(1) In an exchange described in section 1031(a) of property held for investment or productive use in trade or business for property of like kind to be held either for productive use or for investment,

(2) In an exchange described in section 1035(a) of insurance policies or annuity contracts,

(3) In an exchange described in section 1036(a) of common stock for common stock, or preferred stock for preferred stock, in the same corporation and not in connection with a corporate reorganization, or

(4) In an exchange described in section 1037(a) of obligations of the United States, issued under the Second Liberty Bond Act (31 U.S.C. 774 (2)), solely for other obligations issued under such Act,

the gain, if any, to the taxpayer will be recognized under section 1031(b) in an amount not in excess of the sum of the money and the fair market value of the

other property, but the loss, if any, to the taxpayer from such an exchange will not be recognized under section 1031(c) to any extent.

(b) The application of this section may be illustrated by the following examples:

Example (1). A, who is not a dealer in real estate, in 1964 exchanges real estate held for investment, which he purchased in 1940 for $5,000, for other real estate (to be held for productive use in trade or business) which has a fair market value of $6,000, and $2,000 in cash. The gain from the transaction is $3,000, but is recognized only to the extent of the cash received of $2,000.

Example (2). (a) B, who uses the cash receipts and disbursements method of accounting and the calendar year as his taxable year, has never elected under section 454(a) to include in gross income currently the annual increase in the redemption price of non-interest-bearing obligations issued at a discount. In 1943, for $750 each, B purchased four $1,000 series E U.S. savings bonds bearing an issue date of March 1, 1943.

(b) On October 1, 1963, the redemption value of each such bond was $1,396, and the total redemption value of the four bonds was $5,584. On that date B submitted the four $1,000 series E bonds to the United States in a transaction in which one of such $1,000 bonds was reissued by issuing four $100 series E U.S. savings bonds bearing an issue date of March 1, 1943, and by considering six $100 series E bonds bearing an issue date of March 1, 1943, to have been issued. The redemption value of each such $100 series E bond was $139.60 on October 1, 1963. Then, as part of the transaction, the six $100 series E bonds so considered to have been issued and the three $1,000 series E bonds were exchanged, in an exchange qualifying under section 1037(a), for five $1,000 series H U.S. savings bonds plus $25.60 in cash.

(c) The gain realized on the exchange qualifying under section 1037(a) is $2,325.60, determined as follows:

Amount realized:	
Par value of five series H bonds	$5,000.00
Cash received	25.60
Total realized	5,025.60
Less: Adjusted basis of series E bonds surrendered in the exchange:	
Three $1,000 series E bonds	2,250.00
Six $100 series E bonds at $75 each	450.00
	2,700.00
Gain realized	2,325.60

(d) Pursuant to section 1031(b), only $25.60 (the money received) of the total gain of $2,325.60 realized on the exchange is recognized at the time of exchange and must be included in B's gross income for 1963. The $2,300 balance of the gain ($2,325.60 less $25.60) must be included in B's gross income for the taxable year in which the series H bonds are redeemed or disposed of, or reach final maturity, whichever is earlier, as provided in paragraph (c) of § 1.454–1.

(e) The gain on the four $100 series E bonds, determined by using $75 as a basis for each such bond, must be included in B's gross income for the taxable year in which such bonds are redeemed or disposed of, or reach final maturity, whichever is earlier.

Example (3). (a) The facts are the same as in example (2), except that, as part of the transaction, the $1,000 series H bond is reissued by considering ten $100 series E bonds bearing an issue date of March 1, 1943, to have been issued. Six of the $100 series E bonds so considered to have been issued are surrendered to the United States as part of the exchange qualifying under section 1037(a) and the other four are immediately redeemed.

(b) Pursuant to section 1031(b), only $25.60 (the money received) of the total gain of $2,325.60 realized on the exchange qualifying under section 1037(a) is recognized at the time of the exchange and must be included in B's gross income for 1963. The $2,300 balance of the gain ($2,325.60 less $25.60) realized on such exchange must be included in B's gross income for the taxable year in which the series H bonds are redeemed or disposed of, or reach final maturity, whichever is earlier, as provided in paragraph (c) of § 1.454–1.

(c) The redemption on October 1, 1963, of the four $100 series E bonds considered to have been issued at such time results in gain of $258.40, which is then recognized and must be included in B's gross income for 1963. This gain of $258.40 is the difference between the $558.40 redemption value of such bonds on the date of the exchange and the $300 (4×$75) paid for such series E bonds in 1943.

Example (4). On November 1, 1963, C purchased for $91 a marketable U.S. bond which was originally issued at its par value of $100 under the Second Liberty Bond Act. On February 1, 1964, in an exchange qualifying under section 1037(a), C surrendered the bond to the United States for another marketable U.S. bond, which then had a fair market value of $92, and $1.55 in cash, $0.55 of which was interest. The $0.55 interest received is includible in gross income for the taxable year of the exchange, but the $2 gain ($93 less $91) realized on the exchange is recognized for such year under section 1031(b) to the extent of $1 (the money received). Under section 1031(d), C's basis in the bond received in exchange is $91 (his basis of $91 in the bond surrendered, reduced by the $1 money received and increased by the $1 gain recognized).

* * * * *

PAR. 6. Section 1.1031(c) is amended to read as follows:

§ 1.1031(c) Statutory provisions; exchange of property held for productive use or investment; loss from exchanges not solely in kind.

SEC. 1031. *Exchange of property held for productive use or investment.* * * *

(c) *Loss from exchanges not solely in kind.* If an exchange would be within the provisions of subsection (a), of section 1035(a), of section 1036(a), or of section 1037(a), if it were not for the fact that the property received in exchange consists not only of property permitted by such provisions to be received without the recognition of gain or loss, but also of other property or money, then no loss from the exchange shall be recognized.

[Sec. 1031(c) as amended by sec. 201(d), Act of Sept. 22, 1959 (Pub. Law 86–346, 73 Stat. 624)]

PAR. 7. Section 1.1031(c)–1 is amended to read as follows:

§ 1.1031(c)–1 Nonrecognition of loss.

Section 1031(c) provides that a loss shall not be recognized from an exchange of property described in section 1031(a), 1035(a), 1036(a), or 1037(a) where there is received in the exchange other property or money in addition to property permitted to be received without recognition of gain or loss. See example (4) of paragraph (a)(3) of § 1.1037–1 for an illustration of the application of this section in the case of an exchange of U.S. obligations described in section 1037(a).

PAR. 8. Section 1.1031(d) is amended to read as follows:

§ 1.1031(d) Statutory provisions; exchange of property held for productive use or investment; basis.

SEC. 1031 *Exchange of property held for productive use or investment.* * * *

(d) *Basis.* If property was acquired on an exchange described in this section, section 1035(a), section 1036(a), or section 1037(a), then the basis shall be the same as that of the property exchanged, decreased in the amount of any money received by the taxpayer and increased in the amount of gain or decreased in the amount of loss to the taxpayer that was recognized on such exchange. If the property so acquired consisted in part of the type of property permitted by this section, section 1035(a), section 1036(a), or section 1037(a), to be received without the recognition of gain or loss, and in part of other property, the basis provided in this subsection shall be allocated between the properties (other than money) received, and for the purpose of the allocation there shall be assigned to such other property an amount equivalent to its fair market value at the date of the exchange. For purposes of this section, section 1035(a), and section 1036(a), where as part of the consideration to the taxpayer another party to the exchange assumed a liability of the taxpayer or acquired from the taxpayer property subject to a liability, such assumption or acquisition (in the amount of the liability) shall be considered as money received by the taxpayer on the exchange.

[Sec. 1031(d) as amended by sec. 44, Technical Amendments Act 1958 (72 Stat. 1641); sec. 201(e), Act of Sept. 22, 1959 (Pub. Law 86–346, 73 Stat. 624)]

PAR. 9. Section 1.1031(d)–1 is amended by revising paragraph (a), the text of paragraph (b) preceding the example, the text of paragraph (c) preceding the example, paragraph (d), and the text of paragraph (e) preceding the example, to read as follows:

§ 1.1031(d)–1 Property acquired upon a tax-free exchange.

(a) If, in an exchange of property solely of the type described in section 1031, section 1035(a), section 1036(a), or section 1037(a), no part of the gain or loss was recognized under the law applicable to the year in which the exchange was made, the basis of the property acquired is the same as the basis of the property transferred by the taxpayer with proper adjustments to the date of the exchange. If additional consideration is given by the taxpayer in the exchange, the basis of the property acquired shall be the same as the property transferred increased by the amount of additional consideration given (see section 1016 and the regulations thereunder).

(b) If, in an exchange of properties of the type indicated in section 1031, section 1035(a), section 1036(a), or section 1037(a), gain to the taxpayer was recognized under the provisions of section 1031(b) or a similar provision of a prior revenue law, on account of the receipt of money in the transaction, the basis of the property acquired is the basis of the property transferred (adjusted to the date of the exchange), decreased by the amount of money received and increased by the amount of gain recognized on the exchange. The application of this paragraph may be illustrated by the following example:

* * * * *

(c) If, upon an exchange of properties of the type described in section 1031, section 1035(a), section 1036(a), or section 1037(a), the taxpayer received other property (not permitted to be received without the recognition of gain) and gain from the transaction was recognized as required under section 1031(b), or a similar provision of a prior revenue law, the basis (adjusted to the date of the exchange) of the property transferred by the taxpayer, decreased by the amount of any money received and increased by the amount of gain recognized, must be allocated to and is the basis of the properties (other than money) received on the exchange. For the purpose of the allocation of the basis of the properties received, there must be assigned to such other property an amount equivalent to its fair market value at the date of the exchange. The application of this paragraph may be illustrated by the following example:

* * * * *

(d) Section 1031(c) and, with respect to section 1031 and section 1036(a), similar provisions of prior revenue laws provide that no loss may be recognized on an exchange of properties of a type described in section 1031, section 1035(a), section 1036(a), or section 1037(a), although the taxpayer receives other property or money from the transaction. However, the basis of the property or properties (other than money) received by the taxpayer is the basis (adjusted to the date of the exchange) of the property transferred, decreased by the amount of money received. This basis must be allocated to the properties received, and for this purpose there must be allocated to such other property an amount of such basis equivalent to its fair market value at the date of the exchange.

(e) If, upon an exchange of properties of the type described in section 1031, section 1035(a), section 1036(a), or section 1037(a), the taxpayer also exchanged other property (not permitted to be transferred without the recognition of gain or loss) and gain or loss from the transaction is recognized under section 1002 or a similar provision of a prior revenue law, the basis of the property acquired is the total basis of the properties transferred (adjusted to the date of the exchange) increased by the amount of gain and decreased by the amount of loss recognized on the other property. For purposes of this rule, the taxpayer is deemed to have received in exchange for such other property an amount equal to its fair market value on the date of the exchange. The application of this paragraph may be illustrated by the following example:

* * * * *

PAR. 10. There are inserted immediately after § 1.1036–1 the following new sections:

§ 1.1037 Statutory provisions; certain exchanges of United States obligations.

SEC. 1037. *Certain exchanges of United States obligations.*—(a) *General rule.* When so provided by regulations promulgated by the Secretary in connection with the issue of obligations of the United States, no gain or loss shall be recognized on the surrender to the United States of obligations of the United States issued under the Second Liberty Bond Act in exchange solely for other obligations issued under such Act.

(b) *Application of section 1232.*—(1) *Exchanges involving obligations issued at a discount.* In any case in which gain has been realized but not recognized because of the provisions of subsection (a) (or so much of section 1031(b) as relates to subsection (a) of this section), to the extent such gain is later recognized by reason of a disposition or redemption of an obligation received in an exchange subject to such provisions, the first sentence of section 1232(a)(2)(A) shall apply to such gain as though the obligation disposed of or redeemed were the obligation surrendered to the Government in the exchange rather than the obligation actually disposed of or redeemed. For purposes of this paragraph and section 1232, if the obligation surrendered in the exchange is a nontransferable obligation described in subsection (a) or (c) of section 454—

(A) The aggregate amount considered, with respect to the obligation surrendered, as gain from the sale or exchange of property which is not a capital asset shall not exceed the difference between the issue price and the stated redemption price which applies at the time of the exchange, and

(B) The issue price of the obligation received in the exchange shall be considered to be the stated redemption price of the obligation surrendered in the exchange, increased by the amount of other consideration (if any) paid to the United States as a part of the exchange.

(2) *Exchanges of transferable obligations issued at not less than par.* In any case in which subsection (a) (or so much of section 1031 (b) or (c) as relates to subsection (a) of this section) has applied to the exchange of a transferable obligation which was issued at not less than par for another transferable obligation, the issue price of the obligation received from the Government in the exchange shall be considered for purposes of applying section 1232 to be the same as the issue price of the obligation surrendered to the Government in the exchange, increased by the amount of other consideration (if any) paid to the United States as a part of the exchange.

(c) *Cross references.* (1) For rules relating to the recognition of gain or loss in a case where subsection (a) would apply except for the fact that the exchange was not made solely for other obligations of the United States, see subsections (b) and (c) of section 1031.

(2) For rules relating to the basis of obligations of the United States acquired in an exchange for other obligations described in subsection (a), see subsection (d) of section 1031.

[Sec. 1037 as added by sec. 201(a), Act of Sept. 22, 1959 (Public Law 86–346, 73 Stat. 622)]

§ 1.1037–1 Certain exchanges of United States obligations.

(a) *Nonrecognition of gain or loss.*—(1) *In general.* Section 1037(a) provides for the nonrecognition of gain or loss on the surrender to the United States of obligations of the United States issued under the Second Liberty Bond Act (31 U.S.C. 774(2)) when such obligations are exchanged solely for other obligations issued under that Act and the Secretary provides by regulations promulgated in connection with the issue of such other obligations that gain or loss is not to be recognized on such exchange. It is not necessary that at the time of the exchange the obligation which is surrendered to the United States be a capital asset in the hands of the taxpayer. For purposes of section 1037(a) and this subparagraph, a circular of the Treasury Department which offers to exchange obligations of the United States issued under the Second Liberty Bond Act for other obligations issued under that Act shall constitute regulations promulgated by the Secretary in connection with the issue of the obligations offered to be exchanged if such circular contains a declaration by the Secretary that no gain or loss shall be recognized for Federal income tax purposes on the exchange or grants the privilege of continuing to defer the reporting of the income on the bonds exchanged until such time as the bonds received in the exchange are redeemed or disposed of, or have reached final maturity, whichever is earlier. See, for example, regulations of the Bureau of the Public Debt, 31 CFR Part 339, or Treasury Department Circular 1066, 26 F.R. 8647. The application of section 1037(a) and this subparagraph will not be precluded merely because the taxpayer is required to pay money on the exchange. See section 1031 and the regulations thereunder if the taxpayer receives money on the exchange.

(2) *Recognition of gain or loss postponed.* Gain or loss which has been realized but not recognized on the exchange of a U.S. obligation for another such obligation because of the provisions of section 1037(a) (or so much of section 1031 (b) or (c) as relates to section 1037(a)) shall be recognized at such time as the obligation received in the exchange is disposed of, or redeemed, in a transaction other than an exchange described in section 1037(a) (or so much of section 1031 (b) or (c) as relates to section 1037(a)) or reaches final maturity, whichever is earlier, to the extent gain or loss is realized on such later transaction.

(3) *Illustrations.* The application of this paragraph may be illustrated by the following examples, in which it is assumed that the taxpayer uses the cash receipts and disbursements method of accounting and has never elected under section 454(a) to include in gross income currently the annual increase in the redemption price of non-interest-bearing obligations issued at a discount. In addition, it is assumed that the old obligations exchanged are capital assets transferred in an exchange in respect of which regulations are promulgated pursuant to section 1037(a):

Example (1). A, the owner of a $1,000 series E U.S. savings bond purchased for $750 and bearing an issue date of May 1, 1946, surrenders the bond to the United States in exchange solely for series H U.S. savings bonds on February 1, 1964, when the series E bond has a redemption value of $1,304.80. In the exchange A pays an additional $195.20 and obtains three $500 series H bonds. None of the $554.80 gain ($1,304.80 less $750) realized by A on the series E bond is recognized at the time of the exchange.

Example (2). In 1963, B purchased for $97 a marketable U.S. bond which was originally issued at its par value of $100. In 1964 he surrenders the bond to the United States in exchange solely for another marketable U.S. bond which then has a fair market value of $96. B's loss of $2 on the old bond is not recognized at the time of the exchange, and his basis for the new bond is $97 under section 1031(d). If it had been necessary for B to pay $1 additional consideration in the exchange, his basis in the new bond would be $98.

Example (3). The facts are the same as in example (2) except that B also receives $1 interest on the old bond for the period which has elapsed since the last interest payment date and that B does not pay any additional consideration on the exchange. As in example (2), B has a loss of $2 which is not recognized at the time of the exchange and his basis in the new bond is $97. In addition, the $1 of interest received on the old bond is includible in gross income. B holds the new bond 1 year and sells it in the market for $99 plus interest. At this time he has a gain of $2, the difference between his basis of $97 in the new bond and the sales price of such bond. In addition, the interest received on the new bond is includible in gross income.

Example (4). The facts are the same as in example (2), except that in addition to the new bond B also receives $1.85 in cash, $0.85 of which is interest. The $0.85 interest received is includible in gross income. B's loss of $1 ($97 less $96) on the old bond is not recognized at the time of the exchange by reason of section 1031(c). Under section 1031(d) B's basis in the new bond is $96 (his basis of $97 in the old bond, reduced by the $1 cash received in the exchange).

Example (5). (a) For $975 D subscribes to a marketable U.S. obligation which has a face value of $1,000. Thereafter, he surrenders this obligation to the United States in exchange solely for a 10-year marketable $1,060 obligation which at the time of exchange has a fair market value of $930, at which price such obligation is initially offered to the public. At the time of issue of the new obligation there was no intention to call it before maturity. Five years after the exchange D sells the new obligation for $950.

(b) On the exchange of the old obligation for the new obligation D sustains a loss of $45 ($975 less $930), none of which is recognized pursuant to section 1037(a).

(c) The basis of the new obligation in D's hands, determined under section 1031(d), is $975 (the same basis as that of the old obligation).

(d) On the sale of the new obligation D sustains a loss of $15 ($975 less $960), all of which is recognized by reason of section 1002.

Example (6). (a) The facts are the same as in example (5), except that five years after the exchange D sells the new obligation for $1,020.

(b) On the exchange of the old obligation for the new obligation D sustains a loss of $45 ($975 less $930), none of which is recognized pursuant to section 1037(a).

(c) The basis of the new obligation in D's hands, determined under section 1031(d), is $975 (the same basis as that of the old obligation). The issue price of the new obligation under section 1232(b)(2) is $930.

(d) On the sale of the new obligation D realizes a gain of $45 ($1,020 less $975), all of which is recognized by reason of section 1002. Of this gain of $45, the amount of $35 is treated as ordinary income and $10 is treated as long-term capital gain, determined as follows:

(1) Ordinary income under first sentence of sec. 1232(a)(2)(A) on sale of new obligation:	
Stated redemption price of new obligation at maturity	$1,000
Less: Issue price of new obligation under sec. 1232(b)(2)	930
Original issue discount on new obligation	70
Proration under sec. 1232(a)(2)(A)(ii): ($70×60 months/120 months)	35
(2) Long-term capital gain ($45 less $35)	10

Example (7). (a) The facts are the same as in example (5), except that D retains the new obligation and redeems it at maturity for $1,000.

(b) On the exchange of the old obligation for the new obligation D sustains a loss of $45 ($975 less $930), none of which is recognized pursuant to section 1037(a).

(c) The basis of the new obligation in D's hands, determined under section 1031(d), is $975 (the same basis as that of the old obligation). The issue price of the new obligation is $930 under section 1232(b)(2).

(d) On the redemption of the new obligation D realizes a gain of $25 ($1,000 less $975), all of which is recognized by reason of section 1002. Of this gain of $25, the entire amount is treated as ordinary income, determined as follows:

Ordinary income under first sentance of sec. 1232(a)(2)(A) on redemption of new obligation:	
Stated redemption price of new obligation at maturity	$1,000
Less: Issue price of new obligation under sec. 1232(b)(2)	930
Original issue discount on new obligation	70
Proration under sec. 1232(a)(2)(A)(ii): ($70×120 months/120 months), but such amount not to exceed the $25 gain recognized on redemption	$25

(b) *Application of section 1232 upon disposition or redemption of new obligation*—(1) *Exchanges involving nonrecognition of gain on obligations issued at a discount.* If an obligation, the gain on which is subject to the first sentence of section 1232(a)(2)(A) because the obligation was originally issued at a discount, is surrendered to the United States in exchange for another obligation and any part of the gain realised on the exchange is not then recognized because of the provisions of section 1037(a) (or because of so much of section 1031(b) as relates to section 1037(a)), the first sentence of section 1232(a)(2)(A) shall apply to so much of such unrecognized gain as is later recognized upon the disposition or redemption of the obligation which is received in the exchange as though the obligation so disposed of or redeemed were the obligation surrendered, rather than the obligation received, in such exchange. See the first sentence of section 1037(b)(1). Thus, in effect that portion of the gain which is unrecognised on the exchange but is recognised upon the later disposition or redemption of the obligation received from the United States in the exchange shall be considered as ordinary income in an amount which is equal to the gain which, by applying the first sentence of section 1232(a)(2)(A) upon the earlier surrender of the old obligation to the United States, would have been considered as ordinary income if the gain had been recognised upon such earlier exchange. Any portion of the gain which is recognised under section 1031(b) upon the earlier exchange and is treated at such time as ordinary income shall be deducted from the gain which is treated as ordinary income by applying the first sentence of section 1232(a)(2)(A) pursuant to this subparagraph upon the disposition or redemption of the obligation which is received in the earlier exchange. This subparagraph shall apply only in a case where on the exchange of United States obligations there was some gain not recognised by reason of section 1037(a) (or so much of section 1031(b) as relates to section 1037(a)); it shall not apply where only loss was unrecognised by reason of section 1037(a).

(2) *Rules to apply when a nontransferable obligation is surrendered in the exchange.* For purposes of applying both section 1232(a)(2)(A) and subparagraph (1) of this paragraph to the total gain realized on the obligation which is later disposed of or redeemed, if the obligation surrendered to the United States in the earlier exchange is a nontransferable obligation described in section 454 (a) or (c)—

(i) The aggregate amount considered, with respect to the obligation so surrendered in the earlier exchange, as ordinary income shall not exceed the difference between the issue price of the surrendered obligation and the stated redemption price of the surrendered obligation which applied at the time of the earlier exchange, and

(ii) The issue price of the obligation which is received from the United States in the earlier exchange shall be considered to be the stated redemption price of the surrendered obligation which applied at the time of the earlier exchange, increased by the amount of other consideration (if any) paid to the United States as part of the earlier exchange.

If the obligation received in the earlier exchange is a nontransferable obligation described in section 454(c) and such obligation is partially redeemed before final maturity, or partially disposed of by being partially reissued to another owner, the amount determined by applying subdivision (i) of this subparagraph shall be determined on a basis proportional to the total denomination of obligations redeemed or disposed of. See paragraph (c) of § 1.454–1.

(3) *Long-term capital gain.* If, in a case where both subparagraphs (1) and (2) of this paragraph are applied, the total gain realized on the redemption or disposition of the obligation which is received from the United States in the exchange to which section 1037(a) (or so much of section 1031(b) as relates to section 1037(a)) applies exceeds the amount of gain which, by applying such subparagraphs, is treated as ordinary income, the gain in excess of such amount shall be treated as long-term capital gain.

(4) *Illustrations.* The application of this paragraph may be illustrated by the following examples, in which it is assumed that the taxpayer uses the cash receipts and disbursements method of accounting and has never elected under section 454(a) to include in gross income currently the annual increase in the redemption price of non-interest-bearing obligations issued at a discount. In addition, it is assumed that the old obligations exchanged are capital assets transferred in an exchange in respect of which regulations are promulgated pursuant to section 1037(a):

Example (1). (a) A purchased a non-interest-bearing nontransferable U.S. bond for $74 which was issued after December 31, 1954, and redeemable in 10 years for $100. Several years later, when the stated redemption value of such bond is $94.50, A surrenders it to the United States in exchange for $1 in cash and a 10-year marketable bond having a face value of $100. On the date of exchange the bond received in the exchange has a fair market value of $96. Less than one month after the exchange, A sells the new bond for $96.

(b) On the exchange of the old bond for the new bond A realizes a gain of $23, determined as follows:

Amount realized (a new bond worth $96 plus $1 cash)	$97
Less: Adjusted basis of old bond	74
Gain realized	23

Pursuant to so much of section 1031(b) as applies to section 1037(a), the amount of such gain which is recognised is $1 (the money received). Such recognised gain of $1 is treated as ordinary income. On the exchange of the old bond a gain of $22 ($23 less $1) is not recognised.

(c) The basis of the new bond in A's hands, determined under section 1031(d), is $74 (the basis of the old bond, decreased by the $1 received in cash and increased by the $1 gain recognised on the exchange).

(d) On the sale of the new bond A realizes a gain of $22 ($96 less $74), all of which is recognised by reason of section 1002. Of this gain of $22, the amount of $19.50 is treated as ordinary income and $2.50 is treated as long-term capital gain, determined as follows:

(1) Ordinary income, treating sale of new bond as though a sale of old bond and applying sec. 1037(b)(1)(A):	
Stated redemption price of old bond	$94.50
Less: Issue price of old bond	74.00
Aggregate gain under sec. 1037(b)(1)(A) (not to exceed $22 not recognised at time of exchange)	20.50
Less: Amount of such gain recognised at time of exchange	1.00
Ordinary income	19.50
(2) Ordinary income under first sentence of sec. 1232(a)(2)(A), applying sec. 1037(b)(1)(B) to sale of new bond:	
Stated redemption price of new bond at maturity	100.00
Less: Issue price of new bond under sec. 1037(b)(1)(B) ($94.50 plus $0 additional consideration paid on exchange)	94.50
Original issue discount on new bond	5.50
Proration under sec. 1232(a)(2)(A)(ii): ($5.50×0 months/120 months)	0
(3) Total ordinary income (sum of subparagraphs (1) and (2))	19.50
(4) Long-term capital gain ($23 less $19.50)	2.50

Example (2). (a) The facts are the same as in example (1), except that, less than one month after the exchange of the old bond, the new bond is sold for $97.

(b) On the sale of the new bond A realizes a gain of $18 ($92 less $74), all of which is recognised by reason of section 1002. Of this gain, the entire amount of $18 is treated as ordinary income. This amount is determined as provided in paragraph (d)(1) of example (1) except that the ordinary income of $19.50 is limited to the $18 recognised on the sale of the new bond.

Example (3). (a) The facts are the same as in example (1), except that 2 years after the exchange of the old bond A sells the new bond for $98.

(b) On the sale of the new bond A realizes a gain of $24 ($98 less $74), all of which is recognised by reason of section 1002. Of this gain of $24, the amount of $20.60 is treated as ordinary income and $3.40 is treated as long-term capital gain, determined as follows:

(1) Ordinary income applicable to old bond (determined as provided in paragraph (d)(1) of example (1))	$19.50
(2) Ordinary income applicable to new bond (determined as provided in paragraph (d)(2) of example (1), except that the proration of the original issue discount under sec. 1232(a)(2)(A)(ii) amounts to $1.10 ($5.50×24 months/120 months))	1.10
(3) Total ordinary income (sum of subparagraphs (1) and (2))	20.60
(4) Long-term capital gain ($24 less $20.60)	3.40

Example (4). (a) The facts are the same as in example (1), except that A retains the new bond and redeems it at maturity for $100.

(b) On the redemption of the new bond A realizes a gain of $26 ($100 less $74), all of which is recognised by reason of section 1002. Of this gain of $26, the amount of $25 is treated as ordinary income and $1 is treated as long-term capital gain, determined as follows:

(1) Ordinary income applicable to old bond (determined as provided in paragraph (d)(1) of example (1))	$19.50
(2) Ordinary income applicable to new bond (determined as provided in paragraph (d)(2) of example (1), except that the proration of the original issue discount under sec. 1232(a)(2)(A)(ii) amounts to $5.50 ($5.50×120 months/120 months))	5.50
(3) Total ordinary income (sum of subparagraphs (1) and (2))	25.00
(4) Long-term capital gain ($26 less $25)	1.00

Example (5). (a) In 1958 B purchased for $7,500 a series E United States savings bond having a face value of $10,000. In 1965 when the stated redemption value of the series E bond is $9,760, B surrenders it to the United States in exchange solely for a $10,000 series H U.S. savings bond, after paying $240 additional consideration. B retains the series H bond and redeems it at maturity in 1975 for $10,000, after receiving all the semiannual interest payments thereon.

(b) On the exchange of the series E bond for the series H bond, B realizes a gain of $2,260 ($9,760 less $7,500), none of which is recognised at such time by reason of section 1037(a).

(c) The basis of the series H bond in B's hands, determined under section 1031(d), is $7,740 (the $7,500 basis of the series E bond, plus $240 additional consideration paid for the series H bond).

(d) On the redemption of the series H bond, B realizes a gain of $2,260 ($10,000 less $7,740), all of which is recognised by reason of section 1002. This entire gain is treated as ordinary income by treating the redemption of the series H bond as though it were a redemption of the series E bond and by applying section 1037(b)(1)(A).

(e) Under section 1037(b)(1)(B) the issue price of the series H bond is $10,000 ($9,760 stated redemption price of the series E bond at time of exchange, plus $240 additional consideration paid). Thus, with respect to the series H bond, there is no original issue discount to which section 1232(a)(2)(A) might apply.

Example (6). (a) The facts are the same as in example (5), except that in 1970 B submits the $10,000 series H bond to the United States for partial redemption in the amount of $3,000 and for reissuance of the remainder in $1,000 series H savings bonds registered in his name. On this transaction B receives $3,000 cash and seven $1,000 series H bonds bearing the original issue date of the $10,000 bond which is partially redeemed. The $1,000 series H bonds are redeemed at maturity in 1975 for $7,000.

(b) On the partial redemption of the $10,000 series H bond in 1970 B realizes a gain of $678 ($3,000 less $2,322 [$7,740×$3,000/$10,000]), all of which is recognised at such time by reason of section 1002 and paragraph (c) of § 1.454–1. This entire gain is treated as ordinary income, by treating the partial redemption of the series H bond as though it were a redemption of the relevant denominational portion of the series E bond and by applying section 1037(b)(1)(A).

(c) On the redemption at maturity in 1975 of the seven $1,000 series H bonds B realizes a gain of $1,582 ($7,000 less $5,418 [$7,740×$7,000/$10,000]), all of which is recognized at such time by reason of section 1002 and paragraph (c) of § 1.454–1. This entire gain is treated as ordinary income, determined in the manner described in paragraph (b) of this example.

Example (7). (a) The facts are the same as in example (5), except that in 1970 B requests the United States to reissue the $10,000 series H bond by issuing two $5,000

series H bonds bearing the original issue date of such $10,000 bond. One of such $5,000 bonds is registered in B's name, and the other is registered in the name of C, who is B's son. Each $5,000 series H bond is redeemed at maturity in 1975 for $5,000.

(b) On the issuing in 1970 of the $5,000 series H bond to C, B realizes a gain of $1,130 ($5,000 less $3,870 [$7,740×$5,000/$10,000]), all of which is recognized at such time by reason of section 1002 and paragraph (c) of § 1.454–1. This entire gain is treated as ordinary income by treating the transaction as though it were a redemption of the relevant denominational portion of the series E bond and by applying section 1037(b)(1)(A).

(c) On the redemption at maturity in 1975 of the $5,000 series H bond registered in his name B realizes a gain of $1,130 ($5,000 less $3,870 [$7,740×$5,000/$10,000]), all of which is recognized at such time by reason of section 1002 and paragraph (c) of § 1.454–1. This entire gain is treated as ordinary income, determined in the manner described in paragraph (b) of this example.

(d) On the redemption at maturity in 1975 of the $5,000 series H bond registered in his name C does not realize any gain, since the amount realized on redemption does not exceed his basis in the property, determined as provided in section 1016.

(5) *Exchanges involving nonrecognition of gain or loss on transferable obligations issued at not less than par*—(i) *In general.* If a transferable obligation of the United States which was originally issued at not less than par is surrendered to the United States for another transferable obligation in an exchange to which the provisions of section 1037(a) (or so much of section 1031 (b) or (c) as relates to section 1037(a)), apply, the issue price of the obligation received from the United States in the exchange shall be considered for purposes of applying section 1232 to gain realized on the disposition or redemption of the obligation so received, to be the same as the issue price of the obligation which is surrendered to the United States in the exchange, increased by the amount of other consideration, if any, paid to the United States as part of the exchange. This subparagraph shall apply irrespective of whether there is gain or loss unrecognized on the exchange and irrespective of the fair market value, at the time of the exchange, of either the obligation surrendered to, or the obligation received from, the United States in the exchange.

(ii) *Illustrations.* The application of this subparagraph may be illustrated by the following examples, in which it is assumed that the taxpayer uses the cash receipts and disbursements method of accounting and that the old obligations exchanged are capital assets transferred in an exchange in respect of which regulations are promulgated pursuant to section 1037(a):

Example (1). (a) A purchases in the market for $85 a marketable U.S. bond which was originally issued at its par value of $100. Three months later, A surrenders this bond to the United States in exchange solely for another $100 marketable U.S. bond which then has a fair market value of $92. He holds the new bond for 5 months and then sells it on the market for $92.

(b) On the exchange of the old bond for the new bond A realizes a gain of $8 ($92 less $85), none of which is recognized by reason of section 1037(a).

(c) The basis of the new bond in A's hands, determined under section 1031(d), is $85 (the same as that of the old bond). The issue price of the new bond for purposes of section 1232(a)(2)(A) is considered under section 1037(b)(2) to be $100 (the same issue price as that of the old bond).

(d) On the sale of the new bond A realizes a gain of $7 ($92 less $85), all of which is recognized by reason of section 1002. Of this gain of $7, the entire amount is treated as long-term capital gain, determined as follows:

(1) Ordinary income under first sentence of sec. 1232(a)(2)(A), applicable to old bond:	
Stated redemption price of old bond at maturity	$100
Less: Issue price of old bond	100
Original issue discount on old bond	0
(2) Ordinary income under first sentence of sec. 1232(a)(2)(A), applying sec. 1037(b)(2) to sale of new bond:	
Stated redemption price of new bond at maturity	100
Less: Issue price of new bond under sec. 1037(b)(2)	100
Original issue discount on new bond	0
(3) Long-term capital gain ($7 less sum of subparagraphs (1) and (2))	$7

Example (2). The facts are the same as in example (1), except that A retains the new bond and redeems it at maturity for $100. On the redemption of the new bond, A realizes a gain of $15 ($100 less $85), all of which is recognized under section 1002. This entire gain is treated as long-term capital gain, determined in the same manner as provided in paragraph (d) of example (1).

Example (3). (a) For $1,000 B subscribes to a marketable U.S. bond which has a face value of $1,000. Thereafter, he surrenders this bond to the United States in exchange solely for a 10-year marketable $1,000 bond which at the time of exchange has a fair market value of $930, at which price such bond is initially offered to the public. Five years after the exchange, B sells the new bond for $950.

(b) On the exchange of the old bond for the new bond, B sustains a loss of $70 ($1,000 less $930), none of which is recognized pursuant to section 1037(a).

(c) The basis of the new bond in A's hands, determined under section 1031(d), is $1,000 (the same basis as that of the old bond).

(d) On the sale of the new bond B sustains a loss of $50 ($1,000 less $950), all of which is recognized by reason of section 1002.

Example (4). (a) The facts are the same as in example (3), except that 5 years after the exchange B sells the new bond for $1,020.

(b) On the exchange of the old bond for the new bond B sustains a loss of $70 ($1,000 less $930), none of which is recognized pursuant to section 1037(a).

(c) The basis of the new bond in B's hands, determined under section 1031(d), is $1,000 (the same basis as that of the old bond). The issue price of the new bond for purposes of section 1232(a)(2)(A) is considered under section 1037(b)(2) to be $1,000 (the same issue price as that of the old bond).

(d) On the sale of the new bond B realizes a gain of $20 ($1,020 less $1,000), all of which is recognized by reason of section 1002. This entire gain is treated as long-term capital gain, determined in the same manner as provided in paragraph (d) of example (1).

(6) *Other rules for applying section 1232.* To the extent not specifically affected by the provisions of section 1037(b) and subparagraphs (1) through (5) of this paragraph, any gain realized on the disposition or redemption of any obligation received from the United States in an exchange to which section 1037(a) (or so much of section 1031 (b) or (c) as relates to section 1037(a)) applies shall be treated in the manner provided by section 1232 if the facts and circumstances relating to the acquisition and disposition or redemption of such obligation require the application of section 1232.

(c) *Holding period of obligation received in the exchange.* The holding period of an obligation received from the United States in an exchange to which the provisions of section 1037(a) (or so much of section 1031 (b) or (c) as relates to section 1037(a)) apply shall include the period for which the obligation which was surrendered to the United States in the exchange was held by the taxpayer, but only if the obligation so surrendered was at the time of the exchange a capital asset in the hands of the taxpayer. See section 1223 and the regulations thereunder.

(d) *Basis.* The basis of an obligation received from the United States in an exchange to which the provisions of section 1037(a) (or so much of section 1031 (b) or (c) as relates to section 1037(a)) apply shall be determined as provided in section 1031(d) and the regulations thereunder.

(e) *Effective date.* Section 1.1037 and this section shall apply only for taxable years ending after September 22, 1959.

PAR. 11. Section 1.1232–3 is amended by revising paragraphs (a)(2) and (f) to read as follows:

§ 1.1232–3 Gain upon sale or exchange of obligations issued at a discount after December 31, 1954.

(a) *General rule.* * * *

(2) *Sale or exchange after December 31, 1957.* In the case of gain realized upon the sale or exchange after December 31, 1957, of an obligation issued at a discount after December 31, 1954, and held by the taxpayer for more than 6 months, section 1232(a)(2)(A) provides that such gain shall be considered ordinary income to the extent it does not exceed—

(i) An amount equal to the entire "original issue discount", or

(ii) If at the time of original issue there was no intention to call the bond or other evidence of indebtedness before maturity, a portion of the "original issue discount" determined in accordance with paragraph (c) of this section,

and the balance, if any, of the gain shall be considered as long-term capital gain. The terms "original issue discount" and "intention to call the bond or other evidence of indebtedness before maturity" are defined in paragraph (b) of this section. See section 1037(b) and paragraph (b) of § 1.1037–1 for special rules which are applicable in applying section 1232(a)(2)(A) and this subparagraph to gain or loss is not recognized because of demption of obligations of the United States which were received from the United States in an exchange upon which gain or loss is not recognized because of section 1037(a) (or so much of section 1031 (b) or (c) as relates to section 1037(a)).

* * * * *

(f) *Record keeping requirements.* In the case of any obligation held by a taxpayer which was issued at an original issue discount after December 31, 1954, the taxpayer shall keep a record of the issue price and issue date upon or with each such obligation (if known to or reasonably ascertainable by him). If the obligation held by the taxpayer is an obligation of the United States received from the United States in an exchange upon which gain or loss is not recognized because of section 1037(a) (or so much of section 1031 (b) or (c) as relates to section 1037(a)), the taxpayer shall keep sufficient records to determine the issue price of such obligation for purposes of applying section 1037(b) and paragraphs (a) and (b) of § 1.1037–1 upon the disposition or redemption of such obligation. The issuer (or in the case of obligations first sold to the public through an underwriter or wholesaler, the underwriter or wholesaler) shall mark the issue price and issue date upon every obligation which is issued at an original issue discount after September 26, 1957.

[F.R. Doc. 67–9974; Filed, Aug. 23, 1967; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 971]

LETTUCE GROWN IN LOWER RIO GRANDE VALLEY OF SOUTH TEXAS

Limitation of Shipments

Consideration is being given to the issuance of the limitation of shipments regulation, hereinafter set forth, which was recommended by the South Texas Lettuce Committee, established pursuant to Marketing Agreement No. 144 and Marketing Order No. 971 (7 CFR Part 971) regulating the handling of lettuce grown in the Lower Rio Grande Valley in south Texas. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit written data, views or arguments in connection with these proposals shall file the same with the Hearing Clerk, Room 112A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than the 15th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)). The proposals are as follows:

§ 971.310 Limitation of shipments.

During the period November 20, 1967, through March 24, 1968, no person may handle any lot of lettuce grown in the production area unless the lettuce meets requirements of paragraphs (a) *Grade*, (b) *Size and pack*, and (c) *Containers*, or unless the lettuce is handled in accordance with paragraph (d) or (e), of this section. Further, no person may package lettuce during the above period on any Sunday.

(a) *Grade.* Each lot of lettuce shall average no more than 5 percent decay (no more than three decayed heads permitted in any container) or other serious damage, except:

(1) Mildew may affect no more than three head leaves when associated with discoloration.

(2) Tipburn may not exceed an aggregate area 1¼ inches wide by 3 inches in length when affecting compact portion of head.

(3) No more than three head leaves with pink rib (having areas of deep pink color as viewed on the outer surface of the leaf) or other rib discoloration when either seriously detracts from appearance or edible quality.

(4) No more than six head leaves, in the compact portion of the head, affected by insects.

(5) (i) No more than four outer head leaves with blistering, peeling, or discoloration resulting from freezing that seriously detracts from appearance or edible quality.

(ii) All other defects, such as seedstems, shall have same meaning as described under serious damage in U.S. Standards for grades of lettuce.

(iii) Tolerances: 10 percent by count of heads of lettuce in any lot may be below these requirements with no more than six heads below these requirements in any individual package.

(b) *Sizing and pack.* (1) Lettuce heads, packed in container Nos. 7303, 7306, or 7313, if wrapped, may be packed only 18, 20, 22, 24, or 30 heads per container; if not wrapped, only 18, 24, or 30 heads per container.

(2) Lettuce heads in container No. 85–40 may be packed only 24 heads per container.

(c) *Containers.* Containers may be only—

(1) Cartons with inside dimensions of 10 inches by 14¼ inches by 21⅝ inches (designated as carrier container No. 7303), or

(2) Cartons with inside dimensions of 9¾ inches by 14 inches by 21 inches (designated as carrier container Nos. 7306 and 7313), or

(3) Cartons with inside dimensions of 21½ inches by 16⅛ inches by 10¾ inches (designated as carrier container No. 85–40—flat pack).

(d) *Minimum quantities.* Any person may handle up to, but not to exceed two cartons of lettuce a day without regard to inspection, assessment, grade, size, and pack requirements, but it must meet container requirements. This exception may not be applied to any portion of a shipment of over two cartons of lettuce.

(e) *Special purpose shipments.* Lettuce not meeting grade, size, or container requirements of paragraph (a), (b), or (c) of this section may be handled for any purpose listed, if handled as prescribed, in this paragraph. Inspection or assessments are not required on such shipments.

(1) For relief, charity, experimental purposes, or export to Mexico, if, prior to handling, the handler pursuant to §§ 971.120–971.125 obtains a Certificate of Privilege applicable thereto and reports thereon.

(2) For export to Mexico, if the handler of such lettuce loads or transports it only in a vehicle bearing Mexican registration (license).

(f) *Inspection.* (1) No handler may handle any lettuce for which an inspection certificate is required unless an appropriate inspection certificate has been issued with respect thereto.

(2) No handler may transport, or cause the transportation of, by motor vehicle, any shipment of lettuce for which an inspection certificate is required unless each such shipment is accompanied by a copy of an inspection certificate or by a copy of a shipment release form (SPI–23) furnished by the inspection service verifying that such shipment meets the current grade, size, pack and/or container regulations promulgated under this part. A copy of the inspection certificate, or shipment release form applicable to each truck lot shall be available and surrendered upon request to authorities designated by the committee.

(3) For administration of this part, an inspection certificate or shipment release form required by the committee as evidence of inspection is valid for only 72 hours following completion of inspection, as shown on such certificate or form.

(g) *Definitions.* (1) "Wrapped" heads of lettuce refers to those which are enclosed individually in parchment, plastic, or other commercial film (cf. AMS 481) and then packed in cartons or other containers.

(2) "U.S. No. 1" and "serious damage" shall have the same meaning as in the U.S. Standards for Lettuce (§§ 51.2510–51.2531 of this title).

(3) All other terms used in this section shall have the same meaning as when used elsewhere in this part.

(Secs. 1–19, 48 Stat. 21, as amended; 7 U.S.C. 601–674)

Dated: August 18, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67–9967; Filed, Aug. 23, 1967; 8:48 a.m.]

[7 CFR Part 1008]

MILK IN GREATER WHEELING, W. VA., MARKETING AREA

Notice of Proposed Suspension of Certain Provisions of Order

Notice is hereby given that, pursuant to the provisions of the Agricultural

Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of certain provisions of the order regulating the handling of milk in the Greater Wheeling, W. Va., marketing area is being considered for the period of September 1, 1967, through July 31, 1968.

The provisions proposed to be suspended, which relate to the base-excess plan for paying producers, are the following:

(1) Sections 1008.19, 1008.20, 1008.31(b)(1), 1008.72, 1008.75(b), 1008.80(d)(2)(ii), 1008.90, 1008.91, and 1008.92.

(2) In §§ 1008.27(k)(2), 1008.75(c) 1008.82(b)(1), "and 1008.72".

(3) In § 1008.31(b)(2)(ii), "including for the month of April through July, the pounds of base milk".

(4) In the introductory text of § 1008.71, "for each of the months of August through March".

(5) In § 1008.71(f), "during each of the months of August through March".

(6) In § 1008.74(a), "and the uniform price to be paid for base milk".

(7) In § 1008.80(a)(2), "or base milk and excess milk".

(8) The center-head "Determination of Base" immediately preceding § 1008.90.

The proposed action would suspend for September 1, 1967, through July 31, 1968, the base-excess plan provisions for paying producers. Under the plan, producers establish daily bases during September through December. In the following April through July, producers are paid a base price for their deliveries that are not in excess of their base and a lower price for any additional milk delivered.

The suspension was requested by the Dairymen's Co-Operative Sales Association, which represents more than 80 percent of the producers in the Wheeling market. The Association is one of several cooperatives that proposed at a hearing, concluded April 20, 1967, that the marketing areas of the Wheeling, Northeastern Ohio, and Youngstown-Warren milk orders be merged and expanded to include certain areas in western Pennsylvania. No base-excess plan was proposed for this new order.

While no decision based on the merger hearing has been rendered, the Association, in contemplating that a merged order without a base-excess plan will be issued within a few months, has asked that the Wheeling base-excess plan be suspended. The Association indicates that such action would remove the uncertainties that would otherwise interfere with the rational decisions needed to be made by producers in planning their production for the September 1967–July 1968 period.

This notice of proposed suspension should not be construed in any way as an endorsement by the Department of the proposed merger involving the Wheeling order.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 4 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Signed at Washington, D.C., on August 18, 1967.

CLARENCE H. GIRARD,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 67-9068; Filed, Aug. 23, 1967; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[49 CFR Part 293]

TIRES AND TUBES

Advance Notice of Proposed Rule Making

The Motor Carrier Safety Regulations, in § 293.75, provide minimum requirements with respect to tires, including the provisions that no motor vehicle shall be operated on tires worn so smooth as to expose any tread fabric or having any other defect likely to cause failure, that no bus shall be operated on any tire which does not have tread configurations on that part of the tire which is in contact with the road surface, and that no bus shall be operated with regrooved, recapped or retreaded tires on the front wheels.

In view of accident experience in which there were indications that tire failure and traction characteristics of tires may have been major cause factors, and in view of the provisions of section 204(a) of the National Traffic and Motor Vehicle Safety Act of 1966, the Bureau of Motor Carrier Safety is considering changing § 293.75 of the Motor Carrier Safety Regulations to provide the following possible amendments and requests comments thereon from interested persons.

(a) A minimum depth for grooves on that part of the tire which comes into contact with the road surface.

(b) A prohibition against the operation of regrooved, recapped, or retreaded tires on front wheels of trucks and truck tractors. (This would be in addition to the present prohibition against buses using such tires.)

(c) A prohibition against the use of regrooved tires on all wheels of commercial vehicles or a prohibition against the use of regrooved tires on all wheels of particular vehicles in specified types of service.

(d) Specifications for grooving patterns, spacing and width of grooves, and specific limitations as to tire elements which may not be cut or damaged in the grooving process.

In addition, comments are specifically requested with respect to information and data regarding the safety of regrooved, recapped and retreaded tires on front and rear wheels under the following conditions or combinations of conditions, for the full range of highway operating speeds:

Wet, dry or icy surfaces;

Rigid or flexible pavements; and

Various vertical and horizontal highway alignments.

In order to obtain the views of motor carriers, their suppliers, and other interested parties, this advance notice of proposed rule making is issued. Issuance of such an advanced notice is utilized when it is believed that inquiry directed toward interested parties may yield views and information to assist in selection of alternate courses of action upon which a rule-making proposal may be based.

Interested persons are invited to submit written data, views, or information with respect to this notice. Such comments must be filed in one authenticated copy and nine conformed copies. They are to be submitted on or before September 29, 1967, to the Bureau of Motor Carrier Safety, Federal Highway Administration, Washington, D.C. 20591. They should clearly identify this proceeding by reference to the title and section number in the Code of Federal Regulations (49 CFR 293.75).

This action is taken under the authority of section 304(a) of Title 49 of the U.S.C. and sections 6(e)(6) and 6(f)(3) of the Department of Transportation Act (80 Stat. 931).

Issued at Washington, D.C., on August 21, 1967.

LOWELL K. BRIDWELL,
Federal Highway Administrator.

[F.R. Doc. 67-9071; Filed, Aug. 23, 1967; 8:50 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 221]

[Docket No. 18930]

CONSTRUCTION, PUBLICATION, FILING AND POSTING OF TARIFFS OF AIR CARRIERS AND FOREIGN AIR CARRIERS

Limitation of Liability Under the Warsaw Convention

AUGUST 21, 1967.

Notice is hereby given that the Civil Aeronautics Board has under consideration a proposed amendment to Part 221 of the Economic Regulations to delete from the notice of limitations of liability under the Warsaw Convention prescribed by the Board (§ 221.175(a)), the reference to limitations of liability for loss of or damage to baggage.

The principal features of the proposed amendment are recited in the Explanatory Statement below and the proposed amendment to Part 221 is set forth in the Proposed Rule below. This regulation is proposed under authority of sections 204(a), 401(e), 402(e), 403, and 411 of the Federal Aviation Act of 1958, as amended (72 Stat. 743, 754, 757, 758, and 769; 49 U.S.C. 1324, 1371, 1372, 1373, and 1381).

Interested persons may participate in the proposed rule making through submission of 10 copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant matter in communications received on or before September 25, 1967, will be considered by the Board before taking final action on the Proposed Rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 710 Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

Explanatory statement. Section 221.175(a) of the Board's Economic Regulations sets forth a form of notice to be furnished passengers of limitations of liability for death or injury to passengers under the Warsaw Convention. The notice states, inter alia, that the Convention limits the liability of carriers for loss of or damage to baggage.

An intercarrier agreement raising the limits of liability for death or personal injury to passengers under the Warsaw Convention to $75,000 for each passenger (referred to as the "interim agreement") was approved by the Board by Order E-23680, effective May 16, 1966. The agreement provides that the carrier shall deliver to each international passenger a new form of notice setting forth the higher limits of liability for death or injury to passengers. Although this Notice was patterned after and is substantially the same as that set forth in the Board's regulations, there are some differences, one of which is the absence in the interim agreement notice of any reference to limitations of liability for loss of or damage to baggage.

In a recent amendment to Part 221 dealing with notice of limitations of liability under the Warsaw Convention (ER-496), the Board stated that carriers which subscribe to the interim agreement may use the form of notice set forth therein in lieu of the form of notice prescribed in the Board's regulation. However, as noted by the Board in that amendment, a carrier using the notice in the interim agreement would not be in strict compliance with existing § 221.175(a) because of the reference in the latter notice to limits of liability for loss of or damage to baggage. This inconsistency between notices, the Board stated, would be corrected by the Board's instituting a rule making proceeding to delete from the notice set forth in the Board's regulation the reference to limitations of liability for baggage. The proposed rule would carry out this intention. The result of the deletion, of course, will be to remove any notice requirement with respect to liability for loss of or damage to property.

In ER-496, supra, in addition to the inconsistency involved, the Board gave the following reasons for its intention to delete the reference to liability limitations for baggage in the Warsaw notice set forth in the Board's regulation: (1) That subsequent to the adoption of the Board's prescribed form of notice in 1963, the Board had occasion to consider carrier practices with respect to giving notice of baggage liability rules in interstate air transportation,[1] and concluded therein that the Board should not prescribe particular practices concerning notice; and (2) that, consistent with the Board's reasons in that proceeding, it should eliminate the reference to baggage liability limitations from the Board's form of notice for Warsaw Convention limitations, thus permitting similar flexibility in solving the notice problem under the Warsaw Convention.[2]

[1] Baggage Liability Rules Case, Docket 15823, Order E-24196, decided Sept. 19, 1966.

[2] Unlike the situation in interstate air transportation, however, transportation covered by the Convention will, of course, continue to be subject to the notice requirements of Article 4 of the Convention concerning baggage checks.

Proposed rule. The Civil Aeronautics Board proposes to amend Part 221 of the Economic Regulations (14 CFR Part 221) by modifying § 221.175(a) to read as follows:

§ 221.175 Special notice of limited liability for death or injury under the Warsaw Convention.

(a) In addition to the aforesaid requirements of this subpart, each air carrier and foreign air carrier which, to any extent, avails itself of the limitation on liability to passengers provided by the Warsaw Convention, shall, at the time of delivery of the ticket, furnish to each passenger whose transportation is governed by the Convention and whose place of departure or place of destination is in the United States, the following statement in writing:

ADVICE TO INTERNATIONAL PASSENGERS ON LIMITATION OF LIABILITY

Passengers embarking upon a journey involving an ultimate destination or a stop in a country other than the country of departure are advised that the provisions of a treaty known as the Warsaw Convention may be applicable to their entire journey including the portion entirely within the countries of departure and destination. The Convention governs and in most cases limits the liability of carriers to passengers for death or personal injury to approximately $8,290.

Additional protection can usually be obtained by purchasing insurance from a private company. Such insurance is not affected by any limitation of the carrier's liability under the Warsaw Convention. For further information please consult your airline or insurance company representative.

Provided, however, That when the carrier elects to agree to a higher limit of liability to passengers than that provided in Article 22(1) of the Warsaw Convention, such statement shall be modified to reflect the higher limit. The statement prescribed herein shall be printed in type at least as large as 10 point modern type and in ink contrasting with the stock on (1) each ticket; (2) a piece of paper either placed in the ticket envelope with the ticket or attached to the ticket; or (3) the ticket envelope.

[F.R. Doc. 67-9073; Filed, Aug. 23, 1967; 8:49 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Antidumping—ATS 643.3–b]

DISC BRAKE PADS FROM CANADA

Determination of Sales at Not Less Than Fair Value

AUGUST 16, 1967.

On June 15, 1967, there was published in the FEDERAL REGISTER a "Notice of Tentative Determination" that disc brake pads manufactured by Atom-Otive Products, Rexdale, Ontario, Canada, are not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

The statement of reasons for the tentative determination was published in the above-mentioned notice, and interested parties were afforded until July 15, 1967, to make written submissions or to request in writing an opportunity to present views in connection with the tentative determination.

The complainant submitted a written request for an opportunity to present views in person in opposition to the tentative determination. The opportunity was afforded to the complainant, and all interested parties of record were notified.

After consideration of all written and oral arguments presented, I hereby determine that disc brake pads manufactured by Atom-Otive Products, Rexdale, Ontario, Canada, are not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

This determination is published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] MATTHEW J. MARKS,
Acting Assistant Secretary of the Treasury.

[F.R. Doc. 67-9071; Filed, Aug. 23, 1967; 8:49 a.m.]

[Antidumping—ATS 643.3]

TUBELESS TIRE VALVES FROM WEST GERMANY

Revocation of Determination of Sales at Less Than Fair Value; Notice of Tentative Determination

AUGUST 16, 1967.

On July 28, 1967, there was published in the FEDERAL REGISTER (32 F.R. 11047) a Determination of Sales at Less Than Fair Value with regard to tubeless tire valves from West Germany. It was determined that finished tubeless tire valves from West Germany, with certain enumerated exceptions, are being, or are likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)). The reasons for the July 28 Determination were set forth in a notice published in the FEDERAL REGISTER on May 16, 1967 (32 F.R. 7293).

The matter has been reconsidered and it has been concluded that the Determination of Sales at Less Than Fair Value of July 28 should be revoked, and that a new tentative determination should be issued, covering finished tubeless tire valves from West Germany, but eliminating the exceptions contained in the July 28 Determination.

The Treasury's antidumping investigation revealed that certain types of valves, depending upon the manufacturer and circumstances of sales, are not sold, nor likely to be sold, at less than fair value; and that one of the manufacturers involved terminated shipments and gave unconditional assurances as to some, but not all, of the valves which he produces and which are the subject of investigation. These valves were excepted from the Determination of Sales at Less Than Fair Value of July 28.

The purpose of eliminating these exceptions from the new tentative determination is to avoid circumscribing in any way the injury investigation which the Tariff Commission may see fit to carry out in the event a new Determination of Sales at Less Than Fair Value is issued.

The facts recited with respect to these exceptions nevertheless remain a part of the record which will be forwarded to the Tariff Commission in this case in the event of a Determination of Sales at Less Than Fair Value. These facts also remain a part of the Treasury's record in the event an injury determination by the Tariff Commission were to make it necessary for the Treasury Department to issue a dumping finding in this case.

For the foregoing reasons, I hereby revoke the Determination of Sales at Less Than Fair Value published in the FEDERAL REGISTER of July 28, 1967 (32 F.R. 11047).

Further, I hereby make a tentative determination that finished tubeless tire valves imported from West Germany are being, or likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160 (a)).

Statement of reasons on which this tentative determination is based. The sales to the U.S. purchasers were pursuant to outright arms-length transactions between parties not financially related within the meaning of section 207 of the Antidumping Act, as amended (19 U.S.C. 166).

The quantities of certain types of valves sold for home consumption were adequate to furnish a basis of comparison. Other types of valves were not sold for home consumption in quantities adequate to furnish a basis of comparison. As to the latter, sufficient quantities were sold to third countries.

Accordingly, purchase price was compared with adjusted home market price or with adjusted third country price as applicable.

Purchase price was computed on the basis of the c.i.f. or f.o.b. port price as applicable. From such price there were deducted ocean freight and insurance, where pertinent, and inland freight. Refunded and uncollected taxes were added as required by statute.

Calculation of the adjusted home market price was made on the basis of the selling price, delivered, packed, with regard to one manufacturer, and on the basis of the weighted-average price, delivered, packed, with regard to another manufacturer. Consideration was given to the different quantities bought by various U.S. purchasers in selecting the effective home market prices for purchases in such quantities. The applicable trade and cash discounts and inland freight were deducted. As to one manufacturer, an adjustment for the difference in the cost of packing for export to the United States as compared with the cost of packing for home consumption was also made.

Calculation of adjusted third country price was made on the basis of the c.i.f. packed, or f.o.b. packed price, as applicable. From such price there were deducted ocean freight and insurance, where pertinent, and inland freight. Adjustment was made for the difference in the cost of packing for export to third countries as compared with the cost of packing for export to the United States. Adjustment was made for the taxes uncollected and refunded as the same tax treatment is accorded by West Germany to all exports, whether to the United States or to other countries.

Purchase price was generally found to be lower than adjusted home market price or adjusted third country price, as applicable.

Such written submissions as interested parties may care to make with respect to the contemplated action will be given appropriate consideration by the Secretary of the Treasury.

If any person believes that any information obtained by the Bureau of Customs in the course of this antidumping proceeding is inaccurate or that for any other reason this tentative determination is in error, he may request in writing that the Secretary of the Treasury afford him an opportunity to present his views in this regard.

Any such written submissions or requests should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, D.C. 20226, in time to be received by his office not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

This notice and the statement of reasons therefor are published pursuant to § 14.8(a) of the Customs Regulations (19 CFR 14.8(a)).

[SEAL] MATTHEW J. MARKS,
Acting Assistant Secretary of the Treasury.

[F.R. Doc. 67-9073; Filed, Aug. 23, 1967; 8:49 a.m.]

[Dept. Circular, Public Debt Series—No. 8–67]

5¾ PERCENT TREASURY NOTES OF SERIES C–1971

Offering of Notes

AUGUST 18, 1967.

I. *Offering of notes.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, offers $3,500 million, or thereabouts, of notes of the United States, designated 5¾ percent Treasury Notes of Series C–1971, at 99.92 percent of their face value and accrued interest. The books will be open only on August 22, 1967, for the receipt of subscriptions.

II. *Description of notes.* 1. The notes will be dated August 30, 1967, and will bear interest from that date at the rate of 5¾ percent per annum, payable on a semiannual basis on February 15 and August 15 in each year until the principal amount becomes payable. They will mature February 15, 1971, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached, and notes registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000, $1 million, $100 million and $500 million. Provision will be made for the interchange of notes of different denominations and of coupon and registered notes, and for the transfer of registered notes, under rules and regulations prescribed by the Secretary of the Treasury.

5. The notes will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing U.S. notes.

III. *Subscription and allotment.* 1. Subscriptions accepting the offer made by this circular will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington, D.C. 20220. Only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies. Commercial banks, which for this purpose are defined as banks accepting demand deposits, may submit subscriptions for account of customers provided the names of the customers are set forth in such subscriptions. Others than commercial banks will not be permitted to enter subscriptions except for their own account. Subscriptions from commercial banks for their own account will be restricted in each case to an amount not exceeding 50 percent of the combined capital (not including capital notes or debentures), surplus and undivided profits of the subscribing bank. Subscriptions will be received without deposit from banking institutions for their own account. Federally-insured savings and loan associations, States, political subdivisions or instrumentalities thereof, public pension and retirement and other public funds, international organizations in which the United States holds membership, foreign central banks and foreign states, dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, and Government Investment Accounts. Subscriptions from all others must be accompanied by payment of 2 percent of the amount of notes applied for, not subject to withdrawal until after allotment. Following allotment, any portion of the 2 percent payment in excess of 2 percent of the amount of notes allotted may be released upon the request of the subscribers.

2. All subscribers are required to agree not to purchase or to sell, or to make any agreements with respect to the purchase or sale or other disposition of any notes of this issue at a specific rate or price, until after midnight August 22, 1967.

3. Commercial banks in submitting subscriptions will be required to certify that they have no beneficial interest in any of the subscriptions they enter for the account of their customers, and that their customers have no beneficial interest in the banks' subscriptions for their own account.

4. Under the Second Liberty Bond Act, as amended, the Secretary of the Treasury has the authority to reject or reduce any subscriptions, to allot less than the amount of notes applied for, and to make different percentage allotments to various classes of subscribers when he deems it to be in the public interest; and any action he may take in these respects shall be final. The basis of the allotment will be publicly announced, and allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment at 99.92 percent of their face value and accrued interest, if any, for notes allotted hereunder must be made or completed on or before August 30, 1967, or on later allotment. Payment will not be deemed to have been completed where registered notes are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. In every case where full payment is not completed, the payment with application up to 2 percent of the amount of notes allotted shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States. Any qualified depositary will be permitted to make payment by credit in its Treasury Tax and Loan Account for notes allotted to it for itself and its customers up to any amount for which it shall be qualified in excess of existing deposits, when so notified by the Federal Reserve Bank of its District.

V. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make such allotments as may be prescribed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of notes on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] HENRY H. FOWLER,
Secretary of the Treasury.

[F.R. Doc. 67-9072; Filed, Aug. 23, 1967; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[A 670]

ARIZONA

Notice of Classification of Public Lands

1. Pursuant to section 2 of the Act of September 19, 1964 (43 U.S.C. 1412), notice is hereby given of the classification of the public lands described below for exchange to acquire properties that are located within the boundaries of the Lake Mead National Recreational Area. These exchanges would be made under the authority of the Act of October 8, 1964 (16 U.S.C. 460n), 43 CFR Subpart 2244.

2. Publication of this notice has the effect of segregating the described lands from all forms of appropriation under the public land laws except for Lake Mead National Recreation Area Exchanges under the Act of October 8, 1964, supra, and from appropriation under the mining and mineral leasing laws.

3. No protests or objections have been received as a result of the Notice of Proposed Classification.

4. The lands affected by this classification are located in Mohave County, and are described as follows:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 36 N., R. 19 W.,
Sec. 16, N½;
Sec. 30, lots 3 and 4, E½SW¼ and SE¼;
Sec. 32, W½ and NE¼.
T. 35 N., R. 20 W.,
Sec. 12, N½ and SW¼.
T. 36 N., R. 18 W.,
Sec. 4, lots 1, 2, 3 and 4, S½N½ and S½;
Sec. 8, N½ and SE¼;
Sec. 18, lots 1, 2, 3 and 4, E½W½ and E½;
Sec. 30, lots 1, 2, 3 and 4, E½W½ and E½.
T. 37 N., R. 18 W.,
Secs. 34, 35 and 36.

The lands in the area described comprise 5,911.38 acres.

5. For a period of 30 days, interested parties may submit comments to the Secretary of the Interior, LLM, 721, Washington, D.C. 20240. (43 CFR 2411.1–2(d).)

FRED J. WEILER,
State Director.

AUGUST 14, 1967.

[F.R. Doc. 67-9923; Filed, Aug. 23, 1967; 8:45 a.m.]

CALIFORNIA

Notice of Termination of Proposed Withdrawal and Reservation of Lands

AUGUST 17, 1967.

Notice of a Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, U.S. Department of the Interior, application Los Angeles 0146947, for withdrawal and reservation of lands from application under the nonmineral public land laws and from disposition under the homestead, desert land and scrip selection laws for the Jacumba National Cooperative Land and Wildlife Management Area was published as F.R. Doc. No. 57-1997 on page 1727 of the issue for March 16, 1957. The applicant agency has canceled its application insofar as it affects the following described land:

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 18 S., R. 8 E.,
Sec. 4, lot 1.

The area described contains 39.68 acres in San Diego County.

Therefore, pursuant to the regulations contained in 43 CFR Part 2311, such lands, at 10 a.m. on September 25, 1967, will be relieved of the segregative effect of the above mentioned application.

HALL H. MCCLAIN,
Manager.

[F.R. Doc. 67-9927; Filed, Aug. 23, 1967; 8:45 a.m.]

[Montana 3271]

MONTANA

Order Providing for Opening of Public Lands

AUGUST 16, 1967.

1. In an exchange of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1272), as amended June 26 1936 (49 Stat. 1976; 43 U.S.C. 315g), the following lands have been reconveyed to the United States:

PRINCIPAL MERIDIAN, MONTANA

T. 6 N., R. 26 E.,
Sec. 5, S½.

The area described contains 320 acres.

2. The above described lands are located in Musselshell County 3½ miles northwest of Roundup, Mont. The land joins a large block (approximately 3,300 acres) of public land. The land has a cover of native grasses and crested wheat grass. Due to the limited rainfall and broken topographical features, this land is not suitable for sustained agricultural production of cultivated crops. The lands are presently used for grazing.

3. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands are hereby open to application, petition, location, and selection. All valid applications received at or prior to 10 a.m., September 16, 1967, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. The mineral rights in the lands were not exchanged. Therefore, the mineral status of the lands are not affected by this order.

5. Inquiries concerning the lands should be addressed to the Land Office Manager, Bureau of Land Management, Billings, Mont. 59101.

EUGENE H. NEWELL,
Land Office Manager.

[F.R. Doc. 67-9925; Filed, Aug. 23, 1967; 8:45 a.m.]

[New Mexico 1433; Arizona 655]

NEW MEXICO

Notice of Classification

AUGUST 18, 1967.

Pursuant to section 2 of the Act of September 19, 1964 (43 U.S.C. 1412), the lands described below are hereby classified for disposal through exchange under section 8 of the Act of June 28, 1934 (48 Stat. 1272) as amended, for lands located in Valencia County, N. Mex.

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 5 N., R. 19 W.,
Sec. 6, lots 4, 5, 6, 7, SE¼NE¼, E½SW¼ and SE¼;
Secs. 8 and 18;
Sec. 20, N½.
T. 5 N., R. 20 W.,
Sec. 14, N½.
T. 3 N., R. 21 W.,
Sec. 6, lots 1, 2, 3, SE¼NE¼, SW¼NW¼ and SW¼;
Sec. 4, lots 3, 4, 7, 8, SW¼NE¼ and SE¼;
Sec. 9, lots 5, 6, 7, NE¼ and N½SE¼;
Sec. 10, W½NE¼, NW¼, N½SW¼, SE¼SW¼ and NW¼SE¼;
Sec. 15, SE¼NE¼ and SE¼;
Sec. 22, NE¼, E½NW¼, NE¼SW¼ and N½SE¼;
Sec. 23, N½ and N½S½.

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 13 N., R. 31 E.,
Sec. 21, S½SE¼;
Sec. 22, lot 4;
Sec. 27, lots 1, 2 and 3;
Sec. 28, N½ and N½S½.

The areas described aggregate 5,401.25 acres.

For a period of 30 days, interested parties may submit comments to the Secretary of the Interior, LLM, 721, Washington, D.C. 20240 (43 CFR 2411.12(d)).

W. J. ANDERSON,
State Director, New Mexico.

I concur:
FRED J. WEILER,
State Director, Arizona.

[F.R. Doc. 67-9924; Filed, Aug. 23, 1967; 8:45 a.m.]

[Oregon 018616]

OREGON

Notice of Proposed Classification of Public Lands for Multiple Use Management

Correction

In F.R. Doc. 67-8716, appearing at page 10994 of the issue for Thursday, July 27, 1967, the following correction is made in the land description: The first line of the entry for Polk County should read "T. 7 S., R. 5 W.," instead of "T. 9 S., R. 7 W.,".

FAIRBANKS DISTRICT AND LAND OFFICE

Notice of Temporary Closing

AUGUST 17, 1967.

Due to flooding the District and Land Office located at 516 Second Avenue, Post Office Box 1150, Fairbanks, Alaska, is temporarily closed effective at the close of business August 14, 1967.

As soon as conditions warrant, the office will be reopened and appropriate notice thereof will be published in the FEDERAL REGISTER.

T. G. BINGHAM,
Acting State Director.

[F.R. Doc. 67-9926; Filed, Aug. 23, 1967; 8:45 a.m.]

Fish and Wildlife Service

[Docket No. A-436]

OLAF HEMNES

Notice of Loan Application

AUGUST 18, 1967.

Olaf Hemnes, Route 1, Box 995, Ketchikan, Alaska 99901, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 35.7-foot, registered length wood vessel to engage in the fishery for salmon, halibut, black cod, tuna, and shrimp.

Notice is hereby given pursuant to the provisions of Public Law 88-55 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised Aug. 11, 1965) that the above entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

RUSSELL T. NORRIS,
Acting Director,
Bureau of Commercial Fisheries.

[F.R. Doc. 67-9922; Filed, Aug. 23, 1967; 8:45 a.m.]

Office of the Secretary

JOHN S. ANDERSON

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of August 2, 1967.

Dated: August 2, 1967.

JOHN S. ANDERSON.

[F.R. Doc. 67-9928; Filed, Aug. 23, 1967; 8:45 a.m.]

CHARLES ALBERT CAMPBELL

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on January 24, 1967, as Deputy Director, Defense Electric Power 12 an officer or director: No change.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests: No change.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment: No change.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment: No change.

This statement is made as of July 31, 1967.

Dated: August 1, 1967.

CHARLES A. CAMPBELL.

[F.R. Doc. 67-9929; Filed, Aug. 23, 1967; 8:45 a.m.]

HUBBELL CARPENTER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of August 8, 1967.

Dated: August 8, 1967.

HUBBELL CARPENTER.

[F.R. Doc. 67-9930; Filed, Aug. 23, 1967; 8:46 a.m.]

CLYDE M. EPPARD

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of August 8, 1967.

Dated: August 8, 1967.

C. M. EPPARD.

[F.R. Doc. 67-9931; Filed, Aug. 23, 1967; 8:46 a.m.]

GLENN J. HALL

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) FMC Corp., Howe Metals Corp., Morrison-Knudsen Co., General Electric Co., Amalgamated Sugar Co., Idaho Power Co., First Security Bank Corp., Union Carbide Corp., West Coast Airlines, Pacific Power & Light Co., Utah Power & Light Co., Portland General Electric Co., Washington Water Power Co., Montana Power Co., Westinghouse Electric Co.
(3) None.
(4) None.

This statement is made as of August 7, 1967.

Dated: August 7, 1967.

GLENN J. HALL.

[F.R. Doc. 67-9932; Filed, Aug. 23, 1967; 8:46 a.m.]

JACK W. KEPNER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of August 7, 1967.

Dated: August 7, 1967.

J. W. KEPNER.

[F.R. Doc. 67-9933; Filed, Aug. 23, 1967; 8:46 a.m.]

RUSSELL V. KNAPP

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of August 3, 1967.

Dated: August 3, 1967.

RUSSELL V. KNAPP.

[F.R. Doc. 67-9934; Filed, Aug. 23, 1967; 8:46 a.m.]

LEWIS W. LENGNICK

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) Transferred Standard Oil of New Jersey, transferred Lewers & Cooke, Ltd. (see note below).
(3) No change.

(4) No change.

NOTE: In checking I find no record of my having informed you that I am a stockholder in Olin Mathieson Corp.

This statement is made as of August 11, 1967.

Dated: August 11, 1967.

LEWIS W. LENGNICK.

[F.R. Doc. 67-9035; Filed, Aug. 23, 1967; 8:46 a.m.]

JOHN LAWRENCE McNEALEY

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of August 2, 1967.

Dated: August 2, 1967.

J. L. MCNEALY.

[F.R. Doc. 67-9036; Filed, Aug. 23, 1967; 8:46 a.m.]

CHARLES S. McNEER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) On April 20, 1967, I was appointed an Assistant Vice President, Wisconsin Electric Power Co., 231 West Michigan Street, Milwaukee, Wis.

(2) My minor son, Robert L. McNeer, purchased one share of Greyhound stock on August 1, 1967.

(3) No change.

(4) No change.

This statement is made as of August 8, 1967.

Dated: August 8, 1967.

C. S. MCNEER.

[F.R. Doc. 67-9037; Filed, Aug. 23, 1967; 8:46 a.m.]

JULIO A. MEGRONI

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of August 2, 1967.

Dated: August 2, 1967.

JULIO MEGRONI.

[F.R. Doc. 67-9038; Filed, Aug. 23, 1967; 8:46 a.m.]

JOHN PAUL NEUBAUER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of August 14, 1967.

Dated: August 14, 1967.

JOHN P. NEUBAUER.

[F.R. Doc. 67-9039; Filed, Aug. 23, 1967; 8:45 a.m.]

RAFAEL R. RAMIREZ

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of August 7, 1967.

Dated: August 7, 1967.

R. R. RAMIREZ.

[F.R. Doc. 67-9040; Filed, Aug. 23, 1967; 8:46 a.m.]

LEROY J. SCHULTZ

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of August 14, 1967.

Dated: August 14, 1967.

L. J. SCHULTZ.

[F.R. Doc. 67-9041; Filed, Aug. 23, 1967; 8:46 a.m.]

CHARLES W. WATSON

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of August 2, 1967.

Dated: August 2, 1967.

C. W. WATSON.

[F.R. Doc. 67-9042; Filed, Aug. 23, 1967; 8:47 a.m.]

CARL H. WILLIAMS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of July 31, 1967.

Dated: August 2, 1967.

CARL H. WILLIAMS.

[F.R. Doc. 67-9043; Filed, Aug. 23, 1967; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

RENSSELAER POLYTECHNIC INSTITUTE ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C.

A Copy of each comment filed with the Director of the Office of Scientific and Technical Equipment must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 68-00054-66-77040. Applicant: Rensselaer Polytechnic Institute, 110 Eight Street, Troy, N.Y. 12180. Article: Mass Spectrometer MS1040 Knudsen Cell. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: Applicant states:

The MS1040 Knudsen Cell combined with an Hitachi Perkin-Elmer single Focusing Mass Spectrometer RMU-6E yields a complete system for the investigation of the high temperature properties of inorganic materials. This includes the study of the thermodynamics and kinetics of vaporization at elevated temperatures, detection of new gaseous molecules and their identification, molecular fragmentation patterns of complicated decomposition processes, and appearance potential measurements.

Application received by Commissioner of Customs: July 31, 1967

Docket No. 68-00055-65-77040. Applicant: Rensselaer Polytechnic Institute, 110 Eight Street, Troy, N.Y. 12180. Article: Perkin-Elmer Single Focusing Mass Spectrometer System. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: Applicant states:

This instrument will be used for instructional and research purposes of both our School of Science, Department of Chemistry and the School of Engineering, Department of Chemical Engineering. Students at both the undergraduate and graduate level will have access to this instrument. All types of analytical problems involving mass spectroscopy will be handled, i.e., check on purity of gases, analysis of simple organic compounds, isotopic assay, etc. In addition, this facility will be used in a specialized research program involving a detailed study of the fragmentation patterns of complex organic molecules, as an aid to structural determination of complex natural products.

Docket No. 68-00058-33-46040. Applicant: State University of New York, Downstate Medical Center, Department of Anatomy, 450 Clarkson Avenue, Brooklyn, N.Y. 11203. Article: Norelco EM-300 Electron Microscope Tilting Stage. Manufacturer: N. V. Philips, Netherlands. Intended use of article: Applicant states:

(a) Teaching of electron microscopy to students and staff of SUNY Medical College.

(b) Research in the normal structure of muscles terminations, adult nervous tissue, differentiating liver, nervous tissue and kidney, and growing oocytes.

(c) Very high resolution studies will be made on the substructure of cellular membranes, the subunits of which are below the 10 A° level. In particular the generation of the membranes of the Golgi apparatus in oocytes and the site of division of mitochondrial membranes in rat liver cells will be studied.

(d) Cellular organelles and cellular compartmentation will be studied on long ribbons of serial sections.

Application received by Commissioner of Customs: August 1, 1967.

Docket No. 68-00057-33-46040. Applicant: Rutgers—The State University, Rutgers Medical School, Department of Pathology, New Brunswick, N.J. 08903. Article: Norelco Electron Microscope EM-300 with anti-contamination device, vacuum film desiccator, 70mm camera, rotating tilting stages, and complete set of spare parts. Manufacturer: Philips Electronic Instruments, Holland. Intended use of article: Applicant states:

This instrument is to be used for high resolution electron microscopy in experimental pathology by the members of this department. Research now in progress which would utilize the high resolution characteristics of this microscope includes the following:

1. Research into the changes in tubiar absorption during various stages of renal pathology, such as magnesium deficiency and chronic renal failure.

2. Radioautographic localization of fatty acids and other lipids are being done in studies of lipid metabolism in tissue culture cells. * * *

3. * * * The present study is aimed at determining whether the toxic factor for chick embryos in human leukemic sera can be related to these particles.

Application received by Commissioner of Customs: August 1, 1967

Docket No. 68-00056-00-46040. Applicant: Battelle Northwest-Pacific Northwest Labs., Post Office Box 999, Richland, Wash. 99352. Article: Tilting Stage Goniometer for Electron Microscope. Manufacturer: Japan Electron Lab., Japan. Intended use of article:

The article will be used as an attachment to model JEM-6A-604 electron microscope at the applicant institution.

Application received by Commissioner of Customs: August 1, 1967.

CHARLES M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 67-9066; Filed, Aug. 23, 1967; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-300]

NIAGARA MOHAWK POWER CORP.

Notice of Receipt of Application for Construction Permit and Facility License

Niagara Mohawk Power Corp., 300 Erie Boulevard West, Syracuse, N.Y., pursuant to section 104(b) of the Atomic Energy Act of 1954, as amended, has filed an application, dated August 1, 1967, for authorization to construct and operate a direct cycle, boiling water nuclear reactor at the applicant's Easton site in Washington County, N.Y. The 800-acre site is located on the east side of the Hudson River approximately 22 miles north of Albany, N.Y.

The proposed facility, designated by the applicant as the Easton Nuclear Station, is designed for initial operation at approximately 2381 thermal megawatts with a net electrical output of approximately 750 megawatts.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 17th day of August 1967.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 67-9057; Filed, Aug. 23, 1967; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 18800; Order No. E-25504]

WEST COAST AIRLINES, INC.

Order Regarding Amendment of Certificate of Public Convenience and Necessity

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 21st day of August 1967.

In the matter of an investigation to determine whether the certificate of public convenience and necessity for Route 77 of West Coast Airlines, Inc., should be amended so as to suspend or delete its authority to serve Port Angeles, Wash.

By Order E-25424, July 17, 1967, the Board tentatively found and concluded that the public convenience and necessity require the deletion of the certificate authority of West Coast Airlines, Inc. (West Coast), to serve Port Angeles, Wash.

The order required that any interested persons having objections to the issuance of an order making final the tentative findings and conclusions should file such objections within twenty days thereafter.

The period allowed for filing objections has elapsed and no objections have been

filed.[1] Accordingly, we conclude that the tentative findings and conclusions stated in Order E-26424 should be made final and that the public convenience and necessity require the amendment of West Coast's certificate in such a manner as to delete West Coast's authority to serve Port Angeles, Wash.

Accordingly, it is ordered,

1. That an amended certificate of public convenience and necessity in the form attached hereto[2] be issued to West Coast Airlines for Route 77;

2. That said certificate shall be signed on behalf of the Board by its Secretary, shall have affixed thereto the seal of the Board and shall be effective on August 21, 1967.

3. That the investigation, Docket 18000, be and it hereby is terminated.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 67-9079; Filed, Aug. 23, 1967; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 16440; FCC 67-965]

INTERNATIONAL TELECOMMUNICATION UNION

World Administrative Conference; Sixth Notice of Inquiry

In the matter of preparation for a world administrative conference of the International Telecommunication Union to consider amendment of the International radio regulations presently applicable to the Maritime Mobile Radio Service and new provisions for the radio requirements of the service of oceanography.

1. On May 10, 1967, the Commission adopted its Fifth Notice of Inquiry in this docket, attaching thereto a document containing a proposal recommended for consideration by the World Administrative Radio Conference (WARC) to deal with matters relating to the maritime mobile service, scheduled to convene in Geneva, Switzerland on September 18, 1967. That document, dealing with reduced channel spacing between VHF channels assignable in the maritime mobile service, was developed jointly by the Commission and the Office of Telecommunications Management.

2. A number of comments were filed in response to the Fifth Notice of Inquiry. These comments, as well as some filed in response to earlier notices in this docket, are under continuing consideration by the Commission and will be dealt with in a subsequent notice.

3. In the Fifth Notice of Inquiry, it was anticipated that additional proposals would be made as the preparatory work for the WARC progressed. Attachment 1[1] constitutes an addendum to an earlier proposal to modify section A of Appendix 18 to the Radio Regulations in response to Agenda Item 3 of the WARC. That earlier proposal indicated that the spacing between assignable frequencies for teleprinter and data transmissions in the high traffic ship bands was still under study. The proposal in Attachment 1 is the result of that study. Attachment 2[2] is also responsive to Agenda Item 3 of the WARC in that it proposes procedures to be followed by the International Frequency Registration Board in dealing with the relative priorities of international notification of frequency assignments in the conversion from double sideband to single sideband emissions in the maritime mobile service. The third attachment,[1] a draft recommendation, deals with the use of space communication techniques in the maritime mobile service. The three attachments have been developed jointly by the Commission and the OTM. The Commission and the OTM have recommended to the Department of State that these documents be transmitted to the Secretary General of the ITU as formal proposals of the United States with respect to the subjects treated therein. The Commission has been informed by the Department of State that it concurs in the joint recommendation and will transmit the proposals to the ITU.

4. Additional proposals may be made on items not covered fully by this or preceding notices, as the U.S. preparatory work progresses. In the meantime, however, it is important that the items on which work has been completed reach the ITU as soon as possible so that the necessary translations and distribution to other administrations can be made. If additional proposals are made it is expected that they will be the subject of further notices in this proceeding.

5. Interested parties are invited to file with the Commission their views relative to the attached proposals. Authority for the further inquiry instituted herein is contained in section 403 of the Communications Act of 1934, as amended. Inasmuch as the WARC will convene on September 18, 1967, comments in response to this Inquiry, pursuant to § 1.415 of the Commission's rules, should be submitted on or before September 15, 1967. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all statements or comments shall be furnished to the Commission. In reaching its decision in this proceeding, the Commission also may take into account other relevant information before it, in addition to the specific comments invited by this Notice.

Adopted: August 18, 1967.

Released: August 21, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[3]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-9082; Filed, Aug. 23, 1967; 8:50 a.m.]

[Docket No. 17653; FCC 67-960]

UNITED TRANSMISSION, INC.

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In re petition of United Transmission, Inc., Galax, Va., Docket No. 17653, File No. CATV 100-23, for authority pursuant to § 74.1107 to operate a CATV system in the Greensboro-High Point-Winston-Salem, N.C., and the Roanoke, Va., television markets, ranked 42th and 64th, respectively.

1. Before us for consideration is the proposal of United Transmission[1] to operate a CATV system in Galax, Va., in the 49th and 64th television markets. United proposes to transmit the local signals of channel 5 (ABC/NBC), Bristol, Va.; channel 6 (NBC), Bluefield, W. Va.; channels 7 (CBS) and 10 (NBC), both Roanoke, Va.; and channel 12 (NBC), Winston-Salem, N.C.; and the distant signals of channel 2 (CBS), Greensboro and channel 8 (ABC), High Point, N.C.; channels 3 (CBS) and 9 (ABC/NBC), both Charlotte, N.C.; channel 4 (CBS), Oak Hill, W. Va.; and channel 11 (ABC/CBS), Johnson City, Tenn.

2. Galax is located in two of the top-100 television markets. (a) Since Galax is within the predicted Grade A contour of channel 12, Winston-Salem, N.C. (although it is not within the Grade B contour of the Greensboro and High Point stations), the proposed system will operate in the Greensboro-High Point-Winston-Salem market (ARB 47), which has a net weekly circulation of 464,800. Pertinent channel assignments in the market and their status are: Greensboro—channel 2 (CBS), channel 48 (CP—Indep.), and channel 61 (idle); High Point—channel 8 (ABC) and channel 32 (idle); Winston-Salem—channel 12 (NBC), channel 36 (idle) and channel 45 (appl.). (b) The other market is the Roanoke market (ARB 66), having a net weekly circulation of 208,500. Pertinent channel assignments in the market and their status are: Roanoke—channel 7 (CBS), channel 10 (NBC), channel 16 (CP), and channel 27 (ABC), and Lynchburg—channel 13 (ABC) and channels 21 and 33 (both idle).

3. Galax is located on the boundary of Carroll and Grayson Counties, Va., approximately 7 miles north of the North Carolina border. It has a population of 5,254 people (approximately 1,900 TV homes) and is not located in any Standard Metropolitan Statistical Area or Urbanized Area. The approximate distances in miles from Galax to the pertinent communities having UHF channel assignments in the two markets in which it is located are as follows: Winston-Salem—58, Roanoke—65, High Point—72, Greensboro—78, and Lynchburg—110.

4. Petitioner asserts that television reception in Galax is poor because of the terrain and electrical interference; that many residents of Galax are from North Carolina and are interested in receiving programs from that state; that the stations requested are providing greater program selectivity; and that carriage of the distant signals would not affect the economic development of any major market station. Oppositions to United's request for waiver have been filed by channel 12, Winston-Salem, N.C., and channel 5, Bristol, Va. Additionally, channel 6, Bluefield, W. Va., has supported the position of channel 12.[2]

5. On facts presented in the petition and opposition pleadings, we are persuaded that the request for waiver should be granted only to the extent of permitting operation of the system distributing the local signals and the distant signal of channel 8, High Point, N.C., an ABC network affiliate, so as to provide full network service to the subscribers. But, we are unable to make the determination, without hearing, that importation of the other requested distant signals would be consistent with the establishment and healthy maintenance of UHF development in the two markets: *Accordingly, it is ordered,* That the request for waiver is granted in part as stated above, and that in all other respects the request for waiver is denied.

It is further ordered, That the request of United Transmission, Inc., to import the distant signals of channel 2, Greensboro, N.C., channels 3 and 9, both Charlotte, N.C., channel 4, Oak Hill, W. Va., and channel 11, Johnson City, Tenn., and pursuant to sections 4(i), 303, 307(b), and 309 of the Communications Act and § 74.1107 of the Commission's rules, is designated for hearing as to said matters on the following issues:

(1) To determine the present and proposed penetration and extent of CATV service in the Greensboro-Winston-Salem-High Point, N.C., and the Roanoke, Va., television markets.

(2) To determine the effects of current and proposed CATV service in the Greensboro-Winston-Salem-High Point, N.C., and the Roanoke, Va., television markets, upon existing, proposed and potential television broadcast stations in the respective markets.

(3) To determine (1) the present policy and proposed future plans of petitioner with respect to the furnishing of any service other than the relay of the signals of broadcast stations; (2) the potential for such services; and (3) the impact of such services upon television broadcast stations in the markets.

(4) To determine in light of the above whether the application and proposals are consistent with the public interest.

It is further ordered, That United Transmission, Inc., Triangle Broadcasting Corp., licensee of Station WSJS-TV, Winston-Salem, N.C.; Appalachian Broadcasting Corp., licensee of Station WCYB-TV, Bristol, Va.; and Daily Telegraph Printing Co., licensee of Station WHIS-TV, Bluefield, W. Va., are made parties to this proceeding and, to participate, must comply with the applicable provisions of § 1.221 of the Commission's rules.

It is further ordered, That the requests of Triangle Broadcasting Corp., Appalachian Broadcasting Corp., and Daily Telegraph Printing Co., are granted to the extent indicated above and by the designation of issues and, otherwise denied.

The burden of proof with respect to issues 1, 2, 3, and 4 is upon the petitioning CATV system. A time and place for the hearing will be specified in another order.

Adopted: August 9, 1967.

Released: August 21, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[3]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-9084; Filed, Aug. 23, 1967; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Project No. 2648]

NIAGARA MOHAWK POWER CORP.

Notice of Application for License for Constructed Project

AUGUST 17, 1967.

Public notice is hereby given that application for license has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Niagara Mohawk Power Corp. (correspondence to: Mr. Lauman Martin, Vice President and General Counsel, Niagara Mohawk Power Corp., 300 Erie Boulevard West, Syracuse, N.Y. 13202) for constructed Project No. 2648, known as the East Canada Creek Project, located on East Canada Creek in Oppenheim, Fulton County, St. Johnsville, Montgomery County, and Manheim, Herkimer County—all in the State of New York.

The existing East Canada Creek Project comprises two developments, located 4 and 2 miles, respectively, on East Canada Creek above its confluence with the Mohawk River, consisting of: The Inghams Development: (1) A concrete gravity dam (top elevation 665.5') about 400 feet long and 135 feet high adjoining (2) a concrete spillway section (top elevation 657.3') about 205 feet long and 28 feet high topped by (3) 4.5-foot high flashboards forming (4) a 135-acre reservoir; (5) an intake structure; (6) a 10-foot diameter steel pipe, 400 feet long; (7) a surge tank; (8) a 6.5-foot diameter steel penstock about 200 feet long; (9) a powerhouse containing two identical vertical shaft generating units each of 3,200 kw rating driven by two 4,000 hp turbines; (10) a 700-foot-long tailrace; and (11) appurtenant facilities. The Beardslee Development: (1) A concrete, rock, and earth-fill dam (top el. 508.0') about 920 feet long and 65 feet high adjoining (2) a spillway section (top el. 491.5') about 276 feet long and 18 feet high topped by (3) flashboards 7 feet high forming (4) a 166-acre reservoir; (5) a gate house; (6) a 13-foot-diameter woodstave pipe, about 1,800 feet long; (7) a steel surge tank; (8) a 13-foot-diameter steel pipe about 60 feet long which divides into two 9-foot-diameter penstocks about 258 feet long and 291 feet long respectively; (9) a powerhouse containing two identical vertical shaft generating units each rated at 10,000 kw driven by two 15,400 hp turbines; (10) a tailrace about 600 feet long; and (11) appurtenant facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is September 25, 1967. The application is on file with the Commission for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-9080; Filed, Aug. 23, 1967; 8:49 a.m.]

[Project No. 2650]

PUBLIC UTILITY DISTRICT NO. 1 OF LEWIS COUNTY, WASH.

Notice of Application for Preliminary Permit for Unconstructed Project

AUGUST 17, 1967.

Public notice is hereby given that application for preliminary permit has been filed under the Federal Power Act (16

[1] West Coast, by letter dated Aug. 8, 1967, stated that it did not object to our tentative findings and conclusions.

[2] Certificate filed as part of original document.

[1] Attachments filed as part of original document.

[2] Commissioners Wadsworth and Johnson absent.

[1] Inter-Mountain Telephone Co. obtained a franchise to provide CATV service to Galax on Apr. 26, 1966; and filed its petition for waiver of § 74.1107 of the rules on Apr. 29, 1966. In compliance with Commission authorization, United Inter-Mountain Telephone Co. on May 23, 1966, acquired by merger the assets of Inter-Mountain Telephone Co. (File Nos. P-C-176 and P-C-6345). The CATV assets of United Inter-Mountain Telephone Co. were subsequently acquired by United Transmission, Inc., which filed a motion on Sept. 7, 1966, pursuant to § 1.55 of the rules, to substitute it as petitioner herein. The unopposed motion of United Transmission is granted.

[2] It was urged that United's assertion of inadequate television reception is unsupported by engineering data and that since stations providing Grade B service or better to Galax offer the programming of the three major networks, there is no need to carry the proposed distant signals. The Bristol licensee recommends waiver of the hearing requirement to permit the carriage of channel 8 (ABC), High Point, until a station providing Galax with Grade B or better service becomes a primary ABC affiliate.

[3] Statement of Commissioner Bartley, concurring in part and dissenting in part, filed as part of original document; Commissioners Loevinger, Wadsworth, and Johnson absent.

U.S.C. 791a–825r) by Public Utility District No. 1 of Lewis County, Wash. (correspondence to: Merle D. Johnston, Public Utility District No. 1 of Lewis County, Post Office Box 330, Chehalis, Wash. 98532) for unconstructed Project No. 2650, to be known as Cowlitz Falls Hydroelectric Project, to be located on the Cowlitz River, in Lewis County, Wash., about 5 miles southeast of Kosmos, Wash.

The proposed run-of-river project would consist of: (1) A concrete gravity diversion dam about 400 feet long and 70 feet high controlled by radial gates; (2) a reservoir extending about 8 miles upstream, at elevation 860 feet (U.S.G.S. datum), with a usable storage of approximately 3,000 acre-feet; (3) a concrete lined diversion canal about 1,000 feet long with a downstream migrant fish separator and bypass system; (4) an intake structure and 150 feet of steel penstocks; (5) a powerhouse with generators providing a capacity of 45,000 kw; and (6) appurtenant facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is September 28, 1967. The application is on file with the Commission for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-9961; Filed, Aug. 23, 1967; 8:46 a.m.]

[Docket No. CP68-43]

WESTERN GAS INTERSTATE CO.

Notice of Application

AUGUST 17, 1967.

Take notice that on August 9, 1967, Western Gas Interstate Co. (Applicant), Post Office Box 9777, El Paso, Tex. 79988, filed in Docket No. CP68-43 an application pursuant to subsection (c) of section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the acquisition of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to acquire, by purchase from its parent company, Western Gas Service Co. (Western), the following natural gas pipeline facilities:

(1) Approximately 68 miles of 5- and 6-inch pipeline extending from a point south of Etter, Moore County, Tex., to Boise City, Cimarron County, Okla.;

(2) Approximately 117.8 miles of various size pipeline extending from Texhoma, Sherman County, Tex., to the town of Beaver, Beaver County, Okla., and

(3) Two pipeline crossings from Texas to New Mexico, north of El Paso, Tex., located at Canutillo and Anthony, both in the State of Texas.

Applicant states that it is a new corporation formed to take over certain facilities of Western as the first step in Western's merger into Southern Union Gas Co.

Applicant estimates the total cost of the facilities proposed to be acquired at approximately $713,000, said cost representing the depreciated original cost, net of deferred credits. Applicant plans to finance the cost of the facilities by issuing common stock to Western, its parent company.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before September 14, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-9962; Filed, Aug. 23, 1967; 8:46 a.m.]

FEDERAL RESERVE SYSTEM

FIRST VIRGINIA CORP.

Order Approving Application Under Bank Holding Company Act

In the matter of the application of The First Virginia Corp., Arlington, Va., for approval of acquisition of 80 percent or more of the voting shares of The Bank of Craigsville, Inc., Craigsville, Va.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), and § 222.4(a)(3) of Federal Reserve Regulation Y (12 CFR 222.4(a)(3)), an application by The First Virginia Corp., Arlington, Va., for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of The Bank of Craigsville, Inc., Craigsville, Va.

As required by section 3(b) of the Act, the Board notified the Commissioner of Banking for the State of Virginia of the application and requested his views and recommendation. The Commissioner advised that he had no objection to approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on May 16, 1967 (32 F.R. 7305), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's Statement[1] of this date, that said application be and hereby is approved, provided that the acquisition so approved shall not be consummated (a) before the thirtieth calendar day following the date of this order or (b) later than three months after the date of this order unless such period is extended for good cause by the Board or by the Federal Reserve Bank pursuant to delegated authority.

Dated at Washington, D.C., this 17th day of August 1967.

By order of the Board of Governors.[2]

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 67-9918; Filed, Aug. 23, 1967; 8:45 a.m.]

FEDERAL OPEN MARKET COMMITTEE

Current Economic Policy Directive

In accordance with § 271.5 of its Rules Regarding Availability of Information, there is set forth below the Committee's Current Economic Policy Directive issued at its meeting held on May 23, 1967.[3]

The economic and financial developments reviewed at this meeting suggest that renewed economic expansion later in the year is in prospect. Output is still being retarded by adjustments of excessive inventories, but growth in final demands, particularly Government, continues strong. Average wholesale prices have declined recently, but unit labor costs in manufacturing have risen further. Bank credit expansion has slowed in recent weeks from its earlier rapid rate. Long-term interest rates have continued to rise under the influence of heavy securities market financing, but short-term yields have declined further. Some further reductions have been made in foreign central bank discount rates. The balance of payments deficit has remained substantial despite some improvement in the foreign trade surplus. In this situation, it is the Federal Open Market Committee's policy to foster money and credit conditions, including bank credit growth, conducive to renewed economic expansion, while recognizing the need for progress toward reasonable equilibrium in the country's balance of payments.

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Richmond.

[2] The Record of Policy Actions of the Committee for the meeting of May 23, 1967, is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

[3] Voting for this action: Chairman Martin, and Governors Robertson, Mitchell, Maisel, Brimmer, and Sherrill. Absent and not voting: Governor Deane.

To implement this policy, System open market operations until the next meeting of the Committee shall be conducted with a view to maintaining the prevailing conditions in the money market, while utilizing operations in coupon issues in supplying part of reserve needs.

Dated at Washington, D.C., the 18th day of August 1967.

By order of the Federal Open Market Committee.

[SEAL] MERRITT SHERMAN,
Assistant Secretary.

[F.R. Doc. 67-9919; Filed, Aug. 23, 1967; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

AUGUST 18, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 21, 1967 through August 30, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-9947; Filed, Aug. 23, 1967; 8:47 a.m.]

[811-1804]

LIBERTY INVESTORS, INC.

Notice of Application for Order Declaring That Company Has Ceased To Be an Investment Company

AUGUST 18, 1967.

Notice is hereby given that Liberty Investors, Inc. ("Applicant"), Suite 1220, Vickers Tower, Wichita Plaza, Wichita, Kans., a Kansas corporation registered on May 21, 1967, as a closed-end management company under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 8(f) of the Act for an order declaring that Applicant has ceased to be an investment company. All persons are referred to the application on file with the Commission for a statement of the facts which are summarized below.

Applicant was organized for the purposes of forming a wholly owned life insurance subsidiary or to acquire existing life insurance companies in the State of Kansas.

The requirements of the Kansas Insurance Commission would not permit Applicant to acquire or form a life insurance subsidiary pending completion of a public offering of Applicant's securities begun on December 1, 1965, and continued until March 2, 1967. During this period proceeds from the public offering were invested in various securities. As a result, Liberty Investors, Inc., was an investment company as defined in the Act. On July 9, 1967, the Kansas Insurance Commission issued its Certificate of Authority to Life of America, Inc., a wholly owned life insurance subsidiary of the Applicant.

Applicant represents that since the formation of Life of America, Inc., it has ceased to be an investment company, as defined in the Act.

Applicant further represents that it does not engage and does not propose to engage in the business of investing, reinvesting, owning, holding or trading in securities, nor does it propose to acquire investment securities having a value exceeding 40 percent of the value of its total assets.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than September 11, 1967, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant. Proof of such service (by affidavit or in the case of an attorney-at-law by certificate) shall be filed contemporaneously with the the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-9948; Filed, Aug. 23, 1967; 8:47 a.m.]

NORTH AMERICAN RESEARCH & DEVELOPMENT CORP.

Order Suspending Trading

AUGUST 18, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of North American Research & Development Corp., and all other securities of North American Research & Development Corp., 1235 South Main Street, Salt Lake City, Utah, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 19, 1967 through August 28, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-9949; Filed, Aug. 23, 1967; 8:47 a.m.]

[File No. 0-892]

PAKCO COMPANIES, INC.

Order Suspending Trading

AUGUST 18, 1967.

It appearing to the Securities and Exchange Commission that the summary stock of Pakco Companies, Inc., and all other securities of Pakco Companies, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 21, 1967, through August 30, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-9950; Filed, Aug. 23, 1967; 8:47 a.m.]

[File No. 1-5215]

ROTO AMERICAN CORP.

Order Suspending Trading

AUGUST 18, 1967.

The common stock, $1 par value, of Roto American Corp., being listed and

registered on the National Stock Exchange pursuant to the provisions of the Securities Exchange Act of 1934 and the 7 percent cumulative preferred, $10 par value, being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the National Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 20, 1967, through August 29, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-9061; Filed, Aug. 23, 1967; 8:47 a.m.]

S & P NATIONAL CORP.

Order Suspending Trading

AUGUST 18, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the Common and Class A stock of S & P National Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 20, 1967 through August 29, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-9062; Filed, Aug. 23, 1967; 8:47 a.m.]

STEEL CREST HOMES, INC.

Order Suspending Trading

AUGUST 18, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Steel Crest Homes, Inc., King of Prussia, Pa., and all other securities of Steel Crest Homes, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 20, 1967 through August 29, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-9063; Filed, Aug. 23, 1967; 8:47 a.m.]

[File No. 1-4371]

WESTEC CORP.

Order Suspending Trading

AUGUST 18, 1967

The common stock, 10 cents par value, of Westec Corp., being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Westec Corp., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 21, 1967, through August 30, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-9064; Filed, Aug. 23, 1967; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 654]

ALASKA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of August 1967, because of the effects of certain disasters, damage resulted to residences and business property located in the cities of Fairbanks and Nenana, in the State of Alaska;

Whereas, the Small Business Administration has investigated and received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the offices below indicated from persons or firms whose property, situated in the aforesaid cities of Fairbanks and Nenana and areas adjacent thereto, suffered damage or destruction resulting from floods occurring on or about August 14, 1967.

OFFICE

Small Business Administration Regional Office, Suite 450, 632 Sixth Avenue, Anchorage, Alaska.

2. A temporary office will be established at Fairbanks, Alaska, address to be announced locally.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to February 29, 1968.

Dated: August 16, 1967.

ROBERT C. MOOT, *Administrator.*

[F.R. Doc. 67-9055; Filed, Aug. 23, 1967; 8:46 a.m.]

[Delegation of Authority No. 30; Detroit Regional Office]

[Disaster No. 631]

MANAGER, DISASTER BRANCH OFFICE, DETROIT, MICH.

Delegation of Authority Regarding Financial Assistance Functions

I. Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30, Midwestern Area, 32 F.R. 3192, there is hereby redelegated to the Manager of the Detroit Disaster Branch Office the following authority:

A. *Financial assistance.* 1. To approve and decline disaster loans in an amount not exceeding $350,000.

2. To execute loan authorizations for Washington, area and regional office approved loans and disaster loans approved under delegated authority, said execution to read as follows:

(Name), Administrator,

By _____

Manager, Disaster Branch Office

3. To cancel, reinstate, modify and amend authorizations for disaster loans approved under delegated authority.

4. To disburse unsecured disaster loans.

5. To extend the disbursement period on disaster loan authorizations on undisbursed portions of disaster loans.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by an SBA employee designated as acting manager of the disaster branch office.

Effective date: July 31, 1967.

ROBERT F. PHILLIPS, *Regional Director, Detroit Regional Office.*

[F.R. Doc. 67-9066; Filed, Aug. 23, 1967; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 496]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 18, 1967.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR part 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 111729 (Sub-No. 248 TA), filed August 15, 1967. Applicant: AMERICAN COURIER CORPORATION, 222-17 Northern Boulevard, De Bevoise Building, Bayside, N.Y. 11361. Applicant's representative: J. K. Murphy, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Business papers, records, audit, and accounting media* of all kinds (excluding plant removals), between Portland, Maine, on the one hand, and, on the other, Manchester, N.H., and Boston, Mass.; for 180 days. Supporting shipper: New England Telephone and Telegraph Co., 562 Congress Street, Portland, Maine. Send protests to: E. N. Carignan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 346 Broadway, New York, N.Y. 10013.

No. MC 113024 (Sub-No. 63 TA), filed August 15, 1967. Applicant: ARLINGTON J. WILLIAMS, INC., Rural Delivery No. 2, South Du Pont Highway, Smyrna, Del. 19977. Applicant's representative: Samuel W. Earnshaw, 833 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bathroom and washroom fixtures, sinks, and accessories and attachments therefor*, from plantsites of Universal-Rundle Corp., Camden, N.J., and New Castle, Pa., to Reno and Sparks, Nev.; Fresno, Sacramento and points within 50 air miles of City Hall, San Francisco, Calif. for account of Universal-Rundle Corp., for 180 days. Supporting shipper: Universal-Rundle Corp., 217 North Mill Street, Post Office Box 940, New Castle, Pa. 16103. Send protests to: Paul J. Lowry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 206 Old Post Office Building, Salisbury, Md. 21801.

No. MC 113267 (Sub-No. 189 TA), filed August 16, 1967. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. 62232. Applicant's representative: James N. Clay, III, Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Paducah, Ky., to points in Arkansas, Tennessee, Kentucky, Missouri, Illinois, Nebraska, Kansas, Michigan, Alabama, Florida, Georgia, North Carolina, South Carolina, Virginia, West Virginia, Pennsylvania, New York, Ohio, Maryland, Delaware, New Jersey, Connecticut, Rhode Island, Massachusetts, and District of Columbia, for 180 days. Supporting shipper: B. B. Foods Corp., 42 North Broadway, Akron, Ohio 44308. Send protests to: Harold Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 115946 (Sub-No. 43 TA), filed August 16, 1967. Applicant: GAY TRUCKING COMPANY, 4800 Augusta Road, Post Office Box 7055, Savannah, Ga. 31406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid Latex*, in bulk, in tank vehicles, from Savannah, Ga., to Oklahoma City, Okla., for 150 days. Supporting shipper: Stein, Hall & Co., Inc., 605 Third Avenue, New York, N.Y. 10016. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Federal Office Building, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 119531 (Sub-No. 66 TA), filed August 15, 1967. Applicant: DIECKBRADER EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Raymond C. Minks (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated paper containers*, and *inserts* and *liners* used in connection therewith, from Medina, Ohio, to Titusville, Pa., and to points in Kentucky and New York (except Binghamton, Buffalo, Elmira, New York City, Rochester, Syracuse, and Utica, N.Y. and points in the commercial zones thereof), for 180 days. Supporting shipper: Menasha Corp., Box 191, Menasha, Wis. 54952. Send protests to: Emil P. Schwab, District Supervisor, Bureau of Operations Interstate Commerce Commission, 1010 Federal Building, 550 Main Street, Cincinnati, Ohio 45202.

No. MC 125161 (Sub-No. 8 TA), August 16, 1967. Applicant: UNITED FREIGHTWAYS, INC., 671 Chestnut Street, North Andover, Mass. 01845. Applicant's representative: George C. O'Brien, 33 Broad Street Boston, Mass. 02109. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Limestone, limestone products and limestone byproducts*, in bulk, in tank vehicles, from Lee and West Stockbridge, Mass., to Island Falls, East Millinocket, Caribou, Bangor, Carmel, Newburg, Sherman, Calais, and Portland, Maine, for 150 days. Supporting shipper: Lee Lime Corp., Lee, Mass. 01238. Send protests to: District Supervisor Maurice C. Pollard, Interstate Commerce Commission, Bureau of Operations, John F. Kennedy Building, Government Center, Boston, Mass. 02203.

No. MC 129031 (Sub-No. 1 TA), filed August 14, 1967. Applicant: KLAUSNER TRANSPORTATION CO., INC., 809 South Main Street, Los Angeles, Calif. 90014. Applicant's representative: William Davidson, 2455 East 27th Street, Vernon, Calif. 90058. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Materials and supplies necessary for the manufacture of garments*, from Commerce, Los Angeles and Whittier, Calif., to the port of entry on the international boundary line between the United States and Mexico, at Calexico, Calif., and *garments on hangers* and *garments in containers* when moving in the same vehicle with garments on hangers, on return, for 180 days. Supporting shipper: Catalina, Inc., 6040 Bandini Boulevard, Los Angeles, Calif. 90054. Send protests to: John E. Nance, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Federal Building, 300 North Angeles Street, Room 7070S, Los Angeles, Calif. 90012.

No. MC 129199 (Sub-No. 1 TA), filed August 16, 1967. Applicant: CROWN MOVING & STORAGE OF GOLDSBORO, INC., 901 North James Street, Goldsboro, N.C. 27530. Applicant's representative: Robt. J. Gallagher, Professional Building, 66 Central Street, Wellesley, Mass. 02181. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in North Carolina, restricted to shipments moving on the through bill of lading of a forwarder operating under section 402(b)(2) exemption, and having an immediate, prior or subsequent line haul movement by rail, motor, water, or air. The proposed service is limited to providing a local service for a forwarder of used household goods, for 180 days. Supporting shipper: Kingpak, Inc., Post Office Box 18298, Wichita, Kans. 67218. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Post Office Box 10885, Cameron Village Station, Raleigh, N.C. 27605.

No. MC 129333 (Sub-No. 1 TA), filed August 16, 1967. Applicant: V. J. M. TRUCKING, INC., 53 Gordon Street, East Haven, Conn. 06512. Applicant's representative: William L. Mobley, 1694 Main Street, Springfield, Mass. 01103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pig iron*, in bulk, in

dump vehicles, from Bridgeport, Conn., to points in Ansonia, Bridgeport, East Hampton, East Hartford, Groton, City of Guilford, City of Hamden, City of Meriden, Middletown, Norwalk, Putnam, Southington, South Norwalk, West Windham, Stamford, Terryville, Waterbury and Windsor, Conn.; Amesbury, Athol, Barre, Beverly, Blackstone, Boston, Brockton, Chicopee, Concord, Danvers, Dorchester, Easthampton, Easton, Everett, Fall River, Fitchburg, Franklin, Gilbertville, Gloucester, Graniteville, Greenfield, Holbrook, Holliston, Holyoke, Hopedale, Hyde Park, Indian Orchard, Lawrence, Lowell, Lynn, Mansfield, Millbury, New Bedford, North Adams, North Andover, North Attleboro, North Chelmsford, North Grafton, North Quincy, Norwood, City of Orange, City of Reading, City of Rehoboth, Roxbury, Somerset, Southbridge, Springfield, Swansea, Taunton, Turners Falls, Williston, Walpole, Waltham, Ware, Watertown, West Boylston, West Concord, Westfield, Whitinsville, Whitman, Winchendon, and Worcester, Maine; City of Central Falls, Cranston, Cumberland, City of Johnston, Lincoln Park, Narragansett, Pawtucket, Peace Dale, Providence, River Port, Warren, Warwick, Westerly and Woonsocket, R.I., for 180 days. Supporting shipper: Associated Metals & Minerals Corp., 733 Third Avenue, New York, N.Y. 10017. Send protests to: District Supervisor David J. Kiernan, Bureau of Operations, Interstate Commerce Commission, 324 U.S. Post Office Building, 135 High Street, Hartford, Conn. 06101.

No. MC 128336 TA, filed August 16, 1967. Applicant: CEMENT CARTAGE CO., LTD., Butternut Ridge, Havelock, New Brunswick, Canada. Applicant's representative: Eric B. Appleby, 181 Westmorland Street, Fredericton, New Brunswick, Canada. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in tank-type vehicles, from the international boundary between the United States and Canada at or near Houlton, Calais, and Vanceboro, Maine, to points in Aroostook, Penobscot and Washington Counties, Maine, for 180 days. Supporting Shipper: Maritime Cement Co., Ltd., 666 Catheart Street, Montreal 3, Quebec, Canada. Send protests to: Donald G. Weiler, District Supervisor, Room 307, 76 Pearl Street, Portland, Maine 04112.

No. MC 129337 TA, filed August 16, 1967. Applicant: P. E. LEONARD, doing business as LEONARD COAL COMPANY, 129 Lake Street, Ridgely, Tenn. 38252. Applicant's representative: P. E. Leonard (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rough lumber*, in interstate or foreign commerce, from Ridgely, Tenn., to points in Arkansas, Mississippi, Missouri, Illinois, and Kentucky, for 180 days. Supporting shipper: Ridgely Sawmill Co., Ridgely, Tenn. 38252 (Wilkes Moore, Jr., owner). Send protests to: W. W. Garland, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 390 Federal Building, 167 North Main Streeet, Memphis, Tenn. 38103.

No. MC 129338 TA, filed August 16, 1967. Applicant: MINI-VAN, INC., Box 367, 702 South Third Avenue, Marshalltown, Iowa 50158. Applicant's representative: W. M. Tank (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Utility trailers*, designed to be drawn by passenger automobiles, between points in the United States, except Hawaii and Alaska, under a contract with Modern Move, Inc., Marshalltown, Iowa, for 180 days. Supporting shipper: Modern Move, Inc., Post Office Box 367, Marshalltown, Iowa, 50158. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 227 Old Federal Office Building, Des Moines, Iowa 50309.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 67-9075; Filed, Aug. 23, 1967; 8:49 a.m.]

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PART II

Post Office Department

International Mail

Republication of Subchapter



Title 39—POSTAL SERVICE

Chapter I—Post Office Department

SUBCHAPTER C—INTERNATIONAL MAIL

REPUBLICATION OF SUBCHAPTER

A notice of changes in certain international postage rates to be effective May 1, 1967, was published in the FEDERAL REGISTER of March 1, 1967 (32 F.R. 3397). In order to codify these changes into Title 39, Code of Federal Regulations, it is necessary to republish Subchapter C and its appendix. Accordingly, they now read as follows:

PART 211—POSTAL UNIONS

Sec.
211.1 Universal Postal Union.
211.2 Postal Union of the Americas and Spain.

AUTHORITY: The provisions of this Part 211 issued under 5 U.S.C. 301, 39 U.S.C. 501, 505.

§ 211.1 Universal Postal Union.

The exchange of all mail except parcel post between the United States (see Part 112 of this chapter) and other countries is governed by the provisions of the Convention of the Universal Postal Union, of which the United States is a member.

§ 211.2 Postal Union of the Americas and Spain.

The United States and the following countries are also members of the Postal Union of the Americas and Spain (PUAS):

Argentina.	Haiti.
Bolivia.	Honduras Republic.
Brazil.	Mexico.
Canada.	Nicaragua.
Chile.	Panama.
Colombia.	Paraguay.
Costa Rica.	Peru.
Cuba.	Spain and [1] Possessions.
Dominican Republic.	Uruguay.
Ecuador.	Venezuela.
El Salvador.	
Guatemala.	

Certain special provisions apply to the exchange of mail, including parcel post, with the countries listed above. Those provisions appear in the appropriate sections of this chapter.

PART 212—CATEGORIES OF INTERNATIONAL MAIL

Sec.
212.1 Postal union mail.
212.2 Parcel post.

AUTHORITY: The provisions of this Part 212 issued under 5 U.S.C. 301, 39 U.S.C. 501, 505.

§ 212.1 Postal union mail.

Postal union mail, both surface and air, is exchanged under provisions of the Universal Postal Convention or the Convention of the Postal Union of the Americas and Spain. The weight and size limits and other general provisions (but not postage rates) for the various classifications of mail exchanged under those conventions are the same from and to the United States. Postal Union mail is divided into two categories, known as "LC mail" and "AO mail," as follows:

(a) The term "LC mail" refers to letters, letter packages, post cards, and aerogrammes. See §§ 222.1, 222.2, and 241.5 of this chapter.

(b) The term "AO mail" refers to postal union mail other than letter mail, post cards, and aerogrammes. It includes printed matter of all kinds, matter for the blind, samples of merchandise, and small packets. See §§ 222.3 through 222.9 of this chapter.

§ 212.2 Parcel post.

Parcel post is a separate and distinct category from postal union mail. The exchange of parcel post with other countries is governed by the provisions of individual bilateral agreements with various countries and the Parcel Post Agreement of the Postal Union of the Americas and Spain. Unless otherwise noted under the country items in the Directory of International Mail, the weight and size limits and other general parcel post provisions (but not postage rates) apply also from those countries to the United States.

PART 213—OFFICIAL CORRESPONDENCE

Sec.
213.1 With the Department.
213.2 With foreign postal authorities.
213.3 With individuals in other countries.

AUTHORITY: The provisions of this Part 213 issued under 5 U.S.C. 301, 39 U.S.C. 501, 505.

§ 213.1 With the Department.

Correspondence relating to all phases of the international postal service, except money order business and investigations handled by the Postal Inspection Service, should be addressed to the International Service Division, Bureau of Transportation and International Services, Post Office Department, Washington, D.C. 20260.

§ 213.2 With foreign postal authorities.

Postmasters, regional offices, and other field units of the Postal Establishment (except exchange offices, postal inspectors in charge, and postmasters acting under instructions in Part 371 of this chapter) shall not correspond directly with postal officials in other countries but shall refer inquiries from these officials to the Department for attention.

§ 213.3 With individuals in other countries.

Postmasters, regional offices, and other field units of the Postal Establishment may reply direct to inquiries and engage in other necessary correspondence with individuals and firms in other countries. The addresses of patrons may be furnished to inquirers, provided the patrons have given their consent. This correspondence is mailable without postage stamps under § 221.2(d)(5) of this chapter.

PART 221—CONDITIONS APPLICABLE TO ALL CLASSES

Sec.
221.1 Preparing and Addressing.
221.2 Postage.
221.3 Prohibitions and Restrictions.
221.4 Documentation.

AUTHORITY: The provisions of this Part 221 issued under 5 U.S.C. 301, 39 U.S.C. 501, 505.

§ 221.1 Preparing and addressing.

(a) *Preparing.* (1) Senders must prepare articles securely, especially if they are for distant countries. International mail is handled more often and subjected to greater pressure and friction than domestic mail, hence it must be enclosed in strong envelopes or other wrappings.

(2) Use envelopes of any light color on which the address and postmark will be legible. Do not use three-cornered envelopes. Window envelopes meeting the conditions in § 122.4 of this chapter with the exception of open-panel envelopes, are acceptable in the international mail. Open-panel envelopes are accepted only in the ordinary (unregistered) mail to Canada.

(3) Letters and letter packages (LC mail) may be placed in bags, boxes, envelopes, or containers, and, if unregistered, may be sealed at the option of the sender. Registered letters and letter packages must be sealed. See § 242.2 (b) (1) of this chapter.

(4) Articles other than letters and letter packages (AO mail) must be prepared in such a way that their contents are sufficiently protected but so as not to hinder quick and easy inspection of the contents. They should be placed under wrapper, on a roller, or between cardboard; in open bags, boxes, envelopes, or containers or in closed, unsealed bags, boxes, envelopes, or containers provided with fasteners that can be easily opened and reclosed without being dangerous; or they may be tied with string or twine in a manner that will permit them to be easily untied. Sealing of postal union "other articles" is not permitted, even if registered, and they must be prepared in such a way that other articles do not run the risk of being trapped by them.

(5) As an exception to subparagraph (4) of this paragraph, items in AO mail articles which would spoil if packed according to the general rules, and samples of merchandise packed in a transparent packing permitting check of their contents, are admitted in hermetically sealed packing. The same applies to samples of industrial and vegetable products in a packing sealed by the manufacturer or by an examining authority in the country of origin. In such cases the sender or the addressee may be required to assist in a check of the contents, either by opening certain of the items or in some other satisfactory manner.

(b) *Packing requirements for certain articles*—(1) *Glass.* Articles of glass or other fragile materials must be securely packed in boxes of metal, wood, or strong corrugated fiberboard filled with paper, wood shavings, or other protective material that prevent the articles from moving about or coming in contact with each other or with the sides of the box in course of transmission.

(2) *Liquids, oils, etc.* Liquids, oils, and substances which easily liquefy must be enclosed in hermetically sealed receptacles. Each receptacle must be placed in a separate box of metal, strong wood, or strong corrugated fiberboard containing enough sawdust, cotton, or spongy material to absorb the liquid in the event of breakage of the receptacle. The cover of the box must be fastened in such a way that it cannot become easily detached.

(3) *Fatty substances.* Fatty substances which do not easily liquefy, such as ointments, soft soap, resin, etc., as well as silkworm eggs, must be enclosed in an inside cover (box, canvas, or parchment bag, etc.), which must itself be placed in a second box of wood, metal, or stout, thick material.

(4) *Powders.* Dry powdered dyes such as aniline, etc., are not admitted unless enclosed in stout tin boxes placed, in turn, inside wooden boxes, with sawdust between the two packings; dry noncoloring powders must be placed in boxes of metal, wood, or cardboard. These boxes themselves must be enclosed in a canvas or parchment bag.

(5) *Live organisms.* Live bees, leeches, silkworm eggs, and parasites and predators of injurious insects intended for the control of such insects and exchanged between officially recognized agencies shall be enclosed in boxes so constructed as to avoid all danger.

(6) *Perishable biological materials.* See § 221.3(b)(5)(iii).

(7) *Radioactive materials.* See § 221.3 (b)(6).

(c) *Addressing.* (1) Reserve at least the entire right half of the address side for the address of the addressee, postage stamps, or postage-paid impressions, and the service labels and notations (postmarks, etc.).

(2) Address mail legibly using roman letters and arabic figures placed lengthwise on one side of the article only. Write the name and address of the addressee precisely and completely so that employees distributing the mail will be able to route mail to its proper destination without difficulty. Show name of post office and country of destination in capital letters. Give house number and street address or box number when mail is addressed to towns or cities. Addressing mail to "boxholder" or "householder" is not permitted.

(3) The address of articles sent to General Delivery (in French, "Poste Restante") must indicate name of the addressees. The use of initials, figures, simple given names, fictitious names, or conventional marks of any kind not permitted on these articles.

(4) Addresses in Russian, Greek, Arabic, Hebrew, Japanese, or Chinese characters must bear an interlined translation of the names of the post office, province, and country of destination in English. If the English forms are not known, show foreign spellings in roman characters, print, or script.

(d) *Return address.* The complete address of the sender must be shown in the upper left corner of the address side so as not to affect either the clarity of the address or the application of service labels or notations. See § 222.2(e)(2) and 222.4 (e)(5) of this chapter. Ordinary (unregistered) articles bearing a return address in another country are accepted only at risk of senders.

§ 221.2 Postage.

(a) *Prepayment.* Articles must be fully prepaid to assure dispatch without delay and without penalty against the addressees. If the missing postage cannot be collected from the mailer, the short-paid articles are either sent to destination and double the shortage collected from the addressees or they are sent to dead-letter branches for treatment. See § 223.2 of this chapter.

(b) *How paid*—(1) *Stamps.* Postage and fees for special services may be paid by means of U.S. postage stamps or by meter stamps of a bright red color. Precanceled stamps may be used under the same conditions as in the domestic mail. Airmail stamps may be used on airmail articles only, and special delivery stamps may be used only for payment of special delivery fees. See § 141.6 of this chapter for other stamps not valid as postage.

(2) *Other means.* Postage may be paid by permit imprints, subject to the general conditions stated in Part 144 of this chapter. Permit imprints must show the amount of postage paid on each article and may be of any color. Postage on second-class and controlled circulation matter mailed by publishers or registered news agents may be paid in money under the conditions stated in § 222.4(e)(3)(ii) and (iii) of this chapter (second-class only).

(c) *Articles mailed aboard ships (Paquebot).* (1) Mail posted aboard ships on the high seas must bear postage stamps of the country whose flag the vessel flies. On arrival at a port, an officer of the ship hands the mail into the post office of the port city, where the stamps are canceled and the mail is dispatched. If the stamps are foreign, the post office uses a special "Paquebot" postmark or applies the word Paquebot to the envelope in ink or with a rubber stamp.

(2) Any mail to be forwarded by air must be accompanied by an AV–2 form, prepared by the ship's officer, showing weight of the articles for each destination. When airmail is presented at a post office that is not an international exchange office, the postmaster must transmit the AV–2 form to the International Service Division, Bureau of Transportation and International Services, Post Office Department, Washington, D.C. 20260, for accounting purposes.

(3) Mail posted aboard a U.S. ship on the high seas, or aboard any ship while in a U.S. port, must bear U.S. stamps and is not entitled to "Paquebot" cancellation at a U.S. post office.

(d) *Mailings without postage*—(1) *Diplomatic and consular mail.* Mail of foreign diplomatic and consular representatives in the United States is subject to the same postage rates and conditions which apply to mail of other postal patrons, except when mailed by diplomatic and consular representatives of countries belonging to the Postal Union of the Americas and Spain (see § 211.2 of this chapter). Diplomatic and consular representatives of those countries may send Postal Union mail articles without postage up to the weight and size limits specified in Part 222 of this chapter, under the following conditions:

(i) *Diplomatic.* Free postage and free registration are granted to all surface correspondence (official and personal) of members of the diplomatic corps of PUAS countries when addressed to the PUAS countries.

(ii) *Consular.* Free postage and registration are granted to the official surface correspondence of consuls or vice consuls of PUAS countries when—

(a) Addressed for delivery in the country represented by the mailing official;

(b) Addressed to the Embassy or Legation of the official's country located in any of those countries; or

(c) Addressed to an official of any of those countries located in those countries.

(iii) *Preparation and marking.* Diplomatic and consular mail will be either letters, letter-packages, or printed matter packages. Letters may be sealed, whereas printed matter packages must be unsealed and bear the words "Printed Matter" on the address side of the package. Envelopes, labels, etc., used by members of the PUAS diplomatic corps for postage free mail must show in the upper left corner the name of the Ambassador or Minister or name of Embassy or Legation, with post office address, and in the upper right corner the words "Diplomatic Mail" over the word "Free." For consulates, the name and address of the consul or consulate and the name of the country must appear over the words "Official Correspondence" in the upper left corner. The words "Consular Mail" must be written above "Free" in the upper right corner.

(iv) *Special services.* Diplomatic and consular mail entitled to free postage is also entitled to free registration but without the right to indemnity. If air or special delivery service is desired, both the postage and any special fees must be prepaid.

(2) *Federal Government official mail.* Official mail of the Federal Government is accepted for other countries without postage affixed under the following conditions:

(i) *Postage and fees paid mail.* All official mail of authorized departments and agencies prepared in accordance with the provisions of § 137.2(c) (1), (i), (ii), and (iii) of this chapter will be given the postal service indicated on its cover. There is no limitation as to the countries to which this mail may be

[1] Spanish possessions include Balearic Islands, Canary Islands, and the Spanish Offices in Northern Africa; also Fernando Po, Rio Muni, and Spanish West Africa.

addressed provided the service desired is available. The weight and size limits, postal forms prescribed in Part 222 of this chapter and, under the parcel post headings of the various country items, in the appendix to this subchapter apply.

(ii) *Penalty and franked mail.* Ordinary (unregistered) surface mail prepared in accordance with the provisions of §§ 137.1 and 137.2 of this chapter is acceptec. when addressed in PUAS countries except Argentina, Brazil, and Spain and Spanish possessions. (See § 211.2 of this chapter.) This mail must not exceed the domestic weight limit of 4 pounds, except when it is exempt from that limit by regulation (see § 137.2(e)(1)(i) of this chapter), in which case the weight limits prescribed in Part 222 of this chapter apply. The maximum dimensions prescribed in Part 222 of this chapter apply in all cases. If registration, air, or special delivery service is desired, both the postage and fee must be prepaid.

(3) *Pan American Union mail.* Ordinary (unregistered) surface mail bearing the return address of the Union and weighing not more than 4 pounds (or 11 pounds for packages identified as containing printed matter) is accepted without postage affixed when addressed to PUAS countries except Canada. Such mail must bear the indicia "Free Under Postal Convention" in the upper right corner. If registration, air, or special delevery service is desired, both the postage and fee must be prepaid.

(4) *Pan American Sanitary Bureau mail.* Ordinary (unregistered) surface mail bearing the return address of the Bureau and weighing not more than 4 pounds is accepted without postage affixed when addressed to PUAS countries except Canada. Such mail must bear the words "Free Under Postal Convention" in the upper right corner. If registration, air, or special delivery service is desired, both the postage and fee must be prepaid.

(5) *Postal Service official mail.* All official mail of the Postal Service may be accepted without postage affixed. Use penalty envelopes or labels for mail addressed (i) to postal administrations or post offices in any country, (ii) to the International Bureau of the Universal Postal Union at Berne, Switzerland, and (iii) to any addressee in the PUAS countries except Argentina, Brazil and Spain, and Spanish possessions. (See § 211.2 of this chapter.) In all other cases use penalty envelopes or labels with the addition of the endorsement "Postage and Fees Paid." Larger post offices having sufficient need may requisition a rubber stamp from the Department on Form 1567.

(6) *Mail of Mrs. Jacqueline Bouvier Kennedy.* All mail bearing the written or facsimile signature of Mrs. Jacqueline Bouvier Kennedy and the words "Postage and Fees Paid" shall be given the service indicated on its cover, subject to the conditions indicated in subparagraph (2)(i) of this paragraph

(e) *Reply Coupons.* (1) Member countries of the Universal Postal Union purchase international reply coupons from the International Bureau of the Universal Postal Union and sell them at post offices. The selling price in the United States is 15 cents each. One of these coupons is exchangable in any other member country for a stamp or stamps representing the international postage on a single-rate surface letter. Upon presentation of a sufficient number of coupons, the stamp or stamps received in exchange may be used to prepay an international airmail letter. Chart 7 in the appendix to this subchapter shows the number of coupons required to be sent to other countries to prepay an airmail letter of the first unit of weight to the United States.

(2) International reply coupons (in French, "Coupon-Réponse International)" are printed in blue ink on paper having in the watermark the letters UPU in large characters. The name of the country, in French and the native language, and the selling price of the coupon are printed in black. Coupons purchased from the International Bureau prior to January 1, 1966, have the circles for the postmarks of the selling and exchanging post offices on the left- and right-hand sides; those purchased after January 1, 1966, have both these circles on the right-hand side. The issuing office postmarks the left-hand circle of the old style coupons and the upper circle of the new style coupons. The period of exchange of international reply coupons is unlimited.

(3) U.S. post offices will requisition international reply coupons from the same sources from which they obtain postage stamps. The coupons should be stocked at offices having a demand for them. Since all U.S. coupons are of the old style, the selling post office will postmark them in the left-hand circle. Unused U.S. coupons may be redeemed by the original purchaser at a discount of 1 cent on the purchase price. The post office redeeming the unused coupons will postmark them in the right-hand circle.

(4) Properly postmarked international reply coupons issued in other countries are exchangeable at U.S. post offices for postage stamps, aerogrammes, postcards, or envelopes at the rate of 13 cents each, except that Canadian and Mexican coupons are exchanged at the rate of 5 cents each in postage. The post office exchanging a foreign coupon postmarks it in the right-hand circle of the old style coupon or the lower circle of the new style coupon. Foreign coupons not properly postmarked by the foreign post office may be exchanged if there is no apparent reason to doubt their authenticity. Post offices must not accept foreign coupons that already bear a U.S. postmark.

(5) Reply coupons formerly issued by the Postal Union of the Americas and Spain are no longer valid. These coupons are printed in green ink and bear the caption "Cupón Respuesta Américo-Español." It is suggested that patrons possessing any of these coupons return them to their correspondents in the country of issue for redemption through the selling post office.

(6) Postmasters will dispose of exchanged foreign and redeemed U.S. coupons.

(f) *Foreign reply-paid cards.* The reply halves of post cards bearing foreign postage stamps, meter stamps, or imprinted postage and the heading "Carte postale réponse" (reply post card) are accepted as fully prepaid for ordinary surface transmission only if addressed to the country represented by the foreign postage. If this condition is not met, they are treated as unprepaid post cards. The initial half of the card may be left attached to the reply half, provided the address on the initial half is crossed out and folded on the inside of the card. Registry and special delivery fees can be prepaid only with U.S. stamps. See § 241.3(c) of this chapter regarding additional U.S. postage required to transmit cards by airmail.

(g) *Nonpostage stamps.* Do not place nonpostage stamps, labels resembling postage stamps, or impressions resembling postage-paid impressions on the address side of mail articles.

(h) *Remailed articles.* New postage is required when remailing an article which has been returned from abroad because of insufficient address.

§ 221.3 Prohibitions and restrictions.

(a) *General list of prohibited articles.* The following articles are prohibited transmission in the postal union mail to all countries:

(1) Any article without address or incorrectly, insufficiently, or illegibly addresed so that it cannot be sent to its destination.

(2) Any article addressed to go around the world or with the address side wholly or partly divided into several spaces intended for successive addresses.

(3) Poisons, including narcotics (opium, morphine, cocaine, etc.), explosives and flammable articles (see § 231.2(a)(8)) of this chapter, and all other articles excluded from the domestic mail, which either from their nature or packing are likely to soil or damage the mail or are injurious to health, life, or property. Articles containing gas or liquid under pressure, except that products incorporating compressed gas are acceptable if the mist produced is nonflammable, the quantity of contents are not more than a pint, and not more than one container per package. These restrictions as to quantity do not apply to aerosol containers holding mailable liquid and gas under pressure less than 40 pounds per square inch absolute (25 pounds gage pressure) at 70° F. Liquids with flash point below 150° F. are restricted (see § 231.2(b)(1)) of this chapter. The container must be completely surrounded with sawdust, bran, or other absorbent material sufficient to take up all the liquid contents.

(4) Articles excluded from the domestic mail of the United States. (See Part 124 of this chapter.) Although safety matches are admitted in the domestic mail, they are prohibited in the international mail.

(5) Live or dead animals and insects, except: (i) live bees, leeches, and silk worms; (ii) dead insects or reptiles when thoroughly dried; and (iii) parasites and predators of injurious insects intended for the control of such insects and exchanged between officially recognised agencies.

(6) The following are prohibited to all countries unless sent in registered letter mail—coins, bank notes, or paper money; manufactured or unmanufactured platinum, gold, or silver; precious stones, jewelry, or other precious articles. These articles are absolutely prohibited even in registered letter mail to some countries. See heading "Prohibitions" for Postal Union mail in the Directory of International Mail. The term "jewelry" is generally understood to denote articles of more than nominal value. Low priced jewelry, such as tie clasps, costume jewelry, and other items contatning little or no precious metal, is not considered to be jewelry within the meaning of this section and is accepted under the same conditions as other mailable merchandise to any country. However, it is accepted only at the sender's risk to countries which prohibit jewelry.

(7) Values payable to bearer, unless sent by registered mail. Some countries prohibit such values entirely (see country items in Directory of International Mail). The term "values payable to bearer" includes checks, drafts, or securities which can be legally cashed or easily negotiated by anyone who may come into possession of them. A check or draft payable to a specific payee is not regarded as payable to bearer unless the payee has endorsed it in blank. If not endorsed, or if endorsed in favor of another specific payee, it is not regarded as payable to bearer.

(8) Gold coin, gold bullion, or gold dust exceeding $100 in value. (See § 254.4 of this chapter.)

(9) Articles whose acceptance or circulation is prohibited in the country of destination. See paragraph (c) of this section.

(10) Written communications having the character of current correspondence, except in the form of letters or post cards, or under the conditions stated in §§ 222.4(d)(2)(i), 222.4(d)(4)(v) or § 222.5 of this chapter. Sound recorded communications having the character of current correspondence, except as letters, or under the conditions stated in § 222.4(d)(2) or 222.5 of this chapter.

NOTE: Recordings of music or other sounds not of the nature of letters are mailable under the classes of postal union mail available for the transmission of merchandise—see § 222.1(e) or 222.7(g) of this chapter; or as parcel post. The same applies to opened correspondence, written or recorded, that has already reached the original addressee and is no longer current.

(11) Articles may not contain any card or envelope intended for reply purposes with postage denoted by U.S. stamps, business reply, or other indicia.

NOTE: The prohibition against business reply items need not be applied when they are bound or stapled into a magazine or other publication, or form an integral part of the printed page. These may be accepted so long as no objection is raised by the postal administrations of the countries concerned.

NOTE: For general parcel post prohibitions, see § 231.2(a) of this chapter.

(b) *Restricted articles.*—(1) *Gold and gold certificates.* (See Part 254 of this chapter.)

(2) *Tobacco seed and plants.* (See § 255.3 of this chapter.)

(3) *Plant material generally.* (See § 231.2(b)(6) of this chapter.)

(4) *Combustible liquids.* (See § 231.2(b)(1) of this chapter.)

(5) *Perishable biological materials.* Perishable biological materials, including those of pathogenic nature, when sent in the postal union mail are accepted only as letter packages. The following conditions apply:

(i) *Mailing restrictions.* If a country prohibits perishable biological materials this is shown under "Prohibitions" in the country item in the Directory of International Mail. The packages must be packed as prescribed in paragraph (b)(5)(iii) of this section, and must bear distinctive violet labels by which they can be readily recognised and receive careful handling and prompt delivery.

(ii) *Qualification of mailers.* (a) Only officially recognised laboratories may send or receive letter packages containing perishable biological materials. Laboratories of the following categories are so designated:

Laboratories of local, State, and Federal Government agencies.
Laboratories of federally licensed manufacturers of biologic substances derived from bacteria and viruses.
Laboratories affiliated with or operated by hospitals, universities, research facilities, and other teaching institutions.
Private laboratories licensed, certified, recognised, or approved by a public authority.

(b) A laboratory desiring to mail letter packages containing materials of this kind shall make written application on its letterhead stationery to the International Service Division, Bureau of Transportation and International Services, Post Office Department, Washington, D.C. 20260, explaining its qualifications and those of the prospective addressees to send and receive such materials, and stating how many packages are to be mailed. On approval, the mailer will receive a sufficient number of the violet labels for the contemplated shipments.

(iii) *Packaging.* (a) Perishable biological material not of a pathogenic nature must be packed in a nonporous container surrounded by sufficient absorbent material to take up all the liquid and must be placed in an outer protective container where it should fit tightly to avoid any shifting.

(b) Perishable biological material of a pathogenic nature must be packed in a tightly closed bottle or tube or heavy glass wrapped in thick absorbent material rolled several times around the bottle or tube and tied at the ends, sufficient in quantity to absorb all the liquid; the wrapped container must be placed in a strong well-closed metal box constructed to prevent any contamination outside of it. This metal box must be wrapped in cushioning material and placed in an outer protective box where it should fit tightly to avoid shifting. The outer container must consist of a hollow block of strong wood, metal, or other equally strong material with a tight lid so fitted that it cannot open during transportation.

(c) In addition to the requirements in (a) and (b) of this subdivision, packages must comply with the regulations governing the transmission of such materials in the domestic mail.

(d) The mailer must place on each package one of the violet labels mentioned in subdivisions (i) and (ii) (b) of this subparagraph.

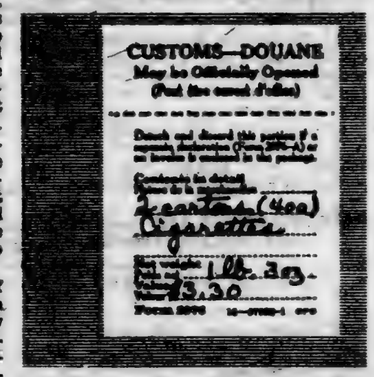
(6) *Radioactive materials.* Radioactive materials are restricted as provided in § 125.2(e) of this chapter. Senders of mailable radioactive materials must place on the wrapper of the package a white label bearing the French words "Matiéres radioactives." The label must be supplied by the sender and is to be gummed or taped to the address side of the package. The package must also bear a conspicuous request for return to sender in case of nondelivery.

(c) *Individual country prohibitions and restrictions.* See § 231.2(c) of this chapter.

(d) *Foreign customs information.* See § 231(b)(4) of this chapter.

§ 221.4 Documentation.

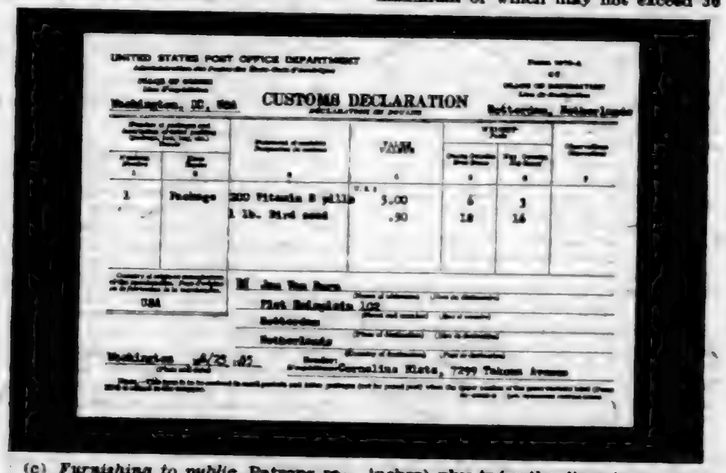
(a) *Green customs label.* A green customs label, Form 2976, must be obtained at the post office and placed by the sender on each letter or letter package containing dutiable merchandise, on each package of dutiable prints, and on each small packet. The label is placed on the address side of each article. See §§ 222.1(e), 222.4(e)(6) and 222.7(f) of this chapter. The label is also used on merchandise packages weighing 8 ounces or less mailed to Canada, as prescribed under the country heading in the appendix. The following facsimile illustrates the type of information the sender must supply when the label is used in its entirety:



When the label is used in its entirety there is no need to enclose the paper form of customs declaration, Form 2976–A, in the package (see § 221.4(b)), except for countries which specifically require it. (See country items in Directory of International Mail.) If the sender prefers not to show the nature and value of the contents on the outside of the article, or if

for any reason the use of the label in its entirety is not practicable, the upper part (detached by cutting along the dotted line) may be affixed to the cover, and the paper customs declaration enclosed in the article. The label is not, under any circumstances, to be used on parcel post packages, nor are parcel post forms to be used on postal union mail articles.

(b) *Paper customs declaration.* The paper form of customs declaration (Form 2976–A) is available at post offices for completion by the sender and enclosure within the classes of articles mentioned in paragraph (a) of this section. The contents of the article must be indicated in detail on the form. Notations of a general character are not allowed. Form 2976–A is not to be used on parcel post packages, nor are parcel post forms described in § 231.4 to be used on postal union articles. The following facsimile illustrates the type of information required on Form 2976–A:



UNITED STATES POST OFFICE DEPARTMENT

CUSTOMS DECLARATION

Washington, DC, USA — Rotterdam, Netherlands

Quantity	Article	Weight	Value	Sender's No.	Office of Origin
1	Package	200 Pistachio B pills 1 lb. Bird seed	$5.00 .90	6 18	3 16

Mr. Jan Van Buren
First Rembrandtstraat 102
Rotterdam
Netherlands

Sender: Cornelius Klots, 7299 Tahoma Avenue

(c) *Furnishing to public.* Patrons requesting them may be furnished a reasonable supply of Forms 2976 and 2976–A for preparation at their homes or business establishments.

(d) *Nonpostal documentation.* Packages sent in the postal union mail may require one or more of the forms described in Part 251 of this chapter.

PART 222—RATES AND CONDITIONS FOR SPECIFIC CLASSES

Sec.
222.1 Letters and letter packages.
222.2 Post cards.
222.3 Commercial papers.
222.4 Printed matter.
222.5 Matter for the blind.
222.6 Samples of merchandise.
222.7 Small packets.
222.8 Combination packages.
222.9 Articles grouped together.

AUTHORITY: The provisions of this Part 222 issued under 5 U.S.C. 301, 39 U.S.C. 501, 505.

§ 222.1 Letters and letter packages.

(a) *Rates.*—(1) *Surface.* The surface rate for letters and letter packages to Canada and Mexico is 5 cents per ounce. To all other countries it is 13 cents for the first ounce and 8 cents for each additional ounce.

(2) *Airmail.* Canada and Mexico, 8 cents per ounce. To Central America, South America, the Caribbean Islands, Bahamas, Bermuda, and St. Pierre and Miquelon, 15 cents per half ounce. To Europe (except Estonia, Latvia, Lithuania, and U.S.S.R.) and Mediterranean Africa, 20 cents per half ounce. To other countries, 25 cents per half ounce.

(b) *Weight limits.* (1) The weight limit for letters and letter packages to all countries except Canada is 4 pounds 6 ounces; for Canada, 60 pounds.

(c) *Dimensions.*—(1) *Maximum dimensions.* Maximum length is 24 inches. Maximum "length, breadth, and thickness combined" is 36 inches. When sent in the form of a roll, the length (the maximum of which may not exceed 36 inches) plus twice the diameter may not exceed 42 inches.

(2) *Minimum dimensions.* The address side must measure at least 4¼ inches in length and 3 inches in width. When in the form of a roll, the length may not be less than 4 inches, or the length plus twice the diameter may not be less than 6¾ inches. Articles having lesser dimensions are accepted on condition that a rectangular address tag is attached whose dimensions are not less than 4 by 2¾ inches.

(d) *Restrictions.* Letters and letter packages may not contain current communications exchanged between persons other than the sender and the addressee or persons living with them.

(e) *Merchandise in letters.*—(1) *Dutiable merchandise.* Letters or letter packages may contain merchandise which is dutiable in the country of destination unless the country is unwilling to accept such mailings. If a country prohibits dutiable merchandise in letters this is shown under "Prohibitions" in the country item in the Directory of International Mail. The postal service is not able to inform patrons whether or not any items are dutiable in other countries. When mailing articles which may be dutiable, senders must comply with the provisions concerning documentation shown in § 221.4 of this chapter and with any special instructions in the appendix to this subchapter.

(2) *Nondutiable merchandise.* Articles which the senders know are not dutiable may be mailed to countries which do not accept dutiable merchandise, but only at the risk of the senders. The Post Office Department assumes no responsibility for the treatment which such articles may be given by the foreign postal or customs authorities. As the presence of the green label (Form 2976) mentioned in § 221.41 of this chapter generally denotes dutiable contents, it should be omitted from letter-mail articles when the sender knows the contents are not dutiable.

(f) *Endorsement.* Senders should add the words "Letter (lettre)" on the address side of letters and letter packages which, because of their size or manner of preparation, may be mistaken for matter of another class.

(g) *Preparation and addressing.* See § 221.1 of this chapter.

§ 222.2 Post cards.

(a) *Rates.*—(1) *Surface.* Canada and Mexico, 4 cents single; reply-paid, 4 cents each half. All other countries, 8 cents single; reply-paid, 8 cents each half.

(2) *Airmail.* Canada and Mexico, 6 cents single; reply-paid, 8 cents on message half, 4 cents (surface rate) on reply half. All other countries, 13 cents single; reply-paid, letter rate (see § 222.1(a)(2)) on message half and 8 cents (surface rate) on reply half. Postage for return of the reply card by air can not be paid with U.S. stamps. See § 241.3(c) of this chapter regarding prepayment of foreign reply-paid cards to be transmitted to other countries by airmail.

(3) *Other rates.* The letter rate (surface or air), or the surface printed matter rate if the card conforms to printed matter requirements, applies to double cards without prepaid reply and to single cards exceeding the dimensions for post cards.

(b) *Dimensions.* Maximum dimensions 6 by 4¼ inches. Minimum dimensions, 4¼ by 3 inches.

(c) *Requirements.*—(1) *Form and Marking.* Post cards shall be made of cardboard that meets the material and color specification in § 131.2(a)(7) of this chapter or of paper strong enough to withstand handling. Government postal cards may be used and postage added as required. Post cards of private manufacture must bear on the front the heading "Post Card," although this is not obligatory for picture post cards.

(2) *Preparation, addressing, and mailing.* Post cards shall be sent unenclosed, without wrapper or envelope. The right half, at least, of the address side is reserved for the address of the addressee and the notations or labels relating to the service. The sender may use the back and the left half of the address side. Postage must appear on the address side, in the upper right corner of the card; otherwise, the card is treated as unprepaid. Undeliverable post cards are disposed of in the country of address unless they bear the name and address of the sender.

(3) *Attachments.* Do not join or attach samples of merchandise or similar articles to post cards. However, illustrations, photographs, stamps of any kind, labels, and clippings of any kind, of paper or other very thin material, as well as address lables or slips to be folded back, may be glued thereto, on condition that they do not alter the character of the post cards and that they adhere completely to the card. These articles may be glued only on the back or left half of the address side of the card, except address slips, tabs, or labels which may occupy the entire address side. Stamps of any kind, likely to be confused with postage stamps, may be placed only on the back.

(d) *Reply-paid cards.*—(1) *Availability.* Reply-paid postal cards, bearing the required endorsements and imprinted postage are available at post offices. The domestic reply-paid postal card shall not be used in the international mail, except that it may be used to Canada and Mexico after adding the headings prescribed in subparagraph (2) of this paragraph for private cards.

(2) *Private cards.* Double cards which are privately prepared for use as reply-paid cards shall bear in printing on the front, in the French language, as the heading of the first or message part, the words "Carte postale avec réponse payée" (post card with reply paid), and the words "Carte postale réponse" (reply post card) as the heading on the second or reply part. Each of the two parts must fulfill the other conditions laid down for a single card. Prepayment of the two halves shall be by means of U.S. postage or meter stamps affixed to each half.

(3) *Preparation and mailing.* The two parts of a reply-paid card are folded one part over the other, so that the fold forms the upper edge, and they may not be sealed in any manner. Prepare the card so that when it is folded the address of the addressee is on the part bearing the words "Carte postale avec réponse payée," and the address on the reply part is folded in the inside. The sender may have printed on the back of the reply half a questionnaire to be filled in by the addressee. The latter may return the part is folded on the inside. The sender inquiry half attached to the reply-portion, in which case the address on the inquiry half is crossed out and folded on the inside of the card.

(4) *Validity of postage.* The prepayment of the reply by means of U.S. postage is valid only if the card is addressed to this country. If this condition is not met, it is treated as an unprepaid post card.

(5) *Foreign cards.* See paragraph (f) of this section.

§ 222.3 Commercial papers.

The "Commercial Papers" class was discontinued effective January 1, 1966. Certain items formerly admitted as "Commercial Papers" are admitted at regular printed matter rates. See § 222.4(d)(2). Items that were accepted as "Commercial Papers," but not transferred to the "Printed Matter" class, must be mailed as "Letter Mail," "Small Packets," or "Parcel Post."

§ 222.4 Printed matter.

(a) *Rates.*—(1) *Surface.* Surface rates for printed matter are as follows:

(i) *Regular printed matter.* The rates on regular printed matter, that is, printed matter other than books, sheet music, publishers' second-class and publishers' controlled circulation publications described in subdivisions (ii), (iii), and (iv) of this subparagraph, are:

(a) To Canada and Mexico—4 cents for the first 2 ounces and 2 cents for each additional ounce or fraction.

(b) To countries other than Canada and Mexico—6 cents for the first 2 ounces and 4 cents for each additional 2 ounces or fraction.

(ii) *Books and sheet music.* The rates on permanently bound books having at least 22 printed pages and containing no advertising other than incidental announcements of other books and on printed sheet music are:

(a) To Argentina, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Republic of Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay, and Venezuela—3 cents for the first 2 ounces and 1 cent for each additional 2 ounces or fraction.

(b) To all other countries—4 cents for the first 2 ounces and 1½ cents for each additional 2 ounces or fraction.

(iii) *Second-class publications.* The rates on publications entered domestically as second-class, when mailed by the publishers or by registered news agents are:

(a) To PUAS countries (see § 211.2 of this chapter.)—3 cents for the first 2 ounces and 1 cent for each additional 2 ounces or fraction, except that to Canada the rates, are 2 cents for the first 2 ounces and 1 cent for each additional 2 ounces or fraction until November 1, 1967. Effective November 1, 1967, the rates to Canada will be 3 cents for the first 2 ounces and 1 cent for each additional 2 ounces or fraction.

(b) To all other countries—4 cents for first 2 ounces and 1½ cents for each additional 2 ounces or fraction.

(c) No separate rates are provided for nonprofit publications or for classroom publications. These second-class publications are subject to the rates stated in subsections (a) and (b) of this subparagraph. Complete sample copies may also be mailed at those rates, whether or not the number of such sample copies exceeds 10 percent of the subscriber copies. Copies mailed by the public are subject to the regular printed matter rates stated in subparagraph (2)(i) of this paragraph.

(iv) *Controlled circulation publications.* The rates on periodicals that are approved domestically as controlled circulation publications, when mailed by the publishers are 5 cents for the first 2 ounces and 2 cents for each additional 2 ounces or fraction, to all countries.

(2) *Airmail* AO (other articles) air rates apply, as follows:

(i) To Mexico, Central America, the Caribbean islands, Bahamas, Bermuda, and St. Pierre and Miquelon, 40 cents for the first 2 ounces and 10 cents for each additional 2 ounces or fraction.

(ii) To South America, Europe (except Estonia, Latvia, Lithuania, and U.S.S.R.) and Mediterranean Africa, 50 cents for the first 2 ounces and 20 cents for each additional 2 ounces or fraction.

(iii) To Estonia, Latvia, Lithuania, U.S.S.R., Asia, the Pacific, and Africa (other than Mediterranean), 60 cents for the first 2 ounces and 30 cents for each additional 2 ounces or fraction.

(iv) The rates are shown under the country items in the appendix of this subchapter.

(b) *Weight limits.* (1) The following weight limits apply to individual packages of printed matter:

Countries	Books, catalogs, and directories	All other prints
For countries not listed below	11 pounds	6 pounds 9 ounces.
Bolivia, Brazil, Fernando Po, Rio Muni, Spain (including Balearic Islands, Canary Islands, and Spanish offices in Northern Africa), and Spanish West Africa.	22 pounds	22 pounds.
Argentina, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Republic of Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay, and Venezuela.	33 pounds	33 pounds.

(2) See § 222.4(b) concerning use of direct sacks for mailing large quantities of prints to one addressee.

(3) Packages or bundles of second-class and controlled circulation publications mailed to Canada by publishers or registered news agents may weigh up to 30 pounds. When mailed by other than publishers or news agents, the weight limit is 6 pounds 9 ounces.

(c) *Dimensions.*—Maximum and minimum dimensions are the same as for letters and letter packages. See § 222.1(c).

(d) *Description.*—(1) *General definition.* The term "printed matter" applies to reproductions on paper, cardboard or other materials commonly used in printing, produced in several identical copies by means of a mechanical or photographic process involving use of a plate,

stencil, or negative. Several copies of printed matter items may be sent together in a single package, but they must not bear names and addresses of different senders or addressees.

(2) *Articles specially admitted.* The following may be mailed as printed matter if they otherwise conform to the prescribed conditions of form and makeup, even though they may be wholly or partly handwritten or typed:

(i) Communications exchanged between students in schools, provided they are sent through the intermediary of the heads of the schools.

(ii) Original and corrected exercises of students, without any notes not relating directly to the execution of the work.

(iii) Manuscripts of literary works or of newspapers.

(3) *Items not admissible.* The following are not admitted as printed matter:

(i) Printed papers which bear any marks whatever capable of constituting a conventional language or those whose text has been modified after printing, except for the additions mentioned in subparagraph (4) of this paragraph.

(ii) Stamps or forms of prepayment, canceled or not, including Internal Revenue strip stamps, and all printed papers representing a monetary value.

(iii) Articles of stationery in quantities of more than one article per package. This includes letterheads, billheads, unused cards, diaries, checkbooks, memo pads, and other similar items having some printing on them but on which additional entries are intended to be made.

(iv) Framed photographs and certificates.

(v) Photographic negatives and slides.

(vi) Films.

(vii) Phonograph records and other types of sound recordings; also perforated papers intended to be used on automatic musical instruments.

(viii) Playing cards.

(ix) Typewritten matter, or carbon copies thereof, except as authorized in subparagraphs (4) and (5) of this paragraph.

(4) *Permitted additions.* The following additions may be made by hand or by any other process on condition that the additions must have a direct bearing on the printed matter on which they are placed and must not give the text the character of personal correspondence:

(i) Name and address of sender and addressee, with or without showing the status, profession, and style.

(ii) Place and date of mailing of the item.

(iii) Serial or registration number referring solely to the item.

(iv) Correction of printing errors.

(v) Deletion, marking, or underlining of certain words or certain parts of the printed text.

(vi) On notices concerning the departure and arrival of ships and planes: The dates and time of such departures and arrivals, as well as the names of the ships, planes, and ports of departure, call, and arrival.

(vii) On travelers' announcements: The name of the traveler, the date, time, and name of the place through which he contemplates passing as well as the place where he is stopping.

(viii) On order, subscription, or offer blanks for publications, books, newspapers, engravings, and pieces of music: The publications and number of copies ordered or offered, the prices of such publications, as well as notations representing price factors, terms of payment, the edition, the names of the authors or publishers, the catalog number and the words "broché" (stitched or paper-bound), "cartonné" (boards) or relié (bound).

(ix) On forms used in connection with loans from libraries: The titles of books, number of copies requested or sent, names of authors or publishers, catalog numbers, number of days permitted for reading, name of person desiring to consult the book, other brief indications relating to the books in question.

(x) On illustrated cards (including those bearing the title "Post Card"), visiting cards, and other printed cards or folders: Good wishes, greetings, condolences, or other forms of courtesy expressed in not more than five words or by means of not more than five conventional initials.

(xi) On printing proofs: Such changes and additions as relate to the correction, form and printing, notes such as "Ready for printing, O.K. for printing", or any similar note relating to the preparation of the work. In case of lack of space, the additions may be made on separate sheets.

(xii) On current price lists, offers for advertisements, market and stock quotations, commercial circulars and prospectuses: Figures and any other annotations representing essential price factors.

(xiii) On literary or artistic productions: A dedication consisting of a simple expression of regard.

(xiv) On passages cut from newspapers and periodicals: The name, date, number, and address of the publication from which the article is taken.

(xv) An order or entry number relating exclusively to the articles contained in the package.

(xvi) On notices of change of address: The old and the new address and the date of the change.

(xvii) On photographs: Captions describing them and identifying persons, places and time taken. May be added on the photographs or on slips attached.

(5) *Permitted enclosures.* Articles sent as prints may have the following enclosures:

(i) An open invoice covering the article sent, reduced to its essential terms. There may be enclosed with books a printed circular relating to the accompanying book or containing announcements of other books, and an order form.

(ii) A card, envelope, or wrapper bearing the printed address of the sender which may be prepaid for return by means of postage stamps of the country of destination of the article of printed matter. Do not include a U.S. domestic business reply card or envelope.

(iii) Cutout patterns marked to show that they are an integral part of a fashion magazine with which they are mailed.

(e) *Preparation and Mailing*—(1) *Wrapping and closing.* Articles mailed at printed matter rates must not be sealed. The general provisions of § 221.1(a)(4) apply, subject to the following exceptional methods of preparation:

(i) Prints of the shape and consistency of a card, which may be mailed unfolded or folded only once, may be mailed without wrapper, envelope, or fastener.

(ii) Single copies of second-class or controlled circulation publications addressed for delivery in Canada, when tied in bundles or enclosed in wrapped packages, as provided in subparagraphs (4) (ii) and (iii) of this paragraph (limited to second-class only), need not be enclosed in wrappers or envelopes. (See subparagraph (2)(iv) of this paragraph as to marking.)

(iii) Use of steel bands or wire is permitted at the risk of the sender, except to Great Britain and Northern Ireland and the Union of Soviet Socialist Republics which object to their use.

(iv) Envelopes having the main flap sealed and the side flap closed with a spot of glue (two spots may be used to close the flaps of large envelopes) are accepted at the risk of the sender, except to Switzerland which has objected to the use of this type of envelope.

(2) *Marking.* Senders must see that an endorsement appears on the address side of all cards, envelopes, wrappers, or packages to be mailed at printed matter rates, as follows:

(i) Mark "Printed Matter" when postage is paid at regular printed matter rates. (See § 222.4(a)(1)(i).)

(ii) Mark "Printed Matter—Books" or "Printed Matter—Sheet Music" on packages of books or sheet music to be mailed at the rates stated in paragraph (a)(1)(ii) of this section.

(iii) Mark "Printed Matter—Directories or Printed Matter—Catalogs" when necessary to identify packages as containing directories or catalogs subject to regular printed matter rates but entitled to the exceptional weight limits prescribed in § 222.4(b).

(iv) Mark "Printed Matter—Second-Class" or "Printed Matter—Controlled Circulation Publication" on the envelopes or wrappers of second-class and controlled circulation publications on which the postage is paid by stamps affixed. When the postage on second-class and controlled circulation publications is paid in cash or by advance deposit, as permitted in subparagraph (3)(ii) of this paragraph, the envelopes or wrappers must bear the imprint "Second-class postage paid at_____," or "Controlled circulation postage paid at_____," in the upper right corner. The imprint serves as an indication of postage payment and identifies the publications as second-class or controlled circulation.

(3) *Payment of postage.* (i) Postage on printed matter, other than second-class and controlled circulation publications mailed by the publisher or by a registered news agent under the conditions stated in subdivision (3)(ii) of this subparagraph, must be paid by means of postage stamps, meter stamps, or permit imprints showing the amount of postage paid on each piece.

(ii) Postage on second-class and controlled circulation publications mailed by the publisher or by a registered news agent may be paid by means of postage stamps or meter stamps, or the postage charges may be paid in cash before the mailings are dispatched or from deposits of money made with the postmaster by the publisher or news agent. When the postage is to be paid in cash or from money on deposit with the postmaster, the postage charges are computed on Form 3541, "Computation of Second-Class or Controlled Circulation Postage," from reports filed by the publisher or news agent on Form 3542, "Statement Showing Number of Copies of Second-Class or Controlled Circulation Publication mailed."

(iii) Canada only: When individually addressed second-class publications to Canada are bundled as prescribed in subparagraph (4)(iii) of this paragraph, postage may be computed subject to the following special conditions:

(a) If the postage is paid with stamps affixed to the bundles, the publisher or news agent will weigh and rate each bundle at 2 cents (3 cents on and after November 1, 1967) for the first 2 ounces and 1 cent for each additional 2 ounces or fraction, or at 1 cent per copy; whichever is higher.

(b) If the postage is paid in cash or from money deposited with the postmaster, the publisher or news agent must place a write-in "Canada-Bundled" entry on Form 3542 showing the number of bundles and the total number of copies included in the bundles. Unaddressed copies enclosed in packages addressed to one addressee may also be included. Compute the postage charges at 1 cent for each 2 ounces plus 1 cent (2 cents on and after November 1, 1967) for each bundle, or at 1 cent per copy, whichever is higher, and carry the computed postage to the appropriate line of column I on Form 3541.

NOTE: Effective November 1, 1968, the provisions of this section will be discontinued.

(iv) If a publisher or registered news agent prefers, he may pay postage on individually addressed copies of second-class and controlled circulation publications by reporting them on Form 3542, and pay postage on unaddressed copies to be mailed in bulk packages by affixing the appropriate postage to the wrappers of the packages.

(v) The postage on publications for which application for second-class or controlled circulation entry is pending must be paid at regular printed matter rates (see paragraph (a)(1)(i) of this section) on each individually addressed piece. The postage is paid by means of postage stamps, meter stamps, or by permit imprints showing the amount of postage paid. The rates stated in paragraph (a)(1) of this section may not be applied until a publication has been approved for domestic second-class or controlled circulation entry; after such approval, no postage rebate will be allowed for copies mailed to other countries while the application was under consideration. However, any publication meeting the conditions of paragraph (a)(1)(ii) of this section may be mailed at the rates given in that section.

(4) *Mailing.* (i) Prints on which the postage is paid by permit imprints and all second-class and controlled circulation publications to be mailed at the rates stated in paragraph (a)(1)(iii) and (iv) must be taken to the post office or such other place as may be designated by the postmaster. All other printed matter that is fully prepaid with postage or meter stamps and is properly prepared as required in subparagraphs (1) and (2) of this paragraph may be presented for mailing at post office windows or deposited in post office drops or street collection boxes.

(ii) Publishers having more than five individually addressed copies of a second-class or controlled circulation publication addressed to subscribers at the same post office must tie them in unwrapped bundles with a conspicuous label attached showing the post office and country of destination. The twine must be strong enough for the weight and size of the bundles.

(iii) Except for second-class to Canada, individually addressed publications for one post office may not be bundled and addressed to the delivering post office in order to calculate the postage on the bulk weight of the bundle. Second-class publications addressed to the same post office in Canada may be enclosed in a wrapped bundle addressed to the postmaster at the office of destination, with a notation on the cover "Open and Distribute," and the words "Second-class Postage Paid." If postage on the bundle is paid in cash or from money on deposit, the words "Second-class postage paid at_____" must also appear on the wrapper. See subparagraph (3)(iii) of this paragraph as to computation of postage. (NOTE: Effective November 1, 1968, the provisions of this section will be discontinued.)

(5) *Return request.* Ordinary (unregistered) prints, other than books, are not returned if undeliverable unless return has been requested by the sender. Therefore, senders desiring that undeliverable ordinary prints be returned must place a "Return Requested" notation on the article, preferably immediately below the return address and in a language known in the country of destination. Books and registered prints that are undeliverable must always be returned to origin.

(6) *Dutiable prints.* Prints known to be dutiable in the country to which they are addressed must have a green customs label, Form 2976, fixed to the address side of the article. (See paragraph (a) of this section.)

(c) *Direct sacks of prints.* Ordinary (unregistered) packages of printed matter being mailed in quantity to one addressee may be transmitted in direct sacks (except to Ethiopia) under the following conditions:

(1) The minimum amount that may be mailed in a direct sack (by either surface or air) is 30 pounds; the maximum is 66 pounds (sack and contents).

(2) Each package enclosed in a direct sack must bear the name and address of the sender and addressee, and must not be sealed. It is recommended that senders endorse the words "Postage Paid" on each package enclosed in the sack. The packages need not conform to the weight limits and dimensions prescribed in paragraphs (b) and (c) of this section.

(3) The local post office will furnish sacks as needed. If available, furnish airmail sacks to senders intending to mail the made-up sacks by air.

(4) An address tag or label showing the name and address of the mailer and of the addressee must be attached to the neck of the sack by means of heavy twine. This tag or label must be of substantial quality and must have reinforced eyelets to prevent it from being torn off. Postage is calculated only on the weight of the contents of the mail sack, and is paid by means of postage stamps or meter stamps affixed to the address tag or label.

(5) The post office will label the sack with the name of the country of destination in large letters and the name of the U.S. dispatching exchange office in small letters "for example GREAT BRITAIN—via New York" and send it to the exchange office for dispatch to destination.

(6) If a mailer has several sacks for the same addressee, the address tag on each sack must be marked with an identifying fractional number, for example, ⅓, ⅔, and ⅔ if the shipment consists of three sacks.

§ 222.5 Matter for the blind.

(a) *Rates*—(1) *Surface.* Surface rates are the same as domestic mail rates for "Matter for the Blind", (See Part 138 of this chapter.)

(2) *Airmail.* AO (other articles) air rates apply to items admitted internationally as "Matter for the Blind", The rates are shown in § 222.4(a)(2) and under the country items in Directory of International Mail.

(b) *Weight limit.* Weight limit is 15 pounds 6 ounces.

(c) *Dimensions.* Maximum and minimum dimensions are the same as for letters and letter-packages. See § 222.1(c) of this chapter.

(d) *Description.* The matter acceptable in domestic mail under the provisions of Part 138 of this chapter is generally acceptable to other countries as "Matter for the Blind", provided it does not exceed the international size and weight limits. Sound recordings, plates, and special paper for embossing blind literature are accepted under the conditions stated in § 138.4 of this chapter. Other items mentioned in that section, and matter for the blind exceeding the prescribed international size and weight limits, must be mailed as parcel post or under some other

international mail classification, with postage paid at the applicable rate.

(e) *Preparation and marking.* Matter for the blind must be mailed in unsealed envelopes or wrappers. The words "Matter for the Blind", or the markings prescribed in Part 138 of this chapter, must be placed on the address side. The word "Free" must appear in the upper right corner of articles that are acceptable free of postage.

§ 222.6 Samples of merchandise.

(a) *Rates*—(1) *Surface.* Surface rates for samples of merchandise to Canada and Mexico are 4 cents for the first 2 ounces and 2 cents for each additional ounce or fraction, with a minimum charge of 10 cents. To all other countries the rates are 6 cents for the first 2 ounces and 4 cents for each additional 2 ounces or fraction, with a minimum charge of 15 cents.

(2) *Airmail.* AO (other articles) air rates apply. The rates are shown in § 222.4(a)(2) and under the country items in the appendix to this subchapter.

(b) *Weight limits.* Weight limits are 16 ounces to Canada and Mexico, and 18 ounces to all other countries.

(c) *Dimensions.* Maximum and minimum dimensions are the same as for letters and letter packages. See § 222.1(c) of this chapter.

(d) *Description.* (1) A "Sample of Merchandise" is defined as a specimen or fragment which is sent free of charge to advertise an article or product and to enable it to be assessed by prospective buyers. It must not be intended for exchange with a third person for payment, and its character must be confirmed by the words "Free specimen" or "Free sample" (or its equivalent in a language understood in the country of destination) indelibly marked on the article itself, if practicable, otherwise on its container.

(2) Tubes of serum and vaccine and medicaments which are urgently needed and difficult to obtain are accepted at the samples rate. These articles may not be sent for commercial purposes unless they are sent in the general interest by officially recognised laboratories or institutions.

(e) *Permitted notations.* Senders may show the following on the outside wrapper, on the sample itself, or on a sheet enclosed with the sample: Particulars concerning sender and addressee, the manufacturer's mark or trademark, a reference to correspondence exchanged between sender and addressee, a brief statement referring to the manufacturer and to the person supplying the goods or concerning the person for whom the sample is intended, the serial or order number, price, size, quantity available as well as the weight, volume, and such other particulars as are necessary to determine the source and the character of the goods.

(f) *Prohibited contents.* Articles of salable value are prohibited unless defaced in such a way that they can no longer be offered for sale; also pairs of articles, such as gloves, shoes, socks, etc., or goods sent as gifts or in execution of an order, no matter how small the quantity. Canceled or uncanceled postage stamps or any paper representing a value may not be mailed as samples of merchandise.

(g) *Packing and marking*—(1) *Packing and preparation.* See § 221.1 (a) and (b) of this chapter. Packages must not be sealed.

(2) *Marking.* In addition to marking the sample as prescribed in § 222.6(d)(1) of this chapter, the sender must mark the address side of the package "Sample of Merchandise."

§ 222.7 Small packets.

(a) *Rates*—(1) *Surface.* Surface rate for all countries accepting small packets is 6 cents for each 2 ounces or fraction. Minimum charge, 26 cents per packet.

(2) *Airmail.* AO (other articles) rates apply to countries accepting small packets. The rates are shown in § 222.4(a)(2) and under the country items in the Directory of International Mail.

(b) *Weight limit.* Weight limit for small packets is 2 pounds 3 ounces.

(c) *Dimensions.* Maximum and minimum dimensions are the same as for letters and letter packages. See § 222.1(c).

(d) *Description.* Small packets offer a convenient and economical means for sending small quantities of merchandise to those countries that admit this class of postal union mail.

(e) *Preparation and marking.* (1) Small packets may not be sealed. They are subject to the provisions of § 221.1 of this chapter as to preparation and packing.

(2) The sender must mark the address side of the packet "Small Packet" or its equivalent in a language known in the country of destination—"petit paquet" (French), "pequeño paquete" (Spanish), "päckchen" (German).

(f) *Documentation.* Small packets, whether or not they are subject to customs inspection, must bear the green (customs) label, Form 2976. See § 221.4(a) of this chapter.

(g) *Enclosures*—(1) *Permitted enclosures.* A simple invoice and a slip showing the names and addresses of the sender and addressee of the packet may be enclosed.

(2) *Prohibited enclosures.* Small packets may not contain written or sound recorded communications having the character of personal correspondence; coins, bank notes, paper money, canceled or uncanceled postage stamps, or values payable to the bearer; manufactured or unmanufactured platinum, gold, or silver; precious stones, jewelry, or other precious articles. The term jewelry is defined in § 221.3(a)(6) of this chapter.

(h) *Countries not accepting.* Small packets are not accepted by the following countries:

Azores.	China (Continental).
Bhutan.	Colombia.
Bolivia.	Cuba.
Burma.	Gilbert and Ellice Islands Colony.
Canada.	Guatemala.
Chile.	Haiti.
Iceland.	Paraguay.
Madeira Islands.	Peru.
Maldive Islands.	Rumania.
Nepal.	South Africa (Swaziland).
Outer Mongolia.	Sudan.

§ 222.8 Combination packages.

(a) *Definition.* Combination packages are packages made up of two parts, firmly attached together, both addressed for delivery to the same addressee, and consisting of (1) a sealed envelope containing a written or printed communication; and (2) an unsealed container, with samples of merchandise or printed matter enclosed. These packages are treated as AO mail.

(b) *Rates.* Each part of a combination package must be fully prepaid at the appropriate rate of postage.

(c) *Countries for which accepted.* The following countries accept combination packages as ordinary (unregistered) mail only, except as noted:

Australia.	Haiti.
Austria.	Republic of Honduras (registered only).
Bolivia.	Iceland.
Brazil.	Jamaica.
British Honduras.	Mexico.
Bulgaria.	Nicaragua.
Canada.	Norway.
Colombia.	Panama.
Denmark.	Philippines.
Dominican Republic (ordinary or registered).	Poland.
El Salvador.	Rumania.
Faroe Islands.	Sweden.
Greenland.	Turks Islands.
Guyana.	

§ 222.9 Articles grouped together.

(a) *Description.* Printed matter and samples of merchandise may be combined in a single mail article, on condition that the samples do not exceed 18 ounces in weight (16 ounces in the case of Canada and Mexico) and that the total weight of the mail article does not exceed 6 pounds 9 ounces. The dimensions must conform to those prescribed for letter mail (see § 222.1(c)).

(b) *Rates*—(1) *Surface.* The rates are as follows:

(i) To Canada and Mexico, 4 cents for the first 2 ounces and 2 cents for each additional ounce, with a minimum of 10 cents.

(ii) To all other countries, 6 cents for the first 2 ounces and 4 cents for each additional 2 ounces or fraction, with a minimum of 13 cents.

(2) *Airmail.* AO (other articles) rates apply. The rates are shown in § 222.4(a)(2) and under the country items in the appendix of this subchapter.

(c) *Preparation and marking.* Envelopes or packages mailed as grouped articles must not be sealed. Senders must mark the address side of the envelope or package "Grouped Article."

PART 223—TREATMENT OF OUTGOING POSTAL UNION MAIL

Sec.
223.1 Postmarking.
223.2 Shortpaid and unpaid.
223.3 Improperly prepared.
223.4 Forwarding.
223.5 Return.

AUTHORITY: The provisions of this Part 223 issued under 5 U.S.C. 301, 39 U.S.C. 501, 505.

§ 223.1 Postmarking.

The post office of mailing will postmark postal union mail.

§ 223.2 Shortpaid and unpaid.

(a) *At mailing office or sectional center.* Check carefully all locally mailed articles and mail received at sectional centers from associated offices for postage payment before it is dispatched. Return shortpaid and unpaid articles to the sender for deficient postage, using stock rubber stamp R–1300–230. The following exceptions apply:

(1) *Special delivery.* Dispatch to appropriate exchange office, unless deficiency can be obtained without delaying the article.

(2) *Letter mail and post cards with return address at an office other than the mailing office.* Dispatch to appropriate exchange office, unless the articles (i) can be returned to the office shown in the return address by the next business day; or (ii) are paid at domestic rates; or (iii) are totally unpaid.

(3) *Articles without return address.* Send letter mail and post cards to appropriate exchange office. Send "Other Articles" to proper dead letter branch.

(4) *Mail for Canada.* When quantity mailings of 10 or more pieces from the same sender are received return them for the deficiency or arrange that the postage charges be adjusted before the mail is dispatched. Otherwise, endorse articles to show that postage due charges are to be collected from the addressee, as follows, and dispatch to appropriate exchange office:

(i) Double the amount of the deficient postage on ordinary (unregistered) letter mail and post cards.

(ii) The actual amount of the deficiency on ordinary "Other Articles" and on all registered mail.

(b) *Dispatch to exchange office or dead letter branch.* When shortpaid or unpaid mail is dispatched to exchange offices or to dead letter branches pursuant to paragraph (a) of this section, apply stock rubber stamp R–1300–4, "Postage Due _____ Cents," but do not indicate the amount of shortpayment, except as provided in subparagraph (a)(4) of this section for mail addressed to Canada. Dispatch to exchange offices by surface means when surface mail is involved and by air when airmail is involved.

(c) *In transit to dispatching exchange offices.* Except as provided in paragraph (a) of this section, no check shall be made for postage deficiences, but any articles seen to be paid at domestic postage rates (except special delivery) or to be totally unpaid shall be returned. Endorse "Returned for additional postage" or "Returned for postage." Do not return if the senders are in Alaska, Hawaii, or an overseas territory or possession and the articles are seen after arrival in continental United States, or vice versa; allow them to go forward to the dispatching exchange office for appropriate treatment.

(d) *Credit for postage already affixed.* Credit is allowed for postage already affixed in figuring correct amount on articles returned to senders for deficient postage.

§ 223.3 Improperly prepared.

(a) *Insufficient address.* Post offices will not return articles to senders if they are not addressed as prescribed in § 221.1(c) of this chapter, provided the country of destination is legibly written, but will dispatch them to the exchange office for decision as to the sufficiency of the address. New postage must be paid on articles remailed with corrected addresses after being returned from other countries.

(b) *Oversized post cards.* Post offices will return oversized post cards (those exceeding 6 x 4¼ inches) to senders, if known, unless they qualify as prints or are paid at letter rates. If sender is not known, dispatch oversized cards to the exchange office for handling as letter mail.

(c) *Undersized articles.* Post offices will return to the senders, if known, any articles that are less than the prescribed minimum size (4¼ x 3 inches) and are not prepared as provided under § 222.1(c)(2) of this chapter. If the sender is not known, dispatch the articles to the dead letter office.

(d) *Meter stamps.* The Universal Postal Convention prescribes that meter stamps are to be bright red in color. (See § 221.2(b)(1) of this chapter.) Although the use of red color for meter stamps on international mail should be encouraged, articles bearing those of other colors are to be allowed to go forward.

§ 223.4 Forwarding.

(a) *International.* Articles will generally be forwarded to a new address of the addressee, even in a third country, or back to the United States. The sender may forbid forwarding by a notation on the envelope or wrapper in a language understood in the country to which addressed. See § 224.3 of this chapter concerning forwarding mail of foreign origin.

(b) *Domestic*—(1) *Addressee moved to another country.* Treat as undeliverable and dispose of as provided in Part 158, except that post or postal cards and ordinary letters that do not appear to contain merchandise and do not bear a notice forbidding forwarding may be redirected to the original addressee in another country. Letters and cards are forwarded by surface if surface mail is involved and by air if airmail is involved, without prepayment of additional postage. If the difference between the domestic and international postage is not added at the time of forwarding it will be collected when the letter or card is delivered.

(2) *Bearing foreign return address.* Any domestic letters (except those that appear to contain merchandise) or domestic post or postal cards bearing the sender's request for return are returned to the foreign return address. Return is by surface mail only, and without prepayment of additional postage. Indication of a foreign return address on registered or certified letter mail will be deemed to constitute a request on the part of the sender that the letter is to be forwarded to the foreign return address if it is not deliverable at the U.S. address. It further indicates that the sender thereby agrees, in case of loss of a registered letter after dispatch from the United States, to adjustment of indemnity in accordance with the provisions of § 272.2, irrespective of the amount of registry fee paid. Articles or packages containing merchandise are held by the post office of address and a report sent to the Department as provided in § 231.7(b) of this chapter. Treat other undeliverable domestic articles with foreign return addresses as dead mail. (See § 158.7(b)(1) of this chapter.)

(c) *Ship passenger and crew mail.* (1) As an alternative to the provisions of §§ 223.4(b) and 224.3(b), of this chapter, ordinary (unregistered) articles of correspondence (except those which appear to contain merchandise) addressed to crew members or passengers on board a ship may be forwarded in the international mail, by surface or air, in one envelope addressed to a ship or travel agency under the following conditions:

(i) The envelope in which the articles are to be forwarded shall be approximately 9 inches by 6 inches in size and shall be supplied by the sender. Do not put postage on this envelope but place the following endorsement in the upper right corner of the envelope:

This envelope contains prepaid letters forwarded in bulk by authority of Assistant Postmaster General, Bureau of Transportation and International Services. Any required additional international postage has been affixed to the articles enclosed.

(ii) The envelope must be presented unsealed at the mailing office for check of the contents. Any additional postage required must be paid on each of the articles enclosed, as follows:

(a) *Articles of U.S. origin.* Pay on each article the difference between the postage already paid and the appropriate international rate (surface or air) to the new country of destination.

(b) *Articles originating in other countries.* If envelope is to be forwarded by air, place full air postage from the United States to the new country of destination on each article enclosed. No additional postage is required if the envelope is to be forwarded by surface means.

(iii) If the envelope is intended to be transmitted by air, place label 19 bearing the words "Par Avion," in the upper left corner of the envelope immediately below the return address of the sender.

(iv) The total weight of the forwarding envelope and its contents is limited to 18 ounces.

(2) The accepting employee must check the envelope to see that any necessary additional postage has been paid on each article, cancel any additional postage placed on the articles, and seal the envelope. The accepting employee will apply the office date stamp and his initials immediately below the sender's endorsement prescribed in § 223.4(c)(1)(i).

§ 223.5 Return.

(a) Articles will generally be returned to the sender if delivery cannot be made.

Ordinary (unregistered) articles of printed matter, other than books, are not returned unless the sender has requested their return as prescribed in § 222.4(e)(5) of this chapter.

(b) The reason for nondelivery of returned articles may be indicated in French or Spanish, the most usual expressions being the following:

Ausente (Spanish)	Gone away.
Décédé (French)	Deceased.
Desconocido (Spanish)	Unknown.
Devuelva a remitante (Spanish).	Return to sender.
Fallecido (Spanish)	Deceased.
Inconnu (French)	Unknown.
Non réclamé (French)	Unclaimed.
No reclamado (Spanish)	Unclaimed.
Parti (French)	Gone away.
Refusé (French)	Refused.
Rehusado (Spanish)	Refused.
Retour à l'expéditeur (French).	Return to sender.

(c) Precanceled stamps on mail returned to the United States must be defaced before delivery to the sender.

PART 224—TREATMENT OF INCOMING POSTAL UNION MAIL

Sec.

224.1 Charges.
224.2 Foreign markings instead of stamps.
224.3 Forwarding.
224.4 Undeliverable articles.

AUTHORITY: The provisions of this Part 224 issued under 5 U.S.C. 301, 39 U.S.C. 501, 506.

§ 224.1 Charges.

(a) *Customs clearance and delivery fees.* (1) Post offices will collect a fee of 13 cents from the addressee of every postal union article, other than a "small packet," on which customs duty or internal revenue tax is collected. On every "small packet" on which duty or revenue tax is collected, the fee is 33 cents for each packet. The fees apply also when post office service is rendered for formal entry articles on which importers pay the customs charges directly to the Customs Service. The fees are retained by the Postal Service, and are accounted for by affixing postage due stamps to the articles or packets and canceling. See § 232.1(a) of this chapter concerning fees on incoming dutiable parcel post, and § 261.5(e) of this chapter concerning recording and reporting duty collections.

(2) These fees are authorized by international postal convention as reimbursement to the Postal Service for the work it performs in clearing mail articles through customs and for delivery to the addressees.

(3) The appropriate fee is collected on each article on which duty or tax is paid by the addressee, even if several articles are covered by a single mail entry form.

(4) These fees are not refundable by the Postal Service even though the Customs Service may later refund the duty paid by the addressee.

(5) Post offices will not collect the fees in the following cases:

(i) On dutiable matter from the Canal Zone or from overseas U.S. military post offices.

(ii) On packages assessed with duty which are delivered without collection of duty under § 261.5(d)(4) of this chapter. If postage due stamps were pasted on the package and canceled at the time the package was assigned for delivery, the delivery employee shall mark the stamps "Voided" and allow them to remain on the package. See § 261.5(d)(4) of this chapter concerning crediting employee with the value of the unreturned postage due stamps.

(b) *Shortpaid mail.* Post offices will collect from the addressees of shortpaid letters and post cards the amount indicated in U.S. currency by the receiving exchange office. The Canadian service applies the ratings on articles from that country. The amount is accounted for by affixing and canceling postage due stamps, and is retained by the postal service. If an article bears U.S. postage the delivering office shall allow credit for its value when postage due is collected. Inquiries may be directed to the International Service Division, Bureau of Transportation and International Services, Post Office Department, Washington, D.C. 20260.

(c) *Invalid foreign postage.* Foreign mail bearing invalid postage is accompanied by international Form C 10 issued in the country of origin and is rated as unpaid. The addressee is asked to pay the postage due, to disclose the name and address of the sender, and to surrender the envelope. The post office will send the envelope after delivery, or the entire article if the addressee refuses it, with the Form C 10 to the International Service Division, Bureau of Transportation and International Services, Post Office Department, Washington, D.C. 20260, with the name and address of the sender if disclosed by the addressee.

(d) *Storage.* The post office will collect storage charges for each day until delivery is made on (1) any printed matter package or small packet exceeding 1 pound in weight, and (2) any dutiable letter package regardless of weight. The charges and other conditions prescribed in § 232.1(c) of this chapter for incoming parcel post packages apply to the postal union articles mentioned.

(e) *AO mail containing letters.* When a personal communication is found in an AO article, the office discovering it will mark the cover and rate the article for collection of postage due in the same manner as prescribed in § 232.1(d) of this chapter for letters found in parcels.

(f) *Returned mail.* Post offices will collect charges on returned mail as follows:

(1) Return postage equal to the amount of postage originally paid on returned "surface" merchandise packages weighing 8 ounces or less mailed to Canada at 10 cents for 5 ounces or less, 12 cents for 6 ounces, 14 cents for 7 ounces, and 16 cents for 8 ounces.

(2) On returned second-class publications mailed to Canada by publishers or registered news agents, 2 cents for the first 2 ounces and 1 cent for each additional ounce.

(3) From the sender of any article returned through a dead letter branch, 10 cents.

(4) From the sender of a undeliverable insufficiently prepared article, the deficient postage that should have been collected from the addressee.

(5) Any other charge indicated by the exchange office.

§ 224.2 Foreign markings instead of stamps.

Some articles of foreign origin do not bear postage stamps but are marked "Postage Paid, Taxe perçue, Port payé, TP or PP," with postmark. The marking "On Her Majesty's Service or O. H. M. S." is also sometimes used. This mail is treated as prepaid.

§ 224.3 Forwarding.

(a) *Within the United States.* (1) Articles received by surface may be forwarded by surface and articles received by air may be forwarded by air, without an additional postage charge or fee, unless the envelope or wrapper bears a notation forbidding its being forwarded.

(2) Second-class publications from Canada are treated in accordance with § 158.2(b) (1) through (3) of this chapter. A periodical publication from any other country whose delivery requires that it be forwarded to another local address or to another post office shall be forwarded and the addressee shall be requested to notify the publisher of his new address. If the publication is still being received 3 months after change of address occurs, the post office of original address shall dispose of it, and any subsequent copies received, as waste, except that publications bearing request of sender for return shall be endorsed "Moved, not forwardable" and returned to origin.

(b) *To another country.* (1) Articles can be forwarded on condition that the country of destination accepts mail of the classification involved. Articles received by either surface or air, which do not bear instructions forbidding their being forwarded, are forwarded "by surface" without an additional postage charge or fee. U.S. postage at the airmail rate to the country concerned must be paid on any article that is forwarded by air. Cross out the Par Avion label or endorsement on an airmail article that is forwarded by surface. See §§ 223.4(b), 223.4(c), and 231.7(b) of this chapter concerning forwarding of domestic mail.

(2) The provisions of § 224.3(a)(2) apply in the case of periodical publications addressed to persons who have filed change of address to another country.

(c) *Backstamping.* A legible postmark is applied to the back of letters and to the front of postcards when received missent and to all forwarder articles.

(d) *Postage-due matter.* If an article being forwarded to another post office in the United States or to another country bears postage-due stamps, the procedure prescribed in 335.35 and 335.36 of the Postal Manual is followed.

§ 224.4 Undeliverable articles.

(a) *Retention period.* Post offices will hold articles at disposal of addressees for 30 days, except in the following cases:

(1) Articles bearing senders' requests for return within a specified time not exceeding 2 months.

(2) Articles bearing no time limit for their return, when there is good reason to believe they can be delivered to the addressee if held for a period not exceeding 2 months. These articles shall be marked "Specially held for delivery." Hold articles subject to storage charges (see § 224.1(d)) beyond the initial 30-day retention period only if the addressee, or someone acting in his behalf, pays the storage charges due at the end of the first 30-day period. Thereafter, collect accumulated storage charges every 10 days.

(3) Articles positively known to be undeliverable. These shall be treated as undeliverable immediately unless they bear the sender's request specified in paragraph a.

(b) *Directory service.* See 355.171 of the Postal Manual concerning directory service to be accorded mail of foreign origin.

(c) *Endorsing.* Endorse undeliverable mail as prescribed in 355.11 of the Postal Manual. Apply a legible postmark to the back of letters and to the front of postcards that are returned to origin.

(d) *Disposal.* Undeliverable mail will be sent by surface means (including airmail articles, after crossing out Par Avion label or endorsement) to the exchange office for return to origin, except as follows:

(1) Ordinary (unregistered) prints, other than books, which do not bear the sender's request for return. These are disposed of in accordance with § 158.51(b) of this chapter. Books and registered prints must always be returned to origin.

(2) Postcards which do not bear the address of the sender. These are disposed of in accordance with § 156.5(a) of this chapter.

(3) Candian second-class publications. These will be treated as prescribed in § 158.2(b) (1) through (3) of this chapter.

(4) Canadian articles of all classifications not covered by a and b of this section and not bearing sender's name and address. These will be sent to the dead-letter office for disposal pursuant to 356.63 of the Postal Manual.

(e) *Postage-due matter.* Articles bearing postage-due stamps are treated as prescribed in 336.35 and 336.36 of the Postal Manual.

(f) *Storage charges.* Storage charges due on postal union articles are canceled if the articles are returned to origin or forwarded to another country. See § 232.5(b)(4) concerning parcel post.

PART 225—ARTICLES MAILED ABROAD BY OR ON BEHALF OF SENDERS IN THE UNITED STATES

Sec.

225.1 U.S. postage rates required.
225.2 Mailing with U.S. postage paid.
225.3 Mailing with U.S. postage not paid.
225.4 Report of incoming mailings.

AUTHORITY: The provisions of this Part 225 issued under 5 U.S.C. 301, 39 U.S.C. 501, 506.

§ 225.1 U.S. postage rates required.

Pursuant to provisions of the Universal Postal Convention, U.S. postage must be paid to secure delivery of articles in excess of 200 pieces mailed in other countries by or on behalf of persons or firms whose residence or place of business is in the United States when the foreign postage on the articles is lower than comparable U.S. domestic postage. The articles will be returned to origin unless applicable U.S. postage is paid for the total number of pieces. Even if the foreign postage is not lower, the same conditions apply when more than 5,000 pieces are mailed. These limitations apply to mailings made in such quantities within a 30-day period.

§ 225.2 Mailing with U.S. Postage paid.

Senders affected by 225.1 must submit a sample of the proposed mailing (envelope and contents) to the International Service Division, Bureau of Transportation and International Services, Post Office Department, Washington, D.C. 20260, with a statement as to the number of pieces to be mailed, when and where the mailing will take place, and a check to cover the amount of the applicable U.S. postage. Checks will be made payable to the Post Office Department. Notification of postage acceptance and approval of mailing will be given by the Department to the sender and to the appropriate U.S. receiving exchange offices which will permit the articles in the mailing to go forward to the addressees without delay when they reach the United States.

§ 225.3 Mailing with U.S. postage not paid.

A mailing subject to § 225.1 received without payment of U.S. domestic postage having been made in advance will be held at the exchange office of receipt, and the U.S. sender will be requested to pay the postage. After payment of the required amount, the mailing will be allowed to go forward; if not paid, it will be returned to the country of origin.

§ 225.4 Report of incoming mailings.

Only U.S. receiving exchange offices will report to the Department mailings from other countries that appear to have been made by or on behalf of senders in the United States.

PART 231—OUTGOING PARCELS

Sec.

231.1 Availability of service.
231.2 Prohibitions and restrictions.
231.3 Preparation, packing, and mailing.
231.4 Documentation.
231.5 Postmarking.
231.6 Shortpaid.
231.7 Forwarding.

AUTHORITY: The provisions of this Part 231 issued under 5 U.S.C. 301, 39 U.S.C. 501, 506.

§ 231.1 Availability of service.

Parcel post service is available to most countries, and the general conditions shown in this part apply. The individual country items in the Directory of International Mail show whether or not parcel post service is available to a particular country, as well as the special services and conditions applying to that country.

§ 231.2 Prohibitions and restrictions.

(a) *General list of prohibited articles.* The following are prohibited by parcel post to all countries:

(1) Articles excluded from the domestic mail of the United States. (See part 124 of this chapter.) Although safety matches are admitted in the domestic mail, they are prohibited in the international mail.

(2) Written communications of the nature of personal correspondence, or recorded correspondence. (See § 231.3(d).)

(3) Enclosures bearing an address different from that appearing on the parcel itself.

(4) Pistols, revolvers, and other firearms capable of being concealed on the person, with certain exceptions. (See §§ 128.5 and 253.1 of this chapter.)

(5) Live or dead creatures, except live bees, leeches, and silkworms and dead insects or reptiles when thoroughly dried.

(6) Fruits, vegetables, fresh meats, and other articles which easily decompose or which cannot reasonably be expected to reach destination without spoiling; substances which give off a bad odor.

(7) Gold coin, gold bullion, or gold dust exceeding $100 in value. (See § 254.4 of this chapter.)

(8) Articles that may in any way damage or destroy the mail or injure the persons handling them. This includes liquids that may cause injury by contact with the skin or give off irritating vapors; also explosives and flammable liquids having a flash point by the Tagliabue open tester of 80° F. or lower, and flammable solids which are likely, under conditions incident to transportation, to cause fires through friction, through absorption of moisture, or through spontaneous chemical changes.

(9) Articles containing gas or liquid under pressure, except that products incorporating compressed gas are acceptable if the mist produced is nonflammable, the quantity of contents not more than a pint, and not more than one container per package. These restrictions as to quantity do not apply to aerosol containers holding mailable liquid and gas under pressure less than 40 pounds per square inch absolute (25 pounds gauge pressure) at 70° F. Liquids with flash point below 150° F. are restricted as stated in § 231.2(b)(1).

(10) Oxidizing materials such as chlorates, permanganates, peroxides, or nitrates, which yield oxygen readily to stimulate the combustion of organic matter.

NOTE: For general Postal Union mail prohibitions, see 231.3.

(b) *Restricted articles.*—(1) *Combustible liquids.* Combustible liquids having a flash point of 150° F. or lower but above 80° F. (Tag, open tester) may be sent to foreign countries generally in quantities not exceeding 1 quart in any one parcel, except that paints, varnishes, turpentine, and similar substances may be sent in quantities of less than 1 gallon in any one parcel. The container must be completely surrounded with sawdust, bran, or other absorbent material sufficient to take up all the liquid content. Each parcel containing a combustible liquid must be marked by the sender to indicate that the flash point is above 80° F.

(2) *Gold and gold certificates.* (See § 254.1 of this chapter.)

(3) *Jewelry.* Some countries prohibit the importation of jewelry or other precious articles by parcel post, and others admit them only in registered or insured parcels. (See country items in the appendix to this subchapter.) The term "jewelry" in this part denotes articles of more than nominal value. Low priced jewelry, such as tie clasps, costume jewelry, and other items containing little or no precious metal, is not considered to be jewelry within the meaning of this section and is accepted under the same conditions as other mailable merchandise to any country. However, its acceptance to countries to which jewelry is prohibited is at the risk of the sender.

(4) *Tobacco seed and plants.* (See § 255.2 of this chapter.)

(5) *Plant material generally.* Plants, seeds, and plant material are subject to the quarantine regulations of the country of destination. Patrons can obtain information from the Plant Quarantine Branch, Department of Agriculture, Washington, D.C. 20250, or from one of their offices located at principal ports of entry.

(6) *Radioactive materials.* Radioactive materials are restricted. (See §§ 221.31(b)(6) and 125.2(e) of this chapter.)

(c) *Individual country prohibitions and restrictions*—(1) *Information available.* Information as to articles prohibited or restricted to individual countries is published under the country headings in the Directory of International Mail. These prohibitions and restrictions are based on information furnished by the countries concerned. Patrons may inquire at the post office for information about them, or purchase the Directory (POD Publication 42) as shown in § 114.2(b) of this chapter.

(2) *Mailing of prohibited or restricted articles.* Packages known to contain articles prohibited to a country are not accepted for mailing. If a package contains articles whose importation into a country is restricted, the sender's attention is to be called to the restrictions and the articles accepted with the understanding that the addressee will be responsible for complying with the import formalities of the country concerned.

(3) *Mailing liable to return or seizure.* In addition to the published prohibitions and restrictions mentioned in § 231.2(c)(1), any country may return or confiscate articles which are prohibited from circulation within that country, whether or not notice of such prohibition or restriction has been published.

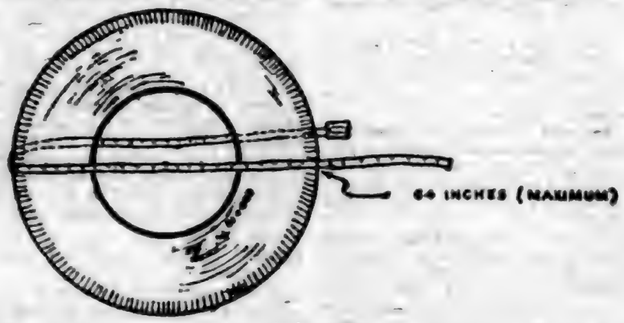
(d) *Foreign customs information.* The assessment of customs duty in other countries is outside the control of the postal service. Postal employees must not attempt to inform patrons whether any articles, either gifts or commercial shipments, will be subject to customs duty. It may be suggested to patrons that they inform the addressees in advance of the items they intend to mail so the latter may inquire of their local customs authorities whether or not there will be a duty charge.

§ 231.3 **Preparation, packing, and mailing.**

(a) *Dimensions and weight limits*—(1) *General dimensions.* Greatest length, 3½ feet; greatest length and girth combined, 6 feet. "Length and girth combined" means the measurement of once the length, plus twice the width, plus twice the depth. See § 135.3(b) of this chapter for illustration of method of measuring parcels.

(2) *Exceptional dimensions.* To some countries, dimensions other than the general dimensions indicated are applicable. A parcel must not exceed the maximum dimensions allowed to the country to which it is addressed. See Directory of International Mail for individual country limits.

(3) *Dimensions of special articles.* The usual method of measuring parcels, as described in § 135.3(b) of this chapter is not adaptable in the case of tires of all kinds, coils of rope, hose, wire, etc., forming a parcel circular in shape. To determine whether a tire or other object circular in shape (regardless of whether there is an open space in the center) can be accommodated inside the mail sacks used for parcel post to overseas foreign countries, the object as prepared for mailing shall be measured around its entire girth, in the direction of the diameter, as shown in the illustration. This measurement must not exceed 64 inches in order for the tire or other parcel circular in shape to be acceptable for mailing to overseas foreign countries. Measurement shall be taken as shown in the following illustration:



Side view.

(4) *Weight limits.* For weight limits applicable to each country of destination, see individual country items in the appendix to this subchapter. Except to Canada, there is no minimum weight limit for international parcel post. Parcel post to Canada must weigh over 8 ounces.

(b) *Packing*—(1) *In general.* (i) The responsibility of properly enclosing, packaging, and sealing parcels in the international mail rests with the sender, and the Postal Service will not assume liability for loss, rifling, or damage arising from defects which may not be observed at the time of mailing.

(ii) Every parcel shall be securely and substantially packed, having regard to the nature of the contents and climatic conditions, the length of the journey, and the numerous handlings and risks of concussion to which parcels for foreign destinations are unavoidably subjected en route.

(iii) Packages must be packed in canvas or similar material, double-faced corrugated cardboard boxes, solid fiber boxes or cases, thick cardboard boxes, or strong wooden boxes made of lumber at least a half-inch thick or plywood of at least three plies. Ordinary pasteboard containers are wholly inadequate. Although it is permissible to use heavy wrapping paper or waterproof paper as the outside covering of a carton, such paper shall not be used as the only covering of the contents. Boxes with lids screwed or nailed on and bags closed by sewing may be used provided they conform to other conditions prescribed. Heavy objects such as cans of food must be surrounded with other contents or packing material so that they cannot shift within the parcel.

(iv) For illustrations regarding recommended packaging and closures, see part 121, of this chapter.

(2) *Specific articles.* (i) "Fragile articles" for overseas destinations shall be packaged in a strong (preferably wooden) box. Strong solid fiberboard or double-faced corrugated fiberboard boxes of not less than 200-pound test if enclosed in strong wooden crates, or 275-pound test if used without crates, are acceptable. A space of at least 2 inches must be left between the articles and the top, bottom, and sides of the box, to be filled with sufficient cushioning material to protect the articles.

(ii) "All mailable liquids and substances which easily liquefy" must be packed in two receptacles. Between the first (bottle, flask, etc.) and the second (box of metal, strong wood, strong corrugated cardboard, strong fiberboard, or receptacle of equal strength) there shall be left a space to be filled with sawdust, bran, or other absorbent material in sufficient quantity to absorb all the liquid contents in the case of breakage. Excelsior does not possess the necessary absorbent quality to meet this requirement. In the case of Ireland, Leeward Islands, Malaysia, and Windward Islands, the outer receptacle shall be of strong wood or metal. Metal containers closed with a screw-top cover must have sufficient screw threads to require at least one and one-half complete turns before the cover will come off and be provided with a washer so as to prevent possible leakage of the contents. Compression or friction top metal containers must be soldered in four different places, equally spaced.

(iii) "Dry noncoloring powders" must be enclosed in boxes of metal, wood, or strong corrugated cardboard, placed in turn in a closely woven cloth bag or heavy kraft paper sack. "Powder dyes" must be enclosed in strong metal boxes, securely closed, and placed in turn in another box of wood or strong corrugated cardboard, with sawdust or other absorbent or protective material between the inner and outer containers.

(iv) "Eggs" addressed for delivery in all countries other than Canada must be placed in a metal egg container, and each egg in the square pockets must be surrounded with paper, excelsior, cotton, straw, or other similar material, while the metal egg container in turn must be enclosed in an outer container of wood with sufficient excelsior, straw, or similar material provided in the space between the inner and outer containers.

(v) "Eggs destined for delivery in Canada" may be packed either in the manner prescribed in (iv) or in wooden, papier-mache, or other box of a rigid material with a well-fitting tightly adjusted lid. Each egg must be wrapped in newspaper or other protecting material and placed on end, the vacant space in the box to be filled with newspaper or other packing material so as to prevent the eggs from striking together or against the sides, top, or bottom of the box.

(c) *Sealing.* Sealing is compulsory for all insured or registered parcel post, and for ordinary (uninsured and unregistered) parcel post for certain countries. (See individual country items in the appendix of this subchapter). Patrons must seal their own parcels, using wax, gummed paper tape, nails, screws, sewing, wire or metal bands, or other adequate means which will permit detection of any attempted depredation.

(d) *Enclosure or attachment of communications*—(1) *Prohibited.* Except as provided in § 231.3(d)(2), a communication of personal nature must not be written on, attached to, or enclosed in a parcel. If such a communication is found it will be placed in the mail if separable; if inseparable the entire parcel must be rejected.

(2) *Exceptions.* The following exceptions apply:

(i) In the case of a parcel for Canada, a letter, and for Switzerland, a letter or card, fully prepaid and bearing the same address as that of the parcel, may be tied or otherwise securely attached to the outside of the parcel in a manner that will prevent its becoming separated or interfering with the address of the parcel. Stamps to cover postage on the parcel must be placed on the wrapper. Stamps to pay postage on the letter or card must be placed on the envelope or the card. Parcels with such attachments are treated as parcel post.

(ii) A parcel may contain an open invoice confined to the particulars which constitute an invoice.

(iii) A file or collection of out-of-date correspondence, which has served its original purpose, is acceptable as parcel post.

(e) *Addressing and mailing*—(1) *Addressing.* The name and address of the sender and of the addressee must be legibly and correctly written in every case when possible on the parcel itself or on a label gummed thereto, and must also be written on a separate slip enclosed in the parcel. Parcels will not be accepted when addressed to a "care" in one country and the addressee (or person for whom intended) in another country or when addressed to or sent by initials, unless the initials are the adopted trade name of the senders or addressees. Addresses in ordinary pencil are not allowed, but copying ink or indelible pencil on a surface previously dampened may be used. Sufficient space must be left for the addition of necessary service notations and for stamps or labels.

(2) *Mailing.* Parcels may not be mailed in letterboxes. Patrons must present them at parcel post windows of post offices, where the necessary postal forms (see § 231.4) will be furnished without charge.

(f) *Rates, computation, and postage payment*—(1) *Surface parcels.* Surface parcel post rates are based on an initial weight unit of 2 pounds and succeeding units of 1 pound. The rates to Canada, Mexico, Central America, Caribbean islands, Bahamas, Bermuda, and St. Pierre and Miquelon are $1 for the first 2 pounds and 30 cents for each additional pound or fraction. To all other countries the rates are $1.10 for the first 2 pounds and 35 cents for each additional pound or fraction. In computing the postage, a fraction of a pound is charged as a full pound. Applicable rates are shown under the Parcel Post headings of the various country items in the Directory of International Mail. For convenience in computing postage, ready-reference rate tables are printed in the front of the Directory as Chart 4.

NOTE: To Canada packages are required to weigh over 8 ounces in order to be mailable as "parcel post." See Canada country item in the appendix to this subchapter.

(2) *Air parcels.* Air parcel post rates are based on weight units of 4 ounces, a fraction of 4 ounces being charged as a full 4 ounces. The rates vary according to the country of address, and are shown in the appendix to this subchapter under the Parcel Post heading of each country to which the service is available.

(3) *Postage not charged on postal forms.* The weight of the customs declaration and other postal forms will not be included with that of the parcel in computing the amount of surface or air postage required.

(4) *Placement of stamps.* Place stamps in payment of postage and fees in the upper right corner of the address side of the parcel. If the wrapping is of cloth or other material to which stamps will not adhere, place them on the customs declaration tag in the space below the name and address of the addressee.

§ 231.4 **Documentation.**

(a) *Customs Declaration, Form 2966*—(1) *Preparation by accepting clerk.* The accepting clerk will give the sender the number of forms required for the country concerned, and will see that he fills them out in accordance with subparagraph (2) of this paragraph and any special instructions under the country item in the Directory of International Mail. Request senders to fill out declarations in ink or by typewriter. If packages are presented with declarations completed in ordinary pencil do not reject them for that reason. Enter weight of the parcel and insurance number if insured. Postmark form in the space provided and return it to the sender to be attached to the parcel as described in subparagraph (3) of this paragraph.

(2) *Preparation by sender.* Complete declarations in ink or by typewriter. The Postal Service assumes no responsibility for accuracy of the indications shown by the sender. Show on each declaration the following:

(i) Name and address of sender and addressee.

(ii) Disposal to be made of parcel if it proves to be undeliverable as addressed. If an alternate addressee is given, it is recommended that the sender also indicate whether he wishes to have the parcel returned or treated as abandoned if it proves to be undeliverable to both the original and alternate addressees. This is done by checking the ultimate disposal in addition to the one showing the alternate addressee. (See illustration in § 231.4(c)(4).) Senders should give instructions for abandonment of any parcels on which they are not willing to pay the return charges mentioned in § 232.5(a).

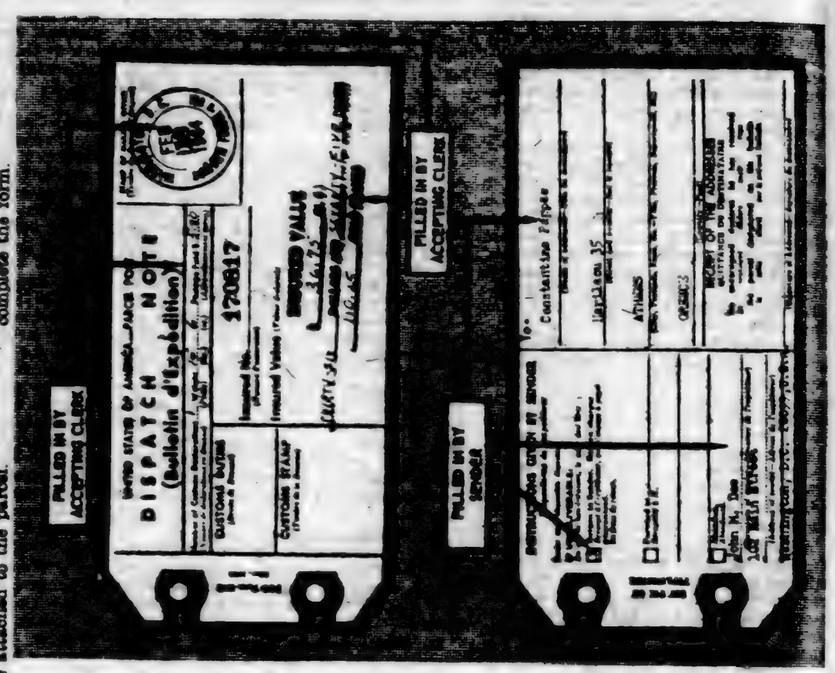
(iii) A complete and accurate description of the contents in the English language. An interlineation in another language is permitted, and in some cases is required (see the appendix to this subchapter). For parcels containing more than one article, or articles of different kinds, state the exact quantity and value of each kind or article. A sender is permitted to declare that the contents of a parcel have "no value." Also, it is not sufficient to use simply such words as *coat*, or *stockings*, instead the materials of which the articles are composed must be shown, as "fur coat, silk stockings." General terms such as "worn clothing, groceries, presents, merchandise, samples," and the like, will not suffice, although in the case of quantity shipments of items such as mechanical or electrical parts, and the like, general descriptions will be accepted. If the customs declaration does not furnish enough space on which to give a complete list of the contents, an additional declaration form may be used, or the list may be placed on the wrapper, making reference to the fact on the declaration itself.

(iv) If the parcel is to be insured, show in the space provided the amount

in the appropriate space the weight of the parcel, amount of postage paid, number of customs declarations, and, if insured, the insurance number and amount of insurance (see § 243.5(b)(1) of this chapter. For parcels mailed by Government agencies pursuant to § 221.2(d)(2)(i) of this chapter enter the words "Official Paid" or the abbreviation "Off. Pd." in lieu of the amount of postage. Postmark the form in the space provided and return it to the sender to be attached to the parcel.

(3) *Preparation and affixing by sender.* Complete the dispatch note in ink or on the typewriter. Fill in the name and address of the sender and addressee, and indicate alternate disposition to be made of the parcel. Attach the form to the parcel in the same manner as the customs declaration. (See § 231.4(a)(3).)

(4) *Facsimile.* The facsimile of Form 2972 of this section illustrates the information which the sender must supply and which the accepting clerk will add to complete the form.

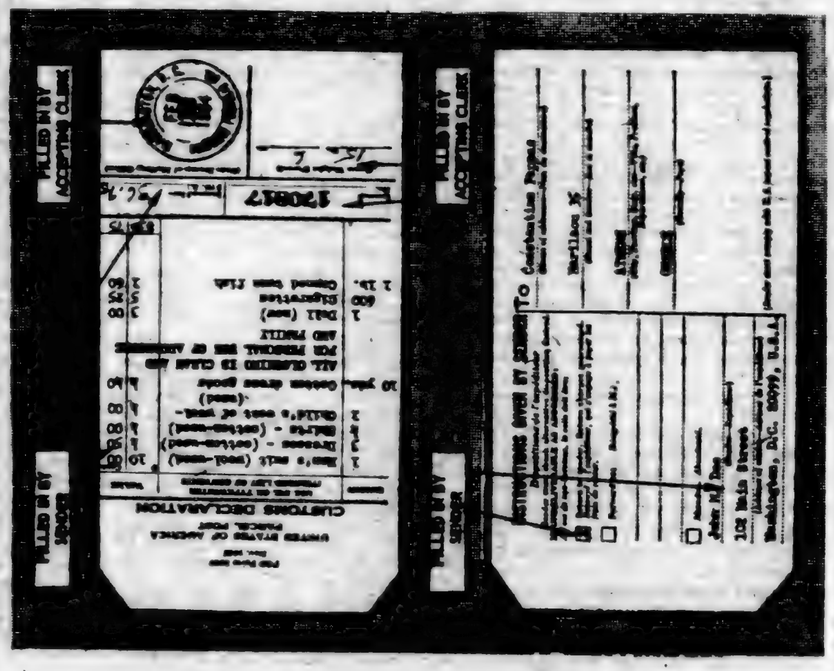


for which it is instred. (See §§ 243.4 and 243.5(a)(2) of this chapter.)

(3) *Affixing by sender.* In addition to being tied by means of a strong cord passed through the eyelets, the tag must be bound to the parcel so that it lies flat and cannot be used as a handle to lift the parcel.

(4) *Facsimile of Form 2966.* The facsimile of Form 2966 of this section illustrates the information the sender and the accepting clerk will add to complete the form.

(b) *Dispatch note, Form 2972*—(1) *Preparation by accepting clerk.* The accepting clerk will give the sender a dispatch note if required for the country concerned and see that he fills it out in accordance with subparagraph (2) of this paragraph. Request senders to fill out the dispatch note in ink or by typewriter. If packages are presented with the forms completed in ordinary pencil do not reject them for that reason. Enter

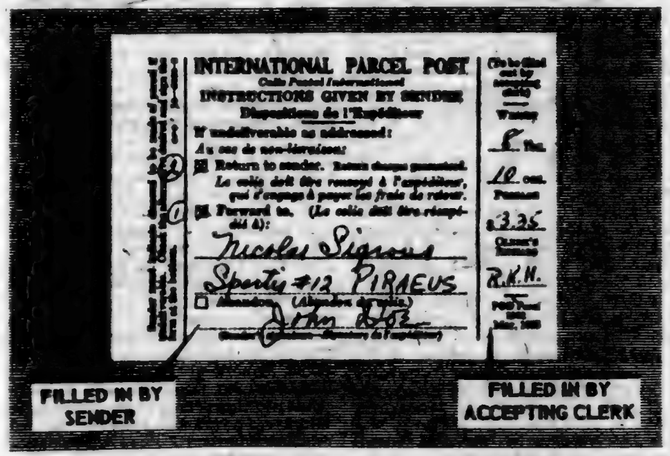


(c) *Parcel post sticker, Form 2922*—(1) *Preparation by accepting clerk.* Give the sender a yellow "International parcel-post" sticker and see that he fills it out in accordance with § 231.6(c)(2). Enter in the spaces provided the weight of the parcel and the postage paid (not including insurance or other fees), and initial the form. For parcels mailed by Government agencies pursuant to § 221.2(d)(2)(i), enter the words "Official Paid" or the abbreviation "Off. Pd." in lieu of the amount of postage. See that the form is securely attached. (See § 231.4(c)(3).)

(2) *Preparation by sender.* Prepare a parcel post sticker for each parcel. Indicate alternative disposition and place name at bottom of the form. Do not use Form 2922 on parcels for U.S. possessions.

(3) *Manner of affixing.* Form 2922 should be pasted to the wrapper of the parcel, preferably on the address side, but if the shape or size of the parcel makes this impracticable, the sticker may be affixed to a tag which shall in turn be securely attached to the parcel.

(4) *Facsimile.* The following facsimile illustrates the information which the sender and the accepting clerk will add to complete the form:



(d) *Furnishing to public.* Patrons requesting them may be furnished a reasonable supply of Forms 2922, 2966, and 2972 for preparation at their homes or business establishments.

(e) *Airmail label 19.* See § 241.4(b) of this chapter.

(f) *Forms found loose in the mail.* Customs declarations and dispatch notes found loose in the mail and apparently lost from parcels in transit must be sent by airmail to the appropriate exchange office to be again attached if possible to the parcels before dispatch.

(g) *Nonpostal documentation.* Parcel post packages may require one or more of the forms described in Part 251 of this chapter.

§ 231.5 Postmarking.

Post offices will postmark international parcel post:

§ 231.6 Shortpaid.

(a) *At mailing office.* Outgoing parcels shall be checked carefully for postage payment before they are dispatched. Shortpaid parcels which bear a return address at the office of mailing shall be either returned to the sender for the deficient postage or held and the sender requested to supply the missing postage. The original postage is still valid when the parcel is remailed. If the return address is not at the mailing office the parcel shall be dispatched to the exchange office, unless the parcel is totally unpaid.

(b) *In transit.* Sectional centers and other intermediate offices rehandling parcels in transit shall not attempt to check the postage paid, but shall return to the senders any parcels observed to be totally unpaid.

§ 231.7 Forwarding.

(a) *International.* Parcels addressed to other countries will generally be forwarded to a new address of the addressee in the country of destination, subject to collection of redirection charges prescribed by the internal regulations of the country. A parcel may be forwarded to a third country provided it complies with the conditions required for its further conveyance, and provided, as a rule, that the extra postage is paid at the time of redirection or the country concerned is satisfied that it will be able to recover the redirection charges. The sender may forbid forwarding by a notation on the wrapper in a language understood in the country to which the parcel is addressed.

(b) *Domestic.* If the addressee of a domestic parcel has moved to another country do not forward the parcel. Treat it as undeliverable. If the sender of an undeliverable domestic parcel has moved to another country, or if the parcel bears a return address in another country, hold the parcel and request instructions from the International Service Division, Bureau of Transportation and International Services, Post Office Department, Washington, D.C. 20260, indicating the sender's new address, the weight of the parcel, whether ordinary or insured, and, if known, the nature of the contents.

PART 232—INCOMING PARCELS

Sec.
232.1 Charges.
232.2 Stamps not affixed.
232.3 Delivery.
232.4 Forwarding.
232.5 Undeliverable.

AUTHORITY: The provisions of this Part 232 issued under 5 U.S.C. 301, 39 U.S.C. 501, 505.

§ 232.1 Charges.

(a) *Customs clearance and delivery fee.* Post offices will collect a fee of 33 cents from the addressee of every parcel post package on which customs duty or internal revenue tax is collected. The fee applies also when post office service is rendered for formal entry parcels on which importers pay the customs charges directly to the Customs Service. The fee is retained by the Postal Service, and is accounted for by affixing postage-due stamps to the parcel or to a postage-due bill and canceling. The fee is authorized by international parcel post agreements as reimbursement to the Postal Service for the work it performs in clearing parcels through customs and for delivery to the addressee. The provisions of § 224.1 (a)(3), (4), and (5) of this chapter also apply. See § 261.5(e) of this chapter concerning recording and reporting duty collections.

(b) *On returned parcels.* Collect the charges referred to in § 232.5(a).

(c) *Storage*—(1) *When to charge.* Storage charges begin on the 6th working day after first delivery attempt has been made or first notice of available delivery has been issued to the addressee. The days on which the office is closed for business are not counted in determining the 5-day free storage period. However, after expiration of the free storage period, charges will be collected for each day thereafter that a package is on hand. This includes Saturdays, Sundays, national holidays, and the day on which delivery is effected. Storage charges are applied on packages requiring formal customs entry that are held in post office custody or on post office premises awaiting customs clearance. For formal entry packages, the charges begin on the 6th working day after the date on which notice to file formal entry is mailed to the consignee (addressee), or on the 6th working day after receipt of the parcel at the office where it is to receive formal customs treatment if the customs notice has been issued at another customs port. Cooperation of custom officers should be solicited to enable post offices to collect any storage charges that may accrue on formal entry packages.

(2) *Marking packages.* When a package is returned to the post office after the

first delivery attempt, or when a notice that the package is available for delivery is sent to the addressee, mark on the wrapper Storage charges begin—and insert the date when the charges will begin to accrue. Rubber stamp item R–1360–206 is available for this purpose to post offices of the first and second classes. See § 232.8(b)(4) regarding marking of undeliverable parcels on which storage charges are due.

(3) *Daily charges.* After expiration of the 5-day free storage period prescribed in 232.131 the following charges apply:

(i) *On parcels under $10,000 value.* 15 cents per day for the first 10 days, and 30 cents per day thereafter.

(ii) *On parcels of $10,000 or more value.*

Number of storage charge days	Rate	Total
1	$0.15	$0.15
2	.15	.30
3	.15	.45
4	.15	.60
5	.15	.75
6	.15	.90
7	.15	1.05
8	.15	1.20
9	.15	1.35
10	.15	1.50
11	.30	1.80
12	.60	2.40
13	.90	3.30
14	.90	4.20
15	.90	5.10
16	.90	6.00
17	.90	6.90
18	.90	7.80
19	1.00	8.80
20	1.10	9.90
21	1.20	11.10
22	1.30	12.40
23	1.40	13.80
24	1.50	15.30
25	1.60	16.90
26	1.70	18.60
27	1.80	20.40
28	1.90	22.30
29	2.00	24.30
30	2.10	26.40
31	2.20	28.60
32	2.30	30.90
33	2.40	33.30
34	2.50	35.80
35	2.60	38.40
36	2.70	41.10
37	2.80	43.90
38	2.90	46.80
39	3.00	49.80
40	3.10	52.90
41	3.20	56.10
42	3.30	59.40
43	3.40	62.80
44	3.50	66.30
45	3.60	69.90
46	3.70	73.60
47	3.80	77.40
48	3.90	81.30
49	4.00	85.30
50	4.10	89.40
51	4.20	93.60
52	4.30	97.90
53	4.40	102.30
54	4.50	106.80
55	4.60	111.40
56	4.70	116.10
57	4.80	120.90
58	4.90	125.80
59	5.00	130.80
60	5.10	135.90
61	5.20	141.10

(4) *Accounting for charges.* The charges are accounted for by affixing postage-due stamps to the parcel or to a postage-due bill and canceling. If there are several parcels for one addressee the charges are applied separately on each parcel.

(5) *Charges waived.* When an addressee protests the rate or amount of duty assessed (see § 261.546), the time required for the addressee to submit his written objection is counted, but the time required for the Customs Service to come to a decision in the matter is not counted.

(6) *Parcels held beyond usual retention period.* See § 232.5(b)(1)(v) concerning collection of storage charges on parcels held beyond the usual retention period.

(d) *Parcels containing letters.* When a parcel from another country is found to contain a personal communication, the office where it is discovered shall mark the wrapper Letter enclosed—Collect ... cents and send the parcel forward to destination. The amount to be collected will be double the amount of postage (surface or air) applicable to a single-rate letter to the country concerned. The office endorsing the parcel shall indicate the amount to be collected and the delivering office shall collect the amount from the addressee by means of postage-due stamps. No systematic search for such letters shall be made.

§ 232.2 Stamps not affixed.

Some foreign post offices do not put postage stamps on parcels. All such parcels received must be regarded as prepaid.

§ 232.3 Delivery.

(a) *Parcels addressed through bank or other organization.* If a parcel is addressed to a bank or other organization for delivery to a second addressee, the post office will notify both addressees of the arrival of the parcel and will then deliver it to the first addressee, or hold it if the first addressee so desires. If the parcel is held, the post office will deliver it to the second addressee only with written permission from the first addressee, unless the sender has arranged for change of address as provided in § 247.8(b) of this chapter. After delivery, the post office will keep the written authorization 1 year, for reference in case of inquiry. File the authorizations for insured and registered parcels with the addressees' receipts, and for ordinary (uninsured and unregistered) parcels in any appropriate place. If delivery to the second addressee involves forwarding the parcel to another post office, the parcel will be subject to forwarding postage as provided in § 232.4(a).

(b) *Foreign dispatch notes.* If parcels are received at delivery offices with dispatch notes (bulletin d'expédition) attached, they are delivered with the parcels. These forms have a space provided for the addressee's acknowledgment of receipt, but do not require signature. They must not be confused with foreign return receipts which are designated "Avis de réception" and are completed as prescribed in § 242.5(e)(1) of this chapter. If a parcel is returned as undeliverable, the post office will mark the dispatch note as well as the wrapper to show the reason for nondelivery and leave the dispatch note attached to the parcel. Dispatch notes that cannot be associated with the relative parcels may be disposed of as waste after 60 days.

§ 232.4 Forwarding.

(a) *Within United States.* A parcel may be forwarded to the original addressee or to an alternate addressee at another post office in the United States by surface transportation, subject to collection on delivery of postage at the U.S. domestic zone rate. Forwarding by air must be prepaid. The post office forwarding an unprepaid parcel by surface in the United States will mark the wrapper "Postage due" giving the amount of domestic postage along with storage charges if any. When delivering an unprepaid forwarded parcel, the post office will collect the necessary amount for domestic transmission in postage-due stamps even if the "postage-due" marking is omitted. The fee prescribed in § 232.1(a) is also collectible on any forwarded dutiable parcel.

(b) *To country of origin.* If the addressee has moved to the country of parcel's origin and no instructions are given to deliver to a second addressee in the United States, the post office will mark it "Moved," show the forwarding address of the addressee, and send by surface means (including parcels received by air) to the appropriate exchange office for return to the country of origin.

(c) *To third country.* If the addressee has moved to another country (other than the country of parcel's origin), or if the parcel bears instructions to deliver it to an alternate addressee in a third country, the post office will hold the parcel and request instructions from the International Service Division, Bureau of Transportation and International Services, Post Office Department, Washington, D.C. 20260. The request should include the names and addresses of the sender and the addressee, or the alternate addressee, the weight of the parcel, whether ordinary, registered, or insured, and nature and value of the contents as shown on the customs declaration, so that the International Service Division may communicate with the foreign postal administration to secure forwarding postage. If the sender has indicated that the parcel is to be treated as abandoned if undeliverable as addressed, dispose of it as prescribed in § 232.8(b)(3). See § 231.7(b) of this chapter concerning domestic third- and fourth-class parcels addressed to persons who have moved to another country.

(d) *Dutiable parcels.* Dispose of customs entry forms accompanying dutiable parcels as prescribed in § 261.5(f) of this chapter.

(e) *Postage due parcels.* If a parcel to be forwarded bears postage-due stamps, follow the procedure prescribed in 335.35 and 335.36 of the Postal Manual.

§ 232.5 Undeliverable.

(a) *United States origin.* Returned parcels are subject on delivery to the sender to collection of return postage and any other charges assessed by the foreign postal authorities. The amount of such charges will be indicated by the exchange office. If the sender refuses the parcel, it shall be disposed of as dead parcel post. If the sender has moved to another address in the United States the parcel may be redirected, subject to forwarding postage at the U.S. domestic zone rate. If the sender has moved to another country, the post office will hold the parcel and request instructions from the International Service Division, Bureau of Transportation and International Services, Post Office Department, Washington, D.C. 20260, indicating the new address of the sender, the amount of return charges due on the parcel, weight, whether ordinary, registered, or insured, and the nature of the contents as shown on the customs declaration tag.

(b) *Foreign origin*—(1) *Retention period.* Parcels will be held at the disposal of the addressee for 30 days, except as follows:

(i) A parcel refused or known to be neither deliverable nor forwardable shall be treated as undeliverable at once.

(ii) A parcel bearing the sender's request for delivery to an alternate addressee shall be held 15 days at the disposal of the first addressee and 15 days at the disposal of the second. If the alternate addressee is at another post office, the parcel is forwarded subject to § 232.4(a), and the 15-day period begins from the date of receipt at the second office or address. Under the circumstances given in paragraph e, the parcel may be held for 30 days at the disposal of each addressee.

(iii) A parcel returned from customs custody with advice that the addressee has not complied with required customs entry procedures shall be treated as undeliverable at once.

(iv) A parcel held pursuant to § 261.5(d)(5) shall continue to be held until the customs officer has rendered a decision on the addressee's objection concerning the rate or amount of duty assessed. If no decision is received within 30 days, the customs officer shall be requested to expedite the decision.

(v) On written request of the addressee or other person acting for the addressee, a parcel which remains undelivered may be held up to 60 days on condition that the storage charges due at the end of the first 30-day retention period are paid at the time of the request and that the storage charges which accumulate thereafter are paid every 10 days.

(vi) A parcel from Great Britain which bears request to "Return forthwith to sender at sender's expense" shall be returned within 10 days, or immediately if definitely known to be undeliverable.

(2) *Directory service.* See 355.171 of the Postal Manual concerning directory service to be accorded parcels of foreign origin.

(3) *Marking and disposal.* At the end of the retention period prescribed in 232.521, mark parcel and the accompanying dispatch note, if any, to show reason for nondelivery, and cross out address of the addressee but do not obliterate it entirely. Unless sender has given instructions on the wrapper or dispatch note for abandonment, return the parcel to the sender. Parcels to be returned to senders are dispatched to the appropriate exchange office by surface means, including those originally received by air. The post office of address will cross out the Par Avion label or other airmail marking. A parcel bearing the sender's instruction to abandon shall be marked "Abandoned" and sent to the appropriate dead parcel post branch for disposal, unless it has been assessed with customs duty. In the latter case, the parcel shall be sent to the collector of customs at the nearest customs port (see § 261.3(e)) of this chapter; the customs entry forms shall be returned to the collector who issued them, in the manner prescribed in § 261.5(f)(1).

(4) *Storage charges.* If a parcel to be returned to origin or forwarded to another country has storage charges due, the wrapper shall be marked with the amount so that appropriate action may be taken at the exchange office.

(5) *Postage due parcels.* If an undeliverable parcel bears postage due stamps, follow the procedure prescribed in 335.35 and 335.36 of the Postal Manual.

PART 241—AIR SERVICE

Sec.
241.1 Availability.
241.2 Rates.
241.3 Prepayment.
241.4 Marking.
241.5 Aerogrammes.

AUTHORITY: The provisions of this Part 241 issued under 5 U.S.C. 301, 39 U.S.C. 501, 505.

§ 241.1 Availability.

Postal union mail of any class may be sent by air, including direct sacks of prints described in § 222.4(f) of this chapter. Parcel post may be sent by air to the countries for which air parcel post rates are shown in the appendix to this subchapter. Generally the weight limits, dimensions, and other conditions (but not postage rates) prescribed for surface mail apply to articles and parcels sent by air.

§ 241.2 Rates.

(a) *Postal union mail.* See Part 222 of this chapter and individual country items in the appendix to this subchapter.

(b) *Parcel post.* See individual country items in the appendix of this subchapter.

§ 241.3 Prepayment.

(a) *How paid.* See §136.4 of this chapter. See § 221.2(c) concerning articles intended for air transmission received from foreign flag vessels and prepaid with foreign postage stamps.

(b) *Full payment necessary.* Postage on airmail must be fully paid to assure dispatch without delay. See §§ 223.2 and 231.6 of this chapter for information on treatment of shortpaid and unpaid matter.

(c) *Double or reply-paid postcards.* See § 222.2(a)(2) of this chapter for postage required to transmit a U.S. reply-paid postcard by airmail. If a patron wishes to airmail a foreign reply-paid card to the country represented by the postage on the card he must pay with U.S. stamps the difference between the U.S. surface and airmail postcard rate to the country concerned. If the first or message part of the card is left attached to the reply half, the additional postage required will be the difference between the surface postcard rate and the airmail letter rate to the country concerned.

§ 241.4 Marking.

(a) *Postal union mail.* Senders should mark airmail articles in the left corner, immediately below the return address, with the words "Par Avion" in blue color. Post offices may furnish senders with Label 19 for the purpose. Articles which the senders have failed to mark "Par Avion" shall not be returned for marking or be marked by postal employees.

(b) *Parcel post.* Accepting clerks will place an airmail Label 19 on the address side of each parcel to be sent by air. Paste the label below and to the right of the name of the country destination. If a dispatch note, Form 2972, is required, the airmail label shall be placed on that form also.

§ 241.5 Aerogrammes.

(a) *Availability and use.* Aerogrammes (air letter sheets), which can be folded into the form of an envelope and sealed, may be sent by air to all countries. These sheets bearing imprinted postage, are sold at all post offices at 13 cents each. All parts of the sheets may be used for the sender's message, except the address side. No enclosures are permitted. The use of tape or stickers to seal aerogrammes is prohibited. Aerogrammes may be sent under registration on payment of the required registry fee in addition to the postage.

(b) *Private manufacture.* Aerogrammes without imprinted postage may be manufactured, subject to prior approval by the Department, by private individuals or firms, for their own use or for sale to the public. These sheets must average not less than 150 to the pound (approximately 9 per ounce) and be similar in size, color, and border markings to the regular form issued by the Post Office Department. They must bear the same printed endorsements on the address and reverse sides as the regular form. In addition, the words "Authorized for mailing as aerogramme—P.O. Permit No.—" (the number to be filled in when issued) must appear in smaller type so they will be visible on the address side and near the lower edge when the sheet is folded for mailing. The quality and strength of the paper must be sufficient to guard against the likelihood of damage in the course of postmarking and handling, and to assure that the writing on the inner side will not interfere with the legibility of the address. Manufacturers must submit 10 samples of proposed aerogrammes to the Director, International Service Division, Bureau of Transportation and International Services, Post Office Department, Washington, D.C. 20260, for approval before engaging in their production. Approved private aerogrammes may be paid at the aerogramme rate, except that to Canada and Mexico they may be paid at the regular airmail letter rate.

(c) *Containing enclosures.* Aerogrammes that contain enclosures are treated as regular airmail letters. When required additional postage has not been placed on the articles they are returned

to the sender for the deficiency or otherwise handled in accordance with § 223.3 of this chapter.

PART 242—REGISTRATION

Sec.
242.1 What may be registered.
242.2 Preparation by mailer.
242.3 Fees.
242.4 Mailing receipts.
242.5 Return receipts.
242.6 Restricted delivery.
242.7 Post office processing of outgoing mail.
242.8 Post office processing of incoming mail.

AUTHORITY: The provisions of this Part 242 issued under 5 U.S.C. 301, 39 U.S.C. 501, 505.

§ 242.1 What may be registered.

(a) *Postal union mail.* Postal union articles of all classes may be registered to all countries unless a specific exception is stated under the country item in the appendix to this subchapter. Direct sacks of prints, as described in § 222.4(f) of this chapter may not be registered.

(b) *Parcel post.* Parcel post packages may be registered only to countries with which there are arrangements for this service. See § 272.2(b) of this chapter and country items in the appendix to this subchapter.

§ 242.2 Preparation by mailer.

(a) *Addressing.* Mail which bears an address written in pencil or consisting of initials will not be accepted for registration. The address of mail other than that sent in transparent panel (window) envelopes may be written in indelible pencil.

(b) *Sealing.* (1) Senders must securely seal letters or letter packages presented for registration. Wax or paper seals on envelopes must bear a distinctive mark of the sender and shall be affixed in such a way as to allow sufficient space at the intersections of the flaps for postmarking. Self-sealing envelopes and envelopes or packages that appear to have been opened and resealed will not be registered.

(2) Articles under the classifications of "printed matter, books, matter for the blind, samples of merchandise and small packets," presented for registration, "Must not" be sealed.

(3) Parcel post packages presented for registration "Must" be sealed. See § 231.3 (c) of this chapter as to manner of sealing. Parcels that appear to have been opened and resealed will not be registered.

(c) *Declaration of value.* The sender must declare the full value of Postal Union mail offered for registration to enable the accepting clerk to identify valuable registered mail for recording purposes. (See § 242.7(a)(3).) Senders presenting valuable mail for registration listed on firm mailing sheets must indicate values opposite the respective entries. The declared value must not be regarded as the amount of indemnity payable in case of loss. See § 272.2(a) of this chapter concerning limits of indemnity for registered Postal Union mail.

§ 242.3 Fees.

For Postal Union mail, the fee is 75 cents. The same fee applies to parcel post. See country items in the appendix of this subchapter. (See § 272.2 of this chapter for indemnity provisions.)

§ 242.4 Mailing receipts.

(a) *Issuance.* A receipt is issued to the sender for mail matter accepted for registration to other countries.

(b) *Post office handling.* (1) Endorse receipts and mailing office record "P.P." to distinguish parcel post from Postal Union mail accepted for registration.

(2) Endorse the receipt and office record "Free" for articles registered free pursuant to § 221.2(d)(1) of this chapter. Endorse "Official Paid or Off. Pd." for articles or parcels registered pursuant to § 221.2(d)(2)(i) of this chapter.

§ 242.5 Return receipts.

(a) *Requested at time of mailing.* (1) Fee: 13 cents. If the mailer desires that his return receipt be sent back by airmail, the article must be prepaid an additional fee equal to the airmail postage on a single post card to the country of destination.

(2) When the mailer desires a return receipt, the post office will proceed as follows:

(i) Endorse the article on the address side "Avis de reception" (meaning return receipt "or A.R." Add "Par Avion" to the endorsement if the return receipt is to be returned by air and the additional fee prescribed in subparagraph (1) of this paragraph has been paid.

(ii) Complete international return receipt, Form 2865, and attach to article or parcel. The form is gummed so it can be securely attached, and is perforated to facilitate completion and return.

(iii) When the receipt is to be returned by airmail, mark it on the address side "RENVOI PAR AVION" (meaning return by airmail) and attach Label 19 bearing the words "Par Avion."

(iv) Put postage for the return receipt fee, and for the airmail postage if the sender has requested return of the receipt by air, on the registered article and cancel.

(v) Do not include weight of the return receipt in determining the postage.

(b) *Requested after mailing.* (1) Within a period of 1 year from the day following that on which a registered article or parcel was mailed, the sender, on showing the registry receipt, may request a return receipt. The fee is 25 cents. To have the request for return receipt transmitted by air the sender must pay, in addition to the 25-cent fee, the postage for a one-rate airmail letter to the country of destination. To have the request transmitted by surface and the return receipt returned by air, the sender must pay the same postage, and to have the request and the return receipt transmitted in both directions by air, he must pay double the airmail letter rate.

(2) The post office will deal with such requests as follows:

(i) *Countries other than Canada.* (a) Prepare Form 542 and write at the top "Request for return receipt made after mailing." Prepare Form 2865 and forward, with Form 542, to the postmaster at the appropriate adjusting exchange office shown in § 273.2(f) of this chapter.

(b) Put postage for the return receipt fee, and for the airmail postage if the sender has asked that the request be sent by air, on Form 542 and cancel.

(c) When the receipt is to be returned by air, mark Form 542 "A renvoyer par avion" and attach Label 19 bearing the words "Par Avion." Mark the return receipt form "Renvoi par avion" and attach the airmail label.

(ii) *Canada.* (a) Prepare Form 1510 at all offices and endorse "Request for return receipt made after mailing." Attach Form 2865 and send under official cover to the Canadian District Director of Postal Service in the province in which the office of address is located, as follows:

Provinces	*Location of District Directors*
Alberta	Calgary, Alberta, Canada.
British Columbia	Vancouver, British Columbia, Canada.
Manitoba	Winnipeg, Province of Manitoba, Canada.
New Brunswick	Saint John, New Brunswick, Canada.
Newfoundland (including Labrador).	St. John's, Newfoundland, Canada.
Northwest Territories.	Edmonton, Alberta, Canada.
Nova Scotia	Halifax, Nova Scotia, Canada.
Ontario	Toronto, Ontario, Canada.
Prince Edward Island.	Saint John, New Brunswick, Canada.
Quebec	Montreal, Province of Quebec, Canada.
Saskatchewan	Saskatoon, Saskatchewan, Canada.
Yukon Territory	Vancouver, British Columbia, Canada.

(b) Put postage for the return receipt fee, and for the airmail postage if the sender has asked that the request be sent by air, on Form 1510, and cancel.

(c) When the receipt is to be returned by air, on Form 1510, and cancel, subdivision (i)(c) of this subparagraph.

(c) *Duplicate receipts.* If the sender has failed to receive a return receipt for which a fee was paid, the post office will follow the instructions prescribed in § 242.5(b)(2), without additional fee, but write "Request for duplicate return receipt" at the top of Forms 2865, 542, and 1510.

(d) *Completion.* Return receipts for registered articles delivered in other countries are completed in accordance with requirements of the country making delivery, which vary according to the country involved. The signature of the addressee is not furnished by some countries, or may be furnished only under specified conditions.

(e) *Issued in other countries*—(1) *Completion.* Return receipts from other countries bear the words "Avis de reception." Have the addressee or his authorized agent date and sign the receipt with "Ink or indelible pencil". When signed by an agent of the addressee, have the agent sign the addressee's name followed by his own signature. Postmark the receipt in the appropriate spaces on both sides. "Examine all return receipts to assure proper completion." Return the completed receipt Unenclosed in the ordinary (unregistered) surface mail. If it bears the notation "Renvoi par avion" or a "Par Avion" label, or both, return it by airmail.

(2) *Foreign receipt form missing.* When it is apparent at the delivery office that a return receipt is desired by the sender of a registered piece of foreign origin and no return receipt form accompanies the article, complete U.S. international return receipt Form 2865, and treat as prescribed in subparagraph (1) of this paragraph.

§ 242.6 Restricted delivery.

(a) *Articles mailed in United States.* (1) The mailer may restrict the delivery of registered postal union articles addressed to the following countries on condition that the articles are accompanied with a return receipt and endorsed in the manner indicated:

Country	*Endorsement required*
Afghanistan	A remettre en main propre.
Albania	A remettre en main propre or Per t'u doresnar ne doren e vet.
Anguilla (Leeward Islands)	Deliver to addressee in person.
Austria	A remettre en main propre or Zu eigenen Händen.
Belgium	A remettre en main propre or the equivalent in the Flemish language.
Brazil	A remettre en main propre.
Bulgaria	Lično.
Burma	A remettre en main propre.
Cape Verde Islands	A remettre en main propre.
China (Taiwan only)	A remettre en main propre or the equivalent in a language known at the place of destination.
Cyprus	To be delivered to the addressee in person.
Czechoslovakia	A remettre en main propre.
Denmark	Personlig.
Dominica (Windward Islands)	To be delivered to the addressee in person.
El Salvador	A remettre en main propre or A entregar en propia mano.
Estonia	A remettre en main propre.
Ethiopia	A remettre en main propre.
Falkland Islands	To be delivered to the addressee in person.
Fiji Islands	Personal delivery.
Finland	A remettre en main propre.
French Somaliland	A remettre en main propre.
Germany	A remettre en main propre or Eigenhändig.
Greece	A remettre en main propre or ΙΔΙΑΣ ΧΕΡΣΙΝ.
Hungary	A remettre en main propre or Saját kézbe kézbesitendő.
Iceland	A remettre en main propre or Afhendist vidtakanda sjálfum.
Italy	A remettre en main propre.
Jamaica	To be delivered to the addressee in person.
Jordan	A remettre en main propre.
Latvia	A remettre en main propre.
Lebanon	A remettre en main propre.
Leeward Islands (Anguilla, Montserrat, Nevis, and St. Christopher only).	Deliver to addressee in person.
Liberia	A remettre en main propre.
Lithuania	A remettre en main propre.
Luxembourg	A remettre en main propre.
Macao	A remettre en main propre.
Montserrat (Leeward Island)	Deliver to addressee in person.
Nevis (Leeward Island)	Deliver to addressee in person.
Philippines	To be delivered to addressee only.
Portugal	A remettre en main propre.
Portuguese East Africa	A remettre en main propre.
Portuguese Timor	A remettre en main propre.
Portuguese West Africa	A remettre en main propre.
Rumania	A remettre en main propre.
St. Christopher (Leeward Island)	Deliver to addressee in person.
St. Lucia (Windward Island)	Deliver to addressee in person.
Saudi Arabia	A remettre personnellement.
Sierra Leone	To be delivered to the addressee in person.
Spain	A remettre en main propre or A entregar en propia mano.
Sweden	A remettre en main propre or Får utlämnas endast till adressaten personligen.
Switzerland	A remettre en main propre.
Tunisia	A remettre en main propre.
Turkey	Alleinin kendine verilecek.
Turks Islands	To be delivered to the addressee in person.
Union of Soviet Socialist Republics	A remettre en main propre.
Uruguay	A remettre en main propre.
Vatican City State	A remettre en main propre.
Yemen	A remettre en main propre.
Yugoslavia	A remettre en main propre.

(2) The sender must place the required endorsement above and near the address of the addressee. The country of destination will make two attempts to effect delivery, and, if unsuccessful, the article will be returned as undeliverable.

(3) Fee: 50 cents; to be prepaid on the article in addition to other applicable fees and charges.

(4) Restricted delivery is not available for registered parcel post.

(b) *Articles mailed in other countries.* Registered postal union articles which are accompanied with a return receipt and bear the notation "Deliver to addressee only" are delivered only to the addressee. At least two attempts are made to deliver these articles.

§ 242.7 Post office processing of outgoing mail.

(a) *Mailing offices*—(1) *Endorsing.* Stamp "Registered" in the lower left corner of the address side. On articles too small to accommodate the word "Registered," place the capital letter "R." Place airmail Label 19 or the words "Par Avion" on any article accepted for registration which is prepaid for air service and which the sender has failed to mark properly.

(2) *Numbering.* Write or stamp registration number just below the "Registered" endorsement, or to the right of the letter R on small articles.

(3) *Special marking on valuable mail.* Add the letter X after the registry number of all articles with a declared value in excess of $400 (see § 242.2(c)).

(4) *Postmarking.* Postmark letters twice on the back, on the crossing of the upper and lower flaps or, if paste-on return receipts are used, postmark partially on the receipt and partially on the flaps of the letter. Postmark packages sealed with paper strips across opposite edges of the strips. Postal Union AO mail (required to be unsealed—see § 242.2(b)(2)) and letter mail sealed on the address side must be postmarked on the address side.

(b) *All offices.* (1) *Recording and dispatching.* Record and dispatch.

(2) *Articles found in ordinary mail.* (i) Articles that have obviously been registered by the Postal Service shall be restored to the registered mail.

(ii) Articles endorsed to show registration is desired, as distinguished from an article formally registered) and fully prepaid shall be registered and receipt mailed to the sender stating that mail to be registered must be presented at the post office for that purpose. If not fully prepaid, return article to sender, if known, after indicating thereon that it is shortpaid and must be presented for registration. If article bears no return address, cross out sender's registry endorsement and dispatch as ordinary mail.

§ 242.8 Post office processing of incoming mail.

(a) *Office of address*—(1) *Backstamping.* Backstamp on receipt.

(2) *Delivery.* Record and deliver.

(3) *Articles unaccounted for after assignment for delivery.* Make appropriate record of available facts when registered mail assigned for delivery is not properly accounted for and file papers pending receipt of possible inquiry. If inquiry is received from sender, ascertain from addressee whether the article was received in regular course. If article was not received, make full report promptly to the appropriate postal inspector in charge.

(b) *Articles found in ordinary mail.* All offices shall restore to the registered mail articles obviously already registered by the Postal Service. Cross out sender's registry endorsement and dispatch as ordinary any article that is without evidence of formal registration. The following registry indicia appear on incoming registered mail, according to the language of the country of origin, and Shall Be Used as the Determining Factor As To Whether an Article Found in the Ordinary Mail Is Registered:

(1) "Certificado."
(2) "Einschreiben."
(3) "R or Registered."
(4) "Raccomandata."
(5) "Recommandé."
(6) "Registo or Registrado" (used occasionally).

NOTE: A number alone on mail is not sufficient evidence of registration.

PART 243—INSURANCE

Sec.
243.1 Availability.
243.2 Preparation.

Sec.
243.3 Fees.
243.4 Limits of insurance.
243.5 Marking.
243.6 Mailing receipts.
243.7 Return receipts.
243.8 Incoming parcels.

AUTHORITY: The provisions of this Part 243 issued under 5 U.S.C. 301, 39 U.S.C. 501, 505.

§ 243.1 Availability.

Insurance service is available only for parcel post packages mailed to countries with which insurance agreements are in force. To determine if insurance service is available to a particular country, consult the country item, heading "Parcel Post," in the appendix to this Subchapter C.

§ 243.2 Preparation.

The general provisions for the preparation of ordinary parcels for other countries apply also to insured parcels. (See Part 231 of this chapter.) Sealing of insured parcels is compulsory.

§ 243.3 Fees.

For scales of fees, see country items in the appendix to this Subchapter C.

§ 243.4 Limits of insurance.

The maximum amounts for which parcels may be insured are shown under the country items in the Directory of International Mail. Parcels may not be insured for more than the declared value of the contents or for more than the maximum amount of indemnity payable in connection with insured parcels for the country concerned. However, if desired, parcels may be insured for a portion of the value of the contents, in which case only the fee covering the amount of insurance desired will be charged.

§ 243.5 Marking.

(a) *By sender*—(1) *Contents.* Parcels containing fragile or perishable articles must be marked "Fragile, Perishable, Glass, or Eggs," as appropriate.

(2) *Insured Value.* Indicate in United States currency (figures only) in the appropriate space on the customs declaration (Form 2966) the amount for which the parcel is insured. See § 243.4.

(b) *By post office of mailing*—(1) *Endorsements and Insurance Number.* (i) On each parcel place the word "INSURED" on the address side, preferably to the left and directly beside the country of destination.

(ii) Serially number each insured parcel immediately below the "INSURED" endorsement. All international insured parcels must be numbered.

(iii) To most countries, the insured value of the parcel must be shown on the wrapper and on the dispatch note (Form 2972). See subcaption "Insurance" under individual country items in the appendix to this subchapter. Mail as to the type of marking to be shown. Rubber stamp, item R–1306–284, may be used for this purpose. In some instances the insured value must be shown also in gold francs. Conversion of U.S. currency into gold francs is made on the basis of 33 cents (approximately) equals 1 gold franc. To determine the gold franc equivalent, multiply the amount in U.S. currency by 3. For example, $5.25 is equal to 15.75 gold francs.

(iv) Place the insurance number in the appropriate space on the customs declaration (Form 2966) and on the dispatch note (Form 2972) when the latter form is required.

(2) *Postmarking.* Postmark at the time of acceptance. Postmark at all breaks (cuts or torn edges) of any gummed paper strips used in sealing parcels.

§ 243.6 Mailing receipts.

(a) *Issuance.* The postal clerk will issue a receipt for a parcel accepted for insurance. Each receipt will bear the insurance number. The sender should enter the name and address of the addressee on the receipt and must submit it if a claim or an inquiry concerning the parcel is subsequently made.

(b) *Post office procedure.* (1) Use the same forms as those prescribed for domestic insured mail, except that Form 3813 shall not be used, because all international insured parcels and receipts therefor must be numbered.

(2) Fill out the original receipt only with ink or indelible pencil and issue to the sender.

(3) Indicate applicable fee, according to amount of insurance requested, for parcels presented for insurance by Government agencies pursuant to § 221.2(d)(2)(i) of this chapter.

§ 243.7 Return receipts.

(a) *Issuance.* Return receipts for insured parcels are furnished under the same conditions as apply to registry return receipts, except that no return receipts are furnished for insured parcels to Canada. Post offices will follow the procedure prescribed in § 243.5 for return receipts for registerd mail.

(b) *Issued in other countries.* Post offices will follow the procedure in § 242.5(e) of this chapter for return receipts for registered mail.

§ 243.8 Incoming parcels.

(a) *Insurance indicia.* (1) The following insurance indicia appear on the incoming insured parcels, according to the language of the country of origin:

(i) "Insured."

(ii) "Asegurado or Valor Declarado."

(iii) "Assicurato or Valore Dichiarato."

(iv) "Valeur Déclarée."

(v) "V or V D" (meaning valeur déclarée).

(vi) "Wertangabe or Wertpaket."

(2) The determining factor as to whether a parcel is insured is not the appearance of a number alone, but the insurance indicium, which appears very near the insurance number. Ordinary parcels from other countries usually bear numbers also.

(b) *Delivery.* Deliver international insured parcels as prescribed in 364.312 of the Postal Manual.

PART 244—COD MAIL [RESERVED]

PART 245—SPECIAL DELIVERY (EXPRÉS)

Sec.
245.1 Availability.
245.2 Marking.
245.3 Payment.
245.4 Processing.
245.5 Delivery in other countries.

AUTHORITY: The provisions of this Part 245 issued under 5 U.S.C. 301, 39 U.S.C. 501, 505.

§ 245.1 Availability.

See "Special Delivery" under country items in Directory of International Mail. The service applies to all postal union articles (ordinary and registered, surface and air) unless otherwise indicated. For example, to Canada it applies only to articles paid at the letter rate. Parcel post cannot be sent special delivery but may be prepaid for special handling. (See Part 246 of this chapter.)

§ 245.2 Marking.

An article intended for special delivery service must have fixed to the cover near the name of the country of destination an "Exprès (Special Delivery)" label, obtainable at the post office, or it may be marked on the cover boldly in red "Exprès (Special Delivery)." A facsimile of the label is shown below:



§ 245.3 Payment.

(a) *Fees.*

Class of mail	Weight		
	Not more than 2 pounds	More than 2 but not more than 10 pounds	More than 10 pounds
	cents	cents	cents
Letters, letter packages, post cards, and airmail other articles	20	45	60
Surface other articles	55	55	80

(b) *How paid.* Senders may prepay the special delivery fee by special delivery stamps, ordinary postage stamps, or meter stamps. Airmail stamps may be used if the article is to be sent by air. Special delivery stamps may be used only for the payment of the special delivery fee. The special delivery fee must be prepaid in addition to the regular postage.

(c) *Shortpayment.* See § 223.2(s)(1) of this chapter.

§ 245.4 Processing.

(a) *Outgoing.* (1) Employees at post office windows are to be supplied with the "Exprès (Special Delivery)" Label 57, which is to be given to patrons who desire to use the special delivery service. The labels must be supplied to special delivery dispatching desks also; and when articles placed in post office drops or street boxes are observed to be prepaid for special delivery but do not bear the "Exprès" label or endorsement, the clerks must place labels on the articles.

(2) Special delivery mail is to be dispatched to the appropriate U.S. exchange office.

(b) *Incoming.* (1) Foreign special delivery articles are to be delivered as prescribed in Part 354. These articles will bear a label, printed in red or on a red background, containing the word "Exprès" or bear the notation "Exprès or Special Delivery" in bold letters.

(2) Articles bearing U.S. special delivery stamps sufficient to cover the domestic special delivery fee are to be delivered as special delivery mail even though the article does not bear the "Exprès" label or endorsement.

§ 245.5 Delivery in other countries.

Delivery is made in the various countries according to the special delivery regulations in force in the country of destination.

PART 246—SPECIAL HANDLING

Sec.
246.1 Availability.
246.2 Fees.
246.3 Marking.
246.4 Treatment.

AUTHORITY: The provisions of this Part 246 issued under 5 U.S.C. 301, 39 U.S.C. 501, 505.

§ 246.1 Availability.

The special handling service for domestic parcel post is available also for surface parcel post addressed to other countries. The service is optional except in the case of parcels for Canada containing baby (day-old) poultry and honey bees. Special handling service does not apply to postal union articles or to air parcels.

§ 246.2 Fees.

Weight	Fee (cents)
Not more than 2 pounds	25
More than 2 pounds but not more than 10 pounds	35
More than 10 pounds	50

Special handling fees are in addition to the regular parcel post rate to the country concerned, and may be prepaid by special handling stamps or by ordinary postage stamps.

§ 246.3 Marking.

Senders must place the words "Special Handling" above the name of the addressee and below the stamps, as illustrated in § 167.3 of this chapter.

§ 246.4 Treatment.

Special handling parcels are given priority in distribution and disposal over other parcel post packages from the office of mailing to the point of dispatch from the United States. They are not accorded any preferential dispatch from the United States, and receive no special treatment in the country of destination.

PART 247—RECALL AND CHANGE OF ADDRESS

Sec.
247.1 Conditions and limitations.
247.2 How to apply.
247.3 Services and fees.
247.4 Mailing receipts.
247.5 Countries not permitting.
247.6 Processing.

AUTHORITY: The provisions of this Part 247 issued under 5 U.S.C. 301, 39 U.S.C. 501, 506.

§ 247.1 Conditions and limitations.

The mailer may cause any mail article or parcel addressed for delivery in another country to be withdrawn from the Postal Service, or have its address changed if it can be intercepted in the United States. If the article has been dispatched from the United States, but not delivered to the addressee, withdrawal or change of address may be effected if:

(a) The country of destination of the article is willing to allow the withdrawal or change of address (see § 247.5);

(b) The article has not been confiscated or destroyed by the authorities of the country of destination as being prohibited importation; or

(c) The article has not been seized under provisions of the domestic legislation of the country of destination.

§ 247.2 How to apply.

If the article was mailed in a post office, station, or branch, make application there. If it was mailed in a street letterbox, apply at the main post office. The mailer must identify himself and submit a written request giving a complete description of the article and the date of mailing. Form 2926, "Sender's Request for Recall or Change of Address of International Mail," may be used at first- and second-class post offices. A single request may be used for two or more articles which have been mailed together by the same sender to the same addressee, in which case only one fee is charged. For post office processing of sender's request see § 247.6.

§ 247.3 Services and fees.

(a) *Search at office of mailing.* If the article has not been dispatched from the immediate point of mailing, it may be returned or its address may be changed without charge. Otherwise a search can be made at the main post office or other concentration point: *Provided,* The mailer pays a fee of 20 cents in stamps, whether the search is successful or not. The post office will change the address without charge, but if the article is returned to the mailer, domestic postage will be charged except in the case of letters or post cards, which are returned free of postage. If the mailing office is also the dispatching exchange office, the conditions stated in paragraph (b) of this section will apply.

(b) *Search at exchange office.* The mailer may have a search made for the article at the U.S. dispatching exchange office if he requests it and pays the fee of 20 cents, unless he has already paid it. (See paragraph (a) of this section.) If the mailer desires such search to include opening made-up sacks, he must guarantee payment of the cost of opening, searching, and closing the sacks, whether his article is located or not. If he wishes the request sent to the exchange office by telegraph, the mailer must pay the cost of the telegram. The exchange office will change the address without charge, but if the article is returned, postage will be charged at domestic rates for its transportation to the exchange office and back to the mailer's address, unless it is a letter or post card which is returned free of postage. The post office will inform the patron of the amount of charges due.

(c) *Search in country of destination.* A request will be sent to the postal administration of the country of destination to return an article or change its address if the mailer furnishes a facsimile of the addess and pays the 20-cent fee in stamps, unless he has already paid it. (See paragraphs (a) and (b) of this section.) If the request is to be transmitted by telegraph or cable, the application must be accompanied with an amount sufficient to pay the telegraph or cable charges. Otherwise the application must be accompanied with additional stamps in the amount of 75 cents to cover transmission of the request by registered mail, and with airmail postage if it is desired that it be transmitted to the foreign administration by air. The fee and cost of registration is not charged if the request is being made as the result of official notice to the sender in reply to an inquiry (see Part 271 of this chapter) or in the form of "advice of nondelivery" by the postal service of destination, showing that the article or parcel is undeliverable as addressed. If a request for change of address involves forwarding a parcel post package to another country the sender must furnish a written guarantee to pay the forwarding charges in the event they are not paid by the addressee in the new country. If the mailer wishes to have the foreign administration report by airmail, telegraph, or cable on the result of the action taken, he must furnish the additional return airmail postage or an amount sufficient to cover the cost of a prepaid telegraph or cable reply. Any amount remaining after transmitting a telegram or cablegram will be returned to the mailer. Return postage is charged on parcel post packages but not on other articles returned from other countries. See § 247.5(c) regarding a statement to be furnished when the article is addressed to a country which does not generally accept requests for recall or change of address.

§ 247.4 Mailing receipts.

If the mailer possesses a mailing receipt covering any article which is withdrawn or on which the address is changed, he must surrender it or submit it so that a suitable notation may be made thereon.

§ 247.5 Countries not permitting.

(a) *For postal union mail.* The legislation of the following countries does not allow senders of posal union articles to

withdraw them from the mail or to change their address: Aden, Australia, Bahamas, Bahrain, Barbados, British Honduras, Brunei, Burma, Canada, Cyprus, Gambia, Gibraltar, Great Britain, and Northern Ireland, Hong Kong, India (permits only requests for return), Ireland, Jamaica, Kenya, Kuwait, Leeward Islands (except Antigua), Malawi, Malaysia, Malta, Muscat, Nauru, New Guinea, New Zealand (permits only request for return), Nigeria, Papua, Qatar, Rhodesia, St. Helena, Seychelles, Sierra Leone, Solomon Islands, Somalia, South Africa (Rep. of), Tanzania, Trinidad, and Tobago, Trucial States, Uganda, Windward Islands (except Dominica), and Zambia.

(b) *For parcel post.* Under the terms of the parcel post agreements in effect with the following countries, parcels cannot be recalled after they have left this service nor can the address be changed, unless the parcels are undeliverable at the original address: Aden, Barbados, British Honduras, Brunei, Burma, Canada, Cyprus, Gambia, Gilbert, and Ellice Islands, Great Britain, and Northern Ireland, Hong Kong, India (permits only requests for return), Ireland, Malawi, Malaysia, Nauru, Nigeria, Rhodesia, Seychelles, Solomon Islands, Tanzania, Trinidad, and Tobago, Uganda, Windward Islands, and Zambia.

(c) *Applications accepted.* Applications involving the countries named in paragraphs (a) and (b) of this section will be received and acted on, subject to the conditions prescribed in § 247.3(c), if the mailer furnishes a written statement giving his reasons for the request. Compliance with the request is discretionary with the postal administration of the country of destination.

§ 247.6 Processing.

(a) *Mail of U.S. origin.*—(1) *Before dispatch from the United States.* The following procedures apply to both postal union mail and parcel post packages:

(i) Before accepting an application for recall or change of address, require the applicant to identify himself as the sender or the sender's authorized representative.

(ii) If the piece is not located at the immediate point of mailing and the applicant desires the search continued, require the sender to submit a written application as prescribed in § 247.2, and collect the 20-cent fee indicated in § 247.3 (a) before conducting further search. If the piece is located and is returned to the sender, charge appropriate domestic postage unless it is a letter or post card. If the piece is not located, explain to the applicant the conditions set forth in § 247.3 (b) and (c).

(iii) It is recommended that requests be made to the postal administration of the country of destination rather than search being made at U.S. dispatching exchange offices. However, if the applicant desires search made at the exchange office and agrees to the conditions, send a request to the exchange office setting forth the details on the application and the particulars of dispatch to the exchange office, if known.

(iv) If the exchange office returns the piece, collect domestic postage for its conveyance to the exchange office and return, unless it is a letter or post card. If the search included the opening of made-up sacks, the exchange office will inform the post office requesting the search as to the cost, which should also be collected on delivery. The exchange office will likewise advise if the search was unsuccessful.

(v) Amounts collected on delivery of returned articles and parcels are accounted for by affixing postage due stamps to the mail articles and canceling.

(2) *After dispatch from the United States.* If the sender requests that the postal authorities of the country of destination be asked to intercept the piece, collect as prescribed in 247.33 and transmit with the application and facsimile address to the International Service Division, Bureau of Transportation and International Services, Post Office Department, Washington, D.C. 20260.

(3) *Sender's mailing receipt.* A mailing receipt relating to an article or parcel returned or redirected at the sender's request is to have the action taken noted thereon.

(b) *Mail of foreign origin.* Post offices may comply with a request for correction of address (without changing the addressee) and may forward an article or parcel to the same addressee at another U.S. post office without previous authorization from the Department. Comply with § 232.4(a) of this chapter in forwarding parcel post packages. If a request is received for redirection of a piece to another country, for return to origin, or for change of addressee, hold the piece and refer the request to the International Service Division, Bureau of Transportation and International Services, Post Office Department, Washington, D.C. 20260.

PART 248—CERTIFICATES OF MAILING

Sec.
248.1 Nature and issuance.
248.2 Fees.
248.3 On Treasury Department forms.
248.4 On Agriculture Department forms.
248.5 Preparation and payment of fees.

AUTHORITY: The provisions of this Part 248 issued under 5 U.S.C. 301, 39 U.S.C. 501, 505.

§ 248.1 Nature and issuance.

The sender can obtain a certificate of mailing at the post office where he mails any postal union article or parcel post package. Certificates of mailing issued for ordinary articles or parcels do not give any right to indemnity or proof of delivery. They are issued on the same forms as are used for domestic mail (see § 165.3 of this chapter), as well as on the Treasury Department forms mentioned in § 248.3, or the Agriculture Department certificates mentioned in § 248.4 and Part 255 of this chapter.

§ 248.2 Fees.

(a) *Individually listed pieces.*

Original certificate for ordinary postal union or parcel post.	5 cents for each piece described.
Each additional copy of original certificate of mailing or original mailing receipt for registered or insured mail.	2 cents for each piece described.

(b) *Identical pieces.*

Identical pieces of postal union mail paid with ordinary stamps, precanceled stamps, or meter stamps are subject to the following fees:

Up to 1,000 pieces (1 certificate for total number)	$0.25
For each additional 1,000 pieces, or fraction	.05
Duplicate copy	.05

§ 248.3 On Treasury Department forms.

If requested, the sender may receive a certificate of mailing on Treasury Department (Internal Revenue) Form P. T. 26, P. T. 27-A, or 550, certifying that he has waived the right to withdraw the article or parcel from the mail.

§ 248.4 On Agriculture Department forms.

See Part 255 of this chapter concerning certificates required in connection with the exportation of dried whole eggs and tobacco seed and plants.

§ 248.5 Preparation and payment of fees.

The mailer must prepare his certificate of mailing and pay the charges in the same manner as prescribed in the domestic service (see §§ 165.3, 165.4, and 165.5 of this chapter), regardless of the form on which the certificate is prepared.

PART 249—MAIL SENT VIA DEPARTMENT OF STATE

NOTE: See Part 128 of this chapter.

PART 251—SHIPPER'S EXPORT DECLARATION

Sec.
251.1 When required.
251.2 Preparation.
251.3 Information to be furnished.
251.4 How obtained.
251.5 Handling and disposal.

AUTHORITY: The provisions of this Part 251 issued under 5 U.S.C. 301, 39 U.S.C. 501, 505.

§ 251.1 When required.

Business concerns sending merchandise valued at $100 and over to other business concerns—

(a) From the United States,[1] Puerto Rico, or the Virgin Islands of the United States to any foreign country, to the Canal Zone, and to the Caroline, Mariana, and Marshall Islands.

[1] For purposes of this instruction the term "United States" refers to the 50 States and the District of Columbia.

(b) From the United States[1] to Puerto Rico and the U.S. possessions[2];

(c) From Puerto Rico to the United States,[1] and to the U.S. possessions,[2]

must fill out a shipper's export declaration on Department of Commerce Form 7525–V and present it at the post office at the time of mailing. The shipper's export declaration is required only for goods mailed for commercial purposes and not for goods which involve no commercial consideration. However, Commerce Form 7525–V must also be filed for shipments of all articles covered by a validated export license from the Bureau of International Commerce, Department of Commerce, regardless of value or whether the sender or addressee is a business concern. (See Part 252 of this chapter.) The declaration need not be furnished for catalogs, instruction books, and other advertising matter or for magazines, newspapers, and periodicals. It is also not required for shipments of technical data, regardless of value and whether or not they are covered by export licenses, except as stated in § 252.3 (e) of this chapter. Shippers who wish to correct a previously filed export declaration must submit such corrections to the post office on Commerce Form FT–7403.

§ 251.2 Preparation.

Only a single copy of the shipper's export declaration is required for mail shipments. A single export declaration may include any number of packages mailed by one sender the same day to one addressee. Export declarations need not be notarized; however, signature in ink is required.

§ 251.3 Information to be furnished.

(a) The following are the only items on the shipper's export declaration (Commerce Form 7525–V) which are required to be filled in by the sender of a postal shipment:

(1) *Item 1.* Name of post office where shipment is being mailed. (Insert in space on the form reading "From ——— (U.S. port of export).)"

(2) *Item 3.* Name and address of exporter.

(3) *Item 4.* Name and address of forwarding agent, if any.

(4) *Item 5.* Name and address of ultimate consignee.

(5) *Item 6.* Name and address of intermediate consignee, if any.

(6) *Item 8.* Country of final destination.

(7) *Item 10.* Number of packages being mailed; description of merchandise and export license number and expiration date, or general license symbol.

(8) *Item 13.* Schedule B, commodity number.

(9) *Item 14.* Net quantity of merchandise, in Schedule B units.

(10) *Item 15.* Value of merchandise.

(b) To comply with the destination control regulations of the Commerce Department, each Form 7525–V, except for shipments addressed to Canada for consumption in that country, must bear one of the following statements:

(1) These commodities licensed by the United States for ultimate destination (name of country). Diversion contrary to U.S. law prohibited.

(2) These commodities licensed by the United States for ultimate destination (name of country) and for distribution or resale in (name of country). Diversion contrary to U.S. law prohibited.

(3) U.S. law prohibits distribution of these commodities to the Soviet Bloc, Communist China, North Korea, Macao, Hong Kong, or Communist controlled areas of Vietnam, or Cuba, unless otherwise authorized by the United States.

(c) The description of contents and units of quantity must be in the detail required by Schedule B, "Statistical Classification of Domestic and Foreign Commodities Exported from the United States" 1965 edition. The shipper may obtain copies of Schedule B for a nominal charge from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402, from Collectors of Customs, or from Department of Commerce field offices located in principal cities of the United States. General descriptions, such as dry goods, groceries, or millinery, are not sufficient. Quantities and values must be given in whole numbers only, omitting fractions of less than one-half and counting one-half and over as a whole.

§ 251.4 How obtained.

Occasional shippers may obtain Form 7525–V free of charge at post offices. Regular exporters may purchase copies of the shipper's export declaration from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20401, from Collectors of Customs, or from Department of Commerce field offices. They may be privately printed, provided they conform to the official form in size, wording, color, quality (weight) of paper stock, and arrangement. Postmasters may obtain supplies, without cost, for limited distribution to occasional shippers from the Foreign Trade Division, Bureau of the Census, Washington, D.C. 20233. Copies of the shipper's export declaration correction form for free distribution may also be obtained from the Bureau of the Census, Washington, D.C. 20233, and from Collectors of Customs.

§ 251.5 Handling and disposal.

(a) When a shipper's export declaration or correction form is presented at a post office in accordance with 251.1, postmark it in the lower left corner and send it to:

Export Document Control, Foreign Trade Statistics Unit, Room 308, Building 66, Bureau of the Census, Jeffersonville, Ind. 47130.

Send only one copy of each declaration submitted.

(b) When an export declaration bearing the authentication of a collector of customs is presented at the time of mailing a partial shipment under a validated export license (see § 252.3(e)) of this chapter, postmark it and send to the Bureau of International Commerce, Department of Commerce, Washington, D.C. 20230.

[2] For purposes of this instruction the term "United States Possessions" refers to the Virgin Islands of the United States, Guam, Samoa, Canton, and Enderbury Islands, Midway, and Wake Islands.

PART 252—COMMERCE DEPARTMENT REGULATIONS (COMMODITIES AND TECHNICAL DATA)

Sec.
252.1 Scope and applicability.
252.2 General licenses.
252.3 Validated licenses.
252.4 Export control inspections.

AUTHORITY: The provisions of this Part 252 issued under 5 U.S.C. 301, 39 U.S.C. 501, 505.

§ 252.1 Scope and applicability.

(a) The Bureau of International Commerce, Department of Commerce, controls all exportations, except for certain commodities and technical data licensed for export by other U.S. Government agencies, to all countries other than Canada (with the exception that validated export licenses are required for certain types of technical data to Canada). Mailers must inform themselves as to the regulations and comply with them in making any exportations of commodities and technical data as parcel post or postal union mail. A brief summary of the regulations as they apply to mail shipments is given in this part. Additional information is available from a Commerce Department bulletin entitled "Public Notice—Requirements for Exports by Mail" on bulletin boards in first-, second-, and third-class post offices and in classified stations and branches. Mailers desiring further information may make inquiry of the Exporters' Service Section, Bureau of International Commerce, Department of Commerce, Washington, D.C. 20230 or of any field office of that department. A list of field offices is included in the above-mentioned public notice.

(b) Postal employees will not advise prospective mailers as to the type of license applicable to any commodities or to any destination, except that licenses are not required for shipments to Canada other than certain types of technical data. However, before accepting parcels employees should satisfy themselves that the mailers have complied with the regulations so far as they are applicable. A checklist for this purpose is printed opposite Chart 1 in the appendix to this subchapter.

§ 252.2 General licenses.

(a) *Definition and use.* A general license established by the Bureau of International Commerce is not a specific document, but is a general authorization covering exportations within its provisions, each general license being designated by symbol, such as G–DEST, GLV, GIFT, GUS, etc. A brief description of the general licenses usually used for mail

shipments is given in this section. Further information can be obtained as set forth in § 252.1(a). When a prospective mailer finds that the contents of his package are properly exportable under a general license, unless it contains only printed matter or technical data (see paragraph (e) of this section), he must mark the wrapper with the appropriate symbol and the words "Export license not required" before presenting it at the post office. The postal clerk may accept any package so marked unless the symbol is obviously being misused. The marking certifies that the mailer has complied with the regulations governing the use of the general license denoted by the symbol. No marking is required on wrappers of packages containing printed matter and technical data mailed under general licenses G–DEST, GTDP, GTDU, and GTDS.

(b) *Restricted destinations.* The Commerce Department imposes particular restrictions on exports to Rhodesia; to Cuba; to the Far Eastern Communist countries (Continental China, Tibet, Inner Mongolia, and the Communist-controlled area of Vietnam); to the following countries in the Eastern European Soviet bloc: Albania, Bulgaria, Czechoslovakia, Estonia, Germany (Soviet Zone including Soviet Sector of Berlin), Hungary, Latvia, Lithuania, Outer Mongolia, and U.S.S.R.; and to Hong Kong and Macao. Packages for these areas may not bear any general license except as follows:

Destination	General license symbols permitted
Cuba	GIFT, *G–DEST, GUS, BAGGAGE.
Far Eastern Communist countries.	*G–DEST, GUS, BAGGAGE.
Eastern European Soviet bloc.	GIFT, G–DEST, GUS, BAGGAGE.
Hong Kong and Macao.	GIFT, G–DEST, GUS, BAGGAGE, GLV.
Rhodesia	GIFT, *G–DEST, GUS, BAGGAGE.

* For Cuba and the Far Eastern Communist countries, general license G–DEST may be used only for unclassified printed matter and developed motion picture film. For Rhodesia it may be used only for foods, clothing, medicines, and drugs, certain medical supplies, phonograph records, developed films, and printed matter considered to be of humanitarian or educational necessity.

General licenses GTDP and GTDS for technical data, requiring no symbol on the package, may be used for any of the restricted destinations named above; and GTDU, also requiring no symbol on the package, may be used for Rhodesia, Hong Kong, and Macao.

(c) *General license gift.* (1) This license covers gift packages mailed by or on behalf of an individual sender to an individual addressee for the personal use of the latter or his family, or to a religious, charitable, or educational organization. The contents are limited to items normally sent as gifts, such as food, clothing (except military clothing to destinations named in paragraph (b) of this section), medicinals and drugs. When in doubt as to whether specific articles are exportable, consult the Commerce Department's "Public Notice" on post office bulletin boards, or inquire of the Bureau of International Commerce, Department of Commerce, Washington, D.C. 20230, or any Commerce Department field office.

(2) The value of the contents of a package is limited to $100.

(3) Not more than one gift package may be mailed per week to one addressee under this general license.

(d) *General licenses G–DEST and GLV.* General license G–DEST may be used for any shipment, regardless of quantity, unless the Commerce Department's "Commodity Control List" indicates that a validated license is required. General license GLV may be used for certain types of small value shipments to which G–DEST does not apply. Except for Hong Kong and Macao to which certain commodities may be shipped up to $25 in value, general license GLV may not be used for destinations named in paragraph (b) of this section.

(e) *Printed matter and technical data.* Miscellaneous printed matter exported under general license G–DEST and technical data under licenses GTDP, GTDS, and GTDU need no general license symbol on the wrapper.

(f) *General license gus.* This license is used for shipments to U.S. Government personnel under prescribed conditions.

(g) *General license baggage.* This license is used to mail unaccompanied baggage of travellers, consisting of personal and household effects not intended for sale, under conditions and limitations established in Commerce Department export control regulations.

§ 252.3 Validated licenses.

(a) *Definition and use.* A "validated license" is an individual document issued by the Bureau of International Commerce, authorizing a specific exportation. Further information can be obtained as set forth in § 252.1(a). Before mailing a shipment under a validated license, the sender must put the license number on the wrapper.

(b) *Export declaration required.* An export declaration (see part 251 of this chapter) is required for every shipment covered by a validated license, except technical data. However, partial shipments of technical data must comply with paragraph (c) of this section.

(c) *Mailing under validated licenses.* In making a shipment against a validated license, the mailer must surrender the license at the post office regardless of whether the total quantity shown on the license is mailed. However, if only a part of the licensed quantity is mailed, the mailer may, as an alternative, deposit the license with a collector of customs and surrender at the post office a shipper's export declaration (Commerce Form 7525–V) bearing the number of the license and an authorization dated and signed by the collector or by his representative for shipment of the goods shown on the declaration. This is in addition to the declarations required by Part 251 of this chapter and paragraph (b) of this section.

(d) *Technical data licenses.* Licenses issued by the Bureau of International Commerce for exportations of technical data are similar in form to the usual type of validated license, but no shipper's export declaration is required, except for partial shipments. (See paragraph (c) of this section.)

(e) *Processing in post offices.* (1) *Entire shipments.* The postal employee must see that the correct license number is shown on the wrapper of every package presented for mailing with a validated license. The number appears in the upper right portion of the license, adjacent to the validation stamp of the Bureau of International Commerce. Compare the contents as shown on the customs declaration (or as stated by the mailer in the case of shipments mailed as printed matter) with the commodities stated on the license and on the shipper's export declaration when required. If no discrepancy is noted and the package is mailable, accept it and take the license and export declaration (if required) from the mailer. Write "Completed" on the back of the license and apply postmark. Send the license to the Bureau of International Commerce, Department of Commerce, Washington, D.C. 20230. Postmark the export declaration and dispose of it as instructed in § 251.5 of this chapter.

(2) *Partial shipments.* When a mailer presents an authenticated export declaration with a partial shipment in lieu of a validated license, as prescribed in paragraph (c) of this section, take the authenticated declaration, postmark it and send it to the Bureau of International Commerce. If a validated license is presented with a partial shipment, take it up and dispose of it in the same manner as for an entire shipment.

§ 252.4 Export control inspections.

Parcels are subject to inspection by U.S. customs officers at dispatching exchange post offices. If violations of export control are detected, the parcels may be returned or seized by the customs inspectors. Postage is not refunded.

PART 253—STATE DEPARTMENT REGULATIONS (ARMS AND TECHNICAL DATA)

Sec.
253.1 Individual licenses.
253.2 Mailings under license.
253.3 Processing licensed mailings.
253.4 Mailings exempt from license.
253.5 Government shipments.

AUTHORITY: The provisions of this Part 253 issued under 5 U.S.C. 301, 39 U.S.C. 501, 506.

§ 253.1 Individual licenses.

Exportation of certain arms or implements of war and related technical data requires individual licenses issued by the Office of Munitions Control, Department of State. Firearms subject to license include nonautomatic and semiautomatic rifles, carbines, revolvers, and pistols, except those of .50 caliber or less manufactured prior to 1898; also all machineguns, submachineguns, machine pistols, and fully automatic rifles. The mailer can obtain information as to the applicability of the State Department requirements and how to apply for individual licenses from the Office of Munitions Control, Department of State, Washington, D.C. 20520.

§ 253.2 Mailings under license.

When the entire amount authorized by an individual license is mailed, the sender must surrender the license at the post office. If only a portion of the amount authorized is mailed, the sender must enter on the back of the license the amount being shipped and present it at the post office, where the accepting clerk will postmark it and return it to the mailer.

§ 253.3 Processing licensed mailings.

(a) When a mailer presents a State Department license, the accepting clerk will compare the commodities or data indicated on the license with the contents as shown on the customs declaration or as stated by the mailer in the case of technical data mailed as printed matter. If no discrepancy is noted, and the contents are mailable under Part 125 of this chapter, and not prohibited to the country of destination concerned, the clerk will accept it for mailing. The sender must mark the wrapper "State Department export license No. _____."

(b) If the mailing represents the entire amount authorized, the clerk will take up the license, mark it "Completed," apply a legible postmark, and forward it to the Office of Munitions Control, Department of State, Washington, D.C. 20520.

§ 253.4 Mailings exempt from license.

Technical data that has been published or is otherwise exempt from licensing under 22 CFR 125.30 does not require individual State Department license for exportation. The mailer must mark the wrapper "22 CFR 125.30 * * * applicable," identifying the specific subsection under which the exemption is claimed. Exportations under this exemption may not be made to the Soviet Union, any Soviet bloc country, Communist China, or the Communist controlled area of Vietnam.

§ 253.5 Government shipments.

Shipments mailed by an agency of the U.S. Government require no license from the Department of State and no endorsement relating to 22 CFR 125.30 is needed on the wrapper.

PART 254—TREASURY DEPARTMENT REGULATIONS (GOLD AND GOLD CERTIFICATES)

Sec.
254.1 License requirements.
254.2 Gold held by nonresidents.
254.3 Fabricated gold.
254.4 Gold coin, bullion, or gold dust.
254.5 Where to obtain licenses.

AUTHORITY: The provisions of this Part 254 issued under 5 U.S.C. 301, 39 U.S.C. 501, 506.

§ 254.1 License requirements.

A license is necessary to mail gold in any form or gold certificates from the continental United States to any destination outside its limits or from any U.S. post office outside the continental limits to another country, except as provided in §§ 254.2 and 254.3. Moreover, before acceptance, the postmaster at the office of mailing must receive instructions from the Post Office Department, or the Treasury Department, with a copy of the license.

§ 254.2 Gold held by nonresidents.

Gold in any form other than coin is mailable without a license and specific instruction, if it is not held or owned by a person who is a resident of or domiciled in the continental United States. In such a case the mailer must place on the wrapper of the package and on the shipper's export declaration when required (see § 251.1 of this chapter) a statement that the gold contained therein is held or owned by a person who is not a resident of, or who is not domiciled in, the continental United States.

§ 254.3 Fabricated gold.

(a) *Definition.* Fabricated gold is defined by the Treasury Department as processed or manufactured gold in any form (other than gold coin or scrap gold) which has a gold content the value of which does not exceed 90 percent of the total domestic value of the processed or manufactured gold and which has in good faith and not for the purpose of evading or enabling others to evade the provisions of the Gold Reserve Act of 1934, the act of October 6, 1917, as amended, or the regulations of the Treasury Department, been processed or manufactured for some one or more specific and customary industrial, professional, or artistic uses. Fabricated gold is to be distinguished from semiprocessed gold, which may be exported only pursuant to Treasury License, and which is defined to include gold articles of which more than 90 percent of the total domestic value is attributable to the gold content thereof.

(b) *Mailing restricted.* Fabricated gold is acceptable for mailing without being licensed by the Treasury Department and without specific instructions from the Post Office Department. However, the shipper is required to endorse the wrapper of the package with the Bureau of Census Schedule B statistical classification number of each specific commodity contained therein. The shipper's export declaration, when required (see § 251.1 of this chapter) shall contain, in addition to a specific description of the contents of the package, the following notation: "Fabricated gold as defined by section 54.4 of the Gold Regulations, being exported pursuant to the authorization contained in section 54.25(b)(2) of such regulations."

(c) *How to determine.* To determine whether an article is semiprocessed or fabricated gold, the value of the gold content is computed at $35 per fine troy ounce of gold and the total domestic value is determined on the basis of the cost of the article to the owner and not the selling price. In the case of a manufacturer or processor, the allowable elements of such value are the cost of material in the article, labor performed on the article and processing losses and overhead applicable to the manufacturer or processing of such article. In the case of a dealer or other person who holds or disposes of gold without further processing, total domestic value includes only the net purchase price paid by such person and any transportation costs incurred in obtaining delivery of such article to his usual place of business.

(d) *Gold coin made prior to April 5, 1933.* Gold coin made prior to April 5, 1933, is acceptable for mailing without being licensed by the Treasury Department and without specific instructions from the Post Office Department. However, the shipper's export declaration, when required (see § 251.1 of this chapter) shall contain, in addition to a specific description of the package, the following notation: "Rare gold coin as defined by section 54.20 of the Gold Regulations, being exported pursuant to the authorization contained in section 54.25(b)(3) of such regulations."

§ 254.4 Gold coin, bullion, or gold dust.

The acceptance in the postal union mail or parcel post for any country of any consignment of gold coin, gold bullion, or gold dust, having a value in excess of $100 is prohibited, even though a license has been granted to export such gold coin, gold bullion, or gold dust.

§ 254.5 Where to obtain licenses.

The shipper may obtain the forms on which to apply for licenses to export gold from the Bureau of the Mint Treasury Department, Washington, D.C. 20220.

PART 255—AGRICULTURE DEPARTMENT REGULATIONS

Sec.
255.1 Dried whole eggs.
255.2 Tobacco seed and plants.

AUTHORITY: The provisions of this Part 255 issued under 5 U.S.C. 301, 39 U.S.C. 501, 506.

§ 255.1 Dried whole eggs.

(a) *Endorsements.* When dried whole eggs purchased under a program of the Commodity Credit Corporation, Department of Agriculture, are offered for export by mail, an endorsement must be written or stamped on each package by the sender waiving any right to withdraw it from the mail or have it returned. The endorsement must be properly completed and signed by the exporter or his authorized representative over his title. The parcel post forms accompanying such parcels should be completed by the senders to indicate that the parcels are to be abandoned in case of nondelivery.

(b) *Certificates.* A certificate in the following form, prepared and completed by the sender, must be presented with the shipment:

CERTIFICATE OF MAILING DRIED WHOLE EGGS

I hereby certify that there has (have) been posted at this post office today by (Sender), parcels containing a total of (Number) pounds of dried whole eggs on which the sender has waived the right to withdraw same from the mails or have same returned.

Parcels addressed to:

(Names and addresses of addressees)

(Office stamp)

(Date)

(Postmaster)

By

A single certificate may cover any number of parcels mailed by the same sender even though addressed to different countries. A charge of 5 cents will be made for each certificate of mailing issued to the sender, or for each parcel when a single certificate covers more than one parcel. Postage stamps to cover the charge for the certificate of mailing shall be affixed to the certificate and canceled by the postmark of the office of mailing. After postmarking, the certificate will be signed by the postmaster or his authorized representative and returned to the sender.

§ 255.2 Tobacco seed and plants.

(a) *Permit required.* It is unlawful to export any tobacco seed or live tobacco plants except in pursuance of a written permit granted by the Secretary of Agriculture.

(b) *Endorsement of package.* The sender must mark the wrapper of the package "Tobacco seed and plant export permit No. ——."

(c) *Surrender of permit.* The permit is to be presented by mailer at the time of mailing. It will be postmarked and signed by the accepting postal employee. The permit will be retained by the post office and forwarded to the Tobacco Division, Consumer Marketing Service, Department of Agriculture, Washington, D.C. 20250.

(d) *Charges.* A charge of 5 cents will be made for each permit presented by the sender and for each package or parcel when a single permit covers more than one parcel. Postage stamps to cover the charge shall be affixed to the permit and canceled by the postmark of the office of mailing.

PART 256—CONSULAR AND COMMERCIAL INVOICES

§ 256.1 Consular and commercial invoices.

Many countries require special documents to be prepared by the sender and either presented by the addressee or enclosed within the package. In some cases, certification by a recognized Chamber of Commerce in the United States, or legalization by a Consulate of the country of destination, or both, are required. The mailer may inquire at the post office for information, or purchase the Directory of International Mail from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. See § 114.2 of this chapter.

(5 U.S.C. 301, 39 U.S.C. 501, 506)

PART 257—DRAWBACK ARRANGEMENT

Sec.

257.1 Description.
257.2 Claiming drawback.
257.3 Obtaining forms.

AUTHORITY: The provisions of this Part 257 issued under 5 U.S.C. 301, 39 U.S.C. 501, 506.

§ 257.1 Description.

Drawback is an arrangement provided for under the U.S. Customs Regulations whereby exporters of certain merchandise are entitled to claim a refund of (a) the duty paid on imported materials used wholly or in part in the manufacture or production of the articles to be exported, or (b) the internal revenue tax paid on domestic material used.

§ 257.2 Claiming drawback.

(a) *Instructions to mailers.* Mailers intending to claim drawback on articles exported by mail must present three completed copies of a "Notice of Exportation" (Customs Form 7511–A or 7511–B) with the package or packages. Each package must also bear on the address side a waiver of the right to withdraw it from the mail. This waiver may be made on Customs Form 3413 and pasted on the wrapper, or may be stamped or written in wording similar to the following:

WARNING

EXPORTED IN BOND FOR DRAWBACK UNDER N.E. NO. ——

Must not be returned to shipper or delivered in United States before submission to Collector of Customs.

Shipper ——

We hereby waive our right to withdraw this package from the mail ——

(Shipper's signature)

(b) *Instructions to postmasters.* (1) *Postmaster's certificate.* Postmark and sign the "Postmaster's Certificate" on the reverse side of Customs Form 7511–A or 7511–B, after verifying the marks and numbers on the form with those on the package and noting the presence of the sender's signed statement waiving the right to withdraw the package from the mail.

(2) *Disposal of forms.* Dispose of completed Forms 7511–A and 7511–B as follows:

(i) Return one copy to the mailer.

(ii) Forward one copy to the collector of customs at the port where the claim is to be filed (shown on the front of the form).

(iii) Retain one copy as an office record. Dispose of this copy after 3 years.

§ 257.3 Obtaining forms.

Exporters may obtain Customs Form 3413, 7511–A and 7511–B from collectors of customs.

PART 261—CUSTOMS

Sec.

261.1 What is subject to examination.
261.2 Separation points.
261.3 Examination.
261.4 Repacking.
261.5 Treatment at delivery office.
261.6 Discrepancies.

AUTHORITY: The provisions of this Part 261 issued under 5 U.S.C. 301, 39 U.S.C. 501, 506.

§ 261.1 What is subject to examination.

All mail believed to contain merchandise, including returned articles of United States origin, and printed matter are subject to customs examination, except mail addressed to Ambassadors and Ministers of foreign countries and articles known or believed to contain only official documents addressed to officials of the U.S. Government.

§ 261.2 Separation points.

(a) *Exchange offices.* Articles believed liable to customs duty are submitted immediately to local customs officers or redispatched for customs treatment to designated distribution offices. In the latter case, exchange offices will attach Label 81, a reusable pink slotted tag, bearing the words "This sack contains mail supposed liable to customs duty," to the label holders or hasps of sacks or pouches containing matter to be submitted to customs officers.

(b) *Distribution offices.* Distribution offices will submit articles supposed liable to customs duty to customs officers as soon as possible after receipt. The reusable tags, Label 81, removed from sacks containing this mail will be returned periodically to the postmasters at New York, New Orleans, San Francisco, Seattle, or Miami, as may be appropriate from a geographical standpoint.

(c) *Priority treatment of airmail.* Airmail articles receive preferential customs treatment and are submitted to customs separately from surface mail. Upon return from customs, dispatch will be by air if it will expedite delivery.

§ 261.3 Examination.

(a) *Authority to open sealed articles.* Sealed letters and letter packages containing merchandise should bear a green label (Form C 1) or an endorsement permitting the customs officer to open the article for examination. In the absence of a label or endorsement, the post office will obtain the addressee's signed authority for opening on Form 2921, "Held Notice—International Mail." If such authority is not granted within 15 days after the first notice, send a second notice. If no response is received from the second notice after an additional 15-day period, endorse the article "Unclaimed" and return it to origin. Sealed parcel post is opened without any formality.

(b) *Registered and sealed articles.* The postmaster or other designated postal employee must be present when registered articles and parcels or sealed letter mail is opened by customs officers for examination. After customs treatment, the postal employee will repack and reseal letter packages in the presence of the customs officer who participated in the opening. Repack the article in the same or better condition than when it was opened. If the article was received in a special penalty envelope which can be reused, forward the article in that envelope; otherwise reseal the article and apply the official adhesive seal of the Post Office Department. Sign or initial the envelope or wrapper of each article.

(c) *Extraction of samples for advisory information.* Should a customs officer wish to obtain advisory information from a local trade expert or the Customs Information Exchange, 201 Varick Street, New York, N.Y. 10014, permit him to extract a sample of the contents. The customs officer will furnish the postal official with two copies of Customs Form 6423, one for enclosure in the importation and the other for the post office files. If the sample is to be forwarded to New York, dispatch it under official registration to the New York Postmaster for delivery to the Customs Information Exchange.

(d) *Failure to receive customs examination.* Should an article known or supposed to be dutiable be observed at or en route to the office of address without having received customs treatment, forward it, labeled "For Customs Inspection," under seal to the postmaster at the appropriate office listed in paragraph (e) of this section. Packages that have received customs treatment will bear endorsements such as "Examined by U.S. Customs at —— Duty to be Collected, Duty Paid, or Passed Free of U.S. Customs at ——."

(e) *Customs ports.* Customs officers are stationed at the following places:

ALABAMA:
Birmingham
Mobile
ALASKA:
Anchorage
Fairbanks
Juneau
Ketchikan
ARIZONA:
Nogales
CALIFORNIA:
Calexico
Eureka
Los Angeles
San Diego
San Francisco
COLORADO:
Denver
CONNECTICUT:
Bridgeport
Hartford
New Haven
New London
DELAWARE:
Wilmington
DISTRICT OF COLUMBIA:
Washington
FLORIDA:
Jacksonville
Key West
Miami
Pensacola
Port Everglades
Tampa
West Palm Beach
GEORGIA:
Atlanta
Savannah
HAWAII:
Honolulu
ILLINOIS:
Chicago
Peoria
INDIANA:
Evansville
Indianapolis
Lawrenceburg
KENTUCKY:
Louisville
LOUISIANA:
Baton Rouge
Lake Charles
Morgan City
New Orleans
MAINE:
Bangor
Portland
MARYLAND:
Baltimore
MASSACHUSETTS:
Boston
Lawrence
Springfield
Worcester
MICHIGAN:
Detroit
Port Huron
Sault Ste. Marie
MINNESOTA:
Duluth International Falls
Minneapolis
Noyes
St. Paul
MISSISSIPPI:
Gulfport
MISSOURI:
Kansas City
St. Louis
MONTANA:
Great Falls
NEBRASKA:
Omaha
NEW MEXICO:
Columbus
NEW YORK:
Albany
Buffalo
New York
Niagara Falls
Ogdensburg
Rochester
Rouses Point
Syracuse
NORTH CAROLINA:
Charlotte
Wilmington
Winston-Salem
NORTH DAKOTA:
Pembina
OHIO:
Akron
Ashtabula
Cincinnati
Cleveland
Columbus
Dayton
Sandusky
Toledo
OREGON:
Portland
PENNSYLVANIA:
Philadelphia
Pittsburgh
PUERTO RICO:
Mayaguez
Ponce
San Juan
RHODE ISLAND:
Providence
SOUTH CAROLINA:
Charleston
TENNESSEE:
Chattanooga
Memphis
Nashville
TEXAS:
Beaumont
Brownsville
Corpus Christi
Dallas
Del Rio
Eagle Pass
El Paso
Galveston
Houston
Laredo
Port Arthur
San Antonio
VERMONT:
Burlington
Island Pond
Newport
St. Albans
VIRGINIA:
Alexandria
Norfolk
Petersburg
Richmond
VIRGIN ISLANDS:
Charlotte Amalie
Christiansted
Frederiksted
WASHINGTON:
Oroville
Seattle
Spokane
Tacoma
WISCONSIN:
Green Bay
Milwaukee
Superior

(f) *No examination before payment of duty.* Addressees are not permitted to examine the contents of dutiable articles until the duty is paid.

§ 261.4 Repacking.

(a) *Responsibility of customs and postal employees.* Customs and postal employees shall carefully examine and repack contents of importations, particularly those that contain delicate instruments, glass, china, or other fragile items, liquids, and easily liquefiable substances. Shipments must be restored to their original or better condition. Postal employees accepting articles which have been in customs custody for examination, must determine from external inspection whether the shipment can safely bear further handling and transportation. Postal and customs employees jointly will restore parcels that are not in satisfactory condition. Employees may be held responsible when damage occurs as a result of negligence or improper handling.

(b) *Customs shipments in bad order.* Shipments found to be in bad order in transit at the delivery office must be reconditioned by postal employees. Note bad order and evidence of rifling or damage on the address side of the wrapper over the signature of the employee.

§ 261.5 Treatment at delivery office.

(a) *Detecting dutiable importations.* Postal employees will promptly examine all incoming mail to detect dutiable importations. These articles, bearing a customs endorsement indicating that duty is to be collected, are also accompanied by an original and receipt copy of Customs Form 3419, "Mail Entry," enclosed in a Treasury Department penalty envelope.

(b) *Missing mail entries.* Withhold delivery of dutiable packages from which Customs Forms 3419 have become detached. If the mail entry forms are not found, complete Form 2937, "Importer's Objection and/or Lost Mail Entries," requesting the issuing port of entry to furnish Customs Forms 3423, "Transcript of Entry of Merchandise Imported Through the Mails," in lieu of Customs Forms 3419. On receipt of Customs Forms 3423 collect the duty and process Customs Forms 3423 in the same manner as Customs Forms 3419. If the missing Customs Forms 3419 are located at a later date, return them to the issuing port of entry after endorsing them to show that Customs Forms 3423 were used.

(c) *Dispatch to delivery units.* Promptly forward dutiable articles to delivery units. Enter registered dutiable mail on appropriate dispatch forms.

(d) *Delivery of dutiable mail.* (1) Dutiable mail will be delivered by city, village, and rural carriers, and by window delivery units. Form 2921, "Held Notice—International Mail," is used to notify addressees of the arrival of dutiable parcels.

(2) Charge packages and both copies of the customs mail entry to delivery employee on Form 2944, "Receipt for Customs Duty Mail," prepared in duplicate. For control and accounting purposes, enter on Form 2944 the mail entry numbers as shown on the entry forms. Retain both copies of Form 2944 at post office as record of employee's accountability.

(3) When customs charges are collected and delivery is made, obtain addressee's signature on the original Customs Form 3419 as well as on the receipt for registered and insured mail if required. The delivering employee shall sign the receipt copy of Customs Form 3419 and give it to the addressee as a receipt for the duty. Delivering employees will turn in amounts collected with signed originals of Customs Form 3419, with any undelivered packages and their related Customs Forms 3419. At first-class offices, carrier will complete both copies of Form 2944 prepared pursuant to subparagraph (2) of this paragraph, sign and hand them to the clearing clerk, who will also sign, clearing the carrier's accountability on the two copies. The clearing clerk will forward the original of Form 2944 to the chief accountant (or accounting unit). The carrier will receive the duplicate copy which he will retain for 3 months after the last day of the month of issue. Employees at delivery windows who have been charged with dutiable packages will be similarly cleared, but will be required to execute a new set of Form 2944 covering all dutiable packages remaining in their custody at the close of business. At other than

first-class offices the delivering employees' accountability will be cleared in the same manner as for COD transactions.

(4) The Customs Service in certain instances will attach a Customs Form 3433, "Authorization to Postmaster to Deliver Mail Importation Conditionally Free of Duty" and a Customs Form 3342, "Declaration for Free Entry of Gifts," to the mail entries, Customs Form 3419, of incoming dutiable packages. Deliver these packages without collection of the duty under the conditions stated on the Form 3433. After delivery, endorse the original Customs Form 3419 "Form 3342 executed by addressee," and report the transaction as an uncollected customs duty item in accordance with paragraph (f)(1) of this section. Return of the executed customs form will be authority for the clearing clerk to allow credit for unreturned postage due stamps delivered with the package pursuant to § 224.1(a)(5)(ii) of this chapter. The clearing clerk will keep a daily record of such voided stamp credits.

(5) When an addressee objects to the assessed value, rate, or amount of duty charged, the following procedures apply:

(i) Request the addressee to state his objection in writing to the postmaster, together with any evidence substantiating his claim. Inform patron of the mail entry number and advise him where the package will be held. Return the package to the clearing clerk awaiting receipt of addressee's written protest.

(ii) On receipt of written protest, promptly prepare report, in duplicate, on Form 2937, "Importer's Objection and/or Lost Mail Entries." Indicate reason for protest by means of a checkmark in the appropriate column on Form 2937. Forward original Form 2937, with supporting statements and both copies of Customs Form 3419, to the customs office where the entry was prepared, unless the addressee is located in the vicinity of one of the customs ports listed in § 361.3(e). In the latter case, deliver the package and the other documents mentioned to the local customs officer for reconsideration of the duty assessment. Retain duplicate of Form 2937 as office file and record copy.

(iii) If an adjustment is made the customs officer will endorse the adjustment in red ink on the original and receipt copy of the mail entry and initial. The corrected mail entry will be accompanied with Customs Form 3435, "Notice to Postmaster of Change in Duty Assessment on Customs Mail Entry." This notice is to be attached to and remain with the original of the mail entry. When delivery is effected, record collection of the corrected amount according to the customs port which originally prepared the mail entry, as prescribed in paragraph (e) of this section. If the adjusting customs officer waives the duty, report the entry as an uncollected item, as prescribed in paragraph (f)(1) of this section.

(iv) An addressee who is dissatisfied with the amount of duty assessed may pay the charges, take delivery of the package, and later file claim for a refund directly with the collector at the port where the entry was prepared.

(6) When delivery cannot be effected for any reason, including articles covered by § 261.59, the package and both copies of Customs Form 3419 will be returned to the post office. Do not detach Customs Forms 3419 from package nor enter it on Form 2933, "Register of Uncollected Customs Charges," until the package is definitely known to be undeliverable or until the end of the prescribed retention period (see § 224.4(a) of this chapter concerning postal union articles and § 232.5(b)(1) of this chapter concerning parcel post), then detach Customs Form 3419 and report the item on Form 2933 as outlined in paragraph (f)(1) of this section.

(e) *Recording and reporting collections.* Post offices making delivery-collection of dutiable articles will deposit the customs collections with postal funds.

(f) *Uncollected items*—(1) *Reporting.* Complete a separate Form 2933, "Register of Uncollected Customs Charges," in duplicate, for each port of entry from which packages are received. First-class offices will prepare on same frequency as Form 2932; other offices will report uncollectible items weekly. Enter all uncollectible items on Form 2933, listing each Customs Form 3419 by serial number and amount, and showing reason for noncollection. Forward original of Form 2933 with supporting Customs Form 3342, other statements, and original and receipt copy of related Customs Form 3419 to the Regional Commissioner of Customs, Attention: Cashier, New York, N.Y. 10004. File a copy of Form 2933 for reference purposes.

(2) *Past-due entries.* When the issuing customs port of entry does not receive a report of disposition of dutiable article, the collector of customs will forward an inquiry to the postmaster on Customs Form 3423, "Transcript of Entry of Merchandise Imported Through the Mails," in duplicate, requesting information on the disposition of entries involved. On receipt of Customs Form 3423 the chief accountant, accounting unit or employee designated by the postmaster, will make a search for Customs Form 3419. If form is located, return both copies of Customs Form 3423 to port of entry with notation that the entry will be accounted for in the usual manner when collection is effected, or note on Customs Form 3423, the control number of the Form 2932, on which the entry was reported (first-class offices; or serial number of money order used in remitting in the case of second-, third-, and fourth-class offices). When search fails to locate record of Customs Form 3419 or related package, notify the collector of customs accordingly.

(g) *Refund of duty*—(1) *Duty not refundable by postmasters.* Amounts collected on customs mail entry forms are not refundable by postmasters. An addressee who requests a refund of duty shall be advised to make application therefor to the collector of customs at the port of entry within 90 days from the date of entry. It is suggested, if refund is claimed for damage, the article be forwarded to the collector with the application. If the addressee wishes to abandon the article to the Government, he should so state in his application. In case the addressee also intends to file a claim for indemnity with the Post Office Department, he shall, before taking the above action, present the contents, container, and complete wrapping to the postmaster for the inspection prescribed by Form 2855, "Claim for Indemnity—International Insured Mail."

(2) *By Customs Service.* Refund of duties paid will be considered by the Customs Service if merchandise, covered by a mail entry, representing 5 percent or more of the total value of all of the merchandise of the same class or kind entered in the invoice in which the item appears, is abandoned and delivered to the collector of customs where the entry was made within 30 days after the date of entry.

(3) *On returned merchandise.* Refund of duties paid less 1 percent will also be considered by the Customs Service if merchandise covered by a mail entry and found not to conform to sample or specification or shipped without the consent of the consignee is, within 90 days from the date of delivery, returned to customs custody for exportation, unless the Secretary of the Treasury authorizes in writing a longer time. The postal charges incident to returning the merchandise to the sender must be paid by the addressee.

(4) *No duty refund in certain cases.* When an addressee requests delivery of parcel post packages to be made at his residence or place of business after the customs duty thereon has been paid at the post office, the Treasury Department has declined to refund the duty in such cases when the goods become lost between the post office and the addressee's residence or place of business, and if there should be any loss there is no appropriation available from which the Post Office Department could make reimbursement for the amount of duty paid.

(h) *Duty*—(1) *Rates.* Patrons desiring information concerning rates of duty on articles imported into the United States, or other customs procedure, should communicate with the appropriate customs officer, located at various points throughout the country, or with the Commissioner of Customs, Treasury Department, Washington, D.C. 20226.

(2) *Prepayment.* No provision is made for the prepayment abroad of customs duty on mail shipments addressed for delivery in the United States.

(3) *On articles repaired abroad.* Before sending an article abroad for repair, the patron should submit it to a customs officer for issuance of a certificate of registration. Otherwise, the entire article may be subjected to customs duty when it is returned to the United States.

(4) *In other countries.* See § 231.2(d) of this chapter.

(i) *Forwarding or returning dutiable mail*—(1) *Forwarding within the United States.* Dispatch package as prescribed in § 224.3(a) of this chapter (for postal union articles) or § 232.4(a) of this chapter (for parcel post). Allow the Customs Forms 3419 to remain attached to the redirected package in its original envelope, which is also redirected to the new address. Prepare Form 3814, "Record of COD Parcels Held for Delivery," in duplicate, showing name and address of addressee, forwarding address, and name of port where the duty was assessed. In "Bin No." block on Form 3814, enter the 6-digit serial number from related Customs Form 3419. Mail original Form 3814 to the collector of customs who issued the entry; file duplicate for reference in case of later inquiry.

(2) *Forwarding to another country.* See § 224.3(b) of this chapter concerning forwarding of postal union articles and § 232.4 (c) and (d) of this chapter concerning forwarding of parcel post. When a dutiable package is entitled to be forwarded to another country, detach the Customs Forms 3419 and endorse both copies "Addressee moved outside jurisdiction of the United States." Enter serial number on Form 2933 and return both copies of Customs Form 3419 to collector of customs with related Form 2933. (See paragraph (f)(1) of this section.)

(3) *Return to Sender.* When a dutiable package is to be returned to the sender, detach the Customs Forms 3419, endorse them "Refused, Unclaimed," etc., and enter serial number on Form 2933. Return both copies of Customs Form 3419 to the collector of customs with the related Form 2933. (See paragraph (f)(1) of this section.)

(4) *By stations and branches.* Postmasters may authorize stations and branches to forward or return packages directly from those units, without sending the packages to the main office.

§ 261.6 Discrepancies.

When a collector of customs finds a difference between the amounts reported by postmasters and the amounts shown on the related file copy of a Customs Form 3419, the collector will forward the postmaster an inquiry on Customs Form 3429, "Notice to Postmaster of Underpayment to Customs," in duplicate. On receipt of Customs Form 3429, fill in correct district and port code number and mail entry number on face of form. Review the file copy of Form 2932 (or purchaser's receipt for money order remittance) to determine the amount of adjustment. Enter the adjustment data in spaces provided on the back of Customs Form 3429 as follows.

(a) Enter serial number of Customs Form 3419 involved, amount originally remitted, and correct amount.

(b) At the bottom of the form enter the net amount of adjustment (plus or minus), signature of preparing employee, and date of preparation. Adjustment will be made against the next remittance to the collector of customs involved.

(c) Return original to collector of customs and file duplicate with related file copy of Form 2932 (or purchaser's receipt for money order remittance).

(d) When review shows that the item was originally reported in the correct amount, return the original of Customs Form 3429 to collector of customs endorsed to that effect. File duplicate with related Form 2932 (or purchaser's receipt for money order remittance).

PART 262—SEALED LETTERS BELIEVED TO CONTAIN PROHIBITED MATTER

Sec.
262.1 Examination—authorization to open.
262.2 Disposal.

AUTHORITY: The provisions of this Part 262 issued under 5 U.S.C. 301, 39 U.S.C. 501, 505.

§ 262.1 Examination—authorization to open.

Mail of foreign origin is scrutinized at the exchange office of first receipt for the presence of prohibited matter. If there is reason to believe that prohibited matter is contained in a sealed letter, the exchange office will endorse the cover "Supposed to contain matter prohibited importation" and forward it to the post office of destination. Letters received bearing such endorsement, or any foreign letter not so endorsed but suspected of containing prohibited matter, shall be held and treated as follows:

(a) Complete and mail Form 2921, "Held Mail Notice—International," to the addressee requesting authorization to open the letter and examine its contents. The form may be endorsed "Lottery Matter" when it is believed the letter contains such matter. If the volume of such mail or other considerations warrant, an explanatory letter may be sent in lieu of Form 2921.

(b) When authorization to open is given by the addressee, the letter shall be opened and examined in his presence, if he has appeared in person, or, if he does not appear, in the presence of two designated postal employees.

(c) If the addressee fails to authorize the opening of the letter, endorse the cover "Unclaimed" and return, unopened, to its origin.

§ 262.2 Disposal.

(a) *Mailable matter.* If the contents of a letter opened pursuant to § 262.1 are found to be mailable and the examination has taken place in the presence of the addressee, immediately deliver the letter to him. If the addressee is not present, mail the letter to him under official cover.

(b) *Prohibited matter.* If the contents of a letter opened pursuant to § 262.1 are found to be prohibited they shall be disposed of as follows:

(1) Transmit lottery matter to the local postal inspector in charge.

(2) Report other prohibited matter to the Mailability Division, Office of the General Counsel, with a sample of the contents, and await instructions as to disposition.

PART 263—PLANT QUARANTINE INSPECTION

Sec.
263.1 What is subject to inspection.
263.2 Segregation.

AUTHORITY: The provisions of this Part 263 issued under 5 U.S.C. 301, 39 U.S.C. 501, 505.

§ 263.1 What is subject to inspection.

All mail articles containing plants or plant products are subject to plant quarantine inspection.

§ 263.2 Segregation.

(a) *Exchange offices.* Submit packages containing plant material to the local plant quarantine inspector. Dispatch packages bearing a yellow and green special-mailing tag and those addressed to the Department of Agriculture, Plant Quarantine Division, to the quarantine station to which directed.

(b) *Distribution offices.* Submit packages containing plant material to a quarantine inspector at the most accessible of the offices mentioned in paragraph (g) of this section. Dispatch under seal addressed to the postmaster, marking "For plant quarantine examination."

(c) *Plants admitted without restriction.* Plants and plant products ordered by, intended for, and addressed to the Plant Quarantine Division, or the Crops Research Division, Department of Agriculture, Washington, D.C. 20250.

(d) *Plants admitted under restrictions.* Except for those listed in paragraph (e) of this section as prohibited, and some which are importable by private individuals, most plants and plant products are admitted under various restrictions. For information, patrons should address inquiries to the Department of Agriculture, Agricultural Research Service, Plant Quarantine Division, Washington, D.C. 20250.

(e) *Plants prohibited.*—(1) *Cuttings, buds, cions, etc.* Subject to some exceptions, importation by mail is prohibited from all countries and localities, of all plants, including cuttings, buds, cions, bulb roots, tubers, seeds, etc.; fruits and vegetables in the raw or unprocessed state; and other plant products.

(2) *Plants and plant products as packing materials.* The importation as packing material is prohibited of rice straw, hulls and chaff; cotton and cotton products; sugarcane, including bagasse; bamboo leaves and small shoots; leaves of plants; forest litter; soil with an appreciable admixture of vegetable matter; and all parts of corn and allied plants, unless coming from Mexico and the countries of Central America, the West Indies, and South America. However, the plant materials mentioned may be admitted if in the judgment of an inspector of the U.S. Department of Agriculture the risk of carrying infectious insects and diseases has been eliminated by the manner of preparation, processing, or manufacturing to which the material has been subjected.

(f) *Failure to receive quarantine inspection.* Should a package containing plant material be observed at or en route to the office of address without having received quarantine inspection, forward it under seal to the postmaster at the most accessible of the offices mentioned in paragraph (g) of this section. Mark "For plant quarantine examination."

(g) *Inspection stations.* Inspectors of the Plant Quarantine Division, Depart-

ment of Agriculture, are stationed at the following offices:

Agana, Guam
Atlanta, Ga.
Baltimore, Md.
Baton Rouge, La.
Blaine, Wash.
Boston, Mass.
Brownsville, Tex.
Buffalo, N.Y.
Calexico, Calif.
Charleston, S.C.
Charlotte Amalie, V.I.
Chicago, Ill.
Christiansted, V.I.
Cleveland, Ohio
Corpus Christi, Tex.
Dallas, Tex.
Del Rio, Tex.
Detroit, Mich.
Douglas, Ariz.
Dover, Del.
Eagle Pass, Tex.
El Paso, Tex.
Galveston, Tex.
Hidalgo, Tex.
Hilo, Hawaii.
Hoboken, N.J.
Honolulu, Hawaii.
Houston, Tex.
Jacksonville, Fla.
Key West, Fla.
Laredo, Tex.
Memphis, Tenn.
Miami, Fla.
Mobile, Ala.
New Orleans, La.
New York, N.Y.
Nogales, Ariz.
Norfolk, Va.
Pensacola, Fla.
Philadelphia, Pa.
Port Arthur, Tex.
Port Everglades, Fla.
Portland, Oreg.
Presidio, Tex.
Roma, Tex.
St. Albans, Vt.
St. Paul, Minn.
San Antonio, Tex.
San Diego, Calif.
San Francisco, Calif.
San Juan, P.R.
San Luis, Ariz.
San Pedro, Calif.
San Ysidro, Calif.
Savannah, Ga.
Seattle, Wash.
Tampa, Fla.
Washington, D.C.
West Palm Beach, Fla.
Wilmington, N.C.

PART 271—INQUIRIES AND COMPLAINTS

Sec.
271.1 Inquiries encouraged.
271.2 Nondelivery.
271.3 Incomplete return receipts.
271.4 Charges for inquiries.
271.5 Processing.
271.6 Use of Form 673, Report of Rifled Parcel.
271.7 Use of Form 3760, Wrapper Found Without Contents.

AUTHORITY: The provisions of this Part 271 issued under 5 U.S.C. 301, 39 U.S.C. 501, 505.

§ 271.1 Inquiries encouraged.

Patrons are urged to report losses, nondelivery, or mistreatment of mail, as these reports may serve to improve the postal service. Inquiries and complaints are to be made at, or addressed to, the local post office. They are accepted within 1 year, counting from the day following the date of mailing.

§ 271.2 Nondelivery.

If an article has failed to reach the addressee within a reasonable time, after it should in regular course have been delivered, the post office will, on request institute an inquiry with the foreign postal administration. Inquiry may be made even though the article was mailed in another country. If the sender is unable to submit the registry (mailing) receipt for a registered article, he must make complaint at the office of mailing.

§ 271.3 Incomplete return receipts.

If the sender receives a return receipt not properly completed (see § 343.5(d) of this chapter), the receipt with the complaint is transmitted to the International Service Division, Bureau of Transportation and International Services, Post Office Department, Washington, D.C. 20260.

§ 271.4 Charges for inquiries.

(a) *When applicable.* No charge is made for an inquiry or complaint concerning the nondelivery of a piece of international mail if the sender has failed to receive a return receipt for which the required fee was paid or if he can show that loss or other irregularity has occurred apparently through fault of the Postal Service. Such a showing is satisfied either by exhibiting a letter from the addressee a reasonable time after the article involved would normally have been delivered; or satisfactorily explaining the failure to exhibit such a letter or report. Otherwise, a charge of 20 cents is made, postage stamps to cover the fee being affixed to the inquiry form and canceled. The inquiry or complaint is transmitted by airmail, if practicable.

(b) *When several articles involved.* Only one fee is collected for inquiries or requests for information concerning several articles mailed simultaneously by the same sender to the same addressee.

(c) *Telegraph inquiry.* If the sender desires that the inquiry be sent by telegraph or cable, his request must be accompanied with an amount sufficient to pay the telegraph or cable charges, and if a reply by telegraph or cable is desired, the sender must pay the charges both ways. Such request should be forwarded to the postal inspector in charge of the division in which the office of mailing or address is located.

§ 271.5 Processing.

(a) *Mail exchanged with Canada.*—(1) *Registered and ordinary.*—(i) *Mailed in United States.* (a) Inquiries as to disposition or complaints of loss are reported on Form 1510. Enter dispatch particulars (except ordinary parcels) from mailing office on back of the form, and send it to the postmaster at the office of address in Canada.

(b) Complaints of rifling, damage, delay, or wrong delivery are reported on Form 1510, suitably altered, to the Postmaster, Chicago, Ill. 60607, with the envelope or wrapper, if available.

(ii) *Mailed to United States.* (a) Inquiries as to disposition or complaints of loss are reported on Form 1510 and sent to the postmaster at the office of mailing in Canada. If the registry receipt is not available, ask the complainant to have inquiry made at the office of mailing.

(b) Complaints of rifling, damage, delay, or wrong delivery are reported on Form 1510, suitably altered, to the Postmaster, Chicago, Ill. 60607, with the envelope or wrapper, if available.

(iii) *Inquiries of Canadian origin.* Post offices will return Canadian inquiries, appropriately endorsed with the result of their findings, to the point in Canada, from which received. If loss of mail to or from Canada is disclosed, report the matter on Form 1510 to the Postmaster, Chicago, Ill. 60607. In the case of mail from Canada, the necessary information should be obtained from the Canadian inquiry form before it is returned.

(2) *Insured parcels.*—(i) *Mailed in United States.* (a) Inquiries as to disposition.—(Sender has no report of nonreceipt from addressee). Complete Form 2855 and send to postmaster at the office of address in Canada. If delivery is disclosed, the endorsed form will be returned to the office of mailing so that the sender may be informed accordingly and the case closed. If loss, rifling, or damage is disclosed, Canadian officials will send Form 2855 to the Postmaster, Chicago, Ill. 60607. Should a form, disclosing loss, rifling, or damage, be sent by mistake to the postmaster at the office of mailing, send it promptly to the postmaster in Chicago.

(b) Complaints of loss.—(Sender has report of nonreceipt from addressee), rifling, damage, delay, or wrong delivery. Complete Form 2855 and send, with the correspondence received by the sender from the addressee, and wrapper if available, to the Postmaster, Chicago, Ill. 60607.

(c) If application for indemnity is received on Canadian Form 43A, bearing information supplied by the addressee and the Canadian Postal Service for damage or rifling, complete the Form 43A, in lieu of Form 2855, and forward to the Postmaster, Chicago, Ill. 60607.

(ii) *Mailed to United States.* (a) If a complaint of loss, rifling, damage, delay, or wrong delivery originates in the United States, complete Form 1510 and send parts II and III of the original to the postmaster at the mailing office in Canada with the packing of the parcel if available. If the packing has been destroyed or otherwise disposed of, the complaint shall be endorsed accordingly. If complaint is of loss or rifling, send a copy of part II of Form 1510, endorsed to show disposition of the original, to the postal inspector in charge of the division in which the office of destination is located.

(b) On receipt of a Canadian indemnity form, it shall be properly completed and returned to the Canadian District Director of Postal Service from whom the form was received. If obtainable in cases of rifling or damage, the packing of the parcels shall be transmitted to the Canadian Administration with the indemnity form. If the packing has been destroyed or otherwise disposed of, the form shall be endorsed accordingly.

(b) *Mail exchanged with countries other than Canada.*—(1) *Registered Mail.*—(i) *Mailed in United States.—Inquiries as to disposition or complaints of loss, rifling, damage, delay or wrong delivery.* Report on Form 542. Insert particulars of dispatch from the office of mailing and send form to the postmaster at the appropriate adjusting exchange office shown in § 272.2(f) of this chapter, with the envelope or wrapper, if available.

(ii) *Mailed to United States.—Inquiries as to disposition or complaints of loss, rifling, damage, delay or wrong delivery.* Report on Form 542 and send, with registry receipt, if available, to the postmaster at the appropriate adjusting exchange office shown in § 272.2(f) of this chapter, with the envelope or wrapper, if available. If the registry receipt is not available, ask the complainant to have inquiry made at the office of mailing.

(2) *Insured parcels.*—(i) *Mailed in United States.*—(a) *Inquires as to disposition (sender has no report of nonreceipt from addressee) and delay.* Report on Form 542. Insert particulars of dispatch from the office of mailing and send form to the postmaster at the appropriate adjusting exchange office shown in § 272.2(f) of this chapter, with the wrapper, if available.

(b) *Complaints of loss (sender has report of nonreceipt from addressee), rifling, damage, or wrong delivery.* Report on Form 2855, and send, with the correspondence received by the sender from the addressee, and wrapper if available, to the postmaster at the appropriate adjusting exchange office shown in § 272.2(f) of this chapter.

(ii) *Mailed to United States.*—(a) *Inquiries as to disposition and delay.* Report on Form 542 and send with the wrapper, if available, to the postmaster at the appropriate adjusting exchange office shown in § 272.2(f) of this chapter.

(b) *Complaints of loss, rifling, damage, or wrong delivery.* When complaint is made at the office of address, enter mailing particulars on Form 2855, complete declaration of postmaster—office of address portion—and obtain declaration of addressee. Forward form and any related papers, including customs declaration and wrapper, if available, to the postmaster at the appropriate adjusting exchange office shown in § 272.2(f) of this chapter.

(3) *Ordinary mail mailed in or to United States—Inquiries as to disposition or complaints of loss, rifling, damage, delay, or wrong delivery.* Report on Form 542 (parcel post) and on Form 541 (postal union mail). Send forms to the postmaster at the appropriate adjusting exchange office shown in § 272.2(f) of this chapter, with the envelope or wrapper, if available.

§ 271.6 Use of Form 673, Report of Rifled Parcel.

Report on Form 673, "Report of Rifled Parcel."

§ 271.7 Use of Form 3760, Wrapper Found Without Contents.

Use Form 3760 to inform the sender if parcel is of domestic origin; otherwise, send the form appropriately modified to the addressee.

PART 272—INDEMNITY CLAIMS AND PAYMENTS

Sec.
272.1 Initiation and proof of claims.
272.2 Indemnity payments.

AUTHORITY: The provisions of this Part 272 issued under 5 U.S.C. 301, 39 U.S.C. 501, 505.

§ 272.1 Initiation and proof of claims.

(a) *Initiation of claims.* Claims must be initiated as outlined in § 271.5 of this chapter in applying for the indemnity stipulated in § 272.2.

(b) *Documents to accompany claims.* Claimants must submit the report from the addressee on which the claim is based and any evidence of value or cost of repairs such as purchase receipts or invoices.

§ 272.2 Indemnity payments.

(a) *Registered postal union articles.* Payment of indemnity is incumbent on the country of origin of the article and is made as follows:

(1) *Canada.* Indemnity may be paid not to exceed $100, based on actual value, for loss (contents and wrapper). When mailed in the United States, payment may also be made up to $100 based on actual value for damage or rifling of contents, if responsibility rests with the United States, or it is not possible to determine in which country the damage or rifling occurred.

(2) *Great Britain and Northern Ireland, Israel, and Switzerland.* Indemnity may be paid in any amount claimed not exceeding $8.17 for loss (contents and wrapper), regardless of value; and, on the basis of actual value, for rifling or "Total" damage of an article in a registered packet, but not exceeding $8.17. When mailed in the United States, payment may also be made for partial damage, but not exceeding $8.17, if responsibility rests with the United States or it is not possible to determine in which country the damage occurred.

(3) *Australia.* Indemnity may be paid in any amount claimed not exceeding $8.17 for loss (contents and wrapper), regardless of value; and, on the basis of actual value, for rifling of an article in a registered packet, but not exceeding $8.17. When mailed in the United States, payment may also be made for damage, but not exceeding $8.17, if responsibility rests with the United States or it is not possible to determine in which country the damage occurred.

(4) *All other countries.* Indemnity may be paid in any amount claimed not exceeding $8.17 for loss (contents and wrapper), regardless of value. When mailed in the United States, payment may also be made up to $8.17 on the basis of actual value for damage or rifling of contents (including instances when money in cash, banknotes, or values payable to bearer are prohibited by international agreements), if responsibility rests with the United States or it is not possible to determine in which country the damage or rifling occurred.

(b) *Registered parcel post.*—(1) *Cape Verde Islands and Portuguese West Africa.* Indemnity may be paid up to $16.33, based on actual value, for loss, rifling, or damage.

(2) *Cuba.* Indemnity may be paid up to $10 for loss (contents and wrapper), based on actual value.

(3) *Ecuador.* Indemnity may be paid up to $50, based on actual value, for loss, rifling, or damage.

(4) *Other countries.* Although parcels may be registered to Bermuda, British Honduras, Congo (Kinshasa), Jamaica, Trinidad and Tobago, and Turks Islands, there is no provision for payment of indemnity in case of loss, rifling, or damage of such parcels.

(c) *Insured parcel post.*—(1) *General provisions.* Indemnity may be paid for loss, rifling, or damage, based on actual value.

(2) *Forwarded or returned to third country.* The mailer may be paid only such indemnity for loss, rifling, or damage occurring after redispatch by the original country of address to a third country as the country in which the mistreatment occurred is willing or obligated to pay under any agreement between the countries involved.

(3) *Canada.* Indemnity may be specially paid as provided in subparagraph (1) of this paragraph for loss, rifling, or damage of insured parcels addressed to Canada containing articles prohibited insurance. See country item "Canada" in the appendix to this subchapter.

(d) *Principal exceptions.* Indemnity may not be paid:

(1) In excess of the limit prescribed for the insurance or registry fee paid or greater than that corresponding to the actual amount of loss (except registered postal union), rifling, or damage. Allowance must be made for depreciation or for needed repairs, and, in the absence of purchase receipts or invoices, the contents must be described in sufficient detail.

(2) To anyone in this country other than the sender, for loss of registered postal union mail, except on the consent of both the sender and the country of origin.

(3) For damage or for partial or complete loss or rifling of the contents of postal union registered articles, except as stated in paragraph (a) of this section.

(4) When (i) other countries report delivery of parcels without external trace of rifling or damage and acceptance without reservation concerning the condition of the contents, and (ii) when delivery was made under conditions prescribed by the domestic regulations of the country of destination for mail of the same kind, or, on presentation of a regular postal identity card.

(5) When loss, rifling, or damage has been caused by the fault or negligence of the sender or the addressee or the representative of either, such as failure to endorse the parcel conspicuously to show the nature of the contents or to provide adequate packing for the length of the journey and for the protection of the contents.

(6) When an article or parcel cannot be accounted for in consequence of the destruction of service records through "force majeure."

(7) When the contents are prohibited, except as stated in paragraph (a)(4) and (c)(3) of this section.

(8) When the claimant, with intent to defraud, shall declare the contents of a parcel to be above their real value.

(9) For an article or parcel seized by the customs.

(10) For parcels that contain matter of no intrinsic value or matter which did not conform to stipulations of the conventions applicable, or were not posted in the manner prescribed. However, in the event of loss, rifling, or damage of mail erroneously accepted for insurance to other countries, limited indemnity may specially be paid as if it had been addressed to a domestic destination, i.e., on the basis of the indemnity limits for domestic insured mail. If erroneously accepted as registered mail limited indemnity may be specially paid under the conditions in paragraph (a) of this section. If postage was erroneously collected at other than parcel post rates, but the parcel was otherwise properly accepted for insurance, indemnity may specially be paid under paragraph (c) of this section.

(11) For indirect loss or loss of profits in the case of parcels.

(12) When no inquiry or application for indemnity has been made by claimant or his representative within a year commencing with the day following the posting of the article or parcel. In the case of insured mail with Canada, however, the time limit may be waived when it is satisfactorily established that the delay was unavoidable and not the fault of the claimant.

(13) For damage which results from the inherent vice or quality of the contents, that is, its inability, due to its nature, to withstand the ordinary incidents of the contemplated carriage.

(14) When full compensation or reimbursement has otherwise been made by the Post Office Department or by any outside firm or corporation whatsoever except on a pro rata basis as coinsurer.

(15) For sentimental values arising from association of articles. Also, in the absence of a complete description, the claimant must satisfactorily establish the ordinary market value at the time of mailing, particularly in the case of heirlooms or antiques.

(16) For an amount in excess of the maximum prescribed for the insurance or registry fee paid, unless responsibility rests with the United States and it shall be shown to the satisfaction of the Postmaster General that the mailer was charged a fee less than that required to cover the amount of indemnity desired, through error on the part of the Postal Service. On such a showing, the deficiency in fee may be collected from the mailer and postal indemnity paid within the limit fixed for the higher fee. If full or partial responsibility rests with the other country and the mailer requested full coverage at the time of mailing, but a deficient and "unauthorized" insurance fee was collected, he may be paid for full value, less the amount of the deficient fee, but not exceeding the limit fixed for the appropriate insurance fee.

(17) For loss of articles registered free or for official registered mail.

(18) When evidence of insurance coverage has not been presented.

(19) In excess of the limits prescribed in paragraph (a) of this section for domestic registered letters bearing foreign return addresses which are forwarded pursuant to § 223.4(b)(2).

(c) *When to be instituted.* Claims for indemnity involving international registered mail, and insured mail for which inquiry concerning disposal has been made, shall be instituted only on instructions from the postmasters at the appropriate adjusting exchange offices shown in paragraph (f) of this section, except as otherwise specifically provided for in § 271.5(a)(2)(i) of this chapter for insured mail to Canada.

(f) *Adjusting exchange offices.* Indemnity claims relating to international insured or registered mail shall be adjudicated and approved by the adjusting exchange office for the country involved as indicated below.

New York, N.Y. 10001

Europe.
Africa.
Afghanistan.
Iran.
Iraq.
Israel.
Jordan.
Lebanon.
Pakistan.
Saudi Arabia.
Syria.
Turkey.
Yemen.

New Orleans, La. 70113

Central and South America.
Mexico.
West Indies.

Chicago, Ill. 60607

Canada.

San Francisco, Calif. 94101

All other countries (in Pacific area).

PART 273—POSTAGE REFUNDS

Sec.
273.1 Who may apply.
273.2 Processing.

AUTHORITY: The provisions of this Part 273 issued under 5 U.S.C. 301, 39 U.S.C. 501, 505.

§ 273.1 Who may apply.

Senders may file application as outlined in § 147.2(b) of this chapter for refund of postage, fees, or other charges paid on international mail for which full service was not rendered or which was paid in excess of the proper rate.

§ 273.2 Processing.

Post offices will process applications when the request relates to mail originating in the United States, unless there is reason to believe that the other country is at fault. Forward application with the wrapper and all supporting papers to the International Service Division, Bureau of Transportation and International Services, Post Office Department, Washington, D.C. 20260, when there is reason to believe that the other country is at fault or when the request relates to mail originating in another country.

Appendix—Directory of International Mail

CONTENTS

Chart 1 Postal union mail.
Chart 2 Ready reference tables of postage on postal union surface mail.
Chart 3 Ready reference tables of postage on postal union airmail.
Chart 4 Ready reference tables of postage on surface parcel post.
Chart 5 Special delivery.
Chart 6 Special handling.
Rates and conditions governing mail to individual countries (arranged alphabetically).
List of places not included in the alphabetical list of countries.

Chart 1—POSTAL UNION MAIL

(See Parts 221 through 228 of this chapter, for detailed information on mailing conditions.)

TABLE I—CLASSIFICATIONS AND WEIGHT LIMITS FOR SURFACE AND AIR MAIL, AND SURFACE POSTAGE RATES

(For airmail: See country items for rates and Part 241 of this chapter for general information.)

Classifications (surface and air)	Surface rates	Weight limits (surface and air)
Letter mail (see §222.1 of this chapter):		
To Canada	5 cents per ounce	60 pounds.
To Mexico	5 cents per ounce (See Chart 2, Table I)	4 pounds 6 ounces.
To all other countries	13 cents first ounce, 8 cents each additional ounce. (See Chart 2, Table II.)	Do.
Postcards (see §222.2 of this chapter):		
To Canada and Mexico	4 cents single; 8 cents reply paid	
To all other countries	5 cents single; 10 cents reply paid	
Printed matter (see §222.4 of this chapter):		
a. Regular prints not stated in b and c:		
To Canada and Mexico	4 cents first 2 ounces; 2 cents each additional ounce. (See Chart 2, Table III.)	See Table II next page.
To all other countries	6 cents first 2 ounces; 4 cents each additional 2 ounces. (See Chart 2, Table IV.)	
b. Books and sheet music (see §222.4(a)(1)(ii) of this chapter):		
To PUAS countries (see §211.2 of this chapter) except Spain and Spanish possessions	3 cents first 2 ounces; 1 cent each additional 2 ounces. (See Chart 2, Table V.)	
To all other countries including Spain and Spanish possessions	4 cents first 2 ounces; 1½ cents each additional 2 ounces. (See Chart 2, Table VI.)	
c. Publishers' second class and controlled circulation publications to all countries	See §222.4(a)(1)(iii) and (iv) of this chapter.	
Matter for the blind (see §222.3 of this chapter).	Domestic rates apply, with certain exceptions. See §222.5(d) and Part 138 of this chapter.	15 pounds 6 ounces.
Samples of merchandise (see §222.6 of this chapter):		
To Canada and Mexico	4 cents first 2 ounces; 2 cents each additional ounce; minimum charge 10 cents. (See Chart 2, Table III.)	15 ounces.
To all other countries	6 cents first 2 ounces; 4 cents each additional 2 ounces; minimum charge 18 cents. (See Chart 2, Table IV.)	15 ounces.
Small packets: To all countries admitting (§222.7 of this chapter and country items).	6 cents each 2 ounces; minimum charge 26 cents. (See Chart 2, Table VII.)	2 pounds 3 ounces.

TABLE II—WEIGHT LIMITS FOR "PRINTED MATTER" PACKAGES (SURFACE OR AIR)

Countries	Books, catalogs, and directories (pounds)	All other prints
For countries not listed below	11	6 pounds 8 ounces.
Bolivia, Brazil, Fernando Po, Rio Muni, Spain (including Balearic Islands, Canary Islands, and Spanish Offices in Northern Africa), and Spanish West Africa.	22	22 pounds.
Argentina, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Republic of Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay, and Venezuela.	33	33 pounds.

See § 222.4(b)(3) of this chapter concerning exceptional weight limit for packages or bundles of second class and controlled circulation publications mailed to Canada by publishers or registered news agents.

TABLE III—DIMENSIONS FOR POSTAL UNION MAIL ARTICLES (SURFACE OR AIR)

POST CARDS

Minimum	Maximum
4¼ by 3 inches	6 by 4¼ inches.

ALL POSTAL UNION MAIL ARTICLES OTHER THAN POST CARDS

Minimum	Maximum
Address side no less than 4¼ by 3 inches. When in form of a roll, the length may not be less than 4 inches or the length plus twice the diameter less than 6¾ inches. Articles having lesser dimensions are accepted on condition that a rectangular address tag, not less than 4 by 2¾ inches, is attached.	24 inches in length or 36 inches in length, width and thickness combined. When in form of a roll, the length (the maximum of which is 36 inches) plus twice the diameter may not exceed 42 inches.

Chart 2—READY REFERENCE TABLES OF POSTAGE ON POSTAL UNION SURFACE MAIL

TABLE I—SURFACE RATES FOR LETTERS AND LETTER PACKAGES TO CANADA AND MEXICO

(Rate: 5 cents per ounce or fraction)

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	1	$0.05	1	0	$1.24	3	1	$2.43
0	2	.10	1	1	1.29	3	2	2.48
0	3	.15	1	2	1.34	3	3	2.53
0	4	.20	1	3	1.39	3	4	2.58
0	5	.25	1	4	1.44	3	5	2.63
0	6	.30	1	5	1.49	3	6	2.68
0	7	.35	1	6	1.54	3	7	2.73
0	8	.40	1	7	1.59	3	8	2.78
0	9	.45	1	8	1.64	3	9	2.83
0	10	.50	1	9	1.69	3	10	2.88
0	11	.55	1	10	1.74	3	11	2.93
0	12	.60	1	11	1.79	3	12	2.98
0	13	.65	1	12	1.84	3	13	3.03
0	14	.70	1	13	1.89	3	14	3.08
0	15	.75	1	14	1.94	3	15	3.13
0	16	.80	1	15	1.99	4	0	3.18
0	17	.85	2	0	2.04	4	1	3.23
0	18	.90	2	1	2.09	4	2	3.28
0	19	.95	2	2	2.14	4	3	3.33
0	20	1.00	2	3	2.19	4	4	3.38
0	21	1.05	2	4	2.24	4	5	3.43
0	22	1.10	2	5	2.29	4	6	3.48
0	23	1.15	2	6	2.34			
0	24	1.20	2	7	2.39			

For letters or letter packages to Canada exceeding 4 pounds 6 ounces, add 5 cents for each ounce or fraction.

TABLE II—SURFACE RATES FOR LETTERS AND LETTER PACKAGES TO COUNTRIES OTHER THAN CANADA AND MEXICO

(Rates: 15 cents first ounce; 8 cents each additional ounce or fraction)

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	1	$0.15	1	0	$2.05	3	1	$3.97
0	2	.23	1	1	2.13	3	2	4.05
0	3	.39	1	2	2.21	3	3	4.13
0	4	.37	1	3	2.29	3	4	4.21
0	5	.45	1	4	2.37	3	5	4.29
0	6	.53	1	5	2.45	3	6	4.37
0	7	.61	1	6	2.53	3	7	4.45
0	8	.69	1	7	2.61	3	8	4.53
0	9	.77	1	8	2.69	3	9	4.61
0	10	.85	1	9	2.77	3	10	4.69
0	11	.93	1	10	2.85	3	11	4.77
0	12	1.01	1	11	2.93	3	12	4.85
0	13	1.09	1	12	3.01	3	13	4.93
0	14	1.17	1	13	3.09	3	14	5.01
0	15	1.25	1	14	3.17	3	15	5.09
1	0	1.33	1	15	3.25	4	0	5.17
1	1	1.41	2	0	3.33	4	1	5.25
1	2	1.49	2	10	3.41	4	2	5.33
1	3	1.57	2	11	3.49	4	3	5.41
1	4	1.65	2	12	3.57	4	4	5.49
1	5	1.73	2	13	3.65	4	5	5.57
1	6	1.81	2	14	3.73	4	6	5.65
1	7	1.89	2	15	3.81			
1	8	1.97	3	0	3.89			

TABLE III—SURFACE RATES TO CANADA AND MEXICO FOR REGULAR PRINTED MATTER AND FOR SAMPLES OF MERCHANDISE

(SEE CHART 1, TABLE II FOR WEIGHT LIMITS)

(Rates: 4 cents first 2 ounces; 2 cents each additional ounce)

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	2	$0.04	2	4	$0.72	4	7	$1.43
0	3	.06	2	5	.74	4	8	1.44
0	4	.08	2	6	.76	4	9	1.46
0	5	.10	2	7	.78	4	10	1.48
0	6	.12	2	8	.80	4	11	1.50
0	7	.14	2	9	.82	4	12	1.52
0	8	.16	2	10	.84	4	13	1.54
0	9	.18	2	11	.86	4	14	1.56
0	10	.20	2	12	.88	4	15	1.58
0	11	.22	2	13	.90	5	0	1.60
0	12	.24	2	14	.92	5	1	1.62
0	13	.26	2	15	.94	5	2	1.64
0	14	.28	3	0	.96	5	3	1.66
0	15	.30	3	1	.98	5	4	1.68
1	0	.32	3	2	1.00	5	5	1.70
1	1	.34	3	3	1.02	5	6	1.72
1	2	.36	3	4	1.04	5	7	1.74
1	3	.38	3	5	1.06	5	8	1.76
1	4	.40	3	6	1.08	5	9	1.78
1	5	.42	3	7	1.10	5	10	1.80
1	6	.44	3	8	1.12	5	11	1.82
1	7	.46	3	9	1.14	5	12	1.84
1	8	.48	3	10	1.16	5	13	1.86
1	9	.50	3	11	1.18	5	14	1.88
1	10	.52	3	12	1.20	5	15	1.90
1	11	.54	3	13	1.22	6	0	1.92
1	12	.56	3	14	1.24	6	1	1.94
1	13	.58	3	15	1.26	6	2	1.96
1	14	.60	4	0	1.28	6	3	1.98
1	15	.62	4	1	1.30	6	4	2.00
2	0	.64	4	2	1.32	6	5	2.02
2	1	.66	4	3	1.34	6	6	2.04
2	2	.68	4	4	1.36	6	7	2.06
2	3	.70	4	5	1.38	6	8	2.08
			4	6	1.40			

[1] 10 cents is the minimum postage chargeable on "Samples of Merchandise," and 16 ounces is the maximum weight limit.

To determine the postage for packages of printed matter over 6 pounds 8 ounces addressed to Mexico, compute the rate for the pounds alone at 32 cents per pound, and add the rate for the ounces at 2 cents per ounce.

TABLE IV—SURFACE RATES TO COUNTRIES OTHER THAN CANADA AND MEXICO FOR REGULAR PRINTED MATTER AND FOR SAMPLES OF MERCHANDISE

(SEE CHART 1 TABLE II FOR WEIGHT LIMITS)

(Rates: 6 cents first 2 ounces; 4 cents each additional 2 ounces)

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	2	$0.06	2	8	$0.78	4	10	$1.50
0	4	.10	2	10	.82	4	12	1.54
0	6	.14	2	12	.86	4	14	1.58
0	8	.18	2	14	.90	5	0	1.62
0	10	.22	2	16	.94	5	2	1.66
0	12	.26	3	0	.98	5	4	1.70
0	14	.30	3	2	1.02	5	6	1.74
0	16	.34	3	4	1.06	5	8	1.78
1	0	.34	3	6	1.10	5	10	1.82
1	2	.38	3	8	1.14	5	12	1.86
1	4	.42	3	10	1.18	5	14	1.90
1	6	.46	3	12	1.22	6	0	1.94
1	8	.50	3	14	1.26	6	2	1.98
1	10	.54	4	0	1.30	6	4	2.02
1	12	.58	4	2	1.34	6	6	2.06
1	14	.62	4	4	1.38	6	8	2.10
2	0	.66	4	6	1.42	6	10	2.14
2	2	.70	4	8	1.46	6	12	2.18
2	4	.74	4	8	1.46	6	14	2.22
2	6	.78	4	8	1.46	6	16	2.26
2	8	.82	4	8	1.46	7	0	2.30
2	10	.86	4	8	1.46	7	2	2.34
2	12	.90	4	8	1.46	7	4	2.38
2	14	.94	4	8	1.46	7	6	2.42
2	16	.98	4	8	1.46	7	8	2.46
3	0	1.02	4	8	1.46	7	10	2.50
3	2	1.06	4	8	1.46	7	12	2.54
3	4	1.10	4	8	1.46	7	14	2.58
3	6	1.14	4	8	1.46	7	16	2.62
3	8	1.18	4	8	1.46	8	0	2.66
3	10	1.22	4	8	1.46	8	2	2.70
3	12	1.26	4	8	1.46	8	4	2.74
3	14	1.30	4	8	1.46	8	6	2.78
3	16	1.34	4	8	1.46	8	8	2.82
4	0	1.38	4	8	1.46	8	10	2.86
4	2	1.42	4	8	1.46	8	12	2.90
4	4	1.46	4	8	1.46	8	14	2.94
4	6	1.50	4	8	1.46	8	16	2.98
4	8	1.54	4	8	1.46	9	0	3.02
4	10	1.58	4	8	1.46	9	2	3.06
4	12	1.62	4	8	1.46	9	4	3.10
4	14	1.66	4	8	1.46	9	6	3.14
4	16	1.70	4	8	1.46	9	8	3.18
5	0	1.74	4	8	1.46	9	10	3.22
5	2	1.78	4	8	1.46	9	12	3.26
5	4	1.82	4	8	1.46	9	14	3.30
5	6	1.86	4	8	1.46	9	16	3.34
5	8	1.90	4	8	1.46	10	0	3.38
5	10	1.94	4	8	1.46	10	2	3.42
5	12	1.98	4	8	1.46	10	4	3.46
5	14	2.02	4	8	1.46	10	6	3.50
5	16	2.06	4	8	1.46	10	8	3.54
6	0	2.10	4	8	1.46	10	10	3.58
6	2	2.14	4	8	1.46	10	12	3.62
6	4	2.18	4	8	1.46	10	14	3.66
6	6	2.22	4	8	1.46	10	16	3.70
6	8	2.26	4	8	1.46	11	0	3.74
6	10	2.30	4	8	1.46			
6	12	2.34	4	8	1.46			
6	14	2.38	4	8	1.46			
6	16	2.42	4	8	1.46			
7	0	2.46	4	8	1.46			
7	2	2.50	4	8	1.46			
7	4	2.54	4	8	1.46			
7	6	2.58	4	8	1.46			
7	8	2.62	4	8	1.46			

TABLE V—SURFACE RATES FOR PRINTED BOOKS AND SHEET MUSIC TO—

Argentina	Guatemala
Bolivia	Haiti
Brazil	Republic of Honduras
Canada	Mexico
Chile	Nicaragua
Colombia	Panama
Costa Rica	Paraguay
Cuba	Peru
Dominican Republic	Uruguay
Ecuador	Venezuela
El Salvador	

(SEE CHART 1, TABLE II FOR WEIGHT LIMITS)

(Rates: 3 cents first 2 ounces; 1 cent each additional 3 ounces)

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	2	$0.03	3	14	$0.32	7	10	$0.62
0	4	.04	4	0	.34	7	12	.64
0	6	.05	4	2	.35	7	14	.65
0	8	.06	4	4	.36	8	0	.66
0	10	.07	4	6	.37	8	2	.67
0	12	.08	4	8	.38	8	4	.68
0	14	.09	4	10	.39	8	6	.69
1	0	.10	4	12	.40	8	8	.70
1	2	.11	4	14	.41	8	10	.71
1	4	.12	5	0	.42	8	12	.72
1	6	.13	5	2	.43	8	14	.72
1	8	.14	5	4	.44	9	0	.74
1	10	.15	5	6	.45	9	2	.75
1	12	.16	5	8	.46	9	4	.76
1	14	.17	5	10	.47	9	6	.77
2	0	.18	5	12	.48	9	8	.78
2	2	.19	5	14	.49	9	10	.79
2	4	.20	6	0	.50	9	12	.80
2	6	.21	6	2	.51	9	14	.81
2	8	.23	6	4	.52	10	0	.82
2	10	.24	6	6	.53	10	2	.83
2	12	.26	6	8	.54	10	4	.84
2	14	.28	6	10	.55	10	6	.85
3	0	.30	6	12	.56	10	8	.86
3	2	.31	6	14	.57	10	10	.87
3	4	.32	7	0	.58	10	12	.88
3	6	.33	7	2	.59	10	14	.89
3	8	.30	7	4	.60	11	0	.90
3	10	.31	7	6	.61			
3	12	.32	7	8	.62			

To determine the postage for packages weighing over 11 pounds, compute the rate for the pounds alone at 8 cents per pound. If there are no remaining ounces, add 3 cents; if there are remaining ounces, determine the rate for them from the table and add to the rate for the pounds. For example, if a package weighs 21 pounds, compute the rate at 8 cents and add 3 cents, finding the rate to be $1.70. If a package weighs 21 pounds 5 ounces, compute the rate for 21 pounds at 8 cents ($1.68) and add the rate for the ounces (5 cents), finding the rate to be $1.73.

TABLE VI—SURFACE RATES FOR PRINTED BOOKS AND SHEET MUSIC TO COUNTRIES NOT LISTED IN TABLE V

(SEE CHART 1, TABLE II FOR WEIGHT LIMITS)

(Rates: 4 cents first 2 ounces; 1½ cents each additional 2 ounces)

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	2	$0.04	3	14	$0.40	7	10	$0.94
0	4	.06½	4	0	.80½	7	12	.95½
0	6	.07	4	2	.82	7	14	.97
0	8	.08½	4	4	.83½	8	0	.98½
0	10	.10	4	6	.85	8	2	1.00
0	12	.11½	4	8	.86½	8	4	1.01½
0	14	.13	4	10	.88	8	6	1.03
1	0	.14½	4	12	.89½	8	8	1.04½
1	2	.16	4	14	.91	8	10	1.06
1	4	.17½	5	0	.92½	8	12	1.07½
1	6	.19	5	2	.94	8	14	1.09
1	8	.20½	5	4	.95½	9	0	1.10½
1	10	.22	5	6	.97	9	2	1.12
1	12	.23½	5	8	.98½	9	4	1.13½
1	14	.25	5	10	.70	9	6	1.15
2	0	.26½	5	12	.71½	9	8	1.16½
2	2	.28	5	14	.73	9	10	1.18
2	4	.29½	6	0	.74½	9	12	1.19½
2	6	.31	6	2	.76	9	14	1.21
2	8	.32½	6	4	.77½	10	0	1.22½
2	10	.34	6	6	.79	10	2	1.24
2	12	.35½	6	8	.80½	10	4	1.25½
2	14	.37	6	10	.82	10	6	1.27
3	0	.38½	6	12	.83½	10	8	1.28½
3	2	.40	6	14	.85	10	10	1.30
3	4	.41½	7	0	.86½	10	12	1.31½
3	6	.43	7	2	.88	10	14	1.33
3	8	.44½	7	4	.89½	11	0	1.34½
3	10	.46	7	6	.91			
3	12	.47½	7	8	.92½			

To determine the postage for packages over 11 pounds addressed to Spain and Spanish possessions, compute the rate for the pounds alone at 12 cents per pound. If there are no remaining ounces, add 2½ cents; if there are remaining ounces, determine the rate for them from the table and add to the rate for the pounds. For example, if a package weighs 21 pounds, compute the rate at 12 cents and add 2½ cents, finding the rate to be $2.54½ cents. If a package weighs 21 pounds 5 ounces, compute the rate for 21 pounds at 12 cents ($2.52) and add the rate for the ounces (7 cents), finding the rate to be $2.59.

TABLE VII—SURFACE RATES FOR SMALL PACKETS (ALL COUNTRIES TO WHICH ACCEPTED)

(Rate: 6 cents for each 2 ounces or fraction of 2 ounces, with minimum charge of 26 cents)

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
Up to—			1	2	$0.84	1	14	$0.90
0	8	$0.26	1	4	.60	2	0	.96
0	10	.30	1	6	.66	2	2	1.02
0	12	.36	1	8	.72	2	8	1.08
0	14	.42	1	10	.78			
1	0	.48	1	12	.84			

Chart 3—READY-REFERENCE TABLES OF POSTAGE ON POSTAL UNION AIRMAIL

TABLE I—AIRMAIL RATES FOR LETTERS AND LETTER PACKAGES TO CANADA AND MEXICO

(Rate: 8 cents per ounce or fraction)

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	1	$0.08	0	12	$0.96	4	7	$1.84
0	2	.16	0	13	1.04	1	8	1.92
0	3	.24	0	14	1.12	1	9	2.00
0	4	.32	0	15	1.20	1	10	2.08
0	5	.40	1	0	1.28	1	11	2.16
0	6	.48	1	1	1.36	1	12	2.24
0	7	.56	1	2	1.44	1	13	2.32
0	8	.64	1	3	1.52	1	14	2.40
0	9	.72	1	4	1.60	1	15	2.48
0	10	.80	1	5	1.68	2	0	2.56
0	11	.88	1	6	1.76			

For letter or letter packages over 2 pounds, add 8 cents for each ounce or fraction.

TABLE II—AIRMAIL RATES FOR LETTERS AND LETTER PACKAGES TO CENTRAL AMERICA, SOUTH AMERICA, CARIBBEAN ISLANDS, BAHAMAS, BERMUDA, AND ST. PIERRE AND MIQUELON

(Rate: 15 cents per half ounce or fraction)

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	½	$0.15	0	7½	$2.25	0	14½	$4.35
0	1	.30	0	8	2.40	0	15	4.50
0	1½	.45	0	8½	2.55	0	15½	4.65
0	2	.60	0	9	2.70	1	0	4.80
0	2½	.75	0	9½	2.85	1	½	4.95
0	3	.90	0	10	3.00	1	1	5.10
0	3½	1.05	0	10½	3.15	1	1½	5.25
0	4	1.20	0	11	3.30	1	2	5.40
0	4½	1.35	0	11½	3.45	1	2½	5.55
0	5	1.50	0	12	3.60	1	3	5.70
0	5½	1.65	0	12½	3.75	1	3½	5.85
0	6	1.80	0	13	3.90	1	4	6.00
0	6½	1.95	0	13½	4.05			
0	7	2.10	0	14	4.20			

For letters or letter packages over 20 ounces, add 15 cents per half ounce or fraction.

TABLE III—AIRMAIL RATES FOR LETTERS AND LETTER PACKAGES TO EUROPE (EXCEPT ESTONIA, LATVIA, LITHUANIA, AND U.S.S.R.), AND MEDITERRANEAN AFRICA

(Rate: 20 cents per half ounce or fraction)

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	½	$0.20	0	7½	$3.00	0	14½	$5.80
0	1	.40	0	8	3.20	0	15	6.00
0	1½	.60	0	8½	3.40	0	15½	6.20
0	2	.80	0	9	3.60	1	0	6.40
0	2½	1.00	0	9½	3.80	1	½	6.60
0	3	1.20	0	10	4.00	1	1	6.80
0	3½	1.40	0	10½	4.20	1	1½	7.00
0	4	1.60	0	11	4.40	1	2	7.20
0	4½	1.80	0	11½	4.60	1	2½	7.40
0	5	2.00	0	12	4.80	1	3	7.60
0	5½	2.20	0	12½	5.00	1	3½	7.80
0	6	2.40	0	13	5.20	1	4	8.00
0	6½	2.60	0	13½	5.40			
0	7	2.80	0	14	5.60			

For letters or letter packages over 20 ounces, add 20 cents per half ounce or fraction.

TABLE IV—AIRMAIL RATES FOR LETTERS AND LETTER PACKAGES TO U.S.S.R., ESTONIA, LATVIA, LITHUANIA, ASIA, AFRICA (OTHER THAN MEDITERRANEAN), AND THE PACIFIC

(Rate: 25 cents per half ounce or fraction)

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	½	$0.25	0	7½	$3.75	0	14½	$7.25
0	1	.50	0	8	4.00	0	15	7.50
0	1½	.75	0	8½	4.25	0	15½	7.75
0	2	1.00	0	9	4.50	1	0	8.00
0	2½	1.25	0	9½	4.75	1	½	8.25
0	3	1.50	0	10	5.00	1	1	8.50
0	3½	1.75	0	10½	5.25	1	1½	8.75
0	4	2.00	0	11	5.50	1	2	9.00
0	4½	2.25	0	11½	5.75	1	2½	9.25
0	5	2.50	0	12	6.00	1	3	9.50
0	5½	2.75	0	12½	6.25	1	3½	9.75
0	6	3.00	0	13	6.50	1	4	10.00
0	6½	3.25	0	13½	6.75			
0	7	3.50	0	14	7.00			

For letters or letter packages over 20 ounces, add 25 cents per half ounce or fraction.

TABLE V—AIRMAIL "AO" RATES FOR PRINTED MATTER, MATTER FOR THE BLIND, SAMPLES OF MERCHANDISE AND SMALL PACKETS TO MEXICO, CENTRAL AMERICA, THE CARIBBEAN ISLANDS, BAHAMAS, BERMUDA, AND SAINT PIERRE AND MIQUELON

(SEE CHART 1 FOR WEIGHT LIMITS)

(Rates: 40 cents first 2 ounces; 10 cents each additional 2 ounces)

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	2	$0.40	1	14	$1.80	3	10	$3.20
0	4	.50	2	0	1.90	3	12	3.30
0	6	.60	2	2	2.00	3	14	3.40
0	8	.70	2	4	2.10	4	0	3.50
0	10	.80	2	6	2.20	4	2	3.60
0	12	.90	2	8	2.30	4	4	3.70
0	14	1.00	2	10	2.40	4	6	3.80
1	0	1.10	2	12	2.50	4	8	3.90
1	2	1.20	2	14	2.60	4	10	4.00
1	4	1.30	3	0	2.70	4	12	4.10
1	6	1.40	3	2	2.80	4	14	4.20
1	8	1.50	3	4	2.90	5	0	4.30
1	10	1.60	3	6	3.00			
1	12	1.70	3	8	3.10			

To determine the postage for packages over 5 pounds, compute the rate for the pounds alone at 80 cents per pound, and add the rate for the ounces as shown in the table. If there are no ounces, add 30 cents to the rate at 80 cents per pound.

TABLE VI—AIRMAIL "AO" RATES FOR PRINTED MATTER, MATTER FOR THE BLIND, SAMPLES OF MERCHANDISE AND SMALL PACKETS TO SOUTH AMERICA, EUROPE (EXCEPT U.S.S.R., ESTONIA, LATVIA AND LITHUANIA), AND MEDITERRANEAN AFRICA

(SEE CHART 1 FOR WEIGHT LIMITS)

(Rates: 50 cents first 2 ounces; 20 cents each additional 2 ounces)

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	2	$0.50	1	14	$2.30	3	10	$4.10
0	4	.70	2	0	2.50	3	12	4.30
0	6	.90	2	2	2.70	3	14	4.50
0	8	1.10	2	4	2.90	4	0	4.70
0	10	1.30	2	6	3.10	4	2	4.90
0	12	1.50	2	8	3.30	4	4	5.10
0	14	1.70	2	10	3.50	4	6	5.30
1	0	1.90	2	12	3.70	4	8	5.50
1	2	2.10	2	14	3.90	4	10	5.70
1	4	2.30	3	0	4.10	4	12	5.90
1	6	2.50	3	2	4.30	4	14	6.10
1	8	2.70	3	4	4.50	5	0	6.30
1	10	2.90	3	6	4.70			
1	12	3.10	3	8	4.90			

To determine the postage for packages over 5 pounds, compute the rate for the pounds alone at $1.60 per pound, and add the rate for the ounces as shown in the table. If there are no ounces, add 30 cents to the rate at $1.60 per pound.

TABLE VII—AIRMAIL "AO" RATES FOR PRINTED MATTER, MATTER FOR THE BLIND, SAMPLES OF MERCHANDISE AND SMALL PACKETS TO U.S.S.R., ESTONIA, LATVIA, LITHUANIA, ASIA, AFRICA OTHER THAN MEDITERRANEAN, AND THE PACIFIC.

(SEE CHART 1 FOR WEIGHT LIMITS)

(Rates: 60 cents first 2 ounces; 30 cents each additional 2 ounces)

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	2	$0.60	1	14	$2.80	3	10	$5.00
0	4	.90	2	0	3.10	3	12	5.30
0	6	1.20	2	2	3.40	3	14	5.60
0	8	1.50	2	4	3.70	4	0	5.90
0	10	1.80	2	6	4.00	4	2	6.20
0	12	2.10	2	8	4.30	4	4	6.50
0	14	2.40	2	10	4.60	4	6	6.80
1	0	2.70	2	12	4.90	4	8	7.10
1	2	3.00	2	14	5.20	4	10	7.40
1	4	3.30	3	0	5.50	4	12	7.70
1	6	3.60	3	2	5.80	4	14	8.00
1	8	3.90	3	4	6.10	5	0	8.30
1	10	4.20	3	6	6.40			
1	12	4.50	3	8	6.70			

To determine the postage for packages over 5 pounds, compute the rate for the pounds alone at $3.40 per pound, and add the rate for the ounces as shown in the table. If there are no ounces, add 20 cents to the rate of $3.40 per pound.

Chart 4—READY-REFERENCE TABLES OF POSTAGE ON SURFACE PARCEL POST

TABLE I—SURFACE PARCEL POST RATES TO CANADA (SEE NOTE), MEXICO, CENTRAL AMERICA AND THE CARIBBEAN ISLANDS, BAHAMAS, BERMUDA, AND SAINT PIERRE AND MIQUELON

(SEE COUNTRY ITEMS FOR WEIGHT LIMITS)

(Rates: $1 first 2 pounds; 80 cents each additional pound)

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
2		$1.00	17		$4.50	32		$10.00
3		1.80	18		4.80	33		10.20
4		1.90	19		4.90	34		10.60
5		2.10	20		5.00	35		10.90
6		2.20	21		5.70	36		11.20
7		2.50	22		7.00	37		11.50
8		2.80	23		7.30	38		11.80
9		3.10	24		7.60	39		12.10
10		3.40	25		7.90	40		12.40
11		3.70	26		8.20	41		12.70
12		4.00	27		8.50	42		13.00
13		4.20	28		8.80	43		13.30
14		4.60	29		9.10	44		13.60
15		4.90	30		9.40			
16		5.20	31		9.70			

Note: See "Canada" country item for rates on packages weighing 8 ounces or less.

TABLE II—SURFACE PARCEL POST RATES TO COUNTRIES FOR WHICH TABLE I DOES NOT APPLY

(SEE COUNTRY ITEMS FOR WEIGHT LIMITS)

(Rates: $1.10 first 2 pounds; 35 cents each additional pound)

Lbs.	Rate	Lbs.	Rate	Lbs.	Rate
2	$1.10	17	$5.35	32	$11.60
3	1.45	18	5.70	33	11.95
4	1.80	19	7.05	34	12.30
5	2.15	20	7.40	35	12.65
6	2.50	21	7.75	36	13.00
7	2.85	22	8.10	37	13.35
8	3.20	23	8.45	38	13.70
9	3.55	24	8.80	39	14.05
10	3.90	25	9.15	40	14.40
11	4.25	26	9.50	41	14.75
12	4.60	27	9.85	42	15.10
13	4.95	28	10.20	43	15.45
14	5.30	29	10.55	44	15.80
15	5.65	30	10.90		
16	6.00	31	11.25		

(SEE COUNTRY ITEMS FOR AIR PARCEL POST RATES AND TABLES)

Chart 5—SPECIAL DELIVERY

Special delivery service is available only for postal union mail addressed to countries admitting the service. See subcaption "Special delivery" under individual country items. The following fees apply:

Class of Mail	Weight: Not more than 1 pounds	Weight: More than 2 pounds but not more than 10 pounds	Weight: More than 10 pounds
	Cents	Cents	Cents
Letters, letter-packages, post cards, and "air mail" other articles	20	55	80
"Surface" other articles	15	55	80

"Marking: Place on the cover, near the name of the country of destination, an "Exprès (Special Delivery)" label 57, or mark the cover, boldly in red, "Exprès (Special Delivery)."

For further information see Part 245 of this chapter.

Chart 6—SPECIAL HANDLING

Special handling service is available only for surface parcel post. The following fees apply:

	Cents
Up to 2 pounds	35
Over 2 pounds and up to 10 pounds	85
Over 10 pounds	50

Marking: Sender must endorse the parcel "Special Handling."

Treatment: Parcels are entitled to priority treatment within the United States only. For further information see Part 246 of this chapter.

ADEN (INCLUDING KAMARAN AND PERIM)

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. No service.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions. Money or bullion exceeding £5 (about $14) in value, except coins obviously intended as ornaments.

Articles prohibited as parcel post are prohibited in the postal union mail.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Optional.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.75; each additional 4 ounces or fraction, 69 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.75	2	0	$6.61	3	12	$11.44
0	8	2.47	2	4	7.99	4	0	12.13
0	12	3.16	2	8	7.99	4	4	12.82
1	0	3.85	2	12	8.68	4	8	13.51
1	4	4.54	3	0	9.37	4	12	14.20
1	8	5.23	3	4	10.06	5	0	14.89
1	12	5.92	3	8	10.75			

For rates over 5 pounds, charge $13.80 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Indemnity. No provision.

Prohibitions. Arms, etc.: Arms and military supplies, unless imported by or on behalf of the Government of Aden. Imitation and toy pistols and revolvers.

State monopolies, etc.: Coin or bullion exceeding £5 in value.

All goods manufactured outside Her Majesty's dominions and marked with the British Royal Arms, or imitations.

Fictitious stamps.

AFGHANISTAN

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per–half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. Restricted delivery permitted. See Part 242 of this chapter.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. No service.

Prohibitions. Coins, banknotes, paper money, or any values payable to the bearer. Perishable biological materials.

Articles prohibited as parcel post are prohibited in the postal union mail.

Parcel Post

Weight limit. 11 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Optional.

Postal forms required. One Form 2922, two Forms 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $2; each additional 4 ounces or fraction, 75 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$2.00	2	0	$7.25	3	12	$12.50
0	8	2.75	2	4	8.00	4	0	13.25
0	12	3.50	2	8	8.75	4	4	14.00
1	0	4.25	2	12	9.50	4	8	14.75
1	4	5.00	3	0	10.25	4	12	15.50
1	8	5.75	3	4	11.00	5	0	16.25
1	12	6.50	3	8	11.75			

For rates over 5 pounds, charge $15 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Indemnity. No provision.

Observations. Parcels may be addressed to Kabul, Jallalabad, or Kandahar only.

Prohibitions. Live plants; dry or liquid chemical dyes which, because of insufficient fixity, are not suitable for dyeing woolen carpets; European and Persian carpets and rugs; tapestry and laces, and any articles liable to compete with national industry.

ALBANIA

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 20 cents per half ounce. (See Chart 3, Table III.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 50 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VI.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. Restricted delivery permitted. See Part 242 of this chapter.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. No service.

Prohibitions and import restrictions. Photographic films, including plates and paper intended for photography.

Dutiable articles in letter packages.

Perishable biological materials.

Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Compulsory.

Postal forms required. One Form 2922, two Forms 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $2.12; each additional 4 ounces or fraction, 49 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$2.12	2	0	$3.45	3	12	$6.26
0	8	2.61	2	4	3.94	4	0	6.47
0	12	3.10	2	8	4.43	4	4	6.68
1	0	3.59	2	12	4.92	4	8	10.45
1	4	4.08	3	0	7.03	4	12	10.84
1	8	4.57	3	4	5.00	5	0	11.43
1	12	5.06	3	8	5.49			

For rates over 5 pounds, charge $9.80 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Indemnity. No provision.

Observations. The service extends to:

Berat.
Bilisht.
Delvinë.
Durrës (Durazzo).
Elbasan.
Fier.
Gjirokastër (Argirokastro).
Himarë.
Kavajë.
Klos.
Kolonjë.
Konispol.
Korçë (Coritsa).
Krujë.
Kuçovë.
Kukës.
Kurvelesh.
Lezh (Alessio).
Leskovik.
Libohovë.
Librazhd.
Luahnje.
Mallakastër.
Milot.
Peqin.
Përmet.
Peshkopi.
Pukë.
Sarandë.
Shijak.
Shkodër (Scutari).
Tepelenë.
Tiranë.
Vlorë.

Gift parcels may contain the following commodities, in the quantities indicated, for the personal use of the addressee or his family. Only three parcels are admitted for each family per year.

Item No.	Name of commodity	Maximum quantity
1	Coffee, chocolate, sugar, candy, pastry	3 pounds 3 ounces of each.
2	Medicines and apparatus or instruments for the sick	Medically prescribed quantities (parcels may not contain any other items).
3	Perfumes and cosmetics	2 items of each.
4	Shaving equipment	1 article.
5	Miscellaneous jewelry	4 articles.
6	Sporting and fishing equipment	1 article or set of each.
7	Coats, raincoats, suits, dresses	1 of each or material needed therefor.
8	Children's clothing	3 suits.
9	Pullovers or sweaters	1 article or material needed therefor (14 ounces).
10	Shirts and blouses	3 articles or material needed therefor.
11	Footwear	1 pair.
12	Body, bed or table linen	1 set of each.
13	Blankets and curtains	1 of each.
14	Small articles:	
	(a) Stockings or socks	4 pairs.
	(b) Briefcases or handbags	1 of each.
	(c) Office supplies or professional equipment	1 article or 2 sets of each.
	(d) Other small articles	3 articles or sets of each.
15	Musical instruments	1.
16	Watches	1.
17	Toys for children	4 articles or 2 sets.
18	Christmas tree ornaments	1 set.
19	Books and periodicals, technical and scientific	Single copies (parcels may not contain any other item).
20	Stoves or heaters for cooking	1.
21	Heaters for water	1.
22	Bicycles	1.
23	Articles for personal use not listed above, in limited quantities	Up to total value of 1,000 lek ($80).

Gift parcels containing used clothing will be returned to origin unless accompanied by a certificate of disinfection (see Prohibitions).

Preserved food in tin cans or otherwise hermetically sealed may not be sent in gift parcels.

Small articles in limited quantity not exceeding 200 lek ($16) in value are not included in the quota.

If a parcel contains articles exceeding the quantities indicated in the list, it may be delivered to the addressee subject to charges. If refused, it is treated as undeliverable.

Prohibitions. Arms and weapons of all kinds, except hunting arms. (See "Import restrictions" below.)

Used clothing, unless it has been disinfected and sender has enclosed a certificate attesting the clothing has been disinfected. The sender must mark wrapper "Disinfection certificate enclosed."

Import restrictions. The attention of senders should be called to the following requirements, which are to be met by the addressees:

Hunting arms require an import permit.

Medicines for a personal use require a medical certificate.

ALGERIA

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the Appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 20 cents per half ounce. (See Chart 3, Table III.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 50 cents first 2 ounces; 20 cents each additional 2 ounces or fraction. (See Chart 3, Table VI.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions. Newspapers and other printed matter with advertising for "snowball" methods of selling.

The articles prohibited as parcel post are prohibited in the postal union mail.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Optional.

Postal forms required. One Form 2922, one Form 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.72; each additional 4 ounces or fraction, 50 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.72	2	0	$5.22	3	12	$8.72
0	8	2.22	2	4	5.72	4	0	9.22
0	12	2.72	2	8	6.22	4	4	9.72
1	0	3.22	2	12	6.72	4	8	10.22
1	4	3.72	3	0	7.22	4	12	10.72
1	8	4.22	3	4	7.72	5	0	11.22
1	12	4.72	3	8	8.22			

For rates over 5 pounds, charge $10 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Indemnity. No provision.

Observations. Same as France.

Prohibitions. For reasons of public safety: Firearms including hunting guns. Military weapons. Butane lighters. Motion-picture films and other articles of celluloid unless packed as prescribed for France.

For reasons of sanitary policy: Saccharine in tablets or packets. Pure powdered saccharine is admitted if authorized by the Algerian health authorities.

For the protection of animals or plants: Bees, honey in quantities exceeding 4 kilograms, and beeswax must be accompanied by an official certificate of origin and freedom from infection.

State monopolies: Tobacco leaves and stems, cigars, cigarettes, chewing and smoking tobacco are admitted only for the account of the monopoly, with the following exception:

Manufactured tobacco, including cigars and cigarettes, may be sent to individuals for personal use up to 10 kilograms (22 lbs.) per person per year, subject to special customs authorization. Amounts up to 1 kilogram (2 lbs. 2 oz.) may exceptionally be admitted without the special authorization, but subject to duty.

For other reasons: Watches.

Goods bearing false indications of Algerian origin.

Canned vegetables, fish, plums, and nuts not showing the country of origin stamped in plain raised or sunken letters at least 4 mm. high in the middle of the top or bottom in a place not bearing any inscription.

Coins, banknotes, negotiable securities, letters of credit, deeds and coupons, unless they are sent to the Central Bank of Algeria or their importation is authorized by the Ministry of Finance.

Jewelry or precious metal not complying with the Algerian standard of fineness.

ANDORRA (REPUBLIC OF)

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 20 cents per half ounce. (See Chart 3, Table III.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 50 cents first 2 ounces; 20 cents each additional 2 ounces or fraction. (See Chart 3, Table VI.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. No service.

Money orders. No service.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Compulsory.

Postal forms required. One Form 2922, one Form 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.77; each additional 4 ounces or fraction, 44 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.77	2	0	$4.95	3	12	$7.68
0	8	2.21	2	4	5.39	4	0	8.27
0	12	2.65	2	8	5.73	4	4	8.81
1	0	3.09	2	12	6.17	4	8	9.35
1	4	3.53	3	0	6.61	4	12	9.89
1	8	3.97	3	4	7.05	5	0	10.13
1	12	4.41	3	8	7.49			

For rates over 5 pounds, charge $8.80 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55
$100.01 to $150	.65
$150.01 to $200	.75
$200.01 to $300	.95
$300.01 to $330	1.15

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This amount shall be shown in U.S. currency and in gold francs. The indication in U.S. currency shall be in figures and in letters spelled out in full, and the gold franc equivalent in figures only, as shown in the following example:

INSURED VALUE

$145.00 (U.S.)

ONE HUNDRED FORTY-FIVE DOLLARS

435 GOLD FRANCS

The same indications shall also be shown in the appropriate space on the dispatch note (Form 2972). No erasure or correction is permitted in the amount of insurance shown on the dispatch note.

See Part 243 of this chapter for method of converting U.S. currency into gold francs, and for general information on insurance.

Coin, gold or silver (whether manufactured or not), or any other precious article sent as parcel post must be insured.

ARGENTINA

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 15 cents per half ounce. (See Chart 3, Table II.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 50 cents first 2 ounces; 20 cents each additional 2 ounces or fraction. (See Chart 3, Table VI.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Observations. Any dutiable article must bear the green label, Form 2976, and have enclosed two copies of the paper form of customs declaration, Form 2976-A. Also the wrapper must be plainly marked Green label attached.

See "Observations" under "Parcel Post" for the Argentine regulations for parcels, which apply also to gifts sent in the postal union mails.

Prohibitions. Communist propaganda. Articles prohibited as parcel post are prohibited in the postal union mail.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Compulsory.

Postal forms required. One Form 2922, three Forms 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.56; each additional 4 ounces or fraction, 67 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.56	2	0	$5.25	3	12	$10.94
0	8	2.23	2	4	6.02	4	0	11.61
0	12	2.90	2	8	7.39	4	4	12.28
1	0	3.57	2	12	8.26	4	8	12.95
1	4	4.24	3	0	8.93	4	12	13.62
1	8	4.91	3	4	9.60	5	0	14.29
1	12	5.58	3	8	10.27			

For rates over 5 pounds, charge $13.40 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55
$100.01 to $150	.65
$150.01 to $168	.75

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured, in U.S. currency and in gold francs, in the following form:

INSURED VALUE

$130.00 (U.S.)

340.00 GOLD FRANCS

Show the same indications in the appropriate space on the dispatch note (Form 2972).

See Part 243 of this chapter for method of converting U.S. currency into gold francs and for general information on insurance.

Observations. Parcels may be addressed to banks or other organizations for ultimate delivery to second addressees. The latter however may not take delivery without written authority from the first addressee, unless the sender arranges for change of address as provided in Part 247 of this chapter.

Commercial invoices are required to accompany all packages except those of the following categories:

1. New or used articles of a noncommercial nature for personal use and not for sale, valued up to $10. Gift packages are limited to one per year for one addressee.
2. Books, newspapers, and periodicals.
3. Unaccompanied baggage of persons traveling to Argentina. Articles belonging to diplomats or Argentine officials.
4. Samples of no commercial value.
5. Advertising matter (prints, motion pictures, etc.) if marked or stamped so as to prevent their being sold.

The invoices when required must be prepared in quadruplicate in prescribed form and legalized by an Argentine consulate, where mailers may be referred if they are not familiar with the required procedure. The Argentine Consulate General is located at 12 West 56th Street, New York, N.Y. 10019. There are also consulates in the following cities:

Baltimore, Md.
Boston, Mass.
Chicago, Ill.
Houston, Tex.
Los Angeles, Calif.
Miami, Fla.
New Orleans, La.
San Francisco, Calif.

Used clothing addressed to individuals is limited to 22 pounds per parcel. Each parcel containing used clothing must have enclosed a notarized and legalized statement from a dry-cleaning or disinfecting establishment that the clothing has been thoroughly cleaned or disinfected. After the statement has been notarized, the notarization must be certified by the county clerk or other competent official. The statement must then be sent to an Argentine consulate accompanied by a fee of $7.40 for legalization. After the consulate returns the legalized statement, it must be enclosed in the parcel with the clothing. The wrapper of the parcel must be marked "Legalized disinfection certificate enclosed."

Prohibitions. For the protection of animals or plants: Bees unless accompanied by an official sanitary certificate visaed by an Argentine consul.

Furs and skins of chinchillas and vicuñas.

For other reasons: Coins, banknotes, values payable to bearer, jewels, precious stones, and other precious articles.

Used clothing unless accompanied by a legalized disinfection certificate as set forth in "Observations," and the wrapper is endorsed as prescribed.

New ready-made clothing and fabrics of all kinds, except articles of small value sent as gifts (see "Observations").

Radio and television receivers, phonographs, and combinations.

Articles sent as gifts not complying with the requirements stated in "Observations."

ASCENSION

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 20 cents per half ounce. (See Chart 3, Table III.)

Single post cards and aerogrammes, 13 cents each:

Printed matter, matter for the blind, samples of merchandise, and small packets, 50 cents first 2 ounces; 20 cents each additional 2 ounces or fraction. (See Chart 3, Table VI.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. No service.

Money orders. No service.

Prohibitions. No list.

Parcel Post

Weight limit. 11 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Optional.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel post. No service.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Indemnity. No provision.

Prohibitions. No list.

AUSTRALIA (INCLUDING LORD HOWE ISLAND, NAURU ISLAND, NORFOLK ISLAND, THURSDAY ISLAND, THE COCOS [KEELING] ISLANDS, AND CHRISTMAS ISLAND)

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Observations. Duty may be levied on catalogs, price lists, circulars, and all advertising matter introduced into Australia through the mail, whether at the letter rate of postage or otherwise. Particulars can be obtained from the Bureau of International Commerce, Department of Commerce, Washington, D.C. 20230, or from any field office of that Department.

Combination mailings as defined in § 222.8(a) of this chapter are accepted.

Prohibitions and import restrictions. Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.66; each additional 4 ounces or fraction, 76 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.66	2	0	$6.98	3	12	$12.30
0	8	2.42	2	4	7.74	4	0	13.06
0	12	3.18	2	8	8.50	4	4	13.82
1	0	3.94	2	12	9.26	4	8	14.58
1	4	4.70	3	0	10.02	4	12	15.34
1	8	5.46	3	4	10.78	5	0	16.10
1	12	6.22	3	8	11.54			

For rates over 5 pounds, charge $15.20 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55
$100.01 to $150	.65
$150.01 to $165	.75

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This indication shall be shown in U.S. currency, in figures and in letters spelled out in full, in the following form:

INSURED VALUE

$75.00

SEVENTY-FIVE DOLLARS

Banknotes, currency notes, or any kind of securities payable to bearer; platinum, gold, or silver (whether manufactured or unmanufactured); precious stones, jewelry, or other precious articles sent as parcel post must be insured.

For general information on insurance see Part 243 of this chapter.

Observations. Each commercial shipment requires a commercial invoice, which should be enclosed in a parcel sent by air, but be sent separately to the addressee of a surface parcel.

Prohibitions. For reasons of public safety: Advertisements of prohibited articles. Subversive literature.

For sanitary reasons: Used bedding.

Medicines purporting to be remedies for drunkenness or addiction to alcohol, tobacco, or drugs.

Electric or magnetic belts or other belts or appliances allegedly producing therapeutic effects through electrical, magnetic, or radioactive influences.

For the protection of animals: Meat and other animal products, unless permission to import is received from the Australian quarantine authorities.

For other reasons: Invoices, blank or partly blank, capable of being filled out and used as genuine invoices.

Goods bearing the name "Anzac" or any name resembling it.

Goods produced wholly or partly in prisons or by convict labor.

Radiohypnotic crystals, lucky stones, and similar articles.

Tobacco, cigars, and cigarettes, unless sent as bona fide samples or for the personal use of the addressee.

Oleomargarine and butterine unless colored pink and in a container clearly showing the name of the product.

Goods labeled in foreign languages, unless the country of origin is shown in English.

Printed matter considered by the Australian customs authorities as unduly emphasizing crime, horror, or sex, or having a depraving effect.

Import restrictions. The attention of senders should be called to the following requirements, which are to be met by addressees:

Addressees must obtain authorization from the Minister for Customs and Excise to receive arms, organic dyes, and their ingredients, bran sacks weighing less than 20 ounces, sugar, sirup, and molasses.

Used clothing for personal use and second-hand carpets must be submitted to disinfection on arrival in Australia at the addressee's expense.

AUSTRIA

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 20 cents per half ounce. (See Chart 3, Table III.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 50 cents first 2 ounces; 20 cents each additional 2 ounces or fraction. (See Chart 3, Table VI.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. Restricted delivery permitted. See Part 242 of this chapter.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Observations. Combination mailings as defined in § 222.8(a) of this chapter are accepted.

Prohibitions and import restrictions. Austrian banknotes require the permission of the National Bank of Austria.

The articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, one Form 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.71; each additional 4 ounces or fraction, 46 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.71	2	0	$4.65	3	12	$8.15
0	8	2.17	2	4	5.59	4	0	8.61
0	12	2.63	2	8	6.53	4	4	9.07
1	0	3.09	2	12	6.31	4	8	9.53
1	4	3.55	3	0	6.77	4	12	9.99
1	8	4.01	3	4	7.23	5	0	10.45
1	12	4.47	3	8	7.69			

For rates over 5 pounds, charge $8.20 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55
$100.01 to $150	.65
$150.01 to $200	.75
$200.01 to $300	.95
$300.01 to $330	1.15

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This amount shall be shown in U.S. currency and in gold francs. The indication in U.S. currency shall be in figures and in letters spelled out in full, and the gold franc equivalent in figures only, as shown in the following example:

INSURED VALUE

$25.75 (U.S.)

TWENTY-FIVE DOLLARS AND SEVENTY-FIVE CENTS

77.25 GOLD FRANCS

The same indications shall also be shown in the appropriate space on the dispatch note (Form 2972).

See Part 243 of this chapter for method of converting U.S. currency into gold francs, and for general information on insurance.

Gold or silver, whether manufactured or unmanufactured; precious stones, jewelry, or other precious articles sent as parcel post must be insured.

Observations. The Austrian postal authorities have stated that the customs clearance of commercial parcels will be expedited if two copies of the original invoice are attached to the customs declarations.

Prohibitions. Articles of gold, silver, or platinum which are not of the fineness required by the Austrian regulations. Articles bearing markings such as "14k gold filled", "gold plated", or others which may give a false impression that they consist of precious metal.

Meat and animal products, unless accompanied by an official certificate of origin and health except for individual shipments of meat or preparations thereof not exceeding three kilograms (6 lbs. 9 oz.) in weight, which are exempt from the requirements.

Import restrictions. The attention of senders should be called to the following requirements, which must be met by addressees:

Special permission must be obtained to take delivery of the following:

Firearms other than sporting guns.

Tobacco products. Licenses are granted without difficulty if the value does not exceed 100 schillings ($3.85).

Austrian bank notes.

Postage stamps of other countries than Austria exceeding 500 schillings ($19.25) in value.

Radio receivers.

Medicinal preparations of all kinds, including cosmetic and dietetic products sold as remedies; serums and vaccines; veterinary medicines.

AZORES

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter. Small packets not accepted.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 20 cents per half ounce. (See Chart 3, Table III.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, and samples of merchandise, 50 cents first 2 ounces; 20 cents each additional 2 ounces or fraction. (See Chart 3, Table VI.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions and import restrictions. Same as Portugal except that perishable biological materials are not accepted.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½

feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, two Forms 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.24; each additional 4 ounces or fraction, 35 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.36	2	0	$3.00	3	12	$6.14
0	8	1.50	2	4	4.04	4	0	5.49
0	12	1.64	2	8	4.30	4	4	6.84
1	0	2.28	2	12	4.74	4	8	7.19
1	4	2.64	3	0	5.00	4	12	7.54
1	8	2.99	3	4	5.44	5	0	7.89
1	12	3.34	3	8	5.79			

For rates over 5 pounds, charge $7.00 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Insurance. Same as for Portugal.

Prohibitions and import restrictions. Same as Portugal.

BAHAMAS

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 15 cents per half ounce. (See Chart 3, Table II.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 40 cents first 2 ounces; 10 cents each additional 2 ounces or fraction. (See Chart 3, Table V.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Observations. Senders should complete customs declarations, Form 2976 or 2976–A, to show in addition to the value of the contents the cost of the postage and the registration fee if any.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1; each additional pound or fraction, 30 cents. (See Chart 4, Table I.)

Air parcel rates. Four ounces or less, $1.39; each additional 4 ounces or fraction, 16 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.39	2	0	$2.51	3	12	$4.63
0	8	1.55	2	4	2.67	4	0	3.79
0	12	1.71	2	8	2.83	4	4	3.95
1	0	1.87	2	12	2.99	4	8	4.11
1	4	2.03	3	0	3.15	4	12	4.27
1	8	2.19	3	4	3.31	5	0	4.43
1	12	2.35	3	8	3.47			

For rates over 5 pounds, charge $3.30 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55
$100.01 to $150	.65
$150.01 to $165	.75

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This indication shall be shown in U.S. currency, in figures and in letters spelled out in full, in the following form:

INSURED VALUE

$37.50

THIRTY-SEVEN DOLLARS AND FIFTY CENTS

Coin, banknotes, currency notes, or any kind of securities payable to bearer, platinum, gold or silver (whether manufactured or unmanufactured), precious stones, jewels, or other precious articles sent as parcel post must be insured.

For general information on insurance, see Part 243 of this chapter.

Observations. Senders should complete customs declarations, Form 2966, to show in addition to the value of the contents the cost of the postage and the insurance fee, if any.

BAHREIN

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. No Service.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions. Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, two Forms 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.54; each additional 4 ounces or fraction, 65 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.54	2	0	$5.06	3	12	$10.04
0	8	2.19	2	4	6.74	4	0	11.29
0	12	2.84	2	8	7.99	4	4	11.94
1	0	3.49	2	12	8.64	4	8	12.59
1	4	4.14	3	0	8.98	4	12	13.24
1	8	4.79	3	4	9.34	5	0	13.89
1	12	5.44	3	8	9.99			

For rates over 5 pounds, charge $13.00 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This indication shall be shown in U.S. currency, in figures and in letters spelled out in full, in the following form:

INSURED VALUE

$76.75

SEVENTY-SIX DOLLARS AND SEVENTY-FIVE CENTS

Coins, bullion, precious stones, and any article of gold, silver, or platinum sent as parcel post must be insured. Parcels containing jewelry must not have a value exceeding $100.

The final decision on all questions of compensation rests with the country in whose service the loss, rifling, or damage took place.

For general information on insurance, see Part 243 of this chapter.

Prohibitions. Arms and parts thereof. Cultivated, imitation, artificial, or bleached pearls.

Coins and gold ingots exceeding £5 ($14) in value, except coins declared to be intended as ornaments. Silver ingots or partially worked silver exceeding £20 ($56) in value.

Carbon paper, oilskins, and similar goods are subject to the conditions applicable to such articles for Great Britain.

BARBADOS

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 15 cents per half ounce. (See Chart 3, Table II.)

Single post card and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 40 cents first 2 ounces; 10 cents each additional 2 ounces or fraction. (See Chart 3, Table V.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. No service.

Money orders. Yes. See § 171.2 of this chapter.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1; each additional pound or fraction, 30 cents. (See Chart 4, Table I.)

Air parcel rates. Four ounces or less, $1.21; each additional 4 ounces or fraction, 32 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.21	2	0	$3.45	3	12	$5.69
0	8	1.53	2	4	3.77	4	0	6.01
0	12	1.85	2	8	4.09	4	4	6.33
1	0	2.17	2	12	4.41	4	8	6.65
1	4	2.49	3	0	4.73	4	12	6.97
1	8	2.81	3	4	5.09	5	0	7.29
1	12	3.13	3	8	5.57			

For rates over 5 pounds, charge $6.40 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55

Print on the wrapper near the "Insured" endorsement and number, the amount for which the parcel is insured. This indication shall be shown in United States currency, in figures and in letters spelled out in full, in the following form:

INSURED VALUE

$53.00

FIFTY-THREE DOLLARS

Coin; platinum, gold, or silver, whether manufactured or unmanufactured; precious stones, jewelry, or other precious articles sent as parcel post must be insured.

For general information on insurance see Part 243 of this chapter.

BELGIUM

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 20 cents per half ounce. (See Chart 3, Table III.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 50 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VI.)

Registration. Fee, 75 cents. Maximum indemnity $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. Restricted delivery permitted. See Part 242 of this chapter.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Observations. The indication "Printed in U.S.A." must appear on articles of printed matter imported from the United States, except for articles whose weight does not exceed 4 ounces or which consist of only one article or one copy.

Printed matter is generally dutiable in Belgium. Belgian customs authorities exceptionally admit as regular the importation of printed matter up to 2 kilograms in weight, without Form 2976 (C 1) affixed. This concession applies only to price lists, catalogs, and advertising matter of business firms, and any fees or charges which may be due on such matter must be paid.

The green label, Form 2976 (C 1), is not required on free copies of newly published books mailed by the publishers to Belgian literary and scientific societies and journalists, provided the outer wrappers bear a dedication or the words "Press Service" or some other indication that the copies are being sent gratuitously under the conditions mentioned.

The green label is not required on any shipment of printed matter on which the total of the revenue duties does not exceed 5 francs.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions and import restrictions. Instruments of payment, Belgian and foreign securities and coupons, unless sent in registered letters. Radioactive materials.

Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, two Forms 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.53; each additional 4 ounces or fraction, 42 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.53	2	0	$4.97	3	12	$7.41
0	8	1.95	2	4	5.89	4	0	7.83
0	12	2.37	2	8	5.81	4	4	8.25
1	0	2.79	2	12	6.73	4	8	8.67
1	4	3.21	3	0	6.15	4	12	9.09
1	8	3.63	3	4	6.57	5	0	9.51
1	12	4.05	3	8	6.99			

For rates over 5 pounds, charge $2.40 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55
$100.01 to $150	.65
$150.01 to $165	.75

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This amount shall be shown in U.S. currency and in gold francs. The indication in U.S. currency shall be in figures and in letters spelled out in full, and the gold franc equivalent in figures only, as shown in the following example:

INSURED VALUE

$25.75 (U.S.)

TWENTY-FIVE DOLLARS AND SEVENTY-FIVE CENTS

77.25 GOLD FRANCS

The same indications shall also be shown in the appropriate space on the dispatch note (Form 2972).

See Part 243 of this chapter for method of converting U.S. currency into gold francs and for general information on insurance.

Gold or silver, whether manufactured or unmanufactured; precious stones, jewelry or other precious articles sent as parcel post must be insured.

Observations. Used clothing, even when sent as a gift, is subject to customs duties in Belgium. Since the Belgian regulations do not permit cancellation of the duties, parcels containing used clothing cannot be returned to origin or abandoned if they should be unclaimed or refused by the addressees. Senders of parcels for Belgium containing used clothing must indicate an alternate addressee in that

country to whom the parcel can be tendered for delivery in case it cannot be delivered as originally addressed.

Prohibitions. Bronze, copper, and nickel coins not legal tender in Belgium, unless imported for collections.

Instruments of payment, including currency, securities, and coupons (admitted in registered letters).

Import restrictions. The attention of senders should be called to the following requirements, which are to be met by addressees:

Special permission is required for the importation of all arms except hunting and sporting arms, side arms of war, arms for Government use, and arms for collections.

BERMUDA

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 15 cents per half ounce. (See Chart 3, Table II.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 40 cents first 2 ounces; 10 cents each additional 2 ounces or fraction. (See Chart 3, Table V.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 24 cents to return by air. See Part 242 of this chapter.

Special delivery. No service.

Money orders. Yes. See § 171.2 of this chapter.

Parcel Post

Weight limit. 33 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Registered parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1; each additional pound or fraction, 30 cents. (See Chart 4, Table I.)

Air parcel rates. Four ounces or less, $1.12; each additional 4 ounces or fraction, 22 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.12	3	0	$2.68	3	12	$4.20
0	8	1.34	3	4	2.68	4	0	4.42
0	12	1.56	3	8	3.10	4	4	4.64
1	0	1.78	3	12	3.32	4	8	4.86
1	4	2.00	4	0	3.54	4	12	5.08
1	8	2.22	4	4	3.76	5	0	5.30
1	12	2.44	4	8	3.98			

For rates over 5 pounds, charge $4.40 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. Fee, 75 cents. There is no provision for indemnity. (See Part 242 and § 272.2(b) (4) of this chapter.)

BHUTAN

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter. Small packets not accepted.

Surface rates. See Chart 1 and Chart 2 references tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, and samples of merchandise, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. No service.

Special delivery. No service.

Money orders. No service.

Prohibitions. Dutiable articles in letter packages; also perishable biological materials.

Parcel Post

(No service)

BOLIVIA

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter. Small Packets not accepted.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 15 cents per half ounce. (See Chart 3, Table III.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, and samples of merchandise, 50 cents first 2 ounces; 20 cents each additional 2 ounces or fraction. (See Chart 3, Table VI.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. No service.

Money orders. No service.

Observations. Combination mailings as defined in § 222.8(a) of this chapter are accepted.

Prohibitions. Dutiable articles in letter packages; also perishable biological materials.

Articles prohibited as parcel post are prohibited in the postal union mail.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Compulsory.

Postal forms required. One Form 2922, two Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.57; each additional 4 ounces or fraction, 43 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.57	3	0	$4.58	3	12	$7.59
0	8	2.00	3	4	5.01	4	0	8.02
0	12	2.43	3	8	5.44	4	4	8.45
1	0	2.86	3	12	5.87	4	8	8.88
1	4	3.29	4	0	6.30	4	12	9.31
1	8	3.72	4	4	6.73	5	0	9.74
1	12	4.15	4	8	7.16			

For rates over 5 pounds, charge $8.60 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Indemnity. No provision.

Observations. Transportation of surface parcels to Bolivia involves not only a long sea transit but also a difficult overland trip from Arica, Chile. Careful packing is essential.

Commercial invoices legalized by a Bolivian consulate as well as consular invoices are required for parcels exceeding $50 in value. The invoices must be in the form prescribed by the Bolivian consular regulations. If senders are not familiar with the requirements, they should be advised to consult one of the Bolivian consulates located in principal cities of the United States. Information may also be obtained from the American Republics Division, Bureau of International Commerce, Department of Commerce, Washington, D.C. 20230, or any field office of that Department.

Parcels not exceeding $50 in value do not require invoices.

Parcels may be addressed to banks or other organizations for ultimate delivery to second addressees. The latter however, may not take delivery without written authority from the first addressee, unless the sender arranges for change of address as provided in Part 247 of this chapter.

Prohibitions. Firearms, daggers, blackjacks, brass knuckles, sidearms, and concealable weapons.

Cigarette lighters.

Gambling devices.

Pharmaceutical and medicinal products, unless approved by the Bolivian health authorities. In case of doubt, senders should ascertain from the addressees in advance of mailing whether the medicine they desire to send will be admitted.

Articles which violate the Bolivian trademark laws.

Counterfeit or illegal currency; advertisements imitating currency or postage stamps, except for philatelic or numismatic catalogs.

Adulterated or harmful beverages or foodstuffs.

BRAZIL

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 15 cents per half ounce. (See Chart 3, Table III.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 50 cents first 2 ounces; 20 cents each additional 2 ounces or fraction. (See Chart 3, Table VI.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. Restricted delivery permitted. See Part 242 of this chapter.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. No service.

Observations. The Brazilian requirements concerning import licenses are applicable to postal union mail packages, as indicated in "Observations" under "Parcel Post," except for samples and catalogs not exceeding $5 in value.

Combination mailings as defined in § 222.8(a) of this chapter are accepted.

Prohibitions and import restrictions. Coins, banknotes, paper money, and any values payable to bearer; manufactured or unmanufactured platinum, gold, or silver; precious stones, jewelry, or other precious articles.

Dutiable merchandise in letter packages; also perishable biological materials.

Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

Parcel Post

NOTICE! WARN ALL SENDERS OF BRAZILIAN IMPORT REGULATIONS

Read "Observations" Below

Weight limit. 44 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Compulsory.

Postal forms required. One Form 2922, two Forms 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.57; each additional 4 ounces or fraction, 43 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.57	2	0	$4.30	3	12	$6.73
0	8	1.96	2	4	5.79	4	0	8.22
0	12	2.64	2	8	5.28	4	4	7.71
1	0	2.84	2	12	5.77	4	8	10.20
1	4	3.26	3	0	7.26	4	12	10.68
1	8	3.68	3	4	7.75	5	0	11.18
1	12	4.81	3	8	8.24			

For rates over 5 pounds, charge $8.80 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Indemnity. No provision.

Observations. Persons desiring to mail parcels or postal union mail packages to Brazil should be informed that most commodities are subject to customs duty equal to or higher than their value, even if sent as gifts, and it is necessary for the addressees to make two or more trips to the post office to obtain delivery. Also, each parcel must be accompanied by an import permit which the addressee must obtain in advance and send to the mailer to be enclosed in the parcel. Only noncommercial commodities valued at $5 or less, and books and magazines in single copies mailed as printed matter are admitted as gifts free of duty and without import permits. Senders should be cautioned that the Brazilian customs authorities may appraise articles at a higher valuation than that declared by the mailers, resulting in the assessment of duty and penalties against the addressees. To be admitted as gifts, packages must be addressed to individuals, not to firms.

Gift parcels valued over $35 and all commercial parcels must also be accompanied by commercial shipping documents which the sender must have legalized by a Brazilian consulate at a fee of $12. Brazilian consulates are located in principal cities of the United States.

If parcels are found on arrival in Brazil to be in violation of any of the import regulations, they will be withheld from delivery and the addressees may be required to pay fines in addition to the customs duty. If the charges are not paid, the parcels are liable to seizure and are not released even if senders have requested return through the postal service.

In view of the foregoing, patrons should be advised to refrain from mailing parcels to Brazil unless they are assured that the addressees will be permitted to take delivery.

Parcels may be addressed to banks or other organizations for ultimate delivery to second addressees. The latter however may not take delivery without written authority from the first addressee, unless the sender arranges for change of address as provided in Part 247 of this chapter.

A parcel destined for a person in care of a bank, organization, etc., shall bear the complete addresses of both addressees on the customs declarations and dispatch note, as well as on the parcel itself.

Prohibitions. For reasons of public safety: Poniards, stilettos, poniard blades; canes, umbrellas, or any other articles containing swords, daggers, or guns; handcuffs and blackjacks.

For sanitary reasons: Medicines whose formulas are not listed in the official pharmacopeias or not licensed by the Brazilian Department of Public Health.

For the protection of plants: Seeds and seedlings of coffee.

Arms, munitions, etc.: Regulation arms and munitions of Brazil and parts. Air guns. Reducing tubes and silencers for firearms.

For other reasons: Coins, banknotes, paper money, and any values payable to bearer; manufactured or unmanufactured platinum, gold or silver; precious stones, jewelry or other precious articles. Any articles bearing a false indication of their origin.

Import restrictions. The attention of senders should be called to the following requirements, which are to be met by addressees:

Addressees are required to obtain import permits for all parcels, regardless of value. See "Observations."

Saccharine and other artificial sweeteners and essences for artificial beverages require permission from the Brazilian Department of Public Health for importation.

Firearms may be imported only with permission of the Brazilian War Ministry.

BRITISH HONDURAS

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 15 cents per half ounce. (See Chart 3, Table II.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 40 cents first 2 ounces; 10 cents each additional 2 ounces or fraction. (See Chart 3, Table V.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. Yes. (Belize only.) See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.3 of this chapter.

Observations. Combination mailings as defined in § 222.8(a) of this chapter are accepted.

Prohibitions. Coins; manufactured or unmanufactured platinum, gold or silver; precious stones, jewelry, and other precious articles.

Packets of illustrated post cards prepaid as prints.

Perishable biological materials.

Articles prohibited as parcel post are prohibited in the postal union mail.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Registered parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1; each additional pound or fraction, 30 cents. (See Chart 4, Table I.)

Air parcel rates. Four ounces or less, $1.20; each additional 4 ounces or fraction, 30 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.30	3	0	$3.30	5	12	$5.40
0	8	1.50	3	4	3.60	6	0	5.70
0	12	1.80	3	8	3.90	6	4	6.00
1	0	2.10	3	12	4.20	6	8	6.30
1	4	2.40	4	0	4.50	6	12	6.60
1	8	2.70	4	4	4.80	7	0	6.90
1	12	3.00	4	8	5.10			

For rates over 5 pounds, charge 30 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. Fee, 75 cents. There is no provision for indemnity. (See Part 242 and § 272.2(b)(4) of this chapter.)

Prohibitions. Bullion; coins, unless intended for ornament; tobacco packed with other merchandise; tobacco sweetened with leaves of other plants; saccharine and similar substances and articles containing them; arms.

Uncooked pork, including ham and bacon, and all uncooked pork products.

BRUNEI

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Money orders. No service.

Special delivery. No service.

Prohibitions. Perishable biological materials.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length 3½ feet; length and girth combined, 6 feet.

Sealing. Optional.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.91; each additional 4 ounces or fraction, 93 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.91	2	0	$6.47	3	12	$14.99
0	8	2.84	2	4	8.36	4	0	15.88
0	12	3.77	2	8	10.26	4	4	16.79
1	0	4.70	2	12	11.21	4	8	17.72
1	4	5.63	3	0	12.14	4	12	18.65
1	8	6.56	3	4	13.07	5	0	19.58
1	12	7.49	3	8	14.00			

For rates over 5 pounds, charge $18.80 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Indemnity. No provision.

BULGARIA

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 20 cents per half ounce. (See Chart 3, Table III.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, and small packets, 50 cents first 2 ounces; 20 cents each additional 2 ounces or fraction. (See Chart 3, Table VI.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. Restricted delivery permitted. See Part 242 of this chapter.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. No service.

Observations. Combination mailings as defined in § 222.8(a) of this chapter are accepted.

Prohibitions. Bulgarian currency, except with the permission of the Ministry of Finance of Bulgaria.

Postage stamps, unless exchanged between philatelists through the intermediary of the Postal Philatelic Service of Bulgaria. The articles must be addressed to that Service, which delivers them to the addressees.

Samples of merchandise.

Printed matter, photographs, films, sound recordings, manuscripts, drawings, musical notes, and similar articles, except single copies for the personal use of the addressees and not contrary to Bulgarian laws and customs.

Perishable biological materials.

Import restrictions. Same as for parcel post.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length 3½ feet; length and girth combined, 6 feet.

Sealing. Compulsory.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.36; each additional 4 ounces or fraction, 47 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.36	2	0	$4.65	3	12	$7.94
0	8	1.83	2	4	5.13	4	0	8.41
0	12	2.30	2	8	5.59	4	4	8.88
1	0	2.77	2	12	6.06	4	8	9.35
1	4	3.24	3	0	6.53	4	12	9.82
1	8	3.71	3	4	7.00	5	0	10.29
1	12	4.18	3	8	7.47			

For rates over 5 pounds, charge $9.40 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Indemnity. No provision.

Prohibitions and import restrictions. The articles prohibited in the postal union mail are prohibited as parcel post.

Gift shipments mailed by commercial firms.

Medicines not approved by the Bulgarian Ministry of Health.

Import licenses are required for all commercial parcels, and for gift parcels if the customs duty thereon exceeds 100 leva.

Used clothing must be disinfected and accompanied by a certificate to that effect issued by a medical institution. Lacking such certificate, the clothing will be disinfected in Bulgaria at the addressee's expense.

BURMA

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter. Small Packets not accepted.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, and samples of merchandise, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. Restricted delivery permitted. See Part 242 of this chapter.

Special delivery. No service.

Money orders. Yes. See § 171.3 of this chapter.

Prohibitions and import restrictions. Money, gold or silver (in bullion) exceeding £5 in value, except coins obviously intended as ornaments.

Articles, made entirely or partially from celluloid, such as picture films. Noninflammable or "safety" films are admitted if contained in a strong metal box packed in a solid wooden or thick cardboard receptacle, labeled very clearly in red "Contains only noninflammable films" on the outside of each package.

The following may not be sent as merchandise at the printed matter rate if they are liable to customs duty: Works of art (including photographs), printed forms, account books, manuscript books, labels, advertising matter (except trade catalogs and circulars), picture books, almanacs, maps, old paper and old newspapers serving as packing paper. Perishable biological materials.

Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Optional.

Postal forms required. One Form 2922, two Forms 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $2.10; each additional 4 ounces or fraction, 91 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$2.10	2	0	$6.47	3	12	$14.84
0	8	2.91	2	4	8.36	4	0	15.75
0	12	3.82	2	8	9.26	4	4	16.66
1	0	4.73	2	12	10.20	4	8	17.57
1	4	5.64	3	0	11.11	4	12	18.48
1	8	6.55	3	4	12.02	5	0	19.39
1	12	7.46	3	8	12.98			

For rates over 5 pounds, charge $18.30 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Indemnity. No provision.

Observations. Parcels for Burma must be very strongly packed to avoid damage during transportation, and foodstuffs should be in metal or other ratproof containers.

Prohibitions. For reasons of public safety: Hypodermic syringes or needles unless imported on behalf of the Government or addressed to practicing physicians.

Arms, munitions, etc.: Arms, parts thereof, material for their manufacture, and appliances for discharging gas unless imported by or on behalf of the Government of Burma.

Imitation and toy pistols or revolvers.

State monopolies, etc.: All goods manufactured outside Her Majesty's dominions and bearing the British Royal Arms or imitations thereof; or bearing as a mark or label a portrait of any member of the Royal Family of England.

Import restrictions. The attention of senders should be called to the following requirements, which are to be met by addressees:

Wireless telegraph transmitting apparatus, and transmitting and receiving apparatus combined in a single unit, require a permit from the Director General of Posts and Telegraphs; receiving apparatus alone may be imported upon application to the customs authorities.

Addressees are required to obtain import licenses to take delivery of parcels, including those sent as gifts. It is recommended that senders inform the addressees of the contents of parcels prior to mailing, so that they may apply for the necessary import license.

BURUNDI (KINGDOM OF)

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. No service.

Prohibitions and import restrictions. Coins, articles of platinum, gold or silver; jewelry and other precious articles.

Articles restricted as parcel post are restricted in the postal union mail.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Compulsory.

Postal forms required. One Form 2922, three Forms 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.75; each additional 4 ounces or fraction, 67 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.75	2	0	$5.44	3	12	$11.13
0	8	2.42	2	4	7.11	4	0	11.80
0	12	3.09	2	8	7.78	4	4	12.47
1	0	3.76	2	12	8.46	4	8	13.14
1	4	4.43	3	0	9.13	4	12	13.81
1	8	5.10	3	4	9.79	5	0	14.48
1	12	5.77	3	8	10.46			

For rates over 5 pounds, charge $13.40 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Indemnity. No provision.

Import restrictions. Addressees in Burundi are required to obtain special permission to receive arms, medicines, and saccharine, and distilling apparatus.

CAMBODIA

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. No service.

Prohibitions. Coins; manufactured or unmanufactured platinum, gold, or silver; precious stones, jewelry, or other precious articles.

Perishable biological materials.

Articles prohibited as parcel post are prohibited in the postal union mail.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Compulsory.

Postal forms required. One Form 2922, one Form 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel post. No service.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Indemnity. No provision.

Prohibitions. For reasons of public safety: Pistols shooting blank cartridges and resembling automatic pistols.

For sanitary reasons: Unverified thermometers. Nursing bottles with tubes. Saccharine and similar products.

Arms, munitions, etc.: War arms and war material.

For other reasons: Weights and measures not of the metric system. Canned fish, vegetables and plums not marked indelibly to show their origin. Boxes of fish weighing more than 1 kilogram. Playing cards. Cigarettes.

Also, articles prohibited to France are generally prohibited to Cambodia.

CAMEROON

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions. Coins; platinum, gold and silver, manufactured or not; precious stones, jewelry, and other precious articles. Perishable biological materials.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Compulsory.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.77; each additional 4 ounces or fraction, 58 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.77	2	0	$4.63	3	12	$6.89
0	8	2.35	2	4	5.41	4	0	10.67
0	12	2.98	2	8	6.09	4	4	11.36
1	0	3.52	2	12	7.57	4	8	11.93
1	4	4.09	3	0	8.15	4	12	12.21
1	8	4.67	3	4	8.73	5	0	12.79
1	12	5.25	3	8	9.31			

For rates over 5 pounds, charge $11.60 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Indemnity. No provision.

CANADA (INCLUDING NEWFOUNDLAND AND LABRADOR)

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter. Small packets not accepted.

Surface rates. See Chart 1 and Chart 2 reference tables.

Packages of merchandise not exceeding 8 ounces in weight are mailable at rates of 10 cents for 5 ounces or less, 12 cents for 6 ounces, 14 cents for 7 ounces, and 16 cents for 8 ounces. These packages are treated as "Other Articles" (AO mail), must be unsealed, and, like letter packages containing merchandise, must bear a completed customs label, Form 2976 (see § 221.4 of this chapter). An invoice or a completed paper customs declaration, Form 2976–A, must be enclosed in commercial packages.

See "Observations" concerning mail for overseas Canadian armed forces.

Air rates. Single post cards, 6 cents each. Letters and letter packages, printed matter, matter for the blind, samples of merchandise and other merchandise packages, 8 cents per ounce or fraction. (See Chart 3, Table I.)

Registration. Fee 75 cents. Maximum indemnity $100. Return receipt: 13 cents to return by surface, 19 cents to return by air. See Part 242 of this chapter.

Special delivery. Available only for letters and letter packages prepaid at the surface rate, and for all articles prepaid at the airmail rate. The following fees apply:

	Fee, cents
Up to 2 pounds	30
Over 2 but not over 10 pounds	45
Over 10 pounds	60

Marking: Place on the cover, near the name of the country of destination, an "Exprès" (Special Delivery) label 57, or mark boldly in red "Exprès" (Special Delivery).

Special delivery service is in effect only at the following places:

Abord-à-Plouffe, Province of Quebec.
Agincourt, Ontario.
Ajax, Ontario.
Alma, Province of Quebec.
Amherst, Nova Scotia.
Armdale, (P.S.) Nova Scotia.
Arvida, Province of Quebec.
Asbestos, Province of Quebec.
Aurora, Ontario.
Aylmer East, Province of Quebec.
Baie Comeau, Province of Quebec.
Baie-d'Urfé, Province of Quebec.
Bathurst, New Brunswick.
Beaconsfield, Province of Quebec.
Beauharnois, Province of Quebec.
Beauport, Province of Quebec.
Beaurepaire, Province of Quebec.
Belleville, Ontario.
Beloeil, Province of Quebec.
Beloeil Station, Province of Quebec.
Beverly, Alberta.
Brampton, Ontario.
Brandon, Manitoba.
Brantford, Ontario.
Brockville, Ontario.
Bronte, Ontario.
Brooklands, Manitoba.
Burlington, Ontario.
Cainsville, Ontario.
Calgary, Alberta.
Campbellton, New Brunswick.
Cap-de-la-Madeleine, Province of Quebec.
Charlesbourg, Province of Quebec.
Charleswood, Manitoba.
Charlottetown, Prince Edward Island.
Chateauguay, Province of Quebec.
Chatham, Ontario.
Chicoutimi, Province of Quebec.
Chilliwack, British Columbia.
Cité-de-Jacques-Cartier, Province of Quebec.
Cité-de-St-Michel, Province of Quebec.
City View, Ontario.
Clarkson, Ontario.
Cobourg, Ontario.
Collingwood, Ontario.
Cooksville, Ontario.
Corner Brook, Newfoundland.
Cornwall, Ontario.
Côte-St-Luc, Province of Quebec.
Courville, Province of Quebec.
Croydon, Province of Quebec.
Dartmouth, Nova Scotia.
Dauphin, Manitoba.
Dawson Creek, British Columbia.
Dollard-des-Ormeaux, Province of Quebec.
Don Mills, Ontario.
Dorion-Vaudreuil, Province of Quebec.
Dorval, Province of Quebec.
Downsview, Ontario.
Drummondville, Province of Quebec.
Dundas, Ontario.
Duvernay, Province of Quebec.
East Kildonan, Manitoba.
Eastview, Ontario.
Edmonton, Alberta.
Edmundston, New Brunswick.
Elliot Lake, Ontario.
Estevan, Saskatchewan.
Etobicoke, Ontario.
Ferris, Ontario.
Flin Flon, Manitoba.
Forest Hill, Ontario.
Forest Lawn, Alberta.
Fort Erie, Ontario.
Fort Frances, Ontario.
Fort Garry, Manitoba.
Fort William, Ontario.
Fredericton, New Brunswick.
Galt, Ontario.
Gamelin, Province of Quebec.
Gatineau, Province of Quebec.
Georgetown, Ontario.
Giffard, Province of Quebec.
Glace Bay, Nova Scotia.
Goderich, Ontario.
Grandy, Province of Quebec.
Grand Falls, Newfoundland.
Grand'Mère, Province of Quebec.
Grande Prairie, Alberta.
Grimsby, Ontario.
Guelph, Ontario.
Halifax, Nova Scotia.
Hamilton, Ontario.
Hampstead, Province of Quebec.
Haney, British Columbia.

Hawkesbury, Ontario.
Hull, Province of Quebec.
Ingersoll, Ontario.
Islington, Ontario.
Jasper Place, Alberta.
Joliette, Province of Quebec.
Jonquière-Kénogami, Province of Quebec.
Kamloops, British Columbia.
Kapuskasing, Ontario.
Kelowna, British Columbia.
Kenora, Ontario.
Kentville, Nova Scotia.
Kingston, Ontario.
Kirkfield Park, Manitoba.
Kirkland, Province of Quebec.
Kirkland Lake, Ontario.
Kitchener, Ontario.
Korah, Ontario.
Lachine, Province of Quebec.
Lachute, Province of Quebec.
Lafèche, Province of Quebec.
Lancaster (P.S.) New Brunswick.
La Tuque, Province of Quebec.
Laval-des-Rapides, Province of Quebec.
Leamington, Ontario.
Leaside, Ontario.
Lethbridge, Alberta.
Lévis, Province of Quebec.
Lincoln Park, Alberta.
Lindsay, Ontario.
London, Ontario.
Long Branch, Ontario.
Longueuil (P.S.) Province of Quebec.
Loretteville, Province of Quebec.
Magog, Province of Quebec.
Mattagami Heights, Ontario.
McMasterville, Province of Quebec.
Medicine Hat, Alberta.
Midland, Ontario.
Mimico, Ontario.
Moncton, New Brunswick.
Montgomery, Alberta.
Montmorency, Province of Quebec.
Montreal, Province of Quebec, Canada.
Mount Royal, Province of Quebec.
Moose Jaw, Saskatchewan.
Nanaimo, British Columbia.
Nelson, British Columbia.
New Glasgow, Nova Scotia.
Newmarket, Ontario.
New Toronto, Ontario.
New Waterford, Nova Scotia.
New Westminster, British Columbia.
Niagara Falls, Ontario.
Noranda, Province of Quebec.
North Battleford, Saskatchewan.
North Bay, Ontario.
North Kildonan, Manitoba.
Notre-Dame-du-Sacré-Coeur, Province of Quebec.
Oakville, Ontario.
Orillia, Ontario.
Oromocto, New Brunswick.
Oshawa, Ontario.
Ottawa, Ontario.
Otterburn Heights, Province of Quebec.
Otterburn Park, Province of Quebec.
Outremont, Province of Quebec.
Owen Sound, Ontario.
Pacific Junction, Manitoba.
Pembroke, Ontario.
Penticton, British Columbia.
Peterborough, Ontario.
Petite Rivière-Québec, Province of Quebec.
Pierrefonds, Province of Quebec.
Pointe-aux-Trembles, Province of Quebec.
Pointe-Claire, Province of Quebec.
Pointe Gatineau, Province of Quebec.
Pont-Viau, Province of Quebec.
Portage-la-Prairie, Manitoba.
Port Alberni, British Columbia.
Port Arthur, Ontario.
Port Colborne, Ontario.
Port Coquitlam, British Columbia.
Port Credit, Ontario.
Port Hope, Ontario.
Powell River, British Columbia.
Preston, Ontario.
Préville, Province of Quebec.
Prince Albert, Saskatchewan.
Prince George, British Columbia.
Prince Rupert, British Columbia.
Québec, Province of Quebec.
Red Deer, Alberta.
Regina, Saskatchewan.
Renfrew, Ontario.
Repentigny, Province of Quebec.
Rexdale, Ontario.
Richmond Hill, Ontario.
Rimouski, Province of Quebec.
Riverside, Ontario.
Rivière-des-Prairies, Province of Quebec.
Rivière-du-Loup, Province of Quebec.
Rockcliffe, Ontario.
Rosemere, Province of Quebec.
Rouyn, Province of Quebec.
Roxboro, Province of Quebec.
Ste. Anne-de-Bellevue, Province of Quebec.
St. Boniface, Manitoba.
St. Catharines, Ontario.
St. Eustache, Province of Quebec.
Ste. Foy, Province of Quebec.
Ste. Geneviève, Province of Quebec.
Ste. Geneviève-de-Pierrefonds, Province of Quebec.
St. Hilaire Station, Province of Quebec.
St. Hilaire Village, Province of Quebec.
St. Hyacinthe, Province of Quebec.
St. James, Manitoba.
St. Jean, Province of Quebec.
St. Jérôme, Province of Quebec.
St. John's, Newfoundland.
St. Lambert-Chambly (P.S.), Province of Quebec.
St. Léonard-de-Port-Maurice, Province of Quebec.
St. Martin, Province of Quebec.
Ste. Rose, Province of Quebec.
Ste. Thérèse-de-Blainville, Province of Quebec.
St. Thomas, Ontario.
St. Vincent-de-Paul, Province of Quebec.
St. Vital, Manitoba.
Saint John, New Brunswick.
Saint Laurent, Province of Quebec.
Saraguay, Province of Quebec.
Sarnia, Ontario.
Saskatoon, Saskatchewan.
Sault-Ste-Marie, Ontario.
Scarborough, Ontario.
Senneville, Province of Quebec.
Sept Iles, Province of Quebec.
Shawinigan, Province of Quebec.
Sherbrooke, Province of Quebec.
Sillery, Province of Quebec.
Simcoe, Ontario.
Smiths Falls, Ontario.
Sorel, Province of Quebec.
Stoney Creek, Ontario.
Stratford, Ontario.
Sudbury, Ontario.
Summerside, Prince Edward Island.
Swansea, Ontario.
Swift Current, Saskatchewan.
Sydney, Nova Scotia.
Tarentorous, Ontario.
Thetford Mines, Province of Quebec.
Thornhill, Ontario.
Thorold, Ontario.
Tillsonburg, Ontario.
Timmins, Ontario.
Toronto, Ontario.
Trail, British Columbia.
Transcona, Manitoba.
Trenton, Ontario.
Trois-Rivières, Province of Quebec.
Truro, Nova Scotia.
Tuxedo, Manitoba.
Val d'Or, Province of Quebec.
Valleyfield, Province of Quebec.
Valois, Province of Quebec.
Vancouver, British Columbia.
Verdun, Province of Quebec.
Vernon, British Columbia.
Victoria, British Columbia.
Victoriaville, Province of Quebec.
Ville-d'Anjou, Province of Quebec.
Ville-La-Salle, Province of Quebec.
Ville St-Georges, Province of Quebec.
Ville-St.-Pierre, Province of Quebec.
Villeneuve, Province of Quebec.
Wallaceburg, Ontario.
Waterloo, Ontario.
Welland, Ontario.
West Hill, Ontario.
West Kildonan, Manitoba.
Westmount, Province of Quebec.
Weston, Ontario.
Weyburn, Saskatchewan.
Whitby, Ontario.
White Rock, British Columbia.
Widdifield, Ontario.
Willowdale, Ontario.
Windsor, Ontario.
Winnipeg, Manitoba.
Woodstock, Ontario.
Yarmouth, Nova Scotia.
Yorkton, Saskatchewan.

Money Orders. Yes. See § 171.2 of this chapter.

Observations. Mail for members of the Canadian armed forces serving overseas must be addressed as follows:

Surface mail	*Airmail*
Number, rank, name, Unit.	Number, rank, name, Unit.
CFPO (number), Belleville, Ontario, Canada.	CFPO (number), Montreal, Province of Quebec, Canada.

Articles addressed as above must bear postage at the surface or air rate for Canada. Letter packages exceeding 4 pounds 6 ounces in weight, and direct sacks of printed matter (§ 222.4(f) of this chapter) are not admissible for CFPO addresses. Patrons desiring to mail such articles should be advised to obtain civilian addresses either from the addressees or from the Post Office Department, Ottawa 8, Ontario, Canada, and to prepare their articles for mailing in accordance with the regulations applicable to the country of destination concerned.

Banknotes valued at $100 or more must be put up in a compact package and securely tied with strong twine before wrapping. The wrapper must be of linen or other strong, woven material, linen lined paper, or two thicknesses of strong kraft paper. After wrapping, the package must be again securely tied or stitched and sealed at the points of closing.

Combination mailings as defined in § 222.8(a) of this chapter are accepted.

Advertising matter specially prepared to promote the sale of goods or services by Canadian persons or firms is charged with customs duty in Canada when the total weight of articles mailed at one time exceeds 1 pound. Duty is charged on each individually addressed article. To avoid detention of such mail by Canadian customs, senders may arrange to pay the duty, which can be done by means of Canadian customs duty stamps affixed to the back of each piece of mail. Senders may inquire as to rates of duty and may purchase the duty stamps from the Department of National Revenue, Customs and Excise, Ottawa, Ontario, Canada.

Commercial shipments of printed matter and certain other merchandise must be marked to indicate country of origin in the manner prescribed by the Canadian customs regulations. Commercial invoices are required as indicated in "Observations" under "Parcel Post".

Information as to Canadian customs regulations may be obtained from the European Division (Canadian Section), Bureau of International Commerce, Department of Commerce, Washington, D.C. 20230, or any field office of that Department.

Prohibitions. Reprints of Canadian or British works copyrighted in Canada. Reproductions of Canadian postage stamps unless printed in publications in black and white only and with a defacing line drawn across each reproduction.

Perishable biological materials.

Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail, except that coins, banknotes, values payable to bearer and precious articles may be sent in registered letters only.

Parcel Post

Weight limit. Over 8 ounces to 35 pounds. Packages weighing 8 ounces or less must be mailed as postal union mail. See headings "Surface rates" and "Air rates" under "Postal Union Mail". Parcels for CFPO addresses, 22 pounds. See "Observations."

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Over 8 ounces to 2 pounds, $1; each additional pound or fraction, 30 cents. (See Chart 4, Table I.)

Air service. Not available for parcel post. Airmail packages must be prepared as letter-packages and be prepaid at airmail letter rate. See under "Postal Union Mail."

Special handling. Available to U.S. dispatching exchange office only. See Chart 6 for fees.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15.00	$0.20
$15.01 to $50.00	.30
$50.01 to $100.00	.40
$100.01 to $150.00	.50
$150.01 to $200.00	.60

NOTE.—Each insured parcel, including those insured for $15 or less, must bear an insurance number. There is no C.O.D. service.

Parcels for CFPO addresses may not be insured.

Return receipts are not furnished for insured parcels addressed to Canada.

The following must not be accepted for insurance: Bees, postage stamps (canceled and uncanceled) and albums in which they are mounted, bonds and coupons payable to bearer, stocks and other securities negotiable by bearer, gold scrap, jeweler's filings, precious stones (mounted or unmounted), and articles of gold or other precious metal. It should be recommended to senders that the articles mentioned, with the exception of bees, be sent in the registered letter mails.

However, articles for personal adornment, such as rings, brooches, tie pins, chains, cuff links, dress sets, fobs, bracelets, lockets and necklaces, and articles for personal use, such as cigarette holders, cigarette cases, vanity cases, cardcases, gold and silver pencils, lorgnettes, gold filled optical frames and mountings, mesh bags and watches, having a value not over $5 each may be insured provided they are enclosed in parcels of at least a minimum size of 36 cubic inches or combined length and girth of at least 16 inches. For example, such parcels must be at least 6 by 6 by 1 inches or 8 by 3 by 1 inches, etc. A parcel containing a number of such articles valued at $5 or less may be insured for the total value of the contents (up to the maximum of $200), provided it meets the prescribed requirements as to size.

The maximum insurance in Canada for parcels to the United States is $100.

See Part 243 of this chapter for general information on insurance.

Observations. Each parcel must bear as part of its address the name of the Canadian Province in which the office of destination is located.

Parcels for members of the Canadian armed forces overseas may not exceed 22 pounds in weight and may not be insured. They must be addressed in the following manner for surface dispatch:

Number, rank, name.
Unit.
CFPO (number).
Belleville, Ontario, Canada.

A letter fully prepaid and bearing the same address as that of the parcel may be tied or otherwise securely attached to the outside of the parcel in such manner as to prevent its separation therefrom and not to interfere with the address of the parcel. Stamps to cover postage on the parcel must be affixed to the wrapper of the parcel. Stamps to pay postage on the letter must be affixed to the envelope thereof.

Certain types of merchandise must be marked to show country of origin in the manner prescribed by the Canadian customs regulations.

The Canadian customs authorities require commercial invoices for all parcel post or postal union mail packages, regardless of value, except casual noncommercial shipments. For shipments valued at less than $50, the sender's regular business invoice may be used; if the value is $50 or over, the commercial invoice must be prepared on Canadian forms M–A or N–A. Four copies of the invoice, one of them signed by the sender in ink, must be sent by letter mail to the addressee.

In the case of noncommercial shipments of a casual nature, the senders need not furnish invoices, as the Canadian customs authorities will make delivery on the basis of forms completed by the addressees.

Interested mailers can secure information as to obtaining and preparing forms M–A and N–A, as well as other information concerning the Canadian customs regulations, from the European Division (Canadian Section), Bureau of International Commerce, Department of Commerce, Washington, D.C. 20230, or any field office of that Department.

Prohibitions. Honey bees, unless addressed to places served by railway post offices or motor vehicles. Mailers must ascertain whether the addressees of parcels containing honey bees are located at places to which such shipments can be sent. This information can be obtained from the Canadian postmaster at the office of address. After obtaining the information, the sender must mark the wrapper of his parcel "Office of address served by R.P.O." or "Office of address served by motor vehicle." Postmasters will refuse to accept parcels containing honey bees for Canada unless they bear such endorsement.

Queen bees are not subject to the above restriction.

Bees must not be on combs, and must be accompanied by a declaration signed by the mailer that the food for the bees carried in the package is free from disease. Honey must not be used in making the candy placed in queen bee mailing cages. Special handling charges are applicable to honey bees in cages, but not to queen bees in small cages, alone or accompanied by a few workers, unless a considerable number of such cages are tied together for transportation outside of mail sacks.

Shipments of bees are accepted only at the risk of senders; they may not be accepted for insurance.

Used or secondhand hives or bee supplies.

Commercial tags of metal. Prison-made goods being sold or intended for sale by a person or firm. Plumage and skins of wild birds.

Articles so marked as to create the false impression that they were made in Canada, Great Britain, or any other British country.

Parcels bearing caution labels indicating the contents are flammable.

Meat and meat food products, unless federally inspected and passed and marked accordingly. If intended for sale, export certification by the U.S. Department of Agriculture is also required. Meat or meat food product for personal use is exempt from export certification but the addressee is required to certify to the Canadian authorities that it will not be offered for sale in Canada.

Drugs and medicines must comply with Canadian law. Senders are advised to communicate with prospective addressees to assure themselves before mailing that such articles will be admitted.

Biological products for veterinary use, including serums and vaccines, unless accompanied by a permit issued by the Veterinary Director General, Ministry of Agriculture of Canada.

Eggs for hatching unless packed in new, clean containers and accompanied by a certificate issued by a veterinarian of the U.S. Department of Agriculture or one issued by a State veterinarian and endorsed by a veterinarian of that Bureau, stating that to the best of his knowledge the eggs come from a flock that is free from Newcastle disease, fowl pest, or fowl typhoid. See § 231.3(b)(v) of this chapter, for method of packing.

Smoke-making devices for motor vehicles and boats.

Radioactive materials, butane gas lighters and refill cartridges, lighter fluid regardless of flashpoint, and other articles regarded by the Canadian authorities as dangerous.

Coins, except when mailed in uninsured parcels to collectors or dealers. Banknotes and values payable to bearer. Precious articles including jewelry and precious stones, mounted or unmounted; platinum, gold and silver, manufactured or unmanufactured; and articles of precious metal for personal use such as card cases, cigarette cases, cigarette holders, compacts, purses, watches and automatic pencils. The foregoing are admitted, however, in registered letters.

Oleomargarine and other butter substitutes, including altered or renovated butter.

Import restrictions. Addressees are required to obtain permits from the Canadian authorities to import firearms and other deadly weapons, except sporting guns.

CAPE VERDE ISLANDS

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. Restricted delivery permitted. See Part 242 of this chapter.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. No service.

Prohibitions. Perishable biological materials.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Insured and registered parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, one Form 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.73; each additional 4 ounces or fraction, 51 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.73	2	0	$4.39	3	12	$6.57
0	8	2.24	2	4	5.81	4	0	6.88
0	12	2.75	2	8	6.32	4	4	8.30
1	0	3.26	2	12	6.83	4	8	10.40
1	4	3.77	3	0	7.34	4	12	10.91
1	8	4.28	3	4	7.85	5	0	11.42
1	12	4.79	3	8	8.36			

For rates over 5 pounds, charge $10.20 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration and insurance. Parcels may be registered or insured against loss, rifling or damage for actual value not exceeding the following limits when fees as indicated are paid in addition to the postage applicable:

REGISTERED PARCEL-POST PACKAGES

Limit of idemnity:	Fee
Up to $16.33	$0.75

REGISTERED PARCEL-POST PACKAGES

Limit of idemnity:	Fee
Not over $15	$0.35
$15.01 to $16.33	.45

Coin, bullion, jewelry, or any other precious article must be registered.

For general information concerning registration and insurance, see Parts 242 and 243 of this chapter.

CENTRAL AFRICAN REPUBLIC

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. No service.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions. Coins; paper money; values payable to bearer; manufactured or unmanufactured gold, silver, or platinum; precious stones, jewelry, or other precious articles. Perishable biological materials.

Also the articles prohibited as parcel post.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Compulsory.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.75; each additional 4 ounces or fraction, 67 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.75	2	0	$6.44	3	12	$11.13
0	8	2.43	2	4	7.11	4	0	11.80
0	12	3.09	2	8	7.78	4	4	12.47
1	0	3.76	2	12	8.45	4	8	13.14
1	4	4.43	3	0	9.12	4	12	13.81
1	8	5.10	3	4	9.79	5	0	14.48
1	12	5.77	3	8	10.46			

For rates over 5 pounds, charge $12.40 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Indemnity. No provision.

Observations. The postal authorities of the Central African Republic collect domestic postage charges from the addressees of incoming parcels.

Prohibitions. All articles prohibited to France.

Pamphlets and leaflets containing propaganda derogatory to the countries of Equatorial Africa.

Tobacco products, unless the immediate container (box, case, or cigarette package) is marked "Vente en U.D.E." (Sale in Equatorial Customs Union) below the trademark.

Medical or pharmaceutical products, unless addressed to licensed pharmacists.

Arms, unless importation is authorized by the Central African Republic authorities.

CEYLON

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.) Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions and import restrictions. Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, one Form 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $2.12; each additional 4 ounces or fraction, 81 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$5.13	2	0	$7.70	3	12	$11.46
0	8	2.98	2	4	5.80	4	0	14.37
0	12	3.74	2	8	6.41	4	4	13.08
1	0	4.26	2	12	16.27	4	8	14.80
1	4	5.26	3	0	15.08	4	12	16.70
1	8	6.17	3	4	11.84	5	0	17.51
1	12	6.98	3	8	12.46			

For rates over 5 pounds, charge $14.20 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55
$100.01 to $150	.65
$150.01 to $165	.75

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This amount shall be shown in U.S. currency and in gold francs. The indication in U.S. currency shall be in figures and in letters spelled out in full, and the gold franc equivalent in figures only, as shown in the following example:

INSURED VALUE

$25.75 (U.S.)

TWENTY-FIVE DOLLARS AND SEVENTY-FIVE CENTS

77.25 GOLD FRANCS

See Part 243 of this chapter for method of converting U.S. currency into gold francs and for general information on insurance.

Coin, banknotes, currency notes or any kind of securities payable to bearer, platinum, gold, or silver (whether manufactured or unmanufactured), precious stones, jewels, or other precious articles sent as parcel post must be insured. Every parcel containing precious stones, jewelry, articles of gold, silver or platinum, or any other precious object must be packed in a strong case of wood or metal with an outer covering of cloth or heavy paper.

No erasure or correction is permitted in the amount of insurance shown on the customs declaration.

Observations. The value of each kind of goods must be shown separately on the customs declaration in addition to the net weight or quantity. Delivery of parcels will be facilitated if senders enclose in each parcel an invoice of the contents and endorse the wrapper of the package "invoice enclosed."

Prohibitions and import restrictions. The importation of many types of merchandise is prohibited, while other types require import permits which the addressees must obtain from the Controller of Imports at Colombo. No list of affected items is furnished. Therefore, patrons should be advised, before mailing parcel post or postal union mail packages, to obtain assurances from the addressees that their articles will be admitted.

CHAD (REPUBLIC OF)

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. No service.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions. Coins; paper money; values payable to bearer; manufactured or unmanufactured gold, silver, or platinum; precious stones, jewelry, or other precious articles. Perishable biological materials.

Also the articles prohibited as parcel post.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Compulsory.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound, or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.75; each additional 4 ounces, or fraction, 67 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.75	2	0	$6.44	3	12	$11.13
0	8	2.42	2	4	7.11	4	0	11.80
0	12	3.09	2	8	7.78	4	4	12.47
1	0	3.76	2	12	8.45	4	8	13.14
1	4	4.43	3	0	9.12	4	12	13.81
1	8	5.10	3	4	9.79	5	0	14.48
1	12	5.77	3	8	10.46			

For rates over 5 pounds, charge $13.40 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Indemnity. No provision.

Observations. The postal authorities of Chad collect domestic postage charges from the addressees of incoming parcels.

Prohibitions. All articles prohibited to France.

Pamphlets and leaflets containing propaganda derogatory to the countries of Equatorial Africa.

Tobacco products, unless the immediate container (box, case, or cigarette package) is marked "Vente en U.D.E." (Sale in Equatorial Customs Union) below the trademark.

Medical or pharmaceutical products, unless addressed to licensed pharmacists.

Arms, unless importation is authorized by the Chad authorities.

CHILE

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter. Small packets not accepted.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 15 cents per half ounce. (See Chart 3, Table II.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, and samples of merchandise, 50 cents first 2 ounces; 20 cents each additional 2 ounces or fraction. (See Chart 3, Table VI.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions. Coins, banknotes, paper money, values payable to bearer; manufactured or unmanufactured platinum, gold, or silver; precious stones, jewels, or other precious articles. Perishable biological materials.

Articles prohibited as parcel post are prohibited in the postal union mail.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Compulsory.

Postal forms required. One Form 2922, two Forms 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.85; each additional 4 ounces or fraction, 55 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.85	2	0	$5.70	3	12	$9.55
0	8	2.40	2	4	6.25	4	0	10.10
0	12	2.95	2	8	6.80	4	4	10.65
1	0	3.50	2	12	7.35	4	8	11.20
1	4	4.05	3	0	7.90	4	12	11.75
1	8	4.60	3	4	8.45	5	0	12.30
1	12	5.15	3	8	9.00			

For rates over 5 pounds, charge $11 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Indemnity. No provision.

Observations. In view of the extensive variety of articles prohibited to Chile (see "Prohibitions"), persons desiring to mail parcels should be advised to consult the addressees in advance of mailing to ascertain whether their articles will be admitted, or to consult the American Republics Division, Bureau of International Commerce, Department of Commerce, Washington, D.C. 20230, stating specifically what articles they desire to send. Parcels will be accepted only with the understanding that the mailer has satisfied himself that the contents will be admitted.

Parcels for Chile must be accompanied by commercial invoices which must bear a declaration of origin in English or Spanish, signed by the mailer, in the following terms:

"Under oath, we declare that we are the owners (or shippers) of the above mentioned merchandise; that the prices and other details are exact; that the said merchandise is a product of the soil or industry of (country of origin) and that we accept the legal consequences which might arise through any inexactitude contained in this account."

Parcels may be addressed to banks or other organizations for ultimate delivery to second addressees. The latter however may not take delivery without written authority from the first addressee, unless the sender arranges for change of address as provided in Part 247 of this chapter.

Prohibitions. An extensive variety of articles is prohibited to Chile as a result of stringent import regulations. No list of the prohibited items has been furnished; however, it is understood that most items normally sent as gifts, such as clothing, foodstuffs, toys, jewelry, small appliances, etc. (except books) are not admitted. Parcels are accepted only under the conditions set forth in "Observations."

CHINA

I. Republic of China (Taiwan [Formosa], Penghu [Pescadores], Quemoy [Kinmen], and Matsu Islands)

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. Restricted delivery permitted. See Part 242 of this chapter.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Observations. Addresses must be complete and written when possible in Chinese characters in addition to English.

The Chinese postal authorities recommend the addition of "Via Taiwan" in the address of articles intended for the Quemoy and Matsu Islands.

Prohibitions. Dutiable articles in unregistered letter packages. Perishable biological materials.

Articles prohibited as parcel post are prohibited in the postal union mail.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 7 feet. Parcels over 6 feet in combined length and girth are limited to 2½ feet in length.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, two Forms 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.56; each additional 4 ounces or fraction, 66 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.56	2	0	$6.18	3	12	$10.80
0	8	2.22	2	4	6.84	4	0	11.46
0	12	2.88	2	8	7.50	4	4	12.12
1	0	3.54	3	12	8.16	4	8	12.78
1	4	4.20	3	0	8.82	4	12	13.14
1	8	4.86	3	4	9.48	5	0	14.10
1	12	5.52	3	8	10.14			

For rates over 5 pounds, charge $13.20 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55
$100.01 to $150	.65
$150.01 to $165	.75

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This amount shall be shown in U.S. currency and in gold francs. The indication in U.S. currency shall be in figures and in letters spelled out in full, and the gold franc equivalent in figures only, as shown in the following example:

INSURED VALUE

$25.75 (U.S.)

TWENTY-FIVE DOLLARS AND SEVENTY-FIVE CENTS

77.25 GOLD FRANCS

See Part 243 of this chapter, for method of converting U.S. currency into gold francs and general information on insurance.

Coin, bullion, jewelry, or any other precious article sent as parcel post must be insured.

Observations. Commercial shipments require a commercial invoice, three copies of which should be submitted to a Chinese consulate for legalization. The original will be returned to the sender, who should send it direct to the addressee.

Chinese consulates are located in the following cities:

Chicago, Ill.	New York, N.Y.
Honolulu, Hawaii	San Francisco, Calif.
Houston, Tex.	Seattle, Wash.
Los Angeles, Calif.	

Prohibitions. Cigars, cigarettes and prepared tobacco. Camphor and ginseng for medicinal use. Banknotes in "new Taiwan dollars". Extracts, essences and concentrates of tea. Precious jewelry, imitation jewelry, unset pearls, synthetic gems and semi-precious stones, mother-of-pearl, tinsel and metallic trimmings. Decorative articles of glass, coins and other small articles for collections.

Import restrictions. Addressees must obtain import licenses for all parcels except (1) samples without commercial value, and (2) gifts not exceeding $25 in value for personal or family use.

II. Continental China, Including Manchuria, Inner Mongolia and Tibet

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter. Small packets not accepted.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 11 cents each.

Printed matter, matter for the blind, and samples of merchandise, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. No service.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. No service.

Observations. Addresses must be complete and written when possible in Chinese characters in addition to English.

The postal authorities of mainland China claim that in order to facilitate distribution of mail, the place of destination should be given as "People's Republic of China". They may return articles as undeliverable if that is not done. Persons submitting letters addressed to destinations in mainland China should be advised of the above.

Prohibitions. Currency, checks, securities, and other financial instruments, unless licensed by the U.S. Treasury Department.

Dutiable articles in letter packages. Perishable biological materials.

Parcel Post

(No service to Continental China, including Manchuria, Inner Mongolia, and Tibet.)

COLOMBIA

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter. Small packets not accepted.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 15 cents per half ounce. (See Chart 3, Table III.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, and samples of merchandise, 60 cents first 2 ounces; 20 cents each additional 2 ounces or fraction. (See Chart 3, Table VI.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. Yes. Service is confined to Armenia, Barranquilla, Bogotá, Bucaramanga, Buenaventura, Buga, Cali, Cartagena, Cartago, Cúcuta, Girardot, Honda, Ibague, Manizales, Medellin, Monteria, Neiva, Palmira, Pasto, Pereira, Popayan, Quibdó, Santa Marta, and Tunja. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Observations. Books and other printed matter, if valued over $20, require consular invoices, and the addressees must obtain import licenses as indicated in "Observations" under Parcel Post.

Every commercial shipment of books or periodicals mailed to Colombia must be covered by a commercial invoice which may either accompany this shipment or be sent under cover to the addressee. Each commercial invoice must bear the sender's declaration in the form given under "Observations" of "Parcel Post", and must show the following information:

(1) Name of importer.

(2) Number of copies in each package and number of copies of each title.

(3) Unit value of each copy and total value of the shipment. Values must be shown in U.S. dollars.

(4) Number of packages comprising the shipment.

(5) The publishing house, together with the name and class of the edition when the book belongs to a series established by the publishing house.

(6) Weight of each package.

(7) Total weight of the shipment.

The mailer should send a copy of each commercial invoice, preferably by airmail, direct to the Colombian post office to which the package is addressed.

Each package must be addressed directly to the addressee, as the Colombian regulations do not permit customs entry to be effected by anyone except the addressee or his authorized representative.

The address label must be marked with the number of items in the package and their weight.

Combination mailings as defined in § 222.8(a) of this chapter are accepted.

Prohibitions. Money in cash, banknotes, or values payable to the bearer. Dutiable articles in letter packages. Perishable biological materials.

Articles prohibited as parcel post are prohibited in the postal union mail.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Compulsory.

Postal forms required. One Form 2922, two Forms 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.82; each additional 4 ounces or fraction 31 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.82	2	8	$3.89	3	12	$4.16
0	8	2.13	3	4	4.20	4	0	4.47
0	12	2.44	3	8	4.51	4	4	4.78
1	0	2.75	3	12	4.82	4	8	7.09
1	4	3.06	4	0	5.13	4	12	7.40
1	8	3.37	4	4	5.44	5	0	7.71
1	12	3.68	4	8	5.65			

For rates over 5 pounds, charge $4.30 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55
$100.01 to $150	.65
$150.01 to $165	.75

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This amount shall be shown in U.S. currency and in gold francs. The indication in U.S. currency shall be in figures and in letters spelled out in full, and the gold franc equivalent in figures only, as shown in the following example:

INSURED VALUE
$25.75 (U.S.)
TWENTY-FIVE DOLLARS AND SEVENTY-FIVE CENTS
77.25 GOLD FRANCS

See Part 243 of this chapter, for method of converting U.S. currency into gold francs and for general information on insurance.

Coin, precious metals, jewelry, or other precious articles must not be accepted as parcel post for mailing unless they are insured.

Observations. Senders are required to indicate as a part of the addresses of all parcels the name of the department (State) in which the office of destination is located.

In view of the extensive variety of articles prohibited to Colombia (see "Prohibitions"), persons desiring to mail parcels should be advised to consult the addressees in advance of mailing to ascertain whether their articles will be admitted, or to consult the nearest Colombian consulate, stating specifically what articles they desire to send. Parcels will be accepted for mailing to Colombia only with the understanding that the mailer has satisfied himself that the contents will be admitted.

Each parcel post shipment valued at $20 or less requires two copies of the sender's commercial invoice, one of which must be enclosed in the parcel and the other sent under separate cover to the addressee. Consular legalization is not needed, but the invoice must include a declaration of origin of the merchandise, in Spanish, reading as follows:

Certificamos bajo juramento que los precios de esta factura son los mismos que cargamos al cliente y que la mercancía a que se refiere esta misma factura es originaria de ..... En fe de lo cual
(country of origin)
puesto firmamos la presente declaración en ..... de ..... de .....
(City, State) (Day) (Month) (Year)
.....
(Signature of shipper)

(Translation: We certify under oath that the prices in this invoice are the same that we charge our customers, and that the merchandise in this same invoice comes from ..... In faith of which
(Country of origin)
we sign the present declaration at .....
(City, State)
on .....)
(Date)

Commercial shipments of books or periodicals must be accompanied by commercial invoices as prescribed for such shipments in the postal union mails. See "Observations" under "Postal Union Mail."

For parcels valued over $20, the sender must have a copy of his commercial invoice legalized by a Colombian Consulate, and must prepare four copies of a consular invoice, one of which must be sent direct to the addressee with the legalized commercial invoice.

Consular invoice forms may be obtained and commercial invoices legalized at Colombian Consulates, which are located in principal cities of the United States.

The addressees in Colombia are required in most cases to obtain import licenses in order to secure delivery of parcels. For a parcel exceeding $20 in value the addressee is required to send a copy of the import license to the sender, who must submit it to the Colombian Consul when obtaining the consular invoice. If a sender receives a copy of a Colombian import license for a parcel whose value does not exceed $20, he must return it to the addressee in Colombia.

Parcels mailed simultaneously by the same sender to the same addressee at one address must be marked in the following manner, in order that customs officials in Colombia may more readily ascertain the combined value of the parcels contained in a single mailing.

Each parcel comprised in a single mailing must bear a fractional number, the numerator of which indicates the number of the parcel and the denominator the number of parcels comprised in the mailing. For example, if a single mailing were composed of 15 parcels they would be numbered 1/15, 2/15, 3/15, etc.

Parcels may be addressed to banks or other organizations for ultimate delivery to second addressees. The latter however may not take delivery without written authority from the first addressee, unless the sender arranges for change of address as provided in Part 247 of this chapter.

Prohibitions. An extensive variety of articles is prohibited to Colombia as a result of stringent import control regulations. Many kinds of food, clothing, footwear, musical instruments, jewelry, ornaments, watches, clocks, electrical and scientific apparatus, playing cards, engravings and other pictures including picture books, calendars and other illustrated stationery, soap, tobacco and pharmaceutical products are prohibited, as well as articles made from metal, wood, rubber, cloth, paper, cardboard, leather, glass, wax, and ceramics.

Parcels are accepted only under the conditions set forth in "Observations."

COMORO ISLANDS (MAYOTTE, GRAND COMORO, ANJOUAN, AND MOHELI)

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. No service.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions. Perishable biological materials.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Optional.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.99; each additional 4 ounces or fraction, 91 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.99	2	0	$6.36	3	12	$14.73
0	8	2.90	2	4	9.27	4	0	13.64
0	12	3.81	2	8	10.18	4	4	16.55
1	0	4.72	2	12	11.09	4	8	17.46
1	4	5.63	3	0	12.00	4	12	18.37
1	8	6.54	3	4	12.91	5	0	19.28
1	12	7.45	3	8	13.82			

For rates over 5 pounds, charge $18.20 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Indemnity. No provision

CONGO (REPUBLIC OF) (BRAZZAVILLE)

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. No service.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions. Perishable biological materials.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Optional.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.75; each additional 4 ounces or fraction, 67 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.75	2	0	$6.44	3	12	$11.13
0	8	2.42	2	4	7.11	4	0	11.80
0	12	3.09	2	8	7.78	4	4	12.47
1	0	3.76	2	12	8.45	4	8	13.14
1	4	4.43	3	0	9.12	4	12	13.81
1	8	5.10	3	4	9.79	5	0	14.48
1	12	5.77	3	8	10.46			

For rates over 5 pounds, charge $13.40 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Indemnity. No provision.

Observations. The postal authorities of Congo collect domestic postage charges from the addressees of incoming parcels.

Prohibitions. All articles prohibited to France.

Pamphlets and leaflets containing propaganda derogatory to the countries of Equatorial Africa.

Tobacco products, unless the immediate container (box, case, or cigarette package) is marked "Vente en U.D.E." (Sale in Equatorial Customs Union) below the trademark.

Medical or pharmaceutical products, unless addressed to licensed pharmacists.

Arms, unless importation is authorized by the Congo authorities.

CONGO (DEMOCRATIC REPUBLIC OF THE) (KINSHASA)

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee 75 cents. Maximum indemnity, $8.17. Return receipt, 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. No service.

Prohibitions. Articles of platinum, gold, or silver; jewels or other precious articles; coins.

Values payable to bearer and banknotes are subject to Congo exchange control regulations. If the importation of such articles is not authorized, they may be confiscated.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Length, 3½ feet, length and girth combined, 6 feet.

Sealing. Compulsory.

Postal forms required. One Form 2922, three Forms 2966, one form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II).

Air parcel rates. Four ounces or less, $1.75; each additional 4 ounces or fraction, 67 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.75	2	0	$6.44	3	12	$11.13
0	8	2.42	2	4	7.11	4	0	11.80
0	12	3.09	2	8	7.78	4	4	12.47
1	0	3.76	2	12	8.45	4	8	13.14
1	4	4.43	3	0	9.12	4	12	13.81
1	8	5.10	3	4	9.79	5	0	14.48
1	12	5.77	3	8	10.46			

For rates over 5 pounds, charge $13.40 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. Fee, 75 cents. There is no provision for indemnity. (See Part 242 and § 272.2(b)(4) of this chapter).

Import restrictions. The attention of senders should be called to the following requirements, which are to be met by addressees.

Saccharine and products containing it require the authorization of the Congo Ministry of Economic Affairs.

Medicines and biological products require the authorization of the Congo medical authorities.

Arms of all kinds require the authorization of the Congo Ministry of the Interior.

CORSICA

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of

the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 20 cents per half ounce. (See Chart 3, Table III.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 50 cents first 2 ounces; 20 cents each additional 2 ounces or fraction. (See Chart 3, Table VI.)

Registration. Fee 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Observations. Same as France.

Prohibitions and import restrictions. Same as France.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, one Form 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.89; each additional 4 ounces or fraction, 42 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.89	2	0	$4.62	5	12	$7.77
0	8	2.31	2	4	5.25	6	0	8.19
0	12	2.73	2	8	5.67	6	4	8.61
1	0	3.15	2	12	6.09	6	8	9.03
1	4	3.57	3	0	6.51	6	12	9.45
1	8	3.99	3	4	6.93	7	0	9.87
1	12	4.41	3	8	7.35			

For rates over 5 pounds, charge $8.40 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Insurance. Same as for France.

Observations. Same as France.

Prohibitions and import restrictions. Same as France, except that tobacco is admitted.

COSTA RICA

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 15 cents per half ounce. (See Chart 3, Table II.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 40 cents first 2 ounces; 10 cents each additional 2 ounces or fraction. (See Chart 3, Table V.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions. Perishable biological materials.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Compulsory.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1; each additional pound or fraction, 30 cents. (See Chart 4, Table I.)

Air parcel rates. Four ounces or less, $1.31; each additional 4 ounces or fraction, 26 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.31	2	0	$3.13	5	12	$4.95
0	8	1.57	2	4	3.39	6	0	5.21
0	12	1.83	2	8	3.65	6	4	5.47
1	0	2.09	2	12	3.91	6	8	5.73
1	4	2.35	3	0	4.17	6	12	5.99
1	8	2.61	3	4	4.43	7	0	6.25
1	12	2.87	3	8	4.69			

For rates over 5 pounds, charge $5.20 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Indemnity. No provision.

Observations. It is necessary that three copies of a commercial invoice be prepared in Spanish (or in English with an interlinear Spanish translation) for parcels valued in excess of $25. These invoices may be enclosed in the parcel or sent under separate cover to the consignee, the latter procedure being preferred.

Parcels may be addressed to banks or other organizations for ultimate delivery to second addressees. The latter, however, may not take delivery without written authority from the first addressee, unless the sender arranges for change of address as provided in Part 247 of this chapter.

CUBA (INCLUDING ISLE OF PINES, WEST INDIES)

Postal Union Mail

Letter packages are limited to those containing medicines. See "Parcel Post Prohibitions."

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter. Small packets not accepted.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 15 cents per half ounce. (See Chart 3, Table II.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, and samples of merchandise, 40 cents first 2 ounces; 10 cents each additional 2 ounces or fraction. (See Chart 3, Table V.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. No service.

Money orders. No service.

Observations. Senders must affix a green customs label (Form 2976), showing the contents and value, to all letter packages.

Prohibitions. Currency, postage stamps for sale or exchange, checks, securities and other financial instruments, unless licensed by the U.S. Treasury Department. Perishable biological materials.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Compulsory.

Postal forms required. One Form 2922, one Form 2966.

Limited to parcels containing medicines. See "Prohibitions."

Surface parcel rates. Two pounds or less, $1; each additional pound, 30 cents. (See Chart 4, Table I.)

Air parcel rates. Four ounces or less, $1.51; each additional 4 ounces, 32 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.51	2	0	$3.75	5	12	$5.99
0	8	1.83	2	4	4.07	6	0	6.31
0	12	2.15	2	8	4.39	6	4	6.63
1	0	2.47	2	12	4.71	6	8	6.95
1	4	2.79	3	0	5.03	6	12	7.27
1	8	3.11	3	4	5.35	7	0	7.59
1	12	3.43	3	8	5.67			

For rates over 5 pounds, charge $4.40 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. Fee, 75 cents. Indemnity may be paid for loss (contents and wrapper) only, based on actual value up to a maximum of $10. (See Part 242 and § 222.2(b)(2) of this chapter.)

Prohibitions. Currency, postage stamps for sale or exchange, checks, securities, and other financial instruments, unless licensed by the U.S. Treasury Department.

Parcels are limited to those containing medicines. They will not be delivered by the Cuban authorities unless the medicines are in their original containers and are sent in noncommercial quantities. Containers must not be hermetically sealed, and the contents must be fully identifiable.

CYPRUS

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise; and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. Restricted delivery permitted. See Part 242 of this chapter.

Special delivery. Yes. Service is confined to Famagusta, Kyrenia, Larnaca, Limassol, Nicosia, and Paphos. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions. Coins exceeding £5 ($14) in value. Radioactive materials.

Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Optional.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.83; each additional 4 ounces or fraction, 54 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.83	2	0	$5.61	3	12	$9.39
0	8	2.37	2	4	6.15	4	0	9.93
0	12	2.91	2	8	6.69	4	4	10.47
1	0	3.45	2	12	7.23	4	8	11.01
1	4	3.99	3	0	7.77	4	12	11.55
1	8	4.53	3	4	8.31	5	0	12.09
1	12	5.07	3	8	8.85			

For rates over 5 pounds, charge $10.80 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Prohibitions. Daggers; automatic or repeating rifles; airguns; guns for discharging harmful liquid or gas; imitation or toy pistols or revolvers. See "Import restrictions".

Coins. Postcards of private manufacture having illustrated designs not previously approved by the Cyprus Post Office.

Import restrictions. The attention of senders should be called to the following requirements, which are to be met by addressees.

Import licenses must be obtained in Cyprus except for merchandise not exceeding £5 ($14) in value for the addressee's personal use.

Used clothing and saccharine require permission of the Ministry of Health.

Bees, honey and substances containing uncooked honey require permission of the Ministry of Agriculture.

Firearms which are not prohibited require a permit from the Prefect of Police.

Articles for the manufacture of cigarettes require permission of the Cyprus customs authorities.

CZECHOSLOVAKIA

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 20 cents per half ounce. (See Chart 3, Table III.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 50 cents first 2 ounces; 20 cents each additional 2 ounces or fraction. (See Chart 3, Table VI.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. Restricted delivery permitted. See Part 242 of this chapter.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes, except to province of Ruthenia. See § 171.2 of this chapter.

Observations. See "Observations" under "Parcel Post" for special requirements applicable to gift parcels, which also apply to gift shipments in the postal union mail.

Postage stamps and stamped paper for philatelic purposes may be imported into Czechoslovakia only under the following conditions:

Shipments for sale may be sent only to the firm Artia, V Smečkách 30, Prague 1.

Gift shipments may be sent only in letters containing no other merchandise; one addressee may receive only three shipments per year, from at least two different senders. Each shipment must consist of assorted cancelled stamps not exceeding 20 Czechoslovak crowns ($2.83) in value. Noncomplying shipments will not be delivered.

Exchange shipments may be sent only to authorized collectors through the intermediary of the Czechoslovak postal administration. Shipments must be addressed to the Foreign Stamp Exchange Center, Post Office, Prague 121, with the name and address of the collector on a piece of paper enclosed.

Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.38; each additional 4 ounces or fraction, 46 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.38	2	0	$4.74	5	12	$8.10
0	8	1.66	2	4	5.23	6	0	8.58
0	12	1.94	2	8	5.70	6	4	9.06
1	0	2.22	2	12	6.18	6	8	9.54
1	4	2.50	3	0	6.66	6	12	10.02
1	8	2.78	3	4	7.14	7	0	10.50
1	12	4.26	3	8	7.62			

For rates over 5 pounds, charge $9.60 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15.00	$0.35
$15.01 to $50.00	.45
$50.01 to $100.00	.55
$100.01 to $150.00	.65
$150.01 to $200.00	.75

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This amount shall be shown in U.S. currency and in gold francs. The indication in U.S. currency shall be in figures and in letters spelled out in full, and the gold franc equivalent in figures only, as shown in the following example:

INSURED VALUE

$25.75 (U.S.)

TWENTY-FIVE DOLLARS AND SEVENTY-FIVE CENTS

77.25 GOLD FRANCS

See Part 243 of this chapter, for method of converting U.S. currency into gold francs and for general information on insurance.

Coin, precious metals, jewerly, or other precious articles sent as parcel post must be insured.

Observations. Used clothing and used footwear are prohibited in gift parcels.

Gift parcels may not contain preserved food in tins cans or other hermetically sealed containers.

Gift parcels must be sent by private individuals. Those sent by commercial firms are not admitted.

Import permits are required for gift parcels exceeding three per year for one addressee, or for any parcel exceeding 3,000 crowns (about $415) in value. Permits may be issued to addressees or withheld at the discretion of the customs authorities after the parcels arrive.

Articles which plainly exceed in amount the normal needs of the addressee and his family are not admitted.

Certain commodities are subject to quotas, as shown in the following list. The quantities shown in the second column are admitted at lower rates of duty; larger amounts will be charged with duty at higher rates. The quantities shown in the third column are the maximum admitted in gift parcels; larger amounts will not be delivered.

Commodities	Quantities admitted at lower duty rates	Maximum admitted in gift parcels
Coffee, other than instant	2 lbs. 3 oz.	6 lbs. 9 oz.
Coffee, instant	17½ oz.	
Tea, other than instant	9⅞ oz.	2 lbs. 3 oz.
Tea, instant	17½ oz.	
Cocoa, powdered or not	2 lbs. 3 oz.	
Cocoa, powdered		6 lbs. 9 oz.
Chocolate	2 lbs. 3 oz.	
Chocolate products	2 lbs. 3 oz.	6 lbs. 9 oz.
Chewing gum	6¾ oz.	17½ oz.
Spices	9⅞ oz.	17½ oz.
Cigarettes	400	800.
Cigars		100.
Tobacco		17½ oz.
Wool knitting yarn	2 lbs. 3 oz.	4 lbs. 6 oz.
Coats, dresses, suits (new)		2.
Wool cloth		7¼ yards.
Nylon or similar cloth		7¼ yards.
Blouses of nylon or similar cloth		1.
Underwear of nylon or similar cloth		3 articles or suits.
Stockings of nylon or similar cloth	2 pairs	6 pairs.
Shawls and scarfs (new)	2	5.
Tablecloths, plastic or nylon	2	5.
Plastic or other synthetic materials	5½ yards	10½ yards.
Watches		2.
Folding umbrellas		2.

Medicines are admitted in gift parcels only if no other articles are enclosed. They are free of duty if the quantity does not exceed the proper needs of the addressee and his family. Addressees must present a permit from the Czechoslovak health authorities in order to take delivery.

Printed matter (books, periodicals, etc.), phonograph records, tape recordings and motion-picture films are admitted only in parcels containing no other articles.

The foregoing gift parcel regulations do not apply to parcels mailed by or addressed to Czechoslovak citizens visiting the United States, containing only articles belonging to them and intended for their personal use. The customs declarations of such parcels, in addition to listing the nature and value of the articles enclosed, must indicate clearly that the contents are the property of a visiting Czechoslovak citizen.

Prohibitions. For reasons of public safety: Secret arms, i.e., poniards, firearms, or swords concealed in canes, etc., may be imported only if accompanied by a certificate.

For reasons of sanitary policy: Colors and mastics containing lead may be imported when the packing bears a clear and distinct indication that they contain lead.

For the protection of animals or plants: Meat products require a veterinary certificate and a certificate of origin, except quantities up to 10 kilograms for the personal consumption of the addressee. Bacon and lard require a certificate of origin. Veterinary certificates and certificates of origin are required for honey, beeswax, and beekeeping equipment.

State monopolies: German and Hungarian silver coins.

For other reasons: Gift parcels containing preserved foods in tin cans or other hermetically sealed containers; gift parcels containing used clothing or used footwear; all gifts sent by commercial firms. See "Observations."

Import restrictions. The attention of senders should be called to the following requirements, which are to be met by addressees:

The importation of silkworms is permitted only by special permission of the Ministry of Agriculture.

Shipment of arms and their parts must be accompanied during their transportation over customs territory by a certificate issued by the State police.

Tobacco and its products require the permission of the Ministry of Finance for importation, with the exception of shipments for the monopoly or small shipments for personal use of the addressee.

Czechoslovak coins, paper money, securities, and other paper values of any kind, as well as savings-bank booklets, and unmanufactured gold, silver, and platinum, may be imported only by authorization of the Czechoslovak National Bank at Praha.

Salt and artificial sweetening substances require the authorization of the Ministry of Finance.

Wireless telegraph and telephone apparatus require authorization of the Ministry of Commerce.

The restrictions on the exchange of postage stamps shown in "Prohibitions" under "Postal Union Mails" also apply in case of shipments by parcel post.

DAHOMEY (REPUBLIC OF)

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 249 of this chapter.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions. Perishable biological materials. Also the articles prohibited as parcel post are prohibited in the postal union mail.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Optional.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.50; each additional 4 ounces or fraction, 54 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.39	2	0	$4.38	3	12	$9.08
0	8	2.04	2	4	5.02	4	0	9.48
0	12	2.68	2	8	5.36	4	4	10.14
1	0	3.13	2	12	5.90	4	8	10.68
1	4	3.65	3	0	7.44	4	12	11.22
1	8	4.30	3	4	7.98	5	0	11.76
1	12	4.74	3	8	8.52			

For rates over 5 pounds, charge $10.80 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Indemnity. No provision.

Observations. The following offices are authorized to participate in the parcel post service:

Abomey.	Grand-Popo.
Abomey-Calavi.	Kandi.
Adjohon.	Natitingou.
Ahada.	Nikki.
Athiémé.	Ouidah.
Attogon.	Parahoué.
Bimbéréké.	Parakou.
Bohicon.	Pobé.
Cotonou.	Porto-Novo.
Cové.	Sakété.
Dassa-Zoumé.	Savalou.
Djougou.	Savé.

The postal authorities of Dahomey collect domestic postage from the addressees.

Prohibitions. Saccharine; distilling apparatus; arms and military equipment.

DENMARK

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 20 cents per half ounce. (See Chart 3, Table III.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 50 cents first 2 ounces; 20 cents each additional 2 ounces or fraction. (See Chart 3, Table VI.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. Restricted delivery permitted. See Part 242 of this chapter.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Observations. Combination mailings as defined in § 222.8(a) of this chapter are accepted.

Prohibitions and import restrictions. Danish and foreign stocks, bonds, and coupons may not be imported unless the addressee possesses a permit issued by the National Bank of Denmark.

Almanacs (except for single copies) which do not bear the University almanac stamp.

Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.35; each additional 4 ounces or fraction, 45 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.35	2	0	$4.50	3	12	$7.65
0	8	1.80	2	4	4.95	4	0	8.10
0	12	2.25	2	8	5.40	4	4	8.55
1	0	2.70	2	12	5.85	4	8	9.00
1	4	3.15	3	0	6.30	4	12	9.45
1	8	3.60	3	4	6.75	5	0	9.90
1	12	4.05	3	8	7.20			

For rates over 5 pounds, charge $9 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55
$100.01 to $150	.65
$150.01 to $200	.75
$200.01 to $300	.95
$300.01 to $390	1.15

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This amount shall be shown in U.S. currency and in gold francs. The indication in U.S. currency shall be in figures and in letters spelled out in full, and the gold franc equivalent in figures only, as shown in the following example:

INSURED VALUE

$226.55 (U.S.)

TWO HUNDRED TWENTY-FIVE DOLLARS AND FIFTY-FIVE CENTS

676.65 GOLD FRANCS

See Part 243 of this chapter; for method of converting U.S. currency into gold francs and for general information on insurance.

Coins, banknotes, currency notes, or any kind of securities payable to bearer, platinum, gold, or silver, whether manufactured or unmanufactured, precious stones, jewels, or other precious articles sent by parcel post must be insured.

Observations. Parcels containing articles subject to ad valorem duty require an invoice, which should be sent to the addressee in advance in the case of parcels for Denmark, but should accompany parcels for the Faroe Islands. Information as to Danish customs duties on specific commodities can be obtained from the European Division, Bureau of International Commerce, Department of Commerce, Washington, D.C. 20230, or from any field office of that Department.

Prohibitions. For the protection of animals or plants: Dried or powdered milk, and food mixtures containing it.

For other reasons: Medicinal products reserved for pharmacies may be imported in amounts costing less than 100 crowns only by pharmacists, laboratories recognized by the State, or authorized dealers.

Fine-cut tobacco in small packages to which cigarette papers are attached.

Lighters utilizing a catalyst for ignition.

Import restrictions. The attention of senders should be called to the following requirements, which are to be met by addressees:

Permission from the Danish authorities is required for the following: Firearms exceeding .22 caliber, except shotguns for hunting and airguns; knives with blades over 4¾ inches long, except those used as tools; blackjacks, brass knuckles, and similar weapons.

DOMINICAN REPUBLIC

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 15 cents per half ounce. (See Chart 3, Table II.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 40 cents first 2 ounces; 10 cents each additional 2 ounces or fraction. (See Chart 3, Table V.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. No service.

Observations. Combination mailings as defined in § 222.8(a) of this chapter are accepted.

Prohibitions and import restrictions. Coins, manufactured or unmanufactured platinum, gold, or silver; precious stones, jewelry, and other precious articles. (Banknotes and values payable to bearer are admitted in registered letters.)

Dutiable articles in letter packages. Perishable biological materials.

Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Compulsory.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1; each additional pound or fraction, 30 cents. (See Chart 4, Table I.)

Air parcel rates. Four ounces or less, $1.42; each additional 4 ounces or fraction, 23 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.42	2	0	$3.68	3	12	$4.64
0	8	1.65	2	4	3.88	4	0	4.87
0	12	1.86	2	8	4.09	4	4	5.10
1	0	2.11	2	12	4.32	4	8	5.33
1	4	2.34	3	0	4.55	4	12	5.56
1	8	2.57	3	4	4.78	5	0	5.79
1	12	2.80	3	8	4.41			

For rates over 5 pounds, charge $4.60 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Indemnity. No provision.

Observations. Parcels exceeding $100 in value must be accompanied by consular invoices or by commercial invoices in the form prescribed by the Dominican consular authorities, to whom six copies of either invoice must be sent for legalization.

Dominican consuls are located in principal cities of the United States.

Parcels may be addressed to banks or other organizations for ultimate delivery to second addressees. The latter however may not take delivery without written authority from the first addressee, unless the sender arranges for change of address as provided in Part 247 of this chapter.

Prohibitions. Arms, etc.: Poniards, daggers, stilettos; sticks or fans with concealed blades or firearms.

Firearms and war material, unless authorized by the Government.

For other reasons: Roulette games and other gambling devices.

Oils, etc., with a flash point lower than 150° F.

Cigarettes, unless each package bears a Dominican internal-revenue stamp. Interested mailers can obtain further information from Dominican Consulates.

Import restrictions. The attention of senders should be called to the following requirement which is to be met by addressees:

Authority must be obtained from the Dominican Export-Import Coordination Commission to import goods by parcel post or postal union mail.

ECUADOR

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 15 cents per half ounce. (See Chart 3, Table II.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 50 cents first 2 ounces; 20 cents each additional 2 ounces or fraction. (See Chart 3, Table VI.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. Yes. (Guayaquil and Quito only.) See Chart 5 for fees and other conditions.

Money orders. No service.

Observations. See "Observations" under "Parcel Post" concerning treatment accorded articles on which Ecuadoran customs duties are assessed and which are refused by the addressee.

Prohibitions. Dutiable articles in unregistered letter packages. Perishable biological materials. Articles prohibited as parcel post are prohibited in the postal union mail.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Compulsory.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.76; each additional 4 ounces or fraction, 30 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	1.76	2	4	15.39	5	12	34.95
0	8	2.06	3	4	6.16	6	0	6.26
0	12	2.36	3	8	6.45	6	4	6.56
1	0	2.66	3	12	6.76	6	8	6.85
1	4	2.96	4	0	6.96	6	12	7.16
1	8	3.26	4	4	6.26	8	0	7.46
1	12	3.56	4	8	6.56			

For rates over 5 pounds, charge 86 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration and insurance. The following registry and insurance fees and limits of indemnity apply:

REGISTERED PARCEL-POST PACKAGES

Limit of indemnity:	Fee
Up to $50	$0.75

INSURED PARCEL-POST PACKAGES

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45

Coin, bullion, jewelry, or any other precious article must be registered.

For general information on registration and insurance, see Parts 242 and 243 of this chapter.

Observations. Parcels or groups of parcels exceeding $40 in value require consular and commercial invoices legalized by an Ecuadoran Consul, from whom consular invoice forms must be purchased. Consuls of Ecuador are located in principal cities of the United States.

Parcels may be addressed to banks or other organizations for ultimate delivery to second addressees. The latter however may not take delivery without written authority from the first addressee, unless the sender arranges for change of address as provided in Part 247 of this chapter.

After the arrival of parcels in Ecuador each addressee is contacted in order to ascertain whether he desires to accept the parcel. If the addressee refuses the parcel it is treated as undeliverable and disposed of in accordance with the instructions of the sender, but if the addressee accepts the parcel it is then submitted for customs treatment. If, after customs duties have been assessed, the addressee should fail to pay those charges the parcel will not be released for return to the sender until the amount of duty assessed is paid.

Prohibitions. For reasons of public safety: Bank notes. Uncanceled postage stamps in ordinary mail.

For sanitary reasons: Pharmaceutical products and compound medicines whose formula is not known.

Used clothing, unless accompanied by a detailed list of articles and a certificate that they have been disinfected or thoroughly cleaned.

Nursing bottles with rubber or glass tubes.

For the protection of animals or plants: Plants, fruits, and seeds which may contain germs or parasites declared harmful by the agricultural authorities. Bits and mouthpieces therefor made of copper or any alloy containing copper.

Arms, etc.: Poniards; sticks, fans, and other articles containing hidden darks; razors, daggers, or firearms.

State monopolies, etc.: Leaf or manufactured tobacco and cigarette paper except for or by authorization of the Government. Unrefined salt.

For other reasons: Roullette games, gambling parapherналia, labels, imprints, or marks registered in Ecuador, unless imported by authorized manufacturers themselves.

Leather shoes in general; cloth and rubber shoes.

Preparations for obliterating ink and handwriting.

All maps showing the territory of Ecuador with incorrect boundaries.

So-called "Panama" hats and the straw used for making them; also straw called "Mocora" similar to that produced in Ecuador, and hats made therefrom.

EL SALVADOR (REPUBLIC OF)

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 references tables.

Air rates. Letters, 15 cents per half ounce. (See Chart 3, Table II.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 40 cents first 2 ounces; 10 cents each additional 2 ounces or fraction. (See Chart 3, Table V.)

Registration. Fee 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. Restricted delivery permitted. See Part 242 of this chapter.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Observations. See "Observations", under "Parcel Post" as to requirements for commercial invoice and certificate of origin, which also apply to packages of postal union mail.

Combination mailings as defined in § 221.8(a) of this chapter.

Prohibitions. Banknotes. Coins of gold or silver, jewelry, precious stones, and other precious articles.

Articles prohibited as parcel post are prohibited in the postal union mail.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Compulsory.

Postal forms required. One Form 2922, two Forms 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1; each additional pound or fraction, 30 cents. (See Chart 4, Table I.)

Air parcel rates. Four ounces or less, $1.40; each additional 4 ounces or fraction, 27 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.40	2	0	$4.39	3	12	$5.15
0	8	1.67	2	4	4.66	4	0	5.43
0	12	1.94	2	8	4.93	4	4	5.73
1	0	2.21	2	12	4.10	4	8	5.99
1	4	2.48	3	0	4.37	4	12	6.26
1	8	2.78	3	4	4.64	5	0	6.55
1	12	3.02	3	8	4.91			

For rates over 5 pounds, charge $5.40 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Indemnity. No provision.

Observations. Commercial invoices are required for all commercial parcels regardless of value and for gift parcels valued at $50 or more. No invoices are required for gift parcels valued at less than $50.

For all parcels valued at $50 or more, the sender should submit to a Salvadoran consulate seven copies of the commercial invoice in the form prescribed by the Salvadoran regulations. The consulate returns two legalized copies to the sender, who should mail them to the addressee direct, not enclosed in the parcel.

For commercial parcels valued at less than $50, three copies of the invoice which need not be legalized should be mailed direct to the addressee.

Certificates of origin are required only if the exemption from or modification of customs duty is claimed under a trade agreement.

Salvadoran consuls are located in principal cities of the United States.

Parcels may be addressed to banks or other organizations for ultimate delivery to second addresses. The latter, however, may not take delivery without written authority from the first addressee, unless the sender arranges for change of address as provided in Part 247 of this chapter.

Prohibitions. Pistols and revolvers of caliber .41 or larger; regulation pistols of the Army of El Salvador; silencers for firearms of any kind. Gambling equipment. Unstamped cigarette paper. Cigarettes, unless the words "Importación a El Salvador" are printed or stamped on each package.

ESTONIA

(NOTE: The regulations mentioned hereinafter are as prescribed by the Soviet authorities who are, as a practical matter, in a position to refuse the entry into Estonia of mail unless such mail complies with the Soviet postal regulations.)

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. Restricted delivery permitted. See Part 242 of this chapter.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. No service.

Observations. Same as those governing mail service with the Union of Soviet Socialist Republics. To facilitate distribution and delivery, "Union of Soviet Socialist Republics" or "U.S.S.R." must be included as part of the address of mail articles.

Prohibitions and import restrictions. Same as for the Union of Soviet Socialist Republics.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Compulsory.

Postal forms required. One Form 2922, three Forms 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.61; each additional 4 ounces or fraction, 60 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.61	2	0	$6.01	3	12	$10.21
0	8	2.41	3	4	6.61	4	0	10.81
0	12	3.01	3	8	7.21	4	4	11.41
1	0	3.61	3	12	7.81	4	8	12.01
1	4	4.21	3	0	8.41	4	12	12.61
1	8	4.81	3	4	9.01	5	0	13.21
1	12	5.41	3	8	9.61			

For rates over 5 pounds, charge $12 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Insurance. Same as for U.S.S.R.

Observations. Same as those governing parcel post service with the Union of Soviet Socialist Republics. To facilitate distribution and delivery, "Union of Soviet Socialist Republics" or "U.S.S.R." must be included as part of the address of parcels.

Prohibitions and import restrictions. Same as for the Union of Soviet Socialist Republics.

ETHIOPIA (ABYSSINIA) (Including ERITREA)

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. Restricted delivery permitted. See Part 242 of this chapter.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. No service.

Observations. Direct sacks of prints, provided for in § 222.4(f) of this chapter, are not accepted.

Prohibitions and import restrictions. Coins, manufactured or unmanufactured platinum, gold, or silver; precious stones, jewelry, and other precious articles. However, registered letters may contain banknotes, paper money, or values payable to bearer.

Perishable biological materials.

Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Optional.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.80; each additional 4 ounces or fraction, 69 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.80	3	0	$6.62	3	12	$11.44
0	8	2.49	3	4	7.32	4	0	12.15
0	12	3.18	3	8	8.01	4	4	12.84
1	0	3.87	3	12	8.70	4	8	13.53
1	4	4.56	4	0	9.39	4	12	14.22
1	8	5.25	4	4	10.08	5	0	14.91
1	12	5.94	4	8	10.77			

For rates over 5 pounds, charge $13.80 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Indemnity. No provision.

Observations. Parcels are liable to a charge for delivery. All parcels must be very strongly packed, and those of which the contents are liable to be affected by dampness should be enclosed in two separate waterproof covers.

In order to facilitate customs clearance and delivery, senders must enclose in

their parcels a copy of an invoice covering the contents. Such invoices must be attested by an appropriate authority of the country of origin (chamber of commerce, board of trade, etc.).

Used clothing must be thoroughly cleaned.

Prohibitions. For reasons of public safety: Coins, banknotes, paper money, and values payable to bearer. Platinum, gold, and silver, manufactured or not. Jewelry, precious stones, and other precious articles.

For sanitary reasons: Used linen must be accompanied by a certificate of disinfection.

For the protection of plants: Fresh or dried seeds and fruits must be accompanied by a health certificate.

Import restrictions. The attention of senders should be called to the following requirements, which are to be met by addressees:

Arms are admitted only by permit issued by the Ministry of War.

Sea salt and rock salt, tobacco leaves and manufactured tobacco, lighters and flints therefor, require a permit from the monopoly authorities.

FALKLAND ISLANDS (INCLUDING SOUTH GEORGIA)

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 15 cents per half ounce. (See Chart 3, Table II.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 50 cents first 2 ounces; 20 cents each additional 2 ounces or fraction. (See Chart 3, Table VI.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. Restricted delivery permitted. See Part 242 of this chapter.

Special delivery. No service.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions and import restrictions. Same as for Great Britain, except that parasites and predators of injurious insects are prohibited.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Optional.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.90; each additional 4 ounces or fraction, 54 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.95	2	0	$4.95	3	12	$8.45
0	8	2.45	2	4	5.33	4	0	10.03
0	12	2.95	2	8	5.70	4	4	10.54
1	0	3.43	2	12	7.20	4	8	11.05
1	4	3.95	3	0	7.54	4	12	11.59
1	8	4.45	3	4	8.26	5	0	12.10
1	12	5.15	3	8	8.63			

For rates over 5 pounds, charge $10.80 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Indemnity. No provision.

Observations. Air parcels will receive air dispatch to Montevideo, Uruguay, and surface transmission from Montevideo to destination.

FAROE ISLANDS

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 20 cents per half ounce. (See Chart 3, Table III.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 50 cents first 2 ounces; 20 cents each additional 2 ounces or fraction. (See Chart 3, Table VI.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. No service.

Money orders. Yes. See § 171.2 of this chapter.

Observations. Combination mailings as defined in § 222.9(a) of this chapter are accepted.

Prohibitions and import restrictions. Same as for Denmark.

Parcel Post

(See Denmark)

FERNANDO PO (INCLUDING ANNOBON ISLAND)

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. No service.

Prohibitions. Same as for Spain, except that tobacco is admitted if the addressee has a permit; dutiable articles in letter packages and perishable biological materials are not admitted.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Compulsory.

Postal forms required. One Form 2922, three Forms 2966, 1 Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.64; each additional 4 ounces or fraction, 62 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.64	2	0	$4.98	3	12	$8.51
0	8	2.25	2	4	5.60	4	0	10.08
0	12	2.89	2	8	6.22	4	4	10.64
1	0	3.40	2	12	7.84	4	8	11.20
1	4	4.13	3	0	8.46	4	12	11.80
1	8	4.74	3	4	9.08	5	0	13.42
1	12	5.36	3	8	9.70			

For rates over 5 pounds, charge $12.60 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Indemnity. No provision.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Observations. Parcels may be addressed to banks or other organizations for ultimate delivery to second addressee. The latter however may not take delivery without written authority from the first addressee, unless the sender arranges for change of address as provided in Part 247 of this chapter.

Prohibitions and import restrictions. Same as for Spain, except that tobacco is admitted if the addressee has a permit.

FIJI ISLANDS

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each addition 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipts: 13 cents to return by surface, 26 cents to return by air. Restricted delivery permitted. See Part 242 of this chapter.

Special delivery. No service.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions. Articles prohibited as parcel post are prohibited in the postal union mail.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each addition pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.77; each additional 4 ounces or fraction, 56 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.77	2	0	$5.59	3	12	$9.51
0	8	2.35	2	4	6.23	4	0	10.17
0	12	2.99	2	8	6.81	4	4	10.73
1	0	3.55	2	12	7.37	4	8	11.29
1	4	4.01	3	0	7.93	4	12	11.83
1	8	4.57	3	4	8.49	5	0	13.41
1	12	5.13	3	8	9.05			

For rates over 5 pounds, charge $11.20 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handing. Available to port of dispatch only. See Chart 6 for fees.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This amount shall be shown in U.S. currency and in gold francs. The indication in U.S. currency shall be in figures and in letters spelled out in full, and the gold franc equivalent in figures only, as shown in the following example:

INSURED VALUE

$25.75 (U.S.)

TWENTY-FIVE DOLLARS AND SEVENTY-FIVE CENTS

77.25 GOLD FRANCS

See Part 243, of this chapter for method of converting U.S. currency into gold francs and for general information on insurance.

Coins, banknotes, currency notes, or any kind of securities payable to bearer, platinum, gold, or silver, whether manufactured or unmanufactured, precious stones, jewelry, or other precious articles sent as parcel post must be insured.

Prohibitions. Tobacco, cigars, cigarettes, and snuff exceeding 11 pounds or packed with other merchandise.

Dyes and coloring materials.

FINLAND

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 20 cents per half ounce. (See Chart 3, Table III.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 50 cents first 2 ounces; 20 cents each additional 2 ounces or fraction. (See Chart 3, Table VI.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. Restricted delivery permitted. See Part 242 of this chapter.

Special delivery. No service.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions. Articles prohibited as parcel post are prohibited in the postal union mail.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.38; each additional 4 ounces or fraction, 49 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.38	2	0	$4.81	3	12	$8.24
0	8	1.87	2	4	5.30	4	0	8.73
0	12	2.35	2	8	5.79	4	4	9.22
1	0	2.80	2	12	6.26	4	8	9.71
1	4	3.34	3	0	6.77	5	0	11.69
1	8	3.83	3	4	7.26	4	12	10.20
1	12	4.33	3	8	7.75			

For rates over 5 pounds, charge $9.80 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55
$100.01 to $150	.65
$150.01 to $200	.75
$200.01 to $300	.95
$300.01 to $330	1.15

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This amount shall be shown in U.S. currency and in gold francs. The indication in U.S. currency shall be in figures and in letters spelled out in full, and the gold franc equivalent in figures only, as shown in the following example:

INSURED VALUE

$25.75 (U.S.)

TWENTY-FIVE DOLLARS AND SEVENTY-FIVE CENTS

77.25 GOLD FRANCS

See Part 243, of this chapter for method of converting U.S. currency into gold francs and for general information on insurance.

Coins, banknotes, paper money, bullion, jewelry, or other precious articles sent as parcel post must be insured.

Observations. The Finnish customs authorities permit duty-free entry and exemptions from import license for gift parcels, or groups of such parcels containing only the articles listed below, provided no parcel or group exceeds 22 pounds in weight or 5,000 Finnish marks (about $15.60) in value:

Foodstuffs other than coffee, cocoa, tea, or candy.

Coffee, cocoa, and candy up to 2 pounds 3 ounces each, and tea up to 8¼ ounces.

Tobacco products not exceeding 100 cigarettes, 30 cigarillos, 25 cigars, or 3½ ounces of pipe tobacco.

Small quantities of clothing (new as well as used), soap, leather goods, razor blades, and similar articles of small value, not to be sold or used in commerce or trade.

If gift parcels contain articles exceeding the above limits, the addressees will be required to obtain import licenses and pay customs charges.

Prohibitions. For sanitary reasons: Medicines and drugs, including any substances which may be classed as pharmaceuticals by the Finnish authorities, unless addressed to authorized manufacturers, dealers, scientists or public health officials for use or distribution in accordance with Finnish regulations. Such substances prepared in doses for use by patients must be clearly and correctly labeled showing the nature and quantity of the ingredients.

For other reasons: Chile saltpeter containing 1 percent or more of chlorates or perchlorates, taking into consideration the whole or both substances as perchlorate of potassium.

Import restrictions. The attention of senders should be called to the following requirements, which are to be met by addressees:

See "Observations" concerning import licenses.

The authorization of the Ministry of the Interior is required for the importation of meat and meat products, crude animal products, rags, and firearms.

FRANCE (INCLUDING MONACO)

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 223 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 20 cents per half ounce. (See Chart 3, Table III.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 50 cents first 2 ounces; 20 cents each additional 2 ounces or fraction. (See Chart 3, Table VI.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Observations. Printed matter of value should have Form 2976 affixed, and it can be cleared more readily through the French customs if an invoice is enclosed.

It is recommended that all articles bear, as a part of the address, the name of the department (Province), in which the office of destination is located.

Prohibitions. Coins, banknotes, negotiable values, and instruments of payment (checks, letters of credit or drafts), securities and deeds, unless accompanied by a French import permit or unless imported by a bank.

Perishable biological materials.

Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, one Form 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.89; each additional 4 ounces or fraction, 42 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.89	2	0	$6.83	9	12	$17.77
0	8	2.52	2	4	8.35	4	0	19.19
0	12	2.78	2	8	8.97	4	4	20.61
1	0	3.15	2	12	9.60	4	8	22.03
1	4	3.57	3	0	10.21	4	12	23.45
1	8	3.99	3	4	10.83	5	0	24.87
1	12	4.41	3	8	11.45			

For rates over 5 pounds, charge $2.40 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55
$100.01 to $150	.65
$150.01 to $200	.75
$200.01 to $300	.95
$300.01 to $330	1.15

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This amount shall be shown in U.S. currency and in gold francs. The indication in U.S. currency shall be in figures and in letters spelled out in full, and the gold franc equivalent in figures only underscored with a heavy line, as shown in the following example:

INSURED VALUE

$145.00 (U.S.)

ONE HUNDRED FORTY-FIVE DOLLARS

435 GOLD FRANCS

The same indications shall also be shown in the appropriate space on the dispatch note (Form 2972). No erasure or correction is permitted in the amount of insurance shown on the dispatch note.

See Part 243 of this chapter or method of converting U.S. currency into gold francs, and for general information on insurance.

Coins, gold or silver (whether manufactured or not), or any other precious article sent as parcel post must be insured.

Observations. Parcels whose senders or addressees are designated by initials shall not be accepted. All parcels shall bear, as a part of the address, the name of the department (Province), in which the office of destination is located.

Commercial shipments valued at more than 250 francs (about $50) require a commercial invoice in triplicate. No invoice is required for gift shipments regardless of value.

A number of articles addressed for delivery in France are subject to reduced rates of duty if accompanied by certificates of origin legalized by a French diplomatic or consular representative.

Parcels must not be fastened by means of wire, but use may be made of straps not having sharp edges, tightly fastened so that no sharp ends or corners are exposed.

Prohibitions. For reasons of public safety: Cigarette lighters using butane gas.

Articles manufactured from celluloid including motion-picture film (raw or exposed), celluloid bands and supports therefor, and photographic film, unless packed in double receptacles as follows:

Inner packing: Articles manufactured from celluloid must be packed in boxes of tin, pasteboard or wood. Motion-picture film and celluloid bands or supports therefor must be packed in tin boxes, hermetically sealed. All space remaining in the boxes must be completely filled with packing material.

Outer packing: The inner boxes must be placed together in an outer box of strong wood, the sides to be at least 18 millimeters (one-third inch) in thickness, dovetailed, and the top and bottom firmly screwed to the sides. Any portion of the outer box which may consist of more than one piece of wood must be tightly joined by tongues and grooves. This box must also contain sufficient packing material to completely surround and separate the various inner boxes and to hold them immovable.

The above requirements do not apply to photographic film if closely packed with packing material sufficient in quantity to account for at least 60 percent of the total weight of the parcel.

For reasons of sanitary policy: Saccharine in tablets or packets.

For the protection of animals or plants: Bees, honey, and beeswax must be accompanied by a certificate of origin and noninfection issued by a qualified official approved by the Government. Shipments of honey not exceeding 4 kilograms do not require the certificate.

State monopolies, etc.: The importation of tobacco leaves and stems, manufactured tobaccos, cigars, cigarettes, chewing and smoking tobacco, is permitted only for the account of the Monopoly, with the following exception:

Manufactured tobaccos, including cigars and cigarettes, may be sent to individuals in France for personal use up to 10 kilograms (22 lbs.) per person per year, subject to special customs authorization. Exceptionally, shipments weighing up to 1 kilogram (2 lbs. 3 ozs.) may be admitted without the special authorization but subject to duty.

For other reasons: Goods bearing false marks of French manufacture or origin.

Coins, banknotes, negotiable securities and coupons, unless imported by the Bank of France or under its authorization.

Books in the French language printed abroad, unless the names of the publisher and printer are shown as prescribed by the French copyright laws.

Merchandise not complying with the requirements of French law relative to the indication of the origin in indelible and conspicuous roman letters, except for small individual shipments intended for the personal use of the addressees.

Canned vegetables, fish, plums and nuts not bearing an indication of the country of origin by stamping, in plain raised or sunken letters at least 4 millimeters high, in the middle of the top or bottom and in a place not bearing any inscription.

Pure powdered saccharine may be imported only by the French Government. Other artificial sweetening materials are prohibited.

FRENCH GUIANA

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 223 of the chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 15 cents per half ounce. (See Chart 3, Table II.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 50 cents first 2 ounces; 20 cents each additional 2 ounces or fraction. (See Chart 3, Table VI.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions and import restrictions. Paper money and other instruments of payment, letters of credit, securities, or deeds may be imported by mail only if accompanied by a permit issued by the French exchange-control authorities, or if imported by a bank. Coins; manufactured or unmanufactured platinum, gold or silver; precious stones; jewelry and other precious articles are prohibited.

Other articles, same as for France, except that tobacco is admitted.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Compulsory.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.39; each additional 4 ounces or fraction, 35 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.39	2	0	$3.94	9	12	$21.29
0	8	1.74	2	4	4.19	4	0	5.85
0	12	2.09	2	8	4.34	4	4	6.39
1	0	2.44	2	12	4.79	4	8	7.34
1	4	2.79	3	0	5.24	4	12	7.89
1	8	3.14	3	4	5.89	5	0	8.04
1	12	3.49	3	8	5.94			

For rates over 5 pounds, charge $7 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Indemnity. No provision.

Observations. Invoices and certificates of origin are required as for France.

Prohibitions and import restrictions. Same as for France.

FRENCH POLYNESIA (SOCIETY ISLANDS (TAHITI AND MOOREA), MARQUESAS ISLANDS (NUKAHIVA AND HIVAOA), THE TUAMOTOU GROUP, LEEWARD ISLANDS (FRENCH) (HUAHINE, RAIATEA, TAHAA, AND BORABORA), GAMBIER, TUBUAI, AND RAPA ISLANDS)

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 223 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. No service.

Prohibitions. Paper money and other instruments of payment, letters of credit, securities, or deeds may be imported by mail only if accompanied by a permit issued by the French exchange-control authorities, or if imported by a bank. Current coins, articles violating the patent or copyright laws, and perishable biological materials are prohibited.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Length, 3½ feet, length and girth combined, 6 feet.

Sealing. Optional.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.71; each additional 4 ounces or fraction, 45 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.71	2	0	$5.07	9	12	$26.43
0	8	2.16	2	4	5.35	4	0	6.91
0	12	2.67	2	8	6.03	4	4	8.39
1	0	3.15	2	12	6.51	4	8	8.87
1	4	3.63	3	0	6.99	4	12	10.35
1	8	4.11	3	4	7.47	5	0	10.83
1	12	4.59	3	8	7.95			

For rates over 5 pounds, charge $9.60 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Indemnity. No provision.

FRENCH SOMALILAND

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. Restricted delivery permitted. See Part 242 of this chapter.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. No service.

Prohibitions. Paper money and other instruments of payment, letters of credit, securities, or deeds, unless accompanied by a permit issued by the French exchange-control authorities, or imported by a bank.

Coins, gold or silver bullion, precious stones, jewelry, and other precious articles are prohibited.

Perishable biological materials.

Articles prohibited as parcel post are prohibited in the postal union mail.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Optional.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.84; each additional 4 ounces or fraction 65 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.84	2	0	$6.39	9	12	$20.94
0	8	2.49	2	4	7.01	4	0	11.30
0	12	3.14	2	8	7.63	4	4	12.36
1	0	3.70	2	12	8.24	4	8	12.89
1	4	4.44	3	0	8.99	4	12	13.94
1	8	5.09	3	4	9.54	5	0	14.19
1	12	5.74	3	8	10.20			

For rates over 5 pounds, charge $13 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Indemnity. No provision.

Observations. All parcels must be claimed at Djibouti.

Prohibitions. Arms, except by authorization from the local authorities.

GABON

Postal Union Mail

Classification, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small

packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. No service.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions. Coins; paper money; values payable to bearer; manufactured or unmanufactured gold, silver or platinum; precious stones, jewelry or other precious articles.

Perishable biological materials.

Also the articles prohibited as parcel post.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Compulsory.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.75; each additional 4 ounces, 67 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.75	3	0	$6.44	3	12	$11.12
0	8	2.42	3	4	7.11	4	0	11.80
0	12	3.09	3	8	7.78	4	4	12.47
1	0	3.76	3	12	8.45	4	8	13.14
1	4	4.43	4	0	9.13	4	12	13.81
1	8	5.10	4	4	9.79	5	0	14.48
1	12	5.77	4	8	10.46			

For rates over 5 pounds, charge $13.49 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Indemnity. No provision.

Observations. The postal authorities of Gabon Republic collect domestic postage charges from the addressees of incoming parcels.

Prohibitions. All articles prohibited to France.

Pamphlets and leaflets containing propaganda derogatory to the countries of Equatorial Africa.

Tobacco products, unless the immediate container (box, case, or cigarette package) is marked "Vente en U.D.E." (Sale in Equatorial Customs Union) below the trademark.

Medical or pharmaceutical products, unless addressed to licensed pharmacists.

Arms, unless importation is authorized by the Gabon authorities.

GAMBIA

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 50 cents first 2 ounces; 20 cents each additional 2 ounces or fraction. (See Chart 3, Table VI.)

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.32	2	0	$4.98	3	12	$8.64
0	8	1.89	2	4	5.56	4	0	9.22
0	12	2.48	2	8	6.14	4	4	9.80
1	0	2.96	2	12	6.72	4	8	10.38
1	4	3.54	3	0	7.30	4	12	10.96
1	8	3.92	3	4	7.88	5	0	11.54
1	12	4.49	3	8	8.46			

For rates over 5 pounds, charge $9.00 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Indemnity. No provision.

Observations. All parcels must be called for at a post office.

Commercial invoices are required in duplicate.

Prohibitions. Firearms and parts therefor other than sporting guns; air guns; shot and empty cartridges.

Coins. West African paper money.

Import restrictions. The attention of senders should be called to the following requirement, which is to be met by addressees:

Sporting guns require permission of the authorities for importation.

GERMANY (INCLUDING SAAR)

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 20 cents per half ounce. (See Chart 3, Table III.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 50 cents first 2 ounces; 20 cents each additional 2 ounces or fraction. (See Chart 3, Table VI.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions and import restrictions. Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mails.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Optional.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.52; each additional 4 ounces, 48 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.32	2	0	$4.98	3	12	$8.64
0	8	1.89	2	4	5.56	4	0	9.22
0	12	2.48	2	8	6.14	4	4	9.80
1	0	2.96	2	12	6.72	4	8	10.38
1	4	3.54	3	0	7.30	4	12	10.96
1	8	3.92	3	4	7.88	5	0	11.54
1	12	4.49	3	8	8.46			

For rates over 5 pounds, charge $9.00 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Indemnity. No provision.

Observations. All parcels must be called for at a post office.

Commercial invoices are required in duplicate.

Prohibitions. Firearms and parts therefor other than sporting guns; air guns; shot and empty cartridges.

Coins. West African paper money.

Import restrictions. The attention of senders should be called to the following requirement, which is to be met by addressees:

Sporting guns require permission of the authorities for importation.

GERMANY (INCLUDING SAAR)

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 20 cents per half ounce. (See Chart 3, Table III.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 50 cents first 2 ounces; 20 cents each additional 2 ounces or fraction. (See Chart 3, Table VI.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. Restricted delivery permitted. See Part 242 of this chapter.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes (Western Germany only). See § 171.2 of this chapter.

Observations. Envelopes must not have innerlining or carry any indication other than the addresses of the sender and addressee and necessary postal directions.

Box numbers may be used as part of the address provided the name of the box holder is shown.

Senders preparing direct sacks of prints addressed to Western Germany in accordance with § 222.4(f) of this chapter must affix to the address tags of such sacks the green (customs) label, Form 2976, described in § 221.4(a) of this chapter.

Gift shipments for Eastern Germany must be mailed as small packets or as parcel post.

Prohibitions. Western Germany only.—Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

Eastern Germany only.—Postcards and envelopes bearing illustrations constituting pro-Fascist or subversive propaganda.

Butane gas lighters.

Perishable biological materials.

Means of payment issued by the "Deutsche Notenbank" (coins, banknotes, letters of exchange, checks, letters of credit, payment orders, etc.); also, values, securities, deposit books of banks and postal savings, etc., issued in Eastern Germany. Currency and other values issued in other countries are admitted, provided the addressee offers them to the "Deutsche Notenbank" for purchase within 15 days.

Postage stamps, canceled or not, stamped paper and stamps in bulk, unless addressed to the "Deutsche Buch-Export und -Import G.m.b.H." Leipzig C 1, or sent as exchange material to members of the East German philatelic organization under special conditions prescribed by the customs authorities.

Advertising material must be addressed to organizations of the government or representatives of foreign commercial interests.

Newspapers and periodicals must be approved for sale in Eastern Germany, even if sent by individuals and not for sale. Literature which in the opinion of the East German customs authorities is inflammatory, sordid or antidemocratic is prohibited. Mailers should ascertain in advance from the addressees that the publications which they desire to mail will be admitted.

Parcel Post

Weight limit. 44 pounds, except gift packages to Eastern Germany, 22 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels for Western Germany only may measure up to 4 feet in length, on condition that parcels over 42 inches in length do not exceed 20 inches in girth.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, one Form 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.34; each additional 4 ounces or fraction, 44 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.34	2	0	$4.42	3	12	$7.50
0	8	1.78	2	4	4.86	4	0	7.94
0	12	2.22	2	8	5.30	4	4	8.38
1	0	2.66	2	12	5.74	4	8	8.82
1	4	3.10	3	0	6.18	4	12	9.26
1	8	3.54	3	4	6.62	5	0	9.70
1	12	3.98	3	8	7.06			

For rates over 5 pounds, charge $3.80 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Insurance (to Western Germany only). The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55
$100.01 to $150	.65
$150.01 to $200	.75
$200.01 to $300	.95
$300.01 to $320	1.15

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This amount shall be shown in U.S. currency and in gold francs. The indication in U.S. currency shall be in figures and in letters spelled out in full, and the gold franc equivalent in figures only, as shown in the following example:

INSURED VALUE

$25.75 (U.S.)

TWENTY-FIVE DOLLARS AND SEVENTY-FIVE CENTS

77.25 GOLD FRANCS

The same indications shall also be shown in the appropriate space on the dispatch note (Form 2972).

See Part 243 of this chapter for method of converting U.S. currency into gold francs and for general information on insurance.

Coins, banknotes, currency notes, or any kind of securities payable to bearer; platinum, gold, or silver (whether manufactured or unmanufactured); precious stones, jewelry, or other precious articles sent as parcel post must be insured.

Observations. Western Germany (including the western sector of Berlin).—The customs treatment of gift parcels will be facilitated if the customs declaration is marked by the sender "Private Geschenksendung" (personal gift package).

Each commercial parcel exceeding 240 DM ($60) in value must have enclosed an invoice in duplicate.

Eastern Germany (including the eastern sector of Berlin).—Gift parcels are limited to 22 pounds in weight, must be mailed by individuals to individuals, and must contain only articles for the personal use of the addressee or members of his family. Only 12 gift parcels may be received by one addressee within any one year.

No gift parcel may contain any articles in tin cans or other hermetically sealed containers. They may not contain used clothing or footwear, medicaments of any kind, tape recordings, photographic films, plates or paper, geographic maps, postage stamps, or children's toys of military nature. No such parcel may contain more than 8¾ ounces of coffee, 8¾ ounces of cocoa, 10½ ounces of chocolate (including chocolate-covered candy) and/or 1¾ ounces of tobacco products. Each gift parcel must be marked on the outside "Geschenksendung, keine Handelsware" (Gift shipment—no commercial goods).

Gift parcels complying with the foregoing are subject to customs duty at normal rates. Parcels not complying therewith may be returned to origin, confiscated or charged with double duty in accordance with East German customs regulations.

Prohibitions. Western Germany only.—Firearms which can be folded, shortened or dismantled rapidly, or are not in the usual form of hunting or sporting guns; silencers and guns equipped with them. Other firearms require permission of the German authorities which the addressee must obtain to import them.

Playing cards, except in complete decks properly wrapped.

Artificial sweetening substances unless sent for experimental purposes.

Cigars and other products containing tobacco substitutes.

Live bees.

Uncooked meat products except in gift parcels in quantities not exceeding 11 pounds.

Articles bearing political or religious notations on the address side.

Eastern Germany only.—Articles prohibited in the postal union mail are prohibited in either gift or commercial parcels.

See "Observations" concerning certain articles prohibited in gift parcels.

GHANA

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Monday orders. Yes. See § 171.2 of this chapter.

Import restrictions. Same as for parcel post.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.85; each additional 4 ounces or fraction, 58 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Qs.	Rate
0	4	$1.85	2	0	$5.01	3	12	$8.07
0	8	2.43	2	4	5.49	4	0	10.55
0	12	3.01	2	8	7.07	4	4	11.13
1	0	3.59	2	12	7.65	4	8	11.71
1	4	4.17	3	0	8.23	4	12	12.29
1	8	4.75	3	4	8.81	5	0	12.87
1	12	5.33	3	8	9.39			

For rates over 5 pounds, charge $11.60 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Insurance. Insurance is limited to surface parcels. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $80	.55

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This amount shall be shown in U.S. currency and in gold francs. The indication in U.S. currency shall be in figures and in letters spelled out in full, and the gold franc equivalent in figures only, as shown in the following example:

INSURED VALUE

$72.50 (U.S.)

SEVENTY-TWO DOLLARS AND FIFTY CENTS

217.50 GOLD FRANCS

See Part 243 of this chapter for method of converting U.S. currency into gold francs and for general information on insurance.

No alteration or erasure of the insurance indication on the customs declaration (Form 2966) is allowed; if an error is made a fresh customs declaration must be prepared.

Coins, platinum, gold, or silver, whether manufactured or unmanufactured, precious stones, jewels, or other precious articles sent as parcel post must be insured.

Observations. Every parcel containing precious stones, jewelry, or any article of gold, silver, or platinum exceeding $400 in value shall be packed in a box measuring not less than 3 feet 6 inches in length and girth combined.

Import restrictions. The attention of senders should be called to the following requirements, which are to be met by addressees:

Addressees in Ghana are required to obtain import licenses for practically all types of merchandise.

GIBRALTAR

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 20 cents per half ounce. (See Chart 3, Table III.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 50 cents first 2 ounces; 20 cents each additional 2 ounces or fraction. (See Chart 3, Table VI.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Import restrictions. Articles restricted as parcel post are restricted in the postal union mail.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.37; each additional 4 ounces or fraction, 47 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.37	3	0	$4.66	8	12	$7.95
0	8	1.84	3	4	5.13	9	0	8.42
0	12	2.31	3	8	5.60	9	4	8.89
1	0	2.78	3	12	6.07	9	8	9.36
1	4	3.25	4	0	6.54	9	12	9.83
1	8	3.72	4	4	7.01	10	0	10.30
1	12	4.19	4	8	7.48			

For rates over 5 pounds, charge $9.40 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Insurance. The following insurance fees and limits of indemnity apply.

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This indication shall be shown in figures and in letters spelled out in full, in U.S. currency, in the following form:

INSURED VALUE

$45.00

FORTY-FIVE DOLLARS

Coins, bank notes, currency notes, or any kind of securities payable to bearer; platinum, gold, or silver (whether manufactured or unmanufactured); precious stones, jewelry, or other precious articles sent as parcel post must be insured.

For general information on insurance see Part 243 of this chapter.

Import restrictions. Arms and munitions require permit from the Governor of Gibraltar.

GILBERT AND ELLICE ISLANDS COLONY (FANNING, WASHINGTON, CHRISTMAS, OCEAN, GILBERT, AND ELLICE ISLANDS)

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter. Small packets not accepted.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, and samples of merchandise, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. No service.

Money orders. Yes. See § 171.2 of this chapter.

Parcel Post

Weight limit. 11 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Optional.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.69; each additional 4 ounces or fraction, 63 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.69	3	0	$4.10	8	12	$10.51
0	8	2.32	3	4	5.73	9	0	11.14
0	12	2.95	3	8	7.36	9	4	11.77
1	0	3.58	3	12	7.99	9	8	12.40
1	4	4.21	4	0	8.62	9	12	13.03
1	8	4.84	4	4	9.25	10	0	13.66
1	12	5.47	4	8	9.88			

For rates over 5 pounds, charge $12.60 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Indemnity. No provision.

GREAT BRITAIN AND NORTHERN IRELAND (ENGLAND, SCOTLAND, WALES, CHANNEL ISLANDS, AND NORTHERN IRELAND)

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 20 cents per half ounce. (See Chart 3, Table III.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 50 cents first 2 ounces; 20 cents each additional 2 ounces or fraction. (See Chart 3, Table VI.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Observations. Commercial shipments in letter packages, small packets, or dutiable printed matter must have enclosed a paper form of customs declaration, Form 2976–A, and only the upper portion of the green customs label, Form 2976 is needed on the wrapper (§ 221.4(a) and (b) of this chapter). The forms may be omitted from printed matter which is not dutiable. Noncommercial (individual) shipments by letter package or small packet do not require Form 2976–A, provided the entire Form 2976 is completed and affixed to the wrapper.

The import regulations governing parcel post apply also to merchandise sent by postal union mail. See "Observations" and "Import restrictions" under "Parcel Post."

The following is a list of the names of the counties and principal towns in Northern Ireland:

ANTRIM
Antrim.
Ballymena.
Belfast.
Carrickfergus.
Larne.
Lisburn.
Portrush.
Toomebridge.
Whitehead.

DOWN
Banbridge.
Bangor.
Downpatrick.
Kilkeel.
Newcastle.
Newry.
Newtownards.

LONDONDERRY
Coleraine.
Kilrea.
Limavady.
Londonderry.
Magherafelt.
Portstewart.

ARMAGH
Armagh.
Lurgan.
Portadown.

TYRONE
Cookstown.
Dungannon.
Moy.
Omagh.
Strabane.

FERMANAGH
Enniskillen.

Prohibitions and import restrictions. Articles containing enclosures addressed to different persons at different addresses are prohibited. Negotiable securities and British treasury notes require a permit to be obtained by the addressee from the exchange control authorities of Great Britain.

Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.32; each additional 4 ounces or fraction, 42 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.32	3	0	$4.36	8	12	$7.39
0	8	1.79	3	4	4.83	9	0	7.83
0	12	2.26	3	8	5.30	9	4	8.04
1	0	2.73	3	12	5.77	9	8	8.48
1	4	3.20	4	0	6.24	9	12	8.95
1	8	3.67	4	4	6.95	10	0	9.30
1	12	3.94	4	8	6.78			

For rates over 5 pounds, charge $8.40 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Insurance. The following insurance fees and limits of indemnity apply, except that air parcel post for or from American Samoa and the Trust Territory of the Pacific (Caroline Islands, Marshall Islands, and Mariana Islands) may not be insured for more than $100:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.00 to $100	.55
$100.01 to $150	.65
$150.01 to $200	.75
$200.01 to $300	.95
$300.01 to $400	1.15
$400.01 to $500	1.35
$500.01 to $600	1.55
$600.01 to $700	1.75
$700.01 to $800	1.95
$800.01 to $900	2.15
$900.01 to $1,000	2.35

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This indication shall be shown in U.S. currency, in figures and in letters spelled out in full, in the following form:

INSURED VALUE

$76.89

SEVENTY-SIX DOLLARS AND EIGHTY-NINE CENTS

Coins, bullion, precious stones, and any article of gold, silver, or platinum sent as parcel post must be insured.

Parcels containing jewelry must not have a value in excess of $1,000 ($100 when mailed as air parcel post from and to American Samoa and the Trust Territory of the Pacific). Any parcel containing jewelry or any other precious article exceeding $260 in value must be packed in a box measuring not less than 3 feet 6 inches in length and girth combined.

The final decision on all questions of compensation rests with the country in whose service the loss, rifling, or damage took place.

While parcels containing eggs, when properly packed, may be accepted for insurance to Great Britain and Northern Ireland, "no indemnity is payable," in the event of damage, should it be determined that responsibility for the damage rests with the Postal Administration of Great Britain and Northern Ireland. Also regardless of where the damage occurred, "no indemnity" is payable for the damage to insured parcels, containing eggs, originating in Great Britain and Northern Ireland and addressed to this country.

For general information on insurance see Part 243 of this chapter.

Observations. Many types of merchandise, unless sent as unsolicited gifts, require import licenses which the addressees must obtain from the British Board of Trade. Before mailing commercial shipments, senders should assure themselves that the addressees can obtain licenses if needed.

Parcels containing bona fide unsolicited gifts are exempt from British import licensing requirements (see "Import Restrictions"). Mailers of such parcels should mark the wrappers and customs declarations "Unsolicited Gift."

Under the British customs regulations, parcels are liable to seizure if the customs declarations do not contain a full and accurate description of the contents.

Parcels containing articles subject to ad valorem duty should have an invoice enclosed showing the contents in detail and value of each article, and the parcel should be marked on the address side "Invoice enclosed". When the invoice relates to the contents of more than one parcel, each parcel is to be marked "Invoice enclosed in parcel No. ——."

Prohibitions. For reasons of sanitary policy: Meat, milk, cheese, butter, margarine, lard and other greases, unless packed in hermetically sealed tins plainly marked to show the nature of the contents. However, "Smithfield" hams are accepted as unsolicited gifts if enclosed in waterproof wrappings and adequately packed for protection and to avoid damage to other mail matter.

Arms, etc.: Firearms (except shotguns with barrels at least 20 in. long) and other deadly weapons and parts thereof, including guns for throwing liquid or gas and munitions therefor; accessories for reducing the sound or flash of firearms. The foregoing are admitted, however, if the addressee possesses an import license issued by the competent British authorities.

Switchblade knives.

To Northern Ireland: Airguns, and shotguns with barrels 20 inches or more in length, in addition to the above.

For other reasons: Articles violating the British trademark or copyright laws.

Liquids with flash point below 150° F. As an exception, paints, varnishes, turpentine, lacquer, and similar substances with flash point between 90° and 150° may be accepted in quantities not exceeding 1 quart when packed as prescribed in § 231.2(a)(2)(ii) of this chapter with an air space of at least 7½ percent of the total cubic content left in each container; the wrapper must be marked by the sender indicating that the flash point is not lower than 90° F.

Unmanufactured sweetened tobacco, and tobacco mixed with other substances. However, cigarettes, cigars, and pipe tobacco are admitted in gift parcels.

Coins, precious stones, jewelry and any articles of gold, silver or platinum, unless insured. Coins (unless declared to be for ornament), silver bullion or partially worked silver may not exceed £200 in value.

Advertisements of fortune tellers.

Massaging oils or similar products, and waxed or varnished articles unless thoroughly dried. If sent by air, such articles must be hermetically sealed in strong paper or enclosed in boxes of metal or of wood reinforced with wire.

Import restrictions. The attention of senders should be called to the following requirements, which are to be met by addressees:

Vaccines, serums, antitoxins, salvarsan and its derivatives, insulin, tuberculin, pituitary extract for injections, and sterilized surgical sutures for human use require authorization from the competent authority.

Foods or beverages to which any preservative or other substance has been added must comply with the British regulations for importation.

Many categories of merchandise require import licenses from the British Board of Trade, except when sent as bona fide unsolicited gifts (see "Observations") or as trade samples.

GREECE (INCLUDING CRETE AND DODECANESE ISLANDS [ASTYPALAIA, CHALKI, KALYMNOS, KARPATHOS, KASSOS, KASTELLORIZON, KOS, LEIPSOS, LEROS, NISSIROS, PATMOS, RODOS, SYMI AND TILOS])

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 20 cents per half ounce. (See Chart 3, Table III.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 50 cents first 2 ounces; 20 cents each additional 2 ounces or fraction. (See Chart 3, Table VI.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. Restricted delivery permitted. See Part 242 of this chapter.

Special delivery. No service.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions and import restrictions. Playing cards; saccharine; tobacco, cigars, cigarettes; cigarette papers; perishable biological materials.

Coins; manufactured or unmanufactured platinum, gold or silver; precious stones, jewelry, or other precious articles.

Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, one Form 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.66; each additional 4 ounces or fraction, 53 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.96	2	0	$5.37	3	12	$8.69
0	8	2.19	2	4	5.90	4	0	9.61
0	12	2.72	2	8	6.43	4	4	10.14
1	0	3.25	3	12	8.96	4	8	10.67
1	4	3.78	3	0	7.49	4	12	11.20
1	8	4.31	3	4	8.02	5	0	11.73
1	12	4.84	3	8	8.55			

For rates over 5 pounds, charge $10.60 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Insurance. Insurance service is limited to parcels addressed to the following offices:

Aghios Nicolaos (Crete).	Lamia.
Alexandroupolis.	Larissa.
Amphissa.	Lefkas.
Argostolion.	Levadia.
Arta.	Mesolonghion.
Athens.	Mytilini.
Chalkis	Nafplion.
Chania.	Patrai.
Chios.	Piraeus.
Drama.	Polyghyros.
Edessa.	Preveza.
Filiates.	Pyrghos (Ilias).
Florina.	Rethymnon.
Irakllon (Crete).	Rodos.
Ioannina.	Samos.
Kalamai.	Serrai.
Karditsa.	Sparti.
Karpenission.	Syros.
Kastoria.	Thessaloniki (Salonica).
Katerini.	Trikkala.
Kavalla.	Tripolis.
Kerkyra.	Verria.
Kilkis.	Volos.
Komotini.	Xanthi.
Korinthos.	Zakynthos.
Kozani.	

The following insurance fees and limits of indemnity apply.

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55
$100.01 to $150	.65
$150.01 to $185	.75

Print on the wrapper, near the "insured" endorsement and number, the amount for which the parcel is insured. This amount shall be shown in U.S. currency and in gold francs. The indication in U.S. currency shall be in figures and in letters spelled out in full, and the gold franc equivalent in figures only, as shown in the following example:

INSURED VALUE

$145.00 (U.S.)

ONE HUNDRED FORTY-FIVE DOLLARS

435 GOLD FRANCS

The same indications must be shown in the appropriate space on the dispatch note (Form 2972).

See Part 243, of this chapter for method of converting U.S. currency into gold francs and for general information on insurance.

Coins, bullion, valuable jewelry, or any other precious articles sent as parcel post must be insured.

Observations. Many types of merchandise are subject to import quotas and are not delivered without permission of the Greek authorities. Senders should assure themselves by inquiry of the addressees in advance of mailing that their shipments will be delivered.

Senders must enclose a copy of commercial invoices in parcels. The absence of the invoice may result in delay in delivery of parcels, difficulties in customs treatment, or even prejudice against the addressees.

Prohibitions. For sanitary reasons: Medicines except in the manufacturer's container bearing his distinctive marks. Drugstore prescriptions. Since admissible medicines must be licensed or specially authorized by the Greek authorities for importation, mailers should ascertain in advance whether the addressees will be able to take delivery.

Fresh meat, preserved meat, rawhides, wool, and other animal products, unless accompanied by a certificate showing that the place of origin is free from trichina.

Used clothing, bedding, rags, etc., for commercial purposes. Used clothing for personal use, unless it is clean and is so described on the customs declaration.

Cans of condensed milk, unless provided with a label in the Greek language indicating the directions for its use.

Snuff.

Arms, etc.: Firearms, swords, and any articles containing them. However, hunting arms and other commercial arms may be admitted (see "Import restrictions").

State monopolies: Salt; playing cards; amusement devices; petroleum; saccharine. Leaf tobacco for cigars and cigarette papers, unless imported by or for tobacco manufacturers, under special authorization of the Ministry of Finance.

Aluminum sheets for tobacco manufacturing.

Import restrictions. The attention of senders should be called to the following requirements, which are to be met by addressees:

See "Prohibitions" with respect to the requirements for licensing of medicines.

Hunting arms and other commercial arms require special permission from the police authorities.

Obligations, public securities and paper values of all kinds require special authorization from the Ministries of Finance and of National Economy.

Many types of merchandise are subject to import quotas and are not delivered without permission of the Greek authorities. See "Observations."

GREENLAND

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter. Small packets accepted at risk of sender.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 20 cents per half ounce. (See Chart 3, Table III.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets 50 cents first 2 ounces; 20 cents each additional 2 ounces or fraction. (See Chart 3, Table VI.)

Letter packages containing dutiable merchandise. Accepted. See § 222.1(e) of this chapter.

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. No service.

Money orders. No service.

Observations. Combination mailings as defined in §222.8(a) of this chapter are accepted.

Prohibitions and import restrictions. Same as for Denmark.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.49; each additional 4 ounces or fraction, 59 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.49	2	0	$5.09	3	12	$8.73
0	8	2.03	2	4	5.72	4	0	10.34
0	12	2.67	2	8	6.50	4	4	10.98
1	0	3.28	3	12	7.28	4	8	11.63
1	4	3.86	3	0	7.96	4	12	12.11
1	8	4.44	3	4	8.47	5	0	13.70
1	12	5.00	3	8	9.14			

For rates over 5 pounds, charge $11.80 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55
$100.01 to $150	.65
$150.01 to $200	.75
$200.01 to $300	.95
$300.01 to $330	1.15

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This amount shall be shown in U.S. currency and in gold francs. The indication in U.S. currency shall be in figures and in letters spelled out in full, and the gold franc equivalent in figures only, as shown in the following example:

INSURED VALUE

$225.55 (U.S.)

TWO HUNDRED TWENTY-FIVE DOLLARS AND FIFTY-FIVE CENTS

676.65 GOLD FRANCS

See Part 243 of this chapter for method of converting U.S. currency into gold francs and for general information on insurance.

Coins, banknotes, currency notes, or any kind of securities payable to bearer, platinum, gold, or silver, whether manufactured or unmanufactured, precious stones, jewels, or other precious articles sent as parcel post must be insured.

Observations. Parcels containing articles subject to ad valorem duty require an invoice, which should be sent to the addressee in advance.

Prohibitions and import restrictions. Same as for Denmark.

GUADELOUPE (INCLUDING THE ISLANDS OF DESIRADE, LES SAINTES, MARIE GALANTE, PETITE TERRE, SAINT BARTHOLOMEW (BARTHELEMY), AND THE FRENCH PART OF SAINT MARTIN)

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 15 cents per half ounce. (See Chart 3, Table II.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 40 cents first 2 ounces; 10 cents each additional 2 ounces or fraction. (See Chart 3, Table V.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions. Paper money and other instruments of payment, letters of credit, securities, or deeds, unless accompanied by a permit issued by the French exchange-control authorities, or imported by a bank. Perishable biological materials.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Optional.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1; each additional pound or fraction, 30 cents. (See Chart 4, Table I.)

Air parcel rates. Four ounces or less, $1.27; each additional 4 ounces or fraction, 23 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.27	2	0	$3.95	3	12	$4.49
0	8	1.50	2	4	4.11	4	0	4.72
0	12	1.73	2	8	4.34	4	4	4.95
1	0	1.96	2	12	4.57	4	8	5.18
1	4	2.19	3	0	4.80	4	12	5.41
1	8	2.42	3	4	4.03	5	0	5.64
1	12	2.65	3	8	4.26			

For rates over 5 pounds, charge $4.60 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Indemnity. No provision.

Observations. Invoices and certificates of origin are required as for France.

Prohibitions. Cigarette lighters using butane gas.

GUATEMALA

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter. Small packets not accepted.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 15 cents per half ounce. (See Chart 3, Table II.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, and samples of merchandise, 40 cents first 2 ounces; 10 cents each additional 2 ounces or fraction. (See Chart 3, Table V.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Observations. See "Observations" under "Parcel Post" for requirements as to commercial invoices and certificates of origin, which also apply to articles in the postal union mail.

Prohibitions. Money in cash, banknotes, and values payable to the bearer. Such articles found in letters received in Guatemala are not delivered unless the addressees comply with special formalities and pay domestic insurance fees.

Dutiable articles in unregistered letter packages.

Perishable biological materials.

Articles prohibited as parcel post are prohibited in the postal union mail.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Compulsory.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1; each additional pound or fraction, 30 cents. (See Chart 4, Table I.)

Air parcel rates. Four ounces or less, $1.59; each additional 4 ounces or fraction, 29 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.36	2	0	$3.62	3	12	$5.04
0	8	1.68	2	4	3.91	4	0	5.34
0	12	2.17	2	8	4.20	4	4	5.58
1	0	2.48	2	12	4.49	4	8	5.82
1	4	2.76	3	0	4.78	4	12	6.61
1	8	3.04	3	4	5.07	5	0	7.10
1	12	3.33	3	8	5.36			

For rates over 5 pounds, charge $5.80 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Insurance. The following insurance fees and limits of indemnity apply:

Limits of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This indication shall be shown in U.S. currency, in figures and in letters spelled out in full, in the following form:

INSURED VALUE

$75.55

SEVENTY-FIVE DOLLARS AND FIFTY-FIVE CENTS

Coins, precious metals, jewelry, or other precious articles sent as parcel post must be insured.

For general information on insurance see Part 243 of this chapter.

Observations. The customs laws of Guatemala require that a certificate of origin be furnished for every importation except merchandise not exceeding $50 in value. In the case of articles subject to restrictions, quotas, or special charges, the certificate is required regardless of their value.

Commercial invoices must be furnished for all merchandise.

Both certificate of origin and commercial invoice must be visaed by one of the Guatemalan Consuls located in principal cities of the United States. Senders must present to the nearest Guatemalan Consul five copies of the commercial invoice covering their parcels. The certificate of origin and the original invoice which is returned after certification shall not be

enclosed in the parcel, but forwarded under separate cover to the addressee. The remaining copies are retained by the Consul.

Consular fees are collected at the point of destination of the parcels in Guatemala. It is understood that in cases where parcels of value are received in Guatemala without the certified invoices and the addressees are unable to produce such invoices the parcels will be delivered, but the addressees will be required to pay the usual import duties plus a fine of 50 percent of the duties.

The invoices must indicate (1) name and address of shipper; (2) name and address of consignee; (3) date of the invoice; (4) marks, countermarks, and numbers; (5) number and kind of package; (6) contents of merchandise in detail; (7) weights in kilograms—legal, net, and gross; (8) value of merchandise; (9) expenses, such as postage, commissions, etc.; (10) declaration that all the prices and particulars are true and correct. The invoices must be signed in ink.

Parcels may be addressed to banks or other organizations for ultimate delivery to second addressees. The latter however may not take delivery without written authority from the first addressee, unless the sender arranges for change of address as provided in Part 247 of this chapter.

Prohibitions. Arms, etc.; Arms in general, except certain arms for hunting.

For other reasons: Military supplies of all kinds.

GUINEA (REPUBLIC OF)

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. No service.

Money orders. No service.

Prohibitions and import restrictions. Paper money and other instruments of payment, letters of credit, securities, or deeds, unless accompanied by a permit issued by the Guinea authorities. Perishable biological materials.

Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Optional.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.56; each additional 4 ounces or fraction, 61 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.56	2	0	$4.68	3	12	$10.16
0	8	2.17	2	4	5.44	4	0	10.73
0	12	2.78	2	8	7.08	4	4	11.32
1	0	3.39	2	12	7.69	4	8	11.88
1	4	4.00	3	0	8.27	4	12	12.54
1	8	4.61	3	4	8.88	5	0	13.15
1	12	5.23	3	8	9.49			

For rates over 5 pounds, charge $12.30 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Indemnity. No provision.

Observations. The Guinea postal authorities collect domestic postage from the addressees.

Prohibitions. Arms, etc.: Daggers, sword-canes, brass knuckles, blackjacks, and other secret weapons.

For other reasons: Foreign products, natural or manufactured, having markings, labels, or wrappings of any kind which may give the impression that they are of French origin. Articles bearing the "Red Cross" or "Geneva Cross" as a trademark. Foreign products from a place having the same name as a place in France must bear, in addition to the name of that place, the name of the country of origin and the word "Importé" (imported) very conspicuously.

Preserved fish, vegetables, and plums must bear on each container an indication of the country of origin in raised or sunken letters at least 4 millimeters (⅜ in.) high, in the middle of the lid and of the bottom, in a space not bearing any inscription. Cases and wrappers containing these products must bear adhering letters indicating the country of origin.

Weights and measures not of the metric system.

Import restrictions. The attention of senders should be called to the following requirements, which are to be met by addressees:

The following articles are subject to special regulations upon importation: Artificial mineral waters. Firearms and airguns. Phonograph records.

GUYANA

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 15 cents per half ounce. (See Chart 3, Table II.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 50 cents first 2 ounces; 20 cents each additional 2 ounces or fraction. (See Chart 3, Table VI.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Observations. Combination mailings as defined in § 222.8(a) of this chapter are accepted.

Prohibitions and import restrictions. Coins, gold, silver, jewelry, and other precious articles. Bees and silkworms. Perishable biological materials.

Articles prohibited or restricted as parcel post are prohibited or restricted in postal union mail.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, one Form 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.54; each additional 4 ounces or fraction, 31 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.54	2	0	$3.71	3	12	$8.88
0	8	1.85	2	4	4.02	4	0	6.19
0	12	2.16	2	8	4.33	4	4	6.50
1	0	2.47	2	12	4.64	4	8	6.81
1	4	2.78	3	0	4.95	4	12	7.12
1	8	3.09	3	4	5.26	5	0	7.43
1	12	3.40	3	8	5.57			

For rates over 5 pounds, charge $6.20 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55
$100.01 to $150	.65
$150.01 to $165	.75

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This amount shall be shown in U.S. currency and in gold francs. The indication in U.S. currency shall be in figures and in letters spelled out in full, and the gold franc equivalent in figures only, as shown in the following example:

INSURED VALUE

$25.75 (U.S.)

TWENTY-FIVE DOLLARS AND SEVENTY-FIVE CENTS

77.25 GOLD FRANCS

Show the insured value in U.S. currency (figures only) in the appropriate space on the dispatch note (Form 2972).

See Part 243 of this chapter for method of converting U.S. currency into gold francs and for general information on insurance.

Coin; platinum, gold, or silver, whether manufactured or unmanufactured; precious stones, jewelry, or other precious articles sent as parcel post must be insured.

Prohibitions. Clocks, watches, or other articles bearing any imitation of a British assay mark.

Import restrictions. The attention of senders should be called to the following requirements, which are to be met by addressees:

Arms are not delivered unless the addressee produces a police permit.

Tobacco products are admitted if the addressee declares that they are for personal use and not for sale or exchange; a moderate fee may be charged.

Antibiotic medicines require a license issued by the Medical Board.

HAITI

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter. Small packets not accepted.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 15 cents per half ounce. (See Chart 3, Table II.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, and samples of merchandise, 40 cents first 2 ounces; 10 cents each additional 2 ounces or fraction. (See Chart 3, Table V.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. No service.

Money orders. No service.

Observations. In order for international reply coupons to be exchanged in Haiti, the reply coupons and the articles of correspondence to be prepaid must be presented at the same time.

Combination mailings as defined in § 222.8(a) of this chapter are accepted.

Prohibitions. Jewels. Perishable biological materials.

Banknotes and coins. Remittances in cash when sent from banks in the United States to their respective branches in Haiti, and values payable to bearer to any addresses, are accepted at the risk of the senders.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Compulsory.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1; each additional pound or fraction, 30 cents. (See Chart 4, Table I.)

Air parcel rates. Fours ounces or less, $1.43; each additional 4 ounces or fraction, 22 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.43	2	0	$2.97	3	12	$4.51
0	8	1.65	2	4	3.19	4	0	4.73
0	12	1.87	2	8	3.41	4	4	4.95
1	0	2.09	2	12	3.63	4	8	5.17
1	4	2.31	3	0	3.85	4	12	5.39
1	8	2.53	3	4	4.07	5	0	5.61
1	12	2.75	3	8	4.29			

For rates over 5 pounds, charge $4.40 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Indemnity. No provision.

Observations. If addressees in Haiti fail to pay the import duties after acceptance and verification of their parcels, the contents may be sold at auction by the customs authorities.

Parcels may be addressed to banks or other organizations for ultimate delivery to second addressees. The latter, however, may not take delivery without written authority from the first addressee, unless the sender arranges for change of address as provided in Part 247 of this chapter.

HONDURAS (REPUBLIC OF)

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 15 cents per half ounce. (See Chart 3, Table II.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 40 cents first 2 ounces; 10 cents each additional 2 ounces or fraction. (See Chart 3, Table V.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. No service.

Observations. Letters are not acceptable if they appear to have been opened and resealed or if they are in soiled envelopes. Adhesive strips or gummed paper must not be used to seal letters unless the signature or name of the sender is written or stamped on the adhesive strips or gummed paper.

Commercial invoices are required as for parcel post shipments.

Combination mailings as defined in § 222.8(a) of this chapter are accepted under registration only.

Prohibitions. Perishable biological materials.

Articles prohibited as parcel post are prohibited in the postal union mail.

Parcel Post

Weight limit. 44 pounds for Amapala, Comayagua, La Ceiba, Olanchito, Progreso, Puerto Castilla, Puerto Cortez, San Pedro Sula, Tegucigalpa and Tela; 22 pounds for other places.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Compulsory.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1; each additional pound or fraction, 30 cents. (See Chart 4, Table I.)

Air parcel rates. Four ounces or less, $1.35; each additional 4 ounces or fraction, 29 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.35	2	0	$2.75	3	12	$5.41
0	8	1.64	2	4	3.07	4	0	5.70
0	12	1.93	2	8	3.36	4	4	5.99
1	0	2.22	2	12	4.28	4	8	6.28
1	4	2.51	3	0	4.54	4	12	6.57
1	8	2.80	3	4	4.85	5	0	6.86
1	12	3.09	3	8	5.12			

For rates over 5 pounds, charge $5.80 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Indemnity. No provision.

Observations. Parcels may be addressed to banks or other organizations for ultimate delivery to second addressees. The latter however may not take delivery without written authority from the first addressee, unless the sender arranges for change of address as provided in Part 247 of this chapter.

Parcels containing used clothing must be accompanied by a certificate of disinfection from the local board of health or from a firm with facilities for disinfecting the articles. Senders are to endorse the wrappers of such parcels to show that the certificate of disinfection is enclosed.

Parcels from the United States are held at the disposal of addressees for a period of 90 days.

Each shipment for Honduras, regardless of value, requires a commercial invoice containing a statement signed by the mailer reading "Certified correct" or similarly. The original invoice should be enclosed in the parcel and a copy sent direct to the addressee.

To facilitate the handling at destination, the senders of airmail parcels should forward a copy of the relative commercial invoices by air mail to the Director General of Posts at Tegucigalpa.

Prohibitions. Firearms, parts thereof, and war material.

Coins, banknotes, paper money, bills of exchange payable to bearer; manufactured or unmanufactured platinum, gold, or silver; precious stones, jewelry, or other precious articles.

HONG KONG (INCLUDING KOWLOON)

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. No service.

Money orders. No service.

Observations. Hong Kong is a British colony and articles for that place should be addressed to "Hong Kong" and not to "Hong Kong, China."

Parcel Post

Weight limit. 22 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.58; each additional 4 ounces, or fraction, 79 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.58	2	0	$7.21	3	12	$12.74
0	8	2.47	2	4	8.00	4	0	12.53
0	12	3.36	2	8	8.79	4	4	14.32
1	0	4.26	2	12	9.58	4	8	15.11
1	4	4.94	3	0	10.37	4	12	15.90
1	8	5.73	3	4	11.16	5	0	16.69
1	12	6.42	3	8	11.96			

For rates over 5 pounds, charge $16.80 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55
$100.01 to $150	.65
$150.01 to $200	.75
$200.01 to $300	.95
$300.01 to $330	1.15

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This amount shall be shown in U.S. currency and in gold francs. The indication in U.S. currency shall be in figures and in letters spelled out in full, and the gold franc equivalent in figures only, as shown in the following example:

INSURED VALUE

$25.75 (U.S.)

TWENTY-FIVE DOLLARS AND SEVENTY-FIVE CENTS

77.25 GOLD FRANCS

See, Part 243 of this chapter, for method of converting U.S. currency into gold francs and for general information on insurance.

Coin, bullion, valuable jewelry or any other precious article sent as parcel post must be insured.

Observations. Hong Kong is a British colony and parcels for that place should be addressed to "Hong Kong" and not to "Hong Kong, China."

HUNGARY

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 20 cents per half ounce. (See Chart 3, Table III.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 50 cents first 2 ounces; 20 cents each additional 2 ounces or fraction. (See Chart 3, Table VI.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. Restricted delivery permitted. See Part 242 of this chapter.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Observations. Postage stamps, cancelled or not, and other stamped paper sent to individuals must be addressed to "Bélyegcserebiztság" (Stamp Exchange Commission), VII. Verseny u. 12, Budapest 70, Hungary, with the name of the addressee.

Gift articles in letter packages or small packets must conform to the requirements for gift parcels (see "Observations" under "Parcel Post").

Import restrictions. Articles restricted as parcel post are restricted in the postal union mail.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, one Form 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.37; each additional 4 ounces or fraction, 48 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.37	2	0	$4.73	3	12	$8.10
0	8	1.85	2	4	5.21	4	0	8.57
0	12	2.33	2	8	5.68	4	4	9.04
1	0	2.81	2	12	6.17	4	8	9.53
1	4	3.29	3	0	6.64	4	12	10.01
1	8	3.77	3	4	7.13	5	0	10.49
1	12	4.25	3	8	7.61			

For rates over 5 pounds, charge $9.60 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55

Coins, bullion, valuable jewelry, or any other precious article sent as parcel post must be insured.

For general information on insurance, see Part 243 of this chapter.

Observations. To be admitted to Hungary as gift shipments, parcels must contain only articles for the personal use of the addressee or members of his family. The contents of gift parcels are subject to customs duty which must be paid by the addressees.

Preserved food in tin cans or other hermetically sealed containers, oranges, and tangerines are prohibited.

Medicines, serums, and vaccines to be admitted in gift parcels must be in the intact original wrappings of the manufacturing firm. Medicines prepared by pharmacists are not admitted.

To facilitate the customs treatment of gift parcels in Hungary two complete and detailed lists of the contents should be enclosed in each parcel. The lists should be written in the Hungarian language if possible.

Contents of gift parcels are limited to the items shown on the following list, and no addressee may receive amounts exceeding the quotas indicated. If those quotas are exceeded, the Hungarian authorities may charge duty at penalty rates, return the parcels to origin, or confiscate the contents in lieu of duty.

I. Food, Beverages, and Tobacco	
Description	Yearly quotas
Foodstuffs:	
Foods not elsewhere specified.	22 pounds.
Flour, spaghetti, noodles, biscuits, powdered milk, infant food, meat, sausage.	11 pounds, each.
Candy	4 pounds 6 ounces.
Chewing gum	10½ ounces.
Coffee, cocoa, chocolate (including chocolate products).	4 pounds 6 ounces, each.
Tea	1 pound 1½ ounces.
Spices except vanilla	1 pound 1½ ounces.
Vanilla	3½ ounces.
Beverages	3 quarts.
Tobacco:	
Cigarettes	1,000.
Cigars	100.
Other tobacco products.	2 pounds 3 ounces.

II. Textile Goods	
Thread and yarn	4 pounds 6 ounces.
Cloth:	
Overcoat material	3¼ yards.
Suit and curtain material.	6½ yards.
Linen and drapery material.	13 yards.
Sheeting	17½ yards.
Wearing apparel and other cloth articles, sewn or knit:	
Overcoat	1.
Suits	2.
Dresses	3.
Stockings or socks	6 pairs.
Handkerchiefs	24.
Infant wear	20 articles.
Other articles	2 items or 3 pairs.
Rugs or curtains	2.

III. Furs, Leathers, and Rubber Goods	
Dressed fur skins	Sufficient for 1 garment.
Articles of fur	1 article or 1 pair.
Leather for footwear	Sufficient for 2 pairs of shoes or 1 pair of boots.
Leather for clothing	Sufficient for 1 garment.
Articles of leather	2 pairs of shoes, 1 pair of boots, 1 coat, 2 pairs of gloves, or 1 other article.
Articles of rubber	1 pair footwear; other articles, 2 items or 1 pair.

IV. Miscellaneous	
Medicines and therapeutic appliances.	As prescribed by physician.
Eau de cologne, cold cream.	1 pound 1½ ounces.
Other cosmetics and toilet articles.	6 of each kind.
Laundry soap and soap powder.	6 pounds 9 ounces.
Precious jewelry:	
Gold	1 pound 1½ ounces.
Platinum	3¼ ounces.
Ornaments, imitation jewelry.	2 articles of a kind, or 1 set.
Sporting goods, games and toys.	2 articles, 6 pairs, or 1 set; 24 tennis balls or 48 pingpong balls.
Other miscellaneous articles except as mentioned below.	2 of each kind.
Phonograph records	10.
Tape recordings	10.
Razor blades, lighter flints.	100.
Pencils	24.
Fountain pens	2.
Film	10 reels.
Postage stamps	Up to 1,000 forints value.
Books, magazines, photographs.	3 of each kind.

V. Durable Goods	
Cameras, flashlights, tape recorders, radios, typewriters, musical instruments, household appliances, oriental rugs, and expensive furs.	1 of each kind.

Import restrictions. All importations other than gift shipments require import licenses, and in some cases special authorization from the Hungarian authorities to be obtained by the addressees. Therefore, senders of commercial shipments should ascertain before mailing that the addressees have complied with the necessary formalities.

ICELAND

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 20 cents per half ounce. (See Chart 3, Table III.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 50 cents first 2 ounces; 20 cents each additional 2 ounces or fraction. (See Chart 3, Table VI.)

Registration. Fee, 75 cents. Maximum indemnity, $817. Return receipt: 13 cents to return by surface, 26 cents to return by air. Restricted delivery permitted. See Part 242 of this chapter.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Observations. Combination mailings as defined in § 222.8(a) of this chapter are accepted.

Prohibitions. Bees and silkworms.

Articles prohibited as parcel post are prohibited in the postal union mail.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, two Forms 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.69; each additional 4 ounces or fraction, 38 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.69	2	0	$4.11	3	12	$6.53
0	8	2.04	2	4	4.46	4	0	6.94
0	12	2.39	2	8	4.84	4	4	7.39
1	0	2.74	2	12	5.19	4	8	7.84
1	4	3.09	3	0	5.54	4	12	7.99
1	8	3.44	3	4	5.89	5	0	8.34
1	12	3.79	3	8	6.24			

For rates over 5 pounds, charge $7 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55
$100.01 to $150	.65
$150.01 to $200	.75
$200.01 to $300	.95
$300.01 to $330	1.15

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This amount shall be shown in U.S. currency and in gold francs. The indication in U.S. currency shall be in figures and in letters spelled out in full, and the gold franc equivalent in figures only, as shown in the following example:

INSURED VALUE

$275.50 (U.S.)

TWO HUNDRED SEVENTY-FIVE DOLLARS AND FIFTY CENTS

$26.50 GOLD FRANCS

See Part 243 of this chapter, for method of converting U.S. currency into gold francs and for general information on insurance.

Coins, banknotes, currency notes, or any kind of securities payable to bearer; platinum, gold, or silver, whether manufactured or unmanufactured; precious stones, jewelry, or other precious articles sent as parcel post must be insured.

Observations. All merchandise imported by mail must be accompanied by an invoice in duplicate signed by the seller in case of a sales transaction, otherwise by the mailer. The invoice must describe the merchandise and give the selling price of each type of goods. The addressee is required to present the invoice with other documents in order to effect customs clearance of his parcel.

Prohibitions. For sanitary reasons: Toys made of lead.

State monopolies: Wireless receivers and their accessories, parts, or batteries.

Tobacco products.

For other reasons: Icelandic coins and banknotes, as well as any values payable in Icelandic currency.

INDIA (INCLUDING THE ANDAMAN ISLANDS AND SIKKIM)

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix Directory and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. Yes. Applicable only to unregistered letters, post cards, and printed matter. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Observations. Addressees in India are required to obtain import licenses in many cases in order to take delivery of commercial shipments.

Prohibitions and import restrictions. Works of art (including photographs), forms ruled or printed, account and manuscript books, labels, advertising matter (except trade catalogs and circulars), almanacs in sheets or in cards, and other cards, as well as waste paper and old newspaper for packing, are not admitted as printed matter when sent as merchandise, inasmuch as they are liable to customs duty. Coins, banknotes, paper money, values payable to bearer, manufactured or unmanufactured platinum, precious stones, jewels and other precious articles.

Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

Parcel Post

Weight limit. 44 pounds for surface parcels; 22 pounds for air parcels.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, two Forms 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.70; each additional 4 ounces or fraction, 80 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.70	2	0	$7.30	3	12	$12.90
0	8	2.50	2	4	8.10	4	0	13.70
0	12	3.30	2	8	8.90	4	4	14.50
1	0	4.10	2	12	9.70	4	8	15.30
1	4	4.90	3	0	10.50	4	12	16.10
1	8	5.70	3	4	11.30	5	0	16.90
1	12	6.50	3	8	12.10			

For rates over 5 pounds, charge $16 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55
$100.01 to $150	.65
$150.01 to $165	.75

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This amount shall be shown in U.S. currency and in gold francs. The indication in U.S. currency shall be in figures and in letters spelled out in full, and the gold franc equivalent in figures only, as shown in the following example:

INSURED VALUE

$25.75 (U.S.)

TWENTY-FIVE DOLLARS AND SEVENTY-FIVE CENTS

77.25 GOLD FRANCS

See Part 243 of this chapter for method of converting U.S. currency into gold francs and for general information on insurance.

Coin, banknotes, currency notes, or any kind of securities payable to bearer, platinum, precious stones, jewels, or other precious articles sent as parcel post must be insured.

Observations. Parcels addressed to box numbers and not bearing the actual address of the addressee will be returned to origin.

To assist addressees of gift parcels in obtaining import licenses (see "Import restrictions"), it is suggested that senders mark the customs declarations "Gift."

Prohibitions. For reasons of public safety: All liquids with flash point below 200° F.

Arms, etc.: Arms, munitions, and military stores, except for the Indian Government.

Silent revolvers and pistols; imitation or toy revolvers and pistols.

Appliances (including pistols, pistol pencils, etc.) for discharging gas, except on behalf of the Government.

State monopolies, etc.: Coins or ingots exceeding 65 rupees ($13.65) in value, except coins obviously intended for ornament.

Articles of gold or silver.

Indian banknotes, except with permission of the Reserve Bank of India.

Tobacco manufactured or not, unless sent to licensed importers or wholesalers.

For other reasons: Piece goods and certain manufactured articles, unless marked to show country of origin as prescribed by the Indian trademark regulations.

Noninflammable motion-picture films or "safety" films unless enclosed in a strong metal box and the latter packed in a strong wooden or thick pasteboard container. A label printed in red letters or written very clearly by hand in red ink bearing the note "Contains only noninflammable films" must be placed on the outside of each package. Articles made wholly or partly of celluloid, such as inflammable motion-picture and photographic films, are prohibited.

Articles for which the addressees have failed to obtain import licenses when required. (See "Import restrictions").

Import restrictions. The attention of senders should be called to the following requirements, which are to be met by the addressees:

Addressees in India are required to obtain import licenses for all goods except those intended for their personal use and not exceeding 100 rupees ($21) in value. If the license is not obtained when required, the articles are considered as prohibited.

INDONESIA (ALOR ISLAND, AMBOINA, ARU ISLANDS, BABAR, BALI, BANDA, BANKA, BATJAN, BAWEAN, BENGKALIS, BILLITON, BINTAN, BORNEO [KALIMANTAN], BURU, BUTON, CELEBES [SULAWESI], CERAM, FLORES, GESER, HALMAHAIRA, IRIAN BARAT [WEST NEW GUINEA], JAVA [DJAWA], KAI ISLANDS, KALIMANTAN [BORNEO], KANGEAN, KARIMUN, KISAR, KUNDUR, LAUT, LOMBOK, MADURA, MOROTAI, MUNA, ROTI, SALAJAR, SALIBABU, SAMBU, SANGIR ISLANDS, SAPARUA, SAPUDI, SIANTAN, SIAU, SINGKEP, SULA ISLANDS, SULAWESI [CELEBES], SUMATRA, SUMBA, SUMBAWA, TANIMBAR ISLANDS, TARAKAN, TEBINGTINGGI, TERNATE, TIMOR [FORMERLY NETHERLANDS TIMOR], AND WEH)

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. No service.

Observations. Addressees in Indonesia are required to obtain special authorization to take delivery of the following:

(1) All articles classified in Indonesia as foreign exchange. This includes currency, securities, bonds, and coupons, as well as gold and other precious metals in any form.

(2) Gift shipments exceeding 300 rupiah (about $27) in value.

(3) Gift shipments containing articles which the Indonesian authorities consider as luxuries.

Prohibitions. Cocoa leaves, dried, undried or powdered.

Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Optional.

Postal forms required. One Form 2922, Three Forms 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $2.21; each additional 4 ounces or fraction, 96 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$2.21	2	0	$8.69	3	12	$14.46
0	8	3.17	2	4	9.65	4	0	15.41
0	12	4.13	2	8	10.84	4	4	17.37
1	0	5.09	2	12	11.61	4	8	18.33
1	4	6.05	3	0	12.77	4	12	19.29
1	8	7.01	3	4	13.73	5	0	20.45
1	12	7.97	3	8	14.69			

For rates over 5 pounds, charge $19.20 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Indemnity. No provision.

Observations. Commercial parcels are accepted only if the sender has marked the customs declaration with the number and date of the Indonesian import permit issued to the addressee for the parcel. A copy of the sender's invoice, also bearing the Indonesian permit number and date, must be enclosed in each parcel.

The following articles are not admitted in commercial parcels: Articles of gold and silver, including tableware; pens and pencils ornamented with precious metal; calendar watches; linen clothing; natural silk goods; children's toys operated by steam or electricity; leather goods; coffee essences and coffee substitutes; molasses, and other substitutes for sugar.

Customs declarations must show both the gross weight of the entire parcel and the net weight of each item.

Prohibitions. Flammable films and celluloid articles. Noninflammable films must be described on customs declarations by the word "Nonflammable" or "Safety."

Books and periodicals printed in any Indonesian language and published outside of Indonesia. Those printed in characters other than Latin, Arabic, Japanese, or Russian require permission of the Indonesian Ministry of War to be imported.

Import restrictions. The attention of senders should be called to the following requirements, which are to be met by the addressees:

Import licenses are required for all gift parcels exceeding about $13 in value, and for those which contain any articles which may be considered by the Indonesian authorities as luxury items.

Special authorization is required for the following: Arms and parts thereof; motion picture films which must be inspected and approved by an official commission at Djakarta; antibiotic drugs.

IRAN

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. Available to Teheran only. See Chart 5 for fees and other conditions.

Money orders. No service.

Observations. Addresses must be written in a precise and complete manner in Latin (English) characters lengthwise on the articles, leaving space for service notations or labels, so that the dispatch of articles and their delivery to addressees may be effected without research.

Small packets and letter-packages containing articles liable to customs duty are subject to collection from the addressees of the Iranian domestic parcel post rate.

Prohibitions and import restrictions. Coins; Iranian banknotes; manufactured or unmanufactured platinum, gold or silver; precious stones, jewelry, and other precious articles.

Banknotes other than Iranian may be imported only with the permission of the Bank Melli Iran.

Perishable biological materials.

Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Compulsory.

Postal forms required. One Form 2922, one Form 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 2, Table VII–B.)

Air parcel rates. Four ounces or less, $1.70; each additional 4 ounces or fraction, 61 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.70	2	0	$5.97	3	12	$10.24
0	8	2.31	2	4	6.58	4	0	10.85
0	12	2.92	2	8	7.19	4	4	11.46
1	0	3.53	2	12	7.80	4	8	12.07
1	4	4.14	3	0	8.41	4	12	12.68
1	8	4.75	3	4	9.03	5	0	13.29
1	12	5.36	3	8	9.65			

For rates over 5 pounds, charge $12.20 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Indemnity. No provision.

Observations. Postage covers conveyance only to Iranian frontier offices; additional charges for conveyance into the interior are levied by the Iranian Administration.

Prohibitions. Firearms of all kinds.

The importation of a wide range of general merchandise is prohibited or subject to import quotas, and senders are advised in their own interests to ascertain before mailing whether their goods are admissible.

Import restrictions. Addressees must obtain an import permit from the Department of Commerce of Iran before receiving delivery of merchandise, except gifts not exceeding 10,000 rials ($130) in value per year. Medicines, regardless of value, require approval of the Iranian Ministry of Health.

IRAQ

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. No service.

Money orders. Yes. See § 171.2 of this chapter.

Observations. Letters are subject to examination for currency control. Remittances not in Iraqi currency, including checks, are sent to the Rafidain Bank, where the addressees are notified to apply to receive the equivalent of the remittance in Iraqi currency.

See "Observations" under "Parcel Post" concerning import licenses.

Prohibitions and import restrictions. Perishible biological materials.

Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Compulsory.

Postal forms required. One Form 2922, two Forms 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.89; each additional 4 ounces or fraction, 60 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.89	2	0	$6.09	3	12	$10.29
0	8	2.49	2	4	6.69	4	0	10.89
0	12	3.09	2	8	7.29	4	4	11.49
1	0	3.69	2	12	7.89	4	8	12.09
1	4	4.29	3	0	8.49	4	12	12.69
1	8	4.89	3	4	9.09	5	0	13.29
1	12	5.49	3	8	9.69			

For rates over 5 pounds, charge $12 for each even 6 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Indemnity. No provision.

Prohibitions. Radio transmitter-receivers using transistors, known as "walkie-talkies." Arms of all kinds, including air guns, parts of arms and munitions, with the exception of hunting rifles, their accessories, and knives. (See "Import restrictions.") Lighters containing butane gas.

Import restrictions. For parcels and other postal articles containing goods the value of which is more than 1 Iraqi dinar (about $2.80), the addressee must obtain a special import license from the Ministry of Supply, Import Department, Baghdad.

Radio apparatus, hunting rifles and their accessories, and knives having blades over 76 millimeters (about 3 inches) in length, require permission to be obtained by the addressees from the Iraqi authorities.

IRELAND (EIRE) (SEE ITEM "GREAT BRITAIN AND NORTHERN IRELAND" CONCERNING ENGLAND, SCOTLAND, WALES, CHANNEL ISLANDS, AND NORTHERN IRELAND)

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 20 cents per half ounce. (See Chart 3, Table III.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 50 cents first 2 ounces; 20 cents each additional 2 ounces or fraction. (See Chart 3, Table VI.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Observations. The names of the counties in Ireland are as follows: Carlow, Cavan, Clare, Cork, Donegal, Dublin, Galway, Kerry, Kildare, Kilkenny, Leitrim, Laioghis, Limerick, Longford, Louth, Mayo, Meath, Monaghan, Offaly, Roscommon, Sligo, Tipperary, Waterford, Westmeath, Wexford, and Wicklow.

The names of the county and the delivering office must form a part of the address of all mail articles.

Prohibitions and import restrictions. The articles prohibited or restricted as parcel post are likewise prohibited or restricted in the postal union mail, except that oiled or varnished cloth or similar substances are prohibited unconditionally in postal union mail.

Banknotes of Great Britain and Northern Ireland, unless authorized by the Minister of Finance, Dublin.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.31; each additional 4 ounces or fraction, 42 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.31	2	0	$4.33	3	12	$7.19
0	8	1.73	2	4	4.57	4	0	7.61
0	12	2.19	2	8	5.09	4	4	8.03
1	0	2.57	2	12	5.51	4	8	8.45
1	4	2.99	3	0	5.93	4	12	8.87
1	8	3.41	3	4	6.35	5	0	9.29
1	12	3.83	3	8	6.77			

For rates over 5 pounds, charge $6.46 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.65
$15.01 to $50	.85
$50.01 to $100	1.05
$100.01 to $150	1.25
$150.01 to $200	1.45
$200.01 to $300	1.75
$300.01 to $400	1.95
$400.01 to $500	2.15
$500.01 to $600	2.35
$600.01 to $700	2.55
$700.01 to $800	2.75
$800.01 to $900	2.95
$900.01 to $1,000	3.15

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This amount shall be shown in U.S. currency and in gold francs. The indication in U.S. currency shall be in figures and in letters spelled out in full, and the gold franc equivalent in figures only, as shown in the following example:

INSURED VALUE

$25.75 (U.S.)

TWENTY-FIVE DOLLARS AND SEVENTY-FIVE CENTS

77.25 GOLD FRANCS

See Part 243 of this chapter for method of converting U.S. currency into gold francs and for general information on insurance.

Coin, bullion, valuable jewelry, or any other precious article, sent as parcel post must be insured.

Observations. The names of the county and the delivering office must form a part of the address of all mail articles. See subcaption "Observations" under Postal Union Mail for names of counties comprising Ireland.

In the case of articles liable to customs duty which are eligible for preference, the preferential tariff will not be applied unless the customs declaration is inscribed in bold characters: "Preference claimed—Certificate of origin enclosed." Otherwise, the full customs duties will be applied to the articles.

The same applies to goods imported under permit, unless the declaration is clearly marked "Imported under license," and unless the relative license is produced at the time of customs examination. In such cases the license should be procured before the goods are imported.

Prohibitions. For sanitary reasons: Circulars or advertisements relating to the prevention or treatment of venereal disease, unless addressed to physicians or pharmacists.

Margarine, skimmed milk, and other diluted or adulterated foodstuffs, unless suitably labeled.

State monopolies, etc.: Coins, other than gold or silver, not minted in Ireland.

For other reasons: Coins exceeding £5 in value unless declared to be for ornament.

Tobacco, cigars or cigarettes packed with other articles. Extracts, essences, or concentrations of tobacco, coffee, tea, or chicory. Tobacco cut and compressed, sweetened or adulterated. See also "Import restrictions" below.

Oiled or varnished cloth or similar articles, unless accompanied by a certificate as follows: "The oilcloth or similar articles in this parcel have been stoved at a temperature of 140° F. until completely dried, and then cured for at least a month before packing."

Carbon paper, except for typewriter carbon paper which must be described on the customs declaration as follows: "Typewriter carbon paper coated with wax and containing no oxidizable or fatty substance."

Saccharine and similar substances, unless sent in 11-pound parcels containing no other merchandise.

Import restrictions.—The attention of senders should be called to the following requirements which must be met by addressees:

Addressees must obtain special permission to take delivery of the following:

Pork including bacon and ham; beef and mutton in any form; eggs and meat of poultry; butter and cheese; preserved unsweetened fruits and berries; and corn flakes.

Tobacco in any form not prohibited.

Certain drugs, vaccines, serums, biological products for injection, and surgical sutures for human use.

Firearms and deadly weapons and parts thereof, toy pistols and toy revolvers.

A variety of agricultural supplies and other merchandise. The lists are too long to give in detail, and it is recommended that senders ascertain from addressees in advance of mailing whether the articles which they desire to mail will be admitted.

Addressees must obtain "Duty Free" licenses for all commercial parcels and for gift parcels exceeding 25 (about $14) in value.

ISRAEL, STATE OF

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates.—Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. No service.

Observations.—A part of the city of Jerusalem is under the control of the State of Israel and a part (old city) under the control of the Hashemite Kingdom of Jordan. Articles for that part of Jerusalem under Israeli control should show "Israel" or "State of Israel" as the country of destination.

See "Observations" under "Parcel Post" concerning import license requirements which are also applicable to goods sent in the postal union mail.

Prohibitions and import restrictions. Perishable biological materials of infectious nature.

The articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Optional.

Postal forms required. One Form 2922, one Form 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.89; each additional 4 ounces or fraction, 57 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.89	2	0	$6.65	3	12	$10.94
0	8	2.49	2	4	6.49	4	0	10.41
0	12	3.09	2	8	6.99	4	4	10.98
1	0	3.69	2	12	7.55	4	8	11.55
1	4	4.14	3	0	8.13	4	12	12.13
1	8	4.71	3	4	8.70	5	0	12.69
1	12	5.30	3	8	9.27			

For rates over 5 pounds, charge $11.40 for each even 6 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Indemnity. No provision.

Observations. Addressees in Israel are required to obtain import licenses in order to take delivery of all parcels except the following categories:

(a) Personal effects of persons immigrating to Israel.

(b) Gift packages containing food for personal use of the addressee.

(c) Gift packages containing articles other than food, limited to 200 Israeli pounds ($100) in value, for the addressee's personal use. One family residing together may not receive more than one such parcel within three months. Such parcels may not contain radios, other than portables; television sets; or new playing cards, other than one complete set of two decks.

Parcels contravening the above requirements may be confiscated or subjected to fines by the Israeli authorities if the addressees do not have import licenses.

To facilitate clearance of commercial parcels, it is recommended that senders attach the invoice, or a copy thereof, to the dispatch note, or place it in a separate envelope pasted to the wrapper of the parcel. To avoid delay in case the invoice becomes detached, it is recommended that a copy, or the original invoice, be enclosed in the parcel.

Prohibitions. Arms, etc.: Daggers and switchblades, unless imported as antiques.

For other reasons: Pharmaceutical preparations unless properly labeled. Commercial shipments must be labeled in accordance with the Israeli pharmaceutical regulations, and gift shipments must be labeled so as to permit verification of the contents. Customs declarations must show the name of the medicine and the exact quantity. Prescription medicines should be accompanied by a copy of the prescription, in which case the customs declaration may be marked "Medicine—Prescription enclosed."

Israeli banknotes. Blank invoices with headings.

Postage stamps issued in Arab countries after May 14, 1948.

Textiles exceeding 50 Israeli pounds ($16.67) in value.

Cigarettes in excess of 200. Tobacco in excess of 250 grams (21 ounces).

Import restrictions. The attention of senders should be called to the following requirements, which are to be met by addressees:

See "Observations" for information as to import licenses which must be obtained for certain shipments.

Addressees must obtain special permission to import postage stamps exceeding 20 Israeli pounds ($6.67) per month; firearms; preserved meat for commercial use; and veterinary serums or vaccines.

ITALY (INCLUDING REPUBLIC OF SAN MARINO)

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 20 cents per half ounce. (See Chart 3, Table III.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 50 cents first 2 ounces; 20 cents each additional 2 ounces or fraction. (See Chart 3, Table VI.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. Restricted delivery permitted. See Part 242 of this chapter.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Observations. Postage stamps for philatelic purposes are admitted in registered letters on condition that the letter or letter-package bears a completed Form 2976 (see § 221.4(a) of this chapter) and the addressee complies with the Italian financial regulations.

Prohibitions and import restrictions. Currency and checks except as stated below; bonds and other values; gold and silver bullion, precious stones, jewelry and other precious articles. Italian banknotes may be mailed by banking institutions directly to Italian banks to be credited to "capital accounts." The term "checks" is understood to mean only personal checks on U.S. banks payable in Italy. Bank drafts drawn by U.S. banks on Italian banks in favor of Italian payees are understood to be admitted. Dutiable articles in letter packages, except for postage stamps (see "Observa-

tions") and perishable biological materials.

Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Compulsory.

Postal forms required. One Form 2922, one Form 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.67; each additional 4 ounces or fraction, 49 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.67	2	0	$5.19	3	12	$8.53
0	8	2.16	2	4	5.68	4	0	9.02
0	12	2.66	2	8	6.02	4	4	9.51
1	0	3.16	2	12	6.67	4	8	10.00
1	4	3.65	3	0	7.06	4	12	10.49
1	8	4.13	3	4	7.55	5	0	10.98
1	12	4.65	3	8	8.04			

For rates over 5 pounds, charge $9.83 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This amount shall be shown in U.S. currency and in gold francs. The indication in U.S. currency shall be in figures and in letters spelled out in full, and the gold franc equivalent in figures only, as shown in the following example:

INSURED VALUE

$25.75 (U.S.)

TWENTY-FIVE DOLLARS AND SEVENTY-FIVE CENTS

77.25 GOLD FRANCS

See Part 243 of this chapter, for method of converting U.S. currency into gold francs and for general information on insurance.

Coin, bullion, jewelry, or any other precious article sent as parcel post must be insured.

Observations. Commercial parcels must be accompanied by a copy of the relative commercial invoice dated and signed by the sender.

Prohibitions. For reason of sanitary policy: Medicines and drugs, including serums and vaccines, not authorized by the Italian Ministry of Public Health. Accepting postal employees are not expected to know what medicines have been authorized by the Italian authorities, and any mailable medicines, etc., are to be accepted with the understanding that final decision as to the admissibility of the articles rests with the Italian authorities.

Nursing bottles, parts thereof, and baby pacifiers not bearing an indelible mark applied by the manufacturer. Nursing bottles with long tubes, and pacifiers with cavities inside are prohibited.

The containers of canned or preserved fish products must be indelibly marked describing the contents.

State monopolies, etc.: Playing cards addressed to San Marino.

Saccharine and its products.

Tobacco in any form except for individual shipments of manufactured tobacco which the addressees may receive with the permission of the customs authorities.

Cigarette lighters and cigarette papers.

Import restrictions. Addressees require special permission to import the following:

Postage stamps; arms or parts thereof; salt; cigarette lighters and flints; cigarette papers; articles of gold, silver and platinum; radio equipment.

IVORY COAST (REPUBLIC OF)

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 10 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Money orders. Yes. See § 171.2 of this chapter.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Prohibitions and import restrictions. Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Optional.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.56; each additional 4 ounces or fraction, 60 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.56	2	0	$4.70	3	12	$7.84
0	8	2.10	2	4	5.24	4	0	8.38
0	12	2.78	2	8	6.06	4	4	11.32
1	0	3.36	2	12	7.36	4	8	11.76
1	4	3.96	3	0	8.16	4	12	12.36
1	8	4.86	3	4	8.76	5	0	12.96
1	12	4.16	3	8	9.96			

For rates over 5 pounds, charge $12 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Indemnity. No provision.

Observations. The postal authorities of Ivory Coast collect domestic postage from the addressees.

Prohibitions. Arms, etc.: Daggers, sword-canes, brass knuckles, blackjacks, and other secret weapons.

For other reasons: Foreign products, natural or manufactured, having markings, labels, or wrappings of any kind which may give the impression that they are of Ivory Coast origin. Articles bearing the "Red Cross" or "Geneva Cross" as a trademark.

Preserved fish, vegetables, and plums must bear on each container an indication of the country of origin in raised or sunken letters at least 4 millimeters (3/16 inch) high, in the middle of the lid and of the bottom, in a space not bearing any inscription. Cases and wrappers containing these products must bear adhering letters indicating the country of origin.

Weights and measures not of the metric system.

Import restrictions. The attention of senders should be called to the following requirements, which are to be met by addressees:

The following articles are subject to special regulations upon importation: Mineral waters. Stills and other distilling apparatus. Saccharine and other sweetening substances whose use is restricted to therapeutics, pharmacy, and the preparation of beverages. Firearms and airguns.

Arabic books and prints are subject to special control.

JAMAICA (INCLUDING CAYMAN ISLANDS)

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 15 cents per half ounce. (See Chart 3, Table II.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 40 cents first 2 ounces; 10 cents each additional 2 ounces or fraction. (See Chart 3, Table V.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. Restricted delivery permitted. See Part 242 of this chapter.

Special delivery. No service.

Money orders. Yes. See § 171.2 of this chapter.

Observations. Combination mailings as defined in § 222.8(a) of this chapter are accepted.

Prohibitions. Articles prohibited as parcel post are prohibited in the postal union mail.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Registered parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1; each additional pound or fraction, 30 cents. (See Chart 4, Table I.)

Air parcel rates. Four ounces or less, $1.50; each additional 4 ounces or fraction, 20 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.50	2	0	$3.90	3	12	$4.30
0	8	1.70	2	4	3.10	4	0	4.30
0	12	1.90	2	8	3.30	4	4	4.70
1	0	2.10	2	12	3.50	4	8	4.90
1	4	2.30	3	0	3.70	4	12	5.10
1	8	2.50	3	4	3.90	5	0	5.30
1	12	2.70	3	8	4.10			

For rates over 5 pounds, charge $4 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. Fee, 75 cents. There is no provision for indemnity. (See Part 242 and § 272.2(b) (4) of this chapter.)

Observations. To assure admission to Jamaica without an import license, gift parcels must be accompanied by a written statement to the effect that the contents are unsolicited gifts.

Prohibitions. For the protection of animals and plants: Uncooked pork, including ham and bacon, and all uncooked pork products.

Bees (except queens by permission of the Director of Agriculture), honey, and material already used by bee raisers.

Citrus fruits coconuts in their husks.

Cotton, including cotton lint, cottonseed, and any part of the cotton plant.

For other reasons: Coffee.

Medicaments of all kinds, unless the formula or composition is clearly printed in English or French on the container; also medicaments intended for the internal or external treatment of venereal disease if accompanied by any printed directions for use.

JAPAN

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions and import restrictions. Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

The addressees of postal union mail articles containing merchandise are required to submit import licenses at the time of customs clearance.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.39; each additional 4 ounces or fraction, 50 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.39	2	0	$4.30	3	12	$8.30
0	8	1.80	2	4	5.20	4	0	8.80
0	12	2.20	2	8	6.00	4	4	9.20
1	0	2.80	2	12	6.20	4	8	9.80
1	4	3.30	3	0	6.80	4	12	10.20
1	8	3.80	3	4	7.30	5	0	10.80
1	12	4.20	3	8	7.80			

For rates over 5 pounds, charge $10 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55
$100.01 to $150	.65
$150.01 to $200	.75
$200.01 to $300	.95
$300.01 to $330	1.15

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This amount shall be shown in U.S. currency and in gold francs. The indication in U.S. currency shall be in figures and in letters spelled out in full, and the gold franc equivalent in figures only, as shown in the following example:

INSURED VALUE

$25.75 (U.S.)

TWENTY-FIVE DOLLARS AND SEVENTY-FIVE CENTS

77.25 GOLD FRANCS

See Part 243, of this chapter, for method of converting U.S. currency into gold francs and for general information on insurance.

Coin, bullion, valuable jewelry or any other precious article sent as parcel post must be insured.

Observations. Gift parcels addressed to individuals are free of customs duty and taxes, provided (*a*) the parcel is plainly marked "Gift," (*b*) the contents consist solely of bona fide gifts for the addressee and his family, and (*c*) the value is estimated by the Japanese customs authorities at not more than 2,000 yen (about $5.56). In addition, it is understood that, as a concession, food and clothing are exempt from duty up to a value of about $10. Gift parcels sent to charitable institutions for relief purposes are likewise admitted free of duty.

See "Import restrictions" with respect to parcels not sent as gifts.

Human ashes may be accepted if presented for mailing by a licensed crematory or licensed mortuary. The ashes must be packed in a sealed metal container enclosed in a substantial outer container. There must be enclosed within the outer container, but outside the metal container, a certified copy of the death certificate and a statement or certificate executed by the crematory or mortuary to the effect that the ashes are those of the person named in the death certificate.

Prohibitions. For the protection of animals and plants: Walnuts in the shell.

The following must be accompanied by official inspection certificates showing that they are free from domestic animals' infectious disease: Meat, bones, skin, hair, feathers, horns or hoofs of hoofed animals, rabbits, or poultry; wool samples; poultry eggs for hatching; honey bees.

Arms, etc.: Firearms unless addressed to persons authorized to receive them. Toy firearms which can be easily converted into deadly weapons.

Lighters and refills containing butane gas.

State monopolies: Salt, tobacco leaves and seeds, and apparatus and papers for tobacco manufacture, unless addressed to the Japanese monopoly authorities or agents thereof. The same applies to manufactured tobacco, except that individuals may be authorized by the monopoly authorities to receive for their personal use up to 200 cigarettes, 50 cigars, and 120 grams (4¼ ounces) of smoking or chewing tobacco or snuff.

Import restrictions. The attention of senders should be called to the following requirements, which are to be met by the addressees:

Import licenses are required for certain categories of merchandise sent for commercial purposes. Licenses are not required for articles sent for personal

use of the addressee or for relief of distressed persons; for gifts up to 36,000 yen ($100) in value; or for commercial samples or advertising matter up to 180,000 yen ($500) in value sent without cost.

Addressees must comply with the applicable Japanese regulations in order to take delivery of the following:

Banknotes, currency, checks and other instruments of payment. Securities and documents embodying tangible assets.

Articles made from precious metals.

JORDAN (HASHEMITE KINGDOM) (INCLUDING CENTRAL ARAB PALESTINE)

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 80 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. Restricted delivery permitted. See Part 342 of this chapter.

Special delivery. Yes. See Chart 5 for fees and other conditions. (No service to Central Arab Palestine.)

Money orders. No service.

Observations. Central Arab Palestine includes the following post offices:

Bab-el-Hara.	Jericho.
Beit Jala.	Jerusalem (old city).
Beit Sahour.	Nablus.
Bethlehem.	Qalqilia.
Hebron.	Ramallah.
Jenin.	Tulkarem.

Mail for those places should show "Jordan" or "Hashemite Kingdom of the Jordan" as country of address.

Prohibitions. Banknotes and values payable to bearer; jewels and articles of precious metal. Perishable biological materials.

Articles prohibited as parcel post are prohibited in the postal union mail.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Optional.

Postal forms required. One Form 2922, one Form 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.73; each additional 4 ounces or fractions, 56 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.73	2	0	$5.93	3	12	$9.37
0	8	1.89	2	4	6.29	4	0	10.13
0	12	2.06	2	8	6.77	4	4	10.89
1	0	2.41	2	12	7.25	4	8	11.65
1	4	2.77	3	0	7.89	4	12	11.93
1	8	4.53	3	4	8.45	5	0	13.97
1	12	5.09	3	8	8.81			

For rates over 5 pounds, charge $11.30 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Indemnity. No provision.

Prohibitions. Arms, except sporting guns which are admitted under restrictions; essences and oils for use in making adulterated or imitated beverages.

Advertisements concerning treatment of venereal diseases or medicinal preparations intended to serve as preventives against those diseases.

Bees and silkworms.

KENYA

Postal Union Mail

Classification, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 342 of this chapter.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions and import restrictions. Coins, unless intended for ornament.

Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Optional.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.86; each additional 4 ounces or fraction, 69 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.86	2	0	$6.09	3	12	$10.40
0	8	2.02	2	4	7.06	4	0	11.32
0	12	2.34	2	8	8.07	4	4	12.24
1	0	3.30	2	12	8.70	4	8	13.16
1	4	4.26	3	0	9.46	4	12	14.08
1	8	5.21	3	4	10.24	5	0	14.97
1	12	6.09	3	8	10.58			

For rates over 5 pounds, charge $13.80 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Indemnity. No provision.

Prohibitions. Arms, including airguns, safety pistols, toy pistols, parts of the foregoing, and articles resembling deadly weapons or capable of being converted into them.

Military or civil uniforms and clothing resembling them, except by permit of the Kenya government.

Used clothing, bedding and similar articles for sale, unless accompanied by a certificate of disinfection.

Articles bearing false markings indicating British manufacture.

Import restrictions. Many types of merchandise require authorization to import which the addressee must obtain from the Director of Trade and Supplies at Nairobi. Mailers should assure themselves that the addressee has such a permit or can obtain one if needed.

KOREA (REPUBLIC OF)

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 342 of this chapter.

Special delivery. Yes. See Chart 5 for fees and other conditions. Limited to cities of Seoul, Pusan, Taegu, Gwangju, Mokpo, Jeonju, Taejun, Chungju, and Cheju.

Money orders. No service.

Observations. Articles addressed for delivery in Korea may be in any of the following languages: Korean, English, Russian, French, Spanish, Chinese or Japanese. Mail should bear the name of the addressee, street, district, town and province in Korea. The address should be shown also in Korean characters, if known.

Service is available only to the provinces comprising the Republic of Korea. See "Observations" under "Parcel Post."

Prohibitions. Dutiable articles in unregistered letter packages. Coins, paper money, securities and values payable to bearer.

Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.43; each additional 4 ounces or fraction, 54 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.43	2	0	$5.11	3	12	$8.00
0	8	1.97	2	4	5.75	4	0	8.52
0	12	2.51	2	8	6.39	4	4	10.07
1	0	3.05	2	12	6.93	4	8	10.61
1	4	3.59	3	0	7.57	4	12	11.15
1	8	4.13	3	4	7.93	5	0	11.69
1	12	4.67	3	8	8.49			

For rates over 5 pounds, charge $10.80 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This amount shall be shown in U.S. currency and in gold francs. The indications in U.S. currency shall be in figures and in letters spelled out in full, and the gold franc equivalent in figures only, as shown in the following example:

INSURED VALUE

$25.75 (U.S.)

TWENTY-FIVE DOLLARS AND SEVENTY-FIVE CENTS

77.25 Gold FRANCS

See Part 243 of this chapter, for method of converting U.S. currency into gold francs and for general information on insurance.

Observations. Parcel post service is available only to the provinces comprising the Republic of Korea, i.e., provinces south of the 38th parallel of latitude.

The following is a list of the provinces comprising the Republic of Korea:

Cheju-do.	*Hwanghae-do.
Cholla-namdo.	*Kangwon-do.
Cholla-pukto.	*Kyonggi-do.
Ch'ungch'ong-namdo.	Kyongsang-namdo.
Ch'ungch'ong-pukto.	Kyongsang-pukto.

The provinces marked with the asterisk (*) are divided by the 38th parallel of latitude, and it is the responsibility of the mailers to determine that the post offices to which their parcels are addressed are located south of the 38th parallel. Parcels addressed to offices north of the 38th parallel will not be forwarded to destination but will be treated as undeliverable.

The address of parcels should be repeated in Korean characters, if known.

Prohibitions. Books and other articles prejudicial to public safety.

Tobacco; machines and paper for making cigarettes; salt and ginseng, unless imported by the Korean government.

Import restrictions. Gift articles exceeding $50 in value and commercial shipments regardless of value require import licenses to be obtained by the addressees.

KUWAIT

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 80 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. No service.

Prohibitions and import restrictions. Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, one Form 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.52; each additional 4 ounces or fraction, 63 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.52	2	0	$5.93	3	12	$10.34
0	8	2.18	2	4	6.29	4	0	10.97
0	12	2.78	2	8	7.19	4	4	11.69
1	0	3.41	2	12	7.93	4	8	12.28
1	4	4.04	3	0	8.45	4	12	12.86
1	8	4.67	3	4	9.08	5	0	13.49
1	12	5.30	3	8	9.71			

For rates over 5 pounds, charge $12.80 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55
$100.01 to $150	.65
$150.01 to $165	.75

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured, This amount shall be shown in U.S. currency and in gold francs. The indication in U.S. currency shall be in figures and in letters spelled out in full, and the gold franc equivalent in figures only, as shown in the following example:

INSURED VALUE

$25.75 (U.S.)

TWENTY-FIVE DOLLARS AND SEVENTY-FIVE CENTS

77.25 GOLD FRANCS

Show the insured value in U.S. currency (figures only) in the appropriate space on the dispatch note (Form 2972).

See Part 243 of this chapter, for method of converting U.S. currency into gold francs and for general information on insurance.

Coins, banknotes, currency notes, or any kind of securities payable to bearer, platinum, gold, or silver, whether manufactured or unmanufactured, precious stones, jewelry, or other precious articles sent as parcel post must be insured.

Prohibitions. Lighters containing butane gas, and refills therefor. Magazines or other printed matter containing illustrations of nude or partly nude human figures.

Import restrictions. Addressees are required to obtain import licenses for preserved meat, dairy products, drugs, serums and vaccines.

LAOS

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents

each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. No service.

Observations. The following are the only post offices in operation:

Vientiane.	Pakse.
Honeisai.	Paksong.
Luangprabang.	Khongsédone.
Sayaboury.	Champassak.
Paksane.	Muong Kong.
Khammouane.	Saravane.
Savannakhet.	Attopeu.

Prohibitions. Coins; manufactured or unmanufactured platinum, gold, or silver; precious stones, jewelry, or other precious articles.

Perishable biological materials.

Articles prohibited as parcel post are prohibited in the postal union mail.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Compulsory.

Postal forms required. One Form 2922, one Form 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $2.13; each additional 4 ounces or fraction, 86 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$2.13	3	0	$8.15	7	12	$14.17
0	8	3.00	3	4	8.42	8	0	15.02
0	12	3.86	3	8	8.87	8	4	15.89
1	0	4.71	3	12	10.73	8	8	16.75
1	4	5.57	4	0	11.30	8	12	17.61
1	8	6.43	4	4	12.45	9	0	18.47
1	12	7.30	4	8	13.31			

For rates over 5 pounds, charge $17.20 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Indemnity. No provision.

Observations. See Postal Union "Observations" for post offices which are in operation.

Prohibitions. For reasons of public safety: Pistols shooting blank cartridges which have the appearance of automatic pistols.

For sanitary reasons: Unverified thermometers. Nursing bottles with tubes. Saccharine and similar products.

Arms, munitions, etc.: War arms and war material.

For other reasons: Generally, articles prohibited to France are likewise prohibited to Laos.

A number of varieties of merchandise require special permission from the military authorities for importation. The list is too long to give in detail; however, senders should be advised in their own interest to ascertain before mailing whether their goods are admissible.

LATVIA

(NOTE. The regulations mentioned below are as prescribed by the Soviet authorities who are, as a practical matter, in a position to refuse entry into Latvia of mail unless such mail complies with Soviet postal regulations.)

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each addition 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. Restricted delivery permitted. See Part 242 of this chapter.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. No service.

Observations. Same as those governing mail service with the Union of Soviet Socialist Republics. To facilitate distribution and delivery, "Union of Soviet Socialist Republics" or "U.S.S.R." must be included as part of the address of mail articles.

Prohibitions and import restrictions. Same as for the Union of Soviet Socialist Republics.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Compulsory.

Postal forms required. One Form 2922, three Forms 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.81; each additional 4 ounces or fraction, 60 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.81	3	0	$4.61	8	12	$10.21
0	8	2.41	3	4	6.01	9	0	10.81
0	12	3.01	3	8	7.23	9	4	11.41
1	0	3.61	3	12	7.83	9	8	12.01
1	4	4.21	4	0	8.43	9	12	12.61
1	8	4.81	4	4	9.03	10	0	13.21
1	12	5.41	4	8	9.61			

For rates over 5 pounds, charge $12 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Insurance. Same as for U.S.S.R.

Observations. Same as those governing parcel post service with the Union of Soviet Socialist Republics. To facilitate distribution and delivery, "Union of Soviet Socialist Republics" or "U.S.S.R." must be included as part of the address of parcels.

Prohibitions and import restrictions. Same as for the Union of Soviet Socialist Republics.

LEBANON (REPUBLIC OF)

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. Restricted delivery permitted. See Part 242 of this chapter.

Special delivery. No service.

Money orders. Yes. See § 171.2 of this chapter.

Observations. Articles must be carefully addressed to show the exact place of destination but not the names of other places nearby. The office of destination must be written legibly in Arabic characters, as far as possible, as well as in English or French.

Prohibitions and import restrictions. Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

Parcel Post

Weight limit. 11 pounds to Ain-Zhalta, Baino, Palougha, Hermel, Koubayat, Maaser-el-Chouf, Ras-Baalbeck, and Souk-el-Gharb; 44 pounds to other places.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Compulsory.

Postal forms required. One Form 2922, two Forms 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.73; each additional 4 ounces or fraction, 56 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.73	3	0	$5.65	8	12	$10.57
0	8	2.29	3	4	6.21	9	0	10.13
0	12	2.85	3	8	6.77	9	4	10.69
1	0	3.41	3	12	7.33	9	8	11.25
1	4	3.97	4	0	7.89	9	12	11.81
1	8	4.53	4	4	8.45	10	0	12.37
1	12	5.09	4	8	9.01			

For rates over 5 pounds, charge $11.20 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Indemnity. No provision.

Observations. Commercial shipments valued at 50 Lebanese pounds ($22.65) or over require three copies of a combined certificate of origin and commercial invoice. The document must be certified by a chamber of commerce or similar organization and, if a Lebanese consular officer is located at the place of mailing, it must be legalized by him. Gift shipments regardless of value and commercial shipments valued at less than 50 Lebanese pounds are exempt from the requirement.

Articles must be carefully addressed to show the exact place of destination but not the names of other places nearby. The office of destination must be written legibly in Arabic characters, as far as possible, as well as in English or French.

Prohibitions. For reasons of public safety.—Lighters using butane gas.

For sanitary reasons: Artificial butters and adulterated or harmful products.

State monopolies, etc.: Cigarette papers and machines for the manufacture or packing of cigarettes.

Salt.

Automatic and electrical gambling devices.

For other reasons: Radio-sending equipment.

Essences, essential oils, and products derived therefrom for use in the manufacture of imitated beverages, ices, and pastries.

False trade-marks, trade names, or indications of origin.

Import restrictions. The attention of senders should be called to the following requirements, which are to be met by addressees:

Import permits are required for many kinds of merchandise if the value exceeds 100 Lebanese pounds ($45.60).

Special permission is required for the importation of the following:

Certain vegetable and fish oils, unless denatured for soapmaking.

Cigarettes, cigars, leaf tobacco, and tumbeki.

Radio apparatus.

Medicines, surgical and dental instruments.

Nursing bottles. Condensed milk for infants.

LEEWARD ISLANDS (ANGUILLA, ANTIGUA, BARBUDA, MONTSERRAT, NEVIS, REDONDA, SAINT CHRISTOPHER OR SAINT KITTS, AND VIRGIN ISLANDS (BRITISH))

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 15 cents per half ounce. (See Chart 3, Table II.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 40 cents first 2 ounces; 10 cents each additional 2 ounces or fraction. (See Chart 3, Table V.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. Restricted delivery permitted. See Part 242 of this chapter.

Special delivery. No service.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions. Perishable biological materials (accepted for Montserrat only).

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1 each additional pound or fraction, 30 cents. (See Chart 4, Table I.)

Air parcel rates. Four ounces or less, $1.13; each additional 4 ounces or fraction, 23 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.13	2	0	$2.74	3	12	$4.35
0	8	1.36	2	4	2.97	4	0	4.58
0	12	1.59	2	8	3.20	4	4	4.81
1	0	1.82	2	12	3.43	4	8	5.04
1	4	2.05	3	0	3.66	4	12	5.27
1	8	2.28	3	4	3.89	5	0	5.50
1	12	2.51	3	8	4.13			

For rates over 5 pounds, charge $4.60 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This indication shall be shown in U.S. currency (figures only), in the following form:

INSURED VALUE

$35.50

Coins, bullion, jewelry, or any other precious article sent as parcel post must be insured.

For general information on insurance see Part 243 of this chapter.

LIBERIA

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. Restricted delivery permitted. See Part 242 of this chapter.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. No service.

Prohibitions. Platinum, gold, and silver, manufactured or unmanufactured; precious stones, jewelry, and other precious articles. Radioactive materials.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.42; each additional 4 ounces or fraction, 53 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.42	2	0	$3.13	3	12	$6.84
0	8	1.95	2	4	3.66	4	0	6.37
0	12	2.48	2	8	4.19	4	4	6.90
1	0	3.01	2	12	4.73	4	8	10.43
1	4	3.54	3	0	7.25	4	12	10.96
1	8	4.07	3	4	7.78	5	0	11.49
1	12	4.60	3	8	8.31			

For rates over 5 pounds, charge $10.60 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $80	.55

Print on the wrapper, near the "Insured' endorsement and number, the amount for which the parcel is insured. This indication shall be shown in U.S. currency, in figures and in letters spelled out in full, in the following form:

INSURED VALUE

$76.75

SEVENTY-SIX DOLLARS AND SEVENTY-FIVE CENTS

Coin, bank notes, currency notes, securities payable to bearer, precious stones, jewelry, or precious metals sent as parcel post must be insured.

For general information on insurance, see Part 243 of this chapter.

LIBYA (UNITED KINGDOM OF) (TRIPOLITANIA AND CYRENAICA)

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 20 cents per half ounce. (See Chart 3, Table III.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 50 cents first 2 ounces; 20 cents each additional 2 ounces or fraction. (See Chart 3, Table VI.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. No service.

Prohibitions and import restrictions. Jewels and precious articles; manufactured platinum, gold or silver; coins, paper money, and values payable to bearer. Perishable biological materials.

Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Compulsory.

Postal forms required. One Form 2922, one Form 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.71; each additional 4 ounces or fraction, 54 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.71	2	0	$6.49	3	12	$11.27
0	8	2.25	2	4	6.66	4	0	11.81
0	12	2.79	2	8	6.87	4	4	12.35
1	0	3.33	2	12	7.11	4	8	12.89
1	4	3.87	3	0	7.66	4	12	13.43
1	8	4.41	3	4	8.19	5	0	13.97
1	12	4.95	3	8	8.75			

For rates over 5 pounds, charge $10.80 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Indemnity. No provision.

Observations. Each commercial parcel must be accompanied by an invoice in duplicate, dated and signed by the sender.

Prohibitions. Arms (other than sporting guns). Tobacco in any form. Currency.

Import restrictions. The attention of senders should be called to the following requirements, which are to be met by the addressees:

Import licenses are required for chocolate and confectionery, fresh or preserved fruits and nuts, cheese, photographic supplies, soap, jewelry, carpets and rugs, brass and copper household ware, and radios, if the value of the parcel exceeds 6 Libyan pounds ($14).

Special authorization is required for plant material including seeds, salt, saccharine, sporting guns, serums and vaccines.

LITHUANIA

(MOSC. The regulations mentioned below are as prescribed by the Soviet authorities who are, as a practical matter, in a position to refuse the entry into Lithuania of mail unless such mail complies with the Soviet postal regulations.)

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. Restricted delivery permitted. See Part 242 of this chapter.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. No service.

Observations. Same as those governing mail service with the Union of Soviet Socialist Republics. To facilitate distribution and delivery, "Union of Soviet Socialist Republics" or "U.S.S.R." must be included as part of the address of mail articles.

Prohibitions and import restrictions. Same as for the Union of Soviet Socialist Republics.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Compulsory.

Postal forms required. One Form 2922, three Forms 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.81; each additional 4 ounces or fraction, 60 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.81	2	8	$6.01	3	12	$10.21
0	8	2.45	3	4	6.61	4	0	10.81
0	12	3.01	3	8	7.21	4	4	11.41
1	0	3.61	2	12	7.81	4	8	11.95
1	4	4.21	3	8	8.41	4	12	12.61
1	8	4.81	3	4	9.01	5	0	13.21
1	12	5.41	3	8	9.61			

For rates over 5 pounds, charge $12 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Insurance. Same as for U.S.S.R.

Observations. Same as those governing parcel post service with the Union of Soviet Socialist Republics. To facilitate distribution and delivery, "Union of Soviet Socialist Republics" or "U.S.S.R." must be included as part of the address of parcels.

Prohibitions and import restrictions. Same as for the Union of Soviet Socialist Republics.

LUXEMBOURG (GRAND DUCHY)

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 20 cents per half ounce. (See Chart 3, Table III.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets 50 cents first 2 ounces; 20 cents each additional 2 ounces or fraction. (See Chart 3, Table VI.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. Restricted delivery permitted. See Part 242 of this chapter.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions. Perishable biological materials.

Articles prohibited as parcel post are prohibited in the postal union mail.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, two Forms 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.57; each additional 4 ounces or fraction, 41 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.57	2	0	$4.44	3	12	$7.31
0	8	1.98	2	4	4.84	4	0	7.73
0	12	2.30	2	8	5.29	4	4	8.13
1	0	2.80	2	12	5.67	4	8	8.54
1	4	3.21	3	0	6.08	4	12	8.96
1	8	3.62	3	4	6.48	5	0	9.36
1	12	4.03	3	8	6.90			

For rates over 5 pounds, charge $8.20 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Insurance. The following insurance fees and limits of indemnity apply (surface only):

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55
$100.01 to $150	.65
$150.01 to $168	.75

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This amount shall be shown in U.S. currency and in gold francs. The indication in U.S. currency shall be in figures and in letters spelled out in full, and the gold franc equivalent in figures only, as shown in the following example:

INSURED VALUE

$25.75 (U.S.)

TWENTY-FIVE DOLLARS AND SEVENTY-FIVE CENTS

77.25 GOLD FRANCS

The same indications shall also be shown in the appropriate space on the dispatch note (Form 2972).

See Part 243 of this chapter, for method of converting U.S. currency into gold francs and for general information on insurance.

Gold or silver, whether manufactured or unmanufactured; precious stones, jewelry, or other precious articles sent as parcel post must be insured.

Prohibitions. For reasons of public safety: Anonymous printed pamphlets, without indication of the name of the printer.

Air guns, daggers, sword canes, loaded canes, and other hidden or secret defensive weapons.

For other reasons: Saccharine and similar sweetening substances, unless addressed to pharmacists for medical purposes by Government authorization.

MACAO

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. No service.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions. Coins, manufactured or unmanufactured platinum, gold and silver; jewels and other precious articles. Perishable biological materials.

Articles prohibited as parcel post are prohibited in the postal union mail.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Optional.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $2.04; each additional 4 ounces or fraction, 79 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$2.04	2	0	$7.57	3	12	$13.10
0	8	2.63	2	4	8.26	4	0	13.89
0	12	3.03	2	8	9.13	4	4	14.68
1	0	4.41	2	12	9.94	4	8	15.47
1	4	5.20	3	0	10.72	4	12	16.26
1	8	5.99	3	4	11.63	5	0	17.06
1	12	6.78	3	8	12.51			

For rates over 5 pounds, charge $15.80 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Indemnity. No provision.

Observations. Senders of parcels valued over $20 mailed at those places at which a Portuguese consul is located must furnish a consular invoice signed by the sender and visaed by the Portuguese consul. A consular invoice is also required for a number of parcels mailed the same day at the same office by the same sender to the same addressee, if the total value of the merchandise is more than $20.

The invoices may be sent enclosed in the parcels to which they relate or they may be sent direct to the addressees in sealed envelopes, preferably registered. When sent direct to the addressees, an explanatory note must be placed on the wrappers of the parcels indicating that the invoice has been sent under separate cover.

For a list of the Portuguese consuls, see Portugal.

Macao is a Portuguese colony and parcels for Macao should be addressed to "Macao" and not to "Macao, China."

MADAGASCAR (MALAGASY REPUBLIC) MADAGASCAR, STE. MARIE-DE-MADAGASCAR, AND NOSSI-BÉ

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. No service.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions. Coins, manufactured or unmanufactured platinum, gold and silver; jewels and other precious articles. Perishable biological materials.

Articles prohibited as parcel post are prohibited in the postal union mail.

Parcel Post

Weight limit. 11 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Optional.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.96; each additional 4 ounces or fraction, 77 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.96	2	0	$7.36	3	12	$13.74
0	8	2.73	2	4	8.12	4	0	13.53
0	12	3.50	2	8	8.90	4	4	14.28
1	0	4.27	2	12	9.66	4	8	14.66
1	4	5.04	3	0	10.43	4	12	15.23
1	8	5.81	3	4	11.20	5	0	15.59
1	12	6.58	3	8	11.97			

For rates over 5 pounds, charge $15.40 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Indemnity. No provision.

Prohibitions. Saccharine. Compound medicines not appearing in an official pharmacopoeia.

Playing cards. Tobacco sauce (Praiss). Articles violating the copyright laws. Products bearing false indications of origin. Preserved fish, vegetables, and

plums not bearing on each receptacle a stamp showing their origin. Boxes of preserved sardines weighing more than 1 kilogram.

MADEIRA ISLANDS

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter. Small packets not accepted.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 20 cents per half ounce. (See Chart 3, Table III.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, and samples of merchandise, 50 cents first 2 ounces; 20 cents each additional 2 ounces or fraction. (See Chart 3 Table VI.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions and import restrictions. Same as for Portugal.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, one Form 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.34; each additional 4 ounces or fraction, 45 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.34	2	0	$4.49	3	12	$7.64
0	8	1.79	2	4	4.94	4	0	8.09
0	12	2.24	2	8	5.39	4	4	8.54
1	0	2.69	2	12	5.84	4	8	8.99
1	4	3.14	3	0	6.29	4	12	9.44
1	8	3.59	3	4	6.74	5	0	9.89
1	12	4.04	3	8	7.19			

For rates over 5 pounds, charge $9 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Insurance. Same as for Portugal.

Prohibitions and import restrictions. Same as for Portugal.

MALAWI

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. No service.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions. Correspondence concerning fraudulent enterprises or fortune telling.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Optional.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.69; each additional 4 ounces or fraction, 79 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.69	2	8	$7.22	3	12	$12.75
0	8	2.48	3	4	8.01	4	0	13.54
0	12	3.27	2	8	8.80	4	4	14.33
1	0	4.06	3	12	9.59	4	8	15.12
1	4	4.85	4	0	10.38	4	12	15.91
1	8	5.64	3	4	11.17	5	0	16.70
1	12	6.43	3	8	11.96			

For rates over 5 pounds, charge $15.80 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Indemnity. No provision.

Prohibitions. Advertisements concerning the treatment of venereal disease, unless addressed to physicians or pharmacists for professional use.

Vaccines, sera, and similar substances, unless labeled with the name and address of the manufacturer and the date of manufacture or the date after which the preparation is not to be used.

Bank notes as well as gold, platinum, silver, jewels, and other precious articles.

MALAYSIA (THE STATES OF MALAYA [JOHORE, KEDAH, KELANTAN, MALACCA, NEGRI SEMBILAN, PAHANG, PENANG, PERAK, PERLIS, SELANGOR, AND TRENGGANU], SABAH [NORTH BORNEO AND LABUAN], AND SARAWAK)

Postal Union Mails

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. No service.

Money orders. Yes. See § 171.2 of this chapter.

Observations. The import licensing regulations (see Parcel Post Observations) apply also to merchandise sent by postal union mail.

Prohibitions. Paper money, except when addressed to the States of Malaya and not exceeding 100 Malaysian dollars ($32.60 U.S. currency) in value.

Coins; manufactured or unmanufactured platinum, gold or silver; jewelry and other precious articles.

Radioactive materials.

Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2921, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $2.05; each additional 4 ounces or fraction, 90 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$2.05	2	8	$8.35	3	12	$14.65
0	8	2.66	3	4	8.96	4	0	15.26
0	12	3.26	2	8	10.15	4	4	16.45
1	0	4.76	2	12	11.04	4	8	17.35
1	4	5.05	3	0	11.96	4	12	18.25
1	8	5.55	3	4	12.85	5	0	19.15
1	12	7.45	3	8	13.75			

For rates over 5 pounds, charge $18 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This amount shall be shown in U.S. currency and in gold francs. The indication in U.S. currency shall be in figures and in letters spelled out in full, and the gold franc equivalent in figures only, as shown in the following example:

INSURED VALUE

$25.75 (U.S.)

TWENTY-FIVE DOLLARS AND SEVENTY-FIVE CENTS

77.25 GOLD FRANCS

Insured parcels for Sabah (North Borneo and Labuan) and Sarawak are accepted only for delivery at the following offices:

Sabah (North Borneo and Labuan): Beaufort, Jesselton, Keningau, Kota Belud, Kudat, Labuan, Lahad Datu, Papar, Ranau, Sandakan, Semporna, Tawau, Tenom, and Tuoran.

Sarawak: Baram, Bintulu, Kuching, Limbang, Miri, Mukah, Sarikei, Sibu and Simanggang.

See Part 243 of this chapter, for method of converting U.S. currency into gold francs and for general information on insurance.

Coins, precious metals, jewelry, or other precious articles sent as parcel post must be insured.

Observations. Many types of merchandise require import licenses which addressees must obtain from the Malaysian authorities. Senders should assure themselves before mailing that addressees can obtain licenses if needed.

Prohibitions. Arms, etc.: Firearms, including gas guns, and any component parts of such weapons.

Butane gas lighters and refills therefor.

For other reasons: To the States of Malaya only: Paper money and values payable to bearer (paper money admitted in registered letters—see Postal Union Mail Prohibitions). Coins or ingots of a value higher than 50 Malaysian dollars ($16.30 U.S. Currency), except coins manifestly intended for ornament.

Import restrictions. Hypodermic syringes require authorization of the medical authorities at Kuala Lampur.

MALI (REPUBLIC OF)
MALDIVE ISLANDS

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter. Small packets not accepted.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, and samples of merchandise, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. See "Observations." Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. No service.

Money orders. No service.

Observations. The Postal Administration of Ceylon, where mail is sent for forwarding to the Maldive Islands, assumes no responsibility for registered articles after dispatch from Colombo.

Prohibitions. Dutiable articles in letter packages; also perishable biological materials.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Optional.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel post. No service.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Indemnity. No provision.

MALI (REPUBLIC OF)

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions and import restrictions. Perishable biological materials.

Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Optional.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $2.20; each additional 4 ounces, 52 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$2.20	2	0	$6.84	3	12	$10.48
0	8	2.72	2	4	6.36	4	0	10.00
0	12	3.24	2	8	6.88	4	4	10.52
1	0	3.76	2	12	7.40	4	8	11.04
1	4	4.28	3	0	7.92	4	12	11.56
1	8	4.80	2	4	8.44	5	0	12.08
1	12	5.32	2	8	8.96			

For rates over 5 pounds, charge $10.40 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Indemnity. No provision.

Observations. The postal authorities of Mali collect domestic postage from the addressees.

Prohibitions. Daggers, sword-canes, blackjacks, and other concealable weapons except firearms and airguns (see "Import restrictions" below).

Articles with markings, labels, or wrappings indicating falsely that they are of French origin. Articles having the "Red Cross" or "Geneva Cross" as a trademark.

Preserved fish, vegetables, and plums, unless marked plainly with country of origin. Boxes of fish weighing more than one kilogram.

Weights and measures not of the metric system.

Import restrictions. The attention of senders should be called to the following requirements, which are to be met by the addressees:

The following articles are subject to special regulations on importation: Firearms and airguns; distilling apparatus; saccharine and artificial flavors for beverages and confectionery; phonograph records; Arabic books and prints.

MALTA (INCLUDING GOZO AND CUMINO ISLANDS)

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 20 cents per half ounce. (See Chart 3, Table III.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 50 cents first 2 ounces; 20 cents each additional 2 ounces or fraction. (See Chart 3, Table VI.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See part 242 of this chapter.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions and import restrictions. Coins; manufactured or unmanufactured platinum, gold, or silver; precious stones, jewelry, and other precious articles.

Articles restricted as parcel post are restricted in the postal union mail.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Optional.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.65; each additional ounce or fraction, 49 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.08	2	0	$6.08	3	12	$8.81
0	8	1.34	2	4	6.67	4	0	9.09
0	12	1.60	2	8	6.98	4	4	9.48
1	0	1.13	2	12	6.55	4	8	9.86
1	4	2.01	3	0	7.04	4	12	10.47
1	8	4.30	3	4	7.68	5	0	10.96
1	12	4.59	3	8	8.08			

For rates over 5 pounds, charge $6.80 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Indemnity. No provision.

Prohibitions. Switchblade knives.

Import restrictions. Addressees are required to obtain import licenses for all parcels except bona fide gifts for personal use, of small value and sent infrequently.

MARTINIQUE

Postal Union Mail

Classification, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 15 cents per half ounce. (See Chart 3, Table II.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 40 cents first 2 ounces; 10 cents each additional 2 ounces or fraction. (See Chart 3, Table V.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions. Paper money and other instruments of payment, letters of credit, securities, or deeds unless accompanied by a permit issued by the French exchange-control authorities, or unless imported by a bank.

Coins; manufactured or unmanufactured platinum, gold or silver; precious stones; jewelry and other precious articles.

Perishable biological materials.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Optional.

Postal forms required. One Form 2922, two Forms 2966.

Surface parcel rates. Two pounds or less, $1; each additional pound or fraction, 30 cents. (See Chart 4, Table I.)

Air parcel rates. Four ounces or less, $1.27; each additional 4 ounces or fraction, 23 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.37	2	0	$5.35	3	12	$4.69
0	8	1.50	2	4	5.11	4	0	4.73
0	12	1.73	2	8	5.54	4	4	4.96
1	0	1.26	2	12	5.57	4	8	5.18
1	4	2.19	3	0	5.80	4	12	5.41
1	8	2.42	3	4	4.08	5	0	5.64
1	12	2.65	3	8	4.30			

For rates over 5 pounds, charge $4.60 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Indemnity. No provision.

Observations. Invoices and certificates of origin are required as for France.

Prohibitions. Butane gas lighters.

MAURITANIA (ISLAMIC REPUBLIC)

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions. Perishable biological materials.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Optional.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.50; each additional 4 ounces or fraction, 49 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.50	2	0	$4.98	3	12	$6.26
0	8	1.90	2	4	5.43	4	0	5.95
0	12	2.08	2	8	5.91	4	4	6.34
1	0	2.07	2	12	6.40	4	8	6.66
1	4	2.46	3	0	6.88	4	12	10.22
1	8	2.86	3	4	7.36	5	0	10.81
1	12	4.44	3	8	7.87			

For rates over 5 pounds, charge $8.80 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Indemnity. No provision.

Observations. The service extends to—

Aioun-El-Atroues.
Akjoujt.
Aleg.
Atar.
Bogha.
Boutilimit.
Chinguetti.
Kaédi.
Kiffa.
Maghama.
M'Bout.
Mederdra.
Moudjeria.
Nema.
Nouakchott.
Port Etienne.
Rosso.
Selibaby.
Tamchakett.
Tidjikja.
Timbedra.

Parcels for other places may be accepted but must be claimed at one of these offices, of which the name must appear in the address.

The postal authorities of Mauritania collect domestic postage from the addressees.

MAURITIUS AND DEPENDENCIES (INCLUDING RODRIGUES)

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. No service.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions. Coins and banknotes which are legal tender in Great Britain, Mauritius, Madagascar, or Réunion Islands.

Parcel Post

Weight limit. 11 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Optional.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.91; each additional 4 ounces or fraction, 82 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.94	2	0	$7.05	3	12	$13.39
0	8	2.73	2	4	8.47	4	0	14.21
0	12	3.05	2	8	8.99	4	4	14.03
1	0	4.27	2	12	10.11	4	8	15.85
1	4	5.10	3	0	10.96	4	12	16.67
1	8	5.93	3	4	11.75	5	0	17.49
1	12	6.80	3	8	12.57			

For rates over 5 pounds, charge $16.40 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Indemnity. No provision.

Prohibitions. Drugs and medicines, unless addressed to physicians, dentists, pharmacists, or veterinarians.

MEXICO

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 8 cents per ounce. (See Chart 3, Table I.)

Single post cards, 6 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 40 cents first 2 ounces; 10 cents each additional 2 ounces or fraction. (See Chart 3, Table V.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 19 cents to return by air. See Part 242 of this chapter.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Observations. The Mexican requirements for import licenses and commercial invoices given in "Observations" under "Parcel Post" apply also to postal union mail packages.

Combination mailings as defined in 222.8(a) of this chapter are accepted.

Prohibitions and import restrictions. Banknotes and values payable to bearer, unless addressed to Mexican banks.

Works reprinted abroad in violation of the Mexican copyright laws.

Perishable biological materials.

Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

Parcel Post

NOTICE! WARN ALL SENDERS OF MEXICAN IMPORT REGULATIONS

(Read "Observations" that follow)

Weight limit. 44 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Compulsory.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1; each additional pound or fraction, 30 cents. (See Chart 4, Table I.)

Air parcel rates. Four ounces or less, $1.12; each additional 4 ounces or fraction, 22 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.13	3	0	$2.66	3	12	$4.20
0	8	1.34	3	4	3.28	4	0	4.43
0	12	1.56	3	8	3.10	4	4	4.64
1	0	1.78	3	12	3.32	4	8	4.86
1	4	2.00	3	0	3.54	4	12	5.08
1	8	2.22	3	4	3.76	5	0	5.30
1	12	2.44	3	8	3.98			

For rates over 5 pounds, charge $4.40 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to U.S. dispatching exchange office only. See Chart 6 for fees.

Indemnity. No provision.

Observations. A large variety of items, when the value exceeds 200 Mexican pesos (about $16), require import licenses which the addressees must obtain before the goods arrive. The Mexican official valuation of articles may be higher than the purchase price. Also, customs duty is assessed at high rates. This applies to gifts and to Mexican goods being returned for replacement or repair, as well as commercial shipments. If the addressees have not obtained import licenses, if required, before the parcels arrive, the Mexican customs authorities may assess fines in addition to the duty, or confiscate the parcels. Confiscated parcels are not released without authorization of the customs authorities, even if the addressees refuse them or the senders request their return.

Parcel post and postal union mail packages for which the declared value exceeds $16 (U.S. currency) are not to be accepted for mailing unless the sender has marked the wrapper "Addressee possesses Mexican import license" or "Addressee does not require Mexican import license".

Parcels may be addressed to banks or other organizations for ultimate delivery to second addressees. The names and addresses of both addressees should be indicated on the parcels and on the customs declarations. The second addressee however may not take delivery without written authority from the first addressee, unless the sender arranges for change of address as provided in Part 247 of this chapter.

Parcels containing queen bees and accompanying worker bees must have enclosed an official health certificate. The addressee must possess an import permit to be secured from the Mexican "Secretaría de Agricultura y Ganaderia" before the bees are mailed. The wrapper must be marked "Health Certificate Enclosed—Addressee Has Import Permit."

Insecticides, fungicides and germicides must be packed with cushioning material between the inner and outer containers, and each receptacle shall be plainly marked with the word "Poison" and the label or printed name of the manufacturer.

For each parcel or group of parcels exceeding $70 in value, a commercial invoice in triplicate must be enclosed in the parcel or in one parcel of the group. The wrapper of each parcel should be marked "Commercial invoice enclosed" or "Commercial invoice enclosed in parcel No. —", as the case may be.

Prohibitions. For sanitary reasons: Pacifiers for the amusement of babies should bear labels in Spanish showing the material of which they are made and the name and address of the manufacturer.

Arms, etc.: Pistols, hunting and target arms, require a certificate from the Mexican consul at the place of shipment. Pistols and other instruments for the projection of tear gas are prohibited.

For other reasons: Works violating the Mexican copyright laws.

Bank notes, coins of all kinds, and values payable to bearer. As an exception, the Bank of Mexico and the banks associated therewith are authorized to import bank notes exclusively for the purpose of exchange.

Candy containing chocolate.

Cigarettes, unless the manufacturer has placed Mexican excise tax stamps on each pack.

Queen bees and accompanying worker bees, unless mailed in compliance with the Mexican regulations (see "Observations").

Radioactive materials, unless the sender has obtained import authorization prior to mailing from the National Nuclear Energy Commission, Av. Insurgentes Sur 1079, Mexico, D.F., Mexico.

Import restrictions. The attention of senders should be called to the following requirements, which are to be met by the addressees:

Meat or other animal products in cans, except in quantities less than 11 pounds require an inspection certificate from the Ministry of Agriculture and Fomento.

Arms other than those mentioned under "Prohibitions" require special permission from the Secretariat of War and Navy.

See "Observations" concerning import permits required for certain items exceeding 200 pesos in value.

MOROCCO (INCLUDING SOUTHERN PROTECTORATE)

Postal Union Mail

Classifications weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 20 cents per half ounce. (See Chart 3, Table III.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 50 cents first 2 ounces; 20 cents each additional 2 ounces or fraction. (See Chart 3, Table VI.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions and import restrictions. Manufactured and unmanufactured platinum, gold or silver; jewelry and other precious articles.

Perishable biological materials.

Articles prohibited or restricted as parcel post or prohibited or restricted in the postal union mail.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Compulsory.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.87; each additional 4 ounces or fraction, 40 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.47	2	0	$5.10	3	12	$8.33
0	8	1.10	2	4	5.39	4	0	8.62
0	12	1.65	2	8	6.69	4	4	8.84
1	0	2.14	2	12	6.47	4	8	10.03
1	4	2.63	3	0	7.06	4	12	10.49
1	8	4.12	3	4	7.65	5	0	10.98
1	12	4.61	3	8	8.24			

For weights over 5 pounds, charge $8.80 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Indemnity. No provision.

Prohibitions. For reasons of public safety: Arms, except deluxe and hunting arms authorized for supply to dealers or for strictly personal use by individuals.

Nipples and pacifiers made of substances other than pure rubber.

For sanitary reasons: Foods and beverages to which antiseptic or coloring substances have been added.

Arms, etc.: War arms and parts thereof, except for the Ministry of War.

State monopolies: Leaf tobacco, manufactured tobacco and "kiff," except for the Tobacco Monopoly. However, tobacco required for reasons of health or habit may be imported by individuals for their personal use, subject to previous authorization.

For other reasons: Articles bearing false indications or any designs resembling national Moroccan decorations.

Coins and banknotes, unless imported by the Bank of Morocco or other approved banks.

Import restrictions. Addressees are required to obtain import licenses in some cases. Special licenses are required for tobacco products, radio receivers, admissible firearms, motion picture films, white lead and other lead compounds.

MUSCAT (INCLUDING OMAN)

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix Directory and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this Chapter.

Special delivery. No service.

Money orders. No service.

Prohibitions. Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, two Forms 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.54; each additional 4 ounces or fraction, 65 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.54	2	0	$5.25	3	12	$10.64
0	8	2.19	2	4	6.74	4	0	11.29
0	12	3.84	2	8	7.39	4	4	11.84
1	0	3.49	2	12	8.04	4	8	12.39
1	4	4.14	3	0	8.69	4	12	12.94
1	8	4.79	3	4	9.34	5	0	13.59
1	12	5.44	3	8	9.99			

For rates over 5 pounds, charge $13 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This indication shall be shown in U.S. currency, in figures and in letters spelled out in full, in the following form:

INSURED VALUE

$76.75

SEVENTY-SIX DOLLARS AND SEVENTY-FIVE CENTS

Coins, bullion, precious stones, and any article of gold, silver, or platinum sent as parcel post must be insured. Parcels containing jewelry must not have a value exceeding $160.

The final decision on all questions of compensation rests with the country in whose service the loss, rifling, or damage took place.

For general information on insurance, see Part 243 of this chapter.

Prohibitions. Arms and parts thereof. Cultivated, imitation, artificial, or bleached pearls.

Coins and gold ingots exceeding £5 ($14) in value, except coins declared to be intended as ornaments. Silver ingots or partially worked silver exceeding £20 ($56) in value.

Carbon paper, oilskins, and similar goods are subject to the conditions applicable to such articles for Great Britain.

NEPAL

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter. Small packets not accepted.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, and samples of merchandise, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. No service.

Money orders. No service.

Prohibitions. Dutiable articles in letter packages unless addressed to Kathmandu, Bhairawa, or Biratnagar; also perishable biological materials and radioactive materials.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Optional.

Postal forms required. One Form 2922, two Forms 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.69; each additional 4 ounces or fraction, 80 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.69	2	0	$7.30	3	12	$12.90
0	8	2.40	2	4	8.09	4	0	13.69
0	12	3.20	2	8	8.89	4	4	14.49
1	0	4.00	2	12	9.69	4	8	15.28
1	4	4.80	3	0	10.48	4	12	16.08
1	8	5.60	3	4	11.28	5	0	16.88
1	12	6.40	3	8	12.08			

For rates over 5 pounds, charge $16 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Indemnity. No provision.

NETHERLANDS

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 20 cents per half ounce. (See Chart 3, Table III.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 50 cents first 2 ounces; 20 cents each additional 2 ounces or fraction. (See Chart 3, Table VI.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Observations. See "Import restrictions" under "Parcel Post," concerning authorization required to be obtained by the addressee for the importation of currency: gold or diamonds, manufactured or not; art treasures; postage stamps; instruments of payment, valid or not; paper values; and public credit documents and securities.

Prohibitions and import restrictions. Perishable biological materials.

Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, two Forms 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.50; each additional 4 ounces or fraction, 42 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.50	2	0	$4.44	3	12	$7.38
0	8	1.93	2	4	4.95	4	0	7.80
0	12	2.34	2	8	5.28	4	4	8.23
1	0	2.76	2	12	5.70	4	8	8.64
1	4	3.18	3	0	6.13	4	12	9.05
1	8	3.60	3	4	6.54	5	0	9.48
1	12	4.02	3	8	6.96			

For rates over 5 pounds, charge $8.40 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55
$100.01 to $150	.65
$150.01 to $165	.75

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This amount shall be shown in U.S. currency and in gold francs. The indication in U.S. currency shall be in figures and in letters spelled out in full, and the gold franc equivalent in figures only, as shown in the following example:

INSURED VALUE

$25.75 (U.S.)

TWENTY-FIVE DOLLARS AND SEVENTY-FIVE CENTS

77.25 GOLD FRANCS

The insured value shall also be shown in U.S. currency (figures only) in the appropriate space on the dispatch note (Form 2972).

See Part 243 of this chapter for method of converting United States currency into gold francs and for general information on insurance.

Coins, bullion, jewelry, or any other precious article sent as parcel post must be insured.

Prohibitions. Firearms, switchblade knives, daggers, disguised weapons and parts thereof, brass knuckles, blackjacks, and hand weapons for discharging poisonous substances, unless accompanied by a permit from the Netherlands Ministry of Justice.

Inflammable films and celluloid articles. Noninflammable films must be described on customs declarations by the word "Noninflammable" or "Safety."

Import restrictions. Authorization from the "Nederlandsche Bank" is required to be obtained by the addressee for the importation of coins and paper money; gold or diamonds, manufactured or not; art treasures; postage stamps; instruments of payment, valid or not (including checks); paper values; and public credit documents and securities. Prospective senders should be advised that, unless the addressee possesses the necessary authorization, which should be secured before the articles are mailed, the articles may be confiscated by the Netherlands customs authorities.

NETHERLANDS ANTILLES (ARUBA, BONAIRE CURAÇAO, SABA, SAINT EUSTATIUS, AND THE NETHERLANDS PART OF SAINT MARTIN [SINT MAARTEN])

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 15 cents per half ounce. (See Chart 3, Table II.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 40 cents first 2 ounces; 10 cents each additional 2 ounces or fraction. (See Chart 3, Table V.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. No service.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions. Articles prohibited as parcel post are prohibited in the postal union mail.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1; each additional pound or fraction, 30 cents. (See Chart 4, Table I.)

Air parcel rates. Four ounces or less, $1.32; each additional 4 ounces or fraction, 28 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.32	2	0	$3.36	3	12	$5.34
0	8	1.60	2	4	3.88	4	0	5.62
0	12	1.88	2	8	3.84	4	4	5.90
1	0	2.16	2	12	4.12	4	8	6.08
1	4	2.44	3	0	4.40	4	12	6.36
1	8	2.72	3	4	4.68	5	0	6.64
1	12	3.00	3	8	4.96			

For rates over 5 pounds, charge $4.60 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55
$100.01 to $150	.65
$150.01 to $165	.75

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This amount shall be shown in U.S. currency and in gold francs. The indication in U.S. currency shall be in figures and in letters spelled out in full, and the gold franc equivalent in figures only, as shown in the following example:

INSURED VALUE

$25.75 (U.S.)

TWENTY-FIVE DOLLARS AND SEVENTY-FIVE CENTS

77.25 GOLD FRANCS

See Part 243 of this chapter for method of converting U.S. currency into gold

frances and for general information on insurance.

Coins, bullion, jewelry, or any other precious article sent as parcel post must be insured.

Prohibitions. Arms, except by special permission. Copper, bronze, or nickel coins.

NEW CALEDONIA AND DEPENDENCIES (INCLUDING ISLE OF PINES, LOYALTY ISLANDS, HUAN ISLANDS, FUTUNA AND ALOFI ISLANDS AND THE WALLIS ISLANDS)

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions. Paper money and other instruments of payment, letters of credit, securities, or deeds may be imported by mail only if accompanied by a permit issued by the French exchange-control authorities, or if imported by a bank.

Perishable biological materials.

Articles prohibited as parcel post are prohibited in the postal union mail.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Optional.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.78; each additional 4 ounces or fraction, 59 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.78	3	0	$5.91	3	12	$10.04
0	8	2.37	3	4	6.50	4	0	10.63
0	12	2.96	3	8	7.09	4	4	11.22
1	0	3.55	3	12	7.68	4	8	11.81
1	4	4.14	4	0	8.27	4	12	12.40
1	8	4.73	4	4	8.86	5	0	12.99
1	12	5.32	4	8	9.45			

For rates over 5 pounds, charge $11.90 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Indemnity. No provision.

Prohibitions. Saccharine and similar substances unless addressed to pharmacists. Firearms not intended for Government use. Airguns, other than toys. Tobacco leaves or manufactured tobacco. Weights and measures not of the decimal system.

NEW GUINEA, TERRITORY OF (COMPRISES NORTHEAST PORTION OF NEW GUINEA ISLAND, BISMARCK ARCHIPELAGO [NEW BRITAIN, NEW IRELAND, NEW HANOVER, ADMIRALTY ISLANDS], AND BUKA, AND BOUGAINVILLE [SOLOMON ISLANDS])

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. No service.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions. Same as for Australia.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.73; each additional 4 ounces or fraction, 84 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.73	3	0	$7.61	3	12	$13.48
0	8	2.57	3	4	8.45	4	0	14.32
0	12	3.41	3	8	9.29	4	4	15.17
1	0	4.25	3	12	10.13	4	8	16.01
1	4	5.09	4	0	10.97	4	12	16.85
1	8	5.93	4	4	11.81	5	0	17.69
1	12	6.77	4	8	12.65			

For rates over 5 pounds, charge $16.80 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $80	.55

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This indication shall be shown in U.S. currency, in figures and in letters spelled out in full, in the following form:

INSURED VALUE

$75.00

SEVENTY-FIVE DOLLARS

Banknotes, currency notes, or any kind of securities payable to bearer, platinum, gold, or silver (whether manufactured or unmanufactured); precious stones, jewelry, or other precious articles sent as parcel post must be insured.

For general information on insurance, see Part 243 of this chapter.

Prohibitions. Same as for Australia.

NEW HEBRIDES (INCLUDING THE BANKS AND TORRES ISLANDS)

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. No service.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions and import restrictions. Same as for France.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Optional.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.68; each additional 4 ounces or fraction, 59 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.68	3	0	$5.32	3	12	$9.86
0	8	2.27	3	4	5.40	4	0	10.45
0	12	2.86	3	8	6.99	4	4	11.13
1	0	3.45	3	12	7.58	4	8	11.72
1	4	4.04	4	0	8.17	4	12	12.31
1	8	4.63	4	4	8.76	5	0	12.90
1	12	5.22	4	8	9.35			

For rates over 5 pounds, charge $11.80 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Indemnity. No provision.

Prohibitions and import restrictions. Same as for France.

NEW ZEALAND (INCLUDING COOK ISLANDS [RAROTONGA, MANGAIA, ATIU, AITUTAKI, MITIARO, MAUKE (OR PARRY) AND HERVEY OR MANUAI] AND DANGER (PUKAPUKA), MANAHIKI, PALMERSTON (AVARUA), PENRHYN (TONGAREVA), RAKAANGA, SAVAGE (NIUE) AND SUWARROW ISLANDS)

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. No service.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions and import restrictions. Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Insured parcels must, and ordinary parcels may be sealed.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.89; each additional 4 ounces or fraction, 67 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.89	2	0	$5.35	3	12	$11.27
0	8	2.56	3	4	7.26	4	0	11.94
0	12	3.23	3	8	7.93	4	4	12.61
1	0	3.90	3	12	8.60	4	8	13.28
1	4	4.57	3	8	9.28	4	12	13.94
1	8	5.24	3	4	9.95	5	0	14.61
1	12	5.91	3	8	10.62			

For rates over 5 pounds, charge $13.40 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55
$100.01 to $150	.65
$150.01 to $165	.75

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This amount shall be shown in U.S. currency and in gold francs. The indication in U.S. currency shall be in figures and in letters spelled out in full, and the gold franc equivalent in figures only, as shown in the following example:

INSURED VALUE

$25.75 (U.S.)

TWENTY-FIVE DOLLARS AND SEVENTY-FIVE CENTS

77.25 GOLD FRANCS

See Part 243 of this chapter for method of converting U.S. currency into gold francs, and for general information on insurance.

Coin, platinum, gold, or silver (whether manufactured or unmanufactured) precious stones, jewels, or other precious articles sent as parcel post must be insured.

Insured parcels for the Cook Islands and other islands mentioned under New Zealand are subject to the following restrictions: In the case of parcels for Savage (Niue) and Rarotonga, the insurance is effective until delivery. In the case of all the other islands, insurance is effective only as far as Rarotonga and no indemnity will be paid for loss, rifling, or damage occurring to parcels for these other islands after they leave Rarotonga.

Observations. Each commercial shipment must be covered by a commercial invoice showing the current domestic price of the goods (that is, what the price would be if sold in the United States) and the selling price to the purchaser in New Zealand. The invoice must include a certificate as to the value of the goods, prepared in prescribed form and signed by the shipper. Printed blanks for the invoice and certificate can be purchased from printing firms specializing in such supplies.

The completed invoice must be sent to the addressee by letter mail. It is desirable to send one copy by air mail and another by the ordinary means.

Prohibitions. For reasons of sanitary policy: Samples of wool or cotton unless certified to be clean.

Used clothing and used bedding, except for the personal use of persons in New Zealand, or with permission of the New Zealand Minister of Customs. Worn-out clothing not for personal use must be clean and disinfected, or it will be done at the addressee's expense.

Paint with lead base, unless plainly marked "This paint contains lead."

For the protection of animals and plants: Meat and meat products, unless sterilized by heat and enclosed in hermetically sealed cans or glass containers.

Arms: Firearms, unless the addressee has police permission.

Import restrictions. The attention of senders should be called to the following:

Addressees are required to obtain import licenses from the New Zealand customs authorities for all parcels except the following:

(a) Bona fide gifts not exceeding £20 ($56) in value.

(b) Merchandise for the addressee's personal use, not for his business or professional use or for sale or trade, and not exceeding £10 ($28) in value.

(c) Postage stamps being exchanged.

NICARAGUA

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 15 cents per half ounce. (See Chart 3, Table II.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 40 cents first 2 ounces; 10 cents each additional 2 ounces or fraction. (See Chart 3, Table V.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. No service.

Money orders. No service.

Observations. Combination mailings as defined in § 222.8(a) of this chapter are accepted.

Prohibitions. Coins, banknotes, platinum, gold, and silver. Perishable biological materials.

Articles prohibited as parcel post are prohibited in the postal union mail.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Compulsory.

Postal forms required. One Form 2922, One Form 2966.

Surface parcel rates. Two pounds or less, $1; each additional pound or fraction, 30 cents. (See Chart 4, Table I.)

Air parcel rates. Four ounces or less, $1.32; each additional 4 ounces or fraction, 26 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.20	2	0	$3.10	3	12	$4.90
0	8	1.30	2	4	3.40	4	0	5.20
0	12	1.50	2	8	3.60	4	4	5.60
1	0	1.70	2	12	3.90	4	8	5.70
1	4	2.00	3	0	4.20	4	12	6.00
1	8	2.40	3	4	4.40	5	0	6.20
1	12	2.60	3	8	4.70			

For rates over 5 pounds, charge $4.20 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55
$100.01 to $150	.65
$150.01 to $165	.75

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This amount shall be shown in U.S. currency and in gold francs. The indication in U.S. currency shall be in figures and in letters spelled out in full, and the gold franc equivalent in figures only, as shown in the following example:

INSURED VALUE

$25.75 (U.S.)

TWENTY-FIVE DOLLARS AND SEVENTY-FIVE CENTS

77.25 GOLD FRANCS

See Part 243 of this chapter for method of converting U.S. currency into gold francs and for general information on insurance.

Coin, precious metals, jewelry, or other precious articles sent as parcel post must be insured.

Observations. For parcels valued at $10 or over, a set of five commercial invoices prepared in Spanish must be sent to the nearest Nicaraguan consulate for legalization. The consulate retains one copy. The original and one copy must be enclosed in the parcel and the fact noted on the wrapper; another copy should be sent by air to the addressee.

Nicaraguan consulates are located in principal cities of the United States.

For parcels valued at less than $10, legalized invoices are not required, but two copies of the commercial invoice should be placed in the parcel and the fact noted on the wrapper.

Parcels may be addressed to banks or other organizations for ultimate delivery to second addressees. The latter however may not take delivery without written authority from the first addressee, unless the sender arranges for change of address as provided in Part 247 of this chapter.

Prohibitions. For sanitary reasons: Pharmaceutical specialties not registered in Nicaragua; pharmaceutical preparations or secret remedies of unknown composition whose formulas have not been made public.

Arms, etc.: Bullets of iron or lead.

Firearms except with the permission of the Government.

For other reasons: Lighters.

Telegraph apparatus.

Police whistles.

Distilling apparatus.

Footwear, including shoes, slippers, and rubbers, except when sent as personal gifts.

NIGER (REPUBLIC OF)

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions and import restrictions. Perishable biological materials.

Articles prohibited and restricted as parcel post are prohibited and restricted in postal union mail.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Compulsory.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $2.19; each additional 4 ounces, 50 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$2.19	2	0	$5.89	3	12	$9.59
0	8	2.88	2	4	6.19	4	0	9.89
0	12	3.19	2	8	6.60	4	4	10.19
1	0	3.59	2	12	7.19	4	8	10.60
1	4	4.19	3	0	7.60	4	12	11.19
1	8	4.60	3	4	8.19	5	0	11.60
1	12	5.19	3	8	8.60			

For rates over 5 pounds, charge $10 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Indemnity. No provision.

Observations. Parcels are accepted for all places but they must be claimed at the nearest of the following offices of which the name must appear in the address:

Agadez.	Maradi.
Bilma.	N'Guigmi.
Birni-Konni.	Niamey.
Dogondoutchi.	Say.
Dosso.	Tahoua.
Filingué.	Tanout.
Gaya.	Tera.
Gouré.	Tessoua.
Madaoua.	Tillabery.
Magaria.	Zinder.
Maine-Soroa.	

The postal authorities of Niger collect domestic postage from the addressees.

Prohibitions. Arms, etc.: Daggers, sword-canes, blackjacks, brass knuckles, and other secret weapons, except firearms (see "Import restrictions").

For other reasons: Foreign products, natural or manufactured, having markings, labels or wrappings of any kind which may give the impression that they are of French origin. Articles bearing the "Red Cross" or "Geneva Cross" as a trademark. Foreign products from a place having the same name as a place in France must bear, in addition to the name of that place, the name of the country of origin and the word "Importé" (imported) very conspicuously.

Preserved fish, vegetables and plums must bear on each container an indication of the country of origin in raised or sunken letters at least 4 millimeters (⅛ inch) high, in the middle of the lid and of the bottom, in a space not bearing any inscription. Cases and wrappers containing these products must bear adhering letters indicating the country of origin. Boxes of fish must not in any case exceed 1 kilogram.

Weights and measures not of the metric system.

Cigarettes unless each package is marked "Vente au Niger" "sale in Niger".

Import restrictions. The attention of senders should be called to the following requirements, which are to be met by addressees:

The following articles require special authorization for delivery: Phonograph records; Arabic books and prints; distilling apparatus; saccharin; flavoring and coloring materials; firearms and airguns.

NIGERIA

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions and import restrictions. Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Optional.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $2; each additional 4 ounces or fraction, 59 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$2.06	2	0	$6.18	3	12	$10.30
0	8	2.60	2	4	6.72	4	0	10.84
0	12	3.18	2	8	7.24	4	4	11.44
1	0	3.77	2	12	7.90	4	8	12.08
1	4	4.36	3	0	8.49	4	12	12.69
1	8	4.96	3	4	9.08	5	0	13.27
1	12	5.54	3	8	9.67			

For rates over 5 pounds, charge $1.20 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Indemnity. No provision.

Prohibitions. Coins, banknotes, and coupons, unless mailed by a bank and addressed to a bank in Nigeria.

Advertisements of fortune tellers, promotion of wagers and forecasts of results of foreign football games.

Precious stones, manufactured silver, gold, or platinum exceeding 5 pounds ($14) in value.

Publicity or advertisements concerning the treatment of venereal disease, except in technical publications addressed to physicians, pharmacists or the heads of hospitals.

Uniforms unless addressed to persons entitled to wear them.

Used clothing unless accompanied by a certificate of disinfection.

Arms, including hunting guns, airguns and weapons discharging liquid or gas.

Import restrictions. The attention of senders should be called to the following requirements which are to be met by the addressees:

Special permission is required for medicines, key-duplicating machinery, and distilling apparatus.

NORWAY (INCLUDING SPITZBERGEN)

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 20 cents per half ounce. (See Chart 3, Table III.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VI.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 243 of this chapter.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Observations. Combination mailings as defined in § 222.8(a) of this chapter are accepted.

Prohibitions and import restrictions. Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.35; each additional 4 ounces or fraction, 45 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.35	2	0	$4.50	3	12	$7.65
0	8	1.65	2	4	4.95	4	0	8.10
0	12	2.25	2	8	5.40	4	4	8.55
1	0	2.70	2	12	5.85	4	8	9.00
1	4	3.15	3	0	6.30	4	12	9.35
1	8	3.60	3	4	6.75	5	0	9.90
1	12	4.05	3	8	7.20			

For rates over 5 pounds, charge $9 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55
$100.01 to $150	.65
$150.01 to $200	.75
$200.01 to $300	.95
$300.01 to $330	1.15

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This amount shall be shown in U.S. currency and in gold francs. The indication in U.S. currency shall be in figures and in letters spelled out in full, and the gold franc equivalent in figures only, as shown in the following example:

INSURED VALUE

$25.75 (U.S.)

TWENTY-FIVE DOLLARS AND SEVENTY-FIVE CENTS

77.25 GOLD FRANCS

See Part 243 of this chapter for method of converting U.S. currency into gold francs and for general instructions on insurance.

Coin, banknotes, paper money, bullion, jewelry, or other precious articles sent as parcel post must be insured.

Prohibitions. For sanitary reasons: Sausages, pastes, and other similar foodstuffs may be imported only by parcel post and with the permission of the Ministry of Agriculture, Oslo.

State monopolies, etc.: Mixed stock tonics and mixed artificial fertilizers.

For other reasons: Advertisements of prohibited remedies or merchandise included in the pharmacy monopoly.

Import restrictions. The attention of senders should be called to the following requirements, which are to be met by addressees:

Special permission is required for the importation of arms and parts thereof; almanacs and calendars; hair washes containing alcohol, unless denatured; butter; radio apparatus.

Norwegian currency and Norwegian securities require authorization from the National Bank of Norway.

OUTER MONGOLIA

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter. Small packets not accepted.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, and samples of merchandise, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. No service.

Money orders. No service.

Prohibitions. Dutiable articles in letter packages. Perishable biological materials.

Parcel Post

(No service)

PAKISTAN

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. Yes. See Chart 5 for fees and other conditions. The service in

Pakistan is limited to ordinary (unregistered) articles.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions and import restrictions. Perishable biological materials.

Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, two Forms 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $2.20; each additional 4 ounces or fraction, 77 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$2.20	2	0	$7.59	3	12	$12.98
0	8	2.97	2	4	8.36	4	0	13.75
0	12	3.74	2	8	9.13	4	4	14.52
1	0	4.51	2	12	9.90	4	8	15.29
1	4	5.28	3	0	10.67	4	12	16.06
1	8	6.05	3	4	11.44	5	0	16.83
1	12	6.82	3	8	12.21			

For rates over 5 pounds, charge $13.40 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55
$100.01 to $150	.65
$150.01 to $165	.75

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This amount shall be shown in U.S. currency and in gold francs. The indication in U.S. currency shall be in figures and in letters spelled out in full, and the gold franc equivalent in figures only, as shown in the following example:

INSURED VALUE

$35.75 (U.S.)

TWENTY-FIVE DOLLARS AND SEVENTY-FIVE CENTS

77.25 GOLD FRANCS

Show the insured value in U.S. currency (figures only) in the appropriate space on the dispatch note (Form 2972).

See Part 243 of this chapter for method of converting U.S. currency into gold francs and for general information on insurance.

Coins, banknotes, currency notes, or any kind of securities payable to bearer, platinum, gold, or silver, whether manufactured or unmanufactured, precious stones, jewelry, or other precious articles sent as parcel post must be insured.

Prohibitions. Arms, including firearms, swords, daggers, bows and arrows, as well as gun barrels; machinery for making arms; and apparatus such as pencils and cartridges for discharging gas, unless sent for the use of the Pakistan Government.

Coins and banknotes, unless authorized by the State Bank of Pakistan.

Liquids with a flash point below 200°.

Piece goods ordinarily sold by the yard or by the piece, manufactured outside of Pakistan.

Skins and feathers of wild birds not native to Pakistan, except the ostrich, unless imported as natural-history specimens.

Import restrictions. The attention of senders should be called to the following requirements, which are to be met by addressees:

Addresses in Pakistan are required to obtain import licenses for all types of merchandise, except for unsolicited gift parcels containing the following articles:

(a) Books, magazines, newspapers, and medicines up to 300 rupees ($63) per year.

(b) All other articles up to 300 rupees ($63) per year, except that licenses are required for textiles (other than ready-made clothing), imitation jewelry, watches and watchbands, fountain pens, photographic apparatus, radio apparatus, and hunting trophies, regardless of value.

Import licenses are also not required for bona fide trade samples up to 250 rupees ($52.50) per year, furnished without cost to authorized importers, or for printed advertising matter and technical literature furnished without cost.

Special permission is required for the importation of the following: Unmanufactured silver; wireless telegraph apparatus; yellow-fever virus.

PALESTINE, WESTERN ARAB PALESTINE (GAZA AND KHAN YUNIS ONLY)

Postal Union Mail

(See Jordan (Hashemite Kingdom), concerning service available to Central Arab Palestine.)

(See Israel, State of, concerning service available to that country.)

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. No service.

Special delivery. No service.

Money orders. No service.

Observations. Western Arab Palestine includes the post offices of Gaza and Khan Yunis.

Prohibitions. Perishable biological materials.

Parcel Post

Weight limit. 11 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Optional.

Postal forms required. One Form 2922, one Form 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.86; each additional 4 ounces or fraction, 57 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.86	2	0	$5.85	3	12	$8.94
0	8	2.43	2	4	6.42	4	0	10.41
0	12	3.00	2	8	6.99	4	4	10.98
1	0	3.57	2	12	7.56	4	8	11.55
1	4	4.14	3	0	8.13	4	12	12.12
1	8	4.71	3	4	8.70	5	0	12.69
1	12	5.28	3	8	9.27			

For rates over 5 pounds, charge $11.40 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Indemnity. No provision.

PANAMA (REPUBLIC OF)

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter. Small packets not accepted.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 15 cents per half ounce. (See Chart 3, Table II.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, and samples of merchandise, 40 cents first 2 ounces; 10 cents each additional 2 ounces or fraction. (See Chart 3, Table V.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. No service.

Observations. Articles intended for delivery in the Republic of Panama must include the name of that Republic and not "Canal Zone" in the address.

Combination mailings as defined in § 222.8(a) of this chapter are accepted.

Prohibitions. Dutiable articles in unregistered letter packages. Perishable biological materials.

Parcel Post

Weight limit. Surface parcels, 70 pounds; air parcels, 44 pounds.

Dimensions. Greatest combined length and girth, 7 feet, on condition that parcels exceeding 6 feet in combined length and girth shall not exceed 2½ feet in length. Greatest length permissible, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Compulsory.

Postal forms required. One Form 2922, two Forms 2966.

Surface parcel rates. Two pounds or less, $1; each additional pound or fraction, 30 cents. (See Chart 4, Table I.)

Air parcel rates. Four ounces or less, $1.58; each additional 4 ounces or fraction, 28 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.58	2	0	$3.56	3	12	$5.30
0	8	1.86	2	4	3.82	4	0	5.58
0	12	2.14	2	8	4.10	4	4	5.86
1	0	2.42	2	12	4.38	4	8	6.14
1	4	2.70	3	0	4.66	4	12	6.42
1	8	2.98	3	4	4.94	5	0	6.70
1	12	3.26	3	8	5.22			

For rates over 5 pounds, charge $3.00 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Indemnity. No provision.

Observations. For shipments of a commercial nature, the sender must prepare four copies of a commercial invoice and send them to the addressee under separate cover. Each copy must bear the following declaration in Spanish, signed by the sender: "Conste bajo la gravedad del juramento, con la firma puesta al pie de esta declaración, que todos y cada uno de los datos expresados en esta factura son exactos y verdaderos, y que la suma total declarada es la misma en que se han vendido las mercaderías." (It is declared, under oath, by the signature at the end of this declaration, that each and every one of the statements made in this invoice is correct and true, and that the total amount declared therein is that for which the goods were sold.)

Parcels may be addressed to banks or other organizations for ultimate delivery to second addressees. The latter however may not take delivery without written authority from the first addressee, unless the sender arranges for change of address as provided in Part 247 of this chapter.

Fatty, liquid, or easily liquefiable substances are admitted at the risk of the sender. Owing to climatic conditions in Panama, such substances must be packed with particular care.

PAPUA, TERRITORY OF

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. No service.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions. Same as for Australia.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.73; each additional 4 ounces or fraction, 84 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.73	2	0	$7.51	3	12	$13.09
0	8	2.57	2	4	8.45	4	0	14.03
0	12	3.41	2	8	9.39	4	4	14.97
1	0	4.25	2	12	10.33	4	8	15.91
1	4	5.09	3	0	11.27	4	12	16.85
1	8	5.93	3	4	11.81	5	0	17.79
1	12	6.77	3	8	12.65			

For rates over 5 pounds, charge $16.80 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $80	.55

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This indication shall be shown in U.S. currency, in figures and in letters spelled out in full, in the following form:

INSURED VALUE

$75.00

SEVENTY-FIVE DOLLARS

Banknotes, currency notes, or any kind of securities payable to bearer; platinum, gold, or silver (whether manufactured or unmanufactured); precious stones, jewelry, or other precious articles sent as parcel post must be insured.

For general information on insurance, see Part 243 of this chapter.

Prohibitions. Same as for Australia.

PARAGUAY

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter. Small packets not accepted.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 15 cents per half ounce. (See Chart 3, Table II.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, and samples of merchandise, 50 cents first 2 ounces; 20 cents each additional 2 ounces or fraction. (See Chart 3, Table VI.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. No service.

Observations. Consular and commercial invoices, as prescribed under "Parcel Post," are required for shipments by postal union mail.

Prohibitions. Banknotes, paper money, and values payable to bearer. Perishable biological materials.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Compulsory.

Postal forms required. One Form 2922, one Form 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.57; each additional 4 ounces or fraction, 43 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.57	2	0	$4.38	3	12	$7.19
0	8	2.00	2	4	4.81	4	0	7.62
0	12	2.43	2	8	5.24	4	4	8.05
1	0	2.86	2	12	5.67	4	8	8.48
1	4	3.29	3	0	6.10	4	12	8.91
1	8	3.72	3	4	6.53	5	0	9.34
1	12	4.15	3	8	7.16			

For rates over 5 pounds, charge $8.60 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Indemnity. No provision.

Observations. For shipments valued at $70 or more, five copies of a consular invoice and four copies of a commercial invoice must be prepared by the sender and be certified. Consular invoice forms and information as to certification can be obtained from Paraguayan consular offices, located in the following cities:

Dallas, Tex.	New Orleans, La.
Houston, Tex.	New York, N.Y.
Los Angeles, Calif.	San Francisco, Calif.
Miami, Fla.	

For shipments valued under $70, two copies of the commercial invoice only are required, and need not be certified.

Parcels may be addressed to banks or other organizations for ultimate delivery to second addressees. The latter however may not take delivery without written

authority from the first addressee, unless the sender arranges for change of address as provided in Part 247 of this chapter.

Used linen must be accompanied by a certificate of disinfection.

PERU

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter. Small packets not accepted.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rate. Letters, 15 cents per half ounce. (See Chart 3, Table III.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, and samples of merchandise, 50 cents first 2 ounces; 20 cents each additional 2 ounces or fraction. (See Chart 3, Table VI.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. No service.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions. Money in cash, banknotes, and values payable to the bearer; manufactured or unmanufactured platinum, gold or silver; precious stones, jewelry, and other precious articles. Lighters. Samples of cigars, cigarettes, and tobacco. Communist propaganda. Perishable biological materials. Dutiable articles in unregistered letter packages.

Articles prohibited as parcel post are prohibited in the postal union mail.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Compulsory.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.83; each additional 4 ounces or fraction, 37 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.83	2	0	$4.42	3	12	$7.01
0	8	2.20	2	4	4.79	4	0	7.38
0	12	2.57	2	8	5.16	4	4	7.75
1	0	2.94	2	12	5.53	4	8	8.12
1	4	3.31	3	0	5.90	4	12	8.49
1	8	3.68	3	4	6.27	5	0	8.86
1	12	4.05	3	8	6.64			

For rates over 5 pounds, charge $7.40 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Indemnity. No provision.

Observations. Each parcel valued at $50 or over must be accompanied by a consular invoice if there is a Peruvian consulate located at the place of mailing. If there is none, a commercial invoice must be furnished instead. The commercial invoice must be legalized by a Peruvian consulate or countersigned by a chamber of commerce, or if neither is available, it may bear the notarized signatures of two well-known local merchants. If the value is under $50, a commercial invoice must be furnished but need not be legalized. The consular or commercial invoice may be either enclosed in the parcel or sent separately to the addressee so as to arrive before the parcel, but the legislation must not be dated later than the day of mailing.

Parcels containing used clothing must be accompanied by a certificate of disinfection issued by a competent authority (for example, local Board of Health) or by a firm with facilities for disinfecting the articles involved. The certificate must be legalized by a Peruvian consulate. Senders shall endorse the wrappers of parcels containing used clothing to show that the certificate of disinfection is enclosed.

Peruvian consuls are located in principal cities of the United States.

Parcels may be addressed to banks or other organizations for ultimate delivery to second addressees. The latter, however, may not take delivery without written authority from the first addressee, unless the sender arranges for change of address as provided in Part 247 of this chapter.

Prohibitions. For sanitary reasons: Glass nursing bottles with rubber or glass tubes.

Certain products, such as flour and milk for children and invalids, unless registered with the Director of Public Health, or specially authorized by him for importation.

Arms, etc.: Firearms and other weapons of war.

State monopolies, etc.: Cooking salt. Playing cards. Tobacco, cigars or cigarettes, except cigarettes for medical use only for which a license has been secured from the Dirección General de Hacienda (Treasury Department of Peru).

For other reasons: Saccharine and similar products, and substances containing them, unless specially authorized for medical use by the Director of Public Health.

Pharmaceutical specialties and cosmetics, such as powders, dentifrices, rouge, hair dyes, depilatories, etc., unless registered with the Director of Public Health or specially authorized by him for importation.

Maps and all geographic material showing the boundaries of Peru incorrectly.

PHILIPPINES (REPUBLIC OF THE)

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.) From Guam, 13 cents per half ounce. (See Chart 3, Table II).)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.) From Guam, 30 cents first 2 ounces, 10 cents each additional 2 ounces. (See Chart 3, Table V).)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. Restricted delivery permitted. See Part 242 of this chapter.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Observations. See "Observations" under "Parcel Post" concerning certificate of origin and consular invoice required in certain cases for packages containing merchandise.

The Philippine postal authorities recommend that letters containing checks or other negotiable instruments be registered.

Combination mailings as defined in § 222.8(a) of this chapter are accepted.

Prohibitions and import restrictions. Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

Parcel Post

Weight limit. 44 pounds, except to the following offices which are limited to 22 pounds:

Post office and Province	*Post office and Province*
Aglipay, Nueva Vizcaya.	Dumingag, Zamboanga del Sur.
Allen, Ilocos Sur.	Famy, Laguna.
Anao-aoan, Surigao del Norte.	Galimuyod, Ilocos Sur.
Angaki, Ilocos Sur.	Gamay, Samar.
Arteche, Samar.	Gregorio del Pilar, Ilocos Sur.
Bagulin, La Union.	Hungduan Mt. Province.
Bakun, Mt. Province.	Jordan, Iloilo.
Balindong, Lanao del Sur.	La Paz, Agusan.
Banayoyo, Ilocos Sur.	Lapinig, Samar.
Barlig, Mt. Province.	Lasam, Cagayan.
Bayabas, Surigao del Sur.	Las Navas, Samar.
Bayag, Mt. Province.	Lawsan, Samar.
Buenavista, Iloilo.	Lidlidda, Ilocos Sur.
Bugulas, Mt. Province.	Lingig, Surigao del Sur.
Busuanga, Palawan.	Llanera, Nueva Ecija.
Buug, Zamboanga del Sur.	Maddela, Nueva Vizcaya.
Camaligan, Camarines Sur.	Magsaysay, Isabela.
Columbio, Cotabato.	Mahatao, Batanes.
Concepcion, Iloilo.	Manito, Albay.
Concepcion, Rombion.	Mataasna Kahoy, Batangas.
Corcuera, Rombion.	Mayoyao, Mt. Province.
Del Carmen, Pampanga.	Monreal, Masbate.
Del Gallego, Camarines Sur.	Mulanay, Quezon.
	Natonin, Mt. Province.

Post Office and Province	*Post Office and Province*
Nueva Era, Ilocos Norte.	Pilar, Surigao del Norte.
Nueva Valencia, Iloilo.	Poona-Bayabao, Lanao del Sur.
Olutanga, Zamboanga del Sur.	Potia, Mt. Province.
Palanan, Isabela.	Pudtol, Mt. Province.
Paluan, Occidental Mindoro.	Quezon, Palawan.
Pantabangan, Nueva Ecija.	R. Magsaysay, Zamboanga del Sur.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	*Fees*
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55
$100.01 to $150	.65
$150.01 to $165	.75

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This amount shall be shown in U.S. currency and in gold francs. The indication in U.S. currency shall be in figures and in letters spelled out in full, and the gold franc equivalent in figures only, as shown in the following example:

INSURED VALUE

$25.75 (U.S.)

TWENTY-FIVE DOLLARS AND SEVENTY-FIVE CENTS

77.25 GOLD FRANCS

See Part 243 of this chapter for method of converting U.S. currency into gold francs and for general information on insurance.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.95	2	8	$7.11	3	12	$12.39
0	8	2.67	3	4	7.95	4	0	13.08
0	12	3.41	3	8	8.69	4	4	13.77
1	0	4.15	3	12	9.33	4	8	14.47
1	4	4.89	3	0	10.07	4	12	14.25
1	8	5.63	3	4	10.81	5	0	15.99
1	12	6.37	3	8	11.55			

For rates over 5 pounds, charge $14.80 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.93; each additional 4 ounces or fraction, 74 cents.

Coins, banknotes, currency notes, or any kind of securities payable to bearer, platinum, gold, or silver, whether manufactured or unmanufactured, precious stones, jewelry, or other precious articles sent as parcel post must be insured.

Observations. A certificate of origin is required in all cases where the value of the contents of a parcel is over $50. If the value exceeds $250, a consular invoice is necessary, in addition to the certificate of origin. If the value is $50 or less, only the regular postal customs declaration form is required.

Certificates of origin and consular invoices, when required, must be on forms furnished by Philippine Consulates and executed in the manner they prescribe.

Philippine consular officers are located in the following cities:

Agana, Guam.	New York, N.Y.
Chicago, Ill.	San Francisco, Calif.
Honolulu, Hawaii.	San Juan, P.R.
Los Angeles, Calif.	Seattle, Wash.
New Orleans, La.	Washington, D.C.

Prohibitions. Playing cards and gambling devices.

Firearms of all kinds, unless authorized by the Philippine authorities.

Articles bearing on the wrappers any numbered stamps other than lawful postage stamps.

Articles of gold, silver or other precious metal bearing false markings of fineness or quality.

Import restrictions. Except for gifts not exceeding 100 pesos ($50) in value, parcels will not be delivered until the addressees have obtained release certificates from the Central Bank of the Philippines or authorization from the Philippine Department of Commerce and Industry. Failure to obtain this authorization may result in confiscation of the parcels.

PITCAIRN ISLANDS

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. No service.

Money orders. No service.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Optional.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.84; each additional 4 ounces or fraction, 65 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.84	2	0	$6.20	3	12	$10.94
0	8	2.49	2	4	7.04	4	0	11.89
0	12	3.14	2	8	7.89	4	4	12.34
1	0	3.79	2	12	8.34	4	8	12.80
1	4	4.44	3	0	8.99	4	12	13.64
1	8	5.09	3	4	9.64	5	0	14.19
1	12	5.74	3	8	10.29			

For rates over 5 pounds, charge $13 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Indemnity. No provision.

POLAND

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 20 cents per half ounce. (See Chart 3, Table III.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 50 cents first 2 ounces; 20 cents each additional 2 ounces or fraction. (See Chart 3, Table VI.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Observations. Combination mailings as defined in § 222.8(a) of this chapter are accepted.

Prohibitions and import restrictions. Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in

length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Optional.

Postal forms required. One Form 2922, two Forms 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.65; each additional 4 ounces or fraction 47 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.65	2	0	$4.94	3	12	$8.23
0	8	2.12	2	4	5.41	4	0	8.70
0	12	2.59	2	8	5.88	4	4	9.17
1	0	3.06	2	12	6.35	4	8	9.64
1	4	3.53	3	0	6.82	4	12	10.11
1	8	4.00	3	4	7.29	5	0	10.58
1	12	4.47	3	8	7.76			

For rates over 5 pounds, charge $0.40 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Indemnity. No provision.

Prohibitions. Military arms and war material.

All kinds of labels, caps, corks, empty containers, etc., bearing the firm name of foreign producers, imported without the goods.

Saccharine and similar substances unless addressed to factories or wholesale drug stores under special permits.

Import restrictions. The attention of senders should be called to the following requirements, which are to be met by addressees:

Correspondence and parcels are subject to inspection by the currency control authorities. The authorization of the Polish People's Bank is required for the importation of valid Polish currency, unmanufactured platinum, and precious stones. Currency imported contrary to the Polish regulations is liable to confiscation.

Most articles received in Poland, even if sent as gifts, are subject to customs duty, and in some cases the addressees are required to obtain import licenses or special permits.

PORTUGAL

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 20 cents per half ounce. (See Chart 3, Table III.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 50 cents first 2 ounces; 20 cents each additional 2 ounces or fraction. (See Chart 3, Table VI.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. Restricted delivery permitted. See Part 242 of this chapter.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions and import restrictions. Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, two Forms 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.30; each additional 4 ounces or fraction, 40 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.30	2	0	$4.10	3	12	$6.90
0	8	1.70	2	4	4.50	4	0	7.30
0	12	2.10	2	8	4.90	4	4	7.70
1	0	2.50	2	12	5.30	4	8	8.10
1	4	2.90	3	0	5.70	4	12	8.50
1	8	3.30	3	4	6.10	5	0	8.90
1	12	3.70	3	8	6.50			

For rates over 5 pounds, charge $6 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55
$100.01 to $150	.65
$150.01 to $165	.75

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This amount shall be shown in U.S. currency and in gold francs. The indication in U.S. currency shall be in figures and in letters spelled out in full, and the gold franc equivalent in figures only, as shown in the following example:

INSURED VALUE

$25.75 (U.S.)

TWENTY-FIVE DOLLARS AND SEVENTY-FIVE CENTS

77.25 GOLD FRANCS

See Part 243 of this chapter for method of converting U.S. currency into gold francs and general information on insurance.

Coin, valuable jewelry, or any other precious article sent as parcel post must be insured.

Observations. Articles containing serums and vaccines must be conspicuously labeled to show the nature of the contents in order that they may be given preferred treatment.

When parcels involving foreign exchange (i.e., commercial shipments) are mailed in a locality where there is a Portuguese consulate, the sender must submit to such consulate three copies of the consular invoice and one copy of the commercial invoice which he must certify as correct and sign. The consulate returns one copy of the consular invoice to the mailer, who should send it direct to the addressee by letter. If there is no Portuguese consulate located at the place of mailing, the consular invoice may be omitted, in which event the consular fees are collected from the addressee.

Portuguese consuls are located in the following cities:

Boston, Mass.	New Orleans, La.
Fall River, Mass.	New York, N.Y.
Honolulu, Hawaii.	Philadelphia, Pa.
Houston, Tex.	Providence, R.I.
Los Angeles, Calif.	San Francisco, Calif.
New Bedford, Mass.	

Parcels containing crude celluloid, motion picture films, or other articles of celluloid must be designated, both on the customs declaration and on the parcel itself, by a label bearing the word "Celluloid" in conspicuous black letters.

Prohibitions. For sanitary reasons: Serums, vaccines, and other similar products unless addressed to authorized firms and laboratories; the wrappers and labels should in all cases bear clear, complete information, in the Portuguese language, concerning the name and composition of the medicine.

Saccharine and similar substances or foodstuffs containing them.

For the protection of animals or plants: Traps and decoys of all kinds for hunting.

For other reasons: Tobacco, manufactured or unmanufactured.

Import restrictions. The attention of senders should be called to the following requirements, which are to be met by addressees:

Import permits must be obtained for parcels regarded by the Portuguese authorities as commercial shipments.

Medicaments and foodstuffs injurious to the public health, and medicaments whose composition is not known or has not been duly registered, or those whose labels do not show the names of the active ingredients, require the authorization of the Director General of Health of Portugal.

PORTUGUESE EAST AFRICA (MOZAMBIQUE)

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. Restricted delivery permitted. See Part 242 of this chapter.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions. Perishable biological materials.

Import restrictions. Articles restricted as parcel post are restricted in the postal union mail.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, one Form 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $2.18; each additional 4 ounces or fraction, 81 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$2.18	2	0	$7.85	3	12	$13.52
0	8	2.99	2	4	8.66	4	0	14.33
0	12	3.80	2	8	9.47	4	4	15.14
1	0	4.61	2	12	10.28	4	8	15.95
1	4	5.42	3	0	11.09	4	12	16.76
1	8	6.23	3	4	11.90	5	0	17.57
1	12	7.04	3	8	12.71			

For rates over 5 pounds, charge $16.20 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This amount shall be shown in U.S. currency and in gold francs. The indication in U.S. currency shall be in figures and in letters spelled out in full, and the gold franc equivalent in figures only underscored with a heavy line, as shown in the following example:

INSURED VALUE

$35.75 (U.S.)

TWENTY-FIVE DOLLARS AND SEVENTY-FIVE CENTS

77.25 GOLD FRANCS

See Part 243 of this chapter for method of converting U.S. currency into gold francs and for general information on insurance.

Coins, banknotes, currency notes in circulation, or any kind of securities payable to bearer; platinum, gold, or silver (whether manufactured or unmanufactured); precious stones, jewelry, or other precious articles must not be accepted for mailing as parcel post unless they are insured.

Observations. Parcels are delivered from the following offices only; addressees of parcels for other places must claim them at one of these places:

Antonio.	Macequece.
Beira.	Marromeu.
Bella Vista (Maputo).	Mossuril.
Catembe.	Mozambique.
Chai-Chai.	Mutarara.
Chibuto.	Porto Amelia.
Chinde.	Quelimane.
Ennes (Angoche).	Sena.
Ibo.	Tete.
Inhambane.	Vila Luisa (Marracuene).
Lourenço Marques.	

Consular invoices are required under the same conditions as for Portugal.

Import restrictions. The attention of senders should be called to the following requirements, which are to be met by addressees:

Addressees are required to obtain import licenses for parcels regarded by the customs authorities as commercial shipments.

Arms, munitions, and war material require the authorization of the military authorities.

Pharmaceutical specialties require the approval of the health delegates of the districts, acting on the advice of the inspectors of the pharmaceutical monopoly.

PORTUGUESE TIMOR

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. Restricted delivery permitted. See Part 242 of this chapter.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. No service.

Prohibitions. Perishable biological materials.

Import restrictions. Articles restricted as parcel post are restricted in the postal union mail.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, breadth, or depth, 2 feet; length and girth combined, 4 feet.

Sealing. Compulsory.

Postal forms required. One Form 2922, two Forms 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $2.31; each additional 4 ounces or fraction, $1.09.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$2.31	2	0	$8.04	3	13	$17.57
0	8	3.40	2	4	11.03	4	0	18.66
0	12	4.49	2	8	12.12	4	4	19.75
1	0	5.58	2	12	13.21	4	8	20.84
1	4	6.67	3	0	14.30	4	12	21.93
1	8	7.76	3	4	15.39	5	0	23.02
1	12	8.85	3	8	16.48			

For rates over 5 pounds, charge $21.80 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Indemnity. No provision.

Observations. Parcels are delivered only from the offices listed below. Parcels for other places are sent to Dili and the name of that office must be added to the addresses of such parcels.

Ailieu.	Lautem.
Balibo.	Liquiça.
Baucau.	Manatuto.
Bobanaro.	Oikusi.
Dili.	Same.
Fobo-Rém.	Suro.
Hato-Lia.	Viqueque.

Consular invoices are required under the same conditions as for Portugal.

Import restrictions. The attention of senders should be called to the following requirements, which are to be met by addressees:

Addressees are required to obtain import permits for parcels regarded by the customs authorities as commercial shipments.

Arms, munitions, and war material require the authorization of the military authorities.

PORTUGUESE WEST AFRICA (ANGOLA, GUINEA, ST. THOMAS ISLAND, AND PRINCE ISLAND)

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each

additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. Restricted delivery permitted. See Part 242 of this chapter.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. No service.

Prohibitions. Perishable biological materials.

Import restrictions. Articles restricted as parcel post are restricted in the postal union mail.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Insured and registered parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, one Form 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.86; each additional 4 ounces or fraction, 54 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.86	2	0	$6.34	3	12	$10.82
0	8	2.50	2	4	6.98	4	0	11.46
0	12	3.14	2	8	7.62	4	4	12.10
1	0	3.78	2	12	8.26	4	8	12.74
1	4	4.42	3	0	8.90	4	12	13.38
1	8	5.06	3	4	9.54	5	0	14.02
1	12	5.70	3	8	10.18			

For rates over 5 pounds, charge $12.80 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration and insurance. Parcels may be registered or insured against loss, rifling or damage (except in the case of force majeure) for actual value not exceeding the following limits when fees as indicated are paid in addition to the postage applicable:

REGISTERED PARCEL-POST PACKAGES

Limit of indemnity:	Fee
Up to $16.33	$0.75

INSURED PARCEL-POST PACKAGES

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $16.33	.45

Coins, bullion, jewelry, or any other precious article must be registered.

For general information on registration and insurance, see Parts 242 and 243 of this chapter.

Observations. Consular invoices are required under the same conditions as for Portugal.

Import restrictions. The attention of senders should be called to the following requirements, which are to be met by addressees:

Addressees are required to obtain import permits for parcels regarded by the customs authorities as commercial shipments.

Arms, munitions, and war material require the authorization of the military authorities.

Special authorization from the health authorities of Angola is required for the importation of pharmaceutical specialties to that territory.

QATAR (INCLUDING DOHA AND UMM SAID)

Postal Union Mail

Classification, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 6⁵ cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. No service.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions. Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, two Forms 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.54; each additional 4 ounces or fraction, 65 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.54	2	0	$6.09	3	12	$10.64
0	8	2.19	2	4	6.74	4	0	11.29
0	12	2.84	2	8	7.39	4	4	11.94
1	0	3.49	2	12	8.04	4	8	12.59
1	4	4.14	3	0	8.69	4	12	13.24
1	8	4.79	3	4	9.34	5	0	13.90
1	12	5.44	3	8	9.99			

For rates over 5 pounds, charge $13 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.65

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This indication shall be shown in U.S. currency, in figures and in letters spelled out in full, in the following form:

INSURED VALUE

$76.75

SEVENTY-SIX DOLLARS AND SEVENTY-FIVE CENTS

Coins, bullion, precious stones, and any article of gold, silver, or platinum sent as parcel post must be insured. Parcels containing jewelry must not have a value exceeding $100.

The final decision on all questions of compensation rests with the country in whose service the loss, rifling, or damage took place.

For general information on insurance, see Part 243 of this chapter.

Prohibitions. Arms and parts thereof. Cultivated, imitation, artificial, or bleached pearls.

Coins and gold ingots exceeding £5 ($14) in value, except coins declared to be intended as ornaments. Silver ingots or partially worked silver exceeding £20 ($56) in value.

Carbon paper, oilskins, and similar goods are subject to the conditions applicable to such articles for Great Britain.

RÉUNION (BOURBON) ISLAND

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions and import restrictions. Same as for France.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Compulsory.

Postal forms required. One Form 2922, one Form 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.84; each additional 4 ounces or fraction, 80 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.84	2	0	$7.44	3	12	$13.04
0	8	2.64	2	4	8.24	4	0	13.84
0	12	3.44	2	8	9.04	4	4	14.64
1	0	4.24	2	12	9.84	4	8	15.44
1	4	5.04	3	0	10.64	4	12	16.24
1	8	5.84	3	4	11.44	5	0	17.04
1	12	6.64	3	8	12.24			

For rates over 5 pounds, charge $16 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Indemnity. No provision.

Observations. Invoices and certificates of origin are required as for France.

Prohibitions and import restrictions. Same as for France.

RHODESIA

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. No service.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions. Correspondence concerning fraudulent enterprises or fortune telling.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Optional.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.69; each additional 4 ounces or fraction, 79 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.69	2	0	$7.23	3	12	$12.75
0	8	2.48	2	4	8.01	4	0	13.54
0	12	3.27	2	8	8.80	4	4	14.33
1	0	4.06	2	12	9.59	4	8	15.12
1	4	4.85	3	0	10.38	4	12	15.91
1	8	5.64	3	4	11.17	5	0	16.70
1	12	6.43	3	8	11.96			

For rates over 5 pounds, charge $15.80 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Indemnity. No provision.

Prohibitions. Advertisements concerning the treatment of venereal disease, unless addressed to physicians or pharmacists for professional use.

Vaccines, sera, and similar substances, unless labeled with the name and address of the manufacturer and the date of manufacture or the date after which the preparation is not to be used.

Bank notes as well as gold, platinum, silver, jewels, and other precious articles.

RIO MUNI (INCLUDING CORISCO AND THE ELOBEY ISLANDS)

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. No service.

Prohibitions and import restrictions. Dutiable articles in letter packages; also perishable biological materials. Otherwise, same as for Spain, except that tobacco is admitted if the addressee has a permit.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Compulsory.

Postal forms required. One Form 2922, three Forms 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.79; each additional 4 ounces or fraction, 77 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.79	2	0	$7.18	3	12	$12.57
0	8	2.56	2	4	7.95	4	0	13.34
0	12	3.33	2	8	8.72	4	4	14.11
1	0	4.10	2	12	9.49	4	8	14.88
1	4	4.87	3	0	10.26	4	12	15.65
1	8	5.64	3	4	11.03	5	0	16.42
1	12	6.41	3	8	11.80			

For rates over 5 pounds, charge $15.40 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Indemnity. No provision.

Observations. Parcels may be addressed to banks or other organizations for ultimate delivery to second addressees. The latter however may not take delivery without written authority from the first addressee, unless the sender arranges for change of address as provided in Postal Manual, Part 247.

Prohibitions and import restrictions. Same as for Spain, except that tobacco is admitted if the addressee has a permit.

RUMANIA

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter. Small packets not accepted.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 20 cents per half ounce. (See Chart 3, Table III.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, and samples of merchandise, 50 cents first 2 ounces; 20 cents each additional 2 ounces or fraction. (See Chart 3, Table VI.)

Registration. Fee 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. Restricted delivery permitted. See Part 242 of this chapter.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. No service.

Observations. Combination mailings as defined in § 222.8(a) of this chapter are accepted.

Prohibitions. Dutiable articles in letter packages; also perishable biological materials.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Optional.

Postal forms required. One Form 2922, one Form 2966, one Form 2972. (Two Forms 2966 for gift parcels.)

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table III.)

Air parcel rates. Four ounces or less, $1.54; each additional 4 ounces or fraction, 49 cents.

Lbs.	Ozs.	Rate	Lbs.	Ozs.	Rate	Lbs.	Ozs.	Rate
0	4	$1.54	3	0	$4.97	3	12	$8.40
0	8	1.98	3	4	5.40	4	0	8.80
0	12	1.33	3	8	5.84	4	4	9.23
1	0	2.01	3	12	6.44	4	8	9.67
1	4	2.36	3	0	6.88	4	12	10.10
1	8	2.80	3	4	7.42	5	0	10.54
1	12	4.48	3	8	7.91			

For rates over 5 pounds, charge $9.80 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Indemnity. No provision.

Observations. Gift parcels addressed to individuals are subject to the restrictions given below. The restrictions do not apply to gift parcels sent to hospitals and scientific institutions and containing therapeutic products and apparatus.

Gift parcels addressed to individuals may weigh up to the normal limit of 22 pounds. They are subject to customs duty but are delivered without import permits if they contain only articles for the personal use of the addressee or his family, and the total weight of all the gift parcels received by one addressee within a year does not exceed 55 pounds. If this limit is exceeded, the addressee must comply with import formalities and duty will be charged at penalty rates. Gift parcels may contain only the articles and quantities shown in the list below.

Customs declarations for gift parcels must be prepared in duplicate. In addition to the customs declaration, a detailed list of the contents must be enclosed in the parcel.

Parcels may be mailed only by individuals, except that parcels containing exclusively printed matter (see list below, sec. VIII) may be mailed also by commercial firms or by organizations.

Used clothing must be accompanied by a certificate of disinfection. It is believed that a notarized certificate from a reliable laundry or dry-cleaning establishment that articles have been cleaned will meet the requirements of the Rumanian authorities.

Articles in soldered tin cans or other hermetically sealed containers are prohibited.

Medicaments must be covered by a prescription authenticated by the Rumanian health authorities. They must be sent separately in a parcel containing no other articles, and the quantities must not exceed those stated in the prescription. The prohibition against hermetically sealed containers does not apply to medicaments.

Parcels will be treated as undeliverable in Rumania if they do not comply with any of the above conditions, if they contain articles or quantities not shown in the following list, or if the addressee fails to pay customs duty. Parcels found to contain articles concealed for the purpose of evading customs duty will be confiscated.

LIST OF COMMODITIES ADMITTED TO RUMANIA IN GIFT PARCELS FOR THE PERSONAL NEEDS OF THE ADDRESSEE OR HIS FAMILY

I. CLOTHING

Item No.	Types of articles	Maximum quantity
1	Underwear (various) for adults	2 articles.
2	Underwear (various) for children	3 articles.
3	Scarfs	1.
4	Neckerchiefs	1.
5	Hand towels	2.
6	Handkerchiefs	6.
7	Neckties	2.
8	Raincoats	1 garment or material therefor (11 yds. of ¾ yd. to 1 yd. width or 6½ yds. of double width).
9	Blouses	3 garments or material therefor (4½ yds. of ¾ yd. to 1 yd. width).
10	Dresses	1 garment or material therefor (4½ yds. of ¾ yd. to 1 yd. width, or 2¾ yds. of double width).
11	Ladies' suits	1 garment or material therefor (3¼ yds. of double width).
12	Men's suits	1 garment or material therefor (3¼ yds. of double width).
13	Overcoats	1 garment or material therefor (3¼ yds. of double width).
14	Topcoats	1 garment or material therefor (3¼ yds. of double width).
15	Infants' clothing	1 article.
16	Caps, berets	1.
17	Fur-lined bonnets, hats	1.
18	Pullovers and sweaters	1.
19	Jerseys and jackets	1.
20	Gloves	1 pair.
21	Ladies' stockings	2 pairs.
22	Men's stockings	2 pairs.
23	Children's stockings	4 pairs.
24	Tablecloths	1.
25	Cloth of silk, nylon or similar materials	3¼ yds.
26	Blankets, shawls	1.
27	Table napkins	6.
28	Bed sheets	2.
29	Pillow cases	2.

II. FOOTWEAR

1	Material for one pair of men's shoes	2 lbs. 3 oz. of soling and 14 oz. of leather.
2	Material for one pair of ladies' shoes	1¼ lbs. of soling and 14 oz. of leather.
3	Material for one pair of boots	Double the amounts fixed for shoes.

III. TOILET ARTICLES

1	Toilet water	½ pt.
2	Perfumes	1.7 fl. oz.
3	Toothbrushes	1.
4	Shaving brushes	1.
5	Combs	1.
6	Lipsticks	1.
7	Rouge	1.
8	Face cream	1 article.
9	Toilet soaps	1 article.
10	Shaving soaps	2 articles.
11	Razors	4 articles.
12	Mechanical razors of all kinds	1.
13	Blade sharpeners	1.
14	Hair slippers of all kinds	1.
15	Scissors	1.
16	Manicure sets	1 pair.
17	Razor blades	10.

LIST OF COMMODITIES ADMITTED TO RUMANIA IN GIFT PARCELS FOR THE PERSONAL NEEDS OF THE ADDRESSEE OR HIS FAMILY—Continued

IV. LEATHER GOODS

Item No.	Types of articles	Maximum quantity
1	Handbags	1.
2	Purses	1.
3	Portfolios	1.
4	Pocketbooks	1.
5	Cigarette cases	1.
6	Fountain-pen cases	1.
7	Spectacle cases	1.
8	Leather watch-bands	1.
9	Straps, cords	1.

V. MEDICAL ARTICLES FOR HOUSEHOLD USE

1	Hearing aids of all kinds	1.
2	Batteries for hearing aids	6.
3	Rechargers for hearing aid batteries	1.
4	Corsets	1.
5	Elastic stockings for varicose veins	1.
6	Hernia supports	1.
7	Various prosthetic devices	1.
8	Trusses	1.
9	Thermometers	1.
10	Syringes with five needles	1.
11	Heating pads	1.
12	Ice bags	1.

VI. FOODS, EXCEPT FOR ADULTERABLE FOODSTUFFS AND ARTICLES IN HERMETICALLY SEALED CONTAINERS

1	Candy	4 lbs. 6 oz.
2	Coffee	1 lb. 1¾ oz.
3	Cocoa	1 lb. 1¾ oz.
4	Condiments	5½ oz.
5	Biscuits, cakes	4 lbs. 6 oz.
6	Chocolate	2 lbs. 3 oz.
7	Dried fruits	4 lbs. 6 oz.
8	Flour products such as noodles, spaghetti, etc.	4 lbs. 6 oz.

VII. MEDICAMENTS

	Various medicaments	On the basis of prescription, in parcels containing only medicaments.

VIII. BOOKS, PERIODICALS, PUBLICATIONS

	Various books, periodicals, publications	22 lbs. per parcel.

IX. MISCELLANEOUS

1	Eyeglasses	1 pair.
2	Lenses for eyeglasses	1 pair.
3	Automatic pencils	1.
4	Fountain pens	1.
5	Watches of all kinds	1.
6	Jewelry (precious)	1 article (¾ oz.).
7	Jewelry (imitation) and other articles for adornment	3 articles.
8	Articles of sport	1.
9	Articles for fishing	1.
10	Slide rules	1.
11	Compass sets	1.
12	Water colors	1 box.
13	Paint brushes	2.
14	Sewing-machine needles	6.
15	Knitting needles	6.
16	Awls	2.
17	Safety pins	1 dozen.
18	Wool thread	1 lb.
19	Sewing thread	3 ¼ oz.
20	Musical instruments	1.

RWANDA (REPUBLIC OF)

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. No service.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Compulsory.

Postal forms required. One Form 2922, three Forms 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.75; each additional 4 ounces or fraction, 67 cents.

Lbs.	Ozs.	Rate	Lbs.	Ozs.	Rate	Lbs.	Ozs.	Rate
0	4	$1.75	2	0	$5.44	3	12	$11.13
0	8	2.42	2	4	7.11	4	0	11.80
1	12	3.09	2	8	7.78	4	4	12.47
1	0	3.76	2	12	8.45	4	8	13.14
1	4	4.43	3	0	9.13	4	12	13.81
1	8	5.10	3	4	9.79	5	0	14.48
1	12	5.77	3	8	10.46			

For rates over 5 pounds, charge $13.40 for the even 5 pounds, plus the rate given above for each remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Indemnity. No provision.

Import restrictions. Medicaments, saccharine, and products containing it require authorization which the addressee must obtain from the Pharmacist in Chief of Rwanda.

RYUKYU ISLANDS (INCLUDING OKINAWA AND THE OTHER ISLANDS OF THE RYUKYU GROUP SOUTH OF 27° NORTH LATITUDE, AS WELL AS TORI SHIMA AND IHEYA)

(Ryukyu (Nansei) Islands north of 27° north latitude, excluding Torl Shima and Iheya, are under the administration of Japan.)

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. No service.

Money orders. Yes. See § 171.2 of this chapter.

Observations. Articles should be addressed in English, or bear an interlined translation in English of the name of the post office, island where located, and the words "Ryukyu Islands."

Prohibitions. Dutiable articles in letter packages; also perishable biological materials.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.43; each additional 4 ounces or fraction, 54 cents.

Lbs.	Ozs.	Rate	Lbs.	Ozs.	Rate	Lbs.	Ozs.	Rate
0	4	$1.43	2	0	$5.21	3	12	$9.06
0	8	1.97	2	4	5.75	4	0	9.63
0	12	2.61	2	8	6.30	4	4	10.07
1	0	3.02	2	12	6.93	4	8	10.61
1	4	3.68	3	0	7.57	4	12	11.15
1	8	4.13	3	4	7.91	5	0	11.69
1	12	4.67	3	8	8.45			

For rates over 5 pounds, charge $10.80 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55
$100.01 to $150	.65
$150.01 to $165	.75

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This amount shall be shown in U.S. currency and in gold francs. The indication in U.S. currency shall be in figures and in letters spelled out in full, and the gold franc equivalent in figures only, as shown in the following example:

INSURED VALUE

$25.75 (U.S.)

TWENTY-FIVE DOLLARS AND SEVENTY-FIVE CENTS

77.25 GOLD FRANCS

See Part 243 of this chapter, for method of converting U.S. currency into gold francs and general information on insurance.

Coins, bullion, valuable jewelry, or any other precious article sent as parcel post must be insured.

Observations. When the contents of parcels consist of precious metals, articles of metal, or heavy goods, they must be packed in stout metal boxes or in wooden cases constructed of lumber at least a half-inch thick or plywood of at least three plies.

Prohibitions. Any matter advocating or urging treason or insurrection.

ST. HELENA

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 24 cents to return by air. See Part 242 of this chapter.

Special delivery. No service.

Money orders. Yes. See § 171.2 of this chapter.

Observations. Articles should be addressed in English, or bear an interlined translation in English of the name of the post office, island where located, and the words "St. Helena."

Prohibitions. Dutiable articles in letter packages; also perishable biological materials.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.43; each additional 4 ounces or fraction, 54 cents.

Lbs.	Ozs.	Rate	Lbs.	Ozs.	Rate	Lbs.	Ozs.	Rate
0	4	$1.43	2	0	$5.20	3	12	$12.69
0	8	2.01	2	4	5.77	4	0	13.40
0	12	2.65	2	8	6.34	4	4	14.23
1	0	3.08	2	12	6.96	4	8	14.80
1	4	4.08	3	0	10.26	4	12	15.77
1	8	5.76	3	4	11.12	5	0	16.34
1	12	6.52	3	8	11.98			

For rates over 5 pounds, charge $15.40 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Indemnity. No provision.

SAINT PIERRE AND MIQUELON

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 15 cents per half ounce. (See Chart 3, Table II.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 40 cents first 2 ounces; 10 cents each additional 2 ounces or fraction. (See Chart 3, Table V.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 243 of this chapter.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions. Paper money and other instruments of payment, letters of credit, securities, or deeds may be imported by mail only if accompanied by a permit issued by the French exchange-control authorities, or if imported by a bank.

Perishable biological materials.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Optional.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1; each additional pound or fraction, 30 cents. (See Chart 4, Table I.)

Air parcel rates. Four ounces or less, $1.09; each additional 4 ounces or fraction, 22 cents.

Lbs.	Ozs.	Rate	Lbs.	Ozs.	Rate	Lbs.	Ozs.	Rate
0	4	$1.09	2	0	$2.62	3	12	$4.17
0	8	1.31	2	4	3.05	4	0	4.39
0	12	1.53	2	8	3.27	4	4	4.61
1	0	1.75	2	12	3.39	4	8	4.83
1	4	1.97	3	0	3.51	4	12	5.05
1	8	2.19	3	4	3.73	5	0	5.27
1	12	2.41	3	8	3.95			

For rates over 5 pounds, charge $4.40 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Indemnity. No provision.

SANTA CRUZ ISLANDS

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. Restricted delivery permitted. See Part 242 of this chapter.

Special delivery. No service.

Money orders. No service.

Prohibitions. Dutiable articles in letter packages; also perishable biological materials.

Articles prohibited as parcel post are prohibited or restricted in the postal union mail.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Optional.

Postal forms required. One Form 2922, two Forms 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.97; each additional 4 ounces or fraction, 63 cents.

Lbs.	Ozs.	Rate	Lbs.	Ozs.	Rate	Lbs.	Ozs.	Rate
0	4	$1.97	2	0	$6.39	3	12	$10.79
0	8	2.60	2	4	7.01	4	0	11.42
0	12	3.23	2	8	7.64	4	4	12.05
1	0	3.86	2	12	8.27	4	8	12.68
1	4	4.49	3	0	8.90	4	12	13.31
1	8	5.13	3	4	9.53	5	0	13.94
1	12	5.75	3	8	10.16			

For rates over 5 pounds, charge $12.60 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Indemnity. No provision.

Observations. Parcel post service extends to the following places only:

Al Gaba.	Khobar.
Al Lith.	Mecca.
Al Wejh.	Medina.
Daba.	Qunfidha.
Dammam.	Rabigh.
Dhahran.	Rastanurra.
Hasa.	Riyadh.
Jiddah.	Umm Laj.
Jisam.	Yenbo.
Katif.	

Prohibitions. Coins, paper money, manufactured or unmanufactured platinum, gold, or silver, precious stones, jewelry, and other precious articles. Arms, munitions, and war material.

Books and prints contrary to the Islamic faith.

SENEGAL (REPUBLIC OF)

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions and import restrictions. Perishable biological materials.

Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Optional.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.48; each additional 4 ounces, or fraction, 47 cents.

Lbs.	Ozs.	Rate	Lbs.	Ozs.	Rate	Lbs.	Ozs.	Rate
0	4	$1.48	2	0	$4.77	3	12	$8.06
0	8	1.96	2	4	5.26	4	0	8.53
0	12	2.43	2	8	5.71	4	4	9.00
1	0	2.90	2	12	6.18	4	8	9.47
1	4	3.38	3	0	6.65	4	12	9.94
1	8	3.83	3	4	7.12	5	0	10.41
1	12	4.30	3	8	7.59			

For rates over 5 pounds, charge $0.40 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Idemnity. No provision.

Observations. Parcel post service extends to the following offices only:

Bakel.	Koungheul.
Bambay.	Linguère.
Bignona.	Louga.
Birkelane.	Marsassoum.
Dacca.	Matam.
Coki.	M'Baké.
Dagana.	M'Bour.
Dahra.	N'Dande.
Dakar.	N'Doulo.
Diouloulou.	Pire.
Diourbel.	Podor.
Fatick.	Richard-Toll.
Foundiougne.	Rufisque.
Gorée.	Saint-Louis.
Gossas.	Sakal.
Guéoul.	Saldé.
Guinguinéo.	Sébikotane.
Joal.	Sédhiou.
Kaffrine.	Sokone.
Kanel.	Tambacounda.
Kaolack.	Thiès.
Kébémer.	Thiogne.
Kédougou.	Tiaroye.
Kelle.	Tivaouane.
Khombole.	Vélingara.
Kidira.	Ziguinchor.
Koïda.	

The postal authorities of Senegal collect domestic postage from the addressees.

Prohibitions. Daggers, sword-canes, blackjacks, and other concealable weapons except firearms and airguns (see "Import restrictions" below).

Articles with markings, labels, or wrappings indicating falsely that they are of French origin. Articles having the "Red Cross" or "Geneva Cross" as a trademark.

Preserved fish, vegetables, and plums, unless marked plainly with country of origin. Boxes of fish weighing more than one kilogram.

Weights and measures not of the metric system.

Import restrictions. The attention of senders should be called to the following requirements, which are to be met by the addressees:

The following articles are subject to special regulations on importation: Firearms and airguns; distilling apparatus; saccharine and artificial flavors for beverages and confectionery; phonograph records; Arabic books and prints.

SEYCHELLES

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13, cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. No service.

Money orders. Yes. See § 171.2 of this chapter.

Parcel Post

Weight limit. 11 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Optional.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.61; each additional 4 ounces or fraction, 71 cents.

Lbs.	Ozs.	Rate	Lbs.	Ozs.	Rate	Lbs.	Ozs.	Rate
0	4	$1.61	2	0	$6.28	3	12	$11.55
0	8	2.12	2	4	7.29	4	0	12.26
0	12	2.68	2	8	8.00	4	4	12.97
1	0	3.76	2	12	8.71	4	8	13.68
1	4	4.44	3	0	9.43	4	12	14.39
1	8	5.16	3	4	10.13	5	0	15.10
1	12	5.87	3	8	10.84			

For rates over 5 pounds, charge $14.20 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Indemnity. No provision.

SIERRA LEONE

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions. Coins or precious metal exceeding £5 in value.

Articles prohibited as parcel post are prohibited in the postal union mail.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Optional.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.96; each additional 4 ounces or fraction, 51 cents.

Lbs.	Ozs.	Rate	Lbs.	Ozs.	Rate	Lbs.	Ozs.	Rate
0	4	$1.96	2	0	$5.58	3	12	$9.10
0	8	2.47	2	4	6.04	4	0	9.61
0	12	2.98	2	8	6.55	4	4	10.13
1	0	3.49	2	12	7.06	4	8	10.65
1	4	4.00	3	0	7.57	4	12	11.14
1	8	4.51	3	4	8.08	5	0	11.65
1	12	5.02	3	8	8.59			

For rates over 5 pounds, charge $10.20 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Indemnity. No provision.

Observations. Commercial invoices are required in duplicate.

Prohibitions. Distilling apparatus; arms and munitions except under license from the Governor; uniforms except for official use.

SINGAPORE

Postal Union Mails

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return air. See Part 242 of this chapter.

Special delivery. No service.

Money orders. Yes. See § 171.2 of this chapter.

Observations. The import licensing requirements (see Parcel Post Observations) apply also to merchandise sent by postal union mail.

Prohibitions. Paper money exceeding 100 Malaysian dollars ($32.60 U.S. currency) in value.

Coins; manufactured or unmanufactured platinum, gold, or silver; jewelry and other precious articles, except that

unset precious stones may be sent in registered letters if prior authorization has been obtained from the Postmaster General of Singapore.

Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $2.05; each additional 4 ounces or fraction, 90 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$2.05	2	0	$8.36	3	12	$14.65
0	8	2.95	2	4	9.25	4	0	15.50
0	12	3.85	2	8	10.15	4	4	16.45
1	0	4.75	2	12	11.05	4	8	17.35
1	4	5.65	3	0	11.95	4	12	18.25
1	8	6.55	3	4	12.85	5	0	19.15
1	12	7.45	3	8	13.75			

For rates over 5 pounds, charge $18 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of Indemnity:	Fee
Not over $15	$0.25
$15.01 to $50	.45
$50.01 to $100	.55

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This amount shall be shown in U.S. currency and in gold francs. The indication in U.S. currency shall be in figures and in letters spelled out in full, and the gold franc equivalent in figures only, as shown in the following example:

INSURED VALUE

$25.75 (U.S.)

TWENTY-FIVE DOLLARS AND SEVENTY-FIVE CENTS

77.25 GOLD FRANCS

See Part 343 of this chapter for method of converting U.S. currency into gold francs and for general information on insurance.

Coins, precious metals, jewelry, or other precious articles sent as parcel post must be insured.

Observations. Many types of merchandise require import licenses which addressees must obtain from the authorities of Singapore. Senders should assure themselves before mailing that the addressees can obtain licenses if needed.

Prohibitions. Arms, etc.: Firearms, including gas guns, and any component parts of such weapons.

Butane gas lighters and refills therefor.

For other reasons: Paper money and values payable to bearer (paper money admitted in registered letters—see Postal Union Mail Prohibitions). Coins or ingots of a value higher than 50 Malaysian dollars ($16.90 U.S. currency), except coins manifestly intended for ornament.

Import restrictions. Hypodermic syringes require authorization of the medical authorities.

SOLOMON ISLANDS (EXCEPT BOUGAINVILLE AND BUKA)

(See "New Guinea, Territory of" Concerning Bougainville and Bulka)

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. No service.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions. Perishable biological materials.

Parcel Post

Weight limit. 11 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Optional.

Postal forms required. One Form 2923, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.98; each additional 4 ounces or fraction, 88 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.98	2	0	$6.16	3	12	$14.30
0	8	2.86	2	4	8.03	4	0	15.18
0	12	3.74	2	8	8.87	4	4	16.06
1	0	4.62	2	12	10.73	4	8	16.94
1	4	5.50	3	0	11.60	4	12	17.82
1	8	6.38	3	4	12.84	5	0	19.70
1	12	7.26	3	8	13.62			

For rates over 5 pounds, charge $17.60 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Indemnity. No provision.

SOMALI REPUBLIC

I. Southern Region (Territory of former "Somalia").

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. No service.

Prohibitions. Coins, banknotes, paper money, and values payable to bearer; gold, platinum and silver, manufactured or unmanufactured; precious stones, jewelry and other precious articles.

Perishable biological materials. Radioactive materials.

Articles prohibited as parcel post are prohibited in the postal union mail.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Compulsory.

Postal forms required. One form 2922, one Form 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $2.05; each additional 4 ounces or fraction, 72 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$2.05	2	0	$7.09	3	12	$12.13
0	8	2.77	2	4	7.81	4	0	12.85
0	12	3.49	2	8	8.68	4	4	13.57
1	0	4.21	2	12	9.35	4	8	14.29
1	4	4.93	3	0	9.97	4	12	15.01
1	8	5.65	3	4	10.69	5	0	15.73
1	12	6.37	3	8	11.41			

For rates over 5 pounds, charge $14.40 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Indemnity. No provision.

Prohibitions. For reasons of public safety: Printed matter, designs and emblems contrary to public order.

For sanitary reasons: Foreign medical specialties, serums, vaccines, etc., unless addressed to recognized medical institutions or registered pharmacies.

Empty containers and labels with markings relating to medicines.

Arms, etc.: Arms and parts thereof are not admitted until the addressee obtains a permit from the authorities in his locality.

State monopolies, etc.: Saccharine and its products, unless addressed to authorized pharmacies.

Sea salt and rock salt, and unmanufactured tobacco (leaves and stems) unless addressed to the Minister of Finances. Manufactured tobacco addressed to individuals for personal use is admitted with permission of the customs authorities.

II. Northern Region (Territory of former "Somaliland Protectorate").

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 24 cents to return by air. See Part 242 of this chapter.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Prohibition. Manufactured or unmanufactured platinum, gold or silver, precious stones, jewelry, and other precious articles.

Perishable biological materials. Radioactive materials.

Articles prohibited as parcel post are prohibited in the postal union mail.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Optional.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction 35 cents. (See Chart 4, Table II.)

Air parcel post. No service.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Indemnity. No provision.

Observations. Parcels are accepted for any place, but delivery is confined to Berbera, Borama, Burao, Erigavo, Hargeisa, Sheikh, and Zeilah.

Prohibitions. Arms of all kinds, parts of arms, military stores, except for Government service or under Government license.

Lighters and refills containing butane gas.

SOUTH AFRICA (REPUBLIC OF) (INCLUDING BOTSWANA, LESOTHO, SWAZILAND AND SOUTH-WEST AFRICA)

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Observations. See "Observations" under "Parcel Post" for information as to the South African import-license requirements and the markings required for various types of shipments.

Prohibitions and import restrictions. The articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail, except that diamonds and other precious stones and coins are admitted in registered letter packages.

Parcel Post

Weight limit. 22 pounds to Republic of South Africa, Botswana, Lesotho and Swaziland; 11 pounds to South-West Africa.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Optional.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, II.)

Air parcel rates. Four ounces or less, $1.69; each additional 4 ounces or fraction, 80 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.69	2	0	$7.25	3	12	$12.85
0	8	2.49	2	4	8.09	4	0	13.69
0	12	3.29	2	8	8.89	4	4	14.49
1	0	4.09	2	12	9.65	4	8	15.29
1	4	4.89	3	0	10.49	4	12	16.09
1	8	5.69	3	4	11.25	5	0	16.89
1	12	6.49	3	8	12.09			

For rates over 5 pounds, charge $16 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Indemnity. No provision.

Observations. The South African Government requires that import permits be obtained by the addressees to take delivery of all shipments except those in the following categories which are exempt from import control:

(a) Bona fide gifts not exceeding 10 Rand (about $14) in value.

(b) Medicines and therapeutic devices for the addressee's personal use, not exceeding 10 Rand in value.

(c) Books, newspapers, catalogues, printed music and periodicals (other than those of the sensational or "comic" variety which are prohibited) sent to firms or private individuals for their own use.

(d) Samples having no commercial value.

(e) Articles being returned to South Africa after repairs costing 10 Rand or less.

(f) Articles originating in South Africa being returned for repair or for replacement due to defect.

(g) Articles authorized under South African quota regulations.

(h) Used household or personal effects of persons who have arrived in South Africa.

Before mailing any parcel or postal union article whose contents do not conform to one of the above categories, the sender should ascertain whether the addressee will be permitted to receive it. The sender must mark the wrapper of each parcel or article "Addressee has import permit," &c, if the contents are in one of the exempted categories, "Exempt from import control."

Commercial shipments of printed matter require separate import permits to be obtained by the addressees for the portions classified as (a) scientific, educational and technical, (b) nonfiction, and (c) fiction. It is desirable that mailers of such shipments prepare separate invoices in respect of each classification, each invoice to show the total number of parcels in the shipment, and the invoice number to be marked on each package.

For commercial shipments, a commercial invoice in prescribed form must be sent to the addressee so as to arrive before the shipment.

Prohibitions. For sanitary reasons: Used clothing for sale; used boots and shoes.

For other reasons: Diamonds and precious stones; coins; gold dust or nuggets.

Butane gas cigarette lighters.

Honey and preparations of honey including "royal jelly," preserves sweetened with honey, and flypaper.

Magazines and priodical publications of the sensational variety, such as "western," "detective," "romance," "confession," or "comics," back numbers of all magazines or periodicals mailed more than 2 months from date of issue.

Import restrictions. The attention of senders should be called to the following requirements, which are to be met by the addressee:

In addition to the import permits required as set forth in "Observations," special permission is needed to import the following:

Deadly weapons including knives having blades 4 inches or more in length, except those normally employed in household use, farming, or meat cutting; also imitation firearms, devices for discharging gas, harpoon guns, and air pistols.

Sera, vaccines and pathogenic cultures for human or veterinary use.

Military equipment including uniforms, altered or not; footwear; blankets; ground sheets; ordnance bags and haversacks.

Cheese of all kinds; yeast; beeswax; rice.

SPAIN (INCLUDING BALEARIC ISLANDS, CANARY ISLANDS, AND THE SPANISH OFFICES IN NORTHERN AFRICA; CEUTA, MELILLA, ALHUCEMAS ISLAND, CHAFARINAS OR ZAFARANI ISLANDS, AND PEÑÓN DE VÉLEZ DE LA GOMERA)

(For Fernando Po, Río Muni, and Spanish West Africa, see separate country items.)

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 20 cents per half ounce. (See Chart 3, Table III.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 50 cents first 2 ounces; 20 cents each additional 2 ounces or fraction. (See Chart 3, Table VI.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. Restricted delivery permitted. See Part 242 of this chapter.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. No service.

Observations. Periodicals, newspapers and books generally require an import permit to be secured by the addressees in Spain. However, this requirement is waived in the case of single shipments addressed to individuals.

The customs handling of printed matter in Spain will be facilitated if a green customs label (Form 2976) is affixed to each package.

It is understood that periodicals in the Spanish language are often subjected to high duties and extensive examination by the Spanish authorities.

Prohibitions and import restrictions. Cottonseed unless addressed to the Spanish Institute for Textile Fiber Production.

Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

Parcel Post

Weight limit. Air parcels, 22 pounds; surface parcels, 44 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Compulsory.

Postal forms required. One Form 2922; three Forms 2966 for Spain, two for Spanish possessions; one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.77; each additional 4 ounces or fraction, 44 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.77	2	0	$4.85	3	12	$7.93
0	8	2.21	2	4	5.29	4	0	8.37
0	12	2.65	2	8	5.73	4	4	8.81
1	0	3.09	2	12	6.17	4	8	9.25
1	4	3.53	3	0	6.61	4	12	9.69
1	8	3.97	3	4	7.05	5	0	10.13
1	12	4.41	3	8	7.49			

For rates over 5 pounds, charge $8.80 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55
$100.01 to $150	.65
$150.01 to $168	.75

Print on the wrapper near the "Insured" endorsement and number the amount for which the parcel is insured. This amount shall be shown in U.S. currency and in gold francs. The indication in U.S. currency shall be in figures and in letters spelled out in full, and the gold franc equivalent in figures only, as shown in the following example:

INSURED VALUE

$25.75 (U.S.)

TWENTY-FIVE DOLLARS AND SEVENTY-FIVE CENTS

77.25 GOLD FRANCS

See Part 243 of this chapter for method of converting U.S. currency into gold francs and for general information on insurance.

Coin, precious metals, jewelry, or other articles sent as parcel post must be insured.

Observations. Parcels may be addressed to banks or other organizations for ultimate delivery to second addressees. The lattery however may not take delivery without written authority from the first addressee, unless the sender arranges for change of address as provided in Part 247 of this chapter.

Each parcel containing used clothing must have enclosed a certificate of disinfection. It is believed that a statement on the letterhead of a dry-cleaning establishment or laundry that the articles of clothing have been cleaned should serve the purpose.

Parcel post service to the Canary Islands extends to the following offices only:

Agaete.	Puerto Cabras.
Arrecife.	Puerto de la Cruz.
Arucas.	Puerto Luz.
Gáldar.	Realejo Alto.
Garachico.	San Andrés y Sauces.
Granadilla.	San Bartolomé
Gran Tarajal.	Tirajana.
Guía.	San Mateo.
Guía de Isora.	San Miguel.
Guimar.	Santa Brígida.
Haría.	Santa Cruz de la
Hermigua.	Palma.
Icod.	Santa Cruz de
Ingenio.	Tenerife.
La Antigua.	San Sebastian de la
La Cuesta.	Gomera.
La Laguna.	Tacoronte.
La Orotava.	Tazacorte.
Las Palmas.	Telde.
Los Llanos.	Teror.
Moya.	Valverde del Hierro.

Prohibitions. Tobacco (admitted only to the Canary Islands, Ceuta, and Melilla). Cigarette lighters. Playing cards. Foodstuffs containing saccharine in any amount. Weapons concealed in canes, brass knuckles, blackjacks, articles for discharging gas.

Import restrictions. The attention of senders should be called to the following requirements, which are to be met by addressees.

Import licenses must generally be obtained before parcels are delivered.

Special regulations must be complied with in the importation of the articles named below:

Books, periodicals and magazines as set forth in "Observations" under "Postal Union Mail" except that Form 2976 is not to be affixed to parcel-post packages.

Medicines, including serums and vaccines.

Jewelry and precious stones.

Spanish banknotes.

Weapons which are not prohibited.

SPANISH WEST AFRICA, SPANISH SAHARA (RÍO DE ORO AND SEKIA EL HAMRA) AND THE TERRITORY OF IFNI

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. No service.

Prohibitions and import restrictions. Coins, banknotes, paper money, values payable to the bearer; manufactured or unmanufactured platinum, gold, or silver, precious stones, jewelry, and other precious articles.

Dutiable articles in letter packages; also perishable biological materials.

Articles prohibited or restricted as parcel post to Spain are prohibited or restricted in the postal union mail to Spanish West Africa.

Parcel Post

Weight limit. Air parcels, 22 pounds; surface parcels, 44 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Compulsory.

Postal forms required. One Form 2922, one Form 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.78; each additional 4 ounces or fraction, 51 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.78	2	0	$5.35	3	12	$8.92
0	8	2.29	2	4	5.86	4	0	9.43
0	12	2.80	2	8	6.37	4	4	9.94
1	0	3.31	2	12	6.88	4	8	10.45
1	4	3.82	3	0	7.39	4	12	10.96
1	8	4.33	3	4	7.90	5	0	11.47
1	12	4.84	3	8	8.41			

For rates over 5 pounds, charge $10.30 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Indemnity. No provision.

Observations. Service is available only to Sidi Ifni (Ifni Territory) and to Aaiun, Güera and Villa Cisneros (Spanish Sahara). Parcels may be addressed to banks or other organizations for ultimate delivery to second addressees. The latter however may not take delivery without written authority from the first addressee, unless the sender arranges for change of address as provided in Part 247 of this chapter.

Prohibitions and import restrictions. Same as for Spain.

SUDAN

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter. Small packets not accepted.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, and samples of merchandise, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. No service.

Money orders. No service.

Prohibitions. For the protection of animals or plants: Unseeded cotton.

Arms, etc.: 303 rifles, 380, 450, and 455 revolvers; 6-millimeter Italian guns; toy pistols larger than 3 caliber; all automatic pistols. Parcels containing other firearms or parts must bear on the outside an indication of the contents. See "Import restrictions."

For other reasons: Articles of gold, unless they bear a mark recognized by the Sudan Government.

Paper money.

Cotton thread, not bearing a label or mark clearly indicating the length or weight in accordance with the weights and measures legal in the Sudan.

Carbon paper unless wax-coated and not containing any oxidisable oily or fatty substance and so described on the customs declaration.

Import restrictions. The attention of senders should be called to the following requirements which are to be met by addressees:

Addressees must obtain import licenses for the following:

Live plants (including bulbs), cotton seed, and seeded cotton.

Arms (other than those prohibited).

Saccharine and sugar.

Sulphur and products thereof.

Unmanufactured tobacco.

SURINAM

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 15 cents per half ounce. (See Chart 3, Table II.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 50 cents first 2 ounces; 20 cents each additional 2 ounces or fraction. (See Chart 3, Table VI.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. No service.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions. Perishable biological materials.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, three Forms 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.99; each additional 4 ounces or fraction, 64 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.99	2	0	$6.47	3	12	$10.95
0	8	2.63	2	4	7.11	4	0	11.59
0	12	3.27	2	8	7.75	4	4	12.23
1	0	3.91	2	12	8.39	4	8	12.87
1	4	4.55	3	0	9.03	4	12	13.51
1	8	5.19	3	4	9.67	5	0	14.15
1	12	5.83	3	8	10.31			

For rates over 5 pounds, charge $12.80 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Indemnity. No provision.

Prohibitions. For the protection of animals or plants: Unseeded cotton.

Arms, etc.: 303 rifles, 380, 450, and 455 revolvers; 6-millimeter Italian guns; toy pistols larger than 3 caliber; all automatic pistols. Parcels containing other firearms or parts must bear on the outside an indication of the contents. See "Import restrictions."

For other reasons: Articles of gold, unless they bear a mark recognized by the Sudan Government.

Paper money.

Cotton thread, not bearing a label or mark clearly indicating the length or weight in accordance with the weights and measures legal in the Sudan.

Carbon paper unless wax-coated and not containing any oxidisable oily or fatty substance and so described on the customs declaration.

Import restrictions. The attention of senders should be called to the following requirements which are to be met by addressees:

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.42	2	0	$3.73	3	12	$6.04
0	8	1.75	2	4	4.06	4	0	6.37
0	12	2.08	2	8	4.39	4	4	6.70
1	0	2.41	2	12	4.72	4	8	7.03
1	4	2.74	3	0	5.05	4	12	7.36
1	8	3.07	3	4	5.38	5	0	7.69
1	12	3.40	3	8	5.71			

For rates over 5 pounds, charge $6.60 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55

Coins, bullion, jewelry, or any other precious article sent as parcel post must be insured.

For general information on insurance see Part 243 of this chapter.

SWEDEN

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 20 cents per half ounce. (See Chart 3, Table III.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 50 cents first 2 ounces; 20 cents each additional 2 ounces or fraction. (See Chart 3, Table VI.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. Restricted delivery permitted. See Part 242 of this chapter.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Observations. Customs clearance of articles of merchandise will be expedited if a commercial invoice, signed by the sender, is enclosed in the package.

Combination mailings as defined in § 222.8(a) of the charter are accepted.

Prohibitions. Banknotes and coins, except by authorization of the National Bank of Sweden.

Securities, except through the intermediary of the National Bank of Sweden or certain specially authorized commercial banks.

Articles prohibited as parcel post are prohibited in the postal union mail.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet 7 inches, provided that parcels exceeding 6 feet in combined length and girth do not exceed 30 inches in length.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.35; each additional 4 ounces or fraction, 45 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.35	2	0	$4.50	3	12	$7.65
0	8	1.80	2	4	4.95	4	0	8.10
0	12	2.25	2	8	5.40	4	4	8.55
1	0	2.70	2	12	5.85	4	8	9.00
1	4	3.15	3	0	6.30	4	12	9.45
1	8	3.60	3	4	6.75	5	0	9.90
1	12	4.05	3	8	7.20			

For rates over 5 pounds, charge $9.00 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55
$100.01 to $150	.65
$150.01 to $200	.75
$200.01 to $300	.95
$300.01 to $380	1.15

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This amount shall be shown in U.S. currency and in gold francs. The indication in U.S. currency shall be in figures and in letters spelled out in full, and the gold franc equivalent in figures only, as shown in the following example:

INSURED VALUE

$25.75 (U.S.)

TWENTY-FIVE DOLLARS AND SEVENTY-FIVE CENTS

77.25 GOLD FRANCS

See Part 243 of this chapter for method of converting U.S. currency into gold francs and general information on insurance.

Coin, banknotes, paper money, bullion, jewelry, or other precious articles sent as parcel post must be insured.

Observations. Customs clearance of parcels will be expedited if a commercial invoice, signed by the sender, is enclosed in the parcel.

Prohibitions. The following articles unless addressed to importers authorized by the Swedish authorities:

Firearms and parts thereof; pharmaceutical drugs including bacteriological preparations; sugar; perfumes and other preparations containing alcohol; tobacco in any form and machines, tools and paper for tobacco manufacture. As an exception, tobacco manufactures not exceeding 35 ounces in any one parcel may be sent as a gift to an individual for personal use.

Articles of gold or silver not complying with Swedish regulations as to fineness.

Banknotes, coins and securities as indicated under "Postal Union Mails."

SWITZERLAND (INCLUDING LIECHTENSTEIN)

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 20 cents per half ounce. (See Chart 3, Table III.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 50 cents first 2 ounces; 20 cents each additional 2 ounces or fraction. (See Chart 3, Table VI.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. Restricted delivery permitted. See Part 242 of this chapter.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Observations. Customs clearance of articles of merchandise will be expedited if a commercial invoice, signed by the sender, is enclosed in the package.

Prohibitions. Banknotes and coins, except by authorization of the National Bank of Switzerland.

Securities, except through the intermediary of the National Bank of Switzerland or certain specially authorized commercial banks.

Articles prohibited as parcel post are prohibited in the postal union mail.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, one Form 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.52; each additional 4 ounces or fraction, 43 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.52	2	0	$4.62	3	12	$7.84
0	8	1.96	2	4	5.06	4	0	7.97
0	12	2.36	2	8	5.50	4	4	8.40
1	0	2.81	2	12	5.92	4	8	8.83
1	4	3.24	3	0	6.36	4	12	9.26
1	8	3.67	3	4	6.80	5	0	9.69
1	12	4.10	3	8	7.11			

For rates over 5 pounds, charge $8.60 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55
$100.01 to $150	.65
$150.01 to $200	.75
$200.01 to $300	.95
$300.01 to $380	1.15

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This amount shall be shown in U.S. currency and in gold francs. The indication in U.S. currency shall be in figures and in letters spelled out in full, and the gold franc equivalent in figures only, as shown in the following example:

INSURED VALUE

$25.75 (U.S.)

TWENTY-FIVE DOLLARS AND SEVENTY-FIVE CENTS

77.25 GOLD FRANCS

The same indications shall also be shown in the appropriate space on the dispatch note (Form 2972).

See Part 243 of this chapter for method of converting U.S. currency into gold francs and for general information on insurance.

Coins, bullion, jewelry or any other precious article sent as parcel post must be insured. Parcels containing the articles mentioned, as well as those containing banknotes or other paper values, must be sealed with wax or lead seals, or with gummed paper tape bearing a distinctive mark or imprint of the sender.

Observations. A letter or card fully prepaid and bearing the same address as that of the parcel may be tied to or otherwise securely attached to the outside of the parcel in such manner as to prevent its separation therefrom and not to interfere with the address of the parcel. Stamps to cover postage on the parcel must be affixed to the wrapper of the parcel. Stamps to pay postage on the letter must be affixed to the envelope thereof; or, in case of a post card, to the address side of the card, preferably the upper right-hand portion. Parcels to which such letters or cards are attached are treated as parcel post.

Prohibitions. For sanitary reasons: All shipments, regardless of weight, containing meat, or meat preparations, must be accompanied by a "certificate of origin and inspection of meats" and comply with other requirements of the Swiss regulations governing the importation of such products.

For other reasons: Horoscopes sent by persons or firms engaged in that kind of business.

Articles of precious metal and alloys of such metals must conform to the regulations of the Swiss Government with respect to indications of fineness.

SYRIA

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. No service.

Observations. Mail may be addressed "Syrian Arab Republic" or "Syria". The post office of destination should be written in Arabic if possible, as well as in English.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions and import restrictions. Perishable biological materials.

Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

Parcel Post

Weight limit. 44 pounds, except that parcels addressed to Chahba and Salkhad are limited to 11 pounds, and parcels for Tel-Ahlad and Yabroud to 22 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, one Form 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.57; each additional 4 ounces or fraction, 58 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.57	2	0	$5.08	3	12	$9.69
0	8	2.15	2	4	6.21	4	0	10.27
0	12	2.73	2	8	6.79	4	4	10.85
1	0	3.31	2	12	7.37	4	8	11.43
1	4	3.88	3	0	7.95	4	12	12.01
1	8	4.47	3	4	8.53	5	0	12.59
1	12	5.08	3	8	9.11			

For rates over 5 pounds, charge $11.60 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55
$100.01 to $150	.65
$150.01 to $165	.75

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This amount shall be shown in U.S. currency and in gold francs. The indication in U.S. currency shall be in figures and in letters spelled out in full, and the gold franc equivalent in figures only, as shown in the following example:

INSURED VALUE

$25.75 (U.S.)

TWENTY-FIVE DOLLARS AND SEVENTY-FIVE CENTS

77.25 GOLD FRANCS

See Part 243 of this chapter for method of converting U.S. currency into gold francs and for general information on insurance.

Coin, precious metals, jewelry, or any other precious article sent as parcel post must be insured.

Observations. Commercial shipments valued at $55.60 or over require three copies of combined commercial invoice and certificate of origin, which must be certified by a chamber of commerce or similar organization and legalized by a Syrian consulate. Gift shipments regardless of value and commercial shipments valued at less than $55.60 are exempt from the requirement.

Parcels may be addressed "Syrian Arab Republic" or "Syria." The post office of destination should be written in Arabic if possible, as well as in English.

Prohibitions. For reasons of sanitary policy: Margarine and other kinds of artificial butter, and materials for its manufacture.

State monopolies, etc.: Cigarette paper and machines for manufacturing tobacco or cigarettes (knives, choppers, etc.).

Salt.

For other reasons: Soap, except shaving soap.

Footwear of all kinds, except wool stockings.

High frequency radio receivers (above 100 megacycles).

Television equipment.

Essences, essential oils, and all chemical products derived therefrom intended or suitable for use in the manufacture of false or imitated alcoholic beverages; essences and aromas for the manufacture of mineral waters, ices, and pastries.

Import restrictions. The attention of senders should be called to the following requirements, which are to be met by addressees:

Addressees are required to obtain import licenses for gift parcels exceeding 200 Syrian pounds ($90.50) in value, and for all commercial parcels.

Special permission is required for the importation of the following:

Sporting guns.

Cigarettes, cigars, leaf tobacco and tumbeki.

TANZANIA (TANGANYIKA, ZANZIBAR, PEMBA AND ADJACENT ISLANDS)

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Optional.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or

fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.90; each additional 4 ounces or fraction, 73 cents.

Lbs.	Ozs.	Rate	Lbs.	Ozs.	Rate	Lbs.	Ozs.	Rate
0	4	$1.90	2	0	$7.03	3	12	$13.12
0	8	2.63	2	4	7.76	4	0	13.85
0	12	3.36	2	8	8.47	4	4	14.39
1	0	4.09	2	12	9.20	4	8	14.31
1	4	4.82	3	0	9.93	4	12	15.04
1	8	5.55	3	4	10.66	5	0	15.77
1	12	6.28	3	8	11.39			

For rates over 5 pounds, charge $14.60 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Indemnity. No provision.

THAILAND

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions. Perishable biological materials.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $2.06; each additional 4 ounces or fraction, 74 cents.

Lbs.	Ozs.	Rate	Lbs.	Ozs.	Rate	Lbs.	Ozs.	Rate
0	4	$2.06	2	0	$7.39	3	12	$13.44
0	8	2.80	2	4	8.13	4	0	14.18
0	12	3.54	2	8	8.87	4	4	14.92
1	0	4.28	2	12	9.61	4	8	14.66
1	4	5.02	3	0	10.35	4	12	16.40
1	8	5.76	3	4	11.09	5	0	16.14
1	12	6.50	3	8	11.83			

For rates over 5 pounds, charge $14.80 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55

Insured parcels may be addressed only to Bangkok or Dhonburi.

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This amount shall be shown in U.S. currency and in gold francs. The indication in U.S. currency shall be in figures and in letters spelled out in full, and the gold france equivalent in figures only, as shown in the following example:

INSURED VALUE

$35.75 (U.S.)

TWENTY-FIVE DOLLARS AND SEVENTY-FIVE CENTS

77.25 GOLD FRANCS

See Part 243 of this chapter, for method of converting U.S. currency into gold francs and for general information on insurance.

Coins, banknotes, securities payable to bearer, precious metals, jewelry or any other precious article sent as parcel post must be insured.

Prohibitions. Firearms, air guns, and their accessories, except by special authorization from the Government; however, toy air guns for children, as well as firearms and air guns kept exclusively as curios, may be imported without formalities.

TOGO

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. Available to Lomé only. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions. Paper money and values payable to bearer are admitted in registered letters only.

Coins; manufactured or unmanufactured platinum, gold, and silver; precious stones, jewelry, and other precious articles are prohibited.

Perishable biological materials.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Optional.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.64; each additional 4 ounces or fraction, 60 cents.

Lbs.	Ozs.	Rate	Lbs.	Ozs.	Rate	Lbs.	Ozs.	Rate
0	4	$1.64	2	0	$5.84	3	12	$10.04
0	8	2.24	2	4	6.44	4	0	10.64
0	12	2.84	2	8	7.04	4	4	11.24
1	0	3.44	2	12	7.64	4	8	11.84
1	4	4.04	3	0	8.24	4	12	12.44
1	8	4.64	3	4	8.84	5	0	13.04
1	12	5.24	3	8	9.44			

For rates over 5 pounds, charge $12 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Indemnity. No provision.

Observations. The postal authorities of Togo collect domestic postage from the addressees.

Prohibitions. For reasons of public safety: Pomiards, sword-canes, loaded canes, brass knuckles, blackjacks, and all other arms for offense.

For sanitary reasons: Saccharine and similar products.

Medical thermometers not bearing the stamp of the Laboratory of Arts and Crafts.

Retorts and other apparatus suitable for the distillation of alcohols.

Arms, etc.: Arms, munitions, and war material. Hunting arms are admitted subject to previous authorization.

State monopolies, etc.: Weights and measures other than those of the decimal metric system. Foreign silver coins.

For other reasons: Articles with false marks of origin.

TONGA (FRIENDLY) ISLANDS

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. No service.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions. Perishable biological materials.

Parcel Post

Weight limit. 11 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Optional.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.48; each additional 4 ounces or fraction, 59 cents.

Lbs.	Ozs.	Rate	Lbs.	Ozs.	Rate	Lbs.	Ozs.	Rate
0	4	$1.48	2	0	$5.01	3	12	$8.74
0	8	2.07	2	4	6.20	4	0	10.33
0	12	2.66	2	8	6.79	4	4	10.93
1	0	3.26	2	12	7.38	4	8	11.51
1	4	3.84	3	0	7.97	4	12	12.10
1	8	4.43	3	4	8.56	5	0	12.69
1	12	5.03	3	8	9.15			

For rates over 5 pounds, charge $11.80 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Indemnity. No provision.

TRINIDAD AND TOBAGO

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 15 cents per half ounce. (See Chart 3, Table II.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 40 cents first 2 ounces; 10 cents each additional 2 ounces or fraction. (See Chart 3, Table V.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. No service.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions. Articles prohibited as parcel post are prohibited in the postal union mail.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Registered parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1; each additional pound or fraction, 30 cents. (See Chart 4, Table I.)

Air parcel rates. Four ounces or less, $1.51; each additional 4 ounces or fraction, 28 cents.

Lbs.	Ozs.	Rate	Lbs.	Ozs.	Rate	Lbs.	Ozs.	Rate
0	4	$1.51	2	0	$5.47	3	12	$8.43
0	8	1.79	2	4	5.75	4	0	8.71
0	12	2.07	2	8	6.03	4	4	8.99
1	0	2.35	2	12	6.31	4	8	9.27
1	4	2.63	3	0	6.59	4	12	9.55
1	8	2.91	3	4	6.87	5	0	9.83
1	12	3.19	3	8	7.15			

For rates over 5 pounds, charge $5.60 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. Fee, 75 cents. There is no provision for indemnity. (See Part 242 and § 272.2(b)(4) of this chapter.)

Prohibitions. Disguised firearms, switchblade knives (also known as "flick knives"), and sword-canes. Other arms require the permission of the Trinidad police authorities.

Carbon paper unless coated with wax and containing no oxidizable, oily or fatty substance, and so described on the customs declaration.

Saccharine, except with the permission of the Trinidad health authorities.

Uncooked pork including ham and bacon, and all uncooked pork products.

Coins exceeding £5 ($14) in value, except old coins intended as ornaments.

TRISTAN DA CUNHA

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. No service.

Money orders. No service.

Parcel Post

Weight limit. 11 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Optional.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.80; each additional 4 ounces or fraction, 76 cents.

Lbs.	Ozs.	Rate	Lbs.	Ozs.	Rate	Lbs.	Ozs.	Rate
0	4	$1.80	2	0	$7.12	3	12	$12.44
0	8	2.56	2	4	7.88	4	0	13.20
0	12	3.32	2	8	8.64	4	4	13.96
1	0	4.08	2	12	9.40	4	8	14.72
1	4	4.84	3	0	10.16	4	12	15.48
1	8	5.60	3	4	10.92	5	0	16.24
1	12	6.36	3	8	11.68			

For rates over 5 pounds, charge $15.20 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Indemnity. No provision.

Observations. The parcels are forwarded to the Union of South Africa and thence to Tristan da Cunha as opportunity offers.

TRUCIAL STATES (INCLUDING ABU DHABI, DUBAI AND SHARJAH)

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. No service.

Money orders. Yes. See § 171.2 of this chapter. No service to Sharjah.

Prohibitions. Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, two Forms 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.54; each additional 4 ounces or fraction, 65 cents.

Lbs.	Ozs.	Rate	Lbs.	Ozs.	Rate	Lbs.	Ozs.	Rate
0	4	$1.54	2	0	$6.00	3	12	$10.64
0	8	2.10	2	4	6.76	4	0	11.20
0	12	2.64	2	8	7.20	4	4	11.76
1	0	3.20	2	12	8.04	4	8	12.32
1	4	4.14	3	0	8.60	4	12	13.24
1	8	4.70	3	4	9.24	5	0	13.80
1	12	5.44	3	8	9.80			

For rates over 5 pounds, charge $13 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This indication shall be shown in U.S. currency, in figures and in letters spelled out in full, in the following form:

INSURED VALUE

$76.75

SEVENTY-SIX DOLLARS AND SEVENTY-FIVE CENTS

Coins, bullion, precious stones, and any article of gold, silver, or platinum sent as parcel post must be insured. Parcels containing jewelry must not have a value exceeding $100.

The final decision on all questions of compensation rests with the country in whose service the loss, rifling, or damage took place.

For general information on insurance, see Part 243 of this chapter.

Prohibitions. Arms and parts thereof. Cultivated, imitation, artificial, or bleached pearls.

Coins and gold ingots exceeding £5 ($14) in value, except coins declared to be intended as ornaments. Silver ingots or partially worked silver exceeding £20 ($56) in value.

Carbon paper, oilskins, and similar goods are subject to the conditions applicable to such articles for Great Britain.

TUNISIA

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 223 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 20 cents per half ounce. (See Chart 3, Table III.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 50 cents first 2 ounces; 20 cents each additional 2 ounces or fraction. (See Chart 3, Table VI.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. Restricted delivery permitted. See Part 242 of this chapter.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions and import restrictions. Paper money and other instruments of payment, letters of credit, securities, or deeds may be imported by mail only if accompanied by a permit issued by the Tunisian exchange-control authorities, or if imported by a bank.

Coins, manufactured or unmanufactured platinum, gold, or silver; precious stones, jewelry, and other precious articles. Perishable biological materials.

Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Optional.

Postal forms required. One Form 2922, one Form 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.06; each additional 4 ounces or fraction, 47 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.06	2	0	$4.06	3	12	$6.34
0	8	1.13	2	4	5.42	4	0	6.71
0	12	1.60	2	8	5.89	4	4	9.18
1	0	1.07	2	12	6.36	4	8	9.65
1	4	1.54	3	0	6.83	4	12	10.12
1	8	4.01	3	4	7.30	5	0	10.59
1	12	4.48	3	8	7.77			

For rates over 5 pounds, charge $0.40 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Indemnity. No provisions.

Prohibitions. For reasons of public safety: Saccharine and similar products, except in very small amounts imported as remedies by pharmacists or physicians.

For sanitary reasons: Nursing bottles, nipples, and pacifiers which are not made of pure rubber and marked accordingly, and vulcanized by heat.

Arms, etc.: Arms of all kinds, except that hunting and commercial arms may be imported with authorization of the Director of Public Safety.

State monopolies etc.: Playing cards.

Tobacco, except that manufactured tobaccos, cigars, and cigarettes for personal use of the importer may be admitted up to 10 kilograms per year, subject to authorization of the Tunisian revenue authorities.

For other reasons: Salt for private use. Copper coins and obsolete silver coins.

The following are among the articles prohibited for the protection of Tunisian industry: Aspirin, sulfa drugs, and vitamin compounds; chalk; pencils; soap and detergents containing it; leather and articles of artificial leather; carpets, tapestries, and bed coverings; footwear of rubber or plastic; hosiery of cotton or synthetic fibers, except women's stockings; jewelry made of precious metal or plated with it; household articles of galvanized iron, galvanized steel or aluminum; nonelectric cooking and heating appliances for household use.

TURKEY

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 223 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 20 cents per half ounce. (See Chart 3, Table III.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets 50 cents first 2 ounces; 20 cents each additional 2 ounces or fraction. (See Chart 3, Table VI.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. Restricted delivery permitted. See Part 242 of this chapter.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. No service.

Prohibitions and import restrictions. Coins; values payable to bearer; manufactured or unmanufactured platinum, gold, or silver; precious stones, jewelry, and other precious articles. (However, registered letters may contain paper money.)

Stocks, bonds, and coupons, unless addressed to the Central Bank of the Turkish Republic, require the authorization from the Turkish exchange control authorities.

Turkish money, as well as checks and drafts expressed in Turkish money, require authorization from the Ministry of Finance. If imported without advance permission, such remittances are liable to confiscation.

Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, two Forms 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.44; each additional 4 ounces or fraction, 54 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.44	2	0	$5.22	3	12	$9.00
0	8	1.97	2	4	5.76	4	0	9.54
0	12	2.50	2	8	6.30	4	4	10.08
1	0	3.04	2	12	6.84	4	8	10.62
1	4	3.58	3	0	7.38	4	12	11.16
1	8	4.12	3	4	7.92	5	0	11.70
1	12	4.66	3	8	8.46			

For rates over 5 pounds, charge $10.80 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.48
$50.01 to $100	.58
$100.01 to $150	.65
$150.01 to $165	.75

Print on the wrapper near the "Insured" endorsement and number the amount for which the parcel is insured. This amount shall be shown in U.S. currency and in gold francs. The indication in U.S. currency shall be in figures and in letters spelled out in full, and the gold franc equivalent in figures only, as shown in the following example:

INSURED VALUE

$25.75 (U.S.)

TWENTY-FIVE DOLLARS AND SEVENTY-FIVE CENTS

77.25 GOLD FRANCS

The same indications shall also be shown in the appropriate space on the dispatch note (Form 2972).

See Part 243 of this chapter for method of converting U.S. currency into gold francs and for general information on insurance.

Coins, bank notes, currency notes, securities payable to bearer, platinum, gold or silver (manufactured or unmanufactured), precious stones, jewels, or other precious articles sent as parcel post must be insured.

Observations. The value and net weight of each kind of article or goods must be shown on the customs declarations, also the country of origin of the merchandise.

Each commercial parcel for Turkey must have enclosed a combined certificate of origin and consular invoice, which must be certified by a chamber of commerce or other trade organizations or by a notary public, and be legalized by a Turkish consul. Each commercial shipment of printed matter, such as books, newspapers, or magazines, must likewise be accompanied by an invoice and, except in the case of daily newspaper, by a certificate of origin also.

Prohibitions. For sanitary reasons: Used bedding, linens, clothing, carpets, empty sacks, etc., not accompanied by a certificate of origin attesting their disinfection.

Saccharine and similar substances, except in small quantities for scientific and medical use.

Quinine, its derivatives and salts, as well as other medicaments for fever, neosalvarsan and similar compounds unless addressed to the Red Crescent Association.

Clinical thermometers must be accompanied by an official certificate of inspection.

Arms, munitions, etc.: Saltpeter, empty cartridges.

Arms and munitions of war and their accessories.

Secret and prohibited arms (poniards, bayonets, sword canes, air guns, etc.).

Gas masks and all other material for protection against gas, unless addressed to the Red Crescent Association.

State monopolies, etc.: Salt.

The following may be imported only by the Monopoly Administration: Tobacco and its products; cigarette paper and apparatus for making cigarettes; tobacco seed; tea; playing cards other than children's games.

For other reasons: Military goods (other than those imported by the Government).

Containers bearing names or trademarks of foreign firms.

Tablets of acetylsalicylic acid (American brands).

Silver coins and all foreign coins (except gold coins and ancient coins for collections).

Calculating machines, unless imported by the Government.

Glasses magnifying more than eight times, unless ordered by the Government.

Import restrictions. The attention of of senders should be called to the following requirements, which are to be met by addressees:

Import licenses must be obtained for many types of merchandise, and others are subject to import quotas.

The permission of the competent Turkish authorities is required for the importation of pharmaceutical specialties, except small quantities for medical or veterinary use or samples for physicians; also for remedies and equipment to be used in combating plant diseases.

TURKS ISLANDS (INCLUDING CAICOS ISLANDS)

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 223 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 15 cents per half ounce. (See Chart 3, Table II.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 40 cents first 2 ounces; 10 cents each additional 2 ounces or fraction. (See Chart 3, Table V.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. Restricted delivery permitted. See Part 242 of this chapter.

Special delivery. No service.

Money orders. No service.

Observations. Combination mailings as defined in § 222.8(a) of this chapter are accepted.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Registered parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less $1; each additional pound or fraction, 30 cents. (See Chart 4, Table I.)

Air parcel rates. Four ounces or less, $1.43; each additional 4 ounces or fraction, 20 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.43	2	0	$2.63	3	12	$4.23
0	8	1.63	2	4	3.03	4	0	4.43
0	12	1.83	2	8	3.23	4	4	4.63
1	0	2.03	2	12	3.43	4	8	4.83
1	4	2.23	3	0	3.63	4	12	5.03
1	8	2.43	3	4	3.83	5	0	5.23
1	12	2.63	3	8	4.03			

For rates over 5 pounds, charge $4 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Registration. Fee, 75 cents. There is no provision for indemnity. (See Part 242 and § 272.2(b)(4) of this chapter.)

Prohibitions. Firearms, except under permit. Bees, leeches, and silkworms.

UGANDA

Postal Union Mail

Classifications, weight limits and dimensions. See Chart 1 in the front of the appendix and Part 223 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See part 242 of this chapter.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions. Coins, unless intended for ornament.

Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Optional.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pounds 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.86; each additional 4 ounces, 69 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.86	2	0	$6.60	3	12	$11.22
0	8	2.55	2	4	7.98	4	0	12.72
0	12	3.24	2	8	9.07	4	4	13.80
1	0	3.93	2	12	8.70	4	8	13.92
1	4	4.62	3	0	8.46	4	12	14.28
1	8	5.31	3	4	10.14	5	0	14.97
1	12	5.00	3	8	10.83			

For rates over 5 pounds, charge $12.90 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Indemnity. No provision.

Prohibitions. Switchblade knives. Fire-arms including airguns and imitation pistols; military uniforms and clothing resembling them, unless the addressee possesses a permit.

UNION OF SOVIET SOCIALIST REPUBLICS

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. Restricted delivery permitted. See part 242 of this chapter.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. No service.

Observations. Articles at the printed matter rate addressed to individuals require an import license in some cases. It is forbidden to add marks to printed matter for correction of errors in printing or to emphasize certain passages. Not more than two copies of any book or issue of a periodical may be sent in a package.

Each small packet must have enclosed two Forms 2976–A listing the contents in detail, and also have affixed Form 2976 or the upper portion thereof.

Prohibitions and import restrictions. Currency, bonds and coupons of the Union of Soviet Socialist Republics. Currency of other countries is handed over by the postal service to branches of the State Bank of the U.S.S.R., by whom payment is made to the addressee.

Checks, drafts, and foreign obligations, except in accordance with the regulations of the State Bank of the Union of Soviet Socialist Republics.

Postage stamps, canceled or not; philatelic collections; obsolete bonds or bills of exchange addressed to private individuals. Match-box labels for collectors, if more than one of a kind is sent, without a permit from the Ministry of Foreign Trade.

Dutiable articles in letter packages; also perishable biological materials.

Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Compulsory.

Postal forms required. One Form 2922, three Forms 2968, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.81; each additional 4 ounces or fraction, 60 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.81	3	0	$6.01	3	12	$10.21
0	8	2.41	3	4	6.61	4	0	10.81
0	12	3.01	3	8	7.21	4	4	11.41
1	0	3.61	3	12	7.81	4	8	12.01
1	4	4.21	4	0	8.41	4	12	12.61
1	8	4.81	4	4	9.01	5	0	13.21
1	12	5.41	4	8	9.61			

For rates over 5 pounds, charge $12 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55
$100.01 to $150	.65
$150.01 to $165	.75

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This amount shall be shown in U.S. currency and in gold francs. The indication in U.S. currency shall be in figures and in letters spelled out in full, and the gold franc equivalent in figures only, as shown in the following example:

INSURED VALUE

$25.75 (U.S.)

TWENTY-FIVE DOLLARS AND SEVENTY-FIVE CENTS

77.25 GOLD FRANCS

Show the insured value in U.S. currency (figures only) in the appropriate space on the dispatch note (Form 2972).

See Part 243 of this chapter for method of converting U.S. currency into gold francs and for general information on insurance.

Coins; platinum, gold, or silver, whether manufactured or unmanufactured; precious stones, jewelry, or other precious articles must not be accepted for mailing as parcel post unless they are insured.

Observations. Parcels must not be closed by means of metal bands or metal straps.

Prohibitions. Military firearms and toys resembling them.

Printed matter, pictures, films, recordings, etc. which are contrary to the interests of the U.S.S.R.

Soviet currency and government bonds.

Postage stamps, canceled or not, and philatelic collections.

Seeds, grain and legumes suitable for planting.

Foods and beverages hermetically sealed or in glass containers.

Medicines, vitamins, chewing gum, dental creams.

Used clothing. Thread. Pieces of cloth. Photographic apparatus. Watches.

All parcels containing meat or any meat products, as well as smoked meats, sausages, and other mixtures of meat prepared by means of heat, must have an official veterinary certificate enclosed. Certificates can be obtained by submitting the meat to one of the inspections stations of the Meat Inspection Division, U.S. Department of Agriculture, located in principal cities. Inquiries on the subject may be addressed to the Meat Inspection Division, Department of Agriculture, Washington, D.C. 20250. Parcels containing meat should not be accepted for mailing unless the sender states that the required certificate is enclosed.

Import restrictions. Addressees are required to obtain import licenses for all parcels, except gifts for the addressees personal use consisting solely of articles shown in the following list and not exceeding the maximum quantities indicated. Customs duty is regularly assessed on the contents of parcels, even if no import license is required.

LIST OF ARTICLES ALLOWED TO ENTER WITHOUT A PERMIT WHEN INTENDED FOR PERSONAL USE

Item No.	Name of commodity	Maximum quantity
1	Foodstuffs, not hermetically sealed or packed in glass.	4 lbs. 6 oz. of each item.
2	Coffee, cocoa, chicory	4 lbs. 6 oz.
3	Tea	7 oz.
4	Spices	3½ oz.
5	Chopped tobacco and tobacco products.	3 lbs. 3 oz.
6	Plates and dishes	11 lbs.
7	Perfumes and cosmetics	17½ oz. or 1 set.
9	Soap, all kinds	4 lbs. 6 oz.
9	Gold, silver and platinum articles.	Unlimited.
10	Hand tools	1 article.
11	Household goods, including electrical appliances.	Do.
12	Sporting goods for personal use, except arms.	1 article or 1 set.
13	Photographic accessories	Do.
14	Optical instruments, pincenez, orthopedic corsets, hearing aids, etc.	1 article.
15	Overcoats and suits	2 articles.
16	Body linen (new)	5 sets of each kind.
17	Bed and table linen (new).	3 sets of each kind.
18	Shirts and blouses (new)	3 of each kind.
19	Headwear, all kinds (new), except furs.	3 articles.
20	Curtains, blinds	5 sets.
21	Head scarf (new)	1.
22	Footwear, all kinds (new).	2 pairs.
23	Haberdashery:	
	(a) Socks, stockings (new).	6 pairs.
	(b) Gloves (new)	3 pairs.
	(c) Briefcases and handbags	1.
	(d) Other articles of haberdashery	2 articles or sets.
24	Toys, games and Christmas tree decorations.	Do.
25	Office supplies	1 article or set.
26	Pencils, pens, notebooks	5.
27	Disk recordings	12.
28	Recording tape	1,000 m. (3,280 ft.).
29	Musical instruments (wind and string)	1.
30	Books, magazines, newspapers, manuscripts.	1 copy of each.

Articles which are prohibited or restricted in the postal union mail are prohibited or restricted by parcel post.

UNITED ARAB REPUBLIC (EGYPT)

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 20 cents per half ounce. (See Chart 3, Table III.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 50 cents first 2 ounces; 20 cents each additional 2 ounces or fraction. (See Chart 3, Table VI.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Observations. Mail should be addressed "United Arab Republic," without the name "Egypt."

Small packets must have enclosed Form 2976–A listing contents and value, and also have affixed Form 2976 or the upper portion thereof.

See Parcel Post Observations for import license regulations, which apply also to merchandise sent by postal union mail.

Mailers shall be warned that it is a practice of the authorities in the United Arab Republic to impose a fine whenever any postal union article is found to contain an item of commercial value and no green customs label, Form 2976, is attached to the cover or wrapper.

When a fine is imposed and the article is refused by the addressee, it is subject to seizure and will be released for return to origin only if the fine is paid in advance by the sender.

Prohibitions and import restrictions. Bees and silkworms; also parasites and predators of injurious insects.

Tobacco, cigars, and cigarettes of any kind are not admitted as samples.

Coins; manufactured or unmanufactured platinum, gold or silver; precious stones, jewelry, and other precious articles. Remittances of currency other than Egyptian are not delivered but the addressees are offered the equivalent in Egyptian money at the official rate.

Perishable biological materials. Radioactive materials

Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, one Form 2968, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.47; each additional 4 ounces or fraction, 58 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.47	3	0	$5.63	3	12	$9.39
0	8	2.05	3	4	6.11	4	0	10.17
0	12	2.63	3	8	6.69	4	4	10.75
1	0	3.21	3	12	7.27	4	8	11.33
1	4	3.79	4	0	7.85	4	12	11.91
1	8	4.37	4	4	8.43	5	0	12.49
1	12	4.95	4	8	9.01			

For rates over 5 pounds, charge $11.60 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55
$100.01 to $150	.65
$150.01 to $165	.75

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This amount shall be shown in U.S. currency and in gold francs. The indication in U.S. currency shall be in figures and in letters spelled out in full, and the gold franc equivalent in figures only, as shown in the following example:

INSURED VALUE

$25.75 (U.S.)

TWENTY-FIVE DOLLARS AND SEVENTY-FIVE CENTS

77.25 GOLD FRANCS

See Part 243 of this chapter for method of converting U.S. currency into gold francs and for general information on insurance.

Coins, precious metals, jewelry, or any other precious article sent as parcel post must be insured.

Observations. Parcels should be addressed "United Arab Republic," without the name "Egypt."

An invoice must be enclosed in each parcel or one parcel of each group. In the latter case, the other parcels of the consignment must be marked accordingly.

Care should be taken in the preparation of customs declarations, as the authorities in the United Arab Republic may impose a fine when the weight or quantity of any item is found to differ by more than 5 percent from the declaration.

All merchandise imported into the United Arab Republic requires an import permit to be obtained by the addressee, except for the following: Gifts and articles for personal use; books, magazines, and scientific bulletins; postage stamps; advertising matter for steamship and air lines for their own use; repair parts, equipment and supplies for steamships and airplanes.

For merchandise other than the categories listed above, the addressee must obtain an import permit before the goods are sent, and inform the sender of the permit number. The sender must place this number on the wrapper, dispatch note and customs declaration. Otherwise the packages will be liable to confiscation in the United Arab Republic.

Parcel post and postal union mail packages are not to be accepted for mailing to the United Arab Republic unless the sender has marked the wrapper "U.A.R. Import Permit Not Required" or "U.A.R. Import Permit No. ____" with the appropriate number. In the case of parcel post, the number must be placed also on the dispatch note and customs declaration.

Prohibitions. For sanitary reasons: Chalk for children's games, unless plainly marked "Poison" on the box, in Arabic and in another language, with directions for use (in two versions, one in Arabic and the other in another language), warning children not to put the chalk in their mouths.

Shaving brushes, as well as hair or bristles serving for their manufacture, unless accompanied by a certificate attesting that they have been disinfected and are free of all anthrax microbes.

Arms, etc.: .303-caliber rifles.

For other reasons: Articles of gold and silver, unless they bear an acceptable mark indicating their fineness.

Cotton thread and yarn, unless each unit bears a clear indication of the length in yards or meters or the actual weight in pounds, kilograms or okas.

Cotton cloth, unless folded in uniform lengths, with each piece marked to show the exact length.

Phonograph records of quotations from the Koran.

Electric lamps, unless they bear the name of the country of manufacture in raised, sunken or indelible letters.

Boxes of manufactured tobacco must bear a specific band showing the name of the importer, applied as prescribed by the Customs.

Compound medicaments and pharmaceutical specialties prepared for retail sale must have the selling price to the public marked on each unit.

Import restrictions. The attention of senders should be called to the following requirements, which are to be met by addressees:

Pharmaceutical specialties require the approval of the Ministry of Public Health.

The authorization of the Ministry of Agriculture is required for the importation of the following:

Fungicides and insecticides; bees; silkworms; parasites and predators of injurious insects intended for the control of such insects and exchanged between officially recognized institutions.

The consent of the Ministry of Public Safety is required for the importation of the following:

Arms, other than those of .303 caliber which are prohibited.

Copies of the Koran and other Moslem religious books.

The consent of the Ministry of Interior must be obtained for the importation of phonograph records of Arabic songs, and for exposed motion-picture films (developed or not) except those addressed to members of the Diplomatic Corps.

Sticks of wood intended for the manufacture of matches or match boxes may be imported only with the consent of the Customs.

See "Observations" for import license requirement.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Indemnity. No provision.

Observations. The postal authorities of Upper Volta collect domestic postage from the addressees.

URUGUAY

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 15 cents per half ounce. (See Chart 3, Table II.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 50 cents first 2 ounces; 20 cents each additional 2 ounces or fraction. (See Chart 3, Table VI.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. Restricted delivery permitted. See Part 242 of this chapter.

Special delivery. No service.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions. Articles of gold or silver, precious stones, jewelry, or other precious articles. Paper money, coins and values payable to bearer.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Compulsory.

Postal forms required. One Form 2922, one Form 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.86; each additional 4 ounces or fraction, 56 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.73	2	0	$5.25	3	12	$8.43
0	8	2.39	2	4	6.13	4	0	9.31
0	12	2.92	2	8	6.66	4	4	10.23
1	0	3.36	2	12	7.35	4	8	11.09
1	4	3.92	3	0	7.76	4	12	11.63
1	8	4.49	3	4	8.35	5	0	12.16
1	12	4.98	3	8	8.88			

For rates over 5 pounds, charge $11 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

UPPER VOLTA (REPUBLIC OF)

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 20 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions. Perishable biological materials.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Optional.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.73; each additional 4 ounces or fraction, 55 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.73	2	0	$5.25	3	12	$8.70
0	8	2.43	2	4	6.24	4	0	10.28
0	12	2.98	2	8	6.89	4	4	10.93
1	0	3.54	2	12	7.68	4	8	11.58
1	4	4.10	3	0	8.02	4	12	11.94
1	8	4.66	3	4	8.35	5	0	12.50
1	12	5.23	3	8	8.14			

For rates over 5 pounds, charge $11.20 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Indemnity. No provisions.

Observations. A commercial invoice must be enclosed in each parcel, and the wrapper must be marked "Invoice enclosed." A copy of the invoice must be sent by airmail direct to the addressee. For gift parcels, the commercial invoice may consist of a simple statement showing the names of the sender and addressee with an indication that the parcel contains a gift with no charge involved.

Parcels may be addressed to banks or other organizations for ultimate delivery to second addressees. The latter however may not take delivery without written authority from the first addressee, unless the sender arranges for change of address as provided in Part 247 of this chapter.

Prohibitions. Used clothing, unless accompanied by a certificate of disinfection. A notarized statement from a commercial firm that the articles have been disinfected or dry cleaned will be accepted for the purpose. Gold or silver coins, except old coins intended for collections, which may be imported up to the maximum number of 10 in each parcel.

Firearms, war arms.

VATICAN CITY STATE

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 20 cents per half ounce. (See Chart 3, Table III.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 50 cents first 2 ounces; 20 cents each additional 2 ounces or fraction. (See Chart 3, Table VI.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 24 cents to return by air. Restricted delivery permitted. See Part 242 of this chapter.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions. Coins, bank notes, and paper money; manufactured or unmanufactured platinum, gold, or silver; precious stones, jewelry, and other precious articles. Perishable biological materials.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Optional.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.54; each additional 4 ounces or fraction, 46 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.54	2	0	$4.76	3	12	$7.98
0	8	2.09	2	4	5.22	4	0	8.44
0	12	2.46	2	8	5.68	4	4	8.90
1	0	2.83	2	12	6.14	4	8	9.36
1	4	3.20	3	0	6.60	4	12	9.82
1	8	3.84	3	4	7.06	5	0	10.28
1	12	4.20	3	8	7.22			

For rates over 5 pounds, charge $8.20 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Indemnity. No provision.

VENEZUELA (REPUBLIC OF)

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 15 cents per half ounce. (See Chart 3, Table II.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 50 cents first 2 ounces; 20 cents each additional 2 ounces or fraction. (See Chart 3, Table VI.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. No service.

Observations. Packages containing dutiable printed matter to be sent in the prints mails to Venezuela must have affixed to the wrapper a green customs label (Form 2976) or the detached upper portion thereof. In the latter case the paper form of customs declaration (Form 2976–A) must be enclosed in the package. A single Form 2976–A may cover as many as ten packages of printed matter for one addressee.

Prohibitions. Coins, banknotes, paper money, or any instruments of value payable to bearer.

Dutiable articles in letter packages; also perishable biological materials.

Articles prohibited as parcel post are prohibited in the postal union mail.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Compulsory.

Postal forms required. One Form 2922, four Forms 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.72; each additional 4 ounces or fraction, 26 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.72	2	0	$3.54	3	12	$5.36
0	8	1.98	2	4	3.80	4	0	5.62
0	12	2.24	2	8	4.06	4	4	5.88
1	0	2.50	2	12	4.32	4	8	6.14
1	4	2.76	3	0	4.58	4	12	6.40
1	8	3.02	3	4	4.84	5	0	6.66
1	12	3.28	3	8	5.10			

For rates over 5 pounds, charge $6.20 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Indemnity. No provision.

Observations. To meet the requirements of Venezuelan customs regulations and avoid penalties against the addressees, complete customs declarations (Form 2966) carefully, giving particular attention to the following:

1. If a parcel contains articles of different kinds, show the exact quantity of each kind, with complete descriptions and individual weights. Give descriptions if possible in the exact terminology of the Venezuelan customs tariff with the tariff item numbers, or you may use the ordinary commercial descriptions of the goods with complete descriptions of the materials of which they are made and the intended use. Also show the value of each kind of article and the total value. Show the country of origin of the goods; a brief statement such as "Product of U.S.A." is sufficient.

2. Give the weight of each article in kilograms or other metric units. This weight must include the immediate container or the spool or board which holds the goods, as well as the goods themselves. Also give the net weight and gross weight of the entire parcel in kilograms or other metric units.

3. In the case of group shipments, give the required data for each parcel.

Fines are imposed when the net weights vary more than 3 percent from those stated on the customs declarations, or when the customs declarations are not complete or do not show the proper classification of the merchandise.

Parcels may be addressed to banks or other organizations for ultimate delivery to second addressees. The latter however may not take delivery without written authority from the first addressee, unless the sender arranges for change of address as provided in Part 247 of this chapter.

After the arrival of parcels in Venezuela each addressee is contacted in order to ascertain whether he desires to accept the parcel. If the addressee refuses the parcel it is treated as undeliverable and disposed of in accordance with the instructions of the sender, but if the addressee accepts the parcel it is then submitted for customs treatment. After customs treatment the addressee must either take delivery of the parcel or surrender it to the Venezuelan customs authorities, since parcels which have been accepted by the addressees cannot be considered as abandoned for purposes of retransmission.

Prohibitions. For sanitary reasons: Pharmaceutical specialties not authorized by the Minister of Health, Agriculture, and Boviculture.

Tomatoes, tomato sauce, and foods containing tomato sauce in metal containers.

Frozen, dried, and salted meats except frozen birds and sea food.

Certificates of origin are required for meat, fish, and preserved foodstuffs.

Saccharin and similar substances, except in small amounts if a permit is obtained in advance from the Minister of Health, Agriculture, and Boviculture.

For the protection of animals: Uncooked pork, including ham and bacon, and all uncooked pork products, unless accompanied by an inspection certificate issued by the U.S. Agriculture Department to the effect that the meat or products have been treated by heat of at least 156° F.

Arms, etc.: Guns which are not considered as hunting arms; daggers and swords; knives and cutlasses not for domestic, industrial, or agricultural use.

Import permits are required for hunting arms and material.

War material may be imported only by the National Government.

For other reasons: Cigarette papers.

Copper, nickel, and silver coins may be imported only by collectors with the permission of the Venesuelan Ministry of Finance.

Telegraphic, telephonic, or radio-telegraphic apparatus, except by special permission of the Ministry of Fomento.

Shoes and footwear in general, except bathing and ballet shoes, unless the addressee obtains an import permit from the Venesuelan authorities.

VIETNAM

I. Republic of Vietnam (South Vietnam).

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 20 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. No service.

Prohibitions. Coins; manufactured or unmanufactured platinum, gold, or silver; precious stones, jewelry, or other precious articles. Perishable biological materials.

Articles prohibited as parcel post are prohibited in the postal union mail.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Compulsory.

Postal forms required. One form 2922, one Form 2966, one Form 2972.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $2.09; each additional 4 ounces or fraction, 82 cents

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.39	2	8	$2.69	3	12	$13.67
0	8	1.52	3	4	3.62	4	4	14.99
0	12	1.65	3	8	4.67	4	8	14.31
1	0	1.78	3	12	10.79	4	12	15.63
1	4	1.97	4	0	11.11	5	0	16.95
1	8	2.19	4	4	11.99	5	4	17.67
1	12	7.01	4	8	13.75			

For rates over 5 pounds, charge $16.49 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Indemnity. No provision.

Prohibitions. For reasons of public safety: Coins not in circulation. Pistols shooting blank cartridges which have the appearance of automatic pistols.

For sanitary reasons: Unverified clinical thermometers. Nursing bottles with tubes. Saccharine and similar products.

Arms, munitions, etc.: War arms and war materials.

For other reasons: Boxes or cans of fish, vegetables, or prunes not bearing an indelible indication of their origin. Fish put up in boxes or cans weighing more than 1 kilogram. Weights and measures not of the metric system.

Postal Union Mail

II. North Vietnam.

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter. Small packets not accepted.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, and samples of merchandise, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. No service.

Special delivery. No service.

Money orders. No service.

Observations. The following post offices are located in North Vietnam: Bacninh, Banyennhan, Buichu, Camphamines, Camphaport, Donghoi, Gialam, Hacoi, Hadong, Haiphong, Hangkenh, Hanoi, Hongay, Kienan, Moncay, Namdinh, Ninhbinh, Quangyen, Sontay, Thaibinh, and Tienyen.

The place of destination of mail for that area should be shown in the address as "North Vietnam." This mail is dispatched via Hong Kong.

Prohibitions. Currency, postage stamps for sale or exchange, checks, securities and other financial instruments, unless licensed by the U.S. Treasury Department.

Dutiable articles in letter packages; also perishable biological materials.

Parcel Post

(No service)

WESTERN SAMOA, SAVAII AND UPOLU ISLANDS AND THE TOKELAU (UNION) GROUP (ATAFU, FAKAOFO, AND NUKUNONU ISLANDS)

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17 Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. No service.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions and import restriction. Same as for New Zealand.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 1922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.73; each additional 4 ounces or fraction, 50 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.73	2	0	$4.39	3	12	$8.72
0	8	1.89	2	4	4.73	4	0	9.22
0	12	2.73	2	8	5.22	4	4	9.72
1	0	2.23	2	12	6.72	4	8	10.22
1	4	2.72	3	0	7.22	4	12	10.72
1	8	3.22	3	4	7.72	5	0	11.22
1	12	3.72	3	8	8.22			

For rates over 5 pounds, charge $10 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55
$100.01 to $150	.65
$150.01 to $168	.75

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This amount shall be shown in U.S. currency and in gold francs. The indication in U.S. currency shall be in figures and in letters spelled out in full, and the gold franc equivalent in figures only, as shown in the following example:

INSURED VALUE

$25.75 (U.S.)

TWENTY-FIVE DOLLARS AND SEVENTY-FIVE CENTS

77.25 GOLD FRANCS

See Part 243 of this chapter for method of converting U.S. currency into gold francs, and for general information on insurance.

Coins, platinum, gold or silver (whether manufactured or unmanufactured), precious stones, jewels, or other precious articles sent as parcel post must be insured.

In the case of parcels for the Tokelau (or Union) Group, indemnity is effective only as far as Apia, Western Samoa, and no indemnity will be paid for loss, rifling, or damage occurring to such parcels after they leave Apia.

Prohibitions and import restrictions. Same as for New Zealand.

WINDWARD ISLANDS (DOMINICA, GRENADA, THE GRENADINES, SAINT LUCIA, AND SAINT VINCENT)

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 15 cents per half ounce. (See Chart 3, Table II.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 40 cents first 2 ounces; 10 cents each additional 2 ounces or fraction. (See Chart 3, Table V.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. Restricted delivery permitted to Dominica and Saint Lucia only. See Part 242 of this chapter.

Special delivery. No service.

Money orders. Yes. See § 171.2 of this chapter.

Prohibitions. Perishable biological materials to Dominica and Saint Vincent.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1; each additional pound or fraction, 30 cents. (See Chart 4, Table I.)

Air parcel rates. Four ounces or less, $1.52; each additional 4 ounces or fraction, 30 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.52	2	0	$3.62	3	12	$5.72
0	8	1.82	2	4	3.92	4	0	6.02
0	12	2.12	2	8	4.22	4	4	6.32
1	0	2.42	2	12	4.52	4	8	6.62
1	4	2.72	3	0	4.82	4	12	6.92
1	8	3.02	3	4	5.12	5	0	7.22
1	12	3.32	3	8	5.42			

For rates over 5 pounds, charge $6 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This indication shall be shown in U.S. currency (figures only), in the following form:

INSURED VALUE

$35.50

Coin, bullion, jewelry, or any other precious article sent as parcel post must be insured.

For general information on insurance see Part 243 of this chapter.

Observations. Parcels containing used clothing addressed to Saint Lucia, must be accompanied by a certificate of disinfection. A statement from a drycleaning establishment that the articles have been cleaned will be satisfactory if dated not more than seven days before the date of mailing. Senders shall be required to endorse the wrappers of such parcels "Certificate of Disinfection Enclosed."

YEMEN

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 20 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 60 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. Restricted delivery permitted. See Part 242 of this chapter.

Special delivery. No service.

Money orders. No service.

Prohibitions. Books, prints, and cards contrary to the Islamic faith. Perishable biological materials. Radioactive materials.

Parcel Post

(No service)

YUGOSLAVIA

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 20 cents per half ounce. (See Chart 3, Table III.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 50 cents first 2 ounces; 20 cents each additional 2 ounces or fraction. (See Chart 3, Table VI.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. Restricted delivery permitted. See Part 242 of this chapter.

Special delivery. Yes. See Chart 5 for fees and other conditions.

Money orders. Yes. See § 171.2 of this chapter.

Observations. Postal Union articles containing merchandise sent for commercial purposes must be accompanied by the original invoice in the same manner as indicated for Parcel Post under "Observations."

Printed matter whose contents may be contrary to national interest or public morals in Yugoslavia may be confiscated by court action, and repeatedly offending publications may be permanently prohibited from importation.

Prohibitions and import restrictions. The importation of postage stamps is restricted. Persons desiring to send stamps should consult the addressees to assure compliance with Yugoslav regulations.

Yugoslav bank notes are prohibited; also perishable biological materials.

Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

Parcel Post

Weight limit. 44 pounds.

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Sealing. Insured parcels must, and ordinary parcels may, be sealed.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.38; each additional 4 ounces or fraction, 49 cents.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	4	$1.38	2	0	$4.31	3	12	$8.24
0	8	1.87	2	4	5.20	4	0	8.73
0	12	2.36	2	8	5.79	4	4	9.22
1	0	2.85	2	12	6.28	4	8	9.71
1	4	3.34	3	0	6.77	4	12	10.20
1	8	3.83	3	4	7.26	5	0	10.69
1	12	4.32	3	8	7.75			

For rates over 5 pounds, charge $9.80 for each even 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over $15	$0.35
$15.01 to $50	.45
$50.01 to $100	.55
$100.01 to $150	.65
$150.01 to $168	.75

Print on the wrapper, near the "Insured" endorsement and number, the amount for which parcel is insured. This amount shall be shown in U.S. currency and in gold francs. The indication in U.S. currency shall be in figures and in letters spelled out in full, and the gold franc equivalent in figures only, as shown in the following example:

INSURED VALUE

$25.75 (U.S.)

TWENTY-FIVE DOLLARS AND SEVENTY-FIVE CENTS

77.25 GOLD FRANCS

See Part 243 of this chapter, for method of converting U.S. currency into gold francs and for general information on insurance.

Coins, bank notes, currency notes or any kind of securities payable to bearer; platinum, gold, or silver, whether manufactured or not; precious stones, jewelry, or other precious articles sent as parcel post must be insured.

Observations. Parcels containing merchandise sent for commercial purposes, for which the senders are to receive payment, must be accompanied by the original invoice and the wrappers endorsed to indicate that the original invoice is enclosed.

It shall be recommended to senders that, in order to facilitate customs handling, a signed copy of the invoice be transmitted to the addressees by letter mail, giving notice of the mailing of the parcels.

Prohibitions. For reasons of public safety: Arms and parts thereof, except shotguns.

Printed matter (newspapers, magazines, books, etc.) for distribution, unless addressed to authorized distributors.

For other reasons: Foreign merchandise in general bearing any marks indicating Yugoslav origin.

Import restrictions. The attention of senders should be called to the following requirements, which are to be met by addressees:

Commercial shipments may be received only by licensed importing firms in Yugoslavia.

Addressees are required to obtain special permits to receive prepared medicines.

ZAMBIA

Postal Union Mail

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter.

Surface rates. See Chart 1 and Chart 2 reference tables.

Air rates. Letters, 25 cents per half ounce. (See Chart 3, Table IV.)

Single post cards and aerogrammes, 13 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 80 cents first 2 ounces; 30 cents each additional 2 ounces or fraction. (See Chart 3, Table VII.)

Registration. Fee, 75 cents. Maximum indemnity, $8.17. Return receipt: 13 cents to return by surface, 26 cents to return by air. See Part 242 of this chapter.

Special delivery. No service.

Money orders. Yes. See § 171.3 of this chapter.

Parcel Post

Weight limit. 22 pounds.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Sealing. Optional.

Postal forms required. One Form 2922, one Form 2966.

Surface parcel rates. Two pounds or less, $1.10; each additional pound or fraction, 35 cents. (See Chart 4, Table II.)

Air parcel rates. Four ounces or less, $1.69; each additional 4 ounces or fraction, 79 cents.

Lbs.	Ozs.	Rate	Lbs.	Ozs.	Rate	Lbs.	Ozs.	Rate
0	4	[illegible]	7	0	67.25	13	12	132.73
0	8	3.48	8	4	5.61	14	0	138.44
0	12	3.77	7	8	5.90	14	4	14.27
1	0	4.06	7	12	6.20	14	8	14.19
1	4	4.35	8	0	10.35	14	12	14.99
1	8	4.64	8	4	11.17	15	0	14.70
1	12	4.43	8	8	11.98			

For rates over 5 pounds, charge $13.80 for each over 5 pounds, plus the rate given above for the remaining pounds and ounces.

Special handling. Available to port of dispatch only. See Chart 6 for fees.

Indemnity. No provision.

Prohibitions. The following are prohibited in quantities valued at 25 pounds sterling ($70) or more, whether sent in single parcels or in commercial consignments of multiple parcels:

Cigars, cigarettes, manufactured or unmanufactured tobacco; blankets, quilts, mattresses, pillows and cushions; carpets, rugs, and mats; clothing; gloves; hats, caps and other headwear; footwear, stockings and socks; piece goods and lace; perfumes and cosmetics; cutlery; books; playing cards; watches; jewelry, articles of gold or silver; sporting and athletic goods; cups, medals, trophies, etc.; harness and saddlery.

PLACES NOT INCLUDED IN ALPHABETICAL LIST OF COUNTRIES

(Postage rates and other conditions for these places appear under the country items as shown in parentheses)

Abu Dhabi (Trucial States).
Abyssinia (Ethiopia).
Admiralty Islands (New Guinea, Territory of).
Aitutaki (Cook Islands) (New Zealand).
Alderney (Channel Islands) (Great Britain).
Alhucemas (Spain).
Alofi Island (New Caledonia).
Andaman Islands (India).
Anglo-Egyptian Sudan (Sudan).
Angola (Portuguese West Africa).
Anguilla (Leeward Islands).
Anjouan (Comoro Islands).
Annobon Island (Fernando Po).
Antigua (Leeward Islands).
Arab Palestine:
Central (Jordan).
Western (Palestine).
Arabia (Saudi Arabia, Kingdom of).
Aruba (Netherlands Antilles).
Ashanti (Ghana).
Astypalaia (Greece).
Atafu (Western Samoa [British]).
Atiu (Cook Islands) (New Zealand).
Avarua (New Zealand).
Baker Island (U.S. Poss. See Pt. 112 of this chapter.)
Balearic Islands (Spain).
Baluchistan (Pakistan).
Banks Island (New Hebrides).
Barbuda (Leeward Islands).
Barthelemy (Guadeloupe).
Basutoland (Lesotho) (South Africa).
Bechuanaland Protectorate (Botswana) (South Africa).
Belgian Congo (Congo [Kinshasa]).
Bismarck Archipelago (New Guinea, Territory of).
Bonaire (Netherlands Antilles).
Bora-bora (French Polynesia).
Borneo (North) (Malaysia).
Borneo (Kalimantan) (Indonesia).
Botswana (South Africa).
Bougainville (New Guinea, Territory of).
Bourbon (Reunion Island).
British Cameroons (Cameroon or Nigeria).
British Guiana (Guyana).
British Somaliland (Somali Republic).
British Togoland (Ghana).
British Virgin Islands (Leeward Islands).
British West Indies (Bahamas, Barbados, Jamaica, Leeward Islands, Trinidad and Tobago, Turks Island, and Windward Islands).
Buka (New Guinea, Mandated Territory).
Caicos Islands (Turks Island).
Cameroons, British (Cameroon or Nigeria).
Cameroons, French (Cameroon).
Canal Zone (U.S. Poss. See Pt. 112 and § 126.7(d) of this chapter.)
Canary Islands (Spain).
Canton Island (U.S. Poss. See Pt. 112 of this chapter.)
Caroline Islands (U.S. Trust Terr. See Pt. 112 of this chapter.)
Cayman Islands (Jamaica).
Central Arab Palestine (Jordan).
Ceuta (Spain).
Chafarinas Islands (Spain).
Chalki (Greece).
Chanchiangshih (Kwangchowwan) (China).
Channel Islands (Jersey, Guernsey, Alderney and Sark) (Great Britain).
Chosen (Korea).
Christmas Island (Gilbert and Ellice Islands Colony).
Christmas Island (Australia).
Cocos Islands (Australia).
Cook Islands (New Zealand).
Corisco Island (Rio Muni).
Crete (Greece).
Cumieo Island (Malta).
Curaçao (Netherlands Antilles).
Cyrenaica (Libya).
Damao (India).
Danger (New Zealand).
Desirade Island (Guadeloupe).
Diu (India).
Dodecanese Islands (Greece).
Doha (Qatar).
Dominica (Windward Islands).
Dubai (Trucial States).
Eastern Island, Midway Islands (U.S. Poss. See Pt. 112 of this chapter.)
Ebeye Island, Marshall Islands (U.S. Trust Terr. See Pt. 112 of this chapter.)
Egypt (United Arab Republic).
Egyptian Sudan (Sudan).
Eire (Ireland).
Elobey Islands (Rio Muni).
Colony).
Elobey Islands (Rio Muni).
Enderbury Island (U.S. Poss. See Pt. 112 of this chapter.)
England (Great Britain and Northern Ireland).
Enlwetok, Marshall Islands (U.S. Trust Terr. See Pt. 112 of this chapter.)
Eritrea (Ethiopia).
Fakaofo (Western Samoa [British]).
Fanning Island (Gilbert and Ellice Islands Colony).
Federation of Malaya (Malaysia).
Federation of Rhodesia and Nyasaland (Rhodesia, Zambia, or Malawi).
Fezzan (Libya).
Formosa (Taiwan) (China).
French Cameroons (Cameroon).
French East Africa (Comoro Islands or French Somaliland).
French Equatorial Africa (Central African Republic, Chad, Congo [Brazzaville] or Gabon Republic).
French Guinea (Guinea).
French Morocco (Morocco).
French Oceania (French Polynesia).
French Sudan (Mali).
French Togoland (Togo).
French West Africa (Dahomey, Guinea, Ivory Coast, Mali, Mauritania, Niger, Senegal, or Upper Volta).
French West Indies (Guadeloupe or Martinique).
Friendly Islands (Tonga Islands).
Futuna and Alofi Islands (New Caledonia).
Gambier (French Polynesia).
Gaza (Palestine).
Goa (India).
Gold Coast Colony (Ghana).
Gozo Island (Malta).
Grand Comoro (Comoro Islands).
Grenada (Windward Islands).
Grenadines (Windward Islands).
Guam (U.S. Poss. See Pt. 112 of this chapter.)
Guernsey (Channel Islands) (Great Britain).
Guiana (British) (Guyana).
Guiana (Netherlands) (Suriname).
Guinea (French) (Guinea, Republic of).
Guinea (Portuguese) (Portuguese West Africa).
Guinea (Spanish) (Fernando Po or Rio Muni).
Hashemite Kingdom (Jordan).
Hervey (Cook Islands) (New Zealand).
Hivoa (French Polynesia).
Holland (Netherlands).
Howland Island (U.S. Poss. See Pt. 112 of this chapter.)
Huahine (French Polynesia).
Huon Islands (New Caledonia).
Ifni, Territory of (Spanish West Africa).
Ihoya (Ryukyu Islands).
Indo-China (Cambodia, Laos and Vietnam).
Ireland (Northern) (Great Britain and Northern Ireland).
Irian Barat (Indonesia).
Islamic Republic (Mauritania).
Isle of Pines (New Caledonia).
Isle of Pines, West Indies (Cuba).

Jarvis Island (U.S. Poss. See Pt. 112 of this chapter.)
Jersey (Channel Islands) (Great Britain).
Johore (Malaysia).
Johnston Island (U.S. Poss. See Pt. 112 of this chapter.)
Jugoslavia (Yugoslavia).
Kalymnos (Greece).
Kamaran (Aden).
Karpathos (Greece).
Kassos (Greece).
Kastellorizon (Greece).
Kedah (Malaysia).
Keeling Islands (Australia).
Kelantan (Malaysia).
Kingman Reef (U.S. Poss. See Pt. 112 of this chapter.)
Khan Yunis (Palestine).
Koror, Caroline Islands (U.S. Trust Terr. See Pt. 112 of this chapter).
Kos (Greece).
Kowloon (Hong Kong).
Kwajalein, Marshall Islands (U.S. Trust Terr. See Pt. 112 of this chapter).
Labrador (Canada).
Labuan (Malaysia).
Latakia (Syria).
Leeward Islands (French) (French Polynesia).
Leipsos (Greece).
Leros (Greece).
Lesotho (South Africa).
Les Saintes Island (Guadeloupe).
Liechtenstein (Switzerland).
Lord Howe Island (Australia).
Loyalty Islands (New Caledonia).
Macau (Macao).
Majuro, Marshall Islands (U.S. Trust Terr. See Pt. 112 of this chapter).
Malacca (Malaysia).
Malagasy Republic (Madagascar).
Malaya (Malaysia).
Mangaia (Cook Islands) (New Zealand).
Manshiki (New Zealand).
Manchuria (China).
Manua Islands, American Samoa (U.S. Poss. See Pt. 112 of this chapter).
Manual (Cook Islands) (New Zealand).
Mariana Islands (U.S. Trust Terr. See Pt. 112 of this chapter).
Marie Galante (Guadeloupe).
Marquesas Islands (French Polynesia).
Marshall Islands (U.S. Trust Terr. See Pt. 112 of this chapter).
Mauke (Cook Islands) (New Zealand).
Mayotte (Comoro Islands).
Melilla (Spain).
Midway Islands (U.S. Poss. See Pt. 112 of this chapter.)
Miquelon (St. Pierre and Miquelon).
Mitiaro (Cook Islands) (New Zealand).
Moheli (Comoro Islands).
Monaco (France).
Mongolia (China and Outer Mongolia).
Montserrat (Leeward Islands).
Moorea (French Polynesia).
Morocco, Southern Protectorate of (Morocco).
Moyen (Middle) Congo (Congo [Brazzaville]).
Mozambique (Portuguese East Africa).
Nansei Islands (Ryukyu Islands or Japan).
Nauru Island (Australia).
Navassa Island (U.S. Poss. See Pt. 112 of this chapter).
Negri Sembilan (Malaysia).
Netherland West Indies (Netherlands Antilles).
Netherlands New Guinea (Indonesia).
Nevis (Leeward Islands).
New Britain (New Guinea, Territory of).
Newfoundland (Canada).
New Guinea (Netherlands) (Indonesia).
New Hanover (New Guinea, Territory of).
New Ireland (New Guinea, Territory of).
New South Wales (Australia).
Nisiros (Greece).
Niue (New Zealand).
Norfolk Island (Australia).
North Borneo (Malaysia).
Northern Ireland (Great Britain and Northern Ireland).
Northern Rhodesia (Zambia).
Northern Territories (Ghana).
Nossi-bé (Madagascar).
Nukahiva (French Polynesia).
Nukunonu (Western Samoa [British]).
Nyasaland (Malawi).
Oceania (French Polynesia).
Ocean Island (Gilbert and Ellice Islands Colony).
Okinawa (Ryukyu Islands).
Oman (Muscat).
Oubangui-Chari (Central African Republic).
Pahang (Malaysia).
Palmerston (Avarua) (New Zealand).
Parry (Cook Islands) (New Zealand).
Pasni (Baluchistan) (Pakistan).
Patmos (Greece).
Pemba (Tanzania).
Penang (Malaysia).
Penghu Islands (China).
Peñón de Vélez de la Gomera (Spain).
Penrhyn (Tongareva) (New Zealand).
Perak (Malaysia).
Perim (Aden).
Perlis (Malaysia).
Persia (Iran).
Persian Gulf Ports (Bahrein, Muscat, Qatar and Trucial States).
Pescadores Islands (China).
Petite Terre (Guadeloupe).
Polynesia (French Polynesia).
Ponape, Caroline Islands (U.S. Trust Terr. See Pt. 112, of this chapter).
Portuguese Guinea (Portuguese West Africa).
Prince Island (Portuguese West Africa).
Province Wellesley (Malaysia).
Puerto Rico (See Pt. 112, of this chapter.)
Pukapuka (New Zealand).
Queensland (Australia).
Quemoy (China).
Raiatea (French Polynesia).
Rakaanga (New Zealand).
Rapa (French Polynesia).
Rarotonga (Cook Islands) (New Zealand).
Redonda (Leeward Islands).
Rio de Oro (Spanish West Africa).
Rodos (Greece).
Rodrigues (Mauritius and dependencies).
Rota, Mariana Islands (U.S. Trust Terr. See Pt. 112, of this chapter.)
Ruanda-Urundi (Burundi or Rwanda).
Saar Territory (Germany).
Saba (Netherlands Antilles).
Sabah (Malaysia).
Sahara, Spanish (Spanish West Africa).
Saint Bartholomew (Guadeloupe).
Saint Christopher (Leeward Islands).
Saint Croix, Virgin Islands (U.S. Poss. See Pt. 112, of this chapter.)
Saint Eustatius (Netherlands Antilles).
Saint John, Virgin Islands (U.S. Poss. See Pt. 112, of this chapter.)
Saint Kitts (Leeward Islands).
Saint Lucia (Windward Islands).
Saint Martin (Netherlands part) (Netherlands Antilles).
Saint Martin (French part) (Guadeloupe).
Saint Thomas, Virgin Islands (U.S. Poss. See Pt. 112, of this chapter.)
Saint Thomas Island (Portuguese West Africa).
Saint Vincent (Windward Islands).
Ste. Marie de Madagascar (Madagascar).
Saipan, Mariana Islands (U.S. Trust Terr. See Pt. 112 of this chapter.)
Salvador, El (El Salvador).
Samoa, American (U.S. Poss. See Pt. 112 of this chapter.)
Samoa, Western (British) (Western Samoa).
Sand Island, Midway Islands (U.S. Poss. See Pt. 112 of this chapter.)
San Marino (Republic of) (Italy).
Sarawak (Malaysia).
Sark (Channel Islands) (Great Britain).
Savage Island (Niue) (New Zealand).
Savaii Island (Western Samoa [British]).
Scotland (Great Britain and Northern Ireland).
Seguia el Hamra (Spanish West Africa).
Selangor (Malaysia).
Sharja (Trucial States).
Shikoku (Japan).
Siam (Thailand).
Sikkim (India).
Singapore (Malaysia).
Sint Maarten (Netherlands Antilles).
Society Islands (French Polynesia).
Solomon Islands (Bougainville and Buka only) (New Guinea Mandated Territory).
Somalia (Somali Republic).
Somaliland (Somali Republic or French Somaliland).
Soudan (French) (Mali).
Soudanese Republic (Mali).
South Australia (Australia).
South Georgia (Falkland Islands).
South-West Africa (South Africa).
Southern Protectorate of Morocco (Morocco).
Southern Rhodesia (Rhodesia).
Spanish Guinea (Fernando Po or Rio Muni).
Spanish Morocco (Morocco).
Spanish Sahara (Spanish West Africa).
Spitsbergen (Norway).
Suwarrow Islands (New Zealand).
Swain's Island, American Samoa (U.S. Poss. See Pt. 112 of this chapter.)
Swan Islands (U.S. Poss. See Pt. 112 of this chapter.)
Swaziland (South Africa).
Symi (Greece).
Tahaa (French Polynesia).
Tahiti (French Polynesia).
Taiwan (Formosa) (China).
Tanganyika (Tanzania).
Tangier (Morocco).
Tasmania (Australia).
Tchad (Chad).
Territory of Ifni (Spanish West Africa).
Thursday Island (Australia).
Tibet (China).
Tilos (Greece).
Timor (Netherlands) (Indonesia).
Tobago (Trinidad and Tobago).
Togoland (British) (Ghana).
Togoland (French) (Togo).
Tokelau (Union) Group (Western Samoa, British).
Tongareva (New Zealand).
Tori Shima (Ryukyu Islands).
Torres Island (New Hebrides).
Trans-Jordan (Jordan [Hashemite Kingdom]).
Trengganu (Malaysia).
Tripolitania (Libya).
Truk, Caroline Islands (U.S. Trust Terr. See Pt. 112, of this chapter.)
Trust Territory of the Pacific, U.S. (See Pt. 112, of this chapter.)
Tuamotou (French Polynesia).
Tubuai (French Polynesia).
Tutuila Island, American Samoa (U.S. Poss. See Pt. 112, of this chapter.)
Umm Said (Qatar).
Union Group (Western Samoa, British).
Union of South Africa (South Africa).
Upolu Island (Western Samoa, British).
Victoria (Australia).
Virgin Islands (British) (Leeward Islands).
Virgin Islands, U.S. (See Pt. 112, of this chapter.)
Volta Republic (Upper Volta).
Wake Island (U.S. Poss. See Pt. 112, of this chapter.)
Wales (Great Britain and Northern Ireland).
Wallis Islands (New Caledonia).
Washington Island (Gilbert and Ellice Islands Colony).
Wellesley, Province (Malaysia).
Western Arab Palestine (Palestine).
Western Australia (Australia).
West New Guinea (Indonesia).
Yap, Caroline Islands (U.S. Trust Terr. See Pt. 112, of this chapter.)
Zafarani Islands (Spain).
Zanzibar (Tanzania).

TIMOTHY J. MAY,
General Counsel.

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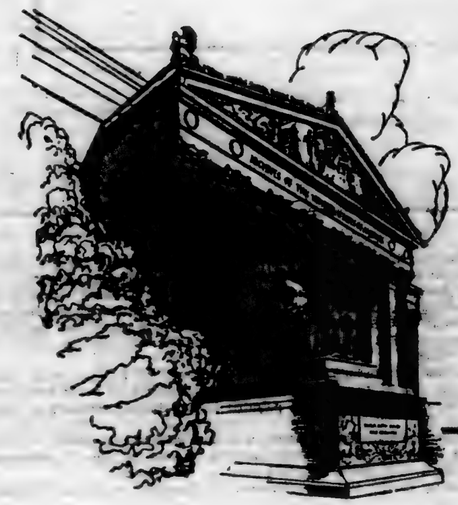
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THE UNIVERSITY OF MICHIGAN
AUG 29 1967
Hatti READING ROOM

Agencies in this issue—

Atomic Energy Commission
Business and Defense Services Administration
Civil Aeronautics Board
Civil Service Commission
Consumer and Marketing Service
Farmers Home Administration
Federal Aviation Administration
Federal Communications Commission
Federal Home Loan Bank Board
Federal Maritime Commission
Fish and Wildlife Service
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International Commerce Bureau
Interstate Commerce Commission
Post Office Department
Renegotiation Board
Small Business Administration
Wage and Hour Division

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Announcing First 10-Year Cumulation

TABLES OF LAWS AFFECTED

in Volumes 70–79 of the

UNITED STATES STATUTES AT LARGE

Lists all prior laws and other Federal instruments which were amended, repealed, or otherwise affected by the provisions of public laws enacted during the years 1956–1965. Includes index of popular name acts affected in Volumes 70–79.

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Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Entire Executive Civil Service

Section 213.3102(x) is amended to show that inmates of District of Columbia correctional institutions who are eligible for work release under the District of Columbia Work Release Act may be employed under Schedule A by Federal agencies under conditions similar to those approved earlier for inmates in work release programs provided by the Prisoner Rehabilitation Act of 1965. Effective on publication in the FEDERAL REGISTER, paragraph (x) of § 213.3102 is amended as set out below.

§ 213.3102 Entire executive civil service.

* * * * *

(x) Subject to prior approval of the Commission, positions for which a local recruiting shortage exists when filled by inmates of Federal and District of Columbia penal and correctional institutions under work release programs authorized by the Prisoner Rehabilitation Act of 1965 and the District of Columbia Work Release Act. Initial appointments under this authority may not exceed one year. An initial appointment may be extended for one or more periods not to exceed one additional year each with the prior approval of the Commission upon a finding that the inmate is still in a work release status and that a local recruiting shortage still exists. No person may serve under this authority longer than one year beyond the date he is released from custody.

* * * * *

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67–10008; Filed, Aug. 24, 1967; 8:46 a.m.]

PART 213—EXCEPTED SERVICE

Department of Commerce

Section 213.3314 is amended to show that the position of Director, Office of Building Development, Economic Development Administration is no longer excepted under schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (21) of paragraph (q) of § 213.3314 is amended as set out below.

§ 213.3314 Department of Commerce.

* * * * *

(q) *Office of the Assistant Secretary for Economic Development.* * * *

(21) One Director, Office of Technical Assistance.

* * * * *

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67–10007; Filed, Aug. 24, 1967; 8:46 a.m.]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Department of Health, Education, and Welfare section 213.3316 is amended to show that the position of Deputy Director, Center for Community Planning is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (5) is added to paragraph (n) of § 213.3316 as set out below.

§ 213.3316 Department of Health, Education, and Welfare.

* * * * *

(n) *Office of Assistant Secretary for Individual and Family Services.* * * *

(5) One Deputy Director, Center for Community Planning.

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67–10009; Filed, Aug. 24, 1967; 8:46 a.m.]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that the positions of Deputy Administrator (Plans and Research), Commissioner of Assistance Payments, and Commissioner of Medical Services, in the new Social and Rehabilitation Service of the Department of Health, Education and Welfare are excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, paragraph (o) of § 213.3316 is added as set out below.

§ 213.3316 Department of Health, Education, and Welfare.

* * * * *

(o) *Social and Rehabilitation Service.*
(1) Deputy Administrator (Plans and Research).
(2) Commissioner of Assistance Payments.
(3) Commissioner of Medical Services.

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67–10010; Filed, Aug. 24, 1967; 8:46 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 545—HOMEWORKERS IN THE FABRIC AND LEATHER GLOVE INDUSTRY; THE HANDKERCHIEF, SCARF, AND ART LINEN INDUSTRY; THE CHILDREN'S DRESS AND RELATED PRODUCTS INDUSTRY; THE WOMEN'S AND CHILDREN'S UNDERWEAR AND WOMEN'S BLOUSE INDUSTRY; THE NEEDLEWORK AND FABRICATED TEXTILE PRODUCTS INDUSTRY; AND THE SWEATER AND KNIT SWIMWEAR INDUSTRY IN PUERTO RICO

Piece Rate Increase

Pursuant to authority in section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206), Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and Order No. 16–67 of the Secretary of Labor, 29 CFR 545.13 is amended to read as set forth below.

This amendment merely articulates proportional increases in the minimum piece rates which another section of the part already requires to be paid by reason of increases in hourly rates which are in effect under section 6(c)(2) of the Act. For this reason, it is hereby found that notice and public procedure thereon are unnecessary. In addition, and for the same reason, good cause is found to provide no delay in the effective date. The amendment is effective immediately.

As amended, 29 CFR 545.13 reads as follows:

§ 545.13 Piece rates established in accordance with § 545.9.

SCHEDULE A—PIECE RATE SCHEDULE FOR THE WOMEN'S AND CHILDREN'S UNDERWEAR AND WOMEN'S BLOUSE INDUSTRY AND THE CHILDREN'S DRESS AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO [1]

No.	Operation	Women's and children's underwear and women's blouse industry		Children's dress and related products industry	Unit of payment
		Blouses and neckwear and silk and synthetic underwear and nightwear (1)	Cotton underwear and nightwear (2)	(3)	
		Cents	*Cents*	*Cents*	
1	Arenilla (seed stitch), close, ¼" squares	114.00	102.00	107.40	Per dozen squares.
2	Arenilla (seed stitch), scattered, ¼" squares	57.00	51.30	53.70	Do.
3	Arrows, filled in, ¼"	28.50	25.65	26.85	Per dozen.
4	Basting bias with cord	31.35	28.22	29.53	Per yard.
5	Basting for bagoting	8.57	7.73	8.08	Do.
6	Basting hems, 1" to 6" wide	[2] 19.00	[2] 17.10	24.29	Do.
7	Basting lace	16.42	14.78	15.47	Do.
8	Basting waist lines, plackets, and facings, 3 to 5 stitches per inch	[2] 11.89	[2] 10.70	15.21	Do.
9	Bias piping, joined, double, over 10 stitches per inch	38.00	34.20	35.80	Do.
10	Bias piping, joined, single, over 10 stitches per inch	47.80	42.75	44.75	Do.
11	Buttons sewed on with double thread, 2 to 3 stitches	[2] 12.41	[2] 11.17	14.77	Per dozen.
12	Buttonhole, stamped, ½" long	[2] 40.98	[2] 36.88	48.90	Do.
13	Buttonhole, stamped, ¾" long	[2] 54.47	[2] 49.02	65.13	Do.
14	Buttonhole stitch, close	85.50	76.95	80.55	Per yard.
15	Cord, twisted, over basting	9.50	8.55	8.95	Per dozen inches.
16	Cutting material applied over lace with hand-embroidered solid cord stitch	13.03	11.72	12.37	Per yard.
17	Hand cutting material over lace applique or other material and at edges of garment following machine embroidered cord, large outline, around scallops measuring 1" or more	2.26			Do.
18	Hand cutting material over lace applique or other material and at edges of garment following machine embroidered cord, small outline around scallops measuring less than 1"	5.13			Do.
19	Cutting material under lace or at seams, straight outline, following hand-sewing operation	5.34	4.81	5.08	Do.
20	Cutting material under lace or at seams, straight outline, following machine operations	6.30	6.30	6.37	Do.
21	Hand cutting material underneath straight or nearly straight outline	1.74			Do.
22	Hand cutting material underneath irregular outline	2.81			Do.
23	Dots, baby, not finished off, 2 to 3 stitches	7.92	7.14	7.46	Per dozen.
24	Dots, medium, not filled in, finished off, 5 to 9 stitches	12.54	11.29	11.81	Do.
25	Eyelets, up to ¼" diameter	21.17	19.06	19.96	Do.
26	Eyelets, ⅜" diameter	38.00	34.20	35.80	Do.
27	Fagoting, straight lines	132.92	119.09	124.86	Per yard.
28	Fagoting, twisted lines	63.33	57.00	59.67	Do.
29	Feather stitch, 12 stitches per inch	63.33	57.00	59.67	Do.
30	Feather stitch cord	33.33	30.00	31.41	Do.
31	Flat rell	[2] 26.82	[2] 25.92	34.37	Do.
32	French knots, not finished off	3.97	3.57	3.73	Per dozen.
33	French seams, first seam by machine, 9 to 12 stitches per inch	[2] 15.99	[2] 14.13	18.76	Per yard.
34	Furunecos, with tape	142.50	128.25	134.35	Do.
35	Guariquenas	9.50	8.55	8.95	Per dozen.
36	Half roll (with colored or emb. thread)	31.16	28.04	29.36	Per yard.
37	Hemming stitch for felling, 2 to 3 stitches per inch	[2] 16.61	[2] 14.95	19.63	Do.
38	Hemming stitch for felling, cuffs, collars, plackets, and waist bands, 8 to 10 stitches per inch	[2] 42.50	[2] 38.20	50.78	Do.
39	Hemstitch, single, 4 threads in a bundle, thread drawing not included	61.58	55.05	58.25	Do.
40	Lace, sewed on with hemming stitch or round roll	47.50	42.75	44.73	Do.
41	Leaves, open, ¼" long	38.00	34.20	35.80	Per dozen.
42	Leaves, open, ⅜" to ½" long	57.00	51.30	53.70	Do.
43	Leaves, simple	3.97	3.19	3.86	Do.
44	Leaves, solid, not finished off, ¼" long	10.45	9.30	9.82	Do.
45	Leaves, solid, not finished off, ⅜" long	12.67	11.40	11.93	Do.
46	Leaves, solid, not finished off, ⅝" to ¾" long	19.00	17.10	17.90	Do.
47	Leaves, solid, finished off, ⅝" to ¾" long	38.00	34.20	35.80	Do.
48	Loops, knitted, ¼"	11.86	10.70	11.21	Do.
49	Loops, knitted, 1" to 1½"	19.97	17.99	18.82	Do.
50	Loops, made with buttonhole stitch	28.50	25.65	26.85	Do.
51	Overcasting seams	[2] 20.20	[2] 18.18	23.84	Per yard.
52	Pasadas, short, 1" to 8"		8.87		Per dozen pasadas.
53	Patches, sewed on with single point de turc	180.24	170.82	178.22	Per yard.
54	Patches, rectangular, sewed on with blind stitch, up to 1½"	11.96	10.75	11.25	Per dozen inches.
55	Patches, sewed on with solid cord, cutting and basting included	186.30	167.59	175.42	Per yard.
56	Point de turc plain, with embroidery thread	80.42	49.88	52.21	Do.
57	Randa, bundles twisted but not tied, thread drawing not included	23.75	21.36	23.37	Do.
58	Randa, Don Gonsales, thread drawing not included	99.75	89.76	93.97	Do.
59	Randa, Mexican, tied at center only, thread drawing not included	26.50	23.85	25.84	Do.
60	Ribbons, setting ends of	13.02	11.73	12.27	Per dozen.
61	Rose buds, worm stitch, 4 worms, 1 or 2 colors or tones	38.23	34.40	35.99	Do.
62	Running stitch on hems up to 1" wide, 12 stitches per inch	[2] 36.58	[2] 32.97	33.60	Per yard.
63	Running stitch on lace	23.21	23.09	23.75	Do.
64	Running stitch for plain sewing	[2] 17.16	[2] 15.45	20.58	Do.
65	Scallops, plain, cutting included	96.52	86.87	90.10	Do.
66	Shadow stitch, up to ½" wide	183.67	165.30	173.05	Do.
67	Shell, 4 to 5 stitches per inch	32.27	29.32	30.69	Do.
68	Shirring, material to be measured before shirring	19.13	17.21	18.03	Do.
69	Shirring and basting lace edging, material to be measured after shirring	23.99	20.69	21.56	Do.
70	Shirring and setting lace edging with hemming stitch on straight outline, material to be measured after shirring	41.81	37.13	39.91	Do.
71	Size tickets set with hemming stitch, cutting tickets included	[2] 19.00	[2] 17.10	24.29	Per dozen inches.
72	Smocking	.78	.70	.75	Per dozen stitches.
73	Snaps, sewing on both sides	[2] 19.00	[2] 17.10	24.30	Per dozen.
74	Solid cord stitch on gores and embroidery	99.80	89.87	94.12	Per yard.
75	Spiders, 4 legs	19.00	17.10	17.90	Per dozen.
76	Spiders, 8 legs	37.13	33.43	34.99	Do.
77	Tacks, set for bagoting	9.50	8.55	8.94	Do.
78	Tucks, stamped, ⅛" to ¼" wide, up to 6" long	29.72	26.75	28.09	Do.

[1] See current wage orders for these two industries for definitions of the industries and of the classifications of "hand-sewing", "hand-embroidery", and "other operations", and for applicable minimum hourly wage rates.

[2] Piece rate not applicable when operation is performed on articles which are wholly machine-sewn or machine-knit.

SCHEDULE B. PIECE RATE SCHEDULE FOR THE HANDKERCHIEF, SCARF, AND ART LINEN INDUSTRY IN PUERTO RICO [1]

No.	Operation	Cents	Unit of payment
79	Arenillas (seed stitch), close, ¼" squares	45.60	Per dozen squares.
80	Arenillas (seed stitch), scattered ½ inch squares	22.80	Do.
81	Arrows, filled in, ¼" long	11.40	Per dozen.
82	Basting lace	2.18	Per dozen inches.
83	Basting stitch for trimming, forming crosses, etc., 4 stitches per inch	1.90	Do.
84	Basting and folding hem on edges up to 1½" hem	[2] .76	Do.
85	Blind hemstitch	7.60	Do.
86	Buttonhole stitch, 16 stitches per inch	7.60	Do.
87	Buttonhole stitch, 24 to 30 stitches per inch	11.40	Do.
88	Chain stitch, 4 stitches per inch	1.90	Do.
89	Chain stitch, 8 stitches per inch	3.80	Do.
90	Cord, solid, on stem	11.90	Do.
91	Cord, twisted, over basting	3.80	Do.
92	Cord or embroidery, solid, without filling, up to ¼" thick [3]	11.40	Do.
93	Couching or flat cord, 4 stitches per inch	1.90	Do.
94	Cross stitch, 6 crosses per inch	3.10	Do.
95	Cut work with buttonhole stitch, 24 to 30 stitches per inch	15.20	Do.
96	Daisies, 10 to 15 stitches, with double embroidery thread	11.40	Per dozen.
97	Diamonds, filled in, ¼" to ¾" wide	11.40	Do.
98	Dots, baby, not finished off, 2 to 3 stitches	3.15	Do.
99	Dots, large, not filled in, finished off, 12 stitches	5.70	Do.
100	Dots, large, filled in, finished off, over 12 stitches	11.40	Do.
101	Dots, large, not filled in, finished off, over 12 stitches	7.60	Do.
102	Dots, medium, not filled in, finished off, 5 to 9 stitches	5.01	Do.
103	Dots, medium, in groups, not finished off, 5 stitches, with double embroidery thread	3.34	Do.
104	Dots, medium, finished off, 5 stitches, with double embroidery thread	4.30	Do.
105	Embroidery, solid, 3/16" to ¾" thick, averages 28 stitches per inch [3]	15.20	Per dozen inches.
106	Embroidery, solid, straight or diagonal, same as image stitch, filled in, loose	15.20	Do.
107	Embroidery, solid, straight or diagonal, same as image stitch, not filled in, loose	11.40	Do.
108	Eyelets, ¼" diameter	3.42	Per dozen.
109	Feather stitch, 12 stitches per inch	3.42	Per dozen inches.
110	Feather stitch cord	4.46	Do.
111	Flat hems without pasadas	[2] 3.96	Do.
112	French knots, not finished off	1.89	Per dozen.
113	French knots, finished off, with double embroidery thread	3.04	Do.
114	Guariquenas	3.80	Do.
115	Hand or French rolling, 10 stitches or less per inch		
	(a) Square scarves	10.74	Per 48 inches.
	(b) Oblong scarves	24.31	Do.
116	Hand or French rolling, 11 stitches or more per inch	12.91	Do.
117	Hand-rolling one side of a corner. The piece rate shall apply under the following conditions:		
	(a) The machine-stitching runs to the end on one side of each corner; and on the other side, the space left open for hand-rolling at the corner is not less than ¼" nor more than 1"; and		
	(b) Only one side of each corner is hand-rolled; and the hand-rolling is not longer than 1".	26.34	Per dozen handkerchiefs.
118	Hand-rolling both sides of a corner. The piece rate shall apply under the following conditions:		
	(a) The machine-stitching does not run to the end of either side of any corner; and the space left open for hand-rolling at each side of the corners is not less than ¼" nor more than 1"; and		
	(b) Both sides of the corners are hand-rolled; but the hand-rolling is not longer than one inch on either side of any corner.	50.66	Do.
119	Hand-rolling both sides of a corner. The piece rate shall apply under the following conditions:		
	(a) The machine-stitching runs to the end on one side of each corner; and on the other side, the space left open for hand-rolling at the corner is not less than ¼" nor more than 1"; and		
	(b) Both sides of the corners are hand-rolled; but the hand-rolling is not longer than two inches on any corner.	63.34	Do.
120	Hemstitch, single, 4 threads in a bundle, thread drawing not included	8.26	Per dozen inches.
121	Initials, simple, with hoops	26.00	Do.
122	Initials, simple, without hoops	26.86	Do.
123	Lace, joined at corners with hemming stitch	11.40	Do.
124	Leaves, simple	1.41	Per dozen.
125	Leaves, solid, not finished off, ¼" long	5.06	Do.
126	Leaves, solid, not finished off, ⅜" to ½" long	7.60	Do.
127	Leaves, solid, not finished off, ½" to ¾" long	15.20	Do.
128	Loops, made with worm stitch, ¼"	2.54	Do.
129	Pasadas, 11" x 11" to 14" x 14", linen up to 1600 count, inclusive	7.60	Per dozen pasadas.
130	Pasadas, 11" x 11" to 14" x 14", linen 1700 count and over	10.64	Do.
131	Pasadas, 15" x 15", linen up to 1600 count, inclusive	12.92	Do.
132	Pasadas, 15" x 15", linen 1700 count and over	15.96	Do.
133	Pasadas, 19" x 19" to 20" x 20", linen up to 1600 count inclusive	15.24	Do.
134	Pasadas, short, 1" to 7", linen up to 1600 count inclusive [4]	3.95	Do.
135	Pasadas, short		
	Cambric, 1" to 10"	7.60	Do.
136	Crash, 1" to 10"	5.70	Do.
137	Cambric, 10½" to 19"	15.20	Do.
138	Crash, 10½" to 19"	11.40	Do.
139	Patches, circular, sewed on with hemming stitch, cutting included	8.52	Per dozen inches.
140	Patches, irregular outline, sewed on with hemming stitch, cutting included	14.48	Do.
141	Patches, irregular outline, sewed on with blind stitch, up to 4"	10.64	Do.
142	Patches, irregular outline sewed on with blind stitch, over 4"	5.41	Do.
143	Patches, rectangular, sewed on with hemming stitch, cutting included	6.82	Do.
144	Randa, Don Diego, thread drawing not included	17.10	Do.
145	Randa, Mexican, tied at center only, thread drawing not included	3.80	Do.
146	Randa, simple, not stitched at either side, thread drawing not included	2.66	Do.
147	Rose buds, worm stitch, 4 worms, 2 colors or tones	11.23	Per dozen.
148	Scallops, plain, cutting included	12.76	Per dozen inches.
149	Shadow stitch, up to ½" wide	24.46	Do.
150	Spiders, 4 legs	7.60	Per dozen.
151	Spiders, 8 legs	14.86	Do.

No.	Operation	Cambric (1)	Crash (2)	Unit of payment
	Thread drawing			
	Art linens, first thread, not coming out at edge:			
152	Stamped 1" to 10"	2.72		Per dozen threads.
153	Not stamped 1" to 10"	3.39	2.03	Do.
	Art linens, unstamped, first thread, all-around, not coming out at edge:			
154	Doilies 12" x 18"	15.19	12.86	Per dozen pieces.
	Napkins			
155	12" x 12"	12.15	10.29	Do.
156	15" x 15"	15.19	12.86	Do.
157	18" x 18"	18.23	14.23	Do.
	Scarves			
158	17" x 36"	36.83	19.22	Do.
159	17" x 45"	31.35	21.67	Do.
160	17" x 54"	35.04	24.08	Do.
	Squares			
161	36" x 36"	36.47	24.31	Do.
162	45" x 45"	45.56	28.89	Do.
163	54" x 54"	54.68	33.75	Do.
	Art linens, unstamped, first thread at one end, coming out at both edges:			
	Towels			
164	9" x 15"		1.81	Do.
165	15" x 24"		2.75	Do.
166	18" x 30"		3.19	Do.
167	Art linens, after first thread		(5)	Do.

No.	Operation	Cents	Unit of payment
	Thread drawing		
	Ladies handkerchiefs:		
168	First thread around edge, cotton or linen, up to 1600 count inclusive	3.80	Per dozen threads.
169	First thread, inside, cotton or linen, up to 1600 count inclusive	4.76	Do.
170	After first thread (for example, for hemstitching)	(5)	Do.
171	First thread around edge, linen up to 1500 count inclusive, 16" x 16" to 20" x 20"	5.70	Do.
172	First thread around edge, linen 1600 count and over, 16" x 16" to 20" x 20"	6.66	Do.
173	First thread, inside, linen up to 1500 count inclusive, 16" x 16" to 20" x 20"	6.66	Do.
174	First thread, inside, linen 1600 count and over, 16" x 16" to 20" x 20"	7.60	Do.
175	After first thread (for example, for hemstitching)	(5)	Do.

Operation	No. 182	No. 183	No.	Operation	Cents	Unit of payment
	Second seams, for separate borders, with French corners, measuring all around edge: Crash, at 2.64 cents per dozen inches[1]					
	(Payment per dozen)					
Dollies:				Scallop sewing		
8x16"	$1.32	$1.32		Hand-cutting machine-embroidered, shallow, curved scallops on hemstitched or square scarves:		
10x14"	1.32	1.32	154	Small, measuring from ¼" up to but not including ½" along outside edge.	31.09	Per dozen scallops.
12x18"	1.77	1.77	155	Medium, measuring from ½" up to but not including ¾" along outside edge.	41.67	Do.
Napkins:			156	Large, measuring from ¾" to and inclusive of 1¼" along outside edge.	62.50	Do.
12x12"	1.27	1.27		Needlepoint operations[2]		
15x15"	1.76	1.76	157	Compact florals, figures, and landscapes	31.67	Per 1,000 stitches.
18x18"	2.53	2.53	158	Scattered florals consisting of borders or garlands only	43.50	Do.
Table scarves:			159	Combinations of compact center and scattered borders in which the compact portion totals less than 50 percent of the total design.	45.33	Do.
17x30"	2.53	2.53	160	Combinations totaling 50 percent or more of the total design in which the compact portion totals less than 50 percent of the entire design.	45.33	Do.
17x45"	3.80	3.80	161	Scattered florals covering the entire surface of the entire design.	44.00	Do.
17x54"	4.43	4.43		Employers using other methods must set individual rates for mounting and removing canvas in accordance with Section 545.10.		
Squares:						
8x8"	1.32	1.32				
12x12"	2.53	2.53				
15x15"	3.80	3.80				
18x18"	5.06	5.06				
Table cloths:						
54x72"	5.06	5.06				
72x72"	7.59	7.59				
72x90"	9.49	9.49				

[1] See current wage order for this industry for definition of the industry and the classification of "hand-sewing" and "other operations".

[2] Piece rate not applicable per applicable minimum hourly wage rates.

[3] These piece rates have been set on the basis of ONE on article which are otherwise wholly machine-sewn, of solid cord. If corded threads are used which are not equivalent to thread No. 8, corded, which averages 28 stitches per inch increase in the number of stitches per inch. If corded thread No. 11 is used, 15 percent must be added to the piece rates established for thread No. 8.

[4] For each additional count of 100, add 1.58 cents.

[5] For second and third threads, 50 percent of rate for first thread; for additional threads 15 percent of rate for first thread.

Operation	No. 176	No. 177	No. 178	No.	Operation	No. 179	No. 180	No. 181
	Half roll, zambrite and crash, at 4.18 cents per dozen inches	Hand or French rolling, 10 stitches or less per inch, zambrite, and crash, at 1.69 cents per dozen inches	Hemming stitch over pseeds, measuring all around edge: Cambric at 2.64 cents per dozen inches[1]			Hemming stitch over pseeds, measuring all around edge: Crash, at 2.53 cents per dozen inches[1]	Second seams, for separate borders, measuring all around edge: Cambric, at 2.64 cents per dozen inches[1]	Second seams, for separate borders, measuring all around edge: Crash, at 2.53 cents per dozen inches[1]
	(Payment per dozen)					(Payment per dozen)		
Dollies:								
8x16"	$3.33	$2.22	$2.64			$2.53	$2.64	$2.53
10x14"	3.33	2.22	2.64			2.53	2.64	2.53
12x18"	4.18	2.53	3.30			3.16	3.30	3.16
Napkins:								
12x12"	3.33	2.22	2.64			2.53	2.64	2.53
15x15"	4.18	2.53	3.30			3.16	3.30	3.16
18x18"	5.75	3.33	4.43			4.22	4.43	4.22
Table scarves:								
17x30"	4.18	2.53	3.30			3.16	3.30	3.16
17x45"	5.75	3.33	4.43			4.22	4.43	4.22
17x54"	6.70	3.80	5.27			5.06	5.27	5.06
Squares:								
8x8"	3.33	2.22	2.64			2.53	2.64	2.53
12x12"	5.75	3.33	4.43			4.22	4.43	4.22
15x15"	8.44	4.22	6.59			6.33	6.59	6.33
18x18"	10.55	5.06	8.23			7.91	8.23	7.91
Table cloths:								
54x72"	11.39	5.75	8.86			8.44	8.86	8.44
72x72"	15.19	7.59	11.86			11.39	11.86	11.39
72x90"	18.98	9.49	14.76			14.24	14.76	14.24

[1] Exceptions. These piece rates do not apply to the following types of needlepoints. For them and all other varieties of needlepoint not covered by the schedule and definitions, piece rates must be set by employers in accordance with Regulation 545.10.

a. Florals having more than 10,000 stitches.
b. Florals having more than 30 color tones.
c. Figures and landscapes having more than 5,000 stitches.
d. Figures and landscapes having more than 25 color tones.
e. Petit Point
f. Stamped gros point.

[2] Definitions. (1) A scattered design is one in which 50 percent or more of the component parts, when finished, are separated by spaces of unsewn canvas. (2) A compact design is one in which 50 percent or more of the finished piece contains no spaces of unsewn canvas.

SCHEDULE C.—PIECE RATE SCHEDULE FOR THE FABRIC AND LEATHER GLOVE INDUSTRY IN PUERTO RICO[1]

No.	Operation	Ladies' woven or knitted fabric gloves	Leather gloves[2]		Unit of payment
			Ladies'	Men's	
		(1)	(2)	(3)	
188	Buttons, slip stitches with tape, 1 button per glove.	Cents	Cents	Cents 37.000	Per dozen pairs.
189	Buttonholes, stitched in and outside, 1 buttonhole per glove.			116.000	Do.
190	Crede stitch, 5 to 6 stitches per inch	.437			Per inch.
191	Egyptian stitch, 5 to 6 stitches per inch	.828	.796		Do.
192	Feather stitch, 5 to 6 stitches per inch		1.000		Do.
193	Large stitch (husky), 5 to 6 stitches per inch			.715	Do.
194	Regular stitch 5 to 6 stitches per inch	.343	.750	.715	Do.
195	Slip stitch, hem only, 5 to 6 stitches per inch	.222	.513	.513	Do.
196	Slip stitch, reinforcement on slit, 5 to 6 stitches per inch, when sewing has been faced on by machine.		.513	.513	Do.
197	Swagger stitch, 5 to 6 stitches per inch	.343	.750	.715	Do.
198	Whip stitch, 5 to 6 stitches per inch	.343	.780	.715	Do.

[1] Piece rates apply only to hand-sewing operations. For description of operations included under "hand-sewing" see definitions in applicable section of the wage order.

[2] The hourly minimum wage rates applicable to leather gloves are also applicable to combination leather and fabric gloves. However, piece rates for combination leather and fabric gloves must be set by employers in accordance with section 545.10.

(29 U.S.C. 206, 8 CFR 1949–63 Comp., p. 1004; Secretary's [of Labor] Order 16–67)

Signed at Washington, D.C., this 16th day of August 1967.

THOMAS R. DONAHUE,
Assistant Secretary for Labor-Management Relations.

[F.R. Doc. 67–9946; Filed, Aug. 24, 1967; 8:45 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Rev. 2, Amdt. 4]

PART 108—LOANS TO STATE AND LOCAL DEVELOPMENT COMPANIES

Administrative Authority

Part 108 of Chapter I of Title 13 of the Code of Federal Regulations is hereby amended by adding a new § 108.4 to read as follows:

§ 108.4 Administrative authority.

The Administrator may, when in his discretion the best interests of the Government will be protected, waive any regulations published under this Part 108 to the extent that such regulations are not prescribed by statute, and waiver thereof would not be contrary to the provisions of Title V of the Small Business Investment Act of 1958, as amended.

Effective date: August 15, 1967.

ROBERT C. MOOT,
Administrator.

[F.R. Doc. 67–9908; Filed, Aug. 24, 1967; 8:45 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 20,816]

PART 555—BOARD RULINGS

Use of Savings Accounts as Checking Accounts

AUGUST 17, 1967.

Resolved that the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of revising paragraph (d) of § 555.8 of the rules and regulations for the Federal Savings and Loan System (12 CFR 555.8(d)) and for the purpose of permitting regular withdrawal payments to be made to relatives of a member, hereby revises said paragraph (d) as follows, effective August 25, 1967:

§ 555.8 Savings accounts.

* * * * * * *

(d) *Checking accounts; advertising and use as.* A Federal association may not advertise that its savings accounts may be used as checking accounts nor may the withdrawal of savings be made a service, regardless of the nomenclature used, by which members may use their accounts to make regular payments to others. The foregoing prohibitions shall not extend to the sale by an association of travelers checks or money orders, the occasional sale to members of drafts for their convenience, withdrawals for the payment of premiums on mortgagor or savings member insurance plans, systematic withdrawal plans in favor of the member or a relative of the member, or the purchase of obligations of the United States.

* * * * * * *

Resolved further that since the aforesaid revision contains only statements of general policy or interpretations of substantive rules adopted or formulated by the Board for the guidance of the public, the requirements of notice and public procedure set out in § 508.12 of the general regulations of the Federal Home Loan Bank Board (12 CFR 508.12) and 5 U.S.C. 555.3(b) do not apply, and for the same reasons, deferment of the effective date is not required under the provisions of § 508.14 of the general regulations of the Federal Home Loan Bank Board (12 CFR 508.14) and 5 U.S.C. 555.3(d)

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,
Secretary.

[F.R. Doc. 67–10001; Filed, Aug. 24, 1967; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airworthiness Docket No. 67–SW–56; Amdt. 39–468]

SUBCHAPTER C—AIRCRAFT

PART 39—AIRWORTHINESS DIRECTIVES

Bell Model 204B Helicopters

Pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), an airworthiness directive was adopted on August 16, 1967, and made effective immediately as to all known U.S. operators of Bell Model 204B helicopters. The directive requires a one-time inspection of the tail rotor assembly slider, P/N 204–010–720–3, for proper hardness.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impractical and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to all known U.S. operators of Bell Model 204B helicopters by individual telegrams dated August 16, 1967. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation

Regulations to make it effective as to all persons.

BELL. Applies to Model 204B helicopters, Serial Numbers 2001 through 2094, with Slider, P/N 204-010-720-3, installed and to all spare Sliders, P/N 204-010-720-3.

Compliance required as indicated.

To prevent failure of the Slider, accomplish the following one-time inspection for proper hardness: Remove the Slider in accordance with Section VI of the Model 204B Maintenance Manual. Determine the hardness of the Slider using hardness tester. Readings should be taken on the side of the flat plate. Reinstall only Sliders with a tensile hardness reading of 125,000 p.s.i. to 145,000 p.s.i. in accordance with Section VI of the Model 204B Maintenance Manual. For Sliders on tail rotor assemblies with less than 300 hours' time in service, conduct the above inspection before further flight unless already accomplished. For Sliders on tail rotor assemblies with 300 hours or more time in service, conduct the above inspection within the next 125 hours' time in service unless already accomplished. For spare Sliders, conduct the inspection before installation, unless already accomplished.

(Bell Service Bulletin No. 204B-8 dated August 15, 1967, also pertains to this subject.)

This amendment becomes effective on August 26, 1967, for all persons except those to whom it was made effective immediately by telegram dated August 16, 1967.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Fort Worth, Tex., on August 17, 1967.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 67-9994; Filed, Aug. 24, 1967; 8:45 a.m.]

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 67-CE-41]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airways

On May 11, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 7133) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would redesignate V-161 from Grand Rapids, Minn., to International Falls, Minn.; redesignate V-129 W alternate from Hibbing, Minn., to International Falls; and designate an N alternate to V-430 from Grand Rapids to Duluth, Minn., via Hibbing.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were given due consideration.

The Air Transport Association of America offered no objection to the proposal.

The Commissioner of Aeronautics, State of Minnesota concurred in the proposals. He suggested a more direct route between International Falls and Minneapolis via Grand Rapids. He also suggested an additional airway between Duluth and International Falls via Eveleth, Minn.

The manager of Grand Rapids Airport concurred in the proposals. In addition to the proposed alignment of V-161, he proposed an airway from Grantsburg, Wis., to Grand Rapids, to expedite traffic to the Canadian border.

A review of the most recent Federal Aviation Administration IFR Peak day airway traffic survey, disclosed that the number of aircraft movements between Minneapolis and International Falls could not justify an additional airway via Grantsburg or Grand Rapids nor a dual airway structure between Duluth and International Falls, as assignments of controlled airspace.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0001 e.s.t., October 12, 1967, as hereinafter set forth.

Section 71.123 (32 F.R. 2009, 6435) is amended as follows:

1. In V-129 "including a W alternate from Hibbing, 24 miles, 12 AGL, 50 miles, 30 MSL, 12 AGL International Falls;" is deleted and "including a W alternate from Hibbing, 24 miles, 12 AGL, 30 MSL INT Hibbing 325° and International Falls 182° radials, 25 miles, 30 MSL, 12 AGL to International Falls;" is substituted therefor.

2. In V-161 "12 AGL Hibbing, Minn." is deleted and "15 miles, 12 AGL, 59 miles 30 MSL, 12 AGL International Falls." is substituted therefor.

3. In V-430 "12 AGL Duluth, Minn.;" is deleted and "12 AGL Duluth, Minn., including a 12 AGL N alternate from Grand Rapids, to Duluth via Hibbing, Minn., excluding the airspace between the main and this N alternate airway;" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on August 21, 1967.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-10019; Filed, Aug. 24, 1967; 8:47 a.m.]

[Airspace Docket No. 67-WE-37]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Federal Airway

On June 29, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 9237) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a 12 AGL airway from Boysen Reservoir, Wyo., via Worland, Wyo., to Cody, Wyo.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., October 12, 1967, as hereinafter set forth.

In § 71.123 (32 F.R. 2009) V-319 is added as follows:

V-319 From Boysen Reservoir, Wyo., 11 AGL Worland, Wyo.; 12 AGL Cody, Wyo.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on August 21, 1967.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-10020; Filed, Aug. 24, 1967; 8:47 a.m.]

[Airspace Docket No. 67-CE-42]

PART 75—ESTABLISHMENT OF JET ROUTES

Realignment of Jet Route Segment

On June 17, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 8725) stating that the Federal Aviation Administration was considering the realignment of Jet Route No. 34 segment between Milwaukee, Wis., and Cleveland, Ohio.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., October 12, 1967, as hereinafter set forth.

In § 75.100 (32 F.R. 2341) Jet Route No. 34 is amended by deleting all between "Milwaukee, Wis.;" and "Allegheny, Pa.;" and substituting "INT of Milwaukee 098° and Carleton, Mich., 297° radials; Carleton; Cleveland, Ohio;" therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on August 21, 1967.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-10021; Filed, Aug. 24, 1967; 8:47 a.m.]

SUBCHAPTER E—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 8530; Amdt. 550]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

From—	To—	Course and distance	Minimum altitude (feet)	Transition: Condition	Ceiling and visibility minimums: 2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
AEW NDB	AHT NDB	Direct	1400	T-dn	800-1	800-1	800-1
				C-dn*	800-1	800-1	800-1
				B-dn-7*	400-1	400-1	400-1
				A-dn#	800-2	800-2	800-2

Procedure turn S side of crs, 240° Outbnd, 060° Inbnd, 1200' within 10 miles.
Minimum altitude over facility on final approach crs, 640'.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of AHT NDB, climb to 2000' on 060° bearing within 10 miles.
*Restricted to aircraft on "Official Business Only". Prior permission required before landing.
#When control zone not effective alternate minimums not authorized. Altimeter not available during hours of facility shutdown. Three (3) hours prior notification required for weather reporting service.
MSA within 25 miles of facility: 000°-270°—1500'; 270°-360°—2200'.

City, Amchitka; State, Alaska; Airport name, Amchitka; Elev., 232'; Fac. Class., HW; Ident., AHT; Procedure No. NDB (ADF) Runway 7, Amdt. Orig.; Eff. date, 16 Sept. 67

AKW NDB	AHT NDB	Direct	1400	T-dn	800-1	800-1	800-1½
				C-dn*	800-1	800-1	800-1½
				B-dn-26*	800-1	800-1	800-1
				A-dn#	800-2	800-2	800-2

Procedure turn N side of crs, 075° Outbnd, 255° Inbnd, 1400' within 10 miles.
Minimum altitude over facility on final approach crs, 740'.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of AHT NDB, climb to 2000' on 255° bearing within 10 miles.
*Restricted to aircraft on "Official Business Only". Prior permission required before landing.
#When control zone not effective alternate minimums not authorized. Altimeter not available during hours of facility shutdown. Three (3) hours prior notification required for weathering reporting service.
MSA within 25 miles of facility: 000°-270°—1500'; 270°-360°—2200'.

City, Amchitka; State, Alaska; Airport name, Amchitka; Elev., 232'; Fac. Class., HW.; Ident., AHT; Procedure No. NDB (ADF) Runway 26, Amdt. Orig.; Eff. date, 16 Sept. 67

FAR VOR	FAR RBn	Direct	2000	T-dn	800-1	800-1	800-1½
FA LOM	FAR RBn	Direct	2000	C-dn	800-1	800-1	800-1½
				B-dn-17	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 351° Outbnd, 171° Inbnd, 2000' within 10 mi of FAR RBn.
Minimum altitude over facility on final approach crs, 2200'.
Crs and distance, facility to airport, 171°—4.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.4 miles after passing NDB, climb to 2200' on 171° bearing from NDB within 10 miles and return to NDB.
MSA within 25 miles of facility: 000°-090°—2400'; 090°-180°—2700'; 180°-270°—2200'; 270°-360°—2200'.

City, Fargo; State, N. Dak.; Airport name, Hector; Elev., 900'; Fac. Class., H-SAR; Ident., FAR; Procedure No. NDB (ADF) Runway 17, Amdt. 3; Eff. date, 16 Sept. 67; Sup. Amdt. No. ADF 3, Amdt. 2; Dated, 30 Apr. 66

PROCEDURE CANCELED, EFFECTIVE 16 SEPT. 1967.

City, Juneau; State, Alaska; Airport name, Juneau Municipal; Elev., 30'; Fac. Class., HW/Z; Ident., OGL; Procedure No. 8, Amdt. Orig.; Eff. date, 1 Oct. 66

ADF STANDARD INSTRUMENT APPROACH PROCEDURES—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
ODI VOR	LSE RBn	Direct	2800	T-d	*400-1	*400-1	*400-1
				T-a	*400-1½	*400-1½	*400-1½
				C-d	800-1	800-1	800-1
				C-a	800-2	800-2	800-2
				S-dn-13	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 301° Outbnd, 121° Inbnd, 2800' within 10 miles.
Minimum altitude over facility on final approach crs, 1300'.
Crs and distance, facility to airport, 142°—4.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles after passing RBn, make immediate right-climbing turn to RBn, then continue climb to 3600' on 301° bearing from RBn within 10 miles.
NOTICE: (1) Final approach from holding pattern at RBn, not authorized. Procedure turn required. (2) When weather is below 800-2 aircraft departing Runways 13, 18, and 31, flight below 1800' beyond 2 miles of airport is prohibited between radials 040° and 270° of the LSE VOR. Restriction due to 1444' tower, 4 miles SE of airport.
*300-1 authorized on Runways 31 and 36.
†200-½ authorized on Runways 31 and 36.
MSA within 25 miles of facility: 270°–090°—3500'; 090°–270°—2800'.

City, La Crosse; State, Wis.; Airport name, La Crosse Municipal; Elev., 668'; Fac. Class., SBH; Ident., LSE; Procedure No. NDB(ADF) Runway 13, Amdt. 2; Eff. date, 16 Sept. 67; Sup. Amdt. No. ADF 1, Amdt. 2; Dated, 2 Apr. 66

Grand Beach Int	MGC RBn (final)	Direct	2200	T-dn	800-1	800-1	800-1½
North Liberty Int	MGC RBn	Direct	2200	C-dn	600-1	600-1	600-1½
Westville Int	MGC RBn	Direct	2200	S-dn-20	800-1	800-1	800-1
				A-dn	NA	NA	NA

Procedure turn E side of crs, 216° Outbnd, 180° Inbnd, 2200' within 10 miles.
Minimum altitude over facility on final approach crs, 1280'.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6 mile of MGC RBn, climb to 2200' on crs 190° and return to RBn.
NOTE: Use South Bend altimeter setting.
MSA within 25 miles of facility: 090°–180°—2100'; 180°–270°—2800'; 270°–360°—2100'.

City, Michigan City; State, Ind.; Airport name, Michigan City; Elev., 600'; Fac. Class., MHW; Ident., MGC; Procedure No. NDB (ADF) Runway 20, Amdt. Orig.; Eff. date, 14 Sept. 67

				T-dn	800-1	800-1	800-1½
				C-dn	600-1	600-1	600-1½
				S-dn-4	600-1	600-1	600-1
				A-dn	800-2	800-2	800-2

Procedure turn E side of crs, 221° Outbnd, 041° Inbnd, 3000' within 10 miles.
Minimum altitude over facility on final approach crs, 1000'.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3 mile after passing PUK RBn, make a climbing left turn to 3000' return to PUK RBn. Hold SW, 1-minute right turns, 041° Inbnd.
MSA within 25 miles of facility: 090°–090°—3100'; 090°–180°—3100'; 180°–270°—1900'; 270°–360°—3000'.

City, Paducah; State, Ky.; Airport name, Barkley Field; Elev., 407'; Fac. Class., BMH; Ident., PUK; Procedure No. NDB (ADF) Runway 4, Amdt. 2; Eff. date, 16 Sept. 67; Sup. Amdt. No. ADF 1, Amdt. 1; Dated, 26 Feb. 64

SAT VOR	LOM	Direct	3600	T-dn	800-1	800-1	800-1½
Watmore Int	LOM	Direct	2400	C-dn	800-1	800-1	800-1½
Loseya Int	LOM	Direct	2400	S-dn-8	800-1	800-1	800-1
Collins Int	LOM (final)	Direct	2000	A-dn	800-2	800-2	800-2

Radar available.
Procedure turn E side of crs, 315° Outbnd, 082° Inbnd, 2400' within 10 miles.
Minimum altitude over facility on final approach crs, 2000'.
Crs and distance, facility to airport, 082°—1.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles after passing LOM, turn left to 280°, climb to 2500', intercept and proceed N on 359° crs from "SA" LOM within 15 miles or, when directed by ATC, climb to 3000' on crs of 082° within 15 miles of "SA" LOM.
MSA within 25 miles of facility: 000°–360°—3100'.

City, San Antonio; State, Tex.; Airport name, San Antonio International; Elev., 809'; Fac. Class., LOM; Ident., SA; Procedure No. NDB (ADF) Runway 3, Amdt. 28; Eff. date, 16 Sept. 67; Sup. Amdt. No. NDB (ADF) Runway 3, Amdt. 24; Dated, 12 Aug. 67

2. By amending the following very high frequency omnirange (VOR) procedures prescribed in § 97.11(c) to read:

VOR STANDARD INSTRUMENT APPROACH PROCEDURES

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
R 320°, ELX VOR clockwise	R 080°, ELX VOR	Via 6-mile DME Arc.	2800	T-dn	300-1	300-1	300-1½
R 300°, ELX VOR counterclockwise	R 080°, ELX VOR	Via 6-mile DME Arc.	2800	C-dn	1000-3	1000-3	1000-3
				S-dn-27	1000-3	1000-3	1000-3
				A-dn*	1600-3	1600-3	1600-3
6-mile DME Fix, R 080°	ELX VOR (final)	Direct	2800	Minimums with DME or Dual VOR receivers:			
				C-dn*	400-1	400-1	400-1½
				S-dn-27*	400-1	400-1	400-1

Procedure turn N side of crs, 080° Outbnd, 260° Inbnd, 2800' within 10 miles.
Minimum altitude over facility on final approach crs, 2200'; over Zang Int, 1800'.
Crs and distance, facility to airport, 260°—13.2 miles; Zang Int to airport, 260°—9.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 13.2 miles after passing the ELX VOR, climb to 2800' on ELX VOR, R 260° then proceed direct to ELX VOR and contact SBN approach control for further instructions.
NOTES: (1) Reduction not authorized for nonstandard REIL. (2) Use South Bend altimeter setting when control zone not effective.
*400-¾ authorized with HIRL, except for 4-engine turbojets.
†These minimums apply at all times for air carriers with approved weather reporting service.
*Circling and straight-in ceiling minimums are raised (100') and alternate minimums not authorized when control zone not effective.
MSA within 25 miles of facility: 000°–360°—2800'.

City, Benton Harbor; State, Mich.; Airport name, Ross Field; Elev., 643'; Fac. Class., L-BVORTAC; Ident., ELX; Procedure No. VOR Runway 27, Amdt. 6; Eff. date, 16 Sept. 67; Sup. Amdt. No. VOR 1, Amdt. 5; Dated, 10 Dec. 66

BIL RBn	VOR	Direct	6800	T-dn%	800-1	800-1	800-1½
Eyegate Int	VOR	Direct	6800	C-dn	800-1	800-1	800-1½
Rapelje DME Fix	VOR	Direct	6800	S-dn-9*	800-1	800-1	800-1
R 195°, BIL VOR clockwise	R 250°, BIL VOR	Via 7-mile DME Arc.	5800	A-dn	800-2	800-2	800-2
R 230°, BIL VOR counterclockwise	R 280°, BIL VOR	Via 7-mile DME Arc.	5800				
7-mile DME Fix, R 200°	BIL VOR (final)	Direct	4700				

Procedure turn S side of crs, 280° Outbnd, 070° Inbnd, 5800' within 10 miles.
Minimum altitude over 7-mile DME Fix, R 250° on final approach crs, 5300'; over facility, 4700'.
Crs and distance, facility to airport, 070°—3.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.2 miles after passing BIL VOR, climb to 5500' on R 055°, BIL VOR within 10 miles.
NOTE: Final approach from holding pattern at BIL VOR not authorized. Procedure turn required.
*Reduction not authorized for ALS or HIRL.
%When weather is below 800-2 and aircraft is southeastbound, flight below 4700' is prohibited SE of airport between BIL VOR radials 090° clockwise to 115° inclusive due to 4340' tower, 3 miles SE of airport.
MSA within 25 miles of facility: 000°–090°—5700'; 090°–180°—6800'; 180°–270°—6800'; 270°–360°—5300'.

City, Billings; State, Mont.; Airport name, Logan Field; Elev., 3600'; Fac. Class., H-BVORTAC; Ident., BIL; Procedure No. VOR Runway 9, Amdt. 11; Eff. date, 16 Sept. 67; Sup. Amdt. No. VOR Runway, 9, Amdt. 10; Dated, 20 July 67

				T-dn%	800-1	800-1	800-1½
				C-dn	800-1	800-1	800-1½
				S-dn-11	800-1	800-1	800-1
				A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 308° Outbnd, 128° Inbnd, 1600' within 10 miles.
Minimum altitude over facility on final approach crs, 456'.
Facility on airport. Breakoff point to runway, 113°—0.8 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6 mile of CEC VOR, turn right, climb to 2000' on R 161° within 15 miles.
CAUTION: High terrain E.
%Takeoff all runways: Climb on the CEC VOR, R 215° within 10 miles so as to cross the CEC VOR at or above the following MCA's: N, V-27, 1800'; NE, V122, 2000'; S, V27, climb on crs satisfactory.
MSA within 25 miles of facility: 090°–090°—6200'; 090°–180°—7000'; 180°–270°—1200'; 270°–360°—6200'.

City, Crescent City; State, Calif.; Airport name, Jack McNamara Field; Elev., 80'; Fac. Class., L-BVORTAC; Ident, CEC; Procedure No. VOR Runway 11, Amdt. Orig.; Eff. date, 16 Sept. 67

				T-dn	800-1	800-1	
				C-dn	700-1	700-1	
				A-dn	NA	NA	

Radar available.
Kenton VOR Holding Fix, 267° Inbnd, 087° Outbnd, right turns, 1600'.
Minimum altitude over facility on final approach crs, 1600'.
Crs and distance, facility to airport, 267°—3.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing ENO VOR, make right turn, climbing to 1600', proceed to Kenton VORTAC. Hold E, R 087°, 1-minute right turns, 267° Inbnd.
NOTE: Use Dover AFB altimeter setting.
MSA within 25 miles of facility: 000°–090°—1600'; 090°–180°—1600'; 180°–270°—1500'; 270°–360°—1600'.

City, Dover-Cheswold; State, Del.; Airport name, Delaware Airpark; Elev., 80'; Fac. Class., L-BVORTAC; Ident., ENO; Procedure No. VOR Runway 36, Amdt. 1; Eff. date, 16 Sept. 67; Sup. Amdt. No. VOR 1, Orig.; Dated, 18 June 66

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition: From—	Transition: To—	Transition: Course and distance	Transition: Minimum altitude (feet)	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: 2-engine or less: 65 knots or less	Ceiling and visibility minimums: 2-engine or less: More than 65 knots	Ceiling and visibility minimums: More than 2-engine, more than 65 knots
Erie VOR, R 121° clockwise	R 360°, ERI VOR	Via 10-mile DME Arc	3000	T-dn	300–1	300–1	300–1
				C-dn	500–1	500–1	500–1½
Erie VOR, R 057° counterclockwise	R 360° ERI VOR	Via 10-mile DME Arc	3000	S-dn-6	500–1	500–1	500–1½
				A-dn	900–2	900–2	500–1
10-mile DME Fix, R 360°	ERI VOR (final)	Direct	1900				900–2

Procedure turn S side crs, 240° Outbnd, 060° Inbnd, 2300′ within 10 miles.
Minimum altitude over facility on final approach crs, 1900′.
Crs and distance, facility to airport, 060°—2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5 miles after passing ERI VOR, make right-climbing turn to 3000′, intercept R 060° of Erie VOR, proceed to Hammett Int. Hold NE, 1-minute right turns, 244° Inbnd, or when directed by ATC, make immediate left-climbing turn to 3000′, return to Erie VOR. Hold SW, 1-minute right turns, 060° Inbnd.
ADD CARRIER NOTE: 300–1 required for takeoff on all runways except 6–24. Sliding scale authorized Runways 6–24.
MSA within 25 miles of facility: 060°–140°—3200′; 140°–220°—3000′; 220°–320°—2300′; 320°–060°—1900′.

City, Erie; State, Pa.; Airport name, Port Erie; Elev., 732′; Fac. Class., H–BVORTAC; Ident., ERI; Procedure No. VOR Runway 6, Amdt. 8; Eff. date, 16 Sept. 67; Sup. Amdt. No. VOR 1, Amdt. 7; Dated, 13 Aug. 66

LSE VOR	Midway Int	Direct	2500	T-dd	*400–1	*400–1	*400–1
ONA VOR	Holman Int	Direct	2000	T-nd	*400–1½	*400–1½	*400–1½
ODI VOR	Midway Int	Direct	2000	C-d	400–1	400–1	400–1½
Holman Int	Midway Int (final)	Direct	2100	C-a	500–2	500–2	500–2
				S-dn-13R	400–1	400–1	400–2
				A-dn	900–2	900–2	800–2

Procedure turn W side of crs, 315° Outbnd, 135° Inbnd, 2000′ within 10 miles of Midway Int.
Minimum altitude over Midway Int on final approach crs, 2100′.
Facility on airport.
Crs and distance, Midway Int to VOR, 135°—4.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6 mile, after passing VOR, make immediate right-climbing turn, climb to 2000′ on VOR R 315° within 10 miles.
NOTES: (1) Dual VOR receivers required. (2) Final approach from holding pattern at Midway Int not authorized. Procedure turn required.
*300–1 authorized on Runways 31 and 36.
‡200–½ authorized on Runways 31 and 36.
§When weather is below 800–2 aircraft departing Runways 13, 18, and 31, flight below 1600′ beyond 2 miles of airport is prohibited between radials 062° and 170° of the LSE VOR. Restrictions due 1444′ tower, 4 miles SE of airport.
‖400–½ authorized with operative HIRL except for 4-engine turbojets.
MSA within 25 miles of facility: 270°–090°—3500′; 090°–270°—2900′.

City, LaCrosse; State, Wis.; Airport name, LaCrosse Municipal; Elev., 653′; Fac. Class., T-BVOR; Ident., LSE; Procedure No. VOR Runway 18, Amdt. 9; Eff. date, 16 Sept. 67; Sup. Amdt. No. VOR Runway 18, Amdt. 8; Dated, 25 Mar. 67

ODI VOR	LSE VOR	Direct	2800	T-dd	*400–1	*400–1	*400–1
Westby Int	LSE VOR	Direct	2800	T-nd	*400–1½	*400–1½	*400–1½
				C-d	500–1	500–1	500–1½
				C-a	500–2	500–2	500–2
				S-dn-36	500–1	500–1	500–2
				A-dn	900–2	900–2	900–2

Procedure turn E side of crs, 181° Outbnd, 001° Inbnd, 2800′ within 10 miles of Roonie Int.
Minimum altitude over Roonie Int on final approach crs, 2500′.
Facility on airport.
Crs and distance, Roonie Int to VOR, 001°—5.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6 mile after passing VOR, make left-climbing turn, climb to 2800′ on R 313° within 10 miles.
NOTE: Dual VOR receivers required.
*300–1 authorized on Runways 31 and 36.
‡200–½ authorized on Runways 31 and 36.
§When weather is less than 800–2 aircraft departing Runways 13, 18, and 31, flight below 1900′ beyond 2 miles of airport is prohibited between radials 040° and 270° of the LSE VOR. Restriction due 1444′ tower, 4 miles SE of airport.
MSA within 25 miles of facility: 270°–090°—3500′; 090°–270°—2900′.

City, LaCrosse; State, Wis.; Airport name, LaCrosse Municipal; Elev., 653′; Fac. Class., T-BVOR; Ident., LSE; Procedure No. VOR Runway 36, Amdt. 11; Eff. date, 16 Sept. 67; Sup. Amdt. No. VOR Runway 36, Amdt. 10; Dated, 25 Mar. 67

R 297°, PUK VOR counterclockwise	R 221°, PUK VOR	Via 10-mile DME Arc	2000	T-dn	300–1	300–1	300–1½
R 135°, PUK VOR clockwise	R 221°, PUK VOR	Via 10-mile DME Arc	2000	C-dn	400–1	500–1	500–1½
10-mile DME Fix, R 221° PUK VOR	PUK VOR (final)	Direct	1500	S-dn-4°	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn E side of crs, 221° Outbnd, 041° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1600′.
Crs and distance, facility to airport, 041°—4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4 miles after passing PUK VOR, make a climbing left turn to 2000′, return to PUK VOR. Hold SW, 1-minute right turns, 041° Inbnd.
*400–½ authorized with operative REIL, except for 4-engine turbojets.
MSA within 25 miles of facility: 050–090°—2100′; 090°–180°—2000′; 180°–270°—1900′; 270°–360°—2000′.

City, Paducah; State, Ky.; Airport name, Barkley Field; Elev., 407′; Fac. Class., L–BVORTAC; Ident., PUK; Procedure No. VOR Runway 4, Amdt. 6; Eff. date, 16 Sept. 67; Sup. Amdt. No. VOR 1, Amdt. 5; Dated, 10 Apr. 66

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition: From—	Transition: To—	Transition: Course and distance	Transition: Minimum altitude (feet)	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: 2-engine or less: 65 knots or less	Ceiling and visibility minimums: 2-engine or less: More than 65 knots	Ceiling and visibility minimums: More than 2-engine, more than 65 knots
FWL VOR	IGM VOR	Direct	8000	T-dn	300–1	300–1	300–1½
				C-dn	400–1	400–1	400–1½
				A-dn	800–2	800–2	NA

Radar available.
Procedure turn W side of crs, 057° Outbnd, 237° Inbnd, 2600′ within 10 miles.
Minimum altitude over facility on final approach crs, 1600′.
Crs and distance, facility to airport, 237°—4.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.5 miles after passing IGM VOR, climb on crs 242° to 1500′, make right-climbing turn, return to IGM VOR climbing to 2600′. Hold NE, 1-minute right turns, 57° Inbnd.
MSA within 25 miles of facility: 000°–090°—3400′; 090°–180°—2800′; 180°–270°—2800′; 270°–000°—2200′.

City, Poughkeepsie; State, N.Y.; Airport name, Dutchess County; Elev., 167′; Fac. Class., L–BVOR; Ident., IGM; Procedure No. VOR Runway 24, Amdt. 6; Eff. date 16 Sept. 67; Sup. Amdt. No. VOR 1, Amdt. 4; Dated, 13 Aug. 66

R 223°, MTS VOR clockwise	R 305°, MTS VOR	Via 10-mile DME Arc	3000	T-dn	300–1	300–1	300–1½
R 010°, MTS VOR counterclockwise	R 325°, MTS VOR	Via 10-mile DME Arc	3000	C-dn	300–1	300–1	300–1½
10-mile DME Fix, R 305° MTS VOR	Weldon Int or 3.5-mile DME Fix, R 305°, MTS VOR (final).	Direct	1300	A-dn	800–2	800–2	800–2
				Minimums with DME or DUAL VOR receivers:			
				C-dn	400–1	400–1	400–1½

Radar available.
Procedure turn S side of crs, 305° Outbnd, 125° Inbnd, 2400′ within 10 miles.
Minimum altitude over Weldon Int or 3.5-mile DME Fix, R 305° on final approach crs, 1300′.
Crs and distance, facility to airport, 216°—1.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 9 mile after passing MTS VOR, make right turn, climbing to 2400′ on R 276° within 10 miles, make left turn and return to MTS VOR.
NOTES: (1) Procedure not authorized when control zone not effective. (2) Approach from holding at MTS VOR not authorized. Procedure turn required.
MSA within 25 miles of facility: 090°–180°—2500′; 180°–360°—2200′.

City, St. Louis; State, Mo.; Airport name, Spirit of St. Louis; Elev., 465′; Fac. Class., L–BVORTAC; Ident., MTS; Procedure No. VOR–1, Amdt. 1; Eff. date, 25 Sept. 67; Sup. Amdt. No. VOR 1, Orig.; Dated, 8 Dec. 66

LGB VOR	Sail Int	Direct	2000	T-dn*	300–1	300–1	300–1½
OCN VOR	Sail Int	Direct	2000	C-dn‡	400–1	400–1	400–1½
Sail Int	Newport Int (final)	Direct	1500	S-dn-11L	400–1	400–1	400–1
ONT VOR	SNA VOR	Direct	2000	A-dn°	600–2	600–2	600–2
Int LAX R 125° and SNA VOR, R 199°	Sail Int	Direct	2000				

Radar available.
Procedure turn S side of crs, 195° Outbnd, 015° Inbnd, 2000′ within 10 miles of Newport Int.
Minimum altitude over Newport Int on final approach crs, 1500′.
Crs and distance, Newport Int to airport, 015°—4.5 miles. Breakoff to Runway 11, 013°—0.7 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6 mile of SNA VOR, turn left and climb to 2000′ on R 199° to Newport Int.
NOTE: Use El Toro altimeter setting when control zone is not effective.
‡All circling for landing must be made W of airport due air traffic separation requirements.
°LIFE departures. Takeoff all runways. Eastbound (030° through 156°): Unless otherwise directed by ATC, climb via SNA VOR, R 199° to 2000′, then via assigned route Westbound (180° through 029°): On-course climb approved.
*Weather Service 0600 to 2200.
MSA within 25 miles of facility: 045°–135°—6700′; 135°–225°—2100′; 225°–315°—2900′; 315°–045°—3200′.

City, Santa Ana; State, Calif.; Airport name, Orange County; Elev., 56′; Fac. Class., L–VOR; Ident., SNA; Procedure No. VOR Runway 19L, Amdt. 3; Eff. date, 16 Sept. 67; Sup. Amdt. No. VOR–1L, Amdt. 2; Dated, 8 Oct. 66

Prado Int	Olive Int	Direct	3000	T-dn*	300–1	300–1	300–1½
ONT VOR	Olive Int	Direct	4000	C-dn‡	700–1	700–1	700–1½
POM VOR	Olive Int	Direct	3000	A-dn°	800–2	800–2	800–2
Olive Int	Tustin Int (final)	Direct	1900	If Lane Int received, the following minimums apply, Dual VOR required:			
				C-dn	500–1	500–1	500–1½
				S-dn-19 Rd	400–1	400–1	400–1

Radar available.
Procedure turn W side of crs, 360° Outbnd, 180° Inbnd, 3000′ within 10 miles of Tustin Int.
Minimum altitude over Weldon Int, on final approach crs, 1900′, over Olive Int, 2000′; over Lane Int, 2100′.
Crs and distance, Tustin Int, to Facility 180°—5.5 miles. Breakoff point to runway, 204°—0.8 mile; Lane Int, to facility, 180°—2.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at the SNA VOR, climb to 2000′ on R 198° to Newport Int.
NOTE: Use El Toro altimeter setting when control zone is not effective.
‡All circling for landing must be made W of airport due air traffic separation requirements.
°LIFE departures. Takeoff all runways. Eastbound (030° through 156°): Unless otherwise directed by ATC, cli. b via SNA VOR, R 199° to 2000′, then via assigned route Westbound (180° through 029°): On-course climb approved.
*Weather service 0600–2200.
‡200–½ authorized with operative HIRL, except for 4-engine turbojets.
MSA within 25 miles of facility: 045°–135°—6700′; 135°–225°—2100′; 225°–315°—2900′; 315°–045°—3200′.

City, Santa Ana; State, Calif.; Airport name, Orange County; Elev., 56′; Fac. Class., L–VOR; Ident., SNA; Procedure No. VOR Runway 19R, Amdt. 8; Eff. date, 16 Sept. 67; Sup. Amdt. No. VOR–19R, Amdt. 7; Dated, 8 Oct. 66

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn	800–1	800–1	200–½
				C-dn	800–1	800–1	800–1½
				A-dn	NA	NA	NA
				Following minimums authorised when control zone in effect:			
				C-dn*	500–1	500–1	800–1½
				A-dn	NA	NA	NA

Procedure turn E side of crs, 128° Outbnd, 308° Inbnd, 7300' within 10 miles.
Minimum altitude over facility on final approach crs, 6040' (or control zone in effect, 5940').
Facility on airport.
If visual contact not established upon descent to authorised landing minimums or if landing not accomplished within 0 mile turn left, climb to 9000' on R 128° within 26 miles of Silver City VOR. Proceed to Silver City VOR or as directed by ATC.
NOTES: (1) Use Deming altimeter setting when control zone not in effect. (2) Takeoff: Runway 08, turn right; Runway 26, turn left; climb in the holding pattern on R 128°, SE of Silver City VOR to minimum crossing altitude for direction of flight. MCA for departing aircraft: 8400'—southwestbound on V–302; 8700'—northeastbound on V–302.
*These minimums apply at all times for air carriers with approved weather reporting service.
MSA within 26 miles of facility: 000°–090°—10,700'; 090°–180°—9600'; 180°–270°—9100'; 270°–360°—10,100'.

City, Silver City; State, N. Mex.; Airport name, Silver City-Grant County; Elev., 5443'; Fac. Class., L-VORW; Ident., SVC; Procedure No. VOR-1, Amdt. 1; Eff. date, 16 Sept. 67; Sup. Amdt. No. VOR-1, Orig.; Dated, 30 July 67

YK LFR	YAK VORTAC	Direct	1200	T-dn	800–1	800–1	200–½
20-mile DME Fix, R 343°	YAK VORTAC	Direct	1200	C-dn	800–1	800–1	800–1½
20-mile DME Fix, R 110°	YAK VORTAC	Direct	1200	S-dn-11	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn S side of crs, 262° Outbnd, 082° Inbnd, 1200' within 10 miles.
Minimum altitude over 3-mile DME Fix, or SW crs YK LFR, 500'; over facility, 437'.
Crs and distance, breakoff point to approach end of Runway 11, 106°—0.5 mile.
If visual contact not established upon descent to authorised landing minimums or if landing not accomplished within 0 mile of YAK VORTAC, turn right, climb to 1700' on YAK VORTAC, R 118° within 15 miles.
NOTE: When authorised by ATC, DME may be used to position aircraft for final approach at 1200' between radials 110° clockwise to 288° within 10 miles, with the elimination of procedure turn.
MSA within 25 miles of facility: 000°–090°—4700'; 090°–180°—3000'; 180°–270°—3000'; 270°–360°—6000'.

City, Yakutat; State, Alaska; Airport name, Yakutat; Elev., 37'; Fac. Class., H-BVORTAC; Ident., YAK; Procedure No. VOR Runway 11, Amdt. 4; Eff. date, 16 Sept. 67; Sup. Amdt. No. Ter VOR–11, Amdt. 3; Dated, 13 Aug. 66

3. By amending the following very high frequency omnirange—distance measuring equipment (VOR/DME) procedures prescribed in § 97.15 to read:

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
BIL VOR	10-mile DME Fix, R 078°	Direct	6700	T-dn*	800–1	800–1	200–½
R 260°, BIL VOR clockwise	R 078°, BIL VOR	Via 10-mile DME Arc.	6700	C-dn	800–1	800–1	800–1½
R 114°, BIL VOR counterclockwise	R 078°, BIL VOR	Via 10-mile DME Arc.	6700	S-dn-27	400–1	400–1	400–1
Huntley DME Fix	10-mile DME Fix, R 078° (final)	Direct	6200	A-dn	800–2	800–2	800–2

Procedure turn N side of crs, 078° Outbnd, 258° Inbnd, 5700' between 10- and 20-mile DME Fix, R 078°.
Minimum altitude over 10-mile DME Fix, R 078° on final approach crs, 5700', 10-mile DME Fix, R 078°, 5200'.
If visual contact not established upon descent to authorised landing minimums or if landing not accomplished at 4.6-mile DME Fix, R 078°, climb to 5200' on R 258° of BIL VOR within 10 miles.
NOTE: Final approach from holding pattern at 10-mile DME Fix, R 078° not authorised. Procedure turn required.
*Reduction not authorised for HIRL.
%When weather is below 800–2 and aircraft is southeastbound, flight below 6700' is prohibited SE of airport between BIL VOR radials 060° clockwise to 150° inclusive due to 6200' tower, 3 miles SE of airport.
MSA within 25 miles of facility: 000°–090°—6700'; 090°–180°—6600'; 180°–270°—6000'; 270°–360°—5300'.

City, Billings; State, Mont.; Airport name, Logan Field; Elev., 3600'; Fac. Class., H-BVORTAC; Ident., BIL; Procedure No. VOR/DME Runway 27; Amdt. 8; Eff. date, 16 Sept. 67; Sup. Amdt. No. VOR/DME Runway 27, Amdt. 7; Dated, 30 July 67

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
DLH VOR	19-mile DME Fix, R 299°	Direct	3000	T-dn	800–1	800–1	200–½
R 128°, DLH VOR clockwise	R 299° DLH VOR	Via 25-mile DME Arc.	3000	C-dn	800–1	800–1	800–1½
R 286°, DLH VOR counterclockwise	R 299° DLH VOR	Via 25-mile DME Arc.	3400	A-dn	NA	NA	NA
25-mile DME Fix, R 299°	19-mile DME Fix, R 299° (final)	Direct	2800				

Procedure turn S side of crs, 299° Outbnd, 080° Inbnd, 3000' between 19- and 25-mile DME Fix, R 299°.
Minimum altitude over 19-mile DME Fix, R 299° on final approach crs, 2800'.
Crs and distance, 19-mile DME Fix, R 299° to airport, 080°—3.1 miles.
If visual contact not established upon descent to authorised landing minimums or if landing not accomplished at 13.9-mile DME Fix, R 299°, make left turn, climb to 3000' on R 299°, return to 19-mile DME Fix, R 299°.
NOTE: Use Duluth, Minn., altimeter setting.
CAUTION: Runway 7/25 unlighted.
MSA within 25 miles of facility: 000°–090°—3100'.

City, Cloquet; State, Minn.; Airport name, Cloquet Municipal; Elev., 1278'; Fac. Class., H-BVORTAC; Ident., DLH; Procedure No. VOR/DME–1, Amdt. Orig.; Eff. date, 14 Sept. 67

16-mile DME Fix, R 343°	10-mile DME Fix, R 343°	Direct	4600	T-dn%	800–1	800–1	200–½
R 343°, CEC VOR counterclockwise	R 306° CEC VOR	Via 10-mile DME Arc.		C-dn	800–1	800–1	800–1½
		Lead Radial 317°	2800	S-dn-11	400–1	400–1	400–1
10-mile DME Fix, R 306°	5-mile DME Fix, R 306° (final)	Direct	1500	A-dn	800–2	800–2	800–2

Procedure turn not authorised.
Minimum altitude over 10-mile DME Fix, 2800'; over 5-mile DME Fix (final), 1600'; over facility, 454'.
Facility on airport. Breakoff point to runway, 112°—0.8 mile.
If visual contact not established upon descent to authorised landing minimums or if landing not accomplished within 0 mile of CEC VOR, turn right, climb to 2000' on R 161° within 15 miles.
CAUTION: High terrain E.
%Takeoff all runways. Climb on the CEC VOR, R 215° within 10 miles so as to cross the CEC VOR at or above the following MCA's: N, V–27 1900'; NE, V–122 3000'; S, V–27 climb on crs satisfactory.
MSA within 25 miles of facility: 000°–090°—5300'; 090°–180°—3000'; 180°–270°—7000'; 270°–360°—6000'.

City, Crescent City; State, Calif.; Airport name, Jack McNamara Field; Elev., 99'; Fac. Class., L-BVORTAC; Ident., CEC; Procedure No. VOR/DME Runway 11, Amdt. 1; Eff. date, 14 Sept. 67; Sup. Amdt. No. VOR/DME–1, Orig.; Dated, 22 Oct. 66

15-mile DME Fix, R 161°	10-mile DME Fix, R 161°	Direct	2200	T-dn%	800–1	800–1	200–½
10-mile DME Fix, R 161°	5-mile DME Fix, R 161° (final)	Direct	1600	C-dn	800–1	800–1	800–1½
				S-dn-29	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn not authorised.
Minimum altitude over 15-mile DME Fix, 2600'; over 10-mile DME Fix, 2200'; over 5-mile DME Fix, 1600'; over facility, 550'.
Facility on airport. Breakoff point to runway, 345°—0.1 mile.
If visual contact not established upon descent to authorised landing minimums or if landing not accomplished at 0 mile of the VOR, turn left, climb to 2000' on R 306° within 10 miles.
CAUTION: High terrain E.
%Takeoff all runways. Climb on the CEC VOR, R 215° within 10 miles so as to cross CEC VOR at or above the following MCA's: N, V–27 1500'; NE, V–122 3000'; S, V–27 climb on crs satisfactory.
MSA within 25 miles of facility: 000°–090°—5300'; 090°–180°—3000'; 180°–270°—7000'; 270°–360°—6000'.

City, Crescent City; State, Calif.; Airport name, Jack McNamara Field; Elev., 99'; Fac. Class., L-BVORTAC; Ident., CEC; Procedure No. VOR/DME Runway 33, Amdt. 1; Eff. date, 14 Sept. 67; Sup. Amdt. No. VOR/DME–2, Orig.; Dated, 22 Oct. 66

Erie VOR	11-mile DME Fix, R 060°	Direct	2800	T-dn	800–1	800–1	800–½
Hammett Int.	11-mile DME Fix, R 060° (final)	Via 354° Crs 6.5 miles.	1800	C-dn	800–1	800–1	800–1½
17-mile DME Fix, R 060°	11-mile DME Fix, R 060° (final)	Direct	1800	S-dn-24	400–1	400–1	400–1
R 022°, ERI VOR clockwise	R 060°, ERI VOR	Via 17-mile DME Arc.	2300	A-dn	800–2	800–2	800–2
R 121°, ERI VOR counterclockwise	R 060°, ERI VOR	Via 19-mile DME Arc.	2300				

Procedure turn N side of crs, 060° Outbnd, 240° Inbnd, 2800' between 11- and 21-mile DME Fix.
Minimum altitude over 21-mile DME Fix on final approach crs, 1800'.
Crs and distance, 11-mile DME Fix to airport, 240°—4.2 miles.
If visual contact not established upon descent to authorised landing minimums or if landing not accomplished at 6.5-miles DME Fix, climb to 2000' on R 060° direct to Erie VORTAC, hold SW 1-minute right turns, 060° Inbnd, or when directed by ATC, make immediate right-climbing turn to 2000', intercept Erie VORTAC, R 060° Outbnd, proceed to 11-mile DME Fix, R 060°, hold between 11- and 16-mile DME Fix, R 060°, right turns.
AIR CARRIER NOTE: 800–1 required for takeoff on all runways except 6–24. Sliding scale authorised runways 6–24.
MSA within 25 miles of facility: 060°–140°—3300'; 140°–220°—2900'; 220°–320°—2900'; 320°–060°—1900'.

City, Erie; State, Pa.; Airport name, Port Erie; Elev., 732'; Fac. Class., H-BVORTAC; Ident., ERI; Procedure No. VOR/DME Runway 24, Amdt. 1; Eff. date, 14 Sept. 67; Sup. Amdt. No. VOR/DME No. 1, Orig.; Dated, 14 May 67

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
R 120°, MTS VOR clockwise	R 226°, MTS VOR	Via 12-mile DME Arc.	2600	T-dn	300-1	300-1	300-1¼
R 275°, MTS VOR counterclockwise	R 236°, MTS VOR	Via 12-mile DME Arc.	2600	C-dn	600-1	600-1	600-1¼
				S-dn-9R*#	500-1	500-1	500-1
12-mile DME Fix, R 236° MTS VOR	9-mile DME Fix, R 236° MTS VOR	Direct	2400	A-dn	800-2	800-2	800-2
9-mile DME Fix, R 236° MTS VOR	6-mile DME Fix, R 236° MTS VOR (final).	Direct	1700				

Radar available.
Procedure turn S side of crs, 236° Outbnd, 056° Inbnd, 2400' between 9- and 16-mile DME Fixes, R 236°.
Minimum altitude over 9-mile DME Fix, R 236° on final approach crs, 2400', over 6-mile DME Fix, R 236°, 1700'.
Distance 6-mile DME Fix to airport, 4.5 miles. Breakoff point to runway (3.5-mile DME Fix, R 236°) 076°—1 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished turn right at 2.5-mile DME Fix (R 236° MTS VOR) climbing to 3400' on R 236° MTS VOR within 16 miles and hold on R 236° between 6- and 11-mile DME Fixes, right turns, 056° Inbnd.
NOTE: (1) Procedure not authorized when control zone not effective. (2) Approach from holding at 6-mile DME Fix not authorized. Procedure turn required.
*600-¾ authorized with operative HIRL, except for 4-engine turbojets.
MSA within 25 miles of facility: 060°–180°—2700'; 180°–060°—2300'.

City, St. Louis; State, Mo.; Airport name, Spirit of St. Louis; Elev., 462'; Fac. Class., L-BVORTAC; Ident., MTS; Procedure No. VOR/DME Runway 7, Amdt. 1; Eff. date, 16 Sept. 67; Sup. Amdt. No. VOR/DME-1, Orig.; Dated, 8 Dec. 66

4. By amending the following instrument landing system procedures prescribed in § 97.17 to read:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Atlanta RBn	Red Oak LOM	Direct	2500	T-dn**	300-1	300-1	200-½
Atlanta VOR	Red Oak LOM	Direct	2500	C-dn	500-1	500-1	500-1¼
Harrison Int	Red Oak LOM	Direct	3000	S-dn-9R*#	200-½	200-½	200-½
Chattahoochee Int	Red Oak LOM (final)	Direct	2500	A-dn	600-2	600-2	600-2
				Category II special authorization required. TDZ elevation 1010', decision heights; S-dn-9R, DH 180, RVR 1600', 1110' MSL, RA 175'; S-n-9R, DH 100, RVR 1200', 1110' MSL, RA 104'.			

Radar available.
Procedure turn S side of crs, 269° Outbnd, 089° Inbnd, 2500' within 10 miles. Procedure turn must be authorized by ATC.
Minimum altitude at glide slope interception Inbnd, 2500'.
Altitude of glide slope and distance to approach end of runway at OM, 2439'—5 miles; at MM, 1227'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5 miles after passing LOM, make climbing right turn to 3000' and proceed direct to ATL VORTAC. Hold S on R 173.
Category II missed approach: Runway 9R, if contact with visual guidance system not established at DH, make climbing right turn to 8000' and proceed direct to ATL VOR. Hold S on R 173°.
NOTE: TDZ–9R, CL–9R/27L, REIL–27R, VASI 27L/27R.
#RVR 2000' 4-engine turbojet, RVR 1800' other aircraft. Descent below 1224' not authorized unless approach lights are visible.
*300-1 RVR 4000' required when glide slope not utilized. Reduction not authorized.
**RVR 2400' authorized Runways 9L, 9R. RVR 2000' 4-engine turbojet, RVR 1800' other aircraft authorized 9R.
MSA within 25 miles of facility: 090°–090°—2500'; 090°–180°—3300'; 180°–270°—3700'; 270°–360°—2800'.

City, Atlanta; State, Ga.; Airport name, Atlanta Municipal; Elev., 1024'; Fac. Class., ILS; Ident., I-ALR; Procedure No. ILS Runway 9R, Amdt. 8; Eff. date, 16 Sept. 67; Sup. Amdt. No. ILS Runway 9R, Amdt. 7; Dated, 4 Mar. 67

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Wrigley Int	Lakeside LOM (final)	Direct	2700	T-dn*	300-1	300-1	200-½
				C-dn	NA	NA	NA
				S-dn-9L and 9RA	200-½	200-½	200-½
				A-dn	800-2	800-2	800-2

Radar required.
Procedure turn not authorized.
Minimum altitude at glide slope interception Inbnd: 9L–3300' at Wrigley Int (2700' when authorized by ATC); 9R–2500'. Crs Lakeside LOM to Runway 9L and Red Oak LOM to Runway 9R, 089°.
Altitude of glide slope and distance to approach end of runway at OM, 9L, 2439'—5.2 miles; 9R, 2439'—5 miles; at MM, 9L, 1226'—0.5 mile; 9R, 1227'—0.6 mile.
When advised by the controller, or if visual contact not established upon descent to authorized landing minimums, or if landing not accomplished: Runway 9L—climb to 3000', proceed to Tracker Int via ATL VOR, R 053°. Runway 9R—make climbing right turn to 3000' and proceed direct to ATL VOR.
NOTE: (1) TDZ–9R, CL–9R/27L, VASI–27R, REIL–27R, VASI–27L. (2) When advised by ATC, pilot shall monitor both control frequency and localizer voice continuously during the remainder of the approach. (3) Runway 9L—Back crs unusable.
#RVR 2000' 4-engine turbojet; RVR 1800' other aircraft 9R.
#RVR 2400' 9L. Descent below 1224' not authorized unless approach lights are visible.
*RVR 2400' authorized 9L, 9R. RVR 2000' 4-engine turbojet, RVR 1800' other aircraft 9R.
MSA within 25 miles of facility: 090°–090°—4000'; 090°–180°—2300'; 180°–270°—3700'; 270°–360°—2800'.

City, Atlanta; State, Ga.; Airport name, Atlanta Municipal; Elev., 1024'; Fac. Class., ILS; Ident., I-ALR; Procedure No. ILS Runways 9L and R, Amdt. 6; Eff. date, 16 Sept. 67; Sup. Amdt. No. Parallel ILS Runways 9L and R; Dated, 1 Apr. 67

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
BRO VOR	LOM	Direct	1800	T-dn	300-1	300-1	200-1¼
Fresnos Int	LOM (final)	Direct	1300	C-dn	400-1	400-1	400-1½
				S-dn-17L*	200-½	200-½	200-1¼
				A-dn	600-2	600-2	600-2

Procedure turn W side N crs, 305° Outbnd, 125° Inbnd, 1600' within 10 miles.
Minimum altitude at glide slope intersection Inbnd, 1200'.
Altitude of glide slope and distance to approach end of runway at OM, 1357'—4.8 miles; at MM, 235'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished turn left, climb to 1600' on BRO VOR, R 062° within 15 miles, or when directed by ATC, climb to 1200' on S crs ILS within 4.5 miles.
*400-½ required when glide slope not utilized.
MSA within 25 miles of LOM within United States: 000°–090°—2100'.

City, Brownsville; State, Tex.; Airport name, Rio Grande Valley International; Elev., 22'; Fac. Class., ILS; Ident., I-BRO; Procedure No. ILS Runway 17L, Amdt. 23; Eff. date, 16 Sept. 1967; Sup. Amdt. No. ILS–17L, Amdt. 22; Dated, 24 Sept. 66

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
FAF VOR	FAF RBn	Direct	2500	T-dn	300-1	300-1	200-1½
FA LOM	FAF NDB	Direct	2000	C-dn	500-1	500-1	500-1½
R 340° FAF VOR clockwise	R 358°, FAF VOR	Via 25-mile DME arc.	2500	S-dn-17L	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2
25-mile DME Fix, R 358° FAF VOR	NDB (final)	Via LOC crs	2200				

Procedure turn W side of crs, 351° Outbnd, 171° Inbnd, 2500' within 10 miles of MDB.
Minimum altitude over NDB on final approach crs, 200'.
Crs and distance, NDB to airport, 171°—4.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.6 miles after passing NDB, climb to 2500' on S crs of ILS within 10 miles and return to NDB.
*400-½ authorized with operative HIRL, except for 4-engine turbojets.
MSA within 25 miles of NDB: 000–090°—2400'; 090–180°—3700'; 180°–270°—2500'; 270°–360°—2200'.

City, Fargo; State, N. Dak.; Airport name, Hector; Elev., 900'; Fac. Class., IL-S; Ident., I-FAR; Procedure No. LOC (BC) Runway 17, Amdt. 2; Eff. date, 16 Sept. 67; Sup. Amdt. No. ILS–17(BC), Amdt. 1; Dated, 10 July 65

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Marion Int	LOM	Direct	2000	T-dn*	300-1	300-1	300-1½
Rochester VOR	LOM	Direct	3000	C-dn	600-1	600-1	600-1½
Fishers Int	LOM	Direct		S-dn-28**	200-½	200-½	200-½
				A-dn#	600-2	600-2	600-2
				With glide slope inoperative:			
				C-dn**	500-1	500-1	600-1½
				S-dn-28**##	800-1	800-1	800-1

Radar available.
Procedure turn N side of crs, 097° Outbnd, 277° Inbnd, 2000' within 10 miles of LOM.
Minimum altitude at glide slope interception Inbnd, 2000'.
Altitude of glide slope and distance to approach end of runway at OM, 2000'—4.5 miles; at MM, 750'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles after passing LOM, make right-climbing turn to 3000', intercept R 299° of Rochester VOR, proceed to Spencerport Int. Hold W, 1-minute left turns, 115° Inbnd, or when directed by ATC, make left-climbing turn to 3000', proceed to Geneseo VOR, hold SE, 1-minute right turns, 295° Inbnd.
AIR CARRIERS MOVE: Takeoff on Runway 12 and landing on Runway 30 not authorized.
CAUTION: (1) Multiple unshielded lights in final approach area. (2) GS36 slope unusable below 750'. (3) Back crs unusable.
%RVR 2400'. Descent below 750' not authorized unless approach lights are visible.
**Minimum altitude 1260' over 3-mile Radar Fix.
#All installed components of the ILS must be operating otherwise alternate minimums of 800-2 apply.
##Reduction not authorized.
@RVR 2400' authorized Runway 28.
MSA within 25 miles of BO LOM: 010°–160°—2100'; 160°–190°—2300'; 190°–280°—2000'; 280°–010°—2100'.

City, Rochester; State, N.Y.; Airport name, Rochester-Monroe County; Elev., 560'; Fac. Class., ILS; Ident., I-ROC; Procedure No. ILS Runway 28, Amdt. 11; Eff. date, 16 Sept. 67; Sup. Amdt. No. ILS Runway 28, Amdt. 10; Dated, 22 July 67

PROCEDURE CANCELED, EFFECTIVE 16 SEPT. 1967 OR UPON COMMISSIONING OF THE ILS TO RUNWAY 28L

City, San Francisco; State, Calif.; Airport name, San Francisco International; Elev., 22'; Fac. Class., ILS; Ident., I-SFO; Procedure No. ILS–28L (back crs), Amdt. 2; Eff. date, 5 Mar. 66; Sup. Amdt. No. 1; Dated, 5 June 65

PROCEDURE CANCELED, EFFECTIVE 16 SEPT. 1967 OR UPON COMMISSIONING OF THE ILS TO RUNWAY 28L

City, San Francisco; State, Calif.; Airport name, San Francisco International; Elev., 22'; Fac. Class., ILS; Ident., I-SFO; Procedure No. ILS–28R, Amdt. 20; Eff. date, 5 Mar. 66; Sup. Amdt. No. 19; Dated, 5 June 65

LFR STANDARD INSTRUMENT APPROACH PROCEDURES—Continued

From—	To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 56 knots or less	2-engine or less: More than 56 knots	More than 2-engine, more than 56 knots
OSI VOR	LOM/Bridge Int/DME	Direct	4000	T-dn	300–1	300–1	300–1
SFO VOR	LOM/Bridge Int/DME	Direct	2800	C-dn	500–1	500–1	500–1½
OAK VOR	LOM/Bridge Int/DME	Direct	3000	S-dn-28L*	200–½	200–½	200–½
SJC VOR	Dumbarton Int/DME	SJC, R 303°	3000	S-dn-28R§	400–1	400–1	400–1
Irvington Int/DME	Dumbarton Int/DME	OSI, R 041°	4000	A-dn	600–2	600–2	600–1
SCK VOR	Alum Rock Int	SCK, R 215° SJC R 083°	**6000	Category II special authorization required: TDZ elevation, 11' decision heights: S-dn-28L, DH 108, RVR 1600', 161' MSL, RA 161' and may vary from −9' to +9' with changing tides.			
Alum Rock Int	Dumbarton Int/DME	E crs SFO LOC	4500				
Dumbarton Int/DME	LOM (final)	E crs SFO LOC	1800				

Radar available.
Procedure turn not authorised. All maneuvering and descent shall be accomplished in the LOM holding pattern, 251° inbnd, 1-minute pattern, left turns, minimum altitude, 2000'. Descent to 1600' authorised to intercept glide slope when established inbnd on final approach crs.
Minimum altitude at glide slope intersection inbnd, 1600'.
Altitude of glide slope and distance to approach end of runway at OM, 1609'—4.3 miles; at MM, 281'—0.6 mile distance, OM to Runway 28R—5.0 miles.
If visual contact not established upon descent to authorised landing minimums or if landing not accomplished within 5.3 miles after passing OM, climb westbound on the W crs of SFO ILS localizer to 3000' within 15 miles. Obstructions in the missed approach area require a rate of climb of at least 345 fpm/100K; 515 fpm/150K; 690 fpm/200K, no wind condition.
Category II missed approach: Climb westbound on the W crs of the SFO ILS localizer to 3000' within 15 miles if contact with Visual Guidance System not established at DH. Obstructions in the missed approach area require a rate of climb of at least 345 fpm/100K; 515 fpm/150K; 690 fpm/200K; no wind condition.
*700–1 required for takeoff on Runways 19L/R, sliding scale not authorised, and left turn must be started as soon as practicable. Terrain over 1000', 3 miles S of airport.
§IFR departures must comply with published San Francisco SID's.
¶1100' ceiling required for circling south of Runways 10/28 and 700' ceiling required for circling NW of Runways 10/28 and 1/19 for 4-engine turbojets.
‡400–½ authorised with operative HIRL, except for 4-engine turbojets.
**Maximum authorised altitude 12,000' due to possible interference from MLR ILS.
*RVR 2000' 4-engine turbojets; 1800' other aircraft, descent below 211' not authorised unless ALS visible.
‡‡00–½ required when glide slope not utilised. 600–½ authorised with operative ALS, except for 4-engine turbojets.
MSA within 25 miles of LOM: 000°–090°—8000'; 090°–180°—9000'; 180°–270°—8000'; 270°–360°—8700'.

City, San Francisco; State, Calif.; Airport name, San Francisco International; Elev., 11'; Fac. Class., ILS; Ident., I–SFO; Procedure No. ILS Runway 28L, Amdt. Orig.; Eff. date, 16 Sept. 1967 or upon commissioning of facility.

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601, Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on August 9, 1967.

W. E. ROGERS,
Acting Director, Flight Standards Service.

[F.R. Doc. 67-9658; Filed, Aug. 24, 1967; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

PART 919—PEACHES GROWN IN MESA COUNTY, COLO.

Expenses and Rate of Assessment

On August 10, 1967, notice of rule making was published in the FEDERAL REGISTER (32 F.R. 11535) regarding proposed expenses and the related rate of assessment for the period beginning March 1, 1967, and ending February 29, 1968, pursuant to the marketing agreement, as amended, and Order No. 919, as amended (7 CFR Part 919), regulating the handling of peaches grown in Mesa County, Colo. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Administrative Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 919.206 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Administrative Committee during the period March 1, 1967, through February 29, 1968, will amount to $500.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 919.41, is fixed at $0.05 per bushel basket of peaches, or equivalent quantity of peaches in other containers or in bulk.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of the current crop of peaches grown in Mesa County, Colo., are now being made; (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable peaches handled during the aforesaid period; and (3) such period began on March 1, 1967, and said rate of assessment will automatically apply to all such peaches beginning with such date.

Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 22, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-10022; Filed, Aug. 24, 1967; 8:47 a.m.]

Chapter XVIII—Farmers Home Administration, Department of Agriculture

SUBCHAPTER B—LOANS AND GRANTS PRIMARILY FOR REAL ESTATE PURPOSES

[FHA Instruction 444.7]

PART 1822—RURAL HOUSING LOANS AND GRANTS

Subpart F—Rural Cooperative Housing Loans

Part 1822, Title 7, Code of Federal Regulations (31 F.R. 14138), is amended to add a new Subpart F to read as follows:

Subpart F—Rural Cooperative Housing Loans

Sec.
1822.231 General.
1822.232 Definitions.
1822.233 Eligibility requirements.
1822.234 Loan purposes.
1822.235 Special conditions.
1822.236 Security.
1822.237 Technical, legal, and other services.
1822.238 Processing applications.
1822.239 Preparation of loan docket.
1822.240 Loan approval.
1822.241 Loan closing.
1822.242 Subsequent Rural Cooperative Housing loans.
1822.243 Complaints regarding discrimination in use and occupancy.
1822.244 Outright sale of separate houses to member-occupant.

AUTHORITY: The provisions of this Subpart F issued under sec. 510, 63 Stat. 437, 42 U.S.C. 1480; Orders of Secretary of Agriculture, 29 F.R. 16210, 32 F.R. 6650.

§ 1822.231 General.

This subpart sets forth the policies and procedures, and delegates authority for making direct and insured Rural Cooperative Housing loans under section 515 of the Housing Act of 1949. A Rural Cooperative Housing loan will be made in accordance with the provisions of Subpart D of this part as modified by and not inconsistent with this subpart. The basic objective of Rural Cooperative Housing loans is to provide for rural residents cooperatively owned and operated housing and related facilities which are economically designed and constructed.

§ 1822.232 Definitions.

For the purposes of this subpart:

(a) "Cooperative" means a corporation which:

(1) Is organized under the laws of a State as a cooperative,

(2) Will own and operate the housing on a cooperative basis solely for the benefit of the occupants,

(3) Is legally precluded from distributing during the life of the loan any gains or profits from the operation of the housing,

(4) Has a membership consisting solely of eligible occupants of the housing, and

(5) Will restrict occupancy of the housing to eligible occupants, except to any extent that the Farmers Home Administration permits occupancy by others in special circumstances.

(b) "Cooperative housing" means housing owned and operated by a cooperative.

(c) "Subscription Agreement" means the initial contract between the prospective member and the cooperative specifying the terms of application for membership and the amount of his contribution. Farmers Home Administration will provide a sample subscription agreement to be used as a guide by the applicant cooperative.

(d) "Occupancy Agreement" means a contract setting forth the rights and obligations of the member and the cooperative, including the amount of the monthly occupancy charge and the other terms under which the member will occupy the housing. Farmers Home Administration will provide a sample occupancy agreement for use as a guide by the applicant cooperative and members.

(e) "Occupancy charge" means the member's proportionate share, calculated on a monthly basis, of the cost of owning and operating the housing, including but not limited to the following: Taxes, insurance, required reserves, estimated cost of current repairs, maintenance, and replacements of project property, principal and interest payments on indebtedness, necessary management expenses, and the cost of any utility services furnished by the cooperative.

(f) "Transfer value" means the value of a member's equity calculated in accordance with a formula determined by the cooperative with the approval of the Farmers Home Administration.

(g) "Gains or profits" do not include any patronage refunds to occupants of the housing, or dividends on stock or membership which is nonvoting and limited as to operating dividends and liquidation value.

(h) References in Subpart D of this part to "rental housing," "rental basis," "tenant," "rents," and "organization" will be construed to mean "cooperative housing," "cooperative basis," "occupant," "occupancy charges," and "cooperative" when used in connection with Rural Cooperative Housing loans.

(i) Definitions in § 1822.82 except those in paragraphs (h) through (l) of this section are applicable to this subpart.

§ 1822.233 Eligibility requirements.

(a) *Eligibility of applicant.* To be eligible for a Rural Cooperative Housing loan the applicant must:

(1) Be a cooperative which will use the loan to provide cooperative housing and related facilities for persons who are members and eligible occupants as defined in § 1822.82(c).

(2) Meet the eligibility requirements specified in § 1822.83(a) (2), (4), (5), (6), (7), (8), and (10)(vii).

(3) Use bylaws substantially conforming to the model bylaws prescribed by Farmers Home Administration and prepared in accordance with the State law.

(b) *Authorized representative of applicant.* The Farmers Home Administration will deal only with the applicant or a bona fide representative of the applicant and his technical advisers. An authorized representative of the applicant must be a person who has no pecuniary interest in the award of the architectural or construction contracts, the purchase of equipment, or the purchase of the land for the housing site.

§ 1822.234 Loan purposes.

Loans may be made for the purposes described in § 1822.84 except that paragraph (a)(8) of § 1822.84 will not be applicable and in paragraph (h) of § 1822.84 the authorization will be to the borrower rather than limited to a nonprofit corporation or consumer cooperative.

§ 1822.235 Special conditions.

All of § 1822.87, except paragraph (d), is applicable.

(a) *Loan resolution.* A loan resolution prepared on the basis of guides provided by Farmers Home Administration will be adopted by the applicant's board of directors.

(b) *Application for membership.* Each applicant for membership in the cooperative should complete Form FHA 410–1, "Application for FHA Services," in order that the corporation and the Farmers Home Administration can determine eligibility for occupancy.

(c) *Transfer of membership.* A transfer of membership and equity to a new member will be made at the transfer value as defined in § 1822.232.

§ 1822.236 Security.

(a) *General policy.* Each loan will be secured so as to give adequate protection to the financial interest of the Government and reasonable assurance that the purpose of the loan will be carried out.

(b) *Real estate mortgage.* A first mortgage, if obtainable, will be taken on the property purchased or improved with the loan. If a first mortgage is not obtainable, a request for a loan to be secured by a junior mortgage may be submitted with the justification and the State Director's recommendation, to the National Office.

(c) *Loan resolution.* The required loan resolution provides for a security interest in certain funds as specified in the resolution.

(d) *Additional security.* Additional security may be taken as necessary and available. This may include a mortgage on other real or personal property of the applicant. It may also include agreements between the applicant and the members providing for assessments, members' subscriptions, promissory notes, or other forms of liability, as well as mortgages of individual members' property.

(e) *Additional assurance of repayment.* When necessary for adequate assurance of orderly repayment, interested organizations or other parties may be accepted as comakers or endorsers of the note evidencing the loan.

§ 1822.237 Technical, legal, and other services.

Section 1822.89 is applicable except the provisions referring to loans to individuals.

§ 1822.238 Processing applications.

The provisions of § 1822.91 referring to loans to organizations are applicable, except paragraphs (a)(1) and (a)(4)(iii).

(a) A currently dated financial statement showing assets and liabilities, together with information on the repayment schedule and status of each debt, Form FHA 410–1, and a subscription agreement will be included for all members of the cooperative.

(b) If the applicant claims exemption from Federal or any State income taxes, proof of tax exemption in the form of a letter of determination or other authoritative writing from the Internal Revenue Service or appropriate State agency must be obtained.

§ 1822.239 Preparation of loan docket.

Loan dockets will be prepared in accordance with § 1822.92 with the additions of Form FHA 410–1, a copy of the

subscription agreement, and a copy of the occupancy agreement for each member.

§ 1822.240 Loan approval.

(a) *Authority.* The State Director is authorized to approve or disapprove Rural Cooperative Housing loans in accordance with this subpart, with prior consent of the National Office.

(b) *Loan approval action.* The provisions of § 1822.93(b) referring to loans to organizations are applicable.

§ 1822.241 Loan closing.

The provisions of § 1822.95 for loans to organizations are applicable except that the limiting reference in paragraph (b)(1) of § 1822.95 to more than two rental units is not applicable.

§ 1822.242 Subsequent Rural Cooperative Housing loans.

A subsequent Rural Cooperative Housing loan is a Rural Cooperative Housing loan to an applicant indebted for an initial Rural Cooperative Housing loan of the same type (direct or insured). This subpart applies to subsequent as well as initial Rural Cooperative Housing loans.

§ 1822.243 Complaints regarding discrimination in use and occupancy.

Any occupant or applicant for occupancy or use of Rural Cooperative Housing housing or related facilities who believes he has been discriminated against because of race, color, creed, or national origin may file a complaint with the County Supervisor or State Director. Any such complaint will be referred through the State Director to the National Office.

§ 1822.244 Outright sale of separate houses to member-occupant.

If a cooperative or proposed cooperative wishes to finance a cooperative housing project of separate-site homes so that in the future they could be bought by the member-occupants from the cooperative, special instructions should be obtained from the National Office regarding organizational documents and other matters before proceeding with development of a docket.

Dated: August 21, 1967.

FLOYD F. HICKEL,
Acting Administrator,
Farmers Home Administration.

[F.R. Doc. 67-10023; Filed, Aug. 24, 1967; 8:48 a.m.]

Title 32—NATIONAL DEFENSE

Chapter XIV—The Renegotiation Board

SUBCHAPTER B—RENEGOTIATION BOARD REGULATIONS UNDER THE 1951 ACT

PART 1453—MANDATORY EXEMPTIONS FROM RENEGOTIATION

Common Carriers by Water

Section 1453.3(d)(2) *Fiscal years ending on or after December 31, 1953* is amended by deleting, in subdivision (i) thereof, the words "January 1, 1966", and inserting in lieu thereof the words "January 1, 1967".

(Sec. 109, 68 Stat. 22; 50 U.S.C. App. 1219)

Dated: August 22, 1967.

LAWRENCE E. HARTWIG,
Chairman.

[F.R. Doc. 67-10018; Filed, Aug. 24, 1967; 8:47 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

SUBCHAPTER A—POST OFFICE SERVICES, DOMESTIC

PART 113—INFORMATION ON POSTAL SERVICE AND RECORDS RELATING TO OPERATION OF THE DEPARTMENT

Schedule of Fees

The regulations of the Post Office Department are amended as follows:

I. In § 113.5 paragraph (c) is revised for clarification:

§ 113.5 Schedule of fees.

* * * * *

(c) *Change of address record.* The fee for searching or furnishing the last recorded change of address is $1 per change of address, except as provided in §§ 123.5 and 158.2 (b) and (d) of this chapter. The $1 charge is not refundable if the change of address information is not found. In such case, the $1 charge is for the search for the address change information.

* * * * *

NOTE: The corresponding Postal Manual section is 113.53. (5 U.S.C. 301, 552, 10002; 31 U.S.C. 938a; 39 U.S.C. 501)

TIMOTHY J. MAY,
General Counsel.

AUGUST 21, 1967.

[F.R. Doc. 67-9965; Filed, Aug. 24, 1967; 8:45 a.m.]

PART 127—MAIL ADDRESSED TO MILITARY POST OFFICES OVERSEAS

Conditions Prescribed by Defense Department

The regulations of the Post Office Department are amended as follows:

I. In § 127.2 *Conditions prescribed by the Defense Department applicable to mail addressed to certain military post offices overseas*, add a Footnote B to the data opposite the following post offices numbers to show that Customs Declaration forms are required:

96202	96251
96205	96253
96207	96258
96208	96264
96212	96271
96218	96276
96220	96301
96224	

(5 U.S.C. 301, 39 U.S.C. 501, 505, 705, 706, 712)

TIMOTHY J. MAY,
General Counsel.

AUGUST 21, 1967.

[F.R. Doc. 67-9966; Filed, Aug. 24, 1967; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 101—Federal Property Management Regulations

SUBCHAPTER E—SUPPLY AND PROCUREMENT

PART 101-25—GENERAL

Subpart 101-25.4—Replacement Standards

MATERIALS HANDLING EQUIPMENT REPLACEMENT STANDARDS

Replacement standards for materials handling equipment have been revised based upon a reexamination of such standards and considering modern technology techniques, and availability of equipment.

Section 101-25.405 is revised to read as follows:

§ 101-25.405 Materials handling equipment.

(a) Materials handling equipment will not be replaced unless the estimated cost of necessary one-time repair or reconditioning of each piece of equipment exceeds, at lowest available cost, the applicable percentage of acquisition cost as shown in column 3 of the following table. Equipment eligible for replacement under the criteria established by this standard may be repaired provided the expected economical life is extended commensurate with the expenditure required. Prior to incurring repair costs for equipment eligible for replacement, consideration should be given to the continuing availability of repair parts.

(1) Years in use shall be determined in accordance with the following:

(i) An operating month is considered equal to 100 operating hours. For materials handling equipment in storage, one month in storage equals 50 hours of operation.

(ii) The number of years in use is determined by dividing the number of operating months by 12. The fractional years in use resulting from this computation will be rounded to the nearest full year.

(2) In using the maximum allowable one-time repair limits in column 3 of the table, costs such as parts, labor, and transportation incident to the repairs, are to be included in computing one-time repair costs. However, operating expenses such as fuels and lubricants, replacement tires and batteries, and antifreeze will not be included in the one-time repair cost estimate.

Column 1	Column 2	Column 3													
Type of unit	Expected years of economical use	Maximum allowable "One-time repair limits" as percentage of acquisition costs (years in use)													
		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
GASOLINE																
Fork truck (2000 pounds to 6000 pounds)	8	50	45	40	30	25	20	15	10							
Fork truck (over 6000 pounds)	10	50	45	40	30	25	20	15	10	10	10					
Tractor	8	50	45	40	30	25	20	15	10							
Crane	12	50	50	45	45	40	40	35	30	25	20	15	10			
Platform truck	8	50	45	40	30	25	20	15	10							
Straddle truck	15	50	50	50	45	45	45	40	40	35	35	30	25	20	15	10
ELECTRIC																
Fork truck (2000 pounds to 6000 pounds)	15	50	50	50	45	45	45	40	40	35	35	30	25	20	15	10
Tractor	15	50	50	50	45	45	45	40	40	35	35	30	25	20	15	10
Crane	15	50	50	50	45	45	45	40	40	35	35	30	25	20	15	10
Platform truck	15	50	50	50	45	45	45	40	40	35	35	30	25	20	15	10
Pallet truck	15	50	50	50	45	45	45	40	40	35	35	30	25	20	15	10

(b) Notwithstanding the limitations prescribed in § 101-25.405(a), materials handling equipment may be replaced under the following conditions provided a written justification supporting such replacement is approved by the agency head or an authorized designee. The justification shall be retained in the agency files.

(1) When the cumulative repair costs on a piece of equipment appears to be excessive as indicated by repair records. However, because an item of equipment accrues repair costs equal to the acquisition cost, it is not necessarily indicative of the current condition of the equipment. For example, a substantial repair expenditure included in the cumulative cost may actually have resulted in restoring the equipment to as good as new condition. While cumulative repair costs suggest an area for investigation, they should not be used as the principal ingredient in the repair/replacement decision making process.

(2) When repair parts are not available causing excessive equipment out-of-service time.

(3) When the equipment lacks essential features required in a particular task which is of a continuing nature and other suitable equipment is not readily available.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This regulation is effective upon publication in the FEDERAL REGISTER.

Dated: August 19, 1967.

LAWSON B. KNOTT, Jr.,
Administrator of General Services.

[F.R. Doc. 67-10012; Filed, Aug. 24, 1967; 8:46 a.m.]

PART 101-27—INVENTORY MANAGEMENT

Elimination of Items From Inventory

Policy and procedures are provided for eliminating items from inventory which can be obtained more economically from readily available sources, Government or commercial. Criteria are provided for determining when it is economical to eliminate such items.

Part 101-27 is amended by the addition of new Subpart 101-27.4, as follows:

Subpart 101-27.3 [Reserved]

Subpart 101-27.4—Elimination of Items From Inventory

Sec.
101-27.400 Scope of subpart.
101-27.401 Definitions.
101-27.402 Applicability.
101-27.403 General.
101-27.404 Review of items.
101-27.405 Criteria for elimination.
101-27.406 Disposition of stock.

AUTHORITY: The provisions of this Subpart 101-27.4 are issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

Subpart 101-27.3 [Reserved]

Subpart 101-27.4—Elimination of Items From Inventory

§ 101-27.400 Scope of subpart.

This subpart establishes policy and procedures designed to assure that items which can be obtained more economically from readily available sources, Government or commercial, are eliminated from inventory. For items which are not readily available from Government or commercial sources or are being held in inventory for a one time construction project, this subpart shall be applied to the extent feasible by the activity managing or controlling such inventories.

§ 101-27.401 Definitions.

As used in this Subpart 101-27.4, the following terms have the meanings set forth below:

(a) "Inactive item" means an item for which no current or future requirements are recognized by previous users and the item manager.

(b) "Slow-moving item" means an item for which there are current or future requirements, but the frequency and quantity of such requirements do not make it economical to stock in lieu of ordering from other sources as required.

(c) "Standby or reserve item" means an item for which a reserve stock is held which must be available immediately to meet emergencies which will not permit time for procurement or requisitioning without endangering life or possible substantial financial loss to the Government.

§ 101-27.402 Applicability.

The provisions of this subpart are applicable to all executive agencies in connection with inventory items maintained at stocking activities other than Government wholesale supply sources.

§ 101-27.403 General.

By eliminating inactive items and slow-moving items which are readily available, when needed, from Government wholesale supply activities or from commercial sources, the costs to the Government in inventory investment and for maintaining these items in inventory, can be eliminated. Timely reviews are required to determine which items should be eliminated from inventory.

§ 101-27.404 Review of items.

Except for standby or reserve stocks, items in inventory shall be reviewed periodically (at least annually) to identify those which are inactive and slow-moving. This review may be conducted coincidently with the normal replenishment or long supply reviews. The estimate of current or future requirements for an item shall be based on its recent history of recurring requirements. Standby items shall also be reviewed at appropriate intervals to substantiate their qualification for inclusion in that category.

§ 101-27.405 Criteria for elimination.

Inactive items, items which no longer qualify as standby, and slow-moving items which are readily available, when needed, from Government or commercial sources shall be eliminated from inventory. The determination of a slow-moving item shall be based on a comparison of the costs for continuing to maintain it in stock as opposed to the costs for ordering it from outside sources each time it is requested. This comparison shall also consider any difference in price and transportation costs for each alternative. In the absence of criteria for stockage of an item developed and used by an agency, the desired results will be obtained through application of the following table:

Orders Per Year Under Economic Order Quantity (EOQ)	*Minimum Number of Requests Per Year to Justify Continuation in Stock*
12 and over	24
11	22
10	20
9	18
8	16
7	14
6	12
5	10
4	8
3 and under	7

NOTE: Except for the low dollar infrequently ordered item, which requires a higher minimum, an item should be discontinued from stock if the number of requests for it is less than twice its order frequency under EOQ. For example, an item ordered six times per year under EOQ should have at least 12 requests per year to continue stock-

age. For 11 requests, it would cost less to order each time it was requested.

Under EOQ.
- 11 orders at $5 per order = $55
- 5 orders at $6 per order = 30
- Holding Cost (equal to ordering cost) = 30
- Total = 60

§ 101–27.406 Disposition of stock.

Stocks of slow-moving items which are not otherwise determined to be eligible for continued stockage shall be eliminated through normal attrition and shall not be replenished. The successive actions indicated in paragraphs (a) through (c) of this section, shall be taken, as necessary, to remove stocks of inactive items from inventory.

(a) Transfer stock to other offices where needed within the agency.

(b) Transfer stock to other agencies as follows:

(1) Centrally managed items to the agency managing the item for credit; or

(2) Agency program items to agencies requiring them.

(c) Dispose of remaining stocks, as excess, after actions taken in paragraphs (a) and (b) of this section, in accordance with Subpart 101–43.3.

Effective date. This amendment is effective upon publication in the FEDERAL REGISTER.

Dated: August 21, 1967.

LAWSON B. KNOTT, JR.,
Administrator of General Services.

[F.R. Doc. 67–10013; Filed, Aug. 24, 1967; 8:47 a.m.]

SUBCHAPTER H—UTILIZATION AND DISPOSAL

PART 101–43—UTILIZATION OF PERSONAL PROPERTY

Acquisition of Mercury

This amendment requires that requests for mercury be submitted to the General Services Administration, Washington, D.C. 20405, in lieu of the General Services Administration, Atlanta, Ga. 30309, amends the procedure to be followed, and provides for the utilization of excess mercury. It also furnishes the new regional office address for General Services Administration Region 7.

Subpart 101–43.3—Utilization of Excess

Subpart 101–43.3 is amended by revising § 101–43.303–1(b) and by adding new §§ 101–43.303–1 (c) and (d) as follows:

§ 101–43.303–1 Acquisition of mercury.

* * * * *

(b) Mercury, minimum 99.9 percent pure (not triple distilled), in 76-pound flasks, is available for transfer from GSA stocks at fair market value. Requests for the mercury by an agency for its use or for use by its cost-reimbursement type contractors shall be made to the Project Manager, Minerals and Ores, Property Management and Disposal Service, General Services Administration, Washington, D.C. 20405. The Project Manager will furnish the current fair market value to the requesting agency. The requesting agency will submit a request for transfer to the General Services Administration, Washington, D.C. 20405, for the quantity required. The unit of issue is a 76-pound flask.

(c) Requests for clearance to purchase quantities of 76 pounds or more from sources other than GSA must be accompanied by a statement of the reasons that make the available mercury unsuitable for the purposes of the requesting agency. Requesting agencies will be notified as to the approval or disapproval of such requests.

(d) From time to time mercury, in quantities of less than 76 pounds and in lesser degrees of purity, may become excess to the needs of a Federal agency. Upon advice of the availability of such mercury, GSA will offer it for utilization without reimbursement in the same manner as other property is offered.

Subpart 101–43.49—Illustrations

Subpart 101–43.49 is amended by revising § 101–43.4903 as follows:

§ 101–43.4903 Regional Offices' addresses and assigned areas.

* * * * *

General Services Administration Region 7, 819 Taylor Street, Fort Worth, Tex. 76102.

* * * * *

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This amendment is effective upon publication in the FEDERAL REGISTER.

Dated: August 19, 1967.

LAWSON B. KNOTT, JR.,
Administrator of General Services.

[F.R. Doc. 67–10014; Filed, Aug. 24, 1967; 8:47 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 14419 RM-268]

PART 73—RADIO BROADCAST SERVICES

Hours of Operation of Standard Broadcast Stations; Order Extending Time

1. The Report and Order in this proceeding was published in the FEDERAL REGISTER on July 15, 1967. Some 22 petitions for reconsideration were timely filed on or before August 14, 1967, and public notice was given on August 21. Storer Broadcasting Co., licensee of various standard broadcast stations and a participant in the proceeding, has requested that the time for filing pleadings in response to these petitions—which would expire August 31 under the Commission's rules (§ 1.106, Note)—be extended to and including September 8, 1967. The Storer request refers to the number of the petitions and other commitments of its legal and engineering staffs, which, it is stated, will make it impossible for it to file a responsive pleading within the time specified in the rules.

2. In view of the number of petitions filed by parties taking various positions with respect to the decision, it appears that good cause exists for the requested extension. *Accordingly, it is ordered,* This 21st day of August, 1967, that the time for filing pleadings in response to the petitions for reconsideration filed herein is extended, to and including September 8, 1967; and the time for filing replies to such responsive pleadings is extended to and including September 15, 1967.

3. This action is taken pursuant to the authority contained in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules and regulations.

Adopted: August 21, 1967.

Released: August 22, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67–10025; Filed, Aug. 24, 1967; 8:48 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Ex Parte No. MC–1 (Sub-No. 1)]

PART 288—EXTENSION OF CREDIT TO SHIPPERS

Payment of Rates and Charges of Motor Carriers Credit Regulations—Household Goods

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 10th day of August 1967.

It appearing, that on March 31, 1965, the Commission entered an order instituting a rulemaking proceeding to determine whether rules and regulations governing the extension of credit for motor common carriers of household goods prescribed pursuant to authority granted in section 223 of the Interstate Commerce Act, and published in the Code of Federal Regulations, were serving their purpose;

And it further appearing, that the Commission, on the date hereof, has made and filed its report herein setting forth the basis for its conclusions and findings, which report and prior reports in 2 M.C.C. 365 and 326 I.C.C. 483, are hereby referred to and made a part hereof;

It is ordered, that the following section of Part 288, be, and it is hereby, revised and modified as follows:

Amend § 288.3 to read as follows:

§ 288.3 Period of credit following delivery of freight.

Period of credit following delivery of freight. Freight bills for all transportation charges shall be presented to the shippers within 7 calendar days from the first 12 o'clock midnight following delivery of the freight, except that motor common carriers of household goods shall present their freight bills for all transportation charges to the shippers within 15 calendar days, excluding Saturday, Sundays and holidays, from the first 12 o'clock midnight following delivery of the freight.

It is further ordered, That this amendment shall become effective on September 25, 1967.

And it is further ordered, That notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing with the Director, Office of the Federal Register.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67–9996; Filed, Aug. 24, 1967; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 32]

PARKER RIVER NATIONAL WILDLIFE REFUGE, MASS.

Proposed Deletion From Open Areas For Hunting Big Game

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Migratory Bird Conservation Act of February 18, 1929, as amended (45 Stat. 1222, 16 U.S.C. 715), and the Endangered Species Preservation Act of October 15, 1966 (80 Stat. 926, 16 U.S.C. 668aa), it is proposed to amend 50 CFR 32.31 by deleting Parker River National Wildlife Refuge, Mass., from the list of areas open to the hunting of big game.

It has been determined that the small population of deer on Parker River National Wildlife Refuge remains stable and compatible with available habitat without hunting, and that control is unnecessary.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to this proposed amendment to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

Section 32.31 is amended by the deletion of the Parker River National Wildlife Refuge.

JOHN S. GOTTSCHALK,
Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 22, 1967.

[F.R. Doc. 67-10015; Filed, Aug. 24, 1967; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1050]

MILK IN THE CENTRAL ILLINOIS MARKETING AREA

Notice of Proposed Suspension of Certain Provision of the Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of a certain provision of the order regulating the handling of milk in the Central Illinois marketing area is being considered for the month of August 1967.

The provision proposed to be suspended is in § 1050.14(b)(2) and reads as follows, "during the months of May and June and in any month for not more than 8 days of production of producer milk by such producer", relating to diversion of producer milk to nonpool plants.

This suspension action was requested by a handler regulated under the order. It is contended that abnormal seasonal increase in production requires removal of the diversion limit for August this year if many producers regularly associated with the market are to maintain producer status. This suspension is requested to allow the movement of such producers' milk direct from their farms to nonpool manufacturing plants.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 3 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Signed at Washington, D.C., on August 23, 1967.

JOHN C. BLUM,
Acting Deputy Administrator, Regulatory Programs.

[F.R. Doc. 67-10061; Filed, Aug. 24, 1967; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 3]

NITROGLYCERIN AND AMYL NITRITE AS OVER-THE-COUNTER DRUGS FOR HUMANS

Proposed Statement of Policy

Pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 502(f), 701(a), 52 Stat. 1051, 1055; 21 U.S.C. 352(f), 371(a)) and delegated by him to the Commissioner of Food and Drugs (21 CFR 2.120), it is proposed that Part 3 be amended by adding thereto a new section, as follows:

§ 3.—— Nitroglycerin and amyl nitrite as over-the-counter drugs for human use.

(a) In § 3.21 *Drug preparations intended for human use containing certain "coronary vasodilators"*, it is stated that various nitrates and nitrites when employed under medical supervision are generally regarded as safe and useful for the management of angina pectoris in some patients. It is also recognized by medical experts that the prompt use of the sublingual or inhalation forms of this class of drugs may terminate an attack of angina. Patients who have experienced anginal attacks and whose condition has been previously diagnosed and treated by a physician are familiar with the pain pattern typical of their condition and have been instructed as to the measures necessary to the use of these drugs in the event of an acute attack. Such attacks represent emergency situations calling for the prompt use of drugs of a type which are not likely to be purchased and used without medical advice.

(b) Amyl nitrite inhalant, in units of not over 0.3 cc., has been available over the counter for self-medication for a number of years without evidence of harm to the users.

(c) In view of the foregoing, it is the opinion of the Food and Drug Administration that it is in the public interest for amyl nitrite inhalant and nitroglycerin for sublingual use to be available as over-the-counter drugs for self-medication provided that all the following conditions are met:

(1) The individual dosage unit does not exceed 1/100 grain (0.65 mg.) nitroglycerin per sublingual tablet or 5 minims (0.3 cc.) amyl nitrite per perle.

(2) The article is packaged in a quantity not to exceed 50 nitroglycerin sublingual tablets or 12 individual dosage units of amyl nitrite per retail package.

(3) In addition to other required information, the label or labeling bears in effect the following information in a prominent and conspicuous manner:

(i) Indications: For the relief of pain of angina pectoris.

(ii) Caution: Patients with angina pectoris should be under close supervision of a physician. Consult your physician if prompt relief of pain is not obtained or side effects occur or are suspected. Side effects which have been reported include: Flushing, rash, nausea, weakness, headache, marked sensitivity which may be enhanced by alcohol, and pain within the eye.

(iii) Usual dosage: One tablet under the tongue or one perle repeated as needed for relief of pain as directed by your physician.

(iv) Keep out of reach of children.

Any interested person may, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written comments, preferably in quintuplicate, on this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: August 16, 1967.

WINTON B. RANKIN,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 67-10002; Filed, Aug. 24, 1967; 8:46 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 67-CE-6-AD]

AIRWORTHINESS DIRECTIVES

Continental Models IO-470 and TSIO-470 Engines

The original Notice of Proposed Rule Making on this proceeding published in 32 F.R. 7598 proposed retirement within the next 300 hours' time in service after the effective date of the AD of reground or chrome plated cylinder assemblies, Part No. 626820, installed on the subject engines which do not have the letter "H" stamped on the rocker box flange over the exhaust valve.

An analysis of the comments already received indicates that the original proposal can perhaps be modified so as to be less burdensome. The agency is now considering and would also like comments on a modification to the original proposal which, instead of requiring retirement of the reground or chrome plated "non-H" cylinders, would prevent further installation but permit cylinders already installed to be operated until the next overhaul provided that inspections were conducted at intervals of 25 hours of operation.

As a result of comments received the Federal Aviation Administration intends to extend the time for comments on this proposal in order to permit the completion of a study the Agency is conducting through its own resources to determine the experience with both the "H" and "Non-H" cylinders and whether unmodified reground or chromed and also to obtain comments from the industry in these respects. This proposal may be further modified in light of comments and further information obtained as to the service experience with both the "H" and "Non-H" cylinders.

Comments should identify the docket number and be submitted in duplicate to the Director, Central Region, Attention: Regional Counsel, Airworthiness Rules Docket, 601 East 12th Street, Kansas City, Mo. 64106. All communications received on or before October 1, 1967, will be considered before action is taken upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Airworthiness Rules Docket for examination by interested persons.

Issued at Kansas City, Mo., on August 18, 1967.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 67-9998; Filed, Aug. 24, 1967; 8:46 a.m.]

[14 CFR Part 121]

[Docket No. 8551; Notice 67-28]

FLIGHT FOLLOWING REQUIREMENTS

Proposed Revision

The Federal Aviation Administration is considering amending Part 121 of the Federal Aviation Regulations to completely revise the flight following rules that apply to supplemental air carriers and commercial operators.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket GC-24, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before November 6, 1967, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

The complete revision of former CAR Part 42 adopted by the FAA in July of 1963 contained detailed requirements for the establishment of an "approved" flight following system. In adopting these requirements the FAA recognized that, due to the nature of the operations conducted under that Part, a complete dispatch system was impracticable. The FAA sought to require each operator to achieve the maximum possible level of operational control through the flight following requirements. Essentially, the flight following system required that a supplemental air carrier or commercial operator exercise operational control through (1) a joint flight release by the pilot in command and the director of operations; and (2) flight following centers through which the operator could monitor the progress of each flight from the point of departure to its destination, including intermediate stops. The regulations specifically stated that a flight following system need not provide for in-flight monitoring by a flight following center.

Supplemental air carriers and commercial operators, as well as certain domestic and flag air carrier charter and special service flights, have been operating under these flight following rules for almost 4 years. It has become apparent to FAA inspectors and to these operators that, to comply fully with the present flight following requirements, it is necessary to have virtually complete dispatch capability. Furthermore, even where technical compliance with these requirements may be achieved without complete dispatch capability, serious questions arise as to whether the steps taken to achieve such technical compliance actually contribute to the safety of the flight.

The joint flight release. The requirement that the pilot in command cannot sign the flight release until he and "the person authorized by the operator to exercise operational control believe that the flight can be made with safety", has caused the most serious problems. Unless an operator has on the scene personnel who have available as much information as the pilot in command, this requirement has usually meant that messages must be sent to the operator's principal operations base and concurrence received before a flight could be released from an overseas location. Frequently, the operational control exercised by the management personnel has been nothing more than rubber stamp approval of the pilot in command's request since the latter was on the scene and had available to him much more relevant information than did the former. In other cases, the FAA has found that operators sought to "technically" comply with the dual concurrence requirement by designating someone on the scene as a representative of the director of operations. At times, this designee was another member of the departing flight crew or a member of the "in-bound" crew who would have authority to concur in releasing the "outbound" flight. Such arrangements obviously would not comply with the intent of the rule and would have little, if any, safety benefit.

The FAA has therefore concluded that a complete revision of the present system is justified. It is believed that the desire to involve the highest level of management in the operational control of each flight can be achieved without requiring actions that obviously do not add to the safety of the flight. The FAA, therefore, proposes to adopt a new system that would require that the certificate holder prepare in advance for each flight an "operational plan". This plan would contain all of the information needed by the pilot in command to determine that the flight can be released safely, except the specific information immediately available to him at the point of departure. Thus, as long as the operational plan was met, the pilot in command would be authorized to prepare and sign the flight release without further contact with management personnel.

Flight following. As previously indicated, the present flight following system requires a certificateholder to have flight following centers capable of

"monitoring the progress of each flight" from departure at the point of origin, through intermediate stops and diversions (including maintenance or other delays), to arrival at its destination. Since, as indicated previously, it is almost impossible to comply with this requirement without having what is virtually a complete dispatch system (even though the regulations specifically disclaim any requirement for inflight monitoring) the FAA proposes to delete the requirement for flight following centers. Although specific flight following facilities will not be required, use of the most rapid means of communication available will be required to notify the principal operations base of departures from a point of origin, arrivals at destinations, including intermediate stops, and diversions or maintenance or mechanical delays. Private or public (telephone, telegraph, radio, etc.) communications facilities may be used.

In consideration of the foregoing, it is proposed to amend Part 121 of the Federal Aviation Regulations as follows:

1. By deleting §§ 121.125 and 121.127.

2. By amending § 121.537 to read as follows:

§ 121.537 Responsibility for operational control: operational plan system: supplemental air carriers and commercial operators.

(a) Each supplemental air carrier and commercial operator is responsible for operational control.

(b) Each supplemental air carrier and commercial operator must show that it has an operational plan system that meets the requirements of this Part.

(c) The director of operations and the pilot in command are jointly responsible for the initiation, continuation, diversion, and termination of a flight in compliance with this Part and appropriate operations specifications. The director of operations exercises his responsibility when he establishes for each flight an operational plan that meets the requirements of § 121.689.

The director of operations may delegate the function of preparing operational plans but he may not delegate the responsibility for this function. The pilot in command exercises his responsibility when he prepares and signs a flight release that complies with the operational plan for that flight.

(d) Each operational plan system must insure that the pilot in command is furnished with all information necessary for, and that there is available to him adequate equipment and facilities for, the safe operation of the flight. The operational plan system must, by using the most rapid means of communication available, provide for monitoring the progress of each flight with respect to its departure from the point of origin and arrival at its destination, including intermediate stops, and any maintenance, mechanical, or other delays encountered at those points.

(e) Each pilot in command of an aircraft is, during flight time, in command of the aircraft and crew and is responsible for the safety of the passengers, crewmembers, cargo, and aircraft. The pilot in command has full control and authority in the operation of the aircraft, without limitation, over other crewmembers and their duties during flight time, whether or not he holds valid certificates authorizing him to perform the duties of those crewmembers.

3. By amending § 121.559 as follows:

(a) By striking out the words "with a flight following service" in paragraph (b) and inserting the words "in accordance with an operational plan under § 121.537" in place thereof.

(b) By striking out the words "keep the appropriate ground radio station" in paragraph (c) and inserting the words "to the extent practicable keep the appropriate ATC facility and the appropriate management personnel exercising operational control over that flight" in place thereof.

4. By amending § 121.597 to read as follows:

§ 121.597 Operational plan and flight release authority: supplemental air carriers and commercial operators.

(a) No person may start a flight under an operational plan system except in accordance with the operational plan prepared for that flight by the director of operations or his designee.

(b) No person may start a flight under an operational plan system unless the pilot in command has prepared and signed a flight release that complies with § 121.689 and that is consistent with the operational plan for that flight. No pilot in command may sign a flight release unless it is in accordance with the operational plan for that flight and he believes that the flight can be made with safety.

(c) No person may continue a flight from an intermediate airport without a new flight release if—

(1) The aircraft has been on the ground more than 6 hours;

(2) There has been a change in the assigned flight crew; or

(3) The pilot in command has received a change in the operational plan for that flight.

5. By amending § 121.609 by striking out the words "communication and" and by amending the section heading to read as follows:

§ 121.609 Navigation facilities: supplemental air carriers and commercial operators.

* * * * *

6. By amending § 121.689(b) by adding the following new sentence at the end thereof:

"In addition a copy of the appropriate operational plan, including any amendments thereto, must be attached to the flight release."

7. By adding a new section following § 121.687 to read as follows:

§ 121.688 Operational plan form: supplemental air carriers and commercial operators.

(a) The operational plan may be in any form but each plan must contain at least the following information for each flight to be conducted under that plan:

(1) Airports to be served and dates of service including available alternate airports.

(2) Planned departure and arrival time at each airport to be served.

(3) Aircraft to be used.

(4) Routes to be used.

(5) Any information needed to ensure compliance with appropriate airplane performance operating limitations of §§ 121.171 through 121.207.

(6) Crewmember assignments and layover points or rest stops required.

(7) Sources of weather data.

(8) Communications, navigation, maintenance, refueling, and ground handling facilities to be used.

(9) Maps, charts, and instrument approach procedures appropriate to the operation.

(10) Any special briefings or procedures necessary for the operation including alternate courses of action available to the pilot in command that may be exercised without an amendment to the operational plan.

(11) Status of any maintenance or inspections scheduled for the aircraft to be used and any other information relevant to the airworthiness status of the aircraft.

(b) Where practicable (regularly scheduled flights or frequently recurring flights) a certificate holder may include a master operational plan for a particular flight in its operations manual. A copy of the appropriate manual pages together with any amendments necessary for a particular operation may be attached to the flight release to satisfy the requirements of § 121.689(b).

8. By amending § 121.697 as follows:

a. By amending the section heading to read as follows:

§ 121.697 Disposition of load manifest, flight release, flight plans, and operational plans: supplemental air carriers and commercial operators.

b. By adding the words "and operational plan" in paragraph (a) (2) before the semicolon.

c. By adding after the words "of this section" in paragraph (c) the words ", except the operational plan," and by adding a new sentence to paragraph (c) to read as follows: "In addition a copy of the load manifest shall be mailed to the principal operations base at each intermediate stop."

These amendments are proposed under the authority of sections 313(a), 601, and 604 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1421, and 1424).

Issued in Washington, D.C., on August 21, 1967.

JAMES F. RUDOLPH,
Director, Flight Standards Service.

[F.R. Doc. 67-10031; Filed, Aug. 24, 1967; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 17562]

"PRE-SUNRISE" OPERATION BY CLASS II STATIONS UNDER PRE-SUNRISE SERVICE AUTHORIZATION ON U.S. I–A CLEAR CHANNELS

Order Extending Time for Filing Comments and Reply Comments

1. On July 13, 1967, simultaneously with the decision in the over-all "pre-sunrise" proceeding (Docket 14419) the Commission issued the notice of proposed rule making herein, concerning the power to be permitted for pre-sunrise operation by Class II stations on U.S. I–A clear channels. The time for comments and reply comments was specified therein as September 5 and October 5, 1967, respectively.

2. Two parties by petition have requested that the time for comments be extended. Storer Broadcasting Co., licensee of Station KGBS, Los Angeles (a Class II station on 1020 kc/s) seeks an extension until September 26, and Clear Channel Broadcasting Service (CCBS), a group of 12 Class I–A clear channel station licensees, seeks an extension until October 30, 1967. Storer urges other commitments of its legal, engineering, and management personnel during the next few weeks, and the need for analysis of the decision in 14419. CCBS asks additional time to make engineering studies.

3. It appears that an extension of time is warranted, but, in view of the desirability of resolving this matter, not the period of nearly 2 months sought by CCBS. It appears that an extension of about 1 month should be sufficient. *Accordingly, it is ordered*, That the time for filing comments and reply comments in this proceeding is extended to October 9 and November 10, 1967, respectively.

4. This action is taken pursuant to the authority contained in sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules and regulations.

Adopted: August 21, 1967.

Released: August 22, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-10024; Filed, Aug. 24, 1967; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR 288]

[Ex Parte No. MC-1 (Sub-No. 2)]

PAYMENT OF RATES AND CHARGES OF MOTOR CARRIERS CREDIT REGULATIONS — HOUSEHOLD GOODS

Notice of Proposed Rule Making

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 10th day of August 1967.

It appearing, that the Interstate Commerce Commission has prescribed rules and regulations pertaining to the extension of credit to shippers by motor common carriers of property operating in interstate or foreign commerce, see Payment of Rates and Charges of Motor Carriers, 2 M.C.C. 365;

It further appearing that those to whom credit is extended, referred to for convenience as the shippers, are experiencing difficulty in complying with § 288.1 of the Code of Federal Regulations, 49 CFR 288, Carrier May Extend Credit to Shipper; and good cause appearing therefor:

It is ordered, That a rule making proceeding be, and it is hereby, instituted under the authority of part II of the Interstate Commerce Act (section 223) and section 4 of the Administrative Procedure Act for the purpose of determining whether and to what extent rules and regulations should be established to permit motor common carriers of household goods to impose, through published tariff notice, penalty charges for violation by shippers of § 288.1 and to exculpate a carrier which imposes such a penalty from violation of § 288.1 should it extend further credit to a shipper in violation of § 288.1, provided that the carrier has taken reasonable precautions to assure that such shipper is a sound credit risk.

It is further ordered, That all motor common carriers of household goods operating in interstate or foreign commerce subject to the Interstate Commerce Act be, and they are hereby, made respondents in this proceeding.

It is further ordered, That all persons including respondents who wish actively to participate in this proceeding, and file and receive copies of pleadings shall make known the fact by notifying the Commission in writing on or before September 18, 1967. To conserve time and avoid expense it is strongly urged that persons having common interests endeavor to consolidate their presentation to the greatest extent possible. Individual participation is not precluded; mere casual interest, however, does not justify participation, and will make the service of verified statements burdensome and impracticable. The Commission desires participation only of those who intend to take an active part in the proceeding.

It is further ordered, That:

(a) As soon as practicable after September 18, 1967, the Commission will serve a list of the names and addresses of all persons upon whom service of all verified statements, replies or other pleadings must be made;

(b) All parties shall file an original and two copies of their verified statements and exhibits thereto with the Commission on or before October 23, 1967, and at the same time serve a copy of such statements upon each person named in the service list;

(c) Parties desiring to file reply statements shall file such statements with the Commission on or before November 20, 1967, and upon all parties named in the service list;

(d) Any party may request a hearing for the purpose of cross-examining any witness submitting a verified statement by notifying all parties and the Commission on or before December 4, 1967.

And it is further ordered, That a copy of this order be served on the Public Utility Commission or Boards, or similar regulatory bodies of each State having jurisdiction over the transportation here involved; that a copy be posted in the Office of the Secretary of the Interstate Commerce Commission for public inspection; and that a copy be delivered to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to all interested persons.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-10000; Filed, Aug. 24, 1967; 8:45 a.m.]

Notices

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[Case No. 372]

CHRIS F. RING

Order Temporarily Denying Export Privileges

In the matter of Chris F. Ring also known as Chris Ring, Christopher Ring, and Christian Ring, Via Fleming 110 Rome, Italy, respondent; Case No. 372; File: 23-889; 23(66)-38.

The Director, Investigations Division, Office of Export Control, Bureau of International Commerce, U.S. Department of Commerce, pursuant to the provisions of § 382.11 of the Export Regulations (Title 15, Chapter III, Subchapter B, Code of Federal Regulations), has applied to the Compliance Commissioner for an order temporarily denying all export privileges to the above-named respondent. The Compliance Commissioner has reviewed the application and the evidence presented in support thereof and has submitted his report, together with his recommendation that the application be granted and that a temporary denial order be issued until the completion of compliance proceedings now pending against the respondent.

The evidence and recommendation of the Compliance Commissioner have been considered. The evidence presented shows that a charging letter against respondent, alleging violations of the Export Control Act and Regulations, was duly served on him in June 1966; the respondent engaged counsel who filed an answer on his behalf; the said counsel entered into consultations with counsel for the Government for disposition of the case by consent order; the consultations were fruitful but respondent did not execute the consent proposal and revoked authorization of his counsel to proceed in the matter; after due notice to respondent the case proceeded to hearing before the Compliance Commissioner at which the Government presented evidence in support of the charges; a postponement of the case was granted to afford respondent an opportunity to engage new counsel and present evidence in defense; the respondent has requested a further postponement. While the respondent has not yet presented evidence in defense, the Compliance Commissioner reports that the evidence on behalf of the Government appears to support a prima facie case of violations.

The evidence presented also shows that in addition to the transaction on which the charging letter was based the respondent has participated in other transactions which involved the procurement or attempted procurement of strategic electronic items exported or to be exported from the United States; there are suspicious aspects to said transactions and investigations are in progress to ascertain whether respondent or any other parties in connection with said transactions violated the U.S. Export Regulations.

On the basis of the evidence presented, I find that it is reasonably necessary to protect the public interest that an order be entered against respondent temporarily denying him U.S. export privileges until the completion of the pending compliance proceedings. A postponement will be granted to respondent, as requested, to afford him the opportunity to engage new counsel in the pending compliance proceedings and to present evidence in defense of said charges.

Accordingly, it is hereby ordered:

I. All outstanding validated export licenses in which respondent appears or participates in any manner or capacity are hereby revoked and shall be returned forthwith to the Bureau of International Commerce for cancellation.

II. The respondent, his assigns, partners, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or any document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control document; (d) in the carrying on of negotiations with respect to or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part exported or to be exported from the United States; and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondent, but also to his agents and employees and to any person, firm, corporation, or business organization with which he now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. This order shall take effect forthwith and shall remain in effect until the completion of compliance proceedings now pending against respondent, unless it is hereafter extended, amended, modified, or vacated in accordance with the provisions of the U.S. Export Regulations.

V. No person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with respondent, or whereby the respondent may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for the respondent; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. A copy of this order shall be served upon the respondent.

VII. In accordance with the provisions of § 382.11(c) of the Export Regulations, the respondent may move at any time to vacate or modify this temporary denial order by filing an appropriate motion therefor, supported by evidence, with the Compliance Commissioner and may request an oral hearing thereon which, if requested, shall be held before the Compliance Commissioner in Washington, D.C., at the earliest convenient date.

This order shall become effective forthwith.

Dated: August 18, 1967.

SHERMAN R. ABRAHAMSON,
Acting Director,
Office of Export Control.

[F.R. Doc. 67-10008; Filed, Aug. 24, 1967; 8:48 a.m.]

Business and Defense Services Administration

YOUNGSTOWN UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Articles

The following is a decision on an application for duty free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 67-00019-25-34006. Applicant: Youngstown University, 410 Wick Avenue, Youngstown, Ohio 44503. Article: Three-phase electrical generalized machine set consisting of generalized machine, a D.C. machine and torque measuring unit with a built-in tachometer-generator. Manufacturer: Mawdsley's Ltd., England. Intended use of article: Instructional experimentation in electromechanical principles. Comments: No comments were received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is a device which is specially designed for teaching students in the principles of electricity. The only comparable instrument known to be manufactured in the United States is the generalized machine laboratory set described in Bulletin 191 of the Westinghouse Electric Corp. The domestic instrument is limited to two-phase operation, whereas the foreign article is capable of three-phase operation. This difference is considered to be significant because it extends the range of electrical phenomena which can be demonstrated to students and, therefore is a pertinent characteristic.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured and offered for sale in the United States.

CHARLES M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 67-9992; Filed, Aug. 24, 1967; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

AMDAL CO.

Notice of Filing of Petition for Food Additive Spectinomycin Dihydrochloride Pentahydrate

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by AMDAL Co., Agricultural Division, Abbott Laboratories, North Chicago, Ill. 60064, proposing the issuance of a food additive regulation to provide for the safe use of spectinomycin dihydrochloride pentahydrate in drinking water of chickens (1) as an aid in the prevention or control of losses due to chronic respiratory disease associated with *Mycoplasma gallisepticum* (PPLO) infection and (2) as an aid in increasing the weight gains and improving the feed efficiency in the presence of infection.

Dated: August 17, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-10006; Filed, Aug. 24, 1967; 8:46 a.m.]

UNION CARBIDE CORP.

Notice of Filing of Petition Regarding Pesticides

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 8F0629) has been filed by Union Carbide Corp., Post Office Box 8361, South Charleston, W. Va. 25309, proposing the establishment of tolerances for residues of a herbicide that is 80 percent 2,4-dichlorobenzyl methylcarbamate and 20 percent 2,3-dichlorobenzyl methylcarbamate, in or on garlic at 0.15 part per million and in or on beans, peanuts, peas, potatoes, and soybeans at 0.1 part per million.

The analytical method proposed in the petition for determining residues of this herbicide is an electron capture-gas chromatographic technique.

Dated: August 17, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-10004; Filed, Aug. 24, 1967; 8:46 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[OE Docket No. 66-SO-4]

BAY VIDEO, INC.

Notice of Cancellation of Discretionary Review

On December 22, 1966, a Notice of Petition for and Grant of Review was issued in response to a petition received by the Federal Aviation Administration appealing a determination of hazard to air navigation concerning the proposed construction by Bay Video, Inc., of a television tower 1,942 feet above mean sea level (1,797 feet above ground) near Woods, Fla. (31 F.R. 16798).

Bay Video, Inc., subsequently requested and was granted extensions to the comment period of the review in order to continue its negotiations with the Florida State University for joint use of the proposed structure (32 F.R. 2480; 32 F.R. 3413; 32 F.R. 5299; 32 F.R. 6375; and 32 F.R. 7298).

On August 8, 1967, Bay Video, Inc., advised the Federal Aviation Administration that a new site has been selected for the structure. Accordingly, it was requested that the Petition for Review be dismissed and that the review be terminated.

Therefore, pursuant to the authority delegated to me by the Administrator, notice is hereby given that the discretionary review of the case is canceled.

Issued in Washington, D.C., on August 18, 1967.

ARCHIE W. LEAGUE,
Director, Air Traffic Service.

[F.R. Doc. 67-9996; Filed, Aug. 24, 1967; 8:45 a.m.]

GENERAL AVIATION DISTRICT OFFICE AT KANAWHA AIRPORT, CHARLESTON, W. VA.

Notice of Establishment

Notice is hereby given that on or about September 1, 1967, the General Aviation District Office at Kanawha Airport, Charleston, W. Va., will be established to provide services to the general aviation public. This service will include inspection, certification, and surveillance of air taxi/commercial operator (small aircraft), agricultural, commercial, industrial, private, and other general aviation operations. The 59 counties which will be serviced by the General Aviation District Office at Charleston, W. Va., are as follows:

WEST VIRGINIA (44)

Barbour.	Monroe.
Boone.	Nicholas.
Braxton.	Pendleton.
Cabell.	Pleasants.
Calhoun.	Pocahontas.
Clay.	Preston.
Doddridge.	Putnam.
Fayette.	Raleigh.
Gilmer.	Randolph.
Greenbrier.	Ritchie.
Harrison.	Roane.
Jackson.	Summers.
Kanawha.	Taylor.
Lewis.	Tucker.
Lincoln.	Tyler.
Logan.	Upshur.
Marion.	Wayne.
Mason.	Webster.
McDowell.	Wetzel.
Mercer.	Wirt.
Mingo.	Wood.
Monongalia.	Wyoming.

VIRGINIA (15)

Bland.	Russell.
Buchanan.	Scott.
Carroll.	Smythe.
Dickenson.	Tazewell.
Giles.	Washington.
Grayson.	Wise.
Lee.	Wythe.
Pulaski.	

The establishment of the General Aviation District Office at Kanawha Airport, Charleston, W. Va., will create some changes in the geographic boundaries of the General Aviation District Offices located at Baltimore, Md., and Richmond,

Va., and of the Flight Standards District Office at Washington, D.C. Services to the general aviation public by these offices will be rendered in the counties as outlined below:

Twenty-Six Counties Covered by the General Aviation District Office Located at Baltimore, Md.

WEST VIRGINIA (7)

Berkeley.	Jefferson.
Grant.	Mineral.
Hampshire.	Morgan.
Hardy.	

MARYLAND (19)

Allegany.	Howard.
Anne Arundel (North of Route 214).	Kent.
Baltimore.	Montgomery.
Caroline.	Prince Georges (North of Route 214).
Carroll.	Queen Annes.
Cecil.	Talbot.
Dorchester.	Washington.
Frederick.	Wicomico.
Garrett.	Worcester.
Harford.	

NOTE: There will be two counties shared with the Flight Standards District Office, Washington, D.C., Anne Arundel and Prince Georges. The dividing line for these two counties will be Route 214, running east and west from the District of Columbia to the Chesapeake Bay. The office will be responsible for the entire Chesapeake Bay south to the Maryland-Virginia border and the Atlantic Ocean eastward along applicable parallels of latitude to the in shore Atlantic Coastal Air Defense Identification Zone boundary.

Sixty-Five Counties Covered by the General Aviation District Office Located at Richmond, Va.

VIRGINIA (65)

Augusta.	James City.
Bath.	King and Queen.
Bedford.	King George.
Botetourt.	King William.
Brunswick.	Lancaster.
Buckingham.	Louisa.
Campbell.	Ludenburg.
Accomac.	Mathews.
Albermarle.	Mecklenburg.
Alleghany.	Middlesex.
Amelia.	Montgomery.
Amherst.	Nansemond.
Appomattox.	Nelson.
Caroline.	New Kent.
Charles City.	Northampton.
Charlotte.	Northumberland.
Chesterfield.	Nottoway.
Craig.	Orange.
Cumberland.	Patrick.
Dinwiddie.	Pittsylvania.
Essex.	Powhatan.
Floyd.	Prince Edward.
Fluvanna.	Prince George.
Franklin.	Richmond.
Gloucester.	Roanoke.
Goochland.	Rockbridge.
Greensville.	Southampton.
Halifax.	Spotsylvania.
Hanover.	Surry.
Henrico.	Sussex.
Henry.	Westmoreland.
Highland.	York.
Isle of Wight.	

NOTE: The responsibility for the counties of King George, Northumberland, and Westmoreland on the Potomac River end at the waters' edge on that river. The office is also responsible for the Atlantic Ocean eastward along applicable parallels of latitude to the in shore Coastal Air Defense Identification Zone boundary.

Twenty-One Counties Covered by the Flight Standards District Office Located at Washington, D.C., in Furnishing Services to the General Aviation Public

VIRGINIA (16)

Arlington.	Madison.
Clarke.	Page.
Culpeper.	Prince William.
Fauquier.	Rappahannock.
Fairfax.	Rockingham.
Frederick.	Shenandoah.
Greene.	Stafford.
Loudoun.	Warren.

MARYLAND (5)

Anne Arundel (South of Route 214).	Prince Georges (South of Route 214).
Calvert.	St. Marys.
Charles.	

NOTE: The responsibility for the counties of Anne Arundel, Calvert, and St. Marys ends at the waters' edge on the Chesapeake Bay. There will be two counties shared with the General Aviation District Office, Baltimore, Md., Anne Arundel and Prince Georges. The dividing line for these two counties will be Route 214, running east and west from the District of Columbia to the Chesapeake Bay. The office will also be responsible for the entire Potomac River to the Chesapeake Bay. There will be no boundary changes with respect to services provided by the office to air carriers. The area serviced continues to include the States of Maryland, the District of Columbia, Virginia, West Virginia (less the counties of Brooks, Hancock, Marshall, and Ohio) and the Atlantic Ocean eastward including the applicable parallels of latitude to the in shore Atlantic Coastal Air Defense Identification Zone boundary.

This information will be reflected in the FAA Organization Statement the next time it is released.

(Sec. 313(a), 72 Stat. 752; 49 U.S.C. 1354)

Issued in New York, N.Y., on August 11, 1967.

OSCAR BAKKE,
Director, Eastern Region.

[F.R. Doc. 67-9097; Filed, Aug. 24, 1967; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-192]

UNIVERSITY OF TEXAS

Notice of Issuance of Facility License Amendment

The Atomic Energy Commission ("the Commission") has issued Amendment No. 2, effective as of the date of issuance and in the form set forth below, to Facility License No. R-92. The license authorizes The University of Texas to operate its TRIGA Mark I pool-type nuclear reactor on the campus at Austin, Tex. The amendment authorizes The University to use either the seven (7) curie sealed polonium-beryllium neutron source presently authorized, or a two (2) curie sealed americium-beryllium neutron source for reactor startup as described in The University's application for license amendment dated May 24, 1967.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for hearings and petitions to intervene shall be filed in accordance with the provisions of the Commission's regulations (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the licensee's application for license amendment dated May 24, 1967, and (2) a related Safety Evaluation prepared by the Division of Reactor Licensing, both of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 17th day of August 1967.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

AMENDMENT TO FACILITY LICENSE

[License No. R-92; Amdt. No. 2]

The Atomic Energy Commission (hereinafter "the Commission") having found that:

a. The application for amendment dated May 24, 1967, complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter 1, CFR;

b. Operation of the reactor in accordance with the license, as amended, will not be inimical to the common defense and security or to the health and safety of the public; and

c. Prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazards considerations different from those previously evaluated;

Facility License No. R-92, as amended, is hereby further amended by revising subparagraph 3.C. in its entirety to read as follows:

"3.C. Pursuant to the Act and Title 10, Chapter 1, CFR, Part 30—Rules of General Applicability to Licensing of Byproduct Material', to receive, possess and use a 7-curie sealed polonium-beryllium neutron source and a 2-curie sealed americium-beryllium neutron source either of which may be used for reactor startup; and to possess, but not to separate, such byproduct material as may be produced by operation of the reactor."

This amendment is effective as of the date of issuance.

Date of Issuance: August 17, 1967.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[F.R. Doc. 67-9091; Filed, Aug. 24, 1967; 8:45 a.m.]

[Docket No. 50-184]

NATIONAL BUREAU OF STANDARDS

Notice of Proposed Issuance of Provisional Operating License

Please take notice that the Atomic Energy Commission ("the Commission") is considering the issuance of Provisional Operating License No. TR-5, set forth below, which would authorize the National Bureau of Standards (NBS) to possess, use and operate the National Bureau of Standards Reactor (NBSR) at power levels up to 10 megawatts thermal on the NBS site located approximately 1 mile southwest of Gaithersburg in Montgomery County, Md.

Prior to issuance of the provisional operating license, the facility will be inspected by representatives of the Commission to determine whether it has been constructed in accordance with the provisions of Provisional Construction Permit No. CPTR-5 issued April 22, 1963. Upon issuance of the provisional operating license, NBS will be required to execute an indemnity agreement as required by section 170 of the Atomic Energy Act of 1954, as amended, and 10 CFR Part 140 of the Commission's regulations.

Within thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with section 2.714 of the Commission's regulations (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this proposed provisional operating license, see (1) the application dated February 1, 1961, and amendments thereto dated April 11, 1961, May 12, 1961, August 11, 1961, October 19, 1961, August 2, 1962, January 15, 1963, January 22, 1963, February 12, 1963, February 27, 1963, August 15, 1963, April 20, 1964, February 14, 1966, April 6, 1966, April 7, 1966, October 4, 1966, December 21, 1966, February 6, 1967, July 25, 1967, August 3, 1967, and August 4, 1967, (2) the report of the ACRS dated February 17, 1967, (3) a related safety evaluation prepared by the Division of Reactor Licensing, (4) the Technical Specifications which are incorporated in the proposed license and designated as Appendix A thereto, and (5) the Special Nuclear Materials Transfer Schedule designated as Appendix B to the license, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of items (2) and (3) above may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 22d day of August 1967.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[License No. TR-5]

PROPOSED PROVISIONAL OPERATING LICENSE

The Atomic Energy Commission ("Commission") having found that:

a. The application for provisional operating license (amendments to the license application dated Feb. 14, 1966, Apr. 6, 1966, Apr. 7, 1966, Oct. 4, 1966, Dec. 21, 1966, Feb. 6, 1967, July 25, 1967, Aug. 3, 1967, and Aug. 4, 1967, respectively) complies with the requirements of the Atomic Energy Act of 1954, as amended, (the "Act") and the Commission's regulations set forth in Title 10, Chapter 1, CFR (10 CFR);

b. The facility has been constructed in accordance with the application, as amended, and the provisions of Provisional Construction Permit No. CPTR-5;

c. There are involved features, characteristics and components as to which it is desirable to obtain actual operating experience before the issuance of an operating license for the full term requested in the application;

d. There is reasonable assurance (1) that the facility can be operated at power levels up to a maximum of 10 megawatts thermal in accordance with this license without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the rules and regulations of the Commission;

e. The applicant is technically and financially qualified to engage in the activities authorized by this license, in accordance with the rules and regulations of the Commission;

f. The applicant is a Federal Agency and need not furnish proof of financial protection as would otherwise be required by subsection 170a of the Act, and has executed an indemnity agreement as required by section 170 of the Act and 10 CFR Part 140;

g. The issuance of this license will not be inimical to the common defense and security or to the health and safety of the public;

Provisional Operating License No. TR-5 is hereby issued to the National Bureau of Standards ("NBS") as follows:

1. This license applies to the National Bureau of Standards high flux, heavy water moderated and cooled tank-type nuclear reactor ("the facility"). The facility is located on the NBS site 1 mile southwest of Gaithersburg in Montgomery County, Md., and is described in the application for license dated February 1, 1961, as amended, ("the application").

2. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses NBS:

A. Pursuant to section 104c of the Act and 10 CFR Part 50, "Licensing of Production and Utilization Facilities", to possess, use and operate the reactor as a utilization facility at the designated location on the NBS site near Gaithersburg in Montgomery County, Md.

B. Pursuant to the Act and 10 CFR Part 70, "Special Nuclear Material", to receive, possess and use up to 57.03 kilograms of contained uranium 235 in connection with operation of the facility.

C. Pursuant to the Act and 10 CFR Part 30, "Rules of General Applicability to Licensing of Byproduct Material", to receive, possess and use a 2-curie americium-beryllium neutron source for reactor startup.

D. Pursuant to the Act and 10 CFR Parts 30 and 70, to possess, but not to separate, such byproduct and special nuclear material as may be produced by operation of the facility.

2. This license shall be deemed to contain and is subject to the conditions specified in the following Commission regulations in 10 CFR Part 20, § 20.24 of Part 30, § 40.41 of Part 40, §§ 50.54 and 50.59 of Part 50, and § 70.32 of Part 70, and is subject to all applicable provisions of the Act, and to the rules, regulations and orders of the Commission, now or hereafter in effect; and is subject to the additional conditions specified below:

A. *Maximum power level.* NBS is authorized to operate the facility at steady state power levels up to a maximum of 10 megawatts thermal.

B. *Technical Specifications.* The Technical Specifications contained in Appendix A[1] attached hereto, are hereby incorporated in this license. The licensee shall operate the facility in accordance with the Technical Specifications and may make changes therein only when authorized by the Commission in accordance with the provisions of section 50.59 of 10 CFR Part 50.

C. Prior to initiation of the following activities, NBS shall obtain written Commission authorization concerning:

(1) Initiation of experiments involving the possibility of large chemical energy releases.

(2) Installation or application of cryogenic equipment or techniques in the reactor facility.

D. *Reports.* In addition to reports otherwise required under this license and applicable regulations:

(1) NBS shall inform the Commission of any incident or condition relating to the operation of the facility which prevented or could have prevented a nuclear system from performing its safety functions as described in the Technical Specifications. For each such occurrence, NBS shall promptly notify by telephone the Director of the appropriate Atomic Energy Commission Regional Compliance Office listed in Appendix D of 10 CFR Part 20 and shall submit within ten (10) days a report in writing to the Director, Division of Reactor Licensing ("Director, DRL") with a copy to the Division of Compliance.

(2) NBS shall report to the Director, DRL, in writing within thirty (30) days of its observed occurrence any substantial variance disclosed by operation of the facility from performance specifications contained in the Safety Analysis Report or the Technical Specifications.

(3) NBS shall report to the Director, DRL, in writing within thirty (30) days of its occurrence any significant changes in transient or accident analysis as described in the Safety Analysis Report.

(4) As soon as possible after the completion of 6 months of operation of the facility (calculated from the date of initial criticality), NBS shall begin submitting reports in writing in accordance with the requirements of the Technical Specifications.

E. *Records.* (1) NBS shall keep facility operating records in accordance with the requirements of the Technical Specifications.

4. Pursuant to § 50.59, Title 10, Chapter 1, CFR, Part 50, the Commission has allocated to NBS for use in the operation of the reactor 57.03 kilograms of uranium 235 contained in uranium in the isotopic ratios specified in the NBS application. Estimated schedules of special nuclear material transfers to the NBS and returns to the Commission are contained in Appendix B[1] which is attached hereto. Transfers by the Commission to NBS in accordance with column (2) in Appendix B will be conditioned upon the return to the Commission of material

[1] These items were not filed with the Office of the Federal Register, but are available for inspection in the Public Document Room of the Atomic Energy Commission.

substantially in accordance with column (8) of Appendix B.

5. This license is effective as of the date of issuance and shall expire eighteen (18) months from said date, unless extended for good cause shown, or upon the earlier issuance of a superseding operating license.

For the Atomic Energy Commission.

Date of Issuance:

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 67-10060; Filed, Aug. 24, 1967; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 18951; Order No. E-25665]

BUKER AIRWAYS, INC.

Order To Show Cause

AUGUST 21, 1967.

By petition, filed on July 31, 1967, Buker Airways, Inc., requests the Board to establish a final service mail rate of 55 cents per mile for the transportation of mail by aircraft between Portland, Maine, and Albany, N.Y.

Petitioner is a corporation organized under the laws of the State of New Hampshire and is currently engaged in business as an air taxi under Part 298 of the Board's Economic Regulations. Its usual place of business is Hartness Airport, North Springfield, Vt. Petitioner provides service with several types of aircraft including the Twin Beech aircraft which will be used for the proposed service. It believes the rate proposed constitutes a fair and reasonable final service mail rate for the services to be performed. Buker attached to its petition a letter from the Post Office Department. In it, the Department stated that the rate proposed by Buker is acceptable to the Post Office.

Under the circumstances, the Board finds it in the public interest to fix and determine the fair and reasonable rates of compensation to be paid to Buker Airways, Inc., by the Postmaster General for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the petition and other matters officially noticed, the Board proposes to issue an order[1] to include the following findings and conclusions:

1. That the fair and reasonable final service mail rate to be paid to Buker Airways, Inc., pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith between Portland, Maine, and Albany, N.Y., shall be 55 cents per great circle mile;

2. The final service mail rate here fixed and determined is to be paid in its entirety by the Postmaster General.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302 and 14 CFR Part 385(f),

It is ordered, That:

1. All interested persons and particularly Buker Airways, Inc., and the Postmaster General are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above as the fair and reasonable rate of compensation to be paid to Buker Airways, Inc., for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and if there is any objection to the rate or to the other findings and conclusions proposed herein, notice thereof shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after the date of service of this order;

3. If notice of objection is not filed within 10 days, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Buker Airways, Inc., and the Postmaster General.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 67-10079; Filed, Aug. 24, 1967; 10:06 a.m.]

[1] As this order to show cause does not constitute a final action and merely affords interested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR, Part 385). The provisions of that part dealing with petitions for Board review will be applicable to any final action which may be taken by the staff in this matter under authority delegated in § 385.14(g).

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 17670-17672; FCC 67-972]

DURHAM-RALEIGH TELECASTERS, INC., ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Durham-Raleigh Telecasters, Inc., Durham, N.C., Docket No. 17670, File No. BPCT-3882; Triangle Telecasters, Inc., Durham, N.C., Docket No. 17671, File No. BPCT-3883; WTVY, Inc., Durham, N.C., Docket No. 17672, File No. BPCT-3885; for construction permit for new television broadcast station.

1. The Commission has before it for consideration the above-captioned applications, each requesting a construction permit for a new television broadcast station to operate on Channel 28, Durham, N.C.

2. With respect to the issues set forth below the following considerations are pertinent:

1. Based on the information contained in the application of Triangle Telecasters, Inc., cash in the amount of $643,566 will be needed for the construction and first-year operation of the proposed station, consisting of down payment on equipment—$138,600; first-year payments on equipment including interest $77,616; building—$25,000; miscellaneous expenses—$46,000; first-year payments on bank loan including interest—$76,360; first-year cost of operation—$280,000.

2. To meet the cash requirements, the applicant relies upon the availability of $13,856 in existing capital, $140,348 in stock subscription agreements, $243,856 in loans from three stockholders, Robinson O. Everett, Katherine R. Everett, and R. O. Everett and a $300,000 bank loan. The applicant has established the availability of $4,500 in existing capital, $92,144 in stock subscriptions and $243,856 in loans, for a total of $340,500. However, the applicant has failed to demonstrate that John D. Johnston, Jr., John H. Wheeler, Roland McClamrock, Emanuel J. Evans, and Dr. Wirt W. Smith have available liquid and current assets (as defined in sec. III, par. 4(d), FCC Form 301) in excess of current liabilities in sufficient amount for each stock subscriber to meet his respective commitment to the applicant. These stock subscribers have either failed to furnish balance sheets or they have submitted balance sheets which do not reflect their ability to meet their commitments. In addition, the proposed bank loan of $300,000 from Branch Banking and Trust Co. does not comply with the requirements of section III, paragraph 4(h), in that the loan provides that certain conditions and requirements are to be drawn in the future "to our mutual satisfaction". Accordingly, financial issues have been specified.

3. There appears to be a significant disparity in the proposed Grade B contours of the applications. In accordance with the Commission's policy, evidence with respect to which of the proposals would represent a more efficient use of the frequency may be adduced under the comparative issue.[1]

4. The transmitters proposed by Triangle Telecasters, Inc., and Durham-Raleigh Telecasters, Inc., have not been type accepted by the Commission. Accordingly, in the event of a grant of the application of Triangle Telecasters, Inc., or Durham-Raleigh Telecasters, Inc., the grant shall be made subject to the condition that, prior to licensing, the permittee shall submit acceptable data for type acceptance of the proposed transmitter in accordance with § 73.640 of the Commission's rules.

[1] Harriscope, Inc., FCC 65-1165, 2 FCC 2d 223.

5. Durham-Raleigh Telecasters, Inc., WTVY, Inc., are qualified to construct, own and operate the proposed new television broadcast station and, except as indicated by the issues set forth below, Triangle Telecasters, Inc., is qualified to construct, own and operate the proposed new television broadcast station. The applications are, however, mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference. The Commission is, therefore, unable to make the statutory finding that a grant of the applications would serve the public interest, convenience and necessity, and is of the opinion that they must be designated for hearing in a consolidated proceeding on the issues set forth below.

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications of Durham-Raleigh Telecasters, Inc., Triangle Telecasters, Inc., and WTVY, Inc., are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine with respect to the application of Triangle Telecasters, Inc.:

(a) Whether John D. Johnston, Jr., John H. Wheeler, Roland McClamrock, Emanuel J. Evans, and Dr. Wirt W. Smith have liquid and current assets (as defined in sec. III, par. 4(d), FCC Form 301) in excess of current liabilities in sufficient amounts to meet their respective commitments to the applicant.

(b) The terms, condition and security, if any, required in connection with the proposed loan of $300,000 from the Branch Banking and Trust Co., Raleigh, N.C.

(c) Whether, in light of the evidence adduced pursuant to the foregoing, Triangle Telecasters, Inc., is financially qualified.

2. To determine which of the proposals would best serve the public interest.

3. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

It is further ordered, That, in the event of a grant of the applications of Durham-Raleigh Telecasters, Inc., or Triangle Telecasters, Inc., the application shall be granted subject to the condition that, prior to licensing, the permittee shall submit acceptable data for type-acceptance of its proposed transmitter in accordance with the requirements of § 73.640 of the Commission's rules.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: August 16, 1967.

Released: August 22, 1967.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-10026; Filed, Aug. 24, 1967; 8:46 a.m.]

[Docket Nos. 17648, 17649; FCC 67M-1413]

EL CAMINO BROADCASTING CORP. AND SOUTH COAST BROADCASTING CO.

Order Scheduling Hearing

In re applications of El Camino Broadcasting Corp., San Clemente, Calif., Docket No. 17648, File No. BPH-5566; Leon Hysen, Charles W. Jobbins, and Leon F. Westendorf, doing business as South Coast Broadcasting Co., San Clemente, Calif., Docket No. 17649, File No. BPH-5756; for construction permits.

It is ordered, That Basil P. Cooper shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on November 20, 1967, at 10 a.m.; and that a prehearing conference shall be held on October 6, 1967, commencing at 9 a.m.: *And, it is further ordered*, That all proceedings shall take place in the offices of the Commission, Washington, D.C.

Issued: August 18, 1967.

Released: August 21, 1967.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-10027; Filed, Aug. 24, 1967; 8:46 a.m.]

[Docket Nos. 17624, 17625; FCC 67M-1414]

FRED KAYSBIER AND SIERRA BLANCA BROADCASTING CO. (KRRR)

Order Canceling Hearing

In re applications of Fred Kaysbier, Alamogordo, N. Mex., Docket No. 17624, File No. BP-18965; Edward D. Hyman, trading as Sierra Blanca Broadcasting Co. (KRRR), Ruidoso, N. Mex., Docket No. 17625, File No. BP-17487; for construction permits.

It is ordered, That the order of the Chief Hearing Examiner released August 11, 1967 (FCC 67M-1372), designating a Presiding Officer and a time and place for hearing in the above-entitled proceeding, is hereby rescinded.

Issued: August 18, 1967.

Released: August 21, 1967.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-10028; Filed, Aug. 24, 1967; 8:46 a.m.]

[Docket Nos. 17178-17180; FCC 67M-1413]

LAWRENCE COUNTY BROADCASTING CORP. ET AL.

Order Re Procedural Dates

In re applications of Lawrence County Broadcasting Corp., New Castle, Pa., Docket No. 17178, File No. BP-16602; Brownsville Radio, Inc., Brownsville, Pa., Docket No. 17179; File No. BP-16648; Shawnee Broadcasting Co., Aliquippa, Pa., Docket No. 17180, File No. BP-16880; for construction permits.

The Hearing Examiner having under consideration the letter of the three applicants in the above-entitled proceeding dated August 16, 1967, requesting that the procedural dates heretofore established be continued for a period of 60 days;

It appearing, that on June 12, 1967, there was filed with the Review Board a "Joint Request for Approval of Agreement" looking toward removal of the conflict, which was supplemented by the parties on August 4, 1967; and

It further appearing, that no useful purpose would be served by further action in this proceeding until the Review Board has acted upon said request for approval of agreement; and

It further appearing, that the Broadcast Bureau has no objection to a grant of this request, and that good cause has been shown therefor;

It is ordered, That the aforesaid request is granted, and that the following dates shall govern future proceedings in this case;

Preliminary exchange of engineering exhibits presently scheduled for August 14, 1967, is continued to October 16, 1967;

Final exchange of engineering and 307(b) exhibits presently scheduled for August 21, 1967, is continued to October 23, 1967;

Exchange of rebuttal exhibits presently scheduled for August 28, 1967, is continued to October 30, 1967;

Notification of witnesses presently scheduled for August 30, 1967, is continued to November 1, 1967; and

[2] Commissioners Wadsworth and Jonhson absent.

Hearing presently scheduled for September 19, 1967, is continued to November 21, 1967.

Issued: August 18, 1967.

Adopted: August 21, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-10029; Filed, Aug. 24, 1967; 8:46 a.m.]

[Docket No. 17510 etc.; FCC 67-891]

POTOMAC VALLEY TELEVISION CORP. ET AL.

Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Potomac Valley Telecasting Corp., Irons Mountain, Md., for modification of license of Station KGO 30 to provide for carriage of FM signals, Docket No. 17510, File No. 5908-C1-ML-65; Potomac Valley Telecasting Corp., Mt. Cacapon, W. Va., for modification of license of Station KQX 32 to provide for carriage of FM signals, Docket No. 17511, File No. 5909-C1-ML-65; Potomac Valley Telecasting Corp., Mt. Cacapon, W. Va., for renewal of License of Station KQX 32, Docket No. 17512, File No. 1068-C1-R-66; Potomac Valley Telecasting Corp., Irons Mountain, Md., for renewal of License of Station of KGO 30, Docket No. 17513, File No. 2633-C1-R-66; and Potomac Valley TV Co., Inc., Cumberland and LaVale, Md.; Ridgeley, Wiley Ford and Fort Ashby, W. Va., Docket No. 17514; Upper Potomac Television Co., Inc., Piedmont, W. Va.; Westernport, Md., Docket No. 17515; Frostburg Cable Television, Inc., Frostburg, Md., Docket No. 17516; Keyser Television Co., Inc., Keyser, W. Va., Docket No. 17531; Jackson Television Co., Inc., Lonaconing and Midland, Md., Docket No. 17532; requests for waiver of § 21.712 of the Commission's rules; and notifications given pursuant to § 74.1105 of the Commission's rules.

1. We here consider several requests, applications, petitions and notifications filed by (a) Potomac Valley Telecasting Corp. (hereafter Potomac Valley), a common carrier operating at the northern border between Maryland and West Virginia; and by (b) the five captioned CATV systems in Maryland and West Virginia which receive television signals from Potomac Valley's microwave relay stations. The basic question is whether the CATV operators will be required to provide carriage and program exclusivity for four television broadcast stations (WSVA-TV, WJAC-TV, WTAE-TV, and WFBG-TV), which claim rights under § 21.712 of the Commission's rules. The petitioners raise, in the main, one defense: that the television stations do not place signals of Grade B field strength over their communities.[1]

2. In a letter filed October 26, 1965, Potomac Valley first alleged lack of service from the television stations, while admitting they place predicted Grade B contours over the communities. Potomac Valley requested a waiver of § 21.712 of the rules, and asked that authorizations for Stations KGO 30 and KQX 32 be reissued without a condition requiring compliance with that provision. Potomac Valley's renewal applications (1066 and 2633-C1-R-66) were amended to request that the Commission determine § 21.712 inapplicable to Potomac Valley's affiliated CATV system in Cumberland, Md. Also, three of the carrier's other CATV customers (Upper Potomac Television Co., Inc., Frostburg Cable Television, Inc. and Keyser Television Co., Inc.) filed requests for waiver of § 21.712, as amendments to the renewal applications. Signal measurements were included with these petitions, and more detailed engineering studies were later submitted. After the Commission issued the Second Report and Order, the five CATV customers petitioned for waiver of amended Section 21.712, on the ground that the engineering data demonstrated that their areas are not within the measured (as opposed to predicted) Grade B contours of any of the requesting stations.[2]

3. The CATV systems involved are:

(a) Potomac Valley TV Co., Inc. (hereafter Potomac Valley TV), with 16,963 subscribers in Cumberland and La Vale, Md., and Ridgeley, Wiley Ford, and Fort Ashby, W. Va., who are provided the following television signals: (off the air) WFBG-TV (ABC, CBS), Altoona, Pa.; WSVA-TV (CBS, ABC), Harrisonburg, Va.; WJAC-TV (NBC), Johnstown, Pa.; (via microwave) WRC-TV (NBC), WTTG-TV (Ind.), WMAL-TV (ABC), WTOP-TV (CBS), WETA-TV (Educ.), and WDCA-TV (Ind.) all from Washington, D.C.; WBAL-TV (NBC), WJZ-TV (ABC), and WMAR-TV (CBS) all from Baltimore, Md.; and WGAL-TV (NBC) Lancaster, Pa. The systems lie within the predicted Grade B contours of WSVA-TV, WJAC-TV, WTAE-TV, Pittsburgh, Pa. (not carried), and WFBG-TV.[3]

(b) Upper Potomac Television Co., Inc., with 1,967 subscribers in Piedmont, W. Va., and Westernport, Md., receives via microwave all of Potomac Valley's signals. The systems lie within the predicted Grade B contours of WSVA-TV, WJAC-TV and WTAE-TV.

(c) Frostburg Cable Television, Inc., with 1,574 subscribers in Frostburg, Md., receives via microwave all of Potomac Valley's signals. The CATV system lies within the predicted Grade B contours of WJAC-TV and WTAE-TV.

(d) Keyser Television Co., Inc., with 3,001 subscribers in Keyser, W. Va., provides off-the-air and microwave service identical to Potomac Valley. The CATV system lies within the predicted Grade B contours of WSVA-TV and WJAC-TV.

(e) Jackson Television Co., Inc., with 1,037 subscribers in Lonaconing and Midland, Md., provides off-the-air and microwave service identical to Potomac Valley. The CATV systems lie within the predicted Grade B contours of WJAC-TV and WTAE-TV.

All of the above systems carry full time the signals of WRC-TV, WTTG-TV, WMAL-TV, WTOP-TV, and WETA-TV. When WETA-TV is not broadcasting, the signals of the remaining stations, including all those requesting § 21.712 rights except WTAE-TV, are carried on an alternating basis. Responsive pleadings have been filed to the CATV operators' various petitions by WJAC, Inc., licensee of WJAC-TV; The Hearst Corp., licensee of WTAE-TV; Gilmore Broadcasting Corp. of Virginia, licensee of WSVA-TV; and Triangle Publications, Inc., licensee of WFBG-TV, opposing the request of each system within the licensees' stations' predicted Grade B contours.

4. Petitioners have advanced the following arguments: That full carriage and program exclusivity protection for the requesting stations will force CATV operators, to their economic detriment, to remove a high percentage of currently carried stations; that viewers' habits will be disrupted; that subscribers' interests are more closely identified with Washington than the areas where requesting stations broadcast; that the absence of Grade B service to communities obviates any competitive threat from CATV importation of distant signals; that the Commission should stay the effect of its rules until a final determination of United Artists Television, Inc., v. Fortnightly Corp., 255 F. Supp. 177, appeal pending before the U.S. Court of Appeals for the Second Circuit (Docket No. 30767); that a broadcaster may not demand carriage while simultaneously reserving any rights it may have to programs; and that any material issue of fact arising in the mircowave renewal matter should be set for evidentiary hearing with all petitioners made a party.

5. Briefly, the engineering data submitted by petitioners follows four approaches: (a) The shadowing effect of mountainous terrain indicates that if measurements were taken along radials between station sites and CATV communities, measured Grade B contours would "fall short" of predicted contours; (b) profile graphs of terrain along the radials demonstrates line-of-sight signals are impossible to receive; (c) calculation of contours under propagation curves proposed in Docket No. 16004 would "shrink" predicted Grade B contours. WTAE-TV, WSVA-TV, and WFBC-TV would encompass none of the communities involved; WJAC-TV would no longer place a predicted Grade B contour over Frostburg; and (d) field intensity readings of all stations reveal but two Grade B strength signal measurements—both from WJAC-TV at two sites in Frostburg—out of a total of 95 measurement locations.

6. As to the arguments in paragraph 4 above, no factual showing has been made to support the alleged potential economic injury or community of interest. Nor is either argument pertinent to the issue of carriage and program exclusivity rights under § 21.712. The petitioners have elected to carry distant signals and, under our rules and their underlying rationale, they therefore have the responsibility for providing the required program exclusivity, absent a showing of unusual or extraordinary circumstances justifying some other course—no such showing has been made here. When it adopted the Second Report and Order, the Commission considered the problem of disruption of viewing habits, but concluded that carriage of local stations and same-day program exclusivity constituted an adequate compromise between the competing interests. Petitioners have not persuaded us of any reason to depart from this policy. We held in reconsideration of the Second Report and Order, FCC 67-34, that it would be manifestly unfair to require a CATV operator to carry the signals of a station demanding such rights while simultaneously threatening copyright liability. Thus, except for the question of whether the communities are within measured Grade B contours, there is no reason to grant the requested relief.

7. The engineering showing referred to in paragraph 5 (a), (b), and (c) above is inconclusive, but we believe that the field strength measurements, 5(d), raise a substantial and material question of fact. We stated in the Second Report and Order, "* * * carriage will not be required where a sufficient showing is made that a predicted signal is not in fact present in the community * * *."[4] None of the broadcasters here has supplied rebuttal engineering data, except WFBG-TV. Its May 18, 1966, opposition to the Potomac Valley TV waiver request contains an engineer's affidavit that cluster measurements made at the Cumberland head-end site revealed above-Grade B signals.[5] WTAE-TV and WJAC-TV have submitted engineers' statements criticizing Potomac Valley TV's exhibits, but neither has conducted its own studies. We are, however, unable to reach a conclusion based on the materials submitted by the parties and a hearing will be required. Therefore, we will deny Potomac Valley's request for unconditioned reissuance of its present authorization, but, pending the outcome of the hearing, the petitioners are authorized to continue their present mode of operation.

8. One further matter remains: On May 3, 1966, Potomac Valley TV sent notifications to WTAE-TV, WJAC-TV, and WFBG-TV of its intention to commence carriage of WDCA-TV, Washington, D.C., on June 3, 1966, via microwave on the Cumberland CATV system. By letters dated March 1, 1967, similar notifications were sent by Frostburg, Upper Potomac, Keyser, and Jackson to WTAE-TV, WJAC-TV, WFBG-TV, and WSVA-TV. Allegedly, due to oversight, Potomac Valley TV did not send a notification to WSVA-TV in May 1966, and this matter was also covered by the March 1967 notification. WJAC-TV contends that Jackson, Frostburg, Upper Potomac, and Keyser failed properly to comply with § 74.1105 of the Commission's rules and that the addition of WDCA-TV's signal to the CATV systems violated § 74.1105. We agree, and will order hearing on the issue of compliance with § 74.1105, contingent upon a determination of actual service by the requesting stations in the areas involved. We do not believe, however, that the situation will be improved by forcing cessation of WDCA-TV carriage at this time. We will, therefore, permit the CATV systems to continue carriage pending resolution of the factual issue of actual service.

9. In view of the foregoing, except as indicated by the issues specified below, Potomac Valley Telecasting Corp. is legally, technically, financially and otherwise qualified to operate as proposed. However, the Commission is unable to make the statutory finding that grant of these applications and waiver petitions would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing on the issues set forth below.

Accordingly, it is ordered, That the October 26, 1965, request of Potomac Valley Telecasting Corp., for reissuance of modified licenses (File Nos. 5908/5909-C1-ML-65) for Stations KQX 32 and KGO 30, without imposition of a condition subjecting them to the provisions of § 21.712 of the Commission's rules is denied.

It is further ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, and § 21.712 of the rules, the above-captioned renewal applications and applications for modification of licenses and petitions of Potomac Valley Telecasting Corp., Potomac Valley TV Co., Inc., Upper Potomac Television Co., Inc., Frostburg Cable Television, Inc., Keyser Television Co., Inc., and Jackson Television Co., Inc., WJAC, Inc., The Hearst Corp., Gilmore Broadcasting Corp. of Virginia, and Triangle Publications, Inc., are made parties to this proceeding, and, to participate, must comply with the applicable provisions of § 1.221 of the Commission's rules. The burden of proceeding with the introduction of evidence and the burden of proof with respect to all issues is upon the petitioning common carrier and CATV system operators.

Adopted: June 14, 1967.

Released: August 22, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[6]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-10030; Filed, Aug. 24, 1967; 8:46 a.m.]

FEDERAL MARITIME COMMISSION

BOOTH STEAMSHIP CO., LTD., AND LAMPORT & HOLT LINE LTD.

Notice of Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. P. Hancock, President, Booth American Shipping Corp., 17 Battery Place, New York, N.Y. 10004

3. In light of the evidence adduced pursuant to the foregoing issues, to determine upon what conditions the above-captioned renewal applications and applications for modification of licenses should be granted.

Potomac Valley Telecasting Corp., Potomac Valley TV Co., Inc., Upper Potomac Television Co., Inc., Frostburg Cable Television, Inc., Keyser Television Co., Inc., and Jackson Television Co., Inc., WJAC, Inc., The Hearst Corp., Gilmore Broadcasting Corp. of Virginia, and Triangle Publications, Inc., are made parties to this proceeding, and, to participate, must comply with the applicable provisions of § 1.221 of the Commission's rules. The burden of proceeding with the introduction of evidence and the burden of proof with respect to all issues is upon the petitioning common carrier and CATV system operators.

Adopted: June 14, 1967.

Released: August 22, 1967.

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[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-10030; Filed, Aug. 24, 1967; 8:46 a.m.]

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[1] On Feb. 27, 1967, Potomac Valley filed an application (3761-C1-P-67) to replace cable with microwave relay from KGO-30 to Cumberland. This application is not here involved.

[2] See footnote 40, Second Report and Order.

[3] Although reference was made to predicted Grade B coverage by KDKA-TV, Pittsburgh, Pa., Commission files indicate that station's predicted Grade B contour does not cover any CATV communities involved here.

[4] See footnote 2, supra.

[5] Whether or not a community receives Grade B signals is not, however, determined by signal strength at the CATV head-end site. See Frank K. Spain, doing business as Microwave Service Co., 2 FCC 2d 905.

[6] Commissioner Bartley concurring in part and dissenting in part and issuing a statement; Commissioner Cox dissenting and issuing a statement; Commissioner Loevinger concurring in the result; Commissioner Wadsworth absent. Statements filed as part of the original document.

Agreement 8215-2 between the Booth Steamship Co., Ltd., and Lamport & Holt Line, Ltd., modifies the basic agreement, as amended, by (1) deleting the words "British, French and Netherlands Guianas" after "Barbados" in Article I and substituting "Guyana, French Guiana and Surinam" in lieu thereof, and adding Brazilian and River Amazon Ports, and (2) altering the name of "Booth Lamport West Indies Service" to "Booth Lamport Joint Service."

Dated: August 22, 1967.

By Order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 67-10011; Filed, Aug. 24, 1967; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1098]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

AUGUST 18, 1967.

The following applications are governed by Special Rule 1.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of § 1.247(d)(4) of the special rule, and shall include the certification required therein.

Section 1.247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 629 (Sub-No. 26), filed August 7, 1967. Applicant: HELM'S EXPRESS, INC., Post Office Box 268, Pittsburgh, Pa. 15230. Applicant's representative: John A. Vuono, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Kebert Park, Greenwood Township, Crawford County, Pa., in connection with applicant's presently authorized regular route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Harrisburg, Pa.

No. MC 730 (Sub-No. 287), filed August 7, 1967. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 1417 Clay Street, Oakland, Calif. 94604. Applicant's representative: Alfred G. Krebs (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those which require armored vehicles or armed guards, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the plant site of Westinghouse Electric Corp. at or near Sykesville, Md., as an off-route point in connection with carrier's authorized regular route operations to and from Baltimore, Md. NOTE: Applicant states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Baltimore, Md., or Washington, D.C.

No. MC 730 (Sub-No. 288), filed August 7, 1967. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 1417 Clay Street, Oakland, Calif. 94604. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, and those injurious or contaminating to other lading, serving points in Norton, Decatur, Rawlins, Cheyenne, Sherman, and Thomas Counties, Kans., as off-route points in connection with carrier's authorized regular route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Hays, Topeka, Kans., or Kansas City, Mo.

No. MC 1872 (Sub-No. 68), filed July 31, 1967. Applicant: ASHWORTH TRANSFER, INC., 1826 South 600 West, Salt Lake City, Utah 84104. Applicant's representative: Keith E. Taylor, 520 Kearns Building, Salt Lake City, Utah 84101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as require special handling or special equipment by reason of size or weight, and commodities which do not require special handling or the use of special equipment, when moving in the same shipment on the same bill of lading and for the same consignee as commodities which because of size or weight require special handling or the use of special equipment, between points in Colorado and New Mexico.* NOTE: Applicant states it now holds authority to transport commodities which because of size or weight require special equipment between points in Colorado and New Mexico providing its Utah gateway is utilized. Tacking would occur with its authority in portions of its certificate MC 1872 and its Sub 55, thereunder wherein it conducts operations in the States of Arizona, Montana, Nevada, Colorado, Idaho, Wyoming, New Mexico, Nebraska, Kansas, Missouri, and South Dakota. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., Albuquerque, N. Mex., or Salt Lake City, Utah.

No. MC 2593 (Sub-No. 16), filed August 7, 1967. Applicant: BAUMANN BROS. TRANSPORTATION, INC., 2937 North 27th Street, Post Office Box 1524, Lincoln, Nebr. 68501. Applicant's representative: S. M. Norris (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Junk, scrap material, and ferrous and nonferrous articles*, between points in Nebraska, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). NOTE: Applicant states no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr., or Washington, D.C.

No. MC 3560 (Sub-No. 30), filed August 10, 1967. Applicant: GENERAL EXPRESSWAYS, INC., 1205 South Platte River Drive, Denver, Colo. 80223. Applicant's representative: Kenneth A. Willhite (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Gate 12, Pennsylvania Turnpike and Baltimore, Md., from Gate 12, Pennsylvania, Turnpike near Breezewood, Pa., over Interstate Highways 70 and 70N to Baltimore, Md., and return over the same route, serving no intermediate points, as an alternate route for operating convenience only. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Philadelphia, Pa.

No. MC 4906 (Sub-No. 3), filed July 10, 1967. Applicant: D. W. RAMSAY MOTOR FREIGHT, INC., 313 South F Street, Aberdeen, Wash. Applicant's representative: George H. Hart, 1100 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Household goods, heavy machinery, and building materials* (excluding cement in bulk, in tank vehicles), between points in Washington; (2) *agricultural commodities*, unmanufactured or unprocessed, between points in Washington west of the summit of the Cascade Mountain Range; (3) *General commodities* (except those of unusual value, classes A and B explosives, commodities in bulk, and those requiring special equipment), between points in Skamania, Clark, Cowlitz, Wahkiakum, Pacific, Lewis, Grays Harbor, Thurston, and Pierce Counties, Wash., and those portions of Kitsap and King Counties lying south of a line drawn east and west through the northern city limits of the city of Seattle, Wash.; and (4) *fruit and vegetables*, between Yakima, Wenatchee, Prosser, Wapato, Seattle, Tacoma, Raymond, and Hoquiam, Wash. Regular route: *General commodities* (except those of unusual value, classes A and B explosives, commodities in bulk, and those requiring special equipment), between Seattle and Vancouver, Wash., over Interstate Highway 5 and U.S. Highway 99, serving all intermediate points and the off-route points of Longview, Shelton, Sumner, Puyallup, Auburn, Kent, Renton, Bellevue, Snoqualmie Falls, and Bremerton, Wash. NOTE: By the instant application, applicant seeks to convert its certificate of registration No. MC 4906 (Sub-No. 1) to a Certificate of Public Convenience and Necessity, and it is not applicant's intent to broaden the scope of authority presently held in said certificate. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 5470 (Sub-No. 28), filed August 11, 1967. Applicant: ERSKINE & SONS, INC., Rural Delivery No. 5, Mercer, Pa. 16137. Applicant's representative: Theodore Polydoroff, Munsey Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferro-alloys*, in bulk, in dump vehicles, from Detroit, Mich., to Portsmouth, Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 9104 (Sub-No. 2), filed August 10, 1967. Applicant: JOSEPH P. WEINER and DALE E. WEINER, a partnership, doing business as WEINER BROTHERS TRUCK LINE, 520 Bridge, Humboldt, Kans. 66748. Applicant's representative: Clyde N. Christey, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal, metal products, metal fabrications, refractory materials, metal and refractory parts and accessories used in the manufacture of fired heaters*, between a 5-mile radius of Chanute, Kans., on the one hand, and, on the other, points in Oklahoma and Missouri. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Wichita or Topeka, Kans.

No. MC 11207 (Sub-No. 265), filed August 7, 1967. Applicant: DEATON, INC., 3409 10th Avenue North, Birmingham, Ala. 35234. Applicant's representative: A. Alvis Layne, Pennsylvania Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition boards (including wallboard, insulation board, fibreboard, pulpboard, ceiling tile), and parts, materials and accessories incidental to the installation thereof*, from the plantsite of the Flintkote Co., Meridian, Miss., to points in Alabama (except Birmingham and points within 65 miles thereof), Georgia (except Atlanta and its commercial zone), Florida, North Carolina, South Carolina, and Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Birmingham, Ala.

No. MC 13282 (Sub-No. 1), filed July 24, 1967. Applicant: O. H. FRISBIE MOVING & STORAGE CO., a corporation, 12811 Schaefer Road, Detroit, Mich. 48227. Applicant's representative: Robert A. Sullivan, 1800 Buhl Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between Detroit, Mich., and points within the commercial zone thereof, on the one hand, and, on the other, points in Michigan within 50 miles thereof, restricted to shipments moving in containers and having an immediately prior or subsequent movement by rail, motor, water, or air and moving on through bills of lading of forwarders, operating under the section 402(b)(2) exemption. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Washington, D.C.

No. MC 19251 (Sub-No. 9), filed July 13, 1967. Applicant: HERBERT M. ADAMS, doing business as ADAMS VAN & STORAGE CO., 80 Dutton Street, Box 803, Bangor, Maine 04401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containerized household goods*, between points in Maine. NOTE: If a hearing is deemed necessary, applicant requests it be held at Bangor, Augusta, or Portland, Maine.

No. MC 20207 (Sub-No. 39), filed August 7, 1967. Applicant: CONTINENTAL TRANSPORTATION LINES, INC., Continental Square, Graham Street, McKees Rocks, Pa. 15136. Applicant's representative: John A. Vuono, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving Kebert Park, Greenwood Township, Crawford County, Pa., as an off-route point in connection with carrier's presently authorized regular route operations between Pittsburgh, Pa., and Buffalo, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Harrisburg, Pa.

No. MC 28956 (Sub-No. 13), filed August 7, 1967. Applicant: G. P. RYALS, doing business as RYALS TRUCK SERVICE, Post Office Box 634, Albany, Oreg. Applicant's representative: Lawrence V. Smart, Jr., 419 Northwest 23d Avenue, Portland, Oreg. 97210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ore*, in bulk, from Portland, Oreg., and Vancouver, Wash., to Albany, Oreg.

[1] Copies of Special Rule 1.247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 31600 (Sub-No. 616), filed August 8, 1967. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass. 02154. Applicant's representative: Harry C. Ames, Jr., 529 Transportation Building, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carbon black*, in bulk, in tank or hopper type vehicles, from points in Pleasants County, W. Va., to points in Indiana, Kentucky, Maryland, Massachusetts, Michigan, New York, Ohio, Pennsylvania, and Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 33628 (Sub-No. 279), filed August 8, 1967. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, a corporation, 134 Grandville SW., Grand Rapids, Mich. 49502. Applicant's representative: Leonard D. Verdier, Jr., 900 Old Kent Building, Grand Rapids, Mich. 49502. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk, serving Kebert Park, Greenwood Township, Crawford County, Pa., as an off-route point, in connection with regular route operations between Pittsburgh, Pa., and Erie, Pa., over U.S. Highway 19. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 39731 (Sub-No. 15), filed August 4, 1967. Applicant: THE WM. HERBERT & SON COMPANY, a corporation, 36 Ridge Avenue, Youngstown, Ohio 44502. Applicant's representative: Harold G. Hernly, 711 14th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Institutional, laboratory and business furniture, equipment, fixtures, supplies, accessories, and parts; data processing accessory equipment, supplies, and parts; data processing equipment cabinets, frames, panels, accessories and parts thereof;* and *printed forms, advertising matter display and show paraphernalia, and plastic articles* when moving with any of the above described commodities, between the plants and facilities of the General Fireproofing Co. located at Youngstown, Ohio, on the one hand, and, on the other, points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, Pennsylvania, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio, or Pittsburgh, Pa.

No. MC 41098 (Sub-No. 22), filed August 11, 1967. Applicant: GLOBAL VAN LINES, INC., Number One Global Way, Anaheim, Calif. 92803. Applicant's representative: Alan P. Wohlstetter, 1 Parragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Arizona on the one hand, and, on the other, points in the United States (except Alaska). NOTE: If a hearing is deemed necessary, applicant requests it be held at Anaheim or Los Angeles, Calif.

No. MC 41240 (Sub-No. 11), filed August 3, 1967. Applicant: NELSON TRUCKING SERVICE, INC., Post Office Box 161, Mediapolis, Iowa. Applicant's representative: Thomas F. Kilroy, 1341 G Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, dangerous explosives, household goods, as defined by the Commission in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, commodities requiring special equipment, and commodities in bulk, serving points in Illinois on and south of U.S. Highway 6 from junction U.S. Highway 6 and Illinois Highway 88 to junction U.S. Highway 51 to its junction with Illinois Highway 17, those points on and north of Illinois Highway 17, to its junction with Illinois Highway 88 and those points on and east of Illinois Highway 88 to its junction with U.S. Highway 6, in connection with applicant's regular-route operations between Sandwich, Ill., and Mediapolis, Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Des Moines, Iowa.

No MC 42487 (Sub-No. 677), filed August 14, 1967. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: Vernon S. Tyler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, dry, in bulk, (1) between points in California; (2) from points in California to points in Washington; and, (3) from points in California to Houston, Tex., and Pascagoula, Miss. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles or San Francisco, Calif.

No. MC 52579 (Sub-No. 80), filed August 11, 1967. Applicant: GILBERT CARRIER CORP., 441 Ninth Avenue, New York, N.Y. 10001. Applicant's representative: Aaron Hoffman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, between Shelbyville, Ind., on the one hand, and, on the other, points in New York, N.Y., commercial zone; Nassau and Westchester Counties, N.Y., and Bergen, Passaic, Essex, Hudson, and Union Counties, N.J. NOTE: Applicant states it would tack at New York, N.Y., and Secaucus, N.J., with all existing authority serving said points. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 53965 (Sub-No. 90), filed July 27, 1967. Applicant: GRAVES TRUCK LINES, INC., 730 North 10th Street, Salina, Kans. Applicant's representative: John E. Jandera, 641 Harrison, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading, serving points in Cheyenne, Sherman, Thomas, Sheridan, Wallace, and Logan Counties, Kans., as off-route points in connection with carrier's authorized regular route operations. NOTE: If a hearing is deemed necessary applicant requests it be held at Hays, Topeka, Kans., or Kansas City, Mo.

No. MC 59567 (Sub-No. 34), filed August 10, 1967. Applicant: MOTOR FREIGHT EXPRESS, a corporation, Arsenal Road and Toronita Street, Post Office Box 1030, York, Pa. 17405. Applicant's representative: Robert H. Griswold, 100 Pine Street, Post Office Box 452, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving Kebert Park, Greenwood Township, Crawford County, Pa., as an off-route point in connection with carrier's authorized regular route operations at Youngstown, Ohio, and Sharon and Pittsburgh, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Harrisburg, Pa.

No. MC 61396 (Sub-No. 189), filed August 9, 1967. Applicant: HERMAN BROS. INC., 2501 North 11th Street, Omaha, Nebr. 68110. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bauxite ore*, in bulk, in tank trailers, from Monroe, La., to Redwood, Miss. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., Chicago, Ill., or New York, N.Y.

No. MC 61592 (Sub-No. 84) (Amendment), filed July 11, 1967, published FEDERAL REGISTER issue of July 27, 1967, and republished as amended, this issue. Applicant: JENKINS TRUCK LINES, INC., 3708 Elm Street, Bettendorf, Iowa 52722. Applicant's representative: R. Connor Wiggins, Jr., 909, 100 North Main Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Incinerators*, knocked down, and *accessories*, therefor, including *blow pipe*, from Memphis, Tenn., and points in its commercial zone to points in Arkansas, Louisiana, Kentucky, Texas, Georgia, North Carolina, Virginia, Mississippi, Missouri, Oklahoma, Illinois, Arizona, Colorado, Indiana, Kansas, Maine, New Mexico, Ohio, South Dakota, Montana, Minnesota, Pennsylvania, West Virginia, and Vermont. NOTE: Applicant states it would tack the proposed authority with any appropriate authority held, however none is known at this time. The purpose of this republication is to change the scope of the application and to delete the States of Alabama and Florida. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 61592 (Sub-No. 86), filed August 4, 1967. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, Iowa 52722. Applicant's representative: Donald W. Smith, 511 Fidelity Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural machinery, agricultural implements, forestry machinery, grain bins, and parts* for the commodities named when moving in mixed loads with the commodities named above, from the plantsite of the Long Manufacturing Co. located at or near Davenport, Iowa, to points in the United States, except Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Wisconsin, Texas, and Hawaii, and (2) *materials and supplies* used in the manufacture of agricultural machinery, agricultural implements, forestry machinery, and grain bins, from points in the United States, except Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Wisconsin, Texas, and Hawaii, and (2) *materials and supplies* used in the manufacture of agricultural machinery, agricultural implements, forestry machinery, and grain bins, from points in the United States, except Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Wisconsin, Texas, and Hawaii, to the plantsite of the Long Manufacturing Co. located at or near Davenport, Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 65285 (Sub-No. 15), filed August 4, 1967. Applicant: HILMER LINDBURG AND L. D. LINDBURG, a partnership, doing business as LINDBURG TRUCK LINE, Post Office Box 156, Mackay, Idaho. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ore or ore concentrates*, in bulk or in containers, from points in Butte, Blaine, Lemhi, Clark, Custer, Elmore, Boise, Gem, and Valley Counties, Idaho to points in California, Nevada, Montana, Washington, and Utah. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 76032 (Sub-No. 216), filed August 10, 1967. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, Colo. 80223. Applicant's representative: Kenneth A. Willhite (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment (not including goods requiring refrigeration), and those injurious or contaminating to other lading, between Denver, Colo., and Los Angeles, Calif., from Denver over Interstate Highway 70 to junction Interstate Highway 15, at or near Cove Fort, Utah, thence over Interstate Highway 15 to junction Interstate Highway 10, at or near San Bernardino, Calif., thence over Interstate Highway 10, to Los Angeles, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with carrier's authorized regular route operations. NOTE: Applicant states that portion of Interstate Highways 70 and 15 between Denver and San Bernardino, Calif., are incomplete, and authority is sought to operate over U.S. Highway 6 to Price, Utah, thence over Utah Highways 10 and 4 and U.S. Highway 89 to junction Interstate Highway 15 at or near Cove Fort, Utah, thence over U.S. Highway 91 and Interstate Highway 15 to Cedar City, Utah. As portions of Interstate Highways 70 and 15 are completed, applicant will relinquish authority over the above routes and operate over the completed portions of Interstate Highways 70 and 15. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver Colo., or Los Angeles, Calif.

No. MC 76032 (Sub-No. 217), filed August 10, 1967. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, Colo. 80223. Applicant's representative: Kenneth A. Willhite (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Fort Garland, Colo., and Santa Cruz, N. Mex., from Fort Garland, over Colorado Highway 159 to the Colorado-New Mexico State line, thence over New Mexico Highway 3 to junction U.S. Highway 64 at Taos, N. Mex., thence over U.S. Highway 285 at Santa Cruz, N. Mex., and return over the same route, serving no intermediate points, in connection with applicant's authorized regular route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Albuquerque, N. Mex.

No. MC 77424 (Sub-No. 31), filed August 7, 1967. Applicant: WENHAM TRANSPORTATION INC., 3200 East 79th Street, Cleveland, Ohio 44104. Applicant's representative: J. G. Bamer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors* (not including tractors with vehicle beds, bed frames, or fifth wheels); *agricultural implements; farm machinery; industrial and construction machinery and equipment; tractor parts and attachments; agricultural implements parts and attachments; farm machinery parts and attachments; industrial and construction machinery and equipment parts and attachments*, (b) from Coldwater, Ohio, to points in Indiana, Illinois, and Michigan (Southern Peninsula); and (2) *materials, equipment, and supplies, including tools, utensils, containers, implements, machinery or parts used in the manufacture, sale and distribution of the commodities named above*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 83539 (Sub-No. 215), filed August 7, 1967. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, Dallas, Tex. 75222. Applicant's representative: W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Conduit or pipe, cement containing asbestos fiber*, from the plantsite and warehouses of Johns-Manville, Corp., Waukegan, Ill., to points in Arkansas, Indiana, Kentucky, Michigan, Missouri, New York, Ohio, Oklahoma, Pennsylvania, Texas, West Virginia, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 96324 (Sub-No. 12) (Correction), filed July 25, 1967, published in FEDERAL REGISTER issue of August 10, 1967, corrected August 14, 1967, and republished as corrected this issue. Applicant: GENERAL DELIVERY, INC., 1822 Morgantown Avenue, Post Office Box 1816, Fairmont, W. Va. Applicant's representative: Harold G. Hernly, 711 14th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials and supplies used in the manufacture and shipping of glass containers* (except commodities in bulk in tank vehicles), from points in Pennsylvania, Ohio, Kentucky, Maryland, New Jersey, New York, and Virginia (except Big Island) to Fairmont, W. Va. NOTE: The purpose of this republication is to show in the commodity description in regards to "exceptions", *in* tank vehicles in lieu of *and* tank vehicles. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 100463 (Sub-No. 24), filed August 14, 1967. Applicant: SMITH TRANSPORT (U.S.) LIMITED, 20 Toronto Street, Toronto, Ontario, Canada. Applicant's representative: Leonard Amdurskey, 26 East Onida Street, Oswego, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Aluminum and aluminum products*, including but not limited to *coil, sheet and scrap*, between the plantsite of Alcan, Inc., and junction U.S. Highway 11 and Interstate Highway 81; from the plantsite of Alcan, Inc., located on or near Oswego County Highway 1 easterly of the city of Oswego, N.Y., over Oswego County Highway 1 to junction County Highway 29, thence over County High-

way 20 to junction U.S. Highway 164, thence over U.S. Highway 164 to junction U.S. Highway 169, thence over U.S. Highway 169 to junction New York Highway 3, thence over New York Highway 3 to junction New York Highway 13, thence over New York Highway 13 to the Village of Pulaski, N.Y., thence over city streets of the Village of Pulaski, N.Y., to junction U.S. Highway 11 and Interstate Highway 81, and return over the same route, serving no intermediate points, restricted to shipments moving in foreign commerce only. NOTE: If a hearing is deemed necessary, applicant requests it be held at Rochester or Syracuse, N.Y.

No. MC 109494 (Sub-No. 11), filed August 16, 1967. Applicant: EASLEY HAULING SERVICE, INC., 902 North First Avenue, Yakima, Wash. 98902. Applicant's representative: Earle V. White, 2400 Southwest Fourth Avenue, Portland, Oreg. 97201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Shipping containers*, from Longview, Wash., to points in Nez Perce County, Idaho, and Umatilla County, Oreg., under contract with Longview Fibre Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 109993 (Sub-No. 294), filed August 16, 1967. Applicant: MORGAN DRIVE AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Robert G. Tessar, 2800 West Lexington Avenue, Suite 103–104, Elkhart, Ind. 46514. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Wood County, Ohio, to points in the United States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Toledo, Ohio.

No. MC 109406 (Sub-No. 68), filed August 3, 1967. Applicant: KAW TRANSPORT COMPANY, a corporation, Post Office Box 3525, Sugar Creek, Mo. 64054. Applicant's representative: Robert L. Hawkins, Jr., 312 East Capitol Avenue, Jefferson City, Mo. 65101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from pipeline terminals of Williams Brothers Pipeline Co., located at or near Carthage and Springfield, Mo., to points in Kansas and Arkansas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 107496 (Sub-No. 562) (Amendment), filed May 4, 1967, published in the FEDERAL REGISTER issue of May 18, 1967, amended August 10, 1967, and republished as amended this issue. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cove oil and resin*, in bulk, from Mishawaka, Ind., to points in Pennsylvania, New York, Michigan, Illinois, Missouri, Wisconsin, Ohio, Minnesota, Iowa, and Kentucky. NOTE: The purpose of this republication is to add points in Kentucky to the destination description. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Gary, Ind.

No. MC 107496 (Sub-No. 561), filed August 7, 1967. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer materials, acids and chemicals* including but not limited to *anhydrous ammonia, fertilizer solutions, insecticides, fungicides, herbicides, aqua ammonia, methanol, urea and urea products*, in bulk, from the plantsite of Gulf Oil Corp. (Panatina Works) located at or near Donaldsonville, La., to points in Alabama, Arkansas, Mississippi, Missouri, Oklahoma, Tennessee, and Texas. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 107544 (Sub-No. 75), filed August 7, 1967. Applicant: LEMMON TRANSPORT COMPANY, INCORPORATED, Post Office Box 580, Marion, Va. 24354. Applicant's representative: Harry C. Ames, Jr., Transportation Building, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soda ash*, in bulk, from Saltville, Va., to Washington, D.C., and points in Maryland and New Jersey. NOTE: Applicant holds contract carrier authority under MC–113060 and Sub-2, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 108026 (Sub-No. 95), filed August 11, 1967. Applicant: C & D TRANSPORTATION CO., INC., Post Office Drawer 1906, Mobile, Ala. 36601. Applicant's representative: Robert E. Keene (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feeds* (except commodities in bulk), from Memphis, Tenn., Sikeston, Mo., and Meridian, Miss., to Mobile and Eight Mile, Ala. NOTE: If a hearing is deemed necessary, applicant requests it be held at Mobile, Ala.

No. MC 108397 (Sub-No. 155), filed August 11, 1967. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, Post Office Box 113, Joplin, Mo. 64801. Applicant's representative: Daniel B. Johnson, 847 Warner Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A, B, and C explosives, blasting materials and supplies, ammunition and component parts of ammunition and explosives*, between West Hanover and Hingham, Mass., Richmond, Ind., Janesville, Wis., La Salle and Elk Grove, Ill., Hopkins and New Brighton, Minn. NOTE: Applicant states it will tack the applied for authority where possible to provide a through service for the supporting shipper. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 109435 (Sub-No. 48), filed August 11, 1967. Applicant: ELLSWORTH BROS. TRUCK LINE, INC., Post Office Drawer J, Stroud, Okla. 74079. Applicant's representative: W. T. Brunson, 420 Northwest Sixth Street, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, and in bags, from Ada, Okla., to points in Arkansas and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., or Dallas, Tex.

No. MC 110193 (Sub-No. 160), filed August 7, 1967. Applicant: SAFEWAY TRUCK LINES, INC., 20460 Ireland Road, Post Office Box 2636, South Bend, Ind. 46613. Applicant's representative: William J. Monheim (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from St. Louis, Mo., to points in Indiana, Ohio, Pennsylvania (except Philadelphia, Scranton and Kimberton and those points in Pennsylvania on and south of U.S. Highway 322, and on and west of U.S. Highway 219), Michigan, Delaware (except Wilmington), Maryland (except Baltimore), New Hampshire, Maine, and Vermont. NOTE: Applicant states it intends to tack at Chicago, Ill., and West Richfield, Ohio, to serve northern halves of Indiana, Ohio, Pennsylvania, Delaware, and Maryland. No duplicating authority is sought. Circuitous gateways will be eliminated by this application. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 110420 (Sub-No. 551), filed August 7, 1967. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. 53105. Applicant's representative: Allan B. Torhorst, Post Office Box 530, Burlington, Wis. 53105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Core oil and resin*, in bulk, from Mishawaka, Ind., to points in Illinois, Iowa, Michigan, Minnesota, Missouri, New York, Ohio, Pennsylvania, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 111231 (Sub-No. 133), filed August 2, 1967. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, Ark. 72764. Applicant's representative: B. J. Wiseman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except dangerous explosives, serving the Argonne Industrial District located in Du Page and Will Counties, Ill., as an off-route point in connection with operations authorized under MC 111231 and subs. NOTE: Applicant states that the above proposed authority will be restricted to service between the Argonne Industrial District and Chicago, Ill., and points in its commercial zone for purposes of joinder only. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 111397 (Sub-No. 32), filed August 9, 1967. Applicant: DAVIS TRANSPORT, INC., 1845 South Fourth Street, Paducah, Ky. 42001. Applicant's representative: Herbert S. Melton, Jr., Box 1284, Paducah, Ky. 42001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferrophosphorus*, in bulk, in dump vehicles, from the plantsite of Mobile Chemical Co., located at Mt. Pleasant, Tenn., to points in Ohio, Indiana, Illinois, Alabama, West Virginia, and Kentucky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Washington, D.C.

No. MC 111401 (Sub-No. 230), filed August 3, 1967. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, Okla. 73701. Applicant's representative: Alvin L. Hamilton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lubricating oil*, in bulk, from Wood River, Ill., to points in Colorado, Kansas, Oklahoma, Texas, and Wyoming. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Kans., or Oklahoma City, Okla.

No. MC 111401 (Sub-No. 231), filed August 4, 1967. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, Okla. 73701. Applicant's representative: Alvin L. Hamilton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer, fertilizer materials, fertilizer solutions, fertilizer ingredients and pesticides*, from points in Jasper County, Mo., to points in Arkansas, Iowa, Kansas, Nebraska, Oklahoma, and Texas and (2) *sulfuric acid*, from Meodesha, Kans., to Atlas, Mo. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Oklahoma City, Okla.

No. MC 111401 (Sub-No. 232), filed August 10, 1967. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, Okla. 73701. Applicant's representative: Alvin L. Hamilton, 2510 Rock Island Boulevard, Post Office Box 632, Enid, Okla. 73701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer ingredients, and fertilizer compound*, from Etter, Tex., to points in Oklahoma. NOTE: Applicant states it intends to tack this proposed authority with other presently held authorized authority. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., or Kansas City, Mo.

No. MC 111994 (Sub-No. 5), filed July 31, 1967. Applicant: DENNIS STORAGE CO., INC., 304 Railroad Avenue, Salisbury, Md. Applicant's representative: Clarence D. Todd, 1225 Jefferson Place NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such machinery, materials, equipment, and supplies*, as are used or useful in the installation, repair, and maintenance of public utility facilities, between Salisbury, Md., on the one hand, and, on the other, points in Queen Annes, Caroline, Talbot, Dorchester, Wicomico, Worchester, and Somerset Counties, Md., Kent and Sussex Counties, Del., and Accomac and Northampton Counties, Va., under contract with Delmarva Power & Light Co., of Maryland. NOTE: Applicant holds common carrier authority in MC 76780, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Baltimore, Md.

No. MC 113267 (Sub-No. 179), filed August 7, 1967. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. 62232. Applicant's representative: Lawrence A. Fischer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, canned, preserved, and frozen, and *animal feed*, from points in Harrison and Jackson Counties, Miss., to points in Tennessee, Kentucky, Michigan, Indiana, Illinois, Arkansas, Missouri, Iowa, Wisconsin, Minnesota, Kansas, Nebraska, South Dakota, and North Dakota. NOTE: If a hearing is deemed necessary, applicant requests it be held at Biloxi, Miss., or New Orleans, La.

No. MC 113363 (Sub-No. 138), filed August 7, 1967. Applicant: ELLSWORTH FREIGHT LINES, INC., 220 East Broadway, Eagle Grove, Iowa. Applicant's representative: William J. Boyd, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Metal closures for bottles, glasses, or jars and manufacturing waste materials*, from New Market, N.J., to points in Kentucky, Louisiana, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 113678 (Sub-No. 287), filed August 7, 1967. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo. 80216. Applicant's representative: Duane W. Acklie, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses*, as described in sections A, B, and C of appendix I to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Mankato, Kans., to points in Maine, New Hampshire, Massachusetts, New York, Connecticut, Rhode Island, New Jersey, Pennsylvania, West Virginia, Maryland, Delaware, Kentucky, Virginia Tennessee, North Carolina, South Carolina, Louisiana, Mississippi, Alabama, Georgia, Florida, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Omaha, Nebr.

No. MC 113855 (Sub-No. 166), filed August 3, 1967. Applicant: INTERNATIONAL TRANSPORT, INC., South Highway 52, Rochester, Minn. 55902. Applicant's representative: Franklin J. Van Oedel, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Street sweepers and parts*, from points in Los Angeles County, Calif., to points in the United States (except Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., Washington, D.C., or Chicago, Ill.

No. MC 114045 (Sub-No. 286), filed August 8, 1967. Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex. 75222. Applicant's representative: R. L. Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Camera and camera outfits, unexposed photographic paper, unexposed photographic film, photographic plates, photographic chemicals, advertising matter, matrix and surface coated paper*, not printed, in vehicles equipped with mechanical refrigeration, from Teterboro, N.J., to points in Oklahoma, Texas, and California. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 114194 (Sub-No. 141), filed August 10, 1967. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Road, East St. Louis, Ill. 62201. Applicant's representative: Gene Kreider (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dextrose, sweeteners, syrups and mixtures and blends thereof; starches, feed ingredients, and steepwater*, in bulk, in tank vehicles, from Decatur, Ill., to (1) points in Illinois and (2) Edinburg, Ind. NOTE: Applicant indicates it intends to tack with its existing authority at Granite City and Dupo, Ill.; Edinburg, Ind., to provide a service to the area sought herein. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 114334 (Sub-No. 12), filed August 10, 1967. Applicant: BUILDERS TRANSPORTATION COMPANY, a corporation, 3265 Tulane Road, Memphis, Tenn. 38116. Applicant's representative: Dale Woodall, 900 Memphis Bank Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rust preventive pipeline coating* (coal tar base), in drums, from Memphis, Tenn., to points in Mississippi, Texas, Oklahoma, Arkansas, Kentucky,

and Louisiana. NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 114569 (Sub-No. 83), filed August 2, 1967. Applicant: SHAFFER TRUCKING, INC., Post Office Box 418, New Kingstown, Pa. 17072. Applicant's representative: James W. Hagar, Post Office Box 432, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese* (1) from Fredericksburg and Preston, Iowa, to points in Maryland, New Jersey, New York, Pennsylvania, and the District of Columbia; and (2) points in New Wilmington Township, Lawrence County, Pa., and Smichsburg, Pa., to points in New Jersey and New York. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 115669 (Sub-No. 77), filed August 7, 1967. Applicant: HOWARD N. DAHLSTEN, doing business as DAHLSTEN TRUCK LINE, Post Office Box 95, Clay Center, Nebr. 68933. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and fertilizer materials*, from Kansas City, Mo., including points in the commercial zone, to points in Iowa, Kansas, Missouri, Nebraska, and Oklahoma. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Omaha, Nebr.

No. MC 115841 (Sub-No. 310), filed August 7, 1967. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Post Office Box 2169, Birmingham, Ala. 35201. Applicant's representative: C. E. Wesley (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oleomargarine, salad dressing, coconut oil, vegetable oil, vegetable oil fatty acids, cooking oil, shortening, stearine, stearate, mayonnaise, and related advertising matter when moving in mixed shipments with the specified commodities* (except commodities in bulk in tank vehicles), from Columbus, Ohio, to points in Michigan, New York, Pennsylvania, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Alabama, Florida, New Jersey, Maryland, Massachusetts, Connecticut, Maine, Delaware, Tennessee, Mississippi, Arkansas, Louisiana, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 115841 (Sub-No. 311), filed August 7, 1967. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Post Office Box 2169, Birmingham, Ala. 35201. Applicant's representative: Paul M. Daniell, Suite 1600 First Federal Building, Atlanta, Ga. 30303, and C. E. Wesley (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* (except hides, and in bulk and tanks vehicles), from Lexington, Ky., to points in Alabama, Georgia, Louisiana, Mississippi, Tennessee, and Boston, Mass., the Lower Peninsula of Mich., and Allentown, Pa. NOTE: Applicant states it could tack this proposed authority with other presently held authority at Birmingham, Ala., and points in Tennessee to serve points in Florida. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Memphis, Tenn.

No. MC 116077 (Sub-No. 217), filed August 11, 1967. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Post Office Box 1505, Houston, Tex. 77001. Applicant's representative: Thomas E. James, The 904 Lavaca Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry resins*, in bulk, in tank- or hopper-type vehicles, from Orange, Tex., to Lake Charles, La. NOTE: If a hearing is deemed necessary, applicant did not specify location.

No. MC 116273 (Sub-No. 97), filed August 10, 1967. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, Ill. 60650. Applicant's representative: Robert G. Paluch (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum oil*, in bulk, in tank vehicles, from points in Chicago, Ill., to points in Louisiana. NOTE: Applicant intends to tack with existing authority at points in Illinois and Indiana. If a hearing is deemed necessary applicant requests it be held at Chicago, Ill.

No. MC 117675 (Sub-No. 5), filed August 4, 1967. Applicant: FELTON METTS, doing business as METTS TRUCKING COMPANY, 5066 Jacks Street, Jacksonville, Fla. Applicant's representative: Sol H. Proctor, 1729 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Charleston, S.C., to points in Florida. NOTE: If a hearing is deemed necessary, applica it requests it be held at Jacksonville, Fla.

No. MC 117851 (Sub-No. 2), filed August 14, 1967. Applicant: JOHN R. CHEESEMAN, 501 North First Street, Fort Recovery, Ohio 45846. Applicant's representative: Earl N. Merwin, 85 East Gay Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Recovery Township, Mercer County, Ohio, on the one hand, and, on the other, points in Arkansas, Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Massachusetts, Michigan, Missouri, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, and Wisconsin, under a continuing contract with Fort Recovery Industries, Inc., Fort Recovery, Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 119226 (Sub-No. 54), filed August 7, 1967. Applicant: LIQUID TRANSPORT CORP., 3901 Madison Avenue, Indianapolis, Ind. 46227. Applicant's representative: Robert W. Loser, 409 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, in tank vehicles, from Indianapolis, Ind., to points in Illinois, Kentucky, Michigan, and Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Louisville, Ky.

No. MC 119767 (Sub-No. 197), filed August 7, 1967. Applicant: BEAVER TRANSPORT CO., a corporation, 109 South Calumet Street, Burlington, Wis. 53105. Applicant's representative: Allan B. Torhorst, Post Office Box 339, Burlington, Wis. 53105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Products of corn and soy beans*, from points in Macon County, Ill., to points in Michigan, Ohio, Wisconsin, and Iowa. NOTE: Applicant states it intends to tack this proposed authority with other presently held authority serving points in Minnesota. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 119767 (Sub-No. 198), filed August 10, 1967. Applicant: BEAVER TRANSPORT CO., a corporation, 109 South Calumet Street, Burlington, Wis. 53105. Applicant's representative: Allan B. Tornhorst, Post Office Box 339, Burlington, Wis. 53105, and Fred H. Figge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat byproducts, and articles distributed by meat packinghouses* (except hides and commodities in bulk in tank trucks), as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite and/or warehouse, facilities of George A. Hormel & Co. located at Austin, Minn., to points in Illinois, Indiana, and Wisconsin, Restricted to traffic originating at the above-named plantsite or warehouse facilities. NOTE: Applicant states the proposed authority herein can or will be joined with its presently authorized authority and Sub 82 wherein it is authorized to operate at Burlington, Wis. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Chicago, Ill.

No. MC 119830 (Sub-No. 1), filed August 7, 1967. Applicant: L. A. LAMBRECHT TRUCKING CO., a corporation, Post Office Box 273, Sterling, Ill. 61081. Applicant's representative: Kenneth F. Dudley, 901 South Madison Avenue, Post Office Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, from Sterling and Rock Falls, Ill., to points in Indiana and

Wisconsin; points in that part of Minnesota on and south of U.S. Highway 14; points in Missouri on and north of a line beginning at St. Louis, Mo., and extending along U.S. Highway 66 to Lebanon, Mo., thence along Missouri Highway 5 to Camdenton, Mo., and thence along U.S. Highway 54 to the Missouri-Kansas State Line. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 123405 (Sub-No. 19), filed August 8, 1967. Applicant: FOOD TRANSPORT, INC., Post Office Box 1041, York, Pa. 17404. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned mushrooms*, from the plant site of Biscanti Foods, Inc., located at or near Evansville Maidencreek Township, Berks County, Pa., to points in Florida, Georgia, North Carolina, and South Carolina. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Harrisburg, Pa.

No. MC 123589 (Sub-No. 3), filed August 7, 1967. Applicant: N & K CARTAGE COMPANY, a corporation, 2501 Henry Street, Muskegon, Mich. 49441. Applicant's representative: Robert A. Sullivan, 1800 Buhl Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from Muskegon, Mich., to points in Indiana, Illinois, and Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., Chicago, Ill., or Washington, D.C.

No. MC 124083 (Sub-No. 37), filed August 7, 1967. Applicant: SKINNER MOTOR EXPRESS, INC., 1035 South Keystone Avenue, Indianapolis, Ind. 46203. Applicant's representative: Lee M. LeMay, 45 North Pennsylvania Street, Suite 312, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diammonium phosphate* in bulk and dump vehicles, from the plantsites, warehouses, and facilities of the New Jersey Zinc Co., located at or near Depue and Riverdale, Ill.; Des Moines and Dubuque, Iowa, to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124377 (Sub-No. 9), filed August 7, 1967. Applicant: REFRIGERATED FOODS, INC., 3200 Blake Street, Denver, Colo. 80205. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, Colo. 80203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses* as described in Sections A and C, Appendix I to report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles, from Brush, Colo., and points within a 5-mile radius thereof, to El Paso, Tex., and points within a 5-mile radius thereof, under contract with Sigman Meat Co., Inc., Denver, Colo. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or El Paso, Tex.

No. MC 124774 (Sub-No. 43) (Amendment), filed May 19, 1966, published FEDERAL REGISTER issue of June 23, 1966, amended August 3, 1967, and republished as amended this issue. Applicant: CARAVELLE EXPRESS, INC., Post Office Box 384, Norfolk, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Darr, Nebr., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and Washington, D.C., and its commercial zone, restricted to traffic originating at Darr, Nebr. NOTE: Applicant proposes to transport exempt commodities on return. The purpose of this republication is to broaden the territorial authorization sought herein and to add the restriction. If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 124774 (Sub-No. 68), filed July 27, 1967. Applicant: CARAVELLE EXPRESS, INC., Box 384, Norfolk, Nebr. 68701. Applicant's representative: Richard N. McCoy, Post Office Box 384, Norfolk, Nebr. 68701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I, to the *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in Jewell County, Kans., to points in Colorado, Connecticut, Georgia, Illinois, Indiana, Iowa, Florida, Maryland, Massachusetts, Michigan, Nebraska, New Jersey, New York, Ohio, Pennsylvania, Wisconsin, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 125417 (Sub-No. 11), filed August 14, 1967. Applicant: BULK FREIGHTWAYS, 3232 Wilcox Avenue, South Gate, Calif. 90282. Applicant's representative: Warren N. Grossman, 606 South Olive Street, 825 City National Bank Building, Los Angeles, Calif. 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, between points in California. NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 125777 (Sub-No. 115), filed August 7, 1967. Applicant: JACK GRAY TRANSPORT, INC., 3200 Gibson Transfer Road, Hammond, Ind. 46323. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, in dump vehicles, from points in Iowa and Wisconsin to points in Illinois, Indiana, Michigan, Ohio, and Kentucky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 125842 (Sub-No. 2), filed August 7, 1967. Applicant: WALTER FLOWERS, 1001 North Oneida Street, Appleton, Wis. 54911. Applicant's representative: John T. Porter, 1 South Pinckney Street, Madison, Wis. 53703. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and advertising matter*, from the Minneapolis-St. Paul, Minn., commercial zone to points in Wisconsin located on and east of the following highways: Wisconsin Highway 13 from Ashland, Wis., south to its junction with U.S. Highway 12 at Wisconsin Dells, thence over U.S. Highway 12 to junction U.S. Highway 14 at Middleton, thence over U.S. Highway 14 to junction Wisconsin Highway 213 at Evansville, thence over Wisconsin Highway 213 to the Wisconsin-Illinois State line, and *empty containers*, on return, under contract with Jacob Schmidt Brewing Co., Henning Dist. Co., Heights Inc., Ed Skowlund Distributor, Zastrow The Beer, Inc., Bur Wholesale Co., Inc., and Baer's Beverage, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 126367 (Sub-No. 2), filed August 10, 1967. Applicant: EVERGREEN TRUCKING COMPANY, a corporation, Rural Route Box 39, Jewell, Oreg. Applicant's representative: Earle V. White, 2400 Southwest Fourth Avenue, Portland, Oreg. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood residuals such as chips and sawdust*, (1) from points in Grays Harbor, Thurston, and Lewis Counties, Wash., to Longview, Wash., and Portland, Oreg., and (2) from points in Clackamas County, Oreg., to Longview, Wash. NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 127175 (Sub-No. 5), filed August 4, 1967. Applicant: REMO TRANSPORTS, INC., Route No. 4, Vinita, Okla. Applicant's representative: Dean Williamson, 450 American National Building, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Potash and Boron Compounds*, from points in Eddy and Lea Counties, N. Mex., to points in Arkansas, Colorado, Iowa, Minnesota, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming. NOTE: If a hearing is deemed necessary, applicant requests it be held at Tulsa, Okla., or St. Louis, Mo.

No. MC 127951 (Sub-No. 3), filed August 9, 1967. Applicant: SOUTHEASTERN CARRIERS, INC., 2400 Northwest 75th Street, Miami, Fla. Applicant's representative: Bernard C. Pestcoe, 412 City National Bank Building, Miami, Fla.

33130. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Building materials and household fixtures and supplies, furniture, store and office fixtures and supplies, together with accessorial supplies and materials*; (2) *electric fans*; (3) *molded expanded polystyrene picnic chests, and swim toys, and* (4) *plastic Christmas trees*, between points in Alabama, Georgia, Mississippi, Texas, Virginia, New Jersey, Pennsylvania, North Carolina, South Carolina, Ohio, Louisiana, Tennessee, Kentucky, Indiana, Michigan, Massachusetts, Missouri, Illinois, Maryland, Wisconsin, New York, Connecticut, Delaware, Kansas, Oklahoma, Iowa, Colorado, Arkansas, West Virginia, California, New Mexico, Minnesota, Rhode Island, Utah, Vermont, South Dakota, Florida, Nevada, and Maine, under contract with Keller Industries, Inc. If a hearing is deemed necessary, applicant requests it be held at Miami, Fla.

No. MC 128146 (Sub-No. 1), filed August 9, 1967. Applicant: TED W. BETLEY, Amberg, Wis. Applicant's representative: Edward Solie, Executive Building, Suite 100, 4513 Vernon Boulevard, Madison, Wis. 53705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Audit media and business records*, between Green Bay, Wis., on the one hand, and, on the other, points in Brown, Florence, Forest, Langlade, Marinette, Oconto, and Shawano Counties, Wis. NOTE: Applicant states tacking possibilities at Green Bay, Wis., with presently held authority held in MC-128146, wherein it conducts operations between Green Bay, Wis., on the one hand, and, on the other, points in Alger, Baraga, Delta, Dickinson, Houghton, Iron, Keweenaw, Marquette, Menominee, and Schoolcraft Counties, Mich., however it states it does not propose to tack the two operations and a no-tacking restriction would be accepted. If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 128392 (Sub-No. 2), filed August 9, 1967. Applicant: RINSON, INC., 3065 Morse Road, Columbus, Ohio 43224. Applicant's representative: Robert N. Krier, 88 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sewage pumping stations, water pumping stations, water pressure reducing stations, altitude valve chambers, and radioactive disposal vaults*, from the plantsite of Liftmaster, Inc., Columbus, Ohio, to points in Arizona, Arkansas, California, Colorado, Idaho, Kansas, Louisiana, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Tennessee, Utah, Wyoming, and Washington, under contract with Liftmaster, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 128537 (Sub-No. 1), filed August 7, 1967. Applicant: RAYMOND V. McDONOUGH, doing business as LUMBER TRANSPORT, Route 1, Delavan, Wis. Applicant's representative: William C. Dineen, 710 North Plankinton Avenue, Milwaukee, Wis. 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber and building materials*, as described in Appendix VI to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from the site of Wickes Lumber Co., yard located near Elkhorn, Wis., to points in Lake, McHenry, Boone, Winnebago, Stephenson, Jo Davies, Carroll, Whiteside, Lee, Ogle, De Kalb, Kane, Kendall, Cook, Du Page and Will Counties, Ill., and (2) *returned shipments*, of the above-specified commodities on return, under contract with the Wickes Lumber Co., of Elkhorn, Wis. NOTE: Applicant is also authorized to conduct operations as a common carrier in certificate MC 118015 Sub No. 2, authorizing the same operations set forth herein and herewith consents to the cancellation thereof upon the granting of this application. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 128710 (Sub-No. 3), filed August 3, 1967. Applicant: SATELLITE EXPRESS, INC., Post Office Box 128, Vineland, N.J. 08360. Applicant's representative: Francis W. McInerny, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Perishable subsistence*, moving on Government bills of lading, from Jersey City, N.J., to U.S. Army Depot, Tobyhanna, Pa., Niagara Falls Municipal Airport, N.Y., Seneca Army Depot, Romulus, N.Y., Veterans Administration Hospital, Castle Point, N.Y., Veterans Administration Hospital, Montrose, N.Y., Medina, N.Y., Veterans Administration Hospital, Albany, N.Y., and Veterans Administration Hospital, Canadaigiuh, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 128789 (Sub-No. 1), filed August 10, 1967. Applicant: C. B. THOMPSON, doing business as C B T TRUCKING, 1500 East Powell, Fort Worth, Tex. 76104. Applicant's representative: M. Ward Bailey, 2412 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in containers, from Texas City, Tex., to points in North Dakota, South Dakota, and Minnesota. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Minneapolis, Minn.

No. MC 128937 (Sub-No. 1), filed August 7, 1967. Applicant: ROBERT L. GORDON, doing business as AVON MACHINERY COMPANY, 5720 Side Avenue, Cleveland, Ohio 44102. Applicant's representative: Bernard S. Goldfarb, 1626 The Illuminating Building, 55 Public Square, Cleveland, Ohio 44113. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Industrial Machinery*, between Ecorse, Mich., and Union, N.J., on the one hand, and, on the other, points in Connecticut, Illinois, Indiana, Iowa, Massachusetts, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and Wisconsin, under contract with Elastic Stop Nut Corp. of America, Union, N.J., Ecorse Machinery Sales, Inc., Ecorse, Mich. NOTE: If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio, or Detroit, Mich.

No. MC 128961 (Sub-No. 4), filed August 7, 1967. Applicant: ROBERT DITTRICH, doing business as DITTRICH TRUCKING, 312 North Garden, New Ulm, Minn. 56073. Applicant's representative: C. Allen Doeland, State and Center Streets, New Ulm, Minn. 56073. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer* in bags and bulk, from Spencer, Iowa, to points in Minnesota on and south of U.S. Highway 212. NOTE: If a hearing is deemed necessary, applicant requests it be held at New Ulm or Mankato, Minn.

No. MC 128966 (Sub-No. 1), filed August 7, 1967. Applicant: NORTHWEST DISTRIBUTING CO., INC., 25 Third Avenue East, Mobridge, S. Dak. 57601. Applicant's representative: Dennis W. Bierschbach (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bottled water products, bottled natural juices*, canned *Pepsi Cola and other soft drink products*, from Minneapolis and St. Paul, Minn., to Aberdeen, S. Dak., under contract with Pepsi Cola Bottling Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Pierre or Sioux Falls, S. Dak.

No. MC 128961 (Sub-No. 1), filed August 14, 1967. Applicant: LAW'S MOVING & STORAGE, INC., 2018 Commerce Avenue, Vero Beach, Fla. 32960. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Crated and uncrated *household goods* as defined by the Commission, between points in Brevard, Martin, Indian River, Okeechobee, Osceola, and St. Lucie Counties, Fla. NOTE: If a hearing is deemed necessary, applicant requests it be held at Vero Beach, Orlando, or Miami, Fla.

No. MC 129148 (Sub-No. 1), filed August 10, 1967. Applicant: RAY F. MIRR, Post Office Box 171, Princeton, Wis. 54968. Applicant's representative: Edward Solie, Executive Building, Suite 100, 4513 Vernon Boulevard, Madison, Wis. 53705. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Mechanical bean harvesting machinery*, between points in Wisconsin, Illinois, and Indiana, restricted to a transportation service to be performed under a continuing contract, or contracts, with Del Monte Corp., Midwest Division, Rochelle, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 129186 (Sub-No. 2), filed August 7, 1967. Applicant: TEEL, WILLIAMS & ASSOCIATES OF MEMPHIS TRUCKING, INC., doing business as TWA OF MEMPHIS, 615 Falls Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture* of all types such as, but not limited to bedroom, dining room, dinette, living room, tables, occasional pieces or parts made of wood, metals, plastics, or upholstery, from furniture manufacturers in Virginia, North Carolina, South Carolina, Tennessee, Kentucky, Georgia, Alabama, Mississippi, Arkansas, Wisconsin, Illinois, Indiana, Ohio to points in Texas; Arizona, New Mexico, Nevada, California, Oregon, Washington, and Florida. NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis or Nashville, Tenn.

No. MC 129220 (Sub-No. 1), filed August 3, 1967. Applicant: TED M. HOSLER, doing business as HOSLER MOVING & STORAGE, 626 North Price, Junction City, Kans. 66441. Applicant's representative: Paul F. Sullivan, Suite 913, Colorado Building, 1341 G Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between points in Geary, Riley, Dickinson, Saline, Morris, Clay, Pottawatomie, and Wabaunsee Counties, Kans., restricted to shipments moving in containers and having an immediately prior or subsequent movement by rail, motor, water, or air and moving on through bills of lading of forwarders operating under the section 402(b)(2) exemption. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Topeka, Kans.

No. MC 129267 (Sub-No. 1), filed August 3, 1967. Applicant: H AND S TRANSFER COMPANY, INC., 1001 Fenwick Street, Augusta, Ga. Applicant's representative: Paul F. Sullivan, Suite 913, Colorado Building, 1341 G Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between points in Burke, Emanuel, Jefferson, Lincoln, Richmond, Taliafero, Wilke, Columbia, Glascock, Jenkins, McDuffy, Screven, and Warren Counties, Ga., and (2) between points in Aiken, Barnwell, Hampton, Allendale, Edgefield, and McCormick Counties, S.C., restricted to shipments moving in containers and having an immediately prior or subsequent movement by rail, motor, water, or air and moving on through bills of lading of forwarders, operating under the section 402(b)(2) exemption. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Atlanta, Ga.

No. MC 129294 filed, August 1, 1967. Applicant: WESTLAKE MOVING AND STORAGE LIMITED, 686 Bathurst Street, Toronto, Ontario, Canada. Applicant's representative: Ralph S. McReath, 250 University Avenue, Toronto 1, Ontario, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated used household, office and store furniture, new uncrated furniture and fixtures for furnishing of homes, offices, museums, hospitals, factories, and public institutions and objects of art, displays and exhibits that because of their unusual nature require specialized handling and special packing containers*, between the ports of entry on the international boundary line between the United States and Canada, located in New York State, and New York, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y. or New York, N.Y.

No. MC 129296 filed, July 31, 1967. Applicant: M & D HAULING, INC., Bliss, N.Y. 14024. Applicant's representative: Robert V. Glanniny, 900 Midtown Tower, Rochester, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products; pepper in mixed truck loads with salt*, weight of pepper not to exceed 10 percent of the total weight upon which charges are assessed; *mineral mixtures and animal feed* in packages or blocks in mixed shipments with salt, from Silver Springs, N.Y., to points in Pennsylvania. NOTE: Applicant seeks to convert its present contract authority in MC 109703 and Sub 2, to that of a common carrier. If a hearing is deemed necessary, applicant requests it be held at Rochester, N.Y.

No. MC 129300, filed August 3, 1967. Applicant: McDERMOTTS, INC., Elm Street, Enosburg Falls, Vt. 05450. Applicant's representative: Arthur A. Wentsell, Post Office Box 730, Worcester, Mass. 01601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Molasses*, in bulk, in tank vehicles, from Albany, N.Y., and ports of entry on the international boundary line between the United States and Canada located at or near East Richford and Richford, Vt., to Richford, Vt., (2) *fish foods* from Richford, Vt., to Montague, Palmer, Sandwich, Sunderland, Sutton, and Wilkinsonville, Mass., Berlin, New Durham, New Hampton, and Warren, N.H., (3) *meat scrap*, in bulk, from Lowell, Mass., to Richford, Vt., (4) *animal and poultry feed, and animal and poultry feed ingredients*, in bulk, and in containers, from points in Franklin County, Vt., to points in Clinton, Essex, Franklin, and St. Lawrence Counties, N.Y., and between plants of H. K. Webster Co. located at Livermore Falls and Rockland, Maine, Chatham, N.Y., Lawrence, Mass., and Richford, Vt., and (5) *fertilizer*, in containers, from the port of entry on the international boundary line between the United States and Canada located at or near Rooseveltown, N.Y., to points in Caledonia, Chittenden, Essex, Grand Isle, Franklin, Lamoille, and Orleans Counties Vt. NOTE: If a hearing is deemed necessary, applicant requests it be held at Burlington or Montpelier, Vt.

No. MC 129301, filed, August 3, 1967. Applicant: CAL CARTAGE, INC., 1104 Mount Ephraim, Camden, N.J. Applicant's representative: V. Baker Smith, 123 South Broad Street, Philadelphia, Pa. 19109. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Detergents, cleaning compounds, and toilet articles*, except in bulk in tank vehicles, from Camden, N.J., to points in Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New York, Ohio, Pennsylvania, Rhode Island, Virginia, and the District of Columbia; (2) *containers and raw materials used in the manufacture of detergents, cleaning compounds, and toilet articles*, except in bulk in tank vehicles from New Castle, Del., Baltimore, Md., Painesville, Ohio, Manchester, N.H., Lowell, Mass., and Solvay, N.Y., to Camden, N.J., under contract with Curley Co., Inc. NOTE: Applicant is also authorized to conduct operations as a common carrier, in Certificate 119210, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 129306, filed August 7, 1967. Applicant: MILTON BROWN, INC., Foot of Howell Street, Jersey City, N.J. 07306. Applicant's representative: Herman B. J. Weckstein, 1060 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat and meat products*, (1) between Chicago, Ill., on the one hand, and, on the other, Beacon, Bedford Hills, North Brentwood, West Brentwood, Central Islip, Elmsford, Garden City, Goshen, Highland, Kings Park, Melville, Middletown, Napanock, New Hampton, New York, Orangeburg, Ossining, Otisville, Poughkeepsie, Queens Village, Stormville, Thiells, Wallkill, Warwick, Wassaic, Wingdale, N.Y., and Hawthorne, Jersey City and Newark, N.J., and (2) between points in Hudson County, N.J., on the one hand, and, on the other, Beacon, Bedford Hills, North Brentwood, West Brentwood, Central Islip, Elmsford, Garden City, Goshen, Highland, Kings Park, Melville, Middletown, Napanock, New Hampton, New York, Orangeburg, Ossining, Otisville, Poughkeepsie, Queens Village, Stormville, Thiells, Wallkill, Warwick, Wassaic, Wingdale, N.Y., and Hawthorne, Jersey City and Newark, N.J., limited to shipments having a prior or subsequent movement by rail, under contract with Illinois Packing Co., Chicago, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 129307, filed August 4, 1967. Applicant: McKEE LINES, INC., 664 54th Avenue, Mattawan, Mich. 49071. Applicant's representative: William L. Carney, 105 East Jennings Avenue, South Bend, Ind. 46614. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pharmaceuticals, drugs, and druggist supplies* in mechanically refrigerated equipment from Allegan, Mich., to points in California, Florida, and Louisiana, and to Atlanta, Ga., Phoenix, Ariz., and Salt Lake City, Utah; (2) *parts and supplies used in the construction of campers, camp trailers, and house trailers* from points in Indiana and the Lower Peninsula of Michigan to Belzoni, Miss., and (3) *frozen pizza pies and materials used in preparation of*

pizza from Syracuse, Ind., to points in the Lower Peninsula of Michigan. NOTE: Applicant is also authorized to conduct operations as a contract carrier, in Permit No. MC 119394, therefor, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Detroit, Mich.

No. MC 129308, filed August 7, 1967. Applicant: HUBERT JONES & SON TRUCKING & CRANE SERVICE, INC., 723 Virginia Street West, Charleston, W. Va. 25302. Applicant's representative: Charles E. Anderson, 1421 Kanawha Valley Building, Charleston, W. Va. 25332. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy machinery and equipment, including, but not restricted to mine, mill and road-building machinery and equipment, tractors, steam shovels, compressors, bulldozers, hoists, drills, rigging, ditch diggers, air-conditioning equipment, welding machinery, motors, mixtures, elevators, cranes, rollers and similar machinery, and equipment and parts thereof*, between points in West Virginia, on the one hand, and, on the other, points in Kentucky, Ohio, Virginia, Pennsylvania, and Maryland. NOTE: If a hearing is deemed necessary, applicant requests it be held at Charleston, W. Va.

No. MC 129309, filed August 7, 1967. Applicant: N & K LEASING COMPANY, a corporation, 2501 Henry Street, Muskegon, Mich. 49441. Applicant's representative: Robert A. Sullivan, 1800 Buhl Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from Carrollton and Alpena, Mich., to points in Indiana, Illinois, and Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., Chicago, Ill., or Washington, D.C.

No. MC 129310, filed August 7, 1967. Applicant: NORTHWEST CRANE RIGGING & TRANSPORT COMPANY, a corporation, Twin Falls, Idaho 83301. Applicant's representative: Raymond D. Givens, 500 Washington Street, Box 964, Boise, Idaho 83701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy machinery and equipment and commodities requiring special equipment*, between points in Idaho, Montana, Wyoming, Utah, Nevada, Oregon, and Washington. NOTE: If a hearing is deemed necessary, applicant requests it be held at Twin Falls or Boise, Idaho.

No. MC 129311 filed, August 7, 1967. Applicant: IRVINE L. GEER, doing business as I. L. GEER, 211 Terrace Street, Warren, Pa. 16365. Applicant's representative: Kenneth T. Johnson, Bank of Jamestown Building, Jamestown, N.Y. 14701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crude oil* in tank trucks (straight) having a capacity of not over 4,500 gallons, from the township of Busti and Kiantone in Chautauqua County, N.Y., to Mead Township, Warren County, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 129312 filed, August 3, 1967. Applicant: LUCIEN CALESTAGNE, doing business as GUYBOURG TRANSPORT ENRG., 8800 24th Avenue, Ville St. Michel, Province of Quebec, Canada. Applicant's representative: John J. Brady, Jr., 75 State Street, Albany, N.Y. 12207. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, in dump vehicles, from the ports of entry on the international boundary line between the United States and Canada, located at or near Highgate Springs, North Troy, Derby Line and Norton, Vt., to points in Vermont, under contract with The Canadian Salt Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Albany, N.Y.

No. MC 129313, filed August 4, 1967. Applicant: FLANIGAN BROTHERS STORAGE COMPANY, a corporation, 203 North Lake Street, Marquette, Mich. 49855. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containerized household goods*, (1) from Marquette, Mich., to K. I. Sawyer A.F.B., Mich., and (2) between Marquette, Mich., and points in Marquette, Baraga, Houghton, Keweenaw, Alger, Schoolcraft, Delta, and Iron Counties, Mich., restricted to shipments moving in containers and having an immediately prior or subsequent movement by rail, motor, water, or air and moving on through bills of lading, of forwarders, operating under the section 402(b)(2) exemption. NOTE: If a hearing is deemed necessary, applicant requests it be held at Marquette or Escanaba, Mich.

No. MC 129314, filed August 4, 1967. Applicant: CLOVERLEAF FARM VANS, INC., Route 1, Box 1235, Kenner, La. 70062. Applicant's representative: Harold R. Ainsworth, 2307 American Bank Building, New Orleans, La. 70130. Authority sought to operat as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Horses*, other than ordinary horses, and in the same vehicle with such horses, *mascots, personal effects of attendants, trainers, and exhibitors, attendants, and supplies and equipment* used in the care and maintenance of such horses, between points in Alabama, Arkansas, Florida, Georgia, Illinois, Kentucky, Louisiana, Michigan, Mississippi, Missouri, New Jersey, New York, Ohio, Tennessee, Texas, Vermont, and Virginia. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 129316 (Sub-No. 1), filed August 11, 1967. Applicant: THOMAS TRANSFER & STORAGE CO., INC., 911-919 Industrial Avenue, Palo Alto, Calif. 94303. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Marin, San Francisco, San Mateo, Santa Clara, Alameda, Contra Costa, Santa Barbara, and Ventura Counties, Calif. Restricted to shipments having a prior or subsequent movement beyond said points in containers, and further restricted to pickup and delivery services incidental to and in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such shipments. NOTE: If a hearing is deemed necessary, applicant requests it be held at Palo Alto, Calif.

No. MC 129319, filed August 10, 1967. Applicant: CITY TRANSFER & STORAGE INC., 902 South First Avenue, Post Office Box 669, Pocatello, Idaho 83201. Applicant's representative: Ronald W. Nicholas (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points within a 100-mile radius of Pocatello, Idaho, restricted to shipments moving in containers and having an immediately prior or subsequent movement by rail, motor, water, or air and moving on through bills of lading of forwarders, operating under the Section 402(b)(2) exemption. NOTE: If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho.

No. MC 129320, filed August 10, 1967. Applicant: CHARLES LARABEE, Box 84, Bristol (Kenosha County), Wis. 53104. Applicant's representative: Charles J. Richards, 1034 56th Street, Kenosha, Wis. 53140. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, uncrated and under 5,000 pounds in weight, between Kenosha, Racine, and Walworth Counties, Wis., Lake, McHenry, and Cook Counties, Ill., under contract with Montgomery Ward & Co., Kenosha, Wis. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kenosha, Wis.

No. MC 129321 filed, August 10, 1967. Applicant: HERLIHY MOVING AND STORAGE, INC., 87 South Walnut Street, Chillicothe, Ohio 45601. Applicant's representative: Earl N. Merwin, 85 East Gay Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Adams, Athens, Fairfield, Fayette, Franklin, Highland, Hocking, Jackson, Meigs, Pickaway, Pike, Scioto, and Vinton Counties, Ohio. Restricted: (1) To shipments moving on through bills of lading for a forwarder operating under section 402(b)(2) exemption; (2) to shipments having an immediately prior or subsequent line-haul movement by rail, motor, water, or air; (3) to providing a local service for a forwarder of used household goods. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 129322 filed, August 8, 1967. Applicant: BIG T TRUCKING CORP., Valley Road, Rural Delivery No. 1, Somerville, N.J. 08876. Applicant's representative: Alvin Altman, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick*, from Somerville, N.J., to points in Connecticut, Massachusetts, Maine (except points in Aroostook County), New Hampshire, Rhode Island, and Vermont. NOTE: Applicant is authorized to conduct operations as a contract carrier, in Permit MC 115721 and Subs 1 and 2, therefor, dual operations may be involved. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 129324 (Sub-No. 1), filed August 11, 1967. Applicant: TAYLOR MOORE'S EXPRESS COMPANY, a corporation, 911 Hillcrest Lane, Willingboro, N.J. Applicant's representative: Raymond A. Thistle, Jr., Suite 1700, 1500 Walnut Street, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, and food products* requiring refrigeration, from Philadelphia, Pa., to points in Camden, Burlington, Atlantic, and Cape May Counties, N.J. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 129325, filed August 4, 1967. Applicant: DIAZ MOTOR FREIGHT, INC., 2829 Prenchmen Street, Post Office Box 8166, New Orleans, La. 70122. Applicant's representative: William T. Croft, 1815 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from New Orleans, La., to points in Arkansas, Alabama, Florida, Georgia, Louisiana, Mississippi, Tennessee, and that part of Texas on and east of Interstate Highway 35 and 35W. NOTE: Applicant has pending a contract carrier application under MC-127261 Sub 2 TA, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 129330, filed August 14, 1967. Applicant: ROSSI SERVICE CORP., 7807 Ridge Boulevard, (Brooklyn) New York, N.Y. 11209. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Towels, toweling, and linens*, between Metuchen, N.J., on the one hand, and, on the other, New York, N.Y., and points in Hudson and Essex Counties, N.J., under contract with Franco Manufacturing Co., Inc., of New York, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

MOTOR CARRIERS OF PASSENGERS

No. MC 226 (Sub-No. 61), filed August 4, 1967. Applicant: HUDSON TRANSIT LINES, INC., doing business as SHORT LINE, 17 Franklin Turnpike, Mahwah, N.J. 07430. Applicant's representative: John R. Sims, Jr., 1700 Pennsylvania Avenue NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: Regular Routes: (1) *Passengers, their baggage, express and newspapers* in the same vehicle, between Roscoe, N.Y., and Walton, N.Y.; from junction New York Highway 17 and Delaware County Highway 7 at Roscoe, over Delaware County Highway 7 to junction New York Highway 30; thence over New York Highway 30 to junction New York Highway 206; thence over New York Highway 206 to Walton, N.Y., and return over the same route, serving all intermediate points; and Irregular Routes: (2) *passengers, and their baggage*, in round-trip charter operations beginning and ending at points on the routes described in (1) above and extending to points in the United States, except Hawaii. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Binghamton, N.Y., or Monticello, N.Y.

No. MC 54534 (Sub-No. 5), filed August 8, 1967. Applicant: GRAND ISLAND TRANSIT CORPORATION, 200 Broadway, Buffalo, N.Y. Applicant's representative: James E. Wilson, 1735 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers in special operations, in round-trip sightseeing or pleasure tours, beginning and ending at points in Niagara, Cattaraugus, Allegany, Steuben, Wyoming, and Erie Counties, except Buffalo, N.Y., and extending to points in the United States (except Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

APPLICATION FOR BROKERAGE LICENSES

No. MC 12918 (Sub-No. 1), filed August 2, 1967. Applicant: ALLEN S. KRAFT, doing business as UNIVERSAL TRAVEL SERVICE, 4107 South Yale, Southland Shopping Center, Tulsa, Okla. 74135. For a license (BMC-5) to engage in operations as a *broker*, in Tulsa, Okla., in arranging for transportation in interstate or foreign commerce of *passengers and their baggage*, in charter and special operations, between points in the United States, including Alaska and Hawaii.

WATER CARRIER APPLICATION

WATER CARRIER OF PROPERTY AND PASSENGERS

No. W-1236 BENJAMIN EVANS WHITELOCK COMMON CARRIER APPLICATION, filed July 27, 1967. Applicant: BENJAMIN EVANS WHITELOCK, Ewell, Md. Application filed July 27, 1967, for a certificate, covering a new operation under Part III of the Interstate Commerce Act, by water, in year-round operations, in the transportation of *general commodities and passengers*, (a) between ports at Ewell, Tylerton, Rhodes Point, and Crisfield, Md., regularly; and, (b) between ports at Ewell, Rhodes Point, Tylerton, and Crisfield, Md., and Tangier Island, Onancock, and Reedville, Va., irregularly.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 1799 (Sub-No. 24), filed August 10, 1967. Applicant: FROEHLICH TRANSPORTATION CO., INC., 31 Victory Street, Stamford, Conn. Applicant's representative: Reubin Kaminsky, 410 Asylum Street, Hartford, Conn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bakery products*, fresh (except unleavened and frozen bakery products), from Greenwich, Conn.; Long Island City, N.Y., and Totowa, N.J., to points in Erie County, N.Y., (2) *salt*, in packages, from Watkins Glen, N.Y., to Greenwich, Conn., and (3) *stale, damaged, refused, rejected, and nonsalable bakery products, fresh* (except unleavened and frozen bakery products), and *empty containers*, from points in Monroe County, N.Y., to Greenwich, Conn., Long Island City, N.Y., and Totowa, N.J. NOTE: Applicant states that tacking would take place at Greenwich, Conn., for the named commodities moving over applicant's presently authorized regular route between Hartford, Conn., and Newark, N.J.

No. MC 126625 (Sub-No. 1), filed July 31, 1967. Applicant: MURPHY SURF-AIR TRUCKING COMPANY, INC., Blue Grass Field, Lexington, Ky. Applicant's representative: Herbert D. Liebman, 403 West Main Street, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between points in Shelby, Montgomery, Rowan, Fleming, Rockcastle, Trimble, Estill, Nicholas, Pulaski, Whitley, Knox, Boone, Laurel, Mercer, Bath, Owen, Henry, Grant, Oldham, Gallatin, Bell, Garrard, and Lincoln Counties, Ky., on the one hand and, on the other, Blue Grass Field, Lexington, Ky., Greater Cincinnati Airport, near Erlanger, Ky., and Standiford Field, Louisville, Ky., and (2) between Greater Cincinnati Airport, near Erlanger, Ky., and Standiford Field, Louisville, Ky.

No. MC 129269 (Sub-No. 2), filed August 8, 1967. Applicant: MAURICE EDWARD COMPTON, 4811 North Capitol Street, Washington, D.C. 20011. Applicant's representative: Harold E. Mesirow, 1625 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Masonry bank sand*, in bulk in dump trucks, from the plantsite of Bob's Sand Co., Severn, Anne Arundel County, Md., to points in Fairfax, Arlington, Prince William, and Loudoun Counties, Va., and the District of Columbia, under contract with Bob's Sand Co.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 67-99148; Filed, Aug. 24, 1967; 8:45 a.m.]

[Ex Parte No. MC-1 (Sub-No. 1)]

PAYMENT OF RATES AND CHARGES OF MOTOR CARRIERS

Credit Regulations—Household Goods

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., the 10th day of August 1967.

It appearing, that the Interstate Commerce Commission has prescribed rules and regulations pertaining to the extension of credit to shippers by motor common carriers of property operating in interstate or foreign commerce. See Payment of Rates and Charges of Motor Carriers, 2 M.C.C. 365;

It further appearing, that those to whom credit is extended, referred to for convenience as the shippers, are experiencing difficulty in complying with § 238.1 of the Code of Federal Regulations, 49 CFR 238, Carrier May Extend Credit to Shipper; and good cause appearing therefor:

It is ordered, That an investigation be, and it is hereby, instituted under the authority of part II of the Interstate Commerce Act (section 223) and section 4 of the Administrative Procedure Act for the purpose of determining whether and to what extent the currently effective rules and regulations pertaining to the period of credit following delivery of freight accorded to shippers by motor common carriers of property operating in interstate or foreign commerce should be modified or changed insofar as the household goods motor common carriers are concerned.

It is further ordered, That all motor common carriers of household goods operating in interstate or foreign commerce subject to the Interstate Commerce Act be, and they are hereby, made respondents in this proceeding.

It is further ordered, That all persons including respondents who wish actively to participate in this proceeding, and file and receive copies of pleadings shall make known that fact by notifying the Commission in writing on or before September 18, 1967. To conserve time and avoid expense it is strongly urged that persons having common interests endeavor to consolidate their presentation to the greatest extent possible. Individual participation is not precluded; mere casual interest, however, does not justify participation, and will make the service of verified statements burdensome and impracticable. The Commission desires participation only of those who intend to take an active part in the proceeding.

It is further ordered, That:

(a) As soon as practicable after September 18, 1967, the Commission will serve a list of the names and addresses of all persons upon whom service of all verified statements,[1] replies, or other pleadings must be made;

(b) All parties shall file an original and two copies of their verified statements and exhibits thereto with the Commission on or before October 23, 1967, and at the same time serve a copy of such statements upon each person named in the service list;

(c) Parties desiring to file reply statement shall file such statements with the Commission on or before November 20, 1967, and upon all parties named in the service list;

(d) Any party may request a hearing for the purpose of crossexamining any witness submitting a verified statement by notifying all parties and the Commission on or before December 4, 1967.

And it is further ordered, That a copy of this order be served on the Public Utility Commission or Boards, or similar regulatory bodies of each State having jurisdiction over the transportation here involved; that a copy be posted in the Office of the Secretary of the Interstate Commerce Commission for public inspection; and that a copy be delivered to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER, a notice to all interested persons.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-9999; Filed, Aug. 24, 1967; 8:45 a.m.]

[1] In lieu of verification under oath, any prepared statement may be made subject to the following declaration: "I solemnly declare that I have examined the foregoing document and that the statements of fact contained therein are true."

(Signature)

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 22, 1967.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41106—*Urea from and to Points in Wyoming.* Filed by Western Trunk Line Committee, Agent (No. A-2513), for interested rail carriers. Rates on urea, in bulk or in packages, in carloads, between points in Wyoming, on the one hand, and points in official, southwestern and western trunkline territories, on the other.

Grounds for relief—Market competition, modified short-line distance formula and grouping.

Tariffs—Supplements 1 and 3, and supplement 89 to Western Trunk Line Committee, Agent, tariffs I.C.C. A-4674 and A-4620, respectively. Supplements 134, and 79 to Traffic Executive Association-Eastern Railroads, Agent, tariffs I.C.C. C-314 and C-473, respectively, and Supplement 44 to Southwestern Freight Bureau, Agent, tariff I.C.C. 4690.

FSA No. 41107—*Stone from Salida and Wellsville, Colo.* Filed by Western Trunk Line Committee, Agent (No. A-2515), for interested rail carriers. Rates on stone, broken, crushed, or ground, in carloads, from Salida and Wellsville, Colo., to points in official territory.

Grounds for relief—Market competition, modified short-line distance formula and grouping.

Tariff—Supplement 59 to Western Trunk Line Committee, Agent, tariff I.C.C. A-4620.

FSA No. 41108—*Plate, Tin, Terne or Tin Mill Black, to Everman and Fort Worth, Tex.* Filed by Southwestern Freight Bureau, Agent (No. B-9008), for interested rail carriers. Rates on plate, tin, terne or tin mill black, in carloads, from specified points in Alabama, Illinois, Indiana, and Missouri, to Everman and Fort Worth, Tex.

Grounds for relief—Rate relationship.

FSA No. 41109—*Iron or Steel Articles to Eldon, Tex.* Filed by Southwestern Freight Bureau, Agent (No. B-9006), for interested rail carriers. Rates on iron or steel articles, in carloads, from points in official, southern, southwestern, and western trunkline territories.

Grounds for relief—Market competition.

Tariff—Supplement 263 to Southwestern Freight Bureau, Agent, tariff I.C.C. 4503.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-10016; Filed, Aug. 24, 1967; 8:47 a.m.]

[Notice 427]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 22, 1967.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 7555 (Sub-No. 58 TA), filed August 16, 1967. Applicant: TEXTILE MOTOR FREIGHT, INC., Post Office Box 7, Ellerbe, N.C. 28338. Applicant's representative: Jacob P. Billig, 1108 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* dealt in by wholesale and retail grocery stores (except frozen foods), From Brockport, N.Y., to points in North Carolina, South Carolina, Georgia, Alabama, and Florida, for 180 days. Supporting shipper: The Great Atlantic & Pacific Tea Co., Executive Offices, Graybar Building, 420 Lexington Avenue, New York, N.Y. 10017. Attention: J. M. Collins, General Traffic Manager. Send protests to: Jack K. Huff, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 206, 327 North Tryon Street, Charlotte, N.C. 28202.

No. MC 8544 (Sub-No. 21 TA), filed August 16, 1967. Applicant: GALVESTON TRUCK LINE CORPORATION, 7415 Wingate, Houston, Tex. 77011. Applicant's representative: Desmond A. Barry (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar*, in packages, from Sugar Land, Tex., to points in Oklahoma, for 180 days. Supporting shipper: Imperial Sugar Co. (J. R. Skiles, traffic manager), Sugar Land, Tex. 77478. Send protests to: District Supervisor John C. Redus, Interstate Commerce Commission, Bureau of Operations, Post Office Box 61212, Houston, Tex. 77061.

No. MC 20894 (Sub-No. 10 TA), filed August 16, 1967. Applicant: P. CALLAHAN, INC., Comly Street at Delaware River, Philadelphia, Pa. 19135. Applicant's representative: Edward F. Kane, 522 Swede Street, Norristown, Pa. 19401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the site of the plant of Calgon Corp., located in Falls Township, near Morrisville, in Bucks County, Pa., on the one hand, and, on the other, Philadelphia, Pa., points in New Jersey, those in the New York, N.Y. commercial zone as defined by the Commission, and those in Nassau, Suffolk, and Westchester Counties, N.Y., for 180 days. Supporting shipper: Calgon Corp, Box 1346, Pittsburgh, Pa. 15230. Send protests to: F. W. Doyle, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 900 U.S. Custom House, Philadelphia, Pa. 19106.

No. MC 42487 (Sub-No. 679), filed August 16, 1967. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: V. S. Tyler, 175 Linfield Drive, Menlo Park, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum lubricating oil*, in bulk, in tank vehicles, from Seattle, Wash., to Libby Dam site, Montana, for 120 days. Supporting shipper: Texaco, Inc., Post Office Box 52332, Houston, Tex. 77052. Send protests to: District Supervisor William R. Murdoch, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94012.

No. MC 52574 (Sub-No. 34 TA), filed August 16, 1967. Applicant: ELIZABETH FREIGHT FORWARDING CORP., 120 South 20th Street, Irvington, N.J. 07111. Applicant's representative: Edward Bowes, 1060 Broad Street, Newark, N.J. 07102, Attention: Edward F. Bowes. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products and containers therefor*, from Baltimore, Md., to Linden, N.J., for the account of Gourmet Bakers, Inc., for 150 days. Supporting shipper: Gourmet Bakers, Inc., Post Office Box 543, Linden, N.J. 07036, Attention: James P. Mucarrio, Vice President & General Manager. Send protests to: Robert S. H. Vance, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1060 Broad Street, Newark, N.J. 07102.

No. MC 60612 (Sub-No. 16 TA), filed August 16, 1967. Applicant: SAMUEL TISCHLER, doing business as Tischler Motor Freight, Motor Avenue, Rosenhayn, N.J. 08352. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Empty tin cans*, from the plant of National Can Co., Cambridge, Md., to the plant and warehouse of Cedar Lake Canning Co., Cedarville, N.J., for 180 days. Supporting shipper: Cedar Lake Canning Co., Inc., Cedarville, N.J. Send protests to: District Supervisor Raymond T. Jones, Interstate Commerce Commission, Bureau of Operations, 410 Post Office Building, 402 East State Street, Trenton, N.J. 08608.

No. MC 105636 (Sub-No. 27 TA), filed August 16, 1967. Applicant: ARMELLINI EXPRESS LINES, INC., Oak and Brewster Roads, Vineland, N.J. 08360. Applicant's representative: Julio A. Armellini (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, and except high explosives, livestock, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), from the freight consolidation points of Fla-Texas Freight, Inc., at Boston, Mass., New Haven, Conn., Jersey City, N.J., Philadelphia, Pa., Carlstadt, N.J., to Jacksonville, Orlando, Tampa, Fort Pierce, West Palm Beach, Fort Lauderdale, and Miami, Fla., for 180 days. Supporting shipper: Flordia-Texas Freight, Inc., Building 2140, Weatherford Boulevard, M.I.A.D. Miami, Fla. 33148. Send protests to: District Supervisor Raymond T. Jones, Interstate Commerce Commission, Bureau of Operations, 410 Post Office Building, 402 East State Street, Trenton, N.J. 08608.

No. MC 109397 (Sub-No. 156 TA), filed August 16, 1967. Applicant: TRI-STATE MOTOR TRANSIT CO., Post Office Box 113, East on Interstate Business Route 44, Joplin, Mo. 64801. Applicant's representative: Daniel B. Johnson, Warner Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A, B, and C explosives, blasting materials and supplies, ammunition and component parts of ammunition and explosives*, between West Hanover and Hingham, Mass., Richmond, Ind., Janesville, Wis., La Salle and Elk Grove, Ill., Hopkins and New Brighton, Minn., for 150 days. Supporting shipper: Atlantic Research Corp., Post Office Box 1175, King Street, West Hanover, Mass. 02339. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 127689 (Sub-No. 7 TA), filed August 16, 1967. Applicant: Pascagoula Drayage Company, Inc., 705 East Pine Street, Post Office Box 1326, Hattiesburg, Miss. 39401. Applicant's representative: W. N. Innis, Post Office Box 1569, Hattiesburg, Miss. 39402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Antifreeze compound*, except in bulk, from Mapleton, Ill., to points in Mississippi, Alabama, and Louisiana; (2) *egg carriers or cartons*, from Atlanta, Ga., to points in Mississippi, Alabama, and Louisiana; (3) *feed ingredients*, except in bulk, from Chicago Heights, Ill., to specified points in Mississippi, Alabama, and Louisiana; (4) *Citrus juices*, from Lake Wales, Fla., to points in Mississippi, Louisiana, Alabama, and Florida; (5) *milk replacer* (feed supplement), from Lima, Ohio, to points in Mississippi, Louisiana, and Alabama, for 180 days. Restricted to traffic moving to and from plants, warehouses, or facilities of Mississippi Federated Cooperatives (AAL). Supporting shipper: Mississippi Federated Cooperatives (AAL), Jackson, Miss. Send protests to: Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 312-A U.S. Post Office Building, Jackson Miss. 39201.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-10017; Filed, Aug. 24, 1967; 8:47 a.m.]

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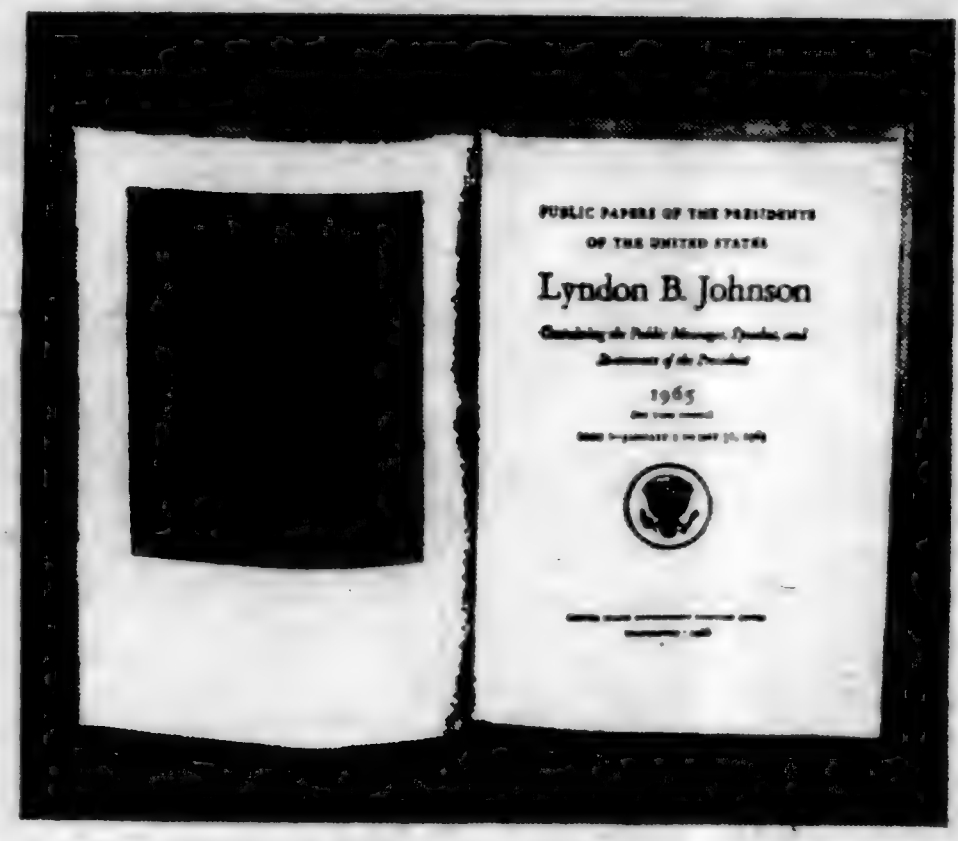
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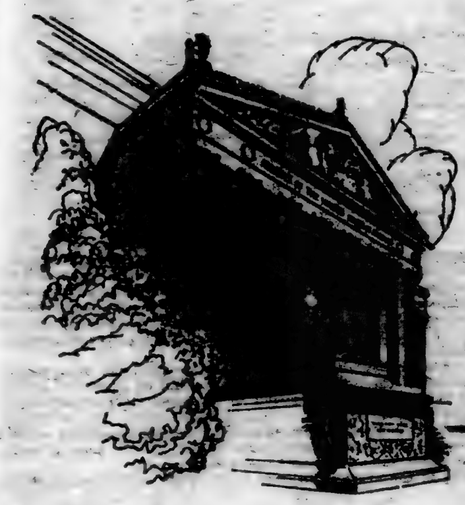
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Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Agriculture

Section 213.3313(a) is amended by revoking subparagraph (24) since the authority for this position was already encompassed in subparagraph (5). Effective on publication in the FEDERAL REGISTER, subparagraph (24) of paragraph (a) of § 213.3313 is revoked.

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-10033; Filed, Aug. 25, 1967; 8:45 a.m.]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that the position of Deputy Assistant Secretary (Family Planning and Population) is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, a new subparagraph (8) is added to paragraph (h) of § 213.3316 as set out below.

§ 213.3316 Department of Health, Education, and Welfare.

* * * * *

(h) *Office of the Assistant Secretary for Health and Scientific Affairs.* * * *

(8) Deputy Assistant Secretary (Family Planning and Population).

* * * * *

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-10034; Filed, Aug. 25, 1967; 8:45 a.m.]

PART 213—EXCEPTED SERVICE

Housing and Home Finance Agency

Section 213.3344 is amended to show that a number of positions in paragraph (a) and two positions in paragraph (c) are no longer excepted under schedule C. Effective on publication in the FEDERAL REGISTER, paragraphs (a) and (c) of § 213.3344 are amended as set out below.

§ 213.3344 Housing and Home Finance Agency.

(a) *Office of the Administrator,* (1) [Revoked]
(2) [Revoked]
(3) [Revoked]
* * * * *
(5) [Revoked]
(6) [Revoked]
(7) [Revoked]
* * * * *
(10) [Revoked]
* * * * *
(12) [Revoked]
(13) [Revoked]
* * * * *
(16) [Revoked]
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(22) [Revoked]
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(24) [Revoked]
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(44) [Revoked]
(45) [Revoked]
* * * * *
(47) [Revoked]
* * * * *
(c) *Public Housing Administration.* * * *
(2) [Revoked]
* * * * *
(5) [Revoked]
* * * * *

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-10035; Filed, Aug. 25, 1967; 8:45 a.m.]

PART 213—EXCEPTED SERVICE

Office of Economic Opportunity

Section 213.3373 is amended to show that the title of the position of Associate Director for Volunteer Recruitment and Community Relations has been changed to Associate Director for Recruitment, Selection and Community Relations; and that the positions of Associate Director for Selection and Training and Associate Director for Project Development and Field Support are no longer excepted under schedule C. Effective on publication in the FEDERAL REGISTER, paragraph (c) of § 213.3373 is amended as set out below.

§ 213.3373 Office of Economic Opportunity.

* * * * *

(c) *Volunteers in Service to America Programs.* * * *

(5) One Associate Director for Recruitment, Selection and Community Relations.

(6) [Revoked]
(7) [Revoked]
* * * * *

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-10036; Filed, Aug. 25, 1967; 8:45 a.m.]

Title 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

[Import Reg. 1, Revision 3; Amdt. 2]

PART 6—IMPORT QUOTAS AND FEES

Subpart—Section 22 Import Quotas

LICENSES FOR IMPORTATION OF AMERICAN-TYPE CHEESE, OTHER THAN CHEDDAR

Import Regulation 1, Revision 3, was amended (32 F.R. 10633, July 25, 1967) to implement Presidential Proclamation 3780, dated June 30, 1967, by adding § 6.32 to provide for the issuance of licenses for the importation of American-type cheese, other than Cheddar, and the increased quantity of Cheddar cheese during the period July 1, 1967, through December 31, 1967. In order to clarify the provisions thereof with respect to the issuance of licenses for the importation of American-type cheese, other than Cheddar, to persons who are successors in interest to persons who imported American-type cheese, other than Cheddar, during the base period but who are

no longer actively operating such business. § 6.32(a) (1) (i) is amended to read as follows:

§ 6.32 Licenses for the importation of American-type cheese, other than Cheddar, and increased quantity of Cheddar cheese during the period July 1, 1967, through December 31, 1967.

* * * * *

(c) (1) * * *

(i) American-type cheese, other than Cheddar: Any person who imported American-type cheese, other than Cheddar, during the base period January 1, 1961, through December 31, 1965, and was on June 30, 1967, actively operating an independent business of importing dairy products is eligible to receive a license to import a share of the quota quantity for American-type cheese, other than Cheddar, for the period July 1, 1967, through December 31, 1967 (less that set aside for new business). Such share shall be determined by prorating the quota quantity among the eligible applicants on the basis of the quantities of such cheese imported by such persons from the country of origin during the base period. The quantity of American-type cheese, other than Cheddar, imported during the base period by a person who was not on June 30, 1967, actively operating an independent business of importing dairy products shall, for the purpose of determining the quota shares of eligible applicants, be deemed to have been imported by his successor in interest, if any, to whom such business has been sold, assigned or otherwise transferred, who was actively operating such business on June 30, 1967. The specified "other countries" shall be treated as one for the purposes of this provision.

* * * * *

It is hereby determined that the foregoing amendment 2 of Import Regulation 1, Revision 3, is necessary in order to effect an equitable distribution among importers of the quotas established by Presidential Proclamation 3790 and must be made immediately since such quotas have become effective. Therefore, under section 553 of Title 5 of the United States Code it is found upon good cause that notice and other public rule making procedure concerning the amendment are impracticable, unnecessary, and contrary to the public interest and that good cause exists for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Proposals for amendment or modification of this amendment are invited. They may be addressed to the Chief, Import Branch, Foreign Agricultural Service, Washington, D.C. 20250. All proposals should be accompanied by a written statement in explanation and support of such proposal.

Issued at Washington, D.C., this 22d day of August 1967.

ROY W. LENNARTSON,
Acting Administrator,
Foreign Agricultural Service.

[F.R. Doc. 67-10077; Filed, Aug. 25, 1967; 8:49 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Valencia Orange Reg. 217]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.517 Valencia Orange Regulation 217.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 24, 1967.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period August 27, 1967, through September 2, 1967, are hereby fixed as follows:

(i) District 1: 110,500 cartons;

(ii) District 2: 539,500 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 25, 1967.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-10151; Filed, Aug. 25, 1967; 2:26 p.m.]

[Lemon Reg. 282]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.582 Lemon Regulation 282.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 22, 1967.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period August 27, 1967, through September 2, 1967, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 209,250 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 24, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-10109; Filed, Aug. 25, 1967; 8:49 a.m.]

[Plum Reg. 5, Amdt. 1]

PART 917—FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917), regulating the handling of fresh pears, plums, and peaches grown in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Plum Commodity Committee, and upon other available information, it is hereby found that the limitation of shipments of specified varieties of plums, in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that, as hereinafter set forth, the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; compliance with the provisions of this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof; and this amendment relieves restrictions on the handling of Late Duarte variety of plums.

It is, therefore, ordered that the provisions of paragraph (a) (2) of § 917.393 (Plum Reg. 5, 32 F.R. 9063) are hereby amended to increase the percentage of Late Duarte plums smaller than the 3 x 4 x 5 size, but not smaller than 4 x 5 size, permitted to be shipped from a proportion equal to 100 percent of the 3 x 4 x 5 size to a proportion equal to 150 percent of such size. As amended § 917.393(a) (2) reads as follows (for purposes of clarity subparagraph (1) is included):

§ 917.393 Plum Regulation 5.

(a) *Order.* (1) During the period June 8, 1967, through October 31, 1967, no handler shall ship from any shipping point during any day any package or container of Santa Rosa, Duarte, President, or Late Duarte plums, except to the extent otherwise permitted under this paragraph, unless such plums are of a size that, when packed in a standard basket, they will pack at least a 3 x 4 x 5 standard pack.

(2) During each day of such period any handler may ship from any shipping point a quantity of each such variety of plums which are smaller than the size prescribed in subparagraph (1) of this paragraph: *Provided*, That, the quantity of such smaller size plums of the Santa Rosa, Duarte, Late Duarte, or President varieties, respectively, shall not exceed one hundred (100) percent, and the quantity of Late Duarte may, beginning on August 23, 1967, exceed one hundred (100) percent but not exceed one hundred fifty (150) percent, of the number of the same type of packages or containers of the respective variety shipped by such handler which meet the size requirements of said subparagraph (1) of this paragraph; and all such smaller plums shall be of a size that when packed in a standard basket, they will pack at least a 4 x 5 standard pack.

* * * * *

The provisions of this amendment shall become effective August 23, 1967.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 22, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-10065; Filed, Aug. 25, 1967; 8:47 a.m.]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 76]

PART 1076—MILK IN EASTERN SOUTH DAKOTA MARKETING AREA

Order Amending Order

§ 1076.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Eastern South Dakota marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than September 1, 1967. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of Deputy Administrator, Regulatory Programs, was issued July 13, 1967, and the decision of the Assistant Secretary containing all amendment provisions of this order was issued August 14, 1967. The changes effected by this order

will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective September 1, 1967, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Sec. 553(d), Administrative Procedure Act, 5 U.S.C. 551–559.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Eastern South Dakota marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

§ 1076.12 [Amended]

1. In the introductory text preceding paragraph (a) of § 1076.12, the phrase "in paragraph (a) or (b)" is changed to read "in paragraph (a), (b), or (c)".

2. Section 1076.12 is revised by adding thereto a new paragraph (c) to read as follows:

(c) A plant, other than a distributing plant, operated by a cooperative association if more than 50 percent of the total milk supply of producer members of such cooperative association is shipped to pool distributing plants of other handlers during the month, either directly from the farm or by transfer from the plant of the cooperative association: *Provided*, That if a portion of such association's plant is physically apart from the Grade A portion of such plant, is operated separately and is not approved by any health authority for the receiving, processing or packaging of any fluid milk product for Grade A disposition, it shall not be considered as part of a pool plant pursuant to this section.

3. In § 1076.14, paragraph (c) is revised to read as follows:

§ 1076.14 Producer milk.

* * * * *

(c) With respect to diversions to nonpool plants pursuant to paragraphs (a) (2) and (b) (1) of this section:

(1) A cooperative handler may divert for its account the milk of any member producer, whose milk is delivered to a distributing pool plant on at least 3 days during the month during the other days of such month. The total quantity of milk so diverted may be without limit during the months of March, April, May, and June, but shall not exceed 35 percent of its member producer milk received at all pool plants during any other month of the year. Diversions in excess of such percentage shall not be considered producer milk, and the diverting cooperative shall specify the dairy farmers whose milk is ineligible as producer milk. If the cooperative association fails to designate such dairy farmers whose milk is ineligible, producer milk status shall be forfeited with respect to all milk diverted to a nonpool plant by such cooperative association; and

(2) A handler in his capacity as the operator of a distributing pool plant may divert for his account the milk of any producer, other than a member of a cooperative association which has diverted milk pursuant to subparagraph (1) of this paragraph, whose milk is received at a pool plant on at least 3 days during the month, without limit during the other days of such month. The total quantity of milk so diverted may be without limit during the months of March, April, May, and June, but during any other month of the year shall not exceed 35 percent of the milk received from producers who are not members of a cooperative association which has diverted milk pursuant to subparagraph (1) of this paragraph. Diversions in excess of such percentage shall not be considered producer milk, and the diverting handler shall specify the dairy farmers whose milk is ineligible as producer milk. If the handler fails to designate such dairy farmers whose milk is ineligible, producer milk status shall be forfeited with respect to all milk diverted to a nonpool plant by such handler; and

(3) For the purpose of location adjustments pursuant to §§ 1076.53 and 1076.75, milk so diverted shall be priced at the location of the plant from which diverted.

§§ 1076.19, 1076.20 [Revoked]

4. Sections 1076.19 and 1076.20 are revoked.

5. In § 1076.27 paragraph (j) (2) is revised and (j) (3) is revoked as follows:

§ 1076.27 Duties.

* * * * *

(j) * * *

(2) The 12th day of each month the uniform price computed pursuant to § 1076.72 and the producer butterfat differential computed pursuant to § 1076.74; and

(3) [Revoked]

* * * * *

6. In § 1076.30, paragraph (a) (1) (i) is revised to read as follows:

§ 1076.30 Reports of receipts and utilization.

* * * * *

(a) * * *

(1) * * *

(i) Producer milk,

* * * * *

7. In § 1076.31, paragraph (b) is revised to read as follows:

§ 1076.31 Payroll reports.

* * * * *

(b) The pounds of milk received and the average butterfat content thereof;

* * * * *

8. In § 1076.72 the heading "Computation of weighted average price" is changed to "Computation of uniform price," paragraph (b) is revised, and new paragraphs (c) through (g) are added to read as follows:

§ 1076.72 Computation of uniform price.

* * * * *

(b) Subtract not less than four cents nor more than five cents from the price computed pursuant to paragraph (a) of this section. The result shall be known as the "weighted average price", and except for the months of March through June and September through October, shall be the uniform price for milk received from producers;

(c) For the months specified in paragraphs (d) and (e) of this section, subtract from the amount resulting from the computations pursuant to § 1076.71 an amount computed by multiplying the hundredweight of milk specified in paragraph (a) (2) of this section by the weighted average price;

(d) Subtract during each of the months of March, April, May and June an amount computed by multiplying the total hundredweight of producer milk for such month by 15 cents;

(e) Add during each of the months of September, October and November one-third of the amount subtracted pursuant to paragraph (d) of this section;

(f) Divide the resulting sum by the total hundredweight of producer milk included in these computations; and

(g) Subtract not less than four cents nor more than five cents per hundredweight. The result shall be the uniform price for milk received from producers.

§ 1076.73 [Revoked]

9. Section 1076.73 is revoked.

10. In § 1076.75, paragraph (a) is revised to read as follows:

§ 1076.75 Location differentials to producers and on nonpool milk.

(a) The uniform price computed pursuant to § 1076.72 for producer milk received at a pool plant shall be reduced according to the location of the pool plant, at the rates set forth in § 1076.53; and

* * * * *

11. In § 1076.76, paragraph (b) is revised to read as follows:

§ 1076.76 Notification of handlers.

* * * * *

(b) The uniform price computed pursuant to § 1076.72.

* * * * *

§ 1076.80 [Amended]

12. In paragraph (a) (2) of § 1076.80, the word "prices" is changed to "price" and the phrase "and 1076.73" is deleted.

§§ 1076.90–1076.92 [Revoked]

13. Sections 1076.90, 1076.91, and 1076.92 and the centerhead applicable thereto are revoked.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: September 1, 1967.

Signed at Washington, D.C., on August 23, 1967.

ROBERT E. LEONARD,
Deputy Assistant Secretary.

[F.R. Doc. 67–10074; Filed, Aug. 25, 1967; 8:48 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Administrative Instructions Prescribing Commuted Travel Time Allowances

Pursuant to the authority conferred upon the Director of the Animal Health Division by § 97.1 of the regulations concerning overtime services relating to imports and exports, effective July 31, 1966 (9 CFR 97.1), administrative instructions (9 CFR 97.2) effective July 30, 1963, as amended May 18, 1964 (29 F.R. 6318), December 7, 1964 (29 F.R. 16316), April 12, 1965 (30 F.R. 4609), June 18, 1965 (30 F.R. 7829), June 7, 1966 (31 F.R. 8020), October 11, 1966 (31 F.R. 13114), November 1, 1966 (31 F.R. 13939), November 23, 1966 (31 F.R. 14826), February 14, 1967 (32 F.R. 2843), and April 15, 1967 (32 F.R. 6021), prescribing the commuted travel time that shall be included in each period of overtime or holiday duty, are hereby amended by adding to or deleting from the respective "lists" therein, as follows:

OUTSIDE METROPOLITAN AREA

ONE HOUR

Add: Great Falls Airport (served from Great Falls, Mont.).

TWO HOURS

Add: New Bedford, Mass. (served from Warren, R.I.).

Add: Providence, R.I. (served from Warren, R.I.).

THREE HOURS

Add: Peabody, Mass. (served from Boston, Mass.).

FOUR HOURS

Add: Providence, R.I. (served from Boston, Mass.).

These commuted travel time periods have been established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such overtime or holiday duty when such travel is performed solely on account of such overtime or holiday duty. Such establishment depends upon facts within the knowledge of the Animal Health Division.

It is to the benefit of the public that these instructions be made effective at the earliest practicable date. Accordingly, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and public procedure on these instructions are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making these instructions effective less than 30 days after publication in the FEDERAL REGISTER.

(64 Stat. 561)

These revised administrative instructions shall be effective upon publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 23d day of August 1967.

E. E. SAULMON,
Director, Animal Health Division, Agricultural Research Service.

[F.R. Doc. 67–10075; Filed, Aug. 25, 1967; 8:48 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter I—Bureau of the Census, Department of Commerce

PART 60—PUBLIC INFORMATION

Fees and Charges; Correction

In F.R. Doc. 67–8503, appearing at page 10786 of the issue for Saturday, July 22, 1967, the paragraphs in § 60.9 should be numbered (a), (b), (c), (d), and (e), instead of (a), (b), (b), (c) and (d).

Approved: August 16, 1967.

A. ROSS ECKLER,
Director, Bureau of the Census.

[F.R. Doc. 67–10041; Filed, Aug. 25, 1967; 8:45 a.m.]

Chapter II—National Bureau of Standards, Department of Commerce

SUBCHAPTER B—STANDARD REFERENCE MATERIALS

PART 230—STANDARD REFERENCE MATERIALS

Subpart D—Standards of Certified Properties and Purity

RADIOACTIVITY STANDARDS

Under the provisions of 15 U.S.C. 275a and 277, the following amendment to Part 230 of Title 15 of the Code of Federal Regulations, relating to standard reference materials issued by the National Bureau of Standards is effective upon publication in the FEDERAL REGISTER.

Subpart D of Part 230 is amended by changing § 230.8–5 *Radioactivity standards* to renew and renumber standard reference materials 4922–D as 4922–E and 4999–C as 4999–D and change the prices thereof. Accordingly, the following amends 15 CFR Part 230:

§ 230.8–5 Radioactivity standards.

* * * * *

(b) (1) * * *

(ii) * * *

Sample Nos.	Radionuclide	Calibration radiation (d)	Approximate activity or emission rate of calibration (month, year)	Approximate weight of solution (grams)	Price per sample
* * *	* * *	* * *	* * *	* * *	* * *
4922–E	Sodium-22	7	1×10^6 β^+ p/s (6/66)	5	$63.00
* * *	* * *	* * *	* * *	* * *	* * *

(5) * * *

Sample Nos.	Radionuclide	Approximate emission rate at time of calibration (month, year)	Price per sample
* * *	* * *	* * *	* * *
4999–D	Cerium-139	2×10^5 γps (7/67)	$85.00
* * *	* * *	* * *	* * *

(Sec. 3, 31 Stat. 1450, as amended; 15 U.S.C. 277. Interprets or applies sec. 7, 60 Stat. 939; 15 U.S.C. 275a)

Dated: August 17, 1967.

R. S. WALLEIGH,
Acting Director.

[F.R. Doc. 67–10069; Filed, Aug. 25, 1967; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 67-SW-35]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Houston, Tex., 700-foot transition area.

On June 23, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 9076) stating that the Federal Aviation Administration proposed to alter the Houston, Tex., transition area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., November 9, 1967, as hereinafter set forth.

In § 71.181 (32 F.R. 2200), the 700-foot portion of the Houston, Tex., transition area is revised to read as follows:

HOUSTON, TEX.

That airspace extending upward from 700 feet above the surface bounded by a line beginning at Lat. 29°25'00" N., Long. 95°20'00" W., to Lat. 29°20'00" N., Long. 95°22'00" W., to Lat. 29°46'00" N., Long. 95°27'00" W., to Lat. 29°52'00" N., Long. 95°08'00" W., to Lat. 29°40'00" N., Long. 94°57'00" W., to Lat. 29°23'00" N., Long. 95°00'00" W., to point of beginning; within a 6-mile radius of Spaceland Airport (Lat. 29°30'30" N., Long. 95°03'01" W.); within 2 miles each side of the 304° bearing from the Spaceland RBN (Lat. 29°28'00" N., Long. 94°59'08" W.), extending from the 6-mile radius area to the RBN; within 2 miles each side of the Houston VORTAC 038° radial, extending from the VORTAC to 26 miles east of the VORTAC; within 2 miles each side of the Galveston VORTAC 345° radial, extending from the 6-mile radius area to 6 miles north of the VORTAC.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348))

Issued in Fort Worth, Tex., on August 16, 1967.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 67-10082; Filed, Aug. 25, 1967; 8:46 a.m.]

[Airspace Docket No. 67-SW-37]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate the Evadale, Tex., transition area.

On July 11, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 10210) stating the Federal Aviation Administration proposed to designate a transition area at Evadale, Tex.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., November 9, 1967, as herein set forth.

In § 71.181 (32 F.R. 2148) the following transition area is added:

EVADALE, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Evadale Airport (Lat. 30°19'30" N., Long. 94°04'24" W.), and within 2 miles each side of the 158° bearing from the Evadale RBN (Lat. 30°24'16" N., Long. 94°07'37" W.), extending from the 5-mile radius area to the RBN.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348))

Issued in Fort Worth, Tex., on August 16, 1967.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 67-10083; Filed, Aug. 25, 1967; 8:46 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 11—Coast Guard, Department of Transportation

[COGPR 67-40]

PART 11-5—SPECIAL AND DIRECTED SOURCES OF SUPPLY

Subpart 11-5.50—Procurement Under Federal Supply Schedule Contracts

EXCEPTIONS TO MANDATORY USE OF FEDERAL SUPPLY SCHEDULE CONTRACTS

Pursuant to authority vested in me as Commandant, U.S. Coast Guard, by 49 CFR 1.4:

Section 11-5.5002-2 is amended by revising paragraph (b) to read as follows:

§ 11-5.5002-2 Exceptions to mandatory use.

* * * * *

(b) *Similar items.* When specific supplies or services having the same general characteristics and intended use as those listed in a Federal Supply Schedule are needed for a special requirement, the following procedures shall apply.

(1) *Nonemergency requirements.* When supplies or services are to be procured from other sources to satisfy a nonurgent requirement, the Head of the office initiating the purchase request or his designated representative shall furnish to the purchasing office a signed statement identifying the supplies or services to be purchased. This statement shall include an explanation of why similar items listed in the applicable Federal Supply Schedule will not meet the specific requirements. The purchasing office prior to initiating purchase action shall furnish such statement to the Commissioner, Federal Supply Service, General Services Administration, with a request that the requirement for using the Federal Supply Schedule item be waived. If such waiver is not granted, the case will be referred to the cognizant district commander or commanding officer for procurements by field units and Comptroller for procurements by Headquarters, who shall make the final decision as to whether the nonschedule item will be purchased and shall promptly notify the Commissioner, Federal Supply Services, and the purchasing office of the decision reached.

(2) *Emergency requirements.* When supplies or services are to be procured from other sources and the situation will not permit the delay incident to following the normal channels of obtaining a waiver from the General Services Administration prior to purchase, such waiver shall not be requested. In emergency situations, the Head of the office initiating the purchase request, or his designated representative, shall furnish to the purchasing office a signed statement identifying the supplies or services to be purchased, and explaining why similar items listed in the applicable Federal Supply Schedule will not meet the specific requirements. The purchasing office shall within 15 days of the date of purchase, furnish such statement to the Commissioner, Federal Supply Service, General Services Administration.

* * * * *

(14 U.S.C. 633, 19 U.S.C. Ch. 157)

Dated: August 16, 1967.

P. E. TRIMBLE,
Vice Admiral, U.S. Coast Guard, Acting Commandant.

[F.R. Doc. 67-10072; Filed, Aug. 25, 1967; 8:46 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Mark Twain National Wildlife Refuge, Ill.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

ILLINOIS

MARK TWAIN NATIONAL WILDLIFE REFUGE

Public hunting of white-tailed deer with bow and arrow on the Mark Twain National Wildlife Refuge, Ill., is permitted from October 14, through October 22, only on the area of the Gardner Division designated by signs as open to hunting. These open areas, comprise 4,200 acres of the total Gardner Division area, are delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Hunting shall be in accordance with all applicable State regulations concerning the hunting of white-tailed deer with bow and arrow subject to the following conditions:

(1) A Federal permit is required to enter the public hunting area. One thousand (1,000) permits will be issued beginning September 14. Permits may be obtained from the Mark Twain National Wildlife Refuge headquarters, Quincy, Ill.

(2) Successful hunters will be required to check their deer through the check station on the division.

(3) Hunting will be from one-half hour before sunrise to 4 p.m.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

JAMES F. GILLETT,
Refuge Manager, Mark Twain National Wildlife Refuge.

AUGUST 22, 1967.

[F.R. Doc. 67-10069; Filed, Aug. 25, 1967; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Parts 32, 33]

HUNTING AND FISHING ON CERTAIN WILDLIFE REFUGES

Notice of Proposed Rule Making

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Migratory Bird Conservation Act of February 18, 1929, as amended (45 Stat. 1222; 16 U.S.C. 715), and the Endangered Species Preservation Act of October 15, 1966 (80 Stat. 926, 16 U.S.C. 668aa), it is proposed to amend 50 CFR 32.11, 32.21, 32.31, and 33.4 by the addition of Lacassine National Wildlife Refuge, La., Shiawassee National Wildlife Refuge, Mich., Sabine National Wildlife Refuge, La., and Conboy Lake National Wildlife Refuge, Wash., to the list of areas open to the hunting of migratory game birds; Malheur National Wildlife Refuge, Oreg., and Conboy Lake National Wildlife Refuge, Wash., to the list of areas open to the hunting of upland game; Conboy Lake National Wildlife Refuge, Wash., and Presquile National Wildlife Refuge, Va., to the list of areas open to the hunting of big game; and Anahuac National Wildlife Refuge, Tex., to the list of areas open to fishing.

It has been determined that the regulated hunting of upland game, big game, and migratory game birds, and sport fishing may be permitted as designated on Lacassine, Sabine, Shiawassee, Conboy Lake, Malheur, Presquile, and Anahuac National Wildlife Refuges without detriment to the objectives for which the areas were established.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections, with respect to this proposed amendment, to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

1. Section 32.11 is amended by the following additions:

§ 32.11 List of open areas; migratory game birds.

* * * * *

LOUISIANA

Lacassine National Wildlife Refuge.
Sabine National Wildlife Refuge.

* * * * *

MICHIGAN

Shiawassee National Wildlife Refuge.

* * * * *

WASHINGTON

Conboy Lake National Wildlife Refuge.

* * * * *

2. Section 32.21 is amended by the following additions:

§ 32.21 List of open areas; upland game.

* * * * *

OREGON

Malheur National Wildlife Refuge.

* * * * *

WASHINGTON

Conboy Lake National Wildlife Refuge.

* * * * *

3. Section 32.31 is amended by the following additions:

§ 32.31 List of open areas; big game.

* * * * *

VIRGINIA

Presquile National Wildlife Refuge.

WASHINGTON

Conboy Lake National Wildlife Refuge.

* * * * *

4. Section 33.4 is amended by the following addition:

§ 33.4 List of open areas; sport fishing.

* * * * *

TEXAS

Anahuac National Wildlife Refuge.

* * * * *

ABRAM V. TUNISON,
Acting Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 24, 1967.

[F.R. Doc. 67-10108; Filed, Aug. 25, 1967; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 981]

ALMONDS GROWN IN CALIFORNIA

Expenses of Control Board and Rate of Assessment for 1967–68 Crop Year

Notice is hereby given of a proposal regarding expenses of the Almond Control Board for the 1967–68 crop year and rate of assessment for that crop year, pursuant to §§ 981.80 and 981.81 of the marketing agreement, as amended, and Order No. 981, as amended (7 CFR Part 981), regulating the handling of almonds grown in California. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The Control Board has unanimously recommended for the 1967–68 crop year beginning July 1, 1967, a budget of expenses in the total amount of $67,500 and an assessment rate of 0.09 cent per pound of almonds (kernel weight basis). Expenses in that amount and the assessment rate are specified in the proposal hereinafter set forth. The quantity of assessable almonds for the 1967–68 crop year is estimated at 89 million pounds (kernel weight). In order to protect against unanticipated crop losses, an assessment rate of 0.09 cent per pound should be established to assure the availability of sufficient funds to meet the expenses of the Control Board for the 1967–68 crop year.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the eighth day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is as follows:

§ 981.317 Expenses of the Control Board and rate of assessment for the 1967–68 crop year.

(a) *Expenses.* Expenses in the amount of $67,500 are reasonable and likely to be incurred by the Control Board during the crop year beginning July 1, 1967, for its maintenance and functioning and for such purposes as the Secretary may, pursuant to the provisions of this part, determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment for said crop year, payable by each handler in accordance with § 981.81, is fixed at 0.09 cent per pound of almonds (kernel weight basis).

Dated: August 22, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-10066; Filed, Aug. 25, 1967; 8:47 a.m.]

[7 CFR Part 1004]

[Docket No. AO 160-A34]

MILK IN DELAWARE VALLEY MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Philadelphia, Pa., on June 12–13, 1967, pursuant to notice thereof issued on May 30, 1967 (32 F.R. 7976), and a supplemental notice thereto issued June 2, 1967 (32 F.R. 8176).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, on July 25, 1967 (32 F.R. 11039; F.R. Doc. 67-8817) filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of opportunity to file written exceptions thereto.

The preliminary statement, material issues, findings, and general findings of the recommended decision (32 F.R. 11039; F.R. Doc. 67-8817) are hereby approved and adopted and are set forth in full herein subject to the following modifications:

1. Under the subheading "Preliminary statement.", the first paragraph is deleted and the last paragraph is changed.

2. Under the subheading "Issue No. 1.", the last sentence in paragraph 6 is deleted and the last sentence in the final paragraph is changed.

3. Under the subheading "Issue No. 4.", the first sentence in the second paragraph is changed and a new sentence is added at the end of the paragraph. Five new paragraphs are added following the final paragraph.

Preliminary statement. The material issues on the record of the hearing relate to:

1. Providing a base and excess plan for payment of producers and need for emergency action with respect to this plan.

2. Diversions of milk to other Federal order plants for Class II use.

3. Modification of the point of pricing of diverted milk.

4. Shipping requirements for supply plants to attain pool plant status.

Issue No. 1 was dealt with in a decision issued July 18, 1967 (32 F.R. 10592) and an order amending the order issued on July 28, 1967 (32 F.R. 11204). This decision deals with each of the remaining issues.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

Issue No. 2. Diversion of milk to other Federal order plants for Class II use. The order should be amended to permit producer milk to be diverted to an other Federal order plant for Class II use by agreement if such milk would not acquire producer status under the other order in view of its status under this order.

Under the individual-handler pooling arrangement which was effective prior to June 1 diversions were not restricted since each handler was in a position to add or release producers to accommodate his particular operation. If the handler's blend price became unfavorable compared to that of other handlers with whom he competed in procurement, he would likely lose his better producers to other handlers. Therefore, there was little likelihood that any handler would increase his producer receipts solely for the purpose of obtaining a supply of milk for manufacturing uses.

With the recent change to marketwide pooling certain diversion privileges were provided to permit the efficient handling of the market's necessary reserve. It was concluded, however, that milk moved directly from the farm to an other Federal order plant appropriately should not acquire producer milk status under this order, since under Federal orders generally milk received directly from the farm at a pool plant is accorded producer milk status in the receiving market. Therefore, no provision was made in the Delaware Valley order for diversions to plants regulated under other Federal orders.

Prior to the June 1 effective date of the amended order Inter-State Milk Producers' Cooperative, Inc., requested a hearing to consider modification of the diversion provisions in light of changes in the market structure and also requested that suspension action be taken to permit diversions to other order plants pending consideration of their proposals to modify the provisions. The requested suspension was taken effective June 1, 1967 (33 F.R. 8063).

A primary outlet for reserve milk normally received at city bottling plants and not needed for fluid use is the Laurel, Md., plant of the Maryland and Virginia Milk Producers Association, a Washington, D.C., order pool plant. Under that order, milk delivered to the Laurel plant for the account of a cooperative with no producer-members delivering to other Washington order pool plants is designated as "dairy farmer for other markets" (other source) milk. Such milk may not acquire producer milk status under the Washington order. Thus, unless the Delaware Valley order permits diversion of producer milk to such a plant, milk so moved would be denied pooling status under either order. However, the more likely result would be that Delaware Valley cooperatives would find it impractical to use the Laurel plant as an outlet for reserve milk supplies.

To better accommodate the handling of reserve milk, Inter-State Milk Producers' Cooperative, Inc., proposed that the order be amended to permit the diversion of producer milk to an other Federal order plant for manufacturing uses under an agreed Class II classification.

The suspension previously referred to permits milk diverted to other order plants to be pooled under the Delaware Valley order. However, it leaves unresolved the status of milk diverted from Delaware Valley pool plants to other Federal order pool plants when both orders would treat the diverted milk as producer milk. The orderly and efficient handling of the reserve milk in the market may at times require the direct movement of milk of individual producers to nonpool plants. The direct movement from the farm to the plant of ultimate disposition avoids the expense and handling which would otherwise result if the milk were first delivered to the pool plant where normally received and then transferred to the nonpool plant. When such movements are to unregulated plants or for manufacturing uses to other Federal order plants, they should be treated as diversions if so requested by the responsible handler.

When milk is diverted to unregulated plants or for Class II use to an other Federal order plant and is not mandatorily producer milk under the terms of the other order it can reasonably be presumed to be a part of the diverting market's reserve milk supply. Such diverted milk from Delaware Valley pool plants should appropriately be pooled as producer milk under the Delaware Valley order.

By requiring a Class II agreement between the diverting and receiving handlers when milk is diverted to other order plants the possibility of any portion of the milk being assigned to Class I will be minimized. However, in the event that the receiving handler does not have sufficient Class II utilization to cover the requested Class II assignment, a portion of the milk so moved would necessarily be assigned to Class I. In such a situation, it can no longer be reasonably presumed that the diverted milk is in fact a part of the Delaware Valley reserve supply. When part or all of the milk so moved is used for fluid purposes in the receiving plant, the milk obviously is needed for fluid use in the receiving market and appropriately should be considered a part of that market's fluid supply.

In addition to the above conclusions it is appropriate in this decision to remove the obvious misunderstanding evidenced in the first month of operation under the amended order with respect to the Assistant Secretary's conclusion relative to the application of the producer definition when milk is received from Order 2 pool bulk tank units.

In his decision of April 7, 1967, the Assistant Secretary stated: "Under the New York-New Jersey Order a dairy farmer may have status as a producer by virtue of being included as a part of a designated pool bulk tank unit. In such event the fact that the milk of such dairy farmer was moved directly from the farm to a Delaware Valley pool plant would not change its status as producer milk under the New York-New Jersey order." He concluded: "It is necessary therefore to exclude from the producer definition a dairy farmer whose milk is received directly at a pool plant and who notwithstanding his status under this order would nevertheless be a producer under another Federal order with respect to such milk."

After the initial month of operation under the amended order it is apparent that some handlers have misinterpreted these conclusions as intended to permit continuing pool milk status under Order 2 of pool bulk tank unit milk which is

received directly at a Delaware Valley pool plant. In this regard official notice is taken of §§ 1002.17(d), 1002.26(c)(2), and 1002.25(d) of the New York-New Jersey order which clearly provide that pool unit milk which is received at an other order plant and which meets the producer milk definition under such other order will not be included as pool milk under the New York-New Jersey order. Accordingly, such milk clearly does not come within the exception noted by the Assistant Secretary in his decision since its producer status under this order would be recognized by the New York-New Jersey market administrator in administration of his order.

Issue No. 3. Modification of the point of pricing of diverted milk. Milk diverted from a Delaware Valley pool plant located within 45 miles of any one of the basing points specified in § 1004.52 to a nonpool plant or an other order plant located within 125 miles from the nearest of the basing points should be priced at the location of the diverting plant. Milk diverted from a plant within 45 miles of a basing point to a plant in excess of 125 miles distance from such point or from a pool plant located in excess of 45 miles of the nearest basing point to a plant at which a greater location adjustment credit is applicable should be priced at the latter location.

In his decision of April 7, 1967 (32 F.R. 5876) the Assistant Secretary concluded that diverted milk should be priced at the plant of physical receipt if a greater location adjustment credit was applicable at such plant location than at the location of the diverting plant. He found that "Unless this procedure is followed there is a strong incentive for any handler operating an unregulated manufacturing plant in the country to associate an excessive quantity of milk with city distributing plants and then regularly receive the milk at his manufacturing plant as diverted milk up to the limits allowed. Without appropriate safeguards distant producers then could receive the city blended price when, in fact, their milk was moving on an almost regular basis to a nearby manufacturing plant. Pricing diverted milk at the plant of physical receipt will tend to deter the association of milk intended solely for manufacturing uses and will insure that the pool will not subsidize transportation costs which, in fact, are not incurred."

Prior to the June 1 effective date of the amended order the principal cooperative representing producers on the market, also requested a hearing to consider a proposed modification of this provision which they contended was necessary to accommodate particular circumstances in the market. At the same time they requested suspension action to permit continued pricing of diverted milk at the location of the diverting plant pending full consideration of the matter at a hearing. This suspension was taken effective June 1, 1967 (32 F.R. 8063).

At the hearing the spokesman for the cooperative requested modification of the pricing provisions with regard to diverted milk in the manner herein adopted. In support of his position he pointed out that much of the producer milk on the market is directly associated with city bottling plants and regularly moves directly from the farm to city plants. By and large, milk associated with city plants has historically been closely correlated to the fluid needs of the market. For this reason the facilities for handling reserve milk at the city are very limited with the result that little if any transportation savings can be realized when producer milk must be diverted to available manufacturing facilities. In recognition of this fact suspension action was taken on June 1, 1967, with the result that diverted milk is currently being priced at the location of the diverting plant in all circumstances.

The Laurel, Md., plant previously referred to, as well as several other nonpool manufacturing plants in eastern and central Pennsylvania, all within 125 miles of Philadelphia, are the most potential outlets for the market's reserve milk supply associated with city bottling plant. The location of these manufacturing plants is such that no significant transportation savings result when milk is moved directly to such plants rather than to the city. Each of these plants is located beyond the 45-mile zone and a location differential would be applicable on any milk priced at their locations. Handlers' costs for Class II milk would be reduced 6 cents a hundredweight in most instances, whereas producers, whose milk was diverted, would receive from 25 to as much as 35 cents less per hundredweight for such milk than would otherwise be the case if the milk were priced at the location of the diverting plant.

The manufacturing facilities referred to above are not operated by fully regulated handlers. There is little likelihood that additional milk supplies would be associated with city plants for the purpose of providing additional supplies for manufacture at such plants. Since no significant transportation savings accrue when producer milk is diverted to such plants, there is no apparent reason why individual producers should be required to take a lesser price for their milk so diverted than they would otherwise receive when their milk is received at city plants.

In order to avoid this burden individual producers would be impelled to seek outlets where their milk would not be diverted. The resulting changes in outlets would bring about uneconomical movements of this reserve milk and could create an unstable supply situation. Such a situation would interfere with maintaining the reserves necessary to assure that the Class I market will be adequately supplied at all times. Therefore, pricing such diverted milk at the location of the diverting plant is essential to assure continued orderly marketing of the Class I and necessary reserve milk which must be associated with plants located within the 45-mile area (the major Class I consumption area).

By pricing milk diverted from within 45 miles of a basing point to a plant beyond 125 miles, or from a pool plant beyond 45 miles to a more distant plant, at the plant of physical receipt, operators of distant manufacturing plants, several of whom are pool handlers, will be deterred from associating milk of distant producers with their city distributing plants and then regularly diverting it up to allowable limits, to such manufacturing plants. In such situations substantial transportation savings are probable and such saving which would accrue to handlers, individual producers, or haulers dependent on the marketing arrangement, should not be permitted at the expense of producers generally.

The operator of a nonpool manufacturing plant located at York, Pa., which is within 125 miles of Philadelphia contended that the pricing of milk herein adopted would result in his having to pay 6 cents per hundredweight more for such diverted milk that he might acquire from Delaware Valley pool than would have been the case under the order adopted by the Assistant Secretary in his decision of April 7, 1967. He further contended that the surplus pricing under the Delaware Valley order was not in appropriate alignment with the Upper Chesapeake Bay and Washington, D.C., orders.

The modifications herein adopted, in fact, reflect no change in the order prices from those which would have been applicable under Order 4 on milk which such plant operator might have acquired prior to June 1, 1967, or under the order, as suspended, since June 1. The basic level of Class II price was not an issue noticed for this hearing and if there is any problem with respect to interorder price alignment it appropriately should be considered at a hearing called for such purpose. In this regard official notice is taken of the fact that supplemental notice issued June 15, 1967 (32 F.R. 8720) makes this matter an issue for consideration at the joint hearing which opened in New York City on June 19, 1967, and which was recessed on June 23, 1967 and reconvened on July 31, 1967.

Issue No. 4. Shipping requirements for supply plants. The pool supply plant definition should be amended to count as qualifying shipments, shipments to other order plants which meet prescribed performance standards (including route disposition in the marketing area) and to provide pool status for any plant meeting the prescribed shipping requirements if the qualifying shipments made to pool plants under this order exceed those made to pool plants under any other order. In addition provision should be made to insure pool plant status through October 1967 for any supply plant which has continuously been a fully regulated plant under the Delaware Valley order in the months of January 1967 to the effective date of this order, but which failed to meet the prescribed shipping requirements solely because greater qualifying shipments are made to other order plants.

On request of a cooperative association which has operated a fully regulated supply plant in the Delaware Valley market over an extended period of time, which plant could not meet applicable shipping requirements, the restrictions on shipments to other order plants were initially suspended for the months of June and July 1967 (32 F.R. 9086). A proposal to modify the supply plant pooling requirements to accommodate the current operations of this supply plant was considered at the hearing. Following issuance of the July 20, 1967 recommended decision these restrictions were again suspended through the month of August (32 F.R. 11414) to allow time for action to be completed on the recommended modifications.

Proponent contended that in view of the previous association of its plant with the Delaware Valley market it should not be denied pooling status under the amended order as long as the qualifying shipments of the plant were made to plants which had sufficient Class I distribution in the market to substantially offset such shipments even though the preponderance of such shipments were to Order 2 pool plants. Both at the hearing and in its brief the cooperative suggested various modifications of the pool plant provisions which would insure the pooling of its plant under this order.

In support of its position the cooperative pointed out that the plant in question had historically shipped the preponderance of its receipts to an Order 4 distributing plant. However, in the month of May 1967, the route business of that handler was sold to an Order 2 handler who now operates these routes out of his Order 2 plant. The supply plant in question continues to supply the milk for such sales but the milk is now shipped to the Order 2 plant. In addition the cooperative has an account with at least one Order 4 handler and a significant, but minor, volume of the plant's output regularly moves to that handler's plant.

The problem at hand is complicated by differences in pooling requirements between adjacent orders. Under specified circumstances, permanent pool plants under the New York-New Jersey order hold status without specific performance. Plants which are not permanent pool plants even though shipping their entire supply to fully regulated plants under that order can avoid pooling at the option of the handler if the shipments are not assigned to Class I sales in the marketing area. These differences in pooling requirements are basic to the present problem.

It is not appropriate to pool milk under the Delaware Valley order simply because a handler elects options under the New York-New Jersey order which avoid pooling of his plant under that order even though the preponderance of the plant's milk is delivered to regulated plants under that order. Nevertheless, a plant should not be denied pooling status under the Delaware Valley order simply because some of its qualifying shipments are made to an Order 2 plant.

The problem under the Delaware Valley order can best be resolved by permitting as qualifying shipments for pooling status, shipments to other order plants but denying pooling status in the event that such shipments to any other single order exceed shipments to qualified plants regulated under this order.

While this procedure could result in a plant shipping to both New York-New Jersey and Delaware Valley pool plants not being pooled under either order, it is clear that such a result would be at the choice of the handler. Some operational changes might be necessary to accommodate pooling under Order 2 but this cannot be controlling in any determination of the milk to be pooled under the Delaware Valley order.

It is recognized further that the particular circumstances prompting the suspension action and the proposals here under consideration roughly coincided with the change in pooling arrangement effective June 1. Because of the historical association of the plant in question with the Delaware Valley market under the individual-handler pooling arrangement reasonable time should be allowed to permit the plant operator to adjust his business to permit pooling under this order, if he so desires.

The forthcoming months through October are the shortest months of production and hence the period when milk is most needed in the market. It is concluded therefore that continuing pooling status through October 1967 should be provided for any plant which has been a fully regulated plant under this order in each of the months from January 1967 to the effective date of this order but which fails to meet the prescribed shipping requirements solely because greater qualifying shipments are made to other order plants. This should present reasonable time for orderly adjustment of the plant's operations to comport with the regular pooling standards for supply plants. If sufficient sales cannot be developed in this market by that time the plant appropriately should not continue to have pooling privileges under the Delaware Valley order.

Exceptions were filed to the Deputy Administrator's recommended decision in the matter both by the proponent cooperative and on behalf of another cooperative which also is potentially confronted with loss of pooling status for its plant by virtue of the extent of its shipments to Order 2 pool plants. Exceptors' primary objective is to find a means for continued pooling of plants under the Delaware Valley order notwithstanding greater shipments by such plants to other order plants. To this end they contend that distribution by such other order plants in the Delaware Valley market appropriately should be assigned to shipments from their supply plants and such shipments then considered to be of the same nature as shipments to Order 4 plants for purposes of qualifying the supply plants for pooling.

A pooling scheme such as suggested by exceptors is not appropriate for this market. A distributing plant appropriately should be pooled under the order regulating the market in which it makes the greatest proportion of its distribution. A supply plant similarly should be pooled under the order regulating the distributing plant(s) to which it makes the greatest proportion of its shipments. This pooling procedure is prescribed in Federal orders generally. The adoption of exceptors' proposals would be incompatible with the pooling provisions of surrounding Federal orders and would require an administrative determination with respect to the appropriate order of regulation in each situation of a supply plant meeting the pooling requirements of more than one order.

The regulatory scheme prescribed by the Delaware Valley order in no way inhibits the free flow of milk between regulated markets in response to price differences. A procedure such as exceptors advance in which a supply plant shipment would be arbitrarily assigned against Class I sales in a specified market would have the effect of permitting a handler to choose his order of regulation and would unduly interfere with the application of the pricing standards of the Act.

Exceptors further excepted to the Deputy Administrator's conclusion that the period through October 1967 should be allowed to permit the operator of any supply plant presently pooled through suspension action to adjust his business to permit pooling under this order or the New York-New Jersey order if he so desired. One exceptor contended that additional time through March 1968 should be provided in recognition of the fact that contract business is commonly awarded starting April 1. Another exceptor requested that additional time through June 1968 be provided to allow the supply plant opportunity to qualify under the New York-New Jersey order.

As pointed out in the recommended decision the period through October is the shortest period of production and hence the period when milk is most needed in the market. If sufficient business cannot be obtained during this period to meet the prescribed pooling standards, such plants cannot be concluded to have sufficient association with the market to justify their continued pooling.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Delaware Valley Marketing Area" and "Order Amending the Order Regulating the Handling of Milk in the Delaware Valley Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of June 1967 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Delaware Valley marketing area, is approved or favored by producers, as defined under the terms of the order, as amended and as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on August 23, 1967.

ROBERT E. LEONARD,
Deputy Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Delaware Valley Marketing Area

§ 1004.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Delaware Valley marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Delaware Valley marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, Regulatory Programs, on July 26, 1967, and published in the FEDERAL REGISTER on July 28, 1967 (32 F.R. 11039; F.R. Doc. 67-8317), shall be and are the terms and provisions of this order, and are set forth in full herein.

1. In § 1004.8 paragraph (b) is revised to read as follows:

§ 1004.8 Pool plant.

* * * * *

(b) Subject to the provisions of paragraphs (c) and (d) of this section, a supply plant from which during any of the months of September through February not less than 50 percent, and during any of the months of March through August not less than 40 percent, of the milk received from dairy farmers (including milk diverted as producer milk pursuant to § 1004.15 by either the plant operator or by a cooperative association), or from a cooperative association in its capacity as a handler pursuant to § 1004.10(c) is moved during the month to a distributing plant from which a volume of fluid milk products which is not less than 50 percent during any month of September through February, or 45 percent during any month of March through August, of its receipts of milk from dairy farmers, cooperative associations, and from other plants is disposed of as route disposition during the month, and the volume disposed of as route disposition in the marketing area during the month is not less than 10 percent of such receipts. However, a supply plant shall not be qualified pursuant to this paragraph in any month in which a greater proportion of its qualifying shipments are made to a plant(s) regulated under another Federal order than to plants regulated under this order: *Provided*, That for the months through October 1967, this condition shall not be applicable to any plant which has continuously been a fully regulated plant under the Delaware Valley order for the months of January 1967 to the effective date of this amending order.

2. In § 1004.15 the preamble and paragraph (d) are revised to read as follows:

§ 1004.15 Producer.

"Producer" means any person, except a producer-handler as defined in any order (including this part) issued pursuant to the Act, a "dairy farmer for other markets", or any other person with respect to milk produced by him which is subject to the pricing and payment provisions of another order issued pursuant to the Act, who produces milk which is received at a pool plant or by a cooperative association in its capacity as a handler pursuant to § 1004.10(c), or is diverted to an other order plant under an agreed upon Class II disposition by both the diverting and receiving handlers and for which equivalent Class II use is available in the receiving plant to permit such assignment under the terms of the other order, or which is otherwise diverted to any other nonpool plant other than a producer-handler plant during any month(s) of March through August, or in accordance with the provisions of paragraphs (a), (b), or (c) of this section, during any month of September through February. If a handler diverting milk pursuant to paragraph (a) of this section diverts milk of any dairy farmer in excess of the limits prescribed, such dairy farmer shall be a producer only with respect to that milk physically received at a pool plant. If a handler diverting milk pursuant to paragraphs (b) or (c) of this section diverts in excess of the limits prescribed, all diversions by such handler during the month shall be pursuant to paragraph (a) of this section.

* * * * *

(d) Milk which is diverted pursuant to paragraphs (a), (b), or (c) of this section shall be deemed to have been received by the handler, for whose account it is diverted, at a pool plant at the location of the plant from which it was diverted, except that, for the purpose of applying location adjustments pursuant to §§ 1004.52 and 1004.53, milk which is diverted from a pool plant within 45 miles of the nearest of the basing points in § 1004.52 to a plant in excess of 125 miles from the nearest of such basing points or from a pool plant located in excess of 45 miles of the nearest of the basing points to a plant at which a greater location adjustment credit is applicable shall be priced at the latter location.

[F.R. Doc. 67-10067; Filed, Aug. 25, 1967; 8:47 a.m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

DEPARTMENT OF LABOR

Division of Public Contracts

[41 CFR Part 50-204]

RADIATION STANDARDS FOR MINING

Notice of Proposed Rule Making

Though the text of the present radiation standard for underground mining is not restricted to any particular type of underground mine (32 F.R. 8412), the restrictive section title of the former regulation, which referred only to uranium mines (33 F.R. 7023), was not changed with the text. In order to eliminate this ambiguity, and extend the current radiation standard to all mines, it is proposed to amend the title to 41 CFR 50-204.321 and its paragraph (b) to read as set out below.

Any person interested in this proposal is invited to submit data, views, or argument in writing by mail within 30 days after this notice is published in the FEDERAL REGISTER to the Secretary of Labor, United States Department of Labor, Fourteenth Street and Constitution Avenue NW., Washington, D.C. 20210. The title to 41 CFR 50-204.321 and the text of its paragraph (b), as they are proposed to be amended, will read as follows:

§ 50-204.321 Radiation standards for mining.

* * * * *

(b) Occupational exposure to radon daughters in mines shall be controlled so that no individual will receive an exposure of more than 1.2 working level months in any consecutive 3-month period and no more than 3.6 working level months in any consecutive 12-month period. Actual exposures shall be kept as far below these values as practicable: *Provided, however*, That mines with conditions that would result in an exposure of more than 3.6 working level months but not more than 12 working level months in any 12 consecutive months will be considered in compliance up to January 1, 1969, if an effective program is established and carried out to (1) protect the health and safety of employees exposed to these conditions, and (2) reduce the concentration to the 3.6 working level months standard by January 1, 1969.

* * * * *

(Sec. 4, 49 Stat. 2036, 2038; 41 U.S.C. 38; sec. 7, 69 Stat. 261; 5 U.S.C. 906(d))

Signed at Washington, D.C., this 21st day of August 1967.

W. WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 67-10069; Filed, Aug. 25, 1967; 8:46 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 67-SW-55]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate a transition area at Decatur, Ark. The proposed transition area will provide airspace protection for aircraft executing approach/departure procedures proposed at Crystal Lake Airport, Decatur, Ark.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (32 F.R. 2148), the following transition area is added:

DECATUR, ARK.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Crystal Lake Airport (Lat. 36°20'30" N., Long. 94°26'45" W.); within 2 miles each side of the Fayetteville VORTAC 288° radial (285° magnetic), extending from the 6-mile radius area to 31 miles northwest of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at Lat. 36°30'00" N., Long. 94°20'45" W., to Lat. 36°28'45" N., Long. 94°21'30" W., thence counterclockwise along the arc of a 6-mile radius circle centered at Lat. 36°20'30" N., Long. 94°26'45" W., to Lat 36°24'45" N., Long. 94°30'45" W., to Lat. 36°30'00" N., Long. 94°27'00" W., to point of beginning.

This amendment is made under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Fort Worth, Tex., on August 16, 1967.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 67-10064; Filed, Aug. 25, 1967; 8:47 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Bureau Order 551; Amdt. 110]

AREA DIRECTORS

Delegations of Authority Regarding Indian Health Matters; Revocations

AUGUST 22, 1967.

Bureau Order 551 (an order by which the Commissioner of Indian Affairs delegates authority to Bureau Area Directors), as amended, is further amended as hereinafter indicated:

1. Section 252, *Quarantine of Indians*, is repealed.

2. Section 253, *Commitment of insane Indians*, is repealed.

3. Section 400, *Repeals*, is amended by the addition thereto of the following:

Sec. 252. Quarantine of Indians.
Sec. 253. Commitment of insane Indians.

4. The center heading "Functions Relating to Welfare Matters" is changed to "Functions Relating to Social Services Matters".

THEODORE W. TAYLOR,
Deputy Commissioner.

[F.R. Doc. 67-10045; Filed, Aug. 25, 1967; 8:46 a.m.]

[Bureau Order 567; Amdt. 11]

SUPERINTENDENT OR OFFICER IN CHARGE OF CHEROKEE AGENCY

Delegation of Authority Regarding Indian Health Matters; Revocation

AUGUST 22, 1967.

Order No. 567 (an order by which the Commissioner of Indian Affairs delegates authority to the Superintendents or Officers in Charge of the Cherokee, Seminole, and Miccosukee Agencies), as amended, is further amended as hereinafter indicated:

1. In Part 2, Authority of Superintendent or Officer in Charge of Cherokee Agency, the center heading "Functions Relating to Welfare Matters" and section 2.253 thereunder, *Commitment of insane Indians*, are repealed.

2. In Part 3, a new center heading, designated "Obsolete Authorities" and section 2.400 thereunder, designated *Repeals*, are added to read as follows:

OBSOLETE AUTHORITIES

SEC. 2.400. *Repeals.* The following provisions of this order are repealed:

Sec. 2.253.

THEODORE W. TAYLOR,
Deputy Commissioner.

[F.R. Doc. 67-10046; Filed, Aug. 25, 1967; 8:46 a.m.]

Fish and Wildlife Service

[Docket No. A-078]

RICHARD T. HINDE AND OLE G. HARDER

Notice of Loan Application

AUGUST 23, 1967.

Richard T. Hinde and Ole G. Harder, Post Office Box 1706, Kodiak, Alaska 99615, owners of the vessel "Pacific Lady," purchased with the aid of a Fisheries Loan to engage in the fishery for king crab and herring, have requested permission to extend their fishing operations to include fishing for shrimp, flounders, pollock, ocean perch, and bottomfish.

Notice is hereby given that the above request is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel for the requested species will cause economic hardship or injury to efficient vessel operators already operating for said species must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

RALPH C. BAKER,
Acting Director,
Bureau of Commercial Fisheries.

[F.R. Doc. 67-10066; Filed, Aug. 25, 1967; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

[Notice No. 24]

WHEAT IN MONTANA, NEBRASKA, SOUTH DAKOTA, AND TEXAS

Extension of August 31 Closing Date for Filing of Applications for 1968 Crop Year

Pursuant to the authority contained in § 401.3 of Title 7 of the Code of Federal Regulations, and pursuant to paragraph 1 of the resolution adopted by the Board of Directors of the Federal Crop Insurance Corporation on March 10, 1964, the time for filing applications for wheat crop insurance for the 1968 crop year in all counties in Montana, Nebraska, South Dakota, and in Carson, Dallam, Hansford, Moore, and Sherman Counties, Tex., where such insurance is otherwise authorized to be offered is hereby extended from August 31, 1967, until the close of business on September 29, 1967. Such applications received during this period will be accepted only after it is determined that no adverse selectivity will result.

JOHN M. LUPI,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 67-10076; Filed, Aug. 25, 1967; 8:48 a.m.]

Packers and Stockyards Administration

[P. & S. Docket No. 311]

MARKET AGENCIES AT KANSAS CITY STOCK YARDS

Notice of Petition for Modification of Rate Order

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), an order was issued on March 25, 1966 (25 A.D. 360), authorizing the respondents, Market Agencies at Kansas City Stock Yards, Kansas City, Mo., to assess the current temporary schedule of rates and charges to and including April 30, 1968, unless modified or extended by further order before the latter date.

On August 7, 1967, a petition was filed on behalf of the respondents requesting authority to modify, as soon as possible, the current temporary schedule of rates and charges as indicated below:

SECTION C—BUYING CHARGES

APPLICATION OF BUYING CHARGES

The rates for buying livestock shall be the same as the rates for selling (like species) except as follows:

* * * * *

6. On hogs trucked or shipped for immediate slaughter the charges shall be $10 for the first 25 head and 35 cents for each additional head thereafter. (Present)

(Proposed)

6. On hogs trucked or shipped for immediate slaughter the charges shall be $10 for the first 25 head and 35 cents for each additional head thereafter, with the exception of sows, boars, and stags purchased for slaughter, the charges shall be 15 cents per cwt.

The modification, if authorized, will produce additional revenue for the respondents and increase the cost of marketing livestock. Accordingly, it appears that this public notice of the filing of the petition and its contents should be given in order that all interested persons may have an opportunity to indicate a desire to be heard in the matter.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, within 10 days after the publication of this notice in the FEDERAL REGISTER.

Done at Washington, D.C., this 22d day of August 1967.

GLENN G. BIERMAN,
Acting Administrator, Packers and Stockyards Administration.

[F.R. Doc. 67-10060; Filed, Aug. 25, 1967; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

MASSACHUSETTS INSTITUTE OF TECHNOLOGY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 67-00060-65-46040. Applicant: Massachusetts Institute of Technology, 77 Massachusetts Avenue, Cambridge, Mass. 02139. Article: Scanning Electron Microscope, Model MK 11. Manufacturer: Cambridge Instrument Co., Ltd., United Kingdom. Intended use of article: Applicant states:

The instrument will be used in part as a teaching tool in a course on electron optics and in research programs in the Materials Science Center of M.I.T. The major research program involves the study of fatigue in situ. A fatigue machine will be constructed to fit directly into the scanning electron microscope. In this way it will be possible to observe the formation of slip bands and crack formations during a fatigue test.

Comments: No comments were received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: Scanning electron microscopy provides a newly developed technique for investigating both the surface and internal characteristics of metallurgical specimens. This technique permits stereoscopic images to be obtained. The National Bureau of Standards advises (memorandum dated July 17, 1967) that the research objectives of the applicant, as stated in reply to Question 7 of the application, can be attained only with a scanning electron microscope. The Bureau also advises that no scanning electron microscope is known to be manufactured in the United States.

The Department of Commerce knows of no instrument or apparatus of equivalent scientific value to the foreign article, for the purpose for which such article is intended to be used, which is being manufactured in the United States.

CHARLES M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 67-10057; Filed, Aug. 25, 1967; 8:45 a.m.]

SOUTHERN RESEARCH INSTITUTE

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 67-00063-65-44080. Applicant: Southern Research Institute, 2000 Ninth Avenue South, Birmingham, Ala. 35205. Article: Metallurgical Specimen Preparation Apparatus, Electrolytic Scanning Jet Machine. Manufacturer: Aeon Laboratories, United Kingdom. Intended use of article: Applicant states:

To be used in sample preparation for examination by our electron microscope.

Comments: No comments were received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reason: The foreign article is intended to be used in the preparation of metallurgical specimens for examination with an electron microscope, through controlled electrolytic action. (See description of Electrolytic Jet Machining Apparatus attached to application.) Since the accuracy of the dimensions of the specimen is pertinent to utilizing the maximum capabilities of the electron microscope, the ability to control the electrolytic action is likewise a pertinent characteristic. The National Bureau of Standards (memorandum dated July 11, 1967) advises that no equivalent instrument is known to be manufactured in the United States.

The Department of Commerce does not otherwise know of any instrument or apparatus of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLES M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 67-10058; Filed, Aug. 25, 1967; 8:45 a.m.]

UNIVERSITY OF TEXAS MEDICAL SCHOOL AT SAN ANTONIO

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 67-00078-00-46040. Applicant: The University of Texas, Medical School at San Antonio, 715 Stadium Drive, San Antonio, Tex. 78212. Article: Electro-magnetic shutter mechanism with attachment for exposure measurement Catalog No. 171460, accessory for electron microscope Model Elmiskopia. Manufacturer: Siemens and Halske Aktiengesellschaft, West Germany. Intended use of the article: Applicant states:

The article measures the electron intensity of the fluorescent screen and relays this information to an automatic shutter for photographic purposes. The electron microscope is used in research and teaching.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is an accessory which is intended to be used with a Siemens electron microscope which is manufactured in West Germany. The accessory must be specially designed to work with the Siemens electron microscope. The Department of Commerce knows of no comparable accessory which is being manufactured in the United States.

CHARLES M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 67-10059; Filed, Aug. 25, 1967; 8:45 a.m.]

UNIVERSITY OF WISCONSIN

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 67-00077-00-46040. Applicant: University of Wisconsin, 750 University Avenue, Madison, Wis. 53706. Article: Anticontamination Device for lower specimen chamber on Hitachi Electron Microscope. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: Applicant states:

It will be used on a Hitachi Electron Microscope now in our possession to obtain better pictures.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purpose for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is an accessory to a Hitachi electron microscope HY-2 which is designed specifically for use with the foreign electron microscope. We know of no manufacturer, other than the manufacturer of the electron microscope with which the foreign article is intended to be used, that produces a comparable accessory which will fit the Hitachi electron microscope.

For the foregoing reasons, we find that no instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States.

CHARLES M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 67-10040; Filed, Aug. 25, 1967; 8:45 a.m.]

National Bureau of Standards

PHASE OF TIME SIGNALS

Notice of Adjustments

In compliance with the National Bureau of Standards policy of giving notice regarding changes in broadcasts by NBS radio stations, notice is hereby given that there will be an adjustment in the phases of time pulses emitted from NBS radio stations WWV and WWVL, Fort Collins, Colo., and WWVH, Maui, Hawaii. On September 20, 1967, the clock controlling the times of signals broadcast from these stations will be advanced 200 microseconds at 0000 UT.

This adjustment is made to bring into closer agreement the time signals controlled by these clocks of the National Bureau of Standards and the U.S. Naval Observatory which follow the coordinated universal time (UTC) system.

There will be no adjustment in time signals emitted by U.S. Navy stations.

There will be no change in the epoch of seconds pulses emitted from NBS radio station WWVB, Fort Collins, Colo., broadcasts of which are made in accordance with the coordinated stepped atomic time (SAT) system.

Pursuant to an agreement between the U.S. Naval Observatory and the National Bureau of Standards this announcement has been reviewed by and has the concurrence of the U.S. Naval Observatory.

Dated: August 18, 1967.

R. S. WALLEIGH,
Acting Director.

[F.R. Doc. 67-10068; Filed, Aug. 25, 1967; 8:47 a.m.]

NBS RADIO STATIONS

Notice of No Change in Standard Frequency and Time Broadcasts

In accordance with National Bureau of Standards policy of giving monthly notices regarding changes of phases in seconds pulses, notice is hereby given that there will be no change in the phase of seconds pulses emitted from radio station WWVB, Fort Collins, Colo., on October 1, 1967. The carrier frequency of WWVB is 60 kHz and is broadcast without offset. These emissions are made following the stepped atomic time (SAT) system as coordinated by the Bureau International de l'Heure (BIH).

Notice is also hereby given that there will be no change in the phase of time pulses emitted from radio stations WWV, Fort Collins, Colo., and WWVH, Maui, Hawaii, on October 1, 1967. These pulses at present occur at intervals which are longer than one second by 300 parts in 10^{10}. This is due to the offset maintained in the carrier frequencies of these stations following the universal time (UTC) system as coordinated by the BIH.

R. S. WALLEIGH,
Acting Director.

AUGUST 17, 1967.

[F.R. Doc. 67-10064; Filed, Aug. 25, 1967; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 18936, etc.; Order No. E-26581]

AMERICAN AIRLINES, INC., ET AL.

Order Instituting Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 23d day of August 1967; Standby youth fares proposed by American Airlines, Inc., Dockets 16805, 16806, 16807, 16808, 16811, 16823, and 16861; "young adult" fares proposed by Allegheny Airlines, Inc., Docket 16826; investigation of currently effective standby youth fares and "young adult" fares, Docket 18936.

By orders adopted January 20, 1966, the Board dismissed complaints against standby youth fares proposed by American Airlines, Inc.,[1] and against "young adult" fares proposed by Allegheny Airlines, Inc.[2] The Board found in each instance that the complaints did not set forth facts sufficient to warrant investigation and that the requests therefor, and consequently the requests for suspension, should be denied and the complaints dismissed. The Board's orders were reviewed by the U.S. Court of Appeals for the Fifth Circuit at the instance of Transcontinental Bus System, Inc., and other bus companies. On July 24, the court concluded its consideration of the case by the issuance of a judgment holding that the foregoing orders of the Board "refusing to investigate or suspend the youth and young adult fare tariffs, be, and they are hereby set aside and reversed and the cases are remanded to the Civil Aeronautics Board for such further proceedings as are appropriate under the Federal Aviation Act of 1958, and not inconsistent with the opinion of this Court."[3]

To reflect the court's judgment, we shall formally vacate Orders E-23137 and E-23138, dismissing complaints against the standby youth fares proposed by American Airlines, Inc., and the "young adult" fares proposed by Allegheny Airlines, Inc., except insofar as they establish reporting requirements. This action will serve to reinstate the complaints before us. In order to deal with the issues raised by the complaints in the light of the determinations of the court, we shall now order the institution of an investigation with respect to the lawfulness of these tariffs. Our investigation, however, will be expanded to encompass all other currently effective standby youth fares or young adult fares filed by carriers other than those named above. In this way, whatever conclusions we reach in this matter can be made effective with respect to all like tariffs at the same time.

Before proceeding further, however, we believe that it would be advisable to afford the parties and any other interested persons an opportunity to express their views with respect to the nature of this investigation and the course that it may follow. Specifically, we shall afford the airlines an opportunity to indicate their plans with respect to the curtailment, continuance or expansion of their youth fare programs. All parties will be afforded an opportunity to set forth any arguments that they may have in support of or in opposition to the justification for the various youth fare programs. Finally, all parties will be asked to comment on the need for or efficacy of an evidentiary hearing and to accompany their comments with a showing as to the evidence to be adduced by them at such a hearing and the factual conclusions such evidence will tend to establish. Once these comments and showing are filed, we shall be in a position to proceed promptly in delineating the course to be followed in the investigation we are now ordering.

Accordingly, pursuant to the mandate of the U.S. Court of Appeals for the Fifth Circuit,[4] and pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 404, and 1002 thereof: *It is ordered*, That:

1. Orders E-23137 and E-23138, both adopted January 20, 1966, be, and the same hereby are, vacated, except insofar as they establish reporting requirements.

2. An investigation be instituted under Docket 18936 to determine whether the fares and provisions described in Appendix A[5] hereto, including subsequent revisions and reissues thereof, and rules, regulations, and practices affecting such fares and provisions are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares and provisions, and rules, regulations, or practices affecting such fares and provisions.

3. Any party to this proceeding or other interested person may, within a period of 30 days after publication of this order in the FEDERAL REGISTER, file a statement with the Board setting forth its views as to the nature of this investigation and the course that it should follow. Such statements may include but are not limited to:

a. Plans of the air carriers with respect to the curtailment, continuance, or expansion, of their youth fare programs;

b. Arguments in support of or in opposition to the justification for various youth fare programs; and

c. The need for or efficacy of an evidentiary hearing, accompanied by showings as to the evidence to be adduced at such a hearing and the factual conclusions such evidence would tend to establish.

4. Copies of this order be served upon American Society of Travel Agents, National Trailways Bus System, Alaska Airlines, Inc., Allegheny Airlines, Inc., Aloha Airlines, Inc., American Airlines, Inc., Bonanza Air Lines, Inc., Braniff Airways, Inc., Central Airlines, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., Frontier Airlines, Inc., Hawaiian Airlines, Inc., Lake Central Airlines, Inc., National Airlines, Inc., New York Airways, Inc., North Central Airlines, Inc., Northeast Airlines, Inc., Northwest Airlines, Inc., Ozark Air Lines, Inc., Pacific Air Lines, Inc., Pan American World Airways, Inc., San Francisco & Oakland Helicopter Airlines, Inc., Southern Airways, Inc., Trans-Texas Airways, Inc., Trans World Airlines, Inc., United Air Lines, Inc., West Coast Airlines, Inc., Western Air Lines, Inc., and they are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 67-10067; Filed, Aug. 25, 1967; 8:46 a.m.]

[1] Order No. E-23137 entered in Dockets 16805, 16806, 16807, 16808, 16811, 16823, and 16861.

[2] Order No. E-23138 entered in Docket 16826.

[3] Transcontinental Bus System, Inc., et al. v. Civil Aeronautics Board, Nos. 23,410 and 23,411, C.A. 5, decided July 24, 1967.

[4] See note 3, supra.

[5] Appendix A filed as part of original document.

[Docket No. 18888]

NATIONAL AIRLINES, INC.

Proposed Approval of Application

Notice is hereby given pursuant to the statutory requirements of section 408(b) that the undersigned intends to issue the order set forth below under delegated authority. Interested parties are hereby afforded a period of 15 days within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., August 22, 1967.

[SEAL] A. M. ANDREWS,
Director, Bureau of Operating Rights.

ORDER GRANTING APPROVAL

Issued under delegated authority.

Application of National Airlines, Inc., for an exemption from section 408 of the Federal Aviation Act of 1958, as amended, Docket 18888.

By application filed August 4, 1967, as amended on August 16, 1967, National Airlines, Inc. (National), requested that the Board grant an exemption from the requirements of section 408 of the Federal Aviation Act of 1958, as amended (the Act), insofar as that provision would prohibit the lease of two B-727QC aircraft (the aircraft) from Airlift International, Inc. (Airlift).

In support of its application, National stated that on July 18, 1967, it entered into an agreement with Airlift whereby Airlift, upon its expected acquisition of the aircraft in the fall of 1967 would lease such aircraft to National so as to provide National with a daily daytime utilization of each aircraft with a monthly minimum of 248 block hours of time. The lease provides that National will daily redeliver each aircraft, effecting the change in configuration to enable Airlift to utilize the aircraft in its scheduled nighttime cargo operations for a minimum of 158 hours per month. The rental payable by National under the lease is $55,000 per month per aircraft. The term of the lease is for 1 year, with an option in National to renew the lease of one or both aircraft for an additional 1-year period. The parties will each month coordinate their respective schedules to their mutual satisfaction.

The application made the further contentions that Airlift's cargo operations were essentially night-time operations. Therefore, the historic daylight loading of the aircraft would provide high hourly utilization with an opportunity for increased income to Airlift.

It is further contended that the agreement presents no question of undesirable combination, restraint of competition, jeopardy to another person or potential conflict of interest. National requested an exemption on the ground that the time required to obtain the requisite approval under section 408 might delay implementation of the agreement. However, the aircraft will not be available until the fall of the year and under the circumstances we believe it is more appropriate to handle the matter under the third proviso of section 408(b).

No adverse comments or requests for a hearing have been received by the Board.

Notice of intent to dispose of the application without a hearing has been published in the FEDERAL REGISTER, and a copy of such notice has been furnished by the Board to the Attorney General not later than the day following the date of such publication, both in accordance with the requirements of section 408(b) of the Act.

Upon consideration of the foregoing, it is concluded that jurisdiction over the transaction exists under section 408. However, it is further concluded that the transaction does not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, does not result in creating a monopoly and does not restrain competition or jeopardize any other air carrier not a party thereto. Furthermore, no person disclosing a substantial interest in this proceeding is currently requesting a hearing, and it is found that the public interest does not require a hearing. The lease should be benefited to both carriers. Airlift will receive revenue from the aircraft for a period when the equipment might otherwise not be utilized. National will be able to offer increased capacity to the traveling public as a result of the lease.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.18, it is found that the foregoing lease transaction between National and Airlift should be approved under section 408(b) of the Act, without a hearing.

Accordingly, it is ordered:

1. That the lease transaction herein described, between National and Airlift, be and it hereby is approved;

2. That this action shall not be deemed an approval for rate-making purposes of the financial provisions of the transaction; and

3. That, to the extent not granted herein, the application in Docket 18888 be and it hereby is denied.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.30, may file such petitions within 5 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon the expiration of the above period unless within such period a petition for review is filed, or the Board gives notice that it will review this order on its own motion.

By: A. M. Andrews,
Director, Bureau of Operating Rights.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 67-10068; Filed, Aug. 25, 1967; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 618]

EAGLE SHIPPING CO., INC.

Revocation of License

Whereas, Eagle Shipping Co., Inc., 17 Battery Place, New York, N.Y. 10004, has ceased to operate as an independent ocean freight forwarder; and

Whereas, Eagle Shipping Co., Inc. has returned its Independent Ocean Freight Forwarder License No. 618 to the Commission for cancellation.

Now, therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (revised), section 6.03:

It is ordered, That the Independent Ocean Freight Forwarder License No. 618 of Eagle Shipping Co., Inc., be and is hereby revoked, effective August 22, 1967.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served on the licensee.

Served: August 21, 1967.

JOHN F. GILSON,
Deputy Director,
Bureau of Domestic Regulation.

[F.R. Doc. 67-10078; Filed, Aug. 25, 1967; 8:49 a.m.]

BRAZIL-UNITED STATES ATLANTIC COCOA BEAN AGREEMENT

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval:

On behalf of	By
Companhia De Navegacao Loide Brasileiro, Companhia De Navegacao Maritima Netumar.	Mr. Frank J. McConnell, Attorney, 52 Wall Street, New York, N.Y. 10005.
Empresa Linesa Maritimas Argentinas	Mr. Seymour H. Kligler, Attorney, 120 Broadway, New York, N.Y. 10005.
The Lamport & Holt Line, Ltd., The Booth Steamship Co., Ltd.	Mr. Paul Hancock, Representative, 17 Battery Place, New York, N.Y. 10004.
Montemar Sociedad Anonima	Mr. James N. Jacobi, Attorney, 2000 K Street NW., Washington, D.C. 20006.
Moore-McCormack Lines, Inc.	Mr. Ira L. Ewers, Attorney, 1000 16th Street NW., Washington, D.C. 20036.

Agreement 9648-C implements pending Agreement 9649 (Inter-American Freight Conference—Pooling Guidelines) to form a pool to allocate cocoa bean cargoes northbound from Brazilian ports north of and including Vitoria up to and including Salvador to all U.S. Atlantic Coast ports. Pool participants must be party to the Inter-American Freight Conference, pending Agreement No. 9648, and are divided into two main groups, i.e. National Flag Lines (Brasil and United States) and Third Flag Lines which are further subdivided between Pan American Lines and all other lines. The pool will be of 5 years duration, 1967 to 1971, and will maintain its headquarters at Rio de Janeiro. Each of the parties may carry up to 10 percent over its assigned quota without penalty. However, the full freight on any excess overcarried above this 10 percent must be contributed to the pool fund and expenses of administering the pooling agreement will be paid from the funds so contributed to the extent that the same are available. Any balance due for such expenses will be apportioned among the participating carriers pro rata in accordance with their allocated percentages.

Dated: August 24, 1967.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 67-10103; Filed, Aug. 25, 1967; 8:49 a.m.]

BRAZIL-UNITED STATES ATLANTIC COFFEE AGREEMENT

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval:

On behalf of	By
Companhia De Navegacao Loide Brasileiro, Companhia De Navegacao Maritima Netumar.	Mr. Frank J. McConnell, Attorney, 52 Wall Street, New York, N.Y. 10005.
Empresa Linesa Maritimas Argentinas	Mr. Seymour H. Kligler, Attorney, 120 Broadway, New York, N.Y. 10005.
The Lamport & Holt Line, Ltd., The Booth Steamship Co., Ltd.	Mr. Paul Hancock, Representative, 17 Battery Place, New York, N.Y. 10004.
Montemar Sociedad Anonima	Mr. James N. Jacobi, Attorney, 2000 K Street NW., Washington, D.C. 20006.
Moore-McCormack Lines, Inc.	Mr. Ira L. Ewers, Attorney, 1000 16th Street NW., Washington, D.C. 20036.

Notice of agreement filed for approval:

On behalf of	By
Companhia De Navegacao Loide Brasileiro Navegacao Mercantil S.A.	Mr. Frank J. McConnell, Attorney, 52 Wall Street, New York, N.Y. 10005.
Empresa Linesa Maritimas Argentinas	Mr. Seymour H. Kligler, Attorney, 120 Broadway, New York, N.Y. 10005.
Delta Steamship Lines, Inc.	Mr. Donald Macleay, Attorney, 1629 K Street NW., Washington, D.C. 20006.

Agreement 9649-A implements pending Agreement 9649 (Inter-American Freight Conference—Pooling Guidelines) to form a pool to allocate green coffee cargoes northbound from Brazilian ports south of and including Vitoria to all U.S. Atlantic Coast ports. Pool participants must be party to the Inter-American Freight Conference, pending Agreement No. 9648, and are divided into two main groups, i.e. National Flag Lines (Brasil and United States) and Third Flag lines, which are further subdivided between Pan American Lines and all other lines. The pool will be of 5 years duration, 1967 to 1971, and will maintain its headquarters at Rio de Janeiro. Each of the parties may carry up to 10 percent over its assigned quota without penalty. However, the full freight on any excess overcarried above this 10 percent must be contributed to the pool fund, and expenses of administering the pooling agreement will be paid from the funds so contributed to the extent that the same are available. Any balance due for such expenses will be apportioned among the participating carriers pro rata in accordance with their allocated percentage quotas.

Dated: August 24, 1967.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 67-10104; Filed, Aug. 25, 1967; 8:49 a.m.]

BRAZIL-UNITED STATES GULF OF MEXICO COFFEE AGREEMENT

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Agreement 9649-B implements pending Agreement 9649 (Inter-American Freight Conference—Pooling Guidelines) to form a pool to allocate cargoes northbound from Brazilian ports south of and including Vitoria to all U.S. Gulf of Mexico ports. Pool participants must be party to the Inter-American Freight Conference, pending Agreement No. 9648, and are divided into two main groups, i.e., National Flag Lines (Brasil and United States) and Third Flag Lines, which, at present consist of Pan American Lines only, although provision is made for admission of other third flag lines. The pool will be of 3 years duration, 1967 to 1969, and will maintain its headquarters at Rio de Janeiro. Each of the parties may carry up to 10 percent over its assigned quota without penalty. However, the full freight on any excess overcarried above this 10 percent must be contributed to the pool fund, and expenses of administering the pooling agreement will be paid from the funds so contributed to the extent that the same are available. Any balance due for such expenses will be apportioned among the participating carriers pro rata in accordance with their allocated percentage quotas.

Dated: August 24, 1967.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 67-10105; Filed, Aug. 25, 1967; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Project No. 2338]

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

Order Granting Petition To Intervene

AUGUST 17, 1967.

On June 9, 1967, the Connecticut State Board of Fisheries and Game has asked to become an active intervener in the proceedings relating to the proposed pumped storage project of Consolidated Edison Company of New York, Inc., on the Hudson River at Cornwall, N.Y. The Connecticut Board has also asked that this Commission delay approval of plant construction and operation pending completion of certain studies on the effect of the project on fish life, hold further hearings at some point in Connecticut, advise the Connecticut Board as to the current status of the project including any schedule of future action and consider the comments of the Connecticut Board as part of the official records. Answers were filed by Consolidated Edison and the Scenic Hudson Preservation Conference.

In these proceedings petitions to intervene were to be filed by March 15, 1966; hearings commenced on November 14, 1966, and were completed on May 31, 1967, and initial briefs were exchanged on August 14, 1967, with reply briefs due September 5, 1967. There has been extensive evidence with respect to the impact of the proposed project on the fishery resources of the area, and these matters presumably will be dealt with at length in the briefs to be submitted to the Examiner. Obviously it would not be appropriate for us to determine at this stage of the proceeding whether evaluation of the record will indicate extensive additional studies of the fish problem, and testimony thereon, will be necessary to permit a proper determination of the question. However, in spite of the proceedings having reached an advanced stage, it is our opinion that it is in the public interest to permit the Connecticut Board to intervene in the case. Moreover, we believe that if the Board is presently in possession of any information not fully canvassed on the record, they should be given an opportunity to present such additional evidence on the effect of the proposed project on the Connecticut fisheries and fishing industry. We are obviously not in a position to determine whether the Board is in possession of or prepared to submit any such evidence, not purely cumulative of existing testimony. Accordingly, we are providing that the Presiding Examiner convene a hearing conference on September 7, 1967, to determine whether the Board has relevant and material additional evidence to submit at this time, and, in the event he decides in the affirmative, to establish reasonable periods for the submission and cross-examination of such evidence and for supplemental briefs thereon. If he does not, the Board should be given a reasonable time to submit by way of brief (to which, of course, other parties should have an opportunity to respond) any further comments on the fishery resource problem in the light of the existing record thereon, as it might wish in supplement to its letter of June 12, 1967 (which, of

course, is a part of the official records of the Commission, but not evidence).

The Commission further finds:

(1) Although the petition to intervene filed by the Connecticut Board was not filed within the time required by § 1.8(d) of the Commission's rules of practice and procedure (18 CFR 1.8(d)), good cause exists to permit the late filing.

(2) It is desirable and in the public interest to allow the Connecticut Board to intervene in this proceeding for the purpose specified below.

The Commission orders:

(A) The Connecticut State Board of Fisheries and Game is permitted to intervene in this proceeding: *Provided*, That its participation shall be limited to the effect of Consolidated Edison's proposed project on the Connecticut fisheries and fishing industry: *And provided further*, That the admission of such intervener shall not be construed as recognition by the Commission that it might be aggrieved by any order or orders entered in this proceeding.

(B) The Presiding Examiner shall convene a hearing conference on September 7, 1967. If he decides on the basis of the conference that the Board has relevant and material evidence to submit on the effect of the proposed project on the Connecticut fisheries and fishing industry, he shall establish reasonable periods for the submission and cross-examination of such evidence and for supplemental briefs thereon. If he decides the Board does not have such evidence, he shall give the Board opportunity to submit further comments on the fishery resource problem and other parties opportunity to respond.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 67-10042; Filed, Aug. 25, 1967; 8:45 a.m.]

[Docket Nos. CS68-24, CS68-25]

JAMES B. DUNIGAN TRUST ET AL.

Notice of Applications for "Small Producer" Certificates [1]

AUGUST 18, 1967.

James B. Dunigan Trust, et al., Docket No. CS68-24; Dorothy Webb Zoller, Docket No. CS68-25.

Take notice that on July 27, 1967, James B. Dunigan Trust et al.,[2] c/o Thomas G. Crouch, Attorney, 2700 Republic Bank Building, Dallas, Tex. 75201, and on August 2, 1967, Dorothy Webb Zoller, c/o J. L. Davis, Gas Consultant, 233 Petroleum Life Building, Midland, Tex. 79701, filed in Docket Nos. CS68-24 and CS68-25, respectively, applications pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for "small producer" certificates of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce from the Permian Basin area of Texas and New Mexico, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 11, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 67-10043; Filed, Aug. 25, 1967; 8:45 a.m.]

[Docket No. R168-80 etc.]

INVESTOR ROYALTY CO., INC., ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

AUGUST 18, 1967.

The Respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however*, That the supplements to the rate schedules filed by Respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before October 4, 1967.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

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[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

[2] Successors in interest to T. J. Jefferies. Jefferies interest has heretofore been covered by the Operator's (James O. Fox, Jr.) certificate in Docket No. CS67-36.

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
R168-80	Investor Royalty Co., Inc. (Operator) et al., 1301 Thompson Bldg., Tulsa, Okla. 74103.	[1] 2	3	Cities Service Gas Co. (Guymon-Hugoton Field, Finney County, Kans.).	$287	7-19-67	[2] 8-25-67	[3] 8-26-67	[4] 15.0	[5] [6] 16.0	
R168-81	Texaco Inc., Post Office Box 52332, Houston, Tex. 77052.	42	[7] 11	Phillips Petroleum Co.[8] (Hugoton Field, Texas County, Okla.) (Panhandle Area).	11	7-24-67	[2] 8-25-67	[3] 8-26-67	[9] 6.795	[10] [11] 6.795	R165-123.

[1] Basic contract dated after Sept. 28, 1960, the date of issuance of General Policy Statement No. 61-1.
[2] The stated effective date is the effective date proposed by Respondent.
[3] The suspension period is limited to 1 day.
[4] Periodic rate increase.
[5] Pressure base is 14.65 p.s.i.a.
[6] Subject to downward B.t.u. adjustment from 900 B.t.u.'s per cubic foot. Present B.t.u. content is approximately 700 B.t.u.'s per cubic foot.
[7] The stated effective date is the first day after expiration of the statutory notice.
[8] Applicable to Oklahoma production only.
[9] Subject to 0.4488 cent deduction for sour gas. (Gas is delivered sour in some instances.)
[10] Tax reimbursement increase.
[11] Includes 0.615 cent tax reimbursement.
[8] Phillips Petroleum Co. gathers and processes the gas in its Sherman Plant and resells it to Michigan Wisconsin Pipe Line Co. under its FPC Gas Rate Schedule No. 4 at a base rate of 15.22 cents per Mcf, effective subject to refund in Docket No. R165-[illegible].

Texaco, Inc. (Texaco), request that its proposed tax reimbursement increase be permitted to become effective as of July 1, 1967. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Texaco's rate filing and such request is denied.

The contract related to the rate filing by Investor Royalty Co., Inc. (Operator), et al., (Investor) was executed subsequent to September 28, 1960, the date of issuance of the Commission's statement of general policy No. 61-1, as amended, and the proposed rate of 13.0 cents per Mcf exceeds the area increased rate ceiling of 11.0 cents per Mcf for the Kansas area but is below the initial service ceiling of 16.0 cents per Mcf for the area involved. We believe, in this situation, Investor's rate filing should be suspended for 1 day from August 19, 1967, the proposed effective date.

Texaco proposes an increase from 6.75 cents, which is effective subject to refund, to 6.795 cents at 14.65 p.s.i.a. reflecting tax reimbursement only. The sale is to Phillips Petroleum Co. (Phillips) from the Hugoton Field, Texas County, Okla. (Panhandle Area). Phillips gathers and processes the gas and resells the residue gas to El Paso Natural Gas Co. at a base rate of 15.22 cents per Mcf, which rate is in effect subject to refund in Docket No. R165-526. Although Texaco's proposed rate does not exceed the area increased rate ceiling of 11.0 cents per Mcf (applicable at the tailgate of Phillips' plant) for the Panhandle Area as announced in the Commission's statement of general policy No. 61-1, as amended, it should be suspended because such ceiling is applicable to Phillips' resale rate, not to Texaco's. In view of the fact that the resale rate of Phillips is suspended in Docket No. R165-526, we conclude that a 1 day suspension from August 24, 1967, the date of expiration of the statutory notice, is appropriate with respect to Texaco's rate filing.

[F.R. Doc. 67-10046; Filed, Aug. 25, 1967; 8:46 a.m.]

[Docket No. CP68-45]

SABINE PIPE LINE CO.

Notice of Application

AUGUST 18, 1967.

Take notice that on August 10, 1967, Sabine Pipe Line Co. (Applicant), 1111 Rusk Avenue, Houston, Tex. 77002, filed in Docket No. CP68-45 a "budget-type" application pursuant to subsection (c) of section 7 of the Natural Gas Act, as implemented by § 157.7 of the regulations under the Act, for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to expend not in excess of $10,000 to make miscellaneous rearrangements to its transportation facilities during the 12-month period beginning July 15, 1967. Applicant states that it does not know at the present time all of the rearrangements to be made but states that initially these will include two gate valves and one check valve for the receipt and delivery of natural gas from and to Texaco, Inc. (Texaco). Applicant states further that Texaco will reimburse it for all costs incurred in the installation of these initial facilities.

The total cost of Applicant's proposed facilities is not to exceed $10,000 during the 12-month period.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before September 14, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 67-10044; Filed, Aug. 25, 1967; 8:46 a.m.]

[Docket No. CP68-42]

UNITED FUEL GAS CO.

Notice of Application

AUGUST 18, 1967.

Take notice that on August 9, 1967, United Fuel Gas Co. (Applicant), Post Office Box 1273, Charleston, W. Va. 25325, filed in Docket No. CP68-42 an application pursuant to subsection (c) of section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the continued sales of natural gas for resale and distribution, together with operation of the facilities necessary therefor, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to continue the sale of natural gas to Consumers Gas Utility Co. (Consumers), for resale and distribution in the Toms Creek Area, Cabell County, W. Va., through an additional delivery point on Applicant's 18-inch Line B35-74 which has been in use since January 1966. Applicant states that the total deliveries to Consumers will total approximately 1,200 Mcf per day during the 1967-68 winter heating period. Applicant further states that the total cost of the additional delivery point described above was $3,746.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before September 14, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7

and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-10045; Filed, Aug. 25, 1967; 8:46 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS

Long-Term Arrangements Regarding International Trade in Cotton Textiles

AUGUST 23, 1967.

The purpose of this notice is to announce certain actions taken by the U.S. Government in furtherance of the objectives of, and under the terms of, the Long-Term Arrangements Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962. This information is also published in the Department of Commerce Press Release G 67-108, dated August 11, 1967.

This information supplements that contained in earlier Department of Commerce press releases, the most recent which was G 67-109, dated April 28, 1967.

1. *Bilateral agreements—Hong Kong.* On May 31, 1967 notes were exchanged in Hong Kong amending the United States-Hong Kong bilateral cotton textiles agreement (See Department of State Press Release No. 123 for details).

Israel. On July 12, 1967 notes were exchanged in Washington constituting a new comprehensive cotton textile bilateral agreement between the United States and Israel covering the 4-year period beginning October 1, 1966. This replaces an earlier agreement (Department of State Press Release No. 20) signed in Washington on January 27, 1967 (See Department of State Press Release No. 158 for the details of the July agreement).

Malta. On June 14, 1967 notes were exchanged in Valletta constituting a new comprehensive cotton textile bilateral agreement between Malta and the United States covering the 4-year period beginning January 1, 1967 (See Department of State Press Release No. 142 for details).

Mexico. On June 2, 1967 notes were exchanged in Washington constituting a new comprehensive cotton textile bilateral agreement between the United States and Mexico covering the 4-year period beginning May 1, 1967 (See Department of State Press Release No. 126 for details).

Pakistan. On July 3, 1967 notes were exchanged in Washington constituting a new comprehensive cotton textile bilateral agreement between the United States and Pakistan, covering the 4-year period beginning July 1, 1966. This replaces an earlier agreement (See Department of State Press Release No. 153 for details of the July Agreement).

Turkey. On June 30, 1967 notes were exchanged in Washington which extended for an additional 3 years the United States-Turkish Bilateral Cotton Textile Agreement of July 17, 1964. No other changes were made in the Agreement (See Department of State Press Release No. 161 for the text of the U.S. note).

2. *Article 3 actions—Malaysia.* The Commissioner of Customs was instructed during the period of this release to limit imports of Malaysian cotton textiles in several categories. The 12-month levels of restraint applicable to goods in these categories exported on or after the effective dates shown below, are as follows:

Effective date	Category	Quantity
Apr. 28, 1967	9	480,000 square yards.
Mar. 21, 1967	15	345,000 square yards.
Apr. 28, 1967	18	420,000 square yards.
May 24, 1967	22	239,400 square yards.
Feb. 28, 1967	46	12,600 dozen.
Mar. 21, 1967	50	7,000 dozen.
Mar. 21, 1967	51	9,000 dozen.

(For other actions see Department of Commerce Press Release G 67-109 of Apr. 28, 1967.)

Brazil. The United States renewed on June 9, 1967 certain existing Article 3 restraints covering several categories of Brazilian cotton textiles. The 12-month levels of restraints for these categories are as follows:

Category		
22	sq. yds.	3,045,000
36 (duck only)	do.	1,875,000
36 (other)	do.	3,310,000

(For other actions see Department of Commerce Press Release G 67-5 dated Jan. 5, 1967.) The restraint on Category 19 was not renewed for the period following July 26, 1967.

On June 30, 1967, the United States requested Brazil to restrain exports of Brazilian poplin and broadcloth fabric (Category 15) to the United States.

Tunisia. On July 24, 1967, the United States requested Tunisia to restrain exports of Tunisian cotton duck fabric (part of Category 26) to the United States.

3. *Bilateral consultations.* The United States held consultations during the period covered by this release with a number of cotton textile exporting countries, including Portugal, Spain, Colombia, Yugoslavia, Jamaica, Japan, Korea, the Republic of China, the Philippines, Greece, and India. Pending the completion of consultations with Greece, further imports of yarn were prohibited effective July 18, 1967. Imports of yarn had exceeded levels provided for in the Agreement of July 17, 1964, as amended on May 23, 1966.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

[F.R. Doc. 67-10065; Filed, Aug. 25, 1967; 8:47 a.m.]

PRESIDENT'S COMMISSION ON POSTAL ORGANIZATION

NOTICE OF INQUIRY

The President's Commission on Postal Organization, established by Executive Order No. 11341, dated April 6, 1967 (32 F.R. 5765), is charged with the responsibility "to determine and report upon the feasibility and desirability of a transfer of the postal service from the Post Office Department to a Government corporation or such other form of organization as the Commission might consider desirable." In considering this objective, the Commission is to examine all factors which it deems relevant to postal organization, including but not limited to, management and efficiency of the postal service, postal rates, compensation of employees and personnel policy, and postal facilities and technology.

In order to be sure that the Commission considers all relevant matters, it is inviting interested parties to submit to it, in writing, their views on the critical issues confronting the Commission. The questions set forth below represent some of the issues which the Commission believes might be relevant to its work and are to be considered as guidelines for such a written statement of views. Interested parties are entirely free, however, to present their own list of issues and their views on how these issues should be resolved. The value of any submission to the Commission would be enhanced, of course, by detailed documentation of the party's answers.

To be assured consideration, written responses must be received at the Commission's offices, 1016 16th Street NW., Washington, D.C. 20036, not later than 5 p.m. on October 16, 1967. It would help the Commission if those addressing themselves to issues concerning rates, services, and classes of mail provided an estimate of their annual volume of mail and roughly the percentage of that volume represented by first, second, third, and fourth class mail. Those responding for an association should answer, if possible, on behalf of its membership.

By order of the Commission Chairman.

MURRAY COMAROW,
Executive Director.

ISSUES LIST

I. RATES, SERVICES AND CHARGES

A. Is there general satisfaction with the quality of mail service? What are the weakest aspects of the service? What are the strongest? Are there any particular classes of mail service that especially need improvement? If there are, which classes of service particularly need improvement and what should be improved?

B. Postal costs might be cut by standardization of mail and mailing procedures. How willing are mail users to accept standardization of: Letter sizes? Parcel sizes and weights? Presorting and sacking of mail? Zip codes on all pieces of mail? Deposit of mail at the post office to accommodate workloads on different days of the week and at different times of the day?

C. What changes, if any, should be made in the current scheduling and methods of mail delivery?

D. Should there be a service objective of 1-day delivery of first-class mail within metropolitan areas? Between any two points? Should there be an extra charge for this service? Is there a need for a priority class of mail that would replace airmail and call for delivery by the quickest possible transport?

E. The Postal Policy Act of 1958 (39 U.S.C. 3301 et seq.) provides that first-class mail constitutes a preferred service and that the postage for first-class mail should be sufficient to cover its allocated cost and an additional amount representing the value of its preferential service. Should this policy be modified in some way? If so, how? The Postal Policy Act (39 U.S.C. 2803(a)) identifies certain types of services as "public services." Though the mechanics vary by type of service, the result of "public service" treatment under the Act is a total or partial support of such services from public funds. Should this policy be modified in some way? If so, how? Should the "public service" treatment for the following be modified in some way: Second-class mail? Mailings of nonprofit organizations? Mailings of educational matter? Mail service for the blind? If so, how? Should the "public service" treatment for each of the following special services be modified in some way: C.O.D.? Insured mail? Special delivery? Money orders? If so, how? Should the "public service" treatment of the following be modified in some way: Third-class post offices? Fourth-class post offices? Rural routes? Star routes? If so, how?

F. Is the present level and interrelationship of postal rates the best from the point of view of the overall national interest? If not, how should it be modified?

G. Should second-class rates be determined by: Distance sent? Delivery outside of county of publication? Proportion of advertising in the publication? Controlled circulation publications (nonsubscription) have a special postal rate higher than second-class and lower than third-class. Should this policy be modified in any way? Should there be a special rate for newspapers and certain magazines in exchange for preferred ("red tag") service? If so, what kind of rate?

H. What is the social and economic value of commercial third-class mail?

I. Should a limit be placed on the size and weight of parcels that are handled by the postal service? Should the Post Office get out of the parcel post business entirely and leave it to its competitors in private express service?

J. What is the social and economic value of the following services: Registered mail? Certified mail? Return receipts? Insured mail? Money orders? Collect on delivery? Business reply envelopes? Should these services be modified in any way?

II. LABOR RELATIONS

A. What changes in the area of personnel management or labor relations should be made to improve the efficiency of the postal service either within the existing structure or under any alternative form of postal organization? What changes should be made to improve the morale or working conditions of the postal service, either within the existing structure or under any alternative form of postal organization?

B. What changes, if any, should be made in the present method of selecting postmasters and other postal management officials?

C. Should postal management have the right to transfer employees to other locations in the interests of the postal service? If so, should this right extend to all employees or just certain groups (e.g., executive and managerial-levels, supervisory levels)?

D. What changes, if any, should be made in the types of issues over which postal employees have the right to bargain collectively?

E. Should postal personnel policies and wages be set on a nationwide basis or should there be local variations?

F. Should postal employees have the right to strike? If not, what mechanism should there be for resolving impasses? Should there be fact-finding? Mediation? Voluntary or compulsory arbitration?

G. To what extent should the Post Office enter the labor market to employ people for reasons not directly related to mail operations?

III. GENERAL

A. What are the principal constraints upon the Post Office management today? Consider, among others, both legal and organizational constraints, both within and without the Post Office; consider, among others, the areas of labor management relations and personnel, postal rates and services, postal facilities and technology, and financing of postal activities. Would the public interest be served if some or all of these constraints were removed?

B. If the Commission were to recommend that the Post Office should be transferred to some form of organization outside of the Cabinet, what procedures should be established to ensure that the organization be sensitive to the interest of the general public in such matters as quality of service and rates? Consider the possibility of a broadly representative advisory council, a board of directors with public membership, a public regulatory body, etc.

C. How much should the postal service rely on private enterprise, as distinguished from its own resources, for transportation and other services? Should the postal service continue to lease buildings and space from private parties?

D. What should the postal policy be with respect to the rural carriers? The Star routes? Third-class post offices? Fourth-class post offices? Does the Post Office continue to serve a valuable function in rural areas apart from the delivery of mail? Should it?

E. Should the Post Office monopoly on letter mail be continued? If the Post Office lost its monopoly on first-class mail, would the public generally continue to use the mails for its first-class mailings? What types of private express service would become available and at what cost? What would the effect be on postal revenues? Would such competition stimulate better service by the Post Office?

F. Should the Post Office continue to rely on the same mix of transportation modes which it currently uses? If not, on what types of transportation should it rely more heavily, and why? Should the employees of the transportation systems perform more or less of the mail handling functions than they do now? What technological innovations in the transportation field are likely to affect the postal system and how? How can the Post Office take advantage of modern advances in transportation technology?

G. The Commission is required to determine and report on the feasibility and desirability of transfer of the postal service from its present form to a Government corporation or another form of organization. Possible forms of organization run the gamut from the present Cabinet department to restructured Cabinet department to a non-cabinet Government department, to a Government corporation, to a mixed public-private corporation, to a regulated private corporation, to the use of a series of licensed operators. Should the Post Office be transferred from its present form of organization? If so, to what form? The Commission would appreciate a detailed discussion of this issue.

[F.R. Doc. 67-10075; Filed, Aug. 25, 1967; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[70-4527]

COLUMBIA GAS SYSTEM, INC.

Notice of Proposed Issue and Sale of Debentures at Competitive Bidding

AUGUST 22, 1967.

Notice is hereby given that The Columbia Gas System, Inc. ("Columbia"), 120 East 41st Street, New York, N.Y. 10017, a registered holding company, has filed a declaration, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6 and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Columbia proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, $25 million principal amount of debentures ____ percent series due October 1992. The interest rate of the debentures (which will be not less than 98½ percent of 1 percent) and the price, exclusive of accrued interest, to be paid to Columbia (which will be not less than 98½ percent nor more than 101½ percent of the principle amount thereof) will be determined by the competitive bidding. The debentures will be issued under an indenture between Columbia and Morgan Guaranty Trust Company of New York, Trustee dated as of June 1, 1961, as heretofore supplemented by various indentures and as to be further supplemented by a 10th supplemental indenture to be dated October 1, 1967.

The net proceeds from the sale of the debentures will be used by Columbia to finance, in part, the cost of its subsidiary companies' 1967 construction program, estimated at $95 million and other corporate purposes.

It is stated that no State commission and no Federal commission, other than

this Commission, has jurisdiction over the proposed transactions. A statement of the fees, commissions, and expenses related to the proposed transactions is to be filed by amendment.

Notice is further given that any interested person may, not later than September 18, 1967, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-10051; Filed, Aug. 25, 1967; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 436]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 23, 1967.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR Part 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 78788 (Sub-No. 272 TA), filed August 16, 1967. Applicant: PACIFIC MOTOR TRUCKING COMPANY, 9 Main Street, San Francisco, Calif. 94105. Applicant's representative: B. Silver, 140 Montgomery Street, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities in bulk, commodities, equipment, classes A and B explosives, and household goods as defined by the Commission: (1) From San Francisco, Calif. to Stockton, Calif., via U.S. Highway 50, and return over same route; (2) from junction U.S. Highway 50 and California Highway 120 near Banta, Calif., over California Highway 120 to junction U.S. Highway 99, and return over same route; (3) from Banta, Calif., over California Highway 33 to Los Banos, Calif. and return over same route; (4) from Vernalis, Calif., to Modesto, Calif., via California Highway 132, and return over same route; (5) from Gustine, Calif., to Merced, Calif., via California Highway 140, and return over same route; (6) from Los Banos, Calif., to junction U.S. Highway 99 and California Highway 152, via California Highway 152, and return over same route; (7) from Sacramento, Calif., to Calexico Calif., via U.S. Highway 99 to junction U.S. Highway 60, thence via U.S. Highway 60 to Coachella, Calif., thence via California Highway 86 to El Centro, Calif., thence via California Highway 111 to Calexico, Calif., and return over same route; (8) from Coachella, Calif., to Brawley, Calif., via California Highway 111 and return over same route; (9) from San Diego, Calif., to Yuma, Ariz., via U.S. Highway 80, and return over same route; (10) from Arcata, Calif., to Santa Ana, Calif., via U.S. Highway 101, and return over same route; (11) from Benson, Ariz., to Lordsburg, N. Mex., via U.S. Highway 80, and return over same route.

(12) From junction U.S. Highway 666 and Arizona Highway 80 to junction U.S. Highway 80 near Steins, N. Mex., via Arizona Highway 86, and return over same route; (13) from Casa Grande, Ariz., to Gila Bend, Ariz., via Arizona Highway 84, and return over same route; (14) from Alturas, Calif., to Reno, Nev., via U.S. Highway 395, and return over same route; (15) from Hawthorne, Nev., to Phoenix, Ariz., via U.S. Highway 95 to junction U.S. Highway 93 near Boulder City, Nev., thence via U.S. Highway 93 to Kingman, Ariz., thence via U.S. Highway 66 to junction Arizona Highway 93, thence via Arizona Highway 93 to junction U.S. Highway 89, thence via U.S. Highway 89 to Phoenix; and return over same route; (16) from Las Vegas, Nev., to Yuma, Ariz., via U.S. Highway 95, and return over same route, serving Las Vegas for purposes of joinder only; (17) from Indio, Calif., to Phoenix, Ariz., via U.S. Highway 60, and return over same route; (18) from Globe, Ariz., to Glenbar, Ariz., via U.S. Highway 70, and return over same route; (19) from Candy, Calif., to Susanville, Calif., via California Highway 299 to Adin, Calif., thence via California Highway 139 to Susanville, Calif., and return over same route; (20) from Roseville, Calif., to Reno, Nev., via U.S. Highway 40, and return over same route; (21) from Hawthorne, Nev., to Mina, Nev., via U.S. Highway 95, and return over same route. The foregoing routes may be tacked at common points of service to each other and to applicant's other authorities in its certificates in MC-78788 and sub numbers. No service shall be rendered at intermediate points on routes numbered 14 through 19 inclusive.

All intermediate points on routes 1 through 13 inclusive and routes 20 and 21 shall be served. Service shall also be provided at all off-route points in the California counties of Alameda, Amador, Butte, Calaveras, Colusa, Contra Costa, El Dorado, Fresno, Glenn, Humboldt, Imperial, Inyo, Kern, Kings, Los Angeles, Madera, Marin, Mendocino, Merced, Monterey, Napa, Nevada, Orange, Placer, Riverside, Sacramento, San Benito, San Bernardino, San Francisco, San Joaquin, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Solano, Sonoma, Stanislaus, Sutter, Tulare, Ventura, Yolo, and Yuba, and the Arizona counties of Yuma, Maricopa, Pinal, Santa Cruz, Cochise, Graham, Greenlee, Gila, and Pima, which are stations on the rail lines of Southern Pacific Co. and its wholly owned rail subsidiaries (Northwestern Pacific Railroad Co., Petaluma and Santa Rosa Railroad Co., Visalia Electric Railroad Co., San Diego and Arizona Eastern Railroad, and Holton Inter-Urban Railway Co.), for 180 days. Supporting shippers: There are approximately 47 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor Wm. R. Murdoch, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 89684 (Sub-No. 59 TA), filed August 17, 1967. Applicant: WYCOFF COMPANY, INC., 560 South Second West Street 84101, Post Office Box 366 84110, Salt Lake City, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, in express service, limited to shipments not exceeding 250 pounds, from points in Utah and Idaho to Ely, McGill, and Ruth, Nev., for 180 days. Supporting shippers: There are approximately 53 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2224 Federal Building, Salt Lake City, Utah 84111.

No. MC 107403 (Sub-No. 726 TA), filed August 18, 1967. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 190505. Applicant's representative: John Nelson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, in tank vehicles, from Treichlers, Pa., to Camden, East Hackensack, Jersey City, New Brunswick, Paterson, and Trenton, N.J., for 180 days. Supporting shippers: Nebraska Consolidated Mills Co., 500 Kiewit Plaza, Omaha, Nebr. 68131. Send protests to: Ross A. Davis, District Supervisor, Bureau of Operations, 900 U.S. Customhouse, Second and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 110525 (Sub-No. 840 TA), filed August 18, 1967. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representative: Edwin H. van Deusen (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hydrogen peroxide*, in bulk, in tank vehicles, from Rochester, N.Y., to Geneseo, N.Y., for 150 days. Supporting shipper: E. I. du Pont de Nemours & Co., Wilmington, Del. 19898. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 900 U.S. Customhouse, Second and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 128947 (Sub-No. 2 TA), filed August 17, 1967. Applicant: CLEVELAND BULK TRANSFER, INC., 10686 Royalton Road, North Royalton, Ohio 44133. Applicant's representative: Paul F. Beery, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Automobile bodies, wrecked or scrapped*, not on their own wheels, and not bundled, for remelting purposes, from points in Pennsylvania, West Virginia, Kentucky, and Indiana, to Cleveland, Ohio, for 180 days. Supporting shippers: Luria Brothers & Co., Inc., 161 East 42d Street, New York, N.Y. Send protests to: G. J. Baccei, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 498 Federal Building, Cleveland, Ohio 44114.

No. MC 129281 (Sub-No. 1 TA), filed August 18, 1967. Applicant: RICHARD A. EDWARDS, Route 1, Clear Lake, Wis. 54005. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul, Minn. 55114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, in bulk, from Connersville, Wis., to St. Paul, Minn., for account of Harnisch Lumber Co., for 180 days. Supporting shipper: Harnisch Lumber Co., Connersville, Wis. Send protests to: District Supervisor A. E. Rathert, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-10070; Filed, Aug. 25, 1967; 8:48 a.m.]

[Notice 27]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 23, 1967.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 279), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-69762. By order of August 18, 1967, the Transfer Board approved the transfer to Engel Trucking, Inc., Greenville, Pa. 16125, of that portion of the operating rights of Presgrave Bros., Inc., Cleveland, Ohio 44306, in certificate No. MC-69766, issued May 23, 1941, authorizing the transportation of machinery, machine parts, contractors' equipment and supplies, and commodities requiring specialized handling or rigging, over irregular routes, between points in Cuyahoga County, Ohio, on the one hand, and, on the other, points in a described portion of Michigan, and points in a described portion of Pennsylvania. A. Charles Tell, Suite 1800, 100 East Broad Street, Columbus, Ohio 43215, attorney for applicants.

No. MC-FC-69786. By order of August 17, 1967, the Transfer Board approved the transfer to James M. Crossin, doing business as Arnold Movers, Fairfield, Conn., of the operating rights in certificate No. MC-34078, issued September 9, 1940, to John V. Arnold, 110 Beachview Avenue, Bridgeport, Conn., authorizing the transportation of household goods, over irregular routes, between Bridgeport, Conn., and points in Connecticut within 10 miles of Bridgeport, on the one hand, and, on the other, points in New York, New Jersey, Pennsylvania, Massachusetts, Rhode Island, Maryland, and Delaware. Edward Krasnow, 945 Main Street, Bridgeport, Conn., attorney for transferee.

No. MC-FC-69838. By order of August 17, 1967, the Transfer Board approved the transfer to Grays Harbor Lines, Inc., Hoquiam, Wash., of the operating rights in certificate No. MC-52338, issued March 29, 1957, to Harbor Lines, Inc., Hoquiam, Wash., authorizing the transportation, over regular routes, of passengers and their baggage, and express, mail, and newspapers in the same vehicle with passengers, between Olympia, Wash., and Hoquiam, Wash., between Elma, Wash., and Chehalis, Wash., and between Chehalis, Wash., and South Bend, Wash., serving intermediate and off-route points. Vernon L. Lindskog, 202-212 Security Building, Olympia, Wash., attorney for applicants.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-10071; Filed, Aug. 25, 1967; 8:48 a.m.]

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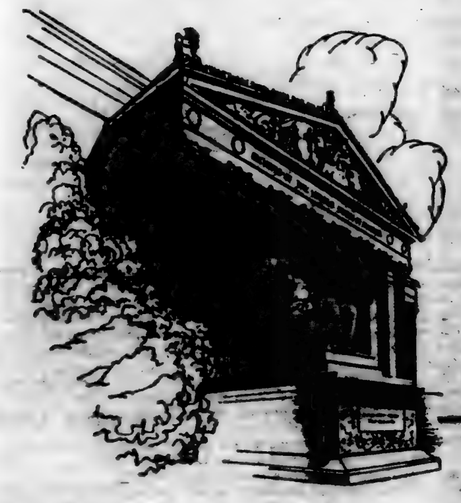
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SEP 1 1967
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WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS

The *Weekly Compilation of Presidential Documents* began with the issue dated Monday, August 2, 1965. It contains transcripts of the President's news conferences, messages to Congress, public speeches, remarks and statements, and other Presidential material released by the White House up to 5 p.m. of each Friday. This weekly service includes an Index of Contents preceding the text and a Cumulative Index to Prior Issues at the end. Cumulation of this index terminates at the end of each quarter and begins anew with the following issue. Semiannual and annual indexes are published separately.

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Proclamation 3801

"STAY IN SCHOOL"

By the President of the United States of America

A Proclamation

Education through high school is now within the reach of every American boy and girl. It is essential to our nation's welfare—and to theirs—that they grasp it.

This Nation could neither prosper nor endure without trained, productive men and women. For this reason, we have begun a massive campaign

—to extend the blessings of education to the children of the poor,

—to increase opportunities for vocational training,

—to help the physically handicapped,

—and to bring higher education within the grasp of more and more of our young people.

A high school diploma is not a sure pass to a successful life, but it vastly increases a young adult's chances for employment and economic independence.

Those who seek employment without training or preparation will knock upon many closed doors. This year, more than 900,000 of our youth will not return to their high school classrooms to complete their secondary education.

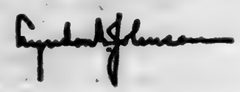
For their sake and for ours, it is urgent that they, and others who are tempted to leave school, be persuaded to continue their education.

Citizens in communities across the Nation can help to combat the high school dropout problem—and they are. We have succeeded in reducing the percentage of dropouts among high school age youngsters from 25 percent in 1960 to 18 percent last year. But we must do more.

To emphasize the importance of this task, I, LYNDON B. JOHNSON, President of the United States of America, do proclaim a national "Stay in School" campaign.

I call upon the American people to make this campaign successful. I ask the citizens of every community to take an active part in furthering the improvement of American education. I urge that the total resources of all communities be brought to bear upon the educational needs of every young person. I propose that we translate into reality our fond hope that, in this Nation, no young man or woman shall reject, or be rejected by, our most essential institution.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fifth day of August in the year of our Lord nineteen hundred and sixty-seven, and of the Independence of the United States of America the one hundred and ninety-second.



THE WHITE HOUSE

[F.R. Doc. 67-10177; Filed, Aug. 25, 1967; 5:13 p.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 319—FOREIGN QUARANTINE NOTICES

Subpart—Fruits and Vegetables

ADMINISTRATIVE INSTRUCTIONS PRESCRIBING METHOD OF TREATMENT OF ORANGES, GRAPEFRUIT, AND TANGERINES FOR MEDITERRANEAN FRUIT FLY

Pursuant to the authority conferred by § 319.56–2 of the regulations (7 CFR 319.56–2) supplemental to the Fruit and Vegetable Quarantine (Notice of Quarantine No. 56, 7 CFR 319.56), under sections 5 and 9 of the Plant Quarantine Act of 1912 (7 U.S.C. 159, 162), administrative instructions designated as 7 CFR 319.56–2p are hereby revised to read as follows:

§ 319.56–2p Administrative instructions prescribing method of fumigation of oranges, grapefruit, and tangerines for the Mediterranean fruit fly.

Fumigation with ethylene dibromide upon arrival, in accordance with the procedures described in this section, is hereby authorized as an alternate condition-of-entry treatment for oranges, grapefruit, and tangerines offered for entry under permit under § 319.56–2 from countries where the Mediterranean fruit fly is known to occur. This treatment is specific for the Mediterranean fruit fly and will not qualify for entry shipments of fruit from countries where other dangerous citrus pests occur for which the treatment is not effective.

(a) *Ports of entry.* Oranges, grapefruit, and tangerines to be offered for entry must be shipped from the country of origin directly to New York or such other North Atlantic port as may be named in the permit. Furthermore, shipments moving by air must be so routed as to avoid landing at ports south of Baltimore.

(b) *Approved fumigation.* (1) The approved treatment shall consist of fumigation with ethylene dibromide for 2 hours at normal atmospheric pressure, in a fumigation chamber which has been approved for the purpose by the Plant Quarantine Division. The dosage shall be applied at the following rates:

Fruit load in percent of chamber volume	Dosage in ounces per 1,000 cubic feet	
	60°–69° F.	70° F. or above
Percent		
25 or less	16	8
26–40	12	10
50–60	14	12

Fumigation with a fruit load of more than 60 percent of the chamber volume is not authorized. Post-treatment aeration in the fumigation chambers for 30 minutes is required. Both fruit and air temperatures in the chamber shall be within the prescribed temperature range. Cubic feet of space shall be that of the unloaded chamber. The ethylene dibromide must be applied as a liquid and volatized within the sealed fumigation chamber in an electrically heated vaporizing pan. The electrically heated vaporizing pan shall be controlled by a switch outside the chamber and shall be equipped with a signal light to indicate when the current is on or off. Fifteen minutes after all liquid ethylene dibromide has been injected into the vaporizing pan inside the fumigation chamber, the electric current for the vaporizing pan must be turned off, and the 2-hour period of exposure shall begin. The gas shall be circulated within the chamber continuously for the 2-hour period by electric fans or blowers. The fans or blowers must be of a capacity to circulate the entire air mass within the chamber in 3 minutes.

(2) Oranges, grapefruit, and tangerines to be fumigated may be packed in slatted crates or well perforated unwaxed cardboard cartons with wood excelsior packing material. The fruit may be waxed and individually wrapped with conventional citrus tissue which is gas-permeable. When loaded in the fumigation chamber the crates or containers must be stacked evenly over the floor surface and the crates or containers in a stack shall be separated at least 2 inches on all sides by wooden strips or other means, to insure adequate gas circulation. Fruit in mesh bags or well perforated polyethylene bags (twenty ¼-inch perforations for 5-pound bags, equally spaced on the two sides; proportionately more openings on larger bags) must be placed in crates or similar containers for fumigation.

(c) *Other conditions.* The unloading of oranges, grapefruit, and tangerines from the means of conveyance, their delivery to an approved fumigation plant, and the fumigation procedure will be under the supervision of an inspector of the Plant Quarantine Division. The unloading and delivery and any other handling prior to fumigation shall be conducted in accordance with such safeguards as the inspector may require to prevent the dissemination of injurious insects. Furthermore, the fruit shall be inspected and the finding of plant pests other than the Mediterranean fruit fly may be cause for additional treatment, or denial of entry if no satisfactory treatment is known. Final release of the fruit for entry into the United States will be conditioned upon compliance with such safeguard requirements and the prescribed regulations. Also, restrictions imposed by special quarantines shall remain in full force and effect.[1]

(d) *Costs.* All costs of treatment and required safeguards and supervision, other than the services of the supervising inspector during regularly assigned hours of duty and at the usual place of duty shall be borne by the owner of the fruit, or his representative.

(e) *Department not responsible for damage.* The treatment prescribed in paragraph (b) of this section is judged from experimental tests to be safe for use with oranges, grapefruit, and tangerines. However, the Department assumes no responsibility for any damage sustained through or in the course of treatment. There has not been an opportunity to test the treatment on all varieties of oranges, grapefruit, and tangerines that may be offered for entry from various countries. It is recommended that shippers check the phytotoxicity of the treatment to the variety to be shipped, either through tests at origin or by means of test shipments sent to this country.

(Sec. 9, 37 Stat. 318, 7 U.S.C. 162. Interprets or applies sec. 5, 37 Stat. 316, 7 U.S.C. 159. 29 F.R. 16210, as amended, 7 CFR 319.56–2)

These revised administrative instructions shall become effective August 29, 1967, when they shall supersede 7 CFR 319.56–2p, effective January 24, 1963.

The principal purpose of these amendments is to include grapefruit and tangerines as fruits that may be imported under permit from countries infested with the Mediterranean fruit fly (but no other dangerous citrus pests) after such fruits have been given the prescribed treatment. Also, dosages of the fumigant have been lowered, the range of temperatures increased, and a further subdivision in the schedule provided based on the fruit load as a percentage of the chamber volume.

The previous regulations prescribed a dosage of 24 ounces of ethylene dibromide per 1,000 cubic feet at temperatures from 50° to 69° F. Further experimental work by U.S. Department of Agriculture scientists has disclosed that this large dosage at these temperatures might, under certain conditions, present undue hazards.

Insofar as this revision relieves certain restrictions, it should be made effective promptly to be of maximum benefit to importers. The amendments also impose certain additional restrictions by eliminating dosages for treatments at lower

[1] Sec. 319.39 prohibits the entry of oranges, grapefruit, and tangerines from eastern and southeastern Asia (including India, Burma, Ceylon, Thailand, Indochina, and China), the Malay Archipelago, the Philippine Islands, Oceania (except Australia and Tasmania), Japan and adjacent islands, Formosa, Mauritius, Seychelles, Brazil, Paraguay, Argentina, and Uruguay.

temperatures. In this respect, the amendments should be made effective promptly in order to inaugurate the newly prescribed safeguards. Therefore, pursuant to the administrative procedure provisions of 5 U.S.C., § 553, it is found upon good cause that notice and other public procedure with respect to these amendments are impracticable and contrary to the public interest and good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 23d day of August 1967.

[SEAL] F. A. JOHNSTON,
Director,
Plant Quarantine Division.

[F.R. Doc. 67-10100; Filed, Aug. 28, 1967; 8:46 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

PART 924—FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN WASHINGTON AND IN UMATILLA COUNTY, OREGON

Expenses and Rate of Assessment

On August 9, 1967, notice of rule making was published in the FEDERAL REGISTER (32 F.R. 11475) regarding proposed expenses and the related rate of assessment for the period April 1, 1967, through March 31, 1968, and approval of the carryover of unexpended funds from the period April 1, 1966, through March 31, 1967, pursuant to the marketing agreement, and Order No. 924 (7 CFR Part 924), regulating the handling of fresh prunes grown in designated counties in Washington and in Umatilla County, Oreg. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notices which were submitted by the Washington-Oregon Fresh Prune Marketing Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 924.207 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Washington-Oregon Fresh Prune Marketing Committee during the period April 1, 1967, through March 31, 1968, will amount to $15,574.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 924.41, is fixed at $1 per ton of fresh prunes.

(c) *Reserve.* Unexpended assessment funds, in excess of expenses incurred during the fiscal period ended March 31, 1967, shall be carried over as a reserve in accordance with the applicable provisions of § 924.42 of said marketing agreement and order.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of the current crop of fresh prunes grown in the designated production area are now being made; (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable prunes handled during the aforesaid period; and (3) such period began on April 1, 1967, and said rate of assessment will automatically apply to all such prunes beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 22, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-10101; Filed, Aug. 28, 1967; 8:47 a.m.]

PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

Expenses of the Prune Administrative Committee and Rate of Assessment for the 1967–68 Crop Year

Notice was published in the August 9, 1967, issue of the FEDERAL REGISTER (32 F.R. 11478) regarding proposed expenses of the Prune Administrative Committee for the 1967–68 crop year and rate of assessment for that crop year, pursuant to §§ 993.80 and 993.81 of the marketing agreement, as amended, and Order No. 993, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons an opportunity to submit written data, views, or arguments with respect to the proposal. None were submitted within the prescribed time.

After consideration of all relevant matter presented, including that in the notice, the information and recommendations submitted by the Prune Administrative Committee, and other available information, it is found that the expenses of the Prune Administrative Committee and the rate of assessment for the crop year beginning August 1, 1967, shall be as follows:

§ 993.318 Expenses of the Prune Administrative Committee and rate of assessment for the 1967–68 crop year.

(a) *Expenses.* Expenses in the amount of $97,500 are reasonable and likely to be incurred by the Prune Administrative Committee during the crop year beginning August 1, 1967, for its maintenance and functioning and for such other purposes as the Secretary may, pursuant to the applicable provisions of the marketing agreement, as amended, and this part, determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment for such crop year which each handler is required, pursuant to § 993.81, to pay to the Prune Administrative Committee as his pro rata share of the said expenses is fixed at 75 cents per ton of salable prunes handled by him as the first handler thereof.

It is found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) The relevant provisions of said marketing agreement and this part require that the rate of assessment fixed for a particular crop year shall be applicable to all salable prunes handled by handlers as the first handlers thereof; and (2) the current crop year began on August 1, 1967, and the rate of assessment herein fixed will automatically apply to all such prunes beginning with that date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 24, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division.

[F.R. Doc. 67-10110; Filed, Aug. 28, 1967; 8:47 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 531—PAY UNDER THE CLASSIFICATION ACT SYSTEM

Superior Qualifications Appointments

Section 531.203(b) is amended to make clear that a 90-day break in service is not required between service as a member of the Commisadoned Corps of the Coast and Geodetic Survey or the Commissioned Corps of the Public Health Service and a superior qualifications appointment. Section 531.203(b)(2) is amended as set out below.

§ 531.203 General provisions.

* * * * *

(b) *Superior qualifications appointments.* * * *

(2) A department may make a superior qualifications appointment by new appointment or by reemployment except that when made by reemployment, the candidate must have a break in service of at least 90 calendar days from his last period of Federal employment or employment with the municipal government of the District of Columbia (other than (i) employment under an appointment as an expert or consultant under section 3109 of title 5, United States Code, (ii) employment under a temporary appointment effected primarily in furtherance of a postdoctoral research program or effected as a part of a predoctoral or postdoctoral training program during which the employee receives a stipend, or (iii) employment as a member of the Commissioned Corps of the Coast and Geodetic Survey or the Commissioned Corps of the Public Health Service).

* * * * *

(5 U.S.C. 5338)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-10150; Filed, Aug. 28, 1967; 8:48 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

PART 262—RULES OF PROCEDURE

Correction

The document adopting a revision of this part (F.R. Doc. 67-9711), published in the FEDERAL REGISTER of August 19, 1967, at 32 F.R. 11984, is corrected by inserting in the list of Forms in § 262.6, after the number and title of Form 314 and before that of Form 414, the following:

301 Monthly Report on Foreign Claims

Dated at Washington, D.C., this 22d day of August 1967.

Board of Governors of the Federal Reserve System.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 67-10091; Filed, Aug. 28, 1967; 8:46 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

2,4-D

An order was published in the FEDERAL REGISTER of April 11, 1967 (32 F.R. 5772), amending § 120.142 by establishing tolerances for residues of 2,4-D (2,4-dichlorophenoxyacetic acid) in or on the grain and forage of barley, oats, rye, and wheat, from the application of the herbicide 2,4-D in acid form or in the form of some of its salts, amines, or esters. Inadvertently, the compound heptylamine was omitted from the list of amine salts of 2,4-D and the names linoleylamine and oleylamine were used instead of the correct names *N,N*-dimethyllinoleylamine and *N,N*-dimethyloleylamine.

The Secretary of Agriculture has certified that the aforementioned chemicals are registered with the Department of Agriculture. Therefore, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)) and delegated by him to the Commissioner of Food and Drugs (21 CFR 2.120), § 120.142(b)(2) is revised to read as follows:

§ 120.142 2,4-D; tolerances for residues.

* * * * *

(b) * * *

(2) The amine salts: Alkanolamines (of the ethanol and isopropanol series), alkyl (C–12), alkyl (C–13), alkyl (C–14), alkylamines derived from tall oil, amylamine, diethanolamine, diethylamine, diisopropanolamine, dimethylamine, diisopropanolamine, dimethylamine, *N,N*-dimethyllinoleylamine, *N,N*-dimethyloleylamine, ethanolamine, ethylamine, heptylamine, isopropanolamine, isopropylamine, methylamine, morpholine, octylamine, *N*-oleyl-1,3-propylenediamine, propylamine, triethanolamine, triethylamine, triisopropanolamine, and trimethylamine.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e))

Dated: August 18, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-10114; Filed, Aug. 28, 1967; 8:47 a.m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Paraquat

A petition (PP 7F0678) was filed with the Food and Drug Administration by Chevron Chemical Co., Ortho Division, 940 Hensley Street, Richmond, Calif. 94801, proposing that § 120.205 be amended to provide for tolerances for paraquat (1,1'-dimethyl-4,4'-bipyridinium) residues derived from the application of the dichloride salt (calculated as the cation) in or on cottonseed and potatoes at 0.5 part per million.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which the tolerances are being established.

Based on consideration given the data submitted in the petition, and other relevant material, the Commissioner of Food and Drugs concludes that the tolerances established by this order will protect the public health. Therefore, by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated by him to the Commissioner (21 CFR 2.120), § 120.205 is revised to read as follows:

§ 120.205 Paraquat; tolerances for residues.

Tolerances are established for residues of the desiccant and defoliant paraquat (1,1'-dimethyl-4,4'-bipyridinium) derived from application of either the bis-(methyl sulfate) or dichloride salt, calculated in both instances as the cation, in or on the raw agricultural commodities cottonseed and potatoes at 0.5 part per million.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: August 18, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-10116; Filed, Aug. 28, 1967; 8:48 a.m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

2,3,5-Triiodobenzoic Acid

A petition (PP 7F0554) was filed with the Food and Drug Administration by Amchem Products, Inc., Ambler, Pa. 19002, proposing the establishment of a tolerance of 0.016 part per million for residues of the plant regulator 2,3,5-triiodobenzoic acid and its dimethylamine salt in or on the raw agricultural commodity apples. Subsequently the petition was amended to increase the proposed tolerance from 0.015 to 0.05 part per million.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purpose for which the tolerance is being established.

Based on consideration given the data submitted in the petition, and other relevant material, the Commissioner of Food and Drugs concludes that the tolerance established by this order will protect the public health. Therefore, by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated by him to the Commissioner (21 CFR 2.120), Part 120 is amended by adding to Subpart C the following new section:

§ 120.219 2,3,5-Triiodobenzoic acid; tolerances for residues.

A tolerance of 0.05 part per million is established for negligible residues of the plant regulator 2,3,5-triiodobenzoic acid and for its dimethylamine salt (calculated as 2,3,5-triiodobenzoic acid) in or on the raw agricultural commodity apples.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: August 21, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-10115; Filed, Aug. 28, 1967; 8:47 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

PAPER AND PAPERBOARD

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 5B1747) filed by E. I. du Pont de Nemours & Co., Wilmington, Del. 19898, and other relevant material, has concluded that the food additive regulations should be amended to provide for use of the additional optional substance specified below in the formulation of paper and paperboard used in contact with aqueous and fatty foods. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), § 121.2526(a)(5) is amended by alphabetically inserting in the list of substances a new item, as follows:

§ 121.2526 Components of paper and paperboard in contact with aqueous and fatty foods.

* * * * * * *

(a) * * *

(5) * * *

List of substances	*Limitations*
* * *	* * *
Diethanolamine salts of mono- and bis(1*H*,1*H*,2*H*,2*H*-perfluoroalkyl) phosphates where the alkyl group is even-numbered in the range C_4–C_{14} and the salts have a fluorine content of 52.4% to 54.4% as determined on a solids basis.	For use only as an oil and water repellent at a level not to exceed 0.17 pound (0.09 pound of fluorine) per 1,000 square feet of treated paper or paperboard, as determined by analysis for total fluorine in the treated paper or paperboard without correction for any fluorine which might be present in the untreated paper or paperboard, when such paper or paperboard is used in contact with nonalcoholic foods under the conditions of use described in paragraph (c) of this section, table 2, conditions of use (E), (F) and (G).
* * *	* * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: August 18, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-10113; Filed, Aug. 28, 1967; 8:47 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

LUBRICANTS WITH INCIDENTAL FOOD CONTACT

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 7B2167) filed by Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001, and other relevant material, has concluded that the food additive regulations should be amended to provide for the use of polyisobutylene (average molecular weight 35,000–140,000 (Flory)) as a thickening agent in mineral oil lubricants used with incidental contact with food. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), § 121.2553(a)(3) is amended by alphabetically inserting in the list of substances a new item, as follows:

§ 121.2553 Lubricants with incidental food contact.

* * * * * * *

(a) * * *

(3) * * *

Substances	*Limitations*
* * *	* * *
Polyisobutylene (average molecular weight 35,000–140,000 (Flory)).	For use only as a thickening agent in mineral oil lubricants.
* * *	* * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: August 18, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-10112; Filed, Aug. 28, 1967; 8:47 a.m.]

SUBCHAPTER D—HAZARDOUS SUBSTANCES

PART 191—HAZARDOUS SUBSTANCES: DEFINITIONS AND PROCEDURAL AND INTERPRETATIVE REGULATIONS

Fuel for Miniature Engines; Exemption From Classification as Banned Hazardous Substance

The Commissioner of Food and Drugs has received a request, submitted pursuant to section 2(q)(1)(B)(i) of the Federal Hazardous Substances Act and § 191.62(c) of the regulations thereunder, to exempt the article described below from classification as a "banned hazardous substance," as defined by section 2(q)(1)(A) of the act, because the article's functional purpose requires inclusion of a hazardous substance, it bears labeling giving adequate directions and warnings for safe use, and it is intended for use by children who have attained sufficient maturity, and may reasonably be expected, to read and heed such directions and warnings.

The Commissioner has determined on the basis of the facts submitted, and other relevant information, that the requested exemption is consistent with the purpose of the act. Therefore, pursuant to the provisions of the act (sec. 2(q)(1)(B)(i), 74 Stat. 374, 80 Stat. 1304; 15 U.S.C. 1261) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), § 191.65(a) (22 F.R. 11322) is amended by adding thereto a new subparagraph, as follows:

§ 191.65 Exemptions from classification as a banned hazardous substance.

(a) * * *

(5) Liquid fuels containing more than 4 percent by weight of methyl alcohol that are intended and used for operation of miniature engines for model airplanes, boats, cars, etc.

Notice and public procedure and delayed effective date are unnecessary prerequisites to the promulgation of this order, and I so find, since the Federal Hazardous Substances Act contemplates such exemptions under certain conditions.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 2(q)(1)(B)(i), 74 Stat. 374, 80 Stat. 1304; 15 U.S.C. 1261)

Dated: August 17, 1967.

WINTON B. RANKIN,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 67-10117; Filed, Aug. 28, 1967; 8:48 a.m.]

SUBCHAPTER C—DRUGS

PART 148i—NEOMYCIN SULFATE

Antibiotic Otic Suspension

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357), and delegated by him to the Commissioner of Food and Drugs (21 CFR 2.120), § 148i.18 *Neomycin sulfate-polymyxin B sulfate-hydrocortisone otic suspension; neomycin sulfate-polymyxin B sulfate-hydrocortisone-sodium heparin otic suspension* is amended as follows to raise the upper limit of antibiotic content acceptable:

1. In paragraph (b)(1)(i), the portion of the last sentence reading "than 125 percent" is changed to read "than 130 percent".

2. In paragraph (b)(1)(ii), the portion of the last sentence reading "than 125 percent" is changed to read "than 130 percent".

This order merely changes the range of antibiotic content acceptable for the subject drug without affecting its safety or efficacy and raises no points of controversy; therefore, notice and public procedure and delayed effective date are not prerequisites to this promulgation.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: August 21, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-10111; Filed, Aug. 28, 1967; 8:47 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Department of Housing and Urban Development

SUBCHAPTER A—GENERAL

PART 200—INTRODUCTION

Regional Administrators, Authority Delegations

In Part 200 in the Table of Contents a new § 200.109 is added as follows:

Sec.

200.109 HUD Regional Administrators (except Regional Administrator, Region VII) and Assistant Regional Administrators for FHA.

In Part 200 a new § 200.109 is added to read as follows:

§ 200.109 HUD Regional Administrators (except Regional Administrator, Region VII) and Assistant Regional Administrators for FHA.

To the position of Regional Administrator, and to each of them, except the Regional Administrator, Region VII, and to the position of Assistant Regional Administrator for FHA, and to each of them under the general supervision of the appropriate Regional Administrator there is assigned authority as follows:

(a) To allocate, modify or cancel below-market interest rate funds to eligible section 221(d)(3) projects.

(b) To approve or disapprove the eligibility of nonprofit sponsors and nonprofit mortgagors.

The Regional Administrator, Region III, will exercise the authority assigned under this paragraph for the Puerto Rico jurisdiction.

(Sec. 2, 48 Stat. 1246, as amended; sec. 211, 52 Stat. 23, as amended; sec. 607, 65 Stat. 61, as amended; sec. 713, 68 Stat. 1281, as amended; sec. 907, 65 Stat. 301, as amended; sec. 807, 69 Stat. 651, as amended; 12 U.S.C. 1708, 1715b, 1742, 1747k, 1748f; Department Interim Order II, 31 F.R. 815, June 21, 1966)

Issued at Washington, D.C., August 22, 1967.

[SEAL] PHILIP N. BROWNSTEIN,
Federal Housing Commissioner.

[F.R. Doc. 67-10103; Filed, Aug. 28, 1967; 8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER W—AIR FORCE PROCUREMENT INSTRUCTIONS

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

Subchapter W of Chapter VII of Title 32 of the Code of Federal Regulations is amended as follows:

PART 1001—GENERAL PROVISIONS

Subpart C—General Policies

1. Section 1001.313–50 is revised to read as follows:

§ 1001.313–50 General.

(a) The director of procurement of the major command (for AFSC, the DCS/Procurement and Production), or higher authority, will determine the amount of and obtain any refund to be affirmatively sought by the Air Force. In such case, where an AFLC or AFSC procurement is involved, recommendations based on appropriate preliminary review, including coordination with the appropriate office, staff judge advocate, will be forwarded for necessary action to the director of procurement (or DCS/Procurement and Production) through AFLC (MCPPP) or AFSC (SCKPP), as appropriate.

(b) If the director of procurement (or DCS/Procurement and Production) determines, on the basis of such recommendation, that a refund based on extra-contractual consideration is to be sought, he will:

(1) If the refund action being initiated results from in-house investigation forward to the Secretary of the Air Force through Hq USAF (AFSPPDA) for review and approval a detailed statement which will include the following information:

(i) The facts and factors of the case.

(ii) Reason for seeking a price adjustment.

(iii) The proposed action to be taken.

(2) Upon receipt of approval from the Secretary of the Air Force to proceed with proposed action, prepare a letter to the president or principal officer of the contractor which:

(i) Advises the contractor that he is acting in behalf of the Secretary of the Air Force to whom the results of his actions will be forwarded.

(ii) States the results of his review of the matter.

(iii) Advises that the Air Force considers it important that an equitable adjustment be made promptly.

(iv) Requests the contractor to refund the determined amount or make the necessary adjustment voluntarily.

(v) If desired, invites the contractor's president or appropriate principal officer to discuss personally the payment of the refund to the Government.

(3) If the refund action has been recommended by the GAO, forward to the Secretary of the Air Force through Hq USAF (AFSPPCB) for review and approval a proposed response to the GAO which will contain the information required by subparagraph (1) of this paragraph.

(4) Upon notification of approval of the proposed response to the GAO by the Secretary of the Air Force, prepare a letter to the president or principal officer of the contractor which will contain the information required by subparagraph (2) of this paragraph.

(c) The director of procurement (or DCS/Procurement and Production) will exhaust every available means to obtain the refund or adjustment. If unable to secure the adjustment, he will report his actions to the commander of the major command and recommend what further action should be taken. The commander will then exhaust every available means and, if necessary, forward the matter to Hq USAF (AFSPPDA) or (AFSPPCB) as appropriate, with recommendations for further action.

(d) Regarding refunds involving responses to GAO reports, a determination may be made to seek or accept a refund less than that recommended by GAO. If so, such a decision must be fully documented by the director of procurement (or DCS/Procurement and Production) and have the concurrence of the commander of the major command. If the Command concurs in the recommendation but fails to obtain a refund because of the contractor's refusal, the response should state the basis for the refusal and whether or not the Command agrees with it.

(e) Attention is directed to the need for thorough analysis and justification of our position in any case in which a GAO recommendation to seek an adjustment is not complied with since our position will be contained in a final report addressed to the Congress. If a GAO recommendation to seek a refund is rejected, the response to GAO will adequately state the facts and arguments supporting the Command's position and the response should also indicate that legal recourse was considered and the results of such consideration.

PART 1002—PROCUREMENT BY FORMAL ADVERTISING

Subpart D—Opening of Bids and Award of Contract

2. Section 1002.408–1 is amended by revising paragraph (b) to read as follows:

§ 1002.408–1 Unclassified awards.

* * * * *

(b) In case, when an inquiry is made, the letter is addressed to an unsuccessful bidder who is lower in price than the successful bidder due to rejection of the lower bid on the basis of a negative pre-award survey (facility capability report), the last paragraph will read as follows:

The interest shown by your firm in submitting a bid is appreciated; however, we were unable to make the required determination that your company is "responsible" within the meaning of that term as defined in paragraph 1–903 of the Armed Services Procurement Regulation. The information upon which our decision was based was contained in a Preaward Survey which was issued by _____ (here insert name and address of the activity which issued the PAS). We have asked that organization to provide you with further details as to their findings if you call upon them for such details.

The PCO should submit a copy of the above letter to the appropriate PAS activity and request that details of the PAS be disclosed to the unsuccessful bidder upon request.

* * * * *

PART 1004—SPECIAL TYPES AND METHODS OF PROCUREMENT

3. In § 1004.302–50, paragraph (b) is corrected; and in § 1004.5002–3, paragraph (a) is corrected to read as follows:

Subpart C—Contracts for Preparation of Household Goods for Shipment, Government Storage and Related Services

§ 1004.302–50 BDO procedure.

* * * * *

(b) Calls against the BDOs may be issued by:

(1) An individual located in the base procurement office; or

(2) An individual designated in the BDO by title located outside the base procurement office: *Provided*, That if there is a contracting officer in the transportation office, he will be the individual so designated.

(f) Individuals authorized to place calls, when in receipt of Special Orders authorizing movement of household goods and citing funds, will assume that funds have been committed for the packing and crating requirement incident to the movement of the individual named in the Special Orders.

(ii) The person placing oral calls will establish a control record at the beginning of each month indicating the call number, name of individual for whom services are to be performed, date of placement of call, Special Order Number, voucher number, date payment was made, amount and accumulated expenditures. In no event will the sequence of call numbers be interrupted. The accumulated expenditure will be brought forward to the control record for the next month. At the end of each month the amount column should be totaled for reporting purposes.

(iii) [Reserved]

(iv) Prior to contacting the contractor to place a call, the individual authorized to place calls will be furnished a copy of the Special Order indicating the individual for whom services are to be ordered and a form letter in duplicate indicating date and place of pickup, estimated weight of household goods, special markings, destination, and any other information required incident to the services to be performed. On receipt of the above information, he will contact the contractor, establish a firm pickup date, and issue a call number from control records. This information will then be placed on a duplicate copy of the form letter and returned to the transportation officer who will use this information when preparing the Standard Form 1034. In addition, the transportation officer will keep the contracting officer informed of contractor performance on a daily basis to assure contractor compliance.

(v) Wherever possible, calls should be placed in the month in which services are to be performed. Services should be scheduled no more than 48 hours in advance if call is placed during the last 2 days of a month.

* * * * *

Subpart XX—Nonappropriated Fund Contracts

§ 1004.5002–3 Construction or architect engineering contracts funded completely with nonappropriated funds.

(a) *General.* Two important policies have been considered in establishing this portion of this subchapter:

(1) Generally keeping the normal procurement system intact, and

(2) Still giving nonappropriated fund instrumentalities maximum flexibility.

(i) The policies and procedures in Subchapter A, Chapter I of this title and this subchapter should be followed unless cogent reasons justify noncompliance. Justification will be reduced to writing, signed by the chief of the appropriate functional activity, approved by the base commander, and at least one copy furnished to the contracting officer prior to beginning any procurement action.

(ii) Notwithstanding subdivision (i) of this subparagraph, except for work financed entirely by voluntary contributions or donations made to nonappropriated funds specifically to accomplish such work, all construction contracts in excess of $2,000 financed in whole or in part by nonappropriated funds, will contain construction labor standards clauses consistent with the requirements of Subpart G, Part 18 of this title. Deviations from this requirement will be obtained and furnished by the requesting activity according to AFR 176–1.

* * * * *

PART 1005—INTERDEPARTMENTAL AND COORDINATED PROCUREMENT

4. Subpart A is revised; and new Subparts B and C are added as follows:

Subpart A—Procurement Under Federal Supply Schedule Contracts

Sec.

1005.100 Applicability.
1005.102 Mandatory Federal Supply Schedules.
1005.102–2 Exceptions to mandatory use.
1005.102–3 Applicability of listed Federal Supply Schedules.
1005.102–4 Establishment or revision of Federal Supply Schedules mandatory upon the Department of Defense.
1005.103 Federal Supply Schedules not mandatory upon the Department of Defense.
1005.103–50 Procedures.
1005.104–50 Procedures.
1005.106 Federal Supply Schedules with multiple source provisions.
1005.108 Administration of orders under Federal Supply Schedule contracts.
1005.150 Overseas requirements.

AUTHORITY: The provisions of this Subpart A issued under sec. 8012, 70A Stat. 488, secs. 2301–2314, 70A Stat. 127–132; 10 U.S.C. 8012, 2301–2314.

§ 1005.100 Applicability.

Notwithstanding the provisions of § 5.100 of this title, this subpart applies to Alaska, Hawaii, Puerto Rico, and U.S. possessions to the extent specified herein.

§ 1005.102 Mandatory Federal Supply Schedules.

§ 1005.102–2 Exceptions to mandatory use.

(a) *Delivery requirements.* The determination not to use the Schedule because the delivery period offered does not meet the delivery requirements of the purchasing activity will be exercised by the chief of the office responsible for procurement or his designated representative. But in no instance will the person making this determination be the same individual who signs the contract for the supplies or services involved. The determination will clearly set forth the circumstances of the emergency and specific reasons why the time element makes it necessary to purchase from a source other than the Schedule.

§ 1005.102–3 Applicability of listed Federal Supply Schedules.

Purchasing offices will secure requirements from Federal Supply Schedule (FSS) Contractors as prescribed in the schedule except activities in Alaska, Hawaii, Puerto Rico, and the U.S. possessions may secure their requirements from local FSS sources when such sources are available.

(a) through (c) No implementation.

(d) *Furniture, office machines and supplies.* (1) Except for mattresses and bedding (FSC 7210) and prison and blindmade products otherwise mandatory in the United States (including Alaska and Hawaii), it is mandatory in the United States, its possessions, and Puerto Rico that all requirements for household and quarters furniture and equipment listed in Table of Allowance (T/A) 414 and some items in T/A 006 be obtained from GSA sources. This requirement applies to items procured within the provisions of the Federal Supply Schedule; however, it does not apply to items on Schedules when the amount is less than the minimum requirements of the schedule, and listed in the GSA Stores stock catalog but amounts to $25 or less.

(2) Consistent with the intent of the National Buy Program (see § 6.301 of this title), in the United States, its possessions, and Puerto Rico, requirements for household and quarters furniture and equipment which exceed the maximum order limitations of a Schedule will be submitted to the GSA regional office servicing the requiring activity according to §§ 5.303 of this title and 1005.303. Requirements for other than Schedule items will be obtained in the same way.

(3) Requirements for furniture, office machines, and supplies (see §§ 5.1201–7 of this title and 1005.301) subject to the provisions of the Federal Supply Service Consolidated Purchase Program will be procured according to §§ 5.303 of this title and 1005.303.

(e) *Hand tools, paints, selected household appliances, and other items.* Major items of household appliances, hand tools, paints, etc. will be procured according to § 1005.301 and the provisions of Subpart C, Part 5 of this title.

§ 1005.102–4 Establishment or revision of Federal Supply Schedules mandatory upon the Department of Defense.

(a) No implementation.

(b) *Procedures.* Requests for establishing or changing a Federal Supply Schedule mandatory upon elements of the Department of Defense may be initiated by any of the following:

(1) Commanders or their representatives of Hq AFSC, Hq AFLC, of AFLC's item management AMAs, APRE, and APRFE; of AFSC's divisions and centers; and AFSC's and AFLC's other subordinate activities.

(i) Requests initiated within Hq AFSC or by any of its activities will be routed through channels to AFSC (SCKP). SCKP will review the request, accept or reject it, and if accepted will submit it to AFLC (MCPAC) for further processing.

(ii) Requests initiated within Hq AFLC or by any of its activities will be routed through channels to AFLC (MCPAC).

(2) Commanders or their representatives of subordinate activities of major commands or of the major commands themselves other than AFSC or AFLC. Commanders or their representatives of the Air Force Accounting and Finance Center (AFAFC) or of the Office of Aerospace Research (OAR). Each of these requests will be processed either through channels to its parent major command or organization or by that command or organization through its internal channels for review, approval, or rejection, and if approved submission to AFLC (MCPAC).

(3) Requests will contain complete item identification (nomenclature), including FSN if available, item use, and full justification for the action recommended.

(4) After coordination with Hq AFLC and if deemed necessary with the item management AMA, the request if concurred in will be forwarded by MCPAC to the Defense Supply Agency, Executive Director, Procurement and Production. Otherwise, the request will be returned to its submitter.

§ 1005.103 Federal Supply Schedules not mandatory upon the Department of Defense.

In Alaska, Hawaii, Puerto Rico, or in the U.S. possessions when local Federal Supply Schedule sources are not available, items on nonmandatory schedules may be procured locally provided it is not in conflict with the requirements of Subchapter A, Chapter I of this title. Handling, packing, and transportation cost should be considered in determining whether to buy from local sources or whether to submit the order to the Federal Supply Schedule Contractor.

§ 1005.102–50 Procedures.

Requests for establishing or changing a Federal Supply Schedule not mandatory upon the Department of Defense will be processed according to the procedures of § 1005.102–4(b). Each request will designate that it applies to a non-mandatory Schedule.

§ 1005.104–50 Procedures.

Requests for establishing or changing a completely optional or regional Federal Supply Schedule will be processed according to the procedures of § 1005.102–4(b). Each request will designate whether it applies to a completely optional Schedule or regional Schedule. If the request relates to a regional Schedule, the applicable GSA regional area must be identified in the request.

§ 1005.106 Federal Supply Schedules with multiple source provisions.

(a) The justification statement required by § 5.106 of this title will be manually approved by one of the following, or his designated representative, at the installation originating the purchase request.

(1) Director of supply and transportation in AFLC air materiel areas.

(2) DCS/Materiel or equivalent in AFSC divisions and centers.

(3) Director of materiel in activities of other major commands.

(4) Comparable level of authority in other AF activities. Such approval will constitute full authority to the procuring activity for placing the order. The justification statement will be attached to the purchase request and will be included in the contract file as documentation to justify the order. No formal determination or finding need be filed with either GSA or the AFAFC (SAA).

(b) Where the price of comparable items of two or more contractors is identical, orders will be rotated to the extent practicable to avoid charges of preferential treatment.

§ 1005.108 Administration of orders under Federal Supply Schedule contracts.

(a) (1) If inspection assistance is desired by the ordering office from the GSA, the regional office nearest to the location where the inspection is to be performed will be notified of desire for this service.

(2) No implementation.

(b) No implementation.

§ 1005.150 Overseas requirements.

Local Purchase requirements initiated outside the U.S., its possessions and Puerto Rico will be procured as follows:

(a) FSS type items will be referred to the Base Procurement Office in accordance with section A, Chapter 8, Part One, Volume I, AFM 67–1, for procurement action within the framework of the International Balance of Payments Program, which includes BUSH contracts.

(b) Items subject to the National Buy Program, with the exception of household and quarters furniture (excluding appliances) will be submitted by supply officer to base procurement for procurement action within the framework of the International Balance of Payments Program, which includes BUSH contracts.

Subpart B—Procurement of Supplies From General Services Administration Stores Depots and of Services for Repair and Refinishing From General Services Administration Sources

Sec.
1005.204 Order for supplies.
1005.207 Additional services.
1005.208 Order for services.

AUTHORITY: The provisions of this Subpart B issued under sec. 8012, 70A Stat. 488, secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 8012, 2301–2314.

Subpart B—Procurement of Supplies From General Services Administration Stores Depots and of Services for Repair and Refinishing From General Services Administration Sources

§ 1005.204 Order for supplies.

Base procurement offices will not issue orders to GSA stores depots. Since requisitioning from GSA stores depots is the responsibility of the base supply activity or service store activity, the base procurement office will not consider the GSA stores depots as a source for procurement of items cited on purchase requests. When a purchase request is received from base supply, it must be assumed that the items listed are either:

(a) Not listed in GSA stores stock catalogs.

(b) Listed but not currently available.

(c) Listed but the GSA stores depots cannot meet delivery requirements.

(d) Listed in GSA stores stock catalog but the quantity is large and is more economical to order from Federal Supply Schedule.

§ 1005.207 Additional services.

Air Force utilization of the optional contracts for maintenance, repair, and rehabilitation entered into by General Services Administration regional offices normally will be limited to household, quarters, office, and similar type items of equipment. GSA regional contracts should not be utilized by AF activities for services involving safety of flight, mission support, items which might involve personal safety, or items of equipment that will be reverted to AF stocks except when the Air Force is assured that the contractor is responsible, that work requirements included in the contract are specific and adequate, and that quality of product is insured.

§ 1005.208 Order for services.

(a) *GSA repair facility.* Maintenance will forward the request for purchase of repair or refinishing services to procurement, and the appropriate base procurement office will issue the DD Form 1155 or AFPI Form 93 series, as appropriate.

(b) No implementation.

Subpart C—Procurement Through Federal Supply Service Consolidated Purchasing Programs

Sec.
1005.301 Federal Supply Service Consolidated Purchase Program.
1005.303 Order for supplies or service.

AUTHORITY: The provisions of this Subpart C issued under sec. 8012, 70A Stat. 488, secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 8012, 2301–2314.

Subpart C—Procurement Through Federal Supply Service Consolidated Purchasing Programs

§ 1005.301 Federal Supply Service Consolidated Purchase Program.

(a) Although the procurement responsibility for household washers and dryers (FSC 3510), refrigerators (FSC 4110) and ranges (FSC 7310) is assigned to the Defense Supply Agency (see § 5.1201–6 of this title) an agreement exists between this Agency and the GSA that GSA will procure selected items for the military departments.

(b) The procedures in paragraph (a) of this section also apply to procurement of hand tools (FSG 51 and FSC 5210), paints (FSG 80), and other DSA managed items which by agreement are reassigned for management and procurement by the GSA.

(c) Procedures for purchase of furniture, office machines, and supplies subject to the provisions of the Federal Supply Services Consolidated Purchase Program are in § 5.103 of this title and § 1005.102–3(d). Also see § 1005.150 concerning overseas requirements.

§ 1005.303 Order for supplies or service.

(a) *Supplies.* (1) Requirements for items which the Federal Supply Catalog and supplements thereto indicates the GSA as the source of supply under the National Buy Program will be processed direct to the GSA regional office by the supply activity.

(2) Requisitions received in the purchasing office for Federal Supply Schedule items which exceed the maximum order limitations of the schedule will be processed to the appropriate GSA regional office for purchase action. When the requisition is not in MILSTRIP format, it will be returned to the supply activity for conversion to such a form. Where the DD Form 1348–1 is used, it will be prominently stamped "Requisition" on all copies before processing to GSA and the supply activity notified of the action taken.

(b) *Service.* Purchasing offices will submit a DD Form 1155, AFPI Form 93 series, or letter as appropriate to the GSA regional office of the region in which the office is located when requesting purchase action according to this part, except when GSA contracts are available then the DD Form 1155 or AFPI Form 93 series, as appropriate, will be submitted to the contractor.

Subpart F—Procurement of Printing and Related Supplies (July 7, 1961)

5. In § 1005.650–1, paragraph (c) is amended by revising subparagraphs (1) and (3) to read as follows:

§ 1005.650–1 Procurement of printed matter and paper for printing.

* * * * *

(c) Mandatory Government Printing Office (GPO) contracts: (1) GPO Term Contracts contained in the current GPO Form 1047, Term Contract for Tabulating Cards, and GPO Form 1056, Term Contract for Aperture (Tabulating) Cards, are mandatory for use within the Air Force. All tabulating cards are items of printing. Procurement of commercial stock cards is not authorized. General Purpose cards are the "stock cards" of the Air Force and will be requisitioned through publications distribution channels according to AFM 5–4 (Distribution of Air Force Publications and Forms). All command or local tabulating cards are chargeable to Contract Field Printing (438) funds.

* * * * *

(3) Term Contracts are distributed by the Publishing Division, Directorate of Administrative Services, Hq USAF, to major command headquarters. Subordinate activities will submit requirements for copies of GPO Term Contracts to their major air command headquarters. Requests will not be submitted to GPO. Direct liaison with that office is not authorized.

PART 1007—CONTRACT CLAUSES

Subpart D—Clauses for Cost-Reimbursement Type Research and Development Contracts

§ 1007.403–53 [Deleted]

6. Section 1007.403–53 *Limitation of Government's obligation* is deleted; Subparts PP and VV are deleted; and new Subpart HHH is added as follows:

Subpart PP—Clauses for Contracts Issued by Foreign Procurement Activities

§ 1007.4200 [Deleted]

Subpart VV—Clauses and Schedule Provisions for Flight Instruction of AFROTC Personnel at Civilian Colleges and Universities

§§ 1007.4800–1007.4806 [Deleted]

Subpart HHH—Clauses and Special Provisions for Certain Contracts Not Listed in Subchapter A, Chapter I of This Title or Other Subparts of This Part

Sec.
1007.6000 Scope of subpart.
1007.6001 General.
1007.6001–1 Clauses for contracts issued by foreign procurement activities.
1007.6001–2 Clauses and schedule provisions covering flight instruction of AFROTC personnel at civilian colleges and universities.

AUTHORITY: The provisions of this Subpart HHH issued under sec. 8012, 70A Stat. 488, secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 8012, 2301–2314.

Subpart HHH—Clauses and Special Provisions for Certain Contracts Not Listed in Subchapter A, Chapter I of This Title or Other Subparts of This Part

§ 1007.6000 Scope of subpart.

This subpart sets forth instructions covering clauses and special provisions for certain contracts which have been determined to be inappropriate for inclusion in Subchapter A, Chapter I, Part 7 of this title of other subparts of this part.

§ 1007.6001 General.

This subpart will be used only to cover situations set forth in § 1007.6000, and will be considered the AFPI base against which involved activities may issue AFPI Supplements.

§ 1007.6001–1 Clauses for contracts issued by foreign procurement activities

The clauses and instructions in Subchapter A, Chapter I of this title and this subchapter for supplies, services, and construction contracts should be used where applicable in contracts issued by foreign procurement activities. In addition, to cope with any special procurement problems peculiar to their geographical area, overseas activities are authorized to issue their own necessary implementing instructions and clauses for their respective procurement programs.

§ 1007.6001–2 Clauses and schedule provisions covering flight instruction of AFROTC personnel at civilian colleges and universities

The clauses and schedule provisions covering flight instruction of AFROTC personnel at civilian colleges and universities will be issued only by Air University, Maxwell AFB, Ala.

PART 1008—TERMINATION OF CONTRACTS

Subpart B—General Principles Applicable to the Settlement of Fixed-Price Type Contracts Terminated for Convenience and to the Settlement of All Terminated Cost-Reimbursement Type Contracts

§ 1008.202–50 [Amended]

7. In § 1008.202–50, the introduction to paragraph (g) is amended by adding the words "or TWX facilities, if available" between the words "Telegram" and "* * * Request" in the third and fourth lines.

(Sec. 8012, 70A Stat. 488, secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 8012, 2301–2314) [AFPI Rev. No. 79, June 30, 1967; AF Procurement Circular No. 18, July 5, 1967]

By order of the Secretary of the Air Force.

LUCIAN M. FERGUSON,
Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 67–10080; Filed, Aug. 28, 1967; 8:45 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 207—NAVIGATION REGULATIONS

St. Marys Falls Canal and Locks, Mich.

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 207.440 governing the use, administration, and navigation of St. Marys Falls Canal and Locks, Mich., is hereby amended with respect to paragraph (w) effective upon completion of construction of the New Poe Lock, as follows:

§ 207.440 St. Marys Falls Canal and Locks, Mich.; use, administration, and navigation.

* * * * *

(w) The maximum overall dimensions of vessels that will be permitted to transit the New Poe Lock without special restrictions are 100 feet in width, including fendering, and 1,000 feet in length, including steering poles or other projections. Vessels having overall widths of over 100 feet and not over 105 feet including fendering, and overall lengths of not more than 1,000 feet, including projections, will be permitted to transit the New Poe Lock at such times as determined by the District Engineer or his authorized representative that they will not unduly delay the transit of vessels of lesser dimensions, or endanger the lock structure because of wind, ice, or other adverse conditions. These vessels also will be subject to such special handling requirements as may be found necessary by the Area Engineer at time of transit.

* * * * *

[Regs., Aug. 16, 1967, 1507–32 (St. Marys Falls Canal and Locks, Mich.)-ENGCW–ON] (Sec. 7, 40 Stat. 226; 33 U.S.C.)

KENNETH G. WICKHAM,
Major General, U.S. Army, The Adjutant General.

[F.R. Doc. 67–10082; Filed, Aug. 28, 1967; 8:45 a.m.]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER H—PASSENGER VESSELS

[CGFR 67–51]

PART 80—DISCLOSURE OF SAFETY STANDARDS

Interpretive Rulings Regarding Advertising

1. The disclosure regulations were published in the FEDERAL REGISTER on April 25, 1967, and effective on and after May 6, 1967, and implemented Public

Law 89–777 which amended in part, Title 46, United States Code, section 362. Many inquiries have been received from the advertising industry relative to the proper method of incorporating safety information in advertising material. Because of the number of these inquiries and since many of the questions were identical, an informal meeting was held in Washington on June 15, 1967, to discuss these problems and to describe the proper application of the regulations. This meeting resulted in a better appreciation, on the part of all concerned, with these mutual problems, both technical and regulatory, which face both industry and Coast Guard. It is desired by all concerned to comply with the intent of Congress as set forth in this new law that the advertising information will "* * * notify each prospective passenger of the safety standards with which the vessel complies or does not comply."

2. The purpose of this document is to describe in general terms the interpretive rulings given with respect to the rules and regulations in this part as they apply to advertising information.

3. By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by section 632 of Title 14, United States Code, and Department of Transportation Order 1100.1 delegating authority to prescribe rules and regulations under laws transferred by subsection 6(b)(1) of the Department of Transportation Act, the following interpretive rulings designated § 80.15–1 are prescribed and effective on and after publication in the FEDERAL REGISTER.

4. Part 80 is amended by inserting after § 80.10–20 a new Subpart 80.15, consisting of § 80.15–1, reading as follows:

Subpart 80.15—Interpretive Rulings

§ 80.15–1 Advertising information.

(a) Because of the number of inquiries and since many of the questions were identical, the interpretive rulings in this section are published for the guidance of all concerned.

(b) From the point of view of contents, when is it necessary to incorporate into an advertisement the safety information required by this part? (Ruling) The safety information statement is required in an advertisement when either one of two conditions are described; i.e., (1) a vessel is named, or (2) a voyage is described.

(c) What is meant by the word "voyage" as used in this part? (Ruling) As used in this part, "voyage" (route) consists of three conditions which must be stated and are (1) port or area of departure; (2) port or area of destination; and (3) a schedule.

(d) What is meant by the word "schedule" as used in § 80.10–20(c)? (Ruling) A "schedule" is the posted and published day(s) of departure and/or arrival. A description of a limited time interval during which a voyage will commence, i.e., such as "departing 10:30 a.m., September 7," "departing every Monday," "departing first Tuesday of every month," etc., are deemed to come within the meaning of term "schedule." The phrases "weekly sailings," "sailing twice weekly," "September Sailing," "Summer Cruise", etc., are not deemed to come within the meaning of the term "schedule."

(e) Are there any exceptions to the description in § 80.10–5(a) which states that "All promotional literature or advertising in or over any medium of communication * * * shall include * * *" safety information? (Ruling) Because of the nature of the display, the exception allowed concerns advertising signs towed or displayed by aircraft (including skywriting by aircraft). This ruling is based on the premise of practicability, and it is believed that Congress did not intend to prohibit this type of advertising.

(f) Does § 80.10–20(c)(1) relate to billboard type advertisements, especially since it specifies a minimum type size of printing of 4 points? (Ruling) This regulation does relate to billboard type advertising and shall be followed. Attention is directed to the wording which states "* * * the safety information statement shall be at least the same size type as the body of the text * * *."

(g) Because of the precise language in § 80.10–20(c), how much latitude is given with respect to the placement and cross references about safety information statements in brochures, pamphlets, schedules, etc.? (Ruling) The first two sentences of § 80.10–20(c) contain the basic requirements of this regulation, and strict compliance is necessary in order to effectively advise prospective passengers of the safety standards of the named vessels. The balance of § 80.10–20(c) is explanatory and suggestive in nature. By using an example the last sentence of this regulation suggests how these basic requirements may be met. It must be kept in mind that this regulation must be read and complied with in the context of the regulation as a whole.

(h) Are advertisements in trade publications required to comply with the disclosure requirements in this part? (Ruling) Trade publications are deemed to be those directed to a specific group of people or organizations and are not intended or used for general distribution to the public. In those instances where advertisements are not used or intended to be distributed to the general public for solicitation of passage on vessels, the advertisements are not deemed to be subject to the requirements in this part.

(i) Does the descriptive phrase "* * * all promotion literature or advertising in or over any medium of communication within the United States * * *" in subsection 362(b) of Title 46, United States Code, include literature (such as magazines, newspapers, periodicals, etc.) and advertising produced in a foreign country and introduced into the United States, and would such materials be subject to the regulations in this part? (Ruling) Any literature (such as magazines, newspapers, periodicals, etc.) and advertising introduced into the United States of America for the purpose of offering passage or soliciting passengers for ocean voyages must comply with the requirements in this part. Advertisements in foreign magazines, newspapers, periodicals, etc., produced outside the United States and having a limited distribution in the United States need not comply with the requirements in this part: *Provided, however,* That American editions of such media and travel advertisements extracted from such media for distribution in the United States must comply with the requirements in this part.

(R.S. 4400, as amended; 46 U.S.C. 362, Department of Transportation Order 1100.1, dated Mar. 31, 1967; 49 CFR 1.4(a)(2), 32 F.R. 5606)

Dated: August 24, 1967.

W. J. SMITH,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 67–10120; Filed, Aug. 28, 1967; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 8]

ENTRY OF IMPORTED MERCHANDISE

Powers of Attorney

An individual who is not a regular importer may at present execute a power of attorney authorizing a relative to act as his agent in filing a customs entry covering a single noncommercial shipment.

The Bureau proposes an extension of the practice to allow an individual by power of attorney to appoint an unrelated individual as his unpaid agent in order to enter the merchandise constituting a single noncommercial shipment. Many individuals at inland ports have reported annoyance and incommensurate expense in having to arrange the customs clearance of effects landed at a customs port distant from their homes when a friend or associate is available to effect expeditious action.

Therefore, the Bureau of Customs, under the authority of section 485, Tariff Act of 1930, as amended (19 U.S.C. 1485), and section 251 of the Revised Statutes (19 U.S.C. 66), proposes to amend § 8.19 (j) of the Customs Regulations by substituting the words "another individual" for the words "a relative" and by inserting the word "unpaid" before the word "agent" where it appears. The amended section, in tentative form, is as follows:

Section 8.19(j) is amended to read as follows:

§ 8.19 Powers of attorney.

* * * * *

(j) An individual (but not a partnership, association, or corporation) who is not a regular importer may appoint another individual as his unpaid agent for customs purposes by executing a power of attorney applicable to a single noncommercial shipment by writing, printing, or stamping, and subscribing on the invoice, or on a separate paper attached thereto, the following statement:

Name

of _____

Address

is hereby authorized to execute, as an unpaid agent who has knowledge of the facts, pursuant to the provisions of section 485(f), Tariff Act of 1930, as amended, the consignee's and owner's declarations provided for in section 485 (a) and (d), Tariff Act of 1930, and to enter on my behalf or for my account the goods described in the attached invoice which contains a true and complete statement of the facts concerning this shipment.

Date _____ 19____

Signature of Importer _____

Address _____

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* * * * *

Prior to the issuance of the proposed amendments, consideration will be given to any relevant data, views, or arguments which are submitted in writing to the Commissioner of Customs, Bureau of Customs, Washington, D.C. 20226, and received not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER. No hearings will be held.

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved: August 22, 1967.

MATTHEW J. MARKS,
Acting Assistant Secretary of the Treasury.

[F.R. Doc. 67–10123; Filed, Aug. 28, 1967; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 80]

GAME BIRDS, FISH, AND MAMMALS

Restoration

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by section 10 of the Federal Aid in Wildlife Restoration Act, as amended (50 Stat. 917; 16 U.S.C. 669i) and by section 10 of the Federal Aid in Fish Restoration Act, as amended (64 Stat. 430; 16 U.S.C. 777i), it is proposed to revise Part 80, Title 50, Code of Federal Regulations, as set forth below. The proposed changes will improve administrative procedures and revise the policy relative to use of Federal funds for unapproved activities.

1. Section 80.1 will be altered to revise the definition of "Project" so that it may encompass any or all of the activities approvable under the Federal Aid Acts. Also, the definition of "Research" will be changed to include two levels of Research: "Research" and "Surveys and inventories." A definition of "Project substantiality" is added.

2. Section 80.4 will be revised by substituting "project agreement" for "program agreement," as the document signed by the Secretary to obligate funds.

3. Section 80.5 will be revised to describe, set the penalty for, and establish means of correcting diversions of Federal Aid funds as well as license revenues. The penalty for misuse of Federal Aid funds or real property acquired with Federal Aid funds will be ineligibility for further projects. Real properties disposed of by the State without concurrence by the Secretary that they are no longer of value to fish and wildlife will need to be replaced in kind before the State can become eligible again for participation in the Federal Aid program.

4. Section 80.7 is revised by removing the word "fiscal" from between "preceding" and "year."

5. Section 80.12 will be revised to describe the content and purpose of a financial plan. "Plans, specifications and estimates" will be recoded § 80.13.

6. Section 80.13 will be revised to cover plans, specifications and estimates. Coverage is expanded to specify when these documents are to be submitted. Schedules of supervisory and technical personnel and major items of equipment are added.

7. Section 80.14 will be retitled "Project agreement." The section will be changed to remove the choice between writing an agreement for one segment of a project or for an annual financial plan. An agreement will be written for each financial plan because a financial plan is now written for each project segment.

8. Section 80.27, "Credits for sale or nonproject use of property," will be removed from the regulations and replaced by a section entitled "Production of income." This new section will provide that Federal Aid funds shall not be spent for the purpose of producing income, and will list the types of income to be avoided.

9. Section 80.30 will be revised under paragraph (a) to remove the words "program or" so that it will read: "Federal Aid payments shall not exceed 75 percent of the cost of a project * * *".

10. Section 80.32 will be revised to provide that cost records shall be maintained separately for each project, and that in projects containing multiple activities, costs for research, acquisition, development, and coordination, shall be segregated.

11. Section 80.33 will be revised to provide that the retention of documents shall be only for 3 years after final payment for reimbursement on the project.

12. Section 80.35, "Water pollution control," is added to require that pollution of water be avoided in the operation of Federal Aid projects.

13. Section 80.36, "Purchase of equipment," is added to provide that advance approval by the Secretary is required for purchase of items of equipment costing in excess of $500. This is not a new policy, but has not previously been carried in the regulations.

14. Section 80.37, "Patents," has been added to protect the Federal Government's interest in discoveries and inventions which are developed through the expenditure of Federal Aid funds.

15. Section 80.38, "Fish and wildlife planning," has been added. It urges long-range planning with Federal Aid funds as a guide to further program expenditures.

It is the policy of the Department of the Interior whenever practicable to afford the public an opportunity to participate in the rule-making process. Accordingly, interested persons may submit written comments, suggestions, or objections to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240, within 30 days of the publication of this notice in the FEDERAL REGISTER.

JOHN S. GOTTSCHALK,
Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 23, 1967.

Sec.
80.1 Definitions.
80.2 Apportionment and certification.
80.3 Notice of desire to participate.
80.4 Period of availability of funds.
80.5 Diversion of funds.
80.6 General information for the Secretary.
80.7 Hunting and fishing license information.
80.8 Activities prohibited.
80.9 Uses other than for fish and wildlife.
80.10 Minimum Federal participation.
80.11 Project statement.
80.12 Financial plan.
80.13 Plans, specifications and estimates.
80.14 Project agreement.
80.15 Officials not to benefit.
80.16 Equal employment opportunity.
80.17 Submission of documents.
80.18 Divergent opinions over project merits.
80.19 Land control.
80.20 Samples of materials to be submitted.
80.21 Contracts.
80.22 Safety and accident prevention.
80.23 Statements and payrolls.
80.24 Prosecution of work.
80.25 Personnel.
80.26 Maintenance of completed projects.
80.27 Production of income.
80.28 Inspection.
80.29 Civil rights.
80.30 Federal Aid payments.
80.31 Form of vouchers.
80.32 Records and reporting.
80.33 Records retention period.
80.34 Convict labor.
80.35 Water pollution control.
80.36 Purchase of equipment.
80.37 Patents.
80.38 Fish and wildlife planning.

AUTHORITY: The provisions of this Part 80 issued under sec. 10, 50 Stat. 917, as amended, sec. 10, 64 Stat. 430, as amended; 16 U.S.C. 669i, 777i.

§ 80.1 Definitions.

As used in this part, terms shall have the meanings ascribed in this section.

(a) *Federal Aid Act(s).* (1) The Act of Congress, approved September 2, 1937, entitled "An Act to provide that the United States shall aid the States in wildlife restoration projects, and for other purposes" (50 Stat. 917, as amended; 16 U.S.C., sec. 669–669i), commonly referred to as the Pittman-Robertson Act; and (2) the Act of Congress, approved August 8, 1950, entitled "An Act to provide that the United States shall aid the States in fish restoration and management projects, and for other purposes" (64 Stat. 430, as amended; 16 U.S.C., sec. 777–777k), commonly referred to as the Dingell–Johnson Act.

(b) *State.* Any State of the United States, the territorial areas of Guam and the Virgin Islands, and the Commonwealth of Puerto Rico.

(c) *State Fish and Game Department.* Any department or division, or commission, or official of a State empowered under its laws to exercise the functions ordinarily exercised by a State Fish and Game Department, the Secretary of Agriculture of Puerto Rico, or the Governor of Guam or the Virgin Islands.

(d) *Fish and wildlife.* (1) The term "fish" is limited to aquatic, gill breathing, vertebrate animals bearing paired fins; and (2) the term "wildlife" is limited to wild birds and wild mammals.

(e) *Project.* A sound and substantial undertaking with the general objective of restoring or managing fish and wildlife populations now and for the future and for the preservation and improvement of sport fishing, hunting, and related uses of these resources.

(f) *Project substantiality.* A substantial project is one which will provide benefits to hunters and fishermen commensurate with cost, and which is designed in accordance with accepted fish and wildlife conservation and management practices and sound engineering principles.

(g) *Project segment.* An essential part or division of a project, usually separated as a period of time, occasionally as a unit of work.

(h) *Land acquisition.* The acquisition of lands, waters, or interests therein, by purchase, condemnation, lease or gift.

(i) *Development.* Improving areas of land or water through the construction of works and facilities, improvement of soil and water conditions, establishing or controlling vegetation and animal populations and including operation and protection of the areas.

(j) *Research and surveys.* Investigations into problems of fish and wildlife management necessary for the efficient administration of these resources, including:

(1) *Research.* Studies designed to supply new information about fish and wildlife, their environment, or the development of new methods for management of these resources.

(2) *Surveys and inventories.* Routine collection of data on the abundance and utilization of fish and wildlife, or the condition of their environment, through the application of established methodology.

(k) *Management.* For purposes of the limitation on management of wildlife areas and resources, the term includes measures and facilities for the harvest and control of wild birds and mammals.

(l) *Maintenance.* Repair and upkeep of capital improvements acquired or constructed under the Federal Aid Acts. A capital improvement is any successfully established improvement having an expected useful life in excess of 5 years. For the purpose of qualifying for maintenance, a project is completed when the lands have been acquired, or capital improvements have been finished.

(m) *Coordination.* The selection, planning, direction, supervision, and coordination of projects within a State's Federal Aid program, including the coordination of this program with other related activities of the fish and game department.

§ 80.2 Apportionment and certification.

The Secretary shall apportion funds in the manner prescribed in the Acts, as soon as possible after receiving notification of the amounts which have become available for the purposes of the Acts. He shall promptly certify to the Secretary of the Treasury and to each State Fish and Game Department, the respective sums which he has deducted for administering and executing the Acts and the respective sums which he has apportioned to each State for the ensuing fiscal year.

§ 80.3 Notice of desire to participate.

Any State Fish and Game Department desiring to avail itself of the benefits of the Acts, shall notify the Secretary within 60 days after it has received from him a certificate of apportionment of funds available to the State.

§ 80.4 Period of availability of funds.

Funds are available to a State for expenditure or obligation during the fiscal year for which they are apportioned and until the close of the succeeding fiscal year. For the purpose of this section, obligation of apportioned funds occurs when a project agreement or amendment thereto is signed by the Secretary or his authorized representative.

§ 80.5 Diversion of funds.

(a) Conditions to participation in the benefits of these Acts are that a State's hunting and fishing license revenues must be used only for administration of its Fish and Game Department and Federal Aid funds granted under the Acts must be used for the purposes of approved projects. A diversion of license fees occurs when a State Fish and Game Department, through legislative action, or otherwise, loses control of the expenditure of any portion of its hunting license or sport fishing license revenues, or expends such revenues for any purpose other than the administration of the State Fish and Game Department. A diversion of Federal Aid funds occurs whenever they are applied by a State to activities or purposes which are not a part of an approved project, or when real property acquired or constructed with Federal Aid funds under these Acts passes from the control of the State Fish and Game Department or is used for unapproved purposes in a manner or to an extent which interferes with the accomplishment of project purposes as they were approved by the Secretary, or as they may be amended with the approval of the Secretary.

(b) When a diversion of funds occurs, a State thereby becomes ineligible to receive Federal Aid funds under the pertinent Act from the date the diversion occurs until (1) action is taken to return the administration of hunting and sport fishing license fees to the State Fish and Game Department; (2) hunting and sport fishing license fees used for purposes other than the programs of the State Fish and Game Department are replaced; (3) Federal Aid funds used for purposes or activities which are not a part of an approved project are replaced; (4) Federal-Aid financed real property which has passed from the control of the State Fish and Game Department is restored to that control, or a property of equal value at current market prices and with commensurate benefits to fish and wildlife is acquired with non-Federal funds to replace it; or (5) use of Federal-Aid financed real property, which interfere with the accomplishment of approved project objectives are ceased: *Provided, however,* That, where any projects were approved in compliance with the terms of the pertinent Act prior to diversion, and Federal Aid funds were obligated to carry out such projects, such funds shall remain available therefore until expended, without regard for the intervening period of the State's ineligibility under the Federal Aid Acts: *Provided, further,* That, when the State shall find, and the Secretary agree, that a property is no longer useful for the purposes for which it was acquired or constructed, and that it is not practical to convert the property to other fish or wildlife restoration, development, or management purposes, the State may sell the property and apply the proceeds of sale as the State Fish and Game Department and the Secretary may them agree: *Provided, further,* That, when required by this section to acquire a property with non-Federal funds, a State shall be given a reasonable time, up to 3 years, to accomplish this, before becoming ineligible to receive Federal Aid funds.

§ 80.6 General information for the Secretary.

Before any Federal funds may be obligated for any project to be undertaken in a State, there shall be furnished to the Secretary upon his request, information regarding the laws affecting fish or wildlife conservation and the authority of the State Fish and Game Department and of local officials with respect to the establishment and maintenance of projects; and the existing provisions of the State constitution or laws relating to revenues for the protection, restoration and management of fish or wildlife.

(a) *Document signature.* The Secretary of State of each State or any authorized official of the State shall certify as to the duly appointed official(s) authorized in accordance with State law to commit the State to participation under the provisions of the Acts and to sign Federal Aid project documents. The Secretary shall be advised promptly of any change made in such authorizations to sign Federal Aid documents.

(b) *Program information.* The Secretary may, from time to time, request and the State Fish and Game Department shall furnish information relating to the administration and maintenance of any project established under the Acts.

(c) *Planning-Programing-Budgeting System.* To promote the most efficient use of the financial resources of the Federal Government, Federal funds are budgeted according to a Planning-Programing-Budgeting System. In order that Federal funds for financing projects under the Federal Aid Acts may be budgeted under this system, States must furnish such plans and programs as the Secretary may require for this purpose.

§ 80.7 Hunting and fishing license information.

(a) Information concerning the number of paid hunting-license holders and the number of persons holding paid licenses to fish for sport or recreation in the State in the preceding year shall be furnished the Secretary by the Fish and Game Department of each State on or before December 15 of each year in form specified by the Secretary.

(b) This information shall be certified as accurate by the Director of the State Fish and Game Department. He shall furnish, when requested by the Secretary, evidence used in determining accuracy of the certification.

§ 80.8 Activities prohibited.

Neither law enforcement nor public relation activities which are not incidental to custodial functions on an approved Federal Aid project may be financed under the programs.

§ 80.9 Uses other than for fish and wildlife.

With respect to projects which are designed to include uses other than for fish or wildlife, reimbursement of costs from funds under the Federal Aid Acts shall be limited to the extent of the benefits to fish and wildlife resulting from such projects. Participation in maintenance of completed projects shall be similarly limited. Also, the costs of maintenance shall be appropriately shared according to the use of the area and facilities; Federal Aid funds shall not be applied to maintenance required by use other than for approved project purposes.

§ 80.10 Minimum Federal participation.

A minimum Federal Aid participation of 10 percent in the cost of each project is required as a condition of approval.

§ 80.11 Project statement.

A project statement shall be submitted for each proposed project which shall contain such fundamental information as the Secretary may require, in order that he may determine if a project meets the requirement of being substantial in character and design in accordance with standards set forth in the Federal Aid in Fish and Wildlife Restoration Manual.

§ 80.12 Financial plan.

A budget or spending plan listing estimated expenditures by activities (land acquisition, development, research, management, maintenance, and coordination) as related to the elements of Planning, Programing, and Budgeting shall be submitted for each project in a State covering the work to be performed over a specified period.

§ 80.13 Plans, specifications and estimates.

The annual financial plan shall be accompanied by supporting documents listing and describing the work to be performed with the funds listed therein. These shall be as follows: (a) Engineering plans, specifications, and estimates shall be submitted for major construction activities. (b) Plans in job description form shall be submitted for each logical and effective unit of research activity. (c) Work plans, listing the development activities to be carried out under the financial plan shall be submitted. (d) Schedules of supervisory and technical personnel to be employed and major items of equipment to be purchased shall be provided.

§ 80.14 Project agreement.

After the Secretary shall have approved project statements and the required plans, specifications and estimates, the mutual obligations to be undertaken by the cooperating agencies shall be evidenced by an agreement to be executed between the State Fish and Game Department and the Secretary. An agreement shall cover the financing proposed in one financial plan and the work items described in the documents supporting it.

§ 80.15 Officials not to benefit.

No member of or delegate to Congress, or resident commissioner, shall be admitted to any share or any part of any agreement, made under the Federal Aid Acts, or to any benefit that may arise therefrom.

§ 80.16 Equal employment opportunity.

Each project agreement shall contain the equal employment opportunity provisions of Part III of Executive Order 11246 (30 F.R. 12319) and as it may be amended.

§ 80.17 Submission of documents.

Papers and documents required by the Acts or by the regulations in this part shall be deemed submitted to the Secretary from the date of receipt by the Director of the Bureau of Sport Fisheries and Wildlife, or by the appropriate Regional Director of the Bureau.

§ 80.18 Divergent opinions over project merits.

Any difference of opinion about the substantiality of a proposed project, nature of development required, or appraised value of land to be acquired, are considered by qualified representatives of the Bureau of Sport Fisheries and Wildlife and the State. Final determination in the event of continued disagreement rests with the Secretary.

§ 80.19 Land control.

The State Fish and Game Department must control lands or waters on which improvements are made. Control may be exercised through fee title, lease, easement, or agreement. Control must be adequate for protection, maintenance, and use of the improvement throughout its useful life.

§ 80.20 Samples of materials to be submitted.

Whenever requested, suitable samples of materials to be used in construction

work shall be submitted to the Secretary by or on behalf of the State Fish and Game Department to be tested for suitability and conformity with standard specifications.

§ 80.31 Contracts.

Contracts shall be solicited and awarded according to the laws and regulations of the State except when contradictory to Federal law or regulation in which case the Federal law or regulation shall prevail.

§ 80.32 Safety and accident prevention.

In the performance of each project, the State shall comply with all applicable Federal, State and local laws governing safety, health and sanitation. The State shall be responsible that all safeguards, safety devices, and protective equipment are provided and will take any other needed actions reasonably necessary to protect the life and health of employees on the job and the safety of the public and to protect property in connection with the performance of the work.

§ 80.33 Statements and payrolls.

The regulations of the Secretary of Labor applicable to contractors and subcontractors (29 CFR Part 3), made pursuant to the Copeland Act, as amended, (40 U.S.C. 276c), and to aid in the enforcement of the Anti-Kickback Act (18 U.S.C. 874) are made a part of this regulation by reference. The State Fish and Game Department will comply with these regulations and any amendments or modifications thereof and the State Prime Contractor will be responsible for the submission of statements required of subcontractors thereunder. The foregoing shall apply except as the Secretary of Labor may specifically provide for reasonable limitation, variations, tolerances, and exemptions.

§ 80.34 Prosecution of work.

(a) The State Fish and Game Department shall carry all approved projects through to satisfactory completion with reasonable promptness. Projects with activities extending over a period of years may be financed from a number of succeeding apportionments as appropriate to the schedule.

(b) Research work shall be continuously coordinated with other studies conducted by the State and other agencies in order to avoid unnecessary duplication.

(c) All work shall be performed in accordance with applicable State laws.

(d) Appropriate and adequate means shall be employed to insure economy and efficiency in the completion of the project.

§ 80.35 Personnel.

The State Fish and Game Department shall employ adequate and competent personnel to initiate and carry Federal Aid projects through to satisfactory completion.

§ 80.36 Maintenance of completed projects.

The State Fish and Game Department shall exercise all reasonable means to insure permanent and proper management and maintenance of each completed acquisition or development of lands or waters.

§ 80.37 Production of income.

Federal Aid funds shall not be spent for the purpose of producing income; e.g.,

(a) Producing agricultural crops in excess of those required for attracting, conserving, and enhancing wildlife populations.

(b) In connection with the acquisition of lands, paying for readily marketable timber or the salvage value of structures which are excess to project purposes when the State can secure immediate reimbursement through removal and sale.

(c) Purchasing transportation, construction, or farming equipment not needed for its full life on activities which are approvable for Federal Aid assistance.

(d) Conducting public hunting and fishing activities where user fees substantially pay for these costs.

Federal Aid funds used for such purposes shall be replaced as required under § 80.5, "Diversion of funds."

§ 80.38 Inspection.

Supervision of each project by the State Fish and Game Department shall include adequate and continuous inspection. The project will be subject at all times to Federal inspection.

§ 80.39 Civil rights.

Approval of each agreement shall be conditioned upon the acceptance by the United States of an Assurance executed in writing by the properly authorized representative of the contracting State agency, or political division of the contracting State, supported by proper certification, guaranteeing that the program will be conducted in accordance with Title VI of the Civil Rights Act of 1964 and with the rules and regulations promulgated thereunder by the Secretary and published as 43 CFR Part 17 (filed Dec. 3, 1964) to that end.

§ 80.40 Federal Aid payments.

Payments under the Federal Aid Acts, including such preliminary costs and expenses as may be incurred in and about such projects, shall not be made unless the project statement, such plans, specifications and estimates as are required by the Secretary, and all other documents that may be necessary or required in the administration of these acts, shall have first been submitted to and approved by the Secretary. Payments shall be made only by way of reimbursement for expenditures by the State Fish and Game Departments. Payments shall be made only to the State office or official designated by the State Fish and Game Department and authorized under the laws of the State to receive public funds of the State.

(a) Federal Aid payments shall not exceed 75 percent of the cost of a project or the amount specified in the agreement, whichever is less: *Provided*, That Federal Aid payments to the territorial areas of Guam, the Virgin Islands and the Commonwealth of Puerto Rico shall not exceed the amount specified in the agreement and in no event shall they be required to pay an amount which will exceed 25 percent of the cost of any project.

(b) Federal Aid payments on projects terminated prior to completion shall be limited to the cost of benefits produced, provided the work accomplished is substantial in character and design.

(c) Payments for acquired real property shall not exceed 75 percent of the fair and reasonable value of the property as approved by the Secretary.

(d) Overhead and preliminary costs which are clearly tied to an approved project may be reimbursed provided the claims are supported by accurate records.

§ 80.41 Form of vouchers.

Vouchers on forms provided by the Secretary and certified as therein prescribed, showing amounts expended and the amount of Federal Aid funds claimed to be due on account thereof, shall be submitted to the Secretary by the State Fish and Game Department.

§ 80.42 Records and reporting.

Reports shall be furnished as requested by the Secretary. Cost records shall be maintained separately for each project. In projects containing multiple activities, costs for research, acquisition, development, and coordination shall be segregated. The accounts and records maintained by the State, together with all supporting documents, shall be open at all times to the inspection of authorized representatives of the United States, and copies thereof shall be furnished when requested.

§ 80.43 Records retention period.

The records, accounts and supporting documents required to be maintained under the regulations in this part for each project shall be retained by the State Fish and Game Department until the expiration of 3 years after final payment of reimbursement to the State on the project.

§ 80.44 Convict labor.

The State shall not employ any persons undergoing sentence of imprisonment at hard labor to perform work on projects approved under the Federal Aid Acts.

§ 80.45 Water pollution control.

In the performance of each project, the State shall take necessary action to avoid pollution of water as a direct or indirect result of project activity. Water quality must be maintained at a level consistent with State water quality standards approved by the Secretary.

§ 80.36 Purchase of equipment.

Advance approval by the Secretary is required for the purchase with Federal Aid participation of items of equipment costing in excess of $500.

§ 80.37 Patents.

Every project agreement and subcontract, having as a purpose the conduct of experimental or research work, shall contain a patent article conforming to the President's Statement of Government Patent Policy, issued October 10, 1963, 28 F.R. 10943.

§ 80.38 Fish and wildlife planning.

It is desirable that the expenditure of funds made available under the Federal Aid Acts be guided by long-range fish and wildlife plans. Therefore, undertakings of statewide planning for fish and wildlife are of the highest priority for Federal Aid Financing.

[F.R. Doc. 67-10093; Filed, Aug. 28, 1967; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 31]

WOOL STANDARDS

Notice of Proposed Rule Making

Notice is hereby given, in accordance with the administrative procedure provisions of 5 U.S.C. 553, that pursuant to authority conferred by the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621, et seq.), it is proposed to amend the wool top standards and other provisions in 7 CFR Part 31, to revise the fiber diameter dispersion requirements of grade 62s wool top, to add provisions for designating grades for wool top which do not meet established grade requirements, to include the methods for determining the grade of wool top, and to redefine certain terms used in the standards for wool and wool top.

Statement of considerations. The official standards for grades of wool top provide for 14 grades—80s through 36s—based on average fiber diameter and fiber diameter dispersion. These standards became effective January 1, 1955. For the most part they have been satisfactory for commercial trading.

However, a study by industry and the Department revealed that many of the tops traded as 62s exceed the coarse fiber percentage allowed for this grade. To bring the standards more in line with current combing and trading practices, it is proposed that the fiber diameter dispersion requirements for grade 62s be revised to permit 1.50 percent of the fibers to be 40.1 microns and over in diameter rather than the 1 percent as allowed in the present standards.

In the application of the present standards some wool tops cannot be graded. This results from the fact that the specifications for each of the present grades include requirements for both average fiber diameter and fiber diameter dispersion but do not provide grades for wool top which does not meet both requirements. Thus, for example, wool top with an average fiber diameter meeting the requirements for the 64s grade cannot be graded by the present standards if it has a fiber diameter dispersion which does not meet the dispersion requirements specified in the standards for a 64s grade. Under the proposed revision, such wool top would be assigned a dual grade designation, 64s–62s—the 64s designating the average fiber diameter of the wool top and the 62s (the next coarser grade) indicating that the fiber diameter dispersion of the wool top does not meet the requirements of the 64s grade. This procedure for designating grade has been used in the trade for some time.

Also, under the present standards, wool top with an average fiber diameter finer than that specified for the finest grade (80s), or coarser than that specified for the coarsest grade (36s) cannot be assigned a grade. The proposed revision would provide two additional grades to be designated as Finer than grade 80s and Coarser than grade 36s. These additional grades will permit all wool top to be assigned a grade irrespective of its average fiber diameter. Two corresponding grades also were added to the standards for grades of wool when these were revised on January 1, 1966.

It is also proposed to incorporate the methods for determining the grade of wool top into the Code of Federal Regulations, and to make incidental changes in definitions of certain terms used in the wool and wool top standards. In the past, the determination of grade of wool top was made in accordance with procedures prescribed by the Administrator of the Consumer and Marketing Service in a separate publication, "Methods of Test for Grade of Wool Top." Some minor changes have been made in these methods in order to coordinate them with the methods prescribed for determining grade of wool.

A. It is proposed to delete the provisions for official standards of the United States for grades of wool top (7 CFR 31.101–31.114) and substitute the following:

Official Standards of the United States for Grades of Wool Top

§ 31.100 Official grades.

The official grades of wool top shall be those established in §§ 31.101 through 31.116: *Provided, however*, That wool top which qualifies for any of the grades in §§ 31.101 through 31.116 on the basis of its average fiber diameter but fails to meet the fiber diameter dispersion requirements for that grade shall be assigned a dual grade designation. In such case, the first designation shall indicate the grade based on the average fiber diameter and the second designation shall be that of the next coarser grade and shall indicate merely that the fiber diameter dispersion does not meet the requirements specified for the grade corresponding to the average fiber diameter.

§ 31.101 Finer than grade 80s.

Wool top with an average fiber diameter of 18.09 microns or less and a fiber diameter dispersion that meets the following requirements:

25 microns and under—not less than 98 percent.
25.1 microns and over—not more than 5 percent.
30.1 microns and over—not more than 1 percent.

§ 31.102 Grade 80s.

Wool top with an average fiber diameter of 18.10 to 19.59 microns, inclusive, and a fiber diameter dispersion that meets the following requirements:

25 microns and under—not less than 91 percent.
25.1 microns and over—not more than 9 percent.
30.1 microns and over—not more than 1 percent.

§ 31.103 Grade 70s.

Wool top with an average fiber diameter of 19.60 to 21.09 microns, inclusive, and a fiber diameter dispersion that meets the following requirements:

26 microns and under—not less than 83 percent.
26.1 microns and over—not more than 17 percent.
30.1 microns and over—not more than 3 percent.

§ 31.104 Grade 64s.

Wool top with an average fiber diameter of 21.10 to 22.59 microns, inclusive, and a fiber diameter dispersion that meets the following requirements:

30 microns and under—not less than 92 percent.
30.1 microns and over—not more than 8 percent.
40.1 microns and over—not more than 1 percent.

§ 31.105 Grade 62s.

Wool top with an average fiber diameter of 22.60 to 24.09 microns, inclusive, and a fiber diameter dispersion that meets the following requirements:

30 microns and under—not less than 86 percent.
30.1 microns and over—not more than 14 percent.
40.1 microns and over—not more than 1.50 percent.

§ 31.106 Grade 60s.

Wool top with an average fiber diameter of 24.10 to 25.59 microns, inclusive, and a fiber diameter dispersion that meets the following requirements:

30 microns and under—not less than 80 percent.
30.1 microns and over—not more than 20 percent.
40.1 microns and over—not more than 2 percent.

§ 31.107 Grade 58s.

Wool top with an average fiber diameter of 25.60 to 27.09 microns, inclusive, and a fiber diameter dispersion that meets the following requirements:

30 microns and under—not less than 72 percent.

30.1 microns and over—not more than 20 percent.
60.1 microns and over—not more than 1 percent.

§ 31.108 Grade 56s.

Wool top with an average fiber diameter of 27.10 to 28.59 microns, inclusive, and a fiber diameter dispersion that meets the following requirements:

30 microns and under—not less than 82 percent.
30.1 microns and over—not more than 18 percent.
60.1 microns and over—not more than 1 percent.

§ 31.109 Grade 54s.

Wool top with an average fiber diameter of 28.60 to 30.09 microns, inclusive, and a fiber diameter dispersion that meets the following requirements:

30 microns and under—not less than 54 percent.
30.1 microns and over—not more than 46 percent.
60.1 microns and over—not more than 2 percent.

§ 31.110 Grade 50s.

Wool top with an average fiber diameter of 30.10 to 31.79 microns, inclusive, and a fiber diameter dispersion that meets the following requirements:

30 microns and under—not less than 44 percent.
30.1 microns and over—not more than 56 percent.
60.1 microns and over—not more than 2 percent.

§ 31.111 Grade 48s.

Wool top with an average fiber diameter of 31.80 to 33.49 microns, inclusive, and a fiber diameter dispersion that meets the following requirements:

40 microns and under—not less than 75 percent.
40.1 microns and over—not more than 25 percent.
60.1 microns and over—not more than 1 percent.

§ 31.112 Grade 46s.

Wool top with an average fiber diameter of 33.50 to 35.19 microns, inclusive, and a fiber diameter dispersion that meets the following requirements:

40 microns and under—not less than 66 percent.
40.1 microns and over—not more than 33 percent.
60.1 microns and over—not more than 1 percent.

§ 31.113 Grade 44s.

Wool top with an average fiber diameter of 35.20 to 37.09 microns, inclusive, and a fiber diameter dispersion that meets the following requirements:

40 microns and under—not less than 62 percent.
40.1 microns and over—not more than 38 percent.
60.1 microns and over—not more than 2 percent.

§ 31.114 Grade 40s.

Wool top with an average fiber diameter of 37.10 to 38.99 microns, inclusive, and a fiber diameter dispersion that meets the following requirements:

40 microns and under—not less than 54 percent.
40.1 microns and over—not more than 46 percent.
60.1 microns and over—not more than 3 percent.

§ 31.115 Grade 36s.

Wool top with an average fiber diameter of 39.00 to 41.29 microns, inclusive, and a fiber diameter dispersion that meets the following requirements:

40 microns and under—not less than 44 percent.
40.1 microns and over—not more than 56 percent.
60.1 microns and over—not more than 4 percent.

§ 31.116 Coarser than grade 36s.

Wool top with an average fiber diameter of 41.30 microns or over.

B. It is proposed to revise definitions of certain terms in 7 CFR 31.201, paragraphs (f), (s), (t), (u), and (v) to read as follows:

§ 31.201 Terms defined.

* * * * *

(f) *Grade.* (1) With respect to wool, this term means a numerical designation of wool fineness based on average fiber diameter and variation of fiber diameter. It does not include characteristics such as length, crimp, strength, elasticity, luster, hand, and color—all of which affect the spinnability of wool and the properties of the yarn and fabric and which are usually referred to as "quality." Neither does it apply to wool by geographic origin, breed of sheep, manner of preparation for market, or a combination of characteristics which makes wool appropriate for a specific use. These characteristics are usually referred to as "type."

(2) With respect to wool top, this term means a numerical designation of wool top fineness based on average fiber diameter and fiber diameter dispersion. It does not include characteristics such as length, crimp, strength, elasticity, luster, hand, and color—all of which affect the spinnability of wool and the properties of the yarn and fabric. These characteristics are usually referred to as "quality."

* * * * *

(s) *Lot.* (1) With respect to wool, this term means the entire quantity of wool or card sliver constituting the subject of consideration or test.

(2) With respect to wool top, this term means the entire quantity of wool top constituting the subject of consideration or test.

(t) *Sample.* (1) With respect to wool, this term means a suitable amount of wool representing a lot, obtained as described in § 31.204(a) (5).

(2) With respect to wool top, this term means four slivers of top obtained as described in § 31.301(a) (4).

(u) *Test specimen.* (1) With respect to wool, this term means a representative portion of the sample obtained and prepared as described in § 31.204(a) (6).

(2) With respect to wool top, this term means a sliver of wool top, at least 1 yard (0.91 meter) long, obtained as described in § 31.301(a) (4).

(v) *Test.* (1) With respect to wool, this term means a determination by measurement of the average fiber diameter and the standard deviation of a sample of wool, in accordance with the procedures provided in § 31.204.

(2) With respect to wool top, this term means a determination by measurement of the average fiber diameter and the fiber diameter dispersion of a sample of wool top, in accordance with procedures provided in § 31.301.

* * * * *

C. It is proposed to delete the provisions relating to the determination of grade of wool top (7 CFR 31.300) and to issue Methods for Determining Grade of Wool Top to appear in §§ 31.300, 31.301, and 31.302 as follows:

METHODS FOR DETERMINING GRADE OF WOOL TOP

§ 31.300 General.

The official standards of the United States for grades of wool top as defined in §§ 31.100–31.116 shall be the basis for determining the grade of wool top. The provisions in §§ 31.301–31.302 prescribe two methods for making such determinations—by measurement and by inspection. Both methods for determining grade shall be official; however, if the grade as determined by inspection differs from that determined by measurement, the grade determined by measurement shall prevail.

§ 31.301 Measurement method.

The determination of the grade of wool top by measurement shall be by comparison of the measured average fiber diameter and fiber diameter dispersion with the specifications of the U.S. standards. This determination shall be made in accordance with the procedure for determining average fiber diameter and fiber diameter dispersion provided in paragraph (a) of this section and the procedure for designating grade provided in paragraph (b) of this section.

(a) *Procedure for determining average fiber diameter and fiber diameter dispersion*—(1) *Principle of procedure.* The average fiber diameter and fiber diameter dispersion are determined by sectioning the fibers in a sample to a designated short length, mounting the sections of fibers on a slide, projecting the magnified image onto a scale, and measuring the diameter of a minimum number of fibers, as specified in this section.

(2) *Apparatus and material.* The following apparatus and material are needed and shall comply with the following provisions:

(i) *Microprojector.* The microscope shall be equipped with a fixed body tube, a focusable stage responsive to a coarse and fine adjustment, and a focusable substage with condenser and iris diaphragm. It shall be vertically installed with adequate light source, eyepiece, and objective to give a precise magnification of 500 × as determined by use of a stage micrometer. A magnification of 500 × can be obtained when the microscope is adjusted at a proper projection distance and equipped with a searchlight microprojector bulb, a 10–15 × eyepiece, and a 20–21 × objective of good quality with an aperture of approximately 0.50 centimeter.

(ii) *Stage micrometer.* Calibrated glass slide used for accurate setting and control of the magnification.

(iii) *Cross-sectioning device, heavy duty.* An instrument approximately 5 cm. (2 inches) in height, consisting essentially of a metal plate with slot for holding a quantity of fibers, a key for compressing the fibers, and a tongue-propelling arrangement by which the fiber bundle may be extruded for sectioning.

(iv) *Microscope slides.* 25 × 75 mm. (1″ × 3″).

(v) *Cover glasses.* No. 1 thickness, 22 x 50 mm. (⅞″ x 2″).

(vi) *Mounting medium.* Colorless mineral oil with a refractive index between 1.53 and 1.43 and of suitable viscosity.

(vii) *Wedge scales.* Strips of heavy paper or Bristol board imprinted with a wedge for use at a magnification of 500 × 0. The wedge is usually divided into 2.5 micron intervals.

(3) *Calibration.* The microscope shall be adjusted to give a magnification of 500 × in the plane of the projected image. This may be accomplished by placing a stage micrometer on the stage of the microprojector and bringing the microscope into such adjustment that an interval of 0.20 mm. on the stage micrometer will measure 100 mm. when sharply focused in the center of the image plane.

(4) *Sampling.* Sample the lot of top by drawing from each 20,000 pounds (9,072 kilograms), or fraction thereof, four sections of sliver (test specimen) each of which shall be at least 1 yard (0.91 meter) in length and taken from different balls of top selected at random. Take one ball only from any one bale or carton. For broken top take an equivalent aggregate length of sliver at random. The four test specimens shall constitute a sample.

(5) *Test condition.* Precondition all samples to approximate equilibrium in an atmosphere of 5–25 percent relative humidity at a temperature less than 50° C. (122° F.). Then condition them for at least 4 hours in the standard atmosphere for testing—65±2 percent relative humidity at 21°±1.1° C. (70°±2° F.).

(6) *Preparation of slides*—(i) *Filling cross-section device.* Each sliver (test specimen) of top making up the sample shall be placed individually in the slot of the cross-section device far enough from either end of the sliver to assure sectioning at an undisturbed area. The sliver shall be compacted firmly with the compression key and the latter secured with the set screw.

(ii) *Preliminary section.* The gripped fibers shall be cut off at the upper and lower surfaces of the plate. The fiber bundle shall be extruded to the extent of approximately 0.50 mm. in order to take up slack in the fibers and the propulsion mechanism. The projecting fibers shall be moistened with a few drops of mineral oil. This projecting fiber bundle shall be cut off with a razor blade flush with the upper surface of the fiber holder plate and the section discarded.

(iii) *Final section.* The fiber bundle shall again be extruded, approximately 0.25 mm., the equivalent of 250 microns. The fiber bundle shall be moistened with a few drops of mineral oil and the excess blotted off. The projecting fibers shall be cut off with a sharp razor blade flush with the holder plate. The fiber pieces should adhere to the razor blade.

(iv) *Mounting the fibers.* A few drops of mineral oil shall be placed on a clean glass slide. With a dissecting needle the fiber pieces shall be scraped from the razor blade onto the slide. The fibers shall be thoroughly dispersed in the oil with the dissecting needle and the slide completed with a cover glass. Sufficient oil should be used in the preparation of the slide to insure thorough distribution of the fibers, but an excess must be avoided, as practically no oil should be permitted to flow out or be squeezed out beyond the borders of the cover glass. If the number of fibers is too great to permit proper distribution on the slide, or if an excess of oil has been used, a portion of the mixture, after thorough dispersion of the fibers, may be wiped away with a piece of tissue or cloth.

(v) *Finished slide.* The slide shall be placed on the stage of the microprojector, cover glass toward the objective. The measurement courses shall be planned across the slide so that the far, near, and intermediate areas will be reached. Slides shall be measured the day they are prepared.

(7) *Measurement of fibers.* The mid-length portion of the fiber to be measured shall be brought into sharp focus on the wedge scale. Fiber edges appear as fine lines without borders when they are uniformly in focus. It is unusual, however, for both edges of the fiber to be in focus at the same time. If both edges of the fiber are not uniformly in focus, adjustment shall be made so that one edge of the fiber is in focus and the other shows as a bright line. The measurements of 100 fibers are recorded on one wedge by marking on the wedge scale the point where the wedge corresponds with the fiber image as determined by (i) the fine lines of both edges when they are uniformly in focus or (ii) the fine line of one edge and the inner side of the bright line at the other edge when they are not uniformly in focus. The slide shall be traversed and successive fibers measured in the planned courses, with only those fibers being measured whose midpoints come within the field—a circle 4 inches in diameter, centrally located in the projected area. Fibers shorter than 200 microns or longer than 300 microns and those having distorted images shall be excluded from measurement. The marks on the wedge indicating the diameter of fibers measured are counted and combined into class intervals for calculation as indicated in subparagraph (10) of this paragraph. Occasionally a fiber diameter will be less or greater than the extreme limits of the wedge scale. When this occurs, the image of the fiber is projected onto the border of the wedge scale and lines are drawn on the scale at the edges of the fiber image. The distance between the lines is later measured with a metric ruler to obtain the correct average diameter of the fiber. In using the metric scale in this manner, 1 mm. is equal to 2 microns at a magnification of 500 ×.

(8) *Nature of test.* One test shall consist of the measurement by two operators of the same four slivers (test specimens) of top. The measurement of both operators shall be combined for calculation of average fiber diameter and fiber diameter dispersion.

(9) *Number of slides and fibers.* Each operator shall make a slide from each test specimen for a total of four slides per operator. The number of fibers to be measured per slide shall be determined by dividing the total number of fibers to be measured per test by 8 (the total number of slides prepared per test). The minimum number of fiber measurements required for each test shall be the number for the respective grade as prescribed in the measurement schedule for designating grades of wool top set forth in paragraph (c) of this section. Each operator shall measure approximately one-half the required number of fibers. In lots that are assigned a dual grade designation, the minimum number of fibers measured shall be that specified for the coarser of the two grades.

(10) *Calculations.* From the observations recorded on the wedge scales, compute the total number of measurements (n), the distribution of fiber diameter frequencies, and the average diameter of fiber ($\bar{X}$).

(i) The average diameter of fiber ($\bar{X}$) shall be determined by the following formula: $\bar{X}=A+mE_1$. In this formula—

A = Class interval midpoint
m = Class interval
$E_1=\frac{\Sigma fz}{n}$, where
Σ = Summation
f = Observed frequency
z = Deviation in class intervals from A
n = Total number of measurements

An example of the calculations is set forth below, based on an arbitrary selection of a class interval midpoint of 6.25 microns:

EXAMPLE OF CALCULATIONS: AVERAGE FIBER DIAMETER AND FIBER DIAMETER DISPERSION

Class interval	d	Deviation in class intervals from A z	Observed frequency f	fz	Cumulative frequency	Cumulative percent
4.5–7.5	6.25	0	0	0	0	0
7.5–10.5		1	0	0	0	0
10.5–13.5		2	1	2	1	.12
13.5–16.5		3	12	36	13	1.6
16.5–19.5		4	55	220	68	8.5
19.5–22.5		5	162	810	230	28.75
22.5–25.5		6	209	1,254	439	54.88
25.5–28.5		7	181	1,267	620	77.50
28.5–31.5		8	111	888	731	91.38
31.5–34.5		9	51	459	782	97.75
34.5–37.5		10	14	140	796	99.50
37.5–40.5		11	4	44	800	100.00
40.5–43.5		12	0	0	800	100.00
43.5–46.5		13	0	0	800	100.00
46.5–49.5		14	0	0	800	100.00
49.5–52.5		15	0	0	800	100.00
52.5–55.5		16	0	0	800	100.00
55.5–58.5		17	0	0	800	100.00
58.5–61.5		18	0	0	800	100.00
Total			800	5,927		

Number of measurements (n)=800
A (class interval midpoint)=6.25 microns
w (class interval)=3.0 microns

$$E_1=\left(\frac{\Sigma fz}{n}\right)\frac{w^2\pi}{180}=7.47$$

Average diameter, $\bar{X}=A+w\frac{E_1}{E_2}=6.25+3.0(7.47)=28.66$ microns.[1]

(b) *Procedure for designating grade.* A grade shall be assigned to a lot of wool top which corresponds to the average fiber diameter and fiber diameter dispersion requirements specified in §§ 31.100–31.116 and paragraph (c) of this section.

(1) *Single grade designation.* If the measured average diameter and fiber diameter dispersion correspond to a single grade, that shall be the grade assigned to the sample.

Example: Average fiber diameter—23.5 microns.

Fiber diameter dispersion:
30 microns and under—94 percent.
30.1 microns and over—96 percent.
30.1 microns and over—1 percent.
Grade designation—56s.

(2) *Dual grade designation.* If the fiber diameter dispersion does not meet the requirements for the grade to which the average fiber diameter corresponds, the wool top shall be assigned a dual grade designation, the second designation being one grade coarser than the grade to which the average fiber diameter corresponds.

Example: Average fiber diameter—23.5 microns.

Fiber diameter dispersion:
30 microns and under—81 percent.
30.1 microns and over—20 percent.
30.1 microns and over—3 percent.
Grade designation—56s-54s.

(c) *Measurement schedule for designating grades of wool top.*

Grade	Finer than 58s	80s	70s	66s	62s	60s	58s	56s	54s	50s	48s	46s	44s	42s	36s	Coarser than 36s
Average fiber diameter range, microns:																
Minimum		18.10	19.60	21.10	22.60	24.10	25.60	27.10	28.60	30.10	31.56	33.10	34.60	37.10	38.60	41.10
Maximum	18.60	19.70	21.60	22.60	24.60	25.60	27.60	28.60	30.60	31.70	33.60	34.10	36.60	38.60	41.20	
Fiber diameter dispersion, percent:[1]																
30 microns and under, minimum	85	71	53													
30 microns and under, minimum				52	36	36	73	62	54	54						
30 microns and under, minimum											78	68	62	54	54	
30.1 microns and over, maximum	5	9	17													
30.1 microns and over, maximum	1	1	5	6	14	36	26	36	46	56						
30.1 microns and over, maximum				1	1.5	2					36	32	36	46	56	
30.1 microns and over, maximum							1	1	2	2						
30.1 microns and over, maximum											1	1	2	3	4	
Number of fibers required per test[2]	400	400	400	600	600	600	1,000	1,200	1,400	1,600	1,600	2,000	2,200	2,400	2,600	2,800

[1] The second maximum percent shown for any grade is a part of, and not in addition to, the first maximum percent. In each grade, the minimum percent and the first maximum percent total 100 percent.

[2] Research has shown that when waste of average uniformity in fiber diameter is measured, the prescribed number of fibers to measure per test will result in confidence limits of the mean ranging from approximately ±0.5 to ±0.8 micron at a probability of 95 percent.

§ 31.302 Inspection method.

The grade of wool top also may be determined by inspection. This usually will be facilitated by comparing the fibers in the sample of wool top to be graded with fibers in the wool top samples certified by the U.S. Department of Agriculture as representative of the official grades. When using the certified samples to determine the grade of wool top, the grade assigned shall be that of the certified sample which most nearly matches the wool top being graded.

Any person who desires to submit written data, views, or arguments concerning the proposals set forth above may do so by filing them with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, within 60 days after the date of publication of this notice in the FEDERAL REGISTER.

All written submissions made pursuant to this notice will be made available for public inspection at times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 23d day of August, 1967.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 67-10036; Filed, Aug. 28, 1967; 8:45 a.m.]

[1] Round off the calculated values of average fiber diameter to two decimal places as follows: If the figure in the third decimal place is 4 or less, retain the figure in the second decimal place unchanged; otherwise, increase the figure in the second decimal place by 1.

Notices

DEPARTMENT OF DEFENSE

Department of the Air Force

ORGANIZATION STATEMENT

Sec.
1. General.
2. Office of the Secretary of the Air Force.
3. Air Staff.
4. Field organization.

SECTION 1. *General*—(a) *Creation and authority.* The Department of the Air Force was established as part of the National Military Establishment by the National Security Act of 1947 (61 Stat. 495), and by the terms of that act came into legal being on September 18, 1947. The National Security Act Amendments of 1949 (63 Stat. 578) redesignated the National Military Establishment as the Department of Defense, established it as an executive department, and made the Department of the Air Force a military department within the Department of Defense. The Department of the Air Force is separately organized under the Secretary of the Air Force. It operates under the authority, direction, and control of the Secretary of Defense (10 U.S.C. 8010). The organization of the Department is prescribed by sections 8011–8019 of Title 10, United States Code.

(b) *Mission.* The mission of the Department of the Air Force is to provide an Air Force that is capable, in conjunction with the other armed forces, of preserving the peace and security of the United States, providing for its defense, supporting the national policies, implementing the national objectives, and overcoming any nation responsible for aggressive acts that imperil the peace and security of the United States. In general, the Air Force includes aviation forces, both combat and service, not otherwise assigned. It is organized, trained, and equipped primarily for prompt and sustained offensive and defensive aerospace operations. It is responsible for the preparation of the aerospace forces necessary for the effective prosecution of war except as otherwise assigned and, in accordance with integrated joint mobilization plans, for the expansion of the peacetime components of the Air Force to meet the needs of war.

SEC. 2. *Office of the Secretary of the Air Force*—(a) *Secretary of the Air Force.* The Secretary of the Air Force is responsible for and has the authority necessary to conduct all affairs of the Department of the Air Force, including those necessary or appropriate for the training, operations, administration, logistical support and maintenance, welfare, preparedness, and effectiveness of the Air Forces, including research and development, and such other activities as may be prescribed by the President or the Secretary of Defense, as authorized by law. He conducts the business of the Department in such manner as the President or Secretary of Defense may prescribe. In the absence of the Secretary, the Under Secretary performs the duties of the Secretary; in the absence of the Secretary and Under Secretary, the Assistant Secretaries in the order fixed by their length of service as such perform the duties of the Secretary.

(b) *Under Secretary of the Air Force.* The Under Secretary of the Air Force, as principal assistant to the Secretary, acts with full authority of the Secretary on all affairs of the Department. He is responsible for the overall direction, guidance, and supervision of the affairs of the Department, and its plans, policies, and programs. He supervises the activities of the reserve components of the Air Force pursuant to 10 U.S.C. 264(b), and is a member of the Reserve Forces Policy Board. He is responsible for the direction, guidance, and supervision of the international activities of the Department.

(c) *Assistant Secretary of the Air Force (Research and Development).* The Assistant Secretary of the Air Force (Research and Development) is responsible for direction, guidance, and supervision over all matters pertaining to the formulation, review, and execution of plans, policies, and programs relative to: Scientific and technical matters; basic and applied research, exploratory development and advanced technology; integration of technology with, and determination of, qualitative Air Force requirements; research, development, test, and evaluation of weapons, weapons systems, and defense materiel; technical management of systems engineering and integration; and directing all space programs and supervising space activities of the Air Force.

(d) *Assistant Secretary of the Air Force (Installations and Logistics).* The Assistant Secretary of the Air Force (Installations and Logistics) is responsible for direction, guidance, and supervision over all matters pertaining to the formulation, review, and execution of plans, policies, and programs relative to: Production and contract management of weapons systems, industrial defense program; industrial resources and readiness; procurement activities, including required determinations and findings, contracting, and administration and termination of contracts; contractors equal employment opportunities; renegotiation affairs, contract appeals, and related activities; Contract Adjustment Board matters; small business; Canadian Production and Development Sharing Program; supply management, including requirements determinations, storage, distribution, and disposal of all materiel; equipment maintenance and modification management; International Logistics Program; materiel and logistics planning and programing; cost reduction program, installations planning and programing; acquisition and disposal of real estate; construction of bases and facilities; family housing; maintenance of real property; civil aviation, including the Department of Defense Advisory Committee on Federal Aviation, and the Interagency Group on International Aviation; transportation, communications, and other service activities; and economic utilization policy.

(e) *Assistant Secretary of the Air Force (Financial Management).* The Assistant Secretary of the Air Force (Financial Management) is responsible for direction, guidance, and supervision over all matters pertaining to the formulation, review, and execution of plans, policies, and programs relative to: The Air Force programing processes and the preparation and validation of all program documentation, including Program Changes; budgeting, fund management, cost analysis and cost control; accounting and accounting systems; finance, including disbursement and collection of funds; development and application of management information and control systems, progress and statistical reporting, special program status reports, and interpretation of such management data; auditing; contracts for Management Engineering Services, contract financing; and Automatic Data Processing policy and programs and is the Air Force Senior ADP policy official. The Assistant Secretary of the Air Force (Financial Management) is responsible for directing and supervising the Comptroller of the Air Force. While the Comptroller is directly responsible to the Assistant Secretary (Financial Management), he has a concurrent responsibility to the Chief of Staff.

(f) *Deputy Under Secretary (Manpower).* The Deputy Under Secretary (Manpower) is responsible for direction, guidance, and supervision over all matters pertaining to the formulation, review, and execution of plans, policies, and programs relative to: Manpower and organization; military and civilian personnel, including procurement, assignment, training, promotion, career development, pay and benefits, utilization, separation, medical care, and all factors affecting morale and well-being; Antidiscrimination Program, including Equal Employment Opportunities Program; Reserve components, Air National Guard and Air Force Reserve Officers' Training Corps; Civil Air Patrol; management principles, including the Management Improvement Program; contracts for personal services and training; travel and per diem allowances; Air Force Board for Correction of Military Records; and Secretary of the Air Force Personnel Council and its component

boards, including the Air Force Discharge Review Board, the Air Force Board of Review, the Air Force Personnel Board, the Air Force Disability Review Board, the Air Force Physical Disability Appeal Board, and the Air Force Decorations Board.

(g) *Administrative Assistant.* The Administrative Assistant is responsible for the management and administration of the Office of the Secretary, including advisory services on departmental management and administrative matters; assures administrative continuity in the Office of the Secretary during changes of top officials; performs various functions and special projects involving matters in the department as directed by the Secretary.

(h) *General Counsel.* The General Counsel is the final legal authority on all matters arising within or referred to the Department of the Air Force, except those relating to the administration of military justice and such other matters as may be assigned to The Judge Advocate General. The General Counsel furnishes all necessary legal advice and assistance to the Office of the Secretary of the Air Force, and is also responsible for providing legal advice and assistance to the Air Staff on matters relating to Procurement; research and development; real property acquisition and disposal; construction of military public works; family housing programs; fiscal matters; civil aviation; and personnel security programs. The General Counsel represents the Secretary of the Air Force in dealing with other departments and agencies of the Government on all matters relating to the negotiation of international agreements affecting the Air Force.

(i) *Director, Office of Legislative Liaison.* The Director of Legislative Liaison advises and assists the Secretary and all other principal civilian and military officials of the Department concerning Air Force legislative affairs and congressional relations, except appropriation matters. He is responsible for developing, coordinating, and supervising the Air Force legislative program, including the preparation of reports, testimony, and related statements on legislation; processing replies to congressional committee investigative inquiries, including the preparation of testimony for hearings; processing replies to inquiries from members of Congress, the Executive Office of the President, and the Office of the Vice President; supervising travel arrangements for congressional travel designated an official responsibility of the Air Force; informing members of Congress and committees of Congress of Air Force activities; and the release of classified information to the Congress.

(j) *Director, Office of Information.* The Director of Information, under the direction of the Secretary of the Air Force and the general supervision of the Under Secretary, and consistent with policies established by the Office of the Secretary of Defense, is assigned the authority and responsibility to discharge the duties and functions prescribed herein. This authority extends to relationships and transactions with all elements of the Department of the Air Force and other governmental and nongovernmental organizations and individuals. The Director advises and assists the Secretary of the Air Force and all other principal civilian and military officials of the Department of the Air Force concerning information activities. He is responsible for: Conducting the operations of the United States Air Force Information Program; planning, directing, and supervising internal and external information activities; developing and supervising programs designed to maintain effective Air Force-community relations; maintaining liaison with counterpart information offices of the Office, Secretary of Defense, Army, Navy, and other governmental and industrial organizations.

SEC. 3. *Air Staff*—(a) *Chief of Staff.* The Chief of Staff, U.S. Air Force, serves as a member of the Joint Chiefs of Staff and the Armed Forces Policy Council. In his Joint Chiefs of Staff capacity he is one of the principal military advisers to the President, the National Security Council, and the Secretary of Defense. He is the principal military adviser and executive to the Secretary of the Air Force on activities of the Air Force. He presides over the Air Staff, and supervises such members and organizations of the Air Force as the Secretary of the Air Force determines, consistent with full operational command assigned to Commanders of specified and unified combatant commands. He is responsible for transmitting to the Secretary the plans and recommendations of the Air Staff, for advising him with regard thereto, and, after their approval by the Secretary, for acting as his agent in carrying them out. The Chief of Staff is directly responsible to the Secretary of the Air Force for the efficiency of the Air Force and preparation of its forces for military operations. He supervises the administration of Air Force personnel assigned to unified organizations and unified and specified combatant commands, and support of forces assigned to these organizations and commands as directed upon the Air Force by the Secretary of Defense. He supervises the following activities when responsibility for them has been assigned to the Air Force by the Secretary of Defense: The carrying out of any supply or service activity common to more than one military department; the development and operational use of new weapons and weapon systems; and the performance of such functions as may be transferred from other departments or agencies of the Department of Defense. He performs such other duties as are assigned by the President.

(b) *Vice Chief of Staff.* The Vice Chief of Staff assists the Chief of Staff, in the exercise of all his responsibilities. Under delegated authority from the Chief of Staff, he supervises the U.S. Air Force consistent with policy guidance and statutory limitations. In the absence or disability of the Chief of Staff, or in the event of a vacancy in that office, he exercises the authority and performs the duties of the Chief of Staff. He serves as Chairman of the Air Force Council.

(c) *Assistant Vice Chief of Staff.* The Assistant Vice Chief of Staff assists the Chief of Staff and the Vice Chief of Staff in the discharge of their duties. He assists in the development, implementation, and review of plans, programs, and policies, and in the overall direction of the USAF and exercises general supervision over the organization and administration of the Air Staff.

(d) *Secretary of the Air Staff.* The Secretary of the Air Staff is responsible to the Assistant Vice Chief of Staff for internal administration and management of the Air Staff. He supervises management programs for efficient utilization of Air Staff resources.

(e) *USAF Scientific Advisory Board.* The USAF Scientific Advisory Board advises the Secretary of the Air Force and the Chief of Staff on all scientific matters of interest to the Air Force mission. The Board reviews research and technological developments for possible further development for military application, reviews and evaluates the Air Force long-range plans for research and development, and provides advice on the adequacy of the Air Force program.

(f) *Chief Scientist.* The Chief Scientist serves as chief scientific adviser to the Chief of Staff and the Air Force in all areas of research and development. He recommends changes in policies, plans, and organization to improve research and development programs.

(g) *Chief Operations Analysis.* The Chief of Operations Analysis serves as a scientific adviser to the Secretary of the Air Force and the Chief of Staff, USAF, on matters relating to Air Force designated and functional studies, and he provides focus and direction to the worldwide Air Force Operations Analysis Program. The Operations Analysis Office makes scientific studies of the problems of air warfare in order to provide bases for command and management decisions. It uses the methods of operations research to study and evaluate weapons and tactics, strategy, logistics, and other subjects related to the Air Force mission.

(h) *Surgeon General.* The Surgeon General, U.S. Air Force, advises the Secretary of the Air Force and the Chief of Staff on all matters pertaining to the health of Air Force personnel, administers all medical services of the U.S. Air Force, develops the Air Reserve Forces medical program, and advises the Deputy Assistant Secretary of Defense (Health and Medical) on USAF medical matters.

(i) *The Inspector General.* The Inspector General acts as an adviser to the Chief of Staff and serves as a professional assistant to the Secretary of the Air Force. He determines the status of combat readiness, command mission accomplishment, logistic effectiveness and discipline; evaluates the efficiency, economy, and adequacy of the USAF; investigates matters within USAF jurisdiction involving crime, violations of public trust, subversion, disaffection, and related activities; directs the counterintelligence program; establishes security policy; develops and directs the ground, flight, missile, and nuclear safety policies, programs, and procedures; and establishes effective Air Force facilities for inspection, security, investigation, law enforcement, and safety.

(j) *The Judge Advocate General.* The Judge Advocate General, U.S. Air Force, acts as legal adviser to the Chief of Staff and exercises general supervision over the administration of military justice and civil law matters pertaining to the Air Force. He is responsible for the establishment and operation of the legal system of appellate reviews of courts-martial records as provided by the Uniform Code of Military Justice.

(k) *Assistant Chief of Staff, Intelligence.* The Assistant Chief of Staff, Intelligence, develops and implements USAF intelligence plans and policies and represents the Chief of Staff, USAF, for intelligence matters on specific joint and interagency committees of the Government. He coordinates the collection and production of air intelligence by Air Force activities and provides official liaison between the foreign military representatives and the Air Force. He monitors the worldwide targeting efforts in order to keep the USAF apprised of current changes and developments; and produces air technical intelligence from reports and analyses of foreign materiel.

(l) *Assistant Chief of Staff, Reserve Forces.* The Assistant Chief of Staff, Reserve Forces, assists and advises the Secretary of the Air Force and the Chief of Staff on all matters relating to Reserve components. He monitors the overall planning and implementation of programs for Reserve Forces, and provides liaison with nongovernmental organizations having a primary interest in Reserve Forces.

(m) *Assistant Chief of Staff, Studies and Analysis.* The Assistant Chief of Staff, Studies and Analysis, formulates the Air Force Designated Studies Program for approval by the Chief of Staff, U.S. Air Force, and conducts or assists in conducting all studies so approved. Designated studies are important, high priority studies of particular significance to the Air Force. Generally, they deal with strategic offensive and defensive, general purpose and airlift force composition. The Assistant Chief of Staff, Studies and Analysis, also conducts technical and specialized operational feasibility analyses and cost effectiveness evaluations to assist in major force level decisions.

(n) *Chief of Chaplains.* The Chief of Chaplains is responsible for all matters pertaining to the Air Force chaplaincy. He establishes and maintains cordial relationship with religious groups and quasi-official relationship with ecclesiastical endorsing agencies.

(o) *Director of Administrative Services.* The Director of Administrative Services is responsible for developing policies, programs, and procedures for administrative management, practices, and services throughout the Air Force. Additionally, he is responsible for the operation of the Air Force Postal and Courier Service and for the performance of administrative services in direct support of Headquarters, USAF and the Office of the Secretary of the Air Force.

(p) *Comptroller of the Air Force.* The Comptroller of the Air Force is directly responsible to the Assistant Secretary of the Air Force (Financial Management) and concurrently to the Chief of Staff, USAF, for budgeting, accounting, disbursing, data management, and automated systems development, analyses and progress reporting, and auditing throughout the Air Force.

(q) *Deputy Chief of Staff, Personnel.* The Deputy Chief of Staff, Personnel, is responsible for developing plans, policies, and programs pertaining to military and civilian personnel of the Air Force and directing the execution thereof. He develops personnel systems designed to integrate fully qualified personnel at the time and place required for optimum support of all weapon and support systems, and attendant operational support.

(r) *Deputy Chief of Staff, Programs and Resources.* The Deputy Chief of Staff, Programs and Resources, is responsible for developing Air Force programs pertaining to the attainment of operating and supporting forces, and directing the implementation of necessary actions relating thereto. He exercises Air Staff leadership in effecting maximum balance of available resources and integration of effort toward optimum operational capability of all weapon and support systems.

(s) *Deputy Chief of Staff, Plans and Operations.* The Deputy Chief of Staff, Plans and Operations, is responsible for formulating overall Air Force operational concepts, objectives, policies, plans, missions, and doctrines. He translates assigned roles and missions into Air Force tasks and determines force requirements to support approved national strategy. His planning functions include unilateral aerospace planning and joint planning. He is also responsible for those operating functions which are in support of the Joint Chiefs of Staff. He is the Operations Deputy to the Chief of Staff, USAF, in the latter's capacity as a member of the Joint Chiefs of Staff and is responsible for USAF participation in joint and combined policy making, planning, and operational activities.

(t) *Deputy Chief of Staff, Research and Development.* The Deputy Chief of Staff, Research and Development, is responsible for identification of desired operational capabilities for aerospace systems and subsystems to perform military tasks. He develops and directs plans and programs for the Air Force in the field of basic and applied research, advanced engineering development, development planning, research support, and test activities. He serves as the focal point for all matters relating to space, including the coordination of Air Force activities with other Government agencies. He is responsible for projecting developments to meet future Air Force mission requirements, and directs Air Force research and development activities in the nuclear energy field.

(u) *Deputy Chief of Staff, Systems and Logistics.* The Deputy Chief of Staff, Systems and Logistics, is responsible for developing and directing plans, programs, policies, and procedures for the management of Air Force and Reserve Forces activities in the field of logistical support. This involves systems and support equipment development, quantitative logistical requirements determination, procurement, supply and services, production, industrial planning, maintenance engineering, and transportation. This also includes responsibility for execution of the Air Force portion of the foreign military assistance program, Air Force small business affairs, and technical programs security.

SEC. 4 *Field organization.* There are 16 major commands and 4 separate operating agencies which together represent the field organization of the U.S. Air Force. These commands are organized on a functional basis in the United States and on an area basis overseas. The commands are given the responsibility for accomplishing certain phases of the worldwide activities of the USAF. They are responsible for organizing, administering, equipping, and training their subordinate elements for the accomplishment of assigned missions.

(a) *Air Defense Command.* The Air Defense Command is a major command of the U.S. Air Force and is the Air Force component in the North American Air Defense Command/Continental Air Defense Command structure. Its primary mission is to discharge Air Force responsibilities for the air defense of the United States.

(b) *Air Force Logistics Command.* The Air Force Logistics Command provides worldwide logistics support to the Air Force. This includes procurement, storage, and distribution of supplies, and the performance of or arrangement for the performance of depot level maintenance on materiel.

(c) *Air Force Systems Command.* The responsibility of the Air Force Systems Command is to advance aerospace technology, adapt it into operational aerospace systems, and acquire qualitatively superior aerospace systems and material needed to accomplish the U.S. Air Force mission.

(d) *Air Training Command.* The Air Training Command provides individual training for Air Force officers and airmen. This includes: basic training and indoctrination for all Air Force recruits; flying training; and technical field, special, and such other training as directed. It is also charged with the recruiting function for the USAF.

(e) *Air University.* The Air University is primarily concerned with the higher education of Air Force officers. It is responsible for the supervision and operation of such activities as the War College, the Command and Staff College, the Institute of Technology, the Extension Course Institute, and the Air Force ROTC.

(f) *Continental Air Command.* The Continental Air Command has command and administrative responsibility for Air Force Reserve units and personnel and miscellaneous administrative functions within the CONUS that includes liaison

with the Selective Service System; administration of the Civil Air Patrol; providing representation on State Reserve facilities boards; liaison with Air Explorer officials; providing representation on Regional Civil Defense Coordinating Board; coordination with Continental Army Headquarters on matters concerning domestic and civil defense emergency plans.

(g) *Headquarters Command, USAF.* The Headquarters Command provides administrative and logistics support for Headquarters, USAF, and for those Air Force units stationed within the Washington, D.C., area on a permanent or temporary duty basis that are not capable of providing self-support. This includes the USAF Band; air attache and air mission units and other special mission personnel located in the CONUS and overseas.

(h) *Military Airlift Command.* The Military Airlift Command provides air transportation for personnel and cargo for all the military services on a worldwide basis. In addition, MAC furnishes weather, rescue, and photographic and charting services for the Air Force.

(i) *Strategic Air Command.* The Strategic Air Command is a major command of the U.S. Air Force and a Joint Chiefs of Staff specified command. Its primary mission is to organize, train, equip, administer, and prepare strategic Air Forces for combat, including bombardment, missile, special mission, and strategic reconnaissance units; and to conduct strategic air operations.

(j) *Tactical Air Command.* The Tactical Air Command is a major command of the U.S. Air Force and is the Air Force component (Air Force Strike Command) in the U.S. Strike Command. Its mission is to organize, train, and equip forces to participate in tactical air operations which includes tactical fighter, tactical air reconnaissance, special air warfare, tactical airlift, close combat air support, and logistical air support to the Army; and joint amphibious and airborne operations in coordination with the other services in accordance with doctrines established by the Joint Chiefs of Staff. Participates with the Army, Navy, and Marine Corps in developing doctrine, procedures, tactics, techniques, training, and equipment for joint operations. Provides combat ready air elements to Strike Command.

(k) *U.S. Air Force Security Service.* The U.S. Air Force Security Service monitors Air Force communications in all parts of the world to insure compliance with established communication security practices and procedures. Additionally, USAF Security Service units occasionally conduct research in communication phenomena in support of various elements of the U.S. Government.

(l) *Air Force Communications Service.* The Air Force Communications Service provides base and point-to-point communications, flight facilities, and air traffic control services primarily to the Air Force but also other agencies, governmental and civil, national and foreign.

(m) *Overseas commands.* The U.S. Air Forces in Europe, Pacific Air Forces, Alaskan Air Command, and U.S. Air Forces Southern Command constitute the oversea commands of the USAF. They are responsible for the offensive, defensive, transport, and logistics functions in their area of operation. They provide the air elements for the unified force to which they are assigned and assist Air Forces of other countries.

(n) *Separate operating agencies.* (1) The Air Force Accounting and Finance Center provides technical supervision, advice, and guidance to Air Force accounting and finance field activities and a centralized Air Force accounting and finance operation.

(2) The Aeronautical Chart and Information Center provides the Air Force with aeronautical charts, air targets materials, flight information, publications and documents, terrain models, maps, intelligence on air facilities, and related cartographic services.

(3) The Office of Aerospace Research conducts and supports research relevant to the U.S. Air Force interests.

(4) The U.S. Air Force Academy provides a 4-year educational curriculum for cadets that includes a baccalaureate level education in airmanship, related sciences, and the humanities. Besides a classical education, each cadet is trained to appreciate the role of airpower, its capabilities and limitations, high ideals of individual integrity, patriotism, loyalty, honor, physical fitness, sense of responsibility, and a dedication of selfless and honorable service.

(5 U.S.C. 301, 552; 10 U.S.C. 8012)

By order of the Secretary of the Air Force.

LUCIAN M. FERGUSON,
Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 67-10081; Filed, Aug. 28, 1967; 8:45 a.m.]

Department of the Navy

ORGANIZATION STATEMENT

Miscellaneous Amendments

1. Section 4 of the Organization Statement of the Department of the Navy (32 F.R. 8305) is amended by revising paragraph (d) (7) to read as follows:

SEC. 4. *The Chief of Naval Operations.* * * *

(d) *Office of the Chief of Naval Operations.* * * *

(7) Assistant Chief of Naval Operations (Intelligence) (ACNO (Intell)): Serves as the principal staff advisor to the Secretary of the Navy and the Chief of Naval Operations on intelligence and security plans and policy and provides staff intelligence support; implements the responsibilities of the Chief of Naval Operations to develop, coordinate, and promulgate policies, plans and programs for intelligence and security activities of the Department of the Navy; and advises and assists officials in the Department of the Navy in matters of protocol and liaison with foreign officials.

* * * * *

2. The Organization Statement of the Department of the Navy (32 F.R. 8305) is amended by inserting a new section to read as follows:

SEC. 6a. *Naval Intelligence Command*—(a) *Commander Naval Intelligence Command.* The Commander, Naval Intelligence Command (COMNAVINTCOM), under the Chief of Naval Operations (CNO) commands all activities of the Naval Intelligence Command. He is responsible to CNO for directing and managing the activities of the Naval Intelligence Command in order to ensure the fulfillment of the intelligence, counterintelligence, investigative, and security requirements, and responsibilities of the Department of the Navy.

(b) *Organization.* The Naval Intelligence Command includes the Headquarters Naval Intelligence Command and five subordinate field activities. These are the Naval Investigative Service/Naval Investigative Service Headquarters (NISHQ), the Naval Scientific and Technical Intelligence Center (STIC), the Naval Reconnaissance and Technical Support Center (NRTSC), the Navy Field Operational Intelligence Office (FOIO), and the Naval Intelligence Processing Systems Support Activity (NIPSSA). Under COMNAVINTCOM, the commanding officers/officers in charge of the foregoing activities are responsible for intelligence production and support in their assigned functional areas and for the proper utilization and effectiveness of their assigned resources.

(Secs. 301, 552, 80 Stat. 379, 383 (Public Law 90-23, 81 Stat. 54, effective July 4, 1967); 5 U.S.C. 301, 552)

Dated: August 22, 1967.

By direction of the Secretary of the Navy.

[SEAL] WILFRED HEARN,
Rear Admiral, U.S. Navy, Judge Advocate General.

[F.R. Doc. 67-10083; Filed, Aug. 28, 1967; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. Colo. 0127417]

COLORADO

Notice of Classification

AUGUST 22, 1967.

Pursuant to the Act of September 19, 1964 (78 Stat. 986; 43 U.S.C. 1412), the public lands described below are hereby classified for disposal through exchange under section 8 of the Taylor Grazing Act (43 U.S.C. 315g).

No protests or objections were received following publication of a Notice of Proposed Classification (32 F.R. 8217). Therefore no changes have been made in the list of lands included in the classification. The lands affected by this classification are in Moffat County, Colo., and are described as follows:

6TH PRINCIPAL MERIDIAN, COLORADO

T. 11 N., R. 95 W.,
Sec. 17, lots 29 and 30;
Sec. 19, lots 3 and 4;
Sec. 20, lots 2, 9, 8 to 16, inclusive, and lots 18 to 28, inclusive;
Sec. 21, lots 7, 9, 11, 18, and lots 17 to 24, inclusive;
Sec. 26, lots 1 to 12, inclusive, and S½;
Sec. 29, lots 1 to 26, inclusive;
Sec. 30, lots 1, 2, 5, 6, 7, 10, and 11, and lots 14 to 39, inclusive;
Sec. 33, all.
T. 11 N., R. 96 W.,
Sec. 25, lots 5 and 6;
Sec. 36, lots 1, 2, 14, 15, 16, and 26.

The areas described aggregate 4,106.03 acres.

For a period of 30 days, interested parties may submit comments to the Secretary of the Interior, LLM 731, Washington, D.C. 20240. (43 CFR 2411.1-3(d).)

J. ELLIOTT HALL,
Acting State Director.

[F.R. Doc. 67-10112; Filed, Aug. 28, 1967; 8:48 a.m.]

Office of the Secretary

THEODORE W. NELSON

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(8) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) Purchased 250 shares Mobil Oil Corp. stock.
(2) Purchased two $5,000 tax-free municipal bonds—Greater New Orleans Expressway.
(3) Purchased 250 shares Mobil Oil Corp. stock.
(4) None.

This statement is made as of August 15, 1967.

Dated: August 15, 1967.

T. W. NELSON.

[F.R. Doc. 67-10094; Filed, Aug. 28, 1967; 8:46 a.m.]

FINISHED PRODUCTS

Adjustment in Maximum Level of Imports Into Puerto Rico

Pursuant to paragraph (c) of section 2 of Proclamation 3279, as amended (30 F.R. 15459), for the period January 1, 1967, through December 31, 1967, the maximum level of imports of finished products other than residual fuel oil to be used as fuel as adjusted on December 28, 1966 (32 F.R. 182) is increased by 120,000 barrels to permit the importation as asphalt in that amount to meet a demand in Puerto Rico which would not otherwise be met.

STEWART L. UDALL,
Secretary of the Interior.

AUGUST 23, 1967.

[F.R. Doc. 67-10005; Filed, Aug. 28, 1967; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

MONSANTO CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 7B2186) has been filed by Monsanto Co., Hydrocarbons and Polymers Division, 730 Worchester Street, Indian Orchard, Mass. 01108, proposing an amendment to § 121.2567 *Acrylic polymer modifiers in semirigid and rigid polyvinyl chloride plastics* to provide for the safe use of polymeric combinations of methyl methacrylate, butadiene, and styrene as modifiers at levels up to 45 weight-percent in semirigid and rigid polyvinyl chloride plastic food-contact articles. As proposed, such polymeric combinations of methyl methacrylate, butadiene, and styrene may contain more than 50 weight-percent of polymer units derived from butadiene and styrene.

Dated: August 21, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-10118; Filed, Aug. 28, 1967; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 67-43]

EQUIPMENT, INSTALLATIONS, OR MATERIALS

Approval and Termination of Approval Notice

1. Various items of lifesaving, firefighting, and miscellaneous equipment, installations, and materials used on vessels subject to Coast Guard inspection or on certain motorboats and other pleasure craft are required by various laws and regulations in 46 CFR Chapter I to be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all concerned that certain approvals were granted or terminated, as described in this document during the period from January 26, 1967, to May 11, 1967 (List Nos. 11-67, 12-67, 13-67, 14-67, 15-67, 16-67, 17-67, 18-67, 19-67, 20-67, and 21-67). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50, inclusive. For certain types of equipment, installations, and materials, specifications have been prescribed by the Commandant and are published in 46 CFR Parts 160 to 164, inclusive (Subchapter Q—Specifications).

2. The statutory authorities for granting approvals of equipment and the delegation of authority to the Commandant, U.S. Coast Guard, are set forth with the specific specifications governing the item and are set forth in 46 CFR Parts 160 to 164, inclusive (Subchapter Q—Specifications). The general authorities regarding approvals are set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 in Title 46, United States Code, section 1333 in Title 43, United States Code and section 198 in Title 50, United States Code while the implementing regulations requiring such equipment are in 46 CFR Chapter I or 33 CFR Chapter I. The delegations of authority for the Commandant, U.S. Coast Guard, to take appropriate actions with respect to approvals are set forth in section 632 of Title 14, United States Code, and subsection 1.4(a), Department of Transportation Order 1100.1, dated March 31, 1967 (49 CFR 1.4(a)(2), 32 F.R. 5606).

3. In Part I of this document are listed the approvals which shall be in effect for a period of 5 years from the dates issued unless sooner canceled or suspended by proper authority.

4. In Part II of this document are listed the approvals which have been terminated. Notwithstanding this termination of approvals of the items as listed in Part II, such equipment may be used so long as it is in good and serviceable condition.

PART I—APPROVALS OF EQUIPMENT, INSTALLATIONS, OR MATERIALS

LIFE PRESERVERS, KAPOK, ADULT AND CHILD (JACKET TYPE) MODELS 3 AND 5

NOTE: Approved for use on all vessels and motorboats.

Approval No. 160.002/2/1, Model 3, adult kapok life preserver, U.S.C.G. Specification Subpart 160.002, manufactured by Tapatco, Inc., Post Office Box 49, Fairfield, Calif. 94533, effective April 7, 1967. (Formerly The American Pad & Textile Co.) (It supersedes Approval No. 160.002/2/1 dated Aug. 30, 1966, to show change in name of manufacturer.)

Approval No. 160.002/3/1, Model 5, child kapok life preserver, U.S.C.G. Specification Subpart 160.002, manufactured by Tapatco, Inc., Post Office Box 49, Fairfield, Calif. 94533, effective April 7, 1967. (Formerly The American Pad & Textile Co.) (It supersedes Approval No. 160.002/3/1 dated Aug. 30, 1966, to show change in name of manufacturer.)

BUOYS, LIFE, RING, CORK OR BALSA WOOD

Approval No. 160.009/32/0, 30-inch cork ring life buoy, U.S.C.G. Specification Subpart 160.009, manufactured by Tapatco, Inc., Post Office Box 49, Fairfield, Calif. 94533, effective April 7, 1967. (Formerly The American Pad & Textile Co.) (It supersedes Approval No. 160.009/32/0 dated Apr. 23, 1964, to show change in name of manufacturer.)

BUOYANT APPARATUS

Approval No. 160.010/59/1, 4.17' x 3.0' (8'' x 8'' body section) rectangular buoyant apparatus, fibrous glass reinforced neoprene latex shell with unicellular plastic foam core, 7-person capacity, Plasti-Kraft Dwg. No. BA-3-7, dated January 15, 1964, and revised specification dated July 13, 1964, manufactured by The Plasti-Kraft Corp., Ozona Industrial Park, Ozona, Fla. 33560, for Tapatco, Inc., Post Office Box 49, Fairfield, Calif. 94533, effective April 7, 1967. (Formerly The American Pad & Textile Co.) (It supersedes Approval No. 160.010/59/1 dated Aug. 28, 1964, to show change in name of manufacturer.)

Approval No. 160.010/60/1, 6.17' x 3.67' (9'' x 9'' body section) rectangular buoyant apparatus, fibrous glass reinforced neoprene latex shell with unicellular plastic foam core, 13-person capacity, Plasti-Kraft Dwg. No. BA-3-13, dated January 15, 1964, and revised specification dated July 13, 1964, manufactured by The Plasti-Kraft Corp., Ozona Industrial Park, Ozona, Fla. 33560, for Tapatco, Inc., Post Office Box 49, Fairfield, Calif. 94533, effective April 7, 1967. (Formerly The American Pad & Textile Co.) (It supersedes Approval No. 160.010/60/1 dated Aug. 28, 1964, to show change in name of manufacturer.)

WATER, EMERGENCY DRINKING (IN HERMETICALLY SEALED CONTAINERS)

Approval No. 160.026/21/2, container for emergency provisions, dwg. No. A-101-467 dated April 9, 1967, Rev. April 27, 1967, manufactured by H & M Packing Corp., 913 Ruberta Avenue, Glendale, Calif. 91201, effective April 27, 1967. (It supersedes Approval No. 160.026/21/1 dated Jan. 8, 1963, to show increase in provisions.)

DAVITS

Approval No. 160.032/142/3, mechanical davit, steel straight boom-sheath screw, Type 24-40, MKII; approved for a maximum working load of 12,000 pounds per set (6,000 pounds per arm), identified by general arrangement dwg. 5011-1E, alteration E, dated April 13, 1967, and drawing list GA-5011-2D dated April 14, 1967, manufactured by Marine Safety Equipment Corp., Foot of Paynter's Road, Farmingdale, N.J. 07727, effective May 11, 1967. (It supersedes Approval No. 160.032/142/2 dated Dec. 7, 1962, to show change in design.)

Approval No. 160.032/175/0, gravity davit, Type CG-228-2G, approved for a maximum working load of 22,000 pounds per set (11,000 pounds per arm) using 2-part falls; identified by general arrangement dwg. DA-9158, Rev. A, dated December 6, 1966, and dwg. list, dated March 10, 1967, manufactured by Carroll Engineering Co., 213 State Street, Box 711, Perth Amboy, N.J. 08862, effective April 7, 1967.

LIFEBOATS

Approval No. 160.035/12/4, 18.0' x 5.7' x 2.5' steel, oar-propelled lifeboat, 12-person capacity identified by general arrangement dwg. No. G-1812 (Formerly No. G-1815), dated July 25, 1951, and revised January 31, 1967, manufactured by C. C. Galbraith & Son, Inc., Maple Place and Manchester Avenue, Post Office Box 185, Keyport, N.J. 07735, effective April 7, 1967. (It reinstates and supersedes Approval No. 160.035/12/3 dated Jan. 9, 1967.)

Approval No. 160.035/178/6, 16.0' x 5.5' x 2.38' steel, oar-propelled lifeboat, 9-person capacity, identified by construction and arrangement dwg. No. 16-1, Rev. E, dated March 22, 1967, manufactured by Marine Safety Equipment Corp., Foot of Paynter's Road, Farmingdale, N.J. 07727, effective March 27, 1967. (If mechanical disengaging apparatus is fitted, it shall be of an approved type and the installation in this particular lifeboat shall be approved by the Commandant. *Approved for 13-person capacity as a replacement in kind for an existing lifeboat requiring 13-person capacity.) (It supersedes Approval No. 160.035/178/5 dated Oct. 6, 1966, to show change in capacity and weight.)

Approval No. 160.035/246/3, 22.0' x 6.5' x 2.67' steel, oar-propelled lifeboat, 22-person capacity, identified by construction and arrangement dwg. No. 22-3, Rev. E, dated April 7, 1967, manufactured by Marine Safety Equipment Corp., Foot of Paynter's Road, Farmingdale, N.J. 07727, effective April 10, 1967. (It supersedes Approval No. 160.035/246/2 dated Apr. 10, 1962, to show change in construction.)

Approval No. 160.035/280/3, 26.0' x 9.0' x 3.83' aluminum, oar-propelled lifeboat, 53-person capacity, identified by construction and arrangement dwg. No. 26-8, alteration D, dated March 23, 1967, manufactured by Marine Safety Equipment Corp., Foot of Paynter's Road, Farmingdale, N.J. 07727, effective March 27, 1967. (It supersedes Approval No. 160.035/280/2 dated Mar. 27, 1962, to show change in construction.)

Approval No. 160.035/284/3, 16.0' x 5.5' x 2.38' aluminum, oar-propelled lifeboat, 9-person capacity, identified by construction and arrangement drawing No. 16-3, Rev. F, dated March 29, 1967, manufactured by Marine Safety Equipment Corp., Foot of Paynter's Road, Farmingdale, N.J. 07727, effective April 10, 1967. (It supersedes Approval No. 160.035/284/2 dated Dec. 21, 1966, to show change in capacity and equipment.)

Approval No. 160.035/421/1, 30.0' x 10.0' x 4.23' aluminum, hand-propelled lifeboat, 78-person capacity, identified by general arrangement dwg. No. 30-4, Rev. D, dated February 28, 1967, manufactured by Marine Safety Equipment Corp., Foot of Paynter's Road, Farmingdale, N.J. 07727, effective March 31, 1967. (It supersedes Approval No. 160.035/421/0 dated Dec. 1, 1961.)

Approval No. 160.035/453/0, 28.0' x 9.8' x 4.13' steel, hand-propelled lifeboat, 66-person capacity, identified by general arrangement and construction dwg. No. 28-003-01, Rev. A, dated April 10, 1967, manufactured by Lane Lifeboat & Davit Corp., 150 Sullivan Street, Brooklyn, N.Y. 11231, effective April 27, 1967.

KITS, FIRST-AID

Approval No. 160.041/2/0, first-aid kit, Model X-173, dwg. No. 450-X, Rev. 2, dated March 10, 1962, and dwg. No. X-181, Rev. 2, dated March 10, 1962, manufactured by Davis Emergency Equipment Co., Inc., 45 Halleck Street, Newark, N.J. 07104, effective April 7, 1967. (It is an extension of Approval No. 160.041/2/0 dated May 1, 1967.)

Approval No. 160.041/3/0, first-aid kit, Model No. 600 M, dwg. No. 160A, dated February 25, 1952, manufactured by Medical Supply Co., 1027 West State Street, Rockford, Ill. 61102, effective May 2, 1967. (It is an extension of Approval No. 160.041/3/0 dated July 17, 1962.)

BUOYANT VESTS, KAPOK OR FIBROUS GLASS, ADULT AND CHILD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.047/300/0, Type I, Model AK-1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Tapatco, Inc., Post Office Box 49, Fairfield, Calif. 94533, effective April 7, 1967. (Formerly The American Pad & Textile Co.) (It supersedes Approval No. 160.047/300/0 dated Aug. 30, 1966, to show change in name of manufacturer.)

Approval No. 160.047/301/0, Type I, Model CKM-1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Tapatco, Inc., Post Office Box 49, Fairfield, Calif. 94533, effective April 7, 1967. (Formerly the American Pad & Textile Co.) (It supersedes Approval No. 160.047/301/0 dated Aug. 30, 1966, to show change in name of manufacturer.)

Approval No. 160.047/302/0, Type I, Model CKS-1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Tapatco, Inc., Post Office Box 49, Fairfield, Calif. 94533, effective April 7, 1967. (Formerly the American Pad & Textile Co.) (It supersedes Approval No. 160.047/302/0 dated Aug. 30, 1966, to show change in name of manufacturer.)

Approval No. 160.047/511/0, Type I, Model AK-1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Atlantic-Pacific Manufacturing Corp., 134 Atlantic Avenue, Brooklyn, N.Y. 11201, for Herter's, Inc., Waseca, Minn. 56093, effective May 9, 1967. (It reinstates Approval No. 160.047/511/0 dated Aug. 21, 1961, terminated Aug. 21, 1966.)

Approval No. 160.047/512/0, Type I, Model CKM-1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Atlantic-Pacific Manufacturing Corp., 134 Atlantic Avenue, Brooklyn, N.Y. 11201, for Herter's, Inc., Waseca, Minn. 56093, effective May 9, 1967. (It reinstates Approval No. 160.047/512/0 dated Aug. 21, 1961, terminated Aug. 21, 1966.)

Approval No. 160.047/513/0, Type I, Model CKS-1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Atlantic-Pacific Manufacturing Corp., 134 Atlantic Avenue, Brooklyn, N.Y. 11201, for Herter's, Inc., Waseca, Minn. 56093, effective May 9, 1967. (It reinstates Approval No. 160.047/513/0 dated Aug. 21, 1961, terminated Aug. 21, 1966.)

BUOYANT CUSHIONS, KAPOK OR FIBROUS GLASS

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.048/3/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048-4(c)(1)(i), manufactured by Tapatco, Inc., Post Office Box 49, Fairfield, Calif. 94533, effective April 7, 1967. (Formerly The American Pad & Textile Co.) (It supersedes Approval No. 160.048/3/0 dated Aug. 30, 1966, to show change in name of manufacturer.)

Approval No. 160.048/4/0, group approval for rectangular and trapezoidal fibrous glass buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of fibrous glass fillings to be as per Table 160.048-4(c)(1)(ii), manufactured by Tapatco, Inc., Post Office Box 49, Fairfield, Calif. 94533, effective April 7, 1967. (Formerly The American Pad & Textile Co.) (It supersedes Approval No. 160.048/4/0 dated Aug. 30, 1966, to show change in name of manufacturer.)

Approval No. 160.048/5/1, special approval for 14'' x 17'' x 2'' rectangular ribbed-type kapok buoyant cushions, 21-oz. kapok, dwg. No. C-31, dated September 15, 1965, and Bill of Materials dated December 29, 1965, manufactured by Tapatco, Inc., Post Office Box 49, Fairfield, Calif. 94533, effective April 7, 1967. (Formerly The American Pad & Textile Co.) (It supersedes Approval No. 160.048/5/0 dated Jan. 14, 1966, to show change in name of manufacturer.)

Approval No. 160.048/206/0, group approval for rectangular and trapezoidal kapok buoyan cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048-4(c)(1)(i), manufactured by Atlantic-Pacific Manufacturing Corp., 134 Atlantic Avenue, Brooklyn, N.Y. 11201, for Herter's Inc., Waseca, Minn. 56093, effective May 9, 1967. (It reinstates Approval No. 160.048/206/0 dated Aug. 22, 1961, terminated Aug. 22, 1966.)

BUOYANT CUSHIONS, UNICELLULAR PLASTIC FOAM

Approval No. 160.048/2/0, group approval for rectangular and trapezoidal unicellular plastic foam buoyant cushions U.S.C.G. Specification Subpart 160.048, sizes to be as per Table 160.048-4(c)(1), manufactured by Tapatco, Inc., Post Office Box 49, Fairfield, Calif. 94533, effective April 7, 1967. (Formerly The American Pad & Textile Co.) (Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.) (It supersedes Approval No. 160.048/2/0 dated July 15, 1966, to show change in name of manufacturer.)

BUOYS, LIFE, RING, UNICELLULAR PLASTIC

Approval No. 160.050/12/3, 30-inch unicellular plastic ring life buoy, U.S.C.G. Specification Subpart 160.050 and American Pad & Textile Co., dwgs. No. 175-LA-2 revised December 26, 1963, or No. 175-LA-4, revised June 15, 1964, manufactured by Tapatco, Inc., Post Office Box 49, Fairfield, Calif. 94533, effective April 7, 1967. (Formerly The American Pad & Textile Co.) (Buoy bodies are made by B. F. Goodrich Co., Sponge Products Division, Shelton, Conn. 06852.) (It supersedes Approval No. 160.050/12/3 dated Dec. 11, 1964, to show change in name of manufacturer.)

Approval No. 160.050/13/3, 24-inch unicellular plastic ring life buoy, U.S.C.G. Specification Subpart 160.050 and American Pad & Textile Co. dwgs. No. 175-LA-3, revised December 26, 1963, or No. 175-LA-4, revised June 15, 1964, manufactured by Tapatco, Inc., Post Office Box 49, Fairfield, Calif. 94533, effective April 7, 1967. (Formerly The American Pad & Textile Co.) (Buoy bodies are made by B. F. Goodrich Co., Sponge Products Division, Shelton, Conn. 06852.) (It supersedes Approval No. 160.050/13/3 dated Dec. 11, 1964, to show change in name of manufacturer.)

Approval No. 160.050/14/3, 30-inch unicellular plastic ring life buoy, U.S.C.G. Specification Subpart 160.050 and American Pad & Textile Co., dwgs. No. 175-LA-3, revised December 26, 1963, or No. 175-LA-4, revised June 15, 1964, manufactured by Tapatco, Inc., Post Office Box 49, Fairfield, Calif. 94533, effective April 7, 1967. (Formerly The American Pad & Textile Co.) (Buoy bodies are made by B. F. Goodrich Co., Sponge Products Division, Shelton, Conn. 06852.) (It supersedes Approval No. 160.050/14/3 dated Dec. 11, 1964, to show change in name of manufacturer.)

Approval No. 160.050/28/0, 30-inch ring life buoy, fibrous glass reinforced plastic shell with unicellular plastic foam core, The Plasti-Kraft Corp. dwg., dated February 1, 1966, and revised specification, dated October 12, 1960, manufactured by The Plasti-Kraft Corp., Ozona Industrial Park, Ozona, Fla. 33560, for Tapatco, Inc., Post Office Box 49, Fairfield, Calif. 94533, effective April 7, 1967. (Formerly The American Pad & Textile Co.) (Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.) (It supersedes Approval No. 160.050/28/0 dated Oct. 11, 1963, to show change in name of manufacturer.)

Approval No. 160.050/45/0, 30-inch unicellular plastic ring life buoy, U.S.C.G. Specification Subpart 160.050 and dwg. No. 8400/3/67, dated March 20, 1967, manufactured by Atlantic-Pacific Manufacturing Corp., 134 Atlantic Avenue, Brooklyn, N.Y. 11201, effective May 2, 1967. (Buoy bodies are made by B. F. Goodrich Co., Sponge Products Division, Shelton, Conn.)

Approval No. 160.050/46/0, 24-inch unicellular plastic ring life buoy, U.S.C.G. Specification Subpart 160.050 and dwg. No. 8400/2/67, dated March 20, 1967, manufactured by Atlantic-Pacific Manufacturing Corp., 134 Atlantic Avenue, Brooklyn, N.Y. 11201, effective May 2, 1967. (Buoy bodies are made by B. F. Goodrich Co., Sponge Products Division, Shelton, Conn. 06852.) (It supersedes Approval No. 160.050/12/3 dated Dec. 11, 1964, to show change in name of manufacturer.)

Approval No. 160.050/47/0, 30-inch unicellular plastic ring life buoy, U.S.C.G. Specification Subpart 160.050 and dwg. No. 8400/3/67, dated March 20, 1967, manufactured by Atlantic-Pacific Manufacturing Corp., 134 Atlantic Avenue, Brooklyn, N.Y. 11201, effective May 2, 1967. (Buoy bodies are made by B. F. Goodrich Co., Sponge Products Division, Shelton, Conn.)

BUOYANT VESTS, UNICELLULAR PLASTIC FOAM, ADULT AND CHILD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.052/119/1, Type II, Model 245, adult cloth-covered unicellular plastic foam buoyant vest, dwg. Nos. B-220-1, dated October 13, 1964, Rev., April 14, 1967; B-220-2, dated October 8, 1964; B-220-3, dated October 8, 1964; and B-220-4, dated October 13, 1964, manufactured by Tapatco, Inc., Post Office Box 49, Fairfield, Calif. 94533, effective April 20, 1967. (Formerly The American Pad & Textile Co.) (It supersedes Approval No. 160.052/119/0 dated Jan. 14, 1966, to show change in name of manufacturer and issue of new drawing numbers.)

Approval No. 160.052/120/1, Type II, Model 246-M, child medium cloth-covered unicellular plastic foam buoyant

Tapatco, Inc., Post Office Box 49, Fairfield, Calif. 94533, effective April 7, 1967. (Formerly The American Pad & Textile Co.) (Approved as alternate construction to that provided by U.S.C.G. Specification Subpart 160.052.) (It supersedes Approval No. 160.052/27/0 dated Oct. 11, 1963, to show change in name of manufacturer.)

Approval No. 160.052/28/0, 30-inch ring life buoy, fibrous glass reinforced plastic shell with unicellular plastic foam core, The Plasti-Kraft Corp. dwg., dated February 1, 1966, and revised specification, dated October 12, 1960, manufactured by The Plasti-Kraft Corp., Ozona Industrial Park, Ozona, Fla. 33560, for Tapatco, Inc., Post Office Box 49, Fairfield, Calif. 94533, effective April 7, 1967. (Formerly The American Pad & Textile Co.) (Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.) (It supersedes Approval No. 160.052/28/0 dated Oct. 11, 1963, to show change in name of manufacturer.)

Approval No. 160.052/45/0, 30-inch unicellular plastic ring life buoy, U.S.C.G. Specification Subpart 160.052 and dwg. No. 8400/3/67, dated March 20, 1967, manufactured by Atlantic-Pacific Manufacturing Corp., 134 Atlantic Avenue, Brooklyn, N.Y. 11201, effective May 2, 1967. (Buoy bodies are made by B. F. Goodrich Co., Sponge Products Division, Shelton, Conn.)

Approval No. 160.052/46/0, 24-inch unicellular plastic ring life buoy, U.S.C.G. Specification Subpart 160.052 and dwg. No. 8400/2/67, dated March 20, 1967, manufactured by Atlantic-Pacific Manufacturing Corp., 134 Atlantic Avenue, Brooklyn, N.Y. 11201, effective May 2, 1967. (Buoy bodies are made by B. F. Goodrich Co., Sponge Products Division, Shelton, Conn. 06852.) (It supersedes Approval No. 160.052/12/3 dated Dec. 11, 1964, to show change in name of manufacturer.)

Approval No. 160.052/47/0, 30-inch unicellular plastic ring life buoy, U.S.C.G. Specification Subpart 160.052 and dwg. No. 8400/3/67, dated March 20, 1967, manufactured by Atlantic-Pacific Manufacturing Corp., 134 Atlantic Avenue, Brooklyn, N.Y. 11201, effective May 2, 1967. (Buoy bodies are made by B. F. Goodrich Co., Sponge Products Division, Shelton, Conn.)

BUOYANT VESTS, UNICELLULAR PLASTIC FOAM, ADULT AND CHILD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.052/119/1, Type II, Model 245, adult cloth-covered unicellular plastic foam buoyant vest, dwg. Nos. B-220-1, dated October 13, 1964, Rev., April 14, 1967; B-220-2, dated October 8, 1964; B-220-3, dated October 8, 1964; and B-220-4, dated October 13, 1964, manufactured by Tapatco, Inc., Post Office Box 49, Fairfield, Calif. 94533, effective April 20, 1967. (Formerly The American Pad & Textile Co.) (It supersedes Approval No. 160.052/119/0 dated Jan. 14, 1966, to show change in name of manufacturer and issue of new drawing numbers.)

Approval No. 160.052/120/1, Type II, Model 246-M, child medium cloth-covered unicellular plastic foam buoyant

vest, dwg. Nos. B–281–1 and B–281–2, dated October 14, 1964; B–281–3, dated October 15, 1964, Rev., April 14, 1967; and B–281–4, dated October 14, 1965, manufactured by Tapatco, Inc., Post Office Box 49, Fairfield, Calif. 94533, effective April 20, 1967. (Formerly The American Pad & Textile Co.) (It supersedes Approval No. 160.052/120/0 dated Jan. 14, 1966, to show change in name of manufacturer and issue of new drawing numbers.)

Approval No. 160.052/121/1, Type II, Model 246–S, child small cloth-covered unicellular plastic foam buoyant vest, dwg. Nos. B–281–1 and B–281–2, dated October 14, 1964; B–281–3, dated October 15, 1964, Rev., April 14, 1967; and B–281–4, dated October 14, 1965, manufactured by Tapatco, Inc., Post Office Box 49, Fairfield, Calif. 94533, effective April 20, 1967. (Formerly The American Pad & Textile Co.) (It supersedes Approval No. 160.052/121/0 dated Jan. 14, 1966, to show change in name of manufacturer and issue of new drawing numbers.)

Approval No. 160.052/180/1, Type II, Model 242, adult, unicellular plastic foam buoyant vest, Jones & Yandell dwg. JV–L No. 3, dated October 1, 1962, manufactured by Jones & Yandell Division, American Tent Co., Post Office Box 270, Canton, Miss. 39046, for Tapatco, Inc., Post Office Box 49, Fairfield, Calif. 94533, effective April 7, 1967. (Formerly The American Pad & Textile Co.) (It supersedes Approval No. 160.052/180/1 dated July 19, 1966, to show change in name of manufacturer.)

Approval No. 160.052/181/1, Type II, Model 244, child medium, unicellular plastic foam buoyant vest, Jones & Yandell dwg. JV–M No. 3, dated September 29, 1962, manufactured by Jones & Yandell Division, American Tent Co., Post Office Box 270, Canton, Miss. 39046, for Tapatco, Inc., Post Office Box 49, Fairfield, Calif. 94533, effective April 7, 1967. (Formerly The American Pad & Textile Co.) (It supersedes Approval No. 160.052/181/1 dated July 19, 1966, to show change in name of manufacturer.)

Approval No. 160.052/182/1, Type II, Model 244, child small, unicellular plastic foam buoyant vest, Jones & Yandell dwg. JV–S No. 3, dated September 29, 1962, manufactured by Jones & Yandell Division, American Tent Co., Post Office Box 270, Canton, Miss. 39046, for Tapatco, Inc., Post Office Box 49, Fairfield, Calif. 94533, effective April 7, 1967. (Formerly The American Pad & Textile Co.) (It supersedes Approval No. 160.052/182/1 dated July 19, 1966, to show change in name of manufacturer.)

Approval No. 160.052/344/0, Type II, Model 8241, adult, molded vinyl-dipped unicellular plastic foam buoyant vest, dwg. No. 8241/12/66, dated December 29, 1966, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N.Y. 11201, effective January 26, 1967.

Approval No. 160.052/345/0, Type II, Model 8243, child medium, molded vinyl-dipped unicellular plastic foam buoyant vest, dwg. No. 8241/12/66, dated December 29, 1966, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N.Y. 11201, effective January 26, 1967.

Approval No. 160.052/346/0, Type II, Model 8242, child small, molded vinyl-dipped unicellular plastic foam buoyant vest, dwg. No. 8241/12/66, dated December 29, 1966, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N.Y. 11201, effective January 26, 1967.

Approval No. 160.052/347/0, Type II, Model LVCS–100, child small, molded vinyl-dipped unicellular plastic foam buoyant vest, dwg. No. 5623–BA, Revision 2, dated March 22, 1967, manufactured by Carlon Rubber Products Co., 1 New Haven Avenue, Derby, Conn. 06418, effective April 21, 1967.

Approval No. 160.052/348/0, Type II, Model LVCM–200, child medium, molded vinyl-dipped unicellular plastic foam buoyant vest, dwg. No. 5622–BA, revision 2, dated March 22, 1967, manufactured by Carlon Rubber Products Co., 1 New Haven Avenue, Derby, Conn. 06418, effective April 21, 1967.

Approval No. 160.052/349/0, Type II, Model LVA–300, adult, molded vinyl-dipped unicellular plastic foam buoyant vest, dwg. No. 5581–DA, Revision 2, dated March 22, 1967, manufactured by Carlon Rubber Products Co., 1 New Haven Avenue, Derby, Conn. 06418, effective April 21, 1967.

WORK VESTS, UNICELLULAR PLASTIC FOAM

Approval No. 160.053/4/1, Style Nos. 228 and 229, unicellular plastic foam, cloth-covered work vest, dwg. Nos. 282–1, 282–2, and 282–3, dated February 11, 1965, and Bill of Materials (sheets 1 to 4), dated February 11, 1965, manufactured by Tapatco, Inc., Post Office Box 49, Fairfield, Calif. 94533, effective April 7, 1967. (Formerly The American Pad & Textile Co.) (It supersedes Approval No. 160.053/4/1 dated Mar. 12, 1965, to show change in name of manufacturer.)

LIFE PRESERVERS, UNICELLULAR PLASTIC FOAM, ADULT AND CHILD

NOTE: Approved for use on all vessels and motorboats.

Approval No. 160.055/70/0, Type IB, Model 63, adult cloth-covered unicellular plastic foam life preserver, U.S.C.G. Specification Subpart 160.055 and dwg. No. 160.055–IB (sheet 1 & 2), manufactured by Style-Crafters, Inc., Post Office Box 8277, Greenville, S.C. 29604, effective April 10, 1967.

Approval No. 160.055/71/0, Type IB, Model 67, child cloth-covered unicellular plastic foam life preserver, U.S.C.G. Specification Subpart 160.055 and dwg. No. 160.055–IB (sheet 3 & 4), manufactured by Style-Crafters, Inc., Post Office Box 8277, Greenville, S.C. 29604, effective April 10, 1967.

Approval No. 160.055/74/0, Type IA, Model 62, adult vinyl dip coated unicellular plastic foam life preserver, U.S.C.G. Specification Subpart 160.055 and dwg. No. 160.055–IA (sheet 1), manufactured by Style-Crafters, Inc., Post Office Box 8277, Greenville, S.C. 29604, effective April 10, 1967.

Approval No. 160.055/75/0, Type IA, Model 66, child vinyl dip coated unicellular plastic foam life preserver, U.S.C.G. Specification Subpart 160.055 and dwg. No. 160.055–IA (sheet 2), manufactured by Style-Crafters, Inc., Post Office Box 8277, Greenville, S.C. 29604, effective April 10, 1967.

BUOYANT VESTS, UNICELLULAR POLYETHYLENE FOAM, ADULT AND CHILD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.060/10/0, Type II, Model 247, adult cloth-covered polyethylene foam buoyant vest, dwg. Nos. B–280–1, dated October 13, 1964, Rev., April 14, 1967; B–280–3, dated October 9, 1964; B–280–4, dated February 1, 1965; and B–280–5, dated October 13, 1964, manufactured by Tapatco, Inc., Post Office Box 49, Fairfield, Calif. 94533, effective April 20, 1967. (Formerly The American Pad & Textile Co.) (It supersedes Approval No. 160.060/10/0 dated July 15, 1966, to show change in name of manufacturer.)

Approval No. 160.060/11/0, Type II, Model 248–M, child medium cloth-covered polyethylene foam buoyant vest, dwg. Nos. B–281–1, dated October 14, 1964; B–281–3, dated October 15, 1964, Rev., April 14, 1967; B–281–4, dated October 14, 1965; and B–281–5, dated February 1, 1965, manufactured by Tapatco, Inc., Post Office Box 49, Fairfield, Calif. 94533, effective April 20, 1967. (Formerly The American Pad & Textile Co.) (It supersedes Approval No. 160.060/11/0 dated July 15, 1966, to show change in name of manufacturer.)

Approval No. 160.060/12/0, Type II Model 248–S, child small cloth-covered polyethylene foam buoyant vest, dwg. Nos. B–281–1 dated October 14, 1964; B–281–3, dated October 15, 1964, Rev., April 14, 1967; B–281–4, dated October 14, 1965; and B–281–5, dated February 1, 1965, manufactured by Tapatco, Inc., Post Office Box 49, Fairfield, Calif. 94533, effective April 20, 1967. (Formerly The American Pad & Textile Co.) (It supersedes Approval No. 160.060/12/0 dated July 15, 1966, to show change in name of manufacturer.)

PROTECTING COVER FOR LIFEBOATS

Approval No. 160.065/6/0, "Robertson's Anti-Exposure Cover" Type I, protecting cover for the occupants of all types of aluminum, steel, and fibrous glass reinforced plastic (FRP) lifeboats, for lengths of 16' to 37' lifeboats, identified by general arrangement dwg. No. A-13325, Sheet 1 of 2, dated July 8, 1966, manufactured by A. L. Robertson, Inc., 325 South Kresson Street, Baltimore, Md. 21224, effective March 20, 1967. (Modifications to the cover and supports may be necessary in the case of some motor-propelled lifeboats equipped with vertical (dry) exhaust lines, radio cabins, and antenna masts.)

FIRE PROTECTIVE SYSTEMS

Approval No. 161.002/6/0, audible and visual, supervised, Type RB smoke detector systems, eight (8) through forty-eight (48) lines (Drawing No. SK–122753 wiring diagram marine smoke detector, and Drawing No. SK–124335 schematic marine smoke detector), identified by the following part numbers:

No. lines	Main cabinet	Repeater surface mounted	Repeater flush mounted
1	8907705	8907751	8907790
12	8907705	8907760	8907191
24	8907705	8907767	8907972
36	8907710	8907770	8907159
48	8907712	8907781	8907194
2	8907714	8907783	8907984
4	8907716	8907785	8907990
6	8907718	8907787	8907997
8	8907720	8907789	8907999
10	8907722	8907791	8907999
12	8907724	8907793	8907999
14	8907726	8907771	8907999
16	8907728	8907773	8907999

Manufactured by Walter Kidde & Co., Inc., Belleville, N.J. 07109, effective April 19, 1967. (It is an extension of Approval No. 161.002/6/0 dated Apr. 23, 1962.)

FLASHLIGHTS, ELECTRIC, HAND

Approval No. 161.008/5/3, No. 1918 waterproof flashlight, Type I, size 2 (2-cell), identified by assembly dwg. No. 2F–1833–B, dated May 4, 1964, and revised, December 22, 1966, manufactured by Bright Star Industries, 600 Getty Avenue, Clifton, N.J. 07011, effective April 4, 1967. (Each flashlight shall be plainly marked with the name of the manufacturer and the above model number.) (It supersedes Approval No. 161.008/5/2 dated Jan. 26, 1965, to show plan updating.)

Approval No. 161.008/6/3, No. 1925 waterproof flashlight, Type I, size 3 (3-cell), identified by assembly dwg. No. 3F–1833–B, dated May 4, 1964, and revised, December 22, 1966, manufactured by Bright Star Industries, 600 Getty Avenue, Clifton, N.J. 07011, effective April 4, 1967. (Each flashlight shall be plainly marked with the name of the manufacturer and the above model number.) (It supersedes Approval No. 161.008/6/2 dated Jan. 26, 1965, to show plan updating.)

Approval No. 161.008/15/1, No. 2217, explosion-proof flashlight, Type II, size 2 (2-cell), identified by assembly dwg. No. 2F–1744–B, dated March 28, 1963, revised January 6, 1967, manufactured by Bright Star Industries, 600 Getty Avenue, Clifton, N.J. 07011, effective April 4, 1967. (Each flashlight shall be plainly marked with the name of the manufacturer and the above model number.) (It supersedes Approval No. 161.008/15/0 dated Jan. 6, 1965, to show plan updating.)

Approval No. 161.008/16/1, No. 2234, explosion-proof flashlight, Type II, size 3 (3-cell), identified by assembly dwg. No. 3F–1744–B, dated March 28, 1963, revised January 6, 1967, manufactured by Bright Star Industries, 600 Getty Avenue, Clifton, N.J. 07011, effective April 4, 1967. (Each flashlight shall be plainly marked with the name of the manufacturer and the above model number.) (It supersedes Approval No. 161.008/16/0 dated Jan. 6, 1965, to show plan updating.)

SAFETY VALVES (STEAM HEATING BOILERS)

Approval No. 162.012/8/0, Figure 839, pop safety valve, bronze body, for steam heating boilers and waste heat steam generators dwg. No. 84788, dated February 27, 1952, approved for a maximum pressure of 30 p.s.i. in the following sizes:

Size (inches)	Capacity (pounds/hour)	
	At 15 p.s.i.	At 30 p.s.i.
¾	98	155
1	153	240
1¼	206	327
1½	284	448
2	467	735
2½	557	883
3	980	1,473

Manufactured by the Lukenheimer Co., Post Office Box 360, Amrec Station, Cincinnati, Ohio 45214, effective May 3, 1967. (It is an extension of Approval No. 162.012/8/0, dated July 17, 1962.)

FLAME ARRESTERS FOR VENT VESSELS

Approval No. 162.016/8/0, Figure No. 50, Varec flame arrester, aluminum body, aluminum multiple plate bank, vertical type, flanged connections, fitted with extensible banks and removable cover plate, dwg. No. C–746, Alt. A, dated January 24, 1947, approved for 2½", 3", 4", 6", 8", 10", and 12" pipe sizes, for use with inflammable or combustible liquids of Grade A or lower, manufactured by Varec, Inc., Post Office Box 4429, 2820 North Alameda Street, Compton, Calif. 90222, effective April 28, 1967. (It is an extension of Approval No. 162.016/8/0 dated July 31, 1962.)

Approval No. 162.016/9/0, Figure 50A, aluminum body, aluminum multiple plate bank, vertical type, flanged connections, fitted with extensible banks and removable cover plate, Dwg. No. C–746, Alt. A, dated January 24, 1947, approved for 2½", 3", 4", 6", 8", 10", and 12" pipe sizes, for use with inflammable or combustible liquids of Grade A or lower, manufactured by Varec, Inc., Post Office Box 4429, 2820 North Alameda Street, Compton, Calif. 90222, effective April 28, 1967. (It is an extension of Approval No. 162.016/9/0 dated July 31, 1962.)

Approval No. 162.016/10/0, Figure No. 50ACU, Varec flame arrester, semisteel body, copper multiple plate bank, vertical type, flanged connections, fitted with extensible banks and removable cover plate, Dwg. No. C–746, Alt. A, dated January 24, 1947, approved for 2½", 3", 4", 6", 8", 10", and 12" pipe sizes, for use with inflammable or combustible liquids of Grade A or lower, manufactured by Varec, Inc., Post Office Box 4429, 2820 North Alameda Street, Compton, Calif. 90222, effective April 28, 1967. (It is an extension of Approval No. 162.016/10/0 dated July 31, 1962.)

Approval No. 162.016/11/0, Figure No. 50ABCU, Varec flame arrester, semisteel body, copper multiple plate bank, vertical type, female pipe threaded connections, fitted with extensible banks and removable cover plate, Dwg. No. C–746, Alt. A, dated January 24, 1947, approved for 2½", 3", 4", 6", 8", 10", and 12" pipe sizes, for use with inflammable or combustible liquids of Grade A or lower, manufactured by Varec, Inc., Post Office Box 4429, 2820 North Alameda Street, Compton, Calif. 90222, effective April 28, 1967. (It is an extension of Approval No. 162.016/11/0 dated July 31, 1962.)

Approval No. 162.016/12/0, Figure No. 50ACCU, Varec flame arrester, semisteel body, copper multiple plate bank, vertical type, flanged and screwed connections, fitted with extensible banks and removable cover plate, Dwg. No. C–746, Alt. A, dated January 24, 1947, approved for 2½", 3", 4", 6", 8", 10", and 12" pipe sizes, for use with inflammable or combustible liquids of Grade A or lower, manufactured by Varec, Inc., Post Office Box 4429, 2820 North Alameda Street, Compton, Calif. 90222, effective April 28, 1967. (It is an extension of Approval No. 162.016/12/0 dated July 31, 1962.)

Approval No. 162.016/13/0, Figure No. 50AN, Varec flame arrester, semisteel and aluminum body, aluminum multiple plate bank, vertical type, square flange connections, fitted with extensible banks and removable cover plate, Dwg. No. C–746, Alt. A, dated January 24, 1947, approved for 2½", 3", 4", 6", 8", 10", and 12" pipe sizes, for use with inflammable or combustible liquids of Grade A or lower, manufactured by Varec, Inc., Post Office Box 4429, 2820 North Alameda Street, Compton, Calif. 90222, effective April 28, 1967. (It is an extension of Approval No. 162.016/13/0 dated July 31, 1962.)

Approval No. 162.016/14/0, Figure No. 50B, Varec flame arrester, aluminum body, aluminum multiple plate bank, vertical type, female threaded connections, fitted with extensible banks and removable cover plate, Dwg. No. C–746, Alt. A, dated January 24, 1947, approved for 2½", 3", 4", 6", 8", 10", and 12" pipe sizes, for use with inflammable or combustible liquids of Grade A or lower, manufactured by Varec, Inc., Post Office Box 4429, 2820 North Alameda Street, Compton, Calif. 90222, effective April 28, 1967. (It is an extension of Approval No. 162.016/14/0 dated July 31, 1962.)

Approval No. 162.016/15/0, Figure No. 50C, Varec flame arrester, aluminum body, aluminum multiple plate bank, vertical type, flanged and screwed connections, fitted with extensible banks and removable cover plate, Dwg. No. C–746, Alt. A, dated January 24, 1947, approved for 2½", 3", 4", 6", 8", 10", and 12" pipe sizes, for use with inflammable or combustible liquids of Grade A or lower, manufactured by Varec, Inc., Post Office Box 4429, 2820 North Alameda Street, Compton, Calif. 90222, effective April 28, 1967. (It is an extension of Approval No. 162.016/15/0 dated July 31, 1962.)

Approval No. 162.016/16/0, Figure No. 50CU, Varec flame arrester, semisteel body, copper multiple plate bank, vertical type, flanged connections fitted with extensible banks and removable cover plate, Dwg. No. C–746, Alt. A, dated January 24, 1947, approved for 2½", 3", 4", 6", 8", 10", and 12" pipe sizes, for use with inflammable or combustible

liquids of Grade A or lower, manufactured by Varec, Inc., Post Office Box 4429, 2820 North Alameda Street, Compton, Calif. 90222, effective April 28, 1967. (It is an extension of Approval No. 162.016/16/0 dated July 31, 1962.)

Approval No. 162.016/17/0, Figure No. 50S, Varec flame arrester, semisteel body, aluminum multiple plate bank, vertical type, flanged connections, fitted with extensible banks and removable cover plate, Dwg. No. C-746, Alt. A, dated January 24, 1947, approved for 2½", 3", 4", 6", 8", 10", and 12" pipe sizes, for use with inflammable or combustible liquids of Grade A or lower, manufactured by Varec, Inc., Post Office Box 4429, 2820 North Alameda Street, Compton, Calif. 90222, effective April 28, 1967. (It is an extension of Approval No. 162.016/17/0 dated July 31, 1962.)

Aproval No. 162.016/18/0, Figure No. 50SA, Varec flame arrester, semisteel body, small aluminum multiple plate bank, vertical type, flanged connections, fitted with extensible banks and removable cover plate, Dwg. No. C-746, Alt. A, dated January 24, 1947, approved for 2½", 3", 4", 6", 8", 10", and 12" pipe sizes, for use with inflammable or combustible liquids of Grade A or lower, manufactured by Varec, Inc., Post Office Box 4429, 2820 North Alameda Street, Compton, Calif. 90222, effective April 28, 1967. (It is an extension of Approval No. 162.016/18/0 dated July 31, 1962.)

Approval No. 162.016/19/0, Figure No. 50SG, Varec flame arrester, semisteel body, aluminum multiple plate bank, vertical type, flanged connection, fitted with extensible banks and removable cover plate, Dwg. No. C-746, Alt. A, dated January 24, 1947, approved for 2½", 3", 4", 6", 8", 10", and 12" pipe sizes, for use with inflammable or combustible liquids of Grade A or lower, manufactured by Varec, Inc., Post Office Box 4429, 2820 North Alameda Street, Compton, Calif. 90222, effective April 28, 1967. (It is an extension of Approval No. 162.016/9/0 dated July 31, 1962.)

Approval No. 162.016/20/0, Figure No. 50SB, Varec flame arrester, semisteel body, aluminum multiple plate bank, vertical type, threaded connections, fitted with extensible banks and removable cover plate, Dwg. No. C-746, Alt. A, dated January 24, 1947, approved for 2½", 3", 4", 6", 8", 10", and 12" pipe sizes, for use with inflammable or combustible liquids of Grade A or lower, manufactured by Varec, Inc., Post Office Box 4429, 2820 North Alameda Street, Compton, Calif. 90222, effective April 28, 1967. (It is an extension of Approval No. 162.016/20/0 dated July 31, 1962.)

Approval No. 162.016/21/0, Figure No. 50SC, Varec flame arrester, semisteel body, aluminum multiple plate bank, vertical type, flanged and screwed connections fitted with extensible banks and removable cover plate, Dwg. No. C-746, Alt. A, dated January 24, 1947, approved for 2½", 3", 4", 6", 8", 10", and 12" pipe sizes, for use with inflammable or combustible liquids of Grade A or lower, manufactured by Varec, Inc., Post Office Box 4429, 2820 North Alameda Street, Compton, Calif. 90222, effective April 28, 1967. (It is an extension of Approval No. 162.016/21/0 dated July 31, 1962.)

Approval No. 162.016/22/0, Figure No. 53, Varec flame arrester, aluminum body, aluminum multiple plate bank, horizontal type, flanged connections, fitted with extensible banks and removable cover plate, Dwg. No. C-749, Alt. A, dated January 24, 1947, approved for 2½", 3", 4", 6", 8", 10", and 12" pipe sizes, for use with inflammable or combustible liquids of Grade A or lower, manufactured by Varec, Inc., Post Office Box 4429, 2820 North Alameda Street, Compton, Calif. 90222, effective April 28, 1967. (It is an extension of Approval No. 162.016/22/0 dated July 31, 1962.)

Approval No. 162.016/23/0, Figure No. 53A, Varec flame arrester, aluminum body, aluminum multiple plate bank, horizontal type, flanged connections, fitted with extensible banks and removable cover plate, Dwg. No. C-749, Alt. A, dated January 24, 1947, approved for 2½", 3", 4", 6", 8", 10", and 12" pipe sizes, for use with inflammable or combustible liquids of Grade A or lower, manufactured by Varec, Inc., Post Office Box 4429, 2820 North Alameda Street, Compton, Calif. 90222, effective April 28, 1967. (It is an extension of Approval No. 162.016/23/0 dated July 31, 1962.)

Approval No. 162.016/24/0, Figure No. 53B, Varec flame arrester, aluminum body, aluminum multiple plate bank, horizontal type, screwed connections, fitted with extensible banks and removable cover plate, Dwg. No. C-749, Alt. A, dated January 24, 1947, approved for 2½", 3", 4", 6", 8", 10", and 12" pipe sizes, for use with inflammable or combustible liquids of Grade A or lower, manufactured by Varec, Inc., Post Office Box 4429, 2820 North Alameda Street, Compton, Calif. 90222, effective April 28, 1967. (It is an extension of Approval No. 162.016/24/0 dated July 31, 1962.)

Approval No. 162.016/25/0, Figure No. 53C, Varec flame arrester, aluminum body, aluminum multiple plate bank, horizontal type, flanged and screwed connections, fitted with extensible banks and removable cover plate, Dwg. No. C-749, Alt. A, dated January 24, 1947, approved for 2½", 3", 4", 6", 8", 10", and 12" pipe sizes, for use with inflammable or combustible liquids of Grade A or lower, manufactured by Varec, Inc., Post Office Box 4429, 2820 North Alameda Street, Compton, Calif. 90222, effective April 28, 1967. (It is an extension of Approval No. 162.016/25/0 dated July 31, 1962.)

Approval No. 162.016/26/0, Figure No. 53S, Varec flame arrester, semisteel body, aluminum multiple plate bank, horizontal type, flanged connections, fitted with extensible banks and removable cover plate, Dwg. No. C-749, Alt. A, dated January 24, 1947, approved for 2½", 3", 4", 6", 8", 10", and 12" pipe sizes, for use with inflammable or combustible liquids of Grade A or lower, manufactured by Varec, Inc., Post Office Box 4429, 2820 North Alameda Street, Compton, Calif. 90222, effective April 28, 1967. (It is an extension of Approval No. 162.016/26/0 dated July 31, 1962.)

Approval No. 162.016/27/0, Figure No. 53SA, Varec flame arrester, semisteel body, aluminum multiple plate bank, horizontal type, flanged connections, fitted with extensible banks and removable cover plate, Dwg. No. C-749, Alt. A, dated January 24, 1947, approved for 2½", 3", 4", 6", 8", 10", and 12" pipe sizes, for use with inflammable or combustible liquids of Grade A or lower, manufactured by Varec, Inc., Post Office Box 4429, 2820 North Alameda Street, Compton, Calif. 90222, effective April 28, 1967. (It is an extension of Approval No. 162.016/27/0 dated July 31, 1962.)

Approval No. 162.016/28/0, Figure No. 53SD, Varec flame arrester, semisteel body, aluminum multiple plate bank, horizontal type, screwed connections, fitted with extensible banks and removable cover plate, Dwg. No. C-749, Alt. A, dated January 24, 1947, approved for 2½", 3", 4", 6", 8", 10", and 12" pipe sizes, for use with inflammable or combustible liquids of Grade A or lower, manufactured by Varec, Inc., Post Office Box 4429, 2820 North Alameda Street, Compton, Calif. 90222, effective April 28, 1967. (It is an extension of Approval No. 162.016/28/0 dated July 31, 1962.)

Approval No. 162.016/29/0, Figure No. 53SC, Varec flame arrester, semisteel body, aluminum multiple plate bank, horizontal type, flanged and screwed connections, fitted with extensible banks and removable cover plate, Dwg. No. C-749, Alt. A, dated January 24, 1947, approved for 2½", 3", 4", 6", 8", 10", and 12" pipe sizes, for use with inflammable or combustible liquids of Grade A or lower, manufactured by Varec, Inc., Post Office Box 4429, 2820 North Alameda Street, Compton, Calif. 90222, effective April 28, 1967. (It is an extension of Approval No. 162.016/29/0 dated July 31, 1962.)

SAFETY RELIEF VALVES, LIQUEFIED COMPRESSED GAS

Approval No. 162.018/63/0, Lonergan Model D-20R, safety relief valve, 6" inlet 300# ASA, 8" outlet 150# ASA manufactured by J. E. Lonergan Co., Post Office Box 6167, Philadelphia, Pa. 19115, effective April 18, 1967. (Orifice size "R".)

BOILERS, AUXILIARY, AUTOMATICALLY CONTROLLED, PACKAGED

Approval No. 162.026/11/0, Johnston Bros. Catalog No. 298-25, light oil fired (fuel no heavier than std. No. 2, gravity 30-48 API at 60° F.), boiler horsepower 25 max., shell dia. 40 inches, steam output 860 lbs./hr. maximum allowable pressure 50 p.s.i., manufactured by Johnston Bros., Inc., Ferrysburg, Mich. 49409, effective May 4, 1967. (Plans approved Feb. 6, 1967.)

BACKFIRE FLAME CONTROL, GASOLINE ENGINES; FLAME ARRESTERS, FOR MERCHANT VESSELS AND MOTORBOATS

Approval No. 162.041/97/0, Barbron Model No. 400-19, backfire flame arrester for gasoline engines, dwg. No. A-5539, dated March 20, 1967, manufactured by Barbron Corp., 14580 Lesure Avenue, Detroit, Mich. 48227, effective March 29, 1967. (Identical with 162.041/2/0 except for base mounting flange.)

Approval No. 162.041/96/0, Bendix Model B175-42, backfire flame arrester, manufactured by Bendix Corp., Zenith Carburetor Division, 606 Hart Avenue, Detroit, Mich. 48214, effective April 3, 1967. (Alternate materials list includes: Flange 0.040 SAE 3003H14 alum Alloy; elements 0.010 SAE 3003H14; 5/16 SAE 6061 alum rivets; 0.040 SAE 3003 H14 alum cover plates; modification of previously tested design.)

Approval No. 162.041/99/0, Onan Model 145B393, backfire flame arrester for gasoline engines, with the following major components:

Resonator.	Flame Arrester Tube Assembly.
Disc Assembly.	Spacer - Resonator Adapter.
Adapter Assembly.	

Manufactured by Onan Division, Studebaker Corp., 2515 University Avenue SE., Minneapolis, Minn. 55414, effective April 18, 1967. (Minor modification to Model 145B354, Certificate of Approval 162.041/16/0 to fit Zenith 1403 carburetor.)

Approval No. 162.041/100/0, Onan Model 145B386, backfire flame arrester for gasoline engines, with the following major components:

Resonator.	Flame Arrester Tube Assembly.
Disc Assembly.	Spacer - Resonator Adapter.
Adapter Assembly.	

Manufactured by Onan Division, Studebaker Corp., 2515 University Avenue SE., Minneapolis, Minn. 55414, effective April 18, 1967. (Minor modification to Model 145B354, Certificate of Approval 162.041/16/0 to fit Walbro carburetor.)

DECK COVERINGS

Approval No. 164.006/2/0, SELBALITH magnesite type deck covering identical to that described in National Bureau of Standards Test Report No. TG-3610-1215 : FR1779, dated July 2, 1940, approved for use without other insulating material as meeting Class A-60 requirements in a 1½-inch thickness, manufactured by Selby, Battersby & Co., 5220 Whitby Avenue, Philadelphia, Pa. 19143, effective April 26, 1967. (It is an extension of Approval No. 164.006/2/0 dated July 31, 1962.)

Approval No. 164.006/9/0, RAECOLITH magnesite type deck covering identical to that described in National Bureau of Standards Test Report No. TP 367-76:FR 1866, dated August 9, 1941, approved for use without other insulating material as meeting Class A-60 requirements in a 1¾-inch thickness, manufactured by Raecolith Flooring Co., 5622 Corson Avenue, Seattle, Wash. 98108, effective May 2, 1967. (It is an extension of Approval No. 164.006/9/0 dated July 31, 1962.)

Approval No. 164.006/15/0, MOULSTONE magnesite type deck covering identical to that described in National Bureau of Standards Test Report No. TP 367-85:FR 1967, dated April 14, 1942, approved for use without other insulating material as meeting Class A-60 requirements in a 1½-inch thickness, manufactured by Thos. Moulding Floor Co., Inc., 2619 West Fulton, Chicago, Ill. 60645, effective April 28, 1967. (It is an extension of Approval No. 164.006/15/0 dated July 31, 1962, and change of address of manufacturer.)

Approval No. 164.006/23/0, DEX-O-TEX MAGNABOND No. 1 composite mastic and magnesite type deck covering identical to that described in National Bureau of Standards Test Report No. TP 367-116:FR 2286, dated July 11, 1945, approved for use without other insulating material as meeting Class A-15 requirements in the thickness of DEX-O-TEX Subkote No. 1 underlay one-half inch, plus magnesite overlay three-eighth inch, manufactured by Crossfield Products Corp., 140 Valley Road, Roselle Park, N.J. 07204, effective May 8, 1967. (It is an extension of Approval No. 164.006/23/0 dated July 31, 1962.)

STRUCTURAL INSULATIONS

Approval No. 164.007/1/0, "48" C. G. Felt, mineral wool type structural insulation identical to that described in National Bureau of Standards Test Report No. TG 3610-1372:FR-2238 dated April 1, 1944, bats and blankets approved for use without other insulating material to meet Class A-60 requirements in thickness and densities as follows:

8 inches at 8 pounds per cubic foot density.
4 inches at 6 pounds per cubic foot density.

Manufactured by Forty-Eight Insulations, Inc., Aurora, Ill. 60504, effective April 25, 1967. (It is an extension of Approval No. 164.007/1/0 dated July 31, 1962.)

Approval No. 164.007/6/1, "BX Spintex," mineral wool type structural insulation identical to that described in National Bureau of Standards Test Report No. TG-3619-36:FR-1404, dated May 17, 1939, and TG-10230-28:FR-3660, dated January 20, 1966, bats and blankets approved for use without other insulating material to meet Class A-60 requirements in a 3-inch thickness at 8 pounds per cubic foot density, and a 4-inch thickness at 6 pounds per cubic foot density, manufactured by Johns-Manville Sales Corp., 22 East 40th Street, New York, N.Y. 10016, effective April 3, 1967. (Formerly J-M BX-434.) (It is an extension of Approval No. 164.007/6/1 dated June 14, 1962.)

Approval No. 164.007/7/1, "No. 450 Cement," mineral wool cement type structural insulation identical to that described in National Bureau of Standards Test Report No. TG-3619B:FR-1466B, dated July 7, 1939, approved for use without other insulating material to meet Class A-60 requirements in a 3½-inch thickness and 20 pounds per cubic foot density, manufactured by Johns-Manville Sales Corp., 22 East 40th Street, New York, N.Y. 10016, effective May 2, 1967. (Formerly J-M No. 450 Cement.) (It is an extension of Approval No. 164.007/7/1 dated June 14, 1962.)

Approval No. 164.007/8/1, "Banroc 202AA," mineral wool type structural insulation identical to that described in National Bureau of Standards Test Report No. TG-3619-36:FR-1404, dated May 17, 1939, blankets with asbestos paper facings approved for use without other insulating materials to meet Class A-60 requirements in a 2-inch thickness and 16 pounds per cubic foot density, manufactured by Johns-Manville Sales Corp., 22 East 40th Street, New York, N.Y. 10016, effective May 2, 1967. (Formerly J-M 202AA.) (It is an extension of Approval No. 164.007/8/1 dated June 14, 1962.)

Approval No. 164.007/18/0, "B-E-H 6-pound felt", mineral wool type structural insulation identical to that described in National Bureau of Standards letter, File III-6/36, dated July 16, 1943, approved for use without other insulating material to meet Class A-60 requirements in a 4-inch thickness and 6 pounds per cubic foot density, manufactured by Baldwin-Ehret-Hill, Inc., 500 Breunig Avenue, Trenton, N.J. 08638, effective April 28, 1967. (It is an extension of Approval No. 164.007/18/0 dated July 31, 1962.)

Approval No. 164.007/19/0, "B-E-H loose wool", mineral wool type structural insulation identical to that described in National Bureau of Standards letter, File III-6/36, dated July 16, 1943, approved for use without other insulating material to meet Class A-60 requirements in a 3-inch thickness and 11 pounds per cubic foot density, manufactured by Baldwin-Ehret-Hill, Inc., 500 Breunig Avenue, Trenton, N.J. 08638, effective April 28, 1967. (It is an extension of Approval No. 164.007/19/0 dated July 31, 1962.)

INCOMBUSTIBLE MATERIALS

Approval No. 164.009/1/0, gold bond A-C board, asbestos cement board type incombustible material identical to that described in National Gypsum Co. letter, dated June 4, 1943, manufactured by National Gypsum Co., Buffalo, N.Y. 14202, effective May 2, 1967. (It is an extension of Approval No. 164.009/1/0 dated July 31, 1962.)

Approval No. 164.009/97/0, "J-M Foil-Faced Marine BX Spintex Duct Insulation", aluminum faced mineral wool type incombustible material identical to that described in National Bureau of Standards Test Report No. TG10210-214: FR 2678, dated March 1, 1967, and Commandant (MMT-3) letter, dated March 9, 1967, approved in a density of 3.25 through 6 pounds per cubic foot, manufactured by Johns-Manville Sales Corp., 22 East 40th Street, New York, N.Y. 10016, effective April 13, 1967. (Plant: Richmond, Ind.) (It supersedes Approval No. 164.009/97/0 dated Mar. 9, 1967 to show correction in density range.)

Approval No. 164.009/98/0, "Incombustible Marine Board Type I", acrylic finished fibrous glass cloth faced fibrous glass type incombustible material identical to that described in National Bureau of Standards Test Report No. TG10210-2144: FR 2861, dated April 3, 1967, and Owens-Corning Fiberglas Corp. letter, dated March 10, 1967, approved for 1" through 2" thickness with the basic fibrous glass insulation material in a nominal 3.25 pounds per cubic foot density, manufactured by Owens-Corning Fiberglas Corp., Toledo, Ohio 43601, effective April 20, 1967.

PART II—TERMINATIONS OF APPROVAL OF EQUIPMENT, INSTALLATIONS, OR MATERIALS

LIFE PRESERVERS, KAPOK, ADULT AND CHILD (JACKET TYPE) MODELS 3 AND 5

The Burlington Mills, Inc., Burlington, Wis., and Post Office Box 360, Cadiz, Ky., no longer manufacture certain kapok life preservers and therefore Approval Nos. 160.002/76/0 and 160.002/77/0 are terminated, effective April 5, 1967.

The Trigg Manufacturing Corp., Post Office Box 360, Cadiz, Ky., no longer manufacture certain kapok life preservers and therefore Approval Nos. 160.002/104/0 and 160.002/105/0 are terminated, effective April 5, 1967.

The Herter's, Inc., Waseca, Minn. 56093, no longer manufacture certain kapok life preservers and therefore Approval Nos. 160.002/106/0 and 160.002/107/0 are terminated, effective April 5, 1967.

BUOYS, LIFE, RING, CORK OR BALSA WOOD

The American Pad & Textile Co., 511 North Solomon Street, New Orleans 19, La., no longer manufacture certain life buoys and therefore Approval Nos. 160.009/1/0, 160.009/2/0, 160.009/3/0, 160.009/4/0, and 160.009/5/0 are terminated, effective April 25, 1967.

SEA ANCHORS, LIFEBOAT

The American Pad & Textile Co., 511 North Solomon Street, New Orleans 19, La., no longer manufactures a particular sea anchor and therefore Approval No. 160.019/4/0 is terminated, effective April 25, 1967.

LIFEFLOATS

The American Pad & Textile Co., 511 North Solomon Street, New Orleans 19, La., no longer manufacture certain lifefloats and therefore Approval Nos. 160.027/55/1 and 160.027/56/1 are terminated, effective April 25, 1967.

LIFEBOATS

The Frank Morrison & Son Co., 1330 West 11th Street, Cleveland, Ohio, Approval Nos. 160.035/121/2 and 160.035/126/2 for certain lifeboats have expired and are terminated, effective April 10, 1967.

The C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N.Y., Approval No. 160.035/295/0 for a particular lifeboat has expired and is terminated, effective January 30, 1967.

BUOYANT VESTS, KAPOK OR FIBROUS GLASS, ADULT AND CHILD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

The Burlington Mills, Inc., Burlington, Wis., and Post Office Box 360, Cadiz, Ky., no longer manufacture certain kapok buoyant vests and therefore Approval Nos. 160.047/326/0, 160.047/327/0, and 160.047/328/0 are terminated, effective April 5, 1967.

The Trigg Manufacturing Corp., Post Office Box 360, Cadiz, Ky., no longer manufacture certain kapok buoyant vests and therefore Approval Nos. 160.047/577/0, 160.047/578/0, and 160.047/579/0 are terminated, effective April 5, 1967.

The Herter's, Inc., Waseca, Minn. 56093, no longer manufacture certain kapok buoyant vests and therefore Approval Nos. 160.047/592/0, 160.047/593/0, and 160.047/594/0 are terminated, effective April 5, 1967.

BUOYANT CUSHIONS, KAPOK OR FIBROUS GLASS

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

The Burlington Mills, Inc., Burlington, Wis., and Post Office Box 360, Cadiz, Ky., no longer manufacture a particular kapok buoyant cushion and therefore Approval No. 160.048/100/0 is terminated, effective April 5, 1967.

The Trigg Manufacturing Corp., Post Office Box 360, Cadiz, Ky., no longer manufacture a particular kapok buoyant cushion and therefore Approval No. 160.048/236/0 is terminated, effective April 5, 1967.

The Herter's, Inc., Waseca, Minn. 56093, no longer manufacture a particular kapok buoyant cushion and therefore Approval No. 160.048/242/0 is terminated, effective April 5, 1967.

The Geneva Upholstering Co., Lake Geneva, Wis., no longer manufacture a particular kapok buoyant cushion and therefore Approval No. 160.048/74/0 is terminated, effective April 10, 1967.

The Liberty Cork Co., 123 Whitehead Avenue, South River, N.J., Approval No. 160.048/83/0 for a particular kapok buoyant cushion has expired and is terminated, effective April 10, 1967.

The Montgomery Ward & Co., Inc., 619 West Chicago Avenue, Chicago 7, Ill., Approval No. 160.048/89/0 for a particular kapok buoyant cushion has expired and is terminated, effective April 10, 1967.

The Trimco, Holiday Harbor, Celoron, N.Y., Approval Nos. 160.048/90/0 and 160.048/91/0 for certain kapok buoyant cushions have expired and are terminated, effective April 10, 1967.

The See Bentz & Sons Upholstering, 111 Fifth Street, Watertown, Wis., no longer manufacture a particular kapok buoyant cushion and therefore Approval No. 160.048/96/0 is terminated, effective April 10, 1967.

BUOYANT CUSHIONS, UNICELLULAR PLASTIC FOAM

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

The Canvas Specialty Manufacturing Co., 7344 East Bandini Boulevard, Los Angeles 22, Calif., Approval No. 160.049/45/0 for a particular unicellular plastic foam buoyant cushion has expired and is terminated, effective April 10, 1967.

The Burlington Mills, Inc., Burlington, Wis., no longer manufactures a particular unicellular plastic foam buoyant cushion and therefore Approval No. 160.048/42/0 is terminated, effective April 5, 1967.

BUOYANT VESTS, UNICELLULAR PLASTIC FOAM, ADULT AND CHILD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

The Burlington Mills, Inc., Burlington, Wis. 53105, and Cadiz, Ky., no longer manufacture certain plastic foam buoyant vests and therefore Approval Nos. 160.052/110/1, 160.052/111/1, 160.052/112/1, 160.052/202/0, 160.052/203/0, and 160.052/204/0 are terminated, effective April 5, 1967.

The American Pad & Textile Co., Post Office Box 49, Fairfield, Calif. 94534, Approval Nos. 160.052/289/0, 160.052/290/0, and 160.052/291/0 for certain unicellular plastic foam buoyant vests are terminated, effective April 11, 1967.

The Trigg Manufacturing Corp., Post Office Box 360, Cadiz, Ky., no longer manufacture certain plastic foam buoyant vests and therefore Approval Nos. 160.052/337/0, 160.052/338/0, and 160.052/339/0 are terminated, effective April 5, 1967.

WORKS VESTS, UNICELLULAR PLASTIC FOAM

The Burlington Mills, Inc., Burlington, Wis. 53105, and Cadiz, Ky., no longer manufactures a particular plastic work vest and therefore Approval No. 160.053/1/0 is terminated, effective April 5, 1967.

The Trigg Manufacturing Corp., Post Office Box 360, Cadiz, Ky., no longer manufacture a particular plastic foam work vest and therefore Approval No. 160.053/22/0 is terminated, effective April 5, 1967.

LIFE PRESERVERS, UNICELLULAR PLASTIC FOAM ADULT AND CHILD

The Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 1, N.Y., Approval Nos. 160.055/14/1, 160.055/15/1, 160.055/18/0, and 160.055/19/0 for certain plastic foam life preservers have terminated due to change in specifications, effective April 4, 1967.

The American Pad & Textile Co., 6230 Bienvenue Street, New Orleans, La. 70117 and Fairfield, Calif., Approval Nos. 160.055/16/0 and 160.055/17/0 for certain plastic foam life preservers have terminated due to change in specifications, effective April 4, 1967.

The International Cushion Co. 1110 Northeast Eighth Avenue, Fort Lauderdale, Fla. 33311, Approval Nos. 160.055/24/0 and 160.055/25/0 for certain plastic foam life preservers have terminated due to change in specifications, effective April 4, 1967.

STRUCTURAL INSULATION

The Bird-Archer Co., 4337 North American Street, Philadelphia 40, Pa., no longer manufactures a particular plaster type structural insulation and therefore Approval No. 164.007/11/0 is terminated, effective March 27, 1967.

BULKHEAD PANELS

The Turners Asbestos Cement Co., Ltd., Trafford Park, Manchester 17, England, Approval Nos. 164.008/48/0 and 164.008/49/0 for certain asbestos cement board type bulkhead panels have expired and are terminated, effective February 26, 1967.

Dated: August 18, 1967.

P. E. TRIMBLE,
Vice Admiral U.S. Coast Guard
Acting Commandant.

[F.R. Doc. 67-10121; Filed, Aug. 28, 1967; 8:48 a.m.]

Federal Highway Administration

[Docket No. 20]

REGROOVED TIRES

Notice of Extension of Time To File Comments

On August 10, 1967, there was published in the FEDERAL REGISTER (32 F.R. 11579) a notice (1) giving the opportunity to present views, information, and data as to why the Secretary of Transportation should not seek an injunction to restrain the sale or introduction into interstate commerce of any tire or motor vehicle equipped with any tire that has been regrooved; and (2) giving the opportunity to supply information and data which would form the basis for a request to the Secretary to permit the sale of regrooved tires pursuant to section 204(a) of the National Traffic and Motor Vehicle Safety Act of 1966.

Upon consideration of various requests to extend the time to file comments beyond August 31, 1967, the time to file such comments is hereby extended 30 days to close of business October 2, 1967.

Issued in Washington, D.C., on August 23, 1967.

LOWELL K. BRIDWELL,
Federal Highway Administrator.

[F.R. Doc. 67-10107; Filed, Aug. 28, 1967; 8:47 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE REPUBLIC OF CHINA

Entry or Withdrawal From Warehouse for Consumption

AUGUST 23, 1967.

On April 22, 1966, the Government of the United States, in furtherance of the objectives of and under the terms of the Long Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, concluded an agreement with the Government of the Republic of China amending the bilateral agreement of October 19, 1963, concerning exports of cotton textiles and cotton textile products from the Republic of China to the United States. As amended, the agreement provides annual limitations on exports of all cotton textiles and cotton textile products from the Republic of China to the United States for the successive 12-month periods beginning October 1, 1966, and extending through September 30, 1967.

Entries into the United States for consumption and withdrawals from warehouse for consumption of cotton textiles and cotton textile products in Categories 34, 45, and 62, produced or manufactured in the Republic of China and exported to the United States on or after October 1, 1966, have exceeded the amounts provided for in the agreement.

Accordingly, there is published below a letter of August 22, 1967, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs directing that as soon as possible and for the period extending through September 30, 1967, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 34, 45, and 62, produced or manufactured in the Republic of China and exported to the United States on or after October 1, 1966, be prohibited.

The directive is temporary in nature, and the entry of these Categories from the Republic of China is expected to be the subject of a further directive at the conclusion of consultations now in progress with the Government of the Republic of China concerning the possible further amendment, or the replacement of the bilateral agreement now in force between the Governments of the United States and the Republic of China. Such consultations include the entry of goods affected by this directive.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

THE SECRETARY OF COMMERCE
PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE
WASHINGTON, D.C. 20230,
August 22, 1967.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of October 19, 1963, as amended on April 22, 1966, between the Governments of the United States and the Republic of China, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed, effective as soon as possible and for the period extending through September 30, 1967, to prohibit entry into the United States for consumption and withdrawal from warehouse for consumption of any cotton textiles and cotton textile products in Categories 34, 45, and 62, produced or manufactured in the Republic of China and which have been exported to the United States on or after October 1, 1966.

The foregoing directive is temporary in nature, and the entry of these categories from the Republic of China is expected to be the subject of a further directive to you pending the conclusion of consultations now in progress with the Government of the Republic of China concerning the possible further amendment, or replacement of the bilateral agreement now in force between the Governments of the United States and the Republic of China.

A detailed description of categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on July 7, 1966 (31 F.R. 9310).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Republic of China and with respect to imports of cotton textiles and cotton textile products from the Republic of China have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

A. B. TROWBRIDGE,
Secretary of Commerce, Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 67-10092; Filed, Aug. 28, 1967; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

CODITRON CORP.

Order Suspending Trading

AUGUST 23, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $3 par value, of Coditron Corp., New York, N.Y., otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 24, 1967, through September 2, 1967.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-10097; Filed, Aug. 28, 1967; 8:46 a.m.]

SUBSCRIPTION TELEVISION, INC.

Order Suspending Trading

AUGUST 23, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $1 par value of Subscription Television, Inc., New York, N.Y., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this

order to be effective for the period August 24, 1967, through September 2, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-10096; Filed, Aug. 28, 1967; 8:46 a.m.]

[70-4435]

VERMONT YANKEE NUCLEAR POWER CORP.

Order Directing the Filing of Documents and Briefs, and Oral Argument

AUGUST 23, 1967.

An amended application has been filed in this proceeding by Vermont Yankee Nuclear Power Corp. ("Vermont Yankee"), Rutland, Vt., and seven of its 10 sponsor-companies (collectively referred to as "Applicant companies"), under sections 6(b) and 10 of the Public Utility Holding Company Act of 1935 ("Act"), regarding the initial financing by Vermont Yankee of its proposed nuclear-powered electric generating plant through the issue of 100,000 shares of common stock, $100 par value per share, to its ten sponsor companies, in specified percentages, and by agreement, upon completion of the nuclear generating facilities each of the sponsors will purchase a like percentage of the total capacity and output of these generating facilities. The ten sponsor companies are electric-utility companies operating in the New England area, five of which are subsidiary companies of registered holding companies.

The proposed initial issue of 100,000 shares by Vermont Yankee is subject to section 6(b) of the Act; and the proposed acquisitions of the Vermont Yankee common stock by seven of the sponsor companies require Commission approval under section 10 of the Act. The acquisitions by the other three sponsor companies are not subject to the Act.

The notice of filing was issued on February 1, 1967 (Holding Company Act Release No. 15652), affording all interested persons not later than February 20, 1967, an opportunity to participate and to request a hearing on the application. On February 20, 1967, the Municipal Electric Association of Massachusetts ("Association"), on behalf of itself and its members, the city of Chicopee, Mass., and the Chicopee Municipal Lighting Plant, the town of Shrewsbury, Mass., and the Shrewsbury Electric Light Plant, and the town of Wakefield, Mass., and the Wakefield Municipal Light Department (collectively referred to as the "Applicant-intervenors") filed a "Notice of Appearance, Application for Intervention, and Request for Hearing."

The Applicant-intervenors allege generally that the proposed transactions are (a) detrimental to the public interest or the interest of investors and consumers, (b) not tending towards the economical and efficient development of an integrated public utility system, and (c) a restraint of trade in violation of the antitrust laws, the Federal Power Act, the Atomic Energy Act of 1954, and the Holding Company Act of 1935. In the application filed by the Applicant-intervenors it is requested that:

> * * * any Commission approvals or other actions be conditioned upon Vermont Yankee making available to each of the municipal electric utilities in Massachusetts a realistic opportunity to purchase stock and power output, and arrange for transmission thereof, on the same or equivalent basis as it is proposed to do these things for sponsor companies, giving effect as may be necessary to any differences in legal powers between the municipals and the sponsor companies. It is believed that a hearing may be necessary for this purpose, and for the purpose of establishing on the record the prices as estimated or agreed upon among the sponsor companies, although the Commission may have authority to fix satisfactory conditions without a hearing * * *.

In response thereto, the Applicant companies, on February 27, 1967, filed a "Motion To Strike Appearances, Applications for Intervention and Request for Hearing," with a brief in support thereof.

The Applicant-intervenors subsequently filed, on June 2, 1967, a "Motion To Extend Time for Answering Brief" (to the motion to strike) and an answering brief therewith. Thereafter, on July 10, 1967, the Applicant companies filed motions pursuant to Rules 2(d) and 7 of the Commission's rules of practice to require counsel to file in this proceeding powers of attorney, and certain other documents and statements relative to the status and interest of the Applicant-intervenors in this proceeding and the conditions they propose to have included in any order of the Commission approving the transactions involved herein. A reply to these motions was filed on July 24, 1967, by the Applicant-intervenors.

The Commission deems it appropriate that, in the interest of orderly procedure, the application for intervention and request for hearing and the opposition thereto be considered on briefs and oral argument. For that purpose it is necessary that the record in this proceeding be supplemented in some particular respects, as indicated hereinafter.

It is ordered, Therefore, that Applicant-intervenors or their counsel, as the case may be, file in this proceeding on or before September 5, 1967, each of the following:

(a) Written powers of attorney authorizing counsel to appear in this proceeding on behalf of Applicant-intervenors and any other Massachusetts municipality;

(b) The constitution and bylaws of the Association and any other documents deemed relevant to the Association's interest in this proceeding;

(c) A statement on behalf of each of the cities of Chicopee, Wakefield, and Shrewsbury and their respective electric utility departments indicating their authorization, by resolution or otherwise, to intervene for the purposes set forth in their application for intervention and request for hearing;

(d) A statement identifying which, if any, electric utility companies, including the Applicant companies, provide electric service to customers within the municipal service areas of any of the Applicant-intervenors.

It is further ordered, That on or before September 5, 1967, the Applicant-intervenors shall file a brief in this proceeding in support of their application for intervention and request for a hearing and for the relief sought herein. Such brief also shall, among other things, address itself to each of the following:

(a) The applicability to the transactions proposed herein of any specific provisions of the Federal Power Act, the Atomic Energy Act of 1954, and the Federal antitrust laws, and this Commission's jurisdiction to consider and apply such provisions in a proceeding under the Holding Company Act of 1935;

(b) The grounds, either in law or in fact, upon which the Applicant-intervenors claim that the proposed initial acquisitions of the stock of Vermont Yankee do not satisfy section 10(c)(2) of the Act. In this connection Applicant-intervenors may submit a separate statement specifying any issues of fact they desire to controvert, as required by the notice of filing in this proceeding;

(c) The grounds, either in law or in fact, upon which the Applicant-intervenors claims that the proposed initial acquisitions of the stock of Vermont Yankee cannot be approved by reason of section 10(b)(1) of the Act. In this connection Applicant-intervenors may submit a separate statement specifying any issues of fact they desire to controvert, as required by the notice of filing in this proceeding.

Applicant companies shall file on or before September 12, 1967, a brief in response and such amendments to the amended application on file as they deem appropriate in the light of the documents and statements filed by the Applicant-intervenors.

It is further ordered, That all documents, statements, and briefs shall be submitted and filed and served in accordance with Rules 23 and 23 of the Commission's rules of practice.

It is further ordered, That oral argument in this case shall be heard within 10 days after the aforesaid documents, statements, and briefs are filed. The Secretary of the Commission will advise the parties of the time and place of oral argument.

It is further ordered, That jurisdiction be, and it hereby is, reserved to separate, either for hearing, in whole or in part, or for disposition, in whole or in part, any of the issues or questions which may arise in this proceeding, and to take such other action as may appear necessary or appropriate to the orderly disposition of the issues involved.

It is further ordered, That the Secretary of the Commission shall mail a copy of this order by registered mail to counsel for the Applicant companies and for the Applicant-intervenors, to the Vermont Public Service Board, the Massachusetts Department of Public Utilities, the Federal Power Commission, and the Atomic Energy Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-10099; Filed, Aug. 28, 1967; 8:46 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. RI66-61 etc.]

PHILLIPS PETROLEUM CO., ET AL.

Order Accepting Contract Amendments, Providing for Hearings on and Suspension of Proposed Changes in Rates, Permitting Withdrawal of Rate Supplements and Terminating Proceeding [1]

AUGUST 18, 1967.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are designated as follows:

[1] Does not consolidate for hearing or dispose of the several matters herein.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI66-61	Phillips Petroleum Co., Bartlesville, Okla. 74003.	414	4	Panhandle Eastern Pipe Line Co. (Seiling Field, Woods County, Okla.) (Oklahoma "Other" Area).	$731	7-17-67	[2] 9- 1-67	2- 1-68	[3] [5] 16.020	[4] [5] [6] 18.836	
RI66-62	Walter F. Kuhn (Operator) et al., 736 Union Center Bldg., Wichita, Kans. 67202.	45	2	Plateau Natural Gas Co.[7] (Hugoton Field, Stevens County, Kans.).	4,341	7-21-67	[2] 8-21-67	1-21-68	[3] 11.0	[4] [5] 12.0	
RI66-63	Cabot Corp. (SW), Post Office Box 1101, Pampa, Tex. 79065.	54	14	Colorado Interstate Gas Co. (Laverne Field, Harper County, Okla.) (Panhandle Area).	4,807	7-24-67	[2] 8-26-67	1-26-68	[3] [5] 19.424	[4] [5] [6] 20.626	RI66-95.
	do	66	4	do	200	7-24-67	[2] 9- 1-67	2- 1-68	[3] [5] [6] 20.825	[4] [5] [6] 22.060	
RI66-64	Amerada Petroleum Corp., Post Office Box 2040, Tulsa, Okla. 74102.	118	6	Panhandle Eastern Pipe Line Co. (Putnam Field, Dewey County, Okla.) (Oklahoma "Other" Area).	373	7-24-67	[2] 9- 1-67	2- 1-68	[3] [5] 15.0	[4] [5] [6] 19.5	
RI66-65	Texaco Inc., Post Office Box 52332, Houston, Tex. 77052.	9	22	Northern Natural Gas Co. (West Panhandle Field, Carson County, Tex.) (R.R. District No. 10).	63	7-25-67	[2] 8-28-67	1-25-68	12.9467	[4] [5] 13.0192	RI67-68.
RI66-66	Falcon Seaboard Drilling Co., Post Office Drawer 3346, Houston, Tex. 77001.	14	1	Panhandle Eastern Pipe Line Co. (South Lenora Field, Dewey County, Okla.) (Oklahoma "Other" Area).	6,869	7-26-67	[2] 9- 1-67	2- 1-68	[3] [5] [6] 15.045	[4] [5] [6] [7] 17.5675	
RI66-67	Hall-Jones Oil Corp., 1704 Liberty Bank Bldg., Oklahoma City, Okla. 73102.	6	2	Michigan-Wisconsin Pipe Line Co. (Lenora Field, Dewey County, Okla.) (Oklahoma "Other" Area).	2,160	7-27-67	[2] 8-27-67	1-27-68	[3] 15.0	[4] [5] [6] 19.5	
RI66-68	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla. 74102.	98	21	Colorado Interstate Gas Co. (Laverne Field, Harper County, Okla.) (Panhandle Area).	117,600	7-28-67	[2] 8-29-67	1-29-68	[3] [5] [6] 16.8	[4] [5] [6] 19.04	
	do	96	8	Colorado Interstate Gas Co. (Southwest Camp Creek Field, Beaver County, Okla.) (Panhandle Area).	8,736	7-28-67	[2] 9-10-67	2-10-68	[3] [5] [6] 16.77	[4] [5] [6] 19.01	
	do	257	5	Panhandle Eastern Pipe Line Co. (Northwest Avard Pool, Woods County, Okla.) (Oklahoma "Other" Area).	152	7-31-67	[2] 9- 1-67	2- 1-68	[3] [5] 16.0	[4] [5] [6] 17.07	
RI66-69	Shell Oil Co., 50 West 50th St., New York, N.Y. 10020.	167	[8] 4	Northern Natural Gas Co. (Southwest Camp Creek Field, Beaver County, Okla.) (Panhandle Area).	9,437	7-27-67	[2] 8-27-67	(Accepted) 1-27-68	[3] [5] [6] 17.466	[4] [5] [6] [7] 18.547	RI65-475.
		167	5			7-27-67	[2] 8-27-67				
RI66-70	Sinclair Oil & Gas Co. (Operator) et al., Post Office Box 521, Tulsa, Okla. 74102.	304	35	Michigan-Wisconsin Pipe Line Co. (Woodward Area, Woodward County, Okla.) (Panhandle Area).	17,396	7-17-67	[2] 9-27-67	2-27-68	[3] [5] 17.69	[4] [5] [6] 20.19	
RI66-71	Kingwood Oil Co., First National Bldg., Oklahoma City, Okla. 73102, Attn.: Mr. C. A. McKenzie.	4	3	Northern Natural Gas Co. (Northwest Dower Field, Beaver County, Okla.) (Panhandle Area).	1,608	7-24-67	[2] 8-24-67	1-24-68	[3] [5] [6] 16.5	[4] [5] [6] [7] 18.5	RI60-455.
RI66-72	Mobil Oil Corp. et al., Post Office Box 2444, Houston, Tex. 77001.	140	6	Colorado Interstate Gas Co. (Keyes Field, Cimarron County, Okla.) (Panhandle Area).	147	7-21-67	[2] 8-21-67	1-21-68	[3] [5] [6] 16.0	[4] [5] [6] [7] 17.015	RI67-275.
RI66-73	do	402	8	do	109	7-21-67	[2] 8-21-67	1-21-68	[3] [5] [6] 16.0	[4] [5] [6] [7] 17.015	
RI66-74	Shell Oil Co. (Operator) et al., 50 West 50th St., New York, N.Y. 10020.	168	[8] 11	Northern Natural Gas Co. (Buffalo Field, Harper County, Okla.) (Panhandle Area).	15,854	7-27-67	[2] 8-27-67	(Accepted) 1-27-68	[3] [5] [6] 17.568	[4] [5] [6] [7] 18.668	RI65-475.
	do	164	[8] 8	Northern Natural Gas Co. (Rosston Field, Beaver County, Okla.) (Panhandle Area).	8,438	7-27-67	[2] 8-27-67	1-27-68	[3] [5] [6] 18.192	[4] [5] [6] [7] 19.329	RI65-475.
		164	9			7-27-67	[2] 8-27-67				

See footnotes at end of table.

Docket No.	Respondent	Rate sched. No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI68-75	Texaco Oil Co., Post Office Box 2511, Houston, Tex. 77001.	220	4	Panhandle Eastern Pipe Line Co. (Northwest Avard Field, Wood County, Okla.) (Oklahoma "Other" Area).	365	7-26-67	[1] 9-1-67	2-1-68	[2] [3] 15.0	[4] [5] [6] 16.22	
do		206	13	Colorado Interstate Gas Co. (Laverne Field, Harper County, Okla.) (Panhandle Area).	867	7-26-67	[1] 9-1-67	2-1-68	[2] [3] 13.0	[4] [5] [6] 14.22	
do		187	6	Michigan Wisconsin Pipe Line Co. (Woodward Area, Woodward County, Okla.) (Panhandle Area) and Woods, Major, Dewey, and Alfalfa Counties, Okla.) (Oklahoma "Other" Area).	360 720	7-27-67	[1] 9-30-67	1-30-68	[2] [3] 17.10 [2] [3] 15.10	[4] [5] [6] 18.16 [4] [5] [6] 16.10	
RI68-76	Ashland Oil & Refining Co., Post Office Box 18695, Oklahoma City, Okla. 73118.	78 78	12 14	Panhandle Eastern Pipe Line Co. (Woods, Major, and Dewey Counties, Okla.) (Oklahoma "Other" Area) and (Woodward County, Okla.) (Panhandle Area).	35,228 1,094 6,015	7-28-67 7-28-67 7-28-67	[1] 9-1-67 [1] 9-1-67 [1] 9-1-67	2-1-68 2-1-68 2-1-68	[2] [3] 18.337 [2] [3] 19.630 [2] [3] 17.560	[4] [5] [6] 20.2680 [4] [5] [6] 22.188 [4] [5] [6] 20.068	RI67-187.
RI68-77	Champlin Petroleum Co. (Operator) et al., Post Office Box 9365, Fort Worth, Tex. 76107.	93	12	Colorado Interstate Gas Co. (Laverne Field, Harper County, Okla.) (Panhandle Area).	5,984	7-28-67	[1] 9-1-67	2-1-68	[2] 17.26	[4] [5] [6] 18.94	RI62-47.
RI68-78	Midhurst Oil Corp. (Operator) et al., 1050 Bank of the Southwest Bldg., Houston, Tex. 77002.	6	6	United Gas Pipe Line Co. (Hornbeck-le Field and North LeWard Field Area, Jackson County, Tex.) (R.R. District No. 3).	7,495	7-28-67	[1] 8-28-67	1-28-68	15.19079	[7] 16.0	RI65-497.
RI68-79	Sun Oil Co., 1608 Walnut St., Philadelphia, Pa. 19103, Attn. Mr. C. E. Webber.	123	7	Transwestern Pipeline Co. (Waha Field, Pecos County, Tex.) (R.R. District No. 8) (Permian Basin Area).	6,000	7-17-67	[1] 9-1-67	2-1-68	17.0	[4] 18.0	RI64-81.

[1] The stated effective date is the effective date proposed by Respondent.
[2] Respondent filing from initial certificated rate to initial contract rate.
[3] Pressure base is 14.65 p.s.i.a.
[4] Subject to upward and downward B.t.u. adjustment.
[5] Includes base rate of 15 cents plus upward B.t.u. adjustment before increase and base rate of 17 cents plus upward B.t.u. adjustment after increase (present B.t.u. content of gas is 1,105 B.t.u.'s per cubic foot).
[6] Formerly: Kansas-Colorado Utilities, Inc.
[7] The stated effective date is the first day after expiration of the statutory notice.
[8] Two-step periodic rate increase.
[9] Subject to a downward B.t.u. adjustment from 900 B.t.u.'s per cubic foot (present B.t.u. content is in excess of 900 B.t.u.'s per cubic foot).
[10] Periodic rate increase.
[11] Includes base rate of 16 cents plus upward B.t.u. adjustment before increase and base rate of 17 cents plus upward B.t.u. adjustment after increase (present B.t.u. content of gas is 1,214 B.t.u.'s per cubic foot).
[12] Includes base rate of 17 cents plus upward B.t.u. adjustment before increase and base rate of 18 cents plus upward B.t.u. adjustment after increase (present B.t.u. content of gas is 1,225 B.t.u.'s per cubic foot).
[13] Respondent filing from initial certificated rate to first periodic increased rate (initial contract rate is 17 cents).
[14] B.t.u. content of gas not stated.
[15] Redetermined rate increase.
[16] Subject to proportionate upward and downward B.t.u. adjustment from base of 1,000 B.t.u.'s per cubic foot.
[17] Includes base rate of 15 cents plus upward B.t.u. adjustment (1,008 B.t.u gas) before increase and base rate of 17.5 cents plus upward B.t.u. adjustment and 0.035 cent tax reimbursement after increase.
[18] Respondent filing from permanently certificated initial rate to initial contract rate.
[19] Subject to 1/100 cent upward B.t.u. adjustment for each B.t.u. in excess of 1,000 B.t.u.'s per cubic foot and proportionate downward B.t.u. adjustment from base of 1,000 B.t.u.'s per cubic foot (respondent states present B.t.u. content is in excess of 1,000 B.t.u.'s per cubic foot).
[20] Subject to proportionate upward and downward B.t.u. adjustment from base of 1,000 B.t.u.'s per cubic foot.
[21] Includes base rate of 15 cents plus upward B.t.u. adjustment before increase and base rate of 17 cents plus upward B.t.u. adjustment after increase 1,130 B.t.u. gas (Rate Schedule No. 93) and 1,118 B.t.u. gas (Rate Schedule No. 96).
[22] Rate of 16 cents plus upward B.t.u. adjustment suspended in Docket No. RI67-440 until Dec. 6, 1967. Gulf requests that the suspension proceeding be terminated and the related supplements be withdrawn.
[23] "Fractured" rate increase. Respondent is contractually due base rate of 19.5 cents plus upward B.t.u. adjustment. Initial contract rate is 17 cents.
[24] Includes base rate of 16 cents plus upward B.t.u. adjustment before increase and 18 cents plus upward B.t.u. adjustment after increase (1,087 B.t.u. gas—Gulf's Rate Schedule No. 207 and 1,000 B.t.u. gas Tennessee's Rate Schedule 190 and 186).
[25] Renegotiated rate increase.
[26] Includes base rate of 16 cents plus upward B.t.u. adjustment before increase and base rate of 17 cents plus upward B.t.u. adjustment after increase (1,081 B.t.u. gas).
[27] Contract agreement which provides for rate of 17 cents for 5-year period beginning July 1, 1967. Also provides that Shell will have the right to file for any higher just and reasonable rate established by the Federal Power Commission.
[28] Subject to plus cent upward B.t.u. adjustment for each additional B.t.u. in excess of 1,020 B.t.u. per cubic foot and proportionate downward B.t.u. adjustment (rates shown include 0.69 cent upward B.t.u. adjustment for 1,020 B.t.u. gas).
[29] Subject to a downward B.t.u. adjustment.
[30] Includes 1 cent charge paid by buyer for seller's relinquishment of processing rights.
[31] Includes 0.035 cent tax reimbursement.
[32] Subject to proportionate upward and downward B.t.u. adjustment from a base of 1,000 B.t.u.'s per cubic foot (present B.t.u. content of gas is 995 B.t.u.'s per cubic foot (Mobil's Rate Schedule No. 140) and 998 B.t.u.'s per cubic foot (Mobil's Rate Schedule No. 401).
[33] Footnote 34 not used.
[34] Includes base rate of 16 cents plus upward B.t.u. adjustment before increase and 17 cents plus upward B.t.u. adjustment after increase (1,008 B.t.u. gas (Shell's Rate Schedule No. 122) and 1,027 B.t.u. gas (Shell's Rate Schedule No. 164).
[35] "Fractured" rate increase. Respondent is contractually due base rate of 19.5 cents plus upward B.t.u. adjustment. Initial contract rate is 17 cents.
[36] Includes base rate of 16 cents plus upward B.t.u. adjustment before increase and 18 cents plus upward B.t.u. adjustment after increase (1,087 B.t.u. gas (Gulf's Rate Schedule No. 207 and 1,000 B.t.u. gas (Tennessee's Rate Schedule Nos. 190 and 186).
[37] "Fractured" rate increase. Respondent contractually due base rate of 19.5 cents, which is initial contract rate.
[38] Applicable to production from Woodward County (Panhandle Area).
[39] Includes 0.30 cent upward B.t.u. adjustment, which is based on 3/100 cent per Mcf for each B.t.u. per cubic foot of 1,000 B.t.u.'s (average B.t.u. content is 1,010 B.t.u. per cubic foot).
[40] Applicable to production from Woods, Dewey, Major, and Alfalfa Counties (Oklahoma "Other" Area).
[41] "Fractured" rate increase plus tax reimbursement. Respondent contractually due periodic increase to base rate of 19.5 cents.
[42] Includes 17 cents base rate plus upward B.t.u. adjustment before increase and 17.0 cents base rate plus upward B.t.u. adjustment plus 0.035 cent tax reimbursement after increase.
[43] Includes 17 cents base rate plus upward B.t.u. adjustment before increase and 19 cents base rate plus upward B.t.u. adjustment plus 0.035 cent tax reimbursement after increase.
[44] Includes 18 cents base rate plus upward B.t.u. adjustment before increase and 17.0 cents base rate plus upward B.t.u. adjustment plus 0.035 cent tax reimbursement after increase.
[45] Includes 16 cents base rate plus upward B.t.u. adjustment before increase and 17 cents base rate plus upward B.t.u. adjustment after increase. (Based on present B.t.u. content of gas which is 1,000 B.t.u.'s per cubic foot.)
[46] "Fractured" rate increase. Respondent contractually due a redetermined rate of 19.5 cents per Mcf.

Walter F. Kuhn (Operator) et al., request a retroactive effective date of January 1, 1967, for their proposed rate increase. Texaco, Inc. (Texaco), requests that its proposed rate increase be permitted to become effective as of July 1, 1967. Mobil Oil Corp. et al., and Mobil Oil Corp. request an effective date of August 20, 1967, for Supplement Nos. 6 and 3 to their FPC Gas Rate Schedule Nos. 140 and 401, respectively. Midhurst Oil Corp. (Operator) et al., request that their proposed rate increase be permitted to become effective as of July 24, 1967. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for the aforementioned producers' rate filings and such requests are denied.

Gulf Oil Corp. (Gulf), proposes a two-step periodic increase in rate from 15.0 cents to 17.0 cents, plus upward B.t.u. adjustment, under its FPC Gas Rate Schedule Nos. 96 and 98, for gas sold to Colorado Interstate Gas Co. from fields in Beaver County, Okla. (Panhandle Area).

On June 5, 1967, Gulf filed periodic increases from 15.0 cents to 16.0 cents, plus B.t.u. adjustment. Such filings were designated as Supplement Nos. 7 and 20 to Gulf's FPC Gas Rate Schedule Nos. 96 and 98, respectively, and were suspended by the Commission's order issued June 30, 1967, in Docket No. RI67-460, until December 6, 1967, and thereafter until made effective in the manner prescribed by the Natural Gas Act. The increased rate has not been made effective pursuant to section 4(e) of the Natural Gas Act and no monies have been collected subject to refund under the rate schedules involved. Gulf has requested that the rate proceeding in Docket No. RI67-460 be terminated and the related rate filings be permitted to be withdrawn.

Since the suspended 16.0-cent rate, plus B.t.u. adjustment, contained in Supplement Nos. 7 and 20 to Gulf's FPC Gas Rate Schedule Nos. 96 and 98, respectively, has not been made effective pursuant to section 4(e) of the Natural Gas Act and no monies have been collected subject to refund under the rate schedules involved, we believe that it would be in the public interest to grant Gulf's request to withdraw its aforementioned rate supplements and to terminate the related suspension proceeding in Docket No. RI67-460.

Shell Oil Co. and Shell Oil Co. (Operator) et al. (both referred to herein as Shell), have submitted contract amendments which provide for their proposed rate increases. We believe that it would be in the public interest to accept for filing Shell Oil Co.," and Shell Oil Co. (Operator) et al.," contract amendments to become effective on August 27, 1967, the proposed effective date, but not the proposed rates contained therein which are suspended as hereinafter ordered.

Except for the stay of the moratorium in Opinion No. 468, Sun Oil Co.'s (Sun), rate filing would be rejectable because the proposed rate is in excess of the applicable area ceiling determined in Opinion No. 468. If the moratorium is ultimately upheld upon judicial review, Sun's rate filing will be rejected ab initio.

With the exception of the rate increase filed by Sun which exceeds the applicable area ceiling established in the related quality statement filed pursuant to Opinion No. 468, as amended, all of the producers' proposed rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR Ch. 1, Pt. 2, § 2.56).

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause exists for permitting the withdrawal of Supplement Nos. 7 and 20 to Gulf's FPC Gas Rate Schedule Nos. 96 and 98, respectively, and for terminating the related suspension proceeding in Docket No. RI67-460.

(2) Good cause has been shown for accepting for filing Shell Oil Co. and Shell Oil Co. (Operator) et al., contract amendments, designated as Supplement No. 4 to Shell Oil Co.'s FPC Gas Rate Schedule No. 167, and Supplement Nos. 11 and 8 to Shell Oil Co. (Operator) et al., FPC Gas Rate Schedule Nos. 163 and 164, respectively, and for permitting such supplements to become effective on August 27, 1967, the proposed effective date.

(3) Except for the supplements set forth in paragraph (2) above, it is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Supplement Nos. 7 and 20 to Gulf's FPC Gas Rate Schedule Nos. 96 and 98, respectively, are permitted to be withdrawn and the suspension proceeding in Docket No. RI67-460 is terminated.

(B) Shell Oil Co. and Shell Oil Co. (Operator) et al., contract amendments, designated as Supplement No. 4 to Shell Oil Co.'s FPC Gas Rate Schedule No. 167, and Supplement Nos. 11 and 8 to Shell Oil Co. (Operator) et al., FPC Gas Rate Schedule Nos. 163 and 164, respectively, are accepted for filing and permitted to become effective on August 27, 1967.

(C) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in the above-designated supplements (except the supplements set forth in (B) above).

(D) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(E) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(F) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before October 4, 1967.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Acting Secretary.*

[F.R. Doc. 67-10047; Filed, Aug. 28, 1967; 8:45 a.m.]

[4] Supplement No. 4 to Shell Oil Co.'s FPC Gas Rate Schedule No. 167.
[5] Supplement Nos. 11 and 8 to Shell Oil Co. (Operator) *et al.*, FPC Gas Rate Schedule Nos. 163 and 164, respectively.

[Docket No. CP68-51]

GRAND VALLEY TRANSMISSION CO.

Notice of Application

AUGUST 22, 1967.

Take notice that on August 14, 1967, Grand Valley Transmission Co. (Applicant), 72 East Fourth South Street, Salt Lake City, Utah 84111, filed in Docket No. CP68-51 a "budget-type" application pursuant to subsection (c) of section 7 of the Natural Gas Act, as implemented by Subsection (b) of § 157.7 of the regulations under the Act, for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate, during the 12-month period beginning October 1, 1967, or from the date of issuance of the authorization requested herein, whichever is later, routine natural gas purchase facilities to enable it to take into its certificated main pipeline system natural gas which is or will become available in its general supply area.

Total estimated cost of Applicant's proposed construction is not to exceed $30,000, with no single project expenditure to exceed $10,000, and will be financed initially from cash on hand or short-term bank loans. Applicant requests that the limitations of § 2.58(a) of the Commission's general policy be waived so as to allow the limits proposed above. Applicant states that strict application of said limits would result in investment limits too low to be practical.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before September 18, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 67-10084; Filed, Aug. 28, 1967; 8:45 a.m.]

[Docket No. CP68-46]

HUMBLE GAS TRANSMISSION CO.

Notice of Application

AUGUST 22, 1967.

Take notice that on August 11, 1967, Humble Gas Transmission Co. (Applicant), 1700 Commerce Building, New Orleans, La. 70112, filed in Docket No. CP68-46 an application pursuant to subsection (c) of section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities and the sale of natural gas for resale in interstate commerce, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate the following natural gas facilities:

(1) Two measuring stations, for the receipt of natural gas to be purchased by Applicant from producers in the Hatch Bend Field and North Richland Area, Richland Parish, La.; and

(2) A sales measuring station south of Natchez, Miss., on its Fowler-Baton Rouge Pipeline System.

Applicant also seeks authorization to sell and deliver to Mississippi Valley Gas Co. (Valley) volumes of natural gas for resale and distribution in the Beau Pre Road Area, Miss. Applicant states that it proposes to deliver Valley's natural gas through the sales measuring station proposed in (2) above. Applicant further states that Valley estimates its maximum daily and annual natural gas requirements at 90 Mcf and 5,000 Mcf, respectively.

Applicant estimates the total cost of the proposed facilities at approximately $5,734, said cost to be financed from funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (157.10) on or before September 14, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-10085; Filed, Aug. 28, 1967; 8:45 a.m.]

[Docket No. CP68-48]

HUMBLE GAS TRANSMISSION CO.

Notice of Application

AUGUST 22, 1967.

Take notice that on August 14, 1967, Humble Gas Transmission Co. (Applicant), 1700 Commerce Building, New Orleans, La. 70112, filed in Docket No. CP68-48 an application pursuant to subsection (b) of section 7 of the Natural Gas Act for permission and approval to abandon certain natural gas service, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks permission and approval to abandon service to Texas Gas Transmission Corp. (Texas) and Southern Natural Gas Co. (Southern) from its Monroe, La., Gas Field. Applicant states that no sales have been made from this field since October 1965, and therefore wishes to abandon said service. Applicant also proposes to cancel Rate Schedule P-2 covering the sales to Texas and Rate Schedule P-3 covering the sales to Southern.

Applicant states that it has a net investment in the facilities involved in the above-mentioned sales of $969.16.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before September 18, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-10086; Filed, Aug. 28, 1967; 8:45 a.m.]

[Docket No. CP68-49]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

AUGUST 23, 1967.

Take notice that on August 14, 1967, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Ill. 60603, filed in Docket No. CP68-49 an application pursuant to subsection (b) of section 7 of the Natural Gas Act for permission and approval of the Commission to abandon a certain delivery point and the facilities associated therewith, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks permission and approval to abandon the delivery of natural gas to Northern Illinois Gas Co. (Illinois) at the village of Herscher delivery point, Kankakee County, Ill. Applicant also seeks permission and approval to abandon the measuring and regulating station used for the delivery described above. Applicant states that Illinois has stopped taking deliveries of natural gas at the delivery point described above as of July 26, 1967, and is providing such natural gas service to the village of Herscher from its own intrastate pipeline system. Applicant further states that there will be no decrease in the volumes of natural gas sold and delivered to Illinois as a result of the abandonment proposed above but they will be made through other existing delivery points between the parties. Applicant also states that there will be no change in the natural gas service now rendered to the village of Herscher as a result of the above-proposed abandonment.

Applicant states that the facilities proposed to be abandoned originally cost approximately $31,000. Applicant estimates the cost of removal of the facilities to be salvaged at approximately $1,500 and the estimated salvage value of such facilities at approximately $3,300.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before September 18, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely

filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-10087; Filed, Aug. 28, 1967; 8:45 a.m.]

[Docket No. CP68-50]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

AUGUST 22, 1967.

Take notice that on August 14, 1967, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Ill. 60603, filed in Docket No. CP68-50 an application pursuant to subsection (c) of section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities and the sale and delivery of volumes of natural gas for resale and distribution, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate a tap connection on its Gulf Coast main transmission pipeline and a measuring and regulating station, all located in Cape Girardeau County, Mo., for the sale and delivery of volumes of natural gas to Associated Natural Gas Co. (Associated) for resale and distribution in the village of Oak Ridge, Cape Girardeau County, Mo. Applicant states that Associated proposes to render such natural gas service to the village of Oak Ridge from volumes of natural gas that Applicant has heretofore been authorized to sell and deliver to Associated.

Applicant estimates the total cost of the facilities proposed at approximately $18,678, said cost to be financed from funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before September 18, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-10088; Filed, Aug. 28, 1967; 8:45 a.m.]

[Docket No. CP68-47]

TEXAS EASTERN TRANSMISSION CORP.

Notice of Application

AUGUST 22, 1967.

Take notice that on August 11, 1967, Texas Eastern Transmission Corp. (Applicant), Post Office Box 2521, Houston, Tex. 77001, filed in Docket No. CP68-47 an application pursuant to subsection (c) of section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate the following natural gas purchase and transportation facilities:

(1) Approximately 45 miles of 24-inch pipeline extending from the terminus of Applicant's 36-inch pipeline near Venice, La., to the Block 6 Field, Main Pass Area, Offshore Louisiana;

(2) Dual 24-inch pipeline crossings of the Mississippi River; and

(3) All facilities appurtenant thereto.

Applicant states that the facilities proposed above are required to transport natural gas which it proposes to purchase from Mobil Oil Corp. (Mobil) pursuant to a gas Purchase Contract between it and Mobil dated August 7, 1967. Applicant further states that these volumes of natural gas will improve its system reserves and deliverability and will enhance the flexibility of its system gas supply.

Applicant estimates the total cost of the proposed facilities at approximately $14,900,000, said cost to be financed initially through the use of Applicant's $100,000 revolving credit and later permanently financed through the issuance of bonds, debentures, stocks, or from its general funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before September 18, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-10089; Filed, Aug. 28, 1967; 8:45 a.m.]

FEDERAL MARITIME COMMISSION

SOUTH ATLANTIC & CARIBBEAN LINE, INC., AND SACAL, V.I., INC.

Notice of Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreements at the Washington office of the Federal Maritime Commission, 1321 H Street, NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

John Mason, Hagan & Mason, 900 17th Street NW., Washington, D.C.

Agreement No. DC-26 between South Atlantic & Caribbean Line, Inc., and SACAL, V.I., Inc., a wholly owned subsidiary, provides for the transportation of cargo under through bills of lading between ports in Florida and ports in the Virgin Islands with transshipment at San Juan, P.R. The through rates will be combination rates, those separately published by South Atlantic & Caribbean Line, Inc., between Florida and Puerto Rico and those separately published by SACAL, V.I., Inc., between Puerto Rico and the Virgin Islands. South Atlantic & Caribbean Line, Inc., will issue a through bill of lading for cargo originating in Florida and SACAL, V.I., Inc. will

issue the bill of lading for cargo originating in the Virgin Islands. Each party will indemnify the other, from all expense and liability for damage, delay, loss, or misdelivery of goods while in its possession except if the damage, delay, loss, or misdelivery is caused by neglect or wanton misconduct of the other. Either party may terminate the agreement upon 30 days written notice to the other party except for breach by the other party when it may be cancelled forthwith.

The agreement shall become effective when approved by the Commission pursuant to section 15, Shipping Act, 1916.

Dated: August 24, 1967.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 67-10106; Filed, Aug. 28, 1967; 8:47 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING THE EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS AT SPECIAL MINIMUM WAGES IN RETAIL OR SERVICE ESTABLISHMENTS OR IN AGRICULTURE

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 20 U.S.C. 201 et seq.), the regulation on employment of full-time students (29 CFR, Part 519), and Administrative Order No. 595 (31 F.R. 12981), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates are as indicated below. The minimum certificate rates are not less than 85 percent of the applicable statutory minimum.

The following certificates provide for an allowance not to exceed the proportion of the total hours worked by full-time students at rates below $1 an hour to the total number of hours worked by all employees in the establishment during the base period in occupations of the same general classes in which the establishment employed full-time students at wages below $1 an hour in the base period.

Biltmore Farms, agriculture; Biltmore, N.C.; 9-1-67 to 1-31-68.

Richard W. Bishop, agriculture; 8995 Peterson Road, Whitehall, Mich.; 5-22-67 to 5-21-68.

C. H. Block and Co., Inc., agriculture; Tunica, Miss.; 6-16-67 to 6-15-68.

Andrew Buist, Sr., agriculture; 1056 Chippewa Drive, Jenison, Mich.; 6-5-67 to 6-4-68.

Dale Buist, agriculture; Route 1, Allendale, Mich.; 5-16-67 to 5-15-68.

Robert Buist, Sr., agriculture; 11966 74th Avenue, Allendale, Mich.; 5-5-67 to 5-4-68.

Carson City Hospital, hospital; Elm at Third Street, Carson City, Mich.; 5-29-67 to 5-28-68.

Carter Brothers, agriculture; 709 North First Street, Rolling Fork, Miss.; 5-8-67 to 5-3-68.

Carter Planting Co., agriculture; Clarksdale, Ark.; 6-12-67 to 6-11-68.

Claiborne Farm, agriculture; Paris, Ky.; 6-9-67 to 5-31-68.

Coborn's Inc., food store; 6 North Broadway, Sauk Rapids, Minn.; 6-26-67 to 6-27-68.

Co-op Grocery Store, food store; 204 East Court Street, Beloit, Kans.; 6-26-67 to 6-27-68.

Evanna Plantation, Inc., agriculture; Cary, Miss.; 6-5-67 to 6-4-68.

Faisonia Plantation, agriculture; Indianola, Miss.; 6-6-67 to 6-5-68.

Fisher Brothers, agriculture; 846 Oak Avenue, Muskegon, Mich.; 6-16-67 to 6-15-68.

Fort Steuben Hotel, hotel and restaurant; Fourth and Washington Streets, Steubenville, Ohio; 6-19-67 to 6-18-68.

Gilmore Plant and Bulb Co., Inc., agriculture; Julian, N.C.; 6-20-67 to 6-19-68.

W. T. Grant Co., variety store; No. 888, Lancaster, Ohio; 6-14-67 to 6-13-68.

Hayfield Farm, agriculture; 1284 Miners National Bank Building, Wilkes-Barre, Pa.; 6-28-67 to 6-28-68.

Headspring Farm, agriculture; Newberry, S.C.; 2-2-67 to 1-31-68.

Hekkema Brothers, agriculture; 1131 Cadillac, North Muskegon, Mich.; 6-17-67 to 6-16-68.

Herberger's, department stores from 6-28-67 to 6-27-68; 110 North Minnesota Street, New Ulm, Minn.; 320 Chestnut Street, Virginia, Minn.; 19 South Maple Street, Watertown, S. Dak.; 26-29 North Main Street, Rice Lake, Wis.

Hillside Farms, Inc., agriculture; 1284 Miners National Bank Building, Wilkes-Barre, Pa.; 6-26-67 to 6-25-68.

H. T. & L. F. Holmes Farms, agriculture; Route 2, Trenton, S.C.; 6-5-67 to 6-4-68.

L. D. Holmes and Sons, agriculture; Route 1, Johnston, S.C.; 6-15-67 to 6-14-68.

Howard Johnson's Restaurant, restaurant; 1370 West Chestnut Street, Washington, Pa.; 6-9-67 to 6-8-68.

Richard W. Hussey, agriculture; Route 2, Tunica, Miss.; 6-12-67 to 6-11-68.

Ideal Poultry Breeding Farms, Inc., agriculture; Cameron, Tex.; 6-5-67 to 5-4-68.

Jackson County Hospital and Nursing Home, hospital; Scottsboro, Ala.; 6-15-67 to 6-14-68.

Jacob Wagenmaker & Son, agriculture; 1243 East Norton Road, Muskegon, Mich.; 5-10-67 to 5-9-68.

Jay D. Weil, Inc., agriculture; 148 Mount Tabor Road, Lexington, Ky.; 2-13-67 to 2-12-68.

Jordan Auto Co., Inc., automobile dealer; Natchez, Miss.; 6-28-67 to 6-27-68.

Kay Planting Co., agriculture; Indianola, Miss.; 6-26-67 to 6-25-68.

Keiser Supply Co., agriculture; Keiser, Ark.; 6-5-67 to 6-4-68.

Kitchens Clinic & Hospital, hospital; 202 South Main Street, LaFayette, Ga.; 6-7-67 to 6-6-68.

Kline's Department Store, department store; 14 East Front Street, Monroe, Mich.; 6-27-67 to 6-26-68.

Herbert Klug, agriculture; 271 Seminole Road, Muskegon, Mich.; 5-13-67 to 5-12-68.

S. S. Kresge Co., variety stores: No. 908, Arlington Heights, Ill. (6-6-67 to 6-5-68); No. 4600, Chicago, Ill. (6-8-67 to 6-8-68); No. 90, Jacksonville, Ill. (6-7-67 to 6-6-68); No. 4068, Springfield, Ill. (5-3-67 to 5-1-68); No. 630, Detroit, Mich. (6-24-67 to 6-23-68); No. 4589, La Crosse, Wis. (6-23-67 to 6-22-68).

S. H. Kress and Co., variety stores: 1913 Second Avenue, Bessemer, Ala. (6-5-67 to 6-4-68); 267 South Main Street, Salt Lake City, Utah (6-23-67 to 6-22-68).

Lester Krueger, agriculture; Springfield, Minn.; 6-21-67 to 6-20-68.

Larry Woodard Farms, Inc., agriculture; Lepanto, Ark.; 6-23-67 to 6-22-68.

Lochar Orchards, agriculture; Hancock, Md.; 6-26-67 to 6-25-68.

Macey's 20th East Economy Store, food store; 2015 East 27th South, Salt Lake City, Utah; 6-29-67 to 6-28-68.

Magnolia Nurseries, Inc., agriculture; Route 4, Charleston, S.C.; 5-25-67 to 5-24-68.

McCrory-McLellan-Green Store, variety store; No. 545, Laredo, Tex.; 6-28-67 to 6-27-68.

McIlhenny Co., agriculture; Avery Island, La.; 6-19-67 to 6-18-68.

Morgan & Lindsey, Inc., variety store; 1007 Denny Avenue, Pascagoula, Miss.; 5-22-67 to 5-21-68.

G. C. Murphy Co., variety stores: No. 281, Huntsville, Ala. (4-26-67 to 4-24-68); No. 483, Anna, Ill. (6-29-67 to 6-28-68); No. 427, Winchester, Ind. (6-29-67 to 6-28-68).

The Orme School and Orme Ranch, agriculture; Mayer, Ariz.; 5-1-67 to 5-31-68.

Peoples Wholesale Co., grocery, hardware and furniture store; Water Valley, Miss.; 6-28-67 to 6-27-68.

Piggly Wiggly, Inc., food store; 501 West Main Street, Hartselle, Ala.; 4-3-67 to 4-2-68.

The Pikeville Clinic, hospital; Pikeville, Tenn.; 6-15-67 to 5-31-68.

Powers Co., Inc., agriculture; Cary, Miss.; 5-24-67 to 5-23-68.

Rhea's, Inc., bakeries from 6-10-67 to 6-9-68: 441 Market Street, Pittsburgh, Pa.; 536 Smithfield Street, Pittsburgh, Pa.

Rudyard Coop Co., food stores: Pickford, Mich. (5-24-67 to 5-23-68); Rudyard, Mich. (5-11-67 to 5-10-68).

Schradski Co., apparel store; 213-215 Southwest Adams, Peoria, Ill.; 6-26-67 to 6-27-68.

Nelson W. Scott, agriculture; 3825 Werner Street, Muskegon, Mich.; 5-9-67 to 5-8-68.

Scott Store, variety stores from 6-27-67 to 6-26-68; No. 46, Aurora, Ill.; Nos. 19 and 46, Chicago, Ill.; No. 24, Danville, Ill.; No. 88, Sterling, Ill.; No. 4, Western Springs, Ill.; No. 40, Madison, Ind.; No. 100, Bowling Green, Ky.; No. 125, Hazard, Ky.; No. 17, Brainerd, Minn.; No. 55, Kansas City, Mo.; No. 141, Bismarck, N. Dak.; Nos. 13, 14, and 16, Akron, Ohio; Nos. 58 and 116, Cleveland, Ohio; No. 68, Dover, Ohio; No. 23, East Cleveland, Ohio.

Setterholm's Super Fair, Inc., food store; 935 South Lake Street, Forest Lake, Minn.; 6-28-67 to 6-27-68.

Sterling Stores Co., Inc., variety store; 638 West Main Street, Jacksonville, Ark.; 3-3-67 to 3-3-68.

Sun Television & Appliances, Inc., television and appliance store; 10 East Main, Columbus, Ohio; 6-24-67 to 6-23-68.

Super Chief, Inc., food store; 3 Broad Street NW., Atlanta, Ga.; 6-23-67 to 6-21-68.

The Tankard Nurseries, agriculture; Remore, Va.; 6-19-67 to 5-31-68.

T. G. & Y. Stores Co., variety stores: No. 148, Kansas City, Kans. (6-23-67 to 6-21-68); No. 145, Independence, Mo. (6-26-67 to 6-25-68).

Trojan Seed Co., agriculture; Olivia, Minn.; 6-21-67 to 6-20-68.

Roy M. Tucker, agriculture; Route 2, Hamilton, Miss.; 5-31-67 to 5-30-68.

J. M. Vann & L. W. Vann, agriculture; Pine House Farms, Trenton, S.C.; 6-5-67 to 6-4-68.

Vita-Fair, Inc., drug store; 816 South Calhoun, Fort Wayne, Ind.; 6-29-67 to 6-28-68.

Walnut Hall Farm, agriculture; Donerail, Ky.; 6-8-67 to 5-31-68.

B. M. Watson's Sons, agriculture; Ridge Spring, S.C.; 5-31-67 to 5-30-68.

James H. Woodard, agriculture; Route 2, Osceola, Ark.; 6-23-67 to 6-22-68.

Larry J. Woodard, agriculture; Lepanto, Ark.; 6-23-67 to 6-22-68.

F. W. Woolworth Co., variety stores from 6-28-67 to 6-27-68 except as otherwise indicated: No. 2372, Westminster, Colo.; No. 495, Newton, Kans.; No. 948, Columbia, Mo.; No. 1339, Sikeston, Mo.; No. 1169, Valley City, N. Dak. (6-29-67 to 6-28-68); No. 1126, Enid, Okla. (6-24-67 to 6-23-68); No. 2319, Mesquite, Tex. (6-24-67 to 6-23-68); No. 2441, San Angelo, Tex.

S. Workman & Sons, agriculture; 3610 South Getty Street, Muskegon, Mich.; 6-21-67 to 6-20-68.

The following certificates were issued to retail or service establishments relying on the base-year employment experience of other establishments, either because they came into existence after the beginning of the applicable base year or because they did not have available base-year records. The certificates permit the employment of full-time students at rates of not less than 85 percent of the statutory minimum in the classes of occupations listed, and provide for the indicated monthly limitations on the percentage of full-time student hours of employment at rates below the applicable statutory minimum to total hours of employment of all employees.

Big Star, food store; No. 117, Memphis, Tenn.; bag-stock clerk; 20 percent; 6-22-67 to 6-22-68.

Coborn's, Inc., food stores from 6-26-67 to 6-27-68, carryout clerk, stock clerk, 23.2 percent: Foley, Minn.; 327 South Fifth Avenue, St. Cloud, Minn.

Dan's Big Star, food store; No. 62, Memphis, Tenn.; bag-stock clerk; 20 percent; 6-23-67 to 6-22-68.

W. T. Grant Co., variety stores: No. 997, Mundelein, Ill. (salesclerk, stock clerk, office clerk, cashier, 9.3 percent, 6-27-67 to 6-26-68); 200 Cloverleaf Plaza, Concord, N.C. (salesclerk, 6.6 percent, 5-25-67 to 5-24-68); No. 1159, Madison, Wis. (salesclerk, office clerk, 9.1 percent, 6-24-67 to 6-23-68).

H. E. B. Food Store, food stores from 6-17-67 to 6-16-68, package carryout, sacker, bottle sorter, 13.4 percent: No. 110, Georgetown, Tex.; No. 109, Marble Falls, Tex.

Herberger's, department stores from 6-28-67 to 6-27-68, salesclerk, office clerk, marker, 5.5 percent: 522 Broadway, Alexandria, Minn.; 312 North Bridge, Chippewa Falls, Wis.; 426 Main Street, La Crosse, Wis.; 222-228 Third Street, Wausau, Wis.

S. S. Kresge Co., variety stores for the occupation of salesclerk: No. 4111, Birmingham, Ala. (15.8 percent, 5-8-67 to 5-7-68); No. 279, St. Paul, Minn. (10 percent, 6-9-67 to 6-8-68); No. 4182, Greensboro, N.C. (15.6 percent, 6-24-67 to 6-23-68).

S. H. Kress and Co., variety store; 4400 Dorchester Avenue, Charleston Heights, S.C.; salesclerk; 11.1 percent; 6-23-67 to 6-22-68.

McCrory-McLellan-Green Store, variety stores for the occupations of salesclerk, stock clerk, office clerk: No. 376, Freehold, N.J. (10 percent, 6-6-67 to 6-5-68); No. 397, Kutztown, Pa. (15 percent, 6-27-68 to 6-26-68).

Morgan & Lindsey, Inc., variety stores for the occupations of salesclerk, stock clerk, office clerk: No. 3130, Baton Rouge, La. (13.8 percent, 5-12-67 to 5-11-68); No. 3067, Metairie, La. (15.1 percent, 6-2-67 to 6-1-68); No. 3119, West Monroe, La. (9.8 percent, 6-2-67 to 6-1-68).

G. C. Murphy Co., variety stores for the occupations of salesclerk, stock clerk, office clerk, janitor, 12.3 percent except as otherwise indicated, 6-2-67 to 6-1-68 except as otherwise indicated: No. 266, Decatur, Ala.; No. 297, Gadsden, Ala.; No. 306, Huntsville, Ala.; No. 83, Atlanta, Ga. (8.6 percent, 5-26-67 to 5-24-68); No. 261, Dayton, Ohio (between 5.3 percent and 17.8 percent).

Piggly Wiggly, Inc., food stores for the occupations of bagger, carryout, 5-25-67 to 5-24-68 except as otherwise indicated: 2-8 Cooper Street, Evergreen, Ala. (9.9 percent, 6-3-67 to 6-1-68); 226 North Wanheska Street, Bonifay, Fla. (9.7 percent); Cotton Street, Gracesville, Fla. (9.6 percent); West Lafayette Street, Marianna, Fla. (9.3 percent); Corner Brent Lane and Palafox Avenue, Pensacola, Fla. (9.7 percent); 209 West College Street, Colquitt, Ga. (9.6 percent).

Robilio-Sarno Big Star, food store; No. 76, Memphis, Tenn.; sack clerk; 9.7 percent; 6-23-67 to 6-22-68.

Scott Store, variety stores from 6-27-67 to 6-26-68, salesclerk, stock clerk, checkout clerk: No. 51, Aurora, Ill. (14.7 percent); No. 144, Columbus, Ind. (17.5 percent); No. 126, Muncie, Ind. (17.5 percent); No. 28, Sioux City, Iowa (11.6 percent); No. 132, Elizabethtown, Ky. (17.5 percent); No. 124, Fremont, Nebr. (11.6 percent); No. 23, Akron, Ohio (17.0 percent); No. 11, Cincinnati, Ohio (17.5 percent); No. 110, Reynoldsburg, Ohio (17 percent); No. 52, Xenia, Ohio (17 percent); No. 135, Zanesville, Ohio (17 percent); No. 35, Erie, Pa. (9.2 percent).

Schradco, apparel store; 4125 Sheridan Road, Peoria, Ill.; salesclerk, office clerk, marker; 2.0 percent; 6-28-67 to 6-27-68.

Sterling Stores Co., Inc., variety store; University and Markham Street, Little Rock, Ark.; salesclerk, stock clerk, janitor; 30.1 percent; 6-2-67 to 6-1-68.

T. G. & Y. Stores Co., variety store; No. 302, Kansas City, Kans.; salesclerk, stock clerk, office clerk; 17.9 percent; 6-23-67 to 6-21-68.

Tom Thumb Stores, Inc., food store; No. 36, Dallas, Tex.; package clerk; 13.7 percent; 6-24-67 to 6-25-68.

Vita-Fair, Inc., drug stores from 6-29-67 to 6-28-68, store clerk, stock clerk; 14.8 percent: 25 West Washington, Indianapolis, Ind.; 831 East Main Street, Richmond, Ind.; 118 South Michigan, South Bend, Ind.

Walnut Creek Minimax, food store; 5712 Menor Road, Austin, Tex.; package clerk, sack clerk, bottle clerk; 10 percent; 6-24-67 to 6-23-68.

F. W. Woolworth Co., variety stores from 6-28-67 to 6-27-68 except as otherwise indicated: No. 30, Des Moines, Iowa (checker, stock clerk, cleanup, salesclerk, between 5.0 percent and 10.1 percent, 5-12-67 to 5-11-68, Replacement); No. 820, Lawrence, Kans. (salesclerk, 9.7 percent); No. 2438, Ballwin, Mo. (salesclerk, 12 percent); No. 2660, St. Ann, Mo. (salesclerk, 12 percent); No. 2674, Bellevue, Nebr. (salesclerk, stock clerk, checkout, cleanup, 16.6 percent, 5-12-67 to 5-11-68, Replacement); 120 South 16th Street, Omaha, Nebr. (salesclerk, stock clerk, cleanup, checkout, 16.6 percent, 5-16-67 to 5-15-68, Replacement).

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not create a substantial probability of reducing the full-time employment opportunities of persons other than those employed under a certificate. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 15 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 519.9.

Signed at Washington, D.C., this 18th day of August 1967.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 67-10096; Filed, Aug. 28, 1967; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 439]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 24, 1967.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No MC 67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 2923 (Sub-No. 1 TA), filed August 18, 1967. Applicant: DAVID AZORSKY and JOSEPH WEIN, a partnership, doing business as Daves Trucking Company, 31 Purdy Avenue, Port Chester, N.Y. 10573. Applicant's representative: Charles H. Trayford, 137 East 36th Street, New York, N.Y. 10016. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Essential oils, materials processed* from *essential oils, empty drums and cans*, between Stamford, Conn., on the one hand, and, on the other, East Rutherford, N.J., for 150 days. Supporting shipper: Elan Chemical Co., Inc., 671 Hope Street, Stamford, Conn. Send protest to:

Stephen P. Tomany, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 346 Broadway, New York, N.Y. 10013.

No. MC 17683 (Sub-No. 34 TA), filed August 18, 1967. Applicant: ELM CITY OIL CO., INC., 73 Emerald Street, Keene, N.H. 03431. Applicant's representative: Arthur A. Greene, Jr., 40 Stark Street, Manchester, N.H. 03101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in tank vehicles, from Springfield and Holyoke, Mass., to points in Windham and Windsor Counties, Vt., and Cheshire, Sullivan, Hillsboro, and Grafton Counties, N.H., for 180 days. Supporting shipper: Wyatt Massachusetts Terminal, Inc., 1063 Page Boulevard, Springfield, Mass. 01104. Send protests to: District Supervisor Ross J. Seymour, Bureau of Operations, Interstate Commerce Commission, 24 Hanover Street, Lebanon, N.H. 03766.

No. MC 30837 (Sub-No. 345 TA), filed August 18, 1967. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4519 76th Street, Kenosha, Wis. 53141. Applicant's representative: Albert P. Barber (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete pumping equipment*, mounted or unmounted on truck chassis, in straight or mixed truckload shipments, in secondary truckaway service from Gardena, Calif., to points in the United States, for 180 days. Supporting shipper: Thomsen Division, Royal Industries, 130 West Victoria Street, Gardena, Calif. 90247 (James R. Iverson, Controller). Send protests to: District Supervisor, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 52579 (Sub-No. 81 TA), filed August 18, 1967. Applicant: GILBERT CARRIER CORP., 441 Ninth Avenue, New York, N.Y. 10001. Applicant's representative: Aaron Hoffman (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel* on hangers, from New Smyrna, Fla., to points in the New York, N.Y., commercial zone as defined by the Commission, for 150 days. Supporting shipper: Kingly Manufacturing Corp., 1350 Broadway, New York, N.Y. Send protests to: Paul W. Assenza, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 346 Broadway, New York, N.Y. 10013.

No. MC 52579 (Sub-No. 82 TA), filed August 18, 1967. Applicant: GILBERT CARRIER CORP., 441 Ninth Avenue, New York, N.Y. 10001. Applicant's representative: Aaron Hoffman (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, loose on hangers, and *materials and supplies* used in the manufacture thereof, between Port Pierce, Fla., on the one hand, and, on the other, points in the New York, N.Y., commercial zone as defined by the Commission, points in Nassau and Westchester Counties, N.Y., and Bergen, Passaic, Essex, Hudson, and Union Counties, N.J., for 150 days. Supporting shipper: Blue Gem Apparel, 64 West 36th Street, New York, N.Y. 10018. Send protests to: Paul W. Assenza, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 346 Broadway, New York, N.Y. 10013.

No. MC 66562 (Sub-No. 2251 TA), filed August 18, 1967. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York, N.Y. 10017. Applicant's representative: W. H. Marx (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Commodities* generally moving in express service, including classes A and B explosives, (1) between Harrisburg and Sunbury, Pa., serving the intermediate point of Millersburg, Pa., from Harrisburg, Pa., in a northern direction over U.S. Highways 22-233, to intersection with Pennsylvania Highway 147 at Clarks Ferry Bridge; thence over Pennsylvania Highway 147 to Sunbury, Pa., and return over the same route. (2) Between Williamsport and Muncy, Pa., from Williamsport, Pa., in a southern direction over U.S. Highway 220, to intersection with Pennsylvania Highway 147; thence south on Pennsylvania Highway 147 to Muncy, and return over the same route. (3) Between Olean, N.Y., and Port Allegany, Pa., from Olean, in a southern direction over New York Highway 17 to intersection of New York Highway 305; thence south on New York Highway 305 to the intersection of Pennsylvania Highway 446; thence south on Pennsylvania Highway 446 to Pennsylvania Highway 155; thence south on Pennsylvania Highway 155 to Port Allegany, and return over same route. Restrictions: The service to be performed shall be limited to that which is auxiliary to or supplemental of express service of Railway Express Agency, Inc. Shipments transported shall be limited to those moving on through bills of lading or express receipts. Permission to tack requested: Applicant requests that the authority for the proposed operations, if granted, be construed as an extension, to be joined, tacked, and combined with R E A's existing authority in MC 66562 and subs thereunder, thereby, negating the restrictions against tacking or joinder customarily placed upon emergency and/or temporary authority, for 150 days. Supporting shippers: The Pierce Glass Co., Port Allegany, Pa., Backus Co., Smethport, Pa., Quaker State Oil Refining Corp., Oil City, Pa., Leonard Brynolf Johnson, 103 West Main Street, Smethport, Pa., Smethport Specialty Co., 1 Magnetic Avenue, Smethport, Pa., Pittsburgh Corning Corp., Port Allegany, Pa., Hamlin Bank & Trust Co., Smethport, Pa. Send protests to: Stephen P. Tomany, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 346 Broadway, New York, N.Y. 10013.

No. MC 111069 (Sub-No. 51 TA), filed August 17, 1967. Applicant: COLDWAY CARRIERS, INC., Post Office Box 32, Clarksville, Ind. 47130, State Highway 131. Applicant's representative: Ollie L. Merchant, 202 140 South Fifth Street, Louisville, Ky. 40202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen prepared foods*, from Clarksville, Ind., and Louisville, Ky., to points in Alabama, Georgia, Indiana, Kentucky, Missouri, Ohio, Tennessee, and West Virginia, for 180 days. Supporting shipper: Standard Foods, Inc., 1101 East Washington Street, Louisville, Ky. 40206. Send protests to: District Supervisor R. M. Hagarty, Bureau of Operations, Interstate Commerce Commission, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, Ind. 46204.

No. MC 118696 (Sub-No. 3 TA), filed August 18, 1967. Applicant: FERRE MOVING AND STORAGE, INC., 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mattresses, new furniture, and kitchen cabinets*, from points in Indiana (except Munster, Milan, Jasper, and English, Ind.) to points in Kentucky, Ohio, Pennsylvania, North Carolina, New York, Virginia, Wisconsin, Illinois, Missouri, Iowa, Rhode Island, Connecticut, Massachusetts, Maryland, and Michigan (except Battle Creek, Kalamazoo, and Grand Rapids, Mich.), for 180 days. Supporting shippers: Craddock Furniture Corp., Evansville, Ind., George Koch Sons, Inc., Post Office Box 358, Evansville, Ind., Hauske-Harlan Furniture Manufacturing Co., Peru, Ind. 46970, Peabody Seating Co., Inc., North Manchester, Ind. 46962, Bartels Manufacturing Corp., Evansville, Ind. 47707, Imperial Cabinet Co., Inc., 1524 South Walnut, Muncie, Ind., Dunbar Furniture Corp. of Indiana, Adams County, Ind., Royalmetal Corp., Royal Road, Michigan City, Ind. 46360, Louisville, New Albany and Corydon RR. Co., Corydon, Ind. Send protests to: District Supervisor R. M. Hagarty, Bureau of Operations, Interstate Commerce Commission, 802 Century Building, 36 South Penn Street, Indianapolis, Ind.

No. MC 126600 (Sub 2 TA), filed August 18, 1967. Applicant: EHRSAM TRANSPORT, INC., 108 North Factory, Enterprise, Kans. 67441. Applicant's representative: Clyde N. Christey, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* as are dealt in, or used by wholesale and retail department stores, from points in Georgia and North Carolina to Abilene, Kans., under continuing contract with the A. L. Duckwall Stores Co., a corporation; Western Merchandise Co., a corporation, The A. L. Duckwall Stores Co., a corporation, doing business as Duckwall Warehouse Co.; and The A. L. Duckwall Stores Co., a corporation, doing business as Alco Discount, for 180 days. Supporting shippers: The A. L. Duckwall Stores Co., a corporation; Western Merchandise Co., a corporation; The A. L. Duckwall Stores Co., a corporation, doing business as Duckwall Warehouse Co.; and The A. L. Duckwall Stores Co., a corporation, doing business as Alco Discount, Opalena and Cottage Streets, Abilene, Kans. 67410. Send protests to: I. C. Peterson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 234 Federal Building, Topeka, Kans. 66603.

No. MC 129268 (Sub-No. 1 TA), filed August 21, 1967. Applicant: DAVID NELSON & SON, INC., 1346 54th Street, Kenosha, Wis. 53140. Applicant's representative: William C. Dineen, 412 Empire Building, 710 North Plankinton Avenue, Milwaukee, Wis. 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *School equipment and component parts thereof*, finished and unfinished, and materials and supplies used in the manufacture thereof, between the manufacturing facilities of Arlington Seating Co., at Antioch, Aurora, and Chicago, Ill., Warsaw, Ind., and Racine and Kenosha, Wis., for 180 days. Supporting shipper: Arlington Seating Co., 8045 52d Street, Kenosha, Wis. 53140 (E. Pat Murphy, President). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 67-10123; Filed, Aug. 28, 1967; 8:49 a.m.]

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PART II

Department of Agriculture

Consumer & Maketing Service



Milk in Minnesota-North Dakota Marketing Area

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1060]

[Docket No. AO 380]

MILK IN MINNESOTA-NORTH DAKOTA MARKETING AREA

Decision on Proposed Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), public hearings were held upon a proposed marketing agreement and order regulating the handling of milk in the Minnesota-North Dakota marketing area. The hearings were held at Fargo, N. Dak., on August 15–19, 1966, pursuant to notice thereof issued on July 5, 1966 (31 F.R. 9351), and subsequently at reopened hearings (to consider Class I pricing provisions) held jointly with certain other Federal order markets at Denver, Colo., on November 16–17, 1966, and on April 11–12, 1967. Official notice is taken of the respective decisions issued by the Department on the basis of these reopened hearings (31 F.R. 14946) issued November 23, 1966, and (32 F.R. 6501) issued April 25, 1967, pursuant to notices issued November 4, 1966 (31 F.R. 14407), and April 4, 1967 (32 F.R. 5696).

Upon the basis of the evidence introduced at the hearings and the records thereof, the Deputy Administrator, Regulatory Programs, on April 28, 1967 (32 F.R. 6872; F.R. Doc. 67-4920) filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision, containing notice of opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings and general findings of the recommended decision (32 F.R. 6872; F.R. Doc. 67-4920) are hereby approved and adopted and are set forth in full herein subject to the following modifications:

Index of changes. 1. Under issue 3a(1) "Order provisions—Marketing area":

A. A paragraph is added immediately following the list of counties comprising the marketing area.

B. The 38th paragraph ("Swift, Pope, and Todd Counties * * *") following the list of cities and populations is revised.

C. Immediately following the paragraph described in B, above, four paragraphs are added.

D. The 12th paragraph ("Foremost Dairies proposed the exclusion * * *") which follows the text added pursuant to C, above, is revised, and immediately following, three paragraphs are added.

2. Under issue 3a(2) "Order provisions—Milk to be priced and pooled":

A. Immediately following the 13th paragraph under subheading "Pool plant definition", two paragraphs are added.

B. Under subheading "Producer, diverted milk and producer milk definitions", the 6th and 7th paragraphs are revised and a paragraph is added immediately following the 7th paragraph; the last paragraph of the discussion under this subheading is revised, and immediately following, three paragraphs are added.

3. Under issue 3c "Order provisions—Determination and level of class prices":

A. The 2d and 10th paragraphs under subheading "Class I price", are revised.

B. Two paragraphs are added following the discussion under subheading "Class II price".

C. The text of the third paragraph under subheading "Location differentials" is deleted and four paragraphs are substituted.

D. The sixth paragraph ("Distances should be measured * * *") following the text substituted pursuant to C, above, is revised.

4. Under issue 3d "Order provisions—Distribution of proceeds to producers" the second paragraph under the subheading "(2) Payments to producers" is revised and the paragraph immediately following is revised and is divided into two paragraphs.

The material issues of record relate to:

1. Whether the handling of milk produced for sale in the proposed marketing area is in the current of interstate commerce, or directly burdens, obstructs, or affects interstate commerce in milk or its products;

2. Whether marketing conditions show the need for the issuance of a milk marketing agreement or order which will tend to effectuate the policy of the Act; and

3. If an order is issued what its provisions should be with respect to:

a. The scope of regulation;

b. The classification and allocation of milk;

c. The determination and level of class prices;

d. Distribution of proceeds to producers; and

e. Administrative provisions.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearings and the records thereof:

1. *Character of commerce.* The handling of milk in the proposed marketing area is in the current of interstate commerce in milk and milk products.

The marketing area specified in the proposed order, hereinafter referred to as the "Minnesota-North Dakota marketing area" includes all the territory within 41 contiguous counties in the States of Minnesota (22 counties), North Dakota (16 counties), and South Dakota (3 counties).

The principal cities in this area are: Fargo, Grand Forks, Valley City, Devils Lake, Wahpeton, and Grafton, N. Dak.; Moorhead, Fergus Falls, Bemidji, Crookston, Thief River Falls, East Grand Forks, and Detroit Lakes, Minn. The specific counties in the proposed area are listed in the marketing area discussion.

There are more than 50 handlers engaged in the distribution of fluid milk in the marketing area who would be regulated under the terms of the order as recommended herein. The Grade A milk supply and distribution areas of a number of these handlers, representing a substantial proportion of the total volume of Grade A milk associated with the market, extend beyond the boundaries of the State in which their plants are located.

The Land O'Lakes Creameries, Inc., is a large distributor of bottled milk in the area and is one of the largest distributors of butter and manufacturers of nonfat dry milk in the United States. Their plants located in Grand Forks, N. Dak., and Thief River Falls, and Brainerd, Minn., distribute fluid milk products extensively in both Minnesota and North Dakota. Milk is received at such plants from producers and member plants located in both such States.

The Cass-Clay Creamery, Inc., another major cooperative handler, receives milk at its Fargo, N. Dak., plant from producers located in North Dakota and Minnesota. Grade A fluid milk products are distributed from this plant into certain areas of Minnesota, North Dakota, and South Dakota. Manufactured grade milk as well as a substantial part of the Grade A receipts at the Fargo plant is manufactured into butter, ice cream, and dry milk which are disposed of in large part in markets located in other States. In addition, this handler ships regularly a quantity of bulk milk to a plant located in Montana.

Located across the Red River from Fargo is the Fairmont Foods Co. plant in Moorhead, Minn. This handler also receives Grade A milk from producers located in both Minnesota and North Dakota. It distributes Grade A products on routes extending into North Dakota, South Dakota, and Minnesota.

Another large processor and distributor of Grade A fluid milk products is the Fergus Dairy of Fergus Falls, Minn. This cooperative organization receives a large volume of Grade A milk from producer members and from member cooperatives located in Minnesota, North Dakota, and South Dakota. The distribution area of this cooperative organization covers a wide territory in western Minnesota, North Dakota, and northeastern South Dakota.

Record evidence clearly shows the free movement of milk across the respective State lines. Distribution of milk on routes in the adjoining cities of Fargo, N. Dak., Moorhead, Minn., and also Grand Forks, N. Dak., and East Grand Forks, Minn., emanates both from plants located in North Dakota and in Minnesota. Further, products manufactured from surplus Grade A milk at certain of these plants are shipped to Chicago, New York, and to other markets throughout the United States and abroad.

2. *Need for an order.* Marketing conditions in the Minnesota-North Dakota marketing area are such that the issuance of a marketing agreement or order to regulate the handling of milk in the area will tend to effectuate the declared policy of the Act.

The Minnesota-North Dakota market as defined herein is characterized by unstable marketing conditions. The conditions which have resulted in unrest and instability in this area are typical of those often encountered elsewhere in the fluid milk industry in the absence of a well-defined, marketwide, classified pricing plan.

There is rather general agreement among producer interests in the market that the unstable marketing conditions in the area are such that an overall system of classification and pricing of milk should be adopted, and for such a system to be effected it must be created out of governmental authority.

The Minnesota-North Dakota market is a region of heavy milk production relative to population. Less than half of the producer milk which would be regulated is now used for Class I on an annual average. Thus, in an area relatively rural in nature the outlets available to producers for the sale of their milk in the highest valued uses are limited. This situation in a market which may be categorized as a "buyers market", has contributed to producer unrest and conditions of disorderly marketing in the attempts of producers to obtain proportionate shares of the higher valued Class I market.

The more than 50 handlers distributing milk in the area generally purchase milk from farmers according to their own pricing systems. There is, therefore, no uniformity in the type of pricing plans used in the area. Prices are not necessarily related to the uses of milk.

Since milk has a greater value when used for fluid products than for manufactured dairy products, the absence of a pricing system based on utilization creates disparities in handlers' costs of milk for the same uses. This, in turn, provides an incentive for handlers to shift the burden of such disparities to producers through still lower prices.

Certain handlers in the market with high proportions of their total utilization as Class I during the months of relatively low farm production purchase supplemental milk supplies from other handlers who have substantially lower utilization of their milk for Class I bottling purposes. In some cases the prices paid producers at the higher use plants are only slightly above those paid at the plants where such supplemental supplies are obtained. Also, the burden of carrying the necessary reserve supplies for the market is shifted to the suppliers of such supplemental milk.

Prices paid by certain distributors of Grade A milk are, therefore, determined in large part by the prices paid producers by one or another of the major handlers in the market. Hence, these prices are not based on the utilization of the particular handler involved.

In recent years, frequent price wars have adversely affected producer prices. Picketing of retail stores has been resorted to in an effort to secure higher milk prices for farmers. Further, milk producers in considerable numbers have shifted their patronage from one company to another in the hope that by realigning their cooperative affiliation they might increase the price they receive for their milk.

A uniform pricing plan applicable to all handlers buying milk for sale in the area would stabilize and improve marketing conditions in the area. Such a plan can be made effective in the area under the terms of a milk order issued pursuant to the provisions of the Agricultural Marketing Agreement Act, as amended.

An order which establishes a system of uniform prices, publicly announced and verified on an impartial basis, will eliminate the uncertainty about prices which has contributed to disorderly marketing conditions in the area. The order would contribute substantially to the improvement of many of the conditions complained of, and tend to effectuate the declared policy of the Act; namely by providing:

1. A regular and dependable procedure through public hearings for determining prices to producers at levels contemplated by the Act;

2. The establishment of uniform prices to handlers for milk received from producers according to a classified price plan based upon the utilization made of the milk;

3. An impartial audit of handlers' records to verify the payment of required prices;

4. A system for verifying the accuracy of the weight and butterfat content of milk purchased;

5. Uniform returns to producers supplying the market, based upon an equitable sharing among all producers of the lower returns for the sale of reserve milk which cannot be marketed in the Class I category; and

6. Marketwide information on receipts, sales, prices, and other data relating to milk marketing conditions in the area.

3. *Order provisions—a. Scope of regulation.* It is necessary to designate clearly what milk and which persons would be subject to the various provisions of the order. This is accomplished by providing specified definitions to describe the marketing areas involved and to describe the category of persons, plants, and milk products to which the applicable provisions of the order relate.

(1) *Marketing Area.* The Minnesota-North Dakota marketing area should include all the territory within the 41 contiguous counties as follows:

Counties in Western Minnesota	
Becker.	Marshall.
Beltrami.	Norman.
Big Stone.	Otter Tail.
Clay.	Pennington.
Clearwater.	Polk.
Douglas.	Red Lake.
Grant.	Roseau.
Hubbard.	Stevens.
Kittson.	Traverse.
Lake of the Woods.	Wadena.
Mahnomen.	Wilkin.

Counties in Eastern North Dakota	
Barnes.	Pembina.
Cass.	Ramsey.
Cavalier.	Ransom.
Dickey.	Richland.
Grand Forks.	Sargent.
Griggs.	Steele.
La Moure.	Traill.
Nelson.	Walsh.

Counties in Northeastern South Dakota	
Grant.	Roberts.
Marshall.	

For purposes of applying location differentials only, a base zone should be defined to include the Minnesota counties of Marshall, Polk, Pennington, Red Lake, Norman, and Clay; and the North Dakota counties of Grand Forks, Traill and Cass.

The 41-county area proposed for adoption represents a contiguous area roughly bisected by the Red River which marks the boundary separting Minnesota from North and South Dakota.

The sanitary requirements relative to the production, processing, and sale of fluid milk products are substantially the same throughout the area. Grade A products sold for human consumption throughout the area must meet the standards of health ordinances patterned after the U.S. Public Health Service Milk Ordinance and Code. Handlers who would be subject to full regulation distribute 25 percent or more of the milk sold in the area.

The 1960 census of population for the area proposed to be regulated was 639,666.[1] Two principal population centers are located in the Red River Valley area.

One comprises Cass County, N. Dak. (population 66,947), and Clay County, Minn. (population 39,060). These counties include two of the three largest cities in the marketing area, Fargo N. Dak., and Moorhead, Minn. The population of the two counties is about 16 percent of the total marketing area. The adjoining counties of Becker and Otter Tail, Minn., include the Cities of Fergus Falls (13,733) and Detroit Lakes (5,633) both less than 60 miles from Moorhead, Minn. The total population in this four-county area is about 30 percent of the total marketing area.

The other population center in the Red River Valley area surrounds Grand Forks, N. Dak., located approximately 75 miles north of Fargo.

Within the contiguous counties of Grand Forks, N. Dak. (population 48,677), and Polk, Minn. (population 36,182), are the cities of Grand Forks, N. Dak. (34,451); East Grand Forks, Minn. (6,998); and Crookston, Minn. (8,548); with a combined population equal to 8 percent of the total marketing area. The two counties have a population of 84,859, about 14 percent of the total marketing area.

Other cities in the area with populations in excess of 5,000 are shown below:

[1] All population figures hereinafter cited are based upon the 1960 census unless otherwise noted.

Minnesota		North Dakota	
Bemidji	9,888	Valley City	7,809
Thief River Falls	7,181	Devils Lake	6,290
Alexandria	6,713	Wahpeton	5,676
		Grafton	5,005

In general, except for the aforementioned cities, the remaining communities throughout the proposed marketing area are under 5,000 population each.

The largest urban centers in the three South Dakota counties of Grant, Marshall, and Roberts included in the marketing area, are Milbank, Grant County (3,560); Sisseton, Roberts County (3,218); and Britton, Marshall County (1,442).

The rural nature of much of the marketing area is evident. In 37 counties less than 50 percent of the total population is classified as urban.

Because a significant portion of the sales of fluid milk by handlers who would be regulated is in relatively rural communities it is important that the marketing area be defined on a county boundary basis rather than on a basis of city boundaries.

A 43-county area was proposed by Land O'Lakes Creameries, Inc., one of the principal handlers distributing fluid milk and milk products throughout the marketing area. This area, with certain proposed modifications, generally was supported by all the producer organizations as well as by the other principal handlers in the market.

The Red River Valley Milk Producers Pool, a bargaining group representing both members of cooperative associations, and nonmembers, and 8 producer cooperative associations doing business in the area were coproponents of a proposal (supported by Land O'Lakes Creameries) to extend the proposed 43-county area to include the 7 additional Minnesota counties of Beltrami, Big Stone, Clearwater, Hubbard, Lake of the Woods, Roseau, Swift, and that part of Polk County lying east of U.S. Highway 59, all located in the northeast segment of the marketing area. They proposed also to include the three South Dakota counties of Grant, Marshall, and Roberts, located in the northeast corner of the State.

With respect to the Minnesota counties proposed for inclusion in the marketing area controversy centered chiefly on the 4 counties of Stevens, Douglas, Todd, and Pope which were included in the 43-county area initially proposed by Land O'Lakes. Also in dispute was the inclusion of some or all of the seven-county area[1] proposed by Red River Valley Milk Producers Pool et al.

Concerning the area in North Dakota proposed to be regulated there was opposition to inclusion of some or all of the proposed area generally west of North Dakota Highway No. 1.

Two handlers proposed that in the event certain specified areas in North Dakota were to be regulated then the entire State of North Dakota should be included in the marketing area.

[1] The northeastern segment of the market and the 3 South Dakota counties as described.

Four major handlers have bottling plant facilities located in or near the two principal urban population centers discussed above, and distribute fluid milk and fluid milk products into these localities as well as throughout the marketing area.

The Land O'Lakes Creameries, Inc., is a major distributor of bottled milk in the proposed marketing area. They operate bottling plants located at Grand Forks, N. Dak. (Grand Forks County); Thief River Falls, Minn. (approximately 60 highway miles northeast of Grand Forks in Pennington County); and Crookston, Minn. (approximately 25 miles southeast of Grand Forks in Polk County). In addition to their bottling operations, ice cream is manufactured at the Grand Forks plant and the operations at the Crookston plant include cottage cheese manufacturing.

The Land O'Lakes plants located at Grand Forks, N. Dak., Thief River Falls, and Crookston, Minn., distribute fluid milk products throughout 29 of the 41 counties of the recommended marketing area. The Thief River Falls plant distributes bottled milk directly on routes in the area and also through member plants located in various localities throughout the market. In the Minnesota counties of Roseau and Lake of the Woods, Grade A milk is received by a member plant of Land O'Lakes, some of which is bottled at this plant and distributed in the city of Roseau. A portion of the Grade A receipts at this plant is shipped to the Land O'Lakes plant at Thief River Falls where it is packaged and distributed back into the counties of Roseau and Lake of the Woods.

The Cass-Clay Creamery, Inc., a cooperative association located at Fargo, N. Dak., is engaged in the processing and distribution of fluid milk and fluid milk products as well as the manufacture of butter, dry milk powder, and ice cream. Cass-Clay has fluid milk route distribution extending into about 26 of the 41 counties in the marketing area.

The Fairmont Foods Co. located at Moorhead, Minn., processes and distributes fluid milk products and manufactures ice cream and cottage cheese. Its distribution of Grade A fluid milk extends into all but 2 of the 41 counties in the proposed area. It also has significant sales in the South Dakota area included in the proposed marketing area, particularly around Sisseton, S. Dak.

The Fergus Dairy at Fergus Falls (Otter Tail County), Minn., processes fluid milk for bottling and manufactures butter, nonfat dry milk, and dry buttermilk.

In addition, the Fergus Dairy organization bottles all Class I milk sold by the North Star Dairy at Fergus Falls (Otter Tail County), Minn., the North Star Dairy at Detroit Lakes (Becker County), Minn., and the North Star Dairy plant at Fargo, N. Dak., which is owned by the Fergus Dairy. Further, they bottle all Grade A milk sold by B & W Dairy, Breckenridge, Wilkin County, Minn.; the Carlson Dairy, Alexandria, Douglas County, Minn.; and most of the packaged fluid milk products for the Morris Creamery Co., Morris, Stevens County, Minn. Overall, the Fergus Dairy sells in about 21 counties of the marketing area.

The four handlers described above receive milk from about 1,250 of approximately 1,360 dairy farmers who supply Grade A milk to plants which may qualify as pool plants under the recommended order. It is estimated that this milk from the 1,360 Grade A farms would amount to about 420 million pounds annually.

There are an estimated 56 bottling plants that have route disposition in the marketing area, most of which would be fully regulated under the order. One of these plants is located in South Dakota, 20 are located in North Dakota, and the remainder in Minnesota.

In addition, there are an estimated 21 plants which supply Grade A milk to plants which are distributing milk on routes in the marketing area. Except for 1 such plant located in Richland County, N. Dak., the remaining 31 plants are located in Minnesota.

There is extensive competition among handlers for fluid milk sales throughout the proposed marketing area. Of the 41 counties in the marketing area there are 13 in which each of the 4 largest handlers compete for sales, 11 counties where 3 of the 4 handlers compete, and 16 counties where 2 of the 4 do business. These handlers have 50 percent or more of the total business in 36 of the 41 counties in the proposed marketing area.

The Land O'Lakes plant at Thief River Falls supplies over half of the total sales in Kittson County, Minn. Its principal competitor for sales in this county is the Minnesota Dairy Co. located at Grand Forks, N. Dak. The Minnesota Dairy Co. is in competition with one or more of the major handlers in at least seven other Minnesota and North Dakota counties in the proposed marketing area.

In Grand Forks County, N. Dak., the Minnesota Dairy and the Land O'Lakes plants (both of which are located at Grand Forks, N. Dak.) each have about 40 percent of the total county sales. This area represents a major distribution area for the Land O'Lakes plants at Grand Forks and Thief River Falls. Over 42 percent of the combined sales from these two plants is sold in this county.

In the county of Wadena, Minn., the four major handlers have an aggregate of 35 to 45 percent of the total distribution and a plant located at Wadena (Wadena County) is shown to have about 40 percent of the distribution. Thus, the proportion of total county sales reflected by the four handlers and the local handler is substantial. The county is 1 of the 43 counties initially proposed by Land O'Lakes as part of the marketing area.

The addition to the marketing area of Beltrami and Hubbard Counties, Minn., was supported by the Bemidji Cooperative Creamery Association, a member creamery of Land O'Lakes, which operates a distributing plant in the city of Bemidji (Hubbard County), Minn.

About 55 percent of the Bemidji plant's bottled sales are in Beltrami County and about 10 percent in Hubbard County. The plant is estimated to have at least 40 percent of the total sales in Beltrami County and about 10 percent of the total distribution in Hubbard County.

Of the approximately 260 producers supplying this plant 50 are Grade A. In the past year about 25 to 28 percent of the plant's Grade A receipts were shipped in bulk to the Land O'Lakes bottling plant located at Thief River Falls, Minn. The Thief River Falls plant in turn packages fluid milk which is distributed in Beltrami County from a plant located at Blackduck (Beltrami County) Minn. The Blackduck plant accounts for about 6 percent of the sales in Beltrami County.

A Thief River Falls plant also supplies a major portion of the packaged fluid milk sold in the two-county area by another distributor located in Bemidji. The portion of total sales in Beltrami and Hubbard Counties sold by this distributor amounts to about 8 percent and 10 percent, respectively.

Another local plant receives its packaged milk supply from the Bemidji Creamery Association and has about 8 percent of the business in Beltrami County.

The Fairmont Foods plant at Moorhead has about 8 percent of the sales in Beltrami County and 5 percent in Hubbard County. The Cass-Clay Creamery, Inc., is estimated to have 30 percent of the fluid milk sales in Hubbard County.

The county of Clearwater, Minn., is primarily rural in character (8,864 population with a density of about eight persons per square mile) and although not an area of substantial sales volume it is within a general area of cross distribution by handlers who would be regulated under the order.

A proprietary handler with a bottling plant located at Brainard, Minn., opposed the inclusion of the Minnesota counties of Beltrami, Big Stone, Clearwater, Hubbard, Polk (east of U.S. Highway 59), and Swift, and the South Dakota counties of Grant, Marshall, and Roberts. This plant receives its regular supply of milk from 36 producers and receives supplemental milk supplies on a seasonal basis from two plants located respectively in Stearns County and Todd County, Minn.

This handler estimated that about 10 percent of the plant's Class I sales were on routes in the 43-county area initially proposed. However, with the exclusion (as proposed elsewhere in these findings) from the regulated area of Todd and Swift Counties, where the plant handler has several accounts, the percentage would be expected to be somewhat less. This could be more than offset by the fact that about 5 percent of the plant's sales are in Beltrami County, about 3 percent in the combined area of Clearwater and Polk Counties, and minor sales in Hubbard and Big Stone Counties, Minn., and Grant County, S. Dak.

A handler operating a plant located at Park Rapids (Hubbard County) Minn., also opposed the inclusion of Hubbard County. Estimates of this handler's proportion of total county sales range from 25 to over 50 percent. About 1 percent of this handler's sales is made in Becker County, from 3 to 4 percent in Wadena County and the remaining portion in Hubbard County. With the inclusion of Beltrami and Hubbard Counties for reasons discussed above, it may be expected that the plant located at Park Rapids will be fully regulated under the order. Another handler located at Nevis in Hubbard County is known to have sales in both Hubbard and Wadena Counties and probably would be fully regulated under the order. This handler did not testify at the hearing.

Some dispute centered on a six-county area in Minnesota comprising Big Stone, Swift, Douglas, Stevens, Pope, and Todd Counties.

The counties of Big Stone, Douglas, and Stevens should be included in the marketing area. At least 75 percent of the total fluid milk sales in Big Stone County are distributed by three of the four major handlers.

A proprietary plant operation located at Alexandria (Douglas County) is estimated to have at least 50 percent of the total sales in Douglas County. Although this handler is opposed to the inclusion of this county in the marketing area his total supply of milk for fluid use is obtained from two plants which are members of the Fergus Dairy organization. In addition, Fergus Dairy and Land O'Lakes Creameries are shown to have about 30 percent of the total county sales in addition to the 50 percent or more distributed by the local proprietary handler.

A similar situation exists in Stevens County where a proprietary handler who objected to the regulation of Stevens County is shown to have about 40 percent of the total county distribution. About 80 percent of this plant's receipts is from a member cooperative of the Fergus Dairy organization. An additional 30-40 percent of the total county sales is distributed by three of the four major handlers previously referred to.

Swift, Pope, and Todd Counties should not be included in the marketing area. A substantial proportion of the distribution in these counties is from plants whose major distribution is outside the area to be regulated and whose principal competition is from plants which would not be subject to regulation under the order.

A proprietary handler located and doing business in Douglas County and one operating in Stevens County excepted to the inclusion of the respective counties in the marketing area as adopted in the recommended decision. Another proprietary handler located outside of the marketing area as adopted but doing business in Douglas and Stevens Counties also excepted to their inclusion. A representative for the Red River Valley Milk Producers Pool, et al. excepted on their behalf to the exclusion of the counties of Pope and Todd from the recommended marketing area. The order proponents also excepted to the exclusion of Todd County.

Record evidence concerning marketing conditions and institutional factors relating to the dairy industry in these and other counties proposed for inclusion in the marketing area included figures introduced by several witnesses showing the proportion of total sales in each of the several counties that various handlers were estimated to have. In some cases there were substantial differences in such figures as they related to a particular handler's distribution of milk in certain counties.

Such estimates relating to a milk distributor located outside the marketing area but doing business within Pope and Todd Counties ranged from 28 to 55 percent with respect to Pope County and from 3 percent to 75 percent in the case of Todd County. With respect to these two counties, the record evidence was not extensive enough to resolve such differences and further, to support a conclusion that either of such counties should be included as a part of the defined marketing area.

On the other hand, there was substantial evidence to warrant the conclusion that Douglas and Stevens Counties are an integral part of the Minnesota-North Dakota marketing area. A careful review of the record, therefore, in light of exceptions filed does not show that a change in the marketing area from that recommended is warranted.

Concerning the North Dakota counties proposed to be included in the marketing area one handler with a bottling plant located at Rugby (Pierce County), N. Dak., proposed that North Dakota Highway No. 1 serve as the western boundary of the marketing area. The handler also proposed that if any territory west of this highway were included in the marketing area, then such area should include the entire State of North Dakota. This proposal was modified at the hearing to suggest that the two counties of Rolette and Pierce, N. Dak., where this plant has a substantial volume of its total fluid milk sales, be excluded from the marketing area.

Foremost Dairies, Inc., proposed that, in the event the eight North Dakota counties of: Dickey, Eddy, Foster, Griggs, Kidder, La Moure, Stutsman, and Wells are included in the marketing area, such area should be extended to include the entire State of North Dakota.

It is concluded that nine North Dakota counties, generally comprising the western tier of the 43-county area initially proposed by Land O'Lakes, should not be included in the marketing area. These counties (listed, generally on a north to south basis) are: Rolette, Towner, Pierce, Benson, Wells, Eddy, Foster, Kidder, and Stutsman.

Inclusion of the nine-county area would bring under full or partial regulation a number of handlers whose principal competition for sales is with handlers who would not be regulated under the order.

A substantial part of the distribution in Pierce and Rolette Counties comes from the plant in Rugby (Pierce County), N. Dak. An estimated 50 to 75 percent of

the total sales in Pierce County and some 25 to 35 percent in Rolette County emanate from the Rugby plant.

A handler whose plant is located at Bottineau, N. Dak. (outside and to the west of the area adopted), has about 20 percent of the business in Rolette County. This handler is the principal distributor in Bottineau County and is in competition for sales with handlers located at Minot, N. Dak.

A handler located at Maddock (Benson County) has the largest part of the total sales in Benson County.

A plant located at Cando (Towner County) accounts for about 30 percent of the sales in Towner County; the Rugby plant accounts for another 10 percent.

The counties of Pierce, Rolette, Towner, and Benson, therefore, constitute a primary sales area for these local handlers. While the area is also served to a minor extent from the Land O'Lakes plant at Grand Forks and the Fairmont plant at Moorhead, these handlers would not be disadvantaged in the absence of regulation of the four-county area. Orderly marketing does not require their inclusion in the marketing area.

The five North Dakota counties of Wells, Eddy, Foster, Kidder, and Stutsman likewise should not be included in the marketing area.

Over 50 percent of the total fluid milk business in each of the counties of Wells, Eddy, Foster, and Kidder is from plants located either within or to the west of these counties. More than half of the total sales in Stutsman County are supplied from plants so located and the remainder from plants located at Grand Forks and at Fargo and Moorhead.

Foremost Dairies proposed the exclusion of the five counties from the marketing area together with the counties of Dickey, Griggs, and La Moure so as to avoid full regulation under the order.

It excepted to the inclusion in the marketing area of the latter three counties as adopted (in the recommended decision issued Apr. 28, 1967) on the basis that its Mandan plant would be a partially regulated distributing plant under the terms of the order by virtue of its sales into these three counties.

This exception is overruled since the three counties are served in large part by handlers who would be fully regulated under the order.

Three of the four major handlers in the Minnesota-North Dakota marketing area have 40 percent or more (the estimates range from 40 to 88 percent) of the total fluid milk sales in Dickey County, over 55 percent of such sales in La Moure County, and in Griggs County two of the four handlers have 65 percent or more of the sales.

Of the Mandan plant's total fluid milk distribution, about 4.5 percent is in the three-county area.

A proprietary handler whose plant is located at Jamestown (Stutsman County) supported the inclusion of Stutsman County in the marketing area. Seventy percent of this handler's sales is in the city of Jamestown, and the remaining 30 percent is divided between Fargo and Moorhead. About one-half of 1 percent of the sales in Stutsman County is supplied by this handler. It was not shown that the absence of regulation of Stutsman County would seriously affect the sales operations of this handler.

There is cross distribution within the area in North Dakota excluded from the marketing area between handlers who are located within or to the west of such area and those handlers whose principal business is in the area proposed for regulation herewith.

However, it is neither administratively feasible nor necessary to include in the marketing area all territory in which handlers to be regulated distribute milk.

In the matter of the proposal to include the entire State of North Dakota, there was not sufficient evidence to permit serious consideration at this time.

Territory within the boundaries of the designated marketing area which is occupied by Government (municipal, State, or Federal) reservations, installations, institutions, or other establishments shall be considered as within the marketing area. No proposal was made to exempt sales by a handler in such territory (or to any such agency) from the provisions of the order. Also, no evidence was presented at the hearing which would justify such exemption.

To avoid any question as to the point of delivery in instances where such an installation is partly within and partly without the designated boundaries, the marketing area should include the entire area encompassed by such an installation.

All producer milk received at regulated plants must be made subject to classified pricing under the order regardless of whether it is disposed of within or outside the marketing area. Otherwise the effect of the order would be nullified and the orderly marketing process would be jeopardized.

If only a pool handler's "in-area" sales were subject to classification, pricing and pooling, a regulated handler with Class I sales both inside and outside the marketing area could assign any value he chose to his outside sales. He thereby could reduce the average cost of all his Class I milk below that of other regulated handlers having all, or substantially all, of their Class I sales within the marketing area. Unless all milk of such a handler were fully regulated under the order, he in effect would not be subject to effective price regulation. The absence of effective classification, pricing and pooling of such milk would disrupt orderly marketing conditions within the regulated marketing area and could lead to a complete breakdown of the order. If a pool handler were free to value a portion of his milk at any price he chooses, it would be impossible to enforce uniform prices to all fully regulated handlers or a uniform basis of payment to the producers who supply the market. It is essential, therefore, that the order price all the producer milk received at a pool plant regardless of the point of disposition.

Limited quantities (as provided) of Class I milk may be sold within the regulated marketing area from plants not under any Federal order. There is, of course, no way to treat such unregulated milk uniformly with regulated milk other than to regulate it fully. Nevertheless, it has been concluded that the application of "partial" regulation to plants having less association than required for market pooling would not jeopardize marketing conditions within the regulated marketing area.

The operator of the partially regulated plant is afforded the options of (1) Paying an amount equal to the difference between the Class I price and the uniform price with respect to all Class I sales made in the marketing area; (2) purchasing at the Class I price under any Federal order sufficient Class I milk to cover his limited disposition within the marketing area; or (3) paying his dairy farmers an amount not less than the value of all their milk computed on the basis of the classification and pricing provisions of the order (the latter representing an amount equal to the order obligation for milk which is imposed on fully regulated handlers).

While all fluid milk sales of the partially regulated plant are not necessarily priced on the same basis as fully regulated milk, the provisions described are, however, adequate under most circumstances to prevent sales of milk not fully regulated (pooled) from adversely affecting operation of the order and the fully regulated milk.

(2) *Milk to be priced and pooled.* The minimum Class I prices under the order are intended to apply to that milk which is produced in compliance with the Grade A inspection requirements of a duly constituted health authority and which is regularly received at plants substantially engaged in serving the fluid needs of the order market.

It is concluded elsewhere in this decision that a marketwide system of pooling proceeds for Grade A milk received from dairy farmers at pool plants is essential for the promotion of efficient and orderly marketing of milk in the marketing area.

It is also concluded that delivery performance should be the measure of whether a plant is sufficiently identified with the market to be fully subject to the pricing and pooling provisions of the order. It must necessarily apply uniformly to all plants.

The standards for pool participation are discussed below in connection with the definition of a pool plant.

Any plant regardless of its location should have equal opportunity to comply with the standards of regulation and have its producers share in the available Class I sales. Whether the plants and producers choose to supply the Minnesota-North Dakota order market will depend on the economic circumstances with which they are confronted such as prices, transportation costs and alternative outlets.

The specific standards of performance which may be used to determine which plants and what milk constitute the regular sources of supply, and therefore, should be fully subject to regulation, may be identified by appropriate

definition of the terms "plant," "route," "distributing plant," "supply plant," "pool plant," "nonpool plant," "handler," "producer," "producer-handler," "producer milk," and "other source milk."

Plant definition. A plant definition is needed to assist in defining the particular operations which are to be subject to regulation and to simplify the drafting of the other order provisions. Under the "plant" definition herein provided, all of the operations conducted on the premises of an establishment operated as a single unit for the purpose of receiving milk for assembly and transfer, or for processing and packaging milk and milk products are considered as operations of a plant. A facility or establishment functioning only as a transfer point for transferring milk from one tank truck to another tank truck, or as a distribution depot for storage of packaged fluid milk products in transit for route disposition should not be considered to constitute a plant.

Because of the difference in marketing practices and functions between distributing plants and supply plants, separate performance standards are provided for them. A "distributing plant" under the order would be defined as a plant that is approved by an appropriate health authority for the processing or packaging of Class I milk and from which any fluid milk product is disposed of during the month on routes. Plants which supply Grade A milk to distributing plants are termed "supply plants."

Route definition. To assist in the identification of those plants which are to be subject to full regulation a "route" definition is provided.

The term "route" would mean the delivery of any fluid milk product classified under the order as Class I to retail or wholesale outlets other than a delivery to another plant or to a distribution point.

Fluid milk products may be moved from a milk plant to a facility such as a warehouse, loading station or storage plant. The distribution from such latter point would be considered as a route from the milk plant. To do otherwise would be inappropriate because it would consider the disposition of fluid milk products to have been made at the temporary storage facility instead of at the location at which such products are received by retail and wholesale purchasers.

Disposition by a vendor is treated as a route disposition of the plant from which such disposition occurs.

Pool plant definition. A distributing plant would qualify as a pool plant under this order any month during the period of July through February in which at least 25 percent of the Grade A receipts at such plant during the month is disposed of as Class I milk. For any month during the period of March through June such qualifying percentage is 20 percent. The lesser minimum standards for the months of March through June would provide additional flexibility for a handler in qualifying his plant for pool status during these months when milk production of producers is generally higher than the market year-round average.

A further requirement that at least 15 percent of the distributing plant's Grade A receipts be disposed of as Class I sales within the marketing area on routes is designed to include in the pool only those plants which have more than an incidental association with this market.

These performance standards are designed to permit the inclusion in the market pool of producer milk at all plants which now furnish milk for fluid use in the area. These plants are located in a region of heavy milk production relative to population. Hence, the opportunity for making fluid sales locally is limited. Many of these plants which serve the local fluid market also operate as factories for manufacturing dairy products. Less than half of the producer milk which would be regulated is now used in Class I on an annual average. There are variations in the percentages of Class I use among plants and month-to-month differences in the same plants. Hence, the minimum percentage of Class I use which each distributing plant (or plant system) must maintain to be pooled should be less than the market average use. The proposed percentages of 25 percent and 20 percent in the respective months will provide this flexibility.

Many of the distributing plants are combination plants with manufacturing facilities to process the reserve supplies of the market not needed for fluid use. In the case of a handler operating more than one distributing plant it should be provided that the combined receipts and Class I disposition of all such plants may be the basis for determining the 25 percent requirement (20 percent, March through June). This will permit more efficient utilization of plant facilities.

To prevent inclusion in the marketwide pool of a plant whose primary association is with another market, each individual plant in such a system must continue to meet the requirement that 15 percent of its total Grade A receipts be distributed as Class I milk on routes within the marketing area.

A distributing plant meeting the pooling requirements of more than one order should in general be regulated under the order covering the area in which it has the greater proportion of its distribution. However, recognition should be given to the adverse effects of inadvertent shifting from month to month by a plant regularly associated with the Minnesota-North Dakota market.

A handler operating a pool distributing plant which would have been subject to regulation under this order and would continue to meet the pool plant standards provided herein generally should not become subject to another order unless it has disposed of more milk on routes in such other marketing area than in the Minnesota-North Dakota marketing area for 3 consecutive months. This will afford the handler reasonable notice that full regulation of his plant is shifting from one order to another and will afford him the opportunity to make adjustments in his business if he desires to do so.

If, nevertheless, the provisions of the other order require such plant to be pooled thereunder, the plant should be exempt from regulation under this order. In order that the market administrator may be fully apprised of the continuing status of such a plant, however, the operator thereof should, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

Provision should also be made to exempt from regulation under this order a plant which may, for 1 or 2 months, dispose of a greater proportion of milk in this marketing area than in the area of the order to which it has been subject to regulation if such other order contains a provision similar to that recommended herein.

A supply plant would qualify as a pool plant under this order in any month during which 25 percent or more of its receipts of Grade A milk from dairy farmers is shipped as fluid milk products to a distributing pool plant.

Demand for milk from supply plants is usually greatest during the season of low production. During the months of flush production direct farm supply of milk received at a distributing plant may be sufficient to supply the Class I outlets. During this part of the year it would be more economical to leave the milk received at supply plants in the country for manufacture into dairy products at such plants and use the milk received directly at distributing plants for Class I use.

The performance provisions should not force milk to be transported to distributing plants in the months of seasonally high production in order to maintain the eligibility of supply plants to pool.

Any supply plant, therefore, which meets the 25 percent shipping requirements as described for each of the months of August through November would be granted pool status during the following months of March through June without specified shipments. Such pool status would be automatic unless the operator of such plant notifies the market administrator in writing before the first day of any such month that he desires to withdraw his supply plant from pooling. The plant would thereafter be a nonpool plant until it again met the shipping requirements set forth above.

In his exceptions, one handler reiterated his proposal for a 20 percent in-area sales standard for pool distributing plants and a 40 percent (or slightly less) total Class I sales requirement in lieu of the 15 and 20–25 percent requirements, respectively, as proposed by the order proponents and as adopted herein. This handler suggested also that a supply plant be required to ship at least 40 percent of its producer receipts as fluid milk products to pool plant(s) in order to meet the pooling requirements of the order.

For reasons stated above, the standards adopted herein for the pooling of distributing and supply plants are

deemed to provide a reasonable and appropriate measure as to whether or not a plant is sufficiently identified with the market without, at the same time, excluding from pool participation handlers whose plants have been a regular and dependable source of fluid milk supply for the market.

In some markets reload points under the bulk handling method serve a function similar to that of a supply plant. The extent to which separate reloading facilities are now employed in moving bulk milk to this market is not clear from the record. In the absence of specific marketing data concerning reload points it is concluded that a definition of reload point should not be included in the order. Such a definition and its application to pricing, location differentials, and performance requirements may be considered at some future time if it appears that such a provision would facilitate the orderly marketing of milk under the order adopted herein.

Nonpool plants. A plant which supplies fluid milk to the market but in a lesser volume than that required to qualify as a pool plant under the standards set forth herein would be a nonpool plant. The term nonpool plant is further broken down to define such categories as "other order plant," "producer-handler plant," "partially regulated distributing plant," and "unregulated supply plant."

Handler definition. The impact of regulation under an order is on handlers. As herein provided, the definition includes (a) any person (including a cooperative association) in his capacity as the operator of one or more pool plants; (b) a person operating a partially regulated distributing plant; (c) a cooperative association with respect to producer milk diverted from a pool distributing plant to a nonpool plant for its account; (d) a cooperative association with respect to its members' milk delivered in a tank truck owned, operated by, under contract to, or under its control from the farm to a pool plant of another handler; (e) a person in his capacity as the operator of an other order plant; and (f) a producer-handler.

Designating as handlers the operators of the various types of plants that may be associated with the market is necessary so that the market administrator may require of them the reports to determine the regulatory status of the plants and the extent of the operators' obligations, if any, to the producer-settlement fund.

The record is not clear whether there is any governmental agency or institution (Federal, State, county, or municipal) which dispose of fluid milk products solely for use on it own premises or to its own facilities. If such an institution does exist, it should be exempt from regulation. This may be effected by specific exemption of such persons from "handler" status under the order.

While such an exempt institution would have no obligations to report to the market administrator, the order should provide that if milk is purchased from a pool plant by such an institution, such sales by the pool plant would be classified as Class I. Likewise, any disposition of milk by such an institution to pool plants would be classified as Class II.

Milk which would be surplus to the fluid requirements of such institutions would not be a source of supply which could be depended upon to fulfill the regular requirements of the market. It would bear the same relationship to the marketwide pool as does the surplus of producer-handlers, and it should be allocated in the same manner as a receipt from a producer-handler. Accordingly, milk received from such institutions should receive a Class II classification.

Cooperative associations whose members are suppliers of milk for the market here under consideration generally assume the responsibility of balancing their buying handlers' supplies with such handlers' needs for fluid milk. Milk not needed for fluid uses generally can be most economically handled by diversion directly to manufacturing plants. To facilitate such handling, a cooperative is accorded handler status for milk which it causes to be diverted to nonpool plants for its account.

A cooperative should be designated as a handler with respect to any milk delivered from the farm to a pool plant of another handler in a tank truck owned, operated by, under contract to, or under the control of such cooperative. This will afford a practicable basis of accounting for such milk. In addition, it will provide added flexibility to a cooperative's operations in allocating its members' milk among handlers.

If a tank truck picking up milk at the farm is operated under the supervision of a cooperative association, it is the association that verifies the weight and butterfat content of each producer's milk. Handlers have no control over and generally take no part in checking the weights and butterfat tests of milk at the farm. In some instances, handlers may not even know from which farms their milk is received.

The milk delivered by the cooperative as a bulk tank handler would be considered as a receipt of producer milk by the operator of the pool plant at which it was physically received. The pool plant operator's obligation for such milk to the producer-settlement fund, to the administrative fund and to the cooperative would be the same as for producer milk received directly from the farm of an individual producer.

In some instances, as discussed elsewhere in this decision (see the discussion concerning shrinkage allocation under heading "b. Classification and allocation of milk"), differences between the quantities of producer milk determined at the farm and ascertained as physically received by the operator of the pool plant would be considered a receipt of producer milk by the cooperative at the location of the pool plant. For such differences, the cooperative (instead of the pool plant operator) would be required to settle with the producer-settlement and administration funds.

Producer, diverted milk, and producer milk definitions. The term "producer" should include dairy farmers who regularly deliver Grade A milk to plants which are supplying fluid milk to the marketing area in the proportions specified in the pool plant standards adopted herein. Accordingly, the term "producer" should distinguish between farmers who meet the sanitary requirements for the production of Grade A milk and other dairy farmers whose milk may be qualified only for use in the manufacture of dairy products. Grade A milk intended for fluid consumption in the marketing area is required to be produced in compliance with sanitary standards of the States of Minnesota, North Dakota, or South Dakota, and/or county, municipal or other duly constituted health jurisdictions in the area.

"Producer milk" should be defined to include all skim milk and butterfat in Grade A milk received at a pool plant directly from a dairy farmer or from a cooperative association in its capacity as a handler. Producer milk would also include milk diverted under certain conditions from a pool plant to a nonpool plant by either a handler operating a pool plant or by a cooperative in its capacity as a handler diverting milk for its account. This definition will facilitate application of the various order provisions by specifying that milk for which each handler shall be responsible for paying the class prices established by the order according to his use of milk.

This definition will require the handler operating the pool plant at which milk is received from a cooperative as a handler pursuant to § 1000.10(c) to pay the cooperative at the uniform price the same as on milk received directly from producers.

A "diverted milk" definition is provided for easy reference throughout certain other provisions of the order.

Although a producer establishes his affiliation with the market through delivery of milk to a pool plant his milk occasionally may not be needed at pool plants. This is due to the day-to-day and seasonal variation in both production and sales. The variation in day-to-day sales is influenced in large part by the fact that most bottling operations are not conducted on a seven-day-a-week basis. Such milk can sometimes be used efficiently by diverting it directly from the farm to a nonpool manufacturing plant. In such cases the movement of such milk to a nonpool plant should be facilitated.

The order should provide that a dairy farmer may retain his producer status under certain conditions with respect to his Grade A milk diverted to a nonpool plant for the account of a handler. For the months of March through June when supplies in the market are usually the heaviest, such diversion of milk of a producer may be on an unlimited basis.

Unlimited diversion, however, is neither necessary nor desirable during the other months of the year when milk of producers is most needed to supply the Class I needs of the market. Proponents recommended that during the period of July through February, a cooperative association be permitted to divert for its account member producer milk not in excess of 50 percent of the milk physically received from its producer members at pool plants during the month. This limitation appears reasonable and should be adopted. Similarly, milk diverted by the operator of a pool plant for his account would be limited to 50 percent of the quantity of producer milk physically received at his plant during the month. In all cases, however, producer status with respect to a dairy farmer whose milk is so diverted during any month of July through February would be contingent upon the receipt of his Grade A milk at a pool plant on at least 3 days during the month. This will assure the producer's association with the fluid milk market during the months of the year when milk production is seasonally lower and more likely to be needed by distributing plants for bottling use.

In the recommended decision, the 3-day deliveries requirement was made applicable to all months of the year. This change from the recommended decision will contribute toward the more efficient marketing of milk during the months of March through June.

The percentage basis for computing limits on milk diversions will provide the flexibility needed by cooperatives and pool handlers to serve the market efficiently. It will not affect the pool adversely.

Should milk receipts from dairy farmers be diverted in excess of the limit set forth herein the diverting handler must specify the dairy farmers whose milk was over diverted and all of the milk of such dairy farmers not received at a pool plant during the month shall not be producer milk in such month.

Milk diverted to a nonpool plant will be considered as received by the diverting handler at the location of the plant to which diverted, for purposes of pricing such milk.

In order to preclude duplicate regulation of milk, provisions should be made for excluding as producers, persons whose milk is diverted to a plant at which such milk is subject to the price and payment provisions of any other order.

Under no circumstances would a delivery of producer milk from the farm to the plant of a producer-handler be considered as "diverted milk".

Exceptions were filed on behalf of the proponent cooperative association requesting that the order accommodate diversion of producer milk to nonpool plants from any pool plant whether it is a distributing or supply plant. The terms contained in the recommended order would have limited diversion of producer milk to nonpool plants from pool distributing plants only. This request should be adopted. The conditions which justify diversion of producer milk within the limits prescribed are generally applicable with respect to both distributing and supply plants.

Some plants in the market which would qualify as pool supply plants under the order do not have the necessary manufacturing facilities to process all their producer Grade A receipts not shipped to bottling plants for fluid needs. In such cases, the more economical handling of milk can be achieved by permitting the diversion of such producer milk from the supply plant by direct shipment from farm to the manufacturing plant. The "diverted milk" definition is amended from that recommended to accommodate this change.

Producer-handler definition. The term "producer-handler" should apply to any person who produces milk on his own farm(s) and operates a plant from which fluid milk products are distributed on routes in the marketing area and who receives no milk during the month from other dairy farmers or from sources other than pool plants and not more than 3,000 pounds of fluid milk products (including the milk equivalent of nonfluid products which are reconstituted into fluid milk products) from any source.

The producer-handler maintains control of his milk from its source at the farm until its ultimate disposition. He is, therefore, generally in a position to adjust his farm production closely to the needs of his fluid milk business and, in turn, assumes the burden of maintaining the reserve supply of milk associated with his fluid milk operations and of disposing of any surplus he may produce. When an individual operates a dairy farm and a fluid milk business in such manner it has not been necessary to require him to account for milk produced on his own farm at a particular minimum price.

The competition of a producer-handler with regulated handlers in this market makes it appropriate that exemption from pooling and pricing be contingent upon his meeting certain requirements. Such requirements are necessary to assure that his sales of milk will not have a disruptive effect on the orderly marketing of milk in the regulated market.

The producer-handler should not, with minor exception, be permitted to receive fluid milk products from any source except his own farm production. If a producer-handler were permitted to obtain milk from unregulated sources, this would allow him an undue advantage compared to regulated handlers. Other handlers incur obligations to the pool on unregulated milk used in Class I disposition, but producer-handlers are exempt from pooling. Further, such use of unregulated milk by producer-handlers would be inequitable to producers. It would permit use in the fluid market of unregulated milk without such milk being subject to the order's allocation and payment provisions, which provide proper apportionment to producers of returns from Class I dispositions.

A limitation of 3,000 pounds of fluid milk products each month which may be received from sources other than his own farm production will permit the producer-handler to purchase supplemental milk from pool plants and will provide certain flexibility in the use of nonfluid milk products which may be reconstituted into fluid milk products.

Proponents suggested a limitation of 50,000 pounds as the amount of fluid milk products which might be received by a producer-handler. Such a figure is unreasonable. In this market the producer-handlers operate small family size units. The 3,000 pounds provided herein will be ample to meet the needs of the producer-handlers for supplemental supplies.

Receipts of milk at a pool plant from producer-handlers should be considered as a receipt of other source milk. This procedure is appropriate, otherwise producer-handlers who do not share their own Class I sales would share in the Class I sales of other handlers in the market. At the same time the producer-handler would not be bearing proper share of the reserve supplies associated with such Class I sales.

Various business arrangements, involving superficial association with the milk production operation, may be used to acquire an appearance of true producer-handler operation. To preclude the use of such devices the order should provide that a producer-handler furnish proof satisfactory to the market administrator that (a) the care and management of all the dairy animals and other resources necessary to produce the entire volume of fluid milk products handled (except for milk which is permitted to be received within the 3,000 pound limitation) is the personal enterprise of and at the personal risk of such person, and (b) the operation of the processing and distributing business is the personal enterprise of and at the personal risk of such person. A producer-handler would be required to make such reports of his receipts and utilization as the market administrator deems necessary to verify the status of such person's operation and to facilitate verification of transactions with other handlers.

Other source milk definition. A definition of "other source milk" is necessary to facilitate the application of the order to the various categories of receipts at a regulated plant.

Other source milk should include all skim milk and butterfat contained in or represented by (a) fluid milk products utilized by the handler in his operation (except producer milk, fluid milk products received from pool plants, and fluid milk products in inventory at the beginning of the month), (b) all manufactured dairy products from any source (including those produced at the plant) which are reprocessed or converted into another product during the month, and (c) any disappearance of products other than fluid milk products which are not otherwise accounted for under the order.

In order to verify the actual utilization of milk received from producers, it is necessary that the market administrator be in a position to reconcile all receipts of milk and dairy products with the disposition records of the plant. If such records cannot be reconciled, the handler must be held responsible for the shrinkage or the overrun which occurs as a result of the discrepancy between records of receipts and disposition. Otherwise, the handler with improper records would

be in a position to gain an advantage over his competitors who properly account for all milk and dairy products received. It is equally necessary that the handler be required to account for all nonfluid dairy products received in a form in which they can be converted into Class I products. Otherwise, a handler by failing to keep records of receipts of nonfat dry milk and similar products which can be reconstituted into skim milk or other fluid products could gain a competitive advantage over other handlers in the market.

b. *Classification and allocation of milk.* A classified use plan should be established to insure that all milk and milk products handled by handlers fully or partially regulated under the order are fully accounted for according to the various uses in such handlers' plants. Milk is disposed of in the market in a wide variety of forms, representing different proportions of butterfat and skim milk components of milk. These proportions may be greatly changed from the proportions of butterfat and skim milk in the milk as first received. Accounting for milk and milk products on a skim milk and butterfat basis, and pricing such skim milk and butterfat in accordance with the form in which (or the purpose for which) used is the most appropriate means of securing complete accounting on all milk involved in the market transactions.

This accounting system common in Federal orders, will insure uniformity in application of the classification and pricing provisions of the order to all handlers supplying and/or distributing milk in the market.

Fluid milk product. A definition of "fluid milk products" is provided in the order to implement the drafting of the classification provisions of the order.

Under the proposed definition herein provided, the term "fluid milk product" includes milk, skim milk, flavored milk, concentrated milk, buttermilk, milk drinks (plain or flavored), sour cream and sour cream products labeled Grade A, cream or any mixture in fluid form of cream and milk or skim milk. The term includes these products in fluid, frozen, fortified (including "dietary" milk products) or reconstituted form but does not include sterilized products in hermetically sealed containers and such products as yogurt, eggnog, aerated cream in dispensers, ice cream mix, frozen dessert mix, and evaporated or condensed milk or skim milk.

Classes of milk. The fluid milk products which are classified in Class I are required by the appropriate health authorities in the marketing area to be made from milk or milk products procured from Grade A approved sources. The extra cost incurred by producers in producing quality milk and in getting it delivered to the market in the condition and in the quantities needed by the market necessitates a price for milk used in Class I products somewhat above the price of milk used in manufactured products. The higher price must be at a level which will provide sufficient incentive to producers to encourage the production of the quantity of milk needed for the Class I products plus the necessary reserve to cover daily fluctuations in market demand.

Milk in excess of the market's Class I needs at any time must be disposed of for use in manufactured products. These products are less perishable than fluid milk products and they compete on a national market with similar products made from unapproved milk. Milk so used must be classified as Class II milk and priced according to its value in such outlets.

The products included in Class I may be unmodified or may be modified by the addition of nonfat dry milk, as is commonly practiced in the case of skim milk drinks and buttermilk, for example. On the other hand the product may be concentrated by evaporation as in the case of concentrated whole milk for fluid consumption.

Products such as evaporated or condensed milk which are either packaged in hermetically sealed containers or which are used in the manufacture of other milk products should be classified as Class II products. Milk disposed of for Class II uses is classified on the basis of its initial disposition. When any Class II product is reprocessed or reused in another product it should be treated as a receipt of other source milk. This procedure minimizes the assessment of reclassification charges since priority of assignment under the accounting procedure is given to current receipts of fluid milk. Concentrated milk which may be restored to its original form in the home through the addition of water, as well as reconstituted fluid milk products, compete for the same Class I sales as whole milk. Accounting for such products on the basis of original volume, including all the water originally associated with the solids, is necessary to insure equity among handlers and to return to producers the full use value of their milk.

Fortified fluid milk products present a special classification and accounting problem. Fortification of fluid milk products customarily is accomplished by the addition of nonfat dry milk to fluid milk or skim milk to yield a finished product of higher nonfat milk solids content than that of an equivalent amount of whole milk. Reconstitution, on the other hand, involves the process of "floating" concentrated milk solids in water to yield a weight of product approximately equal to the weight of milk from which the concentrated product was first made by the removal of water.

To maintain proper accounting for fortified fluid milk products the nonfat milk solids added to such items should be converted to their skim milk equivalent. This is necessary to insure uniformity of application of the accounting system. It is not necessary, however, to price as Class I all the water originally associated with the added solids. The additional solids used in fortification cannot be considered as displacing producer milk in Class I except to the extent that the volume of product is increased. The addition of solids to make a more desirable product may in fact increase the sales of producer milk, and in any event would not displace producer milk in Class I beyond the minor increase in volume which results.

In the case of fortified fluid milk products the skim milk to be classified as Class I milk should be only that contained in an equal volume of unmodified product of the same nature and butterfat content, excluding the dry weight of any nonmilk additive such as flavoring, etc. The skim milk equivalent of the nonfat milk solids not classified as Class I milk should be classified as Class II milk.

Handlers maintain inventory of milk and milk products which must be considered in accounting for receipts and utilization. The accounting procedure will be facilitated by providing for Class II classification on only that portion of ending inventory of fluid milk products which is in bulk storage in the plant. All fluid milk products on hand in packaged form in the plant should be classified as Class I.

This will facilitate handlers' reconciliation of inventory products with that of the market administrator. Products on truck on or off the premises and products in distribution outlets or in transit may be considered by some handlers as disposed of and therefore, would be classified by them as Class I. The treatment of products in distribution points or in transit differs with the individual handlers. It is not uncommon for handlers to consider products on loaded trucks as still in inventory.

The classification as Class I of all packaged fluid milk products will result in such products which are on hand at the end of the month, either in the plant, on loaded trucks, or in distribution points, being classified uniformly as Class I regardless of whether they are considered as being in inventory or as being already disposed of.

Packaged fluid milk products on hand on the effective date of the order, however, should be classified as Class II, since these items were not classified and priced as Class I in the prior month.

To insure that all handlers pay the current month's Class I price for producer milk disposed of during the month, it is provided that if the Class I price increases, the handler will be charged the difference between the Class I price for the current month and the Class I price for the preceding month on the quantity of ending inventory assigned to Class I in the preceding month. Likewise, if the Class I price decreases, the handler will receive a corresponding credit.

The allocation section should provide that inventory of packaged fluid milk products on hand at the beginning of the month be subtracted from Class I utilization before making the other assignments therein provided.

Inventory of fluid milk products in bulk form will be subtracted under the allocation procedure, from any available Class II disposition in the following month prior to the allocation of current fluid milk receipts. The higher use value of any fluid milk product in inventory, which is allocated to Class I milk in the following month, should be reflected in

returns to producers. This is accomplished by a reclassification charge on such milk at the difference between the Class II price of the preceding month and the Class I price of the current month.

Inasmuch as a handler may receive milk from other order plants and unregulated supply plants as well as producer milk or milk from other pool plants, any of these sources may contribute to his inventory situation at the end of the month. The assignment provisions herein adopted insure that milk from nonpool sources assigned to the surplus class in the prior month (and thus available for reclassification under the inventory allocation procedure this month) will either have been so assigned pro rata with producer milk or is milk which by its very nature is surplus. Furthermore, any other order milk so assigned will have been priced at the comparable surplus class in the order of origin. In either case, therefore, the reclassification charge is appropriate.

Skim milk and butterfat in fluid milk products dumped or disposed of by a handler for livestock feed should be classified as Class II milk. Such outlets often represent the most efficient means for disposing of surplus milk. Transportation and handling costs are such that it may be uneconomical to ship relatively small quantities of unneeded milk to trade outlets. In the case of route returns of such products as homogenized milk and chocolate milk, it is difficult and impractical to salvage the butterfat for further use. Such butterfat which is not salvageable should be classified as Class II when dumped or disposed of for livestock feed.

It would not be practicable to permit in an unlimited manner the dumping of skim milk and butterfat by pool plant handlers. Neither would it be appropriate to classify such skim milk and butterfat, for which no better outlet is available, in other than Class II. Accordingly, the order should clearly specify a Class II classification for skim milk and butterfat dumped, provided that the market administrator is notified in advance and afforded the opportunity to verify the dumping.

Waste and loss of skim milk and butterfat experienced in plant operations are referred to as "shrinkage." Since shrinkage represents disappearance of milk for which the handler must account but for which no direct return is realized, it should be considered as Class II milk to the extent that the amount is reasonable and is not the result of incomplete or faulty records.

The maximum shrinkage allowance in Class II at each pool plant should be 2 percent of producer milk (except that diverted to a nonpool plant or for which a cooperative association is the handler pursuant to § 1060.13(c)), plus 1.5 percent of producer milk from a cooperative as a handler and bulk fluid milk products from pool plants of other handlers and less 1.5 percent of bulk fluid milk products transferred to other plants (except pool plants of the same handler). A 1.5 percent shrinkage allowance would be allowed on bulk fluid milk products received from other order plants and unregulated supply plants (exclusive of the quantity for which Class II utilization is requested by the handler).

As provided elsewhere in this decision, a cooperative would be the handler for milk delivered from producers' farms to the pool plant of another handler in a tank truck owned and operated by or under contract to such cooperative. When a cooperative is a handler under such conditions, the operator of a pool plant receiving this bulk tank milk directly from the farm would settle with the pool and the cooperative for such milk in the same manner as a receipt from producers. However, the full 2 percent allowance for shrinkage would be permitted the handler only if he is purchasing the milk on the basis of farm weights and has so notified the market administrator. Otherwise, the maximum shrinkage in Class II allowed the handler on such milk would be 1.5 percent, and the cooperative would be responsible for any difference between the gross weight of producer milk received in the tank truck at the farms and that delivered to pool plants. This procedure is followed in a number of other Federal orders and provides a reasonable basis for the allocation of the shrinkage allowance in those instances wherein the cooperative is the responsible handler with respect to milk picked up at producers' farms in bulk tank trucks.

In those instances in which a pool plant operator is not purchasing farm tank milk (from a cooperative as a handler) on the basis of farm weights, any difference between the quantities of producer milk determined at the farm and ascertained as physically received by the operator of the pool plant would be considered a receipt of producer milk by the cooperative at the location of the pool plant. The cooperative would report such differences, which may reasonably be expected to be within 0.5 percent of the quantity of producer milk determined on the basis of farm weights during the month, to the market administrator for inclusion in the monthly pool computation. Up to 0.5 percent of the total producer farm tank milk involved would be reported and pooled as Class II; any such difference in excess of the maximum allowable Class II shrinkage of 0.5 percent would be Class I. The cooperative would be responsible for settling with the producer-settlement fund for the total quantity of shrinkage it reported. If the quantity of bulk tank milk physically received at a pool plan from a cooperative during the month is the same as or greater than the sum of the farm weights, the cooperative would have no settlement to make with the producer-settlement fund on such milk. However, in those instances wherein the quantities of milk physically received at pool plants are greater than the farm weights, the pool plant operator's obligation to the cooperative and the producer-settlement fund would be on the basis of the weights ascertained at his plant.

Plants which are operated in a reasonably efficient manner and for which accurate records of receipts and utilization are maintained should not have plant losses in excess of the maximums provided. Any shrinkage in excess of the maximums should be classified as Class I milk. This is reasonable and necessary to strengthen the classified pricing plan and will tend to encourage maintenance of adequate records and efficient handling of milk.

It is appropriate to limit the volume of unregulated supply plant milk and other order milk that may be classified in Class II as shrinkage since these types of receipts are allocated pro rata to class uses along with the quantities received from pool plants and producers. Under the allocation system provided, such other source milk will share with producer milk in any shrinkage allocated to Class I when the specified Class II shrinkage limitations are exceeded. No specific shrinkage limit is necessary on unregulated or other order milk that does not share a pro rata assignment and thus is allocated first to Class II uses, since the allocation procedure insures assignment of such milk to Class II in an amount at least equal to the shrinkage that may be associated therewith.

To insure an equitable assignment of total shrinkage to the two categories of receipts (i.e., receipts for which there is a percentage limitation for Class II shrinkage assignment and receipts for which there is no such limitation), the total shrinkage should be prorated to these two categories.

Transfers. Fluid milk products may be disposed of to other plants for processing. It is necessary, therefore, to provide specific rules so that the classification of such transfers may be determined under this order.

Fluid milk products transferred by a handler to a pool plant of another handler should be classified as Class I milk unless utilization as Class II milk is claimed for both plants on the reports submitted for the month to the market administrator. However, sufficient Class II utilization must be available at the transferee plant for such assignment after prior allocation of receipts of unregulated milk, other order milk, inventory, and appropriate assignment of shrinkage. Moreover, if other source milk of the type to which surplus value inherently applies (such as nonfat dry milk) has been received at the transferor plant during the month, the skim milk or butterfat in fluid milk products involved in such transfer should be classified so as to allocate the least possible Class I utilization to such other source milk. In the case of a transferor handler who received other source milk from an unregulated supply plant or other order plant, the transferred quantity, up to the total of such receipts, should not be Class I to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant.

Fluid milk products transferred from a pool plant to a producer-handler and such products transferred or diverted in packaged form to a nonpool plant (not an other order plant) should be classified as Class I milk.

Fluid milk products transferred or diverted in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant which is located not more than 300 miles by the shortest highway distance as determined by the market administrator from the nearer of the city halls of Fargo or Grand Forks, N. Dak., shall be classified as Class I milk unless certain conditions are met: The operator of the nonpool plant, if requested, should make his books and records available to the market administrator for the purpose of verifying the receipts and utilization of milk in such nonpool plant. Provision for verification by the market administrator is reasonable and necessary to insure proper application of the classification procedures prescribed in the order.

The skim milk and butterfat so diverted or transferred should be assigned following the assignment of utilization at such nonpool plant to receipts of packaged fluid milk products from pool plants and other order plants. This assignment is in accord with the classification of such packaged products to Class I at the plant of origin. Other utilization at the nonpool plant should be assigned on the basis that any Class I utilization disposed of on routes in the marketing area should be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted to the nonpool plant from pool plants, and next pro rata to receipts from other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute the regular source of supply of Grade A milk for such nonpool plant. Further, any Class I utilization disposed of on routes in the marketing area of another order should be first assigned to receipts from plants fully regulated by such order, and next pro rata to receipts from pool plants and other order plants not regulated by such order and thereafter to receipts from dairy farmers whom the market administrator determines constitute the regular source of supply of Grade A milk for such nonpool plant. The remaining quantities of skim milk and butterfat transferred to the nonpool plant should be assigned to the skim milk and butterfat in any transfers of milk, skim milk, and cream in bulk from the nonpool plant to pool plants, and should be classified as if it were a direct transfer from one pool plant to another pool plant with Class II utilization indicated. If this results in transfers from pool plants of two or more handlers being classified as Class I such classification should be shared pro rata between the handlers unless, at or before the time of reporting, the plant operators indicate agreement on a different sharing of such Class I classification.

If such assignment does not cover all transfers to the nonpool plant, assignment of additional quantities to Class II use in the nonpool plant would be limited to available Class II utilization in the plant and similar use of any shipments from the nonpool plant to other plants (pool or nonpool) excluding any duplication of such classification of milk received at the nonpool plant from other pool plants or other order plants.

The treatment of transfers provided serves to coordinate classification of milk disposed of to nonpool plants with milk disposed of by other order plants to the same nonpool plants.

Fluid milk products transferred or diverted to a nonpool plant that is neither an other order plant nor a producer-handler plant which is located more than 300 miles by the shortest highway distance as determined by the market administrator from the nearer of the city halls of Fargo or Grand Forks, N. Dak., should be Class I milk.

Within the 300-mile range the manufacturing facilities are adequate to insure the orderly disposition of the market's reserve supply and milk moving a greater distance can be presumed to be for Class I uses. Hence, on shipments beyond such distance with the following exception, it is not necessary and it is not administratively feasible for the order to provide classification on the basis of verified utilization in the nonpool plant to which shipment is made.

While it is not feasible to move whole milk long distances except for Class I use, cream may be shipped a considerable distance for use in ice cream and other Class II items. Cream transferred as Class II (and so reported by the transferring handler) to a nonpool plant located beyond the 300-mile range, therefore, should be so classified without requiring verification of its use by the market administrator at the nonpool plant, provided that prior to shipment the market administrator is given sufficient notice to allow him to verify the shipment, and the container of such cream is tagged as being for manufacturing purposes only, and this is so invoiced.

Such a provision will assure the availability of outlets for surplus cream irrespective of distance from the market and at the same time reduce the expense of verifying the use of such cream.

In the case of fluid milk products transferred from pool plants to fully regulated plants under another order, specific rules should apply to coordinate the classification under both orders. Specifically, fluid milk products transferred to an other order plant in excess of receipts from such plant in the same category (packaged, bulk designated for surplus disposal, or bulk milk not so designated) should be classified in the classes to which allocated as a fluid milk product under the other order. If the operators of both the transferor and transferee plants so request in the reports of receipts and utilization filed with their respective market administrators, transfers in bulk form should be classified as Class II to the extent that Class II utilization (or comparable utilization under such other order) is available for such assignment pursuant to the allocation provisions of the transferee order. If, however, information concerning the classification to which allocated under the order is not available to the market administrator for purposes of establishing classification pursuant to this paragraph, classification should be as Class I, subject to adjustment when such information is available. For these purposes also if the transferee order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes should be classified as Class II.

If the form in which a fluid milk product is transferred to an other order plant is not defined as a fluid milk product under such other order, classification should be in accordance with the form in which it leaves the transferor plant. This would be the case where the classification of a product differs in the shipping and receiving markets and, accordingly, identical classification will not be possible. These differences exist primarily because the health authorities in different areas have varying requirements with respect to the use of Grade A milk in some milk products. Hence, the order provisions must be designed to accommodate the differences in classification which might exist in this order compared to any order market from which such product is received.

Milk from nonpool plants and from other order plants. It is necessary to provide for integration into the regulatory plan of the order, milk which is disposed of in the marketing area, but which is not subject to classified pricing under any order or which is regulated under another order.

Such milk may enter the market in two ways. It may be distributed directly on routes by a partially regulated plant or by a plant subject to regulation under another order. It may also be received as other source milk by a fully regulated plant. In the latter instance it may consist of receipts from an other order plant, from an unregulated supply plant, or even from manufacturing plants or dairy farmers whose milk is not eligible for Grade A milk. It might also consist of the surplus of a producer-handler or of nonfat milk solids which are reconstituted into a fluid milk product.

Regardless of the source of the milk or its method of entry into the market, provision must be made for treating such milk in a manner which will protect, to the extent consistent with the Act, the regulatory plan of the order. A uniform program for treating such milk was made effective by amendments to all orders which were in effect on July 1, 1964, following the decision of the Assistant Secretary of June 19, 1964 (29 F.R. 9214).

The findings and conclusions of such decision relating to this matter are equally applicable to the Minnesota-North Dakota marketing area. The June 19, 1964, decision therefore is hereby adopted as a part of this decision.

The conditions described therein as generally applicable to all marketing areas under regulation at that time, are equally applicable to the Minnesota-North Dakota marketing area.

It is necessary, therefore, that the provisions of this order relating to the integration of other source milk do not differ materially from similar provisions of other orders. The provisions herein recommended are identical in principle to the general amendments made to all orders following the June 19, 1964, decision of the Assistant Secretary, and are recommended for adoption in the interest of continuing a coordinated program among markets and providing for the uniform treatment of regulated milk in the several markets.

This decision sets forth in detail the procedure to be followed in allocating over a handler's total utilization the milk that may be received from the several types of nonpool sources. It provides for a payment into the producer-settlement fund on unregulated milk which is allocated to Class I.

This decision also prescribes the obligations of a partially regulated distributing plant with respect to record keeping and reporting, as well as defining the circumstances under which such a plant would be required to make payments to the producer-settlement fund.

6. Determination and level of class prices. In order to promote and maintain orderly marketing conditions in the Minnesota-North Dakota marketing area, minimum Class I and Class II prices for producer milk must be established at levels which will reflect economic conditions affecting the market supply and demand for milk and its products and tend to obtain an adequate supply of milk to meet the fluid needs of the market plus a necessary reserve for fluctuations in demand. Of the estimated 420 million pounds of Grade A milk received annually by handlers in the market who are expected to be fully regulated, less than half of such milk is required for fluid uses. There is, therefore, no indication that supplies are inadequate or tending to become inadequate for the Minnesota-North Dakota market.

The level of Class I price must not be so high as to attract additional supplies to the market under current marketing conditions where milk supply for fluid needs is entirely adequate. Such overattraction of milk supplies would tend to shift agricultural resources into the production of unnecessary and uneconomic surpluses which would depress the blend price to producers. Yet the price must exceed the manufactured milk price by a sufficient amount to encourage producers to produce milk of the high quality required for the fresh fluid needs of the market.

Class II prices should be established at a level which will assure a market for milk delivered by producers in excess of Class I needs. Such prices should not encourage the development of milk supplies for use as Class II products.

Class prices as well as uniform prices to producers should be computed and announced for milk of 3.5 percent butterfat content. This is the prevailing practice among handlers in the market.

Class I price. For an 18-month period beginning with the effective date of the order, the Class I price for milk of 3.5 percent butterfat content should be established at an annual level of $0.86 per hundredweight higher than the average price paid for manufacturing grade milk in Minnesota and Wisconsin during the preceding month. For the period through April 1968, 20 cents should be added to such differential.

The Class I price for any plant located outside of the base zone should be adjusted for location at the rate of 1.2 cents for each 10 road miles or fraction thereof that such plant is located from the perimeter of the base zone. Such location adjustments should be added to the Class I price if the plant is located in North or South Dakota and should be subtracted from such price if the plant is located in Minnesota.

The manufacturing milk price in Minnesota and Wisconsin to be used as the basic formula for determining Class I prices is reported by the Department of Agriculture each month and for the purpose of pricing Class I milk should be converted to a 3.5 percent butterfat basis using a butterfat differential equal to 12 percent of the wholesale price of butter at Chicago. The price so adjusted is used as a basic formula for establishing Class I prices in most Federal milk orders.

The purpose for which such basic formula price is used in other order markets is pertinent to establishment of proper Class I price levels in the recommended order market. This pricing factor (Minnesota-Wisconsin manufacturing grade milk pricing series), common to most milk orders, is an appropriate measure of the general economic factors underlying the price for milk used in manufactured dairy products. Because the market for most manufactured dairy products is nationwide, prices for such products and the milk used in them reflect, to a large extent, changes in general economic conditions affecting the supply and demand for milk. By using manufacturing milk prices as a formula factor in determining Class I prices it is possible to reflect such general economic factors automatically in the Class I price.

Since this marketing area is located in a region of heavy milk production in relation to population, there is considerably more milk manufactured in the area than is disposed of for Class I uses. In order to compensate producers for producing milk of Grade A quality which is needed for Class I sales, the Class I milk price must be somewhat higher than producers of manufacturing grade milk receive. However, if the Class I price more than compensates producers for the extra cost of Class I milk production, they are encouraged unnecessarily to shift from manufacturing grade milk production to the production of Grade A quality milk. If additional Grade A milk supplies cannot be disposed of in Class I outlets, such milk must be utilized in manufactured dairy products at a price competitive with dairy products made from manufacturing grade milk. Because dairy products made from Grade A milk bring no premium in the market place over those made from manufacturing grade milk, farmers producing Grade A milk for use in such products can obtain no higher price for Grade A milk so used than the prevailing rate for manufacturing grade milk. Hence, in establishing a Class I price, particularly for this area where large quantities of Grade A milk in excess of those needed for Class I sales already exist, it is essential that the Class I price be maintained at a level which will not encourage greater supplies of Grade A milk to be produced, thereby adding only to the volume which must be manufactured.

Since the Class I price must be so closely attuned to the manufacturing milk price, the only feasible method of accomplishing such alignment is to base the Class I price directly on such manufacturing milk price.

The propolled Class I price together with the proposed Class II price (as described later) and a Class I utilization of 45 percent would have given a market blend price of $3.64. This price is in excess of prices paid producers by the handlers in 1965 by an amount which reflects the increases in milk prices which have occurred on a national level since that time.

The Cass-Clay Creamery is located in Fargo and the Fairmount Foods plant in Moorhead. The Fergus Dairy plant in Fergus Falls, Minn., is about 55 miles to the southeast. One of Land O'Lakes' principal bottling plants is located at Thief River Falls, Minn., about 116 miles north of Fargo. None of the handlers operating these plants pays its producers on a strictly classified price plan. The average price per hundredweight of 3.5 percent milk paid by each of them to their producers during 1965 was $3.54 by Cass-Clay, $3.66 by Fairmont Foods, $3.52 by Fergus Dairy and $3.57 by Land O'Lakes. The Minnesota Dairy Co. of Grand Forks is one of the principal handlers in this area. The price per hundredweight paid its producers for milk containing 3.5 percent butterfat for 1965, was estimated to be $3.85 on the average, plus an additional 13 cents per hundredweight hauling subsidy.

There is, however, a wide variation in the utilization of the above handlers. Substantially more than half of the Grade A milk received by Cass-Clay and Fergus Dairy is used in the manufacture of dairy products. The combined utilization of the four plants of Land O'Lakes (located at Thief River Falls, Crookston, and Brainerd, Minn., and Grand Forks, N. Dak.) approximates 60 percent Class I. The Fairmont Foods plant at Moorhead, Minn., also utilizes the greater part of its receipts as Class I milk. At the plant of the Minnesota Dairy Co., virtually all producer receipts are used for Class I purposes.

An identical Class I price should apply to all plant locations within the base zone (discussed in detail under the heading "Location differentials"). This zone encompasses the Fargo-Moorhead and Grand Forks, N. Dak., metropolitan areas. These cities and their environs are the areas of greatest population concentration and more than half of the market's Class I sales are made therein. Also included in the base zone are other nearby cities of smaller population with

which there is a considerable exchange of Class I sales.

Producer association proponents for the Minnesota-North Dakota order proposed (modified slightly from that noticed) a Class I price of 20 cents above the Twin Cities Class I price for plants located at least 210 but not more than 235 airline miles from a designated basing point in St. Paul, Minn. Such pricing zone would include fluid milk plants located at Fargo, Grand Forks, and Valley City, N. Dak., and at Moorhead, East Grand Forks, Crookston and Thief River Falls, Minn.

Both producers and handlers stressed the importance of proper Class I price alignment for the Minnesota-North Dakota marketing area with Class I prices in nearby markets, particularly that of the Minneapolis-St. Paul market.

It is essential in aligning Class I prices in the proposed area compared to Minneapolis-St. Paul to avoid any price incentive for Minneapolis-St. Paul milk to move into this area which already has more Grade A milk than can be disposed of in Class I sales. The Minneapolis-St. Paul order Class I price is modified by a supply-demand adjustor with a maximum of 24 cents. Hence, such price can be 24 cents less than the proposed Class I price under this order. Since the adjustor is currently at minus 24 cents, the Minneapolis-St. Paul Class I price would currently be 24 cents less than the proposed price for this area.

On the basis of the record of the regional hearing at Denver on April 11, 1967 (which reopened the hearing held at Fargo, N. Dak., in August 1966), it was concluded that for the purpose of Class I pricing through April 1968 the minimum basic formula price under the subject Federal orders should not be less than $4.65. It was further concluded that 20 cents should be added through April 1968 to Class I price differentials otherwise to be effective. The Minnesota-North Dakota market pricing should reflect these conclusions. The resulting provisions likewise will assist to maintain reasonable alignment with the Minneapolis-St. Paul market.

This price difference should not divert milk from the Minneapolis area to this area because transportation costs would offset the price difference.

Fargo and Grand Forks, N. Dak., and Moorhead, Minn., are among the principal cities in the market from which milk is distributed. The adjoining cities of Fargo-Moorhead are approximately 240 road miles from Minneapolis-St. Paul. Correspondingly, Grand Forks is about 312 miles distant from Minneapolis and St. Paul. Milk may be moved into the Minnesota-North Dakota market from plants located in Minneapolis or St. Paul at a transportation cost of approximately 29 cents per hundredweight to Fargo-Moorhead and 37 cents to Grand Forks. The Class I prices in the Fargo-Moorhead and Grand Forks areas should not, therefore, exceed the Class I prices for the Twin Cities order by more than about these transportation costs.

Ideally, Class I prices in the Minnesota-North Dakota market should reflect local milk supply and sales relationships as well as maintaining reasonable alignment with other market prices. Although the area has an ample supply of Grade A milk to meet current demands, complete data with respect to receipts and sales of milk in the area are not available. Any price adjustment mechanism which would be designed to reflect such supply and sales relationships in a pricing formula would not, therefore, be practical at this time. Furthermore, the conditions of supply and sales are likely to be somewhat different under a program of orderly pricing than those which have prevailed in recent years.

For this reason, a limit of 18 months is provided for the Class I price provisions of the order. This will afford an opportunity to review the provisions at a hearing in the light of marketing conditions at that time. Such review could also include consideration of supply and sales relationships for adjustment purposes.

Class II price. The Class II price should be the average price per hundredweight for manufacturing grade milk f.o.b. plants in Minnesota and Wisconsin, as reported by the U.S. Department of Agriculture, adjusted to a 3.5 percent butterfat test.

The order proponents initially proposed that the Class II price be established at the level of the Minnesota-Wisconsin manufacturing grade milk price, adjusted to 3.5 percent butterfat test. They modified this proposal at the hearing to request a Class II price level 6 cents per hundredweight below the "series" level. There was general agreement by producers and handlers alike that the Class II milk price for the market should be based upon the Minnesota-Wisconsin price series. There was less agreement as to the amount, if any, that the Class II price should be set below the series price. Support in this matter ranged from a zero to a minus 6 cents per hundredweight adjustment.

Large quantities of reserve supplies of milk for the market are utilized in the manufacture of butter and nonfat dry milk. These operations are confined to several large plants. There is much variation in the handling and marketing of surplus milk at the plants of other handlers. Some milk utilized for Class I purposes in the market is handled at plants with limited manufacturing facilities. However, a number of plants which would be pool plants under the orders maintain manufacturing operations, especially for such items as ice cream and cottage cheese. Throughout the year, particularly in the spring months of heavy production, producer milk not needed for fluid uses is moved to manufacturing plants by the handler who regularly receives the milk or by the cooperative association responsible for marketing such producer milk.

Prices paid by manufacturing plants may differ because of changes in the relative prices of the product which they manufacture and because of variations in the quantities of milk available for manufacturing purposes. Handlers often will dispose of excess milk to those plants which are paying the highest price at the time of such disposal. Because of smaller volume and inefficient means of handling, it is possible that some handlers may at times incur losses in handling their necessary reserve supplies of milk. The handling of such reserve milk is incidental, however, to the handling of fluid milk.

The price for manufacturing milk should be at a level which will provide the highest possible returns to producers in the market while at the same time encouraging the orderly marketing of such milk. A Class II price based on the average Minnesota-Wisconsin manufacturing milk price should adequately meet these pricing objectives. The desirability of using a competitive pay price is based on the premise that in the highly competitive dairy industry, average prices which are paid in the areas where there is substantial competition for manufacturing milk provide as good a measure of its value as can be obtained. The Minnesota-Wisconsin price series is representative of prices paid to farmers for about one-half of the manufacturing grade milk sold in the United States. In Minnesota about 84 percent of the milk sold off farms is of manufacturing grade and in Wisconsin, about 58 percent.[1] There are many plants in these states which are competing for such milk supplies. This price series reflects a price level determined by competitive conditions which are affected by demand in all of the major uses of manufactured dairy products. Further, it reflects the supply and demand of manufactured dairy products within a highly coordinated marketing system which is national in scale.

Plants which handle most of the Class II milk for this market are either located in Minnesota or receive a major portion of their supply from producers located in Minnesota. All of these plants are in competition for supplies with plants whose paying prices are included in the Minnesota-Wisconsin price series. It is necessary, therefore, that the prices paid by handlers under the order be commensurate with those paid by their competitors if their milk supply is to be maintained.

One cooperative association excepted to the Class II pricing formula as set forth in the recommended decision. They reiterate their desire for a Class II formula 6 cents below the "series" price based in part on the fact that an administrative assessment would be levied on such milk and partly on the fact that transportation costs from western Minnesota to the East were greater than from plants located in eastern Minnesota or Wisconsin.

A review of record evidence, however, in light of exceptions filed does not show such a modification to the recommended formula to be warranted, for reasons set forth herein.

[1] Official notice is taken of the "Supplement for 1963-64 to Dairy Statistics through 1960," Statistical Bulletin No. 303, Economic Research Service, USDA, June 1966.

Butterfat differentials. The recommended classification system provides for a full accounting of all skim milk and butterfat utilized in all products. While milk is priced to handlers at a basic test of 3.5 percent, it is intended that each handler's cost for milk shall reflect the proportions of skim milk and butterfat in each class. This is accomplished by adjusting the class prices to each handler by appropriate butterfat differentials.

The Class I butterfat differential adopted herein is the same as that used in a substantial number of other orders and is determined by multiplying the Chicago butter price by 0.12.

This differential, which would have averaged 1.2 cents in 1965 (a variation that year from 7 to 7.6 cents), is a reasonable representation of the value of butterfat when disposed of in the fluid items indicated in this class.

The Class II butterfat differential of 11.5 percent of the Chicago butter price is likewise comparable with its counterpart in a number of other orders throughout the country. It will vary from month to month as the butter price varies. Hence, it will facilitate the movement of butterfat in that milk which is not needed for fluid use to manufacturing outlets. The Class II butterfat differential will appropriately reflect the values of butterfat and skim milk components in milk used in manufacturing operations.

The use of the Chicago butter price as a basis for establishing butterfat differentials will provide assurance for both producers and handlers that such differentials reflect changes in the butterfat values in the national market. The differentials adopted were suggested by proponents of regulation.

The butterfat differential used in making payments to producers should be calculated at the average of the return actually received from the sale of butterfat in producer milk. The rate to be used for this purpose would be the average of the Class I and Class II butterfat differentials weighted by the proportion of butterfat in producer milk classified in each class. Thus, producer returns for butterfat will reflect the average value of their butterfat in the two classes provided in this order. The producer butterfat differential does not affect a handler's obligation and its sole purpose is to prorate returns among producers to the extent their milk differs from the basic 3.5 percent butterfat test.

Location differentials. Location differentials should be incorporated in the order to provide appropriate adjustment in the Class I price and uniform price based upon the location of any plant at which producer milk is received. Class I milk because of its bulky and perishable nature incurs high transportation costs if moved a considerable distance. Milk delivered directly by farmers to handlers' plants located close to the area where such milk is distributed to consumers is therefore more valuable to the handler than milk obtained at a plant many miles from the market.

The Fargo-Moorhead metropolitan area and Grand Forks, N. Dak., are the principal cities from which fluid milk products are distributed throughout the recommended marketing area. They represent the points where there is the largest concentration of population and therefore are the areas of largest milk sales to consumers.

A base zone within which there would be identical price treatment for all handlers so located should include the Minnesota counties of Marshall, Polk, Pennington, Red Lake, Norman, and Clay and the North Dakota counties of Grand Forks, Traill, and Cass. This zone encompasses the Fargo-Moorhead metropolitan area and Grand Forks, N. Dak. The perimeter of the zone where it intersects the roads leading to the various plants which would be regulated (roads on routes with the least road mileage) provides appropriate basing points for determining location adjustments to prices at such plants.

The Class I and uniform price applicable at any such plant, therefore, which is located outside of the base zone should be subject to a plus or minus adjustment of 1.2 cents for each 10 road miles or fraction thereof that such plant is located from the perimeter of such base zone. The measurement for this purpose should be based upon the shortest all-weather-road miles as determined by the market administrator. The location adjustment would be added to the prices at plants located in North or South Dakota and subtracted at plants located in Minnesota.

In the recommended decision issued April 28, 1967, provision was made for a base zone (no location adjustment) to encompass plants of handlers located less than 70 road miles from the nearer of Fargo or Grand Forks. A 10-cent plus or minus adjustment was recommended for any plant located 70 but less than 80 road miles of the two cities and an additional 1.2 cents for each successive 10 miles beyond 80 miles.

A reappraisal of the location differentials was made in light of exceptions filed. The changes from the recommended decision adopted herein are intended to achieve insofar as possible a higher degree of uniformity in prices to all handlers f.o.b. the market and maintain the historical price differential which existed in the past among the plants to be brought under regulation.

These location differentials provide higher prices for milk received at pool plants located west and southwest of the Minnesota-North Dakota State boundary, and lower prices for milk received at plants in the heavy production areas of Minnesota.

Milk production in the portion of the marketing area west of the Red River decreases rapidly as one proceeds away from the river. Supplemental supplies needed by handlers located there must be received from plants located either in Grand Forks or Fargo, or further to the east in Minnesota. Thus, the appropriate price level is the prevailing price in the high production area to the east plus the cost of transporting the milk into the Dakotas. Historically prices paid by handlers in central and western North Dakota have reflected this difference.

Some handlers so located opposed the higher price on the grounds that it would place them at a competitive disadvantage in selling milk in the eastern part of the State where no location differential is applicable.

It is recognized that handlers so located may find it more difficult to compete for Class I sales in the cities of Grand Forks and Fargo. However, producers should not be required to receive a lesser value for their milk to enable a handler to distribute milk in an area where he has a natural disadvantage.

As one moves east and southeast from the Grand Forks and Fargo-Moorhead areas into the areas of heavy milk production, prices should be reduced by the cost of moving such milk from such areas to Fargo or Grand Forks.

Distances should be measured by highway mileage rather than by airline miles as was proposed by the proponents. Because of the condition of the highways, load limits, etc., the actual highway miles which milk is transported may vary widely in relation to the airline mileage. Further, there are many secondary roads not hard-surfaced that may be used by milk haulers to provide the most economical means of moving milk to the market. Roads that are accessible on a year-round basis, whether or not they are hard-surfaced, as specified in the recommended decision, should be used as the basis of determining applicable location adjustments.

The rate of 1.2 cents per hundredweight per 10 road miles reflects the approximate costs of moving milk to city plants in this market. The location differentials, as proposed, will establish prices at each pool plant which will permit such pool plants to compete among themselves on the basis of prices adjusted to reflect transportation costs.

Uniform prices to be paid producers supplying plants at which location differentials are applicable should likewise be adjusted by the same amounts to reflect the value of the milk at the point to which the milk is delivered.

No location differential should apply to Class II milk. Such milk need not be moved to the area centers of population to be sold. Handlers should not be encouraged to move milk long distances for Class II purposes at the expense of dairy producers since Class II products incur little freight cost and prices for such products vary little with location. The Class II milk should be manufactured as near as possible to the source of production and the product should be transported rather than the milk.

A method is provided for determining, if necessary, the priority of milk from various plants allocated to Class I for the purpose of computing the aggregate location differential to be allowed.

To insure that milk will not be moved unnecessarily at producers' expense, the order should contain a provision to determine whether milk transferred between plants may receive the location differential credit. This should provide that, for

the purpose of calculating such credit fluid milk products received from pool plants shall be assigned to any Class I milk at the transferee plant that is in excess of the sum of producer milk receipts at such plant and receipts from other order plants and unregulated supply plants which are assigned to Class I. Such assignment would be made first to shipping plants having the same or higher prices, next to plants with a lower price in sequence according to the location differential applicable at each plant. This will provide an equitable basis for facilitating the movement of milk between pool plants for Class I purposes. Likewise, it will tend to discourage the unnecessary moving of milk between pool plants for other than Class I purposes at the expense of producers.

Use of equivalent prices. If for any reason a price quotation required by the order for computing class prices or for other purposes is not available in the manner described, the market administrator should use a price determined by the Secretary to be equivalent to the price which is required. Including such provision in the order will leave no uncertainty with respect to the procedure which shall be followed in the absence of any price quotations which are customarily used and thereby will prevent any unnecessary interruption in the operation of the order.

d. *Distribution of proceeds to producers.* The order should contain provisions whereby the payments made by handlers for milk at class prices are converted to uniform prices to be paid to producers. The provisions should specify also the terms under which such payments must be made.

(1) *Type of pool.* The order should provide for market pooling of the value of producer milk used by all handlers.

Under a market pool the total money obligation of all handlers in the market for producer milk is combined to compute a uniform price applicable to all producer milk.

To accomplish this purpose it is necessary that there be an exchange of money among handlers such that each handler is able to pay the marketwide uniform price. The transfer of money is made through a producer-settlement fund established by the market administrator. Each handler pays into the producer-settlement fund any plus difference between the value of his milk at the market uniform price based on the market utilization of all handlers, and the value of his milk computed at the class prices. A handler whose milk has a lesser value at the class prices than at the market uniform price receives payment for the difference from the producer-settlement fund. This arrangement enables each handler to pay the uniform price to producers subject to butterfat and location differentials.

The marketwide pool will insure that each producer supplying the market will receive a return reflecting his pro rata share of Class I and Class II utilization. Each producer will receive a "blend" price for his milk which will reflect the average utilization of all pool plants in the market. Each handler, however, will pay for milk according to the class prices.

The marketwide pooling of returns to producers will promote efficient handling of milk in the area. Some plants disposing of milk in the recommended marketing area have little, if any, facilities for manufacturing reserve milk. Such plants normally limit their receipts of producer milk to the quantity needed for Class I in the flush production season and procure from other plants supplemental supplies of milk for Class I during the short production season. Other plants have some manufacturing facilities or outlets available to market surplus supplies, and thus are able to carry adequate supplies of milk throughout the year.

A marketwide pool will enable the handlers with manufacturing facilities, or any cooperative association, to handle the reserve supplies and yet pay to producers the same price as is paid by handlers who do not assume the responsibility of carrying the necessary reserve. The lower return for the reserve milk in the market will thereby be apportioned equally among all producers in the market. Under an individual-handler pooling system as proposed by two handlers, this burden would be carried by individual groups of producers.

Many handlers in the proposed Minnesota-North Dakota marketing area depend on one of several associations for their "balancing" supplies, and the cooperatives assume responsibility in disposition of milk in excess of handlers' needs. It would be impossible for such associations to maintain equitable returns to producer members without the operation of a market pool.

Two handlers proposed an individual-handlers method of pooling. For the reasons set forth above, it has been concluded that a marketwide pool is necessary and that an individual-handler pool would be inappropriate.

(2) *Payments to producers.* Each handler under the order should pay each producer for milk received from such producer and for which payment is not made to a cooperative association at not less than the applicable uniform price.

A partial payment for milk delivered during the first 15 days of the month would also be required on or before the last day of the month at not less than the Class II price for the preceding month without deduction for hauling. Final payment to producers would be required on or before the 18th day of the month at the applicable uniform price for the preceding month, less partial payments and authorized deductions.

Provision should be made for a cooperative association, which is acting in the capacity of a handler on diverted milk, or a handler operating a pool plant, to receive payment for the producer milk it caused to be delivered to a pool plant.

A partial payment at the applicable Class II price for the preceding month, without deduction for hauling, would be required on or before the 30th day of the month for milk so delivered during the first 15 days of such month. A final settlement would be required on or before the 13th day after the end of the month in which such milk was delivered. This settlement will be made on the basis of the applicable class prices, less partial payment and authorized deductions.

Further, each handler should pay a cooperative association for milk received from such association in its capacity as a handler on bulk tank milk pursuant to § 1060.10(c) of the order. A partial settlement for such milk received during the first 15 days of the month should be made at not less than the Class II price for the preceding month. The final settlement for the value of such milk should be made at the applicable uniform price, less partial payments.

In making payments to producers, the handler should be required to furnish each producer a supporting statement. This statement should show the pounds and butterfat tests of milk received from such producer, the rate of payment for such milk, if such rate is other than the applicable minimum rate, and any deductions claimed by the handler.

(3) *Producer-settlement fund.* All producers will receive payment at the rate of the marketwide uniform price each month. Because the payment due from each handler for producer milk at the applicable class prices may be more or less than he is required to pay directly to producers, a method of equalizing this difference is necessary. A producer-settlement fund should be established for this purpose. A handler whose obligation for producer milk received during the month is greater than the amount he is required to pay producers for such milk at the applicable uniform prices would pay the difference into the producer-settlement fund and each handler whose obligation for producer milk is less than the applicable uniform price values would receive payment of the difference from the fund. Provision for the establishment and maintenance of the producer-settlement fund as set forth in the attached order is similar to that contained in other Federal orders with marketwide pools.

For efficient functioning of the producer-settlement fund, a reasonable reserve should be set aside at the end of each month. This is necessary to provide for such contingencies as the failure of a handler to make payment of his monthly billing to the fund or the payment to a handler from the fund by reason of an audit adjustment. The reserve, which would be operated as a revolving fund and adjusted each month, is established in the attached order at not less than 4 nor more than 5 cents per hundredweight of producer milk in the pool for the month.

Any payments on partially regulated milk received by the market administrator from any handler would be deposited in the producer-settlement fund. Money thus deposited would be included in the uniform price computation and thereby be distributed to all producers on the market.

e. *Administrative provisions.* Provisions should be included in the order with respect to the administrative steps necessary to carry out the proposed regulation.

In addition to the definitions discussed earlier in this decision, which define the scope of the regulation, certain other terms and definitions are desirable in the interest of brevity and to assure that each usage of the term denotes the same meaning. Such terms as are defined in the attached order are common to many other Federal milk orders.

(1) *Market Administrator.* Provision should be made for the appointment by the Secretary of a market administrator to administer the order and to set forth the powers and duties for such agency essential to the proper functioning of such office.

(2) *Records and reports.* Provisions should be included in the order requiring handlers to maintain adequate records of their operations and to make reports necessary to establish classification of producer milk and payments due therefore. Such reports are necessary for the computation of the uniform price and determination of each plant's continuing status under the order. The maintenance of adequate records is necessary to enable the market administrator to verify receipts and utilization as reported by the handlers and to verify that the several financial obligations arising under the order are fully discharged.

It is essential that handlers' reports be submitted to the market administrator not later than the 7th day after the end of each month. The market administrator should announce the uniform price for the previous month's milk by the 12th day of each month. Handlers should submit payments due to the producer-settlement fund on or before the 12th day after the end of the month. The payroll report of each handler should be submitted to the market administrator on or before the 20th day of each month. It should include such information as weight, butterfat tests, payments for milk and authorized deductions.

Handlers should maintain and make available to the market administrator all records and accounts of their operations, together with facilities which are necessary to determine the accuracy of information reported to the market administrator or any other information upon which the classification of producer milk depends. The market administrator must likewise be permitted to check the accuracy of weights and tests of milk and milk products received and handled, and to verify all payments required under the orders.

Detailed reports to the market administrator and complete records available for his inspection by all handlers would be used to determine whether the plants of such handlers qualify as pool plants. Reports of handlers operating nonpool plants from which fluid milk products are distributed in the marketing area would also be used by the market administrator to compute the amounts payable to the producer-settlement fund on such unpriced milk.

A cooperative association having authority to market milk for member producers should have available to it information on the use of such milk by individual handlers in order that member milk may be directed to those handlers needing Class I milk. This will promote orderly marketing by enabling the efficient allocation among handlers of available milk supplies and assist producers in maximizing their returns. A provision, therefore, should be included to authorize the market administrator to provide this information when it is requested by such an association. For the purpose of this report, the utilization of member milk in each handler's plant would be prorated to each class in the same ratio as all producer milk is allocated to each class during the month.

It is necessary that handlers retain records to prove the utilization of milk and that proper payments were made therefor. Since books and records of all handlers cannot be completely audited immediately after receipt of the milk, it becomes necessary to keep such records for a reasonable period of time.

The order should provide limitations on the period of time handlers shall be required to retain books and records and on the period of time in which obligations under the orders shall terminate. Provision made in this regard is identical in principle with the general amendment (made to all milk orders which were in operation on July 30, 1947), following the Secretary's decision of January 26, 1949 (14 F.R. 444). That decision covering the retention of records and limitation of claims, is equally applicable in this situation and is adopted as a part of this decision.

(3) *Expense of administration.* Each handler should be required to pay to the market administrator, as his proportionate share of the cost of administering the order, 4 cents per hundredweight, or such lesser amount as the Secretary may prescribe, on producer milk (including milk of such handler's own production) and on other source milk allocated to Class I (except milk so assessed under another Federal order).

The market administrator must have sufficient funds to enable him to administer properly the terms of the order. The Act provides that such cost of administration shall be financed through an assessment on handlers. A principal function of the market administrator is to verify the receipts and disposition of milk from all sources. Equity in sharing the cost of administration of the order among handlers will be achieved, therefore, by applying the administrative assessment on the basis of Grade A milk received from dairy farmers at a plant and on other source milk allocated to Class I milk.

The order provides that a cooperative association may act as the handler for milk of members which is delivered in tank trucks directly from the farm to pool plants of other handlers.

The cooperative is considered the handler for such milk only for the purpose of accounting to the individual producers. Such milk is producer milk at the plant of the receiving handler and is treated the same as any other direct receipt from producers. Therefore the handler who receives the milk should pay the administrative assessment on it.

The order specifies minimum performance standards that must be met to obtain regulated status. Operators of plants not meeting such standards are required to either (1) make specified payments into the producer-settlement fund on route distribution in the marketing area in excess of offsetting purchases of Federal order Class I milk, or (2) otherwise pay into such fund and/or to dairy farmers an amount not less than the classified use value of his receipts from dairy farmers computed as though such plant were a fully regulated plant.

The market administrator, in administering an order as it applies to the nonpool route distributor, must incur expenses in essentially the same manner as in applying the order to pool handlers. However, the order is not applicable to such distributor to the same extent as to regulated handlers. Hence, payment of the administrative assessment on his in-area sales reasonably would constitute his pro rata share of administrative expense.

In the case of unregulated milk which enters the market through a regulated plant for Class I use, it is the regulated handler who utilizes the unregulated milk and who must report to the market administrator the receipt and use of such milk. Also, the receipts and utilization of all milk at his plant are subject to verification by the market administrator. Hence, it is appropriate that the regulated handler be responsible for payment of the administrative assessment on such regulated milk.

The order is designed so that the cost of administration is shared equitably among all handlers distributing milk in the proposed marketing area. However, to prevent duplication an assessment should not be made on other source milk on which an assessment was made under another Federal order.

In view of the anticipated volume of milk and the costs of administering orders in markets of comparable circumstances, it is concluded that an initial rate of 4 cents per hundredweight is necessary to meet the expenses of administration. Provision should be made to enable the Secretary to reduce the amount of the administrative assessment without the necessity of amending the order.

A higher assessment rate may prevail when the order is first issued since part of the assessment is used each month to provide a reserve fund for operational expenses. Once the necessary reserve has been established, the assessment rate to handlers is reduced to whatever rate is needed to meet operating expenses. This may be done at any time experience in the market reveals that a lesser rate will provide sufficient revenue for proper administration of the order.

(4) *Marketing services.* Provisions should be made in the order for furnishing marketing services to producers, such as verifying the tests and weights of producer milk and furnishing market information. These services should be provided by the market administrator

and the cost should be borne by producers for whom the services are rendered. If a cooperative association is performing such services for its member-producers and is approved for such activity by the Secretary, the market administrator may accept this in lieu of his own service.

Milk produced on a handler's own farm should be exempt from marketing service deductions, even though it is subject to the other provisions of the order. There are no payments to producers to verify on such milk and, therefore, no need to provide the same marketing services as are provided other producers.

There is need for a marketing service program in connection with the administration of the order in this area. Orderly marketing will be promoted by assuring individual producers that they have obtained accurate weights and tests of their milk. Complete verification requires that butterfat tests and weighs of individual producer deliveries reported by the handler are accurate.

An additional phase of the marketing service program is to furnish producers with correct market information. Efficiency in the production, utilization, and marketing of milk will be promoted by providing for the dissemination of current market information on a market-wide basis to producers.

To enable the market administrator to furnish these marketing services, provision should be made for a maximum deduction of 5 cents per hundredweight with respect to receipts of milk from producers for whom he renders such marketing services. Comparison of the number of producers involved and the expected volume of milk with that of other markets indicates that a 5-cent rate is reasonable and should provide the funds necessary to conduct the program. If later experience indicates that marketing services can be performed at a lesser rate, provision is made whereby the Secretary may adjust the rate downward without the necessity of a hearing.

Miscellaneous. A "base and excess" plan of distributing returns for milk among producers and designed to encourage more even production throughout the year was suggested by one handler. Although such a plan was supported on the record by certain handlers and producer groups, the data concerning the seasonality of production of all producers who supply the market are not extensive enough to permit consideration of a base-excess plan for this market at this time.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions, and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or to reach such conclusions are denied for the reasons previously stated in this decision.

General findings. (a) The proposed marketing agreement and order and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed marketing agreement and order will regulate the handling of milk in the same manner as, and will be applicable to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Minnesota-North Dakota Marketing Area", and "Order Regulating the Handling of Milk in the Minnesota-North Dakota Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the attached order which will be published with this decision.

Referendum order; determination of representative period; and designation of referendum agent. It is hereby directed that a referendum be conducted among producers to determine whether the issuance of the attached order regulating the handling of milk in the Minnesota-North Dakota marketing area, is approved or favored by the producers, as defined under the terms of the proposed order, and who, during the representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

The month of June 1967 is hereby determined to be the representative period for the conduct of such referendum.

A. T. Radigan and Edward T. Coughlin are hereby designated agents of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders (7 CFR 900.300 et seq.), such referendum to be completed on or before the 30th day from the date this decision is issued.

Signed at Washington, D.C., on August 22, 1967.

GEORGE L. MEHREN,
Assistant Secretary.

Order[1] Regulating the Handling of Milk in the Minnesota-North Dakota Marketing Area

GENERAL DEFINITIONS

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1060.1 Act.
1060.2 Minnesota-North Dakota marketing area.
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1060.6 Person.
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1060.8 Producer.
1060.9 Cooperative association.
1060.10 Handler.
1060.11 Producer-handler.

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1060.20 Plant.
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MARKET ADMINISTRATOR

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1060.40 Skim milk and butterfat to be classified.
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MINIMUM PRICES

1060.50 Basic formula price.
1060.51 Class prices.
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1060.53 Location differentials to handlers.

APPLICATION OF PROVISIONS

1060.60 Producer-handlers and exempt institutions.
1060.61 Plants subject to other Federal orders.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, governing proceedings to formulate marketing agreements and marketing orders have been met.

Sec.
1060.62 Obligation of handler operating a partially regulated distributing plant.

DETERMINATION OF UNIFORM PRICE

1060.70 Computation of the net pool obligation of each pool handler.
1060.71 Computation of uniform price.

PAYMENTS

Sec.
1060.80 Time and method of payment.
1060.81 Butterfat differential to producers.
1060.82 Location differentials to producers and on nonpool milk.
1060.83 Producer-settlement fund.
1060.84 Payments to the producer-settlement fund.
1060.85 Payments out of the producer-settlement fund.
1060.86 Adjustment of accounts.
1060.87 Marketing services.
1060.88 Expense of administration.
1060.89 Termination of obligation.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

1060.90 Effective time.
1060.91 Suspension or termination.
1060.92 Continuing obligations.
1060.93 Liquidation.

MISCELLANEOUS PROVISIONS

1060.100 Agents.
1060.101 Separability of provisions.

AUTHORITY: The provisions of this Part 1060 issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

§ 1060.0 Findings and determinations.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed order regulating the handling of milk in the Minnesota-North Dakota marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(3) The said order regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commerical activity specified in, a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in this order, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to:

(a) Producer milk (including a handler's own farm production);

(b) Other source milk allocated to Class I milk pursuant to § 1060.46(a) (4) and (8) and the corresponding steps in § 1060.46(b); and

(c) Class I milk disposed of in the marketing area from a partially regulated distributing plant that exceeds the hundredweight of Class I milk received during the month at such plant from pool plants and other order plants.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Minnesota-North Dakota marketing area shall be in conformity to, and in compliance with, the following terms and conditions:

The provisions of §§ 1060.0 to 1060.101, both inclusive, of the proposed order contained in the recommended decision issued by the Deputy Administrator, Regulatory Programs, on April 28, 1967 (32 F.R. 6872; F.R. Doc. 67-4920), shall be and are the terms and conditions of this order and are set forth in full herein subject to the following revisions:

Changes are made in §§ 1060.2, 1060.16, 1060.41(b)(5) (iii), (vi), and (vii), 1060.46(a)(4)(iii), 1060.53 (a) and (b)(1), 1060.80(c) (introductory text and (2)), and 1060.82(a).

GENERAL DEFINITIONS

§ 1060.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 1060.2 Minnesota-North Dakota marketing area.

(a) "Minnesota-North Dakota marketing area" (hereinafter referred to as the "marketing area") means all the territory within the boundaries of the counties listed below, including territory wholly or partly within such boundaries occupied by Government (municipal, State, or Federal) reservations, installations, institutions or other similar establishments:

MINNESOTA

Becker.	Marshall.
Beltrami.	Norman.
Big Stone.	Otter Tail.
Clay.	Pennington.
Clearwater.	Polk.
Douglas.	Red Lake.
Grant.	Roseau.
Hubbard.	Stevens.
Kittson.	Traverse.
Lake of the Woods.	Wadena.
Mahnomen.	Wilkin.

NORTH DAKOTA

Barnes.	Pembina.
Cass.	Ramsey.
Cavalier.	Ransom.
Dickey.	Richland.
Grand Forks.	Sargent.
Griggs.	Steele.
La Moure.	Traill.
Nelson.	Walsh.

SOUTH DAKOTA

Grant.	Roberts.
Marshall.	

(b) The "base zone" shall include that portion of the marketing area in the counties of Clay, Marshall, Norman, Pennington, Polk, and Red Lake, all in the State of Minnesota; and the counties of Cass, Grand Forks, and Traill, all in the State of North Dakota.

§ 1060.3 Route.

"Route" means a delivery to a wholesale or retail outlet either directly or through a distributing facility such as a distribution point, a plant store, or a vendor of a fluid milk product classified as Class I pursuant to § 1060.41(a)(1), other than a delivery to a pool plant or a nonpool plant.

§ 1060.4 Department.

"Department" means the U.S. Department of Agriculture or such other Federal agency as is authorized to perform the price reporting functions specified in this part.

§ 1060.5 Chicago butter price.

"Chicago butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bulk creamery butter at Chicago as reported during the month by the Department.

DEFINITIONS OF PERSONS

§ 1060.6 Person.

"Person" means any individual, partnership, corporation, association, institution, or other business unit.

§ 1060.7 Secretary.

"Secretary" means the Secretary of Agriculture of the United States or such other officer or employee of the United States as is authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture of the United States.

§ 1060.8 Producer.

"Producer" means any person, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority, which milk is (a) received at a pool plant, or (b) diverted as producer milk pursuant to § 1060.16.

§ 1060.9 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association:

(a) Is qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act;"

(b) Has full authority in the sale of milk of its members and is engaged in making collective sales of or marketing milk or its products for its members; and

(c) Has its entire activities under the control of its members.

§ 1060.10 Handler.

"Handler" means:

(a) Any person (including any cooperative association) in his capacity as the operator of one or more pool plants;

(b) Any cooperative association with respect to producer milk which it causes to be diverted for its account from a pool plant pursuant to § 1060.16;

(c) Any cooperative association with respect to the milk of its member producers which is delivered directly from the farm to the pool plant of another handler in a tank truck owned, operated by, under contract to, or under the control of such cooperative association. The milk for which a cooperative association is a handler pursuant to this paragraph shall be deemed to have been received at the location of the pool plant to which it was delivered;

(d) Any person who operates a partially regulated distributing plant. This definition shall not apply to a governmentally owned and operated institution which is exempt from the provisions of this part pursuant to § 1060.60(b); and

(e) A producer handler, or any person who operates an other order plant as described in § 1060.61;

§ 1060.11 Producer-handler.

"Producer-handler" means any person who operates a dairy farm and a distributing plant and who received no milk during the month from other dairy farmers or from sources other than pool plants and not more than 3,000 pounds of milk and fluid milk products (including the milk equivalent of nonfluid products which are reconstituted into fluid milk products) during the month from any source. Such person must provide proof satisfactory to the market administrator that (a) the care and management of all the dairy animals and other resources necessary to produce the milk are the personal enterprise of and at the personal risk of such person, and (b) the operation of the processing and distributing business is the personal enterprise of and at the personal risk of such person.

Definitions of Milk and Milk Products

§ 1060.15 Producer milk.

"Producer milk" means all the skim milk and butterfat contained in Grade A milk:

(a) Received during the month at a pool plant directly from a producer or a handler pursuant to § 1060.10(c);

(b) Diverted subject to the provisions of § 1060.16 from a pool plant to a nonpool plant other than an other order plant or a producer-handler plant; or

(c) Received by a cooperative association handler pursuant to § 1060.10(c) from producers in excess of the quantity delivered to pool plants.

§ 1060.16 Diverted milk.

"Diverted milk" means, for any month, milk produced by a dairy farmer which a pool plant handler or a handler pursuant to § 1060.10(b) caused to be moved from the farm to a nonpool plant (other than the plant of a producer-handler) if such movement is specifically reported and the conditions of paragraphs (a) or (b), and (c) of this section have been met. Such milk shall be deemed to have been received by the diverting handler at the location of the nonpool plant to which diverted in applying §§ 1060.53 and 1060.82. The diversion of producer milk is subject to the following conditions:

(a) During March through June a cooperative association handler pursuant to § 1060.10(b) may divert for its account without limit the milk of any member producer. During the months of July through February such handler may divert an aggregate quantity not exceeding 50 percent of the milk of all such producers whose milk has been received at a pool plant(s) for at least 3 days during the month.

(b) During March through June a handler in his capacity as the operator of a pool plant may divert for his account without limit the milk of any producer, other than a member of a cooperative association which has diverted milk pursuant to paragraph (a) of this section. During the months of July through February such handler may divert an aggregate quantity not exceeding 50 percent of the milk of all such producers whose milk has been received at his pool plant(s) for at least 3 days during the month.

(c) In the event milk receipts from dairy farmers are diverted in excess of the applicable percentages pursuant to paragraphs (a) and (b) of this section the diverting handler shall specify the dairy farmers whose milk was overdiverted. Only the milk of such dairy farmer(s) which is received at a pool plant during the month shall be producer milk for such month.

§ 1060.17 Other source milk.

"Other source milk" means all skim milk and butterfat contained in or represented by:

(a) Fluid milk products received from any source except:

(1) Producer milk;

(2) Fluid milk products received from pool plants; or

(3) Inventory of fluid milk products on hand at the beginning of the month; and

(b) Products, other than fluid milk products, received from any source (including those produced at the plant) which are reprocessed or converted into or combined with another product in the plant during the month, and any disappearance of products other than fluid milk products not otherwise accounted for.

§ 1060.18 Fluid milk product.

"Fluid milk product" means milk, skim milk, flavored milk, concentrated milk, buttermilk, milk drinks (plain or flavored), sour cream and sour cream products labeled Grade A, cream or any mixture in fluid form of cream and milk or skim milk. The term includes these products in fluid, frozen, fortified (including "dietary" milk products) or reconstituted form but does not include sterilized products in hermetically sealed containers and such products as yogurt, eggnog, aerated cream in dispensers, ice cream mix, frozen dessert mix and evaporated or condensed milk or skim milk.

Definitions of Plants

§ 1060.20 Plant.

"Plant" means the land, buildings, facilities, and equipment constituting a single operating unit or establishment at which milk or milk products are received, processed and/or packaged. Separate facilities used only as a reload point for transferring bulk milk from one tank truck to another shall not be a plant under this definition. Facilities used only as a distribution point for storing fluid milk products in transit on routes shall not be a plant under this definition.

§ 1060.21 Distributing plant.

"Distributing plant" means a plant that is approved by an appropriate health authority for the processing or packaging of Grade A milk and from which fluid milk products are disposed of during the month on routes.

§ 1060.22 Supply plant.

"Supply plant" means a plant from which a fluid milk product that is acceptable to the appropriate health authority for distribution in the marketing area as Grade A is moved during the month to a distributing plant.

§ 1060.23 Pool plant.

"Pool plant" means any plant meeting the conditions of paragraph (a) or (b) of this section except the plant of a handler exempted pursuant to § 1060.60 and § 1060.61: *Provided*, That if a portion of a plant is physically separated from the Grade A portion of such plant, is operated separately and is not approved by any health authority for the receiving, processing, or packaging of any fluid milk product for Grade A disposition, it shall not be considered as part of a pool plant pursuant to this section.

(a) A distributing plant from which during the month there is disposed:

(1) As Class I milk on routes in the marketing area not less than 15 percent of Grade A milk receipts at such plant; and

(2) As Class I milk on routes or by transfer to another plant and classified as Class I pursuant to § 1060.44 not less than the applicable percentage of such plant's receipts of Grade A milk:

(i) March through June, 20 percent;

(ii) July through February, 25 percent: *Provided*, That all distributing plants operated by a handler may be considered as one plant for the purpose of meeting the applicable percentage requirement of this subparagraph if the handler submits a written request to the market administrator prior to the delivery period for which such consideration is requested; and

(b) A supply plant from which not less than 25 percent of its producer receipts at such plant during the month is shipped as fluid milk products to pool plants qualified pursuant to paragraph (a) of this section: *Provided*, That a supply plant which qualified pursuant to this paragraph in each of the immediately preceding months of August through November shall be a pool plant for the months of March through June unless the plant operator requests the market administrator in writing that such plant not be a pool plant, such nonpool status to be effective the first month following such notice and thereafter until the plant qualifies as a pool plant on the basis of shipments.

§ 1060.24 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant from which fluid milk products (labeled Grade A) in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is a supply plant and is neither an other order plant nor a producer-handler plant.

Market Administrator

§ 1060.30 Designation.

The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of the Secretary.

§ 1060.31 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 1060.32 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount, and with satisfactory surety thereon, covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 1060.88 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses except those incurred under § 1060.87, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be required by the Secretary;

(g) Verify all reports and payments of each handler by audit of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends and by such other means as are necessary;

(h) Publicly disclose to handlers and producers at his discretion, unless otherwise directed by the Secretary, the name of any person who, within 10 days after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 1060.35 to 1060.37, inclusive, or has not made payments pursuant to §§ 1060.80, 1060.84, 1060.86, 1060.87, and 1060.88.

(i) Prepare and disseminate to the public such statistics and such information as he deems advisable and as do not reveal confidential information;

(j) Publicly announce on or before:

(1) The 6th day of each month, the Class I price and butterfat differential for the month computed pursuant to §§ 1060.51(a) and 1060.52(a), respectively; and the Class II price and butterfat differential for the immediately preceding month computed pursuant to §§ 1060.51(b) and 1060.52(b), respectively; and

(2) The 12th day of each month, the uniform price and the butterfat differential computed pursuant to §§ 1060.71 and 1060.81, respectively, both applicable to milk delivered during the immediately preceding month;

(k) On or before the 12th day of each month, report to each cooperative association which so requests the amount and class utilization of milk received by each handler during the immediately preceding month from such cooperative association in its capacity as a handler pursuant to § 1060.10(c) and directly from members of such cooperative association. For the purpose of this report the milk so received shall be prorated to each class in proportion to the utilization by such handler in each class remaining after allocation pursuant to § 1060.46(a)(1) through (10) and the corresponding steps of § 1060.46(b); and

(l) Whenever required for purpose of allocating receipts from other order plants pursuant to § 1060.46(a)(9) and the corresponding step of § 1060.46(b), the market administrator shall estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose;

(m) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products from an other order plant, the classification to which such receipts are allocated pursuant to § 1060.46 pursuant to such report, and thereafter any change in such allocation required to correct errors disclosed in verification of such report; and

(n) Furnish to each handler operating a pool plant who has shipped fluid milk products to an other order plant, the classification to which the skim milk and butterfat in such fluid milk products were allocated by the market administrator of the other order on the basis of the report of the receiving handler; and, as necessary, any changes in such classification arising in the verification of such report.

Reports, Records, and Facilities

§ 1060.35 Reports of receipts and utilization.

On or before the 7th day after the end of each month each handler who operates a pool plant(s) shall report for each such plant to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) The receipts at each plant of milk from each producer (including such handlers' own production), the average butterfat test, the pounds of butterfat contained therein, the number of days on which milk was received from such producer, and the total quantity of milk and butterfat received from each handler pursuant to § 1060.10(c);

(b) The quantities of skim milk and butterfat contained in (or used in the production of) fluid milk products received from other pool plants;

(c) The quantities of skim milk and butterfat contained in receipts of other source milk;

(d) The utilization of skim milk and butterfat required to be reported pursuant to this section;

(e) The disposition of fluid milk products on routes in the marketing area;

(f) The pounds of skim milk and butterfat contained in all fluid milk products on hand, both in bulk and in packages, at the beginning and at the end of the month;

(g) Such other information with respect to receipts and utilization as the market administrator may prescribe; and

(h) Each handler specified in § 1060.10 (d) who operates a partially regulated distributing plant shall report as required in this section, except that receipts of Grade A milk shall be reported in lieu of those in producer milk. Such report shall include a separate statement showing the respective amounts of skim milk and butterfat disposed of in the marketing area as Class I milk on routes.

§ 1060.36 Payroll reports.

On or before the 20th day after the end of each month each handler, except a producer-handler or a handler making payments pursuant to § 1060.62(b), shall submit to the market administrator his producer payroll (or in the case of a handler making payments pursuant to § 1060.62(a), his payroll for dairy farmers delivering Grade A milk) for receipts during the preceding month which shall show:

(a) The total pounds of milk, the average butterfat test thereof, and the pounds of butterfat received from each producer and cooperative association and the number of days on which milk was received from such producer;

(b) The amount of payment to each producer and cooperative association; and

(c) The nature and amount of any deductions or charges involved in such payments.

§ 1060.37 Other reports.

(a) Each producer-handler and each handler making payments pursuant to § 1060.62(b) shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe;

(b) Each handler pursuant to § 1060.10 (c) shall report to the market administrator in detail and on forms prescribed by the market administrator on or before the 7th day after the end of each month the quantities of skim milk and butterfat in producer milk delivered to each pool plant in such month and all other producer milk for which it is a handler;

(c) Each handler who receives milk from producers, payment for which is to be made to a cooperative association pursuant to § 1060.80(b), shall report to such cooperative association with respect to each such producer, on forms approved by the market administrator, as follows:

(1) On or before the 20th day of the month, the total pounds of milk received during the first 15 days of the month;

(2) On or before the seventh day after the end of the month:

(i) The pounds per shipment, the total pounds of milk and the average butterfat test of milk received from such producer during the month;

(ii) The amount or rate and nature of any deductions; and

(iii) The amount of any payments to such producer pursuant to § 1060.86.

§ 1060.38 Records and facilities.

Each handler shall maintain and make available to the market administrator, during the usual hours of business, such accounts and records of his operations, together with such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form during the month;

(b) The weights and tests for butterfat and other content of all milk and milk products handled during the month;

(c) The pounds of skim milk and butterfat contained in or represented by all milk products in inventory at the beginning and end of each month; and

(d) Payments to dairy farmers and cooperative associations, including the amount and nature of any deductions and the disbursement of money so deducted.

§ 1060.39 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the month to which such books and records pertain: *Provided*, That if within such 3-year period, the market administrator notifies the handler in writing that the retention of such books and records, or specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

Classification of Milk

§ 1060.40 Skim milk and butterfat to be classified.

(a) The skim milk and butterfat which are required to be reported pursuant to § 1060.35 and § 1060.37(b) shall be classified each month by the market administrator pursuant to the provisions of §§ 1060.41 through 1060.46; and

(b) If any water contained in the milk from which a product is made is removed before the product is utilized or disposed of by the handler, the pounds of skim milk utilized or disposed of in such product shall be considered to be a quantity equivalent to the nonfat milk solids contained in such product plus all the water originally associated with such solids.

§ 1060.41 Classes of utilization.

Subject to the conditions set forth in §§ 1060.42 through 1060.46, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including that used to produce reconstituted skim milk) and butterfat:

(1) Disposed of in the form of a fluid milk product except:

(i) Fluid milk products classified as Class II pursuant to paragraph (b) (2) and (3) of this section;

(ii) Fluid milk products which are fortified with nonfat milk solids shall be Class I in an amount equal only to the weight of an equal volume of an unfortified product of the same butterfat content;

(2) Contained in inventory of packaged fluid milk products on hand at the end of the month; and

(3) Not accounted for as Class II milk;

(b) *Class II milk.* Class II milk shall be:

(1) Skim milk and butterfat used to produce any product other than a fluid milk product;

(2) Skim milk and butterfat disposed of:

(i) For livestock feed; or

(ii) Dumped after prior notification to and opportunity for verification by the market administrator;

(3) The weight of skim milk in any fortified fluid milk product in excess of the pounds classified as Class I milk pursuant to paragraph (a)(1)(ii) of this section;

(4) In inventory of bulk fluid milk products on hand at the end of the month;

(5) Skim milk and butterfat, respectively, in actual shrinkage at each pool plant allocated pursuant to § 1060.42(b)(1) but not in excess of:

(i) Two percent of producer milk except that received from a handler pursuant to § 1060.10(c) or diverted pursuant to § 1060.16 to a nonpool plant;

(ii) Plus 1.5 percent of milk received in bulk tank lots from other pool plants;

(iii) Plus 1.5 percent of producer milk received from a handler pursuant to § 1060.10(c), except that if the handler operating the pool plant files notice with the market administrator that the purchase of such milk is on the basis of farm tests and weights determined by farm bulk tank calibrations, the applicable percentage shall be two percent;

(iv) Plus 1.5 percent of milk received in bulk tank lots from other order plants exclusive of the quantity for which Class II utilization was requested by the operators of both plants;

(v) Plus 1.5 percent of milk in bulk tank lots from unregulated supply plants, exclusive of the quantity for which Class II utilization was requested by the handler;

(vi) Less 1.5 percent of milk in bulk tank lots transferred from pool plants to other plants; and

(vii) Plus 0.5 percent of milk received by a cooperative handler pursuant to § 1060.10 (b) and (c) from producers as determined by farm tests and weights measured by farm bulk tank calibrations, unless the exception in subparagraph (5)(iii) of this paragraph applies; and

(6) Skim milk and butterfat in shrinkage allocated pursuant to § 1060.42(b)(2).

§ 1060.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts at each pool plant as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler at each plant; and

(b) Prorate the resulting amounts among the receipts of skim milk and butterfat contained in:

(1) The net quantity of producer milk and other milk specified in § 1060.41(b)(5) (except milk diverted to a nonpool plant pursuant to § 1060.15); and

(2) Other source milk exclusive of that specified in § 1060.41(b)(5).

§ 1060.43 Responsibility of handlers and reclassification of milk.

(a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise; and

(b) Any skim milk and butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 1060.44 Transfers.

Skim milk or butterfat in the form of a fluid milk product shall be classified:

(a) At the utilization indicated by the transferee and transferor handlers in their reports pursuant to § 1060.35, otherwise as Class I milk, if transferred from a pool plant to another pool plant subject in either event to the following conditions:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1060.46(a)(9) and the corresponding step of § 1060.46(b);

(2) If the transferor handler received during the month other source milk to be allocated pursuant to § 1060.46(a)(4) and the corresponding step of § 1060.46(b), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1060.46 (a)(8) or (9) and the corresponding steps of § 1060.46(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant, if such classification would change the classification of producer milk on the market or the classification of such other source milk received by the transferor handler during the month;

(b) As Class I milk, if transferred from a pool plant to a producer-handler or to an exempt government institution as defined in § 1060.60;

(c) As Class I if transferred from a pool plant in packaged form to a nonpool plant that is neither an other order plant nor a producer-handler plant;

(d) As Class I milk, if transferred or diverted to a nonpool plant that is neither an other order plant nor a producer-handler plant and is located more than 300 miles by shortest highway distance as determined by the market administrator, from the nearer of the city halls of Fargo or Grand Forks, N. Dak., except that cream so transferred may be classified as Class II if the handler claims classification of such cream in Class II in his report pursuant to § 1060.35, the handler tags the container of such cream as for manufacturing purposes only (and so noticed on invoice), and the handler gives the market administrator sufficient notice to allow him to verify the shipment;

(e) As Class I milk if transferred or diverted in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant and is not more than 300 miles by shortest highway distance as determined by the market administrator from the nearer of the city halls of Fargo or Grand Forks, N. Dak., unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1060.35 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred or diverted shall be classified on the basis of the following assignment of utilization at such nonpool plant in excess of receipts of packaged fluid milk products from all pool plants and other order plants;

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to receipts from other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of Grade A milk for such nonpool plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply for such nonpool plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants;

(iv) To the extent that Class I utilization is not so assigned to it the skim milk and butterfat so transferred or diverted shall be classified as Class II milk;

(v) If any skim milk or butterfat is transferred to a second nonpool plant under this paragraph, the same conditions of audit, classification and allocation shall apply;

(f) As follows, if transferred to an other order plant in excess of receipts from such plant in the same category as described in subparagraph (1), (2), or (3) of this paragraph:

(1) If transferred in packaged form, classification shall be in the classes to which allocated as a fluid milk product under the other order;

(2) If transferred in bulk form, classification shall be in the classes to which allocated as a fluid milk product under the other order (including allocation under the conditions set forth in subparagraph (3) of this paragraph);

(3) If the operators of both the transferor and transferee plants so request in the reports of receipts and utilization filed with their respective market administrators, transfers in bulk form shall be classified as Class II to the extent of the Class II utilization (or comparable utilization under such other order) available for such assignment pursuant to the allocation provisions of the transferee order;

(4) If information concerning the classification to which allocated under the other order is not available to the market administrator for purposes of establishing classification pursuant to this paragraph, classification shall be as Class I subject to adjustment when such information is available;

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I and milk allocated to other classes shall be classified as Class II; and

(6) If the form in which any fluid milk product is transferred to another order plant is not defined as a fluid milk product under such other order, classification shall be in accordance with the provisions of § 1060.41.

§ 1060.45 Computation of skim milk and butterfat in each class.

For each month the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization submitted pursuant to § 1060.35 by each handler and shall compute the pounds of skim milk and butterfat in each class at all pool plants of such handler. Allocation pursuant to § 1060.46 and computation of obligations pursuant to § 1060.70 shall be

based upon the combined utilization so computed.

§ 1060.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1060.45, the market administrator shall determine the classification of producer milk for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1060.41(b)(5);

(2) Subtract from the pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class II milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Except for the first month this order is effective, subtract from the remaining pounds of skim milk in Class I, the pounds of skim milk in inventory of packaged fluid milk products on hand at the beginning of the month;

(4) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products for which Grade A certification is not established, or which are from unidentified sources; and

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order, and from exempt institutions as defined in § 1060.60(b);

(5) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II, but not in excess of such quantity:

(i) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant:

(a) For which the handler requests Class II utilization; or

(b) The pounds of skim milk in receipts which are in excess of the pounds of skim milk determined by subtracting from 125 percent of the pounds of skim milk remaining in Class I milk (exclusive of transfers between pool plants of the same handler) the sum of the pounds of skim milk in producer milk, receipts of fluid milk products from pool plants of other handlers, and receipts of fluid milk products in bulk from other order plants; and

(ii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant in excess of similar transfers to such plant, if Class II utilization was requested by the operator of such plant and the transferee handler but not in excess of the pounds of skim milk remaining in Class II milk;

(6) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products in bulk (and for the first month this order is effective, in packaged fluid milk products) on hand at the beginning of the month;

(7) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraph (5)(i) of this paragraph;

(9) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraph (5)(ii) of this paragraph;

(i) In series beginning with Class II, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated Class II utilization of skim milk announced for the month by the market administrator pursuant to § 1060.32(i) or the percentage that Class II utilization remaining is of the total remaining utilization of skim milk of the handler; and

(ii) From Class I milk, the remaining pounds of such receipts;

(10) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from pool plants of other handlers according to the classification assigned pursuant to § 1060.44(a); and

(11) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

MINIMUM PRICES

§ 1060.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the U.S. Department of Agriculture for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the Chicago butter price for the month. The resulting price shall be rounded to the nearest full cent. For the purpose of computing Class I prices from the effective date hereof through April 1968, the basic formula price shall not be less than $4.06.

§ 1060.51 Class prices.

Subject to the provisions of §§ 1060.52 and 1060.53, the minimum class prices per hundredweight of milk for the month shall be as follows:

(a) *Class I price.* For the first 11 months from the effective date of this section, the price for Class I milk shall be the basic formula price for the preceding month plus $0.86, and plus 20 cents through April 1968.

(b) *Class II price.* The price for Class II milk shall be the basic formula price.

§ 1060.52 Butterfat differentials to handlers.

For milk containing more or less than 3.5 percent butterfat, the class prices for the month pursuant to § 1060.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at a rate rounded to the nearest one-tenth cent determined as follows:

(a) *Class I price.* Multiply the Chicago butter price for the preceding month by 0.120;

(b) *Class II price.* Multiply the Chicago butter price for the month by 0.115.

§ 1060.53 Location differentials to handlers.

(a) For producer milk received at a pool plant or diverted to a nonpool plant located outside the base zone and classified as Class I milk or assigned Class I location adjustment credit pursuant to paragraph (b) of this section and for other source milk for which a location adjustment is applicable, the price computed pursuant to § 1060.51(a) shall be adjusted 1.2 cents for each 10 road miles or fraction thereof that such plant is located beyond the perimeter of the base zone.

(b) For the purposes of calculating such adjustments:

(1) All distances shall be by shortest hard-surfaced highways and/or all-weather-roads, as determined by the market administrator;

(2) The adjustment pursuant to this section shall be added to the Class I price if the plant is located in North or South Dakota and shall be subtracted from such price if the plant is located in Minnesota; and

(3) Transfers of fluid milk products between pool plants shall be assigned Class I milk disposition at the receiving plant, in excess of the sum of receipts at such plant from producers (including receipts from a cooperative association as a handler of bulk tank milk pursuant to § 1060.10(c)) and the pounds assigned as Class I milk to receipts from other order plants and unregulated supply plants. Such assignment is to be made first to shipping plants priced at the same price, next to plants having a higher price, and then in sequence to plants having a lower price, beginning with the plant at which the highest price would apply.

APPLICATION OF PROVISIONS

§ 1060.60 Producer-handlers and exempt institutions.

(a) Sections 1060.40 through 1060.46, 1060.50 through 1060.54, 1060.70, 1060.71, and 1060.80 through 1060.88 shall not apply to a producer-handler; and

(b) None of the provisions of this part shall apply to a governmentally owned and operated institution which disposes of Class I milk solely for use on its own premises or to its own facilities. Sales of fluid milk products from a pool plant to such an institution shall be Class I and receipts of fluid milk products at a pool plant from such an institution shall be Class II.

§ 1060.61 Plants subject to other Federal orders.

The provisions of this order shall not apply with respect to a plant of a handler specified in paragraph (a) or (b) of this section except that such handler shall, with respect to his total receipts and disposition of skim milk and butterfat, make reports to the market administrator at such time and in such manner as the market administrator may require and shall allow verification of such reports by the market administrator:

(a) A distributing plant from which the Secretary determines a greater proportion of fluid milk products is disposed of on routes in another marketing area regulated by another order issued pursuant to the Act and such plant is fully subject to regulation of such other order: *Provided*, That a distributing plant which was a pool plant under this order in the immediately preceding month shall continue to be subject to all of the provisions of this part until the third consecutive month in which a greater proportion of its Class I disposition on routes is made in such other marketing area unless, notwithstanding the provisions of this paragraph, it is regulated by such other order; and

(b) A distributing plant which meets the requirements set forth in § 1060.23(a) which also meets the requirements of another marketing order on the basis of its distribution in such other marketing area and from which the Secretary determines a greater quantity of milk is disposed of during the month on routes in this marketing area than is so disposed of in such other marketing area but which plant is nevertheless fully regulated under such other marketing order.

§ 1060.62 Obligation of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month either of the amounts (at the handler's election) calculated pursuant to paragraph (a) or (b) of this section. If the handler fails to report pursuant to §§ 1060.35(h) and 1060.36 the information necessary to compute the amount specified in paragraph (a), he shall pay the amount computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) (i) The obligation that would have been computed pursuant to § 1060.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk. There shall be included in the obligation so computed a charge in the amount specified in § 1060.70(f) and a credit in the amount specified in § 1060.84(b)(2) with respect to receipts from an unregulated supply plant, unless an obligation with respect to such plant is computed as specified in subdivision (ii) of this subparagraph.

(ii) If the operator of the partially regulated distributing plant so requests, and provides with his report pursuant to §§ 1060.35(b) and 1060.36, a similar report with respect to the operations of any other nonpool plant which serves as a supply plant for such partially regulated distributing plant by shipments to such plant during the month equivalent to the requirements of § 1060.23(b), with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification of such reports, there will be added the amount of the obligation computed at such nonpool supply plant in the same manner and subject to the same conditions as for the partially regulated distributing plant.

(2) From this obligation there will be deducted the sum of (i) the gross payments made by such handler for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a supply plant(s) included in the computations pursuant to subparagraph (1) of this paragraph, and (ii) any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant;

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes (other than to pool plants) in the marketing area;

(2) Deduct (except that deducted under a similar provision of another order issued pursuant to the Act) the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price applicable at such location (not to be less than the Class II price).

DETERMINATION OF UNIFORM PRICE

§ 1060.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each pool handler as described in § 1060.10 (a), (b), and (c) during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class as computed pursuant to § 1060.46(c), by the applicable class prices (adjusted pursuant to §§ 1060.53 and 1060.53);

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1060.46(a)(11) and the corresponding step of § 1060.46(b) by the applicable class prices;

(c) Add the amount computed from multiplying the difference between the appropriate Class II price for the preceding month and the appropriate Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1060.46(a)(6) and the corresponding step of § 1060.46(b);

(d) Add (or subtract, pursuant to the proviso of this paragraph) the amount computed from multiplying the difference between the appropriate Class I price of the preceding month and the appropriate Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1060.46(a)(3) and the corresponding step of § 1060.46(b): *Provided*, That if the Class I price for the current month is less than the Class I price for the preceding month, the result shall be a minus amount;

(e) Add the amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price, with respect to skim milk and butterfat from other source milk subtracted from Class I pursuant to § 1060.46(a)(4) and the corresponding step of § 1060.46(b); and

(f) Add an amount equal to the value at the Class I price adjusted for location of the nearest nonpool plant(s) from which an equivalent volume was received with respect to skim milk and butterfat subtracted from Class I pursuant to § 1060.46(a)(5) and the corresponding step of § 1060.46(b).

§ 1060.71 Computation of uniform price.

For each month the market administrator shall compute a uniform price as follows:

(a) Combine into one total the values computed pursuant to § 1060.70 for all handlers who filed reports pursuant to §§ 1060.35 and 1060.37(b) for the month and who made the payments pursuant to §§ 1060.80 and 1060.84 for the preceding month;

(b) Add or subtract for each one-tenth percent that the average butterfat content of milk represented by the values specified in paragraph (a) of this section is less or more, respectively, than 3.5

percent, the amount obtained by multiplying such difference by the butterfat differential pursuant to § 1060.81 and by multiplying the result by the total hundredweight of such milk;

(c) Add an amount equal to the total value of minus location differentials computed pursuant to § 1060.82(a);

(d) Subtract an amount equal to the total value of the plus location differentials computed pursuant to § 1060.82(a);

(e) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(f) Divide the resulting amount by the sum of the following for all handlers included in these computations;

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1060.70(f); and

(g) Subtract not less than 4 cents nor more than 5 cents per hundredweight. The result shall be the "uniform price" for milk received from producers.

PAYMENTS

§ 1060.80 Time and method of payment.

Each handler shall make payment for milk received from producers or cooperative associations as follows:

(a) To each producer for whom payment is not made pursuant to paragraph (b) or (c) of this section:

(1) A final settlement on or before the 15th day after the end of each month during which producer milk was received, at not less than the uniform price for such milk, adjusted by the butterfat differential computed pursuant to § 1060.81, subject to the location adjustment to producers pursuant to § 1060.82, and less the following amounts:

(i) The payments made pursuant to subparagraph (2) of this paragraph;

(ii) Marketing service deductions pursuant to § 1060.87; and

(iii) Any deductions authorized by the producer: *Provided*, That if by such date such handler has not received full payment for such month pursuant to § 1060.85, he may reduce his total payment to all producers uniformly by not less than the amount of reduction in payment from the market administrator; the handler shall, however, complete such payments not later than the date for making such payments pursuant to this paragraph next following receipt of the balance from the market administrator;

(2) A partial payment on or before the last day of each month with respect to producer milk received during the first 15 days of the month at not less than the Class II price for the preceding month (without deduction for hauling);

(b) (1) On or before the second day prior to the date payments are due individual producers as specified in this section, pay to a cooperative association which so requests and which the market administrator determines is authorized by its members to collect payments for their milk and which promises in writing to reimburse the handler the amount of any actual loss incurred by him because of any member's claim on the part of the cooperative association of the payments pursuant to paragraph (a) of this section an amount equal to the sum of the individual payments otherwise payable to such producers. The foregoing payment shall be made with respect to milk of each producer whom the cooperative association certifies is a member effective on and after the first day of the calendar month next following receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the cooperative association; and

(2) A copy of each such request, promise to reimburse, and certified list of members shall be filed simultaneously with the market administrator by the cooperative association and shall be subject to verification at his discretion through audit of the records of the cooperative association pertaining thereto.

Exceptions, if any, to the accuracy of such certification by a producer claimed to be a member, or by a handler, shall be made by written notice to the market administrator and shall be subject to his determination;

(c) To a cooperative association which is a handler pursuant to § 1060.10 (a) or (b) for milk which it caused to be delivered to such handler:

(1) A final settlement on or before the 13th day after the end of the month in which the skim milk or butterfat was received, an amount equal to not less than the applicable class prices for all skim milk and butterfat so delivered, less the amount of payment made pursuant to subparagraph (2) of this paragraph;

(2) A partial payment on or before the 26th day of each month at not less than the applicable Class II price for the preceding month (without deduction for hauling) for all skim milk and butterfat so delivered during the first 15 days of the current month;

(d) In making payments to producers pursuant to paragraph (a) of this section, each handler shall furnish each producer with a supporting statement in such form that it may be retained by the producer, which shall show:

(1) The month and the identity of the handler and of the producer;

(2) The pounds per shipment, the total pounds, and the average butterfat test of milk delivered by the producer;

(3) The minimum rate or rates at which payment to the producer is required under the provisions of §§ 1060.80, 1060.81, and 1060.82;

(4) The rate which is used in making payment, if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight of each deduction claimed by the handler, including any deduction claimed under paragraph (c) (2) of this section and § 1060.87, together with a description of the respective deductions; and

(6) The net amount of payment to the producer.

§ 1060.81 Butterfat differential to producers.

The uniform price for producer milk shall be increased or decreased for each one-tenth of 1 percent that the butterfat content of such milk is above or below 3.5 percent, respectively, at the rate determined by multiplying the pounds of butterfat in producer milk allocated to Class I and Class II milk pursuant to § 1060.46 by the respective butterfat differential for each class, determined pursuant to § 1060.52, dividing the sum of such values by the total pounds of such butterfat, and rounding the resultant figure to the nearest one-tenth cent.

§ 1060.82 Location differentials to producers and on nonpool milk.

(a) For producer milk received at a pool plant or diverted to a nonpool plant located outside the base zone, the uniform price shall be adjusted at the rate set forth in § 1060.53.

(b) For purposes of computation pursuant to §§ 1060.84(b)(2) and 1060.85, the uniform price shall be adjusted at the rates set forth in § 1060.53 applicable at the location of the nonpool plant(s) from which the milk was received.

§ 1060.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all funds received pursuant to paragraph (a) of this section and out of which he shall make all payments required pursuant to paragraph (b) of this section:

(a) Payments made by handlers pursuant to § 1060.62 (a) and (b), and §§ 1060.84 and 1060.86;

(b) Payments due handlers pursuant to §§ 1060.85 and 1060.86: *Provided*, That payments due any handler shall be offset by payments due from such handler pursuant to §§ 1060.62, 1060.84, 1060.86, 1060.87, and 1060.88.

§ 1060.84 Payments to the producer-settlement fund.

On or before the 12th day after the end of the month each handler shall pay to the market administrator the amount, if any, by which the total amounts specified in paragraph (a) of this section exceed the amount specified in paragraph (b) of this section: *Provided*, That payment made by a cooperative association as a handler shall not relieve the transferee handler of any obligation on any such milk which is due the cooperative association, or otherwise due pursuant to §§ 1060.80 through 1060.88:

(a) The sum of:

(1) The total of the net pool obligation computed pursuant to § 1060.70 for such handlers; and

(2) In the case of a cooperative association which is a handler pursuant to § 1060.10(c), the minimum amounts due from other handlers pursuant to § 1060.80 (c) (2); and

(b) The sum of:

(1) The amount required to be paid producers (including payments to producers through cooperative associations) pursuant to § 1060.80 before deductions authorized by the producer or cooperative association or for marketing services pursuant to § 1060.87; and

(2) The value at the uniform price(s) applicable at the location of the plant(s) from which received (not to be less than the value at the Class II price) with respect to other source milk for which a value is computed pursuant to § 1060.70(e).

§ 1060.85 Payments out of the producer-settlement fund.

On or before the 14th day after the end of each month the market administrator shall pay (subject to the proviso of § 1060.83) to each handler the amount if any by which the amount computed pursuant to § 1060.84(b) exceeds the amount computed pursuant to § 1060.84 (a). The market administrator shall offset any payment due any handler against payments due from such handler. If the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

§ 1060.86 Adjustment of accounts.

(a) Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in moneys due the market administrator or any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of the amount due and payment therefor shall be made within 5 days if such amount is due the market administrator, or on or before the next date for making payments to producers or a cooperative association, if such amount is due them. Whenever such audit discloses errors resulting in moneys due such handler from the market administrator, payment shall be made within 5 days.

§ 1060.87 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler in making payments to producers other than to himself pursuant to § 1060.80(a)(1) shall deduct 5 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to all milk received by such handler from producers during the month, and shall pay such deductions to the market administrator not later than the 15th day after the end of the month. Such money shall be used by the market administrator to verify or establish weights, samples, and tests of milk received from, and to provide market information to, such producers. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of producers for whom a cooperative association is performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall, in lieu of the deductions specified in paragraph (a) of this section, make such deductions from the payments to be made directly to producers pursuant to § 1060.80(a)(1), as are authorized by such producers and, on or before the 15th day after the end of each month, pay over such deductions to the association (of which such producers are members) rendering such services.

(c) When requested by the cooperative association a statement shall be supplied the cooperative association showing for each producer for whom such deduction is made the amount of such deduction, the total delivery of milk, and unless otherwise previously provided, the butterfat test.

§ 1060.88 Expense of administration.

As his pro rata share of the expense of the administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of each month four cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to skim milk and butterfat contained in:

(a) Producer milk (including a handler's own farm production);

(b) Other source milk allocated to Class I milk pursuant to § 1060.46(a) (4) and (8) and the corresponding steps in § 1060.46(b); and

(c) Class I milk disposed of in the marketing area from a partially regulated distributing plant that exceeds the hundredweight of Class I milk received during the month at such plant from pool plants and other order plants.

§ 1060.89 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The months during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producers or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the 2-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notified a handler, the said 2-year period, with respect to such obligation, shall not begin to run until the 1st day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time files pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1060.90 Effective time.

The provisions of this part, or any amendments hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 1060.91.

§ 1060.91 Suspension or termination.

The Secretary may suspend or terminate any or all of the provisions of this part after such reasonable notice as the Secretary shall give whenever he finds that it obstructs or does not tend to effectuate the declared policy of the Act. This part shall, in any event, terminate whenever the provisions of the Act authorizing it cease to be in effect.

§ 1060.92 Continuing obligations.

(a) If, upon the suspension or termination of any or all of the provisions of this part, there are any obligations arising hereunder, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(b) The market administrator or such other person as the Secretary may designate shall (1) continue in such capacity until removed by the Secretary; (2)

from time to time account for all receipts and disbursements and deliver all funds or property on hand together with the books and records of the market administrator or such person, to such person as the Secretary shall direct; and (3) If so directed by the Secretary, execute assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property and claims vested in the market administrator or such person pursuant thereto.

§ 1060.93 Liquidation.

Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such liquidating agent as the Secretary may designate shall if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidating and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1060.100 Agents.

The Secretary may, by designa... writing, name any officer or emp... the United States to act as his a... representative in connection with ... the provisions of this part.

§ 1060.101 Separability of provi...

If any provision of this part, or ... plication to any person or circum... is held invalid, the application o... provision, and of the remaining ... sions of this part, to other persons ... cumstances shall not be affected ... by.

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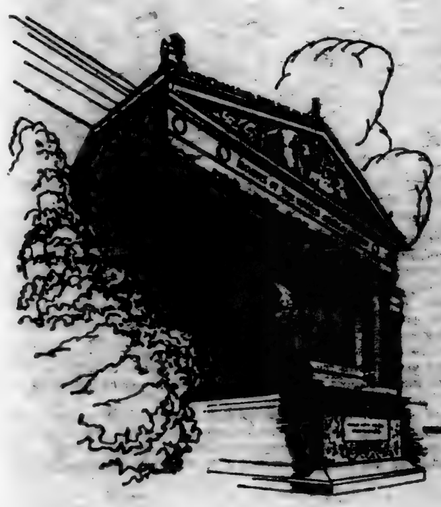
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Title 3—THE PRESIDENT

Proclamation 3802

NATIONAL EMPLOY THE PHYSICALLY HANDICAPPED WEEK, 1967

By the President of the United States of America

A Proclamation

Millions of American families know, firsthand, the painful and frustrating limitations of physical disability.

Those handicaps, cruel as they are, need not be totally disabling. Our society should not be deprived of the skills and talents of disabled men and women. Many of those men and women have a remarkable capacity for achievement despite their disability.

It is part of America's promise that every citizen should have the opportunity to escape from perpetual dependence, make the most of his capacities, and take a full part in community life.

Government and private organizations have long worked to reduce the consequences of disability. Research, health conservation programs, and medical and rehabilitation facilities have all combined to lessen the residual damage of disease and injury.

The Federal Government is assisting States and communities in training the handicapped for jobs in a continually changing job market. It offers leadership to business and industry to increase the range of job opportunities for the handicapped. It encourages voluntary organizations to create the necessary climate of acceptance for the full admission of the handicapped into the mainstream of everyday life.

Yet pockets of prejudice still exist, particularly against certain categories of the more severely disabled.

We must continue to educate our citizens—employers and workers, healthy and handicapped—about the benefits of developing and using every person's skills.

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, in consonance with the joint resolution of Congress approved August 11, 1945 (59 Stat. 530), designating the first full week of October of each year as National Employ the Physically Handicapped Week, do hereby call upon the people of our Nation to observe the week beginning October 1, 1967, for such purpose.

During this 20th anniversary year of the President's Committee on Employment of the Handicapped, I urge all public and private organizations and all citizens to renew their dedication to this volunteer effort to further job opportunities for the handicapped. Let us work together for their meaningful participation in the world of work, and in a life of dignity.

I urge all the Governors of States, mayors of cities, and other public officials, as well as leaders of industry, educational and religious groups, labor, civic, veterans', agricultural, women's, scientific, professional, and fraternal organizations, and all other interested organizations and individuals, including the handicapped themselves, to participate in this observance.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of August in the year of our Lord nineteen hundred and sixty-seven, and of the Independence of the United States of America the one hundred and ninety-second.



[F.R. Doc. 67-10258; Filed, Aug. 29, 1967; 9:50 a.m.]

Executive Order 11368

MODIFYING RATES OF INTEREST EQUALIZATION TAX AND AMENDING EXECUTIVE ORDER NO. 11211

WHEREAS section 4911(b)(3) of the Internal Revenue Code of 1954 fixes the rates of the interest equalization tax generally applicable in the case of acquisitions of stock and debt obligations made after January 25, 1967 and before August 30, 1967 at approximately 150 percent of the rates set forth in section 4911(b)(1) of the Code; and

WHEREAS the rates set forth in section 4911(b)(1) of the Internal Revenue Code of 1954 would, in the absence of a determination made by the President under section 4911(b)(2), be generally applicable in the case of acquisitions made on or after August 30, 1967; and

WHEREAS I have determined that the rates of tax prescribed in section 4911(b)(1) of the Internal Revenue Code of 1954 are lower than the rates of tax necessary to limit the total acquisitions by United States persons of stock of foreign issuers and debt obligations of foreign obligors within a range consistent with the balance-of-payments objectives of the United States; and

WHEREAS it is now appropriate that Executive Order No. 11211,[1] dated April 2, 1965 (effective April 5, 1965), relating to the exclusion from the interest equalization tax for original or new Japanese issues as required for international monetary stability, be modified;

NOW, THEREFORE, by virtue of the authority vested in me by sections 4911(b)(2) and 4917(a) of the Internal Revenue Code of 1954, by section 301 of title 3 of the United States Code, and as President of the United States, it is hereby ordered as follows:

SECTION 1. *Rates of Tax.*

(a) *Rates applicable to acquisitions of stock.* The tax imposed by section 4911 of the Internal Revenue Code of 1954 on the acquisition of stock shall be equal to 18.75 percent of the actual value of the stock.

(b) *Rates applicable to acquisitions of debt obligations.* The tax imposed by section 4911 of the Internal Revenue Code of 1954 on the acquisition of a debt obligation shall be equal to a percentage of the actual value of the debt obligation measured by the period remaining to its maturity and determined in accordance with the following table:

If the period remaining to maturity is:	The tax, as a percentage of actual value, is:
At least 1 year, but less than 1¼ years	1.31 percent
At least 1¼ years, but less than 1½ years	1.63 percent
At least 1½ years, but less than 1¾ years	1.88 percent
At least 1¾ years, but less than 2¼ years	2.31 percent
At least 2¼ years, but less than 2¾ years	2.88 percent
At least 2¾ years, but less than 3½ years	3.44 percent
At least 3½ years, but less than 4½ years	4.44 percent
At least 4½ years, but less than 5½ years	5.44 percent
At least 5½ years, but less than 6½ years	6.38 percent
At least 6½ years, but less than 7½ years	7.25 percent
At least 7½ years, but less than 8½ years	8.13 percent
At least 8½ years, but less than 9½ years	8.88 percent
At least 9½ years, but less than 10½ years	9.63 percent
At least 10½ years, but less than 11½ years	10.38 percent
At least 11½ years, but less than 13½ years	11.88 percent
At least 13½ years, but less than 16½ years	12.88 percent
At least 16½ years, but less than 18½ years	14.19 percent
At least 18½ years, but less than 21½ years	15.31 percent
At least 21½ years, but less than 23½ years	16.31 percent
At least 23½ years, but less than 26½ years	17.19 percent
At least 26½ years, but less than 28½ years	17.94 percent
28½ years or more	18.75 percent

[1] 3 CFR, 1964–1965 Comp., p. 296; 30 F.R. 4385.

SEC. 2. *Authority of Secretary of Treasury.* The Secretary of the Treasury or his delegate is authorized to prescribe from time to time such regulations, rulings, directions, and instructions (not inconsistent with the provisions of section 4911 of the Internal Revenue Code of 1954) as he shall deem necessary to carry out the purposes of section 1 of this order.

SEC. 3. *Amendment to Executive Order No. 11211.* Executive Order No. 11211 of April 2, 1965, is amended as follows:

(a) by striking out so much of the text of section 1 as precedes subsection (a) and inserting in lieu thereof, "The tax imposed by section 4911 of the Internal Revenue Code of 1954 shall not apply to an acquisition by a United States person of a debt obligation (as defined in section 4920(a)(1) of the Code) repayable exclusively in United States currency which is (i) issued or guaranteed as to payment of principal and interest by the Government of Japan, or (ii) issued, with the prior approval of the Government of Japan, by a corporation organized under the laws of Japan which is neither a company regulated under the Investment Company Act of 1940 (54 Stat. 847; 15 U.S.C. 80a-1 to 80a-52) nor formed or availed of for the principal purpose of acquiring stock or debt obligations of a Japanese or other foreign issuer or obligor, other than stock or debt obligations described in section 4916(a) of the Code, provided that—"

(b) by inserting after section 1 the following new section—

"Section 1A. The tax imposed by section 4911 of the Internal Revenue Code of 1954 shall not apply to an acquisition by a United States person of stock acquired pursuant to the exercise of a right (without the payment of additional consideration) to convert into stock, a debt obligation which was acquired under the exemption created by section 1, provided that—

"(a) such debt obligation had never been acquired by a person other than a United States person; and

"(b) such stock is acquired as all or part of an original or new issue as to which there is filed such notice of acquisition as the Secretary of the Treasury or his delegate may prescribe by regulation."

SEC. 4. *Effective Date.* Sections 1 and 2 of this order shall be effective with respect to acquisitions of stock of foreign issuers and debt obligations of foreign obligors made after August 29, 1967, other than acquisitions described in paragraphs (2) and (4) of section 3(c) of the Interest Equalization Tax Extension Act of 1967. Section 3 of this order shall be effective with respect to acquisitions made after November 1, 1967.

THE WHITE HOUSE,
August 28, 1967.

[F.R. Doc. 67-10259; Filed, Aug. 29, 1967; 9:50 a.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 610—HOURS OF DUTY

Standards

Section 610.305 is amended by adding paragraph (d) to allow the issuance of an administrative order excusing certain wage board employees from duty without charge to leave or loss of pay under circumstances in which employees paid on an annual basis would be so excused.

§ 610.305 Standards.

An administrative order may be issued under this subpart when:

* * * * *

(d) The circumstances are such that an administrative order under paragraph (a), (b), or (c) of this section is not appropriate and the department or agency under its regulations excuses, or is authorized to excuse, without charge to leave or loss of compensation, employees paid on an annual basis.

(5 U.S.C. 6104; E.O. 10562, 19 F.R. 8079, 3 CFR 1954–1958 Comp., p. 201)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-10222; Filed, Aug. 29, 1967; 8:50 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment, Department of Agriculture)

SUBCHAPTER C—SPECIAL PROGRAMS

[Amdt. 5]

PART 777—PROCESSOR WHEAT MARKETING CERTIFICATE REGULATIONS

Miscellaneous Amendments

The following amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (see secs. 379a to 379j, 52 Stat. 31, as amended, 7 U.S.C. 1379a to 1379j), to provide a change to the Republication of the Processor Wheat Marketing Certificate Regulations (31 F.R. 13502). The amendment contains substantially the same provisions as included in a notice of proposed rule making published in the FEDERAL REGISTER pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238, 5 U.S.C. 553) on August 10, 1967, in which the public was invited to provide its views and suggestions within a 15-day period. No written comments or suggestions have been received as a result of this notice. However, in view of the limited time between the date the proposed rule making was published with a proposed effective date of September 1, 1967, and such date, the effective date has been changed to October 1, 1967.

Since these provisions must be acted on immediately or are needed immediately in the administration of the regulations, it is hereby found and determined that compliance with the 30-day effective date requirements of section 4 of the Administrative Procedure Act (60 Stat. 238, 5 U.S.C. 553) is impracticable and contrary to the public interest and that this amendment shall be effective on the effective date provided below.

This amendment requires processors to make remittance for purchase of marketing certificates to a Federal Reserve Bank or Branch Bank, if the Commodity Office has not requested that the remittance be made directly to that office. This change is being made to expedite the deposit of Government funds.

The Republication of the Processor Wheat Marketing Certificate Regulations is amended as follows:

The amendment would read as follows:

1. Section 777.3(y) is added to read as follows:

§ 777.3 Definitions.

* * * * *

(y) "Federal Reserve Bank" or "FRB" means the Federal Reserve Bank or Branch which serves the area in which the processor's remitting office is located or such other Federal Reserve Bank or Branch as is designated by the Kansas City Commodity Office. (See listing of banks in Appendix VI.)

§ 777.10 [Amended]

2. Section 777.10(b) is amended to read as follows:

(b) *Sale by CCC.* CCC will sell certificates to food processors and others who offer to purchase certificates from CCC and who pay to CCC the face value of the certificates plus such interest as may be required by the regulations of this part. Offers to purchase certificates for wheat processed in a specific processing report period may be made by submission of a processing report as provided in § 777.12, with a remittance payable to Commodity Credit Corporation for the cost of the certificates, or by submission of the remittance with advice that it is for purchase of wheat marketing certificates and identification of the processor number of the plant and the processing period. Offers to purchase certificates not applicable to a specific processing period shall be made by submission of a remittance with advice that it is for purchase of CCC–148, Wheat Marketing Certificates, and the name and address of the payee to be shown on the certificates. All offers to purchase certificates and related remittances shall be made to the FRB unless the Commodity Office has requested that the remittances be sent to that office. Payment for certificates shall be deemed to have been made when payment is received at the FRB or the Commodity Office, except that if the due date for payment without interest falls on a Saturday, Sunday, holiday, or other nonwork day of the FRB or Commodity Office, and payment is received on the next succeeding work day, it shall be deemed to have been received on the due date. Form CCC–145 will be issued for certificates sold by CCC, except that when certificates are purchased for wheat processed in a specific processing report period, CCC will establish a credit in favor of the food processor for the amount of the certificates purchased in lieu of issuing Form CCC–145.

3. Section 777.10(d) is amended by striking out the third sentence.

§ 777.12 [Amended]

4. Section 777.12(a) is amended to read as follows:

(a) *General.* Processing reports shall be submitted by each food processor as defined in § 777.3(f). Descriptions of the processing reports are set forth in §§ 777.13 and 777.14 and detailed instructions are provided in Appendices II and III. Processing reports which are accompanied by remittances for purchase of certificates shall be submitted to the FRB unless the Commodity Office has requested that the remittance be made directly to that office. Processing reports not accompanied by remittances shall be submitted to the Commodity Office. Addresses of FRB's are listed in Appendix VI.

5. Section 777.12(c) is amended by striking out the second sentence, and by adding at the end thereof the following: "If the due date of a report falls on a Saturday, Sunday, holiday, or other nonwork day of the FRB or Commodity Office, and the report is received on the next succeeding workday, it shall be deemed to have been submitted on the due date."

6. Section 777.12(g) is amended to read as follows:

(g) *Corrected processing reports.* If it is found that an incorrect processing report has been submitted, the food processor shall promptly prepare and submit a corrected processing report with the applicable beginning and ending dates for the period involved indicated thereon. A consolidated corrected report may, with the approval of the Director,

be submitted to cover more than one processing report period. Such report shall be identified as a "Corrected Report" and transmitted with a letter of explanation. If the processor is entitled to a certificate refund, he shall submit the corrected report to the Kansas City Commodity Office and indicate whether the amount of the refund should be paid to him or held for application to a subsequent report. If the processor is required to purchase additional certificates, he shall submit the corrected report together with his remittance for such certificates to the FRB, unless the Commodity Office requests that it be submitted directly to that office. If such certificates are surrendered to CCC later than the 15th calendar day after the close of the processing report period in which the wheat was processed into the food products, the cost of any certificates acquired from CCC shall be the face value thereof plus interest at the rate of six percent per annum starting on the 16th calendar day after the close of the processing report period until the date of surrender of the certificates. Any food processor, who has made an incorrect processing report, corrected such report as provided in this section, and surrendered any additional certificates due with the corrected report, will not be subject to the forfeitures referred to in § 777.8 to the extent that the Administrator determines that the error in the report was due to an honest mistake and was not intentional or the result of gross negligence.

§ 777.15 [Amended]

7. Section 777.15 is amended by changing (b) of the first sentence to read as follows: "(b) to support all reports required by the regulations in this part."

8. Appendix II is amended by changing the first sentence to read as follows:

Food processors reporting on the weight of wheat basis shall submit an original and one copy of Processing Report-Weight of Wheat Basis, Form CCC-160, as set forth in § 777.12(a).

9. Appendix III is amended by changing the first sentence to read as follows:

Food processors reporting on a food product conversion factor basis shall submit an original and one copy of the Processing Report-Conversion Factor Basis, Form CCC-159, as set forth in § 777.12(a).

10. Appendix VI is added as follows:

APPENDIX VI—LIST OF FEDERAL RESERVE BANKS AND BRANCHES

Federal Reserve Bank	Address
Boston	30 Pearl Street, Boston, Mass. 02106.
New York	33 Liberty Street, New York, N.Y. 10045.
Buffalo Branch	160 Delaware Avenue, Buffalo, N.Y. 14240.
Philadelphia	925 Chestnut Street, Philadelphia, Pa. 19101.
Cleveland	1455 East Sixth Street, Post Office Box 6387, Cleveland, Ohio 44101.
Cincinnati Branch	105 West Fourth Street, Post Office Box 999, Cincinnati, Ohio 45201.
Pittsburgh Branch	717 Grant Street, Post Office Box 867, Pittsburgh, Pa. 15230.
Richmond	100 North Ninth Street, Richmond, Va. 23213.
Baltimore Branch	114-120 East Lexington Street, Baltimore, Md. 21203.
Charlotte Branch	401 South Tryon Street, Charlotte, N.C. 28201.
Atlanta	104 Marietta Street NW., Atlanta, Ga. 30303.
Birmingham Branch	1801 Fifth Avenue North, Post Office Box 2574, Birmingham, Ala. 35202.
Jacksonville Branch	515 Julia Street, Post Office Box 929, Jacksonville, Fla. 32201.
Nashville Branch	301 Eighth Avenue North, Nashville, Tenn. 37203.
New Orleans Branch	147 Carondelet Street, Post Office Box 61630, New Orleans, La. 70161.
Chicago	230 South La Salle Street, Post Office Box 834, Chicago, Ill. 60690.
Detroit Branch	160 Fort Street West, Post Office Box 1059, Detroit, Mich. 48231.
St. Louis	411 Locust Street, Post Office Box 442, St. Louis, Mo. 63166.
Little Rock Branch	121 West Third Street, Post Office Box 1261, Little Rock, Ark. 72203.
Louisville Branch	410 South Fifth Street, Post Office Box 962, Louisville, Ky. 40201.
Memphis Branch	170 Jefferson Street, Post Office Box 407, Memphis, Tenn. 38101.
Minneapolis	73 South Fifth Street, Minneapolis, Minn. 55440.
Helena Branch	400 North Park Avenue, Helena, Mont. 59601.
Kansas City	925 Grand Avenue, Kansas City, Mo. 64106.
Denver Branch	1111 17th Street, Denver, Colo. 80217.
Oklahoma City Branch	226 Northwest Third Street, Oklahoma City, Okla. 73101.
Omaha Branch	102 South 17th Street, Omaha, Nebr. 68102.
Dallas	400 South Akard Street, Station K, Dallas, Tex. 75222.
El Paso Branch	301 East Main Street, Post Office Box 100, El Paso, Tex. 79999.
Houston Branch	1701 San Jacinto Street, Post Office Box 2578, Houston, Tex. 77001.
San Antonio Branch	210 West Nueva Street, Post Office Box 1471, San Antonio, Tex. 78296.
San Francisco	400 Sansome Street, San Francisco, Calif. 94120.
Los Angeles Branch	409 West Olympic Boulevard, Post Office Box 2077, Los Angeles, Calif. 90054.
Portland Branch	915 Southwest Stark Street, Post Office Box 3436, Portland, Oreg. 97208.
Salt Lake City Branch	120 South State Street, Post Office Box 780, Salt Lake City, Utah 84110.
Seattle Branch	1015 Second Avenue, Post Office Box 3567, Seattle, Wash. 98124.

Effective date. This amendment shall be effective with respect to remittances made beginning on October 1, 1967.

Signed at Washington, D.C., on August 24, 1967.

E. A. JAENKE,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 67-10147; Filed, Aug. 29, 1967; 8:47 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER E—DETERMINATION OF SUGAR COMMERCIALLY RECOVERABLE

[§ 831.4, Rev. 1, Supp. 4]

PART 831—BEET SUGAR AREA

Rates of Recoverability; 1967 Crop

Section 831.14 is added to read as follows:

§ 831.14 Rates of recoverability, 1967 crop.

The hundredweight of sugar, raw value, commercially recoverable from sugar beets of the 1967 crop shall be computed by multiplying the net weight thereof in tons, at the time of delivery to a processor, by the rate of commercially recoverable sugar which is applicable under the following provisions of this section:

(a) For sugar beets marketed within a settlement area under any type of agreement other than an "individual test" or a "combined individual-cossette test" contract, the rate of commercially recoverable sugar per ton of beets with respect to each settlement area is established as follows:

Settlement area by factories in States	1965-66 average sugar content	Rate of commercially recoverable sugar
	Percent	*Hundredweight*
Idaho, Oregon:		
Idaho Falls	15.94	2.911
Rupert (Mini-Cassia), Twin Falls	16.41	2.996
Utah:		
Lewiston (Ogden)	15.65	2.860
Minnesota, Iowa, North Dakota:		
East Grand Forks, Moorhead, Crookston, Drayton	14.67	2.681
Chaska, Mason City	14.79	2.703
Great Lake States:		
Bay City	15.09	2.756
Illinois	14.46	2.640
Ottawa	15.17	2.770

(b) For sugar beets marketed under "individual test" contracts, and for those sugar beets marketed for processing by the Empire State Sugar Co., Inc. of New York, the rate of commercially recoverable sugar per ton of beets shall be computed by multiplying 20 hundredweight by the percentage of sugar content of such beets, and then multiplying the result by 87.5 percent (the average extraction rate, as adjusted for shrink, (effective for such beets). This computation can be shortened by the use of the factor of 0.1750. As an example, a content of 16.37 when multiplied by 0.1750 would result in a rate of commercially recoverable sugar of 2.868 hundredweight.

(c) For sugar beets marketed under "combined individual-cossette test" contracts, other than those sugar beets marketed for processing by the Empire State Sugar Co., Inc. of New York, the rate of commercially recoverable sugar per ton of beets for a producer shall be computed by multiplying 20 hundredweight by the adjusted percentage of sugar content of the beets delivered by such producer and then multiplying the result by 91.3 percent (the average extraction rate effective for such beets). This computation can be shortened by the use of the factor of 0.1826. As an example, an adjusted content of 16.27 would result in a rate of commercially recoverable sugar of 2.969 hundredweight. The adjusted percentage of sugar content for each producer shall be obtained by multiplying the weighted average percentage of sugar content of the beets delivered by him by a factor the numerator of which shall be the appropriate factor cossette test average set forth below and the denominator of which shall be the weighted average sugar content of all beets delivered to the factory at such time as the Agricultural Stabilization and Conservation State Committee determines that at least 97 percent of the current crop of beets has been delivered to such factory.

Settlement areas by factories in States	1965-66 average sugar content (Percent)
Idaho, Oregon, Washington:	
Nyssa-Nampa	15.16
Toppenish, Moses Lake	15.20
Utah:	
Centerfield	15.86
Garland	15.73
Layton	15.75
West Jordan	15.96
Wyoming, Montana:	
Worland	16.01
Hardin	16.17
Sidney	15.94
Billings-Lovell	16.36
Great Lakes States:	
Alma	15.86
Caro	15.61
Carrollton	14.80
Croswell	15.10
Sebewaing	15.49

Statement of bases and considerations. Section 831.4 (29 F.R. 11824) provides the method of determining and establishing amounts of sugar commercially recoverable from sugarbeets and provides that the rates shall become effective when public notice thereof is given in the FEDERAL REGISTER.

Pursuant to that regulation, this supplement sets forth the rates of recoverability as determined for the 1967 crop. Definitive rates are specified for the various settlement areas wherein sugar beets are marketed under "cossette test" contracts. Within these areas, the rates give effect to 1965-66 average percentages of sugar content and the 1961-65 national average extraction rate of beet sugar, raw value, of 91.3 percent.

In lieu of an extensive table of definitive rates applicable to sugar beets of various percentages of sugar content as marketed under "individual test" contracts, this supplement provides that the rate of recoverability per ton of beets of any given percentage of sugar content so marketed may be computed by multiplying such content by the factor of 0.1750. This factor gives effect to the average rate of extraction of sugar, raw value, of 87.5 percent, as applicable to individual test beets. Listings of the applicable rates (expressed in hundredths) will be available for inspection at ASCS county offices in sugar-beet producing counties. Similarly, for beets marketed under "combined individual-cossette test" contracts, a factor of 0.1826 may be used to give effect to the average extraction rate of 91.3 percent. The difference between 91.3 and 87.5 percent represents the average "shrink" in percentage of sugar content between the time of delivery and the time of processing for all beets of the crops of 1961-65 marketed under individual test contracts. The lower percentage is not specified for beets marketed under combined individual-cossette tests because the results of such tests include adjustments to the cossette basis.

The percentages of 91.3 and 87.5, as determined herein for the 1967 crop, compare with percentages of 91.9 and 87.9 for the 1966 crop.

When the "combined individual-cossette test" contract was first adopted, the sugar content of each producer's beets was adjusted by a factor. This factor was computed by dividing the factory cossette test average for the current year by the weighted average sugar content of all beets delivered to the factory for the same crop determined by individual tests. Objections were raised by some producers over the delay in Sugar Act payments because a grower's adjusted percentage of sugar content could be determined only after all sugar beets delivered to the factory were processed and the factory cossette test computed for the current year. For the 1963 crop, partial payments were made in one settlement area to alleviate the delay. To avoid costs involved in making of payments on a "partial" basis, the revised determination applicable to the 1964 and subsequent crops (29 F.R. 11824) provides that the 7-year factory cossette test average be substituted for the current year's factory cossette test average in calculating the factor to be applied to individual growers' sugar content. Thus, the factor can be computed and payments can begin before all of the current crop are processed.

Because the factory in New York has only 2 years of past production, that area will be considered as an "individual test" area, even though the sugar beets are marketed to that factory under a "combined individual-cossette test" contract.

Accordingly, I hereby find and conclude that the foregoing determination will effectuate the applicable provisions of the Act.

(Sec. 403, 61 Stat. 932; 7 U.S.C., secs. 902, 903, 904, 61 Stat. 930, as amended; 5 U.S.C. 1132, 1133, 1134)

Effective date: Date of publication.

Signed at Washington, D.C., on August 25, 1967.

CHARLES L. PARKER,
Acting Deputy Administrator, State and County Operations.

[F.R. Doc. 67-10145; Filed, Aug. 29, 1967; 8:47 a.m.]

SUBCHAPTER G—DETERMINATION OF PROPORTIONATE SHARES

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

Proportionate Shares for Farms for the 1968 Crop of Sugar Beets Not Required

The following determination is issued pursuant to section 302 of the Sugar Act of 1948, as amended.

§ 850.212 Proportionate shares for the 1968 crop of sugar beets not required.

It is hereby determined that proportionate shares for farms will not be established in the Domestic Beet Sugar Area for the 1968 crop of sugar beets. This determination has been made on the bases and considerations set forth in the following statement.

STATEMENT OF BASES AND CONSIDERATIONS

Under the provisions of the Sugar Act, the Secretary is required to determine for each crop of sugar beets whether the production of sugar therefrom will, in the absence of proportionate shares, be greater than the quantity needed to enable the area to meet its quota and provide a normal carryover inventory, as estimated by the Secretary for the area for the calendar year during which the larger part of the sugar from such crop normally would be marketed. The foregoing determination may be made for a crop only after notice and opportunity for an informal public hearing. If the Secretary determines that the production of sugar from any crop of sugar beets will, in the absence of proportionate shares, be in excess of the quantity needed to enable the area to meet its quota and provide a normal carryover inventory, he is required to establish proportionate shares for farms in the area in accordance with the pertinent provisions of the Act.

General. For the 1968 crop of sugar beets, the national acreage requirement was established at 1,435,000 acres, an increase of 60,000 acres over the previous year's national requirement. This acreage level was recommended by a majority of the growers and processors with the view of providing an effective inventory on January 1, 1967, at the midpoint of the range (82 to 90 percent of the following year's estimated quota) indicated by the Congress as the appropriate range when the quota for the area was increased

in 1966.[1] Despite the increase in the national requirement, 1966-crop plantings were about 70,000 acres below those for the previous crop. Latest estimates indicate that sugar production for that crop was or will be about 160,000 tons less than 1966 calendar year marketings. Thus, the effective inventory on January 1, 1967, was reduced an equivalent quantity below that of a year earlier and represented about 74 percent of this year's quota for the area, as contrasted with 84 percent a year earlier.

Proportionate shares were not established for the 1967 crop. Recent information from beet sugar companies indicates that plantings will approximate 1,210,000 acres. If this acreage is utilized for beets and the yield of sugar per planted acre is the same as that indicated for 1966 (2.326 tons), about 2,815,000 tons of sugar would be produced. This would be over 400,000 tons less than this year's quota (3,218,667 tons) for the area. Assuming that the area will market its full quota in 1967, the resultant effective inventory on January 1, 1968, would approximate 1,978,000 tons or about 61.5 percent of such quota.

Informal public hearing. At a public hearing in San Francisco, Calif., on July 18, 1967, views and recommendations were requested on the need for establishing proportionate shares for the 1968 crop. In the notice of hearing, it was pointed out that any oral or written views proposing that proportionate shares be established should include recommendations as to level of the national acreage requirement and the details of a program.

The spokesman for about 97 percent of the beetgrowers in the country recommended that proportionate shares not be established for the 1968 crop, in view of the probable (low) effective inventory of beet sugar on January 1, 1968. He observed that, generally, sugar beet growers prefer governmental handling of acreage allocations, but that they could not advocate proportionate shares under present conditions. Several briefs were received from individual grower associations for whom the witness spoke supporting this position.

The representative of one producing area expressed interest in expanded acreage and, essentially, wanted to be assured of authority to market the sugar produced therefrom. He also recommended that proportionate shares not be established for the 1968 crop of sugar beets.

No recommendations were received from growers in two States where production of sugar beets began in 1966 or from the growers in one old-producing locality. The growers in these localities represent about 3 percent of the total beetgrowers in the Domestic Beet Sugar Producing Area.

As for the 1967 crop, a major farm organization recommended that proportionate shares be established for 1968. In their presentation they pointed out, among other things, that (1) the 1967 sugar beet planting experience demonstrates that removal of proportionate shares is not effective as a means of obtaining increased acreages, (2) production management can best be achieved by continuity of proportionate shares coupled with appropriate increases in prices to producers and (3) the maintenance of a reasonable balance between beet sugar production and quota requirements is essential if prices profitable to growers are to be attained. Along with the recommendation that shares be established, it was suggested that (a) the national requirement be established at 1,586,000 acres, (b) planted acreage records for the years of 1963, 1964, and 1965 be used to establish shares and (c) 3 percent of each State acreage allocation be set aside to meet new producer needs and for adjustments, including those to alleviate hardships.

The spokesman for all of the sugar beet processors recommended that proportionate shares not be established in light of low 1967 plantings and the small effective inventory likely to prevail on January 1, 1968. He emphasized the need for all-out production effort in 1968 to bring inventories of beet sugar more in line with the level contemplated by the 1965 amendments to the Sugar Act.

Determination. This determination provides that proportionate shares will not be establisehd for farms in the Domestic Beet Sugar Area for the 1968 crop of sugar beets.

The effective inventory of beet sugar on January 1, 1967, was about 2,378,000 tons. Although the 1967 crop is unrestricted, it is estimated that the effective inventory on January 1, 1968, will be lower than a year earlier by at least 400,000 tons if this year's quota is fully marketed. An effective inventory of only 1,978,000 tons would represent about 61.5 percent of the area's 1968 marketing opportunities if they are the same as this year's. This would be almost 800,000 tons below the midpoint of the range indicated as appropriate by the Congress when the act was extended in 1965.

If the effective inventory on January 1, 1969, is to be built up to the midpoint of the appropriate range, increased plantings are necessary in 1968. In fact, using average yields of sugar per planted acre realized for the crops of 1963 through 1966, a total of 1,740,000 acres would be needed. This would be well in excess of the largest acreage achieved in the past. The processing of the beets from this acreage would require near capacity, if not capacity operations at existing facilities.

The interest in sugar beets has varied considerably between States and within States during the past few years. In both 1965 and 1966, growers in some States fully utilized their proportionate shares and would have planted additional acreages, if available. In some other States, notably in 1966, farmers fell far short of utilizing their acreages. Indications are that 1967 plantings in some of these latter States are considerably below those in 1966. In a few States, farmer interest exceeds the acreage that processors can contract within their factory capacities. Establishment of proportionate shares and State allocations with due recognition of the statutory criteria of past production and ability to produce would deprive farmers in States where the interest in sugar beets is most intense of the opportunity of planting the acreage they desire. In addition, the time-consuming process of reallocating acreage from growers who do not wish to use all of their entitlement to others under a proportionate share program would infringe upon the opportunity of some growers to plant the acreage they desire even in States where interest is not great.

After a careful review of all the testimony and briefs submitted and of the latest information available, it is hereby determined that the production of sugar from the 1968 crop of sugar beets in the Domestic Beet Sugar Area, in the absence of proportionate shares, will not be greater than the quantity needed to enable the area to meet its quota and provide a normal carryover inventory.

The Department anticipates that processors will offer contracts containing fair terms to all old growers willing to grow beets with an expectation of reasonably economic returns.

Accordingly, I hereby find and conclude that the foregoing determination will effectuate the applicable provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153; secs. 301, 302, 61 Stat. 929, 930, as amended; 7 U.S.C. 1131, 1132)

Effective date: Date of publication.

Signed at Washington, D.C., on August 23, 1967.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67-10174; Filed, Aug. 29, 1967; 8:50 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lemon Reg. 281, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b)(1)(ii) of § 910.581 (Lemon Regulation 281; 32 F.R. 11984) are hereby amended to read as follows:

§ 910.581 Lemon Regulation 281.

* * * * *

(b) *Order.* (1) * * *

(ii) District 2: 265,050 cartons.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 25, 1967.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-10152; Filed, Aug. 29, 1967; 8:48 a.m.]

[1] H. Rept. No. 1048, 89th Cong., p. 15; S. Rept. No. 895, 89th Cong., p. 6.

PART 953—IRISH POTATOES GROWN IN SOUTHEASTERN STATES

Expenses and Rate of Assessment

Notice of rule making regarding the proposed expenses and rate of assessment, to be effective under Marketing Agreement No. 104 and Order No. 953 (7 CFR Part 953), regulating the handling of Irish potatoes grown in certain designated counties of Virginia and North Carolina was published in the FEDERAL REGISTER July 26, 1967 (32 F.R. 11037). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). The notice afforded interested persons an opportunity to submit written data, views, or arguments pertaining thereto not later than 15 days following publication in the FEDERAL REGISTER. None was filed.

After consideration of all relevant matters, including the proposals set forth in the aforesaid notice which were recommended by the Southeastern Potato Committee, established pursuant to said marketing agreement and this part, it is hereby found and determined that:

§ 953.204 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the Southeastern Potato Committee, established pursuant to Marketing Agreement No. 104 and Order No. 953 to enable such committee to perform its functions pursuant to the provisions of the aforesaid agreement and order during the fiscal period ending October 31, 1967, will amount to $3,000.00.

(b) There shall be no assessments charged during said fiscal period.

(c) Terms used in this section shall have the same meaning as when used in Marketing Agreement No. 104 and this part.

(Sec. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 25, 1967.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-10159; Filed, Aug. 29, 1967; 8:48 a.m.]

PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Order Amending Order, as Amended, Regulating Handling

Correction

In F.R. Doc. 67-9987, appearing in the issue for Thursday, August 24, 1967, at page 12157, make the following changes:

1. In § 989.9(c), preceding the last sentence, add the sentence "No advanced preparation by handlers will be necessary to comply with the amended order."

2. a. On page 12158, second column, in the paragraph that begins "*It is, therefore, ordered,*" delete the words "all raisins held for the account of the committee as surplus tonnage raisins shall be redesignated as reserve tonnage raisins and".

b. In the same paragraph, change the colon at the end of the paragraph to a semicolon and add the words, "and pursuant thereto, all raisins held for the account of the committee as surplus tonnage raisins, including carryover from crops prior to 1967, are redesignated as reserve tonnage raisins:".

3. In § 989.54(c), line 3, delete the word "such".

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 7788; Amdts. 45-4, 47-4]

PART 45—IDENTIFICATION AND REGISTRATION MARKING

PART 47—AIRCRAFT REGISTRATION

Three-Digit and Temporary Registration Numbers

These amendments to Parts 45 and 47 provide specifically for the use of temporary registration numbers, sometimes called "fly-away" numbers. This action is taken on the basis of Notice 66-40 that was published in the FEDERAL REGISTER on November 18, 1966 (31 F.R. 14696).

Notice 66-40 proposed to provide specifically for the use of "fly-away" numbers, and to reserve three-digit aircraft identification numbers for use on FAA aircraft and as "fly-away" numbers.

The comments generally favored the portion of the proposed amendment that specifically provided for the use of "fly-away" numbers. In finalizing the amendment, those provisions were placed in a new section, § 47.31, for editorial reasons. This new section also includes, in paragraph (a), a general description of "fly-away" numbers.

Two comments were received that opposed the proposed requirements that no "fly-away" number could be assigned to, or displayed on, more than one aircraft at the same time and that records of each assignment of such a number to an aircraft be kept for 1 year. It was contended that adoption of these proposals would cause an economic and administrative hardship on aircraft manufacturers and it was therefore requested that the existing system of issuing only one "fly-away" number to each manufacturer or aircraft dealer be retained.

Under the present practice, several aircraft of a given manufacturer are identified on delivery flights by the same identification number but the radio call number used consists of that number plus the last two digits of the aircraft serial number. Since there can be several aircraft in flight at the same time with the same identification number, it is possible that a duplication of aircraft radio call numbers could occur. Because of this, the agency has determined that the proposal requiring a different "fly-away" number for each aircraft in flight is necessary to insure safety, and therefore that portion of the proposal is adopted as proposed in the notice. Upon further consideration it appears that the record-keeping requirements contained in the notice are unnecessary for the use of "fly-away" numbers on purely domestic flights since the records normally kept by manufacturers and dealers will provide sufficient documentation. However, the records required in the notice are considered necessary for nondomestic flights with "fly-away" numbers which are being authorized for the first time by this amendment. Therefore, the holders of "fly-away" numbers will be required to keep a record, for FAA inspection, of the assignment of each number to an aircraft on flights for delivery outside the United States. For these nondomestic flights the airworthiness certificate and the Dealer's Aircraft Registration Certificate, both carried in the aircraft, will furnish documentation as complete as a regular certificate of aircraft registration. Section 47.16(d) reflects these changes.

The intent of Notice 66-40 was to provide for the assignment of fly-away numbers only in connection with Dealer's Aircraft Registration Certificates, and the proposed notice so provided. To avoid the possibility of any confusion as to this intent, a sentence has been added to § 47.16(d) to specifically state the rule (inherent in Notice 66-40) that the assignment of any fly-away numbers to a person automatically lapses upon the expiration of all of that person's Dealer's Aircraft Registration Certificates. The provision limiting the fly-away numbers assigned to any person to those "necessary for his business" means, of course, that as many may be assigned as are reasonably needed for the conduct of the activities specified in § 47.61. Finally, the scope of the permitted use of these numbers has been stated more explicitly in § 47.16(e).

A number of comments opposed any limitation on the issuance of one to three symbol numbers. Several of these comments also contended that there would be no useful purpose served by specifically issuing one to three symbol numbers to "fly-away" users. In response to these comments, the FAA has determined that five symbol numbers can be acceptably used as "fly-away" numbers. In addition, further study of the rules governing the issuance of one to three symbol numbers is considered necessary. Therefore, the portion of Notice 66-40 that relates to one to three symbol numbers is being withdrawn pending further study.

The current acceptable procedure for the use of identification marks for export aircraft is contained in section 1.100-1 of the Civil Aeronautics Manual, as confirmed in effect by Advisory Circular 20-33, dated February 9, 1965. This procedure is superseded by this amendment.

In consideration of the foregoing, Parts 45 and 47 are amended, effective September 29, 1967, as follows:

1. The parenthetical clause of § 45.21 (b) (1) is amended to read as follows:

§ 45.21 General.

* * * * *

(b) * * *

(1) * * * (except that on aircraft intended for immediate delivery to a foreign purchaser or bearing a temporary registration number, the marks may be affixed with readily removable material).

* * * * *

2. The second sentence of § 47.15(a) is amended to read as follows:

§ 47.15 Identification number.

(a) * * * This paragraph does not apply to an aircraft manufacturer who applies for a group of U.S. identification numbers under paragraph (c) of this section; a person who applies for a special identification number under paragraphs (d) through (g) of this section; or a holder of a Dealer's Aircraft Registration Certificate who applies for a temporary registration number under § 47.16. * * *

* * * * *

3. The following new section is added after § 47.15:

§ 47.16 Temporary registration numbers.

(a) Temporary registration numbers are issued by the FAA to manufacturers, distributors, and dealers who are holders of Dealer's Aircraft Registration Certificates for temporary display on aircraft during flight allowed under Subpart C of this part.

(b) The holder of a Dealer's Aircraft Registration Certificate may apply to the FAA Aircraft Registry for as many temporary registration numbers as are necessary for his business. The application must be in writing and include—

(1) Sufficient information to justify the need for the temporary registration numbers requested; and

(2) The number of each Dealer's Aircraft Registration Certificate held by the applicant.

There is no charge for these numbers.

(c) The use of temporary registration numbers is subject to the following conditions:

(1) The numbers may be used and reused—

(i) Only in connection with the holder's Dealer's Aircraft Registration Certificate;

(ii) Within the limitations of § 47.69 where applicable, including the requirements of § 47.67; and

(iii) On aircraft not registered under Subpart B of this part or in a foreign country, and not displaying any other identification markings.

(2) A temporary registration number may not be used on more than one aircraft in flight at the same time.

(3) Temporary registration numbers may not be used to fly aircraft into the United States for the purpose of importation.

(d) The assignment of any temporary registration number to any person lapses upon the expiration of all of his Dealer's Aircraft Registration Certificates. When a temporary registration number is used on a flight outside the United States for delivery purposes, the holder shall record the assignment of that number to the aircraft and shall keep that record for at least 1 year after the removal of the number from that aircraft. Whenever the owner of an aircraft bearing a temporary registration number applies for an airworthiness certificate under Part 21 of this chapter he shall furnish that number in the application. The temporary registration number must be removed from the aircraft not later than the date on which either title or possession passes to another person.

4. Section 47.69(b) is amended to read as follows:

§ 47.69 Limitations.

* * * * *

(b) Within the United States, except when used to deliver to a foreign purchaser an aircraft displaying a temporary registration number and carrying an airworthiness certificate on which that number is written;

* * * * *

(Secs. 307(c), 313, Title V, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1354, 1401 et seq.); 49 CFR 1.4(b) (32 F.R. 5607))

Issued in Washington, D.C., on August 22, 1967.

NOTE: The record-keeping requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

D. D. THOMAS,
Acting Administrator.

[F.R. Doc. 67-10140; Filed, Aug. 29, 1967; 8:46 a.m.]

[Airspace Docket No. 67-SW-87]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the New Orleans, La. (NAS New Orleans—Alvin Callender Field), control zone.

The New Orleans, La. (NAS New Orleans—Alvin Callender Field), control zone is described in § 71.171 (32 F.R. 2121). A portion of the control zone is described as "* * * within 2 miles each side of the Navy New Orleans TACAN 040° radial extending from the 5-mile radius zone to 7 miles NE of the TACAN. * * *"

The Navy New Orleans TACAN is scheduled for decommissioning September 1, 1967. It is therefore necessary to amend the New Orleans, La. (NAS New Orleans—Alvin Callender Field), control zone by deleting controlled airspace which is based on the TACAN.

Since this amendment lessens the burden on the public, notice and public procedures hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001, e.s.t., September 1, 1967, as hereinafter set forth.

In § 71.171 (32 F.R. 2121) the New Orleans, La. (NAS New Orleans—Alvin Callender Field), control zone is amended by deleting "* * * within 2 miles each side of the Navy New Orleans TACAN 040° radial extending from the 5-mile radius zone to 7 miles NE of the TACAN, * * *."

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Fort Worth, Tex., on August 22, 1967.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 67-10141; Filed, Aug. 29, 1967; 8:46 a.m.]

[Airspace Docket No. 67-SO-84]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On July 11, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 10213), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Camden, S.C., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001, e.d.s.t., November 9, 1967, as hereinafter set forth.

In § 71.181 (32 F.R. 2148) the following transition area is added:

CAMDEN, S.C.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Woodward Field (lat. 34°17'08" N., long. 80°33'53" W.); within 2 miles each side of the 040° bearing from the Camden RBN (lat. 34°17'02" N., long. 80°33'42.5" W.), extending from the 7-mile radius area to 8 miles northeast of the RBN.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on August 23, 1967.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 67-10142; Filed, Aug. 29, 1967; 8:46 a.m.]

[Airspace Docket No. 67-WA-35]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to extend the time of designation of Temporary Restricted Area R-4902, Nashua, N.H.

A planned relocation of the classified operations conducted in R-4902 to a new location was delayed due to unforeseeable technical difficulties and the time of designation was extended to October 31, 1967, by Airspace Docket No. 66-WA-2 which was published in the FEDERAL REGISTER (31 F.R. 13013) on October 29, 1966.

The Department of the Navy on July 11, 1967, advised the Federal Aviation Administration that it is now evident that unanticipated construction and procurement slippages will preclude the transfer of operations to the new location prior to January 1968. Therefore, due to a continuing urgent military requirement in the direct interest of national defense, the Navy has requested that the designation of R-4902, as presently configured and controlled, be extended to January 31, 1968.

Since the Department of the Navy has stated that the continued designation of the area is of urgent military necessity, the Administrator has determined that it is contrary to the public interest to comply with the notice, public procedure, and effective date requirements of the Administrative Procedure Act and, therefore, this amendment may become effective in less than 30 days.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 73.49 (32 F.R. 2319) R-4902 Nashua, N.H. (Temporary), is amended as follows: "Time of designation: 0900 local time to sunset, November 4, 1965, through October 31, 1967," is deleted, and "Time of designation: 0900 local time to sunset, November 4, 1965, through January 31, 1968," is substituted therefor.

(Secs. 307(a), 307(f), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on August 22, 1967.

WILLIAM K. MORGAN,
Acting Director, Air Traffic Service.

[F.R. Doc. 67-10143; Filed, Aug. 29, 1967; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Advertising Claims for Spray Deodorant

§ 15.139 Advertising claims for spray deodorant.

(a) The Commission rendered an advisory opinion in regard to some proposed advertising claims for a personal deodorant spray.

(b) Specifically, the Commission considered the propriety of the following two claims: (1) That the product meets the U.S. Government requirements for safety and effectiveness and (2) that no other medicated personal deodorant spray equals its safety and effectiveness.

(c) In regard to the first claim, the Commission said there were no specific standards or requirements officially recognized by the U.S. Government relating to the safety and effectiveness of personal deodorant sprays. Under these circumstances, therefore, the Commission said it would be improper to claim that such requirements exist and that the product meets those requirements.

(d) With respect to the second claim, the Commission said that opinion evidence indicated there are other medicated deodorant sprays on the market which are equally as safe and effective as the product in question. In view of this opinion evidence, and in the absence of reports of properly controlled studies establishing the validity of the claim, the Commission said that it could not give its approval to the second claim.

(38 Stat. 717, as amended; 15 U.S.C. 41-58)

Issued: August 29, 1967.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 67-10136; Filed, Aug. 29, 1967; 8:46 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Advertising Allowances by Book Publisher

§ 15.140 Advertising allowances by book publisher.

(a) The Commission rendered an advisory opinion in regard to the legality of a book publisher's promotional plan calling for the payment of advertising allowances. Specifically, the Commission ruled that the proposed plan would be in compliance with section 2(d) of the Clayton Act, as amended.

(b) Under the terms of the proposed plan, the book publisher proposes to offer to retailers, wholesalers and retailers who purchase through wholesalers advertising allowances equal to 75 percent of the actual cost for newspaper and magazine advertisements at local rates, but not to exceed 10 percent of the net value of confirmed orders for the advertised titles. Additionally, allowances will be paid for the use of stuffers, circulars and catalogs, but not to exceed 10 percent of the dealers' net purchases. Regardless of which method of advertising is used, promotional payments will not exceed 10 percent of the buyers' total net purchases.

(38 Stat. 717, as amended; 15 U.S.C. 41-58; 49 Stat. 1526; 15 U.S.C. 13, as amended)

Issued: August 29, 1967.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 67-10137; Filed, Aug. 29, 1967; 8:46 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 67-201]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Certificates of Shipments of Alcoholic Beverages in Vessels of Not Over 500 Net Tons

At present, foreign service Form 149 is used for consular certification of certain shipments of alcoholic beverages. Such certification is required by section 7, Anti-Smuggling Act (19 U.S.C. 1707). It has been decided that the form of such a certificate may be prescribed in the Customs Regulations and the foreign service form may be eliminated. Accordingly, paragraphs (a) and (b) of § 4.13 of the Customs Regulations are amended to read as follows:

§ 4.13 Alcoholic liquors on vessels of not over 500 net tons.

(a) When a vessel of not over 500 net tons which arrives from a foreign port or a hovering vessel, has on board any alcoholic liquors, a certificate respecting the importation of any spirits, wines, or other alcoholic liquors on board, other than sea stores, shall be delivered to the boarding officer with the inward foreign manifest. Each such certificate shall consist of a declaration of the master of the vessel, together with the certificate of a consular officer of the United States or other authorized person, and shall cover only one shipment from one consigner to one consignee or firm of consignees. The document shall be in substantially the following form:

DECLARATION OF MASTER AND CERTIFICATE COVERING SHIPMENT OF SPIRITS, WINES, OR OTHER ALCOHOLIC LIQUORS ON A VESSEL OF 500 NET TONS OR LESS (19 U.S.C. 1707)

Declaration of Master. I declare that the following merchandise is being shipped in accordance with the facts here stated as true and correct to the best of my information and belief:

Date of shipment: _____
Marks, numbers, and quantities: _____
Port of arrival: _____
Consignor: _____
Full description of goods: _____
Consignee: _____

_____
(Signature)

Master of the _____
(Name of vessel)

_____
(Port of shipment)

_____, 19__
(Date)

(Use whichever alternative applies:)

Certificate of Consular Officer. I certify that the above declaration was this day produced and signed before me by the individual whose signature appears, that I am satisfied he is the person he represents himself to be, that I have delivered one copy

hereof to him, and that I have retained a copy in my files.

Service number not required. _____ (Post)

Tariff item No. 56(a) (no fee). _____ (Date)

_____ (Signature)

_____ (Title)

Certificate of Other Authorized Person. I certify that I have been designated by letter of _____, 19--, from (insert name of officer), American (title) at (place), to provide certifications upon declarations made by masters under § 7 of the Anti-Smuggling Act of 1935 (19 U.S.C. 1707), that the above declaration was this day produced and signed before me by the individual whose signature appears, that I am satisfied he is the person he represents himself to be, that I have no interest in the shipment described, that I have delivered one copy hereof to the person making the declaration, and that I have forwarded one copy to the American (Embassy, Consulate General, Consulate) at (place).

[CONSULAR IMPRESSION SEAL] _____ (Port of shipment)

_____ 19--

(Date)

[SEAL NOT REQUIRED] _____ (Signature)

_____ (Title)

The provisions of this paragraph, read together with those of § 91.4, Title 22, Code of Federal Regulations, constitute the joint regulations contemplated for issuance by the Secretary of State and the Secretary of the Treasury under section 1707, title 19, United States Code.

(b) When any shipment of spirits, wines, or other alcoholic liquors found on board a vessel not exceeding 500 net tons is not accompanied by a certified declaration as described in paragraph (a) of this section but is shown to have a bona fide destination outside the United States, the master shall furnish a landing bond on customs Form 7593 with an authorized corporate surety.

* * * * *

(R.S. 251, sec. 7, 49 Stat. 520; 19 U.S.C. 66, 1707)

The foregoing change, in imposing no new burden upon persons subject to the Anti-Smuggling Act of 1935, simplifies agency procedures and is deemed to fall within the exceptions to notice of proposed rule making as stated in section 553 of title 5, United States Code (Supp. II, 1966). Good cause is therefore found that general notice and public procedure thereon are impracticable and unnecessary.

Effective date. The regulations contained in this order shall become effective 30 days after publication in the FEDERAL REGISTER.

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

Approved: July 24, 1967.

TRUE DAVIS,
Assistant Secretary of the Treasury.

For the Secretary of State.

Dated: August 21, 1967.

IDAR RIMESTAD,
Deputy Under Secretary of State for Administration.

[F.R. Doc. 67-10148; Filed, Aug. 29, 1967; 8:47 a.m.]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

SUBCHAPTER J—OTHER CONSULAR SERVICES

[Dept. Reg. 108.566]

PART 91—IMPORT CONTROLS

Joint Regulations Under Anti-Smuggling Act of 1935

Pursuant to the authority conferred upon the Secretary of State and the Secretary of the Treasury by section 7 of the Anti-Smuggling Act of August 5, 1935 (19 U.S.C. 1707), the joint regulations approved by the Secretary of State and the Acting Secretary of the Treasury on September 28, 1935, which were published as Treasury Decision 47886, are revoked, and the following regulations are prescribed:

§ 91.4 Alcoholic liquors on vessels of not over 500 tons.

(a) Upon request of interested shippers or masters of vessels at ports in the consular district other than the place where the consular office is situated, consular officers shall designate one or more reputable individuals residing in each such port, as authorized persons to witness the signatures of the masters of vessels of not over 500 net tons when affixed to declarations covering shipments of alcoholic liquors destined to the United States, and to issue certificates therefor as contemplated by section 7 of the Anti-Smuggling Act of 1935 (49 Stat. 520; 19 U.S.C. 1707). Any person so designated by a consular officer to issue such certificates shall state in each of his certificates that he has no interest in the shipment described therein. Having delivered the original document to the master, he shall forward the duplicate to the consular office for retention.

(b) Consular officers shall, with respect to declarations of masters of vessels of not over 500 net tons in instances in which the port of shipment is the same place as, or conveniently near to, the location of the consular office, supply their certifications directly as contemplated by the said section of the Anti-Smuggling Act. They shall retain, over the interval prescribed in the applicable records retirement schedule, a copy of each document so certified by them. They shall similarly retain the copies of the certifications supplied by authorized persons in outlying ports of the consular district, as set forth in the preceding subsection.

(c) This section, read together with § 4.13, Title 19, of the Code of Federal Regulations,[1] comprises the joint regulations contemplated for issuance by the Secretary of State and the Secretary of the Treasury under section 7 of the Anti-Smuggling Act of 1935.

The foregoing change, in imposing no new burden upon persons subject to the Anti-Smuggling Act of 1935, simplifies agency procedures and is deemed to fall within the exceptions to notice of proposed rule making as stated in section 553 of Title 5, United States Code (Supp. II, 1966). Good cause is therefore found that general notice and public procedure thereon are impracticable and unnecessary.

Effective date. The regulations contained in this order shall become effective 30 days after publication in the FEDERAL REGISTER.

For the Secretary of State.

IDAR RIMESTAD,
Deputy Under Secretary of State for Administration.

MAY 15, 1967.

For the Secretary of the Treasury.

TRUE DAVIS,
Assistant Secretary of the Treasury.

JULY 24, 1967.

[F.R. Doc. 67-10144; Filed, Aug. 29, 1967; 8:46 a.m.]

[1] See F.R. Doc. 67-10145, *supra*.

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 5A—Federal Supply Service, General Services Administration

PART 5A-1—GENERAL

Brand Name or Equal Purchase Descriptions

The table of contents for Part 5A-1 is amended to add the following new entries:

Sec.
5A-1.307 Purchase descriptions.
5A-1.307-1 Applicability.
5A-1.307-4 Brand name products or equal.
5A-1.307-5 Limitations on use of "brand name or equal" purchase descriptions.
5A-1.307-7 Bid evaluation and award, "brand name or equal" descriptions.
5A-1.307-8 Procedure for negotiated procurements and small purchases.

Subpart 5A-1.3—General Policies

Section 5A-1.307 is added to include requirements regarding the use of brand name or equal purchase descriptions.

§ 5A-1.307 Purchase descriptions.

§ 5A-1.307-1 Applicability.

Where it has been determined in accordance with § 1-1.307-1(b) of this title that only a particular brand name product has features which are essential to the Government's requirements, the purchase description shall specify the brand name of the product without adding the words "or equal." In such cases, the procurement should be made by negotiation (see also subparagraphs (2), (3), and (13) of § 1-3.210(a) of this title).

§ 5A-1.307-4 Brand name products or equal.

(a) *Referencing of brand name products.* Brand name or equal purchase descriptions shall reference all brand name products known to be acceptable and of current manufacture. Where the use of a brand name or equal purchase description results in the purchase of an acceptable brand name product which was not referenced in the description (an "equal" product), a reference to that brand name product should be included in the purchase description for subsequent procurements. Where it is found that a referenced brand name product is no longer manufactured, the reference thereto should be deleted from the purchase description. In the case of a "brand name or equal" description approved by the Central Office for general use (see § 5A-1.307-5(b)(1)) such additions and deletions should be made immediately by the buying activity and reported to the Procurement Operations Division which will arrange for formal revision of the purchase description.

(b) *Specifying salient characteristics.* (1) It is imperative that brand name or equal purchase descriptions specify each physical, functional, or other characteristic of the referenced brand name products which is essential to the intended end use. (For the effect of failure to specify an essential characteristic, see § 5A-1.307-7.) However, care must be taken to avoid specifying characteristics which cannot be reasonably demonstrated as materially affecting the intended end use of the product since this would tend to restrict competition unnecessarily. Depending upon the particular product involved and its intended end use, it may be essential to specify:

(i) Kind of material.
(ii) Dimensions.
(iii) Weight limitations, where weight is significant.
(iv) Electrical or chemical requirements.
(v) Principles of operation.
(vi) Restrictive or significant environmental conditions.
(vii) Essential operating or use conditions.
(viii) If part of an assembly, the location within the assembly.
(ix) Equipment with which the item is to be used.
(x) Special features.

(2) When describing salient characteristics, permissible tolerances should be indicated. Care must be taken to avoid specifying an exact characteristic (e.g., a specific dimension) of a particular brand name product as set forth in a commercial catalog description, except where that exact characteristic is essential to the Government's need. The contracting officer must be prepared to justify such a requirement.

§ 5A-1.307-5 Limitations on use of "brand name or equal" purchase descriptions.

(a) *General.* The use of brand name or equal purchase descriptions in solicitations for bids or offers in the limited circumstances described in § 1-1.307-5 of this title is intended to promote maximum competition by encouraging the offering of products which are equal in all material respects to the brand name products referenced in such descriptions. The identification of items by the use of brand name or equal descriptions is not intended to indicate a preference for the brand name products referenced in the descriptions, but is to indicate the quality and characteristics of products that will meet the Government's needs (see (a) of the clause in § 1-1.307-5 of this title). Brand name or equal descriptions shall not be used as a means of procuring a particular brand name product under the guise of competitive procurement to the exclusion of other products which would meet the actual needs (see § 5A-1.307-1).

(b) *Approval required.* A "brand name or equal" purchase description shall not be used unless:

(1) The purchase description is one which has been approved by the Standardization Division, i.e., those issued on GSA Form 419, Stock Item Purchase Description, by the Procurement Operations Division; those issued formally by the Standardization Division as numbered purchase descriptions; or those previously approved for use in Federal Supply Schedule invitations for bids; or

(2) In the case of a brand name or equal description which has not been approved by the Standardization Division (see subparagraph (1) of this paragraph), its use has the prior approval of the Chief, Procurement Branch, in the Procurement Operations Division, or the Chief, Buying Division, in the regional office (Chief, Procurement Division, in the case of Region 9). Such approval shall not be given unless the approving official is satisfied that use of the description is permissible under § 1-1.307-5 of this title and this § 5A-1.307.

§ 5A-1.307-7 Bid evaluation and award, "brand name or equal" descriptions.

A bid may not be rejected for failure of the offered product to match a characteristic of a referenced brand name product if that characteristic was not specified in the brand name or equal description. However, if it is clearly established that such unspecified characteristic is essential to the intended end use, the invitation is defective and no award may be made. In such cases, if time permits, the requirement should be readvertised using a purchase description which fully advises bidders of all the essential characteristics.

§ 5A-1.307-8 Procedure for negotiated procurements and small purchases.

The policies and procedures in § 1-1.307 of this title and this § 5A-1.307 for the use of brand name or equal purchase descriptions also apply to competitive negotiated procurements. However, they are not applicable to small purchases of stock items made by competitive negotiation under § 5A-72.103 of this chapter. Brand name or equal descriptions shall not be used in noncompetitive procurements where the required item is a particular make or model or is available from only one source (see § 1-3.210 of this title).

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); and CFR 5-1.304(c))

Effective date. These regulations are effective upon publication in the FEDERAL REGISTER.

Dated: August 23, 1967.

L. E. SPANGLER,
Acting Commissioner, Federal Supply Service.

[F.R. Doc. 67-10176; Filed, Aug. 29, 1967; 8:50 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 17476; FCC 67-962]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments, Television Broadcast Stations; Wenatchee, Wash.

Report and order. In the matter of amendment of § 73.606(b), *Table of Assignments* (Wenatchee, Wash.); Docket No. 17476, RM-1009.

1. The Commission has before it for consideration its notice of proposed rule making in Docket No. 17476, FCC 67-631, released May 26, 1967, and published in the FEDERAL REGISTER on June 1, 1967, 32 F.R. 7919, which proposes the assignment of UHF Channel 27 to Wenatchee, Wash.

2. The rule making proceeding was initiated by the Commission in response to the request of Columbia Empire Broadcasting Corp. (Columbia), licensee of Station KNDO, Channel 23, Yakima, Wash. Columbia plans to operate a television station at Wenatchee which during its initial stages would be operated as a satellite of KNDO. Programs from KNDO would be supplied to Wenatchee by means of a microwave link, but Columbia intends to have sufficient studio facilities to provide for origination of slides, films, and station identification. Wenatchee, county seat of Chelan County, is located in central Washington and has a population of 16,726 persons according to the 1960 U.S. census.

3. No opposition to the proposal to assign Channel 27 to Wenatchee was received. However, during the period for comments, Galen Gilyard of Wenatchee filed a petition requesting the assignment of Channel 30 to Wenatchee, in which he merely states his intention to file an application for authority to construct a station on this channel. The

Giffyard petition does not contain a showing of need for a second commercial assignment to Wenatchee. The Commission is considering this request as a comment in the instant proceeding in reaching its decision.

4. Wenatchee residents now receive TV signals from translators and a local CATV system, since direct reception of television stations is virtually impossible without the aid of sophisticated receiving apparatus. The sole assignment, Channel *18, is reserved for noncommercial educational use. Available UHF channels are not scarce in this area. Channel 27 has been selected as the most efficient assignment which meets the required minimum distance separations and provides sufficient transmitter site flexibility.

5. Although two parties have each expressed an interest in operating a station in Wenatchee, it does not appear whether either of them wishes to have two unreserved channels assigned. The Commission does not normally assign two commercial channels to communities with populations less than 25,000, and only one assignment is being made herein.

6. Accordingly, pursuant to the authority contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended: *It is ordered*, That, effective October 2, 1967, the Table of Assignments in § 73.606(b) of the Commission rules is amended insofar as the city listed below is concerned, to read as follows:

City	Channel No.
Wenatchee, Wash.....	*18, 27

NOTE: Appropriate offsets for the UHF channels will be supplied in a subsequent Order.

7. *It is further ordered*, That the petition of Galen E. Giffyard, requesting the assignment of Channel 39 to Wenatchee, is dismissed as moot.

8. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: August 24, 1967.

Released: August 25, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-10168; Filed, Aug. 29, 1967; 8:49 a.m.]

[FCC 67-979]

PART 97—AMATEUR RADIO SERVICE

Suspension and Revocation of Licenses and Issuance of Cease and Desist Orders

Order. In the matter of deletion of §§ 97.139, 97.141, and 97.143 of the Amateur Radio Service rules.

1. The Commission has under consideration Amateur Radio Service rule § 97.139, which relates to the revocation of amateur radio station licenses and to the issuance of Cease and Desist Orders, and §§ 97.141 and 97.143, which relate to the suspension of amateur radio operator licenses.

2. The language in §§ 97.139 and 97.141 is substantially repetitious of rule provisions set forth in Part 1 of the Commission's rules relating to practice and procedure. The Commission finds, therefore, that these rule sections are unnecessary and superfluous and should be deleted from Part 97.

3. Section 97.143 provides that the effective date of an Order of Suspension will not be stated therein but will, instead, be given in a supplementary notice to be sent after the licensee receives the suspension order. The Commission finds that this "second notice" procedure is of no particular benefit to licensees and is a burden to the Commission. Accordingly, it is determined that § 97.143 should also be deleted. It is noted that Orders of Suspension will state their effective dates therein in conformance with license suspension authority and procedures as set forth in section 303(m)(2) of the Communications Act of 1934, as amended.

4. The rule changes herein ordered are procedural and editorial only and, therefore, compliance with the provisions for notice and public procedure is unnecessary and they may be made effective immediately. Authority for this rule change is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended.

5. In view of the foregoing: *It is ordered*, That, effective September 1, 1967, §§ 97.139, 97.141, and 97.143 are deleted.

(Secs. 4, 303, 48 Stat., as amended 1066, 1082; 47 U.S.C. 154, 303)

Adopted: August 24, 1967.

Released: August 25, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-10167; Filed, Aug. 29, 1967; 8:49 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Eufaula National Wildlife Refuge, Ala., and Yazoo National Wildlife Refuge, Miss.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

ALABAMA

EUFAULA NATIONAL WILDLIFE REFUGE

Public hunting of mourning doves on the Eufaula National Wildlife Refuge, Ala., is permitted only on the area designated by signs as open to hunting. This open area, comprising 180 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State and Federal regulations governing the hunting of mourning doves subject to the following special conditions:

(1) Hunting dates are as follows: September 30; October 7; October 14; October 21, and October 28.

(2) Each hunter must have on his person a validated refuge hunting permit. Hunters will be selected by an impartial drawing to be held September 18 on the refuge. Applications for the hunt will be accepted only during the period September 8–15 and may be submitted by mail or in person to the Refuge Manager, Eufaula National Wildlife Refuge, Post Office Box 258, Eufaula, Ala. 36027.

(3) No hunters will be permitted within hunting areas before 11:45 a.m., e.s.t., each day.

(4) All firearms must be encased and/or unloaded when outside designated hunting area.

(5) Each hunter who successfully takes a limit of mourning doves must leave the hunting area immediately.

(6) Retrievers used by hunters shall be under the control of the owner at all times.

(7) All hunters must check in and out of the refuge at the designated checking station.

(8) All litter (paper, empty shell boxes, etc.) must be removed by individual hunters.

(9) Wounded or dead doves falling outside the hunting area may be recovered but firearms must be left inside hunting area.

(10) Vehicle parking will be limited to areas designated by refuge personnel.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 28, 1967.

MISSISSIPPI

YAZOO NATIONAL WILDLIFE REFUGE

Public hunting of mourning doves on the Yazoo National Wildlife Refuge, Miss., is permitted on the areas designated by signs as open to hunting. This open area, comprising approximately 800 acres, is delineated on a map available at the refuge headquarters, Route 1, Hollandale, Miss., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of mourning doves, subject to the following special conditions:

(1) The open season extends from September 16, through September 30, 1967; Sundays excluded.

(2) Carrying of loaded firearms in vehicles is prohibited, and shooting from vehicles or shooting from or across State or county roads is prohibited.

(3) All empty shells, boxes, and other litter must be removed by the individual hunter.

(4) Retrievers used by hunters shall be under the control of the owner at all times.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 30, 1967.

WALTER A. GRESS,
Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 21, 1967.

[F.R. Doc. 67-10126; Filed, Aug. 29, 1967; 8:45 a.m.]

PART 32—HUNTING

Baskett Slough National Wildlife Refuge, Oreg.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of the adoption of the Federal migratory game bird regulations to and including the establishment of State hunting seasons makes it impracticable to give public notice of proposed rule making.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

OREGON

BASKETT SLOUGH NATIONAL WILDLIFE REFUGE

Public hunting of mourning doves on the Baskett Slough National Wildlife Refuge is permitted only on the areas designated by signs as open to hunting. The open area, comprising 560 acres, is delineated on maps available at refuge headquarters, William L. Finley National Wildlife Refuge, Corvallis, Oreg., or Ankeny National Wildlife Refuge, Jefferson, Oreg., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208.

Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special conditions:

(1) Mourning doves may be hunted during the period from October 21, to November 5, 1967, inclusive.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 9, 1967.

PAUL T. QUICK,
Regional Director, Portland, Oreg.

[F.R. Doc. 67-10127; Filed, Aug. 29, 1967; 8:45 a.m.]

PART 32—HUNTING

Aransas National Wildlife Refuge, Tex.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

TEXAS

ARANSAS NATIONAL WILDLIFE REFUGE

The public hunting of deer with bow and arrow on the Aransas National Wildlife Refuge, Tex., is permitted from October 1, through October 31, 1967, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 43,000 acres prior to the arrival of the first fall migrant whooping crane and comprising 17,200 acres after the arrival of the first fall migrant whooping crane, is delineated on maps available at refuge headquarters, Austwell, Tex., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with applicable State and Federal regulations covering the hunting of deer, subject to the following special conditions:

(1) All hunters must register at the refuge headquarters prior to entering the hunting area and must check out at the refuge headquarters when leaving the area.

(2) All vehicles must stay on shell surfaced roads and may not travel across country or on certain restricted roads due to the terrain hazards and wildlife protective measures involved.

(3) No deer may be taken from, on, or across any road, trail, or other right-of-way.

(4) Hunting is prohibited within 100 yards of cattle watering troughs and windmills.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 31, 1967.

PHILLIP S. MORGAN,
Refuge Manager, Aransas National Wildlife Refuge, Austwell, Tex.

AUGUST 15, 1967.

[F.R. Doc. 67-10128; Filed, Aug. 29, 1967; 8:45 a.m.]

[1] Commissioner Cox absent.

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 931]

FRESH BARTLETT PEARS GROWN IN OREGON AND WASHINGTON

Expenses and Fixing of Rate of Assessment for 1967–68 Fiscal Period and Carryover of Unexpended Funds

Consideration is being given to the following proposals submitted by the Northwest Fresh Bartlett Pear Marketing Committee, established pursuant to the marketing agreement and Order No. 931 (7 CFR Part 931), regulating the handling of fresh Bartlett pears grown in Oregon and Washington, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(1) That expenses that are reasonable and likely to be incurred by the Northwest Fresh Bartlett Pear Marketing Committee, during the period July 1, 1967, through June 30, 1968, will amount to $12,500;

(2) That the rate of assessment for such period, payable by each handler in accordance with § 931.41 be fixed at one cent ($0.01) per standard western pear box or an equivalent quantity, of pears.

(3) That unexpended funds in excess of expenses incurred during the fiscal period ended June 30, 1967, in the amount of $4,688.43, be carried over as a reserve in accordance with § 931.42 of the said marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals shall file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: August 25, 1967.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-10155; Filed, Aug. 29, 1967; 8:48 a.m.]

[7 CFR Part 971]

LETTUCE GROWN IN LOWER RIO GRANDE VALLEY IN SOUTH TEXAS

Expenses and Rate of Assessment

Consideration is being given to approval of the expenses and rate of assessment, hereinafter set forth, which were recommended by the South Texas Lettuce Committee, established pursuant to Marketing Agreement No. 144 and Marketing Order No. 971 (7 CFR Part 971). This marketing order program regulates the handling of lettuce grown in the Lower Rio Grande Valley in South Texas and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit written data, views, or arguments in connection with these proposals may file the same with the Hearing Clerk, Room 112-A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than the 15th day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)). The proposals are as follows:

§ 971.208 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period August 1, 1967, through July 31, 1968, by the South Texas Lettuce Committee for its maintenance and functioning and for such purposes as the Secretary determines to be appropriate, will amount to $21,150.

(b) The rate of assessment to be paid by each handler in accordance with the marketing agreement and this part shall be two cents ($0.02) per carton of lettuce handled by him as the first handler thereof during said fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period ending July 31, 1968, may be carried over as a reserve.

(d) Terms used in this section have the same meaning as when used in the said marketing agreement and this part.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C.

Dated: August 25, 1967.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-10154; Filed, Aug. 29, 1967; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 74]

[Docket No. 17683; FCC 67-864]

LOW POWER BROADCAST AUXILIARY STATIONS

Operation in Aural Broadcast STL Band

In the matter of amendment of Parts 2 and 74 of the Commission rules and regulations to permit the operation of low power broadcast auxiliary stations in the 942–952 Mc/s Aural Broadcast STL Band; Docket No. 17683, RM-993.

1. On June 29, 1966, National Broadcasting Co., Inc. (NBC) filed a petition for rule making (RM-993) requesting that low power broadcast auxiliary stations of the kind described in § 74.437 of the Commission rules, be permitted to operate in the 942–952 Mc/s band. Under present rules the operation of such devices is limited to the 26.10–26.48 Mc/s band and the 450–451 Mc/s band. The 942–952 Mc/s band is currently allocated to Aural Broadcast STL (studio-transmitter link) stations and Aural Broadcast intercity relay stations, except that in Alaska, Hawaii, and the U.S. possessions, it may also be used by certain other classes of fixed stations.

2. In support thereof, NBC points out that the remote broadcast pickup bands currently available for these low powered devices, which are usually a form of "wireless microphone", are also used by higher powered portable and mobile transmitters and their associated base stations and that in many cases both are used at the same location to cover the same event, thereby creating a serious interference problem. NBC goes on to say that the complexity of program coverage, particularly television programs, has grown to the point where the presently available frequencies are inadequate. After a review of frequencies currently allocated to the broadcast auxiliary services NBC concludes that the 942–952 Mc/s band is best suited for the proposed use. It notes that broadcast STL and intercity relay stations employ highly directional transmitting and receiving antennas and are so installed as to have a clear optical path between the transmitting and receiving points. Thus, the strong signals provided to insure reliability are not likely to receive harmful interference from low powered devices such as are contemplated, particularly since they are unlikely to be used in the vicinity of the STL or intercity receivers.

3. American Broadcasting Co., Inc. (ABC) filed a statement supporting the NBC petition. ABC also calls attention to the vastly increased needs for these low powered communication devices. It notes that in a recently televised golf tournament, seventeen color television cameras were used, requiring three separate control points and the use of 15 remote pickup units. The remote pickup units are used for program production coordination, cueing, talkbacks, as well as actual program transmissions. In the case of events of major national importance where several networks cover the same event, the concentration of remote pickup units in a given area becomes unmanageable within the presently available spectrum. Both NBC and ABC agree that within present technology, small, low powered devices of the "wireless microphone" type can be produced to operate in the 942–952 Mc/s portion of the spectrum and which will provide a badly needed service to broadcasters.

4. The increasing use of hand carried and self-powered TV cameras at golf matches, football games, track meets, and other similar sporting events, at large assemblages such as political conventions, and in on-the-spot coverage of new stories, has created a new need. These cameras are complete TV stations including a low powered microwave transmitter to deliver the picture signals to a nearby receiving location but in spite of extensive miniaturization they are still somewhat unwieldy. A substantial improvement in size, weight, and picture quality can be achieved if certain necessary control functions are supplied from an external source. Among these are the synchronizing signals and adjustment of the camera iris to control the amount of light entering the camera. Such signals can be transmitted over a low powered broadcast auxiliary station operating in the 942–952–Mc/s band. The required communication range would be short, in most cases only a few hundred feet, and the use of synchronizing signals from a common source would eliminate the objectionable "roll-over" of the picture when switching between cameras. Control of the camera iris by the program director would result in better picture quality and allow the cameraman to concentrate on aiming the camera to better follow the action. Operation in the 942–952 Mc/s band would be particularly advantageous because the directive transmitting antenna could be made physically small and thus permit its mounting on the parabolic "dish" used to pick up the signals from the camera transmitter. This would insure proper aiming of the control signals whenever the signals from the camera were being used.

5. The subject petition is deemed to have sufficient merit to warrant the institution of rule making proceedings. The petition and the supporting statement contain persuasive reasons for considering permissive use of the 942–952 Mc/s broadcast auxiliary fixed service band by low powered communication devices. The use can be accommodated within a band already allocated for broadcast auxiliary use, thus avoiding the allocation of additional spectrum space. The hazard of interference to stations operating in this band in accordance with the basic allocation, seems small and in any event use of the frequencies by the proposed low-powered devices would be on a secondary basis, providing full interference protection to regular services.

6. Accordingly, pursuant to the authority contained in sections 4(i), and 303(c) of the Communications Act of 1934, as amended, it is proposed to amend § 2.106 of the Commission rules by inserting a footnote designator NG ——— in column 7 of the Table of Frequency Allocations under the band 942–952 Mc/s and adding the following footnote at the appropriate place:

NG ——— low power broadcast auxiliary stations licensed pursuant to the provisions of § 74.437 of this chapter may be authorized to operate in the band 942–952 Mc/s subject to the condition that no harmful interference is caused to stations operating in accordance with the Table of Frequency Allocations.

7. It is further proposed to amend § 74.437 (c), (e), and (g) of the Commission rules to read as follows:

§ 74.437 Special rules relating to low power broadcast auxiliary stations.

* * * * *

(c) The license of a low-power broadcast auxiliary station authorizes the transmission of cues and orders to production personnel and participants in broadcast programs and in the preparation therefor, the transmission of program material by means of a wireless microphone worn by a performer or other participant in a program during rehearsal and during the actual broadcast, or the transmission of comments, interviews, and reports from the scene of a remote broadcast. Low power broadcast auxiliary stations operating in the 942–952 Mc/s band may in addition, transmit synchronizing signals and various control functions to portable or hand-carried TV cameras which employ low-power radio signals in lieu of cables to deliver picture signals to the control point at the scene of a remote broadcast. Such transmissions shall be intended for reception at a receiving point within the same studio, building, stadium, or similar limited indoor or outdoor area or at the location of a nearby remote pickup broadcast mobile station where they will be relayed to a broadcasting station for simultaneous or delayed broadcast.

* * * * * *

(e) The operation of low-power broadcast auxiliary stations will be authorized only in the bands 26.10–26.48 Mc/s, 450–451 Mc/s and 942–952 Mc/s. Transmitting units may be operated on any frequency within the band of frequencies for which the station is licensed: *Provided*, That the emissions are confined to the authorized band. Transmitting units are not required to maintain a constancy of frequency beyond that necessary to insure compliance with the requirements of this paragraph. The emission bandwidth shall not be greater than that necessary for satisfactory transmission.

* * * * *

(g) Low-power broadcast auxiliary stations will not be licensed for a power input to the plate of the final radio frequency amplifier in excess of 1 watt and all operation thereof is subject to the condition that no harmful interference is caused to remote pickup broadcast base and mobile stations, aural broadcast STL and intercity relay stations, international aeronautical fixed stations, or international fixed public stations. Unusual transmitting antennas or antenna elevations shall not be used to deliberately extend the range of these low power devices beyond the limited areas defined in paragraph (c) of this section.

* * * * *

8. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested parties may file comments on or before October 3, 1967, and reply comments on or before October 13, 1967. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

9. In accordance with the provision of § 1.419 of the rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished to the Commission.

Adopted: August 24, 1967.

Released: August 25, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-10169; Filed, Aug. 29, 1967; 8:49 a.m.]

[47 CFR Part 15]

[Docket No. 17364]

RADIO FREQUENCY DEVICES

Low Power Communications Devices; Order Further Extending Time for Filing Comments

In the matter of amendment of rules, Part 15, Subpart E—Low-Power Communications Devices; Docket No. 17364, RM 449, RM 463.

The Commission has before it for consideration a petition of Sears Roebuck and Co., Chicago, Ill., to extend the time for filing comments in this proceeding from August 22, 1967, to September 11, 1967.

The petitioner's interest in the proceeding stems from the fact it sells garage door control radio devices to the public. The petitioner proposes to submit detailed and extensive technical and

[1] Commissioner Cox absent.

other data concerning the proposed rules but will require a brief period in which to finalize its comments.

The comments of Sears Roebuck and Co. should be of interest to the Commission in this proceeding and, accordingly, it appears that the public interest would be served by granting the brief extension requested.

It is ordered, Pursuant to § 0.281(b) of the Commission's rules, that the time for filing comments in this proceeding is further extended to September 11, 1967, and that the time for filing reply comments is further extended to September 27, 1967.

Adopted: August 22, 1967.

Released: August 23, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-10171; Filed, Aug. 29, 1967; 8:46 a.m.]

[47 CFR Part 73]

[Docket No. 17694; FCC 67-988]

UHF TELEVISION BROADCAST CHANNELS

Table of Assignments; Ironwood, Mich.

In the matter of amendment of the Table of Assignments in § 73.606(b) of the Commission's rules and regulations to assign a UHF television broadcast channel to Ironwood, Mich.; Docket No. 17694, RM-1142.

1. On April 28, 1967, Walter H. Kalata filed a petition for rule making (RM-1142) requesting that a commercial television channel be assigned to Ironwood, Mich. In support thereof, the petitioner states that: (1) Based on his personal survey, an adequate economic base exists to support a television broadcast facility; (2) the community needs and desires a local outlet; (3) the facility could serve at least 50,000 persons in Upper Michigan and Northern Wisconsin; (4) the present principal television service is provided by a community antenna system carrying distant signals not serving the specific needs of the Ironwood area; (5) the closest television broadcast stations are located at a distance of from 78 to 176 miles from Ironwood; (6) a VHF channel previously assigned to Ironwood for commercial use was reassigned to Rhinelander, Wis., and was not replaced with another commercial assignment; (7) Ironwood is the commercial, recreational, and cultural center of an area consisting of several counties in Michigan and Wisconsin; and (8) the Civil Aeronautics Board has designated the Ironwood Airport as the regional airport for commercial airline service in this area. Petitioner acknowledges that the Ironwood region has not had any economic growth in the past years, but claims that trends indicate economic resurgence and contends that a television broadcast facility would contribute to the redevelopment of the region. Petitioner states that if a channel is assigned to Ironwood, he will, within a reasonable time, initiate engineering studies preparatory to applying for authority to construct and operate a new television broadcast station on such channel as might be assigned.

2. According to the 1960 U.S. Census, the city of Ironwood has a population of 10,265, and is the county seat and largest city of Gogebic County (population of 25,370). It now has no unreserved channel assigned. The closest television broadcast station is located at Rhinelander, Wis., approximately 70 miles away (Channel 12+, formerly assigned to Ironwood). Ironwood is located just within the Grade B contour of that station. According to the 1967 TV Factbook, the city is served by a CATV system that carries five U.S. signals and one Canadian signal.

3. An examination of the assignment possibilities at Ironwood indicates that Channel 24 meets the minimum mileage separation requirements of our rules and is the most efficient assignment using the criteria employed in developing the overall UHF assignment plan.

4. Accordingly, pursuant to the authority contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended, it is proposed to amend the Table of Assignments in § 73.606(b) of the Commission's rules by assigning Channel 24 to Ironwood, Mich.

5. Pursuant to applicable procedures set out in § 1.415 of the Commission rules, interested parties may file comments on or before October 3, 1967, and reply comments on or before October 13, 1967. All submissions by parties to this proceeding or by persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

6. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all written comments, replies, pleadings, briefs, or other documents shall be furnished the Commission.

Adopted: August 24, 1967.

Released: August 25, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-10170; Filed, Aug. 29, 1967; 8:46 a.m.]

[1] Commissioner Cox absent.

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Antidumping—ATS 643.2-W]

REFRIGERATION COMPRESSORS FROM DENMARK

Notice of Tentative Determination

AUGUST 22, 1967.

Information was received on May 31, 1966, that refrigeration compressors manufactured by Danfoss Manufacturing Co. (Danfoss Denmark), Nordborg, Denmark, were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.). This information was the subject of an "Antidumping Proceeding Notice" which was published pursuant to § 14.6(d), Customs Regulations, in the FEDERAL REGISTER of July 9, 1966, on page 9425 thereof.

I hereby make a tentative determination that refrigeration compressors manufactured by Danfoss Manufacturing Co. (Danfoss Denmark), Nordborg, Denmark, are not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

Statement of reasons on which this tentative determination is based. 1. The information developed in this case discloses that the proper basis for the fair value comparison is between exporter's sales price and the weighted-average adjusted third country price.

2. Exporter's sales prices were calculated on the basis of the prices at which almost 95 percent of the imported compressors are sold in the United States. From these prices there were deducted the included duty, inland freight in the United States, ocean freight and Danish inland freight, and the cost of selling in the United States.

3. The weighted-average adjusted third country prices were represented by the net adjusted prices of all sales to third countries of models of the types practically identical to the imported models. Deductions have been made for included agents' commissions, interest and banking charges, insurance premiums, delivery costs, and special services where appropriate.

4. Exporter's sales price was not lower than weighted-average adjusted third country price in any instance.

Such written submissions as interested parties may care to make with respect to the contemplated action will be given appropriate consideration by the Secretary of the Treasury.

If any person believes that any information obtained by the Bureau of Customs in the course of this antidumping proceeding is inaccurate or that for any other reason the tentative determination is in error, he may request in writing that the Secretary of the Treasury afford him an opportunity to present his views in this regard.

Any such written submissions or requests should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, D.C. 20226, in time to be received by his office not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

This tentative determination and the statement of reasons therefor are published pursuant to § 14.8(a) of the Customs Regulations (19 CFR 14.8(a)).

[SEAL] MATTHEW J. MARKS,
Acting Assistant Secretary of the Treasury.

[F.R. Doc. 67-10146; Filed, Aug. 29, 1967; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[A 997]

ARIZONA

Notice of Proposed Withdrawal and Reservation of Lands

The Bureau of Reclamation, Department of the Interior, has amended their application A 997, published as F.R. Doc. 67-8213, Vol. 32, page 10619, July 18, 1967, to eliminate therefrom the following described lands:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 5 N., R. 1 W.,
Sec. 17, S½S½;
Sec. 19, lots 2, 3, and 4, SE¼NW¼, E½SW¼, and SE¼;
Sec. 20, N½ and N½SW¼;
Sec. 21, N½.

The area described above totals approximately 1,284.04 acres in Maricopa County.

There are, therefore, approximately 11,572.41 acres remaining in the Maricopa County area in the application; for a total aggregate of approximately 30,803.25 acres remaining therein.

Pursuant to the regulations in 43 CFR, Part 2311, such lands will be at 10 a.m. on September 21, 1967, relieved of the segregative effect of the above mentioned application.

Dated: August 22, 1967.

FRED J. WEILER,
State Director.

[F.R. Doc. 67-10139; Filed, Aug. 29, 1967; 8:45 a.m.]

[S 487]

CALIFORNIA

Notice of Classification of Public Lands for Multiple Use Management

1. Pursuant to the Act of September 19, 1964 (78 Stat. 986; 43 U.S.C. 1411-18) and to the regulations in 43 CFR Parts 2410 and 2411, the public lands in paragraph 3 are classified for multiple use together with any lands located in the areas described in paragraph 3 that may become public lands in the future. Publication of this notice segregates the lands from appropriation only under the agricultural land laws (43 U.S.C. Chs. 7 and 9; 25 U.S.C. 334) and from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171) and the lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws, except as to lands described in paragraph 4 of this notice which are further segregated from the operation of the mining laws (30 U.S.C. Ch. 2).

As used herein, "Public Lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269) as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. Comments were received following publication of the notice of proposed classification (32 F.R. 5377). Comments were also received at the Public Hearing of April 12, 1967, at Sonora, Calif., and for the 48 days thereafter. All comments concerning the proposed classification were carefully considered and evaluated. None of the comments offered sufficient information to warrant a change in the notice of proposed classification. The record showing reaction to the classification made by members of the public attending or interested in the hearing is on file and can be examined in the Folsom District Office, Folsom, Calif.

3. The public lands affected by this classification are located within the following described areas and are shown on the Tuolumne-Mariposa Planning Unit Classification Map, on file in the Folsom District Office, 630 Natoma Street, Folsom, Calif., and on the Sacramento Land Office records, Bureau of Land Management, 650 Capitol Mall, Sacramento, Calif.:

MOUNT DIABLO MERIDIAN, CALIFORNIA

TUOLUMNE & MARIPOSA COUNTIES

Block No. I

All public lands in:

T. 1 N., R. 13 E.,
Secs. 1, 2, and 3;
Secs. 10 to 15, inclusive;
Secs. 21, 22, 26, and 29.
T. 2 N., R. 13 E.,
Secs. 26 to 27, inclusive;
Secs. 34 to 36, inclusive.
T. 1 N., R. 14 E.,
Secs. 5 to 8, inclusive;
Secs. 17 to 20, inclusive.
T. 2 N., R. 14 E.,
Secs. 3, 4, 8, 9, 17, 19, and 20;
Secs. 29 to 32, inclusive.
T. 3 N., R. 14 E.,
Secs. 12, 13, 14, 23, 24, 25, 27, 34, 35, and 36.

Except the following public lands:

T. 1 N., R. 14 E.,
Sec. 5, E½SE¼SW¼NW¼.
T. 2 N., R. 14 E.,
Sec. 29, lots 3 and 6, and lots 8 to 13, inclusive;
Sec. 30, lots 5 and 12, lots 18 to 19, inclusive, and lots 21 and 28;
Sec. 32, lots 16 and 17.

Block No. II

All public lands in:

T. 1 N., R. 14 E.,
Secs. 27, 28, 33, and 34.
T. 1 N., R. 15 E.,
Secs. 28 and 29.
T. 1 N., R. 16 E.,
Sec. 4, E½;
Secs. 9, 16, 17, 19, and 20;
Sec. 21, W½;
Secs. 30 and 31.
T. 2 N., R. 16 E.,
Sec. 31, SE¼;
Sec. 35;
Sec. 33, E½.
T. 1 S., R. 13 E.,
Secs. 1, 11, 12, and 13.
T. 1 S., R. 14 E.,
Secs. 2 to 30, inclusive;
Secs. 34 to 36, inclusive.
T. 2 S., R. 14 E.,
Secs. 1, 2, 3, 12, 13;
Secs. 22 to 27, inclusive;
Secs. 33 to 36, inclusive.
T. 3 S., R. 14 E.,
Secs. 1 to 4, inclusive;
Secs. 9 to 16, inclusive.
T. 1 S., R. 15 E.,
Secs. 1 to 5, inclusive;
Secs. 7 to 11, inclusive;
Secs. 16 to 21, inclusive;
Secs. 29 to 32, inclusive.
T. 2 S., R. 15 E.,
Secs. 5 to 8, inclusive;
Secs. 17 to 20, inclusive;
Secs. 29 to 32, inclusive.
T. 3 S., R. 15 E.,
Secs. 5 to 8, inclusive;
Secs. 17 and 18.
T. 1 S., R. 16 E.,
Sec. 6.

Except the following public lands:

T. 1 N., R. 16 E.,
Sec. 9, Mineral Survey 4746.
T. 2 N., R. 16 E.,
Sec. 33, lot 12 (exclusive of M.S. 5033).
T. 1 S., R. 14 E.,
Sec. 2, lot 68;
Sec. 3, lot 15.
T. 1 S., R. 16 E.,
Sec. 7, lot 18 and Saturn and Jupiter Quartz Mining Claims.

Block No. III

All public lands in:

T. 1 S., R. 13 E.,
Secs. 22 to 28, inclusive;
Secs. 33 to 36, inclusive.
T. 2 S., R. 15 E.,
Secs. 1 to 4, inclusive;
Secs. 9 to 16, inclusive;
Secs. 21 to 28, inclusive;
Secs. 33 to 36, inclusive.
T. 1 S., R. 16 E.,
Secs. 19 to 22, inclusive;
Secs. 27 to 34, inclusive.
T. 2 S., R. 16 E.

Except the following public lands:

T. 1 S., R. 15 E.,
Sec. 22, lot 5 and M.S. 5035B;
Sec. 32, lots 5, 6, 7, 13, and 14.
T. 2 S., R. 15 E.,
Sec. 4, lot 8;
Sec. 9, SW¼NE¼SW¼ and NW¼SE¼SW¼;
Sec. 26, S½S½;
Sec. 35, NE¼NE¼.
T. 2 S., R. 16 E.,
Sec. 5, lot 4;
Sec. 17, NE¼NE¼.

Block No. IV

All public lands in:

T. 3 S., R. 15 E.,
Secs. 1 to 4, inclusive;
Secs. 9 to 16, inclusive;
Secs. 23 to 27, inclusive;
Secs. 34 to 36, inclusive.
T. 4 S., R. 15 E.,
Secs. 1 and 2;
Secs. 11 to 14, inclusive;
Secs. 23 and 24.
T. 3 S., R. 16 E.
T. 4 S., R. 16 E.,
Secs. 1 to 21, inclusive.
T. 3 S., R. 17 E.,
Secs. 7 to 36, inclusive.
T. 4 S., R. 17 E.,
Secs. 1 to 18, inclusive;
Secs. 22 to 27, inclusive;
Sec. 36.
T. 3 S., R. 18 E.,
Sec. 19;
Secs. 25 to 36, inclusive.
T. 4 S., R. 18 E.
T. 5 S., R. 18 E.,
Secs. 1 to 5, inclusive.

Except the following public lands:

T. 3 S., R. 16 E.,
Sec. 1, lot 1;
Sec. 4, lot 3 (portion west of lot 65) and lot 10;
Sec. 9, lot 12;
Sec. 11, lot 3.
T. 4 S., R. 16 E.,
Sec. 19, SE¼SW¼.
T. 3 S., R. 17 E.,
Sec. 19, lot 18;
Sec. 29, lots 44 and 46;
Sec. 30, lot 15.
T. 4 S., R. 17 E.,
Sec. 28, SE¼NW¼, E½SW¼, and SE¼SE¼.
T. 4 S., R. 18 E.,
Sec. 14, lot 12;
Sec. 23, lot 4;
Sec. 26, lot 3;
Sec. 27, lot 9;
Sec. 28, Talk Quartz Lode mining claim;
Sec. 29, Mountain Queen Lode mining claim;
Sec. 30, Ohio Placer mining claim;
Sec. 31, Permit Lode and Milburn Lode mining claims;
Sec. 32, Triumph Lode mining claim;
Sec. 33, lot 7;
Sec. 35, Penobscot Lode mining claim.

BLOCK No. V

All public lands in:

T. 2 N., R. 14 E.,
Sec. 1, lot 1, NE¼SW¼, N½NW¼SW¼, SW¼NW¼SW¼, N½SE¼SW¼, SE¼SE¼SW¼, and E½W½SW¼SE¼;
Sec. 24, lots 5, 7, 11, and NE¼SE¼.
T. 2 N., R. 15 E.,
Sec. 3, lot 1;
Sec. 4, lots 14 and 15;
Sec. 6, lots 1, 2, 7, 8, 9, 13, 18, 14, and 15, NW¼SE¼ and E½SE¼;
Sec. 8, SE¼NW¼;
Sec. 17, NE¼NW¼ and NW¼SE¼;
Sec. 18, lot 2 (exclusive of Mountain Quail Lode mining claim), lots 3, 4, and 5, E½NE¼, SE¼NW¼NW¼ (exclusive of Mountain Quail Lode mining claim), SE¼NW¼ (exclusive of Bosovich Lode and Mountain Quail Lode mining claims), SE¼SW¼, NE¼SE¼, Bosovich Lode mining claim (exclusive of SW¼NE¼ and Tuscany Lode mining claim), Mountain Quail Lode mining claim, and Tuscany Lode mining claim);
Sec. 19, lots 1 to 9, inclusive, lots 5 to 11, inclusive, NE¼NE¼, W½NE¼, NE¼NW¼, NE¼SW¼, and SE¼SW¼ (exclusive of Mineral Survey 5014);
Sec. 20, NW¼NW¼ and W½SW¼;
Sec. 30, lots 6, 7, and 8, NE¼, NE¼NW¼ (exclusive of Mineral Survey 5014), and SE¼NW¼.
T. 3 N., R. 16 E.,
Sec. 10, lot 8;
Sec. 16, E½NE¼NE¼ and S½NE¼.
T. 1 S., R. 16 E.,
Sec. 20, lot 1, lot 39, and Pipe Dream Lode mining claim.
T. 7 S., R. 17 E.,
Sec. 6, SW¼NE¼.

The public lands in the areas described aggregate approximately 77,241 acres.

4. As provided in paragraph 1 above, the following lands are segregated from appropriation under the mining laws (aggregating approximately 5,443 acres):

MOUNT DIABLO MERIDIAN

T. 1 N., R. 14 E.,
Sec. 6, lots 10 to 14, inclusive, lots 16, 17, 18, and lots 20 to 24, inclusive;
Sec. 17, W½NE¼;
Sec. 19, N½SE¼ and SW¼SE¼;
Sec. 30, SW¼SW¼NE¼, SW¼NW¼, S½SE¼NW¼, and N½SW¼.
T. 2 N., R. 14 E.,
Sec. 17, N½NE¼SE¼ and SW¼NE¼SE¼;
Sec. 24, lots 5, 7, 11, and NE¼SE¼;
Sec. 30, lots 20, 24, 28, and portion of Mineral Survey 6307;
Sec. 31, lots 1, 6, 16, 18, 21, and 25 (exclusive of withdrawn portion of Mineral Survey 6307), SW¼NE¼, E½NW¼, and NW¼SE¼;
Sec. 32, lots 10, 11, 12, and 19.
T. 2 N., R. 15 E.,
Sec. 6, lots 14 and 15;
Sec. 8, SE¼NW¼;
Sec. 18, lot 2 (exclusive of Mountain Quail Lode mining claim), lots 3, 4, and 5, E½NE¼, SE¼NW¼NW¼ (exclusive of Mountain Quail Lode mining claim), SE¼NW¼ (exclusive of Bosovich Lode and Mountain Quail Lode mining claims), SE¼SW¼, NE¼SE¼, Bosovich Lode mining claim (exclusive of SW¼NE¼ and Tuscany Lode mining claim), Mountain Quail Lode mining claim, and Tuscany Lode mining claim;
Sec. 19, lots 1 to 9, inclusive, lots 5 to 11, inclusive, NE¼NE¼, W½NE¼, NE¼NW¼, NE¼SW¼, and SE¼SW¼ (exclusive of Mineral Survey 5014);
Sec. 20, NW¼NW¼ and W½SW¼;
Sec. 30, lots 6, 7, and 8, NE¼, NE¼NW¼ (exclusive of Mineral Survey 5014), and SE¼NW¼.
T. 2 N., R. 16 E.,
Sec. 16, E½NE¼NE¼ and S½NE¼;
Sec. 21, SW¼SE¼;
Sec. 28, N½ (exclusive of NE¼NE¼ and Mineral Survey 5033).

T. 1 S., R. 14 E.,
Sec. 34, E½SE¼NE¼, NE¼SW¼, and SW¼SE¼;
Sec. 27, W½E½;
Sec. 34, NW¼NE¼.
T. 2 S., R. 14 E.,
Sec. 1, lot 3;
Sec. 33, NE¼SE¼.
T. 3 S., R. 14 E.,
Sec. 3, lots 3 and 4.
T. 1 S., R. 15 E.,
Sec. 1, lots 6, 7, and 8;
Sec. 18, NW¼SE¼.
T. 2 S., R. 15 E.,
Sec. 6, lots 4, 5, and 8;
Sec. 7, lot 3;
Sec. 17, W½SE¼;
Sec. 31, portion of lot 38A;
Sec. 32, lots 1, 2, 4, and portion of lot 38A.
T. 3 S., R. 15 E.,
Sec. 1, S½SE¼.
T. 1 S., R. 16 E.,
Sec. 20, lots 1, 39, and Pipe Dream Lode mining claim.
T. 2 S., R. 16 E.,
Sec. 4, lots 4, 12, and 13;
Sec. 5, lot 1, S½N½, NW¼SW¼, and NE¼SE¼;
Sec. 6, S½NE¼ and SE¼NW¼;
Sec. 11, lot 2;
Sec. 20, E½SE¼;
Sec. 21, SW¼SW¼;
Sec. 22, lot 2;
Sec. 31, lot 9;
Sec. 34, SW¼SW¼.
T. 4 S., R. 16 E.,
Sec. 1, lot 23;
Sec. 2, lots 12, 17, and 18;
Sec. 3, lot 9;
Sec. 12, lots 1, 2, 8, and N½SW¼NE¼.

Including all public lands situated within 200 feet on either side of the centerline of the following roads:

MOUNT DIABLO MERIDIAN

(1) Jacks Creek Road, extending form sec. 19, T. 2 S., R. 16 E., to sec. 33, T. 1 S., R. 16 E., and;

(2) Hunter Valley Mountain Road, extending from sec. 18, T. 4 S., R. 17 E., to sec. 20, T. 3 S., R. 16 E.

5. For a period of 30 days from date of publication of this notice in the FEDERAL REGISTER, this classification shall be subject to the exercise of administrative review and modification by the Secretary of the Interior as provided for in 43 CFR 2411.2(c).

E. J. PETERSEN,
Acting State Director.

[F.R. Doc. 67-10130; Filed, Aug. 29, 1967; 8:45 a.m.]

[Oregon 015031]

OREGON

Order Providing for Opening of Public Lands

AUGUST 24, 1967.

1. In an exchange of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1272), as amended June 26, 1936 (49 Stat. 1976; 43 U.S.C. 315g), the following lands have been reconveyed to the United States:

WILLAMETTE MERIDIAN

T. 25 S., R. 30 E.,
Sec. 16, SW¼ and SW¼SE¼.

The areas described aggregate 200 acres.

2. The lands are located in Harney County. They are semiarid in character and are not suitable for farming.

3. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands are hereby open to application, petition, location, and selection. All valid applications received at or prior to 10 a.m., September 29, 1967, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. The United States did not acquire minerals in the lands described herein.

5. Inquiries concerning the lands should be addressed to the Chief, Division of Lands and Minerals Program Management and Land Office, Post Office Box 2965, Portland, Oreg. 97208.

VIRGIL E. STARR,
Acting Chief,
Branch of Lands.

[F.R. Doc. 67-10169; Filed, Aug. 29, 1967; 8:49 a.m.]

National Park Service

[Order No. 43]

CHIEF AND REGIONAL CHIEFS, DIVISION OF PROPERTY MANAGEMENT AND GENERAL SERVICES

Delegation of Authority

1. The Chief, Division of Property Management and General Services, may enter into and administer contracts each in an amount not in excess of $200,000 for supplies, equipment, and services in conformity with applicable regulations and statutory authority and subject to the availability of appropriations.

2. The Regional Chiefs, Division of Property Management and General Services may enter into and administer contracts not in excess of $50,000 for supplies, equipment or services for all offices for which they have been assigned procurement responsibility.

3. Revocation: This order supersedes National Park Service delegations of authority Order No. 16 and Order No. 23.

(205 DM 11.1, 26 F.R. 11742; 245 DM 1.1, 27 F.R. 6396)

Dated: August 4, 1967.

GEORGE B. HARTZOG, JR.,
Director.

[F.R. Doc. 67-10131; Filed, Aug. 29, 1967; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

IOWA, KANSAS, AND NORTH DAKOTA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the States of Iowa, Kansas, and North Dakota natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

IOWA

Crawford. Tama.

KANSAS

Butler. Marion.
Harvey. McPherson.

NORTH DAKOTA

Eddy. Kidder.
Foster.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1968, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 25th day of August 1967.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67-10175; Filed, Aug. 29, 1967; 8:50 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-276]

GEORGIA INSTITUTE OF TECHNOLOGY

Notice of Issuance of Provisional Construction Permit

No request for a hearing or petition to intervene having been filed following publication of the notice of proposed action in the FEDERAL REGISTER, the Atomic Energy Commission has issued, effective as of the date of issuance, Provisional Construction Permit No. CPRR-100 to Georgia Institute of Technology. This permit authorizes the Institute to receive, transport, possess, and store, but not to assemble, the disassembled reactor component parts and fuel obtained from The University of Akron on the Institute's campus in Atlanta, Ga.

The provisional construction permit was issued as set forth in the Notice of Proposed Issuance of Provisional Construction Permit published in the FEDERAL REGISTER on August 2, 1967, 32 F.R. 11241.

Dated at Bethesda, Md., this 21st day of August 1967.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[F.R. Doc. 67-10162; Filed, Aug. 29, 1967; 8:49 a.m.]

[Docket No. 50-301]

WISCONSIN ELECTRIC POWER CO. AND WISCONSIN MICHIGAN POWER CO.

Notice of Receipt of Application for Construction Permit and Facility License

Wisconsin Electric Power Co. and its subsidiary, Wisconsin Michigan Power Co. (the applicants), 231 West Michigan Street, Milwaukee, Wis., pursuant to section 104(b) of the Atomic Energy Act of 1954, as amended, have filed an application, dated July 17, 1967, for authorization to construct and operate a second pressurized water nuclear reactor at the applicants' Point Beach site. The site is located on the west shore of Lake Michigan in the town of Two Creeks, Manitowoc County, Wis., approximately 30 miles north-northeast of Milwaukee.

The proposed reactor, designated by the applicant as the Point Beach Nuclear Plant Unit No. 2, is a duplicate of the Point Beach Nuclear Plant Unit No. 1 which is currently being constructed at the same site. Both reactors are designed for initial operation at approximately 1,306 thermal megawatts with a net electrical output of approximately 454 megawatts.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 22nd day of August 1967.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 67-10125; Filed, Aug. 29, 1967; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 12819; Order E-25592]

CONTINENTAL AIR LINES, INC.

Order of Investigation and Suspension Regarding Proposed Increased Rates on Baby Poultry

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 28th day of August 1967.

By tariff revision bearing the posting date of August 16, 1967, and marked to become effective September 20, 1967, Continental Air Lines, Inc. (Continental), proposes to increase its rates on baby poultry. The proposal, applicable to the entire system of the carrier, will raise the rates from the current level of 175 percent of the applicable general commodity rates to 250 percent.

The justification presented by the carrier essentially is that, because of stacking losses, even the proposed higher rates for baby poultry would yield lower revenues than any other commodity in the same amount of space.

By Order E-25538, dated August 16, 1967, the Board suspended and set for investigation identical proposals filed by American Airlines, Inc. (American), The Flying Tiger Line, Inc. (Tiger), Trans World Airlines, Inc. (TWA), and by United Air Lines, Inc. (United), marked to become effective September 1, 1967. The carriers' justification was essentially the same as that submitted by Continental in support of this proposal. The Board based the foregoing action chiefly on the ground that the carriers' justification was not adequate to support the sharp increase proposed.

Consistent with its foregoing action, and for the same reasons, the Board finds that Continental's proposal may be unjust, unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, or otherwise unlawful, and should be investigated. The Board has further decided to suspend the proposal pending investigation. This investigation will be consolidated with that instituted by Order E-25538, supra.

In addition, the proposals made by American and Tiger set for investigation and suspended by Order E-25588, supra, have been brought forward without change on a subsequent tariff page. The reissue of these suspended rates will, accordingly, be suspended and investigated.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof:

It is ordered, That:

1. An investigation be instituted to determine whether the Exception Ratings to General Commodity Rates of 250 percent (of the general commodity rates) applicable to "Poultry, Baby" for account of "AA," "CO," and "PT" appearing in Item No. 120 on 96th Revised Page 204 of Airline Tariff Publishers, Inc., Agent, CAB No. 8 (Agent J. Aniello series), and rules, regulations, and practices affecting such ratings, are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful ratings, and rules, regulations, or practices affecting such ratings;

2. Pending hearing and decision by the Board, the Exception Ratings to General Commodity Rates of 250 percent (of the general commodity rates) applicable to "Poultry, Baby" for account of "AA," "CO," and "PT" appearing in Item No. 120 on 96th Revised Page 204 of Airline Tariff Publishers, Inc., Agent, CAB No. 8 (Agent J. Aniello series) are suspended and their use deferred to and including November 20, 1967, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The foregoing investigation is consolidated with that instituted by Order E-25588, dated August 16, 1967; and

4. Copies of this order shall be filed with the tariffs, and served upon Continental Air Lines, Inc., which is hereby made a party to this proceeding, and upon all other parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 67-10126; Filed, Aug. 29, 1967; 8:46 a.m.]

[Docket No. 17687]

WARDAIR CANADA, LTD.

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on September 19, 1967, at 10 a.m., e.d.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner William J. Madden.

Dated at Washington, D.C., August 23, 1967.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 67-10164; Filed, Aug. 29, 1967; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 17445-17448; FCC 67M-1428]

ST. ANTHONY TELEVISION CORP. (KHMA-TV) AND DELTA TELE-RADIO CORP.

Order Regarding Procedural Dates

In re applications of St. Anthony Television Corp. (KHMA-TV), Houma, La., Docket No. 17446, File No. BMPCT-6128, for extension of time within which to construct; St. Anthony Television Corp. (KHMA-TV), Houma, La., Docket No. 17447, File No. BMPCT-6129, for modification of construction permit; and St. Anthony Television Corp. (KHMA-TV) (Assignor) Houma, La., and Delta Teleradio Corp., Panama City, Fla. (assignee), Docket No. 17448 File No. BAPCT-378, for assignment of construction permit.

The Hearing Examiner having under consideration the "Petition for Continuance" filed jointly by the two above-named parties on August 22, 1967, requesting a continuance of the presently scheduled procedural dates in the above-entitled matter;

It appearing, that counsel for all of the parties have consented to a grant of the request, and that good cause has been shown therefor;

It is ordered, That:

Exchange of exhibits presently scheduled for September 6, 1967, is continued to November 6, 1967;

Informal engineering conference presently scheduled for September 11, 1967, is continued to November 13, 1967;

Notification of witnesses presently scheduled for September 18, 1967, is continued to November 20, 1967; and

Hearing presently scheduled for September 25, 1967, is continued on November 27, 1967.

Issued: August 23, 1967.

Released: August 24, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-10172; Filed, Aug. 29, 1967; 8:50 a.m.]

[Docket No. 17174; FCC 67M-1429]

SIOUX EMPIRE BROADCASTING CO.

Order Continuing Hearing

In re application of Elder C. Stangland and Wallace L. Stangland, doing business as Sioux Empire Broadcasting Co., Sioux Falls, S. Dak., Docket No. 17174, File No. BP-15191; for construction permit.

The Acting Chief Hearing Examiner having under consideration a communication dated August 23, 1967, from counsel of KISD, Inc., requesting a rescheduling of the exchange date for exhibits now set for August 25, 1967, and a continuation of the hearing now scheduled for September 5, 1967;

It appearing, that counsel for KISD, Inc., has informally advised the Acting Chief Hearing Examiner that he has only recently been retained by the licensee;

It further appearing, from this communication that Samuel Miller, Esq., counsel for Sioux Empire Broadcasting Co., is opposed to the extension of any procedural dates;

It further appearing, that the Hearing Examiner assigned to this matter and Bureau counsel both are currently on leave;

It further appearing, that good cause exists why the request should be granted;

Accordingly, it is ordered, That the request is granted, and that the date for exchange of exhibits is on or before September 8, 1967; and

It is further ordered, That the hearing now scheduled for September 5, 1967, be and the same is hereby continued without date until Hearing Examiner may reschedule same.

Issued: August 24, 1967.

Released: August 28, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-10173; Filed, Aug. 29, 1967; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP68-52]

ARKANSAS LOUISIANA GAS CO.

Notice of Application

AUGUST 22, 1967.

Take notice that on August 14, 1967, Arkansas Louisiana Gas Co. (Applicant), Post Office Box 1734, Shreveport, La. 71102, filed in Docket No. CP68-52 an application pursuant to subsection (c) of section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities and the sale and delivery of volumes of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate approximately 3,500 feet of 3½ inch market lateral and related facilities, extending from Applicant's existing Line "T" to the site of the plant of International Paper Co. (Paper), Hot Spring County, Ark. Applicant also seeks authorization to sell and deliver to Paper, through the facilities proposed above, volumes of interruptible natural gas for use by an industrial customer. Applicant states that Paper estimates its peak daily and annual natural gas requirements at 1,250 Mcf and 193,450 Mcf, respectively. Applicant states further that the proposed deliveries of natural gas to Paper are to be made on an interruptible basis so as not to interfere with Applicant's ability to meet the requirements of its firm customers.

Applicant estimates the total cost of the facilities proposed at approximately $14,490, said cost to be financed from cash on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before September 18, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-10132; Filed, Aug. 29, 1967; 8:45 a.m.]

[Docket No. CP60-99]

NORTHERN NATURAL GAS CO.

Notice of Application

AUGUST 22, 1967.

Take notice that on May 10, 1960, Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha, Nebr. 68102, filed in Docket No. CP60-99 an application pursuant to subsection (c) of section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities and the transportation of natural gas in interstate commerce, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate certain natural gas gathering and processing facilities, such facilities to be located in the Laverne Field, Beaver County, Okla., and called the "Highland System". Applicant also seeks authorization to transport in interstate commerce volumes of natural gas purchased in the above-mentioned Laverne Field from Cabot Carbon Co. (Cabot), the principal seller, Eason Oil Co. (Eason) and Ozark Mahoning Co. (Ozark), pursuant to gas purchase contracts between the parties dated March 17, 1960. Applicant states that the gas proposed to be purchased will materially enhance its gas supply position.

Applicant was granted temporary authority to construct and operate the facilities proposed herein by letter order issued August 8, 1960. In addition, Cabot, Eason, and Ozark have been granted permanent authorization for the sales described above.

Applicant estimates the total cost of the facilities proposed at approximately $1,550,700, said cost to be financed from cash on hand and cash generated from operations.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before September 18, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-10133; Filed, Aug. 29, 1967; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

OTTO BREMER CO.

Order Granting Determinations Under Bank Holding Company Act

In the matter of the application of Otto Bremer Co., St. Paul, Minn., pursuant to section 4(c)(8) of the Bank Holding Company Act of 1956 for determinations re the proposed Farmers Insurance Agency, Inc., American Insurance Agency, Inc., International State Insurance Agency, Inc., Farmers Agricultural Credit Co., Inc., and Carrington Credit Co. (Dockets Nos. BHC-75, BHC-76, BHC-77, BHC-78, BHC-79).

Otto Bremer Co., St. Paul, Minn., a bank holding company within the meaning of section 2(a) of the Bank Holding Company Act of 1956 (12 U.S.C. sec. 1841 (a)), filed requests for determinations by the Board of Governors of the Federal Reserve System that the activities planned to be undertaken by its proposed subsidiaries, Farmers Insurance Agency, Inc., American Insurance Agency, Inc., International State Insurance Agency, Inc., Farmers Agricultural Credit Co., Inc., and Carrington Credit Co., are of the kind described in section 4(c)(8) of the Act (12 U.S.C. sec. 1843(c)(8)) and § 222.5(b) of the Board's Regulation Y (12 CFR 222.5(b)), so as to make it unnecessary for the prohibitions of section 4(a) of the Act, respecting the ownership of shares in nonbanking companies, to apply in order to carry out the purposes of the Act.

Pursuant to the requirements of section 4(c)(8) of the Act, and in accordance with the provisions of §§ 222.5(b) and 222.7(a) of the Board's Regulation Y (12 CFR 222.5(b), 222.7(a)), a hearing was held on these matters on January 20, 1966. Applicant requested that the report and recommended decision of the Hearing Examiner be waived, which request was granted, and attendant thereupon Applicant waived the right to file exceptions permitted by § 263.12(a) of the Board's Rules of Practice for Formal Hearings (12 CFR 263.12(a)). For the reasons set forth in the statement[1] of this date, and on the basis of the entire record,

It is hereby ordered, That the activities planned to be undertaken by each of the proposed companies, Farmers Insurance Agency, Inc., American Insurance Agency, Inc., International State Insurance Agency, Inc., Farmers Agricultural Credit Co., Inc., and Carrington Credit Co., are determined to be so closely related to the business of banking or of managing or controlling banks as to be a proper incident thereto and as to make it unnecessary for the prohibitions of section 4(a) of the Bank Holding Company Act of 1956 to apply in order to carry out the purposes of the Act: *Provided, however*, That each of these determinations is subject to revocation if the facts upon which it is based should cease to obtain in any material respect.

Dated: at Washington, D.C., this 23rd day of August 1967.

By order of the General Counsel of the Board of Governors, acting on behalf of the Board pursuant to delegated authority.

[SEAL] MERRITT SHERMAN, *Secretary.*

[F.R. Doc. 67-10135; Filed, Aug. 29, 1967; 8:46 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Minneapolis.

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.; Temporary Reg. D-7]

POSTMASTER GENERAL

Delegation of Authority Regarding Post Office and Custom House, St. Paul, Minn.

1. *Purpose.* This regulation delegates authority to the Postmaster General to perform the functions of operation, maintenance, and protection of the Post Office and Customhouse, St. Paul, Minn.

2. *Effective date.* This delegation of authority is effective September 1, 1967.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, authority is hereby delegated to the Postmaster General to perform the functions of operation, maintenance, and protection of the Post Office and Customhouse, St. Paul, Minn.

b. The authority herein delegated may be redelegated to any officer or employee of the Post Office Department.

c. The authority hereby delegated shall be exercised in accordance with all applicable laws and regulations of the General Services Administration.

Dated: August 23, 1967.

LAWSON B. KNOTT, Jr., *Administrator of General Services.*

[F.R. Doc. 67-10140; Filed, Aug. 29, 1967; 8:46 a.m.]

OFFICE OF EMERGENCY PLANNING

ALASKA

Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, and Executive Order 11051 of September 27, 1962 (18 F.R. 401, 22 F.R. 8799, 27 F.R. 9683); Reorganization Plan No. 1 of 1958, Public Law 85-763, and Public Law 87-296; by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855-1855g), as amended; notice is hereby given that the declaration of "major disaster" by the President in his letter dated August 21, 1967 reading in part as follows:

I have determined that the damage in the various areas of the State of Alaska, adversely affected by severe storms and floods beginning on or about August 12, 1967, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 81-875.

I do hereby determine the following area in the State of Alaska to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of August 21, 1967:

Area of Tanana River Basin as defined by the Basin Map Plate 17—contained in Tanana River Basin, report—House Document No. 137—86th Congress, 1st session.

Dated: August 23, 1967.

FARRIS BRYANT, *Director, Office of Emergency Planning.*

[F.R. Doc. 67-10165; Filed, Aug. 29, 1967; 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[70-4539]

ALABAMA POWER CO.

Notice of Proposed Issue and Sale of First Mortgage Bonds at Competitive Bidding

AUGUST 24, 1967.

Notice is hereby given that Alabama Power Co. ("Alabama"), 600 North 18th Street, Birmingham, Ala. 35202, an exempt holding company and an electric utility subsidiary company of The Southern Co. ("Southern"), a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

Alabama proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, $28 million principal amount of first mortgage bonds, ——— percent Series due 1997. The interest rate of the bonds (which will be a multiple of one-eighth of 1 percent) and the price, exclusive of accrued interest, to be paid to Alabama (which will be not less than 99 percent nor more than 102¾ percent of the principal amount thereof) will be determined by the competitive bidding. The bonds will be issued under an indenture dated as of January 1, 1942, between Alabama and Chemical Bank New York Trust Co., trustee, as heretofore supplemented and as to be further supplemented by a supplemental indenture to be dated as of October 1, 1967.

The proceeds from the issue and sale of the bonds will be applied by Alabama, together with the proceeds from the proposed sale of 20,000 shares of its common stock to Southern, pursuant to the order of the Commission dated April 14, 1967 (Holding Company Act Release No. 15711), and from other funds available, to finance its 1967 construction program (presently estimated at $80,834,000), to reimburse its treasury for the retirement of previously outstanding bonds, to pay short-term bank loans, and for other corporate purposes.

The issuance and sale of the bonds has been expressly authorized by the Alabama Public Service Commission, the State commission of the State in which Alabama is organized and doing business. The application states that no other State commission and that no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. Estimates of fees and expenses to be incurred in connection with the proposed transactions are to be filed by amendment.

Notice is further given that any interested person may, not later than September 22, 1967, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20 (a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-10138; Filed, Aug. 29, 1967; 8:46 a.m.]

[File No. 1-4078]

TEL-A-SIGN, INC.

Order Suspending Trading

AUGUST 24, 1967.

The common stock of Tel-A-Sign Inc., being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934, and being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such security on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 25, 1967, through September 3, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-10139; Filed, Aug. 29, 1967; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 24, 1967.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41110—*Sulphur to Salem, Va.* Filed by Southwestern Freight Bureau, agent (No. B-9000), for interested rail carriers. Rates on sulphur (brimstone), ground or refined, in carloads, from specified points in Louisiana, Oklahoma, and Texas, to Salem, Va.

Grounds for relief—Rate relationship.

Tariff—Supplement 18 to Southwestern Freight Bureau, agent, tariff ICC 4713.

FSA No. 41111—*Grain and grain products from points in Montana.* Filed by Pacific Southcoast Freight Bureau, agent (No. 257), for interested rail carriers. Rates on grain and grain products, in carloads, from specified points in Montana, to points in California.

Grounds for relief—Rate relationship.

Tariff—Supplement 38 to Pacific Southcoast Freight Bureau, agent, tariff ICC 1783.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-10134; Filed, Aug. 29, 1967; 8:46 a.m.]

[Notice 461]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

AUGUST 25, 1967.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 3560 (Deviation No. 15), GENERAL EXPRESSWAYS, INC., 1205 South Platte River Drive, Denver, Colo. 80223, filed August 17, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Cleveland, Ohio, over Interstate Highway 80 to junction Interstate Highway 95, thence over Interstate Highway 95 to junction U.S. Highway 1 near Leonia, N.J., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) Cleveland, Ohio, over U.S. Highway 422 to junction Ohio Highway 8, thence over Ohio Highway 8 to Canton, Ohio, (2) from Canton, Ohio, over U.S. Highway 30 to junction Pennsylvania Turnpike near Irwin, Pa., thence over Pennsylvania Turnpike to junction U.S. Highway 11, thence over U.S. Highway 11 to Harrisburg, Pa., thence over U.S. Highway 22 to junction unnumbered highway near Paxtonia, Pa., thence over unnumbered highway via Paxtonia, Manadahill, Grantville, East Hanover, Jonestown, and Fredericksburg, Pa., to junction U.S. Highway 22, thence over U.S. Highway 22 to junction unnumbered highway near Bethel, Pa., thence over unnumbered highway via Bethel and Strausstown, Pa., to junction U.S. Highway 22, thence over U.S. Highway 22 to junction unnumbered highway near Walbert, Pa., thence over unnumbered highway via Allentown, Bethlehem, Buxtown, and Wilson, Pa., to Easton, Pa., thence over U.S. Highway 22 to junction unnumbered highway (formerly portion U.S. Highway 22), thence over unnumbered

highway to Clinton, N.J., thence over unnumbered highway via Annandale, Lebanon, Pattenburg, and Whitehouse, N.J., to junction U.S. Highway 22 thence over U.S. Highway 22 to junction New Jersey Highway 24, thence over New Jersey Highway 24 to junction U.S. Highway 1 near Elizabeth, N.J., and (3) from Boston, Mass., over U.S. Highway 1 to junction Alternate U.S. Highway 1, near Wickford, R.I., thence over Alternate U.S. Highway 1 to junction U.S. Highway 1, near Wakefield, R.I., thence over U.S. Highway 1 to Poquonock Bridge, Conn., thence over unnumbered highway via Groton, Conn., to junction Alternate U.S. Highway 1, at or near New London, Conn., thence over Alternate U.S. Highway 1 to junction U.S. Highway 1, at or near East Lyme, Conn., thence over U.S. Highway 1 via Philadelphia, Pa., to Washington, D.C. (also from Philadelphia over U.S. Highway 13 to junction U.S. Highway 40, thence over U.S. Highway 40 to Baltimore, Md., thence over U.S. Highway 1 to Washington, D.C.), and return over the same routes.

No. MC 80430 (Deviation No. 7), GATEWAY TRANSPORTATION CO., INC., 2130 South Avenue, La Crosse, Wis. 54601, filed August 16, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Chicago, Ill., and St. Louis, Mo., over Interstate Highway 55, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Chicago, Ill., over U.S. Highway 54 to junction Illinois Highway 43, thence over Illinois Highway 43 to junction U.S. Highway 66, thence over U.S. Highway 66 to Edwardsville, Ill., thence over Illinois Highway 159 to Collinsville, Ill., thence over U.S. Highway 40 to St. Louis, Mo., and return over the same route.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 397), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio 44113, filed August 21, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers*, in the same vehicle with passengers, over deviation routes as follows: (1) From Cincinnati, Ohio, over Interstate Highway 71 to junction U.S. Highway 227, thence over U.S. Highway 227 to Carrollton, Ky., (2) from Florence, Ky., over Kentucky Highway 18 to junction Interstate Highway 71, (3) from Florence, Ky., over U.S. Highway 42 to junction Interstate Highway 71, and (4) from junction U.S. Highways 42 and 127 (approximately 5 miles north of Warsaw, Ky.) over U.S. Highway 127 to junction Interstate Highway 71, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Louisville, Ky., over old U.S. Highway 42 via Prospect and Carrollton, Ky., to Cincinnati, Ohio, thence over U.S. Highway 42 via Lebanon, Xenia, and London, Ohio, to Delaware, Ohio, and return over the same route.

No. MC 1515 (Deviation No. 398) (Cancels Deviation No. 332), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio 44113, filed August 21, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of passengers, and their baggage, and express and newspapers in the same vehicle with passengers, over deviation routes as follows: (1) From Erie, Pa., over Interstate Highway 79 to junction Interstate Highway 90, thence over Interstate Highway 90 to junction Pennsylvania Highway 98, thence over Pennsylvania Highway 98 to junction combined U.S. Highways 6, 19, and 322 approximately 4 miles west of Meadville, Pa., and (2) from junction U.S. Highway 19 and Pennsylvania Highway 258 over Pennsylvania Highway 258 to junction Interstate Highway 79, thence over Interstate Highway 79 to junction U.S. Highway 19 approximately 2 miles south of Zelienople, Pa., with the following access routes: (a) From Mercer, Pa., over U.S. Highway 62 to junction Interstate Highway 79, (b) from junction U.S. Highway 19 and Interstate Highway 80 (approximately 2 miles south of Mercer, Pa.) over Interstate Highway 80 to junction Interstate Highway 79, (c) from junction U.S. Highway 19 and Pennsylvania Highway 208 (at Lounsburg, Pa.) over Pennsylvania Highway 208 to junction Interstate Highway 79, (d) from junction U.S. Highways 19 and Pennsylvania Highway 108 (at Harlansburg, Pa.), over Pennsylvania Highway 108 to junction Interstate Highway 79, (e) from junction U.S. Highways 19 and 422 over U.S. Highway 422 to junction Interstate Highway 79, (f) from junction U.S. Highway 19 and Pennsylvania Highway 488 (at Portersville, Pa.) over Pennsylvania Highway 488 to junction Interstate Highway 79, and (g) from junction U.S. Highway 19 and Pennsylvania Highway 68 (at Zelienople, Pa.) over Pennsylvania Highway 68 to junction Interstate Highway 79, and return over the same routes, for operating convenience only.

The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From junction U.S. Highways 422 and 19 at a point approximately 11 miles east of New Castle, Pa., over U.S. Highway 19 via Portersville and Zelienople, Pa., to Pittsburgh, Pa., (2) from Erie, Pa., over U.S. Highway 19 to Kearsarge, Pa., thence over Pennsylvania Highway 99 to Cambridge Springs, Pa., thence over U.S. Highway 6 to Conneaut Lake, Pa., (3) from Pittsburgh, Pa., over U.S. Highway 19 to junction Pennsylvania Turnpike, at the Perry Highway Interchange near Warrendale, Pa., and (4) from junction U.S. Highways 19 and 422 approximately 11 miles east of New Castle, Pa., over U.S. Highway 19 to junction U.S. Highway 6, thence over combined U.S. Highways 19 and 6 to junction U.S. Highway 219 approximately 4 miles west of Meadville, Pa., and return over the same routes.

No. MC 29567 (Deviation No. 11), CONTINENTAL SOUTHERN LINES, INC., Box 4167, Alexandria, La. 71301, filed August 14, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, and baggage of passengers in separate vehicles, over a deviation route as follows: Between junction Interstate Highway 10 and Texas Highway 13 and Lake Charles, La., over Interstate Highway 10, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Beaumont, Tex., over Texas Highway 12 (formerly Texas Highway 135) via Deweyville, Tex., to the Texas-Louisiana State line, thence over Louisiana Highway 12 (formerly Louisiana Highway 7) via De Quincy, La., to junction U.S. Highway 171, thence over U.S. Highway 171 to junction U.S. Highway 90, thence over U.S. Highway 90 to Lake Charles, La., and return over the same route.

No. MC 59238 (Deviation No. 7), VIRGINIA STAGE LINES, INCORPORATED, 41st and Water Streets, Charlottesville, Va. 22902, filed August 14, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: Between junction U.S. Highway 250 and Interstate Highway 64 (near Short Pump, Va.) and Richmond, Va., over Interstate Highway 64, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: Between Staunton, Va., and Richmond, Va., over U.S. Highway 250.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-10157; Filed, Aug. 30, 1967; 8:48 a.m.]

[Notice 1039]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

AUGUST 25, 1967.

The following publications are governed by Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER issue of April 20, 1966, which became effective May 20, 1966.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 109637 (Sub-No. 324) filed August 18, 1967. Applicant: SOUTHERN TANK LINES INC., 4107 Bells Lane, Louisville, Ky. 40211. Applicant's representative: G. R. Thom (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Pascagoula, Miss., and points within 10 miles thereof, to points in the United States (except Alaska and Hawaii). NOTE: Applicant states it holds no authority to which the proposed authority might be tacked, however, applicant much prefers to avoid the encumbrance of a no-tacking provision, if that is possible.

HEARING: September 26, 1967, in Room T-13009, Federal Office Building, 701 Loyola Avenue, New Orleans, La., before Examiner Joseph T. Fittipaldi.

No. MC 103435 (Sub-No. 196) (Republication), filed January 11, 1967, published FEDERAL REGISTER issue of February 2, 1967, and republished this issue. Applicant: UNITED-BUCKINGHAM FREIGHT LINES, East 4005 Broadway Street, Spokane, Wash. 99202. Applicant's representative: George R. LaBissoniere, 930 Logan Building, Seattle, Wash. 98101. By application filed January 11, 1967, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over regular routes (a) of general commodities, (1) between Minneapolis, Minn., and Hettinger, N. Dak., from Minneapolis, over U.S. Highway 12 to Hettinger, and return over the same route, and (2) from Bowman, N. Dak., to Miles City, Mont., over U.S. Highway 12, and return over the same route, and (b) of general commodities, except those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Chillicothe, Mo., and Cameron, Mo., from Chillicothe over U.S. Highway 36 to Cameron, and return over the same route, serving no intermediate points on the above-described routes, as alternate routes for operating convenience only.

A report of the Commission, Review Board Number 1, decided August 16, 1967, and served August 21, 1967, as amended, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle over regular routes of, (a) *general commodities*, (1) between Minneapolis, Minn., and Hettinger, N. Dak., over U.S. Highway 12, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's regular-route operations between Minneapolis, on the one hand, and, on the other, Miles City, Mont., and (2) between Bowman, N. Dak., and Miles City, Mont., over U.S. Highway 12, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's regular-route operations between Minneapolis, Minn., on the one hand, and, on the other, Miles City, (b) *commodities of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment*, between Hettinger and Bowman, N. Dak., over U.S. Highway 12, serving no intermediate points, and

(c) *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Chillicothe and Cameron, Mo., over U.S. Highway 36, serving no intermediate points, as an alternate route for operating convenience only, restricted against the transportation of traffic moving between points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone, on the one hand, and, on the other, points in the Kansas City, Mo-Kans., commercial zone: with the authority granted hereinabove, to the extent it authorizes the transportation of dangerous explosives, limited in point of time to a period expiring 5 years from the date of issuance of the certificate issued pursuant to this proceeding; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act, and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 126674 (Sub-No. 2) (Republication) filed December 7, 1966, published FEDERAL REGISTER issue of December 29, 1966, and republished this issue. Applicant: RONALD E. ACHESON, doing business as ACHESON TRUCKING, Box 328, Port Recovery, Ohio 45686. Applicant's representative: Donald W. Smith, 511 Fidelity Building, Indianapolis, Ind. 46204. By application filed December 7, 1966, applicant seeks a permit authorizing operation, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes of, specified commodities from, to, and between points in Indiana and described counties in Michigan and Ohio, for named shippers. A report of the Commission, Operating Rights Review Board Number 3, decided June 20, 1967, and served July 14, 1967, as amended, finds that operation by applicant, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes of, (1) *dry animal and poultry feeds and animal health aids and sanitation products*, (a) from Fort Wayne, Ind., to points in Berrien, Kalamazoo, Van Buren, Allegan, Barry, St. Joseph, Eaton, Hillsdale, Calhoun, and Branch Counties, Mich., and Fulton, Henry, Putnam, Van Wert, Darke, Mercer, Hancock, Seneca, Marion, Delaware, Preble, and Miami Counties, Ohio, to Fort Wayne, Ind., restricted to service performed under a continuing contract or contracts with Allied Mills, Inc., of Chicago, Ill., and (b) from points in Hamilton, Williams, Fulton, Lucas, Defiance, Henry, Paulding, Putnam, Hancock, Seneca, Van Wert, Allen, Hardin, Mercer, Auglaize, Darke, Shelby, Logan, Champaign, Miami, Clark, Preble, Montgomery, Greene, Butler, Warren, Clinton, Clermont, and Brown Counties, Ohio, to Richmond, Ind., restricted to service performed under a continuing contract or contracts with the Ralston Purina Co., of Richmond, Ind., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act, and with the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order; a notice of the authority actually granted will be published

in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication during which period any proper party in interest may file an appropriate petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 126201 (Republication), filed May 3, 1966, published FEDERAL REGISTER issue of June 3, 1966, and republished this issue. Applicant: SCHUSTER GRAIN COMPANY, INC., Seventh Avenue SE., Le Mars, Iowa. Applicant's representative: J. Max Harding, Box 2028, Lincoln, Nebr. 68501. By application filed May 3, 1966, applicant seeks a permit authorizing operation, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of (1) animal feed and feed ingredients, insecticides and pesticides from the plantsite or warehouse facilities of Supersweet Feeds at Le Mars, Iowa, to points in Minnesota, South Dakota, and Nebraska, and (2) feed ingredients from destinations in (1) above to origin in (1) above, limited to a service to be performed under a continuing contract with Supersweet Feeds of Le Mars, Iowa. The application was referred to Examiner Lawrence A. Van Dyke, Jr., for hearing and recommendation of an appropriate order thereon. Hearing was held on May 29, 1967, at Sioux City, Iowa. A report and order of the Commission, Division 1, served July 12, 1967 which became effective August 11, 1967, served August 18, 1967, finds that operation by applicant, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes of, (1) *animal and poultry feeds, insecticides, and pesticides* (except liquids in bulk), from the plantsite and warehouse facilities of Supersweet Feeds Division of International Milling Co., Inc., located at or near Le Mars, Iowa, to points in Minnesota, South Dakota, and Nebraska, and

(2) *Animal and poultry feed ingredients* (except liquids in bulk), from points in Minnesota, South Dakota, and Nebraska to the origin points described in (1) above, limited to a transportation service performed under a continuing contract with Supersweet Feeds Division of International Milling Co., Inc., of Le Mars, Iowa, subject to the conditions (a) that applicant shall maintain separate accounting systems for its for-hire carriage and other business operations, and (b) that applicant shall not at the same time and in the same vehicle transport property both as a private carrier and as a carrier for hire, will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240.)

MOTOR CARRIERS OF PROPERTY

No. MC-F-9843 (Correction) (BEND-PORTLAND TRUCK SERVICE, INC.—Control—PEOPLES WAREHOUSE, INC.), published in the August 9, 1967, issue of the FEDERAL REGISTER, on page 11504. The notice should read Household goods as defined by the Commission, as a common carrier, over *irregular routes*, etc., in lieu of over regular routes.

No. MC-F-9869. Authority sought for purchase by AERO TRUCKING, INC., Post Office Box 306, Monroeville, Pa., of a portion of the operating rights of JACK'S DELIVERY SERVICE, INC., Rear 181 Greenwich Avenue, Greenwich, Conn., and for acquisition by EDWARD J. CONTO, also of Monroeville, Pa., JACK M. GEORGE, M.D., Columbus, Ohio, and JAMES N. GEORGE, M.C., Rochester, N.Y., of control of such rights through the purchase. Applicants' attorneys: John E. Fay, 79 Lafayette Street, Hartford, Conn. 06106, and A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over irregular routes, between Greenwich, Conn., on the one hand, and, on the other, points within 10 miles of Greenwich. Vendee is authorized to operate as a *common carrier* in Ohio, Pennsylvania, West Virginia, Kentucky, Illinois, Michigan, New York, Indiana, Wisconsin, Connecticut, Delaware, Maryland, Massachusetts, New Jersey, Rhode Island, Virginia, Tennessee, Alabama, Mississippi, Maine, Vermont, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9870. Authority sought for control and merger by COMMERCIAL MOTOR FREIGHT, INC. (OHIO CORP.), 525 Cleveland Avenue, Columbus, Ohio, of the operating rights and property of D.G. & U. TRUCK LINES, INC., 701 Hiddeson Avenue, Greenville, Ohio, and for acquisition by S. M. BOSTIC, 4980 Cemetery Road, Hilliard, Ohio 43026, of control of such rights and property through the transaction. Applicants' attorneys: R. L. Ratchford, 525 Cleveland Avenue, Columbus, Ohio 43215, and William E. Rance, 1200 West Fifth Avenue, Columbus, Ohio 43212. Operating rights sought to be controlled and merged: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Dayton, Ohio, and Muncie, Ind., serving all intermediate points, and the off-route points of Brookville and Trotwood, Ohio, and Yorktown, Ind., between Anderson, Ind., and Muncie, Ind., serving all intermediate points; between Cincinnati, Ohio, and Oxford, Ohio, serving the intermediate points of Bevis, Dunlap, Ross, Millville, and McConigle, Ohio, with restrictions; over two alternate routes for operating convenience only; *general commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, uncrated commodities in bulk, and those requiring special equipment, between Dayton, Ohio, and Arcanum, Ohio, between junction Ohio Highway 49 and unnumbered highway (approximately 1 mile northwest of Fort McKinley, Ohio), and Trotwood, Ohio, between Phillipsburg, Ohio, and Ithaca, Ohio, serving the intermediate and off-route points of Brookville, Trotwood, Lewisburg, Ithaca, Verona, Gordon, and Pyrmont, Ohio, and points within 5 miles of Dayton, Ohio, in connection with the three routes described next above; *general commodities*, excepting, among others, household goods and commodities in bulk, over irregular routes, between points in Montgomery, Preble, Miami, and Drake Counties, Ohio, and Randolph, Wayne, Henry, Delaware, and Madison Counties, Ind., on the one hand, and, on the other, Cox Municipal Airport, Montgomery County, Ohio (municipal airport for Dayton, Ohio), with restriction. COMMERCIAL MOTOR FREIGHT, INC. (OHIO CORP.), is authorized to operate as a *common carrier* in Ohio, Indiana, West Virginia, and Pennsylvania. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 67-10158; Filed, Aug. 29, 1967; 8:49 a.m.]

[Notice 1101]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

AUGUST 25, 1967.

The following publications are governed by Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER issue of April 20, 1966, which became effective May 20, 1966.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

The application immediately following are assigned for hearing at the time and place designated in the notice of filing as here published in each proceeding. All of the proceedings are subject to the special rules of procedure for hearing outlined below:

SPECIAL RULES OF PROCEDURE FOR HEARING

(1) All of the testimony to be adduced by applicant's company witnesses shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicant's company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicant's company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to as written statement as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will be at the time of offer, subject to the same rules as if the evidence were produced in the usual manner.

(5) Supplemental testimony by a witness to correct errors or to supply inadvertent omissions in his written statement is permissible.

No. MC 115331 (Sub-No. 232), filed August 23, 1967. Applicant: TRUCK TRANSPORT, INCORPORATED, 707 Market Street, St. Louis, Mo. 63101. Applicant's representative: Thomas F. Kilroy, 913 Colorado Building, 1341 G Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Perlite and vermiculite*, in bulk, between points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Minnesota, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and District of Columbia.

HEARING: September 11, 1967, before Examiner Parks M. Low, in Room 2588K, Federal Building, 219 South Dearborn Street, Chicago, Ill.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 67-10159; Filed, Aug. 29, 1967; 8:48 a.m.]

[Notice 448]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 25, 1967.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR Part 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIER OF PROPERTY

No. MC 33641 (Sub-No. 68 TA), filed August 21, 1967. Applicant: IML FREIGHT, INC., Post Office Box 2277, 2175 South 3270 West Street, Salt Lake City, Utah 84110. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General Commodities* (except those, requiring armored vehicles or armed guards, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment), (1) between the plantsites and warehouses of Rockwell-Standard Corp. at or near Winchester, Ky., and Louisville, Ky.: From Winchester, Ky., over U.S. Highway 60 to junction Interstate Highway 64 (near Jett, Ky.), and thence over Interstate Highway 64 to Louisville, and return over the same route, serving no intermediate points, and (2) between the plantsites and warehouses of Rockwell-Standard Corp. at or near Winchester, Ky., and Cincinnati, Ohio.: (a) From Winchester, over U.S. Highway 227 to Paris, Ky., and thence over U.S. Highway 27 to Cincinnati, and return over the same route, serving no intermediate points, and (b) from Winchester, Ky., over U.S. Highway 227 to junction Interstate Highway 75 (near Winchester, Ky.), and thence over Interstate Highway 75 to Cincinnati, Ohio, and return over the same route, serving no intermediate points. NOTE: Applicant intends to tack the proposed authority with its presently held authority at Louisville, Ky., and Cincinnati, Ohio, for 180 days. Supporting shipper: Rockwell-Standard Corp., Transmission and Axle Division, Winchester, Ky. Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2224 Federal Building, Salt Lake City, Utah 84111.

No. MC 53639 (Sub-No. 63 TA), filed August 21, 1967. Applicant: HUBER & HUBER MOTOR EXPRESS INC., Post Office Box 1000, Staunton, Va. 24401. Authority sought to operate as a *common carrier*, by motor vehicle over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment), serving the plantsites and warehouse of Rockwell-Standard Corp. at or near Winchester, Ky., as an off-route point in connection with carrier's existing regular authority to serve Lexington, Ky. NOTE: Applicant states that it intends to lack authority sought with that previously held and that it intends to interline the traffic with another carrier for 180 days. Supporting shipper: Rockwell-Standard Corp., Transmission and Axle Division, Winchester, Ky. 40391. Send protests to: George S. Hales, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 215 Campbell Avenue SW., Roanoke, Va. 24011.

No. MC 109637 (Sub-No. 325 TA), filed August 21, 1967. Applicant: SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville, Ky. 40211. Applicant's representative: David Newton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fluorine*, in bulk, in U.S. Government-owned tank semitrailers, from the Metropolis, Ill., works of Allied Chemical Corp., to Rohm & Haas Co., at Redstone Arsenal, at or near Huntsville, Ala., and *empty tank semitrailers*, on return, for 150 days. Supporting shippers: A. H. Belcher, Supervisor Purchasing Department, Rohm & Haas Co., Redstone Research Laboratories, Huntsville, Ala. 35807. Send protests to: Wayne L. Merlatt, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 426 Post Office Building, Louisville, Ky. 40202.

No. MC 112613 (Sub-No. 5 TA), filed August 21, 1967. Applicant: T. ACHENBERG TRANSPORTATION CO., 208 Sheridan Street, Perth Amboy, N.J. 08861. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Materials and supplies as are used in the manufacture, sale, and distribution of toilet preparations* (except in bulk), from Perth Amboy, N.J., to points in Essex and Hudson Counties, N.J., and New York, N.Y., for the account of Chesebrough-Pond's Inc., for 150 days. Supporting shipper: Chesebrough-Pond's Inc., John Street, Clinton, Conn. 06413. Send protests to: Robert S. H. Vance, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1060 Broad Street, Newark, N.J. 07102.

No. MC 114364 (Sub-No. 145 TA), filed August 21, 1967. Applicant: WRIGHT MOTOR LINES, INC., Post Office Box

1191, Cushing, Okla. 74023. Applicant's representative: Carl L. Wright (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in containers, from Wichita and Hutchinson, Kans., to points in Utah, for 180 days. Supporting shipper: The Western Food Products Co., Inc., Nelson Morgan, Traffic Manager, Post Office Box 552, Hutchinson, Kans. 67501. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 350, American General Building, 210 Northwest Sixth, Oklahoma City, Okla. 73102.

No. MC 119295 (Sub-No. 3 TA), filed August 21, 1967. Applicant: FORREST L. CAGLE AND RAY E. CAGLE, a partnership, doing business as CAGLE BROS. TRUCKING SERVICE, 59th Street and Butler Road, Post Office Box 14187, Maryvale Station, Phoenix, Ariz. 85031. Applicant's representative: Pete H. Dawson, 4453 East Piccadilly Road, Phoenix, Ariz. 85018. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood products*, from Shelton, Wash., to Tuba City, Kayenta, Chinle, and Window Rock, Ariz., for 150 days. Supporting shipper: Simpson Timber Co., 2000 Washington Building, Seattle, Wash. 98101. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3427 Federal Building, Phoenix, Ariz. 85025.

No. MC 124078 (Sub-No. 289), filed August 21, 1967. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, Wis. 53215. Applicant's representative: Richard H. Prevette (same points in as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from West Des Moines, Iowa, to Kansas City, Kans., for 150 days. Supporting shipper: Penn-Dixie Cement Corp., 60 East 42d Street, New York, N.Y. 10017 (R. J. Janer). Send protests to: District Supervisor Lyle D. Heifer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 123717 (Sub-No. 10 TA), filed August 21, 1967. Applicant: NORMAN JOSEPH CHOPLIN, doing business as JOE CHOPLIN, 1301 North Spring, Independence, Mo. 64165. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, Mo. 64105. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy replacement products including mocha mix, desertwhip, affair, baker's topping, Caterblend, Cater-S, and other specialty products*; from facilities of Presto Food Products, Inc., in Kansas City, Mo., to its distributors located at points in Nebraska and Colorado, for 180 days. Supporting shipper: Presto Food Products, Inc., 1602 Forest Avenue, Kansas City, Mo. 64008. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut, Kansas City, Mo. 64106.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-10160; Filed, Aug. 30, 1967; 8:48 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

AUGUST 25, 1967.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. H-4969, filed August 8, 1967. Applicant: AMBURN FREIGHT LINE, INC., Industrial Park, Eldora, Iowa. Applicant's representative: William M. Dunn, 1123 Edington, Eldora, Iowa. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, between the junction of U.S. Highway 65 and Iowa Highway 57 to junction U.S. Highway 65 and Iowa Highway 175, thence over Iowa Highway 175 to Ellsworth, Iowa, for operating convenience only. The purpose of this application is to serve as a connecting link between the authority presently held by the Applicant and the anticipated purchase by the Applicant of the authority held by Severaid Motor Freight, Story City, Iowa. Both intrastate and interstate authority sought.

HEARING: No date has been set. Requests for procedural information, including the time for filing protests concerning the application should be addressed to the Iowa State Commerce Commission, State Capitol, Des Moines, Iowa 50319, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-10161; Filed, Aug. 30, 1967; 8:48 a.m.]

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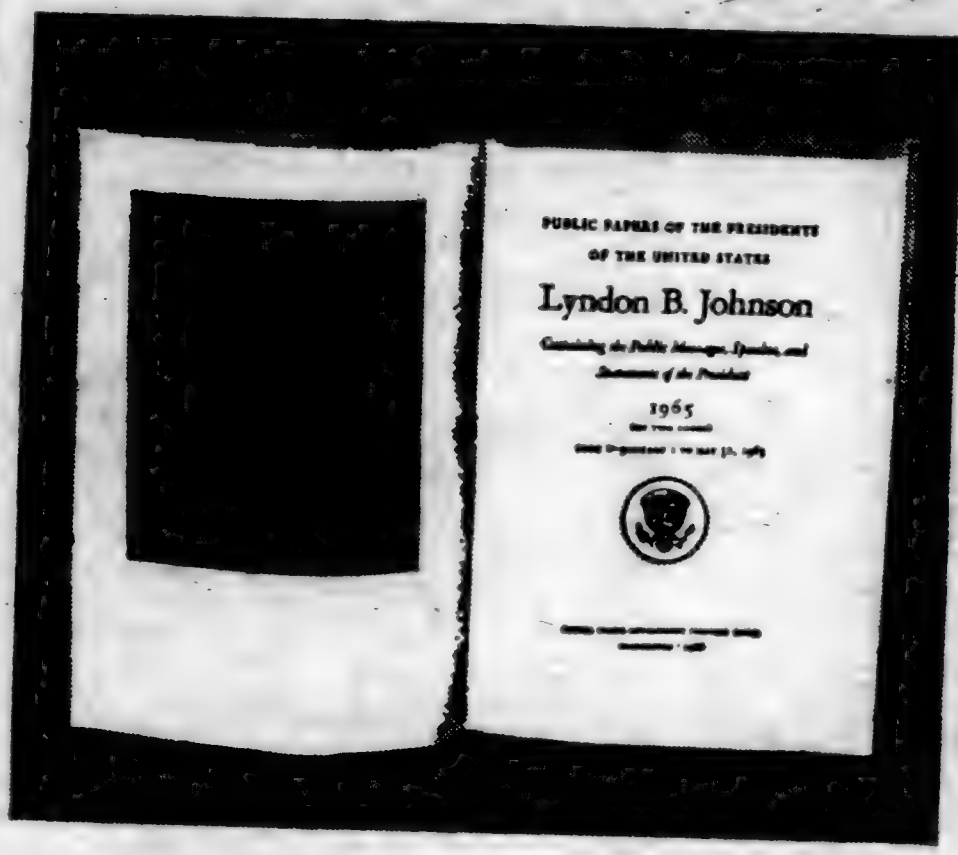
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PLACING ADDITIONAL POSITIONS IN LEVEL V OF THE FEDERAL EXECUTIVE SALARY SCHEDULE

By virtue of the authority vested in me by section 5317 of title 5 of the United States Code, as amended, and as President of the United States, section 2 of Executive Order No. 11248 of October 10, 1965, as amended, is further amended by adding thereto the following:

(15) Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare.

(16) Chief, Children's Bureau, Social and Rehabilitation Service, Department of Health, Education, and Welfare.

Lyndon B. Johnson

THE WHITE HOUSE,
August 29, 1967.

[F.R. Doc. 67-10310; Filed, Aug. 30, 1967; 11:36 a.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter II—Consumer and Marketing Service (Consumer Food Programs), Department of Agriculture

PART 215—SPECIAL MILK PROGRAM FOR CHILDREN

Regulations are hereby amended, revised, and reissued for the operation of the Special Milk Program for Children pursuant to the authority contained in the Child Nutrition Act of 1966, Public Law 89-642, 80 Stat. 885.

Sec.
215.1 General purpose and scope.
215.2 Definitions.
215.3 Administration.
215.4 Apportionment of funds to States.
215.5 Payments to States.
215.6 Use of funds.
215.7 Requirements for participation.
215.8 Reimbursement payments.
215.9 Effective date for reimbursement.
215.10 Reimbursement procedure.
215.11 Special responsibilities of State Agencies.
215.12 Claims against schools or child-care institutions.
215.13 Administrative analyses and audits.
215.14 Nondiscrimination.
215.15 Miscellaneous provisions.
215.16 Program information.

AUTHORITY: The provisions of this Part 215 issued under sec. 3, 80 Stat. 886, 42 U.S.C. 1772.

§ 215.1 General purpose and scope.

This part announces the policies and prescribes the general regulations with respect to the Special Milk Program for Children, under Public Law 89-642, and sets forth the general requirements for participation in the Program. The Act reads in pertinent part as follows:

Sec. 3. There is hereby authorized to be appropriated for the fiscal year ending June 30, 1967, not to exceed $110 million; for the fiscal year ending June 30, 1968, not to exceed $115 million; and for each of the 2 succeeding fiscal years not to exceed $120 million, to enable the Secretary of Agriculture, under such rules and regulations as he may deem in the public interest, to encourage consumption of fluid milk by children in the United States in (1) nonprofit schools of high school grade and under, and (2) nonprofit nursery schools, child-care centers, settlement houses, summer camps, and similar nonprofit institutions devoted to the care and training of children. For the purposes of this section "United States" means the 50 States and the District of Columbia. The Secretary shall administer the Special Milk Program provided for by this section to the maximum extent practicable in the same manner as he administered the Special Milk Program provided for by Public Law 85-478, as amended, during the fiscal year ended June 30, 1966.

§ 215.2 Definitions.

For the purpose of this part, the term:

(a) "Act" means the Child Nutrition Act of 1966.

(b) "Adult staff members and employees" means all persons who are staff members and employees of a school or child-care institution, including all faculty, supervisory and other personnel, but excluding camp counselors under 21 years of age.

(c) "Adults enrolled for care and training" means (1) students enrolled in school classes above the 12th grade level, and (2) all persons 21 years or older attending camps or receiving care and training as enrollees of institutions.

(d) "Attendance unit" means a building or a complex of buildings and supporting facilities in which instruction is provided for classes of high school grade or under.

(e) "Child-care institution" means any nonprofit nursery school (other than nursery schools falling within the definition of school in this section), child-care center, settlement house, summer camp or similar nonprofit institution, devoted to the care and training of children. "Child-care institution" as used in this part includes, where applicable, the authorized sponsoring agency which has entered into an agreement under the Program for a child-care institution.

(f) "CSMSS" means the Consumer and Marketing Service of the U.S. Department of Agriculture.

(g) "CFPDO" means Consumer Food Programs District Office(s), of the Consumer and Marketing Service of the U.S. Department of Agriculture.

(h) "Cost of Milk" means the net purchase price paid by the school or child-care institution to the milk supplier for milk delivered to the school or child-care institution. This shall not include any amount paid to the milk supplier for servicing, rental of or installment purchase of milk service equipment.

(i) "Department" means the U.S. Department of Agriculture.

(j) "Distribution costs" means direct expenses incurred by the school or child-care institution in connection with the sale, handling and service of milk. This may include expenses incident to acquisition or rental of necessary milk service equipment.

(k) "Fiscal year" means a period of 12 calendar months, beginning with July 1 of any calendar year and ending with June 30 of the following calendar year.

(l) "Milk" means unflavored milk which meets State and local standards for fluid whole milk and flavored milk made from fluid whole milk which meets such standards, except that, in those areas of Alaska and Hawaii where a sufficient supply of fresh fluid whole milk cannot be obtained, "milk" shall include recombined or reconstituted fluid whole milk.

(m) "National School Lunch Program" means the program authorized by the National School Lunch Act.

(n) "Needy children" means children who cannot afford to make any payment at all for milk served to them.

(o) "Needy schools" means schools which, because of poor local economic conditions, are determined by State Agencies, or CFPDO where applicable, to be in need of special assistance in order to serve milk without charge to needy children, and which either (1) are participating in the National School Lunch Program at assigned reimbursement rates averaging more than 9 cents per Type A lunch, from Federal funds, or (2) have no noon food service.

(p) "Nonpricing program" means a program which does not sell milk to children. This shall include any such program in which children are normally provided milk, along with food and other services, in a school or child-care institution financed by a tuition, boarding, camping or other fee, or by private donations or endowments.

(q) "Nonprofit food service" or "nonprofit milk service" means food or milk service maintained by or on behalf of the school or child-care institution for the benefit of the children, all of the income from which is used solely for the operation or improvement of such food or milk service.

(r) "Nonprofit private school" means a nonpublic school that is exempt from income tax under the Internal Revenue Code, as amended.

(s) "OIG" means the Office of the Inspector General of the U.S. Department of Agriculture.

(t) "Pricing program" means a program which sells milk to children. This shall include any such program in which maximum use is made of Program reimbursement payments in lowering, or reducing to "zero," wherever possible, the price per half pint which children would normally pay for milk.

(u) "Program" means the Special Milk Program for Children.

(v) "School" means the governing body responsible for the administration of a public or nonprofit private "school" of high school grade or under, as recognized under the laws of the State. "School of high school grade or under" shall include preschool programs operated as part of the school system. The term "school" also includes a nonprofit agency to which the school has delegated authority for the operation of its nonprofit milk service.

(w) "School Breakfast Program" means the program authorized by section 4 of the Child Nutrition Act of 1966.

(x) "SLD" means the School Lunch Division, Consumer Food Programs, of the Consumer and Marketing Service of the U.S. Department of Agriculture.

(y) "State" means any of the 50 States, and the District of Columbia.

(a) "State Agency" means the educational agency or other agency of a State.

§ 215.3 Administration.

(a) Within the Department, C&MS shall act on behalf of the Department in the Administration of the Program. Within C&MS, SLD, and CFPDO shall be responsible for Program administration.

(b) To the extent practicable and permissible under State law, responsibility for the administration of the Program in schools and child-care institutions within a State shall be in the educational agency of the State: *Provided, however,* That another State Agency, upon request by an appropriate State official, may be approved by CFPDO to administer the Program in child-care institutions.

(c) CFPDO shall administer the Program in any nonprofit private schools and in child-care institutions in which the Program is not administered by the State.

(d) Each State Agency desiring to take part in the Program shall enter into a written agreement with the Department for the administration of the Program in the State in accordance with the provisions of this part. Such agreement shall show the class or classes of schools and child-care institutions in which the State Agency will administer the Program. Such agreement shall cover a fiscal year and may be extended at the option of the Department.

(e) References in this part to "CFPDO where applicable" are to CFPDO as the agency administering the Program in nonprofit private schools and child-care institutions in which the Program is not administered by the State.

§ 215.4 Apportionment of funds to States.

(a) As soon as possible after the beginning of each fiscal year for which funds are made available by the Congress, SLD shall apportion such funds among the States in the following manner: First, 1 percent of the funds shall be held by SLD in an uncommitted reserve to meet unforeseen contingencies. The remainder shall be apportioned among the States on the basis of the payments made to schools and child-care institutions for Program reimbursement during the preceding fiscal year. SLD shall advise each State Agency of the amount of funds which will be available to it for Program reimbursement during that fiscal year.

(b) C&MS shall withhold a share of the funds apportioned to any State for the Program for the nonprofit private schools and child-care institutions of that State if the State Agency does not administer the Program in such schools and child-care institutions. The funds withheld by C&MS shall be an amount which bears the same ratio to the Program funds apportioned to that State as the amount of the reimbursement payments of all nonprofit private schools and child-care institutions of the State during the preceding fiscal year bears to the amount of the reimbursement payments of all schools and child-care institutions in the State during the preceding fiscal year.

(c) The State Agency, or CFPDO where applicable, in establishing rates of reimbursement (within the maximum rates) shall consider the Program funds available to it, the class or classes of schools and child-care institutions in which it will administer the Program and the necessity of extending Program operations over the entire fiscal year. The State Agency, or CFPDO where applicable, shall make funds available for child-care institutions and summer camps (including anticipated June operations therein) in a proportion related to the Program reimbursement paid to these categories of participants during the preceding fiscal year, and shall make funds available for new programs in these categories. Adjustments in rates of reimbursement shall be made from time to time as necessary in order for the State Agency, or CFPDO where applicable, to maintain Program reimbursement for the full fiscal year for which funds are made available.

(d) The State Agency, or CFPDO where applicable, shall be responsible for controlling Program reimbursement obligations so as to keep within the funds made available to it.

(e) SLD reserves the right to request any State Agency at any time during the third or fourth quarter of any fiscal year to justify its need for the full amount of funds apportioned to it. If SLD determines that a State Agency has not justified the need to retain the full amount of funds apportioned to it, SLD shall adjust the State's Letter of Credit by the amount determined to be in excess of the State's need.

(f) In the event that a State Agency justifies the need for funds in excess of the amount of its apportionment, additional funds will be provided to such State Agency to the extent they are available for such purpose, either from the amount remaining in the contingency reserve fund retained by SLD or from funds not needed in other States. Such justification shall be based on the need for additional funds resulting from factors that could not be anticipated.

§ 215.5 Payments to States.

(a) Funds shall be made available to each State Agency with which the Department has an agreement by means of a consolidated Letter of Credit issued by C&MS to an appropriate Federal Reserve Bank in accordance with procedures applicable to C&MS for food service programs. A Program Limitation Letter detailing the funds available to the State Agency for each of the food service programs shall accompany the Letter of Credit.

(b) The State Agency shall obtain funds needed to reimburse schools and child-care institutions through presentation by designated State officials of a Payment Voucher on Letter of Credit to a local commercial bank for transmission to the appropriate Federal Reserve Bank, in accordance with procedures prescribed by C&MS and approved by the U.S. Treasury Department. The State Agency shall draw only such funds as are needed to pay claims certified for payment and shall use such funds without delay to pay the claims. State Agencies shall report information on the status of Program funds on a monthly basis to C&MS on a form provided by C&MS.

(c) Notwithstanding the foregoing provisions of this section, Program funds shall be made available to the State Agency in the District of Columbia by means of Treasury Department checks.

(d) Each State Agency shall return to C&MS any Federal funds paid to it under the Program which are unobligated at the end of the fiscal year. Such return shall be made as soon as practicable but in any event not later than 90 days following demand made by CFPDO. Each State Agency shall also pay to C&MS any interest paid or credited on Federal funds paid to the State Agency under the Program.

§ 215.6 Use of funds.

Funds made available under this Program shall be used to increase the consumption of milk through reimbursement payments to schools and child-care institutions in connection with the purchase of milk for service to children.

§ 215.7 Requirements for participation.

(a) Any school or child-care institution not participating in the Program in the previous fiscal year shall make written application for participation to the State Agency, or CFPDO where applicable.

(b) As a minimum, applications shall provide information on each of the items listed below, except that State Agencies may obtain some of the required information from other program forms or special inquiries or other sources prior to approval of a school or child-care institution for participation. Further exceptions may be made with respect to any of the items which SLD determines are not pertinent or necessary in the proper administration of the Program in the specific types of schools or child-care institutions for which a State Agency is responsible under its agreement with the Department.

(1) The name, location, and mailing address of the school or child-care institution;

(2) The type of nonprofit school or child-care institution;

(3) Whether the school or child-care institution is public or private;

(4) The total number of persons regularly having access to the milk service, including as separate items the average daily number of (i) children, (ii) adult staff members and employees, (iii) adults enrolled for care and training, and (iv) total persons in attendance;

(5) Whether the period of attendance is during the morning, afternoon, all day or on a 24-hour basis;

(6) If the application is for a school, whether the school is participating in the National School Lunch Program or in the School Breakfast Program, or both, and, if not, whether the school is planning to apply for participation in the National School Lunch Program or in the School Breakfast Program, or both;

(7) Whether the applicant school or child-care institution operates its food or milk service under a contractual arrangement with a concessionaire or food service management company. If the applicant is a child-care institution, a copy of the contract must be attached to the application;

(8) The opening date and closing date of operation, within a fiscal year;

(9) The number of days of operation per week;

(10) A description of the milk service in sufficient detail to enable a determination of whether the school or child-care institution operates a pricing or nonpricing program;

(11) The net delivered cost of milk per half pint (after discount);

(12) The price per half pint at which the school or child-care institution offers children milk in a pricing program;

(13) A description of specific service practices planned for encouraging increased milk consumption by children, if the school or child-care institution offers children milk in a nonpricing program; and

(14) In addition, if applicant is a needy school as defined under paragraph (e) of § 215.2, and desires special assistance under the Program, (i) the reason why the school has not participated in the Program, (ii) the reason why the school believes it is eligible to participate in the Program as a needy school, (iii) any special problems in obtaining delivery of milk, (iv) the estimated number of needy children and (v) the proposed number of servings of milk without charge per child per day.

(c) Any school which operates the food or milk service in any attendance unit under a contractual arrangement with a concessionaire or food service management company or under similar arrangement shall not be eligible for participation in the Program with respect to such attendance unit, even though the school or such attendance unit obtains no profit from the operation of such food or milk service: *Provided, however,* That this does not exclude from participation any school:

(1) That contracts with a dairy or other milk supplier for the rental of milk service equipment and related services as a means of increasing the availability of milk;

(2) Whose food or milk service is operated by a private nonprofit organization, such as a parent-teacher association, under delegation of authority from school officials; or

(3) That maintains food or milk service, such as a snack bar, operated by students for the benefit of student activities, if (i) supplemental to regular nonprofit food or milk service or as the only food or milk service maintained, the school uses the student-operated facilities as a means of increasing the availability of milk rather than to employ other labor for that purpose, (ii) the milk served through the student-operated facilities is purchased and sold for the account of nonprofit food or milk service, and (iii) any payments made by the school to the student-operated facility, for labor and other costs in connection with the service of milk to children, bear a direct relationship to the amount of services rendered.

(d) A child-care institution that is a summer camp, in which the only opportunity to make milk available, additional to milk regularly served with meals, is through canteens or trading posts operated for attending children, may be approved for participation in the Program, subject to the same conditions on the use of canteens or trading posts as are established by paragraph (c)(2) of this section for the use of student-operated facilities.

(e) A child-care institution which operates its food or milk service under a contractual arrangement with a concessionaire or food service management company or under a similar arrangement may be approved for participation in the Program, after CFPDO has approved the arrangement. To be approved by CFPDO the arrangement must provide for:

(1) A specific fee for the management service, with the child-care institution procuring the food or reimbursing the concessionaire, food service management company, or other person for food expenditures made on behalf of the child-care institution;

(2) The service of milk in accordance with the plan for increasing milk consumption outlined in the application executed by the child-care institution;

(3) The maintenance of milk-purchase and other records necessary to enable the child-care institution to claim Program reimbursement; and

(4) The retention of the records for a period of 3 years after the end of the fiscal year to which they pertain, for audit and review at a reasonable time and place by the State Agency, OIG, or C&MS.

(f) Any school or child-care institution approved for participation in the Program shall enter into a written agreement with the State Agency or, where CFPDO is responsible for Program administration, with the Department. The school or child-care institution shall agree to:

(1) Conduct nonprofit food and milk services or, in the event no food service is maintained, conduct a nonprofit milk service;

(2) Claim reimbursement only for milk as defined in this part and in accordance with the provisions of sections 215.8 and 215.10;

(3) Submit claims for reimbursement in accordance with procedure established by the State Agency, or CFPDO where applicable;

(4) Maintain full and accurate records of its milk program, and retain such records for a period of 3 years after the end of the fiscal year to which they pertain; and

(5) Upon request, make all records pertaining to its milk program available to the State Agency and to OIG or C&MS for audit and administrative review, at a reasonable time and place.

§ 215.8 Reimbursement payments.

(a) Reimbursement payments shall be made for milk purchased for service to children by participating schools and child-care institutions, except that reimbursement shall not be made for the first half pint of milk served as part of a Type A lunch by schools participating in the National School Lunch Program or the first half pint of milk served as part of a reimbursed breakfast under the School Breakfast Program.

(b) In pricing programs, the maximum rate of reimbursement shall be 4 cents per half pint in schools that serve Type A lunches under the National School Lunch Program and in schools that serve breakfasts under the School Breakfast Program. For other schools and for child-care institutions having pricing programs, the maximum rate of reimbursement shall be 2 cents per half pint. Schools and child-care institutions having pricing programs shall make maximum use of the reimbursement payments received under the Program to reduce the price of milk to children. The full amount of the payments shall be reflected in reduced prices to children, except that such payments may be used by schools or child-care institutions to defray distribution costs. Distribution costs shall not exceed 1 cent per half pint. Exceptions to this provision may be granted by the State Agency, or CFPDO where applicable, in instances where the situation in a school or child-care institution justifies distribution costs above 1 cent per half pint, but in no case shall distribution costs be allowed above 1½ cents per half pint. When milk is purchased at more than one price, the price to the child shall be based on the lowest cost milk.

(c) Less-than-maximum rates of reimbursement may be assigned to pricing programs, or rates assigned to such programs may be reduced on a monthly or annual basis where necessary to obtain a proper relation between rates of reimbursement and (1) the price of milk to children, (2) the cost of milk based on the lowest cost, and (3) the distribution costs approved by the State Agency, or CFPDO where applicable, pursuant to paragraph (b) of this section. In operations having centralized fiscal control, adjustments of rates of reimbursement may be made either on an individual attendance unit or on a schoolwide basis. In no event shall allowance for distribution costs exceed the approved distribution costs per half pint multiplied by the total number of half pints on which reimbursement is paid for the fiscal year.

(d) Schools and child-care institutions having nonpricing programs shall, at the time they apply for participation, submit for approval the specific service practices by which they plan to encourage increased milk consumption by children. Reimbursement payments to such schools and child-care institutions shall be made at the rate of 2 cents per half pint, provided the specific service practices for increasing milk consumption as

outlined in the approved application have been placed into effect and remain in effect.

(c) Notwithstanding any other provisions of this section, the State Agency, or CFPDO where applicable, may reimburse needy schools as defined in § 215.2 (o), for milk served without charge to needy children, at a rate equal to the lowest cost milk, to such schools, provided that such cost is within the range of the milk prices prevailing in the area.

§ 215.9 Effective date for reimbursement.

(a) A State Agency, or CFPDO where applicable, may grant written approval to begin operations under the Program prior to the receipt of the application from the school or child-care institution. Such written approval shall be attached to the subsequently filed application, and the agreement executed by the school or child-care institution shall be effective from the date upon which the school or child-care institution was authorized to begin operations: *Provided, however,* That such effective date shall not be earlier than the calendar month preceding the calendar month in which the agreement is executed by the State Agency or by the Department.

(b) Reimbursement payments pursuant to § 215.8 shall be made on milk purchased for service to children at any time during the effective period of an agreement between a school or child-care institution and the State Agency or the Department.

§ 215.10 Reimbursement procedure.

(a) Each State Agency, or CFPDO where applicable, shall require schools to submit a Claim for Reimbursement on a calendar month basis: *Provided, however,* That not more than 10 days of a beginning or ending month of Program operations in the fiscal year may be combined with the claim of the month immediately following the beginning month or preceding the ending month. Any Claim for Reimbursement combining the ending month of 1 fiscal year and the beginning month of the next fiscal year shall not be permitted. Any Claim for Reimbursement for any fiscal year, not received by the State Agency, or CFPDO where applicable, within 90 days after the closing date of the fiscal year, shall be disqualified from payment, except where the State Agency, or CFPDO where applicable, considers that a Claim for Reimbursement has been filed late because of circumstances beyond the control of the school or child-care institution.

(b) Each Claim for Reimbursement shall contain information on each of the items listed below, except that State Agencies may obtain the approval of SLD to secure some of the required information from applications for participation in the Program, or from other approved sources, without requiring the submission of information on each of the items on each claim: *Provided, however,* That in no way shall this exception relieve the State Agency from checking compliance in pricing programs pursuant to paragraphs (b) and (c) of § 215.8, nor shall this exception relieve any school or child-care institution from responsibility for conducting a pricing program in accordance with its agreement with the State Agency.

(1) The name, location, and mailing address of the school or child-care institution;

(2) The month and year for which claim is made;

(3) The total number of half pints of milk purchased for service to children;

(4) For any school that participates in the National School Lunch Program or the School Breakfast Program, or both, the number of half pints of milk not eligible for reimbursement because served to children as part of a Type A lunch or as a part of a reimbursed breakfast under the School Breakfast Program;

(5) The number of half pints of milk served to adult staff members and employees or adults enrolled for care and training as a beverage, as determined by the school or child-care institution pursuant to paragraph (d) of this section;

(6) The number of half pints of milk claimed for Program reimbursement;

(7) The rate of reimbursement per half pint, as assigned in the agreement between the school or child-care institution and the State Agency or the Department;

(8) The total amount of program reimbursement claimed;

(9) The net cost of milk per half pint paid by the school or child-care institution to the milk supplier;

(10) Where milk has been offered in a pricing program, the price per half pint at which such milk was made available to children; and

(11) In the case of needy schools, (i) number of half pints of milk served without charge to needy children, and (ii) average daily number of needy children to whom milk was served;

(12) Notwithstanding any other provision of this section, the State Agency, or CFPDO where applicable, need not include the information provided for under subparagraphs (7) and (8) of this paragraph if automatic data processing equipment is utilized for processing claims submitted under the Program.

(c) In submitting a Claim for Reimbursement, each school or child-care institution shall certify that the claim is true and correct; that records are available to support the claim; that the claim is in accordance with the existing agreement; and that payment therefor has not been received. Any school or child-care institution that does not offer children milk in a pricing program shall also certify that the specific service practices for encouraging increased milk consumption by children as described in its application for participation are in operation.

(d) Milk served as a beverage to adult staff members and employees and adults enrolled for care and training is not eligible for reimbursement. The number of half pints of milk served adults to be reported by a school or child-care institution in a Claim for Reimbursement shall be determined by actual daily count, or as a percentage of the total milk purchased. In the absence of a record of actual daily count:

(1) In making claims for reimbursement, schools with no adults enrolled for care and training shall report 3 percent of the total milk purchased as the quantity of milk served to adults;

(2) Schools with adults enrolled for care and training and child-care institutions other than camps shall report as the quantity of milk served to adult staff members and employees and adults enrolled for care and training, a number of half pints equal to the total milk purchased multiplied by a percentage adjustment factor assigned by the State Agency, or CFPDO where applicable, at the time the school or child-care institution enters the Program and annually thereafter on the basis of the ratio of the total number of adults to the total persons in average daily attendance, regularly having access to the milk service.

(3) Camps shall report as the quantity of milk served to adult staff members and employees and adults enrolled for care and training, a number of half pints, determined on a Claim for Reimbursement Work Sheet, equal to the total milk purchased multiplied by the percentage that the total number of adults was of total number of persons in attendance, regularly having access to the milk service, during the month for which Claim for Reimbursement is submitted to the State Agency, or CFPDO where applicable; or

(4) If no milk was served as a beverage to adult staff members and employees and adults enrolled for care and training, "zero" shall be reported as the quantity of milk served to adults.

(e) Any school or child-care institution having both pricing and nonpricing programs may claim reimbursement for: (1) The milk purchased for service in the pricing program, or (2) the milk purchased for service in the nonpricing program, or (3) the milk purchased for service in both types of program. When reimbursement is claimed for milk purchased for service in both types of program, the school or child-care institution shall be reimbursed at a rate of 2 cents per half pint, and to the extent feasible shall use the Program reimbursement to lower the price of the milk to children in the pricing program.

(f) Claims for Reimbursement covering milk purchased for service in pricing programs shall be reviewed by the State Agency, or CFPDO where applicable, to assure that the proper relationship exists between the cost of milk, the allowable distribution cost, the price of milk to children and the assigned rate of reimbursement. Adjustments shall be made in rates of reimbursement, where necessary, in accordance with the provisions of this part.

(g) Schools in the National School Lunch Program and in the School Breakfast Program may not be reimbursed at a rate in excess of 3 cents per half pint for milk purchased for service in a pricing program to children participating in summer activities operated by the school after the expiration of the regular school term, unless (1) the summer program is regarded by the school authorities as a regular part of school activities, (2) the program sponsor who signed the agreement covering the regular school term will be responsible for the operation of the summer program, and (3) the children who attend and participate in such activities are under the care and jurisdiction of the school officials.

(h) Schools in the National School Lunch Program and in the School Breakfast Program experiencing late delivery of cafeteria equipment or fire or other situations beyond school control, forcing delay or suspension of the service of Type A lunches or approved breakfasts for more than 30 days during the course of the school year may not be reimbursed at a rate in excess of 3 cents per half pint for milk served to children in a pricing program during the period of delay or suspension, unless the reason for the delay is satisfactorily explained in writing to the State Agency, or CFPDO where applicable.

(i) Schools offering milk in a pricing program in more than one school attendance unit may be regarded by the State Agency, or CFPDO where applicable, as a single school or as individual schools for reimbursement purposes. If regarded as a single school, reimbursement shall not be made at a rate in excess of 3 cents per half pint for any unit unless all units participate in either the National School Lunch Program or the School Breakfast Program. If the units are regarded as individual schools, the State Agency, or CFPDO where applicable, may assign reimbursement at a rate not in excess of 4 cents per half pint to those units that are participating in the National School Lunch Program or in the School Breakfast Program, and distribution costs may be approved pursuant to paragraph (b) of § 215.8, (1) on an individual unit basis, or (2) on a schoolwide basis.

§ 215.11 Special responsibilities of State Agencies.

(a) *Program administration.* Each State Agency shall provide or cause to be provided, adequate personnel for Program administration.

(b) *State conducted audit programs.* A State Agency may submit for approval by OIG a plan whereby it will conduct audits in schools and child-care institutions in which it administers the Program. Any State Agency satisfactorily conducting such an audit program as of the effective date of this part may be deemed to have an approved plan or such State Agency may submit its plans for formal approval. Audits performed by or on behalf of State Agencies shall meet standards prescribed by OIG and shall be reviewed by OIG to the extent necessary to determine compliance therewith, such review to be made not less than once each year. OIG shall have the right to perform test audits of schools and child-care institutions, and to make audits on a statewide basis, if it determines that the State audit program is not functioning satisfactorily or if the State terminates its audit program.

(c) *Accounting for Program funds.* Each State Agency shall maintain a separate account of all Federal funds made available to it under the Program each fiscal year and shall maintain a current record of payments made to schools and child-care institutions and of any unexpended balance remaining on hand. All payments made from such funds shall be made only upon properly certified vouchers.

(d) *Records and reports.* Each State Agency shall maintain current records on Program operations in schools and child-care institutions, and submit monthly reports to CFPDO on such operations, on a form provided by SLD. Such records shall be maintained for a period of 3 years after the end of the fiscal year to which they pertain.

(e) *Investigations.* Each State Agency shall promptly investigate complaints received or irregularities noted in connection with the operation of the Program and shall take appropriate action to correct any irregularities. State Agencies shall maintain on file evidence of such investigations and actions. OIG shall make investigations at the request of the State Agency or if SLD or CFPDO determines investigations by OIG are appropriate.

§ 215.12 Claims against schools or child-care institutions.

(a) If a State Agency receives information or has reason to believe that a claim or a portion of a claim for reimbursement submitted by a school or child-care institution is not properly payable under this part, it shall not pay the claim or such portion of the claim and shall advise the school or child-care institution of the reasons for nonpayment or disallowance. The school or child-care institution may submit to the State Agency evidence and information to justify the total amount claimed, or may submit a reclaim for the portion disallowed, with appropriate justification therefor. The State Agency may make reimbursement in the amount it believes is warranted by the evidence, subject, however, to the provisions of paragraph (e) of this section.

(b) If a State Agency receives information or has reason to believe that a payment already made to a school or child-care institution was not proper under this part, it shall advise the school or child-care institution of the amount and basis of the alleged overpayments and may request a refund or advise the school or child-care institution that the amount overpaid is being deducted from subsequent claims. The school or child-care institution shall have full opportunity to present evidence and information to the State Agency to justify the amount of reimbursement paid. If the State Agency determines that the evidence is not sufficient, the State Agency shall collect the amount of the overpayment from the school or child-care institution, by refund or by deduction from subsequent claims for reimbursement made by the school or child-care institution. If new evidence becomes available to the school or child-care institution, it may, within a reasonable time after the collection, make a reclaim for all or a portion of the amount so collected, and the State Agency may pay the amount of any reclaim it believes is warranted by the evidence, subject, however, to the provisions of paragraph (c) of this section.

(c) The State Agency may refer any matter in connection with this section to CFPDO and SLD for determination of the action to be taken.

(d) The State Agency shall retain for OIG audit and review all records for a period of 3 years after the end of the fiscal year to which they pertain. *Provided however,* That when notified by OIG or C&MS, State Agencies shall retain all records pertaining to action taken under this section for longer periods of time pending completion of an audit, investigation, or legal proceedings and until their disposition is authorized.

(e) If SLD does not concur with the State Agency action in paying a claim or a reclaim, or in failing to collect an overpayment CFPDO shall assert a claim against the State Agency for the amount of such claim, reclaim or overpayment. In all such cases, the State Agency shall have full opportunity to submit to SLD evidence or information concerning the action taken. If in the determination of SLD, the State Agency's action was unwarranted, the State Agency shall promptly pay to C&MS the amount of the claim, reclaim, or overpayment.

(f) The amounts recovered by the State Agency from schools and child-care institutions may be utilized, first, to make reimbursement payments for milk served during the fiscal year for which the funds were initially available, and second, to repay any State funds expended in the reimbursement of claims under the program and not otherwise repaid. Any amounts recovered which are not so utilized shall be returned to C&MS in accordance with the requirements of § 215.5(d).

(g) With respect to schools or child-care institutions in which CFPDO administers the Program, when CFPDO disallows a claim or a portion of a claim, or makes a demand for refund of an alleged overpayment, it shall notify the schools or child-care institutions of the reasons for such disallowance or demand and the schools or child-care institutions shall have full opportunity to submit evidence or to file reclaim for any amount disallowed or demanded in the same manner afforded in this section to schools or child-care institutions administered by State Agencies.

§ 215.13 Administrative analyses and audits.

Each State Agency shall provide C&MS with full opportunity to conduct administrative analyses (including visits to schools and child-care institutions), and OIG with full opportunity to conduct audits of all operations of the State Agency under the Program. Each State Agency shall make available its records, including records of the receipt and expenditure of funds under the Program,

upon a reasonable request by C&MS or OIG. OIG shall also have the right to make audits of the records and operations of any school or child-care institution. In making administrative analyses or audits for any fiscal year, the State Agency and OIG in connection with audits of operations under the jurisdiction of a State Agency, may disregard any overpayment which does not exceed $5 or does not exceed the amount which is established under State law, regulation or procedure as a minimum amount for which claim will be made for State losses generally: *Provided, however*, That no overpayment shall be disregarded where there are unpaid claims of the same fiscal year from which the overpayment can be deducted, or where there is evidence of violation of Federal or State statutes.

§ 215.14 Nondiscrimination.

The Department's regulation on nondiscrimination in federally assisted programs are set forth in Part 15 of this title. The Department's agreements with State Agencies, the State Agencies' agreements with schools and child-care institutions, and the CFPDO agreements with nonprofit private schools and child-care institutions shall contain the assurances required by the said regulations.

§ 215.15 Miscellaneous provisions.

(a) *Disqualification and noncompliance.* Any State Agency or any school or child-care institution may be disqualified from future participation if it fails to comply with the provisions of this part and its agreements with the Department or the State Agency. This does not preclude the possibility of other action being taken through other means available where necessary, including prosecution for fraud under applicable Federal statutes. If any part of the money received by the State Agency or by any nonprofit private school or child-care institution in which CFPDO administers the Program, by an improper or negligent action, is diminished, lost, misapplied or diverted from the Program by the State Agency, or by the school or child-care institution to which such funds are disbursed, SLD may order such money to be replaced. Until the money is replaced, no subsequent payment shall be made to the State Agency or to the school or child-care institution causing the loss. The State Agency or the school or child-care institution shall have full opportunity to submit evidence, explanation or information concerning instances of noncompliance or diversion of funds before a final determination is made in such cases.

(b) *Saving clause.* Any or all of the provisions of this part may be withdrawn, or amended, at any time by the Department: *Provided, however*, That any withdrawal or amendment shall not be made without due prior notice in writing to the State Agencies or to nonprofit private schools or child-care institutions in which the Program is administered by CFPDO.

(c) *State requirements.* Nothing contained in this part shall prevent a State Agency from imposing additional requirements for participation in the Program which are not inconsistent with the provisions of this part.

§ 215.16 Program information.

Schools and child-care institutions desiring information concerning the Program should write to their State educational agency, or the appropriate Consumer Food Programs District Office of C&MS as indicated below:

(a) In the States of Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and West Virginia:

Consumer Food Programs, Northeast District Office, C&MS, U.S. Department of Agriculture, 346 Broadway, New York, N.Y. 10013.

(b) In the States of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia:

Consumer Food Programs, Southeast District Office, C&MS, U.S. Department of Agriculture, 1795 Peachtree Street NE, Atlanta, Ga. 30309.

(c) In the States of Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin:

Consumer Food Programs, Midwest District Office, C&MS, U.S. Department of Agriculture, 536 South Clark Street, Chicago, Ill. 60605.

(d) In the States of Arkansas, Colorado, Kansas, Louisiana, New Mexico, Oklahoma, and Texas:

Consumer Food Programs, Southwest District Office, C&MS, U.S. Department of Agriculture, 500 Ervay Street, Dallas, Tex. 75201.

(e) In the States of Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming:

Consumer Food Programs, Western District Office, C&MS, U.S. Department of Agriculture, 630 Sansome Street, San Francisco, Calif. 94111.

NOTE: The reporting and/or recordkeeping requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

These regulations shall be effective upon publication in the FEDERAL REGISTER.

RODNEY E. LEONARD,
Deputy Assistant Secretary.

AUGUST 25, 1967.

[F.R. Doc. 67-10219; Filed, Aug. 30, 1967; 8:47 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 811, Amdt. 11]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

Miscellaneous Amendments

Basis and purpose and statement of bases and considerations. The purpose of this amendment to Sugar Regulation 811 (31 F.R. 15581, 32 F.R. 2609, 3085, 4015, 6387, 7011, 7521, 7581, 8577, 9149, 9949) is to determine and to prorate deficits in quotas established pursuant to the Sugar Act of 1948, as amended (61 Stat. 922, as amended), hereinafter referred to as the "Act."

Section 204(a) of the Act provides that the Secretary shall from time to time determine whether any area or country will be unable to fill its quota or the proration of a deficit. On the basis of evidence submitted by Panama and Nicaragua prior to August 1 these countries will be unable to supply more than 32,815 and 52,889 short tons, raw value, respectively. Accordingly, it is hereby found that Panama will fall short of filling its quota by 461 short tons, raw value, and that Panama and Nicaragua will be unable to fill deficit prorations previously made to them of 4,528 and 7,198 short tons, raw value, respectively. Pursuant to section 202(d)(4) it is hereby determined that the amount of the short fall in the quota for Panama is within a reasonable tolerance under the circumstances prevailing in 1967 and that the quota for future years will not be subject to reduction by reason of such shortfall. Pursuant to sections 202 and 204 of the Act, the quotas for Panama and Nicaragua are herein established at 32,815 and 52,889 tons, raw value, respectively, representing the quantity of sugar each country has indicated it will be able to supply in 1967. Pursuant to section 204 of the Act, the deficit herein determined for Panama of 461 short tons, raw value, and the deficit prorations previously made to Panama and Nicaragua of 4,528 and 7,198 short tons, raw value, totaling 12,187 short tons, raw value, are herein prorated (on the basis of quotas in effect) to Western Hemisphere countries which are able to supply such additional sugar.

By virtue of the authority vested in the Secretary of Agriculture by the Act, Part 811 of this chapter is hereby amended by amending §§ 811.52 and 811.53 as follows:

1. Section 811.52 is amended by adding paragraph (c) to read as follows:

§ 811.52 Prorations and allocation of deficits and quotas in effect.

* * * * *

(c) Pursuant to section 204(a) of the Act a deficit of 461 short tons, raw value, is herein determined in the quota established for Panama and such deficit together with the previous prorations of deficits to Panama and Nicaragua of 4,528 and 7,198 short tons, raw value, respectively, are herein prorated on the basis of quotas in effect to other Western Hemisphere countries listed in section 202(c)(3)(A) of the Act.

2. Section 811.53 is amended by amending paragraph (c) to read as follows:

§ 811.53 Quotas for foreign countries.

* * * * *

(c) For the calendar year 1967, the prorations or allocations to individual foreign countries other than the Republic of the Philippines pursuant to section 202(c)(3) and (4), section 202(d), and section 204(a) of the Act are as follows:

Countries	Basic quotas	Temporary quotas and provisions pursuant to Sec. 202(d) [1]	Previous deficit prorations and allocation	New deficits and deficit provisions [2]	Total quotas and provisions
	(Short tons, raw value)				
Mexico	253,221	257,605	25,858	2,844	534,181
Dominican Republic	237,423	231,501	180,134	2,776	618,131
Brazil	317,482	281,788	61,184	2,288	612,653
Peru	173,628	184,854	45,751	1,625	405,908
British West Indies	80,595	73,460	22,598	531	183,641
Ecuador	31,697	33,725	8,935	334	74,301
French West Indies	27,223	23,108	7,078	266	57,767
Argentina	26,748	28,514	7,520	282	63,064
Costa Rica	26,857	27,388	7,198	276	61,719
Nicaragua	25,597	27,252	7,198	−7,198	52,889
Colombia	23,709	25,265	6,469	344	55,787
Guatemala	21,171	23,068	6,055	357	50,653
Panama	16,198	17,170	4,528	−4,989	[3] 32,815
El Salvador	15,819	16,967	4,448	167	37,301
Haiti	12,080	12,877	3,398	237	28,592
Venezuela	10,939	11,650	3,073	115	25,777
British Honduras	6,227	5,357	1,599	89	13,272
Bolivia	2,595	2,759	726	27	6,107
Honduras	2,595	2,745	726	27	6,093
Australia	105,588	67,000			172,588
Republic of China	43,141	35,250			78,391
India	41,438	34,909			76,347
South Africa	30,457	35,616			66,073
Fiji Islands	22,721	19,092			41,813
Thailand	9,401	7,978			17,379
Mauritius	9,491	7,975			17,466
Malagasy Republic	4,595	4,108			8,703
Swaziland	3,729	3,143			6,872
Ireland	2,811	0			2,811
Total	1,488,685	1,441,782	430,000	0	3,811,427

[1] Proration of the quotas withheld from Cuba and Southern Rhodesia.
[2] Reflects a short fall in the quota for Panama of 461 short tons, raw value, and previous deficits prorated to Panama and Nicaragua of 4,528 and 7,198 short tons, raw value, respectively, totaling 12,187 short tons, raw value, prorated to other Western Hemisphere countries on the basis of quotas previously in effect.
[3] Unadjusted quota for Panama is 32,376 short tons, raw value.

* * * * *

(Secs. 201, 202, 204, 408; Stat. 923, as amended, 924, as amended, 925, as amended, 7 U.S.C. 1111, 1112, 1114, 1163)

Effective date. This action establishes deficits of 12,187 short tons, raw value, and prorates such deficits to Western Hemisphere countries with sugar quotas in effect. To permit such countries for which larger quotas or prorations are hereby established to plan and to market in an orderly manner the larger quantity of sugar, it is essential at this time that all persons selling and purchasing sugar for consumption in the continental United States be promptly informed of the changes in marketing opportunities. Therefore, it is hereby determined and found that compliance with the notice, procedure, and effective date requirements of 5 U.S.C. 553 is unnecessary, impracticable and contrary to the public interest and this amendment shall be effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., this 28th day of August 1967.

ORVILLE L. FREEMAN,
Secretary of Agriculture.

[F.R. Doc. 67-10362; Filed, Aug. 30, 1967; 8:51 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[948.356]

PART 948—IRISH POTATOES GROWN IN COLORADO

Limitation of Shipments; Area No. 2

Findings. (a) Pursuant to Marketing Agreement No. 97, as amended, and Order No. 948, as amended (7 CFR Part 948), regulating the handling of Irish potatoes grown in Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and upon the basis of recommendations and information submitted by the Area No. 2 Committee, established pursuant to the said marketing agreement and order, and other available information, it is hereby found that the limitation of shipments regulation, hereinafter set forth, will tend to effectuate the declared policy of the act and thereby maintain orderly marketing conditions and tend to increase returns to producers of such potatoes.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of 1967 crop potatoes grown in Area No. 2 will begin on or about the effective date specified herein; (2) to maximize benefits to producers, this regulation should apply to all such shipments; (3) the time intervening between the date of the Committee's recommendation and the date when this section must become effective in order to effectuate the policy of the act is insufficient; (4) compliance with this section will not require any special preparation on the part of handlers which cannot be completed by the effective date; and (5) information regarding the Committee's recommendation of these regulations has been disseminated to producers and handlers in the production area.

§ 948.356 Limitation of shipments.

During the period September 1, 1967, through June 30, 1968, no person shall handle any lot of potatoes grown in Area No. 2 unless such potatoes meet the requirements of paragraphs (a) and (b) of this section, or unless such potatoes are handled in accordance with paragraphs (c), (d), (e), (f), and (g) of this section. The maturity requirements specified in paragraph (b) shall terminate October 15, 1967, at 11:59 p.m. m.d.t.

(a) *Minimum grade and size requirements*—(1) *Round varieties.* U.S. No. 2, or better grade, 2¼ inches minimum diameter.

(2) *Long varieties.* U.S. No. 2, or better grade, 2 inches minimum diameter or 4 ounces minimum weight.

(3) *All varieties.* Size B, if U.S. No. 1 or better grade, and if handled in accordance with the reporting requirements of paragraph (g) of this section.

(b) *Maturity (skinning) requirements*—(1) *Russet Burbank and Red McClure varieties.* Not more than "slightly skinned" for U.S. No. 1 grade, and not more than "moderately skinned" for U.S. No. 2 grade.

(2) *All other varieties.* Not more than "moderately skinned."

(c) *Special purpose shipments*—(1) *Chipping Stock.* Potatoes may be handled for chipping if they meet the requirements of 1½ inches minimum diameter, and if U.S. No. 2, or better grade, except for (i) scab, and (ii) the maturity requirements of paragraph (b) of this section, if such potatoes are handled in accordance with paragraph (d) of this section.

(2) *Other special purposes.* (i) The quality and maturity requirements of paragraphs (a) and (b) of this section and the inspection and assessment requirements of this part shall not be applicable to shipments of potatoes for livestock feed, relief or charity.

(ii) The quality and maturity requirements of paragraphs (a) and (b) of this section shall not be applicable to the handling of potatoes for seed pursuant to § 948.6; but any lot of potatoes handled for seed shall be subject to assessments.

(d) *Safeguards.* Each handler of potatoes which do not meet the quality and maturity requirements of paragraphs (a) and (b) of this section and which are handled pursuant to paragraph (c) of this section for any of the special purposes set forth therein shall,

(1) Prior to handling, apply for and obtain a certificate of privilege from the committee,

(2) Furnish the committee such reports and documents as requested, including certification by the buyer or receiver as to the use of such potatoes, and

(3) Bill each shipment directly to the applicable processor or receiver.

(e) *Minimum quantity.* For purposes of regulation under this part, each person may handle up to but not to exceed 1,000 pounds of potatoes without regard to inspection and the requirements of paragraphs (a) and (b) of this section, but this exception shall not apply to any portion of a shipment of over 1,000 pounds of potatoes.

(f) *Inspection.* (1) No handler shall handle any potatoes for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto and the certificate is valid at the time of shipment. For purposes of operation under this part it is hereby determined pursuant to paragraph (d) of § 948.40, that each inspection certificate shall be valid for a period of not to exceed 5 days following the date of inspection as shown on the inspection certificate, except that inspection certificates issued on potatoes for use as potato chips handled pursuant to paragraph (c)(1) of this section shall be exempt from this 5-day requirement.

(2) No handler may transport or cause the transportation by motor vehicle of any shipment of potatoes for which an inspection certificate is required unless each shipment is accompanied by, and made available for examination at any time upon request, a copy of the inspection certificate applicable thereto.

(g) *Reports.* Pursuant to § 948.80, no handler may ship Size B potatoes from Area No. 2 unless he reports to the committee in a manner prescribed by it the quantities handled and the destinations of such potatoes.

(h) *Definitions.* The terms "U.S. No. 1," "U.S. No. 2," "Size B," "slightly skinned," "moderately skinned," and "scab" shall have the same meaning as when used in the U.S. Standards for Potatoes (§§ 51.1540–51.1556 of this title), including the tolerances set forth therein. Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97, as amended, and this part.

(i) *Applicability to imports.* Pursuant to section 608e–1 of the act and § 980.1 of this chapter, red skinned round type potatoes, except certified seed potatoes, imported into the United States during the period September 5, 1967, through June 30, 1968, shall meet the grade, size, quality, and maturity requirements specified in paragraphs (a) and (b) of this section.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated, August 29, 1967, to become effective September 5, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-10282; Filed, Aug. 30, 1967; 8:51 a.m.]

PART 987—DOMESTIC DATES PRODUCED OR PACKED IN A DESIGNATED AREA OF CALIFORNIA

Order Amending the Order, as Amended, Regulating Handling

It is hereby ordered that on and after the effective date hereof all handling of domestic dates produced or packed in a designated area of California shall be in conformity to, and in compliance with, the Order Regulating the Handling of Domestic Dates Produced or Packed in a Designated Area of California, as amended (Order No. 987, as amended; 7 CFR Part 987), and as further amended by the "Order Amending the Order, as Amended, Regulating the Handling of Domestic Dates Produced or Packed in a Designated Area of California" which was annexed to and made a part of the decision of the Secretary of Agriculture, issued July 27, 1967 (F.R. Doc. 67–8943; 32 F.R. 11164), with respect to proposed amendment of the marketing agreement, as amended, and order, as amended, regulating the handling of such dates. All of the findings, determinations, terms, and conditions of the aforesaid amendatory order shall be, and the same hereby are, the findings, determinations, terms, and conditions of this order as if set forth in full herein. It is hereby further ordered that, for convenient reference, there be set forth hereinafter in amended form, as applicable, the various texts of the codified portion of said Order No. 987, as amended (7 CFR Part 987) and as further amended by the aforesaid amendatory order, together with the aforesaid findings and determinations as herein supplemented.

§ 987.0 Findings and determinations.

(a) *Previous findings and determinations.* The findings and determinations hereinafter set forth are supplementary, and in addition, to the findings and determinations made in connection with the issuance of the order and previously issued amendments thereto; and all of said prior findings and determinations are hereby ratified and affirmed except insofar as such prior findings and determinations may be in conflict with the findings and determinations set forth herein. (For prior findings and determinations see 20 F.R. 5066; 22 F.R. 6904; 27 F.R. 6817; 29 F.R. 9706.)

(b) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held in Indio, Calif., on April 12, 1967, on a proposed amendment of the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987), regulating the handling of domestic dates produced or packed in a designated area of California. On the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order, as amended and as hereby further amended, regulates the handling of domestic dates produced or packed in a designated area of California in the same manner as, and is applicable only to persons in the respective classes of commercial or industrial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) The said order, as amended and as hereby further amended, is limited in application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the area of production would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of domestic dates in the area of production covered by the order, as amended and as hereby further amended, which would require different terms applicable to different parts of such area; and

(5) All handling of domestic dates produced or packed in the area of production is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

(c) *Additional findings.* It is further found that good cause exists for making the provisions of this amendatory order effective on the date hereinafter specified rather than postponing the effective date until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553). The amendatory order adds certain date repackers to those persons who are defined as handlers and makes the repackers subject to container regulation and, if the dates for repacking are machine pitted, to certain other regulations. Since the only issue of compliance with the container regulation involves filling a given container to a specific net weight, in lieu of a net weight of the repacker's choice, and other compliance involves inspection services and identification which can be readily arranged, no extended time of preparation to comply is needed. Moreover, since packaging of dates occurs in volume by mid-September, if these provisions are not effective soon, a substantial volume can escape regulation and so jeopardize price stability in the early part of the 1967 crop year.

(d) *Determinations.* It is hereby determined that:

(1) The "Marketing Agreement, as Amended, Regulating the Handling of Domestic Dates Produced or Packed in a Designated Area of California," upon which the aforesaid public hearing was held, has been signed by handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping domestic dates covered by the said order, as amended and as hereby further amended) who, during the period August 1, 1966, through May 31, 1967, handled not less than 50 percent of the volume of such dates covered by the said order, as amended and as hereby further amended; and

(2) The issuance of this amendatory order, amending the aforesaid order, as amended, is favored or approved by at least two-thirds of the producers who participated in a referendum on the question of its approval and who during the period August 1, 1966, through May 31, 1967 (which has been determined to be a representative period), have been engaged in the production for market of Deglet Noor, Zahidi, Halawy, or Khadrawy varieties of domestic dates produced or packed in Riverside, Orange, and Los Angeles Counties, and that portion of San Bernardino County lying west of 116 degrees W. longitude, located within the State of California, such producers having also produced for market at least two-thirds of the volume of such commodity represented in the referendum.

It is, therefore, ordered, That, on and after the effective date hereof, all handling of domestic dates produced or packed in a designated area of California, shall be in conformity to, and in compliance with, the terms and conditions of the said order, as amended, and as further amended as follows:

1. Section 987.8 *Handler* is revised to read:

§ 987.8 Handler.

"Handler" means any person handling dates which have not been inspected and certified for handling in the hands of a previous holder and any repacker: *Provided,* That for the purposes of §§ 987.22 and 987.24 a person shall qualify as a handler only if he has acquired the dates directly from producers.

2. A new section, § 987.8a *Repacker,* is added:

§ 987.8a Repacker.

"Repacker" means any wholesaler or jobber who receives packed dates certified for handling pursuant to § 987.41(a), repackages them in containers other than those in which received, and handles such repackaged dates.

3. Section 987.21 *Establishment of Date Administrative Committee* and § 987.22 *Membership representation* are revised to read:

§ 987.21 Establishment of Date Administrative Committee.

A Date Administrative Committee composed of seven members is hereby established to administer the terms and conditions of this part: *Provided,* That the number of members may be changed pursuant to § 987.22 (b) and (c). For each member there shall be an alternate member, and the provisions of this part applicable to the number, nomination, and selection of members shall also apply in the number, nomination, and selection of alternate members.

§ 987.22 Membership representation.

(a) Members shall be selected by the Secretary from the following groups:

(1) The group comprised of (i) handlers each of whom produced during the then current crop year through February at least 51 percent of all the dates handled by him during such period, and (ii) producers each of whom delivered to such handlers during such period at least 50 percent of his deliveries to all handlers during the period.

(2) The group comprised of cooperative marketing associations.

(3) The group comprised of all other handlers and producers.

(b) Each such group shall have, for each term of office, one member for each quantity of dates handled in the group that represents 14.28 percent of the tonnage handled by all groups: *Provided,* That each group shall have at least one member. For each term of office, the tonnages handled shall be those handled through February of the crop year in which the selection occurs. In computing the number of members for a group, the group may have, in addition to one member for each full 14.28 percent, one member for any remaining fractional part more than one-half of the basic 14.28 percent. To provide a member for any such fractional part and at least one member for each group, the Secretary may increase the total number of members of the Committee beyond seven. When a group specified in paragraph (a) (1) or (3) of this section is entitled to an even number of members, one-half of the members shall be handler members and one-half shall be producer members; and when such a group is entitled to an odd number of members other than one, there shall be one more handler member than producer members. At least one of the members for the group specified in paragraph (a) (2) of this section shall be an employee of a cooperative marketing association in such group and serve as a handler member, and the remainder of the members for the group shall be producer members of such associations.

(c) The members of the Committee serving on the effective date of this amended subpart shall, subject to the limitations in § 987.25, continue to serve during the remainder of the term of office ending May 14, 1968, and as provided in § 987.22. The number of members as provided in § 987.122 prior to such effective date for each of the various groups (i.e., one member for the group specified in paragraph (a)(1) of this section, five members for the group specified in paragraph (a)(2) of this section, and one member for the group specified in paragraph (a)(3) of this section) shall continue applicable so long as the number of members for each group meets the requirements prescribed in paragraph (b) of this section. Whenever it is determined pursuant to paragraph (b) of this section that a change of representation is required for the ensuing term of office, the Secretary shall, on the basis of information submitted by the Committee and other available information, revise the representation consistent with the provisions of said paragraph (b) of this section.

4. Section 987.24 *Nominations* is revised to read:

§ 987.24 Nomination and selection.

(a) Each group specified in § 987.22 (a) may nominate, at a nomination meeting or meetings held during each crop year on or before April 15, nominees for members to represent the group during the ensuing term of office. For any group specified in § 987.22(a) (1) or (3) entitled to more than one member, separate meetings of producers and of handlers shall be held. For any such group which is not entitled to more than one member, joint meetings of producers and handlers shall be held. Except as otherwise set forth in this section, in any of such meetings each producer and each handler shall be entitled to one vote for each position to be filled, and the individual receiving the highest number of votes for the position shall be the nominee. Whenever there is more than one cooperative marketing association in the group specified in § 987.22(a)(2), the associations shall jointly select their nominees. In case of lack of agreement among the associations, and in the voting by handlers separately from producers of the group specified in § 987.22 (a)(3), the vote for each position shall be weighted by the tonnage of dates each association or handler acquired from producers and had certified for handling or for further processing during the then current crop year through February.

(b) Immediately after the completion of the meetings covered by this section, the Committee shall report to the Secretary the nominees for each position together with a certificate of all necessary tonnage data and other information deemed by the Committee to be pertinent or which is required by the Secretary. The Secretary shall select, in his discretion, members from such nominees or from other qualified persons; but any such selection shall be from the groups, and on the basis, prescribed in § 987.22. However, the Secretary shall allow a reasonable time for nominations to be received before proceeding with any selection without regard to nominations.

5. The center heading "Research and Development," and § 987.33 *Research and development* are revised to read:

MARKET DEVELOPMENT

§ 987.33 Research and promotion.

(a) The Committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects, including marketing promotion and paid advertising, designed to assist, improve, or promote the marketing, distribution, and consumption of dates. The

expenses of such projects shall be paid from funds collected pursuant to § 987.72. However, no program of paid advertising nor major program of marketing promotion shall be adopted unless favored by at least six Committee members when the total membership is seven, or seven members when the total is eight. Upon conclusion of each program, but at least annually, the Committee shall summarize and report on the program status and accomplishments, to its members and the Secretary. A similar report to the Committee shall be required of any contracting party on any paid advertising or major program. Also, for each advertising or major program the contracting party shall be required to maintain records of money received and expenditures and such shall be available to the Committee and the Secretary. The Committee shall, with the approval of the Secretary, establish criteria which will determine such major program.

6. Section 987.39 *The establishment of minimum standards* is revised to read:

§ 987.39 The establishment of minimum standards.

In order to effectuate the declared policy of the act all whole dates and pitted dates handled under this subpart shall meet the requirements of U.S. Grade C, or, if for further processing, U.S. Grade C (Dry), of the effective U.S. Standards for Grades of Dates: *Provided*, That the Secretary may, upon recommendation of the Committee, prescribe other minimum standards of quality for any variety of dates. To aid the Secretary in prescribing such other minimum standards, the Committee shall furnish to the Secretary the data upon which it acted in recommending such standards. The provisions hereof relating to minimum standards of quality and to inspection requirements, within the meaning of section 2(3) of the act, and any other provisions relating to the administration and enforcement thereof shall continue in effect irrespective of whether the season average price to producers for dates is or is not in excess of the parity level specified in section 2(1) of the act. Notice of the minimum standard regulation shall be sent by the Committee to all handlers of record. On and after the effective date of such regulations no handler shall handle dates except in accordance with such minimum standard.

7. Section 987.51 *Interhandler transfers* is revised to read:

§ 987.51 Interhandler transfers.

Transfers of dates may be made from one handler to another, and each handler who so transfers any such dates shall immediately upon the completion of the particular transfer notify the Committee of the transfer, specifying the date of the transfer, the quantity and variety of dates involved, and the name of the receiving handler. If such transfer is wholly within the area of production, the assessment and withholding obligations shall be placed on the handler agreeing to assume them: *Provided*, That in the absence of the Committee receiving notice of a specific agreement on such obligations, the buying handler shall be held accountable. If such transfer is from within the area of production to any point outside thereof, the assessment and withholding obligations shall be met by the handler within the area of production. Except for packed dates inspected and certified for handling prior to transfer and which are not repacked, any receiving handler (other than a repacker not otherwise a handler, who shall comply with § 987.53) shall comply with the requirements of § 987.41 on all dates, but this shall apply to repacked dates previously inspected and certified for handling only if the handler also packs dates received as field-run dates.

8. A new section, § 987.53 *Application of regulations to repackers*, is added:

§ 987.53 Application of regulations to repackers.

Repackers shall be exempt from those requirements of this part, including reporting requirements, with respect to packed dates which had been certified for handling, pursuant to § 987.41(a), prior to receipt, except that: (a) A repacker who processes such dates by machine pitting shall comply with the grade, size, inspection, certification, and identification requirements, and (b) a repacker who repackages such dates in containers other than those in which received, shall comply with the then effective container regulations established pursuant to § 987.48.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated August 25, 1967, to become effective September 8, 1967.

RODNEY E. LEONARD,
Deputy Assistant Secretary.

[F.R. Doc. 67-10213; Filed, Aug. 30, 1967; 8:47 a.m.]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 2]

PART 1002—MILK IN NEW YORK-NEW JERSEY MARKETING AREA

Order Suspending Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the New York-New Jersey marketing area (7 CFR Part 1002), it is hereby found and determined that:

(a) The following provisions of the order no longer tend to effectuate the declared policy of the Act for the period of September 1967 through April 1968:

In § 1002.40(a) the provision (plus 20 cents through April 1968) and the provisions of subparagraphs (3) through (10) of this paragraph.

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of the effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area. The current information with respect to the extent of the shift in Class I sales was not available until reports filed by handlers were compiled on or about August 15, and the petition requesting suspension action was not received until August 21, 1967.

(3) This suspension action will eliminate for the period through April 1968 any adjustment to the Class I–A milk price resulting from application of the utilization percentage (supply-demand) provisions of the Class I–A price formula. The action of the utilization percentage provisions is effecting a substantial price decline as a result of a substantial shift of Class I sales and milk receipts historically pooled under the New York-New Jersey order, to the Delaware Valley order beginning in June 1967 when the Delaware Valley marketwide pooling provision became effective. Such price decline is unwarranted in the face of the downward trend in producer receipts and the intent of the several amendments to the Class I–A pricing provisions of the order over the past year and a half to stem the downward trend in milk supplies.

(4) This suspension action is also necessary to restore and maintain orderly marketing by insuring the continuing interorder Class I price relationships among Federal order markets in the northeast through April 1968 concluded in the Assistant Secretary's decision issued April 25, 1967 (32 F.R. 6501) to be appropriate on the basis of a public hearing convened at Washington, D.C., on April 14, 1967. Pursuant to that decision temporary emergency amendments were made in the Class I price provisions of the Delaware Valley and Massachusetts-Rhode Island orders effective May 1, 1967 and the New York-New Jersey order effective June 1, 1967. Such amendments made effective through April 1968 were contemplated to provide Class I prices of $6.05, $6.35, and $6.65 for the New York-New Jersey, Massachusetts-Rhode Island and Delaware Valley orders, respectively. The mechanics of the amendments made to the Massachusetts-Rhode Island and Delaware Valley orders insure continuation of the existing price level through April 1968. Because of the shifting of Class I sales and associated milk from New York-New Jersey to Delaware Valley the New York-New Jersey Class I–A price has declined to $5.97 in August and in the absence of this suspension action would be $5.86 in September and still lower in subsequent months. The resulting Class I price disparity among these markets in which many handlers have extensive overlapping sales competition constitutes a serious threat to orderly marketing of milk in the marketing areas.

Suspension of the utilization percentage (supply-demand) provisions of the New York-New Jersey order will result in a Class I–A price of $6.11 and thereby restore as closely as possible the interorder Class I price relationships among these markets contemplated by the amendment effected on the basis of the April 1967 hearings.

(5) This emergency suspension action was requested by cooperative associations representing approximately 70 percent of the producers supplying the New York-New Jersey market and is supported by producer cooperatives in the Massachusetts-Rhode Island market. Such associations contend that such emergency action is necessary to maintain orderly marketing pending action on their petition to convene a hearing on proposals to provide a common Class I price formula for the New York-New Jersey, Massachusetts-Rhode Island and Connecticut orders. Pursuant to such petition the market administrators of the various orders have been requested to ask interested persons to submit additional proposals within 30 days.

Obviously, it will take additional time to hold a hearing and complete the necessary procedures on the cooperatives' hearing proposal to provide more appropriate price alignment between the New York-New Jersey and Massachusetts-Rhode Island markets on other than a temporary emergency basis. This suspension action will provide a Class I–A price under the New York-New Jersey order which is 24 cents below the Massachusetts-Rhode Island Class I price and will result in restoring approximately the same price spread between these markets which prevailed in 1964 (24 cents), 1966 (21 cents), and 1966 (31 cents) pending completion of the necessary procedures on their hearing proposal.

Therefore, good cause exists for making this order effective September 1, 1967.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the period September 1967 through April 1968.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: September 1, 1967.

Signed at Washington, D.C., on August 25, 1967.

RODNEY E. LEONARD,
Deputy Assistant Secretary.

[F.R. Doc. 67-10216; Filed, Aug. 30, 1967; 8:48 a.m.]

[Milk Order 62]

PART 1062—MILK IN ST. LOUIS, MO., MARKETING AREA

Order Suspending Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the St. Louis, Mo., marketing area (7 CFR Part 1062), it is hereby found and determined that:

(a) The following provisions of the order do not tend to effectuate the declared policy of the Act for the months of September, October, and November 1967.

(1) In § 1062.51(a) the following words of the introductory text preceding subparagraph (1): "And plus or minus the amounts provided in subparagraphs (1) and (2) of this paragraph:"

(2) Subparagraph (1) of § 1062.51(a).

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of the effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This suspension order will continue for the months of September through November 1967 the effect of the prior suspension orders issued June 1 and July 25, 1967, which eliminated price adjustments due to the supply-demand adjustor for the periods of June 3–30 and the months of July and August 1967. Such prior suspension orders were issued at the request of cooperative associations whose members comprise a large majority of producers serving the St. Louis market and other markets affected by this supply-demand adjustor. Hearings have been held in St. Louis, Mo., January 24, 1967, pursuant to notice issued January 13, 1967 (32 F.R. 613) and February 28–March 3, 1967, pursuant to notice issued January 24, 1967 (32 F.R. 1042) at which proposals to revise the supply-demand adjustor were considered. The present suspension action is being taken to prevent supply-demand adjustments for this additional period while consideration is being given to revision of the supply-demand adjustor based upon the hearings which have been held.

(4) The previous suspensions were taken so that a decrease in the Class I price would not unduly reduce returns to producers in the St. Louis, Mo., Ozarks, Southern Illinois, and Paducah markets. Since the same conditions that prompted the previous suspension orders continue to prevail this order effective for the months of September through November 1967 is warranted.

Therefore, good cause exists for making this order effective September 1, 1967.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the months of September, October, and November 1967.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: September 1, 1967.

Signed at Washington, D.C., on August 25, 1967.

RODNEY E. LEONARD,
Deputy Assistant Secretary.

[F.R. Doc. 67-10217; Filed, Aug. 30, 1967; 8:48 a.m.]

[Milk Order 67]

PART 1067—MILK IN OZARKS MARKETING AREA

Order Suspending Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Ozarks marketing area (7 CFR Part 1067), it is hereby found and determined that:

(a) The following provisions of the order no longer tend to effectuate the declared policy of the Act for the months of August and September: In § 1067.11(b) in the table and opposite the months of August and September the figures "25" and "35".

(b) Thirty days notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This action has been requested by three cooperative associations, representing more than 80 percent of the producers in this market. The cooperatives state that the suspension is necessary to maintain pool plant status for supply plants so as to facilitate the orderly disposition of the market's reserve supply of milk during the months of August and September. An unusual increase in milk supply for this time of year has resulted in greater deliveries from farms directly to fluid milk processing plants, and has reduced the need for such plants to receive milk from supply plants.

(4) This suspension action will make it unnecessary for the operators of supply plants to make unneeded and uneconomical shipments to processing plants in order to maintain pool status. This suspension will maintain producer status of many farmers regularly associated with the market and will promote orderly marketing conditions.

(5) Interested parties were afforded opportunity to file written data, views, or arguments concerning this suspension (32 F.R. 11887). None were filed in opposition to the proposed suspension.

Therefore, good cause exists for making this order effective August 1, 1967.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the months of August and September 1967.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: August 1, 1967.

Signed at Washington, D.C., on August 25, 1967.

RODNEY E. LEONARD,
Deputy Assistant Secretary.

[F.R. Doc. 67-10214; Filed, Aug. 30, 1967; 8:48 a.m.]

[Milk Order 73]

PART 1073—MILK IN THE WICHITA, KANS., MARKETING AREA

Order Suspending Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Wichita, Kans., marketing area (7 CFR Part 1073), it is hereby found and determined that:

(a) The following provisions of the order no longer tend to effectuate the declared policy of the Act for the months of September, October, and November 1967:

In § 1073.51(a) that portion of the first sentence reading as follows: ", subject to a supply-demand adjustment computed pursuant to subparagraphs (1) through (3) of this paragraph"; and subparagraphs (1), (2), and (3) relating to the supply-demand adjustment to the Class I price.

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of the effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This suspension will eliminate certain erratic movements of the supply-demand adjustor for September through November 1967 and improve Class I price alignment in this market. A Class I sales account to an outside market is no longer available and approximately 1.6 million pounds of milk is now being pooled locally thereby causing abnormal fluctuation in the supply-demand adjustor in this order.

(4) This suspension action was requested by producers at a public hearing held June 15, 1967, at Wichita, Kans. At the hearing a witness testified that emergency action in the form of a suspension order is necessary to obtain orderly marketing conditions in the area pending the time when an amended order can be issued. There was no opposition to the request. Upon this basis suspension of these provisions for the months of July and August 1967 were issued June 28, and July 27, 1967. A recommended decision was issued on July 28, 1967. It is now evident amendment on the basis of the hearing cannot be completed by September 1, 1967.

Therefore, good cause exists for making this order effective September 1, 1967.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the period September 1, 1967, through November 30, 1967.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: September 1, 1967.

Signed at Washington, D.C., on August 28, 1967.

RODNEY E. LEONARD,
Deputy Assistant Secretary.

[F.R. Doc. 67-10280; Filed, Aug. 30, 1967; 8:50 a.m.]

[Milk Order No. 126]

PART 1106—MILK IN OKLAHOMA METROPOLITAN MARKETING AREA

PART 1126—MILK IN NORTH TEXAS MARKETING AREA

Order Suspending Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the orders regulating the handling of milk in the Oklahoma Metropolitan and North Texas marketing areas (7 CFR Parts 1106 and 1126), it is hereby found and determined that:

(a) The following provisions of the orders no longer tend to effectuate the declared policy of the Act for the months of September through November 1967:

(1) In § 1106.51(a) of the order regulating the handling of milk in the Oklahoma Metropolitan marketing area, the last sentence of the introductory text reading as follows: "To this price add or subtract a 'supply-demand adjustment' of not more than 50 cents, computed as follows:" and subparagraphs (1), (2), and (3).

(2) In § 1126.51(a) of the order regulating the handling of milk in the North Texas marketing area, that portion of the last sentence of the introductory text reading as follows: "and subject to a supply-demand adjustment of not more than 50 cents computed as follows:" and subparagraphs (1), (2), (3), (4), (5), and (6).

(b) Notice of proposed rule making, public procedure thereon, and 30 days' notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This suspension will continue for the months of September through November 1967 the elimination of the effect of supply-demand adjustors in the Oklahoma Metropolitan and North Texas orders that was provided for August 1967 by suspension order issued July 27, 1967.

(4) This suspension action was requested by both producers and handlers at a public hearing held May 15, 1967, at Oklahoma City, Okla. At the hearing, witnesses testified that emergency action in the form of a suspension order is necessary to maintain orderly marketing conditions pending the time when an amended order can be issued. No testimony was offered in opposition to this request. It is now evident that amendatory action based upon this hearing will not be completed so that an amended order could be effective by September 1, 1967.

Therefore, in view of the foregoing reasons, good cause exists for making this order effective September 1, 1967.

It is therefore ordered, That the aforesaid provisions of the orders are hereby suspended for the period September 1 through November 30, 1967.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: September 1, 1967.

Signed at Washington, D.C., on August 28, 1967.

RODNEY E. LEONARD,
Deputy Assistant Secretary.

[F.R. Doc. 67-10282; Filed, Aug. 30, 1967; 8:48 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Interagency Committee on Mexican American Affairs

A new § 213.3123 is added to show that all positions on the committee staff are excepted under Schedule A. Effective on publication in the FEDERAL REGISTER, § 213.3123 is added as set out below.

§ 213.3123 Interagency Committee on Mexican American Affairs.

(a) All positions on the committee staff.

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-10283; Filed, Aug. 30, 1967; 8:48 a.m.]

PART 213—EXCEPTED SERVICE

Housing and Home Finance Agency

Section 213.3144 is amended to show that the seven positions of Regional Administrator, and the position of Director, Community Disposition Staff are no longer excepted under Schedule A. Effective upon publication in the FEDERAL REGISTER, subparagraphs (3) and (4) of paragraph (a) of § 213.3144 are revoked.

§ 213.3144 Housing and Home Finance Agency.

(a) *Office of the Administrator.*

* * * * *

(3) [Revoked]

(4) [Revoked]

* * * * *

(7 U.S.C. 2201, 2202, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-10284; Filed, Aug. 30, 1967; 8:48 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter II—Packers and Stockyards Administration, Department of Agriculture

PART 203—STATEMENTS OF GENERAL POLICY UNDER THE PACKERS AND STOCKYARDS ACT

Vacation of Rate Orders

On June 15, 1967, a notice was published in the FEDERAL REGISTER (32 F.R. 8621) regarding the proposed issuance of a statement with respect to vacation of rate orders under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.). Interested persons were given an opportunity to submit written data, views, or arguments concerning the proposed statement. After consideration of all relevant matters, the following statement has been formulated and adopted by the Packers and Stockyards Administration for the guidance of stockyard owners and market agencies and is issued as § 203.11 of Part 203, Chapter II, Title 9, Code of Federal Regulations to read as follows:

§ 203.11 Statement with respect to vacation of rate orders under the Packers and Stockyards Act.

(a) Under the Packers and Stockyards Act, formal rate orders prescribing reasonable rates and charges for the furnishing of stockyard services have been issued at various times. As of June 30, 1967, there were in effect 26 such orders, 14 relating to rates and charges for stockyard services furnished by stockyard operators and 12 concerning rates and charges for services furnished by market agencies. Most of the basic orders in these cases have been in effect for more than 20 years. From time to time the respondents have petitioned for modifications of such orders to reflect changed circumstances or conditions and when such petitions have been found to be justified they have been granted. In accordance with the administrative procedure provisions of Title 5 of the United States Code (5 U.S.C. 553), the Rules of Practice Governing Proceedings under the Packers and Stockyards Act (9 CFR 202.1 et seq.) require that notice of every petition for modification which involves an increase in rates and charges, or a rate or charge for services not theretofore covered by order, shall be published in the FEDERAL REGISTER and interested persons be given an opportunity to file with the Hearing Clerk a written request to be heard in the matter. The rules of practice also provide that an answer to such a petition shall be filed within 20 days from date of publication of such notice. Under section 313 of the Act, an order concerning rates and charges may not be made effective in less than 5 days after signature. With respect to a stockyard operator or market agency not subject to a formal rate order, changes may be made in its rates and charges upon 10 days' notice to the public and the Department: *Provided, however*, That any such change may be suspended for a total period of 60 days in any instance in which it appears the change would result in unjust, unreasonable, or discriminatory rates and charges and a hearing held with respect to the matter.

(b) During the period the basic rate orders have been in effect, an informal procedure has developed in connection with proposed modification of rates or charges of the stockyard owners and market agencies subject to such orders. The stockyard owners and market agencies have become familiar with the type of information necessary to substantiate changes in prescribed rates or charges and to show the reasonableness thereof. In most instances, those desiring to modify the rates or charges seek an advance indication of the attitude of the Packers and Stockyards Administration toward the changes to be proposed. In the event there is a question as to the data submitted or as to reasonableness of the changes, additional information is sought or conferences are held between representatives of the Administration and the parties concerned. This method has proved very satisfactory as a means of resolving doubts, adjusting differences and reaching an agreement concerning the proposed modification of the rates and charges. In practically all cases a tentative agreement is reached before a petition for modification of the rate order is filed with the Hearing Clerk. There have been very few instances in which an interested person has submitted any data, views, or comments or filed a request to be heard in connection with a petition pursuant to the notice published in the FEDERAL REGISTER.

(c) After a basic rate order has been in effect for a period of 10 years, there would not appear to be any useful purpose served, under normal conditions, in continuing such order in effect, thereby necessitating the continuation of the formal procedure for obtaining a modification of the rates and charges referred to in paragraph (a) of this section. It is the view of the Packers and Stockyards Administration, therefore, that when a basic rate order has been in effect for a period of 10 years, the Department should entertain a petition for dismissal or vacation of such rate order and unless economic conditions, or the marketing structure in the trade territory, or other circumstances require otherwise, such petition should be concurred in. This would place the stockyard owner or market agencies affected by the rate order in question on the same basis as those stockyard owners and market agencies which are not subject to formal rate orders. This procedure would not affect the basic protective rate provisions of the Packers and Stockyards Act should it become necessary to invoke them.

The foregoing statement shall become effective upon its publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 25th day of August 1967.

(Sec. 407(a), 42 Stat. 169, 72 Stat. 1750; 7 U.S.C. 228(a); interprets or applies secs. 310, 313, 42 Stat. 161 et seq., as amended 7 U.S.C. 211, 214)

GLENN G. BIERMAN,
Acting Administrator.

[F.R. Doc. 67-10220; Filed, Aug. 30, 1967; 8:48 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter III—Social Security Administration, Department of Health, Education, and Welfare

[Reg. 5]

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED (1965_____)

Subpart E—Criteria for Determination of Reasonable Charges; Reimbursement for Services of Hospital Interns, Residents, and Supervising Physicians

On February 8, 1967, there was published in the FEDERAL REGISTER (32 F.R. 2688) a notice of proposed rule making relating to the principles for determining reasonable charges for services of physicians and other persons furnishing medical and other health services covered under the supplementary medical insurance program, and for determining whether reimbursement for the services of interns, residents, and supervising physicians rendered in connection with graduate medical education programs will be made under Part A or Part B of title XVIII of the Social Security Act. Interested parties were given the opportunity to submit written comments within 30 days after publication.

Written comments were received and considered; certain changes of a clarifying and editorial nature have been made.

Chapter III, Title 20 is amended by adding thereto Subpart E of Part 405, to read as set forth below. The addition of Subpart E of Part 405, Title 20, shall be effective upon publication in the FEDERAL REGISTER.

Dated: August 8, 1967.

[SEAL] ROBERT M. BALL,
Commissioner of Social Security.

Approved August 23, 1967.

WILBUR J. COHEN,
Acting Secretary of Health, Education, and Welfare.

Sec.
405.501 Determination of reasonable charges.
405.502 Criteria for determining reasonable charges.
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405.508 Determination of comparable circumstances; limitation.
405.520 Reimbursement for services of interns, residents and supervising physicians; general.
405.521 Services of attending physicians supervising interns and residents.
405.522 Interns' and residents' services in approved teaching programs.
405.523 Interns' and residents' services not in approved teaching programs.
405.524 Interns' and residents' services outside the hospital.
405.525 Basis of reimbursement under the health insurance program for services of interns and residents.

AUTHORITY: The provisions of this Subpart E issued under sections 1102, 1814(b), 1862 (a), 1866(b), and 1871, 49 Stat. 647, as amended, 79 Stat. 286, 79 Stat. 902, 79 Stat. 310, 79 Stat. 331; 42 U.S.C. 1302, 1395 et seq.

§ 405.501 Determination of reasonable charges.

Payment for medical and other health services (see § 405.251) furnished by physicians or other persons (except for services furnished by group practice prepayment plans electing cost reimbursement and certain services furnished by, or under arrangements made by, a provider of services) is made on the basis of the "reasonable charge" for such service which is determined by the carriers selected by the Secretary to assist in the administration of the supplementary medical insurance program.

§ 405.502 Criteria for determining reasonable charges.

(a) *Criteria.* The law does not contemplate the establishment of a general fee schedule applicable to all physicians or other persons furnishing medical and other services but calls for individual determinations which take into account the facts as to existing practice with respect to charges of the particular physician or other person as well as others in the locality. The two criteria set out in the law which are considered in determining reasonable charges are:

(1) The customary charges for similar services generally made by the physician or other person furnishing such services; and

(2) The prevailing charges in the locality for similar services.

(b) *Comparable services limitation.* The law also specifies that the reasonable charge cannot be higher than the charge applicable for a comparable service under comparable circumstances to the carriers' own policyholders and subscribers.

(c) *Application of criteria.* In applying these criteria, the carriers are to exercise judgment based on factual data on the charges made by physicians to patients generally and by other persons to the public in general and on special factors that may exist in individual cases so that determinations of reasonable charge are realistic and equitable.

(d) *Responsibility of Administration and carriers.* Determinations by carriers of reasonable charge are not reviewed on a case-by-case basis by the Social Security Administration, although the general procedures and performance of functions by carriers are evaluated. In making determinations, carriers apply the provisions of the law under broad principles issued by the Social Security Administration. These principles are intended to assure overall consistency among carriers in their determinations of reasonable charge. The principles in §§ 405.503–405.507 establish the criteria for making such determinations in accordance with the statutory provisions.

§ 405.503 Determining customary charges.

(a) *Customary charge defined.* The term "customary charges" will refer to the uniform amount which the individual physician or other person charges in the majority of cases for a specific medical procedure or service. In determining such uniform amount, token charges for charity patients and substandard charges for welfare and other low income patients are to be excluded. The reasonable charge cannot, except as provided in § 405.506, be higher than the individual physician's or other person's customary charge. The customary charge for different physicians or other persons may, of course, vary. Payment for covered services would be based on the actual charge for the service when, in a given instance, that charge is less than the amount which the carrier would otherwise have found to be within the limits of acceptable charges for the particular service. Moreover, the income of the individual beneficiary is not to be taken into account by the carrier in determining the amount which is considered to be a reasonable charge for a service rendered to him. There is no provision in the law for a carrier to evaluate the reasonableness of charges in light of an individual beneficiary's economic status.

(b) *Variation of charges.* If the individual physician or other person varies his charges for a specific medical procedure or service, so that no one amount is charged in the majority of cases, it will be necessary for the carrier to exercise judgment in the establishment of a "customary charge" for such physician or other person. In making this judgment, an important guide, to be utilized when a sufficient volume of data on the physician's or other person's charges is available, would be the median or midpoint of his charges, excluding token and substandard charges as well as exceptional charges on the high side. A significant clustering of charges in the vicinity of the median amount might indicate that a point of such clustering should be taken as the physician's or other person's "customary" charge. Use of relative value scales will help in arriving at a decision in such instances.

(c) *Use of relative value scales.* If, for a particular medical procedure or service, the carrier is unable to determine the customary charge on the basis of reliable statistical data (for example, because the carrier does not yet have sufficient data or because the performance of the particular medical procedure or service by the physician or other person is infrequent), the carrier may use appropriate relative value scales to determine the customary charge for such procedure or service in relation to customary charges of the same physician or person for other medical procedures and services.

(d) *Revision of customary charge.* A physician's or other person's customary charge is not necessarily a static amount. Where a physician or other person alters his charges, a revised pattern of charges for his services may develop. Where on the basis of adequate evidence, the carrier finds that the physician or other person furnishing services has changed his charge for a service to the public in general, the customary charge resulting from the revised charge for the service should be recognized as the customary charge in making determinations of reasonable charges for such service when rendered thereafter to supplementary insurance beneficiaries. If the new customary charge is not above the top of the range of prevailing charges (see § 405.504 (a)), it should be deemed to be reasonable by the carrier, subject to the provisions of § 405.506.

§ 405.504 Determining prevailing charges.

(a) *Range of charges.* The term "prevailing charges" refers to those charges which fall within the range of charges most frequently and most widely used in a locality for particular medical procedures or services. The top of this range establishes, except as provided in § 405.506, an overall limitation on the charges which a carrier will accept as reasonable for a given medical procedure or service. Prevailing charges are derived from the overall pattern existing within a locality. For example, in a given locality the carrier may find that the charges most frequently and widely used by physicians for a particular medical procedure range from $150 to $175. If in another locality the carrier finds that the prevailing charges are different for the same procedure, then a different range of charges would be applied in making reasonable charge determinations for that locality. An acceptable method for the carrier to objectively determine the point at which such limitation is established would be the use of the mean (arithmetic average) of the customary charges of physicians or other persons in the locality for a given medical procedure or service, plus one standard deviation above the mean, rounded to the nearest dollar. However, the carrier will adopt an appropriate limit for each procedure or service with judgment being exercised to assure that with respect to each particular array of data the result reached is reasonable. If, for example, there is a point just above the standard deviation which represents the amount charged by a substantial number of physicians in the locality, the limitation might, in such a situation, be established so as to include this point. On the other hand, the "trailing off" of an appreciable number of charges above the mean plus one standard deviation might not justify an upward adjustment. The "standard deviation" is a basic statistical measure widely used in dealing with variations from a central tendency or norm. Its advantage over the approach that the "prevailing charge" is to include a fixed percentage of all charges lies in the fact that the standard deviation is flexible rather than rigid. It takes into account and is responsive to differences in the spread that exists in the underlying data.

(b) *Variation in range of prevailing charges.* The range of prevailing charges in a locality may be different for physicians or other persons who engage in a specialty practice or service than for others. Existing differentials in the level of charges between different kinds of practice or service could, in some localities, lead to the development of more than one range of prevailing charges for application by the carrier in its determinations of reasonable charges. Carrier decisions in this respect should be responsive to the existing patterns of charges by physicians and other persons who render covered services, and should establish differentials in the levels of charges between different kinds of practice or service only where in accord with such patterns.

(c) *Re-evaluation and adjustment of prevailing charges.* Determinations of prevailing charges by the carrier are to be re-evaluated and adjusted from time to time on the basis of factual information about the charges made by physicians and other persons to the public in general. This information should be obtained from all possible sources including a carrier's experience with its own programs as well as with the supplementary medical insurance program.

§ 405.505 Determination of "locality."

"Locality" is the geographical area for which the carrier is to derive the prevailing charges for services. Usually, a locality will be a political or economic subdivision of a State. It should include a cross section of the population with respect to economic and other characteristics. Where people tend to gravitate toward certain population centers to obtain medical care or service, localities may be recognized on a basis constituting medical service areas (interstate or otherwise), comparable in concept to "trade areas." Localities may differ in population density, economic level, and other major factors affecting charges for services. Carriers therefore shall delineate "localities" on the basis of their knowledge of local conditions. However, distinctions between localities are not to be so finely made that a "locality" includes only a very limited geographic area whose population has distinctly similar income characteristics (e.g., a very rich or very poor neighborhood within a city).

§ 405.506 Charges higher than customary or prevailing charges.

A charge which exceeds either the customary charge of the physician or other person who rendered the medical or other health service, or the prevailing charge in the locality, or both, may be found to be reasonable, but only where there are unusual circumstances, or medical complications requiring additional time, effort or expense which support an additional charge, and only if it is acceptable medical or medical service practice in the locality to make an extra charge in such cases. On the other hand, the mere fact that the physician's or other person's customary charge is higher than prevailing would not justify a determination of reasonable charge higher than the prevailing charge.

§ 405.507 Illustrations of the application of the criteria for determining reasonable charges.

The following examples illustrate how the general criteria on customary charges and prevailing charges might be applied in determining reasonable charges under the supplementary medical insurance program. Basically, these examples demonstrate that, except where the actual charge is less, reasonable charges will reflect current customary charges of the particular physician or other person within the ranges of the current prevailing charges in the locality for that type and level of service:

The prevailing charge for a specific medical procedure ranges from $80 to $100 in a certain locality.

Doctor A's bill is for $75 although he customarily charges $80 for the procedure.

Doctor B's bill is his customary charge of $85.

Doctor C's bill is his customary charge of $125.

Doctor D's bill is for $100, although he customarily charges $80, and there are no special circumstances in the case.

The reasonable charge for Doctor A would be limited to $75 since under the law the reasonable charge cannot exceed the actual charge, even if it is lower than his customary charge and below the prevailing charges for the locality.

The reasonable charge for Doctor B would be $85, because it is his customary charge and it falls within the range of prevailing charges for that locality.

The reasonable charge for Doctor C could not be more than $100, the top of the range of prevailing charges.

The reasonable charge for Doctor D would be $80, because that is his customary charge. Even though his actual charge of $100 falls within the range of prevailing charges, the reasonable charge cannot exceed his customary charge in the absence of special circumstances.

§ 405.508 Determination of comparable circumstances; limitation.

(a) *Application of limitation.* The carrier may not in any case make a determination of reasonable charge which would be higher than the charge upon which it would base payment to its own policyholders for a comparable service in comparable circumstances. The charge upon which it would base payment, however, does not necessarily mean the amount the carrier would be obligated to pay. Under certain circumstances, some carriers pay amounts on behalf of individuals who are their policyholders, which are below the customary charges of physicians or other persons to other individuals. Payment under the supplementary medical insurance program would not be limited to these lower amounts.

(b) *When comparability exists.* "Comparable circumstances," as used in the Act and this subpart, refers to the circumstances under which services are rendered to individuals and the nature of the carrier's health insurance programs and the method it uses to determine the amounts of payments under these programs. Generally, comparability would exist where:

(1) The carrier bases payment under its program on the customary charges, as presently constituted, of physicians or other persons and on current prevailing charges in a locality, and

(2) The determination does not preclude recognition of factors such as specialty status and unusual circumstances which affect the amount charged for a service.

(c) *Responsibility for determining comparability.* Responsibility for determining whether or not a carrier's program has comparability will in the first instance fall upon the carrier in reporting pertinent information about its programs to the Social Security Administration. When the pertinent information has been reported, the Social Security Administration will advise the carrier whether any of its programs have comparability.

§ 405.520 Reimbursement for services of interns, residents and supervising physicians; general.

(a) Under the health insurance program, almost all the aged have protection against hospital expenses, and the great majority also have protection against medical expenses. This health insurance coverage is intended to provide a substantial measure of freedom to beneficiaries in selecting hospitals and physicians of their choice. Whatever the choice, beneficiaries, as insured patients, are to be accorded the same status as other insured and paying patients in regard to the hospital and medical care they are provided.

(b) Many beneficiaries will choose to receive the care they need from hospitals with approved graduate medical education programs and from other institutions where services of interns and residents are provided. Many will receive care in these hospitals as patients of physicians who, in turn, will involve interns and residents in the care of their patients. The basis for reimbursement for such services by interns and residents is different from that applicable to such physicians' services.

§ 405.521 Services of attending physicians supervising interns and residents.

(a) Attending physicians' services rendered to beneficiaries in a teaching setting are covered under the supplementary medical insurance program and the payment for such services is on the basis of reasonable charges (see paragraphs (b) and (c) of this section). The costs to a hospital for teaching services furnished by a physician in connection with an approved graduate medical education program are allowable in accordance with the principles of reimbursement for provider costs (see paragraph (d) of this section).

(b) Payment on the basis of reasonable charges is applicable to the professional services rendered to a beneficiary by his attending physician where the attending physician provides personal and identifiable direction to interns or residents who are participating in the care of his patient. In the case of major surgical procedures and other complex and dangerous procedures or situations, such personal and identifiable direction must include supervision in person by the attending physician. A charge should be recognized under Part B for the services of an attending physician who involves residents and interns in the care of his patient only if his services to the patient are of the same character, in terms of the responsibilities to the patient that are assumed and fulfilled, as the services he renders to his other paying patients. The carrying out by the physician of these responsibilities would be demonstrated by such actions as: Reviewing the patient's history and physical examination and personally examining the patient within a reasonable period after admission; confirming or revising diagnosis; determining the course of treatment to be followed; assuring that any supervision needed by the interns and residents was furnished; and by making frequent reviews of the patient's progress.

(c) Charges for such services of the attending physician may be billed either directly by him or by the hospital under arrangements between the physician and the hospital. In either case, the amount payable under the program for such services may be determined in accordance with the same criteria for the determination of reasonable charges as are applicable to the services which the physician renders to his other patients (see §§ 405.501–405.508 of this Subpart E).

(d) It is recognized that there will necessarily be situations where a patient will receive medical services in the teaching setting for which payment on the basis of reasonable charges will not be applicable. For example, there will be instances where it will neither be necessary from the standpoint of the medical needs of the patient nor appropriate from the standpoint of the continuing development of the residents' competence for there to be an attending physician who carries out the responsibilities referred to in paragraph (b) of this section. Whether or not a physician makes a charge recognized under the supplementary medical insurance program for services to patients which involve the participation of residents or interns, the hospital can receive reimbursement on a cost basis for an appropriate share of the compensation it pays its residents and interns. If the teaching program is an approved educational activity of the hospital, reimbursement will also be available on a cost basis to the hospital for an appropriate share of the compensation it pays to physicians for teaching services (as opposed to professional services which contribute to the diagnosis or treatment of the patient) and for other costs of educational programs conducted by the hospital. These costs are allowable in accordance with the principles of reimbursement for provider costs (see § 405.421 of Subpart D).

(e) Nothing in the foregoing restricts the disposition of payments for services received either from the health insurance program or from beneficiaries, in accordance with agreements between hospital and physicians.

§ 405.522 Interns' and residents' services in approved teaching programs.

(a) Title XVIII of the Act gives recognition to hospital teaching programs which are duly approved in their respective fields by the Council on Medical Education of the American Medical Association, the Committee on Hospitals of the Bureau of Professional Education of the American Osteopathic Association, or the Council on Dental Education of the American Dental Association.

(b) Services of interns and residents in such approved programs are explicitly excluded from the definition of "physicians' services" (see Subpart R) and are covered as hospital services. This exclusion applies whether or not the intern or resident may be authorized to practice as a physician under the laws of the State in which he performs his services. In accordance with the basis for payment under the health insurance program for services provided by participating hospitals, the cost of the services of interns and residents is reimbursable to the hospital, specifically as a component of allowable costs defined by the principles of reimbursement for provider costs set forth in Subpart D of Part 405. Under the principles discussed in Subpart D of this Part 405, an appropriate share of the provider's total allowable costs is reimbursable under the health insurance program. (For purposes of including services of interns and residents as an element of allowable cost in accordance with these principles, recording and reporting by the hospital of the specific services rendered to individual beneficiaries is not necessary.)

(c) Conversely, services of interns and residents are not reimbursable under the health insurance program on the basis which applies to physicians' services, i.e., reasonable charges (see §§ 405.501–405.508 of this Subpart E). This distinction with respect to the basis for the health insurance program reimbursement applies to services of interns and residents whether covered by the hospital insurance program or the supplementary medical insurance program. The cost of outpatient diagnostic services (see § 405.145) covered under the hospital insurance program (see Subpart A of Part 405) and other outpatient services (see § 405.231) covered under the supplementary medical insurance program (see Subpart B of Part 405) which are provided by a hospital, including intern and resident services where involved, is reimbursed to the hospital under the health insurance program to the extent of 80 percent of the cost of services rendered to the beneficiaries after recognition of the deductible amount (see § 405.142 and § 405.240(d)). The beneficiary will incur the expense of the deductible and coinsurance amounts as determined on the basis of the hospital's charges to the beneficiary. Hospital charges may include a charge for the services of interns or residents as a specific item, or these services may be included in the general charges to the beneficiary made by the hospital for the covered services it provides.

§ 405.523 Interns' and residents' services not in approved teaching programs.

(a) The services of a hospital resident or intern who is not under an approved teaching program in the hospital are reimbursable to the hospital on a cost basis under the supplementary medical insurance program. For purposes of this section, such services shall be deemed to include services of a physician employed by the hospital who is authorized to practice only in a hospital setting. Even where such services are rendered to inpatients, the cost of the services is not an allowable cost under the hospital insurance program but is allowable under the supplementary medical insurance program.

(b) In this connection reimbursement under the health insurance program for services discussed in paragraph (a) of this section will be to the hospital in an amount of 80 percent of the cost of services rendered to the beneficiaries after recognition of the deductible. The beneficiary will incur the expense of the deductible and coinsurance amounts as determined on the basis of the hospital's charges to the beneficiary for its services that are covered under the supplementary medical insurance program.

§ 405.524 Interns' and residents' services outside the hospital.

(a) Under the hospital insurance program, the allowable costs on which reimbursement to a participating extended care facility for covered services is based may include the cost of services of an intern or resident who is under an approved teaching program in a hospital with which the facility has a transfer agreement (see § 405.1123) which provides, in part, for the transfer of patients and the interchange of medical records. Likewise, a participating home health agency may be reimbursed under the hospital insurance program for the cost of the services of an intern or resident who is under an approved teaching program of a hospital with which the home health agency is affiliated or under common control, where these services are furnished as part of the posthospital home health visits for a medicare beneficiary.

(b) Medical services of a resident or intern of a hospital which are furnished by a provider of services are reimbursed under the supplementary medical insurance program on an 80 percent of allowable cost basis if reimbursement is not provided under the hospital insurance program.

§ 405.525 Basis of reimbursement under the health insurance program for services of interns and residents.

Status of patient	Status of intern or resident [1]	Reimbursement provided under [2]	Basis of payment [3]
Hospital inpatient	Under approved program	Part A	Cost.
	Other	Part B	80 percent of cost.
Receiving outpatient hospital diagnostic services	Under approved program	Part A	Do.
	Other	Part B	Do.
Receiving therapeutic outpatient hospital services	Under approved program	do	Do.
	Other	do	Do.
Extended care facility inpatient	Under approved program of a hospital with which facility has a transfer agreement	Part A	Cost.
	Other	Part B	80 percent of cost.
Home health plan patient	Posthospital services furnished under approved programs of hospital with which the Home Health Agency is affiliated or under common control	Part A	Cost.
	Other	Part B	80 percent of cost.

[1] An "approved program" means approval by the Council on Medical Education of the AMA, by the Committee on Hospitals of the Bureau of Professional Education of the AOA, or by the Council of Dental Education of the ADA. "Other" interns and residents include, in addition to interns and residents-in-training, a physician employed by the hospital who is authorized to practice only in the hospital setting.

[2] "Part A" refers to the hospital insurance program and "Part B" refers to the supplementary medical insurance program.

[3] The term "cost" refers to reimbursement on a cost basis in accordance with the principles in Subpart D of Part 405.

[F.R. Doc. 67-10340; Filed, Aug. 30, 1967; 8:50 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 8—COLOR ADDITIVES

Subpart D—Listing of Color Additives for Food Use Exempt From Certification

Corn Endosperm Oil; Confirmation of Effective Date of Order Amending Regulation Listing for Food Use and Exempting From Certification

In the matter of establishing a regulation listing and exempting from certification the color additive corn endosperm oil for use in chicken feed:

An order in the above-identified matter was published in the FEDERAL REGISTER of March 30, 1967 (32 F.R. 5324), adding to Part 8 new § 8.322. A confirmation of effective date of said order was published in the FEDERAL REGISTER of July 11, 1967 (32 F.R. 10199), which confirmed the effective date as being May 29, 1967, and also amended § 8.322 (b) by changing the item reading "Isopropyl alcohol, not more than 50 parts per million" to read "Isopropyl alcohol, not more than 100 parts per million."

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706 (b), (c) (2), (d), 74 Stat. 399–403; 21 U.S.C. 376 (b), (c) (2), (d)) and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.120), notice is given that no objections were filed to the order of July 11, 1967, amending § 8.322(b) regarding isopropyl alcohol. Accordingly, that amendment will become effective September 9, 1967.

(Sec. 706 (b), (c) (2), (d), 74 Stat. 399–403; 21 U.S.C. 376 (b), (c) (2), (d))

Dated: August 22, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-10230; Filed, Aug. 30, 1967; 8:49 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 27—CANNED FRUITS AND FRUIT JUICES

Canned Artificially Sweetened Fruits, Certain Identity Standards; Order Listing Additional Optional Ingredients

In the matter of amending certain identity standards for artificially sweetened canned fruits to list cyclamic acid (cyclohexylsulfamic acid) as an optional nonnutritive sweetener and to list edible organic acids and salts as optional flavor-enhancing ingredients with suitable label declaration:

No comments were received in response to the notice of proposed rulemaking in the above-identified matter published in the FEDERAL REGISTER of April 19, 1967 (32 F.R. 6144), based on a petition filed by California Canners and Growers, 3100 Ferry Building, San Francisco, Calif. 94106.

The petition and other relevant information have been considered, and it is concluded that it will promote honesty and fair dealing in the interest of consumers to adopt the proposed amendments. The artificial sweetener was proposed as "cyclohexylsulfamic acid"; however, it is being listed in this order by its common or usual name "cyclamic acid."

Therefore, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and delegated by him to the Commissioner of Food and Drugs (21 CFR 2.120): *It is ordered*, That Part 27 be amended in the following respects:

1. By amending §§ 27.6 *Artificially sweetened canned peaches; identity; label statement of optional ingredients*, 27.14 *Artificially sweetened canned apricots* * * *, 27.24 *Artificially sweetened canned pears* * * *, 27.34 *Artificially sweetened canned cherries* * * *, 27.43 *Artificially sweetened canned fruit cocktail* * * *, and 27.73 *Artificially sweetened canned figs* * * *, as follows:

a. By adding "cyclamic acid" following "sodium cyclamate" in the list of artificial sweeteners in paragraph (a) of each section.

b. By revising the last sentence of paragraph (a) of each section to read "Such packing medium may be thickened with pectin and may contain any mixture of any edible organic salt or salts and any edible organic acid or acids as a flavor-enhancing agent, in a quantity not more than is reasonably required for that purpose."

c. By adding to paragraph (b) (2) of each section a new sentence reading "When any organic salt or acid or any mixture of two or more of these is added, the label shall bear the common or usual name of each such ingredient."

2. By adding to § 27.1 *Definitions* a new paragraph, as follows:

(g) The terms "edible organic acid" and "edible organic salt" refer to any edible organic acid and any edible organic salt added for the purpose of flavor enhancement that either is not a food additive as defined in section 201(s) of the Federal Food, Drug, and Cosmetic Act or, if it is a food additive as so defined, is used in conformity with regulations established pursuant to section 409 of the act.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in six copies.

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, ex-

cept as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: August 22, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-10296; Filed, Aug. 30, 1967; 8:49 a.m.]

PART 42—EGGS AND EGG PRODUCTS

Dried Eggs and Dried Yolks, Identity Standards; Silicon Dioxide as Optional Ingredient

In the matter of amending the standards of identity for dried eggs (21 CFR 42.30) and dried yolks (21 CFR 42.60) by listing silicon dioxide as an optional anticaking ingredient:

No comments were received in response to the notice of proposed rulemaking in the above-identified matter published in the FEDERAL REGISTER of May 4, 1967 (32 F.R. 6844), based on a petition filed by W. R. Grace & Co., Davison Chemical Division, 101 North Charles Street, Baltimore, Md. 21203.

The petition and other relevant information have been considered, and it is concluded that it will promote honesty and fair dealing in the interest of consumers to adopt the amendments as proposed. Therefore, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and delegated by him to the Commissioner of Food and Drugs (21 CFR 2.120): *It is ordered*, That §§ 42.30 and 42.60 be amended as set forth below.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in six copies.

Effective date. This order shall become effective 30 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: August 22, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

Sections 42.30 (a) and (d)(1) and 42.60 (a) and (d)(1) are amended to read as follows:

§ 42.30 Dried eggs, dried whole eggs; identity; label statement of optional ingredients.

(a) Dried eggs, dried whole eggs are prepared by drying liquid eggs that conform to § 42.10, with such precautions that the finished food is free of viable *Salmonella* micro-organisms. They may be powdered. Before drying, the glucose content of the liquid eggs may be reduced by one of the optional procedures set forth in paragraph (b) of this section. Either silicon dioxide complying with the provisions of § 121.1060 of this chapter or sodium silicoaluminate may be added as an optional anticaking ingredient, but the amount of silicon dioxide used is not more than 1 percent and the amount of sodium silicoaluminate used is less than 2 percent by weight of the finished food. The moisture content of the finished food, if an optional anticaking ingredient is used, does not exceed 5 percent by weight; however, if an optional anticaking ingredient is not used, the moisture content may exceed 5 percent, but it does not exceed 8 percent. The moisture content is determined by the method prescribed in "Official Methods of Analysis of the Association of Official Agricultural Chemists," 10th edition, 1965, p. 257, sections 16.002 and 16.003, under "Total Solids."

* * * * *

(d) (1) When either of the optional anticaking ingredients specified in paragraph (a) of this section is used, the label shall bear the statement "Not more than 1 percent silicon dioxide added as an anticaking agent" or "Less than 2 percent sodium silicoaluminate added as an anticaking agent," whichever is applicable.

* * * * *

§ 42.60 Dried egg yolks, dried yolks; identity; label statement of optional ingredients.

(a) Dried egg yolks, dried yolks is the food prepared by drying egg yolks that conform to § 42.40, with such precautions that the finished food is free of viable *Salmonella* micro-organisms. Before drying, the glucose content of the liquid egg yolks may be reduced by one of the optional procedures set forth in paragraph (b) of this section. Either silicon dioxide complying with the provisions of § 121.1060 of this chapter or sodium silicoaluminate may be added as an optional anticaking ingredient, but the amount of silicon dioxide used is not more than 1 percent and the amount of sodium silicoaluminate used is less than 2 percent by weight of the finished food. The moisture content of the finished food, if an optional anticaking ingredient is used, does not exceed 5 percent by weight; however, if an optional anticaking ingredient is not used, the moisture content may exceed 5 percent but does not exceed 8 percent. The moisture content is determined by the method prescribed in "Official Methods of Analysis of the Association of Official Agricultural Chemists," 10th edition, 1965, p. 257, sections 16.002 and 16.003, under "Total Solids."

* * * * *

(d) (1) When either of the optional anticaking ingredients specified in paragraph (a) of this section is used, the label shall bear the statement "Not more than 1 percent silicon dioxide added as an anticaking agent" or "Less than 2 percent sodium silicoaluminate added as an anticaking agent," whichever is applicable.

* * * * *

[F.R. Doc. 67-10297; Filed, Aug. 30, 1967; 8:49 a.m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

O-Ethyl S-Phenyl Ethylphosphonodithioate

A petition (PP 7F0548) was filed with the Food and Drug Administration by the Stauffer Chemical Co., 1200 South 47th Street, Richmond, Calif. 94804, proposing the establishment of tolerances for residues of the insecticide *O*-ethyl *S*-phenyl ethylphosphonodithioate in or on the raw agricultural commodities asparagus, corn fodder or forage (including sweet corn, field corn, and popcorn), corn grain (including sweet corn, field corn, and popcorn), corn with kernels plus cob with husks present (including sweet corn, field corn, and popcorn), peanut hay, peanuts, potatoes, sugar beets (tops and roots), and sweet potatoes at 0.07 part per million.

Subsequently, the petitioner modified the petition by changing the proposed tolerance from 0.07 part per million to 0.1 part per million and by revising the corn crop items to read as follows: Fresh corn including sweet corn (kernels plus cob with husks removed), corn grain (includes popcorn), corn forage or fodder (including sweet corn, field corn, and popcorn).

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which the tolerances are being established.

Based on consideration given data submitted in the petition, and other relevant material, the Commissioner of Food and Drugs concludes that the tolerances established in this order will protect the public health. Therefore, by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated by him to the Commissioner (21 CFR 2.120), Part 120 is amended as follows:

1. Section 120.3(e)(5) is amended by alphabetically inserting in the list of cholinesterase-inhibiting pesticides two new items, as follows:

§ 120.3 Tolerances for related pesticide chemicals.

* * * * *

(e) * * *

(5) * * *

O-Ethyl *S*-phenyl ethylphosphonodithioate.
O-Ethyl *S*-phenyl ethylphosphonothioate.

* * * * *

2. A new section is added to Subpart C as follows:

§ 120.221 *O*-Ethyl *S*-phenyl ethylphosphonodithioate; tolerances for residues.

Tolerances are established for negligible residue of the insecticide *O*-ethyl *S*-phenyl ethylphosphonodithioate including its oxygen analog (*O*-ethyl *S*-phenyl ethylphosphonothioate) in or on asparagus, fresh corn including sweet corn (kernels plus cob with husk removed), corn grain (includes popcorn), corn forage or fodder (including sweet corn, field corn, and popcorn), peanuts, peanut hay, potatoes, sugar beets (tops and roots), and sweet potatoes at 0.1 part per million.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: August 23, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-10298; Filed, Aug. 30, 1967; 8:49 a.m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Atrazine

A petition (PP 7F0525) was filed with the Food and Drug Administration by Geigy Chemical Co., Ardsley, N.Y. 10502, proposing the establishment of tolerances for residues of the herbicide atrazine (2-chloro-4-ethylamino-6-isopropylamino-s-triazine) in or on corn and sorghum forage at 30 parts per million and in or on corn and sorghum grains at 1 part per million. Subsequently, the petitioner revised the proposal to request tolerances for residues of atrazine in or on fresh corn including sweet corn (kernels plus cobs with husks removed), corn grain (includes popcorn), and sorghum grain at 0.25 part per million; in or on corn forage or fodder (including field corn, sweet corn, and popcorn) and sorghum fodder and forage at 15 parts per million.

The Secretary of Agriculture has certified that this herbicide is useful for the purposes of which the tolerances are being established.

Based on consideration given the data submitted in the petition, and other relevant material, the Commissioner of Food and Drugs concludes that the tolerances established by this order will protect the public health. Therefore, by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated by him to the Commissioner (21 CFR 2.120), Part 120 is amended by adding the following new section to Subpart C:

§ 120.220 Atrazine; tolerances for residues.

Tolerances for residues of the herbicide atrazine (2-chloro-4-ethylamino-6-isopropylamino-s-triazine) in or on raw agricultural commodities are established as follows:

15 parts per million in or on corn forage or fodder (including field corn, sweet corn, and popcorn) and sorghum fodder and forage.

0.25 part per million in or on fresh corn including sweet corn (kernels plus cobs with husks removed), corn grain (includes popcorn), and sorghum grain.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: August 22, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-10235; Filed, Aug. 30, 1967; 8:49 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

METHYLENE CHLORIDE

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 7A2061) filed by the Coca-Cola Co., Post Office Drawer 1734, Atlanta, Ga. 30301, and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use of methylene chloride as a solvent in extracting caffeine from green coffee beans. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), § 121.1039 is amended by adding a new paragraph, as follows:

§ 121.1039 Methylene chloride.

* * * * *

(c) In coffee as a residue from its use as a solvent in the extraction of caffeine from green coffee beans, at a level not to exceed 10 parts per million (0.001 percent) in decaffeinated roasted coffee and in decaffeinated soluble coffee extract (instant coffee).

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: August 23, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-10236; Filed, Aug. 30, 1967; 8:49 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

SILICON DIOXIDE; CALCIUM SILICATE

No comments were received in response to the notice published in the FEDERAL REGISTER of May 4, 1967 (32 F.R. 6844), proposing amendments to the food additive regulations to permit use of silicon dioxide as an anticaking agent in infant foods and calcium silicate as an anticaking agent in infant foods and foods for special dietary uses, within certain conditions. The Commissioner of Food and Drugs concludes that the amendments should be adopted as proposed.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(d), 72 Stat. 1787; 21 U.S.C. 348(d)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), Part 121 is amended as follows:

§ 121.1058 [Amended]

1. Section 121.1058 *Silicon dioxide* is amended by deleting subparagraph (3) of paragraph (b).

2. Section 121.1135 is revised to read as follows:

§ 121.1135 Calcium silicate.

Calcium silicate, including synthetic calcium silicate, may be safely used in food in accordance with the following prescribed conditions:

(a) It is used as an anticaking agent in food in an amount not in excess of that reasonably required to produce its intended effect.

(b) It will not exceed 2 percent by weight of the food, except that it may be present up to 5 percent by weight of baking powder.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(d), 72 Stat. 1787; 21 U.S.C. 348(d))

Dated: August 22, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-10234; Filed, Aug. 30, 1967; 8:49 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

DEFOAMING AGENTS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 7A2133) filed by General Foods Corp., White Plains, N.Y. 10602, and other relevant information, has concluded that the food additive regulations should be amended to provide for the safe use of dimethylpolysiloxane as a defoaming agent in gelatin dessert mixes. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), § 121.1099(a)(2) is amended by changing the item "Dimethylpolysiloxane * * *" in the table to read as follows:

§ 121.1099 Defoaming agents.

(a) * * *
(2) * * *

Substances	*Limitations*
* * *	* * *
Dimethylpolysiloxane (substantially free from hydrolysable chloride and alkoxy groups; no more than 18 percent loss in weight after heating 4 hours at 200° C.; viscosity 300–600 centistokes at 25° C.; refractive index 1.400–1.404 at 25° C.).	10 parts per million in food, except zero in milk; 110 parts per million in dry gelatin dessert mixes labeled for use whereby no more than 16 parts per million is present in the ready to serve dessert; 280 parts per million in salt labeled for cooking purposes, whereby no more than 10 parts per million is present in the cooked food.
* * *	* * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: August 23, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-10281; Filed, Aug. 30, 1967; 8:49 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

FERMENTATION-DERIVED, MILK-CLOTTING ENZYME

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 7J2103) filed by Miles Laboratories, Inc., 1127 Myrtle Street, Elkhart, Ind. 46514, and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use in the production of certain cheeses of a milk-clotting enzyme derived from *Bacillus cereus* by a pure-culture fermentation process. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), § 121.1199 is revised to read as follows:

§ 121.1199 Fermentation-derived, milk-clotting enzyme.

Milk-clotting enzyme produced by pure-culture fermentation process may be safely used in the production of cheese in accordance with the following prescribed conditions:

(a) Milk-clotting enzyme is derived from one of the following organisms by a pure-culture fermentation process:

(1) *Endothia parasitica* classified as follows: Class, *Ascomycetes;* order, *Sphaeriales;* family, *Diaporthaceae;* genus, *Endothia;* species, *parasitica.*

(2) *Bacillus cereus* classified as follows: Class, *Schizomycetes;* order, *Eubacteriales;* family, *Bacillaceae;* genus, *Bacillus;* species, *cereus* (Frankland and Frankland).

(b) The strains of organisms identified in paragraph (a) of this section are nonpathogenic and nontoxic in man or other animals.

(c) The additive is produce by a process that completely removes the generating organism from the milk-clotting enzyme product.

(d) The additive is used in an amount not in excess of the minimum required to produce its intended effect in the production of those cheeses for which it is permitted by standards of identity established pursuant to section 401 of the act, except that the enzyme derived from *Bacillus cereus* is not suitable for use in the production of the standardized cheeses identified by §§ 19.540 and 19.542 of this chapter.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: August 22, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-10232; Filed, Aug. 30, 1967; 8:49 a.m.]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108-567]

PART 42—VISAS: DOCUMENTATION OF IMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

Immigration Pool for Fiscal Year 1968

Part 42, Chapter I, Title 22 of the Code of Federal Regulations is being amended to show the amount of quota numbers which are available in the immigration pool established by section 201(d) of the Act for the fiscal year ending June 30, 1968.

Section 42.60(b) is amended to read as follows:

§ 42.60 Allocation of numbers during the transition period.

* * * * *

(b) The amount of quota numbers which remained unused on June 30, 1967, and which are available for distribution pursuant to section 201(d) of the Act prior to July 1, 1968, is 88,399.

* * * * *

Effective date. The amendment to the regulations contained in this order shall become effective upon publication in the FEDERAL REGISTER.

The provisions of section 4 of the Administrative Procedure Act (80 Stat. 383; 5 U.S.C. 553) relative to notice of proposed rule making are not applicable to this order because the regulation contained herein involves foreign affairs functions of the United States.

(Sec. 104, 66 Stat. 174; 8 U.S.C. 1104)

BARBARA M. WATSON,
Acting Administrator, Bureau of Security and Consular Affairs.

AUGUST 25, 1967.

[F.R. Doc. 67-10249; Filed, Aug. 30, 1967; 8:50 a.m.]

Title 29—LABOR

Chapter IV—Office of Labor-Management and Welfare-Pension Reports, Department of Labor

SUBCHAPTER B—WELFARE-PENSION REPORTS

PART 463—REPORTING REQUIREMENTS FOR PLANS COVERING LESS THAN 100 PARTICIPANTS

Miscellaneous Amendments

On February 9, 1967, notice was published in the FEDERAL REGISTER (32 F.R. 2709) of a proposal to amend Form D-3. Form D-3[1] serves to identify employee welfare or pension benefit plans covering fewer than 100 participants, which are otherwise exempt from the reporting requirements of section 7 of the Welfare and Pension Plans Disclosure Act. The proposed amendments to the form would require further entries reflecting any changes in identification or address of plans so reporting, whether the reporting plan has been amended during the reporting year, whether the plan is protected by a bond as required by the Act, and whether any losses have been incurred by the reporting plan during the year through the fraud or dishonesty of its administrators, officers or employees.

The notice also proposed parallel changes in 29 CFR Part 463 to change the Title of the part, to delete a reference to material required in the old Form D-3, to indicate that one copy (rather than two) of the new form will be required, and to insert the word "revised" after a reference to the Form D-3.

Interested persons were offered 30 days from the date of publication to offer comments concerning the proposed revision of the form and regulation. No comments were received.

Accordingly, the revised Form D-3, and the amendments to 29 CFR Part 463 are adopted as proposed. Therefore, under the authority of sections 5 and 7 of the Welfare and Pension Plans Disclosure Act (72 Stat. 999, 1000; 76 Stat. 36, 37; 29 U.S.C. 304, 306), Secretary's Order No. 24-63 (28 F.R. 9172), and Secretary's Order No. 25-63 (28 F.R. 9173), Part 463 of Title 29 CFR is hereby amended as follows:

1. The title to Part 463 is hereby amended to read as set forth above.

2. Section 463.3 of Part 463 is hereby amended to read as follows:

§ 463.3 Identification of plans covering less than 100 participants.

The administrator of any covered employee welfare or pension benefit plan covering less than 100 participants is not required to publish (as otherwise required by sections 8 (a) and (b) of the Act) the annual financial report specified in section 7 of the Act: *Provided, however,* That the administrator of such a plan shall submit one copy of U.S. Department of Labor Form D-3 (Revised) completed and executed in accordance with instructions contained thereon. Such form shall be submitted within 150 days after the end of each calendar, policy, or other fiscal year during which the plan covers less than 100 participants, as provided in § 463.4. Copies of the Form may be obtained by request directed to the Office of Labor-Management and Welfare-Pension Reports, U.S. Department of Labor, Washington, D.C. 20210.

This amendment shall take effect on September 1, 1967.

Signed at Washington, D.C., this 24th day of August 1967.

THOMAS R. DONAHUE,
Labor-Management Services Administrator.

[F.R. Doc. 67-10306; Filed, Aug. 30, 1967; 8:47 a.m.]

[1] Filed as part of the original document.

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER E—DEFENSE CONTRACTING

PART 169—COMMERCIAL OR INDUSTRIAL ACTIVITIES

The Deputy Secretary of Defense approved the following:

Sec.
169.1 Purpose.
169.2 Definitions.
169.3 Background.
169.4 Policy.

Sec.
169.5 Responsibility and delegations.
169.6 Implementation.

AUTHORITY: The provisions of this Part 169 issued under Title 5 U.S.C. 301, and Title 5 U.S.C. 552.

§ 169.1 Purpose.

This part implements Bureau of the Budget Circular No. A–76[1] and prescribes Department of Defense policy governing the establishment and operation of DoD commercial or industrial activities by the Military Departments and Defense Agencies (hereinafter referred to collectively as "DoD Components").

§ 169.2 Definitions.

(a) *DoD Commercial or Industrial Activities.* Activities operated and managed by DoD Components to provide for Government use products or services obtainable from private commercial sources.

(b) *Private commercial sources.* Private business concerns which provide products or services available to Government Agencies, and which are located in the United States, its territories and possessions, the District of Columbia, or the Commonwealth of Puerto Rico.

(c) *New start.* A newly established DoD commercial or industrial activity or a reactivation, expansion, modernization or replacement of such an activity involving additional capital investment of $25,000 or more or additional annual costs of production of $50,000 or more. Consolidation of two or more activities without increasing the overall total amount of products or services provided is not a new start.

(d) *Contract support services.* Services procured from private commercial sources in support of DoD functions.

§ 169.3 Background.

Bureau of the Budget Circular No. A–76 outlines the principle that: (a) Government Departments and Agencies will rely on the private enterprise system for the provision of required products or services to the maximum extent consistent with effective and efficient accomplishment of their programs; and (b) in some circumstances, it is in the national interest for the Government to provide directly the products and services it uses, and that only under those circumstances will a Department or Agency continue the operation of a Government commercial or industrial activity, or initiate a new start. In conformance with this principle, the Department of Defense depends upon both private and Government commercial or industrial sources for the provision of products and services, with the objective of meeting its military readiness requirements with maximum cost effectiveness.

§ 169.4 Policy.

(a) DoD commercial or industrial activities may be continued in operation or initiated as new starts only when a clear determination is made that one or more of the following circumstances exist:

(1) Procurement of a product or service from a commercial source would disrupt or materially delay an agency's program.

(2) It is necessary for the Government to conduct a commercial or industrial activity for purposes of combat support or for individual and unit retraining of military personnel or to maintain or strengthen mobilization readiness.

(3) A satisfactory commercial source is not available and cannot be developed in time to provide a product or service when it is needed.

(4) The product or service is not available from another Federal agency nor from commercial sources.

(5) Procurement of the product or service from a commercial source will result in higher total cost to the Government.

(b) Within the limitations prescribed in paragraph (a) of this section, DoD Components will be equipped and staffed to carry out effectively and economically those commercial or industrial activities which must be performed internally in order to meet military readiness requirements. All other required products or services will be obtained in the manner least costly to the Government (by contract, by procurement from other Government Agencies, or from DoD commercial or industrial activities).

(c) Although DoD Components will rely primarily upon private commercial sources for required products and services, this policy will not be used as authority for methods of contract personnel procurement not authorized by law, nor as a means of avoiding Government personnel or salary limitations.

(d) DoD Components will continue to perform for themselves those basic functions of management necessary to retain essential control over the conduct of their programs. These include selection, training and direction of Government personnel, assignment of organizational responsibilities, planning of programs, establishment of performance goals and priorities, and evaluation of performance. Where required, commercial contract sources may be used to provide professional staff advisory and other support services related to these internal functions, provided that the Government's fundamental responsibility for controlling and managing its programs is not compromised or weakened.

§ 169.5 Responsibilities and delegations.

(a) *Assistant Secretary of Defense (Installations and Logistics).* The ASD (I&L) will:

(1) Provide the instructions necessary to implement the requirements of this part;

(2) Approve or disapprove all requests for new starts of DoD commercial or industrial activities;

(3) Exempt selected DoD commercial or industrial activities from review, as provided in section 7c(1) of Bureau of Budget Circular No. A–76;

(4) Maintain an inventory of DoD commercial or industrial activities and contract support service functions; and

(5) Conduct, in collaboration with the Assistant Secretaries of Defense (Comptroller) and (Manpower), a continuing program for improving management and cost effectiveness in the performance of DoD commercial or industrial activities and contract support service functions.

(b) *DoD components.* The Secretaries of the Military Departments and the Directors of Defense Agencies:

(1) Will carry out the requirements of this part in accordance with the instructions issued by the Assistant Secretary of Defense (I&L) under paragraph (a) (1) of this section; and

(2) Are authorized to act for the Secretary of Defense, except for new starts, in making decisions to continue, discontinue, or curtail commercial or industrial activities operated by their respective Departments or Agencies. Within the Military Departments, this authority may be redelegated to an Assistant Secretary, and in Defense Agencies, to a Deputy Director, or an official of equivalent rank.

§ 169.6 Implementation.

It is intended that the continued implementation of this policy will:

(1) Result in the maximum practicable reduction in DoD commercial or industrial activities, consistent with § 169.4 above; and

(2) Provide economies in DoD procurement of products and services.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[F.R. Doc. 67–10186; Filed, Aug. 30, 1967; 8:45 a.m.]

SUBCHAPTER M—MISCELLANEOUS

PART 267—ENGINEERING DATA FILES

Concept

The following new paragraph has been added to § 267.4:

§ 267.4 Concept.

* * * * *

(c) DoD standard data elements and codes established in accordance with the provisions of DoD Directive 5000.11, "Data Elements and Data Codes Standardization Program," dated December 7, 1964,[1] and DoD Instruction 5000.12, "Data Elements and Data Codes Standardization Procedures," dated April 27, 1965,[1] will be used in the management of engineering data where available. Other data elements and codes used therefor are interim and subject to change after being standardized under the provisions of DoD Directive 5000.11 and DoD Instruction 5000.12.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration)

AUGUST 24, 1967.

[F.R. Doc. 67–10187; Filed, Aug. 30, 1967; 8:45 a.m.]

[1] Copies available at Bureau of the Budget Publication Counter Executive Office Building, 17th and Pennsylvania Avenue NW., Washington, D.C. 20503.

[1] Filed as part of original document. Single copies available from Naval Supply Depot, 5801 Tabor Avenue, Philadelphia, Pa. 19120. Attn.: Code 900.

Chapter VII—Department of the Air Force

MISCELLANEOUS AMENDMENTS TO CHAPTER

Chapter VII of Title 32 of the Code of Federal Regulations is amended as follows:

SUBCHAPTER A—ADMINISTRATION

PART 807—ISSUING AIR FORCE PUBLICATIONS AND FORMS OUTSIDE THE AIR FORCE

A new Part 807 is added as follows:

Sec.
807.1 Issue of publications and forms to the public.
807.2 Issues to commercial activities and other Government agencies.

AUTHORITY: The provisions of this Part 807 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012.

SOURCE: Chapter 7, AFM 7–1, July 10, 1967.

§ 807.1 Issue of publications and forms to the public.

(a) Up to 50 copies of an unclassified Air Force publication, form, chart, directory, etc. may be issued free to a private U.S. citizen or organization unless:

(1) Such issue is contrary to Air Force interests.

(2) Existing stocks are in short supply.

(3) The requested item is on sale at the U.S. Government Printing Office (GPO). The numerical indexes of publications usually show which publications are on sale there. Requesters of such documents are referred to the Superintendent of Documents, GPO, Washington, D.C. 20402.

(b) More than 50 copies of unclassified publications may be issued free to the public in the following instances:

(1) When the total cost of the items to be released is less than $50.

(2) Otherwise, when the Congressional Joint Committee on Printing specifically approves the issue. (Send letters requesting approval to Hq USAF (AFDASD)—identify the individual or organization making the request; show the title of the publication and the number of copies requested; and justify the issue.)

(3) When obsolete unclassified OJT Package Programs are to be salvaged, any quantity may be offered free to local nonprofit organizations, such as local Boy Scout troops, boys' clubs, YMCA's, YWCA's.

§ 807.2 Issues to commercial activities and other Government agencies.

The following table shows when Air Force publications and forms may be issued outside Air Force channels without charge.

ISSUANCE OF AIR FORCE PUBLICATIONS AND FORMS OUTSIDE AIR FORCE CHANNELS

When AF publication or form requested—	And issue is—	Then it is available—	And may be obtained from—
Concerns invitation for bid.		For review by prospective bidders.	The AF procurement authority concerned.
Is needed in connection with contract performance.	One-time issue to contractor.	Free	The Air Force or Defense Supply Agency (DSA) official responsible for administering the contract.
	Follow-up or recurring issue to contractor of Federal Supply Catalog handbooks and manual chapters.	Free when guaranteed by contract (otherwise contractor must purchase from Superintendent of Documents, GPO).	
	Follow-up or recurring issue to contractor of AF publication or form.	Free when the AF contract administering official determines issue to be necessary to contract performance.	
Is desired in small quantities (see note).	One-time issue to another Government agency (including Defense agencies such as DSA, DIA, DCA) except Army and Navy.	Free, subject only to security regulations.	PDO or other issuing activity.

NOTE: Recurring requests and requests for large quantities are referred to the procuring headquarters for determination of whether reimbursement is required.

SUBCHAPTER C—PUBLIC RELATIONS

PART 839—THE SCIENTIFIC AND TECHNICAL INFORMATION (STINFO) PROGRAM

A new Part 839 is added as follows:

Sec.
839.1 Purpose.
839.2 Objective.
839.3 Definitions.
839.4 Furnishing direct or indirect support of nonprofit (nongovernmental) scientific and technical publications.
839.5 Services of the Defense Documentation Center (DDC).
839.6 DoD policy on disseminating scientific and technical information.
839.7 Disposing of classified DDC documents.

AUTHORITY: The provisions of this Part 839 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012.

SOURCE: AFR 80–20, May 16, 1964; AFR 80–20A, Jan. 1, 1966.

§ 839.1 Purpose.

This part explains the Air Force's responsibilities for the transfer of information under the Scientific and Technical Information (STINFO) Program established by the Department of Defense (DoD). It outlines the procedures for using the centralized documentation service provided by the Defense Documentation Center (DDC) under the STINFO Program.

§ 839.2 Objective.

This program is a basic and integral part of the research, development, test, and evaluation (RDT&E) function of the DoD. The objective of the STINFO program is:

(a) To insure that scientific and technical information generated by RDT&E programs is used to provide the maximum contribution to the advancement of science and technology; and

(b) To improve the RDT&E processes by upgrading the efficiency of management activities at all levels, from policy and staff elements to field activities.

§ 839.3 Definitions.

As used in this part, the following terms apply:

(a) *Contractor.* Any industrial, educational, commercial, or other entity that has executed a contract, or a DoD security agreement (DD Form 441), with a DoD agency or activity.

(b) *Potential contractor.* An organization outside the DoD that a sponsoring DoD activity has declared eligible for document services on the basis of participation in certain Army and Navy programs or in the Department of the Air Force Technical Objectives Document Release Program.

(c) *Grantee.* An organization outside DoD that has been awarded a grant of funds (in lieu of contract funding) by a sponsoring DoD activity.

(d) *Sponsoring DoD activity.* The DoD activity or office (e.g., project office or system program office) that is directly responsible for initiating or supervising a program established by a contract, grant, or study agreement. (In the Air Force, a "sponsoring RDT&E activity.")

(e) *Abstract.* A brief and factual summary of a document. An indicative abstract tells what the author wrote about; it refers to the purpose, the method, the results, and the conclusions. For greatest usefulness in this program, the abstract of a classified report should be unclassified, or should include only descriptive statements with the lowest possible security classification.

(f) *Document.* A formal record of scientific and technical information that results from a RDT&E effort of the DoD. (Note that in this program, "information" refers to the meaning or content of a technical article and is not a synonym for the word "document.")

(g) *Technical report.* A document; a permanent written record to document the results of, and recommendations on,

scientific and technical activities relating to a single project, task, or contract, or relating to a small group of closely connected efforts within the DoD R&D program.

(h) *Documentation center.* The Defense Documentation Center (DDC) which provides the DoD-wide service for the acquisition, storage, announcement, retrieval, and secondary distribution of technical documents.

(i) *Secondary distribution.* The distribution of documents in response to requests received after the primary distribution has been completed.

(j) *Primary distribution.* The publication and initial distribution of the original manuscript of a scientific or technical report.

(k) *Scientific and technical information.* Includes documentary, information, and reference products or services in the form of technical information either generated by or gathered for the research, development, test, and evaluation programs of the DoD. The related bibliographies, indexes, announcements and state-of-the-art studies are also included. The words "technical information" in this part shall refer to scientific and technical information.

(l) *Dissemination activity.* A DoD activity or DoD-sponsored activity, such as the Defense Documentation Center for Scientific and Technical Information, an information analysis center, a major technical library, or any secondary distribution or release activity which provides technical information to eligible users beyond the local unit.

(m) *Eligible user.* Any U.S. Government office, U.S. Government contractor, U.S. Government subcontractor, U.S. Government grantee, DoD potential contractor or other U.S. entity whose eligibility and need to receive DoD technical information has been certified.

(n) *Controlled information.* A generic term which includes all information which is subject to some official restriction on its unlimited dissemination. This includes information subject to protection (1) By security regulations, (2) for proprietary, ethical, privileged or certain administrative reasons, (3) against unauthorized disclosure of certain official information, and (4) for reasons requiring special access controls as may be provided by other existing DoD directives or instructions.

§ 839.4 Furnishing direct or indirect support of nonprofit (nongovernmental) scientific and technical publications.

As part of its effort to make known research results to other Government activities, contractors, and to the general scientific community, the RDT&E activity may use its research and development funds to support certain nonprofit scientific and technical publications (i.e., journals, monographs, proceedings of meetings, abstracting and indexing publications and services, bibliographies, reviews, etc.). These publications may receive either direct or indirect support as follows:

(a) A nonprofit publication may receive direct support when it meets all of these conditions:

(1) The information it publishes is unclassified and has been officially released for publication.

(2) The publication requests Air Force support. If it is an existing publication in financial difficulty, it must show promise of reverting to a self-supporting basis as soon as the emergency is over; if it is a proposed new publication, it must show promise of financial self-sufficiency within a 3-year period. No publication may receive long-term support.

(3) The publication must relate to, and promise a contribution in, the scientific and technological area of primary concern to the sponsoring RDT&E activity that is significant enough to merit the expenditure of the funds requested.

(4) The publication must devote at least 50 percent of its pages (in each volume) to the first nongovernmental reporting of original research or development.

(5) The publication must levy page charges, or must present an acceptable alternative plan for obtaining an equitable portion of its fixed publication costs from the funds that support the work it reports (e.g., sale of reprints).

(6) The sales price of the publication must compare with that of similar publications issued without direct subsidy, and must be equal to (or greater than) the unit production cost.

(b) A nonprofit publication may receive indirect support (that is, through the Air Force payment of page charges or purchase of reprints) when the publication meets all of these conditions:

(1) The information must be unclassified and officially released for publication.

(2) The publication of the information must facilitate an Air Force program or mission, and must be consistent with the actual need to disseminate the information.

(3) The page charges must be consistent with those charged to nongovernment authors.

(4) The publisher must grant the supporting Air Force agency the right to reproduce the articles for U.S. Government use.

(c) The approving authority for indirect or direct support of nonprofit publications is as follows:

(1) For the publication of in-house research, the project supervisor at a higher level than the author.

(2) For the publication of contractual research, the contracting officer.

§ 839.5 Services of the Defense Documentation Center (DDC).

This Center is under the management control of the Director of Defense Research and Engineering (DDR&E), and under the operational control of the Defense Supply Agency; the DDC provides these centralized services for the DoD:

(a) Provides centralized documentation services, as follows:

(1) Acquires, stores, announces, retrieves, and provides secondary distribution of STINFO documents to all DoD components and other Government agencies; to their contractors, grantees, and potential contractors; and to other qualified users under the rules and procedures outlined in this part.

(2) Transmits all unclassified documents that have been approved for public release, to the Federal agency (such as the Department of Commerce) responsible for their dissemination to the general public.

(3) Maintains and improves a working vocabulary of terms for use in handling scientific and technical information throughout the DoD RDT&E effort.

(4) Tests, evaluates, and applies techniques and equipment that have direct application to the improved distribution of scientific and technical documents.

(5) Upon request, prepares special document and abstract listings.

(6) Upon request, provides special services for the dissemination of its holdings and acquisitions, or for the dissemination of related bibliographic data, abstracts, and index terms.

(b) Provides DoD clearinghouse and referral service, as follows:

(1) Maintains a clearinghouse (in the form of an index) of current RDT&E programs.

(2) Establishes a centralized directory and provides referral service on scientific and technical information activities generated within DoD.

(c) Issues Technical Abstract Bulletins, as follows:

(1) Issues well-indexed announcements promptly concerning newly acquired scientific and technical documents.

(2) Notifies each information center quickly of the availability of scientific and technical documents.

§ 839.6 DoD policy on disseminating scientific and technical information.

The DoD disseminates technical information in support of its RDT&E programs and in support of similar programs in other U.S. Government agencies. This information is disseminated only to organizations whose official U.S. Government connections are certified and whose requests are within the scope of their certified field-of-interest requirements and facility clearances.

(a) A uniform certification procedure will be used for the effective control of the flow of technical information.

(b) Certification shall be according to subject fields and groups of interest and recorded on DD Form 1540, "Registration for Scientific and Technical Information Services." This certification is a warranty that the user's official responsibilities require his access to technical information that can be described by one or more of the prescribed fields or groups shown on the back of this form.

§ 839.7 Disposing of classified DDC documents.

When these documents have served their purpose, the user will not return them to the DDC, but will destroy them as explained in this section; no notice of their disposition is required by DDC.

(a) If the user obtained them under a DoD contract, study, or agreement, he may retain them or destroy them, whichever he is authorized to do under paragraph 14 of the Industrial Security Manual for Safeguarding Classified Information.

(b) If the user obtained them under an agreement with another agency in the Executive Branch of the U.S. Government, he must dispose of them as instructed by that agency.

CHAPTER II—AIR FORCE RESERVE OFFICERS' TRAINING CORPS

PART 874—AIR FORCE SUBSISTENCE ALLOWANCE AND RATES OF COMMUTATION IN LIEU OF UNIFORMS

A new Part 874 is added as follows:

Sec.
- 874.1 Purpose.
- 874.2 Pay and allowance entitlement.
- 874.3 Definitions.
- 874.4 Classification of senior AFROTC units.
- 874.5 Subsistence allowances.
- 874.6 Commutation rates.
- 874.7 Commutation rates for Air Force ROTC cadet uniforms.
- 874.8 Qualifying for special rate of commutation.
- 874.9 Restrictions on use of commutation of uniform funds.
- 874.10 Disposition of unexpended commutation of uniform funds.

AUTHORITY: The provisions of this Part 874 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012, except as otherwise noted.

SOURCE: AFR 45-25, July 12, 1967.

§ 874.1 Purpose.

This part prescribes the uniform rates of subsistence allowance and commutation in lieu of uniforms for members of the Senior Air Force Reserve Officers' Training Corps (AFROTC). It establishes criteria for classifying senior AFROTC units at educational institutions.

§ 874.2 Pay and allowance entitlement.

The entitlement portions of this part have been approved by the Department of Defense, Military Pay and Allowance Committee, under procedures prescribed by the Secretary of Defense in accordance with 37 U.S.C. 1001.

§ 874.3 Definitions.

In this part the following terms apply:

(a) *Aerospace Studies (AS).* The official designation of the AFROTC program of instruction.

(b) *Field training.* (1) A 4-week field training program (AS 300) for POC (paragraph (d) of this section) cadets who are members of the 4-year program.

(2) A 6-week field training program (AS 250) for POC candidates which is a prerequisite for membership in the 2-year program.

The 4- and 6-week field training programs are both conducted at Air Force installations. They are considered to be the equivalent of summer camp or practice cruise training.

(c) *General Military Course (GMC).* The first and second year of the 4-year program consisting of Aerospace Studies 100 and 200. This is the basic course of the AFROTC.

(d) *Professional Officer Course (POC).* The third and fourth year of the 4-year program of aerospace studies, and the first and second year respectively of the 2-year program (AS 300 and 400). This is the advanced course of the AFROTC.

(e) *Financial Assistance Program (FAP).* A program in which selected cadets of the 4-year program receive educational financial assistance, including tuition fees, laboratory fees, books, and a monthly subsistence allowance (see § 874.5(b)).

§ 874.4 Classification of senior AFROTC units.

Senior AFROTC units are classified according to the type of institutions at which established.

(a) *Class MC (military college).* Units established in essentially military colleges or universities (Class MC) which, to qualify as a military college under Section 4(a), Universal Military Training and Service Act 450 U.S.C. App. 454(a)):

(1) Confer baccalaureate or graduate degrees upon students whose average age at the time of graduation is at least 21 years.

(2) Require a course in military training throughout the undergraduate course for all qualified undergraduate students.

NOTE: This includes all physically fit male students, except persons who are not liable for induction because they have honorably completed active training and service; students who are pursuing special undergraduate courses over 4 years after completing the required military training; certain categories of students who are specifically excused by (Board of Trustees) administrative decisions and approved by the AFROTC unit commander; and foreign nationals.

(3) Organize their military students as a Corps of Cadets under constantly maintained military discipline.

(4) Require all members of the Corps, including those enrolled in the AFROTC, to be habitually in uniform when on campus.

(5) Have as their objectives the development of military students' characters by military training and the regulation of conduct according to principles of military discipline; and,

(6) Generally, meet military standards similar to those maintained at the service academies.

(b) *Class CC (civilian college).* Units established at civilian colleges and universities which:

(1) Are not operated on an essentially military basis.

(2) Confer baccalaureate or graduate degrees.

(3) Graduate students at an average age of at least 21 years.

(c) *Class MJC (military junior college).* Units established at essentially military schools which:

(1) Provide high school and junior college instruction.

(2) Do not confer baccalaureate degrees.

These units must all other requirements of Class MC, and accept and maintain the specially designated program of instruction prescribed by the Service Secretary for this class of institution.

§ 874.5 Subsistence allowances.

Except when on field training, the subsistence allowance for each member of the POC or FAP is established as follows:

(a) *POC Cadets.* $50 per month, effective July 1, 1967, not to exceed 20 months.

(b) *FAP Cadets.* $50 per month, not to exceed 4 years, for cadets appointed under the provisions of Section 2107, 10 U.S.C.

§ 874.6 Commutation rates.

Educational institutions maintaining AFROTC units, which elect to receive commutation in lieu of the issue-in-kind Government uniforms, will receive monetary allowances as stated in § 874.7. Rates are based on climatic zones and the level of AFROTC instruction given.

(a) *Standard rates* for the GMC are payable annually in the indicated amount for not over 2 years at Class CC institutions. Special rates for the GMC, at Class MC or CC institutions fulfilling the requirements of § 874.8 are double the standard rates.

(b) *Standard rates* indicated for the POC cover the 2-year period of enrollment at Class CC institutions. The commutation of field training uniforms, if paid, is in addition to payments for the POC. Special rates for the POC, at Class MC or CC institutions fulfilling requirements of § 874.8, are double the standard rates except for the commutation of field training uniforms.

§ 874.7 Commutation rates for Air Force ROTC cadet uniforms.

The following commutation clothing rates are prescribed effective July 1, 1968:

	Standard rate		Special rate	
	Zone I	Zone II	Zone I	Zone II
General Military Course (GMC) (per year)	$31.00	$70.00	$62.00	$75.00
Professional Officer Course (POC)	99.00	134.00	198.00	268.00
Field Training	21.00	28.00	21.00	28.00

ZONE I

Alabama.	Louisiana.
Arizona.	Maryland.
Arkansas.	Mississippi.
California.	New Mexico.
Delaware.	North Carolina.
District of Columbia.	Oklahoma.
Florida.	Puerto Rico.
Georgia.	South Carolina.
Hawaii.	Tennessee.
Kentucky.	Texas.
	Virginia.

Zone II

Alaska.	New Hampshire.
Colorado.	New Jersey.
Connecticut.	New York.
Idaho.	North Dakota.
Illinois.	Ohio.
Indiana.	Oregon.
Iowa.	Pennsylvania.
Kansas.	Rhode Island.
Maine.	South Dakota.
Massachusetts.	Utah.
Michigan.	Vermont.
Minnesota.	Washington.
Missouri.	West Virginia.
Montana.	Wisconsin.
Nebraska.	Wyoming.
Nevada.	

§ 874.8 Qualifying for special rate of commutation.

Institutions designated as military colleges may enroll in the AFROTC students who, for various reasons, are not required to be members of the Corps of Cadets. These institutions will receive, for such students, only the standard commutation rate. Only members of the Corps who meet the requirements in paragraphs (a) through (e) of this section are enrolled in the AFROTC will be entitled to the special rate of commutation. To qualify for the special rate of commutation in lieu of uniforms, a Class MC or Class CC institution must:

(a) Organize and maintain within its undergraduate student bodies a self-contained Corps in which at least 300 male students are enrolled as AFROTC members at all times throughout the academic year.

(b) Require all Corps members to be in appropriate uniform at all times while on campus.

(c) House all Corps members in barracks separate from nonmembers.

(d) Require all Corps members to be under maintained military discipline 24 hours per day, 7 days a week.

(e) Require all physically qualified Corps members to be enrolled in the GMC, except:

(1) Foreign nationals.

(2) Persons who are not liable for induction, because they have honorably completed active training and service.

(3) Certain categories of students who are specifically excused by (Board of Trustees) administrative decisions.

(4) Other persons whose enrollment is precluded by provisions of appropriate Air Force directives.

(f) Require members in paragraph (e) (1) through (4) of this section who complete the basic course to apply for and, if qualified and selected, to be enrolled in the POC.

§ 874.9 Restrictions on use of commutation of uniform funds.

The commutation of uniform funds may be expended to support only the:

(a) Procurement and related expenses for:

(1) Standard uniform items in quantities, as prescribed by the Secretary of the Air Force; or,

(2) Distinctive uniforms and insignia, as prescribed by institutions which meet the requirements of § 874.8.

(b) Procurement of distinctive uniform items authorized for wear with the regulation student uniform.

(c) Purchase of hazard insurance to protect the uniform inventory against loss.

(d) Maintenance of the uniform—that is, laundry, dry cleaning, renovation, alterations, sizing, and custodial fees. (Custodial fees will not exceed 20 percent of the commutation funds drawn against actual enrollments for the preceding year.)

§ 874.10 Disposition of unexpended commutation of uniform funds.

(a) Unexpended commutation funds will be disposed of as follows:

(1) The amount of unexpended uniform commutation funds which may be retained, from one fiscal year to the next for continued financing of the uniform program, will be computed as of July 1 each year.

(2) Institutions which have:

(i) Accumulated $10,000 or less may retain their entire accumulation.

(ii) Accumulated more than $10,000 may retain an amount equal to 30 percent of prior-year receipts or $10,000, whichever is larger. Accumulated funds which exceed these limitations will be refunded to the Government.

(b) The unexpended balance is the amount of funds remaining after all commitments and/or obligations of the immediate past fiscal year have been deducted. Commitments and/or obligations for new year procurement, maintenance, and other allowable expenses may not be charged against the unexpended balance.

By order of the Secretary of the Air Force.

LUCIAN M. FERGUSON,
Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 67-10189; Filed, Aug. 30, 1967; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 17495; FCC 67-983]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments, FM Broadcast Stations; Martinsville, Ind., etc.

First report and order. In the matter of amendment of § 73.202, *Table of Assignments*, FM Broadcast Stations (Martinsville, Ind., Shelbyville, Ill., South Williamsport, Pa., Aurora, Ind., Groton, Conn., Danville, Pa., Henderson, Ky., Poteau and Pryor, Okla., Canton and Cape May, N.J., Middlesboro, Ky., Thompkinsville, Ky., Colby, Kans., Willcox, Ariz., and New London-Groton, Conn.); Docket No. 17495, RM-1111, RM-1112, RM-1117, RM-1123, RM-1126, RM-1136, RM-1114, RM-1119, RM-1120, RM-1128, RM-1127, RM-1130, RM-1147, RM-1157.

1. The Commission has before it for consideration its notice of proposed rule making, FCC 67-666, issued in this proceeding on June 9, 1967, and published in the FEDERAL REGISTER on June 14, 1967 (32 F.R. 8830), proposing a number of changes in the FM Table of Assignments advanced by various interested parties and on the Commission's own motion. A number of comments were filed and all were considered in making the following determinations. Except as noted, the proposals were unopposed and all population figures are taken from the 1960 U.S. Census. This decision disposes of all the petitions for rule making except for RM-1120, Canton and Cape May, N.J.

2. *RM-1111, Martinsville, Ind.* (*Morgan County Broadcasters, Inc.*); *RM-1112, Shelbyville, Ill.* (*Shelbyville Broadcasting Co.*); *RM-1117, South Williamsport, Pa.* (*Will-Mont Broadcasting Co.*); *RM-1123, Aurora, Ind.* (*Howell B. Phillips*); *RM-1136, Danville, Pa.* (*Montrose Broadcasting Corp.*). In these five cases, interested parties seek the assignment of a first Class A channel in a community, without requiring any other changes in the table. The communities range in size from a population of 4,119 to 7,525 persons. One has a Class IV AM station (South Williamsport, Pa.), two have daytime-only stations (Martinsville, Ind., and Danville, Pa.), and two have no AM stations (Shelbyville, Ill., and Aurora, Ind.). We are of the view therefore that the proposed assignments are merited and would serve the public interest. In view of this we are making the following additions to the table:

City	Channel No.
Shelbyville, Ill.	285A
Aurora, Ind.	[1] 267A
Martinsville, Ind.	272A
Danville, Pa.	[1] 244A
South Williamsport, Pa.	257A

[1] On these assignments a site about 5 miles southwest of Aurora and about 1 mile north of Danville will have to be selected in order to conform to the required minimum spacings.

3. *RM-1126 and RM-1157; New London and Groton, Conn.* In a petition filed on March 24, 1967, RM-1126, Lawrence A. Reilly and James L. Spates (R and S) requested the assignment of Channel 265A for a first FM outlet in the community of Groton, Conn. Comments were invited on this proposal in our notice. In comments filed in this proceeding The Thames Broadcasting Corp. (Thames), licensee of radio Station WNLC, New London, Conn., proposes a counterproposal to the R and S request asking that Channel 265A be assigned to New London and that Channel 288A be assigned to Groton. In a separate petition for rule making (RM-1157) Thames had requested the assignment of Channels 265A and 288A to New London-Groton in combination. This petition will be considered herein with due notice of the amendment of its request as outlined in the comments submitted in this proceeding. We do not agree with R and S that it is not appropriate to consider the Thames proposal in this proceeding since it was advanced herein as a comment and counterproposal as well as in a separate petition for rule making. Putting off action on the Thames request would not serve any useful purpose.

4. Groton Borough has a population of 10,111 and the town in which it is located has a population of 29,937. It has a daytime-only AM station licensed to petitioners. New London has a population of 34,182 and its county (which also includes Groton) has a population of 185,746. Both parties submit numerous statistics concerning the population growth, retail sales, income growth, payrolls, and industry of the area and the two communities to justify the assignment of a Class A channel to each community. They urge that there is a present need for local FM service in the area. They show that New London and Groton are by far the largest communities in which either Channel 265A or 288A can be assigned in conformance with the separation rules and state that the proposed assignments are in line with the recently announced policy with reference to additional FM assignments. As to the selection of channels to be assigned, Thames points out that either Channel 265A or 288A may be assigned to Groton with adequate flexibility in selecting a site but that at New London Channel 265A offers the greatest promise of flexibility. It therefore urges that Channel 265A be assigned to New London and 288A to Groton. R and S point out that Channel 265A could be used in New London at the WNLC site only in the event one of two pending applications for Channel 263 at New Britain, Conn., is denied. They also urge the adoption of 265A at Groton on the grounds that the tuning frequencies for both WSUB (980 kc/s) and on an FM station on Channel 265A (100.9 Mc/s) are located in the middle of the dial on AM-FM receivers.

5. We are of the view that the assignment of a Class A channel to both Groton and New London is merited and would serve the public interest. Each appears to be large and important enough to warrant the assignment. We further agree that the assignments as requested by Thames would provide each community with the most effective assignment and that the proposal would not preclude future needed assignments in other communities. Providing as much flexibility as possible in locating transmitter sites, in our view, is more important than the convenience of tuning receivers. We are therefore assigning Channel 265A to New London, and 288A to Groton, Conn.

6. *RM-1114; Henderson, Ky.* On February 17, 1967, Dr. Frank R. Fulta, prospective applicant for a new FM station at Henderson, Ky., filed a petition for rule making to add the assignment of Channel 276A to Henderson, as follows:

City	Channel No.	
	Present	Proposed
Henderson, Ky.	288	288, 276A

Henderson is located about 10 miles south of Evansville, Ind., and has a population of 16,893 persons. It is the county seat and largest community in Henderson County, which has a population of 33,519 persons. It has a daytime-only AM station and a Class C FM station, licensed to the same party.

7. Petitioner states that Henderson is the focus of business activity in the county, has 340 retail establishments, and total retail sales of over $36 million. Thus, he urges that Henderson needs and warrants a second FM channel and second full-time broadcast service. Finally, petitioner submits that sites are available (about 3 miles south of Henderson) from which the required minimum spacings can be met and the required signal placed over the entire city.

8. We stated in the notice that comments should be invited on the petitioner's proposal in order that all interested parties may submit their views but in light of the recently announced policy concerning the making of new FM assignments (Public Notice, Policy to Govern Requests for Additional Assignments, issued May 12, 1967), comments should include a showing as to the area in which this proposed assignment, if made, would preclude the use of this channel and the six adjacent channels. The petitioner's showing in this regard indicates that on two adjacent channels (274 and 275) there are two very small areas which would be precluded but which contain no communities of significant size. With respect to Channel 276A, there is a larger area to the southwest of Henderson in which this assignment would be precluded, with all the communities therein very small with the exception of Morganfield (population 3,714), which already has an FM assignment.

9. Since Channel 276A would provide a second FM service to the community of Henderson without any adverse effect on the future needs of other communities, we are of the view that it would serve the public interest and should be adopted. We are therefore assigning this channel to Henderson with a requirement that the site selected be located about 3 miles south of the community in order to meet the required minimum spacings. In view of the fact that the proposal would provide a second competitive FM service in a fairly large community, we are also of the view that the mixture of Class A and C channels is warranted under the circumstances presented in this case.

10. *RM-1109 and 1147; Poteau and Pryor, Okla.* In response to two conflicting petitions requesting a Class C assignment in Poteau, Okla., and a similar assignment in Pryor, Okla., filed respectively by V. F. Nowlin, prospective applicant for a new FM station at Poteau, and by L. L. Gaffaney, principal owner of Station KOLS(AM), Pryor, Okla., we invited comments on the following proposed additions to the two communities:

City	Channel No.	
	Present	Proposed
Poteau, Okla.	272A	283A and 282 or 297 or 298.
Pryor, Okla.		283.

The two original requests are mutually exclusive since Channel 282 cannot be assigned to Poteau and 283 to Pryor in view of the fact that the two communities are less than the required adjacent channel spacing. However, either Channel 297 or 298 can be assigned to Poteau instead, thus removing the conflict.

11. Poteau is a community of 4,428 persons and is located about 25 miles southwest of Fort Smith, Ark. It is the county seat and largest community in Le Flore County, which has a population of 29,106 persons. An application has been recently granted for the present Class A assignment (BPH-5776) and the community also has a daytime-only AM station. Pryor is a community of 6,476 persons. It is the county seat and largest community in Mayes County (population 20,073). KOLS, a daytime-only station, is the only radio outlet in the community. Normally, Class A channels are assigned to communities the size of Poteau or Pryor. In the case of Poteau, there is also the question of whether this relatively small community warrants a second assignment.[2] However, in view of the claims made by the petitioners that large "white areas" would be served by the proposed stations, and in the case of Poteau, the unusually efficient use proposed for the channel, we invited comments and data on the proposals.

12. Mr. Nowlin states that there is a large mountainous area to the south of Poteau (about 19 miles southwest) within which all the required spacings can be met and in which a station with maximum antenna height could be built at relatively low cost. He urges that such a wide-coverage station would provide service to a large area which cannot be reached by any other FM station and states that he will file an application for such a station in the event the proposal is adopted. He estimates the "white area" to be about 6,000 square miles of Oklahoma and Arkansas and notes further that a large portion of the area is also without primary AM service at night. With respect to the possible preclusion of future needed assignments in other communities he concludes that the assignment of Channel 282, 297, or 298 would have little effect on the availability of assignments in other communities due to the other stations and assignments in the general area.

13. In support of the request for Channel 283 to Pryor, Mr. Gaffaney submits

[2] The channel, if assigned to Poteau, would, of course, be available for use at other communities in the area, under the "25 mile rule". The Commission has received a letter from the mayor of Heavener, Okla., some 13 miles from Poteau, supporting the proposed assignment as well as a number of other such letters from several other communities in the area.

that Pryor is an important trade, population, and recreational center for the general area. He points out that the nearby Grand Lake development, with its abundant water supply and available power, attracts large industry and people seeking recreation. In support of a Class C assignment, rather than a Class A channel, Mr. Gaffaney urges that Pryor is far removed from population centers, located about 42 miles from Tulsa, that such an assignment is needed to serve the entire Grand Lake region, and that a station with assumed facilities of 50 kw and 400 feet antenna height AAT would provide a first FM service to an area of 2,827 square miles. Finally, he asserts that the Tulsa stations do not serve Pryor and the Grand Lake area with strong signals or programs of local interest.

14. After careful consideration of the comments and data submitted in the proceeding the Commission believes that the assignment of the wide-coverage channel in Poteau and Pryor would serve the public interest even though the communities are normally the type which would merit Class A assignments. We are led to this conclusion by the showings made as to the large "white areas" to be served by the respective proposals and the fact that each may be made without deleting any other assignments and without adverse effect on the possible future needs of other communities. In the case of Poteau we would not assign two channels; however, the Class C assignment will be used at some distance from the community in order to make the greater antenna height proposed feasible (due to the available mountain sites southwest of Poteau) and will serve additional areas which will not be served by the present Class A assignment and therefore we believe the proposal should be adopted in this case. In view of the above we are assigning Channel 283 to Pryor, and 297 to Poteau, Okla. We expect the petitioners or any other party who files an application for the assigned channels to use the facilities discussed in their pleadings in computing the claimed "white areas". Channel 283 will have to be located about 10 miles north of Pryor.

15. *RM–1128; Middlesboro, Ky.* In a petition filed on March 27, 1967, Cumberland Gap Broadcasting Co., licensee of Station WMIK(AM), Middlesboro, Ky., requests the Commission to substitute Channel 224A for 261A at Middlesboro, Ky., as follows:

City	Channel No.	
	Present	Proposed
Middlesboro, Ky.	261A	224A

Petitioner points out that in order to meet the required separations, a station on Channel 261A would have to be located about 7 miles outside the community and that due to the rough terrain in the area, it may be difficult, if not impossible, to provide the required signal over all of Middlesboro. It states that it will file an application for the proposed channel promptly upon its assignment. Finally, petitioner submits that the deletion of Channel 261A from Middlesboro and the assignment of Channel 224A therein, does not preclude the assignment of the former at any location meeting the required spacings. Middlesboro has a population of 12,807 persons and is the largest city in southeast Kentucky. Petitioner submits that it is a center for trade, mining, and industry. It states that the community is the gateway to America's largest federal historic park, the 20,000 Cumberland Gap Historical Park. The only radio station in Middlesboro is WMIK, a daytime-only station, licensed to petitioner.

16. South C. Bevins, trading as Ken-Te-Va Broadcasting Co., licensee of Station WANO, Pineville, Ky., opposes that portion of the Cumberland proposal which would delete Channel 261A from Middlesboro. Bevins submits that Middlesboro is large enough to warrant a second assignment and that such an assignment would offer an additional program source in the future. He urges therefore that the channel be retained in the Middlesboro area (presumably so that it would be available to Pineville under the "25-mile rule") and states that "he may apply for the use of Channel 261A in Middlesboro or area". In reply Cumberland Gap submits that little purpose would be served by retaining 261A in Middlesboro since its use there is not practicable. It suggests instead that the channel be assigned to Pineville, which has a population of 3,181 and where it can be utilized as a first local FM service. Pineville, located in Bell County, is its county seat. Middlesboro is also in Bell County.

17. Upon review of the comments and data submitted in this case we are of the view that the removal of Channel 261A from Middlesboro, where its use appears to be technically infeasible, and its assignment to Pineville, where there appears to be a potential need and demand for a local FM service, and the assignment of Channel 224A to Middlesboro would serve the public interest and should be done. We are therefore assigning Channel 224A to Middlesboro in lieu of Channel 261A and assigning the latter to Pineville, Ky.

18. *RM–1127; Tompkinsville, Ky.* On March 24, 1967, WMCV, Inc., licensee of Station WTKY(AM), Tompkinsville, Ky., filed a petition for rule making requesting the assignment of Channel 221A as the first FM channel for this community. Tompkinsville, located in south central Kentucky, has a population of 2,091 persons. It is the county seat of Monroe County, which has a population of 11,799 persons. The sole radio station in the community, licensed to petitioner, is a daytime-only station. WMCV states that the area is largely rural and that it is without any local FM station and no local nighttime radio service. It urges, therefore, that there is a need for such an assignment and that it would serve the public interest.

19. There is presently pending a rule making proceeding in Docket No. 14185 (Notice of Inquiry issued on Nov. 14, 1966) looking toward the establishment of a nationwide table of assignments for the educational FM band (Channels 201–220), similar to that for the commercial channels. Since there are a large number of assignments and stations on Channels 221A, 222, and 223, the three commercial channels nearest the educational band, all petitions for such channels have to be carefully examined for possible impact on potential educational assignments on the top three educational channels (218, 219, 220). The Commission invited comments on the petitioner's proposal for the assignment of Channel 221A to Tompkinsville, but also requested information on the areas and communities in which assignments on Channels 218, 219, and 220 might be precluded as a result of the proposed assignment. In response to this request, WMCV includes a showing to the effect that the assignment of Channel 221A to Tompkinsville would not preclude any future assignments on Channels 218, 219, and 220 due to the existing educational stations in the general area.

20. In view of the lack of impact on the availability of educational assignments on the top three educational FM channels and the facts that the proposal would provide the first FM assignment to Tompkinsville and a first nighttime aural service to the community, we are of the view that the assignment of 221A as requested would serve the public interest and are adopting it at this time.

21. *RM–1130; Colby, Kans.* On March 31, 1967, James J. Evans, prospective applicant for a new FM station in Colby, Kans., filed a petition looking toward the assignment of Channel 262 to Colby, Kans., as follows:

City	Channel No.	
	Present	Proposed
Colby, Kans.	228A	228A, 262

Petitioner also suggests that Channel 228A may be deleted from the community in the event 262 is assigned.

22. Colby is a community of 4,210 persons. It is located in the northwestern portion of the State. It is the county seat and largest community in Thomas County, which has a population of 7,358.[1] Mr. Evans submits that Colby is in the heart of the wheat belt and is the distributing center for various farm products, as well as an important manufacturing and trade center. He points out that the nearest Class C station is at Scott City, Kans., about 60 miles south of Colby, that it does not receive any primary nighttime radio service, and that the area is thinly populated, the population density of the county being only 6.9 persons per square mile and that in the surrounding counties even less than this figure. Petitioner urges the assignment of a wide-coverage channel in view of the sparsity of the population, the lack of service in the trading area, and the distance from other FM stations.

[1] Colby has a daytime-only AM station in operation.

23. Normally, a community the size of Colby would be assigned a Class A channel. However, in view of the large rural area surrounding the community, and its great distance from any large population centers, we believe it warrants the assignment of a class C channel. The nearest city of more than 10,000 population (Hays) is 98 miles away. In this sparsely populated part of the West potential assignments are believed ample for foreseeable future needs. In view of Colby's small size, we see no need for retaining the Class A channel. We are, therefore, substituting Channel 262 for Channel 228A at Colby, Kans.

24. *Willcox, Ariz.* In addition to the changes proposed above by interested parties, the Commission proposed to make an additional change on its own motion. On April 12, 1967, the Commission granted a request from KCEE–FM, Channel 241, Tucson, Ariz., to change its site. The new location would unduly restrict the location of sites for Channel 244A at Willcox, Ariz., to areas east of the community. We are therefore substituting Channel 252A for 244A at Willcox, Ariz.

25. Authority for the adoption of the amendments proposed herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

26. In accordance with the foregoing determinations: *It is ordered*, That effective October 2, 1967, § 73.202 of the Commission's rules, the FM Table of Assignments, is amended to read, insofar as the communities named are concerned, as follows:

City	Channel No.
Arizona:	
Willcox	252A
Connecticut:	
Groton	288A
New London	266A
Illinois:	
Shelbyville	288A
Indiana:	
Aurora	267A
Martinsville	272A
Kansas:	
Colby	262
Kentucky:	
Henderson	256, 276A
Middlesboro	224A
Pineville	261A
Tompkinsville	221A
Oklahoma:	
Poteau	282A, 297
Pryor	283
Pennsylvania:	
Danville	244A
South Williamsport	267A

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: August 24, 1967.

Released: August 28, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[2]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 67–10355; Filed, Aug. 30, 1967; 8:51 a.m.]

[2] Commissioner Cox absent.

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Necedah National Wildlife Refuge, Wis.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

§ 28.28 Special regulations, public access, use, and recreation; for individual wildlife refuge areas.

WISCONSIN

NECEDAH NATIONAL WILDLIFE REFUGE

Public recreational activities are permitted on the Necedah National Wildlife Refuge subject to the following special conditions:

(1) Public recreational activities are limited to sightseeing, nature observation, and photography.

(2) General public recreational use is permitted as follows:

Area 1—September 22 through December 31, 1967.

Area 2—November 17 through December 31, 1967.

Area 3—December 2 through December 31, 1967.

These open areas, comprising approximately 39,500 acres are delineated on a map available at the refuge headquarters, Necedah, Wis. 54646, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408.

The provisions of this special regulation supplement the regulations which govern public access, use, and recreation on Wildlife Refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1967.

EDWARD J. COLLINS,
Refuge Manager, Necedah National Wildlife Refuge, Necedah, Wis.

AUGUST 25, 1967.

[F.R. Doc. 67–10306; Filed, Aug. 30, 1967; 8:47 a.m.]

PART 32—HUNTING

Wheeler National Wildlife Refuge, Ala.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

ALABAMA

WHEELER NATIONAL WILDLIFE REFUGE

Public hunting of geese, ducks, and coots on the Wheeler National Wildlife Refuge, Ala., is permitted only on the area designated by signs as open to hunting. This open area, comprising 6,000 acres, is delineated on a map available at the refuge headquarters, Decatur, Ala., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of geese, ducks, and coots subject to the following conditions:

(1) Open season: Geese—November 18, 1967, through January 13, 1968. Ducks and coots—November 29, 1967, through January 6, 1968. A kill quota of 2,000 geese is established. If this quota is reached during the above open season, the refuge hunt for all waterfowl species will be terminated. During the above seasons, hunting will be permitted only on Wednesdays, Thursdays, Fridays, and Saturdays 30 minutes before sunrise to 12 noon, c.s.t. All holidays falling on above days and in the above period will be hunted.

(2) Blinds: The construction of blinds by the public is prohibited. Hunting shall be only from those blinds constructed and labeled by the Bureau.

(3) Guns must be unloaded and cased at all times except when hunters are inside blinds and no shooting is permitted outside blinds. Hunters are authorized to hunt only from the blind specified on their permits. Allowable arms include shotguns only.

(4) Ammunition: Shells that contain shot larger than No. 2 may not be used and will not be permitted in the possession of hunters. No hunter may possess more than 12 shells of any shot size nor fire more than 12 shots during any one hunting trip.

(5) Crows and foxes may also be shot during the hunt period, provided these are shot from designated waterfowl blinds.

(6) Intoxicating beverages will not be permitted on the refuge.

(7) Hunters will not be permitted to enter the hunting area sooner than 1½ hours before sunrise and must leave the area promptly after 12 noon.

(8) A maximum of two persons will be permitted to hunt from each blind.

(9) Hunters under 16 years of age must be accompanied by adults.

(10) Each hunter must have a refuge permit. To obtain a permit individuals must present a valid Alabama hunting license, a duck stamp (if persons have attained 16th birthday) and pay a blind fee of $4 ($2 per person if two persons occupy a blind.)

(11) Hunters are required to check in at the permit office at the close of each hunt to return permits and allow game to be examined.

(12) Applications for advance reservations for refuge permits must be submitted on postcards to the Refuge Manager. Applications for advance reservations will be accepted during the period September 1 through October 2. Only one application will be accepted per individual, and this for a maximum of one hunting day. Those who submit dual or multiple applications will be considered ineligible. Reservations will be awarded

on the basis of a drawing held at the refuge office on October 3, 1967. Blinds not reserved and those for which reservations are not claimed within 1 hour before the beginning of legal shooting time will be awarded on the basis of a drawing held at the permit office each hunt morning approximately 1 hour before the beginning of legal shooting time. Reservation commitments for refuge permits are nontransferable.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 13, 1968.

WALTER A. GREEN,
Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 25, 1967.

[F.R. Doc. 67-10191; Filed, Aug. 30, 1967; 8:46 a.m.]

PART 32—HUNTING

Wapanocca National Wildlife Refuge, Ark.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

ARKANSAS

WAPANOCCA NATIONAL WILDLIFE REFUGE

Public hunting of mourning doves on the Wapanocca National Wildlife Refuge, Ark., is permitted only on the area designated by signs as open to hunting. This open area, comprising 250 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations covering the hunting of mourning doves subject to the following special conditions:

(1) Hunting dates: September 19, 21, 23, 26, 28, and 30, 1967.

(2) Each hunter must have on his person a valid refuge permit.

(3) Only mourning doves may be taken.

(4) No hunters will be permitted within the hunting areas before 11:45 a.m., c.d.t. Hunting hours are from 12 noon c.d.t. until sunset.

(5) All firearms must be encased and/or unloaded when outside designated hunting areas.

(6) When a successful limit has been taken the hunter must leave the hunting area immediately.

(7) Retrievers used by hunters will be kept under control at all times.

(8) All hunters must check in and out at designated checking stations.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 30, 1967.

WALTER A. GREEN,
Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 24, 1967.

[F.R. Doc. 67-10198; Filed, Aug. 30, 1967; 8:46 a.m.]

PART 32—HUNTING

National Wildlife Refuges, Ill., and Certain Other States

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

ILLINOIS

CRAB ORCHARD NATIONAL WILDLIFE REFUGE

Public hunting of common snipe (Wilson's) is permitted on the Crab Orchard National Wildlife Refuge, Ill., from October 28 through December 6, 1967, and the hunting of woodcock is permitted from October 1 through December 4, 1967, but only on the area designated by signs as open to hunting. This open area comprising 9,330 acres is delineated on a map available at refuge headquarters, Carterville, Ill., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Hunting shall be in accordance with all applicable State and Federal regulations governing the hunting of common snipe and woodcock.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuges generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 6, 1967.

ILLINOIS, IOWA, MINNESOTA, AND WISCONSIN

UPPER MISSISSIPPI RIVER WILD LIFE AND FISH REFUGE

Public hunting of common snipe (Wilson's), rails, gallinules and woodcock is permitted on the Upper Mississippi River Wild Life and Fish Refuge in Minnesota and Wisconsin on the areas designated by signs as open to hunting, and public hunting of common snipe (Wilson's) and woodcock is permitted on the Upper Mississippi River Wild Life and Fish Refuge in Illinois on the areas designated by signs as open to hunting, and public hunting of common snipe (Wilson's) is permitted on the Upper Mississippi River Wild Life and Fish Refuge in Iowa on the areas designated by signs as open to hunting as follows: Rails and gallinules except coot from October 7 through November 5, 1967, in Minnesota and from October 7 through November 15, 1967, in Wisconsin. Common snipe (Wilson's) from October 7 through November 4, 1967, in Minnesota; from October 7 through November 23, 1967, in Wisconsin and Iowa, and from October 28 through December 6, 1967, in Illinois. Woodcock from October 7 through November 5, 1967, in Minnesota; from October 7 through November 19, 1967, in Wisconsin, and from October 28 through December 4, 1967, in Illinois. The open hunting areas comprising 153,000 acres are delineated on maps available from the refuge headquarters, Winona, Minn. 55987, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Hunting shall be in accordance with all applicable State and Federal regulations governing the hunting of common snipe (Wilson's), rails, gallinules and woodcock.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuges generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 6, 1967.

IOWA

MARK TWAIN NATIONAL WILDLIFE REFUGE

Public hunting of common snipe (Wilson's) on the Mark Twain National Wildlife Refuge, Iowa, is permitted from October 7 through November 25, 1967, but only on the areas known as the Big Timber Division and that portion of the Louisa Division known as Turkey Island area designated by signs as open to hunting. These open areas, comprising 1,600 acres, are delineated on a map available at the refuge headquarters, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Hunting shall be in accordance with all State and Federal regulations governing the hunting of common snipe (Wilson's).

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuges generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 25, 1967.

S. E. JORGENSEN,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 24, 1967.

[F.R. Doc. 67-10194; Filed, Aug. 30, 1967; 8:46 a.m.]

PART 32—HUNTING

Ankeny National Wildlife Refuge, Oreg.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of the adoption of the Federal migratory game bird regulations to and including the establishment of State hunting seasons makes it impracticable to give public notice of proposed rule making.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

OREGON

ANKENY NATIONAL WILDLIFE REFUGE

Public hunting of mourning doves and bandtailed pigeons on the Ankeny National Wildlife Refuge is permitted only on the areas designated by signs as open to hunting. The open area, comprising 400 acres, is delineated on maps available at refuge headquarters, William L. Finley National Wildlife Refuge, Corvallis, Oreg., or Ankeny National Wildlife Refuge, Jefferson, Oreg., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208.

Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special conditions:

(1) Mourning doves may be hunted during the period from September 1 to September 30, and from October 21 to November 5, 1967. Bandtailed pigeons may be hunted from September 1 to September 30, 1967. All dates are inclusive.

(2) Hunters must check into the hunting area by completing Part A of the Hunter Permit-Questionnaire form and inserting this in a box provided at one of the designated self-service registration stations located on the refuge. They must check out at the conclusion of their hunt, each day, by completing Part B of the form and inserting it in the box. Part B of the Hunter Permit form and the map attached are the hunter's permit and must be on his person while he is afield on the area.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 9, 1967.

PAUL T. QUICK,
Regional Director, Portland, Oreg.

[F.R. Doc. 67-10200; Filed, Aug. 30, 1967; 8:46 a.m.]

PART 32—HUNTING

William L. Finley National Wildlife Refuge, Oreg.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of the adoption of the Federal migratory game bird regulations to and including the establishment of State hunting seasons makes it impracticable to give public notice of proposed rule making.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

OREGON

WILLIAM L. FINLEY NATIONAL WILDLIFE REFUGE

Public hunting of mourning doves and bandtailed pigeons on the William L. Finley National Wildlife Refuge is permitted only on the areas designated by signs as open to hunting. The open area comprising 1,700 acres is delineated on maps available at the refuge headquarters, William L. Finley National Wildlife Refuge, Corvallis, Oreg., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208.

Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special conditions:

(1) Mourning doves may be hunted during the period from September 1 to September 30, and from October 21 to November 5, 1967. Bandtailed pigeons may be hunted from September 1 to September 30, 1967. All dates are inclusive.

(2) Hunters must check into the hunting area by completing Part A of the Hunter Permit-Questionnaire form and inserting this in a box provided at one of the designated self-service registration stations located on the refuge. They must check out at the conclusion of their hunt, each day, by completing Part B of the form and inserting it in the box. Part B of the form and the map attached are the hunter's permit and must be on his person while he is afield on the area.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 9, 1967.

PAUL T. QUICK,
Regional Director, Portland, Oreg.

[F.R. Doc. 67-10201; Filed, Aug. 30, 1967; 8:46 a.m.]

PART 32—HUNTING

Tishomingo National Wildlife Refuge, Okla.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

OKLAHOMA

TISHOMINGO NATIONAL WILDLIFE REFUGE

Public hunting of quail on the Tishomingo National Wildlife Refuge, Okla., is permitted only on the area designated by signs as open to hunting. This open area, comprising 3,170 acres, is delineated on maps available at refuge headquarters, Tishomingo, Okla., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State regulations governing the hunting of quail subject to the following special conditions:

(1) The open season for hunting quail on the refuge extends from sunrise to sunset November 21, 1967, through January 13, 1968, inclusive, on Tuesdays, Thursday, Saturdays, and National holidays.

(2) Dogs may be used for the purpose of hunting and retrieving.

(3) A Federal permit is not required to enter the public hunting area, but hunters, upon entering and leaving, shall report at designated checking stations as may be established for the regulation of the hunting activity and shall furnish information pertaining to their hunting, as requested.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 13, 1968.

ERNEST S. JENNISON,
Refuge Manager, Tishomingo National Wildlife Refuge, Tishomingo, Okla.

AUGUST 16, 1967.

[F.R. Doc. 67-10199; Filed, Aug. 30, 1967; 8:46 a.m.]

PART 32—HUNTING

Lacreek National Wildlife Refuge, S. Dak.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

SOUTH DAKOTA

LACREEK NATIONAL WILDLIFE REFUGE

Public hunting of upland game on the Lacreek National Wildlife Refuge, S. Dak., is permitted only on the area designated by signs as open to hunting. This open area, comprising 310 acres, known locally as the Little White River recreational area, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408.

Hunting shall be in accordance with all applicable State regulations governing the hunting of upland game subject to the following special conditions:

(a) Species permitted to be taken: Pheasants and grouse (sharp-tailed and pinnated) during the seasons specified below. The hunting of other upland game species, as may be authorized by South Dakota State regulations, is prohibited.

(b) Open season: Grouse—from sunrise to sunset each day from September 30, 1967, through November 26, 1967. Pheasants—from noon to sunset, c.s.t., daily, from October 21, 1967, through November 26, 1967.

The provisions of this special regulation supplement the regulations which govern hunting on Wildlife refuge area generally, which are set forth in Title 50, Code of Federal Regulations, Part

32, and are effective through November 26, 1967.

JOHN W. ELLIS,
Refuge Manager, Lacreek National Wildlife Refuge, Martin, S. Dak.

AUGUST 24, 1967.

[F.R. Doc. 67-10209; Filed, Aug. 30, 1967; 8:47 a.m.]

PART 32—HUNTING

National Wildlife Refuges, Fla., and Certain Other States

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

FLORIDA

ST. MARKS NATIONAL WILDLIFE REFUGE

Public hunting of turkey, quail, squirrel, rabbit, raccoon, bobcat, and fox on the St. Marks National Wildlife Refuge, Fla., is permitted only on the area designated by signs as open to hunting. This open area, comprising 1,800 acres is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations governing the hunting of turkey, quail, squirrel, rabbit, raccoon, bobcat, and fox, subject to the following special conditions:

(1) The open season for archery hunting of turkey, quail, squirrel, rabbit, raccoon, bobcat, and fox on the refuge is limited to the separate periods of October 7-8, October 14-15, October 21-22, and October 28-29, 1967. The open season for archery and gun hunting of turkey, quail, squirrel, rabbit, raccoon, bobcat, and fox on the refuge extends from November 11, 1967, through January 1, 1968.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 1, 1968.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

FLORIDA

ST. MARKS NATIONAL WILDLIFE REFUGE

Public hunting of deer and bear, on the St. Marks National Wildlife Refuge, Fla., is permitted only on the area designated by signs as open to hunting. This open area, comprising 1,800 acres is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance will all applicable State regulations governing the hunting of deer subject to the following special condition:

The open season for archery hunting of deer and bear on the refuge is limited to the separate periods of October 7-8, October 14-15, October 21-22, and October 28-29, 1967. The open season for archery and gun hunting of deer and bear extends from November 11, 1967, to January 1, 1968.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generall which are set forth in Title 50, Code of Federal Regulations, Part 32 and are effective through January 1, 1968.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

ARKANSAS

WHITE RIVER NATIONAL WILDLIFE REFUGE

Public hunting of squirrels, rabbits and bobcats on the White River National Wildlife Refuge, Ark., is permitted only on the areas designated by signs as open to hunting. These open areas, comprising 106,000 acres, are delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations governing the hunting of squirrels, rabbits, and bobcats subject to the following conditions:

(1) The open season for hunting squirrels, rabbits, and bobcats on the refuge extends from September 15-30, 1967.

(2) Rifles larger than .22 caliber are prohibited.

(3) Use of dogs and shooting from a boat are prohibited.

(4) Hunting camps may be set up on September 30, 1967, at designated sites only. Loaded firearms are not permitted in camping areas.

(5) Fires outside camping areas are prohibited.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 30, 1967.

WHITE RIVER NATIONAL WILDLIFE REFUGE

Public hunting of wild turkey on the White River National Wildlife Refuge, Ark., is permitted only on the areas designated by signs as open to hunting. These open areas, comprising 90,000 acres, are delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State laws and the following special conditions:

(1) Hunting hours: 7 p.m. to midnight.

(2) No trees may be cut.

(3) No fires permitted.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through February 28, 1968.

(2) The total bag limit per hunter for this hunt is one turkey of either sex.

(3) Weapons: bow and arrow.

(4) Shooting turkey from a blind is prohibited.

(5) Hunting camps may be set up on October 13, 1967, at designated sites only and must be removed by dark on October 28, 1967.

(6) Fires outside camping areas are prohibited.

(7) Bobcats and feral hogs may be taken.

(8) Hunting hours are from one-half hour before sunrise to one-half hour after sunset.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 28, 1967.

WAPANOCCA NATIONAL WILDLIFE REFUGE

Public hunting of squirrel on the Wapanocca National Wildlife Refuge is permitted on the entire refuge area. This open area is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations governing the hunting of squirrel subject to the following special conditions:

(1) Open season: September 15-30, 1967.

(2) Dogs are prohibited.

(3) A Federal permit is required to enter the public hunting area. Permits may be obtained from the Refuge Manager, Post Office Box 12, Marion, Ark. 72364.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 30, 1967.

WAPANOCCA NATIONAL WILDLIFE REFUGE

Public hunting of racoon on the Wapanocca National Wildlife Refuge is permitted on the entire area refuge. This area is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be subject to all applicable State laws and the following special conditions:

(1) Hunting hours: 7 p.m. to midnight.

(2) No trees may be cut.

(3) No fires permitted.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through February 28, 1968.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

ARKANSAS

WHITE RIVER NATIONAL WILDLIFE REFUGE

Public hunting of white-tailed deer on the White River National Wildlife Refuge, Ark., is permitted only on the areas designated by signs as open to hunting. These open areas, comprising 90,000 acres, are delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations governing the hunting of white-tailed deer subject to the following conditions:

(1) The archery season for hunting white-tailed deer on the refuge extends from October 14 through October 28, 1967.

(2) The total bag limit per hunter for this hunt is one deer of either sex.

(3) Weapons: bow and arrow.

(4) Use of horses is prohibited.

(5) Hunting camps may be set up on October 13, 1967, at designated sites only and must be removed by dark on October 28, 1967.

(6) Fires outside camping areas are prohibited.

(7) Bobcats and feral hogs may be taken.

(8) Hunting hours are from one-half hour before sunrise to one-half hour after sunset.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 28, 1967.

SOUTH CAROLINA

CAROLINA SANDHILLS NATIONAL WILDLIFE REFUGE

Public hunting of white-tailed deer is permitted on 97 percent of Carolina Sandhills National Wildlife Refuge. This open area is designated by signs as open to hunting and delineated on a map available from refuge headquarters, McBee, S.C., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations and subject to the following special conditions:

(1) Season: October 30-November 11, 1967, Sundays excluded.

(2) Hunters may not enter hunting area prior to 5 a.m., e.s.t. and must leave by 6:30 p.m., e.s.t.

(3) Deer drives permitted only on designated areas. Explosive-type noise makers prohibited.

(4) Possessing a firearm containing ammunition in magazine or chamber on a public road or in a vehicle on the refuge and target practice on the refuge is prohibited.

(5) Use of dogs is prohibited.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective to November 11, 1967.

WALTER A. GREEN,
Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 25, 1967.

[F.R. Doc. 67-10198; Filed, Aug. 30, 1967; 8:46 a.m.]

PART 32—HUNTING

Crab Orchard National Wildlife Refuge, Ill.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

ILLINOIS

CRAB ORCHARD NATIONAL WILDLIFE REFUGE

The public hunting of deer on the Crab Orchard National Wildlife Refuge on an area designated by signs as open to hunting is permitted with bow and arrow from one-half hour before sunrise to one-half hour before sunset daily from October 1, 1967, through November 6, 1967, and from one-half hour before sunrise until one-half hour before sunset November 16, 1967, through December 31, 1967. Shotgun or single short muzzle loading rifle hunting of deer is permitted from 6:30 a.m. to 4 p.m. c.s.t., from November 10, 1967, through November 15, 1967. Shotgun or single shot muzzle acres is delineated on maps available at refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Hunting shall be in accordance with all applicable State and Federal regulations governing the hunting of deer.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1967.

L. A. MEHRHOFF, Jr.,
Project Manager, Crab Orchard National Wildlife Refuge, Carterville, Ill.

AUGUST 24, 1967.

[F.R. Doc. 67-10195; Filed, Aug. 30, 1967; 8:46 a.m.]

PART 32—HUNTING

Crab Orchard National Wildlife Refuge, Ill.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; upland game; for individual wildlife refuge areas.

ILLINOIS

CRAB ORCHARD NATIONAL WILDLIFE REFUGE

Public hunting of pheasants, bobwhite quail, rabbits, raccoons, opossums, skunks, and weasels on the Crab Orchard National Wildlife Refuge, Ill., is permitted only on the area designated by signs as open to hunting. This open area, comprising 9,380 acres or 21 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408.

Hunting shall be in accordance with all applicable State regulations governing the hunting of pheasants, bobwhite quail, rabbits, raccoons, opossums, skunks, and weasels during the seasons specified below. The hunting of upland game species, as may be otherwise authorized by Illinois State regulations, is prohibited.

(1) Open season: Pheasants—from 12 noon to sunset November 18, 1967, and from sunrise to sunset November 19, 1967, through December 17, 1967. Bobwhite quail—from 12 noon to sunset November 18, 1967, and from sunrise to sunset November 19, 1967, through December 31, 1967. Rabbits—from 12 noon to sunset November 18, 1967, and from sunrise to sunset November 19, 1967, through January 31, 1968. Raccoons, opossums, skunks, and weasels (hunting only)—from 12 noon to November 16, 1967, to 12 noon on January 31, 1968.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 31, 1968.

L. A. MEHRHOFF, Jr.,
Project Manager, Crab Orchard National Wildlife Refuge, Carterville, Ill.

AUGUST 24, 1967.

[F.R. Doc. 67-10196; Filed, Aug. 30, 1967; 8:46 a.m.]

PART 32—HUNTING

Eastern Neck National Wildlife Refuge, Md.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

MARYLAND

EASTERN NECK NATIONAL WILDLIFE REFUGE

Public hunting of white-tailed deer on the Eastern Neck National Wildlife Refuge, Md., is permitted only on the area designated by signs as open to hunting. This open area, comprising 2,000 acres, is delineated on maps available at refuge

headquarters, Rock Hall, Md., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations governing the hunting of white-tailed deer, subject to the following special conditions:

(1) Species permitted to be taken: White-tailed deer only.

(2) Bag limit: One deer per day, either sex.

(3) Seasons: Bow and arrow only—October 14, 16, 17, and 18, 1967. Shotgun only—October 28, 30, 31, and November 1, 1967.

(4) Permits: A Federal hunting permit will be required. Permits will be limited to 350 per day for the archery hunt and 150 per day for the shotgun hunt. Permits will be issued to hunters selected by public drawing from applications received. Applications must be made to the Refuge Manager, Eastern Neck National Wildlife Refuge, Route 2, Box 193, Rock Hall, Md. 21661 and must be received no later than September 18, 1967.

(5) Hunting hours: Sunrise to sunset. Hunters may not enter the refuge prior to one-half hour before sunrise and must be checked out by 1 hour after sunset.

(6) Check Station: Participants in the hunts are required to check in at the check station upon entering and leaving the refuge. All deer killed must be presented at the check station for examination.

(7) Access: All hunters must enter and leave the refuge by way of State Road 445 only. Entry by boat is prohibited.

(8) Age limit: All hunters under 18 years of age must be accompanied by an adult.

(9) Parking: Vehicles must be parked only in designated parking areas.

(10) Safety clothes: During the shotgun hunt all hunters must furnish and wear, so as to be readily noticeable, red, yellow, or orange caps, hats, vests, shirts, or coats while on the hunting area.

(11) Hunters must not hunt or possess loaded guns or arrows notched in bow on county roads or designated parking areas.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 1, 1967.

WALTER A. GRESH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 23, 1967.

[F.R. Doc. 67-10197; Filed, Aug. 30, 1967; 8:46 a.m.]

PART 32—HUNTING

Iroquois National Wildlife Refuge, N.Y.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

NEW YORK

IROQUOIS NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Iroquois National Wildlife Refuge, N.Y., is permitted from November 4 through December 5, 1967 except on areas designated by signs as closed. This open area comprising 10,383 acres is delineated on maps available at refuge headquarters, Basom, N.Y., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, as are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 5, 1967.

RICHARD E. GRIFFITH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 23, 1967.

[F.R. Doc. 67-10198; Filed, Aug. 30, 1967; 8:46 a.m.]

Title 45—PUBLIC WELFARE

Chapter VIII—Civil Service Commission

PART 801—VOTING RIGHTS PROGRAM

Appendix A; Louisiana

Appendix A to Part 801 is amended under the heading "Dates, Times, and Places for Filing" to show the reopening of a place for filing in Plaquemines Parish, La., as set out below:

LOUISIANA

Parish;	Place for Filing;	Beginning Date.
•	•	•
Plaquemines;	(1) Buras—Post Office Building,	August 10, 1965, through November 17, 1965, reopened August 31, 1967;
	(2) Belle Chasse—Post Office Building;	November 18, 1965.
•	•	•

(Secs. 7 and 9 of the Voting Rights Act of 1965; P.L. 89-110)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-10306; Filed, Aug. 30, 1967; 11:09 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Oil Import Administration

[32A CFR Ch. X]

[Oil Import Reg. 1, Rev. 5]

ALLOCATION OF IMPORTS

Notice of Proposed Rule Making

Presidential Proclamation 3279, as amended, authorizes the Secretary of the Interior, consistent with the supply-demand situation with respect to asphalt in District I, to establish a maximum level of imports of asphalt for District I and to establish a special system of allocating such imports. In connection with implementing this provision of the proclamation, I am considering the alternative proposals hereinafter set forth.

PROPOSAL I

Paragraph (h) of section 9 of Proclamation 3279, as amended, defines "unfinished oils." Asphalt which is to be further processed other than by blending by mechanical means comes within this definition. Paragraphs (a) (1) of section 2 and (d) of section 3 of the proclamation, respectively, provide that imports of unfinished oils shall not exceed such percentum of the permissible imports of crude oil and unfinished oils as the Secretary of the Interior may determine and in respect to asphalt the Secretary may establish, without regard to the levels of imports prescribed in section 2 of the proclamation, a maximum level of imports of asphalt for District I.

Paragraph (d), section 10, Oil Import Regulation 1 (Revision 5), as amended, would be further amended as follows:

Sec. 10 Allocations—crude and unfinished oils—refiners—District I–IV.

• • • • •

(d) No allocation made pursuant to this section shall entitle a person to a license which will allow the importation of unfinished oils in excess of 15 percent of the allocation. However, a person obtaining an allocation for imports of crude oil or unfinished oils pursuant to this section may petition the Administrator for an additional allocation of one barrel of unfinished oil on the basis of every four barrels of such person's assigned allocation which he certifies will be used for the importation in District I of unfinished asphalt. As used in this paragraph (d) the term "unfinished asphalt" shall mean a solid, semisolid, or fluidic material obtained in the refining of crude oil and in which the predominating constituents are bitumins and which in any case does not have a viscosity of less than 200 seconds Saybolt Furol at 210° F.

EXAMPLE: An eligible applicant has an import allocation for one million barrels of crude oil and within this total quantity he is permitted to import up to 15 percent (150,000 barrels) of unfinished oils. Upon certification to the Oil Import Administration that 50,000 barrels of his unfinished oils allocation will be imported in the form of unfinished asphalt he may petition the Administrator and receive in exchange for the 50,000 barrels of unfinished oils allocation an allocation and license for the importation of 62,500 barrels of "unfinished asphalt only."

PROPOSAL II

Level of imports. The maximum level of imports of asphalt to be allocated during an allocation period would be determined by the Bureau of Mines as the difference between an estimate of total demand for asphalt in District I and an estimate of the domestic supply.

Eligibility for allocations. To be eligible for an allocation of imports into District I of asphalt a person would have to be in the business in District I of selling asphalt and have under his management and operational control a deepwater asphalt terminal located in District I, or a thruput (warehouse) agreement with a deepwater terminal operator, and have delivered asphalt which he owned at the time of delivery, such delivery being the first delivery of that asphalt into a deepwater asphalt terminal in District I.

Method of allocation. Each eligible applicant in District I would receive an allocation of imports of asphalt into District I based upon a percentage of the applicant's terminal inputs of asphalt in that district for the year ending September 30, prior to the allocation year.

Method of licensing. Separate licenses would be granted which would only permit importation of finished asphalt and asphalt would be excluded from importation under a finished product license.

Definitions. "Deepwater terminal" would mean a permanent land installation which (1) consists of bulk storage tanks having not less than 100,000 barrels of operational capacity, pumps, pipelines and equipment used for the storage, transfer and handling of asphalt; (2) is adjacent to waterways that permit the safe passage to the installation of a tanker rated 15,000 cargo deadweight tons; and (3) has a berth that will permit the delivery of asphalt into the installation by direct connection from a tanker rated at 15,000 cargo deadweight tons, drawing not less than 25 feet of water, and moored in the berth. Cargo deadweight tons represent the carrying capacity of a tanker, in tons of 2,240 pounds, less the weight of fuel, water stores, and other items necessary for use on a voyage.

"Asphalt" as used in this proposal would mean a solid or semisolid cementitious material which gradually liquefies when heated in which the predominating constituents are bitumins, which is obtained in refining crude oil, and which is not to be further processed except by mechanical blending.

It is the policy of the Department of Interior whenever practicable to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections (5 copies) with respect to the above proposals to the Administrator of the Oil Import Administration, Department of the Interior, Washington, D.C. 20240, on or before September 22, 1967.

STEWART L. UDALL,
Secretary of the Interior.

AUGUST 24, 1967.

[F.R. Doc. 67-10221; Filed, Aug. 30, 1967; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 929]

CRANBERRIES

Notice of Proposed Rule Making

Consideration is being given to the following proposals submitted by the Cranberry Marketing Committee, established under the marketing agreement, as amended, and Order No. 929, as amended (7 CFR Part 929), regulating the handling of cranberries grown in Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), as the agency to administer the terms and provisions thereof:

(1) That the expenses that are reasonable and likely to be incurred by said committee, during the fiscal period beginning August 1, 1967, and ending July 31, 1968, will amount to $8,010.

(2) That the Secretary of Agriculture fix the rate of assessment for said period, payable by each handler in accordance with § 929.41, at one-half cent ($0.005) per barrel, or equivalent quantity, of cranberries;

(3) That unexpended funds in excess of expenses incurred during the fiscal period ended July 31, 1967, in the amount of $2,996.61, be carried over as a reserve in accordance with § 929.42; and

(4) That reports be submitted to the committee by each handler showing the total quantity of cranberries he has acquired, the total quantity of cranberries he has handled, and the total quantity of cranberries and cranberry products, respectively, he has on hand. The reports would be rendered on a quarterly

basis as follows: November 1, 1967; February 1, 1968; May, 1968; and August 1, 1968. Each report would cover the 2-month period preceding the applicable specified date and would be filed with the committee not later than the 10th day of the first month following such period.

Terms used in the marketing agreement and order, shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals shall file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: August 28, 1967.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-10261; Filed, Aug. 30, 1967; 8:50 a.m.]

[7 CFR Part 1006]

[Docket No. AO 356-A2]

MILK IN UPPER FLORIDA MARKETING AREA

Decision and Order To Terminate Proceeding on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Panama City, Fla., on March 10, 1967, pursuant to notice thereof issued on February 23, 1967 (32 F.R. 3399).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, on June 22, 1967 (32 F.R. 9096; F.R. Doc. 67-7196), filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision (32 F.R. 9096; F.R. Doc. 67-7196) are hereby approved and adopted and are set forth in full herein:

The material issue on the record of the hearing relates to the deletion of Bay County, Fla., from the Upper Florida marketing area.

Findings and conclusions. The following findings and conclusions on the material issue are based on evidence presented at the hearing and the record thereof:

The proposal to delete Bay County, Fla., from the Upper Florida marketing area is denied.

This proposal was made by five individuals, three of whom testified at the hearing: the Bay County Superintendent of Public Instruction; a Panama City, Fla., grocery store owner; and a Bay County distribution branch manager for an unregulated milk plant in Pensacola, Fla., who appeared on his own behalf. Several other witnesses, testifying as consumers, supported the proposal.

Witnesses advocating the deletion of Bay County from the marketing area complained primarily of higher retail prices for milk which they had been experiencing in recent months. They contended that the retail price increases in Bay County were an outgrowth of the recently promulgated Upper Florida order. Witnesses also stated that the application of the order to Bay County caused the operator of a Pensacola milk plant to cease distributing fluid milk products in the county, thereby creating a competitive climate in that area conducive to higher retail prices. Exclusion of Bay County from the Upper Florida marketing area, it was argued, would result in lower milk prices to consumers.

The level of resale prices for milk in Bay County is not a proper basis for determining whether the county should be a part of the Upper Florida marketing area. The Agricultural Marketing Agreement Act, which authorizes milk orders, provides for the fixing of minimum prices that handlers must pay dairy farmers for the milk received from them in accordance with the manner in which such milk is utilized. No regulation of resale prices is authorized by the Act.

Because resale prices are not set by the Upper Florida order, there is no assurance that prices to consumers would be lower, or would not increase above current levels, if Bay County were deleted from the marketing area. The retail price increases cited by witnesses were predominantly those that took place prior to January 1, 1967, the date the pricing provisions of the Upper Florida order became effective. Such retail price increases thus cannot be attributed to any increased milk costs for handlers resulting from the order regulation.

The basic purpose of the Upper Florida order is to provide stable and orderly marketing conditions for producers who are supplying the fluid milk requirements of the Upper Florida market. The only persons regulated by the order are handlers who must pay for all of their producer milk receipts on a classified use basis at not less than the specified order prices. No handlers, regulated or unregulated, or producers testified at the hearing in support of the proposal to remove Bay County from the marketing area.

There was strong opposition to the proposal, on the other hand, by regulated Upper Florida handlers who distribute milk in Bay County and by producers supplying the major portion of the fluid milk needs of the Upper Florida market. These parties indicated that removal of Bay County from the marketing area could encourage unstable and disorderly marketing conditions for producers and place handlers at a competitive disadvantage on the cost of Class I milk sold in Bay County.

The present 49-county marketing area defined by the Upper Florida order was based on evidence received at the promulgation hearing for the order. There has been no change in marketing conditions since that time to indicate that Bay County is no longer an appropriate part of the defined marketing area. All Class I sales in the county are made by handlers fully regulated by the Upper Florida order or by producer-handlers. About 65 percent of such sales are made by handlers who would continue to be regulated by the order if Bay County were deleted from the marketing area. This county is thus an integral part of the Upper Florida marketing area.

If Bay County were deleted from the marketing area, regulated handlers could be disadvantaged relative to unregulated handlers on the cost of a substantial portion of the Class I milk distributed in that county. Regulated handlers selling milk in Bay County would continue to be required to pay not less than the minimum Class I price for all their producer milk receipts sold as Class I, whether disposed of inside or outside the marketing area. Unregulated handlers with Class I sales in the county, on the other hand, would not be required to purchase their milk on a classified use basis or pay their dairy farmers any particular minimum price. Such unregulated handlers could, for example, dispose of as Class I milk in Bay County milk that was otherwise surplus to their operations and for which they returned to their dairy farmers an equivalent of the manufacturing milk price.

In the above circumstance, the Class I sales of regulated handlers could be displaced by unregulated handlers. In turn, producers who regularly supply milk to regulated handlers could be forced to dispose of quantities of milk represented by their lost Class I sales to manufacturing outlets at surplus prices. This clearly would provide an unwarranted advantage to the unregulated handler at the expense of producers who constitute a regular source of supply for the market. The inequitable condition created by such a situation would not only tend to result in unstable and disorderly marketing conditions but would also be inconsistent with the intent of the Act.

In supporting the proposal certain witnesses testified that the Upper Florida order caused the operator of the previously mentioned processing plant at Pensacola to cease selling milk in Bay County when the order first became effective. It should be noted that under the order any plant, wherever located, may distribute milk in the marketing area. All milk sold in the marketing area, however, is necessarily subject to the pricing provisions of the order. If the plant meets the marketing performance standards for full regulation, the plant operator is then required to pay for the milk he receives from producers in accordance with the use he makes of the milk. This treatment applies equally to all handlers performing the same marketing function.

Each plant operator must decide in light of the marketing circumstances where he wishes to dispose of his milk. The Bay County distribution branch manager of the Pensacola plant operated by an unregulated handler indicated that he was not an authorized spokesman for his employer at the hearing. He stated for the record, however, that his employer had ceased supplying Class I outlets in Bay County because he chose not to have his plant subject to the provisions of the order. No testimony for or against the exclusion of Bay County from the marketing area was given by the Pensacola plant operator, who neither entered an appearance nor was otherwise represented at the hearing.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered on conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Order to terminate proceeding. It is hereby found and determined on the basis of the findings, conclusions and rulings with respect to the material issue of this proceeding that the proceeding with respect to proposed amendments to the tentative marketing agreement and to the order is hereby terminated.

Effective date: Upon FEDERAL REGISTER publication.

Signed at Washington, D.C., on August 25, 1967.

RODNEY E. LEONARD,
Deputy Assistant Secretary.

[F.R. Doc. 67-10216; Filed, Aug. 30, 1967; 8:48 a.m.]

[7 CFR Part 1099]

[Docket No. AO 155-A19]

MILK IN PADUCAH, KY., MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing order (7 CFR Part 900), a public hearing was held at Paducah, Ky., on February 17, 1967, pursuant to notices thereof issued on February 1, 1967 (32 F.R. 2448), and February 8, 1967 (32 F.R. 2830).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator on August 8, 1967 (32 F.R. 11709; F.R. Doc. 67-9486), filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision (32 F.R. 11709; F.R. Doc. 67-9486) are hereby approved and adopted and are set forth in full herein.

The material issues on the record of the hearing relate to:

1. The price for Class I milk.
2. Seasonal production incentive plan.

This decision deals with issue No. 1, Class I prices. The procedure on issue No. 2 has been completed.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Class I price.* The Class I price for the Paducah marketing area should be the St. Louis order Class I price plus 25 cents per hundredweight.

The amendment as formulated herein would result in a 10 cents per hundredweight increase in the Class I price only in the Kentucky portion of the marketing area. This differs from the proposal of the producers association which would maintain the existing difference between the Missouri and Kentucky areas (10 cents higher in Missouri) by increasing the price 10 cents in both parts of the marketing area.

The producers association supported its proposal on the basis that it has become difficult to maintain an adequate supply for the fluid market outlets it serves, because of the steady attrition to its membership. The problem is acute in the Paducah market, it was pointed out, because of the small percentage of reserve milk. The supply problem is also intensified by competition from other markets. The association stated that the higher prices paid by the Memphis market to dairy farmers within the Paducah procurement area has caused a severe problem in retaining producers regularly associated with the Paducah market.

Further, in support of its proposal, the association cited the recent 10-cent increase in the Southern Illinois order price (in areas nearest Paducah) effective January 1, 1967. This increase, the association stated, would permit a similar increase in Paducah and maintain the previous relationship between the markets.

Milk supply. The essential purpose in establishing a Class I price level under the order is to assure an adequate supply from sources upon which the market can rely. The milk supply for the Paducah marketing area is essentially local in that it is produced mostly within the marketing area. Virtually all of the producers are members of the Paducah Graded Milk Producers Association. The association has standing arrangements with all handlers in the market to provide full milk supply throughout the year.

The producer milk supply during the past three years has varied from about 8 to 10 million pounds monthly. Most of the variation has been due to seasonal changes in production and expansion of the marketing area. On an all-season basis, the supply of milk has been barely sufficient to meet requirements of fluid outlets. During the fall and winter months of recent years the proportion of reserve milk has narrowed to less than 10 percent in several months. This situation has presented a difficult problem to the cooperative association as the sole procurement agency for the market, particularly in managing milk supplies so as to adequately meet the needs of each of the regulated handlers. Occasionally there has been need to bring in other source milk. Class I utilization in recent years has continued relatively high on an annual basis, averaging 85.6 percent, 88.4 percent, and 85.6 percent, in 1964, 1965, and 1966, respectively.

The supply area for the Paducah market adjoins supply areas of the St. Louis, Louisville-Lexington-Evansville, Nashville, and Memphis markets. Thus the Paducah market must compete with larger markets for milk supplies. The most important competition for milk supply is from the Memphis market. The Memphis procurement area extends well into the Paducah marketing area, as far north as Ballard County, Ky. This situation has resulted in some loss of producers to the Memphis market during the 1965–1966 2-year period.

The milk supply relationship with the Southern Illinois market involves members of the Paducah Graded Milk Producers Association which supply one of the handlers under the Southern Illinois order. These dairy farmers are located within the Kentucky portion of the Paducah marketing area. They are members of the association which are shifted between the markets according to the needs of handlers for fluid milk supplies.

The membership of the association which provides virtually the entire milk supply of the market has declined approximately 15 percent in a period of 2 years. This has been due both to producers leaving the dairy business and leaving the market for other markets, principally Memphis. The total level of milk production on the market has so far been maintained only due to greater production by each producer, but in view of the slight reserve supply, further decline in dairy farmers would tend to endanger adequacy of supplies.

Price comparisons. Price relationships between the Paducah market and other markets were considered by producers to have an important bearing on the Paducah Class I price level. The price relationship to the St. Louis market has been fixed by virtue of the 18-cent differential over St. Louis used to establish the Class I price at Paducah. Similarly, the relationship to the Southern Illinois order prices has been fixed, since prices under that order have been based on the St. Louis price. The Class I price in the southern zone of the Southern Illinois order is equal to the St. Louis price.

Since the St. Louis and Southern Illinois prices are lower than the Paducah price, these other markets do not present a problem of competition for supplies. Instead there is the question of sales competition. Sales competition with the St. Louis market is confined to areas in Missouri, at locations approximately 140 to 150 miles south of St. Louis. Within this general area there is a St. Louis order plant at Cape Girardeau, where a Class I price 15 cents per hundredweight higher than at St. Louis applies. Slightly more than 30 miles south of Cape Girardeau there is a Paducah order plant at Sikeston, Mo., where the Paducah order price is 25 cents over the St. Louis city price. The entire pricing system under the two orders therefore represents scaling up of price level as the distance from St. Louis increases, paralleling the cost to St. Louis or Cape Girardeau handlers in moving milk southward. The present price at Sikeston, as related to St. Louis order prices, appears reasonable and not excessive with regard to the locations of the regulated plants.

While the Southern Illinois market is relatively close, geographically, this has not resulted in significant intermarket sales competition among handlers.

The price relationship between Paducah and Memphis is wider than the differences from other surrounding markets. At the nearest Memphis order plant, at Martin, Tenn., the 1966 Memphis Class I prices adjusted for location averaged 42 cents per hundredweight higher than the Paducah order prices at the Fulton, Ky., plant. The distance between the plants is approximately 12 miles. With this difference in prices, procurement activities of Memphis handlers or of a cooperative association have at times resulted in some loss of producers.

Part of this price difference compared to Memphis was due to the action of the Memphis supply-demand adjustor. Currently, the Class I price difference which would be produced by differentials over the basic formula price, excluding supply-demand adjustments, would be 23.5 cents higher at Martin than at Fulton.

The 10-cent price increase herein recommended for the Kentucky location would result in reasonable price relationships with surrounding markets, considering the aspects of inter-market competition already described. The price increase would continue the historical relation with the Southern Illinois market. The price, in relation to St. Louis, would be reasonable in view of the less ample supply in Paducah than in St. Louis and the 173 miles distance between these cities. The change in relationship to Memphis would reduce the amount of normal price difference at points where the two markets have common procurement areas.

It is concluded that for the purpose of maintaining an adequate supply, a price increase of 10 cents per hundredweight is justified for the Kentucky portion of the marketing area. It is in this area that the greatest problem exists in maintaining milk supply. Because of the relatively small percentage of reserve milk on the market, the supply should be maintained at the existing level.

No change should be made at this time, however, in the price level applicable in Missouri counties of the marketing area. The milk supply serving the only plant in this part of the market is primarily from producers located within this part of the marketing area. Competition for milk supply has not been severe, and the supply for the plant located there is not threatened by price relationships with other markets. In fact, the overall balancing of supplies within the entire marketing area results in regular movements of bulk loads of milk from the Missouri portion into Kentucky and no movements in the other direction. It is concluded therefor that the Class I price throughout the entire Paducah marketing area should be established at 25 cents over the St. Louis order price.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. No exceptions to the recommended decision were filed.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Paducah, Ky., Marketing Area," and "Order Amending the Order Regulating the Handling of Milk in the Paducah, Ky., Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of June 1967 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Paducah, Ky., marketing area, is approved or favored by producers, as defined under the terms of the order, as amended and as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on August 28, 1967.

GEORGE L. MEHREN,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Paducah, Ky., Marketing Area

§ 1099.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Paducah, Ky., marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Paducah, Ky., marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, on August 8, 1967, and published in the FEDERAL REGISTER on August 12, 1967 (32 F.R. 11769; F.R. Doc. 67-9486), shall be and are the terms and provisions of this order, as set forth in full herein:

1. In § 1099.51, paragraph (a) is revised to read as follows:

§ 1099.51 Class prices.

* * * * *

(a) *Class I milk price.* The price per hundredweight of Class I milk for the month shall be the Class I price pursuant to Part 1062 of this chapter (St. Louis, Mo.) plus 25 cents; and

* * * * *

§ 1099.86 [Amended]

2. In § 1099.86, paragraph (b) is deleted.

[F.R. Doc. 67-10295; Filed, Aug. 30, 1967; 8:51 a.m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

DEPARTMENT OF COMMERCE

Maritime Administration

[32A CFR Ch. XVIII, SRM-5, Rev.]

MASTER LUMP SUM REPAIR CONTRACT—NSA-LUMPSUMREP

Proposed Revision; Extension of Time for Filing Comments

In F.R. Doc. 67-7905 appearing in the FEDERAL REGISTER issue of July 8, 1967 (32 F.R. 10162), notice was given that the Acting Director, National Shipping Authority, had under consideration the revision of the Master Lump Sum Repair Contract, NSA-LUMPSUMREP with respect to vessel repairs, etc., with permission for the filing of written comments by interested parties "by close of business on August 21, 1967."

Notice is given that the time within which written comments may be submitted is hereby extended to "by close of business on October 2, 1967."

Dated: August 28, 1967.

JAMES W. GULICK,
Acting Director,
National Shipping Authority.

[F.R. Doc. 67-10296; Filed, Aug. 30, 1967; 8:48 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[Antidumping—ATS 643.3-r]

COD FILLETS FROM EASTERN CANADIAN PROVINCES

Antidumping Proceeding Notice

AUGUST 24, 1967.

On June 23, 1967, information was received in proper form pursuant to the provisions of § 14.6(b) of the Customs Regulations indicating a possibility that cod fillets, frozen, imported from Eastern Canadian provinces are being, or likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

The information was submitted by The Atlantic Fishermen's Union, Boston, Mass.

Ordinarily, merchandise is considered to be sold at less than fair value when the net, f.o.b. factory price for exportation to the United States is less than the net, f.o.b. factory price to purchasers in the home market, or, where appropriate, to purchasers in other countries, after due allowance is made for differences in quantity and circumstances of sale.

Having conducted a summary investigation, and having determined on this basis that there are grounds for so doing, the Bureau of Customs is instituting an inquiry pursuant to the appropriate provisions of the Customs Regulations to determine the validity of the information.

A summary of information received from all sources is as follows:

Large quantities of cod fillets, frozen, and imported from Eastern Canadian provinces (New Brunswick, Newfoundland, Nova Scotia, Ontario, Prince Edward Island, and Quebec) are being sold to the U.S. purchasers at substantially lower prices than are received for sales of similar merchandise in the home market.

This notice is published pursuant to § 14.6(d)(1)(i) of the Customs Regulations (19 CFR 14.6(d)(1)(i)).

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

[F.R. Doc. 67-10227; Filed, Aug. 30, 1967; 8:48 a.m.]

Fiscal Service

REINSURANCE ARRANGEMENTS

Use of Form A Reimbursement Agreement

Certain companies holding Certificates of Authority from the Secretary of the Treasury as acceptable sureties on Federal bonds under 6 U.S.C. 6–13 have been using a Form A Reimbursement Agreement in connection with their reinsurance arrangements. The Form A procedure was adopted by the companies as a means of protecting risks in excess of their underwriting limitations when such risks are reinsured with companies not recognized by the Treasury as acceptable reinsurers.

Generally, this arrangement provides for the withholding by the ceding company of the unearned premiums due and payable to the reinsurer and for the reinsurer to pay into a special account, for use by the ceding company, its proportion of any loss reserve established by the direct writing company pursuant to law.

Since the Form A procedure has the effect of nullifying the safety factor provided by the existing Treasury risks limitation (10 percent of a company's policyholders' surplus, as adjusted by the Treasury, in accord with 31 CFR Part 223), notice is hereby given that the Treasury will not recognize Form A agreements for reinsurance credit purposes in connection with excess reinsurance ceded to unauthorized companies.

These requirements are effective as of August 31, 1967, and apply to Form A agreements relating to policies written or renewed after that date. With respect to existing policies for which Form A agreements have been used, companies will be permitted to take credit for such reinsurance until the expiration date of the policies.

Companies concerned should take necessary action to rearrange their reinsurance to comply with these requirements.

(R.S. 161, as amended; 5 U.S.C. 301)

Dated: August 28, 1967.

[SEAL] GEORGE F. STICKNEY,
Deputy Fiscal Assistant Secretary.

[F.R. Doc. 67-10244; Filed, Aug. 30, 1967; 8:50 a.m.]

[Dept. Circ. 570, 1967 Rev., Supp. No. 3]

PROTECTIVE INSURANCE CO.

Surety Companies Acceptable on Federal Bonds

A Certificate of Authority as an acceptable surety on Federal bonds has been issued by the Secretary of the Treasury to the following company under the Act of Congress approved July 30, 1947 (6 U.S.C. 6–13). An underwriting limitation of $173,000 has been established for the company.

Name of company, location of principal executive office, and State in which incorporated

Protective Insurance Co.
Indianapolis, Ind.
Indiana

Certificates of Authority expire on May 31 each year, unless sooner revoked, and new Certificates are issued on June 1 so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of June 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact fidelity and surety business and other information. Copies of the Circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Audit Staff, Washington, D.C. 20226.

Dated: August 28, 1967.

[SEAL] GEORGE F. STICKNEY,
Deputy Fiscal Assistant Secretary.

[F.R. Doc. 67-10245; Filed, Aug. 30, 1967; 8:50 a.m.]

DEPARTMENT OF DEFENSE

Department of the Navy

ORGANIZATION STATEMENT

1. Section 7 of the Organization Statement of the Department of the Navy, published in the FEDERAL REGISTER of June 9, 1967, 32 F.R. 8305, is amended by revising paragraph (d) to read as follows:

SEC. 7 Bureaus and offices—* * *

(d) *Office of the Judge Advocate General.* (1) The Office of the Judge Advocate General, authorized by the act of June 8, 1880 (21 Stat. 164; 10 U.S.C. 5148), has cognizance of all major phases of military, administrative, and applied law listed below as are incident to the operation of the Naval Establishment. In substance, the organization consists of a Judge Advocate General, a Deputy and Assistant Judge Advocate General, an Assistant Judge Advocate General (International and Administrative Law), an Assistant Judge Advocate General (Personnel, Reserve and Planning), an Assistant Judge Advocate General (Military Justice), and 11 principal divisions designated as International Law, Admiralty, Civil Law, Administrative Law, Litigation and Claims, Military Personnel, Naval Reserve, Legal Assistance, Military Justice, Investigations, and Administrative Management. Within the several divisions are branches and sections performing specific functions embraced by the mission of the parent division. In addition to the divisions of the office, there are special assistants and the Boards of Review organized pursuant to article 66 of the Uniform Code of Military Justice (10 U.S.C. 866). Activities under the command of the Judge Advocate General include the Navy Appellate Review Activity and the U.S. Navy—Marine Corps Judiciary Activity, U.S. Sending State Office, Italy, and U.S. Sending State Office, Australia.

(2) The position of the Deputy and Assistant Judge Advocate General is to be occupied by the officer serving in the statutory position of Assistant Judge Advocate General (10 U.S.C. 5149). He shall perform such duties as the Judge Advocate General may prescribe. When there is a vacancy in the office of Judge Advocate General, or during the absence or disability of the Judge Advocate General, the Deputy and Assistant Judge Advocate General, unless otherwise directed by the President, shall perform the duties of the Judge Advocate General until a successor is appointed or the absence or disability ceases. The Assistant Judge Advocate General (International and Administrative Law), the Assistant Judge Advocate General (Personnel, Reserve and Planning) and the Assistant Judge Advocate General (Military Justice) shall function within the fields of responsibility specified; shall perform such duties as may be prescribed by the Judge Advocate General; and shall be responsible to the Deputy and Assistant Judge Advocate General and the Judge Advocate General. When there is a vacancy in the office of Judge Advocate General, or during the absence or disability of the Judge Advocate General, and during the absence or disability of the Deputy and Assistant Judge Advocate General, the Assistant Judge Advocate General senior in military rank and available for such duty shall perform the duties of the Judge Advocate General, unless otherwise directed by the President.

(3) The main functions of the divisions of the Judge Advocate General's Office may be summarized as follows:

(i) *International law.* Providing advice on international legal problems to the Secretary of the Navy, the offices of the Chief of Naval Operations having cognizance over international matters, and the other Bureaus and Offices of the Navy Department, with primary emphasis upon the legal regimes of the sea, the laws of naval warfare, immigration and naturalization, aviation and space law, foreign military facilities, criminal jurisdiction matters, and foreign military assistance laws and regulations; maintaining liaison with Defense, State, Interior and other Departments and appropriate federal agencies, particularly with regard to negotiation of international agreements affecting military interests and the formulation of programs affecting international legal regimes of the sea; assisting in the drafting of international agreements and the development of subsidiary implementing arrangements; and rendering direct advice to field units on both criminal and civil law problems arising under base rights agreements and Status of Forces Agreements with many nations. In addition, the Division delivers periodic lectures to military attachés of all three services at the request of the Defense Intelligence Agency, publishes a biannual compilation of international agreements of interest to the Navy, and participates actively in civilian professional and educational organizations concerned with the rapidly developing law of the sea.

(ii) *Admiralty.* Principal function is the settlement of admiralty tort claims, both against and in favor of U.S. naval vessels; in addition, the Division handles claims filed against the Navy for salvage and towage services. The Division controls all phases of the processing of admiralty claims, including investigation, survey and settlement negotiations; the Division is assisted by trained admiralty officers stationed in most naval districts and in certain other commands. Where settlement cannot be effected and litigation ensues, the Division cooperates in preparing the cases for trial, and often in the trial itself. A further function is the preparation of waiver certificates designed to exempt naval vessels from the normal requirements of applicable Rules of the Road. The Division also furnishes opinions on miscellaneous topics of an admiralty nature as they arise. In connection with admiralty matters, the Division maintains liaison with the Department of Justice, Maritime Administration, Coast Guard, and other Governmental departments and agencies concerned with the administration of the navigation and shipping laws.

(iii) *Civil law.* The Division consists of three branches: Military Promotions and Retirements Branch, General Tax Branch, and the Income Tax Branch.

(a) The military promotions functions of the Military Promotions and Retirements Branch include examination of selection board precepts for the promotion, augmentation, appointment, and continuation of commissioned officers of the Navy and Marine Corps. The reports of such boards are reviewed for compliance with law and regulations. The Branch also examines nondisability retirements of members of the naval service prior to final action thereon by the President or the Secretary of the Navy. Likewise, the Branch reviews the records of proceedings in disability separation and retirement cases for legal sufficiency and compliance with applicable statutes and regulations prior to final determination by the Secretary of the Navy. The Judge Advocate General is authorized to take final action for the Secretary of the Navy in those physical disability cases specified in the Disability Separation Manual (NAVEXOS P–1990). In other such cases, the record of proceedings, together with the review thereof by the Judge Advocate General, is submitted to the Secretary of the Navy for his determination.

(b) The General Tax Branch has cognizance over matters pertaining to the taxation status of Federal instrumentalities within the Department of the Navy in relation to taxation by the various states and the applicability of various Federal taxes to those instrumentalities. The Branch furnishes advice and assistance to military personnel and their dependents regarding all Federal, state, and local tax problems other than income tax and social security. In this connection the Branch has cognizance over all cases involving the application of section 514 of the Soldiers' and Sailors' Civil Relief Act of 1940 as amended (50 App. U.S.C. 574) to members of the naval service. Liaison is maintained with Federal and state officials charged with the assessment and collection of taxes. When litigation is necessary for the protection of a Governmental interest, this Branch prepares a memorandum of law for referral to the U.S. Department of Justice together with a brief of the factual situation. The Branch also has cognisance over matters pertaining to the application of customs laws to naval personnel.

(c) The Income Tax Branch is responsible for (1) the dissemination of information and advice on the responsibility of Navy and Marine Corps commands and nonappropriated fund activities, as employers, under social security laws and Federal, State, and local income tax laws; (2) furnishing advice to Navy and Marine Corps personnel and employees concerning their rights, obligations, and benefits under Federal, State and local income tax laws; and (3) maintaining liaison with taxing authorities concerning administration of income tax and social security tax laws (F.I.C.A.).

(iv) *Administrative law.* Concerned with the solution of problems of administrative law arising in the administration of the Naval Establishment.

(a) General Affairs Branch renders advice and prepares legal opinions on public law and regulations relating to the internal administration of the Naval Establishment, its officials and personnel, and relating to the relationship of the Department of the Navy and naval personnel to other Department of Defense components and to Federal, State, and local governmental agencies. Essentially, the branch serves as legal consultant to other activities within the Office of the Judge Advocate General and the Department of the Navy. The broad scope of the branch's work includes problems pertaining to the status of Navy and Marine Corps personnel, the authority and responsibility of officials, Reserve and training matters, jurisdictional and civil relations, statutory and administrative boards, dependents' and veterans' benefits, inter- and intra-governmental relationships and operations, and the preparation of Secretarial and Departmental correspondence relating to its fields.

(b) Civilian Employee Affairs Branch prepares opinions and correspondence on questions relating to the civilian branch of the Naval Establishment, nonappropriated fund instrumentalities under the jurisdiction of the Department of the Navy, quarters and rental housing for military and civilian personnel, the acceptance of gifts to the Navy, disposals of Navy property under 10 U.S.C. 7308 and other disposals of property as referred to the branch. Civilian security matters are also under the cognizance of this branch.

(c) Regulations Branch reviews, for legality and conformance with controlling directives, proposed new material for, and proposed changes in manuals and other regulatory publications of the Navy Department, its Bureaus, Offices, Commands and Headquarters Marine Corps; coordinates changes to the Manual of the Judge Advocate General; prepares, edits or reviews material for publication in the Federal Register, the Code of Federal Regulations, and the U.S. Government Organization Manual, and maintains indexes for these purposes with the Office of the Secretary of Defense and the Office of the Federal Register, General Services Administration; the director of the division and the head of the branch are the Federal Register Liaison and Certifying Officer and the Alternate Federal Register Liaison and Certifying Officer for the Department of the Navy.

(d) Finance Branch furnishes information, advice and guidance in the areas of (1) entitlement to military pay and allowances, (2) postretirement employment activities of retired naval personnel and (3) standards of conduct for naval personnel on active duty or actively employed. The Branch furnishes interpretations of the Dual Compensation Act of 1964, the various statutes relating to military pay and allowances and the statutes restricting selling activity on the part of retired Regular officers. Determinations are made concerning origin of retirement disabilities for purposes of the Dual Compensation Act of 1964.

(e) Legislative Comment Branch coordinates the action to be taken by the Judge Advocate General upon legislative Items, Executive Orders, Proclamations and reports that are referred for comment and recommendation by the Chief of Legislative Affairs. The Branch also drafts legislation proposed by the Judge Advocate General for inclusion in the Department of Defense legislative program.

(v) *Litigation.* Has Navy Department responsibility for litigation, other than admiralty and contractual matters.

(a) One phase of this Division's work is assisting the Department of Justice in the preparation and defense of suits involving the Department of the Navy brought in U.S. District Courts. This includes defending tort suits, criminal prosecution of members of the Naval Establishment (uniformed and civilian), suits against officers and officials of the Naval Establishment for actions arising out of their official duties, habeas corpus, injunctions and mandamus. This Division also assists the Department of Justice in the defense of claims against the Government arising in the Department of the Navy and being litigated in the Court of Claims. In furtherance of this responsibility the Division obtains factual and technical information and assists in the preparation of the Government's legal position, including the preparation of legal briefs and memoranda. Additionally, the Division obtains witnesses and documentary evidence to be used in the trial of these cases. Close liaison is maintained at the working level with the Department of Justice, U.S. Attorneys in the field, all Bureaus and Offices in the Navy Department, and with the other divisions of the Judge Advocate General's Office.

(b) Another phase of this Division's work involves representing the Department of the Navy in its relations with State and local authorities by acting on requests by such authorities for the delivery of naval personnel (1) as witnesses in civil and criminal trials, (2) for prosecution of a criminal charge where such personnel are within the jurisdiction of the State desiring to prosecute, and (3) for prosecution of a criminal charge where such personnel are outside the jurisdiction of the State desiring to prosecute and extradition proceedings are necessary.

(c) In addition to producing the records and information necessary to the functions described in Items (a) and (b), the Division, as the designee of the Secretary of the Navy, is charged with the responsibility for the release of Navy Department records and information therefrom either in response to court orders or in the absence thereof, as provided in the Manual of the Judge Advocate General, Chapter 12, Part III and U.S. Navy Regulations 1948 revised (cf. 32 CFR Part 701).

(d) Other duties of the Division include obtaining naval personnel and Navy civilian employees as witnesses pursuant to requests from the Department of Justice in cases not involving the Department of the Navy, processing applications for Presidential Pardons and maintaining liaison with the U.S. Pardon Attorney, arranging interviews of military and civilian personnel when such interviewing or interview pertains to matters in litigation or may affect possible future litigation or is in connection with matters arising out of their official duties, accepting service of subpoenas or other civil process directed to the Secretary of the Navy or persons in the Naval Establishment in their official capacity, furnishing addresses of and answering inquiries regarding debts incurred by naval personnel; and collection and accounting connected with fees charged for supplying documents, records and information to certain nonexempt individuals (32 CFR 144.1–144.8).

(e) General Claims Branch formulates, supervises and coordinates Navy claims policies and procedures relating to the worldwide processing, adjudication or other disposition of administrative claims for and against the United States under the provisions of claims statutes and international agreements relating to the Department of the Navy. These include claims cognizable under the Military Claims Act (10 U.S.C. 2733), Foreign Claims Act (10 U.S.C. 2734, 31 U.S.C. 224d), Military Personnel Claims Act (10 U.S.C. 2732, 31 U.S.C. 222c), Federal Tort Claims Act (28 U.S.C. 2671–2680), the NATO Status of Forces Agreement (4 UST 1792) and similar international agreements; protects the interests of the Government by collecting monies due on property damage claims in favor of the United States in tort cases; makes recommendations to the Attorney General as to the advisability of instituting such actions and assists together with the Litigation Division in the litigation of these actions; renders cooperation to the Department of Justice, including the furnishing of investigative reports and other documents to the U.S. Attorney in preparation of prosecutions or defenses of tort suits in favor of or against the United States, and makes recommendations as to compromises; proposes and comments on legislation and amendments to statutes and regulations relating to claims; and cooperates in conferences with other interested Government agencies within and outside the Department of the Navy on such matters.

(vi) *Military personnel.* Effects the assignment of law specialists to legal billets throughout the Naval Establishment according to (1) the needs of the service, (2) the professional needs and qualifications of the individual, and (3) wherever possible, the preference of the individual (10 U.S.C. 806(a)). Under the guidance of the Assistant Judge Advocate General (Personnel, Reserve and Planning), the Division plans the personnel posture of the law specialist in the Navy. This involves plans for procurement of new officers as well as the assignment of officer-lawyers currently available in such fashion as to render the greatest assistance to both the Operating Forces and the Shore Establishment. To this end, the Division maintains records and conducts studies regarding qualifications, training, assignment, and effective utilization of all law specialists.

The Division also has responsibility, in coordination with the Chief of Naval Personnel, for officer recruitment, development of allowances and complements, and special projects. In addition, the Military Personnel Division performs the normal functions of a military personnel office for the Office of the Judge Advocate General.

(vii) *Naval Reserve Phased Forces.* The Phased Forces Program provides qualified law specialists for active duty in time of national emergency or in time of war and at such other times as the national security may require to meet the requirements of the Navy in excess of those of the regular component. The Division provides the technical advice, training, and assistance in the administration of the Phased Forces Program to meet all mobilization requirements for law specialists. The Division prepares the technical training curricula and training guides for the Program and assists in the preparation of the Catalogue of Active Duty for Training. Liaison with comparable Reserve Programs in the Army, Air Force, Marine Corps, and Coast Guard is maintained to cross-service requests for special training. The Division monitors the sources of Reserve officer procurement. This requires processing requests from inactive duty officers for changes in designator and reviewing the professional qualifications of lawyer applicants for the Direct Appointment Naval Reserve Law Specialist Commissioning Program. The Phased Forces Program consists of Law Companies composed of inactive duty Reserve lawyers located in most of the major metropolitan areas of the country.

The training of law specialists is accomplished through the media of lectures, correspondence courses, training films, special courses in naval justice, law seminars, conferences, and annual active training duty cruises of two weeks' duration. A continuous "on the job" training program is in operation in all major active duty legal offices throughout the establishment and in the Office of the Judge Advocate General.

(viii) *Legal assistance.* Supervises and coordinates legal assistance for members of the naval service and their dependents throughout the Naval Establishment in cooperation with national, state, and local bar associations and legal aid organizations with whom the Division maintains close liaison. It also maintains a local Legal Assistance Branch which provides legal assistance to members of the naval service and their dependents in the Washington area.

(ix) *Military justice.* Primarily assists in carrying out the functions assigned to the Office of the Judge Advocate General by the Uniform Code of Military Justice (10 U.S.C. 801 et seq.), including the supervision of the administration of military justice in the field and the survey of operations under the Code. There are three branches.

(a) Correspondence Branch answers inquiries with respect to specific court-martial cases; furnishes information to members of the Congress and interested parties; advises as to the current status of cases which have been received in the Office of the Judge Advocate General; solicits pertinent information from the field, when required. Prepares authorizations for the employment of expert witnesses in court-martial proceedings. Prepares orders instructing field authorities or Boards of Review to take action on court-martial cases in accordance with opinions of the Court of Military Appeals and decisions of the Boards of Review. Insures that all legal-administrative action is taken on officer court-martial cases after review pursuant to article 65, 66, or 69, UCMJ (10 U.S.C. 865, 866, 869), including the clemency review of all cases to determine whether the Judge Advocate General will recommend that the Secretary of the Navy reduce any portion of the sentence, and the accomplishment of final review pursuant to article 71(b), UCMJ (10 U.S.C. 871(b)), on cases involving officer dismissals. Prepares actions for the Secretary of the Navy designating new court-martial convening authorities in the implementation of articles 22, 23 and 24, UCMJ (10 U.S.C. 822, 823, 824); maintains a control file of letters issued by general court-martial authorities which designate commands under their jurisdiction as empowered to convene special and summary courts-martial. Prepares Secretarial replies to requests from field activities for permission to try by court-martial persons in the naval service who have been tried in a domestic or foreign court for the same act or acts. Prepares authorizations for the utilization of naval lawyers on courts-martial convened by the other armed services and for the utilization of lawyers of the other armed services on courts-martial convened at naval activities. Prepares actions remitting bad conduct discharges at the request of the Chief of Naval Personnel or the Commandant of the Marine Corps to permit execution of administrative discharges. Prepares actions for the exercise of clemency by the Secretary of the Navy and the Judge Advocate General pursuant to article 74, UCMJ (10 U.S.C. 874). Releases copies of court-martial records to persons properly entitled to receive them. Completes special research and statistical studies when the need arises for comparative facts or figures on particular phases of military justice.

(b) Advisory Legal Branch collects and studies trends and data derived primarily from records of trial with a view to making such recommendations to the Judge Advocate General as will promote a more orderly and effective administration of military justice in the naval service. Prepares opinions and recommendations on questions relating to military justice which arise within the Department of the Navy and its Reserve components, within other departments and agencies of the Federal Government, and within various state and local governmental bodies; also prepares correspondence in response to any legitimate request for information received from a civilian source outside the government establishment involving a question of military justice. Advises the Judge Advocate General with respect to pending legislation affecting military justice procedures; collects data for use in Congressional hearings and prepares witnesses' statements. Assists join service committees in revising the Manual for Courts-Martial. Revises and maintains in an up-to-date condition the Manual of the Judge Advocate General, Trial Guides, Instruction Guides, and other regulations affecting military justice. Disseminates to the field important Court of Military Appeals or Board of Review decisions affecting military justice procedures, in advance of regular changes to existing publications. Maintains liaison with the Naval Investigative Service regarding military justice matters. Acts on requests for Secretary of the Navy permission to try by court-martial Fleet Reservists and retired personnel and other persons no longer on active duty. Prepares replies to inquiries received directly from legal officers pursuant to article 6(b), UCMJ (10 U.S.C. 806(b)).

(c) Review Branch examines records of trial of general courts-martial pursuant to article 69, UCMJ (10 U.S.C. 869); such examination is a complete and thorough review of the proceedings as to errors of law and procedure as well as a determination of the sufficiency of the evidence to sustain the findings and sentence of the court. Reviews summary courts-martial and special courts-martial (not involving a bad conduct discharge) which have not been reviewed in the field by a law specialist in accordance with article 65(e), UCMJ (10 U.S.C. 865(e)). Resolves disagreements arising between officers having supervisory authority and their law specialists as to matters of law in summary courts-martial or special courts-martial not involving a bad conduct discharge. Advises the Judge Advocate General in the exercise of his "certification" power under article 67(b)(2), UCMJ (10 U.S.C. 867(b)(2)), by examining cases decided by Boards of Review to determine whether the decisions present a question of law which is deemed worthy of consideration by the Court of Military Appeals. Reviews and makes recommendations to the Judge Advocate General for the publication in the Court-Martial Reports of selected Board of Review decisions for the information of those concerned with the administration of military justice. Examines reports of proceedings to vacate the suspension of sentences previously adjudged by general courts-martial and by special courts-martial involving a bad conduct discharge. Has cognizance of petitions for new trials filed with the Judge Advocate General under article 73, UCMJ (10 U.S.C. 873), and paragraph 109, MCM, 1951. Based on recommendations of the Boards of Review that the Judge Advocate General exercise clemency in certain cases, reviews the cases and any available information concerning the conduct of the accused to determine whether clemency action should be recommended to the Judge Advocate General or whether the Boards' recommendations should be forwarded to the Naval Clemency Board for consideration. Reviews complaints of wrongs under article 138, UCMJ (10 U.S.C. 938). Reviews appeals from nonjudicial punishment addressed to the Secretary of the Navy and the Chief of Naval Operations, upon request. Reviews recommendations to the Judge Advocate General under section 0135, Manual of the Judge Advocate General, to suspend persons from acting as counsel before courts-martial.

(x) *Investigations.* Reviews for legal sufficiency the records of proceedings of investigations and courts of inquiry. Disseminates the records to pertinent offices and bureaus of the Department of the Navy. Prepares appointing orders for fact-finding bodies convened by the Secretary of the Navy. Prepares opinions on the legality of proceedings of fact-finding bodies, and initiates action to correct legal and procedural errors or omissions in investigative matters. Maintains liaison with the Veterans' Administration for the purpose of furnishing information which it requests regarding injuries or deaths to naval personnel in order to determine eligibility for pension benefits. Prepares opinions on "line of duty" and "misconduct" status of naval personnel injured in noncombat incidents. Prepares answers to inquiries from Members of Congress, next of kin, attorneys, insurance companies and

others relating to investigations and courts of inquiry.

(xi) *Administrative management.* Handles all matters relative to employment, management, and administration of civilian personnel for the Office; maintains complete budget program for the Office including the Office of the Judge Advocate General subhead of the Department of Defense Claims appropriation; administers the legal publications program for the Office and for law specialists throughout the Navy; maintains the law library including legislative reference services; organizes opinions originating in the Office of the Judge Advocate General; prepares digests for publication; maintains mail, records, supply and management functions, including office security, civilian personnel security clearances, and work measurement and statistics.

(4) The Navy Appellate Review Activity, located at the Washington Navy Yard, under an officer in charge, is assigned to the Judge Advocate General for command and principal support. The Activity consists of the Appellate Defense Division, Appellate Government Division, Boards of Review, Courts-Martial Records Branch and the Fiduciary Affairs Division. The officers (law specialists) assigned to Appellate Defense perform the statutory functions of appellate defense counsel for accused before Boards of Review and the Court of Military Appeals (10 U.S.C. 870). Appellate Government Division represents the United States, when directed, before Boards of Review and the Court of Military Appeals. The four Boards of Review, organized pursuant to article 66 of the Uniform Code of Military Justice (10 U.S.C. 866), are the principal part of the Activity. Court-Martial Records Branch is responsible for receipt and control of court-martial records, promulgating decisions and interlocutory orders of Boards of Review and the Court of Military Appeals and recording statistical data with respect to each case. Fiduciary Affairs Division has cognizance over cases involving the establishment and administration of trusteeships over Navy pay of mentally incompetent retired naval personnel.

(5) The U.S. Navy-Marine Corps Judiciary Activity, established by the Secretary of the Navy on May 9, 1962, is a separate field activity under a director. The Judiciary Activity is assigned to the Judge Advocate General for command. It consists of the Washington home office and eight branch offices. The Washington home office is assigned to the Judge Advocate General for primary support whereas the branch offices are assigned to the District Commandant, Area Coordinator or Commanding General for administrative support. The mission of the Activity is to provide, on a world-wide basis, all general courts-martial convened in the Naval Establishment with specially qualified and specifically designated Navy and Marine Corps law officers (military judges) and to perform such other functions as directed by the Judge Advocate General.

2. Section 13 is amended by revising the address of the Office of Naval Petroleum and Oil Shale Reserves to read as follows:

Sec. 13. *Addresses.* * * *

Director, Office of Naval Petroleum and Oil Shale Reserves, Munitions Building, 20th Street and Constitution Avenue NW., Washington, D.C. 20360, Phone Oxford 5-8066 during office hours; Oxford 5-3667 during nonoffice hours.

(Secs. 301, 552, 80 Stat. 379, 383 (Pub. L. 89-28, 81 Stat. 54, effective July 4, 1967); 5 U.S.C. 301, 552.)

By direction of the Secretary of the Navy.

Dated: August 24, 1967.

[SEAL] WILFRED HEARN,
Rear Admiral, U.S. Navy,
Judge Advocate General.

[F.R. Doc. 67-10185; Filed, Aug. 30, 1967; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

HUMANELY SLAUGHTERED LIVESTOCK

Identification of Carcasses; Changes in List of Establishments

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904), and the statement of policy thereunder in 9 CFR 381.1, the list (32 F.R. 11343) of establishments which are operated under Federal inspection pursuant to the Meat Inspection Act (21 U.S.C. 71 et seq.) and which use humane methods of slaughter and incidental handling of livestock is hereby amended as follows:

The reference to sheep with respect to Silver Falls Packing Co., Inc., establishment 153 is deleted. The reference to cattle with respect to Triolo Bros., establishment 706 is deleted.

The following table lists species at additional establishments and additional species at previously listed establishments that have been reported as being slaughtered and handled humanely.

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
B. Rothschild & Co.	506	X					
Marysville Meat Packing Co.	552		(*)				
Oscar Mayer & Co.	457-B						
Price Bros. of Delaware	585	(*)	(*)			X	
Colonial Packing Co.	1002						
New establishments reported: 8.							
Armour & Co.	29A				(*)		
Swift & Co.	3AN						
Pauly Packing Co., Inc.	10			(*)	(*)		
Hygrade Food Products Corp.	12FW		X				
Rongeleim Provision Co.	32A						
Valley-Ish Packers, Inc.	34-c						
Idaho Meat Packers	46						
Gooch Packing Co., Inc.	51			X			
Auburn University Meat Laboratory	71						
Miller Packing Co., Inc.	78			X		X	
Swift & Co.	166-A						
Watkins Packing Co.	209				X		
Hotze's Riverside Abbattoir, Inc.	210					X	
San Angelo Packing Co.	261						
Solano Meat Co.	265						
Madsen Provision Co.	311						
Austin's Packing Co.	317						
Peters Packing Co., Inc.	341					X	
Montebello Meat Packing Co.	364			X			
Rekert Packing Co.	471					X	
Memphis Butchers Association, Inc.	488				X		
Capitol Packing Co.	513						
The Cudahy Co.	540						
San Antonio Packing Co.	622						
Western Meat Packers Inc.	905						
Silver State Beef Co.	907						
Jordan Meat and Livestock Co., Inc.	926						
Sigman Meat Co., Inc.	931	X	X	X	X	X	
Species added: 23.							

Done at Washington, D.C., this 25th day of August 1967.

R. K. SOMERS,
Deputy Administrator, Consumer Protection.

[F.R. Doc. 67-10219; Filed, Aug. 30, 1967; 8:48 a.m.]

Office of the Secretary

NORTH DAKOTA

Designation of Area for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named county in the State of North Dakota natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

NORTH DAKOTA

Stutsman.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named county after June 30, 1968, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 28th day of August 1967.

[SEAL] ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67-10253; Filed, Aug. 30, 1967; 8:51 a.m.]

TEXAS

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Texas natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

TEXAS

Atascosa.	Kimble.
Bandera.	Kinney.
Bexar.	Lamar.
Blanco.	La Salle.
Bowie.	Llano.
Burnet.	Mason.
Camp.	Maverick.
Collin.	McMullen.
Comal.	Medina.
Crockett.	Navarro.
Dallas.	Real.
Delta.	Red River.
Dimmit.	Rockwall.
Edwards.	Schleicher.
Fannin.	Sutton.
Franklin.	Terrell.
Frio.	Titus.
Gillespie.	Upshur.
Grayson.	Uvalde.
Guadalupe.	Val Verde.
Hunt.	Wilson.
Kendall.	Wood.
Kerr.	Zavala.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1968, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 30th day of August 1967.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67-10254; Filed, Aug. 30, 1967; 8:51 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

Redelegation of Authority to District Managers

AUGUST 25, 1967.

1. Pursuant to sections 1.1(a) and 3.9(o)(3), Bureau Order No. 701 of July 23, 1964, as amended, each California District Manager, within his area of jurisdiction in the State of California, may take all action on special land-use permits for lands outside established grazing and forest districts under 43 CFR 2234.

2. The authority delegated in paragraph 1 may not be redelegated and shall become effective immediately upon publication in the FEDERAL REGISTER.

J. R. PENNY,
State Director.

[F.R. Doc. 67-10204; Filed, Aug. 30, 1967; 8:47 a.m.]

ALASKA

Notice of Reopening of Fairbanks District and Land Office

AUGUST 25, 1967.

Notice is hereby given that the Fairbanks District and Land Office, Bureau of Land Management, will be reopened for business on September 11, 1967. The office was temporarily closed effective 4 p.m., August 14, 1967 by order dated August 17 and published in 32 F.R. 12194 dated August 24, 1967.

Applications received between the time the office was closed and 10 a.m., September 11, 1967, will be considered as filed at 10 a.m., September 11, 1967. Payments or other documents that were due during the period of closure will be considered timely filed if received on or before September 11, 1967.

Personnel of the District and Land Office will be available to give information and assistance beginning August 28, 1967.

BURTON W. SILCOCK,
State Director.

[F.R. Doc. 67-10205; Filed, Aug. 30, 1967; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

DEPARTMENT OF AGRICULTURE, AGRICULTURAL RESEARCH SERVICE

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 67-00018-01-11000. Applicant: U.S. Department of Agriculture, Agricultural Research Services, Eastern Utilization Research and Development Division, South Agriculture Building, Washington, D.C. 20250. Article: Combined Gas Chromatograph-Mass Spectrometer comprising: Analyzer unit model LKB 9001, Control unit model LKB 9002, Transformer model LKB 9065 with both foreign and domestically manufactured parts and accessories. Manufacturer: LKB Produkter AB, Sweden as the major manufacturer and domestic manufacturers Varian Associates Ind., and Consolidated Electrodynamic Corp. as suppliers for some parts. Intended use of article: Separation and identification of flavor compounds isolated in microgram quantities for dairy products. Comments: No comments were received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: Section 602.1(e) of the regulations issued pursuant to the Educational, Scientific and Cultural Materials Importation Act of 1966 (80 Stat. 897) provides:

> The determination of scientific equivalency between a foreign instrument and a domestic instrument shall be based on comparisons of the pertinent characteristics and pertinent specification of the foreign instrument with the similar pertinent characteristics and pertinent specifications of the domestic instrument. If such comparisons show that at least one domestic instrument or a *reasonable combination of domestic instruments* does possess all of the pertinent characteristics and pertinent specifications of the foreign instrument, the Administrator shall find that scientific equivalency does exist.

The italic phrase, "reasonable combination of domestic instruments," was intended to be construed in a reasonably narrow manner to include only combinations which would under normal commercial practice and usage generally be considered as a unit. The phrase is narrowly construed because the operative language of the statute and the explanatory language of the Committee Reports both speak in terms of comparisons of single instruments with other single instruments. Thus, item 861.60 of schedule 8, part 4 of the Tariff Schedules prescribes the test "if no domestic instrument or apparatus of equivalent scientific value is being manufactured in the United States." Similarly, the Committee Reports speak in terms of "a" domestic article and "a" domestic instrument or apparatus (H. Rept. No. 1778, House Committee on Ways and Means, 89th Cong., 2d sess., p. 18, and S. Rept. No. 1678, 89th Cong., 2d sess., p. 12).

The foreign article is a unit which combines the functions of a gas chromatograph, a mass spectrometer and a separating device. At the time the applicant placed his order for the foreign article, there were no domestic manufacturers offering to supply a comparable unit in which the three functions were integrated. The application indicates that, in response to an invitation to bid from the applicant, the Bendix Corporation offered to furnish its Model 3012 mass spectrometer and a gas chromatograph Model 9751A manufactured by the F&M Scientific Division of Hewlett-Packard Co.; and that Consolidated Electrodynamic Corp. (CEC) offered its Type 21-106 mass spectrometer and a gas chromatograph Model 700-02, likewise manufactured by the said F&M Division. (See reply to question 16 of application.) CEC offered to supply a Biemann-Watson separating device.

The Department of Health, Education, and Welfare (HEW) has advised that the "alternatives proposed by Bendix Corp. and by CEC have not been designed and tested as single units" (HEW memorandum, dated June 1, 1967). Since no domestic manufacturer has submitted comments in this case, no contention has been made, or evidence submitted to support a contention that either of the combinations offered by Bendix Corp. or by CEC would under normal commercial practice and usage generally be considered as a unit. We are not otherwise aware of any evidence which would support such a finding. Accordingly, we find that the several instruments offered by each of the manufacturers named above are not eligible for comparison of the foreign article as a "reasonable combination" in accordance with the applicable provision of the regulations set forth above.

Neither of the combinations of instruments offered by Bendix Corp. and CEC is scientifically equivalent to the foreign article for the purpose for which the article is intended to be used. The foreign article incorporates a Becker Ryhage separating device. While the National Bureau of Standards advises that, with respect to this device, "data sufficiently complete and reliable to permit a valid conclusion as to the precise relative capabilities of the competing instruments do not exist" (NBS memorandum dated July 6, 1967, par. 5), HEW advises that "the jet-type carrier gas separation system in the LKB apparatus is unique and is generally considered by authorities in the field to be the most effective separator available. The efficiency of the separator largely determines the effectiveness of the Mass spectrometer and the alternatives proposed by domestic manufacturers are not equivalent in this scientific specification."

Thus, on the basis of the evidence available in this case, we find that the separator system is a pertinent characteristic of the article, and that the devices offered by the domestic manufacturers named above are not of equivalent scientific value for the purposes for which the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus which is of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used and which is being manufactured in the United States.

THOMAS Z. CORLESS,
Acting Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 67-10179; Filed, Aug. 30, 1967; 8:45 a.m.]

BOYCE THOMPSON INSTITUTE FOR PLANT RESEARCH

Amendment to Notice of Application for Duty-Free Entry of Scientific Article

The following notice of application published in Volume 32, Number 107 of the FEDERAL REGISTER (Saturday, June 3, 1967), pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897), is hereby amended by adding the words enclosed in brackets to the description of the article:

Docket No. 67-00091-33-46500. Applicant: Boyce Thompson Institute for Plant Research, 1086 North Broadway, Yonkers, N.Y. 10701. Article: [Controlled environment plant growth cabinets (4) PCW18—modified.] Manufacturer: Controlled Environments, Ltd., Winnipeg, Canada. Intended use of article: Applicant states:

Air pollutants can have serious effects on vegetation and on animals consuming polluted vegetation. Since plant response varies with environmental conditions, studies designed to determine the pollutant concentration at which the injury occurs must take climatic conditions into account. The controlled environmental chambers we are purchasing are specially designed so that plants may be exposed to air pollutants under controlled conditions of light, temperature, humidity, and air flow.

Application received by Commissioner of Customs: May 24, 1967.

THOMAS Z. CORLESS,
Acting Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 67-10180; Filed, Aug. 30, 1967; 8:45 a.m.]

UNIVERSITY OF PENNSYLVANIA, SCHOOL OF DENTAL MEDICINE

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 67-00030-33-46040. Applicant: University of Pennsylvania, School of Dental Medicine, 4001 Spruce Street, Philadelphia, Pa. 19104. Article: Electron Microscope, Model Norelco EM-300. Manufacturer: Philips Electronic Instrument Co., The Netherlands. Intended use of article: This article is required to continue and expand work being presently carried out in the field or periodontology and related aspects of oral biology. Studies include investigation of normal fine structure of periodontal tissues and will be expanded to cover pathologically created alternations. Both soft and mineralized tissues will be examined.

Comments: Comments were received from one domestic manufacturer, Radio Corporation of America (RCA) which alleges inter alia that "The RCA model EMU-4 Electron Microscope with the following accessories (Cold and Anti-contamination Stage and Low Magnification Projector Pole Piece) is of equivalent scientific value to the instrument for which the instrument is intended to be used." Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: (1) The foreign article provides a guaranteed resolution of 5 Angstroms (specification sheet for Norelco, model EM-300 attached to application), whereas the RCA model EMU-4 provides a guaranteed resolution of 8 Angstroms (par. (4) of RCA comments). (The lower the numerical rating in terms of Angstroms the better the resolving power.) The theoretical resolving power of the foreign article and the domestic instrument are not pertinent because these are obtained under certain restrictive conditions. Only the day-to-day operational characteristics under conditions customarily encountered in a laboratory are considered pertinent. We are advised by the National Bureau of Standards (memorandum dated July 27, 1967), that in view of the applicant's objective to extend observations to the finest structure observable, the greater resolving power of the foreign article is pertinent. (2) In dark field studies of dental tissue for which the applicant intends to use the foreign article, the beam tilt device for allowing high resolutions to be achieved is a pertinent characteristic.

We are advised by the National Institutes of Health (memorandum dated June 27, 1967), that the foreign article has a more accurate beam tilt with a much wider angle than the RCA Model EMU-4. For the foregoing reasons, we find that the RCA model EMU-4 is not of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

THOMAS Z. CORLESS,
Acting Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 67-10181; Filed, Aug. 30, 1967; 8:45 a.m.]

VETERANS ADMINISTRATION HOSPITAL

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 67-00024-33-46500. Applicant: Veterans Administration Hospital, 5901 East Seventh Street, Long Beach, Calif. 90804. Article: Microtome-Thermal Advance Ultramicrotome, model SIDEA "Om U2" Manufacturer: C. Reichert Optische Werke A. G., Austria. Intended use of article: Applicant states:

Prepare ultrathin single and serial sections continuously variable from 0 to 10,000 [Angstroms] by means of thermal advance for electron and light microscopy.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: (1) We note that one domestic manufacturer, Ivan Sorvall, Inc. (Sorvall), offered an ultramicrotome in response to the applicant's invitation to bid. (See page 2 of letter from applicant dated May 9, 1967, which furnished additional information as part of the application.) The only known domestic instrument comparable to the foreign article is the Sorvall Model MT-2 described in the company's catalogue for the Sorvall "Porter-Blum" MT-1 and MT-2 Ultra-Microtomes, Ivan Sorvall, Inc., Norwalk, Conn., 1966. One of the applicant's reasons for rejecting the bid of Sorvall was that the domestic instrument is equipped only with a mechanical feed, whereas the foreign article employs a thermal feed (letter from applicant cited above, page 2). We are advised by the Department of Health, Education, and Welfare (HEW) that both theoretically and in actual practice the thermal advance mechanism gives superior performance over the mechanical advance method of cutting thin sections. (See memorandum from HEW dated June 26, 1967.) HEW further advises that the consistently higher quality of the thin sections obtained from thermal advance microtomes, in comparison with domestically manufactured mechanical advance ultramicrotomes, would be of substantially greater scientific value for uses identified by the applicant. (2) Another reason given by the applicant for rejecting the Sorvall bid, is that the cutting range of the domestic instrument is from 100 Angstroms (one Angstrom equals 1 one-hundred millionth of a centimeter) to 4 microns. (Letter from applicant cited above). The foreign article has a cutting range which is continuously variable from 1 Angstrom to 200 millimicrons. (See pages 6 and 7 of Catalogue describing the Reichert Model "Om U2" Ultra-Microtome, C. Reichert Optische Werke A.G., Vienna, Austria, 1966.) The minimum specification for the cutting range (referred to as the "thin-sectioning capability" of the ultramicrotome) is pertinent because the thinner the cross section of the specimen the more it is possible to take full advantage of the resolving power and other capabilities of the electron microscope for which the specimens are being prepared.

For the foregoing reasons, we find that the Sorvall Model MT-2 ultramicrotome is not of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used, which is being manufactured in the United States.

THOMAS Z. CORLESS,
Acting Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 67-10182; Filed, Aug. 30, 1967; 8:45 a.m.]

UNIVERSITY OF WASHINGTON PURCHASING DEPARTMENT

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No.: 67-00074-00-46040. Applicant: University of Washington, Purchasing Department, 9917 University Way NE., Seattle, Wash. 98105. Article: Beam Deflecting attachment, model JEM-ABD. Manufacturer: Japan Electron Optics Laboratory Co., Ltd., Japan. Intended use of article: The beam deflecting attachment will be used to obtain high resolution dark field images when used in conjunction with a JEM-7 electron microscope. The electron microscope will be used for scientific and research purposes in connection with the Department of Mineral Engineering of the University of Washington. Comments: No comments were received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purpose for which such article is intended to be used, is being manufactured in the United States. Reasons: The article is an accessory to a JEM-7 electron microscope, which is manufactured only by the manufacturer of the electron microscope. The National Bureau of Standards advises (memorandum dated July 12, 1967), that similar accessories made for other than the JEM-7 electron microscope are not interchangeable with the foreign article. We know of no domestic manufacturer which makes an accessory such as the foreign article, which is designed to fit the JEM-7 electron microscope.

THOMAS Z. CORLESS,
Acting Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 67-10183; Filed, Aug. 30, 1967; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

MOBIL CHEMICAL CO.

Notice of Filing of Petition Regarding Pesticides

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 8F0633) has been filed by Mobil Chemical Co., 150 East 42d Street, New York, N.Y. 10017, proposing the establishment of tolerances for combined residues of the insecticide 4-benzothienyl *N*-methyl carbamate and its metabolite 4-hydroxybenzothiophene, calculated as the insecticide, in or on corn in ear form, corn fodder and forage, and cottonseed at 0.1 part per million.

The analytical methods proposed in the petition are (1) methods based on hydrolysis to yield 4-hydroxybenzothiophene that is coupled with *p*-nitrobenzenediasonium fluoborate and determined spectrophotometrically at 530 millimicrons, and (2) a microcoulometric gas chromatographic technique with a sulfur titration cell.

Dated: August 23, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-10230; Filed, Aug. 30, 1967; 8:49 a.m.]

Office of Education

CONSTRUCTION OF NONCOMMERCIAL EDUCATIONAL TELEVISION BROADCAST FACILITIES

Acceptance for Filing Application for Federal Financial Assistance

Notice is hereby given that effective with this publication the following described applications for Federal financial

assistance in the construction of noncommercial educational television broadcast facilities are accepted for filing in accordance with 45 CFR 60.7:

Community Television of Southern California, 1313 North Vine Street, Los Angeles, Calif., File No. 208, for the establishment of a new noncommercial educational television station on Channel 58, Los Angeles, Calif.

State Board of Education, State of Rhode Island and Providence Plantations, Roger Williams Building, Providence, R.I., File No. 209, to improve the facilities of noncommercial educational television station WSBE, on Channel 36, Providence, R.I.

Any interested person may, pursuant to 45 CFR 60.8 within 30 calendar days from the date of this publication, file comments regarding the above applications with the Chief, Educational Television Facilities Branch, U.S. Office of Education, Washington, D.C. 20202.

(76 Stat. 64; 47 U.S.C. 390)

RAYMOND J. STANLEY,
Chief, Educational Television Facilities Branch, U.S. Office of Education.

[F.R. Doc. 67-10228; Filed, Aug. 30, 1967; 8:49 a.m.]

CONSTRUCTION OF NONCOMMERCIAL EDUCATIONAL TELEVISION BROADCAST FACILITIES

Acceptance for Filing Application for Federal Financial Assistance

Notice is hereby given that effective with this publication the following described application for Federal financial assistance in the construction of noncommercial educational television broadcast facilities is accepted for filing in accordance with 45 CFR 60.7:

Evansville Vanderburgh School Corp., Evansville, Ind., File No. 210, for the establishment of a new noncommercial educational television station on Channel 9, Evansville, Ind.

Any interested person may, pursuant to 45 CFR 60.8 within 30 calendar days from the date of this publication, file comments regarding the above application with the Chief, Educational Television Facilities Branch, U.S. Office of Education, Washington, D.C. 20202.

(76 Stat. 64, 47 U.S.C. 390)

RAYMOND J. STANLEY,
Chief, Educational Television Facilities Branch, U.S. Office of Education.

[F.R. Doc. 67-10229; Filed, Aug. 30, 1967; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket Nos. 50-302, 50-303]

FLORIDA POWER CORP.

Notice of Receipt of Application for Construction Permits and Facility Licenses

Florida Power Corp., 101 Fifth Street South, Post Office Box 14042, St. Petersburg, Fla. 33733, has filed an application, dated August 8, 1967, pursuant to section 104(b) of the Atomic Energy Act of 1954, as amended, for authorization to construct and operate two pressurized water nuclear power reactors at its site on the Gulf of Mexico, 70 miles north of Tampa, Fla., and 7½ miles northwest of Crystal River, Citrus County, Fla.

The proposed nuclear power plants, designated by the applicant as the Crystal River Units 3 and 4 Nuclear Generating Plant, are each designed for initial operation at approximately 2452 megawatts thermal with a gross electrical output of approximately 855 megawatts.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 24th day of August, 1967.

For the Atomic Energy Commission.

D. J. SKOVHOLT,
Acting Director, Division of Reactor Licensing.

[F.R. Doc. 67-10178; Filed, Aug. 30, 1967; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 18611; Order No. E-25602]

WINGS & WHEELS EXPRESS, INC., AND AIR EXPRESS INTERNATIONAL CORP.

Application for Approval of Control and Interlocking Relationships; Order Granting Tentative Approval

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 25th day of August 1967.

By joint application filed June 1, 1967, as amended July 28, 1967, Wings & Wheels Express, Inc., and Air Express International Corp. (AEI) request the Board to approve, without a hearing, pursuant to section 408(b) of the Federal Aviation Act of 1958, as amended (the Act), the acquisition, by a wholly owned subsidiary of Wings & Wheels,[1] of all the assets and business of AEI, subject to all its liabilities. Approval is also requested, pursuant to section 409 of the Act, of the following interlocking relationships of various individuals with the corporate applicants and their subsidiaries.

Name	Wings and Wheels	Burroway[1]	AEI
E. L. Richter	President, Treas.	Same	Same.
A. F. Bettel	Director		Director.

[1] Burroway is a passenger travel agency. Control and interlocking relationships between it and Wings and Wheels were approved by Order E-18615, July 19, 1962, Docket 13808.

[1] The name of this subsidiary will be Air Express International Corp. To avoid confusion, at the AEI stockholders meeting at which a vote will be taken on the subject agreement, the stockholders also will be asked to vote to change AEI's name to Air Shipping, Inc.

AEI owns the following subsidiaries:

	Activity
Air Express International Agency (France)	IATA agent.
Air Express International Enterprises, Ltd.	Holding Co.
Air Express International (HK), Ltd.	IATA agent.
Air Express International, G.m.b.H.	IATA agent.
Air Express International (Belgium), S.A.	IATA agent.
Air Express International Agency, Inc.	IATA agent.
Surface Freight Corp.	Shippers agent.
AEI Travel Service, Inc.	Travel agency.

Control and interlocking relationships involving AEI and the five IATA cargo sales agents and the travel agency were approved in Order E-21931, March 22, 1965. Jurisdiction was not asserted over AEI Enterprises, Ltd., since its only function is to hold the stock of AEI (HK), Ltd. Finally, Surface Freight Corp. as a shippers agent is not engaged in activities which make the company subject to sections 408 or 409 of the Act; therefore jurisdiction will not be asserted over that company.

Wings & Wheels holds domestic air freight forwarder authority while AEI holds both domestic and international air freight forwarder authorizations.

The "Reorganization Agreement and Plan" submitted by the applicants provides that the stockholders of Wings & Wheels and AEI agree that the former will establish a wholly owned corporate subsidiary and issue to it the amount of Wings & Wheels stock necessary to complete the transaction. The subsidiary will acquire all the assets and liabilities of AEI in exchange for Wings & Wheels stock it holds. AEI will be dissolved and the Wings & Wheels stock held by it will be distributed to its stockholders on surrender of their AEI stock. The ratio of exchange for each of the various classes of AEI securities is five shares of common for three shares of Wings & Wheels common, share for share of the preferred stock of each company and assumption by the subsidiary of the debt represented by AEI's outstanding notes and convertible debentures, with eventual conversion of the latter into Wings & Wheels' common stock at the same five for three ratio.

AEI will surrender for cancellation its domestic air freight forwarder authority. As a result of the transaction, the international authority now in the name of AEI, will be surrendered and Wings & Wheels' subsidiary will apply for international air freight forwarder authority.

Applicants stated that, as the Board noted in its previous order authorizing management control by Wings & Wheels, AEI is in a serious financial plight.[1] According to the applicants, the acquisition will result in a company which is better financed and able than is AEI to operate as an international air freight forwarder. Thus, applicants contend the public interest will not be adversely affected. Finally, it is contended that no other air carrier will be injured and that the transaction will not create a monopoly of restrain competition.

[1] Order E-24826, Mar. 7, 1967, Docket 18170.

No adverse comments or requests for a hearing have been filed with the Board.

Upon consideration of the application, we find that the applicants are both air carriers within the meaning of section 408 of the Act and that the acquisition of control of AEI by Wings & Wheels is subject to that section. The Board has concluded tentatively that such acquisition does not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, does not result in creating a monopoly and does not tend to restrain competition. No person disclosing a substantial interest in this proceeding is currently requesting a hearing, and it is concluded that the public interest does not require a hearing.

The acquisition should result in the establishment of an international air freight forwarder better financed than is AEI. This should benefit the shipping public by making available improved service.

Therefore, the Board tentatively finds that the transaction should be approved without hearing under the provisions of section 408(b) of the Act. In accordance herewith, this order, constituting notice of the Board's tentative findings and conclusions, will be published in the FEDERAL REGISTER and interested persons will be afforded an opportunity to file comments or request a hearing on the Board's tentative decision.[2]

We also find that the interlocking relationships within the scope of section 409(a) of the Act will result from the transaction described herein. However, upon final approval of the acquisition, such relationships would come within the scope of the exemption from section 409 afforded by section 287.2 of the Board's Economic Regulations. Thus, to the extent that the application requests approval of such relationships, it will be dismissed.

Accordingly, it is ordered:

1. That interested parties are hereby afforded a period of 10 days within which to file comments or request a hearing with respect to the Board's proposed action on the application in Docket 18611; [2] and

2. That the Attorney General of the United States be furnished a copy of this order within 1 day of its publication.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 67-10241; Filed, Aug. 30, 1967; 8:50 a.m.]

[1] The exemption granted to Wings & Wheels by Order E-24825 will continue in force pending final order in this proceeding.

[2] Such comments shall conform to the Board's rules of practice for the filing of comments. Since an opportunity is afforded for the filing of comments, petitions for reconsideration of this order will not be entertained.

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 124]

JOHN C. RODGERS & CO., INC.

Revocation of License

Whereas, John C. Rodgers & Co., Inc., 500 Walnut Street, Philadelphia, Pa. 19106, has ceased to operate as an independent ocean freight forwarder; and

Whereas, John C. Rodgers & Co., Inc., has returned its Independent Ocean Freight Forwarder License No. 124 to the Commission for cancellation.

Now, therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (revised), section 6.03;

It is ordered, That the Independent Ocean Freight Forwarder License No. 124 of John C. Rodgers & Co., Inc., be and is hereby revoked, effective August 23, 1967.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served on the licensee.

JOHN F. GILSON,
Deputy Director, Bureau of Domestic Regulation.

[F.R. Doc. 67-10247; Filed, Aug. 30, 1967; 8:50 a.m.]

AMERICAN & AUSTRALIAN STEAMSHIP LINE AND SEATRAIN LINES, INC.

Notice of Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Joseph Hodgson, Jr., Central Traffic Manager, Seatrain Lines, Inc., 986 River Road, Edgewater, N.J. 07020.

Agreement 9653, between the American & Australian Steamship Line and Seatrain Lines, Inc., establishes a through billing arrangement for the movement of general cargo from Puerto Rico to ports in Australia, including Tasmania, and the various South Seas Islands enumerated therein, with transshipment at the port of New York, N.Y., in accordance with the terms set forth in the agreement.

Dated: August 25, 1967.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 67-10246; Filed, Aug. 30, 1967; 8:50 a.m.]

A/B ATLANTTRAFIK ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed by:

Elmer C. Maddy, Esq., Kirlin, Campbell & Keating, 120 Broadway, New York, N.Y. 10005.

Agreement 9654, between A/B Atlanttrafik, Blue Star Line, Ltd., Columbus Line, Ellerman Lines, Ltd., and Port Lines, Ltd., provides for the pooling of all cargo carried by the parties in the range from Freemantle to Cairns, Australia (including Tasmania), to Gulf, Atlantic, and Great Lakes ports of the United States, Puerto Rico, Virgin Islands, Mexican Gulf, and Canadian Atlantic ports on the following basis: A/B Atlanttrafik, 23.2 percent; Blue Star, 24.6 percent; Columbus, 21 percent; Ellerman, 16.7 percent; and Port Line, 14.5 percent.

By the terms of the Agreement, it is the intention of all the lines to carry their proportionate shares in terms of "pool units" of 40 cubic feet each. Supplementing these objectives are appropriate provisions reflecting agreement (a) on penalties for over and undercarriage; (b) accounting; (c) sharing of expenses; (d) term of the agreement; and (e) withdrawals and admissions. The parties also intend that a committee, based in London, be established to supervise the operation of the pool, and that another "co-ordinating" committee be organized in Sydney to "co-ordinate

loading and discharging programmes to ensure that cargo forecasts are accurately matched to tonnage berthed with its most economic use."

Dated: August 25, 1967.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 67-10268, Filed, Aug. 30, 1967; 8:50 a.m.]

SECURITIES AND EXCHANGE COMMISSION

DYNA RAY CORP.

Order Suspending Trading

AUGUST 25, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Dyna Ray Corp. and all other securities of Dyna Ray Corp., New York, N.Y., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 27, 1967, through September 5, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-10207; Filed, Aug. 30, 1967; 8:47 a.m.]

INTERAMERICAN INDUSTRIES, LTD.

Order Suspending Trading

AUGUST 25, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the capital stock of Interamerican Industries, Ltd., Calgary, Alberta, Canada, being traded in the United States otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in the United States in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 27, 1967, through September 5, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-10208; Filed, Aug. 30, 1967; 8:47 a.m.]

[File No. 1-1277]

PENROSE INDUSTRIES CORP.

Order Suspending Trading

AUGUST 25, 1967.

The common stock $2 par value, of Penrose Industries Corp., being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and the 5 percent cumulative convertible preferred stock, $20 par value of Penrose Industries Corp., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 27, 1967, through September 5, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-10209; Filed, Aug. 30, 1967, 8:47 a.m.]

[812-2165]

STATE STREET INVESTMENT CORP.

Notice of Filing of Application for an Order Exemption From Sale by an Open-End Company of its Securities at Other Than the Public Offering Price

AUGUST 25, 1967.

Notice is hereby given that State Street Investment Corp. ("Applicant"), 225 Franklin Street, Boston, Mass. 02110, a Massachusetts corporation registered under the Investment Company Act of 1940 ("Act") as an open-end diversified management investment company, has filed an application pursuant to section 6(c) of the Act requesting an order of the Commission exempting from the provisions of section 22(d) of the Act a transaction in which Applicant's redeemable securities will be issued at a price other than the current public offering price in exchange for substantially all of the assets of Allmac, Inc. ("Allmac"). All interested persons are referred to the application on file with the Commission for a statement of Applicant's representations which are summarized below.

Allmac, an Oregon corporation, is a personal holding company all of whose outstanding stock is owned of record and beneficially by two individuals and is exempt from registration under the Act by reason of the provisions of section 3(c)(1) thereof. Pursuant to an agreement between Applicant and Allmac, assets owned by Allmac with a value of approximately $234,539 on July 24, 1967, will be transferred to Applicant in exchange for shares of its capital stock.

The number of shares of Applicant to be issued to Allmac is to be determined by dividing the aggregate market value (subject to certain adjustments set forth in the application) of the assets of Allmac to be transferred to Applicant by the net asset value (similarly adjusted of Applicant, both to be determined as of the valuation time) as defined in the agreement. If the valuation in the agreement had taken place on July 24, 1967, Allmac would have received 4,203 shares of Applicant's stock.

When received by Allmac, the shares of Applicant are to be distributed to the Allmac shareholders on the liquidation of Allmac. Applicant has been advised by the management of Allmac that the stockholders of Allmac do not have any present intention of redeeming or otherwise transferring the shares of Applicant to be received on such liquidation following the sale of assets transaction. Applicant does presently intend to sell a portion of the securities acquired from Allmac subsequent to their acquisition as set out in the application.

No affiliation exists between Allmac or its officers or directors and the agreement was negotiated at arm's-length by the two companies. The Board of Directors of Applicant approved the agreement as being in the best interests of its shareholders, taking all relevant considerations into account.

Section 22(d) of the Act provides that registered open-end investment companies may sell their shares only at the current public offering price as described in the prospectus. Section 6(c) permits the Commission, upon application, to exempt such a transaction if it finds that such an exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant contends that the proposed offering of its stock will comply with the provisions of the Act, other than section 22(d) and submits that the granting of the application would be in accordance with established practice of the Commission, is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than September 13, 1967, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-10210; Filed, Aug. 30, 1967; 8:47 a.m.]

[812-2168]

STAUFFER OVERSEAS CAPITAL CORP.

Notice of Filing of Application for Order Exempting Company From All Provisions of the Act

AUGUST 25, 1967.

Notice is hereby given that Stauffer Overseas Capital Corp. ("applicant"), 380 Madison Avenue, New York, N.Y. 10017, a Delaware corporation, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order exempting it from all provisions of the Act and the rules and regulations thereunder. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Applicant was organized by Stauffer Chemical Co. ("Stauffer") under the laws of the State of Delaware on June 30, 1967. All of the outstanding securities of applicant consists of 300,000 shares of common stock, par value $100 per share, of which 10 shares have been purchased for $1,000 and are held by Stauffer. The remaining authorized shares of common stock of applicant will be purchased by Stauffer from time to time for consideration consisting of such cash, securities or other property as may be necessary in order that applicant's equity capital will not be less than 20 percent of applicant's outstanding long-term debt at any time. All stock issued by applicant will be held by Stauffer and Stauffer may in the future make additional capital contributions to applicant. Stauffer will continue to own all the equity securities of applicant and will not dispose of them except to applicant itself.

Stauffer is a Delaware corporation, the principal business of which is the production and sale of chemicals and products based thereon.

Stauffer will use applicant to raise funds abroad for financing the expansion of Stauffer's foreign operations, which have been rapidly expanding in the past several years, while at the same time supporting the balance of payments position of the United States in compliance with the voluntary cooperation program instituted by the President in February 1965.

Initially applicant intends to issue its 6¼ percent notes ("notes") with a maturity of 5 years for the equivalent in foreign currency of about $5 million. Stauffer will guarantee the principal, interest payments and premiums, if any, on the notes. Any additional debt securities of applicant which may be issued to or held by the public will be guaranteed by Stauffer in a manner substantially similar to the guarantee of the notes. The notes will be purchased by a single buyer who as to the United States of America is a foreign corporation not engaged in trade or business within the United States of America or its territories or possessions and who will agree that it is not purchasing the notes for persons who are citizens, nationals or residents of the United States of America or its territories or possessions. The buyer will also agree that it will not transfer the notes, or any participation therein, to any such citizen, national or resident, and that it will obtain a similar agreement from any person to whom it transfers any of the notes.

Other debt securities may be issued by applicant from time to time as funds are required for investment in Stauffer's foreign operations, and such securities may be sold privately or publicly. If a public distribution is made through underwriters, the securities will not be sold to nationals, citizens or residents of the United States.

By financing these foreign operations through applicant rather than through the sale of its own debt obligations, Stauffer will utilize an instrumentality the acquisition of whose debt obligations by U.S. persons would generally subject such persons to the Interest Equalization Tax, thus discouraging them from purchasing such debt obligations. Counsel has advised applicant that U.S. persons will be required to report and pay Interest Equalization Tax with respect to the acquisition of applicant's debt securities.

It is intended that upon completion of the long-term investment of applicant's assets, substantially all of the assets of applicant (exclusive of U.S. Government securities and cash items) will be invested in or loaned to foreign companies (including U.S. companies all or substantially all of whose business is carried on abroad either directly or indirectly through foreign companies) which are primarily engaged in a business or businesses other than investing, reinvesting, owning, holding or trading in securities and which are, or upon the making of such investments will be (1) majority owned subsidiaries of Stauffer within the meaning of section 2(a)(23) of the Act, (2) companies under Stauffer's control within the meaning of section 2(a)(9) of the Act, or (3) companies which are engaged in a business related to the business of Stauffer, in which Stauffer or applicant owns, directly or indirectly, an equity interest of 15 percent or more. Applicant will proceed as expeditiously as possible with the long-term investment of its assets in the manner described above, will not acquire securities for the purpose of resale and will not trade in securities. Pending such investment, and from time to time thereafter in connection with changes in long-term investments, applicant will invest temporarily in debt obligations (including time deposits) of foreign governments, foreign financial institutions (including foreign branches of United States financial institutions) and foreign subsidiaries of Stauffer, payable in U.S. dollars or other currencies and in each case maturing in 1 year or less from the date of acquisition.

Applicant submits that it is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policies and provisions of the Act for the Commission to enter an order exempting applicant from each and every provision of the Act for the following reasons: (1) A principal purpose of applicant is to assist in improving the balance of payments program of the United States by serving as a vehicle through which Stauffer may obtain funds in foreign countries for its foreign operations; (2) the public policy underlying the Act is not applicable to applicant and the security holders of applicant do not require the protection of the Act, because the payment of the notes, which is guaranteed by Stauffer, does not depend on the operations or investment policy of applicant, for the noteholders may ultimately look to the business enterprise of Stauffer (which has net assets in excess of $230 million) rather than solely to that of applicant; (3) none of the securities other than debt securities of applicant will be held by any person other than Stauffer or a fully owned subsidiary of Stauffer; (4) applicant will not deal or trade in securities; (5) the notes will be offered and sold abroad to foreign nationals under circumstances designed to prevent the sale in the United States, its territories or to nationals or residents thereof; and (6) the burden of the interest equalization tax will tend to discourage purchase of the notes by any U.S. person.

Notice is further given that any interested person may, not later than September 14, 1967, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and

the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-10211; Filed, Aug. 30, 1967; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-3894, etc.]

ATLANTIC RICHFIELD CO. ET AL.

Findings and Orders After Statutory Hearing

AUGUST 2, 1967.

Findings and orders after statutory hearing issuing certificates of public convenience and necessity, dismissing application, amending certificates, permitting and approving abandonment of service, terminating certificates, substituting respondents, redesignating proceedings, accepting agreement and undertaking for filing and accepting related rate schedules and supplements for filing.

Each of the Applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce, for permission and approval to abandon service, or a petition to amend an existing certificate authorization, all as more fully described in the respective applications and petitions (and any supplements or amendments thereto) which are on file with the Commission.

The Applicants herein have filed related FPC gas rate schedules and propose to initiate or abandon, add or delete natural gas service in interstate commerce as indicated by the tabulation herein. All sales certificated herein are at rates either equal to or below the ceiling prices established by the Commission's statement of general policy No. 61-1, as amended, or involve sales for which permanent certificates have been previously issued; except that the sale from the Permian Basin area of Texas is authorized to be made at the applicable area base rate and under the conditions prescribed in Opinion Nos. 468 and 468-A.

Catherine B. McElvain et al., propose to continue sales of natural gas heretofore authorized to be made by T. H. McElvain, T. H. McElvain et al., T. H. McElvain (Operator) et al., the estate of T. H. McElvain, and the estate of T. H. McElvain et al. The FPC gas rate schedules of the predecessors in interest will be redesignated as those of Catherine B. McElvain et al. The presently effective rates under certain of the predecessors' rate schedules are in effect subject to refund in the following proceedings:

Certificate docket No.	Predecessors' FPC gas rate schedule No.	Rate proceeding docket No.
G-4887	1	RI67-170
G-13343	2	RI67-171
G-17871	3, 4, 5, 6	RI67-166
CI62-1474	8	RI67-168
CI62-448	9	RI67-165
CI62-650	10	RI67-166
CI63-882	11	RI67-165
CI63-919	12	RI67-167
CI63-961	13	RI67-167

Catherine B. McElvain et al., will be substituted as respondents in each of the predecessors' rate proceedings and the proceedings will be redesignated accordingly. Catherine B. McElvain et al., have heretofore submitted agreements and undertakings in the rate proceedings to assure the refunds of all amounts collected in excess of the amounts determined to be just and reasonable in said proceedings, and said agreements and undertakings have been accepted for filing.

Charles F. Sheldon et al., Applicants in Docket No. CI66-947, propose to continue the sale of natural gas heretofore authorized in said docket to be made pursuant to C. J. Fowlston et al., FPC Gas Rate Schedule No. 1. Said rate schedule will be redesignated as that of Applicants. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI66-359. Applicants have indicated in their certificate application that they intend to be liable for the total refund obligation from the date that the increased rate of their assignors became effective subject to refund and have submitted an agreement and undertaking to assure the refund of all amounts collected in excess of the amount determined to be just and reasonable in Docket No. RI66-359. Therefore, Applicants will be substituted in lieu of C. J. Fowlston et al., as respondents in the proceeding pending in Docket No. RI66-359, said proceeding will be redesignated accordingly, and the agreement and undertaking will be accepted for filing.

The Commission's staff has reviewed each application and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

After due notice, no petitions to intervene, notices of intervention, or protests to the granting of any of the respective applications or petitions in this order have been received.

At a hearing held on July 27, 1967, the Commission on its own motion received and made a part of the record in these proceedings all evidence, including the applications, amendments and exhibits thereto, submitted in support of the respective authorizations sought herein, and upon consideration of the record.

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will therefore, be a "natural-gas company" within the meaning of said Act upon the commencement of the service under the respective authorizations granted hereinafter.

(2) The sales of natural gas hereinbefore described, as more fully described in the respective applications, amendments and/or supplements herein, will be made in interstate commerce, subject to the jurisdiction of the Commission, and such sales by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) The respective Applicants are able and willing properly to do the acts and to perform the services proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(4) The sales of natural gas by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefore should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the application filed on March 29, 1967, in Docket No. CI65-269, by Great American Minerals Corp. (Operator) et al., to succeed Worth Exploration Co. should be dismissed as moot.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the certificate authorizations heretofore issued by the Commission in the following dockets should be amended as hereinafter ordered and conditioned:

G-3894	CI61-1674	CI63-804
G-4887	CI62-34	CI65-919
G-11957	CI62-445	CI62-961
G-12005	CI62-860	CI65-2
G-13216	CI62-732	CI65-269
G-13345	CI62-754	CI65-828
G-14964	CI62-787	CI66-1335
G-16393	CI62-853	CI65-853
G-17811	CI62-1311	CI66-947
G-20877	CI63-30	CI67-91
CI60-750	CI63-307	CI67-605
CI61-1503	CI63-552	CI67-1104

(7) The sales of natural gas proposed to be abandoned by the respective Applicants, as hereinbefore described, all as more fully described in the respective applications and in the tabulation herein, are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act, and such abandonments should be permitted and approved as hereinafter ordered.

(8) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates of public convenience and necessity heretofore issued to the respective Applicants relating to the abandonments hereinafter permitted and approved should be terminated.

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Catherine B. McElvain et al. should be substituted as respondents in the proceedings pending in Docket Nos. RI67-165, RI67-166, RI67-167, RI67-170, and RI67-171, and said proceedings should be redesignated accordingly.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Charles F. Sheldon et al. should be substituted as respondents in the proceeding pending in Docket No. RI66-359, that said proceeding should be redesignated accordingly, and that the agreement and undertaking submitted by them in said proceeding should be accepted for filing.

(11) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the respective related rate schedules and supplements as designated in the tabulation herein should be accepted for filing as hereinafter ordered.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order, authorizing the sales by the respective Applicants herein of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary for such sales, all as hereinbefore described and as more fully described in the respective applications, amendments, supplements and exhibits in this proceeding.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's Regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against the respective Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the respective contracts particularly as to the cessation of service upon termination of said contracts, as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificates aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The grant of the certificates issued herein on all applications filed after April 15, 1965, is upon the condition that no increase in rate which would exceed the ceiling prescribed for the given area by paragraph (d) of the Commission's statement of general policy No. 61-1, as amended, shall be filed prior to the applicable date, as indicated by footnote 20 in the attached tabulation.

(E) The initial rate for the sale authorized in Docket No. G-3894 shall be the applicable base area rate prescribed in Opinion No. 468, as modified by Opinion No. 468-A, as adjusted for quality, or the contract rate, whichever is lower; and no increase in rate in excess of said initial rate shall be filed before January 1, 1968.

(F) If the quality of the gas delivered by Applicant in Docket No. G-3894 deviates at any time from the quality standards set forth in Opinion No. 468, as modified by Opinion No. 468-A, so as to require a downward adjustment of the existing rate, a notice of change in rate shall be filed pursuant to the provisions of section 4 of the Natural Gas Act: *Provided, however,* That adjustments reflecting changes in B.t.u. content of the gas shall be computed by the applicable formula and charged without the filing of a notice of change in rate.

(G) Within 90 days from the date of initial delivery Applicant in Docket No. G-3894 shall file a rate schedule quality statement in the form prescribed in Opinion No. 468-A.

(H) The certificates issued herein in Docket Nos. CI67-1650 and CI67-1693 are subject to the following conditions:

(1) It is the express understanding of all parties involved in the subject sale that the pricing provisions of the contract covering said sale are intended to be consistent, and not in conflict, with the provisions of section 154.93 of the regulations under the Natural Gas Act, and in particular with paragraph (b-1) of said section, which paragraph was added by the Commission's Order No. 329, issued December 1, 1966, in Docket No. R-296, and reads as follows:

Section 154.93 Rate schedule defined. * * * the permissible provisions for a change in rate are: * * * (b-1) Provisions that permit a change in price to the applicable just and reasonable area ceiling rate which has been, or which may be, prescribed by the Commission for the quality of the gas involved; and

(2) The initial rate for the sale authorized in Docket No. CI67-1693 shall not exceed 15 cents per Mcf at 14.65 p.s.i.a. adjusted for B.t.u. content of the gas as provided for in the contract.

(3) In the event the Commission, by amendment of its policy statement No. 61-1, adjusts the boundary between the Panhandle area and the "Other" Oklahoma area so as to increase the initial wellhead price for new gas in the area of the sale involved herein, Applicant in Docket No. CI67-1693 may thereupon substitute the new rate reflecting the amount of such increase and thereafter collect the new rate prospectively in lieu of the initial rate herein required.

(I) The acceptance for filing of the related rate filing in Docket No. CI67-1744 is contingent upon Applicant's filing three copies of a billing statement as required by the regulations under the Natural Gas Act.

(J) Applicant in Docket No. CI67-1766 shall file a billing statement for the first month's service.

(K) Certificates are issued herein in Docket Nos. CI67-1066 and CI67-1446 authorizing the respective Applicants to continue the sales of natural gas being rendered on June 7, 1954, by the predecessors.

(L) A certificate is issued herein in Docket No. CI67-1643 authorizing Applicant to continue the sale of natural gas being rendered on June 7, 1954.

(M) Certificates are issued herein in Docket Nos. CI67-1569, CI67-1570, and CI67-1571 authorizing the respective Applicants to continue the sales of natural gas which were initiated without prior Commission authorization by the predecessors.

(N) The application filed on March 29, 1967, in Docket No. CI65-269, by Great American Minerals Corp. (Operator) et al., to succeed Worth Exploration Co. is dismissed as moot.

(O) The certificates heretofore issued in Docket Nos. G-3894, G-11957, G-12005, G-13216, G-16393, CI63-30, CI65-2, CI65-828, CI66-853, and CI67-1104 are amended by adding thereto or deleting therefrom authorization to sell natural gas to the same purchasers and in the same areas as covered by the original authorizations pursuant to the rate schedule supplements as indicated in the tabulation herein.

(P) The certificates heretofore issued in Docket Nos. CI63-30 and CI67-605 are amended by deleting therefrom authorization to sell natural gas from acreage assigned to Applicants in Docket Nos. CI65-2 and CI67-1740.

(Q) The certificates heretofore issued in Docket Nos. G–6937, G–13345, G–14664, G–17811, G–20377, CI60–750, CI61–1503, CI61–1974, CI62–34, CI62–446, CI62–656, CI62–739, CI62–754, CI62–787, CI62–882, CI62–1311, CI63–207, CI63–562, CI63–894, CI63–919, CI63–961, CI65–268, CI65–1332, CI66–947, and CI67–91 are amended by changing the certificate holders to the respective successors in interest as indicated in the tabulation herein.

(R) Permission for and approval of the abandonment of service by the respective Applicants, as hereinbefore described, all as more fully described in the respective applications and in the tabulation herein are granted.

(S) Permission for and approval of the abandonment in Docket No. CI67–1756 shall not be construed to relieve Applicant of any refund obligation which may be ordered in the rate suspension proceeding pending in Docket No. RI65–174.

(T) The certificates heretofore issued in Docket Nos. G–8402, G–12686, G–19034, CI60–566, CI61–476, CI61–1735, CI62–1245, CI64–1558, and CI65–452 are terminated.

(U) Catherine B. McElvain et al., are substituted as respondents in the proceedings pending in Docket Nos. RI67–165, RI67–166, RI67–167, RI67–170, and RI67–171, and said proceedings are redesignated accordingly [1].

(V) Catherine B. McElvain et al., shall comply with the refunding and reporting procedure required by the Natural Gas Act and section 154.102 of the regulations thereunder, and the agreements and undertakings filed by them in Docket Nos. RI67–165, RI67–166, RI67–167, RI67–170, and RI67–171 shall remain in full force and effect until discharged by the Commission.

(W) Charles F. Sheldon et al., are substituted in lieu of C. J. Fowlston et al., as respondents in the proceeding pending in Docket No. RI66–359, said proceeding is redesignated accordingly,[2] and the agreement and undertaking submitted by them in said proceeding is accepted for filing.

(X) Charles F. Sheldon et al., shall comply with the refunding and reporting procedure required by the Natural Gas Act and section 154.102 of the regulations thereunder, and the agreement and undertaking filed by them in Docket No. RI66–359 shall remain in full force and effect until discharged by the Commission.

(Y) The respective related rate schedules and supplements as indicated in the tabulation herein are accepted for filing; further, the rate schedules relating to the successions herein are accepted and redesignated, subject to the applicable Commission regulations under the Natural Gas Act to be effective on the dates as indicated in the tabulation herein.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary*.

[1] Catherine B. McElvain et al.
[2] Charles F. Sheldon et al.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
G–8937 C 6-7-67 [1]	Atlantic Richfield Co. [1]	El Paso Natural Gas Co., Spraberry Trend Area, Reagan County, Tex.	Supplemental Agreement 5-10-67. [2]	28	8
G–8937 E 6-6-67	Catherine B. McElvain et al. (successor to T. H. McElvain et al.).	El Paso Natural Gas Co., Ignacio-Blanco Field, La Plata County, Colo.	T. H. McElvain et al., FPC G.R.S. No. 1. Supplement Nos. 1–3	1	1-3
			Notice of succession 5-31-67.	1	
			Court order 1-4-68 [4]	1	4
			Effective date: 12-19-64		
G–11987 D 5-25-67	Mobil Oil Corp. (Operator) et al. (partial abandonment).	El Paso Natural Gas Co., Spraberry Field, Upton County, Tex.	Notice of partial cancellation 5-22-67. [3]	20	2
G–12088 D 5-13-67	do	United Gas Pipe Line Co., Eugene Island Area, Offshore Iberia Parish, La.	Notice of partial cancellation 5-13-67. [3]	66	2
G–12716 D 5-25-67	do	El Paso Natural Gas Co., Spraberry Field, Upton County, Tex.	Notice of partial cancellation 5-25-67. [3]	133	7
G–13245 E 5-5-67	Catherine B. McElvain et al. (successor to T. H. McElvain).	El Paso Natural Gas Co., West Ignacio-Mesaverde Field, La Plata County, Colo.	T. H. McElvain, FPC G.R.S. No. 2. [1]	1	
			Supplement Nos. 1–3	1	1-3
			Notice of succession 5-31-67.	1	
			Court order 1-4-68 [4]	1	4
			Effective date: 12-19-64		
G–14064 E 5-24-67	White Gas Company et al. (successor to W. J. Dimmendiama et al.).	Consolidated Gas Supply Corp., Triadelphia District, Logan County, W. Va.	W. J. Dimmendiama, et al., FPC G.R.S. No. 1.	1	
			Notice of succession 5-23-67.		
			Assignment 1-6-66 [5]	1	1
			Effective date: 11-28-66		
G–16308 D 5-26-67	Mobil Oil Corp. (partial abandonment).	El Paso Natural Gas Co., Spraberry Field, Upton County, Tex.	Notice of partial cancellation, 5-25-68. [3]	175	5
G–17311 E 6-5-67	Catherine B. McElvain et al. (successor to T. H. McElvain et al.).	El Paso Natural Gas Co., Blanco Mesaverde Pool, Rio Arriba County, N. Mex.	T. H. McElvain et al., FPC G.R.S. No. 3.	2	
			Supplement Nos. 1–3	2	1-3
			Notice of succession 5-31-67.	2	
			Court order 1-4-68 [4]	2	4
			Effective date: 12-19-64		
			T. H. McElvain et al., FPC G.R.S. No. 4. [1]	4	
			Supplement Nos. 1–3	4	1-3
			Notice of succession 5-31-67.	4	
			Court order 1-4-68 [4]	4	4
			Effective date: 12-19-64		
			T. H. McElvain et al., FPC G.R.S. No. 5. [1]	5	
			Supplement Nos. 1–3	5	1-3
			Notice of succession 5-31-67.	5	
			Court order 1-4-68 [4]	5	4
			Effective date: 12-19-64		
G–20377 [2] E 6-5-67	do	El Paso Natural Gas Co., Ballard Pictured Cliffs Field, Rio Arriba County, N. Mex.	T. H. McElvain, FPC G.R.S. No. 7. [6]	7	
			Supplement No. 1	7	1
			Notice of succession 5-31-67.	7	
			Court order 1-4-68 [4]	7	4
			Effective date: 12-19-64		
CI60–750 E 5-1-67	Roger M. Wheeler (successor to Tamarack Petroleum Co., Inc., agent (Operator) et al.).	Transwestern Pipeline Co., acreage in Roberts County, Tex.	Tamarack Petroleum Co., Inc., agent (Operator) et al., FPC G.R.S. No. 7.	3	
			Supplement Nos. 1–11	3	1-11
			Notice of succession 5-10-67.	3	
			Assignment 3-1-67 [11]	3	12
			Effective date: 3-1-67		
CI61–1503 E 5-30-67	Hugh K. Spencer et al. d.b.a. J. & S. Gas Co. (successor to Hal Peak, d.b.a. Hal Peak & Co.).	Consolidated Gas Supply Corp., McClellan District, Doddridge County, W. Va.	Hal Peak, (d.b.a. Hal Peak & Co., FPC G.R.S. No. 5.	12	
			Supplement Nos. 1–8	12	1-8
			Notice of succession 1-26-67.	12	
			Assignment 3-30-67 [9]	12	9
			Effective date: 3-30-67		
CI67–1474 E 5-5-67	Catherine B. McElvain et al. (successor to T. H. McElvain et al.).	El Paso Natural Gas Co., Ignacio Blanco-Mesaverde Field, La Plata County, Colo.	T. H. McElvain et al., FPC G.R.S. No. 8. [1]	8	
			Supplement No. 1	8	1
			Notice of succession 5-31-67.	8	
			Court order 1-4-68 [4]	8	1
			Effective date: 12-19-64		

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
CI65–452 E 5-29-67	do	Consolidated Gas Supp. Corp., Eagle Dist. Field, Harrison County, W. Va.	Hal Peak, FPC G.R.S. No. 1. Supplement No. 1 Notice of succession 1-26-67. Assignment 2-20-67 [8] Effective date: 1-20-67	13	1-2
CI66–994 E 5-29-67	do	Consolidated Gas Supp. Co., Clark and Union Districts, Harrison and Doddridge Counties, W. Va.	Hal Peak, FPC G.R.S. No. 4. Supplement Nos. 1–3 Notice of succession 1-26-67. Assignment 2-20-67 [8] Effective date: 1-20-67	13	1-3
CI66–919 E 6-1-67	Catherine B. McElvain et al (successor to estate of T. H. McElvain).	El Paso Natural Gas Co., Ignacio-Blanco Mesaverde Field, La Plata County, Colo.	Hal Peak, FPC G.R.S. No. 1. Supplement No. 1 Notice of succession 1-26-67. Assignment 2-20-67 [8] Effective date: 1-20-67	13	1
CI66–993 E 6-1-67	do	El Paso Natural Gas Co., Ignacio Dakota Field, La Plata County, Colo.	Hal Peak, FPC G.R.S. No. 1. Supplement No. 1 Notice of succession 1-26-67. Assignment 2-20-67 [8] Effective date: 1-20-67	13	1
F CI66–2 (CI63–30) C 5-19-67 CI66–360 [12] E 6-5-67	Artis Exploration Co. et al.	Artesane Louisiana Gas Co., acreage in Haskell County, Okla. Southern Natural Gas Co., Northeast Ladbo Field, Jefferson and Plaquemines Parishes, La.	Hal Peak, (d.b.a. Hal Peak & Co., FPC G.R.S. No. 1. Supplement Nos. 1–3 Notice of succession 1-26-67. Assignment 2-27-67 [8] Effective date: 1-27-67 Letter agreement 12-29-66 [13]	13	1-3
			Worth Exploration Co. (Operator) et al., FPC G.R.S. No. 1. Notice of succession 1-26-67. Assignment 2-27-67 [8] Effective date: 1-27-67 Notice of partial cancellation 5-6-67. [3]	270	
CI65–838 D 6-1-67	Exchange Oil & Gas Co. (partial abandonment).	Consolidated Gas Supply Corp., Chunky Field, Cameron Parish, La.	Hal Peak, (d.b.a. Hal Peak & Co., FPC G.R.S. No. 1-9 Notice of succession 1-26-67. Assignment 2-20-67 [8] Effective date: 1-20-67	13	1-9
CI65–1332 E 6-6-67	Sinclair Oil & Gas Co. et al. (successor to Worth Exploration Co. et al.).	Consolidated Gas Supply Corp., South Bosco Field, Lafayette Parish, La.	Worth Exploration Co. et al., FPC G.R.S. No. 1. Notice of succession 1-7-67. Assignment 2-27-67 [8] Effective date: 1-27-67	57	1
CI66–952 D 5-26-67	Amoral Oil Co., Inc., et al.	Artesane Louisiana Gas Co., acreage in Haskell and Latimer Counties, Okla.	Amendatory agreement 5-26-67 [8] Effective date: 1-20-67	13	9
CI66–957 E 5-26-67	Charles F. Sheldon et al. (successor to C. J. Fowlston et al.).	Ozark Interstate Gas Co., Kerr Field, Okfuskee County, Okla.	Amendatory agreement 5-26-67 [8] Effective date: 1-20-67 C. J. Fowlston et al., FPC G.R.S. No. 1-6 Supplement Nos. 1–6 Notice of succession 1-26-67.	57	10
CI67–91 E 6-6-67	Catherine B. McElvain et al. (successor to Estate of T. H. McElvain et al.).	El Paso Natural Gas Co., Basin Dakota Field, San Juan County, N. Mex.	Amendatory agreement 5-26-67 [8] Effective date: 1-20-67 T. H. McElvain et al., FPC G.R.S. No. 14. Notice of succession 1-31-67.	1	4
CI67–1006 A 2-16-67 [8]	Dyna-Mar Oil & Gas Co.	The Manufacturers Light & Heat Co., Center Township, Greene County, Pa.	Court order 1-4-68 [14] Contract 8-11-65 [15] Assignment 8-6-65 [8] Effective date: 8-6-65	1	1

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
CI65–24 E 5-26-67	Hugh K. Spencer et al., d.b.a. J. & S. Gas Co. (successor to Hal Peak, d.b.a. Hal Peak & Co.).	Consolidated Gas Supp. Corp., Eagle District, Harrison County, W. Va.	Hal Peak, d.b.a. Hal Peak & Co., FPC G.R.S. No. 4. Notice of succession 1-26-67. Assignment 2-20-67 [8] Effective date: 1-20-67	13	1-3
CI65–449 E 5-4-67	Catherine B. McElvain et al. (successor to T. H. McElvain (Operator) et al.).	El Paso Natural Gas Co., Ignacio-Blanco Mesaverde Field, La Plata County, Colo.	T. H. McElvain (Operator) et al., FPC G.R.S. No. 16. Supplement No. 1 Notice of succession 1-31-67. Court order 1-4-68 [4] Effective date: 12-19-64	10	1
CI65–699 E 5-4-67	do	do	T. H. McElvain (Operator) et al., FPC G.R.S. No. 18. Supplement No. 1 Notice of succession 1-31-67. Court order 1-4-68 [4] Effective date: 12-19-64	10	2
CI65–719 E 5-4-67	Rocoh & Dempsey Production Co. (Operator) et al. (successor to F. Hodge (Operator) et al.).	Texas Eastern Transmission Corp. South Karnes Field, Live Oak County, Tex.	T. F. Hodge (Operator) et al., FPC G.R.S. No. 2. Supplement Nos. 1–3 Notice of succession 1-31-67. Court order 1-4-68 [4] Effective date: 12-19-64	2	1
CI65–784 E 5-26-67	Hugh K. Spencer et al., d.b.a. J. & S. Gas Co. (successor to Hal Peak, d.b.a. Hal Peak & Co.).	Consolidated Gas Supply Corp., Coal District, Harrison County, W. Va.	Hal Peak, d.b.a. Hal Peak & Co., FPC G.R.S. No. 2. Supplement Nos. 1–8 Notice of succession 1-26-67. Assignment 2-20-67 [8] Effective date: 1-20-67	14	1-8
CI65–787 E 5-26-67	do	do	Hal Peak, (d.b.a. Hal Peak & Co., FPC G.R.S. No. 3. Supplement Nos. 1–9 Notice of succession 1-26-67. Assignment 2-20-67 [8] Effective date: 1-20-67	14	1-9
CI65–882 E 5-4-67	Catherine B. McElvain et al. (successor to T. H. McElvain et al.).	El Paso Natural Gas Co., Ignacio-Blanco Field, La Plata County, Colo.	Hal Peak, (d.b.a. Hal Peak & Co., FPC G.R.S. No. 11. Supplement Nos. 1–3 Notice of succession 1-26-67. Court order 1-4-68 [4] Effective date: 12-19-64	11	1-3
CI65–1311 E 5-26-67	Hugh K. Spencer et al., d.b.a. J. & S. Gas Co. (successor to Hal Peak, d.b.a. Hal Peak & Co.).	Consolidated Gas Supply Corp., Coal District, Harrison County, W. Va.	Hal Peak, d.b.a. Hal Peak & Co., FPC G.R.S. No. 9. Supplement Nos. 1–8 Notice of succession 1-26-67. Assignment 2-20-67 [8] Effective date: 1-20-67	16	1-8
CI65–20 D 12-24-66	Kumbih Oil & Refining Co. (Operator) et al.	Arkansas Louisiana Gas Co., Arizona Area, Haskell County, Okla. Arkansas Louisiana Gas Co., Arizona Area, Latimer County, Okla.	Amendatory agreement 12-15-66 [8] Effective date: 1-20-67 [16]	16	10
CI65–26 D 6-13-67	do	do	Letter agreement 1-4-67 [17]	257	60
CI65–497 E 5-26-67	Hugh K. Spencer et al., (d.b.a. J. & S. Gas Co. (successor to Hal Peak).	Consolidated Gas Supply Corp., Doddridge District, Doddridge County, W. Va.	Hal Peak, FPC G.R.S. No. 2. Supplement No. 1 Notice of succession 1-26-67. Assignment 2-20-67 [8] Effective date: 1-20-67 [18]	17	1
				17	2

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
CI67-1740 A 6-9-67	Buttes Gas & Oil Co.	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	Contract 5-10-67	1	
CI67-1747 A 6-9-67	L. E. Haight et al., d/b/a L. E. & B. Gas Co.	Consolidated Gas Supply Corp., Murphy District, Ritchie County, W. Va.	Contract 4-7-67	7	
CI67-1748 A 6-9-67	Shield Petroleum Corp.	Consolidated Gas Supply Corp., Grant District, Wetzel County, W. Va.	Contract 3-28-67	2	
CI67-1761 A 6-9-67	Hays and Company, agent for Parker Young Co. et al.	Columbia Gas Transmission Corp., Kanawha District, Kanawha County, W. Va.	Contract 3-8-67	25	
CI67-1765 (C-10264) B 6-12-67	L. B. Horn (Operator) et al.	Coastal States Gas Producing Co., A&H Field, Duval County, Tex.	Notice of cancellation 6-5-67	1	1
CI67-1764 (CI61-676) B 6-12-67	L. B. Horn	do	Notice of cancellation 6-5-67	6	6
CI67-1754 (CI62-1354) B 6-12-67	Harper Oil Co. (Operator) et al.	Lone Star Gas Co., Shidler Area, Carter County, Okla.	Notice of cancellation 6-7-67	20	6
CI67-1756 A 6-12-67	J. P. Dunn	Consolidated Gas Supply Corp., Ritchie County, W. Va.	Contract 5-30-67	13	
CI67-1760 A 6-12-67	Louis Fabian, d.b.a. Lou Fabian Oil & Gas	Consolidated Gas Supply Corp., Grant District, Ritchie County, W. Va.	Contract 5-9-67	9	
CI67-1761 A 6-12-67	Joe Brydaker et al., d.b.a. Brydaker Oil & Gas Co.	Consolidated Gas Supply Corp., Elk District, Harrison County, W. Va.	Contract 4-10-67	6	
CI67-1762 A 6-9-67	Thomas E. Collins	Carnegie Natural Gas Co., Central District, Doddridge County, W. Va.	Contract 5-26-67	1	
CI67-1770 (C-10266) B 6-12-67	Mobil Oil Corp	Texas Eastern Transmission Corp., East Bishop Field, Nueces County, Tex.	Notice of cancellation 6-13-67	124	22
CI67-1774 (CI66-1358) B 6-14-67	Union Oil Co. of California.	Panhandle Eastern Pipe Line Co., Thistle Beach Field, Clark County, Kans.	Notice of cancellation 6-13-67	121	1
CI67-1775 (CI61-1738) B 6-14-67	Southland Royalty Co.	Panhandle Eastern Pipe Line Co., Wil Field Area, Edwards and Hodford Counties, Kans.	Notice of cancellation 6-15-67	20	1

[1] Jan. 1, 1968, moratorium provided by Opinion No. 468.
[2] By letter filed June 7, 1967, Applicant advised willingness to accept permanent authorization containing conditions similar to those imposed by Opinion No. 468, as modified by Opinion No. 468-A.
[3] Initial service date. Date of initial delivery (applicant shall advise the Commission as to such date).
[4] By assignment dated May 1, 1967, effective from Blake et al. to McElvain et al.
[5] By assignment dated May 1, 1967, effective from Blake et al. to T. H. McElvain et al.
[6] By assignment dated May 1, 1967, effective from Blake et al. to Catherine B. McElvain et al.
Lovelady and R. W. Blake, Assignee, forwarded to the office of cancellation, Mobil assigned certain acreage to T. W. and no filings will be made for the acquired acreage. Blake, advise that the assigned acreage remains nonproductive
[7] Effective date: Date of this order.
[8] Source of gas depleted.
[9] Production limited to the Mesaverde Formation only.
[10] From W. J. Diamondstone et al. to White Gas Co. et al.
[11] Assigns all gas produced from Pictured Cliffs Formation and from shallower formations committed to contract.
[12] From Hal Peak & Co. to Hugh K. Bowen Co., Inc., agent (Operator) et al., to Applicant.
[13] Conveys acreage from T. F. Hodge et al., to Dan Rusnak, R. N. Jones, A. H. Glascock, and Isadore Roseth, trustee.
[14] Assignment of acreage from Humble Oil & Refining Co. to Arkla Exploration Co. Arkla has filed in Docket No. CI66-710 cover the subject acreage.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
CI67-1104 C 6-12-67	Humble Oil & Refining Co.	Arkansas Louisiana Gas Co., Kinta Field, Haskell County, Okla.	Supplemental agreement 5-12-67	20	3
CI67-1167 A 6-12-67 [15]	Frank E. Morrison	Consolidated Gas Supply Corp., Grant District, Ritchie County, W. Va.	Contract 3-11-44 [15]; Assignment 7-1-50 [15]; Letter agreement 5-15-52 [15]; Letter agreement 5-10-53 [15]; Assignment 2-11-60 [15]; Assignment 2-11-61 [15]; Assignment 2-11-62 [15]; Assignment 2-11-63 [15]; Assignment 2-11-64 [15]; Assignment 2-11-65 [15]; Assignment 2-11-66 [15]; Assignment 2-11-67 [15]; Bill of sale 2-11-44 [15]; Effective date: 7-11-44	2	1
CI67-1169 A 6-12-67	William C. Hurtt, agent for Bee-Hur, Inc., et al.	Consolidated Gas Supply Corp., Union Township, Clearfield County, Pa.	Contract 3-3-67; Effective date: 6-15-67	25	1
CI67-1170 A 6-12-67	do	do	Contract 1-1-68 [16]; Bill of sale 1-24-44 [16]; Effective date: 1-24-44 [16]; Contract 10-27-67 [16]; Assignment 1-24-44 [16]; Assignment 1-24-44 [16]; Assignment 1-24-44 [16]; Assignment 1-24-44 [16]; Assignment 1-24-44 [16]; Assignment 1-24-44 [16]; Assignment 1-24-44 [16]; Assignment 1-24-44 [16]; Assignment 1-24-44 [16]; Assignment 1-24-44 [16]; Contract 12-15-66 [16]; Letter agreement 1-25-67 [16]	8	1
CI67-1171 A 6-12-67	William C. Hurtt, agent for Federal Oil & Gas Co. et al.	do	Contract 1-1-68 [16]; Effective date: 1-24-44 [16]; Contract 10-27-67 [16]; Assignment 1-24-44 [16]; Assignment 1-24-44 [16]; Assignment 1-24-44 [16]; Assignment 1-24-44 [16]; Assignment 1-24-44 [16]; Assignment 1-24-44 [16]; Assignment 1-24-44 [16]; Assignment 1-24-44 [16]; Assignment 1-24-44 [16]; Assignment 1-24-44 [16]; Assignment 1-24-44 [16]; Contract 12-15-66 [16]; Letter agreement 1-25-67 [16]	8	1
CI67-1045 A 6-12-67 [17]	F. S. Ashby et al., d.b.a. Ashby Oil & Gas Co.	The Manufacturers Light & Heat Co., Richhill Township, Greene County, Pa.	Contract 3-10-67; Letter 6-13-67 [17]	256	1
CI67-1060 A 6-12-67	Continental Oil Co.	Panhandle Eastern Pipe Line Co., South Park Field, Ellis County, Okla.	Contract 3-10-67; Letter 6-13-67 [17]	256	1
CI67-1068 A 6-9-67	Union Texas Petroleum, a division of Allied Chemical Corp.	Panhandle Eastern Pipe Line Co., Southwest Avard Area, Woods County, Okla.	Contract 1-1-67; Letter 6-12-67 [17]	92	1
CI67-1728 (C180-366) B 6-6-67	Jack T. Morandi et al.	Equitable Gas Co., West Union District, Doddridge County, W. Va.	Notice of cancellation 6-1-67, [18]	1	1
CI67-1740 (CI67-606) B 6-8-67	Rodney P. Calvin (Operator) et al. (successor to Intermountain Petroleum Corp. (Operator) et al.), Shelly & Butler	El Paso Natural Gas Co., South Blanco (Pictured Cliffs) Field, Rio Arriba County, N. Mex.	Contract 10-21-66 [4]; Assignment 1-1-67 [4]; Effective date: 1-1-67	2	1
CI67-1741 (I-3449) B 6-7-67		Consolidated Gas Supply Corp., Washington District, Wetzel County, W. Va.	Notice of cancellation 6-6-67, [18]	2	1
CI67-1742 (CI66-466) B 6-6-67	Fred Atteya	Texas Eastern Transmission Corp., Alsar Field, Colorado County, Tex.	Notice of Cancellation 6-1-67, [17]	1	1
CI67-1746 A 6-6-67 [3]	J. & J. Enterprises, Inc.	Cumberland & Allegheny Gas Co., Union District, W. Va. (Upshur County, W. Va.)	Contract 5-26-67 [3]	27	
CI67-1744 A 6-6-67 [3]	W. Leslie Rogers	Equitable Gas Co., Central District, Doddridge County, W. Va.	Contract 4-10-67 [3]	6	
CI67-1745 A 6-6-67 [3]	Hays and Company, agent for Mid American Exploration Co. et al.	Consolidated Gas Supply Corp., Cove District, Doddridge County, W. Va.	Contract 1-6-67 [3]	264	

See footnotes at end of table.

[18] Deletes 40 acre tract which does not qualify for connection to buyer's system under provisions of the contract.
[19] Production limited to the Dakota Formation only.
[20] Acreage previously subject to Humble Oil & Refining Co.'s FPC G.R.S. No. 837 and certificate in Docket No. CI66-20.
[21] On Mar. 20, 1967, Great American Minerals Corp. filed an application to succeed to Worth Exploration Co. but never received authorization to render said sale; therefore, the petition filed by Great American in said docket will be dismissed as moot.
[22] Conveys acreage from Worth Exploration Co. to Great American Minerals Corp.
[23] Conveys acreage from Great American Minerals Corp. and Great American Industries, Inc., to Sinclair Oil & Gas Co.
[24] Acreage never produced gas and was returned to land owner.
[25] Conveys acreage from Worth Exploration Co. to Great American Minerals Corp. (Great American's filing of the assignment by which it acquired properties from Worth is incorporated into Sinclair's filing).
[26] Production of gas no longer economically feasible.
[27] Releases the Sun Cobbents No. 1 Well.
[28] Releases the Mobil-Frank Glenn Unit.
[29] Effective date: Date of initial delivery (contract was executed on July 14, 1966, and sale was certificated subsequent to settlement of McElvain Estate).
[30] Sale being rendered on June 7, 1954, by predecessor (no certificate or rate filings ever made by predecessor).
[31] Between the Ruton Oil Co. et al., seller and Natural Gas Co. of West Virginia, buyer (predecessor of Manufacturers).
[32] Instrument whereby Dunn-Mar acquired producing properties.
[33] Jan. 1, 1968, moratorium pursuant to the Commission's statement of general policy No. 61-1, as amended.
[34] Between Morrison Oil & Gas Co. and Hope Natural Gas Co. (now Consolidated Gas Supply Corp.).
[35] Various assignments whereby Frank E. Morrison acquired ownership of contract rights.
[36] Increases contract rate from 13 cents per Mcf to 16 cents per Mcf.
[37] Increases contract rate to 20 cents per Mcf.
[38] Effective date: Date of transfer of properties.
[39] Between Rockton to Ben-Hur, Inc.
[40] Between Standish T. Bourne, seller and New York State Natural Gas Corp. (predecessor of Consolidated Gas Supply Corp.), buyer. No certificate or rate filings ever made by predecessor.
[41] Various assignments whereby Federal Oil & Gas Co. et al., acquired control of the properties involved.
[42] Sale being rendered on June 7, 1954.
[43] Buyer named in contract is Natural Gas Co. of West Virginia, a Manufacturers predecessor.
[44] Confirms intent that price provisions be consistent, and not in conflict, with sec. 154.93(b-1) of the Commission's regulations.
[45] Between Intermountain Petroleum Corp. and El Paso; on file as Intermountain Petroleum Corp. (Operator) et al., FPC G.R.S. No. 1.
[46] Conveys Intermountain's 75 percent interest in the NE¼ and SW¼ of sec. 25, T. 25 N., R. 6 W.
[47] 12 cent rate subject of refund in Docket No. RI65-274.

[F.R. Doc. 67-10090; Filed, Aug. 30, 1967; 8:45 a.m.]

[Docket No. CP68-55]

NORTHERN NATURAL GAS CO.

Notice of Application

AUGUST 23, 1967.

Take notice that on August 16, 1967, Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha, Nebr. 68102, filed in Docket No. CP68-55 an application pursuant to subsection (b) of section 7 of the Natural Gas Act for permission and approval of the Commission to abandon certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks permission and approval to abandon the following natural gas facilities:

(1) A sales measuring station and appurtenances, located in Saunders County, Nebr., which was used for delivery of natural gas to Western Power & Gas Co. (Western) for resale and delivery to Gifford Mining Co. (Gifford); and

(2) A sales measuring station and appurtenances, located near the town of Owatonna, Steele County, Minn., used for the sale and delivery of natural gas to rural customers.

Applicant states that the facilities described in (1) above are no longer needed as Gifford has moved its plant to another location and the facilities were used solely for service to Gifford at this location. Applicant further states that the facilities described in (2) above are also no longer needed as the service rendered through them to the above-mentioned facilities is now rendered from the Owatonna, Minn., distribution system.

Applicant estimates the total cost of removing the facilities proposed to be abandoned at approximately $65.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before September 21, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-10189; Filed, Aug. 30, 1967; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 17474; FCC 67M-1427]

MEI-LIN, INC. (WOBS)

Order Regarding Procedural Dates

In re application of Mei-Lin, Inc. (WOBS), Jacksonville, Fla., Docket No. 17474, File No. BP-14323; For Construction Permit.

The Hearing Examiner having under consideration a petition filed August 23, 1967, on behalf of the applicant, requesting a continuance of certain procedural dates heretofore established by an order (FCC 67M-1052) released June 28, 1967;

It appearing, that good cause exists why the petition should be granted;

Accordingly, it is ordered, That the petition is granted, and the preliminary exchange of exhibits shall be accomplished on or before September 29 in lieu of August 29, 1967, and the final exchange of exhibits shall be on October 12 in lieu of September 12, 1967;

It is further ordered, That notification of witnesses desired for cross-examination shall be accomplished on or before October 16 in lieu of September 15, 1967, and that the evidentiary hearing now scheduled for September 19, 1967, be and the same is hereby rescheduled for October 23, 1967, 10 a.m., in the offices of the Commission, Washington, D.C.

Issued: August 24, 1967.

Released: August 25, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-10256; Filed, Aug. 30, 1967; 8:51 a.m.]

[Docket No. 17510, etc.; FCC 67M-1427]

POTOMAC VALLEY TELECASTING CORP. ET AL.

Order Scheduling Hearing

In re Potomac Valley Telecasting Corp., Irons Mountain, Md., for modification of license of station KGO 30 to provide for carriage of FM signals, Docket No. 17510, File No. 5908-C1-ML-65; Potomac Valley Telecasting Corp., Mount Cacapon, W. Va., for modification of license of station KQX 22 to provide for carriage of FM signals, Docket No. 17511, File No. 5909-C1-ML-65; Potomac Valley Telecasting Corp., Mount Cacapon, W. Va., for renewal of license of Station KQX 22, Docket No. 17512, File No. 1066-C1-R-66; Potomac Valley Telecasting Corp., Irons Mountain, Md., for renewal of license of Station KGO 30, Docket No. 17513, File No. 2633-C1-R-66; and Potomac Valley TV Co., Inc., Cumberland and La Vale, Md.; Ridgeley, Wiley Ford, and Fort Ashby, W. Va., Docket No. 17514; Upper Potomac Television Co., Inc., Piedmont, W. Va.; Westernport, Md., Docket No. 17515; Frostburg Cable Television, Inc., Frostburg, Md., Docket No. 17516; Keyser Television Co., Inc., Keyser, W. Va., Docket No. 17531; Jackson Television Co., Inc., Lonaconing and Midland, Md., requests for waiver of § 21.712 of the Commission's rules; and notifications given pursuant to § 74.1106 of the Commission's rules, Docket No. 17532.

It is ordered, That Herbert Sharfman shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on October 18, 1967, at 10 a.m.; and that a prehearing conference shall be held on

September 22, 1967, commencing at 9 a.m.: *And it is further ordered*, That all proceedings shall take place in the offices of the Commission, Washington, D.C.

Issued: August 28, 1967.

Released: August 28, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-10267; Filed, Aug. 30, 1967; 8:51 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1100]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

AUGUST 25, 1967.

The following applications are governed by Special Rule 1.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of § 1.247(d)(4) of the special rule, and shall include the certification required therein.

Section 1.247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 3252 (Sub-No. 43) (Amendment), filed July 31, 1967, published FEDERAL REGISTER issue of August 17, 1967, and republished as amended this issue. Applicant: PAUL E. MERRILL, doing business as MERRILL TRANSPORT CO., 1037 Forest Avenue, Portland, Maine. Applicant's representative: Francis E. Barrett, Jr., Investors Building, 536 Granite Street, Braintree, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber stock*, from points in Maine, to points in New York, New Jersey, Pennsylvania, Delaware, Maryland, North Carolina, Virginia, Indiana, Kentucky, Ohio, and Michigan. NOTE: The purpose of this republication is to add the phrase "from points in Maine" in lieu of Portland and Fryeburg, Maine, as origin points. If a hearing is deemed necessary, applicant requests it be held at Portland, Maine, or Boston, Mass.

No. MC 3560 (Sub-No. 31), filed August 10, 1967. Applicant: GENERAL EXPRESSWAYS, INC., 1205 South Platte River Drive, Denver, Colo. 80223. Applicant's representative: Kenneth A. Willhite (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Rock Island, Ill., and St. Louis, Mo., from Rock Island, Ill., over U.S. Highway 67 to St. Louis, Mo., and return over the same route, serving no intermediate points, as an alternate route for operating convenience only. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or St. Louis, Mo.

No. MC 3874 (Sub-No. 13), filed August 14, 1967. Applicant: L. C. CORP., doing business as GREY LINES, 26 Webber Street, Roxbury, Mass. 02119. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printed matter*, from Boston, Mass., to points in Rhode Island, Maine, New Hampshire, and Vermont, restricted to traffic having a prior movement by motor or rail carrier. NOTE: Applicant states it now holds authority to transport "printed matter" from Lowell, Mass., to the destination States named above and is participating in shipments of said commodities received from other motor and rail carriers at Lowell, Mass., and transported by applicant to the named destination States. Applicant further states the purpose of this application is to change the point of receipt of said shipments from Lowell to Boston, Mass. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 7523 (Sub-No. 13), filed August 15, 1967. Applicant: VENTURA TRANSFER COMPANY, a corporation, 3440 East South Street, Long Beach, Calif. Applicant's representative: Phil Jacobson, 510 West Sixth Street, Los Angeles, Calif. 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals dry and plastics*, in bulk, in motor vehicles, (1) from rail sidings located in California and ports of entry on the international boundary line between the United States and Mexico to points in California, and (2) from points in California to ports of entry on the international boundary line, located in California between the United States and Mexico. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 7558 (Sub-No. 57), filed August 14, 1967. Applicant: TEXTILE MOTOR FREIGHT, INC., Post Office Box 7, Ellerbe, N.C. 28338. Applicant's representative: Jacob P. Billig, 1108 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* dealt in by wholesale and retail grocery stores, except frozen foods, from Brockport, N.Y., to points in North Carolina, South Carolina, Georgia, Alabama, and Florida. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 11899 (Sub-No. 20), filed August 16, 1967. Applicant: STEVENS TRUCK LINES, INC., 893 Ridge Road, Webster, N.Y. 14580. Applicant's representative: Raymond A. Richards, 23 West Main Street, Webster, N.Y. 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers, bottles, jars, packing glasses, and jelly tumblers; caps, covers, stoppers, and tops; corrugated paper boxes, and paper containers*, from the facilities of Anchor Hocking Glass Corp. at Salem, N.J., Scottdale, Pa., Youngwood, Pa., and points in Fayette County, Pa., including Connellsville, Pa., and South Connellsville, Pa., to points in New York on and west of a line beginning at the Pennsylvania-New York border and extending north on U.S. Highway 11 to Binghamton, thence over New York Highway 12 to the St. Lawrence River, and *refused or rejected shipments*, on salvage. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 13851 (Sub-No. 18), filed August 14, 1967. Applicant: PROVILES TRANSFER, INC., 811 South 30th Avenue, Phoenix, Ariz. 85009. Applicant's representative: A. Michael Bernstein, 1327 Guaranty Bank Building, Phoenix, Ariz. 85013. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers* for packing fruits and vegetables, between points in Ventura, Los Angeles, Orange, San Bernardino, and Riverside Counties, Calif., on the one hand, and, on the other, points in New Mexico. NOTE: If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz., or Los Angeles, Calif.

No. MC 16511 (Sub-No. 26), filed August 17, 1967. Applicant: CARSTENSEN FREIGHT LINES, INC., Post Office Box 878, Clinton, Iowa 52732. Applicant's representative: Arnold L. Burke, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, classes A and B explosives, commodities in bulk, household goods as defined by the Commission, commodities requiring special equipment and those injurious or contaminating to other lading), serving the Argonne Industrial District, Du Page Township, Will County, Ill., as an off-route point in connection with applicant's presently held authority regular route authority. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 20227 (Sub-No. 5), filed August 16, 1967. Applicant: ERIE-PITTSBURGH MOTOR EXPRESS, INC., 859 Progress Street, Pittsburgh, Pa. 15212. Applicant's representative: John A. Vuono, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Kebert Park, Greenwood Township, Crawford County, Pa., as an off-route points in connection with applicant's regular route operations to and from Meadville, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Harrisburg, Pa.

No. MC 25869 (Sub-No. 77), filed August 18, 1967. Applicant: NOLTE BROS. TRUCK LINE, INC., Post Office Box 7184, South Omaha, Nebr. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses*, as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Mankato, Kans., to points in Iowa, Wisconsin, Illinois, Indiana, Ohio, and Michigan. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Kansas City, Mo.

No. MC 27817 (Sub-No. 73) (Clarification), filed July 10, 1967, published FEDERAL REGISTER issue July 20, 1967, and republished as clarified, this issue. Applicant: H. C. GABLER, INC., Rural Delivery No. 3, Chambersburg, Pa. 17201. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, other than frozen, from Chambersburg, Pa., to points in New York, New Jersey, Connecticut, Massachusetts, Rhode Island, Maryland, Virginia, West Virginia, Delaware, District of Columbia, and points in that portion of North Carolina bounded by a line beginning at the North Carolina-Virginia State line and extending south along U.S. Highway 301 to the North Carolina-South Carolina State line, thence west along the North Carolina-South Carolina State line to junction U.S. Highway 321, near Crowders, N.C., thence north along U.S. Highway 321 to Boone, N.C., thence north along North Carolina Highway 194 through Todd, N.C., to junction U.S. Highway 221, thence north along U.S. Highway 221 to the North Carolina-Virginia State line, thence east along the North Carolina-Virginia State line to the point of beginning including points on the indicated portions of the highways specified. NOTE: Common control may be involved. The purpose of this republication is to add "including points on the indicated portions of the highways specified," to the route description, thereby clarifying the application. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Harrisburg, Pa.

No. MC 28900 (Sub-No. 7), filed August 16, 1967. Applicant: SEYMOUR TRANSFER LINES, INC., 140 East Wisconsin Avenue, Seymour, Wis. 54165. Applicant's representative: Claude J. Jasper, 111 South Fairchild Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) from its junction with Wisconsin Highway 110 near Butte des Morts, over Wisconsin Highway 110 to Omro, Wis., and (2) from Oshkosh, Wis., over U.S. Highway 41 to Green Bay, Wis., and return over the same route, as an alternate route for operating convenience only. NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison or Milwaukee, Wis.

No. MC 31600 (Sub-No. 619), filed August 16, 1967. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass. 02154. Applicant's representative: Harry C. Ames, Jr., 529 Transportation Building, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General*, from Wilmington, Mass., to points in Vermont. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 32641 (Sub-No. 67), filed August 18, 1967. Applicant: IML FREIGHT, INC., Post Office Box 2277, Salt Lake City, Utah 84110. Applicant's representative: Edward J. Hegarty, 100 Bush Street, 21st Floor, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those requiring armored vehicles or armed guards, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), (1) between Winchester and Louisville, Ky.; from the plantsites and warehouses of Rockwell-Standard Corp. located at or near Winchester, over U.S. Highway 60 to junction Interstate Highway 64 (near Jett, Ky.); thence over Interstate Highway 64 to Louisville, and return over the same route, serving no intermediate points, and (2) between Winchester, Ky., and Cincinnati, Ohio; (a) from the plantsites and warehouses of Rockwell-Standard Corp. located at or near Winchester, over U.S. Highway 227 to Paris, Ky., thence over U.S. Highway 27 to Cincinnati, and return over the same route, serving no intermediate points, and (b) from Winchester over U.S. Highway 227 to junction Interstate Highway 75 (near Winchester, Ky.), thence over Interstate Highway 75 to Cincinnati, and return over the same route, serving no intermediate points. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 25628 (Sub-No. 230), filed August 17, 1967. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, a corporation, 134 Grandville, SW., Grand Rapids, Mich. 49502. Applicant's representative: J. M. Neath, Jr., 900, 1 Vandenberg Center, Grand Rapids, Mich. 49502. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), (1) between Winchester and Louisville, Ky.; from the plantsites and warehouses of Rockwell-Standard Corp. located at or near Winchester over U.S. Highway 60 to Lexington, Ky., thence over U.S. Highway 421 to Frankfort, Ky., thence over U.S. Highway 60 to Louisville, and (2) between Winchester, Ky., and Cincinnati, Ohio; from the plantsites

[1] Copies of Special Rule 1.247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

and warehouses of Rockwell-Standard Corp. located at or near Winchester, over U.S. Highway 227 to Paris, Ky., thence over U.S. Highway 27 to Cincinnati, and return over the same routes, serving no intermediate points in (1) and (2) above. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Columbus, Ohio.

No. MC 51146 (Sub-No. 80), filed August 14, 1967. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis. 54306. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and metal container ends and accessories; and equipment used in connection with the distribution of metal containers and metal container ends* when moving with metal containers, (1) from Rockford, Ill., to points in Wisconsin, and (2) from Chicago, Ill., to points in Minnesota and Wisconsin. NOTE: Applicant states that the primary purpose of the instant application is not to allow tacking. This would be done only as an incidental part of operations if the need arises in the future. This could be done under many of applicant's pending and present subs. No duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 52460 (Sub-No. 87), filed August 16, 1967. Applicant: HUGH BREEDING, INC., 1420 West 25th Street, Post Office Box 9515, Tulsa, Okla. 74107. Applicant's representative: Louis I. Dailey, 2111 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum and petroleum products*, in containers, from Beaumont, Tex., to points in Mississippi, and (2) *empty containers*, from points in Mississippi to Port Arthur, Tex. NOTE: Applicant states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Dallas or Beaumont, Tex., Oklahoma City or Tulsa, Okla.

No. MC 60076 (Sub-No. 19), filed August 16, 1967. Applicant: V. P. WARNER & SON, INC., 706 Anthony Drive, Champaign, Ill. 61820. Applicant's representative: Charles R. Young, 500 Brosse Tower, Danville, Ill. 61832. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Portable classroom swimming training device* (trade name: Port-A-Pool), from Champaign, Ill., to points in the United States (except Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Springfield or Chicago, Ill.

No. MC 65380 (Sub-No. 14), filed August 14, 1967. Applicant: MUSHROOM TRANSPORTATION CO., INC., H Street and Hunting Park Avenue, Philadelphia, Pa. 19124. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving the plant and warehouse sites of Eastern Products Corp. located in Howard County, Md., at or near the junction of Maryland Highway 32 and U.S. Highway 29, as an off route point in connection with applicant's regular route authorities between Baltimore, Md., and Philadelphia, Pa., and between Baltimore, Md., and Buffalo, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 71516 (Sub-No. 76) (Amendment), filed April 7, 1966, published FEDERAL REGISTER issue of April 28, 1966, amended August 14, 1967, and republished as amended this issue. Applicant: ALABAMA HIGHWAY EXPRESS, INC., 3300 Fifth Avenue South, Birmingham, Ala. Applicant's representative: Robert E. Tate, Suite 3025, City Federal Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Florida, on and north of Florida Highway 70, on the one hand, and, on the other, points in Indiana, Illinois, Ohio, Tennessee, and Georgia, and Louisville, Ky. NOTE: The purpose of this republication is to broaden scope of the application. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., Tampa, Fla., and Chicago, Ill.

No. MC 84212 (Sub-No. 31), filed July 25, 1967. Applicant: DORN'S TRANSPORTATION, INC., Railroad Avenue Extension, Albany, N.Y. 12205. Applicant's representative: Irving Klein, 280 Broadway, New York, N.Y. 10007. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Albany, N.Y., and Springfield, Mass., from Albany, N.Y., over the New York State Thruway to interchange with Massachusetts Turnpike, thence over the Massachusetts Turnpike to Springfield, Mass., and return over the same route, serving Pittsfield, Mass., as an off-route point. NOTE: If a hearing is deemed necessary, applicant requests it to be held at Albany or New York, N.Y., or Washington, D.C.

No. MC 95540 (Sub-No. 706), filed August 14, 1967. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, Fla. 33801. Applicant's representative: Hoyt Starr (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Textiles and textile products*, from points in North Carolina, South Carolina, and Georgia to points in Texas and Oklahoma. NOTE: If a hearing is deemed necessary, applicant requests it to be held at Atlanta, Ga., Dallas, Tex., and Charlotte, N.C.

No. MC 95540 (Sub-No. 707), filed August 14, 1967. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, Fla. 33801. Applicant's representative: Hoyt Starr (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat byproducts* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Friona, Tex., and points within 5 miles thereof, to points in Alabama, Arizona, California, Connecticut, Delaware, Florida, Georgia, Idaho, Maine, Maryland, Massachusetts, Mississippi, Nevada, New Hampshire, New Jersey, New York, North Carolina, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Utah, Vermont, Virginia, Washington, West Virginia, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., Dallas, Tex., or Washington, D.C.

No. MC 95540 (Sub-No. 708), filed August 14, 1967. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, Fla. Applicant's representative: Alan E. Serby, 1600 First Federal Building, Atlanta, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned beverages and canned beverages preparation*, from points in Florida to points in Texas, Oklahoma, and Arkansas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla., or Atlanta, Ga.

No. MC 95540 (Sub-No. 709), filed August 14, 1967. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, Fla. 33802. Applicant's representative: Alan E. Serby, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionary and confectionary products*, from points in Lancaster, Berks, Blair, and Northampton Counties, Pa., to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Illinois, Iowa, Kansas, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York.

No. MC 103435 (Sub-No. 198), filed August 16, 1967. Applicant: UNITED BUCKINGHAM FREIGHT LINES, East 4005 Broadway Avenue, Spokane, Wash. 99220. Applicant's representative: George LaBissoniere, 928 Logan Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those

of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) serving the Argonne Industrial District, Du Page and Will Counties, Ill., as an off-route point in connection with presently authorized service to and from Chicago, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 103493 (Sub-No. 6), filed August 14, 1967. Applicant: ROBINSON TRANSFER COMPANY, INC., 1009 St. James Street, La Crosse, Wis. 54601. Applicant's representative: Claude J. Jasper, 111 South Fairchild Street, Madison, Wis. 53703. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses and in connection therewith, equipment, materials, and supplies used in the conduct of such business*, (1) between Duluth, Minn., on the one hand, and, on the other, points in Ontonagon, Gogebic, Iron, Baraga, Houghton, and Keweenaw Counties, Mich.; and, (2) from points in Wisconsin on and west of U.S. Highway 51, from the Michigan-Wisconsin State line at Hurley, Wis., to Wausau, Wis., and, on and North of Wisconsin Highway 29, from Wausau to Chippewa Falls, Wis., thence on U.S. Highway 53 from Chippewa Falls to Eau Claire, Wis., thence over U.S. Highway 12 from Eau Claire to junction Wisconsin Highway 29, thence on Wisconsin Highway 29 to the Minnesota-Wisconsin State line at Prescott, Wis., to Duluth, Minn., under contract with Gateway Foods of Minnesota, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison or Milwaukee, Wis.

No. MC 103880 (Sub-No. 384) (Amendment), filed April 3, 1967, published FEDERAL REGISTER issue April 20, 1967, and republished as amended, this issue. Applicant: PRODUCERS TRANSPORT, INC., 215 East Waterloo Road, Akron, Ohio 44308. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diammonium phosphate*, in bulk, in tank or hopper type vehicles, from Riverdale and Colfax, Ill., and Des Moines, Iowa, to points in Illinois, Indiana, Iowa, Michigan, Ohio, Wisconsin, North Dakota, South Dakota, Kansas, Nebraska, Minnesota, and Missouri. NOTE: The purpose of this republication is to change the scope of the application, by adding Colfax, Ill., to the origin point and deleting Dubuque, Iowa, from the origin point. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 107295 (Sub-No. 112), filed August 21, 1967. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood and plywood paneling*, from Oshkosh, Wis., to points in Alabama, Delaware, Florida, Georgia, Louisiana, Mississippi, New Jersey, New Mexico, New York, North Carolina, Oklahoma, Pennsylvania, South Carolina, Texas, Virginia, and West Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 107403 (Sub-No. 725), filed August 16, 1967. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, dry, in bulk, in tank or hopper vehicles, from Neal, W. Va., to points in Alabama, Arkansas, Colorado, Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Massachusetts, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio (except points in Ashtabula, Cuyahoga, Lake, Summit, Muskingum, Licking, Franklin, and Wayne Counties), Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 110525 (Sub-No. 339), filed August 16, 1967. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representatives: Leonard A. Jaskiewicz, 1155 15th Street, NW., Madison Building, Washington, D.C. 20005, and Edwin H. van Deusen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vermiculite and perlite*, dry, in bulk, from Reserve, La., to points in Alabama, Arkansas, Georgia, Florida, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 111467 (Sub-No. 13), filed August 16, 1967. Applicant: ARTHUR J. PAPE, doing business as ART PAPE TRANSFER, 1331 Rockdale Road, Dubuque, Iowa 52001. Applicant's representative: William A. Landau, 1907 East Walnut Street, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, dry, from Henry, Ill., to points in Iowa, Minnesota, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 112184 (Sub-No. 27), filed August 17, 1967. Applicant: THE MANFREDI MOTOR TRANSIT COMPANY, a corporation, Route 87, Newbury, Ohio 44065. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paints, stains, and varnishes*, in bulk, in tank vehicles, from Cleveland, Ohio, to Belvidere, Ill., under contract with the Pittsburgh Plate Glass Co. NOTE: Applicant is also authorized to conduct operations as a common carrier in certificate 128902 and Sub 1, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 113001 (Sub-No. 71), filed August 21, 1967. Applicant: TRANSPORT SERVICE CO., a corporation, Post Office Box 273, Chicago, Ill. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrup, liquid*, unrefined, in bulk, in tank vehicles, from Du Quoin, Ill., to points in Illinois, Indiana, Kentucky, Missouri, and Tennessee. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114045 (Sub-No. 267), filed August 15, 1967. Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex. 75222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candelilla wax*, in vehicles equipped with mechanical refrigeration, from Alpine, Tex., to points in New York, Pennsylvania, New Jersey, Massachusetts, Michigan, Georgia, and Indiana. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 114045 (Sub-No. 288), filed August 15, 1967. Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Phoenix, Ariz., to points in Kentucky (except Louisville), Tennessee (except Memphis), Pennsylvania (except Pittsburgh), Virginia, West Virginia, Maryland, Delaware, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Dallas, Tex.

No. MC 114045 (Sub-No. 289), filed August 15, 1967. Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex. 75222. Applicant's representative: Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture, mirrors, furniture parts, marble, pieces or slabs*, polished, in boxes or packages, (1) between Toccoa, Ga., Selma, Ala., and Truman, Ark., and (2) from Toccoa, Ga., Selma, Ala., and Truman, Ark., to points in Alabama, Arizona,

Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma Oregon, Pennsylvania, Rhode Island, South Dakota, South Carolina, Texas, Tennessee, Utah, Virginia, and Washington. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114290 (Sub-No. 32), filed Aug. 16, 1967. Applicant: EXLEY EXPRESS, INC., 3610 Southeast Eighth Avenue, Portland, Oreg. 97202. Applicant's representative: James T. Johnson, 1610 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pickles, sauerkraut, and relish*, from the plantsites of Steinfeld's Products Co., located at Scappoose and Portland, Oreg., to Redding, Calif. NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., or Seattle, Wash.

No. MC 114334 (Sub-No. 13), filed August 16, 1967. Applicant: BUILDERS TRANSPORTATION COMPANY, a corporation, 3265 Tulane Road, Memphis, Tenn. 38116. Applicant's representative: Dale Woodall, 900 Memphis Bank Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel pipe*, from Preston, Tenn. (near Counce on Pickwick Lake), to points in Tennessee, Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina, Virginia, West Virginia, Kentucky, Ohio, Indiana, Illinois, Louisiana, Arkansas, Missouri, Iowa, Texas, Oklahoma, Kansas, Nebraska, and Michigan, and (2) *iron and steel plates, sheets, skelp, and equipment, materials and supplies* used in the manufacturing, processing, or production of iron and steel pipe, from points in the States named in (1) above, to Preston, Tenn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Nashville, Tenn.

No. MC 114334 (Sub-No. 14), filed August 18, 1967. Applicant: BUILDERS TRANSPORTATION COMPANY, a corporation, 3265 Tulane Road, Memphis, Tenn. 38116. Applicant's representative: Dale Woodall, 900 Memphis Bank Building Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cooper pipe and cooper tubing*, from Wynne, Ark., to points in the United States (except Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 114334 (Sub-No. 15), filed August 21, 1967. Applicant: BUILDERS TRANSPORTATION COMPANY, a corporation, 3265 Tulane Road, Memphis, Tenn. Applicant's representative: Dale Woodall, 900 Memphis Bank Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agriculture implements, and parts, attachments and accessories thereof*, from Yasoo City, Miss., to points in the United States (except Alaska and Hawaii), and (2) *Steel disks*, from Chicago, Ill., and Midland, Pa., to Yasoo City, Miss. NOTE: If a hearing is deemed necessary, applicant did not specify location.

No. MC 114832 (Sub-No. 10), filed August 15, 1967. Applicant: RUDOLPH PAFFRATH, WILLIAM PAFFRATH AND THOMAS PAFFRATH, a partnership, doing business as PAFFRATH BROS., 1415 Clinton Street, Linden, N.J. 07037. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap ferrous metal*, in dump trailers, between Jersey City, Newark, and Elizabeth, N.J., on the one hand, and, on the other, Easton, Conshohocken, Philadelphia, and Stroudsburg, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 115268 (Sub-No. 5), filed August 15, 1967. Applicant: DAYTON TRANSPORT CORPORATION, Post Office Box 35, Dayton, Va. 22821. Applicant's representative: Jno. C. Goddin, Insurance Building, 10 South 10th Street, Richmond, Va. 23219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed stone, sand, and cement*, in dump trucks, from points in Rockingham County, Va., to points in Pendleton County, W. Va. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Roanoke or Richmond, Va.

No. MC 115669 (Sub-No. 78), filed August 15, 1967. Applicant: HOWARD N. DAHLSTEN, doing business as DAHLSTEN TRUCK LINE, Post Office Box 95, Clay Center, Nebr. 68933. Applicant's representative Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal and poultry feed* and *animal and poultry feed ingredients* (other than liquid), between Kansas City, Mo., on the one hand, and, on the other, points in Arkansas, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, and Wisconsin, and (2) *animal and poultry feed ingredients* (other than liquid), from (a) Dubuque, Iowa., to points in Arkansas, Illinois, Iowa, Oklahoma, and Wisconsin, and (b) from Omaha, Nebr., to points in Arkansas, Illinois, Iowa, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 116636 (Sub-No. 2), filed August 16, 1967. Applicant: C. H. MARTIN AND SON TRUCKING, INC., 475 North Pike Road, Sarver, Pa. 16055. Applicant's representative: James W. Hagar, Post Office Box 432, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, from Branahton, Pa., to points in New York, on and east of U.S. Highway 15. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 116816 (Sub-No. 10), filed August 14, 1967. Applicant: MERIT TRUCKING CORP., Building 261, Port Newark, N.J. Applicant's representative: Edward M. Alfano, 2 West 45th Street, New York, N.Y. 10036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Household appliances, air-conditioning equipment, water heaters, central home heating, and cooling units, radio, recorder, phonograph and television sets, and parts, and equipment therefor*, uncrated and crated, from Kearny, N.J., to points in New York, N.Y., points in Nassau, Suffolk, Westchester, and Rockland Counties, N.Y., and Fairfield County, Conn., and *returned shipments* of the above specified commodities, on return, under contract with Cooper Distributing Co., Inc., Warren-Connolly Co., L & P Distributors, Apollo Distributing Co., and General Electric Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 117416 (Sub-No. 34), filed August 17, 1967. Applicant: NEWMAN AND PEMBERTON CORPORATION, 2007 University Avenue, NW., Knoxville, Tenn. 37921. Applicant's representative: William P. Sullivan, 1825 Jefferson Place NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Laundry bleach* (except in bulk in tank vehicles), from Atlanta, Ga., to Evansville, Ind., Williamson, W. Va., Bristol, Va., and points in Tennessee on, south and east of a line beginning at the Virginia-Tennessee State line and extending south along U.S. Highway 25E to junction U.S. Highway 70, thence west along U.S. Highway 70 to junction U.S. Highway 70S, thence along U.S. Highway 70S to junction U.S. Highway 70, and thence along U.S. Highway 70 to the Tennessee-Arkansas State line. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 118069 (Sub-No. 8), filed August 14, 1967. Applicant: JACK H. DWENGER, INC., Route 1, Box 362, Weatherford, Tex. 76086. Applicant's representative: Thomas E. James, The 904 Lavaca Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bananas*, from Gulfport, Miss., to points in Texas, and (2) *rejected shipments* on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas or Fort Worth, Tex.

No. MC 118939 (Sub-No. 16), filed August 14, 1967. Applicant: CONTAINER TRANSIT, INC., 5223 South Ninth Street, Milwaukee, Wis. 53221. Applicant's representative: Richard A. Hellprin, Post Office Box 941, Madison, Wis. 53701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic and poly plastic products*, from Milwaukee, Wis., to points in Iowa, Minnesota, Illinois, Indiana, South Dakota, Ohio, Missouri, and Michigan. NOTE: Applicant states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis., or Chicago, Ill.

No. MC 123383 (Sub-No. 24), filed August 21, 1967. Applicant: BOYLE BROTHERS, INC., 216 River Road, Edgewater, N.J. 07020. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated building sections and accessorial parts and materials used in connection therewith and in the assembly thereof*, from Hartford, Conn., to points in Pennsylvania, New Jersey, and New York. NOTE: No duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 123640 (Sub-No. 2), filed August 16, 1967. Applicant: SUMMIT CITY ENTERPRISES, INC., 3200 Maumee Avenue, Fort Wayne, Ind. 46803. Applicant's representative: Irving Klein, 280 Broadway, New York, N.Y. 10007. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities*, sold, dealt in or used by chain or department stores between Fort Wayne, Ind., on the one hand, and, on the other, points in Kentucky, except those in Jefferson County; points in Wisconsin on and south of U.S. Highway 8, except those in Milwaukee County; points in Minnesota on and south of U.S. Highway 2; and Windber, Pa., under contract with W. T. Grant Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 124078 (Sub-No. 291), filed August 21, 1967. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn products*, dry, in bulk, from Danville, Ill., to points in Indiana, Michigan, Minnesota, Missouri, Nebraska, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124078 (Sub-No. 292), filed August 21, 1967. Applicant: SCHWERMAN Trucking Co., a corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement, lime, and mortar*, in packages, in straight or mixed truckloads, from Birmingham and Roberta, Ala., to points in Kentucky. NOTE: Applicant indicates testing at Lexington, Ky., with presently held authority in MC-124078, Sub-196 serving Ohio. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 126618 (Sub-No. 41), filed August 16, 1967. Applicant: UMTHUN TRUCKING CO., a corporation, 910 South Jackson Street, Eagle Grove, Iowa 50533. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural chemicals*, other than in bulk, from the plantsite and warehouse facilities of Monsanto Co. at or near Mapleton, Minn., to points in Illinois, Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin. NOTE: Applicant holds contract carrier authority under MC 118468 and subs, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 125777 (Sub-No. 107) (Amendment), filed December 27, 1966, published FEDERAL REGISTER issue of January 12, 1967, amended August 23, 1967, and republished as amended this issue. Applicant: JACK GRAY TRANSPORT, INC., 3200 Gibson Transfer Road, Hammond, Ind. 46323. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fluorspar*, in dump vehicles, from Cincinnati and East Liverpool, Ohio, to points in Indiana, Kentucky, Maryland, Michigan, New York, Pennsylvania, Tennessee, West Virginia, and Wisconsin, and (2) *ferro phosphorus*, in dump vehicles, from East Liverpool, Ohio, to points in Michigan, Pennsylvania, New York, Maryland, and West Virginia. NOTE: The purpose of this republication is to change the commodity description in (2) above. If a hearing is deemed necessary, applicant requests it be held at Cincinnati, Ohio.

No. MC 126497 (Sub-No. 2), filed August 14, 1967. Applicant: TIGER EXPRESS, INC., Main and Nelson Streets, Goshen, N.Y. 10924. Applicant's representative: Raymond A. Richards, 23 West Main Street, Webster, N.Y. 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, bullion, currency, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from New York, N.Y., and points in Bergen, Essex, Hudson, Passaic, and Union Counties, N.J., to Elmira, Jamestown, Olean, Syracuse, and Wellsville, N.Y., and Erie, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 126517 (Amendment), filed August 17, 1964, published in the FEDERAL REGISTER issue of September 2, 1964, amended and republished as amended, this issue. Applicant: KEITH DAHKS, doing business as RED RIVER MOVING & STORAGE, U.S. Highway Number 2 West, Grand Forks, N. Dak. Applicant's representative: Lee F. Brooks, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, (1) between points in Grand Forks, Walsh, Pembina, Ramsey, Steele, Griggs, Cavalier, and Nelson Counties, N. Dak.; and (2) from Grand Forks, N. Dak., to points in Kittson, Roseau, Marshall, Pennington, Red Lake, Polk, Clearwater, Norman, and Mahnomen Counties, Minn. NOTE: The purpose of this republication is to add (2), above, to the territorial description. If a hearing is deemed necessary, applicant requests it be held at Fargo, N. Dak.

No. MC 126600 (Sub-No. 2), filed August 14, 1967. Applicant: EHRSAM TRANSPORT, INC., 106 North Factory, Enterprise, Kans. Applicant's representative: Clyde N. Christey, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities as are dealt in, or used by wholesale and retail department stores*, from points in Georgia and North Carolina to Abilene, Kans., under contract with the A. L. Duckwall Stores Co., a corporation; Western Merchandise Co., a corporation; the A. L. Duckwall Stores Co., a corporation, doing business as Duckwall Warehouse Co.; and the A. L. Duckwall Stores Co., a corporation, doing business as Alco Discount. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City or Topeka, Kans.

No. MC 126822 (Sub-No. 15), filed August 14, 1967. Applicant: PASSAIC GRAIN AND WHOLESALE COMPANY, INC., Post Office Box 23, Passaic, Mo. 64777. Applicant's representative: Tom B. Kretsinger, 450 Professional Building, Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Twine*, from Detroit and Bay City, Mich., Buffalo and New York, N.Y., Chicago, Ill., Milwaukee, Wis., Duluth, Minn., New Orleans, La., Boston, Mass., and Philadelphia, Pa., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 127253 (Sub-No. 41), filed August 18, 1967. Applicant: R. A. CORBETT TRANSPORT, INC., 111 West Laurel Street, Post Office Box 88, Lufkin, Tex. 75901. Applicant's representative: Ewell H. Muse, Jr., 415 Perry Brooks Building,

Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molasses and feed grade molasses*, from points in Louisiana (except those points within a 75-mile radius of New Orleans, La.), to points in Mississippi, Arkansas, Oklahoma, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Shreveport or New Orleans, La.

No. MC 127772 (Sub-No. 2), filed August 16, 1967. Applicant: TIROD CORPORATION, 17 26 Varick Street, New York, N.Y. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Saddles*, (2) *toys*, (3) *advertising material and premiums*, (4) *chemicals* (except in bulk, in tank and hopper type vehicles), (5) *office equipment and supplies*, and (6) *materials, equipment and supplies*, used in the manufacture and distribution of meat and packinghouse products, dairy products, canned, preserved and frozen foodstuffs and the other commodities described in (1) through (4) above, between New York, N.Y., Newark, N.J., and Philadelphia, Pa., on the one hand, and, on the other, points in Ohio, Michigan, Illinois, Indiana, Missouri, Kentucky, Virginia (except Norfolk and points within 20 miles thereof, Alexandria and points in Accomack, Arlington, Fairfax, and Northhampton Counties, and points on and north of U.S. Highway 50), West Virginia, Wisconsin, Minnesota, Iowa, and that portion of Pennsylvania west of U.S. Highway 15, not including points on said highway, under a continuing contract with Atalanta Trading Corp., of New York, N.Y. NOTE: Applicant states it is now authorized to transport meat and packinghouse products, dairy products and canned, preserved and frozen foodstuffs (except commodities in bulk and sugar), between the points described above under a continuing contract with Atalanta Trading Corp., of New York, N.Y. The purpose of the instant application is to include additional commodities to be distributed by Atalanta Trading Corp. not covered by the prior grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or New York, N.Y.

No. MC 128639 (Sub-No. 2), filed August 16, 1967. Applicant: REGINALD CURRIER, 103 Lancaster Road, Gorham, N.H. 03581. Applicant's representative: Frank J. Weiner, Investors Building, 536 Granite Street, Braintree, Mass. 02184. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, in bulk, (1) from points in Vermont and New Hampshire, to points in Maine and Massachusetts, and (2) from points in Vermont to points in New Hampshire. NOTE: If a hearing is deemed necessary, applicant requests it be held at Concord, N.H., or Boston, Mass.

No. MC 128761 (Sub-No. 1), filed August 14, 1967. Applicant: RICHARD M. GODFREY, 1354 East 6400 South, Salt Lake City, Utah 84121. Applicant's representative: Bartly G. McDonough, 755 Windsor Street, Salt Lake City, Utah 84102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electronic weighing systems and electronic materials*, from Ogden, Utah, to points in Alabama, Arizona, California, Connecticut, Colorado, Florida, Georgia, Illinois, Iowa, Indiana, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Maine, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New Mexico, New York, North Carolina, Oregon, Ohio, Oklahoma, Pennsylvania, Rhode Island, Tennessee, Texas, Virginia, Washington, Wisconsin, and the District of Columbia, under contract with Hardy Scales Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City or Ogden, Utah.

No. MC 129168 (Sub-No. 1), filed August 17, 1967. Applicant: RAYMOND C. LOVELL, doing business as B & L TRUCKING, 1639 Peoria Road, Springfield, Ill. 62701. Applicant's representative: Robert T. Lawley, 300 Reisch Building, Springfield, Ill. 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel storage tanks and component parts thereof*, from Springfield, Ill., to points in Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, and Wisconsin, and *damaged or rejected shipments*, on return, under contract with Certified Equipment & Manufacturing Co. of Springfield, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Springfield, Ill., or St. Louis, Mo.

No. MC 129183 (Clarification), filed May 8, 1967, published in the FEDERAL REGISTER issue of July 13, 1967, clarified and republished as clarified, this issue. Applicant: FRANK M. TEACHOUT, doing business as F&M TRANSPORTATION, Post Office Box 5236, 1901 83d Street, Tampa, Fla. 33605. Applicant's representative: W. B. Dickenson, Jr., 1014 First National Bank Building, Tampa, Fla. 33602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), from Tampa, Fla., to points in Pasco, Pinellas, Polk, Hillsborough, Manatee, Sarasota, Charlotte, and Lee Counties, Fla. NOTE: The purpose of this republication is to clarify the authority sought. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla.

No. MC 129279 (Correction), filed July 25, 1967, published FEDERAL REGISTER issue August 17, 1967, and republished as corrected, this issue. Applicant: RYNONE INDUSTRIES, INC., North Chemung Street, Waverly, N.Y. 14892. Applicant's representative: Robert H. Griswold, Post Office Box 452, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Sayre, Pa., and Horseheads, N.Y.; from Sayre over U.S. Highway 220 to junction New York Highway 17, thence over New York Highway 17 to Horseheads, and return over the same route; also from junction New York Highway 17 and New York Highway 17E over New York Highway 17E to Elmira, thence over New York Local Truck Route through Elmira Heights to Horseheads, and return over the same route, serving intermediate points which are stations on the rail lines of Lehigh Valley Railroad Co., and serving South Waverly, Pa., as an off-route point, (2) between junction U.S. Highway 220 and New York Highway 17 and Van Etten, N.Y.; from junction U.S. Highway 220 and New York Highway 17 over New York Highway 17 to junction New York Highway 34, thence over New York Highway 34 to Van Etten, and return over the same route, serving intermediate points which are stations on the rail lines of Lehigh Valley Railroad Co., and serving junction U.S. Highway 220 and New York Highway 17 for purposes of joinder only, (3) between junction New York Highways 17 and 34 and Owego, N.Y., over New York Highway 17, serving intermediate points which are stations on the rail line of Lehigh Valley Railroad Co. and serving junction New York Highways 17 and 34 for purposes of joinder only, and (4) between Sayre and Towanda, Pa., over U.S. Highway 220, serving intermediate points which are stations on the rail line of Lehigh Valley Railroad Co. Restriction: Service authorized shall be subject to the following condition: Shipments transported shall be limited to those having in addition to a motor carrier movement by carrier, an immediately prior or subsequent movement by rail. NOTE: The purpose of this republication is to specify the Highway in No. 4 above as Highway 220, in lieu of Highway 22. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 129308 (Sub-No. 1), filed August 16, 1967. Applicant: D & L CORPORATION, 2178 West Center Street, Provo, Utah. Applicant's representative: Irene Warr, 419 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fabricated sections of structural steel, bins, handrails, miscellaneous steel and tools, equipment and surplus materials and supplies used in the erection of structural and miscellaneous steel*, between points in Arizona, California, Colorado, Idaho, New Mexico, Nevada, Montana, Oregon, Washington, Wyoming, and Utah, under contract with Mountain States Steel Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City or Provo, Utah.

No. MC 129319 (Amendment), filed August 10, 1967, published FEDERAL REGISTER issue August 24, 1967, and republished as amended, this issue. Applicant: CITY TRANSFER & STORAGE INC., 962 South First Avenue, Post Office Box 989, Pocatello, Idaho 83201. Applicant's representative: Ronald W. Nicholas (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, in containers, from Pocatello, Idaho, to points in Bear Lake, Caribou, Franklin, Oneida, Bannock, Power, Bingham, Bonneville, Butte, Jefferson, and Madison counties, Idaho restricted to shipments moving in containers and having an immediately prior or subsequent movement by rail, motor, water, or air. NOTE: The purpose of this republication is to name the counties applicant intends to serve and also to delete a portion of the restriction. If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho.

No. MC 129328, filed August 10, 1967. Applicant: PAL TEX TRANSPORT CO., a corporation, 1834 Jackson-Keller Road, San Antonio, Tex. Applicant's representative: M. Ward Bailey, 2412 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a *contract carrier* by motor vehicle, over irregular routes, transporting: *Glass containers, glass bottles, and glass jars*, common, with or without caps, covers, tops, or stoppers, *glassware* (other than cut glassware), and *wooden boxes, wooden containers, wooden pallets, corrugated paper boxes* set up or knocked down, between Palestine, Tex., and points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Missouri, Oklahoma, South Carolina, and Tennessee, under contract with Knox Glass, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Washington, D.C.

No. MC 129332, filed August 14, 1967. Applicant: RACHEL FRIDLEY, doing business as FRIDLEY TRUCKING, 36 Fourth Avenue West, Box 367, Dickinson, N. Dak. 58601. Applicant's representative: Michael E. Miller, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, soft drinks, and materials, supplies, and equipment*, used in restaurants and bars, from Minneapolis-St. Paul and Shakopee, Minn., and Milwaukee, Sheboygan, and La Crosse, Wis., to Dickinson, N. Dak., and *empty containers* on return, under contract with Johnson, Inc., Dickinson, N. Dak. NOTE: If a hearing is deemed necessary, applicant requests it be held at Bismarck, N. Dak.

No. MC 129333, filed August 14, 1967. Applicant: V. J. M. TRUCKING, INC., 53 Gordon Street, East Haven, Conn. 06512. Applicant's representative: William L. Mobley, 1694 Main Street, Springfield, Mass. 01103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pig iron*, in bulk, in dump vehicles, from Bridgeport, Conn., to points in Connecticut, Massachusetts, and Rhode Island. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 129339 (Republication), filed January 9, 1966, published FEDERAL REGISTER, issue of January 27, 1966, under MC 94944 Sub No. 2, and republished as amended this issue. Applicant: GUYER THE MOVER, INC., 304 East Sixth Street, Peru, Ind. Applicant's representative: Donald W. Smith, Suite 511, Fidelity Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Indiana, restricted to service to be performed under a contract or continuing contracts with the U.S. Government, Bunker Hill Air Force Base, Peru, Ind. The purpose of this republication is to show that the application has been amended to seek authority to operate as a contract carrier; therefore, it has been assigned a new docket number. Applicant now seeks to operate between all points in Indiana. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 129340, filed August 14, 1967. Applicant: GENE HARPER, doing business as A-C DELIVERY, Post Office Box 927, Parkersburg, W. Va. 26101. Applicant's representative: James R. Stiverson, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between points in that part of West Virginia bounded by a line beginning at Huntington, W. Va., and extending along U.S. Highway 60 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction U.S. Highway 250, thence along U.S. Highway 250 to the Ohio River, thence along the Ohio River to Huntington, and points in Monroe County, Ohio, on the one hand, and, on the other, the Kanawha County Airport, near Charleston, W. Va., the Huntington-Ashland Airport, near Huntington, the Wood County Airport, near Parkersburg, W. Va., the Cleveland-Hopkins Airport, near Cleveland, Ohio, the Greater Cincinnati Airport, in Kentucky near Cincinnati, Ohio, and the Greater Pittsburgh Airport, near Pittsburgh, Pa. Restricted to shipments having a prior or subsequent movement by air. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 129341, filed August 16, 1967. Applicant: VALENSTEIN Rental COMPANY, INC., Route 1, Box 147, Cleveland, Wis. 53015. Applicant's representative: Edward Solis, Executive Building, Suite 100, 4513 Vernon Building, Madison, Wis. 53705. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages, and related advertising materials, premiums, and malt beverages dispensing equipment when shipped with malt beverages*, from St. Louis, Mo., to (a) Manitowoc, Wis., restricted to a transportation service to be performed under a continuing contract or contracts with Erwin C. Meser, doing business as Meser Distributing Co., Manitowoc, Wis.; (b) to Sheboygan, Wis., restricted to a transportation service to be performed under a continuing contract or contracts with Lawrence F. Gutschow, doing business as Larry's Distributing Co., Sheboygan, Wis.; and (c) to Fond du Lac, Wis., restricted to a transportation service to be performed under a continuing contract or contracts with James A. Brickle, doing business as, J. A. Brickle Distributing Co., Fond du Lac; and (2) *pallets, box boxes, skids, and cheese boxes*, from the town of Herman, Sheboygan County, Wis., to points in Illinois and Indiana, except points in the Chicago, Ill., commercial zone as described by the Commission, restricted to a transportation service to be performed under a continuing contract or contracts with Millersville Box Co., Sheboygan. NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 129343, filed August 16, 1967. Applicant: A. E. DAHM, JR., doing business as ALLCOUNTY CASKET EXPRESS, Interstate 84, Goldens Bridge, N.Y. 10526. Applicant's representative: John R. Mahoney, 26 Broadway, New York, N.Y. 10004. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated iron and metal set up, finished burial cases, casket hardware, and casket interiors*, between Goldens Bridge, N.Y., and points in Connecticut, under contract with Batesville Casket Sales Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 129344, filed August 18, 1967. Applicant: REGINALD MILLER, doing business as REG. MILLER TRANSPORT, Post Office Box 41, Sundridge, Ontario, Canada. Applicant's representative: Walter N. Bieneman, Suite 1700, 1 Woodward Avenue, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from ports of entry on the international boundary line between the United States and Canada, located in Michigan along the Detroit and St. Clair Rivers, to points in Michigan, restricted to traffic originating in Canada. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

MOTOR CARRIER OF PASSENGERS

No. MC 29477 (Sub-No. 3), filed August 7, 1967. Applicant: ROBERT B. STEEL, doing business as GLACIER TRANSPORTATION COMPANY, 2919 Sixth Avenue North, Great Falls, Mont. 59401. Applicant's representative: Robert B. Steel (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (1) *Express and mail*, between Choteau, Mont., and Browning, Mont., from Choteau over U.S. Highway 89 to Browning, and return over the same route, serving all

intermediate points, and serving Pandroy, Mont., as an off-route point. Applicant presently holds authority to transport passengers and their baggage over the above route; (2) *passengers and their baggage, express, and mail*, in the same vehicle with passengers, (a) between Browning, Mont., and Kalispell, Mont., from Browning over U.S. Highway 2 to Columbia Falls, Mont., thence over Montana Highway 40 to Whitefish, Mont., thence over U.S. Highway 93 to Kalispell, and return over the same route, serving all intermediate points, and (b) passengers and their baggage, between Browning, Mont., and Glacier Park, Mont., from Browning over U.S. Highway 2 to Glacier Park, and return over the same route, serving no intermediate points. Applicant presently holds authority in 2(b) above but same is restricted to "from the 15th day of June to the 15th day of September each year, inclusive." By the instant application he seeks to remove said seasonal restriction, thereby making the service year round. (3) Applicant also proposes to conduct special and charter operations in connection with the above authority, beginning and ending at points on the above described routes, and extending to points in the United States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Whitefish or Great Falls, Mont.

No. MC 29661 (Sub-No. 5) (Amendment), filed May 15, 1967, published FEDERAL REGISTER, issue of June 2, 1967, amended and republished as amended, this issue. Applicant: GRAY COACH LINES, LIMITED, 1900 Yonge Street, Toronto, Canada. Applicant's representative: James E. Wilson, 1735 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicles with passengers, in special operations, in round-trip, sightseeing, and pleasure tours, beginning and ending at ports of entry on the international boundary line between the United States and Canada, and extending to points in the United States (excluding Alaska and Hawaii). NOTE: The purpose of this republication is to more clearly set forth the proposed operation. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 129038 (Sub-No. 2), filed August 10, 1967. Applicant: TRI-STATE COACH LINES, INC., 10066 West Pacific Avenue, Franklin Park, Ill. 60131. Applicant's representative: John T. Porter, 1 South Pinckney Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *Passengers and their baggage, mail, newspapers, and express, in the same vehicle with passengers*, in vehicle transporting not more than 13 passengers (exclusive of the driver and those passengers under 10 years of age who do not occupy a seat), (1) over regular routes: (a) Between Racine, Wis., and O'Hare International Airport and Midway Airport, Chicago, Ill., from Racine, over Wisconsin Highway 32 to Kenosha, thence over Wisconsin Highway 50 to its junction with Interstate Highway 94, thence over Interstate Highway 94 to Chicago, and return over the same route, serving Kenosha, Wis., and the junction of Wisconsin Highway 50 and Interstate Highway 94 as intermediate points. (2) Over irregular routes in special and charter operations from points in Racine and Kenosha Counties, Wis., to O'Hare International Airport and Midway Airport at Chicago, Ill., and return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Racine or Milwaukee, Wis.

No. MC 129334, filed August 15, 1967. Applicant: ONTARIO NORTHLAND TRANSPORTATION COMMISSION, 195 Regina Street, North Bay, Ontario, Canada. Applicant's representative: S. Harrison Kahn, Suite 733 Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in round-trip charter operations, beginning and ending at the ports of entry located on the international boundary line between the United States and Canada and extending to points in the United States, including the District of Columbia (except Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

APPLICATION IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 126283 (Sub-No. 2), filed August 11, 1967. Applicant: BERGEN-PASSAIC AIR EXPRESS, INC., 124 East Columbia Avenue, Palisades Park, N.J. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* warehoused by and shipped from the facilities of Minnesota Mining and Manufacturing Co. located at Ridgefield, N.J., to points in Rockland and Westchester Counties, N.Y., and points in Connecticut, under contract with Minnesota Mining and Manufacturing Co.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 67-10155; Filed, Aug. 30, 1967; 8:45 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

AUGUST 28, 1967.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41113—*Class and commodity rates from and to Matthews and Stout's, N.C.* Filed by O. W. South, Jr., agent (No. A5054), for interested rail carriers. Rates on property moving on class and commodity rates, between Matthews and Stout's, N.C., on the one hand, and points in the United States and Canada, on the other.

Grounds for relief—New stations and grouping.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 67-10343; Filed, Aug. 30, 1967; 8:50 a.m.]

[Notice 441]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 28, 1967.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR Part 340), published in the FEDERAL REGISTER, issued of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 111201 (Sub-No. 9 TA), filed August 21, 1967. Applicant: J. H. ZELLNER & SON TRANSFER COMPANY, a corporation, Post Office Box 816, East Point, Ga. 30044. Applicant's representative: Monty Schumacher, Suite 803, 1375 Peachtree Street NE., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Glass containers and closures* for such containers, and *corrugated boxes or paper containers*, in mixed loads with glass containers and closures for such containers, on flat-bed trailers, from New Orleans, La., to Tennessee, Georgia, Florida, Mississippi, and Alabama, for 180 days. Supporting shipper: Underwood Glass Co., 6120 Jefferson Highway, Box 23188 Harahan Branch, New Orleans, La. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 300, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 121508 (Sub-No. 1 TA), filed August 21, 1967. Applicant: WESTERN CARTAGE, INC., 1260 Fourth Avenue South, Seattle, Wash. 98134. Applicant's representative: Jack R. Davis, 1100 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: (1) *Household goods, heavy machinery, and building materials* (excluding cement in bulk in tank or bottom dump vehicles or similar specialized equipment), between points in Washington, (2) *general commodities*, between Seattle, Wash., on the one hand, and, on the other, points in King, Pierce, Snohomish, and Skagit Counties, Wash., (3) *general freight* (local cartage in the city of Seattle) for 150 days. Supporting shippers: Star Forwarders, Inc., 1001 First Avenue South, Seattle, Wash. 98134; Northern Commercial Co., Colman Building, Seattle, Wash. 98104; Boeing Co., Post Office Box 707, Renton, Wash. 98055; Huntington Rubber Mills, Inc., Post Office Box 37, Federal Way, Wash. 98002; United Freight, Inc., 1319 Second Avenue, Seattle, Wash. 98101; Western Transportation Co., Inc., 1319 Second Avenue, Seattle, Wash. 98101. Send protests to: E. J. Casey, District Supervisor, Bureau of Operations, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 124579 (Sub-No. 2 TA), filed August 22, 1967. Applicant: G. EDWARD WIKEL, doing business as WIKEL MILK CARTAGE, Route No. 1, Huron, Ohio 44839. Applicant's representative: Richard H. Brandon, 810 Hartman Building, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wine*, in bulk, in tank vehicles, from Sandusky, Ohio, to Allen Park, Mich., for 180 days. Supporting shipper: Heublein, Inc., 2500 Enterprise Drive, Allen Park, Mich. 48101. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5234 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

No. MC 125440 (Sub-No. 6 TA), filed August 23, 1967. Applicant: JULES TISCHLER AND PAUL JOHNSON, a partnership, doing business as RARITAN MOTOR EXPRESS, 129 Lincoln Boulevard, Middlesex, N.J. 08846. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Precast concrete articles and granilite articles, and materials, supplies and equipment* used in the manufacture and erection or installation thereof, between Somerville, Mass., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, and the District of Columbia, for 180 days. Supporting shipper: Granite Research Industries, Inc., 26 Chestnut Street, Somerville, Mass. 02143, Attention: Robert Prosperi, project coordinator. Send protests to: Robert S. H. Vance, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1060 Broad Street, Newark, N.J. 07102.

No. MC 126822 (Sub-No. 16 TA), filed August 21, 1967. Applicant: PASSAIC GRAIN AND WHOLESALE COMPANY, INC., Post Office Box 28, Passaic, Mo. 64777. Applicant's representative: Tom B. Kretzinger, 450 Professional Building, Kansas City, Mo. 64106. Authority sought to operate as *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal hides and pelts*, from Montgomery, Ala.; Moultrie and Savannah, Ga.; East St. Louis, Milan, Rockford, and Springfield, Ill.; Fort Wayne and Terre Haute, Ind.; Davenport, Des Moines, and Dubuque, Iowa; La Vern, Minn., and St. Paul, Minn.; Jackson, Miss.; Joplin, Kansas City, Paris, St. Joseph, St. Louis, Springfield, and Stoutsville, Mo.; Omaha, Nebr.; Cleveland, Ohio; Oklahoma City and Tulsa, Okla.; Knoxville, Memphis, and Nashville, Tenn.; Abilene, Dallas, Fort Worth, Houston, Jasper, and Wharton, Tex.; Green Bay, and Milwaukee, Wis.; to ports of entry on the international boundary line, between the United States and Canada at or near Detroit, Mich., and Buffalo, N.Y., for 150 days. Supporting shippers: H. Elkan & Co., 833–845 Haines Street, Chicago, Ill. 60622; A. R. Clarke & Co., 633–661 Eastern Avenue, Toronto, Ontario, Canada; Hide Trading (1965), Ltd., 222 Cherry Street, Toronto 1, Ontario, Canada. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 126899 (Sub-No. 27 TA), filed August 23, 1967. Applicant: USHER TRANSPORT, INC., 1415 South Third Street, Paducah, Ky. 42001. Applicant's representative: George M. Catlett, Suite 706, McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from Milwaukee, Wis., to Evansville, Ind., for 180 days. Supporting shipper: Working Beverage, Inc., Evansville, Ind., Milton Working, president. Send protests to: W. W. Garland, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 390 Federal Office Building, 167 North Main, Memphis, Tenn. 38103.

No. MC 127158 (Sub-No. 3 TA), filed August 23, 1967. Applicant: LIQUID FOOD CARRIER, INC., Post Office Box 10521, New Orleans, La. 70121. Applicant's representative: Harold R. Ainsworth, 2307 American Bank Building, New Orleans, La. 70130. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar*, from Reserve, La., to Oak Grove and Monroe, La., traversing the State of Mississippi, for 150 days. Supporting shipper: Godchaux-Henderson Sugar Co., Inc., Post Office Box 308, Reserve, La. 70084, S. L. Scallan, assistant traffic manager. Send protests to: William R. Atkins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, T-4009, Federal Office Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 127699 (Sub-No. 2 TA), filed August 21, 1967. Applicant: LEE CARTAGE COMPANY, a corporation, 2026 Cleveland Avenue, Canton, Ohio 44708. Applicant's representative: James Duvall, 310 Harmon Building, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel buildings* (other than set up) and *related component parts*, from Canton, Ohio, to points in Indiana and that part of Michigan on and south of Michigan Highway 46 under contract with Macomber, Inc., division of Sharon Steel Corp. of Canton, Ohio, for 180 days. Supporting shipper: Macomber, Inc., Canton, Ohio 44701. Send protests to: G. J. Baccet, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 435 Federal Building, 215 Superior Avenue, Cleveland, Ohio 44114.

No. MC 129139 (Sub-No. 1 TA), filed August 21, 1967. Applicant: MORRIS GORELICK AND HERMAN H. GORELICK, a partnership, doing business as THRIFTY SUPPLY COMPANY, 2944 First Avenue South, Seattle, Wash. 98134. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A) (1) *Artificial flowers, artificial foliage, artificial floral designs, artificial sprays and artificial wreaths, and artificial holiday decorations*, and (2) *commodities* the transportation of which would otherwise be exempt from economic regulation pursuant to the provisions of section 203(b)(6) of the Interstate Commerce Act, when transported in mixed loads with the commodities specified in (1) above, from points in Washington, to points in Illinois, Indiana, Iowa, Idaho, Nebraska, Ohio, Pennsylvania, Oregon, and Wyoming; (B) returning from points in following States with mixed loads of the following *plumbing fixtures, related fittings and heating supplies; earthenware water closets, bowls, tanks, urinals, lavatories, drinking fountains*, from points in Pennsylvania, Indiana, and Ohio; *enameled cast iron bathtubs, lavatories, sinks, laundry trays, urinals, pedestals, castings* (sink traps), from points in Ohio, Indiana, and Michigan; *brass plumbers goods faucets, valves, sillcocks, waste and overflows, drains, pipefittings* (copper), from points in Illinois, Indiana, Iowa, Ohio, and West Virginia; *plastic and wood toilet seats*, from points in Wisconsin; *galvanized pipefittings ells, wyes, tees, caps, couplings, unions, plugs*, from points in Ohio, and Pennsylvania; *cast iron pipe and fittings bends, wyes, crosses, cesspools*, from points in Virginia, West Virginia; *copper pipe and fittings ells, wyes, tees, bends, traps, couplings, cleanouts*, from points in Michigan, Ohio; *heating supplies hot water tanks, boilers, radiators*, from points in Michigan, Tennessee, and Ohio, to points in Washington and Oregon, for 180 days. Supporting shippers: G. R. Kirk Co., Post Office Box 340, Puyallup, Wash. 98371; Thrifty Supply Co. of Tacoma, Inc., 2415 South Tacoma Way, Tacoma, Wash. 98409. Send protests to: E. J. Casey, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 129331 (Sub-No. 1 TA), filed August 23, 1967. Applicant: L-WAYS LEASING, INC., Box 327, Sweet Home, Ark. 72164. Applicant's representative: Harry E. McDermott, Jr., Union Life Building, Little Rock, Ark. 72201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rock* (riprap), in bulk, in dump trucks or trailers with dump bodies, from Sardis Quarry, near Locksburg, Ark., to U.S. Engineers revetment job on the Red River, approximately 10 miles south of Bossier City, La., for 150 days. Eugene Luhr & Co., contractors, Post Office Box 69, Columbia, Ill. 62236. District Supervisor D. R. Partney, Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, Ark.

No. MC 128343 (Sub-No. 1 TA), filed August 23, 1967. Applicant: A. E. DAHM, JR., doing business as ALLCOUNTY CASKET EXPRESS, Interstate 84, Goldens Bridge, N.Y. 10526. Applicant's representative: E. C. Smith, 26 Broadway, New York, N.Y. 10004. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated iron and metal set up, finished burial cases, casket hardware and casket interiors*, between Goldens Bridge, N.Y., and points in Connecticut, for 150 days. Supporting shipper: Batesville Casket Sales Co., Inc., Batesville, Ind. Send protests to: Stephen P. Tomany, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 346 Broadway, New York, N.Y. 10013.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-10345; Filed, Aug. 30, 1967; 8:50 a.m.]

CUMULATIVE LIST OF PARTS AFFECTED—AUGUST

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during August.

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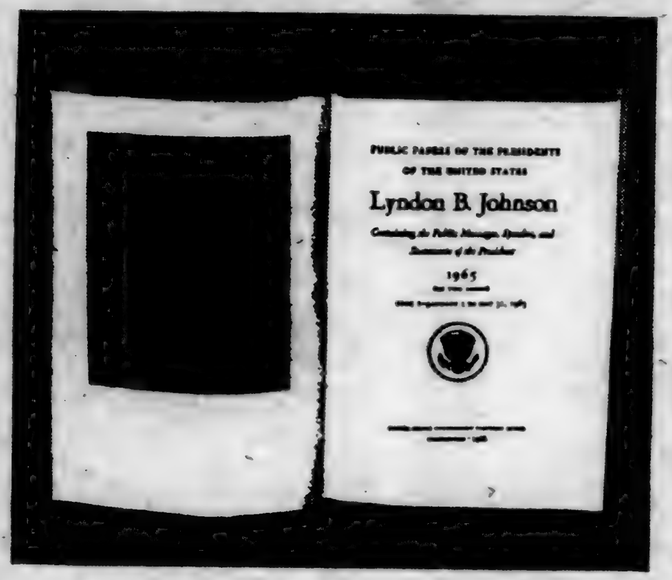
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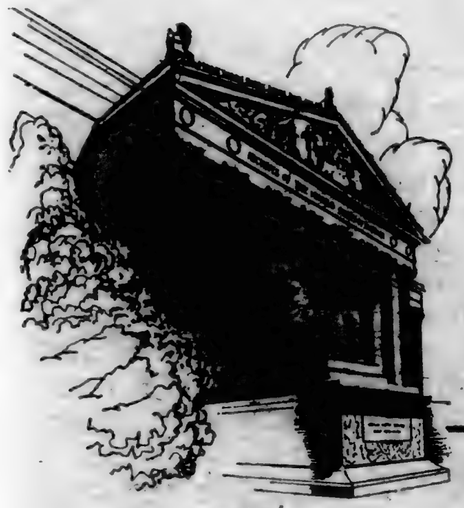
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(d) (3) revoked; (d) (8) added	5671
(h) (4) revised	6901
(b) (4) revised	10781
213.3313	
(a) (19) revised; (a) (23) added	7
(a) (24) added	9061
(a) (24) revoked	12437
213.3314	
(a) (23), (25), and (27) revoked	251
(a) (41) added	780
(q) (1), (2), (3), and (4) revoked; (q) (9) revised; (q) (13) and (14) revoked; (q) (17) revised; (q) (22) revoked; (q) (26) added	7805
(a) (24) revoked	9297
(q) (21) revised	12383
213.3315	
(a) (1) revised	2931
(a) (22) revised; (a) (26) added	4341
(a) (24) revised	8124
(a) (23) revised	8229
(a) (19) revised	9061
213.3316	
(l) (2) revised	251
(h) (5) revoked; (j) (9) added	3085
(e) (1) revised	3953
(h) (7) added	10349
(f) (1) revised; (f) (3) and (5) revoked	11313
(n) (5) added	12383
(o) added	12383
(h) (8) added	12437
213.3326	
(g) revoked; (o) added	8629
(d) (2) added	11770
213.3329	
(j) added	3889
213.3332	
(jj) added	1085
(kk) added	3763
(ll) added	6087
(f) revoked	6820
213.3333	
(i) added	3729
213.3337	
(i) added	7625
(a) (3) revised	10293
213.3342	
(f) revised	8229
213.3344	
(b) (13) revoked	407
(b) (7) revoked	607
(b) (3), (9), (12), (14), and (18) through (21) revoked	2931
(a) (15) revoked; (c) (3), (6), and (7) revoked	4158
(b) (1) revoked	8281
(a) (17) revoked	9297
(a) (1), (2), (3), (5), (6), (7), (10), (12), (13), (15), (22), (24), (26), (28), (30), (32), (33), (34), (37), (42) through (45), and (47) and (c) (2) and (5) revoked	12437
213.3348	
(o) and (p) added	9005
213.3368	
(b) (4) added	4275
213.3373	
(a) (3), (5), (7), (8), and (b) (1) revised; (b) (2) and (3) revoked; (b) (4) revised; (b) (5) revoked; (b) (6), (c) (1), and (d) (1) revised	5249
(c) (5) revised; (c) (8) and (7) revoked	12437
213.3374	
Added	7172
213.3377	
(g) and (h) added	3383
(i) added	9297
213.3384	
(a) (19) added	365
(a) (4) revised; (c) (6) added	407
(a) (20) and (21), incorrectly designated as (a) (19) and (20), added	407
(a) (20) and (21) designated correctly	780
(b) (3) through (8) added	2931
(e) (5) added	3335
(a) (22) added	5671
(e) (2) revoked; (e) (6) added	6257
(e) (7) added	7531
(b) (9) added	8281
(c) (7) added	9297
(a) (23) added	9807
Heading of (b) corrected	10249
213.3394	
Added	6389
(b) added	8021
(a) (3) added	8124
(a) (4) added	8511
(a) (5) added	8657
(a) (6) added	9297
(a) (7) added	9807
(a) (8) added	10656
(a) (9) added	11313, 11515
(a) (10) and (c) added	11609
284	
Added	9493
330	
Subpart G added	3967
330.303	
Revised	3967
330.501	
Revised	705
330.503	
Added	705
330.701—330.703	
Subpart G added	3967
332.311	
(b) revised	3967
332.332	
(c) revised	3967
410.802	
Revised	3085
511.201	
(b) amended	5455
(b) amended	9605
531.203	
(b) (2) revised	7247
(b) (2) revised	12472
531.305	
(a) revised	3141
534.202	
(a) revised; (b) amended	75
(b) amended	5455
(b) amended	9605
550	
Subpart I added	7
Subpart I Appendix A amended; Appendix A-1 added	8751
Subpart I Appendix A-1 revised	10556
550.505	
(k) added	9807
550.701	
(b) (4) added	7743
550.703	
(b) revised	3763
550.704	
(b) (1) revised	3689
(b) (4) (iii) added	6674
550.804	
(f) added	5768
550.901—550.907	
Subpart I added	7
Subpart I Appendix A amended; Appendix A-1 added	8751
610.305	
(d) added	12551
630	
Subpart G added	4565
630.701—630.704	
Subpart G added	4565
713.214	
Revised	11847
713.302	
Revised	11847
733.301	
(b) amended	4275
735.201a	
Redesignated from 735.202(c); revised	8281
735.202	
(a) revised; (c) redesignated as 735.201a and revised; (d) and (e) revised; (f) redesignated from 735.203(e) (1) and revised	8282
735.203	
Heading revised; (e) (1) redesignated as 735.202(f) and revised	8282
735.210	
(a), (d), (g), (h), (j), and (p) revised; (q) added	8282

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Chapter I—Continued

735.401 Revised 8282
735.403 Revised 8282
735.403a Added 8282
735.404 Revised 8282
735.404a Added 8282
735.406 Revised 8282
735.410 Revised 8283
735.412 (b) (2) revised 8283
752.102 Revised 10909
752.202 (f) revised 10909
752.203 (b) (3) revised 3289
771.216 Revised 10909
771.219 Revised 3289
771.228 Revised 10909
831.106 (a) revised 2427
831.201 (a) (5) revised 9061
870.202 (a) (6) revised 9061
890.102 (c) (5) revised 9061
1001 Revised 11113

Chapter VII

1700 Corrected 203

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Subtitle A

1 Subpart A revised 9605
1.1—1.6 Subpart A revised 9605
1.26 Revised 5458
1.51 Revised 1021
1.52 Added 2805
(c) revised 7835
5.3 Amended 11031
5.4 Amended 11031
6.32 Added 10833
(c) (1) (i) revised 12438
7.8 Revised 7171
7.18 Revised 7171
15 Appendix amended 705
15.4 (d) and (e) added 3967
17 Appendix A corrected 921
Appendix B corrected 3935
Appendix A amended 5978
17.1 (c) (3) corrected 3935

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Subtitle A—Continued

17.2 (b) (7) corrected 3935
(b) (7) and (c) (2) revised 5977
17.7 (c) revised 5977
17.8 (c) (1) and (2) revised; (c) (6) added 5977
17.9 (o) (1) corrected 921
(k) (7) corrected 3935
(j) (5) and (m) revised 5977
17.10 (a) (1), (h) (1), (3), (5), and (6), (l); and (p) revised 5977
17.13 (c) (2) and (4) corrected 921
(d) (1), (3), (8) (i), and (7) (i) revised; (d) (8) deleted 5978
17.14 (a) revised 5978
17.15 (b) (5) corrected 3935
(a) (9), (b) (6) (ii), and (c) (2) revised 5978

Chapter I

27.2 (c) revised 4157
27.38 (e) revised 7011
27.48 Deleted 4157
27.94 Revised 4157
28.40 (e) revised 7011
28.525 Center heading and section added 8760
29.1162 Amended 5979
29.1163 Amended 5979
29.1181 Amended 5979
33.10 (d) (1) revised 9298
44 Recodified as 52.6041—52.6046; revised 8675
51.3325—51.3333 Subpart added 8857
51.3555—51.3573 Subpart added 8858
51.3740—51.3749 Subpart added 3213
51.3785—51.3795 Subpart added 8859
51.3805—51.3818 Subpart added 8859
51.3830—51.3844 Subpart added 8860
51.3855—51.3872 Subpart added 8861
51.3880—51.3888 Subpart added 8862
51.3900—51.3918 Subpart added 8862
51.3930—51.3937 Subpart added 8863
51.3945—51.3948 Subpart added 8864
51.3965—51.3970 Subpart added 8864
51.3980—51.3989 Subpart added 8866

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51.4000—51.4004 Subpart added 8866
51.4010—51.4022 Subpart added 8866
51.4030—51.4041 Subpart added 8867
51.4050—51.4062 Subpart added 8868
51.4075—51.4085 Subpart added 8868
51.4095—51.4109 Subpart added 8869
51.4120—51.4129 Subpart added 8870
51.4140—51.4157 Subpart added 8871
51.4170—51.4180 Subpart added 8872
51.4190—51.4204 Subpart added 8872
51.4210—51.4227 Subpart added 8873
51.4240—51.4250 Subpart added 8874
51.4260—51.4267 Subpart added 8874
51.4270—51.4277 Subpart added 8875
51.4290—51.4307 Subpart added 8875
51.4320—51.4328 Subpart added 8876
51.4340—51.4348 Subpart added 8877
51.4360—51.4368 Subpart added 8877
51.4380—51.4387 Subpart added 8878
51.4400—51.4406 Subpart added 8878
51.4415—51.4426 Subpart added 8879
51.4435—51.4444 Subpart added 8879
51.4455—51.4466 Subpart added 8880
51.4475—51.4496 Subpart added 8881
51.4505—51.4525 Subpart added 8882
51.6000—51.6005 Subpart added 9145
52.1026 (b) deleted; Table I amended 921
52.1901a Added 4397
(c) added 5979
52.1903 Revised 4397
52.1904 (b) revised; (c) added 4397
52.2392a Added 779
(b) revised 779
52.2400 Amended 779
52.2361—52.2368 Subpart added 7565
52.3461—52.3462 Subpart added 7568
52.5452 (d) revised 11467
52.5601—52.5616 Subpart added 7570
52.5641—52.5653 Subpart added 10499

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52.5681—52.5692 Subpart added 10497
52.5761—52.5773 Subpart added 7572
52.5801—52.5810 Subpart added 7573
52.5841—52.5849 Subpart added 7575
52.5881—52.5892 Subpart added 7576
52.5921—52.5926 Subpart added 7578
52.5961—52.5968 Subpart added 7579
52.6001—52.6009 Subpart added 7580
52.6041—52.6046 Recodified from Part 44; revised 8675
52.29 (d) amended 705
(b) revised 8953
56.1 Paragraph designations deleted; amended 8230
56.17 Added 8230
56.36 (a) and (b) (2), (3), and (4) revised 8230
56.37 Revised 8231
56.39 Center heading revised 8231
56.40 Revised 8231
56.41 Deleted 8231
56.42 (a) (4) and (b) (1), (2), (5), (6), (9), and (10) revised 8231
56.43 (d) revised; (e) added 8231
56.76 (a) (3) revised; (a) (4) and (5) added; (c) (1) revised; (c) (3) added; (d) and (e) (2), (3), and (4) revised; (e) (5) through (12) added; (f) revised; (g) added 8232
56.77 Added 8232
56.205 Revised 8232
56.206 Revised 8232
56.207 Deleted 8232
56.208 (b) revised 8232
56.212 (c) added 8232
56.215 (a) and (c) revised 8232
56.216 Revised 8233
56.217 Tables I and II revised 8233
56.218 (b) revised 8233
56.221 Revised 8233
56.222 Table I revised 8234
56.231—56.233 Center heading and sections deleted 8234

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56.234 Introductory text of (a) revised; (d) deleted 8234
58 Subpart B recodified and revised 4204
58.101—58.201 Subpart B recodified as 58.101—58.941; revised 4204
58.101—58.941 Subpart B recodified from 58.101—58.201; revised 4204
61.45 Revised 8576
81.134 Effective date of revision partly postponed 3442
Effective date of revision 6673
81.208 Effective date of revision partly postponed 3442
Effective date of revision 6673
201.208 (a) amended 12155
201.218 Amended 12155
201.221 (c) amended; (d) added 12155
201.221a Amended 12155
201.222 Heading and (a) amended; (b) and (c) deleted; new (c) and (f) added 12155

Chapter II

210 Appendix added 2683
Appendix added 6451
210.5 (d) (13) (ii) and (iii) revised 33
210.10 Revised 12083
215 Revised 12587
215.2 (m) revised 4341
215.7 (b) revised 6549
220 Added 23
Appendices added 485
Appendix added 7491
Appendix amended 8299
Appendix amended 11073

Chapter III

301.30–2c Revised 7437
301.80 Revised 9496
301.80–1 Revised 9496
301.80–2 Revised 9496
301.80–2a Revised 9499
Corrected 10781
301.80–2b Added 9507
301.80–3—301.80–10 Revised 9496
301.83 Added 7938
319.28 Revised 7959
319.37 (b) amended 2443

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319.37–19 (c) amended 2444
319.37–20a Revised 6387
319.37–28 Added 2444
319.56–2p Revised 12471
319.59a Revised 6496
320.8 Revised 8953
320.9 Revised 8964
320.10 (c) revised 8954
330.105 (a) revised 6339
354.2 Amended 969
Amended 3383
Amended 6019
Amended 7697
Amended 9945
Revised 11981
370 Added 9606

Chapter IV

401.1 Appendix amended 1123 (7 docs.), 1169 (3 docs.), 2931 (2 docs.), 4275, 4276, 4565, 5416, 8665 (3 docs.), 10781 (2 docs.), 10834, 11731.
401.3 (a) amended 705, 706, 921, 10501
401.38 Heading and introductory text revised 921
401.40 Amended 705
401.43 Amended 706, 10501
401.46 Added 921
404.20 Appendix added 1124
406.6 Amended 8512
407.1 Appendix amended 11755
409.1—409.6 Superseded by 409.20—409.25 10635
409.20—409.25 Added, superseding 409.1—409.6 10635
410.30 Appendix added 1124
411 Added 706
411.1 Appendix added 1124
Amended 4566
412 Added 9816

Chapter VI

601 Authority citation revised 11515
601.1 (aa) and (bb) revised; (cc) and (dd) added 10155
601.8 (a) revised; (d) and (e) added 10155

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Chapter VI—Continued

601.11
(a)(25) revised; (a)(26) deleted; (b) and (c) revised; (d), (e), (f), and (g) added 10153
(b)(1) corrected 10501
601.12
(a) revised; (c) and (d) deleted 10156
601.13
(b) and (e) deleted 11515

Chapter VII

701.1—701.97
Subpart recodified as 701.1—701.99; revised 11117
701.1—701.99
Subpart recodified from 701.1—701.97; revised 11117
701.2
(c) added 11361
701.48
Amended 5619
717.4
(c) added 9846
(c) corrected 10293
(c) amended 10549
717.5
Amended 9949
717.7
(d) amended 7385
717.17
(b) amended 3139
(c)(4) added 7385
718
Revised 9069
718.5
(f)(2) corrected 9507
718.8b
(c)(2) (i), (d), and (j)(3) revised 3139
718.16
(b) amended 5493
718.17
(b) revised 3140
718.27
(b) corrected 9507
(b) amended 11755
722.100
(b) added 9298
722.404
(b)(3)(ii) revised; (b)(15) amended 3935
722.405
Amended 3936
722.408
Amended 3936
722.411
(a)(7) revised; (h) added 9608
722.413
(b)(4)(iii) added 9608
722.414
(a)(5) added; (b)(2) revised 3936
(a)(1) and (b)(1) amended 9608
722.430
(i) added 6549
(i) amended 7437
(i) amended 7491
(i) amended 7630
(i) amended 7910
722.436
(b)(3) added 3936
722.438
(d) amended 3936
722.451
(c)(3) revised 1079
722.470
(f) amended 2361

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722.473
Added 75
722.474
Added 5671
722.475
Added 8954
722.505
Amended 5416
722.508
(b) amended 5416
722.514
(a)(4) added 5416
722.557
Added 76
722.801—722.824
Subpart revised 2931
722.802
(j) and (m) revised 8666
722.804
(b)(5) amended 8666
722.809
(c) revised 8666
722.815
(e) amended 8666
722.817
(c) added 6127
724.35p
Revoked 2603
724.35q
Revoked 2603
724.36—724.36d
Subpart added 651
724.36e, 724.36f
Subpart added 1124
724.36g—724.36l
Subpart added 663
724.36j—734.36m
Subpart added 1022
724.36m
(g) and (h) added 2609
724.36n
Added 2603
Amended 3045
724.36o, 724.36p
Subpart added 4055
724.36q
Added 4305
724.36r
Added 5323
724.51
(d), (j), and (l) revised; (dd) added 10549
(d) corrected 11203
724.55
Revised 10550
724.56a
Added 10550
724.57
Revised 10551
724.59
(d) added 10551
724.62
(a)(3) and (c)(3) revised 2936
724.67
(d) deleted 10551
724.71
Added 2936
724.87
(a)(1) amended 10551
724.90
(j) added 10551
724.92
(l) and (m) added 10551
724.94
(h) and (l) added 10551
724.95
(c) added 10551

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724.98
(c) revised; (m) added 10551
724.99
(h)(12) and (13) and (k) added 10552
724.102
Revised 10552
725.3
Added 9818
725.4
Added 11412
725.56
(a) revised 10293
725.58
Revised 10293
725.60
(b) revised 10294
725.66
(a) and (b) amended 10294
725.68
(d) amended 10294
725.70
(e) revised 10427
725.73
(a), (b), and (c) revised 10294
725.75
Added 10294
725.87
(a) amended; (f) revised 10295
(a) revised 10427
725.88
(a)(1) amended 10295
725.91
(a) revised 10295
725.92
(d) and (e) added 10295
725.95
(c) added 10427
725.98
(k) and (l) added 10295
725.99
(a)(3) amended; (g)(11) and (h) added 10295
725.104a
Added 10295
725.109
(j) added 10295
728.309
(b)(3) amended 11755
728.315
(b)(2) and (3) amended; (e) added 5416
728.316
Existing text designated as (a); (b) added 8577
728.317
(b)(6) revised 8577
728.323
Amended 8577
728.325
(a) and (b) amended 5417
(b) revised 11755
728.341—728.345
Subpart added 9819
728.342—728.345
Deleted 9819
728.346
Added 11609
728.347
Revised 11609
Corrected 12083
728.416a
(e) amended 5417
728.502
(a)(2) amended 8577
728.505
(e) amended 8577

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728.507
(d) added 6339
729.1424
Revised 9146
729.1425
(c) amended; (d) revised; (f) deleted 9147
729.1432
(b)(8) added 1169
729.1435
(a) revised 9147
729.1441a
Added 9147
729.1446
(b) and (d) revised 9147
729.1450
Amended 9148
729.1454
(a) revised 9148
729.1468a
Added 9148
729.1804
Subpart added 4566
730.1—730.49
Subpart added 8666
730.22
Amended 9148
730.1511
(h) revised 6965
730.1517
(e) added 3881
730.1518
(g) added 3881
730.1521
(g) added 2997
(h) added 6965
730.1525
(a)(2) amended 3881
730.1527
(b)(3)(iii) revised; (b)(3)(iv) added 6965
730.1528
(f) added 2882
(g) added 6965
730.1529
(i) added 2882
730.1803
Amended 2882
730.1808
Added 7055
730.1809
Added 1170
750.156
(d)(4) added 6549
750.157
(b)(1) amended 6549
750.187
Revised 6549
750.511
(c) added 6550
750.513
(b)(1) amended 6550
750.541
Revised 6550
751.19
Amended 5417
751.50
Added 8577
751.61
Amended 5417
751.92
Added 8612
751.101
(g) revised 5417
751.103
(b) and (c) amended 5417

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751.108
(d) added 8512
751.115
(f) added 5767
(b) amended 8513
751.118
(b)(1)(iv) revised; (d) amended 5417
751.123
(e) added 6431
751.129
(i) added 6431
751.142
(a) revised 9148
(c)(2) revised 9821
751.150—751.152
Revised 11031
775.401
(d) amended 607
775.402
(c)(2)(x) and (y) added 607
(c)(2)(xi) added 7836
(d)(3) amended 8123
775.404
(c)(2) amended 607
775.409
(c)(2)(vi) and (4) revised 8123
775.410
(g)(2) revised 607
775.411
Amended 607
Amended 8123
775.412
(b) amended 607
775.417
(f) revised 7836
775.419
(c) added 6127
Introductory text of (a) revised 7836
775.427
Text designated as (a); (b) added 2500
(b) corrected 2968
775.430
Added 607
(c)(1) amended; (e) revised 7836
777
Interpretation of Appendix II 4305
Appendix II amended 10834
Appendixes II and III amended; Appendix VI added 12552
777.3
(g)(6) added 8676
(c)(4) revised 10834
(y) added 12551
777.4
(b)(7) revised 7836
(a) amended 8676
777.10
(b) revised; (d) amended 12551
777.12
(a) revised; (c) amended; (g) revised 12551
777.13
Interpretation 4305
777.14
(c) amended 8676
(e) amended 10552
777.15
Amended 12552
777.18
Interpretation of (b) 6127
777.19
(e) revised 8676
777.25
Added 7836

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780.6
(d) added 8876
790.2
Revised 8955
790.3
Revised 8955
792.2
(c)(2) revised; (c)(6) added 3335
(b)(4) revised; (c)(7) added 11515
792.3
(a)(4) and (b)(2) amended; (b)(7) revised; (c) and (d) amended 3335
(a)(5), (6), and (7) and (b)(13) added 11515
793
Added 11515
798
Added 9608

Chapter VIII

811.50
Revised 2610
Revised 4915
Revised 8577
Revised 9149
Revised 9949
811.51
(a) revised 2610
(a) revised 4915
Text of (r) redesignated as (a)(1); (a)(2) added 7581
(a)(1) revised 8577
(a)(1) revised 9149
(a)(1) revised 9949
811.52
Added 7581
(c) added 12592
811.53
(b) and (c) revised 2610
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Added 3224
255.15
Added 3224
262.16
(c) and (d) revised 9052
340
Added 3341
345.24
(b) revised 9065
395.5
(b)(2) amended 9065
395.8
Introductory text of (b)(2) and introductory text of (b)(3) revised 3975

Chapter III

404.906
Introductory text revised; (f) added 7750
404.954
(a) corrected 75
404.971
Revised 7750
404.972
Revised 7750
404.973
Revised 7751
404.974
Revised 7751
404.975
Revised 7751
404.976
Revised 7751

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Chapter III—Continued

404.977
Revised 7751
404.977a
Revised 7752
404.978
(a), (b), and (c) revised 7752
404.979
Amended 7752
404.981
Amended 7752
404.1002—404.1025
Recodified as 404.1002—404.1025b; revised 7752
404.1002—404.1025b
Recodified from 404.1002—404.1025; revised 7752
404.1008
(c) corrected 8281
404.1016
(b)(1)(v) corrected 8281
404.1026
Revised 11076
400.1027
Revised 11077
404.1103
Revised 7332
404.1104
Revised 7332
404.1105
Revised 7332
404.1106
Revised 7333
404.1107
Revised 7333
405
Subpart P added 9537
Subpart E added 12599
405.116
(e) corrected 136
405.122
Heading corrected 136
405.145
Corrected 136
405.310
(b) revised 1172
405.402
(d) revised 5258
405.416
(d)(1), (f), and (g) revised 5259
405.420
(d) revised 5259
(d) corrected 7126
405.421
(e) amended 5260
405.452
(c)(3)(i) and (ii) amended 5260
405.454
Introductory text of (d)(1) revised 5260
405.501—405.525
Subpart E added 12599
405.1023
(p) corrected 136
405.1625—405.1634
Subpart P added 9537

Chapter V

602.9
Introductory text and (d) revised 7701
602.10
Revised 4570
602.10a
Added 4570
602.10b
Added 4571
604.3
Revised 12178

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Chapter V—Continued

610.5
(a) revised 3052
611.5
(a)(1) revised 3052
614.10
(c), (f), and (g) revoked 3052

Proposed Rules:

401 3326
405 638, 2688, 8916
602 4123

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Chapter I

1
Heading revised 10730
1.1
Revised 10730
1.1a
Added 10730
1.1b
Added 10730
1.1c
Added 10731
1.2
Revised 10731
1.7
Redesignated as 1.15 10731
1.7
Added 10731
1.3
Revised 10731
1.8a
Added 10731
1.8b
Added 10732
(m)(1) corrected 10980
1.8c
Added 10733
1.10
(d) and (e) revised; (h) added 10733
1.15
Redesignated from 1.7 10731
2.48
Amended 6839
2.52
(i) amended 6839
2.65
(b) amended 6839
2.66
(a) amended 6839
2.68
(a) amended 6839
2.120
(a) amended 6839
2.121
(b)(4) and introductory text of (b)(5) revised 136
(j) and (k) revised 712
(b)(2)(i) revised 6839
(j) revised 10846
3.48
Revised 449
Revised 7945
3.53
Revised 4350
3.57
Added 10734
3.58
Added 4068
3.501
Added 7127
3.509
(a) and (c) revised 3440
3.510
Amended 1172
8.200
(b)(3) added 6568
Effective date of (b)(3) 8753

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Chapter I—Continued

8.203
(a)(2)(ii) amended 7173
Effective date of amendment of (a)(2)(ii) 9945
8.317
Added 6132
Effective date; (b) amended 10981
8.320
Added 6131
Effective date 8586
8.321
Added 6186
Effective date 8586
8.322
Added 5325
Effective date of addition; (b) amended 10199
Effective date of amendment of (b) 12603
8.323
Added 8853
Effective date 11733
8.324
Added 10980
8.501
(e) and (f) revised; (g) amended 51
(e) and (f) amended 6685
(e) amended 8586
(e) amended 8586
(f) amended 8814
Introductory text through (f) revised 10931
(e) amended 10981
(e) amended 11733
8.510
(e) added 10932
8.5009
Added 6132
Effective date 10981
8.5011
Added 6686
Effective date 8814
8.5012
Added 8686
Effective date 8814
8.5013
Added 8686
Effective date 8814
14.11
(a) revised 8815
Effective date of revision of (a) 11733
14.13
Added 8815
Effective date 11733
17.1
(a)(12) revised 4531
Effective date of revision of (a)(12) 7496
(a)(6)(iii) added 11733
18.530
(a)(1)(iii) added 1127
Effective date of (a)(1)(iii) 6924
19.499
Added 410
19.500
(b) amended 410
Effective date of amendment of (b) 4350
19.505
(b) amended 410
Effective date of amendment of (b) 4350
19.510
(b) amended 410
Effective date of amendment of (b) 4350

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Chapter I—Continued

19.515
Effective date of revision of (b)(2) and (c) 51
(b)(2) redesignated as (b)(2)(i); (b)(2)(ii) added; (c) amended 1127
Effective date of redesignation of (b)(2) as (b)(2)(i), addition of (b)(2)(ii), and amendment of (c) 6024
19.520
Effective date of revision of (b)(2) and (c) 51
(b)(2) redesignated as (b)(2)(i); (b)(2)(ii) added 1127
(c) amended 1128
Effective date of redesignation of (b)(2) as (b)(2)(i), addition of (b)(2)(ii), and amendment of (c) 6024
19.530
(b)(6)(iii) added 1128
Effective date of (b)(6)(iii), (b)(4) revised; (b)(7) added; (d)(2) redesignated as (d)(3) and revised; new (d)(2) added 7263
Effective date of revision of (b)(4), addition of (b)(7), redesignation of (d)(2) as (d)(3) and revision, and addition of new (d)(2) 10788
19.535
(b) amended 410
Effective date of amendment of (b) 4350
19.540
(b) amended 410
Effective date of amendment of (b) 4350
19.600
Effectiveness 2611
19.601
Effectiveness 2611
19.605
Effectiveness 2611
Heading revised; (d) and (e) added 8358
Effective date of revision of heading and addition of (d) and (e) 11521
19.606
Effectiveness 2611
Revised 8358
Effective date of revision 11521
19.775
(f)(1) redesignated as (f)(1)(i); (f)(1)(ii) added; (g) amended 1128
Effective date of redesignation of (f)(1) as (f)(1)(i), addition of (f)(1)(ii), and amendment of (g) 6024
19.782
(a)(1) redesignated as (a)(1)(i); (a)(1)(ii) added 1128
Effective date of redesignation of (a)(1) as (a)(1)(i) and addition of (a)(1)(ii) 6024
19.783
(b)(1) redesignated as (b)(1)(i); (b)(1)(ii) added; (d) amended 1128
Effective date of redesignation of (b)(1) as (b)(1)(i), addition of (b)(1)(ii), and amendment of (d) 6024
19.787
(e)(8) revised 1128
Effective date of revision of (e)(8) 6024
20.1
Effective date of amendment of (a), addition of (f)(6), and revision of (g)(3) 411
(f)(7) added 1128
Effective date of (f)(7) 6024
20.3
Effective date of revision of (e) 411
20.4
Effective date of amendment of (a) and addition of (e)(11) and (g)(4) 411
(e)(12) added 1128
Effective date of (e)(12) 6024
20.5
(d)(1) redesignated as (d)(1)(i); (d)(1)(ii) added 1128
Effective date of redesignation of (d)(1) as (d)(1)(i) and addition of (d)(1)(ii) 6024
25.2
(c)(3) added 1128
Effective date of c)(3) 6024
25.3
(d) redesignated as (d)(1); (d)(2) added 1128
Effective date of redesignation of (d) as (d)(1) and addition of (d)(2) 6024
27.1
(g) added 12603
27.6
(a) and (b)(2) amended 12603
27.14
(a) and (b)(2) amended 12603
27.24
(a) and (b)(2) amended 12603
27.34
(a) and (b)(2) amended 12603
27.43
(a) and (b)(2) amended 12603
27.71
Added 8135
Effective date 11263
27.73
(a) and (b)(2) amended 12603
27.103
(a) revised; (b) deleted 7789
Effective date of revision of (a) and deletion of (b) 11023
31.1
(b)(10) revised 449
(b)(6) redesignated as (b)(6)(i); (b)(6)(ii) added 1128
(b)(11) added; (c)(2) revised; (c)(3) added 2941
Effective date of revision of (b)(10) 4350
Effective date of addition of (b)(11), revision of (c)(2), and addition of (c)(3) 5922
Effective date of redesignation of (b)(6) as (b)(6)(i) and addition of (b)(6)(ii) 6024
37.1
Effective date of amendment of (b) 2941
(b) amended 8359
42.30
(a) and (d)(1) revised 12604
42.60
(a) and (d)(1) revised 12604
45.1
Introductory text of (a)(2) revised 2881
Effective date of revision of introductory text of (a)(2) 5922
51.1
Effective date of revision of heading, addition of (d)(6), and revision of (f)(5) 963
51.2
Effective date of revision of heading 963
51.3
Effective date of revision of heading 963
51.10
Effective date of revision of introductory text of (a) and addition of (b)(7) 963
51.20
Effective date of (a)(5) and (d)(4) 963
51.990
(b) amended; (c) revised 137
Effective date of (c)(13) and (f)(14) 963
Effective date of amendment of (b) and revision of (e) 4059
53.40
Effective date of amendment of (b) 4350
80.2
(b) and (c) revised 5730
120.3
(e)(5) amended 2612
(d)(5) added 7523
(e)(5) amended 7524
(c) redesignated as (c)(1); (c)(2) added 7701
(c)(2) corrected 8025
(e)(3) amended 10734
(e)(5) amended 11081
(e)(4) amended 11321
(e)(5) amended 12605
120.33
(i)(2) revised 8815
120.101
(c) and (d) revoked; new (c) added 8815
120.123
Amended 7173
120.129
Amended 9159
120.135
Revised 4351
120.137
Revised 4351
Corrected 4572
120.142
Existing text designated as (a); (b) added 5773
(b)(2) revised 12473
120.147
Amended 11157
120.147a
(a) revised 4059
120.147b
(b) revised 4059
120.147c
Added 4060
120.163
Amended 11284
120.173
Revised 7524
Corrected 8294
120.176
Revised 7523
Corrected 8294
120.182
Revised 6439
120.197
Amended 5547
120.205
Added 2894
Revised 12473
120.206
Added 2612
120.207
Added 3092
120.208
Added 3441
120.209
Added 4352
Revised 7173
120.210
Added 4352
120.211
Added 6132
Revised 8816
120.212
Added 6392
120.213
Added 6393
120.215
Added 11081
120.216
Added 10433
120.217
Added 10734
120.218
Added 11321
120.219
Added 12474
120.220
Added 12605
120.221
Added 12605
121.200
(b)(5)(i) revised 6775
121.207
(c) amended 6775
(c) amended 9225
121.208
(d) amended 4171
121.210
(c) amended 270
(c) amended 4171
(c) amended 6775
(c) amended 6970
(c) amended 9225
121.211
Revised 7524
121.212
(c) amended 2941
121.213
(d) amended 4171
121.217
(d) amended 7395
121.222
Revised 8962
(b) corrected 9160
121.232
(d) amended 4171
121.233
(d) amended 270
(d) amended 4171
121.241
(b) amended; (c)(3) revised; (c)(4) and (5) deleted 5548
121.249
(c) added 7395
(a)(8) added 8753
(a)(2)(ii) revised 10735
121.252
(d) amended 4171
121.253
(c) amended 4171
(c) amended 9225
121.256
(d) amended 4171
121.260
Introductory text of (c) revised 4352
(c) amended 8587
121.262
(c) amended 6971
(e) corrected 7127
121.264
(c) amended 7458
121.266
(c) amended 6776
121.268
(c) amended 7458
121.289
(b) revised 5456
121.290
(b) revised 5456
121.291
(a) amended 11988
121.292
(d) amended 9225
121.293
Added 866
121.294
Added 2846
121.295
Added 4019
121.296
Added 2612
121.297
Added 2846
121.298
Added 2942
121.299
Added 5548
121.300
Added 5773
121.301
Added 11734
121.302
Added 7263
121.303
Added 7523
121.1009
(c)(12) added 4020
121.1012
(b)(3) added 7174
121.1017
(b)(1) amended 3442
(b)(1) amended 6686
121.1020
(b) amended 2942
(b) amended; (c) revised 7911
121.1029
(c)(1) revised 7945
121.1030
(c)(1) revised 7946
121.1031
(d) amended 8359
121.1039
(c) added 12605
121.1044
Revised 9159
121.1049
Revised 7395
121.1056
(b)(3) added 6393
121.1058
(b)(3) deleted 12606
121.1059
(a) amended 10508
121.1070
(b)(2)(ii) and (c)(3) revised 11432
121.1074
(a)(2) revised 5456
(b) and (c)(3) added; (d) revised 7458
121.1075
(a)(2) revised 5456
(b) and (c)(3) added; (d) revised 7458
121.1084
(a) revised 10508
121.1085
Revised 4532
121.1088
(c) amended 5922
121.1093
Amended 11157
121.1093a
Added 4060
121.1099
(a)(2) amended 12606
121.1117
(b) revised; (c) deleted 3819
121.1124
Amended 866
121.1126
Revised 7524
Revised 9066
121.1135
Revised 12606
121.1142
Added 4353
121.1143
Revised 8763
121.1146
(c) amended 411
(c) amended 2701
121.1148
(a)(13) added; (b) revised 7946
(a)(14) added 10735
121.1152
(a) revised; (d) added 7911
121.1153
Revised 8587
121.1164
(b) amended 5773
(b) amended; (d) added 7947
121.1179
(b)(2) amended 4353
Introductory text of (b)(3) revised; (b)(4) added 4353
121.1182
(c) amended 10735
121.1183
(b) revised 2612
(b)(3) and (4) added 8359
121.1194
(a)(2) revised 7911
121.1198
Added 713
121.1199
Added 411
Revised 12606
121.1200
Added 2846
121.1201
Added 5548
121.1202
Added 1174
121.1203
Added 4354

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121.1204
Added 5773
121.1205
Added 7459
121.1206
Added 7523
121.1207
Added 8359
121.1208
Added 8522
121.2505
(c) amended 5675
121.2506
(b) amended 4060
121.2507
(c) amended 2942
(c) amended 2943
(c) amended 4060
(c) amended 5774
(c) amended 8816
121.2508
Added 8522
121.2510
Added 7264
121.2511
(b) amended 6166
121.2514
(b)(3)(xviii) amended 5675
(b)(3)(xx) amended 6133
(b)(3)(viii)(b) amended 6568
(b)(3)(xviii) amended 7964
(b)(3)(xv) amended 11522
121.2517
Added 5774
121.2520
(c)(5) amended 2612, 5675, 6187, 7524, 7947, 8360, 8523, 8817, 9160, 11522.
121.2521
Introductory text revised 6569
121.2522
Revised 52
(a)(2) amended 6187
(a)(2) amended 8817
121.2525
(b) amended 4060
121.2526
(b)(2) amended 3442
(a)(5) amended 5675
(a)(5) and (b)(2) amended 5774
(b)(2) amended 11522
(a)(5) amended 12474
121.2527
(b) amended 982
(b) amended 8817
121.2531
(b)(2) amended 4060
121.2532
Added 5548
121.2536
(d) amended 270
(d) amended; (m) added 1021
121.2541
(c) amended 4060
121.2543
(c)(2) added 8360
Heading, introductory text, (a), and introductory text of (b) revised; (b)(5) added 10867
121.2547
(b)(7) and (c)(5) added 7480
121.2553
(a)(3) amended 2894
(a)(3) amended 3043
(a)(3) amended 12476
121.2557
(d)(3) amended 4060

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121.2562
(c)(4)(iii) amended 5675
121.2564
Added 5675
121.2566
(b) amended 412
(b) amended 6569
(b) amended 7174
121.2569
(b)(3) amended 7265
121.2571
(b)(2) amended 5675
(b)(2) amended 5774
(b)(2) amended 11522
121.2574
(a) and introductory text of (b) revised 7769
121.2577
(a)(5) added; (b)(1) revised 5774
121.2582
Heading, introductory text, (a), and (d) revised 8360
121.2592
Introductory text of (a)(4) revised 412
(a)(3)(i) amended 10508
121.2597
(b) revised 963
121.3002
(d) revised 3443
121.3003
(c)(1) and (2) revised 3443
121.3004
(e) revised 3443
121.3005
(d) revised 3443
121.3007
(d)(1) and (2) revised 3443
121.3008
Added 1175
130.1
Introductory text added; (a) revised; (k) and (m) added 8080
130.3
(a)(2) amended 8081
130.4
Revised 8081
130.5
(a) and (b) revised 8085
130.9
(e) and (f) revised; (g) redesignated as (h) and revised; new (g), (i), (j), and (k) added 8085
130.13
(a) and (b) revised 8086
130.13a
Added 8087
130.30
(b)(3) revised 8087
130.35
(e) amended 8087
130.37
Revised 8753
130.38
Added 8087
131.9
Revised 3441
131.10
Revised 3441
131.15
Amended 3441
136
Added 6187
141.2
(c)(4) added 10789
(c)(4) corrected 11210

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141.550
Added 11523
141a.9
(a)(1), (4) and (5), and (b) amended 9810
141a.10
Heading, (a) and (f) amended 9810
141a.26
(b) revised 10789
141a.29
(b) revised 10789
141a.39
(b) revised 10789
(b) corrected 11210
141a.46
(b) revised 10789
141a.51
(b) revised 10789
141a.52
(b) revised 10789
141a.81
Heading, (a) and (f) amended 9810
141a.82
Heading and (a) amended 9810
141a.83
Heading, (a) and (h) amended 9810
141a.84
Heading, (a)(2) and (3) amended 9810
141a.85
Heading and (a) amended 9810
141a.87
Heading and (a) amended 9810
141a.91
Heading, (a) and (g) amended 9810
141a.92
Heading and (a) amended 9810
141a.99
Heading and (a) amended 9810
141a.121
Heading and (a) amended 9810
141a.130
Added 9810
141c.232
(b)(2) revised 10298
141c.271
Added 6839
141d.307
(b)(2) revised 11851
141e.436
Added 10199
144.26
(b)(54) amended 6971
145.3
(a)(1)(iii) and (b)(1)(iii) amended 9810
(a)(36) and (b)(36) added 11523
145.4
(a)(1) amended 9810
(b)(38) added 11523
146a.19
Heading, (a), (d)(1), (d)(2)(ii), and (d)(3)(ii) and (iv) amended 9810
146a.27
(a), (c)(1)(ii)(c) and (d), and (d)(2)(ii) and (3)(ii) amended 9810
146a.61
Heading and (a) amended 9810
146a.72
Heading, (a) and (d) amended 9810
146a.73
Heading, introduction, (a) and (c) amended 9810
146a.103
(a) amended 9810
Heading, (a) and (d) amended 9810

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146a.104
Heading, (a), (c)(1)(ii) and (d)(2)(ii) amended 9810
146a.105
Heading, (a), and (d)(1) and (3) amended 9810
146a.106
Heading, (a), (b), and (c)(2) amended 9810
146a.107
Heading and text amended 9810
146a.109
Heading, introductory text, and (a), (b), and (c) amended 9810
146a.117
Heading, (a), (d)(1) and (2)(i) and (e) amended 9810
146a.118
(a) revised 4060
146a.126
Added 9810
146c.232
(a)(6) revised 10298
146c.265
(c)(1)(v) revised 2894
146c.271
Added 6839
146e.436
Added 10200
147.1
(c)(3) and (d) amended 11523
147.2
(a)(30) added 11523
148e.34
Added 4355
148l.18
(b)(1)(i) and (ii) amended 12475
148l.36
Heading and (a)(1) and (2) revised 1172
148l.37
Heading and (a)(1) and (2) revised 1172
148l.38
Heading and (a)(1) and (2) revised 1172
148n.2
(a)(1)(vi) amended 11988
148n.28
(a)(1) and (b)(2) amended 11629
148r.7
Revoked 1173
148r.8
Revoked 1173
148w.1
(a)(2) revised 5774
(b)(1)(i)(d), (g), and (h) revised 11081
148z
Added 11523
165.5
(d) revised 203
166.8
Introductory text amended 137
Revised 197
Heading, introductory text, and introductory text of (a) revised 4406
(a) amended; introductory text of (b) revised; (b) amended 4407
166.18
(d)(1) revised 203
Introductory text of (a) revised 4407
191.1
(c) and (e) revised; (n) added 11322

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191.8
Introductory text and (c) revised 11322
191.9
Added 11324
191.62
Revised 11322
191.63
(a)(31) added 2612
(a)(33) added 5456
(a)(32) added 6840
Introductory text of (a) revised 11323
191.65
Added 11323
(a)(5) added 12475
191.101
(f) added 11323
191.106
Revised 11323
191.107
(a) revised 11323
191.201
Heading and (a) revised; (e) redesignated as (f); new (e) added 11323
191.212
(b)(1) and (2) amended 11323
281.19
(a) revised 4020

Chapter II

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Added 10070

Proposed Rules:

1 4172, 4363, 7538, 9320, 12060
3 5560, 7026, 12404
8 2645, 2646, 2897, 6701, 8094, 10083
14 4075, 9979
17 3710, 7017, 11977
19 2646, 2647
20 6938
27 2953, 3469, 6144, 7842, 8320
29 8975
42 6844
51 990
80 1055
120 2647, 2709, 6059, 6702, 8379
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Entries in this index are carried primarily under the names of the issuing agencies, with the most significant subjects additionally carried in appropriate alphabetical position.

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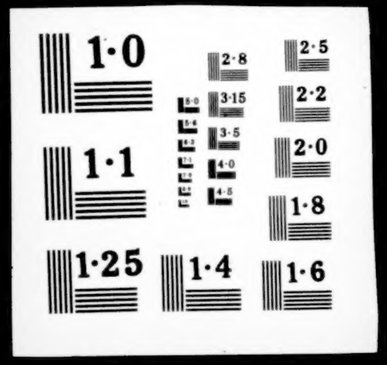
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RESOLUTION CHART



100 MILLIMETERS

100 MILLIMETERS

INSTRUCTIONS Resolution is expressed in terms of the lines per millimeter recorded by a particular film under specified conditions. Numerals in this chart indicate the number of lines per millimeter in adjacent "L-shaped" groupings.

In microfilming it is necessary to determine the reduction ratio and multiply by the number adjacent to the group in which it can be decerned that the lines are either horizontal or vertical. As an aid in determining the reduction ratio the line below is 100 millimeters in length. Measuring this line in the film image and dividing the length into 100 gives the reduction ratio. Example: the line is 10 millimeters long in the film image and 100/10 = 10.

Examine the "L-shaped" line groupings in the film with a forty power microscope and note the number adjacent to the group in which it is possible to decern that the lines are either horizontal or vertical. It is only necessary to determine that there are lines in both directions regardless of the number of lines. Under these conditions it is considered that the group in question is resolved. Example: the lines in 7.9 group are discernible horizontally and vertically while the lines in the 8.9 group are not discernible. Reduction ratio is 10 and 7.9 × 10 = 79 lines per millimeter recorded satisfactorily. 8.9 × 10 = 89 lines per millimeter which are not recorded satisfactorily. Under the particular conditions maximum resolution is between 79 and 89 lines per millimeter.

In order to check the camera for vibration several exposures should be made with the chart in the center of the field in one orientation and then turn it through an angle of 45° and make several more exposures. If the lines in both directions at both orientations are equally resolved the camera is free from vibrations.

Resolution as measured on the film, is a test of the entire photographic system, including lens, exposure, processing, and other factors. It is recommended the resolution charts be placed on every roll of microfilm, at the beginning of the roll or preferably at both ends of the roll. This practice will provide a convenient means of continually checking both the operation and performance of the system which can be referred to at any time.

